

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Melissa L. Lee, 3001 Lake East #2039, Las Vegas, NV 89117

Fiscal Impact:

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

BROWN - Motion to bring forward and STRIKE Items 32, 44, and 50 - UNANIMOUS with GOODMAN excused

MINUTES:

There was no discussion.

(9:30 - 9:32)

1-809

RECEIVED
CITY CLERK

2004 DEC 27 A 11: 29

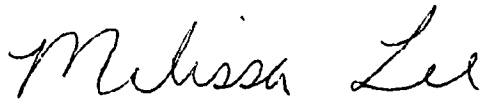
December 27, 2004

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

To Whom It May Concern:

I wish to appeal the Metropolitan Police Department's denial of my Work Card application to the Las Vegas City Council.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Lee".

Melissa L. Lee
3001 Lake East #2039
Las Vegas, NV 89117



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

December 27, 2004

RECEIVED
CITY CLERK

2004 DEC 27 A 11:29

Melissa L. Lee
3001 Lake East #2039
Las Vegas, NV 89117

Re: **WORK CARD APPEAL**

Dear Ms. Lee:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **January 19, 2005.**

Your appeal is scheduled to be heard during the morning session of the meeting, which commences at 9:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so.

If a letter is submitted to the Council, it must be from the licensee or principal who must be approved for suitability under Las Vegas Municipal Code Chapter 6.06 (the owner of the business, other principal or key employee) for the establishment in which you are seeking employment. Also, you should bring to the hearing all other materials which may assist you in your appeal.

Sincerely,


Stacey L. Campbell
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

/sy

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Joan Leslie Davis, LVCCC, 2901 Industrial Road, Las Vegas, NV 89109

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

1. Appellant Letter of Appeal and City Clerk Notification Letter to Appellant
2. Submitted at meeting: arrest report for Joan Davis

MOTION:

WEEKLY - ABEYANCE to 2/2/2005 - UNANIMOUS with GOODMAN excused

MINUTES:

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

APPEARANCES:

GARY REESE, Mayor Pro Tem

JIM DiFIORE, Manager, Business Services

JOAN LESLIE DAVIS, appellant

STACY RODD, Detective, Las Vegas Metropolitan Police Department

LAWRENCE WEEKLY, Councilman

STEVE WOLFSON, Councilman

JANET MONCRIEF, Councilwoman

LARRY BROWN, Councilman

MICHAEL MACK, Councilman

BARBARA JO RONEMUS, City Clerk

NOTE: MAYOR PRO TEM REESE and COUNCILMEMBERS BROWN and MACK stressed that, before making a decision, they would have to see written documentation attesting to the rehabilitation programs MS. DAVIS has undergone, as well as some type of documentation from MS. DAVIS' parole officer indicating what type of parolee she is. COUNCILMAN BROWN also requested a letter from the employer indicating whether MS. DAVIS would be working at one of his non-liquor establishments. Additionally, MAYOR PRO TEM REESE requested a letter from MS. DAVIS' employer indicating full awareness of MS. DAVIS' background.

NOTE: COUNCILMAN WOLFSON asked DETECTIVE RODD to assist MS. DAVIS in obtaining the

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

necessary documentation regarding the rehabilitation programs she has completed, as it may be easier for him to obtain it than MS. DAVIS. DETECTIVE RODD indicated he would have no problem contacting the pre-trial services officer.

(9:33 - 9:34/9:47 - 10:15)

1-903/1-1380

RECEIVED
CITY CLERK

2004 DEC 23 AM 10:47

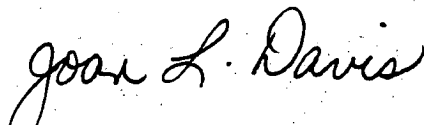
December 23, 2004

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

To Whom It May Concern:

I wish to appeal the Metropolitan Police Department's denial of my Work Card application to the Las Vegas City Council.

Sincerely,



Joan Leslie Davis
LVCCC
2901 Industrial Road
Las Vegas, NV 89109



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK

ANET MONCRIEF

STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

RECEIVED
CITY CLERK

December 23, 2004

2004 DEC 23 A 11:03

Joan Leslie Davis
LVCCC
2901 Industrial Road
Las Vegas, NV 89109

Re: WORK CARD APPEAL

Dear Ms. Davis:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of January 19, 2005.

Your appeal is scheduled to be heard during the morning session of the meeting, which commences at 9:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so.

If a letter is submitted to the Council, it must be from the licensee or principal who must be approved for suitability under Las Vegas Municipal Code Chapter 6.06 (the owner of the business, other principal or key employee) for the establishment in which you are seeking employment. Also, you should bring to the hearing all other materials which may assist you in your appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Ydoleena Yturralde".

Ydoleena Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

/pc

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

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

VOICE 702.229.6011
TDD 702.388.9108
www.lasvegasnevada.gov
18112-001-8/04

JOAN DAVIS ID# 628167

<u>ARREST DATE</u>	<u>CHARGE</u>	<u>DATE AND DISPOSITION</u>
06/05/83	Prostitution Solicit	03/08/84-Fined \$250
06/11/83	Prostitution Solicit	11/18/83-Fined \$300
06/14/83	Prostitution Loiter	07/01/83-Denied
08/12/83	Prostitution Loiter (citation)	09/08/83-Dismissed
09/08/83	Prostitution Solicit (citation)	03/08/84-Fined \$240
10/06/83	Prostitution Loiter (citation)	10/24/83-Dismissed
10/09/83	Prostitution Loiter	10/21/83-Denied
10/14/83	Prostitution Loiter	11/08/83-Dismissed
10/26/83	Prostitution Solicit	01/25/85-Fined \$600
10/30/83	Prostitution Solicit	06/21/85-Fined \$500
04/12/84	False Info to P/O	04/13/84-DPO (Depopulation order)
06/13/84	Prostitution Solicit	08/16/85-Fined \$490
06/15/84	Grand Larceny	09/11/84-Dismissed
06/15/84	Battery	06/21/84-Denied
06/15/84	Added penalty Victim over 65	09/11/84-Dismissed
10/20/84	Grand Larceny	12/02/85-Fined \$100
03/16/85	Disorderly Conduct	09/30/85-Fined \$100
03/16/85	Resist a P/o	07/12/85-amended to Obstruct a P/O-Dismissed
03/20/85	Prostitution Loiter	10/04/85-amended to Trespass Fined \$350
04/27/85	Battery (citation)	Unknown

Submitted at City Council

Date 1/19/05 Item #45

01/08/86	Grand Larceny	01/14/86-Denied
05/24/86	Grand Larceny	08/08/86-Dismissed
01/04/88	Poss Cont Sub	01/04/88-Out on Bail
01/04/88	U/Influence Cont Sub	01/05/88-NCF
01/04/88	Poss Narco Paraphernalia	01/21/88-Denied
05/01/90	Prostitution Solicit	10/04/90-Dismissed
11/09/91	Solicit F/Purp of Prostitution	No Disposition available
11/09/91	Poss Narco Paraphernalia	No Disposition available
11/12/91	Solicit F/Purp of Prostitution	No Disposition available
11/30/91	Solicit F/Purp of Prostitution	No Disposition available
11/30/91	Poss Narco Paraphernalia	No Disposition available
12/14/91	Loiter F/Purp of Prostitution	No Disposition available
12/14/91	Solicit F/Purp of Prostitution	No Disposition available
12/14/91	Poss Narco Paraphernalia	No Disposition available
02/27/92	Poss Cont Sub	03/02/92-NCF
03/21/92	Poss Narco Paraphernalia (citation)	No Disposition available
05/10/92	Disturbing the Peace	No Disposition available
12/14/92	Solicit F/purp of Pros	04/07/93-90 days vacated CTS
03/25/93	Contempt of Court	03/23/93-25 days
03/09/93	Poss Narc Paraphernalia (citation)	No Disposition available
12/29/93	Trespass (citation)	No Disposition available
10/07/94	Trespass (citation)	No Disposition available
01/12/94	Solicit f/Purp of Prostitution	No Disposition available
01/12/94	Poss Narco Paraphernalia	No Disposition available

08/04/95	Poss Narc Paraphernalia	07/31/95-Denied
08/16/95	Solicit F/purp of Prostitution	No Disposition available
01/11/96	Poss Narc Paraphernalia (citation)	No Disposition available
05/29/96	Obstructing a PO (citation)	No Disposition available
06/02/96	Loiter F/Purp of Prostitution	06/18/96-Denied
06/02/96	Poss Narco Paraphernalia	No Disposition available
06/10/96	Poss Narco Paraphernalia (citation)	No Disposition available
06/27/96	False Info to PO	No Disposition available
11/04/96	Poss Narco Paraphernalia	11/07/96-Denied
12/10/96	Poss Narco Paraphernalia	No Disposition available
07/09/97	Solicit F/Purp of Prostitution	No Disposition available
09/01/97	Solicit F/Purp of Prostitution	08/23/99-Court Counsel Comp, 3 days CTS
08/27/97	Poss Narco Paraphernalia	No Disposition available
09/24/97	Burglary	12/15/97-Pled Guilty to Attempt Burglary
08/29/01	Probation Violation	
09/12/02	Probation Violation	
11/23/97	Loiter F/Purp of Prostitution	12/01/97-Denied
11/22/97	Poss Narco Paraphernalia (citation)	No Disposition available
12/02/97	FTA-Contempt of Court	No Disposition available
12/23/97	Solicit F/Purp of Prostitution	No Disposition available
01/31/98	Poss Narco Paraphernalia	02/03/98-Denied
02/07/98	Contempt of Court	No Disposition available
01/20/01	Poss Narco Paraphernalia	01/22/01-Denied
03/18/01	Poss Narco Paraphernalia (citation)	No Disposition available

07/26/01	Poss Cont Sub	11/13/01-Dismissed
07/11/02	Loiter F/Purp of Prostitution	No Disposition available
08/16/02	Poss Narco Paraphernalia	No Disposition available
07/10/02	Poss Narco Paraphernalia (citation)	No Disposition available
08/13/02	Consume Liq Where Bought	No Disposition available

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

1 **Item 45 – Discussion and possible action on Appeal of Work Card Denial: Joan Leslie**
2 **Davis, LVCCC, 2901 Industrial Road, Las Vegas, NV 89109**
3
4 **Appearance List:**
5 GARY REESE, Mayor Pro Tem
6 JIM DiFIORE, Manager, Business Services
7 JOAN LESLIE DAVIS, Appellant
8 STACY RODD, Detective, Las Vegas Metropolitan Police Department
9 LAWRENCE WEEKLY, Councilman
10 STEVE WOLFSON, Councilman
11 JANET MONCRIEF, Councilwoman
12 LARRY BROWN, Councilman
13 MICHAEL MACK, Councilman
14 BARBARA JO RONEMUS, City Clerk
15
16 (9:33 - 9:34/9:47 - 10:15)
17 **1-903/1-1380**
18 29 minutes
19
20 Typed by: Stacey Campbell
21 Proofed by: Lean Coleman

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

22 **MAYOR PRO TEM REESE**

23 Item 45 is discussion and possible action on appeal of work card denial, Joan Leslie Davis,
24 LVCCC, 2901 Industrial Road, Las Vegas, Nevada.

25

26 **JIM DiFIORE**

27 Mayor Pro Tem –

28

29 **MAYOR PRO TEM REESE**

30 Yes.

31

32 **JIM DiFIORE**

33 – members of the Council, Detective Rodd, I believe, is in route to City Hall. I would like to
34 request to – trail this item until he arrives?

35

36 **MAYOR PRO TEM REESE**

37 Okay. Young lady, we'll call you back in just a few minutes.

38

39 **JOAN LESLIE DAVIS**

40 Good morning. Thank you.

41

42 **MAYOR PRO TEM REESE**

43 Thank you. We'll be trailing item number 45.

44

45 **END OF RELATED DISCUSSION**

46 **RESUME RELATED DISCUSSION**

47

48 **MAYOR PRO TEM REESE**

49 Let's go back to Item 45, please. Item 45 is discussion and possible action on appeal of work
50 card denial, Joan Leslie Davis, who is here. Detective?

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

51 **STACY RODD**

52 Detective Stacy Rodd, Metro Police Special Investigations Section, good morning Council
53 members, Council member Pro T, or, Mayor Pro Tem, Councilman Reese. How are you?

