

City of Las Vegas

Agenda Item No. 78

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-85 – Adjusts the building height, lot coverage, and on-site parking requirements and limitations applicable to senior citizen apartments, and adjusts the lot coverage limitations applicable to certain mixed-use developments that include a residential component. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Senior citizen apartments and similar residential uses that have the potential to form part of mixed-use developments have faced certain development difficulties relating to building height, lot coverage and on-site parking. This bill will adjust those restrictions so as to encourage and facilitate these types of development.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-85

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

11/3/2003 Recommending Committee

11/5/2003 Council Agenda

(10:07 – 10:10)

1-2280

BILL NO. 2003-85

ORDINANCE NO. _____

AN ORDINANCE TO ADJUST THE BUILDING HEIGHT, LOT COVERAGE, AND ON-SITE PARKING REQUIREMENTS AND LIMITATIONS APPLICABLE TO SENIOR CITIZEN APARTMENTS; TO ADJUST THE LOT COVERAGE LIMITATIONS APPLICABLE TO CERTAIN MIXED-USE DEVELOPMENTS THAT INCLUDE A RESIDENTIAL COMPONENT; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer,
Director of Planning and Development

Summary: Adjusts the building height, lot coverage, and on-site parking requirements and limitations applicable to senior citizen apartments, and adjusts the lot coverage limitations applicable to certain mixed-use developments that include a residential component.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to add to the "Residential & Lodging" element thereof a new row pertaining to the use "Senior Citizen Apartments," reading as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RESIDENTIAL & LODGING
							C	C	C			Senior Citizen Apartments*

RESIDENTIAL & LODGING	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Senior Citizen Apartments*					S				

SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subdivision entitled "SENIOR CITIZEN APARTMENTS," reading as follows:

SENIOR CITIZEN APARTMENTS [R-3, R-4, R-5]

For any development that is over three stories in height:

(1) The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.

1 (2) Rooflines and façade elements shall be articulated in order to break down the apparent
2 massing of the structures.

3 SECTION 3: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
4 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new
5 subdivision entitled "SENIOR CITIZEN APARTMENTS," reading as follows:

6 SENIOR CITIZEN APARTMENTS [C-1]

7 (1) For any development that is over three stories in height:

8 (a) The structures shall be compatible with the scale and massing of the types of
9 development allowed in the applicable zoning district and shall provide a transition to less intensive
10 development.

11 (b) Rooflines and façade elements shall be articulated in order to break down the
12 apparent massing of the structures.

13 (2) The use shall be developed and operated only in connection with ground-level
14 nonresidential development. In the case of a multi-floor structure, the apartments themselves must
15 be located above the ground floor, but access ways, entryways and community rooms may be located
16 on the ground floor.

17 (3) The primary resident or guest entryway to the apartments must be independent of
18 ground floor commercial uses, and must be directly accessible from and oriented to a street.

19 (4) The overall architecture of the front elevation shall highlight the difference in uses
20 through variations in volume and proportion, and shall be treated as a cohesive whole through finishes
21 and colors.

22 (5) For any development that, in accordance with LVMC 19.08.045, is allowed to exceed
23 the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements shall
24 be met. In addition, for any development that is not located within the Downtown Las Vegas
25 Redevelopment Area, as established by Ordinance No. 3218 and amended from time to time, the
26 minimum setback requirements for the C-1 District shall be met.

27 SECTION 4: As set forth at the end of Title 19, Section 8, Section 40, of the
28 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, Table 2 and its accompanying Notes

are hereby amended to read as follows:

Table 2. Residential District Development Standards, Other than Single-Family

STANDARD	R-2	R-3	R-4	R-5
Minimum Lot Size [(ft ²)](sq. ft.)	6,500	6,500	6,500	7,000
Dwelling Units per Gross Acre	6-12	13-25	26-50	unlimited ¹
Min. Lot Width (ft.)	NA	NA	NA	NA
Min. Front Yard Setback (ft.) ³	20	20	10	10
Min. Side Yard Setback (ft.) ³	5 ⁴	5 ⁴	5 ⁴	5 ⁴
Min. Corner Side Yard Setback (ft.) ³	5 ⁴	5 ⁴	5 ⁴	5 ⁴
Min. Rear Yard Setback (ft.) ³	20 ⁴	20 ⁴	20 ⁴	20 ^{2,4}
Min. Distance Between Buildings ³	10	10	10	unlimited
Max. Lot Coverage ³	NA	NA	NA	NA
Max. Building Height (ft.) ³	2 stories or 35 feet, whichever is less ²			5 stories or 55 feet, whichever is less

Notes:

1. R-5 District—The maximum density is unlimited. However, the height limit on development imposes a de facto limitation on density in all areas except the Downtown Overlay District (see Section 19.06.060), where the height is unlimited.

2. R-5 District—The minimum rear yard setback shall be twenty feet. However, where the rear twenty feet of the lot has direct access to a public alley and is used for the on-site parking of automobiles, this area may be covered by a roof provided it is otherwise open on three sides.

3. Downtown Overlay District—All structures in the Downtown Overlay District are exempted from the automatic application of the height limitations, required setbacks and lot coverage requirements specified in Table 2. However, the exemption does not prohibit the City Council from imposing similar or equivalent limitations in connection with the approval of a Site Development Plan in accordance with Section 19.06.060.

4. All Districts—Side, corner side and rear yard setbacks are subject to the patio cover provisions set forth in Subsection 19.08.040(B)(4).

5. R-3 and R-4 Districts—The height limit for senior citizen apartment developments shall be

three stories or forty feet, whichever is less, upon approval of a Site Development Plan in accordance with Section 19.18.050. Senior citizen apartment developments that exceed the permitted height limit may be permitted upon approval of a Special Use Permit in accordance with Sections 19.04.050 and 19.18.060.

SECTION 5: Title 19, Section 8, Section 45, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(B) Applicability. With the exception of unrestricted gaming development, and development located within a designated special purpose, overlay or planned development which has adopted commercial design guidelines, no new commercial site development, building or structure shall be erected in any commercial zone unless in conformity with all applicable provisions of [these regulations.] this Section, including the development standards set forth in Table 3. No existing commercial building or structure shall be moved or substantially enlarged, and no previously developed site shall be substantially modified or enlarged, unless in conformance with all applicable provisions of [these regulations.] this Section, including the development standards set forth in Table 3.

SECTION 6: As adopted in Title 19, Chapter 8, Section 45, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, Table 3 and its accompanying Notes are hereby amended to read as follows:

Table 3. Commercial District Development Standards

STANDARD	P-R	N-S	O	C-D	C-1	C-2	C-PB
Min. Site Area to Rezone	NA	NA	NA	NA	NA	NA	20 Ac.
Min. Lot Width (ft.) ⁴	60	100	100	100	100	100	100
Min. Front Yard Setback (ft.) ⁴	20	25	25	25	20	20	20
Min. Side Yard Setback (ft.) ⁴	5	10	10	10	10	10	10
Min. Corner Side Yard Setback (ft.) ⁴	15 ³	15	15	15	15	15	20
Min. Rear Yard Setback (ft.) ^{1,4}	15	25	15	25	20	20	15
Max. Lot Coverage ⁴	50%	30%	30%	30%	50% ⁶	50%	50%
Max. Building Height [R] (ft.) ^{1,2,4,5}	2 stories or 35 feet, whichever is less				none	none	none

1 Notes:

2 1. Rear Yard Setback, Height. Rear yard setbacks and building heights may be affected by the
3 Residential Adjacency requirements in Section 19.08.060.

4 2. Height.

5 a. Non-Residential Building Height When Adjacent to Residential. See Section
6 19.08.060(B).

7 b. P-R and O Districts. The maximum building height in the P-R and O Districts is two
8 stories or thirty-five feet, whichever is less.

9 c. C-D District. Unless otherwise approved by the City Council in a Site Development
10 Plan, building heights in the C-D Districts shall not exceed:

11 (1) One story or twenty feet, whichever is less, for parcels that front on Charleston
12 Boulevard between Rancho Drive and Valley View Boulevard;

13 (2) Two stories or thirty-five feet, whichever is less, for all other parcels.

14 d. C-PB District. The maximum building height in the C-PB District is three stories or
15 fifty-five feet, whichever is less. Any parcel of land contiguous to a freeway or expressway and to
16 a depth of six hundred feet from the right-of-way line thereof, the maximum building height shall be
17 six stories or one hundred feet, whichever is less. Notwithstanding the above, in the case of permitted
18 commercial and retail uses, the maximum building height shall be two stories or thirty-five feet,
19 whichever is less.

20 e. Exemptions. Chimney and vent stacks; roof structures for the use of elevations, stairs,
21 tanks, ventilation, and similar necessary mechanical equipment; visual screens which surround
22 mounted mechanical equipment; skylights; whip and mounted antennas and flag poles up to forty feet
23 in height may be erected above the required height limits. In no case shall structures above the
24 permitted height limit be constructed for the purpose of providing additional floor space.

25 f. Height Along Certain Streets. For additional building height restrictions along streets
26 classified as collector or larger, see Section 19.08.030(C).

27 3. P-R District. A development in the P-R District which is a conversion from an existing
28 residential structure may maintain the existing setbacks. Any additions may also be constructed to

1 the existing established corner setback.

2 4. Downtown Overlay District. All structures in the Downtown Overlay District are exempted
3 from the automatic application of the height limitations, required setbacks and lot coverage
4 requirements specified in this chapter. However, the exemption does not prohibit the City Council
5 from imposing similar or equivalent limitations in connection with the approval of a Site Development
6 Plan in accordance with Section 19.06.060.

7 5. Gaming Enterprise Overlay District. All licensed gaming establishments within the Gaming
8 Enterprise District are exempted from the automatic application of any height limitations specified
9 in this chapter. However, the exemption does not [prohibited] prohibit the City Council from
10 imposing a similar or equivalent height limitation in connection with the approval of a Site
11 Development Plan.

12 6. C-1 District. Senior citizen apartments and mixed-use developments that exceed the permitted
13 lot coverage limitation may be permitted upon approval of a Special Use Permit in accordance with
14 Sections 19.04.050 and 19.18.060. In addition, a mixed-use development shall be subject to all of the
15 following requirements:

16 a. The mixed-use development must contain both residential and commercial uses in the
17 same structure;

18 b. Commercial uses shall be located at the front yard setback facing the public
19 right-of-way; and

20 c. The residential units shall be located at or above the second story of the mixed-use
21 structure.

22 SECTION 7: Table 1, as adopted in Title 19, Chapter 10, Section 10, Subsection (F),
23 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by
24 amending the row pertaining to the category "Senior Citizen Apartment," as found in the
25 RESIDENTIAL & LODGING element thereof, to read as follows:

26 Senior Citizen	[One space for each unit, plus one guest space for every six units.]
27 [Apartment] <u>Apartment</u>	<u>.75 spaces per unit, or .5 spaces per unit within the Downtown</u>
28	<u>Overlay District</u>

1 SECTION 8: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
 2 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,
 3 the following term and its corresponding definition:

4 "Senior Citizen Apartments" means an apartment house or other multi-family dwelling in which each
 5 unit is occupied by at least one person fifty-five years of age or older, or in which the units are
 6 intended and operated for occupancy by persons fifty-five years of age or older. The term includes
 7 an apartment house or other multi-family dwelling that qualifies as "housing for older persons" under
 8 the provisions of Federal law, including without limitation housing developments that:

9 (1) Provide significant facilities and services specifically designed to meet the physical or
 10 social needs of older persons; and

11 (2) Publish and adhere to policies and procedures that demonstrate an intent to provide
 12 housing for persons fifty-five years of age or older to the extent allowed by applicable State or Federal
 13 law.

14 SECTION 9: In Sections 2 and 3 of this Ordinance, the brackets that follow the title
 15 of the subdivision being added are not intended to indicate deleted matter, but instead are used as the
 16 means of indicating the applicable districts.

17 SECTION 10: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
 18 19.04.040, 19.04.050, 19.08.040, 19.08.045, 19.08.050, and 19.10.010 and 19.20.020 are deemed to
 19 be subchapters rather than sections.

20 SECTION 11: If any section, subsection, subdivision, paragraph, sentence, clause or
 21 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
 22 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
 23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
 24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
 25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
 26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
 27 invalid or ineffective.

28 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Heed 10-1-03
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
 2 _____ day of _____, 2003, and referred to the following committee composed of
 3 _____ and _____ for recommendation;
 4 thereafter the said committee reported favorably on said ordinance on the _____ day of
 5 _____, 2003, which was a _____ meeting of said Council; that at said
 6 _____ meeting, the proposed ordinance was read by title to the City Council
 7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

12 APPROVED:

14 By _____
 OSCAR B. GOODMAN, Mayor

15 ATTEST:

17 BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 79

AGENDA SUMMARY PAGE**SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003****DEPARTMENT: CITY ATTORNEY****DIRECTOR: BRADFORD R. JERBIC**☐**CONSENT**☒**DISCUSSION****SUBJECT:****NEW BILL:**

Bill No. 2003-86 – Makes minor corrections to the maps that depict the boundaries of the downtown area as described in the Downtown Las Vegas Centennial Plan, the Las Vegas 2020 Master Plan, and the Downtown Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development

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

A number of maps that were adopted as part of the City's Downtown Las Vegas Centennial Plan, Las Vegas 2020 Master Plan, and Downtown Overlay District vary slightly from the descriptions of the boundaries that were approved for those areas and that were intended to be represented by the maps. This bill will amend the various maps to conform them to the boundaries that were intended to be reflected in the maps.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-86

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

11/3/2003 Recommending Committee

11/5/2003 Council Agenda

(10:07 – 10:10)

1-2280

1 **BILL NO. 2003-86**2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO CORRECT THE MAPS THAT DEPICT THE BOUNDARIES OF THE
4 DOWNTOWN AREA AS DESCRIBED IN THE DOWNTOWN LAS VEGAS CENTENNIAL
5 PLAN, THE LAS VEGAS 2020 MASTER PLAN, AND THE DOWNTOWN OVERLAY
6 DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

7 Proposed by: Robert S. Genzer, Director of
8 Planning and Development

Summary: Makes minor corrections to the maps
that depict the boundaries of the downtown area
as described in the Downtown Las Vegas
Centennial Plan, the Las Vegas 2020 Master
Plan, and the Downtown Overlay District.

9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: A number of maps that were adopted as part of the City's Downtown
12 Las Vegas Centennial Plan, Las Vegas 2020 Master Plan, and Downtown Overlay District vary
13 slightly from the descriptions of the boundaries that were approved for those areas and that were
14 intended to be reflected in the maps. In order to conform the maps to the boundaries intended, it is
15 the intent of the City Council to amend the various maps as set forth in Sections 2 to 5, inclusive, of
16 this Ordinance.

17 SECTION 2: The Downtown Las Vegas Centennial Plan, as adopted by Ordinance
18 No. 5238, is hereby amended by amending Maps 5 and 6 thereof to reflect the boundary corrections
19 described in the map attached as Exhibit 1.

20 SECTION 3: The Las Vegas 2020 Master Plan, as adopted by Ordinance No. 5250,
21 is hereby amended by amending Maps 7 and 8 thereof to reflect the boundary corrections described
22 in the map attached as Exhibit 1.

23 SECTION 4: Title 19, Chapter 6, Section 60, of the Municipal Code of the City of
24 Las Vegas, 1983 Edition, is hereby amended by amending the map that is contained in that Section
25 to reflect the boundary corrections described in the map attached as Exhibit 1.

26 SECTION 5: The Planning and Development Department is authorized and directed
27 to:

28 (A) Prepare amended maps to correspond to the formats of the various maps

1 referred to in Sections 2 and 3 of this Ordinance, and to include them or attach them to the appropriate
2 Plan documents; and

3 (B) Prepare an amended map to correspond to the format of the map described in
4 Section 4 of this Ordinance for subsequent inclusion in the Municipal Code.

5 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
6 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
7 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
8 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
9 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
10 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
11 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
12 invalid or ineffective.

13 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

17 APPROVED:

18
19 By _____
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 Val Steed 10-2-03
26 Date
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2003, and referred to the following committee composed of
3 ____ and ____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 ____, 2003, which was a ____ meeting of said Council; that at said
6 ____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk
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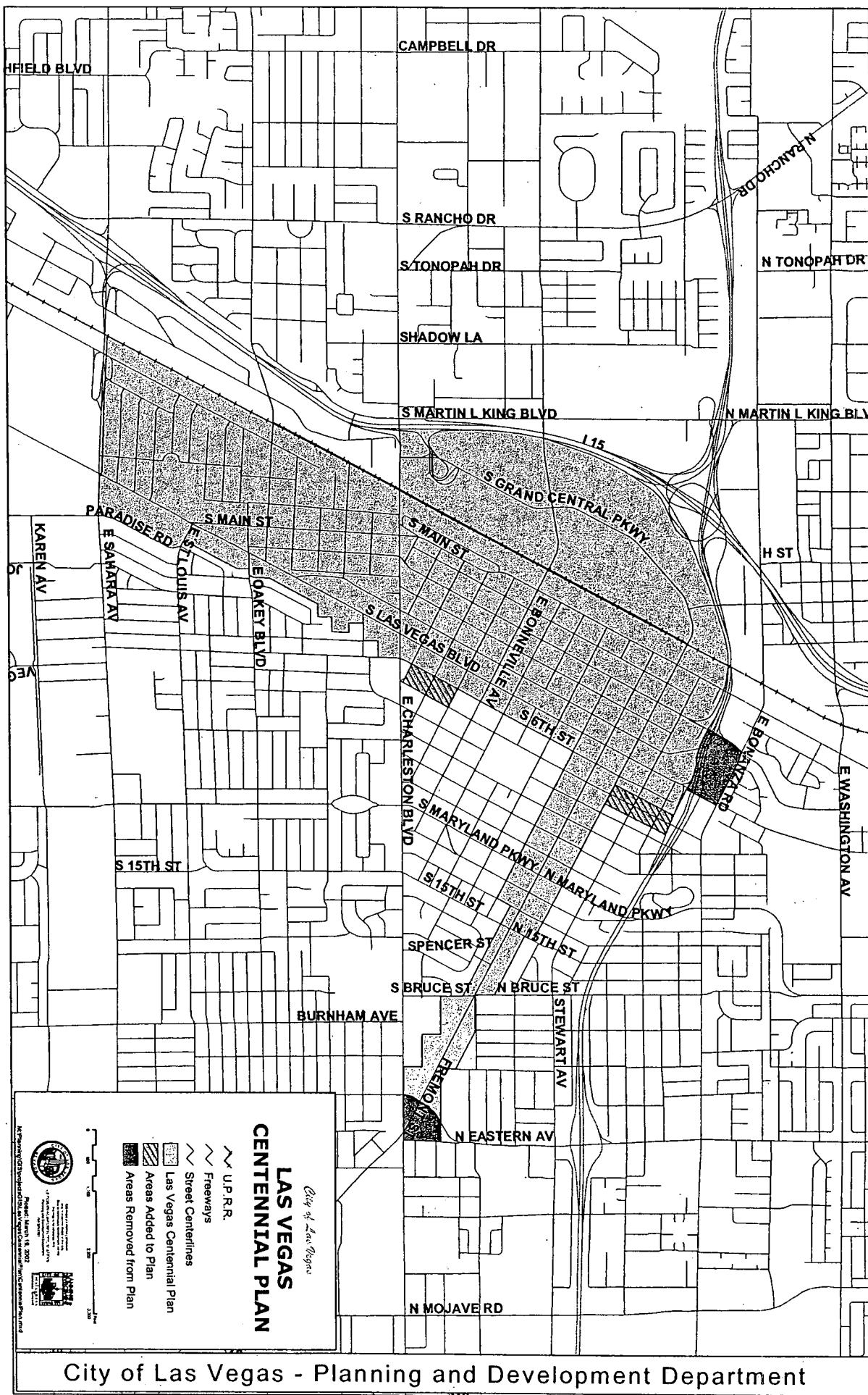


Exhibit 1

City of Las Vegas

Agenda Item No. 80

AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-87 – Requires all massage therapists and independent massage therapists to have their business licenses on their persons while performing massages, and changes the qualifying criteria for such licensing. Proposed by Mark Vincent, Director of Finance and Business Services

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will enhance City code enforcement efforts, by requiring that all massage therapists and independent massage therapists have their business licenses on their persons while performing massages. Additionally, this bill repeals the requirement for a certificate of graduation from a recognized school of massage as a requirement of licensing and instead requires that a person be certified by a recognized certifying agency as proficient in massage or that he or she has a current license with Clark County in order to be licensed.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-87

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

11/3/2003 Recommending Committee

11/5/2003 Council Agenda

(10:07 – 10:10)

1-2280

BILL NO. 2003-87

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE LICENSING REQUIREMENTS FOR MASSAGE THERAPISTS AND INDEPENDENT MASSAGE THERAPISTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent,
Director of Finance and Business Services

Summary: Requires all massage therapists and independent massage therapists to have their business licenses on their persons while performing massages, and changes the qualifying criteria for such licensing.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6, Chapter 52, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.52.020: Unless the context otherwise requires, the following words, as they appear in this Chapter, shall have the meanings ascribed to them in this Section:

["Certificate of graduation" means a certificate issued by a recognized school of massage attesting that a person has successfully completed at least five hundred hours of training in massage or physical therapy.]

"Certification" means certification by the National Certification Board for Therapeutic Massage and Bodywork or by a board of equivalent stature which is accredited by the National Commission for Certifying Agencies for massage and bodywork.

"Chair massage" means a massage administered by a massage therapist to the neck, shoulders, back, arms, hands and feet of a fully clothed client utilizing a massage chair.

"Employee" means any massage therapist who is a bona fide employee of a massage establishment.

"Independent massage therapist" means a massage therapist who is not an employee of a massage establishment, is a sole practitioner, and hires no employees.

"Massage" means any method of treating any of the external parts of a person including, but not limited to, rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands, feet, elbows or any other part of the body. All massage modalities recognized by the National Certification Board for Therapeutic Massage and Bodywork, and the American Organization for

1 Bodywork Therapies of Asia are included in this definition.

2 "Massage establishment" means any premises occupied and used for the purpose of performing
3 massage therapy.

4 "Massage therapist" means any person who, for consideration, performs any massage as defined in
5 this Section and has met all of the requirements of this Chapter.

6 "Outcall massage" means any massage given or provided off the premises of a licensed massage
7 establishment by a licensed massage therapist.

8 ["Recognized school of massage" means a school or educational institution that is located and licensed
9 to do business in Nevada as a school or educational institution (other than with a temporary or
10 provisional license), or which is affiliated with such school or educational institution, and which has
11 for its purpose, the teaching of anatomy, physiology, hands on training and related courses in the
12 theory, method, profession, or work of massage, and which requires the successful completion of a
13 course of study of not less than five hundred hours before a student will be eligible to receive a
14 certificate of graduation.]

15 SECTION 2: Title 6, Chapter 52, Section 90, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.52.090:** Each massage establishment licensee shall display the establishment's license [, and
18 the license of each and every massage therapist and independent massage therapist licensed to operate
19 within the establishment,] in an open and conspicuous place on the premises of the massage
20 establishment. The license of any massage therapist and independent massage therapist [whose
21 business location is not within a licensed massage establishment] must be carried on the licensee's
22 person whenever the licensee is performing massage.

23 SECTION 3: Title 6, Chapter 52, Section 160, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 [(A) In addition to the information required by LVMC Chapter 6.06 in connection
26 with a license application, an applicant for a massage therapist license or an independent massage
27 therapist license shall provide to the Department, on forms provided or approved by the Department,
28 the following:

1 (1) Proof that the applicant has a currently valid health card issued by the
2 Clark County Health District;

3 (2) A certificate of graduation from a recognized school of massage, or a
4 valid unexpired massage permit or license issued by the Clark County Department of Business
5 Licensing with proof of having held that permit or license a minimum of twenty-four consecutive
6 months immediately prior to making application with the Department;

7 (3) Proof of current certification; and

8 (4) Such other information as the Director may require that reasonably
9 relates to the applicant's fitness for a license or the nature of the service to be provided.

10 (B) The Director may waive the production of a certificate of graduation from a
11 recognized school of massage requirements if the applicant for a massage therapist or independent
12 massage therapist license shows proof that he or she is licensed to practice massage in a state other
13 than Nevada, and the Director finds that the applicant has successfully completed massage education
14 and training courses equivalent to the education and training courses offered by a recognized school
15 of massage.]

16 **6.52.160** In addition to the information required by LVMC Chapter 6.06 in connection with a
17 license application, an applicant for a massage therapist license or an independent massage therapist
18 license shall provide to the Department, on forms provided or approved by the Department, the
19 following:

20 (A) Proof that the applicant has a currently valid health card issued by the Clark
21 County Health District;

22 (B) Proof of current certification or a valid unexpired massage permit or license
23 issued by the Clark County Department of Business Licensing with proof of having held that permit
24 or license a minimum of twenty-four consecutive months immediately prior to making application
25 with the Department; and

26 (C) Such other information as the Director may require that reasonably relates to
27 the applicants's fitness for a license, qualifications to perform massage or the nature of the service to
28 be provided.

1 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
 2 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
 3 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
 4 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
 5 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
 6 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
 7 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
 8 invalid or ineffective.

9 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
 10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
 11 required or the failure to do any act is made or declared to be unlawful or an offense or a
 12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
 13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
 14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
 15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
 17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
 18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

20 APPROVED:

21 By _____
 22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24
 25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 Jerry G. Bellis 10-2-03
 28 _____
 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BARBARA JO RONEMUS, City Clerk
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City of Las Vegas

Agenda Item No. 81

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-88 – Interim warrant ordinance providing for the issuance of a General Obligation Interim Warrant for Special Improvement District No.1502 (Grand Montecito Parkway) not to exceed \$6,000,000 - Ward 6 (Mack)

Fiscal Impact

☐

No Impact

Amount: \$6,285,000

☒

Budget Funds Available

Dept./Division: Public Works - S.I.D.

☐

Augmentation Required

Funding Source: Special Assessments

PURPOSE/BACKGROUND:

This ordinance authorizes and directs the issuance of a general obligation interim warrant for the payment of the costs and expenses within Special Improvement District No.1502 (Grand Montecito Parkway). Grand Montecito Parkway is part of the Town Center loop road system. The project will include installation of full-width pavement, median islands, storm drain facilities, curb and gutter, streetlights, commercial driveways, fire hydrants, sewer mains and laterals, and water mains and laterals. This obligation is expected to be refinanced through the issuance of General Obligation Bonds in or about March 2005. The Interim Warrant (as well as any later bond refinancings) is a general obligation of the City, though property assessments are expected to provide the funding necessary for all debt service requirements.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

Bill No. 2003-88

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

11/3/2003 Recommending Committee

11/5/2003 Council Agenda

(10:07 – 10:10)

1-2280

Summary - An ordinance authorizing the issuance of a registered interim warrant in connection with the City of Las Vegas, Nevada Special Improvement District No. 1502 (Grand Montecito Parkway) and providing other matters relating thereto.

BILL NO. 2003-88
ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1502 (GRAND MONTECITO PARKWAY); AUTHORIZING AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION INTERIM WARRANT FOR THE PAYMENT OF THE COSTS AND EXPENSES WITHIN SUCH DISTRICT; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council (the "Council") of the City of Las Vegas (the "City"), Nevada, pursuant to an ordinance (the "District Ordinance") previously adopted, created the City of Las Vegas, Nevada Special Improvement District No. 1502 (Grand Montecito Parkway) (the "District") and ordered the acquisition of local improvements for the District (the "Project"); and

WHEREAS, the District has been created by the District Ordinance in accordance with Chapter 271 of Nevada Revised Statutes ("NRS"), i.e., the Consolidated Local Improvement Law (the "Project Act"); and

WHEREAS, the Council has authorized the proper officers of the City to advertise for a construction contract for the Project on behalf of the City and District; and

WHEREAS, § 271.355, NRS, provides that the Council may issue interim warrants for the purpose of paying any contractor or otherwise defraying any costs of the Project as the same become due from time to time until moneys are available therefor from the levy and collection of assessments to the benefited lots, tracts and parcels of land (and any issuance of bonds), and that such interim warrants may be general obligation interim warrants to which the full faith and credit of the City is pledged, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution, and shall be issued in such manner, in such form, with such recitals, terms, covenants and conditions and with such other details as may be provided by the Council by ordinance; and

WHEREAS, the Council now desires to issue a general obligation interim warrant for the purpose of paying the contractor on the Project (the "Contractor") and otherwise defraying the costs and expenses of the Project until moneys are available from the levy and collection of assessments or the issuance of any special assessment bonds; and

WHEREAS, the Council has determined and does hereby determine to issue an interim warrant (the "Warrant"), upon estimates of the City Engineer (the "Engineer"), to provide funds to pay the Contractor or other proper persons, which Warrant, together with the interest thereon, shall be a general obligation of the City to which the full faith and credit of the City shall be pledged, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution; and

WHEREAS, the Council intends to pay the Warrant from special assessments to be levied to pay a portion of the cost of the Project in the District and from the proceeds of special assessment bonds to be hereafter sold and delivered; and

WHEREAS, the Debt Management Commission of Clark County, Nevada, has heretofore approved the issuance of the Warrant; and

WHEREAS, after notice inviting bids for their purchase, the City Director of Finance and Business Services (the "Finance Director"), as the chief financial officer of the City, or the City Manager, as the chief administrative officer of the City, is hereby authorized to receive and publicly open bids and sell the Warrant to the best bidder therefor (the "Purchaser") and the City Finance Director or the City Manager is hereby authorized to accept a binding bid for the Warrant, the Warrant to bear interest at the rates per annum provided in the purchase proposal submitted by the Purchaser (the "Purchase Proposal"), such rates not to exceed 3 percent over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Warrant, at a price equal to the principal amount thereof plus accrued interest to the date of delivery of the Warrant, plus a premium or less a discount not to exceed 9 percent of the principal amount of the Warrant, all as specified by the City Finance Director or the City Manager in a certificate dated on or before the date of delivery of the Warrant (the "Certificate of the Finance Director").

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN:

Section 1. This ordinance shall be known as, and may be cited by, the short title "District No. 1502 Interim Warrant Ordinance" (the "Ordinance").

Section 2. For the purpose of providing for the payment to the Contractor or other proper person of the costs and expenses of the Project and for the purpose of defraying the other costs (incidental or otherwise) heretofore incurred or to be incurred in the District, there shall be issued, and the Council hereby authorizes the issuance (pursuant to NRS § 271.355) of, the fully registered "City of Las Vegas, Nevada, Special Improvement District No. 1502, General Obligation Interim Warrant, Series 2003B" in an aggregate principal amount specified in the Certificate of the Finance Director (not to exceed \$6,000,000 or such lesser sum as is advanced by the Purchaser) which does not exceed the Engineer's present estimate of construction costs and incidental costs to be assessed in each of the District. Each advance (the "Advance") by the Purchaser shall be requested by the City by submitting a signed original requisition in the form set forth in Section 14 hereof by the City. The Warrant shall bear interest at the rate specified in the Certificate of the Finance Director, which shall not exceed by more than 3% the "Index of Twenty Bonds" most recently published before bids are received or a negotiated offer to purchase the Warrant is accepted from the date of its issuance until its maturity, and shall mature on the date specified in the Certificate of the Finance Director not to exceed 3 years from the date of the issuance thereof. The Warrant shall bear interest from the date of each Advance and interest shall be payable quarterly commencing on the first day of the month which is at least 3 full calendar months from the date of issuance thereof but no greater than 4 full calendar months thereafter and on the first day of the month every three full calendar

months thereafter; provided that if a Warrant is reissued upon transfer, exchange or other replacement it shall bear interest at the rate set forth in the Certificate of the Finance Director from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the first Advance for the Warrant. Interest on the Warrant shall be calculated based on a 360-day year, consisting of twelve 30-day months. The Warrant shall be subject to redemption prior to maturity as set forth in the Certificate of the Finance Director. Both principal and interest shall be payable solely to the registered owner thereof in lawful money of the United States of America, without deduction for exchange or collection charges, at the office of the City Treasurer in Las Vegas, Nevada (the "Paying Agent") upon maturity. If upon presentation at maturity or prior redemption by the City, payment of any of the Warrant is not made as therein provided, interest thereon shall continue at the same rate stated therein until the principal thereof is paid in full.

Section 3. The Warrant shall be fully registered in the name of the owner for the payment of both principal and interest in the office of the Paying Agent and any transfer thereof must likewise be registered in said office. The City Treasurer is hereby appointed the registrar (the "Registrar") and shall maintain records in the office of the Registrar showing at all times that the Warrant are registered as to both principal and interest, and the name and address of the owner thereof. The Registrar shall register or permit to be transferred the Warrant subject to such reasonable regulations as the Registrar may prescribe. The City Treasurer, shall note such registration on his registration records and on the registration panel on the back of the Warrant showing that the Warrant is registered as to both principal and interest. The City and its officers may treat the person in whose name the Warrant is registered as the absolute owner, whether or not such Warrant shall be overdue. All payments made as provided in this Ordinance shall be valid and effectual to discharge the liability upon the Warrant to the extent of the amounts so paid.

Section 4. The Warrant, together with the interest due thereon from the date of issue until paid, shall be redeemed and retired in regular numerical order from any legally available City funds, and the full faith and credit of the City is pledged to such payment, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution.

Section 5. The payment of the Warrant is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the assessments, the general fund and general tax proceeds pledged for the payment of the Warrant. No property of the City, subject to such exceptions, shall be liable to be forfeited or taken in payment of the Warrant.

Section 6. No recourse shall be had for the payment of the principal of and interest on the Warrant or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the City or any officer or other agent of the City, past, present or future, either directly or indirectly through the City or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Warrant and as a part of the consideration of its issuance specially waived and released.

Section 7. The Finance Director or City Manager is authorized to sell the Warrant and sign a binding contract therefor with the Purchaser pursuant to the terms set forth herein and in the Certificate of the Finance Director. All action heretofore taken by the Council and the officers and employees of the City directed toward the Project and toward the issuance, sale and delivery of the Warrant is ratified, approved and confirmed including, without limitation, if deemed necessary by the Finance Director, the Official Notice of Sale, and the distribution of the Preliminary and Final Official Statements for the Bonds. If deemed necessary by the Finance Director, the distribution and use of a Preliminary Official Statement for the Warrant is hereby authorized; the distribution, use of and execution of the Final Official Statement for the Warrant in substantially the form of the Preliminary Official Statement, with such amendments, additions and deletions as are consistent with the facts and not inconsistent herewith as may be approved by the Finance Director, is hereby authorized. The Finance Director is authorized to deem the Preliminary Official Statement to be "final" for the purposes of Rule 15c2-12 of the United States Securities Exchange Commission.

Section 8. The Warrant shall be issued pursuant to the laws of the State, and shall be fully registered in the name of the owner thereof, and the amount advanced for the Purchaser pursuant to the Warrant, shall not exceed the estimates of the Engineer of the costs to be assessed in the District, made on or before the date of issuing the Warrant.

Section 9. The Warrant shall be executed as follows:

A. Filings with Secretary of State. Pursuant to the Project Act, and to the act cited as the Uniform Facsimile Signatures of Public Officials Act, cited as chapter 351 of NRS, and prior to the execution of the Warrant, the Mayor of the City Council of the City, the City Clerk and the City Treasurer shall each file with the Secretary of State of the State of Nevada his or her manual signature certified by him or her under oath.

B. Manner of Execution. The Warrant shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile of the signature of the Mayor shall be countersigned and executed with the manual or facsimile of the signatures of the City Treasurer and shall be authenticated with the manual or facsimile impression of the official seal of the City; and shall be signed, executed, and attested with such a manual or facsimile signature of the City Clerk.

C. Authentication. The Warrant shall not be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on the Warrant. By authenticating the Warrant, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

Section 10. The Warrant bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligation of the City, notwithstanding that before the delivery thereof and the payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Each of the Mayor, the City Treasurer and City Clerk, at the time of the execution of the Warrant and of a signature certificate pertaining thereto by the Mayor, the Treasurer and the City Clerk, respectively, may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Warrant.

Section 11. Pursuant to NRS § 271.505, the Warrant shall recite that it is issued under the authority of the Project Act, which recital shall conclusively impart full compliance with the provisions of the Project Act and all such Warrant containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

Section 12. Pursuant to § 271.520, the Warrant, its transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to chapter 375B of NRS.

Section 13. After such registration of the Warrant by the Registrar and after its execution and authentication and other provisions herein supplemental thereto, the Treasurer shall cause the Warrant to be delivered to the Purchaser thereof, upon payment being made therefor on the terms of the sale of the Warrant.

Section 14. Subject to the provisions of this Ordinance, the Warrant shall be in substantially the following form with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Interim Warrant)

Transfer of This Warrant Other Than By Registration is not Effective

CITY OF LAS VEGAS, NEVADA
SPECIAL ASSESSMENT DISTRICT NO. 1502
GENERAL OBLIGATION INTERIM WARRANT
SERIES 2003B

NO. _____

Interest Rate
 ____ % per annum

Maturity Date
 _____ 1,

Dated As Of
 _____, 2003
CUSIP

REGISTERED OWNER:

MAXIMUM PRINCIPAL AMOUNT: SIX MILLION DOLLARS

\$6,000,000

The City of Las Vegas in the County of Clark and in the State of Nevada (the "City" the "County," and the "State", respectively), for value received hereby acknowledges itself to be indebted and promises to pay to the Registered Owner specified above the Principal Amount specified above or such lesser amount as is advanced by the Registered Owner, on the Maturity Date specified above (unless called for earlier redemption), and to pay interest thereon on the Maturity Date specified above at the Interest Rate per annum specified above, until the principal sum is paid or payment has been provided therefor. Advances hereunder (an "Advance") shall be requested by submitting a signed original requisition in the form attached hereto to the Registered Owner. This interim warrant will bear interest from the date of each Advance. The principal of and redemption premium, if any, on this interim warrant are payable to the Registered Owner hereof upon presentation and surrender hereof at the principal office of the City's paying agent for this interim warrant or any successor (the "Paying Agent"), presently the Treasurer of the City of Las Vegas, Nevada, which is also now acting as the City's registrar for this interim warrant (the "Registrar") by the Paying Agent. Interest on this interim warrant will be paid quarterly on _____ 1, _____ 1, _____ 1 and _____ 1 commencing on _____ 1, 20__ and on the Maturity Date (or, if such date is not a business day, on the next succeeding business day), by check or draft mailed to the person in whose name this interim warrant is registered (the "Registered Owner") in the registration records of the City maintained by the Registrar. The principal amount advanced to the City is redeemable, in whole or in part, at any time prior to the Maturity Date upon payment of the principal amount so redeemed plus accrued interest thereon to the date of redemption. All payments of the principal of, interest on and redemption premiums, if any, due in connection with this interim warrant (the "Warrant Requirements") shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent, as provided in the City's ordinance adopted and approved on November 5, 2003 authorizing the issuance of this Warrant (the "Ordinance") and the Certificate of the Director of Finance pertaining thereto (the "Certificate").

This fully registered interim warrant and the interest thereon is a general obligation of the City for the payment of which the City Council (the "Council") of the City has

pledged the City's full faith and credit, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution. The City intends to pay the principal of and interest on this interim warrant from special assessments to be hereafter levied to pay the cost of certain local improvements in the City of Las Vegas, Nevada Special Improvement District No. 1502 (the "District") and the proceeds of the special assessment bonds of the District to be hereafter sold and delivered, as provided by NRS § 271.355.

This interim warrant is issued pursuant to the laws of the State and City, and this interim warrant, together with all other interim warrants heretofore issued in connection with the District, does not exceed the estimate of the City Engineer of the costs to be assessed in the District, made on or before the date of the issuance of this interim warrant.

This interim warrant is fully registered in the name of the owner for the payment of both principal and interest in the office of the City Treasurer and any transfer thereof must likewise be registered in said office and may be transferred by registered assignment only and noted on the back hereof. This interim warrant must be registered only as to both principal and interest.

This fully registered interim warrant is issued by the City for the purpose of paying for a portion of the costs of certain local improvements in the District under the authority of and in full conformity with the provisions of Chapter 271, Nevada Revised Statutes.

It is hereby certified, recited and warranted that all of the requirements of law have been fully complied with by the proper officers of the City in the issuance of this interim warrant.

IN WITNESS WHEREOF, the City has caused this interim warrant to be signed and executed in its name and upon its behalf with the manual or facsimile signature of the Mayor, to be countersigned and executed with the manual or facsimile signature of the City Treasurer and has caused a manual impression or a facsimile of the seal of the City to be affixed hereon; and has caused this interim warrant to be signed, executed and attested with the manual or facsimile signature of the City Clerk, all as of the date written above.

CITY OF LAS VEGAS, NEVADA

(Manual or Facsimile Signature)

Mayor
Las Vegas, Nevada

Countersigned:

(Manual or Facsimile Signature)

City Treasurer

(Manual or Facsimile Seal)

Attest:

(Manual or Facsimile Signature)

City Clerk

(End of Form of Interim Warrant)

(Form of Certificate of Authentication)

Date of authentication
and registration: _____

This the interim warrant described in the within-mentioned Ordinance, and this interim warrant has been duly registered on the registration records kept by the undersigned as Registrar for such interim warrant.

CITY OF LAS VEGAS, NEVADA,
CITY TREASURER
as Registrar

By: (Manual Signature)
Authorized Officer

(End of Form of Certificate of Authentication)

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfer unto _____ the within interim warrant and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books kept for registration of the within interim warrant, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Name and address of transferee:

Social Security or other tax
identification number of
transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within interim warrant in every particular, without alteration or enlargement or any change whatsoever. Signature(s) must be guaranteed by an eligible guarantor institution as defined in 17 CFR § 240.17Ad-15(a)(2).

(End of Form of Assignment)

(Form of Principal Advance Request)

Date: _____, _____

Re: City of Las Vegas, Nevada
 Special Assessment District No. 1502
 General Obligation Interim Warrant
 No. R-1, dated _____, _____

Gentlemen:

The undersigned hereby requests that you make a principal advance in the amount of \$_____, on the above-captioned Warrant to the order of the City of Las Vegas, Nevada on or before _____, 2003.

The undersigned hereby certifies and warrants that:

1. The aggregate of principal advances requested from you under the above-captioned Warrant, including the advance requested in this letter, do not exceed the maximum principal amount of the Warrant of \$6,000,000;

2. All representations, warranties and expectations of the City contained in the Warrant and the documents accompanying the Warrant, including, without limitation, the Federal Tax Exemption Certificate dated _____, 2003, remain true and correct on this date as if made on this date, and are hereby re-made as of this date. No law has been adopted which would in any way adversely affect the City's authority to obtain and repay this advance. The City covenants to advise you immediately if any such law is adopted.

3. Please deposit the amount advanced into our account No. _____.

Respectfully submitted,

CITY OF LAS VEGAS, NEVADA

By: _____
 (Must be City Manager or Chief Financial Officer)

(End Form of Principal Advance Request)

Section 15. Upon the issuance of the Warrant, the Treasurer shall cause the proceeds of the Warrant to be applied as follows:

A. First, the proceeds, if any, received from the sale of the Warrant as accrued interest on the Warrant, if not needed to defray the cost of the Project, shall be used to pay the principal of and interest on the applicable series of the Warrant, when due.

B. The balance of the proceeds received from the sale of the Warrant shall be used solely to defray wholly or in part the cost of the Project including, without limitation, all costs of issuing the Warrant, and the costs of rebates to the United States under § 148 of the Internal Revenue Code of 1986, as amended to the date of delivery of the Warrant (the "Tax Code"), which the Council hereby determines are necessary and desirable and pertain to the Project. After the Project is complete and after all expenses have been paid or adequate provision therefor is made, any unexpended balance of Warrant proceeds (or, unless otherwise required by law, any other moneys) remaining shall be to be used to pay the principal of and interest on the applicable series of the Warrant.

Section 16. All action, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performance of all prerequisites to the creation of the District, the acquisition of the Project, the specially benefited property therein, the sale and issuance of the Warrant, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved, and confirmed.

Section 17. The City covenants for the benefit of the owners of the Warrant that it will not take any action or omit to take any action with respect to the Warrant, the proceeds thereof, any other funds of the City or any project financed with the proceeds of the Warrant, if such action or omission (i) would cause the interest on the Warrant to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code or (ii) would cause interest on the Warrant to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Warrant until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

Section 18. The officers of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing, the preparation of the Warrant and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the Warrant.

Section 19. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This

repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 20. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1502 (GRAND MONTECITO PARKWAY); AUTHORIZING AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION INTERIM WARRANT FOR THE PAYMENT OF THE COSTS AND EXPENSES WITHIN SUCH DISTRICT; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on October 15, 2003, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on November 5, 2003.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

Section 21. After this Ordinance is signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published once by its title only, together with the names of the Councilmembers voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having a general circulation in the City, such publication to be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

ORDINANCE NO.

(of Las Vegas, Nevada)

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1502 (GRAND MONTECITO PARKWAY); AUTHORIZING AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION INTERIM WARRANT FOR THE PAYMENT OF THE COSTS AND EXPENSES WITHIN SUCH DISTRICT; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on October 15, 2003, and was passed at the meeting held on November 5, 2003, by the following vote of the City Council:

Those Voting Aye:

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after the ____ day of ____, 2003, i.e., the day after the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

DATED this November 5, 2003.

/s/ Oscar Goodman
Mayor

Attest:

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

Section 22. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, the Council may, upon notice mailed to each owner of the Warrant at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent. Any successor by merger with the Registrar and Paying Agent is automatically appointed as Registrar and Paying Agent hereunder without any further action of the Council, as long as the successor otherwise is qualified to act as Registrar and Paying Agent pursuant to this section. Any bank, trust company or national banking association into which the Registrar and/or Paying Agent or its successor may be converted, merged or with which it may be consolidated, or to which it may sell or otherwise transfer all or substantially all of its corporate trust business shall be the successor of the Registrar and/or Paying Agent under this Ordinance with the same rights, powers, duties and obligations and subject to the same restrictions, limitations, and liabilities as its predecessor, all without the execution or filing of any papers or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

Section 23. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Adopted November 5, 2003.

(SEAL)

Mayor

Attest:

City Clerk

APPROVED AS TO FORM:

Val Steed 10-3-03
Date

STATE OF NEVADA)
)
 COUNTY OF CLARK) ss.
)
 CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen and qualified City Clerk of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the Council on October 15, 2003 and finally adopted and approved on November 5, 2003.

2. The following members of the Council were present at the October 15, 2003 Council meeting:

Mayor:

Councilmembers:

Oscar Goodman

Gary Reese

Larry Brown

Lynette Boggs-McDonald

Lawrence Weekly

Michael Mack

Janet Moncrief

Those Absent:

3. The foregoing Ordinance was first proposed and read by title to the City Council on October 15, 2003, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on November 5, 2003, which was a regular meeting of said Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the November 5, 2003 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

Oscar Goodman

Gary Reese

Larry Brown

Lynette Boggs-McDonald

Lawrence Weekly

Michael Mack

Janet Moncrief

Those Voting Nay:

Those Absent:

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the Council were given due and proper notice of the meetings held on October 15, 2003 and November 5, 2003. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall
City Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (iii) Clark County Government Center
Las Vegas, Nevada
- (iv) Downtown Transportation Center
Las Vegas, Nevada

and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three working days before the meetings to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. A copy of such notice so given of the meeting of the Council on October 15, 2003 is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on November 5, 2003 is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at

the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this November 5, 2003.

City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of October 15, 2003 Meeting)

EXHIBIT B

(Attach Copy of Notice of November 5, 2003 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Deposit of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

City of Las Vegas

Agenda Item No. 82

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

EMERGENCY - Bill No. 2003-89 – Ordinance providing for the issuance by the City of Las Vegas, Nevada, of its General Obligation (Limited Tax) Medium-Term Housing Note, Series 2003 not to exceed \$2,000,000 - Ward 2 (Moncrief) (**NOTE: Correct ward is Ward 1 [Moncrief]**)

Fiscal Impact

☐

No Impact

Amount: \$2,085,000

☒

Budget Funds Available

Dept./Division: Neighborhood Services

☐

Augmentation Required

Funding Source: Redevelopment housing set-aside

PURPOSE/BACKGROUND:

Pursuant to NRS 350.087 to 350.095, inclusive, the City is authorized to enter into medium-term financing to finance the housing project and to issue negotiable medium-term notes or bonds payable from annual general (ad valorem) taxes. Additionally, NRS 279.685 requires the City of Las Vegas Redevelopment Agency to set aside eighteen percent (18%) of its tax revenue to increase improve and preserve the number of dwelling units in the community for low-income households. The City of Las Vegas Redevelopment Agency's Resolution RA-4-2000 authorizes the transfer of these set-aside funds to the City for low-income housing.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

1. Bill No. 2003-89

Submitted after Final Agenda - Letter from the State of Nevada Department of Taxation

MOTION:

MONCRIEF – First Reading and Bill ADOPTED as recommended as Ordinance No. 5632 – UNANIMOUS

Clerk to proceed with publication

MINUTES:

CITY ATTORNEY JERBIC explained that under City Charter 2.050, Subsection 4, provides that no ordinance may be passed, except an emergency ordinance or one whose enactment as if an emergency existed is permitted under NRS 350 or 8.210 of the City Charter. The Bond Counsel has opined that the City can adopt a bill with one reading, as if an emergency existed, to take advantage of the low interest rate.

City of Las Vegas

Agenda Item No. 82

CITY COUNCIL MEETING OF OCTOBER 29, 2003

New Bill

Item 82 – Emergency Bill No. 2002-89

MINUTES:

CITY CLERK RONEMUS noted that the correct ward is Ward 1.

(10:10 – 10:13)

1-2280

Summary - An ordinance authorizing the issuance by the City of Las Vegas, Nevada, of its General Obligation (Limited Tax) Medium-Term Housing Note, Series 2003 and providing other matters relating thereto.

BILL NO. 2003-89
ORDINANCE NO. ____

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2003 MEDIUM-TERM HOUSING NOTE ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM HOUSING NOTE, SERIES 2003; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE NOTE; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE NOTE, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN; AND PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Las Vegas, in Clark County, State of Nevada (the "City, the "County" and "State," respectively), is a city organized and operating under the laws of the State, including, without limitation, Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

WHEREAS, pursuant to Section 7.020 of the Charter, the City, acting through the City Council (the "Council" or the "Governing Body") is authorized to borrow money for any municipal purpose and for such purpose may issue bonds or other securities, and pursuant to Nevada Revised Statutes ("NRS") ' 268.672 to 268.740, inclusive (the "Project Act") the City is authorized to issue notes to finance all or a portion of the cost of planning, acquisition, improvement, equipping, maintenance and operation of an enterprise which is authorized by NRS 279.382 to 279.685, inclusive (the "Redevelopment Law"), including the provision of dwelling units in the City for low-income households (the "Project"); and

WHEREAS, pursuant to NRS ' ' 350.087 to 350.095, inclusive (the "Note Act"), the City is authorized to enter into medium-term financing to finance the Project and to issue, as evidence thereof, negotiable medium-term notes or bonds payable from annual general (ad valorem)

taxes ("General Taxes") (subject to certain Constitutional and statutory tax limitations), which must mature not later than 4 years after the date of issuance and must bear interest at a rate or rates which do not exceed by more than 3 percent the "Index of Twenty Bonds" which was most recently published before bids for their purchase are received; and

WHEREAS, pursuant to NRS ' 350.087, the Council published a notice (the "Notice") of its intention to authorize and to issue medium-term notes in the maximum principal amount of \$2,000,000 and of a public hearing to be held on the matter (the "Hearing") in a newspaper of general circulation in the City at least 10 days prior the Hearing, and an affidavit of such publication is on file in the office of the City Clerk; and

WHEREAS, the Council conducted the Hearing and, after considering all comments offered, adopted, by at least a two-thirds majority, a resolution authorizing medium-term financing in the maximum principal amount of \$2,000,000 to finance the Project (the "Authorizing Resolution") which contained a finding by the Council that the public interest requires medium-term financing and a statement of the facts upon which the finding was based; and

WHEREAS, pursuant to NRS ' 350.089 and relevant provisions of the Nevada Administrative Code, the Council caused a certified copy of the Authorizing Resolution and supporting documents to be submitted to the Executive Director of the Department of Taxation of the State of Nevada (the "Department of Taxation") for approval; and

WHEREAS, the City has received the approval of the Executive Director of the Department of Taxation for such medium-term obligations, such approval, in words and figures, being as follows:

(Attach Department of Taxation Approval)

WHEREAS, the approval of the Department of Taxation as set forth in the preambles hereof is hereby recorded in the minutes of the Council as required by NRS ' 350.089; and

WHEREAS, the Council, by resolution, ordered up to \$2,000,000 of medium-term bonds or notes to be offered for sale, in one or more series and authorized the City Finance Director, the chief financial officer of the City (the "Finance Director") to specify the terms and conditions of the securities; and

WHEREAS, the City has not previously issued any of the authority so approved by the Department of Taxation; and

WHEREAS, the Council hereby determines that the note herein authorized to be issued shall be designated the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Housing Note, Series 2003" (the "Note"); and

WHEREAS, the Council hereby delegates to the Finance Director the authority to accept a binding bid for the Note in the maximum principal amount of \$2,000,000 from the best bidder therefor (the "Purchaser"), subject to the requirements set forth herein; and

WHEREAS, the Council has determined and hereby declares and determines that legally available funds of the City will at least equal the amount required in each year for the payment of interest on and the principal of the Note; and

WHEREAS, the Council elects to and hereby determines to issue the Note in accordance with the provisions of NRS ' ' 350.500 through 350.720, and all laws amendatory thereof, designated in NRS ' 350.500 by the short title "Local Government Securities Law" (the "Bond Act"); and

WHEREAS, the Council is not authorized to levy General Taxes to pay the principal of or interest on the Note exempt from the limitations of any statutes of the State; any General Taxes levied for the purpose of paying principal or interest on the Note will be subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS ' ' 354.59811, 354.59813, 354.59815, 354.5982 and 361.453; and

WHEREAS, the Council is therefore authorized and empowered by the Charter, by the Project Act, by the Note Act, by the approval of the Executive Director of the Department of Taxation and by the Bond Act, without any further preliminaries:

A. To issue and sell the City's Note; and

B. To exercise the incidental powers provided in the Bond Act in connection with the powers authorized therein or as otherwise expressly provided therein; and

WHEREAS, the Note is to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser and accepted by the Finance Director (the "Purchase Contract"), which rates shall not exceed by more than 3% of the "Index of Twenty Bonds" which was most recently published in The Bond Buyer before the bids for the Note were received by the Finance Director, and are to be sold upon the other terms provided below, for a purchase price consisting of its principal amount (not to exceed \$2,000,000), plus accrued interest from the date of the Note to the date of their delivery, plus a premium or less a discount not exceeding 9 percent of the principal amount thereof, all as specified by the Finance Director in a certificate dated on or before the date of delivery of the Note (the "Certificate of the Finance Director"); and

WHEREAS, the Council hereby determines and declares that it is necessary and in the best interests of the City and its inhabitants to acquire the Project and to issue and sell the Note, with principal maturing in the years and in the amounts as provided in the Certificate of the Finance Director, to defray wholly or in part the cost of the Project; and

WHEREAS, the Council hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Note; and

WHEREAS, the Council has determined and hereby declares that each of the limitations and other conditions to the issuance of the Note in the Charter, the Project Act, the Note Act, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to ' 350.708, Bond Act, this determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion; and

WHEREAS, the Council has determined and does declare that this ordinance pertains to the sale, issuance and payment of the Note; and

WHEREAS, such declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of subsection 2 of NRS 350.579; and

WHEREAS, this ordinance may accordingly be adopted as if an emergency now exists and shall take effect from and after its passage and publication by title in accordance with law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN:

SECTION 1. **Short Title.** This Ordinance shall be known and may be cited as the "2003 Medium-Term Housing Note Ordinance."

SECTION 2. **Acceptance of Purchase Contract.** The Finance Director is authorized to accept the Purchase Contract submitted by the Purchaser for the purchase of the Note as set forth in the preambles hereof, and the Finance Director is authorized, on behalf of the City, to execute the Purchase Contract.

SECTION 3. **Ratification.** All action heretofore taken by the Council and the officers and employees of the City directed toward the Project and toward the issuance, sale and delivery of the Note is ratified, approved and confirmed.

SECTION 4. **Necessity of Project and Note.** It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Note therefor; and it is hereby so determined and declared.

SECTION 5. **Authorization of Project.** The Council hereby authorizes the Project.

SECTION 6. **Authorization of Note.** For the purpose of providing funds to pay all or a portion of the cost of the Project, the City shall issue the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Housing Note, Series 2003" in the aggregate principal amount set forth in the Certificate of the Finance Director (not to exceed \$2,000,000). The Note shall be in the form substantially as set forth in ' 21 hereof.

SECTION 7. **Ordinance to Constitute Contract.** In consideration of the purchase and the acceptance of the Note by those who shall own the same from time to time, the provisions

hereof shall be deemed to be and shall constitute a contract between the City and the registered owners from time to time of the Note.

SECTION 8. **General Obligations.** The Note, as to the principal thereof and the interest thereon (the "Note Requirements") shall constitute a general obligation (limited tax) of the City, which hereby pledges its full faith and credit for its payment.

SECTION 9. **Payment of the Note.** The Note Requirements of the Note shall be payable from any monies legally available therefor, and provision for the payment of the Note Requirements shall be made as provided in the Note Act, provided, however, that ad valorem taxes levied for the purpose of paying the principal of or interest on the Note shall be subject to the limitations contained in the Constitution and statutes of the State, including, without limitation, the limitations on the levy of ad valorem taxes imposed by NRS ' ' 354.59811, 354.59813, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes exempt from the limitations of any of said statutes to pay the Note Requirements. The City hereby irrevocably covenants with the registered owners of the Note from time to time that it will make sufficient provisions annually in its budget to pay the Note Requirements, when due.

SECTION 10. **Limitations upon Security.** The payment of the Note is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Note. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Note.

SECTION 11. **No Recourse Against Officers and Agents.** No recourse shall be had for the payment of the Note Requirements of the Note or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Note and as a part of the consideration of their issuance specially waived and released.

SECTION 12. **Note Details.** The Note shall be issued in fully registered form. The Note shall be dated as of the date of delivery of the Note. The Note shall bear interest from its date

until paid in full at the rates per annum set forth in the Certificate of the Finance Director, calculated on the basis of a 360-day year of twelve 30-day months, payable quarterly on January 1, April 1, July 1 and October 1 of each year commencing on January 1, 2004. The principal of the Note shall be payable quarterly on January 1, April 1, July 1 and October 1 in the amounts designated in the Certificate of the Finance Director (unless the principal of the Note is prepaid as provided herein). If the Note is prepaid in part as set forth herein, the City reserves the right to reamortize the amount of such semiannual payments after such prepayment of principal.

Installments of principal and interest prior to the final payment shall be made by check mailed by the City Treasurer, in Las Vegas, Nevada, as paying agent for the Note (the APaying Agent@) on each payment date (or, if such payment date is not a business day, on the next succeeding business day) to the owner thereof, at his or her address as shown on the registration records kept by the City Treasurer, in Las Vegas, Nevada, as registrar for the Note (the ARegistrar@) as of the close of business on the day next preceding each payment date. The final payment on the Note shall be made only upon presentation and surrender of the Note at the office of the Paying Agent in Las Vegas, Nevada or such other office as designated by the Paying Agent. If any installment of principal of the Note shall not be paid when due, such installment shall continue to draw interest at the interest rate borne by the Note until such installment of principal is paid in full. The Paying Agent may make installment payments on the Note by such alternative means as may be mutually agreed to between the owner of the Note and the Paying Agent. All such payments shall be made in lawful money of the United States of America.

SECTION 13. **Prepayment.** The installments of principal on the Note are subject to prepayment at the option of the City in whole or in part at any time, upon 10 days written notice, by first class mail, postage prepaid, to the registered owner of the Note as shown on the registration records maintained by the Registrar.

SECTION 14. **Negotiability.** Subject to the registration provisions herein provided, the Note shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each registered owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 15. **Registration, Transfer and Exchange of Note.**

(1) Records for the registration and transfer of the Note shall be kept by the Registrar. Upon the surrender of the Note at the Registrar, duly endorsed for transfer or accompanied by an assignment in a form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Note. For every transfer of the Note requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Note.

(2) The person in whose name the Note shall be registered shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes; and payment of or on account of either principal or interest on the Note shall be made only to or upon the written order of the owner thereof or his or her legal representative. All such payments shall be valid and effectual to discharge the liability upon the Note to the extent of the sum or sums so paid.

(3) If the Note shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the City may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Note of a like aggregate principal amount and tenor. If such lost, stolen, destroyed or mutilated Note shall have matured, the Registrar may direct that the Note be paid by the Paying Agent in lieu of replacement.

(4) Whenever the Note shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer or replacement as provided herein, the Note shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Council, upon request.

SECTION 16. **Execution and Authentication.**

(1) The Note shall be approved, signed and executed in the name of and on behalf of the City with the manual signature of the Mayor, shall be signed and executed with the manual signature of the City Treasurer, shall be attested by the manual signature of the City Clerk and shall bear a manual impression of the official seal of the City.

(2) The Note shall not be valid or obligatory for any purpose unless the registration panel appended to the Note, substantially in the form hereinafter provided, has been manually executed by the Registrar. By manually executing the registration panel appended to the Note, initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

(3) The Mayor and the Clerk of the City and the City Treasurer are hereby authorized and directed to prepare and to execute the Note as herein provided.

SECTION 17. **Use of Predecessor's Signature.** The Note bearing the signatures of the officers in office at the time of the execution of the Note shall be the valid and binding obligation of the City, notwithstanding that before its delivery any or all of the persons who executed it shall have ceased to fill their respective offices.

SECTION 18. **Incontestable Recital.** The Note shall contain a recital that it is issued pursuant to the Note Act, and each owner from time to time of the Note by its purchase thereof does thereby agree that such recital shall be conclusive evidence of the validity of the Note and the regularity of its issuance.

SECTION 19. **Initial Registration.** The Registrar shall maintain the registration records of the City for the Note, showing the name and address of the owner of the Note, the date of authentication, the final maturity of the Note, and its interest rate, principal amount and number.

SECTION 20. **Note Delivery.** After such registration by the Registrar and after its execution as provided herein, the Treasurer of the City shall cause the Note to be delivered to the Purchaser, upon payment therefor being made in accordance with the terms of its sale.

SECTION 21. **Note Form.** Subject to the provisions of this Ordinance, the Note shall be in substantially the following form, with such omissions, insertions, endorsements and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance or necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

TRANSFER OF THIS NOTE OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

**UNITED STATES OF AMERICA
STATE OF NEVADA
CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX)
MEDIUM-TERM HOUSING NOTE
SERIES 2003**

No. R-1

Dated: _____, 2003

Principal Amount: \$ _____

The City of Las Vegas, Nevada (the "City" and the "State", respectively), for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner specified on the registration panel appended hereto, or registered assigns, the principal amount of

(\$ _____). The Note shall bear interest from _____, 2003 until the principal hereof is paid in full at the rate of ____% per annum (calculated on the basis of a 360-day year of twelve 30-day months), payable quarterly on January 1, April 1, July 1 and October 1 commencing January 1, 2004. The principal of the Note shall be payable quarterly on January 1, April 1, July 1 and October 1 as set forth in the amortization schedule attached hereto as Exhibit A (unless the principal of the Note is prepaid). If the Note is prepaid in part as set forth herein, the City reserves the right to reamortize the amount of such payments after such prepayment of principal.

The final payment of principal of and interest on this Note is payable upon presentation and surrender hereof at the office of the City's paying agent for the Note (the "Paying Agent"), presently the City Treasurer, in Las Vegas, Nevada, who is also now acting as the City's Registrar for the Note (the "Registrar") or such other office as designated by the Paying Agent. Installments of principal and interest on this Note prior to the final payment will be made by check mailed by the Paying Agent on each payment date (or, if such date is not a business day, on the next succeeding business day) to the person in whose name this Note is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon as of the close of business on the day next preceding such payment date. Alternative means of payment of interest may be used if mutually agreed to by the registered owner and the Paying Agent, as provided in the Ordinance of the City Council of the City (the "Council") authorizing the issuance of this Note and designated in Section 1 thereof as the "2003 Medium-Term Housing Note Ordinance" (the "Ordinance") duly adopted by the Council on October 29, 2003. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or the Registrar.

This Note is issuable solely as a fully registered single Note and is fully transferable by the registered owner in person or by his or her duly authorized attorney on the registration records

kept by the Registrar upon surrender of this Note together with a duly executed written instrument of transfer satisfactory to the Registrar.

This Note must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Note shall be valid unless made on the registration records maintained by the Registrar by the registered owner or his or her attorney duly authorized in writing.

The City, the Registrar and Paying Agent may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of payment and for all other purposes.

The installments of principal on the Note are subject to prepayment at the option of the City, in whole or in part, at any time, upon 10 days written notice by first class mail, postage prepaid, to the registered owner of the Note as shown on the registration records maintained by the Registrar.

This Note is issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part all or a portion of the cost of planning, acquisition, improvement, equipping, maintenance and operation of an enterprise which is authorized by NRS 279.382 to 279.685, inclusive (the "Redevelopment Law"), including the provision of dwelling units in the City for low-income households (the "Project") under the authority of and in full compliance with the Constitution and laws of the State and pursuant to the Ordinance.

This Note is issued pursuant to the Charter, NRS 268.672 to NRS 268.740, inclusive (the "Project Act"), NRS 350.087 to 350.095, inclusive (the "Note Act"), NRS 350.500 to 350.720 (the "Bond Act"), Chapter 348, NRS and the Ordinance; pursuant to the Ordinance, each owner from time to time of this Note by its purchase hereof does hereby agree that such recital is conclusive evidence of the validity of this Note and the regularity of its issuance.

The principal of and interest on this Note (the "Note Requirements") shall be payable from any moneys of the City legally available for the purpose of making such payment and the full faith and credit of the City are hereby irrevocably pledged for making such payment. Provision for the payment of this Note shall be made as provided in the Note Act, provided, however, that any ad valorem taxes levied for the purpose of paying the Note Requirements of this Note are subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS Sections 354.59811, 354.59813, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes to pay the principal of or interest on this Note exempt from the limitations of any such statutes, but the City has covenanted in the Ordinance to make sufficient provision annually in its budget to pay the Note Requirements of this Note when due.

