City of Las Vegas

Agenda Item No. 78

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-51 – Annexation No. ANX-4437 – Property location: On the north side of Farm Road, 330 feet west of Grand Canyon Drive; Petitioned by: Lermusiaux Family Trust; Acreage: 5.14 acres; Zoned: R-E (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

[X]	**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 north side of Farm Road, 330 feet west of Grand Canyon 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 (August 27, 2004) is set by this ordinance.

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

BACKUP DOCUMENTATION:
Bill No. 2004-51 and Location Map

MOTION:
No action required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

COUNCILMAN REESE requested he be relieved as an alternate because he cannot attend the meetings on Tuesdays. MAYOR GOODMAN indicated that COUNCILMAN MACK expressed an interest in serving as an alternate.

(11:22 – 11:27)

BILL NO. 2004-51

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-4437)

Sponsored by: Councilman Michael Mack

Summary: Annexes property described generally as located on the north side of Farm Road, 330 feet west of Grand Canyon Drive.

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

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

The West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 18, Township 19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada.

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

A. The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted;

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

C. The territory proposed to be annexed is not included within the

boundaries of another incorporated city or within the boundaries of any unincorporated town as those boundaries existed as of July 1, 1983;

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

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

SECTION 4: The annexation of the described territory shall become effective on the 27th day of August, 2004, and on that date the City will have the funds appropriated in sufficient amount to finance the extension into the described territory of

police protection, fire protection, street maintenance, street sweeping, and street lighting maintenance.

SECTION 5: The described territory, together with the inhabitants and property thereof, shall, from and after the 27th day of August, 2004, be subject to all debts, laws, ordinances and regulations in force in the City and shall be entitled to the same privileges and benefits as other parts of the City, and shall be subject to municipal taxes levied by the City.

SECTION 6: The City Engineer is hereby instructed to cause to be prepared an accurate map or plat of the described territory and to record the map or plat, together with a certified copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which recording shall be done prior to the 27th day of August, 2004.

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

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

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

. . .

. . .

. . .

. . .

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 7-21-04
Date

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

VOTING "AYE": _____

VOTING "NAY": _____

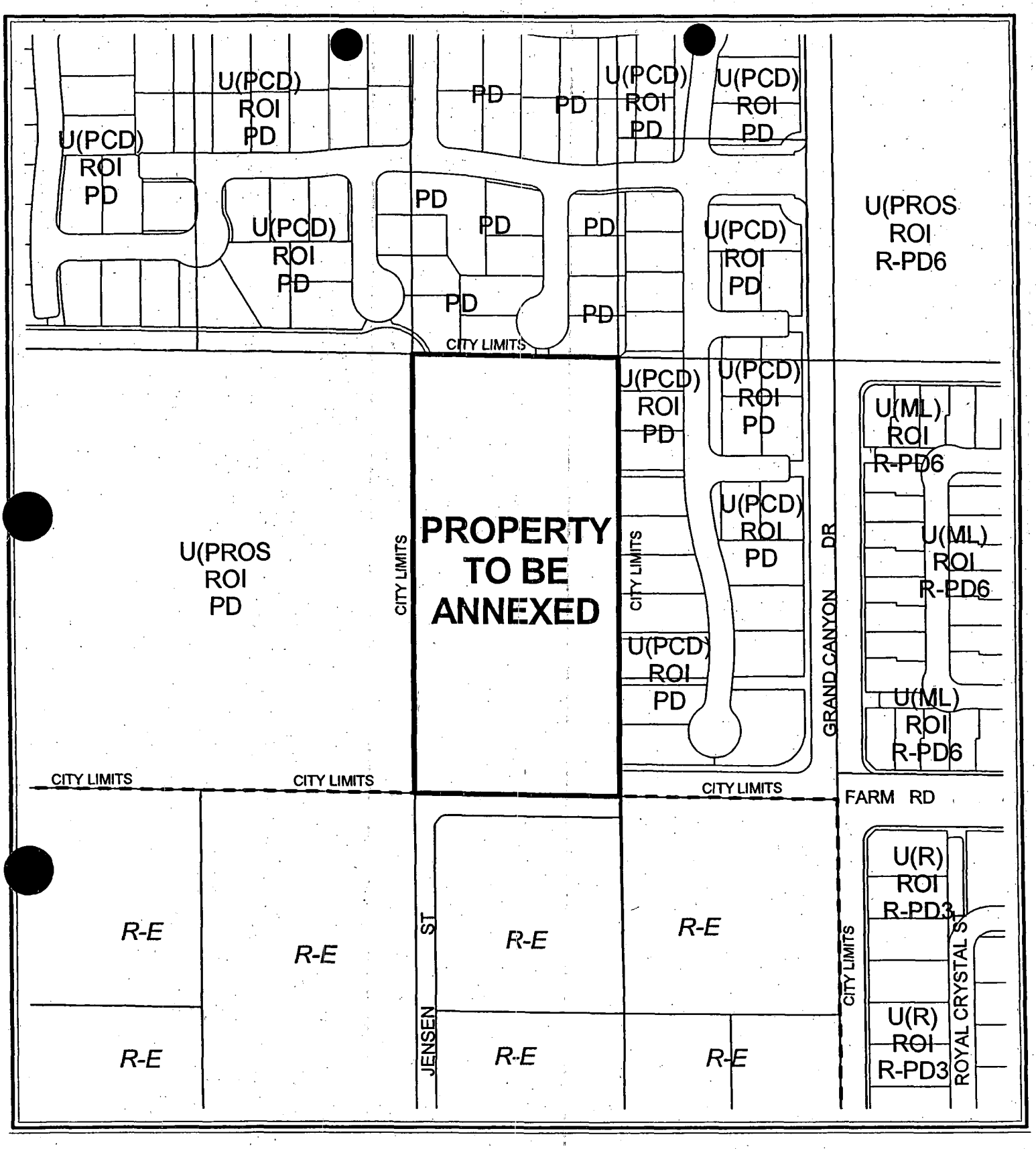
ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk



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CASE: ANX-4437

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City of Las Vegas

Agenda Item No. 79

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-52 – Revises the licensing and zoning standards applicable to hotel lounge bars.
Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will revise the licensing and zoning standards applicable to hotel lounge bars, allowing greater flexibility by increasing the number of locations within a hotel in which alcoholic beverages from the bar may be served.

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. 2004-52

MOTION:
No action required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

(11:22 – 11:27)

BILL NO. 2004-52

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE LICENSING AND ZONING STANDARDS APPLICABLE TO HOTEL LOUNGE BARS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Revises the licensing and zoning standards applicable to hotel lounge bars.

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

SECTION 1: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.020: Unless the context otherwise requires, the scope of all words in this Chapter shall be liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following words shall have the meaning ascribed to them as follows:

"Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted, mixed or combined with other substances. Any liquid or solid containing beer or wine in combination with any other alcoholic beverage shall not be construed to be beer or wine.

"Art gallery or art studio" means a business establishment where the general public is invited to view artistic exhibitions, presentations and performances.

"Banquet facility" means any business establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such establishment may or may not include:

(A) Kitchen facilities for the preparation or catering of food.

(B) Outdoor gardens or reception facilities.

"Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops or similar product, or any combination thereof, in water.

"Commercial center" means a concentration of retail stores that:

(A) Contains at least eighty thousand square feet of retail space enclosed within a

building or buildings;

(B) Contains at least one anchor retail store of at least twenty thousand square feet;

(C) Includes a parking lot common to the retail stores; and

(D) Is situated on at least fifteen gross acres of land.

"Convenience store" means a retail establishment other than a drugstore, which:

(A) Offers for sale prepackaged food products, household items and other goods commonly associated with those products and items, provided that not more than thirty percent of its retail inventory is devoted to alcoholic beverages; and

(B) Contains not less than one thousand-two hundred square feet, nor more than five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and office areas.

"Convention facility" means a structure which has at least 100,000 square feet of floor space utilized for scheduling, hosting or accommodating a convention, trade show or temporary event, whether the activity is open or closed to the general public. For purposes of this Chapter, the term includes a stadium facility that is operated in conjunction with a convention facility

"Cooler" means any prebottled alcoholic beverage, other than beer or wine, that is a distillate obtained from the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

"Downtown entertainment overlay district" means that area of the City bounded by Ogden Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street on the east.

"Drugstore" means a business establishment which occupies the entire business premises of a building, or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, where a State licensed pharmacist is present at all times the pharmacy operation is open for the purpose of compounding or dispensing, or both compounding and dispensing of drugs and medicines, and where a grill and fountain service is permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health items.

"Dues" means fees paid on a monthly, quarterly, semiannual or annual basis for the right to participate in the planning of activities and the utilization of services offered by a nonprofit corporation, association or organization. The term "dues" does not include fees paid for the purchase of drinks, meals or other services offered by a nonprofit corporation, association or organization.

"Gift basket" means a receptacle or container that may be filled with food items or novelty items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities not greater than seven hundred fifty milliliters measured in the metric system of weights and measures.

"Groceries" means staple food stuffs, dairy products, meats and produce meant for human consumption; articles used in the preparation of food; and household supplies.

"Grocery store" means a business establishment which occupies all of the business premises of a building or a portion of the business premises of a building which is segregated physically or spatially from the rest of the business premises, and which contains more than five thousand square feet of floor space for the display and sale of groceries, exclusive of warehouse and office space.

"Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages are sold for consumption in [the lounge area.] <u>in specified areas only.</u>

"Liquor caterer" means a person who dispenses, serves or sells alcoholic beverages only for consumption on the premises where the same are dispensed, served or sold during the times, dates and places specified by permit.

"Liquor store" means a specialty retail store which does not allow entry to minors and which deals exclusively in alcoholic liquors and related items including magazines, newspapers and packaged snack foods.

"Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

"Meal" means an assortment of food listed on a menu or otherwise offered as entrees, appetizers, side items and desserts available at various hours of the day. The term "meal" does not include food listed on a menu or otherwise offered that consists solely of sandwiches or salads, or both sandwiches and salads.

"Nonprofit club" means any nonprofit corporation, association or organization which has been in continual existence for at least two years prior to applying for a license under this Chapter, and:

(A) Is organized or qualified to do business and operate under the laws of the State;

(B) Has tax-exempt status granted by the United States Internal Revenue Service;

(C) Has a membership of at least one hundred members who are twenty-one years of age or older and who pay dues to the nonprofit corporation, association, or organization; and

(D) Operates a clubhouse, clubroom or meeting room in a permanent location which it owns or leases.

"Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for consumption off the premises where the same are sold.

"On-sale" means the sale of alcoholic beverages for consumption on the premises where the same are sold.

"Restaurant" means a place which is regularly and in a bona fide manner used and kept open for the service of meals to guests for compensation; and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals.

"Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant for consumption only in connection with a meal on the premises where the same is sold.

"Sale" means the act of selling and, in connection therewith, "sell" means, for compensation or any other private or public business purpose at a commercial location, to sell, serve, give away, or distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell, serve, give away or distribute.

"Specialty merchandise store" means a retail store located within a commercial center that:

(A) Has at least eighteen thousand square feet of gross floor area;

(B) Has at least eleven thousand five hundred square feet of floor space dedicated to the sale and display of furniture, glassware, kitchenware and other household goods;

(C) Has at least three thousand six hundred square feet of floor space dedicated to the sale and display of gourmet foods and nonalcoholic beverages; and

(D) Maintains an inventory of beer, wine and coolers with a wholesale value of at least twenty-five thousand dollars.

"Supper club" means a restaurant and bar operation with alcoholic beverage sales wherein the bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area by minors and the restaurant operation is the principal portion of the business.

"Wedding chapel" means a business establishment that is licensed to perform marriages in accordance with State law.

"Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the purposes of resale.

"Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the natural contents of fruits or other agricultural products containing natural or added sugar, which contains not more than twenty-two percent of alcohol by volume.

SECTION 2: Title 6, Chapter 50, Section 200, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.50.120: A hotel lounge bar license authorizes the sale of alcoholic beverages for consumption on the premises of [a hotel lounge bar] the hotel subject to the following conditions:

(A) The hotel has a minimum of one hundred fifty rooms, unless the City Council determines the public safety, health and welfare will not be compromised by a lesser number of rooms;

(B) Alcoholic beverages are served and consumed only at tables and booths located within the hotel lounge bar area[;] ,within a pool area, or within hotel rooms as an incident to room service;

(C) Persons are not permitted to purchase or obtain alcoholic beverages directly from the hotel lounge bar;

(D) No other business, trade, profession or entertainment that requires a license under this Title is conducted or performed in the hotel lounge bar area; and

(E) The maximum available customer seating in the hotel lounge bar area does not

exceed seventy-five seats.

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Hotel Lounge Bar" to read as follows:

"Hotel Lounge Bar" means a bar located in a lounge area of a hotel which has a minimum of one hundred fifty rooms, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms, wherein:

(1) [The lounge bar area is separated from other areas of the hotel by a barrier sufficient to prevent access and screen view by persons under twenty-one years of age;

(2)] Alcoholic beverages are [prepared for service] served and consumed only at tables and booths located within the lounge bar area of the hotel[;] , within a pool area, or within hotel rooms as an incident to room service;

[(3)] (2) Persons are not permitted to purchase or obtain alcoholic beverages directly from such lounge bar;

[(4)] (3) No other business, trade, profession or entertainment that requires a license under [this] Title 6 is conducted or performed in the lounge bar area; and

[(5)] (4) The maximum available customer seating in the lounge bar area does not exceed seventy-five seats.

SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.20.020 is deemed to be a subchapter rather than a section.

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

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 7-21-04
Date

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

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 80

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-53 – Updates the Town Center Development Standards Manual regarding the means of allowing certain finance-related uses. Sponsored by: Councilman Michael Mack

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will update the Town Center Development Standards Manual to 1) allow financial institutions with drive-through facilities as a conditional use in the Urban Center Mixed Use (Town Center) District, and 2) allow auto title loan uses and other similar financial institutions by means of special use permit in the General Commercial and Service Commercial (Town Center) Districts.

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. 2004-53

MOTION:
No action required.

NOTE: COUNCILMAN MACK disclosed that he is a consultant for SuperPawn, which is owned by his brother, STEVEN MACK. Because his SuperPawn is considered a financial institution, he would be abstaining from any discussions or future actions on this matter. CITY ATTORNEY JERBIC indicated that COUNCILMAN MACK could disclose as the bill proceeds.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

CITY COUNCIL MEETING OF AUGUST 4, 2004
New Bill
Item 80 – Bill No. 2004-53

MINUTES – Continued:

ROBERT GENZER, Director, Planning and Development, pointed out that this bill should be corrected to reflect that he would be sponsoring it, not COUNCILMAN MACK.

(11:22 – 11:27)

2-1647

BILL NO. 2004-53

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TOWN CENTER DEVELOPMENT STANDARDS MANUAL REGARDING THE MEANS OF ALLOWING CERTAIN FINANCE-RELATED USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael Mack

Summary: Updates the Town Center Development Standards Manual regarding the means of allowing certain finance-related uses.

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

SECTION 1: The Town Center Development Standards Manual, adopted under Section 19.06.110(B) of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended as set forth in Sections 2 to 6, inclusive, of this Ordinance.

SECTION 2: Section B.2 of the Manual is amended by amending the Permitted Uses Matrix to indicate that the uses "Auto Title Loan" and "Financial Institution, Specified" are allowed by means of special use permit in the General Commercial (GC-TC) and Service Commercial (SC-TC) Districts. In order to reflect the amendment, those two uses shall be added to the Permitted Uses Matrix at the appropriate locations and the letter "S" shall be inserted in the boxes that represent the intersections of the columns for the General Commercial (GC-TC) and Service Commercial (SC-TC) Districts with the rows for the uses "Auto Title Loan" and "Financial Institution, Specified."

SECTION 3: Section B.2 of the Manual is amended by amending the Permitted Uses Matrix to change the name of the use "Banks/Financial Institutions (Without Drive-Through)" to "Financial Institutions, General (Without Drive-Through)."

SECTION 4: Section B.2 of the Manual is amended by amending the Permitted Uses Matrix to change the name of the use "Banks/Financial Institutions (With Drive-Through)" to "Financial Institutions, General (With Drive-Through)," and to indicate that the use is allowed in the Urban Center Mixed Use (UC-TC) District as a conditional use. In order to reflect the amendment, the letter "C" shall be inserted in the box that represents the intersection of the column for the Urban Center Mixed Use (UC-TC) District with the row for the use now known as "Financial Institutions, General (With Drive-Through)."

SECTION 5: Section B.3.B of the Manual is amended by adding a new subdivision relating to the use "Financial Institutions, General (With Drive-Through)." This subdivision shall be inserted as Subdivision 11, with subsequent subdivisions to be renumbered accordingly, and shall read as follows:

11) FINANCIAL INSTITUTION, GENERAL (WITH DRIVE-THROUGH)

a. The principal building shall be located at the front setback line in accordance with the applicable setback requirements, with the drive-through facility located to the side or the rear of the principal building.

b. The drive-through facility shall be screened from the adjacent rights-of-way by the principal building or by screening materials such as decorative walls, landscaped berms, continuous vegetation, or any combination thereof. Screening materials shall have a minimum height of three feet above finished grade at the rear of the setback area.

c. The drive-through facility shall not be located within 330 feet of any single-family detached dwelling.

d. Exterior lighting shall be shielded from adjacent properties.

SECTION 6: Section B.4.B of the Manual is amended by adding two new subdivisions relating to the uses "Auto Title Loan" and "Financial Institution, Specified." These subdivisions shall be inserted as Subdivisions 6 and 20, respectively, with existing subsequent subdivisions to be renumbered accordingly so as to preserve the alphabetical order. The new subdivisions shall read respectively as follows:

6) AUTO TITLE LOAN

a. The use shall comply with all minimum conditions, standards and requirements applicable to the use "Auto Title Loan" under LVMC 19.04.050.

20) FINANCIAL INSTITUTION, SPECIFIED

a. The use shall comply with all minimum conditions, standards and requirements applicable to the use "Financial Institution, Specified" under LVMC 19.04.050.

SECTION 7: The Planning and Development Department is authorized and directed to incorporate the amendments made by this Ordinance into the Manual. This may include any

necessary renumbering or relettering of subdivisions and includes the making of appropriate adjustments to the Table of Contents to reflect the amendments.

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

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 7-21-04
Date

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

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 81

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-54 – Allows private horse corrals or stables in the R-D Zoning District under certain circumstances. Sponsored by: Councilman Michael Mack

Fiscal Impact

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

PURPOSE/BACKGROUND:
Private horse corrals and stables are currently permitted as conditional uses in the U, R-A and R-E Zoning Districts. This bill will allow the use as a conditional use in the R-D Zoning District as well, but with additional standards and limitations designed to ensure compatibility.

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. 2004-54

MOTION:
No action required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

(11:22 – 11:27)

BILL NO. 2004-54

ORDINANCE NO. _____

AN ORDINANCE TO ALLOW PRIVATE HORSE CORRALS OR STABLES IN THE R-D ZONING DISTRICT UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael Mack

Summary: Allows private horse corrals or stables in the R-D Zoning District under certain circumstances.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use "Horse Corral or Stable (Private)" as a conditional use in the R-D Zoning District. In order to reflect the amendment, the row that pertains to the use "Horse Corral or Stable (Private)," as found in the "Rural & Animal-Related" Element of the Land Use Tables, is amended to read as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RURAL & ANIMAL RELATED
C	C	C	C									Horse Corral or Stable (Private)

SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "HORSE CORRAL OR STABLE (PRIVATE)" to read as follows:

HORSE CORRAL OR STABLE (PRIVATE) [U, R-A, R-E, R-D]

(1) Stables or corrals shall be placed at least fifty feet from any dwelling on an adjacent residential lot and at least one hundred feet from the front property line.

(2) Structures shall be placed at least five feet from any side or rear property line abutting a residential zoning district.

(3) Barns and other structures shall conform to the standards for accessory buildings.

(4) Except as otherwise provided in Paragraph (5) below, [No] no more than three horses may be

stabled for each one-half acre of land included in the building site.

(5) In the R-D Zoning District, no more than two horses may be stabled on the building site, and the site must have a minimum net lot size of eighteen thousand square feet.

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

SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 and 19.04.040 are deemed to be subchapters rather than sections.

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

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 7-23-04
Date

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

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 82

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-55 – Revises the Municipal Code provisions that govern City employees in seeking and holding political office. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will amend the Municipal Code provisions regarding political activity by City employees. The amendment reflects the policy recently adopted by the Council that addresses the conditions under which employees may run for and hold political office.

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. 2004-55

MOTION:
No action required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

(11:22 – 11:27)

BILL NO. 2004-55

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE PROVISIONS OF THE MUNICIPAL CODE THAT GOVERN CITY EMPLOYEES IN SEEKING AND HOLDING POLITICAL OFFICE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Revises the Municipal Code provisions that govern City employees in seeking and holding political office.

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

SECTION 1: Title 2, Chapter 51, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.51.020: (A) A public employee, on his or her own time, may engage in any of the following activities related to a municipal, county, state or national election:

(1) Register and vote in an election;

(2) As an individual, privately and publicly express an opinion on political subjects and candidates;

(3) Be a member of a political party and participate in its activities consistent with this Section;

(4) As an individual, sign a political nomination or recall petition;

(5) Make a financial contribution to a political party or candidate;

(6) Be politically active in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum or question of a similar character; and

(7) Display bumper stickers, posters or pamphlets on his or her private property for the endorsement of candidates or issues.

(B) In addition to the activities listed in Subsection (A) of this Section, a public employee whose employment does not involve any activity supported by Federal funds may:

(1) Take an active part in the management of political campaigns;

(2) Directly or indirectly solicit, receive or account for funds for a partisan

political purpose except as prohibited by this Section;

(3) Solicit votes in support of, or in opposition to, a partisan party office;

(4) Initiate or circulate partisan nominating or recall petitions;

(5) Serve as a delegate, alternate, or proxy to a political party convention;

(6) Drive voters to the polls on behalf of a political party or partisan candidate; and

(7) As an individual, endorse or oppose a partisan candidate for public office or political party office in a political advertisement, broadcast, campaign literature, or similar material.

(C) A public employee is prohibited from:

(1) Using any official authority or influence for the purpose of interfering with or affecting the result of an election;

(2) Soliciting funds or receiving contributions from other public employees for political purposes, except as done on behalf of a collective bargaining organization;

(3) Displaying on a City vehicle a bumper sticker or poster that endorses a political candidate or political question; and

(4) Engaging in any activity described in Subsection (B) of this Section while on duty, while on City property, or while wearing a uniform normally identified with the City.

(D) A public employee who is not subject to the provisions of the Hatch Act may seek election to [a partisan political office, including] the Nevada Legislature. [If a public employee is elected to a political office that is clearly inconsistent, incompatible, or in conflict with his or her duties as a public employee, he or she shall terminate City employment prior to assuming the political office.] Subject to the provisions of Subsections (F) and (G), a public employee:

(1) Who is elected to the Nevada Legislature may serve in that capacity while retaining City employment, but only in accordance with any applicable policies that have been approved by the City Council; and

(2) Who serves in the Nevada Legislature shall receive no City pay or benefits for the period of any regular or special legislative session, but may continue to receive

insurance coverage if the employee directly pays applicable premiums.

(E) Subject to the provisions of Subsections (F) and (G), [A] a public employee may be a candidate for a nonpartisan [board, including without limitation a school board or library board,] office, and if elected, may retain his or her City employment[.] , but only in accordance with any applicable policies that have been approved by the City Council. [However, if the political office is clearly inconsistent, incompatible, or in conflict with City employment, the public employee shall terminate City employment prior to assuming the political office.]

(F) A public employee who files for any political office will be placed on an unpaid leave of absence until the election.

(G) If service by a public employee in any political office is or appears clearly inconsistent, incompatible, or in conflict with that person's duties as an employee of the City, as judged by the City Manager, that employment must be terminated before the person assumes political office.

SECTION 2: This Ordinance shall become effective on January 1, 2005.

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

SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than $1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Valtteed 7-21-04
_____
Date

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

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 83

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-56 - Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement

Fiscal Impact

[ ]	**No Impact**	**Amount:** $555,270.66
[ ]	**Budget Funds Available**	**Dept./Division:** Public Works/SID
[X]	**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:
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. 2004-56

MOTION:
No action required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

(11:22 – 11:27)

BILL NO. 2004-56

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Sanitary Sewer Project, a Street Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), and that resolution adopted on August 4, 2004 that amended the Project, the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer and the Engineering Integration Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of

the property to be assessed, a description of each lot, tract, or parcel of land to be assessed; the amount of the estimated assessment to be levied thereon; and the amount of maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, May 14, 2004, and to appear before the City Council on Wednesday, May 19, 2004, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project in part with funds derived from the levy of assessments, and the City will pay one-half or more of the costs with monies derived from sources other than the levy of special assessments and that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No. 1490 Protest Disposal Resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work by this Ordinance.

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

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1490 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1490 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3. That the City Council has also determined and does hereby declare as follows:

(a) The public convenience and necessity require the creation of the District.

(b) The creation of the District is economically sound and feasible.

(c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4. That there hereby is created in the City an improvement district designated as the "Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road)" for the purpose of acquiring a Project as more particularly described below. The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed,

shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below) or encumbered by an agreement. The streets to be improved by the improvements are:

TENAYA WAY (BOTH SIDES) - from the northern right-of-way line of the Northern Beltway north along Tenaya Way to the centerline of Elkhorn Road (80-foot right-of-way).

The following assessment parcel numbers (APNs) identified in the record of the County Assessor of Clark County are included in the district: 125-22-404-002, 125-22-404-003, 125-22-501-001, 125-22-601-023, 125-22-601-024, 125-22-601-025, 125-22-601-026, 125-22-801-011, and 125-22-804-001.

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The improvements on Tenaya Way will consist of the grading, regrading, graveling, and asphalt paving, as necessary, for at least four (4) travel lanes, continuous left turn lanes with raised medians at signalized or future signalized intersections, "L" type curb and gutter, sidewalks, storm drain facilities, commercial and residential driveway approaches, potable water mains and laterals, sanitary sewer mains and laterals and streetlights. The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District (filed with the office of the Special Improvement District prior to March 26, 2004), water and sewer laterals will be installed from existing or proposed main lines in Tenaya Way to such property (hereinafter collectively referred to as the "Improvements"). Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee to the City at the time of hookup. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT.

The City Council has determined that the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows:

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
$ 4,006,778.00	$ 555,270.66	$ 3,451,507.34

The amounts to be assessed for the Improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a front foot method for the installation of pavement, curb, gutter, sidewalk, residential driveways and streetlights and on a square foot method for the installation of commercial driveways. Each property owner will be assessed for the cost of an 8-foot pavement section (unless the property owner has development plans in progress and has been conditioned by City Council for installation of a half-street pavement section), curb, gutter, sidewalks (APN's 125-22-404-002, 125-22-404-003, 125-22-801-011, and 125-22-804-001 only), driveway approaches, and streetlights (APN's 125-22-404-002, 125-22-404-003, 125-22-801-011, and 125-22-804-001 only), where not already existing. The owners of property who elect to have water or sewer installed will be assessed on a per service or unit lot method for the installation of sewer laterals or water laterals. The potable water and sanitary sewer main extensions will be assessed on a front foot method.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1490 Provisional Order Resolution.

Section 7. That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8. That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9. That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in twenty (20) substantially equal semi-annual installments of principal and interest. The City Council shall provide the time and terms of payment of such assessments and shall fix penalties (not to exceed two percent (2%) per month) to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments, which will not exceed the current maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If bonds are not issued for the District, the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

Section 10. That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12. That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed). The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance.

Section 13. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request. Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before August 18, 2004, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of:

ORDINANCE NO. ____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 4th day of August, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 18th day of August, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the City of Las Vegas Charter and all laws thereunto enabling. Such publication shall be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on August 4, 2004, and was passed at a regular meeting held on August 18, 2004, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye: Oscar B. Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief
Steve Wolfson

Those Voting Nay: _____
_____

Those Absent: _____
_____

This Ordinance shall be in full force and effect from and after August 22, 2004, i.e., the day after its publication by title only.

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

This _____ day of _____, 2004.

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:
/s/ BARBARA JO RONEMUS
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced August 4, 2004, PASSED, ADOPTED AND APPROVED August 18, 2004.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to form:

22 JUL 04

Date Deputy City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on August 4, 2004, and finally adopted and approved on August 18, 2004.

2. The following members of the City Council were present at the August 4, 2004, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 4, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on August 18, 2004, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the August 18, 2004, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson
Those Voting Nay:	_____
	_____
Those Absent:	_____
	_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been

recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on August 4, and August 18, 2004. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

(i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas Nevada

(ii) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

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

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

; and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on August 4, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on August 18, 2004, is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this August 18, 2004.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of August 4, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of August 18, 2004 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Title of Creation Ordinance)

City of Las Vegas

Agenda Item No. 84

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-57 - Levies Assessment for Special Improvement District No. 1499 – Alexander Road (US-95 - Rancho Drive). Sponsored by: Step Requirement

Fiscal Impact

[ ] **No Impact**
[X] **Budget Funds Available**
[ ] **Augmentation Required**

Amount: $78,002.48
Dept./Division: Public Works/SID
Funding Source: Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:
Construction and installation of pavement, "L" type curb and gutter, sidewalk, water laterals, and streetlights.

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. 2004-57

MOTION:
No action required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

(11:22 – 11:27)

BILL NO. 2004-57

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1499 – Alexander Road (US-95 to Rancho Drive) (hereinafter the "District"), for the purpose of acquiring a Street Project, Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project; and

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is $2,361,669.42, of which, $2,283,666.94 is available from other sources and of which $78,002.48 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project; and

WHEREAS, the City Council, by resolution heretofore adopted and directed the City Engineer of the City (hereinafter the "City Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the portion of the costs of such work to be paid by the property specially benefited, the City Council, together with the City Engineer (with the assistance of the Engineering Integration Division) made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon. The City Engineer has reported the final assessment roll to the City Council and the City Engineer has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, July 21, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer (with the assistance of Engineering Integration Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, July 21, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on June 16, 2004. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1499 Assessment Protest Resolution; and

WHEREAS, by the District No. 1499 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project, in part, with funds derived from the levy of assessments, and the City will pay one-half or more of the costs of the Project with monies derived from other than the levy of special assessment, and that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

WHEREAS, the owners of certain property to be located within the proposed District have requested the City to include as part of the improvements to be constructed within the District, for such property, water and/or sewer improvements and such owners have executed an affidavit of waiver and consent (hereinafter the "Affidavit"), consenting to the construction of such improvements and the assessment of the cost of such improvements on such property.

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1499 Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit

and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1499 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1499 – Alexander Road (US-95 to Rancho Drive), including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on June 16, 2004, and as modified and confirmed by the District No. 1499 Assessment Protest Resolution duly adopted by the City Council on August 4, 2004.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand, provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in twenty (20) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on April 1, 2005. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the

City Council shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds for the district. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment, may at any time (at the option of such owner), pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after October 5, 2004, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 81/100th percent (7.81%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus three percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment

shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expire; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. September 5, 2004) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Council may require the City Treasurer to apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-

class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.630. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the City. Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcernent of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid. All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments

have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1499 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on September 1, 2004. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1499 – Alexander Road (US-95 to Rancho Drive)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before October 5, 2004, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from September 5, 2004, (i.e., the effective date of the Levy Ordinance) both principal and interest being payable serni-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on April 1, 2005. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for

such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after October 5, 2004, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 81/100th percent (7.81%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expires; (c) the property owner's application for renewal of a Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from September 5, 2004 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this September 1, 2004.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District and the issuance of the bonds therefor.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before September 1, 2004, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO. ____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 4th day of August, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 1st day of September, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on August 4, 2004, and was passed at a regular meeting held on September 1, 2004, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:	Oscar B. Goodman Gary Reese Larry Brown Lawrence Weekly Michael Mack Janet Moncrief Steve Wolfson
Those Voting Nay:	_____ _____
Those Absent:	_____ _____

This Ordinance shall be in full force and effect from and after September 5, 2004, i.e., the day after its publication by title only.

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

This _____ day of _____, 2004.

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:
/s/ BARBARA JO RONEMUS
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced August 4, 2004, PASSED, ADOPTED AND APPROVED September 1, 2004.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to Form:

22 Jul 04

Date Deputy City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on August 4, 2004 and finally adopted and approved on September 1, 2004.

2. The following members of the City Council were present at the August 4, 2004, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 4, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on September 1, 2004, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the September 1, 2004, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson
Those Voting Nay:	_____
	_____
Those Absent:	_____
	_____

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

5. All members of the City Council were given due and proper notice of the meetings held on August 4, and September 1, 2004. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

(i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas Nevada

(ii) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

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

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

; and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on August 4, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on September 1, 2004, is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this September 1, 2004.

_____
BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of August 4, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of September 1, 2004 Meeting)

City of Las Vegas

Agenda Item No. 85

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
NEW BILL:

Bill No. 2004-58 – Repeals Ordinance No. 5630, pertaining to the creation of Special Improvement District No. 1502 – Grand Montecito Parkway (Centennial Parkway to Elkhorn Road). Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

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

PURPOSE/BACKGROUND:
Because of a number of issues regarding the creation and implementation of this Special Improvement District, it has been proposed that alternative means of constructing the improvements be pursued. Therefore, the SID will need to be abandoned and the creation ordinance repealed.

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. 2004-58

MOTION:
No action required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/17/2004 Recommending Committee
8/18/2004 Council Agenda

CITY ATTORNEY JERBIC indicated that Bill 2004-58 would be fast tracked.

(11:22 – 11:27)

2-1647

THE MEETING RECESSED AT 12:13 P.M.

BILL NO. 2004-58

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL ORDINANCE NO. 5630, PERTAINING TO THE CREATION OF CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1502 – GRAND MONTECITO PARKWAY (CENTENNIAL PARKWAY TO ELKHORN ROAD), AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Repeals Ordinance No. 5630, pertaining to the creation of Special Improvement District No. 1502 – Grand Montecito Parkway (Centennial Parkway to Elkhorn Road).

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

SECTION 1: Ordinance No. 5630, known as the "Special Improvement District No. 1502 Creation Ordinance" and pertaining to the creation of Special Improvement District No. 1502 – Grand Montecito Parkway (Centennial Parkway to Elkhorn Road), is hereby repealed in its entirety.

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

SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,

. . .

. . .

. . .

. . .

. . .

. . .

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 7-26-04
_____
Date

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

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

_____
BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 86

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 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 90 [DIR-4797], Item 92 [ROC-4709], Item 94 [MSP-4380], Item 121 [ZON-4200], Item 122 [SDR-4198], Item 138 [GPA-4564], Item 139 [VAR-4696], Item 140 [SUP-4565] and Item 141 [SDR-4563] to 8/18/2004, Item 104 [SUP-2848], Item 119 [SUP-4532], Item 129 [GPA-4542], Item 130 [ZON-4543], Item 131 [VAR-4547], Item 132 [VAR-4572] and Item 133 [SDR-4545] to 9/1/2004 – UNANIMOUS with BROWN excused

NOTE: The initial motion by REESE under Item 86, which carried unanimously with BROWN excused, included the abeyance of Item 115 [SUP-4510] to 9/15/2004 and was subsequently reconsidered upon motion by REESE, which also carried unanimously with GOODMAN abstaining because of his business relationship with ATTORNEY JAY BROWN and BROWN excused.

MINUTES:
COUNCILWOMAN MONCRIEF did not approve the applicant's request to table Item 92 [ROC-4709]; however, she did allow the item to be abeyed until 8/18/2004. COUNCILMAN REESE confirmed no representative was present.

COUNCILMAN MACK disclosed that he would be abstaining on Item 94 [MSP-4380] because, in his capacity as a consultant for Treasures Gentleman's Club, he is involved with their advertising and marketing.

MAYOR GOODMAN disclosed that although there are individuals in his law office participating in billboard related negotiations, he would be voting on abeyances for Item 90 [DIR-4797], Item 104 [SUP-2848], Item 115 [SUP-4510] and Item 119 [SUP-4532]. He disclosed that his son, ROSS GOODMAN, represents some Treasures employees but that that in no way would affect the applicant's request for a Master Sign Plan so he would be voting on Item 94 [MSP-4380]. He also stated that, in an abundance of caution, he wanted to disclose that one of the Fletcher Jones principles involved in Item 92 [ROC-4709] provides him with a winning horse at Del Mar every season; however, he did not feel it would hinder his ability to vote on the matter.

(1:05 – 1:08)

City of Las Vegas

Agenda Item No. 87

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [ ] CONSENT [X] DISCUSSION

SUBJECT:
Public hearing on proposed local improvement district for Special Improvement District No. 1505 - Sierra Oeste Neighborhood Streetlights - Ward 6 (Mack)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The installation of streetlights. The project is located within the Sierra Oeste subdivision south of Lake Mead Boulevard between Jones Boulevard and Torrey Pines Drive. Costs will be recovered over a 5-year period in accordance with the Provisional Order approved by City Council on the 7th day of July, 2004.

RECOMMENDATION:
Public hearing only; no action required

BACKUP DOCUMENTATION:
1. Public hearing notice
2. Submitted at City Council meeting – Objection letter from David Sanzo
3. Submitted at City Council meeting – Letter of Protest from Myrna Q. Mendoza

MOTION:
No action required. A report was given.

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

DICK GOECKE, Director, Public Works Department, reported that this project adds twelve new streetlights in the subdivision currently containing eight. The project cost of $72,000 will be assessed against the eighty-two property owners at $878 over five years. MR. GOECKE also indicated that he had received copies of two protest letters fifteen minutes prior to the item being heard and he did not know if the originals had been given to the Clerk's Office or COUNCILMAN MACK'S office. He submitted copies to CITY CLERK BARBARA JO RONEMUS.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Neighborhood Services Department
Item 87 – Special Improvement District No.1505 Sierra Oeste Neighborhood Streetlights

MINUTES Continued:

COUNCILMAN MACK voiced appreciation for MR. GOECKE'S efforts regarding this Special Improvement District (SID). He explained that the older neighborhood is going through renovation under the direction of the City's multi task force, which is led by the Neighborhood Services Department. The lighting will help with crime issues in the area.

COUNCILMAN REESE explained that in the nine years he has been on the Council, he has consistently encouraged streetlight installation. He acknowledged that some residents do not want such improvements constructed; however, they are a crime deterrent.

COUNCILMAN MACK confirmed with MR. GOECKE that the original site plan for this development was approved years ago, before the property was annexed into the City. COUNCILMAN MACK also explained that in situations where rural street standards are approved, the Department of Public Works imposes conditions to help assure the monies are collected in lieu of the improvements being constructed. This assures the funding will be in place once an area is determined to need streetlights. COUNCILMAN REESE was happy to hear that.

SANDRA SALMON manages properties for multiple owners in the Sierra Oeste Neighborhood and spoke on their behalf. She indicated the property owners questioned why they are required to pay for the streetlights when they were not property owners when the development was built. Also, they did not receive enough time to allow papers to be filed claiming financial hardship. She stated the owners have invested large amounts of money in the properties and asked for an extension of time to allow the hardship applications to be made. MR. GOECKE clarified the City's policy on assessments explaining that when property is annexed into the City, it must be brought up to current City Code. He indicated that whether the installation of the streetlights comes as a request from the residents or as a requirement from the City, the abutting property owners would be assessed for the costs.

COUNCILMAN MACK explained that MS. SALMON had been in contact with his office and was involved with some of the early suggestions to start the process and do back-to-school fairs and clean-up efforts. He felt comfortable on moving forward with the project.

MAYOR GOODMAN declared the Public Hearing closed.

(1:08 – 1:15)

NOTICE OF HEARING ON PROPOSED PROJECT AND ASSESSMENTS WITHIN THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1505 – SIERRA OESTE NEIGHBORHOOD STREETLIGHTS

NOTICE IS HEREBY GIVEN to the property owners within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1505 – Sierra Oeste Neighborhood Streetlights (hereinafter the "District") and to all interested persons that:

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

SIERRA OESTE NEIGHBORHOOD – South of Lake Mead Boulevard, along both sides of Lirio Way, Bellota Drive, Arpa Way, Ilanos Lane and Yerba Lane (51-foot right-of-way).

Except as shown on the preliminary plans and specifications now on file in the office of the City Clerk and in the office of the Special Improvement District in Las Vegas, Nevada, the character of such Project shall be described more particularly as follows: The improvements on the roads listed above will consist of streetlights and associated appurtenances. The streetlights will be installed at the back of the sidewalk at appropriate intervals.

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

Estimated Amount of Special Assessments	Amount Available from Other Sources	Total Cost
$ 72,000	$ 0.00	$ 72,000

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

The assessments will be levied on a unit lot basis. Each property owner will be assessed equally for the cost of streetlights.

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

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

On Wednesday, August 4, 2004, at 1:00 p.m., in the City Council Chambers at 400 Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any interested person. The owners of the property to be assessed, or any other person interested

therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring and improving such Project, as to the estimated cost thereof, as to the manner of payment therefor, as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District.

The City Council requests that any property owner or interested person wishing to protest or object, do so in writing at the office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before Friday, July 30, 2004. On the date and at the time and place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing from time to time to discuss and consider said issues before it. Any person filing a written protest or objection as hereinabove provided, shall have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter, all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

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

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

(1) He is entitled to be represented by counsel at the hearing;

(2) Any evidence he desires to present on these issues must be presented at the hearing; and

(3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

The City Council of the City of Las Vegas has determined that the exception provided by NRS 271.306(2)(b) does exist in that no more than 2,640 feet remain unimproved in any street between improvements already made to the same street or between intersecting streets and accordingly may take advantage of the exception stated in paragraph (b) of subsection (2) of NRS 271.306, (which exception is that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

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

After the determination of the actual cost of the Project, assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum special benefits to the property assessed or the reasonable market value of the property being assessed (as determined by the City Council). The City Council shall provide that the assessments may be payable without interest and without demand during a specified cash payment period and the City Council shall provide that the assessments may be paid at the election of the owner in ten (10) substantially equal semi-annual installments of principal and interest. The City Council shall also provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments, which will not exceed the maximum rate of interest permitted under the statutes of the State. The City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

Pursuant to NRS 271.357 and NRS 271.360, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a Hardship Determination. Any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other

assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expires; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof. A person desiring to apply for a Hardship Determination shall file an application no later than July 30, 2004, with the Clark County Department of Social Services, 1600 Pinto Lane, Las Vegas, Nevada 89106, (702) 455-8687.

By order of the City Council of the City, Nevada, and dated this July 7, 2004.

BARBARA JO RONEMUS, City Clerk

To: Councilman Mack
City of Las Vegas

From: David Sanzo
6377 Concho Lane
Las Vegas, NV. 89146

August 3, 2004

Re: Objection to S I D @ Sierra Oesta.

Dear Councilman Mack,

I would like to object to spending $73,000 for additional street lights at Sierra Oesta for the following reasons: 1) Adding streeting lights will push the crime element off the street and toward the people that we are trying to protect. 2) Spend the resources where it has some impact on crime. 3) Your taxing today's owners for the mistakes of the original developer, the county for accepting the civil engineering, and the city for accepting the development thru annexation. I believe the city was further at fault by approving higher density three bedroom units in Phase II of Sierra Oesta. They could have negotiated for available land prior to the higher density approval. The land could have offered Sierra Oesta some community space. A place where 332 families could get to know one another and watch each others children and homes. The city chose a different route, higher density. More crime. However, we cannot change the past. You have a second opportunity thru this SID to make this a community. Please do not spend it on street lights. Help us, help lower income families build a community.

To spend any money on street lights will worsen our plight. Like bugs running from a flash light, these criminals will hide in place where Metro has no effect. They'll just move to the stairwells and the backyards of my residents. In effect, you will move crime closer to the people your trying to protect. Crime will probably go up! Metro won't be able to see the crime. Sixteen years at Sierra Oesta has taught me this: **if Metro doesn't see it, it did not happen.** Resident are scared of retaliation from criminals. They won't report it or go to court. The criminals will move away from the lights and take up residence on the porches of working families where Metro can't see them.

Secondly, invest the SID money in our people. Neither Metro, the City, Neighborhood Services, nor any other governmental agency will have the impact of us policing ourselves. Help us strengthen our C,C,&R's and be self sufficent. Lead the community to help itself. Invest the resources in people and you'll see long term improvements. Let's face it, it's not the buildings, street lights, or apartments at Sierra Oesta that commit crimes, its people. Bad management perpetuates crime. Criminals look for irresponsible owners so they can hide from the world. Help the owners manage the community. Fund neighborhood crime watch parties, guide us on how to mandate meetings with Metro, give us a way to clear applicants with Metro in a timely fashion, give us Metro contacts that stay in our neighborhood for more than 6 weeks. Help us help ourselves.

Submitted at City Council
Date 8/4/04 Item #87

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dSt:9n tn Sn 9nH

Third, your demanding present day owners pay for the following past errors:

a) The county accepts a public design that may or may not have met the standards of the city.

b) A past City administration annexes the property without checking if the public design meets their standard. Their first opportunity to rectify the problem is lost.

c) Later, the City approves three bedroom designs (higher density) in Sierra Oesta II without any concessions for public space or lighting improvements. Another opportunity lost.

Now your demanding that today's owners be solely responsible when they did not have anything to do with the decisions of the past. Past city administrations made these descions. Should they bear some of the responsibility?

In conclusion, I am all for lowering the crime rate at Sierra Oesta and I'm willing to help pay for it. The Owners, the City, Metro, Neighborhood Services all have a stake in this development. Please do not spend these funds without quantifiable results in mind. I do not believe the proposed expenditure is money being well spent. The City has another chance to make this a community. Spend the money on the people!

Sincerely,

David Sanzo

(Microsoft Word – SierraOestaLights)

July 30, 2004

LGV
4/2

Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: Sierra Oeste Neighborhood Streetlights

Dear Council Members:

We are the owners of a four-flex in Arpa Way, a part of the Sierra Oeste Project. In the past 12 months we had been incurring a lot of expenses in order for the building/property to comply with the City requirements. Now you are coming up with an additional expense for the streetlights. Why are we responsible for the streetlights when it should be the City's responsibility because it is a public area. Isn't it the City's responsibility to provide a safe environment for the community? We had already suffered financially due to difficulty in renting the units because of the location's reputation as an unsafe place. Granting that this was a mistake by Clark County, why do we as owners have to pay for their mistake?

We are hoping that you will consider the owners financial burdens when you make your decision.

Sincerely,

Myrna Q. Mendoza
For all the owners
of 1921 Arpa Way

3210 S. GOTERA DRIVE
HACIENDA HEIGHTS, CA. 91745

Submitted at City Council
Date 8/4/04 Item #87

RECEIVED
8/3/04

City of Las Vegas

Agenda Item No. 88

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
Public hearing to consider the report of expenses to recover costs for the asbestos survey and demolition of 900 Antonio Drive. PROPERTY OWNER: WASHINGTON MUTUAL BANK F A - Ward 1 (Moncrief)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $12,483.25
[X]	**Budget Funds Available**	**Dept./Division:** Neighborhood Services/Response
[ ]	**Augmentation Required**	**Funding Source:** General Fund

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Neighborhood Services hired DGM Environmental to perform an inspection for asbestos and Weaver Construction to demolish the structure, remove all trash and debris, and post "No Trespassing/Dumping" signs.

RECOMMENDATION:
1. That the City Council approve the report of expenses in the amount of $12,483.25 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. Contractor Disclosure
5. Notice of Public Hearing
6. Notice and Order
7. Chronological List of Events
8. Ten-Day Notice and Order to Abate Dangerous Building/Demolition
9. Copy of the Notice and Claim of Lien
10. Video shown but not submitted

MOTION:
MONCRIEF – APPROVED the action of Neighborhood Services – UNANIMOUS with BROWN excused

CITY COUNCIL MEETING OF JUNE 16, 2004
Neighborhood Services Department
Item 88 – 900 Antonio Drive

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 Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, DGM Environmental was hired to perform an inspection for asbestos and Weaver Construction to demolish the structure, remove all trash and debris, and post "No Trespassing/Dumping" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of $12,483.25 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.

MAYOR GOODMAN confirmed with MR. SEMENZA that Washington Mutual is aware of this situation. MR. SEMENZA received a call on June 14, 2004, indicating a check would be issued. MR. SEMENZA felt it prudent to allow the item to be heard by the City Council to get permission to impose a lien, should the check not be received. MAYOR GOODMAN commended his effort and directed him to closely monitor the situation.

No one appeared in opposition.

MAYOR GOODMAN declared the public hearing closed.

(1:15 – 1:18)

City of Las Vegas

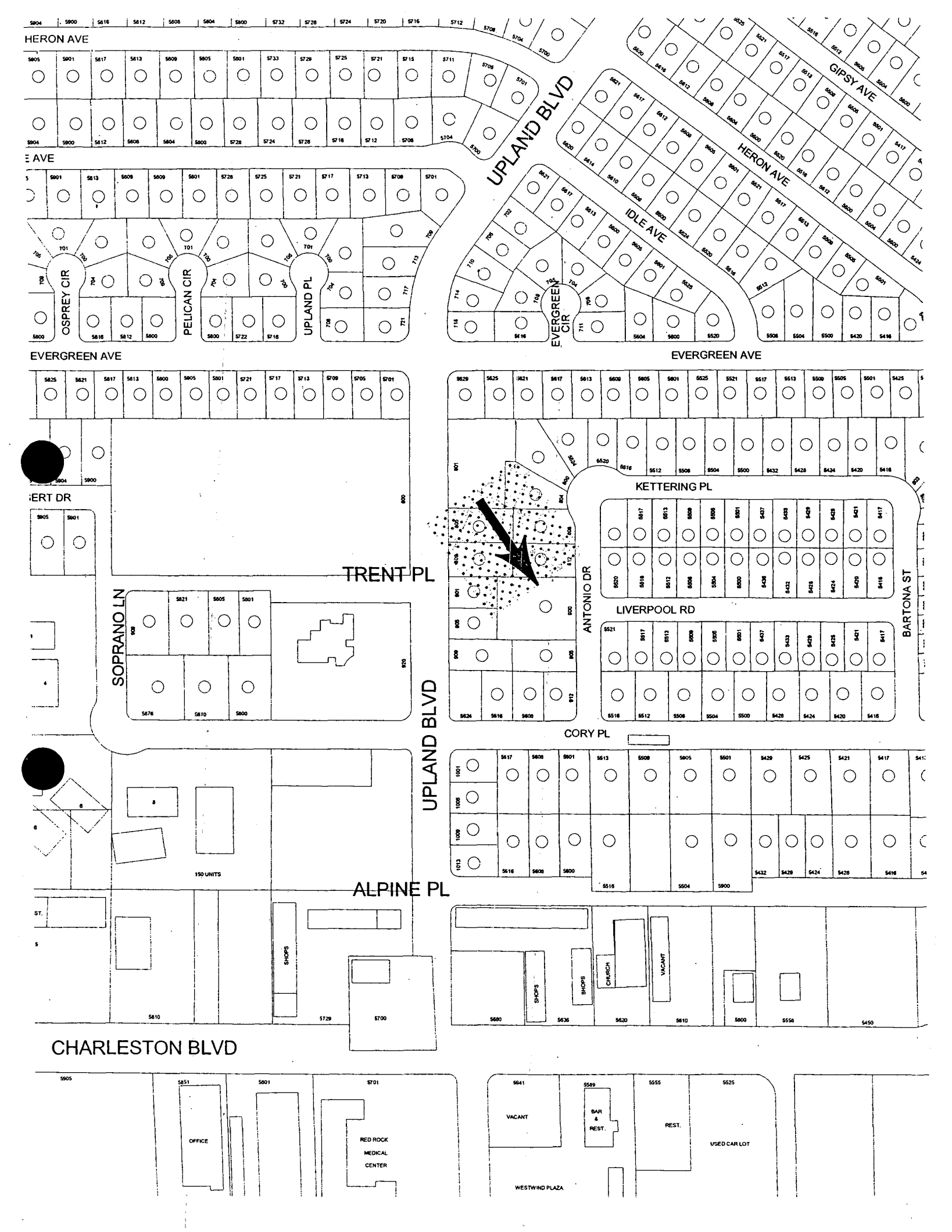
AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 900 Antonio Dr. PROPERTY OWNER: WASHINGTON MUTUAL BANK F A - Ward 1 (Moncrief)

On March 15, 2004, DGM Environmental performed an inspection for asbestos on the property at a cost of $425.00; Weaver Construction completed demolition on May 11, 2004, at a cost of $10,430; plus a 15% administrative fee, for a total of $12,483.25.

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.


HERON AVE
UPLAND BLVD
GIPSY AVE
HERON AVE
IDLE AVE
OSPREY CIR
PELICAN CIR
UPLAND PL
EVERGREEN CIR
EVERGREEN AVE
EVERGREEN AVE
KETTERING PL
TRENT PL
SOPRANO LN
ANTONIO DR
LIVERPOOL RD
BARTONA ST
CORY PL
UPLAND BLVD
ALPINE PL
150 UNITS
SHOPS
SHOPS
CHURCH
VACANT
CHARLESTON BLVD
OFFICE
RED ROCK
MEDICAL
CENTER
VACANT
BAR
&
REST.
REST.
USED CAR LOT
WESTWIND PLAZA

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: July 19, 2003

Re: Report of Expenses for the abatement of Dangerous Building/Demolition located at 900 Antonio Drive - Ward 1 (Moncrief)

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 demolishing the structure; removing all trash and debris; and by posting "No Trespassing/Dumping" signs on the property.

On March 15, 2004, DGM Environmental performed an inspection for asbestos on the property at a cost of $425.00; Weaver Construction completed demolition on May 11, 2004, at a cost of $10,430.00. The Department of Neighborhood Services accepted these costs.

Asbestos Contract Amount	$	425.00
Demolition Contract Amount		10,430.00
AMOUNT DUE		10,855.00
Administrative processing fee		1,628.25
TOTAL AMOUNT DUE	$	12,483.25

OWNER OF RECORD: WASHINGTON MUTUAL BANK F A

PROPERTY ABATED: 900 ANTONIO DRIVE

ASSESSOR'S PARCEL: 138 36 410 009

LEGAL DESCRIPTION: EADWOOD PLACE
PLAT BOOK 35 PAGE 37
LOT 9

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:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
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

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
STEPHANIE D. DUNN
Appt. No. 91-2737-1
My Appointment Expires March 1, 2000

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING
AUGUST 4, 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, August 4, 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 demolishing the building on property located at **900 ANTONIO DRIVE,** legally described as **EADWOOD PLACE, PLAT BOOK 35 PAGE 37 LOT 9.** Owners of record and/or property owners at time of abatement: **WASHINGTON MUTUAL BANK F.A. – WARD 1 (MONCRIEF)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $12,483.25 was expended ($10,430.00 to Weaver Construction for Demoliton work; $425.00 to DGM Environmental for Asbestos inspection; and $1,628.25 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
18112-001-6/04

NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

Case #7314
July 19, 2004
Certified/Regular Mail
Return Receipt Requested

Washington Mutual Bank F A
c/o Escrow Management MS FSC0211
2210 Enterprise Drive
Florence, SC 29501-1109

RE: 900 ANTONIO DRIVE

Dear Property Owner:

After proper notification from the City of Las Vegas, 900 Antonio Drive was demolished May 18, 2004. The Department of Neighborhood Services has submitted a Report of Expenses to the City Clerk.

At The City Council meeting to be held on July 21, 2004, a date and time for a public hearing will be set to consider the Report of Expenses. A tentative date for the public hearing is August 4, 2004. You will, however, be mailed appropriate notification.

For your information, a copy of the Report of Expenses is enclosed.

If you have any questions concerning this procedure, please contact the Neighborhood Response Division located in the Department of Neighborhood Services by telephoning (702) 229-6615.

Sincerely,

David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • LAWRENCE WEEKLY • MICHAEL MACK
JANET MONCRIEF • STEVE WOLFSON
CITY MANAGER DOUGLAS A. SELBY

CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.lasvegasnevada.gov

MISC 6/3/2004 11:40:00 AM LAURA DEARMOND

Ld) SENT INVOICE $10,430.00 TO FINANCE & FILE TO JG

PHONE 5/24/2004 9:17:00 AM LAURA DEARMOND

24) PHYLLIS WILL HAVE SOMEONE TAKE CARE OF IT IN NEXT COUPLE OF DAYS & CALL ME WHEN DONE

INSP 5/22/2004 5:01:00 PM LAURA DEARMOND

24) DEMO'D PROPERTY CLEAN, POST VIDEO FILMED, THE GATE @ N END NEEDS TO BE LOCKED, AS WELL AS THE 2
GATES @ S END TO BE PADLOCKED TOGETHER & THE FENCE POLE TO BE ERECTED UPRIGHT AGAINST BLOCK WALL
W/C PHYLLIS & ASK HER TO DO THIS

MISC 5/18/2004 8:32:00 AM LAURA DEARMOND

Ld) REC'D INVOICE & SENT REQUEST FOR VIDEO TO PH

MISC 4/21/2004 9:21:00 AM LAURA DEARMOND

Ld) REC'D MSG FROM WEAVER, WILL ABATE PROPERTY TODAY

MISC 4/14/2004 1:28:00 PM LAURA DEARMOND

Ld) SENT DGM ENVIRONMENTAL INVOICE $425.00 FOR ASBESTOS SURVEY TO FINANCE

RECORD 4/12/2004 7:05:00 AM JESSICA LARRAMENDY

JL) RECORDED N&O DANG BLDG/DEMO. BOOK: 20040409 INST: 0002158

BIDA 4/7/2004 1:22:00 PM LAURA DEARMOND

Ld) AWARDED TO WEAVER CONSTRUCTION, WCB W/START DATE

BIDR 4/2/2004 7:43:00 AM LAURA DEARMOND

Ld) REC'D BIDS (1) WEAVER CONSTRUCTION $10,430.00 (2) K O CONSTRUCTION $10,469.00

MISC 4/1/2004 11:33:00 AM KATHY STEWART

Sent file to Laura DeArmond.

BIDS 3/25/2004 7:42:00 AM LAURA DEARMOND

Ld) FAXED BID TO CONTRACTORS, DUE BACK 4/1

INSP 3/17/2004 9:25:00 AM ERIN HERNANDEZ

found entry in loc field under insp :
24)PRE-VIDEO FILMED.ALL STRUCTURES OPEN, ACCESSIBLE, TRASHED, BROKEN GLASS, DEBRIS IN POOL W/12-INCHES OF WATER, FENCES OPEN, LARGE OLEANDERS TO HIDE IN, SCATTERED DEBRIS IN FRONT LOT AREA.
TAPE TO DS, FILE TO KS

AWARD 3/15/2004 9:20:00 AM KATHY STEWART

Faxed Award letter to DGM Environmental, Inc. for asbestos survey & final clearance report. Survey due back in seven days.

DIRECT 3/15/2004 8:35:00 AM KATHY STEWART

Per David Semenza, Award to lowest bidder.

BIDR 3/15/2004 8:00:00 AM KATHY STEWART

Received bids from the following contractors (1) DGM Environmental, Inc. - $425; (2) Ninyo & Moore - $800

BIDS 3/9/2004 8:54:00 AM KATHY STEWART

Faxed Invitation to Bid to contractors for asbestos survey. Bids due back Friday, 3/12/04.

DIRECT 3/9/2004 8:17:00 AM KATHY STEWART

Per David Semenza, Get bids for asbestos survey.

INSP 3/8/2004 10:15:00 AM GEORGE CLEVELAND

28) NO CHANGE, GETTING WORSE..APPROX. 2 FEET OF STAGNANT RAINWATER IN POOL..NEW PIX TAKEN..GIVEN TO
24, E-MAILED KS IN OFFICE TO PROCEED WITH ABATEMENT, COPIED #24, DS, #16....

DIRECT 2/18/2004 9:26:00 AM ERIN HERNANDEZ

found entry in schedule screen
PLEASE CHECK FOR COMPLIANCE & TAKE PICS, ADVISE 24 OF STATUS.

INSP 2/18/2004 9:00:00 AM GEORGE CLEVELAND

28) CHECKED PROPERTY, STILL OPEN WITH NO CHANGE IN CONDITION

MISC 1/30/2004 11:09:00 AM KATHY STEWART

Per David Semenza, HOLD off on bids. Will check with Washington Mutual at the end of February 2004. KS has file.

PHONE 1/28/2004 11:06:00 AM PAMELA HINES

24)TELCON W/WASHINGTON MUTUAL REP ROBIN WRIGHT @ 949-477-5059, ASKING FOR 30 DAYS FOR TAKEOVER OF
PROPERTY. SENT PICS TO DS FOR EXT APPROVAL. FILE TO KS FOR BIDS, CONTRACTOR TO START 3/1 IF WASHINGTON MUTUAL FAILS TO COMPLY BY THAT DATE. PRE-VIDEO DONE.

INSP 1/22/2004 8:00:00 AM LAURA DEARMOND

28) ...89107 & 3650 E BARTLETT AVE 89105 WITH NO RESPONSE. TO 24 FOR ABATEMENT. PIX

INSP 1/22/2004 8:00:00 AM LAURA DEARMOND

28) NOTHING HAS BEEN DONE TO ABATE, REPEATED ATTEMPTS AT LEAVING MESSAGES W/HEATHER WASH MUTUAL
@ 414-359-8877 & NUMBERS FOR PREVIOUS OWNER SHOW NO RESPONSE 491-9333 ALSO LEFT MESSAGES AT BOTH
POSSIBLE OWNER ADDRESSES 516 SPORTSMAN DR LV NV (CONT...)

INSP 1/12/2004 10:15:00 AM LAURA DEARMOND

28) NO CHANGE, LEFT MSG W/HEATHER @ WASHINGTON MUTUAL, 1 MORE TRY BEFORE ABATEMENT PROCEDURES CB
1/19

PHONE 1/6/2004 8:10:00 AM LAURA DEARMOND

28) SPOKE TO HEATHER WATERS @ WASH MUTUAL, SAM ARAPPA IS HANDLING HIS COMPLAINT FOR W MUTUAL,
FAXED COPIES OF N&O & PIX, HEATHER STATED THAT THEY WILL IMMEDIATELY GET A CREW TO SECURE PROP
UNTIL N&O CAN BE COMPLIED W/MR ARAPPA FAX 414-359-8483 CB 1/12

INSP 1/5/2004 8:10:00 AM LAURA DEARMOND

28) PROPERTY SAME CONDITION. PIX. WILL CONTINUE TO RESEARCH WHO IS IN CONTROL OF PROPERTY.

PHONE 1/5/2004 8:00:00 AM LAURA DEARMOND 5

28) LFT MSG FOR HEATHER WATERS WASH MUTUAL FIDELITY 414-359-8877 RE: PROPERTY. NO ANS @ OWNERS PHONE
FROM COMP SCREEN

PHONE 12/29/2003 9:25:00 AM KATHY STEWART

Received phone call from concemed neighbor stating that children are playing in & around the house & she feels it is dangerous
with the broken glass, cable sticking up. Doesn't understand why it it taking so long to abate property. E-mailed #28.

INSP 12/22/2003 10:35:00 AM LAURA DEARMOND

28) NO CHANGE, FAIL ASSESS FEE. 1 MORE CHECK BEFORE TURNING OVER TO 24 FOR ABATEMENT PROCEEDINGS. CB
1/5

MISC 12/22/2003 10:29:00 AM KATHY STEWART

Received Regular letter back Return to Sender, Attempt Not Known. Sent letter to C/E for filing.

MISC 12/19/2003 1:35:00 PM KATHY STEWART

Received Certified letter back Return to Sender. Sent letter to C/E for filing.

NOPOST 12/15/2003 2:35:00 PM LAURA DEARMOND

28) NO CHANGE IN CONDITION. POSTED N&O ON PROPERTY. CB 12/22

NOTICE 12/11/2003 4:00:00 PM KATHY STEWART

Sent Ten (10) Day Notice & Order To abate Dangerous Building/Demolition letter to owner, Dale W. Ruesch. Post: 12/12. C/B:
12/22. Sent file to #28.

MISC 12/9/2003 3:18:00 PM KATHY STEWART

Sent Ten (10) Day Notice & Order to Abate Dangerous Building/Demolition letter to Paul Wilkins, Building & Safety, for signature.

DIRECT 12/8/2003 9:56:00 AM KATHY STEWART

Per David Semenza, Send a demo letter to owner of property.

INSP 12/5/2003 10:20:00 AM KATHY STEWART

28) House heavily damaged, just a shell, damaged by fire at one time. Trash, debris, building materials over entire property.
Weeds, open, accessible. PIX. Will do a Dangerous Building N&O on property. Possible owner telephone #379-1581.

APN: 138-36-410-009

20040409-0002158
Fee: $16.00
04/09/2004 12:13:58 T20040001816
Req: LAS VEGAS CITY
Frances Deane
Clark County Recorder Pgs: 3

(3)

NEIGHBORHOOD SERVICES DEPARTMENT

NOTICE AND ORDER

December 10, 2003

CASE #7314
Certified/Regular Mail
Return Receipt Requested

Dale W. Ruesch
900 Antonio Drive
Las Vegas, NV 89107-3700

TEN (10) DAY NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **900 Antonio Drive Las Vegas, Nevada, Parcel #138-36-410-009**, the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Section 202, and is also a dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

1. **Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.**

2. **Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.**

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

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
18201-031-7-03 VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.ci.las-vegas.nv.us

3. **Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.**

4. **Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.**

5. **Whenever any building or structure, or portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others, or have a deleterious effect on the value of neighboring properties.**

And, under Section 102 of the 1997 Uniform Building Code.

Section 102 - - Unsafe Buildings or Structures

All buildings or structures regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

To correct this condition, you need to obtain a permit to demolish the structure(s) and cause the property to be cleaned and install "No Trespassing" signs on the property within ten (10) days from the date of receipt of this Notice and Order.

Once you have been officially notified that this condition exists and you fail to respond, court citations could be issued with each day constituting a separated offense.

If the problem still exists after this ten (10) day Notice and Order, the City will hire a licensed contractor to remove the nuisance and hazard either by demolition or safely securing the structure and cleaning the premises. As the property owner(s), you will be responsible for all costs incurred, including a fifteen (15%) administrative processing fee. 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 be filed with the County Recorder's office, certified copies of the lien given to the County Treasurer, and the amount of the 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.

Moreover, you are hereby given notice:

1. 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 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.

2. That this Notice and Order or a copy therefore be presented to the Department of Building and Safety when purchasing a demolition permit, or Neighborhood Services Department when boarding a building.

3. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. The City will send a contractor out to abate the problem without further notice.

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions at your earliest convenience.

Sincerely,

Paul K Wilkins

Paul K. Wilkins, Director
Department of Building and Safety

PW:DS:ks

APN 138-36-410-009
Ref # - 7314

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **WASHINGTON MUTUAL BANK F A**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.:	**APN 138-36-410-009**
Commonly known as:	**900 ANTONIO DRIVE**
Legal Description:	**EADWOOD PLACE**
	PLAT BOOK 35 PAGE 37
	LOT 9

On **May 11, 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 **$12,483.25** 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 **August 4, 2004**, ordered the above charges in the amount of **$12,483.25**, 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 10th day of August, 2004

NOTARY PUBLIC, in and for said County and State

Notary Public-State Of Nevada
COUNTY OF CLARK
VICKY DARLING
My Appointment Expires
May 22, 2006
No. 94-0086-1

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

City of Las Vegas

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 4, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

EXTENSION OF TIME - REZONING

89 **EOT-4691** - Applicant: Investors Realty Group – Owner: Campbell 2.5, Limited Liability Company and Carl Unger

DISCUSSION/ACTION ITEMS

APPEAL OF DIRECTOR'S DECISION

90 **DIR-4797** - Applicant: Orion Outdoor Media – Owner: Lapour Grand Central, Limited Liability Company

REVIEW OF CONDITION - PUBLIC HEARING

91 **ROC-4692** - Applicant/Owner: Canyon Ridge Christian Church

92 **ROC-4709** - Applicant: Fletcher Jones Mercedes – Owner: Roman Catholic Bishop of Las Vegas

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING

93 **SDR-4519** - Applicant: Thomas and Mack Development Group, Limited Liability Company – Owner: Crossroads at Sunset, Limited Liability Company

MASTER SIGN PLAN - PUBLIC HEARING

94 **ABEYANCE ITEM - MSP-4380** - Applicant: Vision Sign, Inc. – Owner: D 2801 Westwood, Inc.

VACATION - PUBLIC HEARING

95 **VAC-4487** - Applicant: Nevada Homes Group – Owner: Day Star Ventures, Limited Liability Company

96 **VAC-4491** - Applicant/Owner: Cornerstone Company

VARIANCE - PUBLIC HEARING

97 **ABEYANCE ITEM - VAR-4456** - Applicant/Owner: Krassimir Teofilov and Darina Staneva

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4456 - PUBLIC HEARING

98 **ABEYANCE ITEM - SDR-4458** - Applicant/Owner: Krassimir Teofilov and Darina Staneva

VARIANCE - PUBLIC HEARING

99 **VAR-4384** - Applicant/Owner: Bruce and Lori Werner

100 **VAR-4516** - Applicant: Lipkin 1992 Trust and Sky Top Vending, Inc. – Owner: Lipkin 1992 Trust

101 **VAR-4517** - Applicant: Lipkin 1992 Trust and Sky Top Vending, Inc. – Owner: Lipkin 1992 Trust

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4516 AND VAR-4517 - PUBLIC HEARING

102 **SDR-4514** - Applicant: Lipkin 1992 Trust and Sky Top Vending, Inc. – Owner: Lipkin 1992 Trust

VARIANCE - PUBLIC HEARING

103 **VAR-4520** - Applicant/Owner: Susan Schaff White

SPECIAL USE PERMIT - PUBLIC HEARING

104 **TABLED ITEM - SUP-2848** - Reagan National Advertising on behalf of C O G III, Limited

105 **TABLED ITEM - SUP-3269** - Reagan National Advertising on behalf of SDL, Incorporated

RESCIND PREVIOUS ACTION - SPECIAL USE PERMIT - PUBLIC HEARING

106 **SUP-3983** - Applicant: Scott Stromwall – Owner: Ray St. Clair

RECONSIDER - SPECIAL USE PERMIT - PUBLIC HEARING

107 **SUP-3983** - Applicant: Scott Stromwall – Owner: Ray St. Clair

SPECIAL USE PERMIT - PUBLIC HEARING

108 **SUP-4506** - Applicant: Camco, Inc. – Owner: MTC 118, Inc.

109 **SUP-4507** - Applicant: Camco, Inc. – Owner: MTC 118, Inc.

110 **SUP-4509** - Applicant: Camco, Inc. – Owner: MTC 118, Inc.

111 **SUP-4515** - Applicant: JMA Architecture Studios – Owner: Harvard Securities, Inc.

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4515 - PUBLIC HEARING

112 **SDR-4512** - Applicant: JMA Architecture Studios – Owner: Harvard Securities, Inc.

SPECIAL USE PERMIT - PUBLIC HEARING

113 **SUP-4540** - Applicant/Owner: ABF, Inc.

City of Las Vegas

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4540 - PUBLIC HEARING

114 **SDR-4534** - Applicant/Owner: ABF, Inc.

