

City of Las Vegas

S.V.

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MONDAY, APRIL 5, 2004
4:00 P.M.

RECOMMENDING COMMITTEE: COUNCILMAN WEEKLY AND COUNCILWOMAN MONCRIEF

CALL TO ORDER

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

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

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 4/21/2004 CITY COUNCIL MEETING.

1. TABLED ITEM - Bill No. 2003-78 – Establishes locational restrictions for the uses "auto pawn," "auto title loan," and "specified financial institution." Proposed by: Robert S. Genzer, Director of Planning and Development
2. Bill No. 2004-17 – Annexation No. ANX-3693 – Property location: On the northeast corner of Michelli Crest Way and Bath Drive; Petitioned by: Cliffs Edge, LLC, Acreage: 2.60 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack
3. Bill No. 2004-18 – Annexation No. ANX-3714 – Property location: On the southwest corner of Chieftain Street and Bath Drive; Petitioned by: James and Lori Kibler; Acreage: 2.53 acres; Zoned: R-E (County zoning), U (TC) (City equivalent). Sponsored by: Councilman Michael Mack
4. Bill No. 2004-19 – Annexation No. ANX-3740 – Property location: On the east side of Fairhaven Street, 1,170 feet south of Lake Mead Boulevard; Petitioned by: Cytha Price, et al.; Acreage: 1.00 acres; Zoned: R-E (County zoning), U (GC) (City equivalent). Sponsored by: Councilman Lawrence Weekly
5. Bill No. 2004-20 – Revises the zoning standards and procedures for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief
6. Bill No. 2004-21 – Updates the City's emergency management provisions. Sponsored by: Mayor Oscar B. Goodman

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

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

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

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

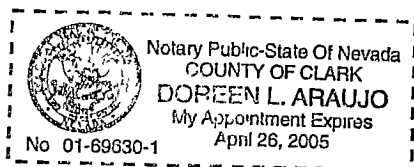
City Hall Plaza, Special Outside Posting Bulletin Board
Court Clerk's Office Bulletin Board, City Hall Plaza
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

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(Mailing required under the provisions of NRS Chapter 241)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **30th** day of **March**, 2004, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting**, to be held on the **5th** day of **April, 2 004**, was deposited in the United States Mail, Postage prepaid, First Class Certified Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

NOTARY PUBLIC in and for said ~~County~~ and State



STATE OF NEVADA)
COUNTY OF CLARK) ss

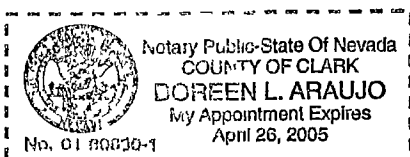
1. City Hall Plaza, Special Outside Posting Bulletin Board, 400 Stewart Avenue (in the walkway area between Metro and Municipal Court)
1. Court Clerk's Office Bulletin Board, City Hall Plaza, 400 Stewart Avenue (near the entrance to the Court Clerk's Office);
3. Las Vegas Library, 833 Las Vegas Blvd.
4. Clark County Government Center, 500 S. Grand Central Parkway
5. Grant Sawyer Building, 555 S. Grand Central Parkway

Paula Clark
SIGNATURE

2nd day of April, 2004

Derren L. Arce

NOTARY PUBLIC in and for said County and State



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: DEPUTY CITY MANAGER BETSY FRETWELL, CHIEF DEPUTY CITY ATTORNEY VAL STEED, ASSISTANT DEPUTY CITY CLERK VICKY DARLING AND DEPUTY CITY CLERK LEAN COLEMAN AND STACEY CAMPBELL

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

City Hall Plaza, Special Outside Posting Bulletin Board

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

TABLED ITEM - **Bill No. 2003-78** – Establishes locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” 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:

This bill is intended to establish locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Such uses will have to be at least one thousand feet from any other such use and at least two hundred feet from residential properties.

RECOMMENDATION:

TABLED pursuant to the 10/13/2003 Recommending Committee; Agendaed for the 4/5/2004 Recommending Committee

First Reading - 10/1/2003; First Publication - N/A.

BACKUP DOCUMENTATION:

Bill No. 2003-78

Submitted at meeting – Proposed First Amendment

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-78 be forwarded as a First Amendment to the Full Council with no recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 1 – Bill No. 2003-78

MINUTES – Continued:

MARGO WHEELER, Deputy Director, Planning & Development Department, stated that staff had met with several attorneys representing clients interested in this issue and summarized the changes made to the ordinance, at the attorneys' recommendation. She listed changes in language related to window signage, extending the hours of operation from closure at 8 p.m. to 9 p.m. and the size and design of units to accommodate customer waiting areas. Although these attorneys also requested that staff remove all references to distance requirements, staff believes that the distance requirements are crucial. However, as written, the distance requirements may be waived, allowing the Council the option to waive the requirement in individual cases. The distance requirement is 200 feet from any parcel for residential use and 1,000 feet from any other auto title, auto pawn or specified financial institution. This measurement language is consistent with that developed for tavern distances, other recent text amendments and the corresponding County ordinance. Staff recommends this verbiage remain in the bill.

PAUL LARSEN, Attorney, Lionel Sawyer & Collins, 300 South Fourth Street, appeared on behalf of his client in this issue and was nominated as the informal spokesman for six other interested parties in attendance. MR. LARSEN agreed with MS. WHEELER'S summary of the bill, but stressed that several comprehensive controls in the alternative proposals from the industry would address aesthetic and design concerns. These would include regulation of color schemes, signage and visual disguising of heating and cooling equipment. He stated that a subsequent draft included additional verbiage requiring a minimum capital investment so that new facilities entering a neighborhood would bring capital into the communities and not just take capital from the communities in the form of loan interest. These suggested alternatives would allow Council to regulate businesses on a basis other than distance requirement. He continued that several businesses with unattractive paint and window designs give strong indication that a neighborhood is in decline.

MR. LARSEN made it clear that his group continues to object to the distance restrictions and would like all reference to distance restrictions deleted completely from the bill. The industry believes that a distance restriction will protect questionable businesses from credible competition that would otherwise run the fly by night companies out of town. By offering the alternative measures such as minimum capital investment and regulating design and signage, the Council would have a better means to regulate this type of business.

COUNCILMAN WEEKLY said that as a result of several constituent complaints, he would like a meeting coordinated between his office, industry representatives and members of his district to better educate and understand this type of lending institution. MR. LARSEN volunteered to coordinate such a meeting and attending representatives agreed they would participate.

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 1 – Bill No. 2003-78

MINUTES – Continued:

COUNCILWOMAN MONCRIEF agreed with staff recommendation. She explained that there are 31 lending institutions in her Ward at this time and that number has been unchanged since she took office. She feels that the distance requirement will not deter credible companies from entering the neighborhoods.

As a result of an initial conflict between the recommendations of COUNCILMAN WEEKLY to forward with no recommendation and COUNCILWOMAN MONCRIEF for a do pass, the Committee discussed with CHIEF DEPUTY CITY ATTORNEY VAL STEED that the effect of such a conflict would be for the item to ultimately go forward with no recommendation. COUNCILWOMAN MONCRIEF then agreed to send the bill forward with no recommendation.

ROBERT GENZER, Director, Planning and Development, confirmed with COUNCILWOMAN MONCRIEF that she would replace him as the sponsor of the bill.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:07 – 4:26)

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1 **BILL NO. 2003-78**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH LOCATIONAL RESTRICTIONS FOR THE USES "AUTO
4 PAWN," "AUTO TITLE LOAN," AND "SPECIFIED FINANCIAL INSTITUTION," AND TO
PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Robert S. Genzer,
6 Director of Planning & Development

Summary: Establishes locational restrictions for
the uses "auto pawn," "auto title loan," and
"specified financial institution."

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

9 SECTION 1: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
11 entitled "AUTO TITLE LOAN" to read as follows:

12 **AUTO TITLE LOAN [C-M, M]**

- 13 1. The use shall comply with all applicable requirements of LVMC Title 6.
- 14 2. The building design and color scheme shall be subject to review by the Department to ensure
15 that it will be harmonious and compatible with the surrounding area.
- 16 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
17 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
18 purposes, or other similar devices are permitted, except that banners announcing a "grand opening"
19 or that a business is "coming soon" may be approved administratively for a period not to exceed thirty
20 days.
- 21 4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
22 windows.
- 23 5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.
- 24 6. No auto title loan use may be located closer than two hundred feet from any parcel used or
25 zoned for residential use. In addition, no auto title loan use may be located closer than one thousand
26 feet from any other auto title loan use, auto pawn use or specified financial institution use. For
27 purposes of this Paragraph (6), distances shall be measured with reference to the shortest distance
28 between two property lines, one being the property line of the proposed use that is closest to the

1 existing use to which the measurement pertains, and the other being the property line of the existing
2 use that is closest to the proposed use. Distances shall be measured in a straight line without regard
3 to intervening obstacles. For purposes of this Paragraph (6), and for that purpose only:

4 (a) The "property line" of a parcel used or zoned for residential use refers to the property
5 line of a fee interest parcel that has been created by an approved and recorded parcel map or
6 subdivision map, and does not include the property line of a leasehold parcel; and

7 (b) The "property line" of an auto title loan use, auto pawn use or specified financial
8 institution use refers to:

9 (i) The property line of a parcel that has been created by an approved and recorded
10 parcel map or commercial subdivision map; or

11 (ii) The property line of a parcel that is located within an approved and recorded
12 commercial subdivision and that has been created by a record of survey or legal description, if:

13 A. Using the property line of that parcel for the purpose of measuring the
14 distance separation referred to in this Paragraph (6) would qualify the parcel under the distance
15 separation requirement;

16 B. The auto title loan use, auto pawn use or specified financial institution
17 use has or will have direct access (both ingress and egress) from a public street. The required access
18 may be shared with a larger development but must be located within the property lines of the parcel
19 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
20 located;

21 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
22 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
23 as the use; and

24 D. The owners of all parcels within the commercial subdivision, including
25 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
26 use has been or will be located, execute and record, or have executed and recorded, an agreement
27 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
28 egress throughout the commercial subdivision.

1 SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
2 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
3 entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

4 FINANCIAL INSTITUTION, SPECIFIED [C-M, M]

5 1. The use shall comply with all applicable requirements of LVMC Title 6.

6 2. The building design and color scheme shall be subject to review by the Department to ensure
7 that it will be harmonious and compatible with the surrounding area.

8 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
9 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
10 purposes, or other similar devices are permitted, except that banners announcing a "grand opening"
11 or that a business is "coming soon" may be approved administratively for a period not to exceed thirty
12 days.

13 4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
14 windows.

15 5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

16 6. No specified financial institution use may be located closer than two hundred feet from any
17 parcel used or zoned for residential use. In addition, no specified financial institution use may be
18 located closer than one thousand feet from any other specified financial institution use, auto title loan
19 use or auto pawn use. For purposes of this Paragraph (6), distances shall be measured with reference
20 to the shortest distance between two property lines, one being the property line of the proposed use
21 that is closest to the existing use to which the measurement pertains, and the other being the property
22 line of the existing use that is closest to the proposed use. Distances shall be measured in a straight
23 line without regard to intervening obstacles. For purposes of this Paragraph (6), and for that purpose
24 only:

25 (a) The "property line" of a parcel used or zoned for residential use refers to the property
26 line of a fee interest parcel that has been created by an approved and recorded parcel map or
27 subdivision map, and does not include the property line of a leasehold parcel; and

28 (b) The "property line" of an auto title loan use, auto pawn use or specified financial

1 institution use refers to:

2 (i) The property line of a parcel that has been created by an approved and recorded
3 parcel map or commercial subdivision map; or

4 (ii) The property line of a parcel that is located within an approved and recorded
5 commercial subdivision and that has been created by a record of survey or legal description, if:

6 A. Using the property line of that parcel for the purpose of measuring the
7 distance separation referred to in this Paragraph (6) would qualify the parcel under the distance
8 separation requirement;

9 B. The auto title loan use, auto pawn use or specified financial institution
10 use has or will have direct access (both ingress and egress) from a public street. The required access
11 may be shared with a larger development but must be located within the property lines of the parcel
12 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
13 located;

14 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
15 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
16 as the use; and

17 D. The owners of all parcels within the commercial subdivision, including
18 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
19 use has been or will be located, execute and record, or have executed and recorded, an agreement
20 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
21 egress throughout the commercial subdivision.