The City covenants and agrees with the owner of this Note and with each and every person who may become the owner hereof that it will keep and will perform all of the covenants of the Ordinance.

The obligations of the City under the Ordinance may be discharged prior to the final maturity of this Note upon the making of provisions for the payment of this Note on the terms and conditions set forth in the Ordinance.

No recourse shall be had for the payment of the Note Requirements of this Note or for any claim based thereon or otherwise upon the Ordinance or any other instrument relating thereto against any individual member of the Council, or any officer or other agent of the Council or the City, past, present, or future, either directly or indirectly through the Council or the City or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Note and as a part of the consideration of its issuance specially waived and released.

It is hereby certified, recited, declared and warranted that all actions required to be taken prior to the issuance hereof have been had and taken by the City; and that the principal of this Note, when added to other City indebtedness, does not exceed the limits on indebtedness of the City provided in the Constitution and statutes of the State.

This Note shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the registration panel appended hereto.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Note to be executed in the name and on behalf of the City with the manual signature of its Mayor and the manual signature of the City Treasurer and to be attested, signed and executed with the manual signature of its City Clerk, and has caused the seal of the City to be affixed hereon, all as of the date of delivery hereof.

(SEAL)

CITY OF LAS VEGAS, NEVADA

Attest:

Mayor

City Clerk

City Treasurer

PROVISION FOR REGISTRATION AS TO PRINCIPAL AND INTEREST

This Note must be registered as to both principal and interest on the registration records for the Note, kept by the office of the City Treasurer, as Registrar. After registration as to both principal and interest, the Registrar shall note such registration on such registration records and in the registration blank below, and the principal and interest on this Note shall be paid to such registered owner. This Note may be transferred by the registered owner or his legal representative only upon a duly executed assignment in form satisfactory to the Registrar, such transfer to be made on said registration records and endorsed hereon.

Every privilege, registration, and transfer, shall be exercised only in accordance with the authorizing Ordinance and such reasonable rules and regulations as the Registrar may prescribe.

<u>Date of</u> <u>Registration</u>	<u>Name of</u> <u>Registered Owner</u>	<u>Signature of</u> <u>Registrar</u>
_____, 2003	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ASSIGNMENT

The within and foregoing Note No. R-1 is hereby sold, assigned, transferred and set over, without recourse, unto _____, or order, subject to the terms and conditions of said Note.

Dated this _____, _____.

Owner

Signature Guaranteed:

NOTICE: Signature must be guaranteed by an eligible guarantor institution as defined in 17 CFR ' 240.17Ad-15(a)(2).

PREPAYMENT PANEL

Principal of this Note has been prepaid on the date indicated below:

<u>Date of Prepayment</u>	<u>Amount Prepaid</u>	<u>Signature of Paying Agent</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[ATTACH AMORTIZATION SCHEDULE AS EXHIBIT A]

SECTION 22. Use of Bond Proceeds. Upon the issuance of the Note, the Treasurer shall cause the proceeds of the Note to be deposited into a special account hereby created and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Housing Note, Series 2003, Acquisition Account" (the "Acquisition Account") to be held by the City. Moneys in the Acquisition Account shall be used solely to defray wholly or in part the cost of the Project including, without limitation, as provided in ' 350.516, Bond Act, all costs of issuing the Note, and the costs of any rebates to the United States under ' 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which the Council hereby determines are necessary and desirable and pertain to the Project. After the Project is complete and after all expenses have been paid or adequate provision therefor is made, pursuant to ' 350.650 Bond Act, any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Acquisition Account shall be deposited into the Medium-Term Debt Service Fund hereinafter created to be used to pay the principal of and interest on the Note.

SECTION 23. Use of Investment Gain. Pursuant to ' 350.658, any gain from any investment and any reinvestment of any proceeds of the Note, if needed to defray the cost of the Project, shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Acquisition Account, and if not needed to defray the cost of the Project, shall be deposited promptly into the Medium-Term Debt Service Fund, hereinafter created, for the respective payment of the principal of or interest on the Note or any combination thereof. As provided in ' 30 hereof, any annual General Taxes for the payment of the principal of or interest on the Note levied after such deposits of any such investment or reinvestment gain, may be diminished to the extent of the availability of such deposit for the payment of such principal or interest.

SECTION 24. Completion of Project. The City, with the proceeds derived from the sale of the Note, shall proceed to complete the Project without delay and with due diligence to the best of the City's ability, as hereinabove provided.

SECTION 25. Purchaser Not Responsible. The validity of the Note shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. The Purchaser, any associate thereof, and any subsequent owner of any Bond shall in no manner be responsible for the application or disposal by

the City or by any of its officers, agents and employees of the moneys derived from the sale of the Note or of any other moneys herein designated.

SECTION 26. General Tax Levies. Pursuant to ' 350.596, Bond Act, the interest and principal falling due on the Note at any time when there are not on hand sufficient funds to pay the same shall be paid out of the Acquisition Account or out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes legally available therefor. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Note Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Note Requirements, there is hereby created a separate account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Housing Note, Series 2003, Medium-Term Debt Service Fund" (the "Medium-Term Debt Service Fund"). Pursuant to ' ' 350.592 and 350.594, Bond Act, and ' 354.460, Note Act, except to the extent other funds are legally available therefor, there shall be duly levied immediately after the issuance of the Note and annually thereafter, until all of the Note Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installment of interest, and to pay the interest on the Note becoming due after such initial installment, and to pay and retire the Note as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to the Medium-Term Debt Service Fund for the payment of such Note Requirements. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Note, subject to the limitation imposed by NRS ' ' 354.59811, 354.59813, 354.59815, 354.5982 and 361.453, and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all legally available revenues received by the City.

SECTION 27. Priorities for Note. In any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS ' 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitations of NRS ' ' 361.453, 354.59811, 354.59813 and 354.5982.

SECTION 28. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Note herein authorized shall be kept in the Medium-Term Debt Service Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 29. Use of General Fund. Any sums becoming due on the Note at any time when there are on hand from such General Taxes (and any other legally available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to ' 350.596, Bond Act.

SECTION 30. Use of Other Funds. Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes) that may be available for that purpose to the payment of the Note Requirements as the same, respectively, mature, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to ' 350.598, Bond Act.

SECTION 31. Legislative Duties. In accordance with ' 350.592, Bond Act, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of

General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Note and the interest thereon. Such General Taxes, when collected shall be kept for and applied only to the payment of the principal of and the interest on the Note as hereinbefore specified.

SECTION 32. Appropriation of General Taxes. In accordance with ' 350.602, Bond Act, there is hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Note; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Note Requirements the Note have been wholly paid or provided for.

SECTION 33. Protective Covenants. The City covenants and agrees with each and every registered owner from time to time of the Note, that:

- A. The Project shall be completed without delay; and
- B. The City will make the principal and interest payments on the Note at the place, on the dates, and in the manner specified according to the true intent and meaning hereof.

SECTION 34. Tax Covenant. The City covenants for the benefit of the owners of the Note that it will not take any action or omit to take any action with respect to the Note, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the Note if such action or omission (i) would cause the interest on the Note to lose its exclusion from gross income for federal income tax purposes under ' 103 of the Tax Code, or (ii) would cause interest on the Note to lose its exclusion from alternative minimum taxable income as defined in ' 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under ' 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Note until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

SECTION 35. State Tax Exemption. Pursuant to ' 350.710, Bond Act, the Note, its transfer and the income therefrom shall forever be and remain free and exempt from taxation by the

State or any subdivision thereof, except for the tax on estates imposed pursuant to the provisions of Chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to the provisions of Chapter 375B of NRS.

SECTION 36. Defeasance. When all Note Requirements of the Note have been duly paid, the pledge, lien and all obligations hereunder shall thereby be discharged and the Note shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State an amount sufficient (including the known minimum yield available for such purpose from bills, certificates of indebtedness, note, bonds or similar securities which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by the United States ("Federal Securities")) in which such amount may be initially invested wholly or in part) to meet all Note Requirements of the Note as the same become due. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this Section, "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof.

SECTION 37. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, if the Council shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, or if it is determined by the Finance Director that it is in the best interests of the City to replace the Registrar or Paying Agent appointed hereunder, the Finance Director may, upon notice mailed to the owner of the Note at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent shall take effect until a successor is appointed. It shall not be required that the same institution or person serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution or person serve as both Registrar and Paying Agent.

SECTION 38. Delegated Powers. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

- (1) The printing of the Note;
- (2) The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia,
 - A. the signing of the Note,
 - B. the tenure and identity the officials of the City,
 - C. the assessed valuation of the taxable property in and the indebtedness of the City,
 - D. the rate of General Taxes levied against taxable property in the City,
 - E. the exclusion of interest on the Note from gross income for federal income tax purposes,
 - F. the delivery of the Note and the receipt of the Note purchase price,
 - G. the accuracy and completeness of any information provided in connection with the Note,
 - H. if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity of the Note; and
- (3) The assembly and dissemination of financial and other information concerning the City and the Note.

SECTION 39. Events of Default. Each of the following events is hereby declared an "event of default":

- A. Nonpayment of Principal and Premium. Payment of the principal of any of the Note, or any prior redemption premium due in connection therewith, or both, is not made when the same becomes due and payable, at maturity or by proceedings for optional prior redemption, or otherwise;

B. Nonpayment of Interest. Payment of any installment of interest on the Note is not made when the same becomes due and payable;

C. Incapable to Perform. The City for any reason is rendered incapable of fulfilling its obligations hereunder;

D. Appointment of Receiver. An order or decree is entered by a court of competent jurisdiction with the consent or acquiescence of the City appointing a receiver or receivers for moneys in the Medium-Term Debt Service Fund securing the payment of the Note, or if an order or decree having been entered without the consent or acquiescence of the City is not vacated or discharged or stayed on appeal within 60 days after entry; and

E. Default of Any Provision. The City makes any default in the due and punctual performance of any other of the representations, covenants, conditions, agreements and other provisions contained in the Note or in this Ordinance on its part to be performed, and if the default continues for 60 days after written notice specifying the default and requiring the same to be remedied is given to the City by the registered owners of 10% in principal of the Note then outstanding.

SECTION 40. Remedies for Default. Upon the happening and continuance of any of the events of default, the registered owner or registered owners, including, without limitation, a trustee or trustees therefor, may proceed against the City and its agents, officers and employees to protect and to enforce the rights of any registered owner of Note under this Ordinance by mandamus or by other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as the registered owner or registered owners may deem most effectual to protect and to enforce the rights aforesaid, or thereby to enjoin any act or thing which may be unlawful or in violation of any right of any registered owner of any Bond, or to require the City to act as it if were the trustee of an express trust, or any combination of such remedies. All proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all registered owners of the Note.

SECTION 41. Ordinance Irrepealable. After the Note is issued, this Ordinance shall constitute an irrevocable contract between the City and the registered owner or registered owners of the Note; and this Ordinance, if the Note is in fact issued, shall be and shall remain irrepealable until the Note, as to all Note Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 42. Implied Repealer. All ordinances, resolution bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolutions, bylaw or order, or part hereof, heretofore repealed.

SECTION 43. Publication of the Ordinance. The Council has expressed in the preambles to this Ordinance that it pertains to the sale, issuance and payment of the Note, and accordingly, it shall be adopted as if an emergency exists and final action hereon shall be taken immediately. This Ordinance shall be in effect on the day after its publication as hereinafter provided, and after this Ordinance is signed by the Mayor and attested by the Clerk, this Ordinance shall be published by title only, together with the names of the council members voting for or against its passage, such publication to be made in the Las Vegas Review Journal, a newspaper printed, published and of general circulation in the City, pursuant to the provisions of Section 2.110 of the Charter, such publication to be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

BILL NO.

ORDINANCE NO.

(of the City of Las Vegas, Nevada)

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2003 MEDIUM-TERM HOUSING NOTE ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM HOUSING NOTE, SERIES 2003; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE NOTE; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE NOTE, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN; AND PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on October 29, 2003, and was passed and adopted at a special meeting held on October 29, 2003, by the following vote of the City Council:

Those Voting Aye:

Oscar Goodman
Michael J. McDonald
Gary Reese
Larry Brown
Lynette Boggs-McDonald
Lawrence Weekly
Michael Mack

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after the ____ day of November, 2003, i.e., the day after the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

DATED this October 29, 2003.

Attest:

/s/ Oscar Goodman
Mayor

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

SECTION 44. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on October 29, 2003.

Passed on October 29, 2003.

Those Voting Aye:	Mayor:	Oscar Goodman
	Councilmembers:	Gary Reese
		Larry Brown
		Lynette Boggs-McDonald
		Lawrence Weekly
		Michael Mack
		Janet Moncrief

Those Voting Nay:

Those Absent:

(SEAL)

Mayor

Attest:

City Clerk

This Ordinance shall be in full force and effect from and after the ____ day of November, 2003, i.e., the date of publication of such Ordinance by its title only.

STATE OF NEVADA)
)
COUNTY OF CLARK) ss.
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen and qualified City Clerk of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the Council on October 29, 2003 and finally adopted and approved on October 29, 2003.

2. The following members of the Council were present at the October 29, 2003 Council meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Mayor:	Oscar Goodman
	Councilmembers:	Gary Reese
		Larry Brown
		Lynette Boggs-McDonald
		Lawrence Weekly
		Michael Mack
		Janet Moncrief

Those Voting Nay:

Those Absent:

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the Council were given due and proper notice of the meetings held on October 29, 2003. Pursuant to ' 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (iii) Senior Citizens Center
Las Vegas, Nevada

(iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

(v) Downtown Transportation Center
Las Vegas, Nevada

(b) By mailing a copy of the notice by 9:00 a.m. no later than three working days before the meetings to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. A copy of such notice so given of the meeting of the Council on October 29, 2003 is attached to this certificate as Exhibit A.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this October 29, 2003.

City Clerk

EXHIBIT A

(Attach Copy of Notice of October 29, 2003 Meeting)

EXHIBIT B

(Attach Affidavit of Publication of Adoption of Ordinance)

H:\02204\114\BONDORDv2 2003 housing.doc



KENNY C. GUINN
Governor
BARBARA SMITH CAMPBELL
Chair, Nevada Tax Commission
CHARLES E. CHINNOCK
Executive Director

STATE OF NEVADA
DEPARTMENT OF TAXATION

1550 E. College Parkway
Suite 115
Carson City, Nevada 89706-7837

Phone: (775) 687-4820 • Fax (775) 687-5981
In-State Toll Free: 800-992-0900

Web Site: <http://tax.state.nv.us>

LAS VEGAS OFFICE
Grant Sawyer Office Building
Suite 1300
655 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 488-2300
Fax: (702) 488-2373

RENO OFFICE
4600 Kietzke Lane
Building O, Suite 283
Reno, Nevada 89502
Phone: (775) 688-1295
Fax: (775) 688-1202

October 27, 2003

Mr. Mark R. Vincent, Director
Finance and Business Services
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Re: Medium-Term Obligation Request

Dear Mr. Vincent:

The request by the City Council of the City of Las Vegas for approval of a medium-term obligation has been received. The purpose of the obligation is to finance the purpose of repaying an interfund loan for an affordable housing project, in the amount of \$2,000,000.00. The request has been reviewed as required by NRS 350.089 and is approved.

Pursuant to NRS 350.089, the approval must be recorded in the minutes of the governing board. You are reminded the financing must be secured within eighteen months of receipt of this approval.

Sincerely,

Charles E. Chinnock
Executive Director

CEC: wra

Submitted after final agenda

Date 10/28/2003 Item #82

City of Las Vegas

Agenda Item No. 83

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-90 – Amends Ordinance No. 5616, pertaining to drought conservation measures, to adjust the exemption provisions relating to the prohibition of fountains and water features.

Proposed by: Douglas Selby, City Manager

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill would adjust the recently-adopted drought conservation ordinance to establish, instead of merely authorize, exemptions for certain water features. Among them: swimming pools, small water features in residential developments, recreational water features, and pre-existing features necessary to sustain aquatic animals. The bill would also 1) establish a process for resort hotels or coalitions thereof to obtain an exemption for certain water features based upon a request for exemption and the submittal of a water use reduction plan, and 2) provide for the limited operation of water features otherwise prohibited during drought conditions in order to maintain their integrity and functionality.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-90

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

11/3/2003 Recommending Committee

11/5/2003 Council Agenda

(10:07 – 10:10)

1-2280

1 **BILL NO. 2003-90**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND ORDINANCE NO. 5616, PERTAINING TO DROUGHT
4 CONSERVATION MEASURES, TO ADJUST THE EXEMPTION PROVISIONS RELATING TO
5 THE PROHIBITION OF FOUNTAINS AND WATER FEATURES, AND TO PROVIDE FOR
6 OTHER RELATED MATTERS.

6 Proposed by: Douglas Selby, City Manager

Summary: Amends Ordinance No. 5616,
pertaining to drought conservation measures, to
adjust the exemption provisions relating to the
prohibition of fountains and water features.

9 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
10 AS FOLLOWS:

11 SECTION 1: Ordinance No. 5616 of the City of Las Vegas is hereby amended as set
12 forth in Sections 2 to 4, inclusive, of this Ordinance.

13 SECTION 2: Section 3 of Ordinance No. 5616 is hereby amended to read as follows:

14 **Section 3:** For purposes of this Chapter, the following terms shall have the meanings ascribed to
15 them, unless the context requires otherwise:

16 "Community use recreational turf" refers to any private or public park facility [that is]
17 consisting of a turf-dominated, multi-purpose recreational area [of] that:

18 (1) Has at least two acres and [has] no dimension less than one hundred feet[.] or

19 (2) Is a field that is programmable for athletic or other recreational events.

20 "District" means the Las Vegas Valley Water District.

21 "Drought" means a condition in which the combination of many complex factors acting and
22 interacting with the environment results in water supplies not being replenished normally. For
23 purposes of this Chapter, a "drought" occurs when existing water supplies cannot meet established
24 demands for a period of time.

25 "Drought Alert" refers to a second-level drought declaration of the Board of Directors of the
26 Southern Nevada Water Authority based upon current or projected reductions in the community's
27 renewable water supply.

28 "Drought Emergency" refers to a third-level drought declaration of the Board of Directors of

1 the Southern Nevada Water Authority based upon current or projected reductions in the community's
2 renewable water supply.

3 "Drought Watch" refers to a first-level drought declaration of the Board of Directors of the
4 Southern Nevada Water Authority based upon current or projected reductions in the community's
5 renewable water supply.

6 "No Drought" refers to a condition where no drought declaration of the Board of Directors of
7 the Southern Nevada Water Authority is in effect.

8 "Non-potable water" means water not suitable for drinking.

9 "Potable" water means water suitable for drinking.

10 "Raw water" means non-potable water diverted from a natural source, subjected to minimal
11 or no treatment, and delivered to a user for subsequent treatment or use.

12 "Reclaimed water" means municipal wastewater that has been treated to meet all applicable
13 federal, state and local standards for use in approved applications, including without limitation
14 landscape irrigation, construction and industrial cooling. For purposes of this Chapter, "reclaimed
15 water" and "recycled water" are equivalent terms.

16 "Resort hotel" means any building or group of buildings that is maintained as and held out to
17 the public to be a hotel where sleeping accommodations are furnished to the transient public and that
18 has:

19 (1) More than two hundred rooms available for sleeping accommodations;

20 (2) At least one bar with permanent seating capacity for more than thirty patrons
21 that serves alcoholic beverages sold by the drink for consumption on the premises;

22 (3) At least one restaurant with permanent seating capacity for more than sixty
23 patrons that is open to the public twenty-four hours each day and seven days each week; and

24 (4) A gaming area within the building or group of buildings.

25 "Service Rules" means the service rules that have been adopted by the District.

26 "Southern Nevada Water Authority" or "SNWA" means the organization by that name that
27 has been formed by cooperative agreement among local agencies to address Southern Nevada's water
28 needs on a regional basis.

1 "Spray irrigation" means the application of water by means of sprinklers or other devices that
2 disperse droplets of water through the air.

3 "Water use reduction plan" means a document or documents to be submitted by or on behalf
4 of a resort hotel or coalition of resort hotels in connection with an application to exempt fountains or
5 water features from the prohibitions contained in this Chapter. The term includes a plan that is
6 modeled after the Water Efficiency and Drought Response Plan outline or similar document that may
7 have been approved for use by the District or the City Manager.

8 "Xeriscape" means a type of landscaping that incorporates drought-tolerant and low water-use
9 plants with an organic or inorganic surface mulch layer as a water-efficient alternative to traditional
10 turfgrass landscaping.

11 SECTION 3: Section 4 of Ordinance No. 5616 is hereby amended to read as follows:

12 **Section 4:** (A) The Drought Plan adopted by the SNWA in February 2003 and approved by
13 the City Council in March 2003 shall serve as the basis for adopting this Chapter, and as a guideline
14 in its interpretation. The Drought Plan was adopted in order to preserve, protect and encourage the
15 conservation of water resources. The Plan describes different stages of water supply conditions as
16 follows:

- 17 (1) No Drought
- 18 (2) Drought Watch
- 19 (3) Drought Alert
- 20 (4) Drought Emergency

21 (B) The provisions of this Chapter shall apply whenever a Drought Watch, Drought
22 Alert or Drought Emergency condition has been declared by the Board of Directors of SNWA and
23 remains in effect. Unless the context otherwise requires, whenever a provision of this Chapter does
24 not specify whether it applies to a Drought Watch, Drought Alert or Drought Emergency condition,
25 the provision shall apply when any of those conditions are in effect. In the event of conflict between
26 the provisions of this Chapter and other applicable ordinances, regulations or the Service Rules, the
27 most stringent provisions will prevail. However, with respect to any provision of the Service Rules
28 that is less stringent than the provisions of this Chapter, the District may enforce that provision[.]

1 instead.

2 (C) In the case of a Drought Emergency, the provisions of this Chapter pertaining
3 to a Drought Alert shall continue to apply. However, based upon the recommendations of SNWA and
4 a citizens advisory committee, the City shall have the authority to adopt additional restrictions that
5 are deemed necessary in order to protect the public health, safety and welfare. Upon the adoption and
6 publication of those additional restrictions, they shall becoming binding on water users within the
7 City.

8 SECTION 4: Section 20 of Ordinance No. 5616 is hereby repealed and a new Section
9 20 is adopted in lieu there, reading as follows:

10 **Section 20:** (A) Fountains and water features that utilize potable or non-potable water provided
11 by the District, or water that has been reprocessed by the customer, are prohibited. The following
12 features, however, are exempt from this prohibition:

13 (1) Swimming pools;

14 (2) Not more than one fountain or other water feature at any single-family
15 residence, provided that the surface area of the fountain or other water feature does not exceed two
16 hundred square feet during a Drought Watch condition, or twenty-five square feet during a Drought
17 Alert condition;

18 (3) Not more than one fountain or other water feature within the common
19 areas of a single-family or multi-family development, provided that the fountain or other water feature
20 is not an entryway or streetscape feature and its surface area does not exceed two hundred square feet
21 during a Drought Watch condition, or twenty-five square feet during a Drought Alert condition;

22 (4) Fountains or water features that are necessary and functional
23 components serving other allowable uses, such as storage ponds on a golf course or aeration devices;

24 (5) Fountains or water features within public or private recreational water
25 parks, provided that the fountains or water features have a recreational function and are not merely
26 decorative;

27 (6) Indoor water features, or features with the majority of the total water
28 volume contained indoors or underground. If practical alternatives exist for separating indoor and

1 outdoor components, they shall be separated and managed accordingly. (Example: timers on shut-off
2 valves);

3 (7) Fountains or water features necessary to sustain aquatic animals,
4 provided that the animals have been actively managed within the water feature prior to the declaration
5 of drought.

6 (B) Fountains or water features that are integral to the operation of a resort hotel
7 or a coalition of resort hotels may be exempted from the prohibition contained in Subsection (A). In
8 order to be eligible for an exemption, a resort hotel or coalition of resort hotels must submit a request
9 for exemption and a water use reduction plan. The request for exemption must be submitted in writing
10 to the City Manager, to be forwarded to the City Council for consideration. The water use reduction
11 plan must be submitted to the District, with a copy to the City, and must contain such information, and
12 be in a format, that is satisfactory to the District. Any exemption shall be conditioned upon the
13 posting of one or more signs in proximity to the exempted fountain or water feature stating that the
14 fountain or water feature is operating in compliance with this Chapter and that a water use reduction
15 plan is on file with the District and the City.

16 (C) In order to continue to operate any fountain or water feature that is prohibited
17 by Subsection (A) of this Section and that is in operation on the effective date of this Ordinance, a
18 resort hotel or coalition of resort hotels must submit a request for exemption and water use reduction
19 plan within 90 days after the effective date of this Ordinance. If the exemption is not approved, the
20 fountain or water feature may not be operated except as permitted in Subsection (D) of this Section.

21 (D) Nothing in this Section that prohibits or limits the operation of fountains or
22 water features shall be deemed to:

23 (1) Prohibit the construction of fountains or water features; or

24 (2) Require a fountain or water feature to be drained if maintaining a
25 recirculating water pool is necessary in order to maintain pumps, pond liners, and ancillary equipment,
26 but in such a case the recirculating water pool may only be operated between the hours of 1:00 am and
27 4:00 am.

28 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or

1 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
 2 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
 3 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
 4 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
 5 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
 6 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
 7 invalid or ineffective.

8 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
 9 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
 10 required or the failure to do any act is made or declared to be unlawful or an offense or a
 11 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
 12 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
 13 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
 14 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

15 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
 16 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
 17 1983 Edition, in conflict herewith are hereby repealed.

18 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

19 APPROVED:

20
 21 By _____
 22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 BARBARA JO RONEMUS, City Clerk

25 APPROVED AS TO FORM:

26
 27 Val Stead 10-7-03
 28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16
17 BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 84

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-91 – Increases sewer connection and user service fees by forty percent over two years and institutes a new five percent assessment on sewer users for the City's use, improvement and maintenance of its rights-of-way utilized to provide sewer services. Proposed by Mark Vincent, Director of Finance and Business Services

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

During the last ten years, without increasing sewer rates, the City has performed more than \$170,000,000.00 in capital improvements to increase capacity, comply with new regulatory standards and improve operational efficiency. Due to these expenditures the remaining reserve funds will be depleted by the end of the fiscal year 2005. Rate studies indicate that a 40% increase over the next two years, coupled with annual Consumer Price Index adjustments thereafter will be sufficient to regain a reserve balance for future needs. Additionally, due to the sewer systems use of City rights-of-way, a 5% assessment in lieu of franchise fees is being recommended. This bill addresses both of these issues.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing, and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-91

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

11/3/2003 Recommending Committee

11/5/2003 Council Agenda

(10:07 – 10:10)

1-2280

THE MORNING SESSION RECESSED AT 10:13 A.M.

BILL NO. 2003-91**ORDINANCE NO. _____**

AN ORDINANCE TO AMEND SEWER SERVICE PROVISIONS BY INCREASING CURRENT SEWER CONNECTION AND SEWER USER SERVICE FEES AND INCLUDING A NEW ASSESSMENT FOR THE USE, IMPROVEMENT AND MAINTENANCE OF CITY RIGHTS-OF-WAY AND EASEMENTS IN WHICH THE CITY'S SANITARY AND STORM SEWER COLLECTION SYSTEM AND TREATMENT FACILITIES ARE LOCATED, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director
Department of Finance and Business Services

Summary: Increases sewer connection and user service fees by forty percent over two years and institutes a new five percent assessment on sewer users for the City's use, improvement and maintenance of its rights-of-way utilized to provide sewer services.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Title 14, Chapter 4, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.020: Equivalent residential unit (ERU) schedule.

The following equivalent residential unit (ERU) schedule shall be used in calculating the user charges:[*]

Customer Class	Billing Unit	ERUs
Single-family dwelling	Each dwelling unit	1.00
Mobile home residential estates[**]*	Each trailer lot	1.00
Mobile home parks	Each trailer lot	1.00
Multiple-family dwelling	Each dwelling unit	1.00
Two-family dwelling	Each dwelling unit	1.00
Condominium	Each dwelling unit	1.00
Plus: outside fixtures in common areas	Each fixture	0.45
Apartment house	Each dwelling unit	0.70
Plus: fixtures outside of dwelling units	Each fixture	0.45

1	Senior Apartment house	Each dwelling unit	0.50
2	Plus: fixtures outside of dwelling units	Each fixture	0.45
3	Guest quarters/casita	Each structure	0.60
4	Halfway House	Each dwelling unit	1.00
5	Recreational vehicle parks	Each vehicle space	0.70
6	Plus: fixtures	Each fixture	0.45
7	Resort hotel	Each room	0.60
8	Plus: fixtures outside of rooms (including fixtures in casinos and restaurants)	Each fixture	1.50
9	Residence Hotel	Each unit	0.70
10	Plus: fixtures outside of rooms	Each fixture	0.45
11	Casino	Each fixture	1.50
12	Motel/hotel/rooming house	Each room	0.60
13	Plus: fixtures outside of rooms	Each fixture	0.75
14	Business operations not separately rated/retail sales (including motor vehicle sales and retail establishments serving food)	Each fixture	0.65
15	Business operations not separately rated/wholesale or service only	Each fixture	0.45
16	Hospital	Each bed	1.20
17	Specialty hospital	Each bed	1.20
18	Convalescent care facility/nursing home	Each bed	0.75
19	Special care facility	Each bed	0.75
20	Custodial institution	Each bed	0.50
21	School	Each student	0.10
22	Child care center	Each student	0.10
23	Beauty shops	Each fixture	0.50
24	Day spa	Each fixture	0.60
25	Restaurant (take out only)	Each fixture	0.45
26	Restaurant (with seating under 45)	Each fixture	0.65

1	Restaurant (with seating 45 and over)	Each fixture	1.33
2			
3	Taverns (with food sales/service)	Each fixture	1.00
4	Taverns (without food sales/service)	Each fixture	0.65
5	Nightclub	Each fixture	0.65
6	Barbershops	Each fixture	0.30
7	Clinics	Each fixture	0.45
8	Laundromats	Each fixture	0.45
9	Offices, except as otherwise listed	Each fixture	0.45
10	Service establishments, except as otherwise listed	Each fixture	0.45
11	Financial institutions	Each fixture	0.30
12	Cinema theaters	Each fixture	0.35
13	Theaters	Each fixture	0.30
14	Maintenance, renovation and repair shops	Each fixture	0.30
15	Sports complexes	Each fixture	0.30
16	Private clubs	Each fixture	0.45
17	Community center	Each fixture	0.45
18	Park or Playground	Each fixture	0.45
19	Church	Each fixture	0.25
20	Vacant establishments	Each fixture	0.25
21	Large commercial and other	Annual water use ÷ 90,000 gallons = No. ERUs[***]**	
22			
23			
24			
25			
26			
27	Laundries	0.85 x annual water use ÷ 90,000 gallons = No. ERUs[***]**	Annual water use will be estimated by the Director of Public Works. After the first full year of discharging, the number of ERU's and the corresponding sewer connection fee may be adjusted at the discretion of the Director of Public Works.
28			

Mixed use operations (within a facility that has its own separate meter to measure water consumption)	$0.85 \times \text{annual water use} \div 90,000 \text{ gallons} = \text{No. ERUs}$ [***]**	
Mixed use operations (within a facility that does not have its own separate meter to measure water consumption)	ERUs based upon customer class of the primary use	
Swimming pools – public and private – each pool by capacity		
30,000 gallons and less		0.10
30,001 to 99,999 gallons		0.25
100,000 to 149,999 gallons		0.50
150,000 to 199,999 gallons		0.65
200,000 to 249,999 gallons		0.85
250,000 to 299,999 gallons		1.00
300,000 gallons or more		1.30

* [In instances in which the application of the billing units provided for in this schedule, or the application of the term “water use,” to determine the number of ERUs discharged by a particular user, other than a residential user, causes inequity, the discharger, other than a residential user, may petition to substitute its actual annual discharge to the sewer system in lieu of the billing units provided for in this schedule or in lieu of the annual water use quantities, in the case of a large commercial user as defined in Section 14.04.010, for the purpose of determining its ERUs, provided that the discharge is measured by an appropriate metering device approved by the City. If this method is employed, the ERUs shall be computed by dividing the actual discharge by ninety thousand gallons. The cost of obtaining and installing the metering device is to be borne by the discharger.

**]Trailers which contain more than one dwelling unit shall be classified as multiple-family dwellings.

[***]** Annual water use will be estimated by the Director of Public Works. After the first full year of discharging, the number of ERUs may be adjusted at the discretion of the Director to reflect actual use.

SECTION 2: Title 14, Chapter 4, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.030: [The charge rate per ERU for a particular user shall be as set forth below:

User	Annual Charge per ERU
Domestic strength users	\$138.80
High strength users	
Bottlers	196.20
Dairies	181.92
Restaurants with garbage grinders	261.60
Laundries	183.48

(A) The annual charge rate per ERU for a particular user shall be as set forth below (which includes the five percent assessment fee pursuant to Section 14.04.130):

User	Annual charge per ERU through Nov. 30, 2003	Annual charge per ERU commencing December 1, 2003	Annual charge per ERU commencing December 1, 2004
<u>Domestic Strength</u>	<u>138.80</u>	<u>174.88</u>	<u>204.04</u>
<u>High strength users:</u>			
<u>Bottlers</u>	<u>196.20</u>	<u>247.21</u>	<u>288.41</u>
<u>Dairies</u>	<u>181.92</u>	<u>229.21</u>	<u>267.41</u>
<u>Restaurants with garbage grinders</u>	<u>261.60</u>	<u>329.61</u>	<u>384.55</u>
<u>Laundries</u>	<u>183.48</u>	<u>231.17</u>	<u>269.71</u>

(B) The Director of the Department of Finance and Business Services may establish a procedure to allow a person who is the owner and occupant of a single family dwelling to appeal future rate increases by applying for a hardship determination. If a hardship is found, the Director may waive payment of the rate increase for one year from the due date of the rate increase, and may renew the waiver annually thereafter.

(C) The rate charges per ERU set forth in Subsection (A) of this Section commencing December 1, 2004, shall be increased annually by the Director of the Department of Finance and Business Services as follows:

(1) On the first day of December, 2005, in the same proportion that the index figure of the National Consumer Price Index for all Urban Consumers for All Items, U. S. City Average (1967=100) that is published by the Bureau of Labor Statistics, United States Department of Labor, for June of 2005, has increased above such index figure for June of 2004; and

1 (2) On the first day of December in each year thereafter, in the same
 2 proportion that such index figure for June of that year has increased above such index figure for June
 3 of the previous year.

4 SECTION 3: Title 14, Chapter 4, Section 70, of the Municipal Code of the City of
 5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **14.04.070:** The proceeds from the charges imposed and collected under this Chapter, except those
 7 charges imposed and collected pursuant to Section 14.04.130, shall be used solely for the
 8 maintenance, operation, improvement, expansion, extension or betterment of the sanitary and storm
 9 sewer collection system, treatment facilities and reasonable appurtenances of the City and for the costs
 10 of collecting the charges imposed in this Chapter and of administering the rules of this Chapter.

11 SECTION 4: Title 14, Chapter 4, Section 80, of the Municipal Code of the City of
 12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **14.04.080:** (A) All bills for services rendered by or through the municipal sewage disposal
 14 system shall be rendered annually in advance on the first day of the month on which the annual cycle
 15 billing established for such premises shall commence, shall be payable annually in advance unless the
 16 customer elects to pay the annual bill in [semiannual or] quarterly installments. [Customers electing
 17 to make installment payments must pay an installment collection fee of three dollars with each
 18 installment payment.] The first [semiannual or] quarterly installment payment must be paid in
 19 advance, with any remaining amount due constituting a lien against the property. Payment of all bills
 20 rendered shall be made to the Department of Finance and Business Services, and any business license
 21 for a multiple dwelling or place of business that is associated with such billing may be withheld or
 22 suspended unless the remaining portion of the current year's annual billing, or, if the customer has
 23 elected to pay in [semiannual or] quarterly installments, the remaining portion of the current
 24 [semiannual or] quarterly installment thereof, as the case is paid in advance.

25 (B) Occupants of residential premises are required to pay the annual charge rate per
 26 ERU set forth in Section 14.04.030 whether they occupy such residential premises part-time or on a
 27 continuous uninterrupted basis, notwithstanding any provision of this Chapter to the contrary.

28 (C) The Department shall have all powers which may be necessary or appropriate

1 for a complete and effective exercise of its jurisdiction, including, but not limited to, the power to
 2 enter and inspect any commercial or multiple-residential premises to make determinations concerning
 3 sewer service billing. An inspection of commercial premises must be made during regular business
 4 hours. A prior appointment is required in order to perform an inspection at a residential premises, if
 5 occupied.

6 SECTION 5: Title 14, Chapter 4, Section 90, of the Municipal Code of the City of
 7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **14.04.090:** [The full amount of the sewer service bill shall be paid by each customer within fifteen
 9 days after the due date specified in such customer's bill; provided, however, that, if the customer has
 10 elected to pay the amount of such bill in:

11 (A) Semiannual installments, as is provided for in LVMC 14.04.080, the first such
 12 semiannual installment shall be paid within fifteen days after such due date, and the second shall be
 13 paid within one hundred ninety-five days after such due date; or

14 (B) Quarterly installments, as provided for in LVMC 14.04.080, the first quarterly
 15 installment shall be paid within fifteen days after such due date, the second shall be paid within one
 16 hundred five days after such due date, the third shall be paid within one hundred ninety five days after
 17 such due date, and the fourth shall be paid within two hundred eighty-five days after such due date.]

18 (A) The full amount of the sewer service bill is due on the first day of the
 19 customer's annual billing cycle, unless the customer elects to pay quarterly installments as provided
 20 for in Section 14.04.080.

21 (B) If any portion of the sewer service bill, or, if the customer has elected to pay
 22 such bill in [semiannual or] quarterly installments, any portion of either or any of such [semiannual
 23 or] quarterly installments[, as the case may be,] remains unpaid for fifteen days or more following the
 24 date on which the same was due, the amount outstanding shall be deemed delinquent and a fifteen
 25 percent penalty shall be charged thereon. [If the amount outstanding and the penalty assessed thereon
 26 remain unpaid for sixty days or more following the date on which the same was due, sewer service
 27 to such customer may be discontinued, with the cost of disconnection and reconnection to be borne
 28 by the customer.]

SECTION 6: Title 14, Chapter 4, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 130, to read as follows:

14.04.130: The annual charge rate per ERU set forth in Section 14.04.030 for the annual periods commencing December 1, 2003, and December 1, 2004, shall include a five percent assessment for the City's use, improvement and maintenance of its rights-of-way and easements in which the City's sanitary and storm sewer system and treatment facilities are located.

SECTION 7: Title 14, Chapter 4, Section 210, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.04.210: Subject to the annual evaluations provided for in Section 14.04.220, on and after July 1, 1983, connection fees within the City shall be determined as follows:

- (A) User's class is determined.
- (B) According to ERU schedule the number of ERU's for the user is determined.
- (C) The occupancy fee for sewer connections is calculated by multiplying the number of ERU's commencing on:

[(1) November 1, 1991, by one thousand one-hundred dollars;

(2) July 1, 1993, by one thousand two hundred dollars.]

(1) July 1, 1993, by one thousand two hundred dollars;

(2) December 1, 2003, by one thousand four hundred and forty dollars; and

(3) December 1, 2004, by one thousand six hundred and eighty dollars.

(D) The occupancy fee for sewer connection fee set forth in Paragraph 3 of Subsection (C) of this Section shall be increased annually by the Director of the Department of Finance and Business Services as follows:

(1) On the first day of December, 2005, in the same proportion that the index figure of the National Consumer Price Index for all Urban Consumers for All Items, U. S. City Average (1967=100) that is published by the Bureau of Labor Statistics, United States Department of Labor, for June of 2005, has increased above such index figure for June of 2004; and

(2) On the first day of December in each year thereafter, in the same

1 proportion that such index figure for June of that year has increased above such index figure for June
 2 of the previous year.

3 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
 4 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
 5 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
 6 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
 7 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
 8 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
 9 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
 10 invalid or ineffective.

11 SECTION 9: Whenever in this ordinance any act is prohibited or is made or declared
 12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
 13 required or the failure to do any act is made or declared to be unlawful or an offense or a
 14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
 15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
 16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
 17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

18 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
 19 ...
 20 ...
 21 ...
 22 ...
 23 ...
 24 ...
 25 ...
 26 ...
 27 ...
 28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 *Larry G. Bellis* 10-7-03
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk
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City of Las Vegas

Agenda Item No. 85

AGENDA SUMMARY PAGE**SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003**

DEPARTMENT: CITY CLERK**DIRECTOR: BARBARA JO (RONI) RONEMUS** ☐ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

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

MOTION:

REESE – Motion to Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 103 [VAR-2839] and Item 104 [SUP-2665] and HOLD IN ABEYANCE Item 107 [SUP-2759], Item 108 [SUP-2760] and Item 115 [SUP-2848] to 11/19/2003 – UNANIMOUS with GOODMAN excused

MINUTES:

There was no discussion.

(1:08 – 1:10)

2-1

City of Las Vegas

Agenda Item No. 86

AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Public hearing on proposed local improvement district for Special Improvement District No. 1493 - Hualapai Way/Alexander Road (\$968,158.54 - Capital Projects Fund - Special Assessments) - Ward 4 (Brown)

Fiscal Impact

☐

No Impact

Amount: \$968,158.54

☐

Budget Funds Available

Dept./Division: Public Works/SID

☒

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

The construction and installation of pavement, "L" type curb and gutter, sidewalks, driveway approaches, water laterals and mains, sewer laterals and mains, and streetlights.

RECOMMENDATION:

Public hearing only; no action required.

BACKUP DOCUMENTATION:

1. Public Hearing Notice
2. Renotification letter
3. Submitted after final agenda – Protest letter from Haskel Iny

MOTION:

None required

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

RICHARD GOECKE, Director, Public Works, explained that the Special Improvement District consisted of Hualapai Way, which curves into Alexander Road from Cheyenne Avenue to Cimarron Road. Proposed improvements include roadway, curb, gutter, sidewalks, streetlights, and water and sewer laterals. The total project cost is \$10,117,500; the special improvement component totals \$968,158.54. He stated the item is in order.

No one appeared in opposition.

There was no further discussion.



Agenda Item No. 86

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003

Public Works Department

Item 86 – Special Improvement District No. 1493

MINUTES – Continued:

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:10 – 1:11)

2-64

NOTICE OF HEARING ON PROPOSED PROJECT AND ASSESSMENTS WITHIN
THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1493 – HUALAPAI WAY/ALEXANDER ROAD (CHEYENNE AVENUE
TO CIMARRON ROAD)

NOTICE IS HEREBY GIVEN to the property owners within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1493 – Hualapai Way/Alexander Road (Cheyenne Avenue to Cimarron Road) (hereinafter the "District") and to all interested persons that:

The City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) of the County of Clark in the State of Nevada, has provisionally ordered the acquisition of a Sewer Project, Street Project and a Water Project (collectively, the "Project") as more particularly described as follows:

HUALAPAI WAY (BOTH SIDES) - from the centerline of Cheyenne Avenue north along Hualapai Way approximately 5,280 feet to Alexander Road (100-foot right-of-way)

ALEXANDER ROAD (SOUTH SIDE) – from the western right-of-way of Hualapai Way west along Alexander Road approximately 982 feet (80-foot right-of-way)

ALEXANDER ROAD (BOTH SIDES) – from the Hualapai Way curve east along Alexander Road approximately 13,140 feet to Cimarron Road (100-foot right-of-way)

CAMPBELL ROAD (WEST SIDE) – from the southern right-of-way of Alexander Road south approximately 294 feet (60-foot right-of-way).

Except as shown on the preliminary plans and specifications now on file in the office of the City Clerk and in the office of the Special Improvement District in Las Vegas, Nevada, the character of such Project shall be described more particularly as follows: The improvements on Hualapai Way and Alexander Road will consist of the grading, regrading, graveling, and asphalt paving as necessary for at least four (4) travel lanes, a two-way center left turn lane with raised medians at the signalized or future signalized intersections, "L" type curb and gutter, sidewalks, commercial or residential driveway approaches and streetlights. The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District (filed with the office of the Special Improvement District prior to August 26, 2003) water and sewer laterals will be installed from the existing or proposed main lines in Hualapai Way and Alexander Road to such property. Sewer lines within the District are owned and maintained by the City. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT.

The preliminary estimated total cost of the Project and the amount to be assessed is as follows:

Estimated Amount of Special Assessments	Amount Available from Other Sources	Total Cost
\$ 968,158.54	\$ 9,149,341.46	\$ 10,117,500.00

The amounts to be assessed for the improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases). However, an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform. The portion of the costs to be assessed against and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon each piece or parcel of property in the District is stated in the assessment plat and addendum thereto designated "Tabulation of Parcels" or preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

The assessments will be levied on a front foot basis, provided that those tracts which front a cul-de-sac and which abut or front a street or streets being improved will be assessed on a "unit lot" basis, i.e., all lots abutting the cul-de-sac are to be assessed the same amount based upon the front footage of those lots abutting the street or streets being improved which also abut the cul-de-sac. Each property

owner will be assessed for the cost of an 8-foot wide street pavement section (unless the property owner has development plans in progress and has been conditioned by City Council for installation of a half-street pavement section), curb and gutter, sidewalks, driveway approaches and streetlights, where not already existing. The owners of property who elect to have water or sewer laterals installed will be assessed per foot of lateral installed on a per service or unit lot basis.

The boundaries of the District shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements or fronting a cul-de-sac which abuts or fronts a street to be improved by the improvements.

All persons interested are hereby advised that the preliminary plans and specifications (showing a typical section of the contemplated improvements) and the assessment plat, including a tabulation of parcels or preliminary assessment roll, a preliminary estimate of the total cost, a description of the lots, tracts and parcels of land to be assessed, the portion of the cost to be assessed thereagainst, and the amount of maximum benefits (including the corresponding market value increases) estimated to be conferred on each piece or parcel of property, the Engineer's report as to the method of determining benefits, and all proceedings in the premises are on file in the office of the Special Improvement District, Department of Public Works, and at the office of the City Clerk, 400 Stewart Avenue, Las Vegas, Nevada. All of the foregoing can be seen and examined by any property owner or other interested persons during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

It is anticipated that there will be grade or elevation changes in connection with the acquisition of the Project. Such grade or elevation changes are substantial and are as shown on the preliminary plans and specifications. All interested persons are hereby referred to the preliminary plans and specifications which relate to the details of the Project.

On Wednesday, October 15, 2003, at 1:00 p.m., in the City Council Chambers at 400 Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any interested person. The owners of the property to be assessed, or any other person interested therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring and improving such Project, as to the estimated cost thereof, as to the manner of payment therefor, as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District.

The City Council requests that any property owner or interested person wishing to protest or object, do so in writing at the office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before Friday, October 10, 2003. On the date and at the time and place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing from time to time to discuss and consider said issues before it. Any person filing a written protest or objection as hereinabove provided, shall have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

A person should object to the formation of the District, using the procedure outlined in this notice, if his support for the District is based upon a statement or representation concerning the Project that is not contained in the language of this notice.

If a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

The City Council of the City of Las Vegas has determined that one-half or more of the total cost of each of the improvements in the District, shall be paid with monies derived from sources other than the levy of special assessments and accordingly may take advantage of the exception stated in paragraph (a) of subsection (2) of NRS 271.306, (which exception is that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

After such hearing, the City Council shall determine the advisability of undertaking each part of the Project, and, if it determines to proceed, shall determine the kind and character of such improvements to be made, and shall authorize the advertising for bids for performing such work and furnishing all necessary materials with the lowest and best bidder or bidders. The City Council may determine not to proceed with all or any part of the Project regardless of the protests or objections.

After the determination of the actual cost of the Project, assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum special benefits to the property assessed or the reasonable market value of the property being assessed (as determined by the City Council). The City Council shall provide that the assessments may be payable without interest and without demand during a specified cash payment period and the City Council shall provide that the assessments may be paid at the election of the owner in twenty (20) substantially equal semi-annual installments which will include both principal and interest. The City Council shall also provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments, which will not exceed the maximum rate of interest permitted under the statutes of the State. If assessment bonds are issued, such rate will not exceed by more than 1% of the highest rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than 3% the "Index of Twenty Bonds" which shall have been most recently published before the time bids for the bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If bonds are not sold for the District, the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

Pursuant to NRS 271.357 and NRS 271.360, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a Hardship Determination. Any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expires; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof. A person desiring to apply for a Hardship Determination shall file an application no later than Friday, October 10, 2003, with the Clark County Department of Social Services, 1600 Pinto Lane, Las Vegas, Nevada 89106, (702) 455-8687.

By order of the City Council of the City, Nevada, and dated this September 17, 2003


BARBARA JO RONEMUS, City Clerk



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
JIM B. McDONALD
JENNIFER WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

October 16, 2003

Dear Property Owner:

The public hearing for Special Improvement District (SID) 1493, Hualapai Way/Alexander Road (Cheyenne Avenue to Cimarron Road) that was scheduled for Wednesday, October 15, 2003, at 1:00 P.M. in the Las Vegas City Council Chambers, 400 Stewart Avenue has been rescheduled to Wednesday, October 29, 2003, 1:00 P.M., at the same location.

We apologize for any inconvenience this change may have caused. If you would like further information please do not hesitate to contact our office at 229-6311.

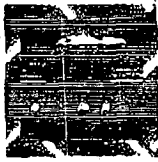
Thank you for your understanding.

Sincerely,

Barbara Jo Ronemus, CMC
City Clerk

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

**GREAT AMERICAN CAPITAL**RECEIVED
CITY CLERK

2003 OCT 28 P 5:20

October 9, 2003

Mr. K. John McNellis, PE
CITY OF LAS VEGAS
400 Stewart Avenue
Las Vegas, Nevada 89101

Protest

Re: 138-07-401-003 and 004
Special Improvement District No. 1493

Dear Mr. McNellis:

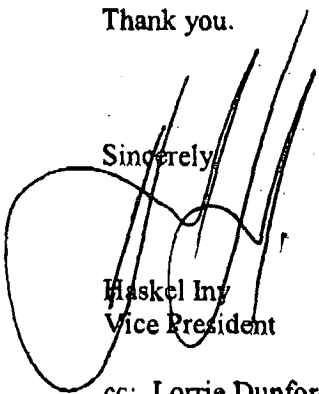
We are in receipt of your letter advising of the special improvements along Hualapai Way and Alexander Road. Great American Capital is currently in escrow with the above referenced parcels owned by Hualapai Holdings, LLC.

Please be advised that we are in the process of designing our project. We anticipate the start of construction within the next 4 months. Therefore, we should not be included in this S.I.D. project.

If you should have any questions, please do not hesitate to contact me at 702-253-5751.

Thank you.

Sincerely,



Haskel Iny
Vice President

cc: Lorrie Dunford - City of Las Vegas

RECEIVED BY
Special Improvement District
OCT 21 2003

City of Las Vegas

AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

EXTENSION OF TIME - SPECIAL USE PERMIT

- 90 **EOT-2835** - Peter Piper Incorporated on behalf of Centennial Holdings, Limited Liability Company

DISCUSSION/ACTION ITEMS

DIRECTOR'S BUSINESS - PUBLIC HEARING

- 91 **DIR-2863** - G T V, Limited Liability Company on behalf of Antelope, Limited Liability Company

REVIEW OF CONDITION - PUBLIC HEARING

- 92 **ROC-2872** - D.R. Horton, Incorporated
93 **SDR-2587** - Green Harrington & Howell, Limited Liability Company on behalf of Sherry Sobel Harris

MAJOR MODIFICATION TO THE LONE MOUNTAIN MASTER DEVELOPMENT PLAN - PUBLIC HEARING

- 94 **MOD-2851** - Great American Capital on behalf of Hualapai Holdings, Limited Liability Company

VARIANCE RELATED TO MOD-2851 - PUBLIC HEARING

- 95 **VAR-2864** - Great American Capital on behalf of Hualapai Holdings, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-2851 AND VAR-2864 - PUBLIC HEARING

- 96 **SDR-2853** - Great American Capital on behalf of Hualapai Holdings, Limited Liability Company

MASTER SIGN PLAN - PUBLIC HEARING

- 97 **MSP-2840** - CVS/Pharmacy on behalf of Johnson Family Trust, et al
98 **MSP-2841** - CVS 3172 Las Vegas, Limited Liability Company
99 **MSP-2842** - CVS/Pharmacy on behalf of S C P 2002E-40, Limited Liability Company

City of Las Vegas

PLANNING & DEVELOPMENT - Page Two

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City Council Meeting of October 29, 2003

MASTER SIGN PLAN - PUBLIC HEARING

- 100 **MSP-2856** - Courtesy Pontiac on behalf of Joseph Scala
- 101 **MSP-2858** - Greenstreet Properties on behalf of Micah 6:8 Holding, Limited Partnership

VACATION - PUBLIC HEARING

- 102 **VAC-2836** - PN II, Inc.
- 103 **VAC-2847** - Greystone Nevada, Limited Liability Company on behalf of Southwest Desert Equities, Limited Liability Company and CS 4015, Limited Liability Company

VARIANCE - PUBLIC HEARING

- 104 **ABEYANCE ITEM - VAR-2538** - Show Media on behalf of Valley Bank Corporation

SPECIAL USE PERMIT RELATED TO VAR-2538 - PUBLIC HEARING

- 105 **ABEYANCE ITEM - SUP-2537** - Show Media on behalf of Valley Bank Corporation

VARIANCE - PUBLIC HEARING

- 106 **VAR-2839** - A T & T Wireless on behalf of Garth Lamb

SPECIAL USE PERMIT RELATED TO VAR-2839 - PUBLIC HEARING

- 107 **SUP-2664** - A T & T Wireless on behalf of Garth Lamb

REQUIRED ONE YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING

- 108 **ABEYANCE ITEM - RQR-2792** - Sensation Spa of Nevada on behalf of Howard Johnson

REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING

- 109 **RQR-3094** - Las Vegas Rescue Mission

SPECIAL USE PERMIT - PUBLIC HEARING

- 110 **SUP-2759** - Reagan National Advertising on behalf of William P. Miguel, et al
- 111 **SUP-2760** - Reagan National Advertising on behalf of William P. Miguel, et al
- 112 **SUP-2767** - Vegas Treasures, Incorporated on behalf of Great American Plaza, Limited Liability Company
- 113 **SUP-2801** - Stephen E. Turner on behalf of Raymond Pistol
- 114 **SUP-2802** - Lizbeth Josefina Castillo on behalf of Ringside Liquors, Incorporated
- 115 **SUP-2833** - Sierra Fondue, Limited Liability Company on behalf of Boca Park Parcels, Limited Liability Company
- 116 **SUP-2844** - Marcus Ritz on behalf of Wagemas, Limited Liability Company

City of Las Vegas

PLANNING & DEVELOPMENT - Page Three

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City Council Meeting of October 29, 2003

SPECIAL USE PERMIT - PUBLIC HEARING

- 117 **SUP-2845** - USA Cash Services, Limited Liability Company on behalf of Sahara Rainbow, Limited Liability Company
- 118 **SUP-2848** - Reagan National Advertising on behalf of C O G III, Limited

REZONING - PUBLIC HEARING

- 119 **ZON-2735** - Bronco/Corbett, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-2735 - PUBLIC HEARING

- 120 **SDR-2736** - Bronco/Corbett, Limited Liability Company

City of Las Vegas

Agenda Item No. 87

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

EXTENSION OF TIME - EOT-2835 - PETER PIPER INCORPORATED ON BEHALF OF CENTENNIAL HOLDINGS, LIMITED LIABILITY COMPANY - Request for an Extension of Time for an approved Special Use Permit (U-0074-02) which allowed a restaurant service bar at 7981 West Tropical Parkway (APN: a portion of 125-28-713-002), T-C (Town Center) Zone [SC-TC (Service Commercial – Town Center) land use designation, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

NOTE: COUNCILMAN MACK disclosed that Absolute Foot Care is a client of MK², with which he is affiliated, and is located near the subject site. However, the client will not be impacted by this application and he has not discussed the matter with the client. He indicated he would vote on this item.

MINUTES:

There was no discussion.

(1:11 – 1:12)

2-110

CONDITIONS:

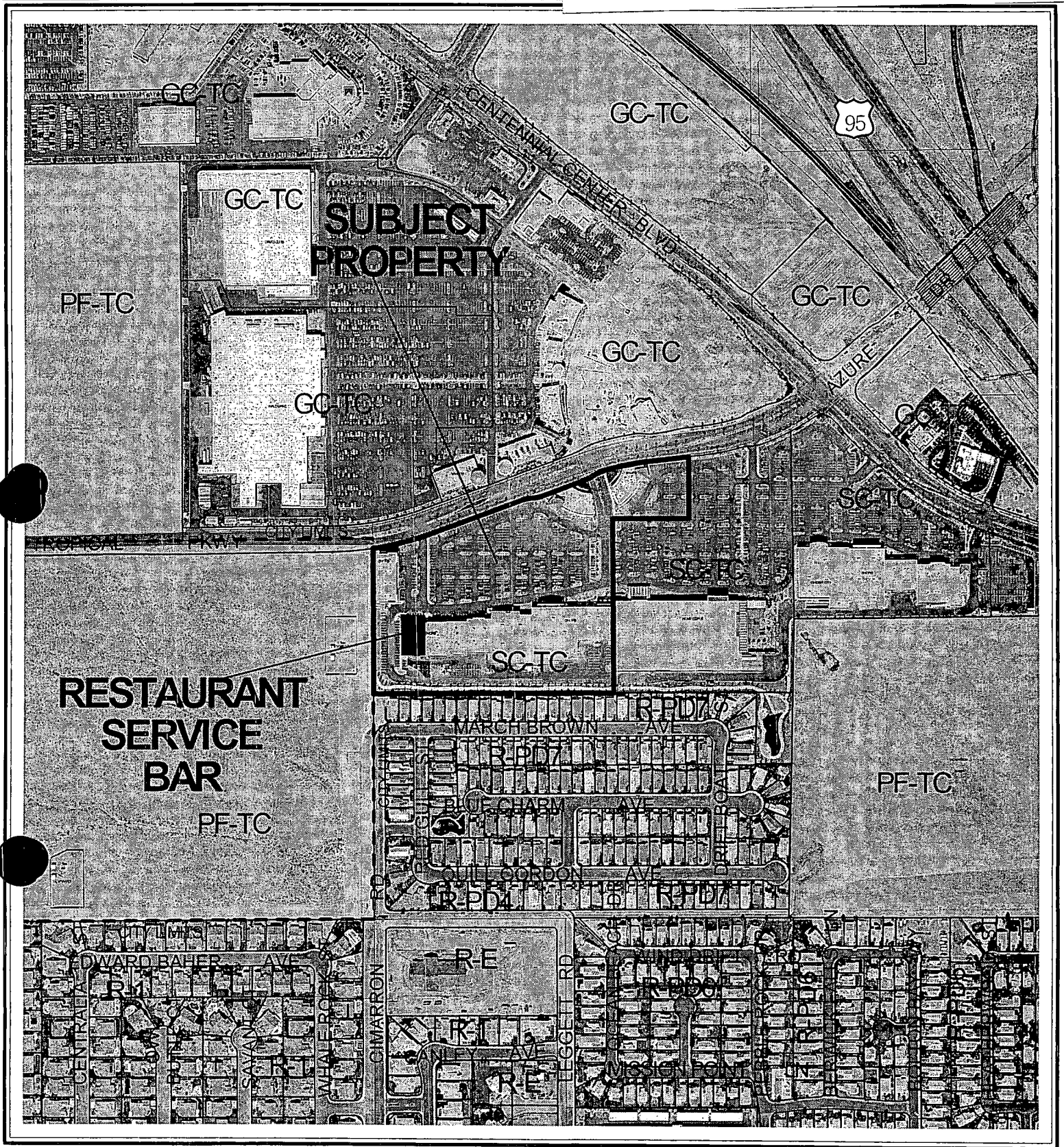
Planning and Development

1. This Special Use Permit shall expire on 08/21/05, unless it is exercised or an Extension of Time is granted by the City Council.
2. Compliance with all Conditions of Approval of the original Special Use Permit (U-0074-02).



87





CASE: EOT-2835

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) [SC-TC (SERVICE COMMERCIAL - TOWN CENTER) LAND USE DESIGNATION]



City of Las Vegas

AGENDA MEMO

SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-2835 - PETER PIPER INC. ON BEHALF OF
CENTENNIAL HOLDINGS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This Special Use Permit shall expire on 08/21/05, unless it is exercised or an Extension of Time is granted by the City Council.
2. Compliance with all Conditions of Approval of the original Special Use Permit (U-0074-02).

EOT-2835 - Staff Report Page One
 October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a one-year Extension of Time to an approved Special Use Permit (U-0074-98).

B) Applicant's Justification

Due to financial reasons, the owner was unable to commence and complete construction prior to the original Special Use Permit expiration date of August 21, 2003.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved a request for Rezoning (Z-0076-98) on property located within the area designated Town Center on the northwest amendment to the general plan, from U (Undeveloped) Zone, R-E (Residence Estates), R-PD7 (Residential Planned Development - 7 Units Per Acre), R-PD11 (Residential Planned Development - 11 Units Per Acre), R-PD13 (Residential Planned Development - 13 Units Per Acre), R-PD18 (Residential Planned Development - 18 Units Per Acre), R-CL (Single Family Compact-Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic), and P-D (Planned Development) to T-C (Town Center) on a portion of the subject site. The Planning Commission recommended approval on November 5, 1998.
- 02/08/99 The City Council approved a Site Development Plan Review [Z-0076-98(1)] for a proposed retail development totaling approximately 827,000 square feet and seven proposed automobile dealerships. The Planning Commission recommended approval on December 17, 1998.
- 08/21/02 The City Council approved a Special Use Permit (U-0074-02) for a Restaurant Service Bar. The SUP was given a one-year expiration date. The Planning Commission recommended approval on July 25, 2002.
- 09/11/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #3).

B) Pre-Application Meeting

A pre-application meeting is not required for an Extension of Time application.

EOT-2835 - Staff Report Page Two
 October 29, 2003 Special City Council Meeting

C) *Neighborhood Meetings*

A neighborhood meeting is not required for an Extension of Time application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross area: .22 acres (9,966 S.F)

B) *Existing Land Use*

Subject Property: Commercial
 North: Commercial
 South: Single-Family Residence
 East: Commercial
 West: Public Facility / Las Vegas Valley Water District

C) *Planned Land Use*

Subject Property: SC-TC (Service Commercial-Town Center)
 North: GC-TC (General Commercial-Town Center)
 South: L (Low Density Residential)
 East: SC-TC (Service Commercial-Town Center)
 West: PF-TC (Public Facilities - Town Center)

D) *Existing Zoning*

Subject Property: TC (Town Center) Zone [SC-TC (Service Commercial-Town Center) General Plan Designation]
 North: TC (Town Center) Zone [GC-TC (General Commercial-Town Center) General Plan Designation]
 South: R-PD7 (Residential Planned Development – 7 Units per acre) Zone [L (Low Density Residential) General Plan Designation]
 East: TC (Town Center) Zone [SC-TC (Service Commercial-Town Center) General Plan Designation]
 West: Clark County [PF-TC (Public Facilities - Town Center) General Plan Designation]

E) *General Plan Compliance*

The property is located within the Centennial Hills Sector of the General Plan with an SC-TC (Service Commercial-Town Center) designation. The TC (Town Center) zoning district is in compliance with the General Plan. The proposed Restaurant Service Bar use is allowed in the TC zoning district with a Special Use Permit.

EOT-2835 - Staff Report Page Three
October 29, 2003 Special City Council Meeting

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance	X	

This site is located within the Town Center Plan Area. The proposed Restaurant Service Bar use is permitted with approval of a Special Use Permit. The City Council found this use to be appropriate for the site and will not be a detriment to the area.

Had this project been a new application, it would have been classified as a Project of Regional Significance due to its proximity of within 500-feet from an unincorporated area. However, the original Special Use Permit application was not classified as such, and PRS review is not required for this Extension of Time request.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10.010, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Restaurant Public Seating	4,187 S.F	1/50 for proposed square feet of public seating and waiting area	84	4	84	4
Restaurant General Area	5,779 S.F.	1/200 for proposed square feet of remaining GFA	29	2	29	2

The proposed development meets the Zoning Code parking requirements.

EOT-2835 - Staff Report Page Four
October 29, 2003 Special City Council Meeting

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04.040, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Restaurant Service Bar	No restaurant service bar use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or City Park	No protected uses within 400 feet

No Restaurant Service Bar use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or City Park. There are no protected uses within 400 feet of the proposed site.

B) *General Analysis and Discussion*

- **Zoning**

The proposed restaurant service bar is allowed in the TC (Town Center) zoning district with approval of a Special Use Permit.

- **Use**

The proposed Restaurant Service Bar continues to be an appropriate use for this location.

- **Conditions**

All conditions of approval from the original application (U-0074-02) will remain in place, as this application is only to extend the approval of the use.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

EOT-2835 - Staff Report Page Five
 October 29, 2003 Special City Council Meeting

The City Council found, in approving the original request, that the Restaurant Service Bar can be operated in a manner that is harmonious and compatible with the surrounding uses. Furthermore, the surrounding properties have not significantly changed from the time of the initial approval.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The City Council found, in approving the original request, that there were no physical constraints to the location of the use on the subject site. There have been no major changes to the subject site.

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

With conformance to the conditions of approval of the original request (U-0074-02), Tropical Parkway and Centennial Center Boulevard will be adequate in size to meet the requirements of the proposed use.

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

The proposed restaurant service bar will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety and welfare.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-2835 APN: 125-28-713-002

Name of Property Owner: Centennial Holdings

Name of Applicant: Peter Piper, Inc.

