City of Las Vegas

Agenda Item No. 67

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC [ ] CONSENT [X] DISCUSSION

SUBJECT:
NEW BILL:

Bill No. 2004-45 – Establishes restrictions on the use and possession of electronic stun devices. Sponsored by: Councilman Gary Reese

Fiscal Impact

[X]	No Impact	Amount:
[ ]	Budget Funds Available	Dept./Division:
[ ]	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:
This bill will establish limitations on the use and possession of electronic stun devices. The bill has been requested by the Las Vegas Metropolitan Police Department and is similar to a ordinance that has been adopted by Clark County.

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. 2004-45

MOTION:
None required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

6/14/2004 Recommending Committee
6/16/2004 Council Agenda

(10:06 – 10:07)
1-2235

THE MORNING SESSION RECESSED AT 10:07 A.M., AND WAS RECALLED AT 10:40 A.M. TO RECONSIDER ITEM 61 AND TO GO INTO CLOSED SESSION BEFORE BEING RECESSED AGAIN AT 10:46 A.M.

BILL NO. 2004-45

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH RESTRICTIONS ON THE USE AND POSSESSION OF ELECTRONIC STUN DEVICES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Establishes restrictions on the use and possession of electronic stun devices.

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

SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to add thereto a new chapter, designated as Chapter 71, consisting of a section designated as Section 10, reading as follows:

10.71.010: (A) It is unlawful for any person, other than a law enforcement officer, to use an electronic stun device for any purpose other than self defense.

(B) It is unlawful for any of the following to possess an electronic stun device:

(1) Any person who has been convicted of a felony;

(2) Any person who is a fugitive from justice;

(3) Any person who is an unlawful user or seller of narcotics; or

(4) Any minor.

(C) For purposes of this Section, an "electronic stun device" is any weapon or other device that emits an electrical charge or current that is intended to temporarily or permanently disable or incapacitate a person.

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

SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 4: 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 _____, 2004.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 5-19-04
Date

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

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS [ ] **CONSENT** [X] **DISCUSSION**

SUBJECT:
CLOSED SESSION – To Be Held at Conclusion of Morning Session

Upon a duly carried Motion, a closed meeting is called in accordance with NRS 241.030 to discuss the following items:

A. City Manager's Annual Performance Review
B. City Attorney's Annual Performance Review
C. City Auditor's Annual Performance Review

Fiscal Impact

[X]	**No Impact**	**Amount:**
[ ]	**Budget Funds Available**	**Dept./Division:**
[ ]	**Augmentation Required**	**Funding Source:**

PURPOSE/BACKGROUND:
The Open Meeting law permits the City Council to conduct closed sessions for – among other reasons – discussion and evaluation of the character and professional competence of a person. While all decisions and actual deliberations regarding compensation and employment must be made during the public agenda item which follows the closed session, these private meetings permit candid conversations which might not be appropriate for a public meeting. Minutes of a closed session must be generated in the same fashion as the public portion of the agenda, but the minutes are confidential unless the person who is the subject of the closed session chooses to release them.

RECOMMENDATION:

BACKUP DOCUMENTATION:
None

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS [ ] **CONSENT** [X] **DISCUSSION**

SUBJECT:
CLOSED SESSION – To Be Held at Conclusion of Morning Session

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[X]	**No Impact**	**Amount:**
[ ]	**Budget Funds Available**	**Dept./Division:**
[ ]	**Augmentation Required**	**Funding Source:**

PURPOSE/BACKGROUND:
The Open Meeting law permits the City Council to conduct closed sessions for – among other reasons – discussion and evaluation of the character and professional competence of a person. While all decisions and actual deliberations regarding compensation and employment must be made during the public agenda item which follows the closed session, these private meetings permit candid conversations which might not be appropriate for a public meeting. Minutes of a closed session must be generated in the same fashion as the public portion of the agenda, but the minutes are confidential unless the person who is the subject of the closed session chooses to release them.

RECOMMENDATION:

BACKUP DOCUMENTATION:
None

MOTION:
REESE – Motion to go into a closed session meeting in accordance with NRS 241.030 – UNANIMOUS with Ward 2 seat vacant

MINUTES:
There was no discussion.

City of Las Vegas

Agenda Item No. 68

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

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

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

MOTION:
REESE – Motion to HOLD IN ABEYANCE Item 76 [DIR-4421] to 7/7/2004 and Item 79 [SUP-3394] to 7/21/2004 and to STRIKE Item 69 [15 West Owens Avenue]
– UNANIMOUS with GOODMAN abstaining on the abeyance vote for Item 76 [DIR-4421] and Item 79 [SUP-3394] and Ward 2 seat vacant

MINUTES:
COUNCILMAN REESE confirmed with Planning Staff that this would be the first abeyance of Item 76 [DIR-4421].

DEPUTY CITY ATTORNEY BRYAN SCOTT reminded MAYOR GOODMAN that there was an opinion rendered regarding Item 76 [DIR-4421] and Item 79 [SUP-3394]. MAYOR GOODMAN disclosed that a potential conflict exists as his law firm is negotiating with certain billboard companies. MAYOR GOODMAN gave a copy of the opinion to the City Clerk to incorporate into the record and stated he would be abstaining from voting on these two Items.

(1:11 – 1:12)

Memorandum

City of Las Vegas
Office of the City Attorney

To: Mayor Oscar B. Goodman

From: Bryan K. Scott
Deputy City Attorney

CC: Bradford R. Jerbic
City Attorney

Date: June 1, 2004

Re: Request for Opinion on Abstentions for 6/2/04 City Council Meeting

---

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on items 76 and 79 which are to be considered by the City Council at its June 2, 2004 meeting.

Items 76 and 79 involve Special Use Permits for off-premise advertising signs(billboards) at different locations within the City's jurisdiction. You have informed me that partners in your law firm (Goodman & Chesnoff) are negotiating with several off-premise (billboard) sign companies to perform legal work on their behalf. The approval of the billboards by the City Council may benefit your law partners financially, which in turn could benefit you financially, depending on your partnership agreement with the law firm.

NRS 281.501(2) provides:

> In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of. . .a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by (b) His pecuniary interests; or (c) His commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (d) with whom he has a substantial and continuing business relationship; or (e) any other commitment or relationship that is substantially similar to commitment or relationship described in this subsection.

In light of the above, it is the conclusion of the City Attorney that you should disclose the factual circumstances surrounding your potential conflicts on the record and abstain from the discussions and votes on the above-referenced items. If any of the above-referenced items are abeyed, tabled or withdrawn at the June 2, 2004 meeting, you may vote on the motion to abey, table or withdraw the item as abeyance, withdrawal or tabling motions are not substantive motions. If any of those items come back to the City Council for rehearing, you will again need to disclose your conflicts and abstain from voting.

If you have any additional questions regarding any of the above, please feel free to contact me at ext. 6621.

Submitted at City Council
Date 6/2/04 Item #68/ Items 76 & 79

City of Las Vegas

Agenda Item No. 69

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: ORLANDO SANCHEZ [ ] CONSENT [X] DISCUSSION

SUBJECT:
Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 15 West Owens Avenue. PROPERTY OWNERS: T & D DEL CORP. - Ward 5 (Weekly)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $79,350.00
[X]	**Budget Funds Available**	**Dept./Division:** Neighborhood Services/Response
[ ]	**Augmentation Required**	**Funding Source:** General Fund

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. After proper notification, the City of Las Vegas departments of Neighborhood Services, Fire Services, Finance - Business Services, and the Clark County Health District gave notice to the owners of Sky-Vue Mobile Home Park that the park would be closed because of the imminent hazards on the property. When no corrective action was taken nor an appeal filed, the Sky-Vue Mobile Home Park was closed, and the Department of Neighborhood Services began relocating some of the tenants.

RECOMMENDATION:
That the City Council: 1. Approve the report of expenses in the amount of $79,350.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treas.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Notice of Public Hearing
5. Transmittal memorandum and letter appealing Notice and Order with enclosures
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Submitted after final agenda – Letter from Attorney William Noall

MOTION:
REESE – Motion to HOLD IN ABEYANCE Item 76 [DIR-4421] to 7/7/2004 and Item 79 [SUP-3394] to 7/21/2004 and to STRIKE Item 69 [15 West Owens Avenue]
– UNANIMOUS with GOODMAN abstaining on the abeyance vote for Item 76 [DIR-4421] and Item 79 [SUP-3394] and Ward 2 seat vacant

City of Las Vegas

Agenda Item No. 69

CITY COUNCIL MEETING OF JUNE 2, 2004
Neighborhood Services Department
Item 69 – 15 West Owens Avenue

MINUTES:
There was no discussion.

(1:11 – 1:12)
3-219

City of Las Vegas

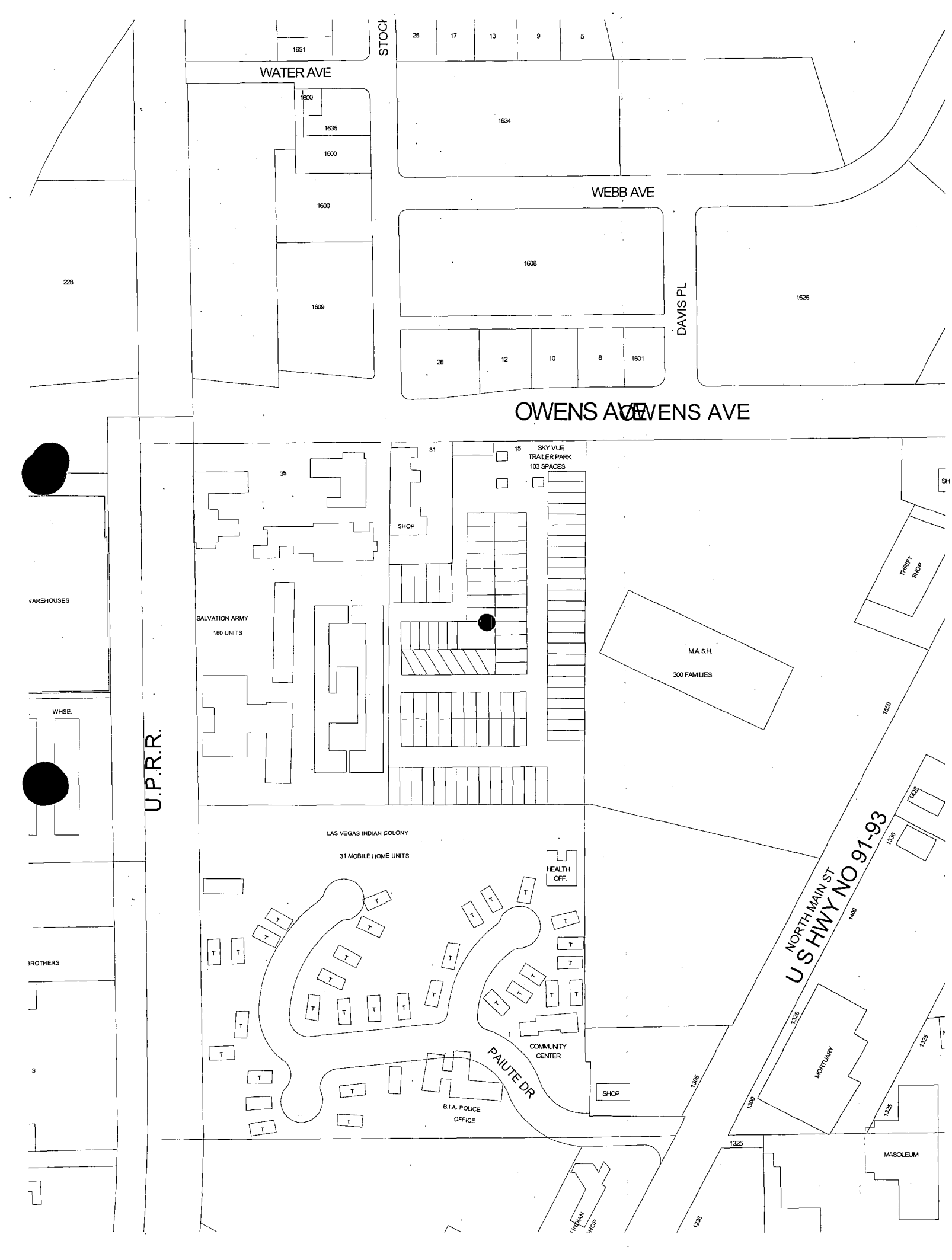
AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 15 West Owens Avenue. PROPERTY OWNERS: T & B DEL CORP. - Ward 5 (Weekly)

During May, 2004, after proper notification, the City of Las Vegas departments of Neighborhood Services, Fire Services, Finance - Business Services, and the Clark County Health District gave notice to the owners of Sky-Vue Mobile Home Park that the park would be closed because of the imminent hazards on the property. The costs of relocation expenses of some of the tenants are in excess of $69,000; plus a 15% administrative fee, for a total of $79,350.00.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of Dangerous Buildings", the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.


WATER AVE
WEBB AVE
DAVIS PL
OWENS AVE
OWENS AVE
1651
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15
35
SKY VUE
TRAILER PARK
103 SPACES
SHOP
SALVATION ARMY
160 UNITS
M.A.S.H.
300 FAMILIES
THRIFT
SHOP
WAREHOUSES
WHSE.
U.P.R.R.
LAS VEGAS INDIAN COLONY
31 MOBILE HOME UNITS
HEALTH
OFF.
COMMUNITY
CENTER
PAIUTE DR
B.I.A. POLICE
OFFICE
SHOP
NORTH MAIN ST
U S HWY NO 91-93
MORTUARY
MASOLEUM
1509
1400
1325
1330
1305
1238

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: May 17, 2004

Re: Report of Expenses for the abatement of Dangerous Buildings located at 15 W. Owens Ave. - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by closing the Sky-Vue Mobile Home Park because of the imminent hazards on the property, and tenants were relocated. To date, relocation expenses of some of the tenants have cost the City in excess of $69,000.

AMOUNT DUE	$ 69,000.00
Administrative processing fee	10,350.00
TOTAL AMOUNT DUE	$ 79,350.00

OWNER OF RECORD: T & B DEL CORP.

PROPERTY ABATED: 15 W. OWENS AVENUE

ASSESSOR'S PARCEL: 139 27 502 003

LEGAL DESCRIPTION: PT NW4 NE4
SEC 27 20 61

DS:JG

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
RENCE WEEKLY
ICHAEL MACK
ANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING
JUNE 2, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, June 2, 2004,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by closing the Sky-Vue Mobile Home Park because of the imminent hazards on the property located at **15 WEST OWENS AVENUE,** legally described as **PT NW 4 NE 4, SEC 27 20 61** and the tenants were relocated. Owner of record at time of abatement: **T & B DEL CORP. – WARD 5 (WEEKLY)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $79,350.00 was expended ($69,000.00 to close the property and relocate the tenants; and $10,350.00 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

Memorandum

City of Las Vegas
Department

To: David Semenza, Manager, Neighborhood Response

From: Beverly K. Bridges, Chief Deputy City Clerk

CC:

Date: April 27, 2004

Re: Appeal of Notice and Order for property located at 15 West Owens Avenue, Sky Vue Mobilehome Park

---

Please find the attached appeal filed with the City Clerk on April 27, 2004. Martin L. Welsh, on behalf of West Owens Management Group, LLC, CCSD Properties, Inc. and the DiMarcos, filed this appeal for the Notice and Order dated April 13, 2004 for property located at 15 West Owens Avenue, Sky Vue Mobilehome Park.

Please advise our office in writing if this appeal is to be heard before the City Council so that the appropriate notification process can be completed.

Thank you

LAW OFFICE OF
GARRY L. HAYES
A PROFESSIONAL CORPORATION
199 N. ARROYO GRANDE BLVD., STE. 200
HENDERSON, NEVADA 89074

RECEIVED
CITY CLERK
2004 APR 27 A 11:50

TELEPHONE: (702) 434-3444 FACSIMILE: (702) 434-3739
www.lvlaw.com

GARRY L. HAYES
MARTIN L. WELSH

[ ] U.S. MAIL
[ ] CERTIFIED MAIL
[ ] FACSIMILE
[ ] OVERNIGHT
[ ] HAND DELIVERY
[ ] E-MAIL

April 27, 2004

Barbara Jo Ronemus
Las Vegas City Clerk
City of Las Vegas
400 Stewart Avenue, Ninth Floor
Las Vegas, Nevada 89101

Re: Appeal of Notice and Order to Abate Pubic Nuisance at
Sky Vue Mobilehome Park

Dear Ms. Ronemus:

This letter is written to notify the City of Las Vegas that the entities and individuals, West Owens Management Group, LLC, CCSD Properties, Inc., and the DiMarcos, appeal the City's Notice and Order to Abate Public Nuisance filed April 13, 2004. Attached please find a copy of the Notice and Order to Abate Public Nuisance and a copy of the letter from Deputy City Attorney Daniel Still authorizing an extension of our time to appeal until April 27, 2004.

Sincerely,

LAW OFFICE OF GARRY L. HAYES

Martin L. Welsh

MARTIN L. WELSH, ESQ.

MLW:ew
Enclosures

CITY OF LAS VEGAS

ORLANDO SANCHEZ
Director

NEIGHBORHOOD SERVICES
DEPARTMENT

400 Stewart Avenue, Second Floor
Las Vegas, Nevada 89101-2986
(702) 229-2330
Fax: (702) 382-3045

April 13, 2004

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

SkyVue Mobile Home Park
ATT: Sandi DiMarco
15 West Owens Avenue
Las Vegas, Nevada 89101

T & B Del Crop
Tracy Del Fante
9389 Verde Way
Las Vegas, Nevada 89129

Andrew DiMarco, President
CCSD Properties, Inc.
6 Redwood Lane
Wappingers Fall, New York 89074

David DiMarco, Resident Agent/Secretary
CCSD Properties, Inc.
2440 Legacy Island Circle
Henderson, Nevada 89074

West Owens Management Group, LLC
Stephanie C. Christensen, Resident Agent
820 South Valley View Boulevard
Las Vegas, Nevada 89107

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

T & B Del Corp., as recorded legal owner, **CCSD Properties, Inc.** as managing agent of T & B Del Corp., and **West Owens Management Group, LLC**, as purported legal owner, of the property located at 15 West Owens Avenue, Las Vegas, Nevada, Clark County Recorder's Office parcel number 13927502003 (commonly referred to as the Sky Vue Mobile Home Park), you are hereby notified that said property is in violation of the City Uniform Building Code (Chapter 16.04 of the Las Vegas Municipal Code), City Uniform Fire Code (Chapter 16.16 of the Las Vegas Municipal Code) and the City Business Licensing Code (Chapter 6.02 of the Las Vegas Municipal Code), more particularly described as follows:

UNIFORM FIRE CODE

Water Supplies and Fire Hydrants. Water supplies and fire hydrants shall be in accordance with Sections 901 and 903 of the Uniform Fire Code. In accordance with these regulations the City Department of Fire and Rescue has determined that:

One additional fire hydrant is required at the southwest end of the mobile home park.

Fire Apparatus Access Roads. Fire apparatus access roads shall be in accordance with Sections 901 and 902 of the Uniform Fire Code. The required minimum clear access is to be 20 feet; if parking is permitted on one side of the roadway it is required to be 28 feet wide and if parking is permitted on both sides of the roadway it is required to be 36 feet wide. Accordingly, the following issues must be addressed:

1. The main north/south road on the east side of the mobile home park has parking on both sides. Due to the clear access requirements, one side must be painted and designated as a fire lane to provide the required access.

2. When this same road turns west at the south end of the mobile home park it dead-ends, which requires that provisions must be made for turning around fire apparatus.

3. Fire apparatus access roads must be maintained to support the imposed loads of fire apparatus.

UNIFORM HOUSING CODE

Section 1001. Any building or portion thereof that is determined to be an unsafe building in accordance with Section 102 of the Building Code, or any portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

Conditions referenced in Section 1001 include:

1. Inadequate Sanitation
2. Structural Hazards
3. Hazardous Electrical Wiring
4. Hazardous Plumbing
5. Hazardous Mechanical Equipment
6. Faulty Weather Protection
7. Fire Hazard
8. Faulty Materials of Construction
9. Hazardous or Insanitary Premises.

Substandard Buildings. In violation of the foregoing code provisions the owner and manager of the Sky Vue Mobile Home Park are permitting substandard buildings to be occupied at spaces in the park. Out of approximately 100 mobile homes, 91 are substandard buildings due in general to improper sewage facilities, raw sewage leakage and pooling, potable water being

supplied by garden hoses (as a result no backflow protection exists to prevent a potential sewage backup into the potable water supply), improper water supply connections, improper electrical facilities (electricity is being supplied by extension cords which are not designed to be the source of primary power, with such cords lying on bare wet ground creating risks of both electrocution and fire), electrical meter and support issues, unsafe rear and front steps, broken windows, water heaters situated outside, water heaters not having proper gas and/or electrical connections, improper spaces for water heaters, lack of skirting, damaged skirting, improper skirting materials, boarded windows and doors, outside storage, debris and garbage collecting in yards, uncontrolled weeds and trees, unstable electric poles supporting overhead service lines, leaking roofs and other structural damage, improper structural attachments to mobile homes, improper storage buildings, nonconforming fencing, and mobile homes improperly located on park spaces.

For the reason stated the mobile homes located at the following spaces in the Sky Vue Mobile Home park are substandard:

1. Space No. 1. (Vacant-Park owned) Unsafe rear and front steps; leaks from bathroom; broken windows; front slider door broken; water being supplied by water hose; major water leaks; improper water heater door; improper gas fitting; no clean-out on sewer connection; high weeds; missing windows.

2. Space No. 2. (Vacant-Park owned) Hardware missing on front door; steps dilapidated; sections of skirting missing; no rear door exit steps; electric meter post leaning and dilapidated; exposed exterior electrical wiring; roof cooler in need of repair.

3. Space No. 3. (Privately owned) Water heater located outside with exposed electrical wiring; exposed kitchen drain line; improper outside storage.

4. Space No. 4. (Privately owned) Patio cover dilapidated; sewer pipe buried under dirt on adjoining space No. 5; improper storage shed in rear yard; illegal extension cord being used; palm trees need trimming; outside storage.

5. Space No. 5. (Park owned) Major leak under water heater; swamp cooler leaking on roof; high weeds; outside storage; dilapidated fence.

6. Space No. 6. (Privately owned) Swamp cooler needs repair; sections of skirting missing; improper door on water heater room; outside storage; high weeds; improper water supply hook-up; electric meter support post inadequate.

7. Space No. 7. (Privately owned) Outside storage; vent pipe support inadequate; skirt damage; improper water hook-up; vent pipe not protected against UV rays.

8. Space No. 8. (Vacant-Park owned) Not suitable for occupancy.

9. Space No. 9. (Vacant-Park owned) All skirting missing; interior dilapidated; windows

missing; front door broken; no water heater.

10. Space No. 10. (Privately owned) Outside storage; broken windows; swamp cooler needs repairs; water heater door damaged and left open; leaks under unit; unit too long for lot and sticking out into driveway.

11. Space No. 11. (Privately owned) Yard fenced off; high weeds; water heater shed in need of paint; outside storage; no clean-out on sewer connection.

12. Space No. 12. (Privately owned) Electric meter set too low; improper use of PVC pipe; unsafe steps; missing front window; no sewer clean-out; rear door broken.

13. Space No. 13. (Vacant-Park owned) Interior is destroyed due to lack of maintenance and damage from water leaks.

14. Space No. 14. (Privately owned) Improper attached accessory storage shed; dilapidated front fence.

15. Space No. 15. (Privately owned) Needs permit for accessory shed.

16. Space No. 16. (Vacant-Park owned) In very bad condition; no utilities; outside storage; unpainted wood panels being used for skirting.

17. Space No. 17. (Parked owned) Outside storage.

18. Space No. 18. (Privately owned) Other than question regarding permit for outside room addition, it appears to be in compliance.

19. Space No. 19. (Park owned) Fence dilapidated; windows missing; door damaged; outside storage; PVC being used for kitchen drain line; high, dry weeds; garden hose for water supply.

20. Space No. 20. (Vacant-Park owned) Repairs needed to be complete before occupancy.

21. Space No. 22. (Park owned) Nonconforming fence..

22. Space No. 23. (Vacant-Park owned) No entry steps; no utilities.

23. Space No. 26. (Park owned) Roof damage; vent to sewer broken; needs painting to cover water damage; garden hose used for water supply; improper water connection.

24. Space No. 27. (Park owned) Electrical receptacle outside with broken cover; dangerous steps at front and rear entrances; improper wiring for security light; damaged skirting; PVC used on hot side of water heater; improper door for water heater room; exposed wood framing and insulation; improper fittings for sewer connection; garden hose used for water supply; no electrical meter support;

broken sewer vent; missing window covered by plywood.

25. Space No. 28. (Park owned) Jalousie windowpane missing; vent on kitchen drain line is missing and is not UV ray protected; vent to sewer broken; gas meter turned off; improper skirting; evaporative cooler dilapidated.

26. Space No. 29. (Vacant-Park owned) Steps are dilapidated; exterior electrical connection is missing in meter box.

27. Space No. 30. (Privately owned) Illegal storage in yard and street; improper water connection.

28. Space No. 31. (Vacant-Park owned) Open wiring at meter box; improper water supply connection; sewer vent pipe missing; main circuit breaker missing.

29. Space No. 32. (Park owned) Improper wood panel on water heater storage room; PVC water pipe being used for drain line; gas off.

30. Space No. 33. (Park owned) Water heater outside; improper water supply connection.

31. Space No. 34. (Park owned) Trash and debris outside; no water supply line; no sewer line connected.

32. Space No. 35. (Vacant-Privately owned) Rear steps are dangerous; front steps dilapidated; improper water connection; utilities not connected; dead animal on property.

33. Space No. 36. (Vacant-Park owned) Skirting made of wood; damaged sewer connection; missing or boarded up windows; wood covered water heater room.

34. Space No. 37. (Vacant-Park owned) Boards over door and windows; side skirts missing; utilities off.

35. Space No. 39. (Vacant-Parked owned) Trailer and add-ons are entirely substandard and need to be demolished.

36. Space No. 40. (Vacant-Park owned) Nonconforming fence; enormous amounts of outside storage;

37. Space No. 41. (Park owned) Nonconforming fence; steps and handrail unsafe; outside storage; incorrect sewer pipe connection to park inlet; no clean-outs for sewer line; improper water line connection.

38. Space No. 42. (Park owned) Handrail missing on steps; outside storage; improper sewer line connection.

39. Space No. 44. (Park owned) Outside storage; incorrect water supply connection; missing sewer clean-out.

40. Space No. 45. (Park owned) Entire west side of home damaged with improper repair; evaporative cooler needs replaced; high weeds; tip line blowing off on water heater; water heater sits outside with open conductors.

41. Space No. 46. (Park owned) Entire room built on west side of home without permit; exposed romex cable to front entry security light; storage room without permit; homemade wood fence; broken window; exposed PVC drain line pipe; leaking sewer line; sewer line not installed properly.

42. Space No. 47. (Park owned) Unsafe steps; exposed pipes outside; needs painting; hazardous splice cable; incorrect drain connection; improper wood skirting.

43. Space No. 48. (Park owned) Unsafe steps; broken windows; swamp cooler in need of repairs; use of PVC for hot and cold water; control knob on water heater missing; no door on water heater space; wrong materials used for sewer line ; electrical cable spliced outside.

44. Space No. 49. (Park owned) Needs complete rehabilitation before occupancy.

45. Space No. 50. (Park owned) Improper skirting; window missing; paint peeling; incorrect water supply connection; no sewer clean-out.

46. Space No. 51. (Park owned) Dangerous metal pole in front; dangerous steps; outside storage; missing door in water heater room; kinked sewer line and wrong drain pipe for sewer line; no sewer line clean-out; roof leaks.

47. Space No. 52. (Vacant-Park owned) Needs total rehabilitation before occupancy.

48. Space No. 53. (Park owned) Being demolished.

49. Space No. 54. (Privately owned) Generally very bad condition–yard, fence, and home.

50. Space No. 55. (Park owned) Mobile home to long for space so tongue was cut off; exposed kitchen drain pipe; skirting panels rotting out; wrong drainage fitting; incorrect water supply connection.

51. Space No. 56. (Vacant-Park owned) New roof needed; needs painting, windows, doors, steps and cooler.

52. Space No. 57. (Park owned) Deck constructed without permit; outside storage; room added without permit.

53. Space No. 58. (Vacant-Privately owned) Needs complete rehabilitation before occupancy.

54. Space No. 59. (Privately owned) incorrect wood deck; swamp cooler in need of repair; nonconforming fence; outside storage.

55. Space No. 60. (Park owned) Illegal wood shed; interior door instead of exterior door for the entry; unsafe steps; use of extension cord outside; exposed wires on trailer electric supply cord.

56. Space No. 61. (Park owned) Unsafe steps; stove dose not work; air conditioning does not work; water heater not working; lavatory doesn't drain; bathroom floor missing; toilet leaks on floor; water leaks in kitchen ceiling; kitchen flooring missing; light bad in kitchen; insect infested; holes in walls.

57. Space No. 62. (Vacant-Park owned) Needs complete rehabilitation before occupancy.

58. Space No. 63. (Park owned) outside storage; water heater installed outside; open electric conductors on side of home; incorrect water connection; improper skirting; improper set-up.

59. Space No. 64. (Vacant-Park owned) Outside storage and debris; sewer line not connected; no utilities; needs complete rehabilitation before occupancy.

60. Space No. 65. (Travel home-Park owned) Outside storage; nonoperational.

61. Space No. 67. (Vacant-Park owned) Outside storage and debris; water heater outside; needs complete rehabilitation before occupancy.

62. Space No. 68. (Privately owned) incorrect water connection; leaking fittings; outside storage; cover missing on electrical box.

63. Space No. 69. (Vacant-Privately owned) Unsafe steps; interior door being used for exterior door; sewer and vent pipe problems; no utilities connected.

64. Space No. 70. (Privately owned) High weeds; drain lines exposed outside; power pole in dangerous condition; incorrect water connection.

65. Space No. 71. (Privately owned) Sewer vent broken; water supply connection incorrect; sewer connection incorrect.

66. Space No. 72. (Park owned) Broken windows; unsafe wood steps; sewer vent broken; gas is off; water heater leaking; door missing for water heater; water valve being used for a gas valve shutoff.

67. Space No. 73. (Vacant-Park owned) Broken windows; dangerous electrical supply hook-up; exposed water heater and wiring; exposed wires inside water heater room; incorrect kitchen drain line installation with no vent and is improperly glued to ABS pipe; no sewer clean-out.

68. Space No. 74. (Vacant-Park owned) Needs complete rehabilitation.

69. Space No. 75. (Vacant-Privately owned) Needs complete rehabilitation.

70. Space No. 76. (Park owned) Outside storage; exposed PVC vent in kitchen; roof leak on north side.

71. Space No. 77. (Privately owned) No sewer clean-out; incorrect water connection; attached illegal wood shed.

72. Space No. 78. (Park owned) Illegal wood deck and canopy; broken window in front; incorrect water supply connection; swamp cooler needs repair.

73. Space No. 80. (Privately owned) Water supply connection incorrect; water heater connection and combustion air improper; roof cooler in need or repair.

74. Space No. 81. (Privately owned) Windows broken; raw sewage outside of home; leaking sewer pipes.

75. Space No. 82. (Park owned) Unsafe steps; broken sidewalk; outside storage; cooler needs repair; broken windows; high weeds; incorrect water connection is leaking.

76. Space No. 83. (Park owned) Broken windows; no clean-out on sewer line; home in very poor condition for occupancy.

77. Space No. 84. (Travel trailer-Park owned) Unsafe steps; broken sliding glass door; holes in side; incorrect water supply connection; exposed wires on the electrical supply from the meter panel; outside storage; no sewer line clean-out.

78. Space No. 85. (Privately owned) Attached wood enclosure without permit; broken windows; unsafe steps; high weeds; exposed PVC drain pipes; incorrect water connection.

79. Space No. 86. (Privately owned) Broken windows; outside storage.

80. Space No. 87. (Park owned) Clark County Health District has posted as unhabitable.

81. Space No. 88. (Park owned) Gap around door; floor tiles bad; unsafe steps; swamp cooler needs repair; nonconforming fence; range exhaust fan not working.

82. Space No. 89. (Park owned) Outside storage; nonconforming fence; water heater door missing; improper skirting; roof leaks.

83. Space No. 90. (Park owned) Debris and trash in yard; eviction notice from Constable's Office posted on front door.

84. Space No. 91. (Park owned) Copper water line connected with a rubber hose on water heater; roof leaks; gas turn off needs repairs; water heater needs repairs; swamp cooler needs repairs; unsafe steps; improper steps; water heater door missing; improper combustion air supply and flue connection for furnace burner.

85. Space No. 92. (Park owned) Incorrect set-up of doublewide home; nonconforming fence; outside storage; incorrect water supply connection.

86. Space No. 93. (Park owned) Unsafe steps; water heater outside; damaged skirting; incorrect water supply connection; unpainted condensate drain line from roof cooler; skirting damage.

87. Space No. 94. (Privately owned) Sewer pipe leaking; gas line not supported properly; nonconforming fence; incorrect water supply connection; sewer piping and associate fittings are installed improperly.

88. Space No. 95. (Park owned) Outside storage; no skirting; incorrect water supply connection.

89. Space No. 96. (Privately owned) High weeds; nonconforming fence.

90. Space No. 97. (Privately owned) Outside storage; skirting damaged; PVC being used for both hot and cold water lines; exposed romex; water supply line incorrect; incorrect electrical supply; exposed wiring and cover missing; flammable fire load behind the home.

91. Space No. 98. (Park owned) Deck attached without permit; outside storage; broken windows; water supply connection incorrect; skirting section missing.

92. Space No. 99. (Privately owned) Outside storage; trees need trimming.

93. Space No. 101 (Park owned) Hazardous wiring is covered by flammable wood cover; leaning masonry wall by walkway; outside storage; nonconforming fences.

BUSINESS LICENSING CODE

Las Vegas Municipal Code, Section 6.02.060. It is unlawful for any person to, without a valid unexpired license issued pursuant to Title 6 City Code; or conduct, manage or carry on, whether permanently or temporarily, any business of any other person if the person knows or should have known that such person is not licensed under Title 6 of the City Code to conduct, manage or carry on such business.

Las Vegas Municipal Code, Section 6.02.370. The doing of any act for which a license is required or the violation of any provision of Title 6 of the City Code is declared to be unlawful and harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City and constitutes a public nuisance per se, unless such act is done by a person who is authorized to do so by a license

issued pursuant to Title 6 of the City Code.

1. On June 18, 2002, CCSD Properties, Corp.(CCSD), purchasers of Sky Vue Mobile Home Park from Mr. Steve Karp, applied for a business license.

2. The sole owner of CCSD is Andrew DiMarco

3. David DiMarco is the Secretary and Resident Agent for CCSD.

4. The Business Services Division notified Andrew DiMarco on July 5, 2002 and September 12, 2002 that the application for business license was denied as the Fire Department had determined there was inadequate water supply and hydrants for fire protection.

5. On October 31, 2002, the Fire Department issued a compliance schedule to CCSD to install the required water service line and fire hydrants.

6. Contingent upon CCSD's compliance schedule, Business Services issued temporary business licenses through October 28, 2003.

7. Due to CCSD's failure to install the water service line and fire hydrants as required by the Fire Department, Business Services has not issued any new business licenses to CCSD since October 28, 2003.

8. Business Services recently became aware that ownership of Sky Vue Mobile Home Park changed hands from CCSD to T & B Del Corp, since CCSD first applied for its business license without notice being given to the City. Tracy Del Fante is the principal owner of T & B Del Corp.

9. Business Services has also recently become aware that T & B Del Corp. on or about April 1, 2004, sold Sky Vue Mobile Home Park to West Owens Management Group, LLC., without notice being given to the City.

10. Neither T & B Del Corp. or West Owens Management Group, LLC. have applied for or received business licenses from the City.

NOTICE AND ORDER TO ABATE PUBLIC NUISANCE

This letter will serve as written Notice and Order that you have ten days to bring the above referenced property into compliance. If you intend to correct the conditions, be advised that you must secure any required permits. In addition, now that you have notified that these conditions exist, if you fail to come into compliance, misdemeanor citations or civil penalties of not more than Five Hundred Dollars ($500.00) per day may be imposed until compliance is achieved. Each day of noncompliance constitutes a separate violation for purposes of criminal prosecution or civil proceedings. Misdemeanor violations shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment for a term of not more than six (6) months, or by a combination

of such fine and imprisonment.

You or any person having record title or legal interest in the above referenced property may appeal this Notice and Order within ten days from the date of service of this Notice and Order. Upon such a timely appeal, this Notice and Order will be stayed until a hearing and decision by the City Council. Such appeal shall be in writing and filed with the City Clerk. Within fifteen (15) days of receipt of your appeal you will be given notice of the date set for the administrative hearing. Failure to appeal will constitute a waiver of all rights to an administrative hearing and adjudication of this Notice and Order and will also constitute a waiver to any objections to the existence of a public nuisance and the abatement of such nuisance.

It is recommended that you contact the Neighborhood Response Division, Department of Neighborhood Services at **(702) 229-6615 concerning your intentions with regard to the above referenced property at your earliest convenience.**

Sincerely,

Paul K Wilkins

Paul Wilkins, Building Official
Department of Building and Safety

Jim DiFiore

Jim DiFiore, Division Manager
Department of Finance and Business Services

Ken Riddle

Ken Riddle, Fire Marshal
Department of Fire and Rescue

CITY OF LAS VEGAS

DANIEL A. STILL
Deputy City Attorney

OFFICE OF THE CITY ATTORNEY

400 Stewart Avenue, Ninth Floor
Las Vegas, Nevada 89101-2986
(702) 229-6201
Fax: (702) 386-1749
E-mail: dstill@ci.las-vegas.nv.us

April 22, 2004

VIA FACSIMILE
(702) 434-3739

Garry L. Hayes, Esq.
199 N. Arroyo Grande Blvd., Suite #200
Henderson, Nevada 89074

RE: Sky Vue Mobile Home Park Enforcement Action
Your Clients: Sky Vue Mobile Home Park; T & B Del Corp.; CCSD Properties, Inc.; West Owens Management Group, LLC; David DiMarco and Sandi DiMarco

Dear Mr. Hayes:

Be advised by this correspondence that the City is hereby rescinding its two (2) week extension to appeal the Notice and Order to Abate Public Nuisance dated April 13, 2004, addressed to your clients listed above. As I am sure you have noted, I left notice of this rescission with your secretary and a message on your voice-mail earlier today at 10:05 a.m.

Please note that we will adjust the original ten (10) day appeal time frame and provide you with three additional days to appeal. These three additional days are provided to fairly adjust the appeal time frame from our extension granted on Monday, April 19, 2004.

In summary, your client will have until Tuesday, April 27, 2004, to file the appeal. If you should have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

BRADFORD R. JERBIC
City Attorney

DANIEL A. STILL
Deputy City Attorney

DAS/clm

F:\C /ORGANI\CIVIL\LTRS.DAS\Hayes Ltr 042204.wpd

City of Las Vegas
400 Stewart Ave
Las Vegas, NV 89101-2927

CODEENF Case

Report Date 05/21/2004 10:57 AM **Submitted By**

Case # 9167

Case Information

Stages

	Date / Time	By
Processed		
Resolved	01/27/2004 10:55	982400
Expires		

Associated Information

Case Group
Priority ☒ Auto Reviews
Resolution Code Bill Group
Source
Name CAR COUNCIL ACTION REQUEST 26238

Applications Affected

☐ Building Application ☐ Project Application ☐ Use Application ☐ License Application ☐ Case

Description of Case

HAD ELECTRICAL WORK DONE, OUT SIDE OF TRLRS, PER MGR, NO PERMITS ISSUED, MGR BETH JONES IS WORRIED THAT THERE WILL BE A FIRE.
THIS IS NOW A CAR 03/23/04 - REPORTED : MOBILE HOME PARK HAS BROKEN SEWER LINES WITH WATER FLOWING ALL OVER, FIRE HAZARDS PLEASE CHECK

Project # **Project/Phase Name** **Phase #**
Size/Area **Size Description**

Customer Service

Service #	Problem	Resolution Code	Resolved Date

No Customer Service Log Entries

Property/Site Information

Address 15 W OWENS AVE
LAS VEGAS 89030-

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

13927502003

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

No Contractors

Item Description	Item Status

Fees	Status	Paid Date	Amount

Total Unpaid 0.00 **Total Paid** 0.00

Inspections

Insp #	Insp Type	#	Ord/Grp	Assigned To	Call	Scheduled
	Preference		Inspected By	Comments		
22351	CODE INITI	1	0	950429		01/28/2004 00:00
982979			950429			
23837	CODE INITI	2	0	950429		03/24/2004 06:00
810045			950429	ds] call back on 2/10, no action rescheduled		
31052	CODE INITI	3	0	950429		04/01/2004 06:00
982400			950429			
32643	CODE INITI	4	0	950429		04/05/2004 06:00
[redacted]2400			950429			
33790	CODE INITI	5	0	950429		04/20/2004 06:00
982400			950429			
35713	CODE INITI	6	0	950429		04/22/2004 06:00
982400			950429			
36499	CODE INITI	7	0	950429		05/06/2004 06:00
982979			950429			
37115	CODE INITI	8	0	950429		04/29/2004 06:00
810293			950429			
37518	CODE INITI	9	0	950429		05/01/2004 06:00
982400			950429			
37523	CODE INITI	10	0	950429		05/03/2004 06:00
982400			950429			
37746	CODE INITI	11	0	950429		05/05/2004 06:00
810293			950429			
38636	CODE INITI	12	0	950429		05/10/2004 06:00
982400			950429			
39669	CODE INITI	13	0	950429		05/17/2004 06:00
[redacted]2400			950429			
41016	CODE INITI	14	0	950429		05/24/2004 06:00
982400			950429			
41019	CODE INITI	15	0	950429		06/03/2004 06:00
982400						

Review Activities

Act #	Act Type	Status	Waived	Issued	Started
Completed		Comp By	Comments		

There are no Review Activities for this Report

Check Conditions

Condition	Approval	Approved By	Approved Date	Applied By	Applied Date
Assigned	Supervisor Required		Comments		

No Conditions

Employee

Employee ID	Last	First	MI	Comments

No Employee Entries

Log Action	Description	Entered By	Start	Stop
Comments				

INSP INSPECTION 982400 05/20/2004 14:20 05/20/2004 16:45
20)STATUS CHECK TRAILERS #6 AND #71 HAVE BEEN REMOVED FROM THE PARK.2 MEN HAVE BEEN LIVING AT THE PARK, ONE NAMED LARRY-ONE NAMED STEVE. THEY ARE STAYING IN AN RV MOTOR HOME AND IN SP #97.I POSTED A DO NOT OCCUPY NOTICE ONTHE OFFICE DOOR AND CALLED KAREN

INSP INSPECTION 982400 05/20/2004 14:20 05/20/2004 16:45
20)AT OFFICIAL SECURITY TO ALERT HER THAT NO ONE MAY STAY OVERNIGHT AT THE PARK EXCEPT FOR ALLEN. I ALSO CALLED DAVE DEMAROS CELL PHONE 429-1011 AND LEFT HIM A VOICEMAIL MESSAGE STATING THIS ALSO. CB 5/24

INSP INSPECTION 982400 05/19/2004 15:15 05/19/2004 15:30
20)SANDI DIMARCO CALLED AND ASKED IF SHE COULD GET SOMETHING IN WRITING TO TAKE TO THE DA'S OFFICE TO SHOW THAT FAST PLUMBING DID NOT DO THEIR JOB RIGHT. I TOLD HER I COULD GIVE HER A COPY OUT OF THE PLUMBING CODE BOOK OF THE PROPER MATERIALS AND METHODS

INSP INSPECTION 982400 05/19/2004 15:15 05/19/2004 15:30
[redacted])REQUIRED TO INSTALL THE SWERE LINES,BUT THAT I HAD 2 PROBLEMS.1)I DID NOT HEAR OR SEE WHAT HIS CONTRACT FOR [redacted]ABOR AND MATERIALS CONSISTED OF AND 2)THE INSPECTIONS WERE PERFORMED BY THE CLARK CO SOLID WASTE INSPECTOR [redacted]AMY INDRANI. SHE WAS THE ONE GIVING

INSP INSPECTION 982400 05/19/2004 15:15 05/19/2004 15:30
20)APPROVAL OR DENIAL OF THE WORK VEING PERFORMED BY FAST PLUMBING CO.I WAS NOT MUCH HELP FOR HER IN GETTING RELIEF FROM PAYING THE PLUMBER CO COMPENSATION FOR THEIR LABOR AND MATERIALS AT SKY VUE PARK CB 6/3

LETTER LETTER 970568 05/17/2004 12:34 05/17/2004 12:34
JL/DS) Regular/certified letter mailed to Tracy Del Fante, T&B Del Corp, 9389 Verde Way, Las Vegas, NV 89129

LETTER LETTER 970568 05/17/2004 12:33 05/17/2004 12:33
JL/DS) Regular/certified letter mailed to Garry L. Hayes, 199 N Arroyo Grande Blvd, Ste 200, Henderson, NV 89074.

LETTER LETTER 970568 05/17/2004 12:31 05/17/2004 12:31
JL/DS) Regular/certified - Letter mailed to David DiMarco, CCSD Properties Inc. 2440 Legacy Island Cir, Henderson, NV 89074.

LETTER LETTER 970568 05/17/2004 12:31 05/17/2004 12:31
[redacted]L/DS) Regular mail/certified - Letter mailed to West Owens Mgmt Group, LLC, Stephanie C. Christiansen, 820 S. Valley View Blvd, Las Vegas, NV [redacted]107

MISC MISCELLANEOUS 780042 05/17/2004 10:33
MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNERS (T & B DEL CORP.; DAVID DIMARCO, R.A. SEC.; WEST OWENS MGMT GROUP, LLC). JUNE 2 COUNCIL AGENDA

INSP INSPECTION 982400 05/12/2004 15:30 05/12/2004 15:45
20)NO MOBILE HOMES HAVE BEEN MOVED YET AND NO NEW CONTRACTORS HAVE BEEN IN THE PARK GIVING ESTIMATES FOR MOVING TO ANOTHER PARK.I AM CONCERNED BECAUSE THE CITY PAID SECURITY GUARDS ARE LEAVING THIS FRIDAY 14TH THE PARK WILL THEN BE SUBJECT TO INVASION

INSP INSPECTION 982400 05/12/2004 15:30 05/12/2004 15:45
20)OF VANDALS AND THIEVES.I REFERRED MARIA DIMAS OF SPACE #60 TODAY TO SABRA SMITH AT NEIGHBORHOOD SERVICES.NO FURTHER PROGRESS TO REPORT TODAY. CB 5/17

RECORD RECORD 970568 05/07/2004 13:41 05/07/2004 13:41
JL) RECORDED NOTICE AND ORDER TO ABATE PUBLIC NUISANCE. BOOK: 20040507 INST: 002196.

INSP INSPECTION 982400 05/07/2004 10:00 05/07/2004 11:00
20)MET WITH OWNER OF #22(JOHN SULLIVAN) AND HIS FRIEND AL GALLEGO AND RICHARDS MOBILE HOME SERVICE OWNER AT SKY VUE PARK. THE SKIRTING HA BEEN REMOVED SO THAT AN INSPECTION UNDER THE HOME CAN BE PERFORMED AND OWNER LET RICHARD INSIDE TO INSPECT THE

Log Action	Description	Entered By	Start	Stop
INSP	INSPECTION	982400	05/07/2004 10:00	05/07/2004 11:00
Comments:	20)INTERIOR. ONE OF TWO CONCERNS IS THE LOCATION OF THE EVAPORATIVE COOLER ON THE ROOF. IT IS TOO CLOSE TO THE HEATING FLUE(WATER HEATER) A/C OR SWAMP COOLER COPTIONS WERE GIVEN TO THE OWNER.RICHARD SAID HE WOULD FAX OVER TO ME THE ESTIMATE OF COSTS TO			
INSP	INSPECTION	982400	05/07/2004 10:00	05/07/2004 11:00
Comments:	20)MOVE THE HOME TO GREEN SPOT TRAILER PARK. CB 5/10			
PHONE	TELEPHONE CONVERSATION	982400	05/05/2004 08:15	05/05/2004 08:20
Comments:	20)HE STATED #6 WAS OPEN WHEN HE WAS THERE ON 5/3/04 IWTH ME. HE IS TO FAX OVER THE ESTIMATES TO 598-3938 THIS AFTERNOON.			
PHONE	TELEPHONE CONVERSATION	982400	05/05/2004 08:15	05/05/2004 08:20
Comments:	20)CALLED RICHARD'S MOBILE HOME SERVICE, I EXPLAINED WE NEED THE ESTIMATES FOR MOVING UNITS #71 AND #6 ASAP.HE WAS GIVEN THE OWNER OF 71"S PHONE #(CELL) SO THAT THEY COULD ARRANGE A TIME TO MEET ON SITE TO LET HIM INSIDE TO [redacted]NISH UP THE ESTIMATE.			
[redacted]NSP	INSPECTION	810293	05/03/2004 13:30	05/03/2004 16:30
Comments:	20) Inspection attached in OLE.			
INSP	INSPECTION	982400	05/01/2004 09:00	05/01/2004 10:00
Comments:	20)MET OWNER DAVE DIMARCO ON SITE. I GAVE HIM A CORRECTION NOTICE OUTLINING WHAT IS REQUIRED IN REGARDS TO THE ELECTRICAL SERVICE THAT THE FIRE DEPT IS GOING TO ALLOW.ALL OF THE TAPS TO THE PARK SPACES MUST BE SEVERED AT THE DROPS BY THE HOMES.ONLY THE			
INSP	INSPECTION	982400	05/01/2004 09:00	05/01/2004 10:00
Comments:	20)OFFICE, SECURITY LITES AND ANY OUTDOOR GFCI PROTECTED RECEPTACLES WILL BE ALLOWED TO REMOAIN INTACT WHILE THE PARK IS CLEASED AND BEING RENOVATED. CB 5/3			
INSP	INSPECTION	982400	04/30/2004 16:00	04/30/2004 21:00
Comments:	20)THE PARK WAS OFFICIALLY CLOSED TODAY.I SHUT OFF THE GAS TO #44.WE COULD SMELL A LEAK INSIDE THE HOME.THERE WA A MAJOR WATER LEAK AT SP #2.2 PIX TAKEN,9 HOMES WERE STILL OCCUPIED. A WOMAN IN #77 WAS TAKEN TO THE MEDICAL CENTER FOR MENTAL EVALUATION.			
[redacted]SP	INSPECTION	982400	04/30/2004 16:00	04/30/2004 21:00
Comments:	20)FIRE DEPT DETERMINED THAT ALL OF THE GAS SOULD BE SHUT OFF OR REMOVED. BOB FASH AND TERRY PAUL DETERMINED THAT ALL OF THE SERVICE DROP TAPS OF THE INDIVIDUAL SPACES SHALL BE SEVERED AND SEALED FROM WEATHER.CB 5/1 TO MEET WITH DAVE DIMARCO			
MISC	MISCELLANEOUS	982400	04/30/2004 16:00	04/30/2004 21:00
Comments:	20)CITY OFFICIALS ON SITE INCLUDED:BETSY FRETWELL,DAVID RIGGLEMAN,THOM COOLEY,DAVID SEMENZA,CITY MARSHALS,NEIGHBORHOOD SERVICES STAFF FOR THE TRIAGE CENTER, CMN WEEKLY,RICKI BARLOW,ERIN HERNANDEZ,ORLANDO SANCHEZ,BOB FASHAND TERRY PAUL, AND OTHERS.			
RESEAR	RESEARCH	810293	04/29/2004 17:00	04/29/2004 14:30
Comments:	20) Process photos, prepare report to be entered in the Sky Vue file.			
COURT	COURT	810293	04/29/2004 09:00	04/29/2004 12:30
Comments:	20) In District Cout #4, Judge Kathy Hardcastle presiding. City of Las Vegas revailed in lifting the TRO not to vacate the park. The city man now go ahead administratvely to vacate the park.			
RESEAR	RESEARCH	810293	04/29/2004 07:30	04/29/2004 09:00
Comments:	20) Process photos & prepare yesterday's report for the record.			

Log Action	Description	Entered By	Start	Stop
Comments				

MEET MEETING 810293 04/28/2004 15:00 04/28/2004 18:00
20) Presentations & arguments were heard by the City COuncil & Mayor @ Council Chambers. All interested parties were present. I spoke @ the podium with Betsy Fretwell, Terry Paul, Fire Dept., & other city employees. After all the discussions were over,

MEET MEETING 810293 04/28/2004 15:00 04/28/2004 18:00
CONT'D) Council voted to close the park as posted. There is a district court hearing @ 9:00 a.m. in Judge Judy Hardcastle's courtroom to see if she will allow the city to close the park. C/B 4/29.

DIRECT DIRECTIVE 982979 04/28/2004 08:30 04/28/2004 08:30
re-scheduled Jim's call back date due to Sky-Vue matters that he needs to handle.

INSP INSPECTION 810293 04/28/2004 06:30 04/28/2004 13:30
20) Prepared photos & reports for the City Attorney's office to file an appeal to District Court to stop or remove the TRO (Temporary Restraining Order) obtained by the DiMarco's attorney's, Martin L. Welsh & Gary Hayes. I went to the park @ 11:30 & took

[redacted]SP INSPECTION 810293 04/28/2004 06:30 04/28/2004 13:30
ONT'D) current status of the park. Mr. Rooter showed up with two tracks & 2 men to check the site & prepare a quote for the owners on the balance of the sewer lines & potable waterlines. Thom Cooley & Tom Gugino, supervisors from Building & Safety were

INSP INSPECTION 810293 04/28/2004 06:30 04/28/2004 13:30
CONT'D) present & we showed the plumbers several of the homes & what needed to be done. C/B 4/29.

INSP INSPECTION 810293 04/22/2004 13:00 04/22/2004 15:45
20) Met Terry Paul of Fire Dept. on site. He posted 15 empty mobile homes to "not be occupied" until approved by the City to re-enter. I took status photos & found more leaks under & around various mobile homes. Amy Irani was there from CCHD Solid Waste

INSP INSPECTION 810293 04/22/2004 13:00 04/22/2004 15:45
CONT"D)20) Division, taking photos & updating. After conferring with her, it was clear the owners are not fully complying & they let the licensed plumber go because Sandi DiMareo states they were to expensive. Owner asked me to check the potable water

INSP INSPECTION 810293 04/22/2004 13:00 04/22/2004 15:45
CONT'D)20) reasons besides not having a permit or licensed plumber installing it. I told Sandi DiMareo that she would be receiving a citation for the infraction. Check back @ 9:00 a.m. 4/26.

[redacted]SP INSPECTION 810293 04/22/2004 13:00 04/22/2004 15:45
ONT'D)20) line installation @ Space #44. I took photos of it. The man doing the work was not a licensed plumber, which is contrary to CCHD court order & my permit required notice (prior). I turned the work down as it does not meet code for several

MISC MISCELLANEOUS 982400 04/21/2004 07:00 04/21/2004 07:05
20)THERE WILL BE A CITY COUNCIL HEARING AND STATUS CHECK MEETING AT 900 THIS AM.GLEN SAVAGE FROM CCHD SOLID WASTE DIV WILL ALSO BE PRESENT AS THERE WILL BE AN UPDATE.

INSP INSPECTION 982400 04/20/2004 13:30 04/20/2004 15:00
20)MET WITH 3 CCHD HEALTH INSPECTORS ON SITE. I WAS CHECKING ON POTABLE WATER LINES PROGRESS.THEY SAID FAST PLUMBING HAD BEEN FIRED AND NOW CASEY CONST HAS BEEN HIRED.THE COMPANY'S SON WAS INTRODUCED TO ME.HOWEVER,UPON ASKING FOR HIS CREDENTIALS OR

INSP INSPECTION 982400 04/20/2004 13:30 04/20/2004 15:00
20)ADVISED OF THIS AND WAS GIVEN THE PAPERWORK FOT THE PROPER PROCEDURES TO BE FOLLOWED.IT INCLUDED 1)REPAIR/ REPLACE ALL BROKEN 2" SANITARYVENT PIPES AND PROPERLY SUPPORT THEM,2)INSTALL NEW POTABLE WATER LINES W/A BACKFLOW PREVENTION DEVICE,

INSP INSPECTION 982400 04/20/2004 13:30 04/20/2004 15:00
20)3)REPAIR/REPLACE ALL ELECTRICAL BOXES TO A MINIMUM CODE REQUIREMENTS.SOME ARE NOT LISTED FOR OUTSIDE USE, 4)OTHER ITEMS ON ATTACHED SHEET.

Log Action	Description	Entered By	Start	Stop
INSP	INSPECTION	982400	04/20/2004 13:30	04/20/2004 15:00

Comments: 20)JOURNEYMAN'S CARD, HE COULD NOT PRODUCE IT.I SPOKE WITH HIS FATHER ON A CELL PHONE AND EXPLAINED A PERMIT WAS REQUIRED AND A STATE LICENSED PLUMBER WAS NEEDED AS THIS WAS MORE THAN JUST MAINTENANCE OR A SIMPLE LINE REPAIR.OWNER SANDI DIMARCO WAS ALSO

MEET	MEETING	982400	04/19/2004 14:00	04/19/2004 15:30

20)MEETING RESULTS IN OLE

COURT	COURT	982400	04/13/2004 09:00	04/13/2004 09:35

20)IN DEPT #4, JUDGE BERT BROWN IS TO HEAR THE CASE MAY 4TH AT 0900. STATUS CHECK-WE FOUND OUT IN CART TB DELCORP IS NOT NOW THE OWNER. WILL HAVE TO GET THAT INFO FROM COUNTY ASSESSOR.ORLANDO SANCHEZ IN COURT TOLD JUDGE BROWN (AS JUDGE BROWN WANTED AN

COURT	COURT	982400	04/13/2004 09:00	04/13/2004 09:35

20)ASSURANCE THAT NO ONE WOULD BE PUT OUT ON THE STREET TONIGHT)THAT HE WOULD ONLY TAKE THE CASE IF THIS CONTIION WAS MET AND ORLANDO SAID THAT HE COULD GIVE THE PARK UP TO TWO WEEKS TO COMPLY

INSP	INSPECTION	982400	04/12/2004 13:15	04/12/2004 15:15

20)PROCESSED THE LATEST PHOTOS OF VARIOUS INFRACTIONS OF THE PARK WHICH INCLUDES EXTERIOR PLUMBING,ELECTRICAL AND MECHANICAL VIOLATIONS AND ALSO VIEW OF THE HOMES THEMSELVES & THE POOR EXTERIOR CONDITION THEY ARE IN.ALSO MET WITH CITY ATTY LARRY BETTIS

INSP	INSPECTION	982400	04/12/2004 13:15	04/12/2004 15:15

20)ON THE 9TH FLOOR AND GAVE HIM COPIES OF THE CODES FOR HIS RECORDS AND THE COURT CASE BEING FILED AGAINST THE OWNER.THERE IS A SHOW CAUSE HEARING TOMORROW IN DEPT 6 WITH JUDGE BROWN.CCHD INSPECTORS WILL BE PRESENT AS WELL AS CITY TEAM MEMBERS TO CHARGE

INSP	INSPECTION	982400	04/12/2004 13:15	04/12/2004 15:15

20)OWNER WITH CODE VIOLATIONS AND POSSIBLE FINES FOR SERIOUS PUBLIC ENDANGERMENT CHARGES.AN UPDATE OF THE CASE WILL BE MADE AFTER THE COURT HEARING ON 4/13 IN DPT 6 AT 0900

INSP	INSPECTION	982400	04/05/2004 10:00	04/05/2004 12:30

20)MET AT SITE WITH CCHD SANITARIANS. PUBLIC HEALTH NURSES WENT ALSO ON SITE CHECKING INTERIORS OF THE COACHES FOR HEALTH CONCERNS SUCH AS MOLD, ECOLI ETC. MEETING WAS HELD AT CITY HALL 2ND FLR CONFERENCE ROOM ATTENDEES IN OLE).

INSP	INSPECTION	982400	04/05/2004 10:00	04/05/2004 12:30

20)ALL ITEMS REGARDING THIS PARK WERE DUSCUSSED. IN PARTICULAR, THE PUBLIC SAFETY AND HEALTH HAZARDS AND CONCERNS. A COMPLETED REPORT OF INDIVIDUAL COACH INSPECTIONS WAS REQUESTED BY O SANCHEZ BE READY FOR HIM BY 4/7 AT NOON.CCHD REPS FEEL THAT THE PARK

INSP	INSPECTION	982400	04/05/2004 10:00	04/05/2004 12:30

20)SHOULD BE CLOSED TIL THE PARK CAN BECOME A SAFE HAVEN FOR ITS TENANTS. CONTINUING MY INSPECTIONS ON 4/6 TO ASSIST IN EVALUATION OF THE PARK VIOLATIONS AND IMMEDIATE NEEDS AND CONCERNS.PHOTOS TAKEN THIS MORNING OF VIOLATIONS. CB 4/6

INSP	INSPECTION	982400	04/01/2004 09:30	04/01/2004 15:00

LN)INSPECTION IN OLE

PHONE	TELEPHONE CONVERSATION	982400	03/30/2004 08:30	03/30/2004 08:47

20)TO ENFORCE BLDG AND ZONING CODE ISSUES.I ASKED HIM IF HE WOULD HAVE THE DIRECTOR EMAIL P WILKINS AND CC ORLANDO SANCHEZ WITH THIS INFO AND SEE WHAT CLVS WISHES ARE.

Log Action	Description	Entered By	Start	Stop
Comments				

MISC MISCELLANEOUS 983144 03/25/2004 09:51 03/25/2004 09:51
(CONT.) OCCASIONS, BUT WILL NOT FIX PROBLEMS. THIS HAS BEEN GOING ON FOR MONTHS.EMAILED OFFICER THE INFORMATION

MISC MISCELLANEOUS 983144 03/25/2004 09:47 03/25/2004 09:47
BILLY LOWMAN,NO PHONE, LIVES IN #39. HE SAYS THAT THERE IS A RAW SEWAGE SWAMP IN HIS BACK YARD. THERE IS ALSO WATER RUNNING ACROSS HIS ELECTRICAL BREAKER BOX, EXTREME FIRE HAZARD. HIS SWAMP COOLER IS LEAKING WATER. MGT HAS BEEN INFORMED ON NUMEROUS(CONT)

PHONE TELEPHONE CONVERSATION 982400 03/25/2004 07:40 03/25/2004 07:50
20)I CALLED G CHILDERS AGAIN ON 3/25 AT 0740 AND LEFT A MESSAGE TO CALL ME.

MISC MISCELLANEOUS 982400 03/25/2004 07:40 03/25/2004 07:50
20)OWNER HAS NOT PROVIDED ME A LIST OF THE PARK OWNED HOMES AND OWNER OCCUPIED HOMES.THERE WAS SOME OUTSIDE STORAGE PROBLEMS I WROTE UP A CN FOR THE OWNER TO COMPLY WITH

[redacted]SP INSPECTION 982400 03/24/2004 13:35 03/24/2004 14:45
[redacted])PHOTOS TAKEN-SANDY DEMARCO WAS ON SITE(OWNER) THE UNDERGROUND LEAK TO #72 WAS REPARIED BY S/W GAS CO.THE [redacted]OTHER 5 UNITS CALLED IN WERE LOCKED FOR NONPAYMENT OF THE GAS BILL, NOT BECAUSE THEY WERE LEAKING. THOM COOLEY WAS PRESENT FOR THE INSPECTION.

INSP INSPECTION 982400 03/24/2004 13:35 03/24/2004 14:45
20)HE TOLD B JONES(COMPLAINANT)THAT THE MOBILE HOMES WERE THE RESPONSIBILITY OF THE STATE OF NV. OUR LOCAL JURISDICTION WOULD BE PARK SAFETY SUCH AS THE OFFICE AND LAUNDRY ROOM BLDG.I HAVE FAXED GARY CHILDERS AND HIS INSPECTORS AT THE STATE OF THE EVENTS

INSP INSPECTION 982400 03/24/2004 13:35 03/24/2004 14:45
20)NO REPLY YET.

CHECK STATUS CHECK 982979 03/23/2004 16:37 03/23/2004 16:37
FROM OTHER CASE:SW GAS HAS SHUT OFF GAS IN THE FOLLOWING UNITS NICOLE BLOUNT 17,QUEEN JACKSON 72,BETH JONES 73,KATHY BEYEA 76,TAMI CRAMER 90, JERVASA ARNOLD 55 PHONE 649-9548. MOST UNITS HAVE BROKEN WINDOWS, PLUMBING, ELETRICAL, AND WEAK FLOOR PROBLEMS

[redacted]IRECT DIRECTIVE 982979 03/23/2004 16:35 03/23/2004 16:35
[redacted]HIS IS NOW A CAR THERE WERE TWO OPEN CASES ON ADD CLOSED 5651 IN ORDER TO BETTER TRACK AND ADDED COMPLAINT [redacted]O THIS CASE. PER DS DIRRECTIVE. ERH

APN 139 27 502 003
Ref # - 9167

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **T & B DEL CORP.**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: **139 27 502 003**
Commonly known as: **15 WEST OWENS AVENUE**
Legal Description: **PT NW4 NE4 SEC 27 20 61**

During **May, 2004,** as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in excess of **$79,350.00** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **June 2, 2004**, ordered the above charges in the amount of **$79,350.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this ____ day of June, 2004

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101

GORDON & SILVER, LTD.

GERALD M. GORDON
JEFFREY A. SILVER
BRADLEY J. RICHARDSON
JOSEPH S. KISTLER
WILLIAM M. NOALL
ERIC R. OLSEN

THOMAS H. FELL
RICHARD L. GALIN
BRADLEY N. BOODT
KATHRYN GRAITGE NOALL
BRIGID M. HIGGINS

ERIKA PIKE TURNER
GREGORY E. GARMAN
LYNDA P. KING
MATTHEW C. ZIRZOW
LAURA C. RODRIGUEZ
AMBRISH S. SIDHU

ELDA M. LUNA
LOUIS V. CSOKA
PARAS B. BARNETT
MAUREEN E. MATCHETT
JOSEPH T. KOZLOWSKI
BRYAN J. PACK

ATTORNEYS AT LAW
NINTH FLOOR
3960 HOWARD HUGHES PARKWAY
LAS VEGAS, NEVADA 89109-5978
(702) 796-5555
FAX (702) 369-2666
www.gordonsilver.com

STEVEN J. OSHINS
OF COUNSEL

SHAUNA B. ERHARD
OF COUNSEL

KRISTIN GENC
(LICENSED IN CALIFORNIA)

June 1, 2004

2004 JUN -1 P 4:22
RECEIVED
CITY CLERK

VIA FASCIMILE – 386-1749
Brad R. Jerbic, Esq.
City Attorney
400 East Stewart, 9th Floor
Las Vegas, NV 89101

VIA FASCIMILE – 382-8558
Councilman Lawrence Weekly
Las Vegas City Council, Ward 5
400 Stewart Avenue
Las Vegas, NV 89101

VIA FACSIMILE – 382-4803
Barbara Jo Ronemus
City Clerk, City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Re: Sky-Vue Mobile Home Park, 15 West Owens Avenue, APN 139-27-502-003 (the "Property): Hearing to Approve a Report of Expenses for Abatement of Property set for June 2, 2003 at 1:00 p.m., Agenda #69

Brad, Councilman Weekly, and Ms. Ronemus:

We have recently been retained to represent The Glenn Raynes and Rene Raynes Revocable Family Trust, of which Glenn Raynes serves as trustee, and John Boyer (collectively the "Lenders") and are writing this letter to object to approval of the "Report of Expenses" and any attempt to impose a priming lien in respect of Lenders' interest.

Lenders made a loan to West Owens Management, LLC, a Nevada limited liability company, on March 26, 2004, for purposes of that entity's acquisition of the Property. The loan is memorialized by a promissory note secured by the lien of a deed of trust encumbering the Property, recorded in the official records of the Clark County Recorder's Office in Book No. 20040402, Document No. 1932.

Lenders have become aware of the above-referenced meeting of the City Council, and have reviewed the Notice of Public Hearing (the "Notice") to approve a Report of Expenses

Submitted after final agenda

Date 6/1/04 Item #69

incurred by the City of Las Vegas (the "City") for abatement of the Property for "imminent hazards", submitted by the Director of Neighborhood Services. Neither the Notice, nor any prior notices concerning the Property, if any, have ever been sent to Lenders by the City.

While Lenders suspect that the City is seeking to approve the Report of Expenses and impose a lien junior in priority to Lenders' lien, an action over which Lenders would have no objection, the notice of public hearing suggests that the City is seeking to impose a lien that is senior in priority to Lenders' lien. Lenders object to any attempts to impose a lien senior in priority to Lenders' lien, and would be left with no alternative but to judicially challenge any such attempt.

Specifically, the Notice indicates that pursuant to Title 9.04 of the Las Vegas Municipal Code (the "Code") the City "may order a lien of assessment recorded and given to the County Treasurer" to be collected in the same manner as ordinary property taxes." The Notice presumably is referring specifically to Code § 9.04.100, which provides, among other matters, that the lien could either be imposed personally against the property owner, or *in rem* as a lien against the Property, see Code § 9.04.100(A), and that such lien shall be "[p]rior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes." Code § 9.04.100(2)(c).

