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A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 17, 1981

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

ROLL CALL:

ANNOUNCEMENT: Satisfaction of Open Meeting Law

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meeting held June 25, 1981.

OLD BUSINESS:

1. U-5-80  
Revocation of Use Permit  
(Abeyance Item from 7/23/81)  
Request of MATTHEW PARATORE to revoke his approved use permit which allowed a Class III secondhand store for the purchase and sale of used silver, gold and jewelry on property located at 119 North Third Street in Zoning District C-2.
  
2. V-48-81  
(Tabled from 7/23/81)  
Application of 330 ASSOCIATES, A PARTNERSHIP for a variance to allow a patron and employee parking lot, which is not a permitted use on property located at 420 South 7th Street in Zoning District R-3.

NEW BUSINESS:

1. U-43-81 (HO)  
Application of KATHERINE M. KURTZ for a home occupation permit to allow a mail order business on property located at 120 Sam Jonas Drive in Zoning District R-1.
  
2. V-51-81  
Application of AMBROS SCHOTTMULLER for a variance to allow an existing second dwelling unit where only one dwelling unit is permitted and to allow said second dwelling unit seven feet (7') from the rear property line where fifteen feet (15') is required on property located at 1718 East Lewis Avenue in Zoning District R-1.
  
3. U-41-81  
Application of MARY G. CAVANAUGH for a use permit to allow 192 apartment units on property generally located on the north side of Vegas Drive, 350 feet east of Decatur Boulevard in Zoning District C-1.
  
4. V-52-81  
Application of THOMAS O. AND ELLEN C. MAITRE for a variance to allow a change in the legal front of the property to be changed from Decatur Boulevard to Jay Avenue in Zoning District R-E.



S U P P L E M E N T A L   A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 17, 1981

1. U-44-81(H0)

Application of KATHY L. CAPOGGOLI for a home occupation permit to allow a mail order business on property located at 5128 Longridge Avenue in Zoning District R-1.

MINUTES

BOARD OF ZONING ADJUSTMENT

AUGUST 17, 1981

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

PRESENT: Chairman Bugbee, Mrs. Myers, Mr. Giles

EXCUSED: Mrs. Emmett

STAFF PRESENT: Harold P. Foster, Director, Department of Community Planning & Development  
Robert C. Clemmer, Acting Chief of Zoning  
Brett A. Reale, Planner  
Shell Kizerian, Recording Secretary

MINUTES: MR. GILES made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meeting held June 25, 1981. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. U-5-80 Request of MATTHEW PARATORE to revoke his approved use permit which allowed a Class III secondhand store for the purchase and sale of used silver, gold and jewelry on property located at 119 North Third Street in Zoning District C-2 (General Commercial).

Revocation of Use Permit

(Abeyance item from 7/23/81)

MR. FOSTER stated the City Attorney has advised that the court case on this item is still pending. Staff recommended this item be tabled until the case is resolved.

MR. GILES made a Motion to table Item U-5-80, until the litigation is resolved in court.

TABLED PENDING RESOLUTION OF LITIGATION IN COURT

Voting was as follows:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion to TABLE carried unanimously.

2. V-48-81 Application of 330 ASSOCIATES, A PARTNERSHIP for a variance to allow a patron and employee parking lot, which is not a permitted use on property located at 420 South 7th Street in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lots 23 and 24, Block 5, Wardie Addition.

(Tabled from 7/23/81)

STRICKEN

MR. FOSTER stated this application was not signed by the legal owner and, therefore, was declared invalid. Staff recommended the item be stricken from the agenda. A new application was properly filed and appears as Item 6 of this agenda under New Business (V-54-81).

Item V-48-81 was stricken from the agenda at the full consent of the Board.

NEW BUSINESS:

1. U-43-81(HO)

APPROVED

Application of KATHERINE M. KURTZ for a home occupation permit to allow a mail order business on property located at 120 Sam Jonas Drive in Zoning District R-1 (Single Family Residence).

MR. FOSTER stated the application was in order and staff recommended approval.

MRS. MYERS made a Motion for APPROVAL of U-43-81(HO), subject to the following conditions:

1. The operation 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:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

2. V-51-81

APPROVED

Application of AMBROS SCHOTTMULLER for a variance to allow an existing second dwelling unit where only one dwelling unit is permitted and to allow said second dwelling unit seven feet (7') from the rear property line where fifteen feet (15') is required on property located at 1718 East Lewis Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 20, Block 10, Amended Mayfair Tract No. 2.

MR. FOSTER presented the plot plan and stated the property is located in the old Mayfair Tract, adjacent to commercial properties on the south. There are two existing buildings on the property. The house on the front portion is in conformance but the second unit to the rear of the property comes within 7 ft. of the rear property where 15 ft. is required. In 1953 a variance request for a second unit on the property was denied. Over the years the structure was converted to a guest house and has been used as a residence for the applicant. Staff recommended denial based on the previous variance being denied, but asked the Board to take into consideration the history of the property and how long the residential use has existed. If approved, staff recommended conformance to the plot plan and elevations, entering into an Assessment District Agreement for sidewalks and street lighting on Lewis Avenue and entering into an Assessment District Agreement for repair of all existing street improvements which are not in good condition. He noted there were no protests.

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

AMBROS SCHOTTMULLER, the applicant, was present with LARRY STECKER, 1203 East Sahara Avenue.

MR. STECKER stated the applicant purchased the property in 1950 and the two residences were on the property. He occupied the guest house in the back and rented out the front portion. When a complaint was filed by a neighbor about 10 years ago, the applicant appeared before this Board which allowed the use to continue provided the applicant remained in the small house as caretaker for the property. Recently he was cited again by an irate tenant who occupied the front building and subsequently filed this application for a variance. He said the applicant has occupied the property continuously for over 20 years and he asked the Board to approve the request.

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

MR. GILES made a Motion for APPROVAL of V-51-81, subject to the following conditions:

1. Conformance to the plot plans and elevations.
2. Entering into an Assessment District Agreement for sidewalks and street lighting on Lewis Avenue.
3. Entering into an Assessment District Agreement for repair of all existing street improvements which are not in good condition.

Voting was as follows:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

3. U-41-81

APPROVED

Application of MARY G. CAVANAUGH for a use permit to allow 192 apartment units on property generally located on the north side of Vegas Drive, 350 feet east of Decatur Boulevard in Zoning District C-1 (Limited Commercial). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 19, Township 20 South, Range 61 East, M.D.M.

MR. FOSTER presented the plot plan and stated the purpose of the request is primarily to evaluate the area to determine if the request for apartments is compatible with the surrounding area. He said the property is bordered by a commercial shopping center to the west, a golf course to the south, apartments to the north and east and further east are single family homes with the Parkchester Development and Stonehaven beyond that. He said 192 units are proposed with 12 units per building. The overall site is 6.5 acres. Staff felt it would not exceed recommended densities and would be compatible. Staff recommended approval subject to conformance to the elevations; approval of drainage plans, installation of curb, gutter and sidewalks and street lighting on Vegas Drive and repair of all existing off-sites that are not in good repair as required by the Department of Public Services, provide fire hydrants and water as required by Fire Services; and parking and driveway plans to conform to the requirements of the Traffic Engineer. He noted there were no protests on file.

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

JOHN DAVISON, 4055 South Spencer; STEVEN MILLER, Steven Miller Construction; and CHARLIE JOHNSON, VTN Engineering, were present representing the application.

FERRELL MORSET, 4767 East Monteiro Circle, Chairman of Wildwood Manor Association, expressed concern regarding the development and asked for verification that it be developed as an "adult only" complex.

MR. MILLER stated he could not speak for the owner, but he stipulated that it would be for adults.

MR. DAVISON also confirmed that it would be for "adults only." He stated the apartments will be one and two bedroom units with a maximum capacity of two adults per unit.

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

MRS. MYERS made a Motion for APPROVAL of U-41-81, subject to the following conditions:

1. Conformance to the elevations.
2. Approval of the drainage plan by the Department of Public Services.
3. The parking and driveway plan shall be approved by the Traffic Engineer.
4. Install curb, gutter, sidewalk and street lighting on Vegas Drive as required by the Department of Public Services.
5. Repair all existing off-site improvements which are not in good condition as required by the Department of Public Services.
6. Provide fire hydrants and water flow as required by the Department of Fire Services.
7. All occupancy shall be limited to adults in this development.
8. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
9. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
11. Conformance to the plot plan.
12. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Bugbee, Mrs. Myers, Mr. Giles

"NOES" None

Motion for APPROVAL carried unanimously.

4. V-52-81

APPROVED

Application of THOMAS O. AND ELLEN C. MAITRE for a variance to allow a change in the legal front of the property to be changed from Decatur Boulevard to Jay Avenue in Zoning District R-E (Residence Estates). The above property is legally described as Lot 10, Block 5, Elstner Estates Subdivision.

MR. FOSTER presented the plot plan and stated there are commercial developments on both sides of the property with Rancho Drive to the west. The applicant wishes to change the legal frontage of the property from Decatur Boulevard to Jay Avenue because of the width of the street. Staff feels there are ample setbacks for this change but is concerned about placement of accessory buildings on the southeast portion of the property that might be unsightly or would obstruct the view of the property to the south. Staff recommended approval subject to restricting accessory buildings on the southeast portion of the lot and conformance to the elevations. He noted there were no protests on file.

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

ELLEN C. MAITRE, the applicant, was present and agreed to staff's stipulations. She asked if the area designated for no accessory buildings would include the 20 ft. strip she deeded to the City.

MR. FOSTER advised the designated area would be over and above that deeded portion.

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

MR. GILES made a Motion for APPROVAL of V-52-81, subject to the following condition:

1. No storage or accessory building shall be allowed on the east 50 ft. of the property.

Voting was as follows:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

5. V-53-81

APPROVED

Application of ALBERT J. AND JEANNE E. MARKHAM for a variance to allow a nine ft. (9') rear yard setback where fifteen feet (15') is required on property located at 2000 Las Flores in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 6, Block 1, Las Verdes Heights Unit No. 5.

MR. FOSTER presented the plot plan and stated this is an irregular shaped lot. There is an existing patio cover and the applicant is proposing removing this structure. Staff felt there is sufficient room on the lot to locate the patio in a more appropriate position and recommended denial. He noted there were no protests.

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

The applicant was not present.

TOM BARBER, 1604 Eaton Drive, appeared in protest. He stated the proposed patio is incompatible with the design of the house.

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

MRS. MYERS made a Motion for APPROVAL of V-53-81, subject to the following condition:

1. Conformance to the plot plan and elevations.

Voting was as follows:

"AYES" Chairman Bugbee, Mrs. Myers, Mr. Giles

"NOES" None

Motion for APPROVAL carried unanimously.

6. V-54-81

APPROVED

Application of 330 ASSOCIATES, A PARTNERSHIP, for a variance to allow a patron and employees parking lot, which is not a permitted use on property located at 420 South 7th Street in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lots 23 and 24, Block 5, Wardie Addition.

MR. FOSTER presented the plot plan and stated this item was before the Board in July (see V-48-81), but the application was not signed by the legal owner of record and was, therefore, declared invalid. Since that time this new application was filed and the current owners have properly signed the application. He stated the property is west of Las Vegas High School adjacent to the rear of the football field. The bleachers are between the football field and 7th Street. There are single family residences on the west side of 7th Street and west of that is R-4, apartment residences. He noted the properties on both sides of 6th Street are transitioning to professional and commercial uses. The applicants are proposing an office building on 6th Street and increasing the square footage to accommodate a two-story structure with additional parking at ground level. The two-story structure will be placed over a portion of the ground level parking area. An additional satellite parking lot on 7th Street is also being requested. The City did a study of this area and proposed a more strict type of office zone classification than presently exists under the P-R zone in an effort to retain the existing residential character of the area because of its historical significance, but because some of the residents were opposed to the zone change, the City did not proceed with the new classification. Subsequent to that study, several variances for commercial and office uses were granted in the blocks to the south which include law offices and an advertising agency. He said because this area is in transition and because similar variances have been granted,

staff recommended approval, subject to the applicant entering into an Assessment District Agreement for alley paving, installation of sidewalks and street lighting on 6th Street, and repair of street improvements which are not in good conditions as required by the Department of Public Services. Staff further recommended that the Board may wish to restrict access to 7th Street with access to the site off the alley which would require redesigning the parking layout resulting in the loss of some parking spaces. He noted there were no protests under the new application but there were three or four protests under the previous application which was declared invalid.

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

FLOYD HALE and NEILS PEARSON, Attorneys, 116 South 4th Street, were present representing the application. Also present for the application were HARRIS SHARP, Harris Sharp & Associates and DAVID DAILED, Architects.

MR. HALE displayed an architectural drawing of the proposal explaining that the main objection to the proposal has been the satellite parking lot. He stated that they intend to fence the wall in accordance with the ordinances and retain the existing palm trees and relandscape near the wall. The existing building on the lot will be removed. He said there are three families living in the structure but it is in very poor condition and they will not retain the structure because of its condition. They have given a 30-day notice to the occupants but extended this upon request of the tenants to allow them more time to relocate. He submitted a letter of endorsement from the Principal of Las Vegas High School and referred to a recent appraisal of the residential property adjacent to the proposed lot to the north which indicated the highest and best use for that property would be, in the opinion of the appraiser, professional or commercial use.

