

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, From: Tropics, LLC, dba Tropics Broiler & Bar, 1617 South Decatur Boulevard (Non-operational), Ken K. Kananu, Mgr, Mmbr, 42.5%, Gregory N. Becker, Mgr, Mmbr, 42.5%, Nancy K. Dehler, Mmbr, 15%, To: Artisan Cafe, LLC, dba Artisan Cafe, LLC, 1215 Las Vegas Boulevard South, Audrey N. DaSilva, Mgr, Mmbr, 100%, Douglas B. DaSilva, Principal - Ward 3 (Reese)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Tavern License

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Douglas DaSilva
3. Map

MOTION:

REESE – APPROVED the temporary license, subject to provisions as recommended, with the manager of Business Services granted the authority to approve the permanent license after completion of appropriate process – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

The applicants were present.

JIM DiFIORE, Manager, Business Services, stated the applicants met the requirements for temporary license approval. He suggested approval as recommended.

(1:03 – 1:04)

3-1908

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Tavern License, To: Artisan Cafe, LLC, dba Artisan Cafe, LLC, 1215 Las Vegas Boulevard South

The applicant is requesting approval of a temporary license as provided by LVMC 6.06.051, which reads as follows:

(A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:

- (1) The applicant's fitness for a license; and
- (2) The appropriateness of the applicant's business location.

(B) A temporary license shall not be granted under this Section unless:

- (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
- (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
- (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated June 2, 2004 outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on June 3, 2004. These applicants were just investigated and found suitable for a tavern license for Artisan Café, 1501 West Sahara Avenue, on May 24, 2004. Based on this most recent favorable investigation, we have determined that they are preliminarily suitable to hold a temporary alcoholic beverage license until the investigation is complete.

In the event the Special Investigations Section, Las Vegas Metropolitan Police Department, should develop an area of concern with this applicant this item will be brought back before the Council for appropriate action.

**ARTISAN CAFE, LLC.
DBA
ARUBA HOTEL LOUNGE**

**1501 West Sahara Avenue
Las Vegas, Nevada 89102
Phone. (702) 214-4000
Fax. (702) 733-7126**

06/02/04

**CITY OF LAS VEGAS
DEPARTMENT OF FINANCE AND BUSINESS SERVICES
400 STEWERT AVENUE
LAS VEGAS, NV 89101**

**ATTN: EDDIE RAINES
RE: TAVERN LICENSE**

EDDIE,

AS YOU ARE AWARE I HAVE SUBMITTED OUR APPLICATION TO THE CITY OF LAS VEGAS FOR THEIR CONSIDERATION TO BE APPROVED TO OPERATE A TAVERN LICENSE AT THE APPROVED LOCATION OF 1215 LAS VEGAS BOULEVARD, SOUTH, LAS VEGAS, NV 89104, THE ARUBA HOTEL LOUNGE FORMERLY KNOWN AS THE THUNDERBIRD HOTEL LOUNGE.

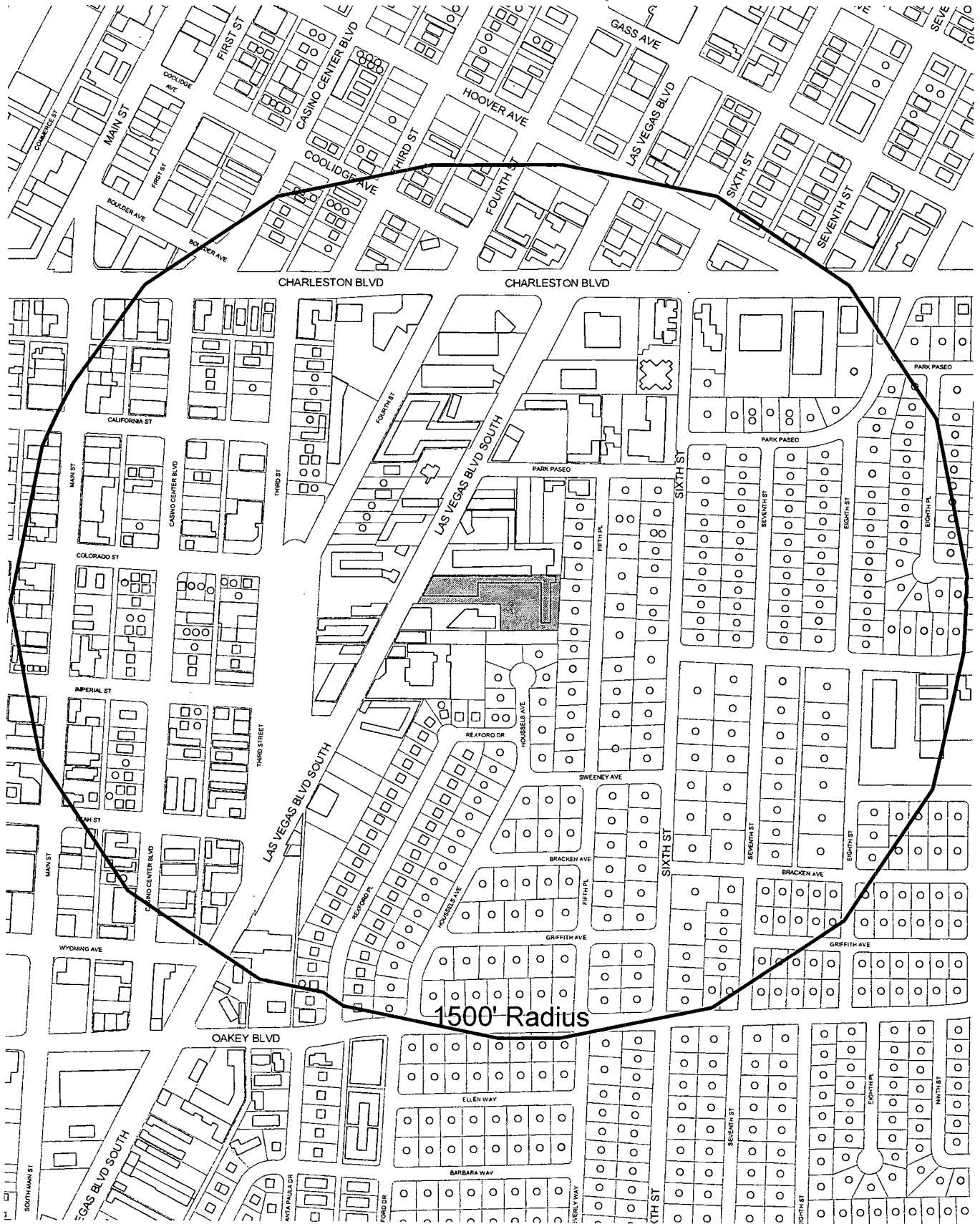
PER OUR DISCUSSIONS YOU HAVE INDICATED THAT THE PERMITTED USE FOR THAT LOCATION EXPIRES ON 06/23/04. HENCE, I AM REQUESTING THAT THE CITY OF LAS VEGAS GRANT US A TEMPORARY ALCOHOLIC BEVERAGE LICENSE TO OPERATE AT SAID LOCATION PRIOR TO THE EXPIRATION OF THE SAID PERMITTED USE. I FEEL THAT SUCH REQUEST IS JUSTIFIED, SINCE WE ARE CURRENT APPROVED TAVERN LICENSE HOLDERS OF TAVERN LICENSE # L16-00016-4-000578 AND BECAUSE THE EXPIRATION OF THE PERMITTED USE AT THE SUBJECT PROPERTY WOULD CREATE A DEVASTATING ECONOMIC LOSS IN VALUE TO THE PROPERTY. I HOPE THE CITY CAN ACCOMMODATE OUR REQUEST AS TIME IS OF THE ESSENCE.

THANK YOU FOR ALL YOUR TIME AND ASSISTANCE. SHOULD YOU REQUIRE FURTHER INFORMATION FEEL FREE TO CALL.

SINCERELY,

DOUGLAS DA SILVA

Artisan Cafe, LLC



0 200 400 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action regarding the realignment of Grand Montecito Parkway (SID 1502) between Deer Springs Way and Dorrell Road - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Grand Montecito Parkway is part of the Town Center loop road system and is funded 100% by the Special Improvement District. The project will include installation of full width pavement, median islands, storm drain facilities, curb and gutter, streetlights, commercial driveways, fire hydrants, sewer mains and laterals, and water mains and laterals. Triple 5 Development, a property owner along the alignment, has approached the City with a request to realign a portion of Grand Montecito Parkway through their property. As this is a substantial change to the project improvements in the SID, staff is seeking direction from City Council regarding the realignment. This realignment issue was first discussed at the May 5, 2004, City Council meeting.

RECOMMENDATION:

Recommendation will be presented at the City Council meeting.

BACKUP DOCUMENTATION:

None

MOTION:

REESE – Motion to bring forward and STRIKE Items 28, 65, 66, 67, 68, 69, and 80 – UNANIMOUS with Ward 2 seat vacant

MINUTES:

Under Item 1, COUNCILMAN MACK requested Item 80 be stricken, under the advice of the City Attorney's Office.

(9:40 – 9:41)

1-1147

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-110-2004 - Public hearing and possible action regarding a Resolution authorizing the issuance of a medium term obligation, not to exceed \$25,000,000 for the infrastructure construction of Union Park (formerly known as the 61-Acres) - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The medium-term obligation is being issued pursuant to NRS 350.087 to 350.095, inclusive and NRS 350.500 to 350.720, inclusive. The debt is expected to be repaid using either: a) \$0.05 capital improvement property tax levied as provided in NRS 354.59815; or b) 1% tax on rental of transient lodging levied as provided in NRS 244.3351; and if necessary c) money from the consolidated taxes distributed to the City pursuant to NRS 360.680, 360.690, and 360.700

RECOMMENDATION:

It is recommended that the City Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R-110-2004

MOTION:

WEEKLY – APPROVED as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, stated this matter involves a \$25 million bond issue. Staff expects to clear about \$23.5 million for the infrastructure improvements at Union Park. This excluded \$1.4 million in capitalized interest costs. The bond proceeds will be repaid from the sale of parcels.

MAYOR GOODMAN declared the Public Hearing closed.

(1:04 – 1:06)

3-1976

Summary - a resolution authorizing medium-term obligations and the forwarding of materials to the State Department of Taxation.

RESOLUTION NO. R-110-2004

A RESOLUTION AUTHORIZING MEDIUM-TERM OBLIGATIONS IN AN AMOUNT OF UP TO \$25,000,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING CERTAIN FACILITIES FOR THE CITY; DIRECTING THE OFFICERS OF THE CITY TO FORWARD MATERIALS TO THE DEPARTMENT OF TAXATION OF THE STATE OF NEVADA; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AUTHORIZING THE SALE OF THE CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION MEDIUM-TERM OBLIGATIONS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$25,000,000; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of Las Vegas, Nevada (the "Council", "City", and "State", respectively) proposes to incur medium-term obligations of the City in an amount up to \$25,000,000, under Chapter 350 of Nevada Revised Statutes ("NRS"), in order to finance public projects, including, without limitation, one or more of the following: a drainage and flood control project, an off-street parking project, a street project, a recreation project, a park project, a water project and a sewage project, all as defined in NRS 268.672 through 268.740 (the City Bond Law) to be located in or in the vicinity of the development currently known as "Union Park", formerly known as the 61-Acres (the "Project"); the financing to bear interest at a rate or rates which do not exceed by more than 3% the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term obligations or negotiated offers are accepted, and to mature within 10 years of the date of issuance thereof, in order to pay the costs of the Project (the "Proposal"); and

WHEREAS, the Council has determined that legally available funds of the City will at least equal the amount required in each year for the payment of interest and principal on such medium-term obligations; and

WHEREAS, NRS 350.087 requires that a notice of intention to authorize medium-term obligations be published not less than 10 days prior to the consideration of a resolution authorizing a medium-term obligations; and

WHEREAS, a notice of intention to act upon the resolution authorizing such medium-term obligations has been duly published in a newspaper of general circulation in the City not less than 10 days prior to the date of a public hearing thereon, and such public hearing was held prior to adoption of this resolution; and

WHEREAS, all comments made at the public hearing have been duly considered by the Council and the minutes of such public hearing are attached hereto as Exhibit "C".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA:

Section 1. This resolution is hereby designated by the short title the "2003 Medium-Term Recreation Project Authorization Resolution" (the "Resolution").

Section 2. The Council hereby finds and determines that the public interest requires medium-term obligations to finance the costs of the Project, in an amount not exceeding \$25,000,000.

Section 3. The facts upon which the finding stated in § 2 above are:

(a) There is a need to acquire, improve, construct and equip the Project in the City in order to provide for the development of the Union Park area in a fashion that is beneficial to the City, its residents and visitors.

(b) It is in the best interests of the City and its inhabitants, and would best serve the safety, health and welfare thereof, if the Project is now accomplished;

(c) It is not feasible to finance the Project from other funds of the City, among other reasons, because of restraints on the City's budget for the current fiscal year and other demands on and needs for existing funds of the City.

Section 4. The City proposes to borrow a sum not to exceed \$25,000,000 at an annual interest rate estimated to be 6.0% to be repaid over a period of not more than 10 years. Such medium-term obligations shall be evidenced by the issuance by the City of negotiable notes or medium-term negotiable bonds which mature not later than 10 years after the date of issuance (which term does not exceed the useful life of the Project), and the interest rate shall not exceed

by more than 3 percent the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before bids are received or a negotiated offer is accepted.

Section 5. The medium-term obligations shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but shall be paid from other legally available funds of the City, including, without limitation, (i) money from the portion of the \$0.05 capital improvement property tax levied as provided in NRS 354.59815 and transmitted to the City pursuant to an interlocal agreement among the City, Clark County, Nevada (the "County") the other incorporated cities in the County and certain other local government entities located in the County which is estimated to be available in the range of \$74,000 to \$2,874,000 per year during the next ten years, (ii) money from the portion of the 1% tax on the rental of transient lodging levied as provided in NRS 244.3351 and transmitted to the City pursuant to NRS 244.33512 which is estimated to be available in the range of \$768,000 to \$1,700,000 per year during the next ten years and (iii) if necessary, money from the consolidated taxes distributed to the City pursuant to NRS 360.680, 360.690 and 360.700 which is estimated to be available in the range of \$24,000,000 to \$26,000,000 per year during the next ten years.

Section 6. The Director of Finance of the City or his designee (the "Director of Finance") is hereby authorized to arrange for the issuance and sale of medium term notes or bonds evidencing the financing in an amount not more than \$25,000,000 (the "Obligation") and to carry out the Project. The medium-term notes or bonds issued to effect the Project shall be issued on such terms and conditions as the Council determines, all as provided in NRS 350.087 to 350.095, inclusive (the "Note Act"), NRS 350.500 to 350.720, inclusive (the "Bond Act"), and as authorized by the Director of Finance at the time of sale of such medium-term notes or bonds as hereinafter provided by the Council by adoption of an ordinance authorizing the issuance of the Obligations (the "Ordinance").

Section 7. The officers of the City be and the same hereby are authorized and directed to take all action necessary to effectuate the provisions of this Resolution, including, without limitation, forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, and, if necessary, amending the City's capital improvement plan to include the Project; assembling of financial and other information concerning the City, the Project and the Obligations, and preparing and circulating an official statement for the Obligations or negotiating the terms of sale of the Obligations, and, if deemed appropriate by the

Director of Finance, preparing and circulating a preliminary official statement, a notice of sale for the Obligations, or both, in the forms specified by the Director of Finance. The Director of Finance is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the City for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 8. All resolutions, or parts thereof, in conflict with the provisions of this Resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 9. If any section, paragraph, clause or other provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution.

Section 10. This Resolution shall become effective upon passage and approval, except for Section 6 of this Resolution which shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS 350.089, which approval shall be recorded in the minutes of the Council in conjunction with the adoption of the Ordinance.

**PASSED AND ADOPTED AND APPROVED BY AN AFFIRMATIVE
VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA, THIS JUNE 16, 2004.**

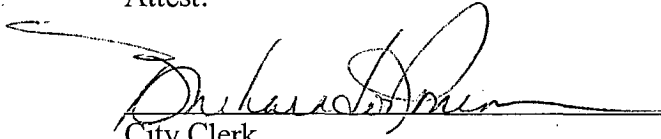
(SEAL)



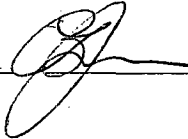
Mayor

Attest:

APPROVED AS TO FORM:



City Clerk

 6/3/04

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (the "Council") at a meeting held on June 16, 2004.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a two-thirds majority of the members of Council as follows:

Those Voting Aye:	Mayor:	Oscar Goodman
	Councilmembers:	Gary Reese
		Larry Brown
		Lawrence Weekly
		Michael Mack
		Janet Moncrief
Those Voting Nay:		NONE
Those Absent:		NONE

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the Council, or if there is no principal office, at the building in which

(b) the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) City Hall Plaza
Las Vegas, Nevada
- (ii) Court Clerk's Office Bulletin Board
Las Vegas, Nevada
- (iii) Clark County Government Center
Las Vegas, Nevada
- (iv) Las Vegas Library
Las Vegas, Nevada
- (v) Grant Sawyer Building
Las Vegas, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

6. A copy of such notice so given of the meeting of the Council on June 16, 2004 is attached to this certificate as Exhibit "A". A copy of the affidavit of publication of the notice of public hearing is attached hereto as Exhibit "B", and a copy of the minutes of the public hearing held on June 16, 2004, prior to adoption of the resolution is attached hereto as Exhibit "C".

IN WITNESS WHEREOF, I have hereunto set my hand on this June 16, 2004.

(SEAL)

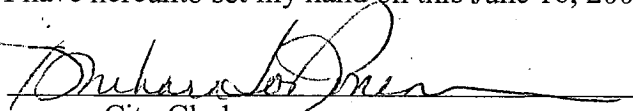

City Clerk

EXHIBIT "A"

(Attach Copy of Notice of Meeting)

CITY COUNCIL AGENDA

JUNE 16, 2004

TABLE OF CONTENTS

Ceremonial Matters	Pg 1
Business Items	Pg 2

CONSENT		DISCUSSION	
Administrative	Pg 2	City Attorney	Pg 7
Field Operations Department	Pg 2	Finance & Business Services	Pg 7 – 8
Finance & Business Services	Pg 2 – 4	Public Works Department	Pg 8
Fire and Rescue Department	Pg 4	Resolutions	Pg 8
Human Resources Department	Pg 4	Recommending Committee Reports	Pg 8
Municipal Court	Pg 4	<i>(Bills eligible for adoption at this meeting)</i>	Pg 8
Neighborhood Services Department	Pg 4	Recommending Committee Reports	Pg 8 – 9
Public Works Department	Pg 5	<i>(Bills eligible for adoption at a later meeting)</i>	
Resolutions	Pg 5 – 6		
Real Estate Committee	Pg 6 – 7	New Bills	Pg 9

AFTERNOON

Afternoon Session	Pg 9
Hearings	Pg 9
Planning & Development	Pg 9 – 16
Addendum <i>(Item heard by Department)</i>	Pg 16
Citizens Participation	Pg 16

City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCILMEMBERS: LARRY BROWN (Ward 4), VACANT (Ward 2),

LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1)

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

JUNE 16, 2004

**Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.**

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION – REVEREND MIKE MAS, NATHAN ADELSON HOSPICE (CENTER FOR COMPASSIONATE CARE)
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE EMPLOYEE OF THE MONTH
- RECOGNITION OF THE 257TH TRANSPORTATION COMPANY, AN ARMY RESERVE UNIT
- RECOGNITION OF MASTER TODDY'S MUAY THAI BARE KNUCKLE TOURNAMENT WORLD CHAMPIONS
- RECOGNITION OF LEISURE SERVICES DEPARTMENT FOR NATIONAL AQUATICS HONORS
- RECOGNITION OF THE LAS VEGAS VALLEY WATER DISTRICT'S 50TH ANNIVERSARY
- PRESENTATION BY LAS VEGAS HOMELESS VETERANS STANDOWN COMMITTEE

BUSINESS ITEMS

1. Any items from the morning 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
2. Approval of the Final Minutes by reference of the Regular City Council Meetings of April 7, 2004 and April 21, 2004

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

ADMINISTRATIVE - CONSENT

3. Approval of a contribution from Star Nursery to the City of Las Vegas consisting of \$100,000 worth of trees over the next 5 years
4. Approval of a net 3.00% cost of living adjustment (COLA) for eligible Appointive Employees effective with the first pay period in July 2004 (\$450,000 from the General, Special Revenue, Enterprise and Internal Service Funds)
5. Approval to amend the First Amended and Restated Memorandum of Understanding between City Parkway V and Las Vegas Performing Arts Center Foundation to extend negotiation of the Disposition and Development Agreement to December 31, 2004 - Ward 5 (Weekly)
6. Approval on offering a Voluntary Separation Program to certain employee groups that have 20+ years of service with the City of Las Vegas (Not to exceed \$6,300,000 - Multiple Funds)

FIELD OPERATIONS DEPARTMENT - CONSENT

7. Approval of First Amendment to the Area-Wide Natural Gas Fueling System Interlocal Agreement with the Regional Transportation Commission of Southern Nevada (\$150,000 - Internal Service Funds) - All Wards
8. Approval of an Interlocal Agreement with the Las Vegas Housing Authority for repair, maintenance, fuel and after hour call out services for vehicles and equipment (\$175,000 revenue) - All Wards
9. Approval of a Bus Stop Shelters and Benches Franchise Agreement between the City of Las Vegas and Bustop Shelters of Nevada, Incorporated dba Viacom Outdoor, for the construction, installation and maintenance of bus stop shelters, benches and trash receptacles - (\$75,000 annual revenue) - All Wards

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

10. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
11. Approval of transfer of fiscal year 2004 Budget Appropriations for Special Revenue Funds in the amount of \$3,600,200
12. Approval of transfer of fiscal year 2004 Budget Appropriations for Capital Project Funds in the amount of \$10,400,000
13. Approval of a Special Event License for Whole Foods Market, Inc., Location: Whole Foods Market, 8855 West Charleston Boulevard, Dates: June 19, 26, July 3, 10, 17, 24, 31, 2004, Type: Special Event Beer/Wine, Event: Wine Tastings, Responsible Person in Charge: Sandra Benton - Ward 2 (Vacant)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

14. Approval of a Special Event License for Mi Raza Mi Gente, Location: Freedom Park, 850 North Mojave Road, Dates: July 16-18, 2004, Type: Special Event Beer/Wine, Event: Las Vegas Fair-La Feria de Las Vegas, Responsible Person in Charge: Mauricio Fabian-Bahewa - Ward 3 (Reese)
15. Approval of Change of Business Name for a Supper Club License, Scottsdale Beverages, LLC, dba From: Escole, To: Cafe Bleu, 1451 Center Crossing Road, John P. Graham, Mgr, Jennifer E. White, Mgr, Scottsdale Group, LLC, Mmbr, 100%, John P. Graham, Mgr, Jennifer E. White, Mgr - Ward 2 (Vacant)
16. Approval of Independent Store Operator and Change of Business Name for a Beer/Wine/Cooler Off-sale License subject to Health Dept. regulations, From: Rancho Las Vegas Grocery Outlet, Inc., dba Rancho Las Vegas Grocery Outlet, Rancho Las Vegas Grocery Outlet, Inc., Independent Store Operator, Laura A. Bascom, Dir, Pres, 50%, Timothy M. Bascom, Dir, Secy, Treas, 50%, To: Duncan & Duncan, dba Grocery Outlet Rancho Las Vegas, 703 North Rancho Drive, David F. Duncan, Independent Store Operator and Barbara S. Duncan, Independent Store Operator, 100% jointly as husband and wife - Ward 5 (Weekly)
17. Approval of Change of Ownership and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: D.T.'s Lounge, dba D.T.'s Lounge, Robert L. McMurray, Ptnr, 50%, Stephen G. Hibbard, Ptnr, 50%, To: Scotch 80's Limited (a Nevada Corporation), dba Squiggy's, 530 South Martin L. King Boulevard, Danny R. Piper, Dir, Pres, Treas, 50%, Joseph D. Bunch, Dir, Secy, 50% - Ward 5 (Weekly)
18. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 16 slots subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at Moulin Rouge, 900 West Bonanza Road - Ward 5 (Weekly)
19. Preapproval of award of Bid No. 04.1730.15-CW, Durango Drive, Westcliff to Vegas Drive to the lowest responsive and responsible bidder or best bidder and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works (Monetary range of \$13,000,000 to \$14,000,000 - Road and Flood Capital Projects Fund) - Wards 2 and 4 (Vacant and Brown)
20. Approval of award of Bid No. 04.1730.01-LED, Sahara Avenue Sanitary Sewer Rehabilitation, Phase III and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: INSITUFORM TECHNOLOGIES, INC. (\$2,592,255 - Sanitation Enterprise Fund) - Ward 3 (Reese)
21. Approval of award of Bid No. 04.1730.16-LED, Holmby Channel Drainage Improvements and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: CRYSTAL CASCADES (\$1,333,333 - Road and Flood Capital Projects Fund) - Ward 1 (Moncrief)
22. Approval of revision to purchase order 218353 for Bulk Liquid Cationic Polymer - Department of Public Works - Award to: CYTEC INDUSTRIES, INC. (\$120,000 - Sanitation Enterprise Fund)
23. Approval of Contract No. 040174, Substance Abuse Testing Services - Department of Human Resources - Award recommended to: QUEST DIAGNOSTICS (\$300,000 - General Fund)
24. Approval of Contract No. 040357 for Symantec Governmental Alliance Program Master Contract for On iCommand software - Department of Information Technologies - Award recommended to: ASAP SOFTWARE (\$176,500 - Computer Services Internal Service Fund)
25. Approval of Contract No. 040254 for ProLaw Software, Support and Maintenance, Training and Professional Services - Department of Information Technologies - Award recommended to: PROLAW SOFTWARE (\$129,500 - City Facilities Capital Projects Fund and General Fund)
26. Approval of Contract No. 040293 for Software Escrow Services - Department of Information Technologies - Award recommended to: GUARD-IT CORPORATION (\$75,000 - Computer Services Internal Service Fund)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

27. Approval of award of Bid No. 040318-GL, Annual Requirements Contract for Swimming Pool Chemicals - Department of Leisure Services - Award recommended to: THATCHER COMPANY OF NEVADA (Estimated annual amount of \$40,000 - General Fund)
28. Approval of issuance of a purchase order for an annual requirements contract for Watson Marlowe OEM parts and service - Department of Public Works - Award recommended to: MIDWEST ASSOCIATES, INC. (Estimated annual amount of \$200,000 - Sanitation Enterprise Fund)
29. Approval of award of Bid No. 040360-LED, Relocate Skate Park Elements, Patriot Park to Mountain Ridge Park and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: THE TIBERTI COMPANY (\$55,000 - Capital Projects Fund) - Ward 6 (Mack)

FIRE AND RESCUE DEPARTMENT - CONSENT

30. Approval of an Interlocal Agreement between the City of Las Vegas and the County of Clark for the transfer of interoperable radio equipment for public safety communications - All Wards
31. Approval of a Secondary User's Agreement between the City of Las Vegas and Summerlin Hospital Medical Center for the transfer of interoperable radio equipment for public safety communications - All Wards

HUMAN RESOURCES DEPARTMENT - CONSENT

32. Approval of payment for a permanent partial disability award - Claim #WC03050114 - as required under the workers' compensation statutes (\$38,265 - Workers' Compensation Internal Service Fund)
33. Approval of Governmental Money Purchase Plan & Trust Adoption Agreement and Administrative Services Agreement with ICMA Retirement Corporation to establish a 401(a) final pay plan

MUNICIPAL COURT - CONSENT

34. Approval of annual purchase order for instructors and speaker services for Las Vegas Municipal Court's court-ordered defendant classes and programs provided by the Court's Alternative Sentencing and Education Division (ASED) - (Annual aggregate amount of \$273,300 - General Fund)
35. Approval of annual purchase order for interpreters/translators for Las Vegas Municipal Court's court-ordered classes, appointments, and curriculum materials provided by the Court's Alternative Sentencing and Education Division (ASED) - (Annual aggregate amount of \$32,000 - General Fund)
36. Approval of annual purchase order for Alternate Judge services for Municipal Court (Annual aggregate amount of \$60,000 - General Fund)
37. Approval of annual purchase order for interpretation services for Municipal Court (Annual aggregate amount of \$128,820 - General Fund)

NEIGHBORHOOD SERVICES DEPARTMENT - CONSENT

38. Approval of a Deferred Loan Agreement expending \$40,000 of Home Investment Partnership Program (HOME) funds for housing rehabilitation activities at 3709 El Cortez Avenue - Ward 1 (Moncrief)

PUBLIC WORKS DEPARTMENT - CONSENT

39. Approval of an Encroachment Request from Carter Burgess, Incorporated, on behalf of John K. Biegger and JRJ Properties, owners (northwest corner of Sahara Avenue and Decatur Boulevard) - Ward 1 (Moncrief)
40. Approval of an Encroachment Request from Pardee Homes Nevada, owner (northwest corner of Tee Pee Lane and Severance Lane) - Ward 6 (Mack)
41. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Emil M. Pahor and Ann A. Pahor Family Trust, owners (southeast corner of Sahara Avenue and Buffalo Drive, APN 163-10-101-003) - County (near Ward 1 - Moncrief)
42. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Joseph M. Sneed, owner (south of Madre Mesa, between Terry Lane and Michael Way, APN 138-13-313-006) - County (near Ward 5 - Weekly)
43. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Baughman and Turner, Incorporated, on behalf of Robert J. Pederson 1996 Trust, Robert J. Pederson, Trustee, Patricia M. Murphy, Thomas M. Murphy, Joey Bailey, Brian K. Anderson, and Suzanne Anderson, owners (north of Tropical Parkway, east of Fort Apache Road, APNs 125-29-201-018, 125-29-201-019, 125-29-201-020, 125-29-201-021, 125-29-201-022, and 125-29-201-024) - County (near Ward 6 - Mack)
44. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - AK Nielsen on behalf of Taz H. Cofer, owner (north of Tropical Parkway, west of Rio Vista Street, APN 125-27-610-053) - County (near Ward 6 - Mack)
45. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Summit Engineering Corporation on behalf of NW Development LLC, owner (northwest corner of Bright Angel Way and Jensen Street, APN 125-30-202-006) - County (near Ward 6 - Mack)
46. Approval of a Professional Services Agreement with the Louis Berger Group, Inc. for Construction Management Services on the Durango Drive - Westcliff Drive to Vegas Drive project (\$850,000 - Regional Transportation Commission) - Wards 2 and 4 (Vacant and Brown)
47. Approval of a First Amendment to the Engineering Design Services Agreement with Louis Berger Group, Inc. for additional engineering design services for the Rancho/Owens Sewer Rehabilitation project to include segments of Harris Avenue and Charleston Boulevard (\$50,000 - City of Las Vegas Sanitation Fund) - Wards 3 and 5 (Reese and Weekly)
48. Approval of a Title XVI Funding Allocation Agreement between the Southern Nevada Water Authority, the City of Las Vegas, City of Henderson, Clark County Water Reclamation District and the Las Vegas Valley Water District which will allow the City of Las Vegas to receive federal funds for the construction of the Northwest Water Resource Center - (County)
49. Approval of a Cooperative Agreement for the Las Vegas Freeway and Arterial System of Transportation (FAST) between the City of Las Vegas (CLV) and the Regional Transportation Commission of Southern Nevada (RTC), to provide the option for current CLV employees assigned to FAST to continue their involvement with FAST by transitioning to and becoming employees of the RTC - All Wards

RESOLUTIONS - CONSENT

50. R-101-2004 – Approval of a Resolution Adjusting the Boundaries of the City, Pursuant to a Request by the Clark County Assessor and in Accordance with State Law, by Detaching Therefrom Certain Territory Described Generally as Located on the North Side of Rocky Avenue, Between El Capitan Way and Homestead Road, and on the West Side of Homestead Road, From Rocky Avenue to Moccasin Road – Ward 6 (Mack)

RESOLUTIONS - CONSENT

51. R-102-2004 - Approval of a Resolution directing the City Treasurer to prepare the Forty-Second Assessment Lien Apportionment Report for Special Improvement District No. 404 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
52. R-103-2004 - Approval of a Resolution approving the Forty-Second Assessment Lien Apportionment Report for Special Improvement District No. 404 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
53. R-104-2004 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1499 - Alexander Road (US-95 to Rancho Drive) (\$78,002.48 - Capital Projects Fund - Special Assessments) - Ward 6 (Mack)
54. R-105-2004 - Approval of a Resolution fixing the time and place when complaints, protests, and objections to the Final Assessment Roll will be heard for Special Improvement District No. 1499 - Alexander Road (US-95 to Rancho Drive) (\$78,002.48 - Capital Projects Fund - Special Assessments) - Ward 6 (Mack)
55. R-106-2004 - Approval of a Resolution directing the City Engineer to prepare preliminary plans for Special Improvement District No. 1505 - Sierra Oeste - Ward 6 (Mack)
56. R-107-2004 - Approval of a Resolution authorizing a temporary interfund loan from the Sanitation Enterprise Fund to the Road and Flood Capital Projects Fund, not to exceed \$2 million, to be repaid by an interlocal agreement from the Regional Transportation Commission (RTC) for the construction of the Durango/Summerlin Parkway Interchange - Wards 2 and 4 (Vacant and Brown)
57. R-108-2004 - Approval of a Resolution to Augment the City of Las Vegas fiscal year 2004 City Facilities Capital Project Fund Budget in the amount of \$350,000
58. R-109-2004 - Approval of a Resolution to Augment the City of Las Vegas Fiscal Year 2004 Special Improvement District (SID) Administration Special Revenue Fund Budget in the amount of \$234,729

REAL ESTATE COMMITTEE - CONSENT

59. Approval of a First Amendment to Interlocal Contract between the City of Las Vegas and the Board of Regents of the University and Community College System of Nevada, on behalf of the University of Nevada, Las Vegas, School of Architecture for the lease of property located at 400 South Las Vegas Boulevard - Ward 1 (Moncrief)
60. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 5 acres of land commonly known as a portion of APN 126-01-101-010 located off of Puli Drive between Moccasin Road and Iron Mountain Road for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
61. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 10 acres of land commonly known as Parcel Number 126-02-101-005 located south of Moccasin Road and west of Puli Drive for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
62. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 10 acres of land commonly known as APN 126-01-801-002 located in the vicinity of Iron Mountain Road and Hualapai Way for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
63. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 8 acres of land commonly known as APNs 126-02-401-002 and 126-02-401-004 located in the vicinity of Iron Mountain Road and Puli Drive for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

REAL ESTATE COMMITTEE – CONSENT

64. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 12.5 acres of land commonly known as a portion of APN 126-01-401-003 located in the vicinity of Iron Mountain Road and Puli Drive for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

DISCUSSION / ACTION ITEMS

CITY ATTORNEY - DISCUSSION

65. Discussion and possible action on Appeal of Work Card Denial: Pamela A. Mack, 4434 W. Del Oro Drive, Las Vegas, Nevada 89102
66. Discussion and possible action on Appeal of Work Card Denial: Stanley Ray Clinton, 4918 Drifting Pebble Street, North Las Vegas, Nevada 89030
67. Discussion and possible action on Appeal of Work Card Denial: Jose L. Lemus, 4193 Zavala #C, Las Vegas, Nevada 89103
- 68.
- 69.

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

70. Discussion and possible action regarding rescission of action taken April 7, 2004, regarding a Six Month Review of a Massage Establishment License, Cathay Massage, Inc., dba Cathay Massage, Inc., 7450 West Cheyenne Avenue, Suite 113, Chen H. Liu, Dir, Pres, Secy, Treas, 100% - Ward 4 (Brown)
71. Discussion and possible action regarding a Six Month Review of a Massage Establishment License, Cathay Massage, Inc., dba Cathay Massage, Inc., 7450 West Cheyenne Avenue, Suite 113, Chen H. Liu, Dir, Pres, Secy, Treas, 100% - Ward 4 (Brown)
72. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: Gerardo S. Barraza, dba Juanita's Restaurant, Gerardo S. Barraza, 100%, To: Jesus Moreno, dba La Sierra Mexican Restaurant #2, 4440 East Washington Avenue, Suite 106, Jesus Moreno, 100% - Ward 3 (Reese)
73. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to the provisions of the fire codes and Health Dept. Regulations, From: Restaurant Enterprises, Inc., dba Venetian Restaurant, Thomas D'Antonio, Dir, Pres, Secy, Treas, 100%, To: The Slanted Clam, LLC, dba The Slanted Clam, 3713 West Sahara Avenue, Let's Eat Gaming Group, Inc., Mmbr, 50%, Mark J. DiMartino, Dir, Pres, Secy, Treas, 100%, Amy O, LLC, Mmbr, 50%, Barry J. Fieldman, Mgr, 100% - Ward 1 (Moncrief)
74. Discussion and possible action regarding a Review of a Beer/Wine/Cooler On-sale License, Gomez Entertainment, Inc., dba El Tapatio, 235 North Eastern Avenue, Suite 132, Anabel Gomez, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)
75. Discussion and possible action regarding a 90-day Review of a Beer/Wine/Cooler Off-sale License, Mulugeta K. Bour, dba Oakey Discount Market, 1616 Las Vegas Boulevard South, Mulugeta K. Bour, 100% - Ward 1 (Moncrief)

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

76. Discussion and possible action regarding a Review of a Slot Route Operator Space Lease Location Restricted Gaming License for 5 slots, Green Valley Gaming, Inc., db at Oakey Discount Market, 1616 Las Vegas Boulevard South - Ward 1 (Moncrief)
77. Discussion and possible action regarding a Six-Month Review of a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, Tomasa Chavez, dba El Pollo Real Restaurant, 621 North Eastern Avenue, Tomasa Chavez, 100%, David Garcia, Gen Mgr - Ward 5 (Weekly)
78. ABEYANCE ITEM - Discussion and possible action regarding a Six-Month Review of a Tavern License, D. Westwood, Inc., dba Treasures, 2801 Westwood Drive, Ali Davari, Dir, Pres, Treas, 50%, Hassan Davari, Dir, Secy, 50% - Ward 1 (Moncrief)
79. Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, From: Tropics, LLC, dba Tropics Broiler & Bar, 1617 South Decatur Boulevard (Non-operational), Ken K. Kananu, Mgr, Mmbr, 42.5%, Gregory N. Becker, Mgr, Mmbr, 42.5%, Nancy K. Dehler, Mmbr, 15%, To: Artisan Cafe, LLC, dba Artisan Cafe, LLC, 1215 Las Vegas Boulevard South, Audrey N. DaSilva, Mgr, Mmbr, 100%, Douglas B. DaSilva, Principal - Ward 3 (Reese)

PUBLIC WORKS DEPARTMENT - DISCUSSION

80. Discussion and possible action regarding the realignment of Grand Montecito Parkway (SID 1502) between Deer Springs Way and Dorrell Road - Ward 6 (Mack)

RESOLUTIONS - DISCUSSION

81. R-110-2004 - Public hearing and possible action regarding a Resolution authorizing the issuance of a medium term obligation, not to exceed \$25,000,000 for the infrastructure construction of Union Park (formerly known as the 61-Acres) - Ward 5 (Weekly)

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

82. Bill No. 2004-40 – Annexation No. ANX-3978 – Property location: On the west side of Calverts Street, 810 feet south of Tropical Parkway; Petitioned by: Ronny Acevedo and Gilmar Acevedo; Acreage: 1.02 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
83. Bill No. 2004-41 – Revises the City's drought conservation measures in accordance with revisions to the Southern Nevada Water Authority's Drought Plan. Sponsored by: Councilman Larry Brown

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

84. Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

85. Bill No. 2004-44 – Annexation No. ANX-4129 – Property location: On the southwest corner of Bronco Street and Peak Drive; Petitioned by: SF Investments, LLC; Acreage: 2.35 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
86. Bill No. 2004-45 – Establishes restrictions on the use and possession of electronic stun devices. Sponsored by: Councilman Gary Reese

NEW BILLS

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

87. Bill No. 2004-46 – Increases the salaries of the Municipal Court judges. Sponsored by: Mayor Oscar B. Goodman (Annual amount \$71,063.73 – General Fund)

1:00 P.M. - AFTERNOON SESSION

88. 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

HEARINGS - DISCUSSION

89. Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6012 Iron Kettle Street. PROPERTY OWNERS: BRIAN J. & JANECE PINEGAR FAM TR - Ward 6 (Mack)
90. Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6318 West Sahara Avenue. PROPERTY OWNERS: C S S SAHARA LP - Ward 1 (Moncrief)
91. Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 2110 Marlin Avenue. PROPERTY OWNER: JOSE DE JESUS GONZALES-JOYA ETAL – Ward 3 (Reese)
92. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located North of 4200 West Sahara Avenue on Arville (Vacant Lot), APN 162-06-412-003. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER, C/O WILTON PARTNERS ARVILLE #8, C/O J. LIN - Ward 1 (Moncrief)
93. Public hearing to consider the report of expenses to recover costs for abatement of dangerous buildings, a public nuisance and an imminent hazard located at 15 West Owens Avenue. PROPERTY OWNERS: WEST OWENS MANAGEMENT GROUP, LLC, CCSD PROPERTIES, INC., DAVID DIMARCO, SANDI DIMARCO, AND T & B DEL CORP. - Ward 5 (Weekly)

PLANNING & DEVELOPMENT DEPARTMENT

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

PLANNING & DEVELOPMENT DEPARTMENT – CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

94. EXTENSION OF TIME - SPECIAL USE PERMIT - EOT-4392 - APPLICANT: OLD TOWN, INC. - OWNER: ECT HOLDING, LIMITED LIABILITY COMPANY - Request for an Extension of Time for a Special Use Permit (SUP-1875) FOR A TAVERN and a Waiver of the minimum distance requirements from a tavern and protected uses at 1208 East Charleston Boulevard (APN: 162-02-110-001, 003, 011, and 013), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL
95. EXTENSION OF TIME RELATED TO EOT-4392 - VARIANCE - EOT-4393 - APPLICANT: OLD TOWN, INC. - OWNER: ECT HOLDING, LIMITED LIABILITY COMPANY - Request for an Extension of Time for a Variance (VAR-1879) TO ALLOW 172 PARKING SPACES WHERE 187 PARKING SPACES ARE REQUIRED at 1208 East Charleston Boulevard (APN: 162-02-110-001, 003, 011, and 013), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL
96. EXTENSION OF TIME - SPECIAL USE PERMIT - EOT-4433 - APPLICANT: GERALD GARAPICH, AIA, LIMITED LIABILITY COMPANY - OWNER: GRAND TETON LODGE LAND, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0011-00) WHICH ALLOWED A PROPOSED TAVERN IN CONJUNCTION WITH AN APPROVED RESTAURANT on property located adjacent to the northeast corner of Grand Teton Drive and Durango Drive (a portion of APN: 125-09-401-006), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends APPROVAL
97. EXTENSION OF TIME - REZONING - EOT-4438 - APPLICANT/OWNER: JAH ASIF - Request for an Extension of Time of an approved Rezoning FROM: R-2 (Medium-Low Density Residential) TO: N-S (Neighborhood Service) on 0.18 acres located at 2413 Maroney Avenue (APN: 162-02-410-096), Ward 3 (Reese). Staff recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

98. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4147 - APPLICANT/OWNER: D.R. HORTON, INC. - Request for a Site Development Plan Review FOR A PROPOSED 126-UNIT CONDOMINIUM COMPLEX on 10.29 acres adjacent to the southwest corner of Grand Teton Drive and Tee Pee Lane (APN: 125-18-501-015), U (Undeveloped) Zone [MLA (Medium-Low Density Attached) General Plan Designation] under Resolution of Intent to R-PD12 (Residential Planned Development - 12 Units Per Acre) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-2-1 vote) recommends APPROVAL
99. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4163 - APPLICANT/OWNER: FOURTH & BONNEVILLE, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A PROPOSED EIGHT-LEVEL, 150,000 SQUARE-FOOT RETAIL AND PARKING STRUCTURE on 0.29 acres adjacent to the southeast corner of Fourth Street and Bonneville Avenue (APN: 139-34-311-133), C-1 (Limited Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

- 100.SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4186 - APPLICANT: BONNIE ADAR-BURLA - OWNER: MABEL I ENRIGHT, ET AL - Request for a Site Development Plan Review and for a Waiver of the Las Vegas Medical District Streetscape Design Guidelines and Landscape Buffer Requirements FOR A PROPOSED 1,469 SQUARE FOOT OFFICE CONVERSION on 0.23 acres at 500 Rose Street (APN: 139-33-301-008), PD (Planned Development) Zone [MD-1 (Medical Support) Medical District Special Land Use Designation], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
- 101.SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4196 - APPLICANT: STORAGE ONE - OWNER: W J D, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and a reduction of the Required Perimeter Buffering FOR A PROPOSED MINI-WAREHOUSE AND RECREATIONAL VEHICLE STORAGE FACILITY on 2.85 acres adjacent to the west side of Rancho Drive between Lake Mead Boulevard and Coran Lane (APN: 139-19-611-003), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
- 102.SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4298 - APPLICANT: STELLA LAKE PARTNERSHIP, LIMITED LIABILITY COMPANY - OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review and Waivers of Landscaping Requirements FOR A PROPOSED OFFICE BUILDING on 5.32 acres adjacent to the southeast corner of Lake Mead Boulevard and Stella Lake Street (a portion of APN: 139-21-313-002), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 103.MAJOR MODIFICATION TO THE LONE MOUNTAIN WEST MASTER PLAN - PUBLIC HEARING - MOD-4178 - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain West Master Plan TO CHANGE THE FUTURE LAND USE DESIGNATION FROM PUBLIC FACILITY TO PARK/SCHOOL/RECREATION/OPEN SPACE on 12.99 acres adjacent to the east side of Puli Drive, approximately 640' north of Cheyenne Avenue (APN: a portion of 137-12-401-001), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 104.REZONING RELATED TO MOD-4178 - PUBLIC HEARING - ZON-4179 - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] TO: C-V (Civic) on 22.99 acres adjacent to the northeast corner of the alignments of Cheyenne Avenue and Puli Drive (APN: a portion of 137-12-401-001 and 012), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 105.MAJOR MODIFICATION TO THE LONE MOUNTAIN WEST MASTER PLAN - PUBLIC HEARING - MOD-4236 - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain West Master Plan TO CHANGE THE FUTURE LAND USE DESIGNATION FROM PUBLIC FACILITY TO PARK/SCHOOL/RECREATION/OPEN SPACE on 5.00 acres adjacent to the southeast corner of Alexander Road and Puli Drive (APN: a portion of 137-12-101-008), Ward 4 (Brown). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL. NOTE: The APN should reflect that it is the northern portion of 137-12-101-008
- 106.REZONING RELATED TO MOD-4236 - PUBLIC HEARING - ZON-4234 - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] TO: C-V (Civic) on 5.00 acres adjacent to the southeast corner of the alignments of Gilmore Avenue and Puli Drive (APN: portion of 137-12-101-008), Ward 4 (Brown). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL. NOTE: The APN should reflect that it is the southern portion of 137-12-101-008
- 107.MASTER PLAN OF STREETS AND HIGHWAYS AMENDMENT - PUBLIC HEARING - MSH-4197 - APPLICANT/OWNER: CLIFF'S EDGE, LIMITED LIABILITY COMPANY - Request to Amend the Master Plan of Streets and Highways FOR THE ADDITION OF MAJOR ROADS WITHIN THE CLIFF'S EDGE MASTER PLAN generally located between Grand Teton Drive and Clark County 215, and between Puli Road and Hualapai Way, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

- 108.VACATION - PUBLIC HEARING - VAC-4098 - APPLICANT/OWNER: PULTE HOMES - Petition to Vacate public sewer and drainage easements in Antibes Street, south of Monte Viso Drive, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
- 109.VACATION - PUBLIC HEARING - VAC-4104 - APPLICANT: EVAN RANES - OWNER: MISSION SPRINGS PROPERTIES, LIMITED LIABILITY COMPANY - Petition to Vacate a twenty-foot (20') wide public alley generally located west of Maryland Parkway and north of Carson Avenue, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 110.VACATION - PUBLIC HEARING - VAC-4158 - APPLICANT/OWNER: PULTE HOMES - Petition to Vacate spandrel portions of Monte Viso Drive west of Rainbow Boulevard, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
- 111.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
- 112.VARIANCE - PUBLIC HEARING - VAR-4193 - APPLICANT: BULLSEYE COMMERCIAL REAL ESTATE - OWNER: FARLEY ANDERSON, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 131 PARKING SPACES WHERE 161 SPACES IS THE MINIMUM REQUIRED FOR A PROPOSED COMMERCIAL DEVELOPMENT ON 2.27 ACRES adjacent to the north side of Lake Mead Boulevard approximately 200 feet West of Torrey Pines Drive (APN: 138-23-201-008), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
- 113.VARIANCE - PUBLIC HEARING - VAR-4340 - APPLICANT: CATHOLIC CHARITIES OF SOUTHERN NEVADA - OWNER: DECATUR SHOPPING CENTER ASSOCIATES - Request for a Variance TO ALLOW A REDUCTION OF THE AMOUNT IN REQUIRED PARKING at 1401 North Decatur Boulevard, Suite #34 (APN: 138-25-503-007), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL (NOTE: This item will be stricken from the June 16, 2004 Council meeting and conducted on July 7, 2004 Council meeting to properly indicate the amount of parking spaces being requested which is 267 where 534 is required.)
- 114.SPECIAL USE PERMIT RELATED TO VAR-4340 - PUBLIC HEARING - SUP-4168 - APPLICANT: CATHOLIC CHARITIES OF SOUTHERN NEVADA - OWNER: DECATUR SHOPPING CENTER ASSOCIATES - Request for a Special Use Permit FOR A PROPOSED THRIFTSHOP, NON-PROFIT at 1401 North Decatur Boulevard, Suite 34 (APN: 138-25-503-007), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
- 115.REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-4330 - APPLICANT/OWNER: FLOYD ARMSTRONG - Required Two Year Review of an approved Special Use Permit (U-0024-00) WHICH ALLOWED A SECONDHAND DEALER at 1228 South Main Street (APN: 162-03-110-097), C-M (Commercial/Industrial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL
- 116.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4120 - APPLICANT: VAL-U-CASH - OWNER: RAINBOW EXPRESS VILLAGE LIMITED PARTNERSHIP - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED at 1750 South Rainbow Boulevard, Suite 10 (APN: 163-02-212-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

117. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO - OWNER: THOMAS E. PATRICK, LIVING TRUST - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE at 4921 Vegas Drive (APN: 138-25-502-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
118. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4140 - APPLICANT: NEVCORP - OWNER: GVIDAS NORTHRIDGE PLAZA LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A WAIVER OF THE MINIMUM SEPARATION DISTANCE REQUIREMENT at 3900 North Rancho Drive, Suite 107 (APN: 138-12-110-012), C-2 (General Commercial) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
119. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4169 - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: MARK P. MILFORD AND LORILYN MILFORD TRUST - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1615 North Decatur Boulevard (APN: 138-24-804-013), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL
120. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4172 - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: SHAHRAM AND TAWNYA SHEIKHAN - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 300 South Decatur Boulevard (APN: 138-36-601-004), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL
121. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4176 - APPLICANT/OWNER: 2651 CRIMSON CANYON, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED WAREHOUSE/DISTRIBUTION CENTER at 2651 Crimson Canyon Drive (APN: 138-15-310-013), C-PB (Planned Business Park) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
122. SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4176 - PUBLIC HEARING - SDR-4174 - APPLICANT/OWNER: 2651 CRIMSON CANYON, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A PROPOSED WAREHOUSE/DISTRIBUTION CENTER, A WAIVER OF COMMERCIAL DEVELOPMENT STANDARDS, AND A REDUCTION IN THE AMOUNT OF REQUIRED PARKING LOT LANDSCAPING on 2.91 acres at 2651 Crimson Canyon Drive (APN: 138-15-310-013), C-PB (Planned Business Park) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
123. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4180 - APPLICANT/OWNER: REVIVAL TEMPLE CHURCH - Request for a Special Use Permit FOR A PROPOSED CHILD CARE CENTER IN AN EXISTING BUILDING at 1603 North Tonopah Drive (APN: 139-20-802-009), U (Undeveloped) Zone [M (Medium-Low Density Residential) General Plan Designation], Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
124. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4189 - APPLICANT: BUDGET RENT-A-CAR - OWNER: HUALAPAI COMMONS LIMITED, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED AUTOMOBILE RENTAL FACILITY at 9851 West Charleston Boulevard (APN: 163-06-111-008), C-1 (Limited Commercial) Zone, Ward 2 (Vacant). The Planning Commission (7-0 vote) and staff recommend APPROVAL
125. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4195 - OWNER/APPLICANT: M G B, LIMITED LIABILITY COMPANY - Request for a Special Use Permit and a Reduction in the amount of required perimeter landscaping FOR AN EXISTING AUTO REPAIR GARAGE, MINOR at 2027 North Decatur Boulevard (APN: 138-24-611-062), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

126. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4201 - APPLICANT: ROMAN SANTOS - OWNER: BLALOCK FAMILY TRUST - Request for a Special Use Permit FOR A PROPOSED BAILBOND SERVICE at 20 East Bonneville Avenue (APN: 139-34-311-017), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL
127. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4203 - APPLICANT: LVRC HOLDINGS, LIMITED LIABILITY COMPANY - OWNER: FOUNTAIN DP, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED CONVALESCENT CARE FACILITY NURSING HOME at 3371 North Buffalo Drive (APN: 138-09-801-021), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation], Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
128. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4233 - APPLICANT: JERRY L. McNEIL - OWNER: LONNIE WALSTON - Request for a Special Use Permit FOR A PROPOSED BAIL BOND SERVICE at 1100 Martin L. King Boulevard, Suite #E (APN: 139-28-604-003), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
129. REZONING - PUBLIC HEARING - ZON-3884 - APPLICANT: KERRY O'BANNON TRUSTEE - OWNER: M M & K TRUST - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) AND FOR A WAIVER TO ALLOW A 50 FOOT WIDE LOT WHERE 60 FEET IS THE MINIMUM WIDTH REQUIRED on 0.16 acres at 626 South 10th Street (APN: 139-34-810-098), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
130. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3884 - PUBLIC HEARING - SDR-3885 - APPLICANT: KERRY O'BANNON TRUSTEE - OWNER: M M & K TRUST - Request for a Site Development Plan Review TO ADD 1,100 SQUARE FEET IN ADDITION TO CONVERTING AN EXISTING SINGLE FAMILY RESIDENCE INTO AN OFFICE AND WAIVERS OF COMMERCIAL LANDSCAPE REQUIREMENTS on 0.16 acres at 626 South 10th Street (APN: 139-34-810-098), R-1 (Single Family Residential) Zone [PROPOSED: P-R (Professional Office and Parking)], Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
131. REZONING - PUBLIC HEARING - ZON-4226 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Rezoning FROM: U (Undeveloped) [L (Low Density Residential) General Plan Designation] TO: R-PD5 (Residential Planned Development - 5 Units per Acre) on 15.18 acres adjacent to the northwest corner of Deer Springs Way and Tee Pee Lane (APN: 125-19-601-004, 009 thru 012), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
132. VARIANCE RELATED TO ZON-4226 - PUBLIC HEARING - VAR-4223 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Variance TO ALLOW 0.33 ACRES OF OPEN SPACE WHERE 1.35 ACRES IS THE MINIMUM REQUIRED FOR A PROPOSED 82-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 15.18 acres adjacent to the northwest corner of Deer Springs Way and Tee Pee Lane (APN: 125-19-601-004, 009 thru 012), U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] [PROPOSED: R-PD5 (Residential Planned Development - 5 Units Per Acre)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
133. WAIVER TO TITLE 18 RELATED TO ZON-4226 AND VAR-4223 - PUBLIC HEARING - WVR-4224 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 140 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED IN CONJUNCTION WITH A PROPOSED 82-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT adjacent to the northwest corner of Deer Springs Way and Tee Pee Lane (APN: 125-19-601-004, 009 thru 012) U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] [PROPOSED: R-PD5 (Residential Planned Development - 5 Units Per Acre)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

134. VACATION RELATED TO ZON-4226, VAR-4223 AND WVR-4224 - PUBLIC HEARING - VAC-4221 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate U.S. Government Patent Easements generally located west of Tee Pee Lane, north of Deer Springs Way, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
135. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4226, VAR-4223, WVR-4224 AND VAC-4221 - PUBLIC HEARING - SDR-4227 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Site Development Plan Review FOR A PROPOSED 82-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 15.18 acres adjacent to the northwest corner of Deer Springs Way and Tee Pee Lane (APN: 125-19-601-004, 009 thru 012), U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] [PROPOSED: R-PD5 (Residential Planned Development - 5 Units Per Acre)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
136. ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-3977 - APPLICANT: DR. JAS GROVER - OWNERS: HELEN GOULETTE, ET AL - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: DR (Desert Rural Density Residential) TO: O (Office) on 1.38 acres adjacent to the northeast corner of Rancho Drive and Oakley Drive (APN: 162-04-210-101 thru 103), Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend DENIAL
137. ABEYANCE ITEM - REZONING RELATED TO GPA-3977 - PUBLIC HEARING - ZON-3981 - APPLICANT: DR. JAS GROVER - OWNERS: HELEN GOULETTE, ET AL - Request for a Rezoning FROM: R-E (Residence Estates) TO: P-R (Professional Office and Parking) on 1.38 acres located adjacent to the northeast corner of Rancho Drive and Oakley Drive (APN: 162-04-210-101 thru 103), Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend DENIAL
138. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-3977 AND ZON-3981 - PUBLIC HEARING - SDR-3982 - APPLICANT: DR. JAS GROVER - OWNERS: HELEN GOULETTE, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 11,200 SQUARE-FOOT MEDICAL OFFICE on 1.38 acres adjacent to the northeast corner of Rancho Drive and Oakley Drive (APN: 162-04-210-101 thru 103), R-E (Residence Estates) Zone, [Proposed: P-R (Professional Office and Parking) Zone], Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend DENIAL
139. GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4079 - APPLICANT: RICHMOND AMERICAN HOMES - OWNERS: KHUSROW ROOHANI TRUST, MICHAEL AND MICHELLE BARNEY, DURANGO ELKHORN LIMITED LIABILITY COMPANY, WAYNE AND JOANNE SCHLEKEWY, SPARTAN PROPERTIES LIMITED LIABILITY COMPANY, AND MICHAEL AND CAROL BUBONOVICH - Request to amend the Town Center Land Use Plan of the Centennial Hills Sector Plan FROM: ML-TC (MEDIUM LOW DENSITY RESIDENTIAL - TOWN CENTER) AND UC-TC (URBAN CENTER MIXED USE - TOWN CENTER) TO: M-TC (MEDIUM DENSITY RESIDENTIAL - TOWN CENTER) on 15.19 acres between Elkhorn Road and Dorrell Lane, approximately 330 feet west of Durango Drive (APN: 125-20-101-007, 015 and 016), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL
140. ZONING RELATED TO GPA-4079 - PUBLIC HEARING - ZON-4084 - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: KHUSROW ROOHANI TRUST - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: TC (TOWN CENTER) on 10.00 acres adjacent to the north side of Dorrell Lane, approximately 330 feet west of Durango Drive (APN: 125-20-101-015 and 016), Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

141. SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4079 AND ZON-4084 - PUBLIC HEARING - SDR-4088 - APPLICANT: RICHMOND AMERICAN HOMES - OWNERS: KHUSROW ROOHANI TRUST, MICHAEL AND MICHELLE BARNEY, DURANGO ELKHORN LIMITED LIABILITY COMPANY, WAYNE AND JOANNE SCHLEKEWY, SPARTAN PROPERTIES LIMITED LIABILITY COMPANY, AND MICHAEL AND CAROL BUBONOVICH - Request for a Site Development Plan Review FOR A 209-LOT SINGLE RESIDENTIAL FAMILY DEVELOPMENT on 15.19 acres between Elkhorn Road and Dorrell Lane, approximately 330 feet west of Durango Drive (APN: 125-20-101-007, 015 and 016), U (Undeveloped) Zone [TC (Town Center) General Plan Designation] [PROPOSED: T-C (Town Center)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL
142. 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

ADDENDUM

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

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

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

EXHIBIT "B"

(Attach Affidavit of Publication)

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3393953

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 06/05/2004 to 06/05/2004, on the following days: JUNE 5, 2004

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

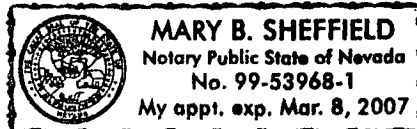
9

day of _____ 2004

June

Notary Public

Mary B. Sheffield



2004 JUN 14 A 11:03

RECEIVED
CITY CLERK

**NOTICE OF HEARING
AND OF INTENTION
TO AUTHORIZE A
MEDIUM TERM
OBLIGATION BY THE
CITY OF LAS VEGAS,
NEVADA**

NOTICE is hereby given that the City Council of the City of Las Vegas, Nevada (the Council) and the City of Las Vegas, Nevada (the City) will hold a public hearing at a regular meeting to be held on Wednesday, June 16, 2004 at the hour of 9:00 a.m. in the Council Chambers, Las Vegas City Hall Complex, 400 Stewart, Las Vegas, Nevada to act upon a resolution authorizing medium-term financing of the City in the maximum principal amount of \$25,000,000 to finance public projects, including, without limitation, one or more of the following: a drainage and flood control project, an off-street parking project, a street project, a recreation project, a park project, a water project and a sewage project, all as defined in NRS 268.672 through 268.740 (the City Bond Law) to be located in or in the vicinity of the development currently known as "Union Park", formerly known as the "61-Acres" (the "Project"). In the City by the issuance of the City's medium-term obligations.

The loan is not proposed to be repaid in whole or in part by the levy of a tax exempt from the limitations on taxes ad valorem but is to be repaid from legally available funds of the City, including, without limitation, (i) money from the portion of the \$0.05 capital improvement property tax levied as provided in NRS 354.59815 and transmitted to the City pursuant to an interlocal agreement among the City, Clark County, Nevada (the "County"), the other incorporated cities in the County and certain other local government entities located in the County which is estimated to be available in the amount of \$2,257,400 per year during the next ten years, (ii) money from the portion of the 1% tax on the rental of transient lodging levied as provided in NRS 244.3351 and transmitted to the City pursuant to the City Ordinance No. 244.33512 which is estimated to be available in the amount of \$1,700,000 to \$1,700,000 per year during the next ten years and (iii) if necessary, money from the consolidated taxes distributed to the City pursuant to NRS 360.060, 360.080 and 360.700 which is estimated to be available in the amount of \$24,000,000 to \$25,000,000 per year during the next ten years.

The form of the resolution authorizing such medium-term financing to be considered by the Council after such hearing and other information concerning such medium-term obligation and the purpose for which it is proposed to be used, may be examined in the office of the City Clerk, City Hall Complex, 400 Stewart, Las Vegas, Nevada. All persons are invited to attend and to be heard regarding the proposed action. Prior to the hearing, written comments may be filed with the City Clerk at the aforementioned address.

Publication Date: June 5, 2004
/s/ Barbara Jo Roemer
City Clerk

EXHIBIT "C"
(Minutes of Public Hearing)

H:\02204\126 Union Park\AUTHRES_.DOC

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-110-2004 - Public hearing and possible action regarding a Resolution authorizing the issuance of a medium term obligation, not to exceed \$25,000,000 for the infrastructure construction of Union Park (formerly known as the 61-Acres) - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The medium-term obligation is being issued pursuant to NRS 350.087 to 350.095, inclusive and NRS 350.500 to 350.720, inclusive. The debt is expected to be repaid using either: a) \$0.05 capital improvement property tax levied as provided in NRS 354.59815; or b) 1% tax on rental of transient lodging levied as provided in NRS 244.3351; and if necessary c) money from the consolidated taxes distributed to the City pursuant to NRS 360.680, 360.690, and 360.700

RECOMMENDATION:

It is recommended that the City Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R-110-2004

MOTION:

WEEKLY – APPROVED as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, stated this matter involves a \$25 million bond issue. Staff expects to clear about \$23.5 million for the infrastructure improvements at Union Park. This excluded \$1.4 million in capitalized interest costs. The bond proceeds will be repaid from the sale of parcels.

MAYOR GOODMAN declared the Public Hearing closed.

(1:04 – 1:06)

3-1976

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-40 – Annexation No. ANX-3978 – Property location: On the west side of Calverts Street, 810 feet south of Tropical Parkway; Petitioned by: Ronny Acevedo and Gilmar Acevedo; Acreage: 1.02 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the west side of Calverts Street, 810 feet south of Tropical Parkway. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 25, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 6/16/2004 City Council meeting pursuant to the 6/1/2004 Recommending Committee.

First Reading – 5/19/2004; First Publication – 6/4/2004

BACKUP DOCUMENTATION:

Bill No. 2004-40 and Location Map

MOTION:

WEEKLY – Second Reading and **BILL ADOPTED** as recommended as Ordinance No. 5706 – UNANIMOUS with Ward 2 seat vacant

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(1:06)

3-2042

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-41 – Revises the City's drought conservation measures in accordance with revisions to the Southern Nevada Water Authority's Drought Plan. Sponsored by: Councilman Larry Brown

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will revise the City's drought conservation measures to conform to recent revisions in the Southern Nevada Water Authority's Drought Plan. In particular, the bill will 1) modify the restrictions on the washing of vehicles and the use of outdoor mist cooling systems, and 2) provide more flexibility in allowing fountains and water features in circumstances where consumptive use reductions cannot be achieved on site.

RECOMMENDATION:

ADOPTION at 6/16/2004 City Council meeting pursuant to the 6/1/2004 Recommending Committee.

First Reading – 5/19/2004; **First Publication** – 6/4/2004

BACKUP DOCUMENTATION:

Bill No. 2004-41

MOTION:

WEEKLY – **Second Reading and BILL ADOPTED as a First Amendment as Ordinance No. 5707 – UNANIMOUS with MONCRIEF not voting and Ward 2 seat vacant**

Clerk to proceed with second publication

MINUTES:

CITY ATTORNEY JERBIC advised that CHIEF DEPUTY CITY ATTORNEY VAL STEED would propose some amendments. CITY MANAGER SELBY explained that those amendments allow for the operation of fountains under the conditions the Council previously discussed, as well as relaxing some of the conditions for washing cars and operating misters.

CITY COUNCIL MEETING OF JUNE 16, 2004
Recommending Committee
Item 83 – Bill No. 2004-41

MINUTES – Continued:

CHIEF DEPUTY CITY ATTORNEY STEED indicated that subsequent to the Recommending Committee meeting of 6/1/2004, it was brought to his attention that, in order to take advantage of nuisance water that accumulates downtown during dewatering of facilities, the City should amend one of the exemptions allowing certain water features with a State permit on Page 3 by adding “whereby nuisance water discharged during normal facility dewatering.”

ANTHONY SALAS, 7508 Orange Haze Way, thanked the City Council for its efforts in water conservation. He opined that it is only a perception that water features are water wasteful, because they use about the same amount of water in evaporation as a lawn. The 50-1 ratio is very unfair, especially in considering water features larger than a fountain. Based on the 50-1 ratio, 12.5 acres would have to be converted into desert landscaping. He showed a picture of a lake in Painted Desert that is approximately one-quarter acre, and pointed out that other types of grasses could be used that save up to 60% of the water being used and still be able to maintain the greenery. There are also surface watering systems that can save up to 70% of the water used in watering fescue. He would prefer to see these types of systems utilized to conserve water to maintain the oasis that has been created in this desert.

He commented that he spoke with DAVE HUNT of the Water Authority who informed him that the underground watering system is not considered a capital improvement, so it would not be recognized. He felt that malfunctioning sprinklers or wind that blows water onto the sidewalk from the sprinklers is causing the water waste. He noted that the Bellagio Hotel has been successfully using sub-surface watering since 1998. Other hotels are now starting to use the same system. MR. SALAS proposed that the 50-1 ratio for water features be reduced to a more realistic ratio, and that different types of grasses, in conjunction with the underground watering system, be allowed under the same guidelines as water-smart landscaping. This will save just as much water, and the desert can still be green.

COUNCILMAN BROWN asked if the water reduction plan under the existing ordinance could include the irrigation systems that MR. SALAS brought up. CITY MANAGER SELBY indicated that he would have to review the plan, because he did not believe it is explicitly allowed, as the desire is to eliminate consumptive use. It may require that more turf be removed to attain the same amount of reduction.

COUNCILMAN BROWN stressed that water conservation is the intent of this Council, and he would not want to close the door to any viable water savings. He then expressed concern about the programmable space not getting enough water, which could have serious implications if the turf is damaged. The City would then have to spend millions of dollars in retrofitting costs.

CITY COUNCIL MEETING OF JUNE 16, 2004
Recommending Committee
Item 83 – Bill No. 2004-41

MINUTES – Continued:

NOTE: COUNCILMAN BROWN directed CITY MANAGER SELBY to have a staff member meet with MR. SALAS to assess the viability of the water systems he mentioned. Also, he directed CITY MANAGER SELBY to ensure, through a premium price or an exemption, that programmable space is adequately supplied with water to enable the parks staff to do their job.

(1:06 – 1:17)

3-2072

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$646,166.67

☐

Budget Funds Available

Dept./Division: Public Works/SID

☒

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

The 6/14/2004 Recommending Committee held this bill in abeyance until the 7/6/2004 Recommending Committee meeting. (NOTE: This item was inadvertently omitted from the 7/6/2004 Recommending Committee agenda and appeared instead on the 7/19/2004 Recommending Committee agenda).

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

7/6/2004 Recommending Committee

7/7/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-44 – Annexation No. ANX-4129 – Property location: On the southwest corner of Bronco Street and Peak Drive; Petitioned by: SF Investments, LLC; Acreage: 2.35 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Bronco Street and Peak Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (July 16, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 7/7/2004 City Council meeting pursuant to the 6/14/2004 Recommending Committee.

First Reading – 6/2/2004; First Publication – 6/25/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

7/7/2004 Recommending Committee

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

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

Fiscal Impact

☒

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:

ADOPTION at 7/7/2004 City Council meeting pursuant to the 6/14/2004 Recommending Committee.

First Reading – 6/2/2004; First Publication – 6/25/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

7/7/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-46 – Increases the salaries of the Municipal Court judges. Sponsored by: Mayor Oscar B. Goodman (Annual amount \$71,063.73 – General Fund)

Fiscal Impact

☐

No Impact

Amount: \$71,063.73 per year

☒

Budget Funds Available

Dept./Division: Municipal Court/Judges

☐

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

This bill will increase the base salaries of the Municipal Court judges to \$128,098, commencing July 1, 2004. The increase has been included in the FY 2005 budget approved by the City Council.

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. 2004-46

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

7/6/2004 Recommending Committee

7/7/2004 Council Agenda

(1:17)

3-2535

THE MORNING SESSION RECESSED AT 1:17 P.M.

BILL NO. 2004-46

ORDINANCE NO. _____

AN ORDINANCE TO INCREASE THE SALARIES OF THE MUNICIPAL COURT JUDGES,
AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Increases the salaries of the
Municipal Court judges.

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

SECTION 1: Title 2, Chapter 26, Section 30, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.26.030: (A) Except as is otherwise provided in Section 2.26.035, the salary of each
Municipal Court Judge shall be [one hundred thirteen thousand five hundred seventy-eight] one
hundred twenty eight thousand ninety-eight dollars per year, to take effect July 1, [2002.] 2004.

(B) The Municipal Judge who holds seniority in years of service in office, either
elected or appointed, is the Chief Judge.