Therefore, Lenders respectfully object to the Notice on numerous grounds, including but not limited to the following:

1. There is currently of record a deed of trust on the Property senior in priority to Lenders lien ("First Priority lien") in the amount of $450,000.00. As such, should the City impose its proposed "superpriority" lien ahead of both the First Priority lien and Lenders lien, the value of Lenders' interest in the Property, in light of the fixed value of the Property and Lenders being put in third priority, will be substantially diminished. Additionally, the City's action has already effectively terminated Lenders' lien in rents, issues and profits arising from leases at the Property without prior notice to Lenders.

2. Had Lenders received notice of the City's intent to abate the hazards at the Property, Lenders would have corrected the violations in order to reduce or substantially eliminate City charges, including the administrative processing fee of in excess of $10,000.00, in order to protect their interest in the Property.

3. Lenders cannot tell from the Notice whether all of the charges, including specifically tenant "relocation expenses," proposed to be assessed against the Property are properly allowable as a superpriority lien pursuant to the authority granted the City under Section 2.260 of the City Charter or under Title 9.04 of the Code.

4. Lenders believe that the City was legally required to provided notice by mail of the intent to abate the nuisance and the currently proposed action to impose a superpriority lien to all lienholders on the Property. The lienholders addresses are all in the official records of the Clark County Recorder's Office. Indeed, no notice of violation or intent to lien was even recorded in respect of the Property.

Lenders believe that they have not been afforded reasonable notice and opportunity for a hearing before the City abated the alleged nuisance on the Property. Lenders also believe the City's actions and proposed imposition of a superpriority lien pursuant to Title 9.04 of the Code, as applied to Lenders in this case, may violate their right to procedural due process under the Fourteenth Amendment to the U.S. Constitution, and Article 1, Section 8, clause 5 of the Constitution of the State of Nevada.

In summary, Lenders do not object to the City's imposition of the lien junior in priority to Lenders' lien, but would be left with no alternative but to seek judicial redress if the City asserts a lien senior in priority to Lenders' lien. I plan on attending the hearing in person to further explain Lenders' position and make myself available for any questions you may have. Please do not hesitate to contact me should you wish to discuss this matter further.

Very truly yours,

GORDON & SILVER, LTD.

WILLIAM M. NOALL, ESQ.

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

EXTENSION OF TIME - VARIANCE

70 **EOT-4349** - Applicant/Owner: ABF, Inc.

DISCUSSION/ACTION ITEMS

NOT TO BE HEARD BEFORE 1:00 P.M.

REZONING - PUBLIC HEARING

71 **ABEYANCE ITEM - ZON-4082** - Applicant/Owner: Sahara Rancho Office Center, Limited Liability Company

VARIANCE RELATED TO ZON-4082 - PUBLIC HEARING

72 **ABEYANCE ITEM - VAR-4251** - Applicant/Owner: Sahara Rancho Office Center, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4082 AND VAR-4251 - PUBLIC HEARING

73 **ABEYANCE ITEM - SDR-4086** - Applicant/Owner: Sahara Rancho Office Center, Limited Liability Company

SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251 AND SDR-4086 - PUBLIC HEARING

74 **ABEYANCE ITEM - SUP-4089** - Applicant/Owner: Sahara Rancho Office Center, Limited Liability Company

75 **ABEYANCE ITEM - SUP-4090** - Applicant/Owner: Sahara Rancho Office Center, Limited Liability Company

APPEAL OF DIRECTOR'S BUSINESS

76 **DIR-4421** - Applicant/Owner: Bar-K Realty

SITE DEVELOPMENT PLAN REVIEW

77 **ABEYANCE ITEM - SD-0062-00** - Applicant: Baughman & Turner, Inc. – Owner: Ron and Lynn Foglia

City of Las Vegas

PLANNING & DEVELOPMENT - Page Two
INDEX
City Council Meeting of June 2, 2004

VARIANCE - PUBLIC HEARING

78 **ABEYANCE ITEM - VAR-3902** - Applicant/Owner: Richard and Jill Burns

SPECIAL USE PERMIT - PUBLIC HEARING

79 **ABEYANCE ITEM - SUP-3394** - Las Vegas Billboards on behalf of West Sahara Associated, Limited Partnership

City of Las Vegas

Agenda Item No. 70

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [X] **CONSENT** [ ] **DISCUSSION**

SUBJECT:

EXTENSION OF TIME - VARIANCE - **EOT-4349 - APPLICANT/OWNER: A B F, INC.** - Request for an Extension of Time of an approved Variance (V-0027-02) TO ALLOW A PROPOSED PARKING GARAGE TO BE CONSTRUCTED ZERO FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED; AND TO ALLOW A 12-FOOT TALL WALL ALONG THE WEST AND NORTH PROPERTY LINES WHERE SIX FEET IS THE MAXIMUM HEIGHT PERMITTED at 200 West Sahara Avenue (APN: 162-04-811-027 and 162-04-812-001), R-3 (Medium Density Residential) and R-4 (High Density Residential) Zones under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

(1:12 – 1:13)

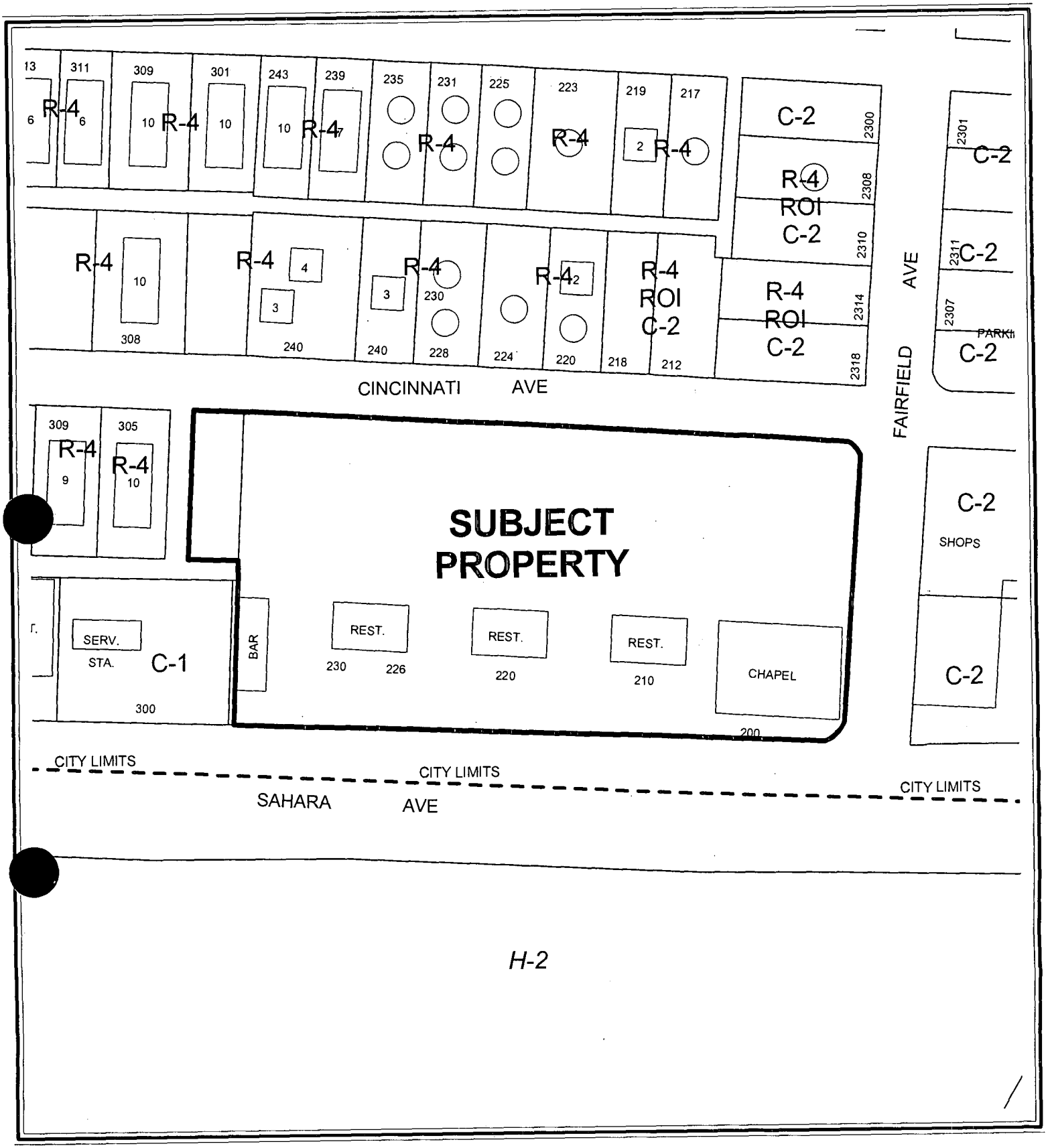
3-282

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on June 5, 2006 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval for Variance (V-0027-02) and all other subsequent site related actions as required by the Planning and Development Department and the Department of Public Works.



CASE: EOT-4349

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) AND R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

N

0 90 180 Feet

CASE: EOT-4349

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) AND R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4349 - APPLICANT/OWNER: A B F., INC.

** CONDITIONS **

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on June 5, 2006 unless another Extension of Time is approved by the City Council.

2. Conformance to the conditions of approval for Variance (V-0027-02) and all other subsequent site related actions as required by the Planning and Development Department and the Department of Public Works.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for an Extension of Time on an approved Variance (V-0027-02) to allow a proposed parking garage to be zero feet from the rear property line where 20 feet is the minimum setback required and to allow a 12-foot high wall along the west and north property lines where six feet is the maximum height allowed, at 200 West Sahara Avenue and 301 West Cincinnati Avenue. The Variance approval expires June 5, 2004.

B) Applicant's Justification

A hotel project was originally proposed for the site. The applicant is now redesigning the site, for potential development of a mixed-use condominium/commercial project, which will still require a Variance from Code standards.

BACKGROUND INFORMATION

A) Previous Actions

03/08/99 The City Council approved a Rezoning (Z-0002-99) to C-2 (General Commercial) on the subject property. The Planning Commission recommended approval on 02/11/99. Staff recommended approval. The Resolution of Intent on this property has no expiration date.

07/05/00 The City Council adopted the Downtown Centennial Plan, which contains information and development standards relative to the subject site. The Planning Commission recommended adoption on 04/27/00.

03/07/01 The City Council adopted Ordinance No. 5301, which replaced the Central Business Overlay District with the Downtown Overlay District and adopted design standards relating to the Downtown Overlay District.

06/05/02 The City Council approved a request for a Variance (V-0027-02) to allow a proposed parking garage to be zero feet from the rear property line where 20 feet is the minimum setback required; and to allow a 12-foot high wall along the west and south property lines where six feet is the maximum height allowed. The City Council also approved a request for a Site Development Plan Review [Z-0002-99(1)] and a waiver of the required perimeter and parking lot landscaping for a proposed 200-room hotel and casino; a request for a Special Use Permit (U-0042-02) for a hotel lounge bar in conjunction with a 200 room hotel; and a request for a Special Use Permit (U-0043-02) for non-restricted gaming in conjunction with a 200-room hotel. The Planning Commission recommended approval on 05/09/02. Staff recommended approval of all items. All approvals will expire on 06/05/04.

09/18/02 The City Council adopted Ordinance No. 5508, which revised development standards applicable to commercial and industrial development, including the height of perimeter walls.

B) Pre-Application Meeting

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

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.85

B) Existing Land Use

Subject Property:	Tavern, Restaurants, Wedding Chapel
North:	Multi-Family Residential
South:	Undeveloped
East:	Retail Commercial
West:	Multi-Family Residential, Service Station

C) Planned Land Use

Subject Property:	C (Commercial) and MXU (Mixed Use)
North:	MXU (Mixed Use)
South:	Unincorporated Clark County
East:	C (Commercial)
West:	C (Commercial) and MXU (Mixed Use)

D) Existing Zoning

Subject Property:	R-3 (Medium Density Residential) and R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)
North:	R-4 (High Density Residential) and R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial)
South:	H-1 (Limited Resort and Apartment – Clark County)
East:	C-2 (General Commercial)
West:	C-1 (Limited Commercial) and R-4 (High Density Residential)

E) General Plan Compliance

The subject property is identified on the Southeast Sector Map of the General Plan as being included in the "Downtown Redevelopment Plan" Area. It is subject to the land use designations identified in the Las Vegas Redevelopment Plan. The Redevelopment Plan designates the main parcel as C (Commercial), which allows office uses, service-

oriented commercial uses, and general commercial uses. The attached 6,500 square foot parcel is designated MXU (Mixed Use), which allows for low to high density residential and office, commercial, and public uses. The hotel and parking garage development originally proposed for the property is consistent with both designations, and these uses are permitted in the C-2 (General Commercial) zoning district.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Downtown Centennial Plan		
Redevelopment Plan Area		
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is identified in the Downtown Centennial Plan as part of the Northern Strip District, a transitional area envisioned to be an extension of the hotel uses currently located along Las Vegas Boulevard. The Plan establishes goals and standards for development of the Downtown Overlay District, created in March 2001. Properties within the Downtown Overlay District are exempt from the automatic application of the required building setbacks, maximum building height, maximum lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements as stated in Title 19, unless staff, the Planning Commission, and/or the City Council determine that specific standards should be imposed.

The subject site is also included in the Las Vegas Redevelopment Plan Area, which includes most of downtown Las Vegas, portions of West Las Vegas, and the industrial area located south of Charleston and east of the Union Pacific Railroad. The purpose of this plan is to eliminate blighted properties, develop vacant or underutilized properties by using methods of planning, and strengthen the economic base of this part of the City of Las Vegas.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

At the time of application for a Variance, the following Development Standards applied to the subject proposal:

Standards	Required	Requested	Compliance
Min. Setbacks • Rear	20 Feet	0 Feet	N
Wall height (north and west property lines)	6 Feet	12 Feet	N

The requested rear yard setback does not conform to the 20-foot setback normally required in the C-2 (General Commercial) zoning district. The requested 12-foot side and rear perimeter walls do not conform to the maximum height of six feet.

B) General Analysis and Discussion

When plans for the eight-story hotel and three-level parking garage were proposed in March 2002, the Department of Planning and Development required a Variance application to be submitted for a zero rear yard setback for the garage structure and for a 12-foot high solid block wall along the north and west property lines. As this site is located within the Downtown Overlay District, Title 19 (Las Vegas Zoning Code) does not require that setbacks be met, but staff, the Planning Commission, or City Council reserves the right to evaluate each site plan on a case-by-case basis to determine whether particular standards should be imposed. Staff, the Planning Commission, and the City Council determined that the reduced setbacks were justified and recommended approval. In regard to the current application, staff does not object to the proposed zero rear setback for any planned parking structure on the site.

In September 2002, Title 19 was amended to modify standards applicable to all non-residential developments. As part of the amendment, applicants were permitted to request a waiver of any requirement if it could be demonstrated through substantial evidence that a waiver would meet the intent of the Commercial Development Standards and would not compromise the objective of the City to safeguard the interests, health, welfare, and safety of the public. The adoption of the ordinance authorizing the changes to the Code came after the Variance for wall height had been approved by the City Council. The 12-foot high section of wall was to be planned for the length of the rear parking area and the width of the parking garage for reasons of security. Several complaints were registered against the 12-foot high wall request, but the City Council agreed with Staff and the applicant that the wall height was justified in order to secure the property.

The applicant has indicated in discussions with staff that the property will no longer be developed as a hotel. Therefore, the applicant will allow the Site Development Plan Review for the hotel and companion Special Use Permits to expire. A new site plan will be submitted with the proposed changes to the site, which will incorporate the zero rear setback and 12-foot high wall that was the subject of the Variance request.

FINDINGS

No unique or extraordinary circumstances exist regarding the size, shape or configuration of the site. However, the Zoning Code does not require properties within the Downtown Overlay District

to adhere to setback standards, and staff has no objection to the zero-foot setback Variance request. Staff also agrees with the applicant's justification that an increase in wall height is needed for security purposes. Therefore, staff recommends that Extension of the Variance request be approved.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

EOT-4349

Case Number: V-0027-02 APN: 162-04-811-027 & 162-04-812-001

Name of Property Owner: ABF, INC.

Name of Applicant: ABF, INC.

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

_____ Yes __X__ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: Andrew Fonfa

Print Name: Andrew Fonfa

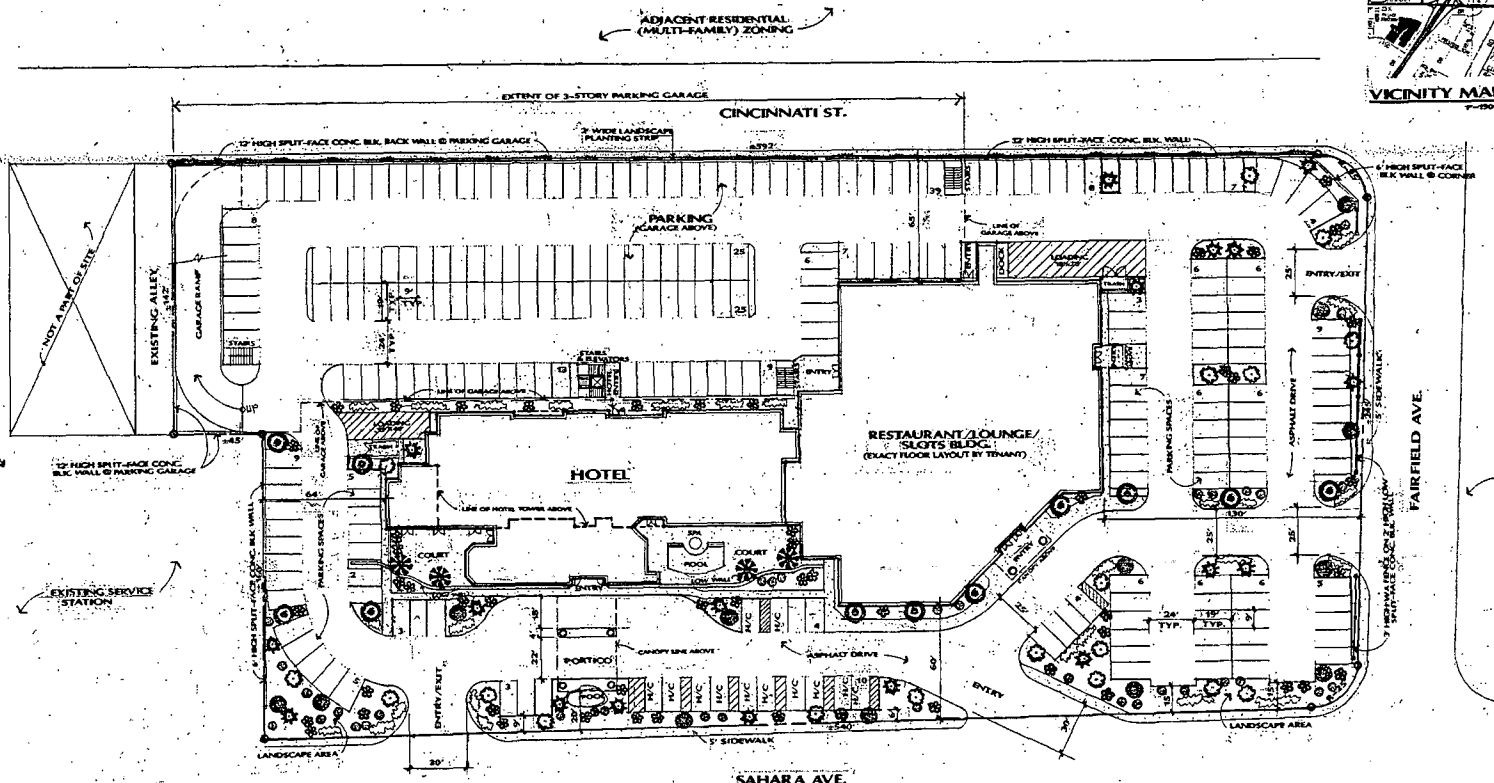
Subscribed and sworn before me

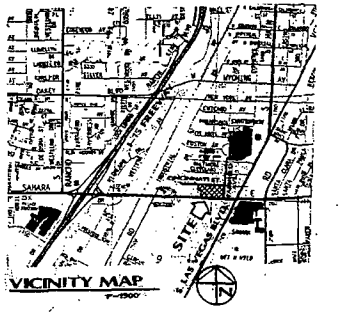
This 23 day of April, 2004

Cynthia S Pineda

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
CYNTHIA S. PINEDA
Appt. No. 94-1380-1
My Appt. Expires March 28, 2006





SITE PLAN/LANDSCAPING PLAN

1"=30'-0"

LANDSCAPING LEGEND

- DATE PALM TREE (PHOENIX DACTYLIFERA)
- PINDO PALM TREE (BUTIA CAPITATA)
- BLUE PALO VERDE TREE (CERCIDIUM FLORIDUM)
- DESERT WILLOW TREE (CHILOPSIS LINEARIS)
- NATIVE MESQUITE TREE (PROSOPIS GLANDULOSA TORREYANA)
- SILVER CLOUD TEXAS RANGER SHRUB (LEUCOPHYLLUM CANDIDUM "SILVER CLOUD")
- AUTUMN SAGE SHRUB (SALVIA GREGGII)
- RED YUCCA (HESPERALOE PARVIFOLIA)
- FLOWERING GROUND COVER MIX OF: ALYSSUM (MONTANUM) "MOUNTAIN GOLD", LINUM (LEWISII) "APPAR BLUE FLAX" & VERBENA (PERUVIANA) "RED DEVIL VERBENA"
- PYRACANTHA BUSH (COCCINEA 'GLALAXY') (ESPALIERED ALONG NORTH PROPERTY LINE WALL)

NOTE: ALL TREES TO BE 24 GAL. SIZE, ALL SHRUBS 5 GAL. SIZE, ALL AREAS NOT PLANTED TO HAVE 3/4" DECOMPOSED GRANITE GRAVEL

TABULATION

HOTEL BLDG.-
ZONING: C-2
TOTAL SQ. FT.= 94,640
TOTAL ROOMS= 200
SQ. FT. PER ROOM= 470
TOTAL STORIES= 9
ROOM TOWER STORIES= 8

RESTAURANT/LOUNGE/SLOTS BLDG.-
TOTAL SQ. FT.= 40,000 (20,000 PER FLOOR)
TOTAL STORIES= 2

PARKING GARAGE-
TOTAL PARKING SPACES= 390 (130 PER FLOOR)
TOTAL STORIES= 3

PARKING TABULATION-
HOTEL BLDG. PARKING REQUIRED: 1 PER ROOM= 200 SPACES
RESTAURANT/LOUNGE/SLOTS BLDG. PARKING REQUIRED: 1/90 SQ. FT.=445
TOTAL PARKING REQUIRED= 645
TOTAL PARKING PROVIDED= 645 (255 ON GROUND, 390 IN GARAGE)

Hilton Garden Inn
HOTEL & RESTAURANT/LOUNGE/SLOTS BLDG.
SAHARA AVE. & FAIRFIELD AVE.

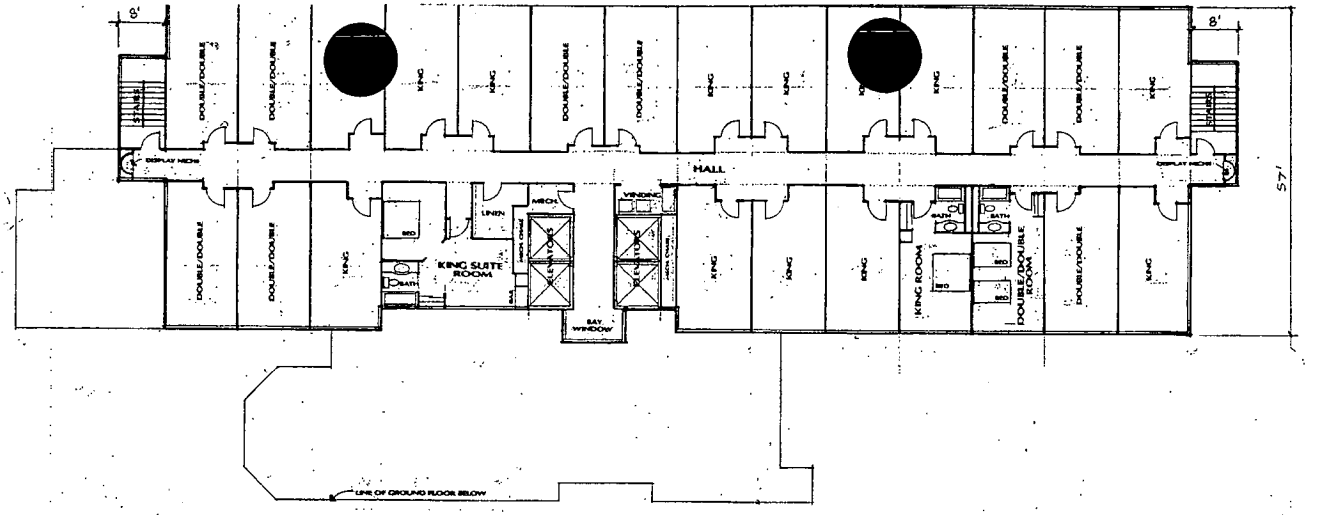
Architecture Design and Development

SITE PLAN/LANDSCAPING PLAN

Date
Scale
Drawn
Job
Sheet 1 of 5 Sheets

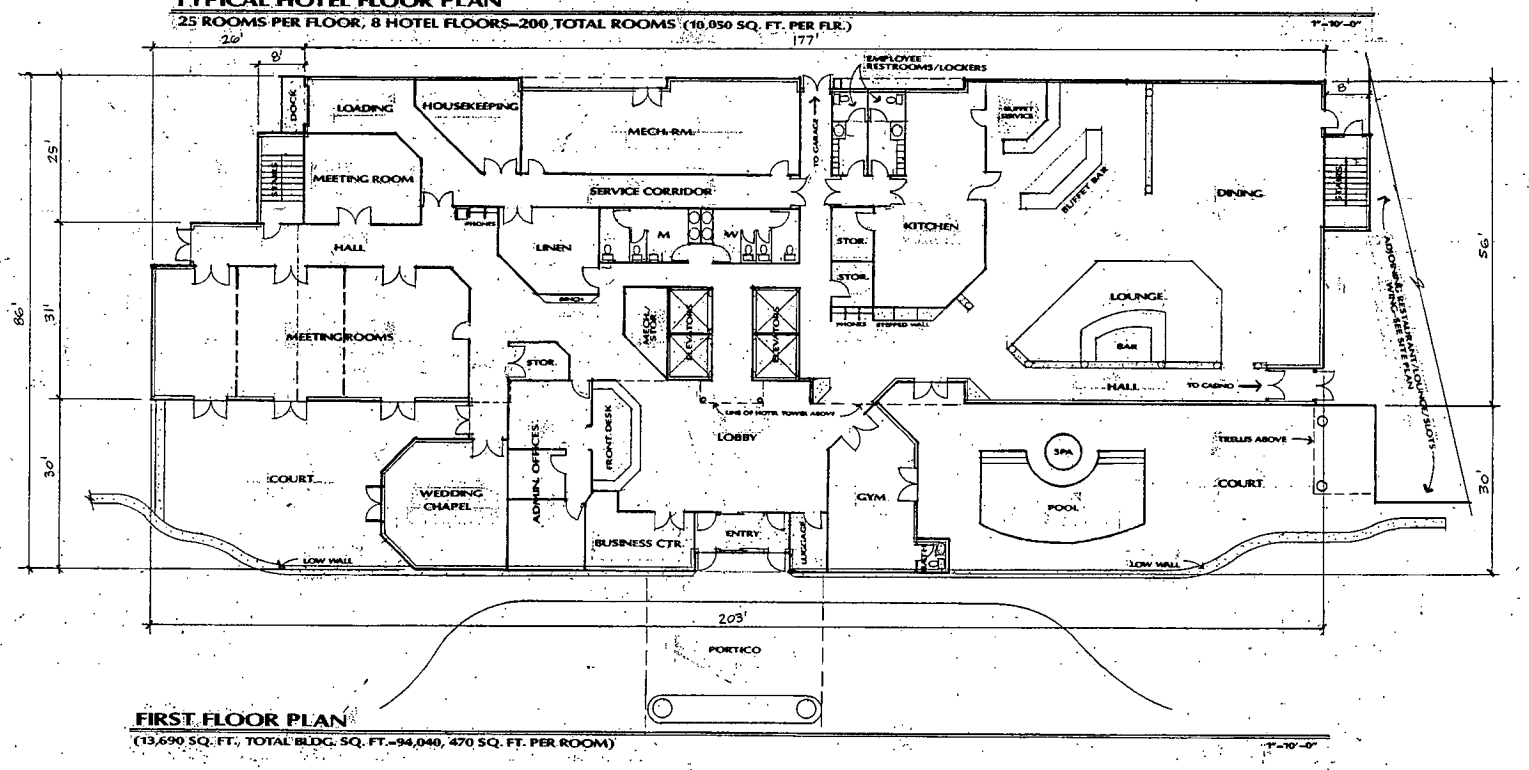
EOT-4349

06-02-04 CC



TYPICAL HOTEL FLOOR PLAN

25 ROOMS PER FLOOR, 8 HOTEL FLOORS--200 TOTAL ROOMS (10,050 SQ. FT. PER FLR.)



FIRST FLOOR PLAN

(13,690 SQ. FT., TOTAL BLDG. SQ. FT.=94,040, 470 SQ. FT. PER ROOM)

EOT-4349

06-02-04 CC

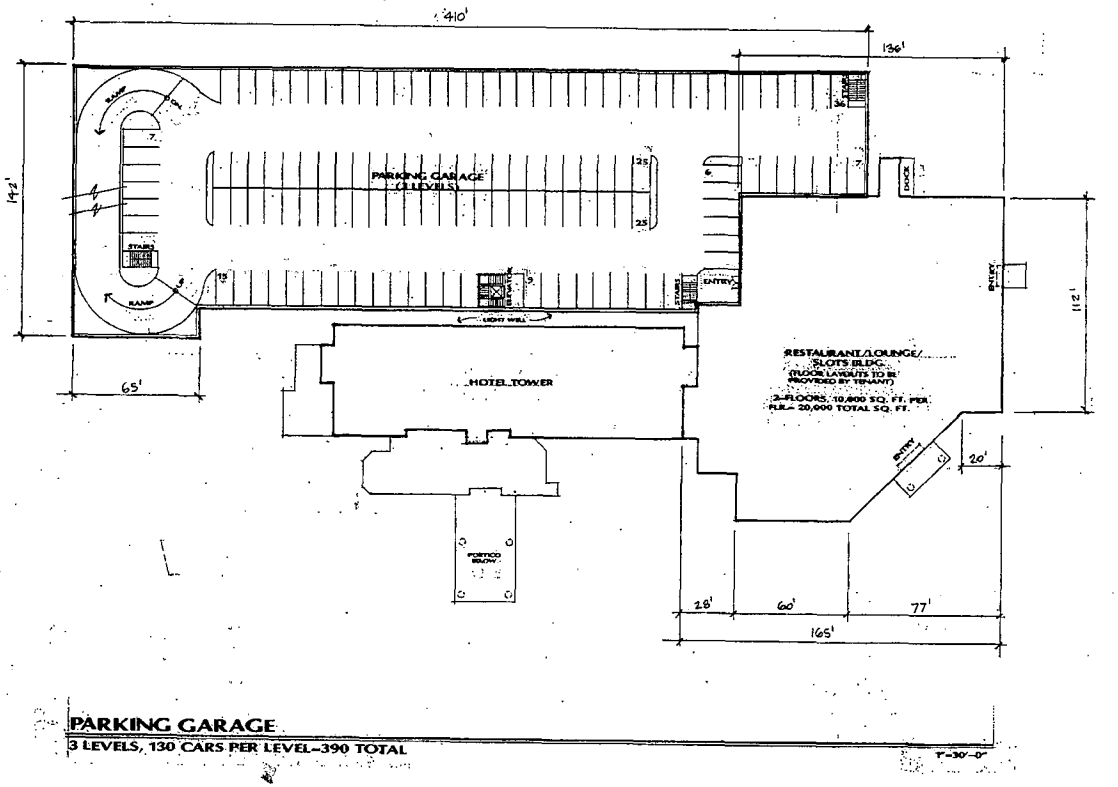
Hilton Garden Inn

HOTEL & RESTAURANT/LOUNGE/SLOTS BLDG.

SAHARA AVE. & FAIRFIELD AVE.

FIRST FLOOR PLAN
TYP. HOTEL FLOOR PLAN

Date
Scale
Drawn
Job
Sheet 2
Of 5 Sheets



PARKING GARAGE
3 LEVELS, 130 CARS PER LEVEL–390 TOTAL

1"=30'-0"

Hilton Garden Inn
HOTEL & RESTAURANT/LOUNGE/SLOTS BLDG.
SAHARA AVE. & FAIRFIELD AVE.

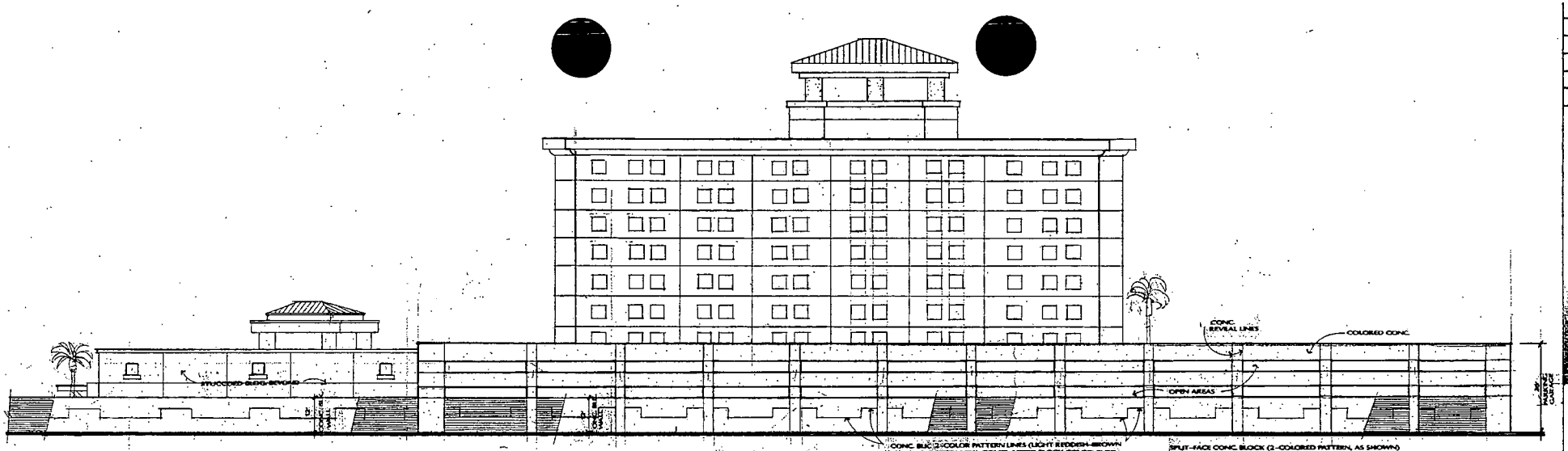
Architecture
Design and
Development

RESTAURANT/LOUNGE/SLOTS BLDG.
& PARKING GARAGE FLOOR PLAN

Date
Scale
Drawn
Job
Sheet 3 of 5 Sheets

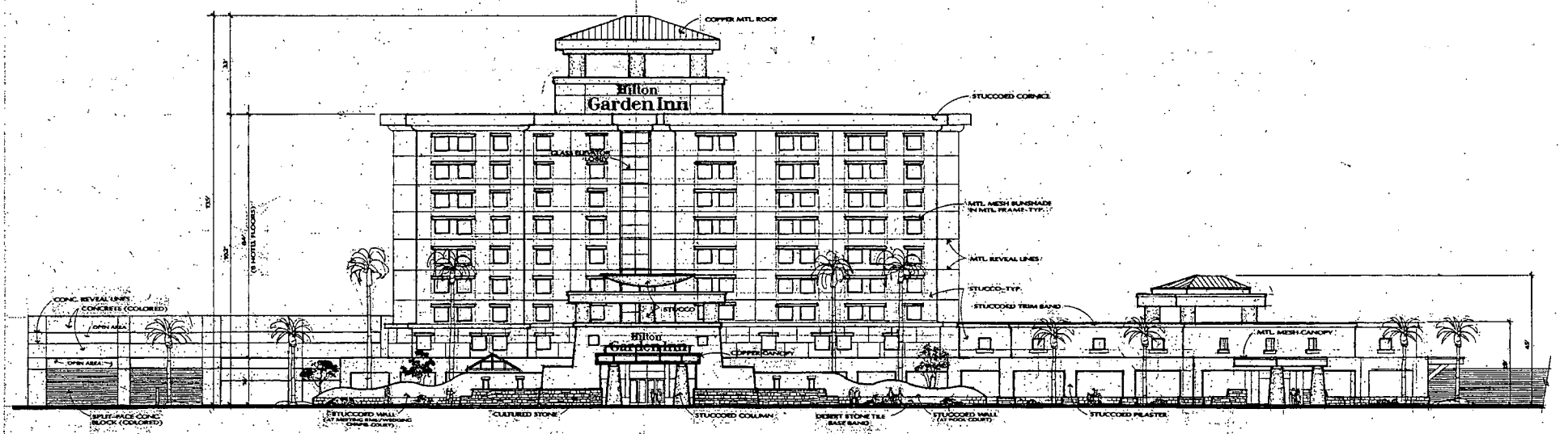
EOT–4349

06–02–04 CC



HILTON GARDEN INN HOTEL
REAR ELEVATION (FROM CINCINNATI ST.)

1/16"-1'-0"



HILTON GARDEN INN HOTEL
FRONT ELEVATION (FROM SAHARA AVE.)

1/16"-1'-0"

Hilton Garden Inn
HOTEL & RESTAURANT/LOUNGE/SLOTS BLDG.
SAHARA AVE. & FAIRFIELD AVE.

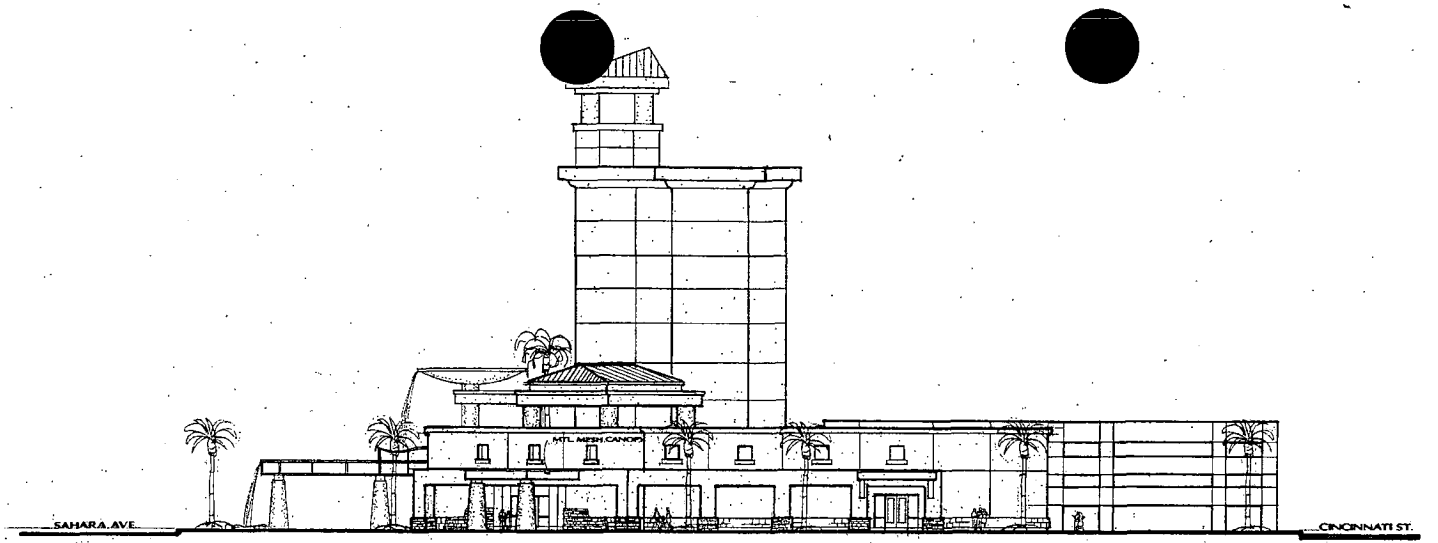
Architecture
Design and
Development

EXTERIOR ELEVATIONS

Date
Scale
Drawn
Job
Sheet 4 of 5 Sheets

EOT-4349

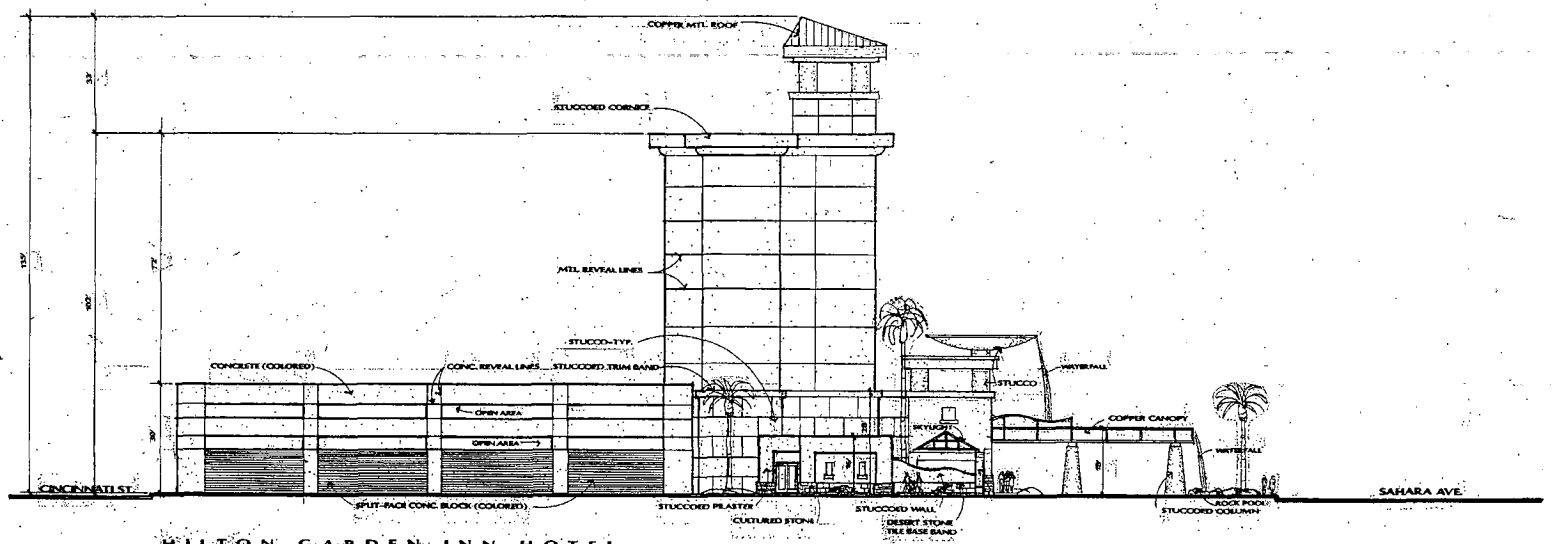
06-02-04 CC



NOTES SAME AS ELEVATION BELOW

HILTON GARDEN INN HOTEL
EAST ELEVATION (FROM FAIRFILED AVE.)

1/16"=1'-0"



HILTON GARDEN INN HOTEL
WEST ELEVATION

1/16"=1'-0"

EOT-4349

06-02-04 CC

Hilton Garden Inn
HOTEL & RESTAURANT/LOUNGE/SLOTS BLDG.
SAHARA AVE. & FAIRFIELD AVE.

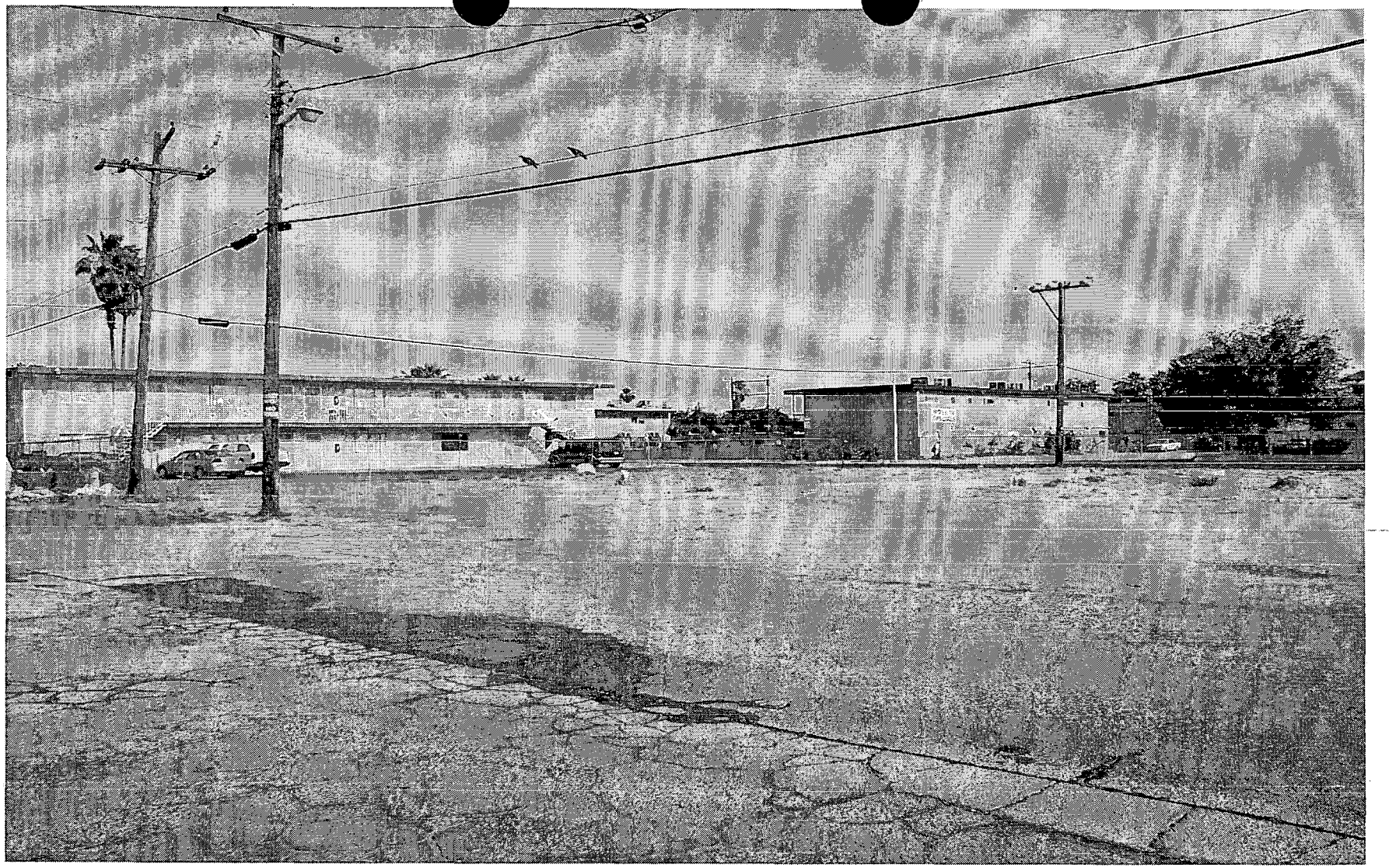
Architecture Design and Development

EXTERIOR ELEVATIONS

Date
Scale
Drawn
Job
Sheet 5 of 5 Sheets

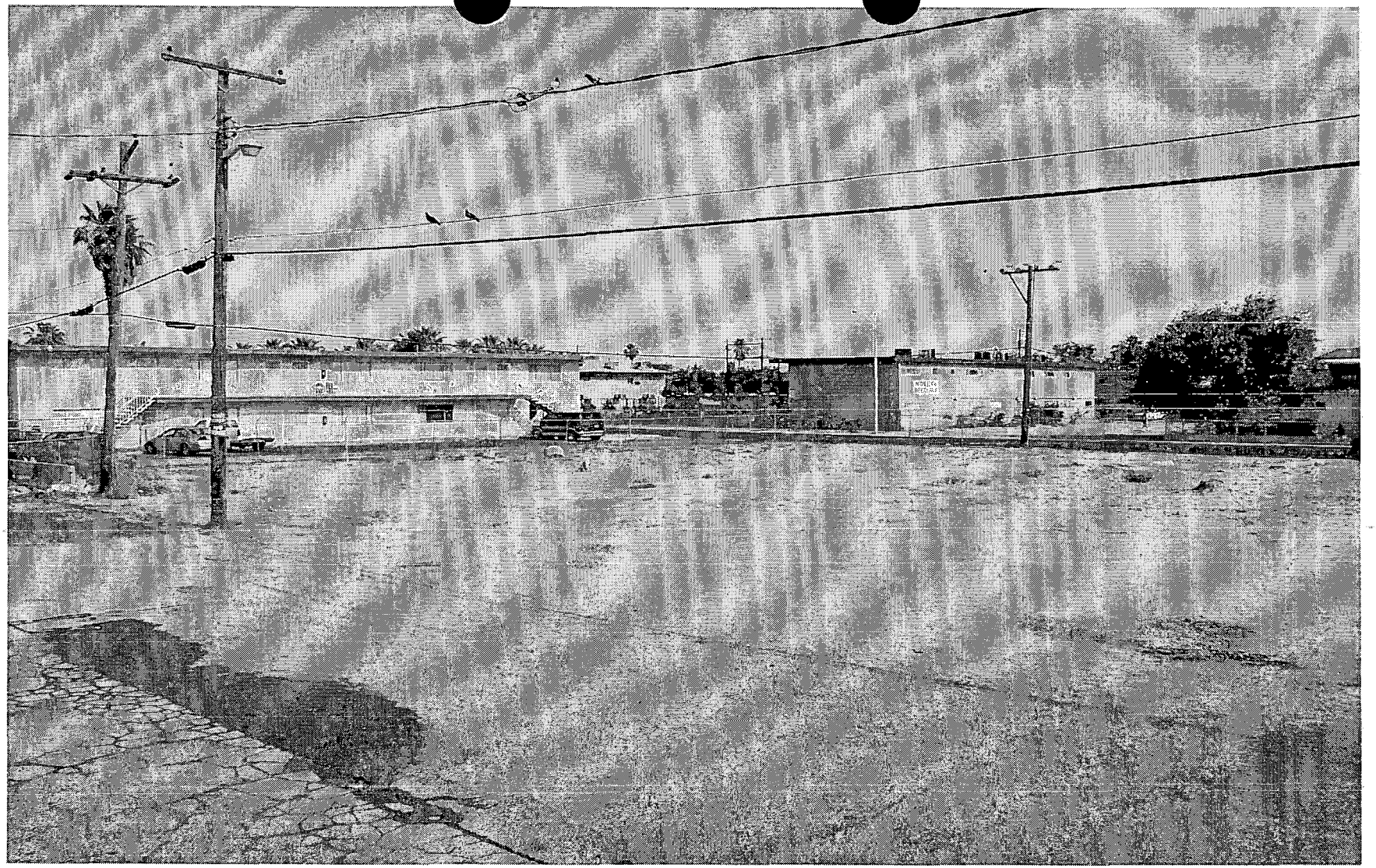
EOT-4349 - APPLICANT/OWNER: ABF, INC.
200 West Sahara Avenue
JUNE 2, 2004 CITY COUNCIL MEETING

Picture taken 05/19/04



EOT-4349 - APPLICANT/OWNER: ABF, INC.
200 West Sahara Avenue
JUNE 2, 2004 CITY COUNCIL MEETING

Picture taken 05/19/04



EOT-4349 - APPLICANT/OWNER: ABF, INC.
200 West Sahara Avenue
JUNE 2, 2004 CITY COUNCIL MEETING

Picture taken 05/19/04

City of Las Vegas

Agenda Item No. 71

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - REZONING - PUBLIC HEARING - **ZON-4082 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY** - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL), P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	3	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest petition with 28 signatures filed under Item 71 [ZON-4082]
5. Submitted after final agenda – Protest letter from Roderick and Virginia Garrison filed under Item 71 [ZON-4082]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with Ward 2 seat vacant

NOTE: MAYOR GOODMAN disclosed that many of the individuals in the audience who were prepared to speak on this Item were his neighbors and the proposed project was near his residence. He did not feel his decision-making abilities would be swayed. MAYOR GOODMAN also recognized MR. PETER THOMAS in the audience and explained their families both have an interest in a project at APEX. MAYOR GOODMAN did not know if MR. THOMAS would be speaking for or against the project but acknowledged property owned by MR. THOMAS could be affected by the decisions made by Council. MAYOR GOODMAN felt that this would not interfere with his voting ability. He indicated that should something be said that would preclude him from voting, he would announce it. DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed that the disclosures are appropriate and do not constitute a requirement to abstain.

CITY COUNCIL MEETING OF JUNE 2, 2004
Planning and Development Department
Item 71 – ZON-4082

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 71 [ZON-4082], Item 72 [VAR-4251], Item 73 [SDR-4086], Item 74 [SUP-4089] and Item 75 [SUP-4090].

ATTORNEY JENNIFER LAZOVICH, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of applicant and referred to the overhead showing a conceptual plan of the proposed development, which would occupy a fifteen-acre lot on the northeast corner of Rancho Drive and Sahara Avenue. She explained that single-family homes are located north of the site and Palace Station Casino is located south of the site. East of the site is the I-15 freeway and beyond the freeway, industrial use properties. West of the site, across Rancho Drive, is the 12-story US Bank building and garage with restaurant, retail and various other uses.

ATTORNEY LAZOVICH indicated the master plan for the area is Service Commercial and read the definition of that designation. She stated that the zoning and uses being requested by the applicant were consistent with the General Plan.

She described Sahara Avenue as a 150-foot wide primary arterial and Rancho Drive as an 80-foot wide secondary collector. She pointed out that the nearby Palace Station Casino has over 1000 hotel rooms and all of the related hotel uses. Across Rancho Drive is the existing US Bank building, which is twelve stories tall and has a parking garage, restaurants and retail services. She stated the property is adjacent to the Sahara off ramp, a major off ramp from the I-15.

She explained the request for a zone change from PR (Professional Office and Parking) and R-3 (Medium Density Residential) to C-1 (Limited Commercial). She indicated the Special Use Permits requested are for two restaurants that will have service bars, which will be located directly on the corner of Sahara Avenue and Rancho Drive. The requested variance relates to a setback requirement, and there is a site plan review.

ATTORNEY LAZOVICH explained the proposed phases. Phase one will eliminate the existing gas station and two-story office building. A five-story office building, garage and two restaurant pad sites would be constructed at the corner of Sahara Avenue and Rancho Drive. Phase two would involve the construction of the twelve-story office building with garage. One main driveway is being proposed in the center of the project. The developer is also proposing a stop light at that driveway which the developer would fully fund.

The developer is in agreement with staff's recommendation for the zoning. She pointed out that staff and Planning Commission recommended approval for the variance. The parking requirements have been met for the site plan review. To avoid a large area of asphalt parking, the developer has chosen to build a garage, which allows more architectural elements. Two waivers were being requested. The first was in regards to being short two trees, and that waiver

MINUTES Continued:

has been withdrawn. The second was regarding the side setback to the I-15 freeway. The project was short approximately five feet; however, the developer has remedied this situation and is withdrawing that request as well. With these withdrawals, there are no waivers associated with the site plan review. ATTORNEY LAZOVICH indicated the special use permit requests would be for the restaurants, which will have service bars. The designs comply with the commercial design guidelines, and staff and Planning Commission recommended approval.

ATTORNEY LAZOVICH acknowledged the traffic study has been a major concern of the neighborhood. She stated the City of Las Vegas received a traffic study from the developer and staff has reviewed it and continues to examine it. She emphasized the importance of the street light at the proposed main driveway. According to the traffic study, the light located there would send approximately 80% of all traffic generated by the site towards Sahara and onto the I-15 freeway.

MAYOR GOODMAN confirmed by a show of hands individuals were wishing to speak for and against the project and reminded everyone to avoid repetition.

JEREMY HELSEVAC, 2411 West Sahara, appeared on behalf of Station Casinos and thanked DR. STEINBURG for meeting with Station representatives and keeping them informed regarding the project. Station Casinos is in support of the project and believes DR. STEINBURG would be a good neighbor however, there is a concern regarding traffic. MR. HELSEVAC acknowledged ATTORNEY LAZOVICH'S efforts to address the traffic concerns on Sahara Avenue. Station Casinos wanted to go on record as requesting the traffic study be thoroughly reviewed so that the project does not cause an increase in congestion of traffic in the area.

MAYOR GOODMAN asked staff for status on the traffic plan. He indicated that from his briefing, he understood the traffic plan had been studied but no mitigation plans had been made. He confirmed with BART ANDERSON, Project Manager, Public Works Department, that there was not a designated right turn lane going south onto Rancho Drive from Sahara Avenue. MAYOR GOODMAN also questioned whether this project would get approval without such a turn lane. MR. ANDERSON explained the traffic study requires the turn lane and would not get approved without it.

PAUL BURNS, 2209 Westlund Drive, stated this is the third time he has been involved with this area being developed The traffic light will cause the traffic to back up sooner and last longer, which results in more emissions and more dirt. He also discussed the ongoing construction over the last four years. He feels the neighborhood has tolerated the redevelopment construction for nothing and now they would have to endure more construction in the area. The US Bank is tall, however, there are tall trees that help to protect the neighbors' privacy. On the Rancho Drive side, there are no trees, and, therefore, no privacy shelter from this project.

CITY COUNCIL MEETING OF JUNE 2, 2004
Planning and Development Department
Item 71 – ZON-4082

MINUTES Continued:

MR. BURNS also feels the idea of two restaurants in the area is not going to work. He does not agree the restaurant can coexist with NDOT's new traffic plan there.

Prior to hearing PETER THOMAS, Managing Director of Thomas and Mack, MAYOR GOODMAN questioned whether MR. THOMAS owned the land on which the US Bank building is located. MR. THOMAS stated that they came into ownership after the structure was built. MR. THOMAS did not know if there were any objections when the project was constructed.

MR. THOMAS indicated he was not speaking for or against the project but wanted to express his concerns over traffic issues on Rancho Drive. His company just received a copy of the traffic report and has not been able to hire a professional to examine it yet. From perusing the study himself, he found inconsistencies that have not been discussed. One of these inconsistencies is in regard to entrances. He said the traffic study does not discuss the smaller driveway that would service the two restaurant pads, but it does show on the plans. Another area MR. THOMAS discussed was in regards to a credit due to the developer after the demolition of a 3,000 square foot convenience center/gas station on the corner. He explained that it is actually a three bay garage and 250 square foot convenience center at most. He feels the credit is overstated, and the claim should be examined.

MR. THOMAS emphasized their main concern regarding traffic on Rancho Drive. He feels the traffic light at the main entrance could be beneficial and acknowledged it would help with his clients turning left from his development. He is concerned the light may not work if traffic is stacked up beyond the given capacity. MR. THOMAS concluded by asking if the traffic study would be re-examined before each building is constructed.

MAYOR GOODMAN asked BART ANDERSON what the Code or ordinance was regarding having the traffic study approved prior to Council taking action. MR. ANDERSON explained that the traffic study has been reviewed but not approved. MAYOR GOODMAN felt the Council was put at a disadvantage by having to speculate what the effect construction would have on traffic without an approved traffic study. MR. ANDERSON stated that there is currently no Code or ordinance requiring a traffic study be completed prior to an item being heard at Council. MAYOR GOODMAN directed DEPUTY CITY ATTORNEY SCOTT to investigate the current language and come up with an ordinance to remedy the situation.

MAYOR GOODMAN voiced concerns about traffic issues currently existing in the area. As an example, he cited the dangers of exiting the freeway at Sahara Avenue and trying to get to Rancho Drive. By not knowing what the facts are regarding traffic, the MAYOR felt at a disadvantage no matter what level of support exists for the project. MR. THOMAS agreed with MAYOR GOODMAN and explained that zoning this property to a more intense use when the traffic is already congested would be an example of putting the cart before the horse.

CITY COUNCIL MEETING OF JUNE 2, 2004
Planning and Development Department
Item 71 – ZON-4082

MINUTES Continued:

DONALD MOSLEY, 1127 Westlund Drive, described the neighbor's efforts as an attempt to try and preserve one of the last upscale and intact neighborhoods of the City. He referenced the previous proposals for this area in 1996 and 1999. The applicant sued in 1996 and did not win at that time. He could not understand why this was being considered because it is essentially the same project that has been previously denied. He stated the neighborhood will not be worn down by numerous proposals. He acknowledged that the property owners purchased the land in the 1960's. He pointed out that the owners must have been aware of the zoning problems associated with this property. JUDGE MOSLEY felt the developer wants what is best for the project at the expense of the neighborhood. He knows the developer is trying to get the best return on the investment and agrees with that theory but felt the Council is responsible for finding a balance between what is best for the developer while keeping the neighborhood's concerns in mind as well. He felt if the developer gets everything they are asking for, there would not be a proper balance.

He reminded the Council that former MAYOR JAN JONES was in office when an application regarding this same lot was heard in 1996. She voted against it. He read a quote from her, which voiced her opposition stating the project was a result of pure greed.

LYNN HANSEN, 2204 Zafra Court and 2608 Sidonia, reiterated JUDGE MOSLEY'S comments regarding this being the third time the neighborhood has had to come forward in force to protest the same type of project going into this property. She stated the project is not compatible and there is no way to judge how the traffic will be affected. MS. HANSEN owns a business downtown and lives near the downtown area. She suggested that if commercialization to this degree continues, everyone is going to move out to Summerlin and Green Valley, which would be a detriment to the downtown area.

BOB APPLE, 1405 Strong Drive, shared concerns about traffic and agreed with MAYOR GOODMAN about the dangers of Sahara Avenue at the I-15 freeway. He referenced a traffic study done in 1995 on the same area and stated that at that time, the intersection was qualified as dysfunctional. The item associated with that traffic study was voted down unanimously and this project is no different. He questioned whether there was an entrance from Sahara Avenue into the restaurants near the off ramp. If so, he said it will just make matters worse in that area.

SHELLY WALTERS, 2112 Kirkland Avenue, is a resident of Glen Heather Estates which is to the north of the proposed project. She is opposed to this project on the basis of cut-through traffic being increased. She stated residents are already afraid to let their children play during high traffic periods, and the traffic will just get worse if this development is approved. She cited two streets that enter their neighborhood off of Rancho and four that enter off of Oakey. Because of these streets, people are cutting through the neighborhood during high traffic

MINUTES Continued:

periods. She fears the property values will drop in the area. She asked if this project would have a buffer because she hasn't seen or heard of any walls or trees to separate the residents of Glen Heather Drive from the development.

MAYOR GOODMAN asked MR. THOMAS if his property could accommodate the designated right hand turn and if anyone had approached his company about purchasing the land for the turn lane. MR. THOMAS said that there have not been any discussions concerning purchasing that land, and, in his opinion, there is not enough land available. MAYOR GOODMAN explained that he asked because if the turn lane cannot be accomplished, all discussion is a waste of time. MR. THOMAS indicated that there is a utility vault on the corner that might cause an economic hindrance to installing the turn lane. COUNCILWOMAN MONCRIEF informed MAYOR GOODMAN it was her understanding that the dedicated right turn lane would be a condition of approval and that DR. STEINBURG was in agreement with that fact. ATTORNEY LAZOVICH confirmed that the applicant is aware of the dedicated lane condition and that she had not personally spoken to anyone regarding the purchase of property. She understood that if the condition was imposed and a deal could not be reached with MR. THOMAS regarding the necessary land, the project would not go forward.

MAYOR GOODMAN asked staff if they have made a determination about having enough land there to have a dedicated right turn lane. MR. ANDERSON stated he did not examine the site to see if it was economically feasible with relation to the mentioned utility vault but that it does appear to have enough distance between the buildings and the roadway to accommodate a 10-foot dedicated right turn lane from what exists now, which is an approximate 20-foot landscape barrier.

MR. ANDERSON also wanted to address the misconception that the Public Works Department is not aware of the traffic situation in the area. The traffic study has been reviewed and returned with initial comments, which have been addressed by the developer's traffic engineer who has submitted an addendum. Some of the mitigations requested by the City that were not part of the initial traffic study should improve the situation. These added mitigations can make the situation better, but if they do not, it will not get worse. In MR. ANDERSON'S opinion, the dedicated right turn lane will make a huge improvement for those people trying to turn westbound onto Sahara Avenue from Rancho Drive. There are counts of the number of vehicles there at present. There are projections believed to be representative of the number of vehicles this site will generate in addition to what the surrounding neighborhood will generate in the future.

DEPUTY CITY ATTORNEY SCOTT suggested MR. ANDERSON read some of the conditions that would mitigate the traffic problem associated with this project. MR. ANDERSON recommended a condition which would read: All necessary rights of way to provide a dedicated

MINUTES Continued:

right turn lane from southbound Rancho Drive onto westbound Sahara Avenue shall be provided by the applicant and approval by the Nevada Department of Transportation for the proposed additional shared left thru lane from southbound Rancho Drive onto eastbound Sahara Avenue shall be demonstrated by the applicant prior to the submittal of construction drawings for the large tower. And, all necessary improvements for said dedicated right turn lane and shared left thru lane including appropriate signage, shall be in place prior to the issuance of the certificate of occupancy for the large tower.

SHERON FRIEND, 2211 Bannie Lane, is a realtor in Las Vegas and has been for 25 years. She used the overhead to point out a specific property that cannot sell due to the traffic problem surrounding it. She stated the property values are plummeting. She referenced another property on Brenmar that cannot sell due to traffic and another on Rancho that sold for the fifth time for half of what the properties in the area usually sell for. She also referenced an area on the map she referred to as an alleyway and stated it is a blind area and a hazard. She suggested stopping all northbound traffic in the area.

THOMAS PITMAN, 2300 La Solana Way, informed Council that there have been six or seven fatalities at the intersection of Rancho Drive and Oakey Boulevard due to the current flow of traffic. He also voiced concerns about the effects additional traffic will add to the already disturbing amounts of exhaust fumes. He opposes the development and agrees with MS. FRIEND that Rancho Drive be made a one way street allowing southbound traffic only.

BILL EDDINS, 2112 Glen Heather Way, stated he lives on the street that will be most affected by this proposed development. He said that the area is already very congested and the traffic lights will make it worse. He thinks the mitigation may control traffic but there is no amount of mitigation that will keep traffic from destroying Glen Heather Estates. He feels this is a great project but Rancho Drive and Sahara Avenue is the wrong location.

RICHARD RUDIAK, 2244 Edgewood, shared the traffic concerns of others and stated that he is specifically concerned about traffic backing up onto Rancho Drive from Sahara Avenue due to the proposed street light. He also stated that just because there is a 10-story bank building on one corner does not mean it is all right to have a 12-story building on another,r opposite corner. He pointed out that the bank building has several driveways off Sahara Avenue. As a lifetime resident of Las Vegas, he wanted to remind Council and staff of previous Council's decisions that piecemeal zoning can ruin a neighborhood. He cited the medical UMC/Valley View campus, which was once a nice residential area. Now, that entire area is professional.

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MINUTES Continued:

JOHN THORNDALL, 3013 Burton Avenue, a 36-year resident, discussed an issue from 30 years ago involving a large shopping center proposed just south of Rancho Drive between Sahara Avenue and Oakey Boulevard, which was not approved for the area. The project ended up being the Meadows Mall. The reason it was not approved south of Rancho Drive was primarily due to traffic issues that existed back then. He is specifically concerned about traffic turning right when exiting the proposed development when it is not possible to go left. Because southbound traffic is backed up from Sahara Avenue to Oakey Boulevard, individuals leaving this development will be turning right to go through the neighborhoods.

KEVIN EFROYMSON, 2901 Ashby Avenue, informed Council that one of the big selling points of the presentation made to the Planning Commission was that there would be deep driving lanes to accommodate cars waiting for the proposed new street light. In doing so, the traffic waiting to exit the development would be stacked. MR. EFROYMSON'S concern is when the light turns green, the intersection will be filled up from the vehicles waiting for that green light. As a result, no one will be able to drive because the lanes will still be clogged. He asked that the project be denied.

TOM McGOWAN, Las Vegas resident, questioned whether a jaywalking fatality study had been made or was included in the traffic study. He suggested that commercial encroachment is causing the death of community spirit. He asked for the Council to respect the 400,000 people who died in World War II to protect the freedoms of people such as the neighbors in this area.

JASON SCARINCIO, 2204 Glen Heather Way, felt his road would be the most affected by the construction of the proposed development. He confirmed that there is a utility box where the dedicated right turn lane has been discussed. He knows this because traffic is too thick to drive through to get to Palace Station so he walks there and goes right by the proposed area for the lane. He stated that there have been some violations of the 7 a.m. – 7 p.m. rule in regards to construction taking place on the project site. He and some neighbors have had to call authorities a couple of times. He cannot speculate about traffic, but he knows about construction issues.