ALVIN WARTMAN, 302 Carson Avenue, appeared in protest. He stated he is also representing Wilford Stevenson, who owns the property adjacent to the proposed lot and the Evelyn Witcher Estate, owner of the property further adjacent to the Stevenson property. He questioned the Board's ability to act on this variance while the former variance (V-48-81) was still pending.

MR. FOSTER stated at the Board of Zoning Adjustment meeting on 7/23/81, the item was tabled pending a determination on the validity of the application. It was found to be invalid and the Board has no jurisdiction to act on the invalid application.

CHRIS GELLNER, Deputy City Attorney, concurred and stated they can proceed only with the second variance which has been properly filed.

MR. WARTMAN stated that insufficient notice was given on the second variance and his clients were not notified within the legal ten-day notice period. He said according to the City Charter and zoning ordinances there are certain criteria that are required to allow the variance which are not being met. He said these include the requirement that there be extraordinary circumstances and conditions applicable to the property which do not generally apply to other properties in the same vicinity and also a demonstration of proof by the applicant that the variance will not be materially detrimental to the public safety and welfare or injurious to other properties in the same area.

He submitted that the access to the proposed lot creates an extremely detrimental situation in that it shrouds the lot from 7th Street, the public view and the view of public safety officers and fire department officials. He said there are no other parking lots on the 400 block of 7th Street. Further, a letter from the Principal of the High School offers no endorsement as he is not the legal owner of the property.

DIANA REBEL, 501 South 7th Street, appeared in protest. She presented a comprehensive report on the historical value of the existing house on the property where the proposed parking lot will be placed. She asked that the Board allow more time to study the proposal in consideration of preserving the 55-year old home which is only one of six homes of this style left in this area.

LAURA LARSEN, 400 South 7th Street, appeared in protest and pointed out the residents do not oppose the office building on 6th, but the parking lot on 7th Street which will be used as a gathering place for youths and will create problems for law enforcement officials. She pointed out that evening classes are being held at the school.

MR. HALE offered rebuttal to the objections that were raised indicating that all of the necessary criteria is being met by the applicant as evidenced by the favorable recommendation of staff. He said the parking lot will be safer because it will be lit. The house on the property is not salvageable and will be removed regardless of the Board's action.

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

CHAIRMAN BUGBEE made a Motion for APPROVAL of V-54-81, subject to the following conditions:

1. Enter into an Assessment District Agreement for alley paving as required by the Department of Public Services.
2. Install sidewalks and street lighting on 6th Street as required by the Department of Public Services.
3. Repair all existing street improvements which are not in good condition as required by the Department of Public Services.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

7. Conformance to the plot plan.
8. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

7. U-42-81

APPROVED

Application of CITY OF LAS VEGAS for a use permit to allow an alternate detention facility on City owned property generally located on the north side of East Bonanza Road between Mojave Road and Pecos Drive in Zoning District C-V (Civic). The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 25, Township 20 South, Range 61 East, M.D.B. & M.

MR. FOSTER presented the plot plan and stated the request involves a minimum security detention facility for adult, non-violent City misdemeanor offenders to be located on City owned property on the north side of Bonanza Road between Pecos Drive and Mojave Road. The City yards are located immediately to the west and the Juvenile Home is located to the east. Freedom Park is to the north and to the south is a relatively large vacant parcel which is to be developed as a nature park. The purpose of the use permit is to evaluate the request to determine if it is a compatible use in the area. The closest residential area is approximately 1,035 feet from the northeast corner due east, which is a single family subdivision. The site plan showed the distances between this property and residential and apartment residences. He explained that four dormitory facilities are proposed and two administrative buildings. The facility will initially house 96 misdemeanants. Access will be from Bonanza Road into a parking lot and then into the facility. The property will be fenced with two 16 ft. high security fences and there will be screened landscaping along the Bonanza frontage, along the easterly side adjacent to the Juvenile Home and between the facility and Freedom Park to the north. The plan proposes expansion of the facility in the future to include 96 additional inmates. Because there are essentially public uses all around the area, the fact that the facility will house non-violent misdemeanor inmates only, and there is a similar facility, the Juvenile Home, in the area, staff felt the use was compatible and recommended approval. He noted there were petitions of protest on file with 126 signatures. He said other City staff and officials would like to make a presentation before the hearing is declared open for public comment.

COMMISSIONER RON LURIE stated as a result of litigations by inmates in the Clark County Jail, the County, City and Metropolitan Police Department became parties to a federal consent decree under which the federal judge has limited the number of inmates that can be housed in the existing jail facilities. On December 31, 1981, only 252 prisoners can be held in the Clark County Jail and 50 prisoners in the City Jail Annex. There are currently about 450 inmates in both facilities.

The conditions of the consent decree will mandate the release of approximately 150 prisoners, mostly felons and gross misdemeanants. This application is made in an attempt to provide a facility for City misdemeanants, thereby relieving the overcrowding in the County Jail and City Jail Annex. He noted the City is only responsible for City misdemeanants. He said the concerns of the neighborhood have been considered in the design of the site, but the major concern of the entire community is to give Metro and the courts the tools they need to fight crime. He said the City has the responsibility to insure the public safety.

SHERIFF JOHN McCARTHY, Clark County Sheriff, appeared in support of the application and briefly outlined the problems of court and jail administration and pointed out that jail space is a necessary tool in law enforcement. He commended the City for its efforts in seeking a facility that would provide a means of meeting the conditions of the consent decree.

THOMAS GRAHAM, Director, Architectural Services, presented the site plan.

KERRY MILLER, Las Vegas Municipal Court Administrator, outlined the operational aspects of the proposed facility. He said the non-violent misdemeanants would be those charged with such offenses as disturbing the peace, driving under the influence, petty theft, shoplifting, trespassing, prostitution and failure to appear in court on traffic violations. Only those to be held longer than 48 hours will be housed here. All bookings, 48-hour holds and high volume activity related to prisoners will take place at City Hall. To further alleviate the negative impact on the surrounding community, inmates will be transported to the City Jail Annex for release rather than being discharged at the site. He noted that all inmate activities and programs will be closely supervised and structured. Landscaping and open desert will serve as a buffer between the residential community, the facility and the Juvenile Home.

RUSS DORN, Las Vegas City Manager, stated the City needs to fulfill its obligations under the consent decree by providing this facility as a vital resource for the police and courts in enforcing the law.

CHAIRMAN BUGBEE declared the public hearing open. He asked for a count of those present in opposition. Approximately 115 people were present in opposition.

KIRBY WELLS, Attorney, Goodman, Oshins, Brown & Singer, 520 South Fourth Street, appeared in protest. He said there was insufficient notice of this meeting as required by Section 11-1-24 of the Municipal Code and the only evidence of notice in the newspaper appeared 8/16/81. He contended that the notice did not adequately advise the property owners of the type of facility and did not allow time for an independent investigation by this Board. He asked that the application be tabled on that basis.

RON SHAVINSKY, Developers Diversified, stated more time should be given to research the impacts such a facility would have on the neighborhood, the social environment and property values.

CHAIRMAN BUGBEE inquired about the notice requirements.

MR. FOSTER stated the notice requirement of ten days had been met and property owners within a 300 ft. radius were notified in compliance with the code.

CHAIRMAN BUGBEE, after hearing further comments from the City Manager and concurrence by the Deputy City Attorney that the notice was legally adequate, declared that the requirements had been met and the Board would continue with the hearing.

CATHY LaCHASE, 2856 Willoughby Avenue, appeared in protest. She pointed out the nearest elementary school is only three-tenths of a mile from this proposed facility, that Freedom Park is used by churches and schools for their youth activities and that there are innocent children in the Child Haven facility near this site that would be adversely effected by the location of this facility. She said the renters in the surrounding neighborhoods were not given the opportunity to attend because they were not notified as property owners were. She stated that the City has burdened the area with a number of facilities and uses and she stated that other areas need to take the burden of City facilities.

PATTY MORGAN, 2857 Willoughby Avenue, appeared in protest. She submitted a petition with 80 signatures in protest in addition to the petition on file. She said the residents are concerned about the safety of their children, the value of their homes and the ability of Metro to handle the added burden of protecting the residential area with the development of this facility. She said most of the property owners in the area misinterpreted the notice as an extension of the Juvenile facility because of the wording. She said they were not given sufficient time to prepare for this hearing.

JIM BANNER, 2223 Poplar Avenue, appeared in protest and stated that because of the impact on the residential area more time should be given to this issue.

ROBERT MARCH, Director, Juvenile Court Services, representing Judge Mendosa, was present in protest. He said there are between 60 and 80 youths in the Child Haven facility that are traumatized, neglected, abused and abandoned who would be effected by the close proximity of this facility. He said the National Council of Juvenile Court Judges has gone on record as opposing the location of an adult jail facility adjacent to a juvenile facility.

CATHY JOHNSON, 721 Effinger Lane appeared in protest. She asked staff to explain the proposed recreation and work plans for inmates and asked about the delivery of food, linen, etc. into the facility. She also inquired about the future expansion of the facility from 96 inmates to approximately 200.

KERRY MILLER explained that there will be recreational programs. The work programs have not yet been outlined. Food deliveries will be made twice daily and linen service will be during the week but not daily.

CHAIRMAN BUGBEE stated plans for future expansion may include an additional facility on the front portion of the property for 96 more inmates.

MS. JOHNSON asked about landscaping.

TOM GRAHAM explained they are proposing the use of Evergreens that would not change seasonally, and the use of mature fast-growing plants.

CHAIRMAN BUGBEE asked about night lighting of the site.

MR. GRAHAM said they will use cut-off lighting fixtures which direct light into specific areas on site.

MRS. MYERS asked what date they anticipate completion.

MR. GRAHAM said they have a target date of January 1, 1982.

MS. JOHNSON asked how many males and females will be incarcerated.

MR. MILLER said of 96 inmates, approximately 24 will be females.

MR. DORN explained the first three months they will only house 40 inmates. After three months this will increase to 64 and then to 96 by July, 1982. He further recommended a limit not to exceed 96 total inmates could be imposed by the Board.

MR. GILES inquired as to when the City was originally advised of the conditions of the consent decree.

MR. DORN stated approximately two years ago. He added that Clark County advised the City recently that as of January 1, 1982, they will no longer house City misdemeanants in the County Jail.

GEORGE BACA, 3905 Hudson Bay, appeared in protest. He said the development of the facility in this area will prohibit the future growth of the community and asked who's priorities are being considered, the City's or the community's, and who establishes those priorities.

COMMISSIONER LURIE said it is critical that the program be implemented for the betterment of the community so there is someplace to put the more violent criminals and keep them off the streets.

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

MR. GILES said he sympathizes with the property owners but feels action must be taken to put this facility into operation.

MRS. MYERS made a Motion for APPROVAL of U-42-81, subject to the following conditions:

1. The facility to house City misdemeanants only.
2. Total capacity not to exceed 96 inmates.
3. Before any additional permanent structures are erected, they must be considered by the Board of Zoning Adjustment.

Voting was as follows:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

8. V-65-80  
Extension  
of Time  
APPROVED -  
1 Yr. Extension

Request of SUNSHINE BONANZA COMPANY for a one year extension of time on an approved variance which allowed fourplexes where only duplexes are permitted; allowed 85 units on the eastern site where 67 units are permitted; and allowed 66 units on the western site where only 51 are permitted on property generally located approximately 200 ft. north of Bonanza Road between Dike Lane and Tonopah Drive in Zoning District R-2 (Two Family Residence).

MR. FOSTER presented the plot plan and stated the Planning Commission recommended an extension under the zoning which will be heard by the City Commission in September. Staff recommended approval subject to a one-year time limit.

CHAIRMAN BUGBEE asked to hear from the applicant.

ROBERT McNUTT, Engineer, was present representing the applicant.

MR. GILES made a Motion for APPROVAL of V-65-80, subject to the following conditions:

1. Conformance to ordinance amendments enacted subsequent to the original approval.
2. This extension of time shall be permitted for a period of one year and will expire on August 17, 1982.

Voting was as follows:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

9. V-61-79  
Extension  
of Time  
APPROVED -  
2 Yr. Extension

Request of DONALD AND GWENDOLYN FROMMER for a two year extension of time on an approved variance which allowed the continued operation of a meat and deer processing plant on property located at 3730 Thom Boulevard in Zoning District R-E (Residence Estates).

MR. FOSTER presented the plot plan and stated the property is known as Mulls Meat Processing and has been in operation for 25 years. A previous variance was granted for five years when the property was in the County and an extension of that variance was granted for another five years following annexation. After that variance expired a new variance application was granted for two years in 1979. Staff recommended denial at that time because the purpose of the time limits on the previous variances was to evaluate the area and at such time that there was substantial residential development, this type of use would be removed. The variance was granted, however, on the basis that there were no protests. Staff recommended a two-year time limit.