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

Yes ☐ No ☒

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

City Official: _____

Partner(s): _____

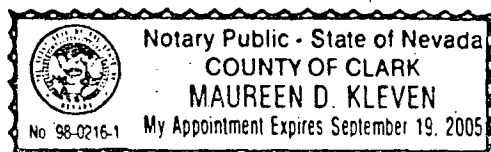
APN: _____

Signature of Property Owner/Authorized Agent: Russell W. Dorn

Subscribed and sworn before me

This 16th day of July, 2003

Margaret D. Kleven
Notary Public in and for said County and State



[illegible]

	Standard Number
	Building Section
	Wall Section
	Detail (Location)
	Detail (Plan)
	Direction to Building or Elevation Point of Reference
	Elevation to Plan Point of Reference
	Direction to Center
	Dist. to Face of Wall or Face of Vertical Slab Form
	Dist. to Face of Massing

CHAND	4,187 S.F.
GAHER	3,973 S.F.
KITCHEN / OFFICE / CIRCULATION	12,285 S.F.
RESTROOM	803 S.F.
TOTAL	8,888 S.F.
DETAILS:	
44 UNITS = 4 SEATS =	176 SEATS
54 SEATING = 5 SEATS =	136 SEATS
5 SEATING = 0 SEATS =	20 SEATS
TOTAL SEATS =	342 SEATS
TOTAL GAMES =	

	CONCRETE		FIRE PROOFING
	METAL		STEEL
	PLYWOOD		MASONRY
	WOOD		BATT INSULATION
	GLASS OR PLEXIGLASS		RIGID INSULATION
	GYP. BOARD		CONCRETE
	PLYWOOD OR PLASTER		ACOUSTICAL TILE

TELEPHONE

NEW YORK CITY

800 SPRINGFIELD RD
PO BOX 1274
(703) 735-1274

SEWER

GAS

SOUTHWEST GAS

4300 W. TROPICANA AVE.
LAS VEGAS, NEVADA 89103
(703) 876-7011

WATER

LOS ANGELES VALLEY
WATER DISTRICT

1100 S. WILLOWBURG BLVD.
LAS VEGAS, NV 89133
TEL 865-8116
(703) 735-7185 FAX

HEALTH DEPT.

CLARK COUNTY
HEALTH DEPT.

CLARK COUNTY ENVIRONMENTAL
HEALTH DEPT.

700 S. GARDEN LANE
LAS VEGAS, NV 89106
(703) 363-1200
(703) 363-1446 FAX

POWER

NEVADA POWER CO.

2514 E. LOUIE MOUNTAIN CO.
LAS VEGAS, NEVADA 89031
(703) 867-3431
(703) 867-3432 FAX

1. CONTRACTOR SHALL VERIFY IN THE FIELD, ALL ELEVATIONS, DIMENSIONS, EXISTING CONDITIONS, AND POINTS OF CONNECTION. ANY DISCREPANCIES SHALL BE CALLED TO THE ATTENTION OF THE ARCHITECT BEFORE PROCEEDING WITH CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING ANY DISCREPANCIES PRIOR TO START OF CONSTRUCTION AND FOLLOW UP IN WRITING WITHIN 2 WORKING DAYS.

2. INTERIOR FINISHES MUST CONFORM TO U.S. REQUIREMENTS. ALL CONSTRUCTION AND MATERIALS SHALL BE AS SPECIFIED AND IN ACCORDANCE WITH ALL APPLICABLE CODES, ORDINANCES, LAWS, PERMITS, AND THE CONTRACT DOCUMENTS.

3. PROVIDE OCCUPANT LOAD SIGN COMPLYING WITH SECTION 1007.2.8

4. MANUFACTURER'S INSTALLATION INSTRUCTIONS SHALL BE MADE AVAILABLE TO THE RESPECTIVE AUTHORITIES.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER LOCATION AND SIZE OF OPENINGS FOR ALL TRADES AND FOR THE PROPER CONSTRUCTION OF SUCH OPENINGS BY THE SUBCONTRACTOR DOCUMENTS.

6. PROVIDE ALL NECESSARY BUILDING, SCHEDING AND FRAMING FOR LIGHT FIXTURES, ELECTING UNITS, A.C. EQUIPMENT, RECESSED TEARS, AND ALL OTHER ITEMS AS REQUIRED.

7. PROVIDE EXIST ILLUMINATION PER USC REQUIREMENTS.

8. ALL GLASS AND GLAZING SHALL COMPLY WITH USC REQUIREMENTS.

9. FIRE EXTINGUISHERS SHALL BE INSTALLED IN ACCORDANCE WITH THE FIRE DEPARTMENT PRIOR TO COMPLETION OF CONSTRUCTION. PROPER USE OF ONE SAVING CLASSIFICATION FIRE EXTINGUISHER WITHIN 70 FEET TRAVEL DISTANCE SHALL BE PROVIDED TO ALL PERSONS ENTERING THE BUILDING.

10. EXIT SIGNS MUST BE INTERNALLY ILLUMINATED. (U.F.C. SEC 1212.4) PROVIDE TWO SEPARATE SOURCES OF POWER FOR EXIT SIGNS COMPLYING TO U.F.C. SEC. 1212.8

11. PLANS FOR ALL FIXED FIRE PROTECTION EQUIPMENT SHALL BE SUBMITTED BY THE O.C. TO THE FIRE MARSHAL FOR APPROVAL PRIOR TO INSTALLATION.

12. BUILDING MEMBERS SHALL BE EASILY VISIBLE AND LEEDLE FROM THE STREET OR ROAD FRONTING THE PROPERTY.

13. AT EVERY PRIMARY PUBLIC ENTRANCE AND AT EVERY MAJOR FUNCTION ALONG OR LEADING TO AN ACCESSIBLE ROUTE BETWEEN THE BUILDING AND THE STREET, THE CONTRACTOR SHALL PROVIDE ACCESSIBILITY. SIGNS SHALL INDICATE THE DIRECTION TO ACCESSIBLE BUILDING ENTRANCES AND FACILITIES.

14. WHEN A BUILDING, OR PORTION OF A BUILDING, IS REQUIRED TO BE ACCESSIBLE (OR ADAPTABLE), AN ACCESSIBLE ROUTE OF TRAVEL SHALL BE PROVIDED TO ALL PORTIONS OF THE BUILDING TO ACCESSIBLE BUILDING ENTRANCES AND BETWEEN THE BUILDING AND THE STREET.

15. O.C. SHALL BECOME FAMILIAR WITH OWNERS REQUIREMENTS PRIOR TO BEGINS AND SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THESE REQUIREMENTS.

16. ITEMS NOT INDICATED IN THESE DOCUMENTS THAT CAN BE LEGITIMATELY & REASONABLY INFERRRED TO COMPLETE THE WORK AT HAND SHALL BE FURNISHED BY THE CONTRACTOR AS THOUGH IT WERE DETAILED HEREIN.

17. SUBCONTRACTORS SHALL BE BACK CHARGED BY GENERAL CONTRACTOR FOR ADDITIONAL COST OF JOBS CLEAN UP

18. ALL ROOF PITCHING SHALL BE CONFORMED WITH THE PROPERTY OWNER PRIOR TO COMMENCEMENT OF WORK TO AVOID WARRANTY RELATED ISSUES. IF ROOF IS NOT DRAIN WARRANTED, WORK SHALL BE PERFORMED BY AN APPROVED PROVIDER.

19. ALL DOORS TO BE OPERABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE.

20. MANUALLY OPERATED EDGE OF SURFACE MOUNTED FLUSH BOLTS ARE PROHIBITED.

21. STUD PARTITIONS TO BE ANCHORED SO AS TO RESIST A LATERAL LOAD OF 5 P.S.F.

22. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES & ORDINANCES.

23. ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ORIENTED, USED, CLEANED AND CONDITIONED IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN SPECIFICATIONS OR INSTRUCTIONS UNLESS OTHERWISE SPECIFIED TO THE CONTRARY.

24. THE CONTRACTOR SHALL SUPERVISE AND CHECK THE WORK, USING HIS BEST SKILL AND ATTENTION. HE SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION AND/OR INSTALLATION METHODS, MEASUREMENTS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.

25. EXTENSIONS TAKE PRECEDENCE OVER SCALE ON CONSTRUCTION DOCUMENTS.

26. ALL WORK SHALL BE EXECUTED IN A NEAT AND WORKMANLIKE MANNER, ACCEPTABLE TO OWNER.

27. WHEN WORK NOT SPECIFICALLY CALLED OUT IS REQUIRED TO COMPLETE THE PROJECT, IT SHALL BE PROVIDED BY THE CONTRACTOR AT HIS OWN DISCRETION.

28. CONTRACTOR SHALL GUARANTEE ALL WORKSMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION (IN WRITING).

29. UNLESS OTHERWISE SPECIFICALLY NOTED, THE CONTRACTOR SHALL PROVIDE AND PAY FOR ALL LABOR, MATERIALS, EQUIPMENT, TOOLS, CONSTRUCTION EQUIPMENT AND MACHINERY, TRANSPORTATION, AND OTHER FACILITIES AND UTILITIES NECESSARY FOR PROPER EXECUTION OF THE WORK.

30. THE TOWN SHALL PAY ALL FEES FOR PERMITS, ETC., NECESSARY FOR PROPER COMPLETION OF THE WORK UNLESS OTHERWISE INFORMED.

31. THE CONTRACTOR WARRANTS TO THE OWNER AND THE ARCHITECT THAT ALL MATERIALS AND EQUIPMENT FURNISHED UNDER THIS CONTRACT WILL BE NEW UNLESS OTHERWISE SPECIFIED, AND THAT ALL WORK WILL BE GOOD QUALITY. THE CONTRACTOR WARRANTS THAT THE WORK WILL BE CONFORMANT WITH THE CONTRACT DOCUMENTS. ALL WORK NOT SO CONFORMING TO THESE STANDARDS MAY BE CONSIDERED DEFECTIVE. IT IS UNDERSTOOD THAT NO DEFECTOR ON THE CONTRACTOR'S PART OR ANY OTHER PARTY SHALL BE HELD RESPONSIBLE FOR THE WORK. THE TEST ARE INCORPORATED IN THE WORK OR AT ANY TIME BEFORE OR AFTER THE FINAL ACCEPTANCE, IF REQUIRED BY THE ARCHITECT. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF MATERIALS AND EQUIPMENT.

32. THE WARRANTIES AND GUARANTEES PROVIDED IN THE CONSTRUCTION DOCUMENTS SHALL BE IN ADDITION TO AND NOT IN LIEUATION OF ANY WARRANTY OR GUARANTEE OR REMEDY REQUIRED BY LAW OR BY THE CONSTRUCTION DOCUMENTS.

33. CONTRACTOR SHALL PROVIDE PROPER SHORING & DISCONNECTION OF ALL UTILITIES BEFORE ANY DEMOLITION.

34. CONTRACTOR SHALL PATCH, REPAIR, REPLACE & FINISH ANY FLOOR, WALL, OR CEILING TO MATCH ADJACENT DUE TO ANY DEMOLITION.

35. NO DOCUMENTS SHALL BE CONTRIBUTED TO THE SUBCONTRACTORS IN COMPLETE SETS AS INDICATED BY THE SHEET INDEX. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT SUBCONTRACTORS GET ON ALL

ZONING:	C-2
BUILDING CODES:	1997 U.B.C. 1997 U.B.C. 1997 U.P.C. 1997 U.P.C. 1998 N.E.C.
OCCUPANCY CLASSIFICATION:	A-3/A-3
CONSTRUCTION TYPE:	II-M, FULLY SPRIKLERED
BASIC ALLOWABLE AREA: (INCREASE FOR SEPARATION/3 SIDES JOINT):	8,000 SQ. FT. 18,000 SQ. FT.
BUILDING AREA:	9,868 SQ. FT.
ALLOWABLE BUILDING HEIGHT:	2-STORIES, 40 FEET
NUMBER OF STORIES:	ONE
PROPOSED USE:	RESTAURANT.

NO. **TENANT:** **PETER PAPER, INC.**
16436 N. EDWARDS BLVD., SUITE 180
SCOTTSDALE, ARIZONA 85254
480.808.8430
480.808.8023 FAX
GREG BARTON (CONSTRUCTION CONTACT)

BUILDING ADDRESS: 7881 W. TROPICAL PARKWAY
LAS VEGAS, NV 89148

OCCUPANCY CALCULATION FOR EXITING			
ROOM	AREA	LOAD FACTOR	OCCUPANT LOAD
DINING	4,187 S.F.	18	378
GALLERY	2,371 S.F.	18	131
KITCHEN / OFFICE / CIRCULATION	3,008 S.F.	200	18
RESTROOM/RECEIVE	888 S.F.	0	0
TOTAL	10,454 S.F.		648

EXIT WIDTH = OCC. LOAD X 0.5 (EXIT) = 448 X 0.5 = 224
 OR 200" = 16'-8", 7'-0" REQUIRED, 16'-0" PROVIDED

NOTE: FOR USC 1003.2.2.2 (1) (EXCEPTION) THE GAME AREA IS AN ACCESSORY AREA TO THE DINING AREA, AS THE GAMES ARE UTILIZED BY THE DINING CUSTOMERS.

MINIMUM PLUMBING FIXTURE CALCULATION			
ROOM	AREA	LOAD FACTOR	OCCUPANT LOAD
DINING	4,187 S.F.	30	140
KITCHEN	2,271 S.F.	30	78
OFFICE / CIRCULATION	8,868 S.F.	200	18
RESTROOM	403 S.F.	0	0
TOTAL	9,868 S.F.		230
	115 MALES		115 FEMALES
PER U.P.C. 1997 TABLE 4-2.3.1.1	8 W.C. 1 78-125	3 W.C. 1 78-125	3 W.C. 1 78-125
	3 LAV. 1 78-125	2 LAV. 1 78-125	2 LAV. 1 78-125
	3 W.C. 1 78-125		
PLUMBING FOST. PROVIDED	3 W.C.	3 W.C.	
	3 LAV.	3 LAV.	
	2 URNS		

- ARCHITECTURAL:
 - CS COVER SHEET
 - A-1 FLOOR PLAN AND ROOM FINISHES
 - A-2 OUTDOOR FLOOR PLAN AND DOOR SCHEDULE
 - A-3 REFLECTED CEILING PLAN AND DETAILS
 - A-4 ROOF PLAN
 - A-5 RESTROOM DETAILS
 - A-6 BUILDING SECTIONS AND WALL SECTIONS
 - A-7 KITCHEN OVERSEER PLAN, P.D.S. PLAN AND NOTES
 - A-8 INTERIOR (KITCHEN) ELEVATIONS
 - A-9 EXTERIOR (KITCHEN & RECEPTION) ELEVATIONS
 - A-10 DETAILS
 - A-10.1 EXTERIOR ELEVATIONS
- STRUCTURAL:
 - S-1.0 EXTERIOR ARCH OPENING DETAIL
 - S-1.1 HVAC ROOF BRACING DETAIL
- HOOD:
 - H-1 HOOD DETAILS AND NOTES
- KITCHEN:
 - K-0 FOOD SERVICE EQUIPMENT SCHEDULE
 - K-1 KITCHEN EQUIPMENT FLOOR PLAN, KITCHEN PLUMBING
- IN PLUMBING: PLAN AND KITCHEN ELECTRICAL ROUGH-IN PL
- FIRE PROTECTION:
 - FP-1 FIRE PROTECTION FLOOR PLAN
 - FP-2 SPECIFICATIONS AND DETAILS
- MECHANICAL:
 - M-1 MECHANICAL FLOOR PLAN
 - M-2 MECHANICAL ROOF
 - M-3 MECHANICAL SCHEDULES
 - M-4 MECHANICAL DETAILS
- PLUMBING:
 - P-1 PLUMBING FLOOR PLAN
 - P-2 PLUMBING SCHEDULES AND DETAILS
 - P-3 PLUMBING SCHEDULES
- ELECTRICAL:
 - E-1 ELECTRICAL SYMBOL AND NOTES
 - E-2 ELECTRICAL LIGHTING PLAN
 - E-3 ELECTRICAL FLOOR PLAN
 - E-4 PANEL SCHEDULES AND ONE-LINE DIAGRAM
 - E-6 DETAILS AND SPECIFICATIONS

1. FIELD WELDING-HVAC UNIT SUPPORTS

Peter Piper

TENANT IMPROVEMENTS
7981 W. TROPICAL PARKWAY
LAS VEGAS, NV 89149

ARCHITECT: COLLINS & BROWN, ARCHITECT
300 E. MAIN, SUITE 301
TULSA, OK 74101
405.261-0627
405.261-0628 FAX
GARD LAMBERTSON

MECHANICAL/PLUMBING: APPLIED THERMODYNAMICS
200 E. SCOTTSMAN AVE., SUITE 110
TULSA, OK 74103
405.266.3670 or
405.266.0287 FAX
GARD PERDUE

ELECTRICAL: SYSTEMS DESIGN ASSOCIATES
200 E. SCOTTSMAN AVE., SUITE 110
TULSA, OK 74103
405.266.1111
405.266.1215 FAX
WALSH PARRISH

STRUCTURAL: SECURITY DESIGN ASSOCIATES
200 E. SCOTTSMAN AVE. SUITE 110
SCOTTSMAN, OK 74103
405.266.0000
405.266.1080 FAX
GARY SECURITY

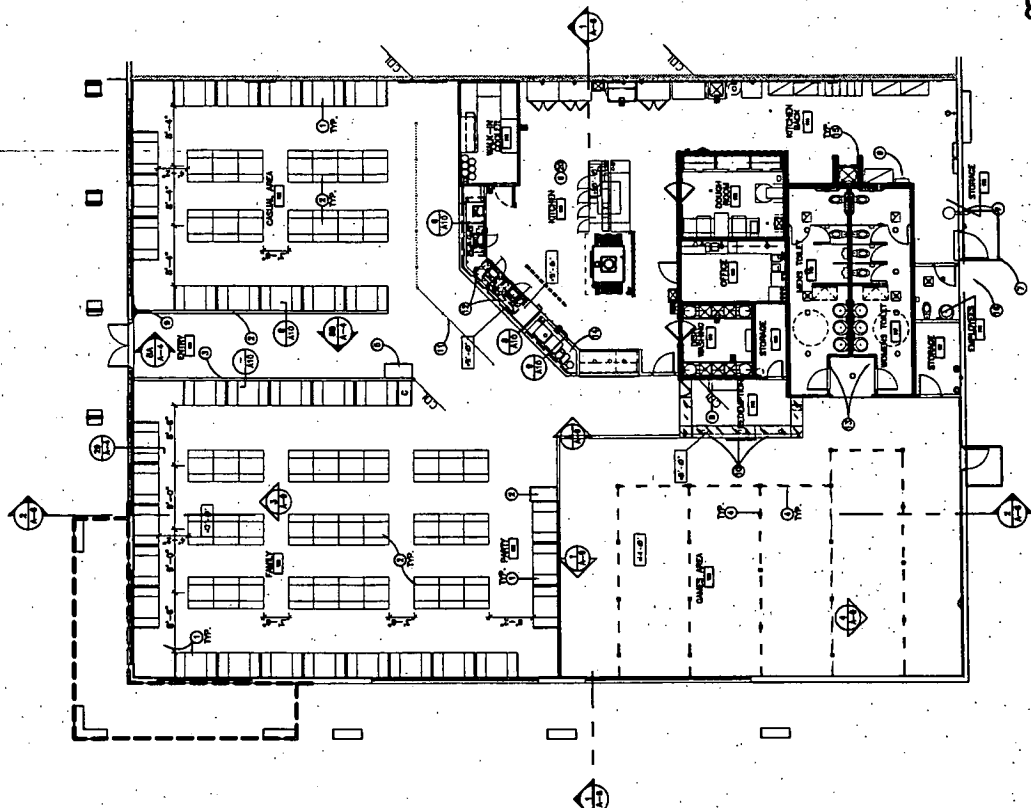
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GENERAL NOTES

1. REFER TO MECHANICAL, PLUMBING, AND ELECTRICAL SHEETS FOR ALL MECHANICAL AND ELECTRICAL REQUIREMENTS.
2. PROVIDE PROPER BLOCKING ON WALLS FOR ALL EQUIPMENT.
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6. PROVIDE PROPER BLOCKING ON WALLS FOR ALL EQUIPMENT.
7. PROVIDE APPROVED SHIELDING ON STRIKE SIDE OF TOILET ROOM DOORS CENTERED 60" A.F.F.
8. PROVIDE 1/2" X 8" STUDS OF ACCESSIBILITY AT ALL PRIMARY ACCESS POINTS.
9. PROVIDE 1/2" X 8" STUDS OF ACCESSIBILITY AT ALL PRIMARY ACCESS POINTS.
10. PROVIDE 1/2" X 8" STUDS OF ACCESSIBILITY AT ALL PRIMARY ACCESS POINTS.

FLOOR PLAN KEY NOTES

1. BATHING, BENCH, AND CHAIRS ARE PROVIDED BY OWNER.
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FLOOR PLAN

SCALE 1/8" = 1'-0"



Peter Piper	
ARCHITECT	
1801 W. TROPICAL PARKWAY	
LAS VEGAS, NV 89102	
DATE	07/01/03
BY	GBL
FOR	422.02
FLOOR PLAN	
REVISIONS	
NO.	DESCRIPTION
1	
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9	
10	

EOT-2835

09-11-03 PC



EOT-2835 - PETER PIPER INCORPORATED ON BEHALF OF CENTENNIAL HOLDINGS, LIMITED
LIABILITY COMPANY
7981 WEST TROPICAL PARKWAY
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

City of Las Vegas

Agenda Item No. 88

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

DIRECTOR'S BUSINESS - PUBLIC HEARING - DIR-2863 - G T V, LIMITED LIABILITY COMPANY ON BEHALF OF ANTELOPE, LIMITED LIABILITY COMPANY - Request for a Development Agreement for Grand Teton Village on approximately 160 acres generally located east of Hualapai Way and west of Grand Canyon Drive, between Farm Road and Grand Teton Drive (APN: multiple), Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Conditions For This Application
2. Staff Report
3. Submitted at City Council – Amended language to Condition 1 of DIR-2863 submitted by Attorney Russell Rowe

MOTION:

MACK – APPROVED subject to conditions and amending Condition 1 to read as follows:

1. Section 3.6.1 (i), of the Master Development Plan shall be amended to read as follows: "Retaining and combination screen/retaining walls *that are visible from any perimeter street* shall not exceed eight feet (8') in height, terraced with a minimum of four feet (4') clear horizontal separation between walls. The perimeter streets are-Grand Teton Drive, Hualapai Way, Farm Road and Grand Canyon Drive. Section 3.6.1 (l) and Section 3.6.2 (g) of the Master Development Plan shall read as follows: "With the exception of perimeter streets, the overall height of a retaining wall combined with a freestanding wall, if visible from any other internal street or open space area, shall not exceed fourteen (14').

– UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

ATTORNEY RUSSELL ROWE, 3800 Howard Hughes Parkway, appeared on behalf of the applicant along with Calvin Champlain of Quadrant Planning. MR. ROWE thanked staff for their efforts and cooperation regarding this application. He concurred with staff conditions. However, he indicated that one minor modification should be made to the first sentence of

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 88 – DIR-2863

MINUTES – Continued:

Condition 1 since some language had been inadvertently omitted. He advised that this issue was addressed at the Planning Commission meeting.

DEPUTY CITY ATTORNEY BRYAN SCOTT advised that the amended language should be read into the record if it has been included in the staff report. MR. ROWE read the revised language into the record.

TODD FARLOW, 240 North 19th Street, confirmed with staff that there were no problems with the trails.

COUNCILMAN MACK verified with staff that the amended condition was acceptable. He commented that everyone had cooperated and worked hard to plan a community with a good mix of housing choices, a school site, and a park, which the developer would build to City standards.

No one appeared in opposition.

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:12 – 1:15)

2-139

CONDITIONS:

Planning and Development

1. Section 3.6.1 (i), of the Master Development Plan shall be amended to read as follows: "Retaining and combination screen/retaining walls shall not exceed eight feet (8') in height, terraced with a minimum of four feet (4') clear horizontal separation between walls. The perimeter streets are- Grand Teton Drive, Hualapai Way, Farm Road and Grand Canyon Drive. Section 3.6.1 (l) and Section 3.6.2 (g) of the Master Development Plan shall read as follows: "With the exception of perimeter streets, the overall height of a retaining wall combined with a freestanding wall, if visible from any other internal street or open space area, shall not exceed fourteen (14').
2. A Major Modification shall be required of any proposed development that exceeds the maximum number of 1,166 residential units. Such application shall be heard as a public hearing before the Planning Commission and City Council.
3. Section 9.1 shall be amended to include the Park Development Agreement as a part of this Development Agreement by reference. The following language shall be added: "parties...and upon approval by the City Council shall be made part of this Development Agreement and is hereby included by reference."

City of Las Vegas

Agenda Item No. 88

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
Planning and Development Department
Item 88 – DIR-2863

CONDITIONS – Continued:

4. Approval of the Park Development Agreement at a public hearing by the Planning Commission and City Council.
5. Where conflicts occur, the Master Development Plan Design Standards shall be modified to reflect the terms of this Development Agreement.

Public Works

6. The Conceptual Sewer Plan, referenced in Section 1.1(12) of the Development Agreement must be submitted to the Department of Public Works and shall depict implementation of conditions imposed at the development approval of previously approved projects.

City of Las Vegas

AGENDA MEMO

SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: DIR-2863 - C T V, LIMITED LIABILITY COMPANY ON BEHALF OF ANTELOPE, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Section 3.6.1 (i), of the Master Development Plan shall be amended to read as follows: "Retaining and combination screen/retaining walls shall not exceed eight feet(8') feet in height, terraced with a minimum of four feet (4') clear horizontal separation between walls. The perimeter streets are- Grand Teton Drive, Hualapai Way, Farm Road and Grand Canyon Drive. Section 3.6.1 (l) and Section 3.6.2 (g) of the Master Development Plan shall read as follows: "With the exception of perimeter streets, the overall height of a retaining wall combined with a freestanding wall, if visible from any other internal street or open space area, shall not exceed fourteen (14').
2. A Major Modification shall be required of any proposed development that exceeds the maximum number of 1,166 residential units. Such application shall be heard as a public hearing before the Planning Commission and City Council.
3. Section 9.1 shall be amended to include the Park Development Agreement as a part of this Development Agreement by reference. The following language shall be added: "parties...and upon approval by the City Council shall be made part of this Development Agreement and is hereby included by reference."
4. Approval of the Park Development Agreement at a public hearing by the Planning Commission and City Council.
5. Where conflicts occur, the Master Development Plan Design Standards shall be modified to reflect the terms of this Development Agreement.

Public Works

6. The Conceptual Sewer Plan, referenced in Section 1.1(12) of the Development Agreement must be submitted to the Department of Public Works and shall depict implementation of conditions imposed at the development approval of previously approved projects.

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October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for approval of a Development Agreement for the area covered by the Grand Teton Village Master Plan. The entire property is approximately 120 acres, generally bounded by Grand Teton Drive to the north, Farm Road to the south, Grand Canyon Drive to the east and Hualapai Way to the east. The Grand Teton Village Master Development Plan requires this Development Agreement.

BACKGROUND INFORMATION

A) Previous Actions

- 05/24/99 The City Council approved and amendment to the General Plan for the Centennial Hills Sector Plan.
- 09/04/02 The City Council approved the Grand Teton Village Master Development Plan and Design Standards. The Planning Commission recommended approval on 05/23/02.
- 04/16/03 The City Council approved a rezoning to PD (Planned Development) for a portion of this site. Subsequently, a site development plan and tentative map were approved for the Valley Crest II East project.
- 05/07/03 The City Council approved a rezoning to R-PD4 (Residential Planned Development-4 units per acre) for a portion of this site. Subsequently, a site development plan and tentative map were approved for the Beazer @ Grand Teton Village project.
- 09/11/03 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #43).

B) Pre-Application Meeting

Several meetings were held between City staff and the Master Developer. Major issues discussed included the terms and timing of the Park Development Agreement, the roles and responsibilities of the City and Master Developer pertaining to the development of the Grand Teton Village Park, determining milestones for the completion of the park and sewer extensions, ensuring consistency of terminology and definitions between the Development Agreement document and other City Codes and Ordinances and redefining the wall standards of the Master Development Plan.

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 October 29, 2003 Special City Council Meeting

B) General Analysis and Discussion

The proposed Development Agreement discusses standards pertaining to:

- 1) The standards that will govern the development of Grand Teton Village and that the Development Agreement takes precedence if there is conflict between the Master Development Plan and Development Agreement;
- 2) The maximum number of units and density permitted for the entire plan area;
- 3) The process and timing for review of development proposals;
- 4) Design and distribution of utilities and amenities, such water, sanitary sewer, parks and open space, transportation improvements and flood control;
- 5) General Provisions, and
- 6) Exhibits, including the legal description and map of the project; Grand Teton Village Conceptual Site Development Plan; Grand Teton Village Land Use and Design Standards Appendix and Project Sewer Location.
- 7) The Park Development Agreement is included in this Development Agreement by reference.

Staff has reviewed the document and recommends the following be changed or clarified:

Section 1.1 (12) references the Conceptual Master Sewer Plan. This Plan must be submitted to the Department of Public Works and depict implementation of conditions imposed at the time of development approval. The Sewer Exhibit included as part of this Development Agreement is to be amended as follows:

- Exhibit A Development G: Beazer at Grand Teton Village conditioned to extend oversized sewer in Grand Teton Drive from Grand Canyon Drive to the western edge of the development (Hualapai Way). Also conditioned to extend public sewer in Gilcrease Avenue to the western edge of the development (Hualapai Way).
- Exhibit A Development E: Valley Crest II – West conditioned to extend public sewer in Farm Road to the western edge of the development (Hualapai Way).
- Exhibit A Development G: Valley Crest II – East conditioned to extend public sewer in Farm Road to the western edge of the development (eastern edge of Development D/School).
- Exhibit A Development B: Antelope at Grand Teton Village conditioned to extend public sewer in Gilcrease Avenue to the western edge of development (eastern edge of Development G / Beazer).

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- Until the Conceptual Master Sewer Plan is submitted and approved, we are assuming that the developments and densities as previously submitted will not be allowed to increase.

Section 3.5 (f) (g) and (i) and 3.6.2 (g) of the Master Development Plan states the following:

- f. "Screen wall height is limited to six feet, in general, not including pilasters;
- g. "Within any required eight triangle, wall heights shall be less than thirty inches;
- h. "Retaining walls shall not exceed eight feet in height, terraced with a minimum of four (4') feet clear horizontal separation between walls
- 6.2 "Retaining walls combined with freestanding walls, if visible from any street or open space area, shall not exceed fourteen feet (14') in height.

As development of the properties included in this Development Agreement has proceeded, it has become apparent that the current wall standards contained in the Master Development Agreement are not adequate. Development occurring on lands with considerable slopes is constructing walls of a height that are not conducive to harmonious and compatible communities. Staff is recommending a condition that language be included in this Agreement limiting the total height of screen and retaining walls to eight (8) feet.

Section 4.1 of this Development Agreement limits the total number of dwelling units to 1,166 residential units. This maximum figure was calculated using the maximum allowed density of eight (8) units per acre. According to information submitted by the Master Developer, the total number of approved and units under construction are 1,042. Not all of the properties designated for residential units have been approved at this time. The number of permitted units may be amended by Major Modification at a later date, as additional BLM lands are made available. There is no objection to this, as this will require a future public hearing.

Section 4.6 proposes that the developer has the right to have nonmaterial modifications to the design standards approved administratively by the Director of the Planning and Development Department. The section provides a definition of a nonmaterial change. Staff has no objection to this definition, however it must be clarified that if the Director determines a modification is material, application is required before the Planning Commission and City Council.

Section 9.1 requires the Master Developer to construct 10 acres of land for parks and 2.12 acres of a public trail system. Staff has no objection to this amount of park space, however, there is currently no language incorporating the future Park Development Agreement (PDA) by reference into this document. Staff recommends the following language be inserted:

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October 29, 2003 Special City Council Meeting

“parties....and upon approval by the City Council shall be made part of this Development Agreement and is hereby included by reference.”

Staff has no objection to the approval of this Development Agreement subject to these concerns being attached as conditions of approval.

PLANNING COMMISSION ACTION

The Planning Commission modified Condition #1 as shown.

NOTICES MAILED Newspaper Only

APPROVALS 0

PROTESTS 0

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APN: _____

Recording requested by and
When recorded mail to:

VAN & RALPHS, CHTD.
1336 South Decatur Blvd.
Las Vegas, Nevada 89102
Attn: George L. Ralphs, Esq.

Title of Document

**DEVELOPMENT AGREEMENT
FOR
GRAND TETON VILLAGE**

Parties

THE CITY OF LAS VEGAS

("City")

and

GTV DEVELOPMENT, LLC

("Developer")

Property

GRAND TETON VILLAGE

Date

July __, 2003

DIR-2863

CASE: _____

SEP 11 2003

PC ADMIN. HO

STAFF

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[To be completed when all terms are agreed to by the City and Developer]

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LIST OF EXHIBITS

- | | |
|-------------|--|
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**DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF LAS VEGAS
AND
GRAND TETON VILLAGE**

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this _____ day of July, 2003 by and between the CITY OF LAS VEGAS (hereinafter the "City") and GTV DEVELOPMENT, LLC, a Nevada limited liability company (hereinafter the "Developer").

RECITAL OF PREMISES, PURPOSE AND INTENT

A. Owners owns approximately 120 acres that certain real property described and shown on Exhibit "A" attached hereto and incorporated herein by reference (hereinafter the "Property" or "Grand Teton Village"), commonly known as "Grand Teton Village", containing approximately 160 acres of land, which is the subject of this Agreement. Owner has assigned all of the rights and powers relating to the development of the Property to the Developer and, from this point forward, the Owner does designate Developer all the rights and powers to act for and on behalf of all such parties. Notwithstanding the fact that the Developer is designated to perform under this Agreement, all references to the rights and obligations of the Developer in this Agreement shall include the Owners acting through the Developer.

B. The Property has been annexed to the City of Las Vegas or is in the process of being annexed excluding APN 125-18-201-008.

C. The City of Las Vegas approved the Grand Teton Village Master Plan under Section 19A.06.110 of Title 19 of the Las Vegas Municipal Code adopted on September 4, 2002.

D. The City has authority, pursuant to NRS 278.0201 through NRS 278.0207 and 19.18.090 of the Las Vegas Municipal Code, to enter into development agreements with persons having a legal or equitable interest in real property to establish long-range plans for the development of such property.

E. All preliminary processing with regard to this Agreement has been duly completed in conformance with all applicable laws, rules and regulations. The Las Vegas City Council (hereinafter "City Council"), having given notice as required by law, held a public hearing on Developer's application seeking approval of the form of this Agreement and the execution hereof by the City. At that hearing, the City Council found that this Agreement is consistent with the

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City's plans, policies and regulations, including the City General Plan, and that the execution of this Agreement on behalf of the City, is in the public interest and is lawful in all respects.

F. The Development Agreement Chapter grants to the City the power to enter into and perform development agreements and on the ____ day of _____, 200__ the City Council adopted Ordinance No. _____ approving this Agreement and authorizing the execution hereof by duly constituted officers of the City. Said ordinance took effect on the ____ day of _____, 200__. The City agrees to record a certified copy of the ordinance as required by NRS 278.0207.

G. The City desires to enter into this Agreement in conformance with the requirements of NRS 278.0201 through NRS 278.0207 and LVMC 19 18.090 and as otherwise permitted by law and this Agreement, to provide for public services, public uses and urban infrastructure, to further the goals and values of the City's Centennial Hills Sector Plan, and the Las Vegas 2020 Master Plan, to promote the health, safety and general welfare of the City and its inhabitants, to minimize uncertainty in planning for and securing orderly development of the Grand Teton Village and surrounding areas, to insure attainment of the maximum efficient utilization of resources within the City at the least economic cost to its citizens and otherwise achieve the goals and purposes for which the State statute and City ordinance authorizing development agreements were enacted. As a result of the development of the Property, the City will receive needed jobs, sales and other tax revenues, significant increases to its real property tax base and substantial improvements to the public infrastructure. The City will additionally receive a greater degree of certainty with respect to the phasing, timing and orderly development of the City infrastructure by a developer with significant economic resources and experience in the development process.

H. This Agreement is consistent with and will implement the goals and objectives of the Centennial Hills Sector Plan and the Las Vegas 2020 Master Plan.

I. In exchange for these and other benefits to the City, and in accordance with the legislative intent evidenced by the State statutes authorizing development agreements and the intent of the City in adopting an ordinance allowing development agreements, Developer will receive reasonable assurances that Developer may develop the Grand Teton Village in accordance with the Grand Teton Village Rules during the Term and subject to the conditions established in this Agreement. Because of the nature of the Grand Teton Village and the type and extent of the public and private improvements to be provided within the Grand Teton Village, the development of the Grand Teton Village will take a long period of time to complete. Developer's decision to commence development of the Grand Teton Village is based on expectations of proceeding

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with the Grand Teton Village to completion. It is understood that the developer can only legally improve the land owned by the Owners. It is further understood that the Owners only duty relating to the Parks (as defined in Section 9 below) shall be to construct the same, thereafter, all maintenance, repair, upkeep and liability associated with the Parks (other than construction related) shall be the sole responsibility of the City.

J. In the absence of this Agreement, Developer believes it would have no assurance that it could complete the Grand Teton Village and would therefore be exposed to significant economic risk. For any number of currently foreseeable and unforeseeable reasons, including, without limitation, regional traffic and related impacts (for example, impacts on air quality) resulting from development outside the jurisdiction of the City and issues relating to water use and availability, pressures on the City could be created to (i) halt the Grand Teton Village at a point short of total build out, (ii) reduce the density of the Grand Teton Village, (iii) defer or delay completion of the Grand Teton Village, or (iv) apply new rules, regulations or official policies, including Development Fees (defined as any and all fees normally required to be paid, by the Developer, to the City, in connection with the development of the Property), to the Grand Teton Village in such a manner as to significantly increase the cost of the Grand Teton Village. The burden of interest carrying cost, the difficulty of obtaining construction and/or permanent financing, the risk of losing existing financing commitments and the potential loss of anticipated revenues associated with these development risks and uncertainties would, in the absence of this Agreement, deter and discourage Developer from making a long-term commitment to the implementation of the Grand Teton Village. In addition, the cost of certain improvements to be constructed by Developer will be substantial and will be incurred by Developer well in advance of the completion of the private income-producing components of the Grand Teton Village which provide the economic return required to justify and offset the investment of such improvements. Accordingly, Developer cannot prudently commence the development of the Grand Teton Village without reasonable assurance that it will be able to complete the Grand Teton Village in accordance with the existing approvals and the Grand Teton Village Rules, and it is only the assurance of the ability to complete the private income-producing components of the Grand Teton Village in accordance with the approvals and Grand Teton Village Rules that provides the inducement to Developer to agree to commit the land and financial resources to the development of the Grand Teton Village.

NOW THEREFORE, for and in consideration of the foregoing recitals and of the mutual covenants and promises set forth herein and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties do hereby agree as follows:

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AGREEMENT**SECTION 1
DEFINITIONS**

1.1 Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the following meanings:

- 1.1(1) "Agreement" has the meaning assigned to it in the first paragraph hereof and at any given time includes all addenda and exhibits incorporated by reference and all amendments which hereafter are duly entered into in accordance with the terms of this Agreement.
- 1.1(2) "City Rules" means and refers to
- (i) The Zoning Action;
 - (ii) Regulations, ordinances, laws, general or specific master plans, and official policies promulgated by the City, and any State Statutes related thereto, which govern the zoning, planning and development of land within the City.

The City Rules are subject to amendment at any time and therefore the City Rules that are in effect on the particular date there are being applied. The City Rules do not include planning and development requirements, rules, regulations, laws, policies or procedures imposed by entities other than the City, including but not limited to the State of Nevada, the Clark County Health District, The Clark County Sanitation District, The Regional Flood Control District, the Regional Transportation Commission, The Nevada Division of Transportation, The Las Vegas Valley Water District, and Nevada Power Company (such requirements collectively referred to herein as "Rules of Other Entities").

- 1.1(3) "Approved, approve or approval" mean the final approval by the applicable governmental body with all applicable periods for commencing any legal action to challenge such approval having expired without any legal challenges having been filed.

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- 1.1(4) "Code" means the Las Vegas Municipal Code, including all rules, regulations, standards, criteria, manuals and other references adopted therein.
- 1.1(5) "City" means the City of Las Vegas, together with its successors and assigns.
- 1.1(6) "City General Plan" means the Centennial Hills Sector Plan adopted by the City Council on May 24, 1999 and the Las Vegas 2020 Master Plan adopted by the City Council on September 6, 2000.
- 1.1(7) "County" means Clark County, Nevada.
- 1.1(8) "Development Agreement Chapter" means Chapter 19A.18.090 of the Code.
- 1.1(9) "Effective Date" means the date, on or after the adoption by the City of an ordinance approving execution of this Agreement and execution by both parties, and following satisfaction of the conditions set forth in subsections 2.1(a) through 2.1(g) inclusive below, that this Agreement is recorded in the Office of the County Clerk of Clark County.
- 1.1(10) "Conceptual Master Traffic Study" means that certain comprehensive traffic study prepared by the Developer for the Grand Teton Village dated March 14, 2003 as amended or conditioned and finally approved by the City.
- 1.1(11) "Conceptual Master Drainage Plan" means that certain comprehensive drainage study prepared by the Developer for the Grand Teton Village dated April 8, 2003 as amended or conditioned and finally approved by the City.
- 1.1(12) "Conceptual Master Sewer Plan" means that certain comprehensive sewer study prepared by Developer for the Grand Teton Village dated _____ as amended or conditioned and finally approved by the City.
- 1.1(13) "Grand Teton Village Rules" means and refers to:
- (i) The City Rules as of the Effective Date subject at all times to only those amendments thereto permitted pursuant to Sections 3.3 through 3.6 herein;

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- (ii) This Agreement; and
- (iii) The Grand Teton Village Land Use and Design Standards Appendix, the Conceptual Master Traffic Study, the Conceptual Master Drainage Plan, and the Conceptual Master Sewer Plan, all as set forth in this Agreement.

- 1.1(14) "Grand Teton Village Land Use and Design Standards Appendix" means those land use and development guidelines attached hereto as Exhibit "D," as the same may be amended, from time to time, by the Developer.
- 1.1(15) "Grand Teton Village" means the Property and the proposed development of the Property (herein the "Project") as described in this Agreement.
- 1.1(16) "Grand Teton Village Phase" means a portion of the Grand Teton Village identified from time to time by Developer as a phase of development in the Grand Teton Village.
- 1.1(17) "Grand Teton Village Phase Development Plans" means plans for the development of a proposed Grand Teton Village Phase submitted pursuant to Sections 18.14.015 and 19A.06.110(D)(2) of the Code, including a Grand Teton Village Phase Conceptual Traffic Study and conceptual technical drainage and sewer studies.
- 1.1(18) "Grand Teton Village Conceptual Site Development Plan" means that Conceptual Plan for development of the Grand Teton Village attached hereto as Exhibit "C"
- 1.1(19) "Northwest Area" means that area covered by the Centennial Hills Sector Plan.
- 1.1(20) "NRS" means Nevada Revised Statutes.
- 1.1(21) "Owner" means those Owners set forth in the Acknowledgement section at the end of this Agreement.
- 1.1(22) "Planning Department" means the Planning and Development Department of the City.
- 1.1(23) "Planning Director" means the Director of the City's Planning and Development Department or his designee.

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- 1.1(24) "Property" means that certain real property as described on Exhibit "A".
- 1.1(25) "Public Works Director" or "Director of Public Works" means the Director of the City's Department of Public Works or his designee.
- 1.1(26) "Improvements" means customary mitigation measures and improvements referred to in Chapter 18.14 of the Code.
- 1.1(27) "Subdivision Map" means any instrument under NRS which legally subdivides property or gives the right to legally subdivide property, including, without limitation, parcel maps, division of land into large parcels, tentative commercial subdivision maps, final commercial subdivision maps, reversionary maps, condominium subdivision maps, or tentative or final residential subdivision maps, for all or a portion of the Grand Teton Village.
- 1.1(28) "Term" means the term of this Agreement together with any extension agreed upon pursuant to the terms hereof.
- 1.1(29) "Zoning Action" means the action of City Council pursuant to application 20014-02 by which the Property was zoned PD under Section 19.06.110 of Title 19 of the City's Municipal Code on September 4, 2002.

SECTION 2

GENERAL INTENT, EFFECTIVE DATE AND CONDITIONS PRECEDENT

2.1 Effective Date of Agreement. This Agreement will be effective upon recordation of this Agreement in accordance with NRS 278.0203, which shall occur subsequent to the following actions:

- (a) The Grand Teton Village Land Use and Design Standards Appendix is approved and adopted by the City Council, together with any conditions thereto.
- (b) The Conceptual Master Traffic Study with any conditions thereto is approved and adopted by the City.

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- (c) The Conceptual Master Drainage Study with any conditions thereto is approved and adopted by the City.
- (d) The Conceptual Master Sewage Plan with any conditions thereto is approved and adopted by the City.
- (e) The Grand Teton Village Conceptual Site Development Plan is approved by the City.

Developer and City mutually agree (i) that it is their intent that the Grand Teton Village Land Use and Design Standards Appendix shall control all issues and matters governed by the Grand Teton Village Land Use and Design Standards Appendix, as amended, from time to time, by the Developer.

2.2 Effectiveness of Actions. It is the mutual intent of the parties that all of the actions specified in subsections 2.1(a) through 2.1(e), inclusive, and the formal approval of this Agreement will be taken by the City Council substantially concurrently and that none of such actions will be effective unless and until all such actions are approved and this Agreement is recorded.

SECTION 3 GRAND TETON VILLAGE RULES AND CONFLICTING LAWS

3.1 Grand Teton Village Rules. City and Developer agree that with respect to the City's approvals required for development of the Project (and not including any approvals required by the Rules of Other Entities), the Grand Teton Village Rules shall govern and control the development of the Grand Teton Village. The City agrees that (i) the Property may be used and developed during the Term hereof for the purposes and in the manner set forth in the Grand Teton Village Rules, and (ii) it will not decrease the density of the approved uses or alter the regulations, criteria or standards pertaining to development to the Project set forth in the Grand Teton Village Rules without the Developer's consent, except as otherwise explicitly provided in Sections 3.3 through 3.6 of this Agreement. Nothing in this Agreement shall prevent the City from increasing "cost-based fees" which (i) are deemed to be fees for issuance of building permits, plan checks, or inspections and are based upon actual costs to the City and which are uniformly applied to all development and construction subject to the City's jurisdiction and (ii) are not Development Fees. Developer agrees that City has no authority in connection with Rules or Other Entities, no authority to withhold or grant any approval under such Rules of Other Entities, and that in the event approval by the City concerning a matter within its jurisdiction is contingent on any approval under the Rules of Other Entities, it is Developer's responsibility to obtain any such approvals.

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3.2 Modification of Grand Teton Village Rules. City and Developer acknowledge and agree the Grand Teton Village Rules are peculiar to the Project and may not be amended, modified or changed with respect to this Project without the express written consent of Developer except as otherwise explicitly provided in Sections 3.3 through 3.6 of this Agreement. In the event the City adopts new ordinances, rules or regulations, such new ordinances, rules or regulations will not impact Developer or development of the Property except in those limited circumstances provided below.

3.3 Application of Subsequently Enacted Rules. Except as provided below, no standard or regulation regarding subdivision, land use, zoning, growth management, timing and phasing of construction, or construction methods shall be imposed by the City upon the development of the Project, except those in effect on the Effective Date. City may hereafter, during the term of this Agreement, apply to the Project only those rules, regulations, ordinances, laws, general or specific plans, and official policies promulgated or enacted after the Effective Date that:

- (a) are not in conflict with the Grand Teton Village Rules,
- (b) the application of which govern procedural matters or would not prevent or materially impede, hinder or delay development in accordance with this Agreement, and
- (c) do not constitute Development Fees.

3.4 Limitation on Imposition of New Fees or Standards. Notwithstanding the terms of Section 3.3 above:

- (a) The City may increase cost-based fees that apply uniformly to all development in the City, provided such fees are not Development Fees.
- (b) The development of the Project shall be subject to the applicable Building Codes adopted by the City, in effect at the time of issuance of the permit for the particular development activity.
- (c) The City may apply other construction standards applicable to all other developers if such changed or additional standards are required in order to prevent a condition dangerous to the health or safety of City residents.
- (d) Nothing in this Agreement shall preclude the application to the Project of new or changed City ordinances, regulations, plans or policies specifically mandated and required by changes in state or

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federal laws or regulations. In such event, the provisions of Section 3.5 of this Agreement are applicable.

3.5 Conflicting Federal or State Rules. In the event that any conflicting federal or state laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, this Agreement shall remain in full force and effect as to those provisions not affected, and:

- (a) Notice of Conflict. Either party, upon learning of any such matter, will provide the other party with written notice thereof and provide a copy of any such law, regulation or policy together with a statement of how any such matter conflicts with the provisions of this Agreement; and
- (b) Modification Conferences. The parties shall, within thirty (30) days of the notice referred to in the preceding subsection, meet and confer in good faith and attempt to modify this Agreement to bring it into compliance with any such federal or state law or regulation.

3.6 City Council Hearings. In the event the City believes that an amendment to this Agreement is necessary pursuant to Section 3.5 due to the effect of any federal or state law or regulation, the proposed amendment shall be scheduled for hearing before the City Council. The City Council shall determine the exact nature of the amendment or suspension necessitated by such federal or state law or regulation. Developer shall have the right to offer oral and written testimony at the hearing. Any suspension or modification ordered by the City Council pursuant to such hearing is subject to judicial review as set forth in Section 5.6. The parties agree that any matter submitted for judicial review shall be subject to expedited review in accordance with Rule 2.15 of the Eighth Judicial District Court of the State of Nevada.

3.7 City Cooperation. The City shall cooperate with Developer in securing any City permits, licenses or other authorizations that may be required as a result of any amendment or suspension resulting from actions initiated under Section 3.6.

3.8 Permit Fees. As required by the Grand Teton Village Rules, Developer will be responsible to pay all applicable fees in connection with securing of the permits including but not limited to all Residential Construction Taxes.

3.9 Role of Planning Department; Appeal. The Planning Department shall interpret and apply the Grand Teton Village Rules to all decisions and recommendations concerning the planning and development of the Project and shall incorporate the decisions of the Department of Public Works as referred to in Section 3.10 into such Planning Department decisions and recommendations.

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Such decisions and recommendations include the determination as to which issues are governed by the Grand Teton Village Land Use and Design Standards Appendix and what issues are not governed by the Grand Teton Village Land Use and Design Standards Appendix but by other Grand Teton Village Rules. All such decisions and recommendations are subject to appeal and review pursuant to the appeal procedures set forth in the City Rules, except that such appeals may be taken directly to the City Council and no appeal to or review by the Planning Commission will be required.

3.10 Role of Public Works; Appeal. Notwithstanding anything to the contrary contained in this Agreement, the City's Department of Public Works shall review and approve, pursuant to the Grand Teton Village Rules, all issues with respect to the Project it normally reviews under the City Rules, such as traffic, right-of-way development, flood control, offsite improvements, sewers and surveys. All such decisions and recommendations are subject to appeal and review pursuant to the appeal procedures set forth in the City Rules, except that such appeals may be taken directly to the City Council and no appeal to or review by the Planning Commission will be required.

SECTION 4 PLANNING, DEVELOPMENT AND MAINTENANCE GRAND TETON VILLAGE

4.1 Maximum And Minimum Densities. The City agrees that Developer will be permitted to carry out and complete the entire Grand Teton Village in accordance with the Grand Teton Village Rules. Developer and the City mutually agree that Developer, and Developer's successors and assigns to whom Developer conveys portions of the Property or to whom Developer otherwise grants the right to develop on the Property, shall have the right to develop and construct on the Property all of those uses as defined in the Grand Teton Village Rules, subject to the a maximum density not to exceed 1166 residential dwelling units.

This Section 4.1 is not intended and shall not be construed as requiring Developer or its successors or assigns to develop any of the foregoing uses, or prohibit Developer from developing a lesser number of square feet or residential units pursuant to the Grand Teton Village Rules.

4.2 Permitted Uses, Density, Height and Size of Structures. Pursuant to NRS 278.0201, this Agreement must set forth the maximum height and size of structures to be constructed on the Property, the density of uses and the permitted uses of the land. The City agrees that the Grand Teton Village may be developed to the density set forth in Section 4.1 of this Agreement. Developer and City agree that the maximum permitted height of any building on the Property shall not exceed Thirty-five feet (35').

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4.3 Plan Amendments. City acknowledges that Developer is anticipating that the entire Northwest Area will be developed in accordance with Centennial Hills Sector Plan with any future amendments thereto, provided however, that the Grand Teton Village shall be developed in accordance with the Grand Teton Village Rules as set forth herein. City agrees that (i) it will enforce the Centennial Hills Sector Plan and (ii) it will not amend or modify the Centennial Hills Sector Plan, without prior written notice to Developer and consideration of Developer's input with respect thereto. In addition, City agrees that (i) it will enforce the Grand Teton Village Development Standards, provided, however, that the Grand Teton Village shall be developed in accordance with the Grand Teton Village Rules as set forth herein, and (ii) it will not amend or modify the Grand Teton Village Development Standards without prior written notice to Developer and consideration of Developer's input with respect thereto. Developer agrees that any notice required under this Section 4.3 to be given by the City shall be only that notice required to be given by applicable law.

4.4 Goals for Development of Project. Attached hereto as Exhibit "B" is a schedule setting forth an estimated absorption schedule of the Project. Developer agrees to provide City as part of the reports required pursuant to Section 5.1 below, the following reports:

- (a) A report of Developer's efforts in the development of the Project, including a summary of the status of all current development activity on the Project; and
- (b) An update of the absorption schedule from the date of such report along with a comparison with the last such projection provided to City showing any material differences between the two projections.

City agrees that such absorption schedules shall be for planning purposes only and are subject to change depending upon market and other conditions. Notwithstanding any thing to the contrary contained herein, the failure of Developer and/or the Project to meet in any way such projected absorption schedules (i) shall not constitute a default under this Agreement in anyway, (ii) provide any rights whatsoever to the City or any other party or (iii) affect in anyway the right to develop Grand Teton Village pursuant to the Grand Teton Village Rules.

4.5 Grand Teton Village Phase Development Plans.

4.5(a) City agrees that the Grand Teton Conceptual Site Development Plan is intended only to be illustrative of the type of permitted and possible development of Grand Teton Village. The Grand Teton Conceptual Site Plan is not binding on the Owner or Developer of the Project.

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4.5(b) Prior to commencement of development of a Grand Teton Village Phase, Developer shall prepare and submit Grand Teton Village Phase Development Plans. Grand Teton Phase Development Plans will be reviewed in accordance with the procedures set forth in the Grand Teton Village Rules. The City may approve each Grand Teton Village Phase Plan with any conditions imposed with respect thereto if such plans and conditions are consistent with the Grand Teton Village Rules.

4.5(c) Pursuant to the Grand Teton Village Rules, and upon approval of each Grand Teton Village Phase Development Plan with any conditions thereto which conditions are permitted by the Grand Teton Village Rules, Developer shall be entitled to develop the respective Grand Teton Village Phase in accordance with such Grand Teton Village Phase Development Plan. Developer shall be responsible to provide (or agree to provide with adequate assurance of performance in accordance with the Grand Teton Village Rules), at no cost to City, all improvements in connection with each Grand Teton Village Phase in the manner prescribed in the Grand Teton Village Rules.

4.6 Modifications. Developer shall have the right to have nonmaterial modifications to the Grand Teton Village Land Use and Design Standards Appendix approved administratively by the Director of the Planning Department. A nonmaterial modification is a modification requested by the Developer to accomplish one or more of the following and which, in the determination of the Planning Department, meets or exceeds the requirements of the Grand Teton Village Development Standards.

- (a) A change in the location of a use from the location specified in the Grand Teton Village Land Use and Design Standards Appendix but only if the change in location will not have a significant impact on other uses in the area;
- (b) The addition of uses that are comparable in intensity to those permitted under the Grand Teton Village Land Use and Design Standards Appendix or a change in the mix of uses permitted under Section 3.1 (i.e., converting office to residential or residential to office) but only if the addition or changes will not have a significant impact on other uses in the area;
- (c) A change in the specifications of the Grand Teton Village Land Use and Design Standards Appendix that is comparable or more intensive to those required under the Grand Teton Village Land Use and Design Standards Appendix or conforms to the intent of the Grand Teton Land Use and Design Standards Appendix; and

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- (d) A change in roadway alignment, parcel size and/or configuration or development phase line if the change dose not significantly conflict with the intent and spirit of the Grand Teton Village Land Use and Design Standards Appendix, all subject to the approval of the Public Works Department as set forth in Section 3.10 herein.
- (e) Any other change or modification of a similar nature, which the Director of the Planning Department determines, will not have a material negative impact on the Grand Teton Village.

A nonmaterial modification shall be reviewed and acted on administratively by the Director of the Planning Department within thirty (30) days. If Developer is aggrieved by the Director' decision, Developer may appeal that decision pursuant to the appeal procedure in Section 3.9 herein. Material modifications include any modification which does not qualify as a nonmaterial modification, and shall be processed in accordance with the Grand Teton Village Rules.

4.7 Subdivision Maps. The Parties agree that any Subdivision Maps required or requested by Developer in connection with any Grand Teton Village Phase pursuant to a Grand Teton Village Site Development Plan shall be reviewed and considered for approval in accordance with the Grand Teton Village Rules.

4.8 Intentionally Omitted.

4.9 Maintenance of Public and Common Areas.

4.9(a) City hereby agrees that, except for any landscaped areas, all of the dedicated public roadways, curbs and street lights which are within or adjacent to the Grand Teton Village will be maintained by the City in good condition and repair at the City's sole cost and expense pursuant to the City Rules.

4.9(b) Developer agrees that prior to the release of any final maps for recording, Developer will cause to be formed property Developers associations within the Grand Teton Village for each development within the Project, which associations will be responsible to insure the instillation of landscaping and maintain, in good condition and repair, all of the landscaping and other facilities (except the Parks) which the City and Developer agree will to be maintained by such associations as a condition of approval, including all developed and undeveloped landscaped areas (except the Parks) such as trail corridors, drainage easements, sight visibility zones, and any landscaping on public rights of way. Developer agrees that such property Developer associations shall be created pursuant to declarations of covenants and restrictions recorded against the Grand Teton Village and that such associations shall have the power to assess the subject land Developers to pay the cost of such maintenance and repair and to create and enforce liens in the event of nonpayment of such

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assessments. Developer further agrees that such declarations will contain a covenant running to the benefit of City, and enforceable by City, that such facilities will be corporations with a board of directors elected by the subject land Developers, provided, however, that so long as Developer owns any land covered by such declarations, Developer may control the board of directors of such association.

4.9(c) The declarations must be executed and recorded with the office of the Clark County Recorder of deeds, within thirty (30) days following the recording of any final map in a manner acceptable to the City and must include the following provisions: (1) give the governing board of the association the power to create a plan for the maintenance of the improvements and adopt the plan outlined in Section 4.10 below, (2) must indicate that the plan can be materially amended by such board only with the written consent of the City, (3) must provide that the declaration cannot be exercised or amended in any manner that would defeat or materially alter the plan, and (4) must provide that in the event the association fails to maintain the improvements in accordance with the provisions of the plan, the City may exercise its rights under the declaration, including the right of the City to levy assessments on the property Developers for costs incurred by the City in maintaining the improvements, which assessments shall constitute liens against the land and the individual lots within the subdivision which may be executed upon and have the same priority as liens for real estate taxes. The City shall have the right to review the declaration for the sole purpose of determining its compliance with the provisions of this Section 4.9.

4.10 Intentionally Omitted.

4.11 Release of Developer. Following the Developer's compliance with the foregoing requirements for the creation of the associations to maintain the improvements, and approval of the maintenance plan and bond with respect to each such association, City will look solely to such property Developers associations in connection with the maintenance of the improvements in the particular development covered by the declaration and Developer shall have no further liability in connection with the maintenance and operation of such improvements.

4.12 Additional Property. Developer may acquire additional land adjacent to the Project to include into the Grand Teton Village, subject to City approval. If such additional land is within the Grand Teton Village, such land will be automatically included within the terms and conditions of this Development Agreement, subject to any additional conditions required by the City, provided, however, that a supplement to this Agreement will be entered into above, and incorporating any additional conditions required by the City. If the additional land is not within the Grand Teton Village, City will consider supplemental development agreements in accordance with the provisions of this Agreement.

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Such supplemental development agreements will only be valid if approved and executed by both parties and processed in accordance with all applicable laws.

4.13 Cooperation in Financing. City will execute and deliver within thirty (30) days of a written request to any lender of Developer in the Project, any purchaser of a major portion of the Project or other interested person such documents as may be reasonably requested to acknowledge (a) that City has no lien on the Property as a direct result of this Agreement, or that any lien is as stated by the City, (b) that City shall recognize and allow a lender which has foreclosed or acquired a portion of the Grand Teton Village from Developer to inure to the rights and benefits of this Agreement as to such property and (c) that Developer is not in default of this Agreement or if Developer is in default of this Agreement, the specific grounds of default. Nothing herein shall be deemed to relieve Developer of its obligations under this Agreement or its liability for failure to perform its obligations under this Agreement.

SECTION 5 REVIEW AND DEFAULT

5.1 Frequency of Reviews. As required by NRS 278.0205 and the Development Agreement Chapter, at least once every two years during the term of this Agreement, Developer shall provide, and City shall review in good faith a report submitted by Developer documenting the extent of Developer's and City's material compliance with the terms of this Agreement during the preceding two years. In the event Developer fails to submit such a report and conduct the required review in such form and manner as City may determine in its sole discretion. City shall charge Developer for its reasonable expenses, fees and costs incurred in conducting such review and preparing such report. If at the time of review an issue not previously identified in writing is required to be addressed, the review at the request of either party shall be continued to afford reasonable time for response.

5.2 Opportunity to be Heard. City and Developer shall each be permitted an opportunity to be heard orally and in writing before the City Council regarding performance of the parties under this Agreement.

5.3 General Provisions—Default. In the event of any noncompliance with any provision of this Agreement, the party alleging such noncompliance shall deliver to the other in writing not less than thirty (30) days notice of default. The time of notice shall be measured from the date of certified mailing. The notice of default shall specify the nature of the alleged default and the manner and period of time in which it may be satisfactorily corrected, during which period the party alleged to be in default shall not be considered in default for the purposes of termination or institution of legal proceedings. Such period shall not be less than the thirty (30) day period required for notice of default. If the default is corrected, then no

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default shall exist and the noticing party shall take no further action. If the default is not corrected, the party charging noncompliance may elect any one or more of the following courses:

5.3(a) Option to Terminate. After proper notice and the expiration of the above-referenced period for correcting the alleged default, the party alleging the default may give notice of intent to amend or terminate this Agreement as authorized by NRS 278.0205. Following any such notice of intent to amend or terminate, the matter shall be scheduled and noticed as required by law for consideration and review by the City Council.

5.3(b) Amendment or Termination by City. Following consideration of the evidence presented before the City Council and a finding that a default has occurred by Developer and remains uncorrected, City may amend or terminate this Agreement. Termination shall not in any manner rescind, modify, or terminate any vested right in favor of Developer, as determined under City Rules, existing or received as of the date of the termination. Developer shall have sixty (60) days after receipt of written notice of termination to institute legal action pursuant to Section 5.6 hereof to determine whether a default existed and whether City was entitled to terminate this Agreement.

5.3(c) Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or of any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

5.4 Default by City. In the event City substantially defaults under this Agreement, Developer shall have the right to terminate this Agreement as set forth in Section 5.3. Developer shall have the option, in its discretion, to maintain this Agreement in effect, and seek to enforce all of City's obligations hereunder under the procedures set forth in Section 5.3 and 5.6.

5.5 Unavoidable Delay, Extension of Time. Neither party hereunder shall be deemed to be in default, and performance shall be excused, where delays or defaults are caused by war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, restrictions imposed or mandated by governmental entities, failure of governmental agencies (other than City) to perform acts or deeds necessary for the performance of this Agreement, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulations, litigation, or similar matters beyond the control of the parties. In addition, nonperformance of a party hereunder shall be excused as a result of the failure of the other party to perform under this

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Agreement which failure of the other party actually causes such nonperformance. If written notice of any such delay is given to City within thirty (30) days after the commencement thereof, an automatic extension of time, unless otherwise objected to by City within thirty (30) days of such written notice, shall be granted coextensive with the period of the enforced delay, or longer as may be required by circumstances or as may be subsequently agreed to between City and Developer. Any such extensions of time shall have no effect upon the timing of and the conclusions reached in the reviews to be conducted pursuant to Section 5.1 above.

5.6 Legal Action. The City and the Developer agree that they would not have entered into this Agreement if either were to be liable for damages under or with respect to this Agreement that would be greater than without this Agreement. Accordingly, the City and the Developer may pursue any course of action or equity available for breach, except that neither party shall be liable to the other or to any other person for any monetary damages for a breach of this Agreement that are greater than such damages or liability would have been without this Agreement pursuant to the City Rules. Prior to the institution of any legal action, the party seeking legal action must give the thirty (30) day notice of default as set forth in Section 5.3. Following such notice, a public hearing must be held by the City Council where the allegations will be considered and a decision regarding their merits will be reached. Any judicial review of this decision or any legal action taken pursuant to this Agreement will be heard by the court under the standard of review appropriate to Court review of zoning actions and the decision is clearly arbitrary and capricious. Judicial review of the decision of the City Council shall be limited to the evidence presented to the City Council at the public hearing. Jurisdiction for judicial review or any judicial action under this Agreement shall rest exclusively with the Eighth Judicial District Court, State of Nevada or the Federal District Court in Nevada.

5.7 Applicable Laws; Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Each party shall bear its own attorneys' fees and court costs in connection with any legal proceeding hereunder.

SECTION 6 PUBLIC FACILITIES

6.1 Public/Civic Facilities. Subject to Section 9 below, City agrees that all areas designated in the Grand Teton Village Master Plan as parks, civic uses or other public uses shall be maintained as such and the use thereof may not be changed without the input of Developer. City agrees to work with the Bureau of Land Management ("BLM") to set aside from any land disposition by the BLM any sites owned by the United States which are designated in the Grand Teton Village Master Plan as sites for public and civic uses.

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6.2 Funding Public Buildings. City agrees that Developer shall have no obligation, other than those identified in the Grand Teton Village Rules or as may be required by the Rules of Other Entities or impact fees as may be enacted by the City in the future, to participate in, pay, contribute or otherwise provide for any land, facilities, equipment or physical improvements for public or civic buildings, or otherwise provide or pay any further exaction, including, special assessment district assessments, other assessments or Development Fees, as a substitute therefore, including, without limitation, sites and related improvements and equipment for fire stations, police stations, schools and libraries.

6.3 Police and Fire Services. The City agrees that as provided in the Grand Teton Village Rules, it shall provide, at its sole cost and expense, fire service to the Grand Teton Village and that no development within the Grand Teton Village will be denied or conditioned as a result of lack of police and fire services. Police Services are controlled by the Las Vegas Metropolitan Police Department which is a separate entity not under the control of the City.