ROD GARRISON, 1904 Birch Street, discussed the issue MAYOR GOODMAN brought up regarding the right turn off Sahara Avenue onto Rancho Drive being hazardous. He suggested that the developer also be required to install a dedicated right turn lane from Sahara Avenue onto Rancho Drive.

SUSAN BOUDREAU, 1300 Eaton Drive, expressed concerns regarding traffic as the other speakers did and added her concerns regarding emergency access in the area.

JOE WALTERS, 2112 Kirkland Drive, was happy to see so many residents from other neighborhoods come out to speak against the project. He shared concerns about traffic going

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MINUTES Continued:
north on Rancho Drive and onto Oakey Boulevard and commercial service trucks cutting through residential areas.

MARYLYN SUMNER, 2004 Birch Street, said that to give an idea of how long it takes to get around the area, while waiting to turn left onto Rancho Drive from Glen Heather Way, an entire Beatles song played. She estimates the wait as being from three to four minutes.

THERESA ERICKSON, 1809 Birch Street, explained she has two small children and is concerned about her children's safety as well as the traffic issues of the other residents. She thought the size of the project is too large and objects to the gas station being demolished. She spoke about her neighbors who live adjacent to what was supposed to be a garage that ended up being an office building, and now they have people looking into their yard and home all the time. She also said there were several young families in the area of Glen Heather Way and Birch Street who could not speak today because of work commitments.

MAYOR GOODMAN questioned ATTORNEY LAZOVICH about where the restaurant driveways would be located. She explained and showed on the overhead that the driveway is off of Rancho Drive approximately 240 feet north of the intersection. ATTORNEY LAZOVICH asked the project's Traffic Engineer, CURTIS HORTON, to come up and address the question.

CURTIS HORTON, Traffic Engineer, 444 E. Warm Springs Road, confirmed the driveway location and stated it meets the standards for a driveway near a major intersection. He said the throat depth on the driveway had been increased to accommodate a requirement of Public Works.

Addressing some of the comments and concerns voiced by neighbors, MR. HORTON started by stating that the traffic situation will increase in this area regardless of what type of business would go in at this site. The traffic study was prepared with a growth rate of 3 ½% which was directed by staff. The level of service for this intersection is Level D. This level is below what a brand new intersection's level would be. In 2006, a time when this project would be underway if approved, the traffic will have increased but the intersection will still have a level of service of D. The developer does not deny the project would increase traffic; however, mitigation procedures would be in place. The proposed streetlight would do what MR. HORTON calls platooning the traffic into an area and allowing it to clear before the next platoon comes in.

Regarding emergency services, MR. HORTON reminded everyone that drivers of emergency vehicles are allowed to drive on either side of the road to get to their destination. MR. HORTON suggested that the emergency vehicles could use the wrong side of the road during peak travel hours because the traffic would only be backed up in one direction. MR. HORTON acknowledged the comments of MR. THOMAS regarding the convenience store

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MINUTES Continued:

demolition credit and said it would be examined with staff. Finally, in regard to the signal concerns, MR. HORTON assured everyone the developer would pay for the signal entirely. He explained that the signal is not only for the benefit of the complex but that it would help to mitigate traffic on the Rancho corridor. He indicated that if the traffic continues to be an issue in the area, it is possible that a mitigation concept of installing a median could be considered. If this were to happen, exiting traffic would have to go right and be forced north. He feels the streetlight at the proposed development could help prevent this from happening.

COUNCILMAN BROWN questioned whether the traffic study's projections of 2006 and 2007 took into consideration the traffic generated by the immediate improvements as well as other projects in the area of which staff is currently aware. MR. ANDERSON replied that all other known projects that will have traffic implications are included in the scope of the traffic study. Some projects are recognized, such as the Martin Luther King flyover, but there is no way to include numbers representing the traffic projects can generate when traffic studies have not been completed.

COUNCILMAN BROWN asked if Council was given guidance by Code or ordinance in an instance where a land use issue could affect the level of service, in which an intersection is currently working. DEPUTY CITY ATTORNEY SCOTT explained the Code allows Council to place certain restrictions on a project that would lessen the impact the proposed project could have on traffic.

COUNCILMAN REESE voiced concerns regarding the adjacency standards relating to the proposed project and its location to the residents on Glen Heather Way. He feels a project that requires 1900 parking spaces will generate too much traffic for the area. He would not be in support of the item, stating that if he would not put a proposed project in his Ward, he would not vote to put it in another Ward.

MAYOR GOODMAN found the comments made suggesting the project is solely driven by greed to be inappropriate. He commended the doctors who own the property for being contributors to the community. In the capitalistic society we live in, when someone owns a piece of property, making money from it is natural and has nothing to do with greed. New construction in the area is not bad; it shows support and belief in the community.

ATTORNEY LAZOVICH was informed by MAYOR GOODMAN that his primary concern would be traffic and that would guide his judgment. He reiterated his concern about trying to turn from Sahara north onto Rancho Drive because he personally experiences that issue on a weekly basis.

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MINUTES Continued:

MAYOR GOODMAN informed staff that he respected their opinion and hoped his comments had not been taken personally because that was not the intent. MAYOR GOODMAN would like to see traffic studies completed and approved prior to being heard by Council as it leaves the Council at a disadvantage to have to guess about the impact a development will have. MAYOR GOODMAN stated he is too concerned about public safety to support this proposal knowing the traffic situation in the area.

DEPUTY CITY ATTORNEY SCOTT and COUNCILMAN BROWN discussed a policy statement being generated regarding traffic studies for projects being approved before Council hears the item. COUNCILMAN BROWN thinks that would be an improvement over the current system because having to vote without a completed study puts the Council at a disadvantage.

MR. ANDERSON told MAYOR GOODMAN he had not taken the MAYOR'S comments personally. He referenced Title 18 in order to explain that a traffic study can only be required prior to the submittal of construction drawings. Staff is limited because prior to the timeframe given in the requirement, staff can only recommend the study be completed. He suggested that even if studies were completed prior to being heard by Council, the study deals with volume levels of service and not the quality of life issues that the Council would still have to examine.

MR. HORTON discussed two items approved at the Planning Commission. The first was a northern driveway that would be maintained and second, a bus stop turn out that was going to be relocated but is now going to remain at the current location. MAYOR GOODMAN verified it was a turn out so that the bus activity would not impede traffic.

COUNCILMAN MACK indicated that he had spoken with COUNCILWOMAN MONCRIEF about his concerns with the traffic study. He questioned if within the traffic study, the 1900 parking spaces resulted in 20,000 trips. MR. HORTON explained that the ITE manual defined trips by the type of development so the trips in this study are significantly lower than that for the project. COUNCILMAN MACK confirmed with MR. ANDERSON that should the item be approved, it would be on the condition that the traffic study is approved, and staff would make the determination regarding the conditions being met.

COUNCILMAN BROWN acknowledged that traffic studies do not evaluate quality of life issues, just vehicle numbers and levels of service. However, the quality of life component cannot be neglected, and he suggested that should be evaluated as well.

MAYOR GOODMAN asked if the cars that will be housed in the 1900 space garage would all come and go at the same time or if the traffic would be sporadic. MR. HORTON said that based on uses allowed by the zoning, there would be morning peak hours of 7:00 a.m. to 9:00 a.m, and evening peak hours of 4:00 p.m. to 6:00 p.m., as well as lunch traffic generated by the restaurants

MINUTES Continued:

and sporadic traffic due to medical appointments throughout the day. He indicated the master plan would be self-contained.

MARGO WHEELER, Deputy Director, Planning and Development, referenced the Planning Commission items MR. HORTON clarified earlier. In reference to the bus stop, there was no condition or item dropped. The discussion regarding the bus stop turn out was simply discussion. Regarding the northern driveway, the traffic engineer changed it to allow flexibility, but nothing specific was approved. And, finally, the only reason part of the lots are being rezoned is to bring the three existing zoning designations on the parcels into one.

COUNCILWOMAN MONCRIEF questioned where the traffic would go when exiting from the driveway on Rancho Drive 240 feet from Sahara Avenue. MR. ANDERSON explained all traffic would turn right because there is a median there. MR. ANDERSON pointed out that it is possible for the restaurant traffic to travel north within the proposed development so the exit with the proposed streetlight could be used to turn left.

COUNCILWOMAN MONCRIEF explained she was initially very excited about this project. She had met with the applicants and was happy they were willing to redevelop within a mature neighborhood. After watching and listening to the neighbors speak against the project, she had changed her mind. The traffic flow would be unbearable should this project be built. She stated she is not against rezoning the land to have it designated properly. She feels a building as big as this proposal with 1900 parking spaces is too large for the area. She expressed hope that the physicians who own the property will try to bring back a project more compatible for the property. She also acknowledged the neighbors are not against development of the land, just not on such a large scale.

MAYOR GOODMAN declared the Public Hearing closed on Item 71 [ZON-4082], Item 72 [VAR-4251], Item 73 [SDR-4086], Item 74 [SUP-4089] and Item 75 [SUP-4090].

(1:15 – 2:51)

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.

2. A Site Development Plan Review application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

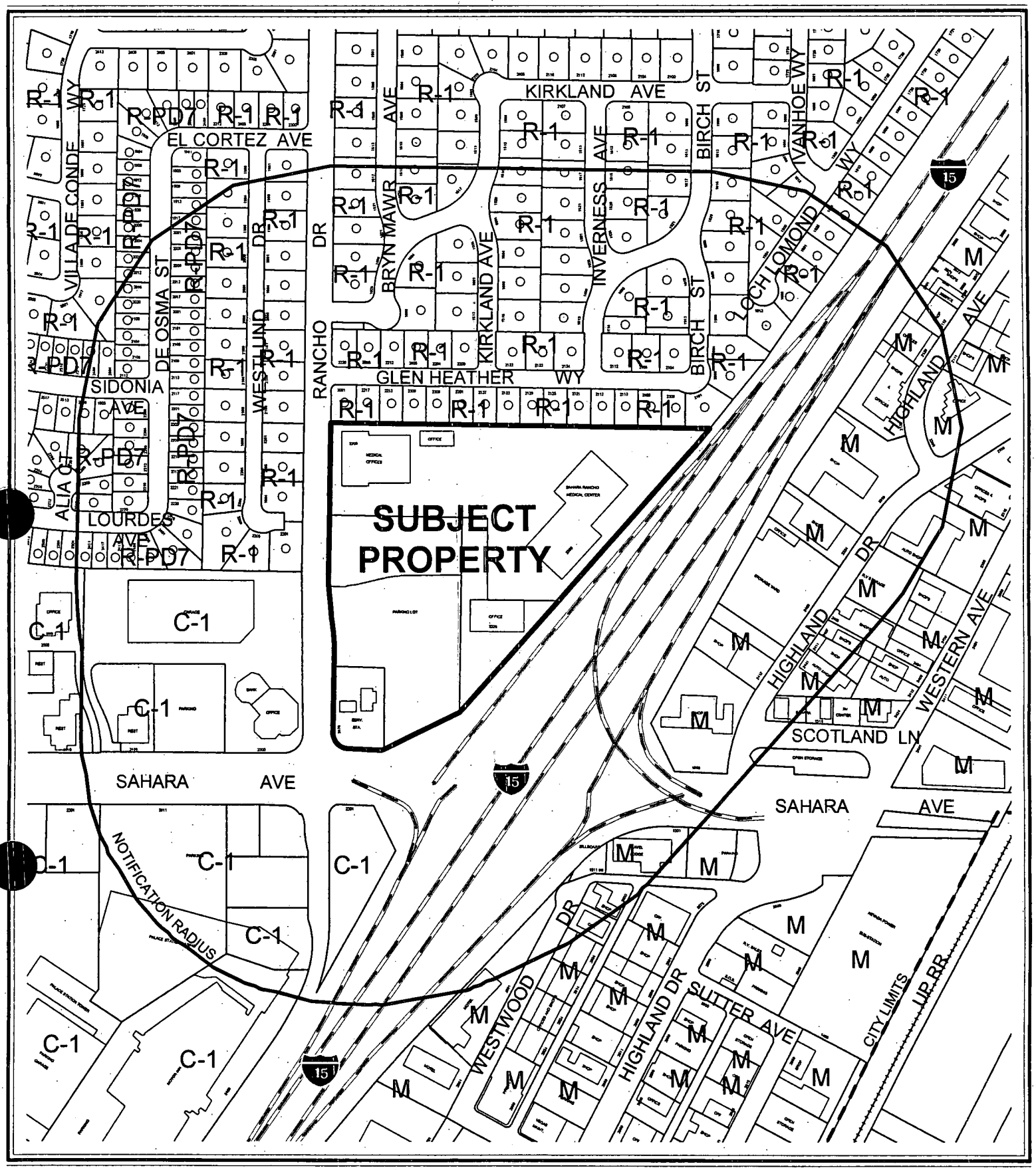
3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards

CONDITIONS Continued:

concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, or compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site. Public Works notes that a traffic signal may be warranted at the entry drive into this commercial site. If such traffic signal is required, it shall be funded completely by the developer of this site. Public Works notes that an additional driveway on Rancho Drive may be required.

5. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.



0 200 400 Feet

CASE: **ZON-4082**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) , P-R (PROFESSIONAL OFFICE AND PARKING) AND C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet

CASE: ZON-4082

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) , P-R (PROFESSIONAL OFFICE AND PARKING) AND C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITYCOUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - ZON-4082 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT COUNCILWOMAN MONCRIEF'S REQUEST.

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.

2. A Site Development Plan Review application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, or compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site. Public Works notes that a traffic signal may be warranted at the entry drive into this commercial site. If such traffic signal is required, it shall be funded completely by the developer of this site. Public Works notes that an additional driveway on Rancho Drive may be required.

5. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This application is a request for a Rezoning from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial) on 15.33 acres on the northeast corner of Sahara Avenue and Rancho Drive.

The Planning Commission will also consider companion items; Variance (VAR-4251) the residential adjacency standards, a Site Development Plan Review (SDR-4086) for an office and restaurant development, and two Special Use Permits (SUP-4089 and SUP-4090) for two Restaurant Service Bars.

B) Applicant's Justification

The applicant justifies their request by stating; "This project is located in a commercial area and will be an attractive addition to the neighborhood."

BACKGROUND INFORMATION

A) Previous Actions

05/23/62 The Board of City Commissioners approved a Rezoning (Z-0031-62) application for the reclassification of property generally located at the northeast corner of Rancho Drive and San Francisco Avenue (now Sahara Avenue) from R-1 (Single Family Residential) and C-C (Neighborhood Commercial Center) to R-3 (Medium Density Residential). Planning Commission and staff both recommended approval.

07/01/64 The Board of City Commissioners approved a Rezoning (Z-0053-64) application the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Estates, from R-3 (Medium Density Residential) to P-R (Professional Offices and Parking). Planning Commission and staff both recommended approval.

06/15/66 The Board of City Commissioners approved a rezoning (Z-0035-66) application for the reclassification of property from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property generally located on the northeast corner of Sahara Avenue and Rancho Drive. Planning Commission and staff both recommended approval.

07/29/66 The Board of Zoning Adjustment approved a Special Use Permit (U-0023-66) to allow a service station on property generally located at the corner of Sahara Avenue and Rancho Drive. Staff recommended approval subject to conditions.

08/03/66 The Board of City Commissioners approved a Rezoning (Z-0046-66) application for the reclassification an additional 46.42 feet of property generally located on the northeast corner of Rancho Drive and Sahara Avenue, from R-3 (Medium Density Residential) to C-1 (Limited Commercial). Planning Commission and staff both recommended approval.

08/25/66 The Board Zoning Adjustments approved a Special Use Permit (U-0027-66) to allow a service station addition on property located on the northeast corner of Sahara Avenue and Rancho Drive. Staff recommended approval.

04/25/73 The Board of City Commissioners approved a Rezoning (Z-0030-73) application for the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Way from R-1 (Single Family Residential), R-3 (Medium Density Residential), and P-R (Professional Offices and Parking) to C-1 (Limited Commercial). Planning Commission and staff recommended approval.

04/18/79 The Board of City Commissioners approved a Site Development Plan Review (Z-0053-64) application to allow a two-story professional office building on property located at 2300 Ranch Drive. Planning Commission and staff both recommended approval.

06/19/91 The City Council approved a Special Use Permit (U-0092-91) to allow an existing 1,000 gallon propane tank (existing since 1964) in conjuncture with an existing service station on property located on the northeast corner of Sahara Avenue and Rancho Drive. The Board of Zoning Adjustment and staff both recommended approval.

09/16/92 The City Council Withdrew a Special Use Permit (U-0204-92) to allow three (3) coin operated gaming machines in conjunction with an existing service station. The applicant could not obtain a gaming license from the state at that time. The Board of Zoning Adjustment and staff both recommended approval.

07/05/95 The City Council accepted a request to Withdraw Without Prejudice a Rezoning (Z-0036-95) application for the reclassification of property from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial) for the proposed development of 1.2 million square feet of office space including 15, 20 and 30 story office buildings located at the northeast corner of Sahara Avenue and Rancho Drive. Planning Commission recommended denial. Staff recommended approval.

03/20/96 The City Council denied a Rezoning (Z-0095-95) application for the reclassification of property located on the northeast corner of Sahara Avenue and Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial), for a proposed development of one 180,000 square foot twelve story office tower, 132,000 square feet of office space and a one story parking garage. Planning Commission recommended denial. Staff recommended approval.

01/05/00 The City Council accepted the Withdrawal with Prejudice of a Variance (V-0083-99) application on property located at 2200 and 2300 Rancho Drive to allow two parking structures to be three and one-half stories where two stories is the maximum height allowed, and to allow two office buildings to be five stories tall where two stories is the maximum height allowed. The Board of Zoning Adjustment and staff both recommended approval.

02/02/00 The City Council accepted the Withdrawal Without Prejudice for Rezoning (Z-0041-99) application for the reclassification of property located on the north side of Sahara Avenue, east of Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial); for the proposed development of a 357,342 square foot office complex. Planning Commission and staff both recommended approval of the rezoning to O (Office) instead of C-1 (Limited Commercial).

04/11/02 The Planning Commission approved a Site Development Plan Review [Z-0053-64(9) and Z-0030-73(2)] to allow a 70,000 square foot office building on property located adjacent to the east side of Rancho Drive, approximately 850 feet north of Sahara Avenue. Staff recommended approval. This action was final.

11/21/02 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-1068) to allow a proposed wireless communication facility, non-stealth design at 2320 South Rancho Drive. Staff recommended this item to be withdrawn without prejudice.

04/22/04 The Planning Commission recommended approval of related requests for a Variance (VAR-4251) to allow building heights to exceed the residential adjacency standards; a Site Development Plan Review (SDR-4086) for two office buildings with attached parking garages and two restaurant buildings within an existing office complex and a waiver of the Commercial Development Standards; and Special Use Permits (SUP-4089) and (SUP-4090) for restaurant service bars.

04/22/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda item #56/pl)

B) Pre-Application Meeting

02/20/04 At the pre-application meeting issues concerning the Site Development Plan Review were discussed. Primarily, parking and landscaping requirements, as well as the need for a cross access agreement. The proposed uses on the site were also discussed.

C) Neighborhood Meetings

04/07/04 A neighborhood meeting was held at 2300 South Rancho Drive per the applicant's request, in association with a and Site Development Plan Review (SDR-4086), Variance (VAR-4251, and Special Use Permits (SUP-4089 and SUP-4090).

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 15.33

B) Existing Land Use

Subject Property:	Professional Offices, Medical Offices, Service Station, and an Off-premise Advertising (Billboard) Sign
North:	Single Family Residential Dwellings
South:	Right of way (Sahara Avenue) and a Casino (Palace Station)
East:	Right of way (Interstate Route No. 15) and Warehouse, Industrial.
West:	Single Family Residential Dwellings and a garage, bank, and offices

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	L (Low Density Residential)
South:	ROW (Right of Way), SC (Service Commercial), GTC (Gaming Tourist Commercial)
East:	ROW (Right of Way) and LI/R (Light Industrial / Research)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	R-3 (Medium Density Residential), P-R (Professional Offices and Parking), and C-1 (Limited Commercial)
North:	R-1 (Single Family Residential)
South:	ROW (Right of Way) and C-1 (Limited Commercial)
East:	ROW (Right of Way and M (Industrial)
West:	R-1 (Single Family Residential) and C-1 (Limited Commercial)

E) General Plan Compliance

The designation of this site is SC (Service Commercial) on the Southeast Sector Map of the General Plan. The General Plan states that this land use category allows office uses that serve primarily local patrons and also offices grouped as office centers with professional and business services. The proposed C-1 (Limited Commercial) district requested for the entire site is consistent with the SC (Service Commercial) general plan designation, per Las Vegas Municipal Code (LVMC) Section 19.02.040(B).

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

The proposed development consists of retail, professional offices, and restaurants, which are all allowable uses within a C-1 (Limited Commercial) district. A Connector Trail is planned to follow the entire western property line of the subject parcel. Incorporation of the trail in the site plan will be pursuant to the standards set forth by GPA- 3933 (to be heard on 04/22/04). A Connector Trial calls for a five-foot wide transition strip / utility corridor placed between the trail path and street curb. The trail path consists of a standard five-foot wide sidewalk next to the transition strip.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	15.33 Acres	YES
Min. Lot Width	100 Feet	950 + Feet	YES
Max. Lot Coverage	50 %	32%	YES

The subject parcel has more than adequate lot width so as to meet the minimum lot width requirement for the development of a C-1 (Limited Commercial) zoning district. The proposed site plan indicates a 32% lot coverage consisting of both existing and future developments, therefore complying with the C-1 (Limited Commercial) zoning district's 50% maximum lot coverage requirement.

B) General Analysis and Discussion

Currently the site is composed of R-3 (Medium Density Residential), P-R (Professional Offices and Parking), and C-1 (Limited Commercial) zoning districts; on which, exists a service station, three office buildings located at 2200 South Rancho Drive, 2300 South Rancho Drive, and 2320 South Rancho Drive. A new office building is under construction located at 2250 South Rancho Drive. The proposed development will be carried out in two phases.

Phase I of the project will consist of the demolition of a two-story office building located at 2300 South Rancho Drive, as well as the service station located on the northeast corner of Rancho Drive and Sahara Avenue. After which, the construction will consist of the development of a new office building composed of a 5 floors of office space above a 5 level parking garage, and of two proposed restaurant pads. Phase II will consist of new construction of a proposed 12 story office / retail tower above a 10 level parking garage.

The scale of the proposal is consistent with the other commercial developments along Sahara Avenue, including the existence of a 12-story tower located on the northwest corner of Rancho Drive and Sahara Avenue. With substantive buffering, landscaping and mitigation of the traffic impacts associated with a project of this size the request will not have any long term detrimental impacts to the residential areas to the north and northwest of the site.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **"The proposal conforms to the General Plan."**

   The proposed C-1 (Limited Commercial) district requested for the entire site is consistent with the SC (Service Commercial) general plan designation, per Las Vegas Municipal Code (LVMC) Section 19.02.040(B).

2. **"The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."**

   The scale of the proposed project is consistent with existing office and commercial development surrounding the intersection of Sahara Avenue and Rancho Drive. To some extent, the proposed office use will provide a transition between the intensive commercial and resort development adjacent to the Rancho Boulevard / Sahara Avenue intersection and the residential neighborhoods to the north of this site.

3. **"Growth and development factors in the community indicate the need for or appropriateness of the rezoning."**

   The proposed rezoning supports the goals and objectives of the SC (Service Commercial) designation of the Southeast Sector Map of the General Plan, which encourages low to medium intensity retail, office uses that serve primarily local patrons and also offices grouped as office centers with professional and business services.

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

Rancho Drive, a secondary collector (80 ft), is fully developed and will provide adequate access to the site.

NOTICES MAILED 192 by Planning Department

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4082 APN: 162-04-401-003, 004, 005, 006 and 007

Name of Property Owner: Sahara Rancho Office Center, LLC

Name of Applicant: Sahara Rancho Office Center, LLC
Dr. Leon Steinberg

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

_____ Yes ___X___ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: L. H. Steinberg

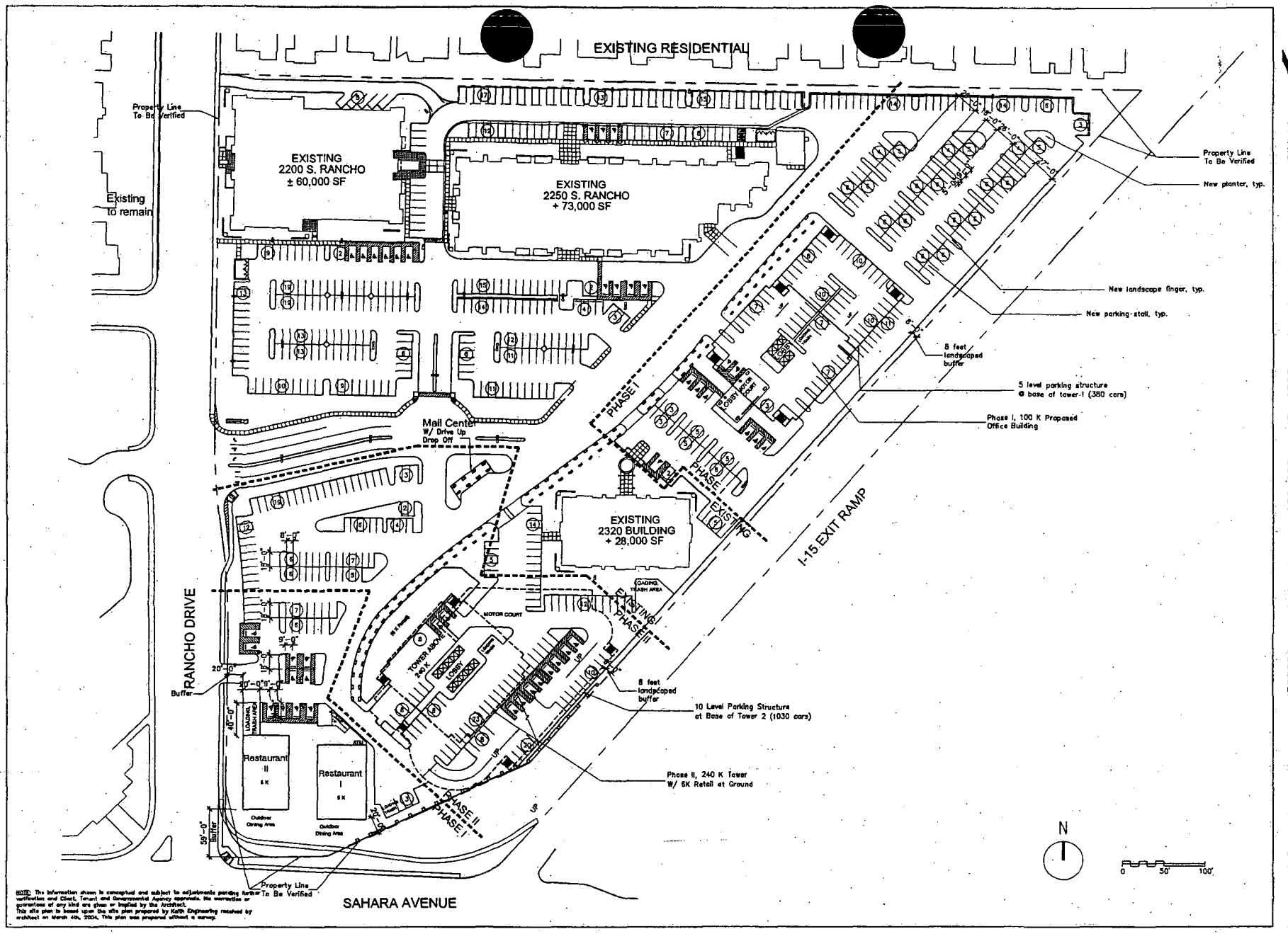
Print Name: LEON H. STEINBERG

Subscribed and sworn before me

This 10th day of March, 2004

Sheryl K. Lee Clark County NV
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SHERYL R. LEE
Appt. No. 01-[illegible]
My Appt. Expires Mar [illegible]



NOTE: The information shown is conceptual and subject to adjustments pending further verifications and Client, Tenant and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.
This site plan is based upon the site plan prepared by Keith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

Architect:

WESTAR ARCHITECTS

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	00 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1 space/300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	661 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1261 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	80 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2123 spaces

Sheet Title:

SITE PLAN
PROPOSED

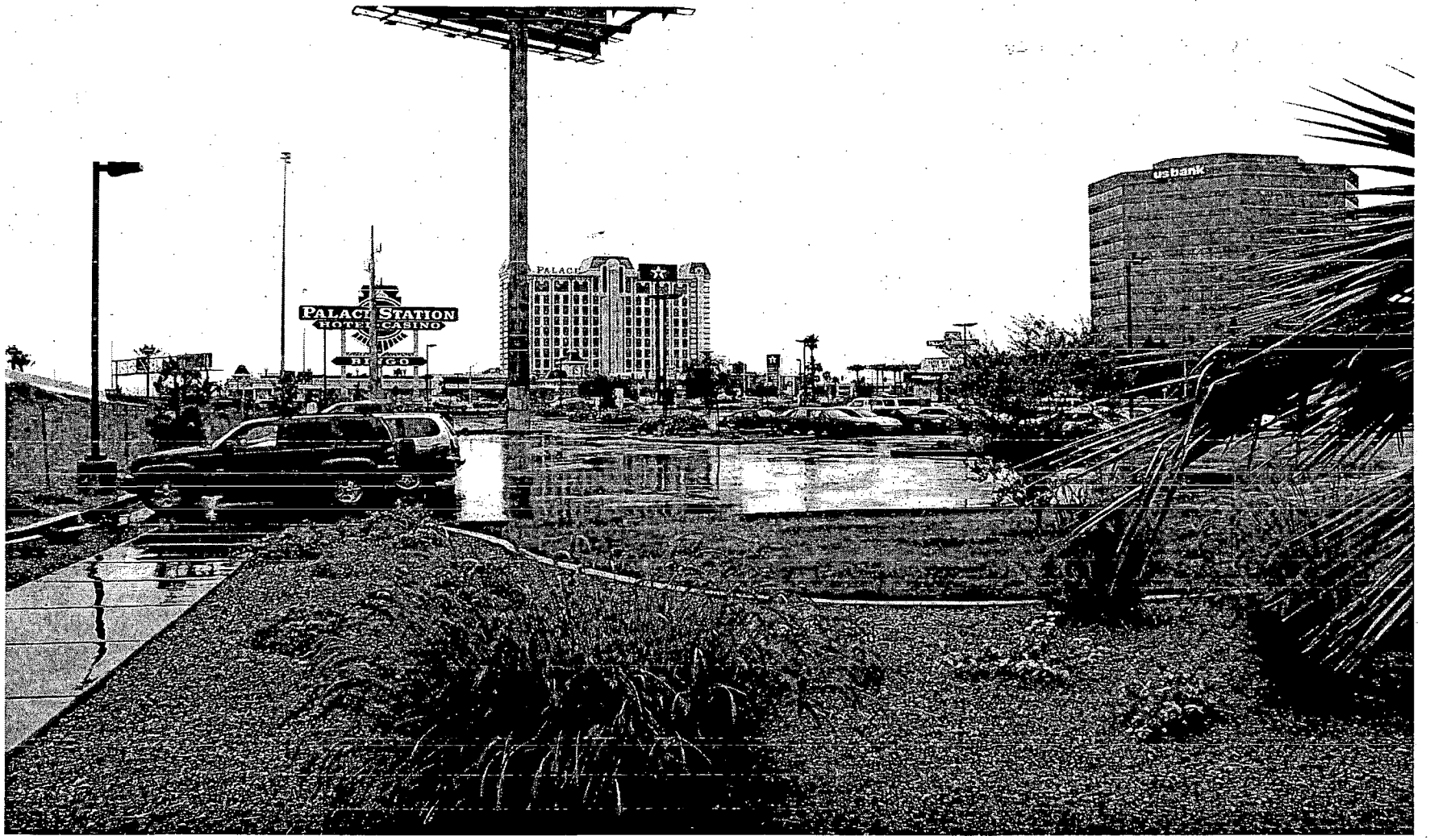
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.01.04
Scale:	1/50" = 1'-0"
File Name:	A100-a.dwg

Sheet Number:

A100-a

REVISED 4.13.04

ZON-4082
4-22-04 PC



ZON-4082 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

ZON-4082 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

ATTN: Vicky Darling
please include in official record

Thank you!

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5/17/04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

Such a change would devalue my property, jeopardize the neighborhood safety, restrict my rights in a family oriented neighborhood, and threaten my general well being as an resident of an established neighborhood in this area.

I encourage the Las Vegas City Council to deny this requested zone change and reject the present construction proposal for two office structures, retail stores, restaurants and parking facilities for nearly 1,900 vehicles, and the lack of adequate associated proposals for further restricting traffic in my neighborhood.

Name: Marylyn Sumner

Address: 2004 Birch St.
LV, NV. 89102

Protest

2004 MAY 28 A 10:12

RECEIVED
CITY CLERK

Submitted after final agenda

Date 5/28/04 Item #71-75

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

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DATE: 17 May 2004

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Protest

Name: Franklin B Whitehead

Address: 2108 Kirkland Ave

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

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DATE: 18 May 04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Protest

Name: Ruth Dudley

Address: 1705 Birch Street

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

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DATE: 5/15/04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Name: Peter Yarema D.R.

Address: 1520 Kirkland Ave 89102

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

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DATE: 5/18/2004

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Name: Steve & Roberta Thyfault

Address: 1508 Bryn Mawr
89102

Protest

Please Help Us!

Neighborhood Planning and Support
Stephen Harsin, Manager
City Hall, Second Floor
400 Stewart Avenue
Vegas, NV 89101

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas Council

RE: Opposition to proposed Re-zoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waiver of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Department Current Planning Division documents noted above.

DATE: May 12, 2004

Protest

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the re-zoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northwest corner Sahara Avenue and Rancho Drive.

Such change would devalue my property, jeopardize the neighborhood safety, restrict my rights in a family oriented neighborhood, and threaten my general well being as a resident of an established neighborhood in this area.

I encourage the Las Vegas City Council to deny this requested zone change and reject the present construction proposal for two office structures, retail stores, restaurants and parking facilities for nearly 1,900 vehicles, and the lack of adequate associated proposals for further restricting traffic in my neighborhood.

NAME: Roderick E. Garrison Virginia M. Garrison
Mr. Roderick E. & Virginia M. Garrison

ADDRESS: 1904 Birch Street, Las Vegas, NV 89102

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

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DATE: 5/15/04

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Protest

Name: Ellen M Yoanes

Address: 1520 Kirkland Ave 89102

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 5/15/04

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Name: Peter Yanessa

Address: 1517 Tallyrand Ave 89102

Protest

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ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 5·16·04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Kim Duxbury

Name: KIM DUXBURY

Address: 1609 INVERNESS AVE
LAS VEGAS, NV 89102

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 5-17-04

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Name: Sandra J. Ingram

Address: 1600 Kirkland Avenue
Las Vegas, NV 89102

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 5-17-04

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Name: JACK & BOONYUEN SANDRIDGE

Address: 1413 BRYN MAWR AVE
89102

Protest

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ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 5-6-04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Name: Frank A Bill AK

Address: 1325 Bernard 89102

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 5-7-04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Name: Joe Walters

Address: 2112 Kirkland Ave

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 05 6 04

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Name: [illegible]

Address: 1318 Bonnard Dr

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 4-28-04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Name: Shelly D. Watkins

Address: 2112 Kirkland Ave.

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

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DATE: 5-15-04

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Name: Joan Crutchfield

Address: 2105 Bonnie Blue

Protest

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DATE: 5-14-04

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Protest

Name: Eyvonne Vaughan

Address: 2108 Glen Heather Way

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5-15-04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

Such a change would devalue my property, jeopardize the neighborhood safety, restrict my rights in a family oriented neighborhood, and threaten my general well being as an resident of an established neighborhood in this area.

I encourage the Las Vegas City Council to deny this requested zone change and reject the present construction proposal for two office structures, retail stores, restaurants and parking facilities for nearly 1,900 vehicles, and the lack of adequate associated proposals for further restricting traffic in my neighborhood.

Name: Laura Carlton

Address: 1009 Black

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

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Name: Gary Gregor

Address: 1909 Brock

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

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DATE: 5/17/04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Name: Jack & Margie Davis

Address: 1813 Birch Street

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5-17-04

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Name: BOB & BETTY GUNNY

Address: 2720 LAURIE DR.

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: May 17, 2004

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

Such a change would devalue my property, jeopardize the neighborhood safety, restrict my rights in a family oriented neighborhood, and threaten my general well being as an resident of an established neighborhood in this area.

I encourage the Las Vegas City Council to deny this requested zone change and reject the present construction proposal for two office structures, retail stores, restaurants and parking facilities for nearly 1,900 vehicles, and the lack of adequate associated proposals for further restricting traffic in my neighborhood.

Name: Derek E. Engstrom

Address: 1512 Inverness Ave.
Las Vegas, Nev. 89102

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5-19-04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

Such a change would devalue my property, jeopardize the neighborhood safety, restrict my rights in a family oriented neighborhood, and threaten my general well being as an resident of an established neighborhood in this area.

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Name: Delma C Miller

Address: 1900 Birch Street

Protest

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CITY CLERK

2004 JUN -1 A 9:47

Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5-24-04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Name: Farideh Banietemad

Address: 1608 Kirkland Ave Las Vegas NV 89102

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CITY CLERK

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Protest

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5-25-04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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Name: Gladys de Aguirre

Address: 1517 KIRKLAND AVE LAS VEGAS, NV 89102

Submitted after final cut...

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2004 JUN -1 A 9:47

NOTICE OF CITIZEN CONCERN
ZON-4082, SDR-4086, SUP-4089, SUP-4090 Protest

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5/27/04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

Such a change would devalue my property, jeopardize the neighborhood safety, restrict my rights in a family oriented neighborhood, and threaten my general well being as an resident of an established neighborhood in this area.

I encourage the Las Vegas City Council to deny this requested zone change and reject the present construction proposal for two office structures, retail stores, restaurants and parking facilities for nearly 1,900 vehicles, and the lack of adequate associated proposals for further restricting traffic in my neighborhood.

Name: John F. Moore Jr.

Address: 2205 Glen Heather Way

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Protest

NOTICE OF CITIZEN CONCERN
ZON-4052, SDR-4086, SUP-4089, SUP-4090

TO: Mayor Oscar Goodman and the Members of the Las Vegas City Council

RE: Opposition to proposed Rezoning of Sahara Avenue and Rancho Drive property from PR and R to Commercial for the purposes of constructing a high rise office complex, AND waivier of commercial development standards and height restrictions to exceed residential adjacency standards as outlined in the Planning and Development Depart Current Planning Division documents noted above.

DATE: 5/27/04

As a neighbor, property owner, taxpayer, voter, and/or citizen of the community who works and lives in this area, I oppose the rezoning of the property or construction of any multiple story office buildings, related commercial sites and/or associated parking proposed for the Northeast corner Sahara Avenue and Rancho Drive.

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---

Name: Sonya Elbaz

Address: 2605 Glen Heather Way

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04 MAY 28 PM 4:32
PLANNING AND
DEVELOPMENT

Roderick E. & Virginia M. Garrison
1904 Birch Street
Las Vegas, NV 89102-4443
Telephone: 702 382-4505

May 25, 2004

Mayor Oscar B. Goodman
400 Stewart Avenue
Las Vegas, NV 89101

Protest

Ref: Your letter of May 19, 2004

Dear Mayor Goodman:

Thank you for taking the time to provide written response to our concerns regarding the agenda items that pertain to our neighborhood (ZON-4082, SDR-4086, SUP-4089, SUP-4090), and for postponing the City Council Meeting until June 2, 2004 at 1:00 p.m. so that traffic patterns can be studied.

In addition to our previously submitted Notice of Citizen Concern of 5-12-04, as concerned home owners in Glenn Heather Estates, we and others are concerned about the following:

1. Type of development – Is this an upscale development that will enhance the area, or is it another "fly by night" effort that will result in devaluation and crime?

2. The Texaco Station is being forced out – already cannot get or sell gas. Why, we need that station!

3. **SERIOUS CONCERN:** Alley between Glenn Heather Estates and Development already causing traffic problems. People are exiting alley in cars and not stopping for or paying attention to the traffic. I and others have come close to being hit in our cars by those exiting the alley. If this keeps up, someone is going to be injured or die – it is our understanding that the alley was supposed to be closed off (another broken promise)?

4. **MAJOR CONCERN:** Should this development be approved, two entrances to Glenn Heather Estates off Rancho (Glenn Heather and Bryn Mawr) must have gates across the streets that are paid for by Sahara Rancho Office Center (owners/developers) to stop the traffic on Rancho from going through our tract, which is already happening. The proposed 1,900 parking places and existing parking will turn our neighborhood into a major disaster area. This was brought up in 1999 and not handled?

5. New parking garage next to alley – was supposed to have no windows on alley side. It has windows & takes away from privacy of home owners (another broken promise)?

Thank you for your consideration in this matter.

Sincerely,

Roderick E. & Virginia M. Garrison

cy to:

Las Vegas Planning Department
Bob Genzer, Director
731 S. 4th Street
Las Vegas, NV 89101

Submitted after final agenda

Date 6/1/04 Item #71-75

City of Las Vegas

Agenda Item No. 72

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

NOT TO BE HEARD BEFORE 1:00 P.M. - **ABEYANCE ITEM** - VARIANCE RELATED TO ZON-4082 - PUBLIC HEARING - **VAR-4251 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY** - Request for a Variance TO ALLOW BUILDING HEIGHTS TO EXCEED THE RESIDENTIAL ADJACENCY STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	3	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest petition with 28 signatures filed under Item 71 [ZON-4082]
5. Submitted after final agenda – Protest letter from Roderick and Virginia Garrison filed under Item 71 [ZON-4082]

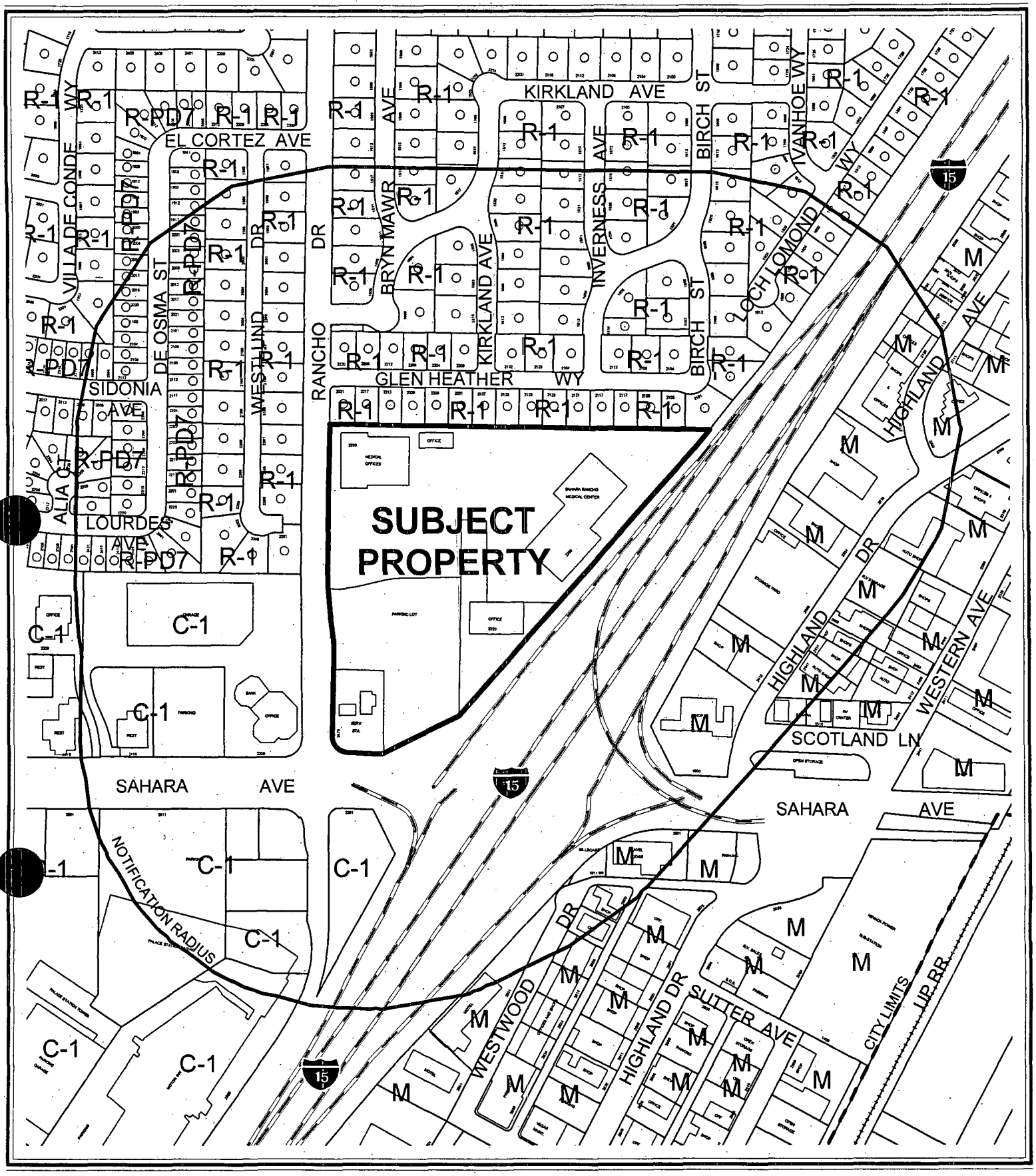
MOTION:

MONCRIEF – DENIED – UNANIMOUS with Ward 2 seat vacant

MINUTES:

NOTE: See Item 71 [ZON-4082] for discussion.

(1:15 – 2:51)



0 200 400 Feet

CASE: **VAR-4251**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) , P-R (PROFESSIONAL OFFICE AND PARKING) AND C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

72

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - VAR-4251 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT COUNCILWOMAN MONCRIEF'S REQUEST.

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-4082) and Site Development Review (SDR-4086).

2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

3. The applicant shall submit a sight line analysis of the visual impacts the towers will have on surrounding residential areas.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a Variance from the Residential Adjacency Standards for building heights and setbacks.

B) Applicant's Justification

The applicant's justification of this application is that the proposed project is compatible with the surrounding commercial area and that it will be an attractive addition to the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

05/23/62 The Board of City Commissioners approved a Rezoning (Z-0031-62) application for the reclassification of property generally located at the northeast corner of Rancho Drive and San Francisco Avenue (now Sahara Avenue) from R-1 (Single Family Residential) and C-C (Neighborhood Commercial Center) to R-3 (Medium Density Residential). Planning Commission and staff both recommended approval.

07/01/64 The Board of City Commissioners approved a Rezoning (Z-0053-64) application the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Estates, from R-3 (Medium Density Residential) to P-R (Professional Offices and Parking). Planning Commission and staff both recommended approval.

06/15/66 The Board of City Commissioners approved a rezoning (Z-0035-66) application for the reclassification of property from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property generally located on the northeast corner of Sahara Avenue and Rancho Drive. Planning Commission and staff both recommended approval.

07/29/66 The Board of Zoning Adjustment approved a Special Use Permit (U-0023-66) to allow a service station on property generally located at the corner of Sahara Avenue and Rancho Drive. Staff recommended approval subject to conditions.

08/03/66 The Board of City Commissioners approved a Rezoning (Z-0046-66) application for the reclassification an additional 46.42 feet of property generally located on the northeast corner of Rancho Drive and Sahara Avenue, from R-3 (Medium Density Residential) to C-1 (Limited Commercial). Planning Commission and staff both recommended approval.

08/25/66 The Board Zoning Adjustment approved a Special Use Permit (U-0027-66) to allow a service station addition on property located on the northeast corner of Sahara Avenue and Rancho Drive. Staff recommended approval.

04/25/73 The Board of City Commissioners approved a Rezoning (Z-0030-73) application for the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Way from R-1 (Single Family Residential), R-3 (Medium Density Residential), and P-R (Professional Offices and Parking) to C-1 (Limited Commercial). Planning Commission and staff recommended approval.

04/18/79 The Board of City Commissioners approved a Site Development Plan Review (Z-0053-64) application to allow a two-story professional office building on property located at 2300 Ranch Drive. Planning Commission and staff both recommended approval.

06/19/91 The City Council approved a Special Use Permit (U-0092-91) to allow an existing 1,000 gallon propane tank (existing since 1964) in conjunction with an existing service station on property located on the northeast corner of Sahara Avenue and Rancho Drive. The Board of Zoning Adjustment and staff both recommended approval.

09/16/92 The City Council Withdrew a Special Use Permit (U-0204-92) to allow three (3) coin operated gaming machines in conjuncture with an existing service station. The applicant could not obtain a gaming license from the state at that time. The Board of Zoning Adjustment and staff both recommended approval.

07/05/95 The City Council accepted a request to Withdraw Without Prejudice a Rezoning (Z-0036-95) application for the reclassification of property from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial) for the proposed development of 1.2 million square feet of office space including 15, 20 and 30 story office buildings located at the northeast corner of Sahara Avenue and Rancho Drive. Planning Commission recommended denial. Staff recommended approval.

03/20/96 The City Council denied a Rezoning (Z-0095-95) application for the reclassification of property located on the northeast corner of Sahara Avenue and Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial), for a proposed development of one 180,000 square foot twelve story office tower, 132,000 square feet of office space and a one story parking garage. Planning Commission recommended denial. Staff recommended approval.

01/05/00 The City Council accepted the Withdrawal with Prejudice of a Variance (V-0083-99) application on property located at 2200 and 2300 Rancho Drive to allow two parking structures to be three and one-half stories where two stories is the maximum height allowed, and to allow two office buildings to be five stories tall where two stories is the maximum height allowed. The Board of Zoning Adjustment and staff both recommended approval.

02/02/00 The City Council accepted the Withdrawal Without Prejudice for Rezoning (Z-0041-99) application for the reclassification of property located on the north side of Sahara Avenue, east of Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial); for the proposed development of a 357,342 square foot office complex. Planning Commission and staff both recommended approval of the rezoning to O (Office) instead of C-1 (Limited Commercial).

04/11/02 The Planning Commission approved a Site Development Plan Review [Z-0053-64 (9) and Z-0030-73 (2)] to allow a 70,000 square foot office building on property located adjacent to the east side of Rancho Drive, approximately 850 feet north of Sahara Avenue. Staff recommended approval. This action was final.

11/21/02 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-1068) to allow a proposed wireless communication facility, non-stealth design at 2320 South Rancho Drive. Staff recommended this item to be withdrawn without prejudice.

04/22/04 The Planning Commission recommended approval of related requests for a Rezoning (ZON-4082) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking; a Site Development Plan Review (SDR-4086) for two office buildings with attached parking garages and two restaurant buildings within an existing office complex and a waiver of the Commercial Development Standards; and Special Use Permits (SUP-4089) and (SUP-4090) for restaurant service bars.

04/22/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda item #57/pl)

B) Pre-Application Meeting

No pre-application meeting was held in regards to this application. The applicant was made aware of this application after submittal and analysis of a revised site plan and elevation.

C) Neighborhood Meetings

04/07/04 A neighborhood meeting was held at 2300 South Rancho Drive per the applicant's request, in association with a Rezoning (ZON-4082), Site Development Plan Review (SDR-4086), and Special Use Permits (SUP-4089 and SUP-4090).

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 15.33

B) Existing Land Use

Subject Property:	Professional Offices, Medical Offices, Service Station, and an Off-premise Advertising (Billboard) Sign
North:	Single Family Residential Dwellings
South:	Right of way
East:	Right of way
West:	Single Family Residential Dwellings and a garage, bank, and offices

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	L (Low Density Residential)
South:	ROW (Right of Way)
East:	ROW (Right of Way)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	R-3 (Medium Density Residential), P-R (Professional Offices and Parking), and C-1 (Limited Commercial)
North:	R-1 (Single Family Residential)
South:	C-1 (Limited Commercial)
East:	I-15
West:	R-1 (Single Family Residential) and C-1 (Limited Commercial)

E) General Plan Compliance

The designation of this site is SC (Service Commercial) on the Southeast Sector Map of the General Plan. The General Plan states that this land use category allows office uses that serve primarily local patrons and also offices grouped as office centers with professional and business services. The proposed C-1 (Limited Commercial) district requested for the entire site is consistent with the SC (Service Commercial) general plan land use designation, per Title 19.02.040(B).

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

The proposed development consists of retail, professional offices, and restaurants, which are all allowable uses within a C-1 (Limited Commercial) district. A Connector Trail is planned to follow the entire western property line of the subject parcel. Incorporation of the trail into the site plan will be pursuant to the standards set forth by GPA-3933 (to be heard on 04/22/04). A Connector Trial calls for a five-foot wide transition strip/ utility corridor placed between the trail path and street curb. The trail path consists of a standard five-foot wide sidewalk next to the transition strip.

A) Zoning Code Compliance

A1) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

		Distance From Residential		Slope	
Building	**Height**	**Required**	**Provided**	**Required**	**Provided**
Tower I	296 Feet	888 Feet	±405 Feet*	1:3	2.2:1
			±635 Feet**	1:3	1.4:1
Tower II	136 Feet	408 Feet	±240 Feet***	1:3	1.7:1

*Distance measured from Tower I to the nearest residential property line located to the northwest of the site (2301 El Camino Avenue).

**Distance measured from Tower I to the nearest residential property line located to the north of the site (Glen Heather Estates).

*** Distance measured from Tower II to the nearest residential property line located to the north of the site (Glen Heather Estates).

a) Proximity slope. Tower I (296 feet in total height) has been identified as having a 2.2:1 slope in relation to the northern property line and a 1.4:1 slope to the western property line of existing single-family residences, therefore it is not in compliance with the Residential Adjacency Standards and will require a variance. Tower II (136 feet in total height) has been identified as having a 1.7:1 slope in relation to the northern property line of existing single-family residences; therefore it will also require a variance.

b) Building setback. Tower I (296 feet in total height) has been identified as being located within 888 feet from the northern property line (approximately 635 feet) and western property line (approximately 405 feet) of existing single-family residences, therefore it is not in compliance with the Residential Adjacency Standards and will require a variance. Tower II (136 feet in total height) has been identified as being located within 408 feet from the northern property line (approximately 240 feet) of existing single-family residences; therefore it will also require a variance.

B) General Analysis and Discussion

The requested variance is warranted, based upon the commercial development standards do not curtail building heights and the overall size of the lot. Concerns over the preservation of privacy within rear yards, and potential penetration of noise, glare, and localized air pollutants from adjacent activities are particularly sensitive issues to most residents of single-family residential neighborhoods. Therefore, staff recommends that a sight line analysis of the visual impacts the towers will have on surrounding residential areas be submitted for review and approval by the Planning Commission and City Council as part of the site plan review.

The applicant has supplied one elevation, which contains a rendering of both towers and an artist's rendering of the entire site. Tower I is depicted as being 296 feet in height and Tower II is shown as being 136 feet in height. Therefore, the required setbacks would be 888 feet and 408 feet respectively. The building heights and setbacks will require a variance from the Residential Adjacency Standards, due to the proximity of the buildings to existing residential properties.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Due the size of the subject parcel the proposed development would not be able to be redesigned as to maintain the required Residential Adjacency Standard setbacks. The existence of comparable developments within the immediate area alleviates the uniqueness of the applicant's request. Additionally, the applicant has provided improved landscaping along the northern property line to further screen the adjacent single-family residences. Therefore, staff recommends the approval of this Variance.

NOTICES MAILED 193 by City Clerk

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4251 APN: 162.04-401-003, 004, 005 & 006

Name of Property Owner: SAHARA RANCHO OFFICE CENTER LLC

Name of Applicant: SAHARA RANCHO OFFICE CENTER LLC
(DR. LEON STEINBERG)

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

_____ Yes __X__ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: Leon H. Steinberg MD

Print Name: LEON H. STEINBERG MD

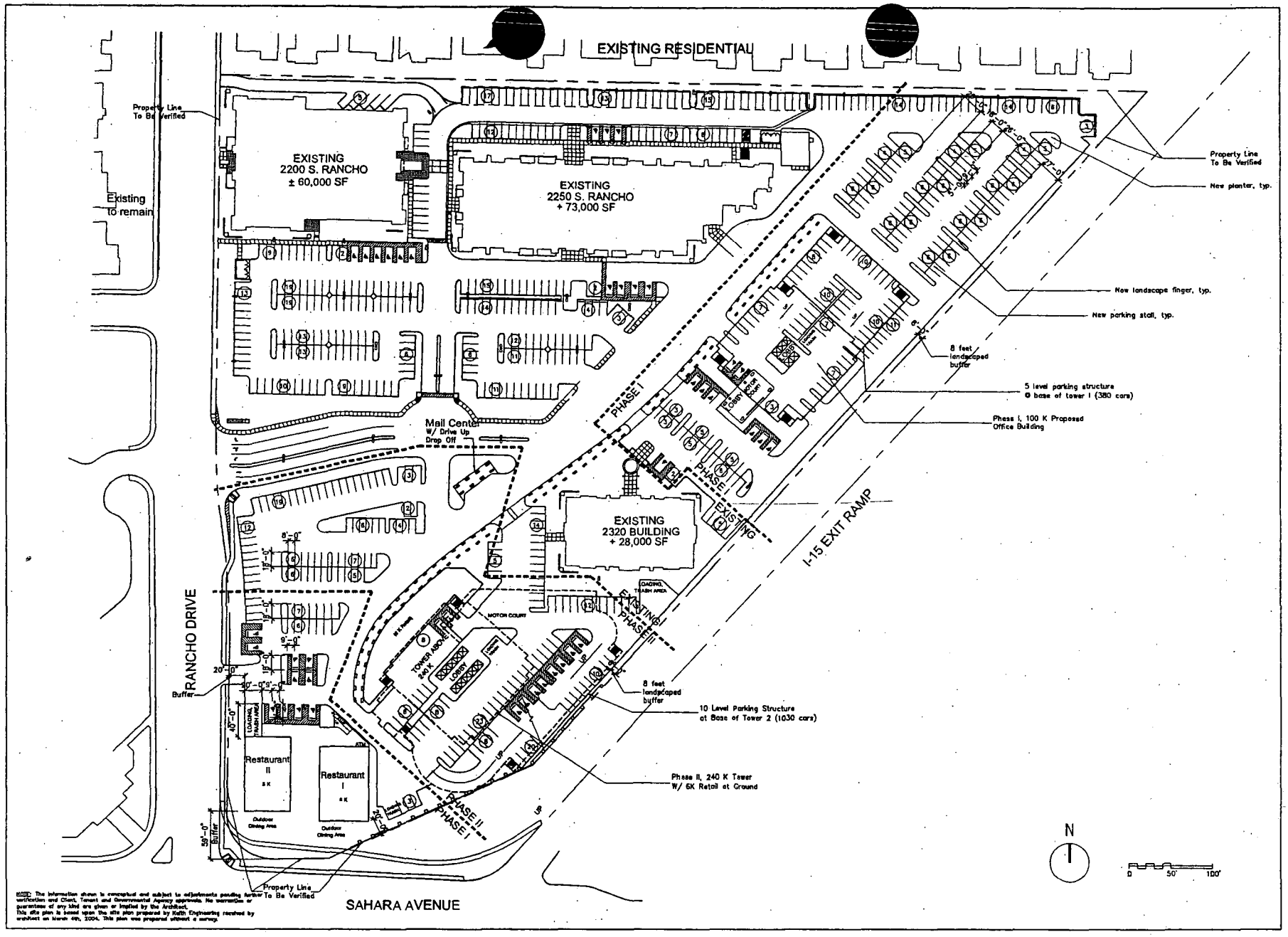
Subscribed and sworn before me

This 1st day of April, 2004

Sheryl R. Lee Clark County NV

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SHERYL R. LEE
Appt. No. 01-68329-1
My Appt. Expires March 2, 2005



NOTE: The information shown is conceptual and subject to adjustments pending further verification and Client, Tenant and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.
This site plan is based upon the site plan prepared by Keith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

Architect:

WESTAR ARCHITECTS

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1 space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	601 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1201 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	18 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	48 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	348 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2125 spaces

Sheet Title:

SITE PLAN
PROPOSED

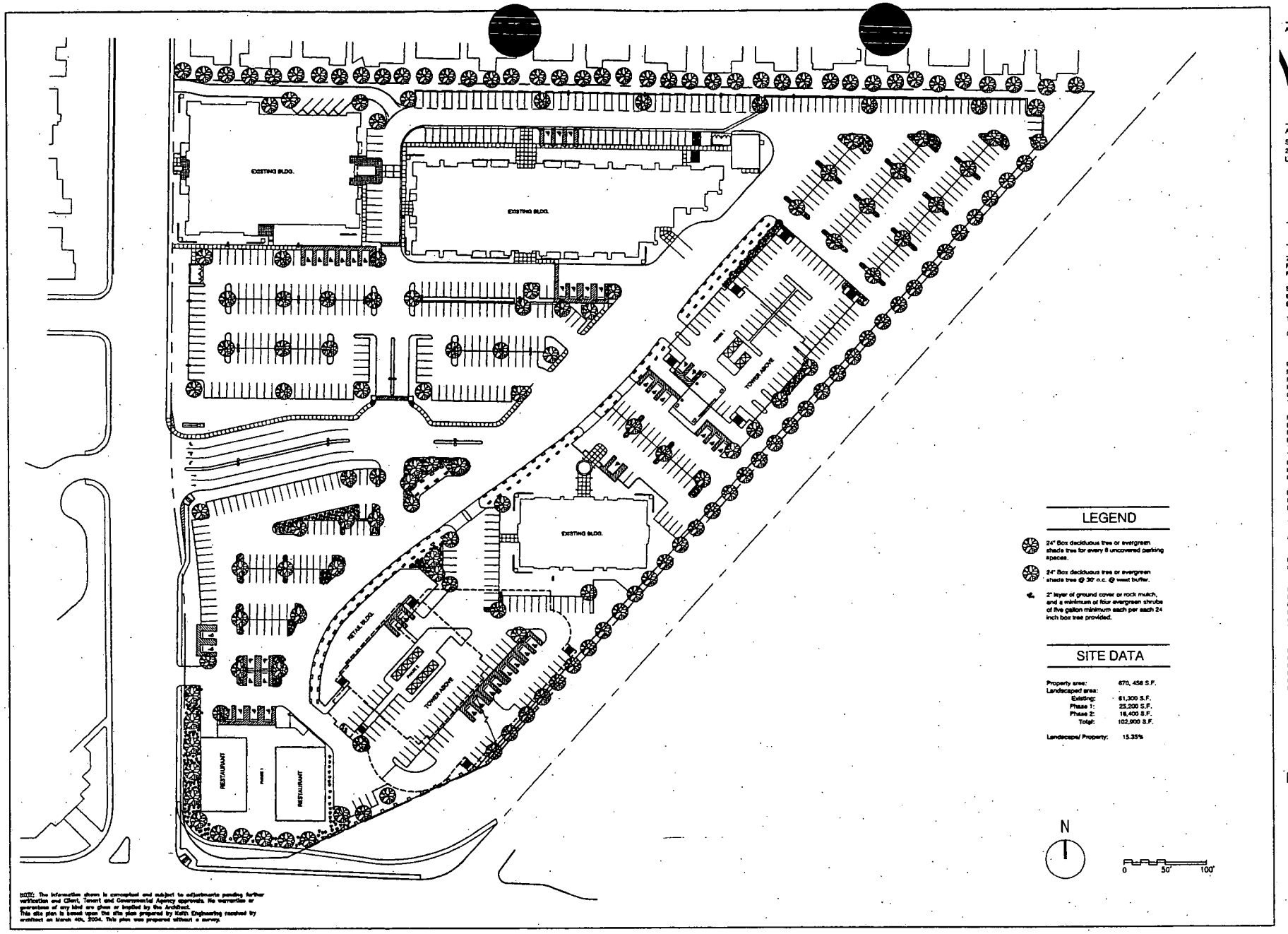
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.01.04
Scale:	1/30" = 1'-0"
File Name:	A100-0.dwg

Sheet Number:

A100-a

REVISED 4.13.04

VAR-4251
4-22-04 PC



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This site plan is based upon the site plan prepared by Kaith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

LEGEND

- 24" Box deciduous tree or evergreen shade tree for every 8 uncovered parking spaces.
- 24" Box deciduous tree or evergreen shade tree @ 30' o.c. @ west buffer.
- 2" layer of ground cover or rock mulch, and a minimum of four evergreen shrubs of five gallon minimum each per each 24 inch box tree provided.

