

S.L.

AGENDA

BOARD OF ZONING ADJUSTMENT

JANUARY 5, 1976

CALL TO ORDER: 7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meetings held October 23, 1975 and November 17, 1975.

OLD BUSINESS:

1. V-65-75 Application of CLARENCE M. & EDITH K. HEDGES for a Variance to allow a mobile home to be used for residential purposes for one family on property zoned commercial at 5345 Jay Avenue in zoning district C-2.
(Abeyance Item from 12-1-75)

2. V-68-75 Application of BUNNY BURNS for a Variance to allow a block wall 8 ft. in height along the rear property line and along a portion of the side property lines where a maximum height of 6 ft. is allowed on property located at 2013 Griffith Avenue in zoning district R-1.
(Abeyance Item from 12-1-75)

NEW BUSINESS:

1. V-70-75 Application of PAUL JEANNEY for a Variance to allow an existing carport 9 ft. 4 in. from the front property line where 20 ft. is required and 4 ft. from the side property line where 5 ft. is required on property located at 2202 Cedar Avenue in zoning district R-1.

2. V-71-75 Application of PERSONALIZED POOL SERVICE, INC. for a Variance to allow open storage of pool service equipment and supplies where no open storage is permitted on property located at 2110 West Bonanza Road, on the north side of W. Bonanza Road, between Tonopah Drive and Dike Lane in zoning districts R-E and R-1 - (the south half of the property is zoned R-E and under an approved Resolution of Intent to C-1).

3. V-72-75 Application of WILLIAM G. BENNETT for a Variance to allow the construction of a single family residence 15 ft. from the rear property line where 25 ft. is required on property located at 2500 Windjammer Way in zoning district R-1.

4. V-73-75 Application of MASONIC MEMORIAL TEMPLE, INC. for a Variance to allow the construction of a caretaker's apartment in the proposed Temple building where a caretaker's apartment is not allowed; and to allow a 27 sq. ft. free-standing sign to a height of 6 ft. where only a 15 sq. ft. sign is allowed to a height of 5 ft. on property located at 2200 West Mesquite Avenue in zoning district R-1.

5. V-74-75 Application of AUGUSTUS & RUTH FRATI for a Variance to allow the construction of an attached garage 3 ft. from the side property line where 6 ft. is required and to allow the eave overhang 2 ft. from the side property line where 3 ft. is required on property located at 4909 Cannon Boulevard in zoning district R-1.

6. V-75-75 Application of EDWARD FRANK for a Variance to allow a room addition to the existing residence 46 ft. from the rear property line where 50 ft. is required on property located at 2801 Cowan Circle in zoning district R-E.
7. V-76-75 Application of RONALD F. & BETTY L. SMITH for a Variance to allow an addition to the existing residence 10 ft. from the rear property line where 25 ft. is required on property located at 421 Pinecliff Drive in zoning district R-1.
8. U-92-75 (HO) Application of REVA SCHWARTZ on behalf of CANDICE CAULFIELD for a Home Occupation Permit to allow the teaching of yoga at her residence with a maximum of four students per class, classes to be held three times per week on property located at 3028 Scarlet Oak Avenue in zoning district R-1.
9. U-93-75 (HO) Application of MRS. WILFORD LAMBERT for a Home Occupation Permit to allow the assembling and wholesaling of live and artificial floral arrangements on property located at 5312 Longridge Avenue in zoning district R-1.
10. V-77-75 Application of the HOUSING AUTHORITY OF THE CITY OF LAS VEGAS (proposes to redevelop the Kelso-Turner Housing Development into a 214 unit senior citizen project) for a variance to allow the following: (1) A 20 ft. rear yard building setback where 25 ft. is required. (2) Multi-family dwelling with four units in each building and one building with six units where a maximum of two units per building are allowed. (3) One hundred thirty (130) off-street parking spaces where 321 off-street parking spaces are required. (4) An addition to the central administration office of the Housing Authority which extends to the side property line where a 5 ft. setback is required. All of the above on property generally bounded by East Bonanza Road, Mesquite Avenue, North 10th Street and Maryland Parkway in zoning district R-2.
11. U-95-75 (HO) Application of KERIN SCIANNA at 1500 South 7th Street in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of drapery, floor coverings, upholstery, etc. from decorator samples.
12. V-78-75 Application of RICHARD B. & NORMA I. LAND for a Variance to allow an addition 3 ft. from the side property line where 10 ft. is required, and 15 ft. from the rear property line where 50 ft. is required to an existing nonconforming single family dwelling which is 35 ft. from the rear property line on property located at 3001 Lantern Lane in zoning district R-E.
13. V-79-75 Application of ATHANASIOS & ELENI KOZONAS for a Variance to allow an existing carport 6 ft. 6 in. from the front property line and to allow an existing entrance porch 12 ft. from the front property line where a 20 ft. front yard setback is required on property located at 4241 Keithann Circle in zoning district R-1.
14. V-27-73
PLOT PLAN REVIEW
RATIFICATION OF VOTE
RATIFICATION of approval for the MINI-PRICE MOTOR INN to allow the addition of 192 rooms to the existing motel facility on property located at 2550 S. Rancho Road in zoning district C-1 and R-4.

15. V-80-75 Application of OCT YING WOO and MEI SIM WOO for a Variance to allow the construction of a room addition to the existing residence 21 ft. from the rear property line where 30 ft. is required on property located at 2816 Jansen Avenue in zoning district R-1.
16. V-81-75 Application of JAMES McDANIEL for a Variance to allow an existing detached garage to be attached to the existing residence and converted to additional living space that is located 5 ft. from the rear property line where 25 ft. is required and located 5 ft. from the side property line where 7 ft. is required on property located at 1809 Griffith Avenue in zoning district R-1.
17. U-96-75 Application of DAVID W. & DENISE C. GRACE for a Use Permit to allow a child care home facility for a maximum of 12 children on property located at 1804 South Valley View Boulevard in zoning district R-1.
18. V-82-75 Application of LAS VEGAS DUNES, INC. for a Variance to allow a motorcycle racing track and a motorcycle obstacle course facility (moto-cross) on property generally located on the northwest corner of Cimarron Road (extended) and Log Cabin Way (extended), extending north along Cimarron approximately 1,330 ft. and west along Log Cabin approximately 1,320 ft. in zoning district R-E.
19. V-83-75 Application of DAVID M. COX for a Variance to allow an existing nonconforming single family dwelling unit located in the required rear yard area, and to allow an existing duplex to be maintained on the property for a total of three units where only one unit is allowed; and to allow 3 off-street parking spaces where 5 spaces are required on property located at 248 Spencer Street in zoning district R-1.
20. U-97-75 (HO) Application of ANGELO ARCARA at 4600 Alta Drive in zoning district R-1 for a Home Occupation Permit - Allow a mobile scissor and cutlery sharpening business operation.

SUPPLEMENTAL AGENDA

BOARD OF ZONING ADJUSTMENT

JANUARY 5, 1976

1. V-72-72

Request to
Revise Plot Plan

Request of CAMP V.I.P. SAHARA (KENT PRESTWICH) to allow the relocation of the entrance sign on property located at 2401 Kings Way in zoning district R-4 and R-T.

2. U-1-76 (HO)

Application of RUFFUS RHODES at 710 Slayton Avenue in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of commercial staples used in the building trades.

DIRECTOR'S BUSINESS:

1. Election of Officers

1976 Election of Officers for the Board of Zoning Adjustment.

MINUTES

BOARD OF ZONING ADJUSTMENT

JANUARY 5, 1976

CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order by Chairman Reinhardt at 7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PLEDGE OF ALLEGIANCE:

PRESENT: Chairman Reinhardt, Mrs. Emmett, Mrs. Segretti, Mr. Duncan and Mr. Jenkins.

STAFF PRESENT: Harold P. Foster, Deputy Director, Department of Community Development. Howard Null, Supervisor of Planning and Zoning, Department of Community Development. John Herbert, Planning Assistant, Department of Community Development. Kathleen M. Tighe, Recording Secretary.

CHAIRMAN REINHARDT announced that item 9 on the agenda, U-93-75 (HO), had been withdrawn.

OLD BUSINESS:

1. V-65-75 Application of CLARENCE M. & EDITH K. HEDGES for a Variance to allow a mobile home to be used for residential purposes for one family on property zoned C-2, where no residential use is permitted on property legally described as Lot 9, Block 2, Elstner Estates, located at 5345 Jay Avenue, on the south side of Jay Avenue, between North Rancho Drive and Thom Boulevard in zoning district C-2.
(Abeyance Item from 12-1-75)
ABEYANCE

MR. FOSTER stated this item was held in abeyance from the last meeting of the Board to determine if a nonconforming status existed on this property for the mobile home. Mr. Foster indicated staff had contacted the County Planning Department and was informed there was no nonconforming status for the mobile home on the property. He stated the applicants were advised of this by letter and then were informed they could pursue the matter further with the County Planning Department if they so desired. He pointed out staff had not heard from the applicant. To briefly summarize the matter, Mr. Foster pointed out that the request was to allow a mobile home on a parcel of land zoned C-2 which is off the former Tonopah Highway (now Rancho Drive), and mobile homes are not allowed in commercial zones or residential zones except in licensed parks. He indicated a request of this nature had recently been denied by the Board on property to the west and staff again was recommending denial on this request. He stated there were no protests on record and there was one approval plus a petition containing 21 approvals.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. & MRS. CLARENCE HEDGES appeared and Mrs. Hedges stated they wished to hold this matter until the next meeting of the Board since their attorney, Mr. George Franklin, could not be present.

After discussion by the Board, MR. DUNCAN made a Motion this matter be held in abeyance until the January 22, 1976, meeting of the Board.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for ABEYANCE carried unanimously.

2. V-68-75
(Abeyance Item
from 12-1-75)

APPROVED

Application of BUNNY BURNS for a Variance to allow a block wall 8 ft. in height along the rear property line and along a portion of the side property lines where a maximum height of 6 ft. is permitted on property legally described as Lot 17, Block 17, Belair Subdivision #2, located at 2013 Griffith Avenue, on the north side of Griffith Avenue, between Eastern Avenue and Crestwood Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen and indicated the request was to allow an 8 ft. high block wall on the rear and portions of the side property lines which were presently existing. He stated this was a typical rectangular lot 62' x 97' in size. Staff could find no justification or reason for this wall height and no building permit was on record. He stated at the last meeting, the applicant asked that this matter be held until her attorney could be present. He stated at the last meeting, the public hearing was declared open and there was one protestant who appeared at the meeting and who lived directly to the rear of this property. She indicated this height in the fence blocked off the sun to her rear yard, and she could not use it as she had previously when the wall was only 6 ft. in height. She further presented a photograph from her yard showing the wall. Mr. Foster stated there were also some photographs on record from the applicant. He stated there is this one protest on record; however, there is also a petition of approval with a total of 8 properties.

CHAIRMAN REINHARDT asked how old the house was.

MR. FOSTER stated it was probably 15 to 20 years old.

CHAIRMAN REINHARDT asked to hear from the applicant.

MR. JAMES BUCHANAN, Attorney at Law, appeared and stated he was representing the applicant. He indicated the wall had been there for a year and a half and he had seen it. He presented some photographs to the Board. He stated the wall did not detract from the neighborhood and most of the neighbors have approved it. He also stated the wall could not be seen from the street, but it did add to the privacy of four homes there. He said the applicant was not aware of the fact she needed a fence permit and the person who built the wall did not secure one.

CHAIRMAN REINHARDT asked the name of the contractor.

MS. BURNS stated the contractor was Ruben Lopez.

MR. BUCHANAN stated his client paid for the wall and Mr. Lopez built it, but he did not obtain a permit.

CHAIRMAN REINHARDT asked if this was a verbal or written contract.

MR. BUCHANAN said there was no contract and it was done on a cash basis.

CHAIRMAN REINHARDT asked Mr. Foster if Mr. Lopez was a licensed contractor.

MR. FOSTER stated he did not know, but would check.

MR. BUCHANAN stated his client did not know anything out this.

MR. JENKINS asked the reason for the fence height.

MR. BUCHANAN said he thought this was kind of personal since the applicant's ex-husband lived to the northwest and felt this fact had considerable bearing, but the husband stated he was not in objection to the wall.

MR. JENKINS asked if the contractor was still in Las Vegas.

MR. BUCHANAN stated he did not know, but the wall did stop the problems with the ex-husband.

CHAIRMAN REINHARDT asked Mr. Foster to check and determine if Mr. Lopez was a licensed contractor.

MRS. PAT SHELDON, 2012 Bracken, appeared in protest. She stated she lived directly to the rear of the property in question and objected to the wall. She said she had lived there for 11 years and originally the wall was only 4 ft. high, and when the applicant moved in, she increased the wall to 6 ft. in height and then this past summer in June it was raised another two blocks for a height of almost 8 ft. She stated she had no objection to the 6 ft. height. She stated when the wall was only 6 ft. high she could sit on her patio and there would be a breeze; however, the addition of the two blocks to the wall had decreased the sun from entering her yard by the wall and all of her roses were doing poorly because of the heat by the wall and decreased air circulation. She said she could understand the applicant's feelings on privacy, but she did not feel she should be made to suffer because of the lack of a breeze. She felt a hedge could have provided the same privacy and not cut off the air circulation to her yard.

CHAIRMAN REINHARDT asked Mrs. Sheldon the distance from this wall to her patio.

MRS. SHELDON said it was about 5 ft.

MRS. EMMETT asked Mrs. Sheldon if she was aware this wall was to be built.

MRS. SHELDON said "no". She stated she purchased her home in 1966 and the wall was only 4 ft. high, and presently it is 7 ft. 9 in. high. She stated she did not contact the neighbors because this wall only affected her.

MR. JENKINS said if her patio was only 5 ft. from this wall, she must have constructed an addition onto the rear of her house and extended the patio.

CHAIRMAN REINHARDT asked Mr. Buchanan if his client would be agreeable to changing the top two feet of the block wall to a decorative block.

MR. BUCHANAN asked if this would be on the sides also.

CHAIRMAN REINHARDT said "no", just the rear portion.

MR. BUCHANAN asked how long his client would have to perform this.

CHAIRMAN REINHARDT indicated he felt 90 days would be sufficient.

MR. BUCHANAN stated he had conferred with his client and she agreed to remove the top two courses of block and replace them with a decorative block.

CHAIRMAN REINHARDT asked Mrs. Sheldon if this would be agreeable.

MRS. SHELDON said "yes".

CHAIRMAN REINHARDT asked if anyone else wished to be heard, and there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-68-75, subject to the following conditions:

1. The top two solid courses of the block wall along the rear property line shall be replaced with decorative block which allows light to pass through the wall and this work shall be completed within 90 days.

2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Mr. Jenkins - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. V-70-75

APPROVED

Application of PAUL JEANNEY for a Variance to allow an existing carport 9 ft. 4 in. from the front property line where 20 ft. is required and 4 ft. from the side property line where 5 ft. is required on property legally described as Lots 15 and 16, Block 6, Boulder Dam Homesite Addition Tract #3, located at 2202 Cedar Avenue, on the south side of Cedar Avenue, between 21st Street and 23rd Street in zoning district R-1.

MR. FOSTER pointed out the location on the screen indicating it was in a single family area with Eastern Avenue about two blocks to the east. He said the carport was constructed 9 ft. 4 in. from the front property line where 20 ft. is required and is 4 ft. from the side property line where 5 ft. is required. He stated there was another 6 ft. 3 in. to the back of the sidewalk which appeared to be landscaped; however, the carport is existing. He indicated a building permit had been taken out for the carport, but it showed a 20 ft. setback. He said the carport was constructed in this manner and is in violation. He pointed out this was brought to staff's attention by the Building Department, and then the Variance was filed. He stated this was a typical rectangular lot and staff could find no unusual circumstances involved, other than it is existing.

CHAIRMAN REINHARDT asked if the applicant misrepresented the setbacks.

MR. FOSTER said he was not sure, but apparently it was taken out by the owner and the minimum setbacks were placed on the permit.

CHAIRMAN REINHARDT asked if there was a survey required.

MR. FOSTER said "no". He further indicated there were no protests on record, however, there were 37 approvals. He also presented photographs of the property to the Board. He stated normally when a structure is existing staff does not give a recommendation; but in this case, staff could find no unusual circumstances. He stated the carport was aluminum and any structure in the front yard area is very obvious to the other neighbors in the area.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant. He further asked the applicant if he took out the building permit.

MR. PAUL JEANNEY appeared and stated he was the applicant. He said the error on the building permit was probably his mistake. He said he was informed of the setbacks required; however, he gave setback information from the curb line. He stated he probably was just not paying enough attention to what he had been told.

CHAIRMAN REINHARDT asked Mr. Jeanney who did the construction.

MR. JEANNEY said it was done by Dura-Kool.

CHAIRMAN REINHARDT asked if they were a licensed contractor.

MR. JEANNEY said he took out the permit.

MR. JENKINS asked if the carport could be altered.

MR. JEANNEY said he would have to relocate the pad and pour another cement slab to the west and then relocate the carport structure. He indicated this would be quite a bit of work, and he did not know if he had enough room to do this.

MR. FOSTER indicated there still wouldn't be sufficient room unless he could reduce the size of the carport.

CHAIRMAN REINHARDT asked if there were any protests.

MR. FOSTER said "no".

CHAIRMAN REINHARDT asked if anyone else wished to be heard, and there being no one, declared the public hearing closed.

MR. DUNCAN made a Motion for APPROVAL of V-70-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.
3. All necessary permits and inspections shall be obtained as required by the Department of Building and Safety.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

Re: V-82-75

MR. DOUG KNOLLER appeared and indicated over half of the people in the audience were here to protest V-82-75, Las Vegas Dunes, Inc. He recommended the Board hear this application at this time instead of making all the people wait until midnight.

MR. DUNCAN pointed out all of the other applicants then would be in the same position of having to wait.

CHAIRMAN REINHARDT pointed out V-82-75 was the 18th item on the agenda, and he felt it would be unfair to the other people in the audience.

2. V-71-75
APPROVED

Application of PERSONALIZED POOL SERVICE, INC. for a Variance to allow open storage of pool service equipment and supplies where no open storage is permitted on property legally described as: Commencing at the northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 20 South, Range 61 East, MDB&M, thence North 88⁰77' East 238.15 feet; Thence South 0⁰25' West to a point on the north boundary of the right-of-way of West Bonanza Road produced, as the same is now established, the point of beginning; Thence South 88⁰44' East 100 feet; Thence North 0⁰25' West 432.62 feet; Thence North 88⁰44' West 100 feet; Thence South 0⁰25' East 432.62 feet to said point of beginning, located at 2110 West Bonanza Road, on the north side of West Bonanza Road, between Tonopah Drive and Dike Lane in land use zones R-E and R-1.

MR. FOSTER pointed out the area in question on the screen and indicated the request was for a variance which was located on the north side of Bonanza and the property on the south side of Bonanza was in transition to commercial. He said the request was to allow outside storage of swimming pool equipment, and the applicant did have another business location. He stated they did have a zoning application approved for commercial zoning to C-1 on this property; however, one of the conditions of approval was that there be no outside storage which is not permitted in the C-1 zone, and any storage area must be enclosed within a building. This zoning was approved for one year and even though they were not licensed for this use on the property, they have used it in various forms for this intent. He pointed out another condition was they provide paving, landscaping and cleaning of the property. Mr. Foster said the original zoning was extended for a six-month period; however, it has now expired as of December 19, 1975; therefore, the property is now R-1 zoning. Staff advised the applicant to send in a letter requesting another extension on the zoning which was not done. Staff felt the applicant was just buying time and if he obtained approval for the Variance, it would have to be subject to zoning approval. Staff felt that this particular area on Bonanza is developing to C-1 and does not feel a pattern of outside storage should be allowed since there is residential development to the north. Staff felt if this use is approved, it will lead to further requests of this type and staff, therefore, recommended denial. There is one protest on record and no approvals.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. DUNCAN stated he wished to disqualify himself from voting on this matter since he did receive a notice of the public hearing and lived within the vicinity.