54

55 **MAYOR PRO TEM REESE**

56 Good.

57

58 **STACY RODD**

59 Good. You have before you an investigative report referencing the applicant, Ms. Davis. It
60 entails some extensive history in the criminal area. I've broken it down for you. I also have an
61 additional addendum breakdown. After speaking with Mr. DiFiore yesterday, he suggested this
62 might be helpful so we went back through and did some additional –

63

64 **JOAN LESLIE DAVIS**

65 Thank you.

66

67 **STACY RODD**

68 – you're welcome, research on some convictions because we have in excess of one hundred and
69 two arrests here over this period of time that we're discussing. And, so we thought it might be
70 helpful to share some information on the actual convictions that resulted from those hundred and
71 two arrests.

72

73 **MAYOR PRO TEM REESE**

74 Councilman.

75

76 **STACY RODD**

77 The chart that you have before you has between 65 and 74 PC arrests and those arrests resulted
78 in some of these one hundred and two bookings. The balance of the arrests, in the area of about
79 35 or so, were the result of re-bookings for failure to appear in court, contempt of court and other
80 charges related to the original PC charges. So we have about a 66 percent conviction rate of
81 those that we were able to find records on. Some of those were so old that we do not have

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

82 information going back that far. So we figured we would share that additional information with
83 you.

84 We were very concerned when we saw this. This is an extensive history, as I mentioned, that we
85 don't usually come across when we see the work card applicants coming in, even in the denial, in
86 case of the denials. In this instance, the applicant will be working in the Downtown Corridor
87 area, in your Redevelopment area and some of these crimes were committed in that particular
88 area. We know that – even though Metro does an independent assessment of the viability of
89 issuing a work card to each individual applicant, the history alone is what we based this denial
90 on. However, we also took into consideration the fact that some of these crimes were committed
91 in an area, we understand, that you are in a redevelopment district down there and trying to make
92 improvements. We, the City staff and other agencies are working hard to assist you in that and
93 we just, we're a little concerned when we see an individual who has this kind of history, some of
94 which is in that area, this volume of activity and that volume of convictions seeking employment
95 down there for a work card that we've denied. So, we figured we'd bring all that to your
96 attention, certainly, it's your discretion and we would give you any information or any input we
97 can on that, but we have taken the position of denying the card for those reasons.

98

99 **MAYOR PRO TEM REESE**

'00 Thank you, would you like to be heard, ma'am?

.01

102 **JOAN LESLIE DAVIS**

103 Yes, thank you. Good morning Mayor Goodman and City Council members. Yes, I do have an
104 extensive history. The amount of arrests is not accurate but true, there's been many. I've been
105 arrested at least 50, 55 times in the Las Vegas area, and my history is due to my battle with
106 alcohol and substance abuse. I'm almost three years clean and sober now. When I did initially
107 go down to the Sheriffs Card Office (sic) on Cameron, my denial was based on my last offense,
108 which was a conspiracy to defraud the United States Government because in a plea bargain with
109 the Federal Government, out of the indictment, this charge is what the prosecutor and I agreed
110 upon. It was considered a crime of moral turpitude.

111 Now I'm in a position, I do work for Shiff Enterprises. I'm a sales clerk, and I'm asking the
112 Mayor and the City Council today, to please reconsider the initial denial and allow me to have a

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

113 work card or at least a temporary work card so that I can continue to be who I truly am, which is
114 a good person. I've – poured a lot of, I've buried myself under a lot of behavior problems due to
115 alcohol and drugs. But it's not truly who I am. I'm who I am today and I'd like to be given
116 another opportunity. And so, that's what I'm asking, to be allowed to please have a temporary or
117 however you decide, work card. So I can continue to work at this job and thereby better myself.
118 I want to look for more employment also, I don't earn very much.

119

120 **COUNCILMAN WEEKLY**

121 Mayor Pro Tem?

122

123 **JOAN LESLIE DAVIS**

124 Thank you.

125

126 **MAYOR PRO TEM REESE**

127 Yes.

128

129 **COUNCILMAN WEEKLY**

130 I'd just like to ask Officer Rodd, at this place of employment, will she handle money as a sales
131 rep?

132

133 **JOAN LESLIE DAVIS**

134 I do now.

135

136 **COUNCILMAN WEEKLY**

137 You do – now.

138

139 **JOAN LESLIE DAVIS**

140 Um hm.

141

142 **COUNCILMAN WEEKLY**

143 And, the actual employer, has he provided in, information or support or did I miss something?

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

144 **STACY RODD**

145 No, the, and I believe it states in the first paragraph of the report that he is supporting the
146 employment. He was not aware of, he was aware of some of her criminal history, I don't have
147 the liberty of sharing that, that's privileged information, she would have to share that with the
148 employer. I asked him what he was aware of; he had highlighted some information. He's aware
149 that she's on the probation and so I said, well, you know, I would suggest that you would have
150 her share fully with you so that you can make an educated decision on what you want to do. You
151 know the work card was denied; it's usually denied for cause. So he was made aware, he
152 supports it.

153 I would just make a brief comment that the one hundred and two arrests that I made a reference
154 to came directly off police records, it's – called SCOPE printout, you're all familiar with it and I
155 assume the applicant would be also. The SCOPE printout dates back, and I have dates on there,
156 that go from up to 11 of '04. So we went back to '83 through 11 of '04 and there were one
157 hundred and two separate arrests. Again, approximately one third of those were rebookings for
158 failure to appear, contempt of court, those type of things. So, we did not, I mean, although there
159 are one hundred two total arrests, approximately two thirds of that, or sixty something, were
160 based on the actual PC charges, the original charges, for the bookings. So, I stand by those
161 numbers. I took them personally off the SCOPE printout and the police records.

162

163 **COUNCILMAN WEEKLY**

164 And your recommendation today is for a denial based on her one hundred and two priors, if you
165 will?

166

167 **STACY RODD**

168 There, that is a – significant part of it and we have a demonstrated history here. I'm not saying
169 that a person can't change. I'm not saying that I know Ms. Davis personally, I don't. I've
170 conducted this like any other work card application. I am quite concerned when I see this kind
171 of a history; I see history that dates up to just 11/16 of '04, which was just a few months ago.

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

172 **COUNCILMAN WEEKLY**

173 Right.

174

175 **JOAN LESLIE DAVIS**

176 Excuse me.

177

178 **STACY RODD**

179 One – that they particular violation was the last violation, the one that the applicant's speaking
180 of, was a federal offense for which she got federal probation and some time. So, I'm – a firm
.81 believer that people can change, I just have to consider a person's history and particularly, their
182 immediate history, when we're considering these work card issues.

183

184 **COUNCILMAN WEEKLY**

185 I understand and Mayor Pro Tem, just one more question, please?

186

187 **MAYOR PRO TEM REESE**

188 Yes, Sir.

189

190 **COUNCILMAN WEEKLY**

.91 Thank you, Sir. What do we, what's – your suggestion Officer Rodd, when we deal with cases
192 like this where, for example. And then, have you provided anything to Metro to show that
193 you've gone through a treatment program and that you have been clean as you indicated or sober
194 for three years to indicate that you are on the road of recovery, that you are, you know, looking
195 to mainstream yourself back into society to become that great person that – you indicated that
196 you are?

197

198 **JOAN LESLIE DAVIS**

199 Thank you. No, I did not. We only interacted on the telephone. This is the first time I've met
200 this gentleman.

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

201 **COUNCILMAN WEEKLY**

202 Okay. So, what do we do, Officer Rodd, when we have individuals that come before us that you
203 are recommending a denial for a work card who are looking to try and get back into the
204 workforce but, you know, we deny 'em. And we've denied a lot of – applicants who have come
205 before us to seek an appeal, but what do we do to assist these folks in helping them to help
206 themselves?

207

208 **STACY RODD**

209 First and foremost, what we always avail to the applicants in the case of a permanent denial or a
210 denial at the City or County level is explain to them, provide for them, information on the fields
211 of work that are available to them that do not require the work cards. There are many, many
212 fields out there that don't require the work cards. It is only those that are considered privileged,
213 regulated or a requirement by Code to have the card. So there are other opportunities, there are
214 other fields that applicants can pursue and we provide them information in that regard.
215 Again, we – base it on, and then you know this from history, a – conviction or a criminal history
216 and so, those are the grounds that we use to measure the applicant's suitability against what Code
217 says. And, those are the determining factors that we use but we also provide information in the
218 case of denials on fields that are available outside of where a work card is required.

219

220 **COUNCILMAN WEEKLY**

221 And my last question, I'm sorry.

222

223 **STACY RODD**

224 No problem.

225

226 **COUNCILMAN WEEKLY**

227 If she's been avoiding going to court, is she, does she have a warrant against her at this time?

228

229 **STACY RODD**

230 The, that reference to failure to appear and contempt of court, those are for some of those one
231 hundred and two arrests. There is nothing that I'm aware of that is current that says that she's

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

232 not in full compliance with the court. That was just a reference in a breakdown that
233 approximately one third of these were charges that originated in PC charges, where she did not
234 perform the obligation to the court and go back and appear. I didn't want the hundred and two to
235 represent bookings for actual charges that occurred at the time she had interaction with an officer
236 of committed a crime. Some of these were rebookings for failing to go to court –

237

238 **COUNCILMAN WEEKLY**

239 Okay.

240

241 **STACY RODD**

242 – taking responsibility.

243

244 **COUNCILMAN WEEKLY**

245 Thank you, Mayor Pro Tem. Thank you.

246

247 **MAYOR PRO TEM REESE**

248 Are there any questions?

249

250 **COUNCILMAN WOLFSON**

251 Yes.

252

253 **COUNCILWOMAN MONCRIEF**

254 I have –

255

256 **COUNCILMAN WOLFSON**

257 Oh, go ahead.

258

259 **MAYOR PRO TEM REESE**

260 Councilwoman.

**CITY COUNCIL MEETING OF
JANUARY 19, 2005**

VERBATIM TRANSCRIPT – Item 45

261 **COUNCILWOMAN MONCRIEF**

262 Thank your (sic), your Honor. I have a comment in the fact that I think that, Ms. Davis, you –
263 need to search for some type of rehabilitation program and I know that the City will – help you
264 and – guide you in which way to go. And due to that you're looking for a job that is a privileged
265 or regulated, as our staff said, I feel at this point that maybe search for a job that you do not need
266 to come before us and look for that rehabilitation and then maybe come back to us at a later date.

267

268 **JOAN LESLIE DAVIS**

269 Well, I do thank you, whatever decision's made today. Course I knew there are other
70 opportunities out there for me. I have already completed, successfully, several drug and alcohol
271 programs, it just didn't come up today. But my sentence was vacated on November 5th, in the
272 courtroom of Judge Philip Pro. I was given full credit for time served. I live now in a federal
273 halfway house. I have a parole officer; her name is Ms. Sheri Corneil. I'm in complete
274 compliance; I have no warrants. I'm not sure what date the gentleman was referring to, the
275 sixteenth of November '04.

276

277 **STACY RODD**

278 That was the last disposition that we had on your case.

279

280 **JOAN LESLIE DAVIS**

281 But what do, I don't know what – does that mean? Disposition on my case, it's not a –

282

283 **STACY RODD**

284 As it proceeded, that is the information that we received on when the last interaction was in
285 regard to your federal case and your sentencing.

286

287 **JOAN LESLIE DAVIS**

288 Oh yes, that's the day Judge Pro –

289

290 **STACY RODD**

291 Correct.

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VERBATIM TRANSCRIPT – Item 45

292 **JOAN LESLIE DAVIS**

293 – the paperwork came through for me to live at the halfway house. The sentence was vacated
294 on November 5th. But I understand everyone's position. Of course it must be very difficult to
295 just see someone on paper and have to make this kind of important decision. And I thank you
296 Mr. Weekly for the questions you asked because it is important, what can a person do when they
297 do want to change. But there are many jobs available in this City and this job of privilege; I
298 earned five dollars and seventy-five cents an hour. So, it just spurs me on to look for a higher
299 paying wage. So, thank you.

300

301 **COUNCILMAN WOLFSON**

302 Mayor, Mayor Pro Tem?

303

304 **MAYOR PRO TEM REESE**

305 Yes.

306

307 **COUNCILMAN WOLFSON**

308 Officer Rodd, what category does her employment that she is seeking fall into that requires a
309 work card?

310

311 **STACY RODD**

312 The –

313

314 **COUNCILMAN WOLFSON**

315 The information – , I'm sorry, that I have before me just talks about the name of the company
316 that she has employment with and that's all. I mean, what I've learned is that she's a sales clerk
317 that may handle money and she earns five dollars and some odd cents an hour. So what category
318 does this job fall into that requires a work card?