CHAIRMAN BUGBEE asked to hear from the applicant.

The applicant was present and agreed to staff's stipulation.

MR. GILES made a Motion for APPROVAL of V-61-79, subject to the following condition:

1. This extension of time shall be permitted for a period of two years and will expire on August 17, 1983.

Voting was as follows:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

SUPPLEMENTAL AGENDA:

1. U-44-81(HO)

APPROVED

Application of KATHY L. CAPOZZOLI for a home occupation permit to allow a mail order business on property located at 5128 Longridge Avenue in Zoning District R-1 (Single Family Residence).

MR. FOSTER stated the application was in order and staff recommended approval, subject to normal conditions.

MRS. MYERS made a Motion for APPROVAL of U-44-81(HO), subject to the following conditions:

1. The operation 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:

"AYES" Chairman Bugbee, Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

ADJOURNMENT

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 10:20 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

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HAROLD P. FOSTER, DIRECTOR

/sk

that was used six times.

It was modified in 1872, after the presidential elections, and that minor tampering threw the 1876 election to Rutherford B. Hayes by one electoral vote.

Apportionment researcher James Shaw said he found the seats for New Hampshire and Florida distributed "by artifice, using an unnamed method" seats that mathematically belonged to Illinois and New York.

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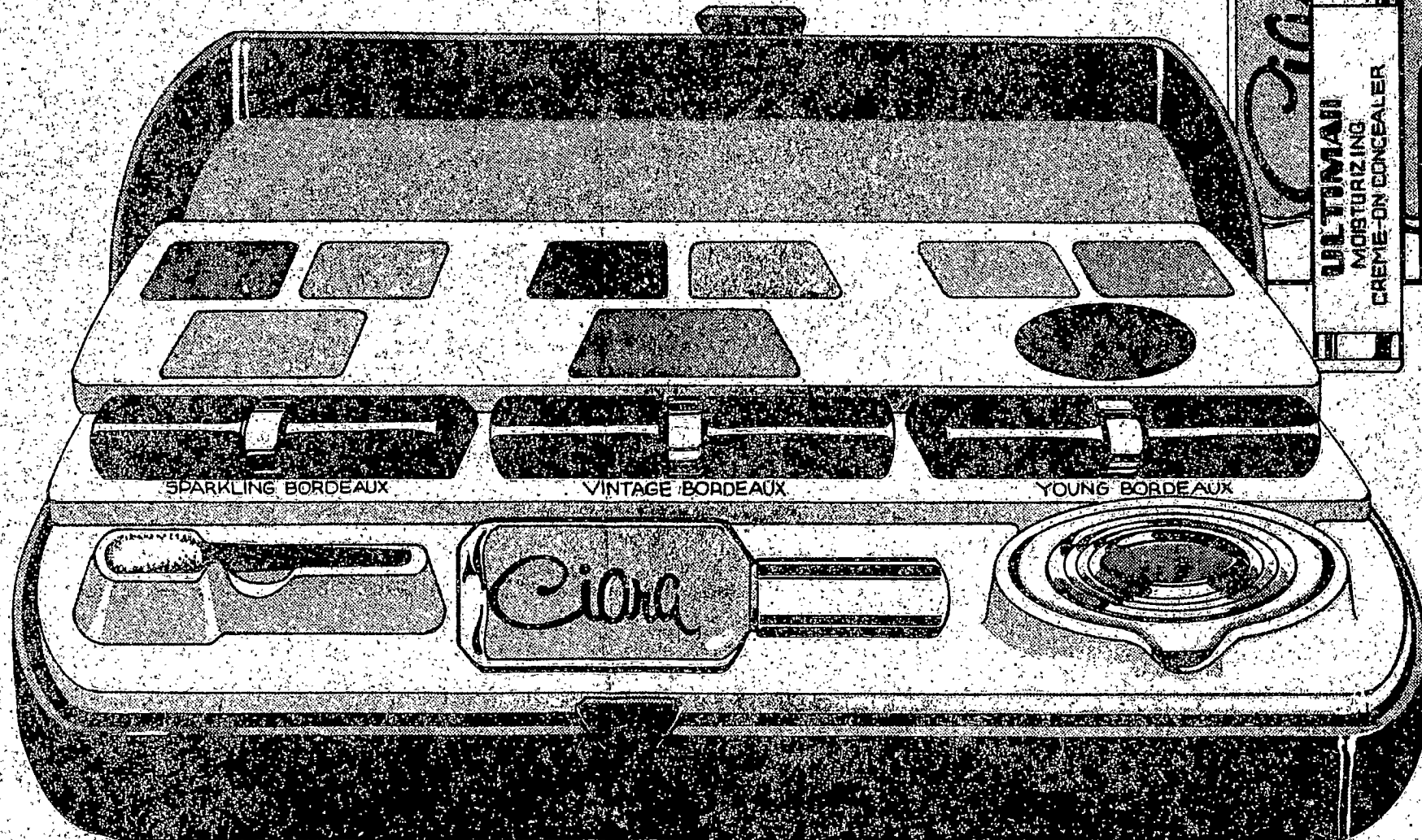
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clan's nightmare," the congressional reapportionment that follows each decennial census is a process filled with potential legal potholes.

Ever since George Washington — in his first legislative veto — rejected a reapportionment plan as unworkable, the topic has prompted legislative and legal squabbling every 10 years.

The coming year promises lots of court time for lawyers as states struggle to deal with census results that called for a 17 seat shift in House seats from the Northeast and Midwest to the South and West.

The congressional re-

apportionment in the hands of federal court judges.

And the question of whether the 1980 census undercounted many city residents is quite likely to become a factor in more lawsuits if the Supreme Court holds that serious undercounts infringe on constitutional rights.

"That could throw the whole thing into chaos," said Mike Ferrell, staff director and counsel for the House subcommittee on census and population.

"They'd have to redo the census numbers, reshuffle the deck (of seat distributions) and the states would have to use adjusted numbers to redistrict again."

Indiana — whose House

the district that the census took from the state — also has gone to court. It claims statistical juggling of numbers did Indiana out of a seat.

The 1965 Voting Rights Act gives the federal government a role monitoring redistricting plans in nine primarily Southern states and parts of 13 others. Should the Justice Department find the plans in these states discriminate against minorities, it can send them back for reworking.

Any citizen unhappy with a state's redistricting plan can go to federal court and ask that a new one be drawn. If the court finds the plan discriminatory or district sizes deviate too much from

existing district lines.

As late as 1962, House members from Hawaii, Michigan, Ohio and Texas sent ess at-large members to Congress. In the 48th Congress, all of Maine's delegation was elected at-large, and 16 members from states with more than one seat were elected at large.

political question out of bounds for courts.

## No System Pleases Everybody

WASHINGTON (UPI) — Since the first apportionment of seats in the House of Representatives in 1790, the United States has used six different systems to divide up congressional representation of the states. None of them has made everybody happy.

Some reapportionments have had far-reaching impact. One presidential election in which the winner lost the popular vote can be traced back to tampering with apportionment.

And once, because of political squabbling about the size of the House, the nation went 20 years without redrawing the lines that determine where congressmen run. The 1920 ap-

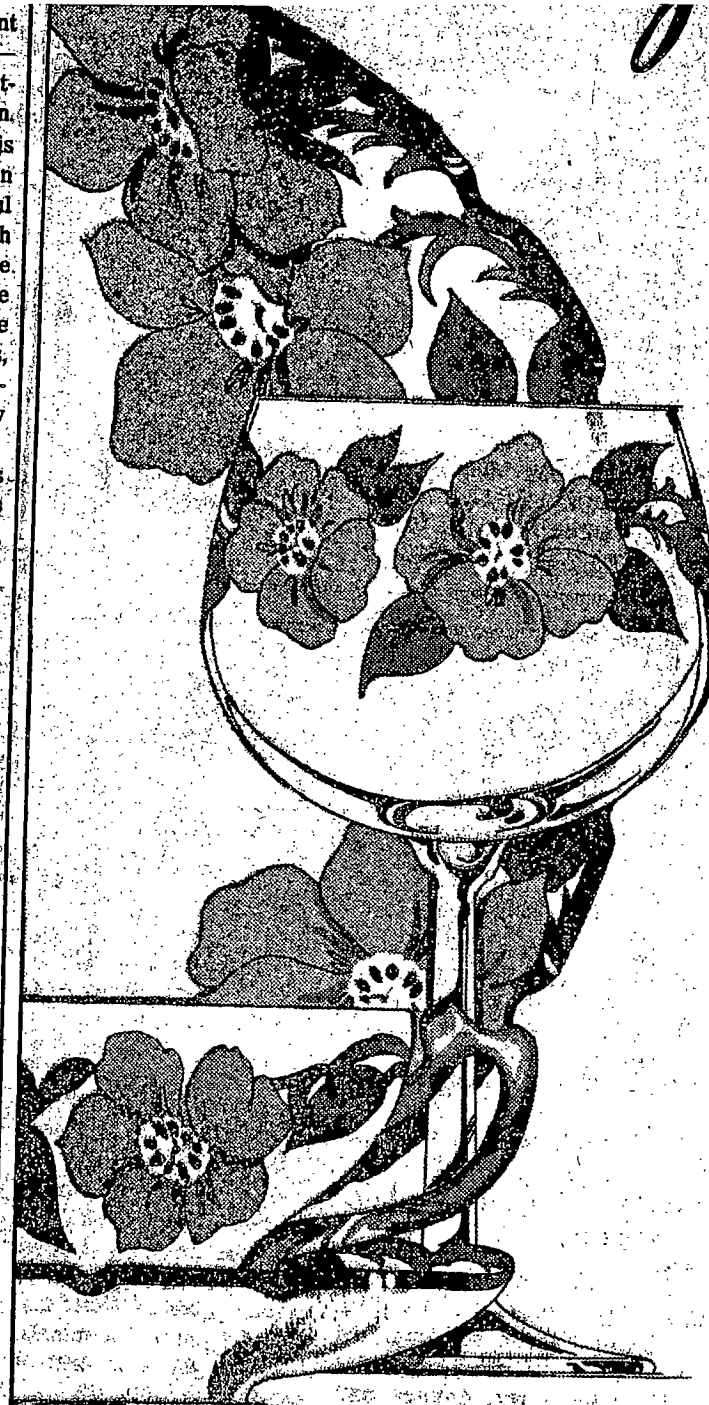
portionment was already in the hands of federal court judges.

The existing method — a highly complicated process called equal proportions —

has been in use since 1940. It was not until 1929 that Congress got around to making reapportionment virtually automatic every 10 years.

Until 1969 when the Supreme Court set down the "one-man, one vote" rule, in some states let candidates for new seats run at large, or statewide, instead of making major revisions in

existing district lines. As late as 1962, House members from Hawaii, Michigan, Ohio and Texas sent ess at-large members to Congress. In the 48th Congress, all of Maine's delegation was elected at-large, and 16 members from states with more than one seat were elected at large.



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**Obituary.**  
A houseboy, he was born in Nebraska on July 18, 1937. He was a resident for the last 10 years.

He is survived by his parents, Mr. and Mrs. Harvel Barnes of Las Vegas, and sister, Beverly Simmons of Inneress, Fla.

Bunker Mortuary in charge of arrangements.

**RALPH REYNOLDS**

Graveside services for Ralph Maurice Reynolds, 64, who died Aug. 3, 1981 in Las Vegas, will be at 9 a.m. Monday in Memory Gardens.

Burial will be in Memory Gardens.

He was born in W. Virginia on Dec. 4, 1916, and has no local relatives.

Bunker Mortuary in charge of arrangements.

**RAY PERK**

Funeral services for Ray C. Perk, 79, who died Saturday in Las Vegas, will be at 10 a.m. Monday in Palm Chapel of Henderson.

Burial will be in Palm Memorial Park of Henderson.

A transit man and an Army veteran, he was born in Ross County, Ohio, on April 12, 1902. He was a Boulder City resident since 1967.

Shake of Fall Church, Va., and Maxine Buckles of Henderson; sister, Jessie of Tooele; 15 grandchildren; and 22 great-grandchildren.

**JOANNE DALE**

A Requiem Mass will be celebrated for Joanne Dale at 12:30 p.m. Tuesday at St. Viator's Catholic Church, 2461 E. Flamingo Rd. Relatives and friends are invited to attend.


Ms. Dale died recently from an extended illness in Warren, Ohio, where she had been residing with her sister, Laura Murgie.

She came to Las Vegas from Los Angeles, where she had worked in motion pictures. In the 1950s, she was a dancer in the Follies Bergeré at the Tropicana Hotel.

For the past 15 years, she worked for J.F. Kens Industries.