SPECIAL USE PERMIT - PUBLIC HEARING

115 **SUP-4510** - Applicant: Reagan National Advertising – Owner: Heinrich J. Aberle Trust
116 **SUP-4511** - Applicant: Gus Misherfi – Owner: Samer Nakhle
117 **SUP-4518** - Applicant: Parrish Ward – Owner: David Phillips
118 **SUP-4531** - Applicant: Las Vegas Billboards – Owner: Ernest Becker, Jr.
119 **SUP-4532** - Applicant: Las Vegas Billboards – Owner: Sahara Mohawk, Limited Liability Company
120 **SUP-4558** - Applicant: Building the American Dream Corporation – Owner: C.C.M. Trust

REZONING - PUBLIC HEARING

121 **ZON-4200** - Applicant: Sterling S Development – Owner: Quarterhorse Falls Estates, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4200 - PUBLIC HEARING

122 **SDR-4198** - Applicant: Sterling S Development – Owner: Quarterhorse Falls Estates, Limited Liability Company

REZONING - PUBLIC HEARING

123 **ZON-4526** - Applicant/Owner: Clark County

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4526 - PUBLIC HEARING

124 **SDR-4527** - Applicant/Owner: Clark County

GENERAL PLAN AMENDMENT - PUBLIC HEARING

125 **GPA-4332** - Applicant: City of Las Vegas – Owner: Sahara Park, Limited
126 **GPA-4523** - Applicant/Owner: City of Las Vegas

REZONING RELATED TO GPA-4523 - PUBLIC HEARING

127 **ZON-4524** - Applicant/Owner: City of Las Vegas

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4523 AND ZON-4524 - PUBLIC HEARING

128 **SDR-4525** - Applicant/Owner: City of Las Vegas

GENERAL PLAN AMENDMENT - PUBLIC HEARING

129 **GPA-4542** - Applicant: Joel Armstrong – Owner: Clark County

REZONING RELATED TO GPA-4542 - PUBLIC HEARING

130 **ZON-4543** - Applicant: Joel Armstrong – Owner: Clark County

VARIANCE RELATED TO GPA-4542 AND ZON-4543 - PUBLIC HEARING

131 **VAR-4547** - Applicant: Joel Armstrong – Owner: Clark County

132 **VAR-4572** - Applicant: Joel Armstrong – Owner: Clark County

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4542, VAR-4547, ZON-4543 AND VAR-4572 - PUBLIC HEARING

133 **SDR-4545** - Applicant: Joel Armstrong – Owner: Clark County

GENERAL PLAN AMENDMENT - PUBLIC HEARING

134 **GPA-4549** - Applicant: Las Vegas Development Company, Limited Liability Company – Owner: Cardan Lindell North, Limited Liability Company

REZONING RELATED TO GPA-4549 - PUBLIC HEARING

135 **ZON-4550** - Applicant: Las Vegas Development Company, Limited Liability Company – Owner: Cardan Lindell North, Limited Liability Company

VARIANCE RELATED TO GPA-4549 AND ZON-4550 - PUBLIC HEARING

136 **VAR-4553** - Applicant: Las Vegas Development Company, Limited Liability Company – Owner: Cardan Lindell North, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4549, ZON-4550 AND VAR-4553 - PUBLIC HEARING

137 **SDR-4551** - Applicant: Las Vegas Development Company, Limited Liability Company – Owner: Cardan Lindell North, Limited Liability Company

GENERAL PLAN AMENDMENT - PUBLIC HEARING

138 **GPA-4564** - Applicant: Rider's Chevron – Owner: Garret Group, Limited Liability Company

VARIANCE RELATED TO GPA-4564 - PUBLIC HEARING

139 **VAR-4696** - Applicant: Rider's Chevron – Owner: Garret Group, Limited Liability Company

SPECIAL USE PERMIT RELATED TO GPA-4564 - PUBLIC HEARING

140 **SUP-4565** - Applicant: Rider's Chevron – Owner: Garret Group, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4564, VAR-4696 AND SUP-4565 - PUBLIC HEARING

141 **SDR-4563** - Applicant: Rider's Chevron – Owner: Garret Group, Limited Liability Company

City of Las Vegas

Agenda Item No. 89

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
EXTENSION OF TIME - REZONING - **EOT-4691 - APPLICANT: INVESTORS REALTY GROUP - OWNER: CAMPBELL 2.5, LIMITED LIABILITY COMPANY AND CARL UNGER** - Request for an Extension of Time on an approved Rezoning (Z-0063-02) FROM: U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] TO: O (Office) on 2.68 acres adjacent to the north side of Cheyenne Avenue, approximately 340 feet west of Campbell Road (APN: 138-08-401-008), Ward 4 (Brown). Staff recommends APPROVAL

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

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

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

MOTION:
REESE – APPROVED subject to conditions – UNANIMOUS with BROWN excused

NOTE: Under Item 91 [ROC-4692] COUNCILMAN MACK disclosed that his brother-in-law, ANDREW DONNER, owns a Timbers Bar and Grill located nearby. He had not discussed the item with MR. DONNER, and, as there was not any impact on MR. DONNER'S business, he would be voting.

MINUTES:
There was no discussion.

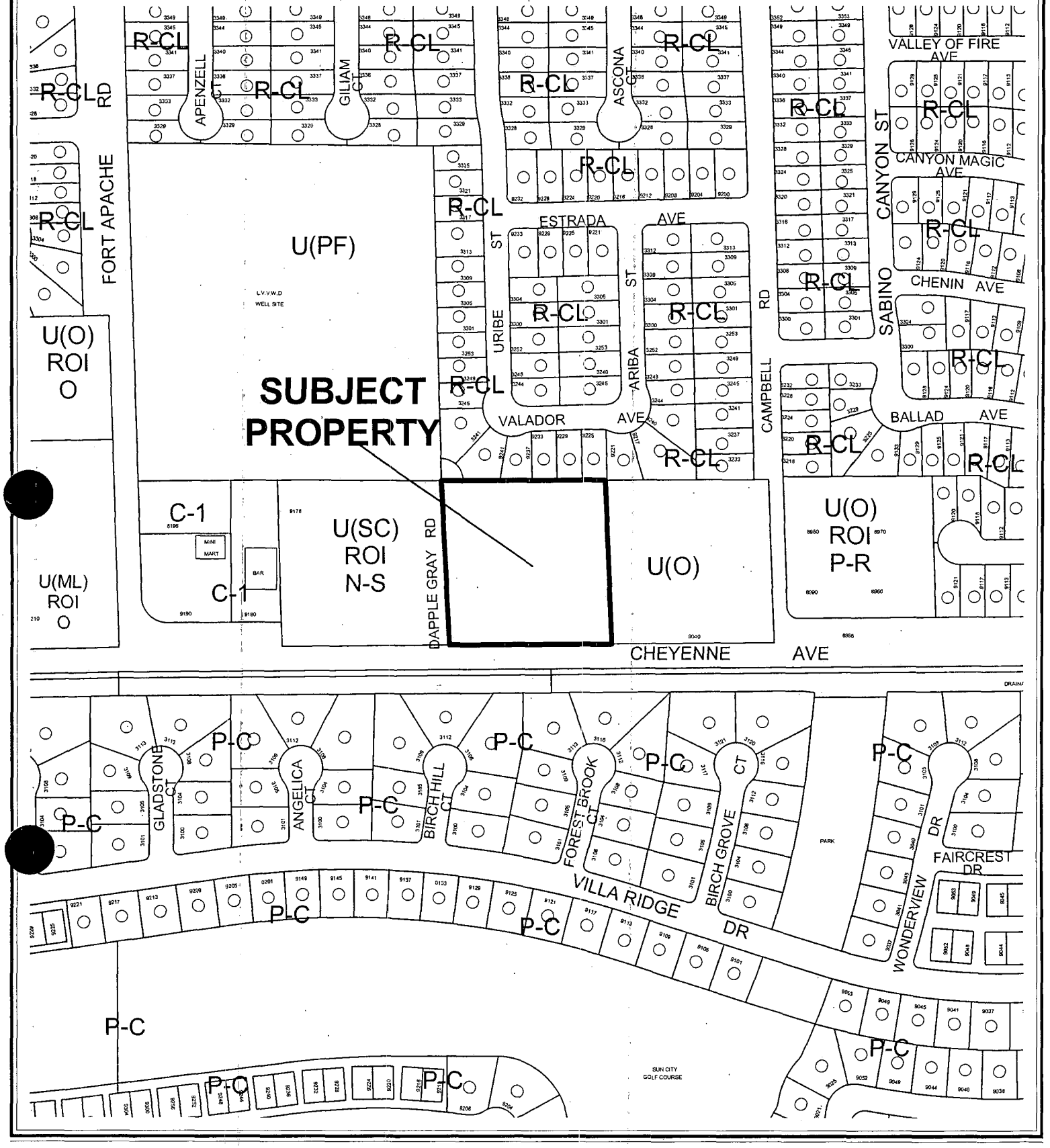
(1:18 – 1:18)
4-455

CONDITIONS:
Planning and Development
1. This Extension of Time will expire on August 21, 2006 unless another Extension of Time is approved by the City Council.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 89 – EOT-4691

CONDITIONS Continued:

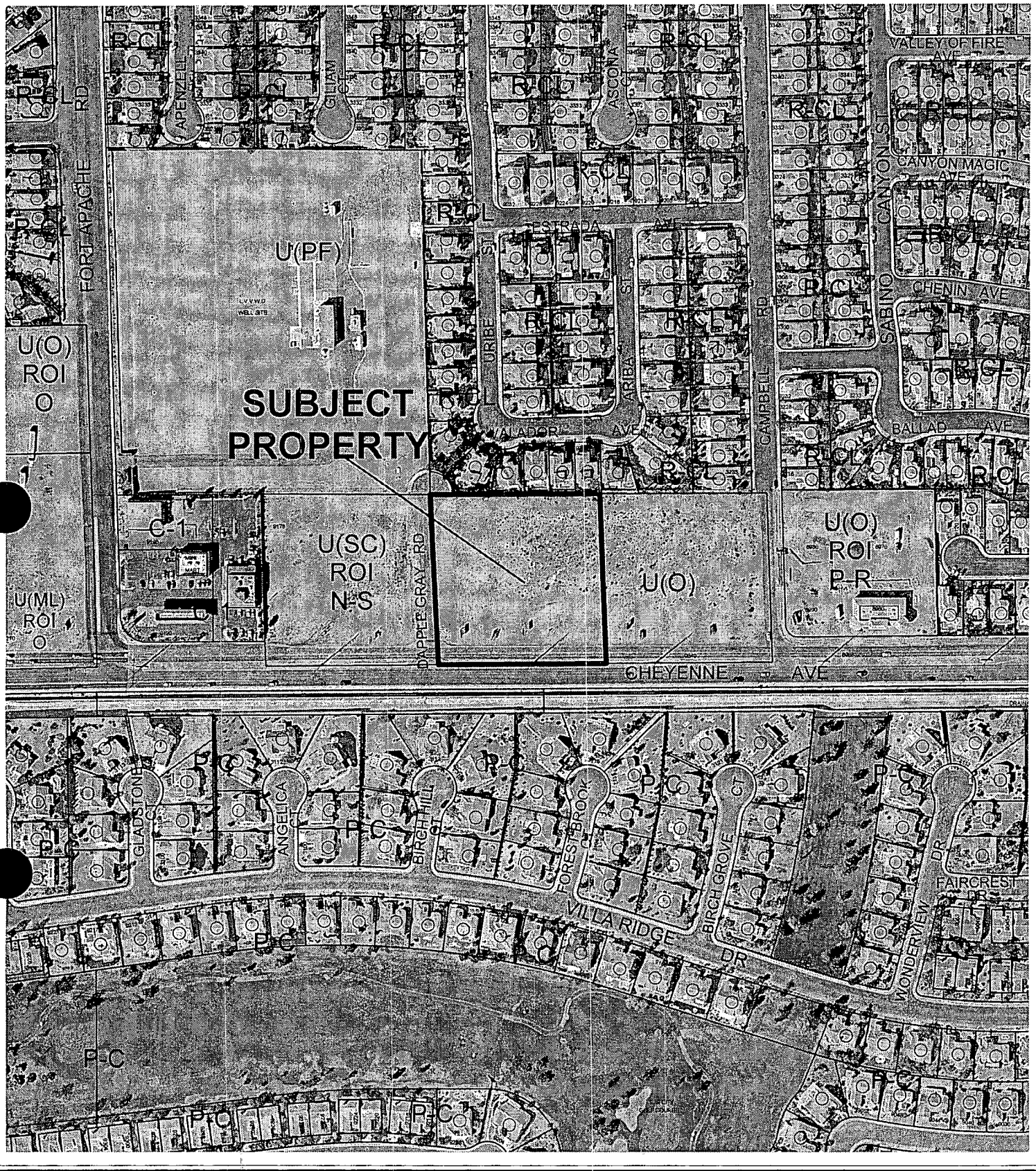
2. Conformance to the Conditions of Approval for Rezoning (Z-0063-02) and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.



CASE: **EOT-4691**

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO O (OFFICE)



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CASE: **EOT-4691**

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO O (OFFICE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4691 - APPLICANT: INVESTORS REALTY GROUP – OWNER: CAMPBELL 2.5, LIMITED LIABILITY COMPANY AND CARL UNGER

** CONDITIONS **

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on August 21, 2006 unless another Extension of Time is approved by the City Council.

2. Conformance to the Conditions of Approval for Rezoning (Z-0063-02) and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for an Extension of Time on an approved Rezoning (Z-0063-02) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office) on 2.68 acres adjacent to the north side of Cheyenne Avenue, approximately 340 feet west of Campbell Road. The Resolution of Intent on the property expires August 21, 2004.

B) Applicant's Justification

Approval of this Extension of Time will allow time for the neighboring parcel to the east to be rezoned. Together, these two parcels will be mapped as a commercial subdivision for professional offices.

BACKGROUND INFORMATION

A) Actions

1993	The City Council approved an Annexation (A-0005-93) of the subject property. Planning Commission and staff recommended approval.
04/25/02	The Planning Commission tabled requests to amend a portion of the Centennial Hills Sector Plan (GPA-0008-02) from ML (Medium-Low Density Residential) to O (Office) and to Rezone (Z-0022-02) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office) on the subject property. Staff recommended denial of both requests.
08/21/02	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan (GPA-0011-02) from ML (Medium-Low Density Residential) to O (Office) on 10.00 acres adjacent to the northwest and northeast corner of Campbell Road and Cheyenne Avenue, including the subject site. The City Council also approved a Rezoning (Z-0063-02) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office) on 5.0 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road. The previous actions on the site (GPA-0008-02 and Z-0022-02) were expunged. Planning Commission and staff recommended approval.
05/21/03	The City Council approved a Rezoning (ZON-1017) from U (Undeveloped) [O (Office) General Plan Designation] under Resolution of Intent to O (Office) to C-1 (Limited Commercial) on 2.5 acres adjacent to the west side of the subject parcel. The approval was amended to N-S (Neighborhood Service) by the City Council. The Planning Commission and staff recommended approval of the N-S proposal.

11/05/03 The City Council approved a Site Development Plan Review (SDR-2871) and Waivers to side and rear setback requirements, and perimeter and parking lot landscaping requirements for a proposed mini-warehouse development with recreational vehicle and boat storage on 2.5 acres adjacent to the west side of the subject parcel. The Planning Commission and staff recommended approval.

8/12/04 The Planning Commission will consider a request for a Rezoning (ZON-4699) from U (Undeveloped) [O (Office) General Plan Designation] to O (Office) on 2.5 acres adjacent to the northwest corner of Cheyenne Avenue and Campbell Road.

B) Pre-Application Meeting

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.68

B) Existing Land Use

Subject Property:	Undeveloped
North:	Single-Family Dwellings
South:	Single-Family Dwellings
East:	Undeveloped
West:	Undeveloped

C) Planned Land Use

Subject Property:	O (Office)
North:	ML (Medium-Low Density Residential)
South:	ML (Medium-Low Density Residential)
East:	O (Office)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	U (Undeveloped) under Resolution of Intent to O (Office)
North:	R-CL (Single-Family Compact-Lot)
South:	P-C (Planned Community)
East:	U (Undeveloped)
West:	U (Undeveloped) under Resolution of Intent to N-S (Neighborhood Service)

E) General Plan Compliance

The subject property is designated O (Office) on the Centennial Hills Interlocal Land Use Map of the General Plan. This category provides for business, professional and financial offices, as well as offices for individuals, civic, social, fraternal and other non-profit organizations. The previously approved O (Office) zoning designation conforms to this General Plan category, and is compatible with the area.

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

No special districts, zones, or studies affect the subject site.

ANALYSIS

A) General Analysis and Discussion

The subject site is for the easternmost of the two parcels originally rezoned O (Office) by Z-0063-02. The western parcel was resold and rezoned N-S (Neighborhood Service) for use as a Mini-Warehouse and Recreational Vehicle and Boat Storage Facility. The parcel to the east of the subject site is proposed for office uses; the intention is to create a professional office park that will include the subject site. Office uses are typically limited to operation during daylight hours and would in this case act as a buffer between Cheyenne Avenue and the single-family residential development to the north. The zoning remains consistent with the O (Office) General Plan designation on the site.

The approved site plan for this site is for a Mini-Warehouse and Recreational Vehicle and Boat Storage Facility. Any substantive change in design or use will require a new Site Development Plan Review.

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 requested O (Office) district is consistent with the O (Office) land use designation for the subject site as specified on the Centennial Hills Interlocal Land Use Plan of the General Plan.

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

The professional offices planned for the site will be compatible with limited commercial uses to the west, office uses to the east, and to single-family residential developments to the north and south. Hours of operation, building heights, and signage will be limited as required by the Zoning Code.

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

   The existing O (Office) zoning designation will allow for development of office uses that can be used to provide a buffer between Cheyenne Avenue and the existing residential development surrounding the site. Therefore, the zoning designation remains appropriate for the area.

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 system is nearly developed around the subject site and will have adequate capacity to accommodate traffic generated by the proposed development of this site.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT. 4691 APN: 138-08-401-008

Name of Property Owner: Campbell 2.5 LLC

Name of Applicant: Investors Realy Group

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: MARK A SCUNIPPER

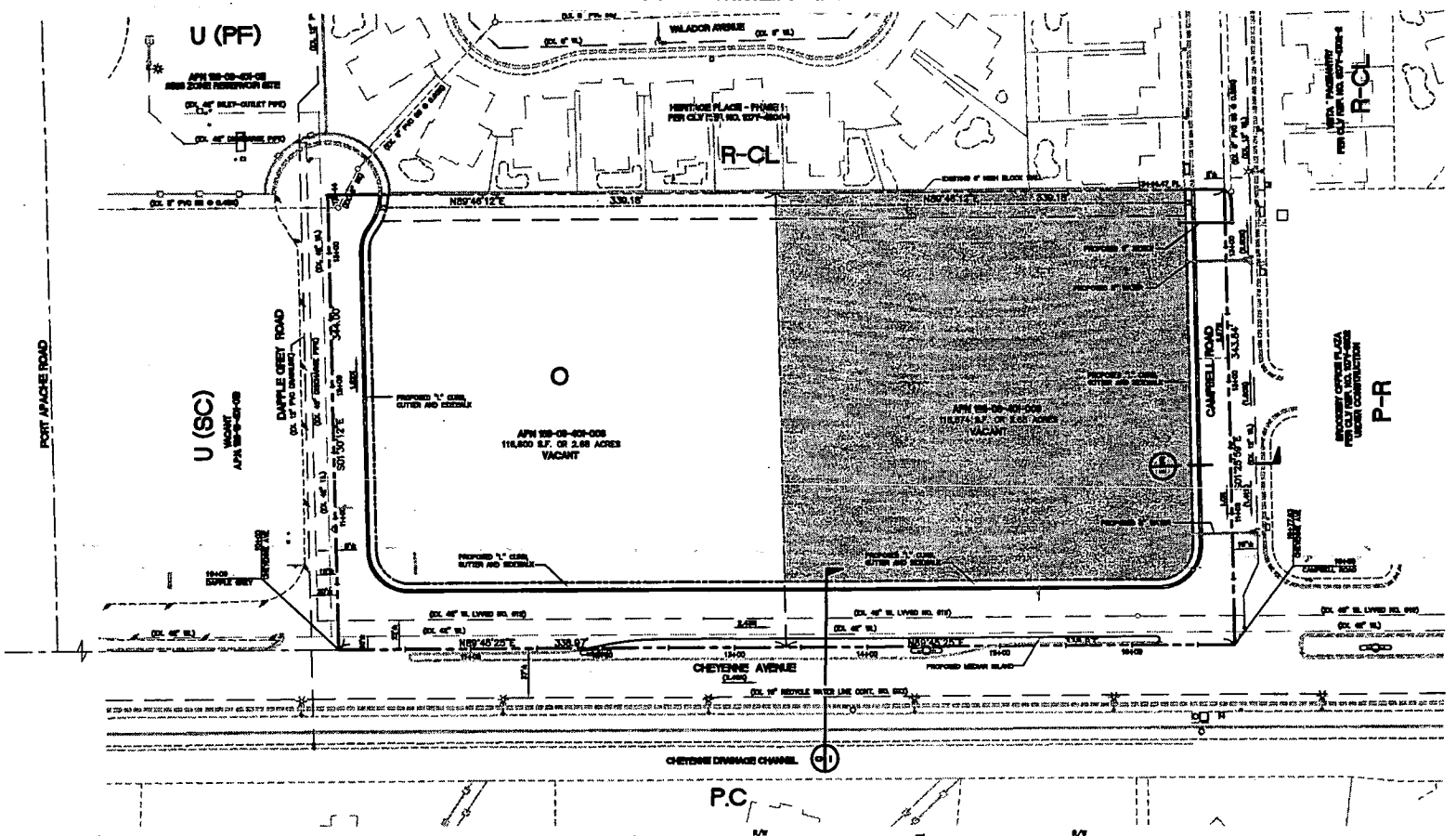
Subscribed and sworn before me

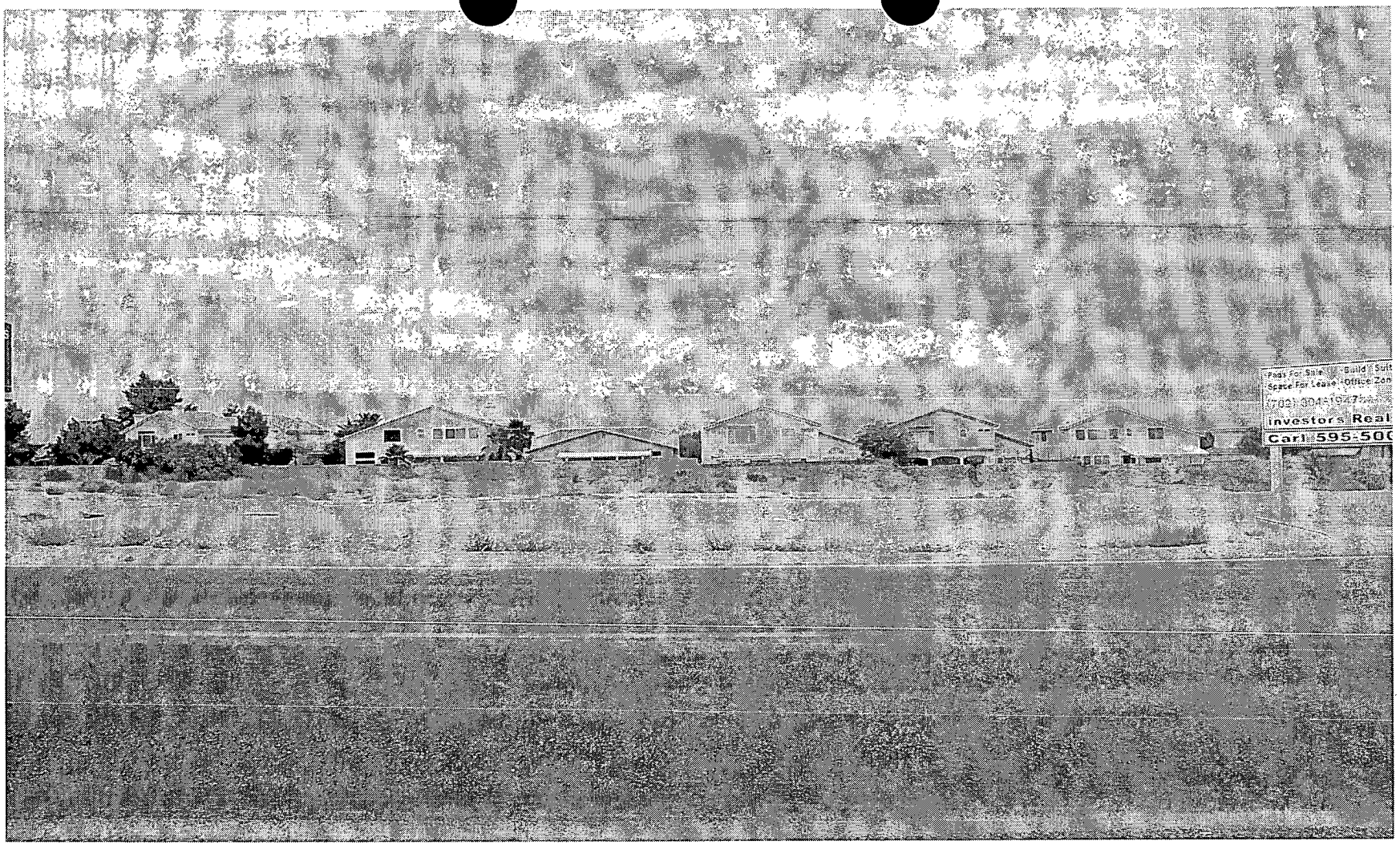
This _____ day of _____, 20 04

_____

Notary Public in and for said County and State

ZONING SITE PLAN
OF
CHEYENNE CAMPBELL
A COMMERCIAL SUBDIVISION





EOT-4691 - APPLICANT: INVESTORS REALTY GROUP – OWNER: CAMPBELL 2.5, LIMITED LIABILITY COMPANY AND CARL UNGER
North side of Cheyenne Avenue, approximately 340 feet west of Campbell Road
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04

City of Las Vegas

Agenda Item No. 90

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:

APPEAL OF DIRECTOR'S DECISION - **DIR-4797 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY** - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 211 West Charleston Boulevard (APN: 162-04-504-009) for failure to comply with Title 19.14.100, Ward 1 (Moncrief). Staff recommends DENIAL

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

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Submitted after final agenda – Letter requesting abeyance from Singer & Brown

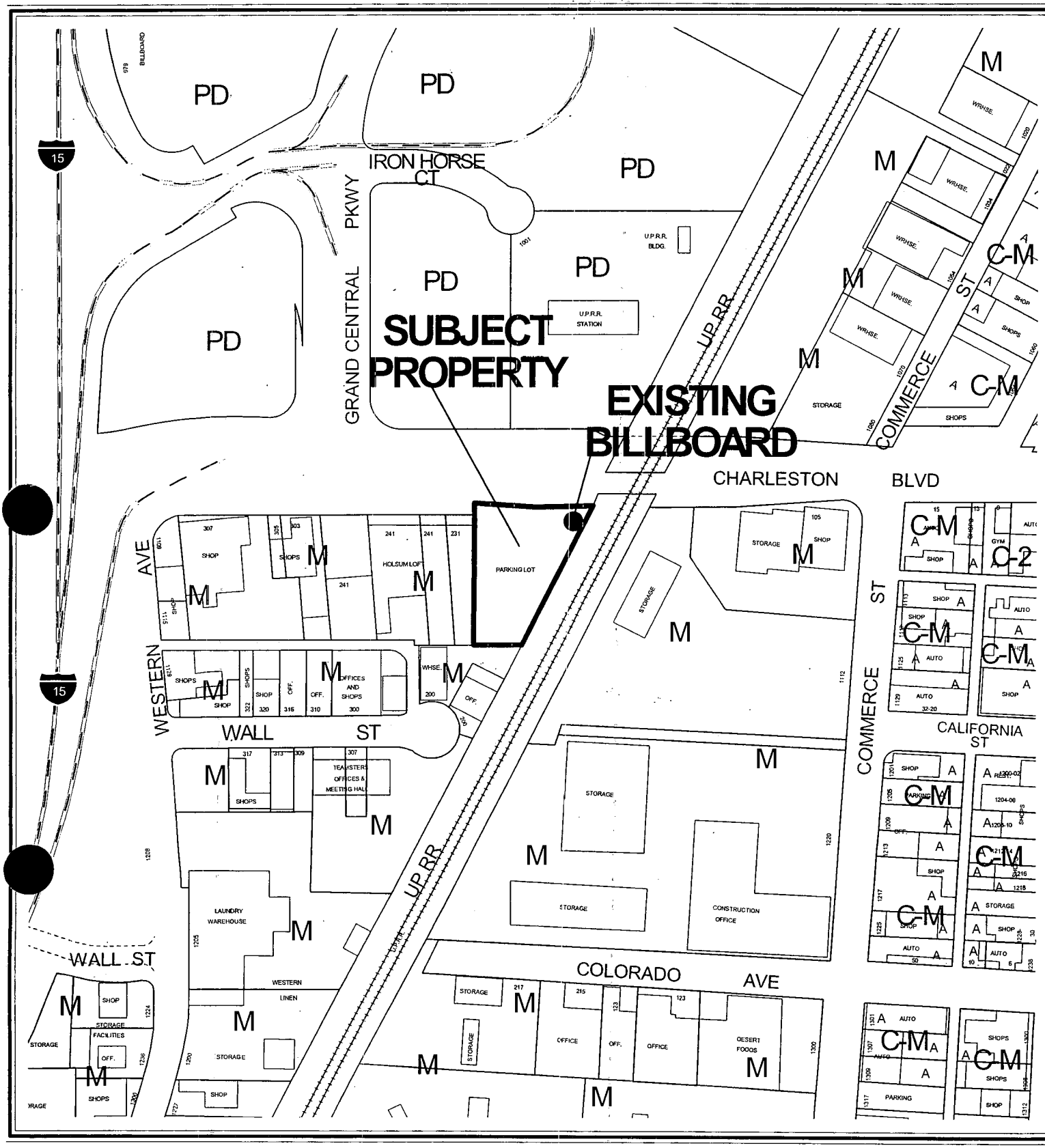
MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 90 [DIR-4797], Item 92 [ROC-4709], Item 94 [MSP-4380], Item 121 [ZON-4200], Item 122 [SDR-4198], Item 138 [GPA-4564], Item 139 [VAR-4696], Item 140 [SUP-4565] and Item 141 [SDR-4563] to 8/18/2004, Item 104 [SUP-2848], Item 119 [SUP-4532], Item 129 [GPA-4542], Item 130 [ZON-4543], Item 131 [VAR-4547], Item 132 [VAR-4572] and Item 133 [SDR-4545] to 9/1/2004 – UNANIMOUS with BROWN absent

MINUTES:

MAYOR GOODMAN disclosed that although there are individuals in his law office participating in billboard related negotiations, he would be voting on abeyances for Item 90 [DIR-4797], Item 104 [SUP-2848], Item 115 [SUP-4510] and Item 119 [SUP-4532]. He disclosed that his son, ROSS GOODMAN, represents some Treasures employees but that that in no way would affect the applicant's request for a Master Sign Plan so he would be voting on Item 94 [MSP-4380]. He also stated that, in an abundance of caution, he wanted to disclose that one of the Fletcher Jones principles involved in Item 92 [ROC-4709] provides him with a winning horse at Del Mar every season; however, he did not feel it would hinder his ability to vote on the matter.

(1:05 – 1:08)



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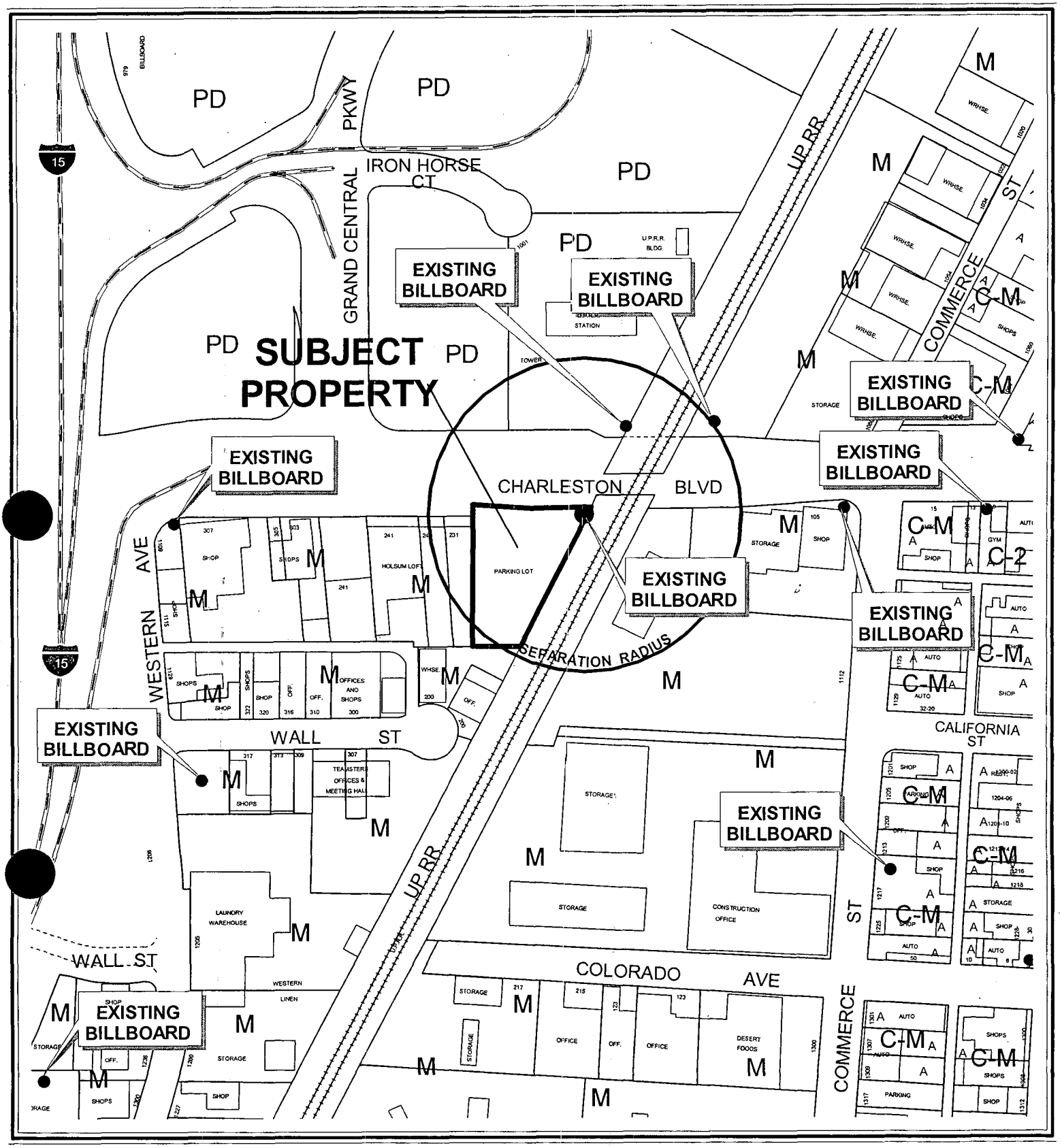
CASE: DIR-4797

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



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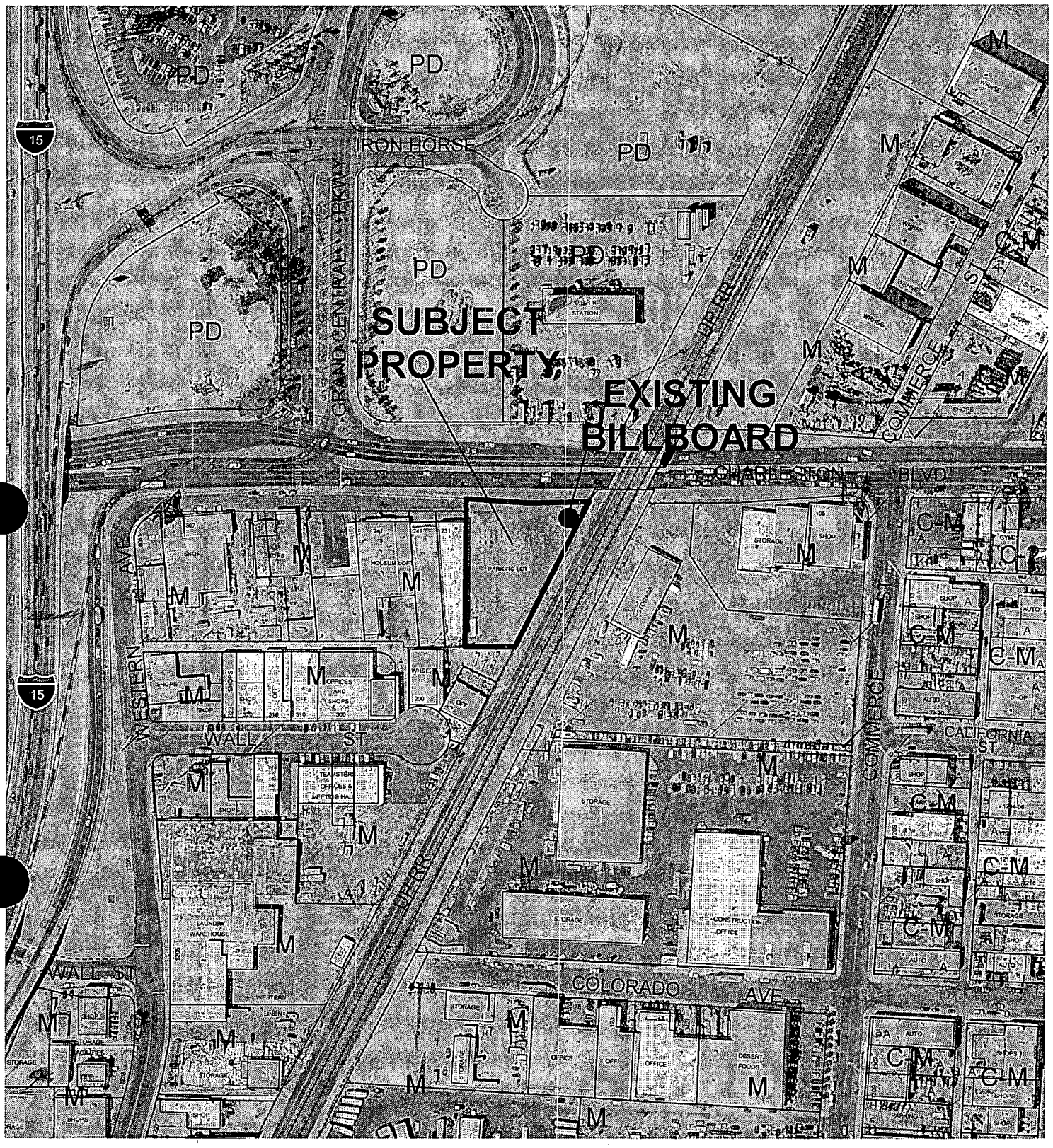
CASE: **DIR-4797**

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



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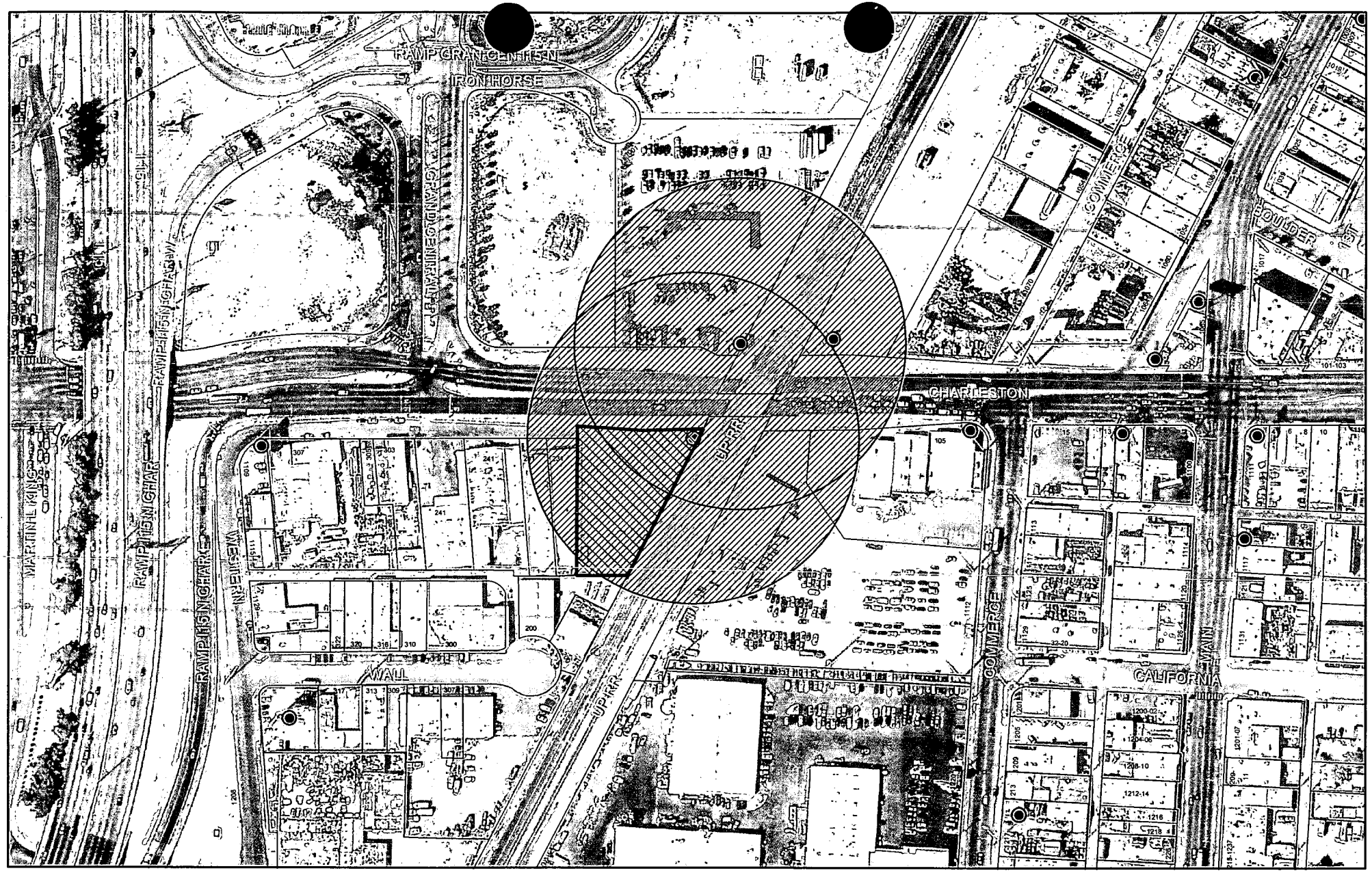
CASE: DIR-4797

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



DIR-4797

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- 300 Foot Buffer Around Impacted Billboard

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT
ITEM DESCRIPTION: DIR-4797 - APPLICANT: ORION OUTDOOR MEDIA – OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY

** CONDITIONS **

Staff recommends DENIAL.

** STAFF REPORT **

APPLICATION REQUEST

This is an Appeal of the Planning and Development Director's decision per Title 19.00.070.F to deny the acceptance of a application for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign for failure to comply with Title 19.14.100. The location of the proposed off-premise sign is 211 West Charleston Boulevard.

APPLICANT'S JUSTIFICATION

The applicant justifies this request by stating that while the existing off-premise sign can be moved to comply with current zoning requirements, doing so would conflict with the proposed mixed-use project on the site. According to the applicant, Title 19.14.100.B allows the City Council to consider aspects of the proposed billboard's compatibility with the surrounding area, including the existence (or lack thereof) of other signage in the area.

BACKGROUND DATA

12/17/03 The City Council approved a Site Development Plan Review (SDR-3199) and Waivers of the parking lot and perimeter buffer landscaping standards for the redevelopment of an existing 36,223 square-foot commercial building at 299 West Charleston Boulevard, including the subject property. The Planning Commission and staff recommended approval.

12/17/03 The City Council approved a Variance (VAR-3202) to allow 101 parking spaces where 150 is the minimum required on the 2.25-acre site at 299 West Charleston Boulevard, including the subject site. The Planning Commission and staff recommended approval.

No data is available regarding the approval of a building permit for the subject off-premise sign or approval of a Special Use Permit for such a use on the subject site.

ANALYSIS & FINDINGS

The applicant is seeking application for a Special Use Permit for a proposed 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign on property located at 211 West Charleston Boulevard. Planning and Development Department staff refused to accept the application, claiming that Code requirements with regard to distance separation could neither be met nor varied given the proposed location of this new off-premise sign.

An existing off-premise advertising (billboard) sign owned by the applicant is located on the northeastern corner of the subject site and is oriented toward Charleston Boulevard. Another billboard is legally located 190 feet to the northeast along the western edge of the Union Pacific Railroad. The current zoning code (Title 19.14.100.C) does not allow any off-premise sign to be located any closer than 300 feet in any direction to any other off-premise sign. It also requires a new Special Use Permit in order to be moved to any other location or reconstructed in the same location. The applicant requests to remove the existing 40-foot tall, 14-foot by 48-foot sign structure and to rebuild a 40-foot tall, 14-foot by 48-foot off-premise sign in the same location. This is contrary to the provisions of Title 19.14.100.B.1 and 19.14.100.C.2.

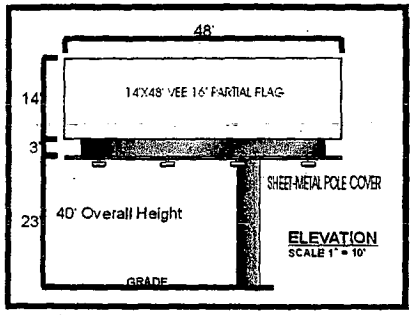
This property is currently being developed as part of a mixed-use project (Holsum Lofts) consisting of office, retail, and residential uses. It is possible for the existing billboard to be shifted on the subject property to points greater than 300 feet from another existing billboard, although it is unclear whether the billboard would be viewable from Charleston Boulevard, given the approved location of the proposed mixed-use project. Title 19.14.100.C.2 states, "No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of this Chapter (including those protecting existing signs)." Title 19.14.100.D does not allow any off-premise sign to be located on property to be used for residential purposes, as this site will be.

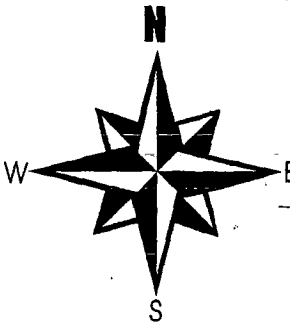
According to Title 19.18.070.B, a Variance cannot be granted to vary any minimum spacing requirement between uses. Given this restriction under the current Zoning Code, a new off-premise advertising (billboard) sign cannot legally be constructed in the proposed location. The Director's decision to deny the application for a Special Use Permit for a new off-premise sign at this location was therefore based on the inability to meet code requirements and the impossibility of the applicant to gain approval under current State and local laws.

NOTICES MAILED N/A

APPROVALS 0

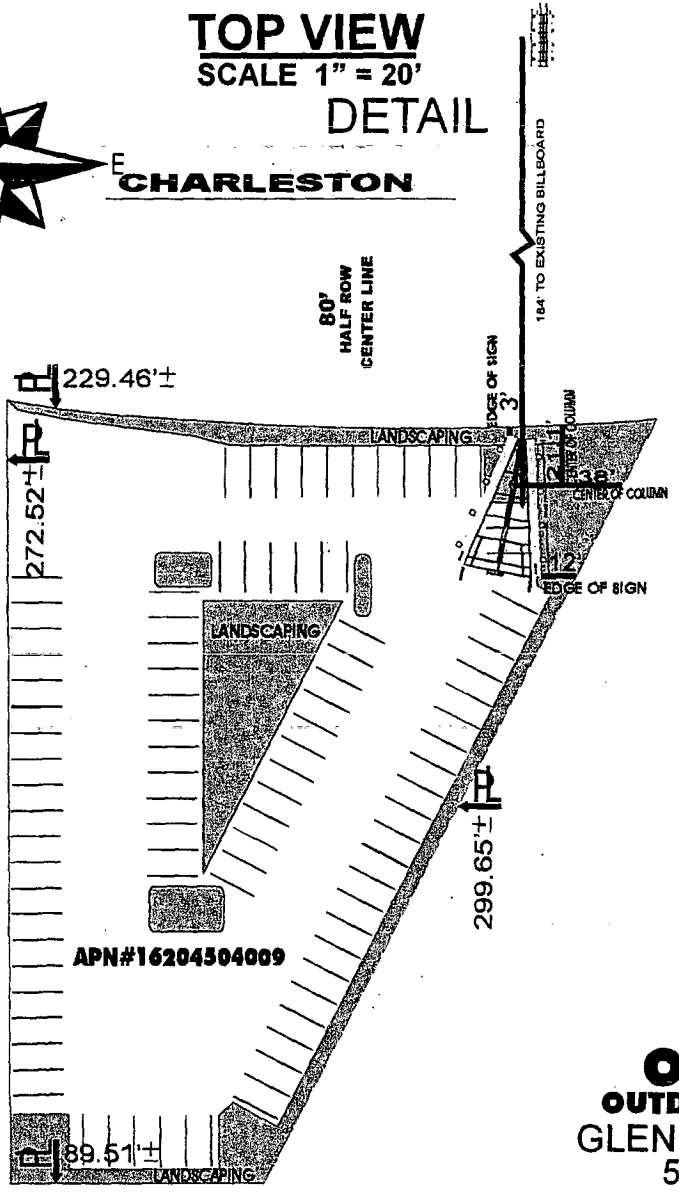
PROTESTS 0

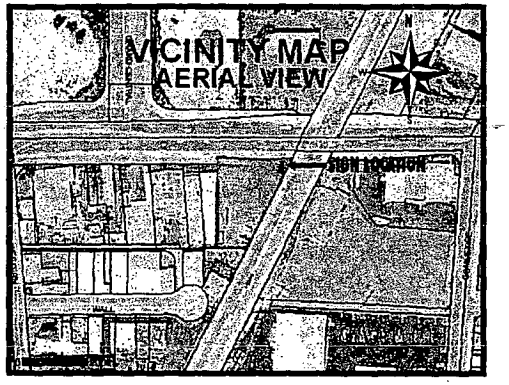


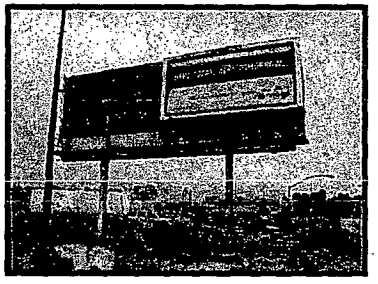


TOP VIEW
SCALE 1" = 20'
DETAIL

CHARLESTON







REPLACEMENT OF EXISTING SIGN

DIR–4797

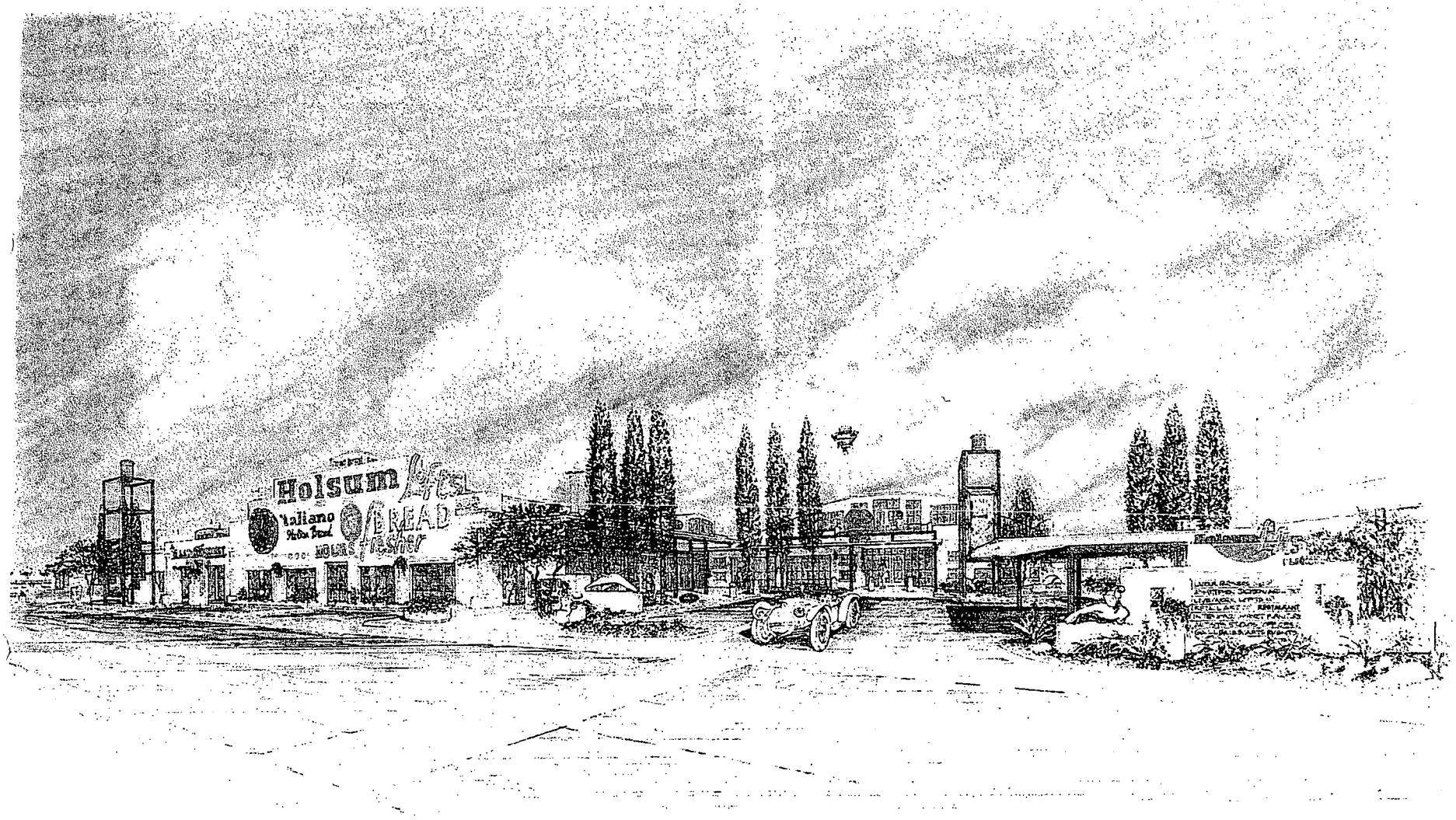
8–4–04 CC

GENERAL NOTES
APN#16204504009
ZONEING (M)
REPLACEMENT OF EXISTING SIGN
14'X48' BILLBOARD
NO PARKING SPACE TAKEN

ORION
OUTDOOR MEDIA
GLENDA LIPPMAN
595-4896

JONES
4145 W IECO AVE / LAS VEGAS, NV 89118/ 702-645-0002

OWNER: LAPOUR GRAND CENTRAL L L C
SCALE: NOTED | APPROVED BY: | DRAWN BY: TOM JONES
DATE: 3-04-04 | REVISED:
LOCATION: 1211 W CHARLESTON BLVD
APN#16204504009 | DRAWING NUMBER: 188



DIR-4797

8-4-04 CC

LAW OFFICES
Singer & Brown
A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

August 3, 2004

VIA FACSIMILE to 382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
Att: Barbara Jo Ronemus
City Clerk's Office

RECEIVED
CITY CLERK
2004 AUG -4 A 7:57

Re: Item No. 90, August 4, 2004 City Council Agenda
DIR-4797 – Orion Outdoor Media on behalf of
LaPour Grand Central, LLC

Dear Ms. Romemus:

Please be advised that I represent Orion Outdoor Media in connection with the above entitled matter.

On behalf of my client, I am requesting that the above referenced matter be continued from the August 4, 2004 City Council agenda and reset for August 18, 2004.

Very truly yours,

Jay H. Brown

JHB:cc

Cc: Department of Planning & Development, Attn: Shelly by fax to 385-7268

Submitted after final agenda

Date 8/4/04 Item # 90

City of Las Vegas

Agenda Item No. 91

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
REVIEW OF CONDITION - PUBLIC HEARING - **ROC-4692 - APPLICANT/OWNER: CANYON RIDGE CHRISTIAN CHURCH** - Request for a Review of Condition No. 2 of an approved Review of Condition [U-0088-95(5)] of an approved Site Development Plan Review [U-0088-95(4)], which required the removal of a modular building by August 1, 2004 on a portion of 25.14 acres at 6200 West Lone Mountain Road (APN: 125-35-803-002), C-V (Civic) Zone, Ward 6 (Mack). Staff recommends APPROVAL

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

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda – Revised conditions and staff report

MOTION:
MACK – APPROVED subject to conditions – UNANIMOUS with BROWN excused

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

PHILIP HADERLIE, Swisher & Hall AIA, Ltd, 7373 Peak Drive, appeared on behalf of the applicant and agreed to all conditions. He stated that there had been a modular building on the site which had been removed and that the modular building related to this application would be removed as the site moves forward with development.

MAYOR GOODMAN declared the Public Hearing Closed.

(1:18 – 1:19)

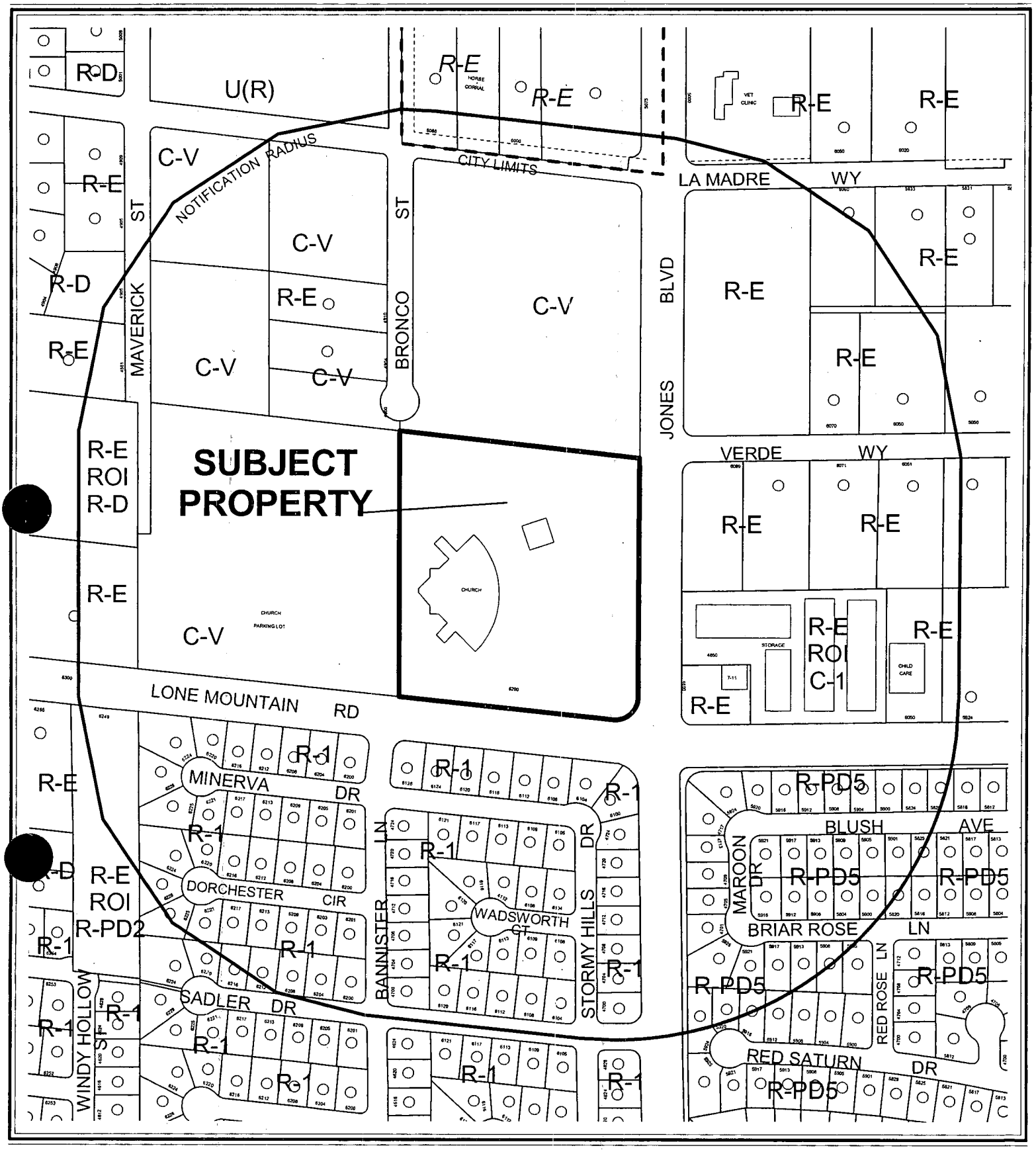
CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 91 – SDR-4458

CONDITIONS:

Planning and Development

1. The modular building shall be moved by August 1, 2006 unless an Extension of Time is approved by the City Council.

2. Conformance to all applicable conditions of approval for Special Use Permit U-0088-95.



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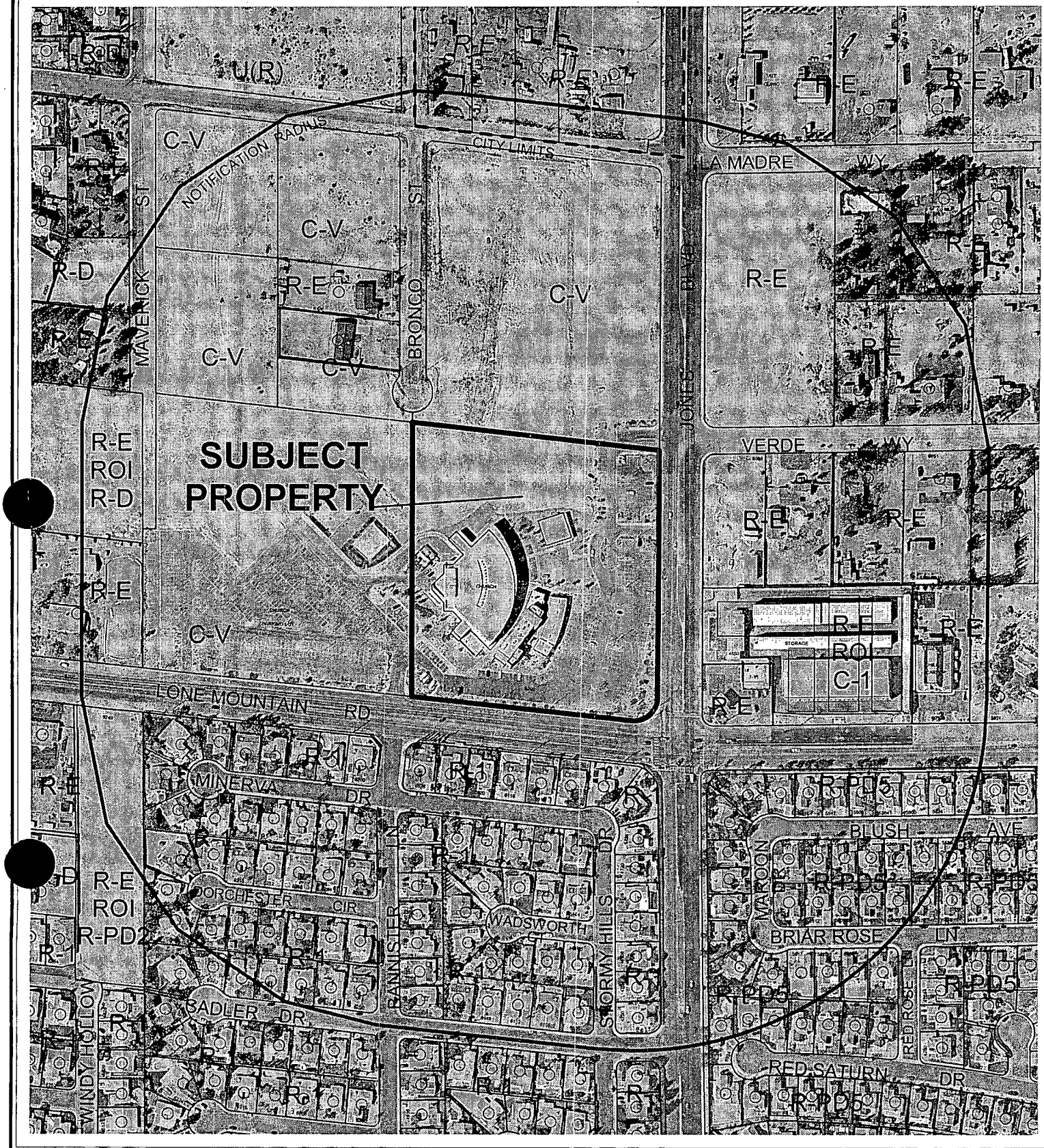
CASE: **ROC-4692**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)



0 200 400 Feet

CASE: **ROC-4692**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-4692 - APPLICANT/OWNER: CANYON RIDGE CHRISTIAN CHURCH

** CONDITIONS **

Staff recommends APPROVAL, subject to:

Planning and Development

1. The modular building shall be moved by August 1, 2006 unless an Extension of Time is approved by the City Council.

2. Conformance to all applicable conditions of approval for Special Use Permit U-0088-95.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Review of Condition No. 2 of an approved Review of Condition [U-0088-95(5)] which required the removal of the modular building by August 1, 2004.

B) Applicant's Justification

The applicant's justification letter indicates they have made aesthetic improvements to the modular building and would like to continue use it as long as possible. The applicant further states the modular building is located where a future building is proposed and that they are unsure when construction of this building will commence. They would like continued use of the modular building until such time the plans for the new building are approved.

BACKGROUND INFORMATION

A) Previous Actions

09/06/95 The City Council approved a Special Use Permit (U-0088-95) for the church on this site. The Board of Zoning Adjustment and staff recommended approval on July 25, 1995.

05/15/96 The City Council approved a Plot Plan and Building Elevation Review [U-0088-95(1)] for Phase I of the church facility proposed for this site. The Board of Zoning Adjustment recommended denial on April 23, 1996. The Planning Development Department recommendation was for approval.

12/08/97 The City Council approved a Site Development Plan Review [U-0088-95(3)] for a 3,600 square foot modular office trailer in conjunction with this church. Condition No. 2 of that approval required the modular building to be removed upon completion of Phase II. The Planning Commission and staff recommended denial on November 6, 1997.

04/12/99 The City Council approved a Site Development Plan Review [U-0088-95(4)] for an expansion of the church. Condition No. 2 of that approval required the modular building to be removed upon completion of Phase II. The Planning Commission and staff recommended denial on March 11, 1999.

07/17/02 The City Council approved a Review of Condition [U-0088-95(4)] for the approved Site Development Plan Review [U-0088-95(4)] to allow the modular building to remain on the site after the completion of Phase II. A condition of the approval required the modular building to be removed by August 1, 2004. The Planning and Development Department recommendation was for approval.

12/17/03 The City Council approved a Site Development Plan Review (SDR-3213) for two proposed classroom buildings and an expansion of an existing church and a waiver of the parking lot landscaping requirements on this site. The Planning Commission and staff recommended denial on November 20, 2003.

02/18/04 The City Council approved a General Plan Amendment (GPA-3469) to PF (Public Facility) and a Rezoning (ZON-3471) to C-V (Civic) on this site. The Planning Commission and staff recommended denial on January 22, 2004.

B) Pre-Application Meeting

A pre-application meeting was not required for the request.

C) Neighborhood Meetings

A neighborhood meeting is not required for the request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 31.79

B) Existing Land Use

Subject Property	Church
North	Single Family Dwellings
South	Single Family Dwellings
East	Single Family Dwellings, Convenience Store and Mini-Storage
West	Single Family Dwellings

C) Planned Land Use

Subject Property	PF (Public Facility)
North	R (Rural Density Residential)
South	L (Low Density Residential)
East	R (Rural Density Residential) and SC (Service Commercial)
West	R (Rural Density Residential)

D) Existing Zoning

Subject Property	R-E (Residence Estates)
North	R-E (Residence Estates)
South	R-1 (Single Family Residential)
East	R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
West	R-E (Residence Estates)

E) General Plan Compliance

The site is designated PF (Public Facility) on the Centennial Hills Sector Plan Map of the General Plan. The existing C-V (Civic) Zoning designation is in conformance with the General Plan designation of PF (Public Facility).

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

This site is not affected by any special plan areas or districts.

PROJECT DESCRIPTION

The applicant is requesting to allow the existing temporary modular building to remain on the site where the previous Review of Condition required it to be removed by August 1, 2004. The applicant has indicated they would like continued use of the modular building until they are ready to construct the new mixed-use building at this location.

ANALYSIS

The existing modular building is used to support the existing church on this site and as such remains appropriate. Since the applicant is unsure when they will proceed with the new building, a condition has been added requiring this modular building to be removed in two years unless the City Council extends the time for removal.

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 continued use of the modular building will not affect this project's compatibility with the adjacent development. It is recommended the modular building be reviewed again in two years to determine if is still appropriate on this site.

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 continued use of the modular building is consistent with requirements of the standards.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The continued use of the modular building will not affect site circulation and traffic in the area.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

   The continued use of the modular building does not affect the existing building and landscape materials.

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 continued use of the modular building will not affect this project's compatibility with the surrounding land uses..

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

   The proposed development will be subject to inspection by the City and will not compromise the health safety and welfare of the general public.