SITE DATA

Property area:	670, 458 S.F.
Landscaped area:	
Existing:	61,300 S.F.
Phase 1:	25,200 S.F.
Phase 2:	16,400 S.F.
Total:	102,900 S.F.
Landscape/ Property:	15.35%

Architect:

WESTAR ARCHITECTS

A project for;
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	681 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1261 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2123 spaces

Sheet Title:

SITE PLAN
PROPOSED LANDSCAPE

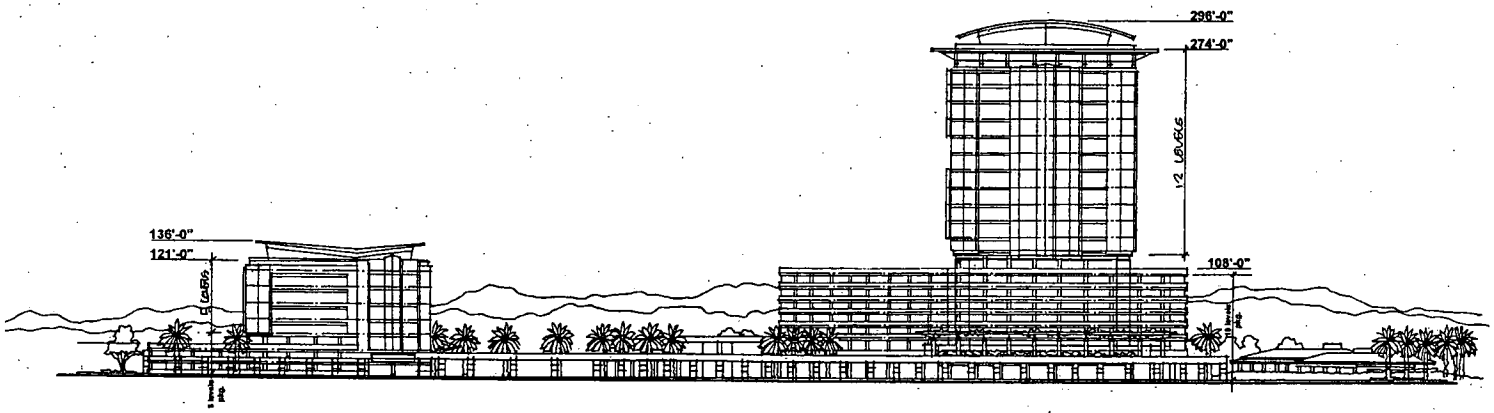
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.07.04
Scale:	1/50" = 1'-0"
File Name:	A100-b.dwg

Sheet Number:

A100-b

REVISED
4.13.04

VAR-4251
4-22-04 PC



South/East ELEVATION
1/40
1 · 27 · 04

REVISED
4.5.04

VAR-4251
4-22-04 PC

Executive Architect:

A project for:
SAHARA RANCHO OFFICE CENTER, LL
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower I:	100 K
Existing Office:	26 K
Existing Office:	67 K
Existing Office:	54 K
Total Office:	247 K
Restaurant:	10 K
Total:	257 K
Parking Required @ 5/1000: @ 85% Efficiency For Office	1090 SP
Parking Provided:	1051 sp
PHASE: II	
Office Tower:	240 K
Parking at 4/1000:	(6 Levels)
Parking at 5/1000:	(±9 Levels)

Revisions:

Sheet Title:

GROUND FLOOR PLAN
TYPICAL FLOOR PLAN
PROJECT ELEVATION

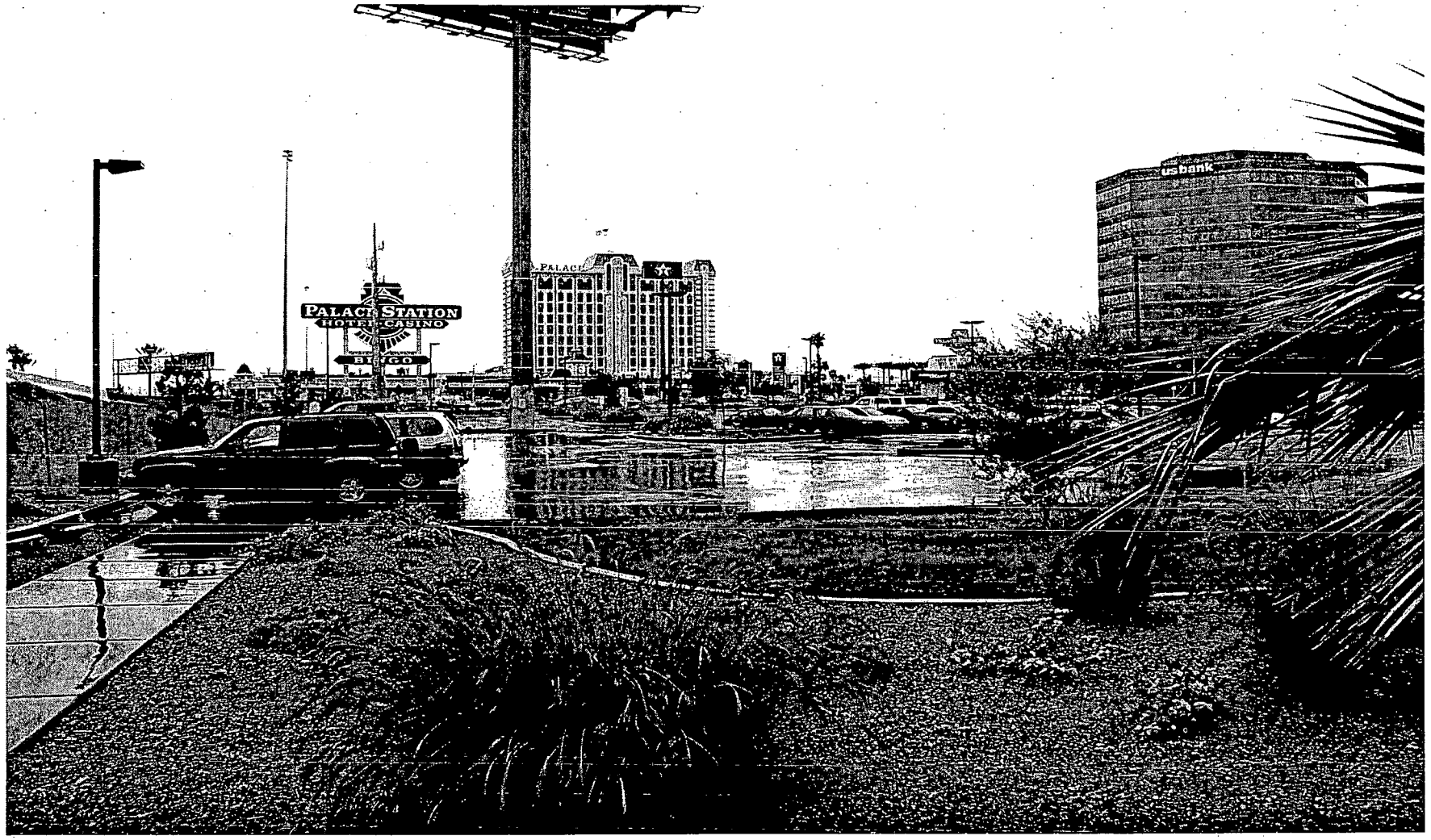
Project No.:	03.147
Drawn By:	RN
Checked By:	JH
Date:	02.06.04
Scale:	AS NOTED
File Name:	A100.dwg

Sheet Number:

CP

VAR-4251 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04



VAR-4251 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

City of Las Vegas

Agenda Item No. 73

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER [ ] **CONSENT** [X] **DISCUSSION**

SUBJECT:

NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4082 AND VAR-4251 - PUBLIC HEARING - **SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY** - Request for a Site Development Plan Review FOR TWO OFFICE BUILDINGS WITH ATTACHED PARKING GARAGES AND TWO RESTAURANT BUILDINGS WITHIN AN EXISTING OFFICE COMPLEX AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)],Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	3	**Planning Commission Mtg.**	0
City Council Meeting		**City Council Meeting**	

RECOMMENDATION:

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest petition with 28 signatures filed under Item 71 [ZON-4082]
5. Submitted after final agenda – Protest letter from Roderick and Virginia Garrison filed under Item 71 [ZON-4082]

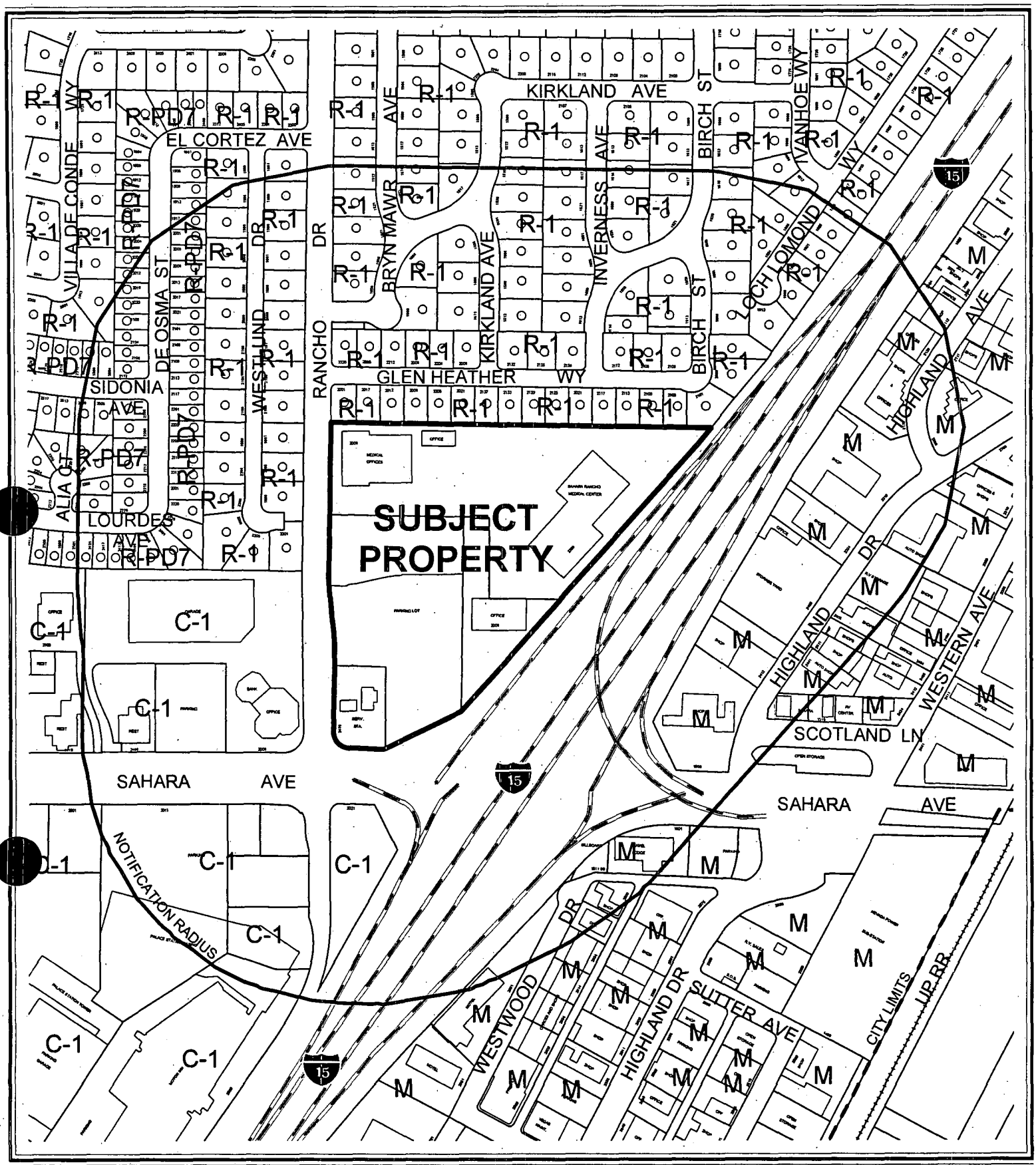
MOTION:

MONCRIEF – DENIED – UNANIMOUS with Ward 2 seat vacant

MINUTES:

NOTE: See Item 71 [ZON-4082] for discussion.

(1:15 – 2:51)



0 200 400 Feet

CASE: **SDR-4086**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) , P-R (PROFESSIONAL OFFICE AND PARKING) AND C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITYCOUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT COUNCILWOMAN MONCRIEF'S REQUEST.

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Landscaping shall be provided along Sahara Avenue, immediately south of Tower I dependent on Nevada Department of Transportation (NDOT) approval.

2. Handicap parking shall be provided throughout both of the parking garages on site.

3. All proposed trash enclosures shall be enclosed and have a roof.

4. Approval of a Rezoning (ZON-4082) and a Variance (VAR-4251) by the City Council.

5. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

6. All development shall be in conformance with the site plan and building elevations, date stamped 05/19/04, except as amended by conditions herein.

7. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.

8. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

9. The landscape plan shall be revised and approved by Planning and Development Department staff; prior to the time application is made for a building permit.

10. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]

11. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

13. Parking lot lighting standards shall be no more than *30* feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

15. All City Code requirements and design standards of all City departments must be satisfied.

16. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

17. Once the off-premise sign is removed to make space for the southern office building a new special use permit for an off-premise sign (billboard) will be required to locate a sign within the confines of the development area.

Public Works

18. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a with minimum ingress/egress radii of 25-feet and a minimum throat depth of 100-feet as required by the Department of Public Works. Unless otherwise allowed by the City Traffic Engineer.

19. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Sahara Avenue public right-of-way adjacent to this site prior to the issuance of any permits.

20. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4082 and all other subsequent site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This application is a request for a Site Development Review of an existing office complex and service station on 15.33 acres located at the northeast corner of Rancho Drive and Sahara Avenue. The applicant's site plan depicts the development of two towers and two restaurant pads, primarily located along both the southern and eastern property boundaries of the parcels. The Site development plan review calls for the development of the site in two phases. The applicant is also requesting a waiver of the commercial development standards for building setbacks in regards to Tower I, and a waiver of the interior landscaping parking requirements for the redevelopment portion of the proposed site.

The Planning Commission will also consider companion items; Rezoning (ZON-4082) of property from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial), Variance (VAR-4251) to allow building heights to exceed the required Residential Adjacency Standards, and two Special Use Permits (SUP-4089 and SUP-4090) for two Restaurant Service Bars.

B) Applicant's Justification

The applicant's justification is that the project is located within a commercial area and will be an attractive addition to the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

05/23/62 The Board of City Commissioners approved a Rezoning (Z-0031-62) application for the reclassification of property generally located at the northeast corner of Rancho Drive and San Francisco Avenue (now Sahara Avenue) from R-1 (Single Family Residential) and C-C (Neighborhood Commercial Center) to R-3 (Medium Density Residential). Planning Commission and staff both recommended approval.

07/01/64 The Board of City Commissioners approved a Rezoning (Z-0053-64) application the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Estates, from R-3 (Medium Density Residential) to P-R (Professional Offices and Parking). Planning Commission and staff both recommended approval.

06/15/66 The Board of City Commissioners approved a rezoning (Z-0035-66) application for the reclassification of property from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property generally located on the northeast corner of Sahara Avenue and Rancho Drive. Planning commission and staff both recommended approval.

07/29/66 The Board of Zoning Adjustments approved a Special Use Permit (U-0023-66) to allow a service station on property generally located at the corner of Sahara Avenue and Rancho Drive. Staff recommended approval subject to conditions.

08/03/66 The Board of City Commissioners approved a Rezoning (Z-0046-66) application for the reclassification an additional 46.42 feet of property generally located on the northeast corner of Rancho Drive and Sahara Avenue, from R-3 (Medium Density Residential) to C-1 (Limited Commercial). Planning Commission and staff both recommended approval.

08/25/66 The Board Zoning Adjustments approved a Special Use Permit (U-0027-66) to allow a service station addition on property located on the northeast corner of Sahara Avenue and Rancho Drive. Staff recommended approval.

04/25/73 The Board of City Commissioners approved a Rezoning (Z-0030-73) application for the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Way from R-1 (Single Family Residential), R-3 (Medium Density Residential), and P-R (Professional Offices and Parking) to C-1 (Limited Commercial). Planning Commission and staff recommended approval.

04/18/79 The Board of City Commissioners approved a Site Development Plan Review (Z-0053-64) application to allow a two-story professional office building on property located at 2300 Ranch Drive. Planning Commission and staff both recommended approval.

06/19/91 The City Council approved a Special Use Permit (U-0092-91) for an existing 1,000-gallon propane tank (existing since 1964) in conjuncture with an existing service station on property located on the northeast corner of Sahara Avenue and Rancho Drive. The Board of Zoning Adjustment and staff both recommended approval.

09/16/92 The City Council Withdrew a Special Use Permit (U-0204-92) to allow three (3) coin operated gaming machines in conjunction with an existing service station. The applicant could not obtain a gaming license from the state at that time. The Board of Zoning Adjustment and staff both recommended approval.

07/05/95 The City Council accepted a request to Withdraw Without Prejudice a Rezoning (Z-0036-95) application for the reclassification of property from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial) for the proposed development of 1.2 million square feet of office space including 15, 20 and 30 story office buildings located at the northeast corner of Sahara Avenue and Rancho Drive. Planning Commission recommended denial. Staff recommended approval.

03/20/96 The City Council denied a Rezoning (Z-0095-95) application for the reclassification of property located on the northeast corner of Sahara Avenue and Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial), for a proposed development of one 180,000 square foot twelve story office tower, 132,000 square feet of office space and a one story parking garage. Planning Commission recommended denial. Staff recommended approval.

01/05/00 The City Council accepted the Withdrawal with Prejudice of a Variance (V-0083-99) application on property located at 2200 and 2300 Rancho Drive to allow two parking structures to be three and one-half stories where two stories is the maximum height allowed, and to allow two office buildings to be five stories tall where two stories is the maximum height allowed. The Board of Zoning Adjustments and staff both recommended approval.

02/02/00 The City Council accepted the Withdrawal Without Prejudice for Rezoning (Z-0041-99) application for the reclassification of property located on the north side of Sahara Avenue, east of Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial); for the proposed development of a 357,342 square foot office complex. Planning Commission and staff both recommended approval of the rezoning to O (Office) instead of C-1 (Limited Commercial).

04/11/02 The Planning Commission approved a Site Development Plan Review [Z-0053-64(9) and Z-0030-73(2)] to allow a 70,000 square foot office building on property located adjacent to the east side of Rancho Drive, approximately 850 feet north of Sahara Avenue. Staff recommended approval. This action was final.

11/21/02 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-1068) to allow a proposed wireless communication facility, non-stealth design at 2320 South Rancho Drive. Staff recommended this item to be withdrawn without prejudice.

04/22/04 The Planning Commission recommended approval of related requests for a Rezoning (ZON-4082) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking; a Variance (VAR-4251) to allow building heights to exceed the residential adjacency standards; and Special Use Permits (SUP-4089) and (SUP-4090) for restaurant service bars.

04/22/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #58/pl)

B) Pre-Application Meeting

02/20/04 At the pre-application meeting issues concerning the Site Development Plan Review were discussed. Primarily, parking and landscaping requirements, as well as the need for a cross access agreement. The proposed uses on the site were also discussed.

C) Neighborhood Meetings

4/07/04 A neighborhood meeting was held at 2300 South Rancho Drive per the applicant's request, in association with the companion Rezoning (ZON-4082), Variance (VAR-4251) and Special Use Permit (SUP-4089 and SUP-4090).

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 15.33

B) Existing Land Use

Subject Property:	Professional Offices, Medical Offices, Service Station, and an Off-premise Advertising (Billboard) Sign
North:	Single Family Residential Dwellings
South:	Right of way
East:	Right of way
West:	Single Family Residential Dwellings and a garage, bank, and offices

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	L (Low Density Residential)
South:	ROW (Right of Way),
East:	ROW (Right of Way)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	R-3 (Medium Density Residential), P-R (Professional Offices and Parking), and C-1 (Limited Commercial)
North:	R-1 (Single Family Residential)
South:	C-1 (Limited Commercial)
East:	M (Industrial)
West:	R-1 (Single Family Residential) and C-1 (Limited Commercial)

E) General Plan Compliance

The General Plan land use designation of this site is SC (Service Commercial) on the Southeast Sector Map of the General Plan. The General Plan states that this land use category allows office uses that serve primarily local patrons and also offices grouped as office centers with professional and business services. The proposed C-1 (Limited Commercial) district requested for the entire site is consistent with the SC (Service Commercial) general plan designation, per Section 19.02.040(B).

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

A Connector Trail is planned to run the entire western property line of the subject parcel. The trail will be consistent to the standards set forth by an associated application GPA- 3933 (to be also heard on April 22, 2004). The trial calls for a five-foot wide transition strip/ utility corridor placed between the trail path and street curb. The trail path consists of a standard five-foot wide sidewalk next to the transition strip.

PROJECT DESCRIPTION

Currently the site is composed of R-3 (Medium Density Residential), P-R (Professional Offices and Parking), and C-1 (Limited Commercial) zoning districts; on which exists a service station, three office buildings located at 2200 South Rancho Drive, 2300 South Rancho Drive, and 2320 South Rancho Drive. A new office building is under construction located at 2250 South Rancho Drive. The proposed development will be carried out in two phases.

Phase I will consist of the demolition of a two-story office building located at 2300 South Rancho Drive, as well as the service station located on the northeast corner of Rancho Drive and Sahara Avenue. After which, the construction will consist of the development of a new office building composed of a 5 floors of office space above a 5 level parking garage, and of two proposed restaurant pads. Phase II will consist of new construction of a proposed 12 story office /retail tower above a 10 level parking garage.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	15.33	YES
Min. Lot Width	100 Feet	950+ Feet	YES
Max. Lot Coverage	50 %	32%	YES
Max. Building Height	NONE	284± Feet	N/A
Trash Enclosure	YES	YES	YES
Loading Zone	YES	YES	YES
Mech. Equipment	YES	YES	YES

The subject parcel has more than adequate lot width so as to meet the minimum lot width requirement for the development of a C-1 (Limited Commercial) zoning district. The proposed site plan indicates a 32% lot coverage consisting of both existing and future developments, therefore complying with the C-1 (Limited Commercial) zoning district's 50% maximum lot coverage requirement. The site indicates existing trash enclosures and loading trash areas, which will service the existing and proposed buildings.

TOWER I (10 level parking garage, 12 level office above)

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	20 Feet	200± Feet	YES
• Side	10 Feet	0'-8±Feet, 592±Feet	NO
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	853± Feet	YES

Tower I fails to meet the required 10 foot side yard setback standard. Currently the site plan indicates 0 foot separation from the part of the parking structure, as well as an 8 foot buffer between the parking structure and the southern property line. A waiver of the commercial standards will be required for the proposed tower to be approved.

TOWER II (5 level parking garage, 5 level office above)

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	20 Feet	612± Feet	YES
• Side	10 Feet	50±Feet,172±Feet	YES
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	240± Feet	YES

RESTAURANT I

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	20 Feet	115± Feet	YES
• Side	10 Feet	832±Feet	YES
• Corner	15 Feet	20± Feet	YES
• Rear	20 Feet	1,152± Feet	YES

RESTAURANT II

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	20 Feet	20± Feet	YES
• Side	10 Feet	822±Feet	YES
• Corner	15 Feet	59± Feet	YES
• Rear	20 Feet	1,160± Feet	YES

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

a) Proximity slope. Tower I (296 feet in total height) has been identified as having a 2:1 slope in relation to the northern property line and a 1.4:1 slope to the western property line of existing single-family residences, therefore it is not in compliance with the Residential Adjacency Standards and will require a variance. Tower II (136 feet in total height) has been identified as having a 1.8:1 slope in relation to the northern property line of existing single-family residences, therefore it will also require a variance.

b) Building setback. Tower I (296 feet in total height) has been identified as being located within 888 feet from the northern property line and western property line of existing single-family residences, therefore it is not in compliance with the Residential Adjacency Standards and will require a variance. Tower II (136 feet in total height) has been identified as being located within 408 feet from the northern property line of existing single-family residences, therefore it will also require a variance.

VAR-4251 will address all issues regarding Residential Adjacency Standards.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Medical Office	60,000 sf	1space/200 GFA, up to 2,000, plus 1 space for every additional 175 sf	44	5		

General Retail	6,000 sf	1space/175 GFA	35	2		
Office, Other Than Listed	441,000 sf	1 space/300 GFA	1,472	35		
Restaurant	12,000 sf	1 space/50 sf of GFA, including outdoor seating areas, plus 1 space for each 200 sf of remaining GFA, with a minimum of ten spaces	200	10		
TOTAL	**517,000 sf**		**1751**	**52**	**2123***	**42***

*The site exceeds the number of standard parking spaces required for the proposed uses to be located onsite. However, the site fails to meet the required number of handicap spaces to be allocated throughout the site. The proposed parking garages associated with Tower I & II do not indicate beyond the total number of spaces, if there is to be any handicap spaces made available. Out of the 52 handicap parking spaces 7 are required to be van accessible spaces. Currently, the proposed site plan illustrates 13 van accessible handicap spaces, exceeding the current requirements.

The Department Public Works had no comment about circulation and traffic issues.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	**Required** Ratio	Trees	**Provided**
Parking Area	1 Tree/ 6 Spaces	48 Trees	46*
Buffer:			
• Min. Trees	1 Trees/ 20 Linear Feet	41 Trees	46**
• Min. Zone Width	8 Feet		8 Feet
• Wall height	8 Feet		8+ Feet

* The applicant fails to meet the minimum landscaping standards set forth by LVMC Section 19.08.045(E) for the redevelopment portion of the site. The interior parking landscape requirements falls just shy of the required amount of trees necessary, therefore it will require a waiver of the commercial development standards.

** The perimeter landscaping on the redevelopment portion of the site exceeds the number of trees necessary for the required landscaping standards and will not require a waiver of the commercial development standards.

A5) Sign Standards

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

A Master Sign Plan will be required for a development of this size to insure the appropriate relationships among building elevations, signage, and circulation.

B) General Analysis and Discussion

- Zoning

The scale of the proposed project is consistent with existing office and commercial development surrounding the intersection of Sahara Avenue and Rancho Drive. To some extent, the proposed office use will provide a transition between the intensive commercial and resort development adjacent to the Rancho Drive/ Sahara Avenue intersection and the residential neighborhoods to the north of this site.

However, particular attention must be focused on the potential incompatibility of relatively intense commercial activity adjacent to single-family residential neighborhoods. The preservation of privacy within rear yards, and potential penetration of noise, glare and localized air pollutants from adjacent activities are particularly sensitive issues to most residents of single-family residential neighborhoods.

- Site Plan

Currently the site consist of three existing office buildings located at 2200 South Rancho Drive, 2300 South Rancho Drive, and 2320 South Rancho Drive, an existing service station on the corner of Rancho Drive and Sahara Avenue, and an off-premises advertising (billboard) sign. The applicant's site plan depicts the development of two towers and two restaurant pads, primarily located along both the southern and eastern property boundaries of the parcels. The Site development plan review calls for the development of the site in to take place in two phases.

The first phase will see the demolition of an existing 83,750 sq ft office building located at 2300 South Rancho Drive, and the demolition of an existing service station on the corner of Rancho Drive and Sahara Avenue. After which, the construction of a 5 story office tower (100K sq ft) atop a 5 level parking garage (approximately 136 feet in total height) will begin, located on approximately the same location as 2300 S Rancho Drive, as well as the construction of the two restaurant pads (5K sq ft each) located on the site of the service station. The second phase will consist of the construction of a 12 story office building (240K sq ft) atop a 10 level parking garage (approximately 296 feet in total height) and 6,000 sq ft of retail on the ground floor.

There are several issues regarding the proposed site plan and the site's overall compatibility with the single-family residential area adjacent to the north and west.

The site plan submitted with this request depicts proposed Tower I (296 feet in total height) as being located within 888 feet from the northern property line and western property line of existing single-family residences. LVMC Section 19.08.060(B) requires a 3:1 slope to determine building height permitted adjacent to a residential property line, which will require a minimum 888 setback from the north property line of the project site, as well as the western single family residences that are separated only by Rancho Drive. Elevations indicate that the garage portion of Tower I will be in compliance with the Residential Adjacency Standards. Building heights will be addressed in VAR-4251.

In addition, the parking structure associated with Tower I has been identified as being located 0 to 8 feet from the southeast property line where a 10 foot side yard setback is required. Therefore, a waiver of the Commercial Development Standards of LVMC Section 19.08.045 is required.

The submitted site plan indicates that Tower II (136 feet in total height) as being located within 408 feet from the northern property line of existing single-family residences. LVMC Section 19.08.060(B) requires a 3:1 slope to determine building height permitted adjacent to a residential property line, which will require a minimum 408 setback from the north property line of the project site. Elevations indicate that the garage portion of Tower II will be in compliance with the Residential Adjacency Standards. Building heights will be addressed in VAR-4251.

The restaurant pads are in conformance to the Commercial Development standards and will require no waivers for setbacks.

- Waivers

The applicant is requesting a waiver of the commercial development standards for building setbacks in regards to Tower I, and a waiver of the interior parking requirements for the redevelopment portion of the proposed site. The waiver of the building setbacks will allow Tower I to be located 0 to 8 feet from the southeast property line. The adjacent property to the south of this location is the Interstate 15 off ramp on the north side of Sahara Avenue. If the waiver is granted staff is recommending that landscaping be provided along Sahara Avenue, immediately south of Tower I dependent on Nevada Department of Transportation (NDOT) approval.

- Landscape Plan

The proposed landscaping is to be located along approximately 200 feet on the eastern side Rancho Drive heading north of the Sahara Avenue intersection and approximately 175 feet along Sahara Avenue. Additionally, there is to be approximately, 1025 feet of landscaping provided within an eight-foot buffer along the eastern property line, which runs parallel to the Interstate 15 Off-Ramp. Interior parking landscaping fails to meet the required standards of Section 19.08.045(E). All approvals of landscaping deficiencies will be addressed as part of the overall Site Development Plan Review.

- Elevation

The applicant has supplied one elevation, which contains a rendering of both towers and an artist's rendering of the entire site. Tower I is depicted as being 296 feet in height and Tower II is shown as being 136 feet in height. The building heights will require a variance from the Residential Adjacency Standards, due to the proximity of the buildings to existing residential properties. Issues concerning this variance will be addressed in VAR-4251.

The building elevations illustrate strong vertical and horizontal reveals, offsets, and three dimensional details between surface planes. The building elevations that have been submitted are extremely limited in details related to materials and colors. It is recommended that the applicant should be required to submit a detailed plot plan and building elevation to be brought back before the Planning Commission and City Council for review and approval at a public hearing.

- Floor Plan

The supplied floor plan shows little to no detail pertaining to the layout of the interior of either of the two office towers. The floor plans illustrate the general location of the lobby and elevators for both towers, as well as the proposed flow of traffic from within the parking garages. It is recommended that the applicant should be required to submit a detailed floor plan concurrently with a plot plan and building elevation to be brought back before the Planning Commission and City Council for review and approval at a public hearing.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

   The proposed development at the subject property would be compatible with the surrounding commercial area. However, particular attention must be focused on the potential incompatibility of relatively intense commercial activity adjacent to single-family residential neighborhoods. The preservation of privacy within rear yards, and potential penetration of noise, glare and localized air pollutants from adjacent activities are particularly sensitive issues to most residents of single-family residential neighborhoods. These issues must be considered as part of a site development plan review.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

   The proposed development is consistent with the General Plan of SC (Service Commercial). It is however not consistent with Title 19 and will require a waiver of the Commercial Standards in regards to building setbacks and landscaping requirements and in addition will require a variance from the Residential Development Standards for building heights and setbacks.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

The site has one major access point off of Rancho Drive, an 80 foot collector street, and one additional access point proposed for Rancho Drive. A traffic study was not supplied for this application. It can be projected that trips generated from this development will exceed 30,000 average daily vehicle trips (ADT). Therefore staff recommends that a traffic study be provided for this site.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The landscape materials are appropriate for this type of development. Building materials have not been addressed by the applicant and as so no determination can be made at this point as to the appropriateness.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The building elevations illustrate strong vertical and horizontal reveals, offsets, and three-dimensional detail between surface planes, but are limited as to what type of colors or materials will be used. That aside, the elevations meet the intent of the Title 19's design standards.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission modified condition #18 as shown.

NOTICES MAILED 192 by Planning Department

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4086 APN: 162-04-401-003, 004, 005, 006 and 007

Name of Property Owner: Sahara Rancho Office Center, LLC

Name of Applicant: Sahara Rancho Office Center, LLC
Dr. Leon Steinberg

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

____ Yes X No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: Leon H. Steinberg

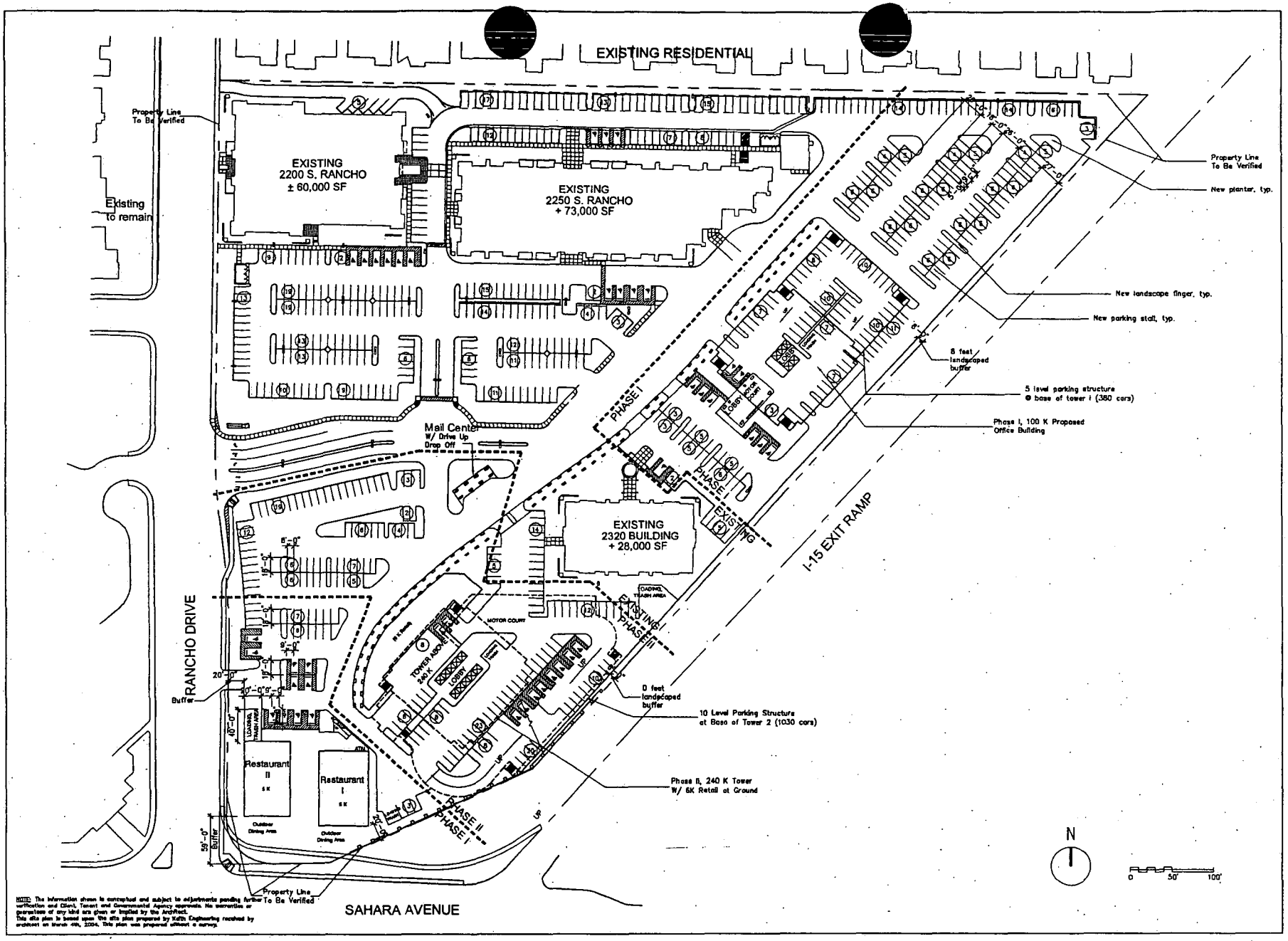
Print Name: LEON H. STEINBERG

Subscribed and sworn before me

This 10th day of March, 2004

Sheryl R. Lee Clark County NV
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SHERYL R. LEE
Appt. No. 01-68329-1
My Appt. Expires March 2, 2005



NOTE: The information shown is conceptual and subject to adjustments pending further verification and Client, Tenant and Governmental Agency comments. No warranties or guarantees of any kind are given or implied by the Architect.
This site plan is based upon the site plan prepared by Keith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

Architect:

WESTAR ARCHITECTS

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	661 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1261 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2123 spaces

Sheet Title:

SITE PLAN
PROPOSED

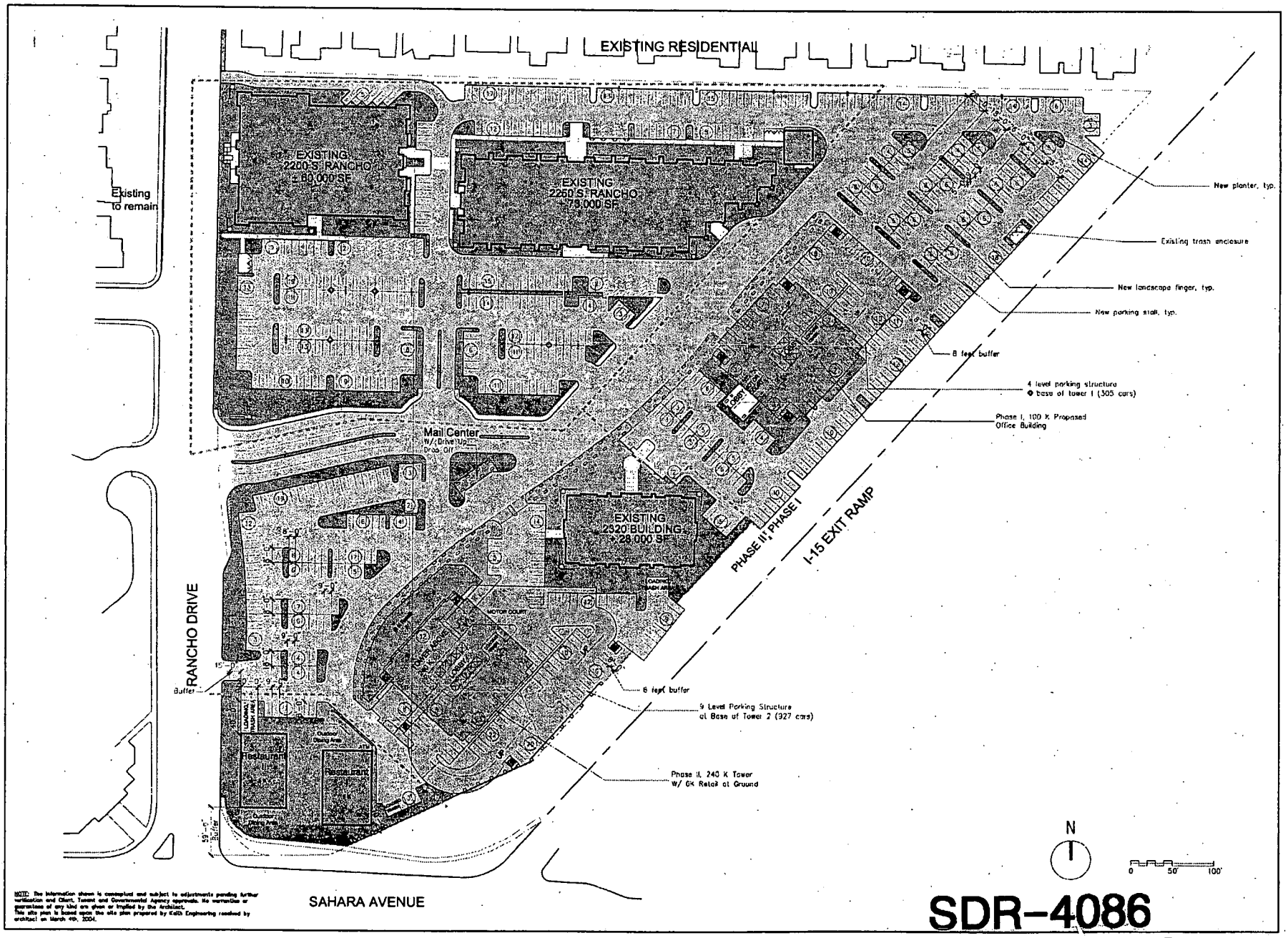
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.01.04
Scale:	1/50" = 1'-0"
File Name:	A100-a.dwg

Sheet Number:

A100-a

REVISED 4.13.04

SDR-4086
4-22-04 PC



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SDR-4086
4-22-04 PC

Architect:

WESTAR
architecture interior design
3900 meadows lane, suite 220
las vegas, nv 89107
phone: 871.9000 fax: 871.4444
email: lee@westararchitects.com

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	80 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	281 K
Office parking required(1space/ 300 s.f.)	670
Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	624 spaces
Phase 1 on grade	204 spaces
Phase 1 garage	305 spaces
Total Provided	1133 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	80 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	204 spaces
Phase 1 garage	305 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	627 spaces
Total parking provided	1629 spaces

Sheet Title:

SITE PLAN
PROPOSED

Project No.:	03-147
Drawn By:	MN
Checked By:	MT
Date:	03.08.04
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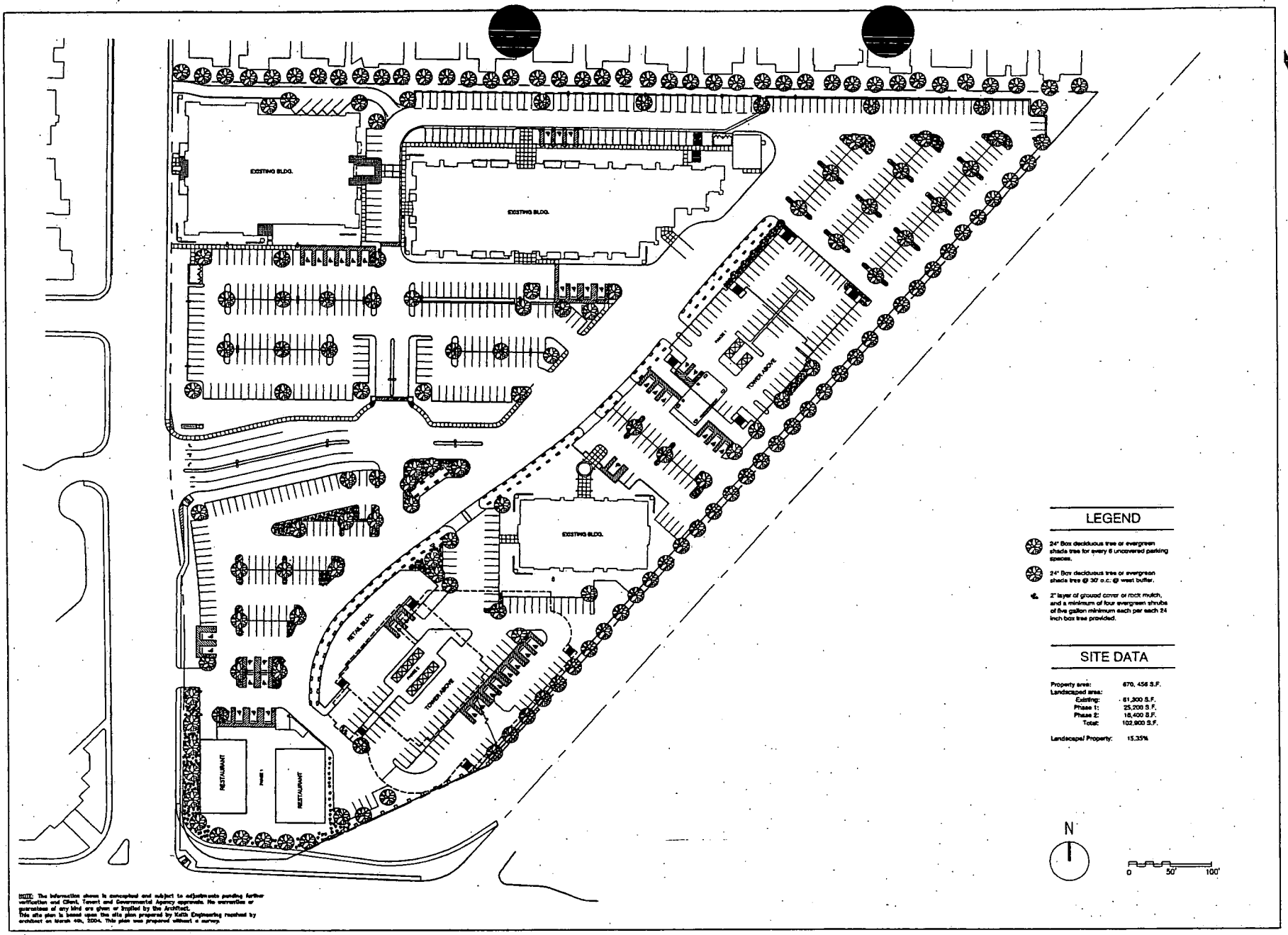
Sheet Number:

A100-a



LEGEND

24" Box deciduous tree or evergreen shade tree for every 6 uncovered parking spaces.

24" Box deciduous tree or evergreen shade tree @ 30' o.c. @ west buffer.

2" layer of ground cover or rock mulch, and a minimum of four evergreen shrubs of five gallon minimum each per each 24 inch box tree provided.

SITE DATA

Property area:	670, 456 S.F.
Landscaped area:	
Existing:	61,300 S.F.
Phase 1:	25,200 S.F.
Phase 2:	18,400 S.F.
Total:	102,900 S.F.
Landscape/ Property:	15.35%

N

0 50' 100'

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Architect:

WESTAR ARCHITECTS

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	881 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1261 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1870 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2123 spaces

Sheet Title:

SITE PLAN

PROPOSED LANDSCAPE

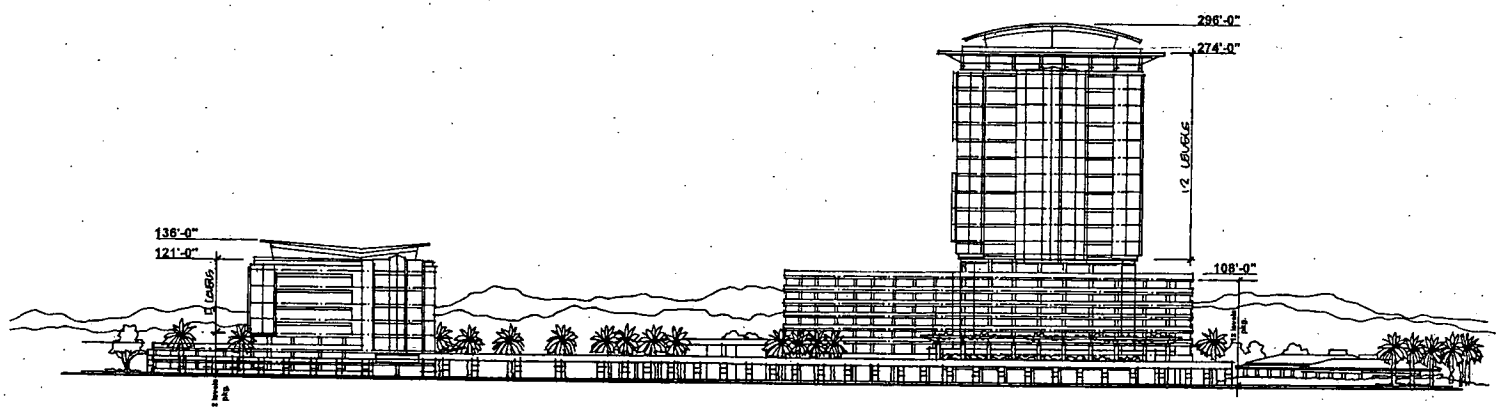
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.07.04
Scale:	1/50" = 1'-0"
File Name:	A100-b.dwg

Sheet Number:

A100-b

REVISED
4.13.04

SDR-4086
4-22-04 PC



South/East ELEVATION
@ 1/40
1 · 27 · 04

Executive Architect:

A project for:
SAHARA RANCHO OFFICE CENTER, LL
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower I:	100 K
Existing Office:	26 K
Existing Office:	67 K
Existing Office:	54 K
Total Office:	247 K
Restaurant:	10 K
Total:	257 K
Parking Required @ 5/1000: @ 85% Efficiency For Office	1090 SP
Parking Provided:	1051 sp
PHASE: II	
Office Tower:	240 K
Parking at 4/1000:	(8 Levels)
Parking at 5/1000:	(±9 Levels)

Revisions:

Sheet Title:

GROUP FLOOR PLAN
TYPICAL FLOOR PLAN
PROJECT ELEVATION

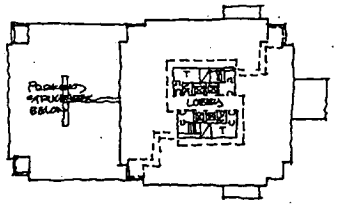
Project No.:	03.147
Drawn By:	RN
Checked By:	JH
Date:	02.06.04
Scale:	AS NOTED
File Name:	A100.dwg

Sheet Number:

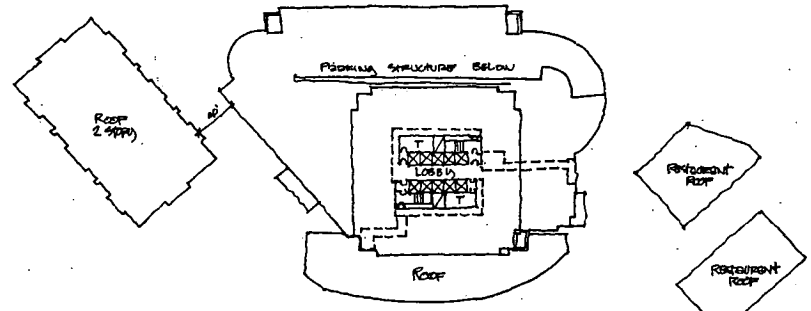
CP

REVISED
4.5.04

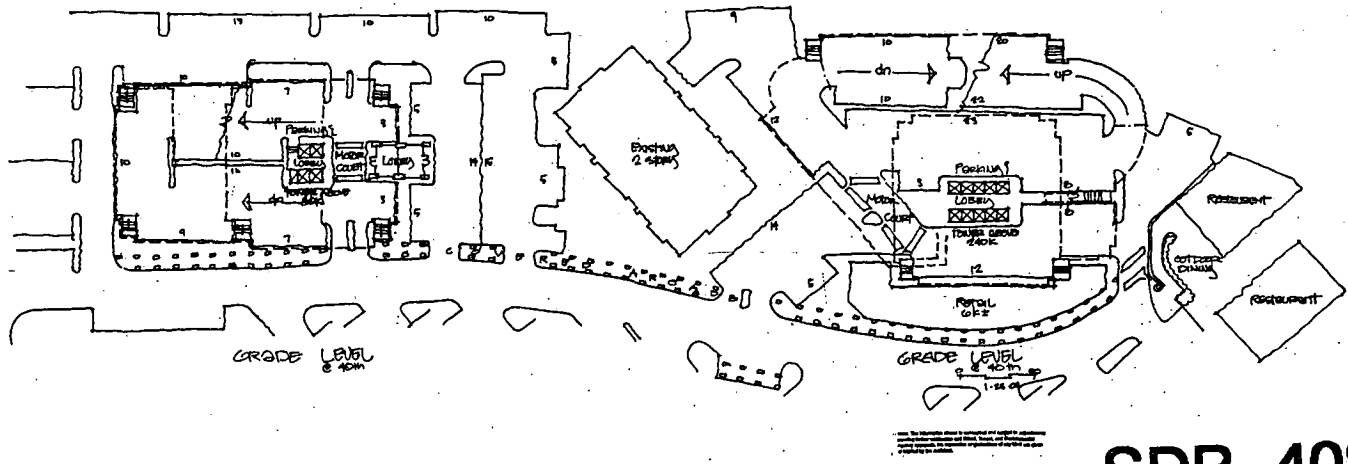
SDR-4086
4-22-04 PC



Typical FLOOR
4 LEVELS @ 20K SF
ABOVE
3 LEVELS of GAR. Pkg.



TYPICAL FLOOR
12 LEVELS @ 20K SF.
ABOVE
2 LEVELS of GAR. Pkg.
@ 40th



SDR-4086
4-22-04 PC

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Executive Architect:

WESTAR

A printed for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower I:	100 K
Existing Office:	26 K
Existing Office:	67 K
Existing Office:	54 K
Total Office:	247 K
Restaurant:	10 K
Total:	257 K
Parking Required @ 5/1000: @ 85% Efficiency For Office	1080 SF
Parking Provided:	1051 sp
PHASE: II	
Office Tower:	240 K
Parking at 4/1000:	(8 Levels)
Parking at 5/1000:	(±9 Levels)

Revisions:

Sheet Title:

GROUND FLOOR PLAN
TYPICAL FLOOR PLAN
PROJECT ELEVATION

Project No.:	03.147
Drawn By:	RN
Checked By:	JH
Date:	02.06.04
Scale:	AS NOTED
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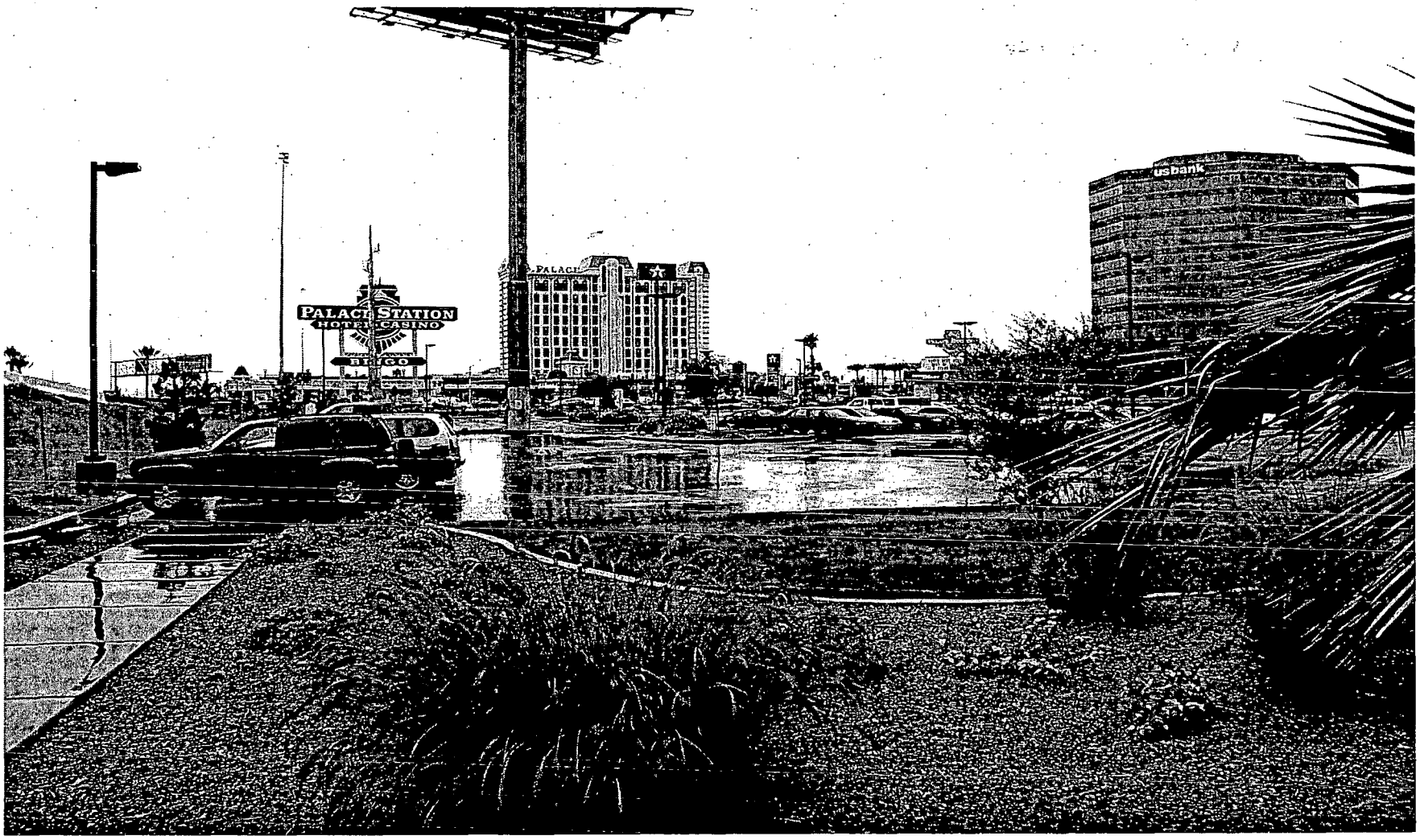
Sheet Number:	

CP



SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

City of Las Vegas

Agenda Item No. 74

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251 AND SDR-4086 - PUBLIC HEARING - **SUP-4089 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY** - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	3	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest petition with 28 signatures filed under Item 71 [ZON-4082]
5. Submitted after final agenda – Protest letter from Roderick and Virginia Garrison filed under Item 71 [ZON-4082]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:

NOTE: See Item 71 [ZON-4082] for discussion.

(1:15 – 2:51)

3-293

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Restaurant Service Bar.

CITY COUNCIL MEETING OF JUNE 2, 2004
Neighborhood Services Department
Item 74 – SUP-4089

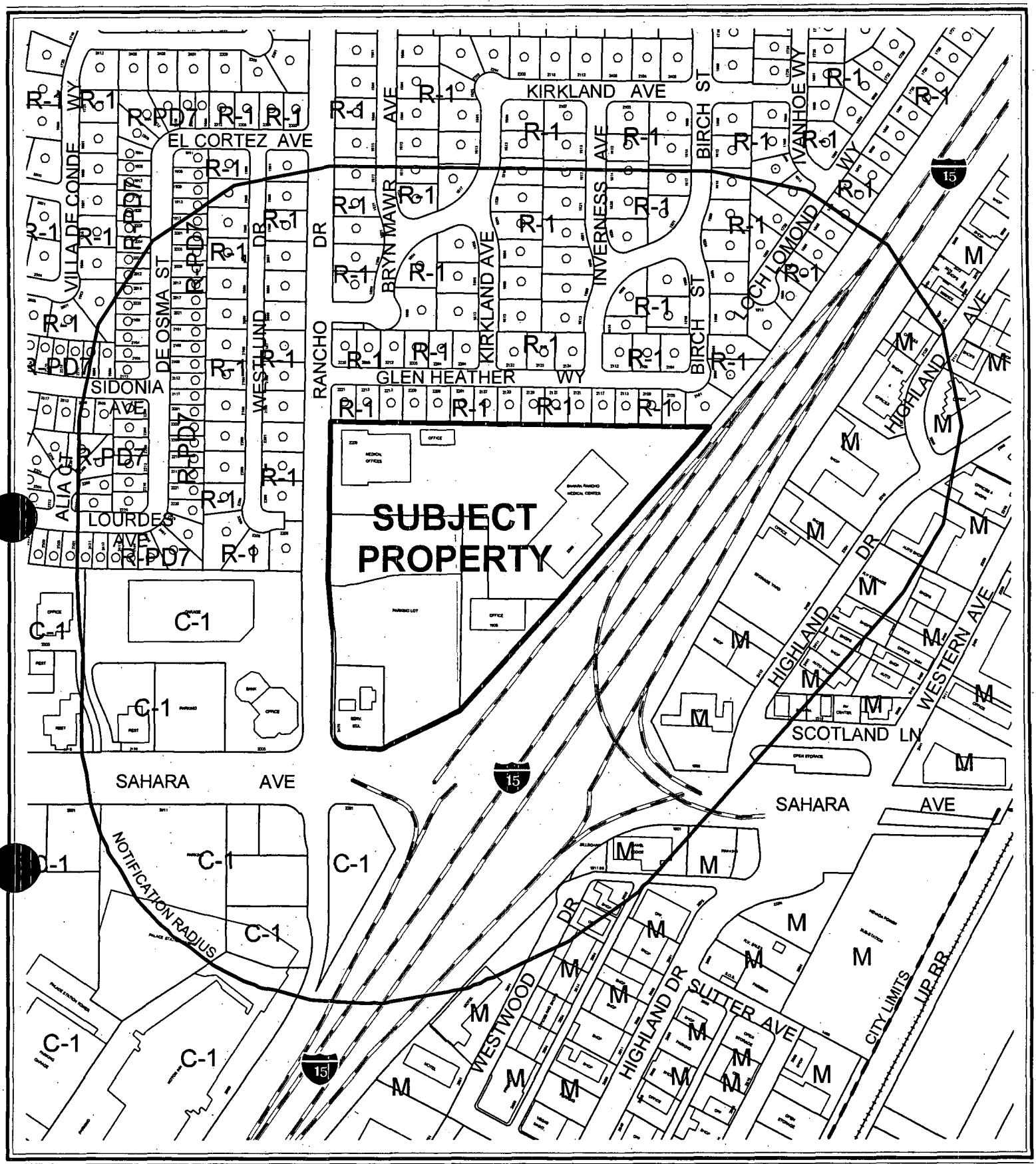
CONDITIONS:

2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

3. Approval of a Rezoning (ZON-4082) and Site Development Plan Review (SDR-4086) by the Planning Commission and City Council.

4. All City Code requirements and design standards of all City departments must be satisfied.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



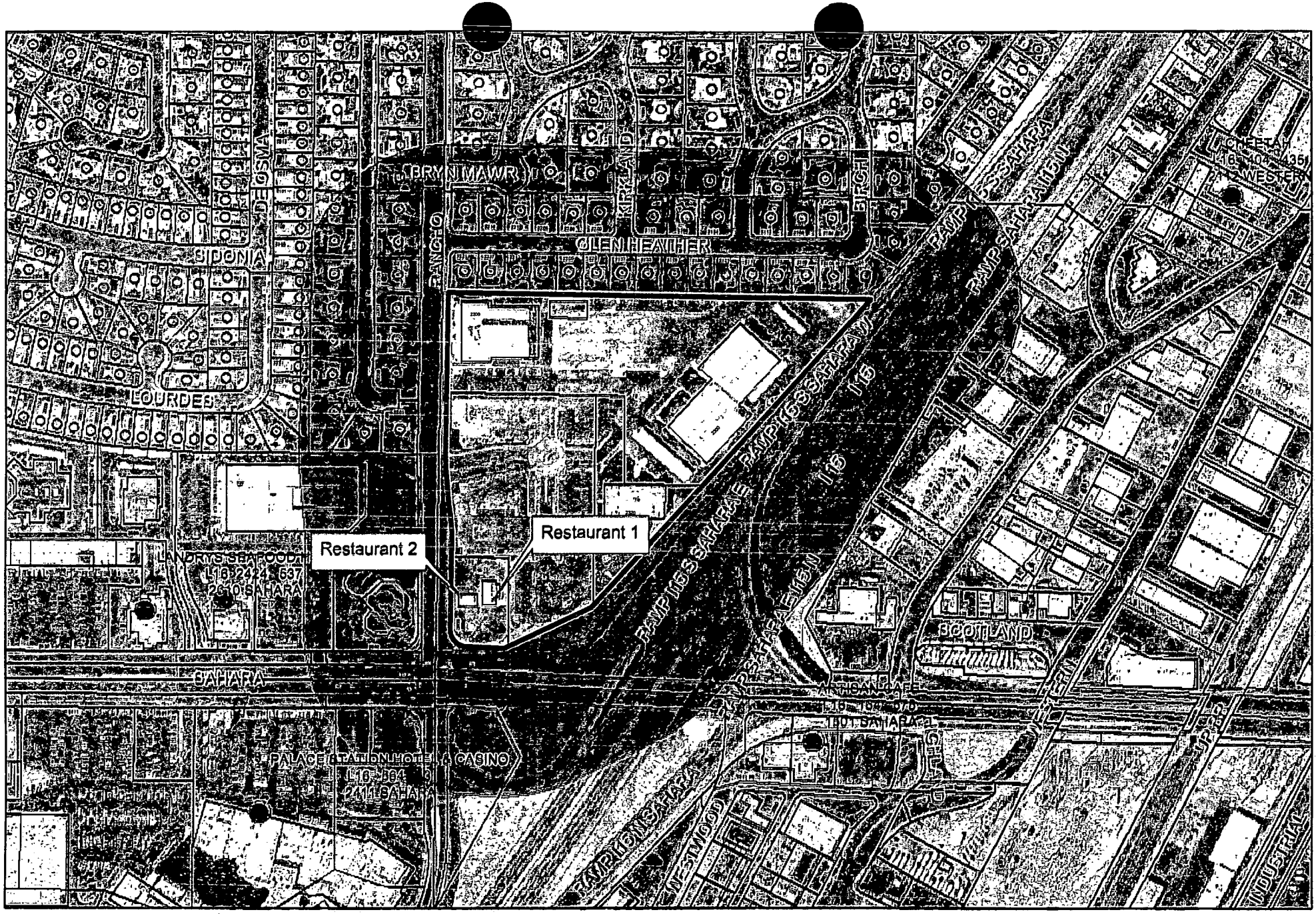
0 200 400 Feet

CASE: **SUP-4089**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) , P-R (PROFESSIONAL OFFICE AND PARKING) AND C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-4089

Protected Landuses

- Parks
- Schools
- Taverns
- Religious

Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Child Care/ Children Facility

- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-4089 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT COUNCILWOMAN MONCRIEF'S REQUEST.

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Restaurant Service Bar.

2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

3. Approval of a Rezoning (ZON-4082) and Site Development Plan Review (SDR-4086) by the Planning Commission and City Council.

4. All City Code requirements and design standards of all City departments must be satisfied.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This a request for a Special Use Permit for a "Restaurant Service Bar" on 15.33 acres located on the northeast corner of Rancho Drive and Sahara Avenue. The subject application will be affected by companion items ZON-4082 and SDR-4086, which are to be considered at the April 22, 2004 Planning Commission meeting.

B) Applicant's Justification

The applicant justifies this request by stating that the redevelopment of this site and the introduction of restaurants to this area will be beneficial to and compatible with the surrounding commercial area.

BACKGROUND INFORMATION

A) Previous Actions

05/23/62 The Board of City Commissioners approved a Rezoning (Z-0031-62) application for the reclassification of property generally located at the northeast corner of Rancho Drive and San Francisco Avenue (now Sahara Avenue) from R-1 (Single Family Residential) and C-C (Neighborhood Commercial Center) to R-3 (Medium Density Residential). Planning Commission and staff both recommended approval.

07/01/64 The Board of City Commissioners approved a Rezoning (Z-0053-64) application the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Estates, from R-3 (Medium Density Residential) to P-R (Professional Offices and Parking). Planning Commission and staff both recommended approval.

06/15/66 The Board of City Commissioners approved a rezoning (Z-0035-66) application for the reclassification of property from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property generally located on the northeast corner of Sahara Avenue and Rancho Drive. Planning commission and staff both recommended approval.

07/29/66 The Board of Zoning Adjustments approved a Special Use Permit (U-0023-66) to allow a service station on property generally located at the corner of Sahara Avenue and Rancho Drive. Staff recommended approval subject to conditions.

08/03/66 The Board of City Commissioners approved a Rezoning (Z-0046-66) application for the reclassification an additional 46.42 feet of property generally located on the northeast corner of Rancho Drive and Sahara Avenue, from R-3 (Medium Density Residential) to C-1 (Limited Commercial). Planning Commission and staff both recommended approval.

08/25/66 The Board Zoning Adjustments approved a Special Use Permit (U-0027-66) to allow a service station addition on property located on the northeast corner of Sahara Avenue and Rancho Drive. Staff recommended approval.

04/25/73 The Board of City Commissioners approved a Rezoning (Z-0030-73) application for the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Way from R-1 (Single Family Residential), R-3 (Medium Density Residential), and P-R (Professional Offices and Parking) to C-1 (Limited Commercial). Planning Commission and staff recommended approval.

04/18/79 The Board of City Commissioners approved a Site Development Plan Review (Z-0053-64) application to allow a two-story professional office building on property located at 2300 Ranch Drive. Planning Commission and staff both recommended approval.

06/19/91 The City Council approved a Special Use Permit (U-0092-91) to allow an existing 1,000 gallon propane tank (existing since 1964) in conjunction with an existing service station on property located on the northeast corner of Sahara Avenue and Rancho Drive. The Board of Zoning Adjustment and staff both recommended approval.

09/16/92 The City Council Withdrew a Special Use Permit (U-0204-92) to allow three (3) coin operated gaming machines in conjunction with an existing service station. The applicant could not obtain a gaming license from the state at that time. The Board of Zoning Adjustment and staff both recommended approval.

07/05/95 The City Council accepted a request to Withdraw Without Prejudice a Rezoning (Z-0036-95) application for the reclassification of property from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial) for the proposed development of 1.2 million square feet of office space including 15, 20 and 30 story office buildings located at the northeast corner of Sahara Avenue and Rancho Drive. Planning Commission recommended denial. Staff recommended approval.

03/20/96 The City Council denied a Rezoning (Z-0095-95) application for the reclassification of property located on the northeast corner of Sahara Avenue and Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial), for a proposed development of one 180,000 square foot twelve story office tower, 132,000 square feet of office space and a one story parking garage. Planning Commission recommended denial. Staff recommended approval.

01/05/00 The City Council accepted the Withdrawal with Prejudice of a Variance (V-0083-99) application on property located at 2200 and 2300 Rancho Drive to allow two parking structures to be three and one-half stories where two stories is the maximum height allowed, and to allow two office buildings to be five stories tall where two stories is the maximum height allowed. The Board of Zoning Adjustments and staff both recommended approval.

02/02/00 The City Council accepted the Withdrawal Without Prejudice for Rezoning (Z-0041-99) application for the reclassification of property located on the north side of Sahara Avenue, east of Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial); for the proposed development of a 357,342 square foot office complex. Planning Commission and staff both recommended approval of the rezoning to O (Office) instead of C-1 (Limited Commercial).

04/11/02 The Planning Commission approved a Site Development Plan Review [Z-0053-64(9) and Z-0030-73(2)] to allow a 70,000 square foot office building on property located adjacent to the east side of Rancho Drive, approximately 850 feet north of Sahara Avenue. Staff recommended approval. This action was final.

11/21/02 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-1068) to allow a proposed wireless communication facility, non-stealth design at 2320 South Rancho Drive. Staff recommended this item to be withdrawn without prejudice.

04/22/04 The Planning Commission recommended approval of related requests for a Rezoning (ZON-4086) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking); a Variance (VAR-4251) to allow building heights to exceed the residential adjacency standards; a Site Development Plan Review (SDR-4086) for two office buildings with attached parking garages and two restaurant buildings within an existing office complex and a waiver of the Commercial Development Standards; and a Special Use Permit (SUP-4090) for a restaurant service bar.

04/22/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #59/pl)

B) Pre-Application Meeting

02/20/04 At the pre-application meeting issues concerning the Site Development Plan Review were discussed. Primarily, parking and landscaping requirements, as well as the need for a cross access agreement. The proposed uses on the site were also discussed.

C) Neighborhood Meetings

04/07/04 A neighborhood meeting was held at 2300 South Rancho Drive per the applicant's request, in association with a Rezoning (ZON-4082), Variance (VAR-4251), Site Development Plan Review (SDR-4086), and Special Use Permit (SUP-4090).

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 15.33

B) Existing Land Use

Subject Property:	Professional Offices, Medical Offices, Service Station, and an Off-premise Advertising (Billboard) Sign
North:	Single Family Residential Dwellings
South:	Right of way (Sahara Avenue) and a Casino (Palace Station)
East:	Right of way (Interstate Route No. 15) and Warehouse, Industrial
West:	Single Family Residential Dwellings and a garage, bank, and offices

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	L (Low Density Residential)
South:	ROW (Right of Way), SC (Service Commercial), GTC (Gaming Tourist Commercial)
East:	ROW (Right of Way) and LI/R (Light Industrial / Research)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	R-3 (Medium Density Residential), P-R (Professional Offices and Parking), and C-1 (Limited Commercial)
North:	R-1 (Single Family Residential)
South:	ROW (Right of Way) and C-1 (Limited Commercial)
East:	ROW (Right of Way and M (Industrial)
West:	R-1 (Single Family Residential) and C-1 (Limited Commercial)

E) General Plan Compliance

The designation of this site is SC (Service Commercial) on the Southeast Sector Map of the General Plan. The General Plan states that this land use category allows office uses that serve primarily local patrons and also offices grouped as office centers with professional and business services. The proposed C-1 (Limited Commercial) district requested for the entire site is consistent with the SC (Service Commercial) designation, per Las Vegas Municipal Code (LVMC) Section 19.02.040(B).

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

The proposed development consists of retail, professional offices, and restaurants, which are all allowable uses within a C-1 (Limited Commercial) district. A Connector Trail is planned to run the entire western property line of the subject parcel. The site will be pursuant to the standards set forth by GPA- 3933 (to be heard on 04/22/04). A Connector Trial calls for a five-foot wide transition strip / utility corridor placed between the trail path and street curb. The trail path consists of a standard five-foot wide sidewalk next to the transition strip.