SECTION 2: Title 2, Chapter 26, Section 35, of the Municipal Code of the City of
Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.26.035: The salaries of the Municipal Court Judges that are provided for in Section 2.26.030
shall automatically be increased:

(A) On the first day of July, [2003,] 2005, in the same proportion that the index
figure of the National Consumer Price Index for All Urban Consumers for All Items, U.S. City
Average (1967 = 100) that is published by the Bureau of Labor Statistics, United States Department
of Labor, for March of [2003] 2005 has increased above the index figure for March of [2002,] 2004;
and

(B) On the first day of July in each year thereafter in the same proportion that the
index figure for March of that year has increased above the index figure for March of the previous
year.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or

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

8 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

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

12 APPROVED:

13
14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BARBARA JO RONEMUS, City Clerk

19 APPROVED AS TO FORM:

20 Val Steed 6-3-04
21 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15

16

ATTEST:

17

18

BARBARA JO RONEMUS, City Clerk

19

20

21

22

23

24

25

26

27

28

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 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 89 [6012 Iron Kettle Street], Item 117 [SUP-4137], Item 119 [SUP-4169] and Item 120 [SUP-4172] to 7/7/2004 and Item 90 [6318 West Sahara Avenue] to 9/15/2004, STRIKE Item 113 [VAR-4340] and Item 114 [SUP-4168] and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 136 [GPA-3977], Item 137 [ZON-3981] and Item 138 [SDR-3982] – UNANIMOUS with Ward 2 seat vacant

MINUTES:

COUNCILMAN WEEKLY asked the reason for the abeyance request for Item 119 [SUP-4169]. MARGO WHEELER, Acting Deputy Director, Planning and Development Department, explained that a letter was received from the attorney representing the applicant indicating that he would be out of town. COUNCILMAN WEEKLY noted that he received numerous calls from his constituents regarding this application. He will support the abeyance request; however, he would not support the application when it comes back.

MAYOR GOODMAN disclosed that an Opinion Letter was submitted by the City Attorney's Office regarding him abstaining from voting on Items 119 [SUP-4169] and 120 [SUP-4172]; however, he verified with DEPUTY CITY ATTORNEY BRYAN SCOTT that he could vote on the abeyance.

Regarding Items 113 [VAR-4340] and 114 [SUP-4168], COUNCILMAN BROWN disclosed that he was recently appointed to the Board of Catholic Charities of Southern Nevada. DEPUTY CITY ATTORNEY SCOTT advised him that since he serves in his personal capacity, he can vote on the abeyance but will have to abstain from voting when the items come back.

ASHLEY HALL, 8360 West Sahara Avenue, Suite 110, appeared together with VINNIE YALDO and requested that Item 117 [SUP-4137] be held in abeyance for two weeks to allow discussion to take place with a material individual that may impact this application. COUNCILWOMAN MONCRIEF did not object to the abeyance request.

(2:41 – 2:46)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6012 Iron Kettle Street. PROPERTY OWNERS: BRIAN J. & JANECE PINEGAR FAM TR - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Neighborhood Services/Response

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances. A Zoning Violations/Nuisance Notice and Order to Comply was mailed to the property owners to correct the nuisance per Title 19.08.040(B) (1) (d) (1) regarding the bike/skateboard ramp accessory structure. Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Brian J. Pinegar.

RECOMMENDATION:

That the City Council approve the Zoning Violations/Nuisance Notice and Order to Comply.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Zoning Violations/Nuisance Notice and Order to Comply
4. Notice of Appeal
5. Notice of Hearing

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 89 [6012 Iron Kettle Street], Item 117 [SUP-4137], Item 119 [SUP-4169] and Item 120 [SUP-4172] to 7/7/2004 and Item 90 [6318 West Sahara Avenue] to 9/15/2004, STRIKE Item 113 [VAR-4340] and Item 114 [SUP-4168] and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 136 [GPA-3977], Item 137 [ZON-3981] and Item 138 [SDR-3982] – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

(2:41 – 2:46)

5-48

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6012 Iron Kettle Street. PROPERTY OWNERS: BRIAN J. & JANECE PINEGAR FAM TR - Ward 6 (Mack)

The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

A Zoning Violations/Nuisance Notice and Order to Comply was sent to the property owners by regular and certified mail requesting they correct the nuisance regarding the bike/skateboard ramp accessory structure. The notice advised that "detached, accessory structures (except patio covers) in the rear yard must be located a minimum distance of three feet from the side and rear property lines..." A copy of the notice was also posted on the property.

Today's hearing is to consider the appeal from Zoning Violations/Nuisance Notice and Order to Comply filed by Brian J. Pinegar.



WEST SAHARA AVE



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

April 14, 2004

Reference # 11546
Certified/Regular Mail
Return Receipt Requested

RECEIVED
CITY CLERK
2004 APR 26 A 8:02

Brian & Janece Pinegar
6012 Iron Kettle
Las Vegas, NV ~~89103~~ 89130

ZONING VIOLATIONS/NUISANCE NOTICE AND ORDER **TO COMPLY**

Dear Mr. & Mrs. Pinegar:

We have looked into the recourse provided for in the Zoning Code. We have decided the best approach is to allow you an appeal before City Council. For this to take place, I am sending you this formal Notice and Order for zoning compliance which allows you to follow the appeal procedure at no cost to you. Additionally, there can be no enforcement until your appeal is heard. The following information is our boilerplate nuisance notice; please don't be offended by it.

You are hereby notified as owner(s) of the property located at 6012 Iron Kettle, Las Vegas, NV, Parcel # 12527611016, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to access and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated) will be charged for each additional inspection after the initial re-inspection.

MAYOR OSCAR B. GOODMAN

CITY COUNCIL: GARY REESE (MAYOR PRO-TEM) • LARRY BROWN • LYNETTE B. McDONALD
LAWRENCE WEEKLY • MICHAEL MACK • JANET MONCRIEF

CITY MANAGER: DOUGLAS A. SELBY

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

18201-031-2-04

VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.ci.las-vegas.nv.us

**Reference: 11546
6012 Iron Kettle St
Page 2**

You are hereby ordered to correct the nuisance; Title 19.08.040(B) (1) (d) (1)

"detached, accessory structures (except patio covers) in the rear yard must be located a minimum distance of three feet from the side and rear property lines....."

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

Cc: Michael Mack

FAX FLASH!

Date and Time:	Friday, April 23, 2004 3:55 PM
To:	Attention: Beverly 702-229-6311
Company:	Las Vegas City Clerk
Fax No.:	702-382-4803
From:	Brian J. Pinegar <i>384-9964 Purchasing Fax</i>
Company:	
Phone No.:	702-604-5869 [cell phone]
Fax No.:	702-396-4475
No. of Pages:	10, including cover

Message:

Dear Beverly:

Per our recent telephone conversation, I disagree with the assessment of Neighborhood Response [Reference #: 11546] regarding our BMX / skateboard ramps in our back yard. I would like to appeal their response before the Las Vegas City Council.

I am including in this fax the following: 1. The "Notice and Order" letter that I received from Mr. David Semenza dated April 14, 2004. 2. Copy of the "Nuisance Correction Notice" Reference #: 11546. 3. My letter to Mr. Eddie Dichter dated March 30, 2004. 4. Two pictures of the ramps. 5. The "approval" notification that I received from the Tropical Meadows Homeowners Association regarding the ramps. 6. An E-mail letter that I sent to Lisa Campbell [a representative in Councilman Michael Mack's office] dated April 14, 2004.

If you are in need of additional information or items, please notify me ASAP. Please contact me at your earliest convenience to inform me of what my next step or responsibility will be. I can be contacted at 702-604-5869 [cell phone].

Thank you again for your assistance.

Brian J. Pinegar

6012 Iron Kettle Street

Las Vegas, Nevada 89130

RECEIVED
CITY CLERK

2004 APR 26 A 8:02

4-23-04

16:15 FAXED TO LVCC. (7) Stacy,

16:20 RE-FAXED, RE-10 PAGES BUT

16:20

Fax Jammed + OUT OF PAPER
BLANK. Stacy REPLACING TONER
CONTINUED.



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

April 14, 2004

Reference # 11546
Certified/Regular Mail
Return Receipt Requested

Brian & Janece Pinegar
6012 Iron Kettle
Las Vegas, NV ~~89103~~ 89130

RECEIVED
CITY CLERK
2004 APR 26 A 8:02

ZONING VIOLATIONS/NUISANCE NOTICE AND ORDER TO COMPLY

Dear Mr. & Mrs. Pinegar:

We have looked into the recourse provided for in the Zoning Code. We have decided the best approach is to allow you an appeal before City Council. For this to take place, I am sending you this formal Notice and Order for zoning compliance which allows you to follow the appeal procedure at no cost to you. Additionally, there can be no enforcement until your appeal is heard. The following information is our boilerplate nuisance notice; please don't be offended by it.

You are hereby notified as owner(s) of the property located at **6012 Iron Kettle, Las Vegas, NV, Parcel # 12527611016**, that you are in violation of **Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.**

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to access and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated) will be charged for each additional inspection after the initial re-inspection

MAYOR OSCAR B. GOODMAN
CITY COUNCIL: GARY REESE (MAYOR PRO-TEM) • LARRY BROWN • LYNETTE B. McDONALD
LAWRENCE WEEKLY • MICHAEL MACK • JANET MONCRIEF
CITY MANAGER: DOUGLAS A. SELBY
CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
18201-031-2-04 VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.ci.las-vegas.nv.us

**Reference: 11546
6012 Iron Kettle St
Page 2**

You are hereby ordered to correct the nuisance; Title 19.08.040(B) (1) (d) (1)

"detached, accessory structures (except patio covers) in the rear yard must be located a minimum distance of three feet from the side and rear property lines....."

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

Cc: Michael Mack

Gate Code 2424

FINAL NOTICE

City of Las Vegas
 NEIGHBORHOOD SERVICES DEPARTMENT
 Neighborhood Response - Code Enforcement
 400 Stewart Avenue, 2nd Floor, Las Vegas, NV 89101-2986
NUISANCE CORRECTION NOTICE

FINAL NOTICE

Ref No. 11546 Location 16012 Iron Kettle Street

LVMC 9.04.045 Authorizes the City of Las Vegas to access and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection

9.04.010(H) "Responsible party" means any tenant, occupant, lessor, lessee, manager, licensee or other person having control over a structure or parcel of land in the City.

I have inspected this property and have found the following nuisance violation(s) of the City of Las Vegas Municipal Code(s):

9.04.010 (D) **IMMINENT HAZARD** means any condition associated with real property that places a person's life, health or property in high risk of peril when such condition is immediate, impending, or on the point of happening or meaning.

9.04.010(G) PUBLIC NUISANCE or nuisance activity means any of the following conditions:

- (1) **Attractive Nuisance** Any area, structure or object which by its nature, location and/or character would tend to attract and endanger the safety of any minor person.
- (2) **Building Code Violation** Any violation of the Uniform Building Code, as adopted and amended by Title 16 of this Code.
- (4) **Polluted Water/Stagnant Swimming Pools** *Pool water may not be pumped onto public street.
- (5) **Refuse and Waste** Any material, regardless of its market value, which, by reason of its location and/or character, is unsightly or interferes with the reasonable use and enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values; or which would hamper or interfere with the containment of fire upon the premises.
sub-section (a) Including but not limited to wood, lumber, cans, boxes, tires, rags, appliances, brush, grass, tree limbs, buckets, glass, paper, mattresses, discarded furniture and auto parts, broken concrete, rocks, scrap metal, plastic cartons, and newspaper.
- (6) **Sign Violation** Any sign which is in violation of Title 19A of this Code.
- X (7) **Zoning Violation** Any violation of Title ~~19A~~ of this Code other than a sign violation. 19.08.040(B)(1)
Bike/Skateboard Ramp Accessory Structure
- (8) **Nuisances in General**
 - (a) **Weeds and turf grass** in plain view of the front yard on a developed parcel or vacant parcel exceeding eight (8) inches in height.
 - (b) **Graffiti**, defined as the unauthorized spraying of paint, ink, chalk, dye or other similar marking substances on public or private buildings, walls, fences or other structures allowed to remain for more than 24 hours.
 - (c) **Unpainted or painted building**, walls, fences or other structures upon which the condition of the structure has become so deteriorated as to permit decay, excessive cracking, peeling, chalking, dry rot, warping or termite infestation.
 - (d) **Criminal activity** on any lot or premises within the city.

Remarks You must meet the building setbacks and maintain them as follows: 20 ft front yard, 3 ft side yard/rear yard, 6 ft from house (roof eaves), must not exceed 50% of rear lot coverage or extend over fence. You must meet noise ordinance.

This will serve as notice that you have until 4-15-04 to bring the property into compliance with the Las Vegas Municipal Code (L.V.M.C.). If, after this date, the property is not brought into compliance, criminal and civil prosecution may be sought concurrently in accordance with L.V.M.C. 9.04.020. The penalty for such criminal violation(s), upon conviction, is a fine not exceeding one thousand dollars or imprisonment for a term not exceeding six (6) months, or any combination of such fine and imprisonment. Furthermore, each day that a violation continues to exist constitutes a separate offense.

FINAL NOTICE

Thank you.

- ☐ Previous Violation
- ☐ This is a neighborhood clean-up
- ☒ Copy mailed/delivered to Owner's address
- ☐ Final Notice/Fee Assessed
- ☐ \$75.00
- ☐ \$45.00

If you have any questions, please call 229-6615 or 229-4910

16

Inspector

4-2-04

Date

4-15-04

Reinspection Date

FINAL NOTICE

March 30, 2004

Mr. Eddie Dichter
Front Counter Supervisor
City of Las Vegas Current Planning
731 South 4th Street
Las Vegas, Nevada 89101

Ref. No.: 11546
Location: 6012 Iron Kettle Street
*** Mailed Certified ***

Dear Mr. Dichter:

I am in receipt of the Nuisance Correction Notice issued by your department to me on 03-22-04. Please see attached copy.

On Saturday, March 20, 2004, a representative from your office named Robert [I do not recall Robert's last name] personally visited our home and viewed the BMX ramps that are in our backyard. At that time, Robert mentioned that the official complaint consisted of the following:

1. The ramps were higher than the block wall and were visible to a neighbor.
2. A neighbor had complained of noise due to the children using the ramps.

I escorted Robert to the ramps and showed him how we had trimmed the top of the ramps off so that no part of the ramps would be visible above the top of the wall. My son and I had trimmed the ramps on Saturday, March 13, 2004.

I asked Robert about the concern of noise. He discussed the noise ordinance with my wife and I in detail. I do not believe that we have or do violate the noise ordinance. The ramps are only used during daylight hours; generally between 3:30 - 6:30 PM for only 20-40 minutes, possibly 2-3 days a week. Our rule is when the sun goes down, the ramps are closed. We want to continue to be good neighbors.

I have attached a copy of my Architectural Request for Property Improvements that I submitted to our homeowners association on May 7, 2002. I had submitted the attached request due to another one of your department's representatives coming to our home to look at the ramps due to a concern being reported to your department about the ramps.

City of Las Vegas Current Planning
Neighborhood Services Department
Ref. No.: 11546
Location: 6012 Iron Kettle Street
March 30, 2004

I apologize that I do not remember your representative's name, however, she mentioned that the ramps could not touch the common wall between our property and our neighbor's property. She said nothing about a three (3) foot distance. She had us trim the north edge of the ramps away from the wall. She returned to our property and approved the ramps on April 25, 2002. From that time until March 20, 2004, we have had the understanding that our ramps were within the code, due to her issuing an approval and dismissing the filed concern.

In August 2003, members of our homeowners association board did an on-site inspection of the ramps and they even had our son demonstrate how the ramps were being used. They were satisfied with what they saw and experienced. Therefore, on February 19, 2004, the Tropical Meadows Homeowners Association granted an approval to our Architectural Request for Property Improvements to have the BMX ramps. Please see attached copy of the approval.

I believe that trying to modify the ramps now by cutting off three (3) feet of the ramp on the north side would create a very dangerous situation for the children who use them. A serious gap would then exist between the ramp and the block wall, thus creating a hazard that does not currently exist in its current condition. I can foresee the children falling into the new gap and sustaining serious physical injury. The ramps have not hurt, injured or damaged any of my neighbors in any way.

Therefore, due to the foregoing, I am requesting to have a representative of your office telephone me and coordinate an on-site inspection to view and discuss the ramps in question. I would have sent in pictures of the ramps for your review, however, I do not feel that any pictures would truly represent that ramps properly. I would also like to request a variance to the current Las Vegas City code/ordinance with regard to the three (3) foot distance from the side wall. I believe by personally performing the on-site inspection of the ramps, a very strong basis will be created realized to support my request for a variance to the established code.

Please call me at your earliest convenience to coordinate the on-site inspection. I can be reached at 702-604-5869 [cell phone].

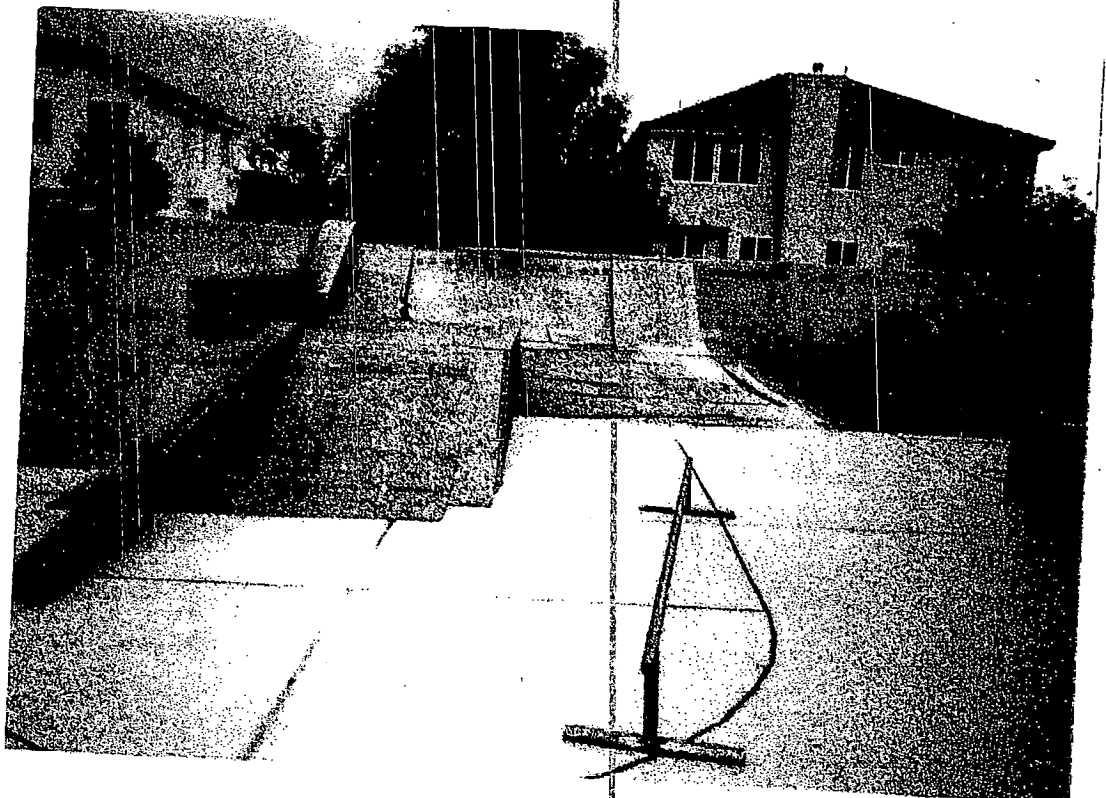
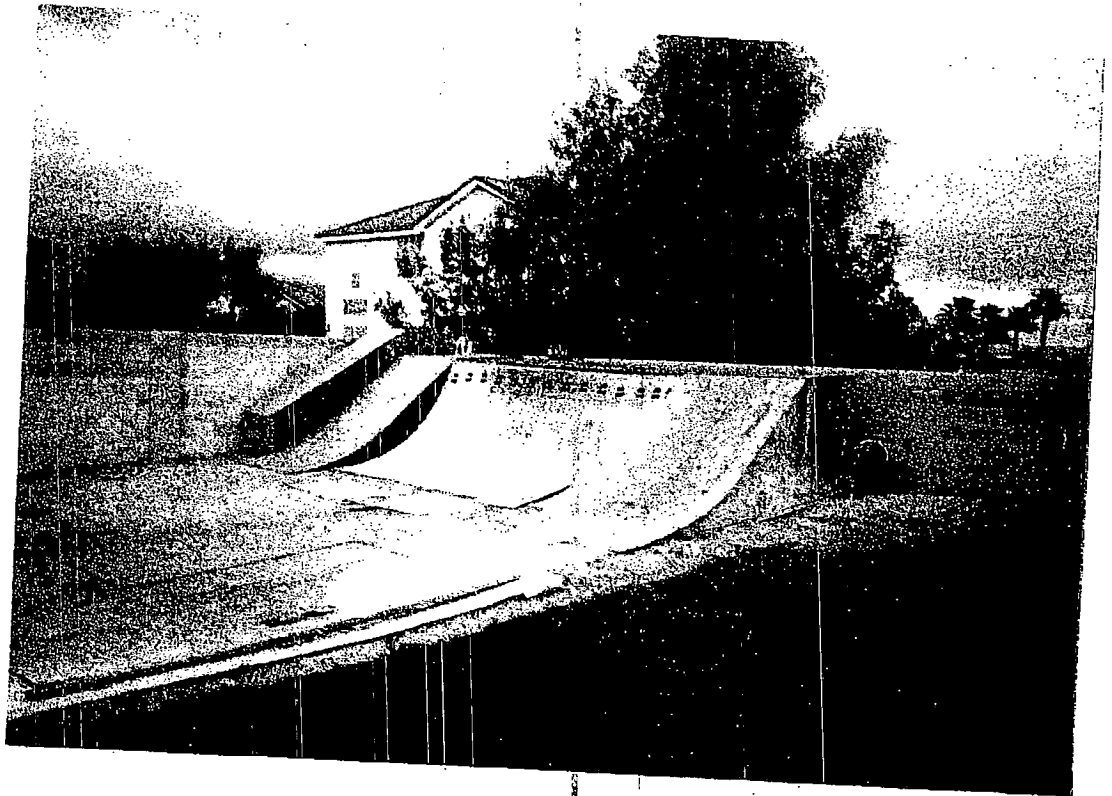
City of Las Vegas Current Planning
Neighborhood Services Department
Ref. No.: 11546
Location: 6012 Iron Kettle Street
March 30, 2004

Thank you in advance for your consideration and understanding to my request.

Respectfully yours,



Brian J. Pinegar
6012 Iron Kettle Street
Las Vegas, Nevada 89130



sent By: Thoroughbred Management;

1 702 515 2043;

Mar 24-04 4:28PM;

Page 1/2

**Tropical Meadows
Homeowners Association
c/o Thoroughbred Management
3650 N Rancho Dr. Suite 112
Las Vegas, NV 89130**

Brian & Janace Pinegar
6012 Iron Kettle St
Las Vegas, NV 89130

February 19, 2004

The Architectural Review Committee has reviewed the plans you submitted for the following items:

BMX Bicycle Ramp in Backyard

____ Approved as Submitted.

X **Approved with the following conditions:**

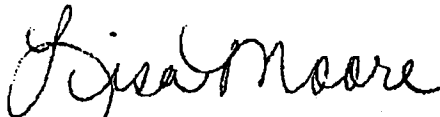
- The removal any part of the structure which is above the common wall shared by your neighbors
- Using the ramp during reasonable hours of the day

____ Your plan package was incomplete.

____ Rejected for the following reasons:

If you have any questions, please contact Thoroughbred Management. Thank you very much.

Sincerely,



Lisa Moore
Association Manager

Apr 23 04 03:47p

Sent By: Thoroughbred Management;

1 702 515 2043;

Mar-24-04 4:28PM;

Page 2/2

Dec 18 02 06:10p

Pinegar's

702-645-7171

Page 2/2
P.2

Tropical Meadows Homeowners Association
Architectural Request for Property Improvements

Homeowner(s) Brian + Tamara Packer Date 5-7-02Address 6012 IRON KETTLE ST. LAKELAND FL 34106Home Phone 645-7171



June 4, 2004

CERTIFIED & REGULAR MAIL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY

MICHAEL MACK
NET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

Brian J. and Janece Pinegar
6012 Iron Kettle Street
Las Vegas, Nevada 89130

Re: Notice of Appeal Hearing – Notice and Order to Abate a Nuisance on property located at 6012 Iron Kettle Street.

Dear Property Owners:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 16th day of June, 2004, at the hour of 1:00 p.m. This hearing is in response to your letter dated April 23, 2004 requesting the same, concerning the Notice and Order to Abate a Nuisance on property located at 6012 Iron Kettle Street.

If you have any questions or need further information please do not hesitate to contact our office at 229-6311.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Jo Ronemus", is written over a horizontal line.

Barbara Jo Ronemus, CMC
City Clerk

BJR/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response, Neighborhood Services
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Leni Skaar, Ward 6 Liaison

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
☒ Print your name and address on the reverse so that we can return the card to you.
☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Appeal 6012
BRIAN & JANECE PINEGAR
6012 IRON KETTLE ST
LAS VEGAS NV 89130

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-9-04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7003 3110 0003 1079 7884

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6318 West Sahara Avenue. PROPERTY OWNERS: C S S SAHARA LP - Ward 1 (Moncrief)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Neighborhood Services/Response

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances. A Zoning Violations/Nuisance Notice and Order to Comply was mailed to the property owners to correct the nuisance per CLVMC 19.12.030 (C) General Landscaping Requirements and Maintenance and Removal of Recreational Vehicles. Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Margaret C. Martin, Pegasus Group, on behalf of C S S Sahara LP.

RECOMMENDATION:

That the City Council approve the Zoning Violations/Nuisance Notice and Order to Comply.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Zoning Violations/Nuisance Notice and Order to Comply
4. Notice of Appeal
5. Notice of Hearing
6. Submitted after final agenda – Letter from Pegasus Group requesting abeyance

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 89 [6012 Iron Kettle Street], Item 117 [SUP-4137], Item 119 [SUP-4169] and Item 120 [SUP-4172] to 7/7/2004 and Item 90 [6318 West Sahara Avenue] to 9/15/2004, STRIKE Item 113 [VAR-4340] and Item 114 [SUP-4168] and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 136 [GPA-3977], Item 137 [ZON-3981] and Item 138 [SDR-3982] – UNANIMOUS with Ward 2 seat vacant

NOTE: This item did not appear on the 9/15/2004 City Council meeting, however the item did appear on the 10/20/2004 City Council meeting.

MINUTES:

There was no discussion.

(2:41 – 2:46)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

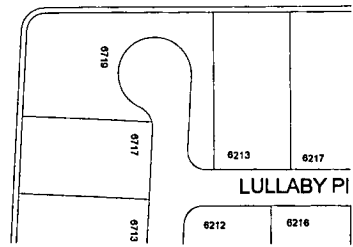
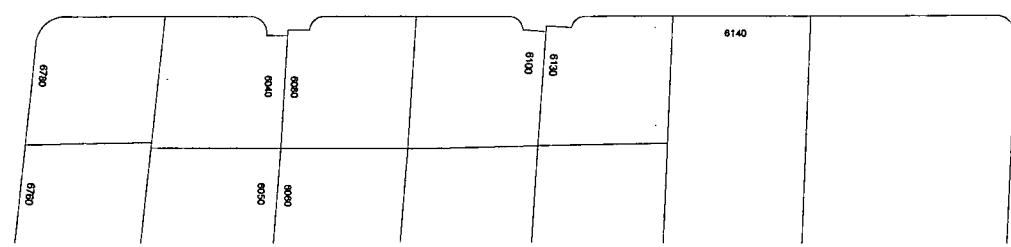
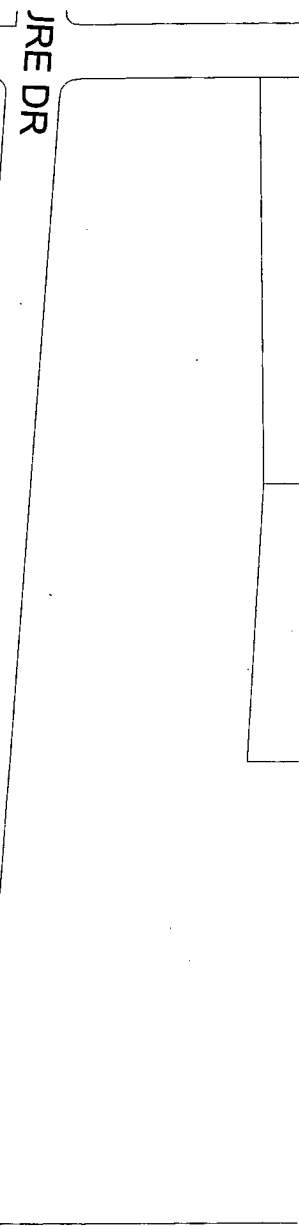
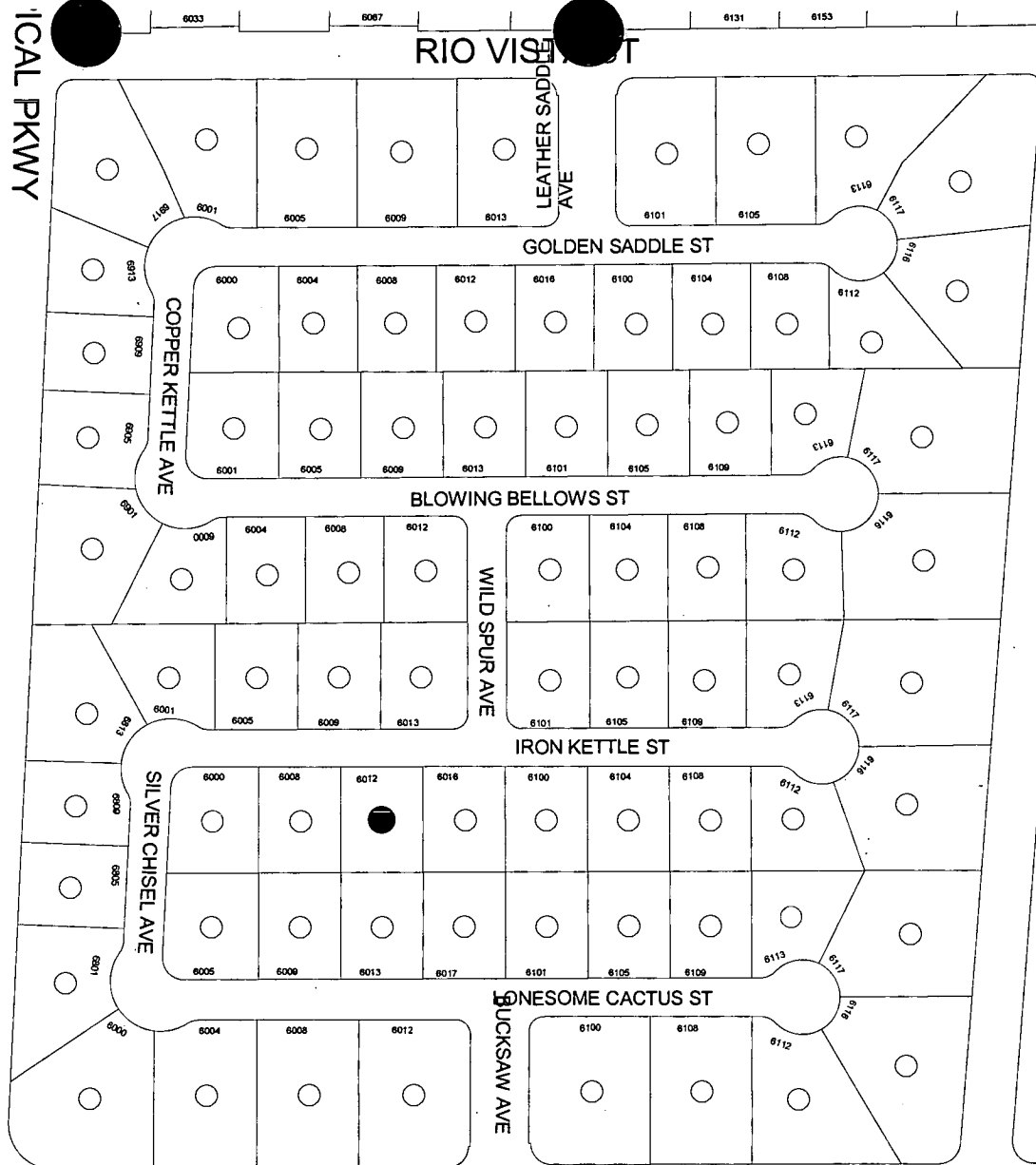
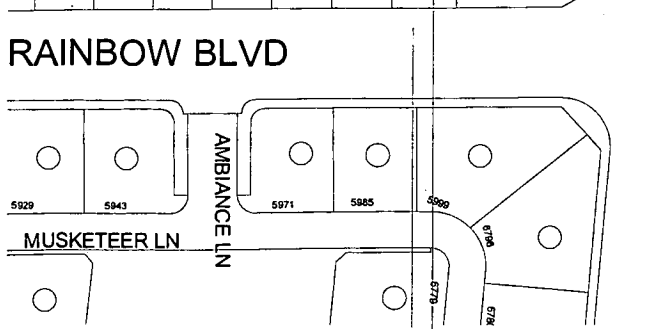
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6318 West Sahara Avenue. PROPERTY OWNERS: C S S SAHARA LP - Ward 1 (Moncrief)

The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

A Zoning Violations/Nuisance Notice and Order to Comply was sent to the property owners by regular and certified mail requesting they correct the nuisance per CLVMC 19.12.030 (C) General Landscaping Requirements and Maintenance and Removal of Recreational Vehicles. A copy of the notice was also posted on the property.

Today's hearing is to consider the appeal from Zoning Violations/Nuisance Notice and Order to Comply filed by Margaret C. Martin, Pegasus Group, on behalf of C S S Sahara LP.





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
TREASURER
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

Case #13192
April 23, 2004
Certified/Regular Mail
Return Receipt Requested

C S S Sahara L P
1148 Alpine Rd, #100
Walnut Creek, CA 94596-4444

ZONING VIOLATIONS/NUISANCE

NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at **6318 W Sahara Ave, Las Vegas, NV, Parcel #163-02-801-001**, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

You are hereby ordered to correct the nuisance **Title 19.12.030 (C) Zoning General Landscaping Requirements:**

Upon correction of this violation(s), the responsible party being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #25 by telephone at 229-5183 to supply your current phone number, e-mail address, fax number, or additional mailing address.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "David Semenza", with a stylized flourish extending from the end.

David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division



PEGASUS GROUP

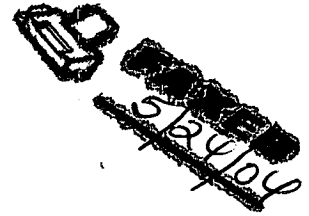
1148 Alpine Rd.

Walnut Creek, CA 94596

Phone: 925-930-0613

Fax Phone: 925-930-2307

Email address: martinm@pegasusgroup.net



Sent via fax 702-382-4803

May 24, 2004

City of Las Vegas
City Clerk's Office – 1st Floor
400 Stewart Ave.
Las Vegas, NV 89101

RECEIVED
CITY CLERK
2004 MAY 26 P 2:26

Re: CSS Sahara LP – Case #13192

Gentlemen:

We wish to appeal the attached Notice and Order Case #13191 against Central Self Storage located at 6318 W. Sahara Ave, Las Vegas, NV. Attached please find a copy of the Notice and Order sent to us along with two letters that we have sent to the Neighborhood Services Department.

Thank you for your consideration in this matter.

Sincerely,

Margaret C. Martin
Executive Vice President – Property Management

cc - Dwight Davis
Tom Dailey – Esq.
Steven Polgar – Esq.

*mailed orig
5/2*



PEGASUS GROUP

1148 Alpine Rd.
Walnut Creek, CA 94596
Phone: 925-930-0613
Fax Phone: 925-930-2307

Email address: martinm@pegasusgroup.net

FAXED
5/11/04

Sent via fax 702-382-3045

May 11, 2004

David Semenza - Manager
Neighborhood Services Department
City of Las Vegas
400 Stewart Ave
Las Vegas, NV 89101

RE: CSS Sahara LP – Case #13192

Dear Mr. Semenza:

We received your letter dated April 23, 2004 on May 5, 2004. The letter refers to alleged violations of the Las Vegas Municipal Code. To protect our rights we are hereby appealing this matter. At your earliest convenience please send us applicable copies of the Las Vegas Municipal Code, Title 9, Chapter 12.

We hope that we can resolve any differences without the need for litigation.

Sincerely,

Margaret C. Martin
Executive Vice President – Property Management

cc - Dwight Davis
Tom Dailey – Esq.
Steven Polgar – Esq.



PEGASUS GROUP

1148 Alpine Rd.
Walnut Creek, CA 94596
Phone: 925-930-0613
Fax Phone: 925-930-2307

Email address: martinm@pegasusgroup.net

FAXED
5/12/04

Sent via fax 702-382-3045

May 11, 2004

David Semenza - Manager
Neighborhood Services Department
City of Las Vegas
400 Stewart Ave
Las Vegas, NV 89101

RE: CSS Sahara LP – Case #13192

Dear Mr. Semenza:

We are in receipt of your email dated May 12, 2004. Please send us the documentation necessary to apply for a variance with the Planning Department for our property located at 6318 W Sahara Ave.

This letter also confirms that we had no knowledge of this requirement when we purchased the property approximately 2 years ago. It was not mentioned in the title report. It was never disclosed to us at any time during the due diligence period. In addition we purchased the property based on the revenue generated by the R/V spaces.

As you know we have also placed you on notice of appeal.

Sincerely,

Margaret C. Martin
Executive Vice President – Property Management

cc - Dwight Davis
Tom Dailey – Esq.
Steven Polgar – Esq.



NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

Case #13192
April 23, 2004
Certified/Regular Mail
Return Receipt Requested

C S S Sahara L P
1148 Alpine Rd, #100
Walnut Creek, CA 94596-4444

5/3 FAX ~~IN~~ ~~SENDER~~
SE: DONNA COX
UP Removed R/Ws at North front
1. this replaced - received 5/5/04
2. called left mess 5/17/04
3.

ZONING VIOLATIONS/NUISANCE NOTICE AND ORDER
TO COMPLY

You are hereby notified as owner(s) of the property located at **6318 W Sahara Ave, Las Vegas, NV, Parcel #163-02-801-001**, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

You are hereby ordered to correct the nuisance per CLVMC 19.12.030 (C) General Landscaping Requirements and Maintenance: Property owners shall maintain all walls in good structural and finished condition. All landscaping shall be maintained in a healthy and vigorous living condition. Dead vegetation shall be promptly replaced, based on standard seasonal planting practices, with healthy living plants. Installation of a 10 foot wide landscape buffer along the north property line of the commercial storage units property with a three foot high landscaped berm and minimum sized 24 inch boxed evergreen trees 20 feet on center are required and must be maintained. Remove asphalt and bring condition back to original approved site plan requirements. Remove all dead bushes, plants, trees, etc. Replace all areas of missing and dry vegetation with healthy living plants suitable for area located on north side of property along properties on Peppermill. All required Site Development Plans shall meet or exceed the minimum standards, and shall comply with any restrictions, established by code. You must maintain property and remove scattered litter on a regular basis.

MAYOR OSCAR B. GOODMAN

CITY COUNCIL: GARY REESE (MAYOR PRO-TEM) • LARRY BROWN • LYNETTE B. McDONALD
LAWRENCE WEEKLY • MICHAEL MACK • JANET MONCRIEF

CITY MANAGER: DOUGLAS A. SELBY

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

18201-031-2-04

VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.ci.las-vegas.nv.us



Upon correction of this violation(s), the responsible party being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #28 by telephone at 229-6615/303-3089 to supply your current phone number, e-mail address, fax number, or additional mailing address.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

MAYOR BILL BRIARE

COUNCILMEN

RON LURIE

AL LEVY

BOB NOLEN

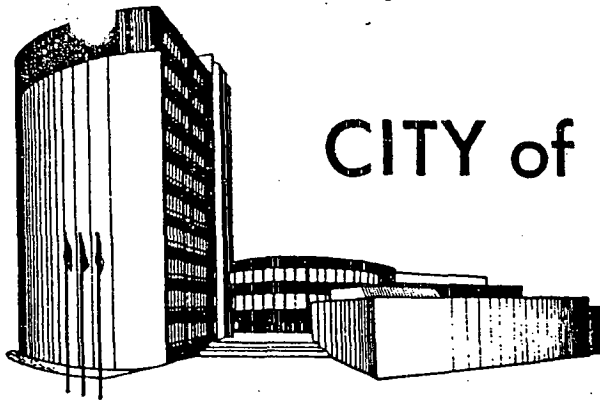
W. WAYNE BUNKER

CITY ATTORNEY

GEORGE F. OGILVIE

CITY MANAGER

ASHLEY HALL



CITY of LAS VEGAS

March 28, 1986

~~West Sahara Partners
c/o Award Realty
801 S. Rancho Drive - Suite B-2
Las Vegas, Nevada 89106~~

RE: RECLASSIFICATION OF PROPERTY
Z-16-86

Gentlemen:

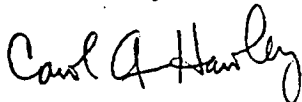
The City Council at a regular meeting held March 19, 1986, APPROVED the Reclassification of Property located on the northeast corner of Torrey Pines Drive and West Sahara Avenue, From: N-U (Non-Urban), To: C-1 (Limited Commercial), Proposed Use: Shopping Center and Commercial Storage Complex, subject to the following conditions:

1. Resolution of Intent with a twelve (12) month time limit.
2. Provide aesthetic treatment by installing mansard tile roofs on the north sides of the proposed commercial storage buildings as required by the Department of Community Planning and Development.
3. Installation of a 10 foot wide landscaped buffer along the north property line of the commercial storage units property with a three foot high landscaped berm and minimum sized 24 inch boxed evergreen trees 20 feet on center.
4. No access to Torrey Pines Drive from the commercial storage unit facility except for the proposed emergency access gate which shall be locked at all times.
5. All outside lighting in the commercial storage development shall not exceed eave level height and be directed away from the R-1 properties.



6. Install full half-street improvements on Torrey Pines Drive and concrete sidewalks on Sahara Avenue as required by the Division of Land Development of the Department of Community Planning and Development.
7. Conformance to the plot plan amended to reflect the above conditions.
8. Conformance to the elevations.
9. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
10. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy, whichever occurs first.
11. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. (Excluding single family development.)
12. Satisfaction of City Code requirements and design standards of all City departments.
13. Approval of the parking and driveway plans by the Traffic Engineer.
14. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
15. Provision of fire hydrants and water flow as required by the Department of Fire Services.
16. The westerly wall be built from the shopping center back to the housing project at a height of 8 foot with a crash gate on north end. The 8' wall to be built as shown on the submitted building elevations.

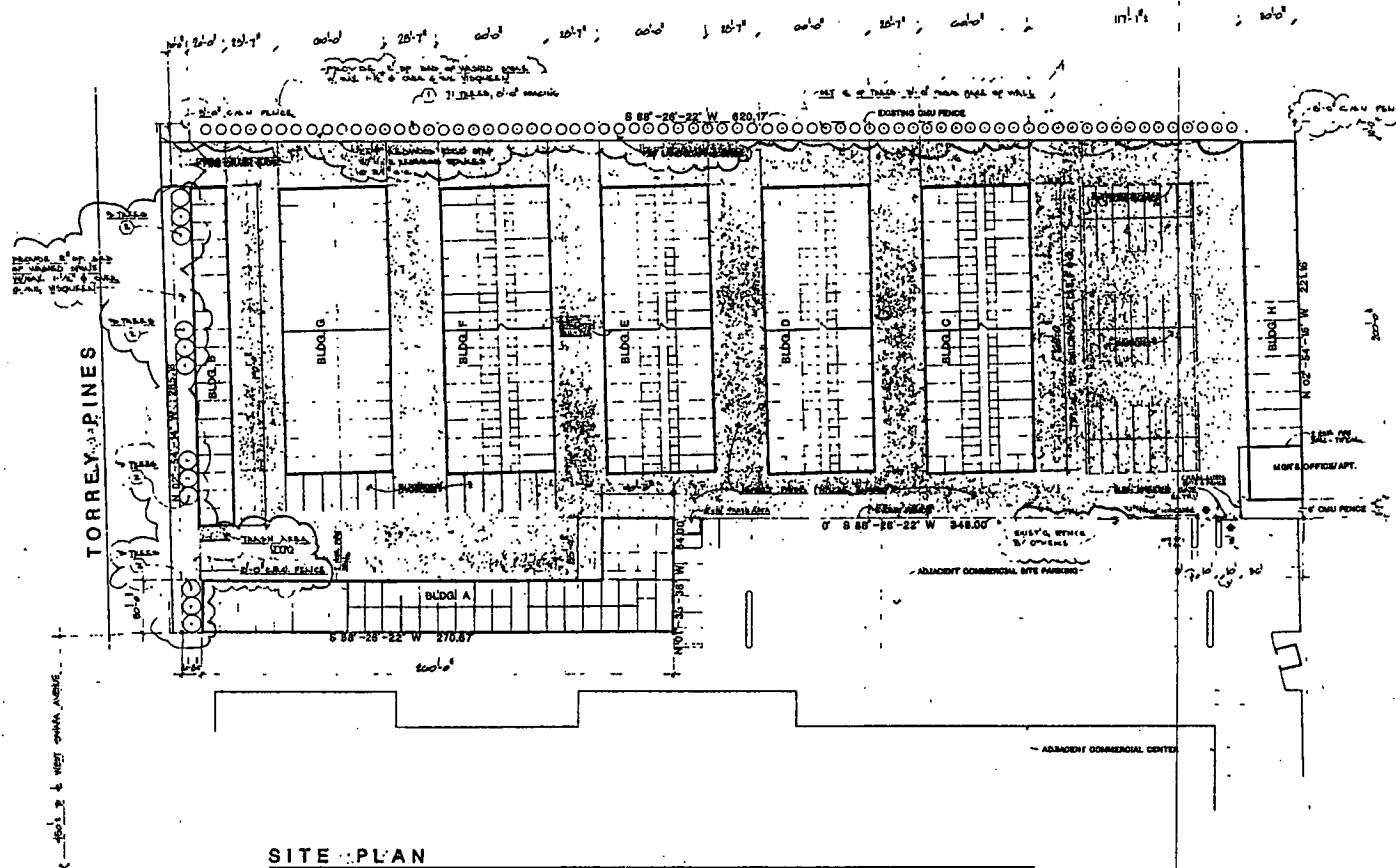
Sincerely,



CAROL ANN HAWLEY
City Clerk

CAH:jp

cc: Dept. of Community Planning and Development
Dept. of Fire Services
Dept. of Public Works
Dept. of Building and Safety
Land Development and Flood Control



SITE PLAN

SCALE 1" = 30'-0"

LEGEND	5x5	5x10	10x10	10x15	10x20	10x30	HALLWAYS	MGR'S OFFICE/APT.	GROSS AREA
BLDG. A		1	4	33	5	9	150 SF		7,800 SF
BLDG. B					19				3,800 SF
BLDG. C	32	32	0		20		200 SF		7,600 SF
BLDG. D	32	32	0		20		200 SF		7,600 SF
BLDG. E	32	32	0		20		200 SF		7,600 SF
BLDG. F	32	32	4		30		200 SF		7,600 SF
BLDG. G						02			7,600 SF
BLDG. H						17		700 SF & 900 SF	6,700 SF
TOTALS	129	190	32	38	138	58	3,350 SF	1800 SF	67,900 SF

LANDSCAPING LEGEND

- ① CYPRESSUS SUMMPERFECTUS (OFFICIAL COLUMBIA NATIONAL CYPRESSUS) IS GAT.
- ② BUNYATIUS NICHOLII (NICHOL'S WILLOW-LEAVED PIPPERMINT) IS GAT.
- ③ BUNYATIUS NICHOLII (NICHOL'S WILLOW-LEAVED PIPPERMINT) IS GAT.

sheet title
SITE PLAN
job title
A NEW MINI-WAREHOUSE FACILITY FOR
R. BLANCHARD, J. PEZZANO and J. WOLFRAM

job no.
88022-R
date
OCTOBER 5, 1988
rev. no.
1 NOVEMBER 14, 1988

sheet no.

A-1



consultants

messner benis associates
architects - designers
suite 8-10
the commerce center
50015
1702 424 1277



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
NET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

June 4, 2004

CERTIFIED & REGULAR MAIL

C S S Sahara L P
1148 Alpine Road
Walnut Creek, California 94596-4444

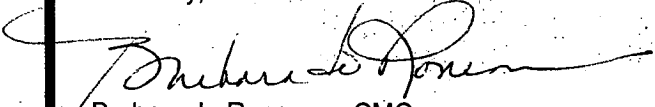
Re: Notice of Appeal Hearing – Notice and Order to Abate a Nuisance on property located at 6318 West Sahara Avenue

Dear Property Owners:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 16th day of June, 2004, at the hour of 1:00 p.m. This hearing is in response to the letter from Pegasus Group on your behalf dated April 23, 2004 requesting the same, concerning the Notice and Order to Abate a Nuisance on property located at 6318 West Sahara Avenue.

If you have any questions or need further information please do not hesitate to contact our office at 229-6311.

Sincerely,


Barbara Jo Ronemus, CMC
City Clerk

BJR/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response, Neighborhood Services
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Tracey Hurless, Ward 1 Liaison

Margaret C. Martin
Executive V.P. Property Management
Pegasus Group
1148 Alpine Road
Walnut Creek, California 94596-4444

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

**PEGASUS GROUP**

1148 Alpine Rd.

Walnut Creek, CA 94596

Phone: 925-930-0613

Fax Phone: 925-930-2307

Email address: martinm@pegasusgroup.net

Sent via fax - 702-382-3045

June 14, 2004

David Semenza
Neighborhood Services Department
City of Las Vegas
400 Stewart Ave
Las Vegas, NV 89101

RECEIVED
CITY CLERK
2004 JUN 14 P 4:08

RE: CSS Sahara LP - Case #13192

Dear Mr. Semenza:

Thank you for returning my call today. Per our conversation, we are asking that our meeting set for June 16, 2004 at 1:00 PM regarding the case #13192 be held in abeyance for a period of 90 days. We are in the process of requesting a Special Use Permit for the R/V parking at our property located at 6318 W Sahara Ave.

Thank you for your consideration in this matter.

Sincerely,

Margaret C. Martin
Executive Vice President - Property Management

cc - Dwight Davis
Tom Dailey - Esq.
Steven Polgar - Esq.
Carl Lewis - Property Management
Barbara Jo Ronemus - City Clerk

Submitted after final agenda

Date 6/14/04 Item #90

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR:** ORLANDO SANCHEZ ☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 2110 Marlin Avenue. PROPERTY OWNER: JOSE DE JESUS GONZALES-JOYA ETAL – Ward 3 (Reese)

Fiscal Impact

☐	No Impact	Amount: \$2,359.35
☒	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. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, K O Construction, Inc. was hired to abate the problem by boarding and securing all doors, windows, and openings to the property; securing the shed in the rear yard; removing all trash, litter, refuse, waste, junk, miscellaneous items, and outside storage; and by posting "No Trespassing" signs on the property.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$2,359.35 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. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

REESE – APPROVED the action of Neighborhood Services – **UNANIMOUS** with Ward 2 seat vacant

CITY COUNCIL MEETING OF JUNE 16, 2004
Neighborhood Services Department
Item 91 – 2110 Marlin Avenue

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The property owner was not present.

DAVID SEMENZA, Neighborhood Response Manager, Department of Neighborhood Services, presented a video of the subject property and stated that the condition of the property was a public hazard and an attractive nuisance. The vacant building was open and accessible. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, K.O. Construction, Inc. was hired to abate the problem. They cleaned and secured the property, removed all trash and debris, and posted "No Trespassing" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$2,359.35 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

No one appeared in opposition.

MAYOR GOODMAN declared the public hearing closed.

(2:46 – 2:48)

5-202

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 2110 Marlin Avenue. PROPERTY OWNER: JOSE DE JESUS GONZALES-JOYA ETAL – Ward 3 (Reese)

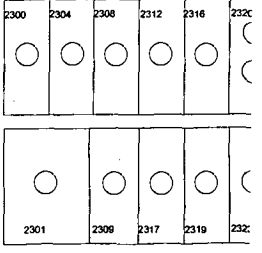
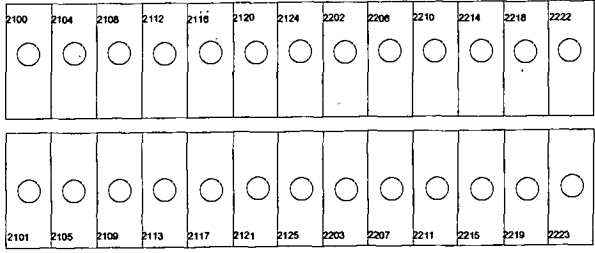
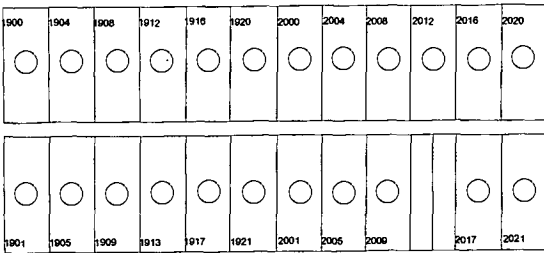
K. O. Construction, Inc. completed work on April 7, 2004 at a cost of \$1,769.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$2,359.35.

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 Building", 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.

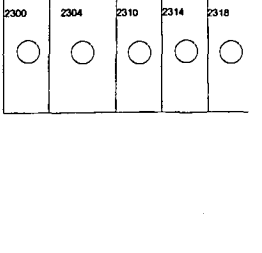
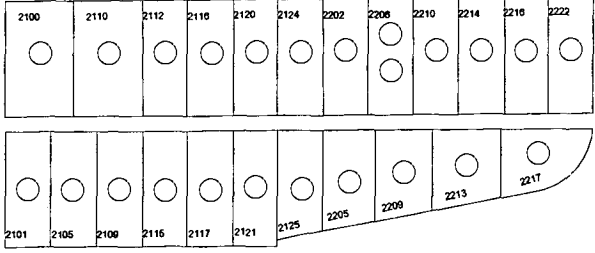
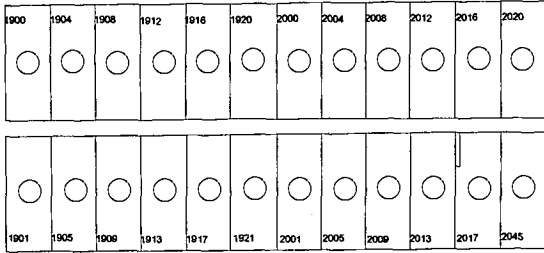
If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of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

1901 1905 1909 1913 1917 1921 2001 2005 2009 2013 2017 2021 2101 2105 2109 2113 2117 2121 2203 2207 2211 2215 2219 2223

CEDAR AVE



POPLAR AVE

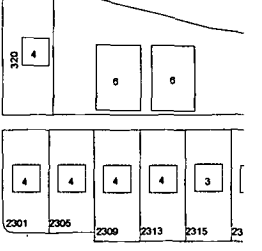
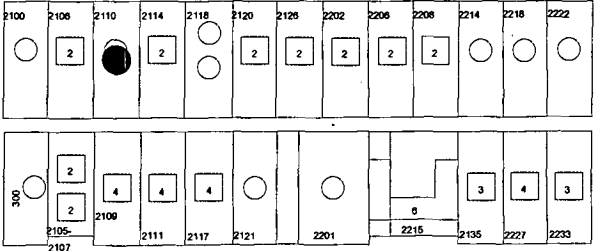
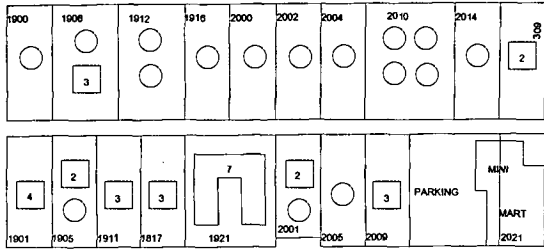


ELM AVE

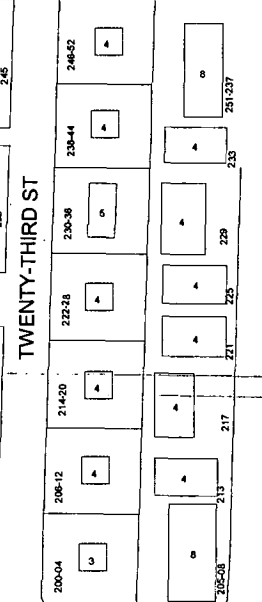
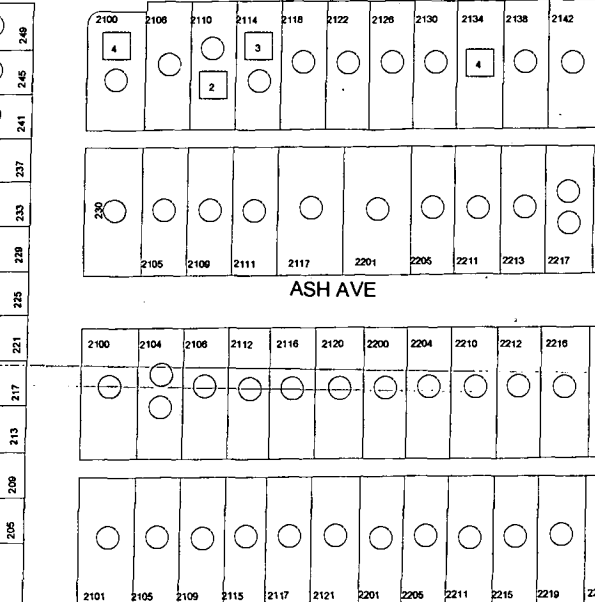
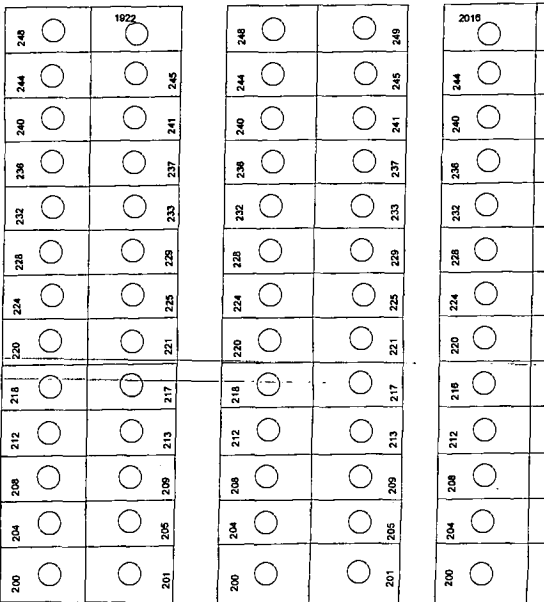
TWENTY-FIRST ST

TWENTY-THIRD ST

MARLIN AVE INTERSTATE ROUTE 515



STEWART AVE



ASH AVE

OGDEN AVE

NINTH ST

TENTH ST

RVANES ST

FIRST ST

TWENTY-THIRD ST

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 28, 2004

Re: Report of Expenses for the abatement of Dangerous Building located at 2110 Marlin Avenue
- Ward 3 (Reese)

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 boarding and securing all doors, windows, and openings to the property; securing the shed in the rear yard; removing all trash, litter, refuse, waste, junk, miscellaneous items, and outside storage; and by posting "No Trespassing" signs on the property. K. O. Construction completed work on April 7, 2004, at a cost of \$1,769.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 1,769.00
AMOUNT DUE	1,769.00
Boarding Fee	325.00
Administrative processing fee	265.35
TOTAL AMOUNT DUE	\$ 2,359.35

OWNER OF RECORD: JOSE DE JESUS GONZALES-JOYA ETAL

PROPERTY ABATED: 2110 MARLIN AVENUE

ASSESSOR'S PARCEL: 139 35 611 062

LEGAL DESCRIPTION: BOULDER DAM HOMESITE ADD TRACT #03
PLAT BOOK 1 PAGE 79
LOT 5 BLOCK 3 & LOT 6

DS:jg

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC
more than a 1% interest in [Contracting Entity] or any principal of [Contracting Entity] are
the following: K.O. CONST INC K.O. CONSTRUCTION INC

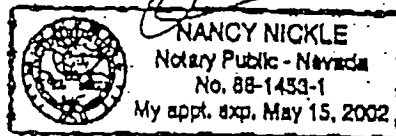
FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. CHRIS HARRISON	4855 W. MAULDING AVE	702-361-4221
2. EDWARD KOPE	LAS VEGAS, NV 89139	
3. ROSE KOPE		
4.		
5.		
6.		

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

By: [Signature] K.O. CONSTRUCTION INC
[Contracting Entity]

Subscribed and sworn to before me this
29 Day of October 1999.
Nancy Nickle
Notary Public





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK

NET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARINGS
JUNE 16, 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 16, 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 boarding and securing all doors, windows and openings to the property; securing the shed in the rear yard; removing all trash, litter, refuse, waste, junk, miscellaneous items, and outside storage; and by posting "No Trespassing" signs on property located at **2110 MARLIN AVENUE** legally described as **BOULDER DAM HOMESITE ADD TRACT #03, PLAT BOOK 1 PAGE 79, LOT 5 BLOCK 3 & LOT 6**. Owner of record at time of abatement: **JOSE DE JESUS GONZALES-JOYA ETAL - WARD 3 (REESE)**

The Director of Neighborhood Services certifies in the report that the sum of \$2,359.35 was expended (\$1,769.00 to KO Construction, Inc. for cleaning the property; \$325.00 Boarding Fee and \$265.35 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

Address: 2110 MARLIN AVE

CAR

26211

VACANT PROPERTY HAS BROKEN/FALLING DOWN CHAIN LINK FENCE, TRASH/DEBRIS, BROKEN BRICKS, WEEDS, VAGRANTS HANGING OUT ON PROPERTY, COMPLAINANT HAS SEEN DRUG ACTIVITY GOING ON, OLD WHITE VAN ON PROPERTY, DOES NOT MOVE, BEEN THERE FOR A YEAR
THIS IS NOW A CAR - 03/17 - VAGRANT SLEEPING IN SHED

Parcel(s)

Parcel: 13935611062 **Size:** 0.15 ACRE **Subdivision Name:** BOULDER DAM HOMESITE ADD

Owner Information:

10-Aug-02 31-Dec-03 GONZALEZ-JOYA JOSE DE JESUS ETAL
2110 MARLIN AVE; LAS VEGAS, NV 89101-4030
31-Dec-03 GONZALEZ-JOYA JOSE DE JESUS ETAL
453 N 11TH ST #A; LAS VEGAS, NV 89101-3193

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
960066	Failed		2/2/2004	02/02/2004 8:55	02/02/2004 9:05	10
960066	Passed	Partial	2/3/2004	02/03/2004 8:35	02/03/2004 8:45	10
960066	Passed	Partial	2/20/2004	02/11/2004 8:30	02/11/2004 8:35	5
960066	Passed	Partial	2/20/2004	02/20/2004 8:15	02/20/2004 8:20	5
870076	Passed	Partial	3/9/2004	03/04/2004 13:15	03/04/2004 13:24	9
870076	Passed		3/26/2004	04/08/2004 11:00	04/08/2004 11:10	10

Time in Minuets: 49

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-STORAGE	2/2/2004	4/8/2004	ALL YARDS REMOVE ALL OUTSIDE STORAGE CONSISTING OF APPLIANCES AND FURNITURE OUT OF PUBLIC VIEW.
A-REFUSE/WST	2/2/2004	4/8/2004	ALL YARDS REMOVE ALL GARBAGE, BUCKETS, ETC FROM ALL YARDS
A-NUISANCE	2/2/2004	4/8/2004	REAR YARD REMOVE DAMAGED BLOCK WALL: PILASTERS AND CHAINLINK FENCING IN REAR YARD
A-LITTER	2/2/2004	4/8/2004	ALL YARDS REMOVE ALL TRASH, DEBRIS AND SCATTERED LITTER FROM ALL YARDS.
A-BLD DNGR	2/2/2004	4/8/2004	ENTIRE BUILDING REMOVE OR SECURE SHED IN REAR, SECURE ALL DOORS, WINDOWS INCLUDING CARDBOARD AND HOLE IN STRUCTURE

Log

Type:	Date:	Employee:	Min:
MISC	5/28/2004 11:23:00 AM	L. GORDON	0
MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER.			
MISC	5/18/2004 8:19:00 AM	LAURA DEARMOND	0
Ld) SENT INVOICE \$1769 TO FINANCE & FILE TO JG			

INSP	4/8/2004 11:00:00 AM	LAURA DEARMOND	10
24) POST VIDEO COMPLETED, SECURE, CLEAN, TAPE TO DS, ONE SMALL PILE OF DEBRIS & CONCRETE LEFT TO P/U, L/M W/KO TO P/U TODAY, WILL LET ME KNOW WHEN DONE			
RECORD	3/18/2004 1:53:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O at Clark County. Book: 20040318 Inst: 02032.			
BIDA	3/15/2004 8:09:00 AM	LAURA DEARMOND	0
Ld) AWARDED TO K O CONSTRUCTION, WCB W/START DATE			
DIRECT	3/12/2004 10:23:00 AM	KATHY STEWART	0
Per David Semenza. Award to lowest bidder. Sent file to Laura for award letter.			
BIDR	3/12/2004 8:00:00 AM	KATHY STEWART	0
Received the following bids from contractors (1) K.O. Construction - \$1,769; (2) Weaver Construction - \$2,200; (3) CASA Enterprises - \$2,470; (4) ADS Consulting - \$2,537.			
BIDS	3/5/2004 12:23:00 PM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bids due back Thursday, 3/11/04.			
INSP	3/4/2004 1:15:00 PM	KATHY STEWART	9
24) Pre video completed. Broken windows & open shed rear yard w/major trash, abandoned/junk van, broken/fallen masonry wall. Tape to DS, file to KS for bids.			
INSP	2/20/2004 8:15:00 AM	LAURA DEARMOND	5
21) PROPERTY IN SAME CONDITION, BROKEN FURNITURE IN FRONT, LITTER & JUNKED WHITE FORD MINI VAN IN REAR, ALL PREVIOUS VIOLATIONS REMAIN, OWNER ABANDONED PROPERTY, CAN'T AFFORD BECAUSE OF HEALTH REASONS, CONTINUE ABATEMENT			
MISC	2/11/2004 1:40:00 PM	KATHY STEWART	0
Received Certified Card back from owner signed. Sent card to C/E for filing.			
INSP	2/11/2004 8:30:00 AM	LAURA DEARMOND	5
21) PROPERTY IN SAME CONDITION, POSTED N&O CB 2/20			
NOPOST	2/11/2004 8:30:00 AM	LAURA DEARMOND	5
21) PROPERTY IN SAME CONDITION, POSTED N&O CB 2/20			
MISC	2/9/2004 9:52:00 AM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	2/9/2004 9:15:00 AM	KATHY STEWART	35
Sent Notice & Order to Abate Dangerous Building letter to owner, Jose De Jesus Gonzales-Joya et al. Post: 2/10. C/B: 2/20. Sent file to #21.			
NOREQ	2/4/2004 6:30:00 AM	LYNN NIHIPALI	20
21)N&O PREPARED AND FORWARDED TO OFFICE.			
INSP	2/3/2004 8:35:00 AM	LYNN NIHIPALI	10
21) MET W/OWNER-JOSE. NOW LIVES AT CLV HA APT. THEY HAVE ABANDEONED HOUSE. WIFE IS VERY SICK, WON'T LIVE LONG. HE DOESN'T WANT ANYTHING TO DO WITH PROPERTY. BANK IS POSSIBLY HOUSEHOLD FINANCE. WILL START N&O PROCESS.			
INSP	2/2/2004 8:55:00 AM	LYNN NIHIPALI	10
21) (VISIBLE FROM REAR). NA AT DOOR. REFRIDGE WASHER IN REAR. BLOCK WALL PILASTERS FALLING OVER.			
INSP	2/2/2004 8:55:00 AM	LYNN NIHIPALI	10
21) PROPERTY APPEARS VACANT. T/D, LITTER, BOTTLES, PAPERS, WOOD IN ALL YARDS. WHITE FORD VAN IN REAR- INOP DISMANTLES, COUCHES ON DRIVEWAY. REAR SHED OPEN T/D INSIDE. REAR WINDOW BROKE, ARD BOARD INSERTED. HOLE IN WALL OF STRUCTURE-WEST SIDE-(CONT)			
CONTCT	1/30/2004 2:12:00 AM	MARIA VIGIL	0
VACANT PROPERTY HAS FALLING DOWN CHAIN LINK FENCE, TRASH/DEBRIS, WEEDS, WHITE VAN HAS NOT MOVED IN A YEAR,COMPLAINANT HAS SEEN DRUG ACTIVITY GOING ON ON PROPERTY, VAGRANTS ALSO HANGING OUT ON PROPERTY, HOUSE ON PROPERTY R/DOWN WITH VAGRANTS SLEEPINGIN IT			

Time in minuets:

119

APN 139-35-611-062
Ref # - 9373

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: JOSE DE JESUS GONZALES-JOYA ETAL
(Reputed Owner(s)) at time of abatement.

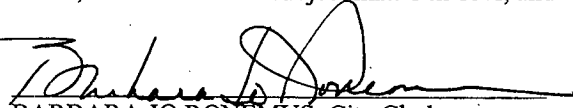
Assessor's Parcel No.: 139-35-611-062
Commonly known as: 2110 MARLIN AVENUE
Legal Description: BOULDER HOMESITE ADD TRACT #03
PLAT BOOK 1 PAGE 79
LOT 5 BLOCK 3 & LOT 6

On April 7, 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 the amount of \$2,359.35 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 16, 2004, ordered the above charges in the amount of \$2,359.35, 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.

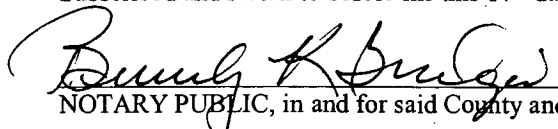

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

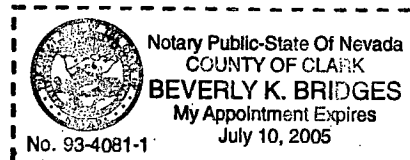
STATE OF NEVADA)
COUNTY OF CLARK)

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 17th 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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located North of 4200 West Sahara Avenue on Arville (Vacant Lot), APN 162 06 412 003. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER, C/O WILTON PARTNERS ARVILLE #8, C/O J. LIN - Ward 1 (Moncrief)

Fiscal Impact

☐

No Impact

Amount: \$1,345.50

☒

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. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, Weaver Construction was hired to abate the problem by removing the metal rack from the north side of the property; removing all refuse, waste, and high vegetation from around the perimeter, frontage and islands; and by posting "No Trespassing/Dumping" signs on the property.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$1,345.50 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. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

MONCRIEF – APPROVED the action of Neighborhood Services – UNANIMOUS with Ward 2 seat vacant

CITY COUNCIL MEETING OF JUNE 16, 2004
Neighborhood Services Department
Item 92 – 4200 West Sahara Avenue on Arville (Vacant Lot)

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The property owner was not present.

DAVID SEMENZA, Neighborhood Response Manager, Department of Neighborhood Services, presented a video of the subject property and stated that the condition of the property was a public hazard and an attractive nuisance. There had been considerable dumping on the property. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, Weaver Construction was hired to abate the problem. They removed a metal rack, all refuse and high vegetation around the property, and posted “No Trespassing” signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$1,345.50 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer’s Office.

No one appeared in opposition.

MAYOR GOODMAN declared the public hearing closed.