22 SECTION 3: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
23 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
24 entitled "PAWN, AUTO" to read as follows:

25 PAWN, AUTO [M]

26 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

27 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
28 shall be permitted.

1 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are
2 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
3 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
4 required minimum parking.

5 4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
6 between Charleston Boulevard and Sahara Avenue.

7 5. No auto pawn use may be located closer than two hundred feet from any parcel used or zoned
8 for residential use. In addition, no auto pawn use may be located closer than one thousand feet from
9 any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this
10 Paragraph (5), distances shall be measured with reference to the shortest distance between two
11 property lines, one being the property line of the proposed use that is closest to the existing use to
12 which the measurement pertains, and the other being the property line of the existing use that is closest
13 to the proposed use. Distances shall be measured in a straight line without regard to intervening
14 obstacles. For purposes of this Paragraph (5), and for that purpose only:

15 (a) The "property line" of a parcel used or zoned for residential use refers to the property
16 line of a fee interest parcel that has been created by an approved and recorded parcel map or
17 subdivision map, and does not include the property line of a leasehold parcel; and

18 (b) The "property line" of an auto title loan use, auto pawn use or specified financial
19 institution use refers to:

20 (i) The property line of a parcel that has been created by an approved and recorded
21 parcel map or commercial subdivision map; or

22 (ii) The property line of a parcel that is located within an approved and recorded
23 commercial subdivision and that has been created by a record of survey or legal description, if:

24 A. Using the property line of that parcel for the purpose of measuring the
25 distance separation referred to in this Paragraph (5) would qualify the parcel under the distance
26 separation requirement;

27 B. The auto title loan use, auto pawn use or specified financial institution
28 use has or will have direct access (both ingress and egress) from a public street. The required access

1 may be shared with a larger development but must be located within the property lines of the parcel
2 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
3 located;

4 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
5 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
6 as the use; and

7 D. The owners of all parcels within the commercial subdivision, including
8 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
9 use has been or will be located, execute and record, or have executed and recorded, an agreement
10 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
11 egress throughout the commercial subdivision.

12 SECTION 4: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
13 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
14 entitled "AUTO TITLE LOAN" to read as follows:

15 AUTO TITLE LOAN [O, C-D, C-1, C-2]

16 *1. The use shall comply with all applicable requirements of LVMC Title 6.

17 *2. The building design and color scheme shall be subject to review by the Department to ensure
18 that it will be harmonious and compatible with the surrounding area.

19 3. No auto title loan use may be located closer than two hundred feet from any parcel used or
20 zoned for residential use. In addition, no auto title loan use may be located closer than one thousand
21 feet from any other auto title loan use, auto pawn use or specified financial institution use. For
22 purposes of this Paragraph (3), distances shall be measured with reference to the shortest distance
23 between two property lines, one being the property line of the proposed use that is closest to the
24 existing use to which the measurement pertains, and the other being the property line of the existing
25 use that is closest to the proposed use. Distances shall be measured in a straight line without regard
26 to intervening obstacles. For purposes of this Paragraph (3), and for that purpose only:

27 (a) The "property line" of a parcel used or zoned for residential use refers to the property
28 line of a fee interest parcel that has been created by an approved and recorded parcel map or

1 subdivision map, and does not include the property line of a leasehold parcel; and

2 (b) The "property line" of an auto title loan use, auto pawn use or specified financial
3 institution use refers to:

4 (i) The property line of a parcel that has been created by an approved and recorded
5 parcel map or commercial subdivision map; or

6 (ii) The property line of a parcel that is located within an approved and recorded
7 commercial subdivision and that has been created by a record of survey or legal description, if:

8 A. Using the property line of that parcel for the purpose of measuring the
9 distance separation referred to in this Paragraph (3) would qualify the parcel under the distance
10 separation requirement;

11 B. The auto title loan use, auto pawn use or specified financial institution
12 use has or will have direct access (both ingress and egress) from a public street. The required access
13 may be shared with a larger development but must be located within the property lines of the parcel
14 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
15 located;

16 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
17 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
18 as the use; and

19 D. The owners of all parcels within the commercial subdivision, including
20 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
21 use has been or will be located, execute and record, or have executed and recorded, an agreement
22 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
23 egress throughout the commercial subdivision.

24 [3.] 4. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
25 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
26 purposes, or other similar devices are permitted, except that banners announcing a "grand opening"
27 or that a business is "coming soon" may be approved administratively for a period not to exceed thirty
28 days.

1 [4.] 5. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
2 windows.

3 [5.] 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

4 SECTION 5: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
5 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
6 entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

7 FINANCIAL INSTITUTION, SPECIFIED [O, C-D, C-1, C-2]

8 *1. The use shall comply with all applicable requirements of LVMC Title 6.

9 *2. The building design and color scheme shall be subject to review by the Department to ensure
10 that it will be harmonious and compatible with the surrounding area.

11 3. No specified financial institution use may be located closer than two hundred feet from any
12 parcel used or zoned for residential use. In addition, no specified financial institution use may be
13 located closer than one thousand feet from any other specified financial institution use, auto title loan
14 use or auto pawn use. For purposes of this Paragraph (3), distances shall be measured with reference
15 to the shortest distance between two property lines, one being the property line of the proposed use
16 that is closest to the existing use to which the measurement pertains, and the other being the property
17 line of the existing use that is closest to the proposed use. Distances shall be measured in a straight
18 line without regard to intervening obstacles. For purposes of this Paragraph (3), and for that purpose
19 only:

20 (a) The "property line" of a parcel used or zoned for residential use refers to the property
21 line of a fee interest parcel that has been created by an approved and recorded parcel map or
22 subdivision map, and does not include the property line of a leasehold parcel; and

23 (b) The "property line" of an auto title loan use, auto pawn use or specified financial
24 institution use refers to:

25 (i) The property line of a parcel that has been created by an approved and recorded
26 parcel map or commercial subdivision map; or

27 (ii) The property line of a parcel that is located within an approved and recorded
28 commercial subdivision and that has been created by a record of survey or legal description, if:

1 A. Using the property line of that parcel for the purpose of measuring the
2 distance separation referred to in this Paragraph (3) would qualify the parcel under the distance
3 separation requirement;

4 B. The auto title loan use, auto pawn use or specified financial institution
5 use has or will have direct access (both ingress and egress) from a public street. The required access
6 may be shared with a larger development but must be located within the property lines of the parcel
7 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
8 located;

9 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
10 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
11 as the use; and

12 D. The owners of all parcels within the commercial subdivision, including
13 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
14 use has been or will be located, execute and record, or have executed and recorded, an agreement
15 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
16 egress throughout the commercial subdivision.

17 [3.] 4. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
18 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
19 purposes, or other similar devices are permitted, except that banners announcing a "grand opening"
20 or that a business is "coming soon" may be approved administratively for a period not to exceed thirty
21 days.

22 [4.] 5. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
23 windows.

24 [5.] 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

25 SECTION 6: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
26 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
27 entitled "PAWN, AUTO" to read as follows:

28 ...

1 PAWN, AUTO [C-M]

2 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

3 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
4 shall be permitted.

5 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are
6 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
7 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
8 required minimum parking.

9 4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
10 between Charleston Boulevard and Sahara Avenue.

11 5. No auto pawn use may be located closer than two hundred feet from any parcel used or zoned
12 for residential use. In addition, no auto pawn use may be located closer than one thousand feet from
13 any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this
14 Paragraph (5), distances shall be measured with reference to the shortest distance between two
15 property lines, one being the property line of the proposed use that is closest to the existing use to
16 which the measurement pertains, and the other being the property line of the existing use that is closest
17 to the proposed use. Distances shall be measured in a straight line without regard to intervening
18 obstacles. For purposes of this Paragraph (5), and for that purpose only:

19 (a) The "property line" of a parcel used or zoned for residential use refers to the property
20 line of a fee interest parcel that has been created by an approved and recorded parcel map or
21 subdivision map, and does not include the property line of a leasehold parcel; and

22 (b) The "property line" of an auto title loan use, auto pawn use or specified financial
23 institution use refers to:

24 (i) The property line of a parcel that has been created by an approved and recorded
25 parcel map or commercial subdivision map; or

26 (ii) The property line of a parcel that is located within an approved and recorded
27 commercial subdivision and that has been created by a record of survey or legal description, if:

28 A. Using the property line of that parcel for the purpose of measuring the

1 distance separation referred to in this Paragraph (5) would qualify the parcel under the distance
2 separation requirement;

3 B. The auto title loan use, auto pawn use or specified financial institution
4 use has or will have direct access (both ingress and egress) from a public street. The required access
5 may be shared with a larger development but must be located within the property lines of the parcel
6 on which the auto title loan use, auto pawn use or specified financial institution use is or will be
7 located;

8 C. All parking spaces required by LVMC Chapter 19.10 for the auto title
9 loan use, auto pawn use or specified financial institution use are or will be located on the same parcel
10 as the use; and

11 D. The owners of all parcels within the commercial subdivision, including
12 the owner of the parcel on which the auto title loan use, auto pawn use or specified financial institution
13 use has been or will be located, execute and record, or have executed and recorded, an agreement
14 satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and
15 egress throughout the commercial subdivision.

16 SECTION 7: In Sections 1 to 6, inclusive, of this Ordinance, the brackets that follow
17 the titles of the subdivision being added or amended are not intended to indicate deleted matter, but
18 instead are used as the means of indicating the applicable districts.

19 SECTION 8: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
20 and 19.04.050 are deemed to be subchapters rather than sections.

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

SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 9-16-03
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

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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PROPOSED FIRST AMENDMENT

BILL NO. 2003-78

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH LOCATIONAL RESTRICTIONS AND ADDITIONAL DEVELOPMENT STANDARDS FOR THE USES "AUTO PAWN," "AUTO TITLE LOAN," AND "SPECIFIED FINANCIAL INSTITUTION," AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Establishes locational restrictions and additional development standards for the uses "auto pawn," "auto title loan," and "specified financial institution."

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

SECTION 1: 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 amending the subdivision entitled "AUTO TITLE LOAN" to read as follows:

AUTO TITLE LOAN [C-M, M]

(1) The use shall comply with all applicable requirements of LVMC Title 6.

(2) The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

(3) No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.

(4) Window signs shall not:

(a) Cover [cover] more than twenty percent of the area of all exterior windows[.] ;

(b) Include flashing lights or neon lighting; or

(c) Include any text other than text that indicates the hours of operation and whether the business is open or closed.

(5) The hours of operation shall not extend beyond the hours of 8:00 a.m. to [8:00] 9:00 p.m.

1 (6) The building or portion thereof that is dedicated to the use shall have a minimum size of one
2 thousand five hundred square feet, and shall be designed to have sufficient interior space to provide
3 for adequate customer waiting areas, customer queuing, and transaction space (such as “teller”
4 windows or desks).

5 (7) No auto title loan use may be located closer than two hundred feet from any parcel used or
6 zoned for residential use. In addition, no auto title loan use may be located closer than one thousand
7 feet from any other auto title loan use, auto pawn use or specified financial institution use. For
8 purposes of this Paragraph (7), distances shall be measured in a straight line from property line to
9 property line, without regard to intervening obstacles. The term “property line” refers to property lines
10 of fee interest parcels and not leasehold parcels.