The applicant has supplied a Development Impact Notice and Assessment (DINA) due to the commercial development in which the restaurant will be located will generate more than 3,000 average daily vehicle trips.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Restaurant Service Bar	400 from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park	**YES**

B) General Analysis and Discussion

- Zoning

A Restaurant Service Bar is permitted in the C-1 (Limited Commercial) zone with approval of a Special Use Permit.

- Use

Title 19.20.020 defines a Restaurant Service Bar as a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption.

- Conditions

Listed are the applicable conditions as listed in Title 19.04.050 for a Restaurant Service Bar:

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:

(1) No restaurant service bar business use shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

(2) Except as otherwise provided in Subsection (3) below, the minimum distances referred to in Subsection (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed restaurant service bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

(a) Any leasehold parcel; or
(b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection (1).

(3) In the case of a restaurant service bar proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection (1) shall be measured in a straight line:

(a) From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant service bar will be located, without regard to intervening obstacles; or
(b) In the case of a proposed restaurant service bar which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the restaurant service bar will be located, without regard to intervening obstacles.

(4) When considering a Special Use Permit application for a restaurant service bar which also requires a waiver of the distance limitation in Subsection (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

(5) The minimum distance requirement in Subsection (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.

(*6) In the O District, a restaurant service bar is permitted only as an accessory use.

(*7) All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

FINDINGS

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

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

   The proposed land use is permitted within a C-1 (Limited Commercial) zoning district by means of a Special Use Permit, and can be conducted in a manner which is harmonious and compatible with existing and future surrounding land uses.

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

   The subject site is physically suitable for the proposed use.

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

   The project is located on the corner of Rancho Drive and Sahara Avenue. Rancho Drive is identified as a Secondary (80-foot) Collector, while Sahara Avenue is identified as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. These roads provide sufficient capacity for the intended restaurant development on the subject parcels.

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

   Approval of this request would be consistent with the standards of Title 19. If the request were approved, it would be subject to other Codes to ensure health, safety and public welfare.

NOTICES MAILED 193 by City Clerk

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4089 APN: 162-04-401-003, 004, 005, 006 and 007

Name of Property Owner: Sahara Rancho Office Center, LLC

Name of Applicant: Sahara Rancho Office Center, LLC
Dr. Leon Steinberg

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

_____ Yes __X__ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: Leon H. Steinberg

Print Name: LEON H. STEINBERG

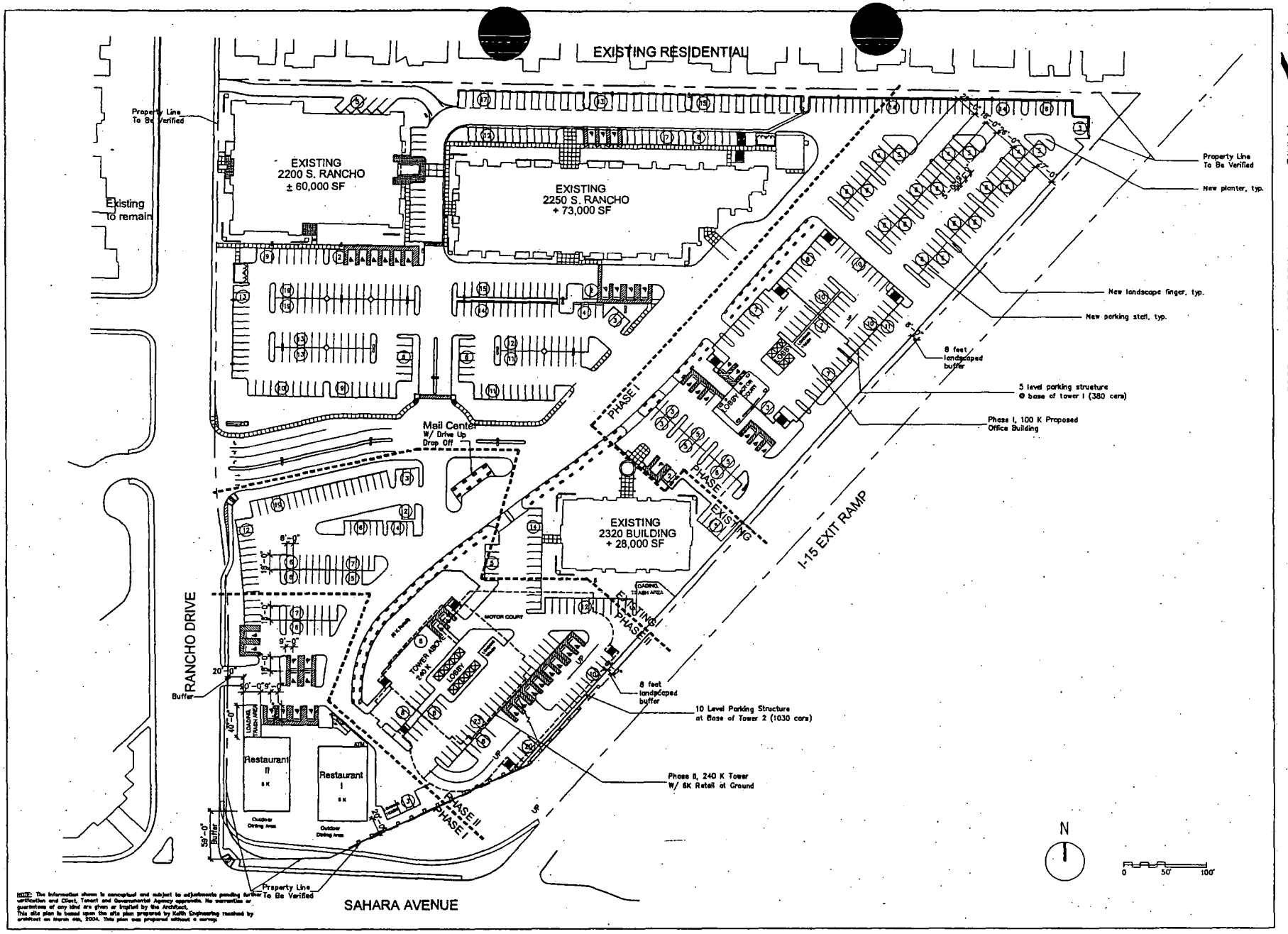
Subscribed and sworn before me

This 10th day of March, 2004

Sheryl R. Lee Clark County NV

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SHERYL R. LEE
Appt. No. 01-66329-1
My Appt. Expires March 2, 2005



NOTE: The information shown is conceptual and subject to adjustments pending further verification and Client, Tenant and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.
This site plan is based upon the site plan prepared by Keith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

Architect:

WESTAR ARCHITECTS

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	66 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	661 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1261 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	66 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1800 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2123 spaces

Sheet Title:

SITE PLAN
PROPOSED

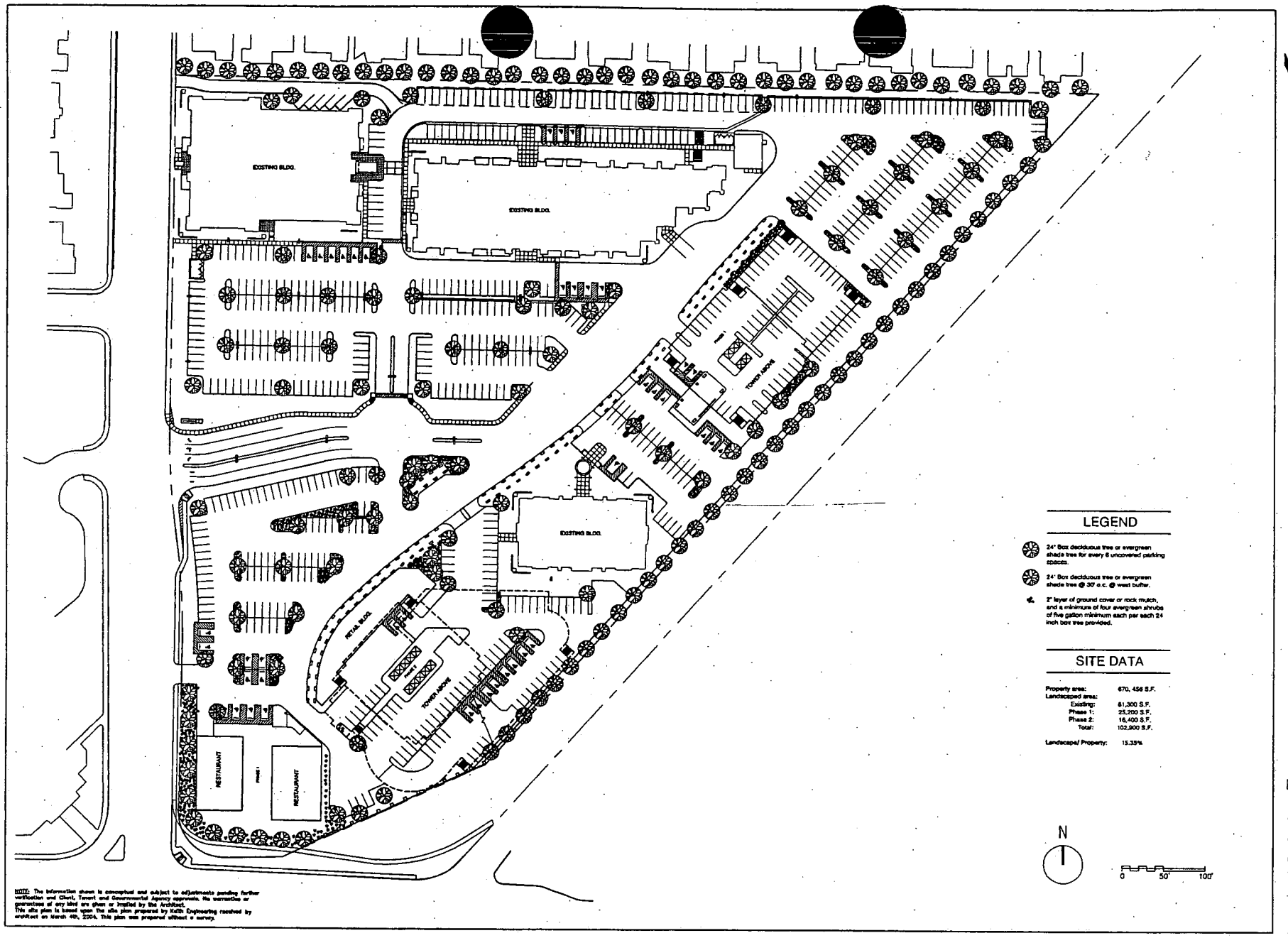
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.01.04
Scale:	1/50" = 1'-0"
File Name:	A100-a.dwg

Sheet Number:

A100-a

REVISED 4.13.04

SUP-4089
4-22-04 PC



NOTE: The information shown is conceptual and subject to adjustments pending further verification and Client, Tenant and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.
This site plan is based upon the site plan prepared by Keith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

LEGEND

- 24" Box deciduous tree or evergreen shade tree for every 6 uncovered parking spaces.
- 24" Box deciduous tree or evergreen shade tree @ 30' o.c. @ west buffer.
- 2" layer of ground cover or rock mulch, and a minimum of four evergreen shrubs of five gallon minimum each per each 24 inch box tree provided.

SITE DATA

Property area:	670, 456 S.F.
Landscaped area:	
Existing:	61,300 S.F.
Phase 1:	25,200 S.F.
Phase 2:	16,400 S.F.
Total:	102,900 S.F.
Landscape/ Property:	15.35%

Architect:

WESTAR ARCHITECTS

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	661 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1261 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ spaces	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2123 spaces

Sheet Title:

SITE PLAN
PROPOSED LANDSCAPE

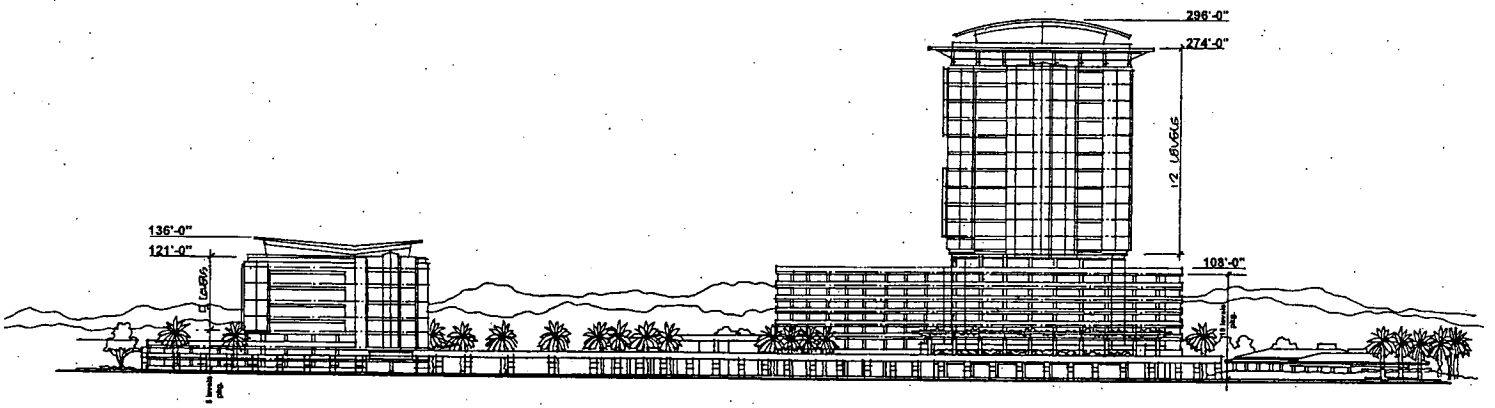
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.07.04
Scale:	1/30" = 1'-0"
File Name:	A100-b.dwg

Sheet Number:

A100-b

REVISED
4.13.04

SUP-4089
4-22-04 PC



South/East ELEVATION
@ 1/40
1 · 27 · 04

Executive Architect:

A project for:
SAHARA RANCHO OFFICE CENTER, LL
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower I:	100 K
Existing Office:	26 K
Existing Office:	67 K
Existing Office:	54 K
Total Office:	247 K
Restaurant:	10 K
Total:	257 K
Parking Required @ 5/1000: @ 85% Efficiency For Office	1090 SP
Parking Provided:	1051 sp
PHASE: II	
Office Tower:	240 K
Parking at 4/1000:	(8 Levels)
Parking at 5/1000:	(±9 Levels)

Revisions:

Sheet Title:

GROUND FLOOR PLAN
TYPICAL FLOOR PLAN
PROJECT ELEVATION

Project No.:	03.147
Drawn By:	RN
Checked By:	JH
Date:	02.06.04
Scale:	AS NOTED
File Name:	A100.dwg

Sheet Number:

CP

REVISED
4.5.04

SUP-4089
4-22-04 PC

SUP-4089 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

SUP-4089 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

City of Las Vegas

Agenda Item No. 75

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] **CONSENT** [X] **DISCUSSION**

SUBJECT:

NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251, SDR-4086 AND SUP-4089 - PUBLIC HEARING - **SUP-4090 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY** - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	3	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Protest petition with 28 signatures filed under Item 71 [ZON-4082]
5. Submitted after final agenda – Protest letter from Roderick and Virginia Garrison filed under Item 71 [ZON-4082]

MOTION:

MONCRIEF – APPROVED subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:

NOTE: See Item 71 [ZON-4082] for discussion.

(1:15 – 2:51)

3-293

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Restaurant Service Bar.

CITY COUNCIL MEETING OF JUNE 2, 2004
Neighborhood Services Department
Item 75 – SUP-4090

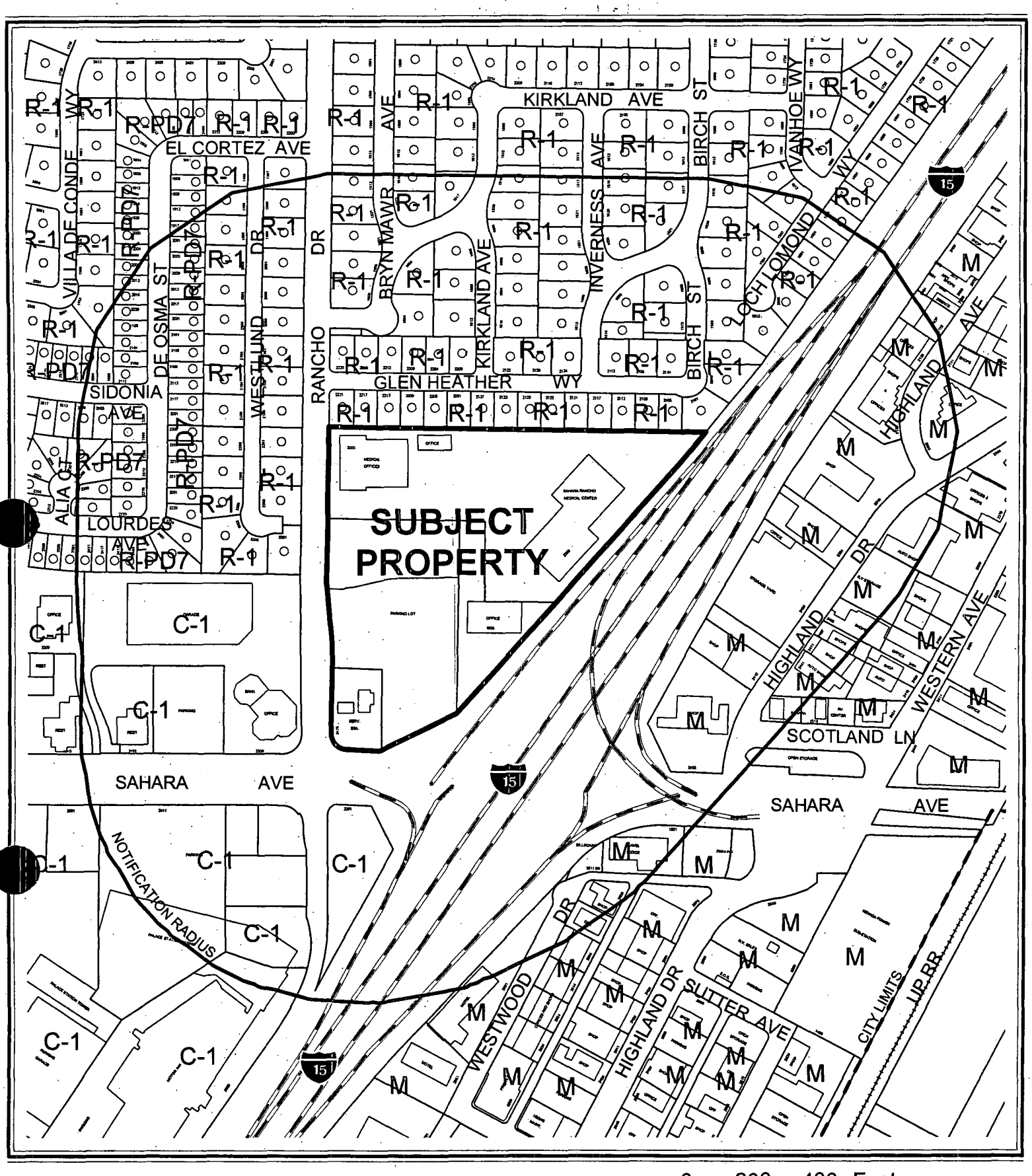
CONDITIONS Continued:

2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

3. Approval of a Rezoning (ZON-4082) and Site Development Plan Review (SDR-4086) by the Planning Commission and City Council.

4. All City Code requirements and design standards of all City departments must be satisfied.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



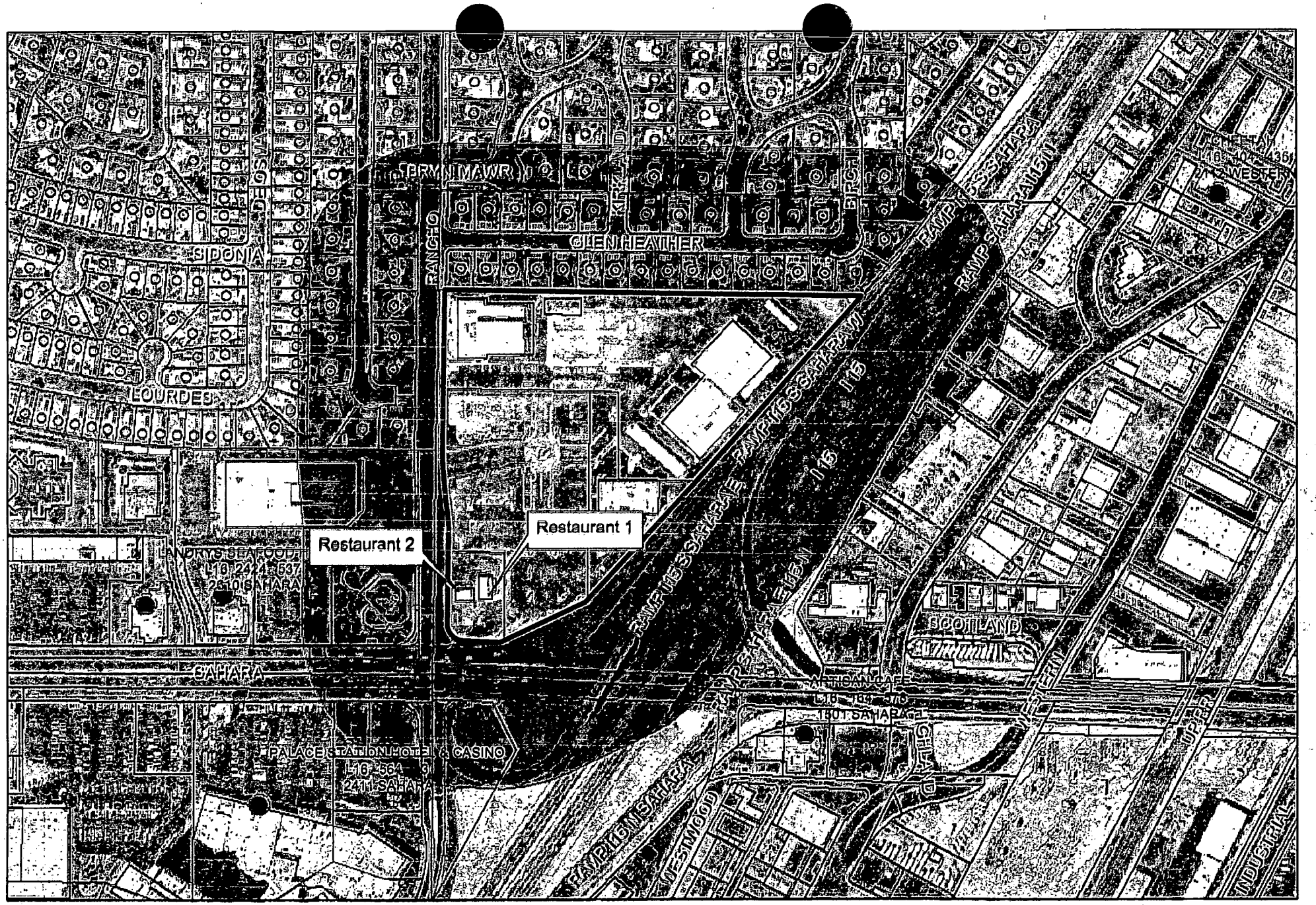
0 200 400 Feet

CASE: **SUP-4090**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
R-3 (MEDIUM DENSITY RESIDENTIAL) , P-R (PROFESSIONAL OFFICE AND PARKING) AND C-1 (LIMITED COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-4090

Protected Landuses

- Parks
- Schools
- Taverns
- Religious

Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Child Care/ Children Facility

- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO

CITYCOUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-4090 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT COUNCILWOMAN MONCRIEF'S REQUEST.

** CONDITIONS **

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Restaurant Service Bar.

2. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

3. Approval of a Rezoning (ZON-4082) and Site Development Plan Review (SDR-4086) by the Planning Commission and City Council.

4. All City Code requirements and design standards of all City departments must be satisfied.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This a request for a Special Use Permit for a "Restaurant Service Bar" on 15.33 acres located on the northeast corner of Rancho Drive and Sahara Avenue. The subject application will be affected by companion items ZON-4082 and SDR-4086, which are to be considered at the April 22, 2004 Planning Commission meeting.

B) Applicant's Justification

The applicant justifies this request by stating that the redevelopment of this site and the introduction of restaurants to this area will be beneficial to and compatible with the surrounding commercial area.

BACKGROUND INFORMATION

A) Previous Actions

05/23/62 The Board of City Commissioners approved a Rezoning (Z-0031-62) application for the reclassification of property generally located at the northeast corner of Rancho Drive and San Francisco Avenue (now Sahara Avenue) from R-1 (Single Family Residential) and C-C (Neighborhood Commercial Center) to R-3 (Medium Density Residential). Planning Commission and staff both recommended approval.

07/01/64 The Board of City Commissioners approved a Rezoning (Z-0053-64) application the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Estates, from R-3 (Medium Density Residential) to P-R (Professional Offices and Parking). Planning Commission and staff both recommended approval.

06/15/66 The Board of City Commissioners approved a rezoning (Z-0035-66) application for the reclassification of property from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on property generally located on the northeast corner of Sahara Avenue and Rancho Drive. Planning commission and staff both recommended approval.

07/29/66 The Board of Zoning Adjustments approved a Special Use Permit (U-0023-66) to allow a service station on property generally located at the corner of Sahara Avenue and Rancho Drive. Staff recommended approval subject to conditions.

08/03/66 The Board of City Commissioners approved a Rezoning (Z-0046-66) application for the reclassification an additional 46.42 feet of property generally located on the northeast corner of Rancho Drive and Sahara Avenue, from R-3 (Medium Density Residential) to C-1 (Limited Commercial). Planning Commission and staff both recommended approval.

08/25/66 The Board Zoning Adjustments approved a Special Use Permit (U-0027-66) to allow a service station addition on property located on the northeast corner of Sahara Avenue and Rancho Drive. Staff recommended approval.

04/25/73 The Board of City Commissioners approved a Rezoning (Z-0030-73) application for the reclassification of property generally located on the east side of Rancho Drive between Sahara Avenue and Glen Heather Way from R-1 (Single Family Residential), R-3 (Medium Density Residential), and P-R (Professional Offices and Parking) to C-1 (Limited Commercial). Planning Commission and staff recommended approval.

04/18/79 The Board of City Commissioners approved a Site Development Plan Review (Z-0053-64) application to allow a two-story professional office building on property located at 2300 Ranch Drive. Planning Commission and staff both recommended approval.

06/19/91 The City Council approved a Special Use Permit (U-0092-91) to allow an existing 1,000-gallon propane tank (existing since 1964) in conjuncture with an existing service station on property located on the northeast corner of Sahara Avenue and Rancho Drive. The Board of Zoning Adjustment and staff both recommended approval.

09/16/92 The City Council Withdrew a Special Use Permit (U-0204-92) to allow three (3) coin operated gaming machines in conjunction with an existing service station. The applicant could not obtain a gaming license from the state at that time. The Board of Zoning Adjustment and staff both recommended approval.

07/05/95 The City Council accepted a request to Withdraw Without Prejudice a Rezoning (Z-0036-95) application for the reclassification of property from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial) for the proposed development of 1.2 million square feet of office space including 15, 20 and 30 story office buildings located at the northeast corner of Sahara Avenue and Rancho Drive. Planning Commission recommended denial. Staff recommended approval.

03/20/96 The City Council denied a Rezoning (Z-0095-95) application for the reclassification of property located on the northeast corner of Sahara Avenue and Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial), for a proposed development of one 180,000 square foot twelve story office tower, 132,000 square feet of office space and a one story parking garage. Planning Commission recommended denial. Staff recommended approval.

01/05/00 The City Council accepted the Withdrawal with Prejudice of a Variance (V-0083-99) application on property located at 2200 and 2300 Rancho Drive to allow two parking structures to be three and one-half stories where two stories is the maximum height allowed, and to allow two office buildings to be five stories tall where two stories is the maximum height allowed. The Board of Zoning Adjustments and staff both recommended approval.

02/02/00 The City Council accepted the Withdrawal Without Prejudice for Rezoning (Z-0041-99) application for the reclassification of property located on the north side of Sahara Avenue, east of Rancho Drive, from R-3 (Medium Density Residential), P-R (Professional Offices and Parking) to C-1 (Limited Commercial); for the proposed development of a 357,342 square foot office complex. Planning Commission and staff both recommended approval of the rezoning to O (Office) instead of C-1 (Limited Commercial).

04/11/02 The Planning Commission approved a Site Development Plan Review [Z-0053-64(9) and Z-0030-73(2)] to allow a 70,000 square foot office building on property located adjacent to the east side of Rancho Drive, approximately 850 feet north of Sahara Avenue. Staff recommended approval. This action was final.

11/21/02 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-1068) to allow a proposed wireless communication facility, non-stealth design at 2320 South Rancho Drive. Staff recommended this item to be withdrawn without prejudice.

04/22/04 The Planning Commission recommended approval of related requests for a Rezoning (ZON-4086) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking); a Variance (VAR-4251) to allow building heights to exceed the residential adjacency standards; a Site Development Plan Review (SDR-4086) for two office buildings with attached parking garages and two restaurant buildings within an existing office complex and a waiver of the Commercial Development Standards; and a Special Use Permit (SUP-4089) for a restaurant service bar.

04/22/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #60/pl)

B) Pre-Application Meeting

02/20/04 At the pre-application meeting issues concerning the Site Development Plan Review were discussed. Primarily, parking and landscaping requirements, as well as the need for a cross access agreement. The proposed uses on the site were also discussed.

C) Neighborhood Meetings

04/07/04 A neighborhood meeting was held at 2300 South Rancho Drive per the applicant's request, in association with a Rezoning (ZON-4082), Variance (VAR-4251, Site Development Plan Review (SDR-4086), and Special Use Permit (SUP-4089).

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 15.33

B) Existing Land Use

Subject Property:	Professional Offices, Medical Offices, Service Station, and an Off-premise Advertising (Billboard) Sign
North:	Single Family Residential Dwellings
South:	Right of way (Sahara Avenue) and a Casino (Palace Station)
East:	Right of way (Interstate Route No. 15) and Warehouse, Industrial.
West:	Single Family Residential Dwellings and a garage, bank, and offices

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	L (Low Density Residential)
South:	ROW (Right of Way), SC (Service Commercial), GTC (Gaming Tourist Commercial)
East:	ROW (Right of Way) and LI/R (Light Industrial / Research)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	R-3 (Medium Density Residential), P-R (Professional Offices and Parking), and C-1 (Limited Commercial)
North:	R-1 (Single Family Residential)
South:	ROW (Right of Way) and C-1 (Limited Commercial)
East:	ROW (Right of Way and M (Industrial)
West:	R-1 (Single Family Residential) and C-1 (Limited Commercial)

E) General Plan Compliance

The designation of this site is SC (Service Commercial) on the Southeast Sector Map of the General Plan. The General Plan states that this land use category allows office uses that serve primarily local patrons and also offices grouped as office centers with professional and business services. The proposed C-1 (Limited Commercial) district requested for the entire site is consistent with the SC (Service Commercial) designation, per Las Vegas Municipal Code (LVMC) Section 19.02.040(B).

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

The proposed development consists of retail, professional offices, and restaurants, which are all allowable uses within a C-1 (Limited Commercial) district. A Connector Trail is planned to run the entire western property line of the subject parcel. The site will be pursuant to the standards set forth by GPA- 3933 (to be heard on 04/22/04). A Connector Trial calls for a five-foot wide transition strip / utility corridor placed between the trail path and street curb. The trail path consists of a standard five-foot wide sidewalk next to the transition strip.

The applicant has supplied a Development Impact Notice and Assessment (DINA) due to the commercial development in which the restaurant will be located will generate more than 3,000 average daily vehicle trips.

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Restaurant Service Bar	400 from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park	**YES**

B) General Analysis and Discussion

- Zoning

A Restaurant Service Bar is permitted in the C-1 (Limited Commercial) zone with approval of a Special Use Permit.

- Use

Title 19.20.020 defines a Restaurant Service Bar as a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premise consumption.

- Conditions

Listed are the applicable conditions as listed in Title 19.04.050 for a Restaurant Service Bar:

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:

(1) No restaurant service bar business use shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

(2) Except as otherwise provided in Subsection (3) below, the minimum distances referred to in Subsection (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed restaurant service bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:

(a) Any leasehold parcel; or
(b) Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection (1).

(3) In the case of a restaurant service bar proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection (1) shall be measured in a straight line:

(a) From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant service bar will be located, without regard to intervening obstacles; or
(b) In the case of a proposed restaurant service bar which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the restaurant service bar will be located, without regard to intervening obstacles.

(4) When considering a Special Use Permit application for a restaurant service bar which also requires a waiver of the distance limitation in Subsection (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

(5) The minimum distance requirement in Subsection (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.

(*6) In the O District, a restaurant service bar is permitted only as an accessory use.

(*7) All businesses that sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

FINDINGS

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

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

   The proposed land use is permitted within a C-1 (Limited Commercial) zoning district by means of a Special Use Permit, and can be conducted in a manner which is harmonious and compatible with existing and future surrounding land uses.

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

   The subject site is physically suitable for the proposed use.

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

   The project is located on the corner of Rancho Drive and Sahara Avenue. Rancho Drive is identified as a Secondary (80-foot) Collector, while Sahara Avenue is identified as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. These roads provide sufficient capacity for the intended restaurant development on the subject parcels.

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

Approval of this request would be consistent with the standards of Title 19. If the request were approved, it would be subject to other Codes to ensure health, safety and public welfare.

NOTICES MAILED 193 by City Clerk

APPROVALS 0

PROTESTS 3

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4090 APN: 162-04-401-003, 004, 005, 006 and 007

Name of Property Owner: Sahara Rancho Office Center, LLC

Name of Applicant: Sahara Rancho Office Center, LLC
Dr. Leon Steinberg

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

____ Yes X No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: Leon H. Steinberg

Print Name: LEON H. STEINBERG

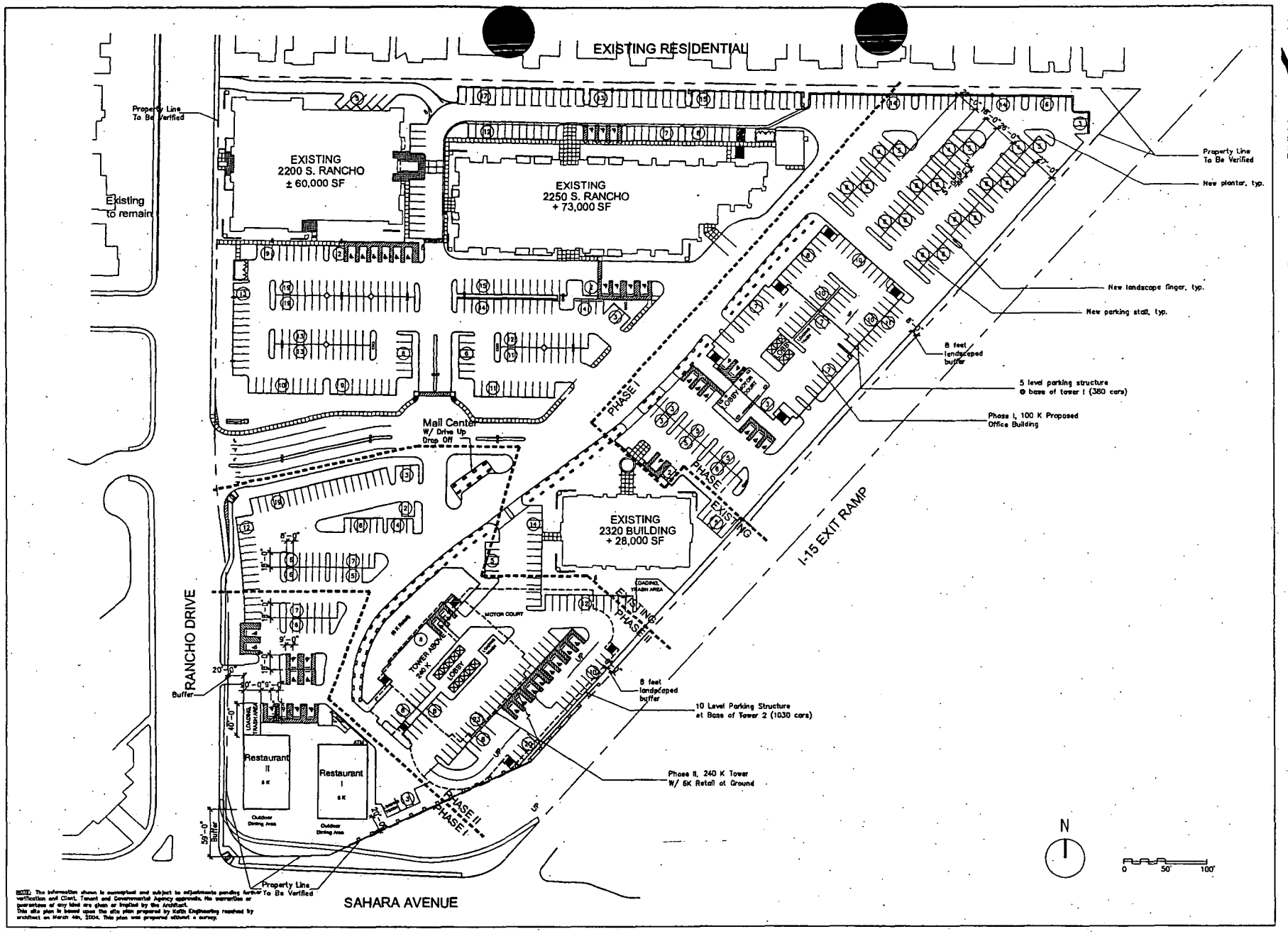
Subscribed and sworn before me

This 10th day of March, 2004

Sheryl R. Lee Clark County NV

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SHERYL R. LEE
Appt. No. 01-68329-1
My Appt. Expires March 2, 2005



NOTE: The information shown is conceptual and subject to adjustments pending further verification and Client, Tenant and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by the Architect.
This site plan is based upon the site plan prepared by Keith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

Architect:

WESTAR ARCHITECTS

A project for:
SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	661 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1261 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking::	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2125 spaces

Sheet Title:

SITE PLAN
PROPOSED

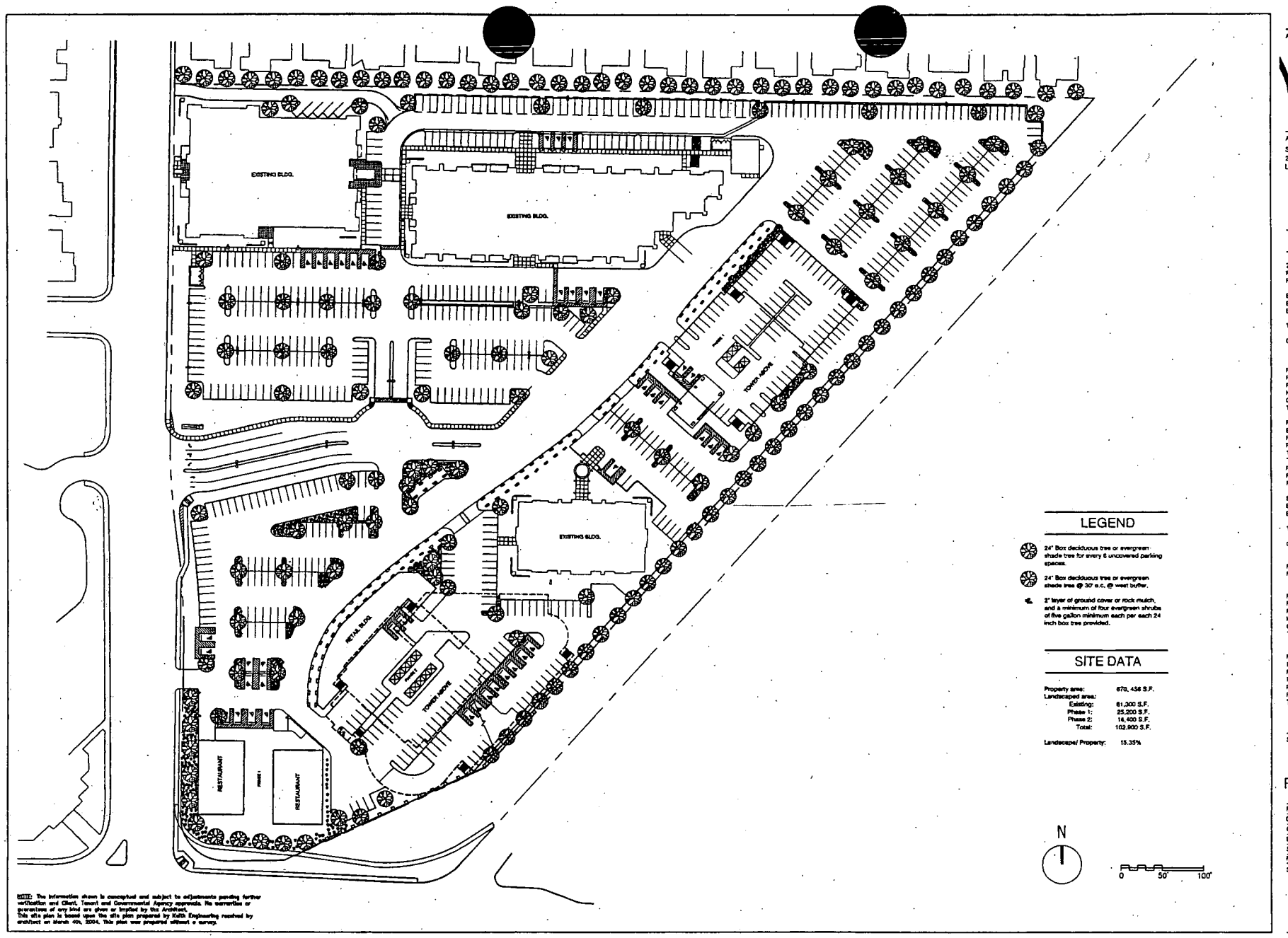
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.01.04
Scale:	1/50" = 1'-0"
File Name:	A100-a.dwg

Sheet Number:

A100-a

REVISED
4.13.04

SUP-4090
4-22-04 PC



LEGEND

- 24" Box deciduous tree or evergreen shade tree for every 6 uncovered parking spaces.
- 24" Box deciduous tree or evergreen shade tree @ 30' o.c. @ west buffer.
- 2" layer of ground cover or rock mulch, and a minimum of four evergreen shrubs of five gallon minimum each per each 24 inch box tree provided.

SITE DATA

Property area:	670, 456 S.F.
Landscaped area:	
Existing:	81,300 S.F.
Phase 1:	25,200 S.F.
Phase 2:	16,400 S.F.
Total:	102,900 S.F.
Landscape/ Property:	15.35%

NOTE: The information shown is conceptual and subject to adjustments pending further verification and Client, Tenant and Governmental Agency approvals. No warranties or guarantees of any kind are given or implied by this Architect.
This site plan is based upon the site plan prepared by Keith Engineering received by architect on March 4th, 2004. This plan was prepared without a survey.

Architect:

WESTAR ARCHITECTS

A project for:

SAHARA RANCHO OFFICE CENTER, LLC
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	261 K
Office parking required(1space/ 300 s.f.)	870
Proposed Restaurant:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1065 spaces
Parking Provided:	
Existing to remain	681 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Total Provided	1281 spaces
PHASE: II	
Proposed Office Tower	240 K
Phase I Office Tower	100 K
Existing Office:	60 K
Existing Office:	73 K
Existing Office:	28 K
Total Office:	501 K
Office parking required(1space/ 300 s.f.)	1670 spaces
Retail:	6 K
Retail parking	35 spaces
Phase I Restaurants:	10 K
Restaurant parking:	
Public, 7000 s.f./50 s.f.	140 spaces
Kitchen, 3000 s.f./200 s.f./ space	15 spaces
Outdoor dining, 2000 s.f./50 s.f.	40 spaces
Total parking required:	1900 spaces
Parking Provided:	
Existing to remain	349 spaces
Phase 1 on grade	220 spaces
Phase 1 garage	380 spaces
Phase 2 on grade	144 spaces
Phase 2 garage	1030 spaces
Total parking provided	2123 spaces

Sheet Title:

SITE PLAN

PROPOSED LANDSCAPE

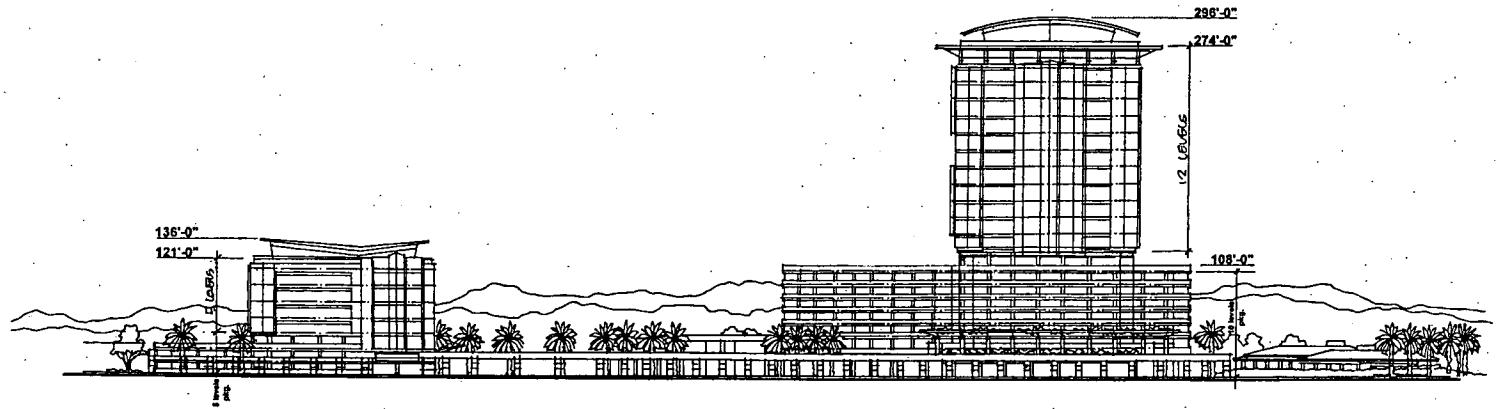
Project No.:	03.147
Drawn By:	RN
Checked By:	MT
Date:	04.07.04
Scale:	1/50" = 1'-0"
File Name:	A100-b.dwg

Sheet Number:

A100-b

REVISED
4.13.04

SUP-4090
4-22-04 PC



SOUTH/EAST ELEVATION
@ 1/40
1 · 27 · 04

REVISED
4.5.04

SUP-4090
4-22-04 PC

Executive Architect:

A project for:
SAHARA RANCHO OFFICE CENTER, LL
2300 S. RANCHO DRIVE, SUITE 300
LAS VEGAS, NEVADA 89102

SITE DATA

Zone:	C-1
PHASE: I	
Proposed Office Tower I:	100 K
Existing Office:	26 K
Existing Office:	67 K
Existing Office:	64 K
Total Office:	247 K
Restaurant:	10 K
Total:	257 K
Parking Required @ 5/1000: @ 85% Efficiency For Office	1090 SP
Parking Provided:	1051 sp
PHASE: II	
Office Tower:	240 K
Parking at 4/1000:	(8 Levels)
Parking at 5/1000:	(±9 Levels)

Revisions:

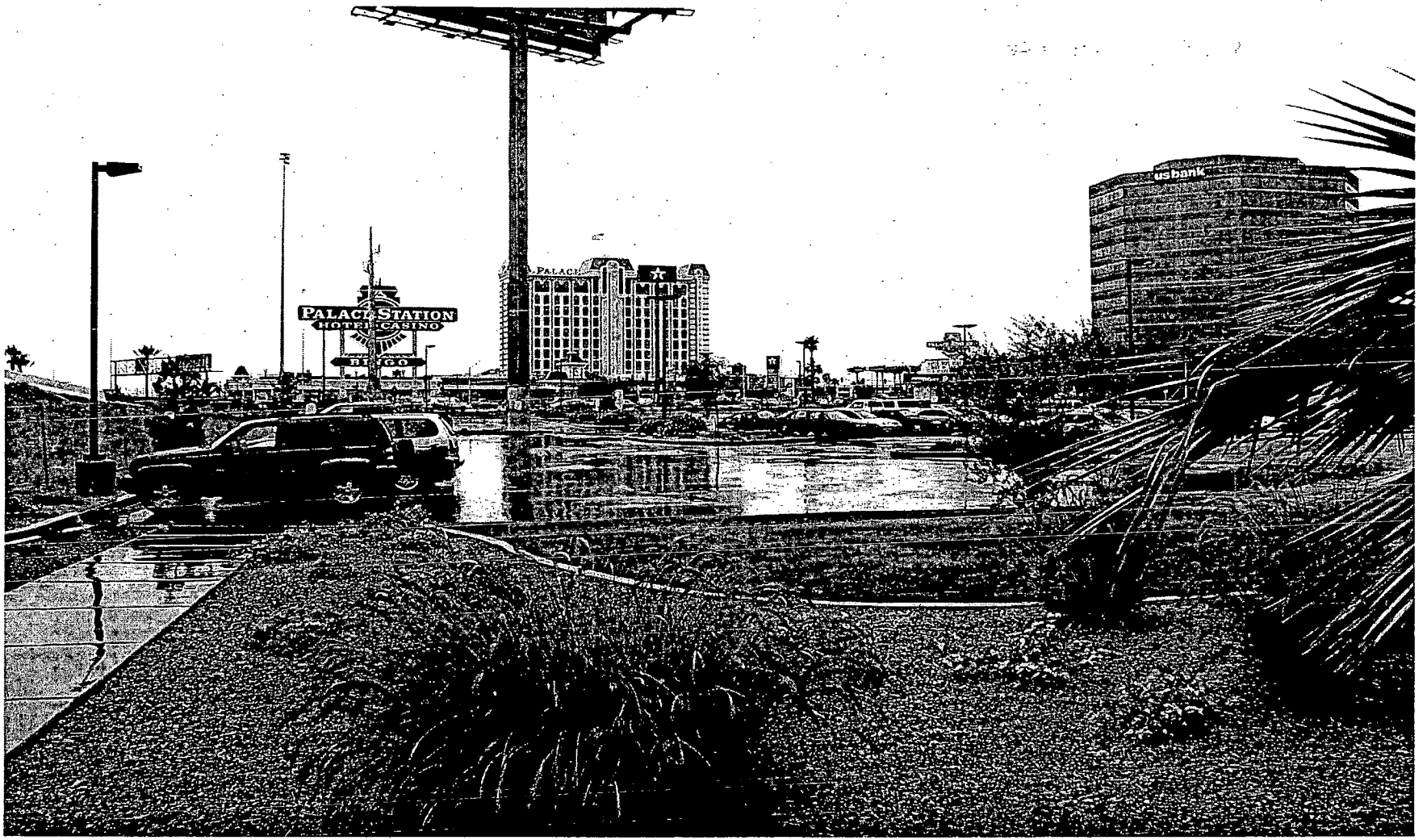
Sheet Title:

GROUND FLOOR PLAN
TYPICAL FLOOR PLAN
PROJECT ELEVATION

Project No.:	03.147
Drawn By:	RN
Checked By:	JH
Date:	02.06.04
Scale:	AS NOTED
File Name:	A100.dwg

Sheet Number:

CP



SUP-4090 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

SUP-4090 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY
NORTHEAST CORNER OF SAHARA AVENUE AND RANCHO DRIVE
APRIL 22, 2004 PLANNING COMMISSION

3/31/04

City of Las Vegas

Agenda Item No. 76

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
APPEAL OF DIRECTOR'S BUSINESS - **DIR-4421 - APPLICANT/OWNER: BAR-K REALTY** - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 2007 Paradise Road (APN: 162-03-413-005) for failure to comply with Title 19.14.100, Ward 3 (Reese). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

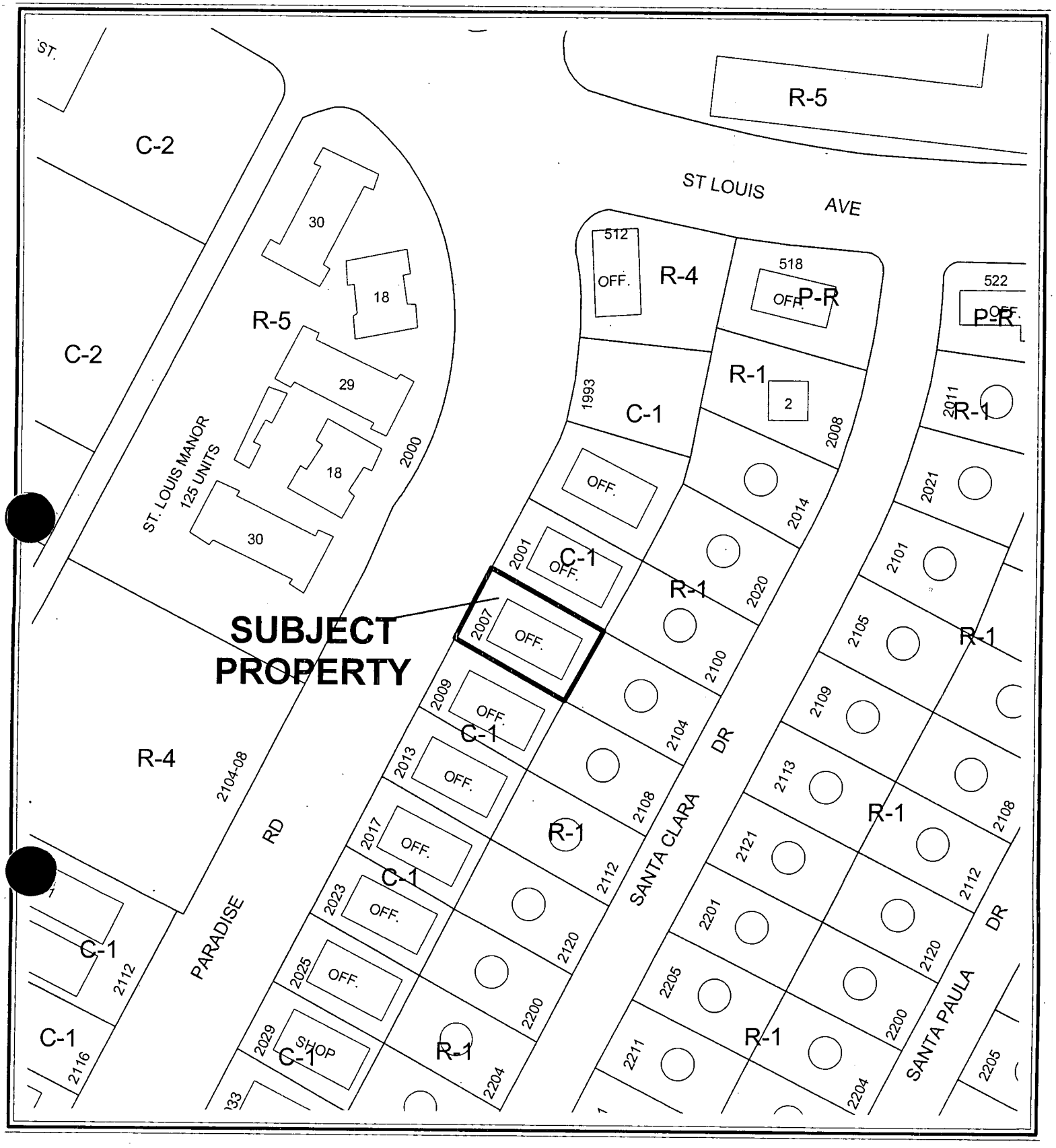
RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Appeal letter from Kay Rodriguez
5. Submitted After Final Agenda – Abeyance request letter from Roy Woofter
6. Submitted at City Council – City Attorney's Office Opinion filed under Item 68

MOTION:
REESE – Motion to HOLD IN ABEYANCE Item 76 [DIR-4421] to 7/7/2004 and Item 79 [SUP-3394] to 7/21/2004 and to STRIKE Item 69 [15 West Owens Avenue]
– UNANIMOUS with GOODMAN abstaining on the abeyance vote for Item 76 [DIR-4421] and Item 79 [SUP-3394] and Ward 2 seat vacant

MINUTES:
DEPUTY CITY ATTORNEY BRYAN SCOTT reminded MAYOR GOODMAN that there was an opinion rendered regarding Item 76 [DIR-4421] and Item 79 [SUP-3394]. MAYOR GOODMAN disclosed that a potential conflict exists as his law firm is negotiating with certain billboard companies. MAYOR GOODMAN gave a copy of the opinion to the City Clerk to incorporate into the record and stated he would be abstaining from voting on these two Items.

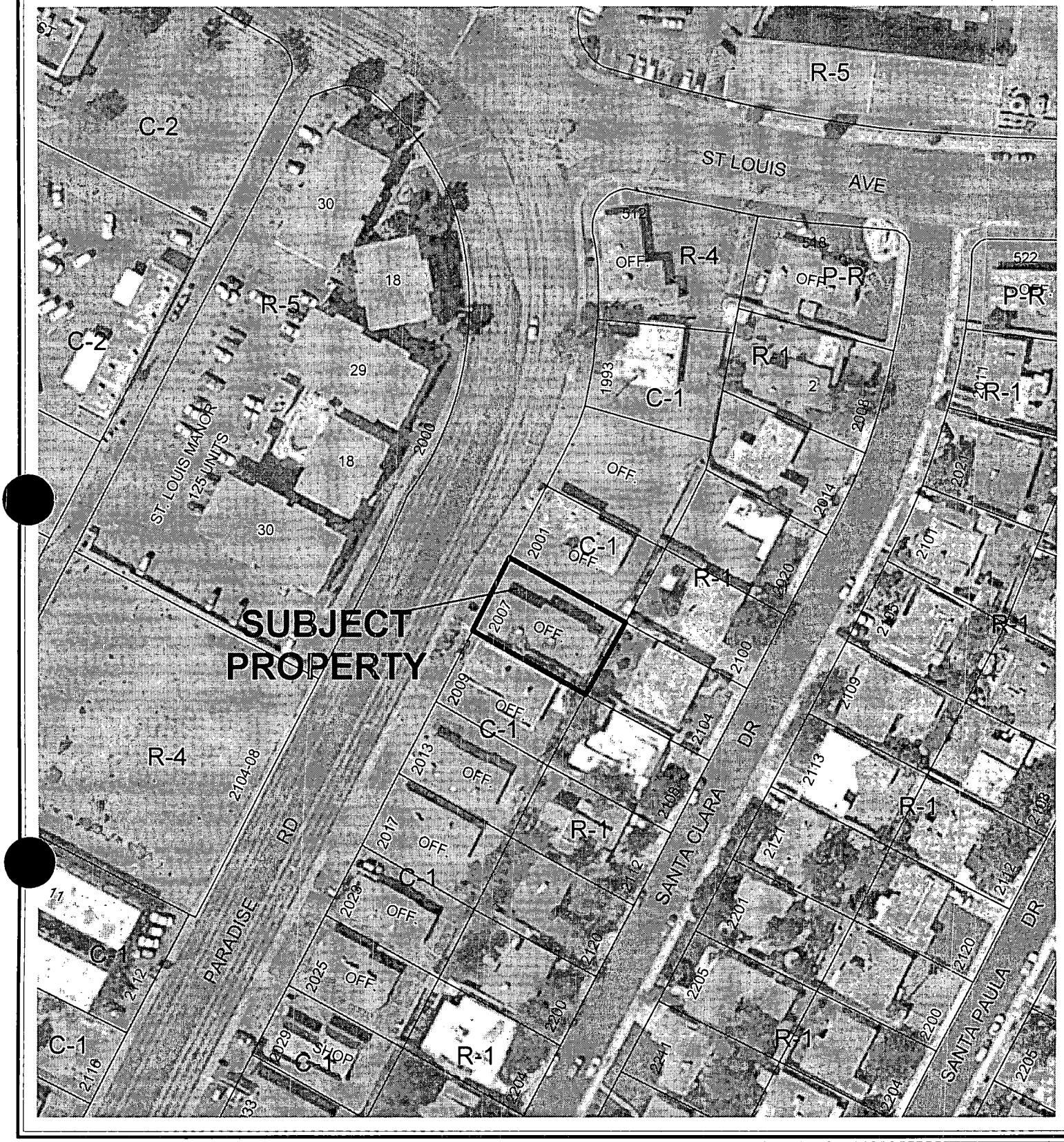
(1:11 – 1:12)



0 80 160 Feet

CASE: DIR-4421

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: DIR-4421

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: DIR-4421 - APPLICANT/OWNER: BAR K REALTY

** CONDITIONS **

Staff recommends DENIAL.

** STAFF REPORT **

APPLICATION REQUEST

This is an Appeal of the Planning and Development Director's decision per Title 19.00.070.F to deny the acceptance of a application for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign for failure to comply with Title 19.14.100. The location of the proposed off-premise sign is 2007 Paradise Road.

BACKGROUND INFORMATION

06/19/68 The City Council approved a Rezoning from R-3 (Medium Density Residential) to C-1 (Limited Commercial) on this site as part of a larger request (Z-0021-68). The Planning Commission recommended approval on 06/13/68.

01/22/86 The City Council approved a legal description of the Downtown Redevelopment Plan area, including this site, as part of the larger downtown area.

06/20/90 The City Council approved a Special Use Permit (U-0078-90) for a 14-foot by 48-foot off-premise advertising (billboard) sign on this site, subject to a five-year review. The Board of Zoning Adjustment recommended approval on 05/24/90. Staff recommended approval.

09/06/95 The City Council approved, on appeal, a Required Five-Year Review for the aforementioned Special Use Permit [U-0078-90(1)], which allowed the 14-foot by 48-foot off-premise advertising (billboard) sign on this site, subject to a five-year review. The Board of Zoning Adjustment denied the request on 07/25/95, stating that the off-premise sign was incompatible at this location. Staff recommended denial.

11/01/00 The City Council approved, on appeal, a Required Five-Year Review of the Special Use Permit [U-0078-90(2)], which allowed the 14-foot by 48-foot off-premise advertising (billboard) sign on this site, subject to a one-year review. The Planning Commission denied the request on 09/28/00, stating that the off-premise sign was incompatible with Redevelopment Area objectives. Staff recommended denial.

02/03 The existing 14-foot by 48-foot off-premise advertising (billboard) sign on the subject property was removed.

ANALYSIS

The applicant is seeking to apply for a Special Use Permit for an off-premise advertising (billboard) sign on property located at 2007 Paradise Road. A billboard had been present on this

site for a time in the 1970s and 1980s and was subsequently removed. The applicant applied for a Special Use Permit (U-0078-90) for a new billboard at the same location, which was approved. The billboard remained on the property until February 2003, when it also was removed. Pursuant to Title 19.18.060.060.P.4, a Special Use Permit shall be void without further action if it was issued for a use other than alcoholic beverage use and this use ceases for twelve months or more. A new Special Use Permit subject to current Zoning regulations would therefore be required for any new off-premise sign to be constructed.

Title 19.14.100.C.2 states, "No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of this Chapter (including those protecting existing signs)." Any proposed off-premise sign on this property cannot meet the locational provisions for off-premise signs stated in Title 19.14.100.C.2, namely, the minimum 300-foot distance separation from property in an "R" zoning district. No part of the subject property is greater than 95 feet from property zoned R-1 (Single-Family Residential). According to Title 19.18.070.B, a Variance cannot be granted to vary any minimum spacing requirement between uses. Therefore, under the current Zoning Code, a new off-premise advertising (billboard) sign cannot legally be constructed on this property. The Director's decision to deny the application for a Special Use Permit for a new off-premise sign at this location was therefore based on the inability to meet code requirements and the impossibility of the applicant to gain approval under current State and local laws.

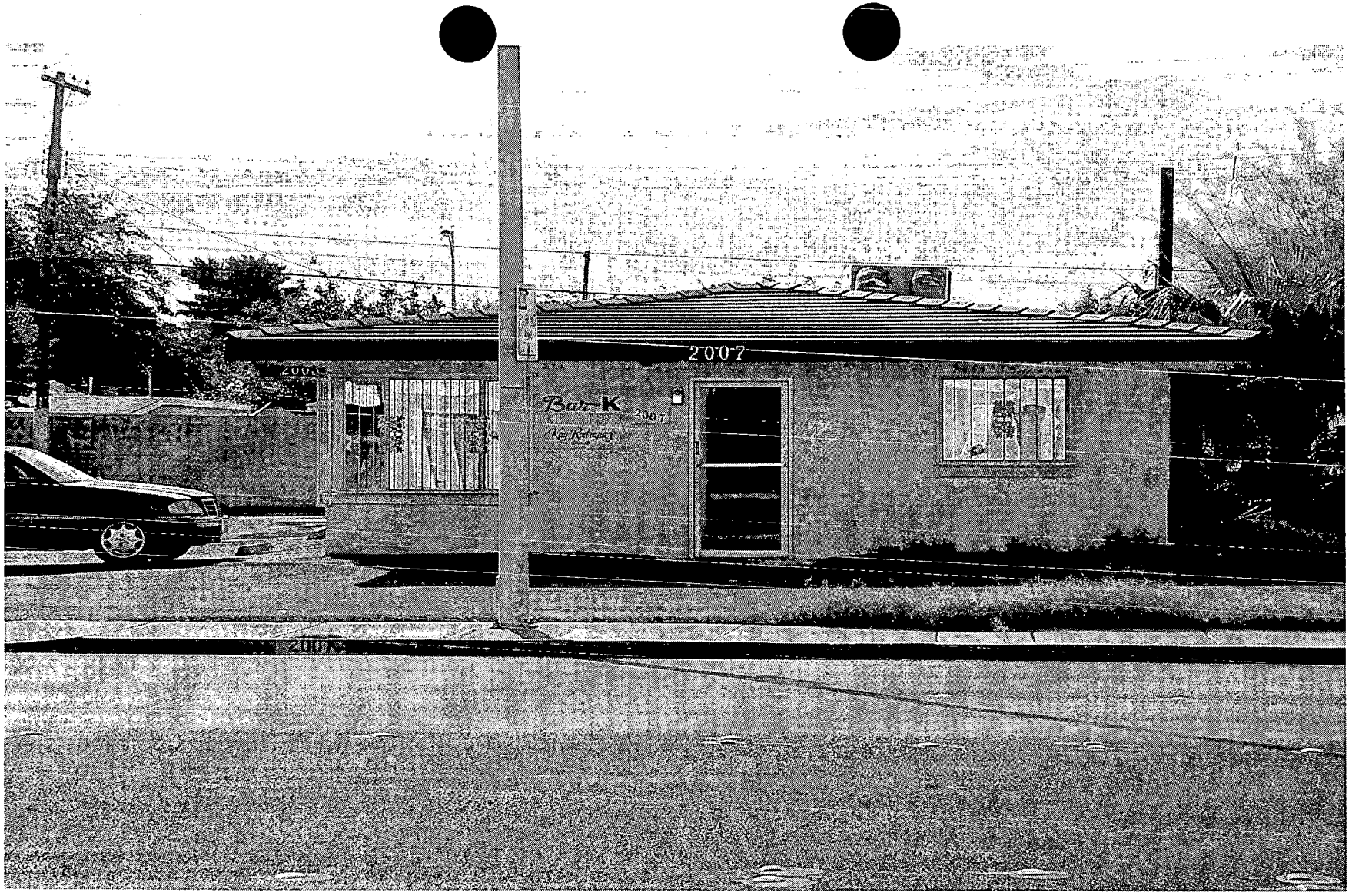
NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

DIR-4421 - APPLICANT/OWNER: BAR-K REALTY
2007 Paradise Road
JUNE 2, 2004 CITY COUNCIL MEETING

Picture taken 05/19/04



DIR-4421 - APPLICANT/OWNER: BAR-K REALTY
2007 Paradise Road
JUNE 2, 2004 CITY COUNCIL MEETING

Picture taken 05/19/04

C-22. **U-0078-90(2) - BAR K REALTY ON BEHALF OF LAMAR OUTDOOR ADVERTISING - Required Five Year Review on an approved Special Use Permit which allowed a 14 foot x 48 foot off-premise advertising (billboard) sign at 2007 Paradise Road (APN: 162-03-413-005), C-1 (Limited Commercial) Zone, Ward 3 (Reese).**

PUBLIC HEARING

IF APPROVED C.C. 11/1/2000
IF DENIED P.C. FINAL ACTION
(Unless appealed within 10 days)

STAFF RECOMMENDATION: DENIAL

APPLICATION REQUEST

This request is for a Required Five-Year Review for an approved Special Use Permit, which allowed a 14-foot x 48-foot off-premise advertising (billboard) sign at 2007 Paradise Road.

BACKGROUND DATA

03/05/80	The City Council approved a Downtown Redevelopment Plan for this site as part of the larger downtown area.
01/22/86	The City Council approved a legal description of the Downtown Redevelopment Plan area including this site as part of the larger downtown area.
06/20/90	The City Council approved the Special Use Permit (U-78-90) for the 14-foot x 48-foot off-premise advertising (billboard) sign on this site subject to a five-year review.
09/06/95	The City Council approved a Required Five-Year Review for the Special Use Permit [U-78-90(1)], which allowed the 14-foot x 48-foot off-premise advertising (billboard) sign on this site subject to a five-year review.