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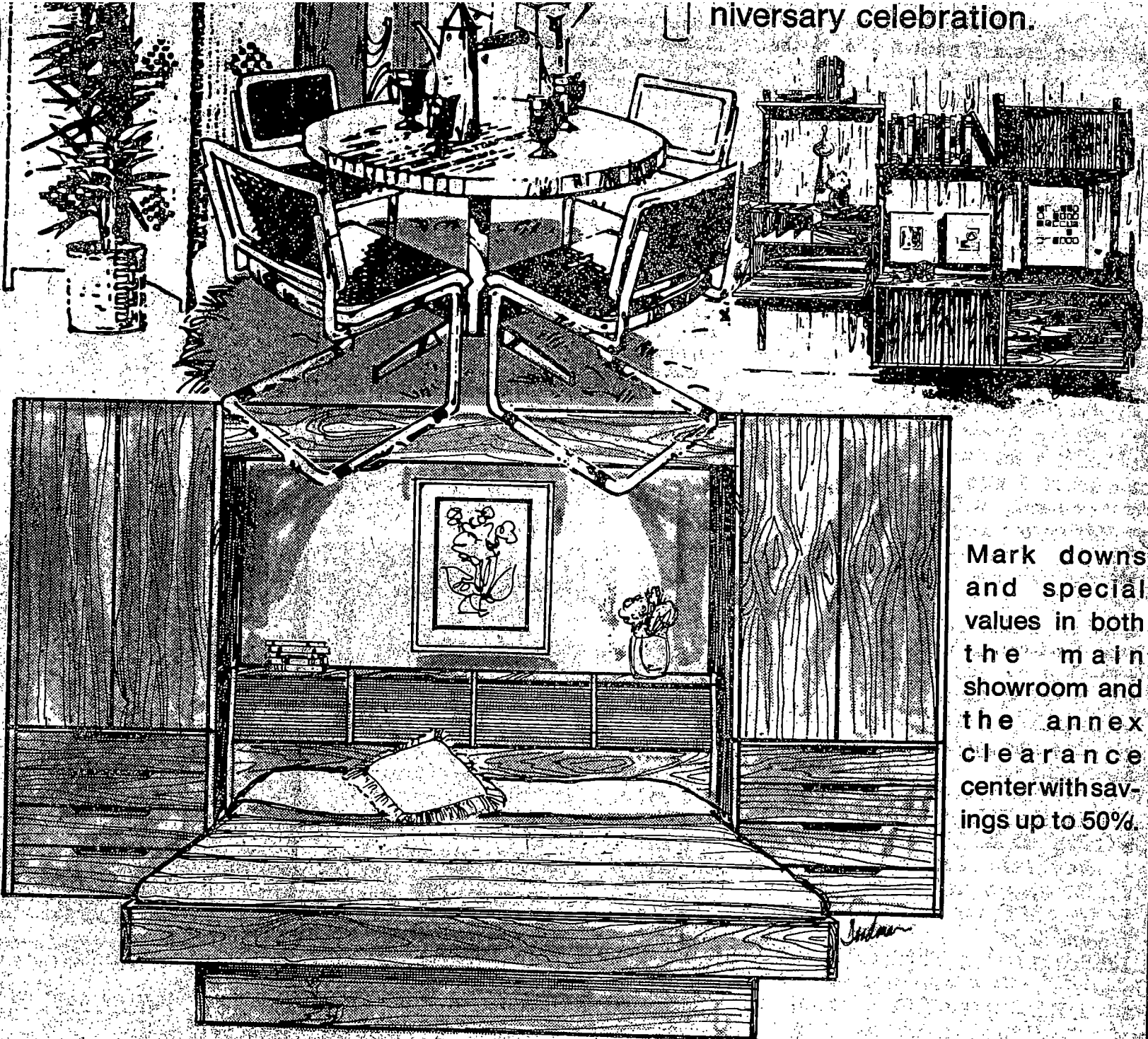
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# obituaries

## Lesbian Affair Ends, Tennis Star Walks Out

CHARLOTTESVILLE, Va. (UPI) — Lesbian author Rita Mae Brown and tennis star Martina Navratilova, their romance at an end, are selling the 20-room mansion they shared for 1 1/2 years, their real estate agent says.

because "It's just too big, too much of a care for one person to keep it up."

The sale price is \$675,000.

Navratilova disclosed earlier this month she had been involved in a homosexual relationship with Brown, the author of the semi-autobiographical novel "Rubyfruit Jungle," but said she was calling it off and returning to Dallas.

Caroline O'Neill of Appalachian Real Estate said Friday the women were selling the eight-acre estate — complete with tennis court and gymnasium —



RITA MAE BROWN

He is survived by his wife, Margaret of Boulder City; brothers, Virgil of Homer, Alaska, and Fory of Piqua, Ohio; and sister, Violet Blazer of Lakeview, Ohio.

### BLANCHE COE

Funeral services for Blanche O. Coe, 86, who died Wednesday in St. Thomas, V.I., will be at 2 p.m. Wednesday in Ocean St. LDS Chapel of Henderson.

Burial will be in Palm Mausoleum of Henderson.

A homemaker, she was born in Draper, Utah, on Dec. 26, 1894. She was a Henderson resident since 1956.

She is survived by her sons, John of Turlock, Calif., and Victor of Cleveland, Ohio; daughters, Esther Pease, Boulder City, Zina Alves, Sacramento, Calif., Celia Keele of St. Thomas, and Dorothy Stratton of Hurricane, Utah; brothers, Paul Nielson of Ogden, Utah, and Carl Nielson of Petaluma, Calif.; sisters, Jenny Ernstrom, Logan, Utah, Lois Nielson of Bakersfield, Calif., Charlotte Smith of Salt Lake City, and Maurine Gunn of St. George, Utah; 28 grandchildren; and 39 great-grandchildren.

Funeral services for Kevin Eugene Phillips, 17, who died Friday in Bakersfield, Calif., will be at 2 p.m. Monday in Bunker Chapel.

Burial will be in Memory Gardens.

A high school student, he was born in Arizona on June 22, 1964. He was a resident since 1972.

He is survived by his father, Dayton E. of Las Vegas; mother, Judy of San Diego; stepmother, Loralee of Las Vegas; sister, Kamber of Las Vegas; and grandparents, Mr. and Mrs. Dayton L. Phillips of Phoenix, Ariz., and Mr. and Mrs. Eugene Hirt of San Clemente, Calif.

Friends may call at Bunker Mortuary on Monday from 10 a.m. until time of service.

Bunker Mortuary in charge of arrangements.

### DELBERT YOUNG

Funeral services for Delbert Dale Young, 79, who died Friday in North Las Vegas, will be at 11 a.m. Monday in Bunker Chapel.

Burial will be in Memory Gardens.

A mechanic, he was born in Iowa on June 24, 1902. He was a North Las Vegas resi-

## NOTICE OF PUBLIC HEARING

The board of zoning adjustment of the city of Las Vegas will conduct a public hearing on August 17th 1981 at 7:30 P.M. in the commission chambers of city hall 400 E. Stewart Ave., Las Vegas Nevada on the following request.

Request of the City of Las Vegas for a use permit to allow a minimum security nonviolent misdemeanor adult detention facility on city owned property generally located on the north side of East Bonanza Rd. between Mojave Rd. and Pecos Dr.

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CHAIRMAN BUGBEE: We're going out of context. We have a lot of people here tonight. We're going to move first to U-42-81, the application of the City of Las Vegas for a use permit to allow an alternate detention facility on City owned property generally located between the -- on the north side of East Bonanza Road between Mojave and Pecos Drive in Zoning District C-V. Mr. Foster?

HAROLD FOSTER: Yes. This involves a request for a -- by the City of Las Vegas for a minimum security detention facility for adult, non-violent persons serving misdemeanor offenses. You can see the subject property. It's in the center portion of a much larger parcel of City owned property on the north side of Bonanza Road between Pecos and Mojave. The City yards are located immediately to the west of this property. To the east is the Juvenile Home and to the north is Freedom Park. To the south is a relatively large vacant parcel which will remain more or less in its present state and is to be developed as a nature park. You can see how there is residential area by the yellow shading around the City owned property basically to the east, to the north and to the west. To the west we have primarily apartment development. The City owned property extends south of Bonanza Road all the way to Charleston Boulevard. We have prepared a map showing the distances to the various residential areas. As you know, under this use permit, the purpose of it is to evaluate it from a land use standpoint, if it is compatible in the area. This is the subject site. The green indicates the City owned land. The closest residential area would be approximately 1,035 feet from the northeast corner, due east to this single family subdivision. There is about a 1200 foot distance to the southeast. To the condominiums to the southwest, you have 1100 feet; 1200 feet to the apartments to the west and 1417 feet to the northwest and west. Essentially, there is about a quarter-mile distance as the crow flies from this particular property to the closest residential area. The site plan is as shown here, indicating there will be four dormitory facilities and then two administrative buildings which will be the initial development, housing approximately 96 inmates. There will be access off Bonanza Road along the easterly side, into a parking area, then into the facility. It will be fenced with two 16 ft. high security fences. There will be screened landscaping along the Bonanza frontage and along the easterly side adjacent to the Juvenile Home and then between the facility and the City, City Freedom Park to the north. The City yards are just, as I indicated, to the west and that does have landscaping around it and there is substantial distance to Mojave Road. Staff, in evaluating this request, feels that -- let me just back up on one thing, on the development plan.

MR. FOSTER (cont'd): Bob, do we have the one that shows the -- there is one other plot plan showing the expanded development of this facility, initially for the 96. They are ~~not~~ that one -- room for four more dormitory facilities. They'll be two story as shaded in this light orange color on this plot plan which would house approximately another 96 or essentially about 200 inmates in that facility and then on the front portion, when funds are available, a new facility could be constructed and then as that becomes completed, the temporary facilities which are to be constructed now would then be phased out, so that ultimately the number of inmates would be up around 200. Staff, in evaluating the request, was primarily concerned with how close it is to the residential area and we did find that it is compatible. We do have a similar type of facility to the east which is the Juvenile Home Detention Facility. We have public uses, essentially, all the way around this particular site. We also feel that because it is for misdemeanor type inmates only, that it is also compatible in this area. Staff would recommend approval of the request. We do have petitions on file with 126 signatures against, in protest of the application, basically from the single family areas to the east and to the northwest. Mr. Chairman, we do have other persons in the audience -- Commissioner Lurie, Sheriff McCarthy, and two other staff members from the City who are more familiar with the particulars of this project, who would like to give you a brief presentation now before you open it up to the general public.

CHAIRMAN BUGBEE: Thank you.

MR. GILES: Mr. Foster, while they're coming up. What was the distance from the facility as planned to the closest R-1 dwelling?

MR. FOSTER: It's about a thousand and --

MR. GILES: That's presently occupied? I guess I would say.

MR. FOSTER: It's 1,035 feet from this corner to the closest residential property, almost due east. Except you do have the Child Haven facility and the Juvenile Home across there. There is a direct access from there to the site.

MR. GILES: What's the distance then down to the Pecos Road there?

MR. FOSTER: Twelve hundred and sixty.

MR. GILES: Thank you.

CHAIRMAN BUGBEE: This is a public hearing. Would you state your name and address, please, for the record.

COMMISSIONER LURIE: Good evening. I'm Ron Lurie, City Commissioner, City of Las Vegas. Thank you for the opportunity to speak tonight on this application. As a result of litigations by inmates in the Clark County Jail, the County and the City of Las Vegas and the Metropolitan Police Department became parties to a federal consent decree. The consent decree specifies conditions under which prisoners can be held in the jail facilities. The conditions specify very stringent physical and operational considerations. In order to achieve these court mandated goals, the Federal Judge has limited the number of inmates who can be housed in the existing jail facility. On December 31, 1981, only 252 prisoners can be held in the Clark County Jail and 50 prisoners in the City Jail Annex. If you compare that number to the fact that almost 450 inmates are presently jailed, you can see that if no alternative is put into place, the Federal Court will require that approximately 150 inmates be released on the streets of our community. The City of Las Vegas is only responsible -- and we have to emphasize -- we're only responsible for misdemeanants. Those individuals who violate City ordinances. These misdemeanor crimes are relatively minor. They're DUI's; they're public nuisance; and they're also traffic violations, but the police and the courts must have the ability to incarcerate criminals. In order to insure public safety, promote tourism and to fight crime, jail space must be made available. Constructing the City misdemeanor facility offers another advantage to the community. Each bed not used by a misdemeanor in the existing jail can then be utilized to incarcerate a felon, the serious criminal who is a tremendous threat to all of us. To date Clark County, who is responsible for felons, has not developed a plan to house the excess population in the jail. The City of Las Vegas facility will relieve some of the population problems allowing more room for felony criminals. The facility which the City plans to construct, if this use permit is granted, will only be for non-violent misdemeanants. All other criminals will be housed in either the Clark County Jail or the City of Las Vegas Jail Annex. As you will see shortly, the concerns of the neighborhood have been considered in the design of the site, but the major concern of the entire community is to give Metro, the courts, the tools they need to fight crime. The City of Las Vegas is committed to insure that public safety. We have devoted a great many resources to see that our citizens are protected and our tourism, our major industry, can flourish. We ask tonight for your support for this project for the greater community benefit and at this time I would like to introduce to you and bring forward Sheriff John McCarthy who will offer some comments on the need for this facility and then I will be available to answer any questions you might have. Sheriff?