MR. DICK GRILZ appeared and stated he was President of Personalized Pool Service, Inc. He presented a petition of approval containing 8 signatures to the Board. He stated the reason the property was not paved and sidewalk was not put in under the conditions on the zoning was because it was not known if the Variance would be approved. He stated these improvements would cost \$7,000 and said if the Variance was granted, he would conform with the conditions of the zoning.

MR. JENKINS asked what type of material would be stored outside.

MR. GRILZ stated it would be chlorine, and he had already obtained approval for this from the Fire Department. He stated there was no hazard if this is stored outside and could only be hazardous if stored inside a building.

MR. JENKINS asked if the property was to be fenced.

MR. GRILZ said it was completely fenced.

MR. JENKINS asked if the storage portion would be hidden from view.

MR. GRILZ stated he could put slats in the fence.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, declared the public hearing closed.

MR. JENKINS made a Motion for APPROVAL of V-71-75, subject to the following conditions:

1. Commercial zoning to be first approved on the property.
2. Slats to be installed in the six foot (6') high chain link fence around the proposed open storage area.
3. Conformance to the plot plan.

4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Duncan - abstained.
Mr. Jenkins - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried.

3. V-72-75

APPROVED

Application of WILLIAM G. BENNETT for a Variance to allow the construction of a single family residence 15 ft. from the rear property line where 25 ft. is required on property legally described as Lots 4 and 5, Block 3, Rancho Bel Air Unit #1, located at 2500 Windjammer Way, on the north side of Windjammer Way, west of Albacore Drive in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating Rancho Drive was to the east and this property was located in an R-1 zone. He said the applicant had acquired two lots in the north-west portion of this subdivision and proposed to construct a large home. He stated it would be within 15 ft. of the rear property line where 25 ft. is required, but pointed out the applicant does have a 38 ft. 6 in. front yard setback to allow a circular driveway. Mr. Foster stated due to the size of the property, normally staff does not make a recommendation because there is substantial open area. There are no protests on record and there is one approval. He pointed out the side yard setbacks do conform.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. HERB JONES, Attorney at Law, appeared representing the applicant. He stated Mrs. Bennett and the architect and designer were in the audience. He presented a rendering of the home to be constructed. He stated the home is very wide and to obtain the proper perspective, they needed the large front yard setback for the circular driveway and proper landscaping. He indicated this was a very large and attractive home and asked that it be approved.

CHAIRMAN REINHARDT asked what section of the home violated the setback.

MRS. J. HARRIS, designer, appeared and stated it was the master bedroom on the right and a gardening/storage area on the left which is 8' x 18'. She stated a workshop was next to the gardening/storage area with a porte cochere on a portion of it.

CHAIRMAN REINHARDT asked if this could be moved forward 10 feet.

MRS. HARRIS stated it would detract from the appearance of the home.

CHAIRMAN REINHARDT asked what was to the rear of this lot.

MR. FOSTER stated it was vacant R-1 property and would eventually develop with single family homes.

CHAIRMAN REINHARDT asked if anyone else wished to be heard.

MR. RAY BALES, 3178 Camelback Road, who designed the home appeared. He stated the size of the home does require the proper setback and pointed out all of the homes in this area were large. He said he felt the rear yard was secondary and the front yard should be the primary concern.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-72-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Mr. Jenkins - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

CHAIRMAN REINHARDT declared a ten-minute recess at 8:45 P.M. and reconvened the meeting at 8:55 P.M.

4. V-73-75
APPROVED

Application of the MASONIC MEMORIAL TEMPLE, INC. for a Variance to allow the construction of a caretaker's apartment in the proposed Temple building where a caretaker's apartment is not allowed; and to allow a 27 sq. ft. free-standing sign to a height of 6 ft. where only a 15 sq. ft. sign is allowed to a height of 5 ft. on property legally described as: A portion of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 20 South, Range 61 East, MDB&M, described as follows: Commencing at the southeast corner of said Section 29; Thence North 0°58'33" West 30.01 feet to the true point of beginning; Thence continuing North 0°58'33" West 699.14 feet; Thence South 83°24'56" West 226.03 feet to a point on a tangent curve concave to the southeast having a radius of 1,960 feet; Thence southwesterly along the arc of said curve through a central angle of 05°49'45" an arc length of 199.41 feet; Thence South 77°35'11" West 611.73 feet; Thence South 35°55'57" West 86.54 feet to a point in the east line of Rancho Road (150 ft. wide) said point being a point on a nontangent curve concave to the southwest having a radius of 4,050 feet, a radial line to said point bears North 65°27'50" East; Thence southeasterly along the arc of said curve through a central angle of 06°16'49" an arc length of 443.93 feet; Thence South 89°32'20" East 913.46 feet to the true point of beginning, located at 2200 West Mesquite Avenue, on the north side of Mesquite Avenue, between Rancho Drive and Onyx Way in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen and indicated it was in zoning district R-1 with single family homes to the southeast and a church directly across the street. He pointed out there was substantial frontage on the property, over 900 ft, and they front on Mesquite and are adjacent to Rancho Drive on the west and the Expressway to the north. He said there is a church on the south side of Mesquite also. He stated the request was to allow a caretaker's apartment in the proposed Temple building. He stated this request was approved previously by the Board; however, there was a six-month time limit on the Variance which has expired, and this is the same request. Staff had no objection to the sign because of the property frontage along Mesquite, or to the caretaker's residence; however, if approved, it is recommended the sign be setback 10 feet from the front property line. He stated this matter was reviewed with the Beautification Committee and the Secretary of the Committee indicated they would have no objection to the sign if it were setback 10 feet from the front property line. Staff recommended approval with this stipulation and that they conform to the plot plan and meet the requirements of the various City departments. There were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. H. TAYLOR, Architect, appeared on behalf of the applicant. He stated he also had a conversation with the Chairman of the Beautification Committee, of which he stated he was also a member, and they did indicate they would have no objection with the 10 ft. setback. He said the caretaker's apartment was previously approved by the Board but had expired and this was the same request. He stated the apartment would be within the facility and would be a one-bedroom apartment.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of V-73-75, subject to the following conditions:

1. The proposed sign shall be setback a minimum of ten feet (10') from the front property line.
2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Duncan - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

5. V-74-75
APPROVED

Application of AUGUSTUS & RUTH FRATI for a Variance to allow the construction of an attached garage 3 ft. from the side property line where 6 ft. is required and to allow the eave overhang 2 ft. from the side property line where 3 ft. is required on property legally described as Lot 31, Block 2, Golf-Ridge Terrace, Unit #1, located at 4909 Cannon Boulevard, being on the south side of Cannon Boulevard, between Minnesota Street and Elko Way in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen and stated the request was to allow the construction of an attached garage. He said there was an existing residence on the property with the proper front and rear yard setbacks, even though there is a slight jog in the front line. Staff, however, could find no unusual circumstances to warrant the deviation and recommended denial. There were no protests on record and one letter of approval.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. MARTINEZ appeared representing the applicant who was ill and unable to attend the meeting. He stated he was hired by the applicant to conduct a survey of the lot so there would be no encroachments within the area and he indicated he furnished the site plan for this meeting. He stated Mr. Frati moved here for medical reasons and has since had a heart attack. For this reason he finds it difficult to get to his car, and he would like this garage so that he can have it operated by remote control. He indicated the applicant has also found damage to his car after leaving it unattended. He stated he contacted some of the neighbors and no one had any objections.

MR. DUNCAN asked if the property was fenced.

MR. MARTINEZ stated there was a redwood picket fence and also bushes.

MR. DUNCAN asked if there would be 6 ft. between this garage and the neighbors.

MR. MARTINEZ indicated the lot was on an angle and there would be about 25 feet distance.

MRS. SEGRETTI asked if they could meet the Fire Department's requirements.

MR. FOSTER stated the Fire Department's comments did not indicate any objection; however, since this is a deviation in the front yard which is very obvious to the other neighbors, the Building Department is objecting to the approval of the request.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of V-74-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.
3. All necessary permits and inspections shall be obtained as required by the Department of Building and Safety.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Duncan - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

6. V-75-75
ABEYANCE

Application of EDWARD FRANK for a Variance to allow a room addition to the existing residence 46 feet from the rear property line where 50 feet is required on property legally described as Lot 21, Block 2, Rancho Estates, located at 2801 Cowan Circle, on the southwest corner of Cowan Circle and Rosemary Lane in zoning district R-E.

MR. FOSTER pointed out the area in question on the screen indicating the request was to allow an addition to the rear of the residence within 46 feet of the rear property line where 50 feet was required. He stated the addition would be for a closet and a bedroom with bathroom. Mr. Foster stated staff felt the addition could be redesigned so that it would meet the setback requirements, yet they have over one-half acre of land and this is a minor intrusion. There were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. EDWARD FRANK appeared and stated he was the applicant.

CHAIRMAN REINHARDT asked if there was any reason why he could not move the closet to maintain the setback requirements.

MR. FRANK stated this was the plan drawn by the designer.

After discussion by the Board, MR. JENKINS made a Motion V-75-75 be held in abeyance until the January 22, 1976, meeting of the Board to allow the applicant to determine if the proposed addition could be

redesigned so there would be no encroachment into the rear yard area. He also stated this would give the applicant time to confer with his architect on the matter.

Voting was as follows:

Mr. Jenkins - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for ABEYANCE carried unanimously.

7. V-76-75

APPROVED

Application of RONALD F. & BETTY L. SMITH for a Variance to allow an addition to the existing residence 10 feet from the rear property line where 25 feet is required on property legally described as Lot 16, Block 13, Charleston Rainbow Unit 9-B.

MR. FOSTER pointed out the area in question on the screen indicating the request was for an addition within 10 feet of the rear property line where 25 feet was required. He stated the existing residence is relatively large covering most of the buildable area of the lot. He stated they presently have a 26 ft. rear yard setback and a 25 ft. front yard setback. This is a typical rectangular lot and staff could find no unusual circumstances to warrant the deviation and recommended denial. There were no protests and one approval on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. RON SMITH appeared and stated he was the applicant. He said they needed the addition because there had been an addition to the family, and he felt they did not have enough space. He said at the present time the only place a child can play is in the dining room or the living room, and he would like this addition for a family room. He said the addition would be 16' x 28' and indicated it would look just like the rest of the house.

CHAIRMAN REINHARDT asked if anyone else wished to be heard.

MR. M. LaBLANC, 420 Antelope, appeared in favor of the request indicating he had seen the applicant's plans and had no objection to the addition. He stated his home was at least 25 or 30 feet from the rear property line and he did not feel this would affect him.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-76-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Mr. Jenkins - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

8. U-92-75 (HO)

APPROVED

Application of REVA SCHWARTZ on behalf of CANDICE CAULFIELD for a Home Occupation Permit to allow the teaching of yoga at her residence with a maximum of four students per class, classes to be held three times per week, on property legally described as Lot 15, Block 3, Dawson Park Tract #4, located at 3028 Scarlet Oak Avenue, on the south side of Scarlet Oak Avenue, between McLeod Street and Holly Hill Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen. He stated the request was for a Home Occupation Permit and normally a public hearing is not required; however, the applicant indicated on the questionnaire persons would be coming to the residence which made the public hearing mandatory. He stated the purpose of the Home Occupation Permit is to allow someone to be gainfully employed within the confines of their home with no external evidence of the operation; and staff felt if people would be coming to the residence, this would not be the case and it would change the residential character of the area. She has indicated four students would be coming to the residence three times per week which would generate additional traffic and possible parking problems. Mr. Foster stated there had been other requests of this nature which had been denied because of the parking and additional traffic brought into the area, and for these reasons staff recommended denial. From the public hearing notices, there were no protests on record nor approvals.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

CANDICE CAULFIELD appeared and stated she was the occupant of this home, and she hoped to have classes in yoga with no more than four students at a time, three times per week. She stated there was sufficient parking on her property for four cars.

CHAIRMAN REINHARDT asked the applicant how she proposed to get her students.

MS. CAULFIELD stated it would be her friends and referrals and she would not be advertising. She stated she has sufficient space in her driveway for four cars and did not feel parking would be a problem.

MRS. EMMETT asked the applicant when her classes would be held.

MS. CAULFIELD stated there would be two classes held in the evenings and one class in the morning.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MR. JENKINS made a Motion for APPROVAL of U-92-75 (HO), subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.
3. A review shall be conducted by the Board within a six-month time period.

Voting was as follows:

Mr. Jenkins - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

9. U-93-75 (HO)

WITHDRAWN

Application of MRS. WILFORD LAMBERT for a Home Occupation Permit at 5312 Longridge Avenue in zoning district R-1 to allow the assembling and wholesaling of live and artificial floral arrangements.

CHAIRMAN REINHARDT announced this application had been withdrawn at the request of the applicant.

10. V-77-75

APPROVED

Application of the HOUSING AUTHORITY OF THE CITY OF LAS VEGAS proposes to redevelop the Kelso-Turner Housing Development into a 214 unit senior citizen project and is requesting a Variance to allow the following:

- (1) A 20 ft. rear yard building setback where 25 ft. is required.
- (2) Multi-family dwelling with four units in each building and one building with six units where a maximum of two units per building are allowed.
- (3) One hundred thirty (130) off-street parking spaces where 321 off-street parking spaces are required.
- (4) An addition to the central administration office of the Housing Authority which extends to the side property line where a 5 ft. setback is required.

On property legally described as: Being all of Blocks 5, 6, 7, 8, 11 and 12, in Grandview Addition, more particularly described as follows: Beginning at the Northwest corner of Block 6, Grandview Addition; thence South 89°58'40" East 880.19 feet; thence South 00°15'00" East 1060.52 feet; thence South 89°37'10" West 882.44 feet; thence North 00°07'25" West 1066.52 feet to the point of beginning, excepting that portion east of Maryland Parkway, generally bounded by East Bonanza Road, Mesquite Avenue, North 10th Street, and Maryland Parkway in zoning district R-2 (two family residence).

MR. FOSTER pointed out the area in question on the screen indicating this was a request by the Housing Authority to redevelop the Kelso-Turner housing development into a 214 unit senior citizen project. Mr. Foster stated the property is presently used for residential accommodations, and not long ago, a variance was approved for the initial phase of this development. The Housing Authority has now presented a master plan of the development which eliminates the need for individual variances on each phase of the development. He stated the requests were as indicated on the agenda and the funds for this development would come from the State acquisition of the Housing Authority land for the east leg of the freeway. He stated 32 units of this development have been constructed, which were approved under a variance about a year ago, which permitted this construction and the reduced parking. The reduction of off-street parking is based on data obtained from other senior citizen projects in the City which indicated less than one space for each two housing units was needed. He pointed out this development will have slightly over one space for each two units. He said the proposed addition to the administration office, which extends to the side property line, is necessary because they are locked into a specific land area agreement with the Federal Government and this is the only possible area for expansion; however, there will be about 7 ft. from the proposed addition to the curb because 10th Street is not constructed to its full right-of-way width. He stated a small portion of the Kelso-Turner property will be acquired for the east leg of the freeway and due to uncertainty of the right-of-way location, it is recommended there be a minimum setback of 20 ft. from any proposed building to the proposed freeway right-of-way. He said the Major Street Plan indicates 20 ft. must also be dedicated for the widening of East Bonanza Road along the north portion of the property, and he felt the 20 ft. setback from this new right-of-way line should also be maintained. Staff recommended approval with these stipulations. There was one protest on record and one approval.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. HARRIS SHARP, Architect, appeared representing the Housing Authority. He stated this Master Plan had been under development for two years, and they would like to upgrade the Kelso-Turner project. He stated they have tried to work the plan around the trees in the development so none of them have to be removed. He said they had even changed the street pattern in order to save the trees. He stated they had talked with the State Highway Department, but the exact location of the freeway has not yet been determined, and he felt the setback staff was requesting could be maintained and they had left that area on the plan flexible. He said rather than applying for individual variances on each phase of development, they would like approval on the overall plan.

CHAIRMAN REINHARDT asked when they would construct this project.

MR. ART SARTINI, Executive Director of the Housing Authority, appeared and stated this would depend on how soon the property is acquired by the State.

MR. JENKINS asked if there would be any problem in complying with the requirements of staff.

MR. SARTINI said "no".

CHAIRMAN REINHARDT asked if anyone else wished to be heard, and there being no one, declared the public hearing closed.

MR. FOSTER also pointed out a variance must be put into effect within six months of the date of approval, and he stated since this was a long-range plan, perhaps the Board might wish to consider extending this variance for a greater period of time, such as 5 or 10 years.

After discussion by the Board, MR. DUNCAN made a Motion for APPROVAL of V-77-75, subject to the following conditions:

1. A 20 ft. building setback shall be provided from the new front property line after the 20 ft. dedication is provided for East Bonanza Road.
2. The proposed freeway alignment shall conform to the requirements of the State Highway Department.
3. There shall be a 20 ft. building setback from the freeway right-of-way.
4. This Variance shall be exercised within five (5) years.
5. Conformance to the plot plan as amended to reflect the above conditions.
6. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

11. U-95-75 (HO)
APPROVED

Application of KERIN SCIANNA at 1500 South 7th Street in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of drapery, floor coverings, upholstery, etc. from decorator samples.

MR. FOSTER pointed out the area in question indicating the request was for a Home Occupation Permit to allow the sale of various home decorator items such as drapery, floor covering, upholstery, etc. from decorator samples. He stated all the work would be done off-premise and the applicant had answered the questionnaire favorably and met the criteria. He said this was not a public hearing and the Board could either deny, approve or hold the matter for a public hearing.

CHAIRMAN REINHARDT asked to hear from the applicant.

KERIN SCIANNA appeared and stated she was the applicant. She said she would go to the client's home and show them her samples. She said she had been in this business for the past 20 years and had many referrals, and she would not have to advertise.

MRS. SEGRETTI asked if what she was doing was interior decorating.

MS. SCIANNA said "yes".

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, he asked the Board for a Motion.

MRS. EMMETT made a Motion for APPROVAL of U-95-75 (HO), subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Duncan - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

12. V-78-75
APPROVED

Application of RICHARD B. & NORMA I. LAND for a Variance to allow an addition 3 ft. from the side property line where 10 ft. is required, and 15 ft. from the rear property line where 50 ft. is required to an existing nonconforming single family dwelling which is 35 ft. from the rear property line on property legally described as Lot 13, Block 3, Rancho Nevada Estates Unit #2, located at 3001 Lantern Lane, on the southwest corner of Lantern Lane and Campbell Drive in zoning district R-E, residence estates.

MR. FOSTER pointed out the area in question on the screen and stated this was in an R-E zone. He said the request was submitted indicating there was a side setback problem; however, after review, the applicant submitted a new plot plan indicating a 12.5 ft. side setback which eliminates the side setback problem. He said the only consideration now was the 15 ft. rear yard setback problem. He pointed out the property was developed, when the zoning was R-1, to within 35 ft. of the rear yard, what at that time, met the requirements. The zoning has since been changed to R-E where a 50 ft. setback is required and the proposed addition would come within 15 ft. of the rear property line. He pointed out there was buildable area in the rear yard and there was substantial open area because the property was a half acre in size. He stated staff does not usually make a recommendation on this type lot because of the size, but in this case, staff felt possibly it could be redesigned. There were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. RICHARD LAND appeared and stated he was the applicant. He said the addition was for an additional bathroom, a closet and sitting room. He stated there is a concrete wall on the property and a swimming pool.

MR. MILLER, 2405 Laurie Drive, appeared and stated he was the contractor. He said he had done some remodeling and in some cases variances were required. He indicated this was a large lot and there would still be substantial open area.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MR. JENKINS made a Motion for APPROVAL of V-78-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Jenkins - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

13. V-79-75
ABEYANCE

Application of ATHANASIOS & ELENI KOZONAS for a Variance to allow an existing carport 6 ft. 6 in. from the front property line and to allow an existing entrance porch 12 ft. from the front property line where a 20 ft. front yard setback is required on property legally described as Lot 24, Block 2, Charleston Gardens #3, located at 4241 Keithann Circle, on the northwest corner of Keithann Circle and Moonlight Drive in zoning district R-1.

