

# City of Las Vegas

S.V

RECOMMENDING COMMITTEE MEETING  
CITY HALL, 400 STEWART  
CITY MANAGER'S CONFERENCE ROOM  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>  
TUESDAY, NOVEMBER 30, 1999  
4:00 P.M.

CALL TO ORDER:

ANNOUNCEMENT RE. COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL.

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 12/15/99 CITY COUNCIL MEETING.

- 1 ABEYANCE ITEM - Bill No. 99-62 – Eliminates the ability to obtain a waiver of the minimum 400-foot distance requirements applicable to a liquor establishment (off-premise consumption) Sponsored by: Councilman Gary Reese  
Committee: Councilmen Larry Brown and Michael McDonald
2. Bill No. 99-65 – Annexation No. A-37-99(A) – Property Located: On the west side of Conough Lane, approximately 910 feet south of Deer Springs Way, Petitioned By: Rome 95 and Rome PHD Limited Partnerships on behalf of J.O.M.B.I. Development Co.; Acreage: Approximately 16.63 acres; Zoned: H-2 and R-E (County Zoning), C-2 and U (TC) (City Equivalents) Sponsored by: Councilman Larry Brown  
Committee: Councilmen Larry Brown and Michael McDonald
- 3 Bill No. 99-66 – Annexation No. A-39-99(A) – Property Located: On the southwest corner of Lone Mountain Road and Barden Road; Petitioned By: Corey and Sally Morley, et al, Acreage: Approximately 21.30 acres; Zoned: R-U (County Zoning), U (PCD) (City Equivalent) Sponsored by: Councilman Larry Brown  
Committee: Councilmen Larry Brown and Michael McDonald
4. Bill No. 99-67 – Annexation No. A-43-99(A) – Property Located: On the north side of Cheyenne Avenue, approximately 122 feet east of Torrey Pines Drive, Petitioned By: Tiger Mynarcik and Jill M. Childs; Acreage: Approximately 1.03 acres; Zoned: R-E (County Zoning), R-E (City Equivalent) Sponsored by: Councilman Larry Brown  
Committee: Councilmen Larry Brown and Michael McDonald
- 5 Bill No. 99-68 – Extends the juvenile curfew for the downtown area on December 31 and January 1. Sponsored by: Councilman Gary Reese  
Committee: Councilmen Larry Brown and Michael McDonald

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS.

- Downtown Transportation Center, City Clerk's Board
- Senior Citizens Center, 450 E. Bonanza
- Clark County Government Center, 500 S. Grand Central Parkway
- Court Clerk's Office Bulletin Board, City Hall Plaza
- City Hall Plaza, Special Outside Posting Bulletin Board

M  
SM





LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

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

(702) 383-8888

FAX (702) 383-8845

November 29, 1999

SAMUEL S LIONEL
GRANT SAWYER
(1918-1996)
JON R COLLINS
(1923-1987)
JEFFREY P ZUCKER
PAUL R HEJMANOWSKI
ROBERT D FAISS
DAVID N FREDERICK
DENNIS L KENNEDY
RICHARD W HORTON
DAN C BOWEN
MARK A SOLOMON
RODNEY M JEAN
HARVEY WHITTEMORE
TODD TOUTON
DAVID WHITTEMORE
CAM FERENBACH
LYNDA S MABRY
MARK H GOLDSTEIN
ANTHONY N CABOT
KIRBY J SMITH
COLLEEN A DOLAN
JENNIFER A SMITH
JOHN R BAILEY
GARY W DUHON
LAUREL E DAVIS
DAN R REASER
CARL D SAVELY
LAYNE J BUTT
MARK LEMMONS
HOWARD E COLE
PAUL E LARSEN
CHRISTOPHER R HOOPER
SUVINDER S AHLUWALIA
P GREGORY GIORDANO