SECTION 7 WATER

7.1 Water Supply. The parties acknowledge that the City currently has no role in the allocation of water to customers of the Las Vegas Valley Water District. If, however, the City assumes any role in water allocation during the term of this Agreement, City agrees it will endeavor to allocate or cause to be allocated to the Grand Teton Village water in order that the development of the Grand Teton Village will continue uninterrupted. City and Developer will cooperate with the Las Vegas Valley Water District in granting over their respective properties reasonable easements or rights-of-way either on or off project necessary for the installation of water facilities to serve the development. Developer agrees to execute all Affidavits of Waiver and Consent forms required by the City in order for water laterals and mains to be a part of any proposed special improvement districts.

SECTION 8 SANITATION

8.1 Sewer Capacity. Developer and City agree that the Project sewer shall be provided as depicted in Exhibit "E" hereto and that such sewer line has the capacity to serve the project. Developer shall grant rights-of-way or easements to perpetuate the continuation of sewer lines. The City agrees that if any sewers required onsite to the Grand Teton Village are required to be over sized in order to serve areas outside of the Grand Teton Village, the City will offer reimbursement for the over sizing through its standard sewer refunding process. Except for sewer connection fees pursuant to the City Rules and except as

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otherwise designated in Section 1.1 above, Developer shall have no obligation to participate in, pay, contribute or otherwise provide any further exaction, including special improvement district assessments, other assessments or Development Fees, to provide for facilities or improvements or for any facilities, equipment or physical improvements relating to sanitary sewer service offsite of the Grand Teton Village.

SECTION 9 PARKS AND OPEN SPACES

9.1 Parks in Grand Teton Village. The parties acknowledge and agree the Owners shall construct 10 acres of land for parks and 2.12 acres of public trail system, public recreational uses, or other public uses (as will more fully described in a Park Development Agreement to be agreed upon by the parties) other than open space, easements and dedicated rights of way in Grand Teton Village ("collectively the "Parks"). Construction of the Parks shall be as follows: (i) commencement of construction the Parks shall take place on or before 50% of the building permits are issued, and (ii) completion of construction the Parks shall take place when 75% to 90% of the construction necessary for final building inspection is completed. City agrees that the Grand Teton Village Rules shall govern and control as to any required open space for Grand Teton Village. In addition, Grand Teton Village and the City will forge relationships so that the open space, civic, and recreational areas the City has planned for the northwest will be integrated into Grand Teton Village's design in order to offer the widest range possible of public amenities to customers and residents of the area. Notwithstanding anything to the contrary contained in this Agreement, it is agreed that the Owners only duty shall be to construct the Parks, all maintenance, repair, upkeep and liability associated with the Parks (other than construction related) shall be the sole responsibility of the City.

9.2 Residential Construction Tax. Except for the Residential Construction Tax referenced in this Section 9.2 (which Residential Construction Tax shall be the responsibility of the Developer), Developer shall have no obligation to participate in, pay, contribute or otherwise provide any further exaction, including special assessment district assessments, other assessments or Development Fees, or to provide land, facilities or improvements for parks located inside or outside of the Grand Teton Village or for any park facilities, equipment or physical improvements outside the Grand Teton Village that are a substitute therefore. This provision shall have no effect upon the open space requirements for the Project pursuant to the Grand Teton Village Rules.

SECTION 10 TRANSPORTATION

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10.1 Master Transportation Plan. City agrees that completion of the Regional Traffic Improvements in a timely manner will be beneficial to the orderly and economical development of Grand Teton Village. The parties acknowledge however that the City is not in control of the development of all such improvements and that even though the City will endeavor to accomplish the completion of such improvements in a manner that will coincide with the orderly development of the Project, the City will bear no liability for any failure to do so.

10.2 Mitigation of Off-Site Traffic Impacts. Developer's obligation to construct or provide traffic improvements shall be limited to those traffic improvements required by the Grand Teton Village Rules (including as set forth in the Conceptual Master Traffic Study and in any approved Grand Teton Village Phase Development Plans) and as set forth below. Developer shall have no other obligation to participate in, pay, contribute or otherwise provide any further exaction, including special assessment district assessments, other assessments or Development Fees, to provide land, facilities or improvements for road and motor vehicular traffic system or for any facilities, equipment or physical improvements that are a substitute therefore.

SECTION 11 FLOOD CONTROL

11.1 Flood Control Facilities and Technical Drainage Studies. Developer shall be required to construct those flood control facilities identified in the Conceptual Master Drainage Study and the technical drainage studies submitted in connection with any Grand Teton Village Phase Development Plans which are necessary for the flood protection of the Grand Teton Village or for mitigation of downstream flood impacts caused by the development of the Grand Teton Village, if any. All facilities will be planned and designed based on ultimate developed conditions. The Conceptual Master Drainage Plan outlines the currently anticipated facilities. Facilities necessary for interim conditions, either on or off-Project, will be identified with Technical Study Up-Dates for each Phase of the Project and will be constructed as needed to protect the Project based upon the approved Technical Drainage Study for the Project. Developer shall be responsible for paying for the costs of constructing any facilities necessary and shall dedicate all rights of way and easements to accommodate such facilities. Except as otherwise set forth above, Developer shall have no obligation to participate in, pay, contribute or otherwise provide any further exaction, including special improvement district assessments, other assessments or Development Fees, to provide for, facilities or improvements for flood control improvements outside of the Grand Teton Village or for any facilities, equipment or physical improvements outside the Grand Teton Village that are a substitute therefore.

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SECTION 12 GENERAL PROVISIONS

12.1 Duration of Agreement. The term of this Agreement shall commence upon the Effective Date and shall expire on the fifteenth (15th) anniversary of the Effective Date unless terminated earlier pursuant to the terms hereof. City agrees that Developer shall have the right to extend the term of this Agreement for an additional fifteen (15) years upon the following conditions:

- (a) Developer provides written notice of such extension to the City prior to the expiration of the original fifteen (15) year term of this Agreement; and
- (b) Developer is not in default of this Agreement.

Upon such extension of this Agreement, Developer and City shall enter into an amendment to this Agreement memorializing the extension of the term.

12.2 Assignment.

12.2(a) To an Affiliate of Developer. The rights of Developer under this Agreement may be freely transferred or assigned to any entity, partnership or corporation which Developer controls or in which Developer has a controlling interest or which controls Developer; provided, such entity shall assume in writing all obligations of Developer hereunder, and provide substitute security in form and amount acceptable to the City for any security previously provided by Developer in compliance with the Code, if any.

12.2(b) To a Third Party. If Developer sells or transfers more than fifty percent (50%) of the Grand Teton Village to a party not affiliated with Developer (as defined in Subsection 12.2(a)), Developer shall be relieved of its obligations under this Agreement, provided that such transferee assumes all duties and obligations of Developer then unsatisfied and provides substitute security, in form and amount acceptable to City, for any of Developer's previous obligations for which Developer provided performance security, if any.

12.2(c) Transfer Not to Relieve Developer of its Obligation. Except as expressly provided herein, no assignment or transfer of any portion of the Grand Teton Village shall relieve Developer of its obligations hereunder as to the portion of the Grand Teton Village so assigned or transferred, and such assignment or transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such transferee shall be deemed to be the Developer hereunder unless such transferee expressly assumes such obligations and duties of Developer. This subsection shall have no effect upon

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the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

12.2(d) In Connection with Financing Transactions. Developer has full discretion and authority to transfer, assign or encumber the Grand Teton Village or portions thereof, in connection with financing transactions, without limitation on the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement.

12.3 Amendment or Cancellation of Agreement. Except as otherwise permitted by NRS 278.0205 and this Agreement, this Agreement may be amended from time to time or canceled but only upon the mutual written consent of the parties hereto.

12.4 Indemnity; Hold Harmless. Except as expressly provided in this Agreement, Developer shall hold City, its officers, agents, employees, and representatives harmless from liability for damage or claims for damage for personal injury, including death and claims for property damage which may arise from the direct or indirect operations of Developer or those of its contractors, subcontractors, agents, employees, or other persons acting on Developer's behalf which relate to the development of the Grand Teton Village. Developer agrees to and shall defend City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of Developer's activities in connection with the development of the Grand Teton Village. Developer agrees to indemnify, hold harmless, and provide and pay all costs and attorneys' fees for a defense for City in any legal action filed in a court of competent jurisdiction by a third party alleging any such claims or challenging the validity of this Agreement. The provisions of this Section shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City, its officers, agents, employees, or representatives.

12.5 Binding Effect of Agreement. Subject to Section 12.2 hereof, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the parties' respective successors in interest and the property which is the subject of this Agreement.

12.6 Relationship of Parties. It is understood that the contractual relationship between City and Developer is such that Developer is not an agent of City for any purpose and City is not an agent of Developer for any capacity.

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12.7 Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

To City:	City of Las Vegas 400 Stewart Avenue Las Vegas, Nevada 89101 Attention: Planning Director
To Developer:	Grand Teton Village 3320 N. Buffalo Dr., Suite 207 Las Vegas, Nevada 89128 Attention: Kevin Parkinson
To Owners:	Beazer Homes 4670 South Ft. Apache Ste 200 Las Vegas, Nevada 89147 Attention: Patrick Helfrich
	Antelope, LLC 3320 N. Buffalo Drive Suite 207 Las Vegas, Nevada 89129 Attention: Kevin Parkinson
	Perma Bilt Homes 7150 Pollock Drive Suite 104 Las Vegas, Nevada 89119 Attention: Robb Beville
	American Premiere Homes and Development 235 West Brooks Ave., 2 nd Floor North Las Vegas, Nevada 89030 Attention: Todd Stratton

Either party may change its address by giving notice in writing to the other and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

12.8 Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations

DRAFT 7/28/2003 12:45 PM

or previous agreements between the parties with respect to all or any part of the subject matter hereof.

12.9 Waivers. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate officers of City or Developer, as the case may be.

12.10 Recording; Amendments. Promptly after execution hereof, an executed original of this Agreement shall be recorded in the Official Records of Clark County, Nevada. All amendments hereto must be in writing signed by the appropriate officers of City and Developer in a form suitable for recordation in the Official Records of Clark County, Nevada. Upon the completion of the performance of this Agreement, or its earlier revocation or termination, a statement evidencing said completion, revocation or termination shall be signed by the appropriate officers of the City and Developer and shall be recorded in the Official Records of Clark County, Nevada.

12.11 Headings; Exhibits; Cross References. The recitals, headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement are incorporated herein by the references contained herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

IN WITNESS WHEREOF, this Agreement has been executed by the parties on the day and year first above written.

GTV DEVELOPMENT, LLC,
a Nevada limited liability company

By: _____
Its: _____

ACKNOWLEDGEMENT

The undersigned Owners do hereby consent to the above terms and conditions of this Agreement:

[add signatures of Owners]

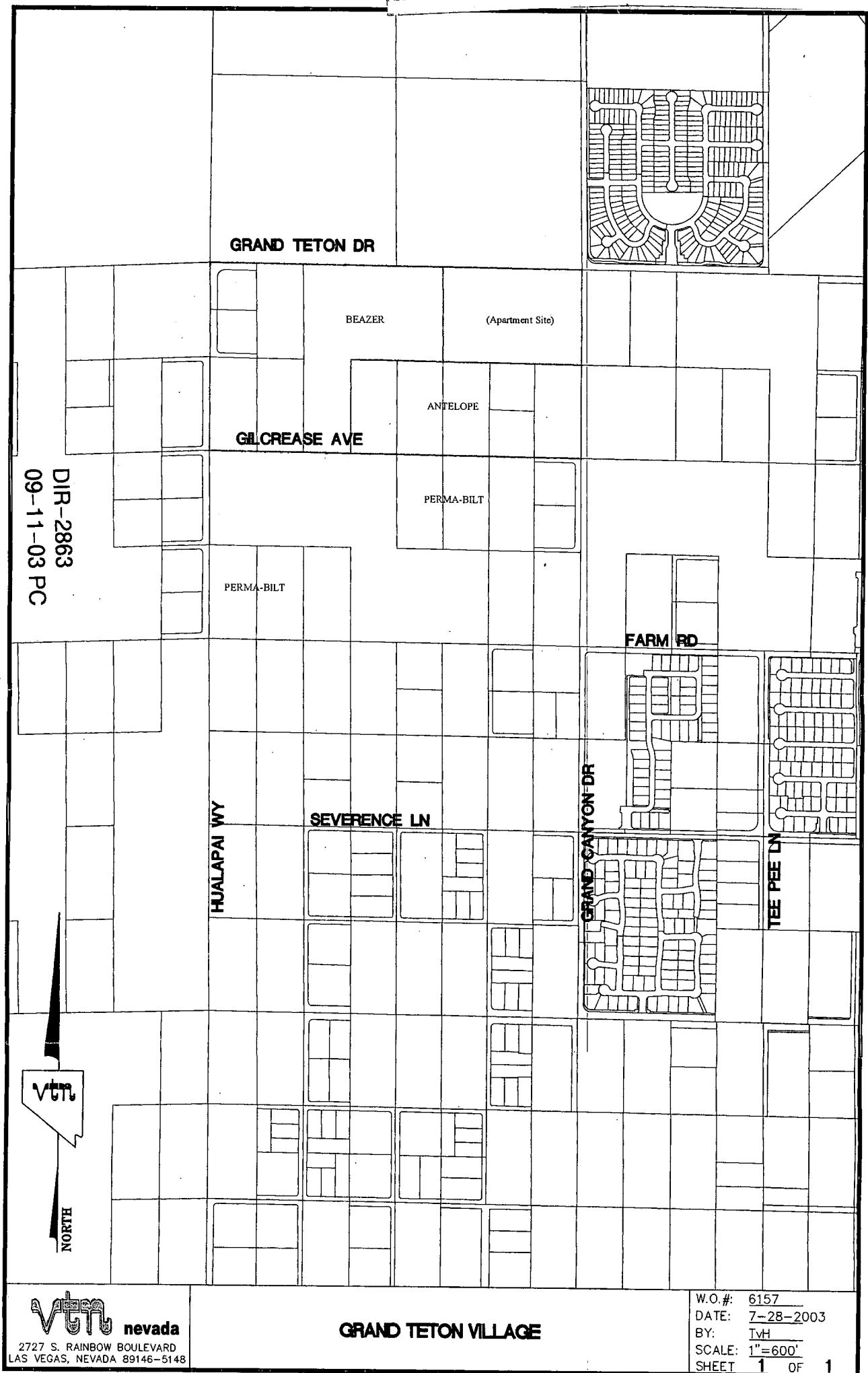
EXHIBIT A

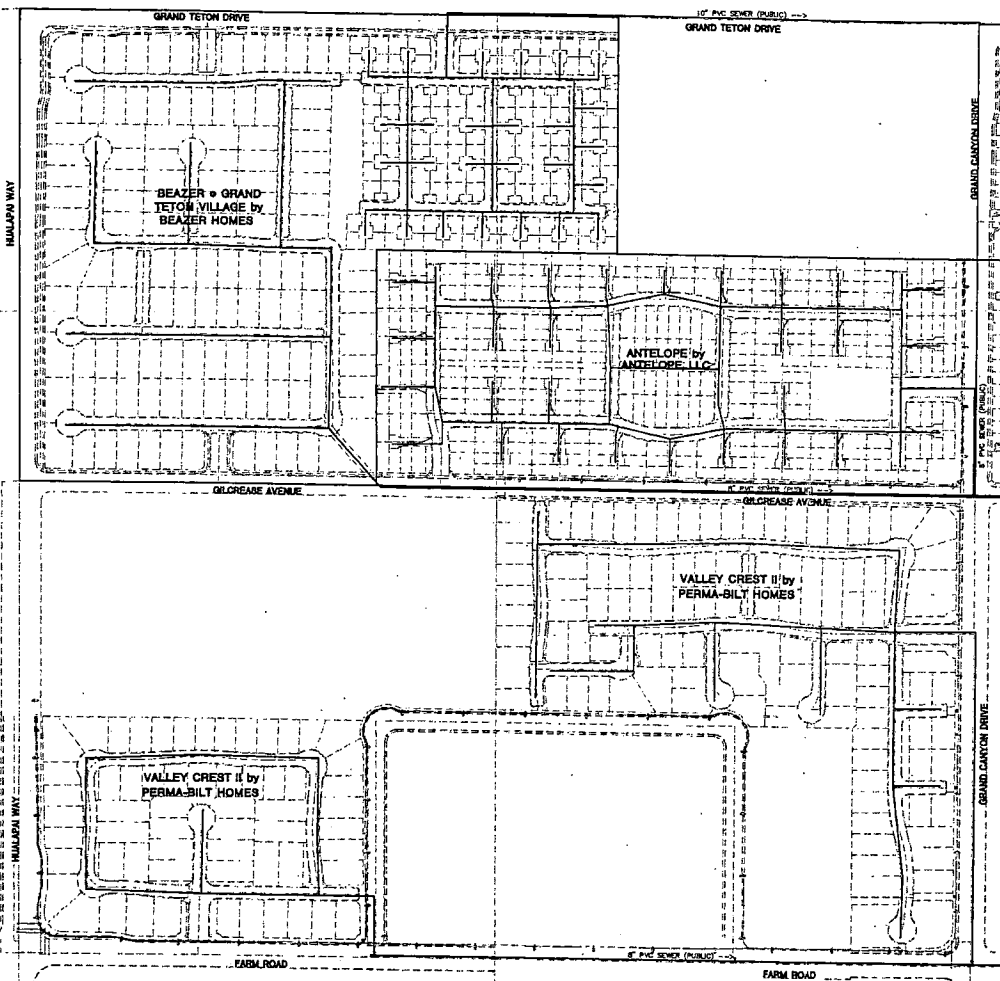
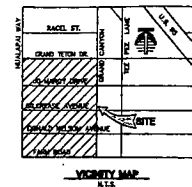
GRAND TETON VILLAGE

THE NORTHWEST QUARTER (NW 1/4) IN SECTION 18, TOWNSHIP 19 SOUTH,
RANGE 60 EAST, M.D.B. & M.

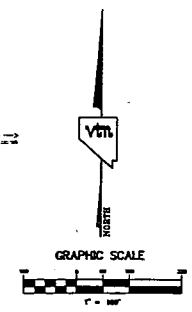
EXHIBIT B

INTENTIONALLY OMITTED





DIR-2863
09-11-03 PC



SHEET EXBT 1 OF 1 SHEETS		DRAWN BY: _____ BY: _____		DESIGNED BY: _____		CHECKED BY: _____		PROJECT NO: _____ SHEET NO: _____		DATE: _____		PROJECT DATE: _____		PROJECT DATE: _____	
CITY OF LAS VEGAS		CITY OF LAS VEGAS		CITY OF LAS VEGAS		CITY OF LAS VEGAS		CITY OF LAS VEGAS		CITY OF LAS VEGAS		CITY OF LAS VEGAS		CITY OF LAS VEGAS	
2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146		2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146		2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146		2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146		2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146		2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146		2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146		2727 SOUTH SANDHURST BOULEVARD LAS VEGAS, NEVADA 89146-2146	
PL. 1702 812-1000 FAX 812-3027		PL. 1702 812-1000 FAX 812-3027		PL. 1702 812-1000 FAX 812-3027		PL. 1702 812-1000 FAX 812-3027		PL. 1702 812-1000 FAX 812-3027		PL. 1702 812-1000 FAX 812-3027		PL. 1702 812-1000 FAX 812-3027		PL. 1702 812-1000 FAX 812-3027	
INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS		INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS		INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS		INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS		INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS		INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS		INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS		INTEREST CONSULTING ENGINEERS & PLANNERS • LAND SURVEYORS	

DIR-2863**Las Vegas City Council
October 29, 2003**

[New language in ***bold, italics***. Deleted language is ~~stricken~~.]

Amend Planning and Development condition number 1, first sentence, as follows:

1. Section 3.6.1(i), of the Master Development Plan shall be amended to read as follows:
"Retaining and combination screen/retaining walls ***that are visible from any perimeter street*** shall not exceed eight (8') feet in height, terraced with a minimum of four feet (4') clear horizontal separation between walls.

Submitted at City Council

Date 10/29/03 Item # 88

City of Las Vegas

Agenda Item No. 89

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REVIEW OF CONDITION - PUBLIC HEARING - **ROC-2872 - D.R. HORTON, INCORPORATED** - Request for a Review of Condition No. 2 of an approved Site Development Plan Review (SDR-1836), which required conformance to a zero-lot line pattern of development; and Condition No. 3 of an approved Site Development Plan Review (SDR-1836), which required a side yard setback of five (5) feet for a 101-lot single-family residential development on 15.00 acres adjacent to the southeast corner of Elkhorn Road and Campbell Road (APN: 125-20-101-004, 005, and 006), T-C (Town Center) Zone [ML (Medium-Low Density Residential - Town Center) Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-1 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

JEFF ANDERSON, D. R. Horton Homes, 3513 East Russell Road, appeared on behalf of the applicant and concurred with staff conditions. He indicated that all previous setback issues had been resolved with staff and requested approval of the application.

TODD FARLOW, 240 North 19th Street, inquired into the issue of a Z lot pattern of development. He indicated that the design of the development had improved from the original plans.

COUNCILMAN MACK was of the opinion this would be a very nice project with the conditions imposed by staff.

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
Planning and Development Department
Item 89 – ROC-2872

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:15 – 1:17)

2-227

CONDITIONS:

Planning and Development

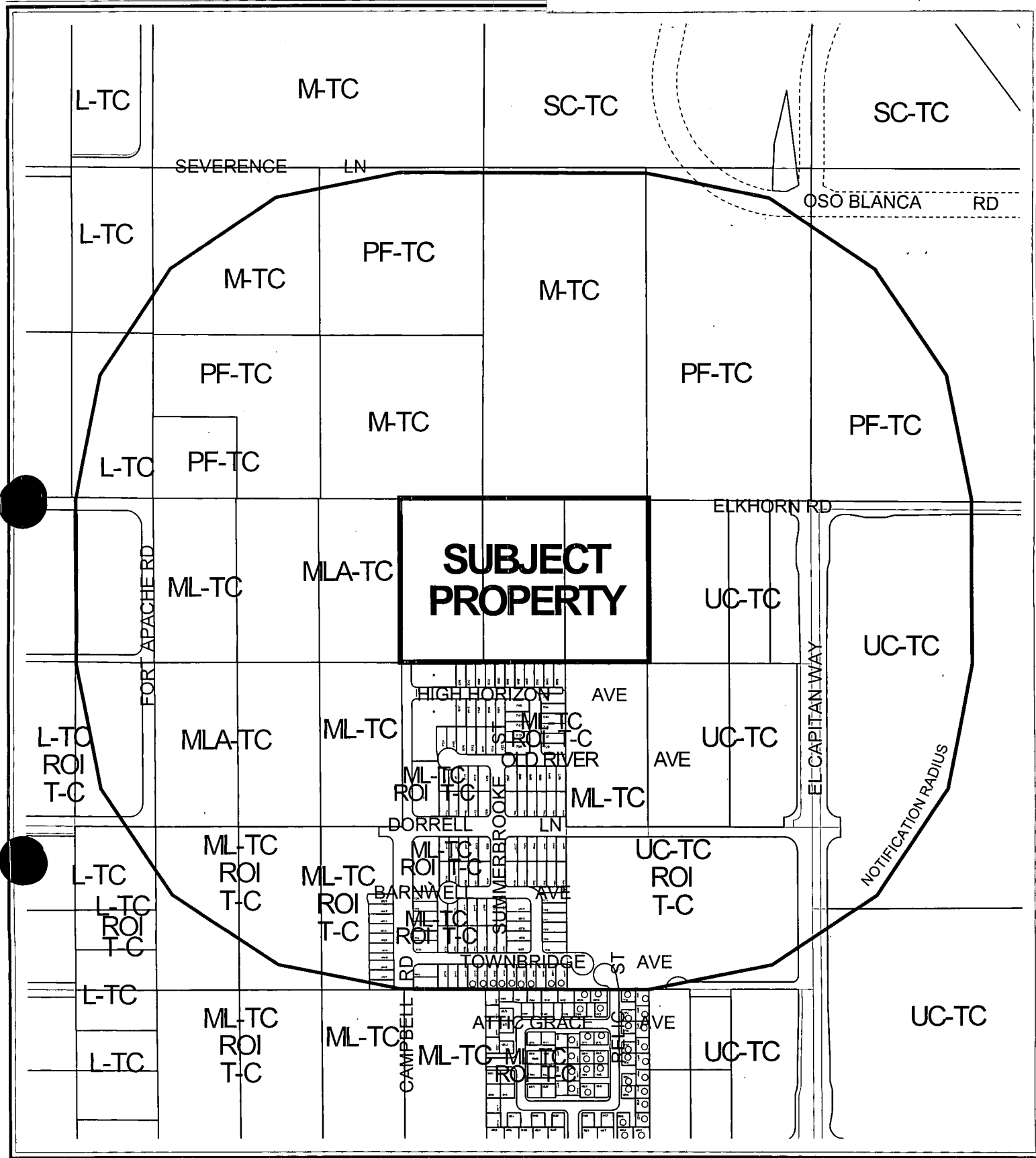
1. Condition Number 2 shall be amended as follows:

“A revised site plan showing a Z-lot pattern of development, with all driveways having unimpeded access shall be submitted to and approved by the Planning and Development Department prior to development”.

2. Condition Number 3 shall be amended as follows:

“The setbacks for this development shall be a minimum of 15 feet to the front of the house, 18 feet to the front of the garage, 10 feet on the corner side, 4 feet on the side and 15 feet in the rear. The front setback to the garage is to be measured from the back of the sidewalk where a sidewalk is provided, otherwise, it will be measured from the back of curb.”

3. Conformance to all applicable conditions of approval for Rezoning (ZON-1833), Variance (VAR-1858), Site Development Plan Review (SDR-1836), Tentative Map (TMP-2464) and all other site-related actions, as required by the Planning and Development Department and Department of Public Works.



CASE: ROC-2872

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

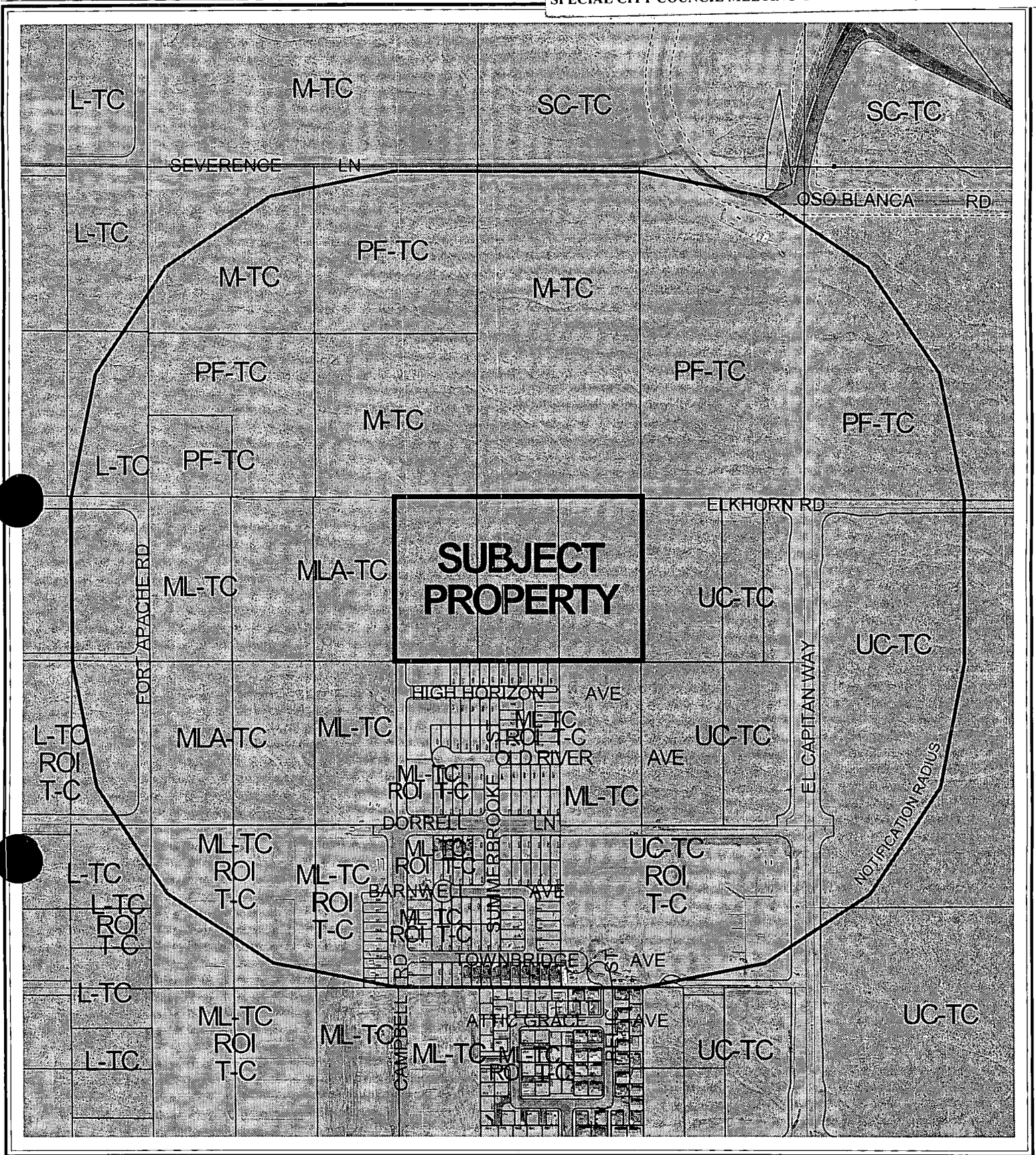
T-C (TOWN CENTER) ZONE [ML-TC (MEDIUM-LOW DENSITY RESIDENTIAL - TOWN CENTER) LAND USE DESIGNATION]

0 400 800 Feet



89





CASE: ROC-2872

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [ML-TC (MEDIUM-LOW DENSITY RESIDENTIAL - TOWN CENTER) LAND USE DESIGNATION]



*City of Las Vegas***AGENDA MEMO****SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ROC-2872 - D. R. HORTON, INC.**

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. Condition Number 2 shall be amended as follows:

“A revised site plan showing a Z-lot pattern of development, with all driveways having unimpeded access shall be submitted to and approved by the Planning and Development Department prior to development”.

2. Condition Number 3 shall be amended as follows:

“The setbacks for this development shall be a minimum of 15 feet to the front of the house, 18 feet to the front of the garage, 10 feet on the corner side, 4 feet on the side and 15 feet in the rear. The front setback to the garage is to be measured from the back of the sidewalk where a sidewalk is provided, otherwise, it will be measured from the back of curb.”

3. Conformance to all applicable conditions of approval for Rezoning (ZON-1833), Variance (VAR-1858), Site Development Plan Review (SDR-1836), Tentative Map (TMP-2464) and all other site-related actions, as required by the Planning and Development Department and Department of Public Works.

ROC-2872 - Staff Report Page One
October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Review of Conditions Number 2 and 3 of an approved Site Development Plan Review (SDR-1836) for a 101-lot single-family development on 15.23 acres adjacent to the southwest corner of Elkhorn Road and Campbell Road.

Condition # 2 states:

"The preparation of a revised site plan showing a zero lot-line pattern of development in place of a "Z-lot" pattern of development, and showing compliance with all current open space and street-section standards, to the satisfaction of the Planning and Development Department prior to submission to City Council."

In the initial design of this project, a "Z"-lot layout was proposed. Based on staff concerns that this design would not allow sufficient room between the jog in the lot line and the adjacent garage for vehicles to access the garage, the applicant amended this design to a zero-lot line approach. Tentative Map request TMP-2464, approved by Planning Commission on 08/14/03, is based on the requirement of Condition #2 of SDR-1836, which now requires a zero-lot line development pattern.

The applicant is now requesting this Review of Condition, to change Condition #2 to allow the "Z"-lot pattern. In support of this request, the applicant has provided a detail entitled Exhibit A, which depicts how a full-sized passenger vehicle would be able to access both garage spaces without crossing an adjacent lot. If this Review of Condition is granted, it is recommended that the design of all lots within this project that have the "Z"-lot and adjacent garage configuration conform to the dimensions outlined on Exhibit A.

Condition #3 states:

"The setbacks for this development shall be a minimum of 15 feet to the front of the house, 18 feet to the front of the garage, 10 feet on the corner side, 5 feet on the side, and 15 feet in the rear. The front setback to the garage is to be measured from the back of the sidewalk where a sidewalk is provided otherwise it will be measured from the back of curb."

The development as proposed on Tentative Map TMP-2464 has four-foot side yard setbacks, where five-foot setbacks have been approved through Condition #3 of Site Development Plan Review SDR-1836. The applicant has requested a Review of Condition amending Condition #3 of SDR-1836 to allow a five-foot side yard setback.

ROC-2872 - Staff Report Page Two
October 29, 2003 Special City Council Meeting

B) Applicant's Justification

The applicant has justified this request by stating that the conditions conflict, and that the review will allow the development of the project as a "Z"-lot project.

BACKGROUND INFORMATION

A) Previous Actions

- 01/17/01 The City Council approved an Annexation (A-0003-99) for the eastern five-acre portion of the subject property as part of a larger request. The Planning Commission recommended approval. The effective date was January 26, 2001.
- 11/20/02 The City Council approved a Rezoning (Z-0084-02) to T-C (Town Center) for the eastern five acres of the site as part of a larger request. The Planning Commission recommended approval.
- 02/05/03 The City Council approved an Annexation (A-0038-02) for the western ten-acre portion of the subject property as part of a larger request. The Planning Commission recommended approval. The effective date was February 24, 2003.
- 03/27/03 The Planning Commission recommended approval of a related Rezoning (ZON-1833) from U (Undeveloped) zone [ML-TC (Medium-Low Density Residential-Town Center) General Plan Designation] to T-C (Town Center) and recommended denial of a related Variance (VAR-1858) for a reduction in the required amount of open space on this site.
- 05/07/03 The City Council approved a request for a Rezoning (ZON-1833), from U (Undeveloped) Zone [ML-TC (Medium-Low Density Residential - Town Center) General Plan Designation] to T-C (Town Center) on 15.23 acres adjacent to the southwest corner of Elkhorn Road and Campbell Road. A companion Variance (VAR-1858), to allow 0.77 acres of open space where 1.05 acres is required was withdrawn without prejudice at this meeting. The Planning Commission recommended approval of the Rezoning and denial of the Variance at its 03/27/03 meeting.
- 06/18/03 The City Council approved a request for a Site Development Plan Review (SDR-1836) for a 102-lot single-family residential development on 15.23 acres adjacent to the southwest corner of Elkhorn Road and Campbell Road. The Planning Commission recommended approval at its 05/08/03 meeting.

ROC-2872 - Staff Report Page Three
 October 29, 2003 Special City Council Meeting

- 08/14/03 The Planning Commission approved a request for a Tentative Map (TMP-2464) for 101 single-family lots on 15.23 acres adjacent to the southwest corner of Elkhorn Road and Campbell Road.
- 09/11/03 The Planning Commission voted 5-0-1 to recommend DENIAL (PC Agenda Item #34).

B) Pre-Application Meeting

A series of meetings were held with the applicant to discuss issues related to on-site parking and the use of "Z"-lots versus zero-lot line lots. As a result of these discussions, the applicant has provided a drawing (Exhibit A) which illustrates how even large vehicles will be able to independently access each of the on-site garage spaces without crossing onto the adjacent lot.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Review of Condition application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 15.23
 Net Acres: 13.30

B) Existing Land Use

Subject Property: Undeveloped
 North: Undeveloped
 South: Undeveloped
 East: Undeveloped
 West: Undeveloped

C) Planned Land Use

Subject Property: ML-TC (Medium-Low Density Residential - Town Center)
 North: M-TC (Medium Density Residential - Town Center)
 South: ML-TC (Medium-Low Density Residential - Town Center)
 East: MLA-TC (Medium-Low Attached Density Residential - Town Center)
 West: UC-TC (Urban Center Mixed Use - Town Center)

D) Existing Zoning

Subject Property: U (Undeveloped) and T-C (Town Center)
 North: T-C (Town Center)
 South: U (Undeveloped) under Resolution of Intent to T-C (Town Center)
 East: T-C (Town Center)
 West: U (Undeveloped)

ROC-2872 - Staff Report Page Four
October 29, 2003 Special City Council Meeting

E) General Plan Compliance

This site is located within the Town Center area of the Centennial Hills Sector Plan. The site is designated ML-TC (Medium-Low Density Residential - Town Center) on Map Four of the Town Center Development Standards Manual. This land use designation allows a density range of 5.6 to 8 dwelling units per gross acre. The approved site plan proposes a gross density of 6.8 units per acre, which conforms to the approved land use designation. The requested Review of Condition is not affected by General Plan policies.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
<i>Town Center</i>	<i>X</i>	
Special Overlay District		X
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The site is located within Town Center. The policies contained in the Town Center Development Standards Manual are not affected by this Review of Condition application.

There is a Primary Arterial Trail (7'6") located along the Elkhorn Road frontage. All trails, except for the multi-use trails, are incorporated in the Town Center Development Standards as sidewalks and amenity zones. These trail standards are not the subject of this Review of Condition application and are unaffected by the application.

PROJECT DESCRIPTION

Approved Site Development Plan Review (SDR-1836) depicts a single-family residential detached development with a total of 102 lots. One access from Campbell Road is indicated on the west side of the site. All lots will be accessed from 37-foot wide public streets except for seven lots, which will face onto Campbell Road. The street network will be configured in a rectangular shape. The side lot lines between the dwellings will have a straight lot line on one side and a straight lot line that contains an eight-foot offset midway in the lot line on the other side.

Approved Tentative Map TMP-2464, with 101 lots, is designed with a zero-lot line configuration. If these Review of Condition requests are approved, the applicant will submit a revised Tentative Map containing the revised lot pattern. The actual location of the buildings on the site will be unaffected by the revised lot pattern and reduced side yard setback.

ROC-2872 - Staff Report Page Five
 October 29, 2003 Special City Council Meeting

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Las Vegas Zoning Code Section 19.06.110, the Development Standards within a T-C (Town Center) District are established by the Site Development Plan in accordance with the standards of the Town Center Development Standards Manual. The Review of Condition requests for a "Z"-lot configuration and a slightly reduced side yard setback are not directly referenced in the Manual.

B) General Analysis and Discussion

The request for a shift back to the "Z"-lot configuration is acceptable when predicated on the information on individual parking space access as shown on Exhibit A. This ensures conformance with the requirements of Title 19.10, which requires unimpeded access to all required parking spaces. Maintenance of the zero-lot line approach would have required design changes to the proposed buildings to meet Fire Code and other requirements. These changes would have included meeting a specific fire rating on the lot line wall, removing a bathroom window from that wall, installing ventilation equipment in the now windowless bathroom, and designing a 90-degree shift in the roof slope so that drainage is contained on-site.

The reduction of the minimum required side yard from five feet to four feet is not a significant change and will allow the proposed housing product to be accommodated on the proposed "Z"-lot layout.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The requested condition changes will not result in any change to the proposed development pattern; both the "Z"-lot concept and the zero-lot line concept show the buildings in the identical locations on each site within the development.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

ROC-2872 - Staff Report Page Six
 October 29, 2003 Special City Council Meeting

The proposed changes based on the Review of Conditions have no effect regarding the policies and standards contained within these documents. Development in accordance with the information provided on Exhibit A will ensure compliance with Title 19 parking standards.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

The proposed changes based on the Review of Conditions have no effect adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

Building and landscape materials are unaffected by this request.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The "Z"-lot pattern of development that will result from approval of this Review of Conditions request can be orderly and present an aesthetic and pleasing environment, compatible with other development in the area.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 40 by Planning Department

APPROVALS 0

PROTESTS 1



Case Number: **ROC-2872** APN: #125-20-101-004, -005, AND -006

Name of Applicant: D. R. HORTON, INC.

Yes

No

City Official: _____

Partner(s): _____

APN: _____

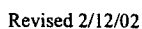
✓ Signature of Property Owner/Authorized Agent: Scott Panther

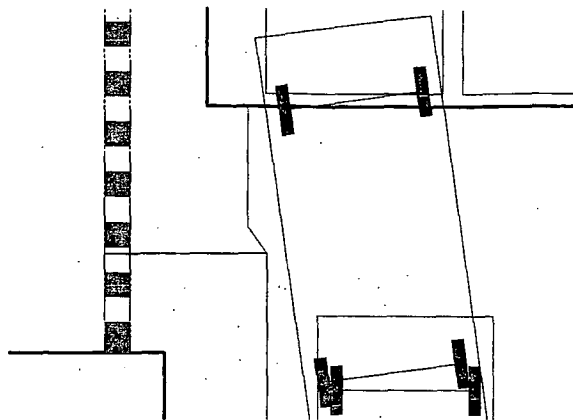
Print Name: Scott Perkon,

Subscribed and sworn before me

This 31 day of July, 2003

Notary Public in and for said County and State





ENLARGED AREA OF DRIVEWAY
SCALE 1" = 5'

Design Controls and Criteria

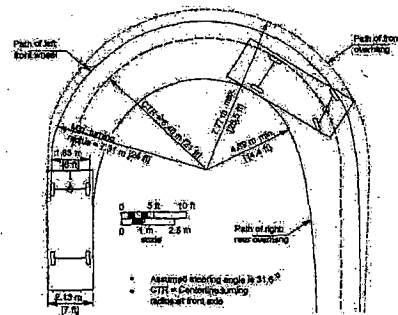
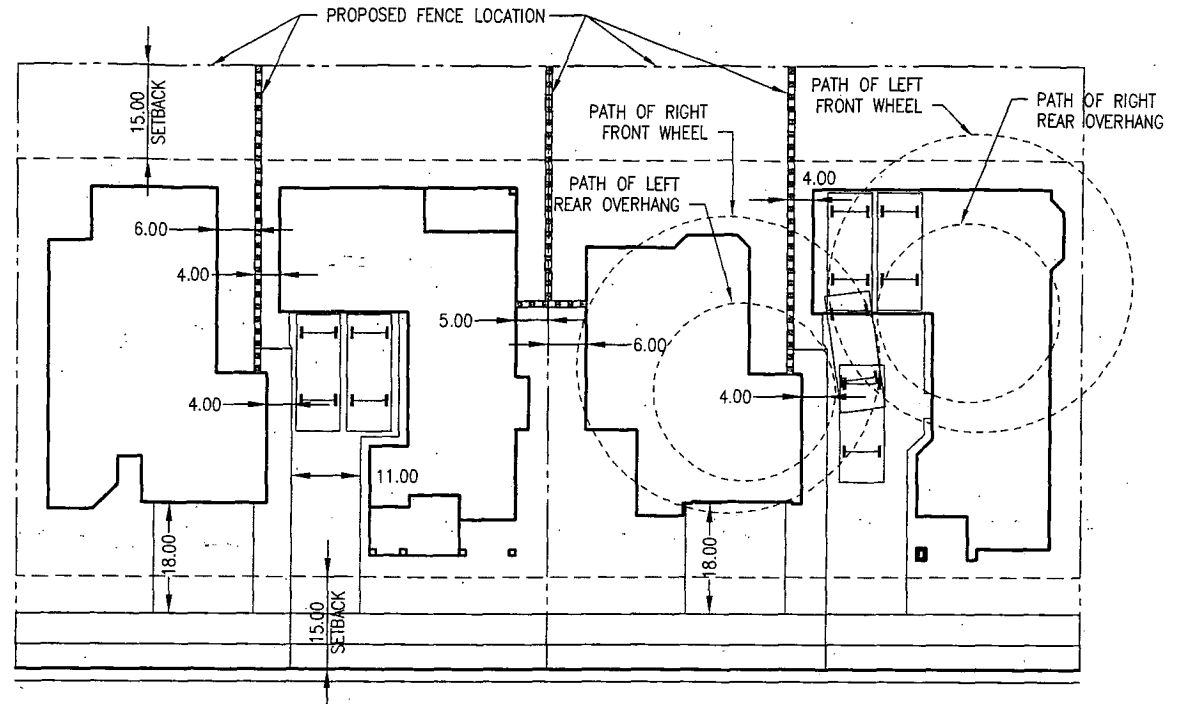


Exhibit 2-3. Minimum Turning Path for Passenger Car (P) Design Vehicle

Copyright 2001 AASHTO. All rights reserved.
Duplication is a violation of applicable law.

21



TYPICAL LOT LAYOUT
SCALE 1" = 20'

Note:

The vehicle depicted is the AASHTO standard for passenger car design and is equivalent in length to the Ford Excursion, the longest private passenger vehicle at 19'. Most passenger cars are significantly smaller.

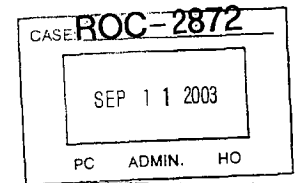
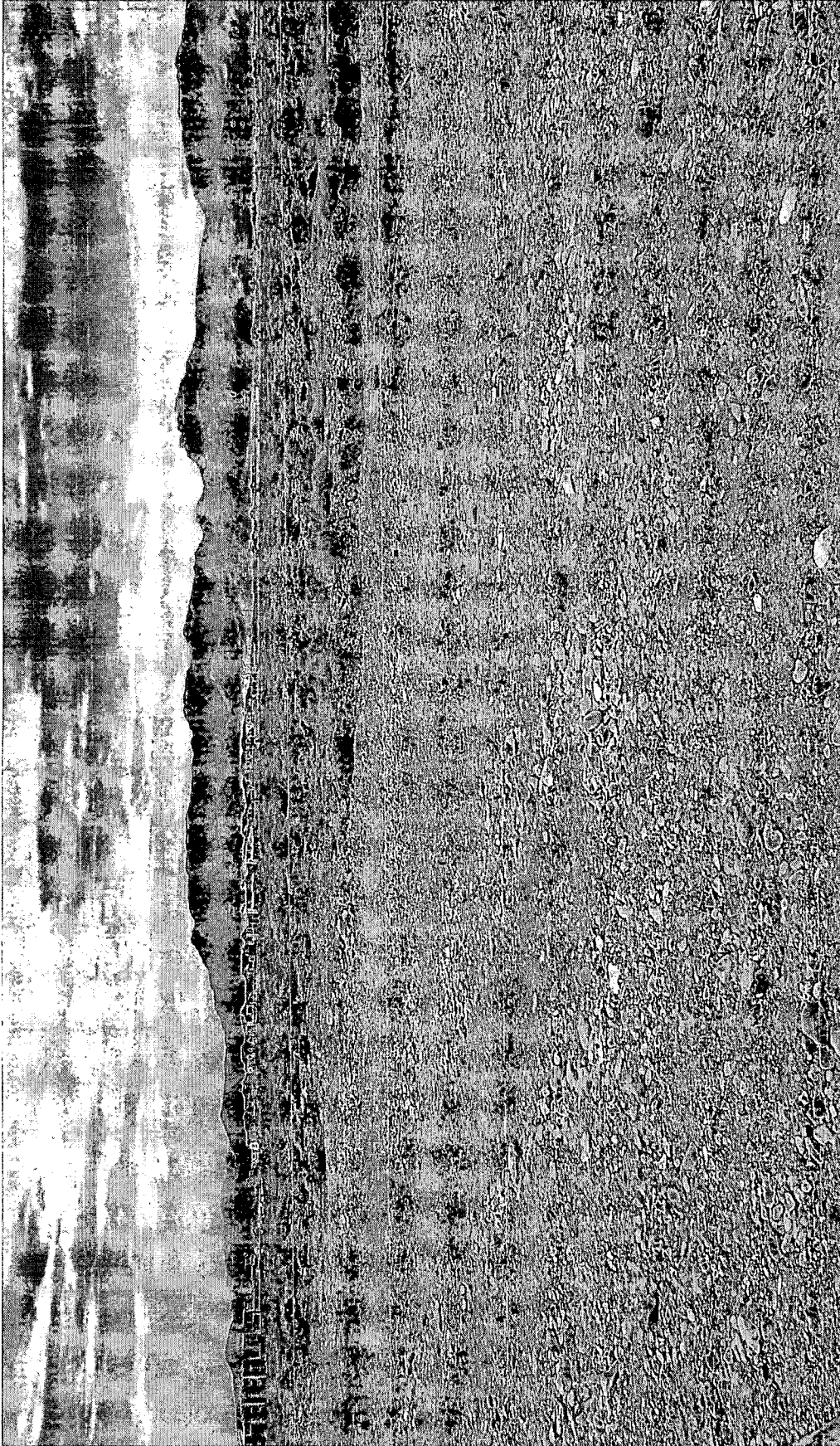


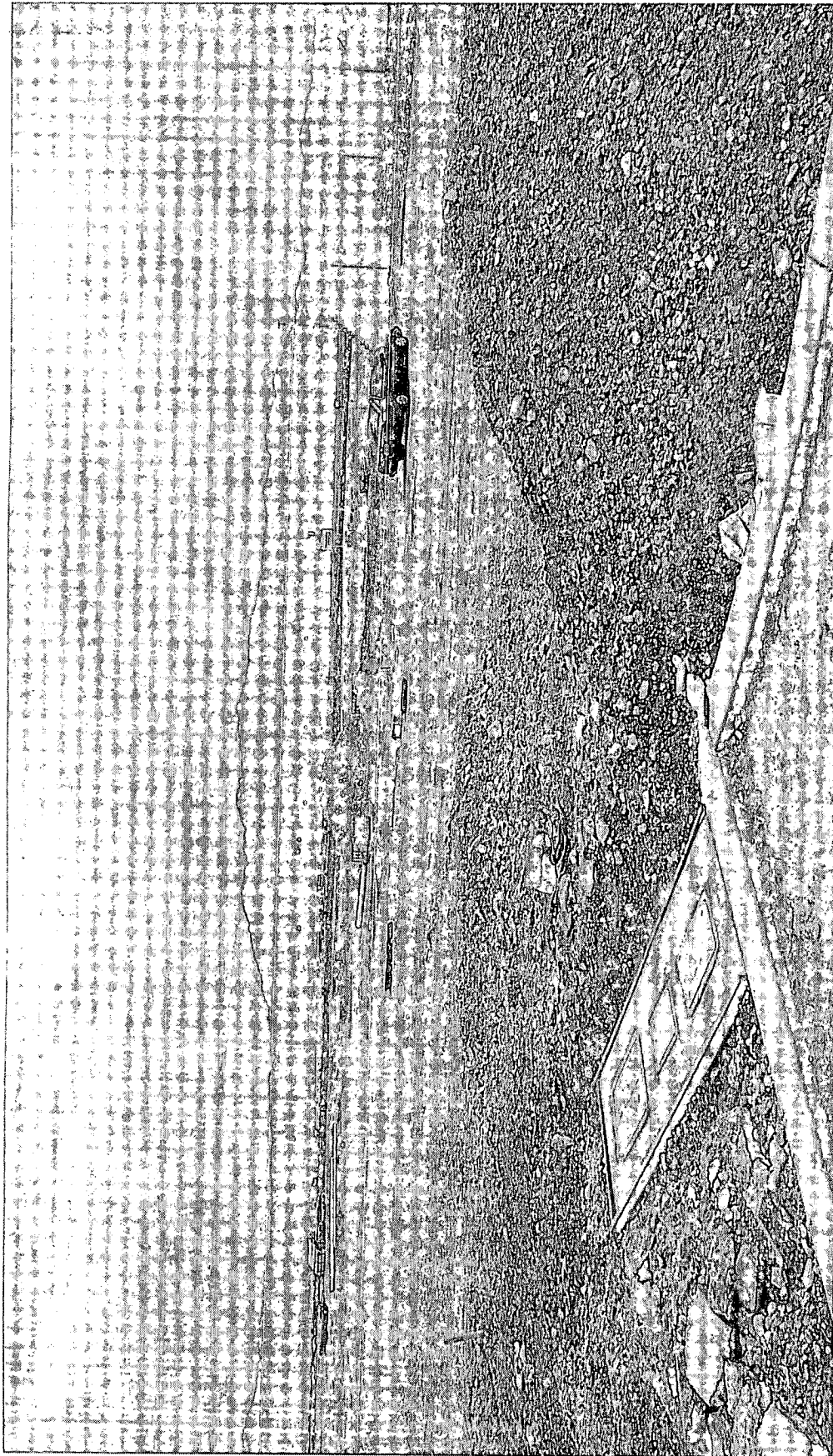
EXHIBIT A

DR HORTON	
6845 ESCONDIDO STREET, BUILDING 6, SUITE 105 LAS VEGAS, NEVADA 89119 (702) 435-4888 FAX (702) 435-4931	
ALPHA 	ENGINEERING COMPANY
50 So. Jones #202, Las Vegas, NV 89107 Telephone: (702) 877-1300	



ROC-2872 - D. R. HORTON, INCORPORATED
SOUTHEAST CORNER OF ELKHORN ROAD AND CAMPBELL ROAD
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03



ROC-2872 - D. R. HORTON, INCORPORATED
SOUTHEAST CORNER OF ELKHORN ROAD AND CAMPBELL ROAD
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

City of Las Vegas

Agenda Item No. 90

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-2587 - GREEN HARRINGTON & HOWELL, LIMITED LIABILITY COMPANY ON BEHALF OF SHERRY SOBEL HARRIS - Request for a Site Development Plan Review for a proposed 9,955 square foot Family Dollar Retail Store and a reduction in the amount of perimeter and parking lot landscaping on 0.99 acres adjacent to the west side of Martin L. King Boulevard, approximately 400 feet south of Washington Avenue (APN: 139-28-304-002), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

WEEKLY – ABEYANCE to 11/19/2003 – UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

FRASER SMITH, 3571 Red Rock Street, appeared on behalf of the applicant and indicated the applicant has complied with all of staff's requests. He concurred with staff conditions and requested approval.

TODD FARLOW, 240 North 19th Street, indicated that a 10-foot dedication existed on this property on Martin Luther King Boulevard. Further, when Martin Luther King is expanded an additional 10-foot dedication will be required. He felt the parcel was too small to accommodate the development planned and requested an opinion from the Traffic Department.

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 90 – SDR-2587

MINUTES – Continued:

COUNCILMAN WEEKLY indicated he tended to agree with MR. FARLOW. He asked MR. SMITH if he had spoken with the Nevada Department of Transportation (NDOT) regarding the particular location of this project. MR. SMITH replied that only the appropriate City departments had reviewed the project, including Planning, Traffic, and the Fire Department. He pointed out that staff required an expanded right-of-way, which is shown on the drawings submitted and approved by the Planning Department.

COUNCILMAN WEEKLY commented that Family Dollar is an economic enterprise that is welcomed into the community. His concern, however, is with the small lot on which the project is to be developed and the ingress and egress problems that will be created in an area that already experiences severe traffic congestion. The widening of Martin Luther King will only exacerbate the traffic problems. Additionally, he was not provided the opportunity to discuss the project with the applicant because a meeting was not scheduled with him nor was a meeting held with the neighbors residing on Sunny Place, a residential development that abuts the proposed project.

MR. SMITH explained that the application originally requested a parking variance in an attempt to fit the building on the parcel; however, this approach caused too many problems. As a result, the size of the building was reduced and the parking variance request was removed. Then, Planning and Development staff indicated the concerns expressed by the residents on Sunny Place and requested that the applicant change the layout of the rear of the property. In response to staff's request, a decorative wrought iron fence was placed along the rear of the property abutting Sunny Place. As far as traffic is concerned, the applicant has complied with the additional right of way requirements imposed by the Traffic Department.

COUNCILMAN WEEKLY remarked that he did not want to deny this application but was very concerned about the location. He suggested the applicant consider purchasing some of the vacant land to the north of this site, on the east side of Sunny Place. He indicated he would like to hold this item in abeyance to allow him to meet with the applicant regarding his concerns as well as the concerns of the residents on Sunny Place and to possibly discuss alternative locations.

MR. SMITH expressed his disagreement with COUNCILMAN WEEKLY with regard to the parking situation. He indicated he had obtained data from Family Dollar as to the number of visitors and traffic count for their stores and found that the proposed parking was more than adequate. Therefore, he felt parking was not an issue. He pointed out that there was 25 feet from the existing right of way to the landscaping, which also provided an adequate buffer. He suggested the construction of a turnout lane or something similar in order to move the project forward.

No one appeared in opposition.

City of Las Vegas

Agenda Item No. 90

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
Planning and Development Department
Item 90 – SDR-2587

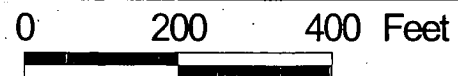
MINUTES – Continued:

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:17 – 1:26)

2-285

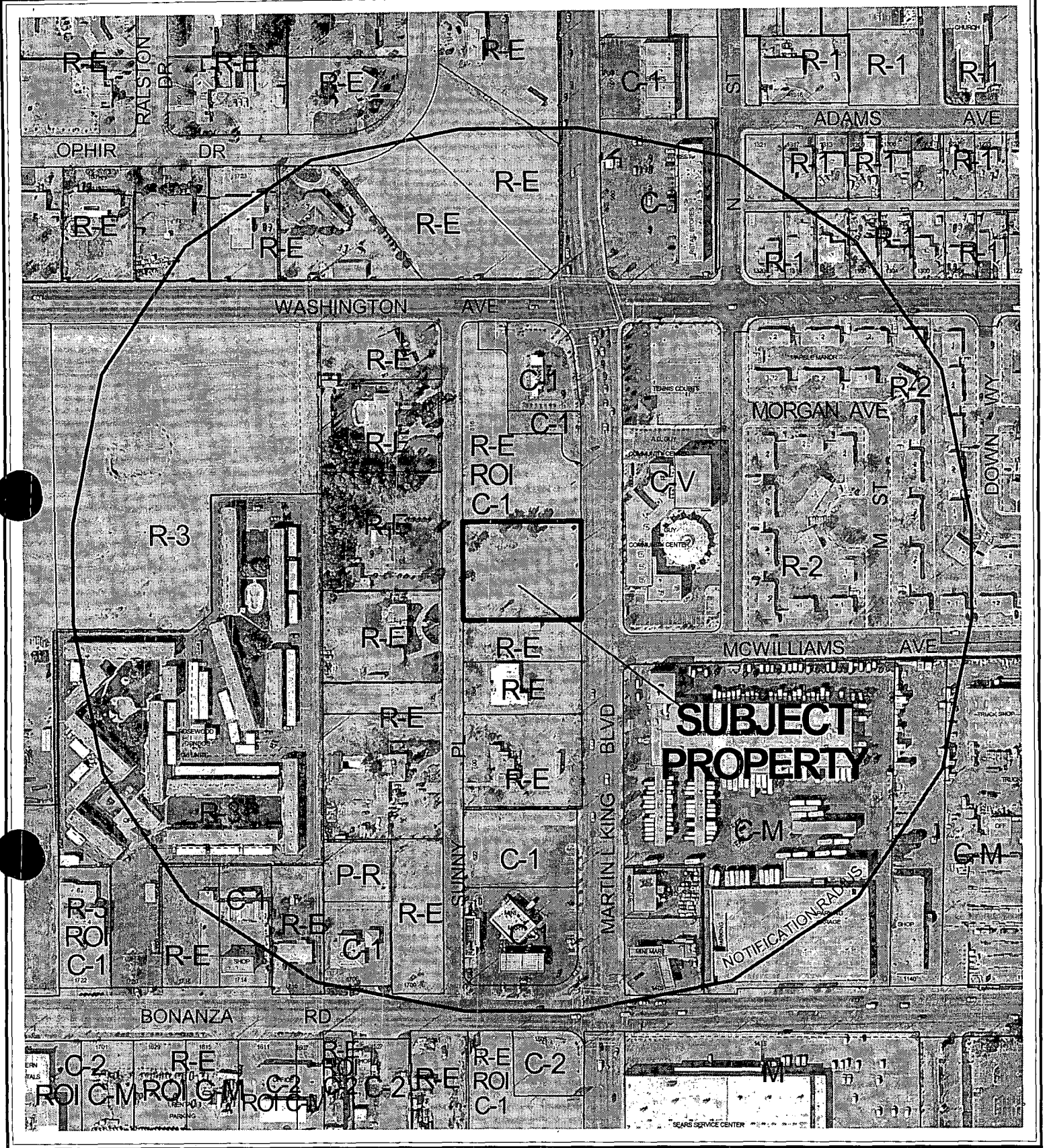


RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES) UNDER
RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

90





CASE: **SDR-2587**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES) UNDER
RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



*City of Las Vegas***AGENDA MEMO****SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-2587 - GREEN HARRINGTON & HOWELL, LIMITED
LIABILITY COMPANY ON BEHALF OF SHERRY SOBEL HARRIS**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The applicant shall construct a six foot high combination decorative block wall and wrought iron fence along the north property line.
2. No direct access shall be permitted to Sunny Place.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. The elevations shall be revised and approved by the Planning and Development Department, prior to the time application is made for a building permit, to extend the architectural features as depicted on the front elevation around the entire building.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets and residential zoned properties. The trash enclosure shall include a roof that matches the building materials of the main building.
8. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. All lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

SDR-2587 - Conditions Page Two
October 29, 2003 Special City Council Meeting

10. A decorative block wall, with at least 20 percent contrasting materials is required along the entire length of the southern and western property lines. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
12. The freestanding ground sign must adhere to Title 19 requirements for freestanding/monument signs.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

15. Dedicate an additional 10 feet of right-of-way for a total half-street width of 50 feet on Martin L. King Boulevard adjacent to this site prior to the issuance of any permits.
16. Construct all incomplete half-street improvements on Martin L. King Boulevard adjacent to this site concurrent with development of this site. Construct curb and gutter immediately adjacent to the east right-of-way line and half street paving plus appropriate overpaving on Sunny Place concurrent with development of this site. No parking shall be allowed adjacent to this site on Sunny Place; the curbing shall be painted red and appropriate signage shall be installed prior to occupancy of this site as required by the Department of Public Works.
17. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. Access to Sunny Place from this site will not be allowed.
18. Landscape and maintain all unimproved rights-of-way on Martin L. King Boulevard and Sunny Place adjacent to this site.
19. Submit an Encroachment Agreement for all landscaping and private improvements located in the Martin L. King Boulevard and Sunny Place public rights-of-way adjacent to this site prior to occupancy of this site.
20. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact

SDR-2587 - Conditions Page Three
October 29, 2003 Special City Council Meeting

Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

21. Meet with the Flood Control Section of Public Works to determine appropriate elevations and drainage flow paths prior to the submittal of any construction drawings for this site.

SDR-2587 - Staff Report Page One
October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Site Development Plan Review, a reduction in the amount of perimeter and parking lot landscaping and a waiver request to allow a trash enclosure closer than 50 feet to a residential property line, for a proposed 9,955 square foot Family Dollar Retail Store.

Subsequent to the 08/28/03 Planning Commission meeting, the applicant met with the Departments of Planning and Development, Public Works and Fire Engineering regarding a revised site development plan. Changes made to the site plan include:

- 1) The building has been reduced in size from 9,955 to 9,180 square feet in area. Based on the new building, 53 parking spaces are required and provided. Therefore, the parking variance is no longer required.
- 2) A 15 foot by 25 foot loading zone and covered trash enclosure has been relocated next to the southwest corner of the building.
- 3) The landscaped planter along the west side of the site has been increased from 8 to 15 feet in width.
- 4) The buffer area has been increased along the south side of the site.
- 5) A decorative block wall has been added to the south side of the property. A combination decorative block wall and wrought iron fence with pilasters is proposed along the Sunny Place frontage.
- 6) The right-of way dedication has been increased as requested by the Department of Public Works.

B) Applicant's Justification

The applicant's justification letter states that the project will enhance the neighborhood and will be welcomed by residents in the area. The store is approximately 9,955 square feet, single-story and below 15 feet in height. Inventory will be related to household goods and hazardous materials will not be sold.

SDR-2587 - Staff Report Page Two
October 29, 2003 Special City Council Meeting

BACKGROUND INFORMATION

A) Previous Actions

- 07/12/99 The City Council approved a Rezoning (Z-0023-99) from R-E (Residence Estates) to C-1 (Limited Commercial) on the subject site. The Planning Commission recommended approval.

- 06/01/99 The Board of Zoning Adjustment approved a Variance (V-0033-99) to allow a proposed 31.5-foot high office building to be 36 feet from the south property line where the residential adjacency standards require a minimum setback of 94.5 feet in conjunction with a proposed 11,000 square foot commercial building on the subject property.

- 11/03/99 The City Council approved a Review of Condition [Z-0023-99(1)] on an approved rezoning (Z-0023-99) relating to R.O.W. dedication.

- 08/15/01 The City Council approved the request to rescind thereby approving an Extension of Time Request [Z-0023-99(2)] on an approved rezoning on the subject site. The Planning Commission recommended approval.

- 07/02/03 The City Council approved an Extension of Time (EOT-2197) on an Approved Rezoning [Z-0023-99(2)] of 0.99 Acres From R-E (Residence Estates) To C-1 (Limited Commercial) on the subject property. The Planning Commission recommended approval.

- 07/24/03 The Planning Commission voted to hold this item and a companion Variance (VAR-2588) for a reduction in the required parking on the subject property in Abeyance until the 08/28/03 Planning Commission to allow time for the applicant to submit modified site plans.

- 08/28/03 The Planning Commission held this and related Variance (VAR-2588) for a reduction in the required parking on the subject property in abeyance to the 09/11/03 meeting.

- 09/11/03 The Planning Commission accepted the request for Withdrawal Without Prejudice of the related Variance (VAR-2588) for a reduction in the required parking on the subject property.

- 09/11/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #9).

B) Pre-Application Meeting

- 06/06/03 The applicant was advised to either reduce the size of the building or redesign the site plan to accommodate all on-site parking requirements. Several waivers would be required if the site plan remained unchanged including trash enclosures within 50-feet of residential property and landscape planter widths along Martin L King Boulevard.

SDR-2587 - Staff Report Page Three
 October 29, 2003 Special City Council Meeting

09/03/03 The applicant met with the Departments of Planning and Development, Fire Services and Public Works regarding the subject revised site development plan.