(2:48 – 2:50)

5-259

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 6, 2004

DEPARTMENT: Neighborhood Services

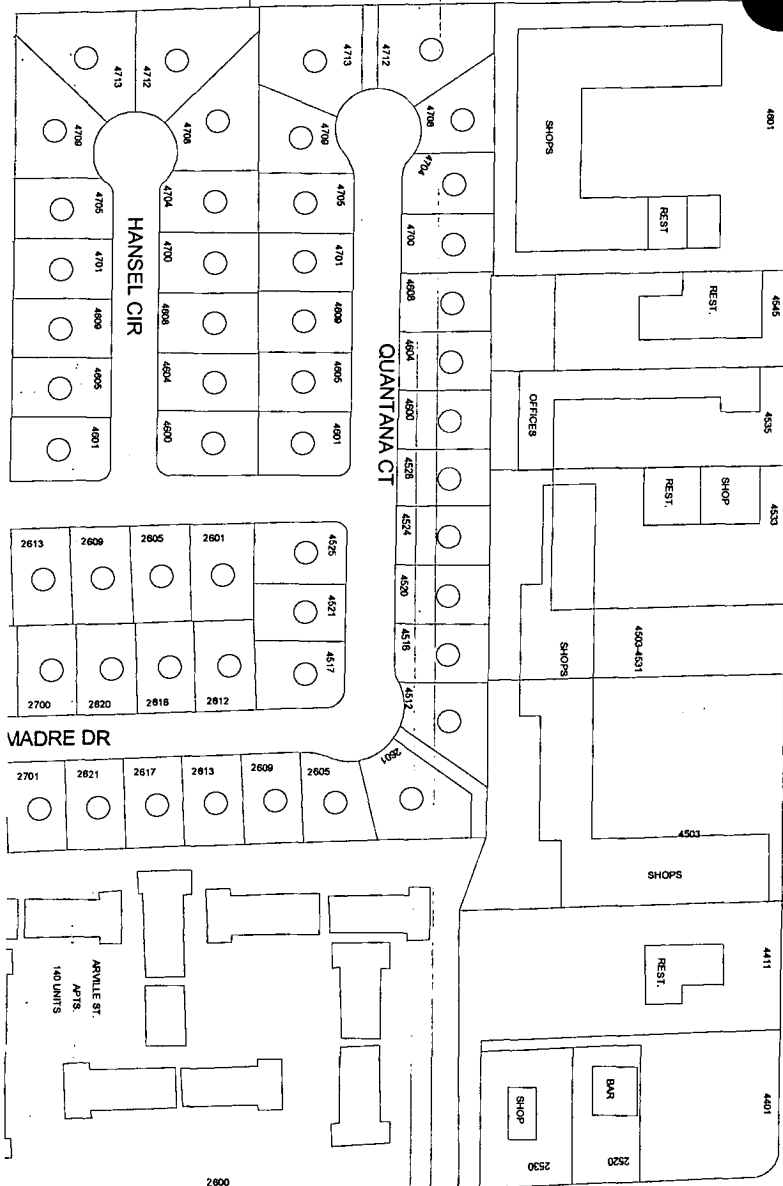
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located North of 4200 West Sahara Avenue on Arville (Vacant Lot) APN: 162 06 412 003. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER, C/O WILTON PARTNERS ARVILLE #8, C/O J. LIN – Ward 1 (Moncrief)

Weaver Construction completed work on April 16, 2004 at a cost of \$1,170.00, plus a 15% administration fee, for a total of \$1,345.50.

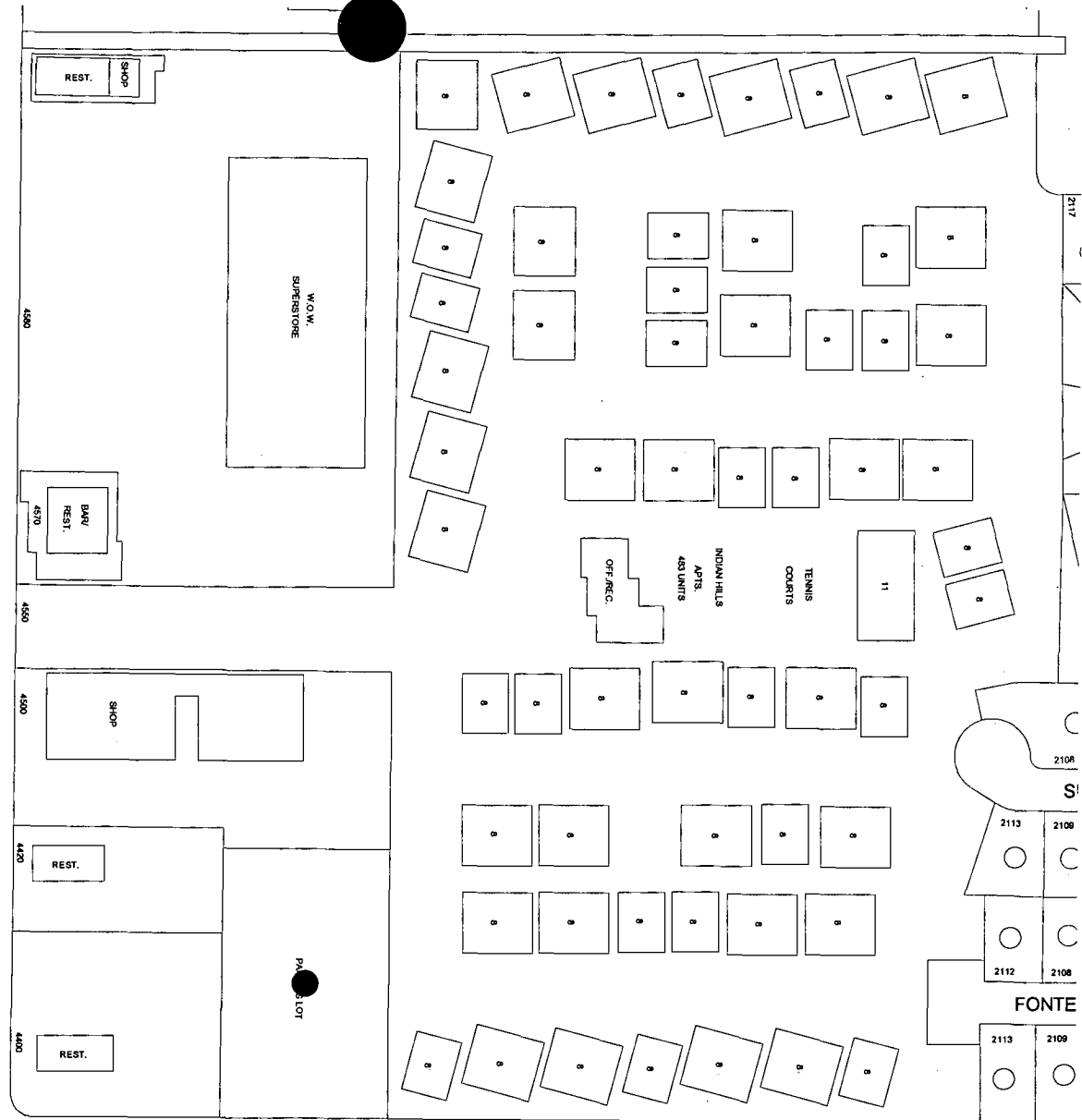
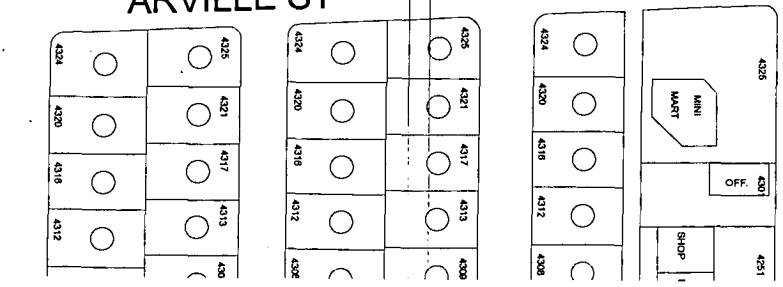
Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Las Vegas Municipal Code for the Abatement of "Nuisance/Litter", the City Council may make revisions or adjustments to the Report of Expenses as 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.

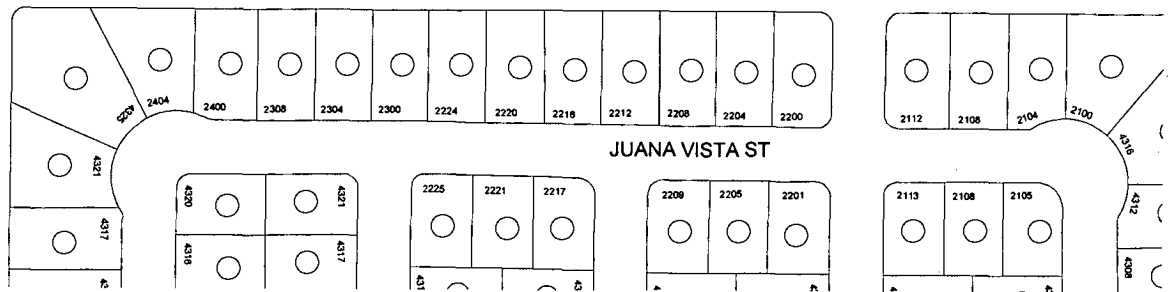
SAHARA AVE



ARVILLE ST



ARVILLE ST



JUANA VISTA ST

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 28, 2004

Re: Report of Expenses for the abatement of Nuisance/Litter located North of 4200 West Sahara Avenue on Arville (Vacant Lot), APN 162 06 412 003 – Ward 1 (Moncrief)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance/Litter", the Department of Neighborhood Services caused the above-referenced property to be corrected by removing the metal rack from the north side of the property; removing all refuse, waste, and high Vegetation from around the perimeter, frontage and islands; and by posting "No trespassing/Dumping" signs on the property. Work was completed on April 16, 2004 by Weaver, Inc. at a cost of \$1,170.00, and was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 1,170.00
AMOUNT DUE	1,170.00
Administrative processing fee	<u>175.50</u>
TOTAL AMOUNT DUE	\$ 1,345.50

OWNER OF RECORD: TRUSTEE CLARK COUNTY TREASURER
C/O WILTON PARTNERS ARVILLE #8
C/O J. LIN

PROPERTY ABATED: NORTH OF 4200 WEST SAHARA AVENUE
ON ARVILLE (VACANT LOT)

ASSESSOR'S PARCEL: 162-06-412-003

LEGAL DESCRIPTION: SAHARA ARVILLE
PLAT BOOK 75 PAGE 84
PT LOT 1 BLOCK 1

DS:jg

WEAVER CONSTRUCTION

"GENERAL ENGINEERING"

2590 NORTH NELLIS BLVD.

LAS VEGAS, NEVADA 89115

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of Weaver Construction and
all persons and entities holding more than a 1% interest in
Weaver Construction or any principal of
Weaver Construction are the following:

<u>FULL NAME</u>	<u>BUSINESS ADDRESS</u>	<u>BUSINESS PHONE</u>
1. Phil Weaver	2590 N. Nellis Blvd. LV, NV	644-1088
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

Continue list until full and complete disclosure is made

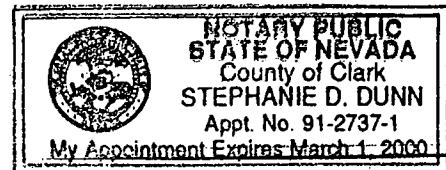
I certify under penalty of perjury, that the foregoing list is
full and complete.

Weaver Construction

BY: Phyllis Weaver
Phyllis Weaver, Office Mgr.

Subscribed and sworn to before me
this 28 day of October, 1999.

Stephanie D. Dunn
Notary Public





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
TIMOTHY MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING JUNE 16, 2004

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, June 16, 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 removing the metal rack from the north side of the property; removing all refuse, waste, and high vegetation from around the perimeter, frontage and islands; and by posting "No Trespassing/Dumping" signs on property located at **NORTH OF 4200 WEST SAHARA AVENUE ON ARVILLE (VACANT LOT)** legally described as **SAHARA ARVILLE, PLAT BOOK 75 PAGE 84 PT LOT 1 BLOCK 1** Owner of record at time of abatement: **TRUSTEE CLARK COUNTY TREASURER c/o WILTON PARTNERS ARVILLE #8 c/o J. LIN - WARD 1 (MONCRIEF)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,345.50 was expended (\$1,170.00 to Weaver Inc. for cleaning the property; and \$175.50 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.

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

BARBARA JO RONEUMUS
CITY CLERK

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

Parcel: 16206412003

T/D, LITTER, HIGH VEGETATION ON VACANT LOT

Parcel(s)

Owner Information:

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
840182	Failed		2/2/2004	02/02/2004 13:00	02/02/2004 13:20	20
840182	Passed	Partial	2/23/2004	02/11/2004 10:15	02/11/2004 10:20	5
840182	Passed	Partial	2/23/2004	02/23/2004 10:40	02/23/2004 10:45	5
870076	Passed	Partial	3/15/2004	03/21/2004 14:23	03/21/2004 14:30	7
960077	Passed	Partial	3/15/2004	03/04/2004 13:35	03/04/2004 13:40	5
870076	Passed		4/23/2004	04/25/2004 15:35	04/25/2004 15:45	10
Time in Minuets:						52

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-WEEDS	2/2/2004		VACANT LOT
REMOVE OVERGROWN WEEDS AND GRASS FROM PERIMETER OF PROPERTY AND ISLAND AREAS			
A-REFUSE/WST	2/2/2004		VACANT LOT
REMOVE TRASH AND DEBRIS FROM LOT AND FROM ISLAND AREAS			
A-LITTER	2/2/2004		VACANT LOT
REMOVE LITTER FROM ALL ISLAND AREAS AND PERIMETER OF PROPERTY			
A-WEEDS	2/2/2004	4/25/2004	Vacant Lot (Island Areas)
Trim, cut, or remove all weeds/turf grass exceeding 8 inches in height.			
A-REFUSE/WST	2/2/2004	4/25/2004	Vacant lot
Remove metal rack, abandoned/discarded debris			
A-LITTER	2/2/2004	4/25/2004	Island Areas
Remove litter.			

Log

Type:	Date:	Employee:	Min:
MISC	5/28/2004 11:22:00 AM	L. GORDON	0
MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER			
MISC	5/19/2004 9:29:00 AM	LAURA DEARMOND	0
Ld) SENT INVOICE \$1170 TO FINANCE & FILE TO JG			
INSP	4/25/2004 3:35:00 PM	LAURA DEARMOND	10
24) ABATED, CLEAN, ALL R/W, LITTER, & VEG HAS BEEN REMOVED, LOOKS GREAT			
VIDREQ	4/19/2004 10:32:00 AM	LAURA DEARMOND	0
Ld) SENT VIDEO REQUEST TO PH/24			
BIDA	4/13/2004 9:39:00 AM	LAURA DEARMOND	0
Ld) AWARDED TO WEAVER CONSTRUCTION, WILL CLEAN LOT TODAY			

CASENO 9385 CODEENF

RECORD	4/12/2004 7:07:00 AM	JESSICA LARRAMENDY	0
JL) RECORDED N&O AT CLARK COUNTY. BOOK: 20040409 INST: 0002159.			
BIDR	4/1/2004 9:42:00 AM	LAURA DEARMOND	0
Ld) REC'D BIDS (1) WEAVER CONSTRUCTION \$1,170.00 (2) K O CONSTRUCTION \$2,269.00			
BIDS	3/23/2004 10:37:00 AM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS, DUE BACK 3/26			
INSP	3/21/2004 2:23:00 PM	LAURA DEARMOND	7
24) PRE VIDEO OF SCATTERED LITTER, R/W, HIGH VEG AROUND PERIMETER, FRONTAGE & ISLANDS, TAPE TO DS, FILE TO LD FOR BIDS, HAVE THE LARGE TREE @ NORTH PROPERTY LINE TRIMMED BACK ALSO			
MISC	3/18/2004 2:24:00 PM	KATHY STEWART	0
Received Regular letter back Return to Sender Attempted, Not Known. Sent letter to C/E for filing.			
INSP	3/16/2004 1:00:00 PM	GEORGE CLEVELAND	15
LOT HAS SHOWN NO IMPROVEMENT. REPEATED MAILINGS COME BACK ATTEMPTED, UNKNOWN..NEW PIX..TO #24 FOR ABATEMENT...			
MISC	3/12/2004 2:03:00 PM	KATHY STEWART	0
Received Certified Letter back Return to Sender, Attempted Not Known. Sent letter to C/E for filing.			
NOPOST	3/4/2004 1:35:00 PM	LAURA DEARMOND	0
22) POSTED N&O ON SITE			
INSP	3/4/2004 1:35:00 PM	LAURA DEARMOND	5
22) POSTED N&O ON SITE			
MISC	3/3/2004 11:21:00 AM	KATHY STEWART	0
Revised (address correction) N&O attached in OLE.			
NOTICE	3/3/2004 11:00:00 AM	KATHY STEWART	15
Resent Nuisance/Litter Abatement Notice & Order to Comply - Vacant Lot letter to owner (address correction). Post: 3/4. C/B: 3/15. Sent file to #28.			
MISC	3/3/2004 6:50:00 AM	GEORGE CLEVELAND	10
28) ORIGINAL MAILING ADDRESS INCORRECT...SENT FILE TO KATHY STEWART TO RESEND TO CORRECT ADDRESS			
MISC	2/25/2004 10:11:00 AM	KATHY STEWART	0
Received Certified letter back Return to Sender, Unable to Forward. Sent letter to C/E for filing.			
MISC	2/23/2004 1:30:00 PM		0
REG LETTER TO OWNER RETURNED ATTEMPTED NOT KNOWN			
INSP	2/23/2004 10:40:00 AM	ANTHONY GUARINO	5
28)NOTHING STARTED YET,HAVE NOT REC. SIGNED CARD YET CB 3-3			
INSP	2/11/2004 10:15:00 AM	LAURA DEARMOND	5
28) NO CHANGE, POSTED N&O ON PROPERTY CB 2/23			
NOPOST	2/11/2004 10:15:00 AM	LAURA DEARMOND	0
28) NO CHANGE, POSTED N&O ON PROPERTY CB 2/23			
MISC	2/10/2004 9:52:00 AM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	2/10/2004 9:30:00 AM	KATHY STEWART	21
Sent Nuisance/Litter Abatement Notice & Order to Comply-Vacant Lot letter to owner, Trustee Clark County Treasurer. Post: 2/11. C/B: 2/23. Sent file to #28.			
NOREQ	2/4/2004 8:20:00 AM	GEORGE CLEVELAND	15
28) PREPARED AND SUBMITTED N& O TO OWNER			
INSP	2/2/2004 1:00:00 PM	GEORGE CLEVELAND	20
28) OVERGROWN WEEDS, TRASH AND DEBRIS IN ISLAND AREAS AND PERIMETER OF LOT..WILL SUBMIT N & O TO PROPERTY OWNER			

Time in minuets:

128

APN 162-06-412-003
Ref # - 9385

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: TRUSTEE CLARK COUNTY TREASURER
c/o WILTON PARTNERS ARVILLE #8, c/o J. LIN
(Reputed Owner(s)) at time of abatement.

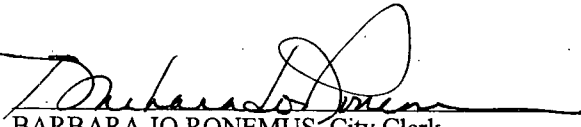
Assessor's Parcel No.: **APN 162-06-412-003**
Commonly known as: **NORTH OF 4200 W SAHARA AVE.**
ON ARVILLE, VACANT LOT
Legal Description: **SAHARA ARVILLE**
PLAT BOOK 75 PAGE 84
PT LOT 1 BLOCK 1

On **April 16, 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 the amount of **\$1,348.50** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

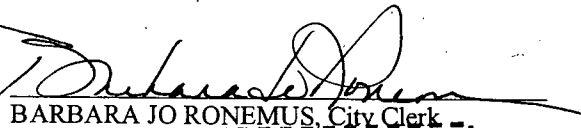
The Las Vegas City Council, at a duly noticed public hearing held on **June 16, 2004**, ordered the above charges in the amount of **\$1,348.50**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer 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.

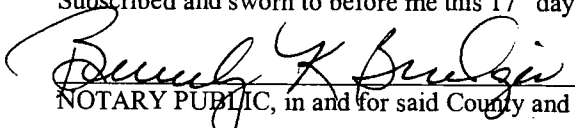

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

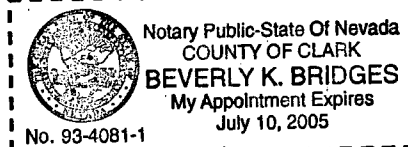
STATE OF NEVADA)
COUNTY OF CLARK)

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 17th 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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of dangerous buildings, a public nuisance and an imminent hazard located at 15 West Owens Avenue.

PROPERTY OWNERS: WEST OWENS MANAGEMENT GROUP, LLC, CCSD

PROPERTIES, INC., DAVID DIMARCO, SANDI DIMARCO, AND T & B DEL CORP. -

Ward 5 (Weekly)

Fiscal Impact☐**No Impact****Amount:** \$77,466.00☒**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, when no appropriate corrective action was taken, an Imminent Hazard Notice was issued to the property owners. Furthermore, a hearing was held before the City Council to order that the City Attorney take appropriate legal action to abate, remove or enjoin the nuisance on the property. After the District Court hearing on the merits of the City's position, the Sky-View 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 \$77,466.00 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 Treasurer.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Notice of Public Hearing
5. Chronological List of Events
6. Copy of Notice and Claim of Lien
7. Submitted after final agenda – Letter and attached documentation from C. Andrew DiMarco
8. Submitted after final agenda – Objection to Report of Expenses from Michael J. Dawson, Esq.
9. Submitted after final agenda – Objection letter from Cooper Christensen Law Firm
10. Submitted after final agenda – Letter from William M. Noall, Esq. (Gordon & Silver, Ltd.)

CITY COUNCIL MEETING OF JUNE 16, 2004
Neighborhood Services Department
Item 93 – 15 West Owens Avenue – West Owens Management Group, LLC

BACKUP DOCUMENTATION – Continued:

11. Submitted at City Council – Assignment of Deed of Trust submitted by Attorney Noall
12. Submitted at City Council – Note Secured by Deed of Trust submitted by Attorney Noall
13. Submitted at City Council – Short Form Deed of Trust and Assignment of Rents submitted by Attorney Noall
14. Submitted at City Council – Letter from Attorney Garry L. Hayes
15. Submitted at City Council – Agenda Summary Page with amended Purpose and Background and recommended amount of \$85,579

MOTION:

WEEKLY – APPROVED the action of Neighborhood Services with the amended amount of \$85,579 – UNANIMOUS with Ward 2 seat vacant

NOTE: A Verbatim Transcript was made a part of the Final Minutes.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

APPEARANCES:

OSCAR GOODMAN, Mayor

DAVE SEMENZA, Neighborhood Response Manager, Department of Neighborhood Services

DAN STILL, Deputy City Attorney

WILIAM L. (BILL) NOALL, Attorney, Gordon & Silver, appearing on behalf of Glenn and Renee Raynes and Attorney John Boyer

GARRY HAYES, 199 Arroyo Grande Boulevard, Attorney, appearing on behalf of CCSD Properties, Inc. and the DiMarcos

STEPHANIE COOPER CHRISTENSEN, Attorney, Cooper Christensen Law Firm, appearing on behalf of Tracy Delfonte and T & B Del Corp.

MICHAEL DAWSON, Attorney, 515 South 3rd Street, appearing on behalf of CCSD Properties, Inc.

AL GALLEGGO, Las Vegas resident

LAWRENCE WEEKLY, Councilman

LARRY BROWN, Councilman

MAYOR GOODMAN declared the Public Hearing closed.

(2:50 – 3:10)

5-312

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 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: WEST OWENS MANAGEMENT GROUP, LLC, CCSD PROPERTIES, INC., DAVID DIMARCO, SANDI DIMARCO AND T & B DEL CORP. - Ward 5 (Weekly)

During May, 2004, after proper notification, an Imminent Hazard Notice was issued to the property owners. Furthermore, a hearing was held before the City Council to order that the City Attorney take appropriate legal action to abate, remove or enjoin the nuisance on the property. After the District Court hearing on the merits of the City's position, the Sky-View Mobile Home Park was closed, and the Department of Neighborhood Services began relocating some of the tenants. The costs of relocation expenses are in excess of \$67,362.00; plus a 15% administrative fee, for a total of \$77,466.00.

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

STOCKE

WEBB AVE

DAVIS PL

OWENS AVE OWENS AVE

U.P.R.R.

31 MOBILE HOME UNITS

HEALTH
OFF.

COMMUNITY
CENTER

PAUTE DR

B.I.A. POLICE
OFFICE

COMMUNITY
CENTER

SHOP

NORTH MAIN ST
US HWY NO 91-93
1400
735

MORTUARY

MASOLEUM

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 28, 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-View 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 \$67,362.00

AMOUNT DUE	\$ 67,362.00
Administrative processing fee.....	10,104.00
TOTAL AMOUNT DUE	\$ 77,466.00

OWNER OF RECORD: WEST OWENS MANAGEMENT GROUP, LLC
CCSD PROPERTIES, INC., DAVID DIMARCO,
SANDI DIMARCO AND 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



**NOTICE OF PUBLIC HEARING
JUNE 16, 2004**

Pursuant to Section 902 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Las Vegas Municipal Code 16.08 and Section 90 of Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, June 16, 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:

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

Abatement of the property by closing the Sky-Vue Mobile Home Park because of the dangerous buildings and 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. Owners of record and/or property owners under 9.04.010 at time of abatement: **WEST OWENS MANAGEMENT GROUP, LLC, CCSD PROPERTIES, INC., DAVID DIMARCO, SANDI DEMARCO AND 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: 1) that the cost of abating the dangerous buildings and imminent hazard shall be a personal obligation of the property owners and direct the City Attorney to collect all costs, fees and interest by any and all appropriate legal remedies; and/or 2) that a lien of assessment be 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

Address: 15 W OWENS AVE

CAR

26238

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

Parcel(s)

Parcel:	Size:	Subdivision Name:
13927502003	4.86 ACRE	PT NW4 NE4 SEC 27 20 61

Owner Information:

10-Aug-02	17-Dec-03	C C S D PROPERTIES CORP 6 REDWOOD LN; WAPPINGER FALLS, NY 12590-1212
17-Sep-03	17-Dec-03	C C S D PROPERTIES CORP 6 REDWOOD LN; WAPPINGER FALLS, NY 12590-1212
18-Jun-03	17-Sep-03	TRUSTEE CLARK COUNTY TREASURER % C C S D PROPERTIES CORP 6 REDWOOD LN; WAPPINGER FALLS, NY 12590-1212
17-Dec-03		T & B DEL CORP 9389 VERDE WAY; LAS VEGAS, NV 89149-2508

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
950429	Failed		1/28/2004	01/29/2004 16:00	01/29/2004 16:35	35
950429	Passed	Partial	3/24/2004	03/24/2004 13:35	03/24/2004 14:45	70
950429	Passed	Partial	4/1/2004	04/01/2004 9:30	04/01/2004 15:00	330
950429	Passed	Partial	4/5/2004	04/12/2004 13:15	04/12/2004 15:15	120
950429	Passed	Partial	4/20/2004	04/20/2004 13:30	04/20/2004 15:00	90
950429	Passed	Partial	4/22/2004	04/22/2004 13:00	04/22/2004 15:45	165
950429	Passed	Partial	4/29/2004	04/30/2004 16:00	04/30/2004 21:00	300
950429	Passed	Partial	5/1/2004	05/01/2004 9:00	05/01/2004 10:00	60
950429	Passed	Partial	5/3/2004	05/03/2004 13:30	05/03/2004 16:30	180
950429	Passed	Partial	5/5/2004	05/07/2004 10:00	05/07/2004 11:00	60
950429	Passed	Partial	5/6/2004	04/28/2004 11:30	04/28/2004 13:30	120
950429	Passed	Partial	5/10/2004	05/12/2004 15:30	05/12/2004 15:45	15
950429	Passed	Partial	5/17/2004	05/20/2004 14:20	05/20/2004 16:45	145
950429	Passed	Partial	5/24/2004	05/19/2004 15:15	05/19/2004 15:30	15
950429	No Action		6/3/2004			

Time in Minuets: 1705

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-WEEDS	1/29/2004		EXTERIOR
TRIM ALL TREE LIMBS			
A-STORAGE	1/29/2004		EXTERIOR
REMOVE ALL VISIBLE OUTSIDE STORAGE TO INCLUDE PORCH AND ENTRY AREAS OUT OF PUBLIC VIEW			

A-BLD	1/29/2004	EXTERIOR-PLUMBING*
NO GAS LINES MAY LAY ON THE GROUND-VACANT UNITS SHALL BE PRESSURE.		
A-BLD	1/29/2004	EXTERIOR-PLUMBING
WATER HEATERS MAY NOT BE INSTALLED OUTSIDE		
A-BLD	1/29/2004	EXTERIOR-ELECTRICAL
REPAIR ALL ELECTRICAL HAZARDS		
A-BLD	1/29/2004	EXTERIOR
NO GAS LINES MAY LAY ON THE GROUND-		
A-BLD HOUSE	3/24/2004	ALL UNITS**
REPAIR OR REPLACE ALL FAULTY WEATHER PROTECTION OR IMPROPERLY INSTALLED WINDOWS.		
A-BLD HOUSE	3/24/2004	ALL UNITS*
REPAIR OR REPLACE ALL IMPROPERLY INSTALLED SANITATION LINES		
A-BLD HOUSE	3/24/2004	ALL UNITS
REPAIR OR REPLACE ALL HAZARDOUS, DILAPIDATED AND IMPROPERLY MAINTAINED COOLING UNITS		

Log

<i>Type:</i>	<i>Date:</i>	<i>Employee:</i>	<i>Min:</i>
INSP	5/20/2004 2:20:00 PM	LYNN NIHIPALI	145
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	5/20/2004 2:20:00 PM	LYNN NIHIPALI	145
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	5/19/2004 3:15:00 PM	LYNN NIHIPALI	15
20)REQUIRED TO INSTALL THE SWERE LINES,BUT THAT I HAD 2 PROBLEMS.1)I DID NOT HEAR OR SEE WHAT HIS CONTRACT FOR LABOR AND MATERIALS CONSISTED OF AND 2)THE INSPECTIONS WERE PERFORMED BY THE CLARK CO SOLID WASTE INSPECTOR AMY INDRANI. SHE WAS THE ONE GIVING			
INSP	5/19/2004 3:15:00 PM	LYNN NIHIPALI	15
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	5/19/2004 3:15:00 PM	LYNN NIHIPALI	15
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	5/17/2004 12:34:00 PM	JESSICA LARRAMENDY	0
JL/DS) Regular/certified letter mailed to Tracy Del Fante, T&B Del Corp, 9389 Verde Way, Las Vegas, NV 89129			
LETTER	5/17/2004 12:33:00 PM	JESSICA LARRAMENDY	0
JL/DS) Regular/certified letter mailed to Garry L. Hayes, 199 N Arroyo Grande Blvd, Ste 200, Henderson, NV 89074.			
LETTER	5/17/2004 12:31:00 PM	JESSICA LARRAMENDY	0
JL/DS) Regular mail/certified - Letter mailed to West Owens Mgmt Group, LLC, Stephanie C. Christiansen, 820 S. Valley View Blvd, Las Vegas, NV 89107			
LETTER	5/17/2004 12:31:00 PM	JESSICA LARRAMENDY	0
JL/DS) Regular/certified - Letter mailed to David DiMarco, CCSD Properties Inc. 2440 Legacy Island Cir, Henderson, NV 89074.			
MISC	5/17/2004 10:33:00 AM	L. GORDON	0
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	5/12/2004 3:30:00 PM	LYNN NIHIPALI	15
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			

INSP	5/12/2004 3:30:00 PM	LYNN NIHIPALI	15
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			
RECORD	5/7/2004 1:41:00 PM	JESSICA LARRAMENDY	0
JL) RECORDED NOTICE AND ORDER TO ABATE PUBLIC NUISANCE. BOOK: 20040507 INST: 002196.			
INSP	5/7/2004 10:00:00 AM	LYNN NIHIPALI	60
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			
INSP	5/7/2004 10:00:00 AM	LYNN NIHIPALI	60
20)MOVE THE HOME TO GREEN SPOT TRAILER PARK. CB 5/10			
INSP	5/7/2004 10:00:00 AM	LYNN NIHIPALI	60
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			
PHONE	5/5/2004 8:15:00 AM	LYNN NIHIPALI	5
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 FINISH UP THE ESTIMATE.			
PHONE	5/5/2004 8:15:00 AM	LYNN NIHIPALI	5
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.			
INSP	5/3/2004 1:30:00 PM	KATHY STEWART	180
20) Inspection attached in OLE.			
INSP	5/1/2004 9:00:00 AM	LYNN NIHIPALI	60
20)OFFICE, SECURITY LITES AND ANY OUTDOOR GFCI PROTECTED RECEPTACLES WILL BE ALLOWED TO REMOAIN INTACT WHILE THE PARK IS CLEASD AND BEING RENOVATED. CB 5/3			
INSP	5/1/2004 9:00:00 AM	LYNN NIHIPALI	60
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			
MISC	4/30/2004 4:00:00 PM	LYNN NIHIPALI	300
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.			
INSP	4/30/2004 4:00:00 PM	LYNN NIHIPALI	300
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			
INSP	4/30/2004 4:00:00 PM	LYNN NIHIPALI	300
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.			
RESEAR	4/29/2004 5:00:00 PM	KATHY STEWART	-150
20) Process photos, prepare report to be entered in the Sky Vue file.			
COURT	4/29/2004 9:00:00 AM	KATHY STEWART	210
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 administratively to vacate the park.			
RESEAR	4/29/2004 7:30:00 AM	KATHY STEWART	90
20) Process photos & prepare yesterday's report for the record.			
MEET	4/28/2004 3:00:00 PM	KATHY STEWART	180
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.			
MEET	4/28/2004 3:00:00 PM	KATHY STEWART	180
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,			

DIRECT	4/28/2004 8:30:00 AM	ERIN HERNANDEZ	0
re-scheduled Jim's call back date due to Sky-Vue matters that he needs to handle.			
INSP	4/28/2004 6:30:00 AM	KATHY STEWART	420
CONT'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	4/28/2004 6:30:00 AM	KATHY STEWART	420
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			
INSP	4/28/2004 6:30:00 AM	KATHY STEWART	420
CONT'D) present & we showed the plumbers several of the homes & what needed to be done. C/B 4/29.			
INSP	4/22/2004 1:00:00 PM	KATHY STEWART	165
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.			
INSP	4/22/2004 1:00:00 PM	KATHY STEWART	165
CONT'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			
INSP	4/22/2004 1:00:00 PM	KATHY STEWART	165
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	4/22/2004 1:00:00 PM	KATHY STEWART	165
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			
MISC	4/21/2004 7:00:00 AM	LYNN NIHIPALI	5
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	4/20/2004 1:30:00 PM	LYNN NIHIPALI	90
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.			
INSP	4/20/2004 1:30:00 PM	LYNN NIHIPALI	90
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	4/20/2004 1:30:00 PM	LYNN NIHIPALI	90
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			
INSP	4/20/2004 1:30:00 PM	LYNN NIHIPALI	90
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			
MEET	4/19/2004 2:00:00 PM	LYNN NIHIPALI	90
20)MEETING RESULTS IN OLE			
COURT	4/13/2004 9:00:00 AM	LYNN NIHIPALI	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			
COURT	4/13/2004 9:00:00 AM	LYNN NIHIPALI	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			
INSP	4/12/2004 1:15:00 PM	LYNN NIHIPALI	120
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	4/12/2004 1:15:00 PM	LYNN NIHIPALI	120
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	4/12/2004 1:15:00 PM	LYNN NIHIPALI	120
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	4/5/2004 10:00:00 AM	LYNN NIHIPALI	150
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	4/5/2004 10:00:00 AM	LYNN NIHIPALI	150
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	4/5/2004 10:00:00 AM	LYNN NIHIPALI	150
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	4/1/2004 9:30:00 AM	LYNN NIHIPALI	330
LN)INSPECTION IN OLE			
PHONE	3/30/2004 8:30:00 AM	LYNN NIHIPALI	17
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.			
MISC	3/25/2004 9:51:00 AM	MARIA VIGIL	0
(CONT.) OCCASIONS, BUT WILL NOT FIX PROBLEMS. THIS HAS BEEN GOING ON FOR MONTHS.EMAILED OFFICER THE INFORMATION			
MISC	3/25/2004 9:47:00 AM	MARIA VIGIL	0
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)			
MISC	3/25/2004 7:40:00 AM	LYNN NIHIPALI	10
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			
PHONE	3/25/2004 7:40:00 AM	LYNN NIHIPALI	10
20)I CALLED G CHILDERS AGAIN ON 3/25 AT 0740 AND LEFT A MESSAGE TO CALL ME.			
INSP	3/24/2004 1:35:00 PM	LYNN NIHIPALI	70
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	3/24/2004 1:35:00 PM	LYNN NIHIPALI	70
20)PHOTOS TAKEN-SANDY DEMARCO WAS ON SITE(OWNER) THE UNDERGROUND LEAK TO #72 WAS REPAIED BY S/W GAS CO.THE 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	3/24/2004 1:35:00 PM	LYNN NIHIPALI	70
20)NO REPLY YET.			
CHECK	3/23/2004 4:37:00 PM	ERIN HERNANDEZ	0
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			
DIRECT	3/23/2004 4:35:00 PM	ERIN HERNANDEZ	0
THIS IS NOW A CAR THERE WERE TWO OPEN CASES ON ADD CLOSED 5651 IN ORDER TO BETTER TRACK AND ADDED COMPLAINT TO THIS CASE. PER DS DIRRECTIVE. ERH			

Time in minuets:

6097

APN 139-27-502-003

Ref # - 9167

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

**TO: WEST OWENS MANAGEMENT GROUP LLC
CCSD PROPERTIES INC., DAVID DIMARCO, SANDI
DIMARCO, AND T & B DEL COPR.**

(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: **APN 139-27-502-003**
Commonly known as: **15 WEST OWENS**
Legal Description: **PT NW4 NE4 SEC27 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 the amount of **\$85,579** 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 16, 2004**, ordered the above charges in the amount of **\$85,579**, 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.

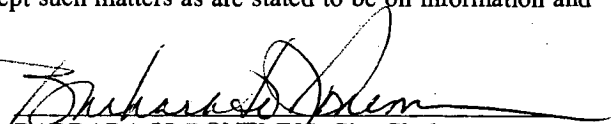
All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, 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

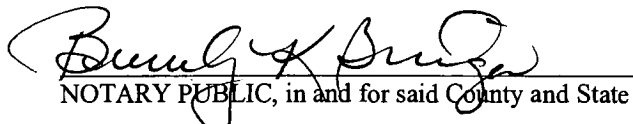
STATE OF NEVADA)

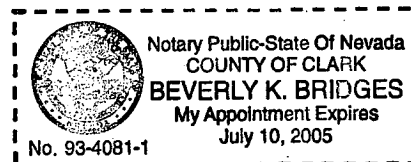
COUNTY OF CLARK)

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 17th 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**

RECEIVED
CITY CLERK

2004 JUN 15 A 10: 21

6 Redwood Lane
Wappinger Falls, N.Y. 12590
June 7, 2004

Ms. Barbara Jo Ronemus, City Clerk
Office of the City Clerk, City Hall
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101-2986

Dear Ms. Ronemus:

Subject: Notice of Public Hearing, June 16, 2004
Re Property: 15 W. Owens Ave (PT NW 4 NE 4, SEC 27 20 61)

I have received a copy of the subject hearing which I cannot attend..

However, for the record, I would object to making CCSD Properties Corp a party to the abatement costs which I believe occurred some time in late April. For your review, I have attached copies of the Clark County Assessor's PARCEL OWNERSHIP HISTORY and a copy of the TRUSTEE'S DEED UPON SALE, both of which show that ownership of 15 W. Owens Avenue was transferred and filed as of December 2, 2003. This Deed transfer occurred a full 5 months prior to the abatement of Skyvue Mobile Home Park due to "dangerous buildings and imminent hazards"

PS

I'm trying to get

Michael Dawson, atty
to attend for me -

TX
Cass

Sincerely,

C. Andrew Di Marco, Inc.
C. Andrew Di Marco, President
CCSD Properties Corp.

Submitted after final agenda

Date 6/15/04 Item # 93

03/28/2004 11:26 7026390862
Clark County Assessor's Ownership History

COLLEGE INN MHP

PAGE 01

Page 1 of 2

Statistics/Reports Maps Record Searches Search Forms

M.W. Schofield, Assessor**PARCEL OWNERSHIP HISTORY**

Assessor Map Aerial View Current Ownership

ASSESSOR DESCRIPTION

PT NW4 NE4 SEC 27 20 61

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
139-27-502-003	WEST OWENS MANAGEMENT L L C	*20040402:01930	04/02/2004	NO STATUS	200	4.86

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
139-27-502-003	T & B DEL CORP	*20031202:00786	12/02/2003	NO STATUS	200	4.86 AC
139-27-502-003	C C S D PROPERTIES CORP	*20030822:04414	08/22/2003	NO STATUS	200	4.86 AC
139-27-502-003	TRUSTEE CLARK COUNTY TREASURER	*20030609:00511	06/09/2003	NO STATUS	200	4.86 AC
139-27-502-003	C C S D PROPERTIES CORP	*20020110:01262	01/10/2002	NO STATUS	200	4.86 AC
139-27-502-003	KARP STEVEN L 50 KARP DENISE N 50	*20011205:01310	12/05/2001	NO STATUS	200	4.86 AC
139-27-502-003	KARP LIVING TRUST KARP GERALD TRS	*20001206:00999	12/06/2000	NO STATUS	200	4.86 AC
139-27-502-003	KARP LIVING TRUST KARP HARRY & SALLY TRS	*991123:02003	11/23/1999	NO STATUS	200	4.86 AC
139-27-502-003	CORNWELL W D & MARY SUE	*950301:00238	03/01/1995	JOINT TENANCY	200	4.86 AC
020-010-006	SKYVUE INVEST GROUP	*0462:0421879	09/25/1974		200	4.86 AC
020-010-006	FORREST ARVIS C TRS	*0317:0276471	04/10/1973		200	4.86 AC
020-010-006	CURTIS E S & MARY E	*0535:0430540	05/04/1964		200	4.86 AC

*Note: Only documents from September 15, 1999 through present are available for viewing.

**NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED
AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.**

20031202
00786

CLARK COUNTY, NEVADA
FRANCES DEANE, RECORDER

RECORDED AT THE REQUEST OF:
UNITED TITLE OF NEVADA

12-02-2003 09:14 DBI

OFFICIAL RECORDS

BOOK/INSTR: 20031202-00786

PAGE COUNT: 3

FEE: 16.00
RPTT: 1,838.90

APN: 139-27-502-003

WHEN RECORDED MAIL TO and MAIL TAX
STATEMENT TO:

T & B DEL CORP.
9389 VERDE WAY
LAS VEGAS, NV 89149

ESCROW NO: 03401101-074-DCA

TRUSTEE'S DEED UPON SALE

This indenture, made December 1, 2003 between UNITED TITLE OF NEVADA, A NEVADA CORPORATION (formerly known as Chicago Title Agency of Las Vegas), as Trustee as hereinafter stated, herein called Trustee, and Grantee named herein: Witnesseth:

Whereas, W.D. Cornwell and Mary Sue Cornwell, husband and wife as joint tenants, By Deed of Trust dated November 5, 1997, and recorded November 19, 1997 in Book 971119 as Instrument No. 1573, of Official Records in the office of the County Recorder of Clark County, State of Nevada, did grant and convey to said Trustee, upon the trusts therein expressed, the property hereinafter described, among other uses and purposes to secure the payment of a certain promissory note and interest according to the terms thereof, and other sums of money advanced, with interest thereon, to which reference is hereby made, and,

Whereas, breach and default was made under the terms of said Deed of Trust in the particulars set forth in the Notice of said Breach and Default hereinafter referred to, to which reference is hereby made; and,

Whereas, on June 4, 2003, the then Beneficiary, or holder of said note did execute and deliver to the Trustee written Declaration of Default and demand for sale and thereafter there was filed for record on June 5, 2003 in the office of the County Recorder of Clark County, Nevada, a Notice of such breach and default and of election to cause the Trustee to sell said property to satisfy the obligation(s) secured by said Deed of Trust, which Notice was recorded in Book 20030605, as Instrument No. 00125 of Official Records of said County, and,

Whereas, Trustee, in consequence of said election, declaration of default, and demand for sale, and in compliance with said Deed of Trust and with the statutes in such cases made and provided, made and published for more than twenty (20) days before the date of sale therein fixed in Nevada Legal News a newspaper of general circulation printed and published in the City of Las Vegas, in said County of Clark, State of Nevada, in which the premises to be sold are situated, Notice of Sale as required by law, containing a correct description of the property to be sold and stating that the Trustee would under the provisions of said Deed of Trust, sell the property therein and herein described at public auction to the highest bidder for cash in lawful money of the United States of America on October 7, 2003 with a final postponement sale date of November 26, 2003, at the hour of 10:00 o'clock A.M. of said day, at the main entrance of United Title of Nevada, 3980 Howard Hughes Parkway, in the City of Las Vegas, County of Clark, State of Nevada, and,

20031202
00786

ESCROW NO: 03401101-074-DCA

Whereas, three true and correct copies of said Notice were posted in three of the most public places in the County of Clark/Nye, State of Nevada, in which said sale was noticed to take place, and where the property is to be sold for not less than twenty days before the date of sale therein fixed, and

Whereas, compliance having been made with all the statutory provisions of the State of Nevada and with all of the provisions of said Deed of Trust as to the acts to be performed and notices to be given, and in particular, full compliance having been made with all requirements of law regarding the service of notices required by statute, and with the Soldiers' and Sailors' Relief Act of 1940, said Trustee, at the time and place aforesaid did then and there at public auction sell the property hereinafter described to the said Grantee for the sum of Three Hundred Fifty Eight Thousand Eight Hundred Eighty Three and 75/100 (\$358,883.75) Dollar, said Grantee being the highest and best bidder therefor.

Now, therefore, Trustee, in consideration of the premises recited and the sum above mentioned bid and paid by the Grantee, the receipt of which whereof is hereby acknowledged, and by virtue of these premises, does Grant and Convey, but without warranty or covenants, express or implied, unto the Grantee, T & B Del Corp.

All that certain property situate in the County of Clark, State of Nevada described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Together with all appurtenances in which Trustor has any interest, including water rights benefiting said realty whether represented by shares of a company or otherwise.

In witness whereof the said UNITED TITLE OF NEVADA, INC., as Trustee, has this day caused its corporate name and seal to be hereunto affixed by its thereunto duly authorized by resolution of its Board of Directors.

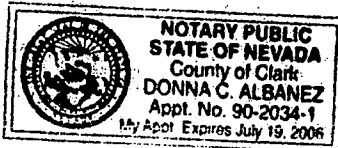
UNITED TITLE OF NEVADA, INC.

Trustee aforesaid

By: 

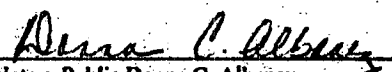
Bob Cannata

Its: Vice President



STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

On this December 1, 2003, personally appeared before me, a Notary Public, Bob Cannata, known (or proved) to me to be the person(s) whose names(s) is/are subscribed to the above instrument who acknowledged that he executed the instrument.


Notary Public Donna C. Albanez

20031202
00786

ESCROW NO: 03401101-074-DCA

EXHIBIT A

That portion of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 27, Township 20 South, Range 61 East, M.D.M., described as follows:

BEGINNING at a point in the North line of the said Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 27, distant thereon East 364.02 feet from its intersection with the East line of the Los Angeles and Salt Lake Railroad Company Right-of-Way, being the point of intersection of the said North line of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) with the Northerly prolongation of the East line of that certain parcel of land conveyed by T.A. Wells, et ux, to Las Vegas Gas Company, by Deed recorded April 5, 1948, as Document No. 282079, Clark county, Nevada Records; Thence South along the last mentioned Northerly prolongation and the East line of the said parcel conveyed to Las Vegas Gas Company, a distance of 718 feet to the Southeast Corner (SE Cor.) thereof, being a point in the North line of that certain parcel of land conveyed by Helen J. Stewart to the United States of America, for use of the Piute Indians, by Deed recorded March 15, 1912 in Book 2 of Deeds, Page 246, Clark County, Nevada Records; Thence East along the North line of the last mentioned conveyed parcel, a distance of 354.98 feet to a point in the East line of the said Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 27;

Thence North along the last mentioned East line, a distance of 718 feet to the Northeast Corner (NE Cor.) of the said Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section 27;

Thence West along the North line of the said Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼), a distance of 354.93 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the Northerly 270.00 feet of the Westerly 115.00 feet thereof, previously Deeded to Calor Gas Service, Inc., by Deed recorded April 9, 1956, as Document No. 74784, Official Records, Clark County, Nevada Records.

FURTHER EXCEPTING the interest of the City of Las Vegas of the North 50 feet of said land.

Excepting any Mobile Homes lying within the land.

20031202
00786

State of Nevada Declaration of Value

1. Assessor's Parcel Number(s)

- a) 139-27-502-003
- b)
- c)
- d)

2. Type of Property:

- a) ☐ Vacant Land
- b) ☐ Single Fam. Resi
- c) ☐ Condo/Twnhse
- d) ☐ 2-4 Plex
- e) ☐ Apt. Bldg.
- f) ☐ Comm'l/Ind'l
- g) ☐ Agricultural
- h) ☒ Mobile Home
- i) ☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Documentation/Instrument #: _____
Book: _____ Page: _____
Date of Recording: _____
Notes: _____

3. Total Value/Sales Price of Property:

\$358,883.75

Deed in Lieu of Foreclosure Only (value of property):

Transfer Tax Value:

\$358,883.75

Real Property Transfer Tax Due:

\$1,830.90 ✓

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section: _____

b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: ____%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature _____
Signature _____

Capacity owner
Capacity _____

SELLER (GRANTOR) INFORMATION (REQUIRED)

Print Name: CCSD Properties Corp.
Address: 6 Redwood Lane
City: Wappinger Falls
State: NY Zip: 12590

BUYER (GRANTEE) INFORMATION (REQUIRED)

Print Name: TGB Del Corp
Address: 9389 VERDE WAY
City: LAS VEGAS
State: NV Zip: 89149

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: United Title of Nevada
Address: P.O. Box 70480
City/State/Zip: Las Vegas, Nevada 89170-0480

Escrow #: 03401101-074

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/ MICROFILMED)

784

1
2 Date of Hearing: 06/16/04
Time of Hearing: 1:00 p.m.
3

4 TO: BARBARA JO RONEMUS,
CITY CLERK

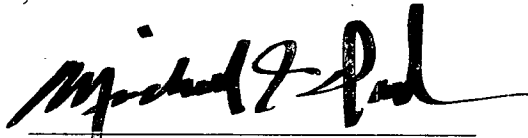
5 RE: 15 West Owens Avenue
6 Las Vegas, Nevada
(PT NW 4 NE 4, SEC 27 20 61)

7 **OBJECTION TO REPORT OF EXPENSES**

8 COME NOW, CCSD PROPERTIES, INC., by and through its attorney, Michael J. Dawson,
9 Esq., and objects to any imposition of any abatement costs against it on the grounds that it was
10 record owner of the subject property, being the **Sky-Vue Mobile Home Park located at 15 West**
11 **Owens Avenue, Las Vegas, Nevada**, legally described as **PT NW 4 NE, SEC 27 20 61**, during
12 the time when any abatement expenses were incurred.

13 The subject property was sold at foreclosure and a Trustee's Deed on Sale was recorded
14 December 2, 2003. On that date, the record owner became **T&B Del Corp**, which has remained
15 owner to the present date. Attached hereto are the Trustee's Deed on Sale, obtained from the Clark
16 County Recorder, as well as the Parcel Ownership History, obtained from the Clark County
17 Assessor.

18 Dated this 16th day of June, 2004

19
20 
21 MICHAEL J. DAWSON, ESQ.
22 State Bar No. 000944
515 South Third Street
23 Las Vegas, NV 89101
(702) 384-1777
Attorney for CCSD Properties, Inc.

20031202
00786

CLARK COUNTY, NEVADA
FRANCES DEANE, RECORDER

RECORDED AT THE REQUEST OF:
UNITED TITLE OF NEVADA

12-02-2003

09:14

D81

OFFICIAL RECORDS

BOOK/INSTR: 20031202-00786

PAGE COUNT:

3

FEE: 16.00
RPTT: 1,838.98

APN: 139-27-502-003

WHEN RECORDED MAIL TO and MAIL TAX
STATEMENT TO:

T & B DEL CORP.
9389 VERDE WAY
LAS VEGAS, NV 89149

(7)
22-34

ESCROW NO: 63401101-874-DCA

TRUSTEE'S DEED UPON SALE

This indenture, made December 1, 2003 between UNITED TITLE OF NEVADA, A NEVADA CORPORATION (formerly known as Chicago Title Agency of Las Vegas), as Trustee as hereinafter stated; herein called Trustee, and Grantee named herein: Wheresas:

Whereas, W.D. Cornwell and Mary Sue Cornwell, husband and wife as joint tenants, By Deed of Trust dated November 5, 1997, and recorded November 19, 1997 in Book 971119 as Instrument No. 1573, of Official Records in the office of the County Recorder of Clark County, State of Nevada, did grant and convey to said Trustee, upon the trusts therein expressed, the property hereinafter described, among other uses and purposes to secure the payment of a certain promissory note and interest according to the terms thereof, and other sums of money advanced, with interest thereon, to which reference is hereby made, and,

Whereas, breach and default was made under the terms of said Deed of Trust in the particulars set forth in the Notice of said Breach and Default hereinafter referred to, to which reference is hereby made; and,

Whereas, on June 4, 2003, the then Beneficiary, or holder of said note did execute and deliver to the Trustee written Declaration of Default and demand for sale and thereafter there was filed for record on June 5, 2003 in the office of the County Recorder of Clark County, Nevada, a Notice of such breach and default and of election to cause the Trustee to sell said property to satisfy the obligation(s) secured by said Deed of Trust, which Notice was recorded in Book 20030605, as Instrument No. 00125 of Official Records of said County, and,

Whereas, Trustee, in consequence of said election, declaration of default, and demand for sale, and in compliance with said Deed of Trust and with the statutes in such cases made and provided, made and published for more than twenty (20) days before the date of sale therein fixed in Nevada Legal News a newspaper of general circulation printed and published in the City of Las Vegas, in said County of Clark, State of Nevada, in which the premises to be sold are situated, Notice of Sale as required by law, containing a correct description of the property to be sold and stating that the Trustee would under the provisions of said Deed of Trust, sell the property therein and herein described at public auction to the highest bidder for cash in lawful money of the United States of America on October 7, 2003 with a final postponement sale date of November 26, 2003, at the hour of 10:00 o'clock A.M. of said day, at the main entrance of United Title of Nevada, 3980 Howard Hughes Parkway, in the City of Las Vegas, County of Clark, State of Nevada, and,

20031202
00786

ESCROW NO: 03401101-074-DCA

Whereas, three true and correct copies of said Notice were posted in three of the most public places in the County of Clark/Nye, State of Nevada, in which said sale was noticed to take place, and where the property is to be sold for not less than twenty days before the date of sale therein fixed, and

Whereas, compliance having been made with all the statutory provisions of the State of Nevada and with all of the provisions of said Deed of Trust as to the acts to be performed and notices to be given, and in particular, full compliance having been made with all requirements of law regarding the service of notices required by statute, and with the Soldiers' and Sailors' Relief Act of 1940, said Trustee, at the time and place aforesaid did then and there at public auction sell the property hereinafter described to the said Grantee for the sum of Three Hundred Fifty Eight Thousand Eight Hundred Eighty Three and 75/100 (\$358,883.75) Dollar, said Grantee being the highest and best bidder therefor.

Now, therefore, Trustee, in consideration of the premises recited and the sum above mentioned bid and paid by the Grantee, the receipt of which whereof is hereby acknowledged, and by virtue of these premises, does Grant and Convey, but without warranty or covenants, express or implied, unto the Grantee, T & B Del Corp.

All that certain property situate in the County of Clark, State of Nevada described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Together with all appurtenances in which Trustor has any interest, including water rights benefiting said realty whether represented by shares of a company or otherwise.

In witness whereof the said UNITED TITLE OF NEVADA, INC., as Trustee, has this day caused its corporate name and seal to be hereunto affixed by its thereunto duly authorized by resolution of its Board of Directors.

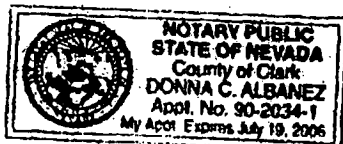
UNITED TITLE OF NEVADA, INC.

Trustee aforesaid

By: 

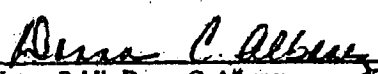
Bob Cannata

Its: Vice President



STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

On this December 1, 2003, personally appeared before me, a Notary Public, Bob Cannata, known (or proved) to me to be the person(s) whose name(s) is/are subscribed to the above instrument who acknowledged that he executed the instrument.


Notary Public Donna C. Albanez

20031202
00786

ESCROW NO: 03401101-074-DCA

EXHIBIT A

That portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27, Township 20 South, Range 61 East, M.D.M., described as follows:

BEGINNING at a point in the North line of the said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27, distant thereon East 364.02 feet from its intersection with the East line of the Los Angeles and Salt Lake Railroad Company Right-of-Way, being the point of intersection of the said North line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) with the Northerly prolongation of the East line of that certain parcel of land conveyed by T.A. Wells, et ux, to Las Vegas Gas Company, by Deed recorded April 5, 1948, as Document No. 282079, Clark County, Nevada Records; Thence South along the last mentioned Northerly prolongation and the East line of the said parcel conveyed to Las Vegas Gas Company, a distance of 718 feet to the Southeast Corner (SE Cor.) thereof, being a point in the North line of that certain parcel of land conveyed by Helen J. Stewart to the United States of America, for use of the Paiute Indians, by Deed recorded March 15, 1912 in Book 2 of Deeds, Page 246, Clark County, Nevada Records; Thence East along the North line of the last mentioned conveyed parcel, a distance of 354.98 feet to a point in the East line of the said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27;

Thence North along the last mentioned East line, a distance of 718 feet to the Northeast Corner (NE Cor.) of the said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27;

Thence West along the North line of the said Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), a distance of 354.93 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the Northerly 270.00 feet of the Westerly 115.00 feet thereof, previously Deeded to Calor Gas Service, Inc., by Deed recorded April 9, 1956, as Document No. 74784, Official Records, Clark County, Nevada Records.

FURTHER EXCEPTING the interest of the City of Las Vegas of the North 50 feet of said land.

Excepting any Mobile Homes lying within the land.

Statistics/Reports Maps Record Searches Search Forms

M.W. Schofield, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map Photo View Current Ownership

ASSESSOR DESCRIPTION

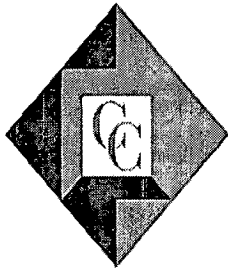
PT NW4 NE4 SEC 27 20 61

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
139-27-502-003	WEST OWENS MANAGEMENT L L C	*20040402:01930	04/02/2004	NO STATUS	200	4.86

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
139-27-502-003	T & B DEL CORP	*20031202:00786	12/02/2003	NO STATUS	200	4.86 AC
139-27-502-003	C C S D PROPERTIES CORP	*20030822:04414	08/22/2003	NO STATUS	200	4.86 AC
139-27-502-003	TRUSTEE CLARK COUNTY TREASURER	*20030609:00511	06/09/2003	NO STATUS	200	4.86 AC
139-27-502-003	C C S D PROPERTIES CORP	*20020110:01262	01/10/2002	NO STATUS	200	4.86 AC
139-27-502-003	KARP STEVEN L 50 KARP DENISE N 50	*20011205:01310	12/05/2001	NO STATUS	200	4.86 AC
139-27-502-003	KARP LIVING TRUST KARP GERALD TRS	*20001206:00999	12/06/2000	NO STATUS	200	4.86 AC
139-27-502-003	KARP LIVING TRUST KARP HARRY & SALLY TRS	*991123:02003	11/23/1999	NO STATUS	200	4.86 AC
139-27-502-003	CORNWELL W D & MARY SUE	*950301:00238	03/01/1995	JOINT TENANCY	200	4.86 AC
020-010-006	SKYVUE INVEST GROUP	*0462:0421879	09/25/1974		200	4.86 AC
020-010-006	FORREST ARVIS C TRS	*0317:0276471	04/10/1973		200	4.86 AC
020-010-006	CURTIS E S & MARY E	*0535:0430540	05/04/1964		200	4.86 AC

*Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.



THE
Cooper Christensen
LAW FIRM, LLP

RECEIVED
CITY CLERK

2004 JUN 16 A 11:01

June 15, 2004

Ms. Barbara Jo Ronemus
City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

RE: PUBLIC HEARING, SKY VUE MOBILE HOME PARK

Dear Ms. Ronemus:

I represent T&B Del Corp. (hereinafter "T&B") in the above referenced matter. I received a Notice of Public Hearing scheduled for June 16, 2004, wherein the Report of Expenses submitted by the Director of Neighborhood Services regarding the abatement of the Sky Vue Mobile Home Park (hereinafter "Property") will be considered by the Las Vegas City Council. Pursuant to the procedures dictated in the Notice of Public Hearing, T&B Del Corp. presents the following written objections to the City Council's imposition and recording of an assessment lien on the Property:

1. T&B Del Corp. is the holder of a Note and Deed of Trust in first priority position on the Property.

- Recording an assessment lien on the Property will have the effect of creating an impermissible "super-priority" lien that will take priority over even previously recorded deeds of trust on the property. This essentially will place the burden of paying the abatement charges on nonowners of the Property or on persons and/or entities who were not responsible for incurring the indebtedness.
- T&B has already initiated foreclosure proceedings on the Sky Vue Property which means it is only a matter of time until T&B will obtain title to the property. Therefore, the recording of an assessment lien on the Sky Vue Property will violate T&B's due process and equal protection rights afforded by the Fourteenth (14th) Amendment of the United States Constitution which provides that no State shall

820 South Valley View Boulevard
Las Vegas, NV 89107
(702) 435-4175
(702) 877-7424 (facsimile)
www.ccfirm.com

Submitted after final agenda

Date 6/16/04 Item # 93

“deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of its laws.

- By recording an assessment lien on the Property, the Las Vegas City Council will be denying T&B equal protection because the Ordinance that permits the assessment lien fails to achieve equality between T&B and other similarly situated persons that hold a first deed of trust on a parcel of property. In effect, those persons in first priority position on a parcel of real property that is unaffected by an assessment lien remain in first priority position, while T&B's first priority lien will become subordinated.

2. **The itemized REPORT OF EXPENSES submitted by the Director of Neighborhood Services is vague, includes costs that do not relate to the relocation of former Sky Vue tenants, and exceeds the scope of what the city abatement ordinances permit.**

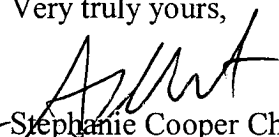
- The City failed to adequately verify that each of the persons it was providing assistance to was a former tenant at Sky Vue Mobile home park.
- Based on information and belief, certain persons that were provided lodging at the Budget Suites were not tenants affected by the closing of the Sky Vue Mobile Home Park.
- Animal shelter costs exceed the scope of what the city is given authority to do under the city abatement ordinances.

3. **An assessment lien will exceed the City's police power in this instance because many of the problems and alleged code violations associated with the Sky Vue Property were caused by the tenants and not the property owner.**

- Many of the costs associated with abatement of the Sky Vue Property are not related to relocation, but rather are associated with cleaning up conditions created by the tenants. While the city may act under its police power for the general welfare of its citizens, it will exceed its power if it seeks to pass the economic burden it has unlawfully incurred to parties that have a security interest in the Sky Vue Property.

For the foregoing reasons, T&B respectfully objects to an assessment lien being recorded against the Property.

Very truly yours,


for Stephanie Cooper Christensen, Esq.

820 South Valley View Boulevard
Las Vegas, NV 89107
(702) 435-4175
(702) 877-7424 (facsimile)
www.ccfirm.com

GORDON & SILVER, LTD.

GÉRALD 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

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)

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

June 1, 2004

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 7, 2003 at 1:00 p.m., Agenda #69-93

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

RECEIVED
CITY CLERK

2004 JUN 16 P 2:12

GORDON & SILVER, LTD.

ATTORNEYS AT LAW

Brad R. Jerbic, Esq.
Councilman Lawrence Weekly
Barbara Jo Ronemus
June 1, 2004
Page 2

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.

GORDON & SILVER, LTD.

ATTORNEYS AT LAW

Brad R. Jerbic, Esq.
Councilman Lawrence Weekly
Barbara Jo Ronemus
June 1, 2004
Page 3

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 provide 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.

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for abatement of dangerous buildings, a public nuisance and an imminent hazard located at 15 West Owens Avenue. PROPERTY OWNERS: WEST OWENS MANAGEMENT GROUP, LLC, CCSD PROPERTIES, INC., DAVID DIMARCO, SANDI DIMARCO AND T & B DEL C

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-View Mobile Home Park that the park would be closed because of the dangerous buildings and 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.~~

~~\$74,416~~

~~\$85,579~~

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" and the "Nuisance Code" 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 and/or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend the cost of abating the dangerous buildings and the imminent hazards be imposed as a personal obligation of the property owners and direct the City Attorney to collect all costs, fees and interest by any and all appropriate legal remedies. In addition, we recommend a Lien of Assessment be approved.

If the Lien is approved by the Council, certified copies of the recorded lien will be filed with 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.

Sky Vue Relocation Assistance Cost Estimate

MATERIALS AND SERVICES COSTS	COST ESTIMATE
Budget Suites	\$ 28,169.42
Salvation Army Food Service	\$ 1,458.00
Bus Tokens	\$ 648.00
Food Cards	\$ 3,000.00
Storage Services	\$ 134.00
Fencing Labor and Materials	\$ 866.00
Hotel Reimbursement	\$ 289.00
Security Services	\$ 9,540.96
Moving Services	\$ 13,122.82
Animal Shelter	\$ 10,350.00
Trailer Relocation and Repair	\$ 6,838.04
TOTAL MATERIALS AND SERVICES COSTS	\$ 74,416

**TOTAL (MATERIALS, SERVICES, AND 15%
ADMINISTRATIVE FEE)**

\$ 85,579

May 12, 2004 -
Received Original Note, Assign
of Deed of Trust, WOD & Declaration
Prepared Outside of United Title. JCA
for United Title
APN # 139-27-502-003

RECORDING REQUESTED BY

TITLE ORDER NO. _____

ASSIGNMENT OF DEED OF TRUST

For Value Received, the undersigned hereby grants, assigns and transfers to John W. Boyer, a married man as his sole and separate property as to an undivided 101,000/202,000 beneficial interest and The Glenn Raynes and Rene M. Raynes Revocable Family Trust, Glenn Raynes Trustee as to an undivided 101,000/202,000 beneficial interest under that certain Deed of Trust dated March 26, 2004 executed by WEST OWENS MANAGEMENT LLC, a Nevada Limited Liability Company, Trustor to OLD REPUBLIC TITLE COMPANY Trustee, and recorded as Instrument No. 01932, on April 2, 2004 in Book 20040402 Of the Official Records in the Office of the County Recorder of Clark County, Nevada describing land in said county as:

SEE EXHIBIT "A" attached hereto and made a part of this exhibit and further referred to as LEGAL DESCRIPTION and further described as 15 West Owens Avenue, Las Vegas, NV

Together with the note or notes therein described or referred to, the money due and to become due thereon with interest, and all rights accrued to or to accrue under said Deed of Trust.

Dated April 22, 2004

STATE OF NEVADA }

COUNTY CLARK }

On April 27, 2004

Glenn Raynes, Trustee

Before me, a Notary Public, personally appeared
Glenn Raynes

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument and acknowledged that HE executed it.

Signature James H. Hollingsworth
(Notary Public)



AFTER RECORDING, MAIL TO
Sierra Nevada Mortgage
4224 W. Charleston Blvd.
Las Vegas, NV 89102

Submitted at City Council

Date 6/16/04 Item 93

APN # 139-27-502-003

RECORDING REQUESTED BY
UNITED TITLE of NEVADA

TITLE ORDER NO. _____

**NOTICE OF BREACH AND ELECTION TO SELL
UNDER DEED OF TRUST**

NOTICE IS HEREBY GIVEN THAT UNITED TITLE of NEVADA is Trustee under a Deed of Trust dated MARCH 26, 2004 Executed by WEST OWENS MANAGEMENT LLC., as Trustor, to secure certain obligations in favor of THE GLENN RAYNES AND RENE M. RAYNES REVOCABLE FAMILY TRUST, GLENN RAYNES TRUSTEE as Beneficiary, recorded APRIL 2, 2004 in Book 20040402, Instrument No. 01932 In the office of the County Recorder of Clark County, Nevada.

That a breach of the obligations for which such Trust Deed is security has occurred in that:

The principal and interest installment due May 2, 2004 in the amount of \$2,525.00 Late charges in the amount of \$252.50, together with subsequent installments, late charges, attorney fees, advances, taxes and ensuing charges which may become due during the term of this default, remains due owing and unpaid.

That by reason thereof, the undersigned, present beneficiary under such Trust Deed, has executed and delivered to duly appointed Trustee a written Declaration of Default and Demand for Sale, and has surrendered to said Trustee such trust deed and all documents evidencing obligations secured thereby, and has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

DATED: May 12, 2004

STATE OF NEVADA }

COUNTY OF }

On MAY 12, 2004

personally appeared before me, a Notary public,
Glenn Raynes

personally known (or proved) to me to be the
person whose name is subscribed to the above
instrument who acknowledged that He
executed the above instrument.

Signature: James H Hollingsworth

Trustee Sale Officer

Trustee's Sale Number

Glenn Raynes, Trustee

WHEN RECORDED MAIL TO:
United Title of Nevada, Inc.



APN # 139-27-502-003

RECORDING REQUESTED BY
United Title of Nevada, inc.

Las Vegas, NV

TITLE ORDER NO. _____

SUBSTITUTION OF TRUSTEE

The undersigned, THE GLENN RAYNES AND RENE M. RAYNES REVOCABLE FAMILY TRUST,
GLENN RAYNES TRUSTEE As the owner and holder of the Note secured by Deed
of Trust dated March 26th, 2004, made by WEST OWENS MANAGEMENT, LLC.
Trustor

To OLD REPUBLIC TITLE COMPANY OF NEVADA Trustee,
Which Deed of Trust was recorded on APRIL 2, 2004 as
Document No. 01932 In Book 20040402 of Official Records, Clark County, Nevada hereby substitutes _____
UNITED TITLE of NEVADA Inc. As Trustee in lieu of the Trustee herein.

This 12th day of MAY, 2004

STATE OF NEVADA }

COUNTY CLARK }

On MAY 12, 2004

Glenn Raynes
GLENN RAYNES, TRUSTEE

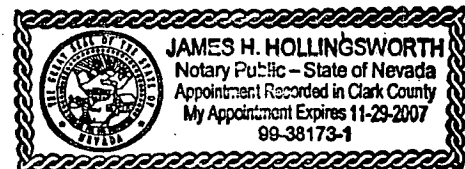
Before me, a Notary Public, personally appeared

GLENN RAYNES

personally known to me (or proved to me on the basis of satisfactory
evidence) to be the person whose name is subscribed to this instrument
and acknowledged that HE executed it.