JEFFREY D MENICUCCI
MADELENE C AMENDOLA
MARK A MCINTIRE
STEPHEN R HACKETT
ROBERT P SPRETNAK
ALLEN J WILT
ELAINE S GUENAGA
LYNN S FULSTONE
SUSAN L MYERS
MICHAEL D RAWLINS
ETTA L WALKER
KEVIN D DOTY
DAN C MCGUIRE
CHRISTOPHER R COLEY
NATHALIE HUYNH
LESLIE BRYAN HART
DAVID J MERRILL
CRAIG E ETEM
TODD E KENNEDY
DEIDRE J CALL
STEVEN A GIBSON
LAURA J THALACKER
ABBIE G FRIEDMAN
ELIZABETH BRICKFIELD
SHAWN M ELICEGUI
BROADY R HODDER
KENNETH R MYERS
JAMES M SARNECKY
HECTOR J CARBAJAL II
JAMES G WOLFF
EMILIA K CARGILL
JANET SUE BESSEMER
G LANCE COBURN
WILLIAM J MCKEAN
SCOTT A EATON
JOSHUA M DICKEY
CHRISTOPHER STRONGOSKY
SHAWN A MANGANO
DEAN A ZERBE
JOANNA L BLAKE
KIRK D JOHNSON

OF COUNSEL
ROBERT M BUCKALEW
BRIAN MCKAY
ELLEN WHITTEMORE
BRIAN HARRIS

1 ADMITTED IN CALIFORNIA ONLY
2 ADMITTED IN MICHIGAN ONLY
3 ADMITTED IN VIRGINIA ONLY

WRITER S DIRECT DIAL NUMBER.

Via Hand Delivery

City of Las Vegas
Recommending Committee
400 Stewart
Las Vegas, Nevada 89101

RE: Bill 99-62

Dear Recommending Committee:

As discussed during your November 15, 1999, meeting, Bill 99-62 appears to have several unintended effects in its current form that should be evaluated more closely before proceeding further. As you know, my law firm represents many clients that could potentially be affected by this proposed ordinance. In particular, one of our clients has been working extensively with the surrounding neighborhood to put together a project at Tenaya and Alexander that could be adversely impacted by the proposed ordinance. This particular project was mentioned explicitly during your November 15 meeting. As a result, we hope you will consider the following comments in making your decision on this Bill.

In spirit, the Bill is consistent with the long-held City policy of designating certain locations as inappropriate for liquor and/or gaming uses. In practice, however, the Bill is likely to produce some inconsistent and unintended results that will discourage economic development and/or redevelopment. First, the existing law in Title 19A of the Las Vegas Municipal Code explicitly recognizes the difficulty of applying this law to large parcels of land. An exception is carved out of the distance restriction that allows developers of eighty acre or larger parcels to place an otherwise prohibited use on a parcel within the four hundred foot distance restriction so long as the building or leased area is at least four hundred feet from the property line of the existing use. This exception recognizes that the policy is really just to keep certain uses at least four hundred feet away from certain other existing uses and that a measurement scheme based on property lines can produce unintended results, especially when large parcels of land are involved.

83-8856
NOV 29 P 3:01
RECEIVED
CITY CLERK

#1

City of Las Vegas  
November 29, 1999  
Page 2

The discretion of the City Council inherent in the current statute allows the council an opportunity to hold a public hearing to decide if the policy goal - separation of incompatible uses - would still be satisfied by other situations. For example, a developer working with a seventy-nine acre parcel that proposes to place a liquor use at least one thousand feet away from an existing church clearly satisfies the policy of keeping such uses at least four hundred feet apart. Under the existing statute, the City Council has the discretion to approve or disapprove this proposed use, after public comment. Under the new Bill, however, the City Council has no discretion to allow the proposed use that is one thousand feet away from the church while an application on an eighty acre parcel that only contains a four hundred foot separation would still be allowed to proceed. It seems as though the application with the thousand foot separation is more in the public's interest, but under the new bill, it would not be allowed to proceed.