C) *Neighborhood Meetings*

A neighborhood meeting was not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.99

B) *Existing Land Use*

Subject Property: Undeveloped
 North: Undeveloped
 South: Single-Family Residence (Vacant)
 East: Boys and Girls Club (Teen Center)
 West: Single-Family Residence

C) *Planned Land Use*

Subject Property: SC (Service Commercial)
 North: SC (Service Commercial)
 South: SC (Service Commercial)
 East: DTR-PR (Redevelopment Plan Area – Public Facility, Parks, Recreation, Open Space)
 West: R (Rural Density Residential)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
 North: R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
 South: R-E (Residence Estates)
 East: C-V (Civic)
 West: R-E (Residence Estates)

E) *General Plan Compliance*

The subject site is designated SC (Service Commercial) in the Southeast Sector Plan of the General Plan. The C-1 (Limited Commercial) zoning designation and proposed Family Dollar retail store are both in compliance with the General Plan designation.

SDR-2587 - Staff Report Page Four
October 29, 2003 Special City Council Meeting

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
West Las Vegas Plan		
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood	X*	
Development Impact Notification Assessment		X
Project of Regional Significance		X
Special Notification		X

Rural Preservation Neighborhood

The subject site is located within a Rural Preservation Neighborhood Buffer Zone. The subject property, however, is also entirely located within a 330-foot street buffer zone measured from the centerline of Martin L King Boulevard. Because the subject property has already obtained a commercial zoning designation and the property is fully encompassed by the 330-foot street buffer zone, Rural Preservation Neighborhood restrictions do not apply to the subject site.

Special Area Plan

West Las Vegas Plan

This property is located in the West Las Vegas Plan with a Service Commercial future land use designation. The Resolution of Intent Zoning to C-1 (Limited Commercial) conforms to the West Las Vegas Plan Designation.

The subject site is located adjacent to Martin L. King Boulevard, which is the western limit for a Redevelopment planned area. Because, however, the subject site is located to the west of Martin L King Boulevard, it is outside of the Redevelopment Plan Area, and therefore not affected by Redevelopment Plan regulations.

PROJECT DESCRIPTION

The subject property was originally approved for a two-story, 11,173 square foot office building under Rezoning case Z-0023-99. The property has received several extensions of time with the most recent one being July of this year (EOT-2197). This most recent extension of time request (EOT-2197) included a new site plan that depicted a Family Dollar Retail Store. The Extension of Time had a condition requiring a separate Site Development Plan Review approval.

The submitted site plan depicts a one-story (14-foot tall), 9,180 square foot Family Dollar Retail Store. The building is located toward the rear part of the parcel. There is one driveway to Martin L. King Boulevard. Access to Sunny Place is prohibited under Condition #4 of the original rezoning case Z-0023-99. The site plan shows no direct access to this street.

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October 29, 2003 Special City Council Meeting

A 15-foot landscape planter is proposed on both the east and west sides of the site, next to the street frontages. Eight foot wide planters are shown along the north and south property. A total of 45 parking spaces are provided, including six parallel spaces along the north side of the site and three handicapped spaces. A trash enclosure and loading zone have been placed on the northwest corner of the building.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Width	100 Feet	187.6	Y
Min. Setbacks			
• Front	20 Feet	93 Feet	Y
• Side (north)	10 Feet	41 Feet	Y
• Side (south)	15 Feet	53 Feet	Y
• Rear	20 Feet	20.0 Feet	Y
Max. Lot Coverage	50 %	23%	Y
Max. Building Height	2 Stories / 35 Feet	1 Story / *19 Feet	Y
Trash Enclosure	50-Foot from residential	50	Y
Loading Zone	1	1	Y
Mech. Equipment	Incorporated into Building design and screened	Not depicted	Cannot determine

The minimum development standards including lot width, setbacks, lot coverage, and building height are in compliance with Title 19.08. The 19-foot height of the building is to the top of the front parapet wall that will provide screening of any roof mounted mechanical equipment. The remainder of the building does not exceed 14 feet.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

The proposed 14 foot high building meets these standards of the Code.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

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October 29, 2003 Special City Council Meeting

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
General Retail Store, Other Than Listed (Less than 25,000 SF)	9,180 SF.	1/175 SF of GFA	50	3	50	3

The submitted site plan meets the parking standard of the Code.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/ 6 Spaces	8 Trees	1 Tree
Buffer:			
• Min. Trees (Along R.O.W. and Residential property lines)	1 Tree/ 20 Linear Feet	25 Trees	26 Trees
• Min. Trees (Along commercial property lines)	1 Tree/ 30 Linear Feet	7 Trees	7 Trees
• Min. Zone Width (Along R.O.W.)	15 Feet		15 Feet
• Min. Zone Width (Along side property lines)	8 Feet		8-15 Feet
• Wall height	N/A		6 Feet along the south property line.

The parking lot area requires one landscape finger located at the end of each parking row in addition to one finger every six parking spaces. The submitted landscaping plan depicts one landscape finger along the northern property line and one landscape finger at the end of the parking row along the front of the building. The submitted plan is deficient approximately 6 landscape fingers. Additional trees have been added to compensate for the parking lot planters.

A5) Sign Standards.

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

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 October 29, 2003 Special City Council Meeting

The submitted elevations depict a 5-foot by 35-foot wall sign along the front elevation facing Martin L. King Boulevard. This sign is in general conformance with Title 19.14 regarding wall signage requirements.

One freestanding sign is depicted at the southeast corner of the site approximately five feet from the southern property line. Sign type, dimensions, and design were not submitted as part of this application. A condition has been added to require the freestanding ground sign to meet Title 19 requirements for freestanding/monument signs.

B) General Analysis and Discussion

- Zoning

The proposed Family Dollar Retail Store is a typical use found in C-1 (Limited Commercial) Zoned districts. Title 19 permits Retail Stores, other than listed in C-1 (Limited Commercial) Zones with no special provisions.

The subject property is located in an area surrounded by a mix of various zones and uses. To the north exists additional commercial C-1 (Limited Commercial) zoned properties, to the east a Boy's and Girl's Club exists on a Civic (C-V) zoned property, and to the south and west single-family dwellings are built upon R-E (Residence Estates) zoned properties. The proposed Family Dollar Retail Store, which is now in conformance to the parking and landscaping standard of the Code is compatible with the surrounding area. The previously imposed condition, prohibiting access to Sunny Place, is being implemented

- Site Plan

The proposed Family Dollar Store plan has been scaled back to a degree that is now appropriate for this site and area of the City. too large for this site and requires a variance from the parking standards of the Code. The overall design of the building, location of the trash enclosure and landscaping are compatible with the surrounding area. The lack of direct access to Sunny Place restricts traffic from intruding into the neighborhood.

- Waivers

The only waiver required is the lack of parking landscaped finger areas. The additional trees in the planter along Martin L. King Drive and along Sunny Place compensates for this deficiency.

- Elevation

The elevations are typical of a stand alone retail store. A parapet exists along the front elevation including an E.I.F.S. cap. In order to create a uniform theme, either the parapet and E.I.F.S. cap should be continued around the entire building to provide

SDR-2587 - Staff Report Page Eight
 October 29, 2003 Special City Council Meeting

screening of the roof mounted mechanical equipment or to extend the architectural features (cornice) as depicted on the front elevation around the entire building. This will also further enhance the elevations for the residential uses to the south and west of the subject site. Revising the location of the building to the northeastern area of the site will also further soften the elevations of the building in relation to adjacent residential properties.

- Floor Plan

The floor plan depicts one open sales area with a storage room located in the rear of the building. Conflicts with adjacent residential properties could be avoided with deliveries being made in the rear of the building if the building were to be relocated further to the northeastern portion of the site. Also, if on-site parking requirements could not be met, it is recommended that the floor area of the Family Dollar Retail Store be reduced.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The request is compatible with the surrounding area. It is of a size and scale that is appropriate for this site and area of the City.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The proposed development is in conformance with the General Plan and Zoning designations. The Family Dollar Retail Store use is a permitted use on the subject site.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

Site access and circulation will not negatively impact neighborhood traffic, given the limitation of access to Sunny Place.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The addition of enhanced building elevations would make the materials more compatible with the area.

SDR-2587 - Staff Report Page Nine
October 29, 2003 Special City Council Meeting

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

With enhanced building elevations, the building should not pose a nuisance to the neighborhood, and is harmonious and compatible with the surrounding area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

This development will be required to obtain all the necessary building permits and inspections prior to the issuance of a certificate of occupancy, therefore the public health, safety and general welfare will be secure.

NOTICES MAILED 37 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-2587** APN: **139-28-304-002**

Name of Property Owner: Sherry Sobel Harris

Name of Applicant: Green ~~How~~ Herrington & Howell LLC

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

Yes

No

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

City Official: _____

Partner(s):

APN: 139-28-304-002

Signature of Property Owner/Authorized Agent:

Print Name:

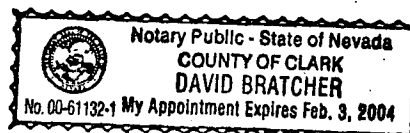
Fraser Smith

Subscribed and sworn before me

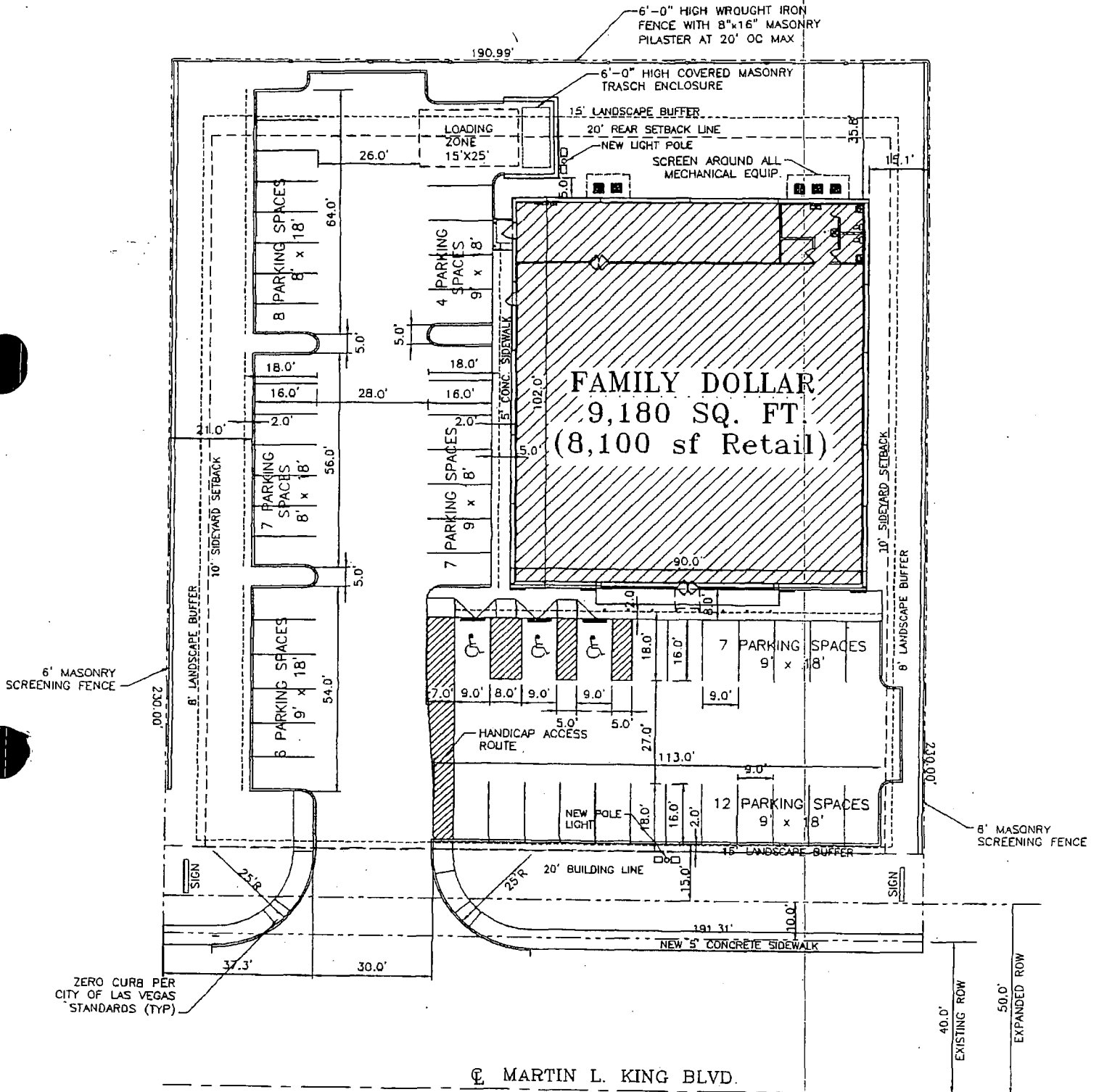
This 6th day of June, 20 02

Samuel M. Allen

Notary Public in and for said County and State



SUNNY PLACE



SDR-2587

09-11-03 PC

REVISED 09-03-03



SDR-2587 - GREEN HARRINGTON & HOWELL, LIMITED LIABILITY COMPANY ON BEHALF OF SHERRY SOBEL HARRIS
WEST SIDE OF MARTIN L. KING BOULEVARD, APPROXIMATELY 400 FEET SOUTH OF WASHINGTON AVENUE
SEPTEMBER 11, 2003 PLANNING COMMISSION

7/9/03

City of Las Vegas

Agenda Item No. 91

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

MAJOR MODIFICATION TO THE LONE MOUNTAIN MASTER DEVELOPMENT PLAN - PUBLIC HEARING - **MOD-2851 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY COMPANY** - Request for a Major Modification to the Lone Mountain Master Development Plan to change the land use designation FROM: Neighborhood Commercial TO: Medium-Low Attached Density Residential on 6.26 acres adjacent to the southeast corner of Hualapai Way and Shiloh School Lane (APN: portions of 138-07-401-003 and 004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 9/11/2003 Planning Commission meeting Item 16

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

NOTE: COUNCILMAN MACK disclosed that one of his staff members, LISA CAMPBELL, participated in meetings regarding this project. However, he had not discussed the matter with MS. CAMPBELL and there was no conflict; therefore, he would vote on Items 91, 92 and 93.

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearings open on Item 91[MOD-2851], Item 92 [VAR-2864] and Item 93 [SDR-2853].

ATTORNEY RUSSELL ROWE, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. He explained that the project involved a residential development on approximately five acres at the northeast corner of Hualapai Way and Cheyenne Avenue. Just to the south of the site is another five-acre parcel that recently came before the Council and was approved for commercial development. The entire ten acres is planned as Neighborhood Commercial;

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 91 – MOD-2851

MINUTES – Continued:

however, due to limitations imposed by the Land Use Plan it would be very difficult to develop ten acres as commercial. Therefore, the property was divided, with the five acres at the front designated as commercial and the remainder as residential, which is the application currently before the Council. A multi-family development is located to the north of the site; to the south is commercial; to the east is a two-story office property; and to the west, across Hualapai, is low-density residential development.

ATTORNEY ROWE went on to explain that 71 lots were originally planned for the development; however, that many lots resulted in a shortage of open space. Following recommendations from the Planning Commission and in working with staff, the number of lots was reduced to 58. This allowed for interior open space that provided walk ability within the development, which is one of the requirements of the Lone Mountain Master Development Plan. He noted that open space is also located on the northwest corner, and just to the northwest of the development is Metro Park. He pointed out that there would be accessibility to the park areas, internally, and to the open space on the west. There would also be access to the commercial property through the Kern River gas easement open space to the south.

In light of the project's redesign, ATTORNEY ROWE believed it now conformed to the Lone Mountain Master Development Plan open space requirements with the provision of 20,070 square feet where 19,140 square feet are required. Therefore, he suggested the variance be tabled so that staff could confirm the project's compliance with open space requirements. He requested that the major modification and site development applications move forward. If necessary, the variance issue could be heard at a later date if it were found that open space requirements were not being met.

ATTORNEY ROWE displayed the building elevations and explained they were well articulated with at least six different color patterns available and two different architectural styles, one Tuscan and one Spanish, to provide variation within the development. He pointed out that the original design included one-car garages. However, it was later learned that one-car garages are not permitted in the Lone Mountain Plan; so, the homes are now designed with two-car garages.

TODD FARLOW, 240 North 19th Street, expressed his pleasure with the project design and thanked the applicant for taking the Planning Commission's advice.

COUNCILMAN BROWN inquired as to whether or not there would be any changes to the conditions imposed for this project. ATTORNEY ROWE replied that Condition 5 of the site development plan review would require a change in that the ten-foot rear setback requirement should be changed to five feet.

City of Las Vegas

Agenda Item No. 91

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
Planning and Development Department
Item 91 – MOD-2851

MINUTES – Continued:

DEPUTY CITY ATTORNEY BRYAN SCOTT believed that the variance was dependent upon the site development plan review and could not be granted separately. MR. ROWE responded that the variance is no longer required since the open space requirement has now been met or exceeded. As a result, the site development plan review could be heard separately. COUNCILMAN BROWN confirmed with DEPUTY CITY ATTORNEY SCOTT that the variance item could be tabled. In addition, he submitted for the record a letter of protest from Douglas Ross relative to Item 92 [VAR-2864].

COUNCILMAN BROWN commended the applicant for working with the neighborhood to address and mitigate the key issues and concerns associated with this infill piece of property, which is one of the last in Shadow Hills. He commented that the overall density in the Shadow Hills master-planned community still falls within approximately one-half of one percent of the original approved densities. So, including this development, densities will remain at the levels indicated close to five years ago. He felt a good compromise had been reached.

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearings closed on Item 91[MOD-2851], Item 92 [VAR-2864] and Item 93 [SDR-2853].

NOTE: All discussion for Item 91 [MOD-2851], Item 92 [VAR-2864] and Item 93 [SDR-2853] took place under Item 91 [MOD-2851].

(1:26 – 1:41)

2-568

CONDITIONS:

Planning and Development

1. A Site Development Plan Review (SDR-2863) and a Variance (VAR-2864) shall be approved by the City Council at a Public Hearing.
2. Conformance to the Lone Mountain Master Development Plan, except as amended by this request.

Public Works

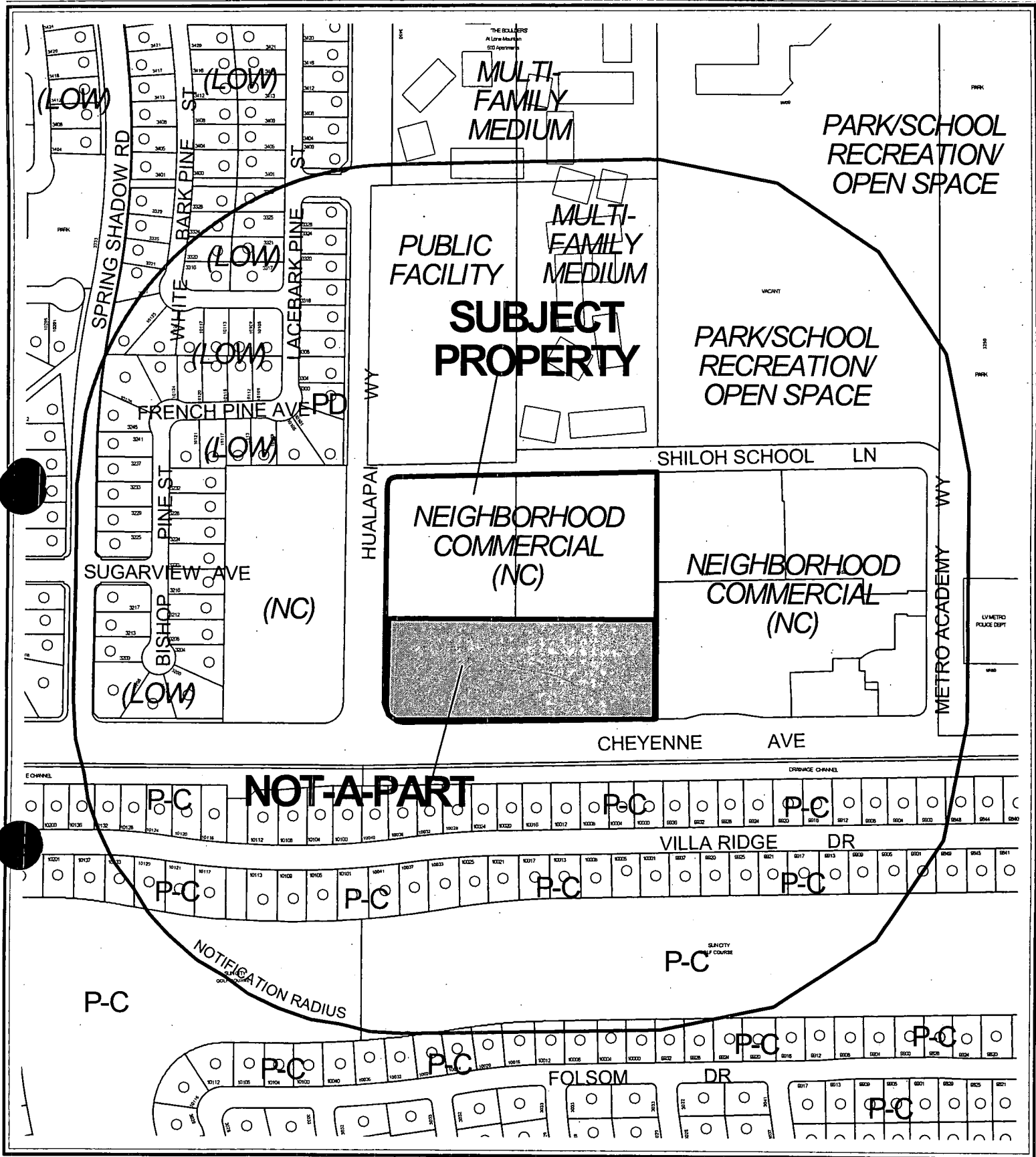
3. An update to the Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site.

**Agenda Item No. 91**

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
Planning and Development Department
Item 91 – MOD-2851

CONDITIONS – Continued:

4. An update to the Master Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.



CASE: MOD-2851

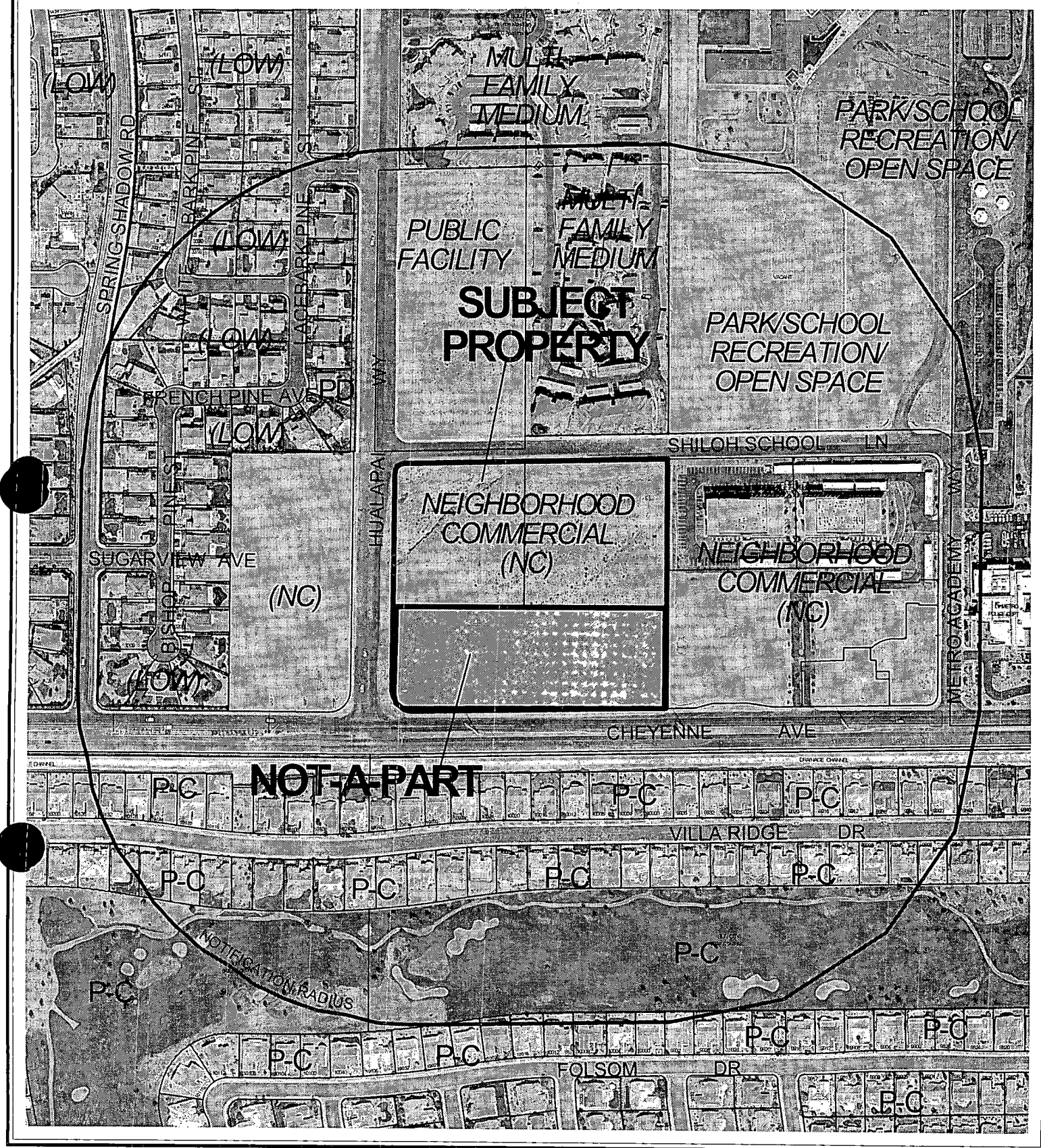
RADIUS: 750 FT

SUBJECT PROPERTY LONE MOUNTAIN LAND USE DESIGNATION:

NEIGHBORHOOD COMMERCIAL (NC)

SUBJECT PROPERTY PROPOSED LONE MOUNTAIN LAND USE DESIGNATION:

MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL (MLA)



CASE: MOD-2851

RADIUS: 750 FT

SUBJECT PROPERTY LONE MOUNTAIN LAND USE DESIGNATION:
NEIGHBORHOOD COMMERCIAL (NC)

SUBJECT PROPERTY PROPOSED LONE MOUNTAIN LAND USE DESIGNATION:
MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL (MLA)

0 200 400 Feet



*City of Las Vegas***AGENDA MEMO****SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: MOD-2851 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. A Site Development Plan Review (SDR-2863) and a Variance (VAR-2864) shall be approved by the City Council at a Public Hearing.
2. Conformance to the Lone Mountain Master Development Plan, except as amended by this request.

Public Works

3. An update to the Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site.
4. An update to the Master Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

MOD-2851 - Staff Report Page One
October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This application is a request for a Major Modification to the Lone Mountain Master Development Plan, to redesignate 6.26 acres, at the southeast corner of Hualapai Way and Shiloh School Lane, from NC (Neighborhood Commercial) to ML (Medium-Low Attached Density Residential), and to request a waiver of the provisions of Section 6.2.3.A.c. of the Plan. Approval of this Major Modification request will allow the applicant to develop a 71-lot single-family residential development with one-car garages on the site.

The Planning Commission will also consider companion applications for a Site Development Plan Review (SDR-2863) and a Variance for open space and on-site parking requirements (VAR-2864) for the 71-lot single-family residential development on the site.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed development would provide affordable housing opportunities that would be an asset for the area and provide for an area of transitional zoning adjacent to the commercial area to the south of the site.

BACKGROUND INFORMATION

A) Previous Actions

- 02/24/97 The City Council approved a request for a Rezoning (Z-0117-96) from N-U (Non-Urban) to R-2 (Medium Density Residential), for a proposed 384-bed convalescent care facility, on 10.87 Acres. The Planning Commission recommended approval. That zoning was expunged by Z-0033-97.
- 06/23/97 The City Council approved a Rezoning (Z-0033-97) to PD (Planned Development) on this site as part of a larger request (Lone Mountain Master Plan Area). The Planning Commission recommended approval on 06/12/97.
- 04/29/98 The Planning and Development Department administratively approved a Site Development Plan Review [Z-0033-97(4)] for an assisted living facility, nursing home and convalescent care facility on this site. Condition #3 of (Z-0033-97) permitted this use on this property.
- 09/19/01 The City Council approved a request for a Site Development Plan Review [Z-0095-98(5)] for a proposed 65,700 square-foot office complex on a portion of 8.8 acres at the northwest corner of the intersection of Cheyenne Avenue and Conquistador Street. The Planning Commission recommended approval on 08/23/01. This application was for the site to the east of the subject property.

MOD-2851 - Staff Report Page Two
October 29, 2003 Special City Council Meeting

- 06/02/03 A Parcel Map was submitted depicting the two parcels to be split into two lots, which includes this site.
- 08/14/03 The Planning Commission accepted a request to withdraw without prejudice a request for a Major Modification (MOD-2356) to the Lone Mountain Master Development Plan of the southern portion of the overall site from NC (Neighborhood Commercial) to VC (Village Commercial). The Planning Commission also recommended approval of a companion Site Development Plan Review (SDR-2612) to allow a 38,800 square-foot office/retail center and Waivers of perimeter landscaping, building landscape buffers and parking lot landscaping on the site. The City Council will review this request on 09/17/03.
- 09/11/03 The Planning Commission recommended denial of a companion Site Development Plan Review (SDR-2853) and a Variance for open space and parking requirements (VAR-2864) for the proposed 71-lot single-family residential development on the site.
- 09/11/03 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #16).

B) Pre-Application Meeting

- 04/24/03 There was no pre-application meeting conducted for this application; however, a pre-application meeting was held on this date for the adjacent commercial parcel to the south. Both properties are under common ownership.

C) Neighborhood Meetings

- 06/19/03 A neighborhood meeting is not required with respect to this Major Modification application. However, one was held with 18 people attending. Since that time, two additional meetings with neighborhood residents were held, the first with 25 people in attendance and the second with over 100 people. Concerns raised at all of these meetings included the types of uses permitted, hours of operation, traffic impacts and lighting on the adjacent commercial parcel to the south.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 6.26

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped and Apartment Complex
South: Undeveloped
East: Office Building Development
West: Undeveloped

MOD-2851 - Staff Report Page Three
October 29, 2003 Special City Council Meeting

C) *Planned Land Use*

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development) and PF (Public Facility)
South: PCD (Planned Community Development) – southern half of subject parcels
East: PCD (Planned Community Development)
West: PCD (Planned Community Development)

D) *Existing Zoning*

Subject Property: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
North: U (Undeveloped) Zone [PCD (Planned Community Development) and PF (Public Facilities) General Plan Designations] under Resolutions of Intent to PD (Planned Development)
South: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) – southern half of subject parcels
East: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
West: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)

E) *General Plan Compliance*

This site is designated PCD (Planned Community Development) on the Centennial Hills Sector Plan Map of the General Plan, which between 5.6 and eight units per acre.

The proposed Major Modification seeks to change this designation to MLA (Medium-Low Attached Density Residential). This category allows a density range of 8.1 to 12 units per acre.

The existing PD (Planned Development) zoning district for the subject site and the related Site Development Plan Review (SDR-2853), at a proposed density of approximately 11.3 units per acre, would conform to the overall density provisions of the proposed "Medium-Low Attached Density Residential" land use designation, if approved. The Lone Mountain Master Development Plan states that within areas designated as Medium-Low Attached Density Residential, the category "...provides for the development of 8.1 to 12 dwelling units per gross acre. Product types shall include a variety of units such as plexes, townhouses, and low-density multi-family, and detached one and two story residential buildings."

MOD-2851 - Staff Report Page Four
October 29, 2003 Special City Council Meeting

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Lone Mountain	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Lone Mountain Master Development Plan

The proposed Major Modification will redesignate the subject site to MLA (Medium-Low Density Attached Residential). Both the existing PD (Planned Development) zoning district and the proposed Site Development Plan Review (SDR-2853) would be compatible with the proposed land use designation, if approved.

The proposed Major Modification is inappropriate in that it will remove a substantial portion of the remaining area available for Neighborhood Commercial development from the Lone Mountain area, and replace it with dense single-family residential development that will be bordered on three sides by existing or future commercial and office development. The proposed residential development would exceed the density and residential unit-count guidelines of the Lone Mountain Master Development Plan.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

The site is currently zoned PD (Planned Development). This zoning district requires the approval of a master development plan to establish development standards within the district. Development of this site will be subject to the standards outlined in the Lone Mountain Master Plan and conditions of approval of Site Development Plan Review (SDR-2853) and other land use applications that may be submitted for this site.

B) General Analysis and Discussion

The proposed request will change the land use designation of 6.26 acres of land in the Lone Mountain Master Development Plan from PCD (Planned Community Development) to MLA (Medium-Low Density Attached Residential). The proposed request will change the future land use on this site from a range of Neighborhood Commercial services to residential development at a density of up to 12 units per acre. The actual site development density, as shown on the companion Site Development Plan Review application (SDR-2853), is approximately 11.3 units per acre.

MOD-2851 - Staff Report Page Five
 October 29, 2003 Special City Council Meeting

The applicant has also requested a waiver of Section 6.2.3.A.c. of the Lone Mountain Plan. This section states:

“Each single-family unit shall have a minimum of two enclosed off-street parking spaces.”

The applicant is proposing, in companion Site Development Plan Review application (SDR-2853) that the development consists entirely of two-story homes with one-car garages. A second parking space would be available in the private street in front of each home. This approach conflicts with Title 19.10.010.(D) (2), which requires on-site parking to be provided on the same parcel as the principal use, except as permitted by off-site parking provisions.

Approval of this request will substantially reduce the overall amount of land available for Neighborhood Commercial development in the Lone Mountain area, replacing it with relatively dense single-family development, surrounded on three sides by office or commercial development. As a result of the proposed development pattern of one-car garages and on-street parking not allowed elsewhere in the city, this request will conflict with the overall development pattern of Lone Mountain and may compromise the integrity of the Lone Mountain Master Development Plan.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The site is currently designated as PCD (Planned Community Development) in the General Plan. This designation allows a maximum overall density of 8 units per acre. Additionally, Table 2 of the Lone Mountain Master Development Plan sets out a maximum density of 7.52 units per acre. This figure is arrived at by allowing 3,348 units to be developed over 445 acres (311.55 residential acres). According to calculation of existing and approved residential developments, there are 3,024 units currently existing or approved in the Plan area.

This leaves a surplus of 324 units; however, there are three residential applications currently pending in the area (SDR-2534, 192 units, tabled at the 08/20/03 City Council meeting, SDR-2475, 80 units, scheduled for the 09/17/03 City Council meeting, and SDR-2772, 34 units, scheduled for the 08/28/03 Planning Commission meeting and the 10/01/03 City Council meeting). If all are approved, this represents 306 additional units, leaving a surplus of only 18 units. Also, the average density of these applications are 17.4 u.p.a., 15 u.p.a. and 6.2 u.p.a. respectively.

These densities are at or substantially above the PCD maximum density of 8 u.p.a.; these applications will have the effect of bringing the overall density of residential development in Lone Mountain very close to the overall 8 u.p.a. maximum. The subject application will have the effect of exceeding both the Table 2 threshold and the PCD residential density threshold. As a result, this application should be denied, as it will compromise the intent of the Lone Mountain Master Development Plan.

MOD-2851 - Staff Report Page Six
 October 29, 2003 Special City Council Meeting

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The Major Modification would allow residential development on the subject site. The site is bordered on the south and east by existing and future commercial and office development. The site to the west is designated for Neighborhood Commercial uses. While the lands to the north are intended for residential and public facility development, designation of the subject site to allow residential development would be placing such development in an area surrounded on three sides by commercial and office uses; as such, this would be incompatible with these surrounding uses. Also, the development of one-car garages with the second required parking space on the street in front of the homes is not allowed elsewhere in the city pursuant to the Zoning Ordinance. For this reason, a development of this nature would not be compatible with any other residential development in the city.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

There is no growth or development factor that would indicate the need for additional residentially designated land within the Lone Mountain Master Development Plan area; in fact, the Plan contains both a density ceiling and a maximum number of units for the Plan area. Approval of this Major Modification would allow for development of the subject site that would exceed both these criteria.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The site is bordered to the west by Hualapai Way, designated as a Primary (100-foot) Road on the Master Plan of Streets and Highways, and by Shiloh School Lane, a local street. The companion site plan indicates that access to the development would be provided from this latter street, which connects to Hualapai Way and to Cheyenne Avenue via Metro Academy Way. These streets contain sufficient capacity to serve the proposed development.

NOTICES MAILED 139 by Planning Department

APPROVALS 0

PROTESTS 4



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: MOD-2851 APN: 138-07-401-003 & 004

Name of Property Owner: Hualapai Holdings LLC

Name of Applicant: Great American Capital

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

☐ Yes

☒ No

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

City Official: _____

Partner(s): _____

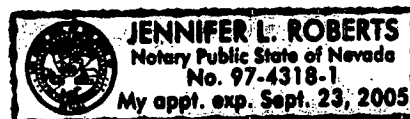
APN: _____

Signature of Property Owner/Authorized Agent: Frank Benincasa

Print Name: _____

Subscribed and sworn before me

This 30th day of April, 2003
Jennifer L. Roberts
 Notary Public in and for said County and State



MAJOR MODIFICATION & SITE PLAN REVIEW FOR APN's 138-07-401-003 & 004

The main site plan illustrates a residential development layout. It features a grid of lots numbered 1 through 51. The plan is bounded by Shiloh School Lane to the north and Hualapai Way to the west. Key annotations include 'ZONED PC' (Planned Community) for several areas and 'PROPOSED COMMERCIAL' for others. The plan also shows 'PED ACCESS' paths and 'LANDSCAPE BUFFERS'. Various lot areas are specified in square feet. The plan is divided into sections by APN (Assessor's Parcel Number) boundaries: APN 138-07-401-001, APN 138-07-401-002, APN 138-07-401-003, and APN 138-07-401-004.

Call Two Working Days Before You Dig

Dig Safely. Dig Right
1-800-227-2800

NOTE: INTERNAL STREETS ARE PUBLIC UTILITY EASEMENTS. COMMON LOTS ARE TO BE MAINTAINED BY THE HOA.

TYPICAL LOT

The diagram shows a rectangular lot with dimensions: 30.0' front, 30.0' side, and 30.0' depth. It includes a 'SIDE YARD' and a 'FRONT YARD'.

ALL LANDSCAPE BUFFERS ARE TO BE COMMON LOTS

PROPERTY LINE CURVE & LINE TABLES

Station	Angle	Radius	Length	Offset
1+00.00	90.00	10.00	31.42	0.00
1+31.42	90.00	10.00	31.42	0.00
1+62.84	90.00	10.00	31.42	0.00
1+94.26	90.00	10.00	31.42	0.00
2+25.68	90.00	10.00	31.42	0.00
2+57.10	90.00	10.00	31.42	0.00
2+88.52	90.00	10.00	31.42	0.00
3+19.94	90.00	10.00	31.42	0.00
3+51.36	90.00	10.00	31.42	0.00
3+82.78	90.00	10.00	31.42	0.00
4+14.20	90.00	10.00	31.42	0.00
4+45.62	90.00	10.00	31.42	0.00
4+77.04	90.00	10.00	31.42	0.00
5+08.46	90.00	10.00	31.42	0.00
5+39.88	90.00	10.00	31.42	0.00
5+71.30	90.00	10.00	31.42	0.00
6+02.72	90.00	10.00	31.42	0.00
6+34.14	90.00	10.00	31.42	0.00
6+65.56	90.00	10.00	31.42	0.00
6+96.98	90.00	10.00	31.42	0.00
7+28.40	90.00	10.00	31.42	0.00
7+59.82	90.00	10.00	31.42	0.00
7+91.24	90.00	10.00	31.42	0.00
8+22.66	90.00	10.00	31.42	0.00
8+54.08	90.00	10.00	31.42	0.00
8+85.50	90.00	10.00	31.42	0.00
9+16.92	90.00	10.00	31.42	0.00
9+48.34	90.00	10.00	31.42	0.00
9+79.76	90.00	10.00	31.42	0.00
10+11.18	90.00	10.00	31.42	0.00
10+42.60	90.00	10.00	31.42	0.00
10+74.02	90.00	10.00	31.42	0.00
11+05.44	90.00	10.00	31.42	0.00
11+36.86	90.00	10.00	31.42	0.00
11+68.28	90.00	10.00	31.42	0.00
12+00.00	90.00	10.00	31.42	0.00

1" = 30'

TYPICAL PRIVATE STREET SECTION

The diagram shows a cross-section of a private street with dimensions: 6' sidewalk, 12' street, 6' sidewalk, and 12' street.

A VARIANCE FOR OPEN SPACE IS APPLIED FOR

REVISED
9-18-03

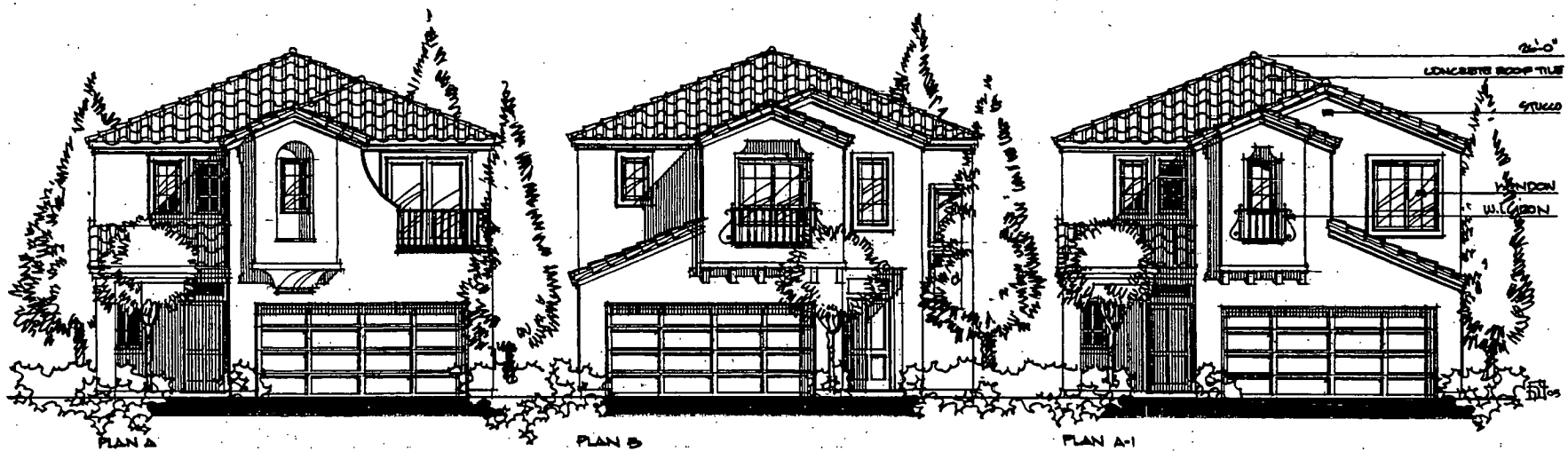
GRAPHIC SCALE

0 10 20 30 40 50 60 70 80 90 100 FEET

[illegible]

MOD-2851
VAR-2864

SDR-2853
10-15-03 CC



HUALAPAI AT CHEYENNE SFD
GREAT AMERICAN CAPITAL



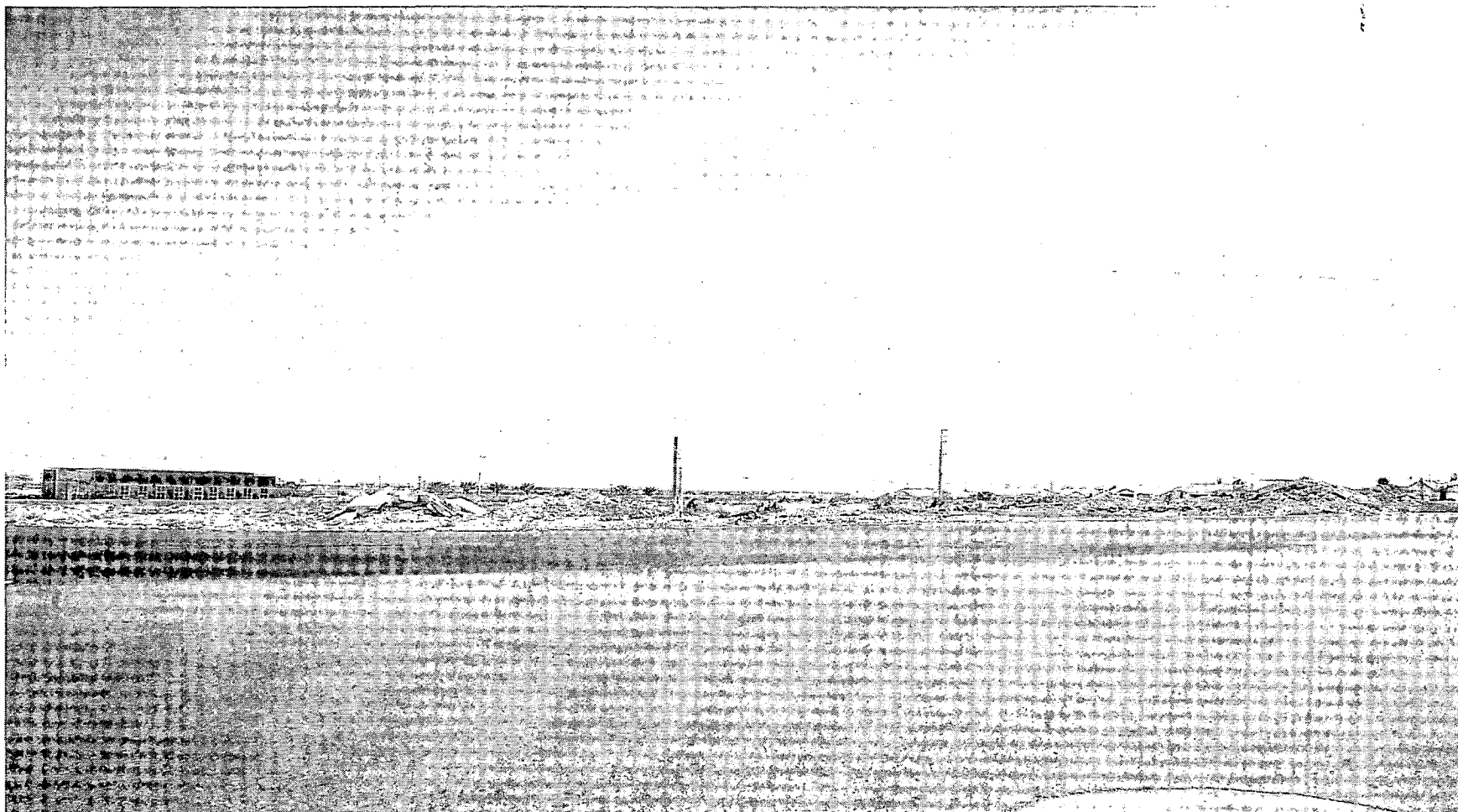
REVISED
4-18-03

MOD-2851
VAR-2864
SDR-2853
10-15-03 CC

REVISED
4-18-03

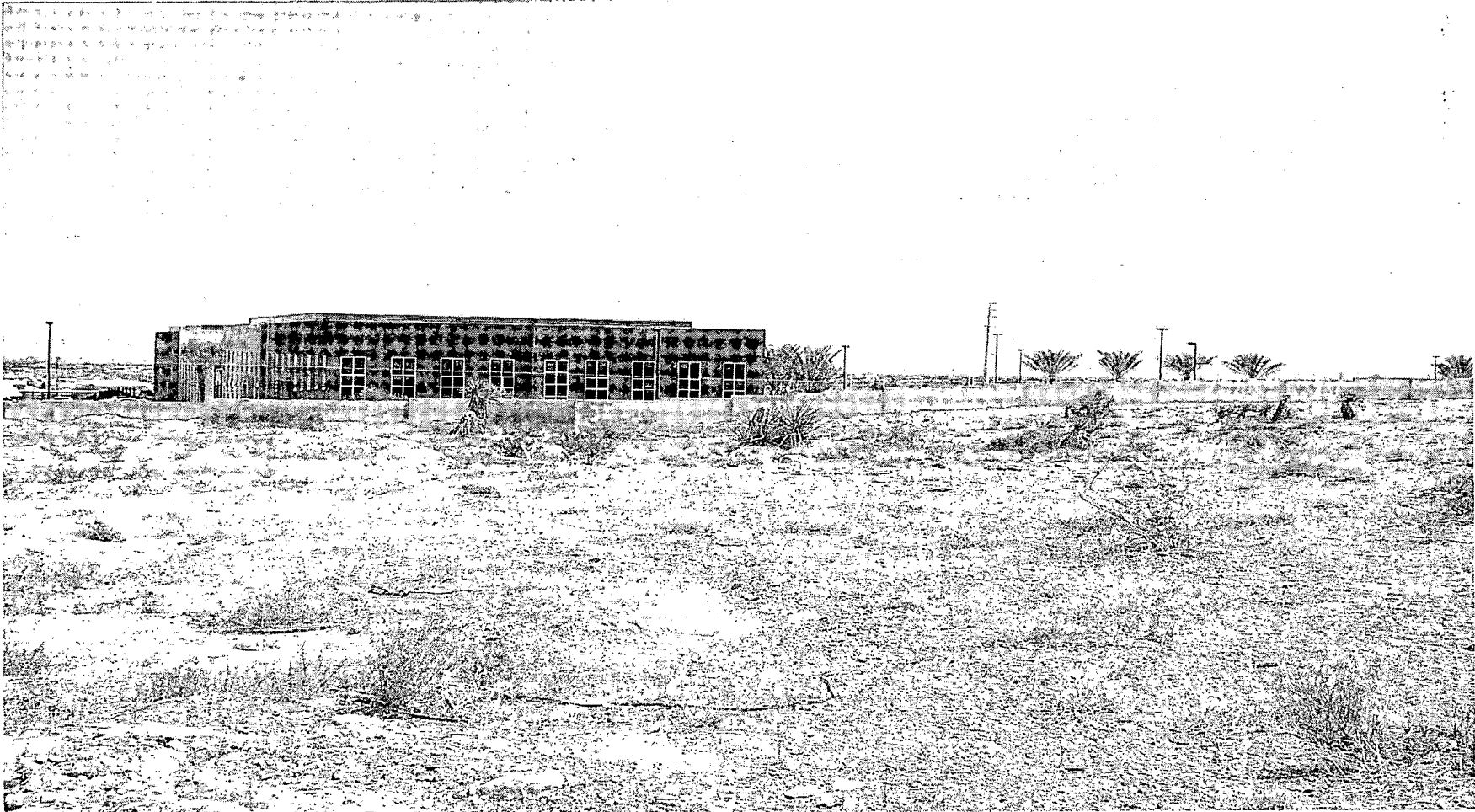
MOD-2851
VAR-2864
SDR-2853

10-15-03 CC



**MOD-2851 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND SHILOH SCHOOL LANE
SEPTEMBER 11, 2003 PLANNING COMMISSION**

8/22/03



MOD-2851 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND SHILOH SCHOOL LANE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

City of Las Vegas

Agenda Item No. 92

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

VARIANCE RELATED TO MOD-2851 - PUBLIC HEARING - VAR-2864 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Variance to allow 4,244 square feet of open space where 23,430 square feet is the minimum required on 6.26 acres adjacent to the southeast corner of Hualapai Way and Shiloh School Lane (APN: portions of 138-07-401-003 and 004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend DENIAL

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

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda: Protest letter from Douglas Ross
5. Back up referenced from the 9/11/2003 Planning Commission meeting Item 17
6. Submitted at City Council – Protest letter from Douglas Ross

MOTION:

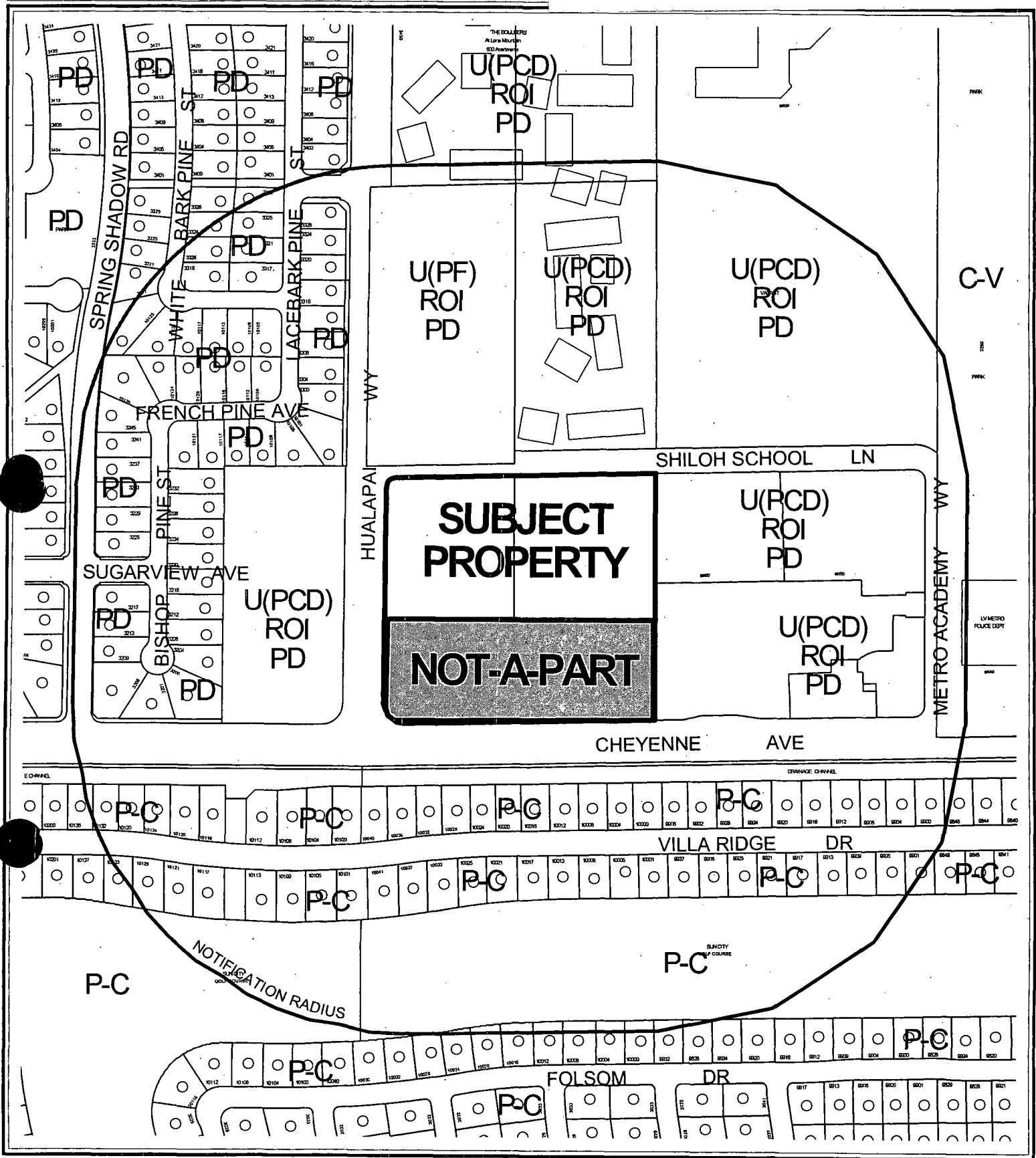
BROWN – TABLED – UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 91 [MOD-2851] for all related discussion.

(1:26 – 1:41)

2-568



CASE: **VAR-2864**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT)

*City of Las Vegas***AGENDA MEMO****SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-2864 - GREAT AMERICAN CAPITAL ON BEHALF OF
HUALAPAI HOLDINGS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-2851) and Site Development Plan Review [SDR-2853].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$76,744.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map; otherwise, the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a Variance to allow 11,303 square feet of open space where 23,430 square feet are required, and to allow 71 required on-site parking spaces to be provided on private streets, on 6.26 acres adjacent to the southeast corner of Hualapai Way and Shiloh School Lane. Companion applications for a Major Modification (MOD-2851) to the Lone Mountain Master Development Plan from NC (Neighborhood Commercial) to MLA (Medium-Low Attached Density Residential), and to request a waiver of the provisions of Section 6.2.3.A.c. of the Plan. and a Site Development Plan Review (SDR-2853) to allow a 71-lot single-family subdivision on the site will be reviewed concurrently by the Planning Commission.

B) *Applicant's Justification*

The applicant has justified this request by stating that the close proximity of the site to the open space area nearby, east of Metro Academy Way, compensates for the lack of interior open space.

BACKGROUND INFORMATION

A) *Previous Actions*

- 02/24/97 The City Council approved a request for a Rezoning (Z-0117-96) from N-U (Non-Urban) to R-2 (Medium Density Residential), for a proposed 384-bed convalescent care facility, on 10.87 Acres. The Planning Commission recommended approval. That zoning was expunged by Z-0033-97.

- 06/23/97 The City Council approved a Rezoning (Z-0033-97) to PD (Planned Development) on this site as part of a larger request (Lone Mountain Master Plan Area). The Planning Commission recommended approval on 06/12/97.

- 04/29/98 The Planning and Development Department administratively approved a Site Development Plan Review [Z-0033-97(4)] for an assisted living facility, nursing home and convalescent care facility on this site. Condition #3 of (Z-0033-97) permitted this use on this property.

- 09/19/01 The City Council approved a request for a Site Development Plan Review [Z-0095-98(5)] for a proposed 65,700 square-foot office complex on a portion of 8.8 acres at the northwest corner of the intersection of Cheyenne Avenue and Conquistador Street. The Planning Commission recommended approval on 08/23/01. This application was for the site to the east of the subject property.

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October 29, 2003 Special City Council Meeting

- 06/02/03 A Parcel Map was submitted depicting the two parcels to be split into two lots, which includes this site.
- 08/14/03 The Planning Commission accepted a request to withdraw without prejudice a request for a Major Modification (MOD-2356) to the Lone Mountain Master Development Plan of the southern portion of the overall site from NC (Neighborhood Commercial) to VC (Village Commercial). The Planning Commission also recommended approval of a companion Site Development Plan Review (SDR-2612) to allow a 38,800 square-foot office/retail center and Waivers of perimeter landscaping, building landscape buffers and parking lot landscaping on the site. The City Council will review this request on 09/17/03.
- 09/11/03 The Planning Commission recommended denial of a companion Major Modification (MOD-2851) to the Lone Mountain Master Development Plan from NC (Neighborhood Commercial) to MLA (Medium-Low Attached Density Residential), and to request a waiver of the provisions of Section 6.2.3.A.c. of the Plan, and a Site Development Plan Review (SDR-2853) for the proposed 71-lot single-family residential development on the site.
- 09/11/03 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #17).

B) Pre-Application Meeting

- 04/24/03 There was no pre-application meeting conducted for this application; however, a pre-application meeting was held on this date for the adjacent commercial parcel to the south. Both properties are under common ownership.

C) Neighborhood Meetings

- 06/19/03 A neighborhood meeting is not required with respect to this Variance application. However, one was held with 18 people attending. Since that time, two additional meetings with neighborhood residents were held, the first with 25 people in attendance and the second with over 100 people. Concerns raised at all of these meetings included the types of uses permitted, hours of operation, traffic impacts and lighting on the adjacent commercial parcel to the south.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 6.26

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped and Apartment Complex
South:	Undeveloped
East:	Office Building Development
West:	Undeveloped

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October 29, 2003 Special City Council Meeting

C) Planned Land Use

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development) and PF (Public Facility)
South: PCD (Planned Community Development) – southern half of subject parcels
East: PCD (Planned Community Development)
West: PCD (Planned Community Development)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
North: U (Undeveloped) Zone [PCD (Planned Community Development) and PF (Public Facilities) General Plan Designations] under Resolutions of Intent to PD (Planned Development)
South: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) – southern half of subject parcels
East: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
West: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)

E) General Plan Compliance

This site is located on the Centennial Hills Sector Plan Map of the General Plan. The Centennial Hills Sector Plan, through the Lone Mountain Master Development Plan, designates this site as PCD (Planned Community Development). The allowable density range for lands so designated is between 5.6 and eight units per acre. The proposed companion Major Modification (MOD-2851) seeks to change this designation to MLA (Medium-Low Attached Density Residential). This category allows a density range of 8.1 to 12 units per acre. The proposed Variance is not directly affected by any specific General Plan policy.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Lone Mountain	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Lone Mountain Master Development Plan

The subject site is located within a portion of the Lone Mountain Master Development Plan that is designated as PCD (Planned Community Development). The proposed companion Major Modification (MOD-2851) will designate the subject site to MLA (Medium-Low Attached Density Residential). The portion of the proposed Variance related to parking is directly affected by policy 6.2.3. of the Lone Mountain Master Development Plan, which requires two enclosed off-street parking spaces per single-family unit.

ANALYSIS***A) Zoning Code Compliance*****A1) Parking and Traffic Standards**

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Required			Provided	
	Ratio	Number of Units	Number of Spaces	Regular	Handicap
Single Family Dwelling	2 spaces/dwelling unit	71	142	71 on-site 71 on-street	N/A

The project as proposed does not meet the parking requirements of the Zoning Code. Title 19.10.010.D.2 requires on-site parking to be provided on the same parcel as the principal use. The off-site parking provisions of Title 19.10.010.H do not allow off-site parking unless both parcels are under common ownership; this situation could not exist with the private streets in this development, which would be identified as common lots, pursuant to Title 18 requirements, and would be owned by the Homeowners' Association. Additionally, the intent of the off-site option is clearly not intended to apply to on-street areas, whether held publicly or privately. The applicant is requesting relief from these requirements through this Variance. The subject deviation can be characterized by stating that 50% of the required parking spaces will not meet the parking requirements of the Code.

The use of the private street area for required parking also conflicts with Section 6.2.3.A.c. of the Lone Mountain Master Development Plan, which requires that each single-family unit have a minimum of two enclosed off-street parking spaces. The applicant is requesting relief from this provision through the companion Major Modification request (MOD-2851).

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October 29, 2003 Special City Council Meeting

A2) Landscape and Open Space Standards

The subject site is currently zoned PD (Planned Development). In PD Districts, pursuant to Las Vegas Zoning Code Section 19.06.050, development standards are applied through the approval of a master development plan. In this case, the Lone Mountain Master Development Plan provides a requirement for Open Space as follows:

Total Number of Units	Required		Provided
	Ratio	Area	
71 units	330 square feet / dwelling unit	23,430 square feet	11,303 square feet

The proposal does not meet the requirement for Open Space in the Zoning Code. The applicant has filed this Variance application to address this deficiency. The subject deviation is approximately 48%.

City Council has recently proposed the following language for monetary contributions in lieu of Open Space requirements, with a proposed dollar amount of \$4.00 per square foot of open space waived:

“In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$76,744.00 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.”

If this Variance is approved, this language has been included as a condition of that approval. Payment of fees in lieu of providing open space is not grounds for a Variance according to NRS or Title 19. The recommended condition for payment is only offered to ensure the City and residents acquire some benefit from this application, should it be approved.

B) General Analysis and Discussion

As a project on a PD (Planned Development) zoned site in the Lone Mountain Master Development Plan area, an open space component is required; however, the applicant has chosen to request this Variance to substantially reduce this open space requirement. The justification that nearby lands that contain open space that can substitute for on-site open space is not well founded. The function of open space in a PD-zoned project in the Lone Mountain Plan area is to serve a more localized and not necessarily recreational function, and is required as a quid pro quo for the additional density and design flexibility that offered by PD (Planned Development) zoning.