MR. FOSTER pointed out the property in question on the screen indicating the request was for a Variance to allow a partially constructed carport within 6 ft. 6 in. of the front property line and to allow an existing porch 12 ft. from the front property line where 20 ft. is required. He presented photographs of the property in question to the Board. He stated there were other problems in connection with the application in that the carport is 6½ ft. from the supporting columns and the roofed area is within 3 ft. or so of the front lot line which should have been included in the notice. He stated there are also two fence pilasters on each side of the driveway which appear to be over 6 ft. in height, and the Ordinance only allows a 4 ft. height maximum and for these reasons, staff would recommend that the application be held in abeyance so it can be checked and possibly readvertised. He stated according to the Building Department, no permit was ever issued, and the work was red-tagged. He said they also were adding to the residence immediately north of the carport which is just about completed but indicated there was a permit for this work.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. GEORGE E. KOKKOS, 2426 Palomino, appeared representing the applicant. He stated this was a trellis which included four posts with 2' x 4's holding it together. He said the purpose of this was for grape vines. He said this was a grape trellis and asked since when did they need a permit for something to hold up a grape vine. He

stated the house in question had no cover over the front door and no shade and so the applicant built a porch. He said the applicant couldn't speak or understand English and was not aware of the permits necessary for his trellis.

MR. JENKINS asked if the applicant had a permit for the addition.

MR. KOKKOS said "yes", for the rear addition. He said he himself had a trellis for grape vines at his home and said he parked his car under it.

MRS. SEGRETTI asked if this would then be used for a carport.

MR. KOKKOS indicated it would.

MR. JENKINS asked Mr. Kokkos if he would agree to hold this matter in abeyance until he could get with staff and go over the request.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MR. DUNCAN made a Motion V-79-75 be held in ABEYANCE so the applicant could contact staff to revise the application relative to the location of the existing carport (or grape trellis) and the height of the illegal fence in the front yard area which exceeds the 4 ft. height limitation for possible renotification.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for ABEYANCE carried unanimously.

14. V-27-73

Plot Plan
Review

Ratification of
Vote.

APPROVED

RATIFICATION of approval for the MINI-PRICE MOTOR INN to allow the addition of 192 rooms to the existing motel facility on property located at 2550 South Rancho Road in zoning districts C-1 and R-4.

MR. FOSTER stated this was a ratification of a telephone vote approval for the addition of the 192 rooms to the existing motel facility. He stated they should reaffirm their vote at this meeting.

CHAIRMAN REINHARDT indicated he was out of town at the time the telephone vote was taken and would abstain from the voting at this time.

MR. DUNCAN made a Motion for APPROVAL of the ratification on V-27-73, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.
3. Landscaping as required by the Department of Community Development.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - abstained.

Motion for APPROVAL carried.

CHAIRMAN REINHARDT declared a ten-minute recess at 10:15 P.M. and reconvened the meeting at 10:25 P.M.

15. V-80-75
APPROVED

Application of OCT YING WOO & MEI SIM WOO for a Variance to allow the construction of a room addition to the existing residence 21 feet from the rear property line where 30 feet is required on property legally described as Lot 10, Block 13, College Park No. 33, located at 2816 Jansen Avenue, on the southeast corner of Vaughn Street and Jansen Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating the request was for an addition within 21 ft. of the rear property line where 30 ft. is required. He stated there was an existing residence on the property and the proposed addition would be 20' x 15' for a family room. Staff could find no unusual circumstances involved and recommended denial of the request. There were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. OCT YING WOO appeared and stated he was the applicant. He said the addition would be for a family room. He said he had three children and would have relatives from Hong Kong shortly, and he needed the additional room.

CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of V-80-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance with the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Duncan - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

16. V-81-75
APPROVED

Application of JAMES McDANIEL for a Variance to allow an existing detached garage to be attached to the existing residence and converted to additional living space that is located 5 ft. from the rear property line where 25 ft. is required and located 5 ft. from the side property line where 7 ft. is required on property legally described as Lot 12, Block 7, Bel Air Subdivision #5, located at 1809 Griffith Avenue, on the north side of Griffith Avenue, between Burnham Avenue and Bruce Street in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating there was an existing residence and garage on the rear portion of the property. He said the applicant wished to construct a hallway between the existing residence and the garage. The garage would be converted to a master bedroom and bath which would become part of the overall residence. He said the garage was within 5 ft. of the rear and side property lines. He stated the setback would be permitted if the garage were not attached but when attached there must be a 25 ft. rear yard setback. He stated the lot is 75' x 100' and is a typical rectangular lot. Staff could find no unusual circumstances and recommended denial. There is one protest on record and no approvals.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. JAMES McDANIEL appeared and stated he was the applicant. He said there was a problem in his housing development in that none of the garages could be used as garages. They were constructed clear at the rear of the lot and to get out, you had to back up a 10 ft. wide driveway the full length. He said some of these garages have been used for pool rooms or bedrooms. He stated it was legal for him to put in a second floor addition to his home, but he did not feel he wanted to do this. He stated he converted his garage three years ago into a pool room which he had a permit for. He stated he has four children, 3 girls and 1 boy and needed the extra bedroom. He said this would be made to look like part of the house and would be connected to the house by means of a greenhouse. He also presented a letter of approval to the Board from a neighbor. He stated he was an architect and would not do anything that he felt would hurt his neighbors or himself. He said the letter of approval was from Dr. Merkin, who lived on the next block.

CHAIRMAN REINHARDT asked if anyone else wished to be heard, and there being no one, declared the public hearing closed.

MR. DUNCAN made a Motion for APPROVAL of V-81-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

17. U-96-75
WITHDRAWN

Application of DAVID W. & DENISE C. GRACE for a Use Permit to allow a child care home facility for a maximum of 12 children on property legally described as Lot 16, Block 4, Las Verdes Heights Unit #4, located at 1804 South Valley View Boulevard, on the northwest corner of Valley View Boulevard and El Cortez Avenue in zoning district R-1.

MR. FOSTER stated the applicant had withdrawn this application since there were protests on record and because of the regulations of the Fire Department, so no further action was necessary on this matter.

18. V-82-75
APPROVED

Application of LAS VEGAS DUNES, INC. for a Variance to allow a motorcycle racing track and a motorcycle obstacle course facility, (Moto-Cross) on property legally described as the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 4, Township 19 South, Range 60 East, MDB&M, located on the northwest corner of Cimarron Road (extended) and Log Cabin Way (extended), extending north along Cimarron Road approximately 1,330 ft. and west along Log Cabin Way approximately 1,320 ft. in zoning district R-E.

MR. FOSTER stated the subject property was about 40 acres in size and was located immediately north of Tule Springs Park. He stated there was a parcel of land in the County that is owned by the applicant immediately to the east, and they have a petition for annexation of that 40 acre parcel to be brought into the City. The general area is zoned R-E on the portion that is in the City and there is some residential development about a quarter mile to the west and some to the south in the County. To the southwest is the Tonopah Highway, now

Rancho Drive and there is commercial zoning on both sides of the Highway. He stated the request was for a motorcycle facility, an obstacle course and a racing facility. The moto-cross track would be along the periphery of the 40 acre site. They will have a quarter mile oval in the central portion and they propose a relatively large parking area on the easterly side of the property. He stated the access would come from the west along Log Cabin Way from Homestead which is about one-half mile to the west and would go on Log Cabin Way to Cimarron along the east side of the property. He stated this same type of facility was approved in the County, on a 40 acre parcel to the east that is in the County by means of a Use Permit. He indicated the applicant had to perform certain items within a six-month period; however, they had an access problem to the site and requested permission from the City to go across the Tule Springs property and the City denied them that permission. They were not able to get it through any other means; their time ran out, and their Use Permit expired in the County. Staff in evaluating this request felt that this new location was about a quarter-mile closer to the residences located to the west. Staff felt there was a good chance there would be a noise factor that would probably generate a nuisance to the home owners in the area. He also stated it was conceivable there would be a dust problem; however, they would have to satisfy the Air Pollution Control requirements if the application were approved.

MR. DUNCAN asked how near the closest residences were.

MR. FOSTER indicated it was about a quarter mile. He stated the access to the site would be by means of Durango, from the Highway area running along the west side of Tule Springs Park to Gilbert, where it would then go west to Homestead, then north to Log Cabin and east into the site. He stated there is access from Homestead all along that property to their proposed site and apparently access had been resolved, and that is no longer a problem for them. He stated the access would be through the developed area and staff felt the use would generate undue traffic into the area, especially on the weekends. He pointed out the streets are just paved to a very minimum width and a portion of them are dirt, from about the most easterly residence to the site. He stated it was conceivable there would be a nuisance problem to the people living there and felt one of the biggest factors was that it would be difficult to control the noise factor, and for these reasons, staff felt that the location was improper and recommended denial. He stated there were a number of protests, basically form letters, and stated at last count there were around 198. He stated staff tried to plot these and found only a portion of them lived in the area notified. He stated they were notified to the Highway at Durango about a mile or so to the south. He said there was substantial notification in the area because of the large parcel of land to make sure everyone was aware of what was being proposed. He stated when staff plotted the first portion of the protests that were received, it was not even running half of the residents which lived in the area and was probably about one-third. He stated one of the form letters indicated they objected to this type of use because it would affect the environment and the atmosphere in the area. He stated he did not know if they lived elsewhere and just felt this was not a proper location or not; however, felt it was safe to assume that there was substantial protest from the residents who do live in this area.

CHAIRMAN REINHARDT asked staff how far the notification area was and also asked if any of the people who lived in the County portions were notified.

MR. FOSTER stated they notified about a mile and a half to the east, about a half mile to the north and about two miles to the west and also about two miles to the south, a triangular shaped parcel in this general area containing both City and County residents.

MRS. SEGRETTI asked if there were any protests from residents who live in this area.

MR. FOSTER said "yes".

MR. JENKINS asked if people who lived in the County could protest this.

MR. FOSTER said "yes".

MRS. SEGRETTI asked if there were any letters of approval.

MR. FOSTER indicated there were none he was aware of.

CHAIRMAN REINHARDT declared the public hearing open and asked if there was someone present who was representing Las Vegas Dunes, Inc.

MR. CHARLES BROWN, 7465 Buckskin, appeared and stated he was an officer in Las Vegas Dunes, Inc.

MR. LESTER EMERSON, 3911 Mountain View Boulevard appeared and stated he was the Secretary/Treasurer of Las Vegas Dunes, Inc.

MR. DAN CHURCHFIELD, 3355 Mustang, appeared and stated he was President of Las Vegas Dunes, Inc.

CHAIRMAN REINHARDT asked if they had anything to add to what staff had said.

MR. CHURCHFIELD stated he realized there were some protests and indicated they would like to hear the protests and then present their proposal.

CHAIRMAN REINHARDT asked if there were any protestants present and a substantial number of people stood in protest.

MR. GAYLORD PRATHER, 71 Country Club Lane, appeared in protest. He stated he was a partial owner of a piece of property about one-half mile south of this adjacent to Tule Springs. He stated he owned this property for ten years and bought it because of residential development; and did not see any way they could develop this area for residential purposes with a motorcycle course in the area.

MR. JENKINS asked Mr. Prather if his main objection was the fact it would be a motorcycle speedway or if there was something else.

MR. PRATHER said he objected to the noise and dust basically, but stated he did have some questions.

MR. JENKINS asked staff if they could have a rundown on what the noise factor would be at certain distances. He felt possibly this could eliminate some of the problems before they had a discussion on it.

MR. FOSTER stated he did not know what it would be precisely, and stated it depends on how many bikes are in operation at one time, and imagined that there would be a number of them which would generate a noise factor. He stated aside from that is the possible factor of people coming and going to the overall site where they would use the main access to it or would indiscriminately ride across people's property in the area on motor-bikes. He felt this situation would occur and could be a problem. Staff recognized there was a need for this type of facility in the Las Vegas area. He stated the City has land in the vicinity of Nellis Air Force Base that could possibly be used for this, but did not know whether the City Commission would approve this use. He stated the City has under lease a large parcel of City owned land out there for a drag-strip and some other type of racing facility. He stated because the area is Master Planned for industrial use and because of the industrial uses near here, staff felt this area would be much more compatible for this type of use which is away from any residential area.

MR. JENKINS stated there was some literature put out by the applicants, although he said he did not know the authenticity of it, but indicated supposedly there are 44 decibels to 68 at a quarter mile over terrain, and also supposedly 68 is the normal urban noise factor. He stated if this was true, he felt it would be well under the minimum amount that would be to hold the noise factor down.

MR. FOSTER stated he did not know exactly in decibels what amount of noise would be generated by any number of dirt bikes. He stated when they held the Craig Road races, they were obnoxious to the residents that were at least a quarter mile away and there was such strong objection that the City of North Las Vegas requested they be discontinued, and they modified it substantially. He stated he felt they were probably talking about close to this type of noise factor.

CHAIRMAN REINHARDT asked Mr. Prather exactly where his property was located, if it was in the City or County.

MR. PRATHER said it was in the City just to the southeast of Tule Springs.

MR. FOSTER pointed out this would then be in the County.

MR. DUNCAN asked Mr. Prather if he had been in the area when the skeet shoots were on and asked about the noise.

MR. PRATHER said there was noise from that.

MR. DUNCAN asked Mr. Prather if this track would be lighted for night races.

MR. PRATHER said he did not know.

CHAIRMAN REINHARDT asked the applicants if there would be a set hours of operation.

MR. BROWN said "no" since off-road motorcycles don't have lights. He said unless there was a special type race they didn't plan any night races. He said they would probably start around 9:00 A.M. to 2:00 P.M., however, possibly in the summer they might start earlier at daylight.

MR. JENKINS asked if there was skeet shooting at the range at night.

MR. BROWN said "yes".

MRS. MYRA THOMPSON, 8512 Log Cabin Way, appeared in protest. She stated her home is one-quarter mile from the proposed race track. She said it would be her street they will travel on back and forth to this facility. She pointed out the noise factor from the gun club was brought up, but indicated this was different because a gun makes one noise, however, a motor bike is a continuous noise. She stated the gun club was out there before they moved there and they put up with that noise, but stated they were there now and bought their homes in good faith because it was zoned residential. She stated this property was zoned for horses and they have animals and did not feel this use belonged in a residential area and was not a logical change. She stated the taxpayers spent thousands of dollars on the Wilsey & Ham Report and stated there were no motorcycle tracks in that report and that report recommended quiet, recreational activities such as boating, tennis, horse-back riding, etc. She stated she felt her money would be wasted if they would have this report done and not make use of it. She said as far as real estate values go, she was sure they were aware there was not much of a demand for houses next to motorcycle tracks. She stated she felt there must be somewhere else this track could be located. She said this was a residential area with a City park and zoo.

MRS. JOY RUSTON, 8600 Ruston Way, appeared in protest. She stated she had taken the time to acquaint herself with the City Code and 11-1-24 on Variance and didn't see how this could even be considered. She stated the form letters of protest received were from people indicating they enjoy the Tule Springs Park and the Zoo and use this facility and don't want a motorcycle track adjoining the City park. She said she did not see how under Section 3 they could even grant this request legally. She said they bought in an area that was zoned R-E for residences and said they were now going to classify a motorcycle track as a residence. She stated they bought and built their homes in good faith because this was zoned R-E and asked what she should do with her home if this is approved because she did not know anyone who wanted to buy a house next to a motorcycle track. She pointed out she talked to the Real Estate Commission and they did not feel this would remain a quiet, residential area if this were permitted and did not even feel it would be safe. She said as far as the noise was concerned, this area was hills and canyons 30 and 40 feet deep and said they would not get one noise, but an echo. She said there is an echo from the gun club and they only shoot during the summer about once a week and during the winter about once every two or three months. She said she was aware of the need for a motorcycle track since this is a very popular sport. She said there were also other motorcycle tracks in Clark County and presented a portfolio from another track which she presented to the Board. She pointed out in this instance the track was two miles from any homes and was in an industrial zone. She read from portions of this report indicating there was no reason for a motor-cross to harrass anyone. She stated the applicants have been offered help for a track away from the residential area. She stated Don Saylor had talked to them about land out at the Speed Dome, but unfortunately, they cannot move and must have it here next to residences. She presented a photograph of the land where this would be located and stated the hills are literally falling down and asked what would happen to them with constant ground vibration and noise. She stated Tule Springs was up before the legislature in 1977 for purchase as a State Park and pointed out the acreage in question was included in that. She indicated a developed piece of property is worth far more than an unimproved piece and perhaps this is why they will not move from this site, because they were looking at it being purchased from the State for a higher price. She stated the City had been through this before with the purchase of Tule Springs Park. She said their homes were are 1,300 feet from this track and indicated the other parcel of land would come right up next to their homes with no buffer in between and felt this would be extended. She stated she bought in good faith in an R-E zone and felt if this motorcycle track is approved and her property value went down, someone would pay for it. She said she could not see, after reading all the laws of the City, how they could allow this.

MR. M. J. FERGUSON, 9545 North Bonita Vista, appeared in protest. He stated his property was in the County and is near Durango and extends to Gilbert. He indicated the way his property sets, he was pretty sure the motorcycles would go right across his property and his biggest fear was that he had a Great Dane that weighed 175 pounds and was capable of breaking his chain. He said he didn't want to be put in the position of being sued just because someone would cut across his property on a motorcycle. He stated he has 4,000 sq. ft. in his home and was not finished yet and had been working on it since last February. He said he moved out there so he would have additional land space and peace and quiet and now felt there would be a lot of noise with a motorcycle track in the area. He stated he felt the noise factor would be pretty bad with 2,000 bikes running. He stated he wished to protest this request and did live in the area.

MR. LEWIS MILLER, 8577 Iron Mountain Road, appeared in protest. He said he was protesting because of the noise. He stated he had children and his primary reason for living in this area was to try and raise them in an environment where they wouldn't be subjected to a lot of harsh noise and dust because three of his children had asthma. He said he spent 20 years in the air force and tried to find a place where he could raise his children and thought he found it in this area because it was very quiet. He stated if a motorcycle track is approved in this area, it would destroy what nature and the City have already built there.

MR. HERB EMERSON, 7777 E. Harmon, appeared in protest. He stated he was the Director at the Las Vegas Valley Zoo at Tule Springs Park. He stated he was interested in the decibel levels of noise that were mentioned. He stated he had not seen the material presented, but indicated if they were talking about urban noise levels, he didn't feel they were talking about the kind of noise levels that people expected when they went to Tule Springs to live. He asked if they were talking about noise in still air or when the wind is blowing? He stated the Zoo had been open for two years; and it is a very small zoo in the sense that it is still struggling, but on the other hand, it had over 100,000 paid admissions and they had entertained 14,000 or 15,000 students, elderly, mental health patients and others at free and reduced prices. He stated this is, and will continue to be, a major public facility for recreation and conservation. He pointed out Tule Springs Lake is a man-made water body, but it is of long standing and it is a great place for bird-watching and is a wintering place for geese, ducks and other animals and felt this needed to be considered. He stated there was a great deal of noise from the Gun Club, however, they only have about two major shoots a year and comparing this to two or three persons on motorcycles across the street from the park, he felt he would have to prefer the gun fire. He said he was just speaking for his position in the Tule Springs Park; however, they knew the Gun Club was there when they elected to put in the zoo, but felt this was all they could contend with without giving up the character of the zoological park which is that of peace and quiet.

MR. JENKINS asked Mr. Herb Emerson if he did not feel the motorcycle track would enhance his operation with more people.

MR. HERB EMERSON said he did not feel this would be so. He said they were not a City Zoo and depended upon the gate, but felt they would trading a small advantage for a big problem. He stated the reason people go to zoos, etc. are to feel at one with nature and felt this would be very difficult to do when they would be surrounded with man-made noise.

MRS. LORINE SPENCER appeared in protest and stated she lived on Tenya Way near Grand Teyton. She said she was out there when the Mint 400 was run and said this was miserable. She said they did not stay on the roads and drive across the property and take it over. She said if they needed shovels or anything, they would just take them. She stated people do not respect other people's property and it was miserable when that race was there and hated to see an operation of this type year round. She said it was not even safe for the kids on horses because people on motorcycles think it is funny to drive close to them and she had had children dumped off which increases the possibility of injury.