A similarly absurd result is possible when we are dealing with an existing use on a large parcel of land. For example, a school situated on a large parcel may have all of the ingress and egress points concentrated on one corner of its property for security or for other reasons. Nevertheless, if within four hundred feet of the opposite corner of the property there may be a small lot where a developer seeks to build a neighborhood market with a package beer and wine license. Because of the configuration of the streets and the access points to both parcels, the front door to the neighborhood market would be more than a thousand feet from the nearest point of access to the school. Under the new Bill, however, the application for the market could not move forward while an application for a convenience store four hundred feet down the street from the entrance to the school would be allowed to proceed. Once again, the result seems to eliminate from consideration an option that would be more in the public interest and which would directly advance the goals of the ordinance.

We believe that the public policy encompassed by the existing law and the Bill are appropriate and commendable. They both discourage or prevent development of liquor and gaming adjacent to churches, parks, and schools. The Bill, however, has the potential of producing inconsistent and absurd results that will discourage beneficial development in our community. We believe the existing law adequately effectuates the policy while allowing the City Council, with input from the community, to grant waivers when the unique characteristics of a particular project make it prudent to do so. Granting discretion to our elected officials is the main reason we have these public office positions. We trust these officials to make the decisions that are in the public's interest while taking into account the unique factual circumstances of any given situation. A rigid formalistic approach is just not appropriate in most circumstances and is certainly not appropriate when we are talking about unique parcels of land and their interrelationship.

City of Las Vegas  
November 29, 1999  
Page 3

Therefore, we encourage a result that leaves the discretion in these matters in the hands of the City Council and, ultimately, in the hands of the people. Removing discretion does not make pragmatic sense and, as indicated by the examples cited above, is likely to create inconsistent results that are not in the public interest.

We thank you for considering our views on this important issue, and stand ready to work with you in your attempts to craft ordinances that directly and clearly advance the admirable policies which the current flawed ordinance seeks to address.

Sincerely,



Paul E. Larsen

PEL:sae

cc: Councilman Michael McDonald  
Councilman Larry Brown

RECOMMENDING COMMITTEE MEETING MINUTES  
CITY HALL, 400 EAST STEWART AVENUE  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
TUESDAY, NOVEMBER 30, 1999  
4:00 P.M.

**ATTENDANCE:** Councilman Larry Brown

**EXCUSED:** Councilman Michael J. McDonald

**ALSO PRESENT:** Doug Selby, Deputy City Manager  
Val Steed, Chief Deputy of Governmental Affairs  
Tim Chow, Director, Planning and Development

**CALL TO ORDER:** Councilman Brown called the meeting to order at 4:09 p.m

**ANNOUNCEMENT MADE:** Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board  
Senior Citizens Center, 450 E. Bonanza  
Clark County Government Center, 500 S. Grand Central Parkway  
Court Clerk's Office Bulletin Board, City Hall Plaza  
City Hall Plaza, Special Outside Posting Bulletin Board

1. **Bill No. 99-62 - ELIMINATES THE ABILITY TO OBTAIN A WAIVER OF THE MINIMUM 400-FOOT DISTANCE REQUIREMENTS APPLICABLE TO A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION).** Sponsored by Councilman Gary Reese

---

Committee: Councilmen Larry Brown and Michael McDonald

Mr. Steed stated that at the previous Recommending Committee meeting, he had explained that the subject Bill would remove the City Council's ability to waive the 400-foot restriction with regard to liquor-related establishments. Comments were received from concerned individuals, which resulted in a proposal to add a new section that would exclude from that distance requirement applications that have been filed with the Planning and Development Department by a certain date. He recommended additional language that would retain the Council's ability to grant waivers for parcels with frontage along Fremont Street, between Main Street and Las Vegas Boulevard, and for proposals within the Town Center Zoning District within the area designated MS-TC (Main Street-Mixed Use).