NOTICES MAILED 143 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC - 4692 APN: 125-35-803-002

Name of Property Owner: Canyon Ridge Christian Church

Name of Applicant: Doug Parks

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: M. Hattel Treasurer

Print Name: M. HATTEL

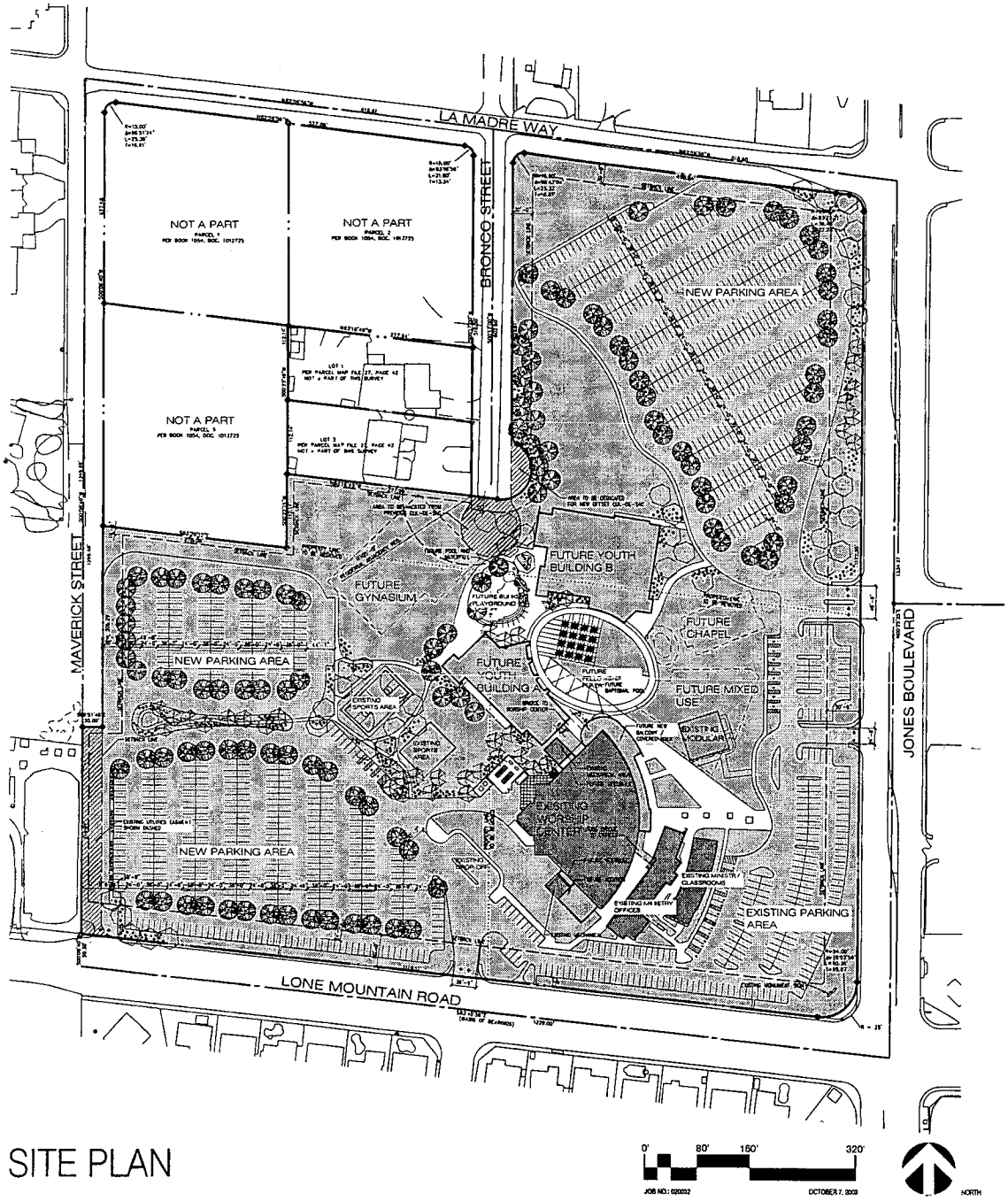
Subscribed and sworn before me

This 10 day of June, 2004

Samantha L. Stout Clark NV

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SAMANTHA L. STOUT
No: 96-2247-1
My Appointment Expires April 14, 2008



SITE PLAN

CANYON RIDGE CHRISTIAN CHURCH

ZONING SUBMITTAL

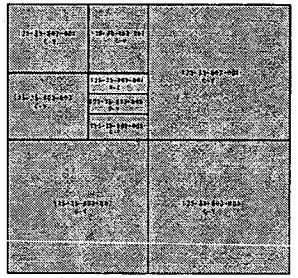
MAY 21, 2004
REVIEW OF CONDITION

SITE DATA

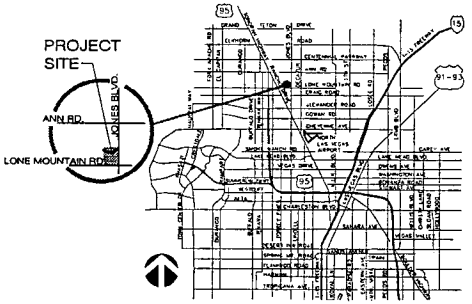
SITE AREA: 31.79 ACRES

ASSESSOR'S PARCEL NUMBERS:
125-35-803-001
125-35-803-002
125-35-802-001
125-35-802-002
125-35-802-003
125-35-802-005
125-35-802-006
125-35-802-007

CURRENT ZONING



VICINITY MAP



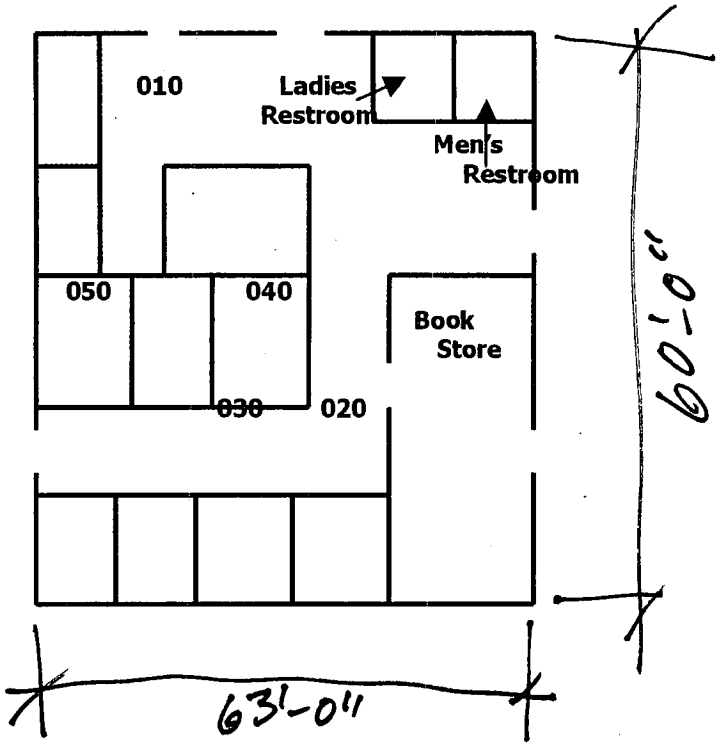
ROC-4692

8-4-04 CC

SWISHER & HALL AIA, LIMITED
ARCHITECTURE AND PLANNING
7373 PEAK DRIVE, SUITE 250
LAS VEGAS, NEVADA 89128
702.363.2222 702.363.6066(FAX)
WWW.SWISHERHALL.COM

JOB NO.: 020032 OCTOBER 7, 2003

MODULAR BUILDING FLOOR PLAN: NOT TO SCALE



ROC-4692

8-4-04 CC

ROC-4692

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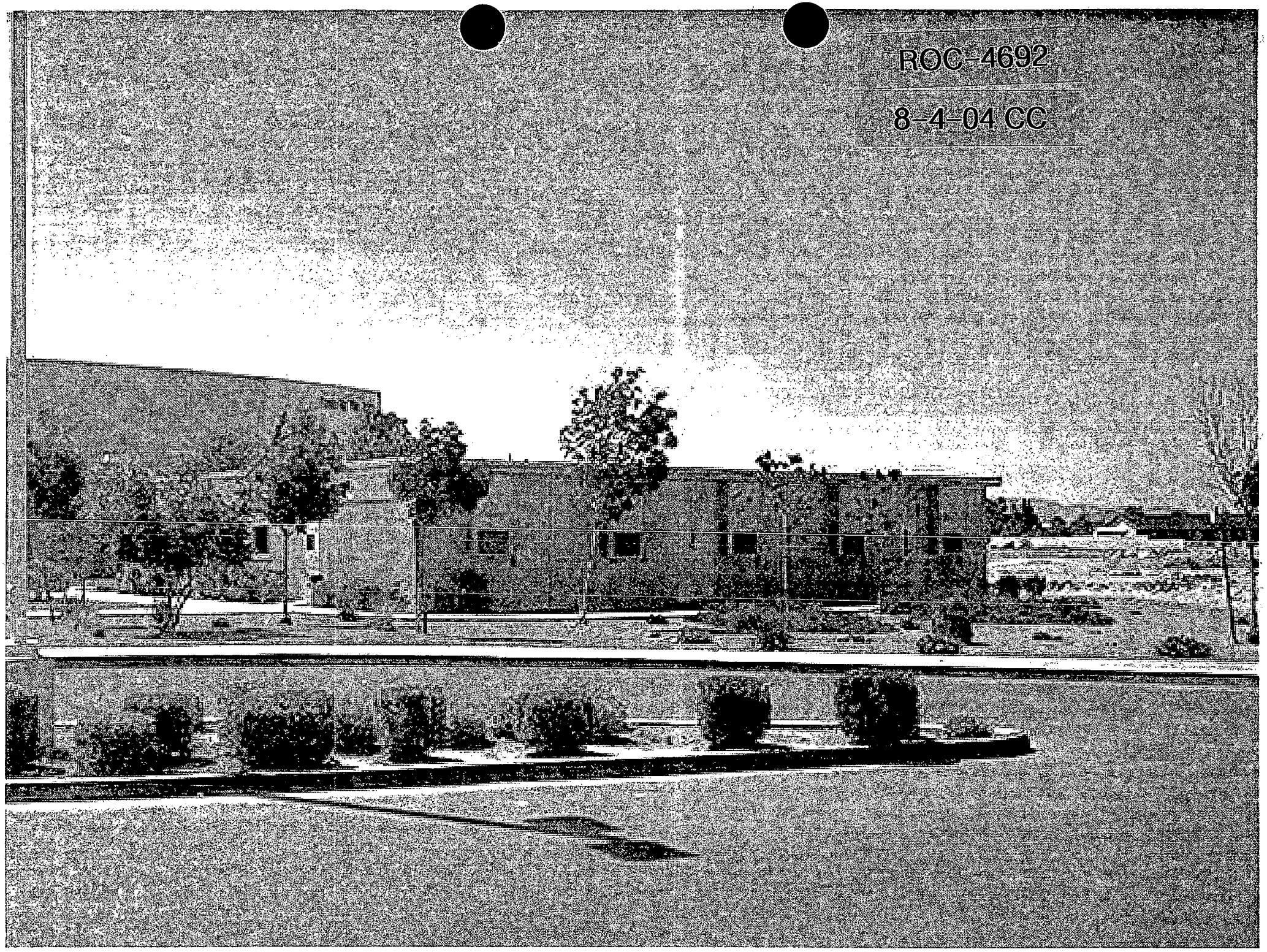

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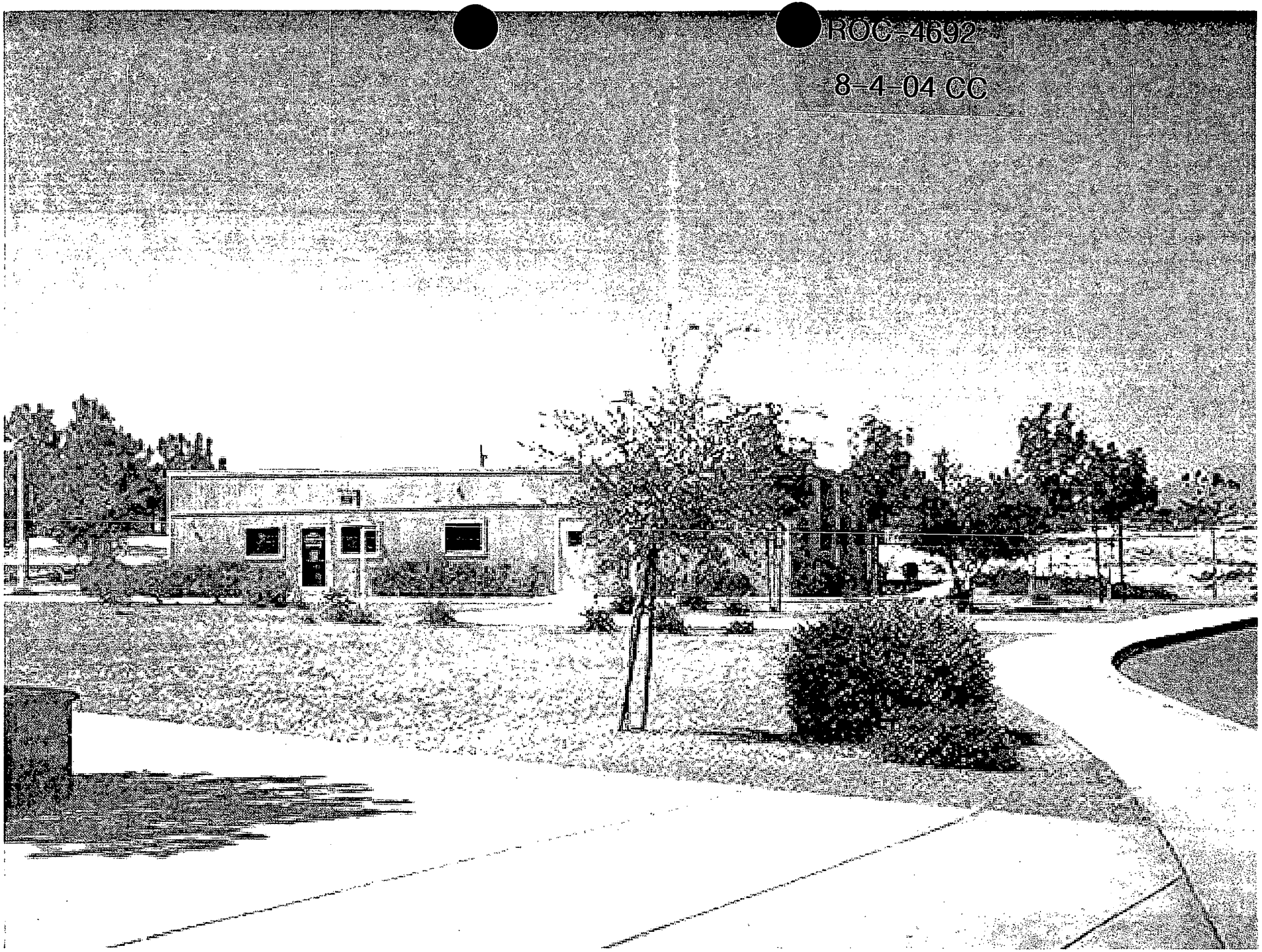

ROC-4692

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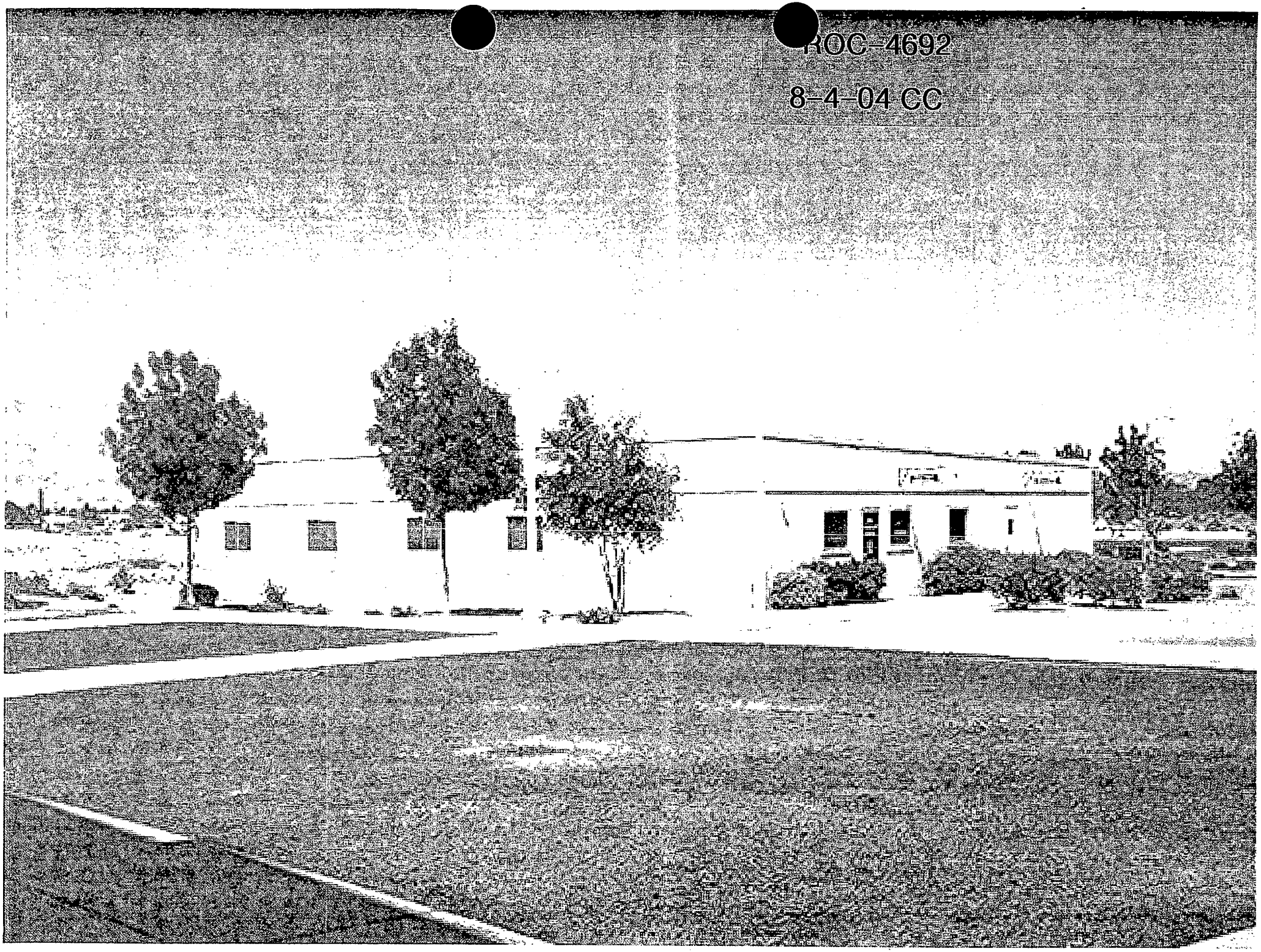

ROC-4692

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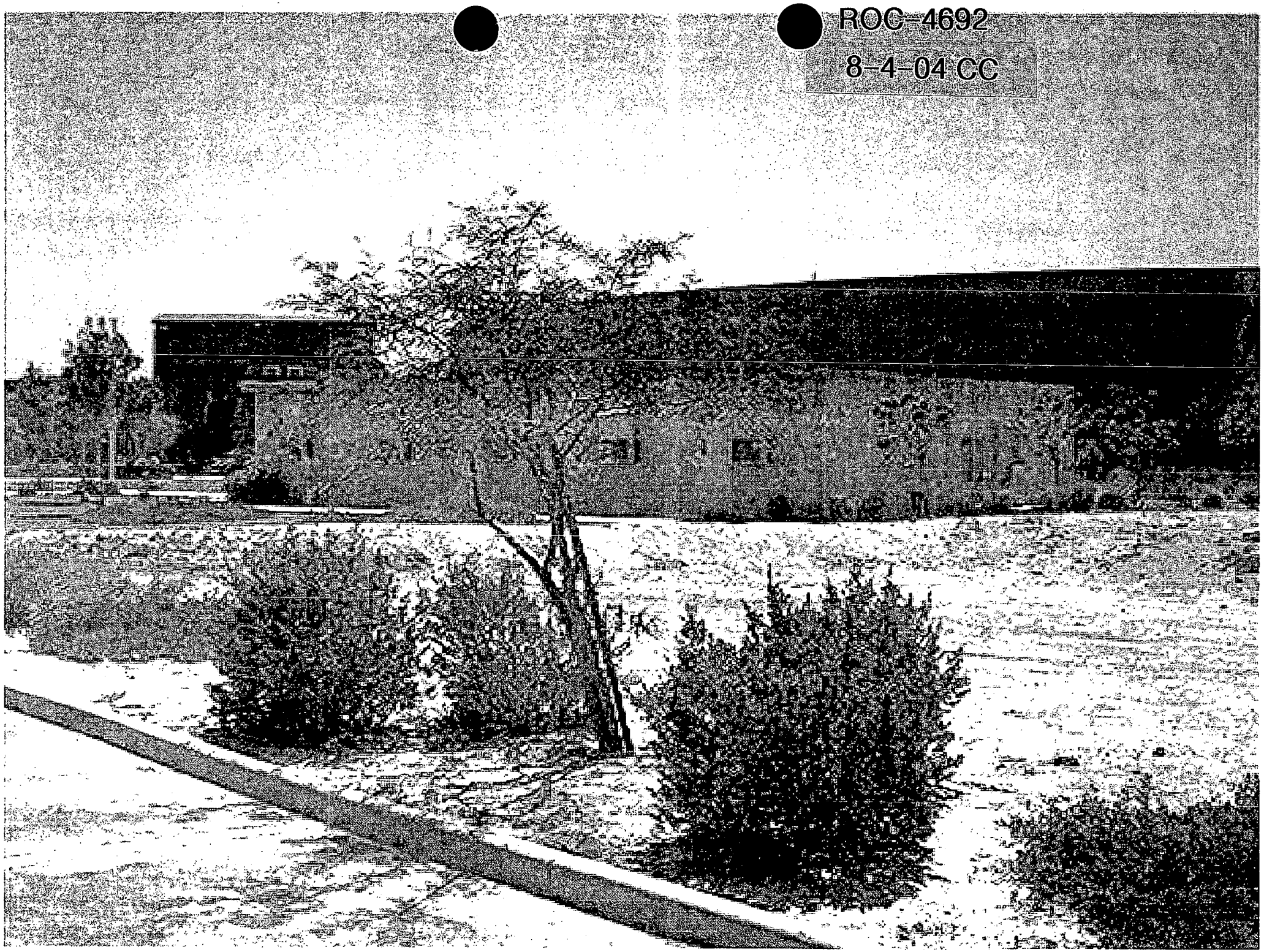
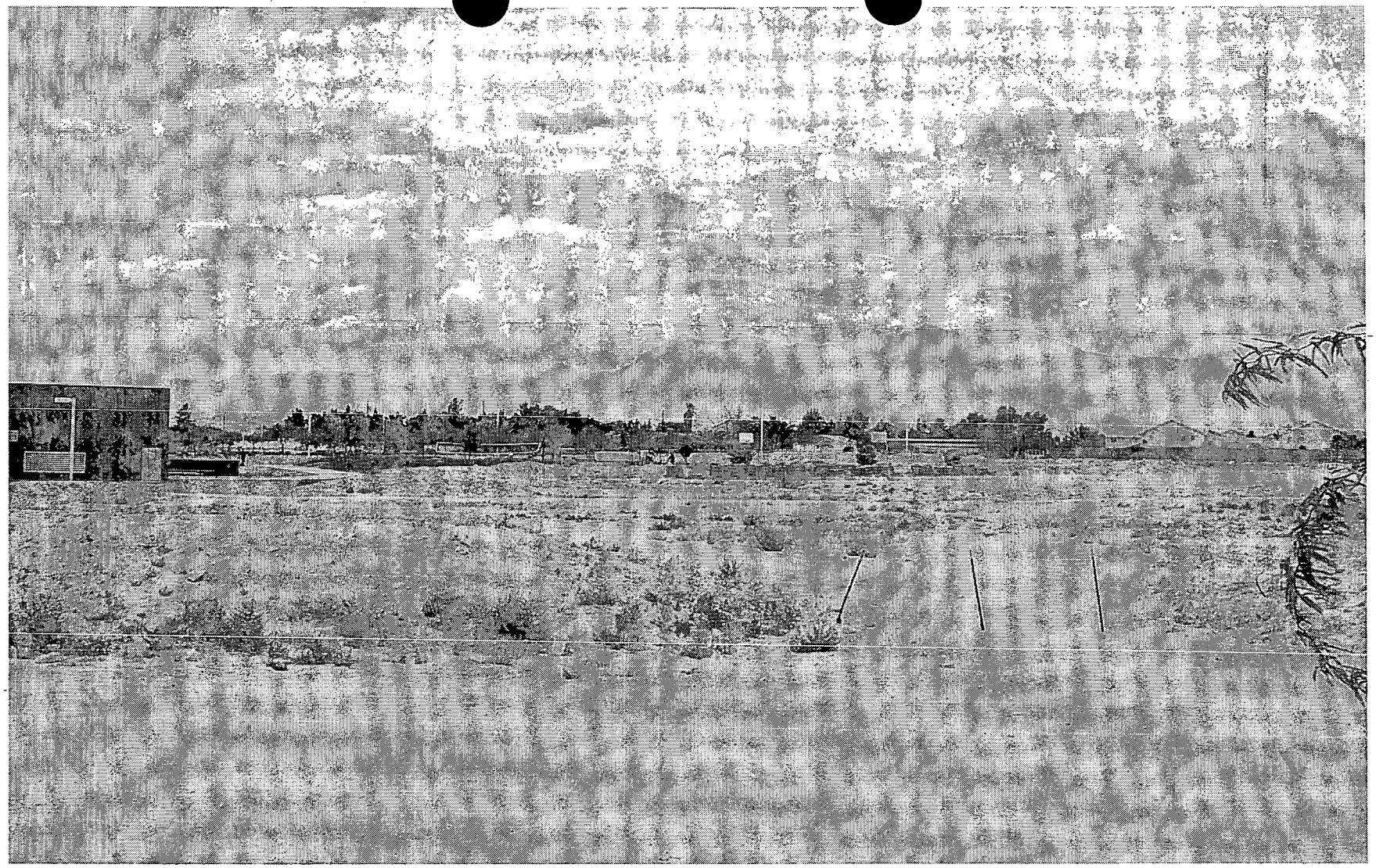




ROC-4692 - APPLICANT/OWNER: CANYON RIDGE CHRISTIAN CHURCH
6200 West Lone Mountain Road
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES – OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS

** CONDITIONS **

Staff recommends DENIAL. If Approved, subject to:

Planning and Development

1. Condition Number 10 of Special Use Permit (U-0054-95) shall be amended to read: "Approval of the parking and driveway plans by the Traffic Engineer. Upon approval, the owners of the subject property and the adjacent auto dealership property shall execute an agreement, satisfactory to the City Attorney, which outlines the terms and conditions of a shared parking arrangement. The agreement must contain the legal description of both parcels and must be of sufficient duration to ensure the continued use of the shared parking facilities. In order to provide record notice of the existence of the shared parking arrangement, the City may record the agreement in the office of the County Recorder, or require the applicant to do so."

2. Employee parking hours shall be limited to the hours of 9:00 a.m. to 6:00 p.m.

3. On-site security shall be provided at all times the lot is available for employee use.

4. A six-month review by the City Council.

Submitted after final agenda

Date 8/3/04 Item # 91

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Review of Condition of an approved Special Use Permit (U-0054-95) for a church satellite parking lot at 2323 South Tenaya Way. The applicant would like to review Condition Number 10, which required approval of the parking and driveway plans, and add language requiring a shared parking agreement to allow off-site parking for the auto dealership located to the south of the subject property.

B) Applicant's Justification

According to the applicant's justification letter, the Fletcher Jones Imports dealership was originally designed to adequately accommodate customer service, and employee vehicles. However, business has rapidly increased, forcing the dealership to seek additional parking. The proposed site would accommodate employee vehicles only; therefore, the applicant claims the new parking arrangement would not adversely impact the neighborhood.

C) Neighborhood Meeting

A neighborhood meeting is not required for a Review of Condition application; however, the applicant has scheduled a meeting for July 28 at nearby St. Joseph, Husband of Mary Roman Catholic Church to discuss neighbors' concerns.

BACKGROUND INFORMATION

A) Previous Actions

1985	The subject property was annexed into the City of Las Vegas (A-0009-85).
05/23/95	The Board of Zoning Adjustment approved a Special Use Permit (U-0054-95) for a church parking lot on the subject site. Staff recommended approval.
10/22/96	The Board of Zoning Adjustment approved a Reinstatement and Extension of Time [U-0054-95(1)] of an approved Special Use Permit for a church parking lot on the subject site. Staff recommended approval.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) from R (Rural Density Residential) to DR (Desert Rural Density Residential) on the subject property as part of a larger request. The Planning Commission and staff recommended approval.

12/01/99 The City Council approved a Rezoning (Z-0056-99) from U (Undeveloped) [O (Office) and SC (Service Commercial) General Plan Designations] under Resolution of Intent to C-1 (Limited Commercial) to C-2 (General Commercial) adjacent to the northwest corner of Sahara Avenue and Tenaya Way. The City Council also approved a Site Development Plan Review [Z-0056-99(1)] for a proposed 214,300 square-foot new and used automobile dealership with ancillary auto repair on the same site. The Planning Commission and staff recommended denial on both items.

04/14/04 Staff administratively approved a Temporary Commercial Permit (TCP-4303) to allow 90 days of employee parking on the subject property for the Fletcher Jones Imports auto dealership located at 7300 West Sahara Avenue. The Temporary Commercial Permit expired July 14, 2004.

B) Pre-Application Meeting

05/25/04 The applicant and staff agreed to make the request for a shared parking agreement between the auto dealership and the church part of the original Special Use Permit for the satellite parking lot. A Review of Condition application would be submitted to this end.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres:	2.14

B) Existing Land Use

Subject Property:	Parking lot for church patrons
North:	Single-Family Residential Dwellings
South:	Motor Vehicle Sales (New)
East:	Single-Family Residential Dwellings
West:	Single-Family Residential Dwellings

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	DR (Desert Rural Density Residential)
South:	GC (General Commercial)
East:	DR (Desert Rural Density Residential)
West:	DR (Desert Rural Density Residential)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	U (Undeveloped) under Resolution of Intent to C-2 (General Commercial)
East:	R-E (Residence Estates)
West:	R-PD2 (Residential Planned Development – 2 Units per Acre)

E) General Plan Compliance

The subject site is designated DR (Desert Rural) on the Southwest Sector Map of the General Plan. This category allows residential uses of no more than two units per gross acre. Churches, parks and ancillary uses are also permitted. The R-E (Residence Estates) zoning designation conforms to this General Plan category. The parking lot, when considered as an ancillary use of the nearby church, is an acceptable use for the subject property.

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

No special districts, zones, or studies are related to the subject site.

ANALYSIS

A) General Analysis and Discussion

- Zoning

The subject site is zoned R-E (Residence Estates) with an approved Special Use Permit to allow auxiliary church parking. Properties to the north and east are also zoned R-E. The auto dealership site is currently under a Resolution of Intent to C-2 (General Commercial).

- Use

The 2.14-acre site was previously approved for a parking lot to accommodate overflow parking for St. Joseph, Husband of Mary Roman Catholic Church, located at 7260 West Sahara Avenue. This lot contains 257 spaces. The Fletcher Jones Imports property lies south of the subject site, across Via Olivero Avenue. In a private "handshake" agreement reported to have occurred before the dealership opened, the church and dealership agreed to allow employees of the dealership to use the overflow parking lot. A Temporary Commercial Permit was issued in April 2004 to legally allow this arrangement; however, the permit expired July 14, 2004.

The approved site plan for the auto dealership indicates that while 342 parking spaces are required by the Zoning Code, the developer provides 611 on-site spaces. Of these 611 spaces, 486 were to be dedicated for use by customers and employees, with the remainder to be occupied by display and inventory vehicles.

On Thursday, June 17, 2004, a meeting was held at the Fletcher Jones Import Dealership to discuss complaints the City had received with regard to the parking. During the meeting, staff asked how many employees actually park on the Fletcher Jones Import site. The General Manager stated that approximately 25 employees park on the dealership site. He further stated that all remaining employees park on the church overflow lot. According to the General Manager, this has been the case since the dealership opened.

On Monday, July 26, 2004, a City Code Enforcement officer inspected the church overflow parking lot, counting 122 vehicles. The officer verified that 257 spaces were available on this lot.

- Conditions

If approved, Condition Number 10 of the original Special Use Permit (U-0054-95) would be amended to require a shared parking agreement between the two owners, with language satisfactory to the City Attorney, to be recorded in the office of the County Recorder. The parking agreement should specifically limit the hours that the lot may be used for employee parking and require security on the lot during hours of availability. These are also recommended as conditions of approval of this item. This case shall be reviewed in six months, at which time the City Council will assess the status of the agreement.

FINDINGS

There is more than adequate parking provided to accommodate employee, customer and display vehicles onsite. The applicant claims that because the business' growth has exceeded expectations, the additional parking above the 611 on-site spaces provided is needed. This is strictly a business decision. As parking ratios in the Zoning Code are based on the type and size of uses on a given site, the number of required spaces on the dealership property does not change. The applicant has chosen to occupy all of the excess parking area on the site (269 spaces), and was already aware that additional space would be necessary prior to the opening of the dealership. In addition, car carriers have been unloading and loading cargo in the Tenaya Way and Via Olivero Avenue rights-of-way because there is a lack of space onsite to park the carriers. The applicant is not obliged to use additional parking elsewhere when it has created an artificial need for this parking.

With the number of spaces provided well over the amount required by the Code, the applicant has failed to show that employee parking is warranted on the overflow church lot. In addition, the lot was not approved for uses on the site other than in relation to the church, nor does the property have the proper zoning designation for commercial uses such as the auto dealership. The dealership should consider purchasing additional land for an off-site storage area for new vehicles.

NOTICES MAILED 78 by Planning Department

APPROVALS 0

PROTESTS 0

City of Las Vegas

Agenda Item No. 92

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
REVIEW OF CONDITION - PUBLIC HEARING - **ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES - OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS** - Request for a Review of Condition No. 10 of an approved Special Use Permit (U-0054-95) which required approval of the parking and driveway plans to add language requiring a shared parking agreement to allow off-site parking for Fletcher Jones Mercedes employees at 2323 South Tenaya Way (APN: 163-03-404-006), R-E (Residence Estates) Zone, Ward 1 (Moncrief). Staff recommends DENIAL

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

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Protest letter from David Fields
5. Support letter from Mary and Barry Barkan
6. Submitted after final agenda – Letter requesting table from Fletcher Jones Imports – Mercedes-Benz

MOTION:
REESE – Motion to HOLD IN ABEYANCE Item 90 [DIR-4797], Item 92 [ROC-4709], Item 94 [MSP-4380], Item 121 [ZON-4200], Item 122 [SDR-4198], Item 138 [GPA-4564], Item 139 [VAR-4696], Item 140 [SUP-4565] and Item 141 [SDR-4563] to 8/18/2004, Item 104 [SUP-2848], Item 119 [SUP-4532], Item 129 [GPA-4542], Item 130 [ZON-4543], Item 131 [VAR-4547], Item 132 [VAR-4572] and Item 133 [SDR-4545] to 9/1/2004, – UNANIMOUS with BROWN excused

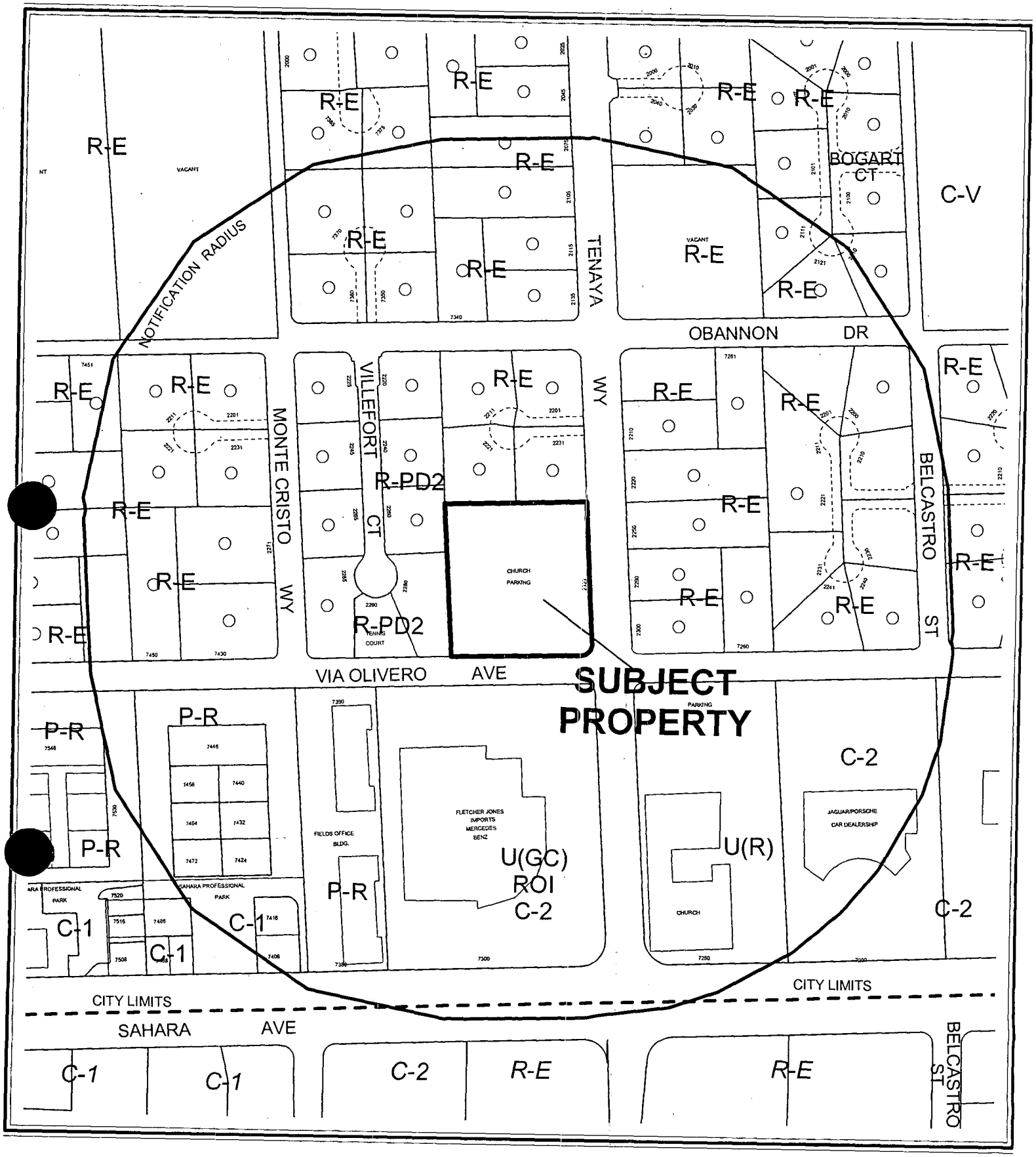
MINUTES:
COUNCILWOMAN MONCRIEF did not approve the applicant's request to table Item 92 [ROC-4709]; however, she did allow the item to be abeyed until 8/18/2004. COUNCILMAN REESE confirmed there was no representative present.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 92 – ROC-4709

MINUTES Continued:

MAYOR GOODMAN disclosed that although there are individuals in his law office participating in billboard related negotiations, he would be voting on abeyances for Item 90 [DIR-4797], Item 104 [SUP-2848], Item 115 [SUP-4510] and Item 119 [SUP-4532]. He disclosed that his son, ROSS GOODMAN, represents some Treasures employees but that that in no way would affect the applicant's request for a Master Sign Plan so he would be voting on Item 94 [MSP-4380]. He also stated that, in an abundance of caution, he wanted to disclose that one of the Fletcher Jones principles involved in Item 92 [ROC-4709] provides him with a winning horse at Del Mar every season; however, he did not feel it would hinder his ability to vote on the matter.

(1:05 – 1:08)

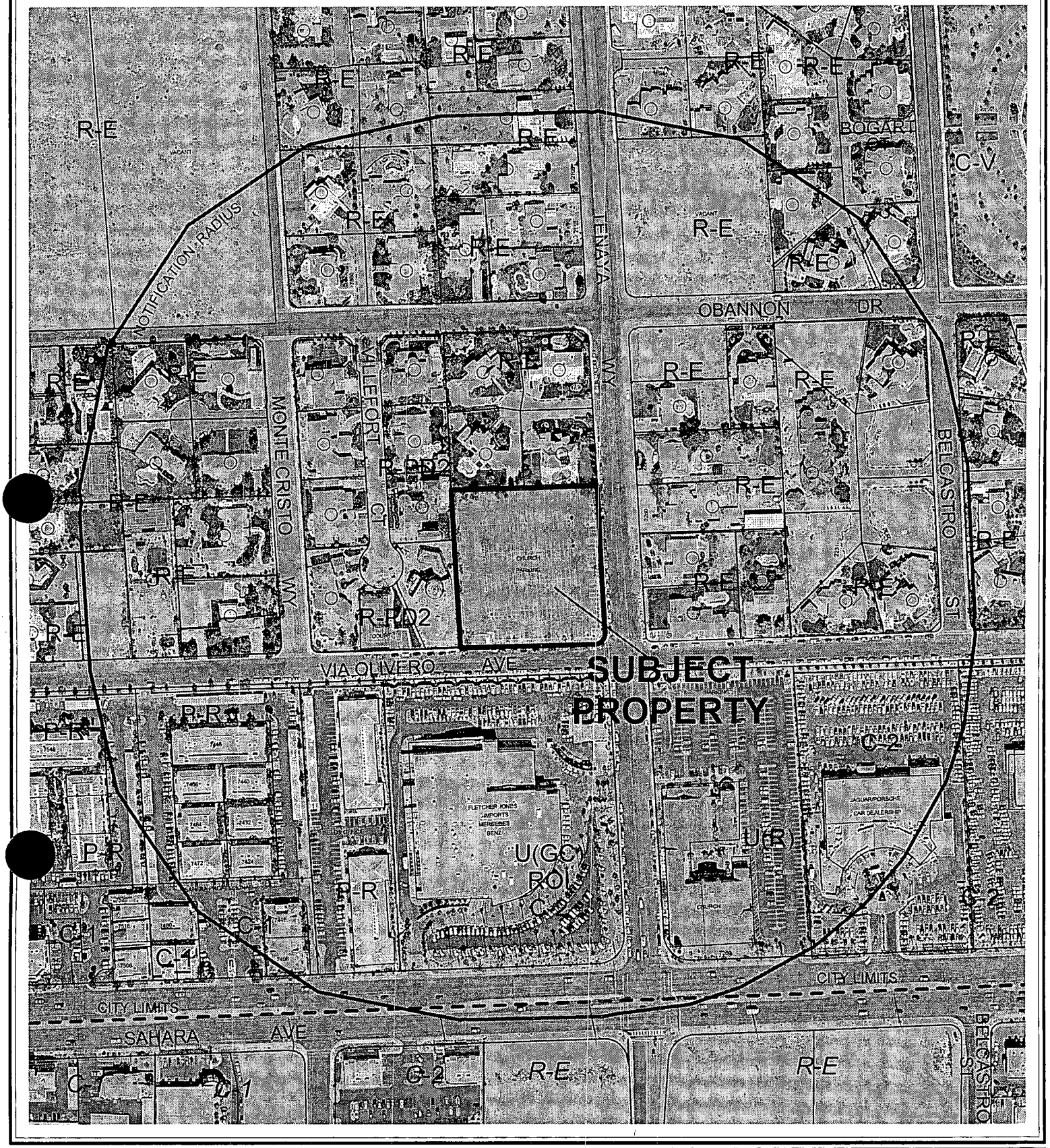


CASE: **ROC-4709**

RADIUS: 750 FT

0 200 400 Feet

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)



0 200 400 Feet

CASE: **ROC-4709**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES – OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS

** CONDITIONS **

Staff recommends DENIAL. If Approved, subject to:

Planning and Development

1. Condition Number 10 of Special Use Permit (U-0054-95) shall be amended to read: "Approval of the parking and driveway plans by the Traffic Engineer. Upon approval, the owners of the subject property and the adjacent auto dealership property shall execute an agreement, satisfactory to the City Attorney, which outlines the terms and conditions of a shared parking arrangement. The agreement must contain the legal description of both parcels and must be of sufficient duration to ensure the continued use of the shared parking facilities. In order to provide record notice of the existence of the shared parking arrangement, the City may record the agreement in the office of the County Recorder, or require the applicant to do so."

2. Employee parking hours shall be limited to the hours of 9:00 a.m. to 6:00 p.m.

3. On-site security shall be provided at all times the lot is available for employee use.

4. A six-month review by the City Council.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Review of Condition of an approved Special Use Permit (U-0054-95) for a church satellite parking lot at 2323 South Tenaya Way. The applicant would like to review Condition Number 10, which required approval of the parking and driveway plans, and add language requiring a shared parking agreement to allow off-site parking for the auto dealership located to the south of the subject property.

B) Applicant's Justification

According to the applicant's justification letter, the Fletcher Jones Imports dealership was originally designed to adequately accommodate customer service, and employee vehicles. However, business has rapidly increased, forcing the dealership to seek additional parking. The proposed site would accommodate employee vehicles only; therefore, the applicant claims the new parking arrangement would not adversely impact the neighborhood.

C) Neighborhood Meeting

A neighborhood meeting is not required for a Review of Condition application; however, the applicant has scheduled a meeting for July 28 at nearby St. Joseph, Husband of Mary Roman Catholic Church to discuss neighbors' concerns.

BACKGROUND INFORMATION

A) Previous Actions

1985	The subject property was annexed into the City of Las Vegas (A-0009-85).
05/23/95	The Board of Zoning Adjustment approved a Special Use Permit (U-0054-95) for a church parking lot on the subject site. Staff recommended approval.
10/22/96	The Board of Zoning Adjustment approved a Reinstatement and Extension of Time [U-0054-95(1)] of an approved Special Use Permit for a church parking lot on the subject site. Staff recommended approval.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) from R (Rural Density Residential) to DR (Desert Rural Density Residential) on the subject property as part of a larger request. The Planning Commission and staff recommended approval.

12/01/99 The City Council approved a Rezoning (Z-0056-99) from U (Undeveloped) [O (Office) and SC (Service Commercial) General Plan Designations] under Resolution of Intent to C-1 (Limited Commercial) to C-2 (General Commercial) adjacent to the northwest corner of Sahara Avenue and Tenaya Way. The City Council also approved a Site Development Plan Review [Z-0056-99(1)] for a proposed 214,300 square-foot new and used automobile dealership with ancillary auto repair on the same site. The Planning Commission and staff recommended denial on both items.

04/14/04 Staff administratively approved a Temporary Commercial Permit (TCP-4303) to allow 90 days of employee parking on the subject property for the Fletcher Jones Imports auto dealership located at 7300 West Sahara Avenue. The Temporary Commercial Permit expired July 14, 2004.

B) Pre-Application Meeting

05/25/04 The applicant and staff agreed to make the request for a shared parking agreement between the auto dealership and the church part of the original Special Use Permit for the satellite parking lot. A Review of Condition application would be submitted to this end.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.14

B) Existing Land Use

Subject Property:	Parking lot for church patrons
North:	Single-Family Residential Dwellings
South:	Motor Vehicle Sales (New)
East:	Single-Family Residential Dwellings
West:	Single-Family Residential Dwellings

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	DR (Desert Rural Density Residential)
South:	GC (General Commercial)
East:	DR (Desert Rural Density Residential)
West:	DR (Desert Rural Density Residential)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	U (Undeveloped) under Resolution of Intent to C-2 (General Commercial)
East:	R-E (Residence Estates)
West:	R-PD2 (Residential Planned Development – 2 Units per Acre)

E) General Plan Compliance

The subject site is designated DR (Desert Rural) on the Southwest Sector Map of the General Plan. This category allows residential uses of no more than two units per gross acre. Churches, parks and ancillary uses are also permitted. The R-E (Residence Estates) zoning designation conforms to this General Plan category. The parking lot, when considered as an ancillary use of the nearby church, is an acceptable use for the subject property.

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

No special districts, zones, or studies are related to the subject site.

ANALYSIS

A) General Analysis and Discussion

- Zoning

The subject site is zoned R-E (Residence Estates). Properties to the north and east are also zoned R-E. The auto dealership site is currently under a Resolution of Intent to C-2 (General Commercial).

- Use

The 2.14-acre site was previously approved for a parking lot to accommodate overflow parking for St. Joseph, Husband of Mary Roman Catholic Church, located at 7260 West Sahara Avenue. This lot contains 257 spaces. The Fletcher Jones Imports property lies south of the subject site, across Via Olivero Avenue. In a private "handshake" agreement reported to have occurred before the dealership opened, the church and dealership agreed to allow employees of the dealership to use the overflow parking lot. A Temporary Commercial Permit was issued in April 2004 to legally allow this arrangement; however, the permit expired July 14, 2004. Approximately 25 employees currently utilize the subject site to park their vehicles.

The approved site plan for the auto dealership indicates that while 342 parking spaces are required by the Zoning Code, the developer provides 611 on-site spaces. Of these 611 spaces, 486 were to be dedicated for use by customers and employees, with the remainder to be occupied by display and inventory vehicles. There is more than adequate parking provided to meet employee, customer and display vehicles on site.

- Conditions

If approved, Condition Number 10 of the original Special Use Permit (U-0054-95) would be amended to require a shared parking agreement between the two owners, with language satisfactory to the City Attorney, to be recorded in the office of the County Recorder. The parking agreement should specifically limit the hours that the lot may be used for employee parking and require security on the lot during hours of availability. These are also recommended as conditions of approval of this item. This case shall be reviewed in six months, at which time the City Council will assess the status of the agreement.

FINDINGS

The applicant claims that because the business' growth has exceeded expectations, the additional parking above the 611 on-site spaces provided is needed. This is strictly a business decision. As parking ratios in the Zoning Code are based on the type and size of uses on a given site, the number of required spaces on the dealership property have not changed. The applicant has chosen to occupy all of the excess parking area on the site (269 spaces), and was already aware that additional space would be necessary prior to the opening of the dealership. In addition, car carriers have been unloading and loading cargo in the Tenaya Way and Via Olivero Avenue rights-of-way because there is a lack of space on-site to park the carriers. The applicant is not obliged to use additional parking elsewhere when it has created an artificial need for this parking. With the number of spaces provided well over the amount required by the Code, the applicant has failed to show that employee parking is warranted on the overflow church lot. In addition, the lot was not approved for uses on the site other than in relation to the church, nor does the property have the proper zoning designation for commercial uses such as the auto dealership.

NOTICES MAILED 78 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-4709 APN: 163-03-404-006

Name of Property Owner: Roman Catholic Bishop of Las Vegas

Name of Applicant: Fletcher Jones Imports

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: By John J. Dodd ATTORNEY-IN-FACT

Print Name: BY John J. Dodd CSU

Subscribed and sworn before me

This 15th day of June, 2004

Mary L Aldrich Carroll

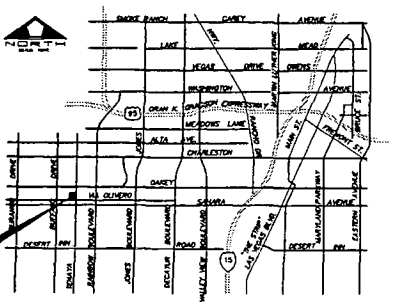
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARY L. ALDRICH-CARROLL
No: 01-66354-1
My Appointment Expires Oct. 3, 2004

Revised 2/12/02

f:\depot\Application Packet\Statement of Financial Interest.doc

FLETCHER JONES IMPORTS
SITE PLAN



LOCATION MAP
N.T.S.

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

TENAYA WAY

VIA OLIVERO AVE

SAHARA AVE

EXISTING FLETCHER JONES MERCEDES-BENZ CAR DEALERSHIP

UNDERGROUND PARKING BELOW

EXISTING ST. JOSEPH CHURCH PARKING LOT

EXISTING LANDSCAPE TYP.

EXISTING PARKING

FLETCHER JONES IMPORTS

EMPLOYEE	80	
CUSTOMER	22	
HANDICAP	8	
NEW CAR	115	DISPLAY
	104	BASEMENT
REPAIR/SERVICE	141	
TOTAL	470 SPACES	

ST JOSEPH REMOTE PARKING LOT

TOTAL 257 SPACES

20 — NUMBER OF CHURCH PARKING LOT SPACES

NO.	DATE	REVISIONS	BY	APPROVAL

PROFESSIONAL ENGINEER - STATE OF NEVADA
A. NELSON STONE II
CIVIL
No. 7819

The WLB Group
WLB
Engineers • Landscape Architecture
Planning • Surveying
2388 W. Horizon Ridge Pkwy Suite 420
HENDERSON, NV. 89014 (702) 565-2581

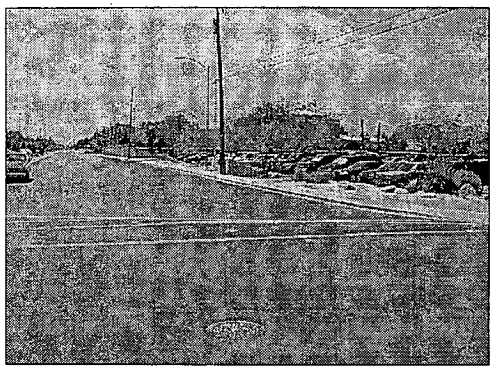
SHEET TITLE: SITE PLAN

PROJECT: FLETCHER JONES IMPORTS SHARED PARKING EXHIBIT

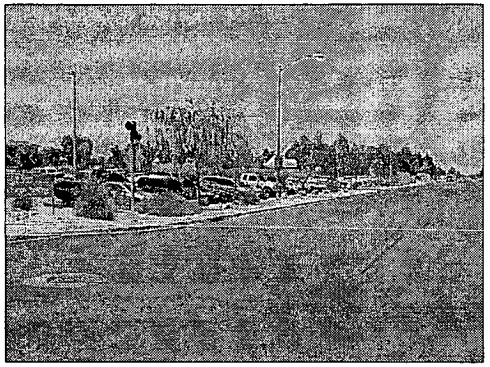
Scale: 1"=40'
Job No.: 404054A001
Date: 6/15/04
Drawn by: BS
Designed by: JA/BS
Checked by: ANS
Sheet: 1 of 2

ROC-4709 8-4-04 CC

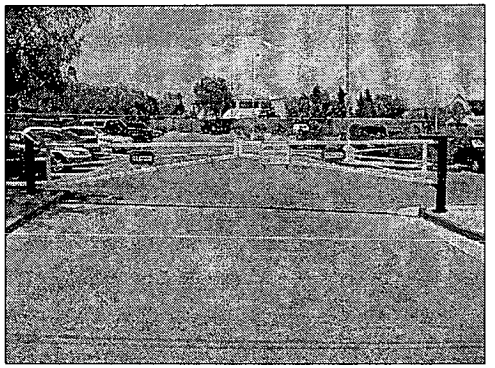
FLETCHER JONES IMPORTS
SITE PHOTOS



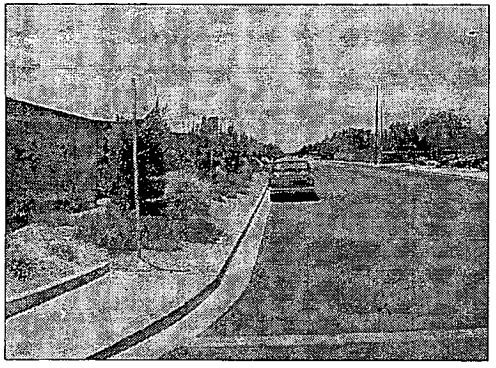
ST JOSEPH'S PARKING LOT
SOUTH PROPERTY LINE
LOOKING WEST ON VIA OLIVERO



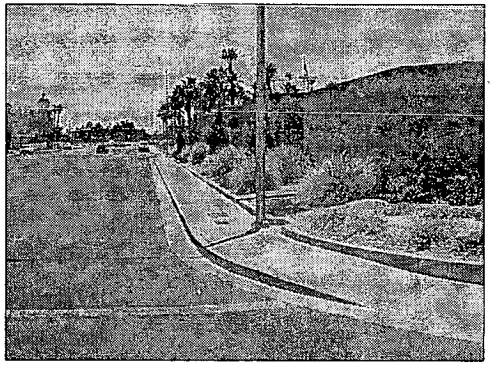
ST JOSEPH'S PARKING LOT
EAST PROPERTY LINE
LOOKING NORTH ON TENAYA



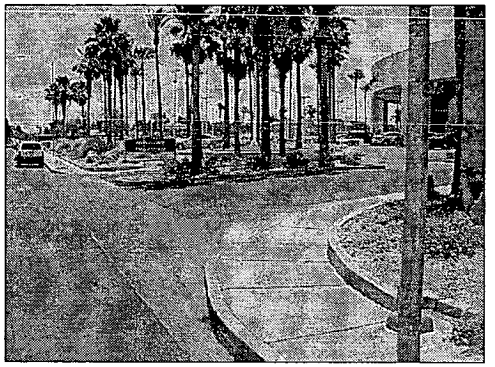
ST JOSEPH'S PARKING LOT
VIA OLIVERO ENTRANCE



FLETCHER JONES DEALERSHIP
NORTH PROPERTY LINE
LOOKING WEST ON VIA OLIVERO



FLETCHER JONES DEALERSHIP
EAST PROPERTY LINE
LOOKING SOUTH ON TENAYA



FLETCHER JONES DEALERSHIP
TENAYA ENTRANCE

ROC-4709

8-4-04 CC

NO. | DATE | REVISIONS | BY | APPROVAL

PROJECT: FLETCHER JONES IMPORTS SHARED PARKING EXHIBIT

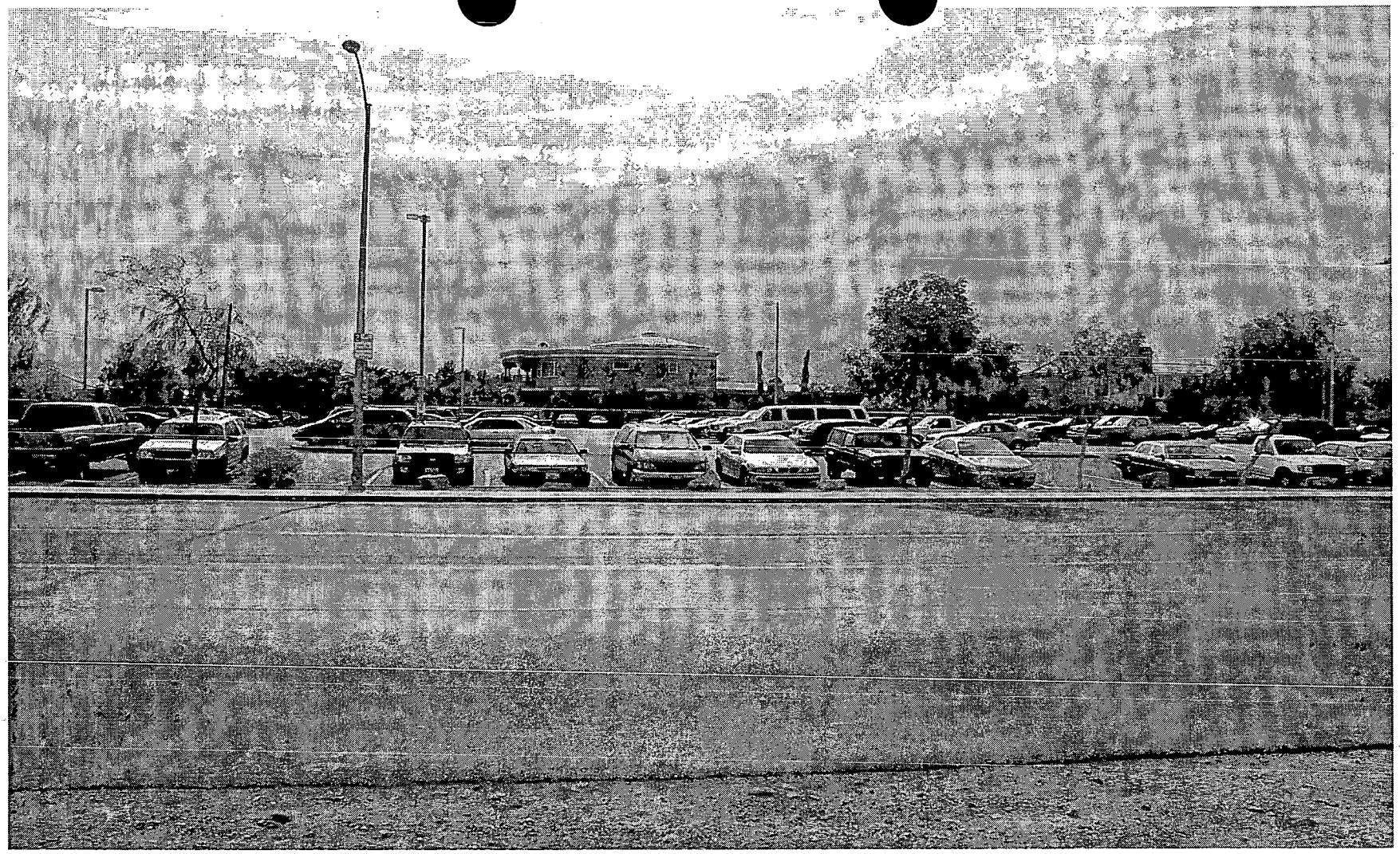
SHEET TITLE: SITE PHOTOS

The WLB Group Inc. Engineers / Architects / Planners / Landscape Architects / Surveyors
2501 W. Green Valley Pkwy. Suite 4425
HENDERSON, NV. 89014 (702) 458-2551

Scale: NONE
Job No.: 404054-A001
Date: 6/15/04
Drawn by: JA
Designed by: JA/BS
Checked by: ANS
Sheet: 2 of 2

ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES – OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS
2323 South Tenaya Way
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04



ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES – OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS
2323 South Tenaya Way
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04

July 27, 2004

Barbra Jo Ronemus
City Clerk
400 Stewart Ave.
Las Vegas, Nevada FAX # 702-382-4803

Protest

RE: ROC-4709 and Council Meeting on August 04, 2004

I, David Fields owner of the property of Sahara Properties LLC at 7380 and 7390 W. Sahara Ave. which is next door to Fletcher Jones Mercedes, have a problem with the unloading and delivery of Vehicles to Fletcher Jones Mercedes. The Hadley delivery trucks and others park in front of my Buildings and block the FIRE HYDRANT with the curb painted in RED and driveway entrance, making it very dangerous and difficult to enter and exit our property. Our tenants complain every day about the semi-trucks blocking the access and safely viewing access onto Sahara Ave.

The drivers tell me that the car dealership doesn't want them to block the view of Fletcher Jones car lot, and that where they are supposed to unload safely in the rear of the car lot on Fletcher Jones property is to congested with cars being worked on for them to use it.

Please help with any assistance you can.

Thank You in advance,

David Fields
Mailing Address 7901 W. O'Bannon Drive
Las Vegas Nevada 89117-1979

Cell # 702-326-6226

RECEIVED
CITY CLERK
2004 JUL 27 P 1:51

July 21, 2004

RECEIVED
CITY CLERK

2004 JUL 28 A 10:17

To: The Las Vegas City Council

Date: August 4, 2004
1:00 P.M.

Re: Review of Condition to the shared parking agreement
ROC-45709

Dear City Council Members:

I just wanted to say thank you for letting the Fletcher Jones dealership employees park in the Catholic Church parking facilities on the N/W corner of Tenaya and Via Olivero.

This has eliminated the necessity for them to park on the side streets, which was not only extremely ugly looking, but also a dangerous hazard for traffic and for our neighborhood. Please extend their permit indefinitely.

Sincerely,

Mary Barkan Barry Barkan

Mary and Barry Barkan
2300 S. Tenaya Way
Las Vegas, NV 89117-2722

Support

Mercedes-Benz

Fletcher Jones Imports
Bernie Schiappa
General Manager

RECEIVED
CITY CLERK
2004 AUG -4 A 8:30

August 3, 2004

City of Las Vegas
Planning & Development
731 South Fourth Street
Las Vegas, NV 89101
Attention: David Bratcher, Planning Supervisor

Regarding: Request for Abeyance of Review of Condition for shared parking (ROC 4709), Agenda Item Number 92, to be reviewed at City Council Meeting on August 4, 2004.

Dear Mr. Bratcher,

This letter is to request that our Agenda Item Number 92 due to be reviewed at tomorrows City Council Meeting, be held in abeyance indefinitely.
This time extension will allow us the opportunity to explore more options with our neighbors in an effort to find a common ground for the use of the parking lot owned by the Roman Catholic Bishop of Las Vegas.
Thank you in advance for your consideration.
Very Truly Yours,

Gus Hoppel
Fixed Operations Director,
Fletcher Jones Imports

Cc. Councilwoman Janet Moncreif

Submitted after final agenda

Date 8/4/04 Item #92

7300 W Sahara Ave.
Las Vegas, NV 89117
Fax: (702) 873-6921
Phone: (702) 364-2700
www.mercedesdealer.com/fletcherjones

City of Las Vegas

Agenda Item No. 93

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - **SDR-4519 - APPLICANT: THOMAS AND MACK DEVELOPMENT GROUP, LIMITED LIABILITY COMPANY - OWNER: CROSSROADS AT SUNSET, LIMITED LIABILITY COMPANY** - Request for a Site Development Plan Review and Waivers of perimeter, parking lot, and foundation buffer landscaping standards, location of the parking lot, and for the use of reflective glass FOR A PROPOSED SINGLE-STORY, 44,924 SQUARE-FOOT OFFICE BUILDING on 3.97 acres adjacent to the southeast corner of Peak Drive and Fire Mesa Street (APN: 138-15-310-026), C-PB (Planned Business Park) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

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

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

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

MOTION:
REESE – APPROVED subject to conditions – UNANIMOUS with BROWN excused

NOTE: MAYOR GOODMAN verified with DEPUTY CITY ATTORNEY BRYAN SCOTT that Apex Nevada is involved in this application. MAYOR GOODMAN disclosed that he has a minority interest in the Apex Industrial Park and he believes PETER THOMAS, who is a member of the Thomas and Mack Group, also has an interest in Apex. The Financial Interest Form signed by THOMAS A. THOMAS indicates that neither the Mayor nor the Council members have a financial relationship. Therefore, he would be voting on this item.

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

The applicant was not present and no one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:19 – 1:22)

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 93 – SDR-4519

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 July 8, 2004, except as amended by conditions herein.

3. Waivers from the parking lot location requirements, perimeter buffer requirements, parking lot landscaping requirements, and foundation buffer landscaping standards are hereby approved, based on the alternate provisions shown on the submitted site plans and landscape plans. In addition, the waiver for the use of reflective glazing is hereby approved.

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

5. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

6. 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.

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Trash enclosures shall be walled and roofed in accordance with Title 19.08.

8. 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. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

CONDITIONS Continued:

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

Public Works

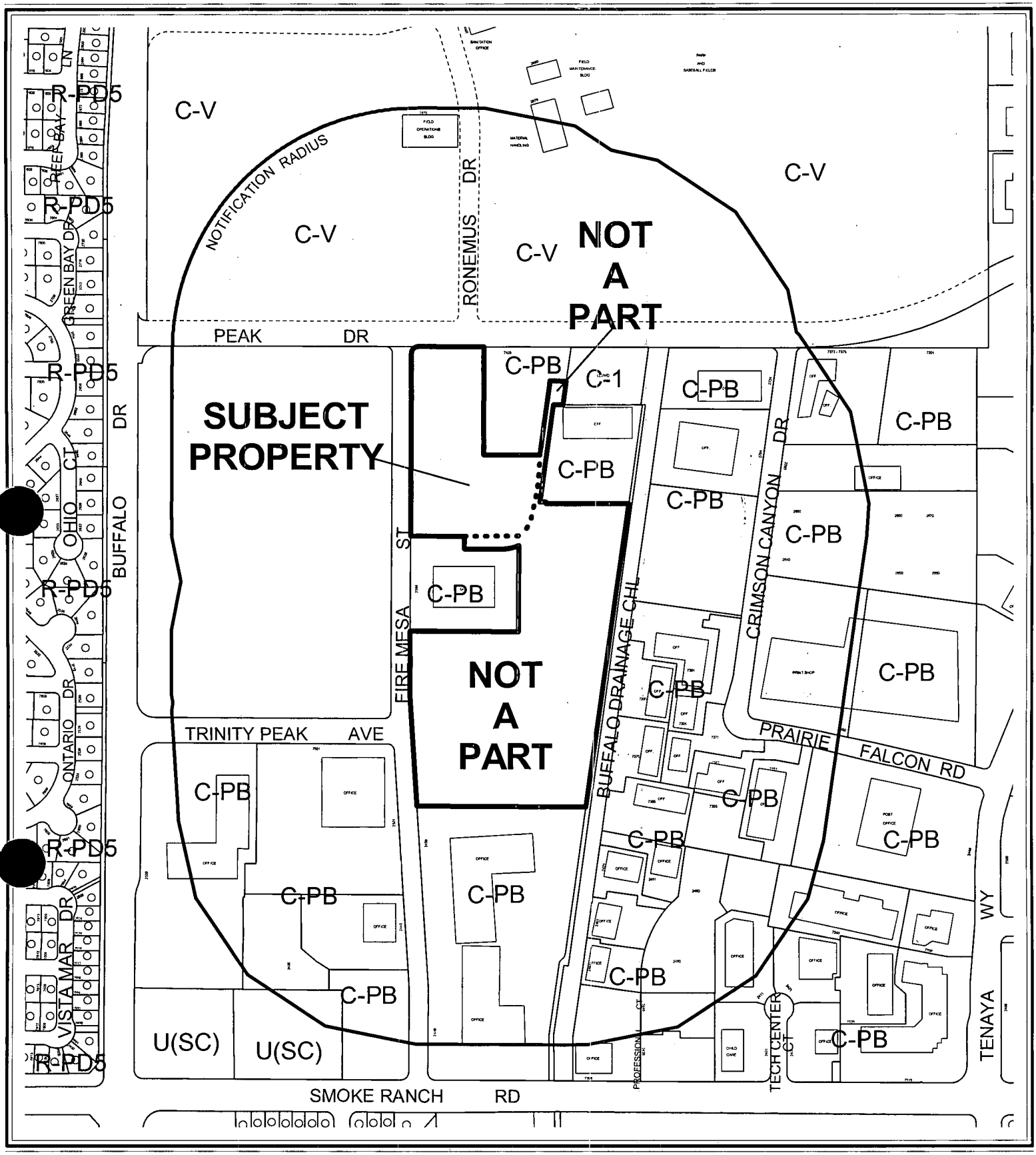
13. Construct all incomplete half-street improvements on Peak Drive and Fire Mesa Street adjacent to this site concurrent with development of this site.

14. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

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

16. An update to the Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

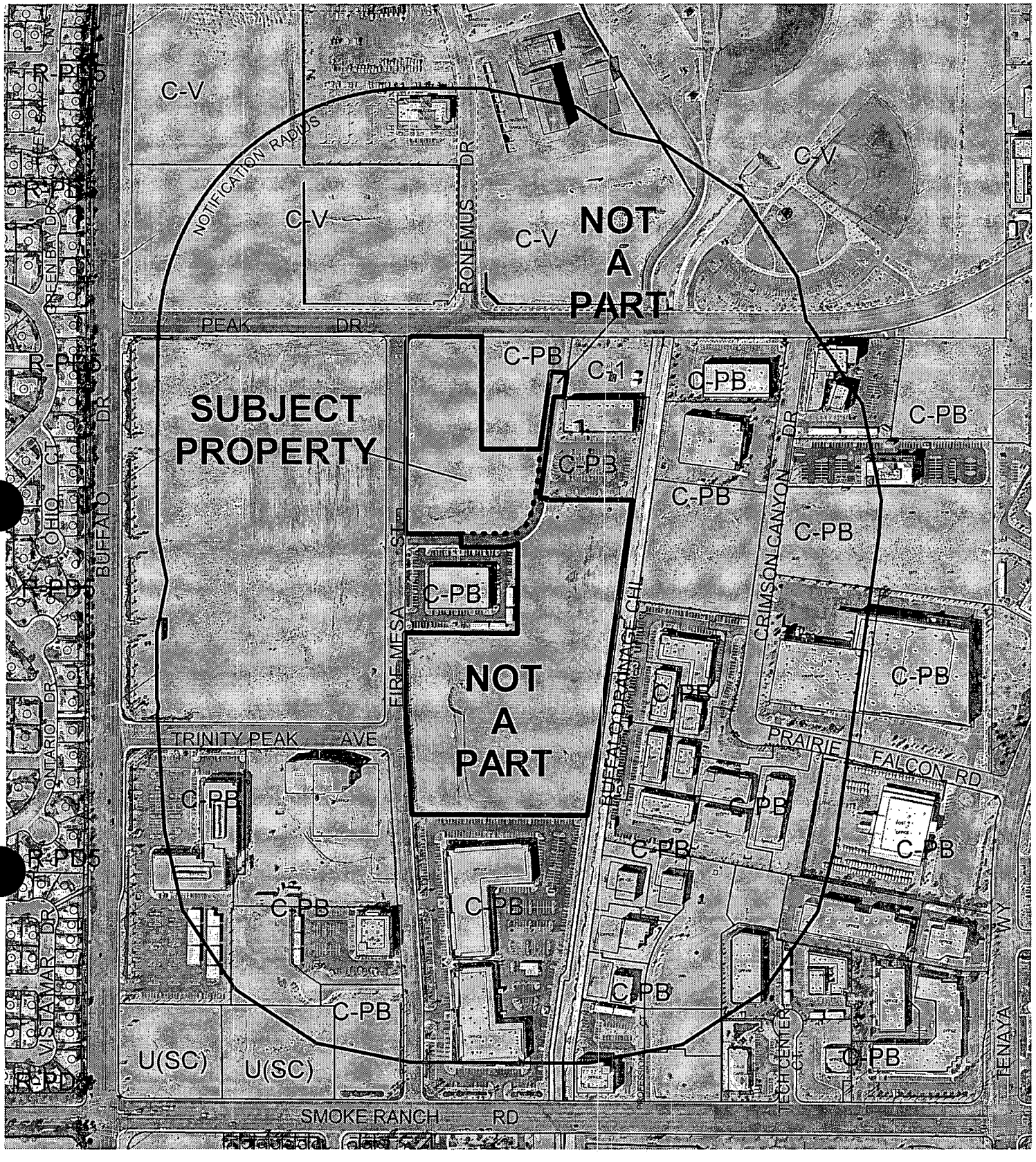
17. Site development to comply with all applicable conditions of approval for Z-68-85 and all other subsequent site-related actions.