319

320 **STACY RODD**

321 It sells liquor. It's an establishment that sells, when I say liquor, I mean packaged spirits.

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VERBATIM TRANSCRIPT – Item 45

322 **COUNCILMAN WOLFSON**

323 Secondly, the letter from the employer that is contained in my documentation talks about him
324 being aware of her criminal history and I asked Mr. DiFiore this yesterday, how much of her
325 criminal history is he aware of?

326

327 **STACY RODD**

328 Well, I wish I could answer that for you. It's a situation where I'm removed from the loop, so to
329 speak. All I can do is make a recommendation that the applicant provide full disclosure to the
330 employer, that the employers seek that full disclosure. It's not something that I can release and
331 it's not something that I can enlighten him on. So, in my conversations with the employer, I
332 advised him that there was some criminal history that was the basis for the denial of the work
333 card. And that to what we suggest to most employers is that if they want to pursue it and have an
334 educated understanding of what the criminal history in question is and what the criminal history
335 overall is, that he could have the applicant provide him with her SCOPE printout because it's not
336 something that I could do.

337

338 **COUNCILMAN WOLFSON**

339 But if she consented to you being, if she consented to allowing you to provide him with her
340 SCOPE printout and you had a meeting with this employer, then you could sit down with the two
341 of them and he could be fully apprised of her quote, criminal history.

342

343 **STACY RODD**

344 That's a Pandora's box that has all kinds of potential for problems and I don't think the police
345 department would be willing to undertake. And that's just my – assessment of it. There's the
346 release of personal criminal history that could have other repercussions down the line that are
347 unforeseen by doing something like that.

348

349 **COUNCILMAN WOLFSON**

350 Well, but if –

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351 **STACY RODD**

352 The impetus should go back onto the applicant to provide that to the employer.

353

354 **COUNCILMAN WOLFSON**

355 Well, I mean the applicant can go down and get her SCOPE printout, it costs fourteen dollars. If
356 she goes and gets a whole SCOPE printout and she could provide it to the employer. The – issue
357 I'm having today is that I have a two sentence letter from the employer where he says, I am
358 aware of her criminal history, but I don't know how much and to what degree he's aware of. So,
359 what I would, do you have a response to that ma'am?

360

361 **JOAN LESLIE DAVIS**

362 Yes, Sir, I do. When my employer was made aware that he needs to know my full criminal
363 history background, I provided him with what's called my pre-sentence investigating report,
364 which is prepared by a Federal police officer in order to prepare me to stand before Judge Philip
365 Pro. And so I have it in its entirety right here and he read it. He took my entire PSI report and
366 my –

367

368 **COUNCILMAN WOLFSON**

369 Okay, what's the date of that report? When were you sentenced?

370

371 **JOAN LESLIE DAVIS**

372 I was sentenced February ninth, two thousand and four.

373

374 **COUNCILMAN WOLFSON**

375 Okay, and you said something about a vacation of your sentence in November. What did you
376 mean by the sentence being vacated.

377

378 **JOAN LESLIE DAVIS**

379 Vacated. Okay, this original Federal indictment came down December eighteenth, two thousand
380 and two. At that time, I was detained in the North Las Vegas Detention Center where they house
381 Federal detainees and I remained there for 16 months. I was sentenced February 9th, I was sent

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382 to Dublin Federal Correctional Institution in California. So I accumulated twenty two and a half,
383 twenty two months in Federal detention, I was sentenced to 37 months. But on November 5th, I
384 came back from Dublin California, stood before Judge Pro and he vacated my sentence. That
385 means he ended it at that day and he said I'll give you full credit for time served.

386

387 **COUNCILMAN WOLFSON**

388 Okay, he gave you credit for time served.

389

390 **JOAN LESLIE DAVIS**

391 That's correct.

392

393 **COUNCILMAN WOLFSON**

394 Now, you're on supervised release now, is that right?

395

396 **JOAN LESLIE DAVIS**

397 That's true.

398

399 **COUNCILMAN WOLFSON**

400 For three years.

401

402 **JOAN LESLIE DAVIS**

403 Correct.

404

405 **COUNCILMAN WOLFSON**

406 And that's through Federal Pre Trial Services, is that right?

407

408 **JOAN LESLIE DAVIS**

409 That's correct.

410

411 **COUNCILMAN WOLFSON**

412 And isn't it part of that program that you do some mandatory, unannounced drug testing?

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413 **JOAN LESLIE DAVIS**

414 Yes, I UA at least two, three times a week.

415

416 **COUNCILMAN WOLFSON**

417 Okay. Have you done the UAs in the last, well, how long have you been doing the UAs?

418

419 **JOAN LESLIE DAVIS**

420 Since I was released and that was November 5th.

421

22 **COUNCILMAN WOLFSON**

423 Two and a half months.

424

425 **JOAN LESLIE DAVIS**

426 That's correct.

427

428 **COUNCILMAN WOLFSON**

429 Are you, have you been clean?

430

431 **JOAN LESLIE DAVIS**

432 I've been clean almost three years.

433

434 **COUNCILMAN WOLFSON**

435 But under the tests that –

436

437 **JOAN LESLIE DAVIS**

438 The tests have always been clean. Yes, Sir.

439

440 **COUNCILMAN WOLFSON**

441 Okay. And, you're going to be on supervised release for the next three years?

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VERBATIM TRANSCRIPT – Item 45

442 **JOAN LESLIE DAVIS**

443 That is correct.

444

445 **COUNCILMAN WOLFSON**

446 Under the same kind of regimental supervision that the Federal government places our convicted
447 felons under, isn't that right?

448

449 **JOAN LESLIE DAVIS**

450 This is true.

51

452 **COUNCILMAN WOLFSON**

453 Okay, thank you.

454

455 **MAYOR PRO TEM REESE**

456 Councilman Brown.

457

458 **COUNCILMAN BROWN**

459 Thank you, Mayor Pro Tem. Detective, just to clarify, the – report that you just handed out, up
460 until 8/13/02, the last of notation here, the reference on our original backup of probation
461 violation, two charges between '01 and 9/12/02, those two pro, probation violations are in
462 reference to previous charges?

463

464 **STACY RODD**

465 Correct. I believe one is involving a theft, a burglary or a larceny and the other one, I'm not sure
466 we have details on what it was in reference to.

467

468 **JOAN LESLIE DAVIS**

469 That's all, I only have one felony, in this state.

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470 **COUNCILMAN BROWN**

471 So, up until that point, from '02 and the applicant has certainly stated on the record that she's
472 been clean for three years and she's changed her life around. And, this Council has often looked
473 at the change but what – concerns me is, specifically, and although it is not a drug or alcohol
474 related charge, this Federal conviction in '04, it references in our backup some of the details and
475 then on the following page Mr. Thompson, his letter states that he's aware of it, as was
476 mentioned, but in the earlier narrative that was provided, I think by your office, there seems to be
477 some confusion on Mr. Thompson's behalf, whether the applicant is supposed to be working at a
478 non-liquor merchandise location versus –

79

480 **STACY RODD**

481 I had conversations with the employer and it concerned me, maybe in the same regard that it
482 concerns you or perhaps it's just a confusion issue, but when I called the location of the business
483 listed on the work card application, which is 25 East Fremont, that is a liquor establishment.
484 That is an establishment that sells packaged spirits, package liquors. And recognizing that this
485 applicant had been denied a work card, that – address would be listed as where she is seeking
486 employment and the employer is going to hire her is in direct conflict. So, I had a conversation
487 with the employer and I said, well is this individual working for you, yes she is. Well how can
488 she be working for you when a work card is required and she is yet to secure one by nature of the
489 denial? Well, uh, I have her working all over the place. I have four establishments, two are
490 liquor and two are non-liquor. Two only sell t-shirts. I said, well, if she was coming through for
491 a t-shirt location, she would not require a work card because there is no liquor there. Well, I
492 have to cross train 'em and send 'em all over the place so they can work in all of my
493 establishments because I never know when someone's gonna call off, someone's not gonna be
494 available, I'm gonna have to substitute one employee for another. So, there in part lies some of
495 the dilemma wherein he's representing that she would be working in any one of his four
496 establishments as he, as the needs arise and therefore, she would require a work card if she was
497 working in two of those four.

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498 **COUNCILMAN BROWN**

499 From your perspective or, the letter is not dated but, did that letter come prior to the conversation
500 just referenced with Mr. Thompson or after your conversation as far as the –

501

502 **STACY RODD**

503 His letter of support?

504

505 **COUNCILMAN BROWN**

506 Yes.

07

508 **STACY RODD**

509 That was the last thing to arrive. That was after all of our conversations.

510

511 **COUNCILMAN BROWN**

512 All right.

513

514 **STACY RODD**

515 Is it, is that –

516

517 **COUNCILMAN BROWN**

518 I'm more, yeah, no, I'm more troubled with Ms. (sic) Thompson's response to the – non-liquor
519 than the applicant before us today. And I think that has to be resolved before I – would even
520 entertain support it. I'd – also ask if, and I don't know what protocol is, but certainly if you are
521 under supervision of this parole officer and you have indicated that you've gone through some
522 drug testing or rehabilitation programs. I would like to see some documentation of those rehab
523 programs to confirm what you've said on the record and if the parole officer's willing to, to
524 indicate what kind of parolee you are and – especially the last few months. You've represented
525 that you've turned your life around and, again, this Council enjoys hearing that. But we need,
526 just for our protection, and certainly some of the crimes earlier, that there's a comfort level here
527 that everything is as it has been stated on the record.

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528 Mayor Pro Tem, I would, I, I'd certainly like Mr. Thompson to, or a detective, to either get a, an
529 affirmative that she's going to be working in the non-gaming establishments or, if he feels that
530 this cross training is mandatory, then the work card certainly can come back to us. But, I'd also
531 like to see some additional documentation that's what's been stated on the record.

532

533 **MAYOR PRO TEM REESE**

534 Okay. Councilman Mack.

535

536 **COUNCILMAN MACK**

37 Thank you, Mayor Pro Tem, and I share the same feelings as Councilman Brown as far as this
538 Council giving people second chances or third chances. I think people make mistakes in life but
539 Detective Rodd, we appreciate all the thoroughness you've put into this, as you always have. I
540 think there's some things that are missing here and I think the Council needs to know, you know,
541 to see the written documents of your rehabilitation and some of the – steps you've taken to clean
542 up your life. And, I know that the community appreciates that.

543 I know that Shiff Enterprises has several locations throughout the community, souvenir stores,
544 gift shops and some sell liquor, I think. They have a couple right on Fremont Street. I would be
545 supportive but I think we need to see that documentation. I think we need to know that if there
546 is, it would be a conditional license and it'd be reviewed over a short period of time. And I also
547 think it would, should be location specific so at this time, I don't know if we have all that
548 information, but, I'm one to give second chances.

549

550 **JOAN LESLIE DAVIS**

551 Thank you.

552

553 **COUNCILMAN WEEKLY**

554 Mayor Pro Tem?

555

556 **MAYOR PRO TEM REESE**

557 Yes?

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558 **COUNCILMAN WEEKLY**

559 I guess – we're leaning toward holding this in abeyance for a couple weeks until there is a
560 comfort level that some documentation can come back before this Council. But I do wanna say,
561 Ms. Davis, I – appreciate the fact that you're stepping up to the plate –

562

563 **JOAN LESLIE DAVIS**

564 Certainly.

565

566 **COUNCILMAN WEEKLY**

567 – to try and do something to turn your life around, and, I commend you for that. Through a
568 program that the City of Las Vegas offers called the EVOLVE program, we talk to many men
569 and women who are in similar situations just as yours and trying to assist those who are trying to
570 help them mainstream themselves back into society, whom have fallen short by the wayside by
571 prior mistakes or this prior life that you lived. It's – very difficult and I understand and – a lot
572 of people don't realize that through a probation officer that you have, you visit those probation
573 officers, you pay each time. You have to pay them. I know those that come out of our penal
574 system here in the State of Nevada, when they visit their parole officer, they have to pay each
575 time that they go there. And their expected to have that 30 or 40 or however many dollars they
576 are to have and I don't understand how you're supposed to get it. And, you know, you're
/7 standing here battling for a five dollar an hour job, which I've recently seen a study that it takes
578 you about 16 dollars – an hour to basically survive in a two bedroom apartment here in Southern
579 Nevada.