11 SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
12 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
13 entitled “FINANCIAL INSTITUTION, SPECIFIED” to read as follows:

14 FINANCIAL INSTITUTION, SPECIFIED [C-M, M]

15 (1) The use shall comply with all applicable requirements of LVMC Title 6.

16 (2) The building design and color scheme shall be subject to review by the Department to ensure
17 that it will be harmonious and compatible with the surrounding area.

18 (3) No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
19 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
20 purposes, or other similar devices are permitted, except that banners announcing a “grand opening”
21 or that a business is “coming soon” may be approved administratively for a period not to exceed thirty
22 days.

23 (4) Window signs shall not:

24 (a) Cover [cover] more than twenty percent of the area of all exterior windows[.] :

25 (b) Include flashing lights or neon lighting; or

26 (c) Include any text other than text that indicates the hours of operation and whether the
27 business is open or closed.

28 (5) The hours of operation shall not extend beyond the hours of 8:00 a.m. to [8:00] 9:00 p.m.

1 (6) The building or portion thereof that is dedicated to the use shall have a minimum size of one
2 thousand five hundred square feet, and shall be designed to have sufficient interior space to provide
3 for adequate customer waiting areas, customer queuing, and transaction space (such as “teller”
4 windows or desks).

5 (7) No specified financial institution use may be located closer than two hundred feet from any
6 parcel used or zoned for residential use. In addition, no specified financial institution use may be
7 located closer than one thousand feet from any other specified financial institution use, auto title loan
8 use or auto pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line
9 from property line to property line, without regard to intervening obstacles. The term “property line”
10 refers to property lines of fee interest parcels and not leasehold parcels.

11 SECTION 3: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
12 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
13 entitled “PAWN, AUTO” to read as follows:

14 PAWN, AUTO [M]

15 (1) The use shall comply with the applicable requirements of LVMC Chapter 6.60.

16 (2) Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
17 shall be permitted.

18 (3) Vehicles that have been pawned may not be parked or stored in parking spaces that are
19 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
20 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
21 required minimum parking.

22 (4) No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
23 between Charleston Boulevard and Sahara Avenue.

24 (5) Window signs shall not:

25 (a) Cover more than twenty percent of the area of all exterior windows;

26 (b) Include flashing lights or neon lighting; or

27 (c) Include any text other than text that indicates the hours of operation and whether the
28 business is open or closed.

1 (6) The hours of operation shall not extend beyond the hours of 8:00 a.m. to 9:00 p.m.

2 (7) The building or portion thereof that is dedicated to the use shall have a minimum size of one
3 thousand five hundred square feet, and shall be designed to have sufficient interior space to provide
4 for adequate customer waiting areas, customer queuing, and transaction space (such as "teller"
5 windows or desks).

6 (8) No auto pawn use may be located closer than two hundred feet from any parcel used or zoned
7 for residential use. In addition, no auto pawn use may be located closer than one thousand feet from
8 any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this
9 Paragraph (8), distances shall be measured in a straight line from property line to property line,
10 without regard to intervening obstacles. The term "property line" refers to property lines of fee
11 interest parcels and not leasehold parcels.

12 SECTION 4: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
13 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
14 entitled "AUTO TITLE LOAN" to read as follows:

15 AUTO TITLE LOAN [O, C-D, C-1, C-2]

16 *(1) The use shall comply with all applicable requirements of LVMC Title 6.

17 *(2) The building design and color scheme shall be subject to review by the Department to ensure
18 that it will be harmonious and compatible with the surrounding area.

19 (3) No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
20 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
21 purposes, or other similar devices are permitted, except that banners announcing a "grand opening"
22 or that a business is "coming soon" may be approved administratively for a period not to exceed thirty
23 days.

24 (4) Window signs shall not:

25 (a) Cover [cover] more than twenty percent of the area of all exterior windows[.] :

26 (b) Include flashing lights or neon lighting; or

27 (c) Include any text other than text that indicates the hours of operation and whether the
28 business is open or closed.

(5) The hours of operation shall not extend beyond the hours of 8:00 a.m. to [8:00] 9:00 p.m.

(6) The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

(7) No auto title loan use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than one thousand feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

SECTION 5: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

FINANCIAL INSTITUTION, SPECIFIED [O, C-D, C-1, C-2]

*(1) The use shall comply with all applicable requirements of LVMC Title 6.

*(2) The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

(3) No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.

(4) Window signs shall not:

(a) Cover [cover] more than twenty percent of the area of all exterior windows[.] :

(b) Include flashing lights or neon lighting; or

(c) Include any text other than text that indicates the hours of operation and whether the business is open or closed.

1 (5) The hours of operation shall not extend beyond the hours of 8:00 a.m. to [8:00] 9:00 p.m.

2 (6) The building or portion thereof that is dedicated to the use shall have a minimum size of one
3 thousand five hundred square feet, and shall be designed to have sufficient interior space to provide
4 for adequate customer waiting areas, customer queuing, and transaction space (such as "teller"
5 windows or desks).

6 (7) No specified financial institution use may be located closer than two hundred feet from any
7 parcel used or zoned for residential use. In addition, no specified financial institution use may be
8 located closer than one thousand feet from any other specified financial institution use, auto title loan
9 use or auto pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line
10 from property line to property line, without regard to intervening obstacles. The term "property line"
11 refers to property lines of fee interest parcels and not leasehold parcels.

12 SECTION 6: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
13 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
14 entitled "PAWN, AUTO" to read as follows:

15 PAWN, AUTO [C-M]

16 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

17 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
18 shall be permitted.

19 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are
20 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
21 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
22 required minimum parking.

23 4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
24 between Charleston Boulevard and Sahara Avenue.

25 (5) Window signs shall not:

26 (a) Cover more than twenty percent of the area of all exterior windows;

27 (b) Include flashing lights or neon lighting; or

28 (c) Include any text other than text that indicates the hours of operation and whether the

1 business is open or closed.

2 (6) The hours of operation shall not extend beyond the hours of 8:00 a.m. to 9:00 p.m.

3 (7) The building or portion thereof that is dedicated to the use shall have a minimum size of one
4 thousand five hundred square feet, and shall be designed to have sufficient interior space to provide
5 for adequate customer waiting areas, customer queuing, and transaction space (such as "teller"
6 windows or desks).

7 (8) No auto pawn use may be located closer than two hundred feet from any parcel used or zoned
8 for residential use. In addition, no auto pawn use may be located closer than one thousand feet from
9 any other auto pawn use, auto title loan use or specified financial institution use. For purposes of this
10 Paragraph (8), distances shall be measured in a straight line from property line to property line,
11 without regard to intervening obstacles. The term "property line" refers to property lines of fee
12 interest parcels and not leasehold parcels.

13 SECTION 7: In Sections 1 to 6, inclusive, of this Ordinance, the brackets that follow
14 the titles of the subdivision being added or amended are not intended to indicate deleted matter, but
15 instead are used as the means of indicating the applicable districts.

16 SECTION 8: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
17 and 19.04.050 are deemed to be subchapters rather than sections.

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

26 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,

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 _____, 2004.

4 APPROVED:

5

6

By _____
OSCAR B. GOODMAN, Mayor

7

ATTEST:

8

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BARBARA JO RONEMUS, City Clerk

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APPROVED AS TO FORM:

11

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Date

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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 _____, 2004, 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 amended 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:

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18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-17 – Annexation No. ANX-3693 – Property location: On the northeast corner of Michelli Crest Way and Bath Drive; Petitioned by: Cliffs Edge, LLC; Acreage: 2.60 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northeast corner of Michelli Crest Way and Bath Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

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. 2004-17 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-17 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that the bill was in order.

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:27)

1-601

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8 **BILL NO. 2004-17**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3693)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the northeast corner
of Michelli Crest Way and Bath Drive.

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

17 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
18 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
19 following described real property:

20 The South Half (S 1/2) of the West Half (W 1/2) of the Northeast Quarter
21 (NE 1/4) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE
22 1/4) of Section 24, Township 19 South, Range 59 East, M.D.M., in the
County of Clark, State of Nevada, being PARCEL 2 as shown on LAND
DIVISION 51-79, recorded May 22, 1979 in Book 1059 as Instrument
23 1018736 of Clark County, Nevada Records, and the adjacent half street right
of way of ORNELIS STREET (now MICHELLI CREST WAY, 30 foot wide
24 half street) and the half street right of way of TATE AVENUE (now BATH
DRIVE, 30 foot wide half street), together with the 15.00 feet radius spandrel
25 area on the southwest corner of said PARCEL 2, all as dedicated by GRANT,
BARGAIN, SALE DEED recorded May 22, 1979 in Book 1059 as
26 Instrument Number 1018737 of Clark County, Nevada Records.

27 SECTION 2: The City Council hereby determines that the described territory
28 meets the requirements provided by law for annexation to the City for the following reasons:

- 1 A. The area to be annexed was contiguous to the City's boundaries at the
2 time the annexation proceedings were instituted;
- 3 B. More than one-eighth (1/8) of the aggregate external boundaries of
4 the area are contiguous to the City;
- 5 C. The territory proposed to be annexed is not included within the
6 boundaries of another incorporated city or within the boundaries of
7 any unincorporated town as those boundaries existed as of July 1,
8 1983;
- 9 D. The City is eligible to annex the described territory since the
10 landowners have signed a petition constituting one hundred percent
11 (100%) of the owners of record of individual lots or parcels of land
12 within the annexation area.

13 SECTION 3: The City will provide police protection through the Las Vegas
14 Metropolitan Police Department, fire protection, street maintenance, and library services
15 immediately upon annexation. Garbage collection by the company franchised by the City
16 will also be provided immediately. The City sanitary sewer system will serve the proposed
17 annexation area. Any connection to or extension of this sewer line to serve the annexation
18 area shall be at the expense of the landowners. Other services, such as participation in the
19 City's recreational programs, special education classes and programs, public works planning,
20 building inspections, and other City services will also be available immediately. Utilities
21 such as gas, electricity, telephone, and water are provided by private utility companies and
22 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
23 sidewalks and street lights which are not in place at the time of annexation will be installed
24 in the presently developed areas upon the request of the property owners and at their expense
25 by means of special assessment districts. Such improvements will be extended into the
26 undeveloped areas as development takes place and the need therefor arises, and will be
27 located according to the needs of the area at that time. Such installations will also be made
28 at the expense of the property owners, either by means of special assessment districts or as

1 prerequisites to the approval of subdivision plats, building permits or other land use or
2 development applications.

3 SECTION 4: The annexation of the described territory shall become
4 effective on the 30th day of April, 2004, and on that date the City will have the funds
5 appropriated in sufficient amount to finance the extension into the described territory of
6 police protection, fire protection, street maintenance, street sweeping, and street lighting
7 maintenance.

8 SECTION 5: The described territory, together with the inhabitants and
9 property thereof, shall, from and after the 30th day of April, 2004, be subject to all debts,
10 laws, ordinances and regulations in force in the City and shall be entitled to the same
11 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
12 levied by the City.

13 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
14 an accurate map or plat of the described territory and to record the map or plat, together with
15 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
16 Nevada, which recording shall be done prior to the 30th day of April, 2004.

17 SECTION 7: The described territory, which previously has been zoned R-U
18 (County of Clark classification), is hereby classified as U (PCD) (City of Las Vegas
19 classification), which is deemed to be the City equivalent of the County classification.

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

1 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
2 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
3 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this ____ day of _____,
5 2004.