CASE: **SDR-4519**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)



0 300 600 Feet

CASE: **SDR-4519**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-PB (PLANNED BUSINESS PARK)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4519 - APPLICANT: THOMAS AND MACK DEVELOPMENT GROUP, LIMITED LIABILITY COMPANY - OWNER: CROSSROADS AT SUNSET, LIMITED LIABILITY COMPANY

** CONDITIONS **

The Planning Commission (7-0 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 July 8, 2004, except as amended by conditions herein.

3. Waivers from the parking lot location requirements, perimeter buffer requirements, parking lot landscaping requirements, and foundation buffer landscaping standards are hereby approved, based on the alternate provisions shown on the submitted site plans and landscape plans. In addition, the waiver for the use of reflective glazing is hereby approved.

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

5. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

6. 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.

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Trash enclosures shall be walled and roofed in accordance with Title 19.08.

8. 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. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

Public Works

13. Construct all incomplete half-street improvements on Peak Drive and Fire Mesa Street adjacent to this site concurrent with development of this site.

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17. Site development to comply with all applicable conditions of approval for Z-68-85 and all other subsequent site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review and waivers of the perimeter, parking lot, and foundation buffer landscaping standards, location of the parking lot and for the use of reflective glass for a proposed single-story 44,924 square foot office building on 3.97 acres adjacent to the southeast corner of Peak Drive and Fire Mesa Street.

B) Applicant's Justification

The applicant states that the development will be consistent with the design of surrounding projects.

BACKGROUND INFORMATION

A) Previous Actions

02/22/99 The City Council approved a General Plan Amendment (GPA-0047-98) from SC (Service Commercial) to LI/R (Light Industry/Research) and a Rezoning (Z-0087-98) from C-1 (Limited Commercial) to C-PB (Planned Business Park) for this site as part of a larger request for the entire Las Vegas Technology Center expansion area. The Planning Commission recommended approval on 01/28/99.

11/17/99 The City Council approved a Development Standard Review and Master Plan Review [Z-0087-98(1) and Z-0066-87(4)] for the Las Vegas Technology Center Phase II. The Planning Commission recommended approval on 10/14/99.

05/02/01 The City Council approved a Site Development Plan Review [Z-0087-98(2)] for a proposed 90,290 office building on a parcel A of the Las Vegas Technology Park II. The Planning Commission and staff recommended approval on 03/22/01.

07/18/01 The City Council approved a Site Development Plan Review [Z-0087-98(3)] for a proposed 101,902 square foot office building on a parcel D of the Las Vegas Technology Park II. The Planning Commission and staff recommended approval on 06/14/01.

01/16/02 The City Council approved a Site Development Plan Review [Z-0087-98(4)] for a proposed 23,245 square foot office building on a portion of parcel B of the Las Vegas Technology Park II. The Planning Commission recommended and staff approval on 12/06/01.

05/23/02 The Planning Commission approved a Site Development Plan Review [Z-0087-98(5)] for an office building on 1.98 acres adjacent to the west side of the Buffalo Drainage Channel, approximately 180 feet south of Peak Drive.

04/16/03 The City Council approved a Site Development Plan Review (SDR-1778) for an office building on 2.2 acres adjacent to the east side of Fire Mesa Street, approximately 660 feet south of Peak Drive. The Planning Commission recommended approval of the request on 03/13/2003.

04/27/04 The Architectural Review Committee for the Las Vegas Technology Center approved the project, subject to conditions.

07/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #5/ff).

B) Pre-Application Meeting

05/03/04 At the pre-application conference, all landscaping and design waivers were identified, and it was noted that the driveways and off-site improvements would need to conform to Code requirements.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.97

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped, Government Use
South:	Undeveloped, Office Use
East:	Undeveloped, Office Use
West:	Undeveloped

C) Planned Land Use

Subject Property:	LI/R (Light Industry/Research)
North:	PF (Public Facility)
South:	LI/R (Light Industry/Research)
East:	LI/R (Light Industry/Research)
West:	LI/R (Light Industry/Research)

D) Existing Zoning

Subject Property:	C-PB (Planned Business Park)
North:	C-V (Civic)

South:	C-PB (Planned Business Park)
East:	C-PB (Planned Business Park)
West:	C-PB (Planned Business Park)

E) General Plan Compliance

The site is designated as LI/R (Light Industry/Research) in the Southwest Sector Plan of the General Plan. This category allows areas for clean, low-intensity (non-polluting and non-nuisance) industrial areas, including light manufacturing, assembling and processing, warehousing and distribution, and research, development and testing laboratories. Typical supporting and ancillary general uses are also allowed. The one-story office use is in conformance with this designation.

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

Special Overlay District
This project lies within the Las Vegas Technology Center. The subject property, as part of a larger request was added to the Las Vegas Technology Center in 1999.

PROJECT DESCRIPTION

The project entails the development of a single-story office building with a total of 44,924 square feet of area, with a total of 215 parking spaces in a surface parking lot. The structure is designed to house multiple tenants, and will be subdivided accordingly. The building will be constructed with painted tilt-up concrete panels, which will feature score lines and inset windows and entrances in order to give variety and scale to the façade. The windows and doors will utilize reflective green glass, with aluminum frames painted a complementary color. Landscape buffers will be provided at the perimeter of the property, and landscape beds will be provided along the west and south facades of the building.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100 Feet	229 Feet	Y
Min. Setbacks			
• Front (Peak)	20 Feet	133 Feet	Y
• Corner (Fire Mesa)	20 Feet	72 Feet	Y
• Side	10 Feet	82 Feet	Y
• Rear	15 Feet	80 Feet	Y
Max. Lot Coverage	50 %	26%	Y
Max. Building Height	None	24 Feet	Y
Trash Enclosure	Walled & roofed	Not indicated	Not indicated
Mech. Equipment	Screened	Screened	Y

The proposed structure will comply with all development standards of the C-PB (Planned Business Park) district. A trash enclosure is shown on the site plan; no information is given as to whether or not the facility will have a roof in accordance with the Commercial Development Standards listed in Title 19.08.

A2) Residential Adjacency Standards

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

a) Proximity slope. The site is located approximately 950 feet from the nearest single-family property, and will conform to the proximity slope requirements.
b) Building setback. The proposed structure will comply with the minimum building setback requirement.

A3) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	44,924 SF	1/300 GFA	145	5	208	7

The development will provide parking spaces in excess of Code requirements.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	36 Trees	27 Trees
Buffer: • Min. Trees	1 Tree/30 Linear Feet	56 Trees	73 Trees
• Min. Zone Width (Front)	15 Feet		20 Feet
• Min. Zone Width (Side)	8 Feet		10 Feet

Based on the submitted information, additional trees will be required in the parking lot area in order to conform to Code requirements. The amount of trees to be provided in the perimeter buffer areas exceeds minimum requirements. The perimeter buffer areas generally exceed the minimum depth requirements; typically, a 15-foot buffer would be required along Peak Drive, but as the street is not public, a 10-foot buffer is sufficient.

A5) Sign Standards

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

Monument Signs: Fire Mesa Street

Standards	Allowed	Provided
Maximum Number	1/Street frontage 2 total	1/Fire Mesa Street 1 total
Maximum Area	75 SF/sign	Not indicated
Maximum Height	8 Feet	Not indicated
Minimum Setback	5 Feet	5 Feet
Illumination	Direct/Internal	Not indicated

Wall Signs:

Standards	Allowed	Provided
Maximum Number	1/Tenant	Not indicated
Maximum Area	10%/elevation	Not indicated
Maximum Projection	2 Feet	Not indicated
Illumination	Internal/External	Not indicated

The proposed monument sign will comply with the location requirements stipulated by Title 19.14. No information has been provided relative to the proposed wall signage. All signage requires approval of the Las Vegas Technology Center Architectural Review Committee, and must conform to the requirements of Title 19.14 and the Technology Center standards.

B) General Analysis and Discussion

- Zoning

The proposed office use is allowed within the C-PB (Planned Business Park) zoning district regulations.

- Site Plan

The proposed structure will conform with all setback, height, and lot coverage requirements of the C-PB (Planned Business Park) zoning district. In addition, the development will conform with the parking requirements listed in Title 19.10. Driveways will be installed on Peak Drive and Fire Mesa Street, as well as the private street on the east side of the parcel, providing adequate access to the property.

- Waivers

The applicant has requested waivers from the Commercial Development Standards for the parking lot placement, parking lot landscaping, perimeter landscape buffers, foundation landscaping, and the use of reflective glass. The Development Standards require buildings to be placed at the front yard setback, with parking located to the side or the rear; the site plan shows the building at the center of the site, surrounded by parking. Based on the location of the project within the Technology Park, the waiver is warranted.

In regards to the parking lot landscaping, the landscape plan does not conform to the requirement of one tree for every six parking spaces, and omits several landscape islands. The applicant has balanced this deficiency by providing 17 additional trees in the perimeter buffer area. The perimeter buffer abutting the street on the south side of the property is only 10 feet in depth where 15 feet would usually be required; as the abutting street is not a public street and only carries internal traffic, the reduced buffer depth is warranted. A six-foot foundation landscape bed is required around the perimeter of the building; while the project is mostly in conformance with this requirement, no foundation planting is provided along the back façade of the building where roll-up doors may be utilized for access to the parking. Finally, the applicant has requested approval of the use of reflective glass, which is not permitted by the Commercial Development Standards. However, reflective glass has been used in other projects in the Technology Park, and the Architectural Review Committee has approved its use in this project.

- Landscape Plan

As previously noted, several waivers are required for the perimeter buffers, parking lot landscaping, and perimeter buffers. The applicant has addressed these deficiencies by providing additional shade trees in the perimeter buffer areas, which assists in shading the parking area and buffering the parking lot from view of adjacent rights-of-way.

- Elevation

Although the building will be constructed with tilt-up concrete panels, the architect has exercised care in the detailing of the façade in order to give scale and character to the building. The panels will be painted, and will have horizontal and vertical scoring lines that align with the façade openings and fenestration. Recessed openings will be provided at the entrances to the individual tenant spaces, and will utilize trellis features to shade the glazed areas. Decorative lighting fixtures will be used along all sides of the building, which will further give variety to the appearance of the structure.

- Floor Plan

As the building will be subdivided for individual tenants, the floor plan shows generic tenant spaces that can be subdivided in a number of ways. Openings are provided along the exterior to provide adequate ingress and egress from the building. Restroom spaces will be provided for the tenant spaces upon completion of the leasing plan.

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 office use is permitted in the Technology Center and is consistent with the adjacent development in the area.

2. **"The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

   The proposed development is consistent with the General Plan, and is generally consistent with Title 19. Waivers have been requested from landscaping and development standards; the requested waivers will not pose impacts to adjacent properties, and are consistent with the existing development pattern within the Technology Park.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The development will have driveway access to both Peak Drive and Fire Mesa Street, as well as the private street on the east side of the property. The amount of traffic generated by the facility will not impact adjacent roadways.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

   The proposed landscape and building materials are generally appropriate for the area and for the City. While the Commercial Development Standards prohibit the use of reflective glazing, it has been used elsewhere in the Technology Center, and will have minimal impact on surrounding properties.

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 building is constructed of inexpensive tilt-up concrete panels, significant effort has been made to give the façade an additional level of detail and to minimize the utilitarian nature of the building materials. Scoring lines, recessed openings, and decorative fixtures assist in giving scale and variety to the elevations.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The site will be subject to ongoing inspection and will therefore not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

NOTICES MAILED 36 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4519 APN: 138-15-310-026

Name of Property Owner: Corssroads at Sunset, LLC

Name of Applicant: Thomas & Mack Development Group, LLC

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

_____Yes ___X___No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: THOMAS A. THOMAS

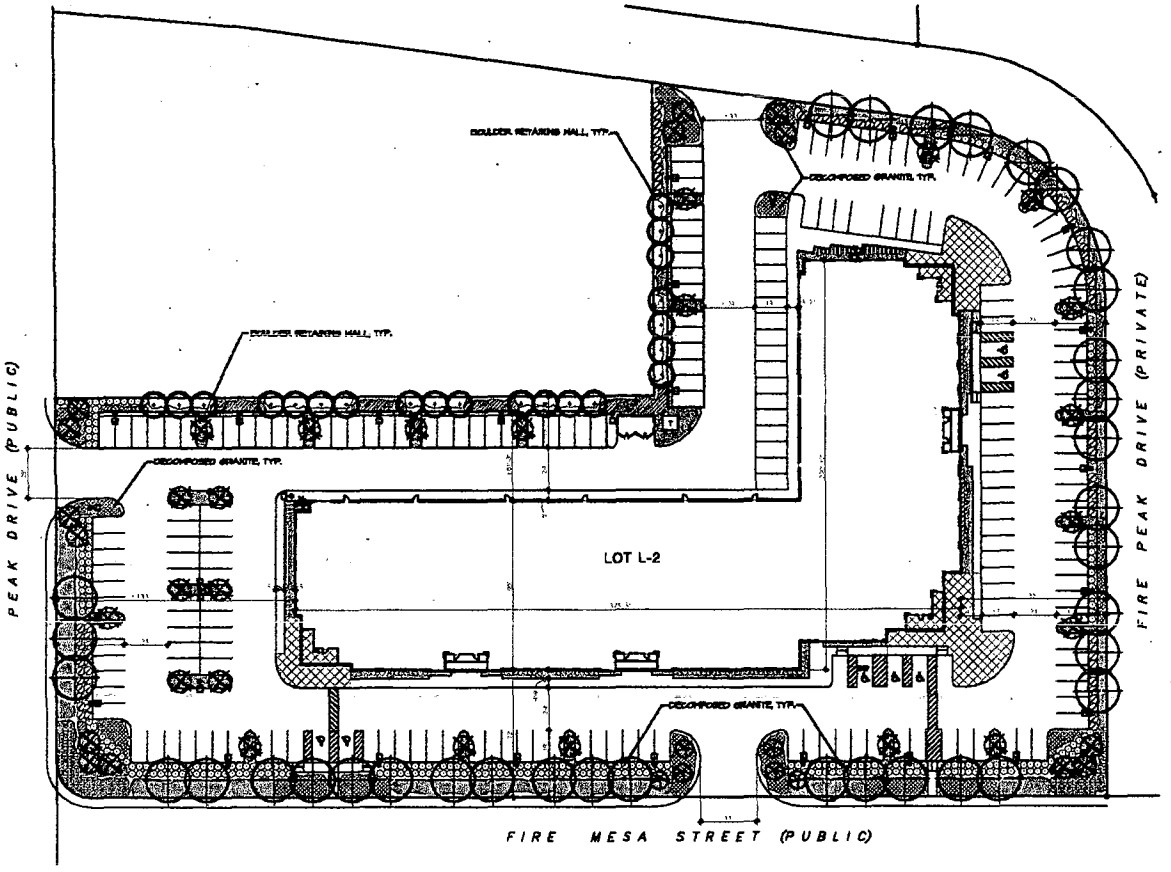
Subscribed and sworn before me

This 20TH day of MAY, 2004

[signature]

Notary Public in and for said County and State

V. C. FITZGERALD
Notary Public, State of Nevada
Appointment No. 99507271
My Appt. Expires Sept. 15, 2006



PRELIMINARY PLANT LIST

	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
	TREES				
	ACACIA STENOPHYLLA	SHOESTRING ACACIA		24" BOX	STANDARD TRUNK
NOT SHOWN	BRAHEA ARMATA	MEXICAN BLUE PALM		24" BOX	
NOT SHOWN	CHAMAEROPS HUMILIS	MEDITERRANEAN FAN PALM		24" BOX	
NOT SHOWN	FRAXINUS OXYCARPA 'RAYWOOD'	RAYWOOD ASH		24" BOX	STANDARD TRUNK
	LIGUSTRUM LUCIDUM	GLOSSY PRIVET		24" BOX	STANDARD TRUNK
	OLEA EUROPAEA 'SWAN HILL'	SWAN HILL FRUITLESS OLIVE		24" BOX	STANDARD TRUNK
NOT SHOWN	PHOENIX DACTYLIFERA 'DESERT NOOR'	DESERT NOOR DATE PALM		20' BTH	
NOT SHOWN	RHUS LANCEA	AFRICAN SUMAC		24" BOX	STANDARD TRUNK
NOT SHOWN	SOPHORA SECUNDIFLORA	TEXAS MOUNTAIN LAUREL		24" BOX	THICK AND FULL
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM		15' STH	
	SHRUBS				
	ARBUTUS MEDO 'COMPACTA'	STRAWBERRY BUSH		5 GAL	
	EUONYMUS JAPONICA	JAPANESE EUONYMUS		5 GAL	
	EUONYMUS JAPONICA MICROPHYLLA VARIEGATA'	COMPACT VARIEGATED EUONYMUS		5 GAL	
	MYRTUS COMMUNIS	GREEK MYRTLE		5 GAL	
	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED HOCK ORANGE		5 GAL	
	XYLOSMA CONGESTUM 'COMPACTA'	COMPACT XYLOSMA		5 GAL	
	GROUNDCOVERS				
	ACACIA REDOLENS 'DESERT CARPET'	TRAILING ACACIA		5 GAL	7' O.C.
	ILEX VOMITORIA 'NANA'	DWARF YAUPON HOLLY		5 GAL	18" O.C.
	LANTANA SPECIES 'NEW GOLD'	NEW GOLD LANTANA		5 GAL	3' O.C.
	PITRACANTHA FORTUNEANA 'SANTA CRUZ'	SANTA CRUZ PITRACANTHA		5 GAL	4' O.C.
	ACCENT PLANTINGS				
	DIETES BICOLOR	EVERGREEN IRIS		5 GAL	3' O.C.
	HESPERALOE PARVIFLORA 'RED'	RED YUCCA		5 GAL	3' O.C.

NOTES:
1. LARGE RIP-RAP ROCK TO COVER THE STEEP SLOPE ADJACENT TO BUILDING L-1.

IRRIGATION EQUIPMENT LEGEND

SYMBOL	DESCRIPTION	MANUFACTURER	MODEL	SIZE
NOT SHOWN	POINT OF CONNECTION	SEE CIVIL DRAWINGS		
NOT SHOWN	BACKFLOW PREVENTER	FEBCO	825 YA	1"
NOT SHOWN	QUICK COUPLING VALVE MKEY	RAINBIRD	33-DLRC	3/4"
NOT SHOWN	REMOTE CONTROL VALVE	HUNTER	ICV	1"
NOT SHOWN	MAINLINE FILTER & BALL VALVE	AGRIGULTURE PRODUCTS	45-1-6-200	1"
NOT SHOWN	PRESSURE REDUCING VALVE	SEBRINGER	PRV-1"	3/4"
NOT SHOWN	STRAINER BALL VALVE	MATTS	S-6000	SIZE AS PER LINE
NOT SHOWN	IRRIGATION CONTROLLER	HUNTER	ICC-600-PED-SS	8 STATIONS
NOT SHOWN	AIR VACUUM	CRISPIN	100	(SIZE ORIFICE SIZE)
NOT SHOWN	PVC MAINLINE	——	SCHEDULE 40	1"
NOT SHOWN	PVC LATERAL LINE	——	CLASS 200	3/4"
NOT SHOWN	PVC FLEXIBLE TUBING	SALCO	PVC AR-07B	1/2" I.D.
NOT SHOWN	EMITTER	BOWSMITH	SL210/SL220	SEE EMITTER SCHEDULE
NOT SHOWN	INLINE EMITTER TUBING (PALMS)	NETAFIM	TLDL4-12	SEE EMITTER SCHEDULE
NOT SHOWN	SLEEVE UNDER PAVED AREAS	——	SCHEDULE 40	SEE NOTE 18

LAS VEGAS TECH CENTER

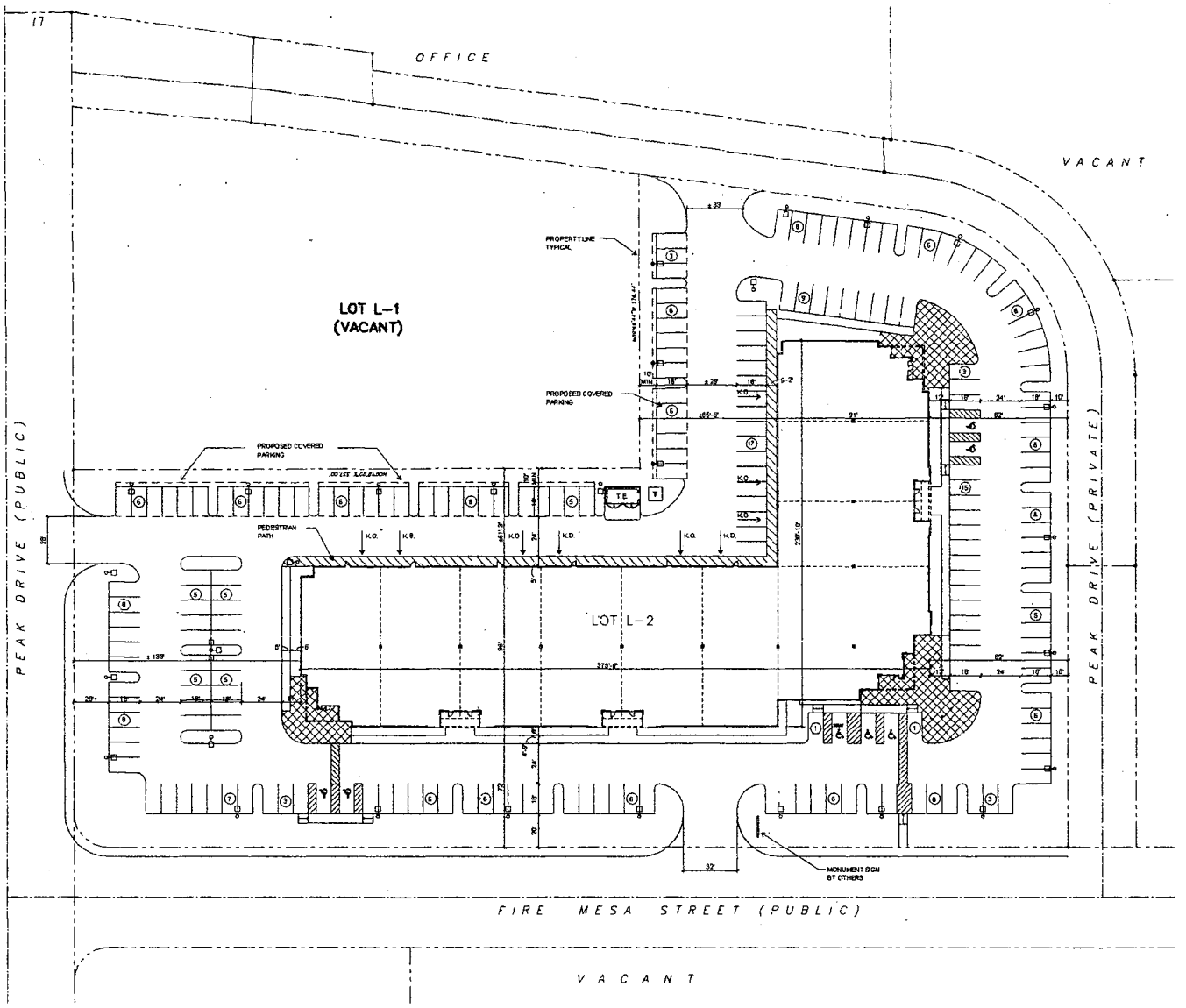
PRELIMINARY PLANTING PLAN

JZ [illegible] 05-31-04

SCALE 1" = 30'-0"

NORTH

SDR-4519
07-08-04 PC



SITE SUMMARY

SITE AREA:	±3.97 ACRES
NEW BUILDING AREA:	±44,924 G.S.F.
	±44,574 NET S.F.
COVERAGE:	25.97 %
PARKING:	215 STALLS
STANDARD 9' x 19' (INCLUDES 7-8' COMPACT)	208 STALLS
H.C. - 8' x 19':	+ 7 STALLS
TOTAL ON SITE:	215 STALLS
PARKING RATIO:	4.72 STALLS / 1,000 S.F.

NOTES:

1. GROSS SQUARE FEET (G.S.F.) DEFINED AS AREA WITHIN THE DRIPLINE OF THE BLDG. INCLUDING SOFFITS.
2. SEE LANDSCAPE PLAN FOR HARDSCAPE AND ACCESSIBLE PATH OF TRAVEL.
3. PARKING STALLS SHALL BE 9' X 19'. "VAN" DENOTES VAN ACCESSIBLE STALLS.

LEGEND / SYMBOLS:

- ☐ 20' HIGH SITE LIGHT STANDARD
- T.E. TRASH ENCLOSURE PER CITY STANDARDS
- T TRANSFORMER

OWNER/DEVELOPER:
THOMAS & MACK COMPANY
7181 AMIGO ST., Suite 100
LAS VEGAS, NEVADA 89119
TEL-(702) 260-1008
FAX-(702) 896-7017
CONTACT: CHUCK COLEMAN

CIVIL ENGINEER:
G.C.WALLACE
2580 ANTHEM VILLAGE DRIVE
HENDERSON, NEVADA 89052
TEL-(702) 804-2079
FAX-(702) 804-2256
CONTACT: ROY CLARK

ARCHITECT:
HOWARD F. THOMPSON, INC.
400 N. STEPHANIE Suite 245
HENDERSON, NEVADA 89014
TEL-(702) 269-6615
FAX-(702) 269-6625
CONTACT: HOWARD F. THOMPSON

LANDSCAPE ARCHITECT:
JW ZUNINO & ASSOCIATES
3191 S. JONES BLVD.
LAS VEGAS, NEVADA 89146
TEL-(702) 253-3550
FAX-(702) 253-1016
CONTACT: JACK ZUNINO

PROPOSED ONE STORY OFFICE BUILDING # "L-2"

LAS VEGAS TECH CENTER II
LAS VEGAS, NV.

PRELIMINARY SITE PLAN

HOWARD F. THOMPSON ARCHITECT
Architecture/Land Planning/Interiors
400 N. Stephanie, Suite 245
Henderson, Nevada 89014
(702)269-6615/FAX(702)269-6625

N

0 30 60

1"=30'-0"

This is a schematic parcelization plan only. The information and boundary locations shown have been compiled from sources believed to be reliable. However, their accuracy is not guaranteed and is subject to change. It is not intended and should not be construed that any entity, public or private, including the owner of this property has committed itself to the implementation of this plan or to the development or construction of any element of this plan.

JOB NO. 23-113-00 (PP) CITY-PACK/BASE-SITE.dwg 05-21-04

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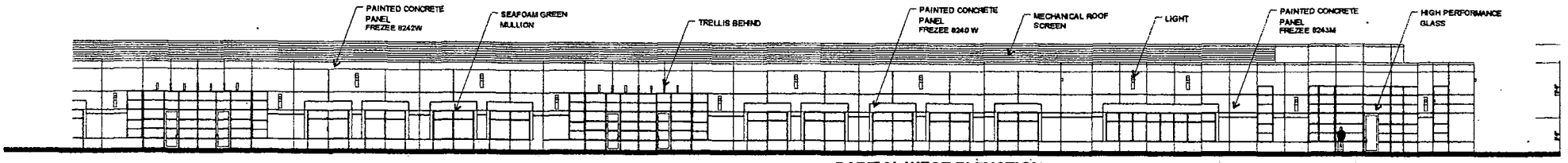
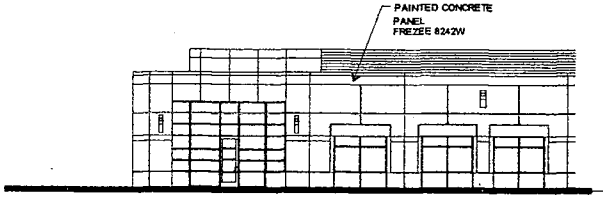
SDR-4519
07-08-04 PC



PARTIAL WEST ELEVATION



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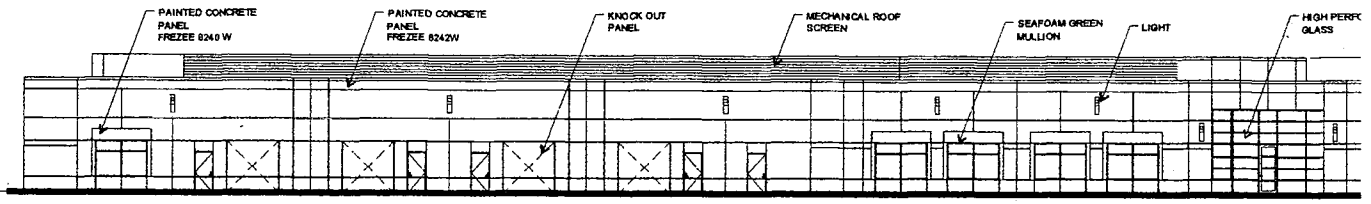
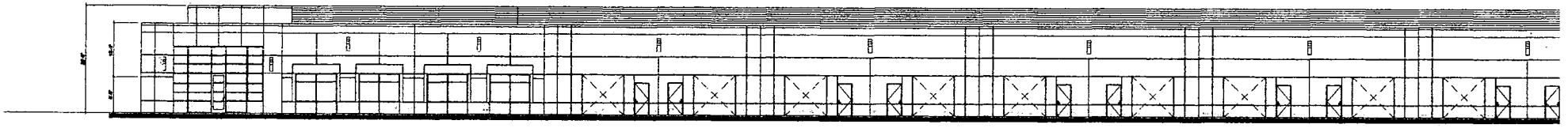


NORTH ELEVATION



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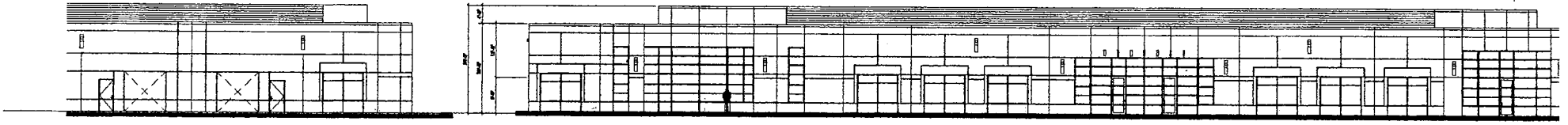


PARTIAL EAST ELEVATION

SOUTH ELEVATION

PROPOSED ONE STORY OFFICE BUILDING # "L-2"

LAS VEGAS TECH CENTER II
LAS VEGAS, NV.

SDR-4519
07-08-04 PC

F:\DEFAULTS\IT&M\Logo-04-14-04\JPEG\TM.jpg

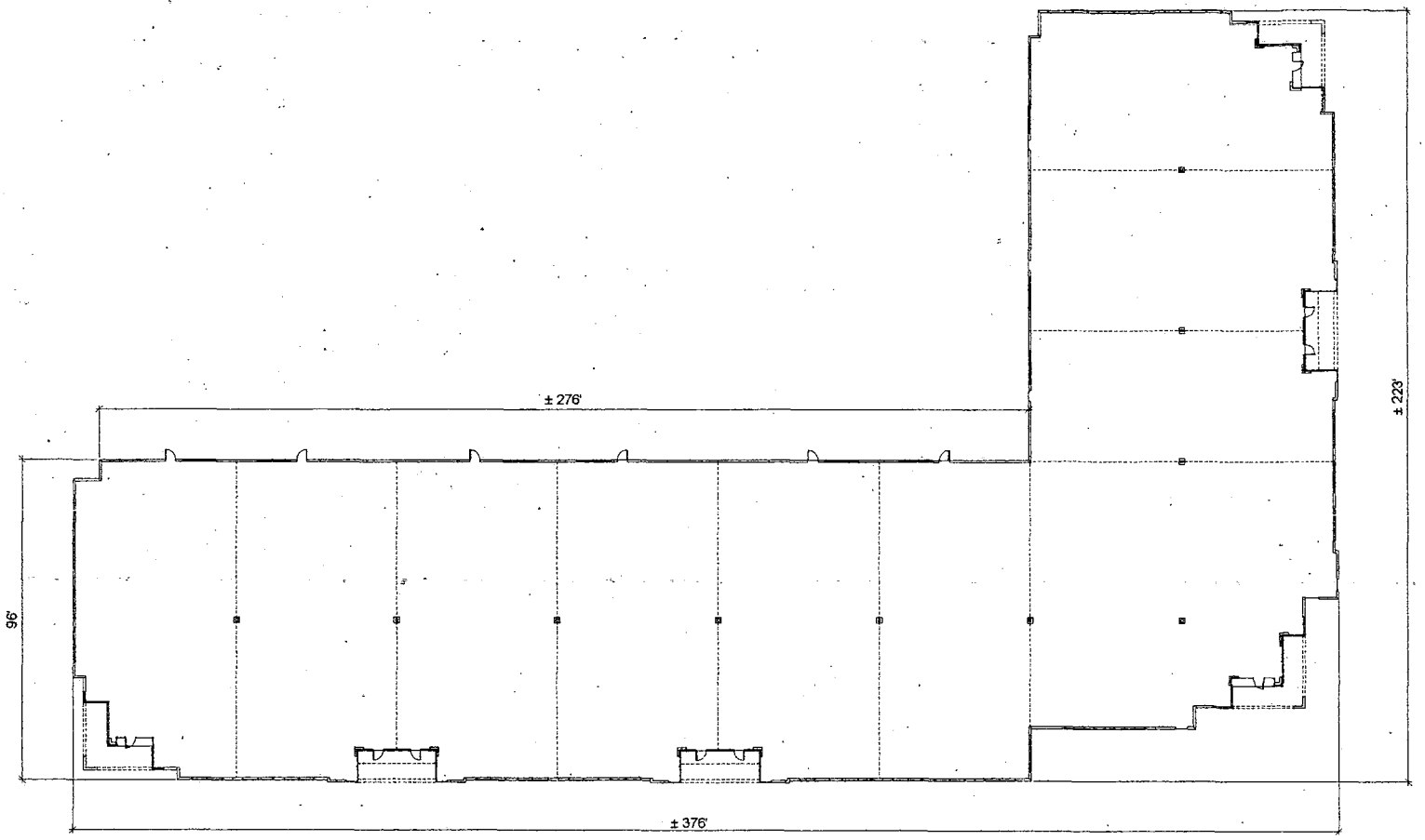
HFA
HOWARD F. THOMPSON ARCHITECT
Architecture/Land Planning/Interiors
400 N. Stephanie, Suite 245
Henderson Nevada 89014
(702)896-6815/FAX(702)765-8835

N
0 10 20
1"=10-0"

PRELIMINARY ELEVATI

This is a schematic parcel/plan only. The information and boundar shown here been compiled from sources believed to be reliable. However accuracy is not guaranteed and is subject to change. It is not intended not be construed fact any entity, public or private, including the owner c property has committed itself to the implementation of this plan or to t development or construction of any element of this plan.

JOB NO. 73-113-03 (PR) ELEVATION-NEW



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SDR-4519
07-08-04 PC

PROPOSED ONE STORY OFFICE BUILDING # "L-2"

LAS VEGAS TECH CENTER II
LAS VEGAS, NV.

HOWARD K. THOMPSON ARCHITECT INC.
Architecture/Land Planning/Interiors
400 N. Stephanie, Suite 245
Henderson, Nevada 89014
(702)269-6615/FAX(702)269-6625

N
0 16 32
1"=16'-0"

PRELIMINARY FLOOR PLAN

This is a schematic parcelization/plan only. The information and boundary locations shown here have been compiled from sources believed to be reliable. However their accuracy is not guaranteed and is subject to change. It is not intended and should not be construed that any entity, public or private, including the owner of this property has committed itself to the implementation of this plan or to the development or construction of any element of this plan.

JOB NO. 23-113-00 (PR) City Submittal-Floor Plan.dwg 8/31/04

SDR-4519 - APPLICANT: THOMAS AND MACK DEVELOPMENT GROUP, LIMITED LIABILITY COMPANY
- OWNER: CROSS ROADS AT SUNSET, LIMITED LIABILITY COMPANY
SOUTHEAST CORNER OF PEAK DRIVE AND FIRE MESA STREET
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 94

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:

ABEYANCE ITEM - MASTER SIGN PLAN - PUBLIC HEARING - **MSP-4380 - APPLICANT: VISION SIGN, INC. - OWNER: D 2801 WESTWOOD, INC.** - Request for a Master Sign Plan FOR AN APPROVED SEXUALLY-ORIENTED BUSINESS (TREASURES GENTLEMEN'S CLUB) adjacent to the northwest corner of Westwood Drive and Red Oak Avenue (APN: 162-08-604-001 and 162-09-102-001 & 003), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	4	Planning Commission Mtg.	0
City Council Meeting		City Council Meeting	

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. Protest letter filed by Harold L. Earl
5. Abeyance request from Kummer Kaempfer Bonner & Renshaw

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 90 [DIR-4797], Item 92 [ROC-4709], Item 94 [MSP-4380], Item 121 [ZON-4200], Item 122 [SDR-4198], Item 138 [GPA-4564], Item 139 [VAR-4696], Item 140 [SUP-4565] and Item 141 [SDR-4563] to 8/18/2004, Item 104 [SUP-2848], Item 119 [SUP-4532], Item 129 [GPA-4542], Item 130 [ZON-4543], Item 131 [VAR-4547], Item 132 [VAR-4572] and Item 133 [SDR-4545] to 9/1/2004, – UNANIMOUS with BROWN excused

MINUTES:

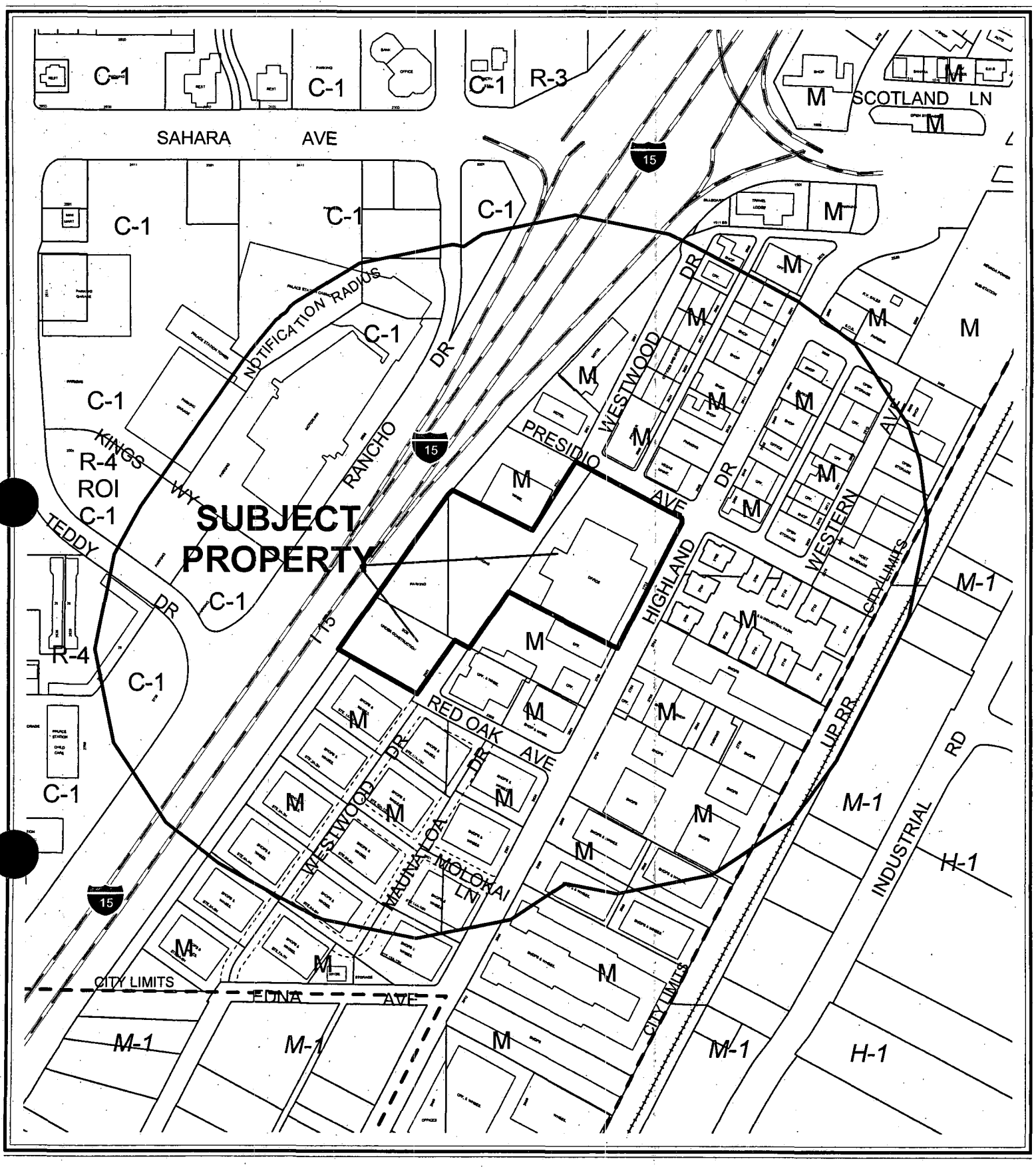
COUNCILMAN MACK disclosed that he would be abstaining on Item 94 [MSP-4380] because in his capacity as a consultant for Treasures Gentleman's Club, he is involved with their advertising and marketing.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 94 – MSP-4380

MINUTES:

MAYOR GOODMAN disclosed that although there are individuals in his law office participating in billboard related negotiations, he would be voting on abeyances for Item 90 [DIR-4797], Item 104 [SUP-2848], Item 115 [SUP-4510] and Item 119 [SUP-4532]. He disclosed that his son, ROSS GOODMAN, represents some Treasures employees but that that in no way would affect the applicant's request for a Master Sign Plan so he would be voting on Item 94 [MSP-4380]. He also stated that, in an abundance of caution, he wanted to disclose that one of the Fletcher Jones principles involved in Item 92 [ROC-4709] provides him with a winning horse at Del Mar every season; however, he did not feel it would hinder his ability to vote on the matter.

(1:03 – 1:08)



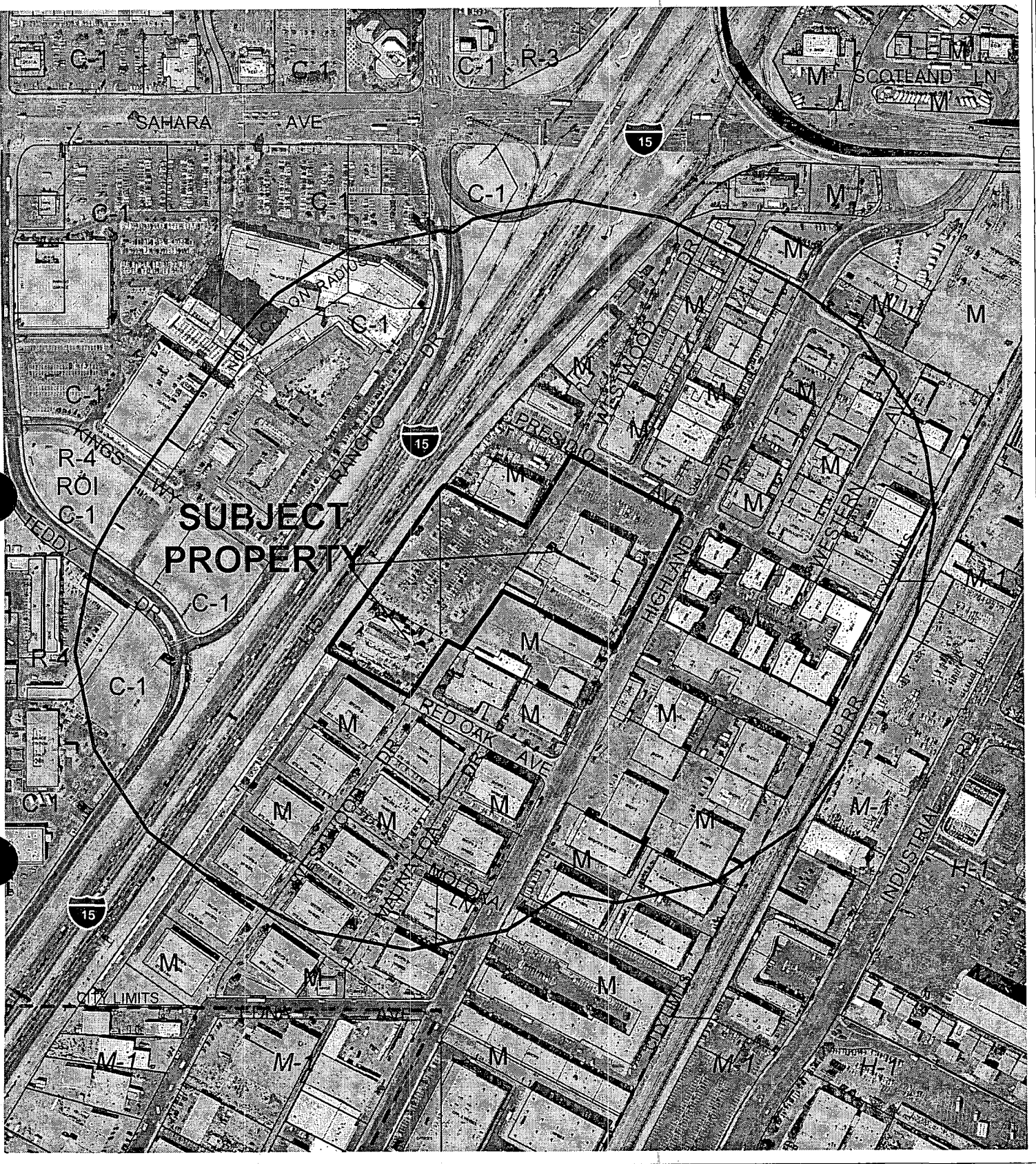
0 300 600 Feet

CASE: **MSP-4380**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



0 300 600 Feet

CASE: **MSP-4380**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - MSP-4380 - APPLICANT: VISION SIGN, INC. - OWNER: D 2801 WESTWOOD, INC.

THIS ITEM WAS HELD IN ABEYANCE AT THE JULY 7, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The approvals for MSP-1409 and MSP-2565 shall be expunged.

2. Conformance to the sign elevations and Master Sign Plan Sign Criteria document as submitted in conjunction with this request, except as amended by conditions herein.

3. All signage shall have proper permits obtained through the Building and Safety Department.

4. The base of the new freestanding sign at Highland Drive and Presidio Avenue shall be detailed to match the bases of the existing freestanding signs at I-15 and Westwood Drive. The modification shall be reviewed and approved by Planning and Development staff.

5. The Master Sign Plan Sign Criteria document shall be modified to prohibit any additional Consolidated or Freestanding Signs, and shall include specific design guidelines for any future wall signage.

6. The raceway lighting shall not flash.

7. No additional freestanding or monument signs will be permitted along Westwood Drive.

8. No temporary signage shall be allowed on the parcels without the approval of a Temporary Sign Permit from the Planning and Development Department.

9. Address numbers shall be provided as required by the Planning and Development Department.

Public Works

10. Signs shall not be located within public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Master Sign Plan for an approved Sexually-Oriented Business (Treasures Gentlemen's Club) and office complex adjacent to the northwest corner of Westwood Drive and Red Oak Avenue. This application is intended to replace the two existing Master Sign Plans (MSP-1409 and MSP-2565) that have been approved for the development.

B) Applicant's Justification

The applicant states that despite the presence of freestanding signs on I-15 and Westwood Drive, customers are having a difficult time locating the club from Highland Drive, which serves as the principal access to the business.

BACKGROUND INFORMATION

A) Previous Actions

04/05/00	The City Council approved a Special Use Permit (U-0109-99) for a Tavern on this site. The Planning Commission recommended Denial.
05/16/01	The City Council approved a one-year Extension of Time [U-0109-99(1)] of a Special Use Permit for a proposed 20,198 square foot Tavern on the subject site.
01/16/02	The City Council approved a Site Development Plan Review (SD-0063-01) for a proposed 24,093 square foot sexually oriented business on this site. The Planning Commission and staff recommended approval of the request.
08/21/02	The City Council approved a one-year Extension of Time [U-0109-99(2)] of a Special Use Permit for a proposed 20,198 square foot Tavern on the subject site.
04/16/03	The City Council approved a Master Sign Plan (MSP-1409) for one freestanding ground sign (50 feet in height) on the site. The Planning Commission and staff recommended approval.
08/06/03	The City Council approved a one-year Extension of Time (EOT-2333) of a Special Use Permit for a proposed 20,198 square foot Tavern on the subject site. The Planning Commission recommended approval of the request on 06/26/03.
08/20/03	The City Council approved a Master Sign Plan (MSP-2565), which permitted an additional freestanding sign and wall signage for the proposed building on the site. The Planning Commission recommended approval of the request on 07/24/03.

04/08/04 The Planning Commission tabled requests for a Special Use Permit (SUP-3907) and Variance (VAR-4032) for an off-premise sign on the property. The City Attorney determined that the requests should be processed as an addition to the previously-approved Master Sign Plan (MSP-2565).

06/10/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #10/ff).

B) Pre-Application Meeting

04/14/04 At the pre-application meeting, issues were discussed relative to the fact that three separate parcels are included as part of the development, the omission of one of the parcels from the previously-approved Master Sign Plan (MSP-2565), and the need for wall sign guidelines for the Highland Office Center which is included as part of the development.

C) Neighborhood Meetings

A neighborhood meeting is not required for Master Sign Plan applications.

DETAILS OF APPLICATION REQUEST

A) Existing Land Use

Subject Property:	Sexually-Oriented Business, Office Use
North:	Industrial/Manufacturing
South:	Industrial/Warehouse
East:	Industrial/Office
West:	I-15 Freeway

B) Existing Zoning

Subject Property:	M (Industrial)
North:	M (Industrial)
South:	M (Industrial)
East:	M (Industrial)
West:	Right-of-Way

C) General Plan Compliance

The LI/R (Light Industrial/Research) category of the Southeast Sector Plan allows for clean, low-intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, development and testing laboratories The existing M (Industrial) Zoning is consistent with the LI/R (Light Industrial/Research) general plan designation.

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

The subject parcel is not subject to any Special Area Plans, Overlay District regulations, or Study Areas.

MASTER SIGN PLAN REQUIREMENTS FOR ON-PREMISE SIGNAGE		
THRESHOLD	**YES**	**NO**
To establish requirements/limitations for signs in a specific development	X	

A Master Sign Plan was required as a condition of approval of the Site Development Plan Review (SD-0063-01).

ANALYSIS

A) Zoning Code Compliance

General project description

The applicant has requested approval of a new Master Sign Plan for the development in order to permit an additional freestanding sign at the intersection of Highland Drive and Presidio Avenue. The proposed sign will be 40 feet tall, with 426 square feet of sign area, and is generally consistent with the configuration and materials of the two existing signs on the Treasures parcel.

As this sign plan is to replace the existing sign plans already in place for the property (MSP-1409 and MSP-2565), the submitted documentation identifies all existing signage on the Treasures parcel, as well as the existing freestanding sign and wall signage of the Highland Office Center. The sign plan also includes a Master Sign Plan Sign Criteria document, which dictates all future signage that may be allowed for the development, subject to the limitations of Title 19.14.

A1) Residential Protection Standards

The parcel is located over 1,200 feet from the nearest single-family residential parcel, and is not subject to the Residential Protection Standards listed in Title 19.14.

A2) Sign Standards

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

Freestanding Signs:

Standards	Allowed	Provided
Maximum Number	1/200' Frontage 1/Westwood 3/Highland Drive 2/Presidio Avenue 6 total	 1/Westwood 2/Highland Drive 0/Presidio Avenue 1/I-15 4 total
Maximum Area	2 SF/ft. frontage 400 SF/Westwood 880 SF/Highland 760 SF/Presidio	 152 SF/Westwood 696 SF/Highland 0 SF/Presidio 350 SF/I-15
Maximum Height	40 Feet	 28'/Westwood 30' & 40'/Highland --/Presidio 50'/I-15
Minimum Setback	5 Feet	5 Feet
Illumination	Internal, External, Animated, Electronic	Internal, External (Neon)

The existing and proposed freestanding signage is generally in conformance with the requirements of Title 19. The existing freestanding sign facing I-15 is not permitted by Title 19, due to the fact that the parcel does not have direct access from the Interstate, but was approved as part of a previously approved sign plan. The other existing freestanding signs conform with the height and area limitations; the proposed freestanding sign will also conform with height and area requirements.

Wall Signs:

Standards	Allowed	Provided
Maximum Number	N/A	N/A
Maximum Area	20%/elevation	Not indicated
Maximum Projection	4 Feet	1 Foot
Illumination	Internal, External, Animated, Electronic	Non-illuminated, External (Neon)

While calculations have not been provided for the existing wall signage, a visual inspection of the properties indicates that it is significantly less than what would be permitted under Title 19.14. The wall signage also conforms with the lighting requirements listed in the Code of Ordinances.

B) General Analysis and Discussion

Three parcels comprise the Treasures development: The parcel at the northwest corner of Red Oak Drive and Westwood Drive, where the Sexually-Oriented Business is located; the

parcel immediately north, which includes the parking area for the business and driveway access from Presidio Avenue; and the Highland Office Center, located at the southwest corner of Highland Drive and Presidio Avenue. The three parcels were identified as part of the development when the Site Development Plan (SD-0063-01) for Treasures was approved.

The previous Master Sign Plans (MSP-1409 and MSP-2565) only included two of the three parcels as part of the plan; the Highland Office Center parcel was omitted from the sign plan. The applicant's request for an additional freestanding sign warrants revisions to the existing sign plans and the inclusion of the Highland parcel.

The new freestanding sign proposed for the intersection of Highland Drive and Presidio Avenue is in conformance with the requirements of Title 19.14, and the proposed location will provide adequate separation between the existing freestanding sign for the Highland Office Center. The base of the proposed sign does not match the detailing of the bases of the existing freestanding Treasures signs, and should be modified so that the three signs are consistent as dictated by the Master Sign Plan requirements. The colors, lighting, and design elements are consistent with the other Treasures signs.

No other freestanding signs are proposed at this time; however, the Master Sign Plan Sign Criteria document would permit additional freestanding signs based on Title 19 requirements. Due to the fact that the development already includes a non-permitted freestanding sign, it is recommended that no other freestanding signs be permitted, and that the Sign Criteria document be modified as such. A condition has been added to include this recommendation.

The existing wall signage conforms with the requirements of Title 19, and the Sign Criteria document limits any additional wall signage to 20% of the each building façade. The Sign Criteria document does not place any restrictions on the type, color, or placement of any future signage; the document should be modified so that any future wall signage is consistent with the existing signage.

As indicated in the applicant's justification letter, this sign plan will replace the existing sign plans that were approved for the property. The applicable conditions of approval of the original sign plans have been incorporated into the conditions for the current request.

PLANNING COMMISSION ACTION

There was one speaker protesting this application at the Planning Commission hearing.

NOTICES MAILED 55 by Planning Department

APPROVALS 0

PROTESTS 4

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: MSP-4380 APN: _____

Name of Property Owner: D.2753, LLC

Name of Applicant: _____

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

_____ Yes ____✓____ No

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

City Official: _____

Partner(s): N/A _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

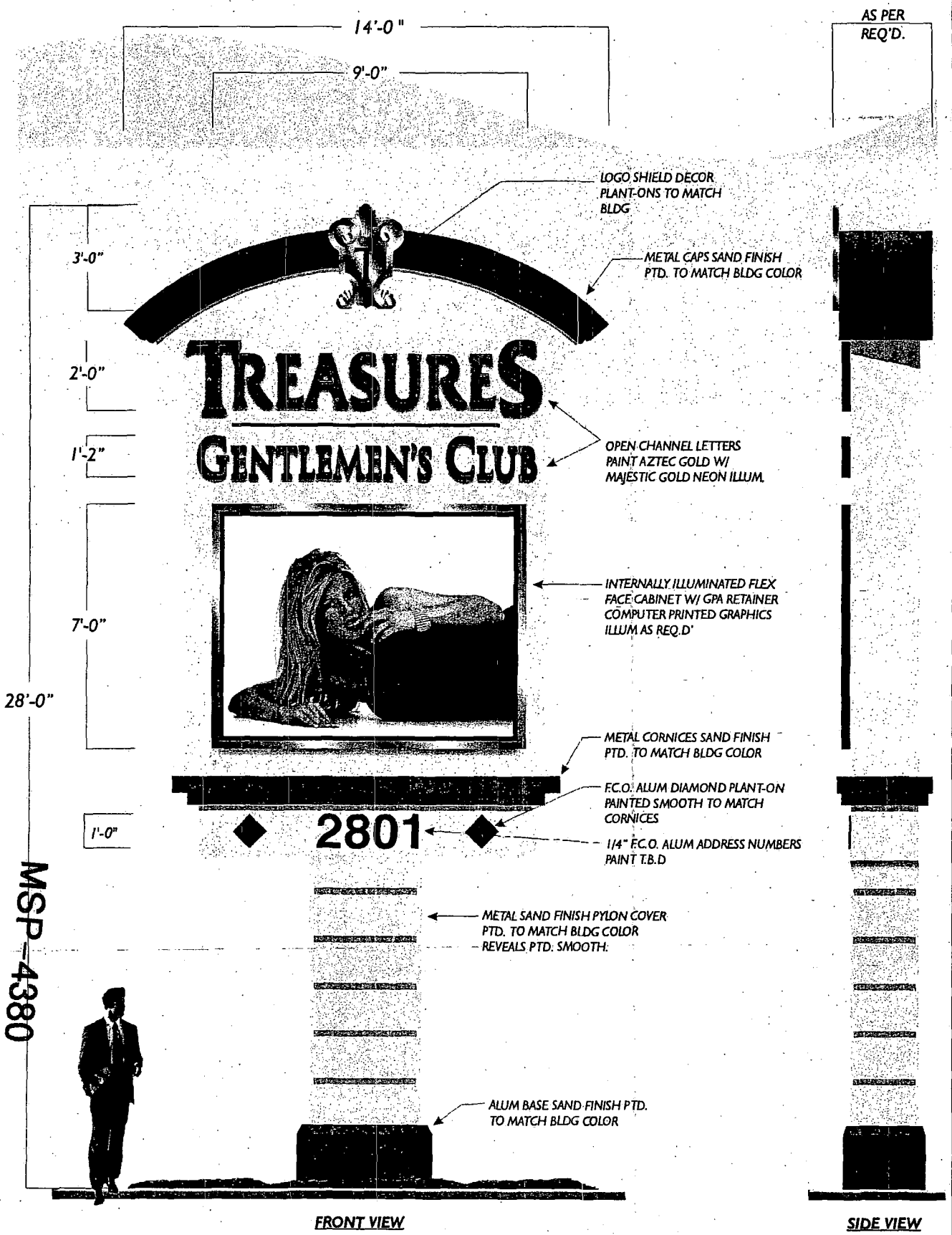
Ali Davari
mgr of D.2753, LLC

Subscribed and sworn before me

This 28th day of April, 2004

Brenda K. Roberts
Notary Public in and for said County and State

BRENDA K. ROBERTS
Notary Public
State of Texas
My Commission Expires
March 25, 2005



S/F 28' PYLON SIGN **3/8"=1'-0"**

COLOR CALL-OUTS TO FOLLOW - NOTE: ALL EMBELLISHMENT TO MATCH ARCHITECTURE OF BLDG

6-1-04 PC

MSP-4380

STAFF

JOB NO 7375
DATE 10-08-2002
DRAWN DERRICK
DATE SHOCK
FILE NAME TGC7375.CDR
SHEET

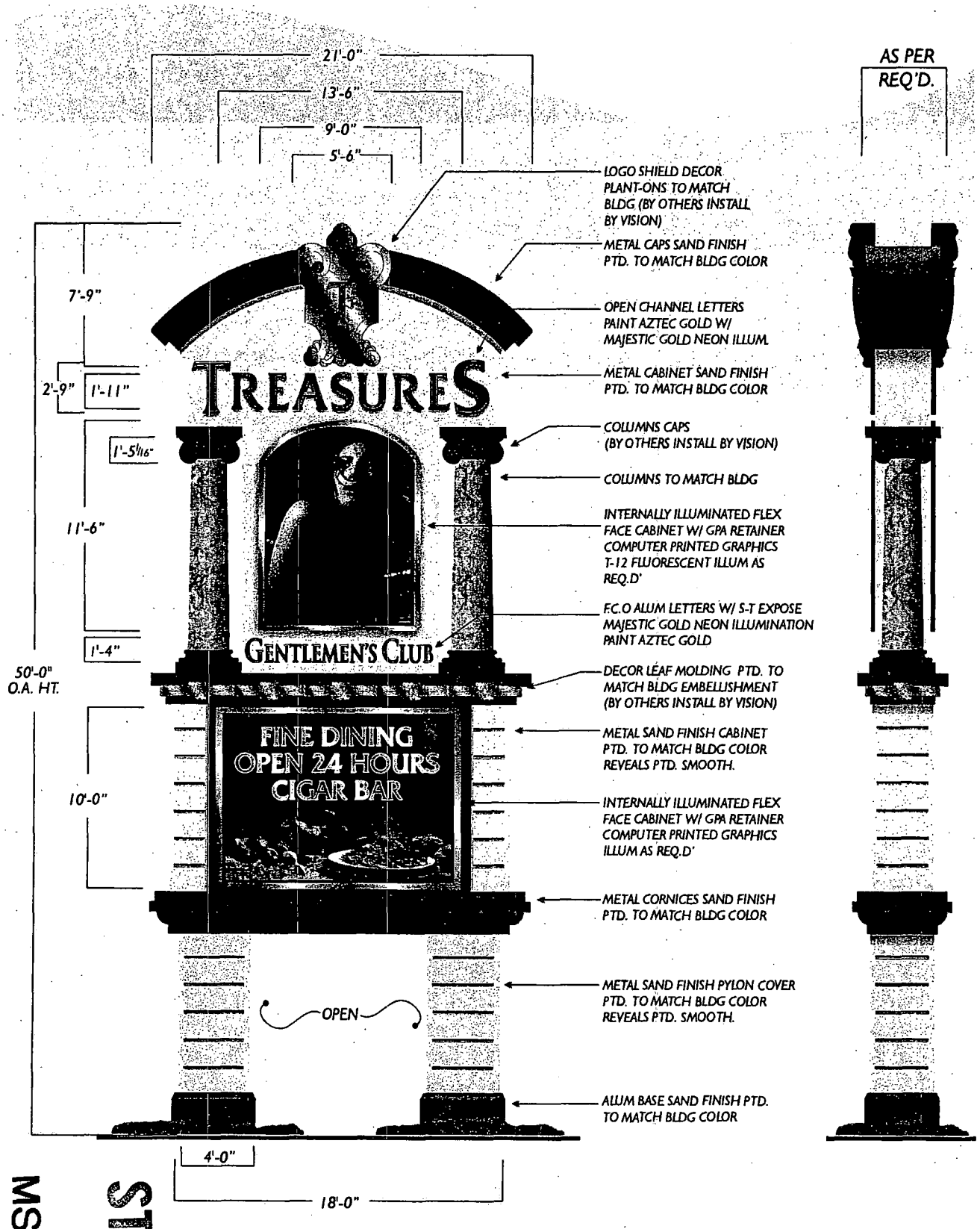
TREASURES
GENTLEMEN'S CLUB

VISION SIGN
3025 S. Polaris Ave. Las Vegas, Nevada 89102

These plans are prepared and submitted by the contractor as an exemption to NRS 623.350 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISIONS
08-22-03 DN

THIS ARTWORK WAS PREPARED BY AND IS THE PROPERTY OF VISION SIGN



FRONT VIEW **END VIEW**

STAFF

MSP-4380

6-10-04 PC

D/F 50' PYLON SIGN 3/16"=1'-0"

COLOR CALL-OUTS TO FOLLOW - NOTE: ALL EMBELLISHMENT TO MATCH ARCHITECTURE OF BLDG

JOB NO	6806b
DATE	10-08-2002
DRAWN	DERRICK
FILE	SHOCK
FILE NAME	LaRouge6806b.CDR

TREASURES
GENTLEMEN'S CLUB

VISION SIGN
3023 S. Polaris Ave. Las Vegas, Nevada 89102

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

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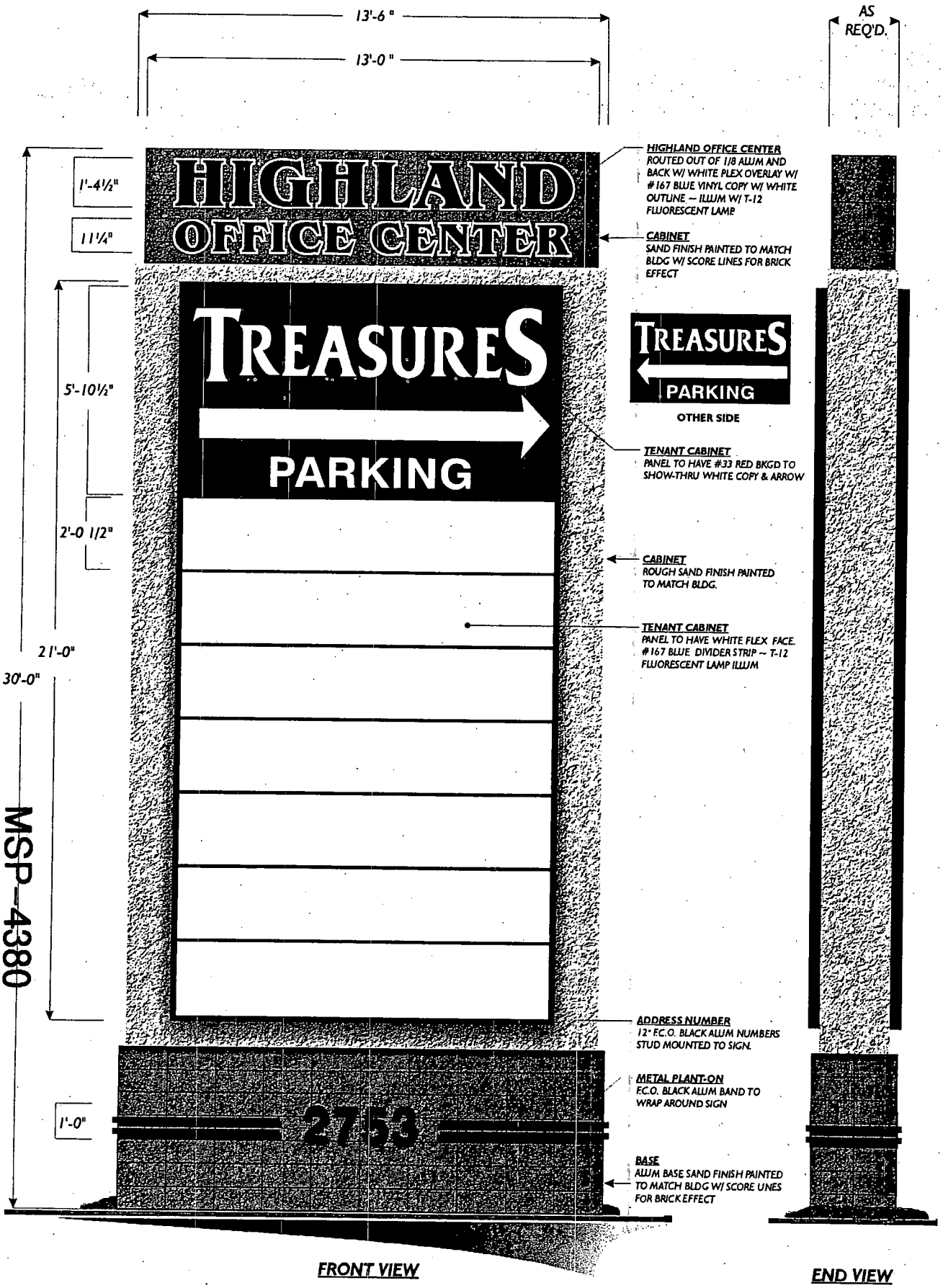
01-22-03	DN
03-18-03	DN
03-27-03	DN
04-14-03	DN
04-21-03	DN



FRONT VIEW

END VIEW

D/F 30' PYLON SIGN

3/8"=1'-0"

6-16-04 PC

MSP-4380

SIGNAGE

JOB NO	6806c
DATE	10-08-2002
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	LaRouge6606c.CDR
SHEET	

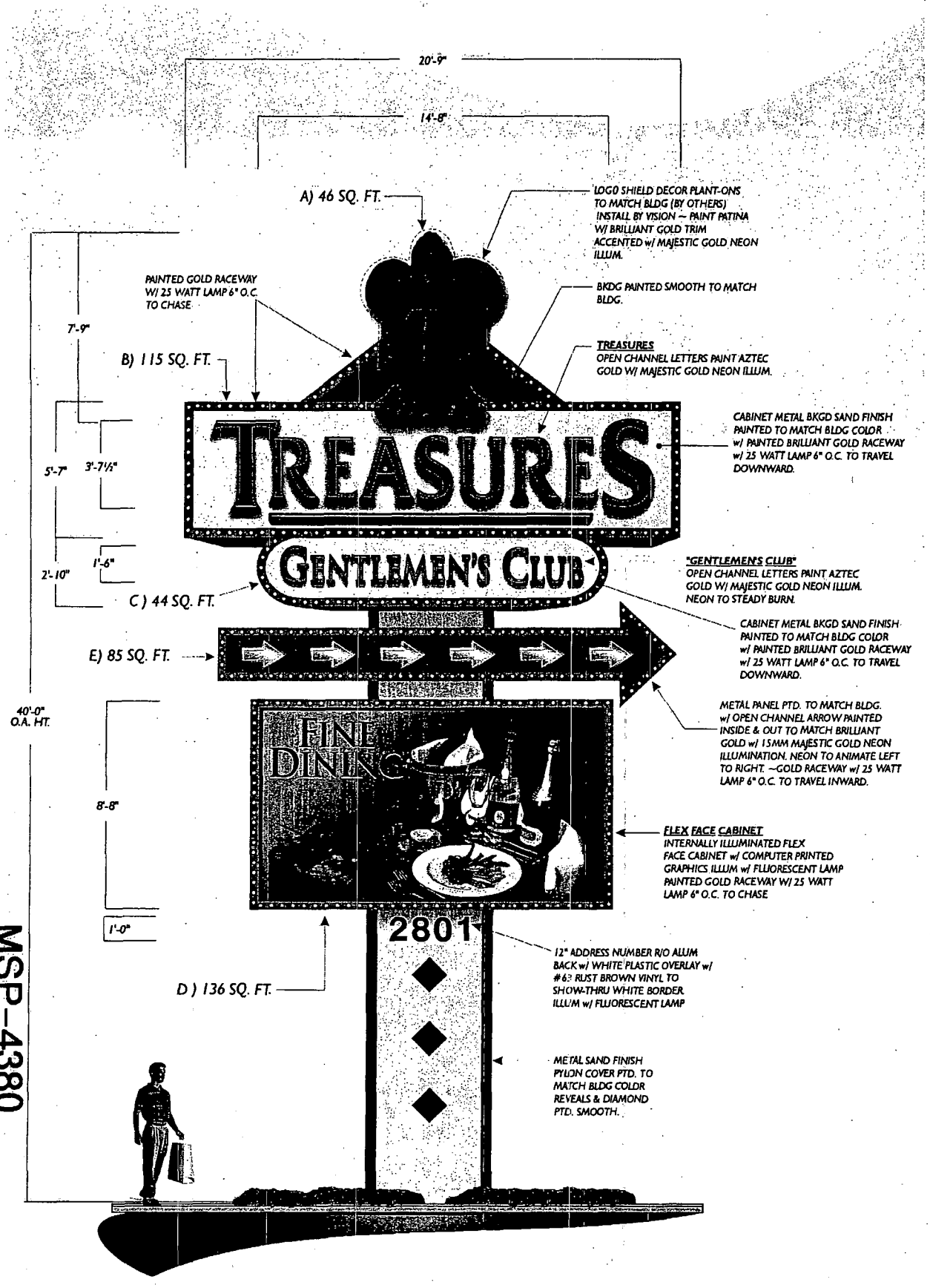
HIGHLAND OFFICE CENTER
2753 HIGHLAND

THIS ARTWORK WAS PREPARED BY AND IS THE PROPERTY OF VISION SIGN

VISION SIGN
3623 S. Polaris Ave. Las Vegas, Nevada 89103

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISIONS	BY
12-09-02	DN
05-28-03	DN
07-21-03	DN
09-15-03	DN



MSP-4380

6-10-04 PC

STAFF

MFG. & INSTALL NEW 40' PYLON SIGN 1/4" = 1'-0"

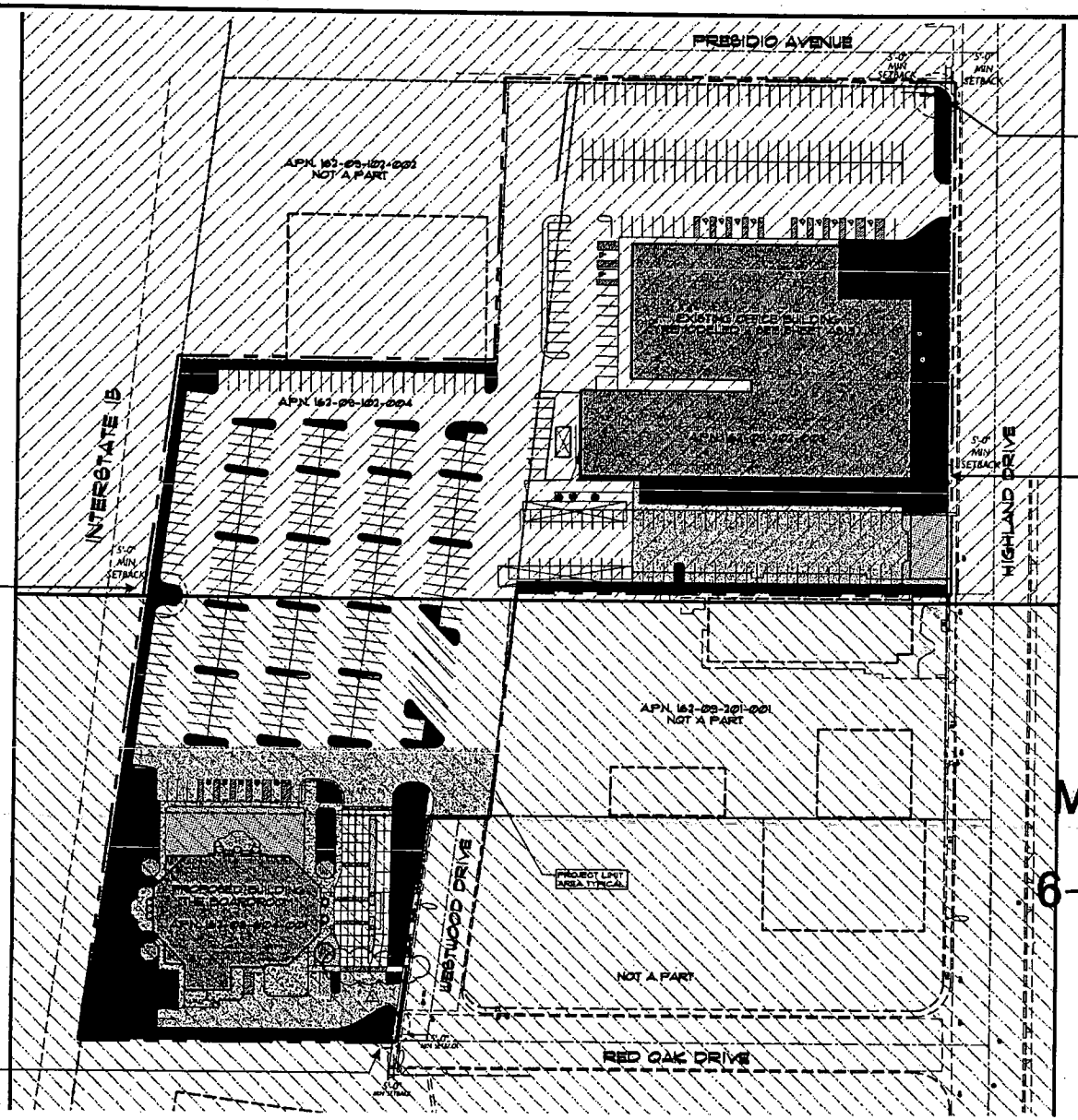
JOB NO	8029a
DATE	11-18-2003
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	TGC8029a.CDR
SHEET	

TREASURES
GENTLEMEN'S CLUB

VISION SIGN
3625 S. Polaris Ave. Las Vegas, Nevada 89103

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

DATE OF	APPROVED
02-10-04	DM ADD SQ. FOOTAGE
02-27-04	DM NEW ARROW



MSP-4380

6-10-04 PC

OVERALL SITE PLAN

SCALE: 1"=100'

JOB NO.	TGC SitePlan
DATE	04-05-2004
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	TGC O A SitePlan.CDR
FOLDER	TREASURES

TREASURES
GENTLEMEN'S CLUB

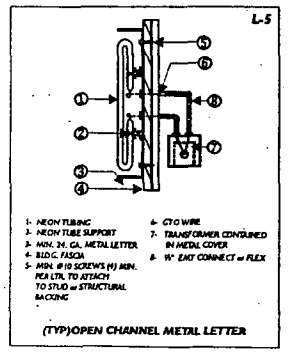
VISION SIGN
3625 S. Polaris Ave. Las Vegas, Nevada 89103

These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISIONS	BY

THIS ARTWORK WAS PREPARED BY AND IS THE PROPERTY OF VISION SIGN, INC. ANY UNAUTHORIZED USE OF SAME, IN WHOLE OR PART IS PROHIBITED.