SHERIFF McCARTHY:

My name is John McCarthy, Clark County Sheriff. Let me say I appreciate the opportunity to be able to appear here on behalf of the City of Las Vegas. I totally support the remarks that Commissioner Lurie made and if I leave you with any thought at all, I would like to convey this. That during the past two years, it's been a desperate struggle trying to administer, manage a jail without sufficient resources. The shortage of space in the existing jail facilities here in Clark County has resulted in a prioritization of jail resources. We've prioritized things and we've also implemented and expanded the misdemeanor citation program. We've had a misdemeanor citation program for five or six years but we had to expand that significantly to the extent that when somebody is booked on a misdemeanor in the existing jail facility, the arresting officer must qualify in the report that he makes, his arrest report, the reasons why he did not cite and release. In addition to that we have facilitated an arrest screening program with police supervisors who oversee the quality of the arrest. Let me say that jail space is as much a law enforcement tool as his firearm, his baton, or even his patrol car and that without a jail it's like having one arm tied behind your back. The petty thief, the panhandler, the prostitute, are totally aware of the dilemma that we've been facing for the last two years under this federal court order and, quite naturally, take their opportunities because of it. The City of Las Vegas in my estimation is to be commended for the forthright way that they have approached this problem in an effort to comply with the federal court order in providing housing for misdemeanants. Again, I think I should emphasize that the housing for these misdemeanants would be short-term, minimum security and of the non-violent prisoner type. I'd be glad to answer any questions. Thank you.

RUSS DORN:

Good evening, Mr. Chairman, fellow Board Members. For the record my name is Russ Dorn, City Manager, City of Las Vegas. We have a very brief presentation following my presentation. I would like to introduce Mr. Thomas Graham, the Director of Architectural Services and Projects for the City of Las Vegas, to go over the specific site plan and the reasonings in the design of this City misdemeanor non-violent detention facility.

CHAIRMAN BUGBEE:

Mr. Foster, could we swing that around a little bit so the people in the audience can see it also? That's better because we --

TOM GRAHAM:

Good evening. I would like to -- Good evening. I would like to highlight some of the features in the plan in a little more detail. One of them is that the photograph in the lower corner indicates a typical housing unit of which there will be four. The housing units are shown on this aerial rendering on this locations. Realize that no housing unit is actually taller than a typical two-story residence. In addition we have the double 16 ft. high perimeter fencing that Mr. Foster mentioned for the security of this area. The location within the total area defined over in the plan you see on the far side of the room. The site plan is centrally located within that area. You are approximately 850 ft. from the center of Bonanza Road to the center of the building complex here, as proposed. This distance, in addition to a complete landscaping screen which is proposed for the frontage on Bonanza, the east boundary and on the north boundary along Freedom Park, -- with the distance in landscaping screen, we feel it will mitigate the visual impact of this facility to the surrounding area. I would like now to turn it over to Kerry Miller who will talk a little bit about operational aspects of this proposed facility.

KERRY MILLER:

My name is Kerry Miller. I'm the Las Vegas Municipal Court Administrator. I would basically like to summarize the presentation that we have given you here tonight by emphasizing a few key points, some of which you have already heard but some which may be relevant to the concerns that people in the audience or you may have regarding this plan. First of all, I'd like to emphasize that this facility is designed to house non-violent misdemeanor offenders. As the Sheriff has indicated, these include those charged with such offenses as public nuisance, disturbing the peace, driving under the influence, petty theft, shoplifting, trespassing, failure to appear in court on traffic violations and prostitution. Secondly, only those held longer than 48 hours will be housed in this facility. All booking and 48-hour holds and other high volume activity related to prisoners will continue to take place at the City Hall Jail Annex. What this means is that the movement of inmates into and out of the facility will be minimal, averaging probably in the neighborhood of 5 to 15 inmates per day and can easily be accommodated by a round-trip run to City Hall once a day. Third, to further alleviate any negative impact on the surrounding community, inmates will be transported to the City Hall Jail Annex upon release rather than discharging them at the site. Fourth, the site plan has been prepared to provide, by use of landscaping and open desert, an excellent buffer between the residential community, the Juvenile Court Complex and the Jail. Finally, although the jail will house minimum security violators as Mr. Graham

KERRY MILLER (cont'd): has explained, the facility is designed to insure a safe and secure environment. Particularly we want to stress that all inmate activities and programs will be closely supervised and structured. Thank you.

RUSS DORN: Mr. Chairman and Board members, as you can see the City of Las Vegas recognizes responsibility under the federal court mandate and realizes the community needs of a City misdemeanor non-violent post-sentence facility. As the Sheriff echoed, we have very serious problems and we need the resources for our police department and for our courts so we can sentence. As Commissioner Lurie mentioned, that we have obligations under the Consent Decree; and, I can assure you, that my staff and myself in developing this site plan -- the proposal before you tonight -- tried to take all the concerns of the neighbors in mind with privacy and security. For example, the landscaping referred to earlier tonight will cost the City approximately \$100,000, and that will be through irrigation and landscaping to put a buffer between the parks, the neighborhood and the juvenile facility. Second, the site location. The utilities cost to place the site some 850 ft. in a northerly direction from Bonanza. We tried to take the aesthetics of the community, and put landscaping on Bonanza so people would not feel offended as going by and seeing a facility of this type. We've also put in 16 ft. fencing, a double fence, and that is approximately five to six hundred thousand dollars in cost. So although we have our proposal before the Board of Zoning Adjustment tonight, we tried to the best of our abilities to keep the privacy and the security of the neighborhood to provide a safe location for this facility. I might add, the capacity needs is not to exceed 96 misdemeanants and we're talking about on a daily basis of transporting 5 to 15 City misdemeanants at one time during the day and I can guarantee the community that all misdemeanants released from this facility will be released downtown here in the City Jail Annex and they will not be released in the community. We felt we addressed the needs of security in that way to the community. I welcome all comments from the citizens that live in that neighborhood and any questions that you may have or they may have that we may address, we'd be glad to.

CHAIRMAN BUGBEE: Thank you. This is a public hearing. I'd first like to have a show of hands of people in opposition of this.

(Approximately 115 people present in opposition.)

I would allow three or four spokesmen for the group. I think it's far too long to hear from everyone. I think your objections are basically the same, but I would like to have three or four spokesmen and in your address to this Board you also may ask direct questions of the three

CHAIRMAN BUGBEE (cont'd): gentlemen that were -- the Sheriff, the Commissioner or the architects. Is there a spokesman here? State your name and address for the record, please.

KIRBY WELLS:

Mr. Chairman and members of the Board, my name is Kirby Wells. I'm an attorney with the firm of Goodman, Oceans Brown & Singer. I represent Developers Diversified and Bonanza Road Associates. With me is Mr. Ron Shavinsky of that company. They own approximately 80 acres of undeveloped property directly to the east of the subject property. I've also been in contact with several protestors and I would like to ask that Mrs. Cathy LaChase and Patty Morgan be given the opportunity to speak briefly before the Board this evening on some problems they have with the application. Our primary purpose in being here this evening though, is to go on record as opposing any action by the Board this evening because of the lack of, or faulty notice which was sent to -- which was not only published and sent to the land owners, but also the timing of this Board's first meeting on this application. According to the copy of the application which was signed by Mayor Briare on August 5th, there was not a 24-day period elapsing between the filing of the application and the hearing this evening as required by Section 11-1-24 of the Municipal Code. So we do not think that there is proper notice for this hearing tonight and certainly -- and I'm prepared to have Mr. Shavinsky comment on this. We're not prepared to address the merits of this application this evening. As a matter of fact, my client only received the notice in the mail last Friday and certainly -- that is three days from today. That is certainly insufficient time to in any way investigate this application and the implications on their interests here in Las Vegas. I would also like to make just a few other preliminary remarks. The only evidence that we have of any notice in the newspaper as required for this public hearing, appeared in the newspaper, the RJ, on August 16th, yesterday; and I'd like to just read, if I might, into the record the notice which was put in the paper because I think it's a little misleading as to what's really contemplated here. I'm going to -- I'm quoting from the newspaper notice:

Request of the City of Las Vegas for a use permit to allow a minimum security non-violent misdemeanor adult detention facility on City owned property generally located on the north side of East Bonanza Road between Mojave Road and Pecos Drive.

This notice and the notice which was received by several property owners, we don't believe adequately advised them or put them on notice of what the City really wants to do here and that is essentially establish a prison facility of what we believe is right in the middle of a residential area.

KIRBY WELLS (cont'd): So for those reasons, because there has been inadequate notice, we have not had time to prepare any response or to even investigate the application, we would ask the Board to re-notice this so we do have adequate time to do that. I would also like to direct this Board's attention to another portion of the applicable code which specifically states that the reason for this type of notice -- and I'm reading now from Subsection A5 of the, of Section 11-1-24, and I'm quoting again from the Code:

Time of Filing. In order to provide sufficient time for the necessary investigation by the Board of Zoning Adjustment and/or its secretary and agents, an application for a permissible variance must be filed with the secretary of the Board of Zoning Adjustment a minimum of 24 days prior to the date of the meeting of said Board of Zoning Adjustment at which said variance application is to be heard and considered.

So not only do we feel that we have received inadequate notice, but, by its very terms, this Board has not had the time mandated by statute to conduct its own independent investigation of this application. I want to say one other matter and then I'll turn it over to other protestors if they wish to be heard this evening in front of the Board. We certainly don't disagree with Sheriff McCarthy with regard to his views and the need for more of a -- more facilities for the housing of prisoners in our community. That's a laudable objective and it's been mandated by the federal court. That doesn't answer the questions and that's what this Board is for, I believe, is to answer the questions "Where?" We think that there is -- there are very legitimate reasons why this facility should not be placed where it is contemplated by this application. We would like to have the opportunity to research that and to present cogent evidence before this Board on the merits of this. The purpose is certainly laudable, but putting it right in the middle of what we conceive to be a -- already a facility which is not entirely compatible with the surrounding land, particularly the residential area there. We think it needs to be investigated and not rushed through this Board as appears to us what is taking place here -- is that the City for whatever reason is trying to ramrod this thing through without even going through the correct procedures. So on that basis, we would object and ask -- I'm here on behalf of Developers Diversified. I don't purport to speak for the other protestors, but because they are a land-owner, right there, I would ask that this application be tabled and re-noticed so that adequate time to investigate it can be had. Do you want to say anything, Ron?

RON SHAVINSKY: Mr. Chairman, members of the Board, my name is Ron Shavinsky. I do represent Developers Diversified. I certainly echo Mr. Wells' sentiments. I believe there are more issues here than what you see on the surface tonight. There is more than just building a building on a property with a 16 ft. high fence around it. There are impacts -- impacts on the social environment, impacts on the property values. None of this information, to my knowledge, is available which I would feel that you would need and demand in order to make a reasonable decision. The bottom line is there is insufficient notice. We have not had time to prepare or look at this application in depth and would appreciate the Board's cooperation in delaying any action. Thank you.

KIRBY WELLS: If it's the Board's pleasure at this time, I would like to have the two ladies that I have spoken to, speak on some of the merits of this application, but I don't want that in any way to be construed as a waiver, by at least my client, to its objection to going forward on the merits at this point.

CHAIRMAN BUGBEE: Thank you.

MR. GILES: Mr. Wells?

KIRBY WELLS: Yes?

MR. GILES: Before you step down, I wonder if you would allow our projectionist to point out the property that you're discussing around.

KIRBY WELLS: Certainly.

CHAIRMAN BUGBEE: Your client's property.

MR. GILES: Yes.

KIRBY WELLS: Go ahead, Ron, tell them.

RON STRAVINSKY: It would be the northeast corner of the intersection of Bonanza and Pecos.

KIRBY WELLS: Correct.

RON STRAVINSKY: Eighty acres including the green area where he has his pen and additional property to the west where it's still colored yellow.

CHAIRMAN BUGBEE: An 80 acre parcel?

RON STRAVINSKY: Yes, sir.

- MR. GILES: That, if my mathematics is correct from Mr. Foster's presentation, is about 135 ft. from the side of the property where it is -- ?
- MR. FOSTER: A thousand thirty-five feet.
- CHAIRMAN BUGBEE: A thousand thirty-five feet.
- MR. GILES: Excuse me, yes, 1,035 ft. Am I correct there, Mr. Foster?
- MR. FOSTER: Yes.
- CHAIRMAN BUGBEE: Thank you.
- MR. GILES: Thank you.
- CHAIRMAN BUGBEE: Mr. Foster, I would like to have some explanation on a couple of these questions raised about the notice. I'm at kind of a loss.
- MR. FOSTER: In reference to the 24-day filing period?
- CHAIRMAN BUGBEE: Yes.
- MR. FOSTER: Possibly Mr. Gellner here can elaborate on that, but essentially it's been ruled by your office in the past that this is basically a convenience time for staff to process the application and we knew about -- that it was going to be the request of the City Commission to initiate the application. We got ready for it and we were able to meet the one, primarily, criteria that must be met and that is the ten day notice in the newspaper and in addition, we did give a ten day written notice to the surrounding property owners within 300 ft. of the City owned property, essentially in all directions.
- CHAIRMAN BUGBEE: And the City Attorney's office is satisfied with -- this is a fully constituted meeting we're hearing?
- CHRIS GELLNER: Well, prior to the meeting, I wasn't able to address the issue that the application can't be referred to the Board of Zoning Adjustment for a hearing until at least 24 days has expired since its filing. However, based on the Code provision that Mr. Wells cited, I just read, it appears to me that it is kind of a convenience period for the benefit of the Board of Zoning Adjustment and for the benefit of its secretary who is Mr. Foster and it could be waived, I think, if they didn't think the full 24 days was necessary to do their investigation. As far as the ten days is concerned, I believe that notification period is for the public and that would be a mandatory period.