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 October 29, 2003 Special City Council Meeting

Of equal concern is the request to consider on-street area for use as dedicated private parking area. The applicant takes the position that since this area is within a private street, it can be used as part of the on-site parking requirement. This is contrary to the city's interpretation of the Zoning Ordinance, and is a position that has not been previously supported on any prior application of this nature.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing that the great majority of developable land on the site be used for residential development, at the expense of a satisfactory open space component. Alternative design to reduce the number of lots or provide the required open space component would allow conformance to the Title 19 requirements. Also, payment of monies in lieu of open space is not grounds for a Variance. Finally, an appropriate amount of parking could be provided on each site if the lots were of sufficient dimension to accommodate such parking. The deficiency of parking solely and directly results from a proposal to overbuild the site; as such the request for these reductions in existing standards is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NOTICES MAILED 142 by City Clerk

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR- 2864 APN: 138-07-401-003 & 004

Name of Property Owner: Hualapai Holdings LLC

Name of Applicant: Great american Capitol

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

☐ Yes

☒ No

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

City Official: _____

Partner(s): _____

APN: _____

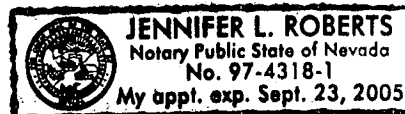
Signature of Property Owner/Authorized Agent: _____

Print Name: Haskel Iny

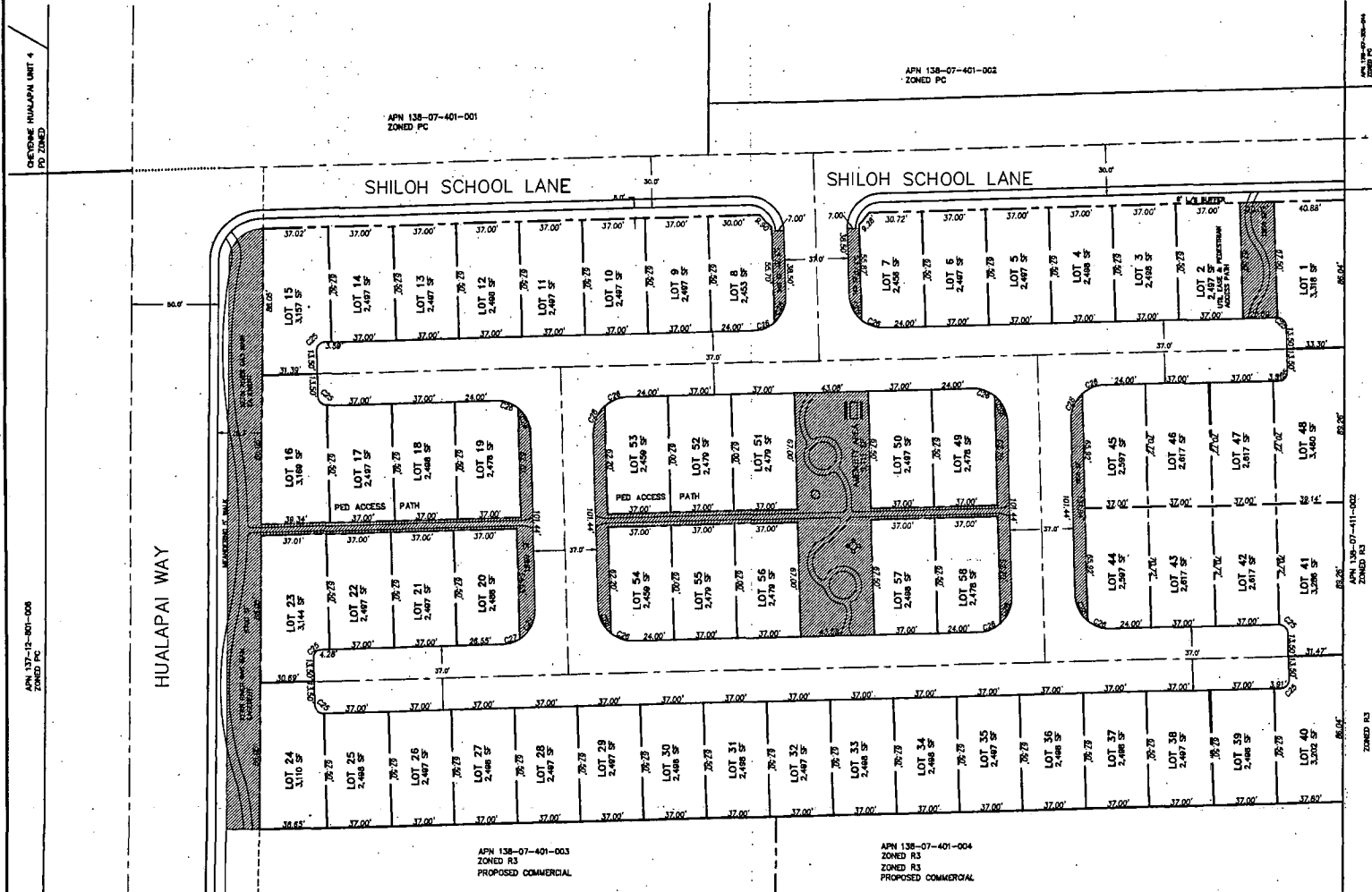
Subscribed and sworn before me

This 30th day of July, 2003

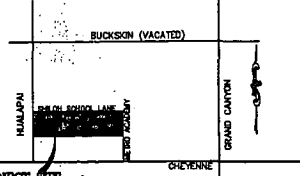
Jennifer L. Roberts
Notary Public in and for said County and State



MAJOR MODIFICATION & SITE PLAN REVIEW FOR APN's 138-07-401-003 & 004



KEY MAP



SITE DATA

PROJECT SITE: 6.38 ACRES
 LOT AREA: 1.48 ACRES (PORTIONS OF 138-07-401-003 & 004)
 PROPOSED ZONING: PD (PLANNED DEVELOPMENT)
 SETBACKS: FRONT 11.25' TO PORCH ELEMENT, 17' TO NON GARAGE (LIVING AREA)
 LOT 1: 1.48 ACRES (1.48 ACRES MIN. 2,000 ACRES)
 LOT 2: 1.48 ACRES (1.48 ACRES MIN. 2,000 ACRES)
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 LOT 58: 1.48 ACRES (1.48 ACRES MIN. 2,000 ACRES)

BASIS OF BEARING

SOUTH 89° 59' 15" WEST, BEING THE BEARING OF THE CENTERLINE OF SHILOH SCHOOL DRIVE.

LEGEND

PROPERTY LINE
 STREET CENTERLINE
 LOT NUMBER
 BLOCK NUMBER

UTILITIES

- * NEVADA POWER COMPANY
 6228 W. SAHARA AVE. 897-5555
- * SOUTHERN CALIFORNIA GAS COMPANY
 3301 W. TROPICANA AVE. 345-2111
- * SOUTHWEST GAS CORP.
 4301 W. TROPICANA AVE. 345-2111
- * SILVER STATE DISPOSAL SERVICE INC.
 7711 E. SAHARA AVE. 735-1111
- * LAS VEGAS VALLEY WATER DISTRICT (WATER)
 1001 VALLEY VIEW BLVD. 670-2011
- * CITY OF LAS VEGAS UTILITIES DEPARTMENT (SEWER)
 600 S. LAS VEGAS AVE. 252-5401

LEGAL DESCRIPTION

A PORTION OF THE SOUTH HALF (S 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 7, TOWNSHIP 20 SOUTH, RANGE 60 EAST, N.D.M., CLARK COUNTY, NEVADA.

ENGINEER

TANEY ENGINEER COMPANY
 4445 S. JONES BOULEVARD
 SUITE #1
 LAS VEGAS, NV 89103

DEVELOPER

GREAT AMERICAN CAPITAL HOMES
 6687 W. SAHARA AVENUE, SUITE #201
 LAS VEGAS, NV 89117

OWNERS

HUALAPAI HOLDINGS L L C
 249 LAS ENTRADAS DR
 SANTA BARBARA CA 93108-2668

MOD-2851

VAR-2864

SDR-2853

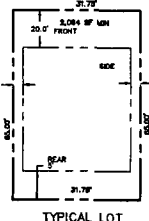
10-15-03 CC

GREAT AMERICAN CAPITAL
 4445 S. JONES BOULEVARD
 SUITE #1
 LAS VEGAS, NV 89103

TANEY ENGINEERING
 4445 S. JONES BOULEVARD
 SUITE #1
 LAS VEGAS, NV 89103

EDWARD J. TANEY
 ENGINEER
 4445 S. JONES BOULEVARD
 SUITE #1
 LAS VEGAS, NV 89103

DATE: 7-03
 SCALE: 1" = 40'
 JOB NO: GRT-04-0
 DESIGNED BY: EPI
 DRAWN BY: EPI
 SHEET NAME: SPR
 SHEET: 1 OF 1



ALL LANDSCAPE BUFFERS ARE TO BE COMMON LOTS

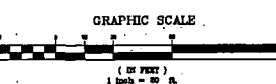
PROPERTY LINE CURVE & LINE TABLES

LINE NO.	BEARING	DISTANCE	CURVE DATA
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3	S 0° 00' 00" E	30.00	
4	S 90° 00' 00" E	30.00	
5	N 0° 00' 00" E	30.00	
6	N 90° 00' 00" E	30.00	
7	S 0° 00' 00" E	30.00	
8	S 90° 00' 00" E	30.00	
9	N 0° 00' 00" E	30.00	
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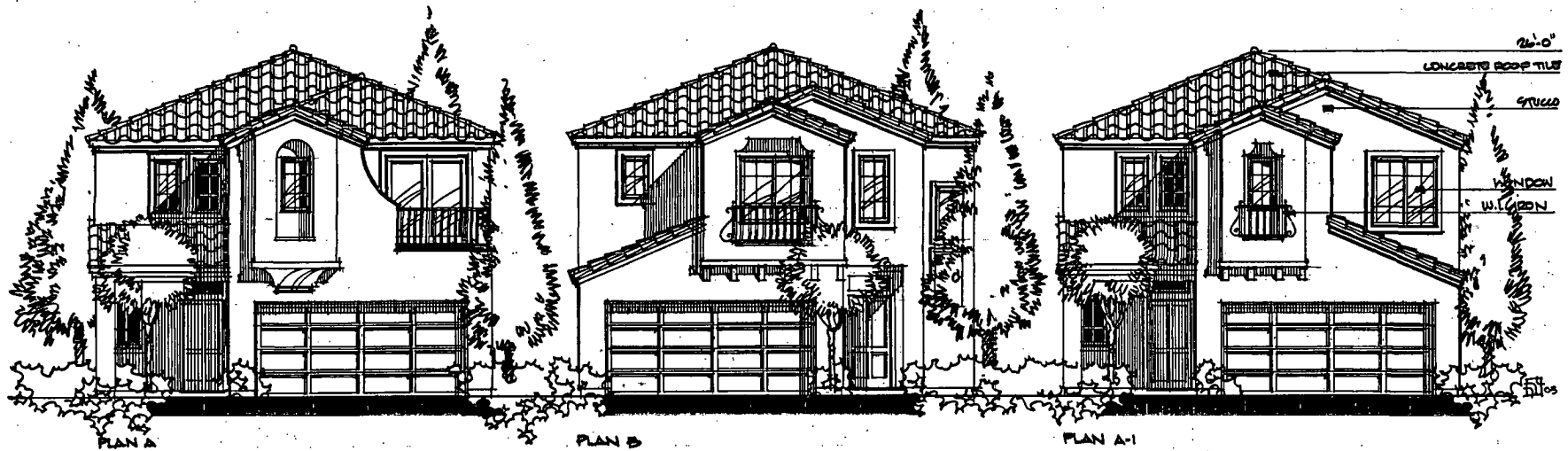
A VARIANCE FOR OPEN SPACE IS APPLIED FOR

REVISED
 9-18-03



MOD-2851
 VAR-2864

SDR-2853
 10-15-03 CC



HUALAPAI AT CHEYENNE SFD GREAT AMERICAN CAPITAL



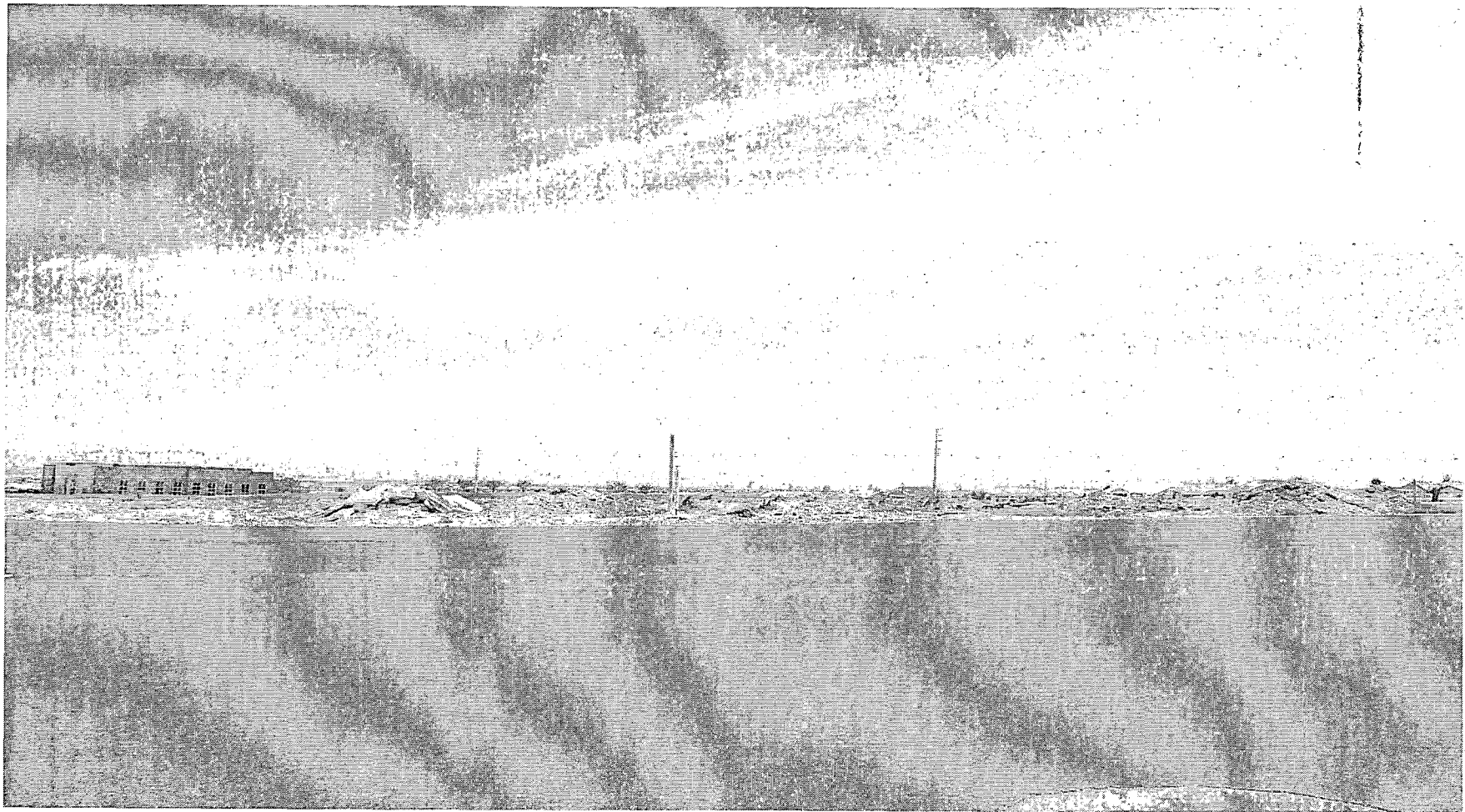
REVISED
 4-18-03

MOD-2851
 VAR-2864
 SDR-2853
 10-15-03 CC

REVISED
 4-18-03

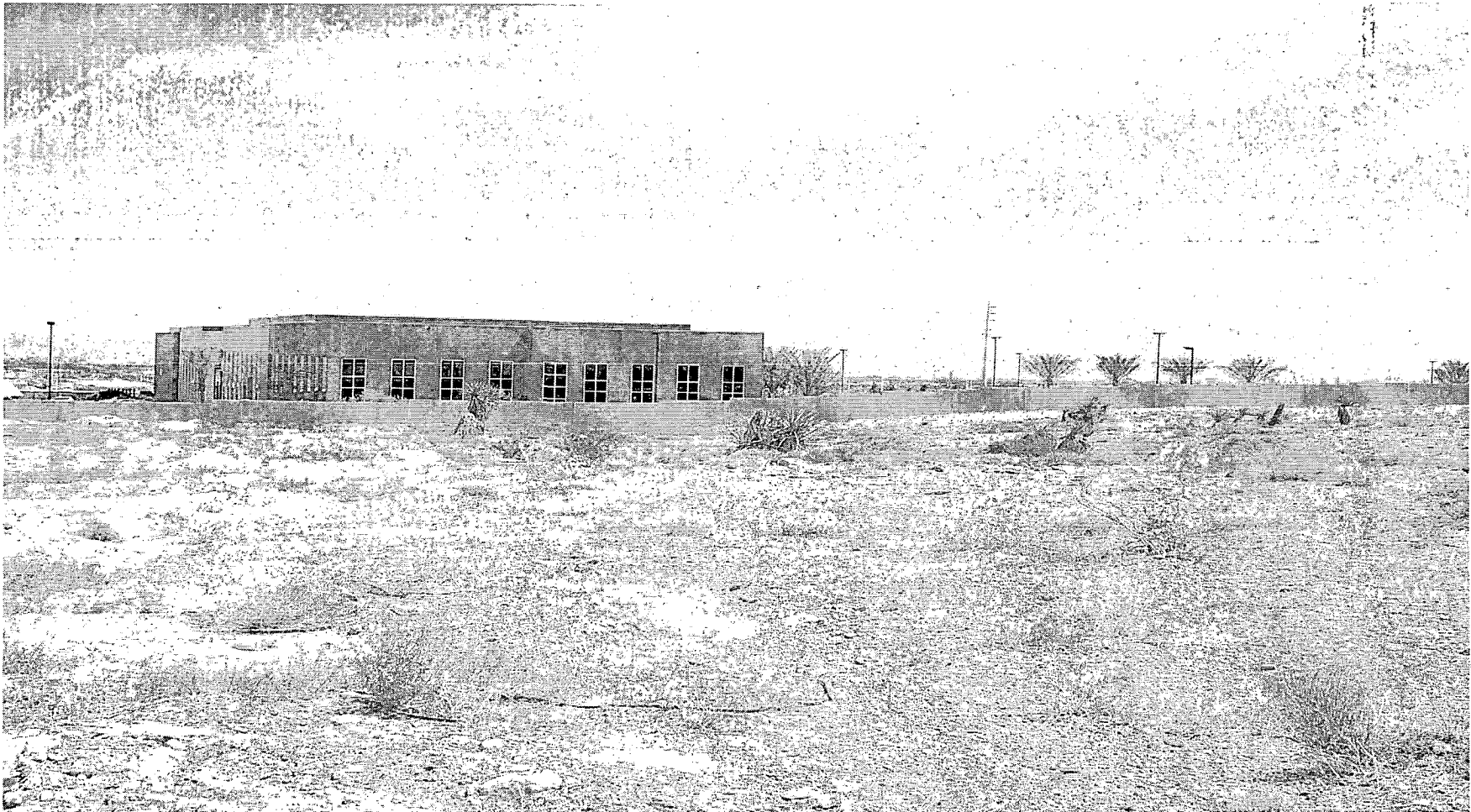
MOD-2851
 VAR-2864
 SDR-2853

10-15-03 CC



VAR-2864 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND SHILOH SCHOOL LANE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03



VAR-2864 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND SHILOH SCHOOL LANE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

Douglas Ross
3308 Lacebark Pine Street
Las Vegas, NV 89129

10/20/03

RECEIVED
CITY CLERK

2003 OCT 23 P 12:10

Honorable Mayor Oscar Goodman
City Council,
City Hall, 400 Stewart Ave.
Las Vegas, NV 89101

Mr. Larry Brown, Councilman, Ward 4

Protest

Subject: Objection to VAR-2884 For the City Council meeting of 10/29/03 1:00PM

I would like to voice my opposition to VAR-2884, the request from Great American Capital on behalf of Hualapai Holdings, LLC. I'm against this project on the whole, keep it neighborhood commercial as zoned. The master plan was written for a purpose, I believe the change would further undermine the plan's validity, and open up the city to future legal challenges on other parcels. Let's not waste anymore time of our city, city staff and tax payers monies by disregarding the master plan. As one Planning Commissioner said last Month during the public hearing session of said, "I wish I had a nickel for every time this parcel has come before us"

The request to reduce the open space square footage required, should throw up a red flag. This reduction to say the least is excessive, the resulting open space, if approved, would be slightly more than 18% of what is required. This property is zoned neighborhood commercial not high density residential and is sided by commercial projects on (3) three sides. The owners of the property were well aware of the zoning requirements as laid out in the Lone Mountain Master Plan.

City staff recommended against this approval as did the Planning Commission with a unanimous vote for disapproval last month, but they are still trying to push it through and now with you, The City Council. Also please be advised that this will exceed the Lone Mountain Master Plan for density of homes in this Master Plan by quite a few, please check the plan.

I believe it is not the public's responsibility to maximize developers profit potential at the public expense. I request that my strong opposition to VAR-2884 be read into the public record. I thank you and your colleagues for your time in this matter and keeping our Master Planned communities as planned.

A Proud Citizen of Nevada and The City of Las Vegas.

Sincerely,


Douglas Ross

Submitted after final agenda

Date 10/23/03 Item #92

F A C S I M I L E

DOUGLAS
ROSS3308 Lacey Park Pine Street
Las Vegas, NV 89129

Phone

702 219-5736

E-mail: RossRealEstateLV@aol.com

To: Larry Brown Councilman, Ward 4
RE: Renotification VAR-2864

Fax Number: 702-464-2631

Number of pages: 2 including cover

Comments:

Please forward to the Mayor and City Council for
insertion to package of written objections, for the City
Council meeting of,
October 29, 2003, 1:00PM

Thank You,


Douglas Ross

Submitted at City Council

Date 10/29/03 Item 9/92/93

Douglas Ross
3308 Lacebark Pine Street
Las Vegas, NV 89129

10/20/03

Honorable Mayor Oscar Goodman
City Council,
City Hall, 400 Stewart Ave.
Las Vegas, NV 89101

Mr. Larry Brown, Councilman, Ward 4

Subject: Objection to VAR-2864 For the City Council meeting of 10/29/03 1:00PM

I would like to voice my opposition to VAR-2864, the request from Great American Capital on behalf of Hualapai Holdings, LLC. I'm against this project on the whole, keep it neighborhood commercial as zoned. The master plan was written for a purpose, I believe the change would further undermine the plan's validity, and open up the city to future legal challenges on other parcels. Let's not waste anymore time of our city, city staff and tax payers monies by disregarding the master plan. As one Planning Commissioner said last Month during the public hearing session of said, "I wish I had a nickel for every time this parcel has come before us"

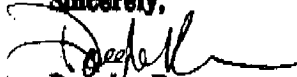
The request to reduce the open space square footage required, should throw up a red flag. This reduction to say the least is excessive, the resulting open space, if approved, would be slightly more than 18% of what is required. This property is zoned neighborhood commercial not high density residential and is sided by commercial projects on (3) three sides. The owners of the property were well aware of the zoning requirements as laid out in the Lone Mountain Master Plan.

City staff recommended against this approval as did the Planning Commission with a unanimous vote for disapproval last month, but they are still trying to push it through and now with you, The City Council. Also please be advised that this will exceed the Lone Mountain Master Plan for density of homes in this Master Plan by quite a few, please check the plan.

I believe it is not the public's responsibility to maximize developers profit potential at the public expense. I request that my strong opposition to VAR-2864 be read into the public record. I thank you and your colleagues for your time in this matter and keeping our Master Planned communities as planned.

A Proud Citizen of Nevada and The City of Las Vegas.

Sincerely,



Douglas Ross

City of Las Vegas

Agenda Item No. 93

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-2851 AND VAR-2864 - PUBLIC HEARING - **SDR-2853 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY COMPANY** - Request for a Site Development Plan Review for a proposed 71-lot single-family residential development on 6.26 acres adjacent to the southeast corner of Hualapai Way and Shiloh School Lane (APN: portions of 138-07-401-003 and 004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 9/11/2003 Planning Commission meeting Item 18

MOTION:

BROWN – APPROVED subject to conditions and amending Conditions 1, 2 and 5 to read as follows:

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-2851).
2. This Site Development Plan Review *for 58 units* shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council. *No variance is approved as part of this Site Development Plan Review approval.*
5. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 3 feet on the side, and 5 feet in the rear.

– and adding the following condition:

- *Any changes to the approved elevation plans will come back before a public hearing of the City Council for approval.*

– UNANIMOUS with GOODMAN excused

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 93 – SDR-2853

MINUTES:

MARGO WHEELER, Deputy Director, Planning and Development Department, suggested an added condition that would require any changes to the elevation plans to come back before the City Council for approval, in addition to the other revisions previously discussed. ATTORNEY ROWE concurred with the revised conditions.

NOTE: Councilman Brown directed the Public Works Department to monitor the grade differentials on the plans submitted by the developer.

NOTE: See Item 91 [MOD-2851] for related discussion.

(1:26 – 1:41)

2-568

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-2851) and Variance [VAR-2864].
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. The standards for this development shall include the following: minimum lot size of 2,060 square feet, minimum distance between buildings of 6 feet, lot coverage shall not exceed 57%, and building height shall not exceed two stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 3 feet on the side, and 10 feet in the rear.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within the perimeter buffer area.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 93 – SDR-2853

CONDITIONS – Continued:

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City departments must be satisfied.

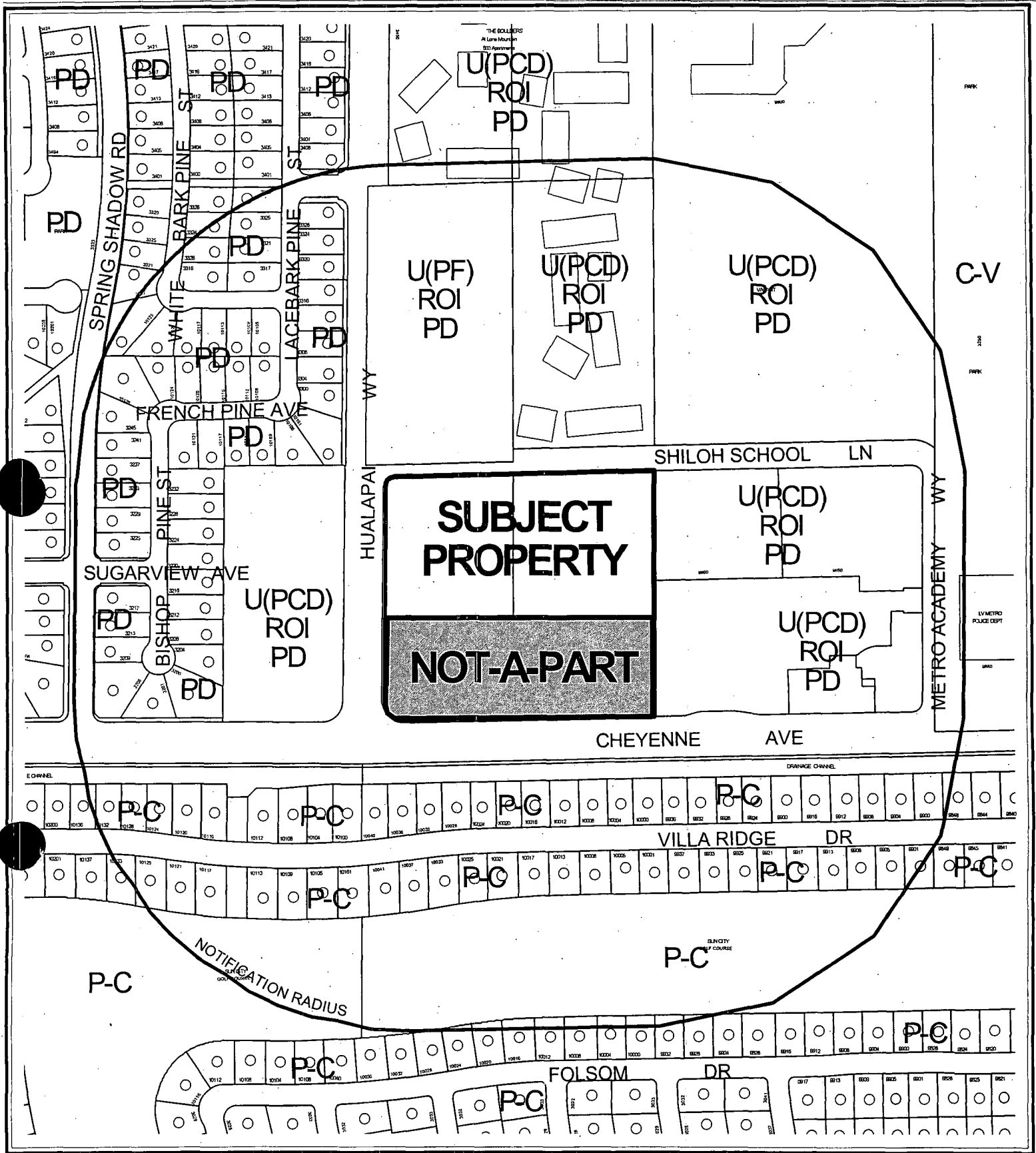
Public Works

13. Construct all incomplete half-street improvements on Hualapai Way and Shiloh School Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
14. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Gated access driveways, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
15. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all on-site private circulation and access drives shall meet the approval of the Department of Fire Services.
17. Site development to comply with all applicable conditions of approval for the Lone Mountain Master Development Plan, Zoning Reclassification Z-33-97, Parcel Map PMP-2506 and all other subsequent site-related actions.

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
Planning and Development Department
Item 93 – SDR-2853

CONDITIONS – Continued:

18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.



CASE: SDR-2853

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT)

City of Las Vegas

AGENDA MEMO

SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-2853 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-2851) and Variance [VAR-2864].
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. The standards for this development shall include the following: minimum lot size of 2,060 square feet, minimum distance between buildings of 6 feet, lot coverage shall not exceed 57%, and building height shall not exceed two stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 3 feet on the side, and 10 feet in the rear.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within the perimeter buffer area.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

SDR-2853 - Conditions Page Two
October 29, 2003 Special City Council Meeting

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

13. Construct all incomplete half-street improvements on Hualapai Way and Shiloh School Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
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16. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all on-site private circulation and access drives shall meet the approval of the Department of Fire Services.
17. Site development to comply with all applicable conditions of approval for the Lone Mountain Master Development Plan, Zoning Reclassification Z-33-97, Parcel Map PMP-2506 and all other subsequent site-related actions.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.
19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

SDR-2853 - Staff Report Page One
October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review to allow development of a 71-lot single-family residential subdivision on 6.26 acres adjacent to the southeast corner of Hualapai Way and Shiloh School Lane. Companion applications for a Major Modification (MOD-2851) to the Lone Mountain Master Development Plan from NC (Neighborhood Commercial) to MLA (Medium-Low Attached Density Residential), and to request a waiver of the provisions of Section 6.2.3.A.c. of the Plan, and a Variance for open space and parking (VAR-2864) on the site will be reviewed concurrently by the Planning Commission.

B) Applicant's Justification

The applicant has justified this request by stating that the proposed development would provide affordable housing opportunities that would be an asset for the area and provide for an area of transitional zoning adjacent to the commercial area to the south of the site.

BACKGROUND INFORMATION

A) Previous Actions

- 02/24/97 The City Council approved a request for a Rezoning (Z-0117-96) from N-U (Non-Urban) to R-2 (Medium Density Residential), for a proposed 384-bed convalescent care facility, on 10.87 Acres. The Planning Commission recommended approval. That zoning was expunged by Z-0033-97.
- 06/23/97 The City Council approved a Rezoning (Z-0033-97) to PD (Planned Development) on this site as part of a larger request (Lone Mountain Master Plan Area). The Planning Commission recommended approval on 06/12/97.
- 04/29/98 The Planning and Development Department administratively approved a Site Development Plan Review [Z-0033-97(4)] for an assisted living facility, nursing home and convalescent care facility on this site. Condition #3 of (Z-0033-97) permitted this use on this property.
- 09/19/01 The City Council approved a request for a Site Development Plan Review [Z-0095-98(5)] for a proposed 65,700 square-foot office complex on a portion of 8.8 acres at the northwest corner of the intersection of Cheyenne Avenue and Conquistador Street. The Planning Commission recommended approval on 08/23/01. This application was for the site to the east of the subject property.

SDR-2853 - Staff Report Page Two
October 29, 2003 Special City Council Meeting

- 06/02/03 A Parcel Map was submitted depicting the two parcels to be split into two lots, which includes this site.
- 08/14/03 The Planning Commission accepted a request to withdraw without prejudice a request for a Major Modification (MOD-2356) to the Lone Mountain Master Development Plan of the southern portion of the overall site from NC (Neighborhood Commercial) to VC (Village Commercial). The Planning Commission also recommended approval of a companion Site Development Plan Review (SDR-2612) to allow a 38,800 square-foot office/retail center and Waivers of perimeter landscaping, building landscape buffers and parking lot landscaping on the site. The City Council will review this request on 09/17/03.
- 09/11/03 The Planning Commission recommended denial of a companion Major Modification (MOD-2851) to the Lone Mountain Master Development Plan from NC (Neighborhood Commercial) to MLA (Medium-Low Attached Density Residential), and to request a waiver of the provisions of Section 6.2.3.A.c. of the Plan, and a Variance (VAR-2864) to allow 11,303 square feet of open space where 23,430 square feet are required, and to allow relief from the on-site parking provisions of the Code.
- 09/11/03 The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #18).

B) Pre-Application Meeting

- 04/24/03 There was no pre-application meeting conducted for this application; however, a pre-application meeting was held on this date for the adjacent commercial parcel to the south. Both properties are under common ownership.

C) Neighborhood Meetings

- 06/19/03 A neighborhood meeting is not required with respect to this Site Development Plan Review application. However, one was held with 18 people attending. Since that time, two additional meetings with neighborhood residents were held, the first with 25 people in attendance and the second with over 100 people. Concerns raised at all of these meetings included the types of uses permitted, hours of operation, traffic impacts and lighting on the adjacent commercial parcel to the south.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 6.26

SDR-2853 - Staff Report Page Three
October 29, 2003 Special City Council Meeting

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped and Apartment Complex
South: Undeveloped
East: Office Building Development
West: Undeveloped

C) Planned Land Use

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development) and PF (Public Facility)
South: PCD (Planned Community Development) – southern half of subject parcels
East: PCD (Planned Community Development)
West: PCD (Planned Community Development)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
North: U (Undeveloped) Zone [PCD (Planned Community Development) and PF (Public Facilities) General Plan Designations] under Resolutions of Intent to PD (Planned Development)
South: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) – southern half of subject parcels
East: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)
West: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development)

E) General Plan Compliance

This site is located on the Centennial Hills Sector Plan Map of the General Plan. The Centennial Hills Sector Plan, through the Lone Mountain Master Development Plan, designates this site as PCD (Planned Community Development). The allowable density range for lands so designated is between 5.6 and eight units per acre. The proposed Major Modification seeks to change this designation to MLA (Medium-Low Attached Density Residential). This category allows a density range of 8.1 to 12 units per acre.

The proposed Site Development Plan, at a density of approximately 11.3 units per acre, would conform to the overall density provisions of the proposed "Medium-Low Attached Density Residential" land use designation, if approved, and to the current PD (Planned Development) zoning district.

SDR-2853 - Staff Report Page Four
October 29, 2003 Special City Council Meeting

PROJECT DESCRIPTION

The proposed development consists of 71 single-family homes, with lot sizes ranging from 2,060 square feet to 2,599 square feet. The project will be served by an ungated network of 37-foot wide private streets, using "L" curb and gutter. The dead ends of these streets will terminate in emergency access gates. The applicant intends to develop these proposed lots with homes that have only one-car garages, with the second required parking space to be located in the street in front of each home. This approach conflicts with both the Lone Mountain Master Development Plan, which requires two on-site enclosed parking spaces per single-family unit, and Title 19 parking regulations, which does not allow on-site parking to be provided in a right-of-way in the manner suggested.

The site will be accessed from Shiloh School Lane on the north side of the project. A small (4,244 square feet) open space area is provided opposite the main entrance drive, and the Kern River gas line easement along the west edge of the site contains another 7,059 square feet of open space. The project as designed meets perimeter buffering with requirements, but is deficient in perimeter landscaping.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.050, the Development Standards within a PD District are established by the Site Development Plan. The development standards that are to imposed on this site through the proposed Site Development Plan are as follows:

Proposed Standards	
Lot Size	6.26 acres
Min. Setbacks	
• Front	20 Feet
• Side	3 Feet
• Corner	3 Feet
• Rear	10 Feet
Max. Building Height	2 Stories / 35'

The proposed development standards appear to meet the intent of Title 19 requirements with regard to height and setback requirements.

A2) Residential Adjacency Standards

There are no Residential Adjacency Standards that apply to the subject proposal.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

SDR-2853 - Staff Report Page Five
 October 29, 2003 Special City Council Meeting

Uses	Required			Provided	
	Ratio	Number of Units	Number of Spaces	Regular	Handicap
Single Family Dwelling	2 spaces/dwelling unit	71	142	71 on-site 71 on-street	N/A

The project as proposed does not meet the parking requirements of the Zoning Code. Title 19.10.010.D.2 requires on-site parking to be provided on the same parcel as the principal use. The off-site parking provisions of Title 19.10.010.H do not allow off-site parking unless both parcels are under common ownership; this situation could not exist with the private streets in this development, which would be identified as common lots, pursuant to Title 18 requirements, and would be owned by the Homeowners' Association. Additionally, the intent of the off-site option is clearly not intended to apply to on-street areas, whether held publicly or privately. The applicant is requesting relief from these requirements through companion Variance (VAR-2864).

The use of the private street area for required parking also conflicts with Section 6.2.3.A.c. of the Lone Mountain Master Development Plan, which requires that each single-family unit have a minimum of two enclosed off-street parking spaces. The applicant is requesting relief from this provision through the companion Major Modification request (MOD-2851).

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Buffer: • Min. Trees	1 - 24" box tree/20 linear feet of gross perimeter frontage (965 lineal feet of frontage) + one tree	34 Trees	14 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	8 Feet		Not indicated

The landscape plan as proposed is deficient with respect to the number of trees provided in the perimeter buffer area. If this application is approved, a condition of approval will require the landscape plan to be modified to address this deficiency from Code requirements.

SDR-2853 - Staff Report Page Six
October 29, 2003 Special City Council Meeting

Pursuant to Section 2.3.8. of the Lone Mountain Master Development Plan, residential developments are required to include 330 square feet of open space per dwelling unit. For this 71-unit project, 23,430 square feet of open space are required; the site plan as proposed indicates 11,303 square feet of open space, a deficiency of approximately 48% of the requirement. The applicant has submitted a companion Variance application (VAR-2364) in order to address this deficiency. As there are no hardships that are not self-imposed or financial in nature, and the deficiency is simply a matter of proposing to overbuild the site, this Variance and the site plan as proposed cannot be supported.

B) General Analysis and Discussion

- Zoning

This site is currently zoned as U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development). The proposed Site Development Plan will conform to the existing zoning of the site.

- Site Plan

The proposed development consists of 71 single-family homes, with lot sizes ranging from 2,060 square feet to 2,599 square feet. The project will be served by an ungated network of 37-foot wide private streets, using "L" curb and gutter. The dead ends of these streets will terminate in emergency access gates. The applicant intends to develop these proposed lots with homes that have only one-car garages, with the second required parking space to be located in the street in front of each home. This approach conflicts with both the Lone Mountain Master Development Plan, which requires two on-site enclosed parking spaces per single-family unit, and Title 19 parking regulations, which does not allow on-site parking to be provided in a right-of-way in the manner suggested.

The site will be accessed from Shiloh School Lane on the north side of the project. A small (4,244 square feet) open space area is provided opposite the main entrance drive, as well as in the Kern River gas line easement (approximately 7,059 square feet) along the west edge of the property. The project as designed meets perimeter buffering with requirements, but is deficient in perimeter landscaping.

- Waivers

No waivers have been requested with respect to this application; however, a companion Variance (VAR-2864) to allow an approximately 50% reduction in the required amount of open space, and relief from the on-site parking requirements of the Code, has been submitted by the applicant. The applicant is also requesting relief from the parking requirements of the Lone Mountain Master Development Plan, as part of the companion Major Modification (MOD-2851) request. The site plan is also deficient with respect to perimeter landscaping, as discussed below.

SDR-2853 - Staff Report Page Seven
 October 29, 2003 Special City Council Meeting

- Landscape Plan

The conceptual landscaping plan indicates the location of both perimeter landscaping and landscaping within the entrance port and in the proposed open space area. Modesto Ash and Mondel Pines are indicated as the species proposed, but the size of these trees is not indicated. The number of trees indicated on the landscape plan is deficient with respect to the landscape standard in Title 19; a condition of approval will require the applicant to revise the landscape plan to provide a minimum of 34 24-inch box trees within the perimeter landscape buffer around the site, instead of the 14 trees shown on the landscape plan.

- Elevation

The elevations depict three different two-story products, ranging in size from 1,373 to 1,527 square feet. These models have only one-car garages. The applicant intends to provide the second required space on the private street in front of each house. This proposal is in conflict with Section 6.2.3 of the Lone Mountain Master Development Plan (Design Standards for Single and Multi-Family Residential), which requires each single-family unit to have a minimum of two enclosed off-street parking spaces, and with Title 19 requirements regarding on-site parking regulations.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The site of this proposed residential development is bordered on the south and east by existing and future commercial and office development. The site to the west is designated for Neighborhood Commercial uses. While the lands to the north are intended for residential and public facility development, approval of this site plan on subject site to allow residential development would be placing such development in an area surrounded on three sides by commercial and office uses; as such, this would be incompatible with these surrounding uses.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The site is currently designated as PCD (Planned Community Development) in the General Plan. This designation allows a maximum overall density of 8 units per acre. Additionally, Table 2 of the Lone Mountain Master Development Plan sets out a maximum density of 7.52 units per acre. This figure is arrived at by allowing 3,348 units to be developed over 445 acres (311.55 residential acres). According to calculation of existing and approved residential developments, there are 3,024 units currently existing or approved in the Plan area.

SDR-2853 - Staff Report Page Eight
 October 29, 2003 Special City Council Meeting

This leaves a surplus of 324 units; however, there are three residential applications currently pending in the area (SDR-2534, 192 units, tabled at the 08/20/03 City Council meeting, SDR-2475, 80 units, scheduled for the 09/17/03 City Council meeting, and SDR-2772, 34 units, scheduled for the 08/28/03 Planning Commission meeting and the 10/01/03 City Council meeting). If all are approved as proposed, this represents 306 additional units, leaving a surplus of only 18 units. Also, the average density of these applications are 17.4 u.p.a., 15 u.p.a. and 6.2 u.p.a. respectively.

These densities are at or substantially above the PCD maximum density of 8 u.p.a.; these applications will have the effect of bringing the overall density of residential development in Lone Mountain very close to the overall 8 u.p.a. maximum. The subject application will have the effect of exceeding both the Table 2 threshold and the PCD residential density threshold. As a result, this application should be denied, as it will compromise the intent of the Lone Mountain Master Development Plan.

The site plan as proposed is about 50% deficient with respect to open space as required in the Lone Mountain Master Development Plan and is deficient with respect to perimeter landscaping as required by Title 19. As a result, this application should be denied, as approval may compromise the intent of the Lone Mountain Master Development Plan.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

The site is bordered to the west by Hualapai Way, designated as a Primary (100-foot) Road on the Master Plan of Streets and Highways, and by Shiloh School Lane, a local street. The companion site plan indicates that access to the development would be provided from this latter street, which connects to Hualapai Way and to Cheyenne Avenue via Metro Academy Way. These streets contain sufficient capacity to serve the proposed development.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The building materials for this residential development will meet the requirements of Title 19. The amount of landscaping within the perimeter buffers needs to be increased to meet the requirements of Title 19.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The elevations of the proposed homes are typical for this form of dense single-family development; with the exception of the exclusive use of one-car garages. The lack of a second viable on-site parking space will lead to a crowded and undesirable streetscape, with no available parking for guests.

SDR-2853 - Staff Report Page Nine
October 29, 2003 Special City Council Meeting

Due to the proximity of the buildings, care should be taken to ensure that adjacent floor plans are designed to avoid windows directly across from each other. If provided by the builder, on-site landscaping and varied architectural details on the proposed homes will contribute positively to the appearance of urban development within this area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 139 by Planning Department

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-2853 APN: 138-07-401-003 & 004

Name of Property Owner: Hualapai Holdings LLC

Name of Applicant: Great American Capital

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

☐ Yes

☒ No

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

City Official: _____

Partner(s): _____

APN: _____

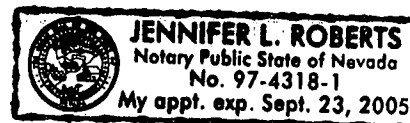
Signature of Property Owner/Authorized Agent: Frank Benincasa

Print Name: FRANK Benincasa

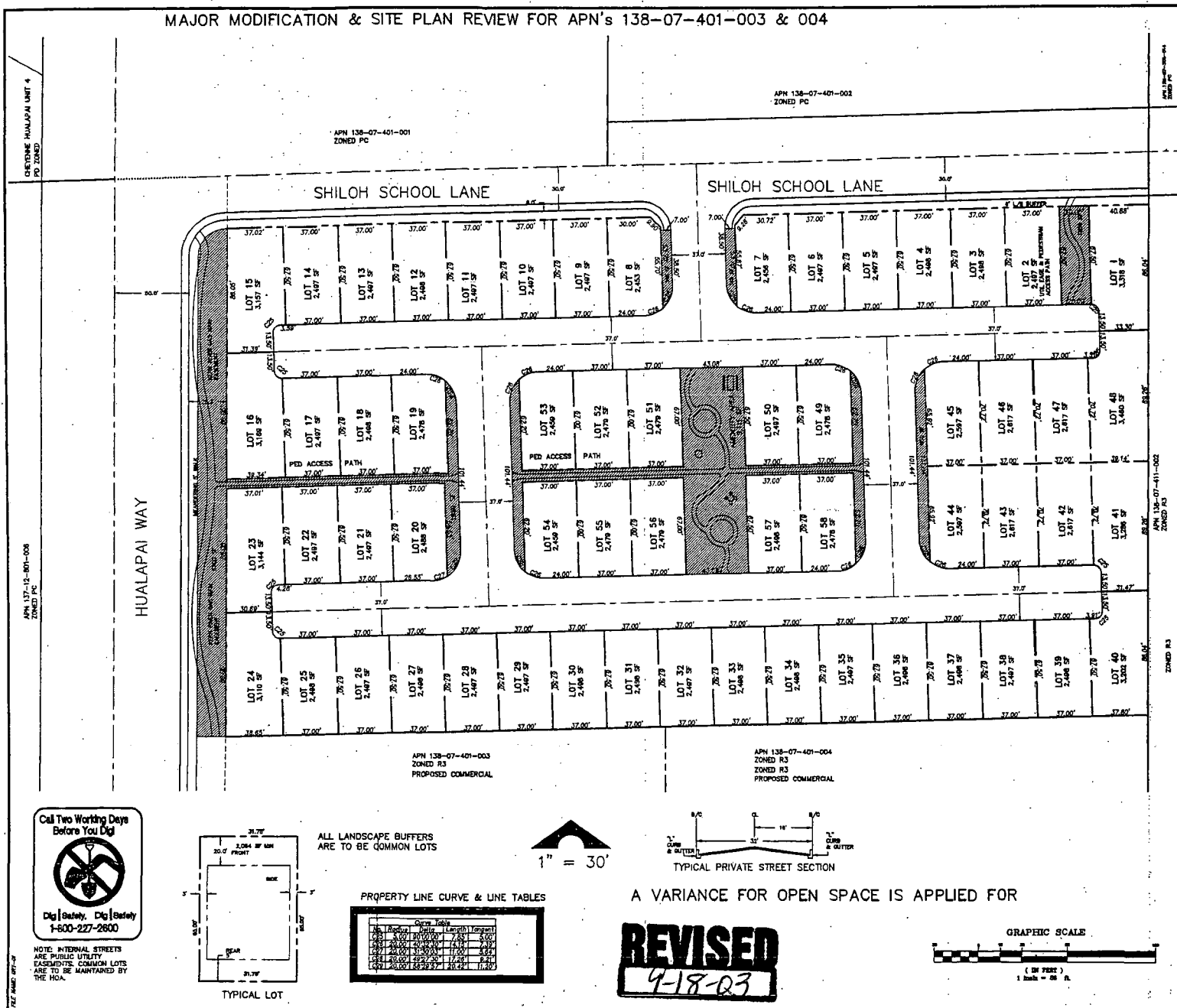
Subscribed and sworn before me

This 30th day of April, 2003

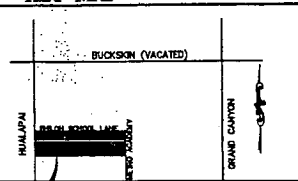
Jennifer L. Roberts
Notary Public in and for said County and State



MAJOR MODIFICATION & SITE PLAN REVIEW FOR APN's 138-07-401-003 & 004



KEY MAP



PROJECT SITE

CHEYENNE

BUCKHORN (VACATED)

GRAND CANYON

HUALAPAI

SHILOH SCHOOL LANE

CHEYENNE

BUCKHORN (VACATED)

GRAND CANYON

HUALAPAI

SHILOH SCHOOL LANE

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SHILOH SCHOOL LANE

CHEYENNE

BUCKHORN (VACATED)

GRAND CANYON

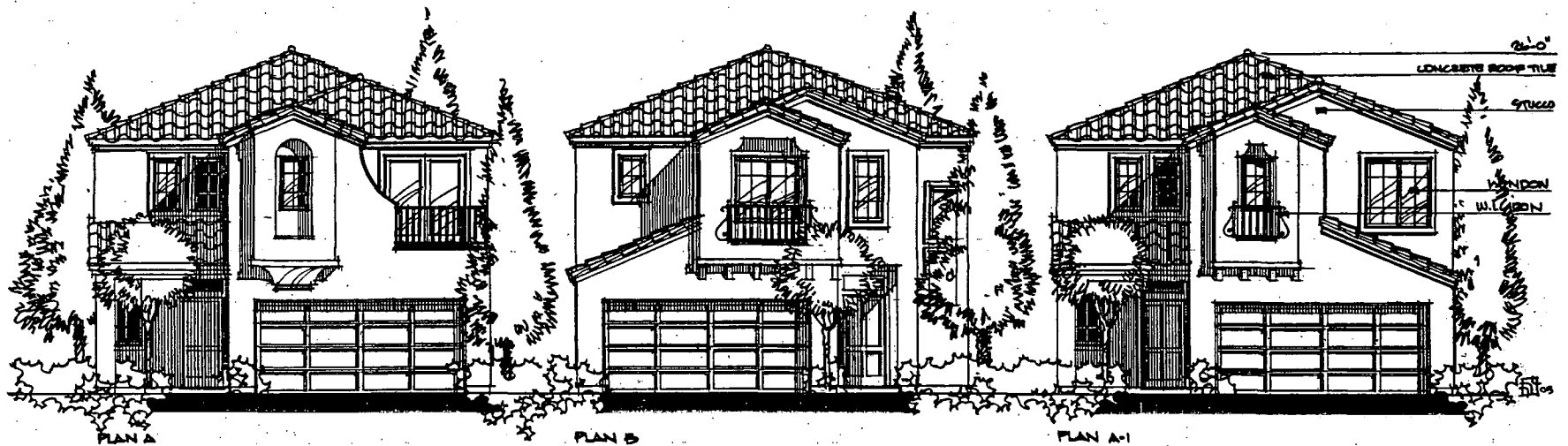
HUALAPAI

SHILOH SCHOOL LANE

CHEYENNE

BUCKHORN (VACATED)

GRAND CANYON



HUALAPAI AT CHEYENNE SFD
GREAT AMERICAN CAPITAL



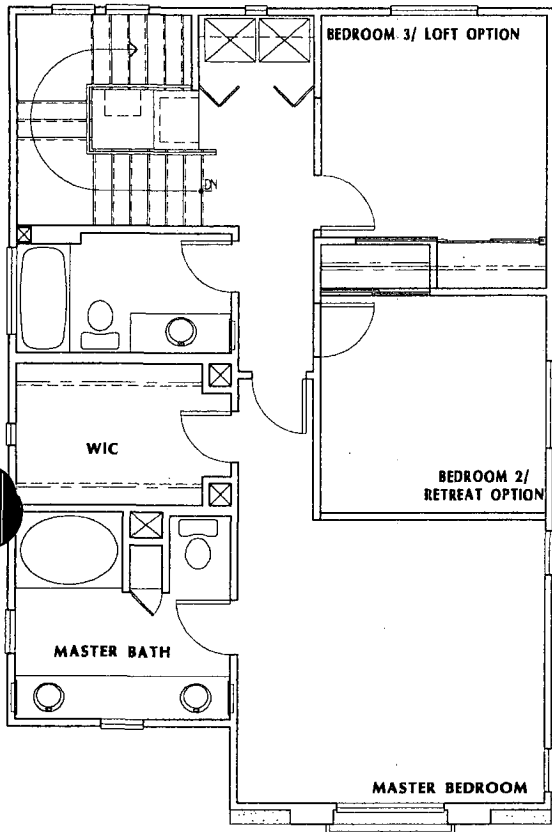
REVISED
9-18-03

MOD-2851
VAR-2864
SDR-2853
10-15-03 CC

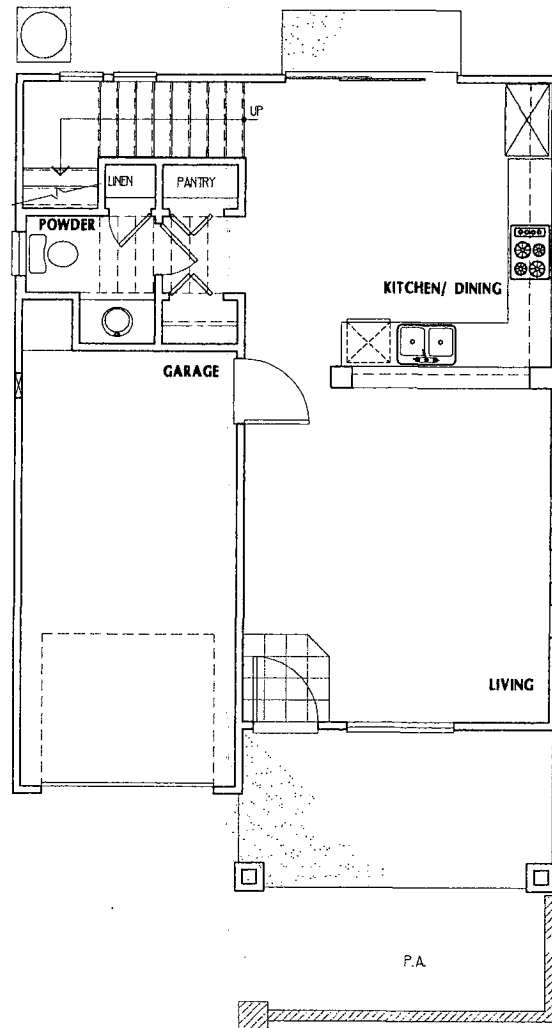
REVISED
9-18-03

MOD-2851
VAR-2864
SDR-2853

10-15-03 CC



**SECOND
FLOOR**



**FIRST
FLOOR**

PLAN A - 1373 SQ. FT.

HUALAPAI / CHEYENNE SFD

GREAT AMERICAN CAPITAL



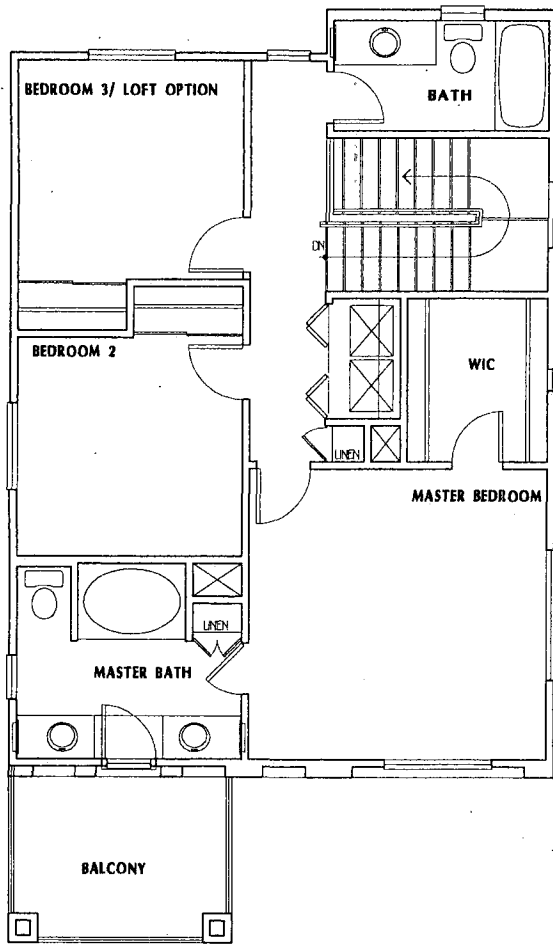
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MOD-2851

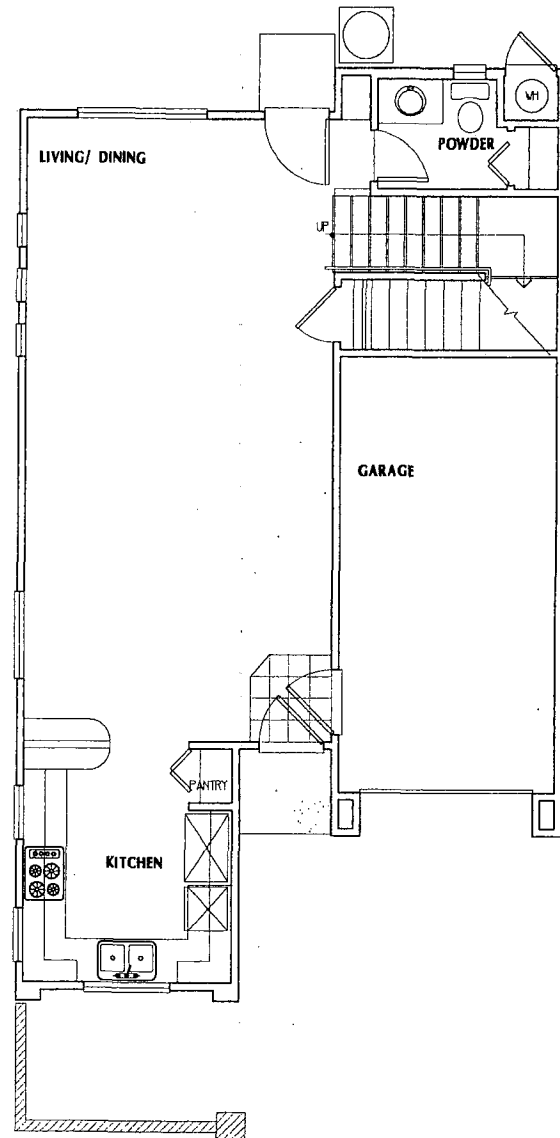
VAR-2864

SDR-2853

09-11-03 PC



**SECOND
FLOOR**



**FIRST
FLOOR**

PLAN B - 1459 SQ. FT.

HUALAPAI / CHEYENNE SFD

GREAT AMERICAN CAPITAL

MOD-2851

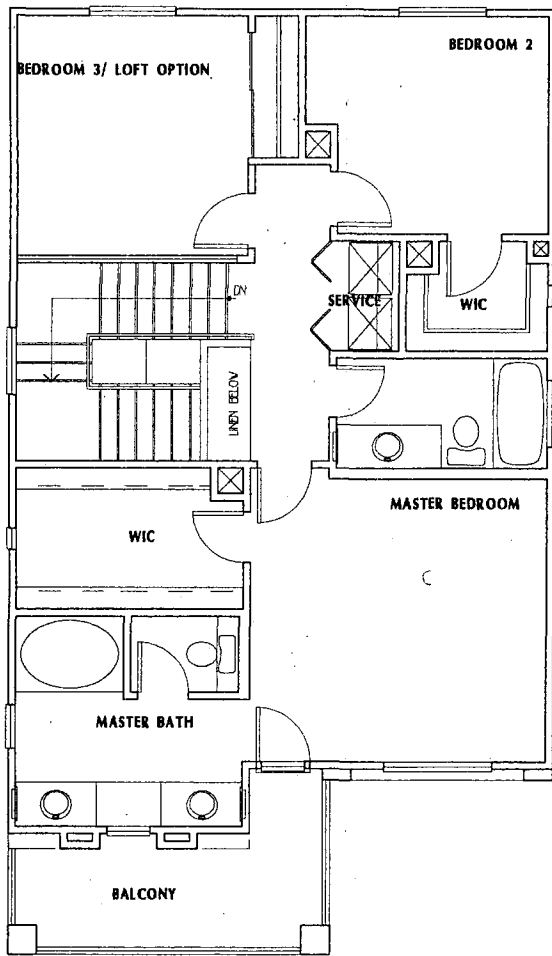
VAR-2864

SDR-2853

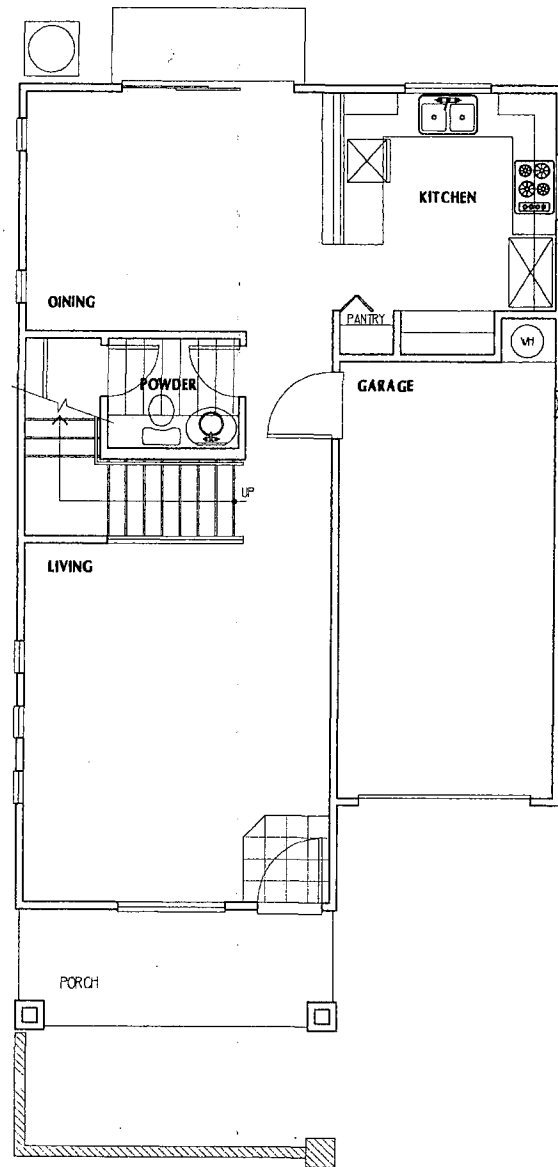
09-11-03 PC

SCALE: 1/4"=1'-0"





**SECOND
FLOOR**



**FIRST
FLOOR**

PLAN C - 1527 SQ. FT.

HUALAPAI / CHEYENNE SFD

GREAT AMERICAN CAPITAL

MOD-2851

VAR-2864

SDR-2853

09-11-03 PC

SCALE: 1/4"=1'-0"



MARC LEMOINE
ARCHITECTURE, LLC



SDR-2853 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND SHILOH SCHOOL LANE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03



SDR-2853 - GREAT AMERICAN CAPITAL ON BEHALF OF HUALAPAI HOLDINGS, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND SHILOH SCHOOL LANE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

City of Las Vegas

Agenda Item No. 94

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

MASTER SIGN PLAN - PUBLIC HEARING - MSP-2840 - CVS/PHARMACY ON BEHALF OF JOHNSON FAMILY TRUST, ET AL - Request for a Modification to an existing Master Sign Plan (MSP-0004-02) for an existing retail complex on 2.11 acres adjacent to the southeast corner of Martin Luther King Boulevard and Lake Mead Boulevard (APN: 139-21-701-009 and 010), R-E (Residence Estates) and C-1 (Limited Commercial) Zones under Resolution of Intent to C-1 (Limited Commercial) Zone; and C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Additional sign diagrams from Planning & Development

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

CHARLEY SCHALLIO, Site Enhancement Services, 3699 West Lathrop, South Bend, Indiana, appeared on behalf of the applicant. He advised that CVS Pharmacy is undergoing a major nationwide modification to its image, and long lasting investments are being made to its properties. He stated that the addition of two electronic message boards to the existing freestanding signs is proposed for the subject property.

TODD FARLOW, 240 North 19th Street, expressed his displeasure with the proposed signs in that he felt they were too commonplace. He suggested monument style signs similar to those he has seen in Sedona, Arizona, and Del Mar, California.



Agenda Item No. 94

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 94 – MSP-2840

MINUTES – Continued:

COUNCILMAN WEEKLY asked the applicant to display the sign plans in order to show the distance of the signs from the Louise Shell Senior Complex and the residents on Hart Avenue. He stated for the record that, at his request, the applicant conducted a study to ensure that the signs would not adversely impact the neighborhood. He expressed the opinion that the sign was attractive in appearance.

No one appeared in opposition.

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:41 – 1:44)

2-1072

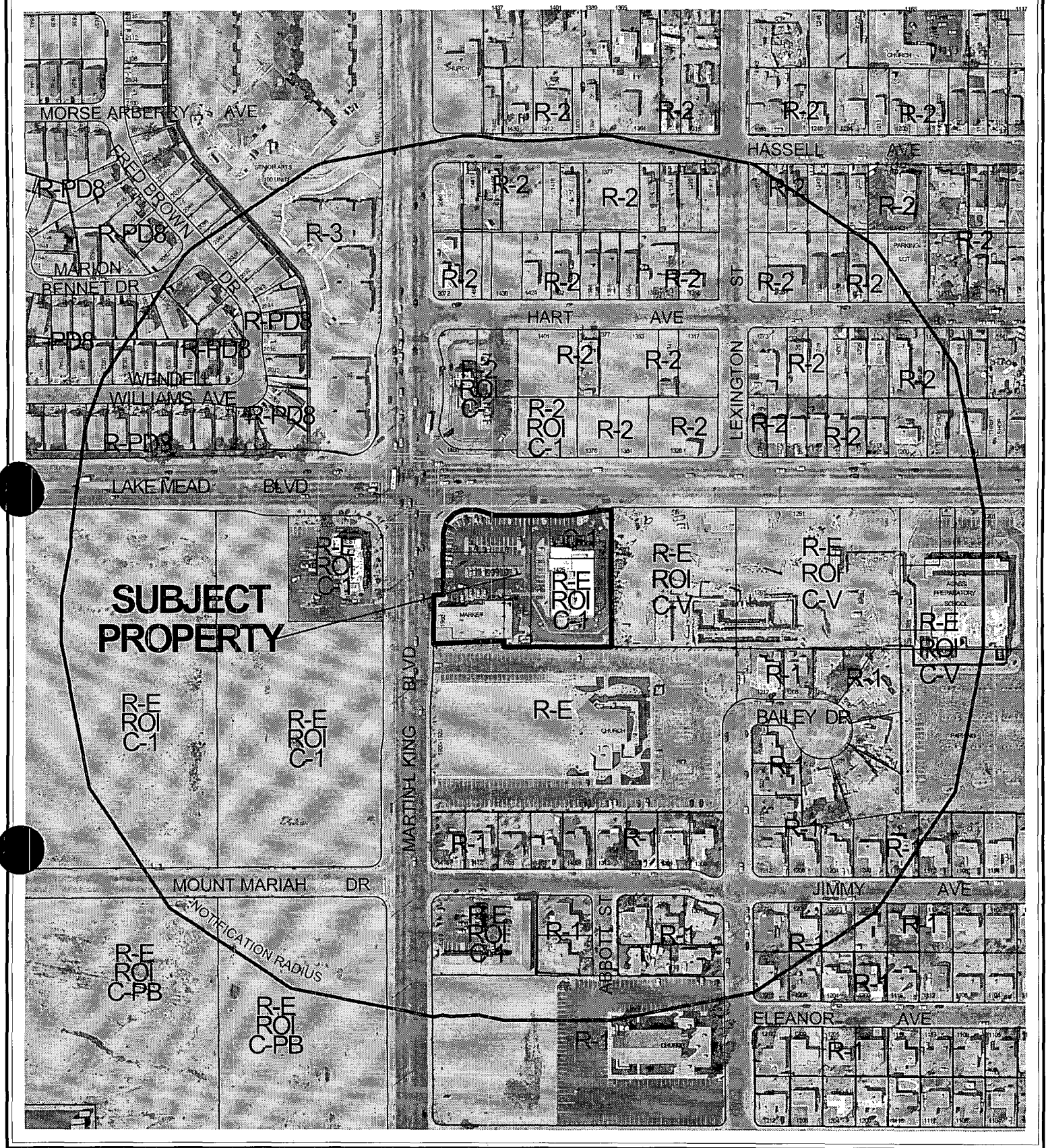
CONDITIONS:

Planning and Development

1. Conformance to the sign elevations and documentation as submitted in conjunction with this request.
2. Conformance to the conditions of approval and the submitted documentation for the previously approved Master Sign Plan (MSP-0004-02).
3. All signage shall have proper permits obtained through the Building and Safety Department.
4. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

5. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



CASE: MSP-2840

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND C-1 (LIMITED COMMERCIAL) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL) ZONE; AND C-1 (LIMITED COMMERCIAL)



*City of Las Vegas***AGENDA MEMO****SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: MSP-2840 - CVS/PHARMACY ON BEHALF OF JOHNSON FAMILY TRUST, ET AL**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the sign elevations and documentation as submitted in conjunction with this request.
2. Conformance to the conditions of approval and the submitted documentation for the previously approved Master Sign Plan (MSP-0004-02).
3. All signage shall have proper permits obtained through the Building and Safety Department.
4. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

5. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

MSP-2840 - Staff Report Page One
 October 29, 2003 Special City Council Meeting

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a modification to an existing Master Sign Plan for an existing retail complex on 2.11 acres adjacent to the southeast corner of Martin Luther King Boulevard and Lake Mead Boulevard.