ZONING AND EXISTING LAND USE OF ADJACENT PROPERTIES

North	C-1 (Limited Commercial)	Office
South	C-1 (Limited Commercial)	Office
East	R-1 (Single Family Residential)	Single-Family Residential
West	R-5 (Apartment)	Multi-Family Residential

MP

LAMAR

LAMAR ADVERTISING COMPANY

October 2, 2000

RECEIVED
CITY CLERK
2000 OCT -3 A 8:46

City of Las Vegas
Office of the City Clerk
400 Stewart
Las Vegas, Nevada 89101

To whom it may concern,

On behalf of the Lamar Advertising Company and Kay Rodriquez of Bar K Realty, I am formally appealing the planning commissions decision on item U-0078-90(2) from the September 28, 2000 meeting. The decision was for denial of a special use permit that would allow a billboard at 2007 South Paradise to remain where it is. I am appealing based on the following:

1. The area has not changed significantly in the past five years and therefore does not meet the criteria for removal set forth in Section 19 A.14.010 of the Las Vegas Municipal Code.
2. Although sign is within 80 feet of residential it was built 40 years after the homes were and of the 144 notices sent there were no objections. Furthermore, the sign cannot be seen from the residences 80 feet away and thus does not have an impact.
3. The area where the billboard is located has been in the redevelopment zone for twenty years and has not been redeveloped. The current landowner plans to keep her parcel and no eminent domain matters have been suggested in this area therefore there are no real plans that would suggest that anything new will occur in this area in the next five years.
4. The planning Commission suggested that billboards are typically associated with economic decline and would therefore conflict with the goals of the Las Vegas Redevelopment Plan. This attitude is incorrect as all one has to do is look to the thriving commercial and industrial areas to see that there are billboards there too. Often times the only reason a landowner can afford to maintain their property in a clean and respectable fashion in economically depressed areas is because of the billboard revenue that they receive.

Thank you in advance for your anticipated time and attention regarding this matter.

Sincerely,

Kelleen A. Cota

Kelleen A. Cota
Real Estate Department

1863 Helm Drive, Las Vegas, Nevada 89119
PH. (702) 873-4600 FAX (702) 873-4344

AGENCY COMMENTS

Department/Agency	*Distributed to*	*Comments Received*	*Comments Incorporated into Conditions of Approval*
P&D - Comprehensive Planning	YES	NO	NO
B&S - Permits/Inspections	YES	NO	NO
PW - DEVCO	YES	NO	NO
Office of Business Development	YES	NO	NO
Fire Services - Prevention	YES	NO	NO
Metro - Crime Prevention	YES	NO	NO

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

   Staff finds no physical constraints to the continuation of the off-premise advertising (billboard) sign use on this site.

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

   Staff finds the continuation of the off-premise advertising (billboard) sign use will not affect Paradise Road, a fully developed street adjacent to this request.

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

   Staff finds the off-premise advertising (billboard) sign will be subject to regular inspections and will not compromise the public health, safety and welfare.

NOTICES MAILED 144

APPROVALS 0

PROTESTS 0

[Notes: The Planning Commission determined that the off-premise sign use is no longer appropriate on the site because of substantial change in the area in the past 5 years, including new commercial development to the south along Paradise Road and recent office conversions, indicating a movement toward substantial new investment in the area.]

USE

Section 19A.14.010 of the Las Vegas Municipal Code allows the removal of an off-premise sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. Staff finds that while little has changed in the area surrounding the subject site since the last 5-year review of this Special Use Permit, the continued off-premise advertising (billboard) sign use is an inappropriate use adjacent to the existing single-family residential uses. In this case the sign is approximately 80 feet from single-family residential uses to the east. Staff finds that off-premise advertising (billboard) signs are generally not conducive to economic revitalization as they are more typically associated with declining commercial and industrial areas, and therefore the use conflicts with the goals of the Las Vegas Redevelopment Plan to improve the area. Therefore, staff finds the continuation of this use to be potentially detrimental to redevelopment efforts. For these reasons staff recommends denial of the Five-Year Review.

FINDINGS

The following findings required for approval of a Special Use Permit application, per Las Vegas Municipal Code Section 19A.18.060, should also be required for any subsequent Special Use Permit review. Thus, the Planning Commission or City Council must affirm the following:

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

   Staff finds that while little has changed in the area surrounding the subject site since the last 5-year review of this Special Use Permit, the continued off-premise advertising (billboard) sign use is an inappropriate use adjacent to the existing single-family residential uses. The Las Vegas Redevelopment Plan (Article V, Map 9) describes and illustrates a direction for future land uses and design standards in the Redevelopment Area. The stated intent of the Redevelopment Plan includes the following:

   A) One of the objectives of this plan is to create an attractive and pleasant environment in the Redevelopment Area. Therefore, such plans shall give consideration to good design... to enhance the aesthetic quality of the Redevelopment Area.

   Staff finds the continuation of the off-premise advertising (billboard) sign use is in conflict with the stated intent of the Redevelopment Plan. For these reasons staff recommends denial of this review. If the request is approved, staff recommends the Special Use Permit be subject to a one-year review.

** STAFF REPORT **

APPLICATION REQUEST

This is an appeal filed by Lamar Advertising Company from the Denial by the Planning Commission of a request by Bar K Realty on behalf of Lamar Outdoor Advertising for a Required Five-Year Review for an approved Special Use Permit, which allowed a 14-foot x 48-foot off-premise advertising (billboard) sign at 2007 Paradise Road.

BACKGROUND DATA

03/05/80	The City Council approved a Downtown Redevelopment Plan for this site as part of the larger downtown area.
01/22/86	The City Council approved a legal description of the Downtown Redevelopment Plan area including this site as part of the larger downtown area.
06/20/90	The City Council approved the Special Use Permit (U-78-90) for the 14-foot x 48-foot off-premise advertising (billboard) sign on this site subject to a five-year review.
09/06/95	The City Council approved a Required Five-Year Review for the Special Use Permit [U-78-90(1)], which allowed the 14-foot x 48-foot off-premise advertising (billboard) sign on this site subject to a five-year review.

ZONING AND EXISTING LAND USE OF ADJACENT PROPERTIES

North:	C-1 (Limited Commercial)	Office
South:	C-1 (Limited Commercial)	Office
East:	R-1 (Single Family Residential)	Single-Family Residential
West:	R-5 (Apartment)	Multi-Family Residential

ANALYSIS & FINDINGS

ZONING

Staff finds the existing off-premise advertising (billboard) sign is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

Carman Burney

From: Carman Burney
Sent: Wednesday, January 21, 2004 4:04 PM
To: David Clapsaddle
Cc: Bob Genzer; Margo Wheeler
Subject: 2007 Paradise Road (U-0078-90)

FYI:

Kay Rodriguez (owner of Bar K Realty) owns property at 2007 Paradise Road. She had a SUP approved in 1990 for a billboard subject to a 5 year review. In 1995, the required review was approved subject to another 5 year review. In 2000, the required review was approved subject to a one year. Well in 2001, the review was missed, I was out on maternity leave (it began prematurely). (While I was out no reviews were recorded or placed on agendas). When I discovered it, I sent a letter to her (and cc'd the sign company - which is usual practice) regarding the scheduling of the review. Debbie Barone from Lamar called me to let me know that the sign had been removed in February 2003. I noted it in the file. Now, Kay wants to have another sign constructed on the property (probably using another sign company... according to her Lamar did not give her a reason for removing the sign) and does not understand why she cannot put up another sign without a new SUP. She informed me that Gabby (from the Clerk's office) faxed her copies of the Code which expresses that an SUP is void if not exercised within 12 months. Since her sign has been down less than 12 months she feels she can replace it anytime before that 12 month window expires (which is in 2/04). I explained that for original approvals of SUP that is true but not on a required review and that a required review denotes that we are reviewing something that currently exists. Her final comments were "I don't understand why the citizens of the city (people like me) have to pay for the mistakes of the bureaucrats (people like you). I will forward this matter to my attorney, Mr. Woofter."

Kay Rodriguez's number is 732-1234.

If she or her attorney calls again, how would you like for me to handle it?

Thanks!
/clb

Tracking:	**Recipient**	**Read**
	David Clapsaddle	
	Bob Genzer	Read: 1/21/2004 4:10 PM
	Margo Wheeler	Read: 1/21/2004 4:08 PM

ITEM	BOARD ACTION
25. U-78-90 - BAR K REALTY APPLICATION: Special Use Permit to allow a 14 foot x 48 foot off-premise advertising (billboard) sign LOCATION: 2007 Paradise Road ZONE: C-1 STAFF RECOMMENDATION: APPROVAL, subject to: 1. A review be conducted in five years with the sign being subject to removal at that time. 2. Standard conditions 1 and 5. PROTESTS: 0	ASHWORTH APPROVED, subject to staff's conditions (Sorensen and Solomon voting "no") Mr. Williams stated the applicant is proposing this billboard sign to be constructed perpendicular to Paradise Road with messages on both sides. The Donrey billboard which had been on this property has been removed and will be replaced with the proposed billboard. There are no other billboards within 300 feet of this proposed site. Staff recommended approval. Tom Lego, representing the applicant, stated he was in agreement with staff. He said that Paradise has been considered appropriate for this use in the past. There are several billboards in the area. No one appeared in opposition. NOTE: A date will be set at the 6/6/90 City Council meeting for a public hearing to be held at the 6/20/90 City Council meeting. (20:21 - 20:28)

PLANNING &
DEVELOPMENT

Development
Services Center
731 S. Fourth Street
Las Vegas, NV 89101

TTY 702-386-9108
Voice:
Administration 229-6353
Comp Planning 229-6022
Current Planning 229-6301
www.ci.las-vegas.nv.us

April 22, 2004

Ms. Kay Rodriquez
Bar K Realty
2007 Paradise Road
Las Vegas, NV 89104-2510

RE: Non-conforming Structure/Use [U-78-90]

Dear Ms. Rodriguez:

This letter will serve to memorialize our conversation of April 20th. As indicated in the original letter sent to you by Margo Wheeler, staff has determined that the billboard formerly located on your property was a non-conforming structure and under the provisions of the code cited in the next paragraph, cannot be replaced. During our conversation you also inquired about Title 19.18.060.(P) (4) as faxed to you on October 22, 2003. My research indicates that the code section in question was changed in June of 2003 and what was sent to you was therefore no longer part of the code at the time it was sent. I apologize for this error.

Pursuant to Title 19.04.010 Land Use Tables "Off Premise Advertising Signs" are allowed in the C-1, C-2, C-M, and M zones. Standards for off-premise signs are contained in Title 19.14.100 including subsection (C) which gives locational requirements. Title 19.14.100(C)(11) specifies, "no off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in any 'R' zoning district." Subsection 19.14.160(H)(4) regarding termination of non-conforming signs-removal states, "...if a sign or sign structure is permanently removed or intentionally destroyed, replacement signs and sign structures must comply with the current standards."

Because of the above requirements it has been determined that we are unable to accept an application for a Special Use Permit for a new off-premise sign at this location.

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro-Tem)
Larry Brown
Lynette Boggs McDonald
Lawrence Weekly
Michael Mack
Janet Moncrief

City Manager
Douglas A. Selby

Please be advised that Title 19.00.070.F allows any person aggrieved by the decision of an administrative officer in the enforcement of this Title to appeal that decision to the City Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be filed in the office of the Planning and Development Department within ten days after the administrative decision has been made. Please refer to this code provision for additional details.

Sincerely,

Robert S. Genzer, Planning Director

Cc: M. Margo Wheeler, Deputy Planning Director
Roy Woofter, 218 S. Maryland Parkway, Las Vegas, NV 89101
Bryan Scott, Deputy City Attorney
Loretta Arrington, Ward 3 Liaison
Susie Martinez, Ward 3 Liaison

North Las Vegas withdraws objections to new heliport

REVIEW-JOURNAL

A new heliport is expected to be operating in North Las Vegas as early as next week.

City staffers who objected to the proposed site for Silver State Helicopters dropped their appeal just three hours before City Council members were set to hear the matter at Wednesday's meeting.

City staff and a city attorney initially were concerned that allowing the project to move forward could violate state law.

But Silver State Helicopters owner Jerry Airola said the heliport should be allowed because the site was used as a private heliport for more than 20 years by a prior owner who was granted a special use permit.

The site, in an industrial area 2½ miles from the nearest residence, would reduce noisy helicopter traffic that annoys North Las Vegas residents near the airport, one of the company's bases of operation, Airola said.

The heliport is near Cheyenne Avenue and North Fifth Street, about 2 miles east of the North Las Vegas Airport.

The state law city officials were concerned with established a moratorium that directed Clark County to designate a heliport site in an outlying area and provided tax incentives for tour helicopter companies that move there. The county in February designated an area south of Sloan for the helicopter hub.

Donald Keith Yates
March 27, 1938 - April 18, 2004
Beloved Father, Grandpa and Friend.
Builder, Craftsman, Artist, Teacher and Mentor.
May You Rest In Peace

Bar-K REALTY
REALTOR
2007 PARADISE ROAD • LAS VEGAS, NEVADA 89104 • (702) 732-1234- • FAX (702) 732-4122

RECEIVED
CITY CLERK
2004 MAY -3 P 2:10

May 2, 2004

City Council of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Attn: City Clerk

Dear Sirs:

The decision of Planning and Development received by me 04-26-2004, signed by Mr. Genzer, is hereby appealed.

The attached exhibits from the file on my property at 2007 Paradise reveal the advertising sign was "grandfathered" in the 70's and re-installed by a "special use" permit in conformance dated 05-22-1990. Attached exhibits from the file:

05-22-90	Special use permit "in conformance"
06-27-95	Special Use Item showing no protests
07-21-95	RONCO letter addressing no change in surrounding property
10-02-00	Items pointing out the lack of redevelopment in this area, etc.
11-01-00	No agency comments re: sign maint. Pg. 4 144 notices sent - -0- protests Pg. 3 (new commercial use is massage parlors)
01-21-04	Burney letter - claims I received a letter re: site review. No letter in file, none to me. Letter also states that sign replacement was for 1 year into 2/04. Not so. Sign came down 5/16 after an April notice.
05-24-90	Recites Don rey billboard was at this site prior to 1990 - (70's and 80's in fact) - no opposition
04-22-04	Genzer letter: Error re code change & 05/09/2003 response from City. Genzer claims this fax was Oct.

Sincerely,

Kay A. Rodriguez

Kay A. Rodriguez, President

KAR:mft

cc: Mr. Genzer

Date 4-23-04

City of Las Vegas
Public Records Request Form

A

Type of Request: Routine Non Routine Extraordinary **(circle one)**

Requestor Name: KAY RODRIGUEZ Company: BAR-K REALTY

Address: 2007 PARADISE RD Phone: 702-732-1234

City/State/Zip: LAS VEGAS, NV 89104 Fax: 702-732-4122

I hereby request the following city of Las Vegas public records be: A.) made available for review and inspection B.) copies C.) copied and certified **(circle one)**

Record(s) Requested: USE PERMIT DETAILS SINCE 1990
RE 2007 PARADISE RD.

I understand there is a charge for copies of public records. Further, I understand that if the estimated cost of the copies I have requested is $25.00 or more, I will be required to pay in full prior to reproduction. Materials will be held for 14 days. If the material is not retrieved I will be charged in full for the second reproduction in addition to the original charges imposed. Monies paid are forfeited if material is never retrieved. If the request represents a large number of copies, I will be notified of the time frame needed for the completion of the request.

Signature Kay A Rodriguez

Note this form is a public record and will be retained for a period of one year from creation

Information above this line must be included on all Departmental Public Records Request Forms

Calculation of charges:

Number of copies 11 X $1.00 per standard page = 11.00

Number of copies _____ X $2.00 per oversized page = _____

Number of staff hours _____ X (rate) _____ = $ _____

Certification Fee $ _____

If an Extraordinary request:

Number of staff hours _____ X (rate) _____ = $ _____

Type of material _____ (cost) _____ = $ _____

Note to cashier:

TOTAL DUE

11.00

Please code to:

PLPHC

PAID

APR 23 2004

Development Services Center

Staff Notes & Status _____

KA# 123754 W.O.

By: _____, City of Las Vegas, Planning & Development

CITY OF LAS VEGAS
DOWNTOWN REDEVELOPMENT AGENCY
400 EAST STEWART
Las Vegas, NV 89101
(702) 386-6551

STAFF REPORT ON APPLICATION FOR ☐ Aesthetic Review ☐ Variance ☒ Special Use Permit ☐ Zone Change

☐ Other _____

Applicant: BAR-K-REALTY

Location: 2007 PARADISE ROAD
LAS VEGAS, NV

Identification No. U-78-90 Date Received 5-20-90

AGENCY STAFF RECOMMENDATION:

APPROVAL

STAFF COMMENTS:

IN CONFORMANCE WITH THE L & H STUDY

CITY OF LAS VEGAS
DOWNTOWN REDEVELOPMENT AGENCY

ASHLEY HALL
EXECUTIVE DIRECTOR

By: _____
RICHARD WELCH, ASSISTANT TO THE EXECUTIVE DIRECTOR

BRAD PERCELL, REDEVELOPMENT STAFF

ORIGINAL TO: Community Planning Department

CONDITIONS AGREED TO
(if applicable)

_____
APPLICANT

DATE: _____

COPIES TO Applicant, City Manager, Deputy City Managers

PLANNING AND DEVELOPMENT
MAY 22 1990

ITEM		BOARD ACTION
C-8	U-78-90 - BAR K REALTY APPLICATION: Required Five Year Review on an approved Special Use Permit which allowed a 14 foot x 48 foot off-premise advertising (billboard) sign LOCATION: 2007 Paradise Road ZONE: C-1 STAFF RECOMMENDATION: ABEYANCE TO THE 7/25/95 MEETING TO NOTIFY SURROUNDING PROPERTY OWNERS PROTESTS: N/A	GOYNES ABEYANCE to 7/25/95 UNANIMOUS Chairman Jacobson advised that staff is recommending Items C-7 and C-8 be held to 7/25/95 in order to perform a complete notification and hold a public hearing inasmuch as these items do not comply with the new 300 foot distance requirement contained in the Neighborhood Preservation Ordinance. Rene Newman, Ronco, 1405 A Street, was present on behalf of the applicant. No one appeared in opposition. There was no further discussion. (19:16 - 19:18)

Ronco
MEDIA, INC.
1405 N. A. STREET • LAS VEGAS, NEVADA 89106
(702) 386-7446 • FAX 386-9293

RECEIVED
CITY CLERK
AUG 2 11 59 PM '95

July 31, 1995

City Clerk of Las Vegas
400 E. Stewart Ave. 5th Floor
Las Vegas, Nv. 89101

RE: U-78-90 (1) Special Use Permit

Dear Ms. Tighe,

This letter is to appeal the decision of the Board of Zoning on July 25th to deny the 5 year review of our sign located at 2007 Paradise Rd.

As I understand it the purpose of a 5 year review is to review the original application and it's impact on the surrounding area and to take into consideration any changes or development of surrounding property. At this time, there has been no adverse impact caused by the sign, conditions have remained exactly the same on nearby properties, virtually nothing has changed except the fact a new sign ordinance has been devised targeting off-premise signs specifically, and rather than looking at each location on a case by case basis, the BZA has chosen to eliminate all off-premise signs that do not fall with the exact perimeters of their ordinance regardless of the facts surrounding each case.

This particular location is considered within the tourist oriented corrider at 2007 Paradise Rd, it is not abutting residential property, not creating any disturbance or disrupting anyone in any manner.

We feel given the circumstances, this sign location should continue as permitted, and the decision made by the Board of Zoning should be overturned, allowing the structure to remain. Thank you for your consideration of this appeal.

RECEIVED
CITY CLERK
AUG 3 11 04 AM '95

Sincerely,

Renée Newman

Renée Newman
Real Estate/Leasing Agent

Roy A. Woofter
Attorney at Law
218 So. Maryland Parkway
Las Vegas, NV 89101

June 2, 2004

Via fax to 382-4803

Las Vegas City Clerk
Attn: Barbara Jo Ronemus, City Clerk
400 E. Stewart Avenue
Las Vegas, NV 89101

Re: Item No. 76 - City Council Agenda of June 2, 2004
DIR-4421 Appeal of Director's Business
Applicant/Owner: BAR-K REALTY

Dear Ms. Ronemus:

Please be advised that I represent the above-named Applicant/Owner in connection with the above-referenced application.

On behalf of my client, I respectfully request that this item be removed from the City Council agenda of June 2, 2004, and be tabled until the July 7, 2004, City Council meeting. Thank you.

Sincerely,

Roy A. Woofter

RAW:nlf

Submitted after final agenda

Date 6/2/04 Item #76

City of Las Vegas

Agenda Item No. 77

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - **SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RONALD AND LYNN FOGLIA** - Request for a Site Development Plan Review and a Waiver of Landscaping Requirements FOR A 2,580 SQUARE FOOT OFFICE BUILDING on 0.21 aces located on the north side of Transverse Drive, approximately 160 feet west of Jones Boulevard (APN: 163-01-101-008), R-E (Residence Estates) Zone under Resolution of Intent to O (Office), Ward 1 (Moncrief). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

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

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

DAVID TURNER, Baughman and Turner, appeared on behalf of applicant, concurred with staff recommendations and requested approval of the revised site plan, which reflected conformance with the approved setback requirements in the front and a 3-foot landscape planter along the westerly property line with low profile landscaping. COUNCILWOMAN MONCRIEF thanked MR. TURNER for speaking with her about the project. She confirmed with MR. TURNER the total number of parking places would be fifteen.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:51 – 2:53)

CITY COUNCIL MEETING OF JUNE 2, 2004
Planning & Development Department
Item 77 – SD-0062-00

CONDITIONS:

Planning and Development

1. Submit for staff review a revised site plan indicating conformance to the approved Conditions for V-0005-00 which required the building be moved to the north to provide a minimum front yard setback of 8 feet-9 inches and a rear yard setback of 12 feet.

2. Submit for staff review a revised site plan indicating conformance to the site plan approved for V-0005-00 which required that the driveway adjacent to the west side of the building be reduced to 12 feet, and to provide a five foot wide landscape planter along the west property line with 24 inch box trees placed 30 feet on center.

3. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed buildings. Lighting standards within the parking lots shall be no more than 15 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights.

4. All exterior lighting shall meet the standards of Title 19.08.060(C).

5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission and shall be permanently maintained in a satisfactory manner.

Public Works

7. Construct all incomplete half-street improvements on Transverse Drive adjacent to this site concurrent with development of this site.

8. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

9. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements adjacent to this site,

CITY COUNCIL MEETING OF JUNE 2, 2004
Planning & Development Department
Item 77 – SD-0062-00

CONDITIONS:

if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

Amendment to Final Minutes

Office of the City Clerk

City Council Meeting Minutes of June 2, 2004

Date Submitted: August 31, 2005

Amendment to Item # 77

Purpose of Amendment:

NOTE: A Verbatim Transcript is made a part of the Final Minutes

Appearance List:

OSCAR GOODMAN, Mayor

DAVID TURNER, Baughman and Turner

JANET MONCRIEF, Councilwoman

(2:51 – 2:53)

4-545

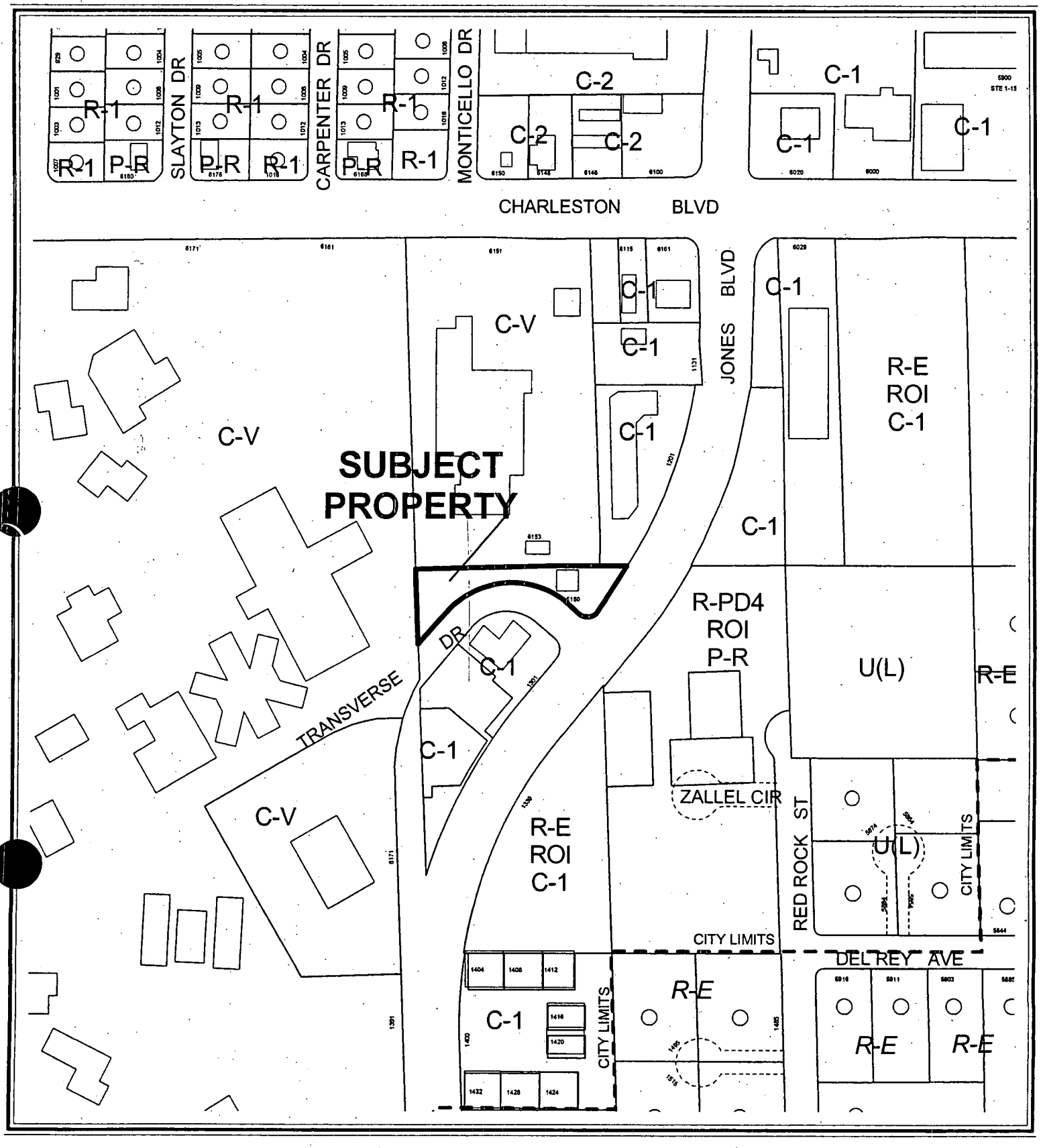
In addition, routine language for the opening and closing of a public hearing was incorporated into the non-public hearing item in error and should be disregarded.

Submitted By: Vicky Darling

Signature: _____, City Clerk

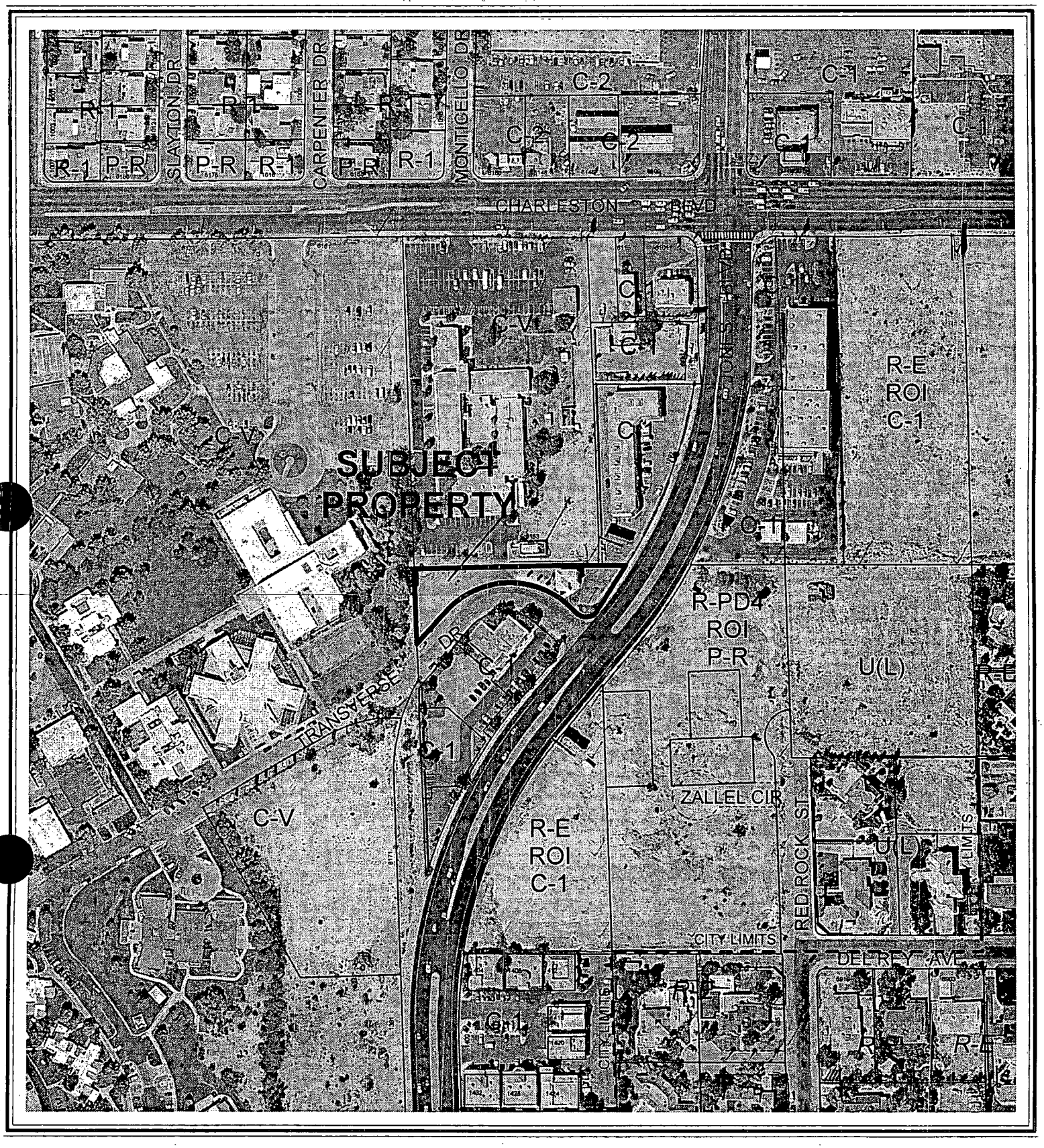
City Clerk or Chief Deputy

Date: August 31, 2005



CASE: SD-0062-00

ZONING OF SUBJECT PROPERTY: O (OFFICE)



CASE: SD-0062-00

ZONING OF SUBJECT PROPERTY: O (OFFICE)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RONALD AND LYNN FOGLIA

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT COUNCILWOMAN MONCRIEF'S REQUEST.

** CONDITIONS **

Staff recommends APPROVAL

Planning and Development

1. Submit for staff review a revised site plan indicating conformance to the approved Conditions for V-0005-00 which required the building be moved to the north to provide a minimum front yard setback of 8 feet-9 inches and a rear yard setback of 12 feet.

2. Submit for staff review a revised site plan indicating conformance to the site plan approved for V-0005-00 which required that the driveway adjacent to the west side of the building be reduced to 12 feet, and to provide a five foot wide landscape planter along the west property line with 24 inch box trees placed 30 feet on center.

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5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission and shall be permanently maintained in a satisfactory manner.

Public Works

7. Construct all incomplete half-street improvements on Transverse Drive adjacent to this site concurrent with development of this site.

8. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

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   Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Site Development Plan Review for a 2,580 square foot office building and a Waiver of the required landscaping requirements on property located on the north side of Transverse Drive, approximately 160 west of Jones Boulevard. (APN: 163-01-101-008)

BACKGROUND INFORMATION

A) Previous Actions

06/23/97 The City Council approved a Rezoning (Z-0037-97) to O (Office) and a General Plan Amendment (GPA-0018-97) to O (Office) on the subject property. The Planning Commission and staff recommended approval on May 22, 1997.

05/17/00 The City Council approved a Variance (V-0005-00) to allow reduced setbacks on the subject property. The Board of Zoning Adjustment and staff recommended approval on April 4, 2000.

01/03/01 The City Council *tabled* the Site Development Plan Review (SD-0062-00) for a 2,580 square foot office building on the subject property. The Planning Commission and staff recommended approval on November 16, 2000.

DETAILS OF APPLICATION REQUEST

A) Existing Land Use

Subject Property:	Undeveloped
North:	Church with Daycare and School
South:	Office
East:	Office
West:	State of Nevada Facility and Offices

B) Planned Land Use

Subject Property:	O (Office)
North:	PF (Public Facility)
South:	PF (Public Facility)
East:	PF (Public Facility)
West:	PF (Public Facility)

C) Existing Zoning

Subject Property:	O (Office)
North:	C-V (Civic)
South:	C-1 (Limited Commercial)
East:	O (Office)
West:	C-V (Civic)

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A Feet	20,036 Square Feet	N/A
Min. Lot Width	100 Feet		Y
Min. Setbacks			
• Front	25 Feet	5 Feet	N
• Side	10 Feet	29 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	15 Feet	15 Feet	Y
Max. Lot Coverage	30 %	13%	Y
Max. Building Height	2 Stories / 35 Feet	2 Stories / 25 Feet	Y
Parking	15 Spaces	15 Spaces	Y

The proposed site plan does not meet the minimum requirements with regard to the front setback. The City Council approved a Variance (V-0005-00) to allow a 5 foot front yard setback where 25 feet is the minimum setback required.

The subject parcel is triangular in shape with the 2,580 square foot building placed approximately in the center of the site. Access will be provided by two driveways off of Transverse Drive, with one-way traffic circulation on-site. Parking will be provided on the western and eastern edges of the property. Landscaping will be provided in approximately ten-foot wide planters along Transverse Drive, and around the perimeter of the building. The proposed elevations depict a modern design, two-story building with a stucco exterior and tile roof.

ANALYSIS

- Zoning

The subject property is zoned O (Office) which corresponds to the General Plan Designation of O (Office). The requested office development is in conformance with both the General Plan Designation and the Zoning District.

- Site Plan

The site plan submitted with this application does not represent the City Council action regarding the Variance (V-0005-00) for the subject site. The proposed office building was to be moved to the north and west on the subject site, thus increasing the front setback to a minimum of eight feet – nine inches and reducing the rear setback to 12 feet. In addition, the driveway adjacent to the west side of the building was to be reduced to 12 feet, with 5 feet of landscaping provided along the west property line. Staff recommends a Condition that requires compliance with the Conditions of Approval for V-0005-00.

On March 25, 2004, the applicant submitted a request to have this item put back on the City Council agenda. Revised site plans were also submitted. However, the site plan still does not conform to the approved Variance, which allowed for reduced setbacks.

- Waivers

The applicant has requested a waiver of the landscape guidelines. Staff can support this waiver, to certain allowance, based on the unusual shape of the property. However, based on the City Council approval of V-0005-00, which required a five foot wide planter along the west property line and increased amount of landscaping along Transverse Lane, staff recommends a Condition that requires that the landscaping shown for that approval be provided.

- Landscape Plan

The submitted landscape plan does not meet the standards of the Las Vegas Urban Design Standards and Guidelines regarding on-site perimeter landscaping. The Guidelines require that a 15-foot wide planter be constructed along all public right-of-way, as well as an eight-foot wide planter along all interior property lines. The applicant has requested a waiver of these guidelines. Staff can support this waiver, to certain allowance, based on the unusual shape of the property. However, based on the City Council approval of V-0005-00, which required a five foot wide planter along the west property line and increased amount of landscaping along Transverse Lane, staff recommends a Condition that requires that the landscaping shown for that approval be adhered to.

- Elevation

The elevations depict a two-story structure with a stucco exterior and tile roof. Staff finds that this proposal is consistent with similar type buildings within the City of Las Vegas, particularly with this project's "sister" development to the east.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

   This proposal is consistent with similar type buildings within the City of Las Vegas, particularly with this project's "sister" development to the east.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

   The site plan submitted with this application does not represent the City Council action regarding the Variance (V-0005-00) for the subject site. The proposed office building was to be moved to the north and west on the subject site, thus increasing the front setback to a minimum of eight feet – nine inches and reducing the rear setback to 12 feet. In addition, the driveway adjacent to the west side of the building was to be reduced to 12 feet, with 5 feet of landscaping provided along the west property line. Staff recommends a Condition that requires compliance with the Conditions of Approval for V-0005-00.

   Further, the submitted landscape plan does not meet the standards of the Las Vegas Urban Design Standards and Guidelines regarding on-site perimeter landscaping. The Guidelines require that a 15-foot wide planter be constructed along all public right-of-way, as well as an eight-foot wide planter along all interior property lines. The applicant has requested a waiver of these guidelines. Staff can support this waiver based on the unusual shape of the property. However, based on the City Council approval of V-0005-00, which required a five foot wide planter along the west property line and increased amount of landscaping along Transverse Lane, staff recommends a Condition that requires that the landscaping shown for that approval be adhered to.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The site access and circulation will not negatively impact adjacent roadways.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

   The building and landscape materials for this site are common throughout the City of Las Vegas and will not be a detriment to the area.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

   The elevations depict a two-story structure with a stucco exterior and tile roof. Staff finds that this proposal is consistent with similar type buildings within the City of Las Vegas, particularly with this project's "sister" development to the east.

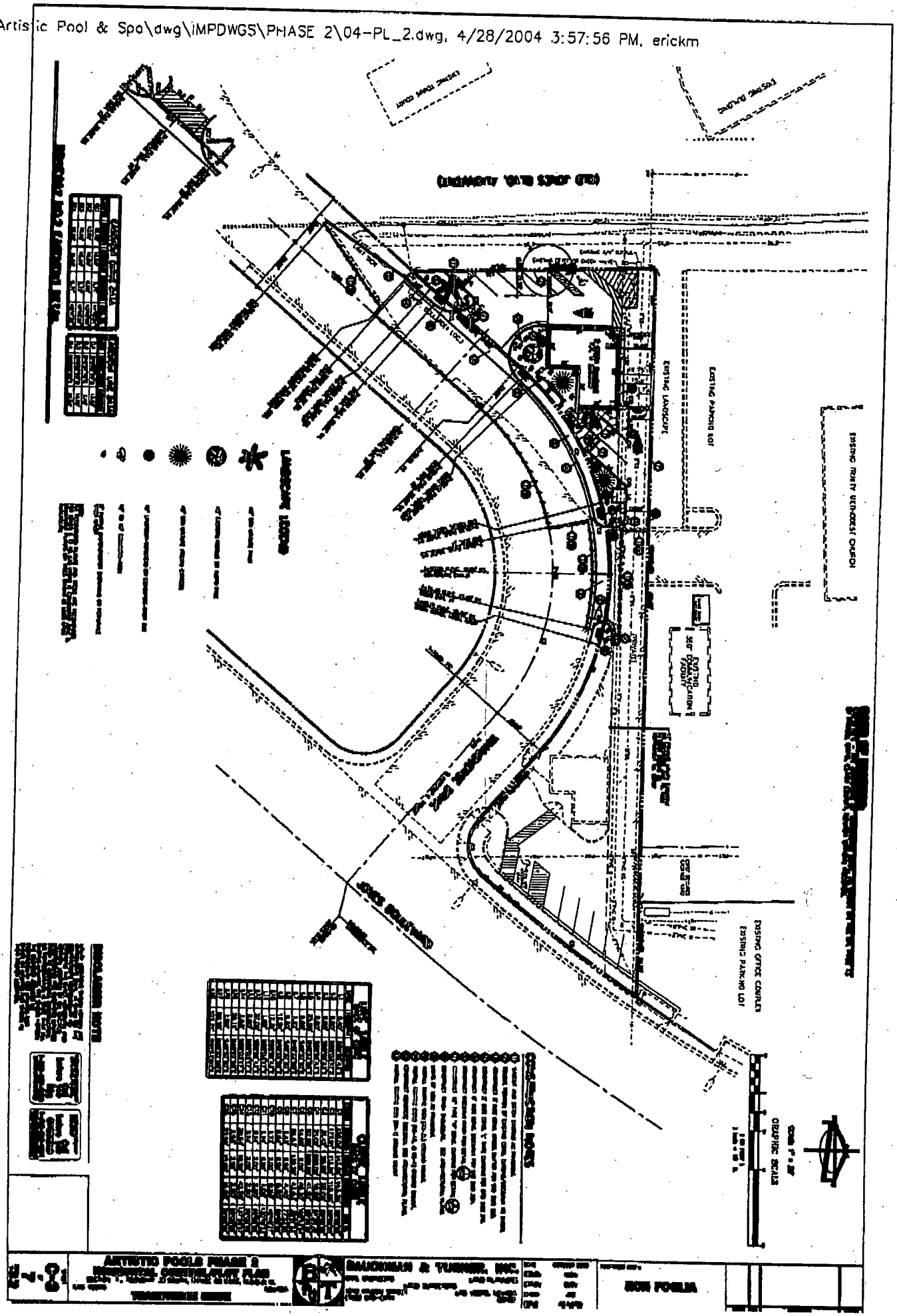
6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

With appropriate landscaping and buffering this project will not be a detriment to the health, safety, and welfare of the general public.

NOTICES MAILED N/A

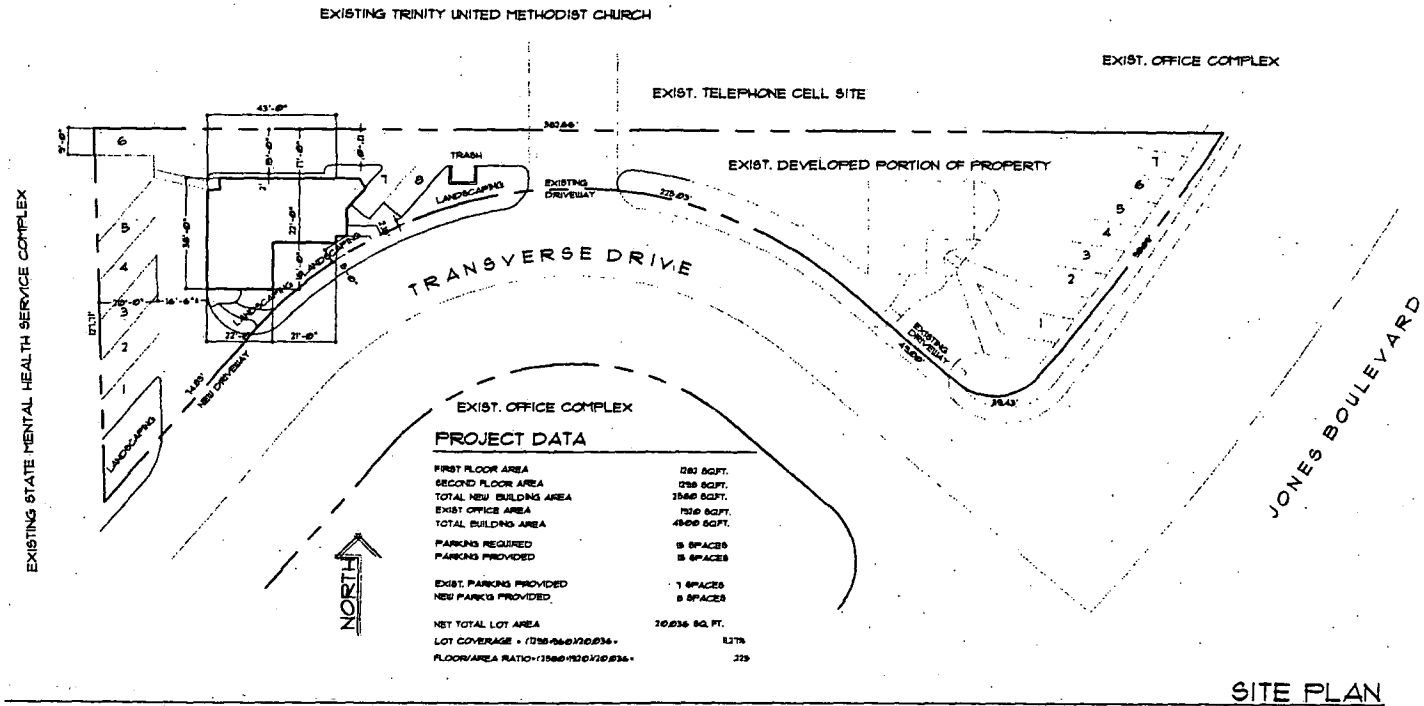
APPROVALS 0

PROTESTS 0



SD-0062-00

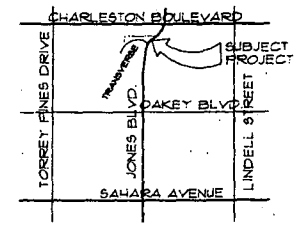
05-19-04 CC



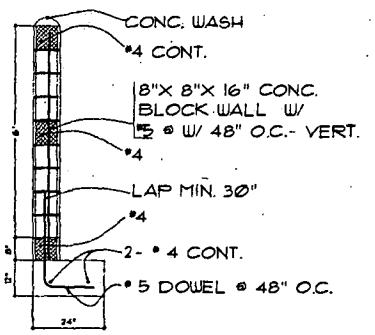
SITE PLAN
1" = 20'-0"

CODE ANALYSIS

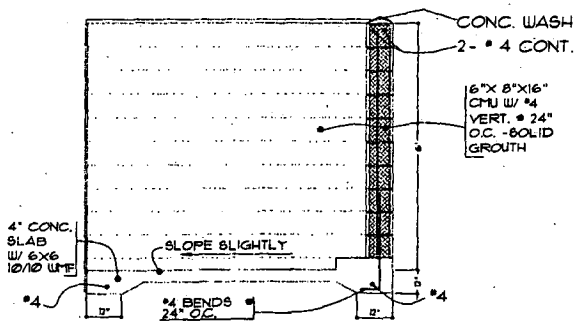
CONSTRUCTION	NON-SPRINKLED V-N
OCCUPANCY	B
BASE ALLOWABLE AREA	9000 SF
YARD INCREASE = (36'-36' to 39' = 40%)	3.6
TOTAL ALLOWABLE AREA PER FLOOR	12,600 SF
TOTAL BUILDING AREA	12,600 SF
MAX. STORIES ALLOWED PER BUILDING	TWO
NUMBER OF STORIES IN PROJECT	TWO
MAX. ALLOWABLE HEIGHT OF BUILDING	40'
HEIGHT OF THIS PROJECT	MAX. 36'
AREA OF SUBJECT SPACE	2560 SF
AREA OF SECOND FLOOR	1260 SF
SECOND FLOOR OCCUPANT LOAD	9 PERSONS
ONE EXIT REQUIRED FROM SECOND FLOOR	
AREA OF FIRST FLOOR	1320 SF
KITCHEN OCCUPANT LOAD	9 PERSONS
ONE EXIT REQUIRED FROM FIRST FLOOR	



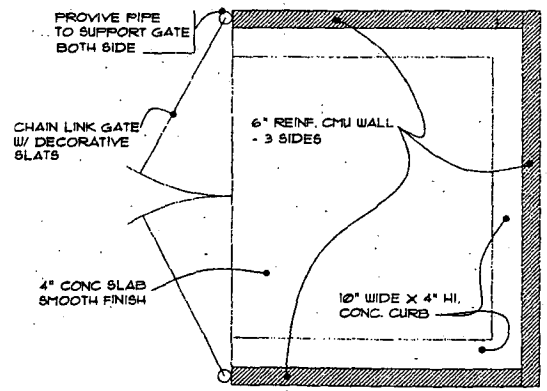
VICINITY MAP



WALL DETAIL 1/1
1/4" = 1'-0"



TRASH INCLOSURE DETAIL 2/1
1/4" = 1'-0"



PLAN 2/1
1/4" = 1'-0"

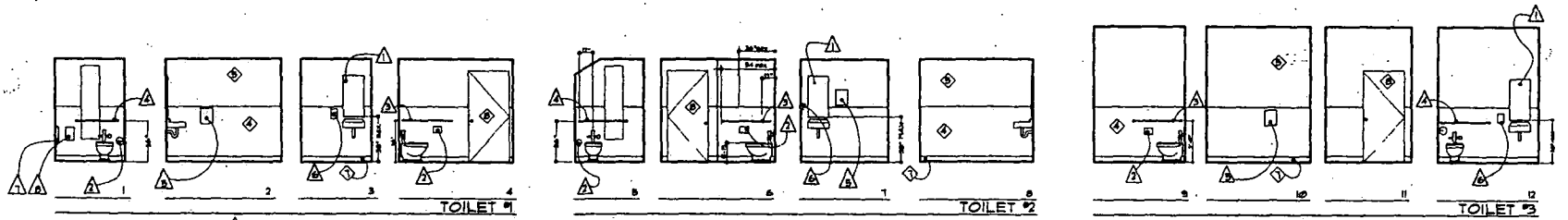
SD-0062-00

05-19-04 CC

KEN PUZZELL · OWNER
(702) 870-7055
OFFICE BUILDING AT ARTISTIC PLAZA
8335 SPRING MOUNTAIN ROAD #216 LAS VEGAS, NEVADA 89102
KEN PUZZELL ARCHITECT

17 MARCH 2004

1.



INTERIOR ELEVATION
SCALE 1/4" = 1'-0"

FINISH LEGEND

1. MIRROR
2. TOILET PAPER HOLDER
3. 1 1/4"X 42" GRAB BAR
4. 1 1/4"X 36" GRAB BAR
5. PAPER TOWEL DISPENSER
6. SOAP DISPENSER
7. SANITARY NAPKIN DISPOSAL
8. SANITARY NAPKIN DISPENSER

TOILET ACCESSORIES

1. WALLS TO BE LIGHT COLORED FIBER REINFORCED PANEL UP TO CEILING HEIGHTS FROM COVE TILE AT JUNCTURE OF WALLS
2. NOT USED
3. FULL HEIGHT STAINLESS STEEL FLASHING w/ 5/8" TYPE 'X' DRYWALL
4. 6" H. w/CERAMIC TILE BASECOAT & GREENBOARD w/ COVE BASE
5. PAINTED, GYP. DRYWALL W/ LIGHT TEXTURE
6. COVED QUARRY BASE
7. CERAMIC TILE BASE
8. DOOR + TRIM GLOSS ENAMEL FINISH

ALL LOCKING/LATCHING HARDWARE SHALL BE LEVER TYPE.

PROVIDE TOILET DOOR EXTERIOR SIGNS AS SHOWN

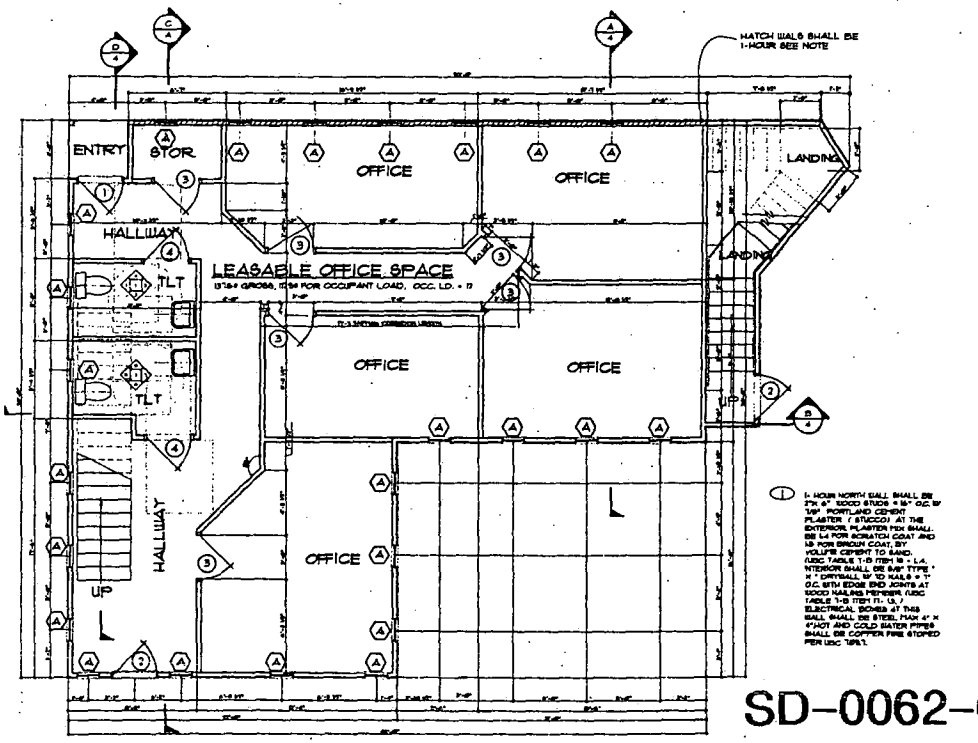
DOOR SCHEDULE

1. 3'-0"x7'-0"x1-3/4" NARROW STILE ALUMINUM OR HOLLOW METAL DOOR & FRAME W/ 1 PIVOT SET, CLOSER, WEATHER STRIP, FRAME w/1½ PAIR BUTTS, LOCK SET & STOP, THRESHOLD, PUSH/PULL HARDWARE, DEAD BOLT & SIGN. THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS.
2. 3'-0"x7'-0"x1¾" HOLLOW METAL DOOR & FRAME w/½ PAIR BUTTS, LOCKSET, CLOSER, WEATHERSTRIP AND THRESHOLD.
3. 3'-0"x6'-8"x1¾" SOLID CORE DOOR w/WOOD FRAME w/½ PAIR BUTTS, LOCKSET & STOP.
4. 3'-0"x7'-0"x1¾" SOLID CORE DOOR & FRAME w/½ PAIR BUTTS, PUSH PLATE, PULL PLATE, KICK PLATE & CLOSER.

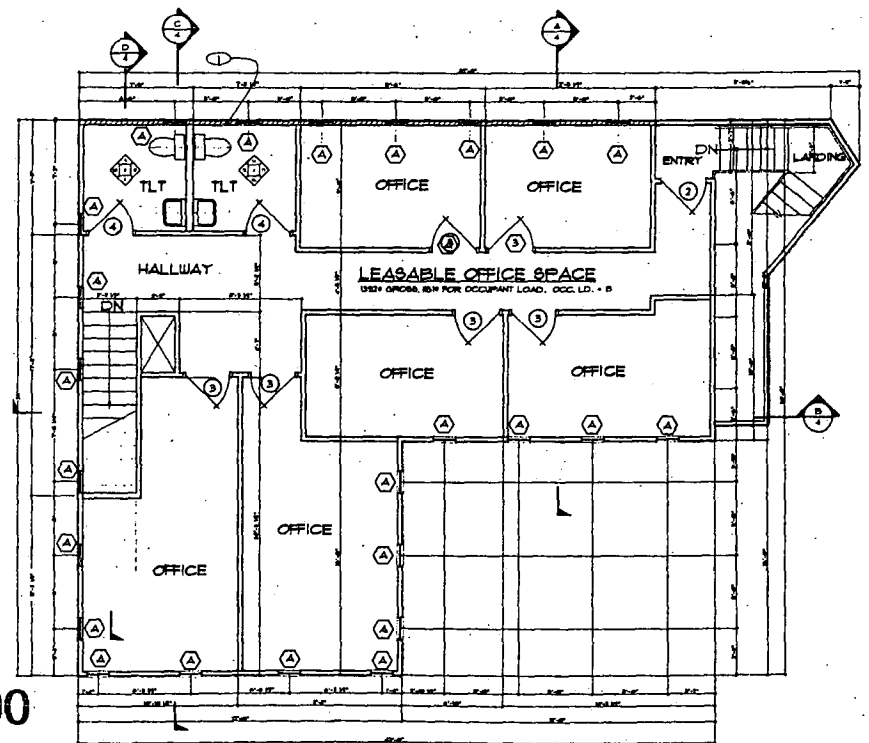
WINDOW SCHEDULE

A. 15"x66" FIXED DUAL PANE METAL WINDOW WITH INTERIOR LITES PER ELEVATIONS

2. APPLY 5/8" TYPE X DRYWALL TO ENCLOSED SIDE OF ENCLOSED SPACES UNDER STAIRS IN TOILETS THIS IS TO CONFORM TO UBC TABLE 7-B ITEM 11- U3 FOR WALL MEMBRANE AND TO UBC TABLE 7-A ITEM 13- L4 FOR CEILING MEMBRANE / 1 HR TYPE "X" DRYWALL! ELECTRIC BOXES FOR ALL BRACKET LIGHTS DUPLEX RECEPTACLE AND SWITCH SHALL BE MIN. 4"X4" METAL BOXES. HOT AND COLD WATER PIPES SHALL BE COPPER PIPE STOPPED PER UBC "WALL ENDSECTION L SINK DRAIN PIPE SHALL PENETRATE WALL PER DETAIL 1 ON SHEET PRODUCT PENETRATION SHALL HAVE FIRE DAMPER AT WALL MEMBRANE - SEE SECTION 2-2. FOR EXHAUST FAN. DRYWALL MEMBRANE SHALL CONTINUE THROUGH AND ABOVE FURRING. NAIL 8-PITTYPE "X" DRYWALL W 60 WALL BOARD NAIL 7" O/C. EDGE ENDS JOINTS ON FRAMING MEMBER



1. 1- HOUR NORTH WALL SHALL BE 2"X 6" WOOD STUDS @ 16" O.C. W/ 7/8" PORTLAND CEMENT PLASTER (STUCCO) AT THE EXTERIOR. PLASTER MIX SHALL BE 1-4 FOR SCRATCH COAT AND 1-5 FOR BROWN COAT) BY VOLUME CEMENT TO SAND. (UBC TABLE 7-B ITEM 18 - L4. INTERIOR SHALL BE 5/8" TYPE 'X' DRYWALL W/ 10 NAILS @ 7" O.C. WITH BOOK END JOINTS AT WOOD NAILING MEMBER (UBC TABLE 7-B ITEM 11- U3.) ELECTRICAL BOXES AT THIS WALL SHALL BE STEEL, MAX 4" X 4" HOT AND COLD WATER PIPES SHALL BE COPPER PIPE STOPED PER UBC 1711.



SD-0062-00

05-19-04 CC

FIRST FLOOR PLAN

SECOND FLOOR PLAN

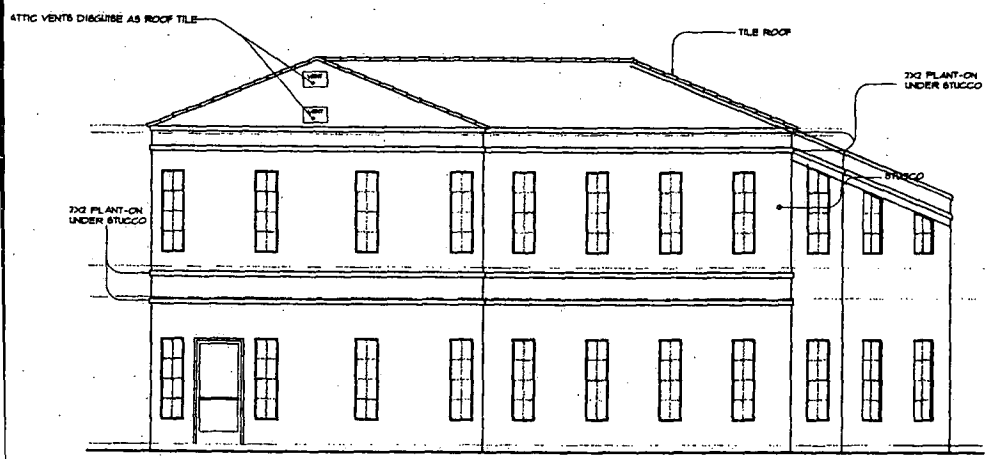
KEN PERRETT ARCHITECT 3355 SPRING MOUNTAIN ROAD #215 LAS VEGAS, NEVADA 89102 (702) 876-3065

BABE POELLA - OWNER

OFFICE BUILDING AT ARTISTIC PLAZA

22 OCTOBER 2003

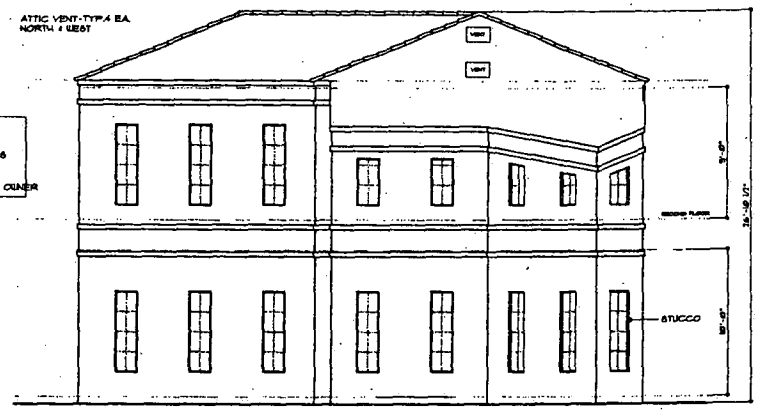
2.



SOUTH ELEVATION

1/4" = 1'-0"

NOTE
ROOF TILE SHALL BE MONIER BRAND U / CLASS "A" RATING.
STYLES SHALL BE SELECTED BY OWNER

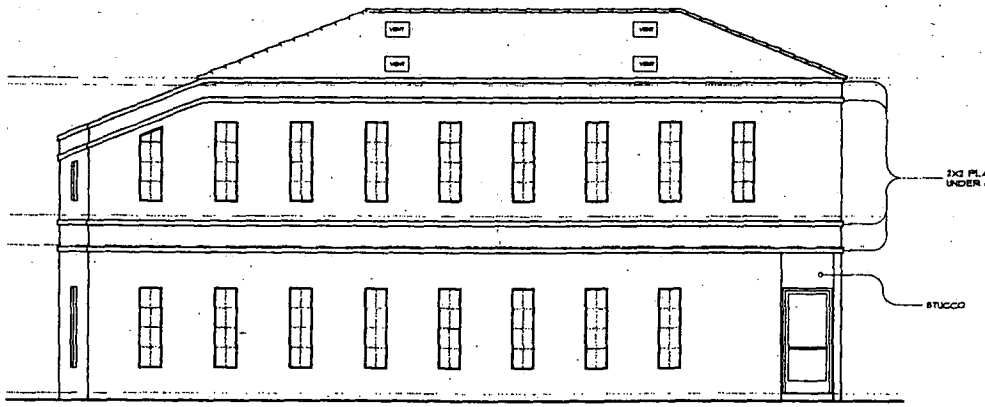


EAST ELEVATION

1/4" = 1'-0"

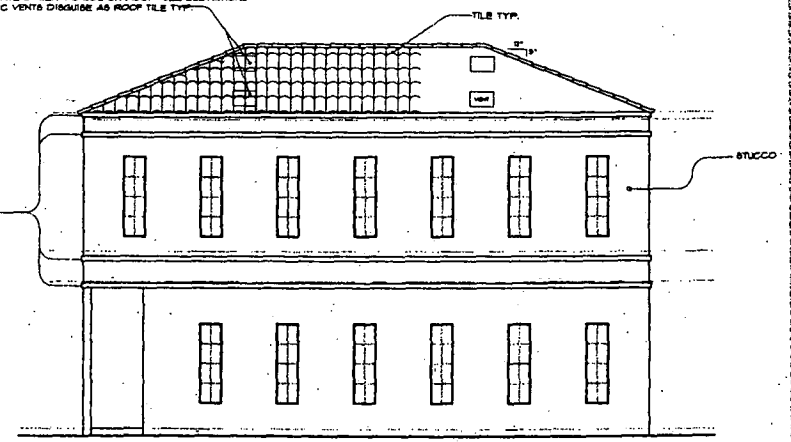
ATTIC VENT CALCULATION

AREA REQUIRED = 864 / 150X144 = 922 SQ. IN.
USE 12 O' HAGIN'S "S" TYPE CLOAKED ATTIC VENTS
LOCATE 6 HIGH & 6 LOW ON ROOF. SEE ELEVATIONS
ATTIC VENTS DISGUISE AS ROOF TILE TYP.



NORTH ELEVATION

1/4" = 1'-0"



WEST ELEVATION

1/4" = 1'-0"

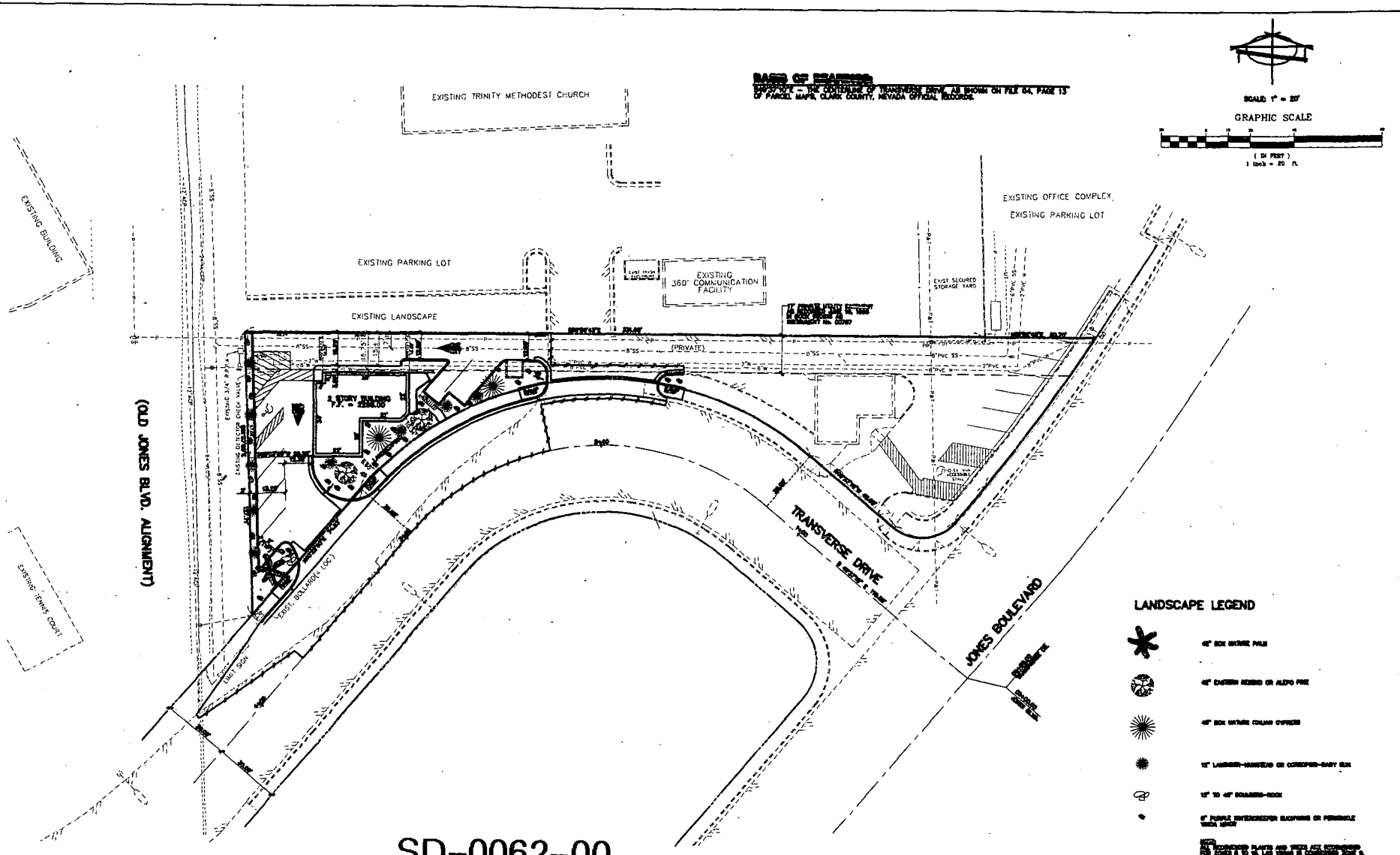
SD-0062-00

05-19-04 CC

BEN PUBLIA - OWNER
(702) 878-1065
KEN PUBLIA ARCHITECT 8165 SPRING MOUNTAIN ROAD #196 LAS VEGAS, NEVADA 89102
OFFICE BUILDING @ ARTISTIC PLAZA

17 MARCH 2004

3.