MRS. GENEVA MERWIN, 1304 Cherokee Lane, appeared in protest. She said she was a retired public school teacher and presented a petition to the Board objecting to this motorcycle track at Tule Springs. She read the Petition into the record which indicated they were against the proposed location of the track, motorcycle noise and dust would destroy the atmosphere of the zoo and park area, zoo officials felt the animals would not live well or breed where they were constantly exposed to the noise, dust and ground vibration of so many motorcycles as this would attract and they were also opposed to putting a commercial, profit-making business in an area zoned R-E or residential rural.

CHAIRMAN REINHARDT stated the Board would hear from two more protestants with something new to add to what had already been said.

MR. ROBERT COHEN appeared in protest and stated he owned half interest in 80 acres on Durango close enough to this proposed motorcycle track that he received a notice of the hearing. He said he had owned this land for many years and also stated he was aware of motorcycles, because there is one that went by his house and created a horrible noise. He said in this development there would be scores, perhaps hundreds of motorcycles and felt if the Board granted this they would create a blighted area since it would be no good for residences and felt they would destroy an immense area.

MR. BILL BRADSHAW, 8575 Homestead, appeared in protest. He stated recently he was working in his yard and three motorcycles went by about a mile away from his home and this shook up the horses. He said the Gun Club is there, but did not really bother him, but said the motorcycles were three or four times louder.

CHAIRMAN REINHARDT said he would hear from one more protestant.

MR. WILLIAM H. COOPER, 8545 Maggie, appeared in protest. He said when they were talking decibels in sound in town, they were talking about muffled cars that met the law, but when talking about auto racers and motorcycles, they were talking about them without mufflers and not licensed. He stated he spent 21 years in the military and retired 10 years ago. He stated he invested \$7,500 in his property and put in his well for another \$5,000. He stated two weeks ago, two desert buggies came down Durango, went up Maggie Avenue which is one block over from Brent, through the people's yard down the street, through the other people's yard and then over through his 2½ acres. He said he had lived out there for a year now and this is what he had been exposed to. He felt this would be magnified if this motorcycle track were permitted.

MRS. MYRA THOMPSON reappeared and stated she wanted to point out when this first started back in March, they contacted Paul Ray, Las Vegas Metropolitan Police Department, and he was appalled by this. He said there was no way the Police Department could possibly control or patrol such a facility in this area. He stated there was only one patrol car all the way from Decatur and Alta to Mount Charleston. She said when they call the Police, it could take up to 3 or 4 hours for them to get out there. She said she thought they might like to know how the Police Department felt about the proposal.

CHAIRMAN REINHARDT asked to hear from the applicant.

MR. CHARLES BROWN appeared and passed out a booklet to the Board. He stated the area outlined in black is the option land which would be a 40 acre buffer zone between any house for a quarter mile from this parcel where the track would be. He also stated it was more than a quarter mile to the Gun Club and even further from the zoo. He said there was a need for a motorcycle park in this area and off-road motorcycling is one of the fastest growing popular recreational activities in this country. There were from 15 to 20 million motorcycles in the United States and one in every seven U. S. families owns a motorcycle. He stated popularity was on the increase and land availability was on the decrease for places for people to ride which created the need for motorcycle parks. He presented a booklet showing a motorcycle track in Washington, D. C. and also presented a pamphlet from the Motorcycle Industry Council with motorcycle noise decibels including facts and figures of the growth of motorcycling. He said this was where he got his information and was not guessing. He said this information was from people who manufacture motorcycles and motorcycles are required by law to have mufflers. In 1974 and 1975 they have to have less than between 44 and 68 decibels of noise and this over one-quarter of a mile of level terrain dissipates urban noises. He said in other words, over a quarter mile of level terrain, this wouldn't sound any louder than a dishwasher or a vacuum cleaner or a blender when you are up close and this was proven. He said this was taken out and tested by the U. S. Government and these are facts. He said they would have a quarter mile buffer zone, plus the fact that it is proven that trees, mountains, etc. can be built to make more buffer zones if they were needed in a level area; but this area is quite hilly. He said there was no way they could run this motorcycle track unless they met pollution laws for noise and dust. He said they fully intended to fence this area and to make everyone that rides, trailer or truck their motorcycles out there. He said anyone that would come out riding on a motorcycle would be sent home, his name would be taken, and someone would be talking to him. He said they would police their own action on this and was aware they had to control it. He stated there was a natural terrain here for motorcycle riding and the course could be built on these clay mounds which were expansive

type soils. He said this was already close to a designated recreational area which is the park and felt the zoo and park would have a spill-over from people wanting to see them. He said they planned to hold a training school possibly once or twice a month for kids to teach them to respect other people's property and how to ride and felt this was needed. He stated they felt this area merited a motorcycle park.

MR. JENKINS asked Mr. Brown if there was paved access to this facility.

MR. CHARLES BROWN pointed out the paved and unpaved areas on the map. He further stated it was proposed by Regional Streets & Highways that Durango have 125 ft. of right-of-way for the future in case anything would develop which would make it as wide as Sahara Avenue. He said it was on their plan from Tonopah Highway going clear into this district.

MR. JENKINS asked if they would be driving up a dirt road adjacent to the homes then.

MR. BROWN said he thought it was oiled all the way except in front of two houses.

MR. JENKINS asked how they could control someone driving across other people's yard or property since it was pointed out they would have to go up and over to the west and then north and back east again and asked if they felt they could prevent or control this.

MR. BROWN said they would be driving cars to truck the bikes in and felt this would not be the case.

MR. JENKINS asked Mr. Brown if he felt any of the boys would ride the bikes to the track.

MR. BROWN said he would not let them ride out there and get on the track.

MR. JENKINS asked if he could guarantee this to the people in the area.

MR. BROWN said they had to police the facility which was also pointed out in the magazine he presented.

MR. JENKINS asked then if a person rode his bike out there, he would then not be able to participate, but asked about a person who is not a participant and came out as a spectator.

MR. BROWN said they would not let them on the grounds and would discourage this in every way they could. He said he really did not expect much of this.

MR. JENKINS asked about the fence.

MR. BROWN said half of it would be chain link and the rest would be 4-strand barbed wire fence.

MR. JENKINS asked if there would be a deterrent to the noise factor.

MR. CHURCHFIELD said there would be a line of trees completely around the 40 acre facility of a wind-break type which would discourage the dust and noise.

MR. JENKINS asked about the litter problem.

MR. BROWN said they would hire a grounds keeper.

MR. DUNCAN asked if they had funds setup in their budget for security and policing.

MR. BROWN said they had it for security for the motorcycle track.

MR. DUNCAN asked about policing the roads.

MR. BROWN said they really didn't know what would be involved there yet, but said they would do what they could.

MR. CHURCHFIELD said any time they were expecting a large crowd they would have security guards out controlling the people.

MR. JENKINS asked if the facility would be watered.

MR. BROWN said "yes", that they intend to supply underground watering, similar to rainbird as used at the golf course so the area would be wet when they were riding at all times.

MR. JENKINS said in the report from Washington, D. C. he would like to know the proximity of the downtown area to that track.

MR. BROWN said he was not exactly familiar, but said it was in the Washington, D. C. area since the map showed Connecticut Avenue and Washington, D. C. Avenue.

MR. CHURCHFIELD pointed out to the Board, since he did not know if they were aware of it, but the Las Vegas Jaycee's have a fairgrounds planned at Tule Springs and were dealing with the City now, since they have a proposed motorcycle track shown on this site. He said some people felt they would not run every day, but he felt this would not be the case if this were built because they would not leave it stand still without using it.

MR. BROWN stated they also would probably use their facility for charitable organizations who would be interested in having an event.

MRS. SEGRETTI asked what size motorcycles they were talking about.

MR. BROWN said they run from the 50's to the open class, the 500 cc class.

MR. CHURCHFIELD said they would all have the same stock mufflers.

MR. BROWN said every motorcycle that is made is made to the manufacturer's design because of government regulations.

MRS. SEGRETTI asked the ages of the people using the track.

MR. BROWN said the ages were from 5 or 6 years old to 14 year olds.

MRS. SEGRETTI said a 14 year old couldn't drive a 250 Norton because he couldn't handle it.

MR. BROWN said this would be too heavy for him, but a 250 Norton is a straight bike and pretty heavy.

MRS. SEGRETTI asked if they would be that large.

MR. BROWN said "no".

MR. CHURCHFIELD said 14 year olds ride a 100 cc and under, maybe a 125, but this depended on how strong a boy he was.

MRS. SEGRETTI asked if this would be more in the classification of a Honda.

MR. CHURCHFIELD said it would be a mini-type bike. He presented a magazine "The Nevada State Championship" showing kids 14 years and younger riding in the mini-grand nationals.

MR. JENKINS asked if the sound produced by these bikes would be very different from the bikes which are on the street.

MR. BROWN said they would have to be legal bikes.

MR. JENKINS asked if he was saying the bikes running on the track, could legally run up and down in front of these people's homes.

MR. BROWN said "no", they wouldn't be that legal, but they meet a manufacturer's legal decibel. He said a street legal on City streets doesn't allow a car to run that gets a little noisy, but these would be more or less urban legal. He said if you have one motorcycle and it registers 48 decibels and you add another one to it, it is only 3 more decibels and the noise does not double or tripple. He stated this had been tested.

MRS. EMMETT asked how many motorcycles would be running at one time.

MR. BROWN said possibly 20 or 30 at a time; however, they do not all run together and are spread out.

MR. JENKINS asked the distance from this to Tule Springs.

MR. CHURCHILL said the closest house is a quarter mile.

MR. JENKINS asked the distance to Tule Springs Park, and the Zoo.

MR. FOSTER said this is adjoining Tule Springs Park on the property line and is about 3/8 mile to the zoo.

MR. JENKINS asked if there was another feasible access to the property.

MR. CHURCHFIELD said "no". He said they had to buy the right-of-way to get into this property. He said they had gone to the City for access to be around the Gun Club; however, they had protests from the property owners in the area and they put such a heat on the City that they barricaded the road off so it could not be used.

MR. EMERSON said they had to purchase this piece of land to get right-of-way to the other parcel. He said their first intention was to come around 200 or 300 feet outside of the Gun Club fence into the property which they would still like if the City would allow this. He said they would rather have this than bother any of the property owners there, and would vacate this piece of private roadway.

MR. CHURCHFIELD stated the City also has a lease with the State Agricultural people to develop a road on the southeast side of the Gun Club for the tree farm going in at Tule Springs. He said he discussed this matter with the City Attorney and he indicated they could probably work something out on this. He said if this comes about, they would vacate the other road. He said they would like a chance or at least a trial period to prove this could work and felt they could control it.

MR. JENKINS said he thought of possibly recommending this but asked if they could afford a test time to get the project underway and then they could have a review at the end of a certain time period.

MR. EMERSON said "yes", they would go along with that.

MR. JENKINS said possibly they could prove to the people that this would not be a nuisance.

MR. EMERSON said he felt this could be worked out with the City and the people out there and felt they could get along.

MR. BROWN said he felt they just needed a chance and felt they should have this before they were condemned. He said this would be an extension of the Tule Springs area for a family type atmosphere.

MR. CHURCHFIELD said there were approximately 3½ million motorcycles sold in the United States last year and here in Las Vegas there were over 1,000 new bike riders registered, which did not include the families that don't register their bikes and people over 14 years of age.

MR. JENKINS asked the applicants if the Board did approve the request for a certain length of time, what guidance or rules could they provide regarding complaints. He felt there would be complaints because there are people who complain no matter what and asked how they could verify these complaints.

MR. LESTER EMERSON stated they belonged to governed and sanctioned clubs and said there were some of these kids in the audience who do race and who could tell the Board the rules they must abide by. He stated these clubs were formed to keep the kids off the streets since the police spend half their time chasing them around vacant lots. He said the policing of a track has to be done through the clubs and the operators and said if the kids are black-listed, they are done. He said the vehicles that transport these bikes range from \$3,000 to \$30,000 motor homes and said this was not a poor class of people any more just racing around on bikes. He felt this was needed in the area and felt they just needed a chance.

MRS. RUSTON reappeared and asked how they would meet air pollution control standards when they have not been able to obtain a well.

MR. JENKINS said this was one of the problems they have to consider in putting this together and if they don't, then they wouldn't be operating.

MRS. RUSTON said these people purchase this property and said they put in their own road and told the City they would put a gate acrossed it last October. She said they had hauled three different vehicles out of that road because it is a private road, but has never been posted and never had a gate. She said these people would be liable and asked how they could control this area when the police could not.

MR. JENKINS asked Mrs. Ruston if she would be opposed to a time trial.

MRS. RUSTON said "yes" because once they were in, they would never get them out. She said this was a farce that had been used over and over again for Variances and Zonings. She said there were laws governing Variances and felt this in no way qualified under these laws. She said there was no way the Board could tell her this would not be detrimental to her property. She said she heard at this meeting about other kids and their bikes, but they bought property out there zoned R-E for horses, and asked about her children and their horses.

MR. JENKINS told Mrs. Ruston the thing she had to realize is that they all would like to live in a dream area. He said he spent a lot of money on his house and they built the freeway next to it. He said he did not want this, but they built it there and he could not control this. He said he felt this had to be considered. He felt if this man has something worthwhile for children, then he felt they should listen.

MRS. RUSTON said the City Park and City Zoo is for children too.

MR. JENKINS said the only thing he did not hear was anyone prove to him that this would be detrimental to the zoo. He said the zoo was a half mile away.

MRS. RUSTON said the zoo is probably about 1,300 ft. away.

MR. JENKINS said no one had proven to him it would hurt.

MRS. RUSTON read from the Variance rules indicating that before a Variance could be granted by the Board, the applicant had to make a substantial showing that the granting of the variance would not be detrimental in any way. She asked Mrs. Emmett because of being in real estate, if she felt a motorcycle track within a quarter mile of her property would not be detrimental.

MRS. EMMETT said she did not know the property.

MRS. RUSTON asked if they knew anyone who would want to buy a house next to a motorcycle track. She said a variance was not to be materially detrimental to the public safety and welfare, or injurious to other property or improvements in the same vicinity and zoning district. She said the granting of a variance was to be when it was necessary for the preservation and enjoyment of a property right which is possessed by other property in the same vicinity and denied to the property in question, but indicated there should be exceptional and extraordinary circumstances involved.

MR. JENKINS said that was why they had these late meetings, was to try and handle these problems and situations which arise.

MRS. RUSTON asked also why this meeting was handled completely opposite from every other thing that was heard.

MR. LESTER EMERSON reappeared. He said he had talked with Dr. Mauer, a veterinary surgeon, who indicated there were no known effects to animals because of noise even with all the extensive testing that had been done. He said noise was not a factor in this because nothing has ever been proven. He said the one other thing he had from the City was a memo indicating "I am inclined to feel that the proposed location of the facility, which incidentally is in the County, immediately north of the gun club facility in Tule Springs, is a proper location in that it is close enough to provide a convenient access to the users, yet far enough removed from the residential areas to minimize, if not completely exclude any ill-effects."

MR. HERB EMERSON, Zoo Director, reappeared. He stated he had Dr. Mauer's name invoked at meetings such as this, but stated he had never seen Dr. Mauer appear at a meeting and present this material. He said he would present an example from the Zoo. He said they had a Prong-Horn Antelope named Anne, an orphan, who had been given to the zoo by the Fish and Game Department to raise. He said they raised her up to a certain point until she began to have adverse effects to noise created by motor vehicles in the vicinity of Tule Springs Park. He said the animal dashed herself into the fence on about a half-dozen occasions to the point where they had to sedate her chemically and physically. He said in this instance he was not even talking about motorcycles, but just spraying equipment vehicles in the park and wheel chairs, etc. He indicated he would not talk about the esoteric literature of biology in animal behavior, but wanted to let the Board know what had happened already at the zoo. He stated he felt very strongly about this and the animal had to be sent to a zoo in Little Rock, Arkansas. He said this cost a bundle and also cost them a piece of their lives and he was not about to sit in the chambers and listen to someone tell the Board a bunch of malarkey about what is or is not in the literature. He said they should have experts do that and not someone who doesn't know anything about it.

MR. STERLING WAGNER, 8162 Pioneer Way, appeared in protest. He stated he was about to receive a degree in Plant Science and has been working with the rangers in Mt. Charleston and they told him that the vehicles going across the desert have something to do with the ecology in that area. He said there were many plants in this area which could be pointed out by Dr. Niles and said they could get people to the meeting to prove the fact that the bikes are doing damage to the land.

MR. JENKINS stated he thought that was what they were trying to get at - the true facts on this. He said it didn't seem like anyone brought any actual facts forward as to what the detriment is sound-wise or anything else.

MR. JACK UNDERWOOD appeared in protest. He stated he owns three parcels of land in this immediate area and questioned whether any of the Board members had every attended a moto-cross meet. He said he realized they were all experts in their various fields, but the main point here seemed to be noise and dust and traffic over the road. He stated the applicants could not control this and the Sheriff would advise them.

of this, because individual citizens cannot control traffic on the highways. He stated he thought before the Board could honestly vote on this issue, they would have to know more about moto-cross meets. He stated they hold meets in the Valley and they are not hard to attend. He said there is a track right off Craig Road near Nellis and they are out there every day of the week practicing and on the weekends. He said he thought there were over 1,000 out there either racing or practicing and felt it was not difficult for the Board to view one of these.

MRS. SEGRETTI told Mr. Underwood she was aware of motorcycles and had ridden on them and had them in her family for the past 30 years.

MR. JENKINS said he thought the question here was finding out what the detriment would be if this were permitted. He said at the Planning Commission meetings they continually get people who are opposed to a townhouse development going in next to them, they are opposed to a grocery store, etc. and 9 times out of 10 it doesn't hurt and sometimes has enhanced the property. He said if someone could prove to them this would be a detriment it would be beneficial in making a determination. He said he was aware that the San Diego Zoo fronts one side on a freeway and there were vehicles in the area all the time, and they were talking about noise factors here.

MR. UNDERWOOD stated the San Diego Zoo does not front on any residential property and the freeway is quite a distance away and is only on one side. He said he was not questioning the ability of the Board, but did not feel they had the experience with this type of thing and did not feel they could vote honestly unless they had experienced it. He said Mr. Jenkins mentioned no one had proven that it would be a detriment but asked if the applicants had proven to the Board that it would not be a detriment.

MR. JIM PEACE, 905 Eugene Cernan, appeared in favor of the request. He said his son is 13 years old and races and indicated they had been together every Sunday for the past year. He said he sat through the meeting listening to the complaints from people who own property out in the area where this track is proposed who indicated people are riding across their property now. He felt if the motorcycle track were approved, this would not change the situation since they have it now. He said this type facility would teach the kids how to ride motorcycles, the proper respect of other people's property and the right thing to do. He said his boy works on his bike at night along with his school work and wasn't out smoking cigarettes around the corner. He said this gives them an objective which was a rare thing in a boy today. He said he was not just speaking for himself, but for the hundreds of fathers who were involved since they had to buy the bikes for the kids and take them to and from the tracks. He stated they were teaching these kids the right thing to do which was the reason he was supporting this request.

MR. UNDERWOOD reappeared and stated he had attended the moto-cross meets here and had experienced what happened and did not agree with a great deal which was said. He said he just felt before the Board could vote on this matter, they should experience it.

MR. JENKINS asked Mr. Underwood what he felt was the biggest deterrent in the moto-cross racing.

MR. UNDERWOOD said based on the example of the cross-country race that was held here about 4 years ago by the Sahara, it had never been held since and thought the dust was still settling.

MR. JENKINS asked about this case since this track would be maintained.

MR. UNDERWOOD said the other race was not all at one place. He said he heard comments from people about the noise and dust problems.

MR. JENINS asked if he was talking about the moto-cross.

MR. UNDERWOOD said it was the same thing. He said this was why all the ravines and canyons had been closed by the Sheriff, because it tears up the area. He suggested the Board check with the Sheriff's Office because there was also no way they could control the traffic into the area.

MR. JENKINS asked if the sound was overbearing within a certain radius or much litter.