CHRIS GELLNER (cont'd): We believe that has been complied with in this case. The notice did say there it was only an alternate detention facility. It did not specify that it would be for adults, but we feel that notice was legally sufficient to apprise anyone who may be interested in the application because of the effect on their property rights of what's going to be proposed for that location so that they could attend this hearing if they were so inclined. So I think that the ten day notice was definitely adequate, even though it could have been more specific. We feel that was legally adequate. The 24-day appears to me, just off the top of my head, that is for the convenience of staff and the BZA and could be waived by you.

CHAIRMAN BUGBEE: Thank you. Is this germane to this issue right now, Mr. Dorn?

RUSS DORN: Yes, Mr. Bugbee. If I may address this because I think the public should hear this and be concerned about it. On August 5th City Commission meeting, this was publicly posted on the agenda through the standard procedures and in accordance with Nevada law, the Open Meeting Law. The City Commission's intent was to waive this provision and to put it on the next BZA meeting and to send out the standard notification letters as we do to all zoning issues. I might address this point. That we sent the letters out and some of the neighbors brought to our attention and complained the wording of "alternate inmate detention facility". In penology terminology that's a city misdemeanor adult facility. Some people felt it was a little unclear or vague saying it was alternate to the Juvenile Home situation adjacent to the City property. The City of Las Vegas is not responsible for the juvenile situation or Child Haven. That's a County responsibility. So there is no merit to that and no legal responsibility for us to address that. In addition to that, I made the decision the end of this week to publish the public notice, to inform as many people as we could, in three Sunday newspapers: the Las Vegas Sun, the Review Journal and the Valley Times so we could have as many people come for this hearing and to get their input and to understand the plan so we could explain it to the people. Further, by technical terms, the City of Las Vegas owns all the surrounding property and technically didn't have to notify anyone in the community, but we've made that decision from our extreme property lines to notify people within 300 ft. and that's why you see distances of 1200 and more. The gentleman, Mr. Wells, and his associate mentioned about 1000 ft. to the west and then, as I mentioned before, we put the site plan some 850 ft. in depth from Bonanza but this, I think, will come up.

RUSS DORN (cont'd):

The City is looked at maybe of "ramroding" the situation and maybe we can be criticized for that, but this is the situation that we're facing. We have to, along with the County and Sheriff McCarthy, appear before Judge Foley on September 14th to answer what has been done with solving this problem for the community needs, reducing the population in the Clark County Jail and the overcrowdedness, and the constitutional rights. Until July 27th or so, we fully supported Clark County in its efforts to buy that motel on an interim basis downtown to house some of these misdemeanants on a contractive service. Clark County Commissioners decided that wasn't feasible. This accelerated this project tenfold by their decision at the end of July and that's why it's before you. There is an urgency in the community because of the population. If we don't come up with a solution as we're proposing tonight, we have to release back on the streets some 100 to 150 gross misdemeanants, misdemeanants and felons. I thought it would be appropriate, Mr. Chairman, to address that on the notice because it wasn't intentional and I think we went above and beyond to get as much public input as possible.

CHAIRMAN BUGBEE:

I want to clarify anybody. This Commission is satisfied that this is a legal and due meeting and public hearing and we're going to follow through with it. So if there is a -- I think you asked for a Mrs. Chase or a Mrs. Morgan. Are they in attendance?

CATHY LaCHASE:

Good evening. I'm Mrs. LaChase and I live at 2856 Whilloughby Avenue and I've been a 17 year resident of that address. I have watched the City build the Fire Training Center in my back yard. It's adjacent to my property. I have watched the City put the Animal Shelter where I can see it. I have watched the City put their maintenance yard for their vehicles. I have watched Juvenile Court Services develop there. I have watched Freedom Park develop. I have watched the unpatrolling of Freedom Park. I have had the police take juveniles that have run away or escaped or whatever you want to call it, from Juvenile Court Services out of my back yard. There is two elementary schools. One of them is less than three-tenths of a mile from this new facility.

MR. GILES:

How close again?

MRS. LaCHASE:

It's less than three-tenths of a mile. I clocked it today. That's Oran Gragson Elementary School, a year-round elementary school. There's also an elementary that is C. C. Ronnow Elementary School that is backed up

MRS. LaCHASE (cont'd):

to Washington Avenue which is the back side of Freedom Park. Freedom Park is used for -- it's a new park. It's developing quite rapidly. It's a park we can be proud of. It's a park that many of our schools and churches use for their youth activities. It's a park that has new lighting. You know, we don't have many lighted fields in our neighborhood. It's a park that has many sports activities with youth -- soccer, baseball and things like that. It has a playground, a new playground area, that faces Mojave. Now the City owns the property adjacent to me, yes, and when this program goes to expand this new facility, they only have a few acres there. I don't know the exact number of acreage. I feel they plan on putting the facility there. They've graded it. They put survey stakes in. They have these children that are in Child Haven that are innocent children who have done nothing but maybe be abused or abandoned by their families and the fence is right next to where this 16 ft. fence is going to be for misdemeanor prisoners. When they expand, where are they going to put it -- the expansion? Are they going to go across the road since we have everything else? That's my question. What are these children going to think that perhaps have been abused? Are they going to look and see that this 16 ft. fence with lights and guards patrolling. That's my concern, and the safety of my family and my neighbors. I've been there -- I also have the State Parole Office that has been granted zoning in my neighborhood. The City does own all the property around us. The renters aren't here tonight because we couldn't contact them. Myself, I found out Thursday that this was an adult institution. Those people that live in all that low-income housing that's there, they're not here because they're renters and they weren't informed at all. Many of my neighbors are renters because it's an old residential neighborhood. This City's a large city and I really feel that somebody else needs to take the burden of City facilities. Stop and think where the closest elementary school is to this building where this jail is now. It's all the way down to Halle Hewetson which is the third closest elementary school to this new facility. It's closer than it is to this jail here now and I really think that the children should be concerned plus the other citizens. Thank you.

PATTY MORGAN:

My name is Patty Morgan and I live at 2857 Willoughby Avenue. First of all, I'd like to go on record presenting 80 more names that we have signed our petition -- 80 more names. So that gives a total of 196 names. The City notified 250 people so this is a fair representation of the amount of people that they notified that we contacted for them. I would like to say that we, as parents and homeowners and people that are concerned about our own well being, have the following concerns about any sort of jail going in our neighborhood. Number one, we are concerned about the safety of our children. The first place, one of the first logical places, these people will go if they escape jail is in our neighborhood. We have problems already with the runaways from the Youth Detention. They're kids from Freedom Park that are into drugs or whatever running through our neighborhood. It is a common sight to see the police helicopter land in your front yard here. Also, for that reason, we know we do not have the protection of METRO now. How are they going to handle another facility there to police? We are concerned about the quality of our neighborhood. I could not sell my house today if I told someone the City is going to build a facility there, a jail there, not a detention center, a jail. We are concerned too about what this jail will be in the future. I have been told ever since Thursday from City Hall that this is a non-violent misdemeanor offenders. I have been told that over and over. I went myself to METRO police today and talked with a policeman about non-violent misdemeanor inmates and he said, "The first thing I would do would be sell my house and move." He said, "They are not all non-violent." Also, all felons start somewhere. They're usually arrested first of all for misdemeanors. Also, I've heard from the City tonight again and again how they're going to put nice shrubs and 16 ft. fences around it. They're saying "Out of sight, out of mind." I'm already losing sleep now thinking about it going to be put there. We feel, as Mrs. LaChase pointed out, that we carry a heavy burden for the City right now in our area. We strongly feel that we have been -- our feelings have been ignored by this City. When they sent out the maps showing where they are going to locate this, it was worded "proposed alternate detention facility." Ninety percent of the people that we knocked on their door and talked to said, "Yes, that's going to be an extension of the Youth Detention Center, right?" So we don't feel that they gave us proper notice to start with. We feel that they were trying to sneak this through. That we weren't going to be here to protest, and we ask you please to consider our children, our home values and our feelings when you consider this matter, and reject it.

KIRBY WELLS:

Members of the Board, could I be heard just very briefly one more time on behalf of, again, Developers Diversified. I want to amplify what Mrs. Morgan said about the notice. The application which is on file describes the use permit as "to allow an alternate detention facility on City owned property." I think that is the crux of the misleading nature of this application because most people, according to people that I've talked to, thought that this was simply -- they were going to extend the existing facility and not drop a brand new prison facility right into the middle of this neighborhood. Secondly, there's no reason why this has to be run through right away. We hear this from the City, about if they don't do something 150 felons are going to be let loose on the streets. I don't understand how that relates to a detention facility for misdemeanor criminals. I'd like to have someone explain to me how building a facility that's going to house misdemeanants is going to prevent -- if the court, the federal court, from releasing 150 felons onto the street because this, by its definition, is not for felons. At any rate, there has been totally insufficient notice as required by law for this application. We have been prejudiced by not being able to prepare for this and to present an adequate -- what we feel is an adequate presentation in opposition to this and we would, again, on its merits ask that this application be denied. Thank you.

JIM BANNER:

I didn't see a sign-in sheet. My name is Jim Banner. I live at 2223 Poplar. I've been in Las Vegas a long time and I've lived in that area since 1948 and I've seen some planning going on down there for some time including what the State has done with that expressway. I just heard about this problem today at noon and I usually am pretty well tuned into a lot of things that go on. I think that because of the seriousness this is -- we're not disputing the Sheriff and what the County is trying to do, but it is our homes. We do live in this area and I know that you people have heard these things before and the motions that come in with the people being disrupted with their homes, but this is our homes. This isn't the people who are doing the planning's home. I spent considerable time since January to June listening to the City and their problems and I hope the City would allow a little more time on this issue to allow me a little time to maybe lobby them a little bit with our problems.

CHAIRMAN BUGBEE:

What's the date of the next Commission meeting?

HAROLD FOSTER:

The next what, which one, City Commission meeting? Wednesday, this Wednesday, the 19th.

CHAIRMAN BUGBEE:

They wouldn't hear it then.

HAROLD FOSTER:

The next City Commission meeting after that would be September 2nd.

CHAIRMAN BUGBEE: Yes, sir?

ROBERT MARCH: Mr. Chairman and Board Members, my name is Robert March. I'm the Director of Court Services for the Juvenile Court and tonight I represent Judge Mendosa and our probation committee. We have a great concern about this adult jail facility being located next to the Juvenile Court and the facilities that we have there. Where the plan indicates the facility would be located is very close to our Child Haven unit. This unit houses between 60 and 80 youth at any given time. They are traumatized youth. They are neglected, abused and abandoned. I spoke to the Executive Director today of the National Council of Juvenile Court Judges who stated that the Council has gone on record opposing the location of an adult jail facility adjacent to a juvenile facility. The City of St. Louis is presently having a problem because of an adult jail facility located adjacent to a juvenile facility. Some of the problems that they experienced were gestures, cat calls, and escapes being made into the juvenile facility by the adult inmates. They are having to relocate that adult facility because of that. We support the City in its efforts to locate an adult jail facility. We understand their problems and we don't mean for this statement tonight to in any way deter from our support that they find this location for this facility. We feel that it's very inappropriate for this adult jail facility to be located next to an area that is handling already youths that are traumatized from families and we feel that this would be very detrimental to them and our care for them. Thank you.

CHAIRMAN BUGBEE: I'll hear a couple of more people from the -- two more from the opposition. Then we'll close it and ask some direct questions to the City.

CATHY JOHNSON: My name is Cathy Johnson. I live on 721 Effinger and as far as I know I'm the only one representing the Tankele's North Addition because I'm the only one that found out about it in time to get here tonight. I do have some questions that I need to ask. Can I ask them now or would you rather I waited until --

CHAIRMAN BUGBEE: Go ahead. Yes, go ahead and ask them.

CATHY JOHNSON: Okay. First of all, I want to know if these people are housed in this facility are they going to be in that facility all the time? Are they going to be allowed to wander around this yard or, you know, what kind of a facility do you have for recreation for them and that type of thing?