580 So, I'm – kinda of with you but I – support my colleagues in wanting to make sure that you
581 know, what you say is accurate and, you know, I – can agree that I'd like to see the paperwork as
582 well. But, you know, hang in there –

583

584 **JOAN LESLIE DAVIS**

585 I shall.

586

587 **COUNCILMAN WEEKLY**

588 – and hopefully everything is going to pan out for you –

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589 **JOAN LESLIE DAVIS**

590 It will. It has and it will continue to.

591

592 **COUNCILMAN WEEKLY**

593 Good. Well that would be the motion, Mayor Pro Tem –

594

595 **JOAN LESLIE DAVIS**

596 Thank you everyone, very much, this morning.

597

598 **COUNCILMAN WEEKLY**

599 (inaudible) two weeks.

600

601 **STACY RODD**

602 Council, just one brief comment, we, like you, meaning the police department, have come before
603 you and supported temporary licenses, conditionals, things that would allow people to get back
604 on their feet. We have a history of going in both directions just as you do. I proposed at the
605 beginning part of this process with the employer that if he were to, I mean, we're not trying to
606 stand in the way of Ms. Davis working either, I proposed that if the work card referral that he
607 submitted for Ms. Davis to go get a work card did not have one of his locations that was a liquor
608 service location, liquor sales, excuse me, location, then the work card would not be required. It
609 was the employer's insistence that these people be cross-trained so that he could use them in all
610 of these locations that really precipitates the heart of this problem here. So we tried to mitigate
611 that, by suggesting this was a way to avoid it. We could not convey that successfully, or I could
612 not convey that successfully, to the employer who wants Ms. Davis to work in several locations.
613 Therein lies the problem.

614

615 **JOAN LESLIE DAVIS**

616 That is correct. May I just say something briefly?

617

618 **MAYOR PRO TEM REESE**

619 Yes, Ma'am.

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620 **JOAN LESLIE DAVIS**

621 Thank you. On the behalf of Shiff Enterprises, that's correct. He, they do own several gift shops
622 here in town and since the denial for the Sheriff's Card, I've been working in a gift shop that
623 does not sell any alcoholic beverages whatsoever so that there wouldn't be any conflict. Yes, he
624 did want to see me have a Sheriff's Card so that I could be able to fill in, should the need arise in
625 any of the other stores but perhaps he'll still allow me to work in one of the stores that doesn't
626 sell the alcohol and I can still move forward.

627

628 **COUNCILWOMAN MONCRIEF**

29 Excuse me, Your Honor.

630

631 **MAYOR PRO TEM REESE**

632 Just – a question, yes?

633

634 **COUNCILWOMAN MONCRIEF**

635 Yeah, thank you. Maybe some of the Council, including I, would call this employer and make a
636 request on her behalf.

637

638 **MAYOR PRO TEM REESE**

639 Well, I think the motion –

640

641 **JOAN LESLIE DAVIS**

642 Thank you. Ms. Moncrief, thank you.

643

644 **MAYOR PRO TEM REESE**

645 – then, and I'm not putting words in anybody's mouth, we would like to see a different type
646 letter from the employer that he is aware of all of her record and then that we need to have
647 some documentation of some of the programs you've attended.

648

649 **JOAN LESLIE DAVIS**

650 All right.

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651 **MAYOR PRO TEM REESE**

652 And, with that in the motion and then we're asking this be held for two weeks, is that
653 correct?

654

655 **COUNCILMAN WEEKLY**

656 Yes, Sir.

657

658 **MAYOR PRO TEM REESE**

659 Understood? What would that date be, Roni?

50

661 **BARBARA JO RONEMUS**

662 February 2nd.

663

664 **MAYOR PRO TEM REESE**

665 So then we're asking you to come back with, on February the second with those records and stuff
666 so that we can continue our dialogue.

667

668 **COUNCILMAN WOLFSON**

669 Mayor Pro Tem –

10

671 **MAYOR PRO TEM REESE**

672 Yes.

673

674 **COUNCILMAN WOLFSON**

675 – real quickly. And, may I ask, Detective, for you to cooperate with this lady because it may be
676 harder for her to obtain the documentation then for you. I think that if you call this pre-trial
677 services officer, and I'm sure she'll give you his or her name, probably in a phone call you could
678 get things faxed over to you documenting whatever program she's completed and her current
679 status. You say you're clean, you say you passed drug tests. If you have a conversation with
680 this pre-trial services officer, I think you can provide that kind of information to us in a timely
681 fashion.

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682 **STACY RODD**

683 I can do that. No problem.

684

685 **MAYOR PRO TEM REESE**

686 Thank you very much.

687

688 **JOAN LESLIE DAVIS**

689 And, I am a member of EVOLVE. Yes it is a good program.

690

91 **MAYOR PRO TEM REESE**

692 You've – heard the motion then.

693

694 **JOAN LESLIE DAVIS**

695 Thank you, everyone.

696

697 **MAYOR PRO TEM REESE**

698 Please cast your vote. Please post. Motion carries. (Motion carried UNANIMOUSLY with

699 **GOODMAN excused**) Thank you very much.

700

.01 **JOAN LESLIE DAVIS**

702 Thank you and good day.

703

(END OF DISCUSSION)

704 /slc;lc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: FIELD OPERATIONS

DIRECTOR: LARRY HAUGSNESS

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on a lease agreement with American Honda Motor Co., Inc., for the lease of two fuel cell vehicles (\$14,400 - Internal Service Fund) - All Wards

Fiscal Impact:

☐	No Impact	Amount:	\$14,400.00
☒	Budget Funds Available	Dept./Division:	Field Operations/Admin
☐	Augmentation Required	Funding Source:	Internal Service Fund

PURPOSE/BACKGROUND:

This lease agreement is between the City of Las Vegas and American Honda Motor Co., Inc. It is for the rental of two fuel cell vehicles. These vehicles operate on hydrogen. Through the fuel cell process, these vehicles emit only water vapors and travel nearly 150 miles on its hydrogen supply. The agreement period is for 12 months and subject to any mutually agreed to lease extensions.

RECOMMENDATION:

That City Council approve a lease agreement with American Honda Motor Co., Inc., for the lease of two fuel cell vehicles for an annual amount of \$14,400.

BACKUP DOCUMENTATION:

American Honda Motor Co., Inc., Honda Fuel Cell Vehicle Lease Agreement

MOTION:

BROWN - APPROVED as recommended - UNANIMOUS with GOODMAN excused

MINUTES:

LARRY HAUGSNESS, Director, Field Operations, acknowledged the involvement of DAN HYDE, Manager of Fleet and Transportation Services, and the City Manager's Office, as well as the support of the City Council in this endeavor. The City will receive two of these vehicles. There are only 14 throughout the country and 30 in the world. This is cutting-edge technology the City is involved in.

STEVE ELLIS, American Honda, expressed his appreciation for the leadership of the City, especially with the issues of air quality. He noted that the use of fuel cell vehicles is a pathway to the future, which fits perfectly with the City's Centennial Celebration.

(9:34 - 9:36)

1-925

AMERICAN HONDA MOTOR CO., INC.
HONDA FUEL CELL VEHICLE LEASE AGREEMENT

This lease agreement ("Agreement"), is dated this 19th day of January, 2005 for reference purposes only, and is entered into between AMERICAN HONDA MOTOR CO., INC. ("HONDA"), a California corporation, with business offices located at 1919 Torrance Boulevard, Torrance, California 90501 and the City of Las Vegas ("LESSEE"), a Nevada public agency, with business offices located at 2950 Ronemus Drive, Las Vegas, Nevada 89128.

HONDA and LESSEE, for the mutual promises and consideration set forth below, agree:

SECTION 1. Vehicles Leased; Term of Lease. HONDA leases to LESSEE, on terms set forth in this Agreement, the Fuel Cell Electric Vehicles ("FCV's") described in Attachment 1 attached hereto (collectively referred to hereinafter as the "Vehicles"), and any additional schedules subsequently executed, which schedules are made a part of this Agreement with the same force and effect as if this Agreement were rewritten and re-executed at the time each such separate schedule is made a part of this Agreement, for a term for each separate Vehicle beginning on the date each such Vehicle is delivered to LESSEE as set out in Attachment 1, and continuing thereafter for twelve (12) months ("Term") or as otherwise terminated as provided herein and subject to any mutually agreed-to lease extension. The Vehicles are to be used in the normal and ordinary course of LESSEE's business at the location set forth in the applicable attached schedule for the respective Vehicle ("garaging address") upon the terms and conditions set forth in this Agreement and as set forth respectively in the applicable schedule now and hereafter made a part of this Agreement.

SECTION 2. Nature of Contract. This is a contract of leasing only. LESSEE does not, by this Agreement or otherwise, acquire any right, title or interest in or to the property described in this Agreement.

SECTION 3. Payment of Rentals. LESSEE agrees that it will timely pay the rental payment(s) as identified on Attachment 1 hereto. All rentals shall be paid by LESSEE to HONDA at HONDA's address designated in Attachment 1 hereto, or to such other person or organization as HONDA may designate from time to time in writing provided to LESSEE, or as designated in writing by an assignee of this Agreement.

SECTION 4. Vehicle Title & Registration. All Vehicles subject to this Agreement will bear license plates, and the titles to such Vehicles will be in the name of HONDA. HONDA shall cause the Vehicles to be registered.

SECTION 5. Delivery of Vehicles. HONDA will use all reasonable diligence to deliver the Vehicles leased under this Agreement to LESSEE upon the execution of this Agreement or date otherwise stated, and any supplement to it, but will not be liable to LESSEE for any delays in the delivery of such Vehicles, if HONDA shall have exercised reasonable diligence to do so.

SECTION 6. Use of Vehicles. LESSEE will not:

- A. Allow unlicensed drivers to operate the Vehicles;
- B. Allow any driver other than the LESSEE's employees, authorized Roadside Assistance company, authorized Honda FCV servicing dealer, or HONDA employees to drive any Vehicle; LESSEE's employee(s) authorized by the LESSEE to provide "ride & drives" of FC vehicles may allow licensed drivers to operate the vehicle for a short-distance test drive, as long as the driver is accompanied by the employee(s) in the vehicle.
- C. Use or allow any Vehicle to be used illegally, improperly, for hire or as a public conveyance or to transport or permit any hitchhikers to ride in any Vehicle;
- D. Use or allow the use of any Vehicle in any way that causes cancellation or suspension of insurance or causes the manufacturer's warranty to become void;
- E. Use or allow any Vehicle to be used to pull a trailer or another vehicle;
- F. Drive or allow any Vehicle to be driven in a reckless or negligent manner;

- G. Remove or allow to be removed any Vehicle from Nevada or from areas of service availability specified by the manufacturer;
- H. Alter, mark or install accessories or equipment in or on any Vehicle (including cellular phones, except where advance written authorization to install the same is obtained from HONDA) or affix, attach or install any stickers, decals or labels on or in any Vehicle;
- I. Initiate repairs of any Vehicle, including emergency repairs, except as authorized and directed by HONDA, or have any repair work or servicing done on any Vehicles other than by the Honda FCV service dealers designated by HONDA;
- J. Disassemble, dismantle, tamper with or attempt to reverse engineer any Vehicle, even if LESSEE (or anyone else) reassembles such Vehicle, or allow anyone else to disassemble, dismantle, tamper with or attempt to reverse engineer any Vehicle, even if reassembled;
- K. Conduct any testing on or to any Vehicle, without prior, written approval from HONDA; or
- L. Participate in any formal research project relating to electric vehicles or FCVs without receiving advanced written authorization from HONDA.
- M. Allow use, operation or inspection by other automakers or their employees, affiliates, consultants or by an individual on their behalf.

If LESSEE shall (or shall allow any person to) participate in any such research project without authorization from HONDA, or disassemble, dismantle, tamper with or attempt to reverse engineer any Vehicle, or conduct any testing on or to any Vehicle, then LESSEE shall be subject to litigation brought by HONDA or its designee, and HONDA shall be entitled to seek all remedies, including damages from LESSEE.

SECTION 7. Maintenance and Warranty Repairs.

- A. LESSEE will ensure that the Vehicles are serviced: (a) in strict accordance with the owner's manual and in accordance with the manufacturer's minimum recommendations, (b) when there is a dash warning/indicator indicating that service or repair is necessary, (c) as requested or directed by the manufacturer, and (d) as requested by the manufacturer in connection with any recall or product update campaign.
- B. LESSEE shall refer to information provided by HONDA concerning how and when to service the Vehicles, and LESSEE shall have all service work performed only by an authorized Honda FCV service dealer or in a manner specified by the manufacturer.
- C. If serviced in accordance with the manufacturer's and/or HONDA's recommendations, the costs of such service shall not be the responsibility of LESSEE, provided that for each Vehicle serviced as required hereunder, LESSEE has all such service validated and provides proof to HONDA that such service was performed. The cost of any repairs required to be made to any Vehicle due to LESSEE's (or any of its agents' or employees') misuse, neglect, abuse or failure to follow preventive maintenance schedules will be the sole responsibility of LESSEE.
- D. The exterior of the Vehicles shall be regularly washed and the interiors shall be maintained clean and free of debris, at LESSEE's expense.
- E. HONDA will be responsible for all fees and expenses related to replacing and maintaining tires. LESSEE will not (and will not allow any of its agents or employees to) operate any of the Vehicles on a flat tire or on any tire or tires which do not contain sufficient air pressure to prevent damage to the tires other than ordinary wear and tear.
- F. LESSEE will allow HONDA to perform additional service or replace parts, at any time, and shall cooperate in arranging to have such service performed.