STAFF



(TYP)OPEN CHANNEL METAL LETTER

15'-0"

2'-3" 1'-6"

TREASURES

(A) OPEN CHANNEL LETTERS DETAIL 1/2"=1'-0"

(3) REQ'D. ~ EAST, NORTH & SOUTH ELEVATION

OPEN PAN CHANNEL LETTERS PAINTED AZTEC GOLD #46-401 INSIDE & OUT ~ ILLUM. W/ MAJESTIC GOLD NEON.

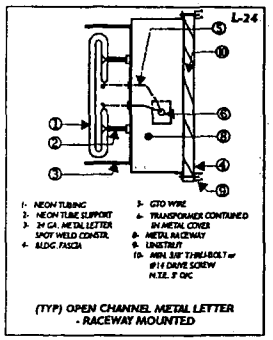
21'-0"

19'-10"

3'-9" 3'-0" 2'-0"

TREASURES

STAFF



(TYP) OPEN CHANNEL METAL LETTER - RACEWAY MOUNTED

(B) OPEN CHANNEL LETTERS DETAIL 1/2"=1'-0"

(1) REQ'D. ~ WEST ELEVATION

OPEN PAN CHANNEL LETTERS PAINTED AZTEC GOLD #46-401 INSIDE & OUT ~ ILLUM. W/ MAJESTIC GOLD NEON. LETTERS MOUNTED TO METAL RACEWAY TEX-COTE PAINTED TO MATCH BLDG.

MSP-4380

6-10-04 PC

JOB NO.	7246
DATE	02-26-2003
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	7246.CDR
SHEET	

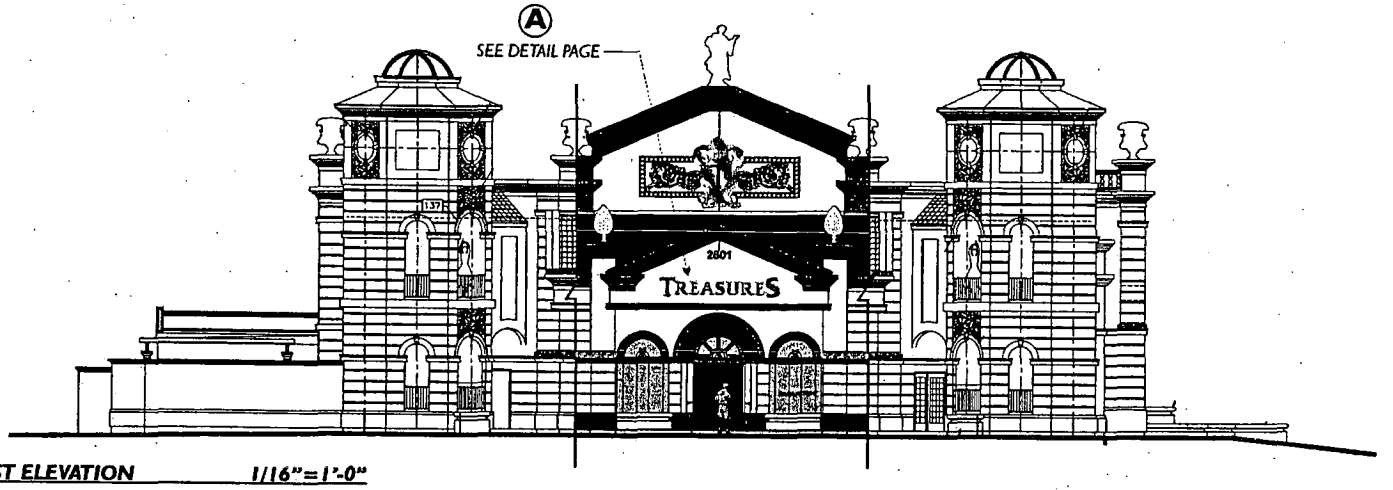
TREASURES
GENTLEMEN'S CLUB

VISION SIGN
3625 S. Polaris Ave. Las Vegas, Nevada 89103

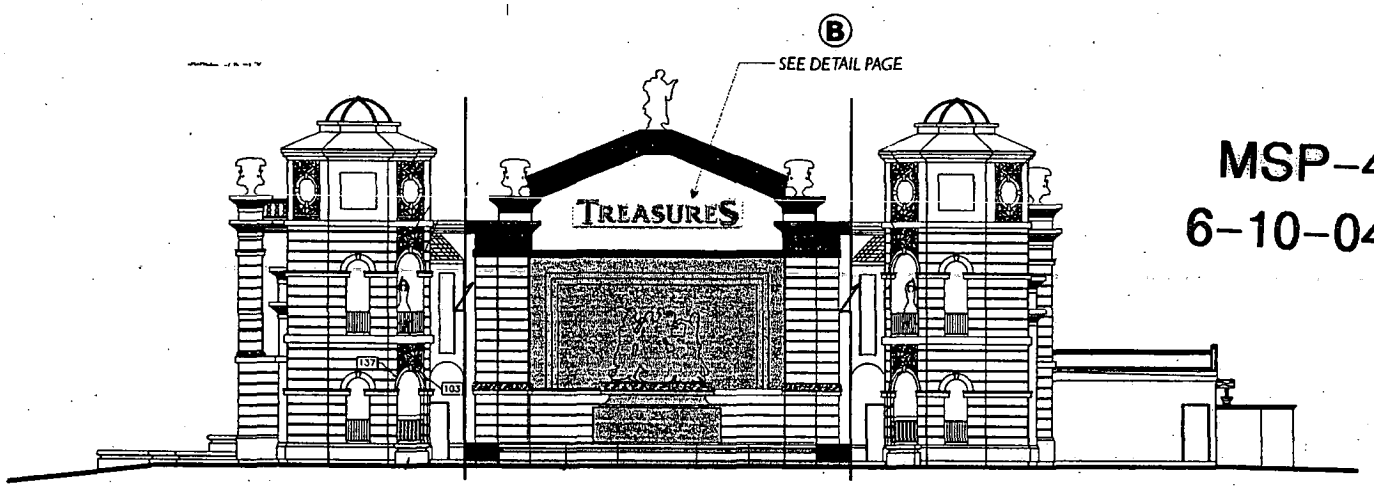
These plans are prepared and submitted by the contractor as an exemption to NRS 623.330 for work under contractor license category authorized under NRS 624.
NV CONTRACTOR LICENSE #42776

REVISED	BY
04-21-03	DN

THIS ARTWORK WAS PREPARED BY AND IS THE PROPERTY OF VISION SIGN, INC. ANY UNAUTHORIZED USE OF SAME, IN WHOLE OR PART IS PROHIBITED.



EAST ELEVATION 1/16"=1'-0"



WEST ELEVATION 1/16"=1'-0"

MSP-4380
6-10-04 PC

STAFF

JOB NO.	7246
DATE	02-26-2003
DRAWN	DERRICK
SALES	SHOCK
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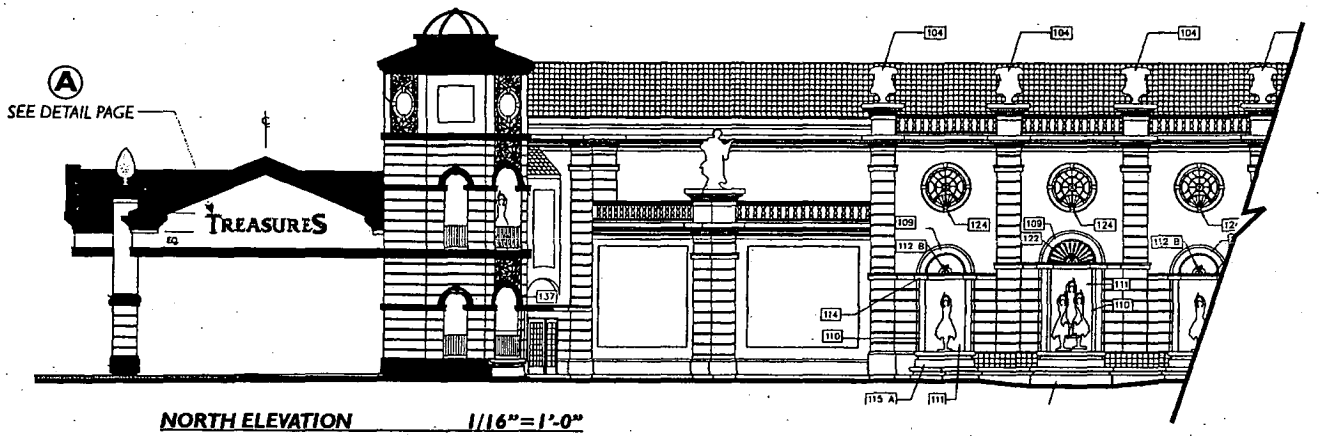
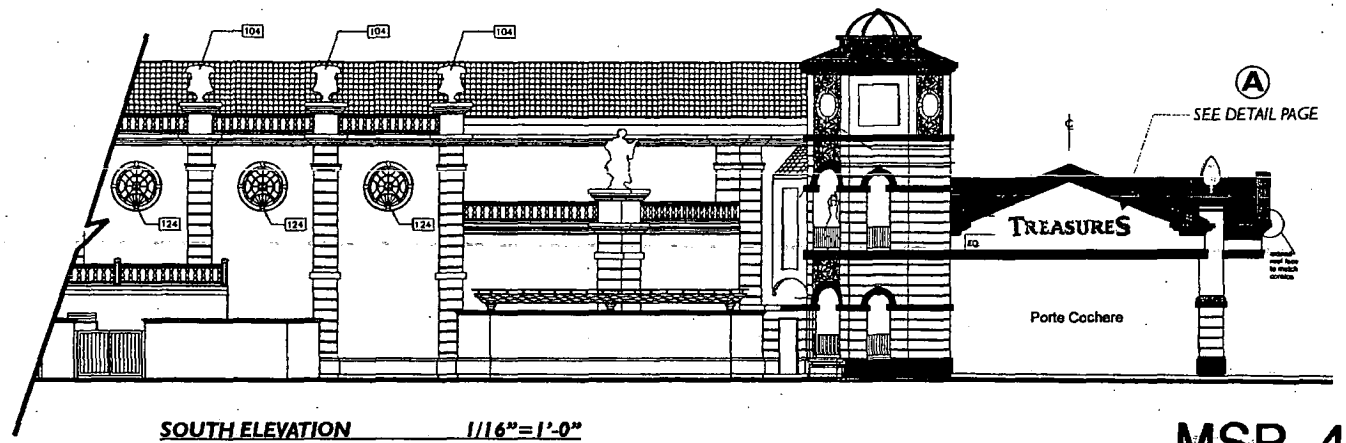


NORTH ELEVATION 1/16"=1'-0"



SOUTH ELEVATION 1/16"=1'-0"

STAFF

MSP-4380

6-10-04 PC

JOB NO.	7246
DATE	02-26-2003
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	7246.CDR
SHEET	

TREASURES
GENTLEMEN'S CLUB

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REVISIONS	BY
04-21-03	DN

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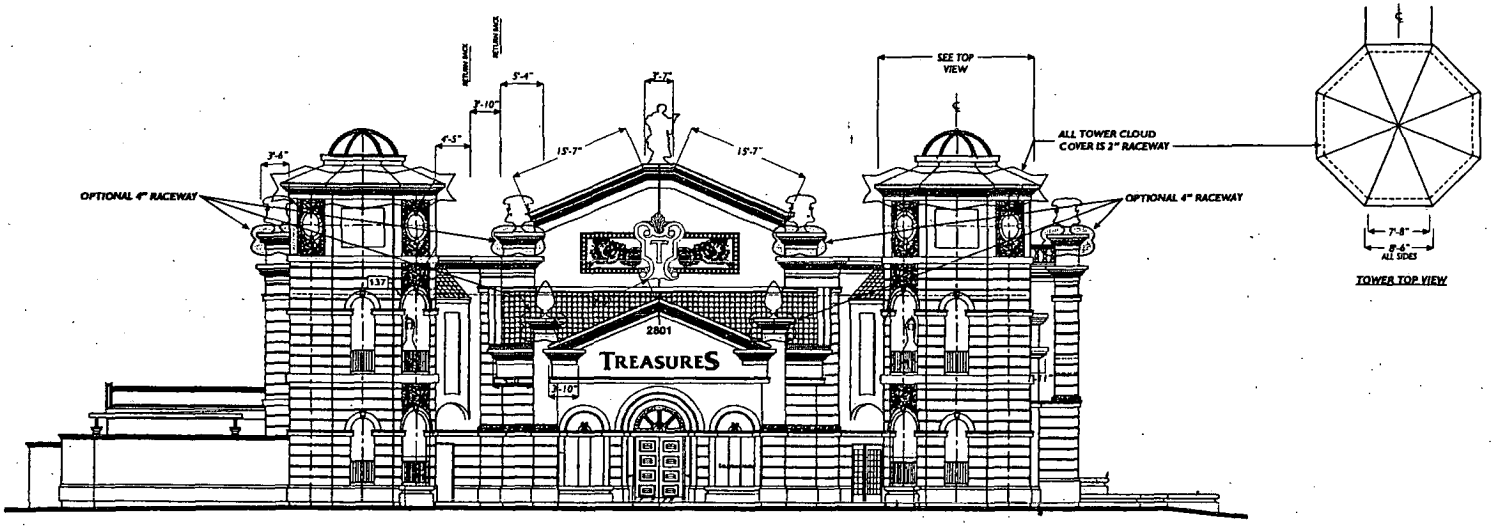
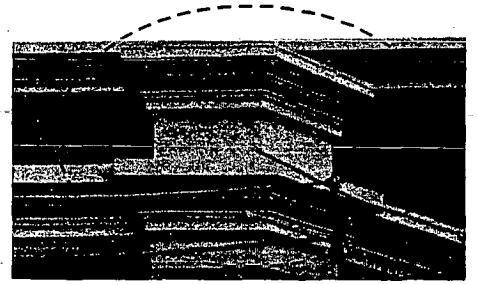


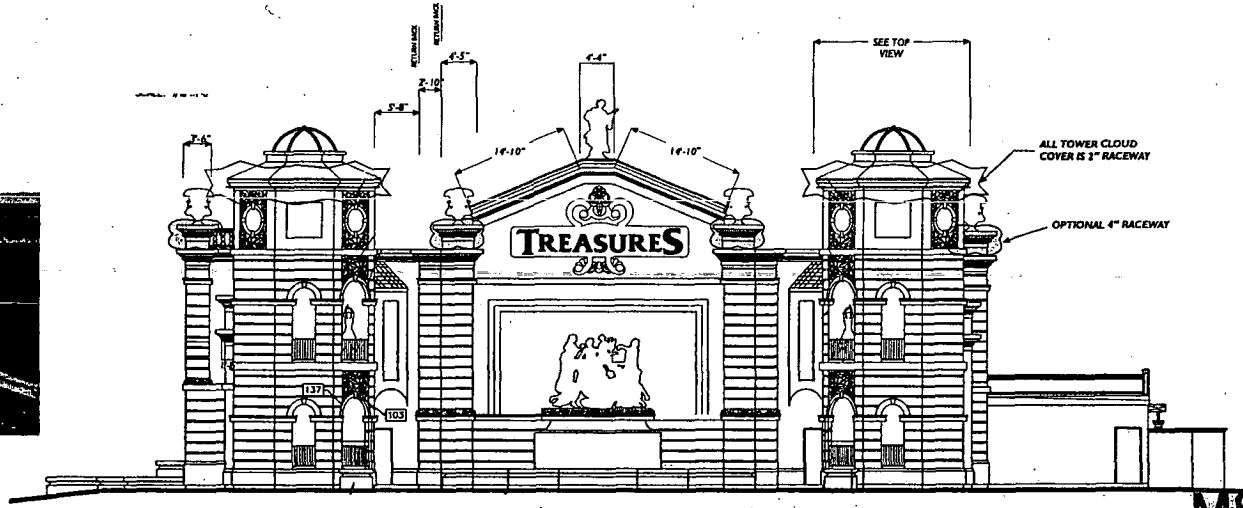
TOWER TOP VIEW

EAST ELEVATION 1/8"=1'-0"

MFG. & INSTALL 4" ILLUMINATED PAINTED RACEWAY
COLOR T.B.D. W/ 11 WATT CLEAR LAMPS 6" ON CENTER



RECESS FOR RACEWAYS



TOWER TOP VIEW

WEST ELEVATION 1/8"=1'-0"

MFG. & INSTALL 4" ILLUMINATED PAINTED RACEWAY
COLOR T.B.D. W/ 11 WATT CLEAR LAMPS 6" ON CENTER

STAFF

MSP-4380
6-10-04 PC

ALL SIZES ARE PLUS OR MINUS (FIELD CHECK REQ.D)

JOB NO.	7397
DATE	04-23-2003
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	TGC7397.CDR
SHEET	OF

TREASURES
GENTLEMEN'S CLUB

VISION SIGN
3625 S. Polaris Ave. Las Vegas, Nevada 89103

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NV CONTRACTOR LICENSE #42776

REVISIONS	BY

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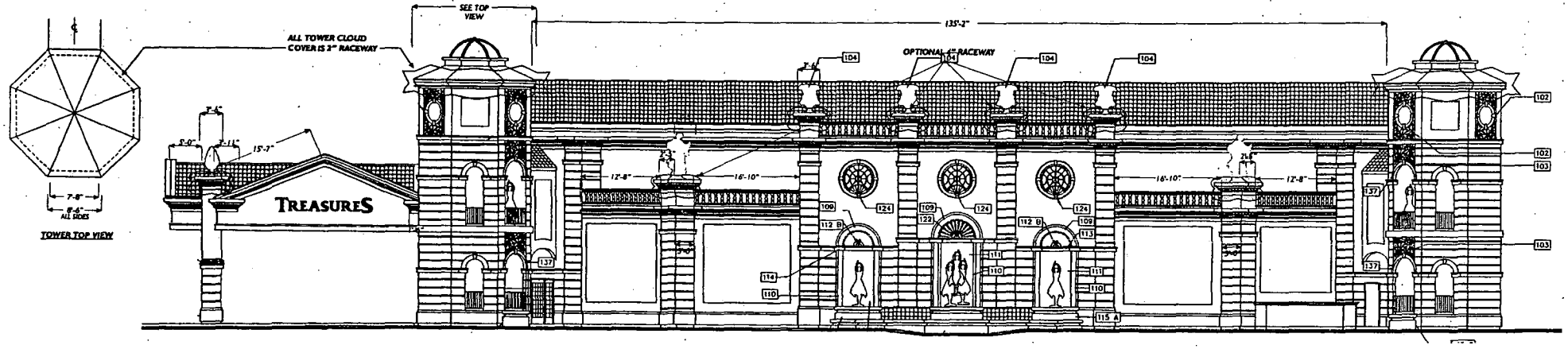
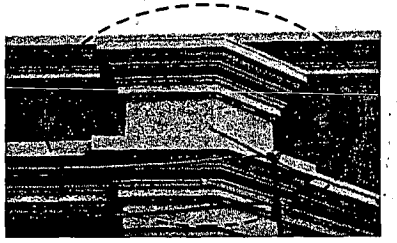


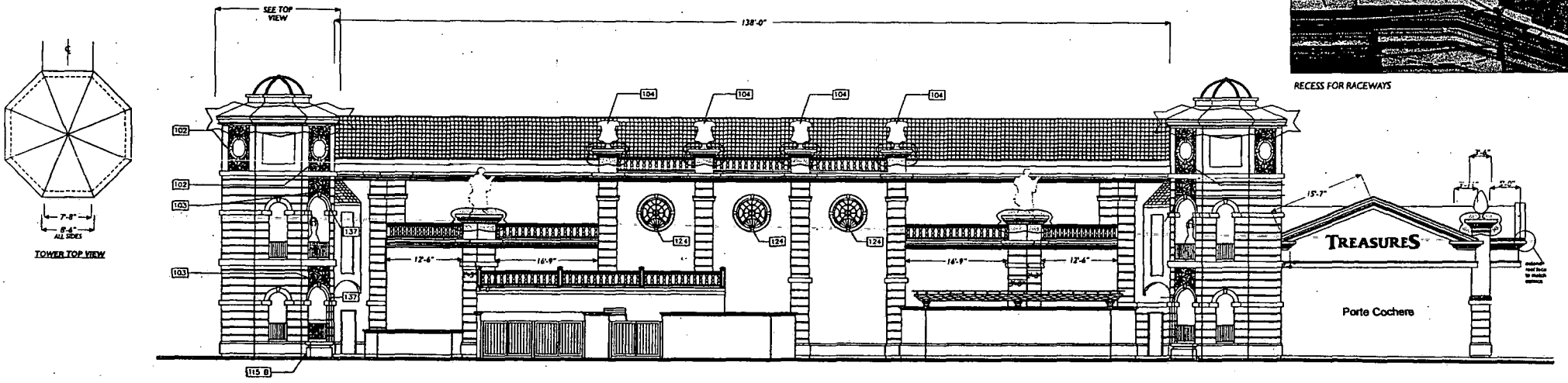
TOWER TOP VIEW

NORTH ELEVATION 1/8"=1'-0"

MFG. & INSTALL 4" ILLUMINATED PAINTED RACEWAY
COLOR T.B.D. W/ 11 WATT CLEAR LAMPS 6" ON CENTER



RECESS FOR RACEWAYS



TOWER TOP VIEW

SOUTH ELEVATION 1/8"=1'-0"

MFG. & INSTALL 4" ILLUMINATED PAINTED RACEWAY
COLOR T.B.D. W/ 11 WATT CLEAR LAMPS 6" ON CENTER

JOB NO.	7397
DATE	04-23-2003
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	TGC7397.CDR
SHEET	OF

TREASURES
GENTLEMEN'S CLUB

VISION SIGN
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REVISIONS	BY

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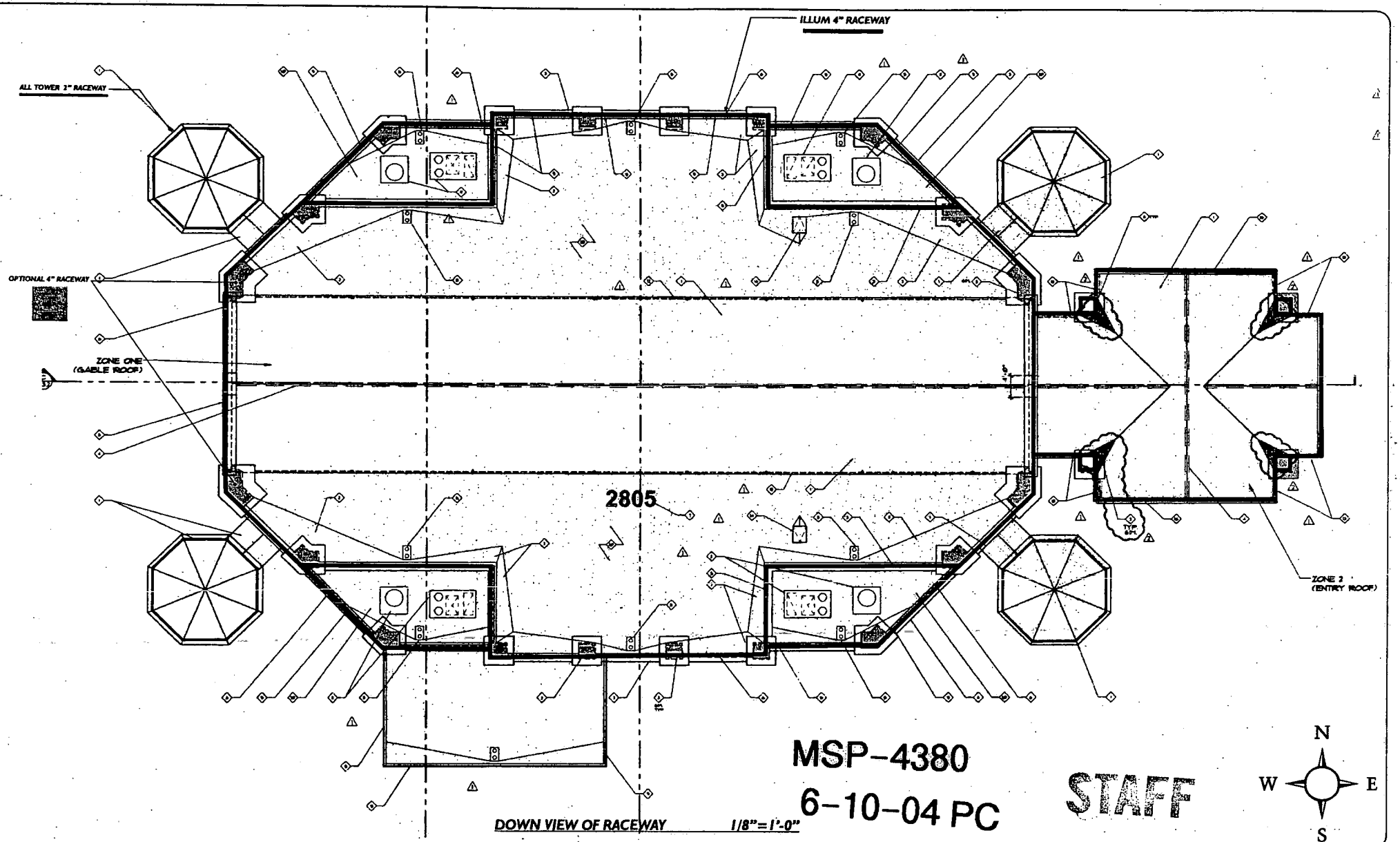
MSP-4380
6-10-04 PC

STAFF



DOWN VIEW OF RACEWAY 1/8"=1'-0"

MSP-4380

6-10-04 PC

STAFF

I-15

JOB NO.	7397
DATE	04-23-2003
DRAWN	DERRICK
SALES	SHOCK
FILE NAME	TGC7397.CDR
SHEET	OF

TREASURES
GENTLEMEN'S CLUB

VISION SIGN
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NV CONTRACTOR LICENSE #42776

REVISIONS	BY

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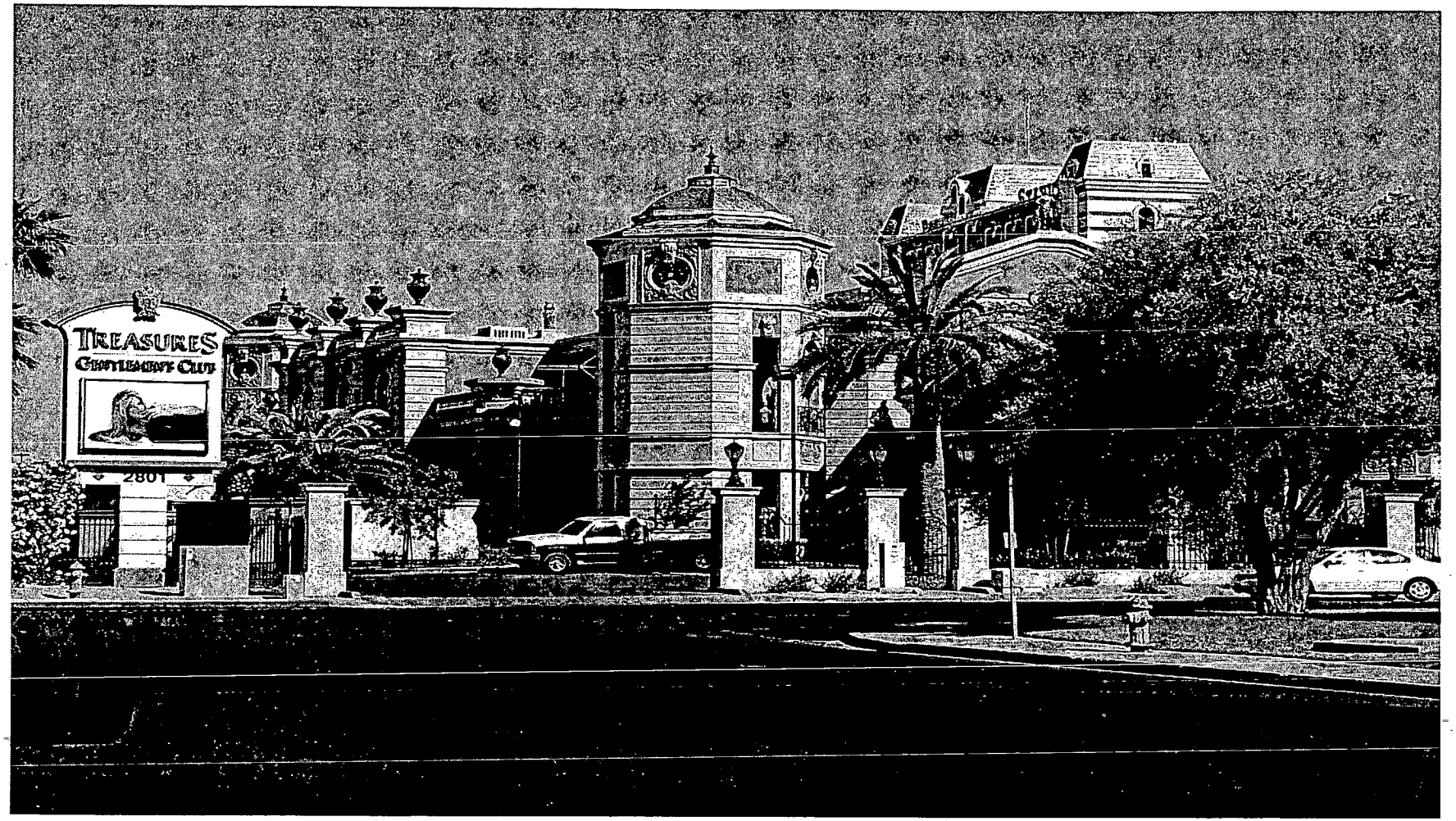
MSP-4380 - APPLICANT: VISION SIGN, INC. - OWNER: D 2801 WESTWOOD, INC.
NORTHWEST CORNER OF WESTWOOD DRIVE AND RED OAK AVENUE
JUNE 10, 2004 PLANNING COMMISSION

05/21/04



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NORTHWEST CORNER OF WESTWOOD DRIVE AND RED OAK AVENUE
JUNE 10, 2004 PLANNING COMMISSION

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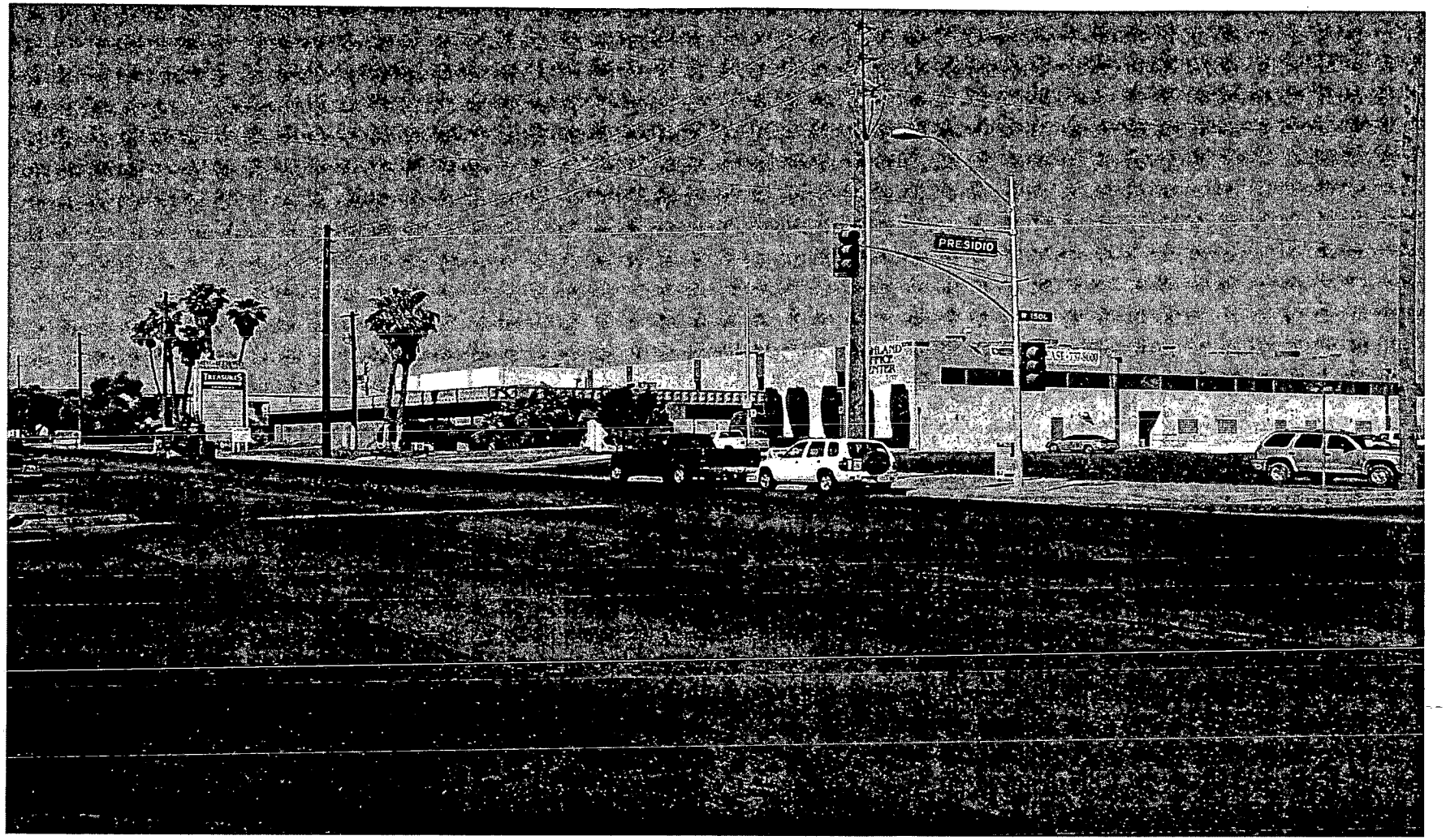
JUNE 10, 2004 PLANNING COMMISSION

05/21/04



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NORTHWEST CORNER OF WESTWOOD DRIVE AND RED OAK AVENUE
JUNE 10, 2004 PLANNING COMMISSION

05/21/04

RECEIVED
CITY CLERK

2004 JUN 17 P 3:52

June 9, 2004

City Council of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Protest

To all council members:

I called in my protest to MSP-4380. I understand that the planning Comission approved it.

It now comes before the City Council.

My name is Harold L. Earl. I was born in 1920 in Las Vegas, Nevada. I have lived all 84 years of my life in Las Vegas.

It saddens me to know what a wonderful town it has been and now realize how badly it has changed for the worse.

What are we trying to do? Turn Las Vegas into the worlds largest and worst whorehouse in the world.

Please stop this trend by not approving MSP-4380.

Hopefully yours
Harold L. Earl
1403 5th Place
Las Vegas, Nevada 89104

KUMMER KAEMPFER BONNER & RENSHAW
ATTORNEYS AT LAW

3800 Howard Hughes Parkway
Seventh Floor
Las Vegas, Nevada 89109-0907

Tel: 702.792.7000
Fax: 702.796.7181
www.kkbr.com

RUSSELL M. ROWE
rrowe@kkbr.com

July 22, 2004

RECEIVED
CITY CLERK
2004 JUL 23 P 1:36

VIA FACSIMILE
385-7268

Ms. Margo Wheeler
City of Las Vegas
Planning & Development Department
731 S. Fourth St.
Las Vegas, NV 89101

Re: MSP 4380
Treasures Highland Sign

Dear Margo:

This office represents the above-referenced matter. We respectfully request that this matter be abeyed from the August 4, 2004, Las Vegas City Council hearing to the August 18, 2004, Las Vegas City Council hearing.

Thank you for your kind consideration with this request. Please contact me should you have any questions or need additional information.

Sincerely,
KUMMER KAEMPFER BONNER & RENSHAW

Russell M. Rowe

Russell M. Rowe

RMR/rmo

cc: Tracy Hurless, liaison to Councilwoman Moncrief (via facsimile)

City of Las Vegas

Agenda Item No. 95

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
VACATION - PUBLIC HEARING - **VAC-4487 - APPLICANT: NEVADA HOMES GROUP - OWNER: DAY STAR VENTURES, LIMITED LIABILITY COMPANY -** Petition to Vacate U. S. Government Patent Easements generally located between Deer Springs Way and Bath Drive, west of Fort Apache Road, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

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

RECOMMENDATION:
The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

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

MOTION:
MACK – APPROVED subject to conditions – UNANIMOUS with BROWN excused

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

BRIAN PSIODA, VTN Consultants, 2727 South Rainbow Boulevard, appeared on behalf of the applicant, agreed to all conditions and requested approval.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:22 – 1:23)

4-604

CONDITIONS:
Planning and Development
1. The Order of Relinquishment of Interest shall not be recorded until all of the following conditions have been satisfied.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 95 – VAC-4487

CONDITIONS Continued:

2. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director has not granted an Extension of Time, then approval will terminate and a new petition must be submitted.

3. Easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided, if required.

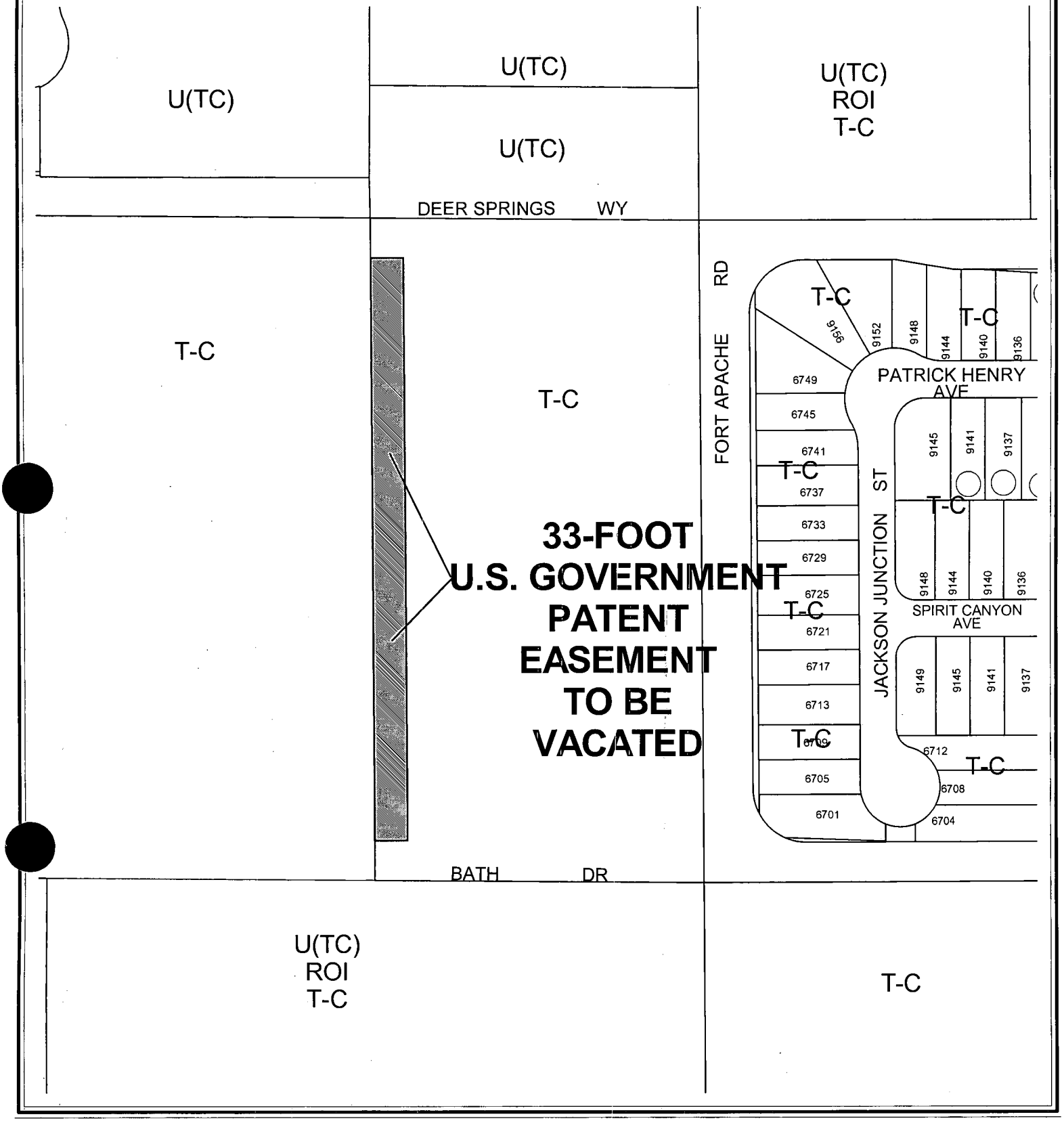
Public Works

4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for ZON-3481 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.

5. Development of these sites shall comply with all applicable conditions of approval for Rezoning Application ZON-3481 and all other applicable site-related actions.

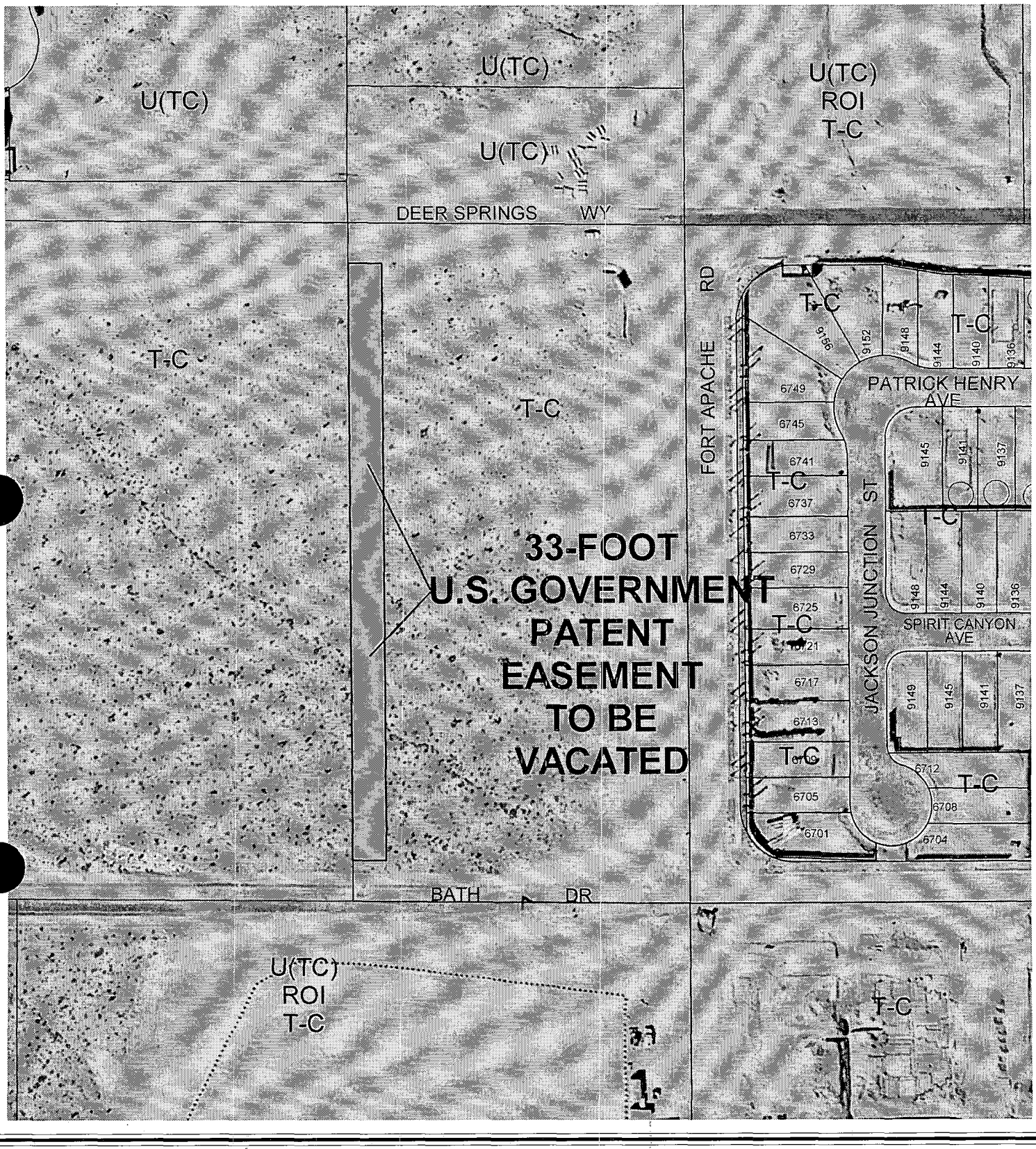
6. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

7. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.



0 100 200 Feet

CASE: VAC-4487



0 100 200 Feet

CASE: VAC-4487

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4487 - APPLICANT: NEVADA HOMES GROUP - OWNER: DAY STAR VENTURES, LIMITED LIABILITY COMPANY

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The Order of Relinquishment of Interest shall not be recorded until all of the following conditions have been satisfied.

2. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director has not granted an Extension of Time, then approval will terminate and a new petition must be submitted.

3. Easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided, if required.

Public Works

4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required for ZON-3481 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.

5. Development of these sites shall comply with all applicable conditions of approval for Rezoning Application ZON-3481 and all other applicable site-related actions.

6. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Relinquishment of Interest.

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and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for approval to Vacate a U. S. Government Patent Easement generally located between Deer Springs Way and Bath Drive, west of Fort Apache Road.

B) Applicant's Justification

The applicant's justification letter states that this site is currently being designed for single-family development, and this vacation is necessary for the development of this site.

BACKGROUND INFORMATION

A) Previous Actions

10/16/02 The City Council approved a Petition to Annex (A-0021-02) property located at the southwest corner of Deer Springs Way and Fort Apache Road, containing approximately five acres, including a portion of the subject site. The effective date was 11/15/02. The Planning Commission and staff recommended approval on 06/13/02.

11/20/02 The City Council denied a General Plan Amendment (GPA-0037-02) to designate property located at the southwest corner of Deer Springs Way and Fort Apache Road, containing approximately five acres, including a portion of the subject site, as ML-TC (Medium Low Density Residential – Town Center). The Planning Commission and staff recommended denial on 10/24/02.

11/20/02 The City Council approved a Rezoning (Z-0082-02) to TC (Town Center) property located at the southwest corner of Deer Springs Way and Fort Apache Road, containing approximately five acres, including a portion of the subject site. The Planning Commission and staff recommended approval on 10/24/02.

02/18/04 The City Council approved a General Plan Amendment (GPA-3478) to change Map 4 of the Centennial Hills Plan land use designation of property located at the southwest corner of Deer Springs Way and Fort Apache Road, containing approximately five acres, including a portion of the subject site, to ML-TC (Medium Low Density Residential – Town Center). The Planning Commission and staff recommended denial on 01/22/04.

02/18/04 The City Council approved a Site Development Plan Review (SDR-3485) for a 98 lot single-family subdivision on property located at the southwest corner of Deer Springs Way and Fort Apache Road, containing approximately five acres, including a portion of the subject site. The Planning Commission and staff recommended denial on 01/22/04.

02/18/04 The City Council approved a Variance (VAR-3487) to allow the provision of 19,572 square feet of open space where 42,264 square feet are required on property located at the southwest corner of Deer Springs Way and Fort Apache Road, containing approximately five acres, including a portion of the subject site. The Planning Commission and staff recommended denial on 01/22/04.

07/08/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/dds).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a U. S. Government Patent Easement located in the East Half (E½) of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼) of Section 19, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing U.S. Government Patent Easement because it is no longer needed in its current configuration. This will allow the unencumbered development of the site. This request is appropriate, as the subject grant is not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

The Public Works Department has no objection to the vacation application request

NOTICES MAILED 3 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-4487 APN: 125-19-701-007,008

Name of Property Owner: Day Star Ventures, LLC

Name of Applicant: Nevada Homes Group

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

_____Yes __X__No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: Paul Wagner

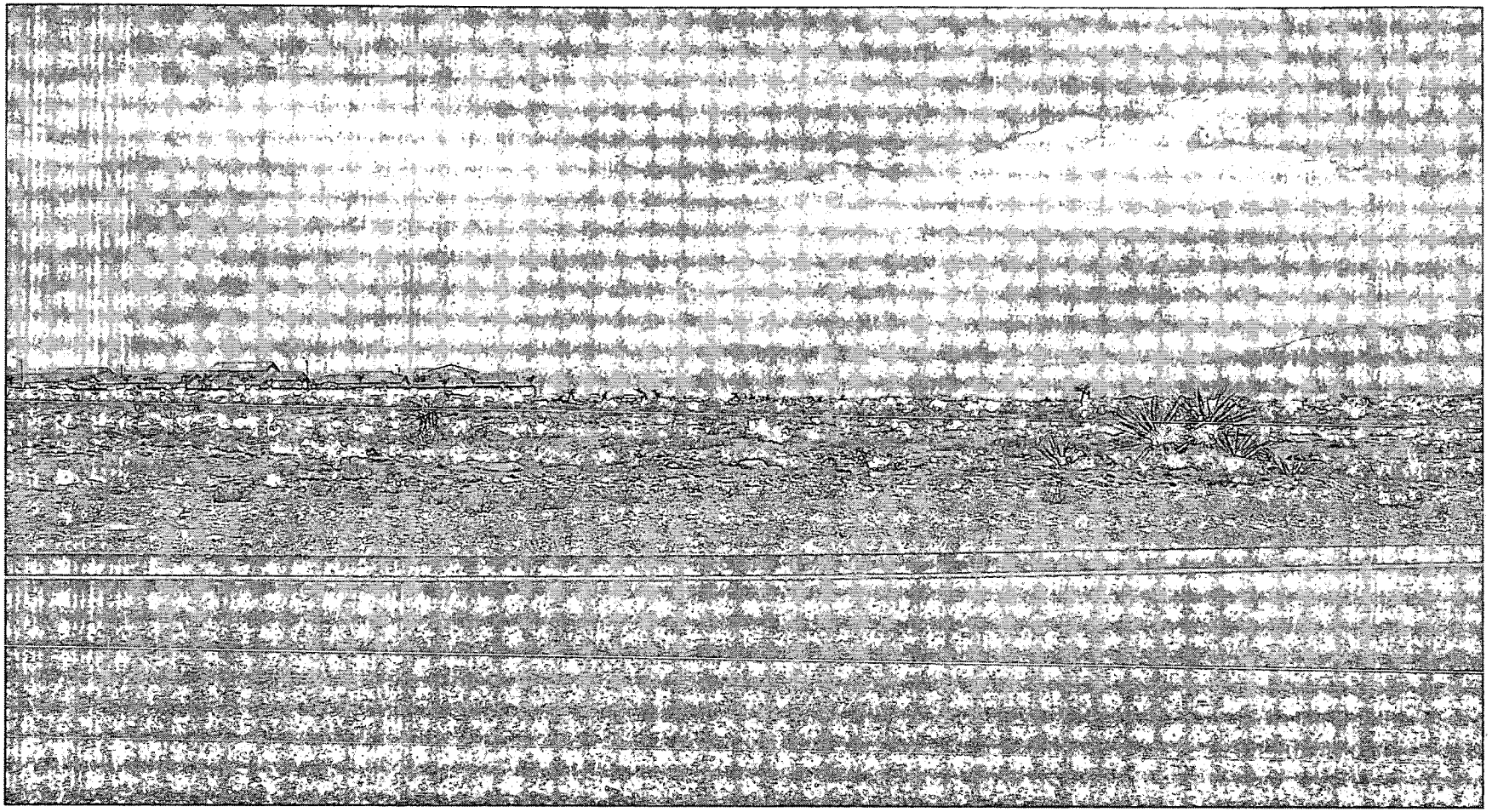
Subscribed and sworn before me

This 17th day of May, 2004

LaRae Obenauf

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LARAE OBENAUF
No: 99-54758-1
My Appointment Expires Dec. 4, 2006



VAC-4487 - APPLICANT: NEVADA HOMES GROUP - OWNER: DAY STAR VENTRUES, LIMITED LIABILITY COMPANY
BETWEEN DEER SPRINGS WAY AND BATH DRIVE, WEST OF FORT APACHE ROAD
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 96

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
VACATION - PUBLIC HEARING - **VAC-4491 - APPLICANT/OWNER: CORNERSTONE COMPANY** - Petition to Vacate a portion of a public alley generally located between Las Vegas Boulevard and Sixth Street, south of Carson Avenue, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

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

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

MOTION:
MONCRIEF – APPROVED subject to conditions and amending Condition 2 as follows:

2. **A sanitary sewer relocation/abandonment plan must be submitted to and approved by the Department of Public Works and the relocation and/or abandonment must take place prior to the recordation of the Order of Vacation *or appropriate guarantees acceptable to the City Engineer.* Additional right-of-way or easements may be required if shown in the approved plan. Coordinate with other public utilities to determine if other utility relocations will be required and provide documentation acceptable to the City Engineer.**

– UNANIMOUS with BROWN excused

NOTE: MAYOR GOODMAN disclosed that Planning Commissioner RIC TRUSDELL is associated with the Cornerstone Company. At one time, MR. TRUSDELL had served with MAYOR GOODMAN on the Board of Directors for the Meadows School; however, MAYOR GOODMAN no longer serves on that Board. Although he is friendly with MR. TRUSDELL, MAYOR GOODMAN stated the friendship is not of a magnitude that would interfere with his ability to vote and he would do so.

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 96 – VAC-4491

MINTUES Continued:
DENNIS WATTS, 3810 Meadows Lane, appeared on behalf of the applicant and agreed with all requirements with the exception of Condition 2. He explained the development is ongoing on this project and the condition, as read, would result in the sewer work being done twice. He asked that the condition be amended to allow the applicant to post a one-year bond to guarantee completion of the sewer work. MAYOR GOODMAN confirmed with BART ANDERSON, Project Manager, Department of Public Works, that amending the condition would be acceptable, and MR. ANDERSON read the revised verbiage. MR. WATTS agreed to the new verbiage.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:23 – 1:26)

4-631

CONDITIONS:

1. Prior to or concurrent with the recordation of the Order of Vacation, dedicate sufficient right-of-way on the east side of the alley to maintain a contiguous 20-foot alley width acceptable to the City Engineer.

2. A sanitary sewer relocation/abandonment plan must be submitted to and approved by the Department of Public Works and the relocation and/or abandonment must take place prior to the recordation of the Order of Vacation. Additional right-of-way or easements may be required if shown in the approved plan. Coordinate with other public utilities to determine if other utility relocations will be required and provide documentation acceptable to the City Engineer.

3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

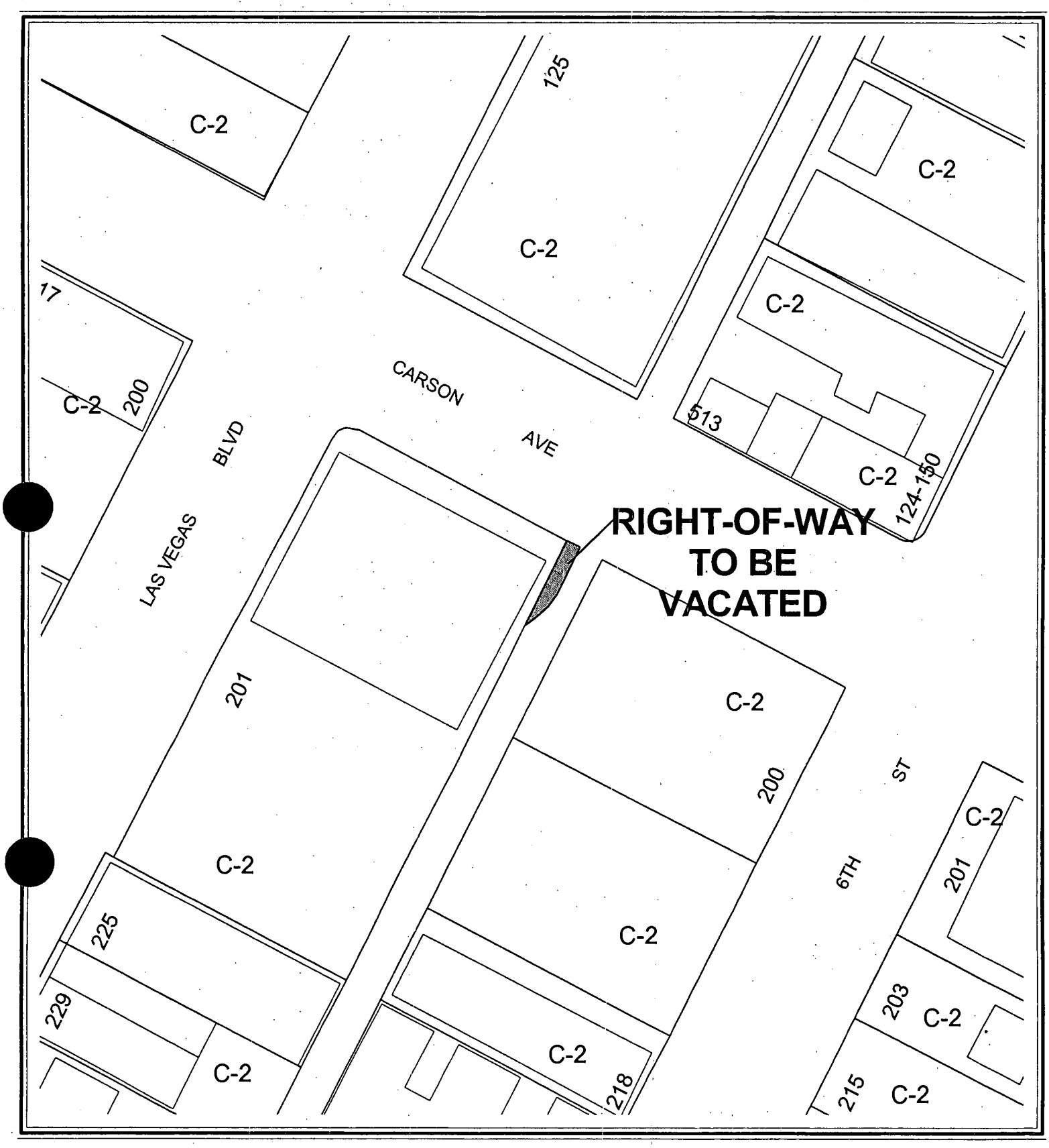
5. All development shall be in conformance with code requirements and design standards of all City departments.

6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary

CONDITIONS Continued:

because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

7. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.



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CASE: VAC-4491

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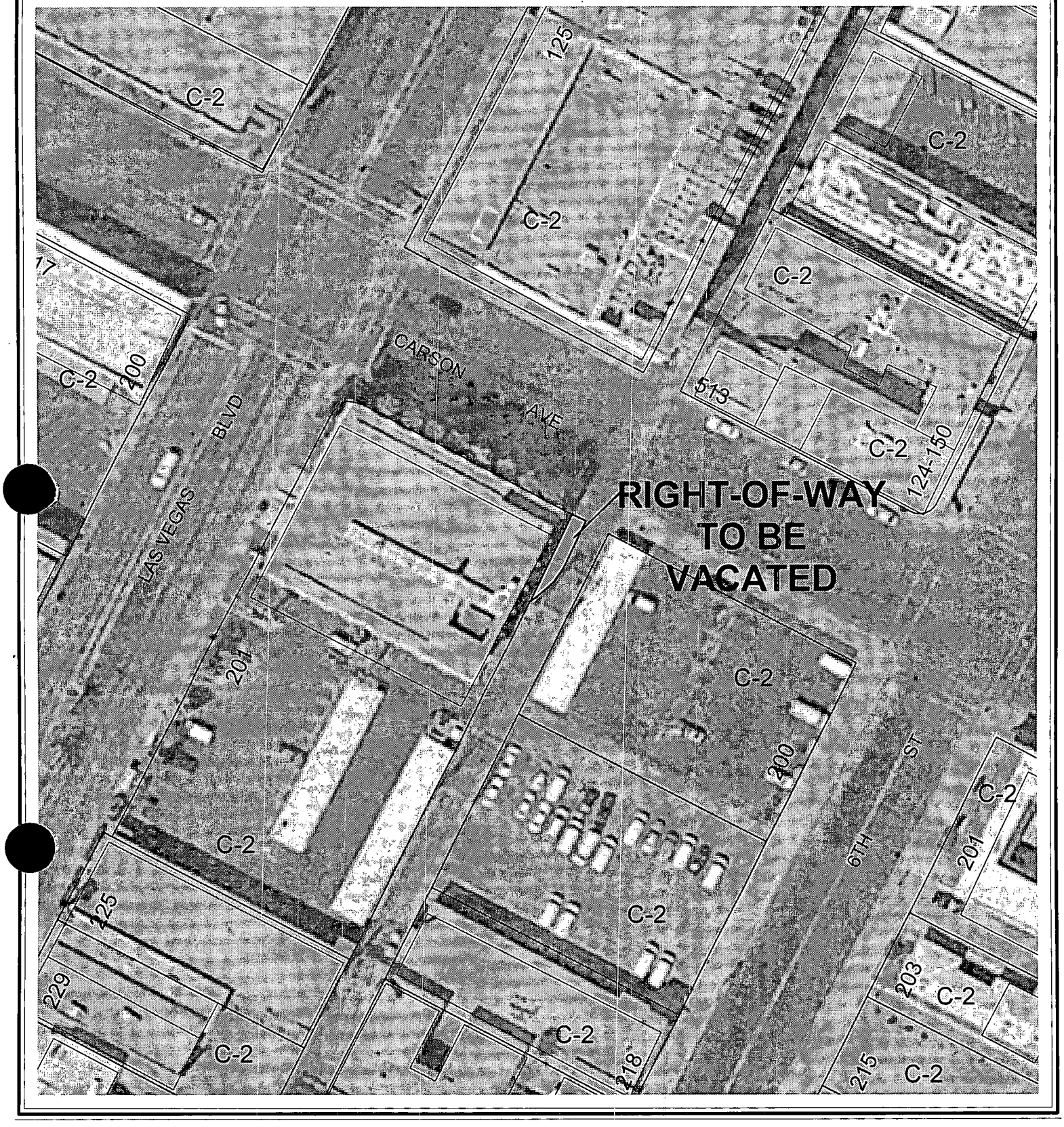

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CASE: VAC-4491

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City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4491 - APPLICANT/OWNER: CORNERSTONE COMPANY

** CONDITIONS **

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

1. Prior to or concurrent with the recordation of the Order of Vacation, dedicate sufficient right-of-way on the east side of the alley to maintain a contiguous 20-foot alley width acceptable to the City Engineer.

2. A sanitary sewer relocation/abandonment plan must be submitted to and approved by the Department of Public Works and the relocation and/or abandonment must take place prior to the recordation of the Order of Vacation. Additional right-of-way or easements may be required if shown in the approved plan. Coordinate with other public utilities to determine if other utility relocations will be required and provide documentation acceptable to the City Engineer.

3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

5. All development shall be in conformance with code requirements and design standards of all City departments.

6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

7. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The request is a Petition to Vacate a portion of a public alley generally located between Las Vegas Boulevard and Sixth Street, south of Carson Avenue.

B) Applicant's Justification

The proposed right-of-way is necessary to accommodate a proposed loading dock for the U.S. Post Office.

BACKGROUND INFORMATION

A) Previous Actions

12/18/03	The Director of the Planning and Development Department administratively approved a Site Development Plan Review (SDR-3300) for a parking lot expansion for the U.S. Post Office.
07/08/04	The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #7/fs).

DETAILS OF APPLICATION REQUEST

The above property is legally described as a portion of the Northeast Quarter (NE 1/4) of the of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 34, Township 20 South, Range 61 East, M.D.M

ANALYSIS

A) Planning discussion

The request is a Petition to Vacate a portion of a public alley generally located between Las Vegas Boulevard and Sixth Street, south of Carson Avenue. The purpose of the Vacation is to accommodate a proposed loading dock for the U.S. Post Office. Traffic-handling capability will not be compromised as a result of the proposed vacation. The request will not eliminate public street access to any abutting parcels or adversely affect any abutting properties.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It would result in a non-uniform right-of-way width for a public alley; however, the applicant will be required to dedicate appropriate right-of-way on the east side of the alley to maintain a 20-foot width.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the alley's width will be maintained with the additional dedication.*

C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to vacate a portion of the alley so that the proposed post office will have a location for their loading dock.*

D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, SDR-3300, the post office relocation.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? *No.*

G. Does the Department of Public Works have an objection to this vacation request? No.

NOTICES MAILED 3 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-4491 APN: 139-34-611-042

Name of Property Owner: Earl M. Morimoto & Cornerstone Co

Name of Applicant: Cornerstone

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?