Greg Borgel, Mendenhall Moreno and Associates, appeared representing Sharon Haberfeld regarding an application, as well as other applications, that might be affected by the subject Bill. He agreed with the recommendation of Mr. Steed to grandfather in applications that are on file by a date to be determined. He suggested that date be 12/15/99.

Councilman Brown asked what type of a safeguard will be implemented to ensure that applicants do not attempt to file applications subsequent to the date-to-be-determined for filing an application and claim that their application was in by the required date. Mr. Steed indicated that in general the filing of an application is considered a complete application with all the required information. Mr. Borgel interjected that a receipt with a date is issued to the applicant for a submitted application.

Tom McGowan, 720 South Casino Center Boulevard, requested a clear definition for the distance requirement. Mr. Steed explained that it is the distance from a proposed alcohol establishment to the property line of the listed uses in the Bill.

Mr. McGowan then asked what type of establishments can obtain a waiver in the Pedestrian Mall and in Town Center. Councilman Brown indicated that there is some discretion in the Bill, but it is unknown as to what type of products will be proposed. Mr. McGowan felt that it should clearly be defined as soon as possible.

Councilman Brown recommended the final date to receive applications for a waiver to be 12/15/99.

Note: A letter from Attorney Paul E. Larsen, Lionel, Sawyer, and Collins, was mailed to the City Clerk's office and is made a part of these minutes.

There was no further discussion.

**Councilman Brown stated Bill No. 99-62 would be forwarded to the Full Council with a "Do Pass" recommendation with a First Amendment.**

(4.19 - 4.25)

**1-347**

2. **Bill No. 99-65 - ANNEXATION NO. A-37-99(A) - PROPERTY LOCATED: ON THE WEST SIDE OF CONOUGH LANE, APPROXIMATELY 910 FEET SOUTH OF DEER SPRINGS WAY; PETITIONED BY: ROME 95 AND ROME PHD LIMITED PARTNERSHIPS ON BEHALF OF J.O.M.B.I. DEVELOPMENT CO.; ACREAGE: APPROXIMATELY 16.63 ACRES; ZONED: H-2 AND R-E (COUNTY ZONING), C-2 AND U (TC) (CITY EQUIVALENTS). Sponsored by: Councilman Larry Brown**  

---

**Committee: Councilmen Larry Brown and Michael McDonald**

Mr. Steed stated the subject Bill is in order.

No one appeared in opposition.

There was no discussion.

- **Councilman Brown stated Bill No. 99-65 would be forwarded to the Full Council with a "Do Pass" recommendation.**

(4:08 - 4:09)

1-16

- 3. **Bill No. 99-66 - ANNEXATION NO. A-39-99(A) - PROPERTY LOCATED: ON THE SOUTHWEST CORNER OF LONE MOUNTAIN ROAD AND BARDEN ROAD; PETITIONED BY COREY AND SALLY MORLEY, ET AL.; ACREAGE: APPROXIMATELY 21.30 ACRES; ZONED: R-U (COUNTY ZONING), U (PCD) (CITY EQUIVALENT). Sponsored by: Councilman Larry Brown**

---

Committee: Councilmen Larry Brown and Michael McDonald

Mr. Steed stated the subject Bill is in order.

No one appeared in opposition.

There was no discussion.

- Councilman Brown stated Bill No. 99-66 would be forwarded to the Full Council with a "Do Pass" recommendation.**

(4:09)

1-48

- 4. **Bill No. 99-67 - ANNEXATION NO. A-43-99(A) - PROPERTY LOCATED: ON THE NORTH SIDE OF CHEYENNE AVENUE, APPROXIMATELY 122 FEET EAST OF TORREY PINES DRIVE; PETITIONED BY TIGER MYNARCIK AND JILL M. CHILDS; ACREAGE: APPROXIMATELY 1.03 ACRES; ZONED: R-E (COUNTY ZONING), R-E (CITY EQUIVALENT). Sponsored by: Councilman Larry Brown**

---

Committee: Councilmen Larry Brown and Michael McDonald

Mr. Steed stated the subject Bill is in order.