SECTION 8. Insurance. LESSEE shall, at its sole cost, provide and maintain throughout the applicable rental period (defined in Section 1 above) for each Vehicle, a policy (or program of self-insurance) of automobile liability insurance containing coverage in the amounts listed below, and such exceptions and exclusions which are ordinarily contained in automobile liability insurance policies. Such policy or self-insurance program will insure HONDA and LESSEE and their respective agents and employees with respect to liability as a result of the ownership, maintenance, use or operation of Vehicles furnished by HONDA to LESSEE pursuant to this Agreement. The

insurance will be primary, and not excess or contributory, with respect to any accident involving such Vehicles, and will afford bodily injury liability limits of not less than \$100,000 for injury or death of one person in any one accident and subject to such limit per person to a total liability of \$300,000 for all persons injured or killed in the same accident, and \$50,000 for damage, destruction and/or loss of use of property as a result of one accident. LESSEE shall provide proof of insurance or self-insurance to HONDA upon request. In the event LESSEE shall fail to pay for or provide any insurance as required hereunder, HONDA at its option may pay for such insurance and add the amount paid to the sums due from LESSEE. The City of Las Vegas agrees to provide INSURANCE coverage(s) under the following specified dollar limits: For the purpose of defining a vehicle "value", notwithstanding actual vehicle cost, American Honda will utilize the \$500 per month lease price image per vehicle, comparable to a \$50,000 vehicle, to arrive at a \$50,000 vehicle value. The City of Las Vegas agrees to pay the prevailing Insurance Premium for the duration of the contract term.

SECTION 9. Notification of Accident or Damage to Vehicles.

- A. LESSEE will promptly notify its insurance company and HONDA (or its designee as provided in Attachment 2 hereof) of any and all accidents, thefts or other damage, and any other incidents that may result in an insurance claim, both by telephone (on the same day of the accident or, in cases of an extreme circumstances when same day notification is not possible, as soon as practicable thereafter) and in writing addressed to HONDA as specified on Attachment 2 hereto (or as otherwise designated in writing by HONDA from time to time). The notice to HONDA shall provide the following information: insurance company name, policy number, agent, agent's telephone and agent's address, the location of the Vehicle, the nature and cause of the damage and the date such damage or loss occurred.
- B. LESSEE and the driver of the Vehicle involved in the accident or incident will cooperate with HONDA in the investigation of the accident and, if requested by HONDA, participate (at HONDA's expense) in the defense of any claims arising from such accident.
- C. LESSEE will deliver to HONDA or the authorized Honda FCV service dealer designated by HONDA any Vehicle involved in an accident or which has been damaged.
- D. Upon receipt of notification of accident or damage to a Vehicle, HONDA will arrange for, and be responsible for the cost of, all necessary repairs to the Vehicle with the following exceptions:
 - 1. HONDA shall not be liable for cosmetic damage to any Vehicle (which includes, but is not limited to, minor scratches, rock chips and door dings), except that such damage may be repaired at HONDA's sole discretion;
 - 2. Expenses of repairs for damage caused by abuse or misuse of any Vehicle by LESSEE or its agents or employees will be LESSEE's sole responsibility.
 - 3. HONDA shall not be responsible for the expenses of repairing any damage which, in the sole discretion of HONDA, renders any Vehicle a total loss; such damage shall be LESSEE's sole responsibility.
 - 4. In all cases of repairs to any Vehicle necessitated by an accident or damage caused by LESSEE or its agents or where no third party is at fault, LESSEE will be responsible for up to the first \$1,000 of repairs per Vehicle made by HONDA to any Vehicle. In cases where the damage was caused by a third party and through no fault of LESSEE's (or its agents or employees), HONDA shall be responsible for collecting any insurance proceeds from such third party.
- E. LESSEE shall cooperate with and assist HONDA in arranging and effecting all repairs of damage to the Vehicles.

SECTION 10. Substitute Vehicles During Service or Repairs. During such time as any Vehicle is undergoing service or repair, HONDA shall have no obligation to provide any substitute vehicle. The rent due HONDA for any Vehicle needing service or repairs will not be prorated or abated while the Vehicle is being serviced or repaired unless such time out of operation exceeds thirty consecutive (30) days. In such event, the parties agree that for each 30 day time period in which the Vehicle is out of operation, HONDA will abate the lease payment for one month as specified in Attachment 1 of this Agreement.

SECTION 11. Vehicle Inspection. LESSEE agrees to allow (and to cause its agents and employees using the Vehicles to allow) HONDA to inspect the Vehicles at any reasonable time and place.

SECTION 12. Indemnity. Except as otherwise expressly provided herein, LESSEE agrees to save HONDA harmless from all claims, losses, causes of action, and expenses, including legal expenses, arising from the loss, damage or destruction of any Vehicle, the abuse or misuse of any Vehicle, and for any costs related to the use or condition of the Vehicles. LESSEE will promptly pay all fines and tickets imposed on any Vehicle or any of drivers of a Vehicle during the applicable rental period hereunder for such Vehicle. If LESSEE fails to pay any such fines or tickets, HONDA may pay such fines or tickets on LESSEE's behalf, for which LESSEE will reimburse HONDA, together with a \$20 administrative processing fee for each such fine or ticket paid by HONDA, unless such a fee is prohibited by law.

SECTION 13. Liability for Contents. HONDA will not be liable for loss of or damage to any property left, stored, loaded, or transported in or upon any Vehicle leased by HONDA to LESSEE pursuant to this Agreement, whether or not due to the negligence of HONDA, its agents or employees. LESSEE will hold HONDA, its agents and employees, harmless from and indemnify them from and against all claims based on or arising out of such loss or damage. No right of HONDA under this Section may be waived except by prior written agreement of HONDA.

SECTION 14. LESSEE's Representations and Warranties. LESSEE hereby represents and warrants to HONDA and to HONDA's successors and assigns as follows: (1) LESSEE is a public agency duly organized, validly existing and in good standing under the laws of the State of Nevada and has full corporate power and authority to execute and deliver this Agreement and to perform fully its obligations hereunder; (2) LESSEE has taken all action needed to authorize the execution, delivery and performance of this Agreement and documents contemplated by this Agreement; (3) the person or persons executing and delivering this Agreement and documents contemplated by this Agreement are authorized to do so; (4) this Agreement constitutes a valid obligation of LESSEE, legally binding upon it and enforceable in accordance with its terms; (5) the execution, delivery and performance of this Agreement do not require any consent or approval which has not been obtained; and (6) none of the execution and delivery by LESSEE of this Agreement, or the consummation of the transactions contemplated hereby, or compliance by LESSEE with any of the provisions hereof, will (i) conflict with, or result in the breach of, any provision of the certificate of incorporation or by-laws of LESSEE; (ii) conflict with, violate, result in the breach or termination of, or constitute a default or give rise to any right of termination or acceleration under any contract or order to which LESSEE is a party or by which it or any of its properties or assets is bound; or (iii) constitute a violation of any law applicable to LESSEE.

SECTION 15. Additional Charges. LESSEE agrees to pay all storage charges, parking charges, and fines imposed in relation to any of the Vehicles. LESSEE will pay any fees (including vehicle registration and inspection fees) or taxes which may be imposed with respect to any Vehicle by any duly constituted governmental authority as the result of the LESSEE's (or any of its agents' or employees') use or intended use of any of the Vehicles, or upon any change in the Vehicles' garaging address specified on Schedule A hereto.

SECTION 16. Roadside Assistance. Roadside Assistance, is the responsibility of LESSEE and therefore shall not be provided by HONDA.

SECTION 17. Default. LESSEE shall be in default hereunder if any of the following occurs:

- A. Payment of any sums due hereunder more than 30 days beyond the date due;
- B. Initiation of any proceeding in bankruptcy or insolvency by or against LESSEE;
- C. The filing or initiation of any proceeding in receivership by or against LESSEE or LESSEE's property, or if LESSEE makes an assignment for the benefit of creditors;
- D. A voluntary assignment of LESSEE's interest under this Agreement;
- E. LESSEE's failure to comply with the insurance requirements of this Agreement, or the expiration or cancellation of any policy of insurance agreed to be paid for by LESSEE, or the cessation in force according to its original terms of such insurance, or of any extension or renewal of such insurance;
- F. LESSEE failure to repair or maintain the Vehicles as required in this Agreement. LESSEE shall be given a reasonable opportunity to cure;
- G. Loss, theft, destruction of any Vehicle or upon HONDA's determination that any Vehicle leased to LESSEE has been rendered unsuitable for use by LESSEE or its agents or employees;

- H. LESSEE's failure to answer any traffic summons or pay any traffic ticket or other fine imposed in regard to any Vehicle when due;
- I. The imposition of any lien on any Vehicle;
- J. Seizure or confiscation of any Vehicle for any reason by a law enforcement agency;
- K. LESSEE's breach of any other provision of this Agreement, if such breach materially impairs, in HONDA's sole discretion, the prospect of payment or the realization of HONDA's interest in the Vehicles; or
- L. LESSEE's breach of any provision of Section 6 (Use) hereof.
- M. Refueling of the FCX with Hydrogen fuel not certified to quality and purity standards as specified and approved by HONDA.

In the event of any Default, HONDA may do any or all of the following without giving advance notice to LESSEE:

- (1) Take any reasonable measures designed either to correct the Default or to save HONDA from loss, in which case LESSEE will pay HONDA upon HONDA's request for the costs and expenses incurred in connection therewith;
- (2) Terminate the Agreement and LESSEE's rights to possess and use any of the Vehicles, in which case: (a) all Vehicles then subject to this Agreement (including any substitution vehicles, if any, provided hereunder) will be surrendered and delivered to HONDA, (b) HONDA may take possession of the Vehicles wherever they may then be found. (c) HONDA shall be entitled to retain all rents and other sums paid by LESSEE under this Agreement with respect to all such Vehicles, and (d) LESSEE shall be responsible for payment of HONDA's costs of repossessing, storing and transporting the Vehicle as well as HONDA's costs of collection, and/or
- (3) Pursue any other remedy permitted by law.

SECTION 18. Early Termination (No Default).

- A. **By HONDA.** Prior to the end of the Term, HONDA may terminate this Agreement at any time, by providing written notice to LESSEE, and, if such election to terminate was made by HONDA in the absence of any Default, then HONDA will refund to LESSEE a prorata portion of any rental sums advanced to HONDA for the remaining period of the Lease so terminated. Upon receipt of such notice of termination, LESSEE must return all Vehicles provided hereunder to HONDA or the nearest authorized Honda FCV service dealer, or make a similar arrangement with HONDA, within seven (7) business days of receipt of Honda's written notice of termination.
- B. **By LESSEE:** If LESSEE elects to terminate this Agreement early, LESSEE will return all Vehicles provided hereunder to HONDA on the due date of a monthly Agreement payment. In such event, LESSEE will owe to HONDA, an early termination fee, as set forth on Attachment 3 hereto. In addition, LESSEE will owe to HONDA: (a) any due and unpaid rental payments and any other amounts owed, if any, arising from LESSEE's breach or failure to perform any provision of this Agreement, and (b) any official fees and taxes imposed in connection with such early termination.

SECTION 19. Surrender of Vehicles. On expiration of the Term of this Agreement or upon any earlier termination as provided herein, LESSEE will surrender the Vehicles leased hereunder, in the same condition as when received, less reasonable wear and tear, and free from collision or upset damage, to HONDA at its address first set forth above or as otherwise designated by HONDA. Upon any termination hereunder (or the expiration hereof), HONDA may freely enter any premises occupied or controlled by LESSEE by giving prior notice to LESSEE to remove any Vehicles from LESSEE's possession. LESSEE shall pay to HONDA on demand all costs, charges and expenses incurred by HONDA in so re-taking possession of the Vehicles. If LESSEE fails to promptly return the Vehicles (or any Vehicle) to HONDA as required hereunder, LESSEE will be obligated to pay HONDA a rental fee equivalent to the prorata portion of the rental payments due hereunder for all Vehicles held-over for the period of such hold-over; however, LESSEE acknowledges that its continued payment of rental under such circumstances is not to be construed as an extension of the Agreement or to confer rights in LESSEE to keep the Vehicle past the Agreement termination date. LESSEE shall pay for any loss or damage incurred by HONDA due to LESSEE's failure to return all Vehicles when due hereunder.