MR. UNDERWOOD said he found both problems. He said again this could be verified by the Board simply attending one to see the dust, litter noise, etc. He said personally he would not be affected because he didn't live there, but did feel this would devalue his property. He said there was also a Moto-cross at Jean, Nevada. He felt there were adequate tracks in the area and did not see the need for another one. He stated he just happened to stumble on to these tracks in the area and indicated his qualifications were that he had been a real estate broker for 23 years, but is presently retired.

MR. JENKINS stated he felt some of the tracks mentioned were not very well maintained and there was a very big dust problem.

MR. UNDERWOOD stated the races he had been to had a water truck run after each race and even with the water truck, an awful lot of dust was kicked up.

MR. ALVIN BOWES, 8651 Rocky Avenue, appeared in protest. He stated he drove the water truck at the Jean races and helped maintain the track and stated there was no way they could control the people at these races. He said the parents bring the kids out there and they go wherever they want and a perfect example of that was at Searchlight where two children fell into a mine shaft. He said he felt this would be the same thing. He indicated they have good intentions of policing the area, but there was no way they could do it. He said they could build a 20 ft. high fence and cover it in, but they would get out.

MR. MIKE CONELY, 7537 Hillview appeared in favor of the request. He said the Mint 400 was mentioned, but that was a desert race which is not watered and was pretty noisy because there were dune buggies. He said that race had a lot more motorcycles going than there would be at a moto-cross.

MR. PAUL EMERSON, 3911 Mountain View appeared in favor of the request. He said he could not even go out riding in his own desert without being chased by the cops and felt the kids needed somewhere to ride their bikes.

MR. MIKE MORAN appeared in favor of the request. He said it was indicated the two kids went down that 400 ft. shaft, but indicated they had disobeyed their parents.

MRS. FERGUSON, 8800 N. Coke Street, appeared in protest. She stated their home is one quarter mile south of Tule Springs Park. She said when they have various types of races or even older cars coming out there for display, it never fails that there are some strayers and they end up on their road. She said there were also other people who liked to shoot guns and indicated from time to time, she felt this was dangerous. She said she had nothing against racing, but felt this area was inadequate for this type of sport because it could not be policed. She said there was always the back-off which the residents have to handle and there is always the audience and the followers, and the well-wishers who are not looked after. She said these people are not riding the proper bikes and do not have the respect as the children who were in competition. She said these were the people they had to deal with in great numbers and felt this could be a hazard to the surrounding public.

MR. JENKINS asked Mrs. Ferguson if she felt this would create more motorcycles riding across the desert.

MRS. FERGUSON said she felt this would be a very dangerous problem for the small children in the park. She felt they would wander and the kids on bikes would wander and if they meet, there could be death. She felt this should be in an area free of traffic and residential uses.

MR. TED NEILSON, 8601 Ruston, appeared and stated he has a dirt bike, a 360 Kawasaki, which did make a lot more noise than any 125 or 50 cc would which was to run at the track. He said he started his motor bike up the other morning, and his neighbor is almost as far away from him as this track would be from from Mrs. Fegruson's place, and the horse just about tore down the corral.

MR. JENKINS said he felt this was true, but felt a lot of it would be the people living in the immediate area going to the races who would ride their bikes the short distance rather than the people who live outside the area and have to truck in the bikes. He felt the people within a two mile radius of the facility who were using it would be the biggest nuisance.

MR. NEILSON said the applicant's pointed out the people using this facility would be from 5 or 6 years old up to 14, but indicated there would be a lot of 18, 21 and 25 year olds out there on 500 cc's and they would be running wild because they would not take orders from anyone.

MRS. SEGRETTI asked Mr. Neilson if there was security provided if that would control it.

MR. NEILSON said "no". He indicated if a guy 25 years old came out there and some security guard tells him he can't come in, he will just run around out in the desert anywhere he wants.

AN UNIDENTIFIED SPEAKER appeared and stated he lived approximately two blocks west of the park. He said there was a young individual out there firing a rifle at his house trailer and he called the police and it took them one hour to get there.

MRS. SEGRETTI said she was not talking about the Police Department or the Sheriff but was talking about hired security guards who are authorized by the police.

AN UNIDENTIFIED SPEAKER said that would take care of the track, but not the roads going in.

MR. NEILSON asked how they would catch these people if they just take off out in the desert, because they couldn't catch them and they can't get within a couple hundred feet of a horse with a bike. He said maybe they could shoot the tires off the bikes.

MR. R. L. GIFFORD, 543 North Moran, appeared in favor of the request. He said he was 54 years old and expected to ride out there. He said he spent 40 years working with boys as a professional stunt man, a police officer and a racer. He said he had a son 31 years old and indicated he would be riding out there. He said in answer to the noise, he had not heard one mention of the jet condor out there and asked what the animals do every time a plane goes over. He said they were talking about dust, but indicated if there is a problem, he was sure the track would be closed by the pollution board.

MR. PAUL PRANCHEL, 6329 Robart, appeared in favor of the request. He said Jean, Nevada, was no longer there as far as people were concerned because the prison took it over. He said Boulder City only has a race about once or twice a year and the other tracks only run once or twice a year. He mentioned the Williams track and said he thought the people didn't have to ride it, but just walk it to see how bad it was because of caliche and rocks and when it was wet it was just like riding on ice. He said his son got hurt 14 times, but still loves to ride and felt this track would be a big improvement. He said to see a good track they had to go to California and the NMA won't even have a race here because it is too dangerous.

MRS. CAROL COLBURN appeared and stated she felt the one issue this Board should address was what Mr. Jenkins brought up and that is facts and the factors that he talked about. She said the applicant's presented magazines which they quoted figures from; however, Mr. Herb Emerson talked about the affect on the animals. She felt possibly some type of committee or group could be established, which could be paid by the motorcycle people, which would be cheaper than constructing a facility with the chance they might not have it renewed at the end of a possibly two-year review period. She felt this would be cheaper to establish a survey team of scientists and motorcycle people and possibly some of the home owners and the real estate business to determine if the property value would be affected. She felt this way it could be decided for once and for all, whether a motorcycle track would be out there.

MR. JENKINS asked Mrs. Colburn if she felt the protestants would be happy with a feasibility study if it came back with an affirmative action for the proposed development.

MRS. COLBURN said she felt this would be better also for the applicants than constructing this with the option it would be reviewed. She felt it should be determined whether this facility belonged in this recreational, conservation minded area.

CHAIRMAN REINHARDT declared the public hearing closed and asked for an opinion from the Board.

MR. JENKINS stated he would make a Motion for APPROVAL on this item (V-82-75) and informed the protestants they had 11 days in which to appeal this decision to the City Commission. He stated his Motion for APPROVAL was subject to the following conditions:

1. Conformance to the plot plan.
2. A review shall be conducted by the Board within two years, (January 5, 1978).
3. Dust control on this property and on the main access road shall conform to the requirements of the Clark County Air Pollution office.
4. The applicant shall provide satisfactory security and policing of the riders using this facility.
5. The entire property shall be enclosed with a six foot (6') high fence.
6. The entire perimeter of the property shall be landscaped with trees and the size and type of trees shall meet the requirements of the Department of Community Development
7. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Jenkins - yes.
Mrs. Emmett - yes.
Mr. Duncan - no.
Mrs. Segretti - yes.
Chairman Reinhardt - no.

Motion for APPROVAL carried.

CHAIRMAN REINHARDT declared a ten-minute recess at 12:50 A.M. and reconvened the meeting at 1:00 A.M.

19. V-83-75
APPROVED

Application of DAVID M. COX for a Variance to allow an existing non-conforming single family dwelling unit located in the required rear yard area and to allow an existing duplex to be maintained on the property for a total of three units where only one unit is allowed; and to allow three off-street parking spaces where five off-street parking spaces are required on property legally described as Lot 11, Block 7, Mayfair Tract #2 Amended, located at 248 Spencer Street, on the west side of Spencer Street, between Carson Avenue and East Charleston Boulevard in zoning district R-1.

MR. FOSTER pointed out the area in question indicating the property had three units on it since 1942 and the zoning at that time was R-5 which permitted this number of units. He said according to the records, the units were constructed at that time and there is a duplex on the front portion and a second unit to the rear which is in the rear set-back area. He said the request was to allow the three existing units to continue and have only one-for-one parking where 1½ spaces per unit are required. He stated there were two spaces on the north and one on the other side and there is a garage on the northern portion. He said there is a carport/garage on this north portion of the front duplex which would have to be removed. He pointed out this was not included under this variance action and was found upon field checking the property and staff felt it should be removed. He stated the rear unit on the property appeared to be in pretty poor condition and the Fire and Building Departments are concerned with the wiring and feel this should be brought up to code. Staff recognizes that these units have been on this property for all this time, but feel possibly the area should be upgraded and the question at this point is whether they should be continued. He stated the plot plan is incorrect in that it was drawn exactly opposite of the way it is. The General Plan indicates this to be an urban area which means probably it will be an apartment zone; however, the streets are relatively narrow and not conducive for multi-family development. He said the lots are also only 60' x 100' which is pretty close to the minimum size. He stated for these various reasons, staff would leave the decision up to the Board. Staff had no objection to the duplex on the front portion, but felt perhaps the rear unit should be discontinued because of the limited off-street parking; or if approved, at least it should be brought up to code. He said there were 18 protests on record; however, the letters indicate opponents feel the three units are yet to be constructed and do not realize they are already existing.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. CHET COX appeared and stated he resided at this address. He said there was a paved area on the front portion of the property which permitted two cars to park. He said he was informed he could have another nine years on the back building with upgrading of the wiring but that everything in the duplex building was fine. He said these units had been there for 30 years but unless he is sanctioned by the City, he could not obtain financing or an FHA commitment or insurance. He pointed out in this area there were many existing nonconforming units and whether this was approved by the Board or not, it would not change the property.

MRS. DILLEY, 214 S. Bruce, appeared. She said this was an R-1 lot and was aware the applicant had had this up for sale for \$40,000 which was the reason he wanted it rezoned to R-4.

MR. FOSTER pointed out this was a variance and not a rezoning.

MRS. DILLEY said she disapproved because this was an R-1 zone.

MR. COX said whether this is approved or not, the property would not change and the buildings were existing.

MR. FOSTER informed the Board the duplex and rear unit would remain on the property, but the garage/carport structure would have to be removed. He said the nonconforming structure to the rear would have to be removed in 1984 since there is an abatement provision in the Ordinance indicating removal within 40 years and the applicant wants a commitment that the property can remain the same. He said the applicant, however, would not be adding to the property.

CHAIRMAN REINHARDT asked if anyone else wished to be heard; and there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-83-75, subject to the following conditions:

1. The carport/garage building on the north side of the duplex shall be removed to provide the required setback between the building and the side property line.
2. The single family dwelling in the rear yard area shall conform to the requirements of the Department of Building and Safety.
3. Conformance to the plot plan.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Duncan - no.
Mr. Jenkins - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried.

20. U-97-75 (HO)
APPROVED

Application of ANGELO ARCARA at 4600 Alta Drive in zoning district R-1 for a Home Occupation Permit - Allow a mobile scissor and cutlery sharpening business operation.

MR. FOSTER stated the applicant answered the questionnaire favorably and met the criteria. He said the request was for a mobile scissor and cutlery sharpening operation which would be conducted off-premise. He stated this was not a public hearing and the Board could either deny, approve, or hold the matter for a public hearing.

CHAIRMAN REINHARDT asked to hear from the applicant.

MR. ANGELO ARCARA appeared and stated he was the applicant. He said he would get his business through friends and referrals and would not advertise. He said he would go to the various restaurants, hotels, etc.

MR. DUNCAN stated since this met the criteria he would make a Motion for APPROVAL of U-97-75 (HO), subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

21. V-72-72
Request to
Revise
Plot Plan

APPROVED

Request of CAMP V.I.P. SAHARA (KENT PRESTWICH) to allow the relocation of the entrance sign on property located at 2401 Kings Way in zoning district R-4 and R-T.

MR. FOSTER pointed out the area in question indicating the sign in question was now on the central portion of the frontage, but because of the motel sign to the north, the view of this sign had been blocked and they wished to move it for better exposure. Staff felt this was a minor change and recommended approval, subject to the sign location being in accord with the requirements of the Department of Community Development.

MR. JENKINS said since staff had no objection, he would make a Motion for APPROVAL of the relocation of the entrance sign on V-72-72, subject to the following conditions:

1. The precise location of the sign shall meet the requirements of the Department of Community Development.
2. Conformance to the plot plan.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

- Mr. Jenkins - yes.
- Mrs. Emmett - yes.
- Mr. Duncan - yes.
- Mrs. Segretti - yes.
- Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

22. U-1-76 (HO)

APPROVED

Application of RUFFUS RHODES at 710 Slayton Avenue in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of commercial staples used in the building trades.

MR. FOSTER stated the applicant answered the questionnaire favorably and met the criteria. He said this was not a public hearing and the Board could either deny, approve or hold the matter for a public hearing.

CHAIRMAN REINHARDT asked to hear from the applicant.

MR. RUFFUS RHODES appeared and stated he was the applicant. He said he worked in this industry and some of his employers had asked him to bring staple goods which he said he would do if he could obtain this license. He said he would not be advertising and would just be doing this for the people he worked for. He said he could fit enough supplies in the trunk of his car to last him a year, so storage was no problem.

MR. DUNCAN made a Motion for APPROVAL of U-1-76 (HO), subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

- Mr. Duncan - yes.
- Mrs. Emmett - yes.
- Mr. Jenkins - yes.
- Mrs. Segretti - yes.
- Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

1. Election of Officers CHAIRMAN REINHARDT indicated due to length of this meeting and the late hour, this matter would be held over until the meeting on January 22, 1976.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 1:25 A.M.

BOARD OF ZONING ADJUSTMENT

BY:


HAROLD P. FOSTER, DEPUTY DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT

HPF:kt

32A - 1/5/26

V-82-75 - LAS VEGAS DUNES, INC. for a Variance to allow a motorcycle racing track and a motorcycle obstacle course facility (moto-cross) on property generally located on the northwest corner of Cimarron Road (extended and Log Cabin Way (extended), extending north along Cimarron approximately 1,330 ft. and west along Log Cabin Way approximately 1,320 ft. in zoning district R-E.

MR. FOSTER - On the screen to your right you see the subject property. It is about 40 acres in size and is located immediately north of Tule Springs Park. That is the park area in that area immediately to the south. There is a County island owned by the applicant immediately to the east, and they have a petition for annexation of that 40 acre parcel to be brought into the City. The general area is zoned R-E on the portion that is in the City. There is some residential development about a quarter mile to the west in that Section 5 area being pointed to now. There is some to the south in the County - the area not shaded are the portions in the County. To the southwest is Tonopah Highway now Rancho Drive. You can see the commercial zoning on both sides of that property.

The request is for a motorcycle facility, an obstacle course and a racing facility. This is the plot plan they submitted. The moto-cross track would go specifically along the periphery of the 40 acre site. They will have a quarter mile oval on the central portion. They propose a relatively large parking area on the easterly side of the property. This is Log Cabin - their access would come from the west along Log Cabin Way from Homestead which is about 1/2 mile to the west. They will be coming on Log Cabin up to Cimarron along the east side of the property.

This same type of facility was approved in the County on that 40 acre parcel to the east that is in the County. It was by means of a Use Permit. They had to perform certain items within a six-month time period. They had an access problem to the site. They requested permission from the City to go across the Tule Springs property. The City denied them that permission. They were not able to get it through any other means - their time ran out and their Use Permit expired in the County. As I pointed out, they have a petition for annexation on that property basically because they own this property and I believe 40 acres to the either west and north and they want it all in one jurisdiction and they feel the more to their advantage to have it within the same jurisdiction.

Staff in evaluating this request feel that this new location is about a quarter-mile closer to the residences which are to the west. It is actually about a quarter-mile, maybe a little more than that, to the closest residence. Probably a half mile from the area where most of them are developed in that area. We feel there is a good chance there will be a noise factor that will probably generate a nuisance factor to the home owners in the area. It is conceivable there may be a dust problem, however, they would have to satisfy the Air Pollution Control requirements, if the application would be approved.

MR. DUNCAN - Mr. Foster, in regards to this project, how near to that is there any residences.

MR. FOSTER - I believe about a quarter mile, close to 3/8 of a mile directly west fronting on Log Cabin which is their entrance street to the south, so it would be to the left of the map is where there are residences. The access to the site would be by means of Durango, from the highway area running along the west side of Tule Springs Park to Gilbert, where it would then go west to Homestead, then north to Log Cabin and east into the site. They do have access from Homestead all along that property to their proposed site and apparently access has been resolved and that is not a problem to them at this point.

MR. DUNCAN - Mr. Foster, on this location map, John would you please point out just where that gun range is out there at Tule Springs. Thank you.

MR. FOSTER - Staff feels that the access will be through the developed area, the small portion that is developed out there. We feel it will generate undue traffic into the area, probably especially on the weekend. Most of those streets are just paved to a very minimum width. A portion of them are dirt, at least from about the most easterly residence to this site, it is dirt at the present time. It is conceivable there is going to be a nuisance problem to them and I think

one of the biggest factors that would be difficult to control would be the noise factor and for these reasons staff feels that the location is improper and we would recommend denial.

We have received a number of protests, basically they have been form letters that have been sent individually to staff and I believe at last count there was around 198. We tried to plot these, we found only a portion in the area that we notified. We did notify to the Highway at Durango about a mile or so to the south, and we had substantial notification in the area because of the large parcels of land to make sure everybody was aware of what was proposed.

MR. DUNCAN - How many of those letters are from people you notified.

MR. FOSTER - I have no idea. We were plotting the first portion that we received and I don't think it was even running half that were in this area, maybe one-third. Now, where the other property owners are in the area I do not know. One of the form letters indicates that they object to this type of use because it would effect the environment and the atmosphere in this area. I don't know if they live elsewhere and just feel that it is not a proper location in respect to the park area as well as the residences in the area.

CHAIRMAN - How far did you notify in all directions.

MR. FOSTER - How far did we notify?

CHAIRMAN - Did any of these people live in the County portions.

MR. FOSTER - Yes, we did notify within a mile and a half to the east - about a half mile to the north - and about 2 miles to the west and about two miles to the south - moreless a triangular shaped parcel in this general area to both the City and County residents.

MRS. SEGRETTI - Mr. Foster - did you say that a majority of the first portion of the letters was from people who were not in this area.

MR. FOSTER - We couldn't locate them in this notification area or general area.

MRS. SEGRETTI - and yet they sent in protest letters.

MR. FOSTER - yes, but I think it is safe to assume that there is substantial protest from the residents who live out there in this area.

MRS. SEGRETTI - Do you have protest letters from residents who live there.

MR. FOSTER - Oh yes.

MR. JENKINS - Can people who live in the county protest this.

MR. FOSTER - sure.

MRS. SEGRETTI - Do you have any letters of approval.

MR. FOSTER - I don't know if I can find any. Did we receive any?

MS. TIGHE - No.

MR. FOSTER - I don't think so.

CHAIRMAN - You received no letters of approval.

MR. FOSTER - no.

CHAIRMAN - Is there someone present who is representing Las Vegas Dunes, Inc. One at a time please and give your name and address to the young lady.

CHARLES BROWN - Charles Brown, 7465 Buckskin. I am an officer in Las Vegas Dunes, Inc.

LESTER EMERSON - My name is Lester Emerson - 3911 Mountain View Boulevard and I am the Secretary/Treasurer of Las Vegas Dunes, Inc.

DAN CHURCHFIELD - I am Dan Churchfield, 3355 Mustang. I am President of Las Vegas Dunes.

CHAIRMAN - Do you have anything to add to what staff has said.

MR. CHURCHFIELD - Well we do know there are some protests so we would just as soon you heard the protests and then we will come in with what we want to put in out there if that is alright.

MR. DUNCAN - Do you want to come back and protest.

MR. PRATHER - If that is okey yes.

CHAIRMAN - This is an advertised public hearing, are there any protesters present. If so, please come forward one at a time. One at a time. (A substantial number of people stood in protest of this application).

CHAIRMAN - Are you a protester sir.