B) Applicant's Justification

The applicant has stated that the proposed modifications are part of a nationwide plan by CVS Pharmacy to unify pylon and monument signage for all properties.

BACKGROUND INFORMATION

A) Previous Actions

- 4/17/02 City Council approved a Site Development Plan (SD-0006-02) for a 13,919 square foot drug store on the subject site with waivers from landscaping requirements. An associated Variance petition (V-0010-02) from parking requirements was also approved concurrently with the site plan. The Planning Commission recommended approval of both requests at their meeting of 3/14/02.
- 8/21/02 City Council approved a Master Sign Plan (MSP-0004-02) for the property. The Planning Commission recommended approval of the request at their meeting of 7/25/02.
- 09/11/03 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #35).

B) Pre-Application Meeting

- 07/14/03 No major issues were noted relative to the proposed request. Staff reviewed the application procedures and conformance with Title 19.14 with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.11

MSP-2840 - Staff Report Page Two
October 29, 2003 Special City Council Meeting

B) Existing Land Use

Subject Property: General Retail Use
North: Restaurant Use, Undeveloped
South: Church Use
East: Institutional Use
West: Restaurant Use, Undeveloped

C) Planned Land Use

Subject Property: SC (Service Commercial), PF (Public Facilities)
North: SC (Service Commercial), PF (Public Facilities)
South: SC (Service Commercial), PF (Public Facilities)
East: SC (Service Commercial), PF (Public Facilities)
West: GC (General Commercial), TC (Tourist Commercial), SC (Service Commercial), M (Medium Density Residential), H (High Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial), C-1 (Limited Commercial) - Under Resolution of Intent to C-1 (Limited Commercial), R-E (Residence Estates) - Under Resolution of Intent to C-1 (Limited Commercial)
North: R-2 (Medium-Low Density Residential) - Under Resolution of Intent to C-1 (Limited Commercial)
South: R-E (Residence Estates)
East: R-E (Residence Estates) - Under Resolution of Intent to C-V (Civic)
West: R-E (Residence Estates) - Under Resolution of Intent to C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is located within the Las Vegas Redevelopment Plan area. The Redevelopment Plan designates the parcel for SC (Service Commercial) and PF (Public Facilities) uses.

<i>SPECIAL DISTRICTS/ZONES</i>		
Special Area Plan	Yes	No
Las Vegas Redevelopment Plan Area	X	
Special Overlay District		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject property is located within the Redevelopment Plan area, but is not part of any Overlay District or Study Area.

MSP-2840 - Staff Report Page Three
 October 29, 2003 Special City Council Meeting

MASTER SIGN PLAN REQUIREMENTS FOR ON-PREMISE SIGNAGE		
THRESHOLD	YES	NO
To establish requirements/limitations for signs in a specific development	X	

The Master Sign Plan was required as a condition of approval of the Site Development Plan.

ANALYSIS

A) Zoning Code Compliance

The applicant has requested to modify the existing Master Sign Plan for the property. The site currently has two 35-foot tall pylon signs, located on each street frontage. Both pylon signs will be modified to add electronic message units. No changes are proposed to the existing wall signage.

A1) Residential Separation Standards

The project is not subject to residential separation standards.

A2) Sign Standards

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

Freestanding Signs: P-70 Pylon

Standards	Allowed	Provided	Conforms
Maximum Number	255'/MLK Blvd. 2 total 345'/Lake Mead 2 total	1 – MLK Blvd. 1 – Lake Mead	Y Y
Maximum Area	1,180 SF	263 SF	Y
Maximum Height	40 Feet	35 Feet	Y
Minimum Setback	5 Feet	5 Feet	Y
Illumination	Internal, External, Animated, Electronic Message Unit	Internal, Electronic Message Unit	Y

Wall Signs: (No changes proposed)

Standards	Allowed	Provided	Conforms
Maximum Number	N/A	N/A	--
Maximum Area	20%/elevation	9%	Y
Maximum Projection	2 Feet	9 inches	Y
Illumination	Internal/External	Internal	Y

MSP-2840 - Staff Report Page Four
October 29, 2003 Special City Council Meeting

The changes to the existing pylon signs will be in conformance with code requirements. The existing wall signage conforms to the requirements of Title 19.

B) General Analysis and Discussion

The proposed modifications to the existing Master Sign Plan have been submitted in conjunction with a nationwide plan by CVS Corporation to unify signage and provide electronic message units at all CVS locations. The modification will allow the addition of electronic message units to the two existing pylon signs. No other changes are proposed to the existing signage.

The electronic message units are permitted by Code, and only slightly increase the square footage of signage for the property. The existing pylon signs are consistent with the materials and colors of the principal building, and generally contribute to a cohesive architectural environment for the property.

NOTICES MAILED 117 by Planning Department

APPROVALS 0

PROTESTS 1

PLANNING &
DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: MSP-2840 APN: _____Name of Property Owner: Johnson Family TrustName of Applicant: CVS/pharmacy

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

____ Yes

____ X ____ No

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

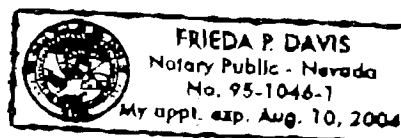
City Official: _____

Partner(s): _____

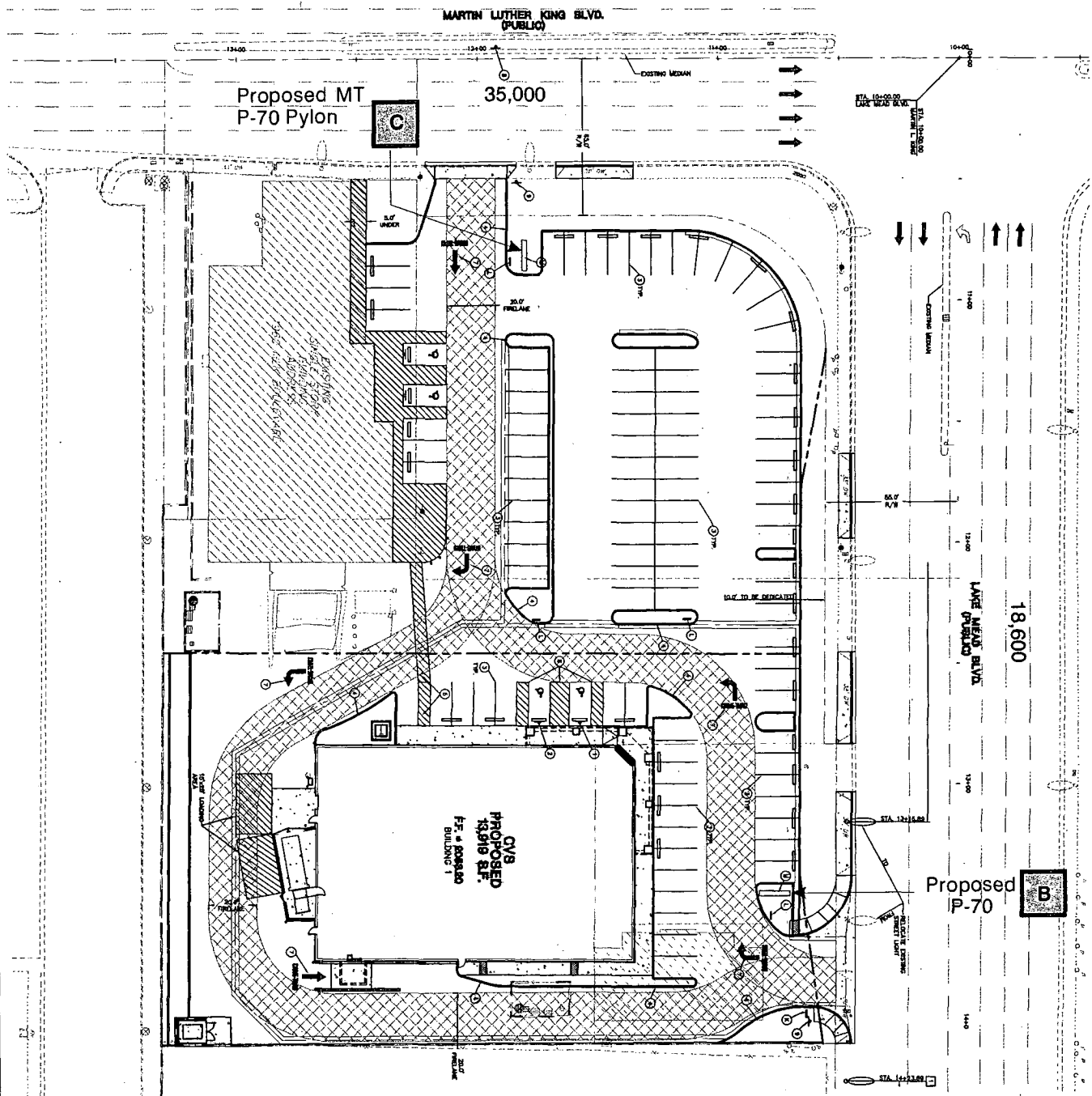
APN: _____

Signature of Property Owner/Authorized Agent: [Signature]Print Name: William O'Connor

Subscribed and sworn before me

This 4 day of August, 2003
Frieda P. Davis
 Notary Public in and for said County and State


PROPOSED PYLON SIGNAGE



ImagePoint™

REVISIONS

MLK & Lake Mead - Las Vegas, NV

CLIENT/STORE#: CVS

DRAWN BY: CW

CHECKED BY: CS

DATE: 8-26-03

SHEET:3

SCALE:

OF: 5

MSP-2840

09-11-03 PC

REVISED 08-26-03

EXISTING



MSP-2840
 09-11-03 PC
 REVISED 08-26-03

ImagePoint.

REVISIONS

MLK & Lake Mead - Las Vegas, NV

CLIENT/STORE#: CVS

DRAWN BY: CW

CHECKED BY: CS

DATE: 8-26-03

SHEET: 4

SCALE: 3/16"=1'-0"

OF: 5



Proposed
P-70 Pylon



MSP-2840
09-11-03 PC
REVISED 08-26-03

ImagePoint.

REVISIONS

MLK & Lake Mead - Las Vegas, NV

CLIENT/STORE#: CVS

DRAWN BY: CW

CHECKED BY: CS

DATE: 8-26-03

SHEET: 5

SCALE: 3/16" = 1'-0"

OF: 5



MSP-2840 - CVS/PHARMACY ON BEHALF OF JOHNSON FAMILY TRUST, ET AL
SOUTHEAST CORNER OF MARTIN LUTHER KING BOULEVARD AND LAKE MEAD BOULEVARD
SEPTEMBER 11, 2003 PLANNING COMMISSION

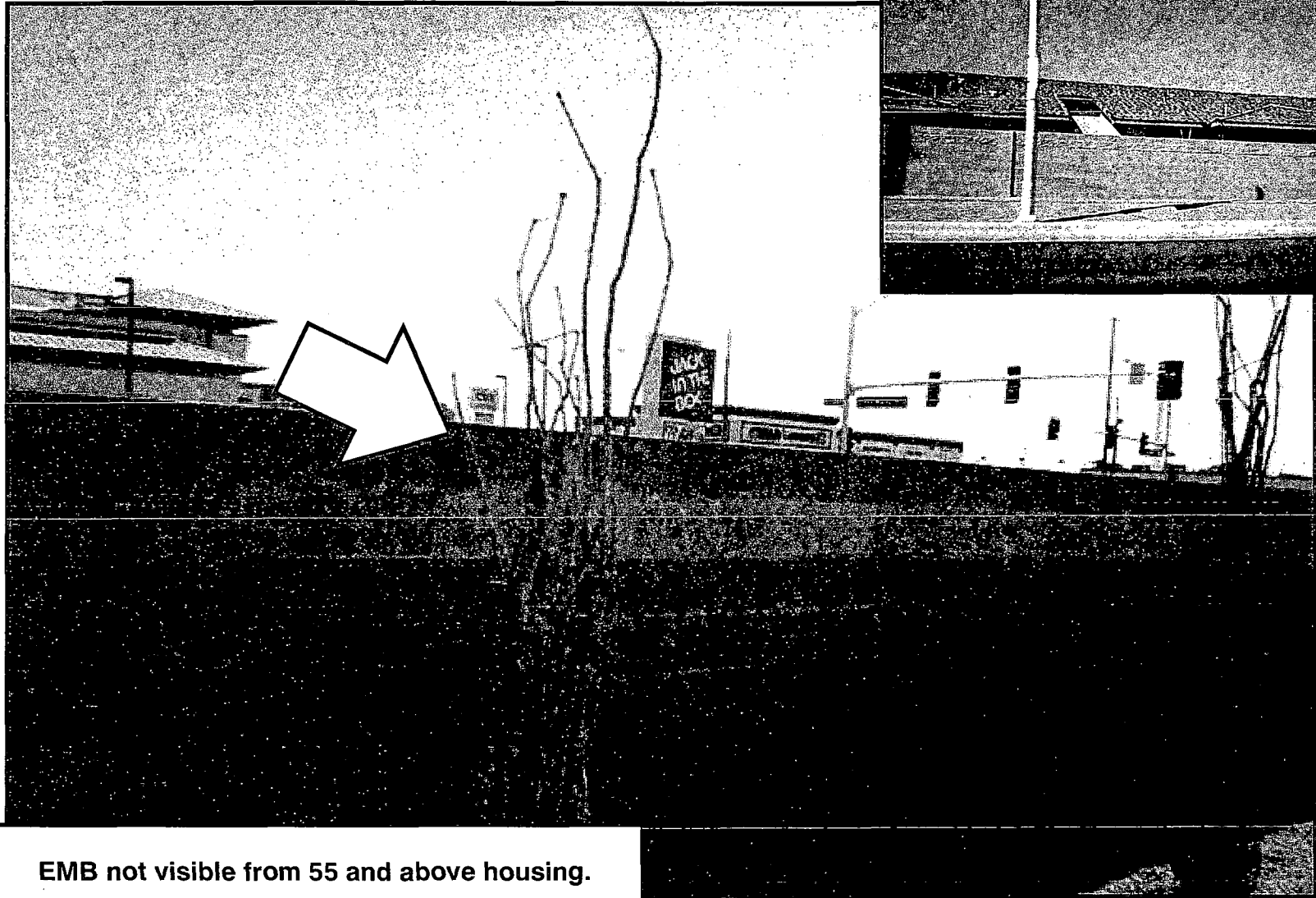
8/22/03



MSP-2840 - CVS/PHARMACY ON BEHALF OF JOHNSON FAMILY TRUST, ET AL
SOUTHEAST CORNER OF MARTIN LUTHER KING BOULEVARD AND LAKE MEAD BOULEVARD
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

Lake Mead sign



EMB not visible from 55 and above housing.

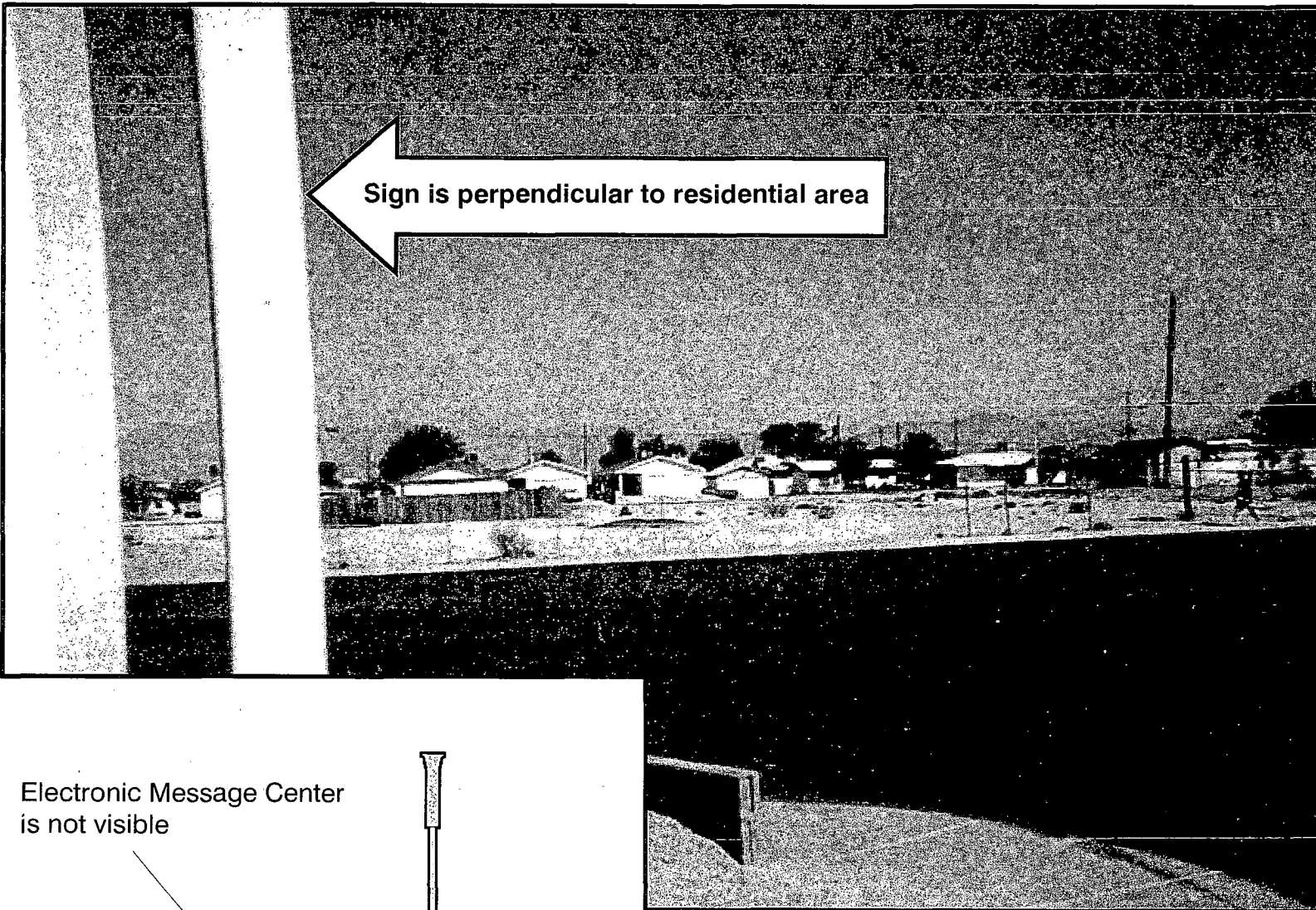
MSP-2840

10-15-03 CC

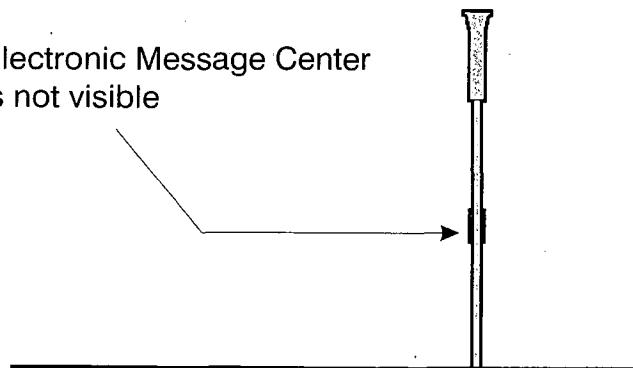
ImagePoint.

REVISIONS	Lake Mead & MLK	
	CLIENT/STORE#: IMAGEPOINT	
	DRAWN BY: CMR	
	CHECKED BY: CMR	
	DATE: 10-3-03	SHEET: 1
	SCALE: NOT TO SCALE	OF: 4

Lake Mead sign



Electronic Message Center
is not visible

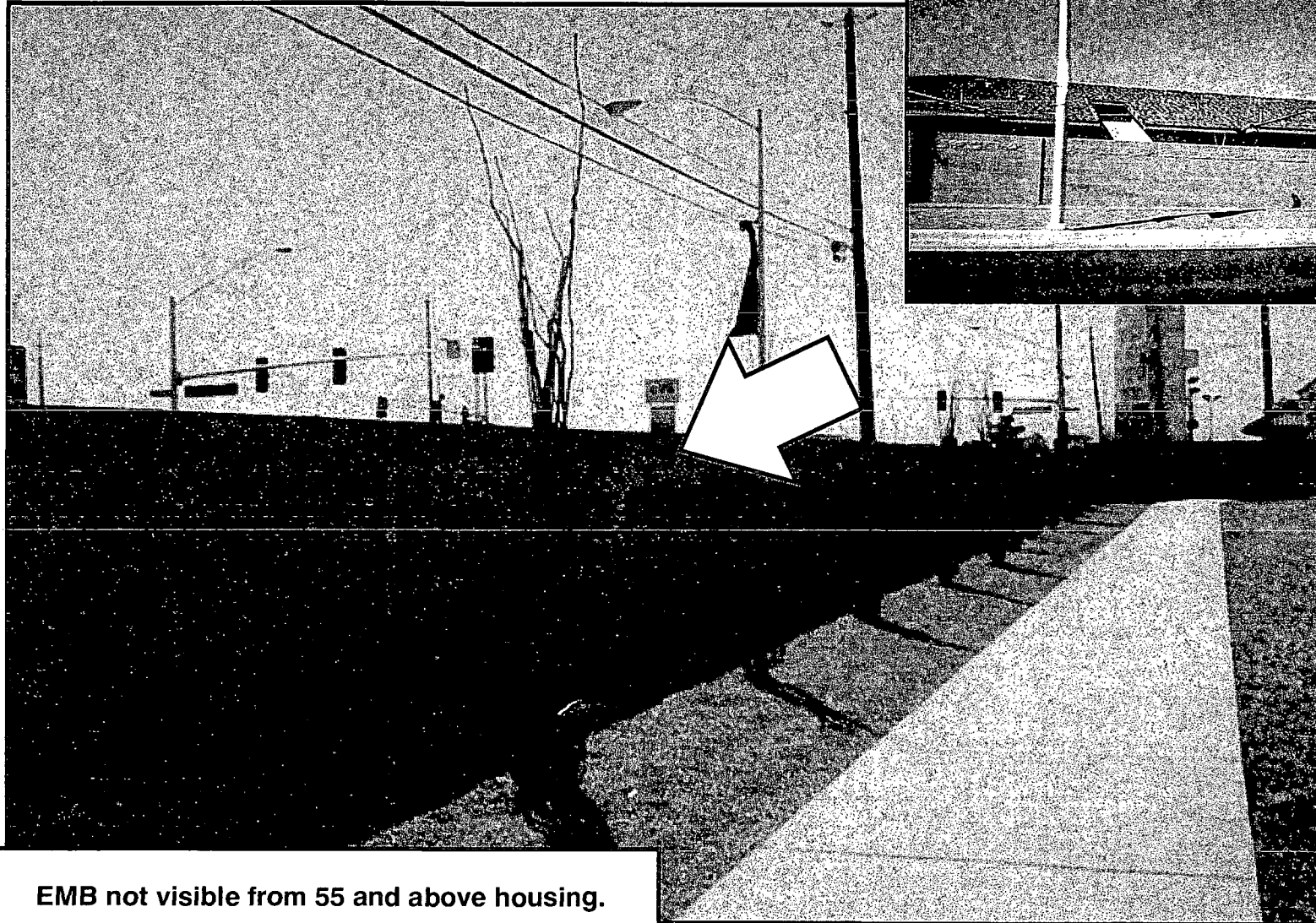


MSP-2840 10-15-03 CC

ImagePoint.

REVISIONS		Lake Mead & MLK	
		CLIENT/STORE#: IMAGEPOINT	
		DRAWN BY: CMR	
		CHECKED BY: CMR	
		DATE: 10-3-03	SHEET: 2
		SCALE: NOT TO SCALE	OF: 4

Martin Luther King Blvd sign



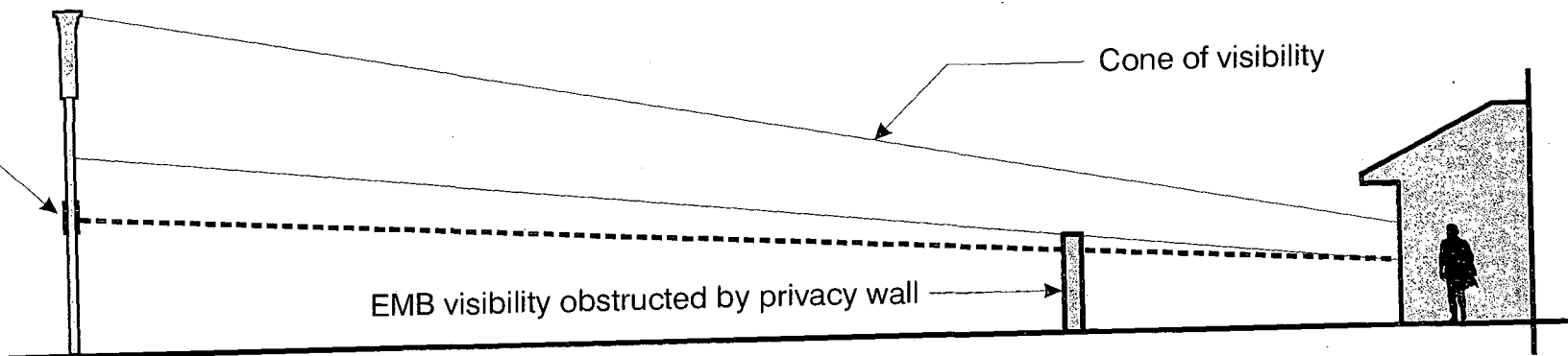
EMB not visible from 55 and above housing.

MSP-2840
10-15-03 CC



REVISIONS	Lake Mead & MLK	
	CLIENT/STORE#: IMAGEPOINT	
	DRAWN BY: CMR	
	CHECKED BY: CMR	
	DATE: 10-3-03	SHEET: 3
	SCALE: NOT TO SCALE	OF: 4

Electronic
Message
Center



MSP-2840

10-15-03 CC

ImagePoint™

REVISIONS		Lake Mead & MLK	
		CLIENT/STORE#: IMAGEPOINT	
		DRAWN BY: CMR	
		CHECKED BY: CMR	
		DATE: 10-3-03	SHEET: 4
		SCALE: NOT TO SCALE	OF: 4

City of Las Vegas

Agenda Item No. 95

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

MASTER SIGN PLAN - PUBLIC HEARING - MSP-2841 - CVS 3172 LAS VEGAS, LIMITED LIABILITY COMPANY - Request for a Modification to an existing Master Sign Plan (MSP-0005-01) for an existing retail store on 1.94 acres located at 4391 East Washington Avenue (APN: 140-30-701-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

CHARLEY SCHALLIO, Site Enhancement Services, 3699 West Lathrop, South Bend, Indiana, appeared on behalf of the applicant. He advised that the application, as submitted, proposes one freestanding sign at the corner, the replacement of two existing freestanding signs with monument signs, and the addition of bilingual language to the signage. He requested the application be amended to eliminate the proposed monument signs at the entrances to the business and instead erect one freestanding sign at the corner of the property to include an electronic message center. He displayed a picture of the proposed sign.

MAYOR PRO TEM REESE expressed his appreciation to the applicant for working with his office and staff on this project.

No one appeared in opposition.

There was no further discussion.



Agenda Item No. 95

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 95 – MSP-2841

MINUTES – Continued:

MAYOR PRO TEM REESE declared the Public Hearing closed.

NOTE: Under Item 96 [MSP-2842], COUNCILWOMAN L.B. McDONALD directed the applicant to provide staff with the revised sign plans when available for Item 95 [MSP-2841] and Item 96 [MSP-2842].

(1:44 – 1:45)

2-1178

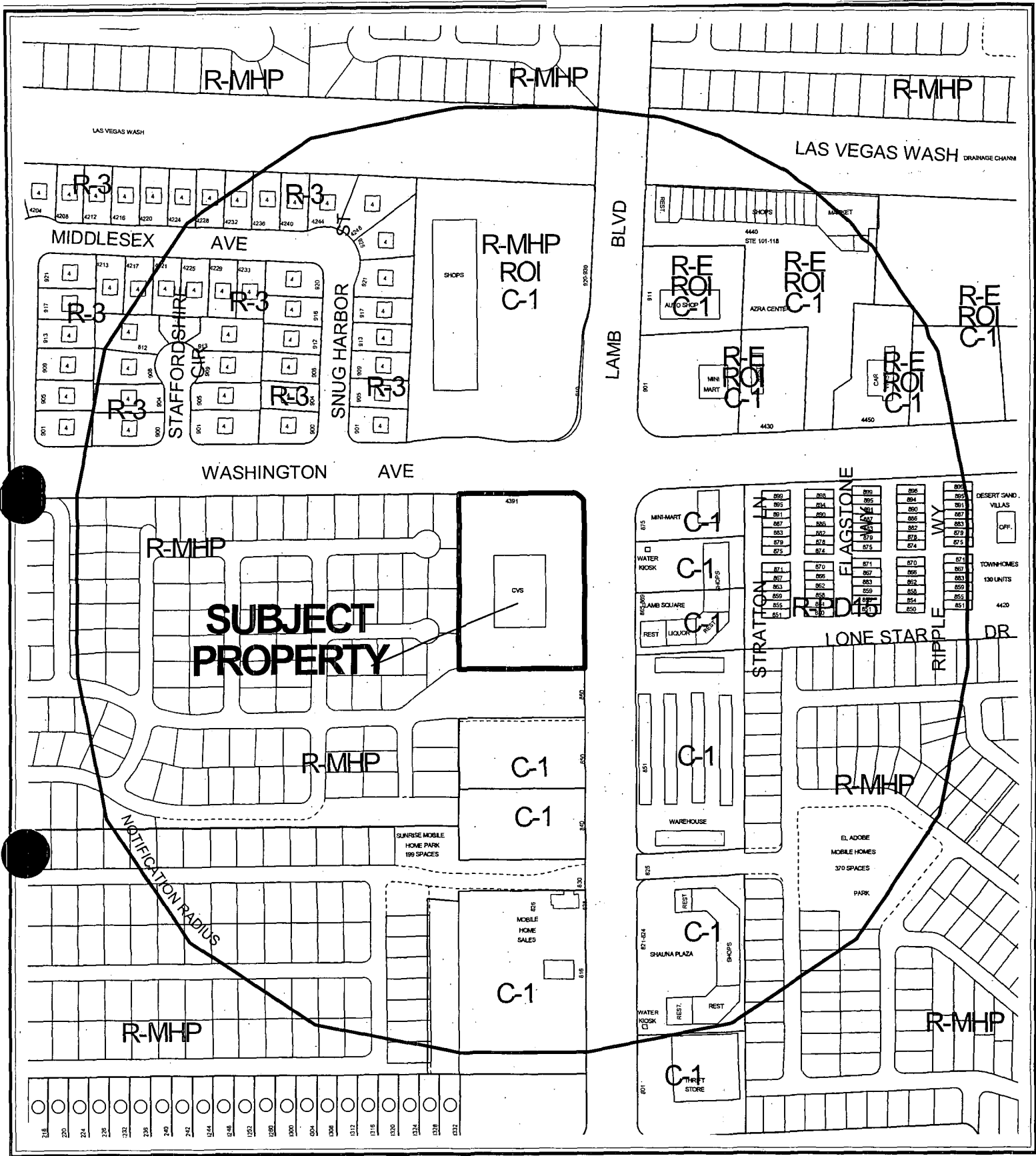
CONDITIONS:

Planning and Development

1. Conformance to the sign elevations and documentation as submitted in conjunction with this request.
2. Conformance to the conditions of approval and the submitted documentation for the previously approved Master Sign Plan (MSP-0005-01).
3. All signage shall have proper permits obtained through the Building and Safety Department.
4. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

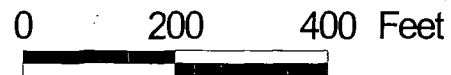
5. Site development to comply with all applicable conditions of approval for Site Development Plan Review Z-0084-00, and all other subsequent site-related actions.
6. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

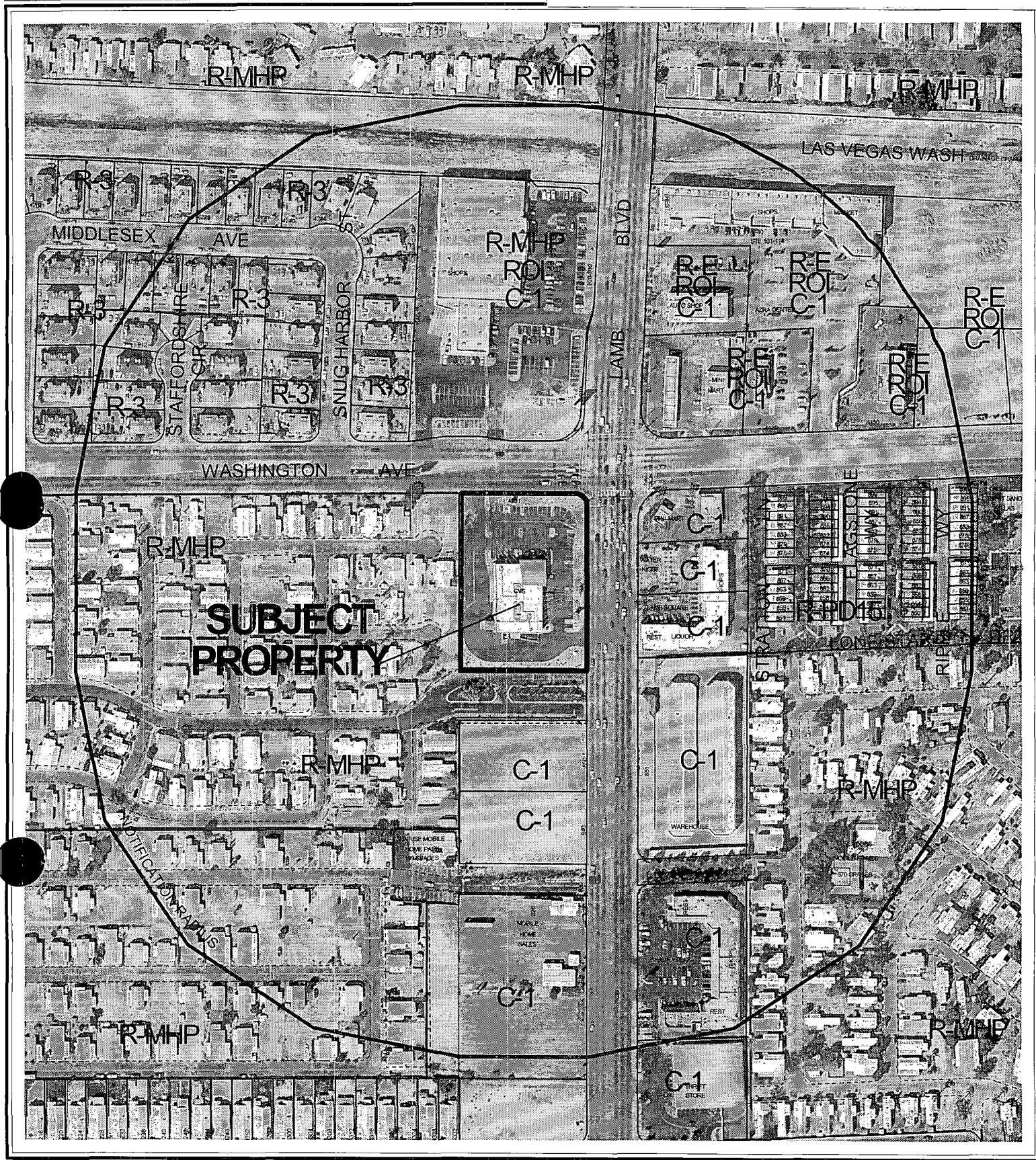


CASE: MSP-2841

RADIUS: 750 FT

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





CASE: **MSP-2841**

RADIUS: 750 FT

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

0 70 140 Feet



*City of Las Vegas***AGENDA MEMO****SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: MSP-2841 - CVS 317S LAS VEGAS, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the sign elevations and documentation as submitted in conjunction with this request.
2. Conformance to the conditions of approval and the submitted documentation for the previously approved Master Sign Plan (MSP-0005-01).
3. All signage shall have proper permits obtained through the Building and Safety Department.
4. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

5. Site development to comply with all applicable conditions of approval for Site Development Plan Review Z-0084-00, and all other subsequent site-related actions.
6. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

MSP-2841 - Staff Report Page One
October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a modification to an existing Master Sign Plan (MSP-0005-01) for an existing retail store on 1.94 acres located at 4391 E. Washington Avenue.

B) *Applicant's Justification*

The applicant has stated that the proposed modifications are part of a nationwide plan by CVS Pharmacy to unify pylon and monument signage for all properties. In addition, wall signage in Spanish text will be added to the existing English-language text on the building.

BACKGROUND INFORMATION

A) *Previous Actions*

- 02/21/01 The City Council approved a Site Development Plan [Z-0010-69(1)] for a 14,635 square foot commercial center on the property. The Planning Commission had recommended denial of the request at their meeting of 01/11/01.
- 05/10/01 The Planning Commission approved a Site Development Plan [Z-0010-69(2)] for a 13,903 square foot drug store on the subject property.
- 06/19/01 The Planning Commission approved a Master Sign Plan (MSP-0005-01) for the property as required by the conditions of approval of the Site Development Plan.
- 09/11/03 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #36).

B) *Pre-Application Meeting*

- 07/14/03 No major issues were noted relative to the proposed request. Staff reviewed the application procedures and conformance with Title 19.14 with the applicant.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 1.94

MSP-2841 - Staff Report Page Two
October 29, 2003 Special City Council Meeting

B) Existing Land Use

Subject Property: General Retail Use
North: General Retail Use
South: Undeveloped
East: General Retail Use
West: Manufactured Home Park

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: ML (Medium Low Density Residential), SC (Service Commercial)
East: SC (Service Commercial)
West: ML (Medium Low Density Residential)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-MHP (Residential Mobile/Manufactured Home Park) under Resolution of Intent to C-1 (Limited Commercial)
South: R-MHP (Residential Mobile/Manufactured Home Park), C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: R-MHP (Residential Mobile/Manufactured Home Park)

E) General Plan Compliance

The subject property is designated SC (Service Commercial) in the Southeast Sector Plan of the General Plan.

SPECIAL DISTRICTS/ZONES		
Special Area Plan	Yes	No
Special Overlay District		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The parcel is not located within any special districts or zones.

MASTER SIGN PLAN REQUIREMENTS FOR ON-PREMISE SIGNAGE		
THRESHOLD	YES	NO
To establish requirements/limitations for signs in a specific development	X	

A Master Sign Plan was required as a condition of approval of the site plan.

MSP-2841 - Staff Report Page Three
October 29, 2003 Special City Council Meeting

ANALYSIS

A) Zoning Code Compliance

The existing signage on the property includes two freestanding 35-foot pylon signs, and wall signage on the east and north facades of the building. The existing pylon sign at the northwest corner of the site will remain unchanged; the pylon sign at the southeast corner of the site will be moved towards the intersection of Washington Avenue and Lamb Boulevard, and an electronic message unit will be added to the sign. Spanish language wall signage will be added below the existing English language wall signage on the north and east sides of the building.

A1) Residential Protection Standards

The relocated pylon sign is not subject residential protection standards.

A2) Sign Standards

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

Freestanding Signs: P-70 Pylon

Standards	Allowed	Provided	Conforms
Maximum Number	1 / 200' Street frontage 247'/Washington 2 total 343'/Lamb Blvd. 2 total	1 – Washington 1 – Lamb Blvd.	Y Y
Maximum Area	1,180 SF	249 SF	Y
Maximum Height	40 Feet	35 Feet	Y
Minimum Setback	5 Feet	10 Feet	Y
Minimum Separation	100 Feet	126 Feet	Y
Illumination	Internal, External, Animated, Electronic Message Unit	Internal, Electronic Message Unit	Y

Wall Signs:

Standards	Allowed	Provided	Conforms
Maximum Number	N/A	N/A	--
Maximum Area	20%/elevation	9%	Y
Maximum Projection	2 Feet	9 inches	Y
Illumination	Internal/External	Internal	Y

MSP-2841 - Staff Report Page Four
October 29, 2003 Special City Council Meeting

The pylon signs conform to the height, area, setback and illumination requirements. The square footage of the wall signage is approximately half of the amount allowed by Title 19.

B) General Analysis and Discussion

The proposed modification to the Master Sign Plan will modify the location of the one of the pylon signs, but does not increase the number of freestanding signs on the property. The addition of the electronic message unit to the relocated pylon sign moderately increases the cumulative sign area, but is still well below the amount of text area permitted by Title 19. The color and materials of the pylon signs are compatible with the principal structure, and contribute to a cohesive architectural theme for the property.

The additional Spanish-language wall signage approximately doubles the amount of wall signage on the building previously, but is still well below the amount of wall signage permitted by code. The new signage will match the color and style of the existing signage, and will be appropriately placed relative to the architectural features of the façade.

NOTICES MAILED 1,423 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **MSP-2841** APN: 140-30-701-003
 Name of Property Owner: CVS/pharmacy
 Name of Applicant: CVS/pharmacy

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

 Yes X No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

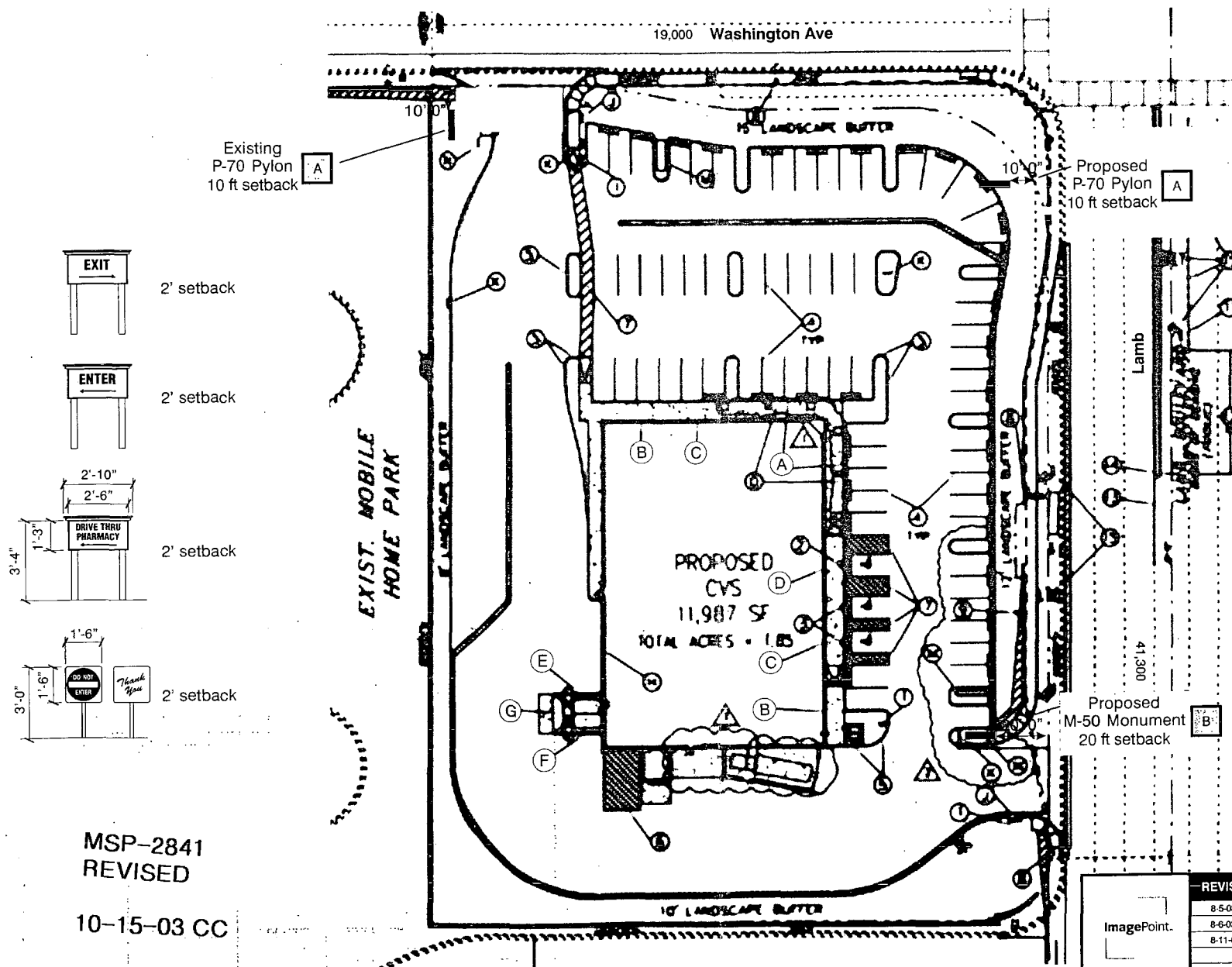
Print Name: John James Simcoe

Subscribed and sworn before me

This 11 day of July, 2003

Judith Ann Endres
 Notary Public in and for said County and State

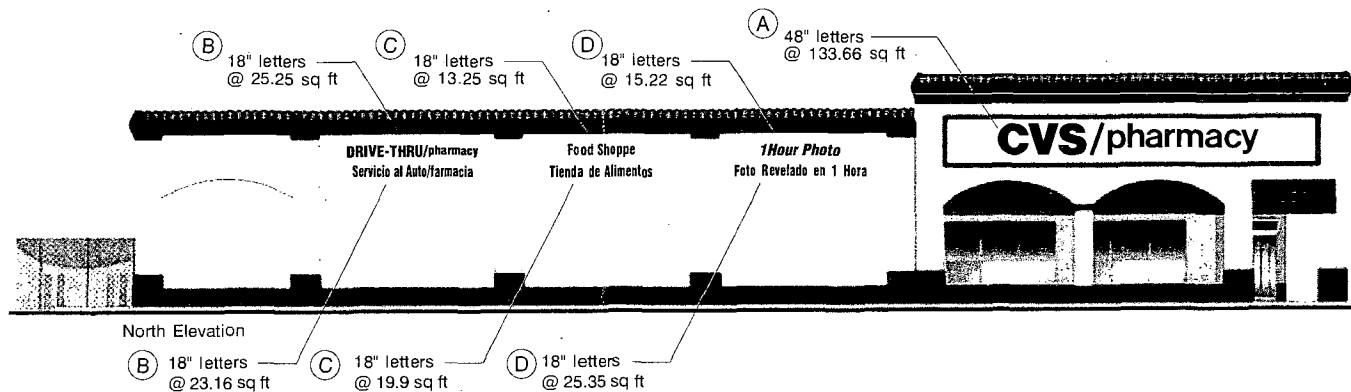
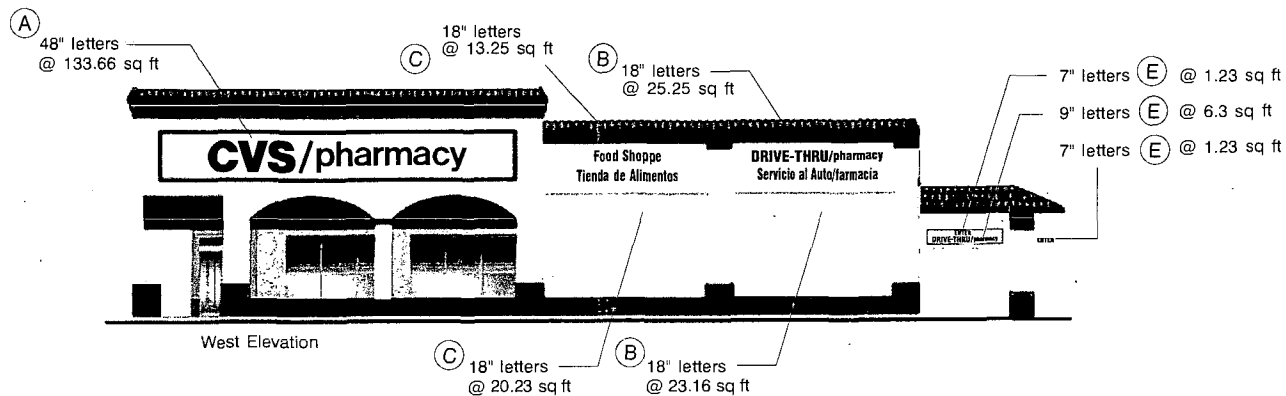
JUDITH ANN ENDRES
 NOTARY PUBLIC STATE OF INDIANA
 ST. JOSEPH COUNTY
 MY COMMISSION EXP. DEC. 29, 2006



MSP-2841
REVISED

10-15-03 CC

REVISIONS		Washington & Lamb - Las Vegas, NV	
8-5-03 MH	CLIENT/STORE#:	CVS	
8-6-03 CMR	DRAWN BY:	MH	
8-11-03 ANS	CHECKED BY:	JCS	
	DATE:	8-5-03	SHEET: 1
	SCALE:	1"=40'-0"	OF: 3



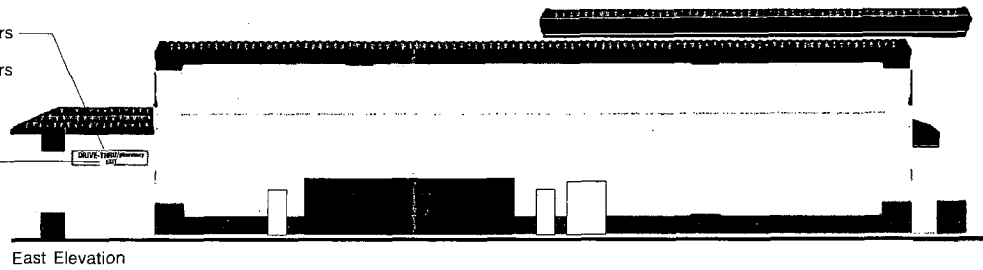
MSP-2841
REVISED

10-15-03 CC

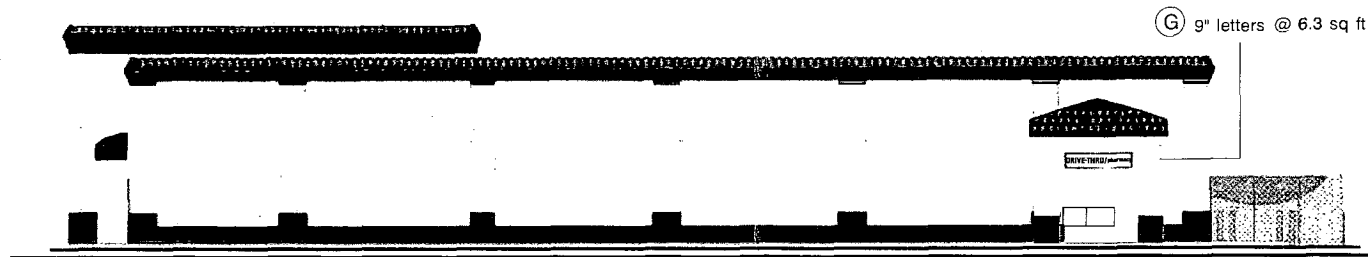
REVISIONS		Washington & Lamb - Las Vegas, NV	
8-5-03 MH	CLIENT/STORE#: CVS		
8-6-03 CMR	DRAWN BY: MH		
	CHECKED BY: JCS		
	DATE: 8-5-03	SHEET: 2	
	SCALE: 1/16" = 1'-0"	OF: 3	

ImagePoint.

@ 6.3 sq ft (F) 9" letters
 @ .83 sq ft (F) 7" letters



East Elevation



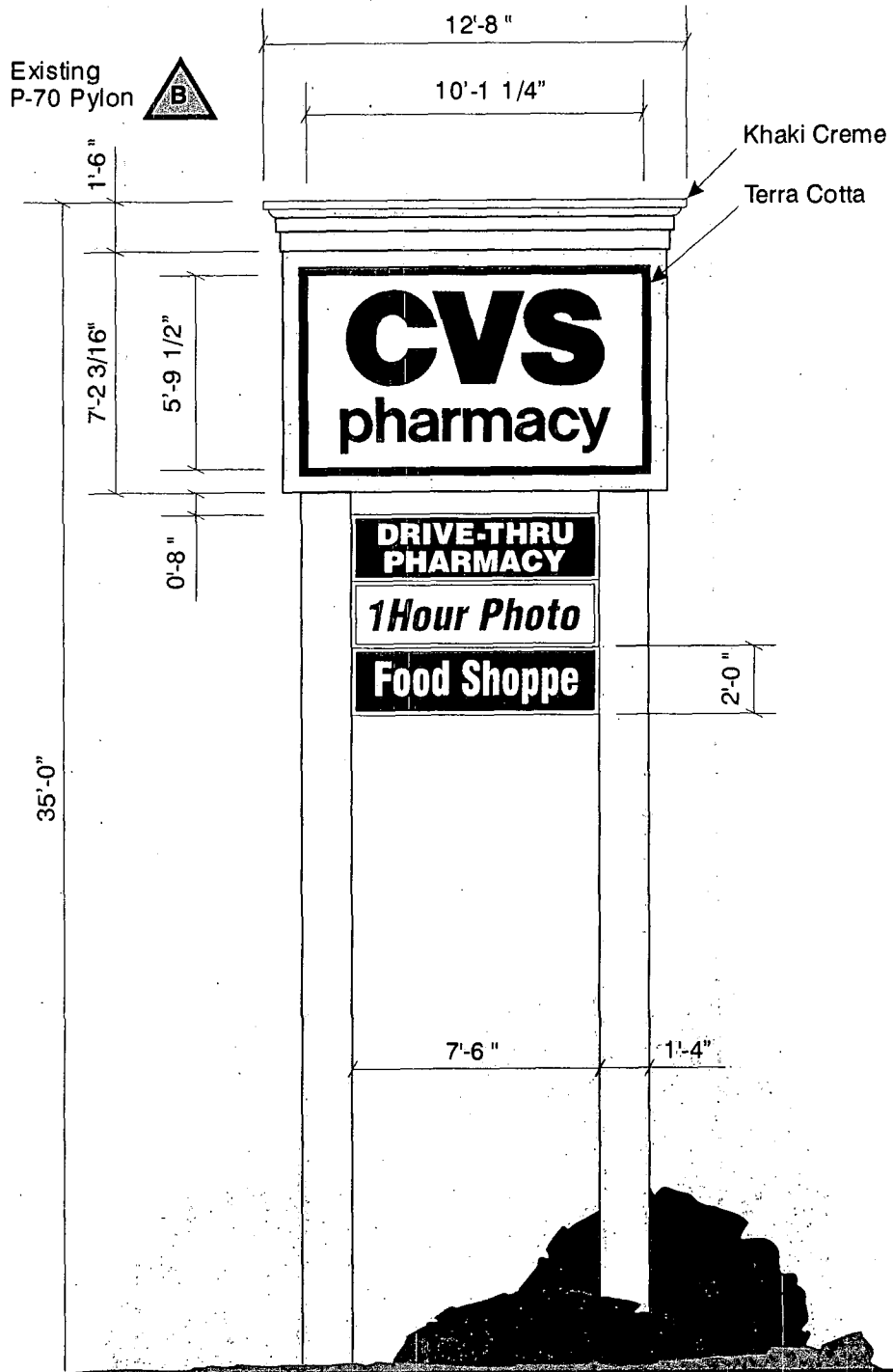
South Elevation

MSP-2841
 REVISED

10-15-03 CC

ImagePoint.

REVISIONS		Washington & Lamb - Las Vegas, NV	
8-5-03 MH	CLIENT/STORE#: CVS		
8-6-03 CMR	DRAWN BY: MH		
	CHECKED BY: JCS		
	DATE: 8-5-03	SHEET: 3	
	SCALE: 1/16" = 1'-0"	OF: 3	



ImagePoint.

REVISIONS Washington & Lamb - Las Vegas, NV

CLIENT/STORE#: CVS	
DRAWN BY: CW	
CHECKED BY: CS	
DATE: 8-29-03	
SCALE: 3/16"=1'-0"	

SHEET: 4
OF: 5

MSP-2841
09-11-03 PC
REVISED 08-29-03



Proposed
P-70 Pylon



ImagePoint

REVISIONS

Washington & Lamb - Las Vegas, NV

CLIENT/STORE#: CVS

DRAWN BY: CW

CHECKED BY: CS

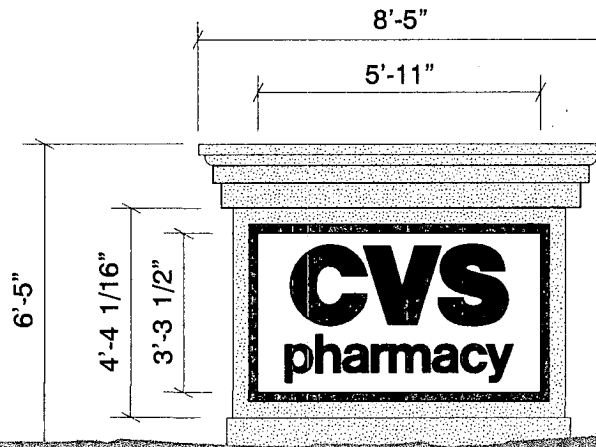
DATE: 8-29-03

SCALE: 3/16"=1'-0"

SHEET: 5

Off: 5

Proposed
M-30 Monument



scale 1/4" = 1'-0"

MSP-2841

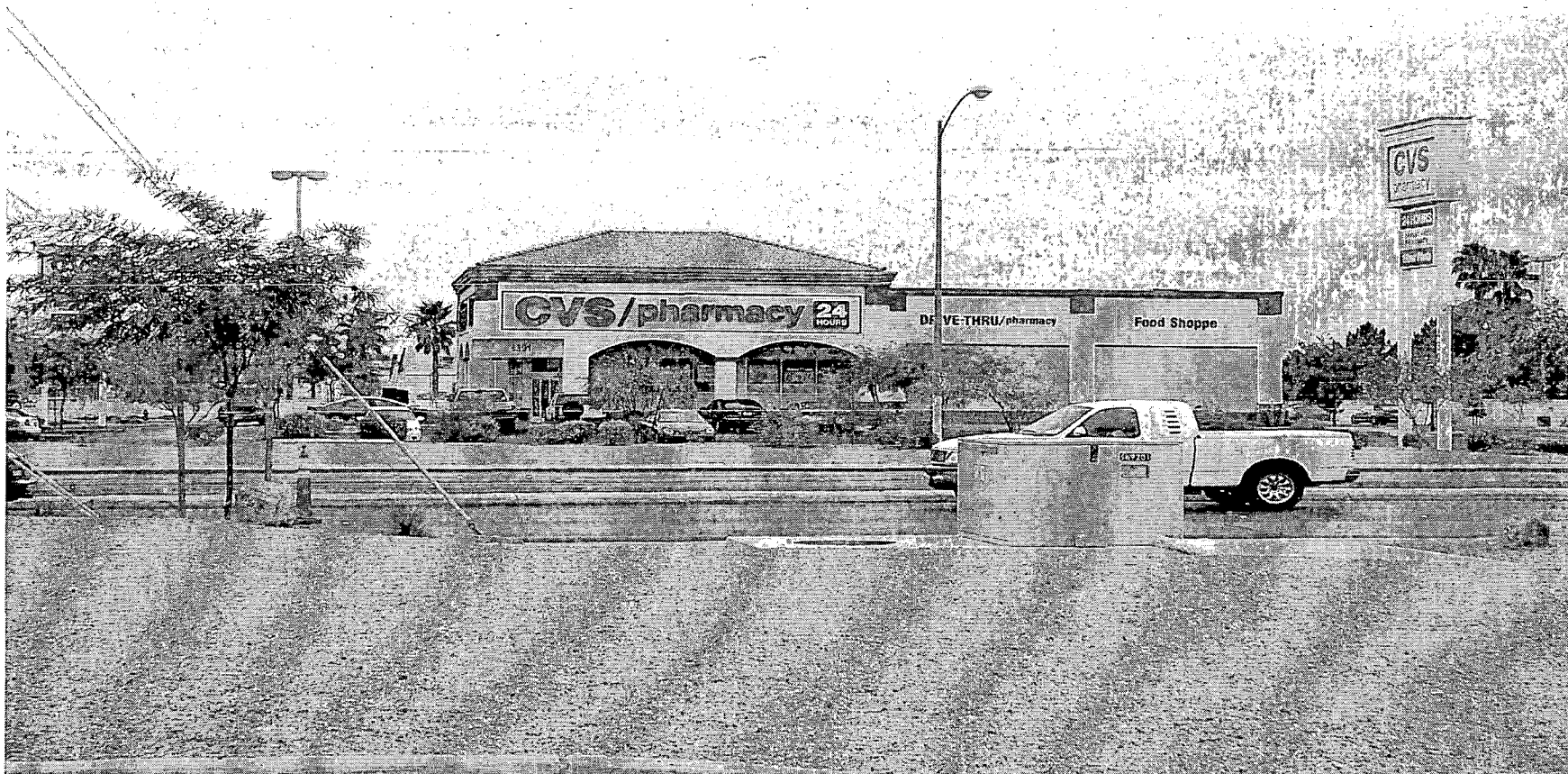
ImagePoint.

Washington & Lamb - Las Vegas, NV

rendering prepared by SITE-ENHANCEMENT SERVICES

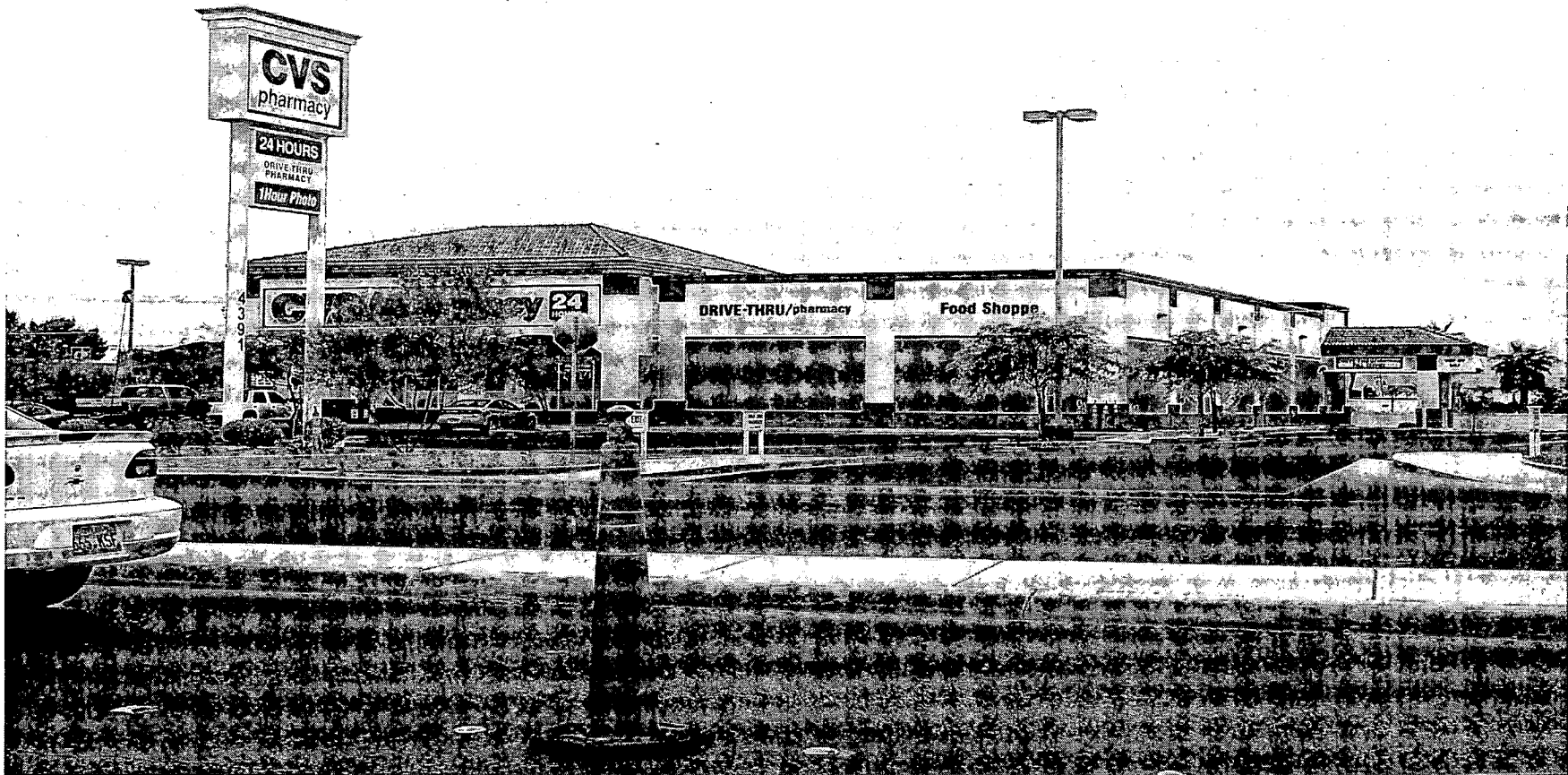


09-11-03 PC



MSP-2841 - CVS 3172 LAS VEGAS, LIMITED LIABILITY COMPANY
4391 EAST WASHINGTON AVENUE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03



MSP-2841 - CVS 3172 LAS VEGAS, LIMITED LIABILITY COMPANY
4391 EAST WASHINGTON AVENUE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

City of Las Vegas

Agenda Item No. 96

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

MASTER SIGN PLAN - PUBLIC HEARING - MSP-2842 - CVS/PHARMACY ON BEHALF OF S C P 2002E-40, LIMITED LIABILITY COMPANY - Request for a Modification to an existing Master Sign Plan (MSP-0003-01) for an existing retail store on 1.84 acres located at 3290 South Fort Apache Road (APN: 163-08-421-004), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 2 (L.B. McDonald). The Planning Commission (4-1-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

1
1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (4-1-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. E-mail protest from Donna Toussaint, President of West Sahara Community Association
5. Back up referenced from the 9/11/2003 Planning Commission meeting Item 37

MOTION:

L.B. McDONALD – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

CHARLEY SCHALLIO, Site Enhancement Services, 3699 West Lathrop, South Bend, Indiana, appeared on behalf of the applicant. He explained he had worked with the neighbors regarding the proposed monument sign, which was replacing one of the freestanding signs. However, following the Planning Commission meeting and at the request of the homeowners association, the sign was modified in appearance. He displayed a picture of the redesigned sign.