6 APPROVED:

7
8 By _____
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BARBARA JO RONEMUS, City Clerk

13 APPROVED AS TO FORM:

14 Val Steed 3-3-04
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2004, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2004, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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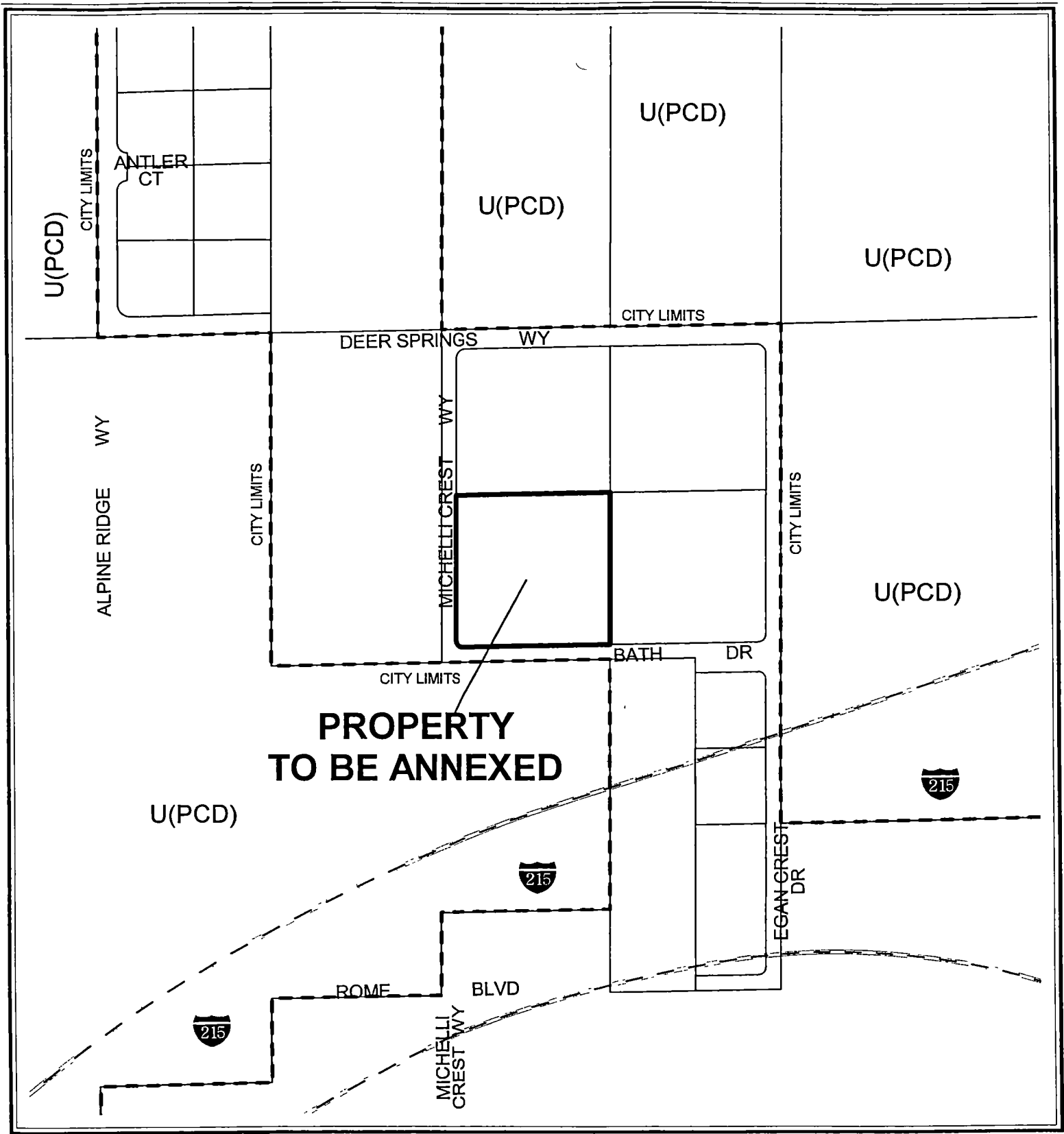
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CASE: ANX-3693

0 200 400 Feet



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-18 – Annexation No. ANX-3714 – Property location: On the southwest corner of Chieftain Street and Bath Drive; Petitioned by: James and Lori Kibler; Acreage: 2.53 acres; Zoned: R-E (County zoning), U (TC) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Chieftain Street and Bath Drive. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

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. 2004-18 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-18 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that the bill was in order.

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:27)

1-618

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8 **BILL NO. 2004-18**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
13 CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3714)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the southwest corner
of Chieftain Street and Bath Drive.

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

17 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
18 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
19 following described real property:

20 The Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of the
21 Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 19,
22 Township 19 South, Range 60 East, M.D.M., in the County of Clark, State
23 of Nevada, and the adjacent half street right of way of BATH DRIVE (30.00
24 feet wide as measured from centerline thereof), and half street right of way
25 of CHIEFTAIN STREET (30.00 feet wide as measured from centerline
thereof), together with the 15.00 feet radius spandrel area at the southwest
corner of the intersection of BATH DRIVE and CHIEFTAIN STREET, all
as dedicated by GRANT, BARGAIN, SALE DEED recorded July 22, 1977
in Book 766 as Instrument Number 725481 of Clark County, Nevada
Records.

26 SECTION 2: The City Council hereby determines that the described territory
27 meets the requirements provided by law for annexation to the City for the following reasons:

28 A. The area to be annexed was contiguous to the City's boundaries at the

1 time the annexation proceedings were instituted;

2 B. More than one-eighth (1/8) of the aggregate external boundaries of
3 the area are contiguous to the City;

4 C. The territory proposed to be annexed is not included within the
5 boundaries of another incorporated city or within the boundaries of
6 any unincorporated town as those boundaries existed as of July 1,
7 1983;

8 D. The City is eligible to annex the described territory since the
9 landowners have signed a petition constituting one hundred percent
10 (100%) of the owners of record of individual lots or parcels of land
11 within the annexation area.

12 SECTION 3: The City will provide police protection through the Las Vegas
13 Metropolitan Police Department, fire protection, street maintenance, and library services
14 immediately upon annexation. Garbage collection by the company franchised by the City
15 will also be provided immediately. The City sanitary sewer system will serve the proposed
16 annexation area. Any connection to or extension of this sewer line to serve the annexation
17 area shall be at the expense of the landowners. Other services, such as participation in the
18 City's recreational programs, special education classes and programs, public works planning,
19 building inspections, and other City services will also be available immediately. Utilities
20 such as gas, electricity, telephone, and water are provided by private utility companies and
21 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
22 sidewalks and street lights which are not in place at the time of annexation will be installed
23 in the presently developed areas upon the request of the property owners and at their expense
24 by means of special assessment districts. Such improvements will be extended into the
25 undeveloped areas as development takes place and the need therefor arises, and will be
26 located according to the needs of the area at that time. Such installations will also be made
27 at the expense of the property owners, either by means of special assessment districts or as
28 prerequisites to the approval of subdivision plats, building permits or other land use or

1 development applications.

2 SECTION 4: The annexation of the described territory shall become
3 effective on the 30th day of April, 2004, and on that date the City will have the funds
4 appropriated in sufficient amount to finance the extension into the described territory of
5 police protection, fire protection, street maintenance, street sweeping, and street lighting
6 maintenance.

7 SECTION 5: The described territory, together with the inhabitants and
8 property thereof, shall, from and after the 30th day of April, 2004, be subject to all debts,
9 laws, ordinances and regulations in force in the City and shall be entitled to the same
10 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
11 levied by the City.

12 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
13 an accurate map or plat of the described territory and to record the map or plat, together with
14 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
15 Nevada, which recording shall be done prior to the 30th day of April, 2004.

16 SECTION 7: The described territory, which previously has been zoned R-E
17 (County of Clark classification), is hereby classified as U (TC) (City of Las Vegas
18 classification), which is deemed to be the City equivalent of the County classification.

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

28 SECTION 9: All ordinances or parts of ordinances, sections, subsections,

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

3 PASSED, ADOPTED and APPROVED this _____ day of _____,
4 2004.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 *Val Steel* 3-3-04
13 Date

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1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2004, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2004, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

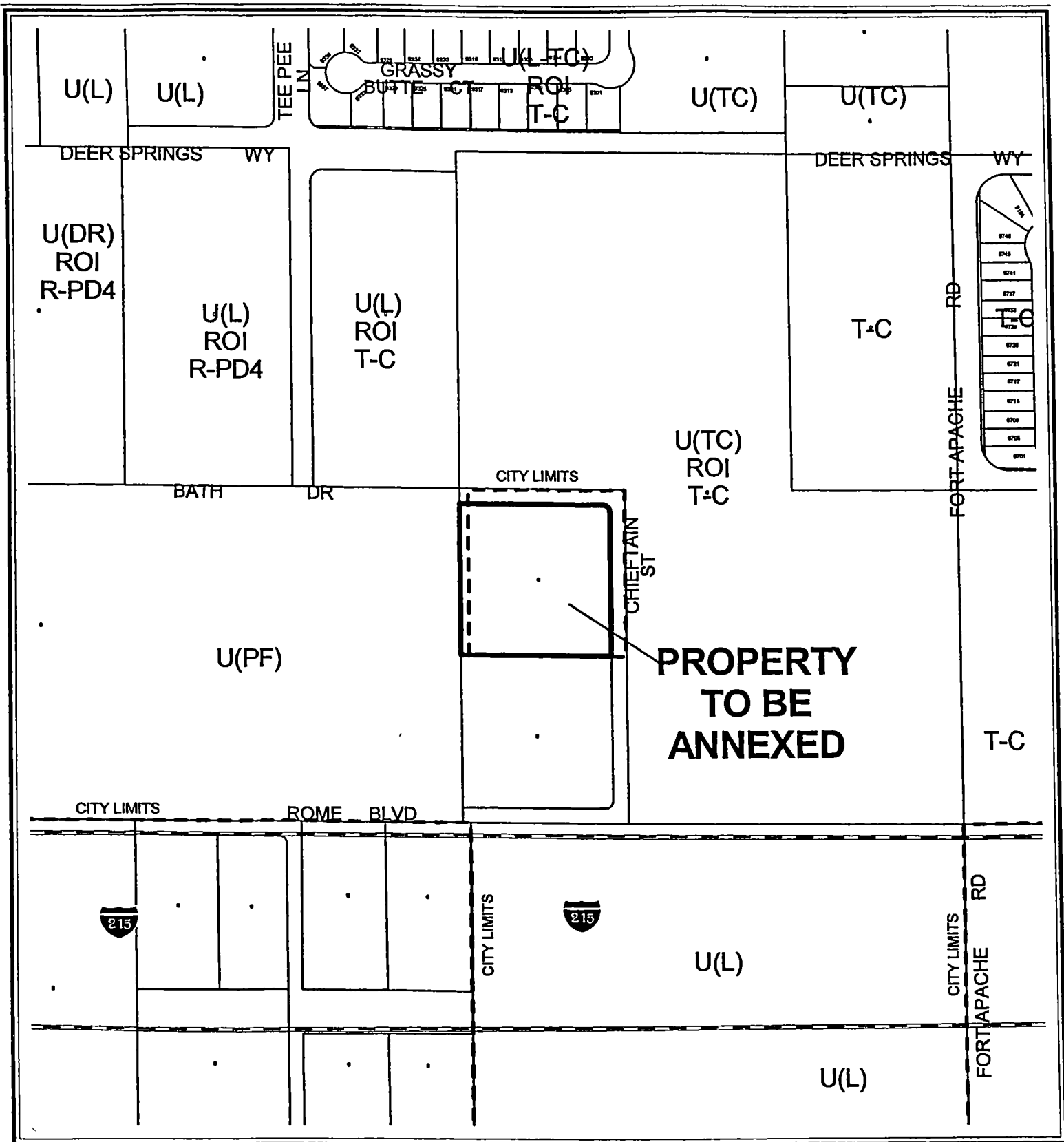
10 ABSENT: _____

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk
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CASE: ANX-3714

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-19 – Annexation No. ANX-3740 – Property location: On the east side of Fairhaven Street, 1,170 feet south of Lake Mead Boulevard; Petitioned by: Cytha Price, et al.; Acreage: 1.00 acres; Zoned: R-E (County zoning), U (GC) (City equivalent). Sponsored by: Councilman Lawrence Weekly

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the east side of Fairhaven Street, 1,170 feet south of Lake Mead Boulevard. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

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. 2004-19 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-19 be stricken. COUNCILMAN WEEKLY concurred.