SECTION 20. Odometer Disclosure Statement. Upon termination or expiration of this Agreement, LESSEE shall provide a signed written disclosure statement to HONDA for each Vehicle of the correct odometer mileage for such Vehicle, as required by federal law. (49 CFR 580. 814-824) LESSEE shall indemnify HONDA for any loss, claims, damage, costs and expenses (including attorneys' fees) which result from LESSEE's failure to promptly provide HONDA with the requisite written odometer disclosure statements.

SECTION 21. Scheduled End of Agreement Liability. LESSEE's payment liability at the end of the rental period for any Vehicle will be the sum of (a) any rental payments due and unpaid, (b) any other amounts arising from LESSEE's failure, if any, to abide by its promises herein, (c) any sums relating to Excess Wear and Use (defined in Section 22 below), and (d) any official fees and taxes imposed in connection with the Agreement.

SECTION 22. Excess Wear and Use. For each Vehicle, LESSEE will reimburse HONDA for the amount it would cost HONDA to repair excess wear and use of such Vehicle, caused by LESSEE, whether or not Honda makes repairs. "Excess wear and use" includes, but is not limited to: (a) broken or missing parts or accessories, (b) interior rips, stains, burns or excessively worn areas, (c) missing wheels or tires (including spare), (d) neglect of proper maintenance intervals, (e) any condition which makes the Vehicle unsafe or unlawful to operate, or (f) safety equipment not in proper working order.

SECTION 23. (deleted).

SECTION 24. Warranties. The Vehicles are covered by the manufacturer's new vehicle warranty. HONDA assigns to LESSEE all of the rights under the manufacturer's new vehicle warranty.

ASIDE FROM THE MANUFACTURER'S NEW VEHICLE WARRANTY, HONDA LEASES THE VEHICLES HEREUNDER ON AN "AS-IS" BASIS AND LESSEE LEASES EACH VEHICLE IN WHATEVER CONDITION IT MAY BE IN. EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER HONDA NOR ITS AFFILIATES LETS OR SUPPLIES THE VEHICLES TO LESSEE WITH OR SUBJECT TO ANY REPRESENTATION, CONDITION OR WARRANTY, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, REGARDING THE CAPACITY, CONDITION, SUITABILITY OR FITNESS FOR PURPOSE, PERFORMANCE, USE, QUALITY OR MERCHANTABILITY OF THE VEHICLES, AND ALL SUCH REPRESENTATIONS, CONDITIONS AND WARRANTIES ARE HEREBY EXPRESSLY EXCLUDED. NEITHER HONDA NOR ITS AFFILIATES SHALL BE LIABLE TO LESSEE IN CONTRACT, TORT (INCLUDING NEGLIGENCE) OR OTHERWISE FOR ANY LOSS, INJURY OR DAMAGE ARISING BY REASON OF ANY DEFECTS IN OR THE SUPPLY OF OR INTERRUPTION OF SERVICE OR USE OF ANY VEHICLE LEASED UNDER THIS AGREEMENT, UNLESS SUCH LOSS, INJURY OR DAMAGE ARISES BY REASON OF A DEFECT IN THE DESIGN OR MANUFACTURE OF THE ENTIRE VEHICLE CAUSED BY THE NEGLIGENCE OF HONDA OR ITS AFFILIATES. IN NO EVENT SHALL HONDA BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, ANY INTERRUPTION OF BUSINESS, LOSS OF BUSINESS, LOSS OF ANTICIPATED PROFITS OR ANY OTHER ECONOMIC LOSS, EVEN IF HONDA WERE AWARE OF THE POSSIBILITY OF SUCH DAMAGES. The provisions of this Section have been negotiated by HONDA and LESSEE and are intended to be a complete exclusion and negation of any representations or warranties of HONDA, express or implied, with respect to the Vehicles and this Agreement that may arise pursuant to any law now or hereafter in effect, or otherwise (except as expressly provided herein).

SECTION 25. Assignment. Lessee agrees not to assign, transfer, sublet, pledge or encumber any of its rights under this Agreement, the lease itself or any Vehicle or LESSEE's right to use any Vehicle. Lessee consents to and authorizes HONDA's assignment of all rentals, charges, and other amounts payable by LESSEE to Honda, or to become payable.

SECTION 26. Waiver. Failure of HONDA in any one or more instances to insist on the performance of any of the terms of this Agreement, or to exercise any right or privilege conferred under this Agreement, or the waiver of any breach of any terms of this Agreement will not thereafter be construed as a waiver of such terms, which will continue in force as if no such waiver had occurred.

SECTION 27. Notices. Notices provided for under this Agreement will be deemed given when mailed to the addresses of the LESSEE and HONDA, as contained in this Agreement. LESSEE shall promptly notify HONDA of any change in LESSEE's address or of any garaging address for any Vehicle identified on Schedule A hereto.

SECTION 28. Succession. This agreement will be binding on and inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties to this Agreement.

SECTION 29. No Option to Purchase. LESSEE has NO option to purchase or own any of the Vehicles hereunder, nor is this Agreement intended to create any such option.

SECTION 30. Option to Extend Lease. HONDA will, at its sole discretion reserve the right to extend to LESSEE an offer for extending the vehicle lease to a term mutually agreed to by both HONDA and LESSEE.

SECTION 31. Governing Law/Severability. The validity, construction and interpretation of this Agreement shall be governed by the laws of the State of California applicable to contracts made are to be performed wholly within that state and the parties hereby submit to the exclusive jurisdiction of the Federal or State courts within California. If any provision of this Agreement is unenforceable or invalid, that provision shall be severed from the remainder of the Agreement and the validity and enforceability of the remaining provisions shall not be affected or impaired.

SECTION 32. Technology Rights/Confidentiality. LESSEE acknowledges that the Vehicles leased under this Agreement incorporate innovative technology developed by and proprietary to HONDA. LESSEE agrees to cooperate with HONDA in the evaluation of the new technology by responding to inquires from HONDA as to the performance, handling and use of the Vehicles, whether during the rental period for any Vehicle or after this Agreement has terminated, and by abiding by the requirements of the Agreement as to the maintenance and protection of the proprietary nature of the technology. LESSEE shall have no rights in any of the technology associated with the Vehicles or in any other connection or of the goodwill associated therewith. LESSEE expressly acknowledges that all such rights and goodwill are and shall remain vested in HONDA. LESSEE shall not do, and shall not authorize any third party to do, any act or thing which would or might invalidate or be inconsistent with the rights of HONDA in relation to the technology rights hereunder. LESSEE agrees to hold (and to cause its agents and employees to hold) in confidence the technology rights and all proprietary know-how, data and other technical information received from or relating to HONDA using the same degree of care as that LESSEE would use to protect its own proprietary information. The provisions of this Section shall survive the termination or expiration of this Agreement.

SECTION 33. Rights and Remedies Cumulative. The rights and remedies of HONDA under this Agreement are not exclusive, but cumulative and in addition to all other rights and remedies provided by law.

SECTION 34. Amendments. This Agreement may not be amended, modified or supplemented in any manner, except by an instrument in writing signed on behalf of each of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first set forth above.

AMERICAN HONDA MOTOR CO., INC.
("HONDA")

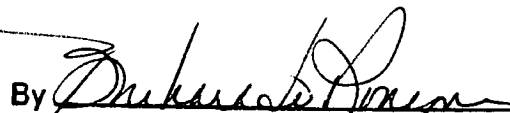
By: , Stephen M Ellis, FCV Program Manager, 1/19/05

And: _____, TBD, TBD, ____/____/____

CITY OF LAS VEGAS
("LESSEE")

By: , Oscar Goodman, Mayor, ____/____/____

Attest:

By: 
BARBARA JO ROMEMUS, City Clerk

APPROVED AS TO FORM:
 12/23/04
Date:

Attachment 1
Rental Payment Provisions

Availability:

The Honda FCV is a limited production vehicle, and is distributed by HONDA in limited regions. The following rental payment provisions are made for the CITY OF LAS VEGAS.

Scheduled Delivery Date:

The Vehicle(s) listed below are scheduled to be delivered to LESSEE on the following date(s) however vehicle(s) may be substituted during lease term by HONDA and re-registered as required:

Vehicle	VIN	Scheduled Delivery Date
Honda FCX	JHMZC14334T000005	TBD
Honda FCX	JHMZC14374T000007	TBD

Lease Payment Amounts:

The CITY OF LAS VEGAS will make quarterly payments, in arrears, for the previous quarters' vehicle usage. First and last quarters to be prorated based upon date of pick-up or delivery, pro-rated over a thirty day period.

	Per Vehicle Monthly Lease Fee
Monthly Lease Fee per Vehicle	\$500.00
Sales Tax (X %)	\$.00
Comprehensive Maintenance and Transportation	100.00
Total	\$600.00

Attachment 2
Notice Addresses and Contact Designations

Purpose	Honda	Lessee
Contract Modifications	Stephen Ellis Manager FCV Demonstration Program American Honda Motor Co., Inc. 1919 Torrance Blvd. Torrance, CA 90501 (310) 781-4450 Telephone (310) 781-4459 FAX With a copy to: Duane E. Okamoto Honda North America, Inc. Law Department 700 Van Ness Avenue Torrance, CA 90509-2206 (310) 781-4932 Telephone (310) 781-4970 Fax	(City of Las Vegas Fleet Services Division West Service Center 2950 Ronemus Drive Las Vegas, NV 89128
Accident Notification	American Honda Motor Co., Inc. c/o	American Honda Motor Co., Inc. c/o
All Other Inquiries	see "Contract Modifications"	see "Contract Modifications"
Vehicle Garaging Address	2950 Ronemus Drive Las Vegas, NV 89128	City of Las Vegas

Attachment 3
Early Termination Fee Schedule

In accordance with Section 18 of the Agreement, upon termination of the Agreement by LESSEE prior to the end of the Term, LESSEE agrees to pay to HONDA immediately upon such termination an early termination fee according to the following schedule:

Month of Termination (calculated from commencement date of Term)	Early Termination Fee
Months 1 – 12	\$4,000
Months 13 – 24 (If Lease Extended)	\$2,000

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1	Contracting Entity
Name	American Honda Motor Co., Inc.
Address	1919 Torrance Blvd Torrance, CA 90501
Telephone	310-781-2000
EIN or DUNS	00-886-0389

Block 2	Description
Subject Matter of Contract/Agreement	HONDA FUEL CELL VEHICLE LEASE AGREEMENT
RFP#	

Block 3	Type of Business
☐ Individual	☐ Partnership
☐ Limited Liability Company	☒ Corporation

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4

Disclosure of Ownership and Principals

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Koichi Amemiya	1919 Torrance Blvd Torrance, CA 90501	310-783-2000
2.	Koichi Kondo	11	11
3.	Richard Colliver	11	11
4.	Thomas Elliott	11	11
5.	Chet Hale	11	11
6.	Hideo Takemura	11	11
7.	Koki Hiroshima	Honda America, Inc. 2400 Honda Pkwy, Marysville, CA 93040	937-642-5000
8.	Ø		
9.	Ø		
10.	Ø		

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ____.

Block 5

DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity



Name

1-10-05

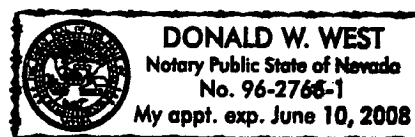
Date

Subscribed and sworn to before me this 10th day of

JANUARY, 2006



Notary Public



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on the City of Las Vegas Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2004.

Fiscal Impact:

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

PURPOSE/BACKGROUND:

NRS 354.624 requires an annual audit of the City be conducted by an independent public accounting firm. It further requires the audit report and the CAFR be presented to the governing body with the recommendations and the summary of narrative comments. The audit was conducted by KPMG LLP. The City received an unqualified opinion with no material findings, improvements, or recommendations.

RECOMMENDATION:

Receive the audit report and provide guidance for any management actions.