- CHAIRMAN BUGBEE: I think that this is one of my questions in a moment, if you want you can come forward now. This was mine -- the work, what you intend to do with these people, their recreation, how you're going to busy them. So maybe you can go ahead and just approach her.
- KERRY MILLER: Each one of the housing units that is illustrated here on this chart, is a self-contained unit that will be separately fenced and secured from the rest of the facility. The inmate activity within that particular housing unit will be constantly supervised and closely monitored. The inmates will have opportunity to move to what we call program areas which will include outdoor recreation and indoor recreation. These are required by federal standards for detention facilities. However, their movement to their housing unit to the recreation and exercise areas will be under close supervision by trained security officers and guards.
- CHAIRMAN BUGBEE: Will there be any other -- will they be transported in and out or are there any work programs for these people?
- KERRY MILLER: Mr. Chairman, that -- at this time that particular issue hasn't been decided upon. That's programatic area that would probably be dealt with at a later time.
- CHAIRMAN BUGBEE: Anything else?
- CATHY JOHNSON: Yes. Are you -- when the last gentleman that was up here said this is definitely for people, for 92 people, and somewhere I heard in here 200. Now is it 92 or is it 200?
- CHAIRMAN BUGBEE: Ninety six. He said 96 and that the facility could at a later date possibly be doubled but, I believe, if I heard him right, it was 96 people and they would come in at a later date to approach us for an additional facility to the front of it. Now the maximum housing population of this -- and I don't want to call it jail. It's not a jail. It's a detention facility and I think there's a big --
- CATHY JOHNSON: I thought that was a jail.
- CHAIRMAN BUGBEE: No, there's a big difference. You should be in a jail.
- CATHY JOHNSON: I've been up to the City Jail, not in it, but I've been to it. But I can't imagine that you'd call this a detention facility when it's a jail.
- CHAIRMAN BUGBEE: I haven't been in it either other than, not as a guest, but to walk through. This is something that, as they say, it's a detention facility. We are looking at misdemeanor people and I believe that we can address the attorney's statement about this will not alleviate the jail situation.

- CHAIRMAN BUGBEE (cont'd): I don't really believe -- but I think that can be answered. So we'll just let that hang for a second. Do you have something else you want to --
- CATHY JOHNSON: Okay. I want to know about food facilities for these people. Are we going to have trucks coming in and going out all the time or what's the situation there?
- KERRY MILLER: There will be --
- CATHY JOHNSON: Is it going to be catered like the City Jail is what I want to know?
- KERRY MILLER: Yes, at this point it will be catered food service with delivery being made within the secured area of the detention facility.
- CATHY JOHNSON: My concern here is it seems like there's an awfully lot of traffic and I am sure anybody here would agree that when we lose prisoners in this town, a lot of it is when there's transportation going on and so that's my concern right here, right now.
- KERRY MILLER: Well, let me -- perhaps I can alleviate some of that concern. The only movement that you're seeing within this facility as it's planned is entry by delivery trucks for food service probably on a two times a day basis and then the movement of inmates coming to City Hall either for release or for appearance in Municipal Court and then movement back to the facility taking new inmates back to the facility or those who have appeared in court and are held over for sentencing.
- CATHY JOHNSON: What about linen services?
- KERRY MILLER: That would -- that delivery would be made during the week. Probably not on a daily basis.
- CATHY JOHNSON: Okay. What type of landscaping do you have planned? Are we talking about Aleppo Pines or what are we talking about on landscaping? With a 16 ft. fence, you know, I'm just concerned there.
- TOM GRAHAM: The landscaping envisioned would be an Evergreen type of landscaping in order to not allow for a seasonal change where you'd lose the leaves and that type of thing. They would be closely spaced Evergreens. Right now we are considering something like an Arizona Cyprus. We would like as fast growing and that type of thing. They are going in as mature plants. We are not proposing to put in one gallon or five gallon type plants.

- CHAIRMAN BUGBEE: As long as I have you here, I was interested in one other thing too. That would be in your night lighting of this facility. We're certainly not going to have a Jean or something out there are we?
- TOM GRAHAM: No. We have specifically been designing the facility with cut-off lighting. All the luminaires are a cut-off fixture. We're not talking lighting any higher than would be on the street light and it would be less luminous in the sense of going in the environment. It's a cut-off fixture that directs the light into specific areas on the site ourselves.
- CHAIRMAN BUGBEE: Thank you.
- MRS. MYERS: How long is it going to take to build this?
- TOM GRAHAM: We are hopeful to -- if we can move the facility along in terms of the processes necessary, we would hope to have this facility as close to operational to January 1, 1982.
- CHAIRMAN BUGBEE: Thank you. Any other questions, ma'am?
- CATHY JOHNSON: Male, female?
- CHAIRMAN BUGBEE: I think you can answer that.
- KERRY MILLER: The female population held by Municipal Court is very low. What we're anticipating in this particular facility is of the 96 total bed spaces available, 24 will be for female detention. The facility, the housing unit that is closest to the Juvenile Court Complex female detention. The three on the west side will be for male detention.
- CATHY JOHNSON: Okay. As long as I'm here I want to say a couple of things about this. I've lived in this town for several years, 16, and I saw Nellis go out there and they were doing just fine and everybody moved in and complained about their noise and McCarran was out there in the boondocks and they were doing just fine and everybody moved around them and then they complained about the noise. I've always held the premise, "Gee, if you don't like the sound of jets, don't go out and build or buy a house right next to Nellis." But I think the reverse is true here. Some of us have been in that area for a long, long time and without sounding selfish -- well, maybe I do want to sound selfish -- we were there first. Our homes are there. That's where we want to raise our children. And I don't mean to be negative to any one of you on the Board because I realize that maybe this isn't

CATHY JOHNSON (cont'd): your fault, but we think we've been blessed with the 28th Street gang because of City Planning. We have a low-rent development that stretches all the way from Charleston clear over now to the schools near Owens and, as many people have indicated, we just think we've had it down there with your problems. We don't want any more of them.

CHAIRMAN BUGBEE: I'm going to cut this off after this one.

GEORGE BACA: My name is George Baca. I live at 3905 Hudson Bay, which is in the immediate vicinity of where the facility is being proposed. The questions that I have are basically two-fold. One, I understand the need for the expansion of the program for the relief of the overcrowding in the jail situation, but what's to prevent that expansion once this facility is completed? Where is the line drawn as to how large it's going to be? The other question is, where are the priorities going to be drawn at as to where the needs are going to be fulfilled? The need of the community in developing it or the needs of meeting the City needs, hence the jail facility that's being proposed now. The neighborhood that we're in is relatively new, extremely new I should say, less than five years old. We have a new school that just opened up within the last 18 months and most of the families that are in that neighborhood are young families, new families with their first and second home and the priorities that we have are with our immediate families. How are we going to comply with the needs of the community if we have to establish or if we have to fight or try to oppose the needs of the City in trying to meet their priorities? My question is, who gets the priorities -- the City or the community which everything is based on? The other question is, what's to prevent further violence than from we've seen already in the jail situation with the takeover that's happened just recently? How is that going to effect our community in trying to develop it even further? These are questions that we're going to have to answer because it's in our neighborhood that it's going to take place. These are the things that we have to look forward to and this is one of the reasons why it's going to be extremely difficult that I feel. That it's going to be difficult for these new homeowners that are trying to establish new homes, that are building on their families. It's going to inhibit the growth of the community in that immediate area. Where is the priority? The community needs or the City needs?

CHAIRMAN BUGBEE: Don't you think the community does -- needs to do something about the situation that exists now?

- GEORGE BACA: Granted but, again, who establishes that priority? What's to prevent the continued expansion? If we let this facility develop where it is, it's going to inhibit the growth of the community there in that area, particularly with the youth that's, you know, being brought up.
- CHAIRMAN BUGBEE: I do believe that as far as the area is concerned, that the City has owned that property for a long, long time, probably long before many of the homes were built.
- GEORGE BACA: That's correct. So my other question is, why wasn't more foresight used in to trying to develop an alternative method to try to meet the City needs? Is this lack of planning or is it because the growth of the City is much to fast for, you know, to what the City government can cope with?
- CHAIRMAN BUGBEE: I think your second question is right. The growth of the City has been phenomenal. We'll all agree to that.
- GEORGE BACA: Right. Okay, what's to prevent that from continuing? More than anything, it will probably lend fire to the situation that's already occurred in the jail situation with the overtake.
- CHAIRMAN BUGBEE: One thing about this jail that I think was brought out and I'd like to be corrected, Mr. Dorn, if I'm wrong. You were stating that primarily these are for City of Las Vegas offenses, misdemeanors. This is a facility that, where we're not going to look -- we can't look at felonies. Just what's on our Las Vegas books, right?
- RUSS DORN: Yes, Mr. Chairman. It's for City misdemeanor prisoners only or inmates. We're also requesting from the BZA for a limited use permit and a limited is that we only want to use this facility for non-violent misdemeanants, City misdemeanor responsibilities.
- (disruption from audience.)
- CHAIRMAN BUGBEE: Please, please, now. They were courteous when you spoke. You'll have your chance.
- RUSS DORN: We're asking the BZA to consider a limited use permit so that only City misdemeanants would be housed in this facility, not felons as Mr. Chairman answered that question. It will only be for City misdemeanants.
- CHAIRMAN BUGBEE: Does that clear a little bit? Clarify it a little bit for you?

- GEORGE BACA: Yes. Now my other question is, correct me, but is it -- I'm under the assumption that this is a temporary facility. Is that correct?
- CHAIRMAN BUGBEE: No.
- GEORGE BACA: Okay, this is my assumption and this is based on the information that I received over the weekend.
- MR. GILES: I believe it's temporary only so far as the use permit would make it.
- CHAIRMAN BUGBEE: The application was for -- to permit an alternate detention facility. There's nothing in the application about temporary. I believe they're permanent buildings and permanent structures.
- HAROLD FOSTER: The initial phase of this development as shown on that plan is for the immediate housing and then we propose on that master plan for that facility, a new permanent building on the front portion.
- CHAIRMAN BUGBEE: Then what would happen to the rear portion?
- HAROLD FOSTER: Then those would be removed, those types of structures, and the same number which would be 200 would then move into the new facility.
- MRS. MYERS: That new facility would be considerably closer to the street though, wouldn't it?
- HAROLD FOSTER: It would be on the front portion of the property towards Bonanza Road, yes.
- CHAIRMAN BUGBEE: It's still this general location. But the maximum population situation figure would be 200 people, Mr. Dorn? Just a moment.
- RUSS DORN: Mr. Chairman and Board members, we're talking about a maximum capacity of 96 City misdemeanants and I would recommend to the Board of Zoning Adjustment and the City Commission at a later date that 96 could be placed as a cap. We're talking about an incremental approach to housing these misdemeanants also. For the first three months, we're talking about putting 40 people there. From there we go in three months we go into a lid of 64 people and then after a month's evaluation on the facility operational and program goals, only then looking at going from 64 -- we're talking about July 1 -- to 96. As Mr. Foster points out, there is provisions for administration expansion program needs and standards that we have to meet for the consent decree within that perimeter.

RUSS DORN (cont'd): It might be pointed out that site is 15.8 acres and we're only using 4.8 acres and I think the use permit could limit only the use of that 4.8 acres. It could limit for City misdemeanants and we would also limit it not to exceed 96 ever --

CHAIRMAN BUGBEE: So if it would be limited --

RUSS DORN: -- in that facility.

CHAIRMAN BUGBEE: To a permanent population of 96?

RUSS DORN: That's right, in its history.

GEORGE BACA: Okay. Is that possible with the crime rate the way it is?

CHAIRMAN BUGBEE: We're getting off the subject now. I mean, we asked your direct questions. We can't go into the crime rate. Okay?

GEORGE BACA: Thank you very much, sir.

CHAIRMAN BUGBEE: Thank you. Unless someone has something additional to add to this, we're going to declare the public hearing closed and I would like to get some questions of the Commissioners.

MRS. MYERS: Yes, I would like to go --

CHAIRMAN BUGBEE: I'm going to close it and then we'll --

MRS. MYERS: I'm sorry.

CHAIRMAN BUGBEE: The hearing's closed. Go ahead.

MRS. MYERS: Okay, I'd like to go back to the question of how much relief this is going to give to the problem in the County Jail? As of today how many misdemeanor people would be moved out if that facility would be available?

RUSS DORN: Madam Board Member, presently we have a fluctuation of the daily population in both the Clark County Jail and the City Jail Annex above City Hall and 425 inmates to 450. That varies on --

MR. GILES: That's felons and all, is that not?

RUSS DORN: Felons and misdemeanants. Why this is an emergency, and the public raises a good question -- I have to be frank. If we were not under a federal court consent decree, I wouldn't be here recommending this solution to this problem right now. We do not have a choice when the community says, "Who comes first, the City's needs or the community?" I think the answer is both the City and the community. The question is that we have 425 people in jail today. What happens on September 14th, if this facility does not become approved, the Judge goes to

RUSS DORN (cont'd): a population cap immediately of 252 people. So that's over 150 felons, gross misdemeanants and misdemeanants that will come out of our Clark County Jail and City Jail Annex that will go back into the community and I think it's more proper that the law enforcement officials comment on that, but the morale of the police officers that I'm told in giving misdemeanor citations and the resources they need to keep our community safe, both for our citizens and to insure that our tourist population and visitors coming to Las Vegas, our major industry, is very important. But to answer your direct question. We'll go from, immediately on September 14th, to 425 inmates in Clark County Jail and the City Annex to some 252. Then at a later date, the Judge could even go lower.