MINUTES:

CHIEF DEPUTY CITY ATTORNEY VAL STEED informed the committee that this item was stricken by Council at the last meeting and was mistakenly on the agenda. His recommendation was to strike the item.

(4:28)

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8 **BILL NO. 2004-19**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3740)

13 Sponsored by: Councilman Lawrence
14 Weekly

Summary: Annexes property described
generally as located on the east side of
Fairhaven Street, 1,170 feet south of Lake
Mead Boulevard.

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

18 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
19 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
20 following described real property:

21 The west 264.00 feet of the South Half (S 1/2) of the South Half (S 1/2) of
22 the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the
23 Southeast Quarter (SE 1/4) of Section 24, Township 20 South, Range 60
24 East, M.D.M., in the County of Clark, State of Nevada, including the east
25 half of FAIRHAVEN STREET right of way (30.00 feet wide as measured
from the centerline thereof) as dedicated by GRANT, BARGAIN, SALE
DEED, recorded in Book 20021217, as Instrument Number 01751 of Clark
County, Nevada Records.

26 SECTION 2: The City Council hereby determines that the described territory
27 meets the requirements provided by law for annexation to the City for the following reasons:

28 A. The area to be annexed was contiguous to the City's boundaries at the

1 time the annexation proceedings were instituted;

2 B. More than one-eighth (1/8) of the aggregate external boundaries of
3 the area are contiguous to the City;

4 C. The territory proposed to be annexed is not included within the
5 boundaries of another incorporated city or within the boundaries of
6 any unincorporated town as those boundaries existed as of July 1,
7 1983;

8 D. The City is eligible to annex the described territory since the
9 landowners have signed a petition constituting one hundred percent
10 (100%) of the owners of record of individual lots or parcels of land
11 within the annexation area.

12 SECTION 3: The City will provide police protection through the Las Vegas
13 Metropolitan Police Department, fire protection, street maintenance, and library services
14 immediately upon annexation. Garbage collection by the company franchised by the City
15 will also be provided immediately. The City sanitary sewer system will serve the proposed
16 annexation area. Any connection to or extension of this sewer line to serve the annexation
17 area shall be at the expense of the landowners. Other services, such as participation in the
18 City's recreational programs, special education classes and programs, public works planning,
19 building inspections, and other City services will also be available immediately. Utilities
20 such as gas, electricity, telephone, and water are provided by private utility companies and
21 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
22 sidewalks and street lights which are not in place at the time of annexation will be installed
23 in the presently developed areas upon the request of the property owners and at their expense
24 by means of special assessment districts. Such improvements will be extended into the
25 undeveloped areas as development takes place and the need therefor arises, and will be
26 located according to the needs of the area at that time. Such installations will also be made
27 at the expense of the property owners, either by means of special assessment districts or as
28 prerequisites to the approval of subdivision plats, building permits or other land use or

1 development applications.

2 SECTION 4: The annexation of the described territory shall become
3 effective on the 30th day of April, 2004, and on that date the City will have the funds
4 appropriated in sufficient amount to finance the extension into the described territory of
5 police protection, fire protection, street maintenance, street sweeping, and street lighting
6 maintenance.

7 SECTION 5: The described territory, together with the inhabitants and
8 property thereof, shall, from and after the 30th day of April, 2004, be subject to all debts,
9 laws, ordinances and regulations in force in the City and shall be entitled to the same
10 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
11 levied by the City.

12 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
13 an accurate map or plat of the described territory and to record the map or plat, together with
14 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
15 Nevada, which recording shall be done prior to the 30th day of April, 2004.

16 SECTION 7: The described territory, which previously has been zoned R-E
17 (County of Clark classification), is hereby classified as U (GC) (City of Las Vegas
18 classification), which is deemed to be the City equivalent of the County classification.

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

28 SECTION 9: All ordinances or parts of ordinances, sections, subsections,

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

3 PASSED, ADOPTED and APPROVED this ____ day of _____,
4 2004.

5 APPROVED:

6
7 By OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 3-3-04
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2004, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2004, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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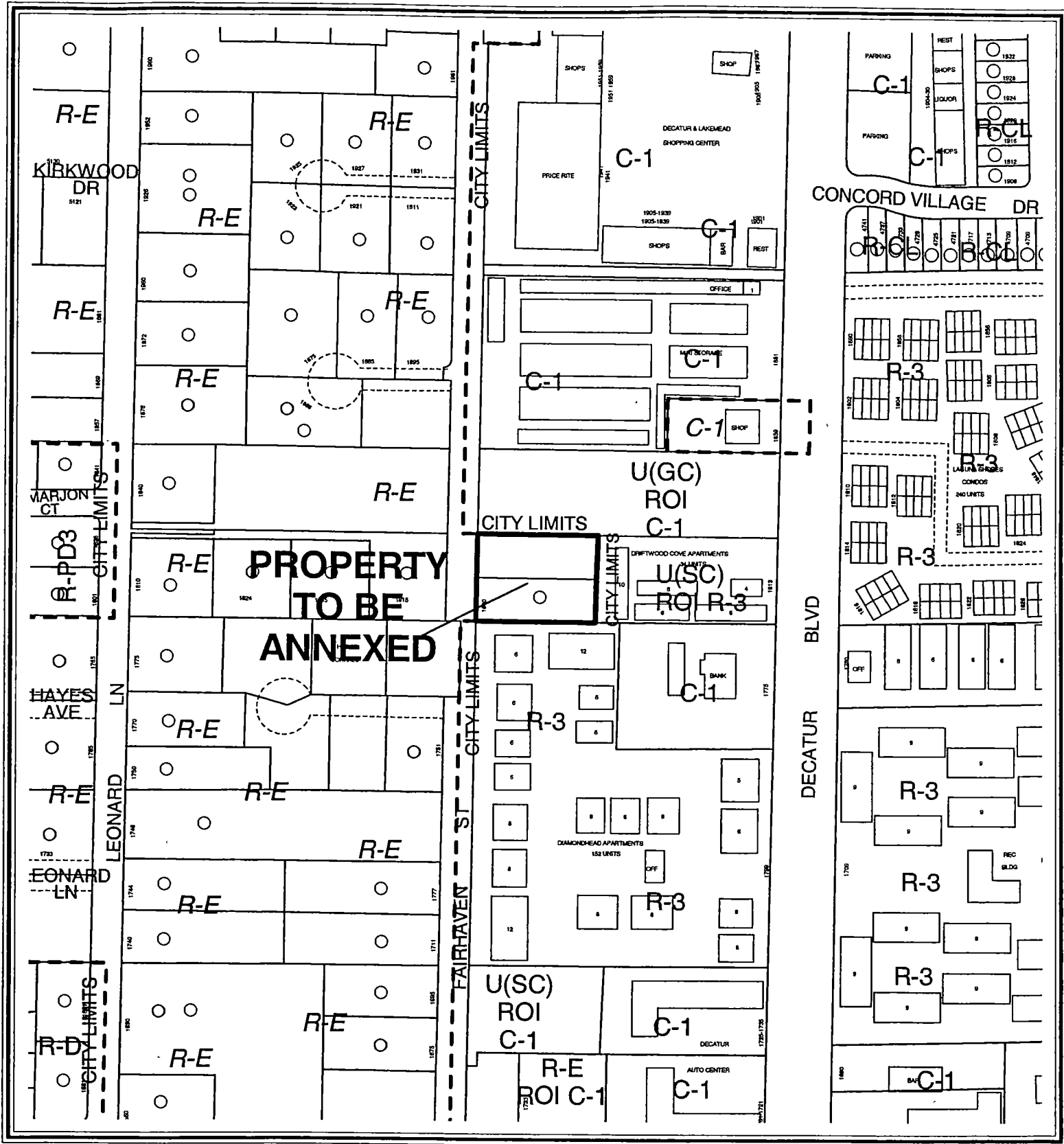
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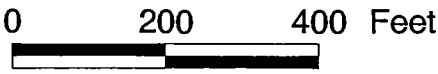
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CASE: ANX-3740



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-20 – Revises the zoning standards and procedures for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

A special use permit currently is required in order to create private streets within a subdivision, including to allow the conversion of public streets to private streets within an existing subdivision. It has been proposed to allow this type of conversion as a conditional use rather than by means of special use permit if certain minimum conditions are met. This bill will accomplish that objective.

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. 2004-20

Submitted at meeting – Written statements by Danny Piker, Jennifer Norrid, Jeffrey J. Frischmann and a protest petition representing 41 properties

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-20 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development Department, gave a history of how special use permits became involved with street privatization. Prior to the change in code, the private street could be included in the lot size under Title 19A and Planning and Development was having a problem with new subdivisions meeting the minimum lot size requirements. For

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 5 – Bill No. 2004-20

MINUTES – Continued:

example, the minimum R-E lot size of 20,000 square feet could actually be only 18,000 square feet after excluding the private street. The same situation arose in all zoning designations. Consequently, a text amendment was made to require a special use permit requirement for private streets, ensuring the entire net lot acreage provided for the minimum lot size.

The City currently has a situation where an existing neighborhood, the Scotch 80's, is requesting to privatize streets. All lots meet the minimum lot size requirements and staff determined that an ordinance would be necessary for this neighborhood's proposal. However, any bill passed would apply to the entire City. Staff acknowledges the economic investment necessary for the neighborhood to privatize the streets and that not every neighborhood will be able to afford to do so. In his experience, MR. GENZER stated that in only one instance a vacation of streets affected an entire neighborhood and that instance occurred prior to the special use permit requirement. The current process would require all property owners within the entire neighborhood signing the special use permit application, which is virtually impossible. This bill would allow bypass of that requirement whenever an existing subdivision wanting to vacate their streets met all other standards, especially as to the minimum lot size requirement.

MR. GENZER read the requirement provisions of the proposed bill involving public streets in an existing subdivision where minimum lot size requirements of Title 19 are met. Any private street with access control gates or cross arms must be of a breakaway design and a turn around space provided in front of any restricted access, allowing vehicles denied access to safely exit onto public streets. Subdivisions developed with private streets must have a mandatory property owners association, including all properties served by private streets. If 100% compliance is not reached among homeowners, the association must provide Council with a contingency plan to address the lack of membership and payment. Private streets must be constructed on property owned separately by the owners association so as to remain a separate parcel not owned by a specific property owner. Private streets must also include provisions for appropriate easements to the City and other utility providers for necessary use, access and maintenance thereof. MR. GENZER stressed the importance of the turn around space regarding the neighborhood applying for vacation because that provision has never been previously addressed. Without sufficient clarification of that need, staff would recommend denial of any vacation application.

The proposed provisions allow a neighborhood the ability to apply for a vacation. A specific concern remains with regarding to the 750 foot notification radius requirement associated with a special use permit versus vacation notification of only the adjacent property owners. This will require someone make a judgment call as to the appropriate notification standard. In the case of the Scotch 80's, staff would make every effort to provide notification to properties beyond those

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 5 – Bill No. 2004-20

MINUTES – Continued:

fronting the streets proposed to be vacated, should such an application be made. A secondary text amendment may also be necessary to change the notification requirements for vacation applications to ensure all future applications are notified in the same manner.

COUNCILWOMAN MONCRIEF clarified that a notification text amendment could provide for notification of all property owners, including those who ingress or egress from any gated areas. MR. GENZER replied that staff would try to do so regardless, but he suggested a notification radius requirement for any vacation as well. With the present verbiage for vacations, only property owners on that street are notified and it is possible that no one else in a neighborhood would know. At this time, only those directly affected by the vacation are notified pursuant to State statute.