MR. PRATHER - YES.

CHAIRMAN - would you give your name please.

MR. PRATHER - My name is Gaylord Prather and I live at 71 Country Club Lane in Las Vegas. I am a partial owner of a piece of property about one-half mile south of this which is adjacent to Tule Springs. I have owned this property for the last 10 years. I bought the property basically because of residential development therefore, I do not see any way you are going to develop this as residential property with a motorcycle course in that area so I very definitely protest this. I am willing to answer any questions you may have.

MR. JENKINS - Is your main reason for protesting the fact that it will be a motorcycle speedway or is there any other reason.

MR. PRATHER - The violent noise and dust basically, not only for myself but the residents that are now developed around there, and I have several other questions. I am asked about ingress and egress - I am quite familiar with that area.

MR. JENKINS - Did staff give us any rundown on what the noise factor would be at certain distances. Maybe we can eliminate some of the problems before we get into a big discussion about it.

MR. FOSTER - I don't know what it would be precisely, and again it depends on how many bikes are in operation at one time and I would imagine that there would be a number of them at one time and this would generate a noise factor. I think aside from that is the possible factor of people coming and going to the overall site where they would use the main access to it or would they just indiscriminately ride across people's property on motor-bikes. Certainly they are going to have this situation and this could be a problem. Staff recognizes there is a need for this type of facility in the Las Vegas area. The City has some land in the vicinity of Nellis Air Force Base that could possibly be used for this but I don't know whether the City Commission would approve this use but we have under lease a large parcel of City owned land out there for a drag-strip and some type of racing facility and because of the industrial uses around it, and the area is Master Planned for industrial use we feel that a use of this type would probably be more compatible in that particular area which is completely away from any residential area.

MR. JENKINS - Getting back to the noise factor, there was some literature put out by the applicants and I had just questioned it. I don't know the authenticity of the literature but supposedly there are 44 decibels to 68 at a quarter mile over terrain, and supposedly normally 68 is the normal urban noise factor. - Is that correct? If that is true then it seems to me that you would be well under the minimum amount that would be to hold the noise factor down.

MR. FOSTER - I don't know exactly in decibels what amount would be generated on any number of dirt bikes that would be out there. Craig Road Speed-Way, when they held the races they were obnoxious to the residents that were at least a quarter mile away and there has been such strong objection to that, that the City of North Las Vegas has requested they discontinue the operation I think within a certain time period and they modified it substantially and I think we are probably talking about close to this type of a noise factor. Maybe not, but I would anticipate it.

MR. JENKINS - In other words, you can't give us any real interpretation of what the sound factor would be at that distance or any closer distance.

CHAIRMAN - I just want to ask Mr. Prather something. You say you live to the south of this property.

MR. PRATHER - I own property to the south. I have owned property to the south for about 10 years.

CHAIRMAN - Where precisely is that located. Are you in the County or in the City.

MR. PRATHER - In the City. It would be just to the right of Tule Springs there which is east up in that corner. Now, below the range at Tule Springs. (Mr. Herbert pointed out the area on the screen for the Chairman).

MR. HERBERT - That is the County.

MR. PRATHER - Well I am within the City. It is within the City so then I am within the "green". What you call Tule Springs. Section 19.

MR. JENKINS - You are then near the rifle range.

MR. PRATHER - No. I am south of the rifle range and I am south of Tule Springs in the corner. I will give you the tax receipts.

MRS. SEGRETTI - What is your address, then he can find it on the map.

MR. PRATHER - I don't live there.

MRS. SEGRETTI - Oh, you don't live there.

MR. PRATHER - No.

MR. DUNCAN - Mr. Prather have you been in that area when the skeet shoots are going on out there.

MR. PRATHER - yes.

MR. DUNCAN - How is that noise.

MR. PRATHER - I would say "yes", there is a noise, but you recognize that

MR. DUNCAN - Do you think the motor-bikes would be racing at night. Does this track have a lighted area.

MR. PRATHER - that I can't say, that is up to the developers. I'm sorry they didn't speak before. 480-180-002 can you tell from that, parcel 120-480-180-002.

MR. FOSTER - It is in the County - John would you point it out - the northeast corner of Section 9.

CHAIRMAN - If I may ask Mr. Brown, Mr. Emerson and Mr. Churchfield - are there any set hours for this operation of any kind for this track.

MR. BROWN - No. Off-road motorcycles they don't have lights unless it is a special type race, setup for something like this so we don't plan to go - only in the day-light hours.

CHAIRMAN - what are the day-light hours.

MR. BROWN - Probably from say no earlier than 9:00 and maybe to 2:00 something like this. I mean this would be race-wise and day-wise in the summer time they might start a little earlier, at day light say.

MR. JENKINS - Do they have night shooting over at the skeet range.

MR. BROWN - Oh yes they have night shooting over at the range.

CHAIRMAN - Thank you.

MRS. THOMPSON - My name is Myra Thompson - 8512 Log Cabin Way, and I own the house that is one-quarter of a mile from the proposed track. It is my street that they will travel on back and forward. You were talking about the gun club Mr. Duncan. The Gun Club is a different kind of noise - I want you to understand this.

MR. DUNCAN - More like the Korean War.

MRS. THOMPSON - No. It is a different kind all together, and I am pretty sure you are aware of what I am trying to say. A gun makes one noise - a motor bike is a continuous noise. The Gun Club was there before we moved out there, therefore, we put up with the Gun Club, but we are there now and it is zoned R-E, which is residence estates and which we all bought in good faith. We have horses, chickens, and animals and stuff. This was their idea of a variance, changing the zoning out there to my mind is no way logical. It is ridiculous because we spent

the people - the taxpayers - you included - spent thousands of dollars on the Wilsey & Ham report. When the City purchased that park in 1964 - to tell the people what to do with it. There are no motorcycle tracks in that report - it is all quiet, recreational activities - it is boating, it is tennis, it is horse back riding, etc. I feel that my money has been wasted if you are going to have a report made and then not make use of it to my mind is illogical. As far as real estate values go - I am quite sure you are aware that is not too much of a boom in houses beside motorcycle tracks right now. Now, we are all out there and we have put all our money into our homes and we feel that since this State of Nevada, 2/3 of which is empty, surely there is some place else that this track could be located. It is just not fair. Would you like to have a motorcycle track just 200 ft. from your house. Be honest with me.

MR. DUNCAN - To be honest with you I couldn't have one, because I don't live in that kind of location.

MRS. THOMPSON - Well neither do we - we live in a residence estates location which is not the same thing. There is a City park there and there is a zoo there and I believe that Mrs. Ruston has some City Code that I believe might interest you so I will let her speak.

MRS. RUSTON - I am Joy Ruston - 8600 Ruston Way. I have taken the time to acquaint myself with your City Code and 11-1-24 on Variances. Maybe I read it wrong, maybe I don't understand what I read, but I don't see how it can even seriously be considered - according to your code. I mean even you just say well forget the people, forget the houses that we have invested our money into, forget the animals at the zoo, forget the park - well that is where all those other letters are from. They are form letters that were sent out, that were given to people that say they are an individual who enjoy the Tule Springs Park and the Zoo, people who use the City park - that is where the other letters are from - people who don't want a motorcycle track adjoining the City Park. But I can't see how under section 3 how you can even grant it legally. And what about our homes that we put our money into - we bought in an area that was zoned R-E which told us this was where we should build our homes, and now you are going to classify a motorcycle track as a residence. I can't believe it is even being discussed. I am appalled by the whole thing. This is zoned R-E, we bought and built in good faith, because this is the way it was zoned, and we were told it was for homes. Now what do I do with my house if I want to sell it. Do you know anybody who wants to buy a house next to a motorcycle track. Then how come they are now putting it at your house.

CHAIRMAN - There will be no more outbrakes of clapping or laughter or anything else, please.

MRS. RUSTON - I have talked to the real estate commission. They do not feel this would be a quiet, residential area any longer, which is the attraction of the area. They do not even feel it would be safe. Now as far as the noise, that area out there is hills and we don't get one noise, but you get an echo. These are canyons 30 and 40 feet deep. When the gun club shoots, it is not just a boom, it is a boom-boom. You get an echo and the gun club shoots during the summer about once a week - during the winter, once every two or three months. Now that we can put up with. Now as far as these people's need for a motorcycle track, and I am aware that motorcycle racing is a very popular sport, and probably a very good sport for a lot of young men and women. I do also realize that there are in fact other tracks in Clark County. I also have a portfolio here from the track and from the owner which I would like to pass among you. It says that this man's track is two miles from the house in an industrial zone and that he cannot - well there is a small portion here. "We love the sport of motorcycle racing and welcome every track in the area. We also have some locations in mind for future tracks. These locations are those with good soil and also at least four miles away from houses. There is no legitimate reason for motor-cross racing to harrass anyone in Southern Nevada or anywhere else." And that really puts it on the line, and I would like to show you people to look at it. This is one track that is operating. Williams Race-Way - There is also a track at the Speed Drome. They have also opened a track in Boulder City. These people have been offered help to go inland for a track away from the residential area. Don Saylor has talked to them about land out at the Speed Drome, but unfortunately, they cannot move. They must have it here, in all of this big vacant State, they must put it next to our house. I would like to show you here a picture, it is taken on the land where

they plan to put their motorcycle track. These hills are literally falling down. Now what is going to happen to them with constant ground vibration and noise. They are going to come down that much faster. Every rain they come down further and further. Now I must also state that Tule Springs is up before the legislature in 77 for purchase for a State Park. Have you been informed these people's acreage is included in the State Park, and I am sure we all know that a development on a piece of acreage is worth far more than unimproved land, and perhaps this is why they will not move from this site, because they are looking at it being purchased from the State, and the State purchasing developed land is much more valuable than a vacant piece of land an unimproved piece of land. We have been through all of this when the City purchased Tule Springs Park - I am sure you are all aware of the price they paid for it. Our homes are 1,300 feet from this track. These gentlemen have also purchased land bringing it right up to our house. Now, if they have this track now, they will undoubtedly extend it to the other 40 acre parcel that they have an option on and then it is adjoining our house, right next door. No - nothing in between. No buffer zone. Nothing. I can only say, we bought in good faith in an R-E zone. Somebody, if they put in a motorcycle track and my property goes down, somebody is going to pay for it. I cannot see, after reading all your laws, I cannot see how you can put a motorcycle track in an R-E zone and if you do, I can only conclude that there has been something going on.

MR. FERGUSON - My name is M. J. Ferguson. I live at 9545 North Bonita Vista. This is in the County part of the area out there. You know where Durango Road runs up there if you want to point that out, Durango and then it curves, becomes Gilbert curves around to the left, can you point that out someway or another. Where is Durango up there. Where is Gilbert. I will try to draw it here on the Board. You said that the motorcycles would be coming in on Durango I think, and they come Durango to Gilbert and then they curve around Gilbert like this and then they go down Homestead in back to Log Cabin. Al Right, they are coming down Durango and they curve to the left here on Gilbert, well my property sets right here back of Durango and runs all the way to Gilbert. Now I am pretty darn sure instead of coming way down around here like this, they will go right across this way, cut right across my property. My biggest fear of this whole thing is that I have a Great Dane that weights 175 pounds and is capable of breaking a chain and I don't want to be put in the position that I am going to be sued just because someone is cutting across my property and that is what could happen. That is one of the things I don't like about it. The other thing is like everyone else has always said, I got 4,000 sq. ft. out there I am not finished yet. I have been working since last February on it. Figure it will be my last home. I moved out there so that I would have a little bit of space and have a little bit of peace and quiet and I don't know, I just kind of feel that there will be a lot of noise out there. I anticipate if something like this once it gets established, I would anticipate probably 2,000 cycles going and I think the noise factor would be pretty rough with 2,000 of them bikes going. I have been to old motorcycle, I forget what the heck it was, they went over the hills and just races I guess they were, and what I saw when it was all over and everything, it is kind of like you see a ghost town with all the litter blown around and everything and this is what ends up afterwards. There is a lot of litter. I am sure nobody is going to take all of their hot dog sacks and everything and run to the can with it. They just flop it down, cause they got to get on the bike and take off again. So there is going to be a heck of a litter problem and it is going to blow all over the desert, I am sure of that. So, between the noise, all the litter that is going to be blowing around - and lots of dust, I didn't even mention the dust, there is bound to be that - I can live with that, because when the wind blows we have dust anyway that part doesn't bother me, but I am real concerned about the possibility that I might actually end up being sued because of my animals, which is not their fault. There is someone coming across my property, which is what they are going to do, because the way that road runs, it goes up, curves back like that, I know they are going to cut across right through my place. So, I am just here as another protester that does live out there. Thank you.

CHAIRMAN - Anyone else who would like to speak in protest.

LEWIS MILLER - I'm Lewis Miller and I live at 8577 Iron Mountain Road and it is out there in that area, and I can't find it on that chart up there. I am protesting tonight because of the noise level and I have children and the primary reason I bought the place that I have now was to try and raise them in an

environment where they wouldn't be subjected to a lot of harsh noises, dust, because three of them have asthma. I spent 20 years in the air force and I tried to find a place where I could come home to raise my children and I found it I thought at the Tule Springs area because it is very quiet there and they enjoy it because they have animals to play with and a lot of room to run around, and when I found out about this, I became very disurbed. I didn't write a letter to this young man here protesting this because at the time, I was at the hospital in Atlanta with my son, but I wanted to get back here tonight so that I could say something about a motorcycle track close to my home. I know a lot of people come to that area to enjoy the animals that we have at Tule Springs and this is one of the reasons that I wanted to take our kids there, because it is kool and the grass grows and there are a lot of trees, but when we have - when this becomes a reality and we have a motorcycle track to come to that area, it will destroy what nature and the City has already built. Thank you.

MR. EMERSON - I am Herb Emerson, 7777 E. Harmon. I am zoo director at Las Vegas Valley Zoo, at Tule Springs Park. The zoo has already been mentioned. I won't belabor noise factors and such; it is difficult to qualify here and I was interested in the decibel levels that you mentioned. I haven't seen the material and it occurs to me that if we are talking about urban noise levels, I don't think we are talking about the kind of noise levels that people expected when they went to Tule Springs to live. Again, I haven't seen the data. Are we talking about noise in still air and this kind of thing or is the wind blowing. Leave that for a moment. I do have to mention the Zoo - the Zoo has been open for two years and it is a very small zoo in the sense that it is still struggling, but on the other hand, it has had over 100,000 paid admissions and we have entertained 14,000 or 15,000 students, elderly, mental health patients and others at free and reduced prices and they seem to get a lot out of it. I am saying this is and will continue to be a major public facility for recreation and for conservation and other things. Tule Springs Lake is a man-made water body, but it is of long standing and it is a great place for bird-watching, and it is wintering place for geese, ducks and other things, so that needs to be considered. One other point - the Gun Club has been mentioned and should be mentioned. The quality of noise created by the Gun Club should be considered. They usually, I have been there two years working in the park, they usually have about two major shoots a year as I recall. These last about a week and there is a great deal of noise - gun-fire. Comparing this with two or three persons on motorcycles across the street from the park, and we have this occasionally of course, I think I would take the gun fire. Of course I don't live on the other side, I am just speaking for my position in Tule Springs Park, however, we also knew the gun club was there when we elected to put the zoo in the park, and that is about all we can content with I think without giving up our, the character of the zoological park which is that of peace and quiet. Thank you.

MR. JENKINS - One question.

MR. EMERSON - yes.

MR. JENKINS - Don't you feel possibly the race-way out there would enhance your operation with more people.

MR. EMERSON - Not necessarily, but let's say that it did - let's say for example that it, you know we are not a City zoo we depend upon the gate, and that is something to think about, but I think you would be trading a small advantage for a big problem - I really do. Because the reason that people go to a zoological park, aquarium and alike are to feel at one with nature shall we say. It is very difficult to do this when you are surrounded with man-made noise. It seems to me that the traditional place of the zoo is an inter-city entertainment is going away. The zoo traditionally has been thought of as something for the people. People are very mobile now, so zoo's are going out - they are going out to be quiet and to be, make the most of nature.

MR. JENKINS - thank you.

CHAIRMAN - Is there anyone else here in protest who has anything to add to what the people before them have said.

MRS. SPENCER - I am Lorine Spancer and I live on Teneya Way which is down there by Grand Teyton, and I was out there when the Mint 400 was run and it is miserable. They do not stick to the roads. They drive across your property - they take it

over. If they need shovels, anything. People do not respect other people's property and it was miserable out there when the Mint 400 was on and I would hate to see something like this where it is going to be year round. It is not even safe for any of the kids out there with horses. People on motor-bikes think it is funny to drive them up right close to a horse and I have had kids dumped off, possibly broken arms - once luckily it wasn't and they think it is funny, and it really isn't.

MRS. GENEVA MERWIN - I am Geneva Merwin of 1304 Cherokee Lane. I am a retired public school teacher, and I bring to you a petition against this motorcycle track at Tule Springs if you would bear with me please.

" We are not against motorcycles or the idea of a moto cross track. We are against the proposed location of this track. The City Commissioners at the March 19, 1975, meeting voted unanimously against giving Las Vegas Dunes, Inc. an access road, and again on April 16 on a 3-1 vote again denied it. These actions were taken because of the unsuitability of the location. The Commission offered to help Las Vegas Dunes, Inc. and all interested motorcyclists find another location for their facility. Las Vegas Dunes, Inc. have already taken title to the 40 acres where the facility has been proposed. They feel they must show a profit, so they prefer to leave it where it is. The following are three basic reasons to oppose this location: First, people come to Tule Springs Park, riding stables and/or the Las Vegas Valley Zoo for a quiet peaceful recreational experience. Motorcycle noise and dust would completely destroy the atmosphere of these existing public facilities. Second, the Tule Springs lake area is home for hundreds of species of wild birds and animals. Also, the Zoo has spent much effort and money creating potential breeding environments for certain rare animals and birds. Zoo officials feel the collection would not live well or breed where they are constantly exposed to the noise, dust, and ground vibration of so many motorcycles as the moto cross track would attract. Third, Las Vegas Dunes, Inc. are trying to put a commercial, profit-making business in an area zoned R-E or residential rural. All surrounding property, in fact, being in the City limits. Thank you for your support."

This is signed by President Elect PTA, Las Vegas Council PTA Judy Ward and the addresses of these people. We have, I will give you the paper instead of taking the time to read it, and among these is Charles Fleming. Now I wonder if you people know how much work that man did for the zoo, and we personally did through the schools. I know we collected stamps and things like this to help get the zoo started and I would like to leave this petition with you people and Mr. Foster I am one of the people who signed the protest - me and my husband - we enjoy the zoo and I think it is great place for kids. I spent my life with kids and I think we need that. Now I am very sincere in this and I don't think that with the money and effort that has gone into it, that we should it disturbed when there are other places that people can go to ride motorcycles.

CHAIRMAN - We will hear from two more protestants with something to add to what has been said already.

MR. COHEN - I certainly do. My name is Robert Cohen. I own a half interest in an 80 acre parcel on Durango close enough to this proposed motorcycle track where I got a notice of this hearing. I have owned this land for many years. I know about motorcycles. There is one that goes by my house and creates a horrible noise. This proposed development would have scores, perhaps hundreds of motorcycles. Gentlemen, if this is granted, you will have created a blighted area. It will be no good for residences. Warehouses are not going to go up there. Industry won't go there. You will have destroyed an immense area. Thank you.

MR. BRADSHAW - I am Bill Bradshaw from 8575 Homestead, and about whether the gun club makes more noise than the motorcycles do, last Sunday I was out working in my yard and three motorcycles went about a mile away from my house and you could see that it shook up the horse and the gun club is there and it doesn't really bother him, but the motorcycles are three or four times louder.

CHAIRMAN - Speak into the microphone please.

MR. BRADSHAW - That's all. Motorcycles are a hell of a lot noisier than the gun club ever was.

CHAIRMAN - We will hear from one more protestant.

MR. COOPER - Well since I got a letter inviting me down here to protest, and I have waited 3½ hours.

CHAIRMAN - Would you give us your name please.