Signature James H Hollingsworth
(Notary Public) seal

When Recorded mail to
United Title of Nevada, Inc.



APN: 139-27-502-003

DECLARATION OF DEFAULT

Trustee Sale Number _____

To: UNITED TITLE OF NEVADA, TRUSTEE

Default has been made under the terms and covenants of the Deed of Trust recorded on April 2, 2004 in Book 200402, Instrument No. 01932, in the office of County Recorder of Clark County, Nevada, made by WEST OWENS MANAGEMENT, LLC., a Nevada Limited Liability Company to United Title of Nevada, as Trustee, securing a note in the amount of \$202,000.00, payable according to the terms thereof, in favor of The Glenn Raynes and Rene M. Revocable Family Trust, Glenn Raynes Trustee, in that:

The principal and interest installment due May 2, 2004 in the amount of \$2,525.00 late charges in the amount of \$252.50, together with subsequent installments, late charges, attorney fees, advances, taxes and ensuing charges which may become due during the term of this default, remains due owing and unpaid.

There is now due and payable:

Principal \$202,000.00

Interest from April 2, 2004

Advancements under Deed of Trust \$0.0

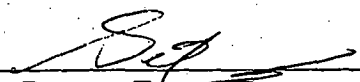
By reason of such default, the undersigned does hereby declare all sums secured by said Deed of Trust immediately due.

There is executed and delivered to you herewith Notice of Breach and Election to Sell the property described in said Deed of Trust to satisfy the obligations thereof, and you are instructed to cause said Notice to be recorded in the office of the Recorder of the County or Counties wherein said real property or some part thereof is situated and three months thereafter, to sell the property described in said Deed of Trust, under the terms thereof and according to law, to accomplish the objects of the Trust as recited in said Deed of Trust. Sale may be made for any coin or currency of the United States then legal tender for public and private debts.

You are further requested, on the day of sale, if there be no purchaser for said premises, to bid in the property in accordance with instructions to be hereafter given.

The undersigned certifies, that the present beneficiary(ies) and is/are fully authorized to request this demand for procedure under default of said Deed of Trust and Note.

Date: May 12, 2004



Glenn Raynes, Trustee

Note Secured by Deed of Trust

\$202,000.00

APN #139-27-502-003

3/26/2004

LAS VEGAS, NEVADA

FOR VALUE RECEIVED, the undersigned ~~WEST OWENS WEST MANAGEMENT GROUP LLC~~, a **Nevada Limited Liability Company by David DiMarco, member** (Hereinafter "Borrower") jointly and severally promise to pay to the order of **The Glenn Raynes and Rene M. Raynes Revocable Family Trust, Glenn Raynes Trustee**, as to the Lender's right hereunder (collectively "Lender"), the unpaid principal sum of **TWO HUNDRED TWO thousand Dollars (\$202,000.00)** on the Maturity Date (as hereinafter defined) with interest on the unpaid balance as such amounts from the date of the initial funding evidenced hereby, at the rate of interest specified herein. The Secured Promissory Note (this "Note") evidences the obligation to repay with interest (and certain other charges) funds advanced under a loan (the "Loan," all collateral for which loan, the "Collateral") made or to be made by Lender to Borrower up to the principal; amount hereof, which loan shall be secured by (i) a Deed of Trust (the "Deed of Trust") upon certain real property of Borrower and (ii) such other agreements and instruments as determined by Lender (all of the foregoing documents, including this Note, being collectively called that "Loan Documents"). The Loan evidenced hereby shall be consummated (the "Closing") through an escrow by Old Republic Title Company of Nevada ("Escrowee") as their escrow number **5120001456-PT**.

1. Repayments. This Note requires Borrower to make payments over a **Sixty Month** schedule, in the amount of **TWO THOUSAND FIVE HUNDRED TWENTY FIVE and 00/100 DOLLARS (\$2,525.00)** on a monthly basis on the 2nd day of each month commencing on APRIL 2nd, 2004, and continuing on the 2nd day of each month thereafter until the Maturity Date, at which time all monies owned by Borrower to Lender hereunder are due. **The principal hereof may be prepaid in whole or in part at one time or from time to time, subject to the provisions with respect to the "minimum guaranteed interest payments" set forth in Paragraph 3 herein below. Upon principal reduction of this Note by \$50,000.00 or more, provided interest payments are current, beneficiaries agree to release and reconvey that certain Deed of Trust, dated March 26, 2004 in the face amount of \$50,000.00, secured by Deed of Trust recorded against parcel number 140-19-701-003 which represents additional collateral for this note only, in that the total encumbrance shall be the face value of this note which is Two Hundred Two Thousand and 00/100 Dollars (\$202,000.00).**

2. Maturity Date, Extension Provisions: The Maturity Date of the Note is MARCH 2nd, 2009 (60 months from the date hereof) unless the sums due under this Note are accelerated under Paragraph 7 herein below or otherwise.

3. Interest Rate and Charges. Minimum Guaranteed Interest Payments. Interest shall accrue upon all sums evidenced hereby (including, without limitations, any delinquency charge or interest or other charge not paid immediately when due) and all other sums required to be paid by Borrower under the Loan Documents at the rate of **15%** per annum. Interest shall be calculated on a 360-day year-end, actual day elapsed.

4. Payments by Borrower. All payments on this Note shall be made to Lender or Lender's designated collections agent, at such place as Lender or any other holder hereof shall notify Borrower in writing, and Borrower shall pay such costs of Lender's collection agent if such collection agent is utilized for the collection of the sum due hereunder. All payments received by Lender on this note shall be applied by Lender as follows: first, to the payment of delinquency or late charges and other expenses payable to Lender on this Note; second, to accrued and unpaid interest then due and owing; and then, to reduction of principal; provided, however, that Lender shall at anytime and from time to time have the

①

Initials

right, in its sole discretion, to apply payment by Borrower in any other manner Lender may designate, including, without limitation, to the foregoing obligations in any other order, or to any other obligations of borrower hereunder or under any of the of the Loan Documentation.

5. **Delinquency Charge.** In the event that the Borrower fails to pay any amount of principal and/or interest on this Note or any other amount required to be paid under any of the other Loan Documents after such payment becomes due, including the final balloon payment due on the Maturity Date hereunder, whether by acceleration or otherwise, Lender may, after Ten (10) days late, impose a delinquency or late charge equal to ten percent (10%) of the amount of each and every such past due payment, notwithstanding the date on which such payment is actually paid to Lender. Borrower agrees (i) that any such delinquency or late charges shall not be deemed to be additional interest or a penalty, but shall be deemed to be liquidated damages because of the difficulty in computing the actual amount of damages to Lender in advance and (ii) that such charges are the reasonable estimate of Lender and Borrower of the fair compensation for the loss that may be sustained in such event by the Lender. Until any and all such delinquency charges are paid in full, the amount thereof shall be added to the indebtedness secured by the of the Loan Documents.

6. **Default Rate of Interest.** Should default be made in payment of any of the indebtedness evidenced by this Note or any other amount required to be paid under any of the other Loan documents, whether before or after the entire principal amount hereof or thereof shall become due and payable (whether by acceleration, at maturity, or otherwise), the entire unpaid balance, accrued interest, and previously unpaid delinquency or late charges shall, while such default continues, bear interest at the rate (the "Default Rate") with is three per cent (3.00%) per annum in excess of the interest rate provided for herein.

7. **Acceleration.** In the event Borrower fails to pay any installment of principal and/or interest on, or otherwise defaults under, this Note when due or upon the happening of any other default under any of the other Loan Documents (any such failure to pay or other "default" under this Note or any of the other Loan documents, and "Event of Default" hereunder), then and in any such event, Lender may at its option, (after any applicable statutory cure periods has expired), declare the entire unpaid balance of this Note, together with interest accrued thereon, and all other charges due hereunder and other the other Loan Documents, to be immediately due and payable, and Lender may proceed to exercise any right or remedies which Lender may have at lay, in equity, or otherwise. In the event of such acceleration, Borrower may discharge its obligations hereunder to Lender by paying the entire unpaid balance hereof as of the date of such payment, plus accrued by unpaid interest and delinquency accelerate charges computed in the manner set forth above.

8. **Costs of Collection.** After default by borrower, in addition to principal, interest, and delinquency or late charges, Lender shall be entitled to collect all costs of collection, including, without limitations, reasonable attorney fees, whether or not suit on this Note or any foreclosure proceeding is filed, and all such costs and expenses shall be payable on demand and until paid shall also be secure by the Collateral held by Lender as security for Borrower's obligations to Lender under the other Loan Documents.

9. **Enforcement of Remedies by Lender.** No Waivers Arising from any Failure to Enforce any Right of Remedy. In addition to the rights, powers, and remedies given in this Note or the other Loan Documents, Lender may, in Lender's sole and absolute discretion, at any time and from time to time, exercise any and all right and powers and pursue any and all remedies now or hereafter given by law or in equity including, without limitations, any rights and remedies granted it by Nevada or federal case, statutory, or regulatory law. The failure to exercise any right or remedy given Lender in this note or the other Loan Documents or by law or equity, shall not deemed a waiver of that right or remedy unless Lender has so agreed, expressly and in writing, and the failure to so exercise any right or remedy, if any Event of Default shall occur, shall not preclude Lender from exercising any right or remedy given in this Note or the other Loan Documents, shall not constitute a continuing waiver or a waiver of any other defaults or Events of Default of the same default or Event of Default on any future occasion. No course



Initials

of dealing between Borrower and Lender and no delay on the part of Lender in exercising its rights under this Note or any other Loan Documents shall operate as a waiver of the rights of Lender. No covenant or other provision of this Note or any of the other Loan Documents, nor any default or Event of Default in connection therewith, may be waived otherwise than by a written instrument signed by the parties so waiving such covenant or other provisions of default or Event of Default; provided, however, that no such waiver shall extend to or impair any obligation not expressly waived nor impair any right otherwise consequent on such covenant, provision, or default or Event of Default. Any waiver which may be given by Lender shall be subject to satisfaction of conditions stated therein. Unless Lender has agreed in writing, no failure to accelerate the debt evidenced hereby by reason of the occurrence of any default or Event of Default hereunder, or acceptance of a past due installment of principal and interest, or any indulgence granted from time to time, shall be construed to be a waiver of right to insist upon prompt payment hereafter or the right to impose delinquency or other charges retroactively or prospectively as a novation of this Note, by agreement, or otherwise; and Borrower and each endorser or guarantor hereby expressly waives the benefit of any result contrary to or in conflict with the foregoing. Nothing herein shall be deemed to be a waiver of any right which Lender may have under Section 506(a), 506(b), 1111(b), or any other provision of Title II of the United States Code, as amended from time to time (the "Bankruptcy Code"), to file a claim for the full amount of debt owing to Lender by Borrower or to require that all Collateral shall continue to secure all of the indebtedness owing to Lender in accordance with the Deed of Trust and other Loan Documents. By accepting payment of any sums secured hereby after their due date, Lender does not waive any late payment charge thereon not then paid, or its rights either to require prompt payment when due of all other sums so secured or evidenced hereby, or declare a default for failure to timely pay such sums.

10. Waivers by Borrower. Except as otherwise prohibited by law, Borrower, and each endorser or guarantor of this Note hereby (i) waives presentment for payment, protest, demand, any and all lack of diligence or delays in the collection of or enforcement of the indebtedness of interest or any charges in connection therewith, notice of protest and notice of dishonor or nonperformance and of nonpayment, (ii) waives and renounces all rights to the benefits of any statute of limitation and any moratorium, appraisal, exemption, and homestead now provided or which may hereafter be provided by any federal or state statute, including, without limitation, exemptions provided by or allowed under the Bankruptcy Code against the enforcement and collection of the obligations evidenced by this Note and any and all extensions, renewals, and modifications hereof, (iii) waives and renounces any and all redemption rights and the benefit of all valuation and appraisal privileges as against this indebtedness or any renewal or extent thereof, (iv) consents to any extension of time, release of any collateral, and any other indulgence or forbearance whatsoever, (v) waive any right or power to divide the Loan into several individual loans, each secured by a different portion of the Collateral it being understood and agreed that the Loan is a single indivisible financing, and that no portion of the Collateral shall at any time be released from securing the entirety of the Loan, and (vi) waives any defense to the enforcement of this Note based on an election of remedies by Lender including, without limitation, any elections or remedies which destroys or otherwise impairs any subrogation rights Borrower may have for reimbursement.

11. Anti-usury Provisions; "Savings" Clause. It is the intention of the parties to conform strictly to the usury laws, whether state or federal, that are applicable to this Note. All agreements between Borrower and Lender, whether now existing or hereafter arising and whether oral or written, are hereby expressly limited so that in no contingency or even whatsoever, whether by acceleration of maturity hereof or otherwise, shall the amount paid or agreed to be paid to Lender or the holder hereof, or collected by Lender or such holder, for the use, forbearance, or detention of the money to loaned hereunder or otherwise, or for the payment or indebtedness of Borrower to Lender, or in any other document evidencing, securing, or pertaining to the indebtedness evidenced hereby, exceed the maximum amount permissible under applicable federal or state usury laws. If under any circumstance whatsoever fulfillment of any provision of this Note or any other Loan Document, at the time performance or such provisions shall be due, shall involve exceeding the limit of validity; and if under any circumstance whatsoever fulfillment of any provision of this Note or any other Loan Document, at the time performance or such provisions shall be due, shall involve exceeding the limit of validity prescribed by law, then the obligation to be fulfilled shall be reduced to the limited of such validity; and if under any



Initials

circumstances Lender or any other holder hereof shall ever receive an amount deemed excessive interest by applicable usury laws, then such excessive payment shall be applied to the reduction of the principal amount owing hereunder or to the other indebtedness required to be paid under any of the other Loan Documents and not to the payment of interest, or is such excessive interest exceeds the unpaid balance of principal and other such indebtedness, the excess shall be deemed to have been a payment made by mistake and shall be refunded to Borrower (at Borrower's account set forth above) or to any other person making such payment on Borrower's behalf. All sums paid and agreed to be paid to the holder hereof for the use, forbearance, or detention of the indebtedness of the Borrower evidenced hereby, outstanding from time to time shall, to the extent permitted by applicable law, and to the extent necessary to preclude exceeding the limit of validity prescribed by law, be amortized, prorated, allocated, and spread from the date of disbursement of the proceeds of this Note until payment in full of the obligation evidenced hereby so that the actual rate of interest on account of such indebtedness does not exceed that which is prescribed by law. The terms and provisions of this Paragraph shall control and supersede every other provision of all agreement between Borrower, and endorser or guarantor, and Lender.

12. Choice of Law, Jurisdiction. This Note shall be governed by and construed under the laws of the State of Nevada, without regard to its principals of conflicts of law. Borrower hereby submits to exclusive personal jurisdiction in said State for the enforcement of Borrower's obligations hereunder and under each of the other Loan Documents, and waives any and all rights under the law of any other state to object to jurisdiction within such state for the purposes of litigation to enforce such obligations of Borrower. If Borrower transfers or further encumbers the Collateral, or any portion thereof or interest therein (which shall include without limitation, the "transfer" of any interest in any Collateral), without Borrower first obtaining the written consent of Lender or reconveyance of the Collateral in question from the lien of the Loan Documents, including the unpaid principal balance due on this Note, irrespective of the Maturity Date of said indebtedness shall, at the option of the Lender, and without notice or demand, become immediately due and payable.

13. Due on Sale, Hypothecation of Collateral. This Note is collateralized by a junior Deed of Trust encumbering Borrower's real property. Should the Borrower sell, convey or alienate the Collateral without first having obtained Lender's written permission to do so, and which permission may be granted in the sole discretion of the lender, then any and all amount due Lender hereunder, and without written notice or demand, shall then become immediately due and payable. Conveyance shall include a contract for sale or deed.

14. Miscellaneous.

- a. Amendments. No change, amendment, modification, or discharge of this Note, or any part hereof, or of any of the Loan Documents, shall be valid unless the party to be charged therewith shall have constructed thereto in writing.
- b. Assignment. This Note may be assigned or endorsed in whole or in part by Lender.
- c. Partial Invalidity. If any provision of this Note is held by a court of law to be in violation of any applicable local, state, or federal law, judicial decision, or public policy, and if such sort should declare such provision of this Note to be illegal, invalid, unlawful, void, voidable, or unenforceable as written, then such provision shall be given full force and effect to the fullest possible extent that it was illegal, unlawful, void, voidable, or unenforceable provision was not contained therein, and that the rights, obligations, and interest of Borrower and Lender hereof under the remainder of this Note shall continue in full force and effect.
- d. Successors and Assigns. All covenants and agreements herein shall be deemed material, and shall bind Borrower's successors and assigns, whether so expressed or not, and all such covenants shall inure to the benefit of Lender hereof and its nominees, successors, and assigns, whether so expressed or not.
- e. Waiver of Setoff. Borrower hereby waives any and all rights of setoff, recoupment, and counterclaim with respect to principal and interest due on the Note and any other payments due Lender under the Loan Documents, including rights of setoff, recoupment,



Initials

- and counterclaim with respect to this Note and the other Loan Documents which may arise from claims, transactions, or occurrences heretofore unknown to borrower.
- f. Payment in Currency of United States of America. Principal and interest shall be payable in lawful money of the United States of America.
 - g. Time for Essence. Time is of the essence with regard to Borrower's performance under the terms and provisions of this Note, and any amendment, modification, or revision hereof.
 - h. Extensions of Time for Payment. No extension of time for the payment of this Note or any installment, thereof, made by agreement with any person now or hereafter liable for payment of this Note shall operate to realize, discharge, modify, change, or affect the original liability of Borrower under this Note, either in whole or in part.
 - i. Remedies Cumulative. No right, power, or remedy herein conferred is exclusive of or shall prejudice any other right, power, or remedy of Lender given by law or by the terms of any of the Loan Documents, all such rights, powers, and remedies of Lender being cumulative./ Each such right, power, or remedy may be exercised by Lender from time to time as often as it deems necessary.
 - j. Cross-Default. Any default by Borrower in the performance or observance of any covenant, promise, condition, or agreement hereof shall be deemed in default and an Event of Default under each of the Loan Documents entitling Lender to exercise any or all remedies available under the terms of any or all Loan Documents.
 - k. Captions. The captions or headings at the beginning of each paragraph hereof are for the convenience of the parties and are not part of this Note.
 - l. Loan Purpose. Borrower covenants that the proceeds of this Loan shall be used solely for the purchase of the property collateralized hereunder, and is therefore, exempt from the "Home Ownership and Equity Protection Act" commonly referred to as the "Section 32" amendment to Federal Regulation Z.
 - m. Certain Insurance Matters. In connection with and as a condition precedent to the funding of the Loan, Borrower shall obtain for the benefit of Lender (which shall be the named beneficiary, mortgagee, or additional insured, as the case may be), at Borrower's sole cost and expense and in the amount of the Loan, CLTA title insurance with respect to the Deed of Trust and (ii) casualty insurance upon the Real Property (the "Property Insurance") by which this Note is secured. Borrower covenants to maintain the Property Insurance in full force and effect at all times prior to fulfillment by Borrower of all of Borrower's obligations under this Note and the other Loan Documents.
 - n. No Further Financing Secured by the Collateral. Borrower covenants that until Borrower has performed all of the Borrower's obligations under this note and each of the other Loan Documents, Borrower will not (i) further encumber the Collateral or any part thereof or interest therein or (ii) otherwise in any way permit any lien to attach thereto.
 - o. "Returned Check" charges. If any payment of Borrower is returned without payment or in any other manner is not honored, then Borrower shall pay to Lender, in addition to the amount of this payment and any other sums in respect thereof due hereunder and/or under any other Loan Document, the sum of Twenty-Five Dollars (\$25.00).
 - p. Drafting Ambiguities. Each party to this Note and/or such party's council has reviewed and/or revised this Note, or has been provided the opportunity to do so. The normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Note or of any amendments hereto.

West Owens Management Group, LLC by [Signature] member
WEST OWENS MANAGEMENT GROUP, LLC
 A Nevada Limited Liability Company, by
 David DiMarco, Member

Do not destroy this Note. When paid in full, this Note together with the Deed of Trust which secures same, must be returned to Trustee for cancellation.

[Signature]

Initials

APN # 139-27-502-003

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

THIS DEED OF TRUST, made this 26th day of, March 2004,
WEST OWENS MANAGEMENT LLC, a Nevada Limited Liability
Company, herein called GRANTOR or TRUSTOR, whose mailing address
is c/o Sierra Nevada Mortgage Co., 4224 W. Charleston Blvd., Las
Vegas, Nevada, 89102, Old Republic Title Company of Nevada, herein
called TRUSTEE, and

The Glenn Raynes and Rene M. Raynes Revocable Family Trust, Glenn
Raynes Trustee herein called BENEFICIARY.

Witnesseth That Trustor IRREVOCABLY GRANTS, TRANSFERS AND
ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property
located in CLARK County, Nevada, described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF FOR
LEGAL DESCRIPTION.

ACCELERATION CLAUSE: Beneficiary may declare all sums secured hereby immediately due and payable in the
event Trustor Grants, transfers or assigns all or any part of the herein described property without having first
obtained beneficiary's written consent to do so, provided however, that the delivery of a Mortgage or Deed of Trust,
which is subordinate to this Deed of Trust, is not considered to be such a grant, transfer or assignment.

THIS DEED OF TRUST IS BEING RECORDED AS A 2nd TRUST DEED

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining, TOGETHER WITH the rents, issues and profits thereof, reserving the right to collect and use the same
except during continuance of some default hereunder and during continuance of such default authorizing
Beneficiary to collect and enforce the same by any lawful means in the name of any party hereto.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained
herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension
or renewal thereof, in the principal sum of \$ 202,000.00 executed by Trustor in favor of Beneficiary
or order. 3. Payment of such additional sums as may hereafter be advanced for the account of Trustor or assigns by
Beneficiary with interest thereon

To protect the Security of This Deed of Trust, Trustor Agrees: by the execution and delivery of this Deed of Trust
and the note secured hereby, that provisions (1) to (16) inclusive of the Deed of Trust recorded in the Book and at
the page or document No. of Official Records in the Office of the county recorder of the county where said property
is located, noted below opposite the name of such county, viz:

COUNTY	DOCUMENT NO.	BOOK	PAGE
Clark	113987	514	
Nye	17157	67	163

(which provisions identical in all counties, are printed on the reverse hereof) hereby are adopted and incorporated
herein and made a part hereof as fully as though set forth herein at length; that he will observe and perform said
provisions, and that the references to property, obligations, and parties in said provisions shall be construed to refer
to the property obligations, and parties set forth in the Deed of Trust.

The parties agree that with respect to provision 16, the amount of fire insurance required by covenant 2 shall be \$
and with respect to attorney's fees provided by for covenant 7 the percentage shall be as reasonable as determined
by a court with jurisdiction

Submitted at City Council

Date 6/16/04 Item # 93

The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinabove set forth.

STATE OF NEVADA }

COUNTY CLARK }

On 11/22/07
Before me, a Notary Public, personally appeared

David DiMarco member
David DiMarco, Member

David DiMarco

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument and acknowledged that HE executed it.

Signature

[Signature]
(Notary Public)

Escrow No. 5120001456-PT

Name: Sierra Nevada Mortgage Co.
Street Address: 4224 W. Charleston Blvd
City & State: Las Vegas, NV 89102



Note Secured by Deed of Trust

\$202,000.00

APN #139-27-502-003

3/26/2004

LAS VEGAS, NEVADA

FOR VALUE RECEIVED, the undersigned OWENS WEST MANAGEMENT GROUP LLC, a Nevada Limited Liability Company by David DiMarco, member (Hereinafter "Borrower") jointly and severally promise to pay to the order of The Glenn Raynes and Rene M. Raynes Revocable Family Trust, Glenn Raynes Trustee, as to the Lender's right hereunder (collectively "Lender"), the unpaid principal sum of **TWO HUNDRED TWO thousand Dollars (\$202,000.00)** on the Maturity Date (as hereinafter defined) with interest on the unpaid balance as such amounts from the date of the initial funding evidenced hereby, at the rate of interest specified herein. The Secured Promissory Note (this "Note") evidences the obligation to repay with interest (and certain other charges) funds advanced under a loan (the "Loan," all collateral for which loan, the "Collateral") made or to be made by Lender to Borrower up to the principal; amount hereof, which loan shall be secured by (i) a Deed of Trust (the "Deed of Trust") upon certain real property of Borrower and (ii) such other agreements and instruments as determined by Lender (all of the foregoing documents, including this Note, being collectively called that "Loan Documents"). The Loan evidenced hereby shall be consummated (the "Closing") through an escrow by Old Republic Title Company of Nevada ("Escrowee") as their escrow number 5120001456-PT.

1. Repayments. This Note requires Borrower to make payments over a **Sixty Month** schedule, in the amount of **TWO THOUSAND FIVE HUNDRED TWENTY FIVE and 00/100 DOLLARS (\$2,525.00)** on a monthly basis on the 2nd day of each month commencing on ~~APRIL~~ MAY 2nd, 2004, and continuing on the SAME day of each month thereafter until the Maturity Date, at which time all monies owned by Borrower to Lender hereunder are due. **The principal hereof may be prepaid in whole or in part at one time or from time to time, subject to the provisions with respect to the "minimum guaranteed interest payments" set forth in Paragraph 3 herein below. Upon principal reduction of this Note by \$50,000.00 or more, provided interest payments are current, beneficiaries agree to release and reconvey that certain Deed of Trust, dated March 26, 2004 in the face amount of \$50,000.00, secured by Deed of Trust recorded against parcel number 140-19-701-003 which represents additional collateral for this note only, in that the total encumbrance shall be the face value of this note which is Two Hundred Two Thousand and 00/100 Dollars (\$202,000.00).**

2. Maturity Date, Extension Provisions. The Maturity Date of the Note is ~~APRIL~~ APRIL 2nd, 2009 (60 months from the date hereof) unless the sums due under this Note are accelerated under Paragraph 7 herein below or otherwise.

3. Interest Rate and Charges. Minimum Guaranteed Interest Payments. Interest shall accrue upon all sums evidenced hereby (including, without limitations, any delinquency charge or interest or other charge not paid immediately when due) and all other sums required to be paid by Borrower under the Loan Documents at the rate of **15%** per annum. Interest shall be calculated on a 360-day year-end, actual day elapsed.

4. Payments by Borrower. All payments on this Note shall be made to Lender or Lender's designated collections agent, at such place as Lender or any other holder hereof shall notify Borrower in writing, and Borrower shall pay such costs of Lender's collection agent if such collection agent is utilized for the collection of the sum due hereunder. All payments received by Lender on this note shall be applied by Lender as follows: first, to the payment of delinquency or late charges and other expenses payable to Lender on this Note; second, to accrued and unpaid interest then due and owing; and then, to reduction of principal; provided, however, that Lender shall at anytime and from time to time have the

Q Initials

Submitted at City Council

Date 6/6/04 Item #93

right, in its sole discretion, to apply payment by Borrower in any other manner Lender may designate, including, without limitation, to the foregoing obligations in any other order, or to any other obligations of borrower hereunder or under any of the of the Loan Documentation.

5. **Delinquency Charge.** In the event that the Borrower fails to pay any amount of principal and/or interest on this Note or any other amount required to be paid under any of the other Loan Documents after such payment becomes due, including the final balloon payment due on the Maturity Date hereunder, whether by acceleration or otherwise, Lender may, after Ten (10) days late, impose a delinquency or late charge equal to ten percent (10%) of the amount of each and every such past due payment, notwithstanding the date on which such payment is actually paid to Lender. Borrower agrees (i) that any such delinquency or late charges shall not be deemed to be additional interest or a penalty, but shall be deemed to be liquidated damages because of the difficulty in computing the actual amount of damages to Lender in advance and (ii) that such charges are the reasonable estimate of Lender and Borrower of the fair compensation for the loss that may be sustained in such event by the Lender. Until any and all such delinquency charges are paid in full, the amount thereof shall be added to the indebtedness secured by the of the Loan Documents.

6. **Default Rate of Interest.** Should default be made in payment of any of the indebtedness evidenced by this Note or any other amount required to be paid under any of the other Loan documents, whether before or after the entire principal amount hereof or thereof shall become due and payable (whether by acceleration, at maturity, or otherwise), the entire unpaid balance, accrued interest, and previously unpaid delinquency or late charges shall, while such default continues, bear interest at the rate (the "Default Rate") with is three per cent (3.00%) per annum in excess of the interest rate provided for herein.

7. **Acceleration.** In the event Borrower fails to pay any installment of principal and/or interest on, or otherwise defaults under, this Note when due or upon the happening of any other default under any of the other Loan Documents (any such failure to pay or other "default" under this Note or any of the other Loan documents, and "Event of Default" hereunder), then and in any such event, Lender may at its option, (after any applicable statutory cure periods has expired), declare the entire unpaid balance of this Note, together with interest accrued thereon, and all other charges due hereunder and other the other Loan Documents, to be immediately due and payable, and Lender may proceed to exercise any right or remedies which Lender may have at lay, in equity, or otherwise. In the event of such acceleration, Borrower may discharge its obligations hereunder to Lender by paying the entire unpaid balance hereof as of the date of such payment, plus accrued by unpaid interest and delinquency accelerate charges computed in the manner set forth above.

8. **Costs of Collection.** After default by borrower, in addition to principal, interest, and delinquency or late charges, Lender shall be entitled to collect all costs of collection, including, without limitations, reasonable attorney fees, whether or not suit on this Note or any foreclosure proceeding is filed, and all such costs and expenses shall be payable on demand and until paid shall also be secure by the Collateral held by Lender as security for Borrower's obligations to Lender under the other Loan Documents.

9. **Enforcement of Remedies by Lender.** No Waivers Arising from any Failure to Enforce any Right of Remedy. In addition to the rights, powers, and remedies given in this Note or the other Loan Documents, Lender may, in Lender's sole and absolute discretion, at any time and from time to time, exercise any and all right and powers and pursue any and all remedies now or hereafter given by law or in equity including, without limitations, any rights and remedies granted it by Nevada or federal case, statutory, or regulatory law. The failure to exercise any right or remedy given Lender in this note or the other Loan Documents or by law or equity, shall not deemed a waiver of that right or remedy unless Lender has so agreed, expressly and in writing, and the failure to so exercise any right or remedy, if any Event of Default shall occur, shall not preclude Lender from exercising any right or remedy given in this Note or the other Loan Documents, shall not constitute a continuing waiver or a waiver of any other defaults or Events of Default of the same default or Event of Default on any future occasion. No course



Initials

of dealing between Borrower and Lender and no delay on the part of Lender in exercising its rights under this Note or any other Loan Documents shall operate as a waiver of the rights of Lender. No covenant or other provision of this Note or any of the other Loan Documents, nor any default or Event of Default in connection therewith, may be waived otherwise than by a written instrument signed by the parties so waiving such covenant or other provisions of default or Event of Default; provided, however, that no such waiver shall extend to or impair any obligation not expressly waived nor impair any right otherwise consequent on such covenant, provision, or default or Event of Default. Any waiver which may be given by Lender shall be subject to satisfaction of conditions stated therein. Unless Lender has agreed in writing, no failure to accelerate the debt evidenced hereby by reason of the occurrence of any default or Event of Default hereunder, or acceptance of a past due installment of principal and interest, or any indulgence granted from time to time, shall be construed to be a waiver of right to insist upon prompt payment hereafter or the right to impose delinquency or other charges retroactively or prospectively as a novation of this Note, by agreement, or otherwise; and Borrower and each endorser or guarantor hereby expressly waives the benefit of any result contrary to or in conflict with the foregoing. Nothing herein shall be deemed to be a waiver of any right which Lender may have under Section 506(a), 506(b), 1111(b), or any other provision of Title II of the United States Code, as amended from time to time (the "Bankruptcy Code"), to file a claim for the full amount of debt owing to Lender by Borrower or to require that all Collateral shall continue to secure all of the indebtedness owing to Lender in accordance with the Deed of Trust and other Loan Documents. By accepting payment of any sums secured hereby after their due date, Lender does not waive any late payment charge thereon not then paid, or its rights either to require prompt payment when due of all other sums so secured or evidenced hereby, or declare a default for failure to timely pay such sums.

10. Waivers by Borrower. Except as otherwise prohibited by law, Borrower, and each endorser or guarantor of this Note hereby (i) waives presentment for payment, protest, demand, any and all lack of diligence or delays in the collection of or enforcement of the indebtedness of interest or any charges in connection therewith, notice of protest and notice of dishonor or nonperformance and of nonpayment, (ii) waives and renounces all rights to the benefits of any statute of limitation and any moratorium, appraisal, exemption, and homestead now provided or which may hereafter be provided by any federal or state statute, including, without limitation, exemptions provided by or allowed under the Bankruptcy Code against the enforcement and collection of the obligations evidenced by this Note and any and all extensions, renewals, and modifications hereof, (iii) waives and renounces any and all redemption rights and the benefit of all valuation and appraisal privileges as against this indebtedness or any renewal or extent thereof, (iv) consents to any extension of time, release of any collateral, and any other indulgence or forbearance whatsoever, (v) waives any right or power to divide the Loan into several individual loans, each secured by a different portion of the Collateral it being understood and agreed that the Loan is a single indivisible financing, and that no portion of the Collateral shall at any time be released from securing the entirety of the Loan, and (vi) waives any defense to the enforcement of this Note based on an election of remedies by Lender including, without limitation, any elections or remedies which destroys or otherwise impairs any subrogation rights Borrower may have for reimbursement.

11. Anti-usury Provisions; "Savings" Clause. It is the intention of the parties to conform strictly to the usury laws, whether state or federal, that are applicable to this Note. All agreements between Borrower and Lender, whether now existing or hereafter arising and whether oral or written, are hereby expressly limited so that in no contingency or even whatsoever, whether by acceleration of maturity hereof or otherwise, shall the amount paid or agreed to be paid to Lender or the holder hereof, or collected by Lender or such holder, for the use, forbearance, or detention of the money to loaned hereunder or otherwise, or for the payment or indebtedness of Borrower to Lender, or in any other document evidencing, securing, or pertaining to the indebtedness evidenced hereby, exceed the maximum amount permissible under applicable federal or state usury laws. If under any circumstance whatsoever fulfillment of any provision of this Note or any other Loan Document, at the time performance or such provisions shall be due, shall involve exceeding the limit of validity; and if under any circumstance whatsoever fulfillment of any provision of this Note or any other Loan Document, at the time performance or such provisions shall be due, shall involve exceeding the limit of validity prescribed by law, then the obligation to be fulfilled shall be reduced to the limited of such validity; and if under any

Initials

circumstances Lender or any other holder hereof shall ever receive an amount deemed excessive interest by applicable usury laws, then such excessive payment shall be applied to the reduction of the principal amount owing hereunder or to the other indebtedness required to be paid under any of the other Loan Documents and not to the payment of interest, or is such excessive interest exceeds the unpaid balance of principal and other such indebtedness, the excess shall be deemed to have been a payment made by mistake and shall be refunded to Borrower (at Borrower's account set forth above) or to any other person making such payment on Borrower's behalf. All sums paid and agreed to be paid to the holder hereof for the use, forbearance, or detention of the indebtedness of the Borrower evidenced hereby, outstanding from time to time shall, to the extent permitted by applicable law, and to the extent necessary to preclude exceeding the limit of validity prescribed by law, be amortized, prorated, allocated, and spread from the date of disbursement of the proceeds of this Note until payment in full of the obligation evidenced hereby so that the actual rate of interest on account of such indebtedness does not exceed that which is prescribed by law. The terms and provisions of this Paragraph shall control and supersede every other provision of all agreement between Borrower, and endorser or guarantor, and Lender.

12. Choice of Law, Jurisdiction. This Note shall be governed by and construed under the laws of the State of Nevada, without regard to its principals of conflicts of law. Borrower hereby submits to exclusive personal jurisdiction in said State for the enforcement of Borrower's obligations hereunder and under each of the other Loan Documents, and waives any and all rights under the law of any other state to object to jurisdiction within such state for the purposes of litigation to enforce such obligations of Borrower. If Borrower transfers or further encumbers the Collateral, or any portion thereof or interest therein (which shall include without limitation, the "transfer" of any interest in any Collateral), without Borrower first obtaining the written consent of Lender or reconveyance of the Collateral in question from the lien of the Loan Documents, including the unpaid principal balance due on this Note, irrespective of the Maturity Date of said indebtedness shall, at the option of the Lender, and without notice or demand, become immediately due and payable.

13. Due on Sale, Hypothecation of Collateral. This Note is collateralized by a junior Deed of Trust encumbering Borrower's real property. Should the Borrower sell, convey or alienate the Collateral without first having obtained Lender's written permission to do so, and which permission may be granted in the sole discretion of the lender, then any and all amount due Lender hereunder, and without written notice or demand, shall then become immediately due and payable. Conveyance shall include a contract for sale or deed.

14. Miscellaneous.

- a. Amendments. No change, amendment, modification, or discharge of this Note, or any part hereof, or of any of the Loan Documents, shall be valid unless the party to be charged therewith shall have constructed thereto in writing.
- b. Assignment. This Note may be assigned or endorsed in whole or in part by Lender.
- c. Partial Invalidity. If any provision of this Note is held by a court of law to be in violation of any applicable local, state, or federal law, judicial decision, or public policy, and if such sort should declare such provision of this Note to be illegal, invalid, unlawful, void, voidable, or unenforceable as written, then such provision shall be given full force and effect to the fullest possible extent that it was illegal, unlawful, void, voidable, or unenforceable provision was not contained therein, and that the rights, obligations, and interest of Borrower and Lender hereof under the remainder of this Note shall continue in full force and effect.
- d. Successors and Assigns. All covenants and agreements herein shall be deemed material, and shall bind Borrower's successors and assigns, whether so expressed or not, and all such covenants shall inure to the benefit of Lender hereof and its nominees, successors, and assigns, whether so expressed or not.
- e. Waiver of Setoff. Borrower hereby waives any and all rights of setoff, recoupment, and counterclaim with respect to principal and interest due on the Note and any other payments due Lender under the Loan Documents, including rights of setoff, recoupment,



Initials

- and counterclaim with respect to this Note and the other Loan Documents which may arise from claims, transactions, or occurrences heretofore unknown to borrower.
- f. Payment in Currency of United States of America. Principal and interest shall be payable in lawful money of the United States of America.
 - g. Time for Essence. Time is of the essence with regard to Borrower's performance under the terms and provisions of this Note, and any amendment, modification, or revision hereof.
 - h. Extensions of Time for Payment. No extension of time for the payment of this Note or any installment, thereof, made by agreement with any person now or hereafter liable for payment of this Note shall operate to realize, discharge, modify, change, or affect the original liability of Borrower under this Note, either in whole or in part.
 - i. Remedies Cumulative. No right, power, or remedy herein conferred is exclusive of or shall prejudice any other right, power, or remedy of Lender given by law or by the terms of any of the Loan Documents, all such rights, powers, and remedies of Lender being cumulative./ Each such right, power, or remedy may be exercised by Lender from time to time as often as it deems necessary.
 - j. Cross-Default. Any default by Borrower in the performance or observance of any covenant, promise, condition, or agreement hereof shall be deemed in default and an Event of Default under each of the Loan Documents entitling Lender to exercise any or all remedies available under the terms of any or all Loan Documents.
 - k. Captions. The captions or headings at the beginning of each paragraph hereof are for the convenience of the parties and are not part of this Note.
 - l. Loan Purpose. Borrower covenants that the proceeds of this Loan shall be used solely for the purchase of the property collateralized hereunder, and is therefore, exempt from the "Home Ownership and Equity Protection Act" commonly referred to as the "Section 32" amendment to Federal Regulation Z.
 - m. Certain Insurance Matters. In connection with and as a condition precedent to the funding of the Loan, Borrower shall obtain for the benefit of Lender (which shall be the named beneficiary, mortgagee, or additional insured, as the case may be), at Borrower's sole cost and expense and in the amount of the Loan, CLTA title insurance with respect to the Deed of Trust and (ii) casualty insurance upon the Real Property (the "Property Insurance") by which this Note is secured. Borrower covenants to maintain the Property Insurance in full force and effect at all times prior to fulfillment by Borrower of all of Borrower's obligations under this Note and the other Loan Documents.
 - n. No Further Financing Secured by the Collateral. Borrower covenants that until Borrower has performed all of the Borrower's obligations under this note and each of the other Loan Documents, Borrower will not (i) further encumber the Collateral or any part thereof or interest therein or (ii) otherwise in any way permit any lien to attach thereto.
 - o. "Returned Check" charges. If any payment of Borrower is returned without payment or in any other manner is not honored, then Borrower shall pay to Lender, in addition to the amount of this payment and any other sums in respect thereof due hereunder and/or under any other Loan Document, the sum of Twenty-Five Dollars (\$25.00).
 - p. Drafting Ambiguities. Each party to this Note and/or such party's council has reviewed and/or revised this Note, or has been provided the opportunity to do so. The normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Note or of any amendments hereto.

West Owens Management Group, LLC
WEST OWENS MANAGEMENT GROUP, LLC
 A Nevada Limited Liability Company, by
 David DiMarco, Member

Do not destroy this Note. When paid in full, this Note together with the Deed of Trust which secures same, must be returned to Trustee for cancellation.

[Signature]

Initials

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Andrew DiMarco, President
CCSD Properties, Inc.
6 Redwood Lane
Wappingers Fall, NY 12590-1212

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

- ☐ Agent
- ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7003 3110 0003 1079 9826

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

TELEPHONE: (702) 434-3444 FACSIMILE: (702) 434-3739

www.lvlaw.com

GARRY L. HAYES

MARTIN L. WELSH

May 21, 2004

☐ U.S. MAIL
☐ CERTIFIED MAIL
☒ FACSIMILE
☐ OVERNIGHT
☐ HAND DELIVERY
☐ E-MAIL

VIA FACSIMILE NO. 386-1749

Bradford A. Jerbic
Deputy City Attorney
City of Las Vegas
400 Stewart Avenue, Ninth Floor
Las Vegas, Nevada 89101

Re: Sky Vue Mobilehome Park

Dear Brad:

I was notified that on June 2, 2004 the City Council will consider placing a lien related to the Sky Vue property. In order to prepare for that hearing, please provide me the following information as soon as possible:

1. A detailed accounting showing all charges and expenses incorporated into the proposed lien;
2. An explanation or justification as to the reasoning for the amount of the "administrative fee" proposed as part of the lien amount;
3. Copies of invoices, proposals, bills, accountings for any work done by non-city employees that are included in the lien amount;
4. If time and labor charges of City employees are included in the lien amount, please provide me with names of the employee, the position of the employee, and a summary of the actual time spent by that employee as well as the duties performed by that employee;
5. If part of the lien amount is for payment of fees and costs related to the relocation of the Sky Vue residents, please provide a description of these fees and costs by resident or tenant, the reason for the payment, the payee, and a copy of any invoices or accountings related to that payment.

Submitted at City Council

Date 6/6/04 Item # 93

Bradford A. Jerbic

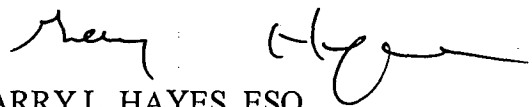
Page 2

May 21, 2004

I am sure this information is readily available. I would appreciate this information at least one week prior to the hearing.

Sincerely,

LAW OFFICE OF GARRY L. HAYES


GARRY L. HAYES, ESQ.

GLH:ew

cc: David DiMarco

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of dangerous buildings, a public nuisance and an imminent hazard located at 15 West Owens Avenue. **PROPERTY OWNERS: WEST OWENS MANAGEMENT GROUP, LLC, CCSD PROPERTIES, INC., DAVID DIMARCO, SANDI DIMARCO AND T & B DEL CORP. - Ward 5 (Weekly)**

Fiscal Impact☐**No Impact****Amount: \$79,350.00 ~~\$79,350.00~~ \$85,579**☒**Budget Funds Available****Dept./Division: Neigh. Services/Response**☐**Augmentation Required****Funding Source: General Fund****PURPOSE/BACKGROUND:**

The condition of the property was an imminent hazard and an attractive nuisance. In addition, there were dangerous buildings located on the property. 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 dangerous buildings and imminent hazards on the property. When no appropriate 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:**\$85,579**

That the City Council approve the report of expenses in the amount of ~~\$79,350.00~~ and order: 1. that the cost of abating the dangerous buildings, public nuisance and imminent hazard are a personal obligation of the property owners and direct the City Attorney to collect all costs, fees and interest by any and all appropriate legal remedies; 2. that the above charges be filed and recorded against the property constituting a special assessment and lien; and 3. that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Notice of Public Hearing
5. Chronological List of Events
6. Copy of the Notice and Claim of Lien

Submitted at City Council

Date 6/16/04 Item #93

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

1 **Public Hearing to consider the report of expenses to recover costs for abatement of**
2 **dangerous buildings, a public nuisance and an imminent hazard located at 15 Owens**
3 **Avenue, Property Owners West Owens Management Group, LLC, CCSD Properties, Inc.,**
4 **David DiMarco, Sandi DiMarco, and T & B Del Corp.**

5
6 **Appearance List:**

7 OSCAR GOODMAN, Mayor

8 DAVE SEMENZA, Neighborhood Response Manager, Department of Neighborhood Services

9 DAN STILL, Deputy City Attorney

10 WILIAM L. (BILL) NOALL, Attorney, Gordon & Silver, appearing on behalf of Glenn and
11 Renee Raynes and Attorney John Boyer

12 GARRY HAYES, 199 Arroyo Grande Boulevard, Attorney, appearing on behalf of CCSD
13 Properties, Inc. and the DiMarcos

14 STEPHANIE COOPER CHRISTENSEN, Attorney, Cooper Christensen Law Firm, appearing
15 on behalf of Tracy Delfonte and T & B Del Corp.

16 MICHAEL DAWSON, Attorney, 515 South 3rd Street, appearing on behalf of CCSD Properties,
17 Inc.

18 AL GALLEG0, Las Vegas resident

19 LAWRENCE WEEKLY, Councilman

20 LARRY BROWN, Councilman

21
22 (2:50 – 3:10)

23 **5-312**

24
25 20 minutes

26
27 Typed by: Angela Crolli

28 Proofed by: Gabriela S. Portillo Brenner

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

29 **MAYOR GOODMAN**

30 Item 93 is a Public Hearing to consider the report of expenses to recover costs for abatement of
31 dangerous buildings, a public nuisance, and an imminent hazard located at 15 West Owens
32 Avenue. The property owners are West Owens Management Group, LLC, CCSD Properties,
33 Inc., David DiMarco, Sandi DiMarco, and T & B Del Corp. This is in Ward 5. It's a public
34 hearing, which I now declare open. Yes, Sir.

35

36 **DAVE SEMENZA**

37 There are some changes to the Agenda Summary Page. I've made copies and I've, supply them
38 to the City Clerk. We do have some final tallies on the amount of money the City spent, which
39 will be incorporated in this.

40 To get, again, the condition of the property was a imminent hazard and also a – nuisance. In
41 addition, there were dangerous buildings located on the property. After proper notification, the
42 City of Las Vegas, Departments of Neighborhood Services, Fire Services, Finance, Business
43 Services, and the Clark County Health District, gave notice to the owners of Sky Vue Mobile
44 Home Park the park would be closed. Because of the dangerous buildings and the imminent
45 hazard on the property, when no appropriate corrective action was taken, the Sky Vue Mobile
46 Home Park was closed, and the Department of Neighborhood Services began relocating tenants.

47

48 The re, recommendation before the City Council is that you approve the Report of Expenses in
49 the amount of eighty-five thousand five hundred and seventy nine dollars in order, number one,
50 the cost of abating the dangerous buildings, public nuisance, and imminent hazard are a personal
51 obligation of the property owners and direct the City Attorney to collect all costs, fees, and
52 interest by any and all appropriate legal remedies. And, number two, that the above charges be
53 filed and recorded against the property constituting a special assessment and lien. And, three,
54 that the Notice and Lean of Assessment be duly recorded with the County Treasurer.

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

55 **MAYOR GOODMAN**

56 All right. Mr. Scott, I'd like to ask a couple questions, if I may? Mr. Semenza represents that
57 we are allowed to go to attempt collection against the property owners, and we're not limited to
58 collecting the monies from the specific property itself; is that correct? Mr. Still?

59

60 **DAN STILL**

61 If I understand your question, Your Honor, –

62

63 **MAYOR GOODMAN**

64 In – other words, are we limited getting relief from the property, which is located at 15 West
65 Owens or are we able to seek other assets, if we're able to find them on the property owners?

66

67 **DAN STILL**

68 We're gonna to go, we're gonna seek personal obligation against the property owner and, in
69 addition to that, place a lien on the property. So, they both end.

70

71 **MAYOR GOODMAN**

72 Very good. That's question number one. Number two, the backup, the title of the subject matter
73 here does not go into the specific of the amount owed. There's a –

74

75 **DAVE SEMENZA**

76 I – just be a moment.

77

78 **MAYOR GOODMAN**

79 There's been an amendment, in effect, on our backup from seventy-nine thousands three hundred
80 and fifty dollars to eighty five thousand five hundred and seventy nine dollars; is that any
81 impediment to us proceeding today?

82

83 **DAN STILL**

84 No, Your Honor.

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

85

86 **MAYOR GOODMAN**

87 All right. I'm satisfied then. This is a public hearing, folks. We're happy to hear from anybody,
88 but if you're representing the property owners, be delighted to hear from you first.

89

90 **BILL NOALL**

91 Mr. Mayor, members of the Council, Bill Noall, Gordon and Silver, appearing on behalf of
92 Glenn Raynes and Renee Raynes, Family Revocable Trust and Attorney John Boyer. We filed
93 an objection to the –

94

95 **MAYOR GOODMAN**

96 Excuse me. Wait, wait. They are not, you're not representing the property owners?

97

98 **BILL NOALL**

99 I'm representing one of the lien holders. The Second Position Deed of Trust and lien holder.

100

101 **MAYOR GOODMAN**

102 Okay. All right. They're – not noticed, as far as the title, the subject matter.

103

104 **DAN STILL**

105 That's correct, Your Honor. They came into title on this property quite a ways into our
106 enforcement action.

107

108 **MAYOR GOODMAN**

109 Oh.

110

111 **DAN STILL**

112 We become aware of them quite a bit after the – park had actually even closed. So, –

113

114

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

115 **MAYOR GOODMAN**

116 Okay.

117

118 **DAN STILL**

119 I guess, I don't know what they've got to say, but –

120

121 **MAYOR GOODMAN**

122 Okay. Well, let me hear from the property owners first, and then we'll hear you during our
123 public hearing, if that's okay.

124

125 **GARRY HAYES**

126 Thank you, Mayor and members of the Council, Garry Hayes, 199 Arroyo Grande, here on
127 behalf of the – property owners.

128

129 **MAYOR GOODMAN**

130 All of them? The West Owens Management Group?

131

132 **GARRY HAYES**

133 Well, the – CCSD entity, which I think is the actual property owner itself, Your Honor.

134

135 **MAYOR GOODMAN**

136 And the DiMarcos?

137

138 **GARRY HAYES**

139 The DiMarcos don't own the property. They own it through a corporation.

140

141 **MAYOR GOODMAN**

142 Are you here on behalf of the DiMarcos?

143

144

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

145 **GARRY HAYES**

146 I'm here on behalf of the DiMarcos, but they're not a property owner.

147

148 **MAYOR GOODMAN**

149 All right.

150

151 **GARRY HAYES**

152 On May 26th, we asked for, I – sent a letter to the City Attorney, I'd like this made a part of the
153 record. I asked for some backup on the potential lien as soon as it was available, just giving me
154 some idea of what the – charges were and how – they were figured and what would be coming
155 before the Council. I still not – received a breakdown of those charges, despite this letter from –
156 May 26th. So, obviously, this afternoon I'm not really prepared to address the specific charges.

157

158 **MAYOR GOODMAN**

159 It's in our backup. You haven't seen that?

160

161 **GARRY HAYES**

162 I have not seen that, Your Honor, despite my letter. And I, I think that's why it was held last
163 time, was so that the – City could continue to put those charges together. So, obviously, we
164 object to the – charges. We think they're not in accordance with the Statute. We'd also object to
165 any attempt to collect from prop, persons or entities that don't specifically own the property.
166 Thank you.

167

168 **MAYOR GOODMAN**

169 Okay. Thank you. Would the Clerk please provide to Mr. Hayes the Sky Vue relocation
170 assistance cost estimate, which comes out to \$85,579, if you have an extra copy of it? All right.
171 It's being provided by Mayor Pro Tem. Thank you.

172

173 **GARRY HAYES**

174 Obviously, we don't have a lot of time to respond to it, but thank you, Your Honor.

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

175

176 **MAYOR GOODMAN**

177 I appreciate that. Okay. Anybody else like to be heard? Yes, Sir. Please.

178

179 **BILL NOALL**

180 As I was saying, Mr. Mayor, I represent the second deed of trust holders. They made a loan in
181 March of this year, it clo, it was recorded, became of record on April 2nd. It was a purchase
182 money loan.

183

184 **MAYOR GOODMAN**

185 In what amount?

186

187 **BILL NOALL**

188 About \$202,000. It was, as I mentioned, a note was secured by deed of trust that came of record.

189

190 **MAYOR GOODMAN**

191 Do you have – the documentation on that?

192

193 **BILL NOALL**

194 I do.

195

196 **MAYOR GOODMAN**

197 Who was the loan made to?

198

199 **BILL NOALL**

200 The loan was made to West Owens Management, LLC, the present owner of the property.

201

202 **MAYOR GOODMAN**

203 Okay. I'd sure like to see the paperwork on it. Do you have a copy or is that just –

204

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

205 **BILL NOALL**

206 I have my original –

207

208 **MAYOR GOODMAN**

209 I see.

210

211 **BILL NOALL**

212 – my original file. I can prepare a copy and forward it to you.

213

214 **MAYOR GOODMAN**

215 Okay. Well, we're gonna to work on this today, so, if you'd be kind enough to make it available,
216 after you're through with your remarks, to our Clerk; she'll make a copy for the Council.

217

218 **BILL NOALL**

219 Very well. So, I have a note secured by a deed of trust encumbering the property. It was a
220 purchase money deed of trust. It, as I – mentioned, subordinate to a \$450,000 position. The lien
221 holder is defined as an owner under the Municipal Code. The Municipal Code defines an owner
222 of property as any person having any legal or equitable interest in property. So, the U.S.
223 Supreme Court has defined a mortgage holder, a deed of trust holder as having an equitable
224 interest, which is capa, which – must be protected under the US Constitution. Our interest is also
225 protected under the Nevada Constitution. And we object because our clients were never
226 provided, even though we were of record, with any notice of the abatement order. Had we been
227 provided with notice of the abatement order, we probably would of, or I, say, we would have
228 taken action as a lender, or one of the other lien holders on the property, would have taken
229 action. The problem could have been abated without having all of the tenants moved off of the
230 property, which caused serious harm to the lien holders. The lien holders have assignment of
231 rents in their deeds of trust, and, essentially, all those leases were terminated. All of our
232 collateral, in terms of the assignments of rents that were coming through, were terminated
233 without any notice to the lien holder, which we believe was unconstitutional and inappropriate.

CITY COUNCIL MEETING OF

June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

234 To add insult to injury on top of that, when I read the notice of the hearing, I see that what the
235 City Council is trying to do, with all due respect, is impose now a priming lien above the – lien
236 holders, essentially priming the first deed of trust position and the second deed of trust position.
237 We believe that's unconstitutional, under the circumstances, and inappropriate, insofar as we
238 were never given notice of the initial abatement of action, notwithstanding the fact that we are
239 technically defined as an owner, notwithstanding the fact that the lien holders would be the ones
240 who had economic interest in resolving the problem and not incurring unnecessary expenses and
241 administrative charges, which are now being leveled against us.

242 And so, for these reasons and the reasons set forth in my objection letter that I filed at the last,
243 for the last hearing, as well as in anticipation of today's hearing, I would urge the Council not to
244 – impose a lien that is senior to the – deed of trust holders.

245 I have not seen or been provided with a breakdown of the charges. I have not seen or been
246 provided with a copy of the amendment to the agenda, notwithstanding the fact that I did receive
247 notice, this time, of the meeting, 'cause I have been speaking with your City Attorney. And, in
248 that regard, I think that the notice would – be improper, as well, in respect to the charges that are
249 forthcoming. Nevertheless, if the City Council moved and determined that they were simply
250 going to put a lien on the property but it was not senior to my clients' lien, I would have no
251 reason to object to the charges sought by the City. I will, Mr. Mayor, now provide those
252 documents to the Clerk.

253
254 **MAYOR GOODMAN**
255 Thank you very much. And, if the Clerk would copy it for us, I'd sure appreciate it. Okay.
256 Thank you for those remarks. Would anybody else like to be heard? Yes Ma'am.

257
258 **STEPHANIE COOPER CHRISTENSEN**

259 Good afternoon, Your Honor, Mr. Mayor, Council. My name is Stephanie Cooper Christensen.
260 I am with the Cooper Christensen Law Firm representing Tracy DelFonte, as well as T & B Del
261 Corp. T & B Del Corp was a first deed of trust holder who foreclosed on this property and then
262 subsequently sold the property and carried back a first deed of trust against the property to
263 Owens Management.

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

264 The first deed of trust holder is Tracy DelFonte individually. Mr. DelFonte also has not been
265 given notice of any of these violations or an opportunity to cure those, and, as such, I would join
266 with Mr. Noall in his aspects of whether or not he has actually been entitled to due process, as a
267 lender, in having a super-priority lien assessed beyond his first deed of trust. His deed of trust is
268 for four hundred thousand and fifty dollars in first position, and this lien, if imposed, which is at
269 the discretion of the Council whether to do it as a personal obligation or against the property, we
270 would ask that it be a personal obligation. If it is imposed, it will impair our security rights, as it
271 already has, by virtue of the City releasing all of our tenants, which we had an assignment of
272 rents for as well.

273 The second deed of trust has already commenced foreclosure on this property. The first deed of
274 trust is in the position to commence foreclosure within the next few days. As a result, the true
275 person that would in, indeed be paying these costs and violations that have been incurred are not
276 actually the owners of the property, but would be the security interest holders or ultimately, at
277 the foreclosure sale, it would be the purchaser.

278 I have been provided a cost estimate by the City because my office has followed up, and,
279 basically, the cost estimate that I have received is so vague that it's very difficult for me to
280 ascertain whether or not these costs are reasonable. I have food service listed. I also have food
281 cards listed. I don't know what the difference between the two is. I don't know who they went
282 to. It was my understanding that several persons who were actually put up in housing may or
283 may not have actually been tenants of that trailer park, but may have been friends staying with
284 tenants and the like. There's animal shelter costs which were \$4,000, I believe, on the 14th of
285 June, on the cost assessment I received, and jumped up to \$10,000 on the one that I received
286 today.

287 I – find that difficult, and I think that all of you could agree that in order for us to – actually
288 swallow the fact that this would ever become a super-priority assessment, I think it would be
289 reasonable to allow us to understand exactly what was done that would have given rise to these
290 line items that we've been provided. They do seem out of line with what's actually occurred.

291 So, joining Mr. Noall's comments, I would add those, as well as the argument that I believe we
292 have some equal protection issues here under the Constitution. I believe the Statute is vague, it's

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

293 ambiguous, and it's a bit overly broad, in terms of determining what is reasonable and, as such,
294 with that –

295

296 **MAYOR GOODMAN**

297 Thank you very much. Would you be kind enough to provide us with the documentation?

298

299 **STEPHANIE COOPER CHRISTENSEN**

300 I will.

301

302 **MAYOR GOODMAN**

303 Do you have it with you?

304

305 **STEPHANIE COOPER CHRISTENSEN**

306 I do not have it with me, Your Honor.

307

308 **MAYOR GOODMAN**

309 You don't?

310

311 **STEPHANIE COOPER CHRISTENSEN**

312 No.

313

314 **MAYOR GOODMAN**

315 When – can we get that?

316

317 **STEPHANIE COOPER CHRISTENSEN**

318 I can actually supplement that to you, probably this afternoon.

319

320 **MAYOR GOODMAN**

321 Okay. I think, we – we'd like to see how – this came about, with all the loans and the liens and
322 the like. Okay. Yes, Sir?

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

323

324 **MICHAEL DAWSON**

325 Yes, Your Honor. Michael Dawson, Attorney-at-Law, 515 South 3rd Street, representing CCSD
326 Properties, Inc. CCSD Properties, Inc., was foreclosed out of ownership on December 2nd, two
327 thousand and three. At the time, I, it's my understanding there were absolutely no outstanding
328 notices of abatement and that these, the notices of abatement originated in April of this year.
329 The, my ability lies to the owners of the property. Any ownership interest that CCSD Properties
330 had was cut off with the foreclosure sale on December 2nd, 2003. I have attached a copy of the
331 trustee's deed on sale to my objection and also a copy of the chain of title to my objection.

332 So, we would oppose the imposition of any abatement cost against CCSD Properties. It has not
333 been an owner in any time relevant to these proceeding.

334

335 **MAYOR GOODMAN**

336 Thank you, Mr. Dawson.

337

338 **MICHAEL DAWSON**

339 Thank you.

340

341 **MAYOR GOODMAN**

342 Anybody else like to be heard on this?

343

344 **AL GALLEGO**

345 Al Gallego, citizen of Las Vegas. I think I'm now getting in line. I am now an owner of a coach
346 in that park, and it's not being taken care of. It's been stripped. I have asked DiMarcos for
347 permission to enter the park and I've been refused. And I have asked for attorney to ask them
348 again to see if I can go in there and get my coach. I have the title for the coach, and I have been
349 refused. So, I know there's at least ten other owners that want to get their coaches out of there,
350 but they are being refused.

351 And, these people better get a little, get on the ball a little bit. There is a, they're stripping all
352 these coaches, so, by the time they get through, you're not even gonna to have a – rock in that –

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

353 area there. And I want just let this lady know that they removed 98 cats. So, there, that's the
354 cost right there, just in the cats alone. I'm not even counting the dogs. And, I – need to, I either,
355 I'm either going to get with the, with a, in the lawsuit with the City or with somebody, 'cause I
356 want to get my coach out of there. It's being stripped. Thank you, Sir.

357

358 **MAYOR GOODMAN**

359 Thank you very much. Would anybody else like to be heard? All right. I'll close the public
360 hearing then. Mr. Still, you have any remarks after hearing the remarks?

61

362 **DAN STILL**

363 I have a few, Your Honor. Some of the object, I've seen one objection, and that was from Mr.
364 Noall. I had a chance to review it and speak with him concerning that objection. The City
365 Attorney's Office position is that his client, we're – arguing whether he was entitled to notice at
366 all, in the – beginning. But the problem is, is that this whole process began, apparently, at about
367 the same time the loan was coming about. And, so, we provide, we, the City, provided notice to
368 everyone that was of record on the date that – we sent the notice. This thing was recorded about
369 seven days before we sent our notice, but it didn't show up on the Records Office documents.
370 We don't have an affirmative duty to check the record every, to go to the Records Office every
71 day to check to see if someone has come of record on the property.

372 Presumably, if somebody is in the process of lending money on a property, they're gonna to use
373 due diligence and look into what's going on with that property. At the time, they had no
374 business license. Fire Department had been dealing with them since Feb, February of two
375 thousand and one. The – manufactured housing had a – pending notice for them dated back to
376 February 3rd. There were a lot of things going on related to this property. So, anybody doing
377 any, even reasonable, minimal due diligence, would have found that there were a lot of problems
378 with this property.

379 So, at this point, and I, the other two, I have not seen any of their objections or – talked to them.
380 I don't (inaudible) talked to anybody else in our office at this point. I'm not aware of it, because
381 I've kind of been the – one responsible to – review this stuff. At this point, I – would let – you
382 debate amongst yourselves as to how you'll proceed, unless you have any further questions.

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

383

384 **MAYOR GOODMAN**

385 Well, Councilman, if, I may I make a comment? Thank you. I certainly want everybody's
386 constitutional rights to be protected. I want their property rights to be protected under the Fifth
387 Amendment. I want you to be very sensitive to those rights in pursuing any legal action against
388 the – property itself. But that's independent of my feelings about pursuing the personal liability
389 of the DiMarcos. It's – my direction, as the Mayor, to use every legal means available, to find
390 out where their assets are, to explore every indication of potential monies, which we could
391 collect. I feel that they are responsible for this expenditure, be it protected by a corporation. I
392 can't tell you. I'm not going to get into the legal niceties of it. But, as far as I'm concerned, I
393 want you to use every bit of our due diligence as a City to get us recompensed for the situation,
394 which they created, where we entered in order to help our constituents, who couldn't necessarily
395 help themselves. So, that's where I'm coming from.

396

397 **DAN STILL**

398 Unfortunately, they created the situation, which has caused a trickledown effect to the folks that
399 spoke here today. But, just one other item, on –

400

401 **MAYOR GOODMAN**

402 That – could be, though, Mr. Still, but, as far as I'm concerned, that goes to the property itself
403 and the lien upon the property. I'm talking about going out, and if they have a big mansion some
404 place, to look at that mansion and see whether or not that mansion could respond and make the
405 City whole.

406

407 **DAN STILL**

408 Okay, Your Honor.

409

410 **MAYOR GOODMAN**

411 That's where I'm coming from.

412

CITY COUNCIL MEETING OF
June 16, 2004

VERBATIM TRANSCRIPT – ITEM 93

413 **DAN STILL**

414 I just wanted to make the record real clear on the lien process. The – law is very clear that this
415 lien is equivalent to a tax lien. You don't have the obliga, the – ability, legally, to subordinate it
416 to anyone. So, if there are people that are in the first position, second position on that property,
417 the equivalent of this lien is a tax lien.

418

419 **MAYOR GOODMAN**

420 Well, they're very able lawyers, they'll be able to protect the property and the lien. I'm talking
421 about going after the money and getting the City made whole again. Councilman?

422

423 **COUNCILMAN WEEKLY**

424 So, with that being said, Your Honor, as far as following staff's recommendation, would you
425 suggest that we follow his recommendation that we –

426

427 **MAYOR GOODMAN**

428 Yes.

429

430 **COUNCILMAN WEEKLY**

431 Okay. All right. Well, that'll be my recommendation, Your Honor, to follow staff's
432 recommendation.

433

434 **MAYOR GOODMAN**

435 Thank you very much. Thanks. Let's vote on that, please. Post.

436

437 **COUNCILMAN WEEKLY**

438 And you know – (Inaudible)

439

440 **MAYOR GOODMAN**

441 In the meantime, we could go after the DiMarcos personally for it. But as far as the property,
442 that just remains intact.

**CITY COUNCIL MEETING OF
June 16, 2004**

VERBATIM TRANSCRIPT – ITEM 93

443

444 **COUNCILMAN WEEKLY**

445 I see. Thank you.

446

447 **MAYOR GOODMAN**

448 Okay?

449

450 **COUNCILMAN BROWN**

451 I just – for the record, to clarify, Councilman Weekly's, that motion was in the amended amount

452 that was provided?

453

454 **MAYOR GOODMAN**

455 Eight five thousand five hundred and seventy-nine.

456

457 **DAVE SEMENZA**

458 That's correct.

459

460 **MAYOR GOODMAN**

461 All right. Let's vote, please. Post. Motion carries. **(Motion carried unanimously with Ward**

462 **2 seat vacant.)** Thank you.