SD-0062-00

REVISED

6-2-04 CC

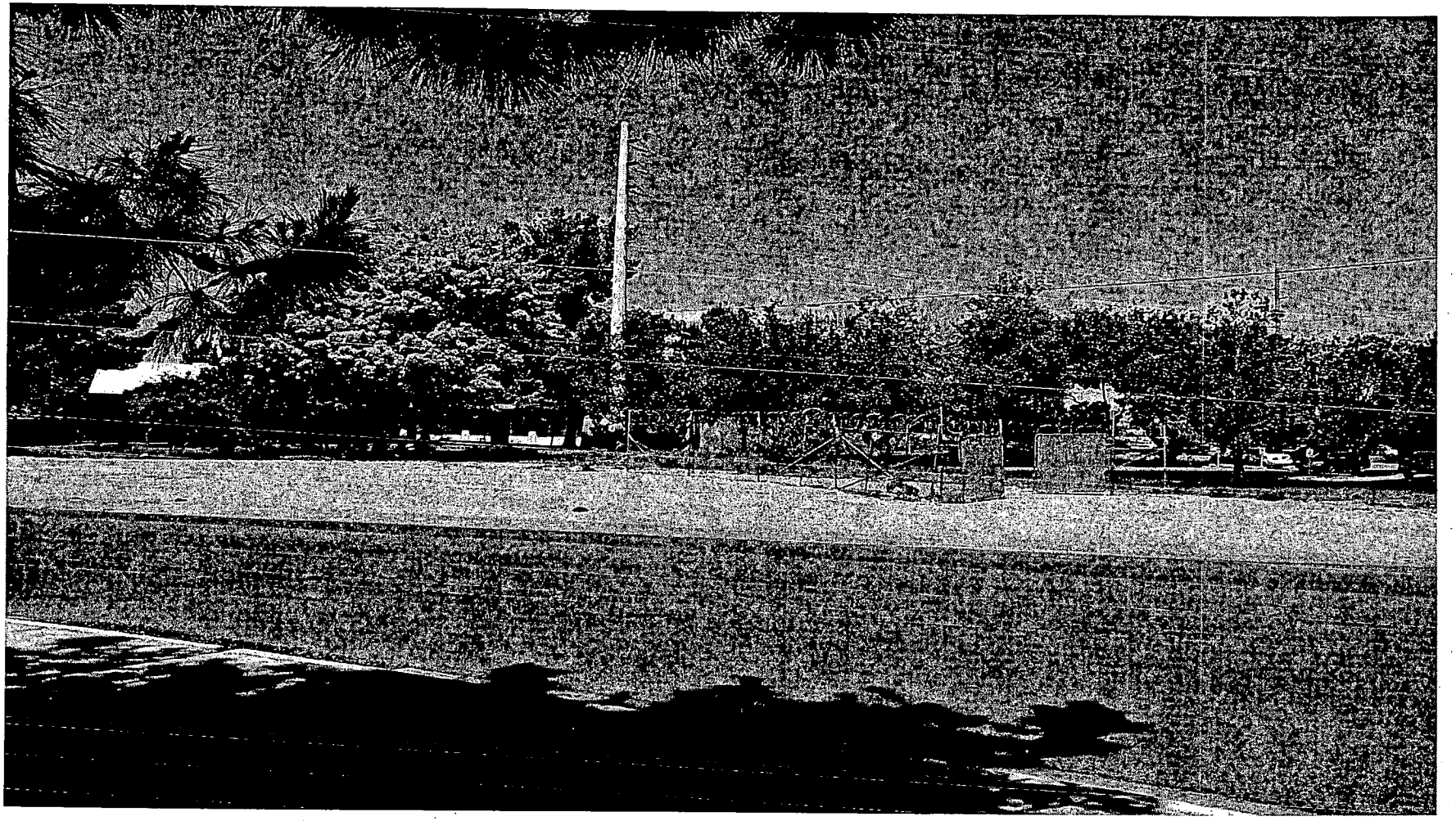
REVISED 5-21-04

ARTISTIC POOLS PHASE 2
SITE PLAN
TRANSVERSE DRIVE

BAUGHMAN & TURNER, INC.

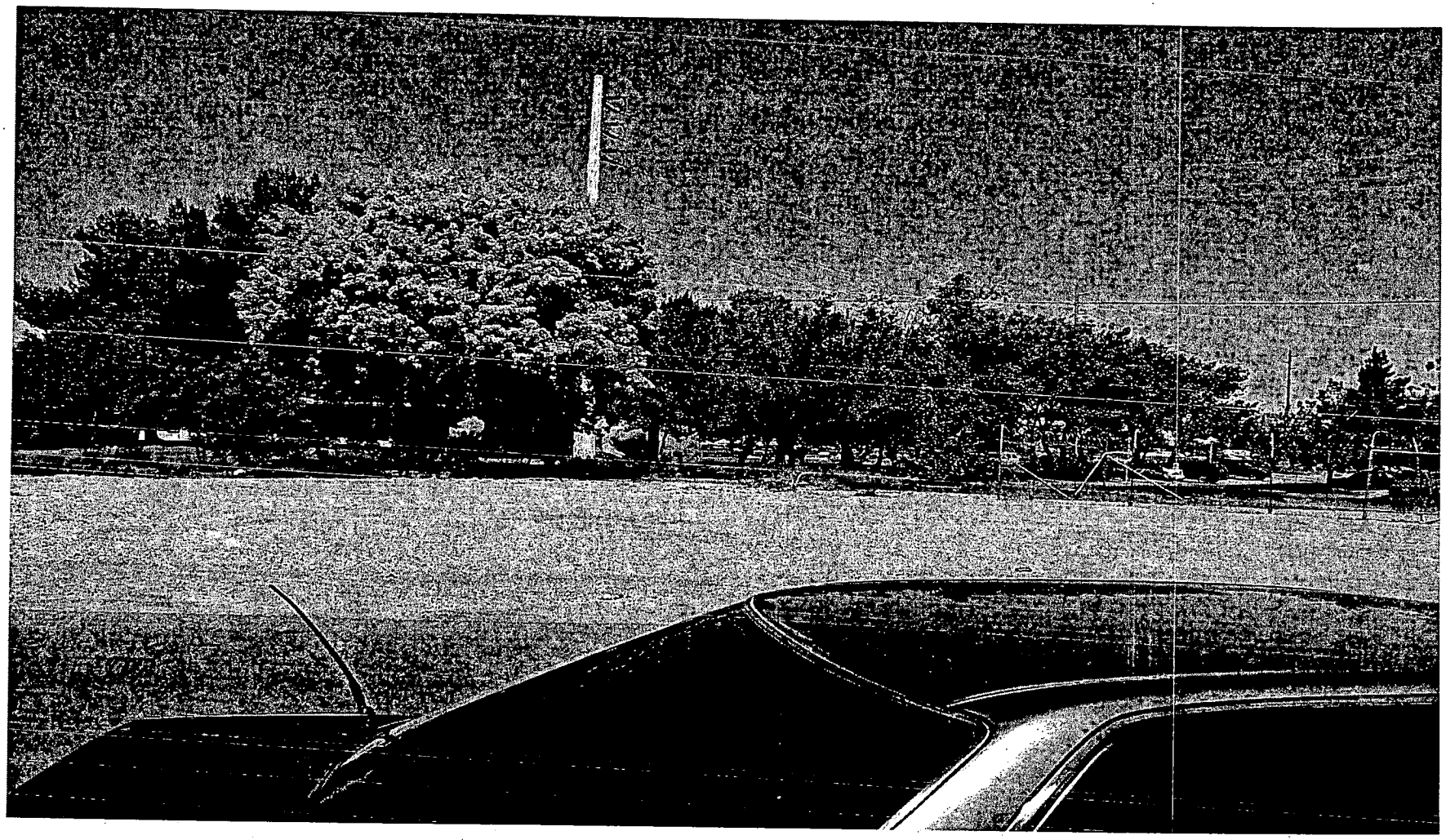
RON FOGLIA

N:\Artistic Pool & Spa\dwg\IMPDWGS\PHASE 2\COLORSITE.dwg, 5/20/2004 2:32:01 PM, erickm, hp deskjet 9600 series



SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RON AND LYNN FOGLIA
North side of Transverse Drive, approximately 160 feet west of Jones Boulevard
MAY 19, 2004 CITY COUNCIL MEETING

Picture taken 04/29/04



SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RON AND LYNN FOGLIA
North side of Transverse Drive, approximately 160 feet west of Jones Boulevard
MAY 19, 2004 CITY COUNCIL MEETING

Picture taken 04/29/04

CITY COUNCIL MEETING OF
JUNE 2, 2004

VERBATIM TRANSCRIPT – Item 77

SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RONALD AND LYNN FOGLIA - Request for a Site Development Plan Review and a Waiver of Landscaping Requirements FOR A 2,580 SQUARE FOOT OFFICE BUILDING on 0.21 acres located on the north side of Transverse Drive, approximately 160 feet west of Jones Boulevard (APN: 163-01-101-008), R-E (Residence Estates) Zone under Resolution of Intent to O (Office), Ward 1 (Moncrief)

Appearance List:

OSCAR GOODMAN, Mayor
DAVID TURNER, Baughman and Turner
JANET MONCRIEF, Councilwoman

(2:51 – 2:53)

4-545

2 minutes

Typed by: Vicky Darling
Proofed by: Lean Coleman

MAYOR GOODMAN

All right. Item 77. This is SD-0062-00. The applicant is Baughman and Turner, Inc. The owner is Ronald and Lynn Foglia. Request for a Site Development Plan Review and a Waiver of Landscaping Requirements for a twenty-five hundred and eighty square foot office building on .21 acres located on the north side of Transverse Drive, approximately one hundred and sixty feet west of Jones Boulevard. Staff recommends approval. Yes, Sir.

DAVID TURNER

Good afternoon, Mayor, Councilmen, Councilwoman. Dave Turner with Baughman and Turner, representing the applicant. We agree with staff recommendations. We'd ask that you approve the revised site plan submitted to staff, reflecting conformance with – the approved setback requirements in the front and also a three-foot landscape planter along the westerly property line with low-profile landscaping.

MAYOR GOODMAN

All right. Are there any questions? All right, hearing none, this is in Ward 1. Councilwoman?

COUNCILWOMAN MONCRIEF

Thank you for coming in and speaking to me about this project.

DAVID TURNER

You're welcome.

COUNCILWOMAN MONCRIEF

You have 15 parking places by the way, not seven. Remember when we spoke, in my office?

DAVID TURNER

That's over the entire center.

COUNCILWOMAN MONCRIEF

Yes, exactly. Yeah. Any way, **I move for approval, following staff's recommendations.**

MAYOR GOODMAN

All right. Let's vote, please. Post. Motion carries. **(Motion carried UNANIMOUSLY with Ward 2 seat vacant)**. Thank you.

DAVID TURNER

Thank you.

(END OF DISCUSSION)

/vwd;lc

City of Las Vegas

Agenda Item No. 78

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - **VAR-3902 - APPLICANT/OWNER: RICHARD AND JILL BURNS** - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 25 FOOT FRONT SETBACKS WHERE 30 FEET IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW 25 FOOT REAR SETBACKS WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED on 9.46 acres on the northwest corner of Maggie Avenue and Coke Street (APN: 125-09-501-002), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	5	Planning Commission Mtg.	12
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (5-1 vote) and staff recommend DENIAL. If Approved, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal Letter filed by Andras F. Babero

MOTION:

MACK – ABEYANCE to 6/16/2004 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY ANDRAS F. BABERO, 6741 West Alexander Road, appeared on behalf of applicant and explained the variance request for the front and back setbacks was due to a 20-foot drainage easement being added subsequent to submittal of the Tentative Map. The easement, on both the north and west sides, affected the lots. At the Council meeting of May 19, 2004, he had requested an abeyance to allow time to meet with the neighbors. The meeting took place, and ATTORNEY BABERO outlined a few items of concern. He pointed out that there were residents in the audience who would like to speak as well.

CITY COUNCIL MEETING OF JUNE 2, 2004
Planning & Development Department
Item 78 – VAR-3902

MINUTES Continued:

The first issue at the neighborhood meeting related to streetlights on Maggie Avenue. Staff had required the streetlights; however, the residents strongly opposed the idea because it has been designated a Rural Preservation Neighborhood covered by NRS 278. ATTORNEY BABERO asked that the condition concerning the streetlight requirement be removed. He also informed Council that there was a similar issue relating to an unwanted sidewalk along Maggie Avenue. He felt it best to replace the 5-foot sidewalk along Maggie Avenue with a 5-foot planter.

The next issue was in regard to a drop between the subject property and an adjacent property with reported elevations varying from six-inches to nine-feet. ATTORNEY BABERO explained the property has already been laid out, approved and plotted. Although the property owner is asking for an 18-inch drop, it would not be possible.

He added that the developer has volunteered to improve a horse trail near Floyd Lamb Park and adjacent to the north side of the subject property. The trail is located north of the easement on the northern boundary of the property. ATTORNEY BABERO stated the variance would only affect individuals who purchase lots, not any property owners or residents outside of the project. He said all lots have been reserved and all prospective buyers have been made aware of the easement.

RON THOMAS, 7745 Maggie Avenue, stated a meeting was held, which included the developer and members of staff, which was a good start, but there were still items to address. He mentioned the proposed development was much denser than the surrounding area, but he felt that this concern was addressed at the meeting. He said he did not know the developer was going to improve the horse trail until he heard ATTORNEY BABERO say so minutes earlier. He showed photos of a trailside rest that the neighbors had built and explained it was the only way into the park for horse riders unless they used the vehicle entrance. He pointed out that right next to the horse trail is the drainage easement, and he felt it was a safety hazard. He suggested the problem could be mitigated with the installation of a fence, but he had not heard mention of that.

MITCH TAYLOR, 7670 Brent Lane, read a statement voicing his concerns about the variance. He stated the developer is requesting the variance because they need it for proper sewer and water drainage. MR. TAYLOR feels the developer is requesting the variance because the developer has already pre-sold homes that will not fit on the existing lots now that the easement is there. He objected to allowing two-story homes to be closer to the adjacent property lines on unrealistically elevated ground, which would eliminate the view of the existing 2½ acre residences. He indicated the development would diminish the property value of the existing properties, and the residents who complied with City guidelines when building their homes would be punished if this is approved.

MAYOR GOODMAN stated that COUNCILWOMAN MONCRIEF was excused as of 3:00 p.m. to attend a National League of Cities meeting.

MINUTES Continued:

BEVERLY COKE, 8325 Coke Street, explained that there were three easements on her property when she purchased it in 1968 and she had to build around them. She did not get a variance back then and does not think the City should grant one to the developer now. She suggested the developers make the homes smaller instead of requesting a variance.

ATTORNEY BABERO responded by saying the difference between MS. COKE'S building situation and this project is that when she purchased her property, the easements already existed. When the developer submitted the tentative map for this project, there was no drainage easement. It was added subsequent to the tentative map, and that is what is causing the issue requiring the variance.

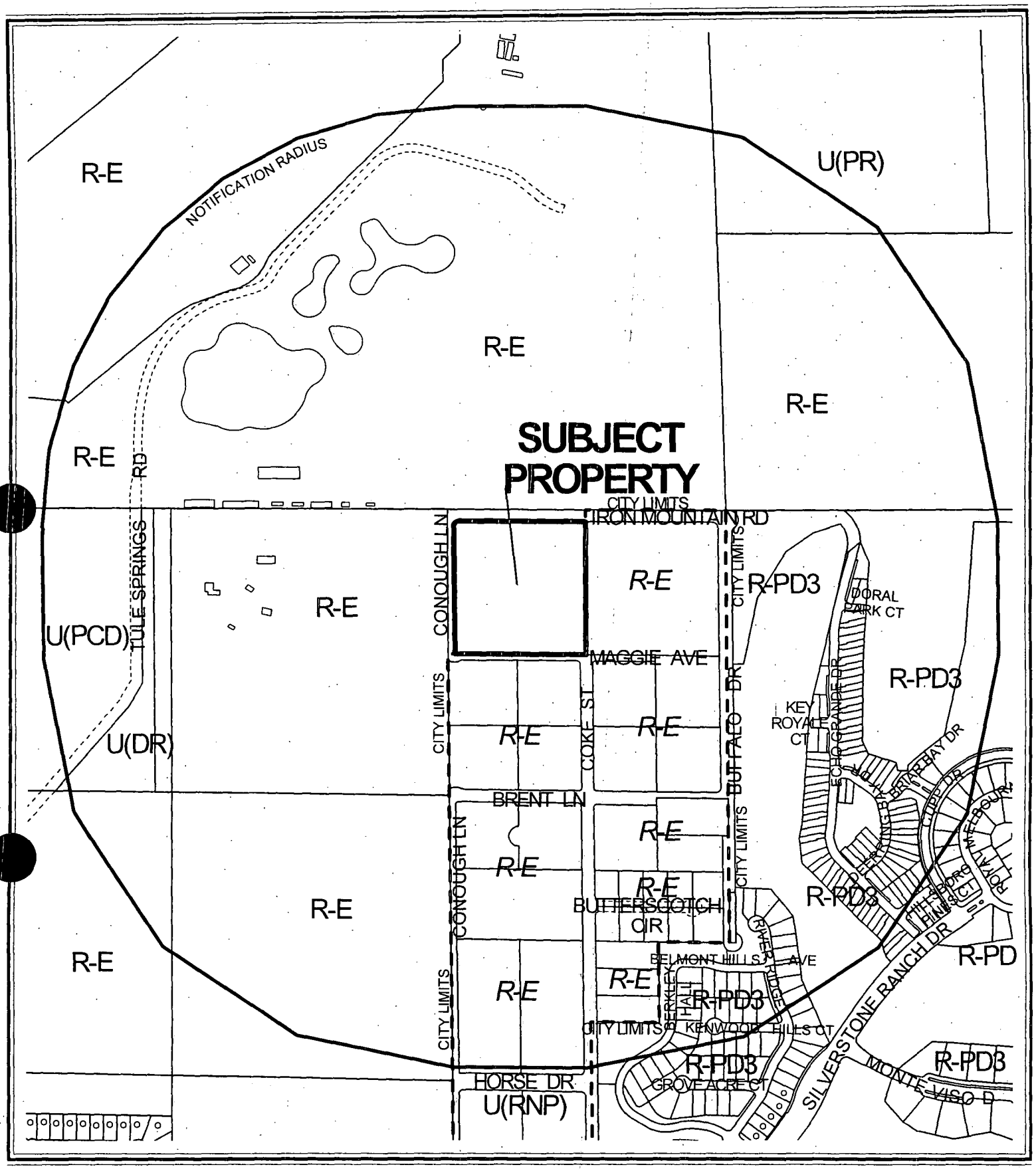
Regarding the horse trail improvements, ATTORNEY BABERO stated improving the horse trail was discussed at the Planning Commission meeting and at the neighborhood meeting. He reiterated that the developer is taking on this responsibility without conditions to do so and that it would benefit the neighborhood. ATTORNEY BABERO believes there will be a fence put in adjacent to the easement for the riders to differentiate the trail from the easement.

Addressing MR. TAYLOR's comments, ATTORNEY BABERO explained that the variance is required so the houses will not be built next to the property lines. In keeping with NRS 278 and the zoning that was in place, the developer has kept to two homes per acre. ATTORNEY BABERO pointed out that the developer is not asking for a variance for multifamily or up to four homes per acre; the request is only for a variance on the setback requirements.

Finally, in regard to how the property terraces, ATTORNEY BABERO admitted to not knowing the exact measurement. He has been told from six inches to nine feet. He did recognize that flood control staff said the proposed height is what would be best for this project, and he would accept their recommendation.

COUNCILMAN MACK thanked the applicant for working with staff in regard to the Rural Preservation Neighborhood designation. He acknowledged the residents not wanting the streetlights and sidewalks on Maggie Avenue. He explained that it is a difficult application. COUNTY COMMISSIONER MAXFIELD called and asked COUNCILMAN MACK to hold the item in abeyance and requested the applicant meet with him to discuss the trail issue and the project in general.

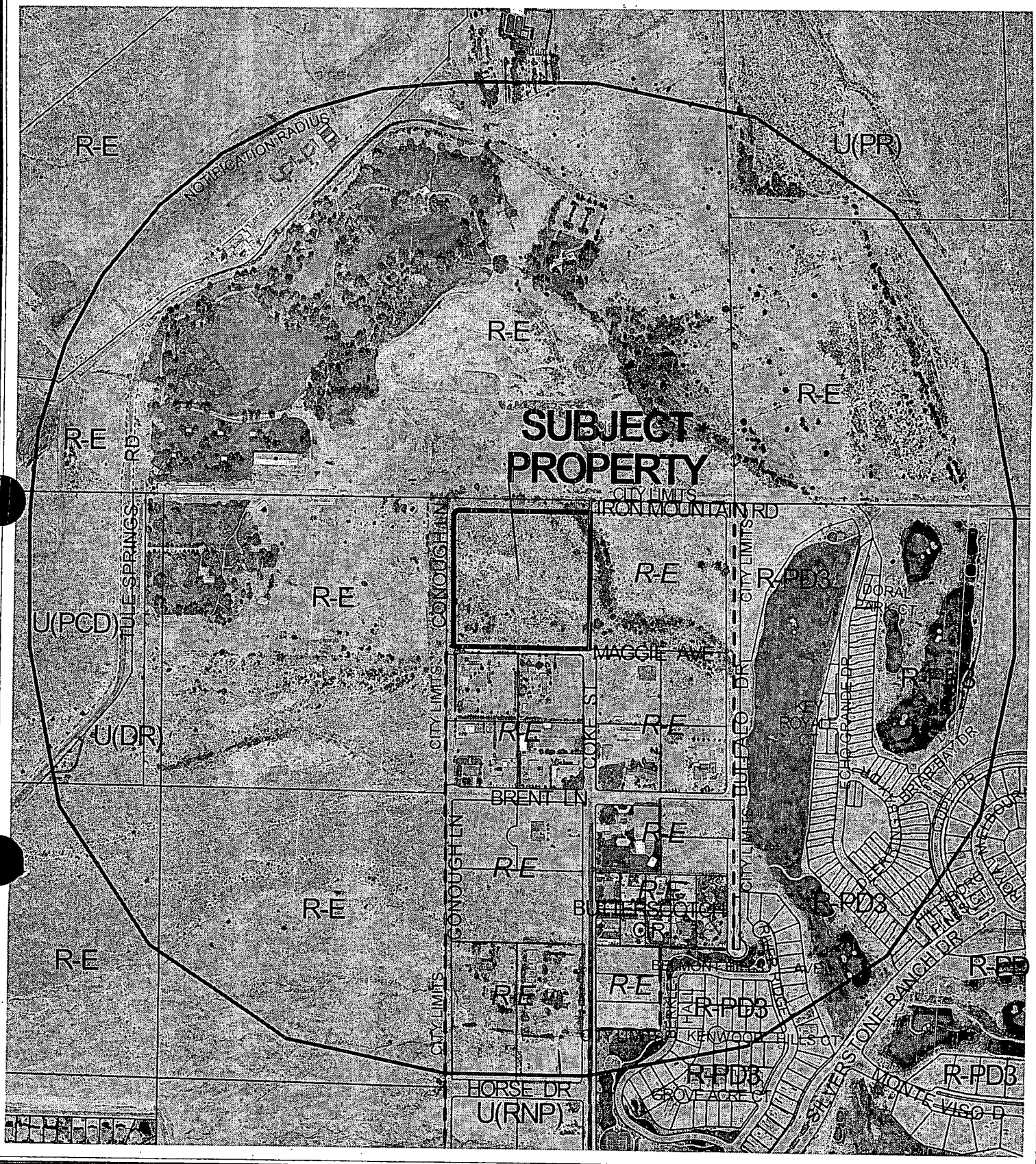
(2:53 – 3:10)



CASE: **VAR-3902**

RADIUS: 2000 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)


NOTIFICATION RADIUS
SUBJECT PROPERTY
R-E
U(PR)
R-E
R-E
R-E
R-E
R-E
U(PCD)
U(DR)
R-E
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City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - VARIANCE - VAR-3902 -
APPLICANT/OWNER: RICHARD AND JILL BURNS

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT COUNCILMAN MACK'S REQUEST.

** CONDITIONS **

The Planning Commission (5-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Tentative Map (TMP-1179).

2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Variance to allow 25-foot front setbacks and 25-foot rear setbacks where 30 feet and 35 feet are required respectively for a residential subdivision titled Coke and Conough consisting of 19 single-family lots on 10.72 acres adjacent to the southeast corner of Iron Mountain Road and Conough Lane.

B) Applicant's Justification

The applicant's justification letter states that due to the design of the lots wider than they are deep, the proposed home models will not fit on the lots.

BACKGROUND INFORMATION

A) Previous Actions

02/05/03 The City Council approved a Vacation (VAC-1177) and a Special Use Permit (SUP-1178) for private streets on the subject site.

02/27/03 The Planning Commission approved a Tentative Map (TMP-1179) for Coke and Conough, a 19-lot single-family residential subdivision on the subject site. Staff recommended approval.

12/26/03 Planning and Development Staff administratively approved a Final Map Technical Review (FMP-3349) for Coke and Conough, a 19-lot single-family residential subdivision on the subject site.

04/22/04 The Planning Commission voted 5-1 to recommend DENIAL (PC Agenda Item # 22/pb)

B) Pre-Application Meeting

01/22/04 The applicant was advised to request a setback standard for all lots that would provide enough relief for the worst possible condition. The applicant explained that 25-foot fronts and 25-foot rears would accommodate all floor plans on all lots.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	10.72
Net Acres:	9.04

B) Existing Land Use

Subject Property:	Undeveloped
North:	Floyd Lamb State Park
South:	Single Family Dwellings
East:	Undeveloped
West:	Floyd Lamb State Park

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	DR (Desert Rural Density Residential)
South:	Clark County
East:	Clark County
West:	DR (Desert Rural Density Residential)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	Clark County
East:	Clark County
West:	R-E (Residence Estates)

E) General Plan Compliance

This site is designated DR (Desert Rural Residential) on the Centennial Hills Interlocal Land Use Plan Map of the General Plan. The existing R-E (Residence Estates) Zoning designation is one of the two zoning districts consistent with the DR residential category of the General Plan and therefore is in conformance with the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		**X**
Special Overlay District		**X**
Trails		**X**
Study Area		**X**
Rural Preservation Neighborhood	**X**	
Development Impact Notification Assessment		**X**
Project of Regional Significance		**X**

A portion of the subject site falls within a Rural Preservation Neighborhood 330-foot buffer zone. The Rural Preservation Neighborhood designated parcels are located within Clark County, south of the subject site. Senate Bill 391 limits residential development within this 330-foot

buffer zone to an average density of three residential dwelling units per acre. Because the current land use designation of DR (Desert Rural Density Residential) limits density to no more than 2 dwelling units per acre, the proposed development will comply with Senate Bill 391.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	20,000 SF	20,009 SF	Y
Min. Lot Width	100 Feet[1]	100 Feet[1]	Y
Min. Setbacks			
• Front	30 Feet[2]	25 Feet	N
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	35 Feet	25 Feet	N
Number of Lots	1	19	
Max. Density	2.0	1.8	Y
Private/Public Street	N/A	Private	Y
Min. Street Width	37 feet	37 feet	Y

[1] 30-foot lot width allowed on cul-de-sac bulbs and knuckles per Title 19.08.040.
[2] 25-foot setback allowed on cul-de-sac bulbs and knuckles per Title 19.08.040.

The approved Tentative Map (TMP-1179) met all of the development standards of Title 19.08, however the applicant is now requesting to deviate from the setback standards with this Variance application.

B) General Analysis and Discussion

The applicant is proposing to reduce the front setback from 30 feet to 25 feet, a reduction of 17%; and to reduce the rear setback from 35 feet to 25 feet, a reduction of 29%. Relief for lots on the circular portion of cul-de-sacs or knuckles are already allowed in the form of a front setback reduction to 25 feet. Overall, the increase of buildable area for typical lots would be a minimum of 1,500 square feet, although lot coverage is still limited to 50% for each lot.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing R-E (Residence Estates) lots that are wider than the 100-foot minimum lot width, and are very close to the 20,000 square foot lot size minimum. Because the width is increased and the lot size is not, the depths of the lots are limited and do not accommodate the floor plans the applicant would like to offer in this development. Alternative home models would easily allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were 5 speakers protesting this application at the Planning Commission hearing.

NOTICES MAILED 46 by City Clerk

APPROVALS 12

PROTESTS 5

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-3902 APN: 125-09-501-002

Name of Property Owner: COKE MAGGIE LLC

Name of Applicant: COKE MAGGIE LLC

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

____ Yes __X__ No

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

City Official: N/A

Partner(s): N/A

APN: N/A

Signature of Property Owner/Authorized Agent: Paul Hummer

Print Name: PAUL HUMMER

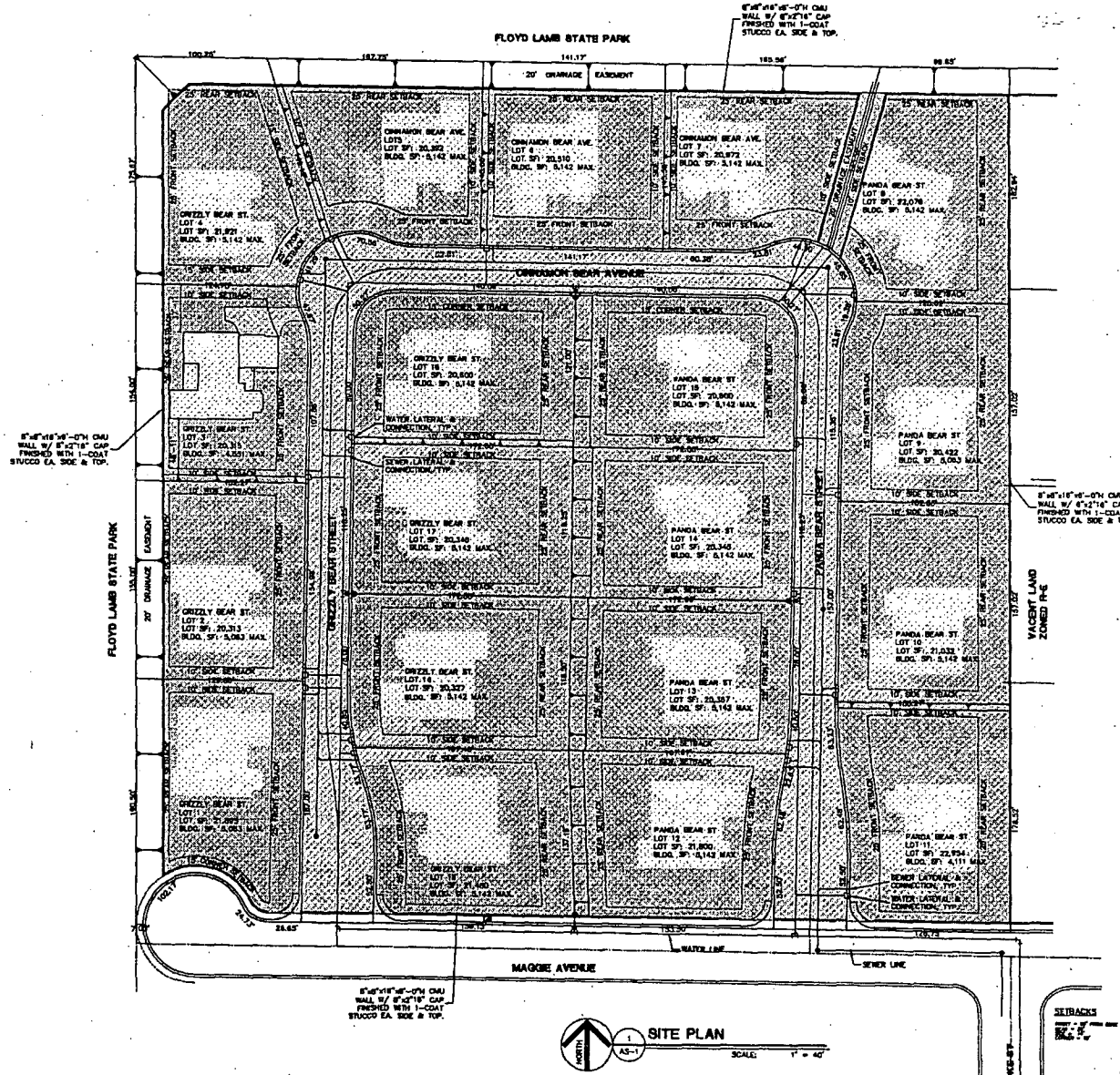
Subscribed and sworn before me

This 9th day of February, 2004

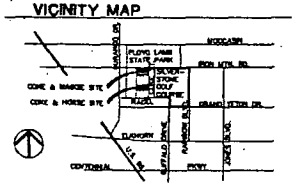
Linda Moore

Notary Public in and for said County and State

Linda Moore
Notary Public
State Of Nevada
Date Appointment Exp: 9-16-2007
Certificate No: 90-0322-1



VICINITY MAP



LEGEND

- PROPERTY LINE
- BUILDING SETBACK
- DWELLING
- BLOCK WALL
- SEWER LINE
- WATER LINE

LEGEND

PROPERTY SIZE 468,753.75 SF (10.72 ACRE)

F.A.R. .205

DENSITY 1 DWELLING PER 24,066 SF (.564 ACRE)

REV.	DATE	BY:	REVISION:

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS TO STEVE DUSTERWALD, P.E. PRIOR TO CONSTRUCTION WORK. ANY CONSTRUCTION WORK PERFORMED BY THE CONTRACTOR PRIOR TO THE CHECKING AND VERIFICATION OF DIMENSIONS SHALL BE AT THE CONTRACTOR'S RISK AND SHALL BE CORRECTED AT HIS EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE AND STEVE DUSTERWALD, P.E. SHALL BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE PLANS. THESE PLANS ARE NOT TO BE SCALED.

Building the American Dream

Steve Dusterwald, P.E.
7550 W. ALEXANDER ROAD
LAS VEGAS, NEVADA 89129
(702) 277-3290 – (702) 870-4818 (FAX)

DESIGNED BY: E. B. LOVETT
DRAWN BY: E. B. LOVETT
CHECKED BY: E. B. LOVETT
DATE ISSUED: 02/05/04
JOB NUMBER: 2003-1001
SCALE: 1" = 40'

SITE PLAN

COKE STREET HOMES
NORTHWEST LAS VEGAS VALLEY
NORTH OF RAGEL, WEST OF BUFFALO
LAS VEGAS, NEVADA

SHEET # AS-1

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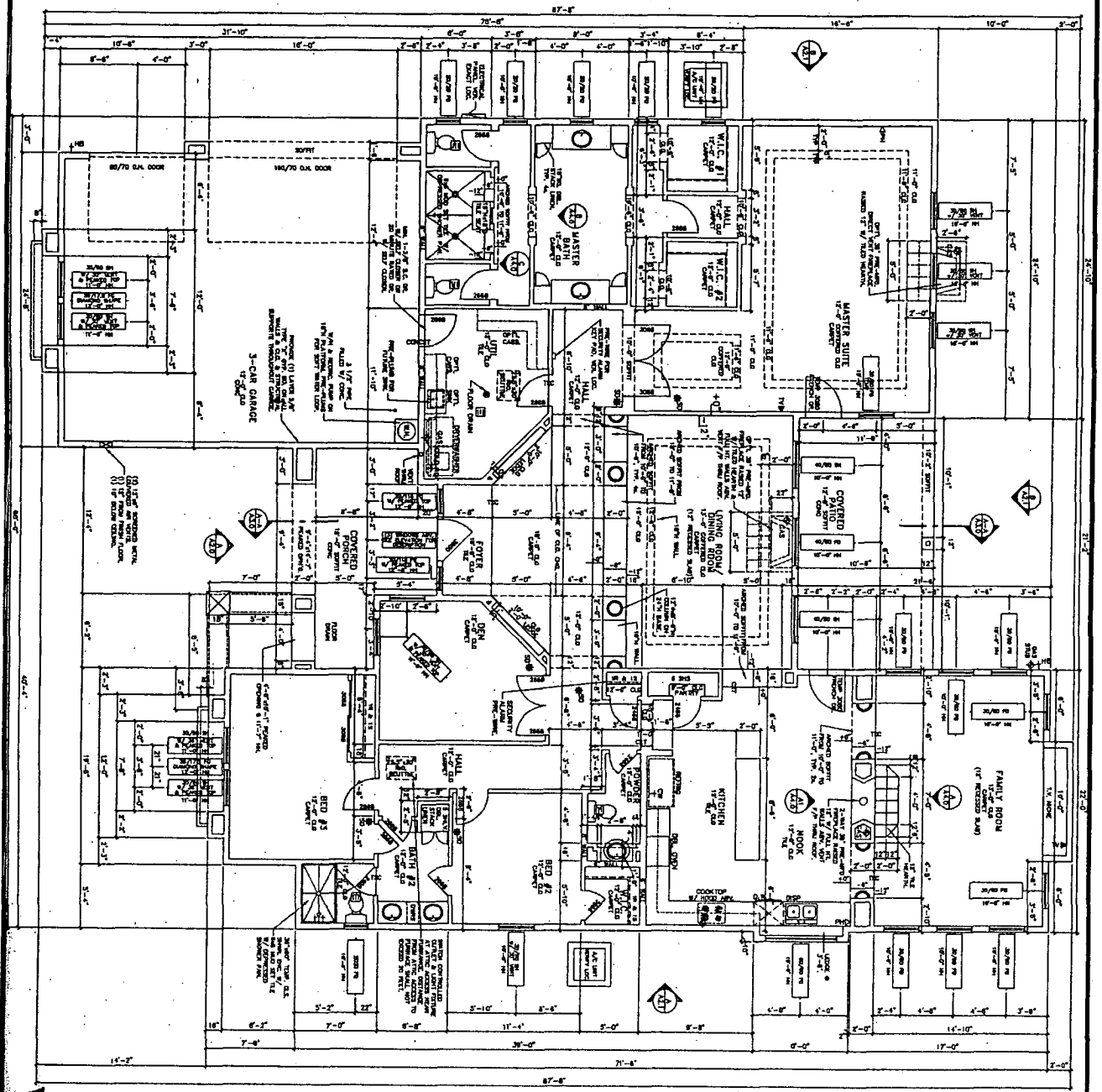
VAR-3902

4-22-04 PC



A1.0 1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGES	
LIVING AREA	3,294 S.F.
BASEMENT LIVING AREA	3,043 S.F.
COVERED PORCH	196 S.F.
COVERED PATIO	243 S.F.
GARAGE AREA	738 S.F.
FRAMING	4,551 S.F.
SLAB AREA	4,113 S.F.
OVERALL WIDTH	85'-0"
OVERALL DEPTH	87'-8"

VAR-3902
4-22-04 PC

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SHEET # A1.0
PLAN 3294

DESIGNED BY:	E. B. LOVETT
DRAWN BY:	E. B. LOVETT
CHECKED BY:	E. B. LOVETT
DATE ISSUED:	02/05/04
JOB NUMBER:	2003-1001
SCALE:	1/4" = 1'-0"

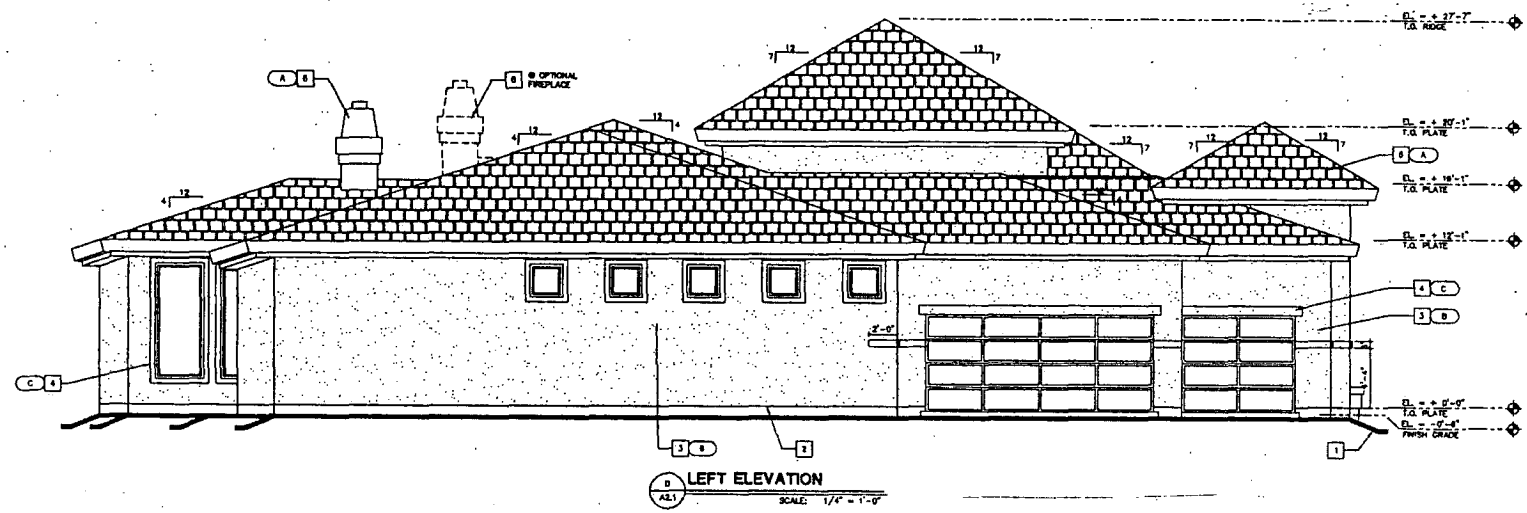
FLOOR PLAN

COKE STREET HOMES - PLAN 3294
NORTHWEST LAS VEGAS VALLEY
NORTH OF RACEL, WEST OF BUFFALO
LAS VEGAS, NEVADA

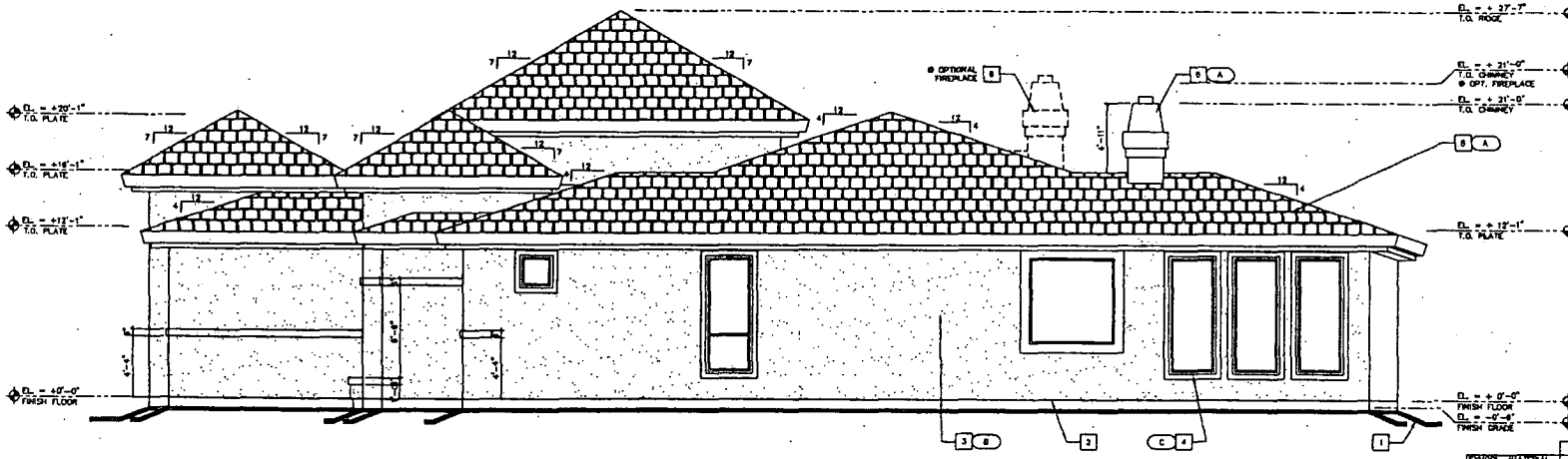
Building the American Dream
Steve Dusterwald, P.E.
7550 W. ALEXANDER ROAD
LAS VEGAS, NEVADA 89129
(702) 277-3290 – (702) 870-4818 (FAX)

REV.	DATE	BY:	REVISION:

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS TO BTAD PRIOR TO COMMENCING WORK. THESE DRAWINGS ARE NOT TO BE SCALED. ALL DRAWINGS, SPECIFICATIONS AND DESIGNS THEREON FURNISHED BY BTAD ARE AND SHALL REMAIN BTAD SOLE PROPERTY, WITH, BOUND BY THE PERSONS AND ENTITIES THESE PLANS ARE TO BE CONSIDERED PRELIMINARY AND USED AT THE OWNER/DEVELOPER/CONTRACTORS RISK. THESE DOCUMENTS ARE TO BE RELIED ON SOLELY ACCURATE FOR 30 DAYS OR ADJUST ANY USE OF THIS DRAWING IN WHOLE OR IN PART, BY ANY MEANS THAT DO EXCEL & STRICTLY PROHIBITED EXCEPT WITH WRITTEN CONSENT OF BTAD. BTAD HEREBY EXPRESSLY RESERVES THEIR COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE CONSTRUCTION DOCUMENTS.



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTES

A. A DOOR STOOP IS REQUIRED AT ALL EXTERIOR DOORS. STOOP MUST BE EQUAL TO THE WIDTH OF THE DOOR OPENING AND 36 INCHES IN THE DIRECTION OF TRAVEL.

B. EXTERIOR DOORS SHALL BE PROVIDED WITH A SWITCHED LIGHT TO ILLUMINATE THE EXTERIOR EXIT LANDING.

C. ALL GUARDRAILS TO BE A MIN. OF 36" HIGH W/ INTERMEDIATE RAILS SUCH THAT A 4" SPHERE WILL NOT PASS THROUGH.

D. TWO LAYERS OF GRADE "D" PAPER ARE REQUIRED OVER OSB OR PLYWOOD AT ALL EXTERIOR WALLS PRIOR TO INSTALLATION OF METAL LATH OR EPS BOARD. THIS APPLIES TO ANY WOOD BASED PRODUCT.

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F. AT EXPOSED ATTIC SPACE, (GABLED ENDS) PROVIDE 1/4" CONSTRUCTION BOARD SHEATING FOR 1-COAT STUCCO SYSTEM.

G. STUCCO SCREED TO BE A MINIMUM OF 4" ABOVE EARTH OR 2" ABOVE PAVED SURFACES AND SHALL COMPLY WITH IBC SECTION 2512.1.2.

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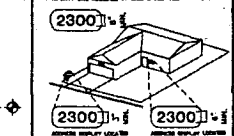
K. ALL EXTERIOR LIGHTS SHALL HAVE GFCI PROTECTION AND ALL EXTERIOR OUTLETS SHALL HAVE GFCI PROTECTION AND SHALL BE PROTECTED FROM WEATHER.

L. ADDRESS DISPLAY REQUIREMENTS: SINGLE FAMILY RESIDENTIAL ADDRESS MUST BE DISPLAYED AT LEAST ONCE ON THE RESIDENCE, AND ON BOTH SIDE OF THE MAILBOX, IF ONE EXISTS ON THE LOT. PLACE ADDRESS SO IT IS VISIBLE FROM THE STREET IN BOTH DIRECTIONS. CONTRAST COLOR OF ADDRESS NUMBERS TO BE THE COLOR OF THE BACKGROUND, ILLUMINATE THE ADDRESS DIRECTLY OR INDIRECTLY SO IT IS VISIBLE AT NIGHT. THE ADDRESS MUST BE DISPLAYED ON AT LEAST ONE LOCATION ON THE BUILDING AND AT EACH ENTRANCE. PLACE ADDRESS CLEAR OF LANDSCAPING.

ADDRESS SIGNS SHALL BE LOCATED PARALLEL TO AND BE FREE FROM THE PROPERTY LINE INCLUDED PLANTING AND OTHER OBSTRUCTIONS.



Elevation Key Notes

1. FINISHED GRADE.
2. STUCCO SCREED TO BE A MINIMUM OF 4" ABOVE EARTH OR 2" ABOVE PAVED SURFACES AND SHALL COMPLY WITH IBC SECTION 2512.1.2.
3. EXTERIOR WALL COVERING: WESTERN 1-COAT STUCCO SYSTEM I.C.B.O. #3888 (OR APPROVED EQUAL) O/ METAL LATH O/ FOAM BOARD O/ 2 LAYERS GRADE 'D' BUILDING PAPER. FINISH TO BE CUSTOMERS PAINT.
4. STUCCO O/ FOAM TRIM.
5. ROOF TILE: CONC. ROOF TILE PER CONTRACT, O/ 1 LAYER 30# FELT O/ 1/2" CDX BOARD ROOF SHEATHING - OR APPROVED EQUAL.
6. CHIMNEY & CAP @ FIREPLACE WHERE OCCURS, SEE DETAIL 3/A3.2. TOP OF CAP TO BE 2'-0" ABOVE ANY PORTION OF THE BUILDING WITHIN A 10'-0" RADIUS PER IRC P2001.8.
7. ADDRESS LIGHT - SEE GENERAL NOTES FOR REQUIREMENTS.

SYMBOL	MATERIAL	COLOR SCHEME 1	COLOR SCHEME 2
A	ROOF TILE	MFG. EAGLE ROOFING PROD. SPEC: MALIBU #413	MFG. EAGLE ROOFING PROD. SPEC: MALIBU #448
B	PAINT BODY	MFG. GLIDDEN SPEC: SP-A BLUE F7080 40/280	MFG. GLIDDEN SPEC: 1-COAT SAMPLER 30YY 50/178
C	PAINT ACCENT	MFG. GLIDDEN SPEC: LIGHT NAVAJO 40YY 76/112	MFG. GLIDDEN SPEC: LIGHT NAVAJO 40YY 76/112

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REV.	DATE	BY:	REVISION:

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS IN THE WORK TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THE ARCHITECT SHALL BE INFORMED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS BEFORE PROCEEDING WITH THE WORK. ANY ERRORS OR OMISSIONS FOUND IN THESE DRAWINGS SHALL BE REPORTED TO THE ARCHITECT PROMPTLY AND BEFORE PROCEEDING WITH THE WORK. THESE DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT RETAINS ALL COPYRIGHTS AND OTHER PROPERTY RIGHTS IN THESE DRAWINGS AND SPECIFICATIONS.

Building the American Dream
Steve Dusterwald, P.E.
7550 W. ALEXANDER ROAD
LAS VEGAS, NEVADA 89129
(702) 277-3290 - (702) 870-4818 (FAX)

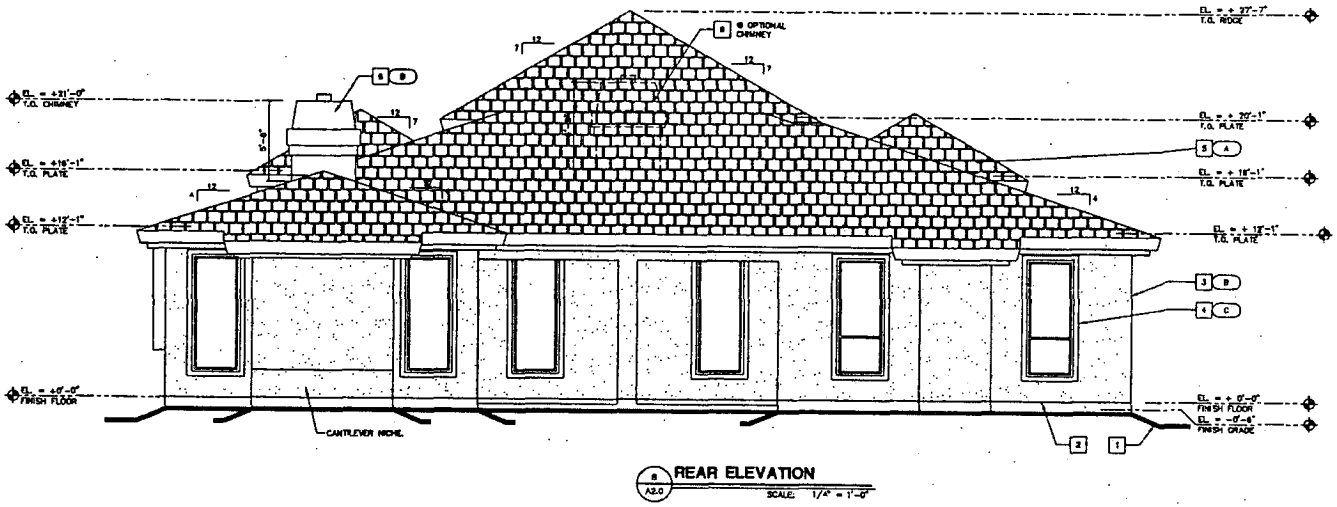
EXTERIOR ELEVATIONS

COKE STREET HOMES - PLAN 3294
NORTHWEST LAS VEGAS VALLEY
NORTH OF RACEL, WEST OF BUFFALO
LAS VEGAS, NEVADA

DESIGNED BY: E. B. LOVETT
DRAWN BY: E. B. LOVETT
CHECKED BY: E. B. LOVETT
DATE ISSUED: 02/05/04
JOB NUMBER: 2003-1001
SCALE: 1/4" = 1'-0"

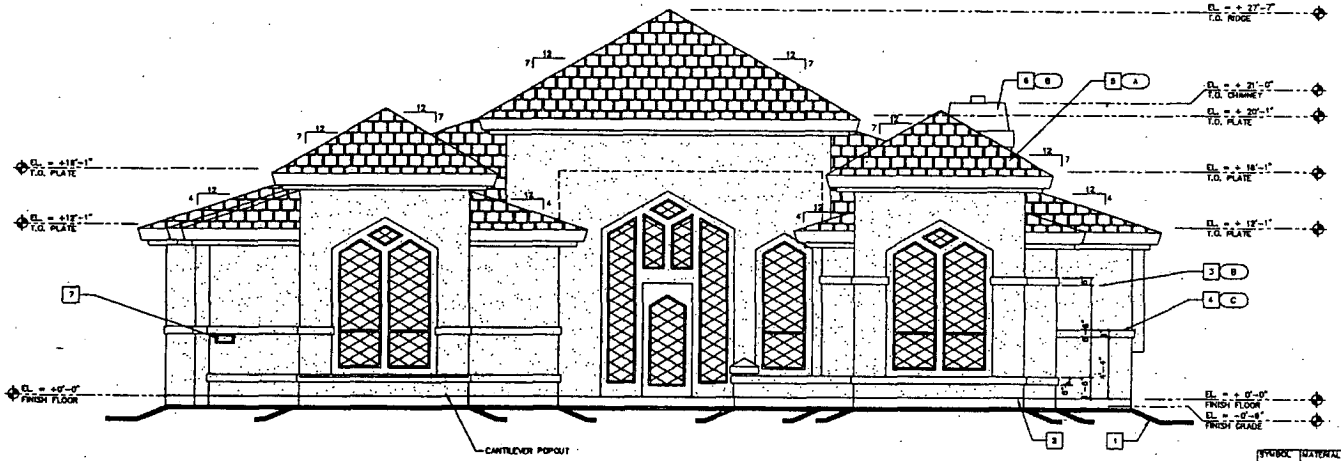
SHEET # A2.1
PLAN 3294

VAR-3902
4-22-04 PC.



A A2.0 **REAR ELEVATION**

SCALE: 1/4" = 1'-0"



A A2.0 **FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

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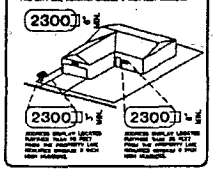

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4. STUCCO O/ FOAM TRIM.
5. ROOF TILE: CONC. ROOF TILE PER CONTRACT, O/ 1 LAYER 30# FELT O/ 1/2" OSB BOARD ROOF SHEATHING - OR APPROVED EQUAL.
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7. ADDRESS LIGHT - SEE GENERAL NOTES FOR REQUIREMENTS.

BLOCK FENCES VISIBLE FROM STREET TO BE PAINTED THE SAME COLOR AS HOUSE.

SYMBOL	MATERIAL	COLOR SCHEME 1	COLOR SCHEME 2
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C	PAINT ACCENT	MFG. GLIDDEN SPEC. LIGHT HAVAJO 40YY 78/112	MFG. GLIDDEN SPEC. LIGHT HAVAJO 40YY 78/113

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REV.	DATE	BY:	REVISION:

ALL CONSTRUCTION SHALL CONFORM TO THE CURRENT EDITION OF THE UNIFORM BUILDING CODE AND ALL OTHER APPLICABLE CODES, ORDINANCES AND REGULATIONS. THE CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND SHALL REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK. DO NOT SCALE DRAWINGS. THESE PLANS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THESE PLANS ARE NOT TO BE CHANGED OR MODIFIED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR CHANGES MADE IN THESE PLANS BY OTHERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION ON THE JOB SITE AND THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR JOB SITE SAFETY OR CONSTRUCTION PROCEDURES.

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COKE STREET HOMES - PLAN 3294
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NORTH OF RACEL, WEST OF BUFFALO
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DESIGNED BY: E. B. LOVETT
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DATE ISSUED: 02/05/04
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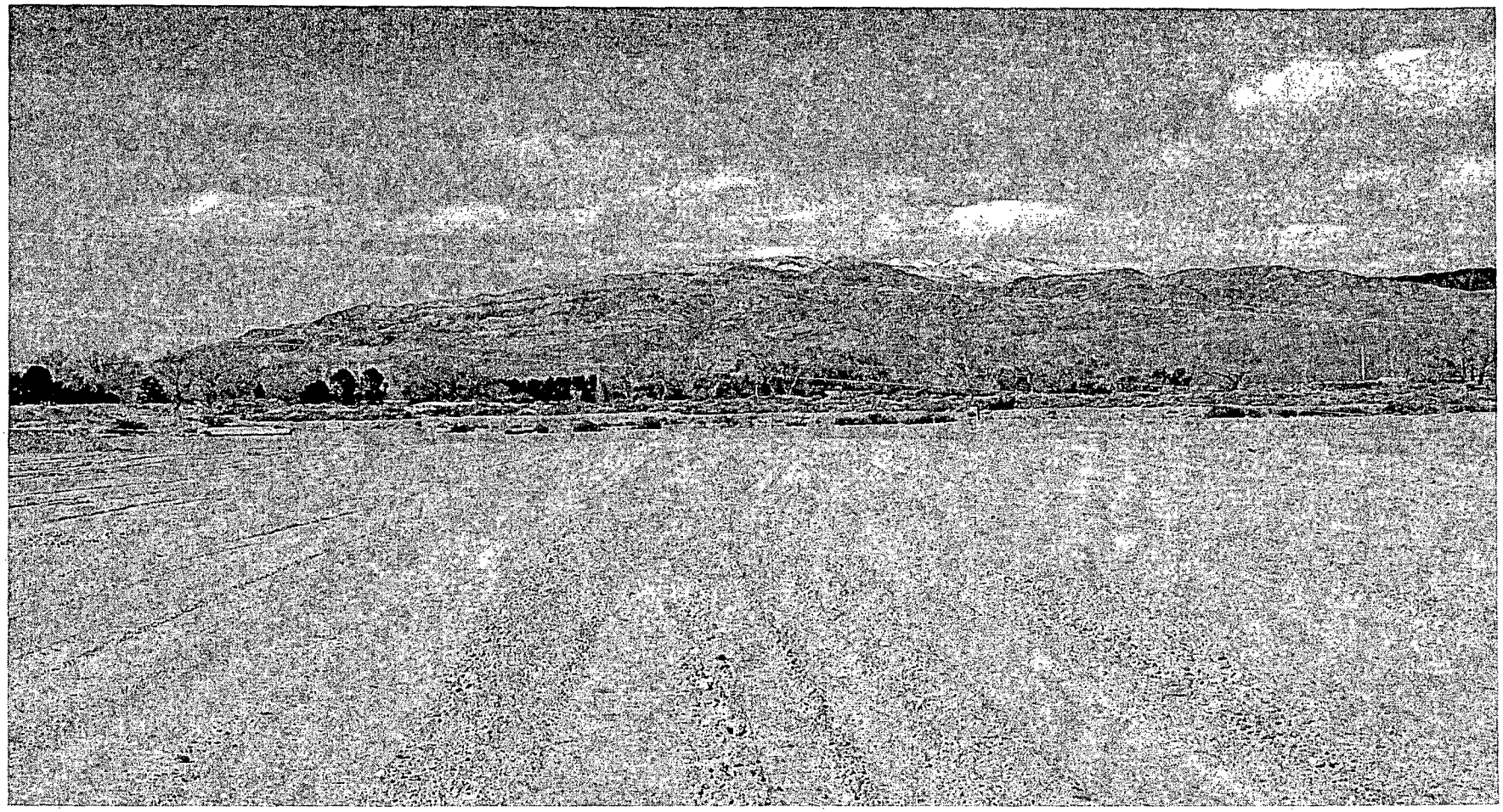
SHEET # A2.0
PLAN 3294

VAR-3902
4-22-04 PC



VAR-3902 - APPLICANT/OWNER: RICHARD AND JILL BURNS
NORTHWEST CORNER OF MAGGIE AVENUE AND COKE STREET
APRIL 22, 2004 PLANNING COMMISSION

3/4/04

April 25, 2004

Barbara Jo Ronemus
Office if the City Clerk
City of Las Vegas
Department of Planning and Development
731 S. 4th Street
Las Vegas, Nevada 89101

Re: APN 125-09-501-002/ VAR-3902

Dear Ms. Ronemus:

This letter is written to formally request an appeal of the Planning Commission's denial of the above-entitled agenda item. I request this appeal be heard at the May 19, 2004 City Council meeting.

Very truly yours,

Andras F. Babero

RECEIVED
CITY CLERK
2004 APR 27 P 2:20

City of Las Vegas

Agenda Item No. 79

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - **SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP** - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN: 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	3	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter submitted by LAS Consulting, Inc.
5. Submitted after final agenda – Letter from Attorney Jay Brown requesting abeyance
6. Submitted at City Council – City Attorney's Opinion filed under Item 68

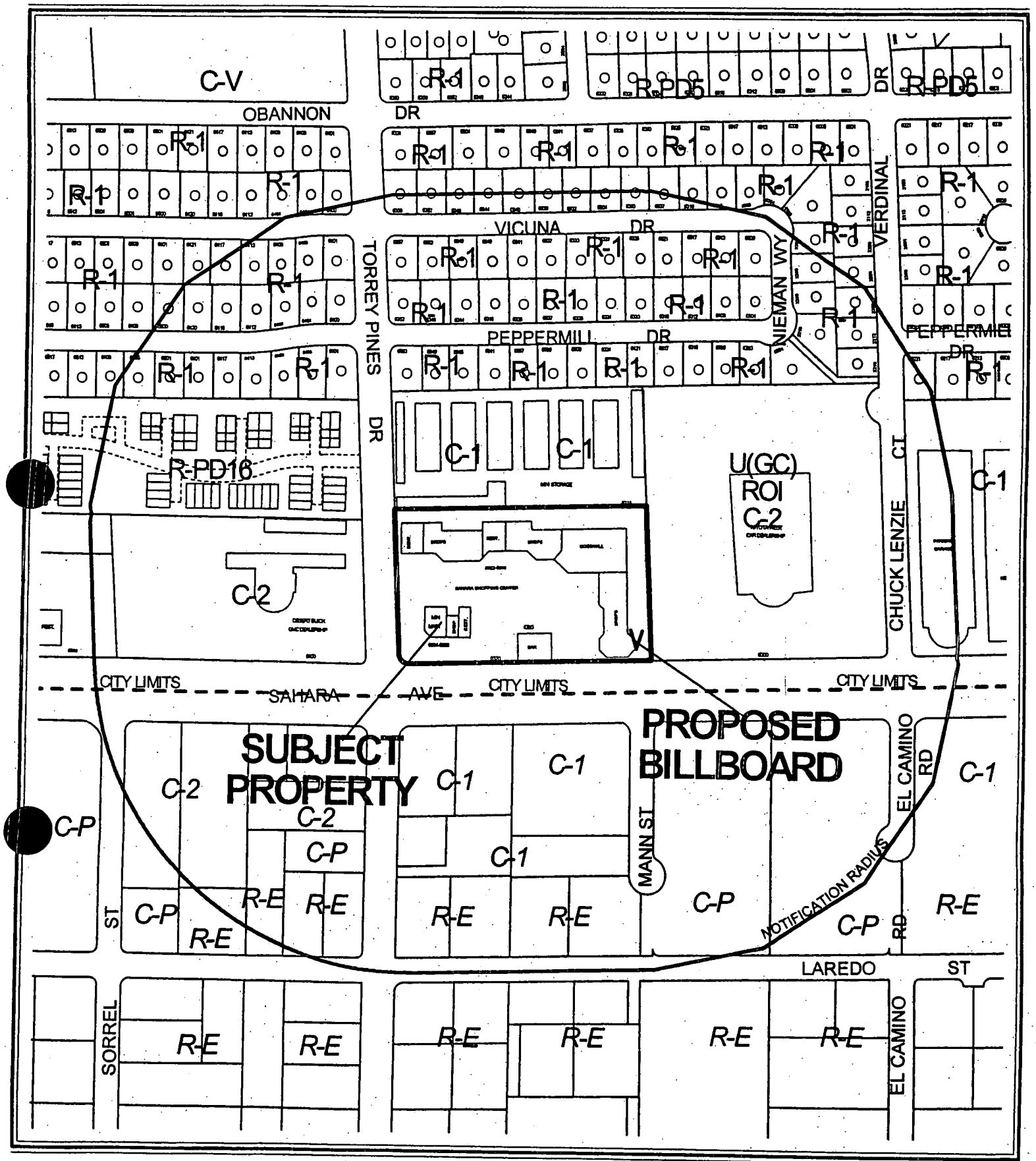
MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 76 [DIR-4421] to 7/7/2004 and Item 79 [SUP-3394] to 7/21/2004 and to STRIKE Item 69 [15 West Owens Avenue]
– UNANIMOUS with GOODMAN abstaining on the abeyance vote for Item 76 [DIR-4421] and Item 79 [SUP-3394] and Ward 2 seat vacant

MINUTES:

DEPUTY CITY ATTORNEY BRYAN SCOTT reminded MAYOR GOODMAN that there was an opinion rendered regarding Item 76 [DIR-4421] and Item 79 [SUP-3394]. MAYOR GOODMAN disclosed that a potential conflict exists as his law firm is negotiating with certain billboard companies. MAYOR GOODMAN gave a copy of the opinion to the City Clerk to incorporate into the record and stated he would be abstaining from voting on these two Items.