No one appeared in opposition.

There was no discussion.

- Councilman Brown stated Bill No. 99-67 would be forwarded to the Full Council with a "Do Pass" recommendation.**

(4:09 - 4:10)

1-62

- 5. **Bill No. 99-68 - EXTENDS THE JUVENILE CURFEW FOR THE DOWNTOWN AREA ON DECEMBER 31 AND JANUARY 1. Sponsored by: Councilman Larry Brown**

---

Committee: Councilmen Larry Brown and Michael McDonald

Mr. Steed stated that the City Code already addresses a curfew for minors. However, the subject Bill changes the normal rule by putting into effect a curfew on December 31, 1999, and on January 1, 2000, between 6:00 p.m. and 5:00 a.m., in the designated area, as stipulated in the Bill

Captain Dan Berry, Downtown Area of Command, Las Vegas Metropolitan Police Department (Metro), supported the Bill, stating that it is mainly to ensure the safety of everyone, especially minors, on New Year's Eve. It will prevent minors from being victimized or creating any problems for others.

Tom McGowan, 720 South Casino Center Boulevard, and Al Gallego, citizen of Las Vegas, strongly felt that some type of event should be held for teenagers on New Year's Eve so that they too can celebrate bringing in the New Year, and to keep them busy and from seeking an alternative way of celebrating that may create problems. Mr. Gallego was concerned because he lives within the boundaries of the area described in the subject Bill, and his teenage nephew lives with him. His nephew may be picked up by the police just for being outside of his home. Captain Berry indicated that Mr. Gallego's home would be considered private property, and that the police will be looking for youth causing problems.

Mark Paris, 425 Fremont Street, appeared representing the Fremont Street Experience Limited Liability Company. He expressed appreciation toward the City for accepting the 12/31/99 New Year's Eve event that was programmed by the Fremont Street Experience for youth 18 and younger. However, he requested the Committee's consideration, because it is a gated event which might be affected by any changes to the curfew. As far as the special event scheduled by the Fremont Street Experience for 1/1/2000, he is aware that Metro is concerned about it because it will be open. Therefore, he concurred with the curfew extension for the event on 1/1/2000.

For clarification, Councilman Brown asked Mr. Paris if he was requesting that the Bill be amended to exclude the gated event with the Fremont Street Experience on 12/31/99. Mr. Paris answered that, to his understanding, the Pedestrian Mall is excluded from the proposed extended curfew on both 12/31/99 and 1/1/2000. Mr. Steed pointed out that without the subject Bill the normal curfew would prevail on both dates. However, Bill No. 99-68 states that a different curfew would apply within the Downtown Area, excluding the Pedestrian Mall. If a different rule is desired for the Pedestrian Mall, two separate sections would have to be drafted, one for 12/31/99 and another for 1/1/2000. Mr. Paris noted that the Fremont Street Experience has no concern, but Metro has expressed a concern about the event on 1/1/2000 because it would not be a controlled environment.

Councilman Brown suggested the Bill be forwarded to the Council. If Metro has additional concerns at the time the Council considers the Bill for adoption, they can be addressed at that time and amendments made if necessary. Mr. Paris concurred

No one appeared in opposition.

There was no further discussion.

**Councilman Brown stated Bill No. 99-68 would be forwarded to the Full Council with a "Do Pass" recommendation.**

(4:10 - 4:19)

**1-77**

CITIZENS PARTICIPATION:

Greg Borgel, Mendenhall Moreno and Associates, thanked the Council and staff for working with him on Bill No. 99-62.

Tom McGowan, 720 South Casino Center Boulevard, indicated that he had nothing to say.

(4:25 - 4:26)

**1-537**

ADJOURNMENT

The meeting adjourned at 4:26 p.m.

/gpb