463

464 **DAVE SEMENZA**

465 Thank you.

466

467 **MAYOR GOODMAN**

468 Thank you, Mr. Semenza.

469

(END OF DISCUSSION)

470 /ac;gpb

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

- EXTENSION OF TIME - SPECIAL USE PERMIT
94 **EOT-4392** - Applicant: Old Town, Inc. – Owner: ECT Holding, Limited Liability Company
- EXTENSION OF TIME RELATED TO EOT-4392 - VARIANCE
95 **EOT-4393** - Applicant: Old Town, Inc. – Owner: ECT Holding, Limited Liability Company
- EXTENSION OF TIME - SPECIAL USE PERMIT
96 **EOT-4433** - Applicant: Gerald Garapich, AIA, Limited Liability Company – Owner: Grand Teton Lodge Land, Limited Liability Company
- EXTENSION OF TIME - REZONING
97 **EOT-4438** - Applicant/Owner: Jah Asif

DISCUSSION/ACTION ITEMS

- SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING
98 **SDR-4147** - Applicant/Owner: D.R. Horton, Inc.
99 **SDR-4163** - Applicant/Owner: Fourth & Bonneville, Limited Liability Company
100 **SDR-4186** - Applicant: Bonnie Adar-Burla – Owner: Mabel I. Enright, et al
101 **SDR-4196** - Applicant: Storage One – Owner: W J D, Limited Liability Company
102 **SDR-4298** - Applicant: Stella Lake Partnership, Limited Liability Company – Owner: City of Las Vegas
- MAJOR MODIFICATION TO THE LONE MOUNTAIN WEST MASTER PLAN - PUBLIC HEARING
103 **MOD-4178** - Applicant/Owner: City of Las Vegas
- REZONING RELATED TO MOD-4178 - PUBLIC HEARING
104 **ZON-4179** - Applicant/Owner: City of Las Vegas

City of Las Vegas

PLANNING & DEVELOPMENT - Page Two

INDEX

City Council Meeting of June 16, 2004

- MAJOR MODIFICATION TO THE LONE MOUNTAIN WEST MASTER PLAN - PUBLIC HEARING
- 105 **MOD-4236** - Applicant/Owner: City of Las Vegas
- REZONING RELATED TO MOD-4236 - PUBLIC HEARING
- 106 **ZON-4234** - Applicant/Owner: City of Las Vegas
- MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING
- 107 **MSH-4197** - Applicant/Owner: Cliff's Edge, Limited Liability Company
- VACATION - PUBLIC HEARING
- 108 **VAC-4098** - Applicant/Owner: Pulte Homes
- 109 **VAC-4104** - Applicant: Evan Ranes – Owner: Mission Springs Properties, Limited Liability Company
- 110 **VAC-4158** - Applicant/Owner: Pulte Homes
- VARIANCE - PUBLIC HEARING
- 111 **ABEYANCE ITEM - VAR-3902** - Applicant/Owner: Richard and Jill Burns
- 112 **VAR-4193** - Applicant: Bullseye Commercial Real Estate – Owner: Farley Anderson, Limited Liability Company
- 113 **VAR-4340** - Applicant: Catholic Charities of Southern Nevada - Owner: Decatur Shopping Center Associates
- SPECIAL USE PERMIT RELATED TO VAR-4340 - PUBLIC HEARING
- 114 **SUP-4168** - Applicant: Catholic Charities of Southern Nevada - Owner: Decatur Shopping Center Associates
- REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING
- 115 **RQR-4330** - Applicant/Owner: Floyd Armstrong
- SPECIAL USE PERMIT - PUBLIC HEARING
- 116 **SUP-4120** - Applicant: Val-U-Cash – Owner: Rainbow Express Village, Limited Liability Company
- 117 **SUP-4137** - Applicant: Vincent Yaldo – Owner: Thomas E. Patrick, Living Trust
- 118 **SUP-4140** - Applicant: Nevcorp – Owner: Gvidas Northridge Plaza, Limited Liability Company
- 119 **SUP-4169** - Applicant: Las Vegas Billboards – Owner: Mark P. Milford and Lorilyn Milford Trust
- 120 **SUP-4172** - Applicant: Las Vegas Billboards – Owner: Shahram and Tawnya Sheikhan
- 121 **SUP-4176** - Applicant/Owner: 2651 Crimson Canyon, Limited Liability Company

City of Las Vegas

PLANNING & DEVELOPMENT - Page Three

INDEX

City Council Meeting of June 16, 2004

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4176 - PUBLIC HEARING

- 122 **SDR-4174** - Applicant/Owner: 2651 Crimson Canyon, Limited Liability Company

SPECIAL USE PERMIT - PUBLIC HEARING

- 123 **SUP-4180** - Applicant/Owner: Revival Temple Church
124 **SUP-4189** - Applicant: Budget Rent-A-Car – Owner: Hualapai Commons Limited, Limited Liability Company
125 **SUP-4195** - Owner/Applicant: M G B, Limited Liability Company
126 **SUP-4201** - Applicant: Roman Santos – Owner: Blalock Family Trust
127 **SUP-4203** - Applicant: LVRC Holdings, Limited Liability Company – Owner: Fountain DP, Limited Liability Company
128 **SUP-4233** - Applicant: Jerry L. McNeil – Owner: Lonnie Walston

REZONING - PUBLIC HEARING

- 129 **ZON-3884** - Applicant: Kerry O'Bannon Trustee – Owner: M M & K Trust

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3884 - PUBLIC HEARING

- 130 **SDR-3885** - Applicant: Kerry O'Bannon Trustee – Owner: M M & K Trust

REZONING - PUBLIC HEARING

- 131 **ZON-4226** - Applicant/Owner: Pardee homes of Nevada

VARIANCE RELATED TO ZON-4226 - PUBLIC HEARING

- 132 **VAR-4223** - Applicant/Owner: Pardee homes of Nevada

WAIVER TO TITLE 18 RELATED TO ZON-4226 AND VAR-4223 - PUBLIC HEARING

- 133 **WVR-4224** - Applicant/Owner: Pardee homes of Nevada

VACATION RELATED TO ZON-4226, VAR-4223 AND WVR-4224 - PUBLIC HEARING

- 134 **VAC-4221** - Applicant/Owner: Pardee homes of Nevada

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4226, VAR-4223, WVR-4224 AND VAC-4221 - PUBLIC HEARING

- 135 **SDR-4227** - Applicant/Owner: Pardee homes of Nevada

City of Las Vegas

PLANNING & DEVELOPMENT - Page Four

INDEX

City Council Meeting of June 16, 2004

- GENERAL PLAN AMENDMENT - PUBLIC HEARING
- 136 **ABEYANCE ITEM - GPA-3977** - Applicant: Dr. Jas Grover – Owners: Helen Goulette, et al
- REZONING RELATED TO GPA-3977 - PUBLIC HEARING
- 137 **ABEYANCE ITEM - ZON-3981** - Applicant: Dr. Jas Grover – Owners: Helen Goulette, et al
- SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-3977 AND ZON-3981 - PUBLIC HEARING
- 138 **ABEYANCE ITEM - SDR-3982** - Applicant: Dr. Jas Grover – Owners: Helen Goulette, et al
- GENERAL PLAN AMENDMENT - PUBLIC HEARING
- 139 **GPA-4079** - Applicant: Richmond American Homes – Owners: Khusrow Roohani Trust, Michael and Michelle Barney, Durango Elkhorn, Limited Liability Company, Wayne and Joanne Schlekewy, Spartan Properties, Limited Liability Company and Michael and Carol Bubonovich
- REZONING RELATED TO GPA-4079 - PUBLIC HEARING
- 140 **ZON-4084** - Applicant: Richmond American Homes – Owners: Khusrow Roohani Trust
- SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4079 AND ZON-4084 - PUBLIC HEARING
- 141 **SDR-4088** - Applicant: Richmond American Homes – Owners: Khusrow Roohani Trust, Michael and Michelle Barney, Durango Elkhorn, Limited Liability Company, Wayne and Joanne Schlekewy, Spartan Properties, Limited Liability Company and Michael and Carol Bubonovich

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - SPECIAL USE PERMIT - EOT-4392 - APPLICANT: OLD TOWN, INC. - OWNER: ECT HOLDING, LIMITED LIABILITY COMPANY - Request for an Extension of Time for a Special Use Permit (SUP-1875) FOR A TAVERN and a Waiver of the minimum distance requirements from a tavern and protected uses at 1208 East Charleston Boulevard (APN: 162-02-110-001, 003, 011, and 013), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED Item 94 [EOT-4392], Item 95 [EOT-4393], Item 96 [EOT-4433], and Item 97 [EOT-4438] subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

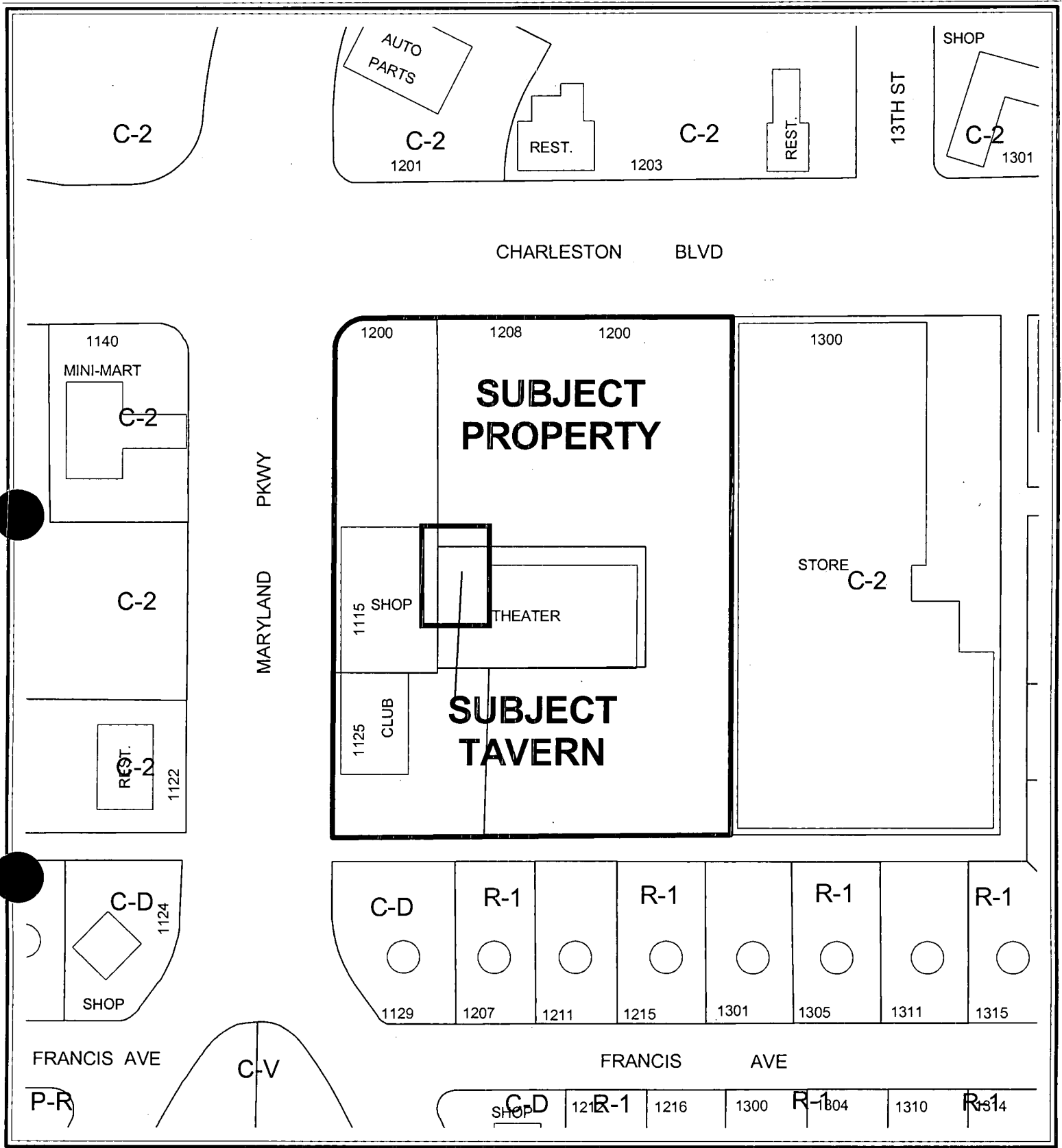
(3:10 – 3:11)

5-1012

CONDITIONS:

Planning and Development

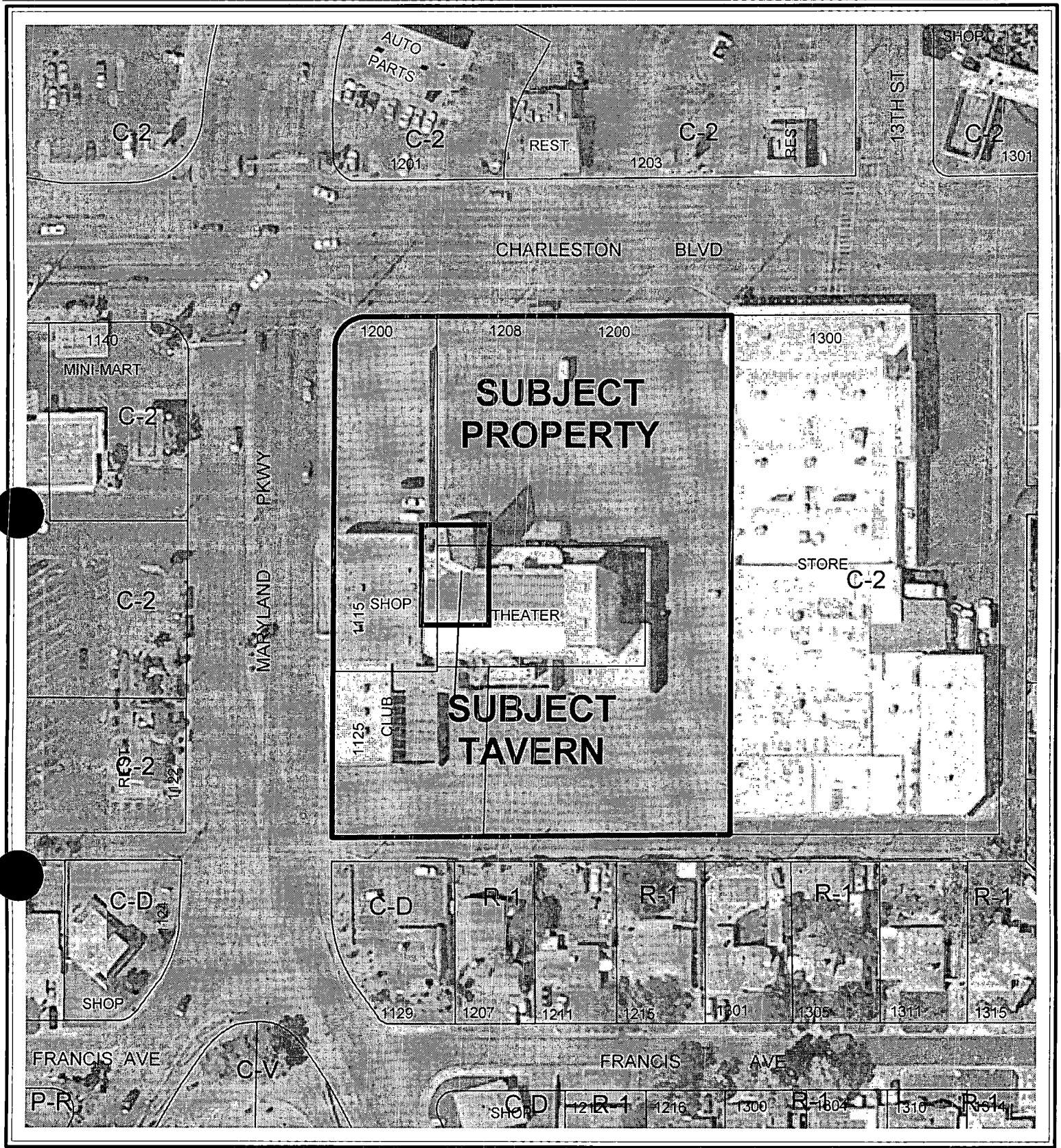
1. This Extension of Time will expire on May 7, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit SUP-1875.



CASE: EOT-4392

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)





CASE: EOT-4392

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-4392 - APPLICANT: OLD TOWN, INC. – OWNER: ECT
HOLDING, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 7, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit SUP-1875.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for an Extension of Time on an approved Special Use Permit (SUP-1875) for a Tavern and a waiver of minimum distance requirements from another Tavern and protected uses at 1208 East Charleston Boulevard.

B) Applicant's Justification

The applicant's justification letter indicates they are requesting a 2 year extension because additional time is necessary to finalize the civil improvement plans for a building that is 60 years old.

BACKGROUND INFORMATION

A) Previous Actions

05/07/03 The City Council approved a request for a Special Use Permit (SUP-1875) for a tavern on the subject site. The Planning Commission and staff recommended approval on April 10, 2003.

B) Pre-Application Meeting

A pre-application meeting 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

Gross Acres: 2.61

B) Existing Land Use

Subject Property: Vacant Auditorium space, Furniture Store
North: Retail Commercial Center
South: Offices and Single Family Dwellings
East: Commercial Building
West: Retail Commercial Center

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: SC (Service Commercial) and
L (Low Density Residential)
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: R-1 (Single Family Residential) and
R-1 (Single Family Residential) under Resolution of Intent to C-D
(Designed Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. The proposed entertainment venue/restaurant/tavern is in compliance with either Service Commercial and General Commercial land uses under the C (Commercial) designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Historic Preservation Site	X	
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject property has been designated as an Historic Preservation Site. The Huntridge Theater is listed on both the State of Nevada and National Historic Registers, but is not listed on the City of Las Vegas Historic Register. As a result, the applicant was not required to obtain approval of the site plan from the Historic Preservation Commission.

ANALYSIS

Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

The minimum distance separation requirements of Section 19.04.050 of the City of Las Vegas Zoning Code stipulate that a Tavern must be a minimum of 1,500 feet from any church, synagogue, school, child care facility licensed for more than twelve children or City park, or another tavern as measured from property line to property line.

These provisions may be waived, however, if the proposed Tavern is to be located in a building that has been designated at the state or local level as an historic property, building or landmark. As the Huntridge Theater building has been so designated at the state level, all minimum separation distances can be waived. Since the proposed Tavern use is to be developed in conjunction with other integrated entertainment functions proposed for the building, and will represent a logical reuse of an important historic building, the City Council approved the waiver as part of the Special Use Permit.

General Analysis and Discussion

- Zoning

The "Liquor Establishment (Tavern)" use is permitted in the C-2 District with the approval of a Special Use Permit.

- Use

The use of a portion of this development site for a Tavern continues to be appropriate, given the nature of development in the area, which includes a variety of retail, restaurant and commercial uses, and the fact that the Tavern use will be integrated with other entertainment elements within the Huntridge Theater building. Therefore, the recommendation for this Extension of Time is for approval subject to a two year time limit.

- Conditions

With approval of the waiver of the 1,500-foot minimum separation distance, the proposed Tavern use meets all conditions of approval of a Special Use Permit as outlined in Title 19.04.050 of the Zoning Code

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the 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 project is compatible with the General Plan land use designation for the area and satisfies the requirements of the Zoning Code with respect to minimum separation distance requirements. The project, located in a substantial commercial development at an intersection where all four corners are occupied by major commercial developments, can be expected to be compatible with, and mutually supportive of, these other commercial uses.

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

There is no evidence of any physical constraint to location of the proposed tavern use on the subject site.

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

The proposed tavern use will be accessed from Maryland Parkway and Charleston Boulevard, which are both identified on the Master Plan of Streets and Highways as a Primary (100-foot) Arterials. These roads have adequate capacity to serve the proposed development. The project will not have any negative traffic impact on residential neighborhoods to the south of the subject site

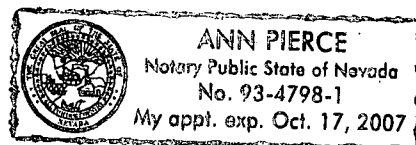
4. **"Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan."**

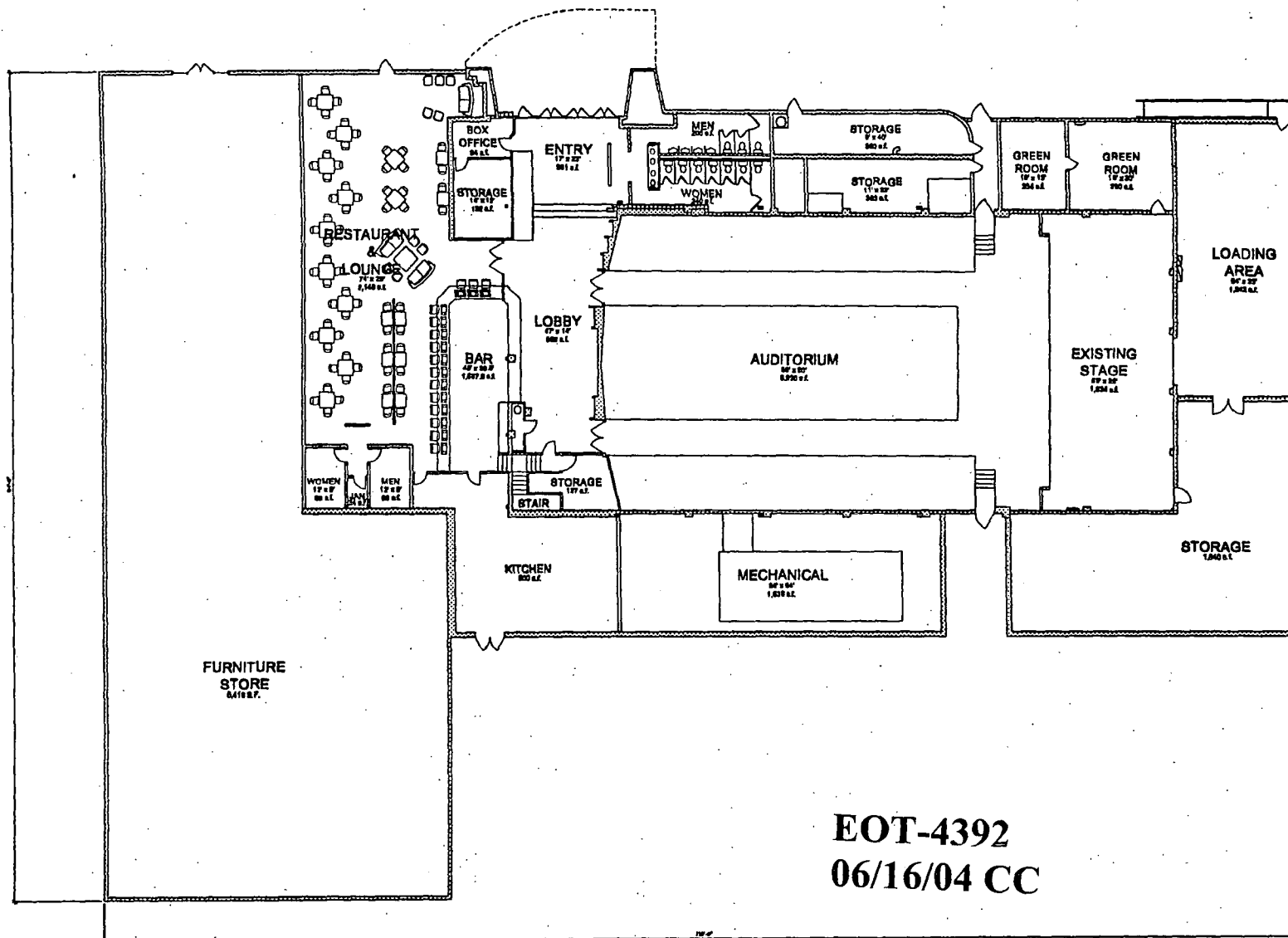
The proposed tavern use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0





EOT-4392
06/16/04 CC

HUNTRIDGE

THEATER REMODEL

FLOOR PLAN

PROJECT # 100-75
DATE FEBRUARY 10, 2004

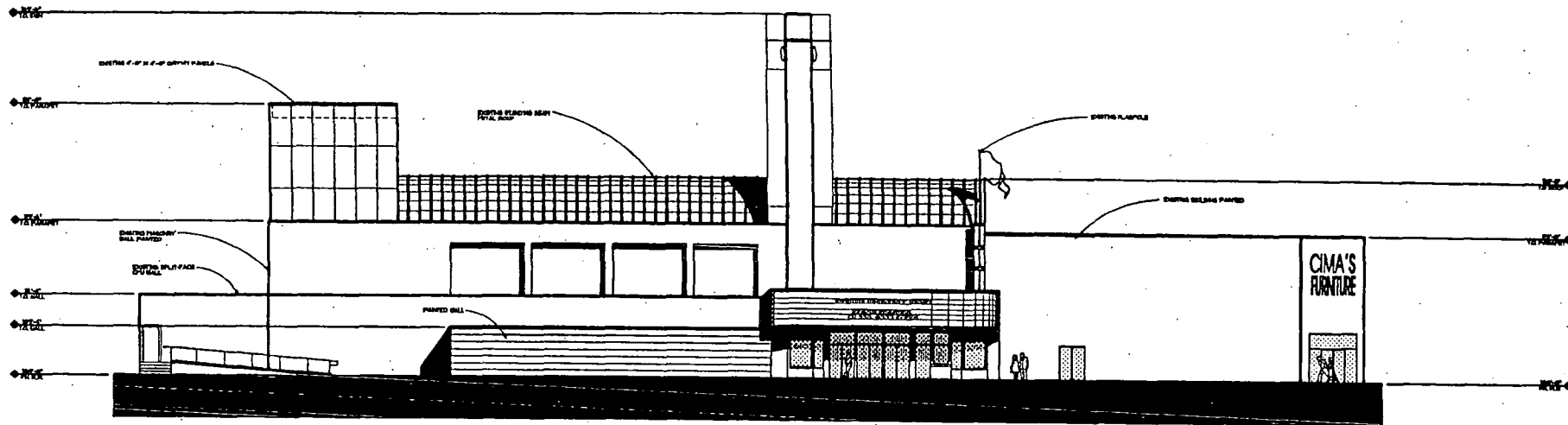
0 10' 20'
SCALE: 1/8" = 1'-0"



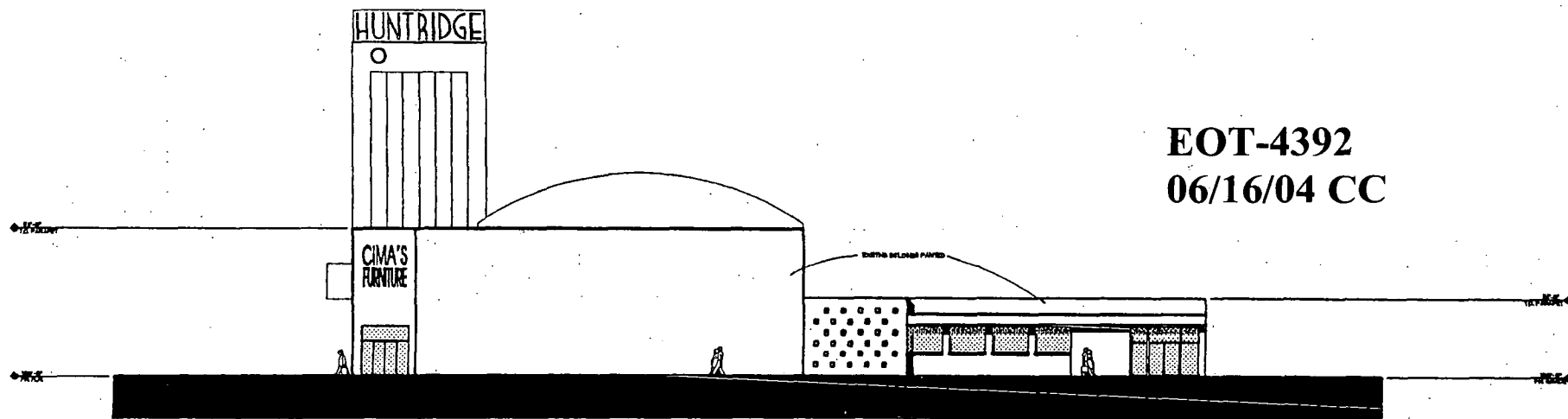
CARPENTER SELLERS ASSOCIATES

www.csaarchitects.com
100 S. 1000 E. SUITE C • LAS VEGAS, NV 89101
(702) 331-0000 • FAX (702) 331-0000

SHEET
SD-2



NORTH ELEVATION
DATE 02/10/04



WEST ELEVATION
DATE 02/10/04

EOT-4392
06/16/04 CC

HUNTRIDGE

O THEATER REMODEL

EXTERIOR ELEVATIONS

PROJECT & FIELDS
DATE FEBRUARY 10, 2003

0 1/2" 1" 1 1/2"
SCALE 1/4" = 1'-0"

CARPENTER SELLERS ASSOCIATES
www.csaarchitects.com
100 E. 10th St. - Suite C - Los Angeles, CA 90012
(213) 221-0000 • FAX (213) 221-0001

SHEET
SD-3

HUNTRIDGE

THEATER REMODEL

EXTERIOR ELEVATIONS

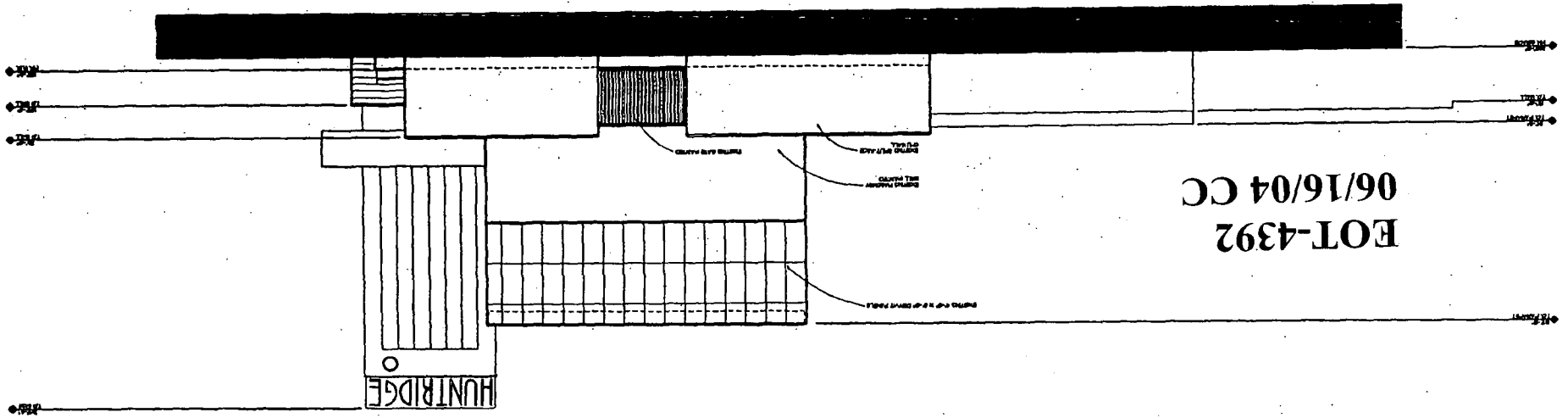
PROJECT & NOTES
DATE: FEBRUARY 18, 2003

SCALE: 1/8" = 1'-0"

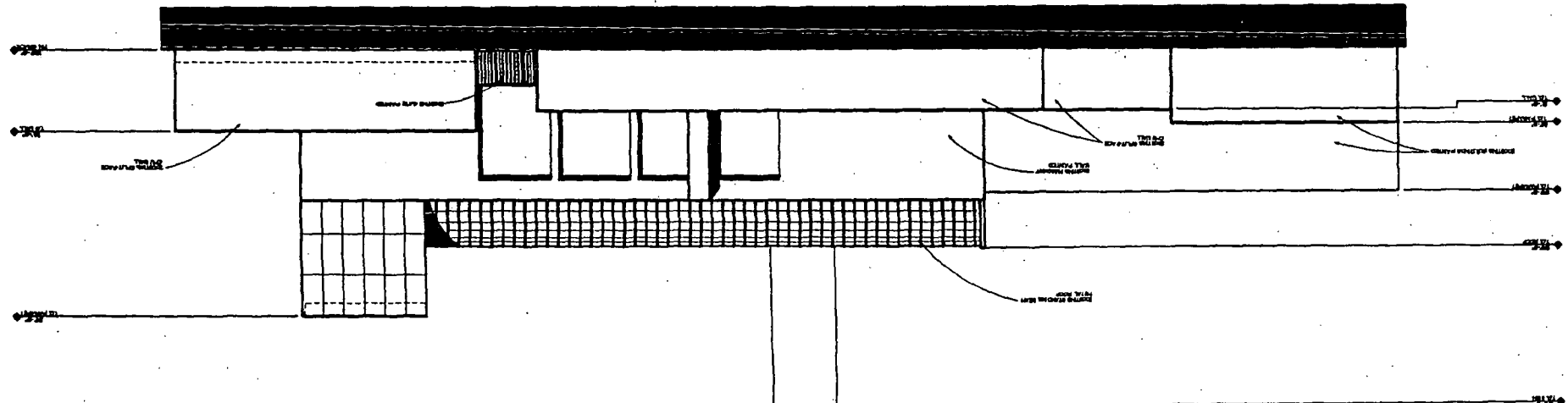
CARPENTER SELLERS ASSOCIATES
WWW.CSASRCHIEFS.COM
1001 2ND ST. - 4TH FL. - SUITE 100
DENVER, CO 80202

SD-4
SHEET

EAST ELEVATION



SOUTH ELEVATION



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME RELATED TO EOT-4392 - VARIANCE - EOT-4393 -
APPLICANT: OLD TOWN, INC. - OWNER: ECT HOLDING, LIMITED LIABILITY
COMPANY - Request for an Extension of Time for a Variance (VAR-1879) TO ALLOW 172
PARKING SPACES WHERE 187 PARKING SPACES ARE REQUIRED at 1208 East
Charleston Boulevard (APN: 162-02-110-001, 003, 011, and 013), C-2 (General Commercial)
Zone, Ward 3 (Reese). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED Item 94 [EOT-4392], Item 95 [EOT-4393], Item 96 [EOT-4433],
and Item 97 [EOT-4438] subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

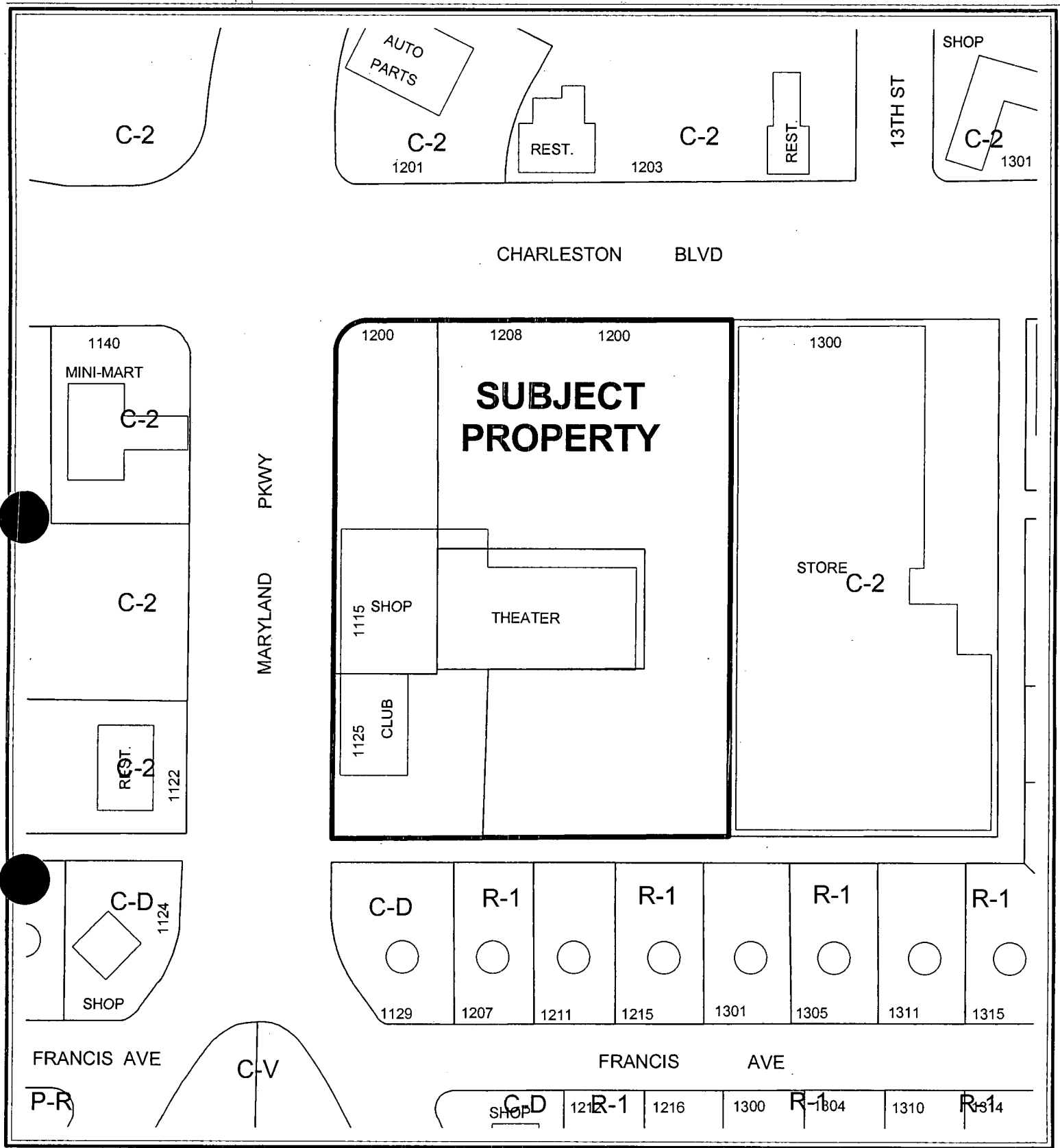
(1:31 – 1:35)

4-257

CONDITIONS:

Planning and Development

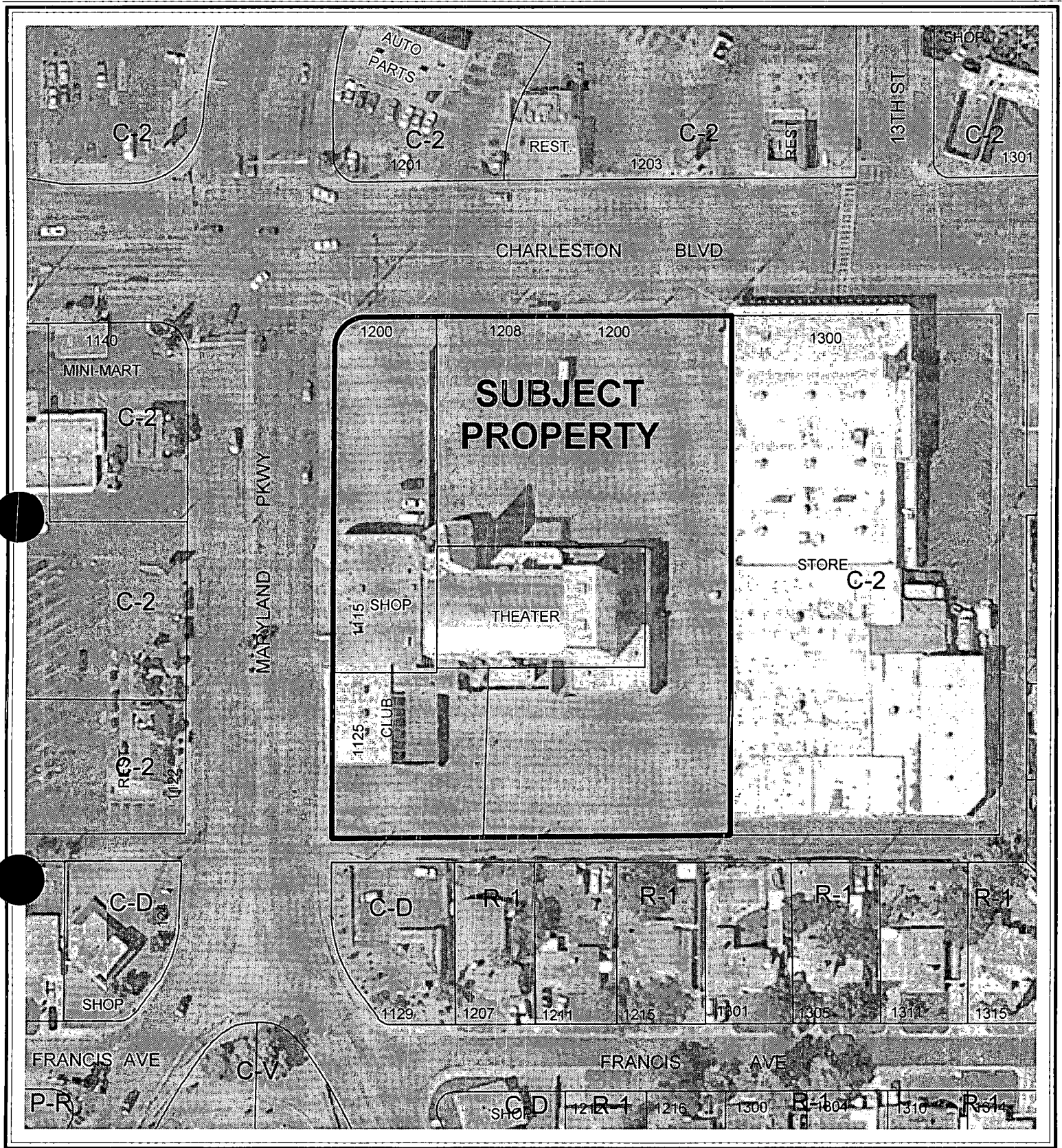
1. This Extension of Time will expire on May 7, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Variance VAR-1879.



CASE: EOT-4393

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)





CASE: EOT-4393

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-4393 - APPLICANT: OLD TOWN, INC. – OWNER: ECT
HOLDING, LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 7, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Variance VAR-1879.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for an Extension of Time on an approved Variance (VAR-1879) to allow 172 parking spaces where 187 spaces are required, on a 2.61-acre site located at 1208 E. Charleston Boulevard.

B) Applicant's Justification

The applicant's justification letter indicates they are requesting a 2 year extension because additional time is necessary to finalize the civil improvement plans for a building that is 60 years old.

BACKGROUND INFORMATION

A) Previous Actions

05/07/03 The City Council approved a request for a Variance (VAR-1879) to allow 172 parking spaces where 187 spaces are required on the subject site. The Planning Commission and staff recommended approval on April 10, 2003.

B) Pre-Application Meeting

A pre-application meeting 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

Gross Acres: 2.61

B) Existing Land Use

Subject Property:	Vacant Auditorium space, Furniture Store
North:	Retail Commercial Center
South:	Offices and Single Family Dwellings
East:	Commercial Building
West:	Retail Commercial Center

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: SC (Service Commercial) and
L (Low Density Residential)
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: R-1 (Single Family Residential) and
R-1 (Single Family Residential) under Resolution of Intent to C-D
(Designed Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as C (Commercial) on the Redevelopment Plan Area Map of the General Plan. The proposed entertainment venue/restaurant/tavern is in compliance with either Service Commercial and General Commercial land uses under the C (Commercial) designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District	X	
Historic Preservation Site	X	
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject property has been designated as an Historic Preservation Site. The Huntridge Theater is listed on both the State of Nevada and National Historic Registers, but is not listed on the City of Las Vegas Historic Register. As a result, the applicant was not required to obtain approval of the site plan from the Historic Preservation Commission.

ANALYSIS

A) Zoning Code Compliance

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

Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Auditorium	6,636 s.f.	1 space/ 100 s.f. GFA	67 spaces			
Tavern	3,652 s.f.	1 space/ 50 s.f. GFA	73 spaces			
Ancillary Space	5,911 s.f.	1 space/ 200 s.f. GFA	30 spaces			
Furniture Store	8,410 s.f.	1 space/ 500 s.f. GFA	17 spaces			
Total			187 spaces	6 spaces	172 spaces	6 spaces

The proposed development is deficient with respect to the current parking standard. The subject deviation is 8%.

B) General Analysis and Discussion

The proposed development on the site is essentially an interior renovation of the historically-designated Huntridge Theater to once again have the theater function as an important entertainment venue serving the Downtown and central city area of Las Vegas. The existing building will be reused, without the addition of floor space to the existing building; similarly, the existing parking lot is to be reused to serve the new uses in the building. The site is physically constrained by existing development; as a result, no additional land can be added to the site to provide for additional parking area. The requested relief from the current parking standard is relatively minor; the site can provide all but eight percent of the required parking. Therefore, the recommendation for this Extension of Time is for approval subject to a two year time limit.

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:

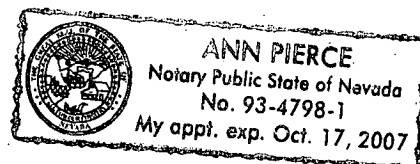
“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application 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.”

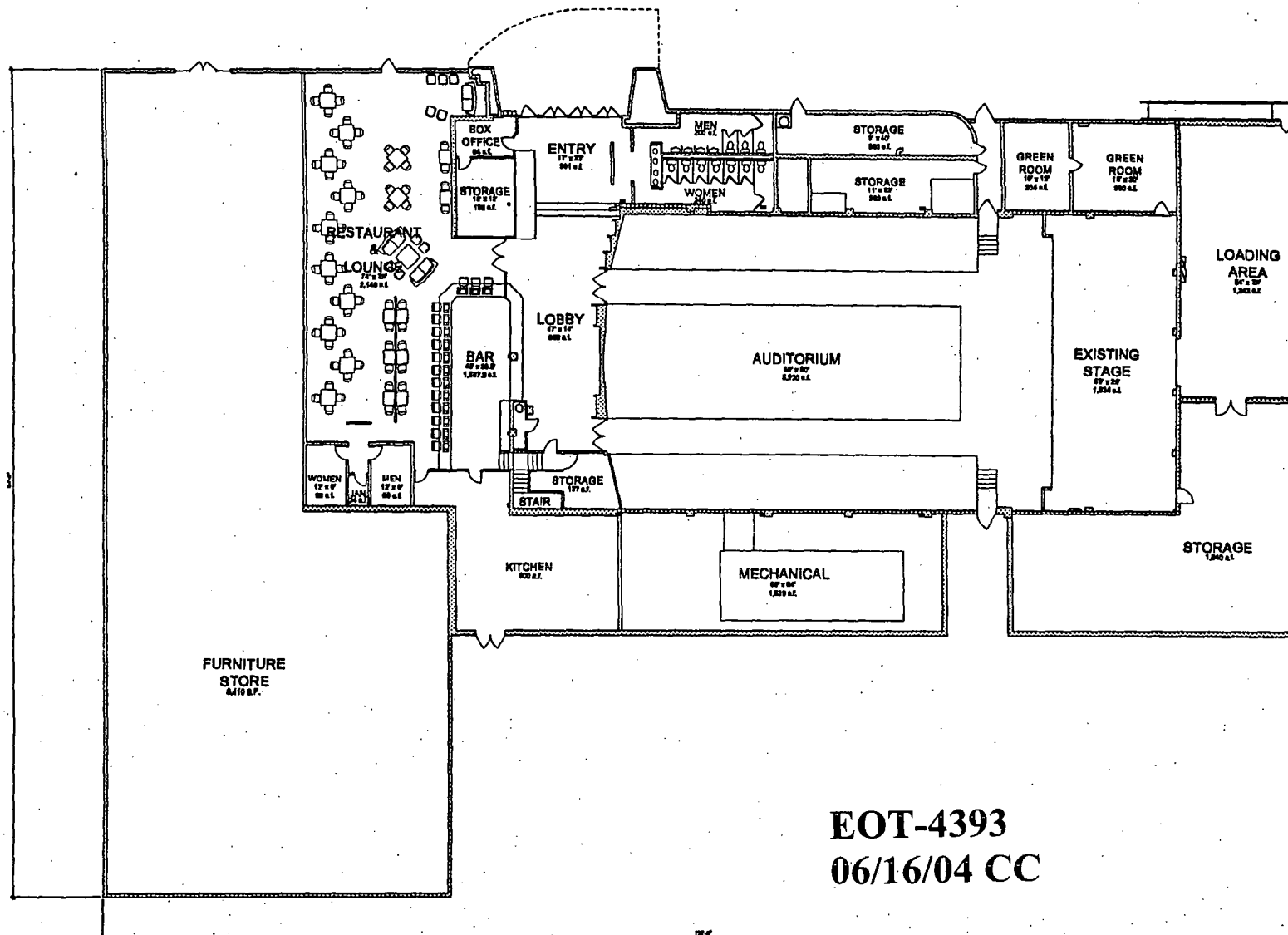
The difficulty presented in this application is that the project is to reuse an historically-designated building, without modification to the external floor area of the building, as well as the existing parking area of the site. The property is constrained by existing development on all sides, so no additional area can reasonably be added to the parking area. Additionally, the fact that the proposal will provide for a logical reuse of an important historic resource in the heart of the city can be argued to be in the interest of the public good, without any substantial impairment of any natural resources or impairment of the intent or purpose of any ordinance or resolution. Accordingly, it is concluded that the Variance remains within the realm of NRS Chapter 278 for granting of Variances, and that approval of the Extension of Time request is recommended with a two year time limit.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0





EOT-4393
06/16/04 CC

HUNTRIDGE

THEATER REMODEL

FLOOR PLAN

PROJECT # 108-73
DATE FEBRUARY 14, 2008

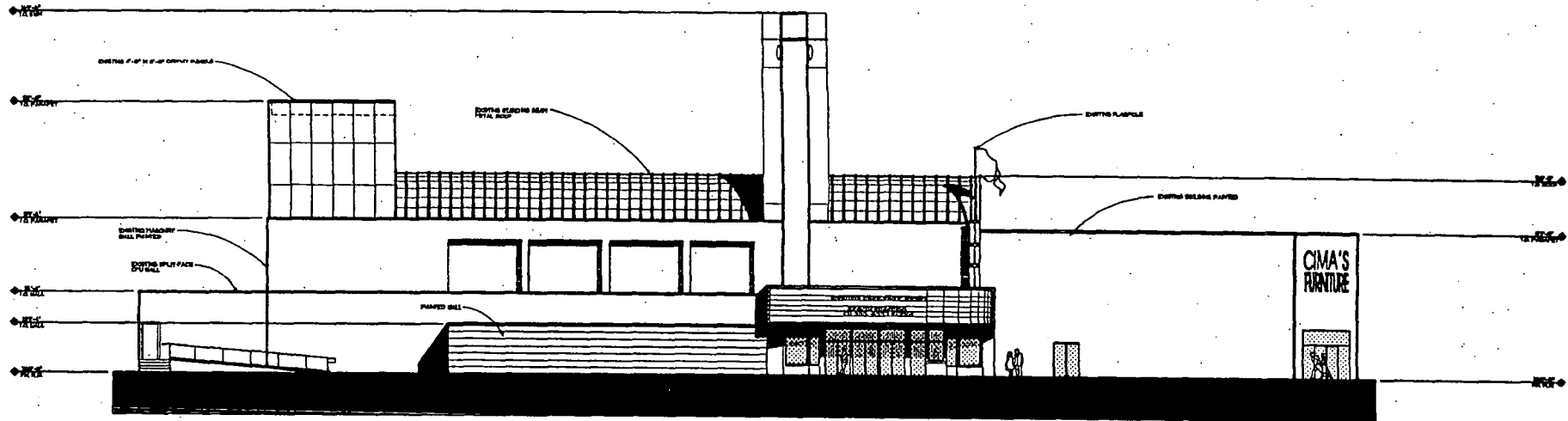
0 10' 20'
SCALE 1/8" = 1'-0"



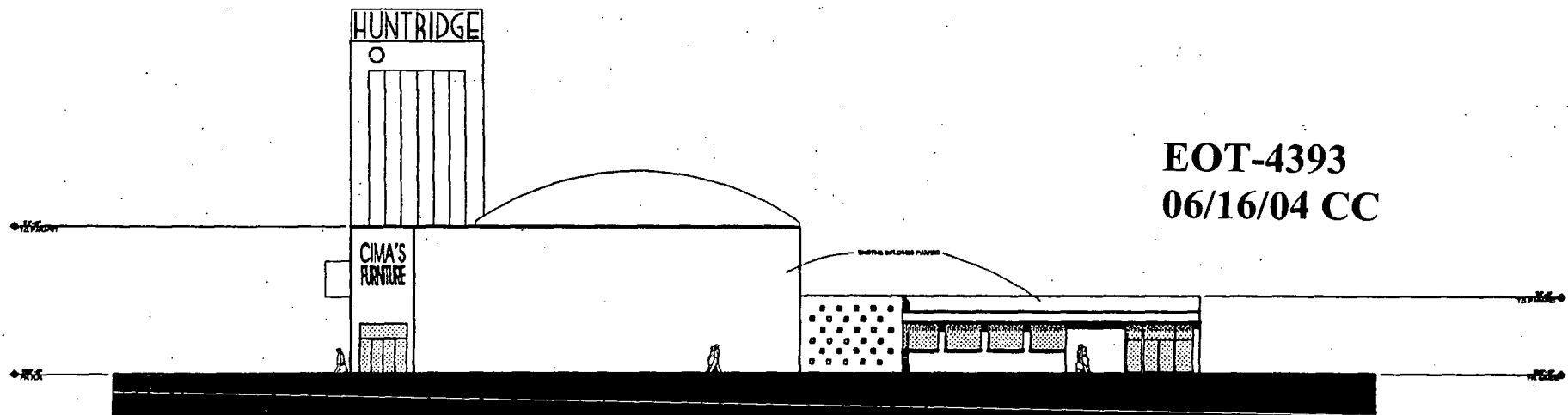
CARPENTER SELLERS ASSOCIATES

www.casarchitects.com
800 S. 1000 E. - SUITE C - LAS VEGAS, NV 89101
702.225.0000 • FAX 702.225.0001

SHEET
SD-2



NORTH ELEVATION
SCALE 1/8" = 1'-0"



WEST ELEVATION
SCALE 1/8" = 1'-0"

EOT-4393
06/16/04 CC

HUNTRIDGE

THEATER REMODEL

EXTERIOR ELEVATIONS

PROJECT # 100-75
DATE FEBRUARY 16, 2003

0 1/2" 1" 1 1/2"
SCALE 1/8" = 1'-0"

CARPENTER SELLERS ASSOCIATES
www.cssarchitects.com
200 S. JONES • SUITE C • LAS VEGAS, NV 89104
(702) 251-6888 • FAX (702) 251-6879

SHEET
SD-3

8 SHEET
SD-4

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - SPECIAL USE PERMIT - EOT-4433 - APPLICANT: GERALD GARAPICH, AIA, LIMITED LIABILITY COMPANY - OWNER: GRAND TETON LODGE LAND, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0011-00) WHICH ALLOWED A PROPOSED TAVERN IN CONJUNCTION WITH AN APPROVED RESTAURANT on property located adjacent to the northeast corner of Grand Teton Drive and Durango Drive (a portion of APN: 125-09-401-006), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0
0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0
0

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 Item 94 [EOT-4392], Item 95 [EOT-4393], Item 96 [EOT-4433], and Item 97 [EOT-4438] subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

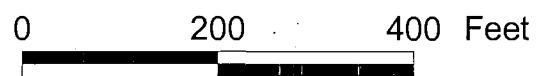
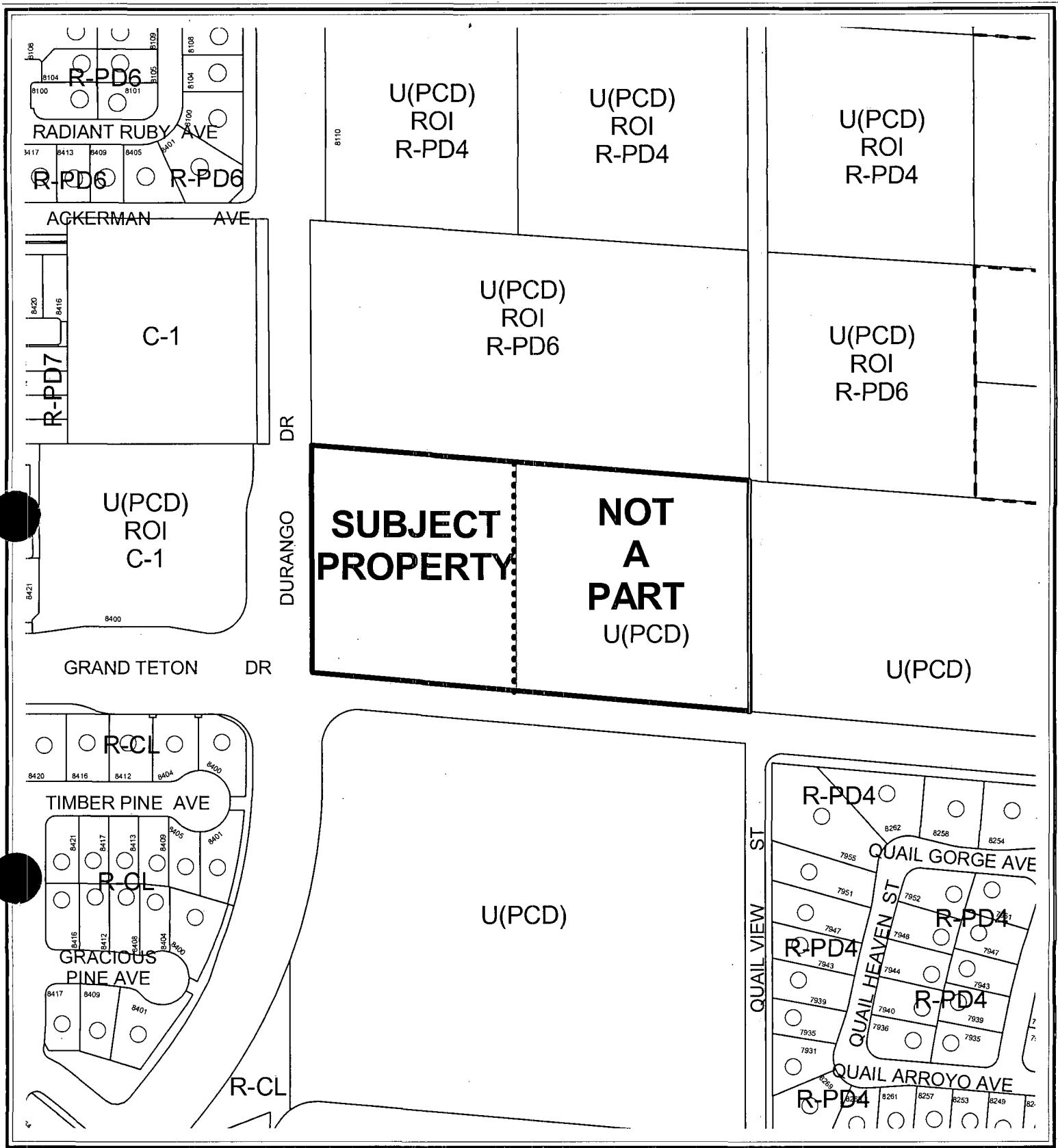
(3:10 – 3:11)

5-1012

CONDITIONS:

Planning and Development

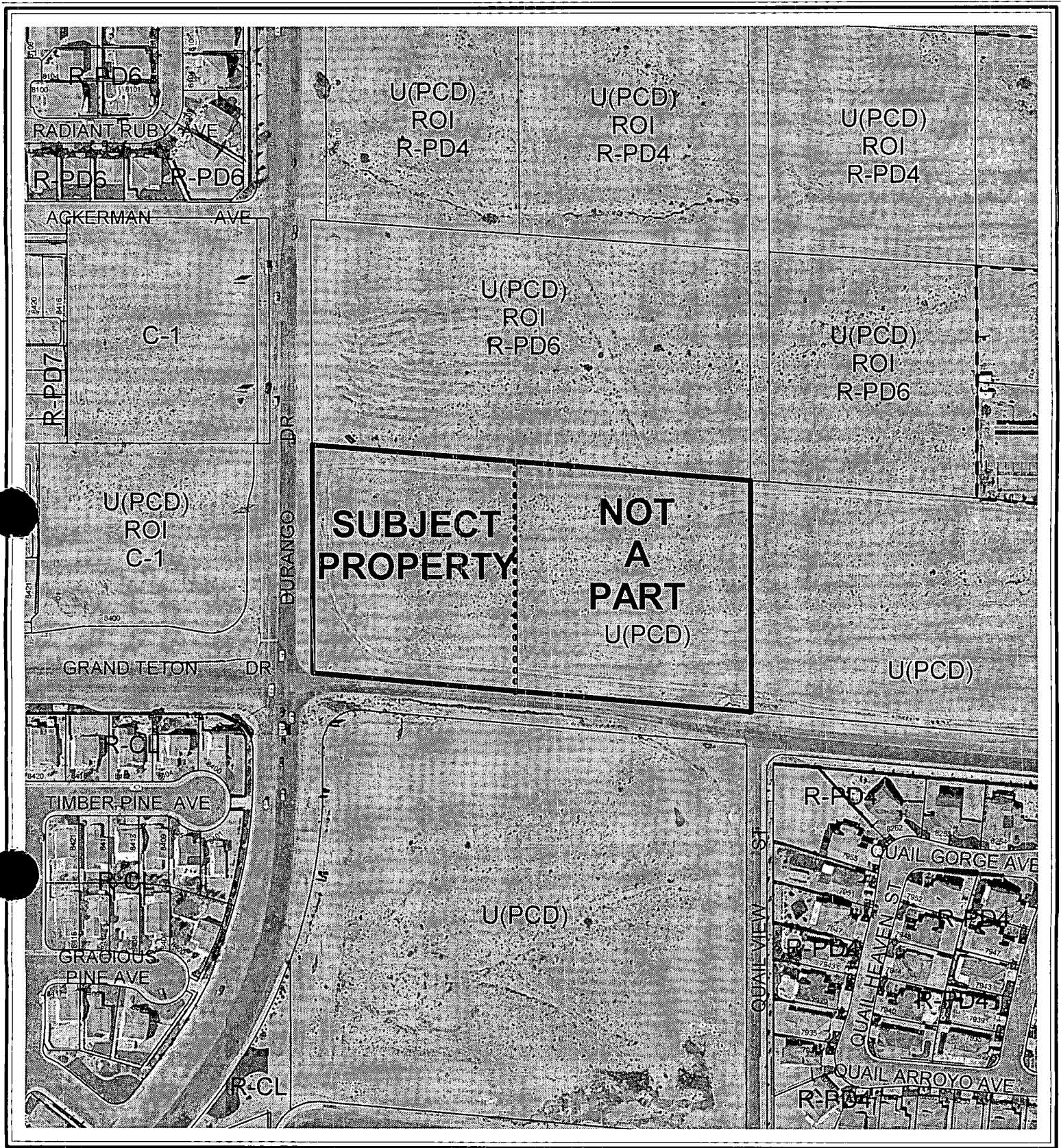
1. This Extension of Time will expire on June 21, 2005 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit U-0011-00.



CASE: EOT-4433

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE[PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL) AND
 U (UNDEVELOPED) ZONE[PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]



0 200 400 Feet



CASE: EOT-4433

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE[PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL) AND U (UNDEVELOPED) ZONE[PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION]

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4433 - APPLICANT: GERALD GARAPICH, AIA,
LIMITED LIABILITY COMPANY – OWNER: GRAND TETON LODGE LAND, LIMITED
LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on June 21, 2005 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit U-0011-00.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a third Extension of Time on an approved Special Use Permit (U-0011-00) for a Tavern on property located adjacent to the northeast corner of Grand Teton Drive and Durango Drive.

B) *Applicant's Justification*

The applicant's justification letter indicates additional time is necessary to finalize construction documents for submittal and approval.

BACKGROUND INFORMATION

A) *Previous Actions*

06/21/00 The City Council approved a Special Use Permit and Site Development Plan Review (U-0011-00) for a tavern in conjunction with a proposed restaurant on this site. The Planning Commission and staff recommended approval on May 11, 2000.

07/17/02 The City Council approved a one-year Extension of Time [U-0011-00(1)] of a Special Use Permit and Site Development Plan Review (U-0011-00) for a tavern in conjunction with a proposed restaurant on this site. The Planning Commission and staff recommended approval on June 13, 2002.

08/20/03 The City Council approved a one-year Extension of Time (EOT-2529) of a Special Use Permit and Site Development Plan Review (U-0011-00) for a tavern in conjunction with a proposed restaurant on this site. The Planning Commission and staff recommended approval on July 24, 2003.

B) *Pre-Application Meeting*

A pre-application meeting 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*

Gross Acres: 2.0
Net Acres: 1.82

B) *Existing Land Use*

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped
East: Undeveloped
West: Undeveloped

C) *Planned Land Use*

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development)
South: PCD (Planned Community Development)
East: PCD (Planned Community Development)
West: PCD (Planned Community Development)

D) *Existing Zoning*

Subject Property: U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial)
North: U (Undeveloped) under Resolution of Intent to R-PD6 (Residential Planned Development – 6 Units Per Acre)
South: U (Undeveloped)
East: U (Undeveloped)
West: U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial)

E) *General Plan Compliance*

The PCD (Planned Community Development) category of the Centennial Hills General Plan allows for a mix of residential uses that maintain an average overall density ranging from two to eight dwelling units per gross acre, depending upon compatibility with adjacent uses. In addition, some public facilities and office projects may be used as buffers between areas of low-density residential and areas of neighborhood commercial within the PCD (Planned Community Development) category. The C-1 (Limited Commercial) zoning on the subject site was established by Clark County before the parcel was annexed into the City of Las Vegas.

<i>SPECIAL DISTRICTS/ZONES</i>	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
Special Notification		X

A trail is required by Condition #10 of the Special Use Permit (U-0011-00) and the Interlocal Joint Use Planning Area Trails Map. The submitted site plan depicts the Multi-Use Equestrian Trail along the north property line of this portion of the subject site. All conditions of approval from the original application will remain in place, as this application is only to extend the approval of the use.

ANALYSIS

A) Zoning Code Compliance

Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

The minimum distance separation requirements of Section 19.04.050 of the City of Las Vegas Zoning Code stipulate that a Tavern must be a minimum of 1,500 feet from any church, synagogue, school, child care facility licensed for more than twelve children or City park, or another tavern as measured from property line to property line. In this case there are no protected or similar uses within the minimum distance separation requirement.

B) General Analysis and Discussion

- **Zoning**

The proposed tavern establishment is allowed in the C-1 (Limited Commercial) zoning district with approval of a Special Use Permit.

- **Use**

The City Council found, in approving the original request, that the tavern will be an appropriate use for this location.

- **Conditions**

All conditions of approval from the original application (U-0011-00) will remain in place, as this application is only to extend the approval of the use.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the 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 tavern can be operated in a manner that is harmonious and compatible with the surrounding uses. Furthermore, the surrounding properties have not significantly changed from the time of the initial approval.

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

There are no physical constraints to the location of the use on the subject site.

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

With conformance to the conditions of approval of the original request (U-0011-00), Durango Drive and Grand Teton Drive will be adequate in size to meet the requirements of the proposed use.

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

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

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EDT-4433 APN: 125.09.401.006

Name of Property Owner: Grand Teton Lodge Land LLC.

Name of Applicant: Architect Gerald Garapich, AIA, LLC.

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

Yes

☒ No

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

City Official: _____

Partner(s): _____

APN: _____

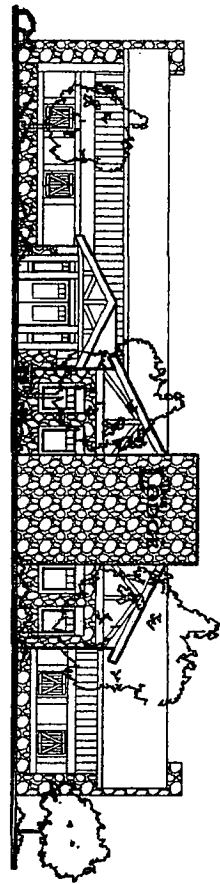
Signature of Property Owner/Authorized Agent:

Print Name:

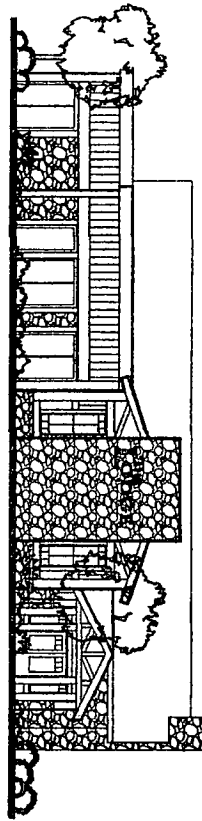
Subscribed and sworn before me

This 3rd day of May, 2024

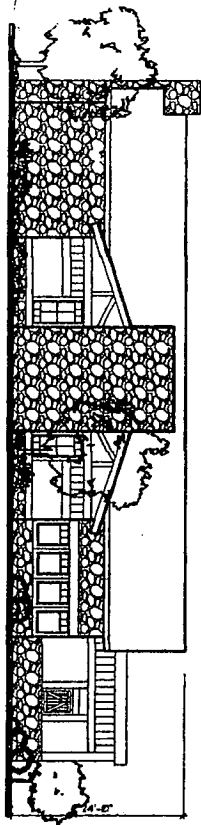
Notary Public in and for said County and State



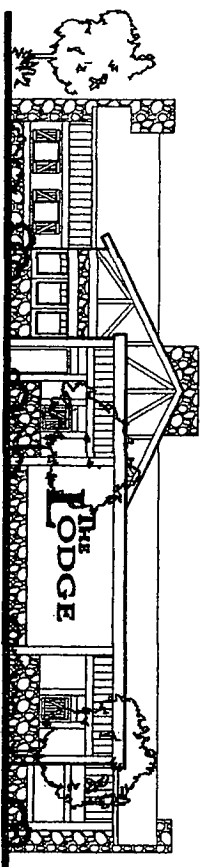
5 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



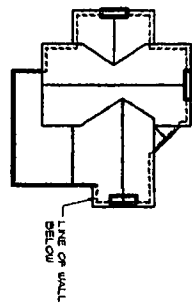
4 EAST ELEVATION
SCALE: 1/8" = 1'-0"



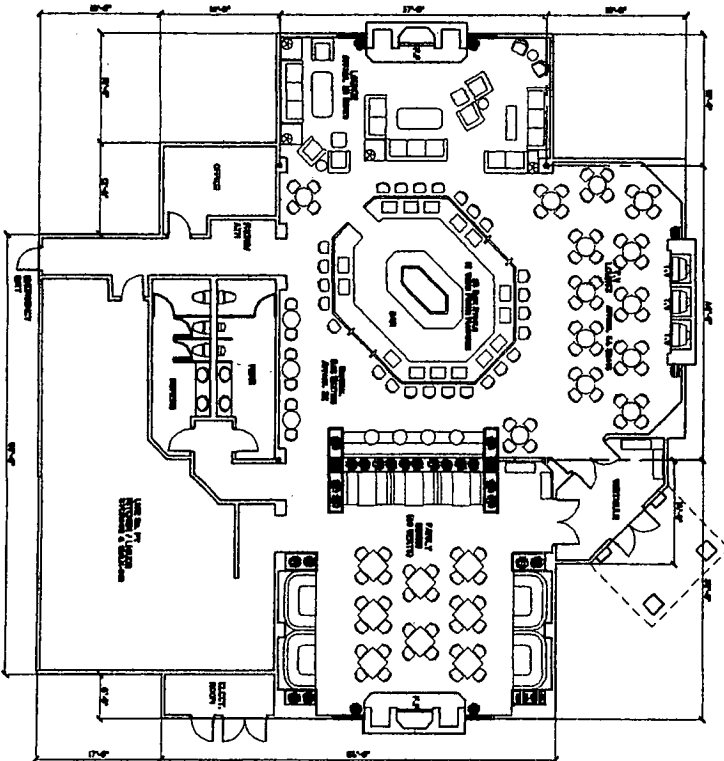
3 WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



6 ROOF PLAN
SCALE: 1/8" = 1'-0"



1 FLOOR PLAN
SCALE: 1/8" = 1'-0"

NOTES

BUILDING AREA: 6,510 SQ. FT.