MR. COOPER - I sure will. William H. Cooper, 8545 Maggie, and I do have something to say. When you are talking decibels in sound in town, you are talking about muffled cars that meet the law. When you talk about auto racers and motorcycles, you are talking about them without baffles and souped-up or however they want to fix them, not licensed. I also protest that type of traffic out there because like the other gentleman who was up here, I spent 21 years in the military. I retired 10 years ago. I invested \$7,500 in my property. I put my well in before it was a commercial venture out of my own pocket for \$5,000 and I also have quite an investment in that property out there. Two weeks ago two desert buggies came down Durango - they went up Maggie Avenue which is one block over from Brent through the people's yard down the street through the other people's yard then over through my 2½ acres and right on. I have lived out there one year and that is what I have been exposed to and most of the people have. This would only be magnified I don't know how many times by opening up a motorcycle track out there. I am quite sure the people that are going to put in the track are not going to invest anything into their well until they have it all sewed up and know that they are going to have a paid gate. My investment came out of my own pocket. Thank you very much.

MRS. THOMPSON - I just wanted to point out when this first started back in March, we did contact Chief of Police Paul Ray and what he was was appalled. He said there was no way that the Police Department could possibly control or patrol such a facility in this area. There is only one patrol car all the way from Decatur and Alta to Mount Charleston, which I am not blaming the Police Department for that, I mean I know they don't have enough people, but when we call the Police it can take up to 3 or 4 hours for them to get out there. So I just thought maybe you would like to know how the Police felt about the whole thing.

CHAIRMAN - Now can we hear from Mr. Brown, Mr. Emerson or Mr. Churchfield. One at a time please.

MR. BROWN - We would like to pass this out - it has a map of the area on the face of this booklet and the black outlined area is option land as you can see, that she was talking about a minute ago, which would be a 40 acre buffer zone between any house for a quarter of a mile from this parcel that we want to get as a track. That gives you an idea of where the land lays, and how it lays. It is also, as you can see, more than a quarter mile to the gun club and even further than that from the zoo. As you can pretty well tell, there is a need for motorcycle parks in this United States. Off-road motorcycling is one of the fastest growing popular recreational activities in this country. There are from 15 to 20 million motorcycles in the United States. One in every 7 U. S. families owns a motorcycle. It has become a popular family sport - not just a ruffian type sport - it is a family sport. Popularity is on the increase - land availability is on the decrease for places for people to ride. Thus, it creates a need for the motorcycle park. I have a pamphlet also showing it in our Capitol of the United States of America Washington, D. C., in the general area has a motorcycle park. I also have this pamphlet from the Motorcycle Industry Council with motorcycle noise decibels, facts and figures of the growth of motorcycling and I will go on a little bit, but this is where I have gotten my information - it isn't a guess. This has come from people that manufacture motorcycles. Motorcycles require by law to have mufflers in 74 and 75 have to have less than between 44 and 68 decibels of noise. This one-quarter of a mile of level terrain is dissipated to urban noises, or even less. Excuse me, over a quarter mile of level terrain this doesn't sound any more than a dishwasher or a vacuum cleaner or a blender when you are up close. This was proven, this was taken out - I am not just guessing. This was taken out and inspected by the U. S. Government any everything else. So I am not just talking out of my hat. These are facts and figures. So we have a quarter mile buffer zone, plus the fact that it is proven that trees, mountains, can be built to make more buffer zones if that were needed in a level area, but this area as you can see is quite hilly. There is no way that we could run this motorcycle track, if we were to get it on, unless we met pollution laws - that means dust, and noise. We have got to meet those. We intend fully to fence this area to make everybody that rides in this area have to trailer or truck their motorcycles out there. Anybody that comes out riding on a motorcycle is going to get sent home and his name will be taken and somebody is going to be talking to him. We will help police our own action on this thing. We know

we have to control it, so this is one of the things we plan on doing. One of the things that helps this is a natural terrain that is excellent for motorcycle riding. The courses could be built on these clay mounds which are expansive type soils and they make, like I say, I am a contractor in the Valley and I know different types of soil. They make for good motorcycling. It is close to the already designated recreational areas which is the park. I am sure the park and the zoo will have a spill-over from people wanting to see them - they will have exposure. We plan on holding a training school in this area for maybe once or twice a month for kids that just got motorcycles and try and get people so they know not to run across a neighbors yard or somebody else's property. There is nobody teaching any of this right now. We need a facility to be able to teach it. This is primarily why we feel that this area and everything merits a motorcycle park. Are there any questions.

MR. JENKINS - Yes a few. First things first. How much of the road to your location is paved, the one they will utilize getting to and from this location.

MR. BROWN - Okey. Can you put your finger coming out Durango to the white County spot there. Okey, it is just past that on up to the next section I believe is paved right now. Then I believe it is paved to the west about three blocks. Incidentally, I might add that it is proposed by Regional Streets that Durango is 125' right-of-way for future in case anything ever develops, this is supposed to be as wide as Sahara Avenue. It is on their plan right from Tonopah Highway going clear into this district.

MR. JENKINS - So they would be driving up that ^{dirt} road adjacent to homes - is that correct?

MR. BROWN - There, I believe it is oiled all the way except in front of two houses. I believe there are two houses that it is not paved on.

MR. JENKINS - What way could you ever control possibly somebody kitty-cornering across somebody's yard or property. It was brought out here the fact that they are going to have to go up and over to the west and then north and back east again. How possibly could you control or prevent that.

MR. BROWN - Well they will be driving cars so they would have to take a car across somebody's property to do that.

MR. JENKINS - Do you think of these boys riding these bikes to your track is going to come on their own.

MR. BROWN - Like I say, we are not going to let them ride out there and get on our track. We want them to trailer them out there or truck them out there.

MR. JENKINS - What guarantee can you give the people of the native area.

MR. BROWN - A very strong will to police it. We know we have to police our own. Other motorcycle parks have pointed this out also in this magazine that we have, that they police their own.

MR. JENKINS - In other words, you are saying that the person who rides on his motorcycle out there, then he will not be able to participate. But what if he isn't a participant - what if he is just coming out there as a spectator.

MR. BROWN - We won't let ^{them} on the grounds. We will discourage it just every way we can. We don't look for that much of it to be real honest with you.

MR. JENKINS - When you say you will fence it, what type of fence are you speaking of.

MR. BROWN - Well, I think we got it figured for half of it with chain link and the rest of it with 4-strand barbed wire fence, so nobody could get in and out.

MR. JENKINS - Nothing would be a deterrent to the noise factor.

MR. BROWN - Fence-wise is that what you mean.

MR. CHURCHFIELD - But there will be a line of trees completely around the park 40 acres - a wind-break type tree which discourages dust, noise and that sort of thing.

MR. JENKINS - What about the fact of the litter which was brought up. Do you have any views on policing the area properly.

MR. BROWN - Yes - we will hire a grounds keeper there that will police it .

MR. DUNCAN - In your budget, do you have funds setup for security and policing or not.

MR. BROWN - We have it for security for the motorcycle track, yes.

MR. DUNCAN - How about the roads.

MR. BROWN - Well the roads we don't know just what will be involved there. We will like I say do what we can for that, there is no doubt about that. You can't call the shots - right downtown they do stuff they are not supposed to.

MR. CHURCHFIELD - Any time we are expecting a sizeable crowd at all, on a Saturday or Sunday, we will have security guards out there controlling these people, if the crowd is going too large we can't handle it.

MR. BROWN - We definitely want to prove that we want to make this go.

MR. JENKINS - Will you facility be watered.

MR. BROWN - Yes. We intend to put underground watering supply in there. More or less, rainbird it like they do the golf course, or something like this so that it is a wet area that they are riding in at all times.

MR. JENKINS - On that report you have there from Washington, D. C., what was the proximity of the downtown area to the track.

MR. BROWN This track from Washington, D. C. I am not exactly familiar, but it is in the Washington, D. C. area. It is laid out, but it don't show Washington, D. C.

MR. JENKINS - Is it in Virginia.

MR. BROWN - Connecticut Avenue and Washington, D. C. Avenue - so I don't know from the map - I didn't fly back there just to look at the track. But it is right in the Washington, D. C. area because of the streets that are denoted here from it.

MR. CHURCHFIELD - I don't know if you know it, but the Las Vegas Jaycee's has a fairgrounds planned out there at Tule Springs. They are dealing with the City now on some property and they have a proposed motorcycle track on this site. So they are proposing something out there in this line. Naturally, a lot of people say it is not going to run every Saturday and Sunday. They are going to use it for special events, but that won't be true once it is in there - they are going to use it, as much as possible. They are going to lease it out, they are going to rent it out or whatever may be. They are not going to let a facility set still without using it.

MR. BROWN - This is another thing that we want to do is to be able to put up, there are a lot of charitable organizations that would be interested in putting on a race or something there that if we could set something up with them fine. We are going for the kids too - this isn't just our idea. We have a bunch of young boys in here we feel this is good for them.

MRS. SEGRETTI - What size motorcycles are you talking about.

MR. BROWN - If I say in cc's would you be able to understand what I am talking about.

MRS. SEGRETTI - yes.

MR. BROWN - Okey, they run from the 50's to the open class, the 500 cc class.

MR. CHURCHFIELD - But they all have the same stock mufflers - they will all be controlled by the muffler system.

MR. BROWN - Every motorcycle that is made is made to the manufacturers design because this is what the government made them make it at and this is what they have to have.

MRS. SEGRETTI - The people you are talking about using this track, what would be the ages.

MR. BROWN - We got them from 5 or 6 years old to 14 year olds. Now that pretty good scope there. But they start them at 5 and 6 years old.

MRS. SEGRETTI - But a 14 year old can't drive a 250 Norton, he can't handle it.

MR. BROWN - No, it is just too heavy. A 250 Norton are mostly straight bikes that I have seen, and that is a pretty heavy bike.

MRS. SEGRETTI - So they wouldn't be that large a bike.

MR. BROWN - No.

MR. CHURCHFIELD - 14 year olds ride a 100 cc and under, maybe 125. This depends on how strong and big a boy he is.

MRS. SEGRETTI - Would this be more in the classification of your Honda's and there is a little old bike I have seen for 5, 6, 7 year old children, but I don't know the name of it.

MR. CHURCHFIELD. It is mini-type bike. Yes this type. We have a magazine here it is The Nevada State Championship with kids riding in the mini-grand nationals if you would like to look at that and they got different age groups of kids. These are all kids, 14 years and younger. Would you like to see it.

MRS. SEGRETTI - yes. That is what I am trying to get at - what the age group would be.

MR. JENKINS - Getting back to the sound, are you saying that basically the sound produced by these machines wouldn't be hardly any different than the units that are on the street.

MR. BROWN - yes - they have to be street legal bikes. The manufactured - most of the information on that pamphlet there.

MR. JENKINS - In other words you are saying that the bikes that you will have running on the track, could legally run up and down in front of these people's homes.

MR. BROWN - No. They won't be that legal no, but they meet a manufacturers legal decimal. A street legal on City streets, don't allow a car to run that gets a little noisier, so I mean there a lot more break down there, but it is more or less urban legal. It has the same decimals as that. Another thing that I might mention to Mr. Foster that he didn't know anything about that was if you have one motorcycle and it registers 48 you add another one and it is 3 decimals more. It is not double or triple the noise. It is pointed out they have tested it and this is what they point out right in here.

MRS. EMMETT - How many would be running at one time.

MR. BROWN - 20 or 30 maybe at one time, but that noise like I say would be, you don't get a major overrun on it, they are not all together at one time, they spread out quite a bit.

MR. JENKINS - What is the distance again from this to Tule Springs.

MR. CHURCHILL - The closest house is a quarter of a mile.

MR. BROWN - Better than a quarter of a mile.

MR. JENKINS - what is the distance to Tule Springs Park.

MR. FOSTER - It is adjoining it on the property line.

MR. BROWN - on the property line yes.

MR. JENKINS - on the property line but not the zoo - so how far is it to the zoo.

MR. BROWN - Almost a half mile I would say. This is figured out just exactly to scale on this 40 acres here, so you can more or less figure it.

MR. FOSTER - It is about 3/8 mile.

MR. JENKINS - Do you know of any other feasible access to this property.

MR. CHURCHFIELD - No - not that we can use. We had to buy the right-of-way to get into our own property. The reason we had to is we went to the City of Las Vegas and asked for an access way around the gun club. Well we got in trouble with the residents out there, they put such a heat on the City of Las Vegas that they barricaded the road off so we couldn't use it. But we had an office memo which goes a long way back about the road and access and the whole thing. So when we reached this point, we had to go around, we had no other choice.

We asked the City of Las Vegas a year ago for access around the gun club. There was a road there, an existing gravel road.

MRS. RUSTON - That is a lie.

MR. CHURCHFIELD - Well it isn't a lie.

MR. EMERSON - We had to purchase this piece of land to get ourself a right-of-way to get to our own land. So we bought this private piece here. Here was our first intention to come around 200 or 300 feet outside of the gun club fence into the property which if we could still get this if the City finds at some time they would rather us come this way rather than bother any home owner up in here we would gladly vacate this piece of private roadway. We wanted to come in here in the first place because we thought there would be no hinderance to anyone.

MR. CHURCHFIELD - Also the City of Las Vegas has got a lease with the State Agricultural people and they are going to develop a road on the southeast side of the gun club. Am I true, there is going to be a road existing there to a tree farm and we talked already to the City Attorney and he said probably we could work out something where you could use this road. And he said would you vacate this other road and I said we would. We want to get along, all we want is our motorcycle track out there. Give us a couple of years trial or whatever. Anything, just give us a shot at it to prove our point and I think we can control it.

MR. JENKINS - I thought of possibly recommending such a thing, but could you afford a test time.

MR. EMERSON - We could go along with that.

MR. JENKINS - With the expense of putting your project together with a time limitation.

MR. EMERSON - You said a time limitation, would this be a reasonable length of time.

MR. JENKINS - A time limitation to get your project under way and then a review at the end of a certain time.

MR. EMERSON - yes, we would go along with that.

MR. JENKINS - If you could prove to the people that it is not a nuisance.

MR. EMERSON - I think we could work it out with the City of Las Vegas and the people out there. I think we can get along.

MR. BROWN - I think Mr. Jenkins that we just need a chance. I think before we are condemned, it is a family type atmosphere that is going to be created in this. It is an extension more or less, this whole 200 acres, of the Tule Springs area. It is a place where grass is to be grown, trees to be grown. Put some barbeque pits in and let it get back to a family type atmosphere.

MR. CHURCHFIELD - There is something like 3½ million motorcycles sold in the United States last year. Right here in Las Vegas, there were over 1,000 new bike riders registered. That's not counting the families that don't register their bikes, and that isn't counting the boys and men over 14 years old.

MR. JENKINS - Let me ask you a tough question - if the Board did approve you for a certain length of time, what guidance or what type of proper rules could you use to protect them with any violations they might have and bring it back in under another hearing in another year or two years. I am sure they will have complaints because they are going to complain no matter what, and there are certain people who are going to do that. What would be a proper way in your mind to sort of, so the complaints are verified and proper type of complaints. In other words, we need some type of ruling if you are going to go to your expense and they to their expense.

MR. EMERSON - We all belong, Mr. Jenkins, to governed and sanctioned clubs in this town. There is a selection of those little kids sitting back there that race will tell you the rules that they must abide by. This is a thing these clubs are formed to keep these kids off the streets. The police spend half their time chasing them around vacant lots. This is the idea of a sanctioned park and then we will get back to policing it. It has to be done and it has to be done through the operators of a track and through the clubs. It is the only way these kids and adults know that if they are black-listed, they are done. The vehicles that transport these bikes range from 3,000 to 30,000 dollar motor homes and they are all setup. It is not a poor class of people any more that are just racing around on bikes. This is what you must have is a sanctioned park. There is a great need and these kids need it, and in the meantime, we would go for a time period. We just need a chance.

MRS. RUSTON - I would like to know how they are going to meet air pollution control standards when they have not been able to obtain a well.

MR. JENKINS - Well I think this is one of the problems they will have to consider in putting this together, and if they don't then they won't be operating.

MRS. RUSTON - I would like to state one other thing also. These people have shown such good faith. They purchased this property. They bought this property and put in their own road. They told the City they would put a gate across it last October. We have hauled three different vehicles out of that road. Did you know that it was a private road, because it is not posted and it never had a gate. These people do their work without air pollution permits. These people are liable and if the police cannot control this area, how can they.

MR. JENKINS - Would you be opposed to a time trial.

MRS. RUSTON - Yes I would because once they are in we will never get them out and I think you know that as well as I do Mr. Jenkins. That is a farce that has been used over and over again in this City for Variances, and zone changes and everything else and you never get them out. There are still the laws on variances and there is no way they qualify under those laws. There is no way you can tell me that this will not be detrimental to my property. How about, okey, I have heard about their children on their bikes. We bought our property out there in an area that is zoned for horses - how about my children and their horses.

MR. JENKINS - Joy, I think one thing you have to realize first of all we all want to live in a dream area. I spent a lot of money on my house, they built the freeway next to it and I didn't want it, but by golly they built it there and there were a lot of other things built in my area and I can't control it. These are some of the things we all have to consider, and I say if somebody has something that is worthwhile and it is for children, which we are all interested in, then we should listen.

MRS. RUSTON - So is the City park. Listen, so is your City park for children. So is the zoo. They put thousands of school children through their daily.

MR. JENKINS - The only thing is I have not heard anyone prove to me that this can be a detriment to the zoo. We are talking about an area that is a half mile away.

MRS. RUSTON - No, we are talking about the zoo which is probably 1,300 ft.

MR. JENKINS- No one has proven to me it is going to hurt.

MRS. RUSTON - Okey, I read to you from your variance rules. Required showing "Before any variance may be granted by the Board of Zoning Adjustment, the applicant for said Variance shall make a substantial showing that (c) the granting of such variance will not be materially detrimental." Mrs. Emmett, you are in the real estate business, are you telling me can you seriously tell me that a motorcycle track within a quarter mile 1,300 ft. of my home is not detrimental to my property.

MRS. EMMETT - I don't know the property.

MRS. RUSTON - Do you have anybody that wants to buy a house next to a motorcycle track. "not be materially detrimental to the public safety and welfare, or injurious to other property or improvements in the same vicinity and zoning district". Why do we grant a variance. A variance is necessary for the preservation and enjoyment of a substantial property right which is possessed by other property in the same vicinity and denied to the property in question. There are exceptional and extraordinary circumstances involved applicable to the property involved, and that such circumstances and conditions do not apply general to the other property in the same vicinity and zoning district.

MR. JENKINS - That is why we have these kind of meetings that last until the wee hours to try and handle these problems and situations that arise.

UNIDENTIFIED MAN - I would also like to have an opportunity to speak tonight myself. She has been up there awhile.

MRS. RUSTON - I must also ask why this meeting was handled completely opposite from every other thing that was heard tonight.

UNIDENTIFIED MAN - You asked for it.

MR. EMERSON - In total summation for Las Vegas Dunes, I talked this evening with Dr. Mauer a veterinary surgeon, and he is backed up by other people of expertise, as of today there are no known effects to animals and any type of habitate, pro or con with all the extensive testing that has been done, there is nothing on record that can show it. To back it up, you look at the bird that builds a nest underneath the freeway bridge when the trucks are rolling over it. No one tells a bird to nest there, he does it because it is natural. Noise is not a factor pro or con because it has never been proven. The only other thing that came from the City, and I will finish with this, is says, "I am inclined to feel that the proposed location of the facility, which incidentally is in the County immediately north of the gun club facility in Tule Springs, is a proper location in that it is close enough to provide a convenient access to the users, yet far enough removed from the residential areas to minimize, if not completely exclude any ill-effects." Thank you gentlemen.