COUNCILWOMAN L.B. McDONALD indicated she had received correspondence from the West Sahara Community Association concurring with the representations made by MR. SCHALLIO. She commented that a project proceeds much smoother and faster when community input is obtained.

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
 Planning and Development Department
 Item 96 – MSP-2842

MINUTES – Continued:

ROBERT GENZER, Director, Planning and Development Department, confirmed with the applicant that the new sign would not exceed 24 feet in height. Further, he requested that the applicant provide staff with the revised sign plans for this application as well as Item 95 [MSP-2841] when they become available.

No one appeared in opposition.

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

NOTE: COUNCILWOMAN L.B. McDONALD directed the applicant to provide staff with the revised sign plans when available for Item 95 [MSP-2841] and Item 96 [MSP-2842].

(1:45 – 1:48)

2-1239

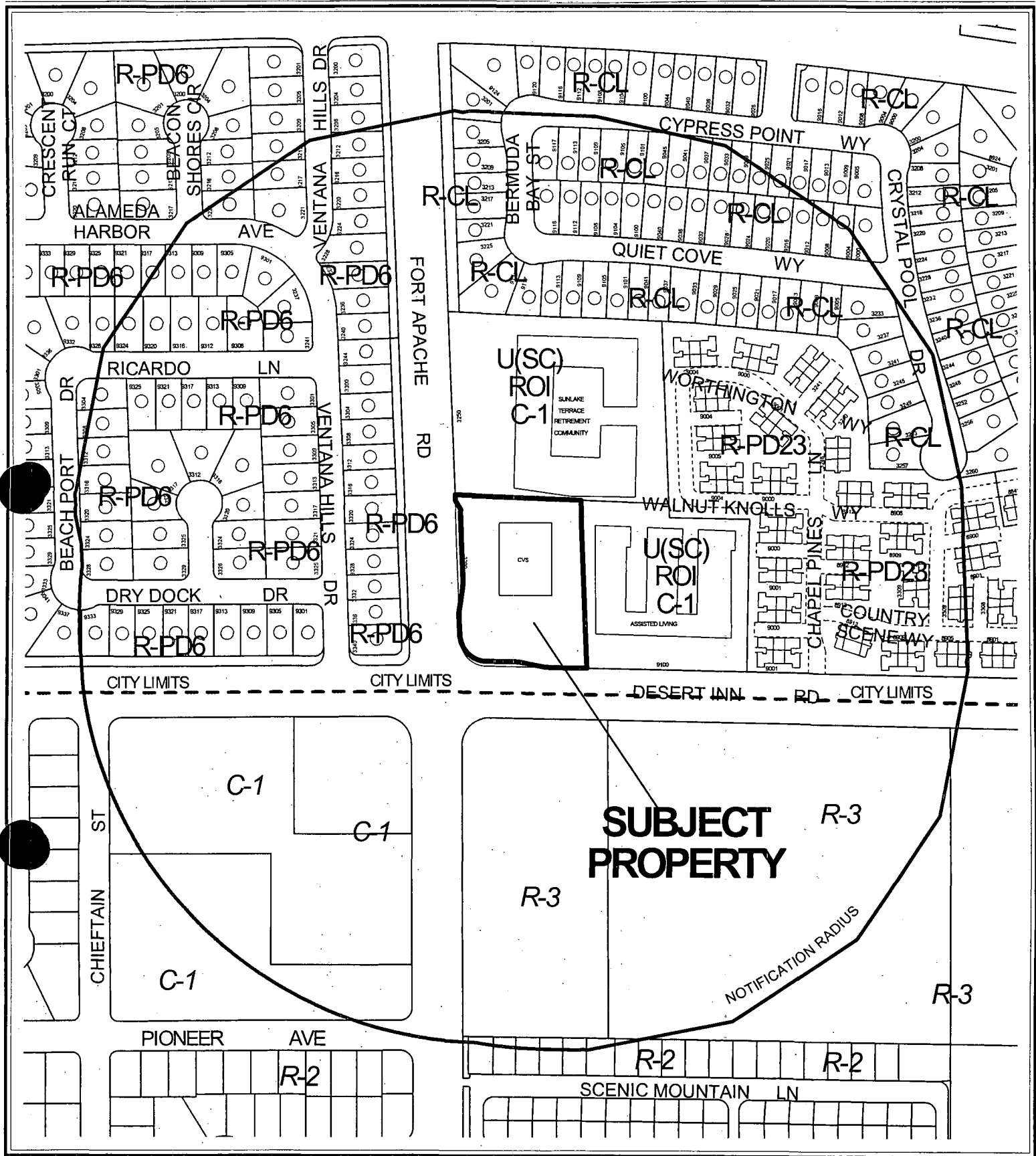
CONDITIONS:

Planning and Development

1. Conformance to the sign elevations and documentation as submitted in conjunction with this request.
2. Conformance to the conditions of approval and the submitted documentation for the previously approved Master Sign Plan (MSP-0003-01).
3. The sign on the southwest corner of the site shall be limited to a height of 24 feet. The reader board shall be located more than 200 feet from residentially zoned property.
4. All signage shall have proper permits obtained through the Building and Safety Department.
5. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

6. Site development to comply with all applicable conditions of approval for Site Development Plan Review Z-0122-87, and all other subsequent site-related actions.
7. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



CASE: MSP-2842

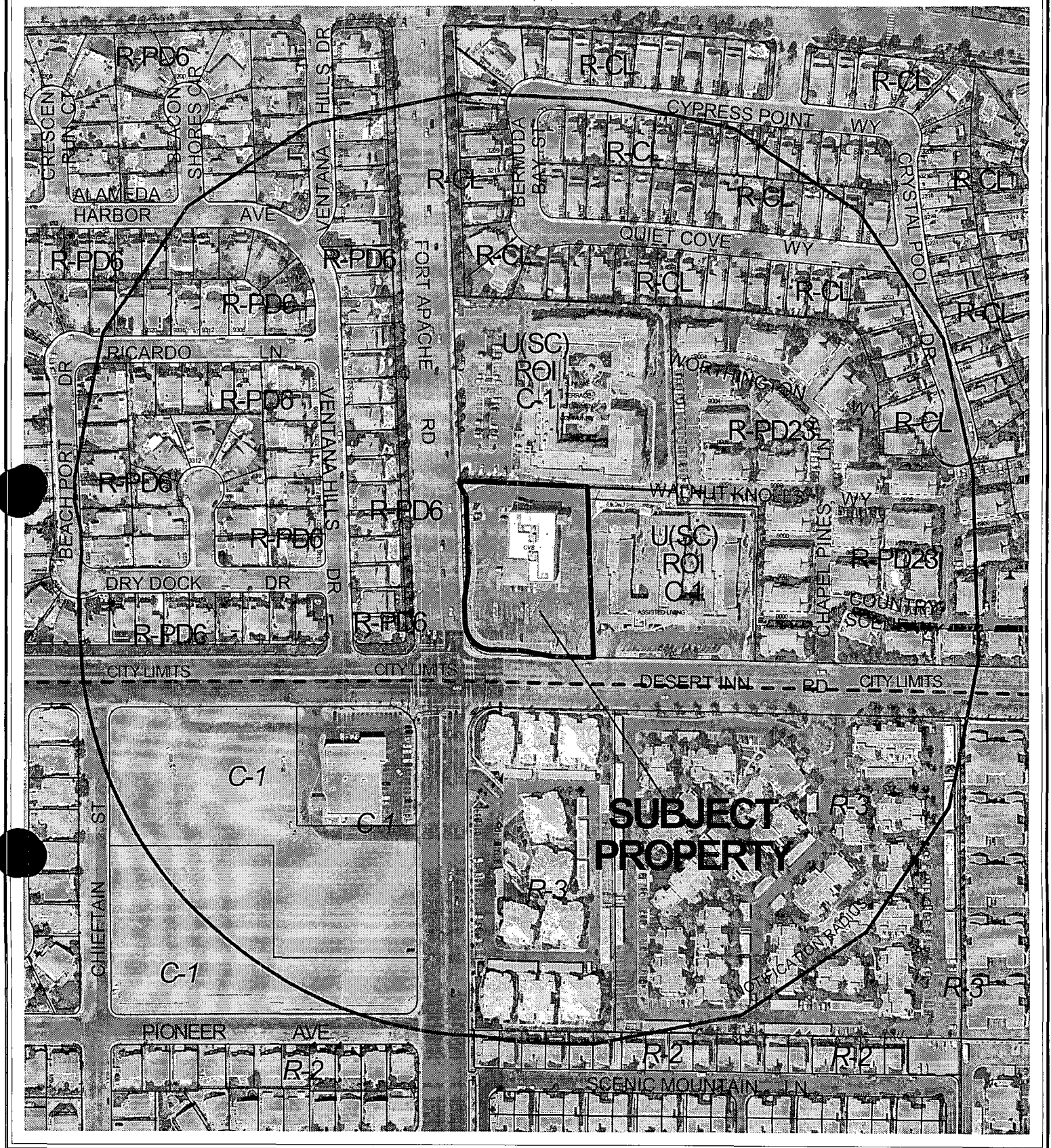
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
 UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

0 200 400 Feet





CASE: **MSP-2842**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
 UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



City of Las Vegas

AGENDA MEMO

SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: MSP-2842 - CVS/PHARMACY ON BEHALF OF S C P 2002 E-40, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (4-1-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the sign elevations and documentation as submitted in conjunction with this request.
2. Conformance to the conditions of approval and the submitted documentation for the previously approved Master Sign Plan (MSP-0003-01).
3. The sign on the southwest corner of the site shall be limited to a height of 24 feet. The reader board shall be located more than 200 feet from residentially zoned property.
4. All signage shall have proper permits obtained through the Building and Safety Department.
5. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

6. Site development to comply with all applicable conditions of approval for Site Development Plan Review Z-0122-87, and all other subsequent site-related actions.
7. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

MSP-2842 - Staff Report Page One
 October 29, 2003 Special City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for modifications to an existing Master Sign Plan (MSP-0003-01) for an existing retail store on 1.84 acres located at 3290 S. Fort Apache Road.

B) Applicant's Justification

The applicant has stated that the proposed modifications are part of a nationwide plan by CVS Pharmacy to unify pylon and monument signage for all properties.

BACKGROUND INFORMATION

A) Previous Actions

- 01/25/01 The Planning Commission approved a Site Development Plan [Z-0122-87(2)] for a 13,903 square foot drug store on the subject property.
- 06/09/01 The Planning and Development Department administratively approved a Master Sign Plan (MSP-0003-01) for the subject property.
- 09/11/03 The Planning Commission voted 4-1-1 to recommend APPROVAL (PC Agenda Item #37).

B) Pre-Application Meeting

- 07/14/03 No major issues were noted relative to the proposed request. Staff reviewed the application procedures and conformance with Title 19.14 with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.84

MSP-2842 - Staff Report Page Two
October 29, 2003 Special City Council Meeting

B) Existing Land Use

Subject Property: General Retail Use
North: Convalescent Care Facility
South: Unincorporated Clark County
East: Assisted Living Facility
West: Single-Family Residential Use

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: Unincorporated Clark County
East: SC (Service Commercial)
West: ML (Medium Low Density Residential)

D) Existing Zoning

Subject Property: U (Undeveloped) - under Resolution of Intent to C-1 (Limited Commercial)
North: U (Undeveloped) - under Resolution of Intent to C-1 (Limited Commercial)
South: Unincorporated Clark County
East: U (Undeveloped) - under Resolution of Intent to C-1 (Limited Commercial)
West: R-PD6 (Residential Planned Development)

E) General Plan Compliance

The property is designated SC (Service Commercial) in the Southwest Sector Plan of the General Plan.

SPECIAL DISTRICTS/ZONES		
Special Area Plan	Yes	No
Special Overlay District		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The site is not located within any special districts or zones.

MASTER SIGN PLAN REQUIREMENTS FOR ON-PREMISE SIGNAGE		
THRESHOLD	YES	NO
To establish requirements/limitations for signs in a specific development	X	

A Master Sign Plan was required as a condition of approval of the site plan.

MSP-2842 - Staff Report Page Three
October 29, 2003 Special City Council Meeting

ANALYSIS

A) Zoning Code Compliance

The business currently has two 24-foot high pylon signs at the northwest and southeast corners of the site, and wall signage on the south and west facades of the building. Both existing pylon signs will be removed, and a single 35-foot tall pylon sign with an electronic message unit will be installed at the southwest corner of the site. Two new 6'-5" high monument signs are proposed at the southeast and northwest corners of the site. Wall signage for the business will not be modified.

A1) Residential Protection Standards

The new pylon sign proposed for the southwest corner of the site and the new monument sign proposed for the northwest corner of the site are within 200 feet of single-family residential properties on the west side of Fort Apache Road, and are subject to the following Residential Protection Standards:

- a) Minimum setback. Both signs will comply with the minimum required setbacks from residential properties.
- b) Maximum height. The proposed signs will comply with the height limitation imposed by the Residential Protection Standards.
- c) Illumination. Both signs will comply with the illumination limitations imposed by the Residential Protection Standards.
- d) Electronic message unit. Electronic message units are not allowed within 200 feet of single-family residential properties; consequently, the message unit on the pylon sign will need to be removed, or the pylon sign will need to be relocated further to the east.

A2) Sign Standards

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

Freestanding Sign: P-70 Pylon

Standards	Allowed	Provided	Conforms
Maximum Number	330'/Ft. Apache 2 total 250'/Desert Inn 2 total	1- intersection of Ft. Apache & Desert Inn	Y
Maximum Area	1,160 SF	181 SF	Y

MSP-2842 - Staff Report Page Four
 October 29, 2003 Special City Council Meeting

Maximum Height	40 Feet	35 Feet	Y
Minimum Setback	5 Feet	5 Feet	Y
Illumination	Internal, External, Animated, Electronic Message Unit	Internal, Electronic Message Unit	N

Monument Signs: M-30 Monument

Standards	Allowed	Provided	Conforms
Maximum Number	330'/Ft. Apache 2 total	1 - Ft. Apache	Y
	250'/Desert Inn 2 total	1 - Desert Inn	Y
Maximum Area	75 SF/Sign	19 SF/Sign	Y
Maximum Height	10 Feet	6'-5"	Y
Minimum Setback	5 Feet	5 Feet	Y
Illumination	Internal/Direct External	Internal	Y

Wall Signs: (No changes proposed)

Standards	Allowed	Provided	Conforms
Maximum Number	N/A	N/A	--
Maximum Area	20%/elevation	9%	Y
Maximum Projection	2 Feet	9 inches	Y
Illumination	Internal/External	Internal	Y

The proposed signage will conform with the requirements of Title 19.14, with the exception of the electronic message unit on the pylon sign, which violates the Residential Protection Standards.

B) General Analysis and Discussion

The proposed modifications to the existing Master Sign Plan have been submitted in conjunction with a nationwide plan by CVS Corporation to unify signage and provide electronic message units at all CVS locations. Approval of the proposed modifications will result in the removal of the existing pylon signs and the addition of a taller pylon sign and two small monument signs. No modifications will be made to the existing wall signage.

With the exception of the electronic message unit, the proposed modifications conform to the requirements of Title 19.14, and results in significantly less signage than would otherwise be allowed under Code requirements. The signage is generally consistent with the materials and colors of the principal building, and contributes to a cohesive architectural environment.

MSP-2842 - Staff Report Page Five
October 29, 2003 Special City Council Meeting

As previously noted, the electronic message unit is located within 200 feet of residential properties, which is not permitted by the Residential Protection Standards contained in Title 19.14. The message unit will need to be removed, or the pylon sign will need to be relocated further east along Desert Inn Road in order to conform to the Residential Protection Standards.

PLANNING COMMISSION ACTION

Condition #3 has been modified by the Planning Commission to reduce the height of the pylon sign by 11 foot to ensure the proper location of the proposed reader board.

NOTICES MAILED 306 by Planning Department

APPROVALS 0

PROTESTS 1



Case Number: **MSP-2842** APN: **163-08-421-004**

Name of Applicant: CVS/pharmacy

 Yes X No

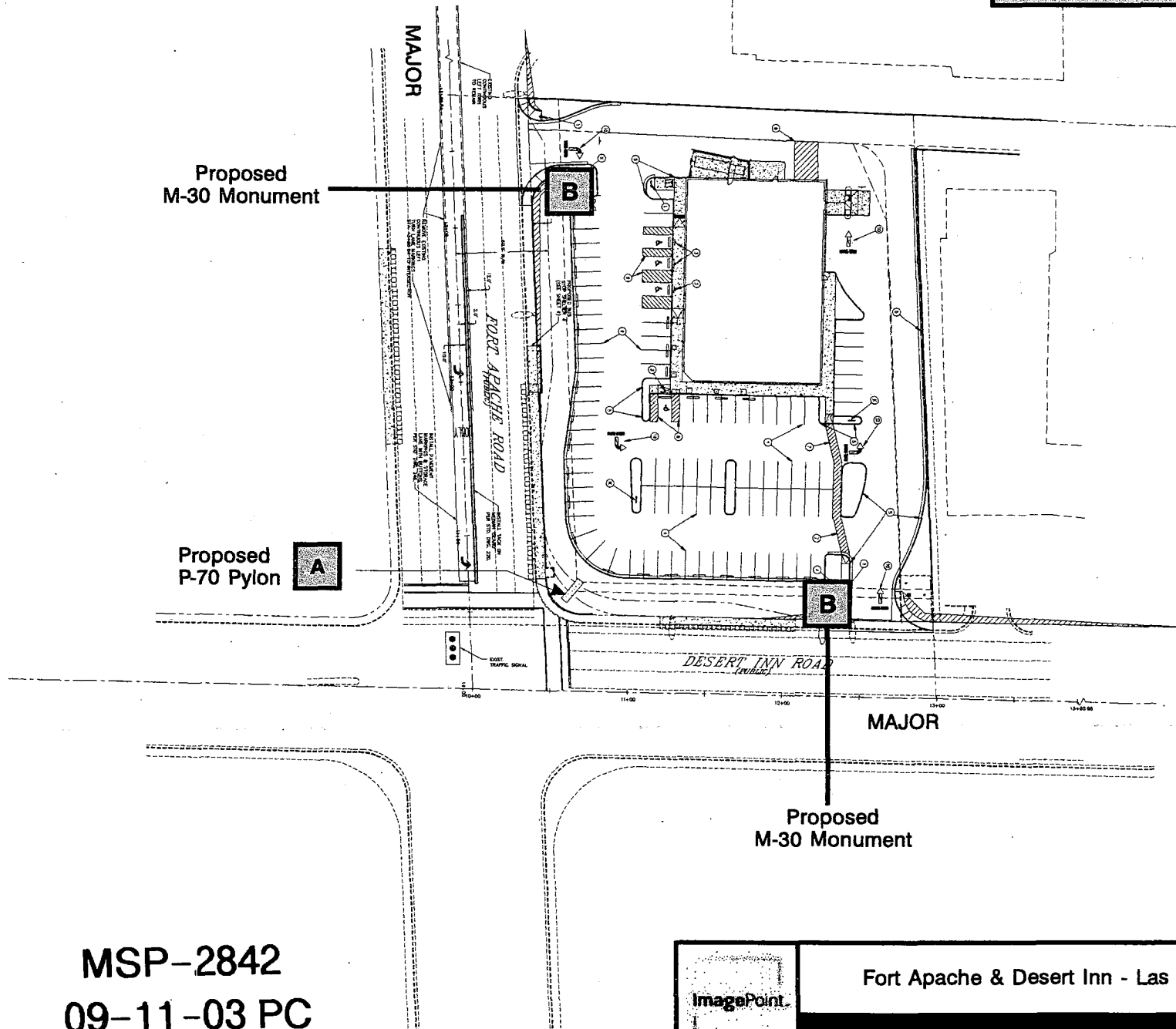
APN: _____

Print Name: John Charles Schmitt

Notary Public in and for said County and State

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

PROPOSED PYLON SIGNAGE



MSP-2842
09-11-03 PC

ImagePoint

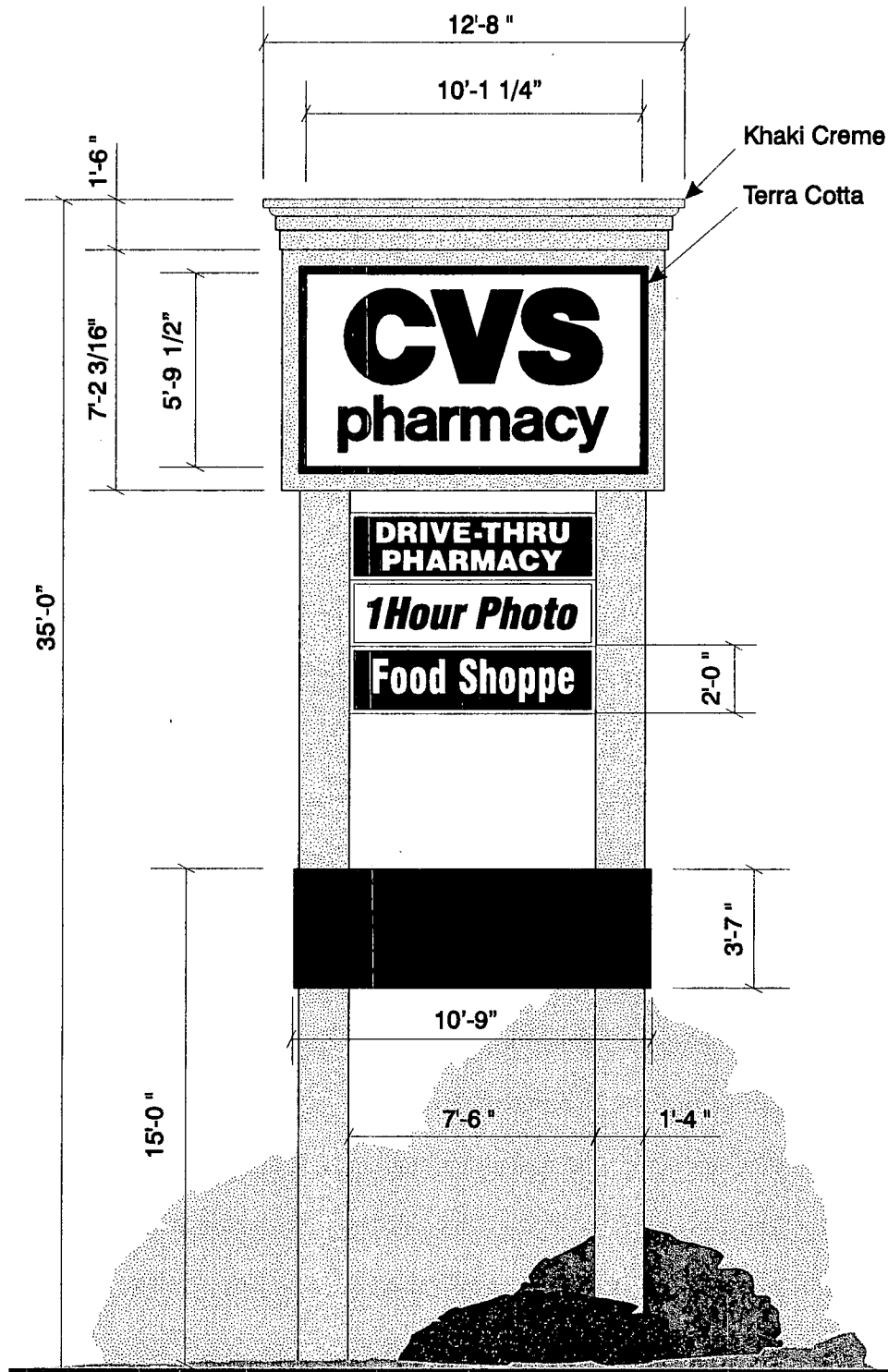
Fort Apache & Desert Inn - Las Vegas, NV

rendering prepared by **SITE ENHANCEMENT SERVICES**





Proposed
P-70 Pylon



scale 3/16"=1'-0"

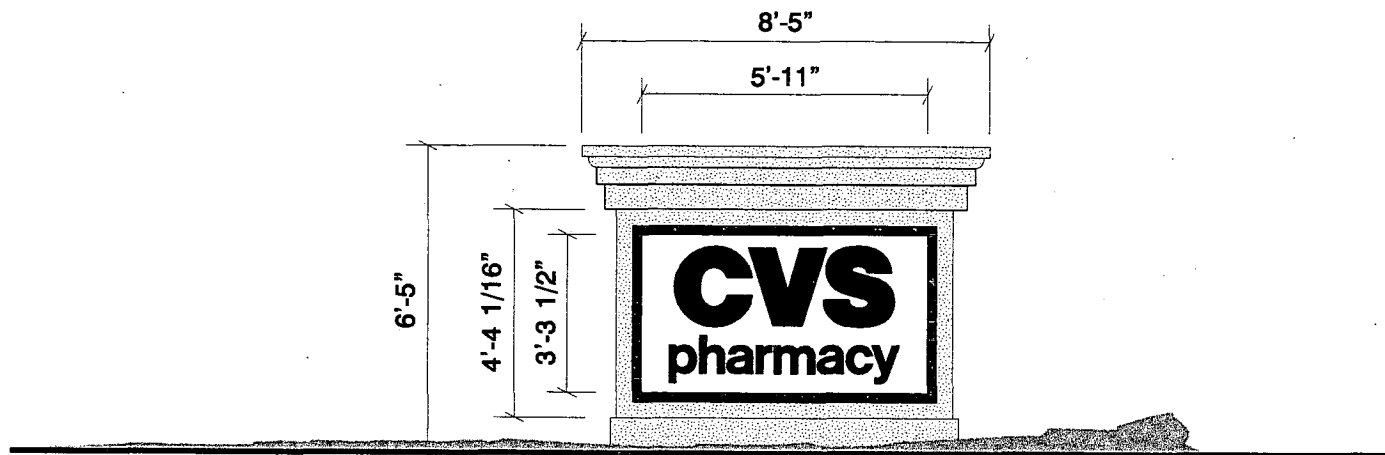
MSP-2842
09-11-03 PC

ImagePoint

Fort Apache & Desert Inn - Las Vegas, NV
Engineering prepared by SITE ENHANCEMENT SERVICES

SES

Proposed
M-30 Monument



scale 1/4"=1'-0"

MSP-2842
09-11-03 PC



Fort Apache & Desert Inn - Las Vegas, NV

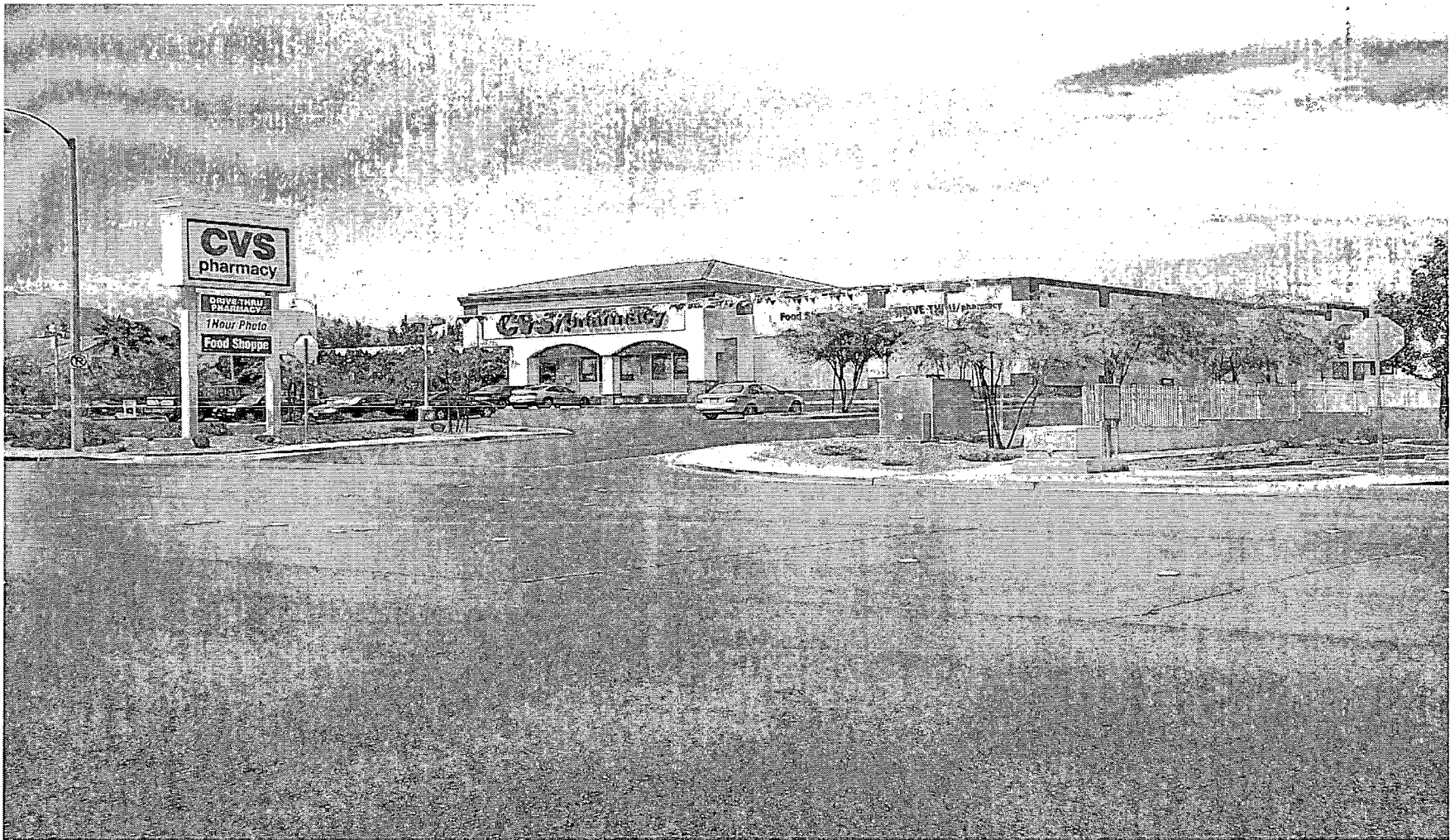
rendering prepared by SITE ENHANCEMENT SERVICES





MSP-2842 - CVS/PHARMACY ON BEHALF OF S C P 2002 E-40, LIMITED LIABILITY COMPANY
3290 SOUTH FORT APACHE ROAD
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03



MSP-2842 - CVS/PHARMACY ON BEHALF OF S C P 2002 E-40, LIMITED LIABILITY COMPANY
3290 SOUTH FORT APACHE ROAD
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03

Beverly Bridges

From: Margo Wheeler
Sent: Wednesday, October 01, 2003 9:13
To: Beverly Bridges; Roni Ronemus
Subject: FW: CVS Please deny this

-----Original Message-----

From: Mary Kleven
Sent: Wednesday, October 01, 2003 8:26 AM
To: Margo Wheeler
Subject: FW: CVS Please deny this

fyi..

-----Original Message-----

From: Bob Genzer
Sent: Wednesday, October 01, 2003 8:24 AM
To: Mary Kleven
Subject: FW: CVS Please deny this

From: Donna Toussaint[SMTP:DONNA@GLOBAL-MARKETS.COM]
Sent: Wednesday, October 01, 2003 8:29:25 AM
To: McDonald, Lynette Boggs
Cc: 'Genzer, Bob'; lharala@ci.las-vegas.nv.us; TRobinson@ci.las-vegas.nv.us; akilponen@ci.las-vegas.nv.us; 'Cheryl Martin'; Silva, Sharon; 'Visalli, Linda'
Subject: CVS Please deny this
Auto forwarded by a Rule

All,

CVS is a member of the West Sahara Community Association. Any and all changes to the outside of their building has to get approval prior to any outside changes being made. When the CVS was originally proposed, CVS knew where to find the West Sahara Community Association for our support which we gave. Now that they want to make these sign changes they by pass us and go directly to the planning commission.

Please deny this new CVS sign. This will light up DI and Ft. Apache like a Christmas Tree.

There is a traffic light on this corner that is very bright and lights up everyone's yard right now. If the new CVS sign is allowed it would further light up the yards in our association and in Section 7's association.

CVS has never applied to WSCA for approval for this sign. They just went directly to the planning commission. CVS knew where to find us when they wanted our support for this building originally. Now they can find us for approval for a new sign!

This corner is a little different than most business corners, it is surrounded by homes

10/1/2003

not businesses.

West Sahara Community Association meets the 4th Tuesday of each and every month except for December. We are managed by Terra West, our Manager is Cheryl Martin cmartin@terrawest.com. Her phone numbers are 362-6262 & 251-4566. Our board would love to meet with CVS to come up with a sign that is agreeable to all.

Somehow we have to come up with a plan that considers the HOA's their CCR's and the homeowners prior to planning recommending changes.

Donna Toussaint, President
West Sahara Community Association
240-5994

City of Las Vegas

Agenda Item No. 97

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
SPECIAL CITY COUNCIL MEETING OF: OCTOBER 29, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

MASTER SIGN PLAN - PUBLIC HEARING - **MSP-2856 - COURTESY PONTIAC ON BEHALF OF JOSEPH SCALA** - Request for a Master Sign Plan for an existing auto dealership on 4.43 acres at 7100 West Sahara Avenue (APN: 163-03-806-002), U (Undeveloped) Zone [GC (General Commercial) General Plan Designation] under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

1
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 9/11/2003 Planning Commission meeting Item 38

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

DARRYL SHOCK, Vision Sign Company, 3625 South Polaris Avenue, appeared on behalf of the applicant. He explained that two dealerships were being relocated and this application is the final step in taking the existing pole sign at 6900 West Sahara Avenue and relocating it to 7100 West Sahara Avenue. He concurred with staff recommendations and requested approval.

No one appeared in opposition.

There was no further discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:48 – 1:49)

2-1336

SPECIAL CITY COUNCIL MEETING OF OCTOBER 29, 2003
Planning and Development Department
Item 97 – MSP-2856

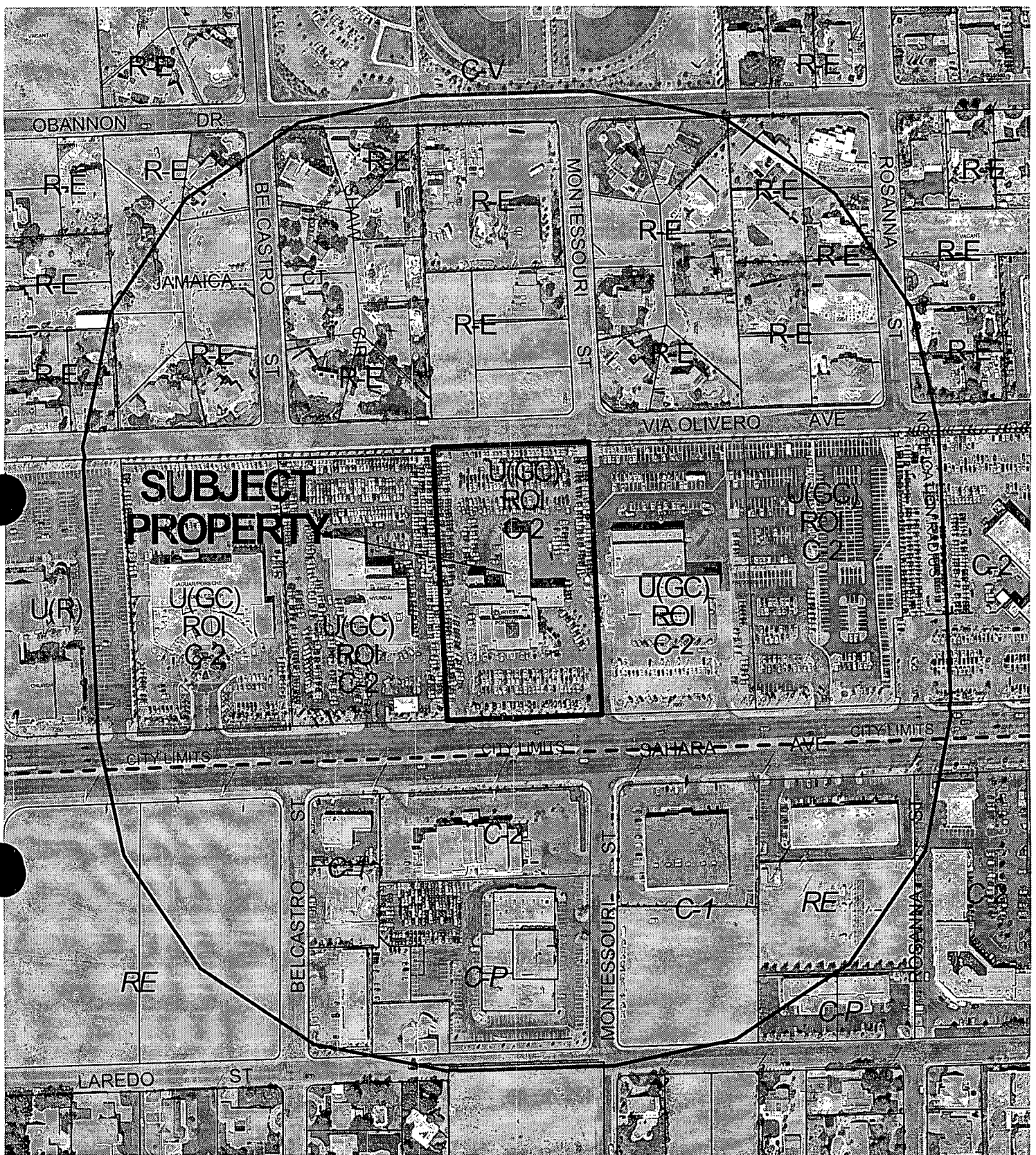
CONDITIONS:

Planning and Development

1. Conformance to the sign criteria, sign elevations, and building elevations as submitted, except as amended by conditions herein.
2. All signage shall have proper permits obtained through the Building and Safety Department.
3. All signs to be removed or relocated from this property shall be removed or relocated within 180 days of final approval of this Master Sign Plan.
4. The freestanding signs shall be setback a minimum of five feet from all property lines.
5. Address numbers shall be provided as required by the Planning and Development Department.
6. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

7. Site development to comply with all applicable conditions of approval for Site Development Plan Review (Z-0059-98) and all other subsequent site-related actions.
8. Signs shall not be located within public rights-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.



CASE: MSP-2856

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [GC (GENERAL COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

0 200 400 Feet



*City of Las Vegas***AGENDA MEMO****SPECIAL CITY COUNCIL MEETING DATE: OCTOBER 29, 2003****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: MSP-2856 - COURTESY PONTIAC ON BEHALF OF JOSEPH SCALA**

**** CONDITIONS ****

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the sign criteria, sign elevations, and building elevations as submitted, except as amended by conditions herein.
2. All signage shall have proper permits obtained through the Building and Safety Department.
3. All signs to be removed or relocated from this property shall be removed or relocated within 180 days of final approval of this Master Sign Plan.
4. The freestanding signs shall be setback a minimum of five feet from all property lines.
5. Address numbers shall be provided as required by the Planning and Development Department.
6. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

7. Site development to comply with all applicable conditions of approval for Site Development Plan Review (Z-0059-98) and all other subsequent site-related actions.
8. Signs shall not be located within public rights-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

MSP-2856 - Staff Report Page One
October 29, 2003 City Council Meeting

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Master Sign Plan for an existing auto dealership (Courtesy Pontiac) on 4.43 acres located at 7100 West Sahara Avenue. The Plan will establish criteria for previously approved freestanding and wall signs that are relocating from the former Pontiac location at 6900 West Sahara Avenue.

B) Applicant's Justification

The applicant justifies this application by stating that the freestanding signs have already been approved, and the amount of building signage proposed is well below the maximum allowed by Title 19.

BACKGROUND INFORMATION

A) Previous Actions

- 02/07/90 The City Council denied a request for a Rezoning from N-U (Non-Urban) to C-2 (General Commercial) on the subject site, claiming that the proposed use (a used car dealership) was not appropriate for this location. The Planning Commission recommended denial on 01/11/90.
- 09/28/98 The City Council approved a request to amend the Southwest Sector Plan of the General Plan (GPA-0035-98) from SC (Service Commercial) and R (Rural Density Residential) to GC (General Commercial), and a request for a Rezoning (Z-0059-98) on the subject site to C-2 (General Commercial). The Planning Commission recommended approval of both items on 08/13/98.
- 10/26/98 The City Council approved a request to Vacate (VAC-0035-98) a portion of Montessouri Street generally located between West Sahara Avenue and Via Olivero Avenue. The Planning Commission recommended approval on 09/24/98.
- 08/20/03 The City Council approved a Master Sign Plan (MSP-2562) for the Courtesy Mitsubishi auto dealership at 6900 West Sahara Avenue. Under this plan, signs from the subject property would be moved to the new Mitsubishi site. The Planning Commission recommended approval on 07/24/03.
- 09/11/03 The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #38).

B) Pre-Application Meeting

- 07/08/03 Incompatibility of the proposed signs with the architecture of the building in this location was discussed. The applicant was unsure if the existing 47-foot tall (Pontiac) sign on the old dealership property at 6900 West Sahara had required a variance prior to installation.

MSP-2856 - Staff Report Page Two
October 29, 2003 City Council Meeting

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Existing Land Use

Subject Property: Car Dealership – new and used (Courtesy Pontiac)
North: Undeveloped
South: Medical Offices
East: Car Dealership – new and used (Falconi Acura)
West: Car Dealership – new and used (Planet Hyundai)

B) Existing Zoning

Subject Property: U (Undeveloped) Zone [GC (General Commercial) General Plan Designation] under Resolution of Intent to C-2 (General Commercial)
North: R-E (Residence Estates)
South: C-2 (General Commercial - Clark County)
East: U (Undeveloped) Zone [GC (General Commercial) General Plan Designation] under Resolution of Intent to C-2 (General Commercial)
West: U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to C-2 (General Commercial)

C) General Plan Compliance

This property is designated as GC (General Commercial) on the Southwest Sector Plan Map of the General Plan. This category allows retail, service, wholesale office and other general business uses of a more intense commercial character. The existing C-2 (General Commercial) zoning district and the auto dealership use comply with the GC (General Commercial) category.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X
Special Notification	X	

No special districts or zones are related to this request. Notices were sent to property owners of unincorporated Clark County parcels within the notification area.

MASTER SIGN PLAN REQUIREMENTS FOR ON-PREMISE SIGNAGE		
THRESHOLD	YES	NO
Non-Residential project with a site larger than 15 acres		X
Non-Restricted Gaming Establishment		X
Residential project containing more than 500 units and/or 160 acres in area		X

MSP-2856 - Staff Report Page Three
October 29, 2003 City Council Meeting

To establish the requirements/limitations for signs located in the Gaming and Downtown Overlay Districts, and any uses not required elsewhere in 19.14 located in the "Planned Community" and "Planned Development" Districts		X
To establish requirements/limitations for signs in a specific development	X	

This Master Sign Plan will establish signage requirements for the Pontiac dealership only.

ANALYSIS

A) Zoning Code Compliance

A1) Sign Standards

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

Freestanding Signs: [(3) along Sahara Avenue]

Standards	Allowed	Provided
Maximum Number	1/200 Feet of Street frontage 2 total (335')	3/335 Feet of Street frontage 3 total
Maximum Area	670 SF total	Approx. 480 SF total
Maximum Height	40 Feet	47 Feet (Pontiac East) 36 Feet (Pontiac West) 25 Feet (Suzuki)
Minimum Setback	5 Feet	5 Feet
Illumination	Internal, External, Animated, Electronic Message	Internal only

Wall Signs: [Front and Service elevations]

Standards	Allowed	Provided
Maximum Number	Maximum allowable under area requirement	2 total
Maximum Area	20 % of area of building elevation	Front – 198 SF Service – 24 SF
Maximum Projection	4 Feet	Not provided
Illumination	Internal/External/ Animated/Electronic Message Unit	Internal only

MSP-2856 - Staff Report Page Four
October 29, 2003 City Council Meeting

The number of freestanding signs along Sahara Avenue does not meet Title 19 standards; three signs are provided where two are normally allowed. The combined measurable area of the freestanding signs is less than what would be permitted by Code. One of the freestanding signs will exceed the 40-foot height limit.

Wall signage is less than 20% of each elevation and the signs are a replacement of the previous Mitsubishi auto dealership signs.

B) General Analysis and Discussion

The Master Sign Plan will establish sign locations and regulations for the entire 4.43-acre dealership site. The plan has been submitted in conjunction with a change to the existing Pontiac dealership business on the property. The Mitsubishi car line previously displayed on this property has moved to the old Pontiac location at 6900 West Sahara Avenue.

The proposed Master Sign Plan for the property will allow wall signage on two sides of the existing dealership building and a total of three freestanding signs. A fourth freestanding sign at the old Pontiac/Suzuki location will not be relocated to the subject site. No other signage will be permitted except that which is expressly allowed by the approved sign plan.

Three existing freestanding signs will be moved from the former Pontiac location. This number exceeds what would be permitted under Title 19; however, based on the frontage of the old property, a total of seven combined freestanding signs would have been permitted along all the street frontages, and one of the existing signs is not going to be relocated. No additional freestanding signs will be allowed under the Master Sign Plan. The signs are appropriately spaced along Sahara Avenue, with the smaller Suzuki sign located at the center entrance to the dealership. Two of the freestanding signs will be less than 40 feet in height, in accordance with code requirements; the other freestanding sign will be a total of 47 feet in height. A variance for the height of this sign was granted on the old property in 1995. As the subject property is sandwiched by two other similarly-sized auto dealerships, the 47-foot height is acceptable under this Master Sign Plan. The overall sign area on the freestanding signs will be approximately 480 square feet.

PLANNING COMMISSION ACTION

The Planning Commission modified Condition #3 as shown.

NOTICES MAILED 68 by Planning Department

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: MSP-2856 APN: 163-03-806-002

Name of Property Owner: Joseph Scala

Name of Applicant: _____

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

_____ Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

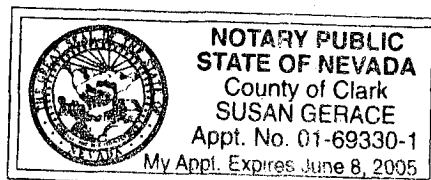
Signature of Property Owner/Authorized Agent: [Signature]

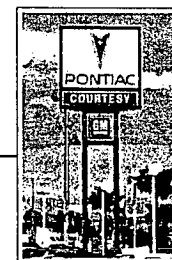
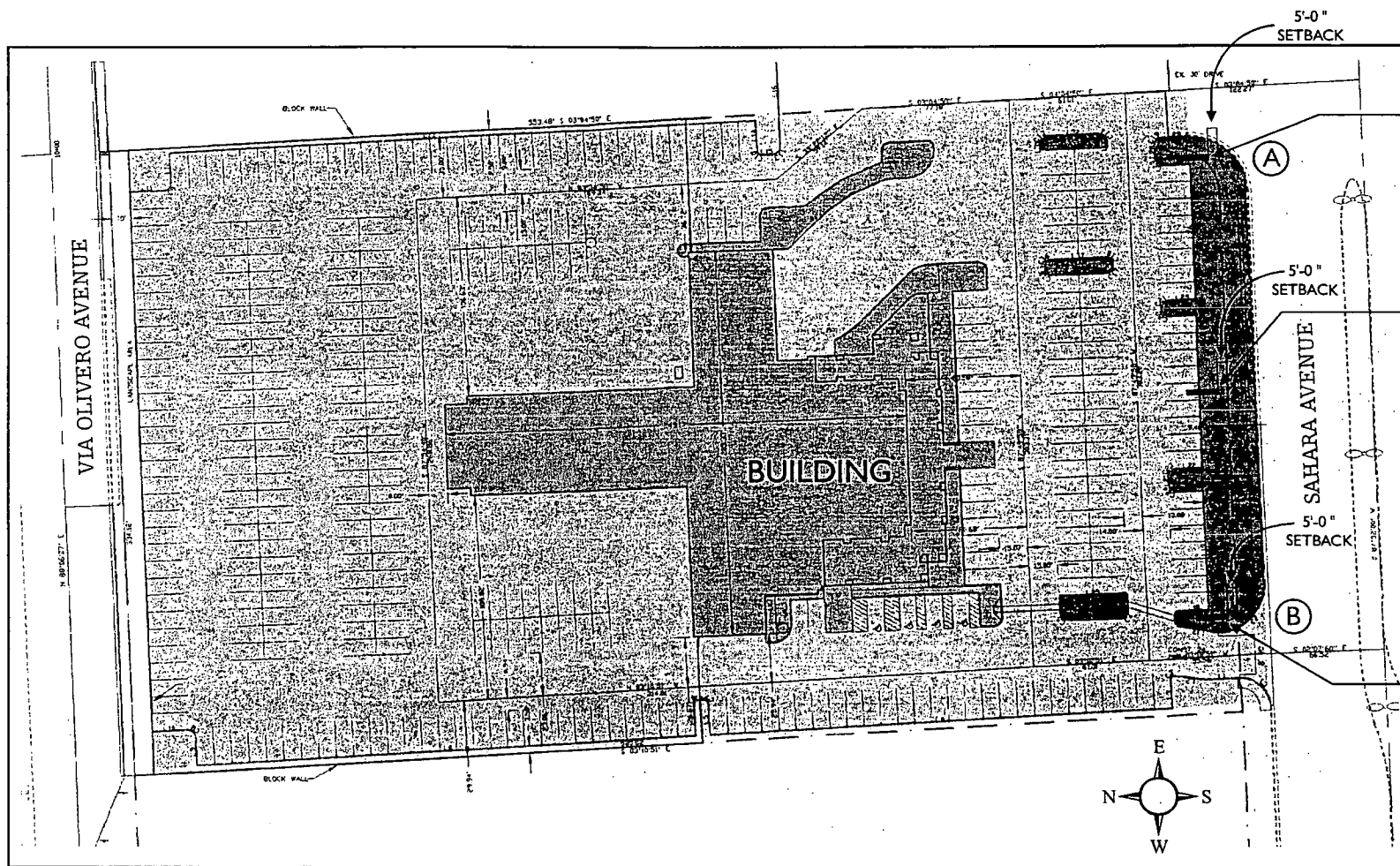
Print Name: JOSEPH SCALA

Subscribed and sworn before me

This 5 day of June, 2003

Susan Gerace
Notary Public in and for said County and State

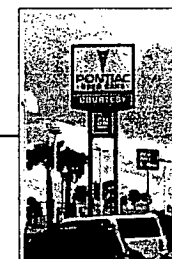




RELOCATE TO NEW LOCATION
(AS SHOWN)



RELOCATE TO NEW LOCATION
(AS SHOWN)



RELOCATE TO NEW LOCATION
(AS SHOWN)

D/F ILLUM POLE SIGNS

1" = 60'

MSP-2856

09-11-03 PC

JOB NO 7581
DATE 06.26.03
DRAWN VINCE
SALES SHOCK
FILE NAME COURT7581.CDR
SHEET

COURTESY PONTIAC
7100 WEST SAHARA

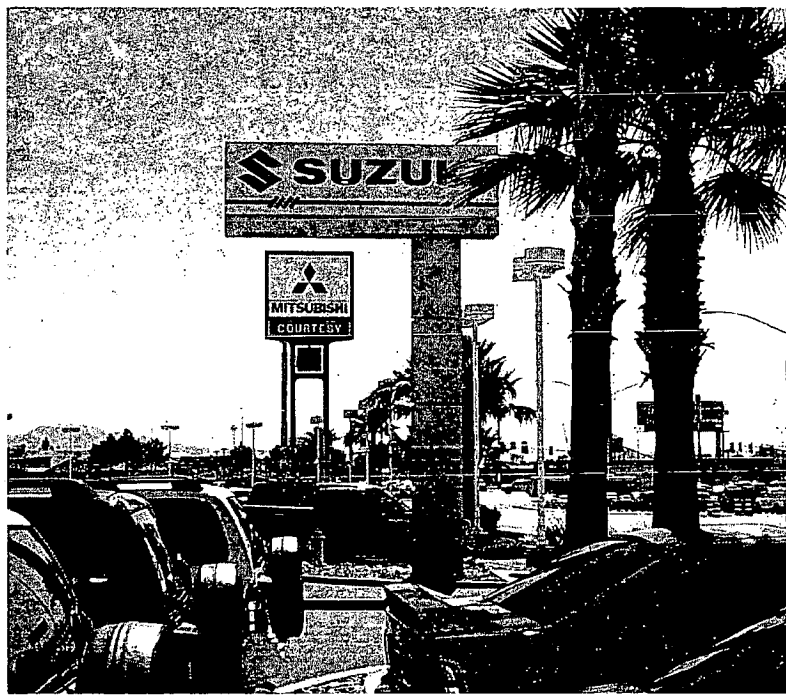
VISION SIGN
3625 S. Polaris Ave. Las Vegas, Nevada 89103

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISION	BY

THIS ARTWORK WAS PREPARED BY AND IS THE PROPERTY OF VISION SIGN, INC. ANY UNAUTHORIZED USE OF SAME, IN WHOLE OR PART IS PROHIBITED.

17'-0"

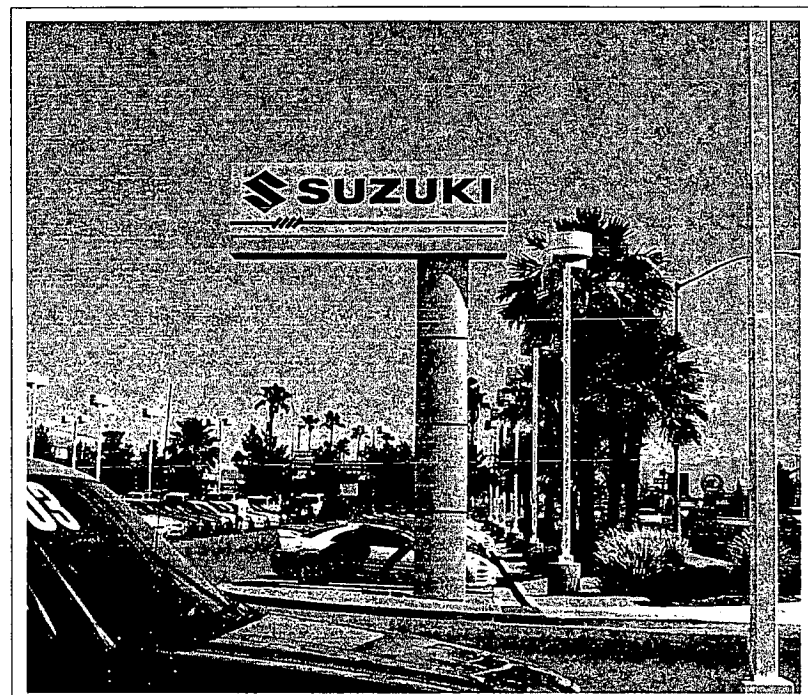


25'-0"

(A) D/F ILLUM POLE SIGNS 1/8" = 1'-0"

REMOVE D/F ILLUM 'SUZUKI' POLE SIGN FROM 6900 W. SAHARA AVE.
& STORE AT VISION FOR APPROXIMATELY 6 MONTHS
NOTE: SUPPORT POLE & POWER TO BE CUT & CAPPED AT GRADE

17'-0"



25'-0"

(B) D/F ILLUM POLE SIGNS 1/8" = 1'-0"

REMOVE D/F ILLUM 'SUZUKI' POLE SIGN FROM 6900 RAINBOW AVE.
& REINSTALL AT 7100 W. SAHARA AVENUE (SEE SITE MAP FOR RELOCATION)
NOTE: SUPPORT POLE & POWER TO BE CUT & CAPPED AT GRADE

MSP-2856

09-11-03 PC

FIELD CHECK FOR EXACT DIMENSIONS PRIOR TO MANUFACTURING

JOB NO.	7570
DATE	06.26.03
DRAWN	VINCE
SALES	D. SHOCK
FILENAME	COURT7570.CDR
SHEET	OF



7100 W. SAHARA AVE

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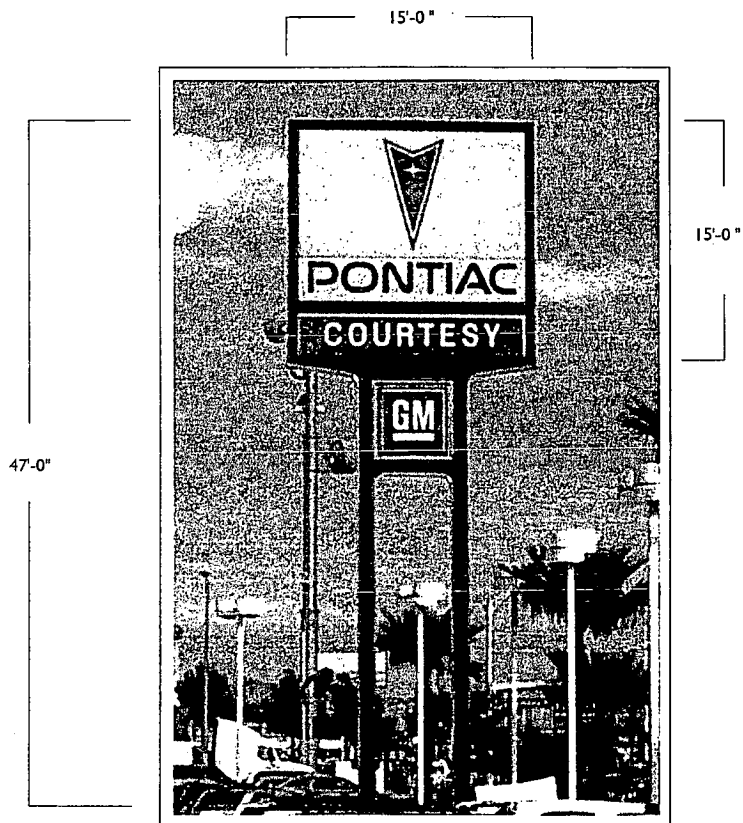


3625 S. Polaris Ave. Las Vegas, Nevada 89103

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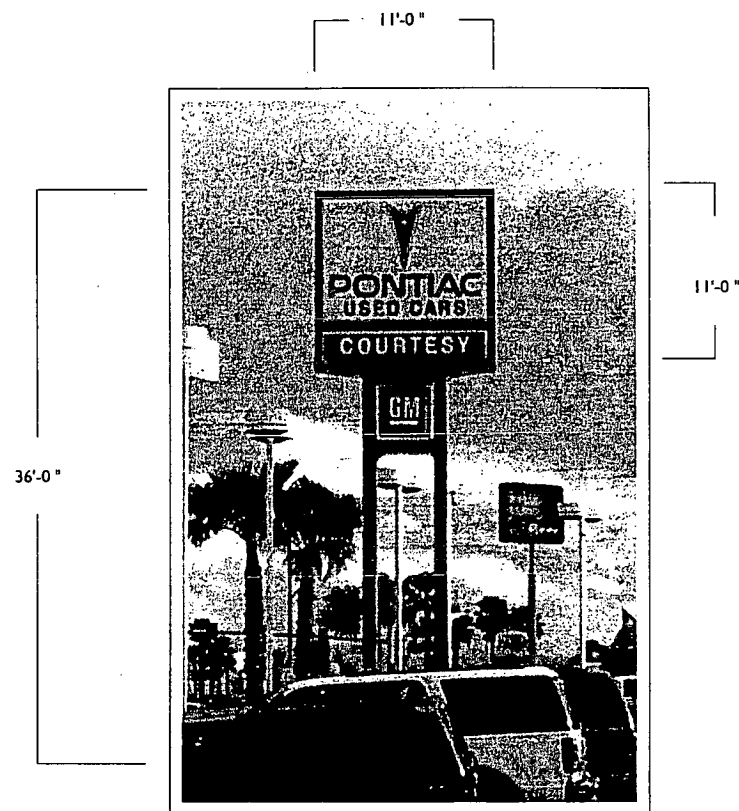
NV CONTRACTOR LICENSE #42776

REVISION	BY



(A) D/F ILLUM POLE SIGNS 1/8" = 1'-0"

REMOVE D/F ILLUM 'PONTIAC' POLE SIGN FROM 6900 SAHARA AVE.
& REINSTALL AT 7100 W. SAHARA AVENUE (SEE SITE MAP FOR RELOCATION)
NOTE: MAIN POLE SIGN 47'-0" TALL



(B) D/F ILLUM POLE SIGNS 1/8" = 1'-0"

REMOVE D/F ILLUM 'PONTIAC USED CARS' POLE SIGN FROM 6900 SAHARA AVE.
& REINSTALL AT 7100 W. SAHARA AVENUE (SEE SITE MAP FOR RELOCATION)
NOTE: MAIN POLE SIGN 36'-0" TALL

MSP-2856
09-11-03 PC

FOR NO.	7581
DATE	06.26.03
DRAWN	VINCE
SALES	SHOCK
FILE NAME	COURT7581.CDR
SHEET	

COURTESY PONTIAC
7100 WEST SAHARA

VISION SIGN
3625 S. Polaris Ave. Las Vegas, Nevada 89103

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISION	BY

THIS ARTWORK WAS PREPARED BY AND IS THE PROPERTY OF VISION SIGN, INC. ANY UNAUTHORIZED USE OF SAME, IN WHOLE OR PART IS PROHIBITED.



NOTE: REMOVE & SAVE LETTERS & LOGO CABINET

MFG & INSTALL NEW PAN CHANNEL LETTERS
(1) SET REQ'D.

1/8" = 1'-0"

JOB NO.	7241
DATE	02-26-2003
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	COURT7241.CDR
SHEET	

COURTESY PONTIAC
7100 WEST SAHARA



These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISIONS	BY
03-11-03	DN

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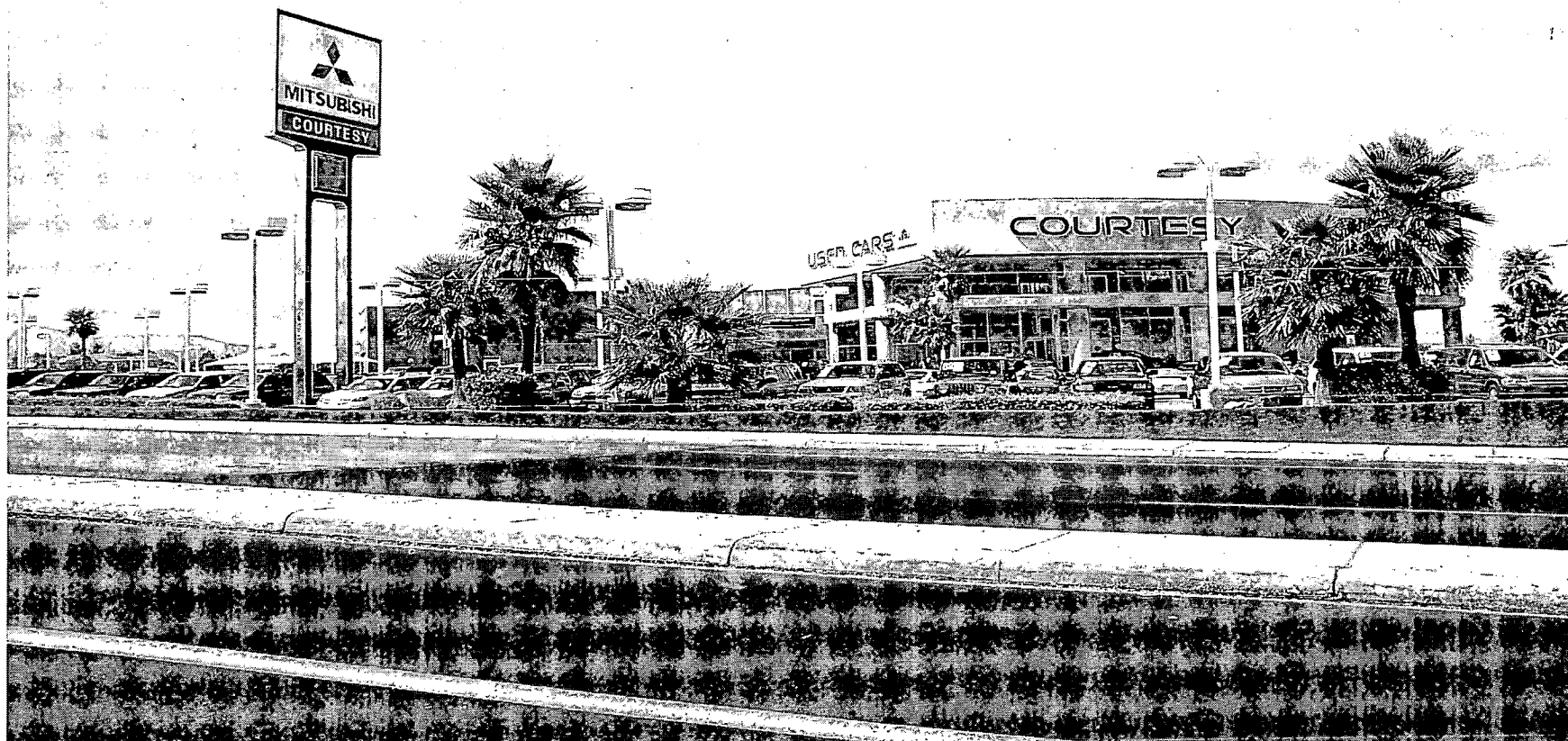
MSP-2856

09-11-03 PC



MSP-2856 - COURTESY PONTIAC ON BEHALF OF JOSEPH SCALA
7100 WEST SAHARA AVENUE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03



MSP-2856 - COURTESY PONTIAC ON BEHALF OF JOSEPH SCALA
7100 WEST SAHARA AVENUE
SEPTEMBER 11, 2003 PLANNING COMMISSION

8/22/03