BACKUP DOCUMENTATION:

Submitted at meeting: copy of financial graphs and charts

MOTION:

BROWN - APPROVED Receipt of the Audit Report - UNANIMOUS with GOODMAN excused

MINUTES:

MARK VINCENT, Director, Finance and Business Services, reviewed the information under the Purpose/Background section. He noted that about three years ago the Government Accounting Standards required changes in accounting methods, such as keeping track of infrastructure assets and maintaining them to a particular standard. The City is now approaching approximately \$2.9 billion in net assets, which is roughly a 5% increase.

He continued and indicated that recently a conference on property taxes was held by the Nevada Research Institute. He was not in attendance, but a statement was made at the conference that the City of Las Vegas has about \$500 million in cash. To dispel this rumor, MR. VINCENT explained that, in trying to simplify financial statements and make them more understandable to the community, simpler government accounting standards were required. In doing so, it also made them more confusing to the average citizen. Referring to graphs and charts, copies of which are made a part of the minutes, he indicated that while there is a balance of about \$445 million in cash and cash equivalents, there is only about \$16 million in the General Fund, and the Council only has full discretion on these monies. The Capital Projects Fund also contains a lot of cash because funding is done upfront. In summary, he explained that most of the cash cannot be redirected for general purposes as the Council sees fit and has been appropriated for specific uses.

The City budgets conservatively, tending to underestimate revenues and overestimate expenditures in an attempt to have some monies left over, which are the funds the Council has discretion to redirect to capital projects or any infrastructure that does not have a specific funding source. However, excess

CITY COUNCIL MEETING OF: JANUARY 19, 2005

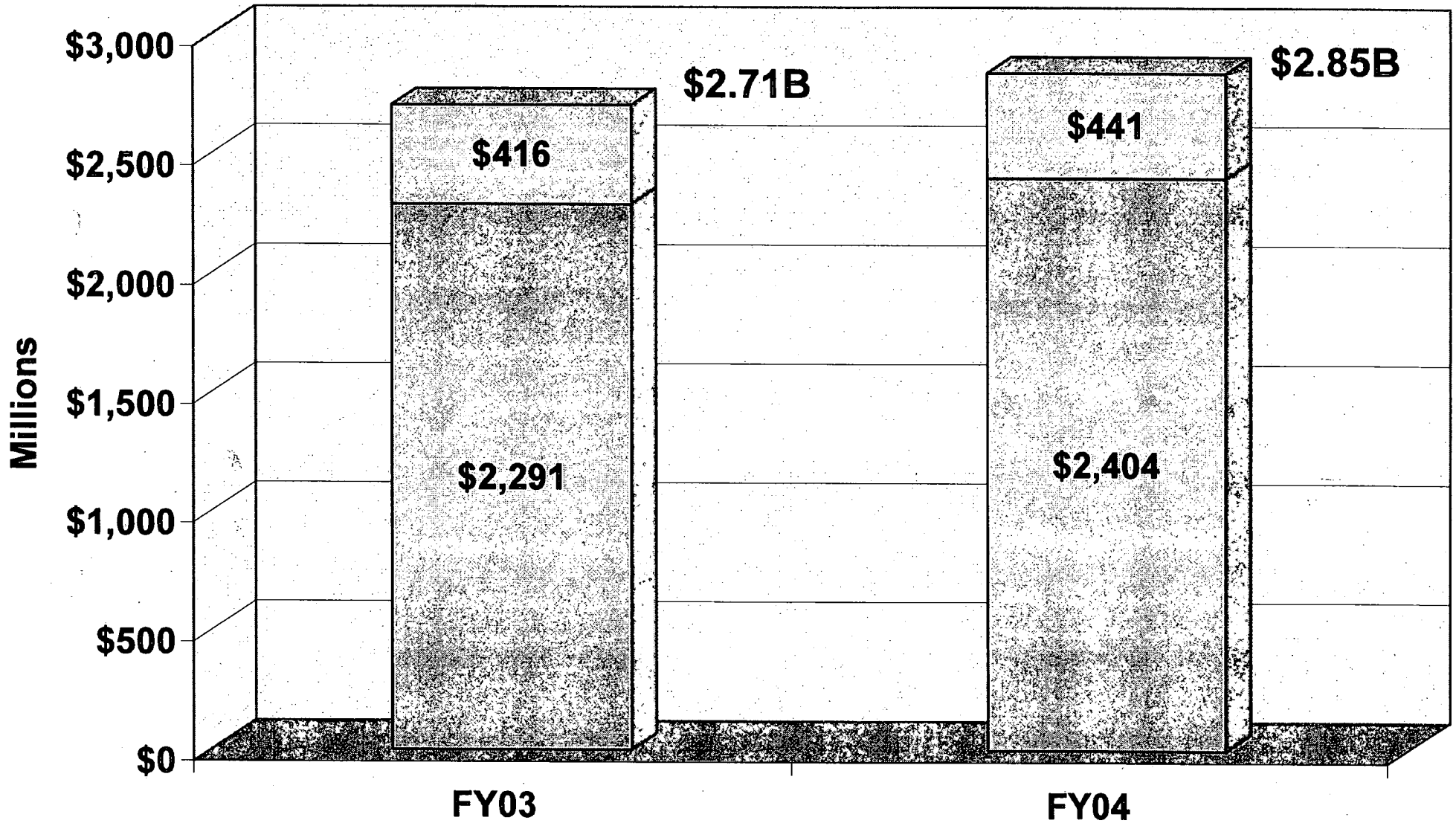
MINUTES - Continued:

revenues have been shrinking for the past five years, leaving less revenue to transfer out. He cautioned that the Council should be mindful of this as this year's budget season approaches. Lastly, he pointed out that the largest expenditure is for salaries and benefits of both City and Las Vegas Metropolitan Police (Metro) staff.

(9:36 - 10:15)