REVISOR PLAN
ELEVATIONS

ARCHITECT GERALD GARADICH • AIA
• & ASSOCIATES •
10 COMMERCE CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 454-8822 FAX (702) 454-7868

PROJECT TITLE
**THE LODGE AT
GRAND TETON**
LAS VEGAS, NEVADA

PRELIMINARY
NOT FOR
CONSTRUCTION
12-85-88

SHEET 1118
**FLOOR PLAN &
ELEVATIONS**

AL101

ALL INSTRUMENTS OF SERVICE, THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT, AND MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE ARCHITECT'S WRITTEN CONSENT. COPIES OF THE DRAWINGS AND SPECIFICATIONS RETAINED BY THE CLIENT MAY BE UTILIZED ONLY FOR THE USE AND FOR OCCUPANCY OF THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR CONSTRUCTION OF ANY OTHER PROJECTS. ANY USE OR REPRODUCTION OF THE DRAWING OR PART BY ANY MEANS WHATSOEVER IS EXPRESSLY PROHIBITED. THESE DOCUMENTS ARE NOT FINAL AND READY FOR USE, AND THEREFORE NOT VALID, UNLESS THEY ARE SEALED, SIGNED, AND DATED. P.A.C. ARCHITECTS, 6000 S. RIVINGTON AVENUE, SUITE 100, DENVER, CO 80221.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - REZONING - EOT-4438 - APPLICANT/OWNER: JAH ASIF -
Request for an Extension of Time of an approved Rezoning FROM: R-2 (Medium-Low Density Residential) TO: N-S (Neighborhood Service) on 0.18 acres located at 2413 Maroney Avenue (APN: 162-02-410-096), Ward 3 (Reese). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED Item 94 [EOT-4392], Item 95 [EOT-4393], Item 96 [EOT-4433], and Item 97 [EOT-4438] subject to conditions – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

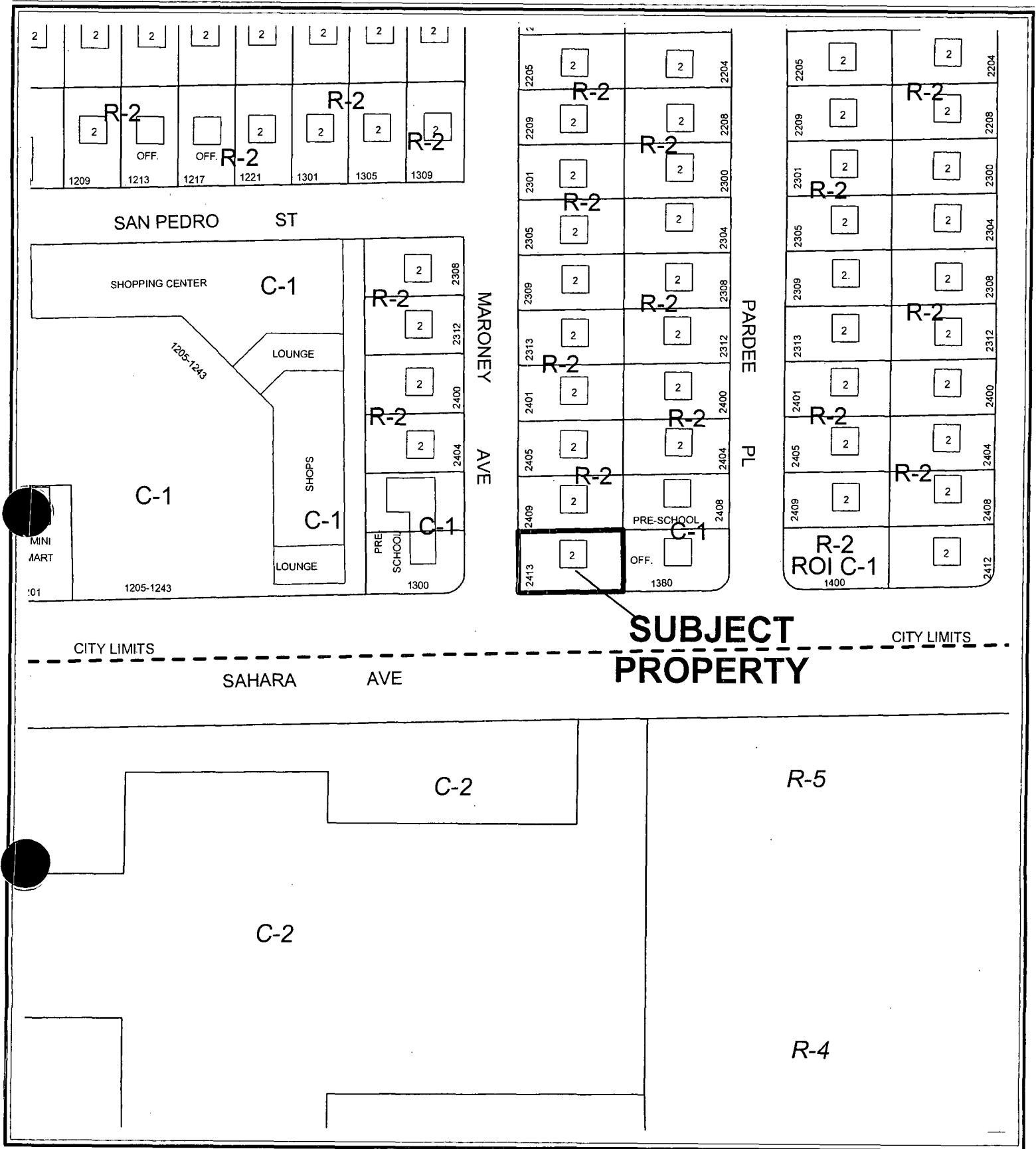
(3:10 – 3:11)

5-1012

CONDITIONS:

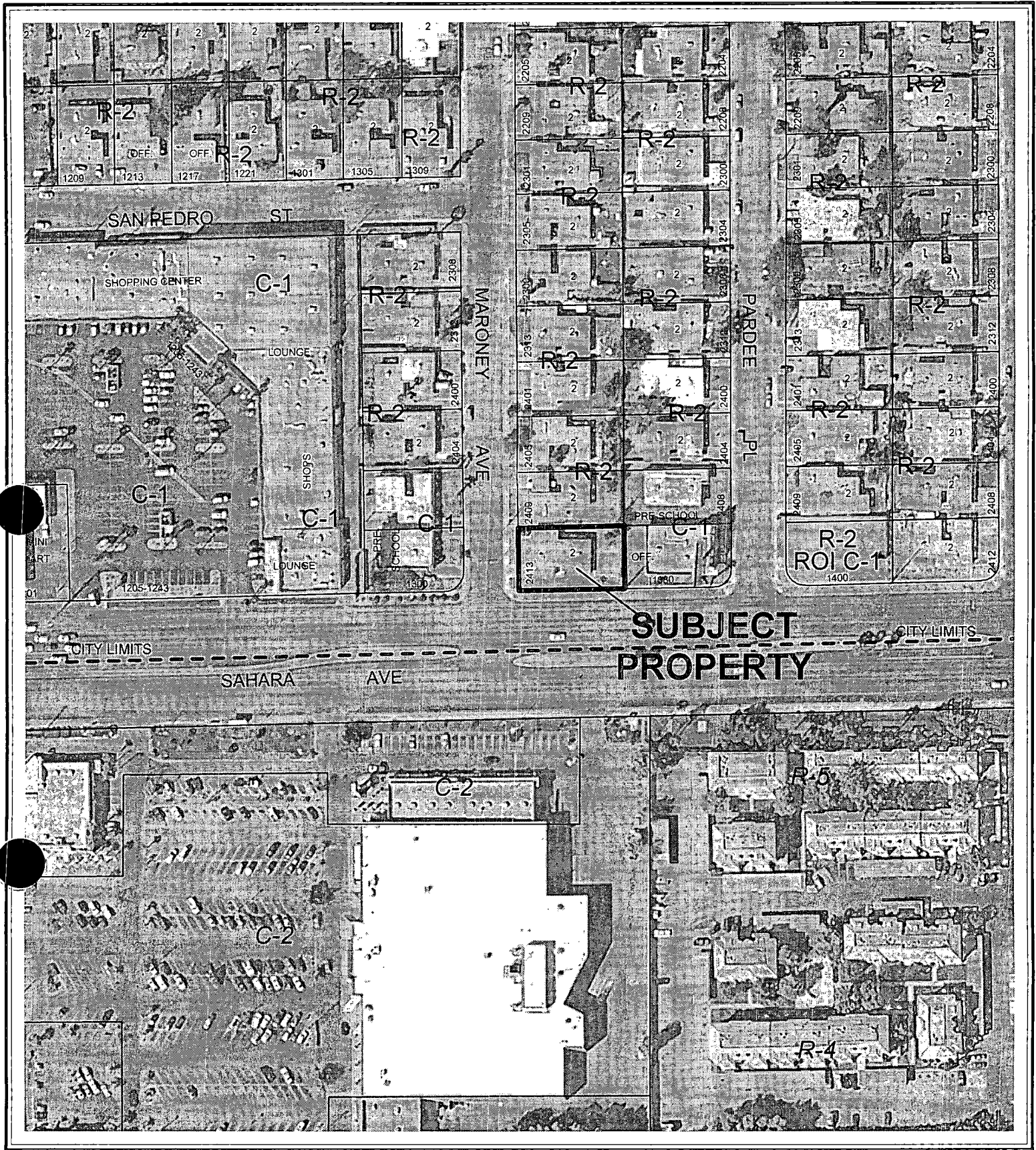
Planning and Development

1. This Extension of Time will expire on May 15, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0076-99, Site Development Plan Review SDR-3710 and Variance VAR-3880.



CASE: EOT-4438

ZONING OF SUBJECT PROPERTY: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL)
 PROPOSED ZONING OF SUBJECT PROPERTY: N-S (NEIGHBORHOOD SERVICE)



CASE: EOT-4438

0 100 200 Feet

ZONING OF SUBJECT PROPERTY: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL)
 PROPOSED ZONING OF SUBJECT PROPERTY: N-S (NEIGHBORHOOD SERVICE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4438 - APPLICANT/OWNER: JAH ASIF

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 15, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0076-99, Site Development Plan Review SDR-3710 and Variance VAR-3880.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Extension of Time on an approved Rezoning (Z-0076-99) from R-2 (Medium-Low Density Residential) to N-S (Neighborhood Service) at 2413 Maroney Avenue.

B) Applicant's Justification

The applicant's justification letter indicates additional time is needed to convert the existing residence to an office.

BACKGROUND INFORMATION

A) Previous Actions

02/16/00 City Council approved a Rezoning (Z-0076-99) from R-2 (Medium-Low Density Residential) to N-S (Neighborhood Service) for this site. The Planning Commission and staff recommended approval on January 13, 2000.

05/15/02 The City Council approved a two-year Extension of Time [Z-0076-99(1)] of an approved rezoning from R-2 (Medium-Low Density Residential) to N-S (Neighborhood Service) on this site. The Planning Commission and staff recommended approval on April 11, 2002.

05/05/04 The City Council approved a Site Development Plan Review (SDR-3710) for a proposed law office and a Variance (VAR-3880) to allow 5 parking spaces where 6 are required on this site. The Planning Commission and staff recommended approval on February 26, 2004.

B) Pre-Application Meeting

A pre-application meeting 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: 0.18

B) Existing Land Use

Subject Property: Duplex residence
North: Duplex residence
South: Sahara Avenue
East: Office
West: Pre-school

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: O (Office)
South: Sahara Avenue
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: R-2 (Medium – Low Density Residential) under resolution of intent to
N-S (Neighborhood Service)
North: R-2 (Medium – Low Density Residential)
South: Sahara Avenue
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance: Southeast Sector Land Use Plan of the General Plan

The uses allowed the N-S (Neighborhood Service) zoning district are retail shopping, service, and professional offices principally serving neighborhood needs and is compatible in scale, character and intensity with adjacent residential development. N-S (Neighborhood Service) is consistent with the SC (Service Commercial) Land use of 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
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is not affected by any special plan areas or districts.

A) Zoning Code Compliance

Development Standards

The subject site shall conform the requirements set forth with the approval of the Site Development Plan Review (SDR-3710) and Variance (VAR-3880) recently approved for the proposed law office on this site.

B) General Analysis and Discussion

City Council found, in approving the initial request, that the proposed commercial use within the N-S (Neighborhood Service) zoning district would be compatible with the surrounding commercial and residential land uses. Staff still finds the Neighborhood Service zoning continues to be appropriate.

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 N-S (Neighborhood Service) zoning is in conformance with the SC (Service Commercial) General Plan designation and remains appropriate at this location.

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."

Commercial uses allowed in the N-S (Neighborhood Service) zoning district are compatible with the surrounding commercial and residential land uses.

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

The rezoning to N-S (Neighborhood Service) is appropriate in that it provides a transition between the changing nature of land uses along Sahara Avenue and residential land uses to the north.

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

The existing street and highway facilities will provide adequate traffic capacity to service the subject site.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



Case Number: EOT-4438 PN: 162-02-410-096

Name of Property Owner: ASIF JAH

Name of Applicant: ASIF JAH

 Yes . / No

City Official: _____

Partner(s): _____

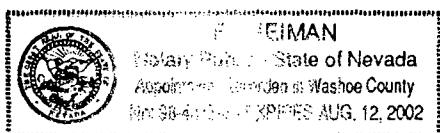
APN: _____

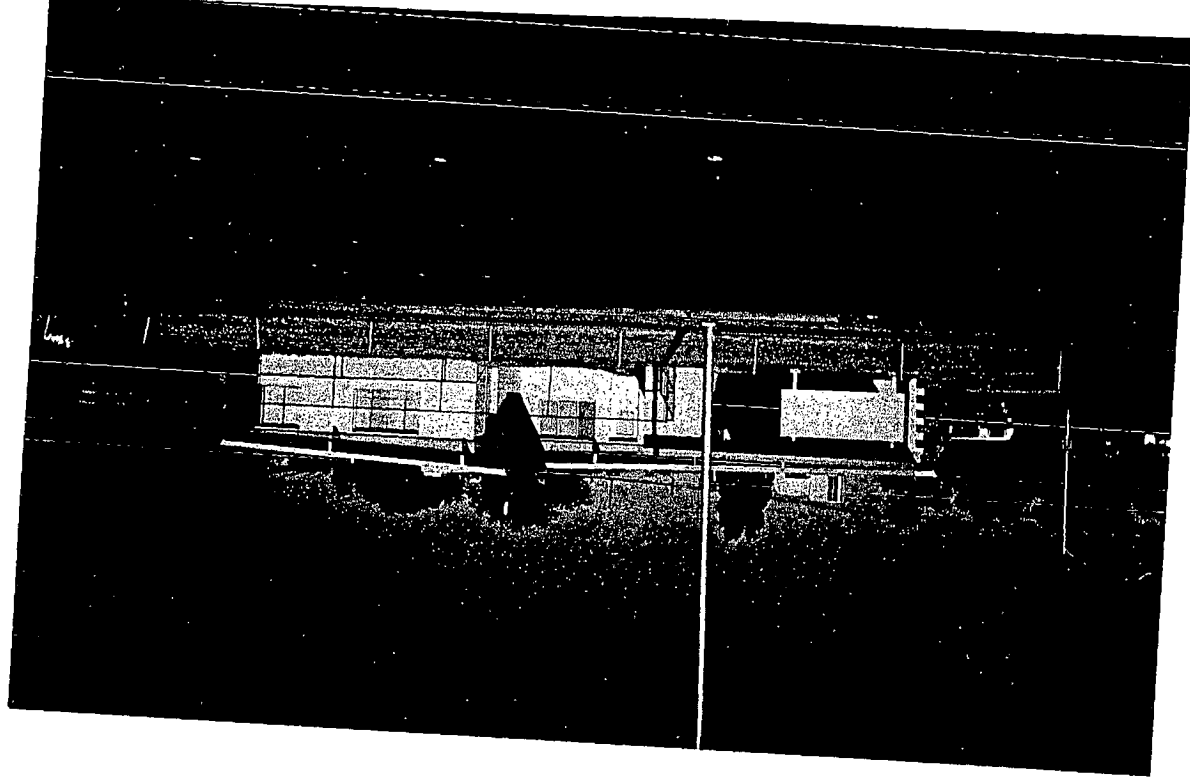
Signature of Property Owner/Authorized Agent: Hy Teh

Subscribed and sworn before me

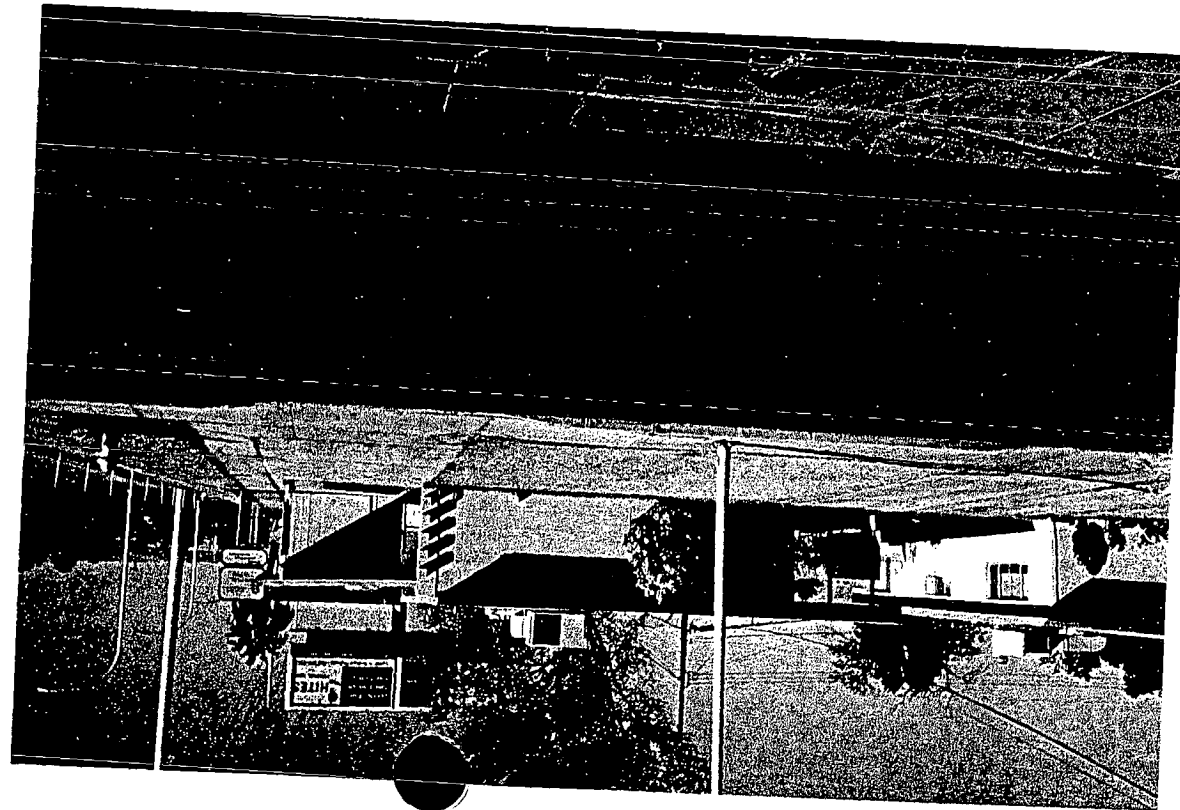
This 02 day of 14, 2002

Notary Public in and for said County and State

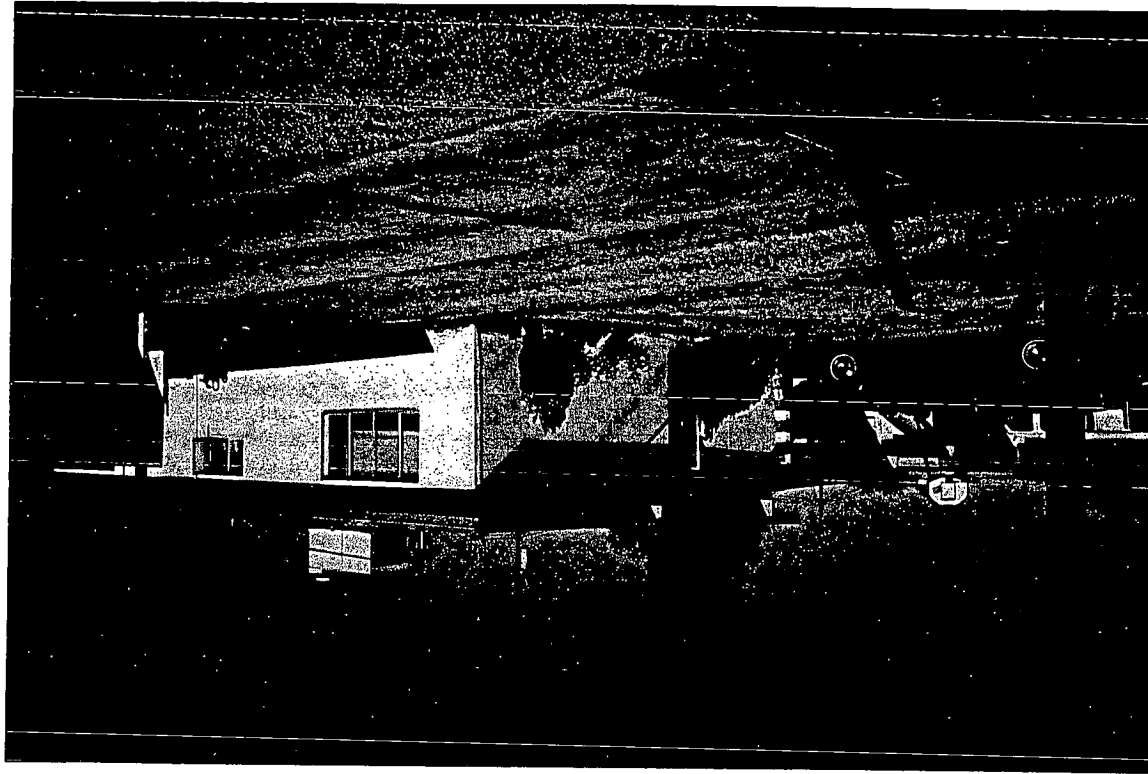




looking
NORTH WEST
FROM SAHARA
(south elevation)

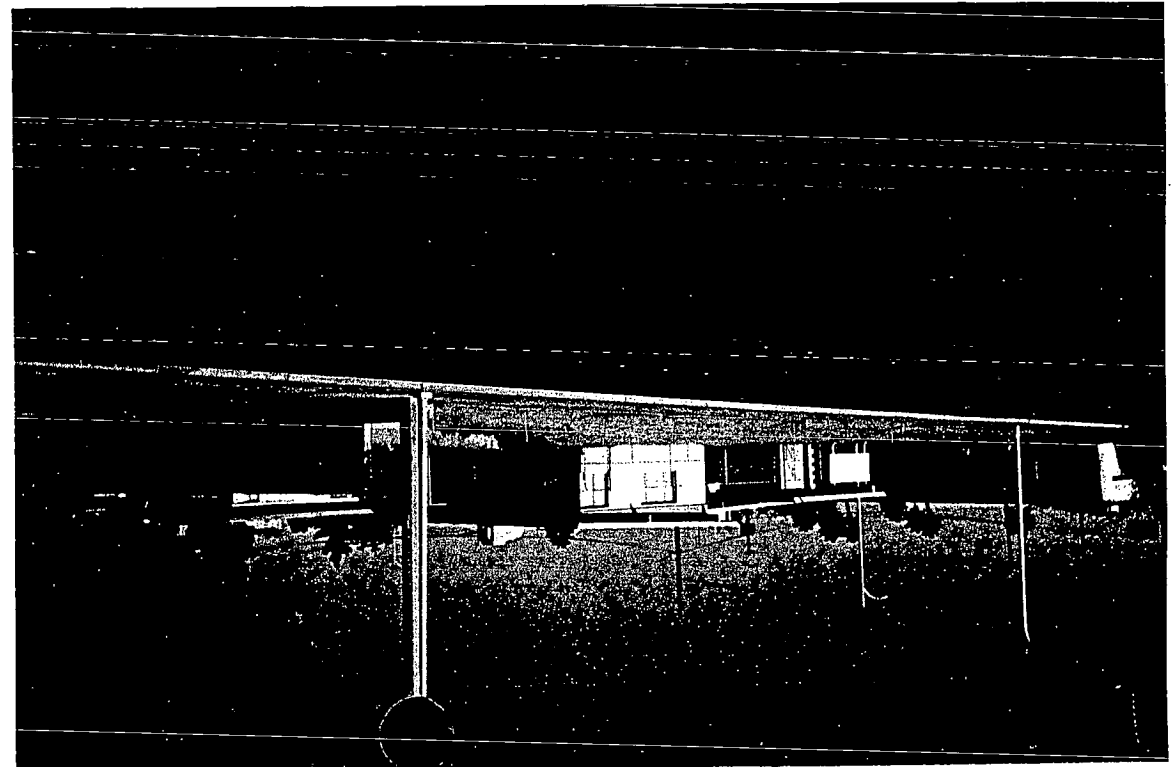


2413/15 MARONEY
EAST VIEW
(looking)
(west elevation)



TO 2409/11 Duplex
 NORTH VIEW
 looking

WEST VIEW
 (looking north west)



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4147 -
APPLICANT/OWNER: D.R. HORTON, INC. - Request for a Site Development Plan Review FOR A PROPOSED 126-UNIT CONDOMINIUM COMPLEX on 10.29 acres adjacent to the southwest corner of Grand Teton Drive and Tee Pee Lane (APN: 125-18-501-015), U (Undeveloped) Zone [MLA (Medium-Low Density Attached) General Plan Designation] under Resolution of Intent to R-PD12 (Residential Planned Development - 12 Units Per Acre) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-2-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-2-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

MACK – APPROVED subject to conditions and amending Condition 19 as follows:

19. The length of any driveway from the fence of *the* structure to the back of sidewalk (or curb, if no sidewalk is proposed) shall be either a minimum distance of 18 feet in length or a maximum of 8 feet in length.

– UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

JEFF ANDERSON, D.R. Horton Homes, 3513 East Russell Road, appeared on behalf of the applicant and indicated that the zoning was approved before they took ownership. He explained that the units will remain the same, and the site plan would be reoriented to better flow with the topography and reduce the retaining walls and driveways within the development. He noted that an issue was raised during the Planning Commission meeting regarding the driveway links, which he believed COUNCILMAN MACK would address.

CITY COUNCIL MEETING OF JUNE 16, 2004
Planning and Development Department
Item 98 – SDR-4147

MINUTES – Continued:

COUNCILMAN MACK moved to approve the application with an amendment to Condition 19 to reflect the length of any driveway from the fence of the structure to the back of sidewalk or curb, if no sidewalk is proposed, shall be either a minimum distance of 18 feet in length or a maximum of 8 feet in length. MR. ANDERSON concurred with the amendment.

MAYOR GOODMAN declared the Public Hearing closed.

(3:11 – 3:12)

5-1033

CONDITIONS:

Planning and Development

1. This Site Development Plan Review 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.
2. The standards for this development shall include the following: minimum distance between buildings of 10 feet; building height shall not exceed two stories or 35 feet, whichever is less; and Residential Adjacency Standards shall be no less than 15 feet.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein. The site plan shall be revised and approved by the Planning and Development Department staff, prior to the time application is made for a tentative map.
4. Parking lot lighting standards shall be no more than 20 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.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Air conditioning units shall not be mounted on rooftops.
6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
7. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

CITY COUNCIL MEETING OF JUNE 16, 2004
Planning and Development Department
Item 98 – SDR-4147

CONDITIONS – Continued:

8. Any property line or perimeter wall shall be a decorative block wall with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
9. Except along Tee Pee Lane, all perimeter walls, including a combination of retaining and screen walls, shall not exceed a height of 10 feet. A wall higher than 8 feet along Tee Pee Lane shall consist of solid wall 8 feet in height topped by a 2 foot decorative wrought iron fence.
10. The landscape plan shall be revised and approved by the Planning and Development Department staff, prior to the time application is made for a building permit, and reflect minimum 24-inch box trees along Tee Pee Lane of a type approved pursuant to the Town Center Development Standards Manual, trees planted a maximum of 20 feet on-center, and a minimum of four five-gallon shrubs for each tree within provided planters.
11. One 24-inch box tree shall be provided within each rear yard of the lots on the south and west project perimeter.
12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
13. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
14. All City Code requirements and design standards of all City departments must be satisfied.

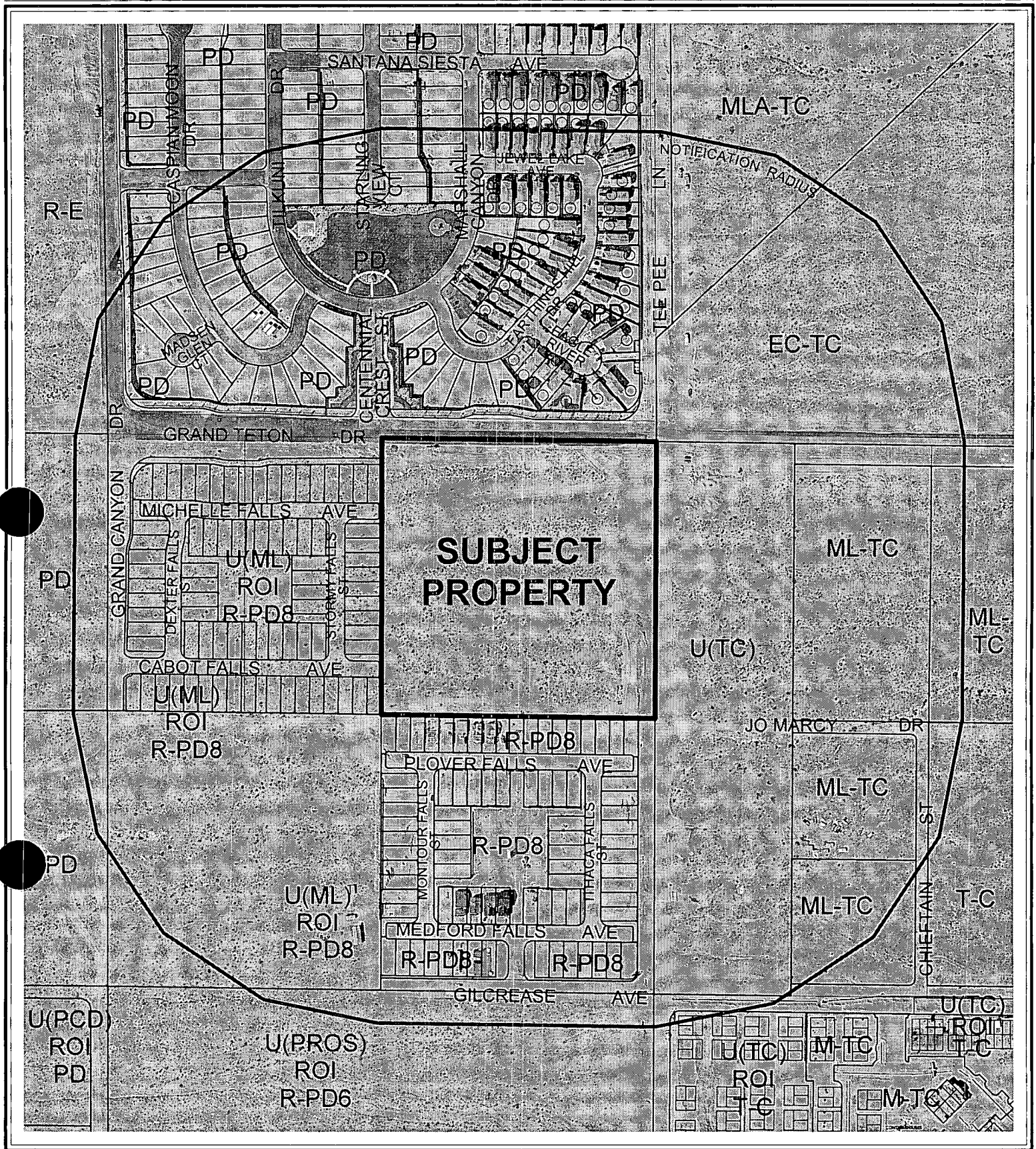
Public Works

15. Coordinate with the Right-of-Way Section of the Department of Public Works to determine the application submittal requirements for a Bureau of Land Management (BLM) application for Tee Pee Lane. A copy of the plant survey (if applicable), approved right-of-way grant issued by BLM, receipt for tortoise mitigation fee payment and notice to proceed issued by BLM (if applicable) shall be submitted to the Right-of-Way Section prior to approval of construction drawings for this site or the issuance of any permits, whichever may occur first.
16. Gated entry driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

CITY COUNCIL MEETING OF JUNE 16, 2004
Planning and Development Department
Item 98 – SDR-4147

CONDITIONS – Continued:

17. 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.
18. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
19. The length of any driveway from the face of a structure to the back of sidewalk (or curb, if no sidewalk is proposed) shall be either a minimum distance of 18 feet in length or a maximum of 5 feet in length.
20. Landscape and maintain all unimproved rights-of-way on Grand Teton Drive and Tee Pee Lane adjacent to this site.
21. Submit an Encroachment Agreement for all landscaping and private improvements located in the Grand Teton Drive and Tee Pee Lane public rights-of-way adjacent to this site prior to occupancy of this site.
22. Site development to comply with all applicable conditions of approval for ZON-2849 and all other subsequent site-related actions.
23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.



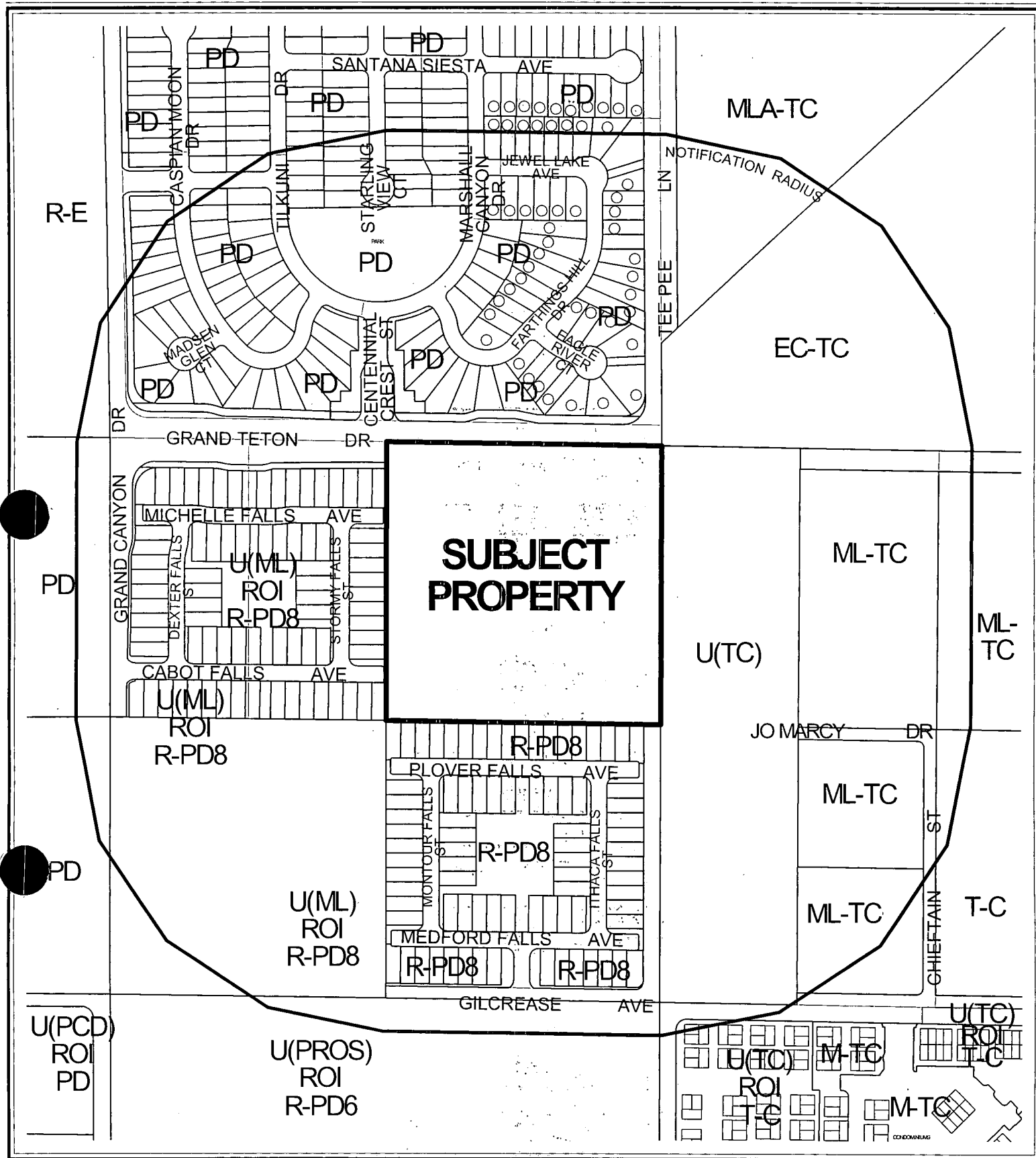
CASE: SDR-4147

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD12 (RESIDENTIAL PLANNED DEVELOPMENT - 12 UNITS PER ACRE)





CASE: SDR-4147

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD12 (RESIDENTIAL PLANNED DEVELOPMENT - 12 UNITS PER ACRE)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4147 - APPLICANT/OWNER: D.R. HORTON, INC.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2-1 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review 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.
2. The standards for this development shall include the following: minimum distance between buildings of 10 feet; building height shall not exceed two stories or 35 feet, whichever is less; and Residential Adjacency Standards shall be no less than 15 feet.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein. The site plan shall be revised and approved by the Planning and Development Department staff, prior to the time application is made for a tentative map.
4. Parking lot lighting standards shall be no more than 20 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.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Air conditioning units shall not be mounted on rooftops.
6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
7. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
8. Any property line or perimeter wall shall be a decorative block wall with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
9. Except along Tee Pee Lane, all perimeter walls, including a combination of retaining and screen walls, shall not exceed a height of 10 feet. A wall higher than 8 feet along Tee Pee Lane shall consist of solid wall 8 feet in height topped by a 2 foot decorative wrought iron fence.

10. The landscape plan shall be revised and approved by the Planning and Development Department staff, prior to the time application is made for a building permit, and reflect minimum 24-inch box trees along Tee Pee Lane of a type approved pursuant to the Town Center Development Standards Manual, trees planted a maximum of 20 feet on-center, and a minimum of four five-gallon shrubs for each tree within provided planters.
11. One 24-inch box tree shall be provided within each rear yard of the lots on the south and west project perimeter.
12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
13. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
14. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

15. Coordinate with the Right-of-Way Section of the Department of Public Works to determine the application submittal requirements for a Bureau of Land Management (BLM) application for Tee Pee Lane. A copy of the plant survey (if applicable), approved right-of-way grant issued by BLM, receipt for tortoise mitigation fee payment and notice to proceed issued by BLM (if applicable) shall be submitted to the Right-of-Way Section prior to approval of construction drawings for this site or the issuance of any permits, whichever may occur first.
16. Gated entry driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
17. 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.
18. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
19. The length of any driveway from the face of a structure to the back of sidewalk (or curb, if no sidewalk is proposed) shall be either a minimum distance of 18 feet in length or a maximum of 5 feet in length.
20. Landscape and maintain all unimproved rights-of-way on Grand Teton Drive and Tee Pee Lane adjacent to this site.

21. Submit an Encroachment Agreement for all landscaping and private improvements located in the Grand Teton Drive and Tee Pee Lane public rights-of-way adjacent to this site prior to occupancy of this site.
22. Site development to comply with all applicable conditions of approval for ZON-2849 and all other subsequent site-related actions.
23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST:

A) Action Requested

This is a request for a Site Development Plan Review for a 126-unit condominium development on 10.3 acres at the southwest corner of Grand Teton Drive and Tee Pee Lane; for a waiver in the perimeter wall height to allow a 10-foot high wall along Tee Pee Lane in lieu of a maximum permitted eight-foot high wall; and a waiver of the buffer standards.

B) Applicant's Justification

The applicant states in a letter submitted with the application the following:

"Since approval of the previous plan for Site Development Review, the applicant has adjusted the internal layout of the project to better incorporate the grading constraints in the site plan....The applicant is proposing to enhance this area with an aesthetically pleasing development that the City of Las Vegas will be proud of. This property will complement the adjacent development in this area."

BACKGROUND INFORMATION:

A) Previous Actions

- 07/27/98 The City Council approved a petition (A-0003-99) to annex approximately 615 acres located at the southwest corner of Gilmore Avenue and Buffalo drive. The Planning Commission recommended approval on March 25, 1999. The effective date of the application was August 6, 1998.
- 12/20/00 The City Council approved a request for a Rezoning (Z-0093-00) of 89.3 acres immediately to the north of the subject site from R-E (Residence Estates) to PD (Planned Development) Zone located at the northeast corner of the intersection of Grand Teton Drive and Grand Canyon Drive. The Planning Commission and staff recommended approval on November 11, 2000.
- 03/21/01 The City Council approved a request for a Site Development Plan Review [Z-0093-00(1)] for a proposed 266-lot single-family residential development and a 384-unit multi-family apartment complex at the northeast corner of Grand Teton Drive and Grand Canyon Drive. The Planning Commission and staff recommended approval on February 8, 2001.
- 07/17/02 The City Council approved a request for Site Development Plan Review [Z-0032-02(1)] for an 80-lot single-family subdivision on 10.26 acres immediately south of the subject site from U (Undeveloped) Zone [MLA (Medium-Low Attached Residential) General Plan Designation] to R-PD8 (Residential Planned Development - 8 Units Per Acre) located adjacent to the northwest corner of Gilcrease Avenue and Tee Pee Lane. The Planning Commission recommended approval on June 13, 2002.

- 02/05/03 The City Council approved a request for a Rezoning (ZON-1260) of 10.3 acres immediately west of the subject site from the U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] to R-PD8 (Residential Planned Development - 8 Units Per Acre) adjacent to the southeast corner of Grand Teton Drive and Grand Canyon Drive. The Planning Commission recommended approval on January 9, 2003.
- 02/05/03 The City Council approved a request for a Site Development Plan Review (SDR-1262) for a proposed 77-lot single-family detached development on 10.3 acres immediately west of the subject site, adjacent to the southeast corner of Grand Teton Drive and Grand Canyon Drive. The Planning Commission recommended approval on January 9, 2003.
- 09/11/03 The Planning Commission considered companion applications for a Rezoning (ZON-2849) from U (Undeveloped) Zone [MLA (Medium-Low Attached Density Residential) General Plan Designation] to R-PD12 (Residential Planned Development - 12 Units Per Acre) and a Site Development Plan Review (SDR-2850) to allow a 129-unit condominium development, and waivers of the perimeter landscaping requirements and five-foot driveway lengths.
- 11/5/03 The City Council approved a Site Development Review (SDR-2850) for a 129-unit condominium complex; granted a Rezoning (ZON-2849) from U (Undeveloped) Zone [MLA (Medium-Low Attached Density Residential) General Plan Designation] to R-PD12 (Residential Planned Development - 12 Units per Acre); and a Site Development Plan Review (SDR-2850) to allow a 123-unit condominium development, and waivers of the perimeter landscaping requirements and five-foot driveway lengths.
- 05/13/04 The Planning Commission voted 4-2-1 to recommend APPROVAL (PC Agenda Item #53).

B) Pre-Application Meeting

- 03/08/04 Staff discussed the need for a change in conditions that would permit a 10-foot high wall along Tee Pee Lane. (The decision was subsequently made to submit the revised plan as a new Site Development Review for review by the Planning Commission.)

C) Neighborhood Meetings

No meeting was held or required for this application.

DETAILS OF APPLICATION REQUEST:

A) Site Area

Gross Acres: 10.3

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwellings
South: Undeveloped
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: MLA (Medium-Low Attached Density Residential)
North: PCD (Planned Community Development)
South: MLA (Medium-Low Attached Density Residential)
East: PF-TC (Public Facilities - Town Center)
West: ML (Medium-Low Density Residential)

D) Existing Zoning

Subject Property: U (Undeveloped) Zone under Resolution of Intent to R-PD12 (Residential Planned Development - 12 Units per Acre)
North: R-E (Residence Estates) under Resolution of Intent to PD (Planned Development)
South: U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units per Acre)
East: U-TC (Undeveloped) Zone [TC (Town Center) General Plan Designation) and T-C (Town Center)
West: U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre)

E) General Plan Compliance

This site is designated MLA (Medium-Low Attached Density Residential) within the Centennial Hills Sector Plan of the General Plan. The MLA (Medium-Low Attached Density Residential) designation allows densities from 8.1 to 12 dwelling units per acre. At 12.2 units per acre, the density of the proposed site plan conforms to both the MLA land use designation and to the proposed R-PD12 (Residential Planned Development - 12 Units Per Acre) zoning district.

SPECIAL DISTRICT/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

There is a Multi-Use Transportation Trail identified along the south side of Grand Teton Drive, on the north edge of the subject site. The developer will be required to include this trail as part of the companion Site Development Plan Review (SDR-4147) and to develop that segment of the trail as part of this development.

Tee Pee Lane forms the western boundary of the Centennial Hills Town Center. Town Center trails standards must be met on both sides of Tee Pee Lane. In this area, Tee Pee Lane is identified as a Town Center (80-foot) Collector, which requires a seven-foot sidewalk with a five-foot amenity zone on both sides of the street. This sidewalk fulfills the trails function within Town Center areas.

There are no other special area plans, overlay districts or study areas that affect the subject site.

INTERAGENCY ISSUES:

None.

PROJECT DESCRIPTION:

The project consists of 126-unit condominium complex in 42 buildings distributed across the 10.3-acre site. Each building is to contain three units - two three-bedroom, two-story units and one two-bedroom unit, located on the second floor. Each three-bedroom unit has a two-car garage, and the two-bedroom unit has a single car garage, all within the building. Each garage has direct internal access to each respective unit. All five garage spaces in each building are in a row along the side of the building facing the internal roadway for the development. This parking arrangement does not contain sufficient parking to meet Code requirements for the two-bedroom units. However, additional striped parking spaces are scattered throughout the site, bringing the total number of parking spaces in compliance with Code requirements.

The three-bedroom units each have a small outdoor fenced patio area, while the two-bedroom unit has a small balcony area. The project contains a central open space area that is of sufficient size to meet R-PD open space requirements. Access to the site will be via a single gated entry to Tee Pee Lane on the east side of the project.

ANALYSIS:

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Las Vegas Zoning Code Section 19.06.040, the Development Standards within an R-PD District are established by the Site Development Plan. The following table shows the setbacks and standards proposed under the Site Development Plan for this site:

Standards	Proposed
Min. Setbacks All sides of the development	20 Feet
Max. Building Height	2 Stories / 30.75 feet
Trash Enclosure	Not indicated

Although the density of the proposed development is similar to the approved MLA land use density to the south of the site, it is greater than the approved density on that site, which is 8.49 units per acre under R-PD8 zoning. Similarly, it is greater than both the approved ML land use density and the approved R-PD8 zoning to the west of the site. Both of these adjacent sites have approved single-family developments on the sites. The project is also denser than the single-family project to the north of the site across Grand Teton Drive. The 20-foot setbacks to the adjacent site to the west and south are insufficient to ensure that these sites are not negatively impacted by the proposed development.

A2) Residential Adjacency Standards

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

- a) **Proximity slope.** The proposed buildings are slightly over 30 feet in height. This means that a 3:1 proximity slope would require these buildings to be about 90 feet from the west and south property lines. However, a Variance (VAR-2855) was granted to reduce the setback requirement from 90 feet to 15 feet.
- b) **Building setback.** There are no building setback issues as the 20-foot setback proposed for this site is greater than the required 10-foot rear yard setbacks of the adjacent R-PD (Residential Planned Development) projects to the west and south.

A3) Parking and Traffic Standards

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

Uses	Units	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
3-bdrm. units	84	2 spaces/unit	168 spaces	N/A	210 spaces	7 spaces
2-bdrm. units	42	1.75 spaces/unit	74 spaces		in 42 buildings	
Guest pkg.		1 space/6 units	7 spaces		plus 60 spaces	
Totals	126		249 spaces		270 spaces	7 spaces

Each building will be provided with five parking spaces, two spaces for each two-bedroom unit and one parking space for each two-bedroom unit. Additional 60-striped parking spaces are provided to compensate for the additional spaces required for the two-bedroom units. The proposed project meets the parking requirements of the Zoning Code as currently designed.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Perimeter Landscaping	1 - 24" box tree/30 linear feet of gross perimeter frontage plus one tree	44 Trees (1290 feet)	57 Trees

Standards	Required	Provided
• Min. Zone Width	10 Feet	None
Along Tee Pee Lane	10 Feet	13
Along Grand Teton Dr.	6 Feet	12 feet along south boundary; none along west boundary
Along south and west boundaries		Not indicated
• Wall height	8 Feet	

Although this project contains the required number of trees, the type of trees does not meet approved standards along the Tee Pee Lane frontage of the site. The Town Center Development Standards Manual calls for shade trees along Town Center Residential Collectors. According to section D.2.B of the Manual, such trees must be Rio Grande Ash, at least 18 feet in height at the time of planting. The landscape plan indicates the placement of 27 Shoestring Acacia and Coonavitra Wattle. A condition of approval will require an adjustment to the landscaping to meet the current standard.

The project fails to meet the minimum buffer area requirements of the Code. The applicant has requested a waiver of these buffer requirements as part of this Site Development Plan Review.

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
10.3 acres	12.2 u.p.a.	1.65	20.1 %	2.1 acres	21.4	2.2

The proposal meets the requirement for Open Space in the Zoning Code.

B) General Analysis and Discussion

- Zoning

The site is zoned R-PD12 (Residential Planned Development - 12 Units per Acre), which allows up to 12.49 units per acre. This zoning district is in conformance with the density provisions of the MLA (Medium-Low Attached Density Residential) land use designation of the site; however, the lack of compliance with Residential Adjacency Standards, even with a variance, and its failure to comply with perimeter buffering requirements result in a recommendation of denial.

- Waivers

The applicant has requested waivers of the following requirements:

- Ten-foot landscaping buffer on the east side of the project;
- Six-foot landscaping buffers along the west side of the project; and
- To increase short driveway lengths, which cannot be longer than five feet, to six feet.

The reasons for these waivers are to allow the applicant to more completely develop the site. As the hardship to grant the waiver is self-imposed and financial in nature and results from a proposal to overbuild the site, the waiver requests cannot be supported.

The applicant also is requesting a waiver in the perimeter wall height along Tee Pee Lane to allow a 10-foot high wall in lieu of a maximum permitted eight-foot high wall. If permitted, the side of the wall facing Tee Pee Lane (east side) would be 10 feet high and the opposite side of the wall (west side) would be six feet above four feet of retention. It is not recommended that a solid wall of that height be permitted, because the large expanse of wall would result in a "tunnel" affect along Tee Pee Lane. It is recommended that the waiver be denied or that the wall consist of wrought-iron fencing at least 50% open above the area to be retained. A condition of approval addresses this waiver.

- Landscape Plan

The landscape plan indicates the placement of 27 Shoestring Acacia and Coonavitra Wattle along Tee Pee Lane, a Town Center Residential Collector. These species do not meet approved Town Center Development Standards. The Town Center Development Standards Manual calls for shade trees along Town Center Residential Collectors. According to section D.2.B of the Manual, such trees must be Rio Grande Ash, at least 18 feet in height at the time of planting. A condition of approval will require an adjustment to the landscaping to meet the current standard. The landscape plan must also identify a minimum of four five-gallon Morning Glory shrubs to be planted with each tree.

- Elevation

The elevations depict a two-story triplex building with a stucco exterior and a 4:12 pitch concrete tile roof. No other information on exterior details was provided with the application. The building is designed to have the second floor project slightly out from the first. Some banding and other architectural details around the entrances and second floor balcony are also illustrated. Forty-two of these buildings are proposed for this development.

- Floor Plan

The floor plans are typical for the types of uses proposed.

FINDINGS:

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 future land use designation and zoning on the site to the south and the future land use and zoning on the site to the west, as well as the development to the north, are substantially below the density proposed for this site. A variance has been granted to reduce the Residential Adjacency Standards to 20 feet. The proposed density of development (12 dwelling units per acre) is less than permitted under the present zoning of the site [R-PD12 (Residential Planned Development - 12 Units per Acre)], which allows up to 12.49 units per acre.

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 Centennial Hills Sector Plan designates this site as MLA (Medium-Low Attached Density Residential). The allowable density range for lands so designated is up to 12 units per acre. The existing zoning of R-PD12 (Residential Planned Development - 12 Units per Acre), which allows up to 12.49 units per acre, is in conformance with the MLA (Medium-Low Attached Density Residential) land use designation.

The proposed development is consistent with the density and land use provisions of the General Plan; however, a waiver of the perimeter buffer standards means that the application is not consistent with Title 19, the Design Standards Manual, the Landscape, Wall and Buffer standards, particularly with single-family development directly adjacent on two sides and across the street on a third side of the site.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The subject site is proposed to have a single gated access point to Tee Pee Lane, designated as a Town Center Residential (80-foot) Collector on Map 4 of the Town Center Development Standards Manual. This access will be adequate to meet the requirements of the proposed zoning district.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The building and landscape materials are appropriate for this type of development, provided that the perimeter landscaping along Tee Pee Lane is adjusted to comply with town Center species requirements.

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 design of the project complies with the variance granted in the Residential Adjacency 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

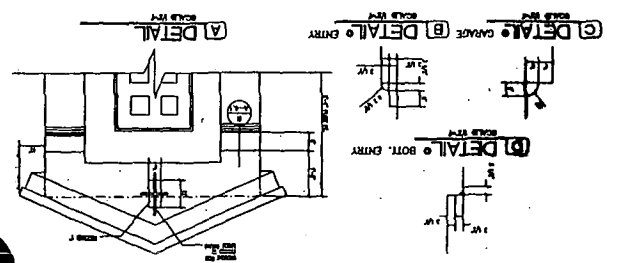
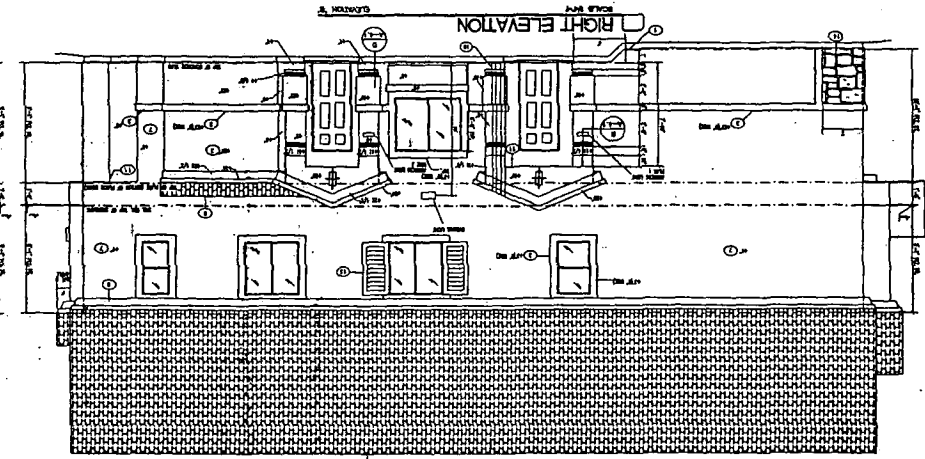
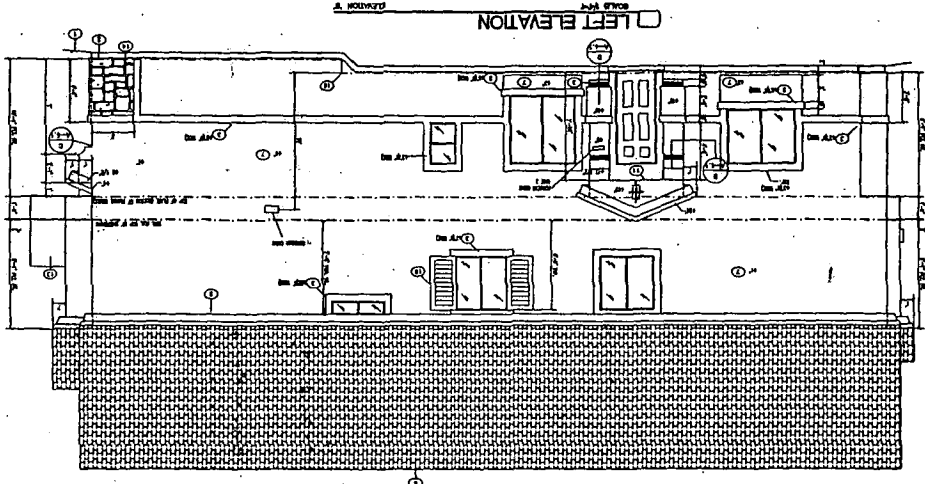
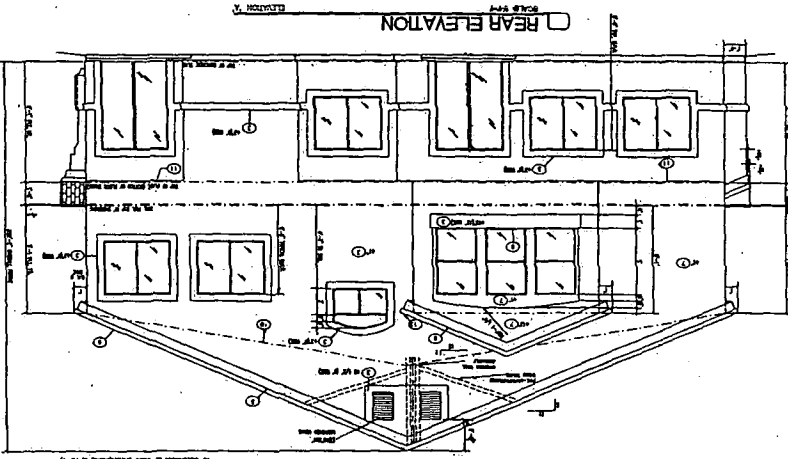
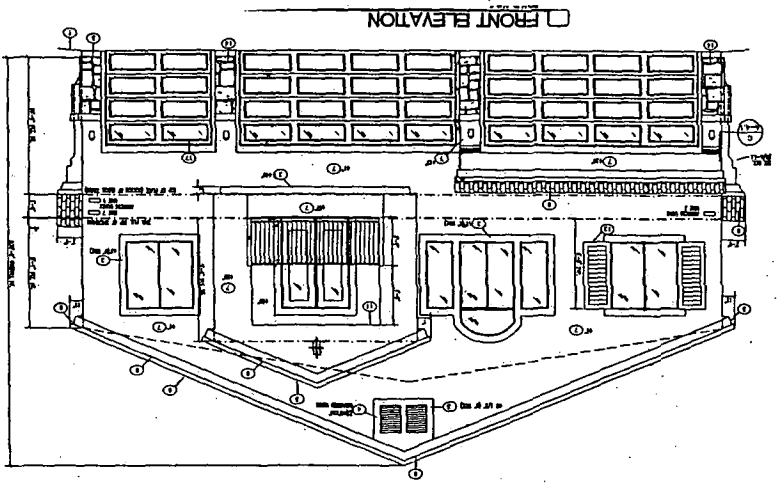
The Planning Commission amended Conditions 3 and 9 and approved the project believing the Conditions proposed mitigated any negative impacts.

NOTICES MAILED: 98 by Planning Department

APPROVALS: 0

PROTESTS: 0

SDR-4147
05-13-04 PC



SEE SHEET A-4.2 DET.1 FOR
VENT CALCULATIONS & ROOF PLAN

THIS SET OF DRAWINGS IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN.

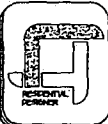
- REMARKS
- 1. OWNER TO PROVIDE ALL NECESSARY PERMITS AND APPROVALS.
 - 2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND STANDARDS.
 - 3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
 - 4. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
 - 5. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
 - 6. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
 - 7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
 - 8. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
 - 9. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.
 - 10. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.

A-4
SHEET NUMBER

DATE
0-2-00

REVISION	DATE	BY

HIGH NOON • RANCH
DR. HORTON, INC.



LARRY TINDALL
RESIDENTIAL DESIGNER
3531 E. RUSSELL RD., SUITE C
LAS VEGAS, NEVADA 89120
OFFICE - (702) 597-5587
FAX - (702) 597-5588

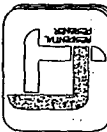
ONLY APPROVED FINISH MATERIALS AND METHODS
SHALL BE ACCEPTABLE. HAZARD IDENTIFICATION FOR APPROVAL.

SEE SHEET A-4.2 DET.1 FOR
VENT CALCULATIONS & ROOF PLAN

KEYNOTES

1. FINISHED FLOOR (SEE CIVIL DRAW)
2. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
3. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
4. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
5. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
6. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
7. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
8. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
9. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
10. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
11. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
12. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
13. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
14. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
15. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
16. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
17. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
18. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
19. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
20. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
21. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
22. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
23. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
24. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
25. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
26. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
27. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
28. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
29. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
30. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
31. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
32. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
33. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
34. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
35. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
36. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
37. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
38. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
39. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
40. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
41. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
42. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
43. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
44. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
45. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
46. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
47. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
48. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
49. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
50. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
51. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
52. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
53. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
54. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
55. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
56. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
57. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
58. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
59. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
60. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
61. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
62. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
63. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
64. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
65. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
66. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
67. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
68. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
69. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
70. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
71. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
72. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
73. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
74. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
75. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
76. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
77. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
78. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
79. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
80. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
81. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
82. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
83. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
84. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
85. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
86. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
87. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
88. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
89. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
90. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
91. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
92. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
93. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
94. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
95. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
96. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
97. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
98. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
99. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR
100. BRICK VENT BLOCK TYPE 4" ABOVE FINISH FLOOR

LARRY TINDALL
RESIDENTIAL DESIGNER
3331 E. RUSSELL RD. SUITE G
LAS VEGAS, NEVADA 89120
OFFICE: (702) 597-5597
FAX: (702) 597-5598



HIGH NOON • RANCH
DR. HORTON, INC.
10000 W. HAWTHORNE AVE. SUITE 100
LAS VEGAS, NV 89135
(702) 597-5597
FAX: (702) 597-5598

REVISION	DATE	BY

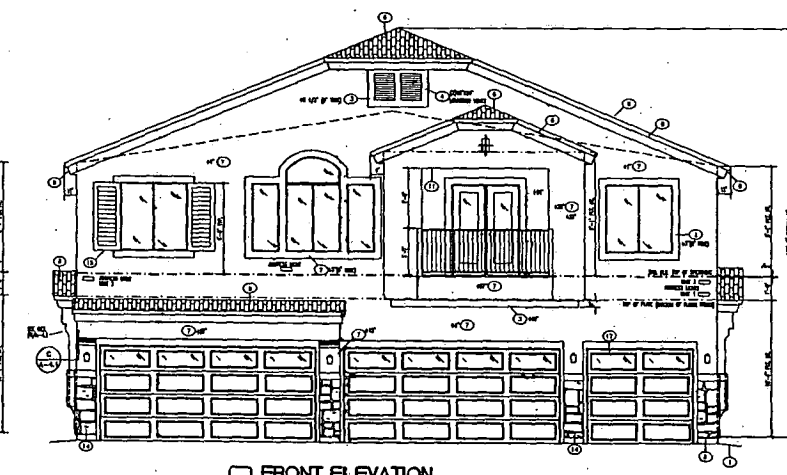
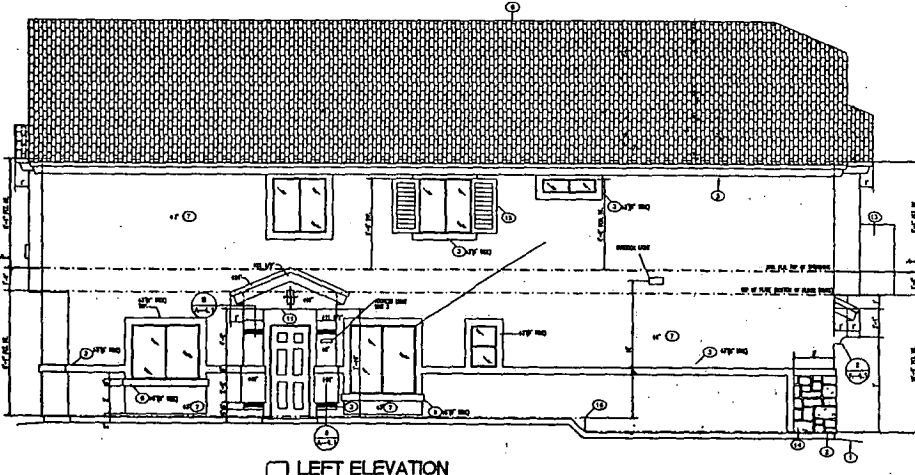
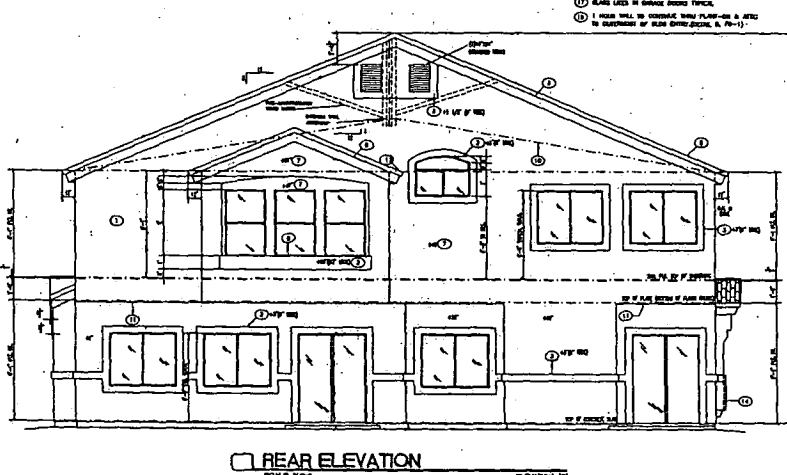
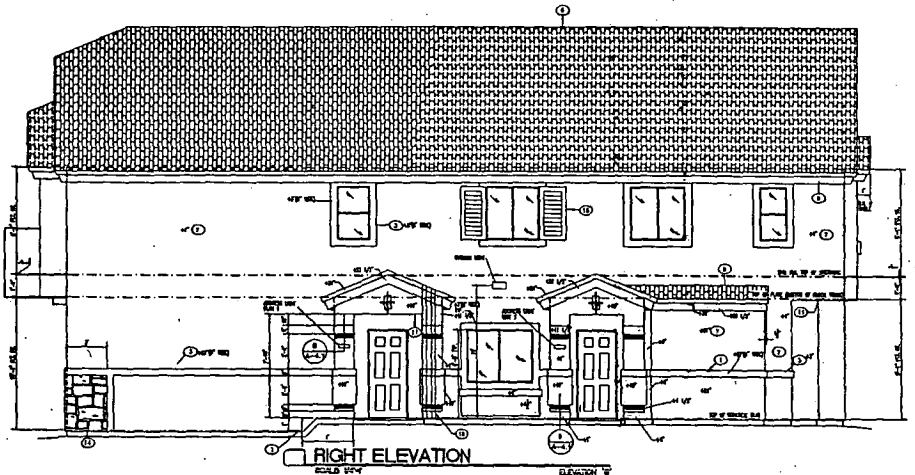
JOB #	0000
FILE NAME	
DATE	0-2-00

SHEET NUMBER	A-4.1
ELEVATION NO.	

(D) DETAIL • BOT. ENTRY
SCALE 1/4" = 1'-0"

(C) DETAIL • GARAGE **(B) DETAIL • ENTRY**
SCALE 1/4" = 1'-0"

(A) DETAIL
SCALE 1/4" = 1'-0"



24" DOOR SURROUNDS

SDR-4147
05-13-04 PC

SDR-4147

05-13-04 PC

05-13-04 PC

05-13-04 PC

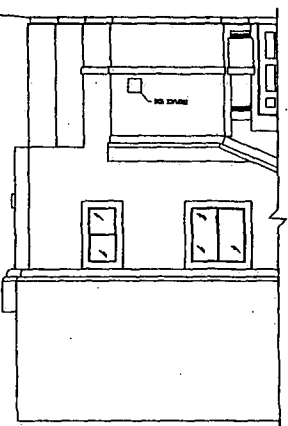
05-13-04 PC

05-13-04 PC

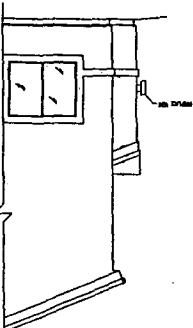
05-13-04 PC

05-13-04 PC

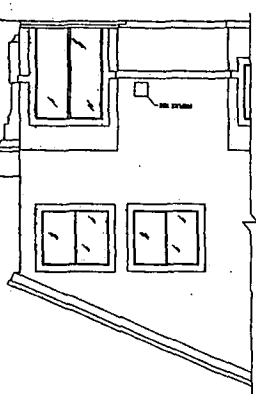
05-13-04 PC



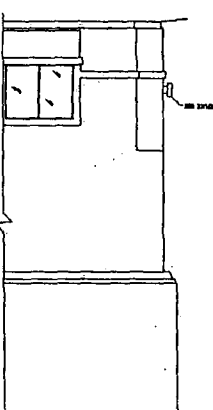
05-13-04 PC



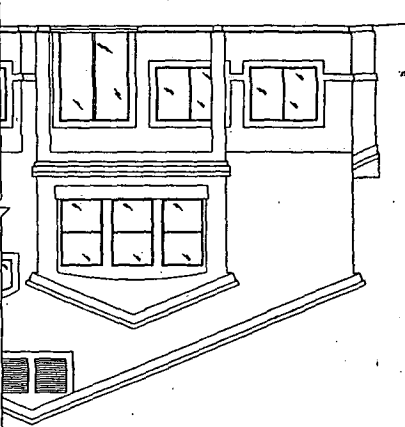
05-13-04 PC



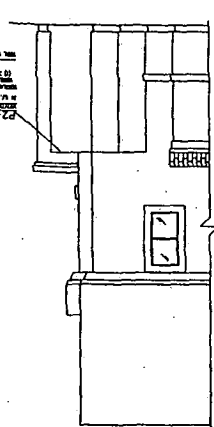
05-13-04 PC



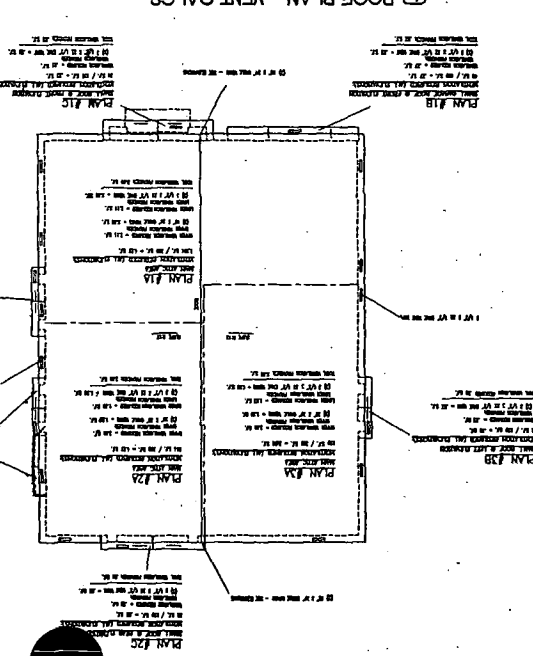
05-13-04 PC



05-13-04 PC



05-13-04 PC



05-13-04 PC

05-13-04 PC

05-13-04 PC

05-13-04 PC

05-13-04 PC

HIGH NOON RANCH
D.R. HORTON, INC.

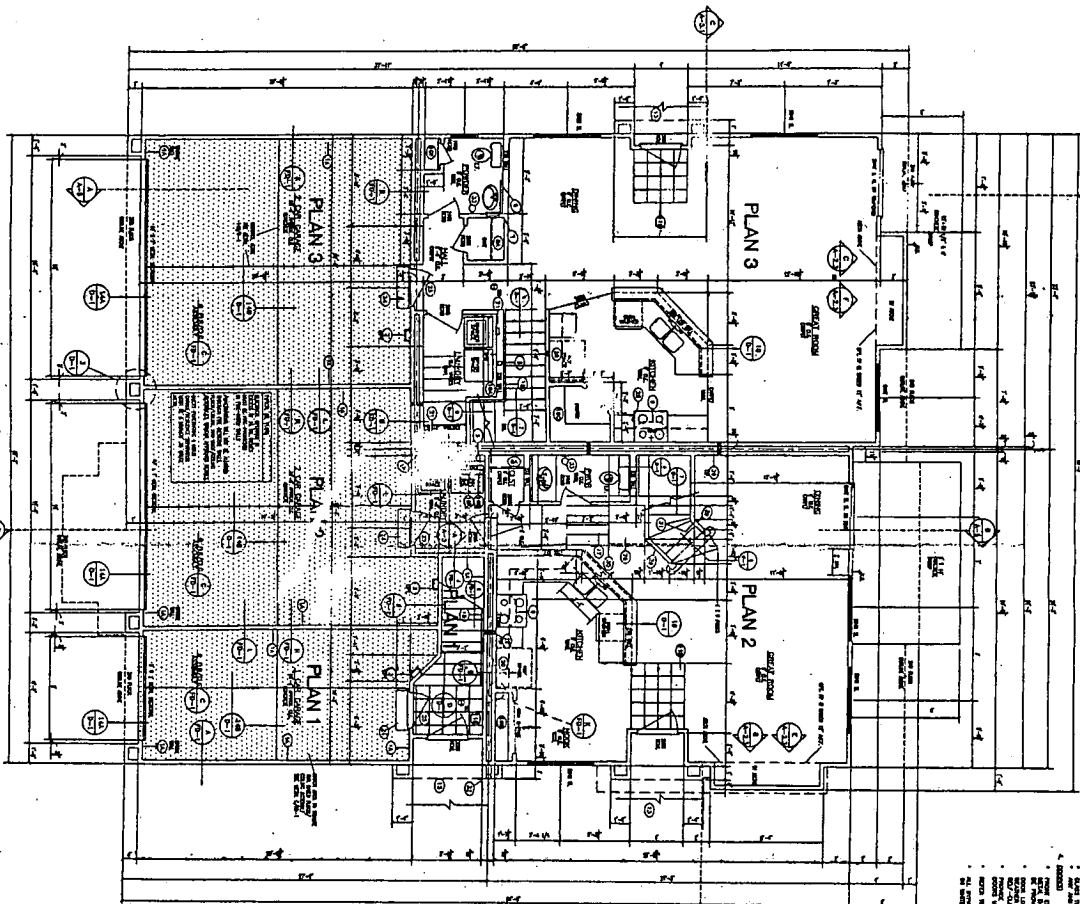
LARRY TINDALL
RESIDENTIAL DESIGNER
3531 E. RUSSELL RD., SUITE C
LAS VEGAS, NEVADA 89120
OFFICE: (702) 597-5597
FAX: (702) 597-5598

ROUGH OPENINGS TABLE			
TYPE OF OPENING	MIN. SIZE OF OPENING	MIN. SIZE OF FRAME	MIN. SIZE OF FINISH
DOOR	3' 0" x 7' 0"	3' 0" x 7' 0"	3' 0" x 7' 0"
WINDOW	3' 0" x 4' 0"	3' 0" x 4' 0"	3' 0" x 4' 0"
WALL	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
CEILING	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
FLOOR	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
ROOF	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
STAIR	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
MECHANICAL	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
PLUMBING	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
ELECTRICAL	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
TELEPHONE	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
DATA	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"
OTHER	1' 0" x 1' 0"	1' 0" x 1' 0"	1' 0" x 1' 0"

PLAN 1 SQUARE FOOTAGE	
AREA	118.17
PERIMETER	118.17
CEILING	118.17
FLOOR	118.17
ROOF	118.17
STAIR	118.17
MECHANICAL	118.17
PLUMBING	118.17
ELECTRICAL	118.17
TELEPHONE	118.17
DATA	118.17
OTHER	118.17

PLAN 2 SQUARE FOOTAGE	
AREA	118.17
PERIMETER	118.17
CEILING	118.17
FLOOR	118.17
ROOF	118.17
STAIR	118.17
MECHANICAL	118.17
PLUMBING	118.17
ELECTRICAL	118.17
TELEPHONE	118.17
DATA	118.17
OTHER	118.17

PLAN 3 SQUARE FOOTAGE	
AREA	118.17
PERIMETER	118.17
CEILING	118.17
FLOOR	118.17
ROOF	118.17
STAIR	118.17
MECHANICAL	118.17
PLUMBING	118.17
ELECTRICAL	118.17
TELEPHONE	118.17
DATA	118.17
OTHER	118.17



FIRST FLOOR PLAN

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.
3. ALL FLOORS ARE 4" THICK CONCRETE ON 12" THICK WALLS.
4. ALL ROOFS ARE 4" THICK CONCRETE ON 12" THICK WALLS.
5. ALL STAIRS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
6. ALL MECHANICAL ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
7. ALL PLUMBING ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
8. ALL ELECTRICAL ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
9. ALL TELEPHONE ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
10. ALL DATA ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
11. ALL OTHER ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.

KEYNOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL WALLS ARE 12" THICK UNLESS OTHERWISE NOTED.
3. ALL FLOORS ARE 4" THICK CONCRETE ON 12" THICK WALLS.
4. ALL ROOFS ARE 4" THICK CONCRETE ON 12" THICK WALLS.
5. ALL STAIRS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
6. ALL MECHANICAL ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
7. ALL PLUMBING ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
8. ALL ELECTRICAL ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
9. ALL TELEPHONE ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
10. ALL DATA ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.
11. ALL OTHER ROOMS ARE 12" THICK CONCRETE ON 12" THICK WALLS.

REVISION

DATE

REVISION

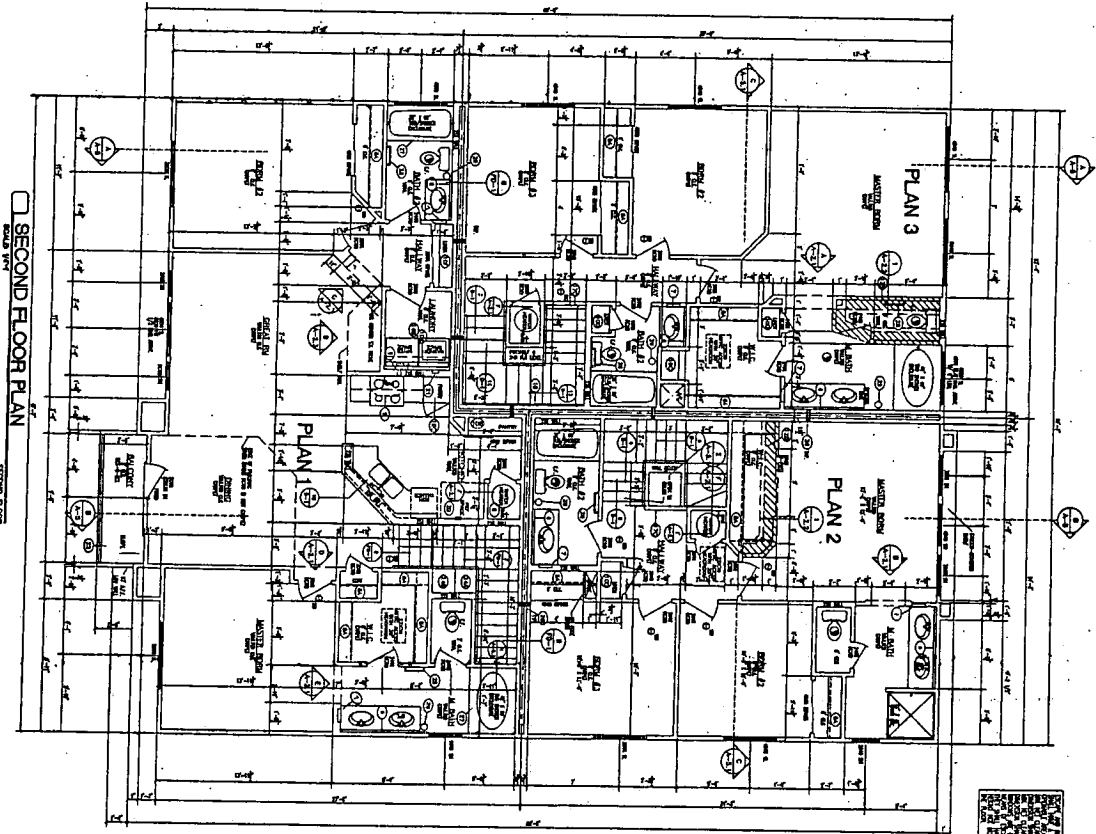
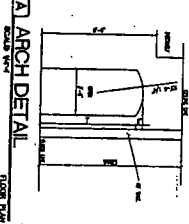
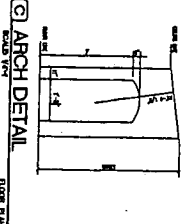
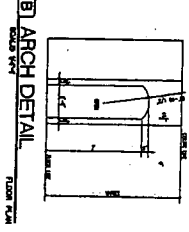
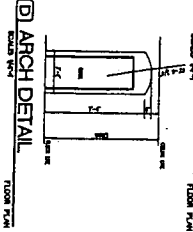
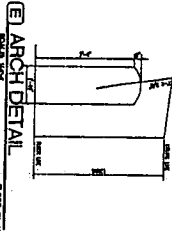
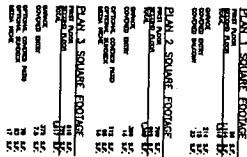
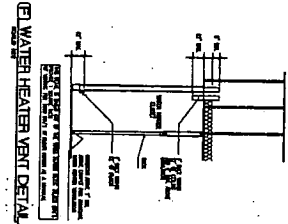
DO NOT SCALE DIMENSIONS

ARCHITECT

LARRY TINDALL
RESIDENTIAL DESIGNER

SDR-4147

05-13-04 PC

[illegible]

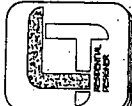
- [illegible]

SHEET NUMBER
A-2.1
FLOOR PLAN

0356
FILE NAME
DATE 0-2-00

REVISION	DATE	BY

HIGH NOON • [REDACTED] RANCH
D.R. HORTON, INC.



LARRY TINDALL
RESIDENTIAL DESIGNER
3531 E. RUSSELL RD., SUITE G
LAS VEGAS, NEVADA 89120
OFFICE-(702)597-5597
FAX-(702)597-5598

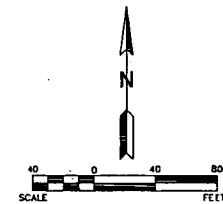
SDR-4147
05-13-04 PC

The site plan for 'EX CASCADE' shows a grid of 42 lots, numbered 1 through 42. The lots are arranged in a grid with streets: Grand Teton Drive at the top, Duck Island Ave at the bottom, Spring Island St running vertically through the center, and Toy Island Ave running horizontally across the middle. An 'OPEN SPACE REC AREA' is located between Toy Island Ave and Duck Island Ave. The plan also shows 'UNDEVELOPED' areas on the right side. The plan is dated 1974 and includes a north arrow and scale bar. The plan is titled 'EX CASCADE' and 'PLANS BY THE ARCHITECT, 1974'.

A.P.N. #125-18-501-015

NE 1/4, NW 1/4, SECTION 18, TOWNSHIP 19 SOUTH,
RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA

- * ALL ON-SITE PRIVATE STREETS & DRIVES ARE CIVIL SEWER EASEMENTS, P.U.E., & PUBLIC DRAINAGE EASEMENTS TO BE PROPERLY MAINTAINED.
- * THERE ARE NO EXISTING PHYSICAL FEATURES OR STRUCTURES ON THIS SITE.
- * THERE ARE NO PROPOSED RESERVATIONS OR DEDICATIONS FOR PARKS, SCHOOLS, OR OTHER PUBLIC OR QUASI-PUBLIC USES.
- * THIS IS A RESIDENTIAL PLANNED DEVELOPMENT.



1	LOT NUMBER
PAD = 00.3	PAD ELEVATION
F.F. = 01.0	FRESH FLOOR ELEVATION
G.F. = 00.0	MINIMUM GARAGE FRESH FLOOR ELEVATION
SEW	SEWER FLOW DIRECTION
5.0%	RATE OF GRADE
	EXISTING CONTOUR (5' INTERVAL)
	EXISTING CONTOUR (1' INTERVAL)

A.P.N. #125-18-501-883
GROSS AREA 448,271 S.F.=10.28 AC.
NET AREA 378,718 S.F.=8.64 AC.
(EXISTING EXHIBIT 100A)
PROPOSED ZONING: R-PD12
10.28 AC. X 12.24 = 126 UNITS

OPEN SPACE REQUIRED:
128 UNITS/10.28 ACRES = 12.24 U/A
12.24 U/A x 1.63 = 20.20
10.28 ACRES x 20.20% = 2.06 ACRES

OPEN SPACE PROVIDED:
2.19 ACRES

PARKING REQUIRED:
42 - 2 BEDROOM UNITS
1.75 SPACES/UNIT = 74 SPACES
VISITOR SPACES 1/8 UNITS = 7 SPACES
84 - 3 BEDROOM UNITS
2.00 SPACES/UNIT = 168 SPACES
VISITOR SPACES 1/8 UNITS = 14 SPACES
TOTAL REQUIRED SPACES = 263

PARKING PROVIDED:
43 BLDGS W/5 CAR GARAGES = 210 SPA
STRIPED PARKING AREAS = 80 SPACES
HANDICAP PARKING = 7 SPACES
TOTAL PARKING PROVIDED = 277 SPACES

PLAN 1
FIRST FLOOR = 44 S.F.
SECOND FLOOR = 1,144 S.F.
TOTAL = 1,188 S.F.

PLAN 2
FIRST FLOOR = 200 S.F.
SECOND FLOOR = 694 S.F.
TOTAL = 894 S.F.

PLAN 3
FIRST FLOOR = 818 S.F.
SECOND FLOOR = 799 S.F.
TOTAL = 1,617 S.F.

SDR-4147
05-13-04 PC

[illegible]

ENDERSON, NEVADA

D.R. HORTON

ELKHORN COL
SITE MAP

DATE: 3/22/04

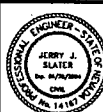
DRAFTER:

DESIGNER:

CHECKED:

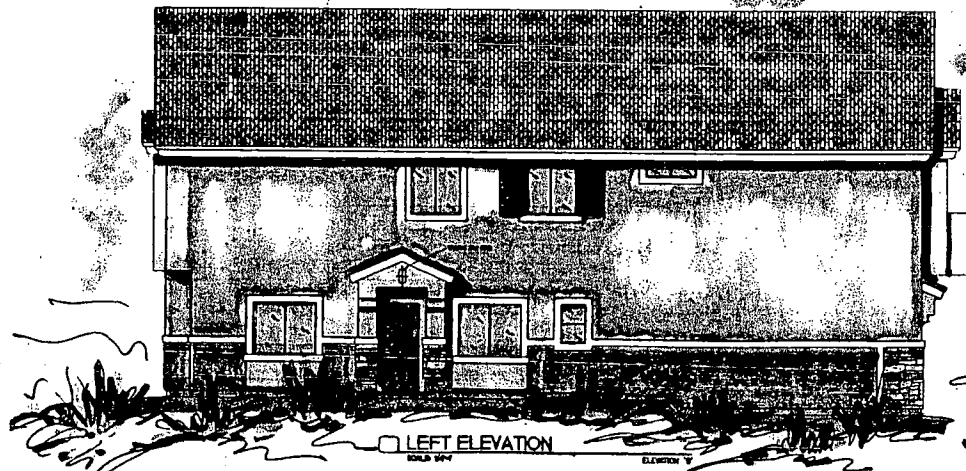
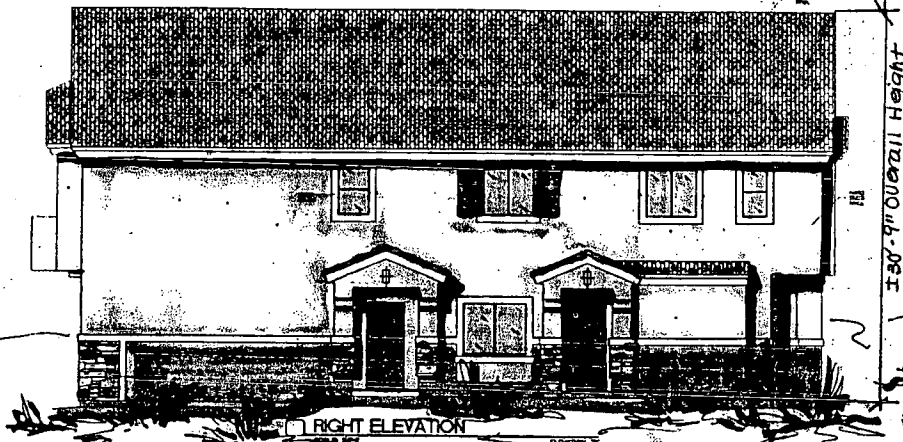
PROJECT NO.

DRH0303-201



SM-1
SHEET 1 OF 1

D·R·HORTON



SDR-4147
05-13-04 PC

D.R. HORTON



☐ FRONT ELEVATION 'B'

SCALE 1/4"=1'

STANDARD PLAN

SDR-4147

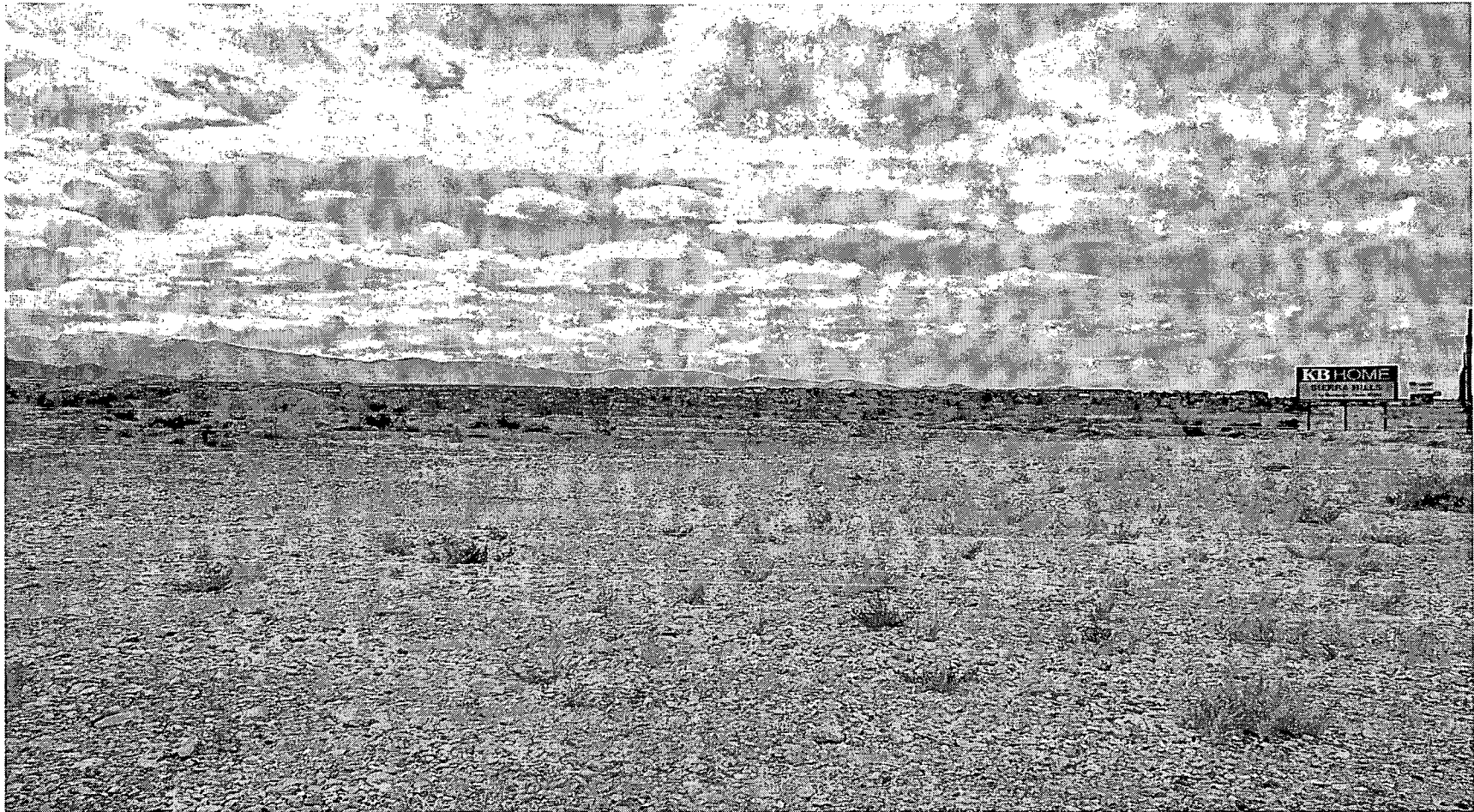
05-13-04 PC



SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4147 - APPLICANT/OWNER: D.R. HORTON, INC.

ADJACENT TO THE SOUTHWEST CORNER OF GRAND TETON DRIVE AND TEE PEE LANE
MAY 13, 2003 PLANNING COMMISSION

4/22/04



SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4147 - APPLICANT/OWNER: D.R. HORTON, INC.
ADJACENT TO THE SOUTHWEST CORNER OF GRAND TETON DRIVE AND TEE PEE LANE
MAY 13, 2003 PLANNING COMMISSION

4/22/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4163 -
APPLICANT/OWNER: FOURTH & BONNEVILLE, LIMITED LIABILITY COMPANY
- Request for a Site Development Plan Review FOR A PROPOSED EIGHT-LEVEL, 150,000
SQUARE-FOOT RETAIL AND PARKING STRUCTURE on 0.29 acres adjacent to the
southeast corner of Fourth Street and Bonneville Avenue (APN: 139-34-311-133), C-1 (Limited
Commercial) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 5
(Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0
0

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – A supplemental Written Opinion for Mayor Goodman regarding abstentions for Items 78, 99, 119, and 120. The original Written Opinion was filed under Item 78.

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS with GOODMAN abstaining as he is owed money on a sale of property on Casino Center and Bonneville Avenue and Ward 2 seat vacant

NOTE: MAYOR GOODMAN disclosed that he requested a Written Opinion from the City Attorney's Office concerning whether he had to abstain as he is owed money on a sale of property on Casino Center and Bonneville. The City Attorney suggested, in the abundance of caution until he collects that money, he should abstain. DEPUTY CITY ATTORNEY BRYAN SCOTT added that since it could be possible that he might regain the property if he is not paid, this item might have a financial interest.

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

CITY COUNCIL MEETING OF JUNE 16, 2004
Planning and Development Department
Item 99 – SDR-4163

MINUTES – Continued:

The applicant was not present.

COUNCILMAN WEEKLY indicated that there are no problems with this item and motioned for approval.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(3:12 – 3:14)

5-1092

CONDITIONS:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, date stamped May 13, 2004, except as amended by conditions herein.
3. The streetscape treatment shall be reviewed and approved by Planning and Development Department staff for conformance with the Downtown Centennial Plan prior to the time application is made for a building permit. Landscaping and a permanent underground sprinkler system for the landscape materials shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. The elevations shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, with additional glazing for the retail space fronting on Fourth Street and additional architectural features to enhance façade articulation. No building setback will be required at the fourth story.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
6. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or service panel location. Utilities and power service lines in alleys shall be located underground; the property owner shall be required to provide for their proportionate share of the utility relocation and alleyway treatment pursuant to a schedule as adopted by City Council.

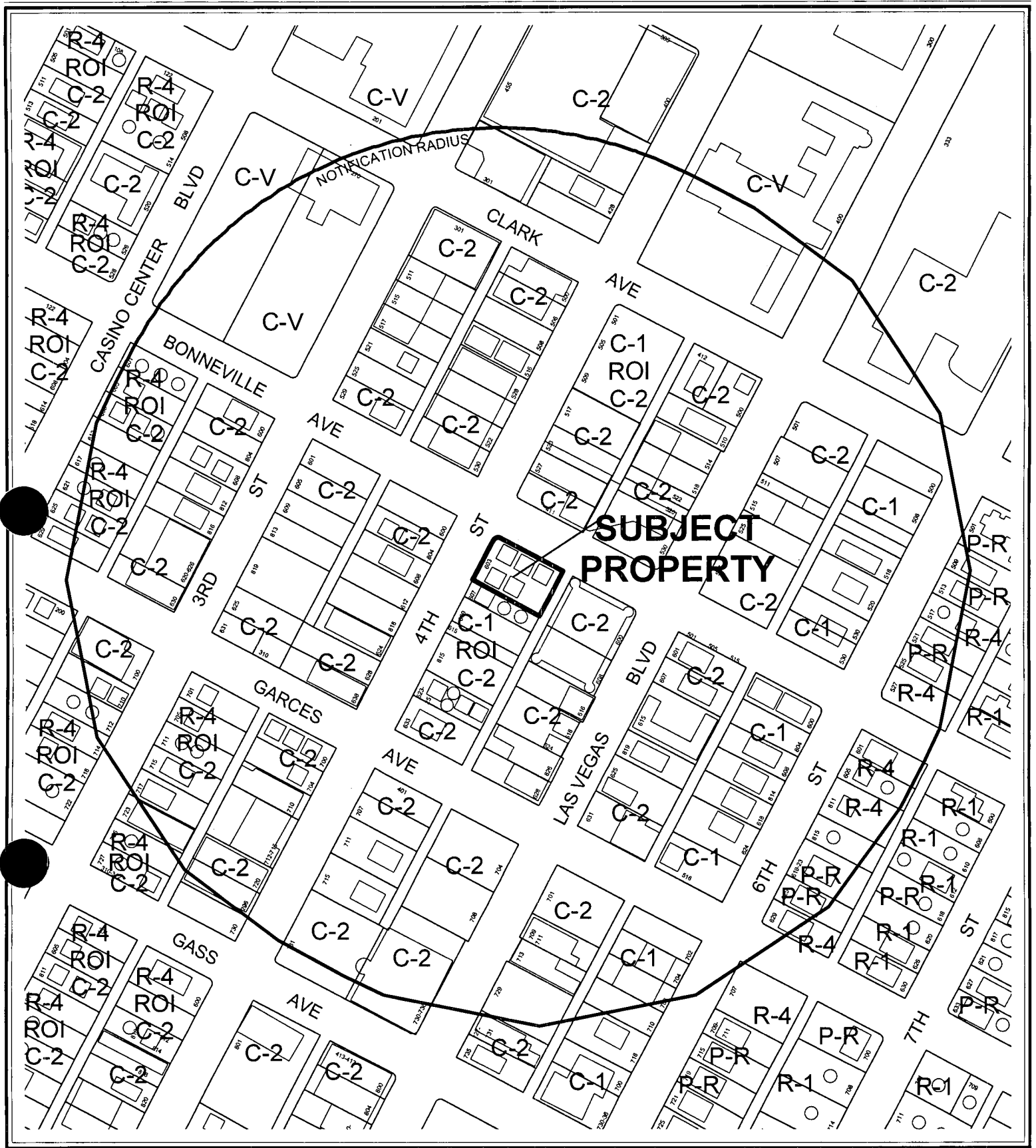
CITY COUNCIL MEETING OF JUNE 16, 2004
Planning and Development Department
Item 99 – SDR-4163

CONDITIONS – Continued:

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

Public Works

8. Coordinate with the City Surveyor to determine whether a Reversionary Map or other map is necessary. If a map is required it should record prior to the issuance of any permits for this site.
9. 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.
10. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. This site should be designed to accommodate ingress queuing on site. Comply with the recommendations from the Traffic Engineering Section.
11. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
12. Landscape and maintain all unimproved right-of-way on Fourth Street and Bonneville Avenue adjacent to this site.
13. Submit an Encroachment Agreement for all private improvements located in the Fourth Street and Bonneville Avenue public right-of-way adjacent to this site prior to occupancy of this site.



CASE: SDR-4163

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)

0 100 200 Feet





CASE: **SDR-4163**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4163 - APPLICANT/OWNER: FOURTH & BONNEVILLE, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, date stamped May 13, 2004, except as amended by conditions herein.
3. The streetscape treatment shall be reviewed and approved by Planning and Development Department staff for conformance with the Downtown Centennial Plan prior to the time application is made for a building permit. Landscaping and a permanent underground sprinkler system for the landscape materials shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. The elevations shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, with additional glazing for the retail space fronting on Fourth Street and additional architectural features to enhance façade articulation. No building setback will be required at the fourth story.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
6. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or service panel location. Utilities and power service lines in alleys shall be located underground; the property owner shall be required to provide for their proportionate share of the utility relocation and alleyway treatment pursuant to a schedule as adopted by City Council.
7. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

8. Coordinate with the City Surveyor to determine whether a Reversionary Map or other map is necessary. If a map is required it should record prior to the issuance of any permits for this site.
9. 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.
10. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. This site should be designed to accommodate ingress queing on site. Comply with the recommendations from the Traffic Engineering Section.
11. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
12. Landscape and maintain all unimproved right-of-way on Fourth Street and Bonneville Avenue adjacent to this site.
13. Submit an Encroachment Agreement for all private improvements located in the Fourth Street and Bonneville Avenue public right-of-way adjacent to this site prior to occupancy of this site.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for Site Development Plan Review for an eight-story parking structure with 10,000 square feet of ground-floor retail space on 0.29 acres adjacent to the southeast corner of Fourth Street and Bonneville Avenue.

B) Applicant's Justification

The applicant has stated that the project will provide much-needed parking in the Office Core District and will enhance the streetscape and pedestrian network.

BACKGROUND INFORMATION

A) Previous Actions

12/16/64 The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject site, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).

05/13/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #54).

B) Pre-Application Meeting

03/16/04 At the pre-application conference, the need for a queuing lane on Fourth Street was discussed, as well as the need for a Reversionary Map to unite the separate parcels that comprise the development site.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.29

B) Existing Land Use

Subject Property: Multifamily Residential Use

North: Office Use

South: Undeveloped

East: Office Use

West: Parking Lot Use, Multifamily Residential Use, Office Use

C) Planned Land Use

Subject Property: Commercial
North: Commercial
South: Commercial
East: Public Facilities
West: Commercial

D) Existing Zoning

Subject Property: C-1 (Limited Commercial) under Resolution of Intent to C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-1 (Limited Commercial) under Resolution of Intent to C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a Commercial land use designation. The Commercial designation allows the following comparable land use categories: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed uses are in compliance with the land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
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 parcel is located within the boundaries of the Downtown Centennial Plan, and is subject to the design standards listed in the plan. The property abuts a designated Urban Trail route along Bonneville; however, Urban Trails will be developed with grant funds or budgeted as a capital project, and will not be implemented by individual property owners.

PROJECT DESCRIPTION

The proposed parking structure will be eight stories in height, with approximately 10,000 square feet of retail space on the ground floor. The vehicular entrance and exit will be located on the Fourth Street side of the structure; no other access points are planned. The garage will have an attendant on site to collect parking fees as patrons exit the structure. Decorative metal screens

will be utilized on the north and west facades of the structure to create visual interest and add variety to the elevations. The existing cottages on the site will be demolished to make way for the new structure; the structures have been already been surveyed and documented by the Historic Preservation Officer.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed as applicable in the table below:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	.29 acres	N/A
Min. Lot Width	N/A	125 Feet	N/A
Min. Setbacks			
• Front	0 Feet	0 Feet	Y
• Side	N/A	0 Feet	N/A
• Corner	0 Feet	0 Feet	Y
• Rear	N/A	0 Feet	N/A
Building Step-backs	4 th Floor	Not Provided	N
Max. Lot Coverage	Up to 100%	100%	Y
Max. Building Height	N/A	104 Feet	N/A
Trash Enclosure	Walled/roofed	Within structure	Y

The structure will comply with all applicable development standards listed above, with the exception of the requirement for a building step-back at the fourth story.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards.

A3) Parking and Traffic Standards

As with other development standards, the property is exempt from the automatic application of parking requirements due to its being located within the boundaries of the Downtown Centennial Plan area. The following table details the parking figures for the development:

Uses	GFA	Provided Parking	
		Regular	Handicap
Retail	10,000 SF	337	8

Parking for the ground-level retail uses will easily be accommodated within the parking structure. Handicap parking spaces will be provided as required by Code.

A4) Landscape and Open Space Standards

The property is subject to the landscape and streetscape standards of the Downtown Centennial Plan as listed below:

Standards	Required		Provided
	Ratio	Trees	
East/West Street Bonneville Avenue	1 Shade Tree @ 30' o.c. max. (min. 24" box)	5 Trees	8 Trees
North/South Street Fourth Street	1 Palm Tree @ 35' o.c. max. (min. 25' height)	4 Trees	2 Trees

The landscape plan depicts shade trees planted 18 feet on-center along Bonneville Avenue in accordance with the recommendations of the Downtown Centennial Plan. The streetscape treatment along Fourth Street was installed by the City of Las Vegas in 1998; it will be the responsibility of the applicant to replace and repair any modifications to the existing streetscape. The landscape plan shows accent paving used for all sidewalk areas; the accent paving treatment is only required at the intersection.

A5) Sign Standards

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

Wall Signs:

Standards	Allowed	Provided
Maximum Number	N/A	N/A
Maximum Area	20% elevation	2%
Maximum Projection	2 Feet	Not indicated
Illumination	Internal/External	Not indicated

The only signage proposed for the building will be wall signage on the Bonneville Avenue elevation; the proposed signage conforms with the area limitation stipulated by Title 19.14. Signage for the development will be permitted under a separate application.

B) General Analysis and Discussion

- Zoning

The commercial parking structure and retail uses are permitted in the C-2 (General Commercial) District. The structure is consistent with the setbacks, lot coverage, and permissible height established by the Downtown Centennial Plan.

- Site Plan

The ground floor is arranged with the vehicular entrance and exit occupying the south side of the structure, and the retail space being located on the north side of the structure. Street trees and streetscape improvements will be provided in accordance with the Centennial Plan. The alley to the east of the parcel will be retained, but will only be used for deliveries and trash collection and will not be used for vehicular access.

- Waivers

The development will require a waiver from the Downtown Centennial Plan requirement for a building setback at the fourth story of the structure. The request for a waiver is valid, due to the specific layout and construction requirements for a parking structure.

- Landscape Plan

The proposed structure will occupy the entire site, and no landscape buffers will be required. The applicant will be providing streetscape treatments as required by the Downtown Centennial Plan.

- Elevation

The elevations depict a rectangular structure, with no articulation of the wall planes. As an alternative, the applicant is proposing the use of decorative metal screens on the facades facing Bonneville Avenue and Fourth Street. If properly detailed, the screens will assist in giving variety to the massing of the structure and creating visual interest.

The north elevation of the structure will utilize glazed storefronts at the ground floor level, as required by the Downtown Centennial Plan. No glazing is provided for the retail frontage on the west side of the structure; it is recommended that the elevation be revised to include storefront glazing abutting the sidewalk in conformance with the Centennial Plan.

- Floor Plan

The floor plan for the structure is appropriately designed to accommodate both the retail and parking uses. Egress stairwells are provided at the northeast and southwest corners

of the structure, and exit directly to the public sidewalks on Bonneville Avenue and Fourth Street. The elevator access to the upper floors is also located directly at the public sidewalk as well, which increases safety through being directly visible from the public right-of-way.

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 parking structure is compatible with the adjacent development and is consistent with the plan for the area.

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 parking structure is consistent with the directives of the Downtown Centennial Plan by providing parking for adjacent businesses and allowing the density of development necessary for an urban area. While the structure does not meet the stepback requirement and glazing requirement along Fourth Street as specified by the Downtown Centennial Plan, it generally conforms with all other requirements. The development is also consistent with Title 19 and the General Plan.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

All vehicular traffic will enter from and exit to Fourth Street, which has sufficient capacity to accommodate the amount of traffic generated by the facility. The Bonneville/Clark one-way couplet system, to be constructed in 2005, will also assist in dispersing traffic generated by the development.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The proposed streetscape treatment is in conformance with the materials specified by the Downtown Centennial Plan and is appropriate for the urban core. The proposed building materials are generally appropriate for the area; staff has requested minor revisions to the exterior of the structure prior to the issuance of a building permit.

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;"**

While the unarticulated form of the structure is generally inconsistent with the goals and objectives of the Downtown Centennial Plan, the use of decorative metal screening assists in giving variety to the façade and creating visual interest. Glazing will be required for portion of the retail space fronting Fourth Street.

6. “Appropriate measures are taken to secure and protect the public health, safety and general welfare.”

The proposed development be subject to the International Building Code, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

This approval includes the waiver on building setback required by the Downtown Centennial Plan Standards.

NOTICES MAILED 100 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4163 APN: 139-34-311-133

Name of Property Owner: FOURTH & DONNEVILLE LLC

Name of Applicant: FOURTH & BONNELL LLC

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

Yes ☐ No ☒

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

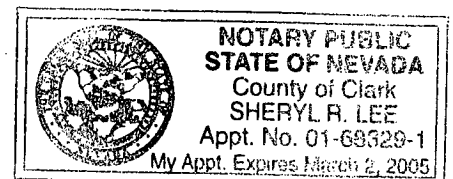
Signature of Property Owner/Authorized Agent: _____

Print Name: Paul Vercella

Subscribed and sworn before me

This 16th day of March, 2004

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



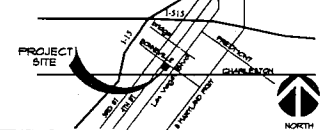
FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



PROPOSED SITE PLAN

LOCATION MAP



SITE DATA

OWNER: FOURTH & BONNEVILLE LLC
 4850 SOUTH EASTERN, SUITE #1
 LAS VEGAS, NEVADA 89101
 TEL: (702) 362-8871
 FAX: (702) 441-7010
 ATTN: PAUL TORRES-LA

ARCHITECT: WESTAR ARCHITECTS
 3900 MEADOWS LANE, SUITE #220
 LAS VEGAS, NEVADA 89107
 TEL: (702) 878-0500
 FAX: (702) 878-8430
 ATTN: KELVIN HATHWOOD, AIA

LEGAL DESCRIPTION:
 LOT ONE (1), TWO (2), THREE (3), FOUR (4) AND FIVE (5) IN BLOCK FORTY (40) OF
 CLARK'S LAS VEGAS TORRISTE, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 1
 OF PLATS, PAGE 91, IN OFFICE OF THE COUNTY REGISTAR OF CLARK COUNTY,
 NEVADA.

EXCEPTING THEREFROM THAT PORTION OF SAID LAND CONVEYED TO THE CITY OF
 LAS VEGAS IN THAT CERTAIN GRANT DEED RECORDED AS PLAT 18 IN BOOK 1
 800K AS DOCUMENT NO. 0087, OF OFFICIAL RECORDS.

APRA: 08-34-01-03
 ZONING: C-2
 OCCUPANCY: S-2 PARKING GARAGE, OPEN
 RETAIL
 A-2 RESTAURANT

TYPE OF CONSTRUCTION: TYPE II-B
 BUILDING AREA:
 FIRST FLOOR = 11,500 SQ. FT. OF HIGH 10,000 DEDICATED RETAIL
 SECOND FLOOR = 11,500 SQ. FT.
 THIRD FLOOR = 11,500 SQ. FT.
 FOURTH FLOOR = 11,500 SQ. FT.
 FIFTH FLOOR = 11,500 SQ. FT.
 SIXTH FLOOR = 11,500 SQ. FT.
 SEVENTH FLOOR = 11,500 SQ. FT.
 EIGHTH FLOOR = 11,500 SQ. FT.

TOTAL BUILDING = 140,000 SQ. FT.
 LOT SIZE:
 LOT COVERAGE: 11,500 SQ. FT. (2 ACRES)
 11,500 S.F. / 11,500 S.F. = 100%
 PARKING:
 ONE SPACE FOR EACH 500 S.F.
 REQUIRED:
 PROVIDED:
 STAMPEDE: 4' X 16' = 256 SPACES
 COMPACT: 8' X 16' = 96 SPACES (DATA OF TOTAL SPACES)
 HANDICAP: 4' X 16' = 6 SPACES
 TOTAL PARKING = 345 SPACES (SEE BELOW)

PARKING DATA

GROUND LEVEL -	11 STANDARD SPACES 2 HIC VAK ACCESSIBLE 8 HIC SPACES 4 COMPACT SPACES	34 SPACES TOTAL
SECOND LEVEL -	20 STANDARD SPACES 5 COMPACT SPACES	50 SPACES TOTAL
THIRD LEVEL -	20 STANDARD SPACES 5 COMPACT SPACES	50 SPACES TOTAL
FOURTH LEVEL -	20 STANDARD SPACES 5 COMPACT SPACES	50 SPACES TOTAL
FIFTH LEVEL -	20 STANDARD SPACES 5 COMPACT SPACES	50 SPACES TOTAL
SIXTH LEVEL -	20 STANDARD SPACES 5 COMPACT SPACES	50 SPACES TOTAL
SEVENTH LEVEL -	20 STANDARD SPACES 5 COMPACT SPACES	50 SPACES TOTAL
EIGHTH LEVEL -	20 STANDARD SPACES 5 COMPACT SPACES	50 SPACES TOTAL
TOTAL PARKING -	256 STANDARD SPACES 8 HIC SPACES 41 COMPACT SPACES	345 SPACES TOTAL

FOURTH & BONNEVILLE PARKING STRUCTURE

WESTAR ARCHITECTS
 ARCHITECTURE • PLANNING • INTERIOR DESIGN
 3900 MEADOWS LANE, SUITE 220 LAS VEGAS, NEVADA 89107
 TELEPHONE: (702) 878-0500 FAX: (702) 878-8430
 www.westarchitects.com

DATE: 03/24/04 PROJECT NUMBER: 04022 FILE NAME: 0404022_S01.dwg

LAW OFFICE
BUILDING

WELLS FARGO
BANK BUILDING

BONNEVILLE AVENUE

PROPOSED CANOPY SHADE PER 2000
LAS VEGAS CENTENNIAL PLAN

COVERED TRASH ENCLOSURE

LOADING AREA

BIBLE FEDERAL
BUILDING

PROPOSED
PARKING GARAGE

RESIDENTIAL

4th STREET

ADJACENT LOT

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



PROPOSED LANDSCAPE PLAN

LANDSCAPE LEGEND

TREES	QTY.
ARIZONA ASH - 24" BOX	4
FAN PALM	4
PURPLE LEAF PLUM - 15 GALLON	5

LANDSCAPE NOTES

ALL PLANTS SHALL HAVE A GROWTH HABIT NORMAL TO THE SPECIES AND SHALL BE SOUND, HEALTHY, VIGOROUS, AND FREE FROM INSECT PEST, PLANT DISEASES, SUN SCALDS, FRESH BARK ABRASIONS, EXCESSIVE ABRASIONS OR OTHER COLLECTIONABLE DISFIGUREMENTS. TREE TRUNKS SHALL BE STURDY AND WELL "HARDENED OFF". ALL PLANTS SHALL HAVE NORMAL, WELL-DEVELOPED BRANCH SYSTEMS, AND VIGOROUS AND FIBROUS ROOT SYSTEMS WHICH ARE NEITHER ROOT NOR POT-BOUND AND FREE OF KINKED OR GIRDLING ROOTS. ALL TREES SHALL STAND REASONABLY ERECT WITHOUT SUPPORTS.

TREES SHALL NOT BE PLANTED WITHIN THREE (3) FEET OF A DEDICATED RIGHT-OF-WAY. ANY TREES WITHIN 5' OF A SIDEWALK OR HALL SHALL BE PLANTED WITH A ROOT SHIELD DESIGNED TO DIRECT ROOT GROWTH DOWNWARD. ANY PLANT OR TREE THAT DOES NOT SURVIVE OR SUSTAINS SEVERE DAMAGE, SHALL BE REPLACED WITHIN NINETY (90) DAYS.

SHRUBS SHALL BE PLANTED TO COVER MORE THAN FIFTY (50) PERCENT OF THE LANDSCAPED AREA. TREES SHALL BE PROVIDED WITH A 1 INCH MIN. DEEP BASIN OR HELL 12" WIDE AROUND ROOT BALL. SHRUBS SHALL BE PROVIDED WITH A 1 INCH MIN. DEEP BASIN OR HELL 4 INCH WIDE AROUND ROOT BALL.

PLANTING HOLES FOR TREES SHOULD BE AT LEAST TWO TO THREE TIMES THE WIDTH OF THE ROOTBALL AND SHOULD BE NO DEEPER THAN THE CONTAINER. SHRUBS SHOULD HAVE A HOLE THREE TO FIVE TIMES THE WIDTH OF THE ROOTBALL AND SHOULD NOT BE DEEPER THAN THE ROOTBALL ITSELF.

MAINTENANCE SHALL BEGIN IMMEDIATELY AFTER PLANTING AND SHALL CONTINUE ON A PERMANENT BASIS. REQUIRED MAINTENANCE INCLUDES:

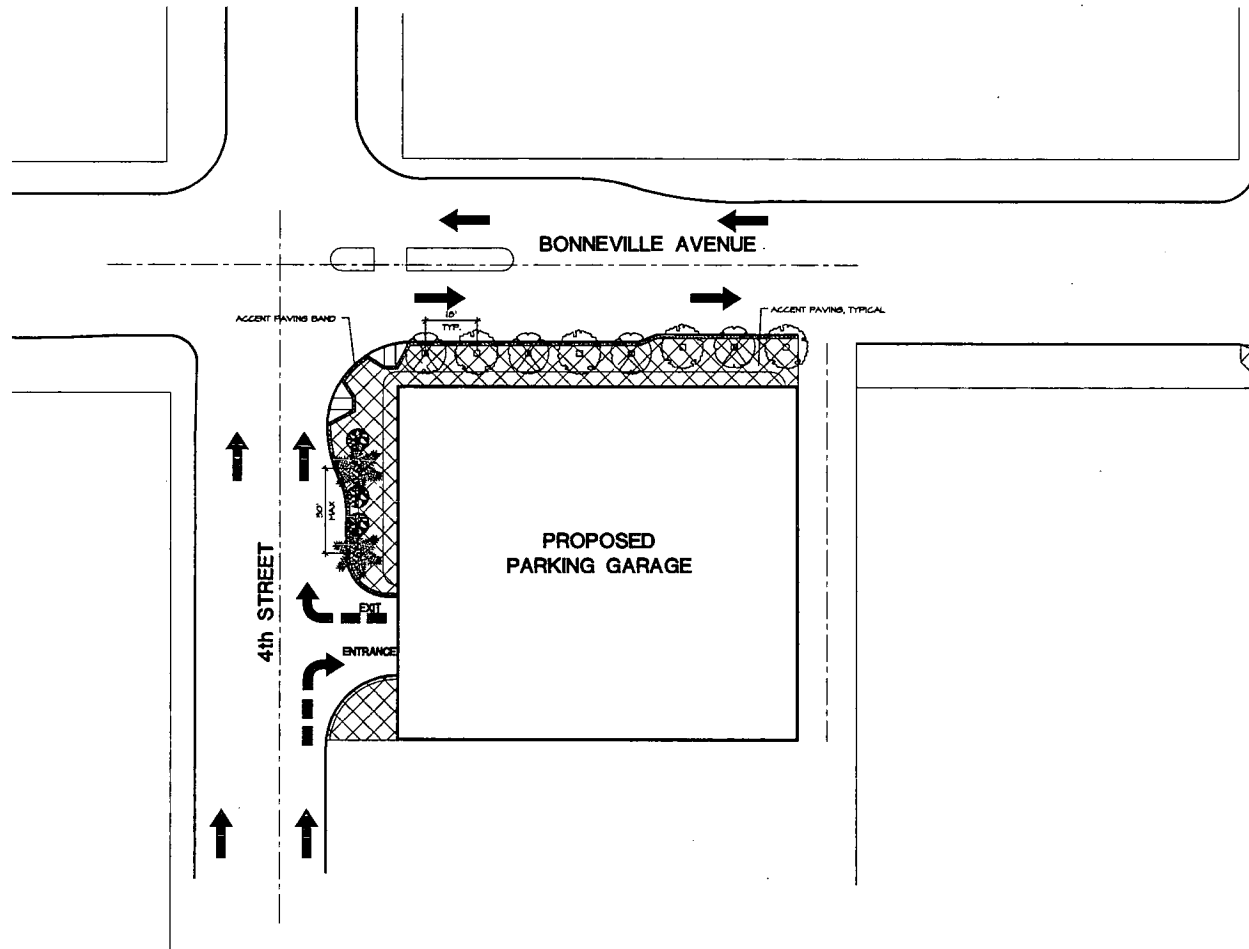
- PRUNING, CULTIVATION AND WEEDING OF TREES, SHRUBS AND OTHER PLANTS AS REQUIRED FOR HEALTHY GROWTH.
- RESTORING OF WATERING BASINS.
- TIGHTENING AND REPAIR OF STAKES AND TIES.
- RESETTING OF TREES AND SHRUBS TO PROPER GRADES OR VERTICAL POSITIONS AS REQUIRED.
- SPRAYING AS REQUIRED TO KEEP TREES AND SHRUBS FREE OF INSECTS AND DISEASE.
- FERTILIZING OF PLANTS TO MAINTAIN SOUND, HEALTHY GROWTH.
- AN AUTOMATIC IRRIGATION SYSTEM IS REQUIRED FOR ALL PLANTING AREAS, AND SHALL INCLUDE:
 1. AN ELECTRIC AUTOMATIC CONTROLLER WITH MULTIPLE PROGRAM.
 2. MULTIPLE REPEAT CYCLE CAPABILITIES.
 3. A FLEXIBLE CALENDAR PROGRAM.

ALL IRRIGATION SYSTEMS SHALL BE DRIP EMITTERS OR BUBBLERS, AND MUST OPERATE IN A MANNER THAT DOES NOT PERMIT OVERSPRAYING OR RUNOFF ONTO STREETS OR SIDEWALKS.

FOURTH & BONNEVILLE PARKING STRUCTURE

WAGNER ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
3900 WOODSON LANE, SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.wagnerarchitects.com

THIS DRAWING AND ALL INFORMATION HEREON ARE THE SOLE PROPERTY OF WAGNER ARCHITECTS. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION FROM WAGNER ARCHITECTS IS PROHIBITED. ANY VIOLATION WILL BE SUBJECT TO LITIGATION.
DATE: 03/21/04 PROJECT NUMBER: 04022 FILE NAME: 04022_01.dwg



SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

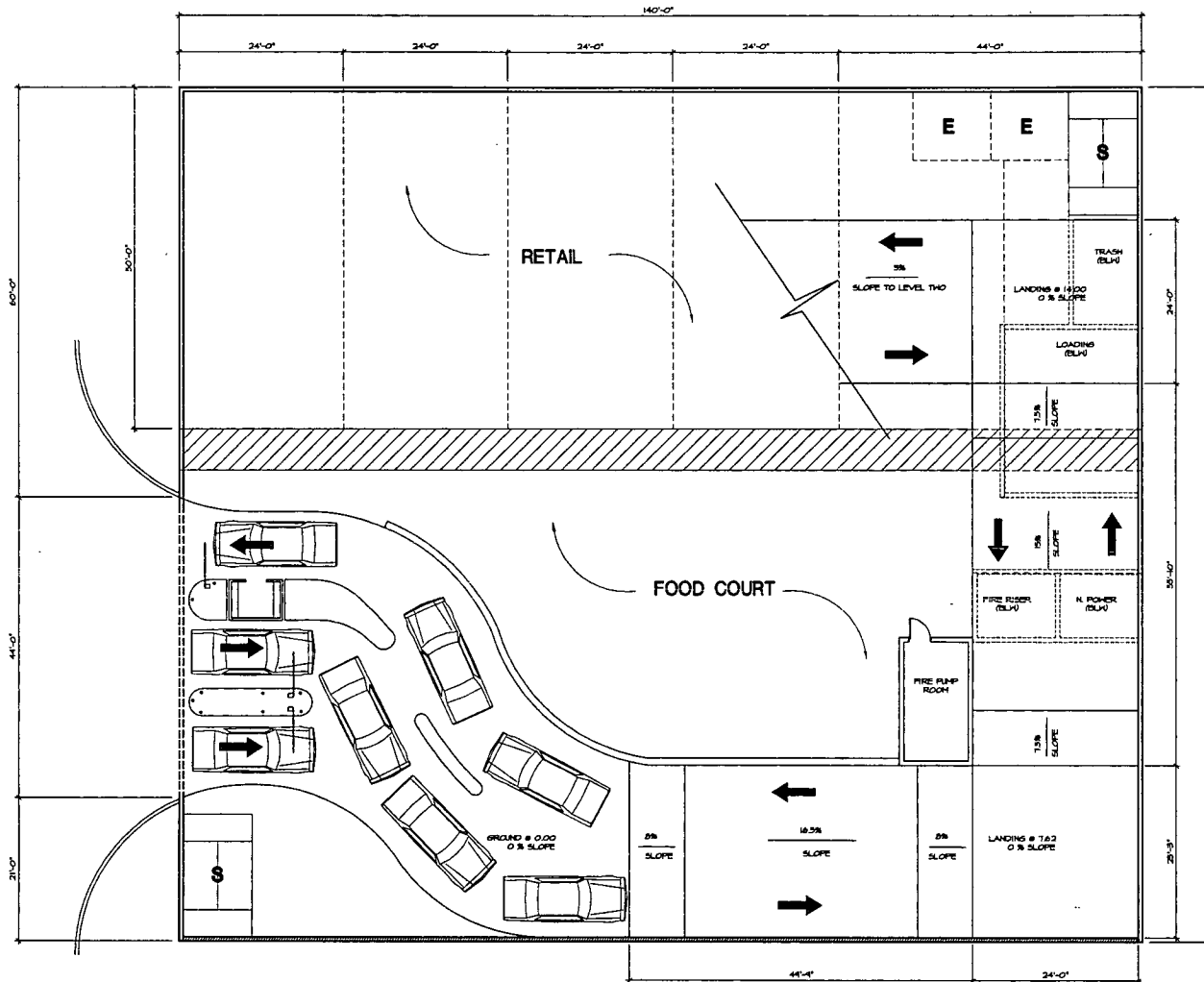
FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



NORTH



GROUND LEVEL



GROUND LEVEL

SCALE: 1/8" = 1'-0"

FOURTH & BONNEVILLE PARKING STRUCTURE



ARCHITECTURE • PLANNING • INTERIOR DESIGN
3950 MEADOWS LANE, SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.westarchitects.com

THIS DRAWING AND ANY INFORMATION HEREON ARE THE SOLE PROPERTY OF WESTAR ARCHITECTS. ANY REUSE, REPRODUCTION, OR DISTRIBUTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION IS PROHIBITED. THE DATE OF THE LAST REVISION IS INDICATED BY THE DATE AND REVISION NUMBER.

DATE: 03/21/04 PROJECT NUMBER: 04022 FILE NAME: 04022_Fr_1.dwg

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



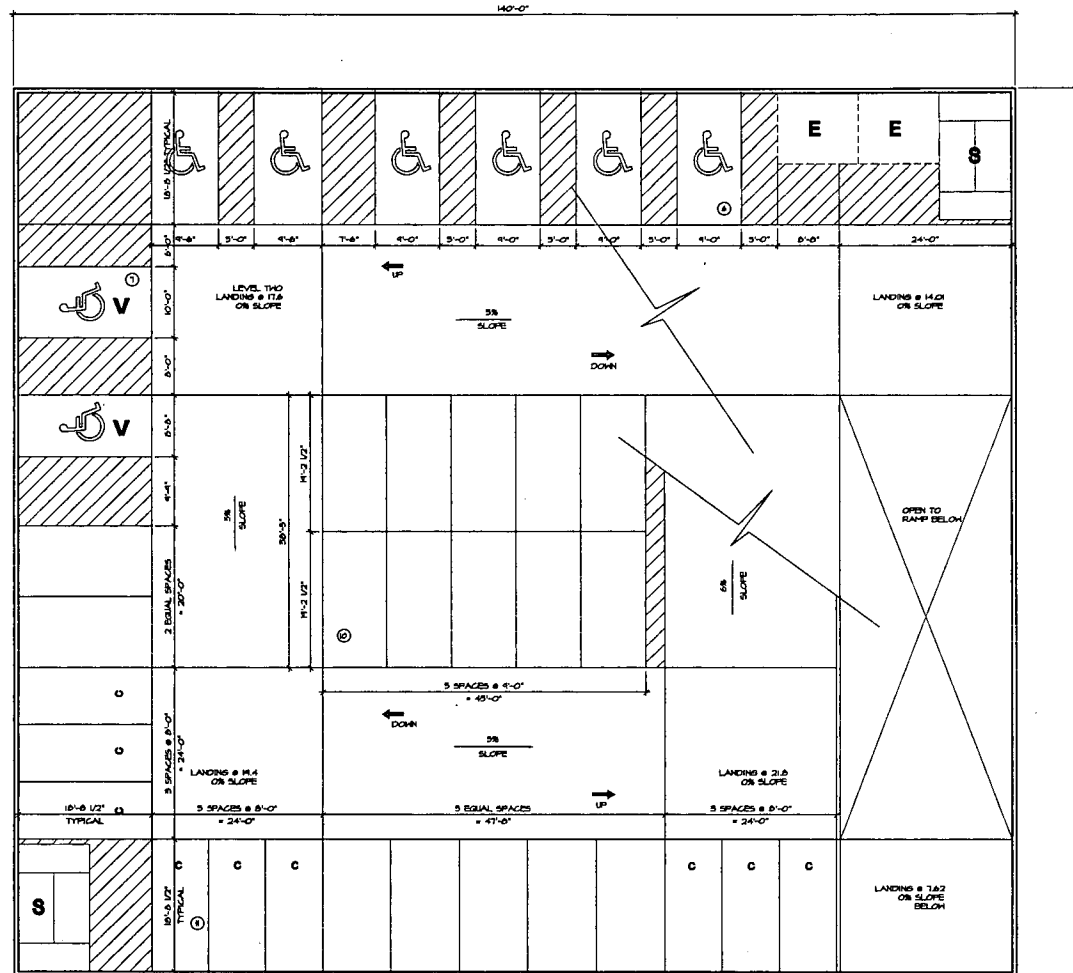
NORTH



SECOND LEVEL

PARKING DATA

SECOND LEVEL	17 STANDARD SPACES 2 INV VAN ACCESSIBLE 8 INV SPACES 4 COMPACT SPACES	34 SPACES TOTAL
--------------	--	-----------------



SECOND LEVEL

SCALE: 1/8" = 1'-0"

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

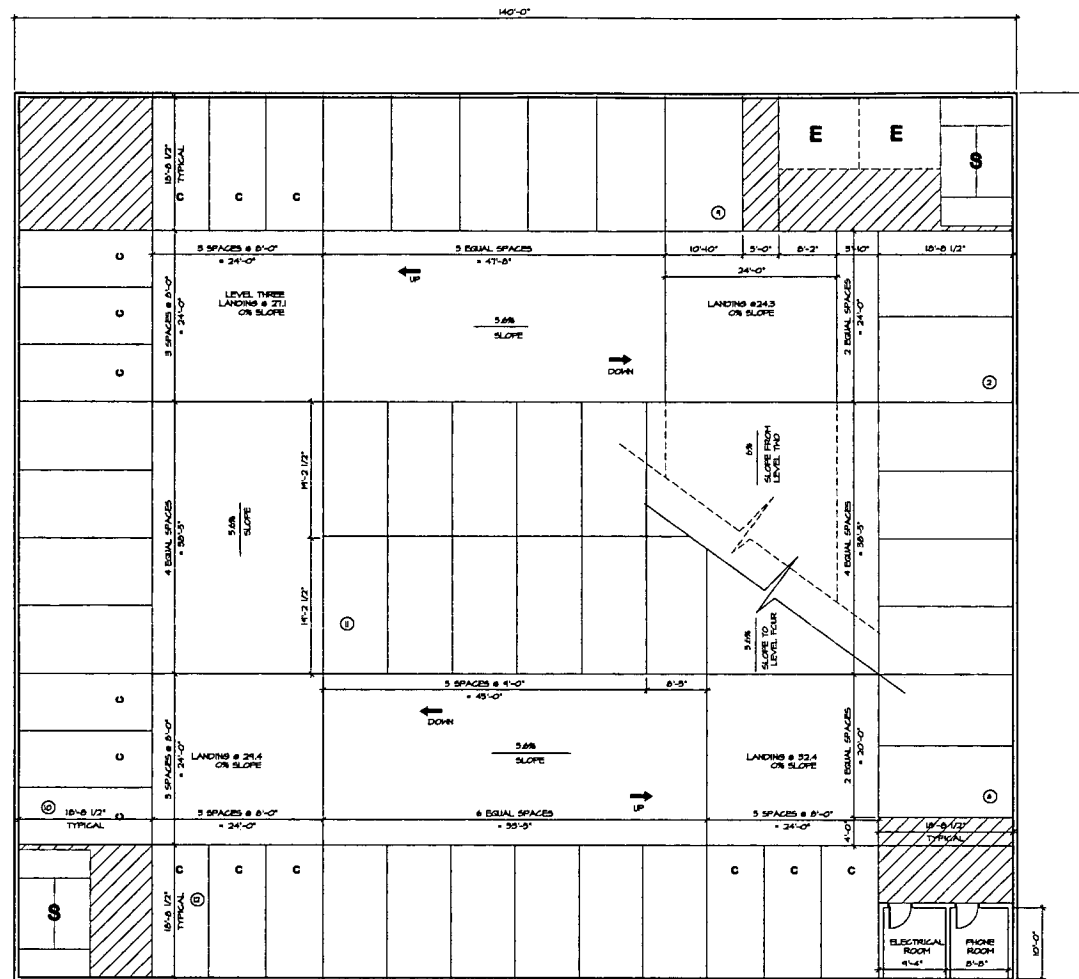


ARCHITECTURE-PLANNING-INTERIOR DESIGN
3900 MEADOWS LANE, SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.wagnarchitects.com

THIS DRAWING AND ALL OTHERS HEREON ARE THE PROPERTY OF WESTAR ARCHITECTURAL GROUP, INC. NO REPRODUCTION OR TRANSMISSION IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, IS PERMITTED WITHOUT THE WRITTEN CONSENT OF WESTAR ARCHITECTURAL GROUP, INC. DATE: 03/21/04 PROJECT NUMBER: 04022 FILE NAME: 04022_FY_3.dwg

PARKING DATA

THIRD LEVEL - 35 STANDARD SPACES
6 COMPACT SPACES } 50 SPACES TOTAL



SCALE: 1/8" = 1'-0"

SDR-4163
05-13-04 PC



ARCHITECTURE • PLANNING • INTERIOR DESIGN
3900 MEADOWS LANE SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.wagnarchitects.com

THE DRAWINGS AND DESIGN CONCEPTS SHOWN ARE THE SOLE PROPERTY OF VENTURA ASSOCIATES, INC. ANY REPRODUCTION, COPY OR USE OF THE SAME WITHOUT THEIR PRIOR WRITTEN CONSENT IS PROHIBITED, AND ANY VIOLATION WILL BE SUBJECT TO LEGAL ACTION.

DATE: 03/24/04 PROJECT NUMBER: 04022 FILE NAME: w04022_fr_3.dwg

FOURTH & BONNEVILLE PARKING STRUCTURE

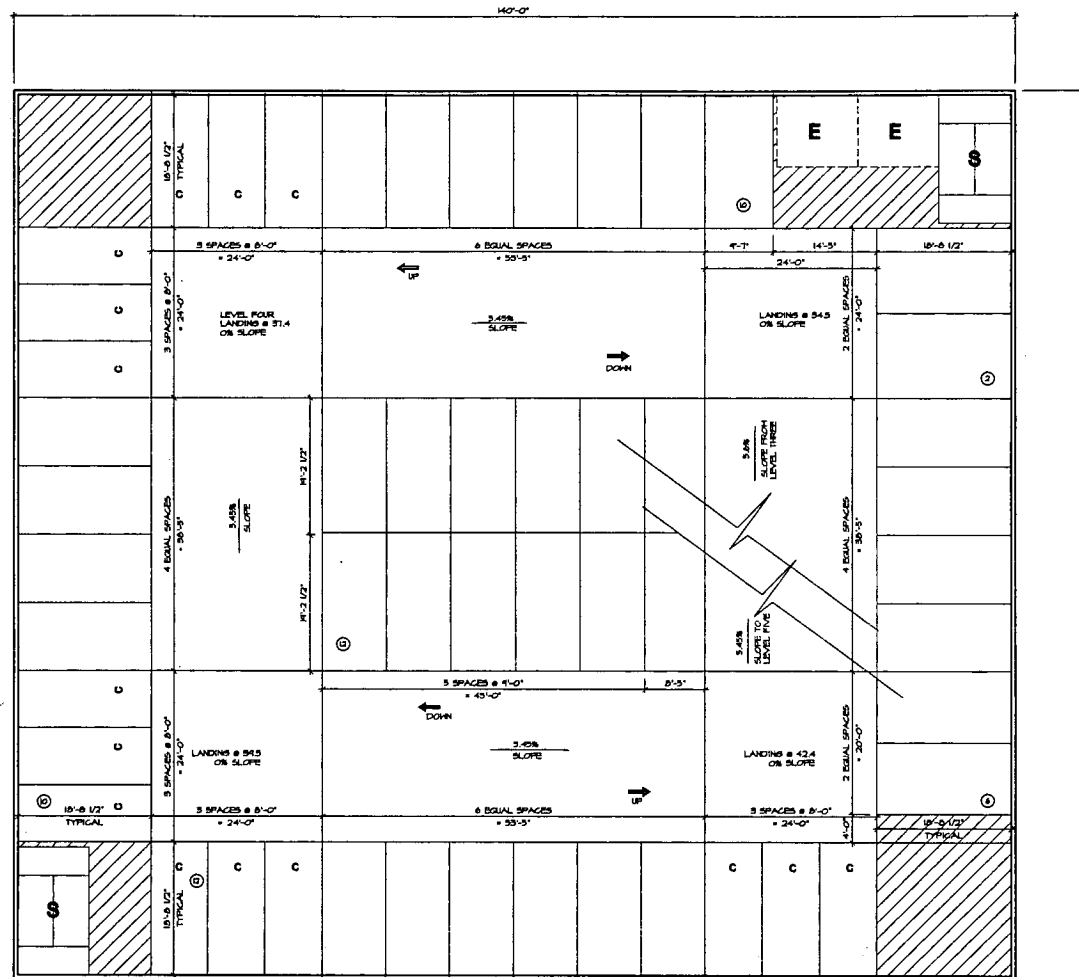
FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



FOURTH LEVEL

PARKING DATA

FOURTH LEVEL 51 STANDARD SPACES
10 COMPACT SPACES } 61 SPACES TOTAL



FOURTH LEVEL

SCALE 1/8" = 1'-0"

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE



WESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
3900 MEADOWS LANE, SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.westarchitects.com

TED BARNER AND JENNIFER GONZALES ARCHITECTS ARE THE SOLE PROPERTY OF WESTAR ARCHITECTS. NO PART OF THIS DOCUMENT, OR ANY OF THE INFORMATION THEREIN, SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM WESTAR ARCHITECTS.
DATE: 03/21/04 PROJECT NUMBER: 04027 FILE NAME: 04027_FY_4.dwg

FOURTH & BONNEVILLE PARKING STRUCTURE

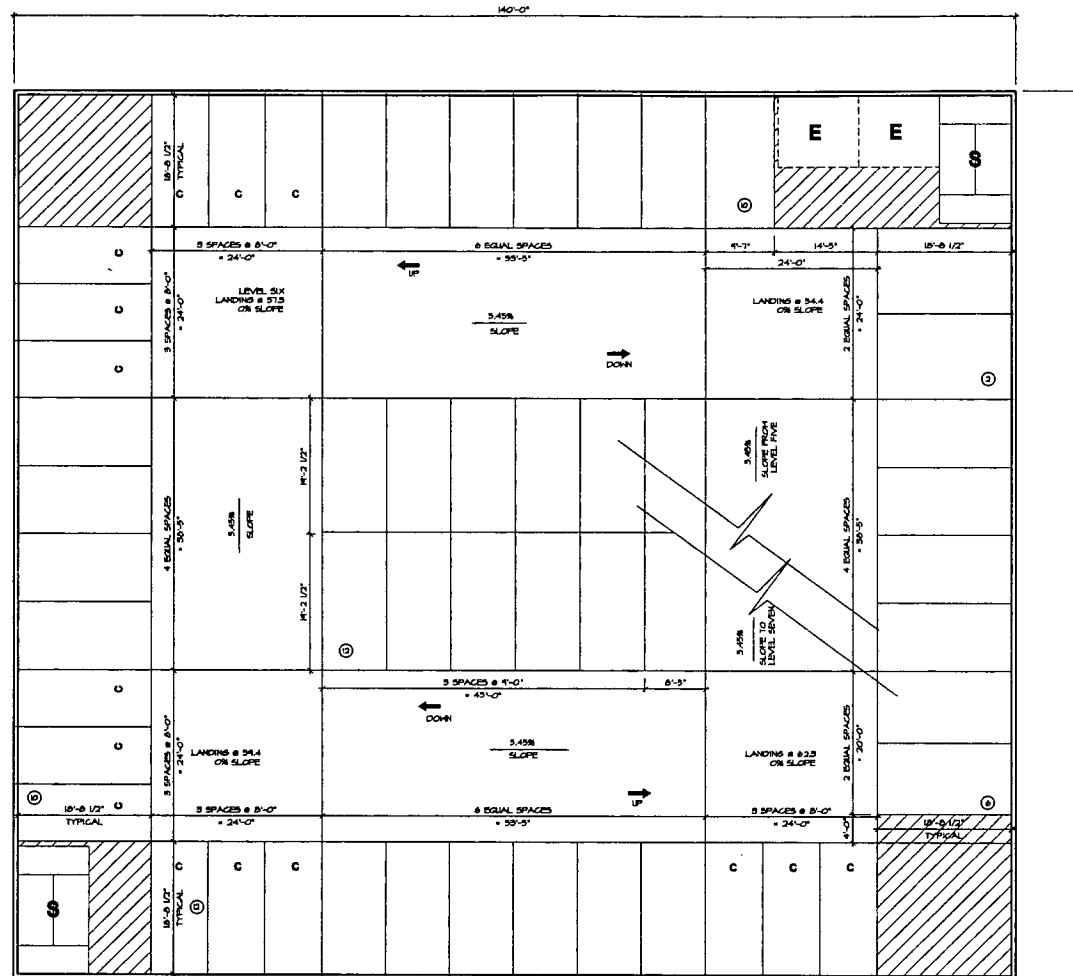
FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



SIXTH LEVEL

PARKING DATA

SIXTH LEVEL - 51 STANDARD SPACES
5 COMPACT SPACES } 52 SPACES TOTAL



SIXTH LEVEL

SCALE: 1/8" = 1'-0"

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE



DATE: 02/14/04 PROJECT NUMBER: 04022 FILE NAME: 04022_17_6.dwg

FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



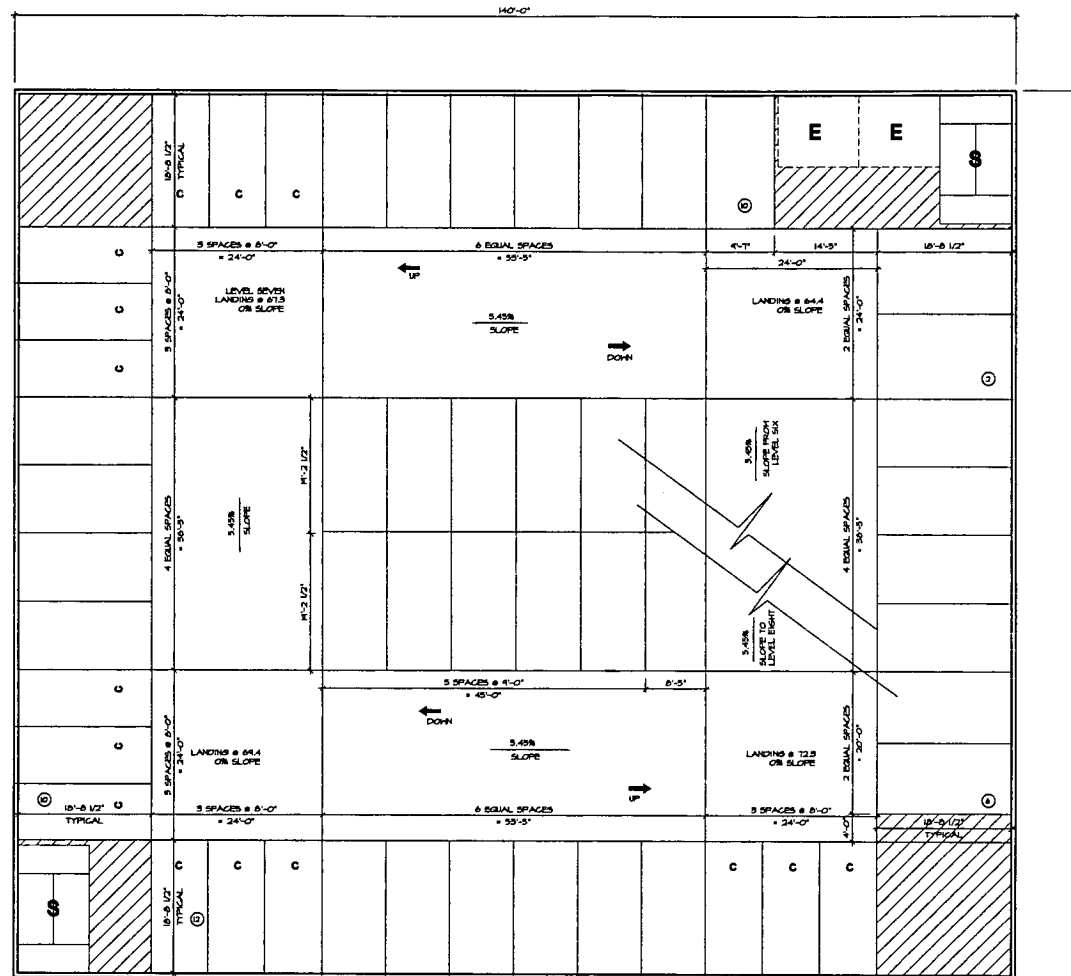
NORTH

SCALE 1/8" = 1'-0"

SEVENTH LEVEL

PARKING DATA

SEVENTH LEVEL 51 STANDARD SPACES 32 SPACES TOTAL



SEVENTH LEVEL

SCALE 1/8" = 1'-0"

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

WESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
3900 MEADOWS LANE SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.wognorarchitects.com

THIS DRAWING AND ALL INFORMATION HEREON ARE THE SOLE PROPERTY OF WESTAR ARCHITECTURAL GROUP, INC. NO PART OF THIS DRAWING OR INFORMATION HEREON MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM WESTAR ARCHITECTURAL GROUP, INC.