MRS. MYERS: Mr. Dorn, you did not answer my question.

RUSS DORN: Okay, Mrs. Myers.

MRS. MYERS: I asked you, specifically, how much relief would this facility give to the Jail today? I'm not talking about being able to put misdemeanants into jail if you catch them later. You're asking us to give -- to approve something to relieve the jail situation and I'm asking you, how much will it relieve it today? How many misdemeanants could be transferred from the jail today to that facility if it was in existence?

CHAIRMAN BUGBEE: What she's thinking, I think she wants is what's the average rate of misdemeanors to felons in the jail. Isn't that what you're looking for?

MRS. MYERS: Yes. That could be transferred.

CHAIRMAN BUGBEE: I think that maybe --

MRS. MYERS: Under our non-violent definition.

RUSS DORN: Okay. As I said, that fluctuates every day. One of the problems we have. We've never had a City misdemeanor facility. It's been a combined facility and we fluctuate on our daily population. I would say it goes to 40, immediately, that could be transferred -- 40 or below.

KERRY MILLER: Based on the most recent population statistics available to us. We're looking in the neighborhood of 50 to 60 misdemeanants who are held longer than 48 hours. These are people that with this particular concept and plan would be transported and held in this facility. These are City misdemeanants. This doesn't include the number of County misdemeanants that are held in the facility and will have no alternative.

- MRS. MYERS: So approximately 60 could be relieved for the immediate problem had it been available?
- KERRY MILLER: Right. With the current field citation practices of the Metropolitan Police Department and their procedure right now is whenever possible; at the discretion of the officer, to issue a field citation.
- COMMISSIONER LURIE: I would like to add too, that the City was notified by the County Commission that as of December they will not accept any further City misdemeanants and that's why this is critical. That we get this program on, get it started, for the betterment of the community so we have someplace to put these people and take them off our streets.
- CHAIRMAN BUGBEE: So you're saying as of the end of the year or the end of what month?
- COMMISSIONER LURIE: Then end of December, we were notified that --
- CHAIRMAN BUGBEE: That we can no longer put a misdemeanor in the County Jail?
- COMMISSIONER LURIE: That's correct.
- CHAIRMAN BUGBEE: Anything else? Go ahead.
- MR. GILES: Yes. My comment is more to the land use. What presently is our land being used for. What's the status of the land? I didn't drive there today.
- RUSS DORN: Presently the 15 acres has no use. Adjacent to that on the west is the City yards and we have our Public Works facility. We have some gravel there, all our trucks. That's one of the advantages of this site. We can go into work programs where people can work on Public Works projects.
- MR. GILES: Thank you. As you bring out your crystal ball for the future of Las Vegas and I'm aware that you do some long-range planning. What plans do you have for the park? What is the name of the park right presently?
- CHAIRMAN BUGBEE: Freedom Park.
- MR. GILES: Freedom Park, yes. Thank you. What's the long-range plans for Freedom Park?
- RUSS DORN: Well, the long range is just the development, Commissioner, for more recreation, ball fields and some other projects for recreational use. But I think we own all that property across the street is a nature park and, as everybody's pointed out tonight, the City owns a lot of property in that area.

- RUSS DORN (cont'd): The expansion, if I may address that in land use. You bring up the idea of planning. We're saying tonight that this facility will not exceed 96 people. Our real need in the future will be to look for a pre-trial detention facility, people waiting trials; and, that in the future would be, if structurally permitted, above the City Jail Annex, but that is not feasible. People might say, "Well, why this site?" We have hundreds of documents and volumes under the federal court of standards that we must meet and this site is the only one that meets all the standards that are necessary to comply with the federal court.
- CHAIRMAN BUGBEE: How many acres of ground does the City own in that particular area?
- RUSS DORN: Mr. Chairman, I don't know. Harold, do you know the approximate acreage?
- HAROLD FOSTER: Well, that big green square where this property is. That's approximately 200 acres including that leg to the west and then we have some 140 to the south and probably another 120 south of that. So that would be what? Two, three, four, almost 500 acres in that area.
- MR. GILES: We had some day discussions here about why the crisis all in the last moment. What is the date of the initial consent decree? What are we looking at on that?
- RUSS DORN: When it was started or --
- MR. GILES: Yes.
- RUSS DORN: -- or when?
- MR. GILES: When you originally were advised or the City and the County was originally advised by the Federal Judge?
- RUSS DORN: I think it's approximately two years ago, 1978.
- MR. GILES: So we've been working on this program in one fashion or another between the County, City and Sheriff McCarthy and his group for that length of time, have we not?
- RUSS DORN: Yes, Commissioner, we have and as everyone's aware in this room tonight, that the Clark County voters passed a bond issue to build a new maximum security in the downtown area from 650 beds to an expansion of 800. As we said before, this proposal would not be before the BZA or City Commission if Clark County had bought the motel in the downtown area. The Clark County Commissioners decided for whatever reasons not to buy that and then notified us as of January 1, 1982, they will no longer accept any City misdemeanants. That puts a severe strain for City residents and the community and home.

CHAIRMAN BUGBEE: Any other questions, Commissioners?

MR. GILES: I don't think I have any.

CHAIRMAN BUGBEE: I'll hear a motion.

MRS. MYERS: I'm going to move to approve it with several stipulations. One, that it be strictly misdemeanors; that the capacity not exceed 96; and that before any permanent structure be erected on that, that they must come back to this Board. And I'm tempted to put a two-year limit so that we can review it. I'll do it without the limit, but 96 maximum; misdemeanors only, City misdemeanors only; and that no permanent, that additional permanent structure that you're talking about not be built before it comes back before this Board.

MR. GILES: As I cast my vote, I want to publicly state that I feel that it's time we quit talking and start acting. I sympathize with this group out here.

CHAIRMAN BUGBEE: Do I hear a second to the motion?

MR. GILES: I didn't realize we had a second to motions. Maybe I'll second that motion after I get done with this speech.

CHAIRMAN BUGBEE: We don't have, excuse me.

MR. GILES: I sympathize with this group.

CHAIRMAN BUGBEE: We had another meeting earlier today. I'm of the same opinion and I think that we feel that something has to be done. Not just to protect a small portion of the community, but all of the community. I think that my fellow Commissioner has put some teeth into this thing that they'll have to follow through. We've given it a maximum of 96. It is City property we own, or the City owns 500 or 600 acres in there. There are parks. There will be security and it has, just has to happen. It's a piece of ground that's been there for City use for a long, long time. The City barns are there, Child Haven, the dog pound or what do you call them? You don't call them the dog pound anymore.

MRS. MYERS: Animal Shelter.

CHAIRMAN BUGBEE: Animal Shelter. They're all there. Okay, your vote.

MRS. MYERS: Be sure you tell them to appeal.

(Motion for APPROVAL, subject to conditions. Voting was as follows:

"AYES" Chairman Bugbee, Mrs. Myers, Mr. Giles

"NOES" None

Mrs. Emmett was excused.)

CHAIRMAN BUGBEE: Motion carries. This will be heard at the City Commission Chambers on the --

MR. FOSTER: This is a final action unless appealed by an aggrieved person or the City Commission wishes to review it.

CHAIRMAN BUGBEE: On what date?

MR. FOSTER: It's up to the City Commission. They have 14 days in which to review it. An aggrieved person can file an appeal within 11 days from this meeting. Otherwise this is a final action this date.

KIRBY WELLS: May I ask one question? Is this on the agenda for the City Commission on Wednesday?

MR. FOSTER: No it is not.

KIRBY WELLS: Thank you.

/sk

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PLEASE SIGN IN - PRINT

DATE: 0/1/10

NAME

ADDRESS

STEVEN S. MILLER

6080 GOWAN RD L.I.U.

Ellen C. Maitre

4801 Jay Ave L.I.U. 89130

A L C for V. WARTMAN

Multiple horizontal lines for writing names and addresses.

PLEASE SIGN IN - PRINT

10/10/17

NAME

ADDRESS

John J. [unclear]  
Thomas E. Barber

4425 HIDDEN OAK

1604 Eaton Dr.

FLOYD HALE

1141 Morning Sun Way, LV

R. J. McNeill

5720 W. Chas.

## INTER-OFFICE MEMORANDUM

Date

August 13, 1981

TO:

FOSTER

FROM:

CLEMMER

SUBJECT:

BOARD OF ZONING ADJUSTMENT  
AGENDA ITEMS - AUGUST 17, 1981  
MEETING

COPIES TO:

Shell

OLD BUSINESS:

1. U-5-80

The attorney opinion was not to allow revocation. The court date was rescheduled to September 3, 1981. It should be resolvable after the Judge's decision. This should be tabled until litigation is consummated, ie. indefinitely. Staff Recommends tabling until court resolution.

2. V-48-81

A new application has been submitted on the later part of this agenda (V-54-81). This matter may be stricken from the agenda. Staff recommends that this be stricken from the agenda.

NEW BUSINESS:

1. U-43-81 (HO)

Applicant has signed the questionnaire favorably. Sundry items such as burglary protection devices, clocks, watches, etc. Staff recommends approval, subject to:

1. 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.
2. The operation shall conform to the criteria for a home occupation permit.

2. V-51-81

This building was not allowed to be used as a rental in 1953 (see V-65-53). Staff recommends denial. If approved, subject to:

1. Conformance to the plot plans and elevations.
2. Entering an Assessment District Agreement for sidewalks and street lighting on Lewis Avenue.

3. Repair all existing street improvements which are not in good condition.

3. U-41-81

There are 27 units per acre. There is R-3 zoning to the east and north and commercial to the west. The golf course and government buildings are to the south. Staff recommends approval, subject to:

1. Standard conditions 1 through 5.
2. Conformance to the elevations.
3. Approval of the drainage plan by the Department of Public Services.
4. The parking and driveway plan shall be approved by the Traffic Engineer.
5. Install curb, gutter, sidewalk and street lighting on Vegas Drive as required by the Department of Public Services.
6. Repair all existing off-site improvements which are not in good condition as required by the Department of Public Services.
7. Provide fire hydrants and water flow as required by the Department of Fire Services.

4. V-52-81

The reason for the variance is to enable the construction of a 6' fence in what would normally be the front yard. The house is oriented to the residential street. Decatur is a major primary on the Street Plan. Staff would recommend approval without conditions to enable future expansion without review.

5. V-53-81

This is evidently an existing patio cover 8' from the property line which will be removed and replaced by the proposed patio enclosure. There is no existing variance. Staff would recommend denial. If approved, subject to:

1. Conformance to the plot plan and elevations.

6. V-54-81

This is a reapplication, as the property owner did not sign the original application. This area is zoned R-3 but the land use is still predominantly single family. There is opposition to this proposal. It is across from the high school stadium. Staff feels that this would be an appropriate land use in the R-3 zone and would therefore recommend approval subject to:

1. Standard conditions 1 through 5.
2. Enter an Assessment District Agreement for alley paving as required by the Department of Public Services.
3. Install sidewalks and street lighting on 6th Street as required by the Department of Public Services.
4. Repair all existing street improvements which are not in good condition as required by the Department of Public Services.

7. U-42-81

This proposal is in an area slated for public uses and appears to be an adequate site for detention facilities. There is no information relative to aesthetic treatment. We should reflect to the public the City's plans for aesthetics to show that it won't appear like a concentration camp. Staff recommends approval, subject to:

1. Planning Commission approval of the elevations and perspectives of all sides.

8. V-65-80

Extension recommended on zoning case and it would follow that this extension be granted. Staff recommends approval, subject to:

1. Conformance to ordinance amendments enacted subsequent to the original approval.

9. V-61-79

This use has been there for over 20 years. Staff would recommend approval of a two year extension without conditions.

TO: FOSTER  
RE: BZA AGENDA ITEMS  
AUGUST 17, 1981 MEETING

UST 13, 1981

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SUPPLEMENTAL AGENDA

1. U-44-81(HO)

The questionnaire is answered in the affirmative. The operation will not adversely effect the neighborhood. Staff recommends approval, subject to:

1. 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.
2. The operation shall conform to the criteria for a home occupation permit.

RCC:ls

U-42-81

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, {  
COUNTY OF CLARK { ss.

Rex Taylor, being first duly sworn,

deposes and says: That he is Composing Room Foreman of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1X

from 8-16-81 to 8-16-81

inclusive, being the issues of said newspaper for the following dates, to-wit:

8-16-81

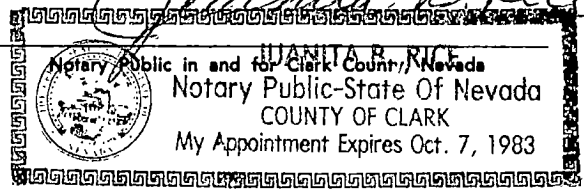
That said newspaper was regularly issued and circulated on each of the dates above named.

Signed Rex Taylor

Subscribed and sworn to before me this 3 day of September 81

Juanita B. Rice

My Commission Expires



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