DANNY PIKER, 1217 Park Circle, introduced himself as President of the Scotch 80's Homeowners Association. He read a statement, a copy of which is incorporated into the record, supporting approval of bill 2004-20.

COUNCILWOMAN MONCRIEF emphasized that bill 2004-20 is not specifically for the Scotch 80's neighborhood, but for the entire City. She requested the discussion not center around the Scotch 80's proposal.

JENNIFER NORRID, 1208 Mercedes Circle, stated that she did not oppose street privatization, but did have an issue with the current version of the bill. She received clarification that the requirements listed within the bill could not be waived, addressing many of her concerns. She wished for three things on behalf of her neighborhood; impartial representation, accurate and forthcoming information and fair consideration. She submitted a letter outlining her areas of concern as a part of the record.

JEFFREY J. FRISCHMANN, 1208 Mercedes Circle, submitted for the record and read a letter of opposition against the bill.

KATHY MORGAN, 1320 Ormsby Avenue, submitted a petition signed by 41 property owners and discussed the items of concern noted on the petition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:28 – 4:55)

1-651

BILL NO. 2004-20

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE ZONING STANDARDS AND PROCEDURES FOR CONVERTING PUBLIC STREETS INTO PRIVATE STREETS IN EXISTING SUBDIVISIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Janet Moncrief Summary: Revises the zoning standards and procedures for converting public streets into private streets in existing subdivisions.

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 provide that private streets are a conditional use in all residential zoning districts. In order to reflect the amendment, the row pertaining to the use "Private Streets," as it appears in the "Utilities, Communication & Transportation" element of the Land Use Tables, is amended to read as follows:

U	R-A	R-E	R-D	R-1	R-CE	R-2	R-3	R-4	R-5	R-MH	R-MHP	UTILITIES, COMMUNICATION & TRANSPORTATION
[S] C	[S] C	[S] C	[S] C	[S] C	[S] C	[S] C	[S] C	[S] C	[S] C	[S] C	[S] C	Private Streets[*]

SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), is hereby amended by adding thereto a new subdivision entitled "Private Streets," reading as follows:

PRIVATE STREETS [ALL RESIDENTIAL DISTRICTS]

(1) Eligibility as Conditional Use. Private streets are permitted pursuant to the following provisions only if:

(a) The streets are public streets within an existing subdivision that are proposed to be converted to private streets; and

(b) All the lots within the subdivision conform to the minimum lot size requirements of Title 19.

(2) Design and Construction Standards. Unless otherwise approved by the City Council or otherwise provided by means of a specific regulation governing private streets, every private street shall conform to the same standards that govern the design and construction of public streets.

1 (3) Access Restrictions. The entrances to all private streets must be marked with a sign stating
2 that it is a private street. Guard houses, access control gates and cross arms may be constructed. All
3 restricted access entrances shall be manned twenty four hours every day or provide an alternative
4 means of ensuring access to the subdivision by the City and other emergency and utility service
5 providers with appropriate identification. If the association fails to maintain reliable access as
6 required to provide City services, the City may enter the subdivision and remove any gate or device
7 which is a barrier to access at the sole expense of the association. The association documents shall
8 contain provisions in conformity with this paragraph which may not be amended without the written
9 consent of the City.

10 (4) Access Restricted Entrance Design Standards. Any private street which has access control
11 gates or cross arms must be of a break-away design. A turn-around space must be located in front of
12 any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any
13 guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of
14 fourteen feet in height above the road surface.

15 (5) Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used,
16 maintained, or constructed as private streets. Also, the Department may deny the creation of any other
17 private street if it is determined that the private street would have any of the following effects:

- 18 (a) Negatively affect traffic circulation on public streets;
- 19 (b) Impair access to property either on-site or off site to the subdivision;
- 20 (c) Impair access to or from public facilities including schools, parks and libraries; or
- 21 (d) Delay the response time of emergency vehicles.

22 (6) Property Owners' Associations Required. Subdivisions developed with private streets must
23 have a mandatory property owners' association which includes all property served by private streets.
24 The association shall own and be responsible for the maintenance of private streets and appurtenances.
25 The association documents must establish a reserve fund for the maintenance of streets and other
26 improvements. Such documents are subject to review and approval by the City to ensure that adequate
27 provision for maintenance has been made.

28 (7) Private Street Lot. Private streets shall be constructed on property separately owned by a

1 property owners' association. Private streets must include provision for appropriate easements to be
2 granted to the City and to other utility providers allowing necessary use and access for utilities and
3 the maintenance thereof. The easement shall also provide the City and protective service providers
4 with the same right of access they would have if the streets were public streets.

5 (8) Waiver of Services. The subdivision final map, property deeds and property owners
6 association documents shall note that certain City services shall not be provided on private streets.
7 Among the services which will not be provided are: routine police patrols, enforcement of traffic and
8 parking ordinances, preparation of accident reports and other services which may not be reasonably
9 or properly available within a particular development. All private regulatory signs shall conform to
10 State of Nevada regulations.

11 (9) Special Use Permit. In cases where a Special Use Permit is required to allow private streets
12 that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of
13 Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special
14 Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not
15 waivable in connection with a Special Use Permit approval.

16 SECTION 3: Title 19, Chapter 4, Section 50, Subsection (B), is hereby amended by
17 deleting in its entirety the subdivision pertaining to the use "Private Streets."

18 SECTION 4: In Section 2 of this Ordinance, the brackets that follow the title of the
19 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
20 of indicating the applicable districts.

21 SECTION 5: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
22 19.04.040, and 19.04.050 are deemed to be subchapters rather than sections.

23 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

3 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

7 APPROVED:

8
9 By _____
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Val Steed 3-3-04
16 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, 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 _____, 2004, 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

18

19

20

21

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23

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25

26

27

28

City of Las Vegas
Planning Dept.
Recommendation Committee

1217 Park Circle
LV NV

I am here today at the request of the MAJORITY of the Scotch 80's Volunteer HOA requesting consideration of Bill #2004-20 addressing the procedures for converting public streets to private streets in existing neighborhoods.

others have made calls & fax

Just over 1 year ago I agreed to assist our neighborhood with the request to finalize the gating of our neighborhood.

We did a door to door drive to get homeowners signed up and we now have a total of (99) signed applicants that wish to have this matter reviewed and voted on by Las Vegas City Council.

History:

Last October the Scotch 80 HOA attempted to file our applications requesting closure of our neighborhood. We were surprised to learn that the procedures for privatizing neighborhoods had changed. Respectfully, we were shocked to learn that changes made over a year ago, by the Planning Dept. and the City Attorneys office became applicable for all neighborhoods and Special Use Permits would be required.

We contacted our City Councilwoman Janet Moncrief requesting that she sponsor a change "NOT" just at the request of the homeowners in SCOTCH 80's "NOW" but for any and all OLDER/EXISTING neighborhoods that wish to privatize their streets in the future.

If I may take a moment to explain, I have been a resident of Scotch 80 for a total of 15 years and I was part of every request to close certain streets in our area and home owners on each street paid the cost to vacate and secure that street.

We have worked very closely with our City Councilwoman Janet Moncrief regarding this issue and I believe she sees value in our request that will preserve and will benefit other OLDER/EXISTING neighborhoods in the future.

In closing I will state that I feel honored to get to live in a fine City like Las Vegas and a community located in Ward 1 known as Scotch 80's and every minute I spend working on causes to preserve our neighborhood is worth all my efforts.

I am here today requesting that you vote YES on Item #5
Bill \$ 2004-20

If you have any questions I will answer them.

Jennifer Norrid
1208 Mercedes Circle
Las Vegas, Nevada 89102
702-382-1447 • 702-339-2465 (cell) • 702-678-5001 (fax)

April 4, 2004

The Honorable Councilwoman Janet Moncrief
The Honorable Councilman Lawrence Weekly
400 Stewart Avenue
Las Vegas, NV 89101

Re April 5, 2004 Recommending Committee – Bill 2004-20

Dear Ms Moncrief and Mr Weekly,

Please do not pass Bill 2004-20 as it is currently written. I do not oppose street privatization or gating in established neighborhoods. However, I do oppose legislation that allows this to be accomplished in a manner that fails to insure equal consideration for all affected property owners.

A number of questions remain unanswered. It is evident from viewing planning commission hearing meeting tapes that there was agreement Bill 2004-20 carries the risk of having far reaching effects on city neighborhoods. Due to the complexity of the bill, it is critical you fully understand the potential implications it may have on existing neighborhoods and property owners throughout the city. While not inclusive, following is a list of issues that should be addressed prior to making a recommendation to pass Bill 2004-20.

Mandate Items (6) thru (8) Privatization of existing public streets in established neighborhoods is far more complex than creating private streets in new subdivisions. Yet, the bill leaves open the possibility of waiving items (6), (7), and (8) for established neighborhoods. The Bill's text already prohibits waiving these items for a special use permit. It should contain the same provision for conditional use.

Enforce NRS 116 By mandating item (6), homeowners association, you would be protecting rights of existing property owners by insuring they receive the same level of disclosure required for new homebuyers. Homeowner associations in established neighborhoods should not be exempted from any provision of the Nevada Common Interest Community Uniform Act.

Clarify Ownership Item (7) addresses the ownership of private street lots. During the planning commission hearings, the question arose of whether private streets would belong to the association or homeowner, when the homeowner did not consent to the privatization. Minutes inaccurately cite the deputy city attorney as affirming the status, when in fact he questioned it. This issue needs to be resolved and the Bill's text clarified.

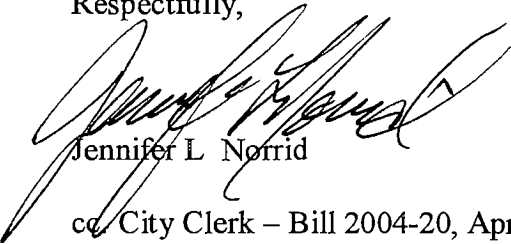
Fiscal Accountability Item 8 addresses the waiver of City services, and is mandatory for new developments, but not for existing developments. Particularly in cases where the city may need to write off recent capital improvements, further taxpayer support of streets planned for closure to the public is unreasonable.

Notification In the case of low-density neighborhoods, the proposed legislation could lead to the exclusion of hundreds of property owners receiving notice by mail, since vacation permits only require notification of abutting property owners. The bill text should include a provision to expand the notification area in established areas.

There are many more issues to consider before finalizing this complex legislation. For example, what is the effect of imposing the governance authority of associations on homeowners without their consent? Or, what is the criteria for determining which properties will be included or excluded in the gated boundaries? These and other questions must be considered when deciding whether or not to recommend passage of Bill 2004-20.

Your attention to the details of this bill is needed to ensure that everyone's rights and interests are represented and considered. I strongly urge you to incorporate needed changes or reject Bill 2004-20 in its entirety.

Respectfully,



Jennifer L. Norrid

cc. City Clerk – Bill 2004-20, April 5, 2004 Recommending Committee
cc. City Council

April 3, 2004

The Honorable Councilwoman Janet Moncreif
The Honorable Councilman Lawrence Weekly
400 Stewart Avenue
Las Vegas, NV 89101

Re April 5, 2004 Recommending Committee – Bill 2004-20

Dear Councilwoman Moncreif and Councilman Weekly,

I strongly oppose Bill 2004-20 as it is written. In its present form, Bill 2004-20 fails to provide essential safeguards to property owners currently covered under the requirement of a Special Use Permit for the privatization of public streets. Please take the time to fully understand the implications of Bill 2004-20.

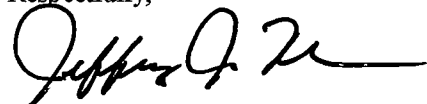
During the Planning Commission Hearings on this measure, important issues were raised and Bill 2004-20 fails to address many of those issues. Foremost is that Bill 2004-20 would allow the privatization of public streets in subdivisions with less than 10% of those effected property owners needed to apply for a Vacation Permit. While the intent of Bill 2004-20 is to ease the requirement of 100% agreement of effected property owners to move forward with vacation, it fails to require a minimum threshold of agreement. Any prudent lawmaker can recognize the inherent pitfalls Bill 2004-20 will present.