X 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: Richard Truesdell - Planning Commission

Partner(s): _____

APN: 139-34-611-042

Signature of Property Owner/Authorized Agent: _____

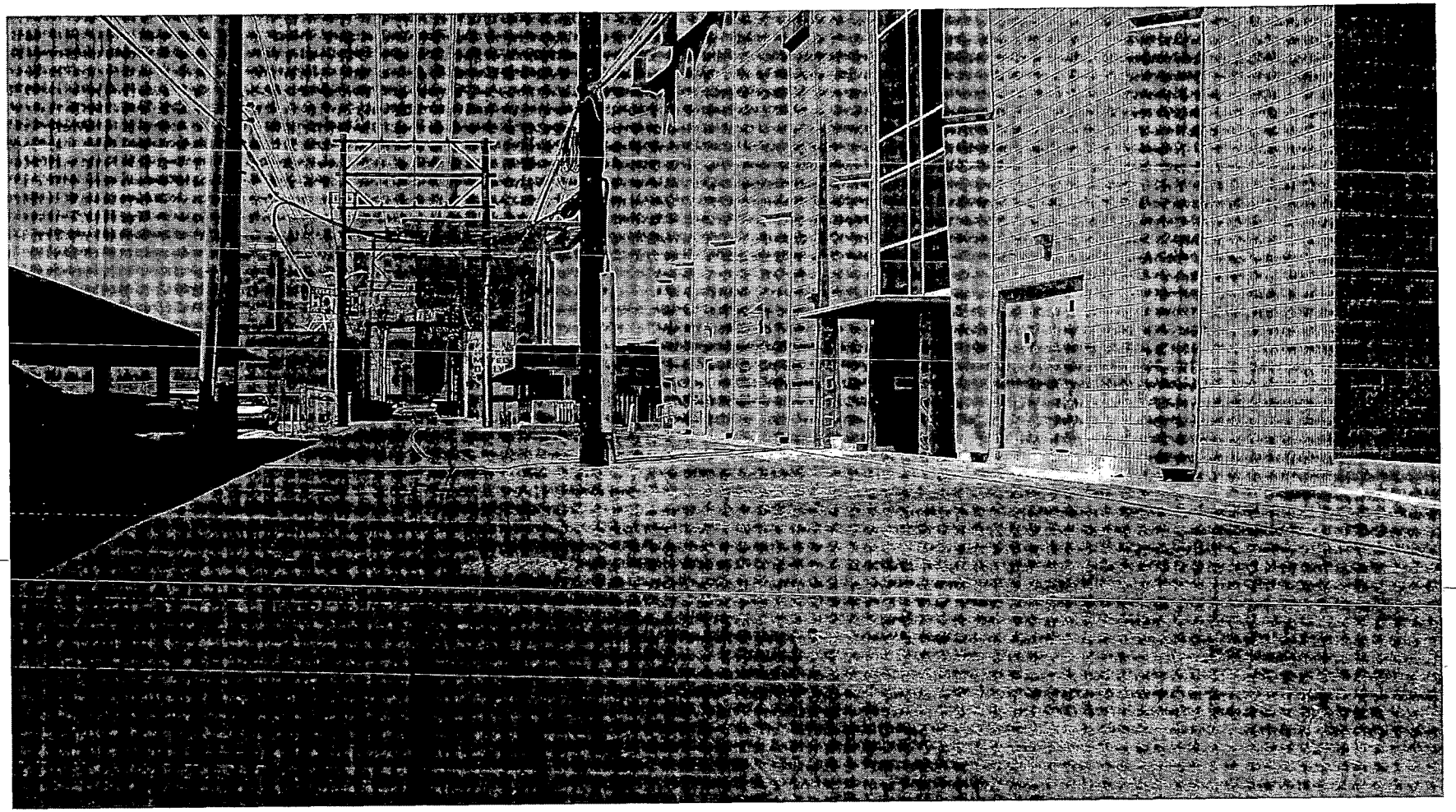
Print Name: Richard Truesdell

Subscribed and sworn before me

This 18th day of May, 2004

_____
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DENNIS WATTS
No: 03-81805-1
My Appointment Expires April 24, 2007



VAC-4491 - APPLICANT/OWNER: CORNERSTONE COMPANY
BETWEEN LAS VEGAS BOULEVARD AND SIXTH STREET, SOUTH OF CARSON AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 97

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:

ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - **VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA** - Request for a Variance TO ALLOW A ZERO SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED AND FOR A WAIVER OF THE REQUIRED LANDSCAPING on 0.14 acres at 3020 Contract Avenue (APN: 139-36-812-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	2
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions – UNANIMOUS with BROWN excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 97 [VAR-4456] and Item 98 [SDR-4458].

KRASSIMIR TEOFILOV, 1942 Golden Vista Drive, appeared with his wife, DARINA STANEVA. Being a sports fan, COUNCILMAN REESE was happy to welcome MS. STANEVA to the community, since she was a championship volleyball player for the Bulgarian National Team and the number one player in Europe a few years ago.

Regarding Item 98 [SDR-4458], COUNCILMAN REESE read additional conditions into the record, which have been incorporated into the motion for that item. MR. TEOFILOV agreed with the added conditions.

No one appeared in opposition.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 97 – VAR-4456

MINUTES Continued:
MAYOR GOODMAN declared the Public Hearing closed on Item 97 [VAR-4456] and Item 98 [SDR-4458].

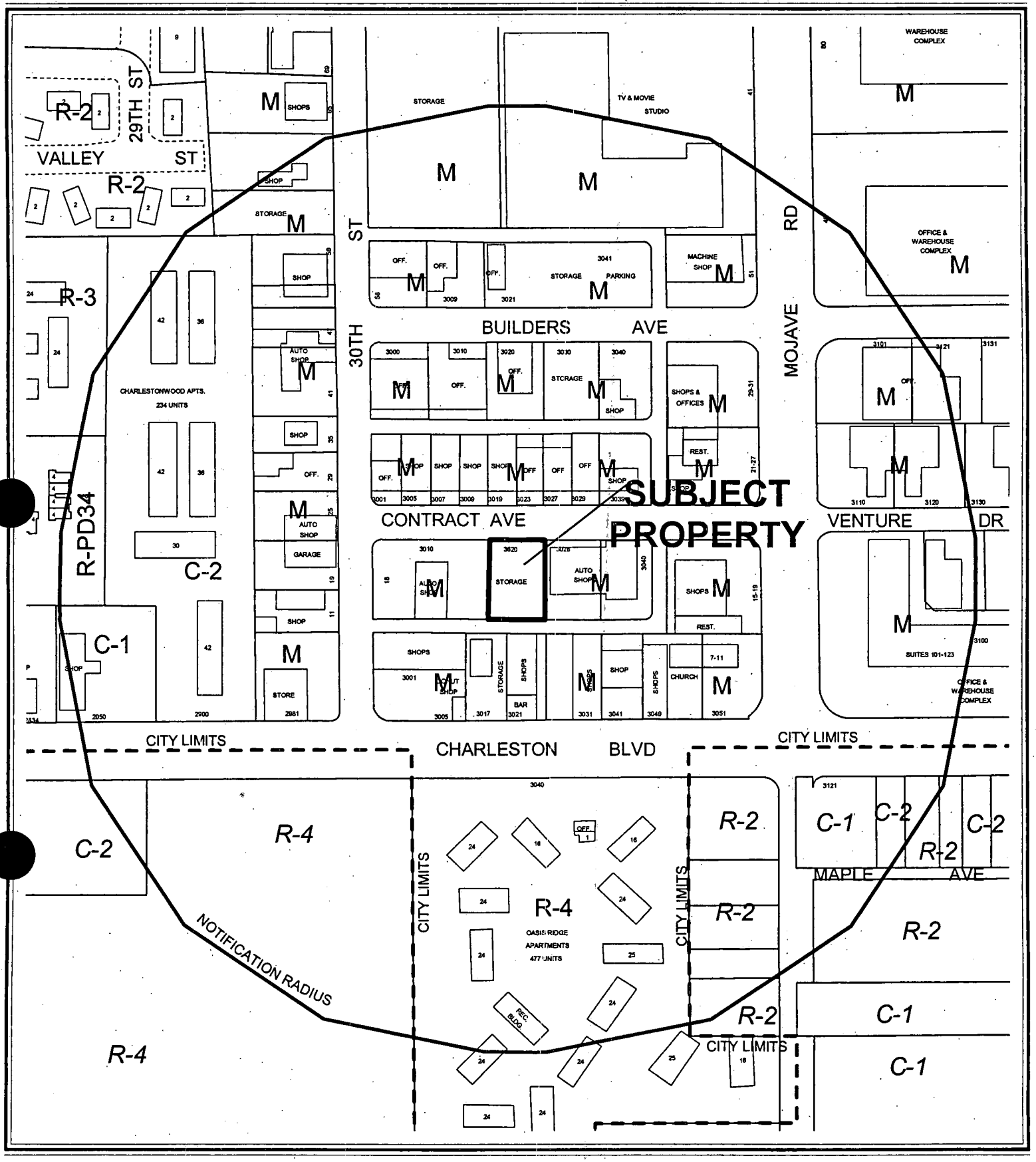
NOTE: All discussion for Item 97 [VAR-4456] and Item 98 [SDR-4458] was held under Item 97 [VAR-4456].

(1:26 – 1:29)
4-722

CONDITIONS:
Planning and Development

1. Approval of and conformance to the Conditions of Approval Site Development Plan Review (SDR-4458).

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

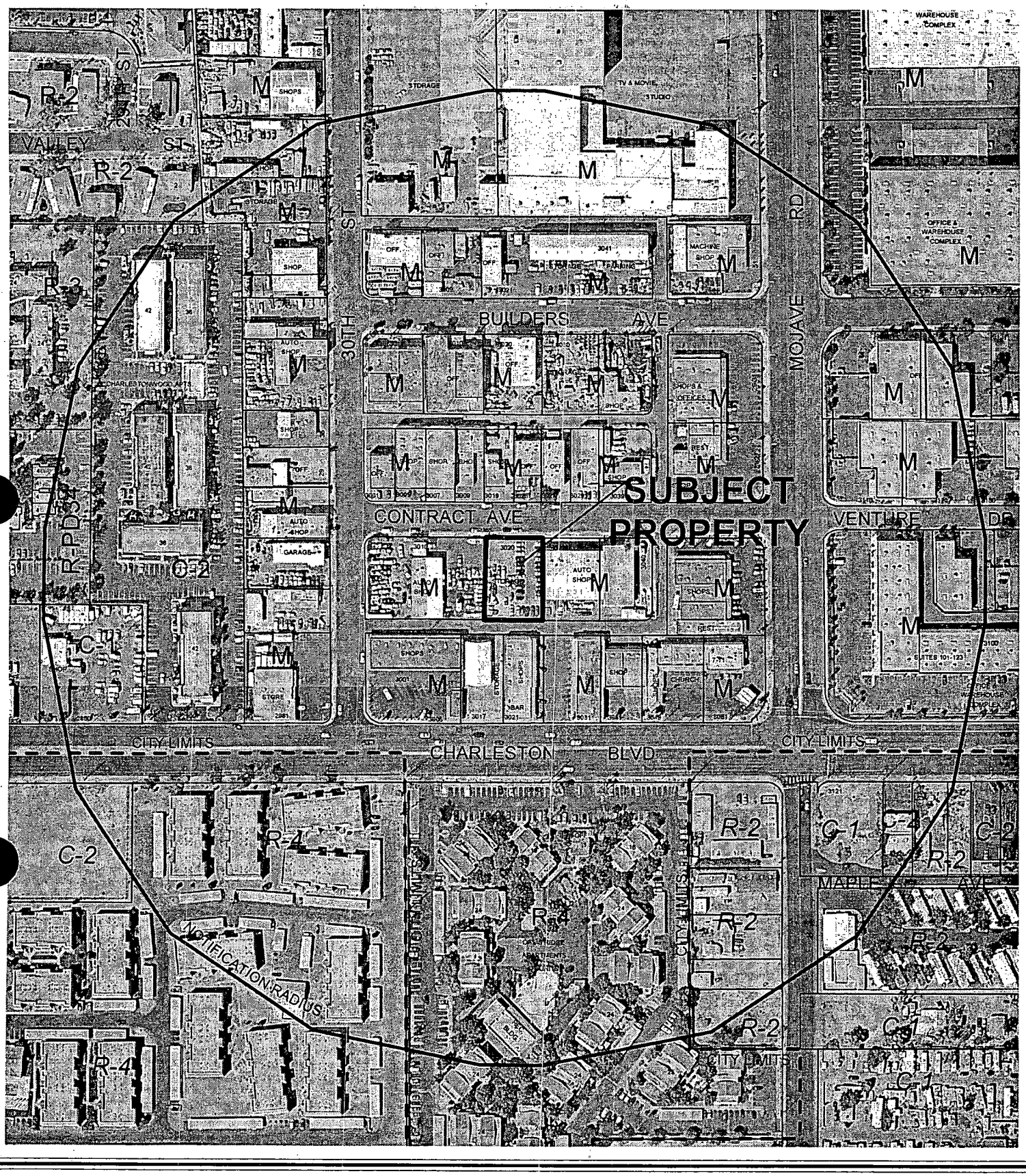


CASE: VAR-4456

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet



CASE: **VAR-4456**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - VAR-4456 – APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 21, 2004 CITY COUNCIL MEETING AT COUNCILMAN REESE'S REQUEST.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval Site Development Plan Review (SDR-4458).

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a variance to allow 0-foot side yard setbacks where 10 feet is the minimum required, as well as to allow a reduction in required landscaping along the front, side, and rear property lines for a proposed minor auto repair garage.

A site development plan review application (SDR-4458) was filed as a companion item to this variance request.

B) Applicant's Justification

The applicant justifies the request by stating that in order to accommodate the parking requirements due to the small lot size the reduction in setbacks and landscaping is warranted. Additionally, the applicant states that this condition is similar to other lots in the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

06/24/04 The Planning Commission recommended approval of companion item SDR-4458.

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #48/pl).

B) Pre-Application Meeting

04/29/04 At the pre-application meeting issues concerning the building setbacks, landscaping requirements, parking standards, and the trash enclosure were discussed. A variance to allow 0-foot side yard setbacks where 10 feet is the minimum, as well as to allow for a reduction of landscaping along the front, side, and rear property lines was discussed.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.3

B) Existing Land Use

Subject Property:	Outdoor Motor Vehicle Storage
North:	Offices, Auto Garage
South:	Tavern, General Commercial, Industrial Warehouse
East:	Auto Garage
West:	Auto Garage

C) Planned Land Use

Subject Property:	LI/R (Light Industrial / Research)
North:	LI/R (Light Industrial / Research)
South:	LI/R (Light Industrial / Research)
East:	LI/R (Light Industrial / Research)
West:	LI/R (Light Industrial / Research)

D) Existing Zoning

Subject Property:	M (Industrial
North:	M (Industrial
South:	M (Industrial)
East:	M (Industrial)
West:	M (Industrial)

E) General Plan Compliance

The subject site is designated LI/R (Light Industrial / Research) within the Southeast Sector Land Use Map of the General Plan. This industrial category allows for clean, low intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, and research, development and testing laboratories. The M (Industrial) zoning designation is in compliance with the LI/R (Light Industrial / Research) General Plan designation.

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Lot Size	N/A	13,435 Feet	Y
Min. Lot Width	N/A	100 Feet	Y
Min. Setbacks			
• Front	10 Feet	87.5 Feet	Y
• Side	10 Feet	0 Feet	N
• Corner	10 Feet	N/A	N/A
• Rear	0 Feet	20 Feet	Y
Max. Lot Coverage	N/A	22.3%	Y
Max. Building Height	N/A	18.6 Feet	Y
Trash Enclosure	YES	YES	Y

The location of the proposed building fails to meet the required 10-foot minimum side yard setback and will require a variance from Title 19.08.050.

A2) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Auto Repair Garage	3000 SF.	5 Spaces + 1/200 GFA	19	1	19	1

The proposed development meets the required number of parking space for an auto repair garage of such magnitude.

A3) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Space	6 Trees	6 Trees
Buffer:			
• Min. Trees	1 Trees/ 30 Linear Feet	16 Trees	12 Trees
• Min. Zone Width			
Side & Rear Yard	8 Feet		0 Feet*
Front Yard	15 Feet		0 Feet**

*The applicant has provided zero feet of landscaping buffer along the rear property line. However the applicant has provided a series of triangle landscape planters along the side property line on the front portion of the site. Each of the triangular landscape planters contains a 24-inch box Blue Palaverda surrounded by rock ground cover. There are a total of 9 triangular landscape planters totaling 8 trees.

**The front property line consists of triangular landscape planters that emphasize the one-way flow of traffic onsite. The planters contain one 24-inch box Blue Palaverda, several Texas Ranger shrubs, and a rock ground cover. The front landscape buffer that has been provided consists of 5 triangular landscape planters containing 4 trees amongst them.

B) General Analysis and Discussion

The surrounding area consists of abutting buildings that have little to no setbacks. The proposed development exhibits a genuine attempt at meeting the landscaping requirement with limited space available and providing a marked improvement to the neighborhood. Zero setback buildings predominate along Contract Avenue, therefore the site design is appropriate.

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 predomination of zero lot line development within this highly industrial neighborhood, in conjunction with narrowness of the parcel and limited site area culminate into sufficient evidence to allow the applicant relief from the zoning regulations in question by recommending approval of this variance request.

NOTICES MAILED 64 by City Clerk

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4456 APN: _____

Name of Property Owner: DARINA B. STANEVA

Name of Applicant: _____

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

_____ Yes ___X___ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

KRASSIMIR TEOFILOV

Signature of Property Owner/Authorized Agent: Darina Staneva

Print Name: DARINA STANEVA & KRASSIMIR TEOFILOV

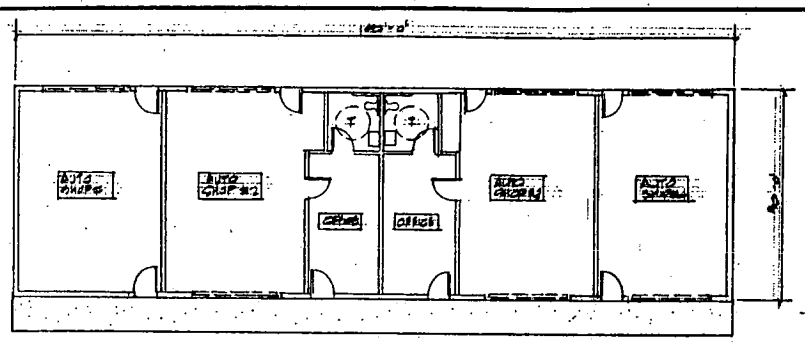
Subscribed and sworn before me

This 11 day of May, 2004

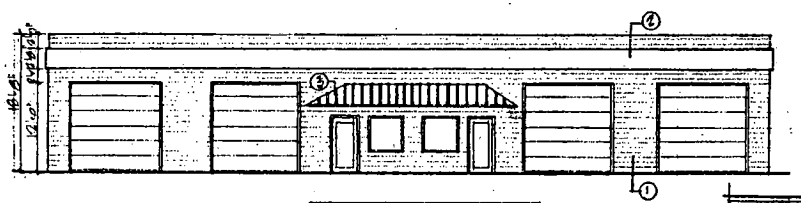
Debbie L. Williams

Notary Public in and for said County and State

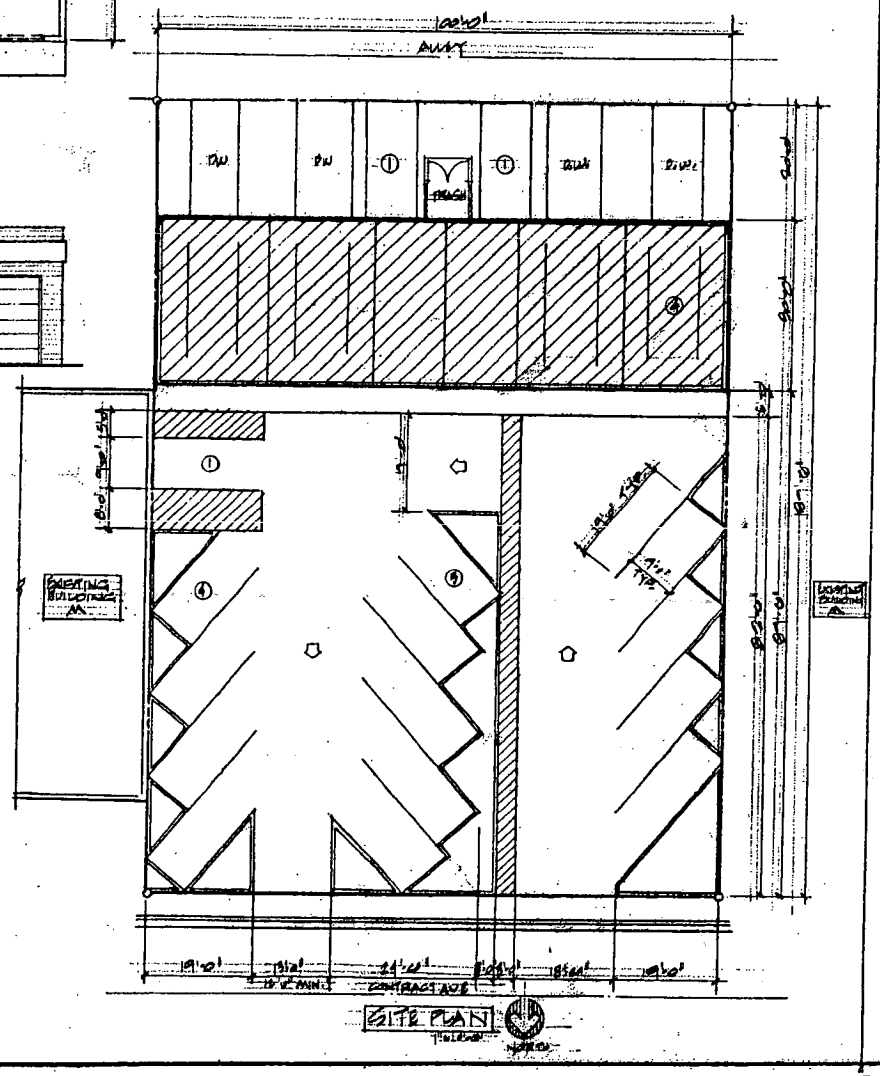
Notary Public - State of Nevada
COUNTY OF CLARK
DEBBIE L. WILLIAMS
No. 02-75585-1 My Appointment Expires April 30, 2006



FLOOR PLAN



PROPOSED ELEVAVATION



SITE PLAN

NOTES:

1. [illegible]
2. STUCCO BLDG
3. METAL ROOF

REVISIONS	BY

CONTRACT AUTO SHOP

3600 CONTRACT AVE.

LAS VEGAS, NV.

4-01-04

SCALE: N.T.S.

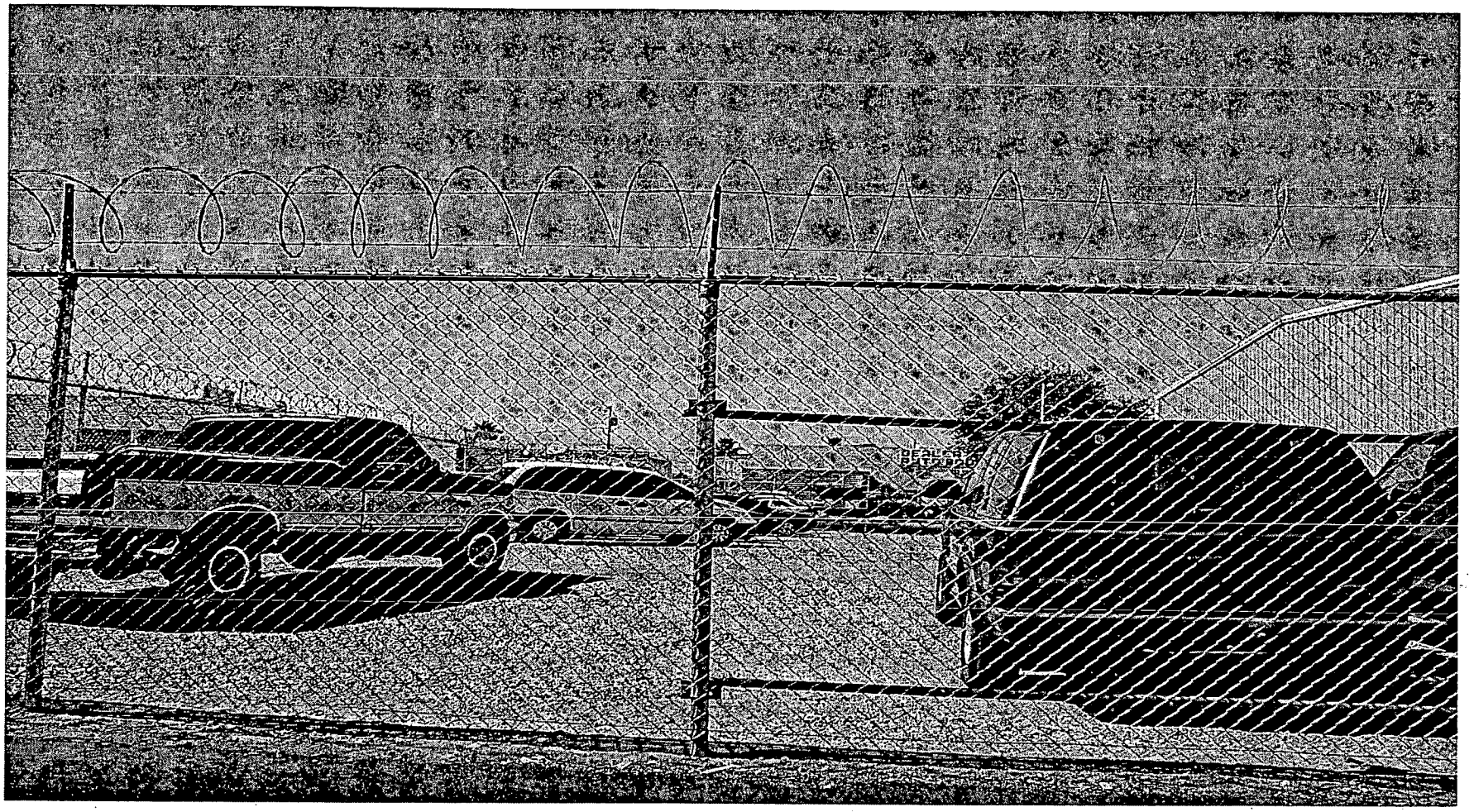
D.R.

JOB

SHEET

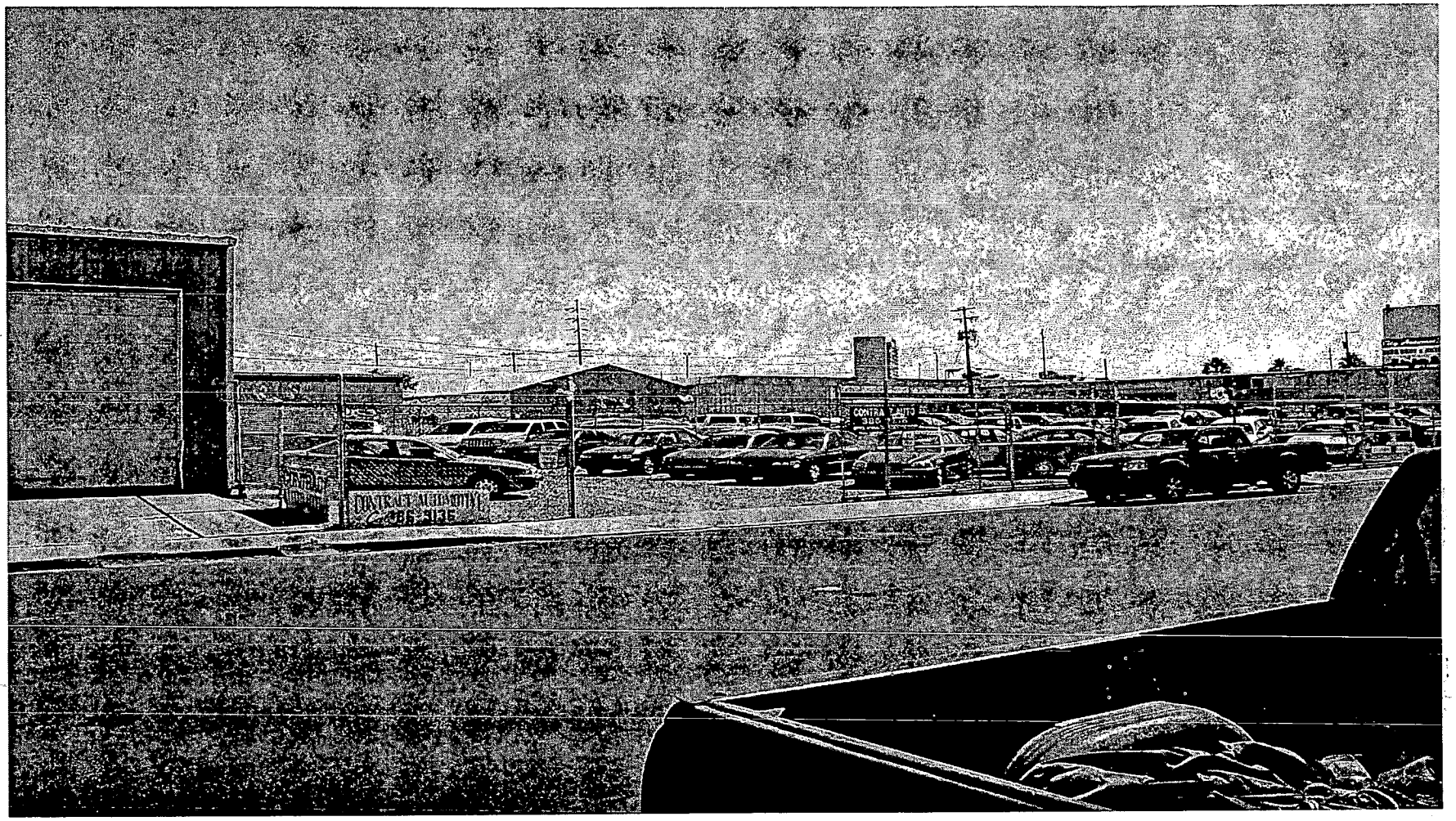
A1

VAR-4456
6-24-04 PC



VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04



VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04

City of Las Vegas

Agenda Item No. 98

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:

ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4456 - PUBLIC HEARING - **SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA** - Request for a Site Development Plan Review FOR A PROPOSED 3,000 SQUARE FOOT BUILDING FOR MINOR AUTO REPAIR GARAGE on 0.14 acres at 3020 Contract Avenue (APN: 139-36-812-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	1	Planning Commission Mtg.	2
City Council Meeting		City Council Meeting	

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

REESE – APPROVED subject to conditions and adding the following conditions:

- ***Razor wire shall be permitted along the fence running north and south on the site.***
- ***The chain link fence at the front of the site shall be changed to wrought iron.***
- ***There will be no landscaping waiver.***
- ***Applicant may have a maximum of 15 cars on site and no parking will be allowed in front of the property.***

– UNANIMOUS with BROWN excused

MINUTES:

NOTE: See Item 97 [VAR-4456] for all related discussion.

(1:26 – 1:29)

4-722

CONDITIONS:

Planning and Development

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

2. Approval of a Variance (VAR-4456) by the City Council.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 98 – SDR-4458

CONDITIONS Continued:

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

4. All development shall be in conformance with the site plan and building elevations, date stamped July 21, 2004, except as amended by conditions herein.

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

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

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

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

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

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

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

12. 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.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 98 – SDR-4458

CONDITIONS Continued:

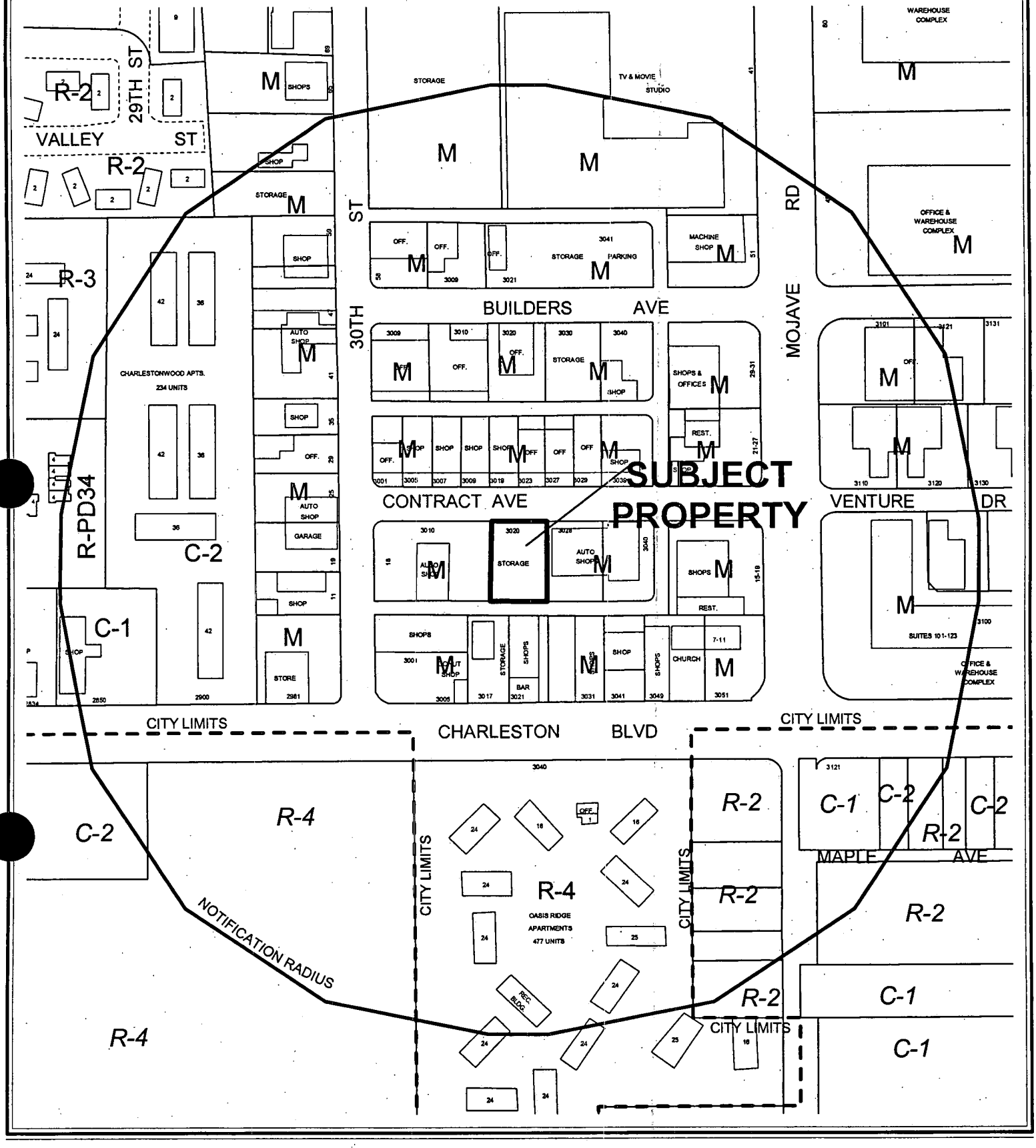
Public Works

13. 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.

14. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

15. If security entry gates are proposed for this site they shall remain fully open during the hours of operation, the installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.

16. 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 the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.



CASE: **SDR-4458**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

98

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-4458 – APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 21, 2004 CITY COUNCIL MEETING AT COUNCILMAN REESE'S REQUEST.

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

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

2. Approval of a Variance (VAR-4456) by the City Council.

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

4. All development shall be in conformance with the site plan and building elevations, date stamped July 21, 2004, except as amended by conditions herein.

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

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

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

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

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

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

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

12. 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.

Public Works

13. 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.

14. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

15. If security entry gates are proposed for this site they shall remain fully open during the hours of operation, the installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.

16. 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 the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Site Development Plan Review for a proposed 3,000 square foot Auto Repair Garage, Minor facility, on .3 acres located at 3020 Contract Avenue, with zero sideyard setbacks and a waiver of perimeter landscaping.

B) Applicant's Justification

The applicant justifies the request by stating that in order to accommodate the parking requirements due to the small lot size the reduction in setbacks and landscaping is warranted. Additionally, the applicant states that this condition is similar to other lots in the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

06/24/04 The Planning Commission recommended approval of a companion Variance (VAR-4456) application.

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item # 49/pl).

B) Pre-Application Meeting

04/29/04 At the pre-application meeting issues concerning the building setbacks, landscaping requirements, parking standards, and the trash enclosure were discussed. A variance to allow 0-foot side yard setbacks where 10 feet is the minimum, as well as to allow for a reduction of landscaping along the front, side, and rear property lines was discussed.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.3

B) Existing Land Use

Subject Property:	Outdoor Motor Vehicle Storage
North:	Offices, Auto Garage
South:	Tavern, General Commercial, Industrial Warehouse
East:	Auto Garage
West:	Auto Garage

C) Planned Land Use

Subject Property:	LI/R (Light Industrial / Research)
North:	LI/R (Light Industrial / Research)
South:	LI/R (Light Industrial / Research)
East:	LI/R (Light Industrial / Research)
West:	LI/R (Light Industrial / Research)

D) Existing Zoning

Subject Property:	M (Industrial)
North:	M (Industrial)
South:	M (Industrial)
East:	M (Industrial)
West:	M (Industrial)

E) General Plan Compliance

The subject site is designated LI/R (Light Industrial / Research) within the Southeast Sector Land Use Map of the General Plan. This commercial category allows for clean, low intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, and research, development and testing laboratories. The M (Industrial) zoning designation is in compliance with the LI/R General Plan designation.

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

PROJECT DESCRIPTION

The proposed project consists of the redevelopment of an existing outdoor vehicle storage yard, into a 3,000 square foot Minor Automotive Repair Garage. The building is to be place 20 feet off of the rear property line and consists of 4 work bays. The proposed building will abut both of the side property lines, therefore, requiring a variance from the 10-foot minimum side yard setback standard. The site has access from both Contract Avenue and a public alley running behind the site. Parking will be made available on both the front, through a one-way traffic circulation, and the rear portion via the public alley. The trash enclosure is proposed as being located at the rear of the building and will be accessible from the public alley.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Lot Size	N/A	13,435 Feet	Y
Min. Lot Width	N/A	100 Feet	Y
Min. Setbacks			
• Front	10 Feet	87.5 Feet	Y
• Side	10 Feet	0 Feet	N
• Corner	10 Feet	N/A	N/A
• Rear	0 Feet	20 Feet	Y
Max. Lot Coverage	N/A	22.3%	Y
Max. Building Height	N/A	18.6 Feet	Y
Trash Enclosure	YES	YES	Y

The location of the proposed building fails to meet the required 10-foot minimum side yard setback and will require s variance from Title 19.08.050.

A2) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Auto Repair Garage	3000 SF.	5 Spaces + 1/200 GFA	19	1	19	1

The proposed development meets the required number of parking space for an auto repair garage of such magnitude.

A3) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Space	6 Trees	6 Trees
Buffer:			
• Min. Trees	1 Trees/ 30 Linear Feet	16 Trees	12 Trees
• Min. Zone Width			
Side & Rear Yard	8 Feet		0 Feet*
Front Yard	15 Feet		0 Feet**

*The applicant has provided zero feet of landscaping buffer along the rear property line. The applicant has provided a series of triangle landscape planters along the side property line on the front portion of the site. Each of the triangular landscape planters contains a 24-inch box Blue Palaverda surrounded by rock ground cover. There are a total of 9 triangular landscape planters totaling 8 trees.

**The front property line consists of triangular landscape planters that emphasize the one-way flow of traffic onsite. The planters contain one 24-inch box Blue Palaverda, several Texas Ranger shrubs, and a rock ground cover. The front landscape buffer that has been provided consists of 5 triangular landscape planters containing 4 trees amongst them.

A4) Sign Standards

The proposed site plan does not call out any signage to be placed on the subject property. Any future sign shall be held to the standards set forth by Title 19.14.060.

B) General Analysis and Discussion

- Zoning

The subject property is located within an M (Industrial) zoning district, which permits an Auto Repair Garage, Minor by right. The surrounding area shares the same zoning district and the uses that predominate in the vicinity are of an automotive repair nature. The proposed use is compatible with the surrounding area.

- Site Plan

The site plan illustrates a 3,000 square foot building that will be placed 20 feet from the rear property line and will abut the side property lines. A variance is required to allow a 0-foot side yard setback where a 10-foot minimum setback is required. Companion item VAR-4456 will address this issue in greater detail. The illustrated parking complies with the requirements set forth by Title 19.10.010 for an Auto Repair Garage. Access to the site is achieved either by means of a one-way drive off of Contract Avenue or by the public alley at the rear of the site.

- Waivers

The applicant is requesting a waiver of perimeter and parking lot landscaping.

- Landscape Plan

The supplied landscape plan depicts a series of triangular shape planters, consisting of 24-inch box Blue Palaverda, 5 gallon Texas Rangers, and rock ground cover. The landscape planters are located along the front property line and the both side property lines, on the front portion of the site. No landscaping has been made available behind the building and the landscaping provided on the rest of the site has no consistent depth as to satisfy the requirement of Title 19.12. A waiver is required to allow for the reduction of perimeter and internal parking landscaping requirements.

- Elevation

The building elevation plan shows an 18.6-foot tall structure with four auto repair bays. The building will be colored gray with a white decorative band close to the roofline around the building, as well as having a blue awning located over the entrances to the office section of the building. The proposed elevation is adequate and complies with the intent of the Title 19's design standards.

- Floor Plan

The floor plan depicts the building as being composed of two separate tenants, each consisting of two auto repair bays and an office. There is no internal access between offices; therefore it is recommended that the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

   The proposed development at the subject property would be compatible with the surrounding industrial area.

2. **"The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

   The proposed development is consistent with the General Plan designation of LI/R (Light Industrial/Research). It is however not consistent with Title 19 and will require a variance from the Industrial District Development Standards for landscaping and setbacks. Variance VAR-4456 will address the setback issue. The waiver of landscaping can be supported because of the intensity of the use and the attempt of the applicant to provide as much landscaping that is possible considering the confines of the site.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The site is accessible from Contract Avenue, a public street, and from the public alley that runs behind the subject property and will not have a negative impact on adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The landscape materials are appropriate for this type of development. Building materials have not been addressed by the applicant and as so no determination can be made at this point as to the appropriateness.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The proposed elevation is adequate and complies with the intent of the Title 19's design standards.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The City Council may with to add a condition requiring the removal of the concertina barbed wire.

NOTICES MAILED 61 by Planning Department

APPROVALS 2

PROTESTS 1

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4458 APN: _____

Name of Property Owner: KRASSIMIR TEOFILOV

Name of Applicant: _____

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

_____ Yes _____ 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: _____

DARINA STANEVA

Signature of Property Owner/Authorized Agent: KRASSIMIR TEOFILOV

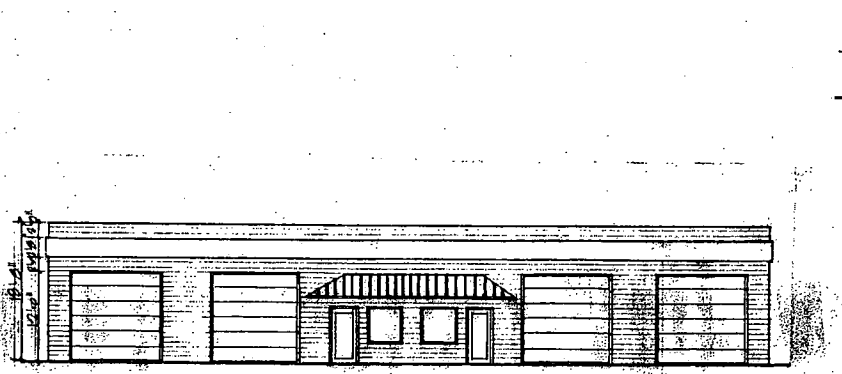
Print Name: KRASSIMIR TEOFILOV & DARINA STANEVA

Subscribed and sworn before me

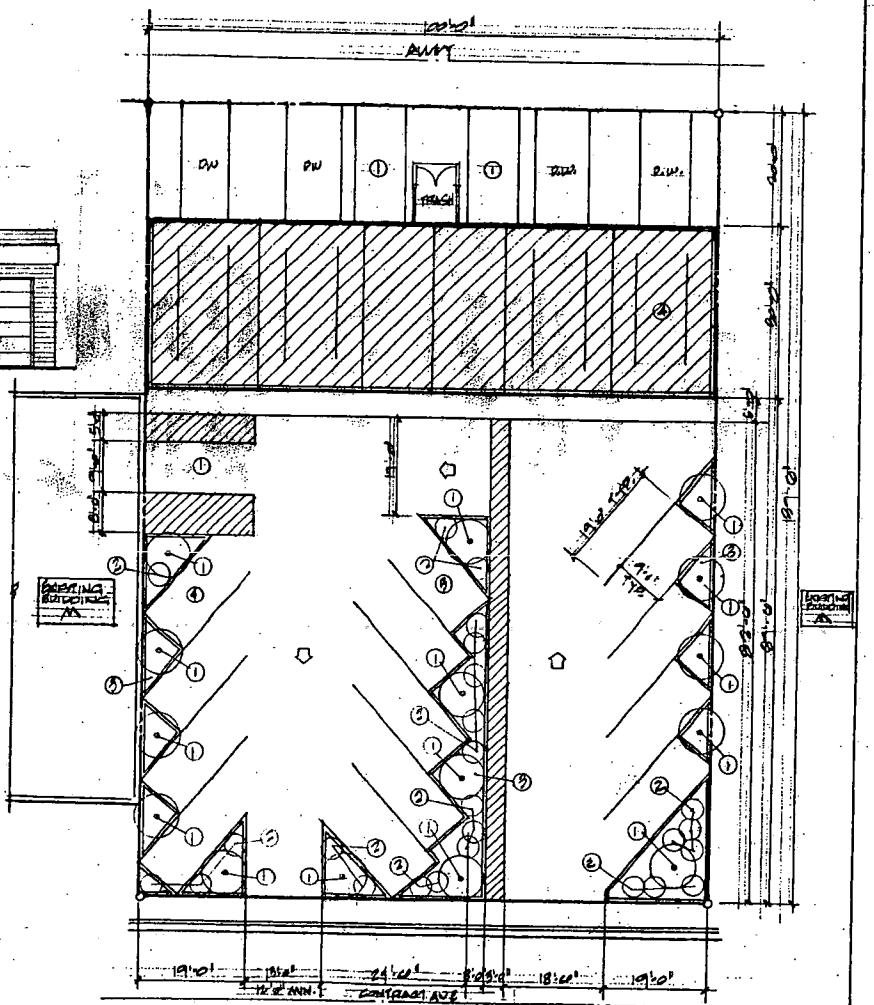
This 11 day of May, 2004

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
DEBBIE L. WILLIAMS
No. 02-75585-1 My Appointment Expires April 30, 2006



PROPOSED ELEVATION



LANDSCAPE NOTES:

1. 24" BOX SHB PALAVERDA
2. TEXAS RANGER
3. ROCK GROUND COVER (TYP.)

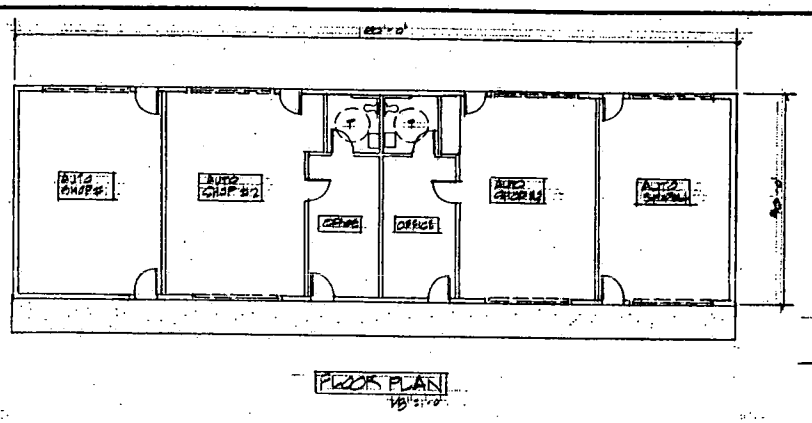
REVISIONS	BY

A NEW AUTO SHOP FOR:
CONTRACT AUTO SHOP
3838 CONTRACT AVE.
LAS VEGAS, NV.

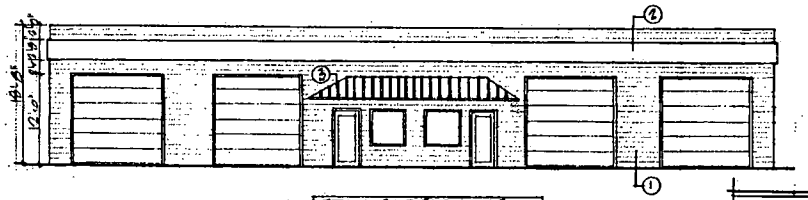
DATE 4-11-04
SCALE 1/8"=1'-0"
DRAWN R.S.

LT

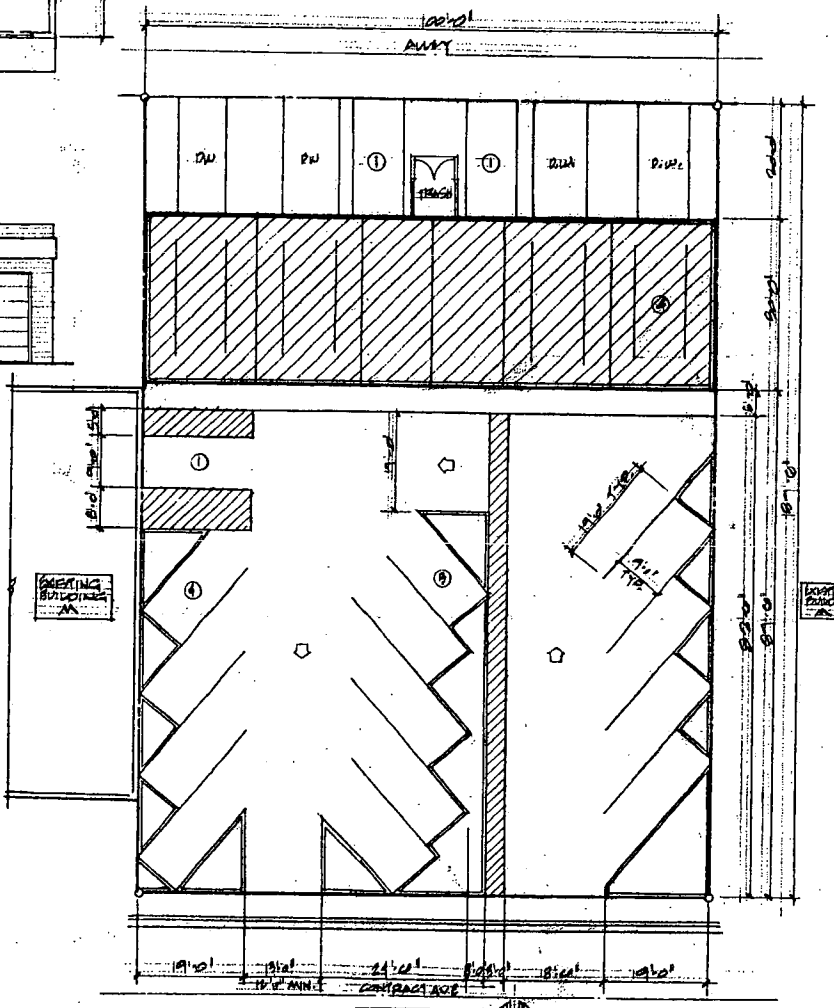
SDR-4458
6-24-04 PC



FLOOR PLAN



PROPOSED ELEVATION



SITE PLAN

NOTES:

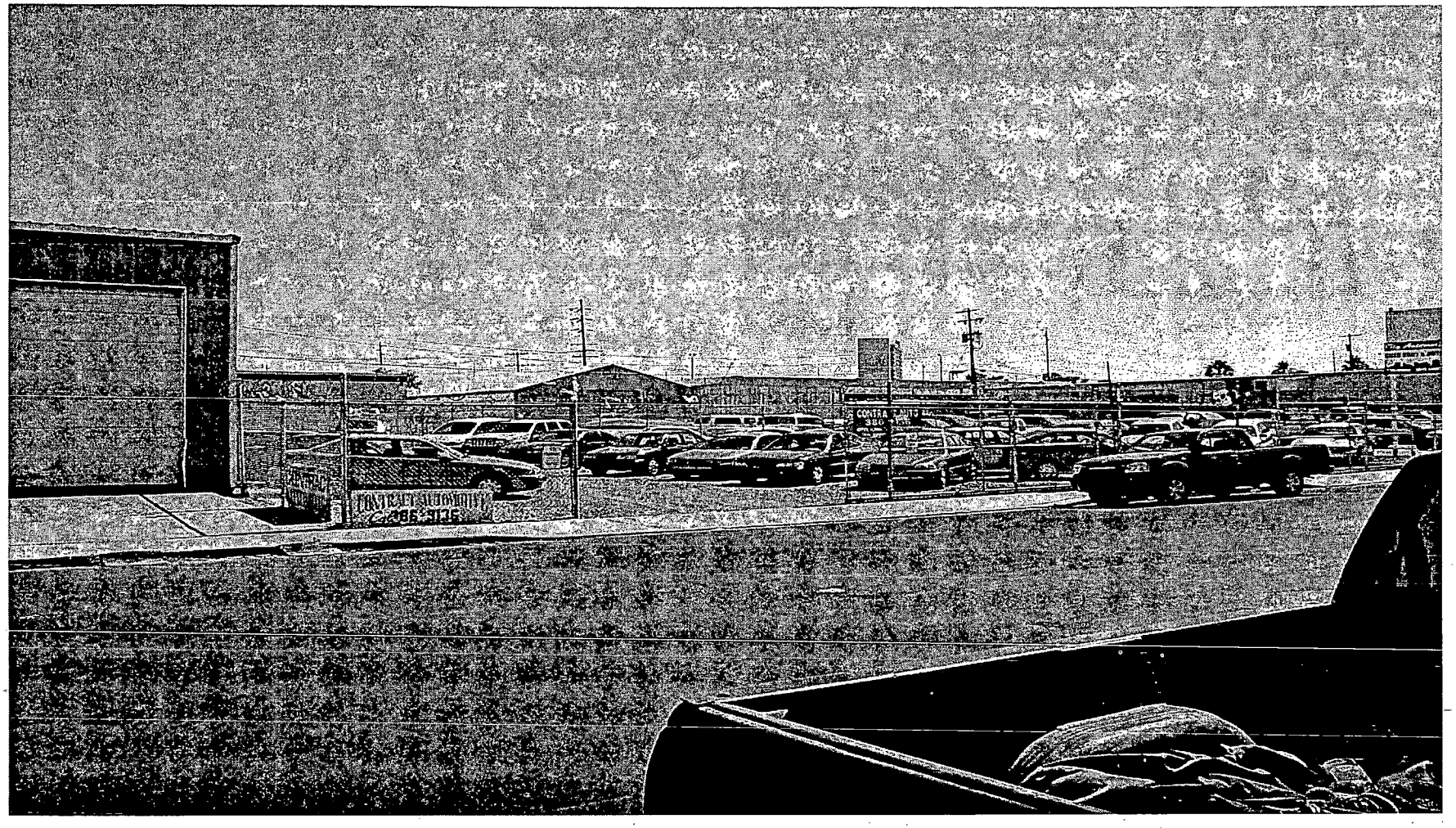
1. STUCCO FINISH
2. METAL ROOF

REVISIONS	BY

CONTRACT AUTO SHOP

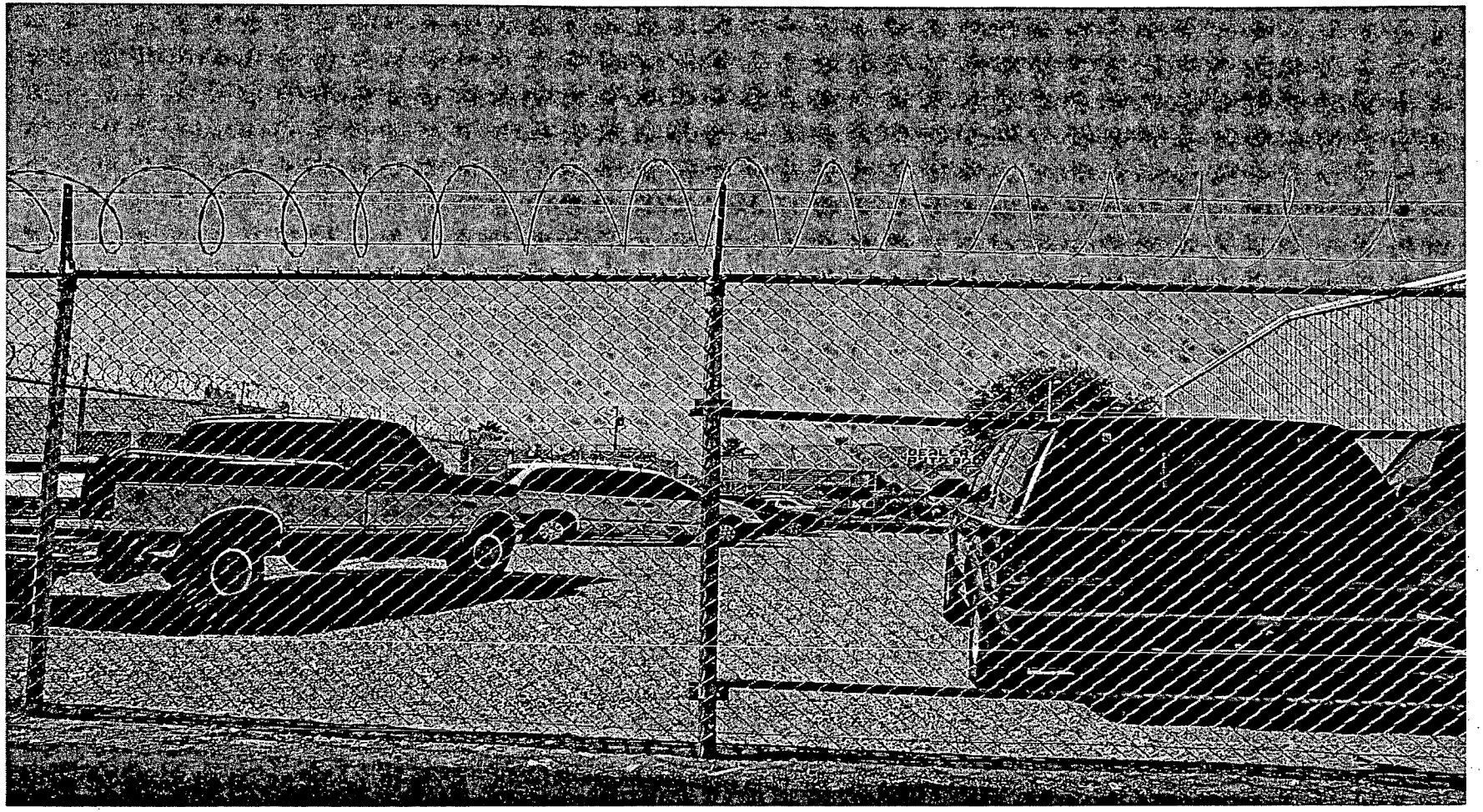
SDR-4458

6-24-04 PC



SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04



SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04

City of Las Vegas

Agenda Item No. 99

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
VARIANCE - PUBLIC HEARING - **VAR-4384 - APPLICANT/OWNER: BRUCE AND LORI WERNER** - Request for a Variance TO ALLOW A ZERO CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED IN CONJUNCTION WITH AN EXISTING CARPORT on 0.16 acres located at 4613 Del Monte Avenue (APN: 162-06-213-010), R-1 (Single-Family Residential) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

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

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to conditions.

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

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with BROWN excused

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

BRUCE WERNER, 4613 Del Monte Avenue, appeared and stated that per staff request, he had a surveyor come out to verify that the right-of-way was clear. COUNCILWOMAN MONCRIEF confirmed MR. WERNER'S survey report and stated everything is within his property lines. She informed MR. WERNER that her office received calls from neighbors indicating MR. WERNER may be running an auto repair shop from his home. MR. WERNER replied that he works on cars as a hobby but he is not running a repair business. COUNCILWOMAN MONCRIEF indicated the City would monitor the situation.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:29 – 1:31)

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 99 – VAR-4384

CONDITIONS:

Planning and Development

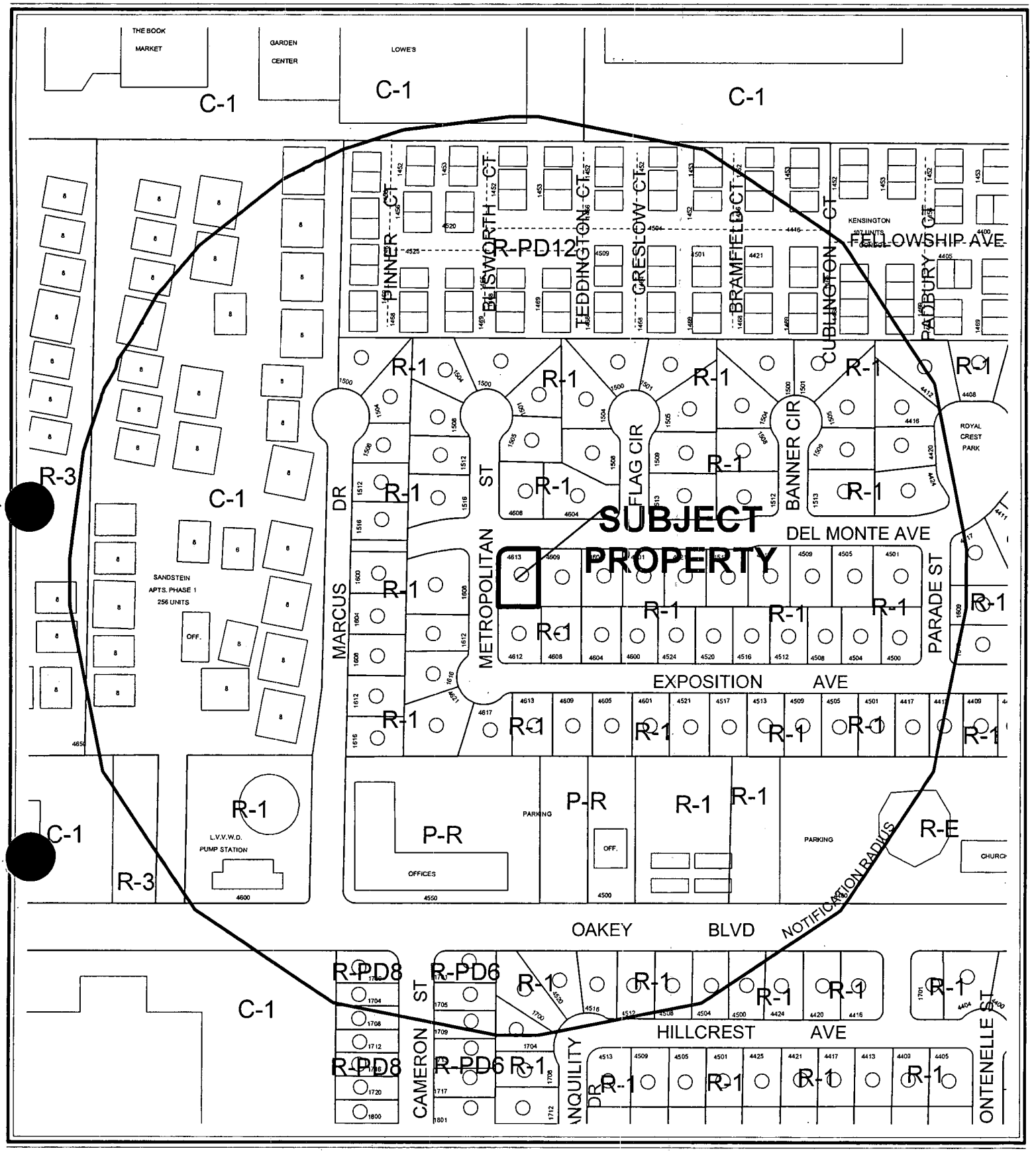
1. This Variance shall expire in two years unless it is exercised or an extension of time is granted by the City Council.

2. Acquire all necessary permits from the Department of Building and Safety.

Public Works

3. Remove those portions of the roof enclosure that overhang the public right-of-way and remove the gates with appurtenant hardware that encroach or overhang into the public right-of-way. Remove within 30 days of approval of this action.

4. Remove the fence blocking access to the street light pole within 30 days of approval of this action. A fence/wall may be installed around the lighting standard if the fence/wall is designed and constructed geometrically per Clark County Area Uniform Standard Drawings, Drawing #320A.



0 200 400 Feet

CASE: **VAR-4384**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N

CASE: **VAR-4384**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4384 - APPLICANT/OWNER: BRUCE AND LORI WERNER

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Variance shall expire in two years unless it is exercised or an extension of time is granted by the City Council.

2. Acquire all necessary permits from the Department of Building and Safety.

Public Works

3. Remove those portions of the roof enclosure that overhang the public right-of-way and remove the gates with appurtenant hardware that encroach or overhang into the public right-of-way. Remove within 30 days of approval of this action.

4. Remove the fence blocking access to the street light pole within 30 days of approval of this action. A fence/wall may be installed around the lighting standard if the fence/wall is designed and constructed geometrically per Clark County Area Uniform Standard Drawings, Drawing #320A.

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4384 - APPLICANT/OWNER: BRUCE AND LORI WERNER

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Variance shall expire in two years unless it is exercised or an extension of time is granted by the City Council.

2. Acquire all necessary permits from the Department of Building and Safety.

Public Works

3. Remove those portions of the roof enclosure that overhang the public right-of-way and remove the gates with appurtenant hardware that encroach or overhang into the public right-of-way. Remove within 30 days of approval of this action.

4. Remove the fence blocking access to the street light pole within 30 days of approval of this action. A fence/wall may be installed around the lighting standard if the fence/wall is designed and constructed geometrically per Clark County Area Uniform Standard Drawings, Drawing #320A.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow a zero corner side yard setback where 15 feet are required. The Variance would allow an existing carport located on 0.16 acres at 4613 Del Monte Avenue to remain.

B) Applicant's Justification

The applicants' justification letter states the carport/patio cover "will be a place to keep my old mustangs out of the sun & weather." The applicants offer these additional justifications:

1. There are other people in my area that have structures like this one.

2. The house is at the end of a street on a dead end to not a lot of through traffic.

3. It's well constructed and will look very nice when it is finished matching the existing look of the house."

BACKGROUND INFORMATION

A) Previous Actions

06/10/04	The Planning Commission held this item in abeyance to the 07/08/04 PC Meeting to allow the applicant to meet with staff from the Building & Safety, Public Works and Planning and Development Departments, to discuss the options and preferred strategy for the retention, reconstruction and/or removal of the carport, wall and fence on the subject site.
06/18/04	The applicant met with staff from several city departments to review the options available to him. The results of the meeting are discussed later in this report.
07/08/04	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #15).

B) Pre-Application Meeting

No pre-application meeting was held.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 0.16

B) Existing Land Use

Subject Property:	Single-family residence
North:	Single-family residence
South:	Single-family residence
East:	Single-family residence
West:	Single-family residence

C) Planned Land Use

Subject Property:	L (Low Density Residential)
North:	L (Low Density Residential)
South:	L (Low Density Residential)
East:	L (Low Density Residential)
West:	L (Low Density Residential)

D) Existing Zoning

Subject Property:	R-1 (Single Family Residential)
North:	R-1 (Single Family Residential)
South:	R-1 (Single Family Residential)
East:	R-1 (Single Family Residential)
West:	R-1 (Single Family Residential)

E) General Plan Compliance

The site is located in the Southeast Sector of the General Plan. The land use designation for the subject property is L (Low Density Residential), which permits up to 5.5 dwelling units per acre, and is zoned R-1 (Single Family Residential).

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

The requested Variance is not related to any specific General Plan policies.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	6,500 SF	7,010 SF	Y
Min. Lot Width	65 Feet	70 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	0 Feet	N
• Rear	15 Feet	10 Feet	N

The existing building with the attached carport is in noncompliance with the Zoning Code. However, unlike the 15-foot corner side yard violation, the 10-foot rear yard is presumed to be a "nonconformity," i.e. the structure existed prior to the adoption of the requirement that now restricts it.

A2) Parking and Traffic Standards

The "carport/overhang" for which a variance is sought, resembles a garage, as the structure not only has a roof but partially enclosed sides and front garage doors. For any carport, overhang or garage with enclosed sides that abuts the street, it is very dangerous for anyone backing out of the building to see oncoming cars in the street or oncoming pedestrians on the sidewalk. For this reason, the Zoning Code a space prohibits encroaching upon the public sidewalk or street.

B) General Analysis and Discussion

The applicants indicate that they wish to reduce the corner side yard setback from 15 feet to zero feet for a carport/patio cover "to keep my old mustangs out of the sun & weather." The carport/patio cover was constructed without a building permit and in violation of the Zoning Code. The owner has been cited for the violation and is now pursuing a variance to make the building legal. The structure not only reduces the setback to zero feet, but according to the Public Works staff, portions of the roof enclosure and the gates with appurtenant hardware encroach or overhang into the public right-of-way.

On 06/10/04, the applicant asked to have this item held to discuss options available to him with city staff. This meeting was held on 06/18/04. Staff from Public Works, Building and Safety and Planning and Development attended to provide advice. Results of the meeting were as follows:

- The Public Works Department continued to have concern with any portion of the structure that projected into the right-of-way. It was suggested that the applicant get a professional surveyor determine the exact location of the property line and the extent, if any, to which the building and gate actually project into the right-of-way, as the applicant will be either required to remove this portion of the structure/gate, or enter into an encroachment agreement with the city and post any applicable bonds and appropriately indemnify the city.

- The Building and Safety Department did not have significant concerns as the structure projects into an exterior side yard, and other structures are therefore not potentially affected. It was suggested that, if the applicant wishes to retain and complete the structure, and is approved to do so by Planning Commission and City Council, he contact the Department to have an inspector evaluate the work now and at completion. An inspector visited the site on 06/24/04 and determined that what has been built to date is structurally sound. If the Variance is approved, the applicant will then have to apply for a Building Permit and have the completed structure subsequently inspected.

- The Planning and Development Department will continue to recommend denial of the request as there is no basis under the Nevada Revised Statutes for a recommendation of approval, as the hardship is self-imposed. If the request is approved, the conditions as stated need to be addressed by the applicant, including removal of the portion of the perimeter wall that is blocking access to the streetlight adjacent to the property.

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 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 test is whether the hardship is "self-created or financial in nature." Assuming that a hardship did exist, then without question, the hardship is self-created or self-imposed, as the hardship resulted upon the establishment of the building. The hardship is self-imposed, and, therefore, does not meet the standards for granting a variance. Based upon these findings, it is recommended the Variance be denied.

PLANNING COMMISSION ACTION

The Planning Commission unanimously voted to make the findings necessary to approve this Variance.