DATE: 02/24/04 PROJECT NUMBER: 04027 FILE NAME: 0404027_P7_7.dwg

FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



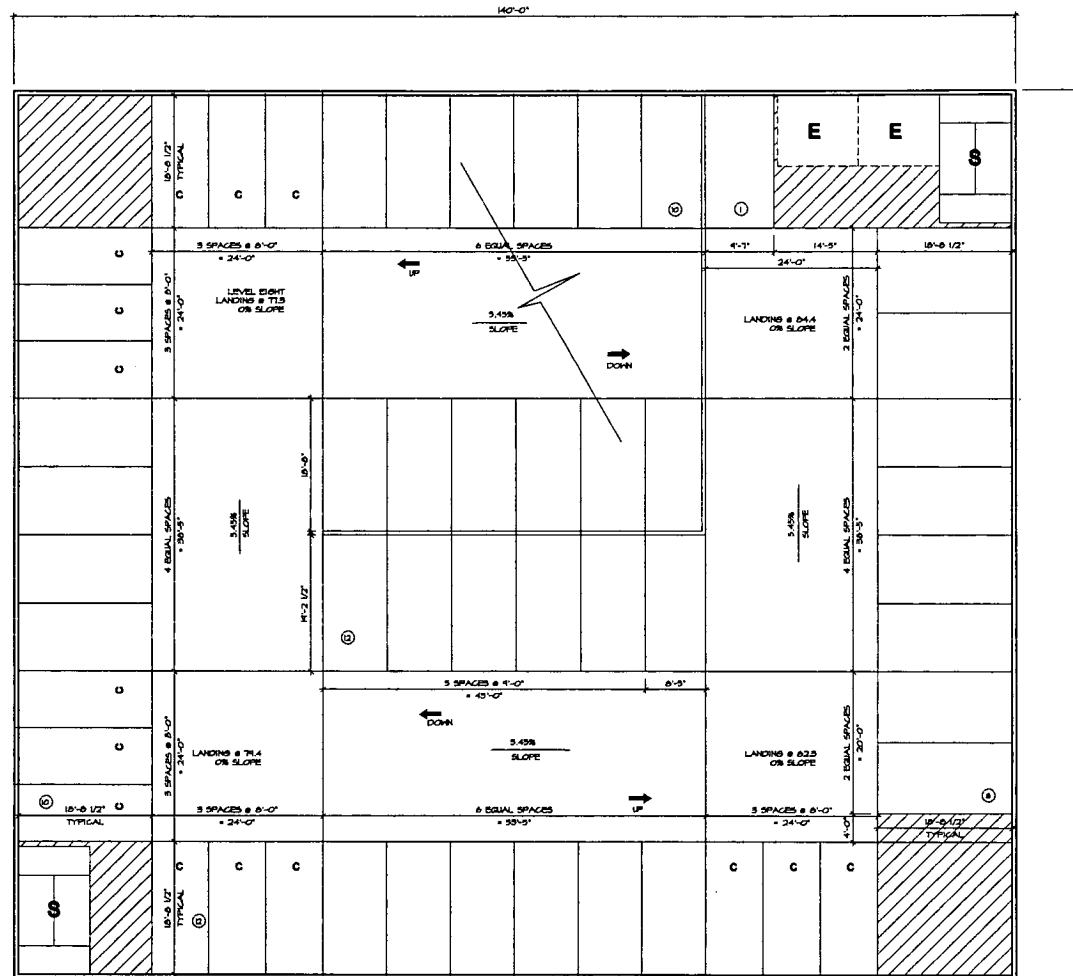
NORTH



EIGHTH LEVEL

PARKING DATA

EIGHTH LEVEL - 50 STANDARD SPACES
5 COMPACT SPACES } 55 SPACES TOTAL



EIGHTH LEVEL

SCALE: 1/8" = 1'-0"

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

WAGNER ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
3900 MEADOWS LANE, SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.wagnarchitects.com

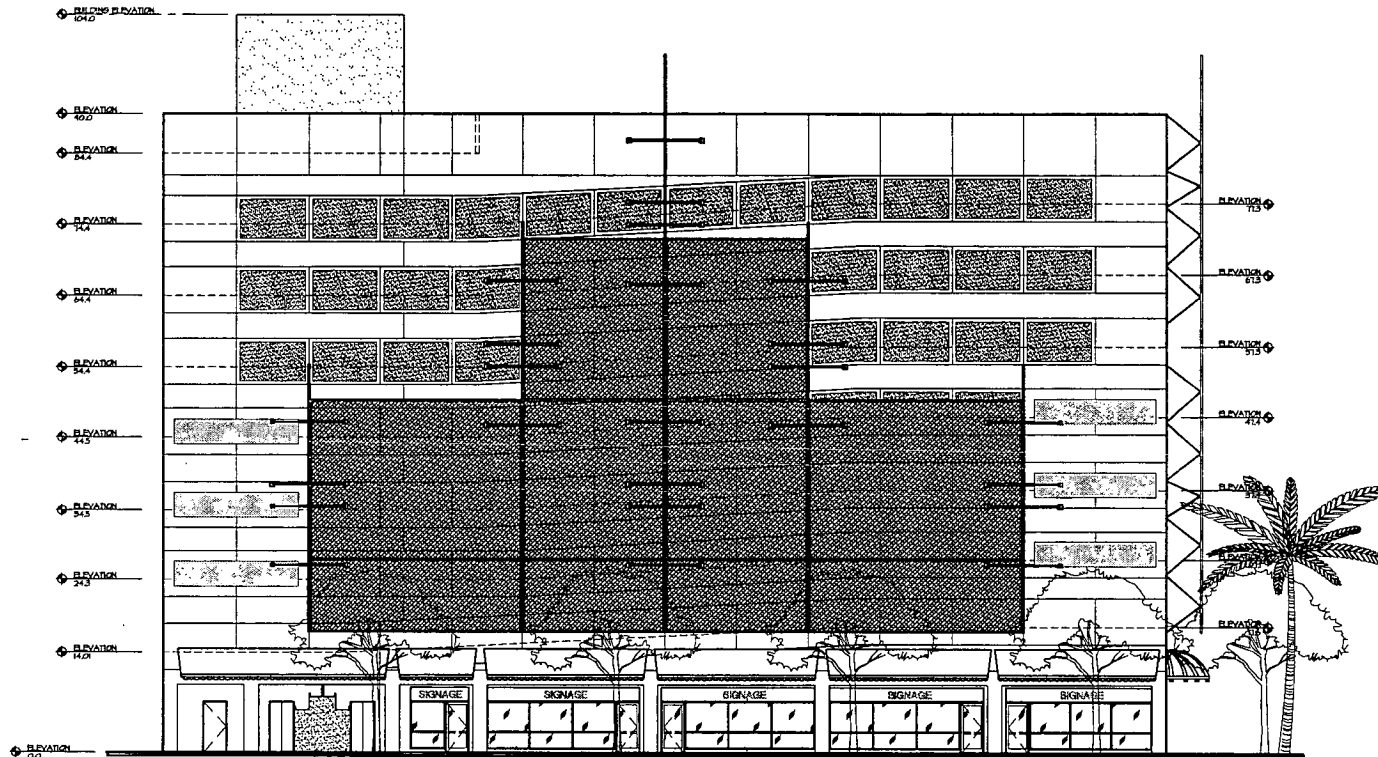
THIS DRAWING AND ALL INFORMATION HEREON ARE THE SOLE PROPERTY OF WAGNER ARCHITECTS. NO PART OF THIS DRAWING OR INFORMATION HEREON MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM WAGNER ARCHITECTS. DATE: 01/24/04 PROJECT NUMBER: 04022 FILE NAME: W04022_P8.dwg

FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



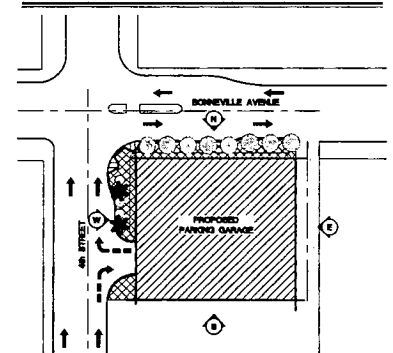
CONCEPTUAL ELEVATIONS



NORTH ELEVATION @ BONNEVILLE AVENUE

SCALE: 1/8" = 1'-0"

ELEVATION KEY



FOURTH & BONNEVILLE PARKING STRUCTURE



THIS DRAWING AND ANY OTHER DOCUMENTS HEREON ARE THE SOLE PROPERTY OF WOGNER ARCHITECTURAL GROUP, INC. AND ARE NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF WOGNER ARCHITECTURAL GROUP, INC. OR ITS AFFILIATES. ANY VIOLATION OF THIS NOTICE WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

DATE: 03/24/04 PROJECT NUMBER: 04022 FILE NAME: 04022_Elev_N_001.dwg

SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

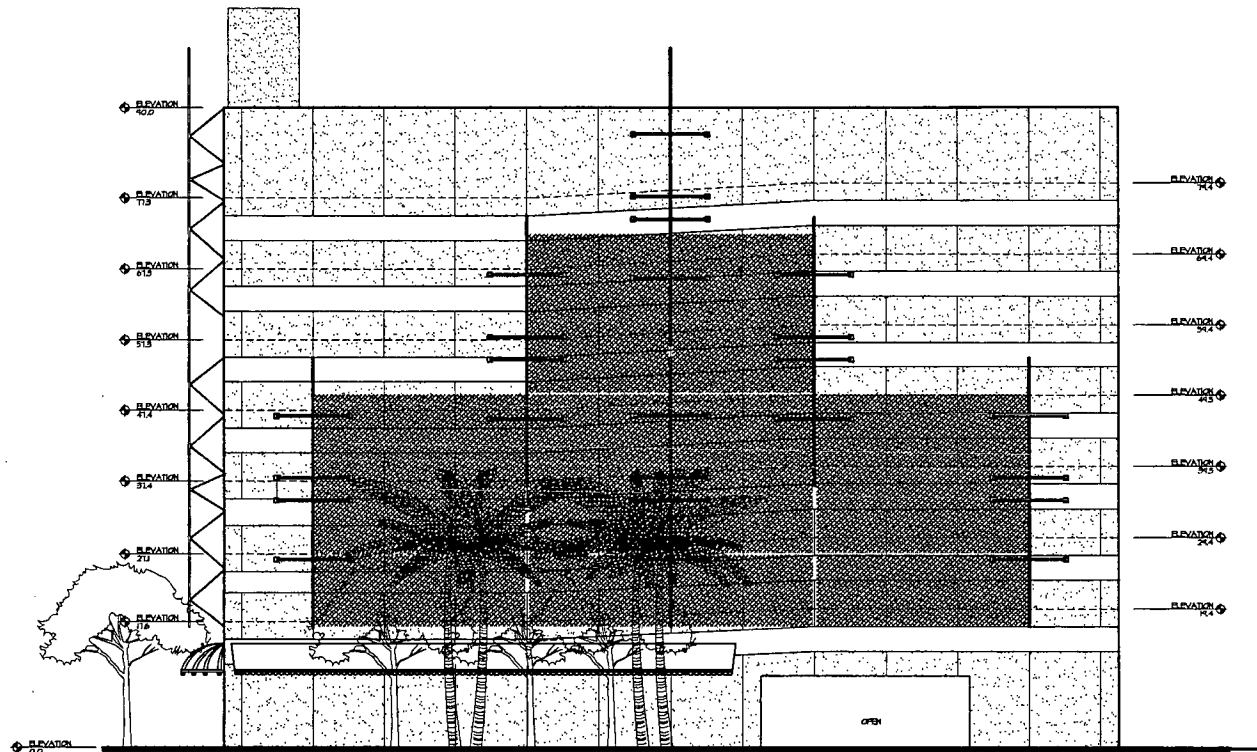
FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



NORTH

SCALE: 1/8" = 1'-0"

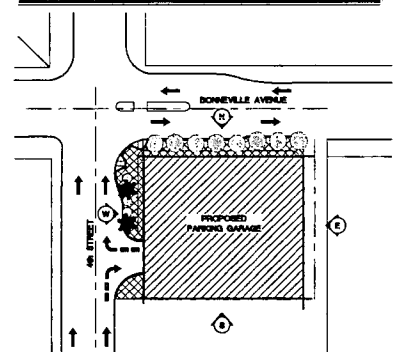
CONCEPTUAL ELEVATIONS



WEST ELEVATION @ FOURTH STREET

SCALE: 1/8" = 1'-0"

ELEVATION KEY



FOURTH & BONNEVILLE PARKING STRUCTURE

WESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
3900 MEADOWS LANE, SUITE 120 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.westarchitects.com

THIS DESIGN AND DRAWING IS THE PROPERTY OF WESTAR ARCHITECTS. NO PART OF THIS DESIGN OR DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM WESTAR ARCHITECTS.

DATE: 03/24/04

PROJECT NUMBER: 04022

FILE NAME: 04022_01_Rev.dwg

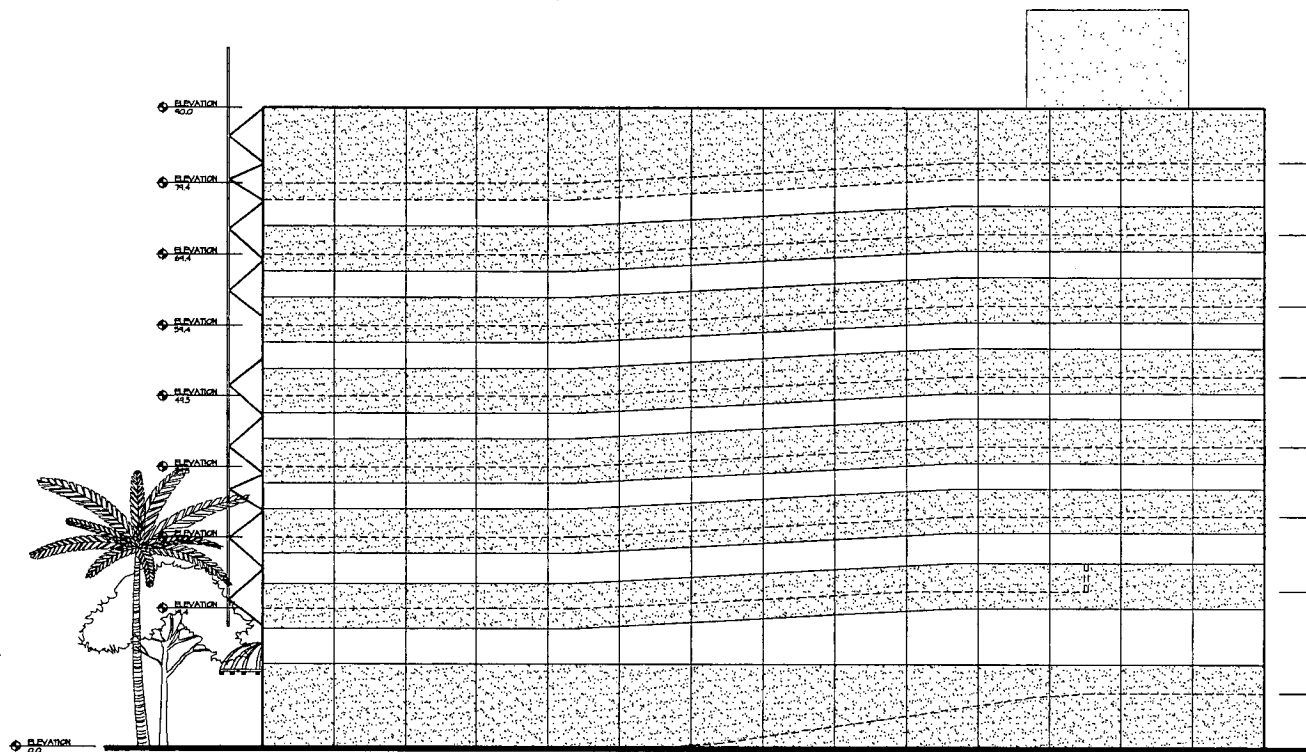
SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



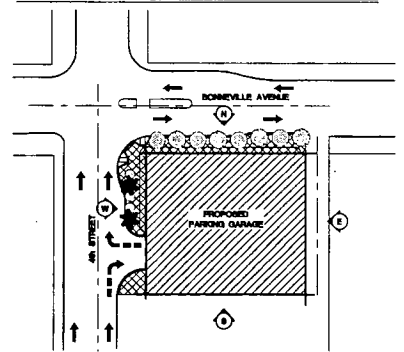
CONCEPTUAL ELEVATIONS



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATION KEY



SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

WESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
3900 MEADOWS LANE, SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.westarchitects.com

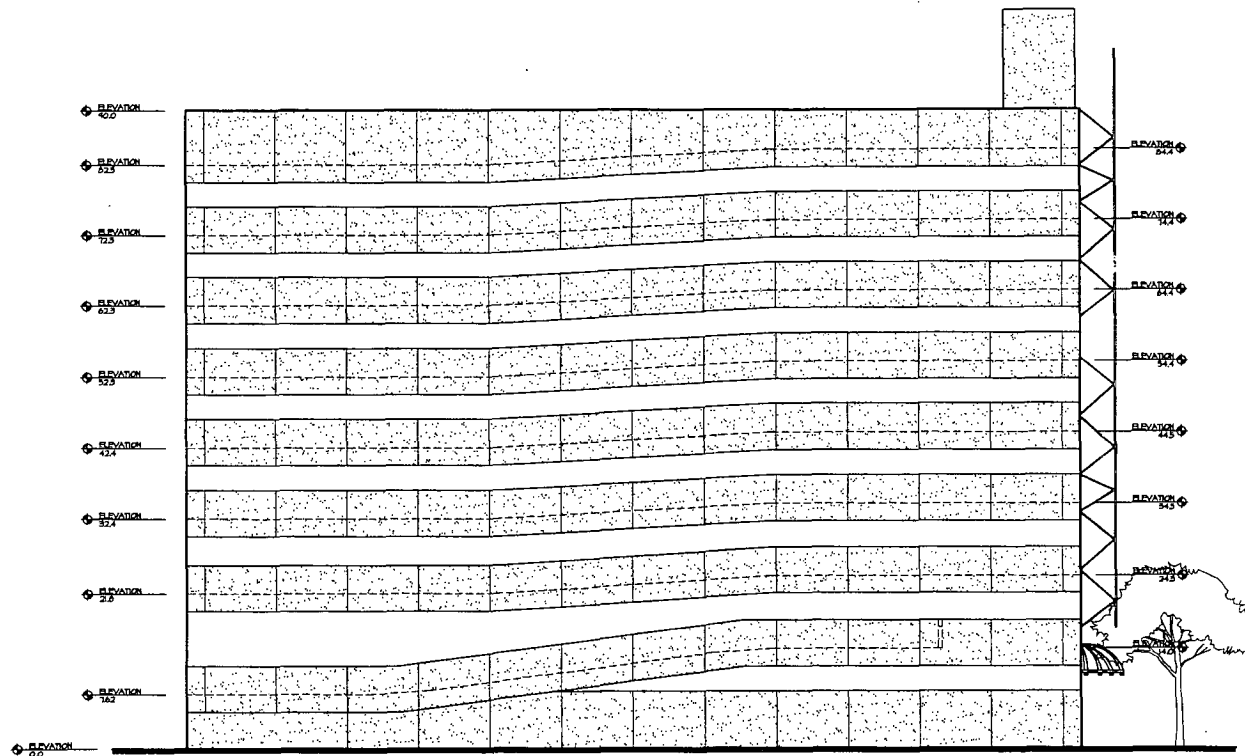
THIS DRAWING AND ANY INFORMATION HEREON ARE THE SOLE PROPERTY OF WESTAR ARCHITECTS. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM WESTAR ARCHITECTS.
DATE: 03/24/04 PROJECT NUMBER: 04022 FILE NAME: 04022_01_3.dwg

FOURTH & BONNEVILLE PARKING STRUCTURE

FOURTH STREET & BONNEVILLE AVENUE
LAS VEGAS, NEVADA



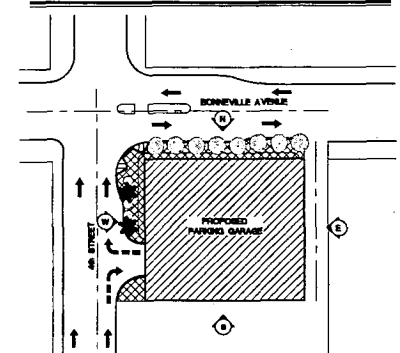
CONCEPTUAL ELEVATIONS



EAST ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATION KEY



SDR-4163
05-13-04 PC

FOURTH & BONNEVILLE PARKING STRUCTURE

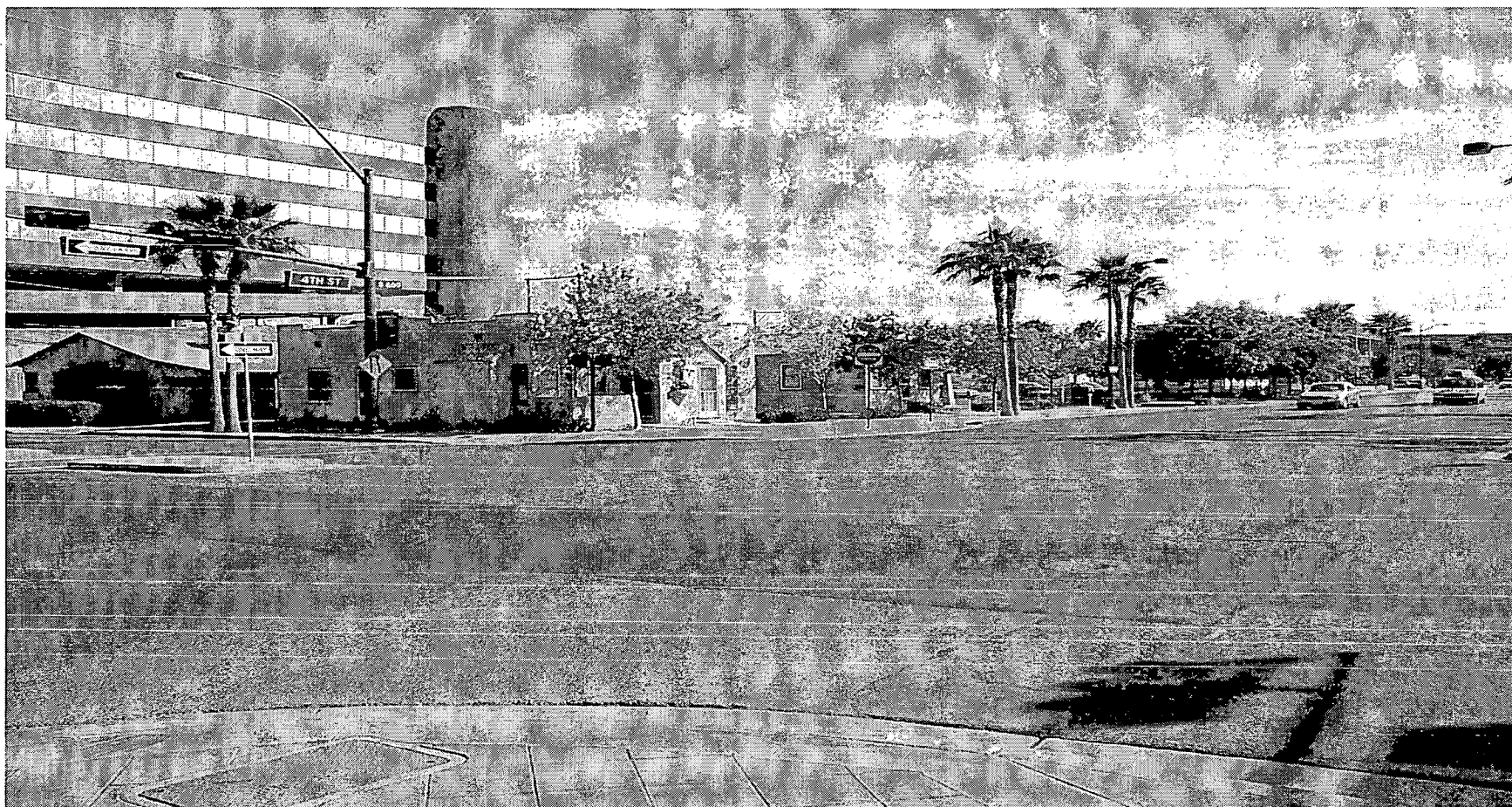
WAGNER ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
3700 MEADOWS LANE, SUITE 200 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.wagnerarchitects.com

THIS DRAWING AND ANY INFORMATION CONTAINED HEREIN ARE THE SOLE PROPERTY OF WAGNER ARCHITECTS. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM WAGNER ARCHITECTS.
DATE: 03/24/04 PROJECT NUMBER: 04022 FILE NAME: 04022_Dr_1.dwg



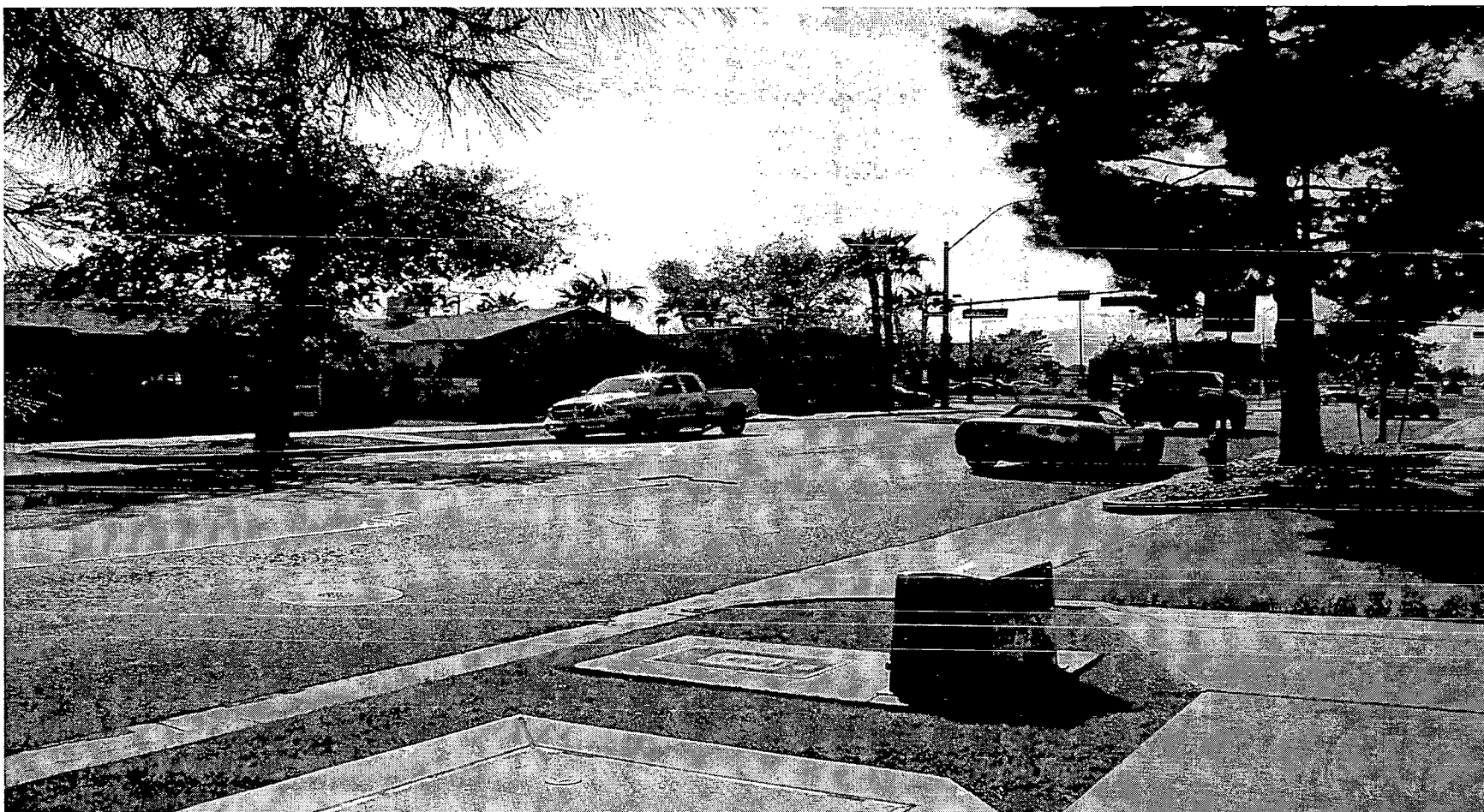
SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4163 - APPLICANT/OWNER:
FOURTH & BONNEVILLE, LIMITED LIABILITY COMPANY
ADJACENT TO THE SOUTHEAST CORNER OF FOURTH STREET AND BONNEVILLE AVENUE
MAY 13, 2003 PLANNING COMMISSION

4/19/04



SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4163 - APPLICANT/OWNER:
FOURTH & BONNEVILLE, LIMITED LIABILITY COMPANY
ADJACENT TO THE SOUTHEAST CORNER OF FOURTH STREET AND BONNEVILLE AVENUE
MAY 13, 2003 PLANNING COMMISSION

4/19/04



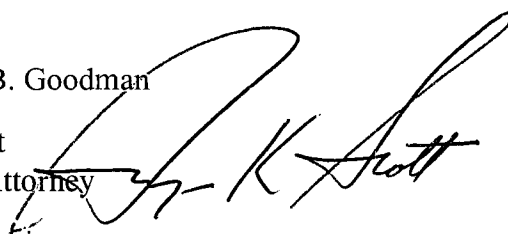
SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4163 - APPLICANT/OWNER:
FOURTH & BONNEVILLE, LIMITED LIABILITY COMPANY
ADJACENT TO THE SOUTHEAST CORNER OF FOURTH STREET AND BONNEVILLE AVENUE
MAY 13, 2003 PLANNING COMMISSION

4/19/04

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 14, 2004

Re: Request for Opinion on Abstentions for 6/16/04 City Council Meeting *(Supplement)*

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 78, 119 and 120 which are to be considered by the City Council at its June 16, 2004 meeting.

Item 78 involves a six-month review of a tavern license for Treasures, a sexually-oriented business, in Ward 1. You have informed me that your son, Ross Goodman, Esq. has been retained by Treasures to represent its interests in various legal issues, including the representation of several entertainers (dancers) at Treasures who have been charged with, among other things, solicitation of prostitution. The approval or denial of Treasures' tavern license will affect its business and possibly your son's business relationship with Treasures.

Item 99 involves a request for approval of a site development plan for an eight level parking structure at the intersection of Fourth and Bonneville. You have informed me that you are still owed \$24,000 from the sale of real property at the corner of Casino Center and Bonneville, which is within the notification area for this project. Since it is possible that you might be able to regain the Casino Center/Bonneville property, depending upon your sales agreement with the buyer, the Council's approval or disapproval of this Site Plan Review could effect your financial interests.

Items 119 and 120 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.

Submitted at City Council

Date *6/16/04* Item *#99*

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (b) who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity; (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 16, 2004 Council 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 the above-referenced items come back to the City Council for a hearing, you will again need to disclose your conflicts and abstain from the discussion and vote.

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

BKS:b

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JUNE 16, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4186 -
APPLICANT: BONNIE ADAR-BURLA - OWNER: MABEL I ENRIGHT, ET AL -
 Request for a Site Development Plan Review and for a Waiver of the Las Vegas Medical District Streetscape Design Guidelines and Landscape Buffer Requirements FOR A PROPOSED 1,469 SQUARE FOOT OFFICE CONVERSION on 0.23 acres at 500 Rose Street (APN: 139-33-301-008), PD (Planned Development) Zone [MD-1 (Medical Support) Medical District Special Land Use Designation], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 5/13/2004 Planning Commission meeting Item 55

MOTION:

WEEKLY – APPROVED subject to conditions and amending Condition 2 as follows:

2. All development shall be in conformance with the site plan and building elevations, submitted on 5/13/04, except as amended by conditions herein.
 – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

BONNIE ADAR-BURLA, 2951 Pinto Lane, requested approval.

COUNCILMAN WEEKLY thanked MS. BURLA for the great project that will enhance this particular area.

MARGO WHEELER, Acting Director, Planning and Development Department, indicated that Condition 2 should be amended to refer to the revised plans submitted for the 5/13/04 Planning Commission meeting.

CITY COUNCIL MEETING OF JUNE 16, 2004
Planning and Development Department
Item 100 – SDR-4186

MINUTES – Continued:

MAYOR GOODMAN declared the Public Hearing closed.
(3:14 – 3:15)

5-1142

CONDITIONS:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, date stamped 5/5/04, except as amended by conditions herein.
3. No new turf areas shall be permitted. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect a "Type B" streetscape treatment on Rose Street as required by the Las Vegas Medical District Plan.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
7. Any new property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
8. All City Code requirements and design standards of all City departments must be satisfied.

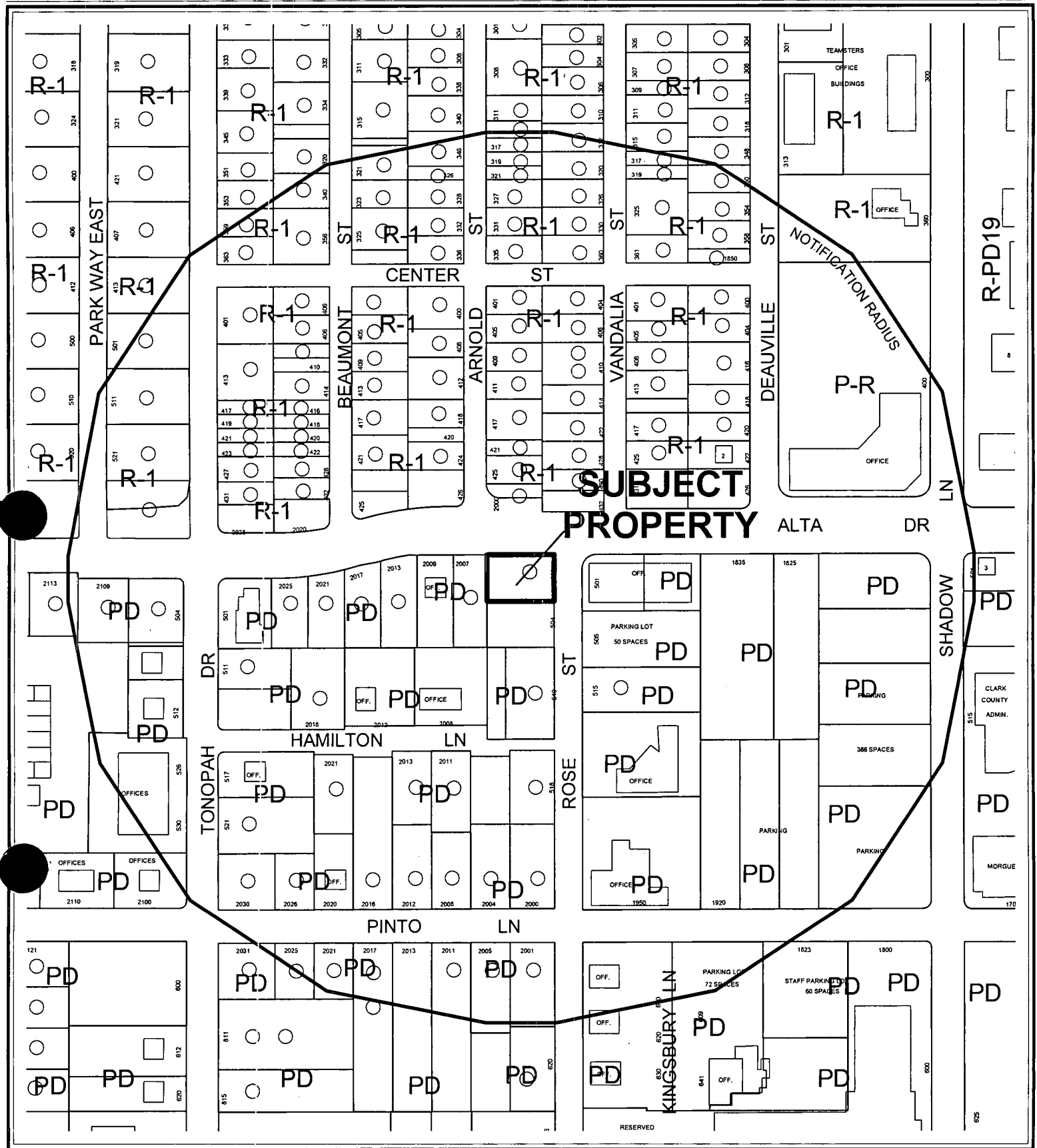
Public Works

9. Dedicate a 20-foot radius on the southwest corner of Alta Drive and Rose Street prior to the issuance of any permits.

CITY COUNCIL MEETING OF JUNE 16, 2004
Planning and Development Department
Item 100 – SDR-4186

CONDITIONS – Continued:

10. Construct all incomplete half-street improvements including sidewalk and streetlights. Remove and replace all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site.
11. All new driveways or modifications to existing driveways on Alta Drive shall be designed, located and constructed to meet the intent of Standard Drawing #222A.
12. Grant pedestrian walkway easements for all public sidewalks not located within public right-of-way.
13. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
14. Site development to comply with all applicable conditions of approval for Zoning Reclassification Z-0020-97 and all other subsequent site-related actions.



CASE: SDR-4186

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

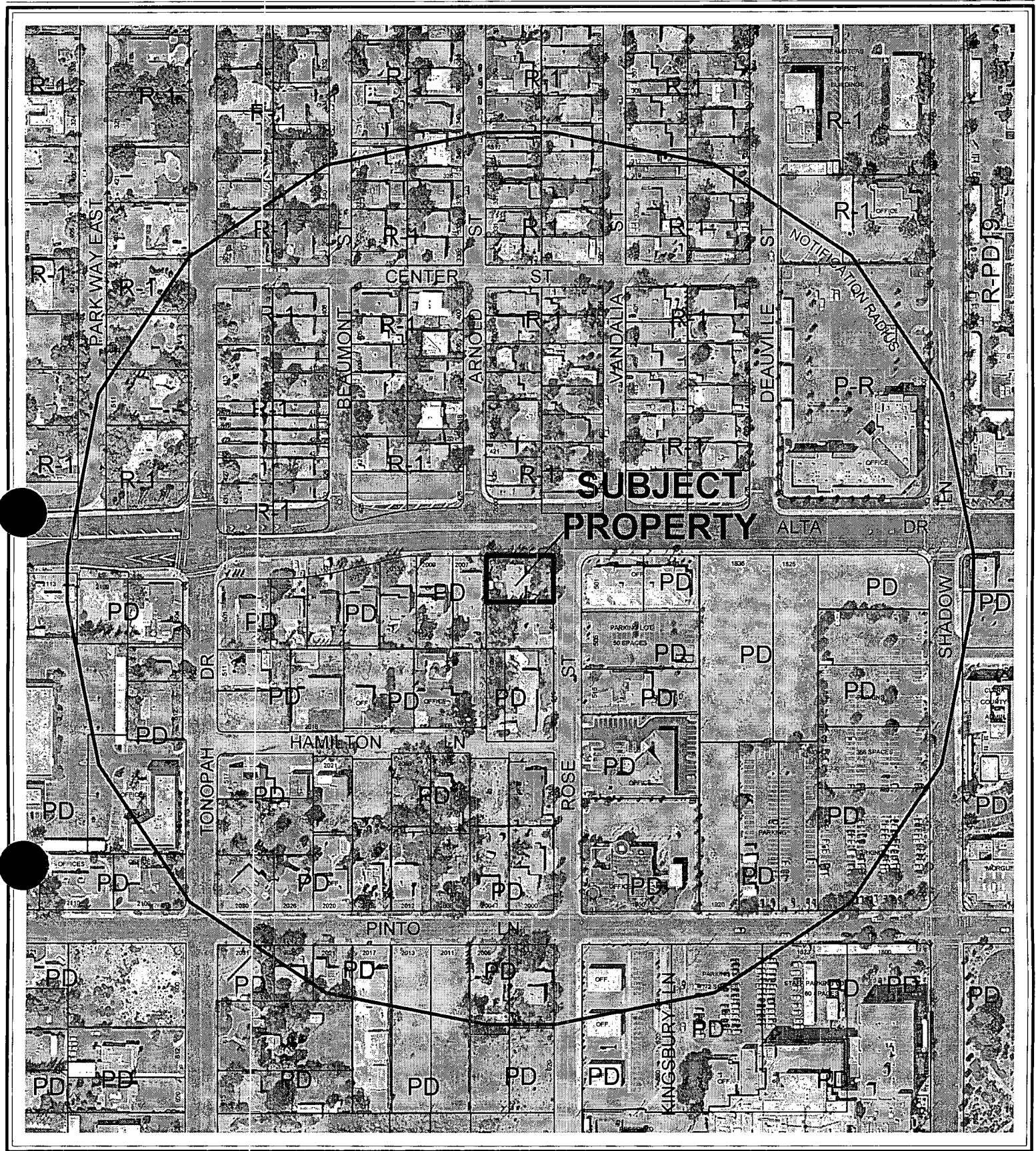
PD (PLANNED DEVELOPMENT) ZONE [MD-1 (MEDICAL SUPPORT) LAS VEGAS MEDICAL DISTRICT LAND USE DESIGNATION]

0 100 200 Feet



100





CASE: SDR-4186

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [MD-1 (MEDICAL SUPPORT) LAS VEGAS MEDICAL DISTRICT LAND USE DESIGNATION]

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 16, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4186 - APPLICANT: BONNIE ADAR-BURLA - OWNER: MABEL I ENRIGHT, ET AL

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan and building elevations, date stamped 5/5/04, except as amended by conditions herein.
3. No new turf areas shall be permitted. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect a "Type B" streetscape treatment on Rose Street as required by the Las Vegas Medical District Plan.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
7. Any new property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
8. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

9. Dedicate a 20-foot radius on the southwest corner of Alta Drive and Rose Street prior to the issuance of any permits.
10. Construct all incomplete half-street improvements including sidewalk and streetlights. Remove and replace all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site.

11. All new driveways or modifications to existing driveways on Alta Drive shall be designed, located and constructed to meet the intent of Standard Drawing #222A.
12. Grant pedestrian walkway easements for all public sidewalks not located within public right-of-way.
13. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
14. Site development to comply with all applicable conditions of approval for Zoning Reclassification Z-0020-97 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for approval of Site Development Plan Review in order to convert an existing single-family residence to a professional office and for a waiver of the Las Vegas Medical District streetscape design guidelines and landscape buffer requirements on 0.23 acres at 500 Rose Street.

B) Applicant's Justification

The applicant states that the proposed conversion is in conformance with the Las Vegas Medical District plan. In addition, the applicant states that the waiver from the streetscape treatment should be granted due to the fact that the sidewalk would require the removal of existing mature trees, very few sidewalks in the District meet the 10-foot sidewalk width, and that the small size of the lot impedes the development of the full sidewalk width.

BACKGROUND INFORMATION

A) Previous Actions

- 05/27/97 The City Council approved a Rezoning (Z-0020-97) to P-D (Planned Development) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
- 06/19/02 The City Council approved a Major Modification [Z-0020-97(33)] to the Las Vegas Medical District Neighborhood Plan to update and revise the Plan document, as part of the City's General Plan for the area bounded by Alta Drive to the north, Charleston Boulevard to the south, Martin Luther King Boulevard to the east and Rancho Drive to the west. The Planning Commission and staff recommended approval of the request.
- 05/13/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #55).

B) Pre-Application Meeting

- 03/11/04 At the pre-application meeting, it was noted that five parking spaces would be required on the site, and that one van-accessible handicap parking space would be required. Public Works raised concerns about on-site circulation, and requested that the design be reconfigured. In addition, it was noted that the sidewalk would need to conform to the standards established in the Las Vegas Medical District Plan.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.23

B) Existing Land Use

Subject Property: Single-Family Residential Use
North: Single-Family Residential Use
South: Vacant
East: Office Use
West: Single-Family Residential Use

C) Planned Land Use

Subject Property: MD-1 (Medical Support)
North: ML (Medium Low Density Residential)
South: MD-1 (Medical Support)
East: MD-1 (Medical Support)
West: MD-1 (Medical Support)

D) Existing Zoning

Subject Property: PD (Planned Development)
North: R-1 (Single-Family Residential)
South: PD (Planned Development)
East: PD (Planned Development)
West: PD (Planned Development)

E) General Plan Compliance

This site is located within the Las Vegas Medical District Plan Area and is designated as MD-1 (Medical Support). The office use is permitted by right within the MD-1 (Medical Support) land use designation.

	<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan			
Las Vegas Medical District		X	
Special Overlay District			X
Trails			X
Study Area			X
Rural Preservation Neighborhood			X
Development Impact Notification Assessment			X
Project of Regional Significance			X

The parcel is located within the Las Vegas Medical District, which is intended to provide for future and continued development in this area of an interrelated and cohesive mix of uses in a manner that is safe, orderly, and manageable for pedestrians.

PROJECT DESCRIPTION

The project entails the conversion of the existing residential structure to a professional office. A new entrance driveway will be provided on Alta Drive, with an exit driveway on Rose Street. Two parking spaces will be added to the rear yard area of the lot and three parking spaces will be provided in the front yard area. The exterior of the structure will be repainted; no other exterior improvements are proposed. Minor changes are proposed for the interior in order to accommodate the commercial use.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to the Las Vegas Medical District Plan and Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	.23 acres	N/A
Min. Lot Width	N/A	82.5 Feet	N/A
Min. Setbacks			
• Front	5-15 Feet	55 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	14 Feet	N
• Rear	15 Feet	29 Feet	Y
Max. Lot Coverage	50 %	16%	Y
Max. Building Height	3 Stories/45 Feet	1 Story/14 Feet	Y
Trash Enclosure	Walled/roofed	Not indicated	N/A

The existing structure conforms with all setback requirements, with the exception of the required 15-foot setback along Alta Drive.

A2) Residential Adjacency Standards

The subject property directly abuts a parcel that is occupied by a single-family residence; however, the existing structure conforms with the proximity slope and setback requirements.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Office	1,470 SF	1/300 GFA	4	1	4	1

The total amount of parking provided on site conforms with the requirements of Title 19.10.

The Department of Public Works expressed concerns about access and the initial layout of the site. The site plan has since been configured to provide an entrance driveway on Alta Drive and an exit driveway on Rose Street. Public Works has reviewed and approved the reconfigured plan.

A4) Landscape and Open Space Standards

Pursuant to the Las Vegas Medical District Plan and Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	1 Tree	5 Trees
Buffer:			
• Min. Trees	1 Trees/20 Linear Feet	10 Trees	16 Trees
• Min. Zone Width (adj. to R.O.W.)	15 Feet		0 Feet; 30 Feet
• Min. Zone Width (side & rear)	8 Feet		2 Feet; 10 Feet

The buffer at the west property line does not conform to the minimum width requirement, and no buffer is provided between the driveway on the north side of the structure and the property line.

A5) Sign Standards

On-premise signage within the Medical District shall conform to the standards set forth in Title 19.14B (Signs permitted in the P-R, N-S and O Zoning District). The Planning and Development Department will review all sign permits for compliance with sign standards.

B) General Analysis and Discussion

- Zoning

The proposed office use is consistent with the PD (Planned Development) zoning district and the MD-1 (Medical Support) land use designation.

- Site Plan

The existing residential structure will be retained, and parking will be added to the front and the rear of the property. No additional square footage will be added to the structure. Due to the existing layout of the site and the applicant's desire to retain the existing mature trees, the parking area is configured with the entrance on Alta Drive, and the exit on Rose Street. While the layout is rather circuitous, it has been reviewed and approved by Public Works and is a better layout than previous versions that have been submitted.

- Waivers

The applicant has requested a waiver from the Medical District streetscape standards, which requires a 10-foot wide public sidewalk and street trees at 30 feet on center along Rose Street (Type B Streetscape per the Las Vegas Medical District Plan). The applicant's justification for the waiver is based on the fact that the 10-foot sidewalk is not yet the prevalent standard in the Medical District and the desire to preserve the existing mature trees in the front yard setback area. The intent of the Medical District Plan is to require the sidewalk and streetscape treatment as properties redevelop, with the understanding that the completion of the streetscape will occur over a period of years. In addition, waivers are required for inadequate buffer depth for the landscape buffer at the west property line and the lack of a buffer between the on-site driveway and the property line at Alta Drive.

- Landscape Plan

The applicant is retaining most of the mature landscaping on the site, which will provide adequate buffering and meets minimum code requirements. The existing trees will be trimmed, and additional shrubs and groundcover materials will be added to enhance the landscaping.

- Elevation

No significant changes are proposed to the exterior elevations of the residence. The applicant will be painting the structure, and adding minor decorative improvements.

- Floor Plan

Only minor changes will be made to the interior of the structure in order to accommodate the office use.

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 conversion and redevelopment of the site will be compatible with adjacent development and the development permitted under the Las Vegas Medical District Plan.

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 conversion of the existing single-family residence to a professional office is consistent with the Las Vegas Medical District Plan. The proposed sidewalk on Rose Street does not conform with the streetscape requirements of the Medical District Plan; the landscape buffer along the west property line does not meet the required width, nor is a landscape buffer provided between the driveway on the north side of the structure and the property line as required by Title 19. The existing structure is located 14 feet from the property line at Alta Drive; a 15-foot setback is currently required. Other development standards are in conformance with Title 19 and the General Plan.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The one-way circulation plan for the site will not negatively impact traffic on adjacent roadways.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Most of the mature trees on the site will be preserved and incorporated as part of the required landscape buffers. The residential character of the existing structure will be retained.

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 cosmetic improvements proposed for the structure will improve the appearance of the property and will be compatible with development in the area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development be subject to the International Building Code, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 144 by Planning Department

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4186 APN: 139-33-301-008

Name of Property Owner: Mabel Enright

Name of Applicant: Bonnie Adar-Burla

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): _____

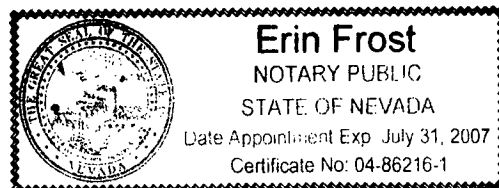
APN: _____

Signature of Property Owner/Authorized Agent: Donnie Adair-Burke

Print Name: Bonnie Adar-Burla

Subscribed and sworn before me

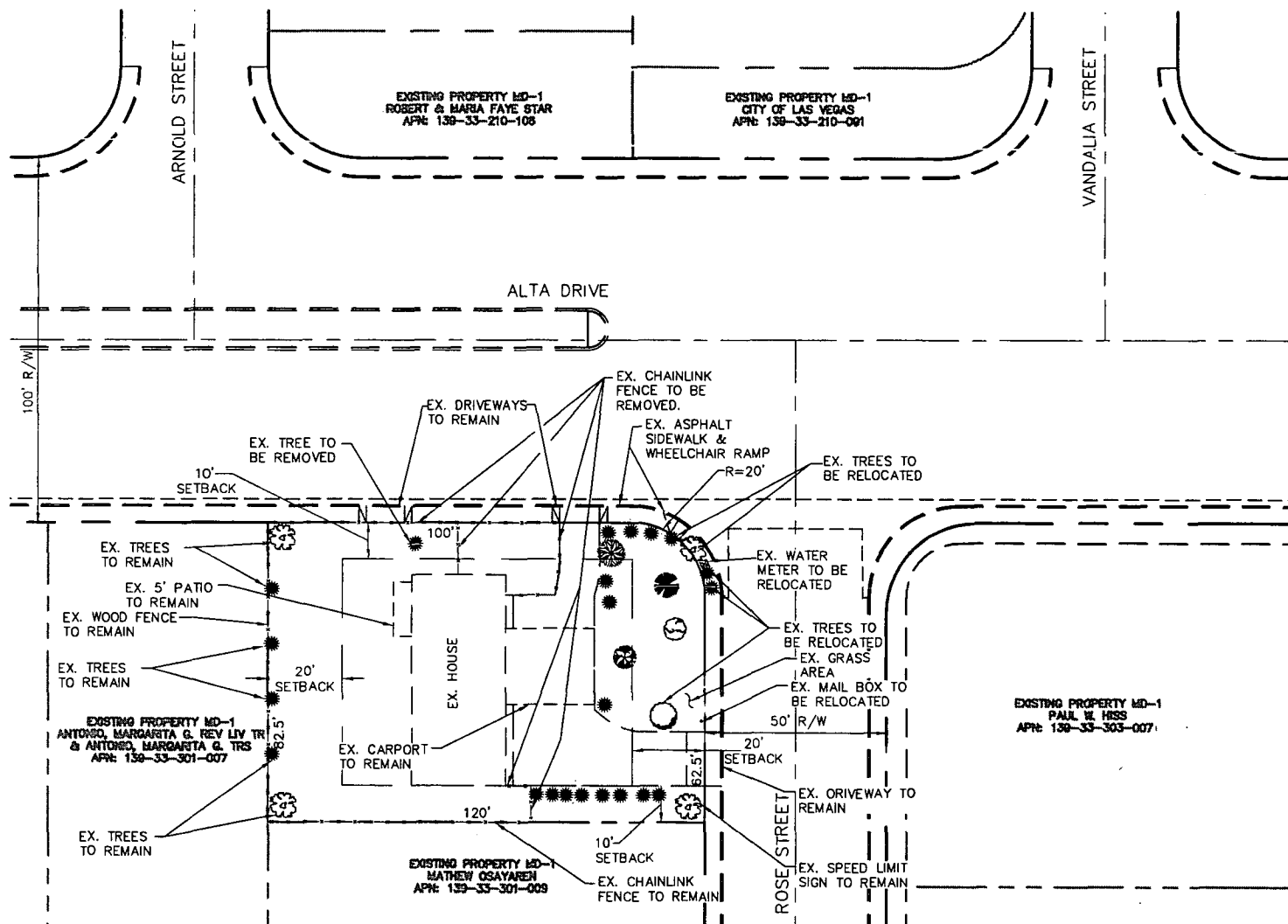
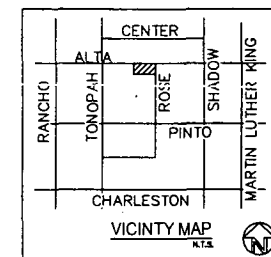
This 22 day of March, 2004
Craig Frost
 Notary Public in and for said County and State



GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



SDR-4186
05-13-04 PC

EXISTING SITE PLAN

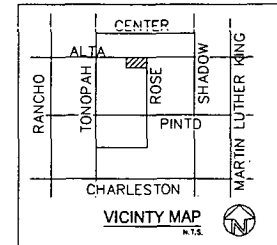
500 ROSE STREET
CITY OF LAS VEGAS

RESIDENTIAL TO COMMERCIAL
PROPERTY CONVERSION

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



PARCEL:

LOT SIZE:	0.23 AC±
BUILDING SF:	1,496 SF
SETBACKS:	
SIDE:	10'
REAR:	20'
FRONT:	20'

PARKING REQUIRED/PROVIDED :

STANDARD:	4
ACCESSIBLE:	1
TOTAL REQD:	5
RATIO:	1:300 SF

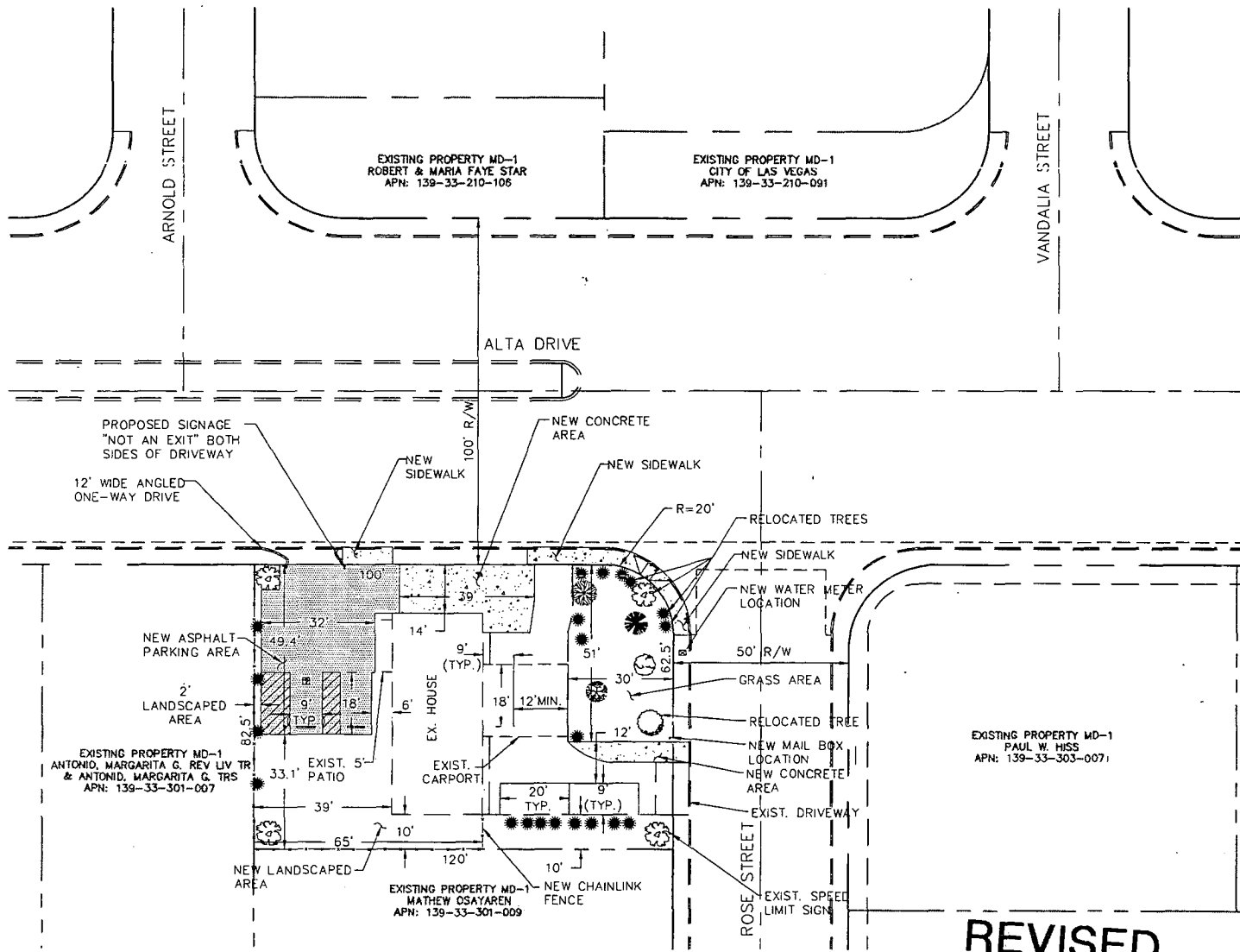
LANDSCAPE LEGEND:

	NECTARINE	1 - 6" DIA.
	APRICOT	1 - 6" DIA.
	PECAN	1 - 6" DIA.
	PINE	1 - 18" DIA.
	OLIVE	2 - 24" DIA.
	CEDAR	15 - 6" DIA. 2 - 8" DIA.

PROPOSED SITE PLAN

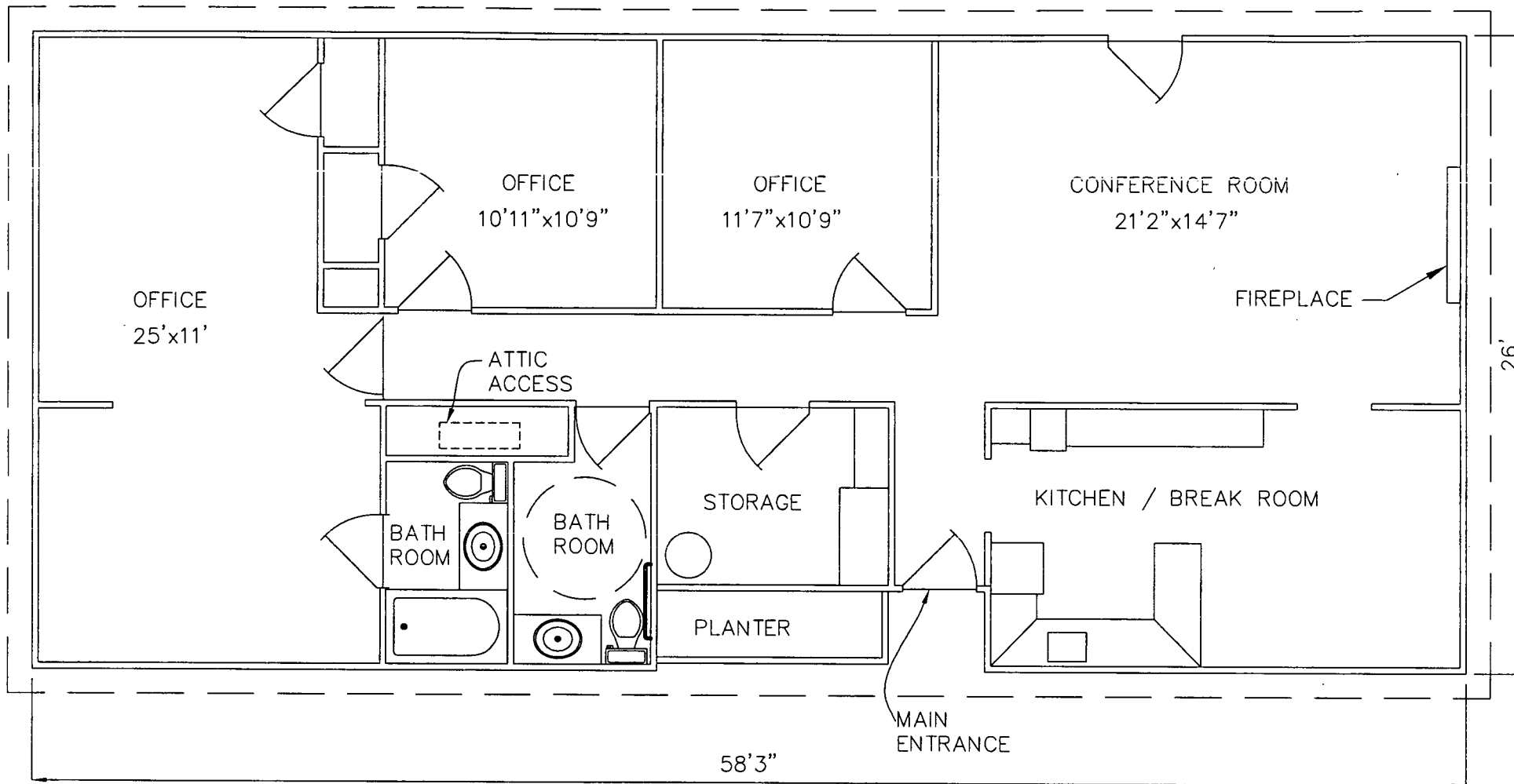
500 ROSE STREET
CITY OF LAS VEGAS

RESIDENTIAL TO COMMERCIAL
PROPERTY CONVERSION



REVISED
SDR-4186

5-13-04 PC

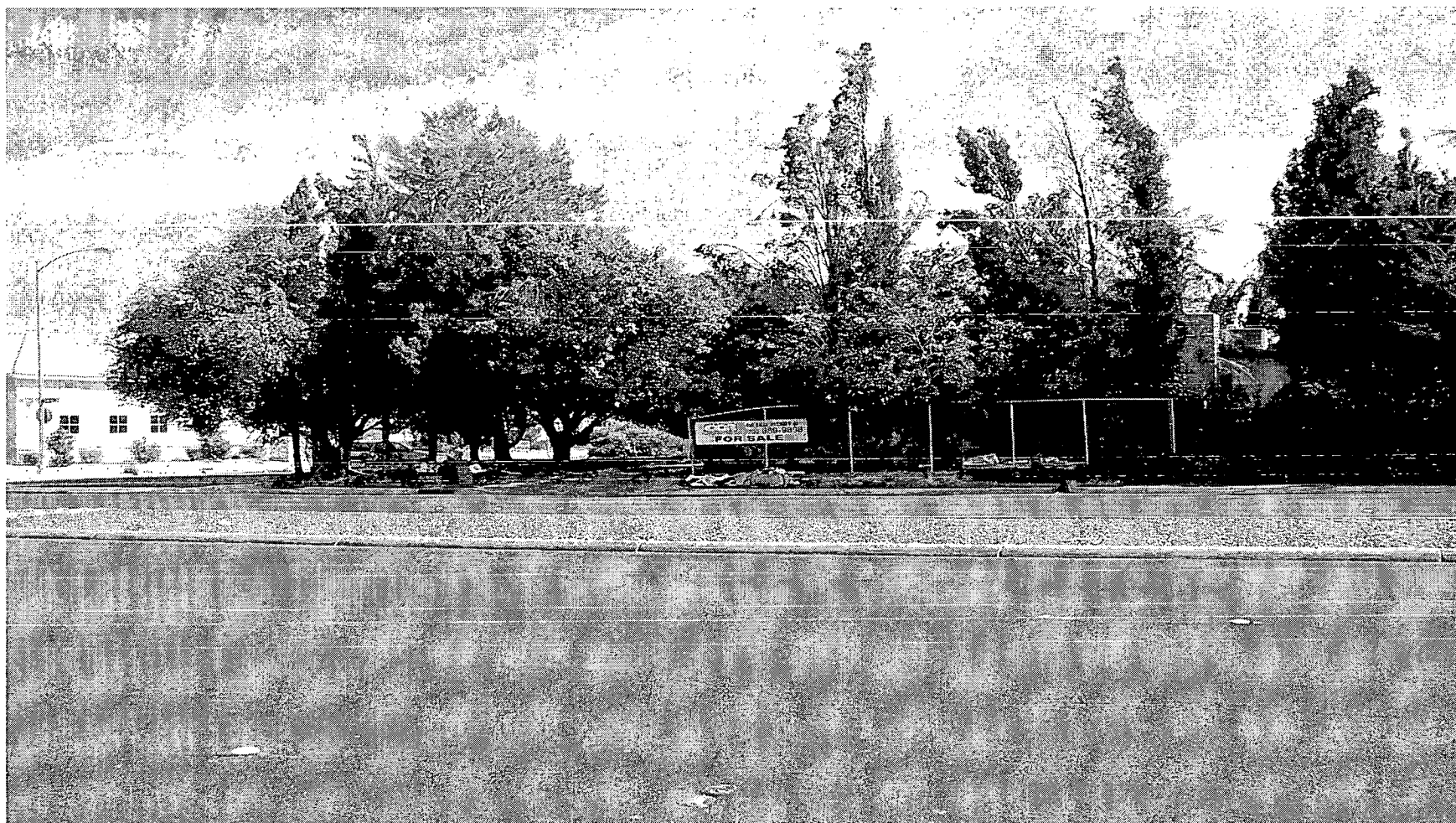


FLOOR PLAN
SCALE: 1"=4'

500 ROSE STREET
CITY OF LAS VEGAS

RESIDENTIAL TO COMMERCIAL
PROPERTY CONVERSION

SDR-4186
05-13-04 PC



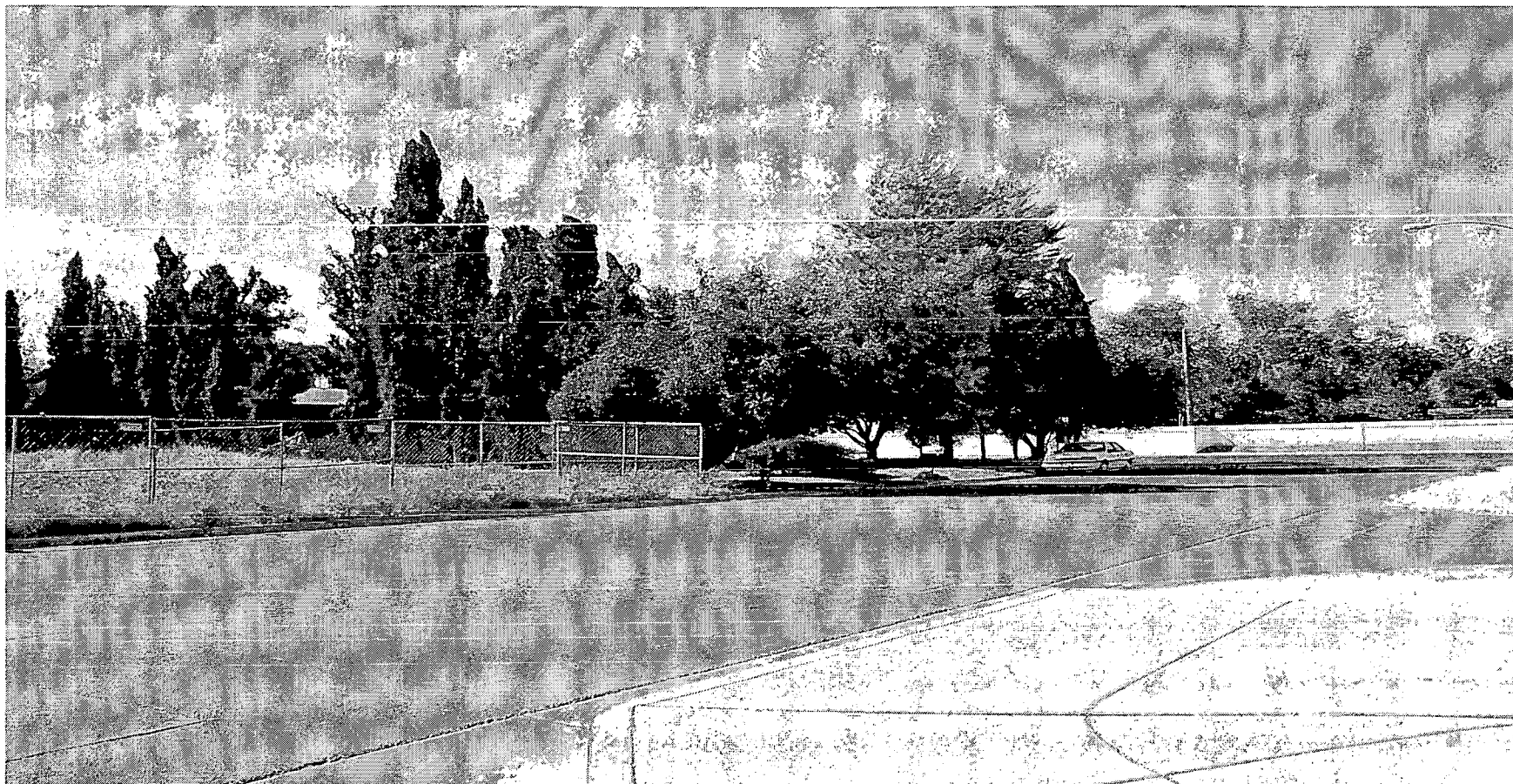
SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING SDR-4186 - APPLICANT: BONNIE ADAR-
BURLA - OWNER: MABEL I ENRIGHT, ET AL
500 ROSE STREET
MAY 13, 2003 PLANNING COMMISSION

4/19/04



SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING SDR-4186 - APPLICANT: BONNIE ADAR-
BURLA - OWNER: MABEL I ENRIGHT, ET AL
500 ROSE STREET
MAY 13, 2003 PLANNING COMMISSION

4/19/04



SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING SDR-4186 - APPLICANT: BONNIE ADAR-
BURLA - OWNER: MABEL I ENRIGHT, ET AL
500 ROSE STREET
MAY 13, 2003 PLANNING COMMISSION

4/19/04