(1:11 – 1:12)



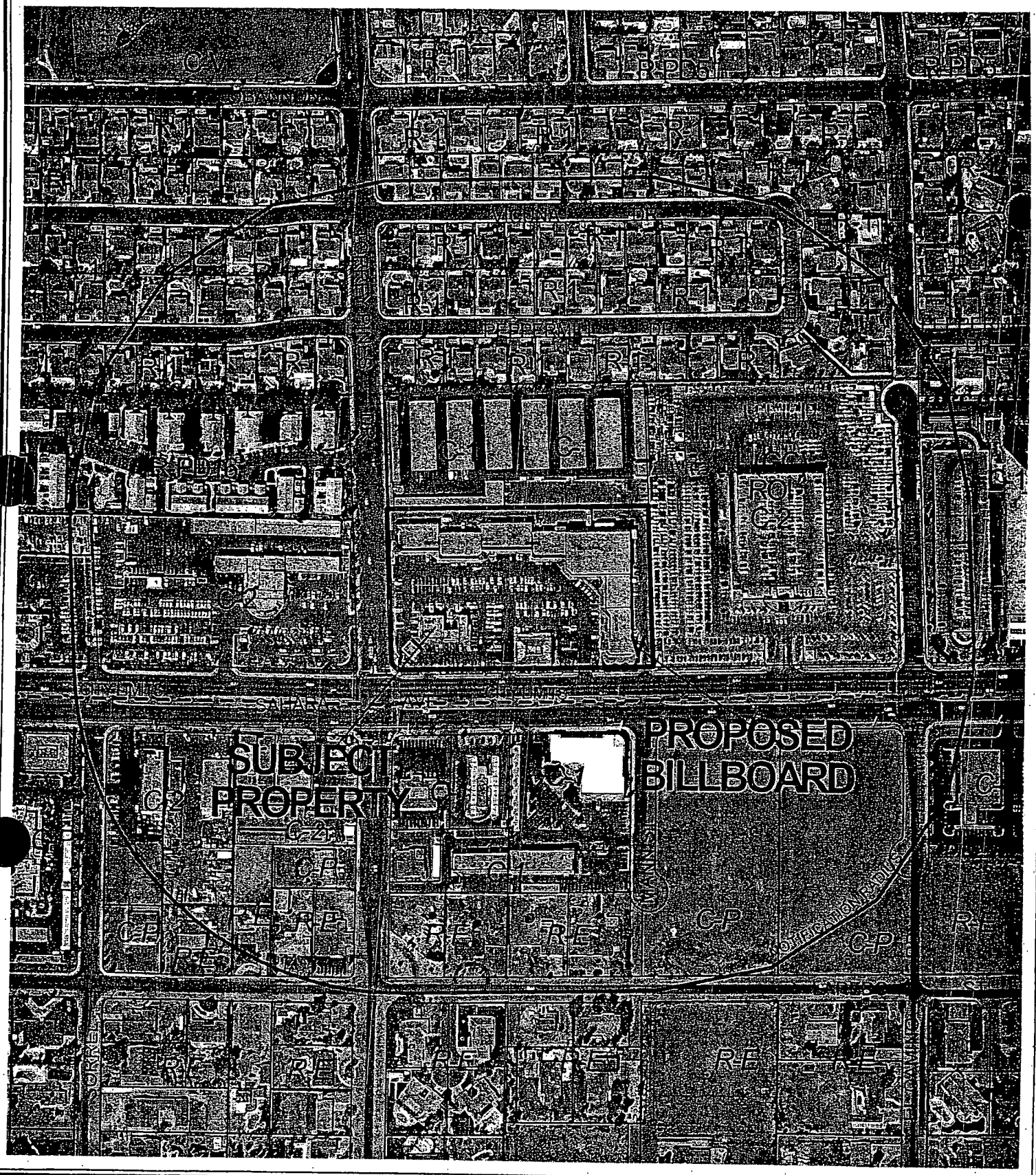
CASE: SUP-3394

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet

N



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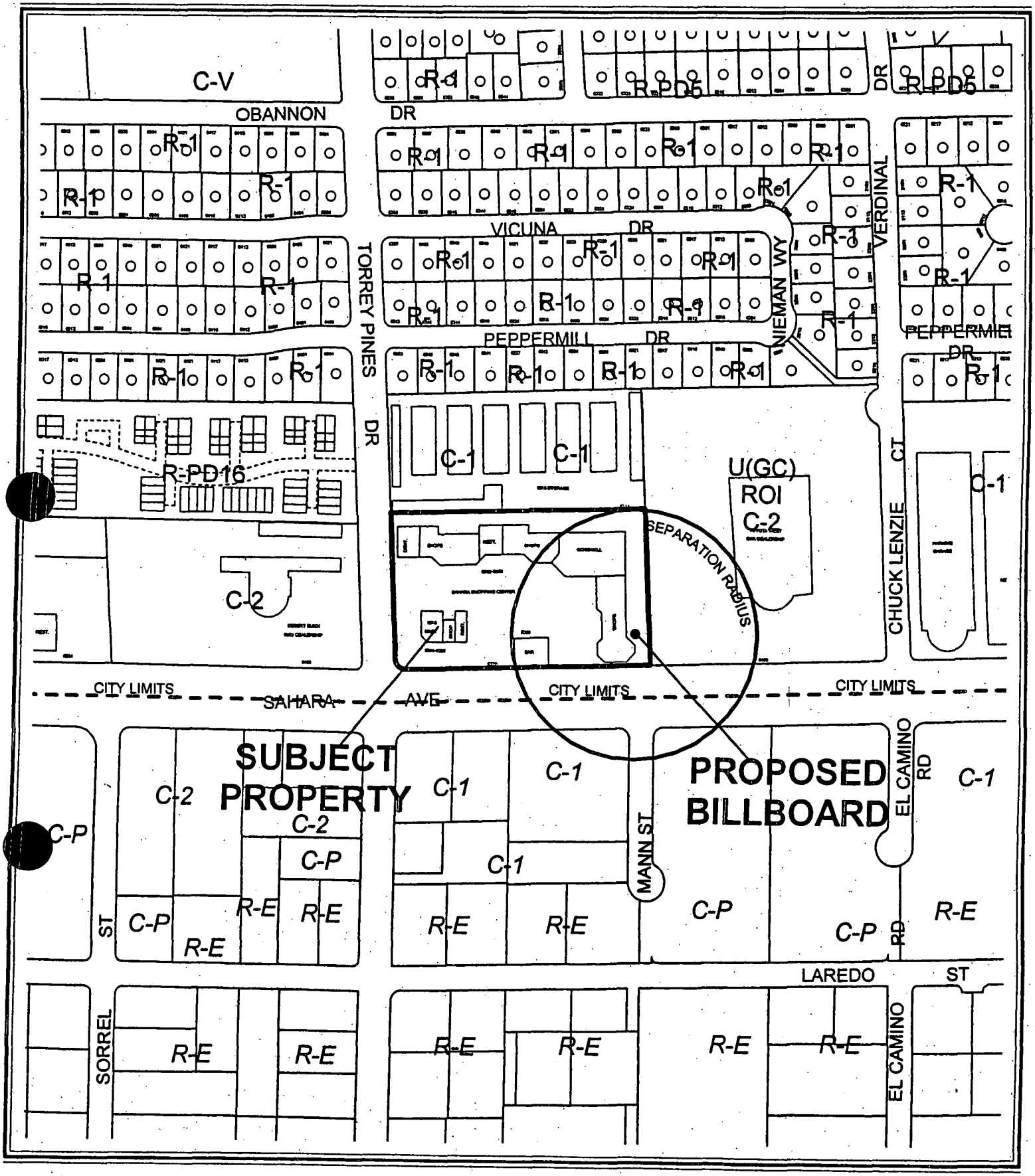


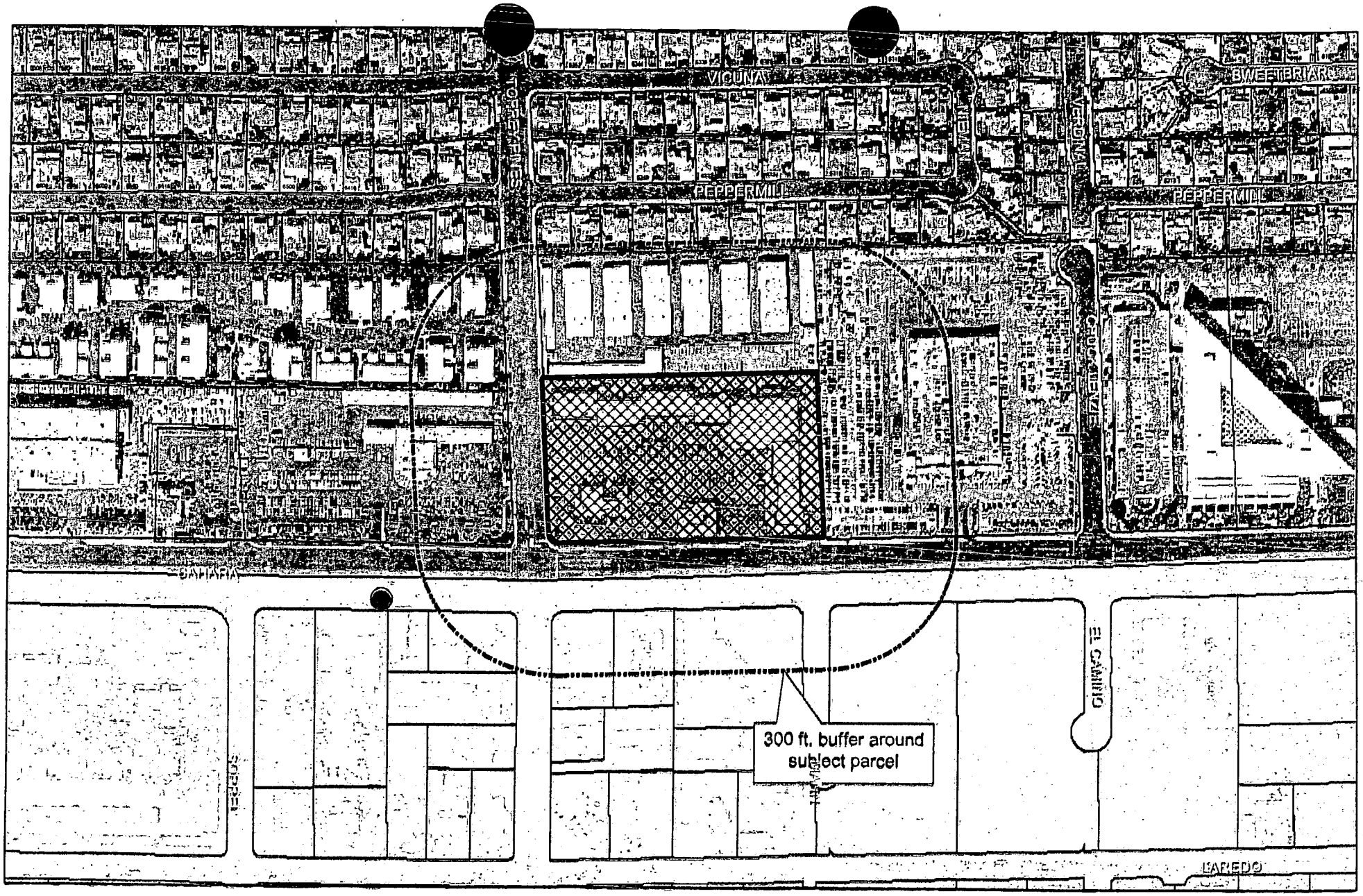
CASE: SUP-3394

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet

N



SUP-3394

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Outside City Boundary
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 19, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign be removed.

2. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the m Off-Premise Advertising (Billboard) Sign.

3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.

5. Only one advertising sign is permitted per sign face.

6. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

7. All City Code requirements and design standards of all City Departments shall be satisfied.

8. Conformance to all Minimum Requirements under Title 19.14.100 for an Off-Premise Sign use and other applicable sign requirements.

Public Works

9. The proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit for a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign at 6390 West Sahara Avenue.

B) Applicant's Justification

The area is commercial in nature and an Off-Premise Sign would not be out of context with the surrounding uses.

BACKGROUND INFORMATION

A) Previous Actions

03/19/86	The City Council approved a Reclassification of Property (Z-0016-86) from N-U (Non-Urban) to C-1 (Limited Commercial). The Planning Commission recommended approval on 3/13/86.
01/28/92	The Board of Zoning Adjustment approved a Variance (V-0190-91) to allow truck and trailer rentals within an existing mini-storage business.
01/03/00	The City Council approved a Special Use Permit (U-0179-00) for a Restaurant Service Bar. The Planning Commission and staff recommended approval on 11/16/00.
10/17/01	The City Council approved a Special Use Permit (U-0121-01) to allow Second Hand Sales in conjunction with a sporting goods business. The Planning Commission and staff recommended approval on 09/06/01.
01/08/04	The Planning Commission voted 6-0 to recommend DENIAL (PC Agenda Item #42/fs).

B) Pre-Application Meeting

11/13/03	The applicant was informed that the project would be considered a Project of Regional Significance due to its proximity to Clark County.

C) Neighborhood Meetings

Neighborhood meetings are not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.34

B) Existing Land Use

Subject Property:	Shopping Center
North:	Mini-Storage
South:	Office / Commercial
East:	Auto Dealership
West:	Auto Dealership

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	SC (Service Commercial)
South:	SC (Service Commercial)
East:	GC (General Commercial)
West:	GC (General Commercial)

D) Existing Zoning

Subject Property:	C-1 (Limited Commercial)
North:	C-1 (Limited Commercial)
South:	Clark County
East:	C-2 (General Commercial)
West:	U (Undeveloped) Zone under Resolution of Intent to C-2 (General Commercial)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. This allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. The C-1 (Limited Commercial) zoning designation is in conformance with the General Plan and the proposed Off-Premise Sign is a permitted use.

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

COUNTY NOTIFICATION

Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

1) Any Special Use Permit within 500' of unincorporated Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and it has been determined that the proposed Off-Premise Sign will have no significant impacts on the area.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

Standards	Code Requirement	Provided
Location	• No Off-Premise Signs in the right-of-way • Permitted only in C-1, C-2, C-M, M Zoning Districts	• Sign is not in right-of-way • Sign is in C-1 Zoning District
Off-Premise Sign area (max.)	672 SF	672 SF
Separation distance from other Off-Premise Sign (min.)	300 Feet	No signs within 300Feet
Separation distance from "U" or "R" zoning district	300 Feet	No R or U zoning districts within 300 feet
Off-Premise Sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet
Setbacks (min.)	• 50 Feet from nearest ROW intersection	No intersection within 50 feet of the proposed sign

The proposed Off-Premise Sign meets the minimum distance separation requirements in addition to area, height, and setback requirements of Title 19.14.100.

B) General Analysis and Discussion

- Zoning

  An Off-Premise Advertising (Billboard) Sign is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

  Off-Premise Signs are to be considered primarily a specific type of land use rather than as an incidental use to an existing land use. Off-Premise Signs generally produce revenue to the property owner(s) as a land use as compared to On-Premise Signs which do not produce revenue but are incidental to a revenue-producing land use. However, because of the special characteristics of Off-Premises Signs as compared to other types of land uses and structures, certain qualifications and requirements are set forth in connection with Off-Premises Signs as a permitted use in certain zoning districts.

- Conditions

  Title 19.14.100(D) specifies the following provisions regarding Off-Premise Advertising Signs:

  1. All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view. Display surface panels that are removed for the purpose of changing the advertising message shall be replaced within thirty days with display panels containing a new advertising message or uniformly painted blank panels.

  2. All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.

  3. For any Off-Premise Signs that is proposed within six hundred sixty feet of any highway classified by the State of Nevada as part of the interstate or primary highway system, a State of Nevada sign permit shall be obtained and a copy attached to the application prior to the issuance of a construction permit or sign certificate by the City.

  4. No sign certificate shall be issued for an individual Off-Premise Sign unless and until a site plan for the lot on which the sign will be erected has been submitted to and approved by the Director. The site plan shall include the following:

     a. An accurate site plan of the lot, at the scale the Director requires;
     b. The location of buildings, parking lots, driveways and landscaped areas on the lot;
     c. An accurate indication of the location of all existing and proposed Off-Premise Signs; and

d. Drawings that allow the computation of the area and the height of any off-premise signs and which indicate any sign characteristics such as illumination, embellishment areas or moving parts.

5. The holder of a sign certificate shall notify the Director of any significant change in the characteristics of an Off-Premise Sign, such as illumination, embellishment areas or moving parts, and provide any additional supplemental drawings as the Director may require.

FINDINGS

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

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

   The proposed Off-Premise Sign conforms to the standards and intent of the SC (Service Commercial) General Plan designation and the C-1 (Limited Commercial) zoning district. Further, the proposed sign is located outside of the Off-Premise Sign exclusionary zone, and is meeting all minimum distance separation requirements as outlined in Title 19.14.100. The subject use is harmonious and compatible with surrounding properties.

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

   Physically, the subject site is appropriate for the proposed Off-Premise Advertising (Billboard) Sign, as the sign location will not interfere with any on-site circulation or site visibility restrictions.

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

   Access to the site is via access a driveway off of Sahara Avenue, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. Site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

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

   This development will be required to obtain all of the necessary development permits, including Building and Safety Department requirements for a Certificate of Completion and final inspection, which will insure the protection of the public health, safety and general welfare. Further, the overall objectives of the General Plan are in compliance with the proposed development.

PLANNING COMMISSION ACTION

The Planning Commission voted unanimously for denial, believing the site to be inappropriate for off-site advertising.

NOTICES MAILED 120 by City Clerk

APPROVALS 0

PROTESTS 3

702-837-7821

5685 S. Valley View Ste 4 89119

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-3394 APN: 163-02-516-001

Name of Property Owner: West Sahara Assoc. LP

Name of Applicant: Las Vegas Billboards

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

____ Yes X No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: X _____

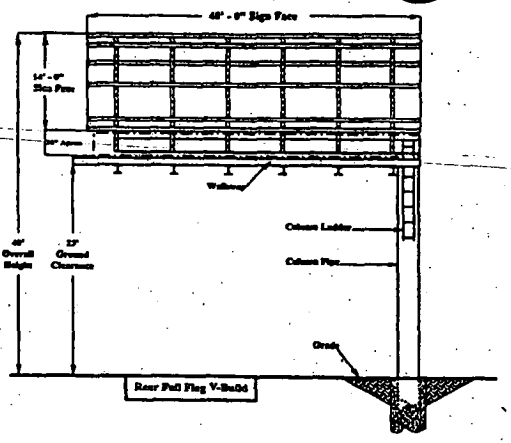
Print Name: Granville Harper

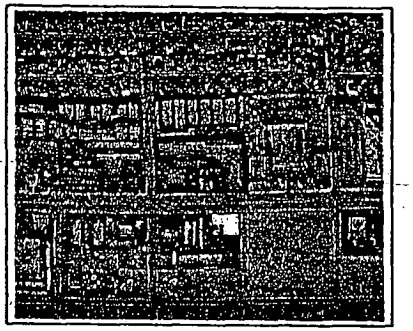
Subscribed and sworn before me

This 31 day of October, 2003

_____
Notary Public in and for said County and State

BRIDGET M. PEREZ
MY COMMISSION EXPIRES
May 9, 2004





PROPERTY OWNER: WEST SAHARA ASSOCIATES
C/O GRANVILLE HARPER
1324 STATE ST. #J-128
SANTA BARBARA, CA 93101-2420

PROPERTY ADDRESS: 4590 W. SAHARA AVE.
LAS VEGAS, NV 89146

CONTACT: STEVE RANNEY @
LAS VEGAS BILLBOARDS
5665 S. VALLEY VIEW BLVD.
LAS VEGAS, NV 89118
837-7923

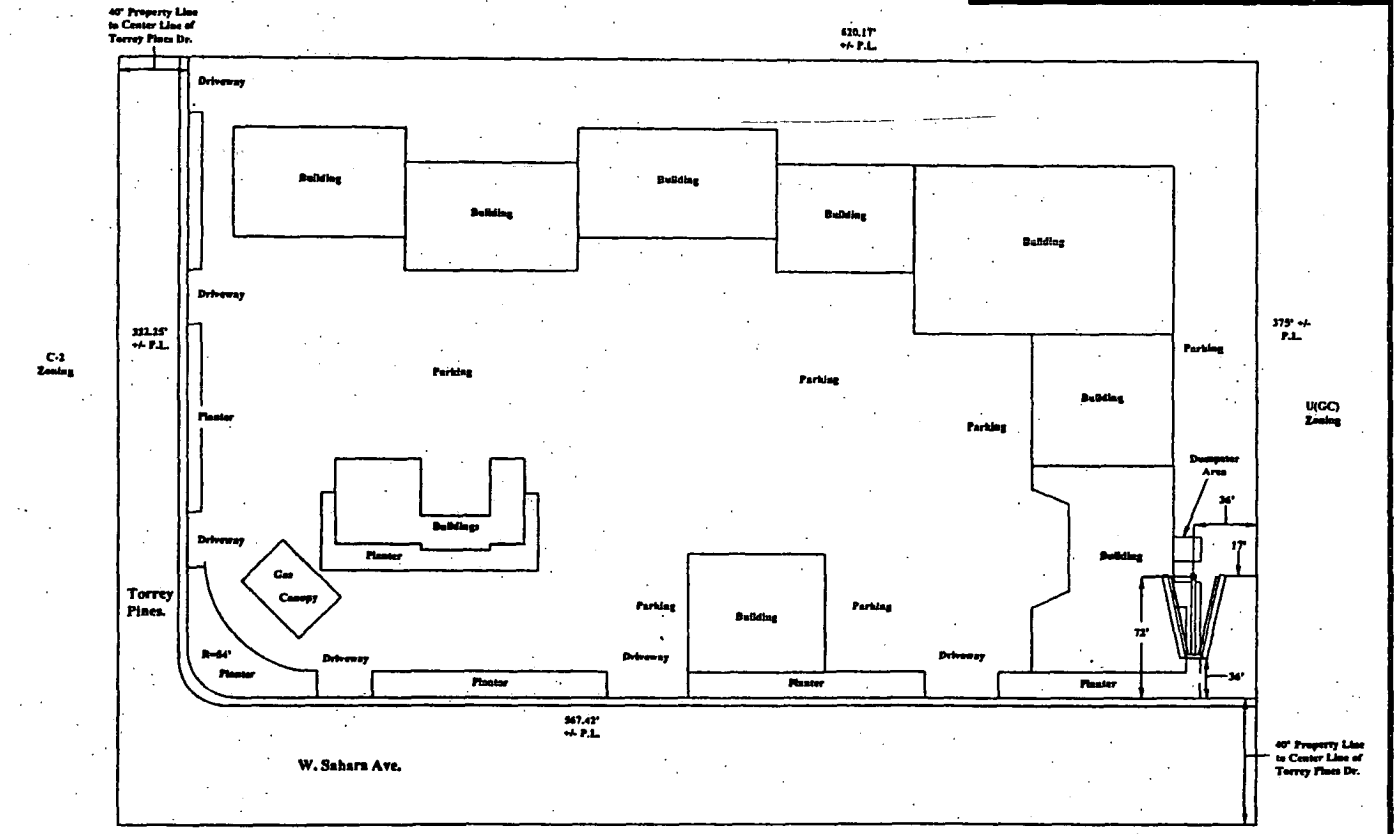
APN: 163-03-814-003
ZONED: C-1
14' x 48' FULL FLAG V-BUILD
48' OVERALL HEIGHT
NO ADJACENT ON-PREMISE SIGN WITHIN 100'
NO ADJACENT OFF-PREMISE SIGN WITHIN 300'
NO R - ZONE WITHIN 300'
SCALE 1" = 40'

NORTH

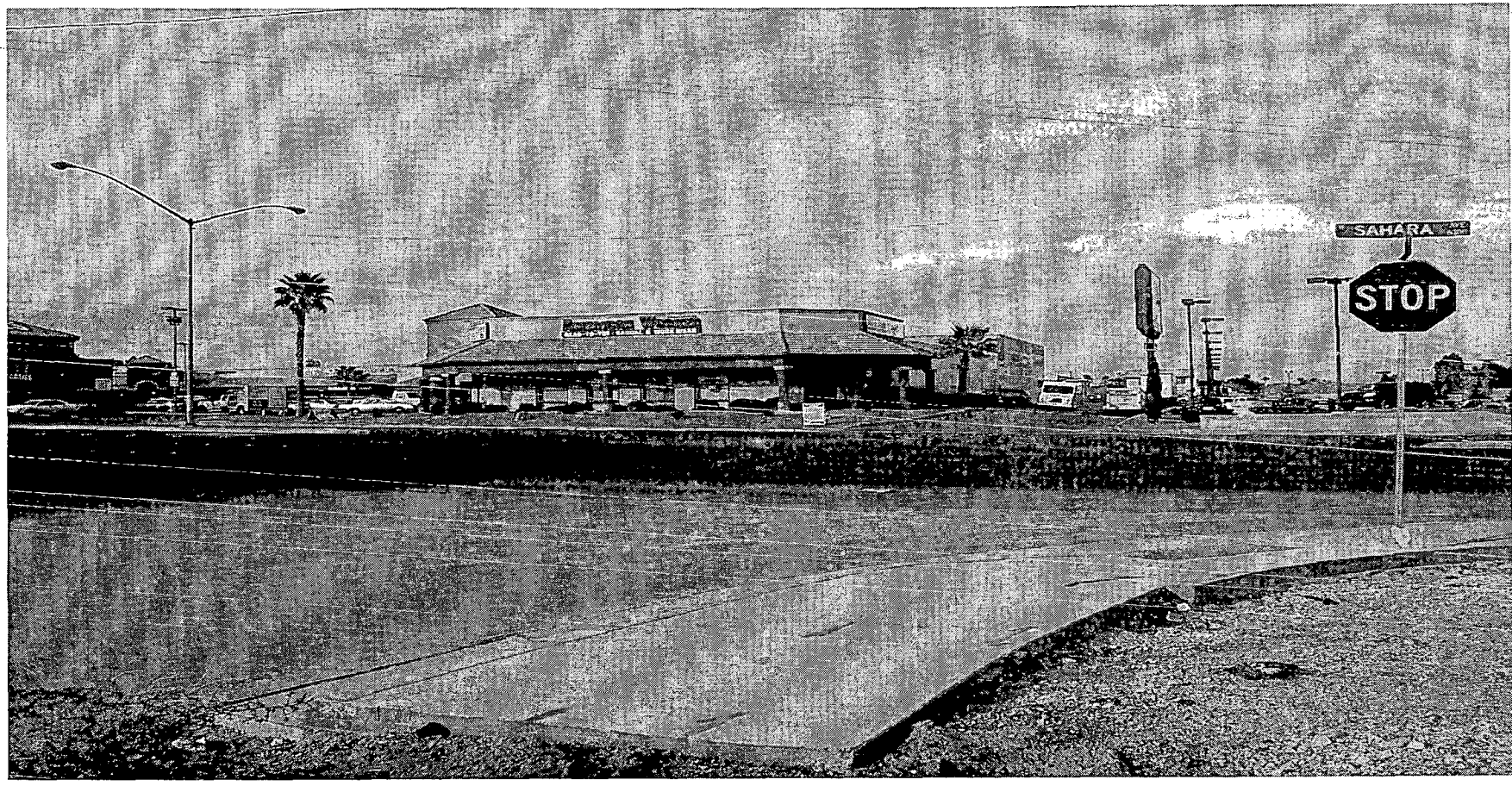
SIGN ANALYSIS TABLE

TYPE OF SIGN:	14' X 48' OFF-PREMISE SIGN
SIGN HEIGHT:	48' OVERALL HEIGHT
SIGN WIDTH:	48' OVERALL WIDTH
SIGN AREA:	672' SQUARE FT.
ILLUMINATION TYPE:	HALLOGEN LIGHTING
ANIMATION:	NONE

LOCATION:
25' FRONT SETBACK FROM WESTERN AVE. TO LEADING EDGE OF SIGN.
75' FRONT SETBACK FROM WESTERN AVE. TO CENTER O.F COLUMN.
17' SIDE SETBACK FROM NORTH PROPERTY LINE TO LEADING EDGE OF COLUMN.
24' SIDE SETBACK FROM NORTH PROPERTY LINE TO CENTER OF COLUMN.

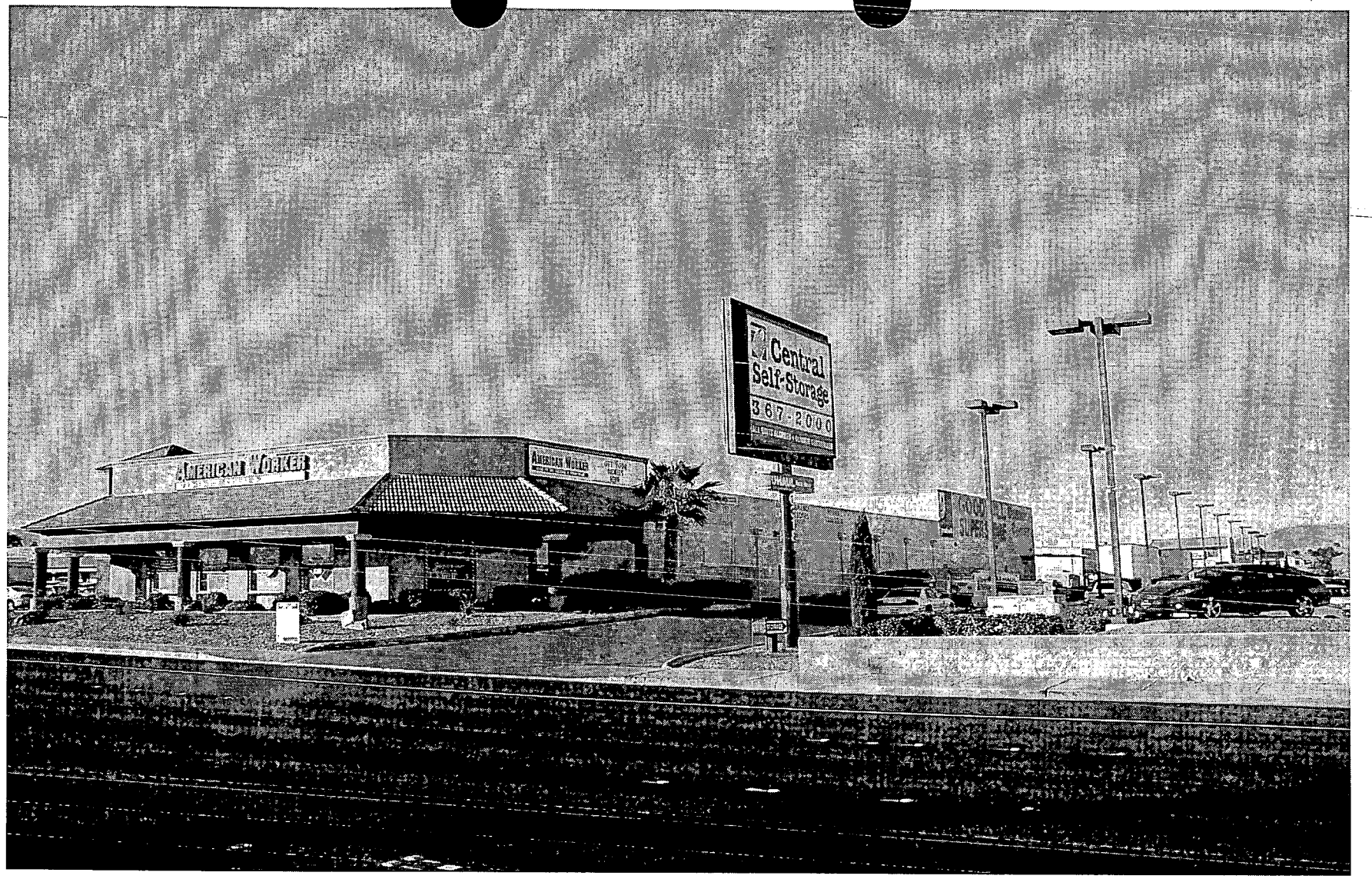


SUP-3394 01-08-04 PC



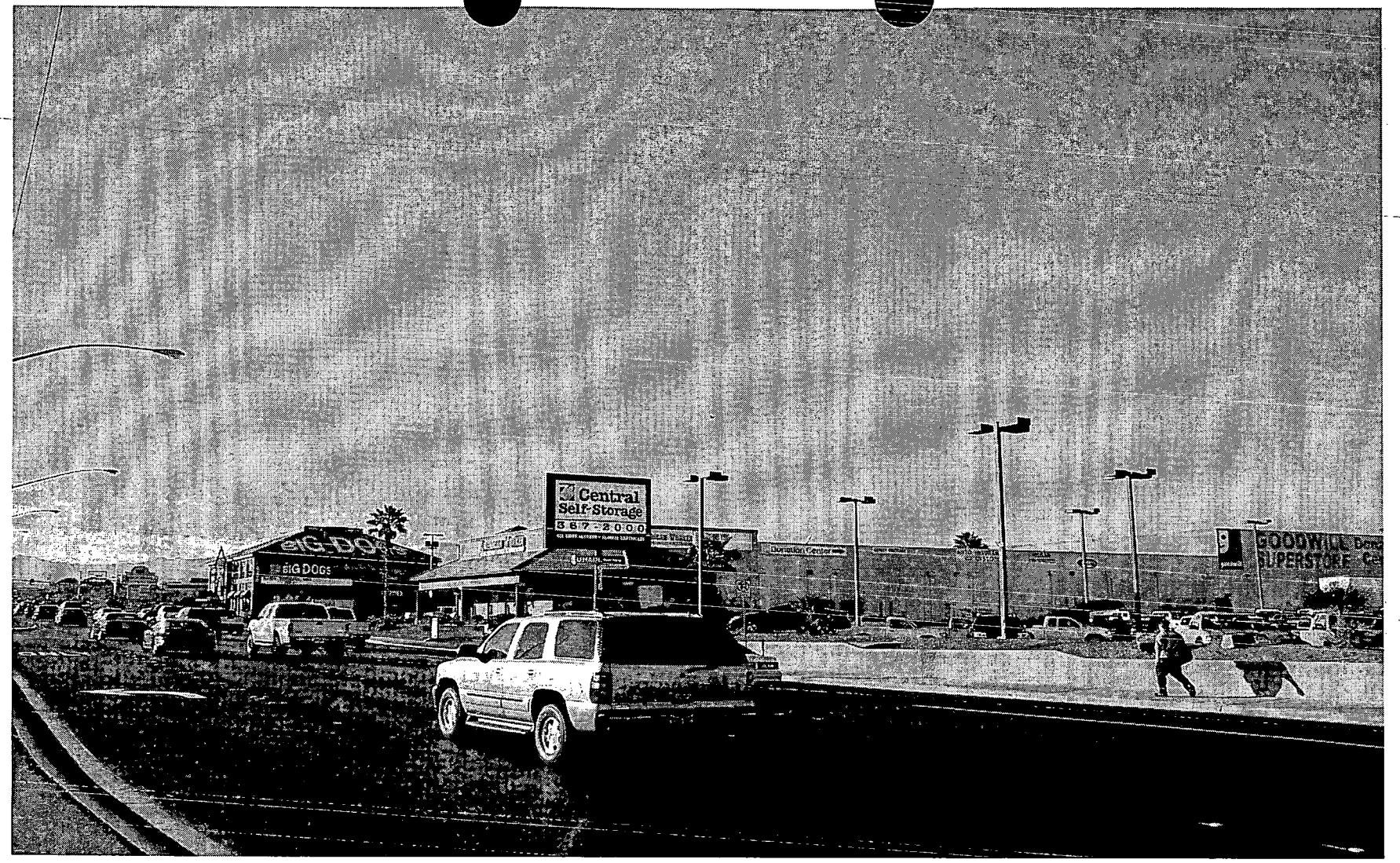
SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATED, LIMITED PARTNERSHIP
NORTHEAST CORNER OF TORREY PINES DRIVE AND SAHARA AVENUE
JANUARY 8, 2004 PLANNING COMMISSION

12/29/03



SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP
Adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue
FEBRUARY 4, 2004 CITY COUNCIL MEETING

Picture taken 01/21/04



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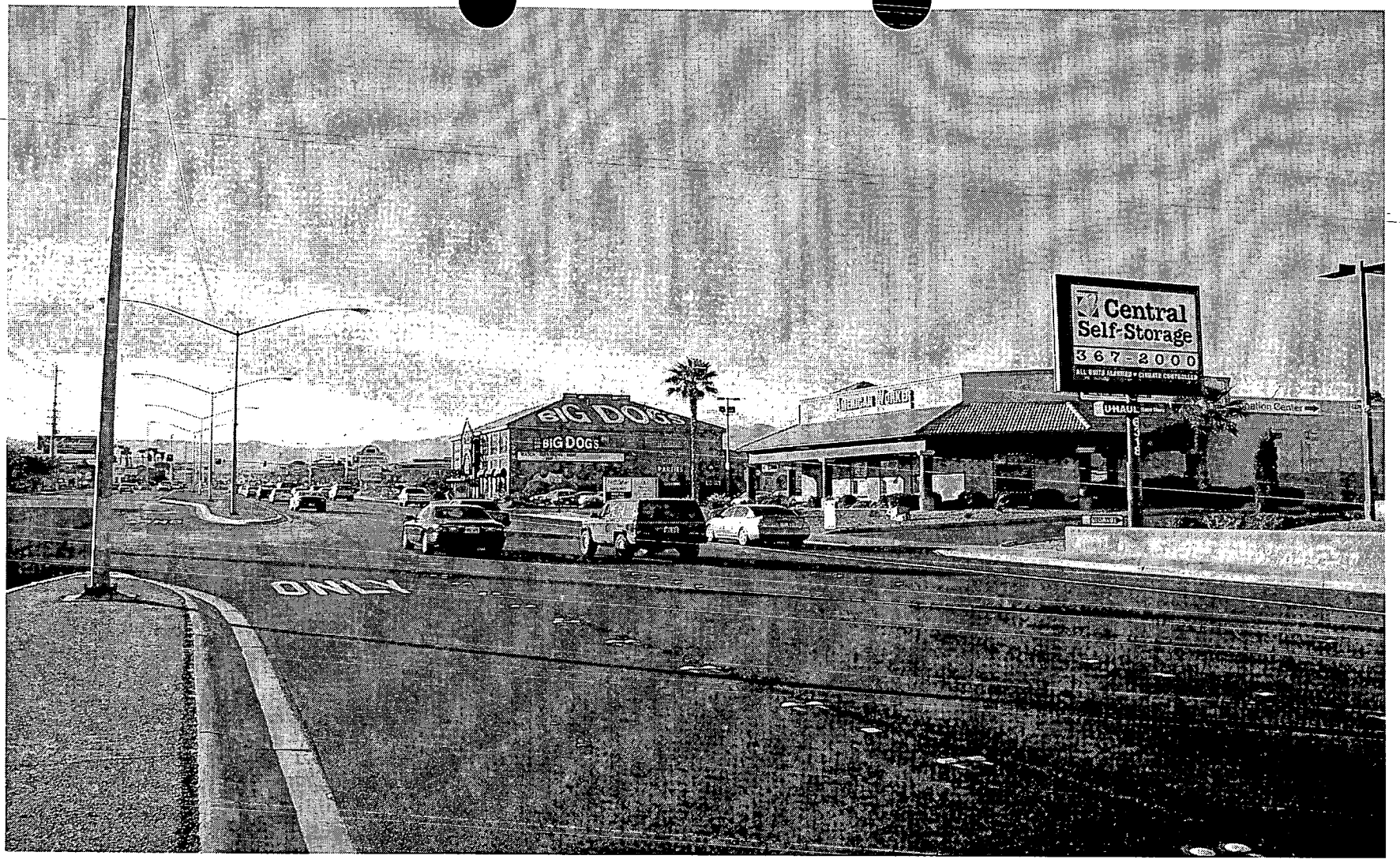

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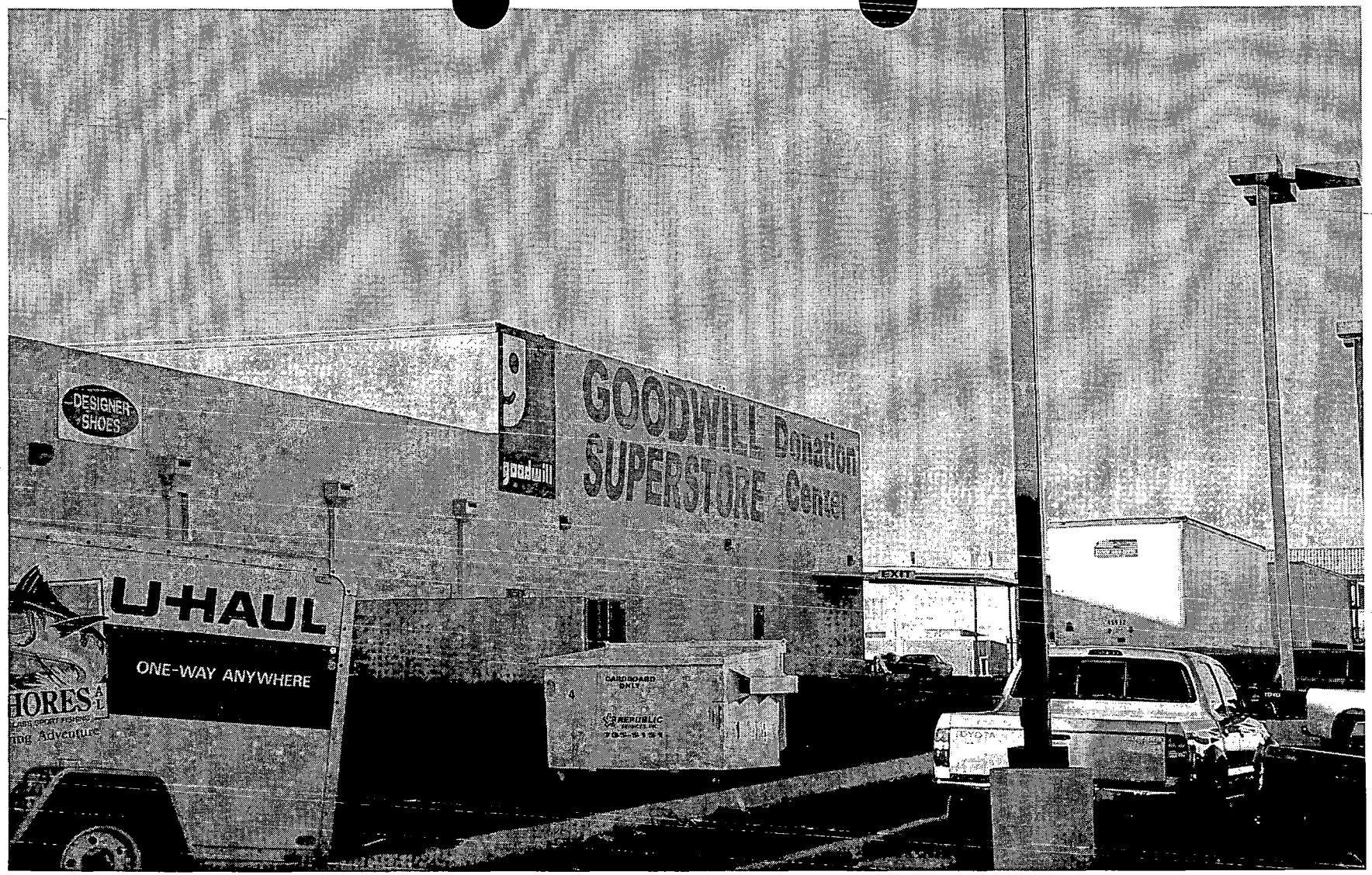

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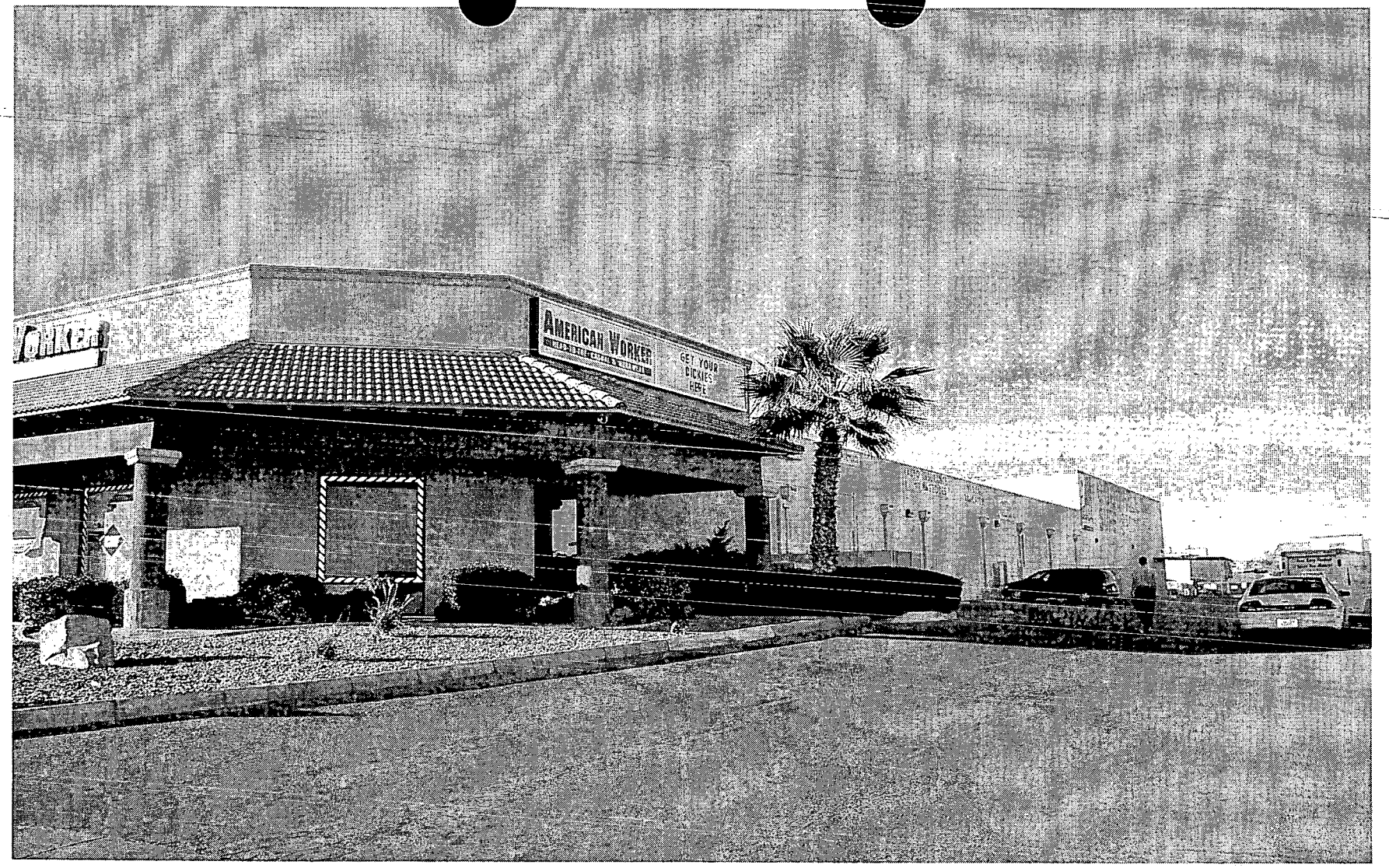

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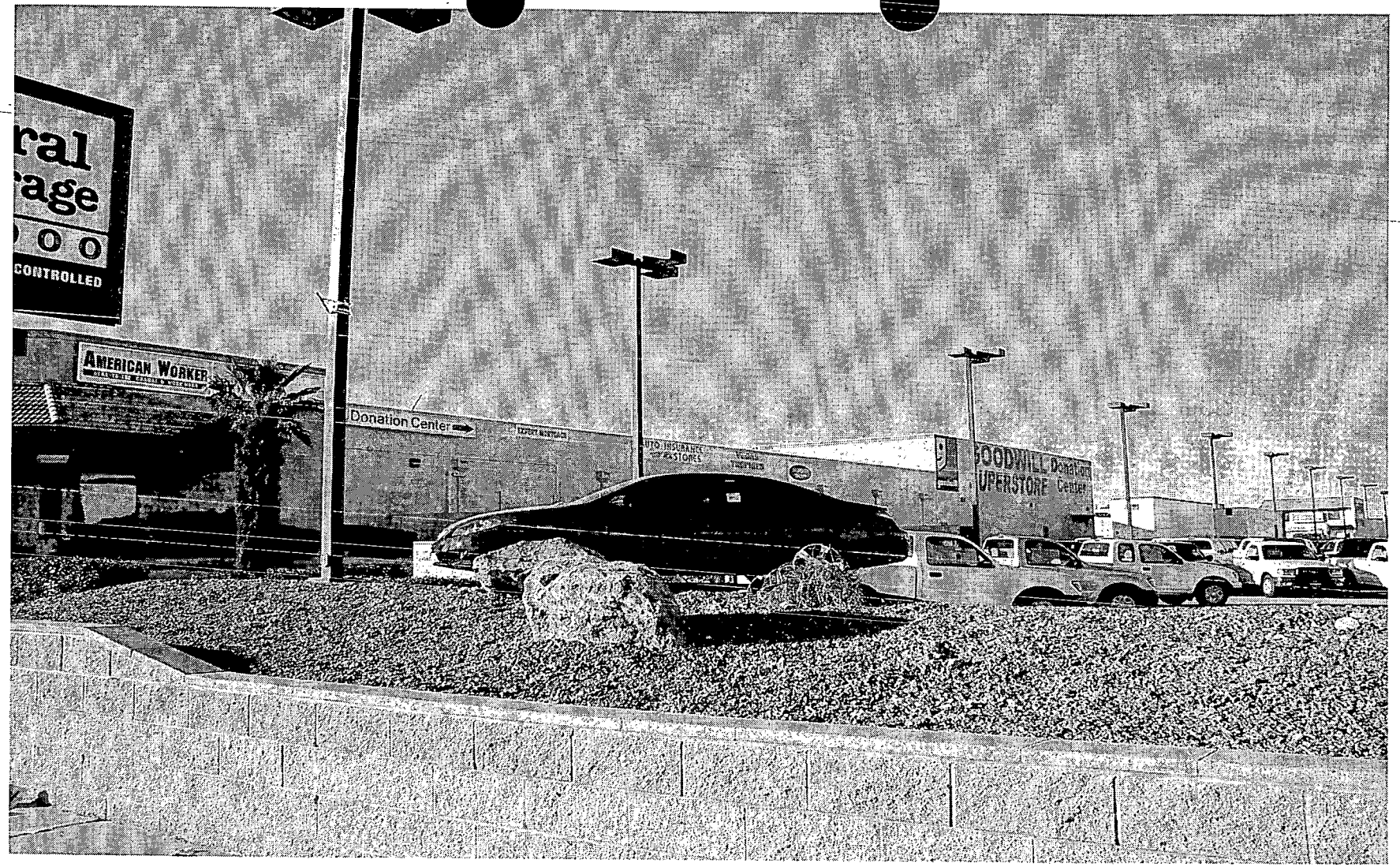

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FEBRUARY 4, 2004 CITY COUNCIL MEETING

Picture taken 01/21/04

LAS Consulting, Inc.
2754 Highland Drive, Suite A
Las Vegas, NV. 89109
Ofc. (702) 889-2879
Fax: (702) 889-3122

RECEIVED
CITY CLERK

2004 JAN 14 P 3:41

City of Las Vegas, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101
Fax: (702) 382-4803

RE: SUP-3394
NEC Sahara & Torrey Pines, APN-163-02-816-001, PC agenda item #42

Dear Sir or Madam:

Please accept this letter as a request to appeal the Planning Commission's denial of the above referenced application. This item was heard at the January 8, 2004 Planning Commission meeting. I would like to appeal it to be heard by the City Council. Please let me know if you have any questions regarding this matter.

Yours truly,

Lucy Stewart

LAW OFFICES
Singer & Brown
A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

June 1, 2004

FAX: 382-4803

Las Vegas City Clerk
400 E. Stewart Avenue
Las Vegas, NV 89101
Attn: Barbara Jo Ronemus
City Clerk

RECEIVED
CITY CLERK
2004 JUN -1 P 3:54

Re: Item No. 79 City Council Agenda of June 2, 2004
SUP-3394 – Special Use Permit Las Vegas Billboards
on behalf of West Sahara Associates, Limited Partnership

Dear Ms. Ronemus:

Please be advised that I represent Las Vegas Billboards in connection with the above referenced application.

On behalf of our client, we respectfully request that this item be removed from the City Council agenda of June 2, 2004, and be tabled until the July 21, 2004 City Council meeting.

Very truly yours,

Jay H. Brown

Jay H. Brown

JHB:cc

Submitted after final agenda
Date 6/1/04 Item # 79

City of Las Vegas

Agenda Item No. 80

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

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

SUBJECT:

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

DB 2110 MARLIN AVENUE, DB 15 WEST OWENS AVENUE, NL 4200 WEST SAHARA AVENUE, MSH-4197, SUP-4120, SUP-4137, SUP-4140, SUP-4168, SUP-4169, SUP-4172, SUP-4176, SUP-4180, SUP-4189, SUP-4195, SUP-4201, SUP-4203, SUP-4233, VAC-4098, VAC-4104, VAC-4158, VAC-4221, VAR-4193, VAR-4223 and VAR-4340 – 6/16/2004 Agenda

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 2, 2004

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

SUBJECT:
ADDENDUM:

None.

City of Las Vegas

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

CITIZENS PARTICIPATION:

Items raised under this portion of the City Council 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 step up to the podium and 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:

DAN CONTRERAS, Bonanza Village, referenced MAYOR GOODMAN's press conference and asked if he could get an update on the Martin Luther King widening project. MAYOR GOODMAN responded that he still was not clear but has been told that it will come around Costco and head over the freeway. The railroad tracks will then come down around Industrial and Oakey. MR. CONTRERAS said that during the neighborhood meeting, they were shown the portion from Bonanza to the post office. His concern was that the landscaping in the City portion would not match the landscaping being installed in the North Las Vegas portion. He said staff told him that there would be less landscaping due to the drought. MR. CONTRERAS feels the City should match or exceed the North Las Vegas landscaping and use drought tolerant plants. He also stated that the business owners in the area want to be involved with projects such as the widening of the I-95 freeway. The public is invited to discuss and contribute to projects, yet business owners feel excluded. He submitted a petition called Information Requirements for Expanding Martin Luther King Blvd., which contained ninety-eight signatures.

He also showed a photo of the entrance to the Rancho/Alta Neighborhood. At the meeting, it was agreed that residents would like to see some form of tribute to Martin Luther King as drivers from North Las Vegas enter into Las Vegas at Carey and Martin Luther King Boulevard.

(3:11 – 3:15)

4-1206

JEROME LEWIS, 1340 Sharon, agreed with the comments of MR. CONTRERAS, adding that he would like to see his side of town receive the same benefits being giving to other parts of the City. He commended the City's work on the Alta road improvements and landscaping. He feels it would be a shame not to have input when the City starts improvements in his neighborhood.

(3:15 – 3:15)

4-1361

BEATRICE TURNER, West Las Vegas Resident, stated that Bonanza Village is sitting on water wells, and if water is the only reason they cannot get landscaping on their portion of the Martin Luther King widening project, it can be taken from those wells. She agreed with the two previous speakers that the business owners should be included in project planning for their area.

MINUTES – Continued:

She also commented on the poor state of the walking track in Doolittle Park. MS. TURNER walks elderly people on that track and is concerned about them tripping or catching their canes or walkers in potholes. She was told there was no funding for repairs at this time; however, she feels it is a hazard that must be addressed regardless of funding.

(3:15 – 3:18)

4-1387

TOM McGOWAN, Las Vegas Resident, submitted a written statement and discussed a publication called Lambda's 2004 Preferred Directory of Gay and Lesbian Professional Associates of Southern Nevada and also the 15-foot martini glass neon sign from the Red Barn, which is on display on the Fremont Street Experience. He discussed events relating to his submittals regarding ideas for the Centennial Celebration and his unhappiness over what he sees as a lack of response from the Centennial Celebration Committee. He requested all 67 copies he submitted be returned to him with a letter of apology by June 3, 2004 at 5:00 p.m. He suggested legal action might be sought if his submittals were not returned.

(3:18 – 3:22)

4-1504

STEVEN "CAPTAIN TRUTH" DEMPSEY, brought brochures for both MAYOR GOODMAN and COUNCILMAN BROWN regarding a Meegan Bed and gave MAYOR GOODMAN a copy of Gaming Today. He also brought the latest edition of Inside Vegas for the Council to look over. He read from a rough draft of a Notice and Demand regarding discrimination against the owner of the GT Mini Market located at 632 H Street and informed COUNCILMAN WEEKLY he would be serving the City shortly.

(3:22 – 3:27)

4-1730

MEETING ADJOURNED AT 3:27 P.M.

Petition: Information Requirements for Expanding Martin Luther King Blvd.

Mayor Goodman and the Las Vegas City Council:
The following petition is from citizens of West Las Vegas concerning the widening project for Martin Luther King Blvd. from Alta Dr. to Carey Ave.

We request the following conditions be implemented on this project before final approval:

1. Desert landscaping in the median throughout the length of the project equal to or exceeding the landscaping installed on the Phase I widening of MLK in North Las Vegas.
2. Two monuments paying tribute to Dr. Martin Luther King from the City of Las Vegas placed on the MLK/Carey Ave. intersection and the MLK/Alta Dr. intersection befitting a great American hero.
3. Bus turnouts installed at every bus stop throughout this widening project.
4. The City of Las Vegas hold a public meeting to show the residents of West Las Vegas what this project will look like and how it will affect them, before the final approval is given and this project goes out to bid.

CLERK

Submitted at City Council
Date 6/2/04 Item Citizen Participation

Martin Luther King Blvd. Expansion Information Petition

#	Name	Address	Signature
1	Daniel L. Contreras	1726 Goldhill Ave. L.V. NV 89106	Daniel L. Contreras
2	Thomas Ealy	67 Goldhill 89106	
3	Leroy Bass	1321 Sharon rd	
4	Ramona Whaley	1718 Gold Hill AVE	Ramona Whaley
5	Wally Wilson	1718 Gold hill NV	
6	Karl L. Morales	1431 Comstock Dr	
7	Leslie Butler	1460 Comstock	Jessie Butler
8	Guy L. Butler	1460 Comstock	
9	Lynne Contreras	1726 Goldhill Ave	Contreras
10		1301 Sharon Rd	
11	Robert Haley	1410 Sharon Rd	Robert Haley
12	Leon Felix Jr.	1431 Sharon Rd.	
13	Cuthbert Mack	1420 Sharon Road LV. NV 89106	Cuthbert Mack
14	James E. Johnson Sr.	1411 Virginia City Ave LV. Nev 89106	James E. Johnson Sr.
15	Kenya Johnson	1411 Virginia City Ave NV 89106	Kenya Johnson
16	Harold Miller	1726 Sutro LV LV	
17	Jerome Lewis	1340 Sharon Rd LV NV 89106	Jerome

18	Kenyatta Lewis	1340 Sharon Rd L.V. NV 89106	Kenyatta Lewis
19	Lonnie Walston	1930 Fair Street L.V.	Lonnie Walston
20	J.C. Fuller	1810 Goldhill Ave	J.C. Fuller
21	Patricia Sauter	2021 Mills Cir.	Patricia Sauter
22	PATRICIA JACOBS	1561 COMSTOCK	Patricia F. Jacobs
23	JAMES BARTH	1500 COMSTOCK	James H Barth
24	Patsy Anderson	1301 Sharon Rd	Patsy Anderson
25	Ernest D. Rubio	1726 Goldhill Av	
26	Andre Atkinson	1311 Sharon Rd.	
27	Tonya A. Fortson	2011 Goldhill Ave LV, NV 89106	Tonya A. Fortson
28	Bettye G. Fortson	2011 Goldhill ave. LV, NV.	Bettye G. Fortson
29	Rudy B. Mason	1131 Virginia City Ave	Rudy B Mason
30	Jatheryl V. Mason	1131 Virginia City Ave	Jatheryl V Mason
31	GAIL EVANS	1130 VIRGINIA CITY AVE	Gail Evans
32	JAMES EVANS	1130 VIRGINIA CITY AVE.	James W Evans Sr
33	Glenn Hexander	1940 Ophir Dr. L.V. NV	Glenn Alexander
34	Brenda Alexander	1940 Ophir Dr. L.V. NV	Brenda Alexander
35	BEVERLY BASS	1321 Sharon Road	Beverly Bass

36	Lonnie Wolston	1930 Fair Street Lk	647-3972
37	Ka. Armstrong	1931 Fair Av	453-9372
38	Alfonso Wolston	1930 Fair Avenue	647-0997
39	Mcathil Wolston	1930 Fair Avenue	647-0497
40	Martha Stringfield	1 3 Fair Av	621-6752
41	Sonja Braggett	711 Tonopah # C	
42	Jack Phillips	1100 Virginia City Ave	648-7271
43	David L. Phillips	700 S 4th 449, St	386-0002
44	RAMONA JONES	1921 OPHIR DR.	647-2315
45	Timothy Burrell	1101 COMSTOCK Dr	648-9504
46	Kathy Hughes	1400 Cabin Street	645-3683
47	Lois Johnson	1400 Robin St	N/A
48		1400 Robin	6550834
49	Steve Bolden	1866 Lake	645-3603
50		1921 Kale	646-4140
51	Lula Willis	"	"
52	Wanda William		
53	JAMES H. RAINEY SR	2021 Mills Cr. L.V. NV.	

Martin L[illegible]er King Blvd. Expansion Information [illegible]tion

54	Jackson, Teresa E.	1100 N. Martin L King	893-3534
55	Ms. Geri McNeil	1100 N. Martin L. King	647-2245
56	Mary Jackson	1100 N. Martin L. King	647-2245
57	Ethel L Randolph	1100 N. Martin L. King	647-1100
58	Willie Pearl Reeves	1100 N. Martin L King	647-1100
59	Lyndsey Nicole Brooks	1100 N. Martin L. King	647-2245
60	Kay Randolph	1100 N. Martin L. King	647-1100
61	Lynn Brock	1100 N. Martin L. King	647-1100
62	Lois Randolph	2244 Renee St.	642-8122
63	Ebony Hodges	1100 N. Martin L King	647-1100
64	Valerie Kinney	1100 N. Martin L King	647-1100
65	Ott Hall	2224 Renee Street	na
66	Alberta Allen	1617 Maxman St.	
67	John Davis	2244 Renee Street	657-6224
68	Lois E. Randolph	1100 N. Martin L King	647-1100
69	Bessie Fields	401 Freman St.	
70	Lymarian	1100 N. Martin L. King	647-1100
71	Lucy Kline	1100 N. Martin L King	647-1100

	Name	Address	Signature
72	Magnolia Kennedy	1400 Virginia City Ave LV 89106	Magnolia Kennedy
73	Eddie Ray Hall	1732 Goldhill Ave	
74	Hank Marshall	1410 Sharon Rd	Hank Marshall
75	Bobbie W Haley	1410 Sharon rd	Bobbie W Haley
76	Ruby Lee Felix	1421 Sharon	
77	Barbara Hubbard	1209 Virginia City Ave.	Barbara Hubbard
78	William High	1940 Mills Circle	
79	Swayzine Fields	1124 Comstock DR	Swayzine N. Fields
80	Juanita Fuller	1810 Goldhill Av	Juanita Fuller
81	James Shipp	1723 Ophir Dr	James Shipp
82	Donna Shipp	1723 Ophir Dr	Donna Shipp
83	Herbert J. Freeman Herbert J. Freeman	1101 Sharon Rd. L.V. 89106	Herbert J. Freeman
84	Allen J. Myers	1301 Comstock Dr	Allen J. Myers
85	Carlena Reynolds	1941 Ophir Dr	Carlena Reynolds
86	Scott M. Rockwell	1930 Ophir Dr.	Scott M. Rockwell
87	Beatrice Turner	1300 Ralston Dr	Beatrice Turner
88	Alfred Gallego	711 Bell Drive LV. 89101	Alfred Gallego

	Name	Address	Signature
89	Teah Gilbert	605 Bruman Ave L.V. NV 89106	Teah Gilbert
90	Charles Foger	1121 Tombstone Las Vegas NV 89106	Charles Foger
91	Jean Wilmore	302 George Place, Las Vegas, NV 89106	Wilmore Jean
92	Mary Kay Field	2043 Oakdale Ave L.V. NV 89101	Mary Kay Field
93	Mavis Lastie	701 Elliot Rd, L.V., NV 89106	Mavis Lastie
94	Sandra Matthews	4660 Kent Lake L.V. NV 89115	Sandra Matthews
95	Jean Tennison	867 N. Lamb, LV, NV 89107	Jean Tennison
96	Lewis Littlefield	2241 Oakwood LV. NV 89115	Lewis Littlefield
97	Mattie Warmack	2735 Revere St N. LV 89030	Mattie Warmack
98	Gary W. Ward	514 W. St. Louis NV	Gary W. Ward

TM / LAS CNCL. MTG. 1P WED. 2 JUNE, 2004 (CNCLCHMB) (CH: MAY 0/6)

CITIS. PARTIC.

..<(3 min.)>..

» TOM MC GOWAN. 50-YEAR RESIDENT OF LAS VEGAS, NEVADA.

» THE FREMONT STREET EXPERIENCE IS AN IMPORTANT CONTRIBUTION TO THE REDEVELOPMENT AND REVITALIZATION OF THE DOWNTOWN CITY OF LAS VEGAS, ~ AS ALSO WILL BE THE ONE (1) YEAR-LONG LAS VEGAS CENTENNIAL CELEBRATION IN 2005, WHOSE CHAIRMAN AND PRESIDENT IS MAYOR OSCAR GOODMAN, AND WHOSE EVENTS AND PROGRAMS ARE ENSURED ALL-MEDIA PUBLICITY AND PROMOTION BEFORE AN OBSERVANT NATION AND THE WORLD, (EXHIBIT #1.)

YOUR ATTENTION IS INVITED TO THE OVERHEAD EXHIBIT WHERE YOU SEE LAMBDA'S 2004 PREFERRED DIRECTORY OF GAY AND LESBIAN PROFESSIONAL ASSOCIATIONS OF SOUTHERN NEVADA. THE FRONT COVER PHOTOGRAPH DEPICTS THE 15-FOOT MARTINI GLASS AND SIGNAGE OF THE NOTORIOUS GAY AND LESBIAN NIGHTCLUB: "THE RED BARN", WHICH WAS DESTROYED BY FIRE IN 1988. THE NEON MUSEUM RESTORED THE HISTORIC SIGNAGE, NOW PROMINENTLY DISPLAYED ON THE FREMONT STREET EXPERIENCE. (EXHIBIT #2.)

PAGE 5. OF THE LAMBDA PREFERRED DIRECTORY REPORTS, AND I QUOTE: ~

~ "AT 6:15 PM ON NOVEMBER 15TH, 2000, WHEN LAS VEGAS MAYOR OSCAR GOODMAN THREW A SWITCH, THE RED BARN'S GIANT MARTINI GLASS SHONE BRIGHTLY ONCE AGAIN AND 'LE ROUGE TOILETTE' TOOK ITS FORMAL PLACE IN LAS VEGAS HISTORY." (CLOSED QUOTE).

CLEARLY, THE GAY AND LESBIAN COMMUNITY OF LAS VEGAS IS WELL-REPRESENTED ON BOTH THE FREMONT STREET EXPERIENCE AND THROUGHOUT THE LAS VEGAS CENTENNIAL CELEBRATION, ~ WHOSE CHAIRMAN AND PRESIDENT IS MAYOR OSCAR GOODMAN; WHOSE VICE-PRESIDENT IS DEPUTY CITY MANAGER "BETSY" FRETWELL; WHOSE EXECUTIVE DIRECTOR IS STACY ALLSBROOK; AND WHOSE CULTURAL 'WORKING GROUP' CHAIRMAN IS DALE ERQUIAGA, AN EXEC. V.P. OF R&R PARTNERS, ~ AND WHO (EXHIBIT #3.) IS PROMINENTLY LISTED ON PAGE 10. OF THE LAMBDA DIRECTORY OF ITS PREFERRED GAY AND LESBIAN BUSINESS AND PROFESSIONAL ASSOCIATES.

Submitted at City Council
Date 6/2/04 Item Citizens Participation

(TM, cont'd)

STARTING 12 JAN., 2004, AND CONTINUING THEREAFTER, I SUBMITTED A TOTAL OF 67 CENTENNIAL PROPOSALS of HETEROSEXUAL ORIENTATION TO EXECUTIVE DIRECTOR ALLSBROOK, SOLELY AND EXPRESSLY PURSUANT TO REVIEW AND RECOMMENDATION OF THEIR APPROVAL BY THE CENTENNIAL CELEBRATION COMMITTEE. MY PROPOSALS RECOGNIZED THE SUPERLB ENTERTAINMENT ARTISTRY of WORLD-FAMED PERFORMERS, BOTH LIVING AND DECEASED, INCLUDING: ~ JIMMY DURANTE, SONNY KING, BERNIE ALLEN, ALAN KING, SHECKY GREENE, JOE E. LEWIS, FRANK SINATRA, DEAN MARTIN, SAMMY DAVIS, JR, LOUIS PRIMA, KEELY SMITH, SAM BUTERA, MARY AND NORMAN KAYE, 'BLACKIE' HUNT, BOB BAILEY, THE PLATTERS, THE MILLS BROTHERS, THE BENNY CARTER ORCHESTRA, REDD FOXX, HANK HENRY, THE HAPPY JESTERS, THE NOVELITES, STEVE ROSSI, JOHNNY RICCO, COOKE, JARR, BOBBY HATFIELD, AND MANY OTHERS WHO CONTRIBUTED TO THE 100-YEAR HISTORY of WORLD CLASS ENTERTAINMENT IN LAS VEGAS, NEV.

ON FRIDAY 28 MAY, CULTURAL 'WORKING GROUP' CHAIRMAN, DALE ERQUIAGA SAID TO ME, AND I QUOTE: ~ "I'm NOT GOING TO READ YOUR 65(+) CENTENNIAL PROPOSALS, AND I'm NOT GOING TO RETURN THEM TO YOU. INSTEAD, I'm GOING TO KEEP THEM IN A PILE ON THE FLOOR BEHIND MY OFFICE DESK, UNTIL THE END of THE CENTENNIAL CELEBRATION. AND THEN I'm GOING TO THROW THEM OUT INTO THE TRASH!"

BUT THAT'S NOT GOING TO HAPPEN, BECAUSE I WON'T ALLOW THAT EMINENT ROSTER of PROFESSIONAL LAS VEGAS ENTERTAINERS TO BE DISGRACED AND MALICIOUSLY RELEGATED TO THE 'TRASH HEAP' of CENTENNIAL CELEBRATION HISTORY BY CENTENNIAL PRESIDENT OSCAR GOODMAN, VICE-PRESIDENT 'BETSY' FRETWELL, EXECUTIVE DIRECTOR STACY ALLSBROOK, AND CULTURAL 'WORKING GROUP' CHAIRMAN DALE ERQUIAGA, of LAMBDA DIRECTORY RENOWN-ACCORDINGLY: ~

YOU HAVE UNTIL THE CLOSE of BUSINESS AT 5:00 PM TOMORROW, THURSDAY 3 JUNE, TO RETURN ALL COPIES of ALL 67 of MY CENTENNIAL PROPOSALS, ACCOMPANIED BY YOUR OFFICIAL LETTER of ABJECT APOLOGY TO ME AND TO ALL LAS VEGAS ENTERTAINERS INCLUDED IN MY PROPOSALS; ~ OR: ~ EACH AND ALL of YOU, INCLUSIVELY, WILL BE DULY CHARGED AND MADE TO STAND ACCOUNTABLE FOR YOUR MULTIPLE AND REPEATED VIOLATIONS of BOTH CONSTITUTIONAL AND STATUTORY LAW, INCLUDING: DISCRIMINATION; MISREPRESENTATION, FRAUD, EXTORTION; MALFEASANCE of PUBLIC OFFICE; THE NEVADA OPEN MEETING LAW; AND FEDERAL LAW GOVERNING THE PATTERN of UNLAWFUL ACTIVITIES of RACKETEER-INFLUENCED CORRUPT ORGANIZATIONS.

THANK YOU. (SUBMITTED AND REQUESTED INCLUSION IN THE MEETING MINUTES).