NOTICES MAILED 186 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4384 APN: 162-06-213-010

Name of Property Owner: BRUCE & Lori WERNER

Name of Applicant: BRUCE & Lori WERNER

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: Bruce W

Print Name: BRUCE WERNER

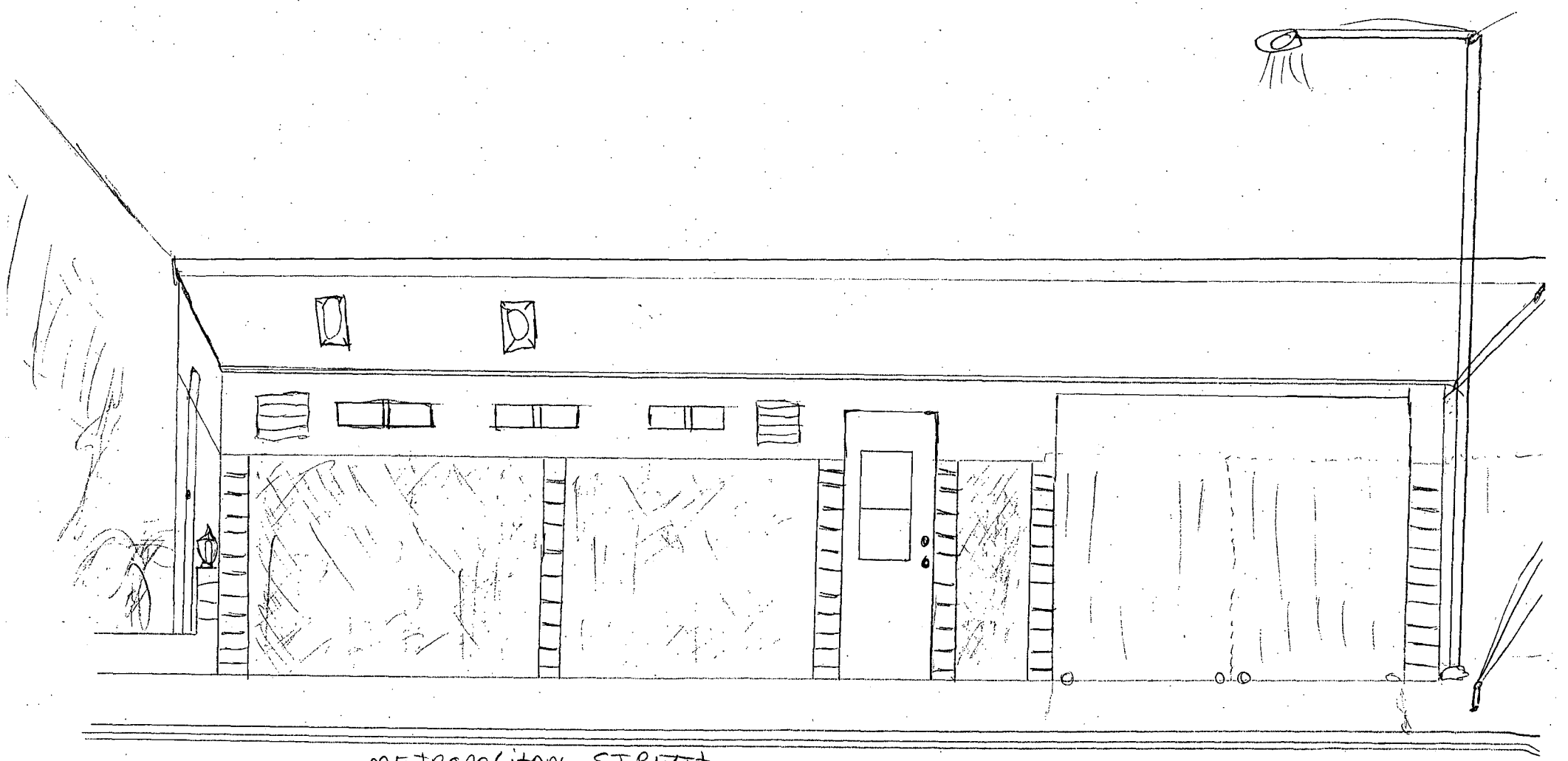
Subscribed and sworn before me

This 7 day of APRIL, 2004

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
CESAR E. MASSARO
My Appointment Expires
February 5, 2006
No: 02-75556-1

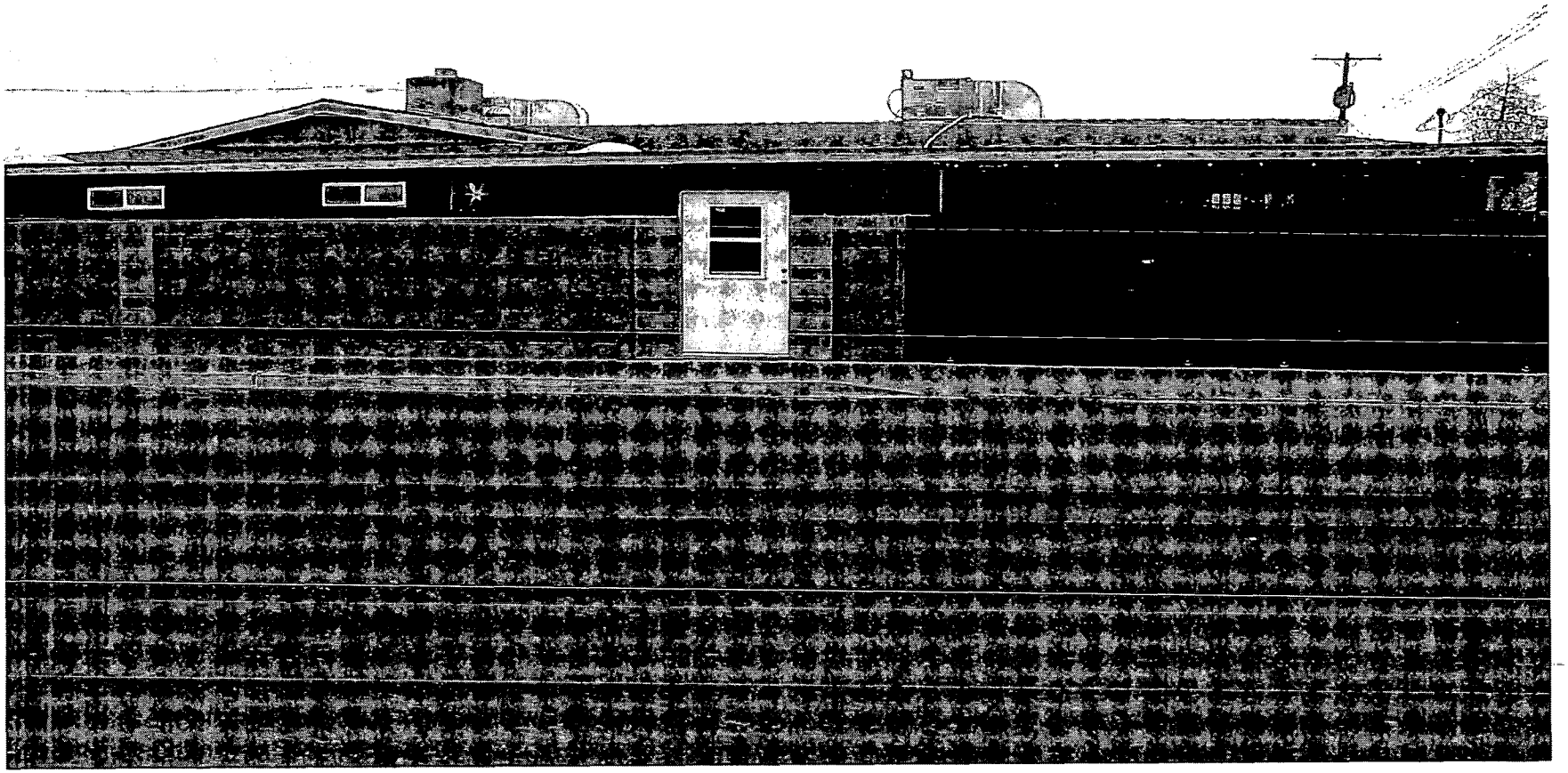
VAR-4384
6-10-04 PC



VAR-4384

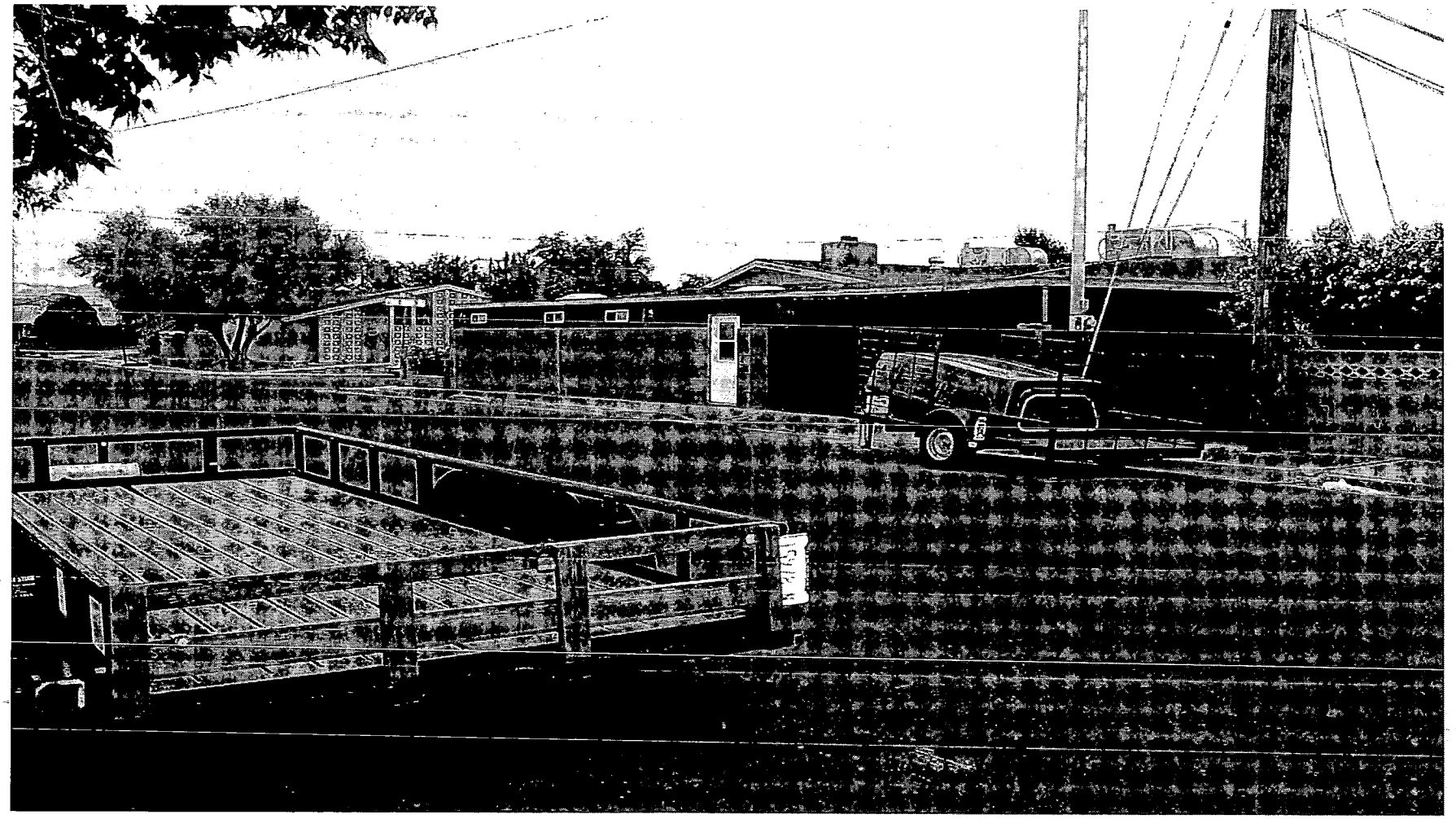
STAFF

6-10-04 PC



VAR-4384 - APPLICANT/OWNER: BRUCE AND LORI WERNER
4613 DEL MONTE AVENUE
JULY 8, 2004 PLANNING COMMISSION

05/17/04



VAR-4384 - APPLICANT/OWNER: BRUCE AND LORI WERNER
4613 DEL MONTE AVENUE
JULY 8, 2004 PLANNING COMMISSION

05/17/04

VAR-4384 - APPLICANT/OWNER: BRUCE AND LORI WERNER
4613 DEL MONTE AVENUE
JULY 8, 2004 PLANNING COMMISSION

05/17/04

City of Las Vegas

Agenda Item No. 100

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
VARIANCE - PUBLIC HEARING - **VAR-4516 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST** - Request for a Variance TO ALLOW 18 PARKING SPACES WHERE A MINIMUM OF 23 SPACES IS REQUIRED on 0.79 acres at 1501 Western Avenue (APN: 162-04-605-005), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

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

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 7/8/2004 Planning Commission Item 44

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with BROWN excused

MINUTES:
MAYOR GOODMAN declared the Public Hearing open on Item 100 [VAR-4516], Item 101 [VAR-4517] and Item 102 [SDR-4514].

STEVE LIPKIN, 2901 South Highland Drive, appeared on behalf of the applicant, agreed to staff conditions and requested approval.

CHRISTOPHER BYRD, 300 South 4th Street, representing the owners of 1205 Western Wall Street, voiced objection to granting the parking variance. He indicated that with the development nearby, approval of the variance could result in street parking that could affect other businesses along that street. MARGO WHEELER, Deputy Director, Planning and Development Department, stated that in most cases staff does feel it necessary for applicants to meet the minimum parking requirements; however, in this case, because of the usage and location, staff recommended approval of the variance and does not anticipate a parking problem. Should a problem arise, the item could be brought back before Council on a revocation basis. MAYOR GOODMAN confirmed with MR. BYRD that MS. WHEELER'S comments were satisfactory

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 100 – VAR-4516

MINUTES Continued:
for clarification of the waiver. MS. WHEELER also stated that the area is primarily industrial. The applicant is providing some landscaping; however, it is not in the specific areas required by Code. MAYOR GOODMAN confirmed with MS. WHEELER that the landscaping would be aesthetically pleasing and appropriate for the area.

COUNCILWOMAN MONCRIEF indicated the applicant has a vending company and their previous structure was lost in a fire. She thanked the applicant for remaining in her Ward instead of relocating. MR. LIPKIN stated the area is central and serves as their hub. She acknowledged MR. BYRD'S concerns over parking and said because the applicant is a vending company, they would not need to meet the normal parking requirements. Regarding Item 101 [VAR-4517], COUNCILWOMAN MONCRIEF explained the zero setback variance is due to railroad tracks being located on the East side of the property.

MAYOR GOODMAN also thanked the applicant for rebuilding.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 100 [VAR-4516], Item 101 [VAR-4517] and Item 102 [SDR-4514].

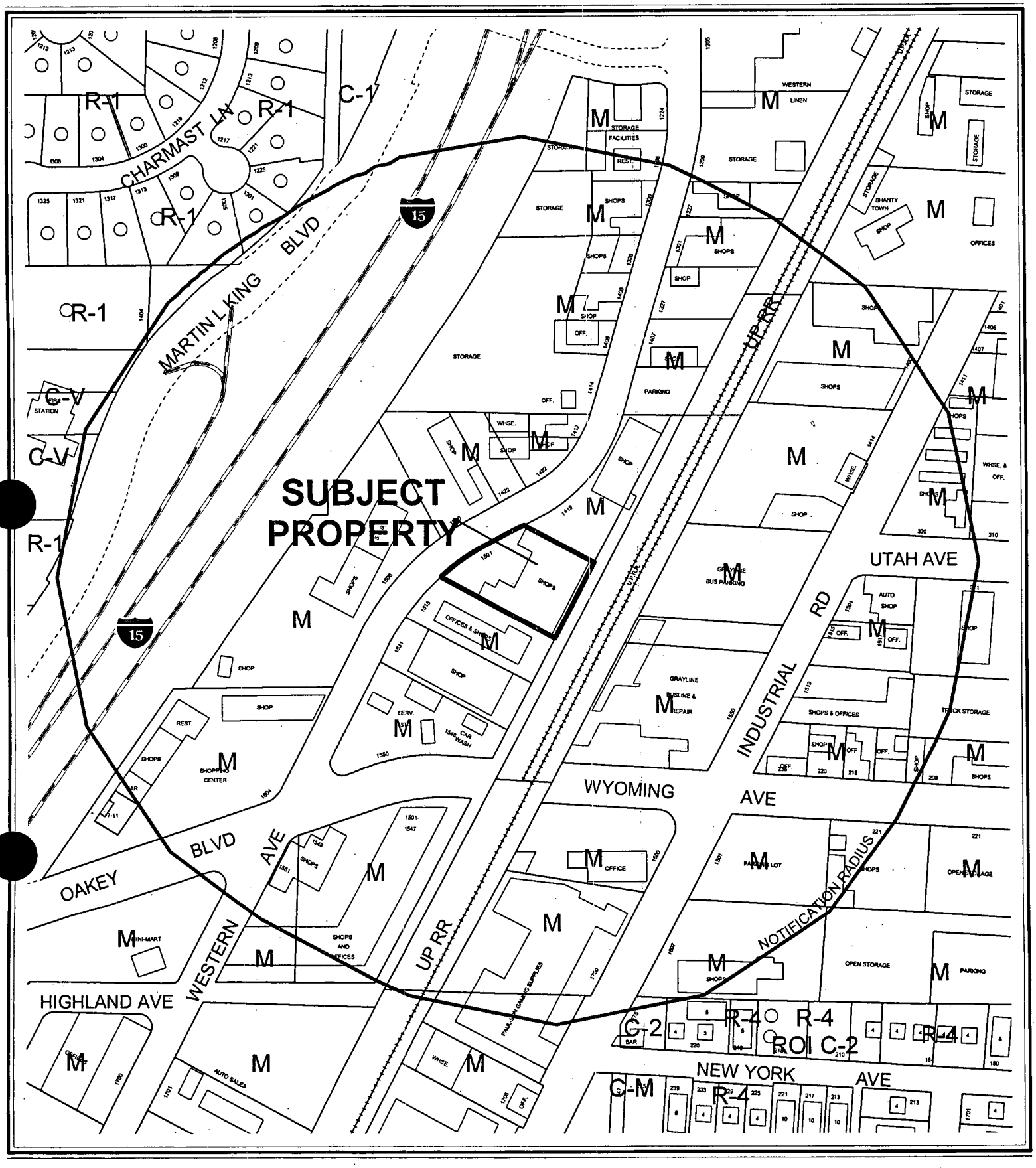
NOTE: All discussion for Item 100 [VAR-4516], Item 101 [VAR-4517] and Iem 102 [SDR-4514] was held under Item 100 [VAR-4516].

(1:31 – 1:35)

CONDITIONS:
Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-4517) and Site Development Plan Review (SDR-4514).

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



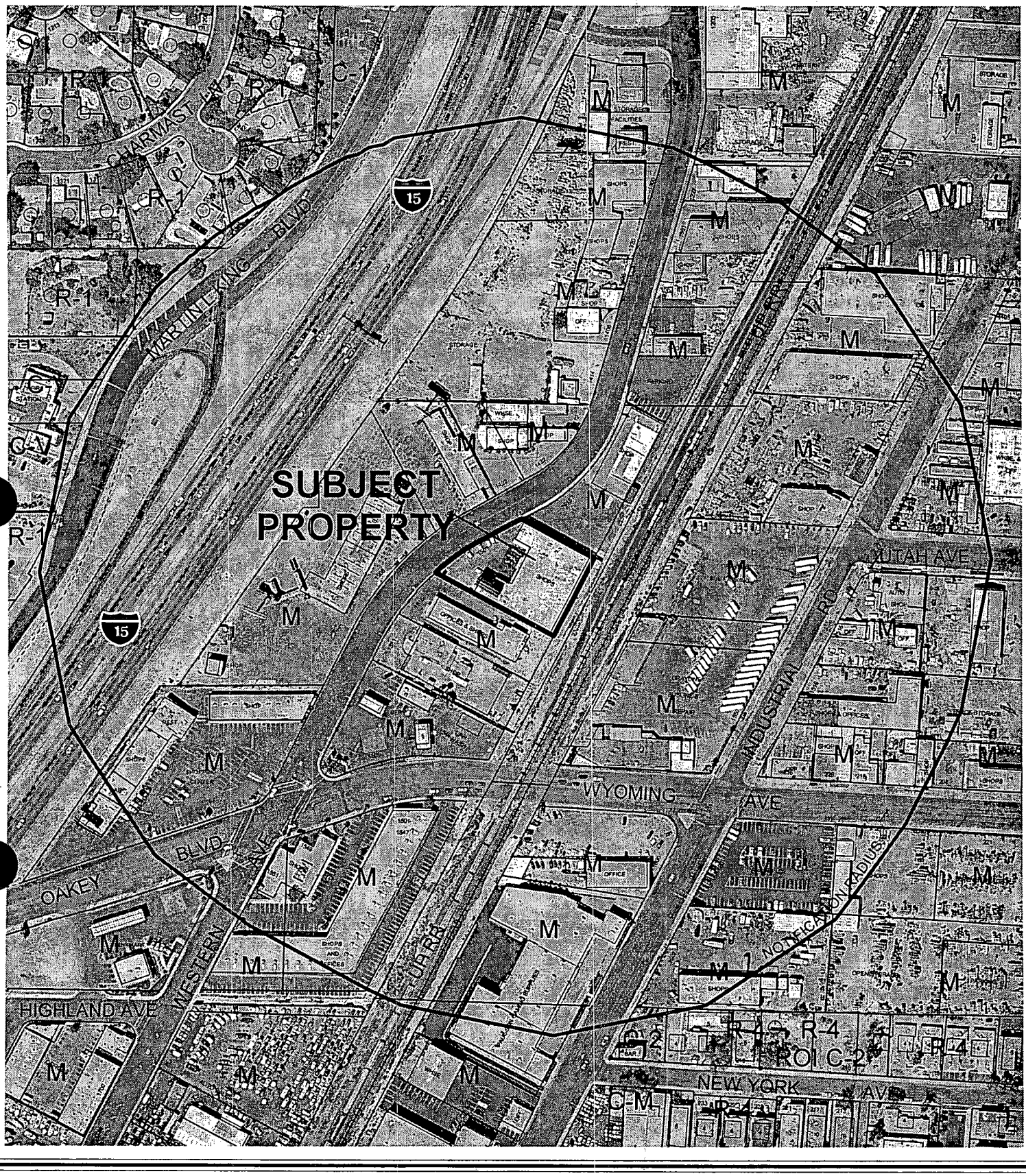
CASE: **VAR-4516**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

N



CASE: **VAR-4516**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4516 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST

** CONDITIONS **

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-4517) and Site Development Plan Review (SDR-4514).

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The request is for a Variance to allow 18 parking spaces where 23 spaces are required in conjunction with a proposed Warehouse Facility located at 1501 Western Avenue. A related Variance (VAR-4517) and Site Development Plan Review (SDR-4514) will be considered concurrently with this application.

B) Applicant's Justification

The intent is to rebuild a warehouse that was destroyed by fire in November of 2003. The property is in an ideal location to serve customers, and the rebuilding of the site will help enhance the aesthetics of the area.

BACKGROUND INFORMATION

A) Previous Actions

10/16/02	The City Council approved a Special Use Permit (U-0104-02) to allow a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on property located at 1501 Western Avenue. The Planning Commission and staff recommended approval on 9/12/02.
07/08/04	The Planning Commission recommended approval of a related Variance (VAR-4517) and Site Development Plan Review (SDR-4514) concurrently with this application.
07/08/04	The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #44/fs).

B) Pre-Application Meeting

05/07/04	Issues discussed included the history of the site, the need for parking and setback Variances, and Waivers for a reduction of perimeter and parking lot landscaping.

C) Neighborhood Meetings

A neighborhood meeting is not required for Variance Application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.79

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Warehouse / Light Manufacturing
East:	Union Pacific Railroad
West:	Light Manufacturing / Sexually Orientated Business

C) Planned Land Use

Subject Property:	LI/R (Light Industry / Research)
North:	LI/R (Light Industry / Research)
South:	LI/R (Light Industry / Research)
East:	LI/R (Light Industry / Research)
West:	LI/R (Light Industry / Research)

D) Existing Zoning

Subject Property:	M (Industrial)
North:	M (Industrial)
South:	M (Industrial)
East:	M (Industrial)
West:	M (Industrial)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with a LI/R (Light Industry / Research) land use designation, which allows for low-intensity industrial uses, including light manufacturing, warehousing and distribution, and research and testing laboratories. The existing M (Industrial) zoning district is in compliance with the General Plan, and the proposed Warehouse Facility is a permitted use.

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

The subject site does not fall within any Special Districts or Zones.

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Warehouse	22,421 SF.	1 / 1000 GFA	22	1	17	1

The proposal is deficient by five regular parking spaces and this Variance has been requested to provide relief from Title 19 parking requirements.

B) General Analysis and Discussion

The request is for a Variance to allow 18 parking spaces where 23 are required in conjunction with a proposed Warehouse Facility located at 1501 Western Avenue. The new 22,421 square foot building will replace the 16,000 square foot warehouse, which burned down in November of 2003. The owners of the destroyed building have temporarily relocated their business and submitted this application in order to rebuild the site and resume business at this location. This request is appropriate, as there is little demand for customer parking due to the nature of the existing business. In addition, there is space available within the proposed building for additional parking if occasionally necessary.

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 proposed warehouse will store inventory for a vending machine business, and the amount of parking proposed is adequate for this particular type of use. The parking area will not be used by the general public, and the reduction of five required parking spaces should not be a detriment to the accessibility of the site.

NOTICES MAILED 49 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4516 APN: 162-04-605-005

Name of Property Owner: LIPKIN 1992 TRUST

Name of Applicant: LIPKIN 1992 TRUST / SKY TOP VENDING, INC.

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

_____ Yes ___x___ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: STEVE LIPKIN

Subscribed and sworn before me

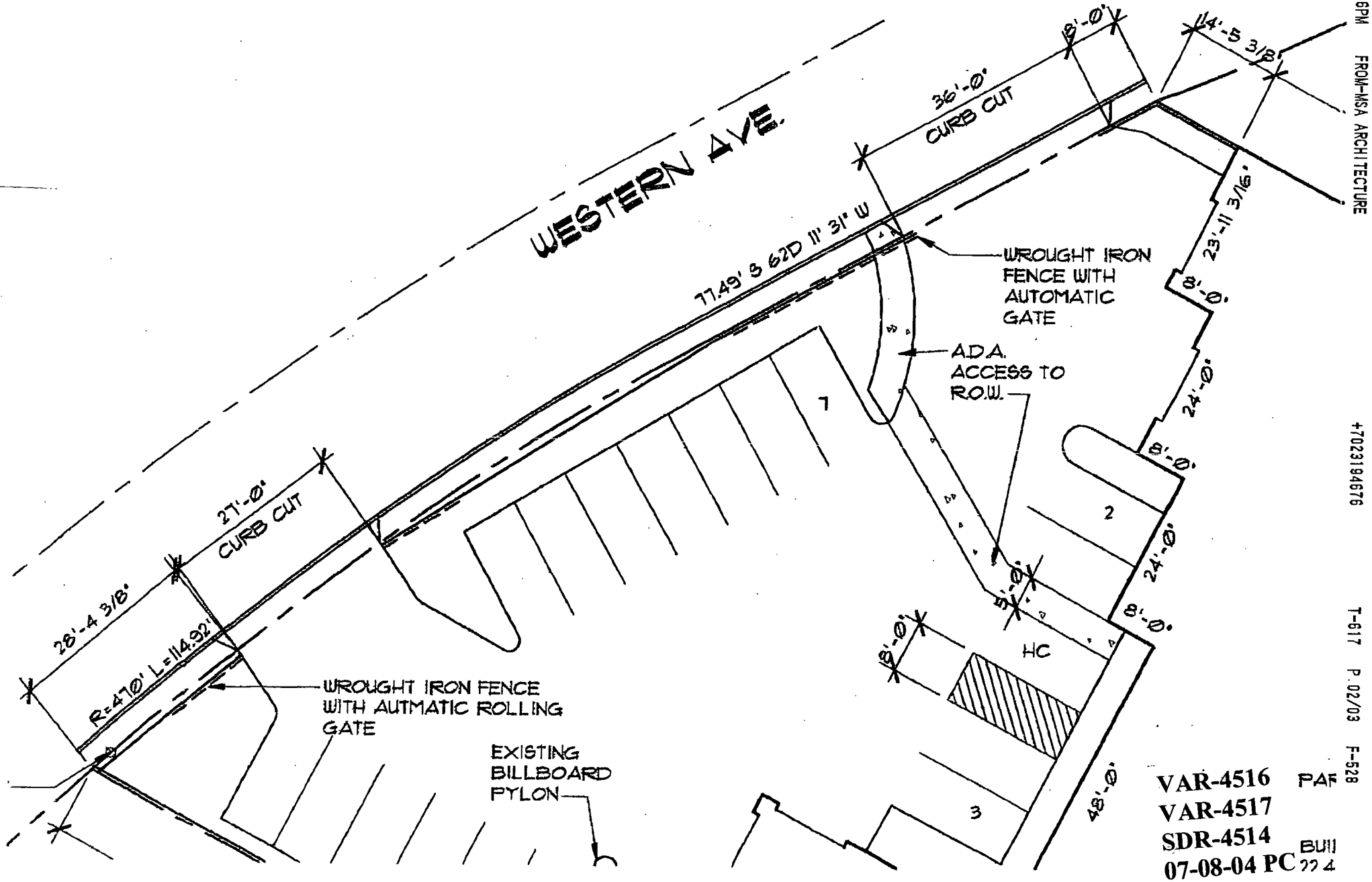
This 24th day of MAY, 2004

[signature]

Notary Public in and for said County and State

ANDREW VASILA
Notary Public State of Nevada
No. 99-58733-1
My appt. exp. Oct. 15, 2007

"SKY TOP VE[redacted]NG"



VAR-4516 PAF
VAR-4517
SDR-4514
07-08-04 PC Item 4

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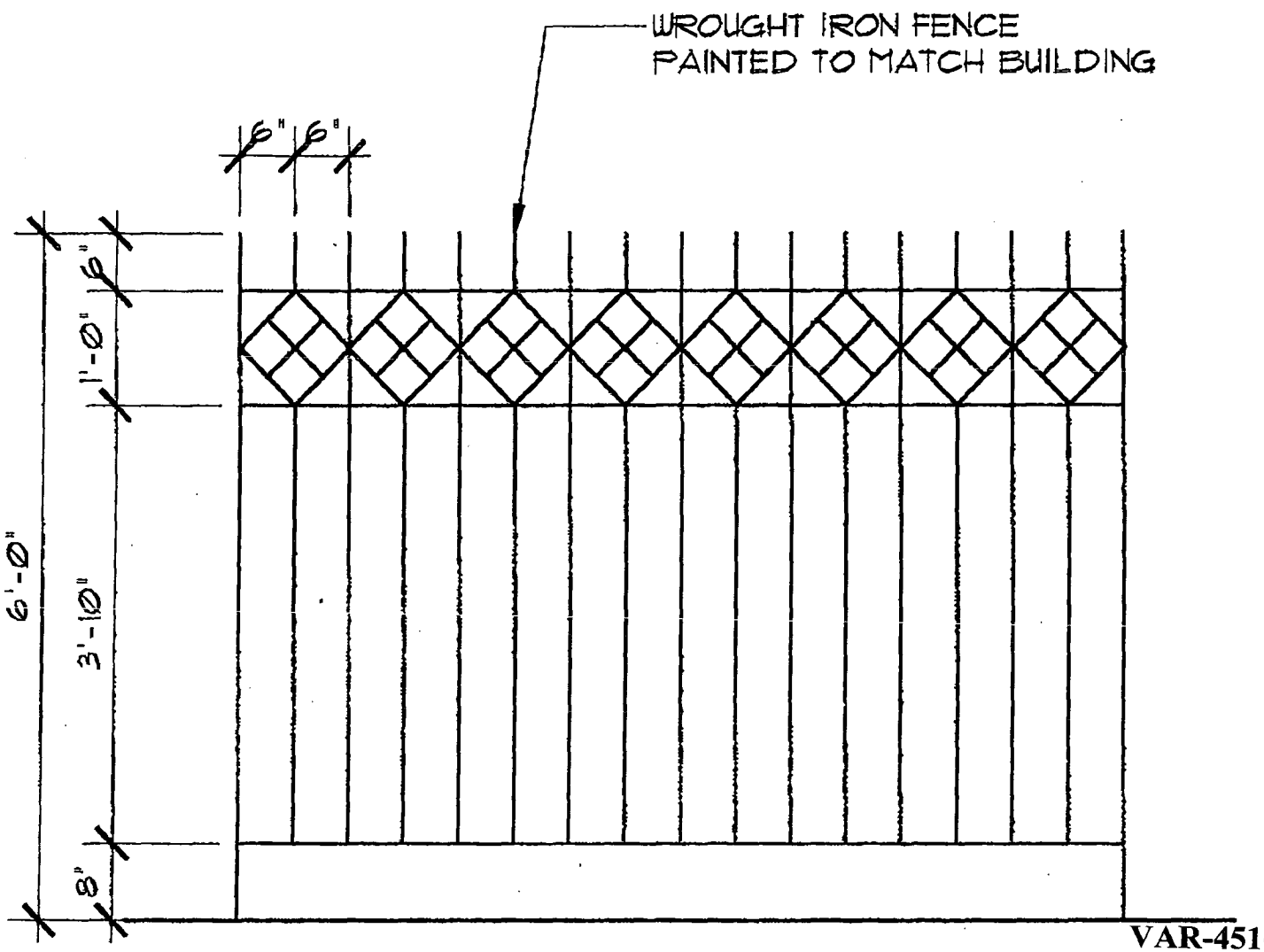

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

PROPERTY LINE FENCE ELEVATION

NO SCALE

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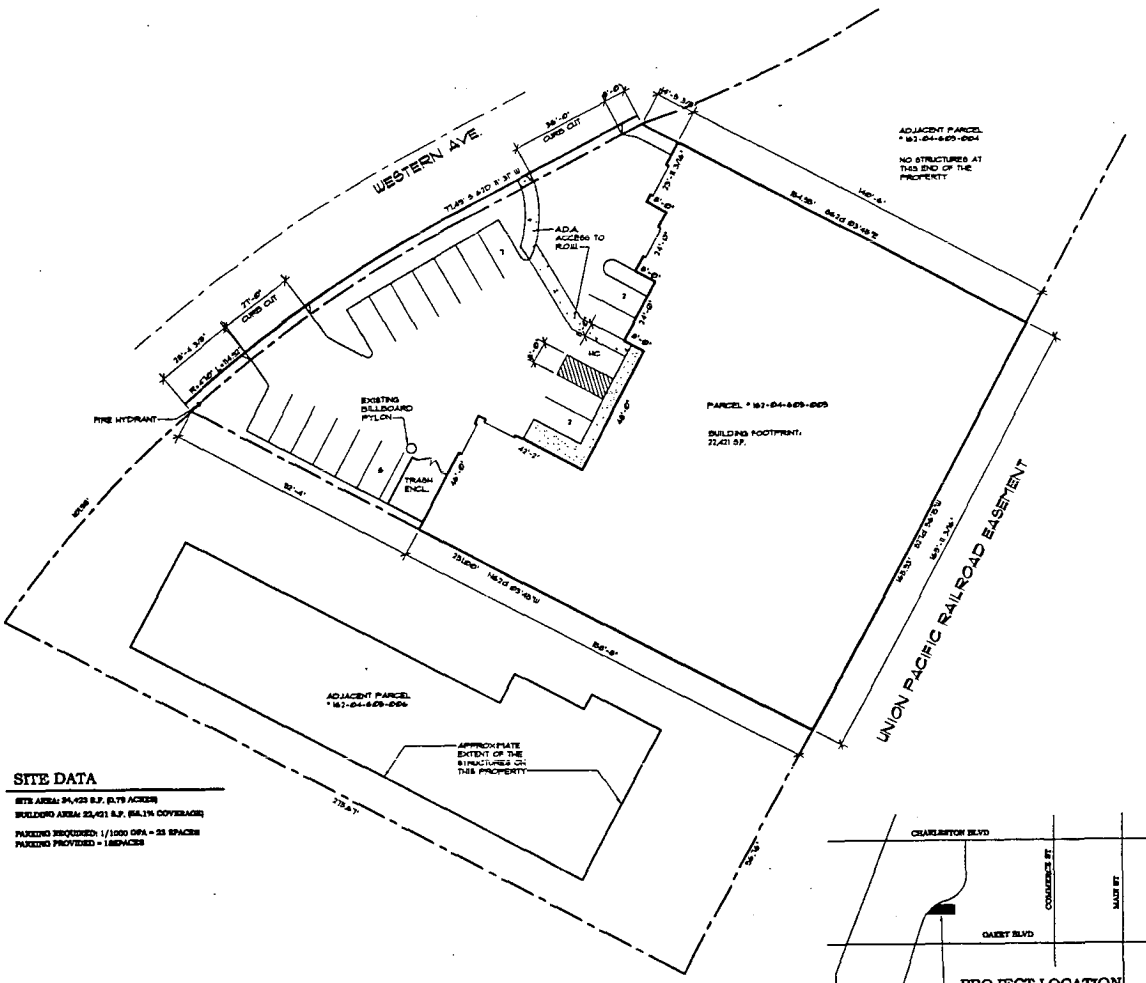


SITE PLAN

1" = 20'-0"

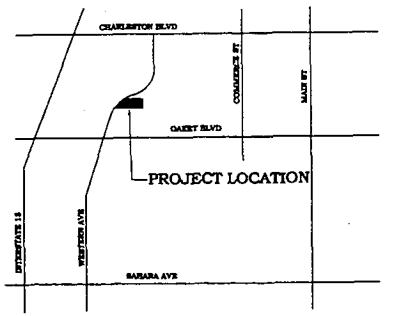
SITE DATA

SITE AREA: 54,423 S.F. (1.75 ACRES)

BUILDING AREA: 22,421 S.F. (66.1% COVERAGE)

PARKING REQUIRED: 1/1000 GFA = 23 SPACES

PARKING PROVIDED = 18SPACES



VICINITY MAP

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

MSA ARCHITECTURE LLC
6275 INDUSTRIAL ROAD
LAS VEGAS, NEVADA 89118
PHONE 702 898 4675
FAX 702 319 4676

NEW FACILITY FOR
SKY TOP VENDING
1501 WESTERN AVE.
LAS VEGAS, NEVADA

△	DATE	REVISION

JOB NUMBER	DRAWN BY
04010	MJS
SCALE	DATE
AS NOTED	5/25/2004

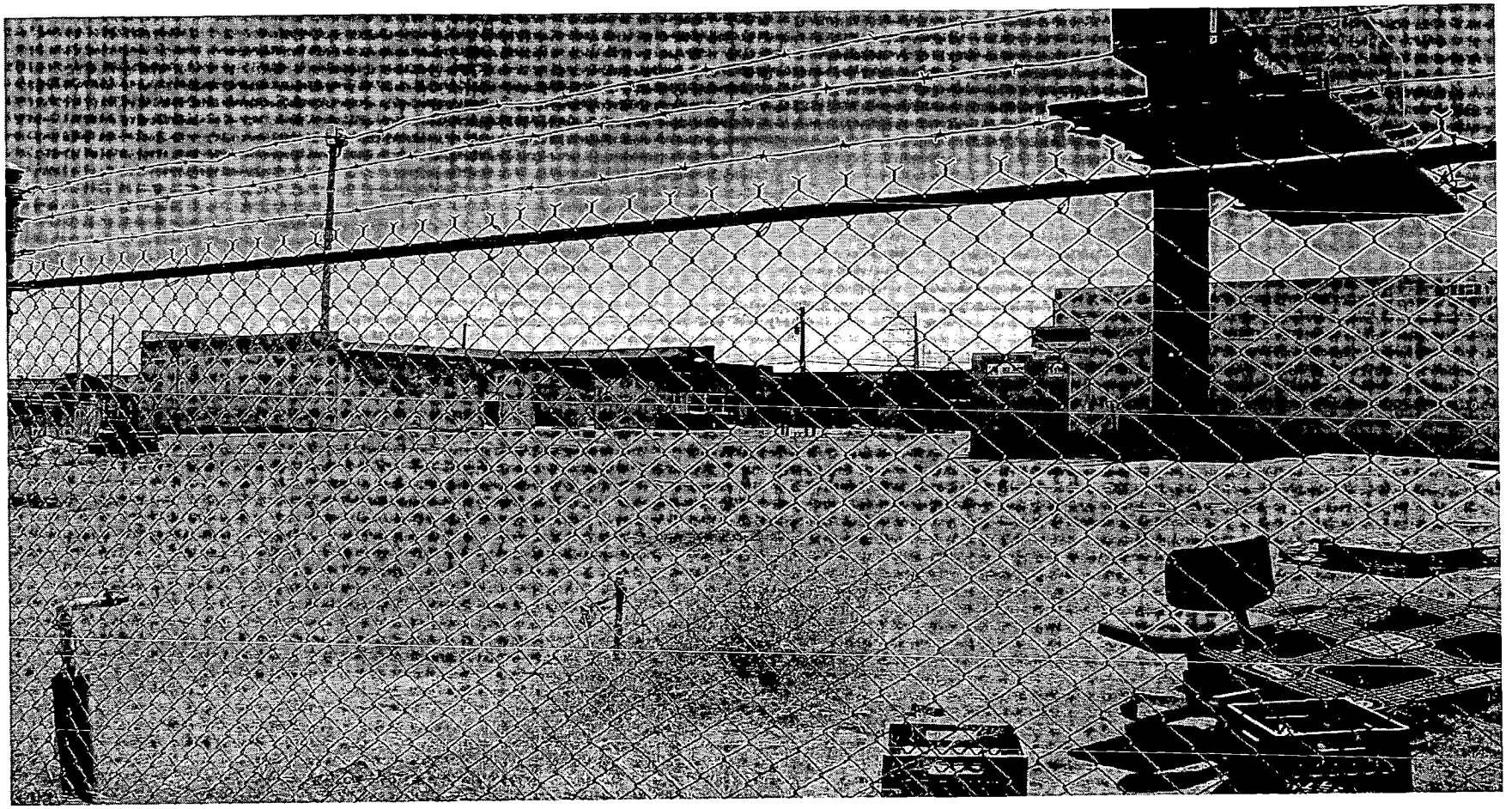
DRAWING TITLE
SITE PLAN

DRAWING NUMBER
A-1

A-1

VAR-4516 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST
1501 WEST AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04



VAR-4516 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST
1501 WEST AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 101

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
VARIANCE RELATED TO VAR-4516 - PUBLIC HEARING - **VAR-4517 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST** - Request for a Variance TO ALLOW ZERO-FOOT SIDE AND REAR YARD SETBACKS WHERE TEN FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED WAREHOUSE FACILITY on 0.79 acres located at 1501 Western Avenue (APN: 162-04-605-005), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

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

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 7/8/2004 Planning Commission Item 45

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with BROWN excused

MINUTES:
NOTE: See Item 100 [VAR-4516] for related discussion.

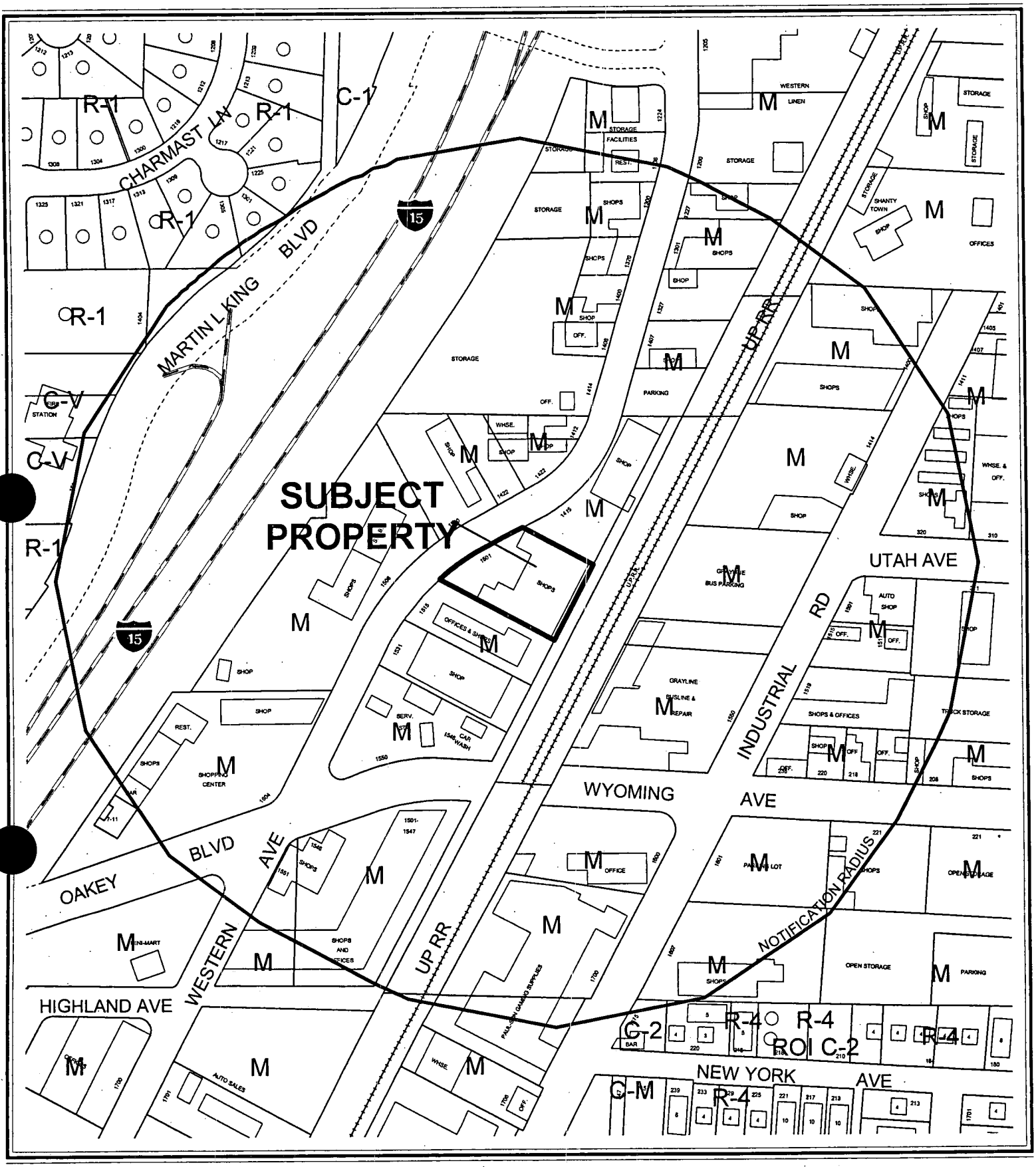
(1:31 – 1:35)

4-889

CONDITIONS:
Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-4516) and Site Development Plan Review (SDR-4514).

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



CASE: **VAR-4517**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4517 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST

** CONDITIONS **

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-4516) and Site Development Plan Review (SDR-4514).

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The request is for a Variance to allow a zero side-yard setback where ten feet is required in conjunction with a proposed Warehouse Facility located at 1501 Western Avenue. A related Variance (VAR-4516) and Site Development Plan Review (SDR-4514) will be considered concurrently with this application.

B) Applicant's Justification

The intent is to rebuild a warehouse that was destroyed by fire in November of 2003. The property is in an ideal location to serve customers, and the rebuilding of the site will help enhance the aesthetics of the area.

BACKGROUND INFORMATION

A) Previous Actions

10/16/02	The City Council approved a Special Use Permit (U-0104-02) to allow a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on property located at 1501 Western Avenue. The Planning Commission and staff recommended approval on 9/12/02.
07/08/04	The Planning Commission recommended approval of a related Variance (VAR-4516) and Site Development Plan Review (SDR-4514) concurrently with this application.
07/08/04	The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #45/fs).

B) Pre-Application Meeting

05/07/04	Issues discussed included the history of the site, the need for parking and setback Variances, and Waivers for a reduction of perimeter and parking lot landscaping.

C) Neighborhood Meetings

A neighborhood meeting is not required for Variance application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.79

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Warehouse / Light Manufacturing
East:	Union Pacific Railroad
West:	Light Manufacturing / Sexually Orientated Business

C) Planned Land Use

Subject Property:	LI/R (Light Industry / Research)
North:	LI/R (Light Industry / Research)
South:	LI/R (Light Industry / Research)
East:	LI/R (Light Industry / Research)
West:	LI/R (Light Industry / Research)

D) Existing Zoning

Subject Property:	M (Industrial)
North:	M (Industrial)
South:	M (Industrial)
East:	M (Industrial)
West:	M (Industrial)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with a LI/R (Light Industry / Research) land use designation, which allows for low-intensity industrial uses, including light manufacturing, warehousing and distribution, and research and testing laboratories. The existing M (Industrial) zoning district is in compliance with the General Plan, and the proposed Warehouse Facility is a permitted use.

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

The subject site does not fall within any Special Districts or Zones.

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Setbacks			
• Front	10 Feet	14.5 Feet	Y
• Side	10 Feet	0 Feet	N
• Corner	10 Feet	N/A	Y
• Rear	0 Feet	0 Feet	Y

The proposal does not meet Title 19 side-yard setback requirements and this Variance has been requested to provide relief from this requirement.

B) General Analysis and Discussion

The request is for a Variance to allow a zero side-yard setback where ten feet is required in conjunction with a proposed Warehouse Facility located at 1501 Western Avenue. The new 22,000 square foot building will replace a 16,000 square foot warehouse, which burned down in November of 2003. The owners of the destroyed building have temporarily relocated their business and submitted this application in order to rebuild the site and resume business at this location. This variance is appropriate, as the previous building also had zero side-yard setbacks along the north and south property lines.

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 site is located within an industrial zone and the elimination of the required 10-foot side setback will not be a detriment to the site or the area. The adjacent uses are industrial in nature and will not be significantly affected by the proposed zero side yard setback along the north and south property lines. In addition, the previous building also had zero side-yard setbacks along the north and south property lines prior to being destroyed by fire.

NOTICES MAILED 49 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4517 APN: 162-04-605-005

Name of Property Owner: LIPKIN 1992 TRUST

Name of Applicant: LIPKIN 1992 TRUST / SKY TOP VENDING, INC.

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

_____ Yes ___x___ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: Steve LIPKIN

Subscribed and sworn before me

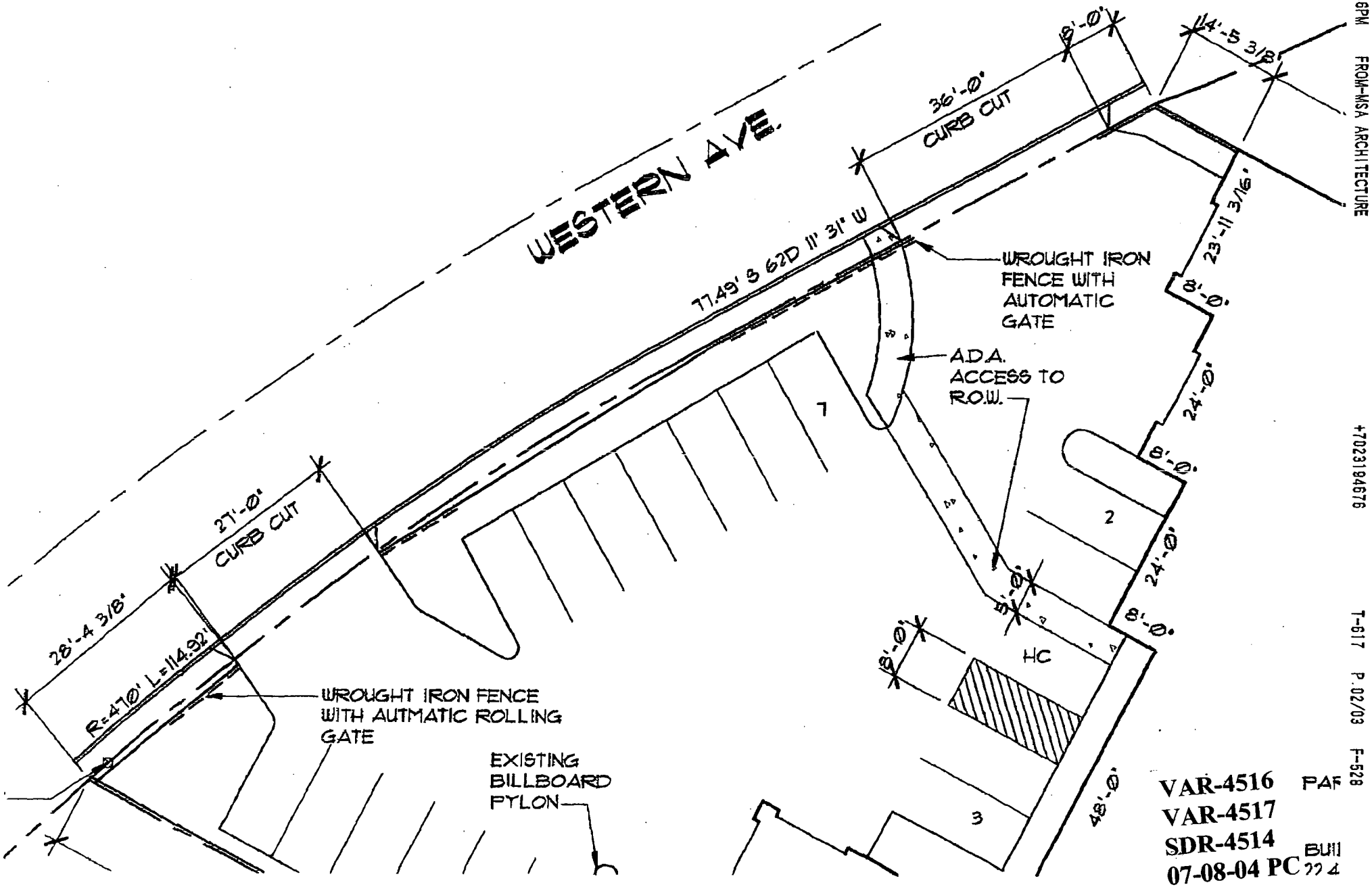
This 24th day of MAY, 2004

[signature]

Notary Public in and for said County and State

ANDREW VASILA
Notary Public State of Nevada
No. 99-58733-1
My appt. exp. Oct. 15, 2007

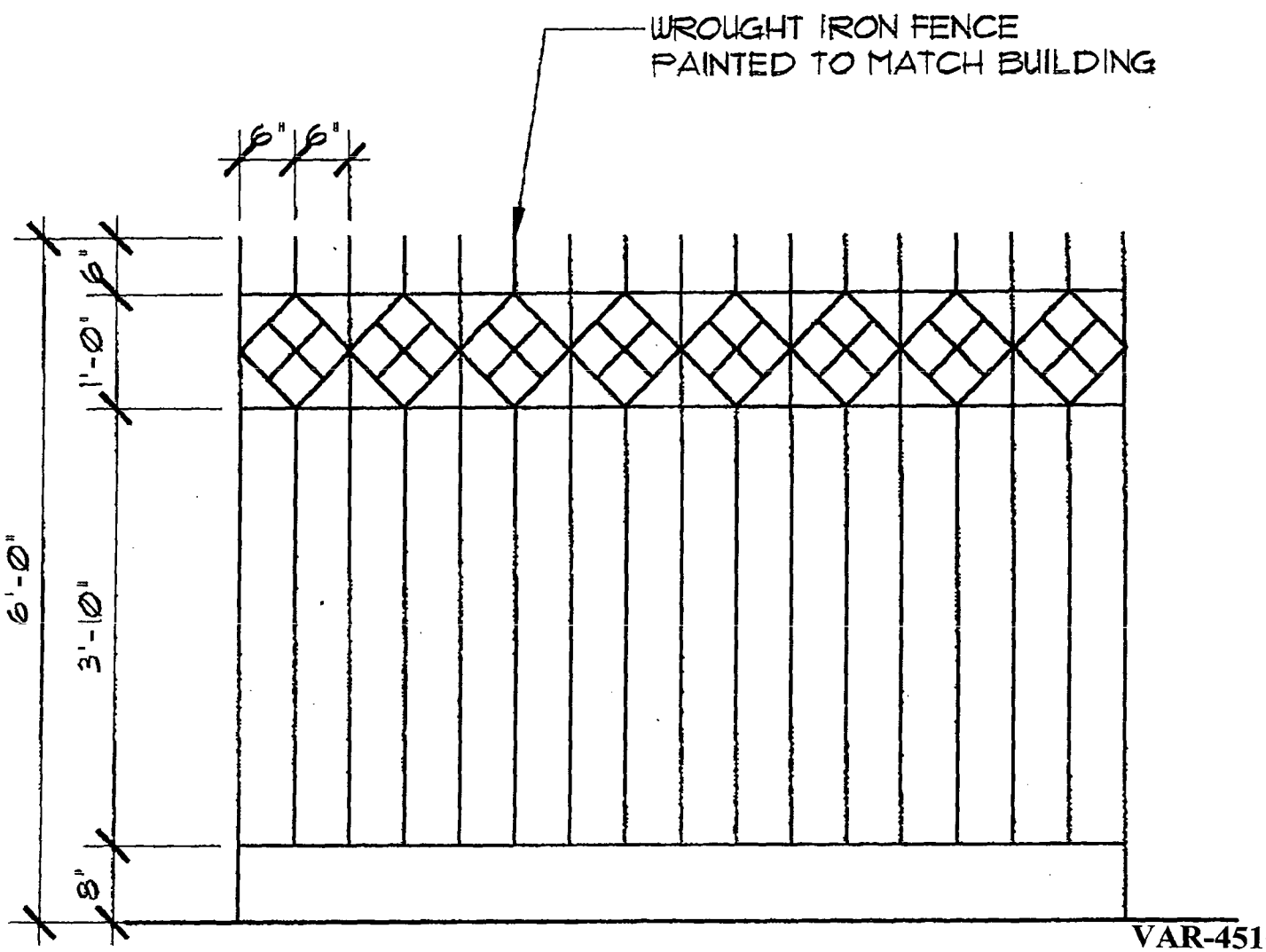
SKY TOP VENDING



VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

JUN-07-04 04:46PM FROM-MSA ARCHITECTURE +7023184676 T-617 P.02/03 F-528

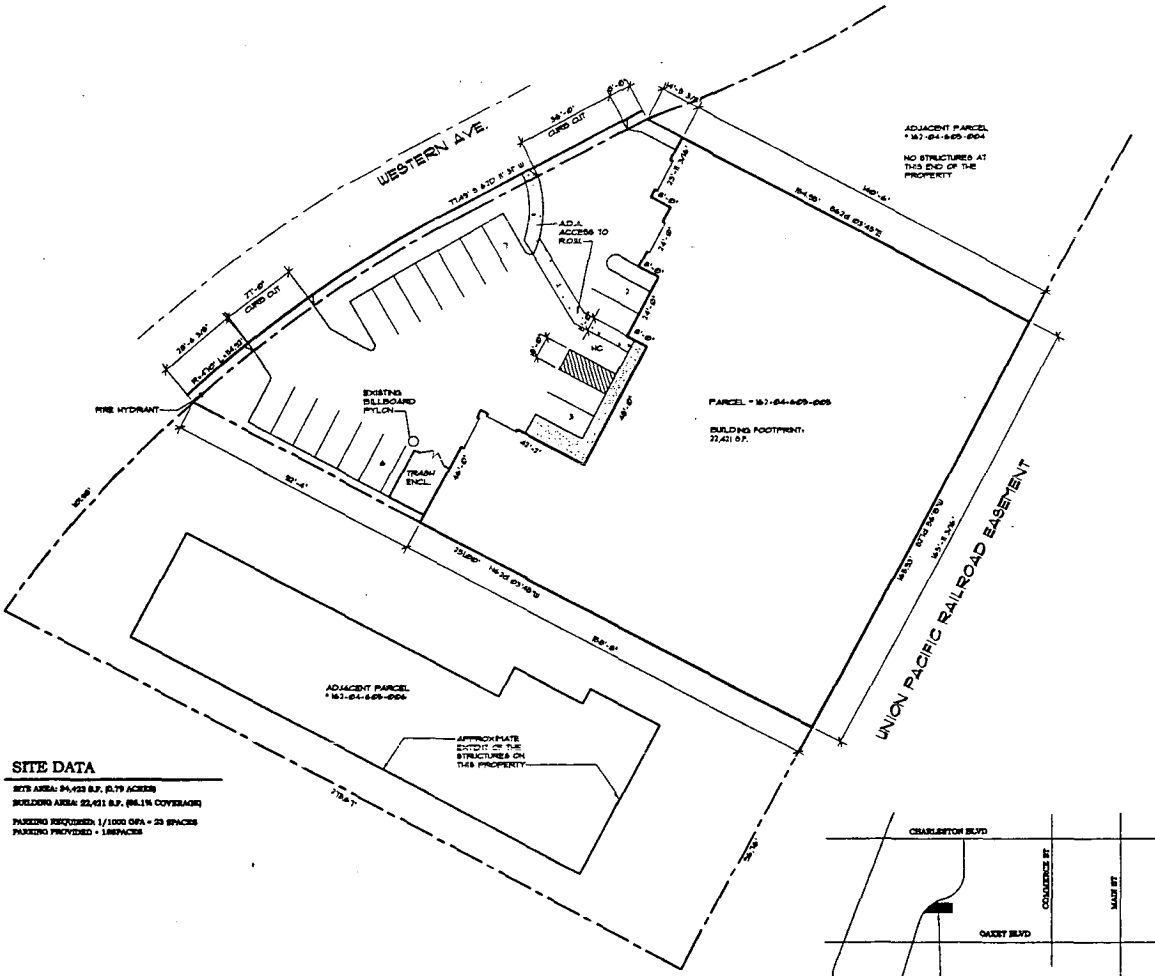
JUN-07-04 04:46PM FROM-MSA ARCHITECTURE +7023194676 T-617 P.03/03 F-528



VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

PROPERTY LINE FENCE ELEVATION

NO SCALE



SITE DATA

SITE AREA: 84,422 S.F. (1.79 ACRES)

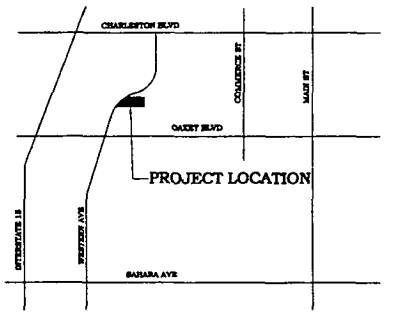
BUILDING AREA: 22,421 S.F. (26.1% COVERAGE)

PARKING REQUIRED: 1/1000 GFA = 23 SPACES
PARKING PROVIDED = 186PACES

SITE PLAN

1" = 20'-0"

NORTH



VICINITY MAP

NORTH

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

MSA ARCHITECTURE

MSA ARCHITECTURE LLC
6275 INDUSTRIAL ROAD
LAS VEGAS, NEVADA 89118
PHONE 702 898 4676
FAX 702 319 4676

SEAL

NEW FACILITY FOR
SKY TOP VENDING

1501 WESTERN AVE.
LAS VEGAS, NEVADA

△ DATE REVISION

JOB NUMBER	DRAWN BY
04010	MJS
SCALE	DATE
AS NOTED	5/25/2004

DRAWING TITLE
SITE PLAN

DRAWING NUMBER
A-1

A-1

VAR-4517 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST
1501 WEST AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 102

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4516 AND VAR-4517 - PUBLIC HEARING - **SDR-4514 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST** - Request for a Site Development Plan Review and Waivers of perimeter buffering, perimeter landscaping and parking lot landscaping standards FOR A PROPOSED WAREHOUSE FACILITY on 0.79 acres at 1501 Western Avenue (APN: 162-04-605-005), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

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

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 7/8/2004 Planning Commission Item 46

MOTION:
MONCRIEF – APPROVED subject to conditions – UNANIMOUS with BROWN excused

MINUTES:
NOTE: See Item 100 [VAR-4516] for related discussion.

(1:31 – 1:35)

4-889

CONDITIONS:
Planning and Development

1. Approval of Variances VAR-4516 and VAR-4517 by the City Council.

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

3. All development shall be in conformance with the site plan presented at the 07/08/04 Planning Commission meeting.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 102 – SDR-4514

CONDITIONS Continued:

4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

5. 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 an eight-foot screening wall along the perimeter of the site where the building is not located on the lot line.

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

7. 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.]

8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

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

10. 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. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 102 – VAR-4514

CONDITIONS Continued:

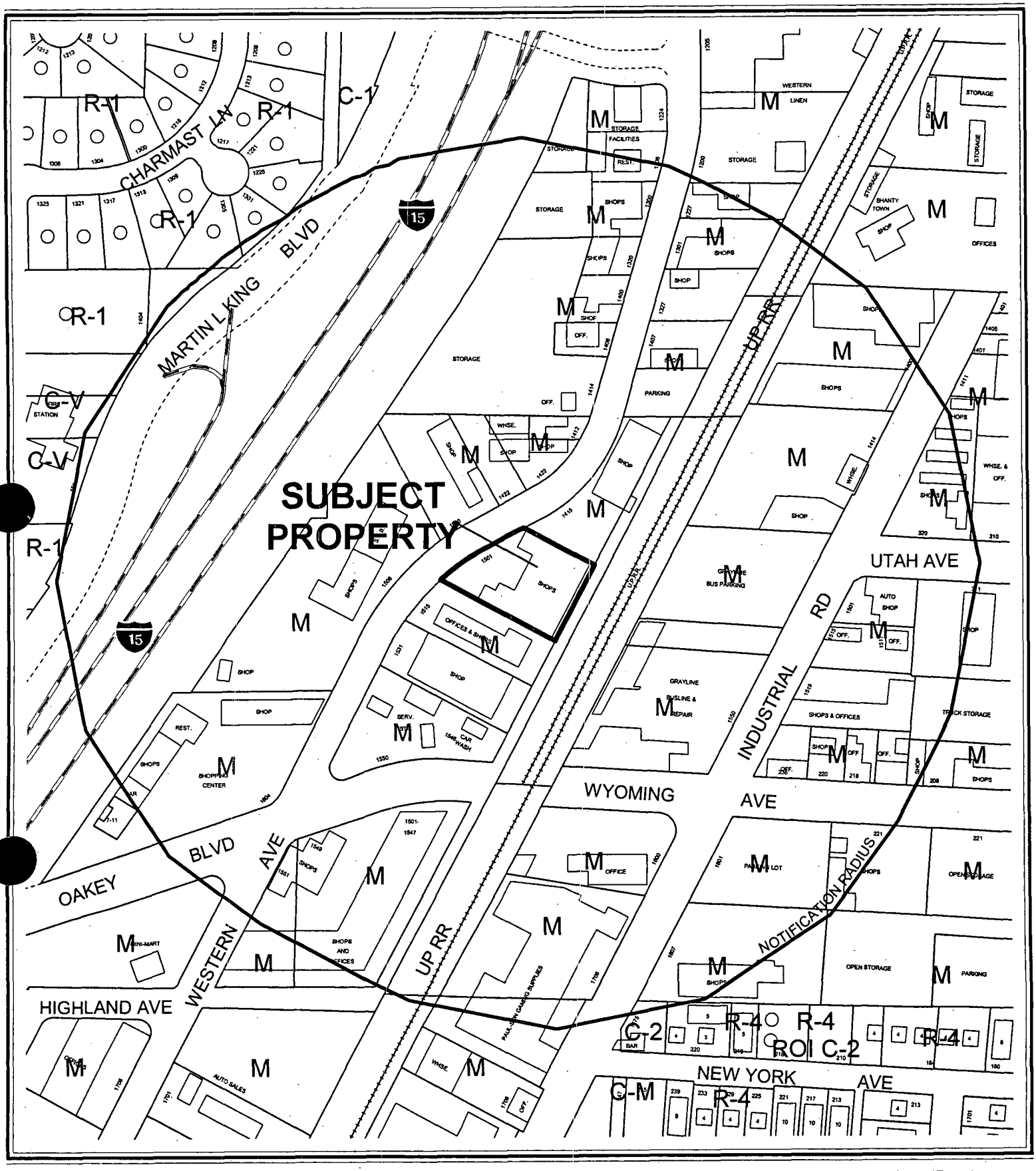
14. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing off-site improvements damaged or removed by this development shall be restored to their original condition concurrent with development of this site.

16. The proposed automatic rolling access gates shall remain fully open during normal business hours. No part of the proposed gates shall encroach into the public right-of-way, either in the closed or open position.

17. 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 the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.



CASE: **SDR-4514**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4514 - APPLICANTS: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST

** CONDITIONS **

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of Variances VAR-4516 and VAR-4517 by the City Council.

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

3. All development shall be in conformance with the site plan presented at the 07/08/04 Planning Commission meeting.

4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

5. 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 an eight-foot screening wall along the perimeter of the site where the building is not located on the lot line.

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

7. 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.]

8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

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

10. 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. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

Public Works

15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing off-site improvements damaged or removed by this development shall be restored to their original condition concurrent with development of this site.

16. The proposed automatic rolling access gates shall remain fully open during normal business hours. No part of the proposed gates shall encroach into the public right-of-way, either in the closed or open position.

17. 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 the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The request is for a Site Development Plan Review for a proposed 22,421 square-foot Warehouse Facility on 0.79 acres located at 1501 Western Avenue. Two related Variances (VAR-4516 and VAR-4517) will be considered concurrently with this application.

B) Applicant's Justification

The intent is to rebuild a warehouse that was destroyed by fire in November of 2003. The property is in an ideal location to serve customers, and the rebuilding of the site will help enhance the aesthetics of the area.

BACKGROUND INFORMATION

A) Previous Actions

10/16/02 The City Council approved a Special Use Permit (U-0104-02) to allow a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on property located at 1501 Western Avenue. The Planning Commission and staff recommended approval on 9/12/02.

07/08/04 The Planning Commission recommended approval of two related Variances (VAR-4516 and VAR-4517) concurrently with this application. Staff recommends approval.

07/08/04 The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #46/fs).

B) Pre-Application Meeting

05/07/04 Issues discussed included the history of the site, the need for parking and setback Variances, and Waivers for a reduction of perimeter and parking lot landscaping.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Site Development Plan Review application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.79

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Warehouse / Light Manufacturing
East:	Union Pacific Railroad
West:	Light Manufacturing / Sexually Orientated Business

C) Planned Land Use

Subject Property:	LI/R (Light Industry / Research)
North:	LI/R (Light Industry / Research)
South:	LI/R (Light Industry / Research)
East:	LI/R (Light Industry / Research)
West:	LI/R (Light Industry / Research)

D) Existing Zoning

Subject Property:	M (Industrial)
North:	M (Industrial)
South:	M (Industrial)
East:	M (Industrial)
West:	M (Industrial)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with a LI/R (Light Industry / Research) land use designation, which allows for low-intensity industrial uses, including light manufacturing, warehousing and distribution, and research and testing laboratories. The existing M (Industrial) zoning district is in compliance with the General Plan, and the proposed Warehouse Facility is a permitted use.

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

The subject site does not fall within any Special Districts or Zones.

PROJECT DESCRIPTION

The request is for a Site Development Plan Review for a proposed 22,421 square-foot Warehouse Facility on 0.79 acres. The site receives access from Western Avenue. A total of 18 parking spaces are provided. The building is located on the eastern portion of the site, and will have zero side and rear yard setbacks. Waivers for perimeter, parking lot, and foundation landscape buffering have been requested. The building elevations depict a 27-foot structure with a flat roof and an exterior consisting of concrete tilt-up panels, roll up metal doors, and windows with aluminum framing.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	10 Feet	14.5 Feet	Y
• Side	10 Feet	0 Feet	N
• Corner	10 Feet	N/A	Y
• Rear	0 Feet	0 Feet	Y
Loading Zone	2 Loading Docks	2 Loading Docks	Y

The proposal does not meet Title 19 side setback requirements and a Variance (VAR-4517) has been requested to provide relief from this requirement.

A3) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Warehouse	22,421 SF.	1/1000 GFA	22	1	17	1

The proposal is deficient by five regular parking spaces and a Variance (VAR-4516) has been requested to provide relief from this requirement.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Spaces	6 Trees	0 Trees
Buffer:			
• Min. Trees	1 Trees/ 30 Linear Feet	25 Trees	7 Trees
• Min. Zone Width	8 Feet		6 Feet
• Wall height	8 Feet		Not Depicted

The plan depicts a deficiency of perimeter and parking lot landscaping, and waivers have been requested to provide relief from Title 19 landscape requirements. In addition, the required eight-foot perimeter wall is not depicted on the site plan, and a Condition of Approval has been included to ensure compliance with this requirement.

B) General Analysis and Discussion

- Zoning

The M (Industrial) District is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The M District is consistent with the Light Industry/Research category of the General Plan.

- Site Plan

The request is for a Site Development Plan Review for a proposed 22,421 square-foot Warehouse Facility on 0.79 acres. The facility will replace the 16,000 square foot warehouse, which burned down in November of 2003. The owners of the destroyed building have temporarily relocated their business and submitted this application in order to rebuild the site and resume business at this location. The building is located on the eastern portion of the site, and will have zero side and rear yard setbacks. Two related Variances (VAR-4516 and VAR-4517) will be considered concurrently with this application for a reduction of the amount of required parking spaces, and relief from side yard setback requirements.

- Waivers

Waivers for perimeter, parking lot, and foundation landscape buffering have been requested. The landscape plan depicts a six-foot planter along the south property line where eight feet is required, and a 13-foot planter along the west property line where 15 feet is required. No trees are provided along the north and south property lines where one 24-inch box tree is required every 30 feet on center. No parking lot landscaping is depicted where a landscape island is required every six parking spaces, and no foundation buffering is provided where six feet is required around the perimeter of the building. The waivers are recommended, as the site is located within an industrial zone and the reduction of landscaping will not be detrimental to the site or the area. An eight-foot perimeter wall is required along the perimeter of the site but is not depicted on the site plan. A Condition of Approval has been included to ensure compliance with this requirement.

- Landscape Plan

The landscape plan depicts a six-foot planter along the south property line, a 13-foot planter along the west property line, and a 10-foot planter along the north property line.

Along the west property line, the buffer area is planted with 24-inch Chiltalpa and Blue Palo Verde trees 30 feet on center with various one and five gallon shrubs mixed in between. Along the north and south property lines, the buffer area is planted with five-gallon Desert Spoons, Red Yuccas, Mountain Laurels, and Rio Bravo Texas Rangers.