MR. HERB EMERSON (zoo) - Sir I wonder if I could address myself to this quick summation of the literature on effects of noise on animals. I have heard before Dr. Mauer's name invoked at meetings such as this. Dr. Mauer has never shown up. I know who he is - he is a doctor of veterinary medicine and it is strange to me that he doesn't show up to tell us all about the literature of the effects of noise on animals. But I won't get into the literature. I have been into it and I didn't drag it up here tonight to discuss it. But I will just give you an example from the Las Vegas Valley Zoo. I want to tell you about a prong-horn antelope named Anne. Now Anne was an orphan, and she was given to us by Fish and Game to raise and we raised Anne up to a certain point until Anne began to take adverse effects to noise created by motor vehicles in the vicinity of Tule Springs Park. This poor animal dashed herself into the fence on about a half-dozen occasions to the point where we had to sedate her chemically and physically. We had to sit on her. And I am talking about not even motorcycles for heaven sake, spraying equipment and other vehicles in the

park. This little animal even got to react to wheel chairs and baby-buggies. Now I am not talking to you of the esoteric literature of biology in animal behavior - I am talking to you about something happened in our zoo. I feel very strongly about this, we had to take this animal and pack her off to a zoo in Little Rock, Arkansas, and it cost a bundle and it cost us a piece of our lives and I am not about to sit in this chamber and listen to somebody come up here and tell you a bunch of malarkey about what is or is not in the literature. Let us have experts do that and not someone who doesn't know anything about it.

MR. WAGNER - I am Sterling Wagner, 8162 Pioneer Way. I almost have a degree in Plant Science and I work with the rangers up in Mount Charleston and they tell me that the vehicles involved that go across the desert have something to do with the ecology in that area and I cannot believe someone telling me that that isn't possible - that it is not bothering the ecology. There are as many plants in this area as there are anywhere else and Dr. Niles can prove that - I mean we can get people here to prove the fact that the bikes are doing damage to the land.

MR. JENKINS - I think this is what we are trying to get at, is to find some true facts on this. It doesn't seem like anybody has brought any actual facts as to what the detriment is sound-wise or anything else.

MR. UNDERWOOD - My name is Jack Underwood and I have three parcels of land out in that immediate area. I have a question in my mind as to how many people on this board who are going to make the decision whether this goes in or not, have ever attended the moto-cross meet. I recognize that you are all experts in your field which are related to zoning and zoning adjustments, but the main point here seems to be noise and dust and traffic over the road, which they cannot control. Your sheriff will advise you of that. Individual citizens cannot control traffic on the highways. I would think, before you people could in all honesty vote on this, that you would have to know what you are voting on and in order to know that, you certainly would have to know more about moto-cross meets, and they are here. They are held here in the Valley and they are not hard to attend. There is a track right out off Craig Road near Nellis that they are out there every day of the week practicing and on weekends I would venture to say there is over 1,000 out there either racing or practicing. So it is not difficult information to get, but I don't see how in all honesty, you can vote on a measure like this.

MRS. SEGRETTI - Mr. Underwood, may I tell you I am aware of motorcycles. I have ridden them myself and I have had them in my family for the past 30 years.

MR. UNDERWOOD - Yes, I realized that from your questions, but you are one of five on the board. Can everyone else here make that statement.

MRS. SEGRETTI - Well I think we have a fairly intelligent Board myself.

MR. UNDERWOOD - I am not questioning your intelligence.

MR. JENKINS - I think what the problem is how many people know exactly what the detriment will be if the track is permitted.

MR. UNDERWOOD - I really think.

MR. JENKINS - At the Planning Commission we continually get people who are opposed to a townhouse development going in next to them, they are opposed to a grocery store going in next to them and 9 out of 10 times it doesn't hurt and sometimes it has enhanced the value of the property. If somebody could really prove to us, and I don't know how familiar you are, or maybe you can tell me of a circumstance where this has hurt immediate neighbors. I know the San Diego Zoo fronts one side a freeway and there are vehicles in and out and around that area all the time.

MR. UNDERWOOD - San Diego Zoo does not front on any residential. I might point that out to you. San Diego Zoo is.

MR. JENKINS - It is on the freeway.

MR. UNDERWOOD - Yes, but the freeway is quite away from residential on all sides. There is only one freeway on one side.

MR. JENKINS - Well we are talking about noise factors.

MR. UNDERWOOD - I am not questioning the ability of this Board as far as your ability goes. I don't think that you have had experience with this type of thing and I don't really feel that you can vote honestly as a Board unless you have experienced it. Now you mentioned Mr. Jenkins that no one has proven to you that it is going to be detrimental. Have the applicants proven to you that it is not.

MR. PEACE - My name is Jim Peace and I live at 905 Eugene Cernan here in the City. To begin with, I have nothing involved with as far as the race track is concerned other than my son races and he is 13 years old, and he and I have been together every Sunday for the past year, which is really a great thing in my life. What I would like to say is this - I have set here and listened to most of the complaints from the people that have property out there. They have these conditions now. They have the people riding across their property now. If the moto-cross track gets in, it isn't going to stop tomorrow. They have that condition now and they will continue to have that condition and what this motor cross track is going to be as far as the fathers are concerned, we are trying to teach these kids at this time to learn how to ride motorcycles, the proper way to respect other people's property, the right thing to do. We are trying to teach them the right and the wrong way. Now my boy at night he works on his bike, he takes care of his bike along with his school work and the other things he has to do. He doesn't sit on brick walls outside of someone else's property, he isn't smoking cigarettes around the corner, he is working right at this time. He has an objective, something he wants to do, which is a very, very rare thing today in a boy. He has something he wants to do come Sunday and I am not speaking for just my son, I am speaking for all of the hundreds of fathers who are involved in this. To begin with there are, as one of the other people said before, there are a 1,000 mini-motorcycles involved in this area that are registered riders, and each one of those 1,000 has a mom and a dad and we are the people that have to buy these bikes for these boys. Now we want to be with them, we go out Saturdays and Sundays and we are with them all the time and it gives us a great feeling. As I said before, I don't have any commercial interest in this, but I think it is the greatest thing that ever happened to boys and the youth of Las Vegas and that is why I am down here tonight and that is why I am spending my time, is to do something for my son and do something for these other kids. Everyone gets up and they say hey let's do something, let's do this and let's do that, well by golly we are here to do it and this is what we want. This man has proposed a track that is capable of bringing the respect and the dignity to Las Vegas and respecting the dignity to these kids that they deserve. Now let's go on to another subject and asked what exactly is a motor-cross racer. Most of these kids, I won't say most of them, probably all of them, are trucked either with trailers or on the back of pick-up trucks to the racing location every single weekday. They are taken out of the trucks, mom and dad are working on the bikes. They watch their kids make three different types of motor races in that day's time. Those bikes are put on those trucks and mom and dad are the ones that drive them out the gate. You don't have the kids running out there back and forth. If you have ever been to an individual race you will see maybe one or two riders that are strays that will show up. Everyone else that comes out there 95% of their mothers and fathers are with them. It is not just a stray kid running out there on a bike with a helmet flying up and smoking marijuana cigarettes and a beer and anything like this. This is not the type of racing we are having right now. We are teaching these kids the right proper thing and that is the reason I am supporting the track.

CHAIRMAN - Mr. Underwood, do you have anything else to add.

MR. UNDERWOOD - No. I was just remaining here in the event that one of the boys wanted to ask me other questions. I have attended these moto-crosses out here and I have experienced what happens and I don't agree with a great deal that has been said here tonight, but I won't contradict it. I will merely reiterate,

that I think before the Board is qualified to judge on this, that they have to experience it, as you have experienced things in your own respective fields that you are qualified to judge on.

MR. JENKINS - Let me ask you while you are here, what is the biggest deterring factor about the moto-cross.

MR. UNDERWOOD - Obviously, there is none to me personally or I wouldn't go. But we are speaking about the effect on properties, not individuals and in my opinion there would be. Well based on the only example, you wanted proof, you wanted concrete proof in the cross-country race that was held out there about 4 years ago by the Sahara. It has never been held since, and I think the dust is still settling. This was a dune-buggy race.

MR. JENKINS - But this track will be maintained, and that was a course.

MR. UNDERWOOD - I am glad you pointed that out, because it wasn't all at the one place. This will be in one place, it will be a continuous race. The Sahara race was periodically they hit that area. It was not a continuous thing.

MR. JENKINS - What were the main factors that you thought would be detrimental.

MR. UNDERWOOD - Using that as an example, I have heard comments all over town, not only by the residents, but by people a long way away from there about the dust and the noise.

MR. JENKINS - No. I mean the motor-cross.

MR. UNDERWOOD - It is the same thing. Why have all these canyons and ravines been closed up by the sheriff. It tears up the area, that is why. I would suggest you also check with the sheriff, because of the policing problem cause there is no way that they could control the traffic into that.

MR. JENKINS - Was the sound overbearing within a certain radius you found or was there a lot of litter.

MR. UNDERWOOD - Yes now I found both. Again you can verify this by simply going out to the one that is existing. You can verify every statement that is being made here, noise, dust, litter and everything else. I personally would not be effected because I don't live there. My only interest in seeing it not being put in there is that I feel it would devalue my property. It would make it less attractive for someone to build on my property.

MR. JENKINS - They built a prison out there and it increased in value.

MR. UNDERWOOD - No, I don't think so, because the prison is going out at Jean. It is going at Jean because the land was donated by the Simons out there. There is also a moto-cross at Jean I might point out. I think they have adequate here for there use, I really don't see other than to start a business why this place is needed, because there is two that I know of and I am not a moto-cross fan. I just stumbled on to both of them in cruising the area. I might add that my qualifications such as they are here is that I have been a real estate broker for 23 years, now retired.

MR. JENKINS - You point out a comparison about having seen or not having seen a moto-cross but as I recall from some of those that went there originally, but those out there toward Jean were not very well maintained and there was a very big dust factor.

MR. UNDERWOOD - The ones I have been to, they run a water truck after each race and even with the water truck it kicked up an awful lot of dust. Mr. Simons maintained a water truck on the grounds at every one I have been to.

MR. BOWES - I am Alvin Bowes at 8651 Rocky Avenue and I drove that water truck in Jean and I helped maintain the track and there is no way you can control those people. Like they were saying mom and dad did this, mom and dad took them out there, mom and dad looked after them, okey. Mom and dad took them out there and mom and dad leaves them alone and then the kids go wherever they go and a perfect example of that was down at Searchlight where those two little boys fell away. As far as taking them out there, it will be the same thing. Jean, the same thing in Searchlight, the same wherever you take them. Cause they will just be all over and like they say they have good intensions of policing the area, but there is no way they can police the area. You can build a fence 20 ft. high and cover it in, but they are going to get out. They are not going to stay there.

CHAIRMAN - I think this Board has heard enough both pro and con.

MR. CONELY - My name is Mike Conely I live at 6537 Hillview and as the man said before about the Mint 400 out there, they didn't water that desert, it was a desert race and they don't water desert races and he said it was pretty noisy and they had dune buggies going, it wasn't just all motorcycles and there were a lot more motorcycles going than there would be at a moto-cross so that is probably why there was a lot of noise. Thank you.

MR. PAUL EMERSON - My name is Paul Emerson. I live at 3911 Mountain View. I can't go out riding even in my own desert without being chased by the cops. We need somewhere to ride. Thank you.

MR. MORAN - My name is Mike Moran and I live at 5208 _____. As the man said before the kids that went down that 400 ft. shaft, but their moms told them not to and they disobeyed. Thank you.

MRS. FERGUSON - My name is Mrs. Ferguson, and we live at 8800 N. Coke Street. This is one of the roads that ends our property is right at the end of Coke Street. That is one quarter mile south of Tule Springs Park. We are the first residence close south. When we have various types of races or even older cars coming out there for display trailers, new cars, whatever it is, there never fails to be some strayers and they end up on our road. There are also other people who like to shoot guns. They end up at the end of our road and it is a very dangerous thing from time to time. Now I think that racing bikes is a marvelous thing. I simply think that the area is inadequate for the type of sport that we are describing for the policing of this which is impossible in every other type of thing that they bring out in large numbers to Tule Springs. There is always the back-off. The back-off which we the residents have to handle somehow and it is very frightening to for me to visualize the children themselves within the races maybe fine. But there is always the audience. The followers, the wishers who are not well looked after, who are not riding proper bikes and do not have the respect as the children who are in competition or whatever. So that these are what we deal with in great numbers. So I would suggest with all good wishes for the young people that we can find a place that will be free of this kind of hazard for the surrounding public. Thank you.

MR. JENKINS - Let me ask you something before you leave. What we are talking about is a track that is a fair amount of distance from the City area. Consequently, I have to feel because kids can't truck them out there, they ride them out there all the way from the City. Is this track going to create more motorcycles riding across the desert.

MRS. FERGUSON - I feel that we will have a large problem, and a very, very dangerous problem for the little ones that are in the park. They are going to wander and the kids on the bikes that do not have mothers and fathers watching them are going to wander. When the two of them meet, we are going to have death and I really don't like to even foresee something like this. If this can be put in an area where it can be free of the other traffic other recreational purposes, I think it is a marvelous thing. Perhaps in the industrial area that is far and free out of residential situations of any kind. This seems to me to be perfect and we do need that.

MR. NEILSON - My name is Ted Neilson and I live at 8601 Ruston. Now I have strictly dirt bike, 360 Kawasaki and it does make a whole bunch more noise than any 125 or 50 cc that will be running out there and there will be a lot of 400 Suzuki's running out there, and they will be making a bunch of noise. Now I started mine up the other morning and my neighbor is almost as far away from me as the track is from her place and her horse just about tore down the corral.

MR. JENKINS - Are you the one that has been creating the problem out there. I think a lot of this is true though and I think a lot of it is the fact that people who live in the immediate area going to the races are going to be a bigger people than the people who will be driving from outside the area. I think some of the others will have to be trucked in from perhaps say outside of a two mile radius and those in the immediate area will be probably the biggest nuisance.

MR. NEILSON They say they are going to have just 14 year old, from 5 or 6 on up to 14, but there is going to be 18, 21 and 25 year olds guys out there on 500 cc and they are going to be running wild, because they are not going to take orders from anybody.

MRS. SEGRETTI - Don't you feel that if they have security out there, that they can control that.

MR. NEILSON - No mam. There is no way they can control it. I mean you get a guy coming in 25 years old that has left home and say he lives down on Ann Road or some place and he drives his bike up there. The security guard tells him he can't come in okey fine, he will run around he'll run out in the desert anywhere he wants. He isn't going to let somebody tell him what to do.

UNIDENTIFIED SPEAKER - Excuse me, may I inject something in here that is pertinent to what you are, to your question. I live approximately two blocks straight west of the park. There was a young individual out there firing a rifle at my house trailer. I called the police and it took them one hour to get there.

MRS. SEGRETTI - I am not talking about the City police or the Sheriff. I am talking about a hired security guards who are authorized by the police.

UNIDENTIFIED SPEAKER - That takes care of the track, but not the roads going in.

MR. NEILSON - How are they going to catch them. He just takes off out in the desert. They can't run him down and you can't get within a couple hundred feet of a horse with one of those.

MRS. SEGRETTI - Can anyone answer the question on how the security would work.

MR. NEILSON - Maybe they can shoot the tires off of them.

MRS. SEGRETTI - That is possible too.

MR. GIFFORD - My name is R. L. Gifford and I live at 543 North Moran. The hour is getting late, people are getting tired and it is being repetitious. I am 54 years old I expect to ride out there. I have spent 40 years working with boys as a professional stunt man, a police officer and a racer. I have a boy back here 31 years old, he will be out there riding. To answer to noise, I haven't heard one mention of that jet quarter out there. What do those animals do every time a jet goes over. Now you had your chance to speak, will you show some respect, you are an adult I hope. You were talking about pollution, if there is dust, I am sure that track will be closed immediately because we have a pollution board. They do it to the factories. It is getting late and I am irritable. Thank you.

MR. PRANCHEL - My name is Paul Pranchel and I live at 6329 Robart. To get back to some of the questions that people asked about Jean, Nevada. Jean, Nevada, is not there no more as far the people are concerned, the prison took it over. One mentioned about Boulder City. They only have a race there about once or twice a year and that is it. Talk about the other tracks, they only run once or twice a year and that is it. Mini-mints once a year and that is it. Now we got one - Williams Race Track. The only thing I want these people to do, don't ride it, just walk the track and see how bad it is. It is all asphalt, not asphalt, rocks and caliche and everything else. Then when they water that ground it is just like ice, that is all it is, and these kids are out there. My kid got hurt 14 times on it, but he still loves it and I love to see him go out there, but this track here I think will be a big improvement. The only thing I got to do is if I want to see a good track I got to go to California to do it. And every time I go to California it costs me money and people from California won't come up here for the simple reason is because of the tracks up here. The NMA won't even have a race up here is because of these tracks because it is too dangerous. You go to California and see their tracks and see how great it is. They are dirt and that is all it is. Thank you.

UNIDENTIFIED SPEAKER - Do you think we could decide on this racing deal, cause I would like to go home too and I think we have heard enough about the race track.

MRS. COLBURN - My name is Carol Colburn. I don't have any complaints or I don't even have anything would be on this session. The one thing I think this meeting should address I think is the issue that Mr. Jenkins brings up time and time again. And that is facts and the factors that he talks about. Now these people have brought up magazines that they have quoted figures from which is something on their side. Herb Emerson has come up and talked about animals. It seems that there could be some type of a committee, which is a word I hate, that could be establish, possibly not a committee but a group that would be paid by these motorcycle people which would be cheaper than constructing the facility and the chance that they are going to have it renewed in a year or two years whatever you decide. It seems that it would be cheaper for them to establish a survey team of objective scientists and motorcycle people and possibly a few representatives from the home owners and real estate that can establish if this property value is effected. I have been to several of these meetings and kept on top of it since it first hit the papers in March and we are all aware of it, the City Commission is aware of it and it has even been in court. It seems that we could instead of throwing back and forth at each other and taking up your time, you are the Planning Commission board, it seems that if something was established by you, of credible people, and they would report back to you, that you would decide whether they is going to be a moto-cross track out there for once and for all.

MR. JENKINS - One question - do you think that your people who are protesting in accord with you would be happy with a feasibility study if it came in with an affirmative action for the proposed land.

MRS. COLBURN - I think they would be much happier with that than the suggestion this be constructed with the option that you will not review its approval. I think they would be much happier with a feasibility study by people in this town or nationally, whichever they can afford or whatever you establish, and I don't have any answers as to how that committee would be setup, but there are scientists that can establish, I know that Herb Emerson can establish how much this would effect the animals. He does not bring this down here and try to get you guys into that field. It seems that the people can do the research and it would be much cheaper. It does stop with you people you are the Planning Commission and you should be the ones to establish whether it is right for this to be out there in a recreational area, in a conservation minded area.

CHAIRMAN - I now declare the public hearing closed and may I have an opinion from the Board.

MR. JENKINS - I am going to be a rat-fink I guess. I am going to make a Motion for APPROVAL on this item and in doing so I think it is a guideline for the people that are protesting that do have a certain number of days, which I believe is what 10 days to protest and if you want to get something together that has got some authenticity to it to oppose this to the City Commission some valid statements. The problems that you can insue on this thing, then I think you should bring it forward at that time. In my stipulations of approval of this item I do recommend that the facility be kept as recommended by the applicants - that they of course follow the guidelines set by the Air Pollution Control Board - that they do police this area properly - that they do fence the area and tree the complete area - I think that it will be necessary for them to provide a proper security force and I think also that I will put a one-year time review on this. Is this okey Mr. Foster.

MR. FOSTER - Whatever you say.

MR. JENKINS - How long would it take you to complete this course.

MR. BROWN - Since we have to go into the trees and the various objects that we have to get into, I would like two years. We'll show you it can be done, and done right.

MR. JENKINS - I am sure that you are going to have a good time at the City Commission anyhow, so I will put a two-year stipulation on it.

MRS. RUSTON - Now what did that cost you Charlie.

MR. JENKINS - It hasn't been approved yet.

CHAIRMAN - Wait a minute lady.

MRS. RUSTON - Boy-oh-boy.

MR. JENKINS - We haven't voted yet.

MRS. RUSTON - I don't care.

VOTING - MR. JENKINS - yes.
MRS. EMMETT - yes.
MRS. SEGRETTI - yes.
MR. DUNCAN - no.
MR. REINHARDT - no.

UNIDENTIFIED MAN - Ladies and gentlemen I would like to appologize for these kids, sometimes they don't show a lot of restraint the way we do.