Please recognize that Bill 2004-02 reduces the requirements of privatizing public streets in established neighborhoods to a standard below that of a new development. Consideration of the impact on surrounding properties is lessened in established areas than is currently required by new developments. This is evident in the notification requirements. Currently, notification is required to all properties within 500 feet of any proposed vacation plan. Bill 2004-20 will require only abutting properties receive notification. Consider the absurdity, to create new streets at individual property owner's expense would require less notification of the public than converting existing public streets paid for with taxpayers dollars.

Furthermore, exempting any group wanting to privatize a public street from the requirement of forming "traditional" Homeowners Association as defined by the State of Nevada creates numerous pitfalls not addressed in Bill 2004-20. While "volunteer" Homeowners Associations may appear attractive, they would not be required to meet the same scrutiny and disclosure requirements currently mandated. This would be a dangerous and expensive path to lead our City down.

Any one of these concerns alone is sufficient to oppose Bill 2004-20 as written, but collectively they build a compelling case to stop Bill 2004-20. It is obvious that Bill 2004-20 needs to be amended to consider numerous potential pitfalls. I urge you to oppose Bill 2004-20 as it is currently written.

Respectfully,



Jeffrey J. Frischmann
1208 Mercedes Circle
Las Vegas, NV 89102
702-382-1447

April 4, 2004

Re April 5, 2004 Recommending Committee – Bill 2004-20

The Honorable Councilman Lawrence Weekly
The City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Dear Councilman Weekly,

I urge you to vote "NO" on Bill 2004-20.

There are a number of concerns that would arise by passage of Bill 2004-20. Passage would result in the gentrification of neighborhoods in the City of Las Vegas. The example of the Scotch 80's street privatization effort typifies the dangers this Bill poses to the citizens of this City. The Scotch 80's proposal clearly demonstrates gentrification along the lines of socioeconomic status.

Considering the enormous challenges that you and the citizens in your Ward face, I beg you to carefully consider the direction this Bill will take our City. Rather than creating a City with harmonious neighborhoods working together to solve the challenges of safety, neighborhood preservation, and quality of life issues in their respective communities, it will result in segregated enclaves of the "haves" and "have-nots"

Bill 2004-20 will negate much of the hard work you have done in tearing down the walls that have stifled the constituents in your Ward for so many years. Please do not vote for the erection of new walls. I urge you to recognize Bill 2004-20 for what it really is. Vote "NO" to segregation. Vote "No" to gentrification. Vote "NO" on Bill 2004-20.

Respectfully,



Jeffrey J. Frischmann
1208 Mercedes Circle
Las Vegas, NV 89102

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

Re: Bill 2004-20, Scheduled for April 5, 2004

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We strongly urge you NOT to recommend passage of Bill 2004-20 without addressing the following issues, which affect the rights of property owners in every established Las Vegas neighborhood

Approval Criteria The standards for approving the *conversion* of public streets into private streets should be equal to or greater than those applied to the *creation* of private streets in new subdivisions. Because new developments will fail to meet condition 1 of Bill-2004-20, conditions 5 thru 8 will become mandatory under the Special Use Permit. Conditions 5 thru 8 are not mandatory for established neighborhoods unless they fail to meet conditions 1 thru 5.

Notice of Public Hearing The Planning Commission passed Bill 2004-20 with the understanding that the Vacation Permit process would afford property owners the same rights currently provided by the Special Use Permit. The Vacation Permit's minimum area of notification for interested parties is limited to properties abutting streets being vacated, significantly less than the 500 ft. radius required by the Special Use Permit.

Boundaries Newly developed subdivisions have well defined boundaries. Re-subdivision of established neighborhoods could result in partial integration of one or more surrounding subdivisions, shrinking surrounding subdivisions and leaving them in disarray. This only becomes an issue when streets are privatized and gates erected. Bill 2004-20 should include a condition prohibiting private streets in re-subdivided subdivisions unless entire subdivisions have been merged.

Life-Cycle Bill 2004-20 allows the conversion of public streets regardless of how recent publicly funded construction and/or capital improvements have been completed. Further conditions should be placed on streets having more than seventy-five percent of their life-cycle remaining from original construction or capital improvements exceeding \$250,000.

Name	Address	Phone	Signature	Date
Quontri Hart	1201 Jaffan Circle	382-7028	[Signature]	3/30/04
Sherry Ceffman	1209 JAYLAR	384-4139	[Signature]	3/30/04
Jamie Halverson	1209 Mercedes Cir.	382-0428	[Signature]	3/30/04
GLENN HALVERSON	1209 MERCEDES CR.	382-0428	[Signature]	3/30/04
Jennifer Norrid	1208 Mercedes	678-5000	[Signature]	3/30/04

cc City Council

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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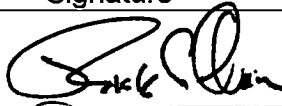
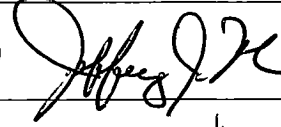
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Name	Address	Phone	Signature	Date
Zick Goffman	1209 JAYLAR CIR.			3-30-04
Jeffrey Frishman	1208 Mercedes Cir.	382-1447		4/2/04
Gisela Avants	1212 Mercedes Cir	382-1850		4/2/04

To The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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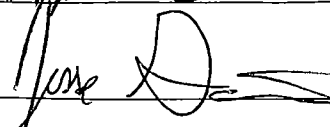
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Name	Address	Phone	Signature	Date
Marvin Chapman	1317 charmer Ln	384-7129		3-31-04
Shelly Chapman	1317 charmer Ln.	384-7129		3-31-04
Nelda Chapman	1317 charmer Ln.	384-7129		3/31/04
Ronald Crosson	1313 charmer Ln	384-1897		3-31-04
June D.	1301 R. detrel	384-7411		4-1-04

cc City Council

To. The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
Serge GAUCIN	1301 Richard Ct.	474 1357		3-31-04
T. Gaucin	1301 Richter Ct.	474-1357	T. Gaucin	3-31-04
Brett Jones	1305 Richard Ct	301-3983	Brett Jones	3-31-04
Christina Gibson	1309 Richard Ct	893-3367	C. Gibson	3-31-04
Norma Dine	1305 Richard Ct	382-2611	Norma Dine	3-31-04

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Name	Address	Phone	Signature	Date
------	---------	-------	-----------	------

Trinidad Medina	1221 Richard Ct	702-362-1562	Trinidad Medina	4/1/04
Alicia Medina	1221 Richard Ct	362-15-62	Alicia Medina	4/1/04
Shirley A. Davis	1204 Mercedes Cir	89102 382-5394	Shirley A. Davis	4/4/04
		474 6606		
Randall Brown	1201 Mercedes Circle		Randall Brown	4-4-04
Joe Gureghy	1200 Mercedes Circle	L.V. 89102	Joseph Gureghy	4-4-04
			838 9509	

cc: City Council

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Name	Address	Phone	Signature	Date
ROBERT J. EDWARDS	1213 MERCEDES CIRCLE	3854598	Robert J. Edwards	4/1/04
ELAINE HEITZ-EDWARDS			Elaine Heitz-Edwards	
WENDY REYNOLDS	1205 MERCEDES CIR LV NV 89102	(702) 8689108	Wendy Reynolds	4/2/04

cc. City Council

To. The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
Alison Rackell	1217 Charmast Ln.		Alison Rackell	4/1/04
SANDRA J VANNESS	1216 CHARMAST LN		Sandra J. Van Ness	4/2/04
James L. Smith	1216 Charmast Ln.		James L. Smith	4/2/04
LEE T. GONZALEZ	1205 CHARMAST LN		Lee T. Gonzalez	4/5/04

cc: City Council

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Name	Address	Phone	Signature	Date
Joseph Conner	1208 Charmast Ln.	480 9961		4-1-04
Michael Helt	1209 Charmast Ln	636-6227		4-1-04
Deborah Kinney	1524 W. Ellis	385-2847		
Kimberly	1524 W. Ellis	385-2847		
Golden Lambert				383-0067

cc City Council

To The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

Re. Bill 2004-20, Scheduled for April 5, 2004

We are constituents of Councilwoman Janet Moncrief, with properties in the Mercedes Circle Sub-division, Saratoga Meadows Sub-division, Jaylar Circle, and on Ellis Avenue City of Las Vegas neighborhood association maps indicate we are within the boundaries of the Scotch 80's Neighborhood Association The president of the neighborhood and homeowners' associations confirms that neither organization represents our interests We were unaware that Councilwoman Janet Moncrief was sponsoring this Bill when public hearings were held by the Planning Commission in November and December 2003

We strongly urge you NOT to recommend passage of Bill 2004-20 without addressing the following issues, which affect the rights of property owners in every established Las Vegas neighborhood

Approval Criteria The standards for approving the *conversion* of public streets into private streets should be equal to or greater than those applied to the *creation* of private streets in new subdivisions Because new developments will fail to meet condition 1 of Bill-2004-20, conditions 5 thru 8 will become mandatory under the Special Use Permit Conditions 5 thru 8 are not mandatory for established neighborhoods unless they fail to meet conditions 1 thru 5.

Notice of Public Hearing The Planning Commission passed Bill 2004-20 with the understanding that the Vacation Permit process would afford property owners the same rights currently provided by the Special Use Permit The Vacation Permit's minimum area of notification for interested parties is limited to properties abutting streets being vacated, significantly less than the 500 ft radius required by the Special Use Permit

Boundaries Newly developed subdivisions have well defined boundaries. Re-subdivision of established neighborhoods could result in partial integration of one or more surrounding subdivisions, shrinking surrounding subdivisions and leaving them in disarray This only becomes an issue when streets are privatized and gates erected Bill 2004-20 should include a condition prohibiting private streets in re-subdivided subdivisions unless entire subdivisions have been merged

Life-Cycle Bill 2004-20 allows the conversion of public streets regardless of how recent publicly funded construction and/or capital improvements have been completed Further conditions should be placed on streets having more than seventy-five percent of their life-cycle remaining from original construction or capital improvements exceeding \$250,000

Name	Address	Phone	Signature	Date
Diane Bronstein	1204 Mercedes	382-5394	Diane Bronstein	4-4-04

cc. City Council

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
Kathy Morgan	1320 Ormsby 89102	384-1126	Kathy Morgan	4-2-04
Ping Ramos	1308 Charmant Lane 89102	384-9595	[Signature]	4-4-04
Paul Fries	1312 Charmant	598-2007	Paul Fries	4-4-04
Athanasia S. Ashman	1316 Charmant L. 1321 Charmant Ln.			4-2-04
Val Marshall	Las Vegas, NV 89102		Val Marshall	4-4-04
Mary O'Boyle	1324 Ormsby Ave 89102			
DENISE SANTOLI	1324 ORMSBY AVE	LV NV 89102		

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The Honorable Councilman Weekly
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Name	Address	Phone	Signature	Date
Captal Johnson	5205 15 th St.	275-8758	Captal Johnson	3/31/04
Reid Yokono	14 White Tail Ct.	263-6401	Reid Yokono	3/31/04
Marty Zup	1225 Richard Ct	584-2137	Marty Zup	3/31/04
Susan O. Zup	1225 Richard Ct	584-2137	Susan O. Zup	3-31-04
Antonio Mace	1500 STARDUST RD #F1111	813-2720	Antonio Mace	3-31-04

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The Honorable Councilman Weekly
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Name	Address	Phone	Signature	Date
ROBERT J \$	1213 Mercedes Circle		Robert J \$	4/1/04
ELAINE EDWARDS		3891598		
		878-7859		
Beatrice Sattler	300 Braxton		Beatrice Sattler	4-3-04
Robert Smith	300 Braxton Lane	878-7859	Robert Smith	
WENDY REYNOLDS	1205 MERCEDES CIRCLE	8689108	W Reynolds	
	636.0401			
TOM ISLEY	6373 Carmen Blvd LV NV 89108		T. Isley	4/3/04
Scott Carter	2434-7435		Scott Carter	4/3/04
	4260 PRYOR 89121			
	258-9017			
KIM BRICKER	6372 CABRA LV NV 89107		Kim Bricker	4/3/04
Debbie Coash	2330 Navajo St.	636-2200	Debbie Coash	

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
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Name	Address	Phone	Signature	Date
Kirsten Spargo	8121 Graceville	363-3303	Kirsten Spargo	4-1-04
Jennifer Rachell	2601 Gilmary Ave	364-8896	Jennifer Rachell	4/4/04
SALLY RACHILL	2601 GILMARY		Sally Rachill	4-5-04

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-21 – Updates the City’s emergency management provisions. Sponsored by:
Mayor Oscar B. Goodman

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the provisions of LVMC Chapter 2.30, relating to emergency management, in accordance with recommendations made by the City’s Management Committee for Emergency Operations. The changes are minor in nature and are intended to simplify the process of responding to emergencies and give the City greater flexibility during that process.