- Elevation

  The building elevations depict a 27-foot structure with a flat roof and an exterior consisting of concrete tilt-up panels, roll up metal doors, and windows with aluminum framing.

- Floor Plan

  The floor plans depict a 22,431 square-foot building with a reception area, offices, break room, and warehouse areas for inventory storage.

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 warehouse is located within and industrial area and is compatible with adjacent development and development in 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;"**

   With the approval of the related Variances (VAR-4516 and VAR-4517) and requested landscape waivers, the development will be 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.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The site will receive access via a drive from Western Avenue, a 60-foot collector street, and site access and circulation will not negatively impact adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The proposed building and landscape materials are typical for development in the vicinity, and are appropriate for the area and for the City.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The building elevations and design characteristics are not unsightly or obnoxious in appearance, and are harmonious and compatible with development in the area.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The proposed warehouse facility will be subject to regular inspections and therefore will not compromise the public health, safety, and welfare.

NOTICES MAILED 47 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4514 APN: 162-04-605-005

Name of Property Owner: LIPKIN 1992 TRUST

Name of Applicant: LIPKIN 1992 TRUST / SKY TOP VENDING, INC.

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

_____ Yes ___x___ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: Steve Lipkin

Subscribed and sworn before me

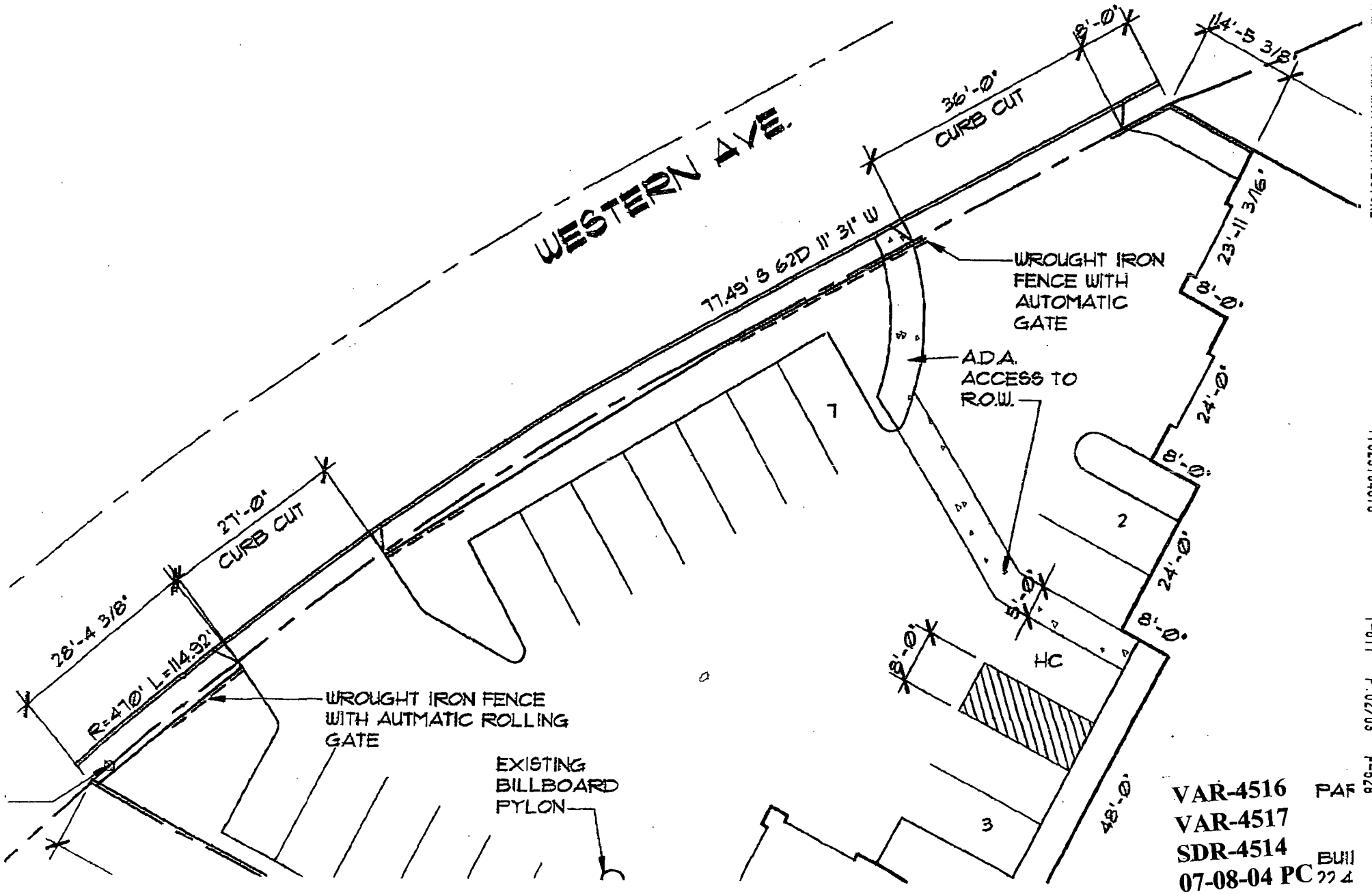
This 24th day of May, 2004

[signature]

Notary Public in and for said County and State

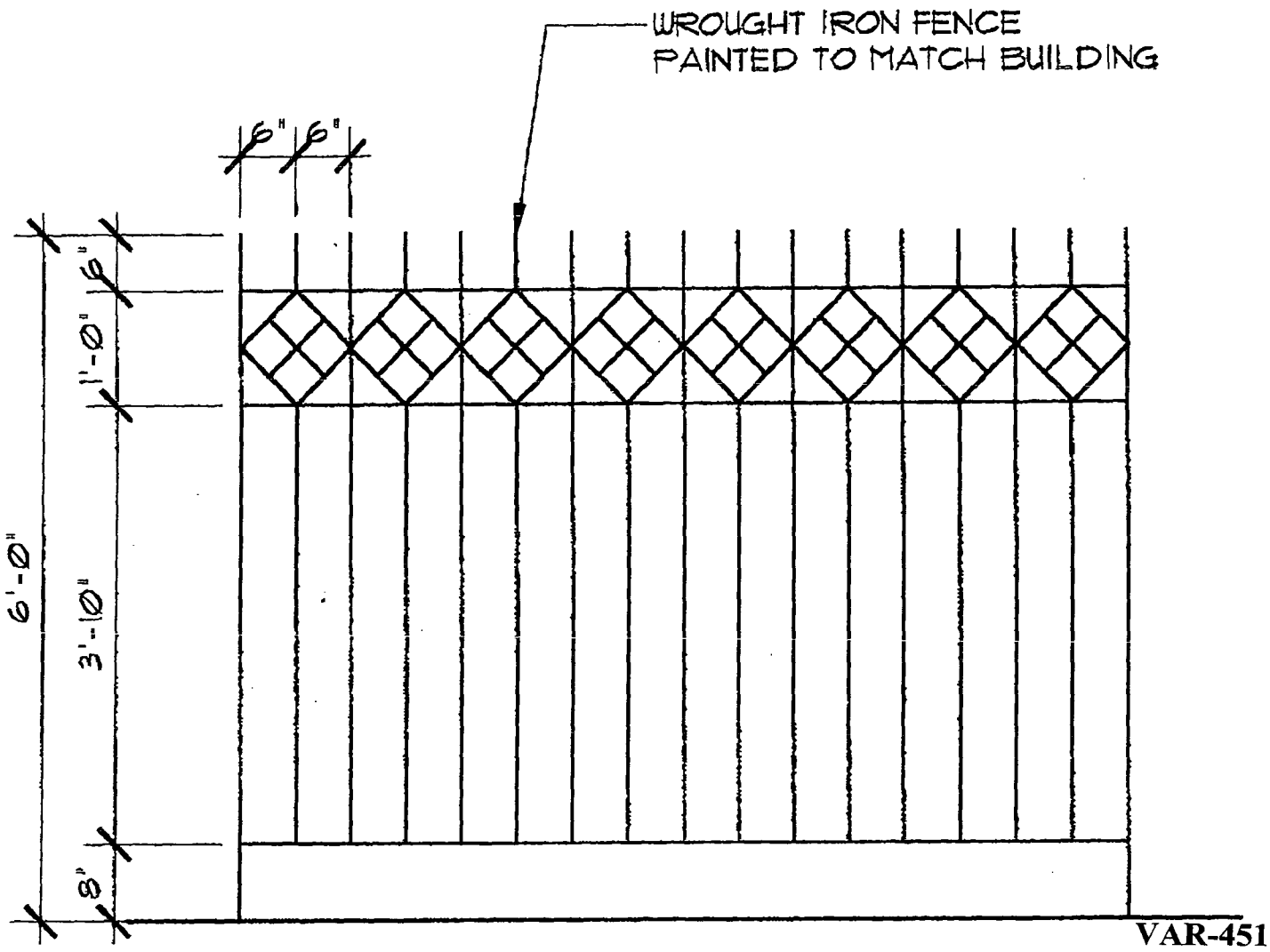
ANDREW VASILA
Notary Public State of Nevada
No. 99-58733-1
My appt. exp. Oct. 15, 2007

SKY TOP VENDING



VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

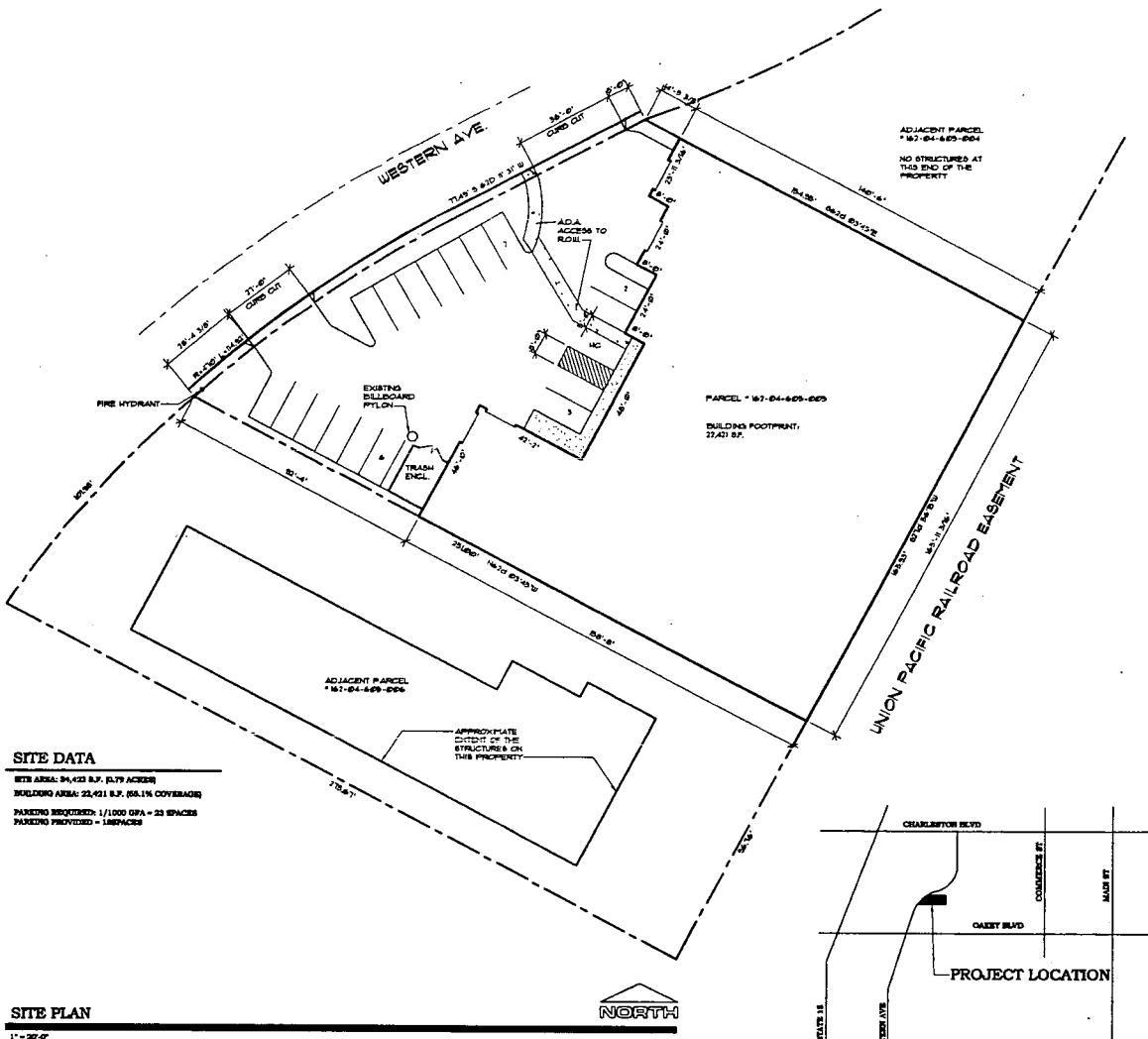
JUN-07-04 04:46PM FROM-MSA ARCHITECTURE +7023184676 T-617 P.02/03 F-528



VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

PROPERTY LINE FENCE ELEVATION

NO SCALE



SITE PLAN

1" = 20'-0"

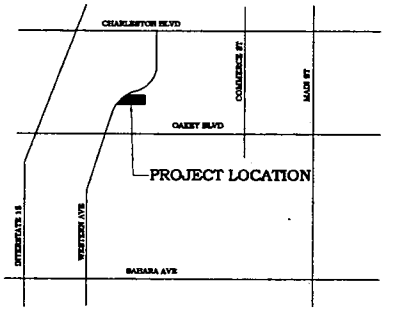
NORTH

SITE DATA

SITE AREA: 94,423 S.F. (2.79 ACRES)

BUILDING AREA: 22,421 S.F. (66.1% COVERAGE)

PARKING REQUIRED: 1/1000 GFA = 23 SPACES
PARKING PROVIDED = 185PACES



VICINITY MAP

NORTH

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

MSA ARCHITECTURE

MSA ARCHITECTURE LLC

6275 INDUSTRIAL ROAD
LAS VEGAS, NEVADA 89118
PHONE 702 894 4676
FAX 702 319 4676

NEW FACILITY FOR
SKY TOP VENDING

1501 WESTERN AVE.
LAS VEGAS, NEVADA

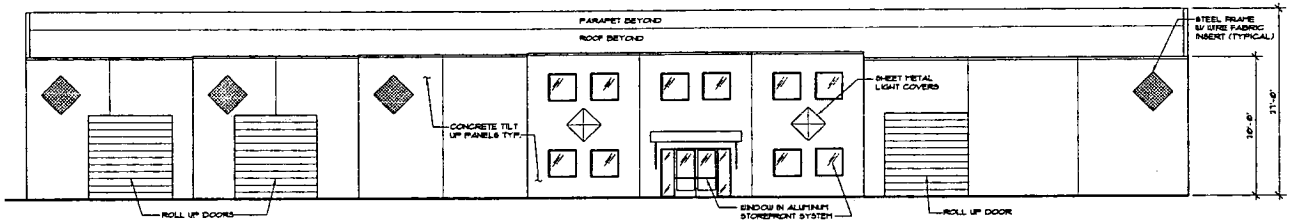
△	DATE:	REVISION:

JOB NUMBER	DRAWN BY
04010	MJS
SCALE	DATE
AS NOTED	5/25/2004

DRAWING TITLE
SITE PLAN

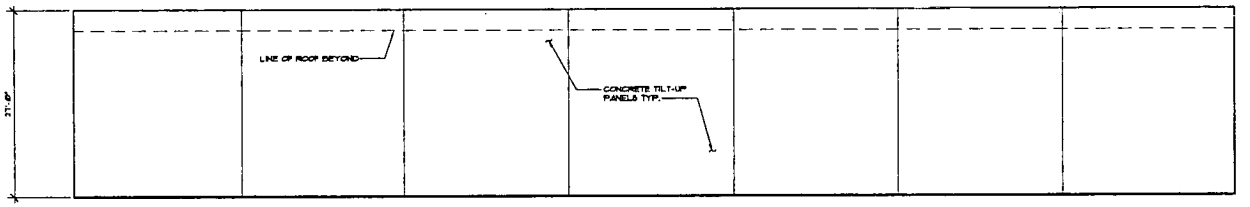
DRAWING NUMBER
A-1

A-1



WEST ELEVATION

1/8" = 1'-0"



EAST ELEVATION

1/8" = 1'-0"

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

MSA
MSA ARCHITECTURE LLC
6275 INDUSTRIAL ROAD
LAS VEGAS, NEVADA 89118
PHONE 702 898 4676
FAX 702 319 4676

NEW FACILITY FOR
SKY TOP VENDING

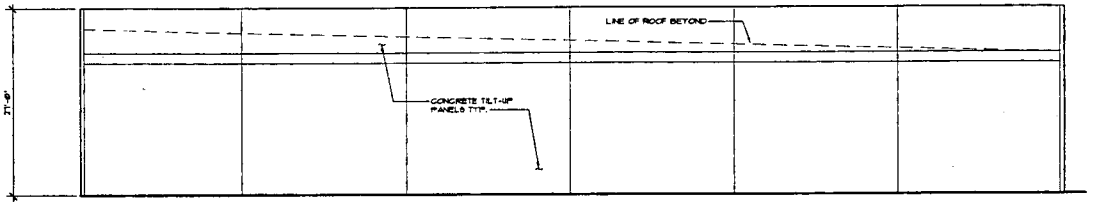
1501 WESTERN AVE.
LAS VEGAS, NEVADA

JOB NUMBER	DRAWN BY
04010	MJS
SCALE	DATE
AS NOTED	5/25/2004

DRAWING TITLE
ELEVATIONS

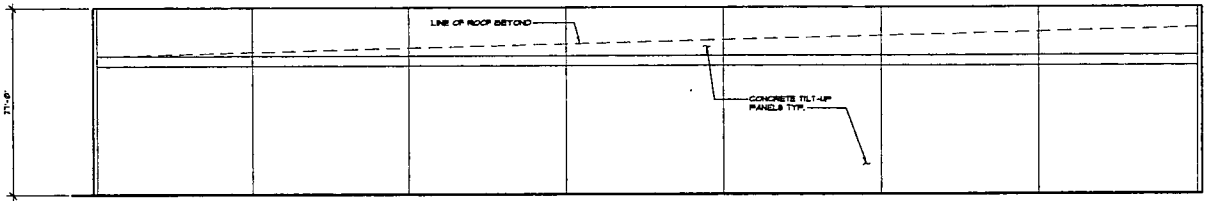
DRAWING NUMBER
A-2

A-2



NORTH ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

MSA
ARCHITECTURE LLC
6275 INDUSTRIAL ROAD
LAS VEGAS, NEVADA 89118
PHONE 702 898 4676
FAX 702 319 4676

SEAL

NEW FACILITY FOR
SKY TOP VENDING

1501 WESTERN AVE.
LAS VEGAS, NEVADA

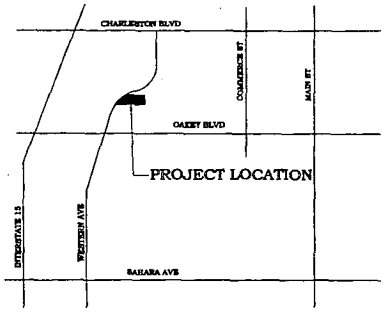
△	DATE:	REVISION:

JOB NUMBER	DRAWN BY
04010	MJS
SCALE	DATE
AS NOTED	5/25/2004

DRAWING TITLE
ELEVATIONS

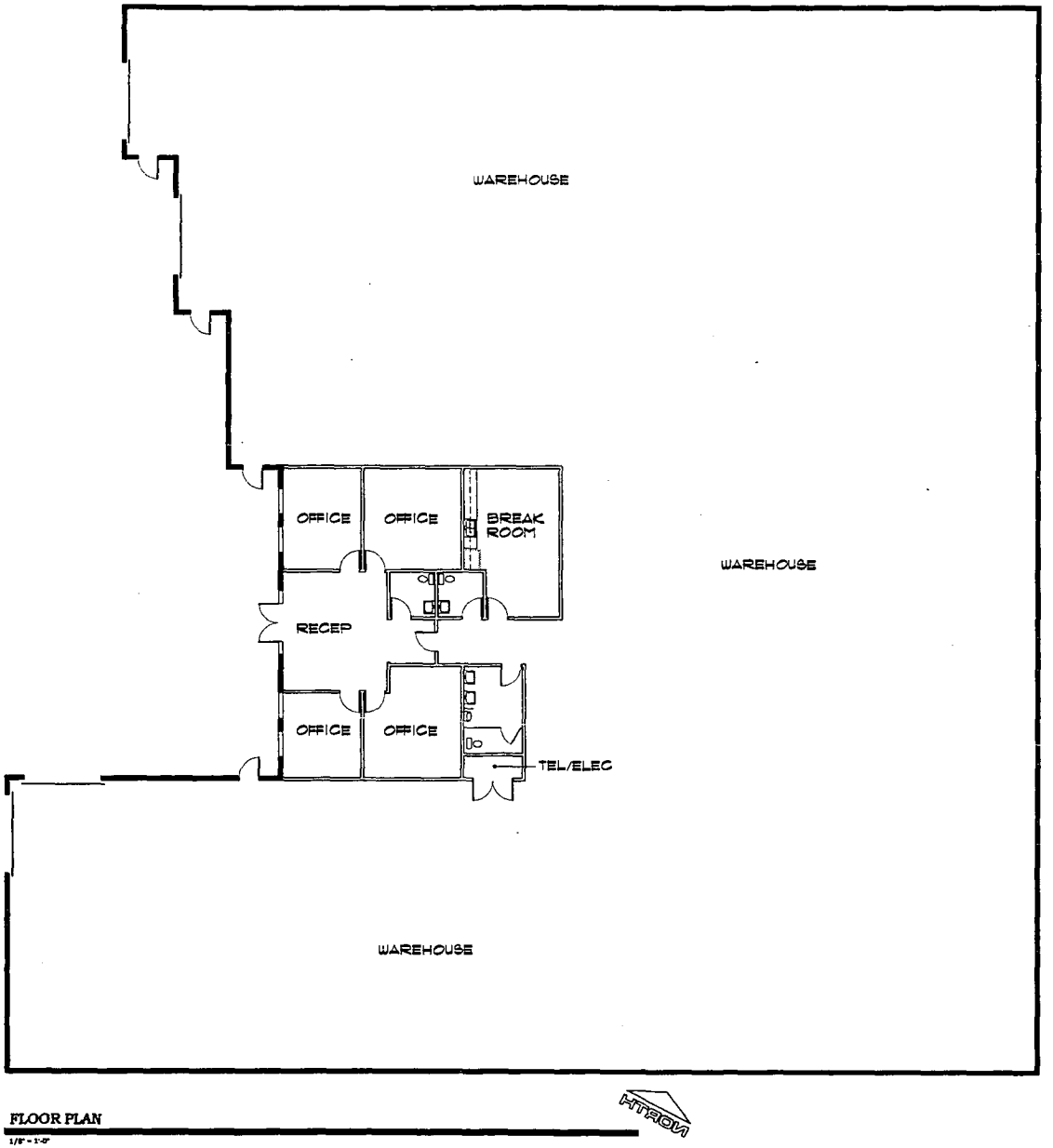
DRAWING NUMBER
A-3

A-3



VICINITY MAP

NORTH



FLOOR PLAN

1/8" = 1'-0"

NORTH

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

MSA ARCHITECTURE

MSA ARCHITECTURE LLC
6275 INDUSTRIAL ROAD
LAS VEGAS, NEVADA 89118
PHONE 702 898 4676
FAX 702 319 4676

NEW FACILITY FOR
SKY TOP VENDING
1501 WESTERN AVE.
LAS VEGAS, NEVADA

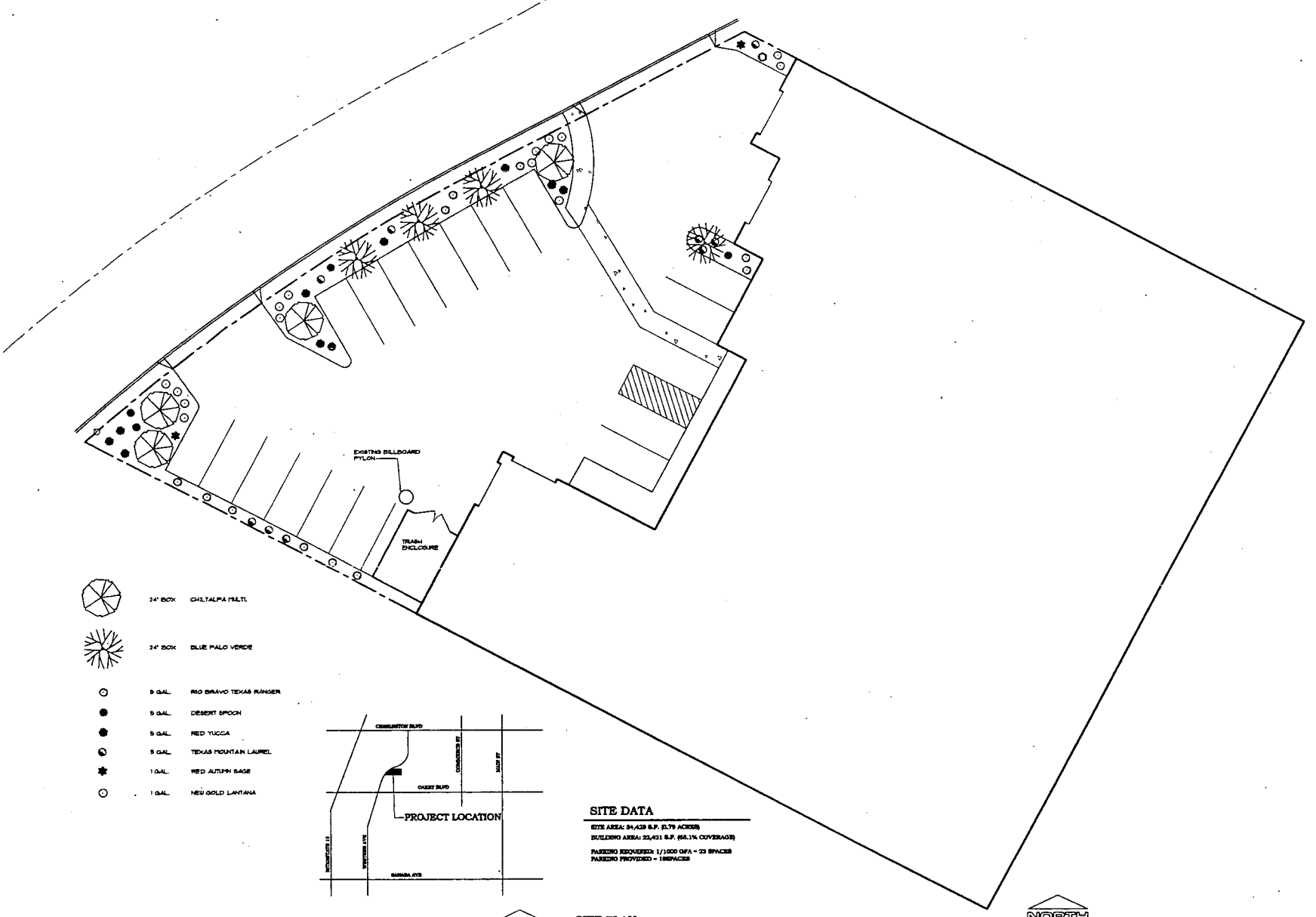
△ DATE: REVISION:

JOB NUMBER	DRAWN BY
04010	MJS
SCALE	DATE
AS NOTED	5/25/2004

DRAWING TITLE
FLOOR PLAN

DRAWING NUMBER
A-4

A-4



24" BOX	CHILTALPA TASHKENTENSIS	
24" BOX	BLUE PALO VERDE	
5 GAL.	RIO BRAVO TEXAS RANGER	
5 GAL.	DESERT SPOON	
5 GAL.	RED YUCCA	
5 GAL.	TEXAS MOUNTAIN LAUREL	
1 GAL.	RED AUTUMN SAGE	
1 GAL.	NEW GOLD LANTANA	

VICINITY MAP NORTH

SITE DATA

SITE AREA: 34,428 S.F. (1.79 ACRES)
BUILDING AREA: 22,421 S.F. (65.1% COVERAGE)

PARKING REQUIRED: 1/1000 GFA = 23 SPACES
PARKING PROVIDED = 18SPACES

SITE PLAN NORTH
1" = 20'-0"

VAR-4516
VAR-4517
SDR-4514
07-08-04 PC

MSA
ARCHITECTURE LLC
MSA ARCHITECTURE LLC
5375 INDUSTRIAL ROAD
LAS VEGAS, NEVADA 89118
PHONE 702 898 4676
FAX 702 319 4676

SEAL

NEW FACILITY FOR
SKY TOP VENDING
1501 WESTERN AVE.
LAS VEGAS, NEVADA

△	DATE	REVISION

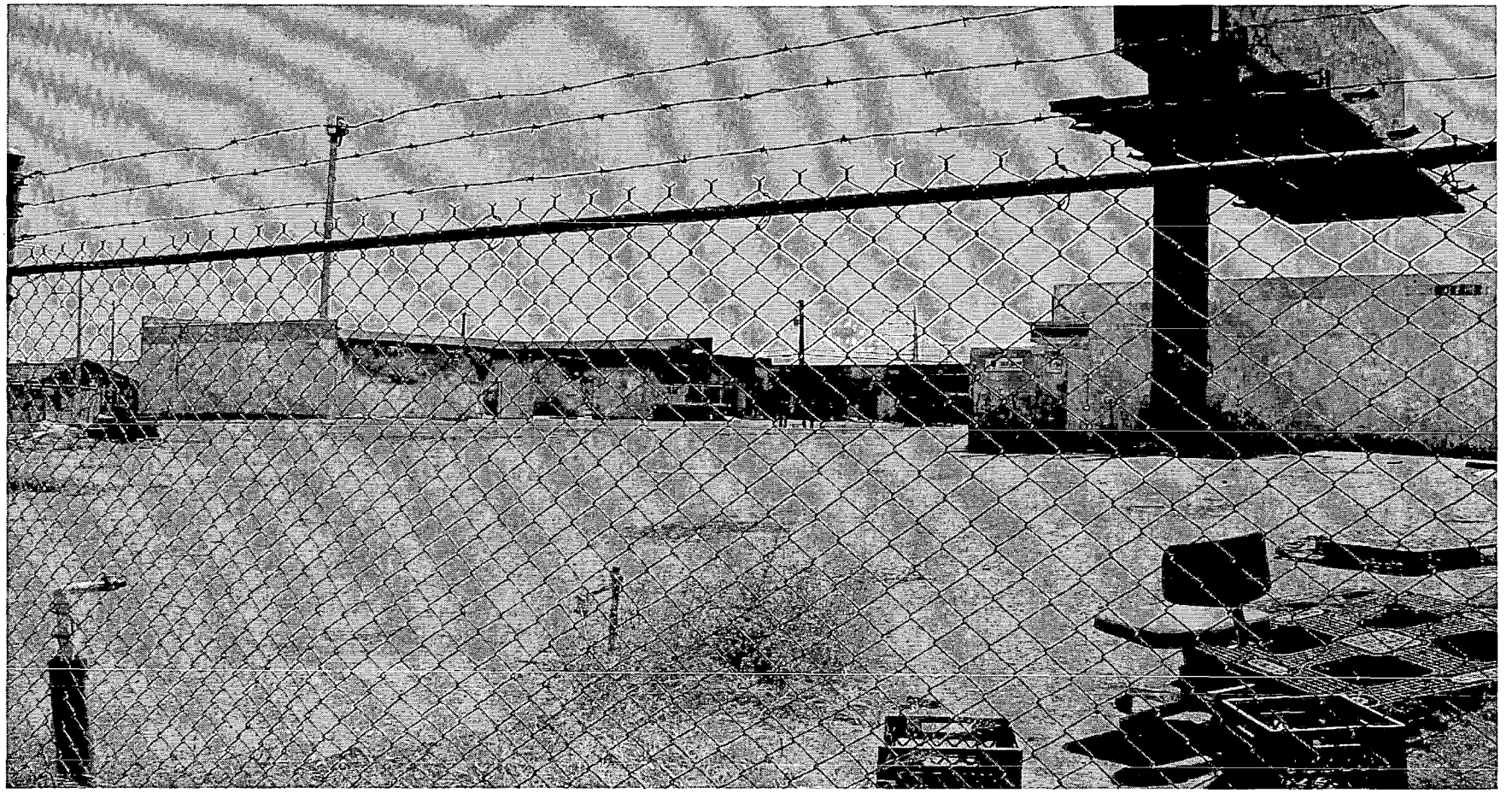
JOB NUMBER	DRAWN BY
04010	MJS
SCALE	DATE
AS NOTED	5/25/2004

DRAWING TITLE
LANDSCAPE PLAN

DRAWING NUMBER
A-5
A-5

SDR-4514 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST
1501 WEST AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04



SDR-4514 - APPLICANT: LIPKIN 1992 TRUST AND SKY TOP VENDING, INC. - OWNER: LIPKIN 1992 TRUST
1501 WEST AVENUE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

City of Las Vegas

Agenda Item No. 103

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 4, 2004

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

SUBJECT:
VARIANCE - PUBLIC HEARING - **VAR-4520 - APPLICANT/OWNER: SUSAN SCHAFF WHITE** - Request for a Variance TO ALLOW AN EXISTING SIX-FOOT SOLID WALL WHERE FOUR FEET IS THE MAXIMUM ALLOWED (TOP 50 PERCENT OPEN CONSTRUCTION) on 0.16 acres at 4601 Evergreen Place (APN: 139-31-410-010), R-1 (Single-Family Residential) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	3	Planning Commission Mtg.	2
City Council Meeting		City Council Meeting	

RECOMMENDATION:
Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Protest letter from David A. Clarke
5. Back up referenced from the 7/8/2004 Planning Commission Item 47
6. Submitted after final agenda – Support letters from Edward and Marguerite Pribyl, Sheila Chancellor and Amanda Coleman
7. Submitted at City Council Meeting – Eight support letters from neighbors

MOTION:
MONCRIEF – APPROVED subject to conditions, deleting Condition 3 and adding the following conditions:
- ***Mirrors must be installed to alleviate sight visibility restriction issues.***
- ***Any necessary permits must be obtained by the applicant.***

– UNANIMOUS with BROWN excused

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

SUSAN SCHAFF WHITE, 4601 Evergreen Place, appeared and explained that she has lived at this address for 17 years. She has made upgrades to the property and takes pride in her home and, as a law enforcement officer, believes in serving the community. In 1999 MS. WHITE had

CITY COUNCIL MEETING OF AUGUST 4, 2004
Planning and Development Department
Item 103 – VAR-4520

MINUTES Continued:
a contractor build a replacement wall, which was two-feet high with blocks and two-feet high in wrought iron. She obtained a permit for the wall and upon completion the City approved it. She explained that crimes in the neighborhood are becoming more frequent. MS. WHITE has two expensive dogs, which are kept in the front yard to protect the property. Children in the neighborhood are prone to tease the dogs through the fence, and MS. WHITE fears the children, or the dogs, may get hurt. She tried to speak with neighbors about the issue but nothing has improved. MS. WHITE decided to raise the block portion of the fence by two blocks. A professional mason was hired; the wrought iron was removed; two courses of block were added and then the previously approved wrought iron was reattached. She explained that she was not aware of the necessity to pull a permit for the additional work but, in hindsight, acknowledged ignorance of the law is no excuse. She submitted letters of approval of the higher wall from some neighbors and requested approval.

MAYOR GOODMAN acknowledged receipt of the submitted letters and noted that many were in Spanish. He apologized for not reading Spanish specifically; however, he could tell the intent of the letters was not to object to the wall.

COUNCILWOMAN MONCRIEF asked staff to explain their recommendation of denial. ROBERT GENZER, Director, Planning and Development Department explained the addition to the wall was built without the proper permits and, more importantly, staff believes there are sight visibility issues as a result of how the wall pilaster comes immediately to the edge of the driveway area. MAYOR GOODMAN asked if a mirror properly placed could alleviate the problem.

MS. WHITE commented that the twelve-foot roller gate has to be manually opened and closed in order to enter or leave her property. During that time, they do look for pedestrians and oncoming traffic. She added that there have not been accidents.

COUNCILMAN REESE voiced his displeasure over MS. WHITE not obtaining the appropriate permits. He felt as a law enforcement officer, MS. WHITE should lead by example. MS. WHITE stated she would obtain any permits the City Council deemed necessary. MS. WHITE added that she has seen walls in her neighborhood higher than what she was proposing and, therefore, did not think there would be an issue.

COUNCILMAN WEEKLY commended MS. WHITE'S efforts to keep the children in the neighborhood safe from the dogs.

BART ANDERSON, Project Manager, Public Works Department, commented that the Traffic Engineering Division had concerns not only regarding the affect the wall had on MS. WHITE'S property, but the driveways on either side of it as well. He explained the Code requirement of no more than two feet of wall is to mitigate visibility issues. He pointed out that, although approval

MINUTES Continued:
was recommended by the Planning Commission, a condition was imposed that the wall must be outside of sight visibility restriction zones as defined by Code. The condition also stated the applicant would be required to modify the wall as recommended by a Traffic Engineering representative. The modification would include reducing the height of the wall. In summary, the Planning Commission approved a large wall; however, Traffic Engineering feels it is in the wrong place.

MAYOR GOODMAN acknowledged MR. ANDERSON'S concerns and commented on an encounter his daughter-in-law was involved in the week prior while running with her kids and dog. Two pit bulls jumped their fence and attacked her dog while she protected her children. MS. WHITE said her fifty-pound Shar Peis are not aggressive, but they would bite if enticed as any other animal might do.

COUNCILWOMAN MONCRIEF stated that she has driven past the wall and it is aesthetically pleasing. She requested that MS. WHITE install mirrors to help with the sight visibility restriction issues. MAYOR GOODMAN added that she must also get the proper permits for the work.

MR. ANDERSON pointed out that Condition 3 would need to be deleted if Council was going to allow the wall to remain as is. COUNCILWOMAN MONCRIEF incorporated that deletion into the motion. MR. GENZER clarified that in addition to the removal of Condition 3, a condition was being added that the applicant must install mirrors. MAYOR GOODMAN added that the applicant must keep the dogs inside.

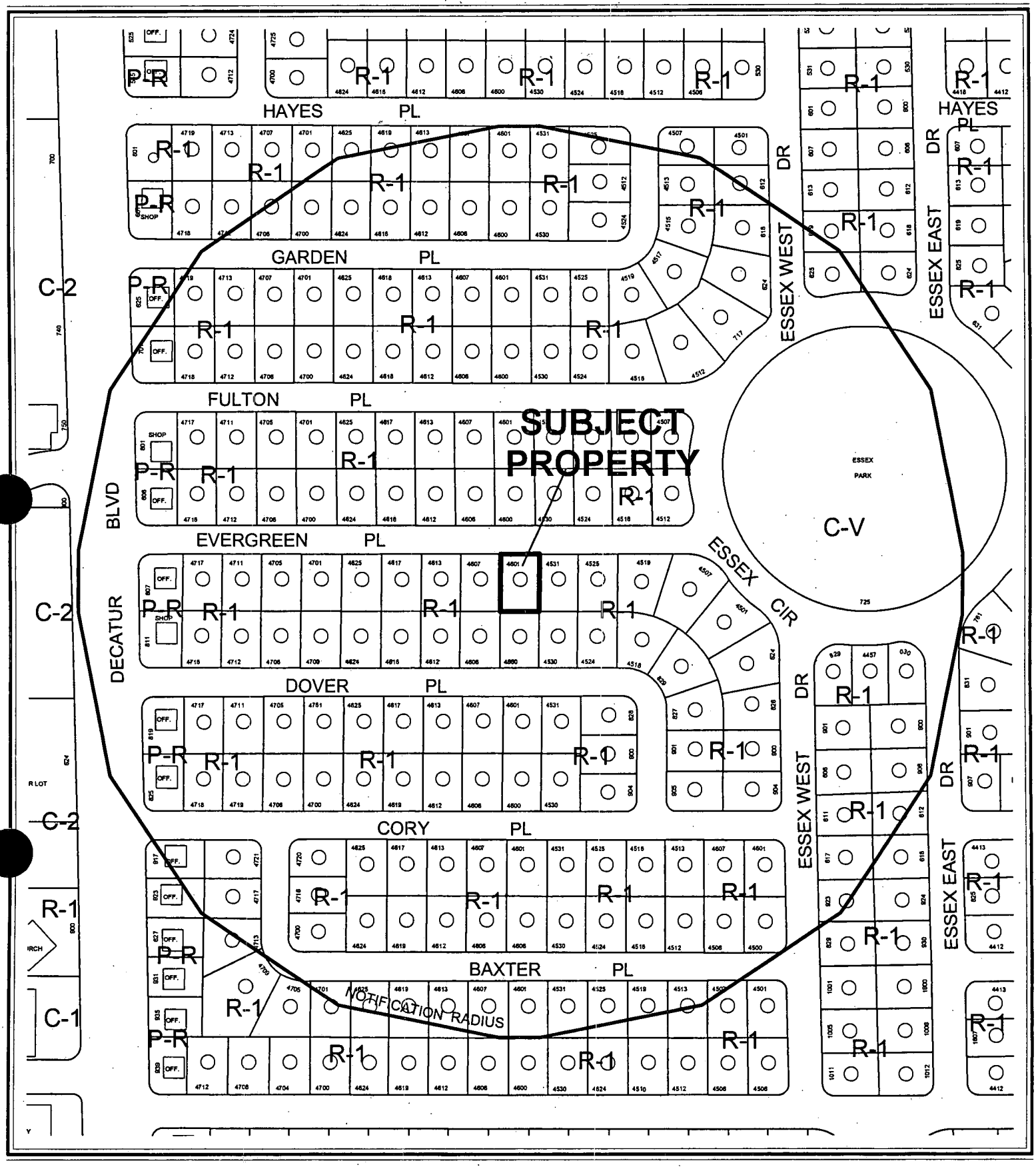
No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.
(1:35 – 1:48)
4-103

CONDITIONS:
Planning and Development
1. This Variance shall expire two years from the date of approval.

2. Acquire all necessary permits from the Department of Building and Safety.

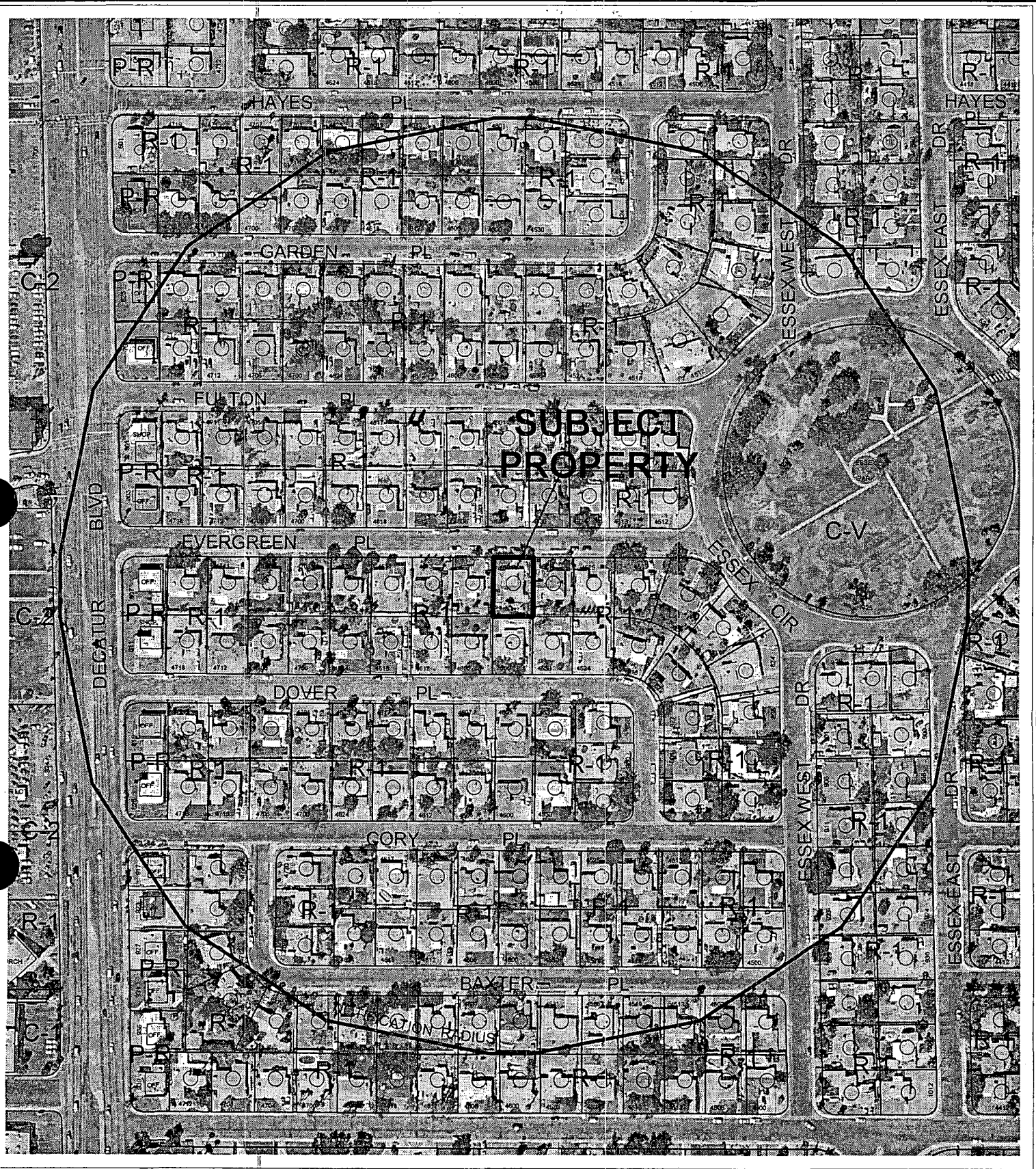
Public Works
3. Meet with the Traffic Engineering Representative in Land Development to ensure the wall does not interfere with Site Visibility Restriction Zones. The applicant shall be responsible to modify the wall as recommended by the Traffic Engineering Representative.



CASE: **VAR-4520**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE-FAMILY RESIDENTIAL)



CASE: **VAR-4520**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE-FAMILY RESIDENTIAL)

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 4, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4520 - APPLICANT/OWNER: SUSAN SCHAFF WHITE

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Variance shall expire two years from the date of approval.

2. Acquire all necessary permits from the Department of Building and Safety.

Public Works

3. Meet with the Traffic Engineering Representative in Land Development to ensure the wall does not interfere with Site Visibility Restriction Zones. The applicant shall be responsible to modify the wall as recommended by the Traffic Engineering Representative.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow an existing six-foot high solid wall (top 50% open construction) to remain in the front yard where four feet is the maximum allowed on 0.16 acres locate at 4601 Evergreen Place.

B) Applicant's Justification

The applicant states in a letter included with the application that the requested variance is needed to reduce vandalism, crime, harassment, and fear from others for the safety of her family residing on the property.

BACKGROUND INFORMATION

A) Previous Actions

None

07/08/04 The Planning Commission voted 6-1 to recommend APPROVAL (PC Agenda Item #47/dds).

B) Pre-Application Meeting

05/14/04 Discussion centered on the need for a variance for an existing six-foot high wall along the front property line that was constructed in violation of the Zoning Code. It was reported that the property owner was issued a citation on 04/20/04 for a zoning violation (Reference #: 13218).

C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 0.16

B) Existing Land Use

Subject Property:	Single family residential
North:	Single family residential
South:	Single family residential
East:	Single family residential
West:	Single family residential

C) Planned Land Use

Subject Property:	L (Low Density Residential)
North:	L (Low Density Residential)
South:	L (Low Density Residential)
East:	L (Low Density Residential)
West:	L (Low Density Residential)

D) Existing Zoning

Subject Property:	R-1 (Single Family Residential)
North:	R-1 (Single Family Residential)
South:	R-1 (Single Family Residential)
East:	R-1 (Single Family Residential)
West:	R-1 (Single Family Residential)

E) General Plan Compliance

The site is located on the Southeast Sector Map of the General Plan. The land use designation for the subject property is L (Low Density Residential), which permits up to 4.5 dwelling units per acre, and is zoned R-1 (Single Family Residential).

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

The requested Variance is not related to any specific General Plan policies.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Lot Size	6,500 square feet		Y
Min. Lot Width	65 feet		Y
Min. Setbacks			
• Front	20 feet		Y
• Side	5 feet		Y
• Corner	15		NA
• Rear	15		Y
Max. Lot Coverage	50%		Y
Max. Building Height	2 Stories / 35 Feet		Y
Maximum front wall height	4 feet w/ the top 2 feet 50% open	6 feet w/ top 2 feet 50% open	N

The existing dwelling is in compliance with the Zoning Code. The front wall height is not in compliance, which is the purpose for this variance.

B) General Analysis and Discussion

This variance is to allow an existing front wall and gate to remain at a height of six feet where four feet is the maximum height allowed. Title 19 further requires that the top two feet of a four-foot high wall be less than 50% solid. In this case, the applicant has constructed the wall to a height of six feet with the top two feet less than 50% solid. The wall is in noncompliance with the Zoning Code.

The existing wall is within required sight visibility restriction zones that allow for safe vehicular movements through the driveway. The presence of the wall is potentially dangerous to pedestrians on the sidewalk or to drivers of vehicles in the street from cars backing out into the street from the property. Visibility is also reduced or blocked for those drivers of vehicles exiting adjacent properties.

FINDINGS

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

Still, the owner of the subject property, without the proposed addition or a higher wall/fence, realizes beneficial use of the property, as a residence currently exists on the property. Furthermore, the hardship is "self-created or self imposed," as the hardship resulted upon the establishment of the wall. Based upon these findings, no hardship exists, and it is recommended that the variance be denied.

PLANNING COMMISSION ACTION

There were two speakers in support of this application present at the Planning Commission hearing and the Planning Commission voted to make the necessary findings to approve.

NOTICES MAILED 201

APPROVALS 2

PROTESTS 3

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4520 APN: _____

Name of Property Owner: SUSAN SCHAAF-WHITE

Name of Applicant: SUSAN SCHAAF WHITE

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: Susan Schaaf White

Print Name: SUSAN SCHAAF WHITE

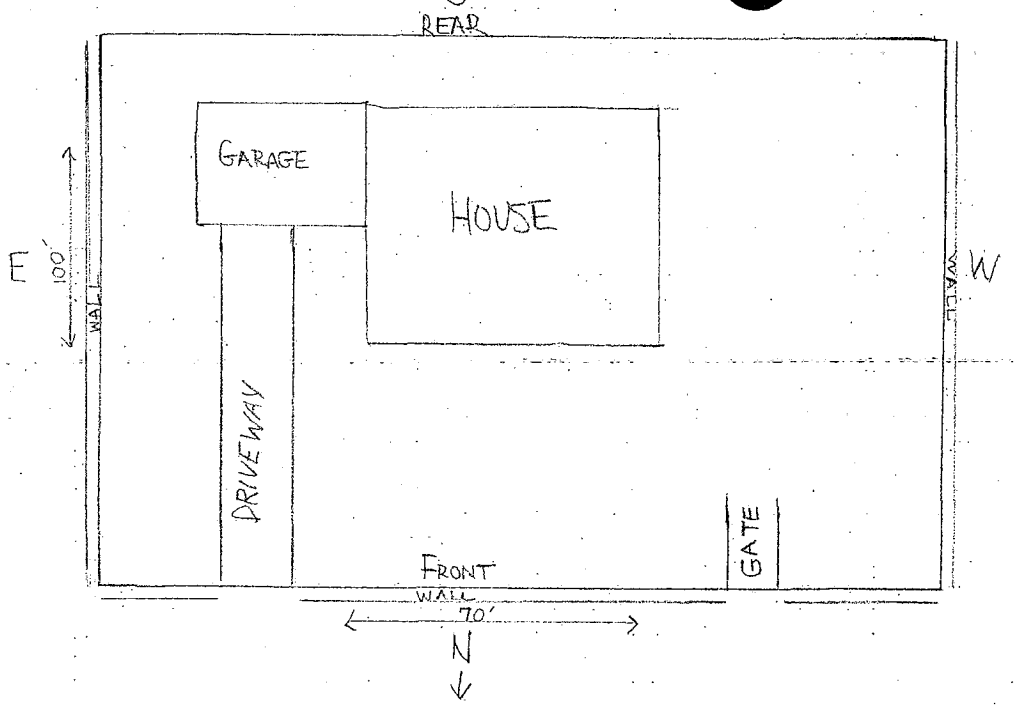
Subscribed and sworn before me

This 18TH day of MAY, 2004

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
DOREEN BICKEL
Appt. No. 03-80470-1
My Appt. Expires Dec. 12, 2006

SITE PLAN 4601 EVERGREEN PLACE



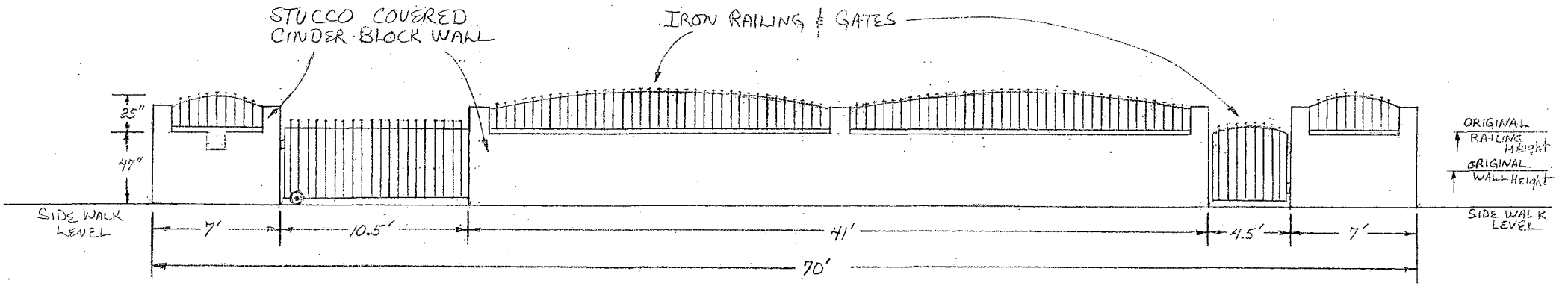
RESIDENTS
SUSAN SCHAAF-WHITE
DENNIS WHITE
4601 EVERGREEN PLACE

FRONT PROPERTY LINE

Lot 501
Block 21
Sub Hyde Park #3
Parcel # 139-31-410-010
Zone R-1

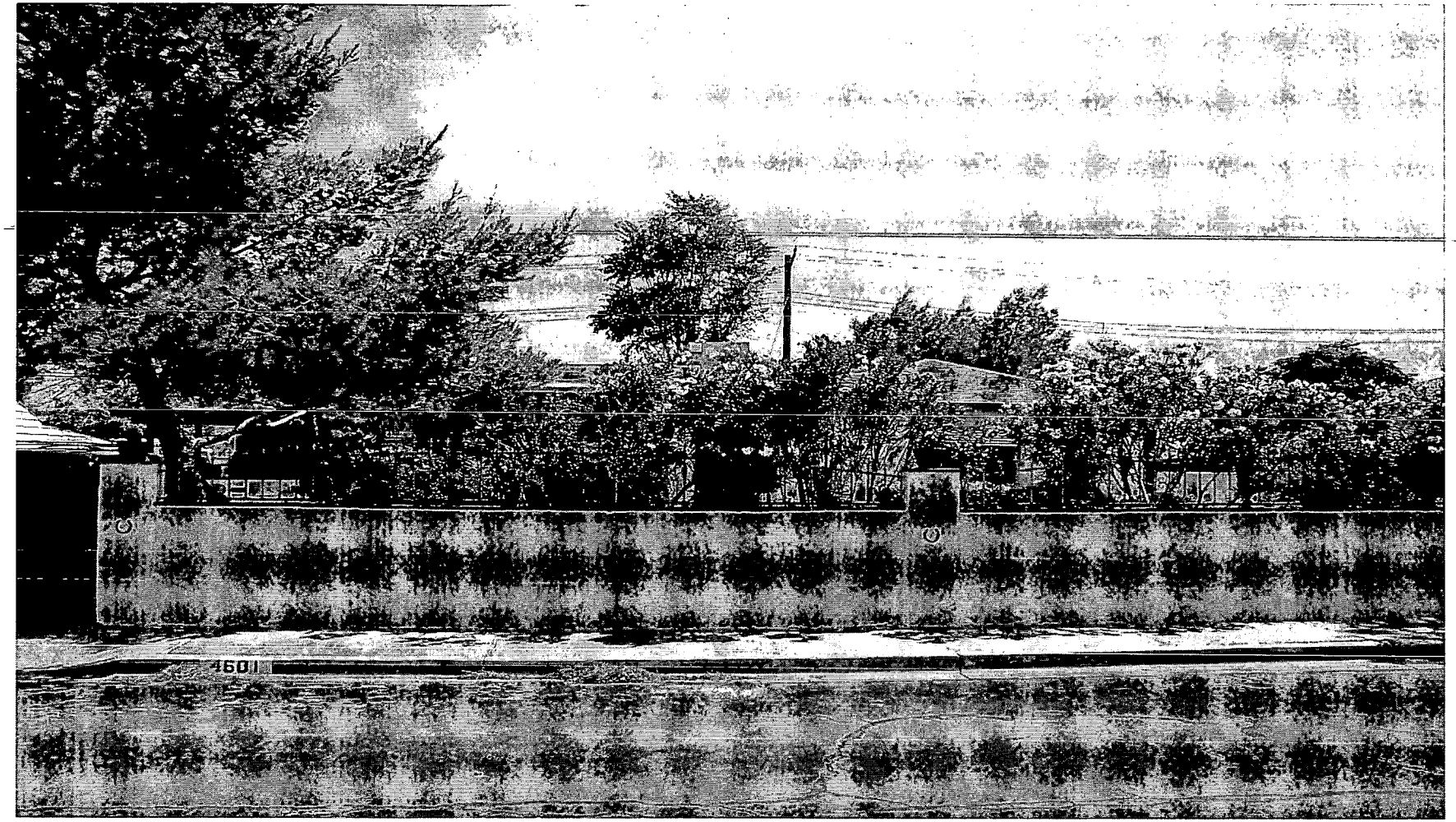
SCALE 1/4" = 1'-0"

NOTE:
ORIGINAL WALL HEIGHT 24" WITH 25" of RAILING
PER PLAN CHECK # M-1108-99



FRONT ELEVATION

VAR-4520
07-08-04 PC



VAR-4520 - APPLICANT/OWNER: SUSAN SCHAFF WHITE
4601 EVERGREEN PLACE
JULY 8, 2004 PLANNING COMMISSION

06/17/04

Letter # 2

Copy: City Clerk - to be placed on the docket of City Council meeting of Aug 4, 2004.

Protest

From: David Clarke

To: Planning Commissioners

Re: Variance #4520, which you approved on 07/08/04. For Susan Schaff White of 4601 Evergreen Place, Las Vegas Nevada 89107.

I live at 4507 Evergreen Place, Las Vegas Nevada 89107.

RECEIVED
CITY CLERK
2004 JUL 19 A 11:07

This is a follow-up letter to my letter of 06/30/04 in which I objected to the variance allowing a 6 ft. wall, which is already in place and to this day the concrete residue still stains. Evergreen Place from 4601 east to the sewer which as I stated, is adjacent to my home. But mainly I am writing you to state that I and several of our neighbors were stunned by your decision. I personally could not attend as I am disabled and unable to sit for any measurable length of time. Variance 4520 was presented to you some four hours into your meeting. These are the true facts and they are not as Susan Schaff White presented them to you. Lets say she distorted the truth, to say the least.

#1: Children, or adults, cannot put their hands through the front portion of the wall and couldn't before they built it up to 6 ft. It is a physical impossibility. From East to West of their property is a large fence constructed of a fine mesh like steel that opens into their driveway. It is this fence that her dogs hurl themselves at; in order to get at or to whomever is walking by, on the public sidewalk. It resounds with a loud bang and with the dogs snarling, it is very scary, not only to the children in the neighborhood but to adults as well. People who know of these dogs beforehand, walk past their property on the roadway or across the street.

But to continue describing the front of their property, there is *now* a 4 Ft. wall, that was a two feet wall, with wrought iron at the top and over 6 feet, behind this, is shrubbery like pine trees and other evergreen plants which are to dense for the dogs to get through, then there is another steel fence like the first one was. It is not as wide and there is absolutely no place to put a hand or any other thing trough this property that the dogs can or could reach.
She is right about the dogs. They are Sharpi's and are mean tempered and her dogs **are** extremely vicious. *They weigh upto 50lbs and grow to 18ins and are not jumpers. Their teeth are like scissors and were originally bred as fighting dogs.*
" The dogs should be in the back yard." because if they did get out

because of a gate malfunction or any reason. I'm sure that someone could get hurt, or if a small child they could get killed. She didn't think that she are her dogs should be punished because of a changing neighborhood. No one in this neighborhood leaves his or her dogs in the front yards, except at this address. I know that one reason that she leaves her dogs in the front yard is because they use the hose and wash the dog feces on down the gutter of which flows east to the sewer which is adjacent to our house. Instead of picking it up and disposing of it properly. I am surprised that none of you were concerned about this fact and especially since she is the one that went on and on about the dogs being, so called "Watch Dog's". Then elaborating about how they, her dogs, **would** bite. To move the dogs to the back yard would also be a safe guard to her and her dogs.
The aggressiveness of the dog mirrors the husband of Susan White. Back in 1989 Dennis White rearranged his neighbors face and broke his eardrum over a problem with one of their dogs killing the neighbors cat. He put the old gentlemen that was twice his age and half his size in the hospital with his terrible punches. (see P.S.)
I am trying to impress on you why we are opposed to your approval of a "Fortress" as one knowledgeable commissioner mentioned, and yes there will be several applications for variances such as this in the future, now that Susan White has shown us how to do it. Of course we will get the variance first, then do the work, unlike the Whites.
I was told from your office that the reason that they filed the application for a variance is because, "they got caught".
#2: The new families that moved in just to the west of the Schaff, White house are both of minority groups, a Hispanic family with several children and an African-American family also with several children. Remember what Susan White said "I have plenty of money and I can live anywhere I want to etc. etc.". I listened to the commissioner of African-American descent and was sickened by his lavish praise regarding her presentation and I just thought he would be interested that the wall was raised right after these families moved in. Is this truthful and concern for the neighborhood?

#3: This is my final comment regarding Susan White's "children"(dogs) she said she couldn't walk them on leashes, of course, to the park because of the new people and dogs running free etc. She said that she quit taking her dogs to the park because of the neighborhood changing. The real reason that they quit walking there dogs in the

Made several complaints to Animal Control - You can check on this fact.

park was because of complaints about the fact that they never ever, cleaned up the feces after they made several trips around the park with two large cranky dogs. "What a joy that was for others that were in this little park". It appears the White's somehow think that they are above the law. Perhaps this could be because she is a police officer in North L.V.? This is something that she reminds everyone about many, many times in any given conversation. Everyone else in the park seemed to be lawful in that respect, but like I said before it seems that the White's are above the law.

I believe the planning commission erred greatly on this. I ~~reintegrate~~ reiterate that the dogs should stay in the back yard, like everyone else's dogs. Remember these dogs are trained attack dogs; not "watch dogs", as Susan Schaff White would have you believe. Remember also those dogs hurl themselves at the gate and God forbid if they somehow get out, because of an overlooked gate that should be locked- or because a malfunction allows these gates to open. The result would be chaotic, even deadly and I for one would hold the planning commissioners that voted yes. At least partly responsible. This is a very serious situation and I invite you to come and see for yourselves. But to vote "yes" based on Susan Shaff Whites distorted presentation would become a disaster that you 6 commissioners could prevent.

Thank You

Sincerely,

David A Clark

CC: Las Vegas City Council
CC: Councilwoman: Janet Moncreif

P.S. Re: the beating administered by Dennis White to and old gentleman in 1989 - The Police Dept were called and an ambulance rushed this man to hospital E.R. for treatment. Dennis White was not charged nor arrested, because ~~it~~ it is the neighbors opinion that his wife, Susan Schaff White was a member of law enforced.

A civil case resulted in an out of court settlement This is a matter of record and we urge that all parties involved read Mr White's Deposition, at which he walked out damage a front door and furniture This would easily give you insight into his terrible temper

Letter # 1

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CITY CLERK

2004 JUL 19 A 11:03

6-30-04

Planning and Development
Planning Division
Re: Variance #VAR4250

David A. Clarke representing our daughter
Minnie S Sorensen
4507 Evergreen Pl
Las Vegas Nv 89107

Per our telecon of June 27, 2004 I am writing this objection by myself, my wife and our daughter who owns above named property at 4507 Evergreen. These are our reasons:

The Applicant Owner Susan Schaff White at 4601 Evergreen Place told me to my face that she had purchased a Variance and a permit when she observed me following the gutter outside my home (which is adjacent to the Sewer System) back (~~East~~ West) to her property to see where running concrete residue was coming from. The residue had been running like that for at least two days - traveling eastward

and paddling up in front of my house. It was running rather fast at times. I complained to code enforcement and within a few hours Paula came out and observed the free running hazard and took pictures of same. She also called for the City Owned Street Sweeper and within an hour he was on our street sweeping up the mess as it was beginning to thicken. God knows how much of this mess made it into our sewer system.

When Susan Schaff-White saw me she came down to my house to explain what had happened. She told me it was legal and she had a valid permit and a Variance - It was after this day, that code enforcement arrived, that she actually applied for a Variance and a work permit. She did not have one as she told me.

The secondary reason, which I think is relevant is that her husband Dennis White

Pg 3

During the day regardless of the watering rules and prohibitions

prior to this day, would use city water to hose his driveway of dirt and the feces of two large attack dogs. He used enough force to send this mess down (~~East~~ward) Evergreen Pl. to the sewer. He has been doing this since I moved in my home back in April 1994. To this day he still does it although he waits ~~late~~ until it is very dark.

I have confronted both the Whites about this and other complaints not pelevent to this Variance. Susan Schaff White constantly reminds me she is a police-officer at the North Las Vegas police Dept. I assure she considers her and her husband above the law. As for Dennis White- he ignores me and shies away and hides when he sees me walking toward his house.

~~I~~ Therefore I strongly object to your office approving ~~their~~ Approval for a Variance. Thank you

David A Clarke
tel # (702) 878-3113

David Clarke
4507 Evergreen Pl
Las Vegas Nv 89107

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TO: CITY COUNCIL **FROM:** EDWARD V PRIBYL MARGUERITE A PRIBYL

COMPANY: AUG 4 2004 6:00 PM CITY COUNCIL CHAMBERS **DATE:** 8-2-04

FAX NUMBER: ~~[illegible]~~ **TOTAL NO. OF PAGES INCLUDING COVER:** 2

PHONE NUMBER: 382 4805 **SUBJECT:** VARIENCE 4520

I+ APPROVE OF WALL ACROSS THE STREET FROM ME NO PROBLEM AT ALL.

Edward V Pribyl

EDWARD V PRIBYL

MARGUERITE A PRIBYL

Marguerite a Pribyl

Support

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2004 AUG -2 P 4:22

If you did not receive the number of pages indicated above, please call (702) 878-9771 ext. 132

Return Fax Number: (702) 822-1906

Submitted after final agenda

Date 8/3/04 Item #103

08/02/04

ATTN: City Clerk.

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2004 AUG -2 A 8:31

VAR - 4520 @ 4601 Evergreen PL

I SUPPORT This!! :)

My name is Sheila D Chancellor. I Live @ 4600 Evergreen PL - directly across the Street. I see nothing wrong w/ the fence & it is a Big improvement to our neighborhood. It is needed, as our neighborhood is changing & Not for the good.

Support

Thank-You!

Sheila D Chancellor

Submitted after final agenda

Date 8/2/04 Item # 103

FAX # 382-4003

ATTN: City Clerk

VAR - 4520

I SUPPORT This Variance...

My name is Amanda Coleman, I Live @ 4503 Alpine. The fence in question, I think is nice and it improves the houses in our neighborhood.

Amanda Coleman

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2004 AUG -3 A 7:35

Submitted after final agenda

Date 8/3/04 Item #103

april 22. 2004

To whom it may Concern

The fence across the street at Dennis White house 4601 Evergreen Pl is a positive addition to our neighborhood. My husband Ed Pribyl and I have lived here at 4530 Evergreen Pl 47 years and have always felt Dennis home is one of the best maintained and well kept up houses.

Sincerely

Marguite A Pribyl

Edward V. Pribyl

4530 EVERGREEN PL

Submitted at City Council
Date 8/4/04 Item #103

04/22/04

To Whom it may Concern:

We live at 4600 Evergreen Pl. Across the street from 4601 Evergreen Pl. We dont have a problem what so ever about their fence in the front. We like it, and also think it improves the neighborhood.

Sheila D. Chancellor
Joycle Chancellor

702-878-1961 Home
702-460-2545 cell

April 23, 2004

To Whom it MAY CONCERN:

I AM A NEIGHBOR of 4601 EVERGREEN PL
I think the fence IS VERY NICE
AND I have NO problem with the
IMPROVEMENTS they have made

Angela Hochstetter
4698 Evergreen

Ellen Parker
4625 Evergreen PL

April 23, 2004

TO WHOM IT MAY CONCERN:

A QUIEN CORRESPONDA:

YO SOY VESINO DE DENNIS Y SUSAN WHITE QUIENES VIVEN EN 4601 EVERGREEN. P/S YO PIENSO QUE MI BARDA ESTA BIEN CONSTRUIDA Y SE MIRA BIEN

YO PIENSO QUE MUESTRO A LO VESINOS QUE NO TENGO NINGUN PROBLEMA CON LA BARDA.

María Medrano
4607 Evergreen Pl, LV, NV 89107.

TO WHOM IT MAY CONCERN:

A QUIEN CORRESPONDA:

YO SOY VECINO DE DENNIS Y SUSAN WHITE QUIENES VIVEN EN 4601 EVERGREEN. P/S YO PIENSO QUE MI BARDA ESTA BIEN CONSTRUIDA Y SE MIRA BIEN

YO PIENSO QUE MUESTRO A LO VESINOS QUE NO TENGO NINGUN PROBLEMA CON LA BARDA.

Petra y Tomas Haro.

4612 Evergreen Pl.

April 24, 2004

TO WHOM IT MAY CONCERN:

A QUIEN CORRESPONDA:

YO SOY VESINO de DENNIS y SUSAN WHITE QUIENES VIVEN EN 4601 EVERGREEN. P/S YO PIENSO QUE MI BARDA ESTA WIEN ONSTRUIDA y SE MIRA VIEN

YO PIENSO QUE MUESTRO A LO VESINOS QUE NO TENGO NINGUN PROBLEMA CON LA BARDA.

Adriana Varela. 4606 Evergreen.

April 24, 2004

TO WHOM IT MAY CONCERN:

A QUIEN CORRESPONDA:

YO SOY VESINO de DENNIS y SUSAN WHITE QUIENES VIVEN EN 4601 EVERGREEN. P/S YO PIENSO QUE MI BARDA ESTA BIEN ONSTRUIDA y SE MIRA VIEN

YO PIENSO QUE MUESTRO A LO VESINOS QUE NO TENGO NINGUN PROBLEMA CON LA BARDA.

Juan Delgado 4705 Evergreen Place

April 25, 2004

TO WHOM IT MAY CONCERN:

A QUIEN CORRESPONDA:

YO SOY VECINO DE DENNIS Y SUSAN WHITE QUIENES VIVEN EN 4601 EVERGREEN. P/S YO PIENSO QUE MI BARDA ESTA BIEN CONSTRUIDA Y SE MIRA BIEN

YO PIENSO QUE MUESTRO A LO VESINOS QUE NO TENGO NINGUN PROBLEMA CON LA BARDA.

Rosalina Quintero.

4524 Evergreen PL