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. 2004-21

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-21 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

DEPUTY CITY MANAGER BETSY FRETWELL explained the changes the bill will enact, including adding the Sheriff and Chief Health Officer to the Emergency Operations Committee. There are procedural changes linking City actions during an Emergency to the powers given to the City in the Charter, without specification. This allows the Council the necessary latitude to be effective. The title of the position is also changed to Emergency Management Coordinator. It allows the Emergency Management Operations Committee to modify the Emergency Operation Plan on a regular basis and to report changes annually to Mayor and Council.

RECOMMENDING COMMITTEE MEETING OF APRIL 5, 2004

City Attorney

Item 6 – Bill No. 2004-21

MINUTES – Continued:

The bill also specifies that two Council members will be on the Emergency Management Operations Committee.

COUNCILMAN WEEKLY suggested that a Recommending Committee member be involved in this Committee. As a member of the Homeland Security Committee, he expressed a concern with the way information gets to local government representatives relating to homeland security. The City needs to be more involved in information and its disseminated to avoid miscommunication.

DEPUTY CITY MANAGER FRETWELL acknowledged that the Emergency Plan would not directly address the State communication issues COUNCILMAN WEEKLY indicated his intention to discuss his concerns at an upcoming Committee meeting.

AL GALLEGOS, Las Vegas resident, cited a past incident where he and some of his neighbors were locked out of their neighborhood due to police activity involving a murder. His complaint was that there was no one available to assist them in getting back into their homes. Someone with authority should be made available to the citizens during the weekend should this happen in the future.

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:55 – 5:00)

1-1592

1 **BILL NO. 2004-21**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE PROVISIONS OF CHAPTER 2.30 RELATING TO
4 EMERGENCY MANAGEMENT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Mayor Oscar B. Goodman

Summary: Updates the City's emergency
management provisions.

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

9 SECTION 1: Title 2, Chapter 30, Section 30, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **2.30.030:** (A) [A state of disaster emergency shall be deemed to exist whenever during any
12 disaster, public safety authorities are unable to maintain public order or afford adequate protection for
13 lives or property.

14 (B)] The Mayor, pursuant to the powers granted in Title III, Section 3.010 of the
15 Charter for the City of Las Vegas, shall have the authority to declare a state of disaster emergency by
16 proclamation. Upon the absence or the unavailability of the Mayor, the Mayor Pro Tem shall have
17 the powers and authority granted to the Mayor in this Chapter, and upon the absence or unavailability
18 of the Mayor[,], and the Mayor Pro Tem, the powers [shall be] are delegated to any two of the
19 remaining members of the City Council. Upon the absence or unavailability of two Council members,
20 the powers [shall be] are delegated to the City Manager [or,] and upon the absence or unavailability
21 of [two Council members] the City Manager, the powers [shall be] are delegated to the [City Manager,
22 the] Director of Fire [Services.] and Rescue.

23 [(C)] (B) The Mayor is authorized and empowered to [limit by] include in the
24 proclamation [the application of all or any part of the restrictions described in this Section] any
25 restrictions related to emergency management or for the protection and preservation of life and
26 property that are authorized by the City Charter or State law, and to limit any or all of those
27 restrictions to any area specifically designated or described within the corporate limits of the City [and
28 to] for specific hours of the day or night.

1 [(D)] (C) The Mayor shall proclaim the end of such state of disaster emergency or all or
2 any part of the restrictions imposed as soon as circumstances warrant or when directed to do so by the
3 City Council.

4 [(E)] During the existence of a proclaimed state of disaster emergency, the Mayor
5 may impose by proclamation any or all of the following restrictions:

6 (1) Prohibit or regulate the possession off one's own premises of explosives,
7 firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or
8 other disposition thereof;

9 (2) Prohibit or regulate the buying or selling of intoxicating beverages of
10 any kind, and their consumption off one's own premises;

11 (3) Prohibit or regulate the sale of gasoline (except when directly introduced
12 into a motor vehicle), kerosene, naphtha, or any other explosive or inflammable fluids or substances;

13 (4) Prohibit or regulate pedestrian or motor vehicle travel or presence upon
14 any public street, highway, alley, or roadway or upon any other public property, including the
15 proclamation of a curfew.

16 (F) Any proclamation may be extended, altered or repealed in any particular during
17 the continued or threatened existence of a state of emergency by the issuance of a subsequent
18 proclamation.

19 [(G)] (D) Upon the declaration of a state of disaster emergency, the City Manager shall
20 post a written notice of such declaration upon the special outside City Hall bulletin board, and shall
21 notify by fax, e-mail or telephone [not less] no fewer than two newspapers of general circulation
22 within the City, at least three television stations and at least three radio stations broadcasting in Clark
23 County. When practicable, the City Manager shall also cause the written notice to be published in its
24 entirety, at least four days each week in a newspaper of general circulation in the City until the state
25 of emergency is declared to be terminated.

26 [(H)] (E) Any proclamation made pursuant to this Section must be ratified by the City
27 Council [as soon as possible, but in any case within forty-eight hours. The Council's consideration
28 of such proclamation shall be deemed to be an emergency for purposes of the Nevada Open Meeting

1 Law.] at the next available regular or special meeting of the City Council. Notwithstanding any
2 provision of this Section, no proclamation made hereunder shall be deemed invalid or be deemed to
3 expire by the City Council's failure to convene or to take action concerning the proclamation. [In
4 considering any proclamation pursuant to this Subsection, the Council may take such action as is
5 described in Subsection (D) of this Section.]

6 SECTION 2: Title 2, Chapter 30, Section 40, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **2.30.040:** (A) [A board is created to be known as the] The Office of Emergency Operations[.]
9 is hereby created.

10 (B) The City Manager shall [be the head of the Office of Emergency Operations
11 to be known as the Coordinator of Emergency Operations and must act as the Coordinator of
12 Emergency Operations during a disaster emergency. At all other times, the City Manager may appoint
13 a substitute to act in the City Manager's stead, to be known as the Acting Coordinator of Emergency
14 Operations. Upon the absence or the unavailability of the City Manager, the Senior Deputy City
15 Manager shall be the Coordinator of Emergency Operations.] have overall responsibility for the Office
16 of Emergency Operations. The City Manager may designate a Deputy City Manager to act in the City
17 Manager's stead during the absence or unavailability of the City Manager. The City Manager may
18 also appoint an Emergency Management Officer to be responsible for the day-to-day operation of the
19 Office of Emergency Operations.

20 SECTION 3: Title 2, Chapter 30, Section 50, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **2.30.050:** As may be authorized by the City Manager, [The Coordinator of Emergency
23 Operations] the Emergency Management Officer is authorized and directed to:

24 (A) Prepare, [and] maintain and implement an emergency operations plan [and an
25 emergency resources management plan] for the City, in support of and in accordance with Federal,
26 State and County emergency plans and guidance;

27 (B) Designate, [and] prepare and implement standard operating procedures for an
28 Emergency Operation Center from which centralized direction and control of the emergency

1 operations may be exercised;

2 (C) Establish an Emergency Operations Organization, utilizing City, public and
3 private resources for this purpose;

4 (D) Monitor and supervise the Emergency Operations Organization at drills, and
5 train and prepare the organization to effect the purpose of this Chapter;

6 (E) Represent the Emergency Operations Organization of the City in all dealings
7 with public or private agencies pertaining to emergency operations, except that the Sheriff of the Las
8 Vegas Metropolitan Police Department will provide such representation in all matters dealing with
9 riot, serious domestic violence, insurrection, or other civil disobedience as provided by provision of
10 the Nevada Revised Statutes; and

11 (F) Recommend to the City Council[,] mutual aid agreements with adjoining
12 jurisdictions determined essential to any part of emergency operations. [;

13 (G) Execute the emergency operations plan and coordinate the emergency
14 operations organization upon the proclamation of a disaster emergency by the Mayor, or successor
15 as contained in Section 2.30.030(B)].

16 SECTION 4: Title 2, Chapter 30, Section 60, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **2.30.060:** (A) A Management Committee for Emergency Operations (hereinafter
19 "Committee") is created. The Committee shall be composed of [one member] two members of the
20 City Council, the City Manager, the Sheriff of the Las Vegas Metropolitan Police Department, the
21 Chief Health Officer of the Clark County Health District, the Director of Fire and Rescue, and [not
22 less than five] no fewer than four additional persons who are appointed by the City Manager and
23 selected from the Directors and Deputy Directors of Departments of the City.

24 (B) The Director of Fire [Services] and Rescue will be the Chairman of the
25 Committee.

26 (C) The Committee shall, as a specific function, provide technical and policy
27 guidance to the Mayor, the City Council, the City Manager and the [Coordinator of Emergency
28 Operations.] Emergency Management Officer.

1 (D) The Committee [shall approve such emergency operations plans as prepared
2 by the Coordinator of Emergency Operations and recommend to the Mayor, the City Manager and
3 City Council the adoption of the plans.] is authorized to review, approve and update the emergency
4 operations plan as prepared and recommended by the Emergency Management Officer. Any changes
5 to the emergency operations plan shall be reported to the City Council on an annual basis.

6 (E) The members of the Committee shall be the primary staff of the Emergency
7 Operations Organization and the Emergency Operations Center and shall execute the emergency
8 operations plan to accomplish the purpose of this Chapter.

9 SECTION 5: Title 2, Chapter 30, Section 80, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **2.30.080:** For the purposes of this Chapter, the Mayor, the Management Committee for
12 Emergency Operations, and the [Coordinator of Emergency Operations] Emergency Management
13 Officer shall utilize the services, equipment, supplies and facilities of existing departments, officers
14 and agencies of the City to the maximum extent practicable, and the officers and personnel of all such
15 departments are directed to cooperate and extend such services and facilities upon request.

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

24 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
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 _____, 2004.

4 APPROVED:

5

6

By _____
OSCAR B. GOODMAN, Mayor

7

8

ATTEST:

9

BARBARA JO RONEMUS, City Clerk

10

APPROVED AS TO FORM:

11

12

Val Steed 3-4-04
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2004, 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 ____, 2004, 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

18

19

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City of Las Vegas

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: APRIL 5, 2004**

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

MINUTES:

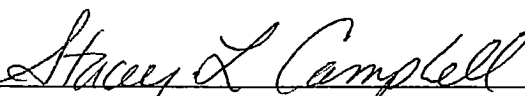
None.

(5:00)

1-1806

THE MEETING ADJOURNED AT 5:00 P.M.

Respectfully submitted:



STACEY L. CAMPBELL, DEPUTY CITY CLERK I

April 6, 2004