1-1010

City's Net Assets

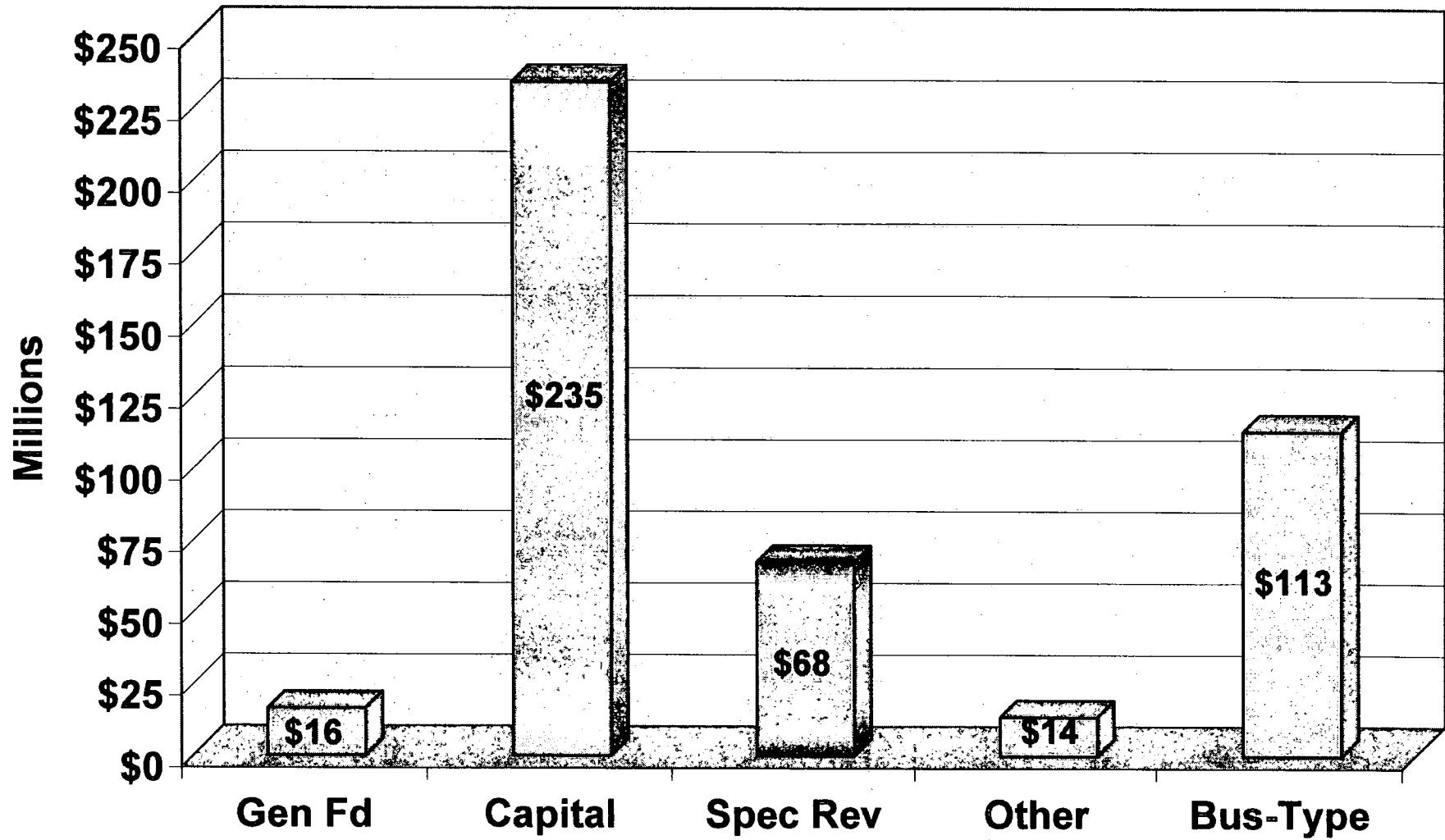


■ Gov-Wide

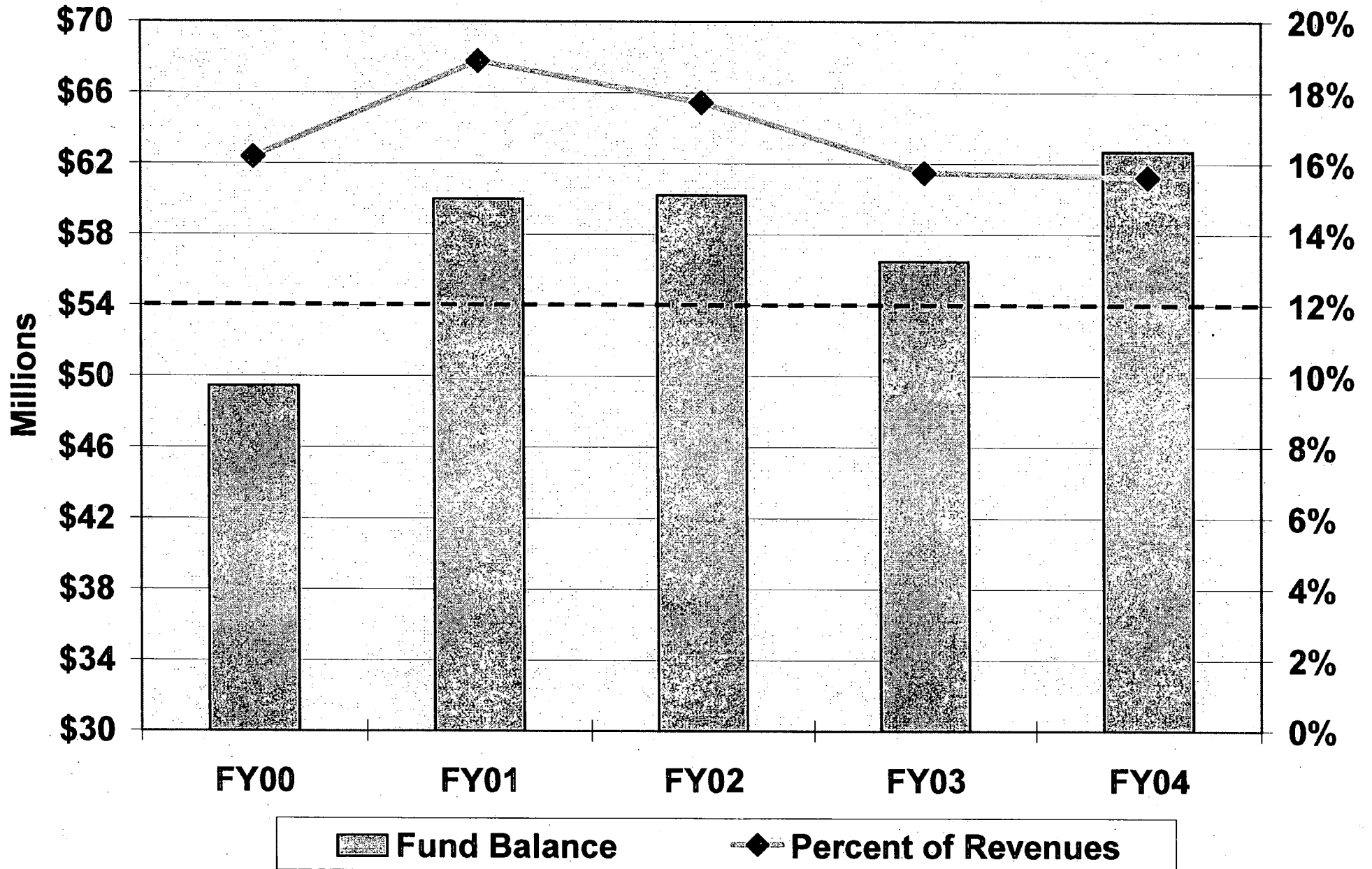
■ Bus-Type

Submitted at City Council
Date 1/19/05 Item 47

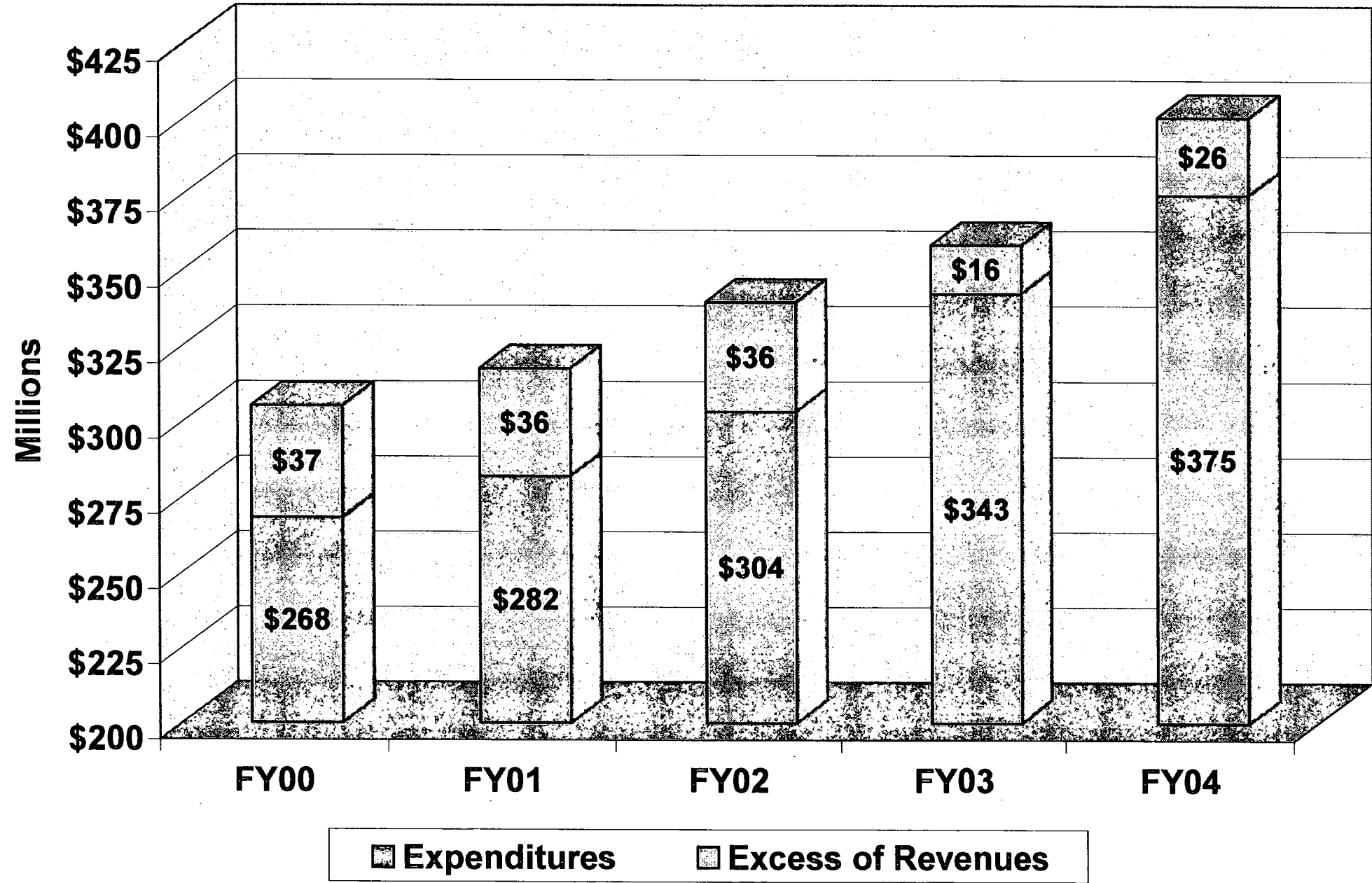
City's Cash & Cash Equivalents



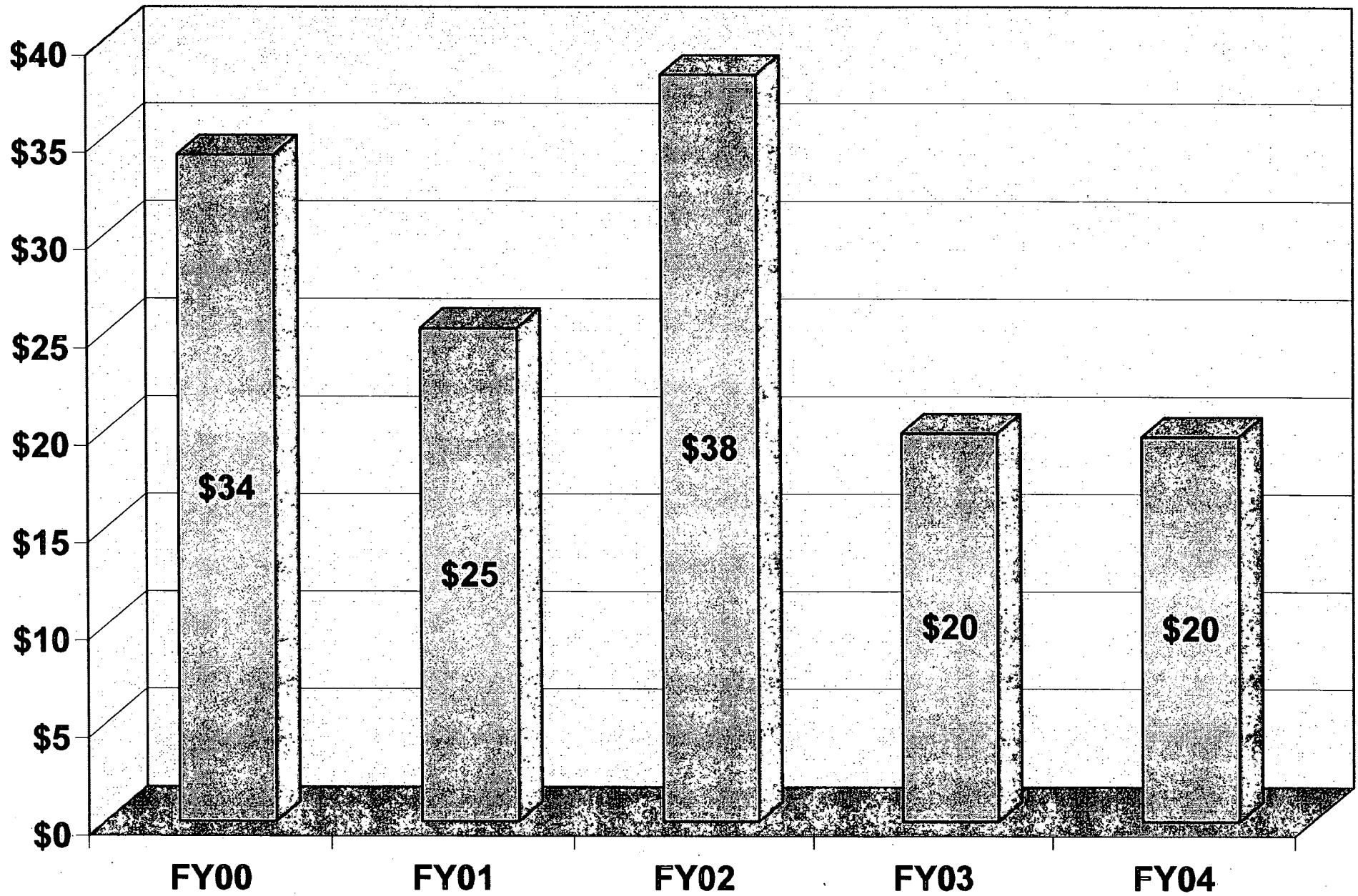
General Fund - Fund Balance



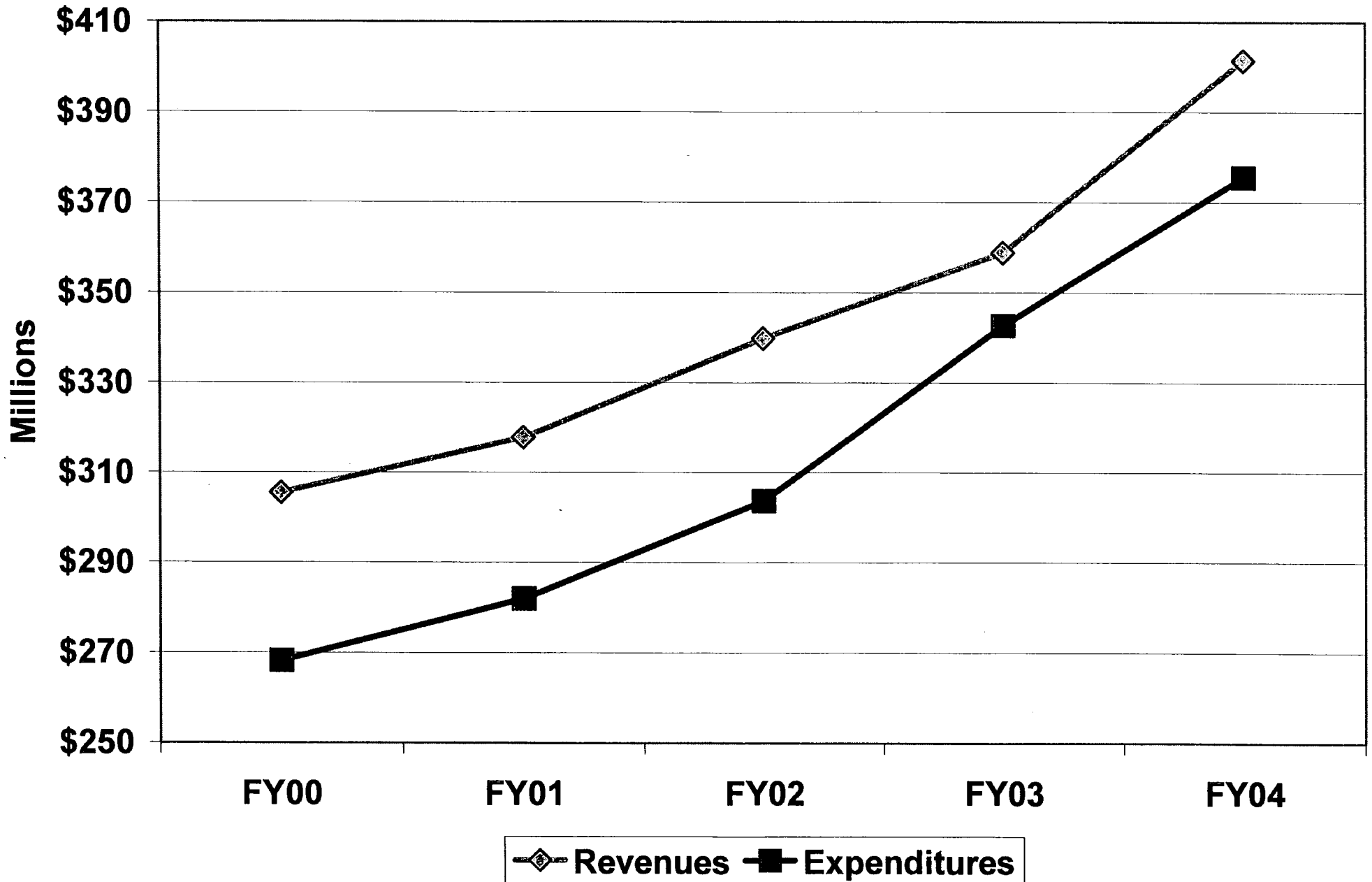
General Fund Performance



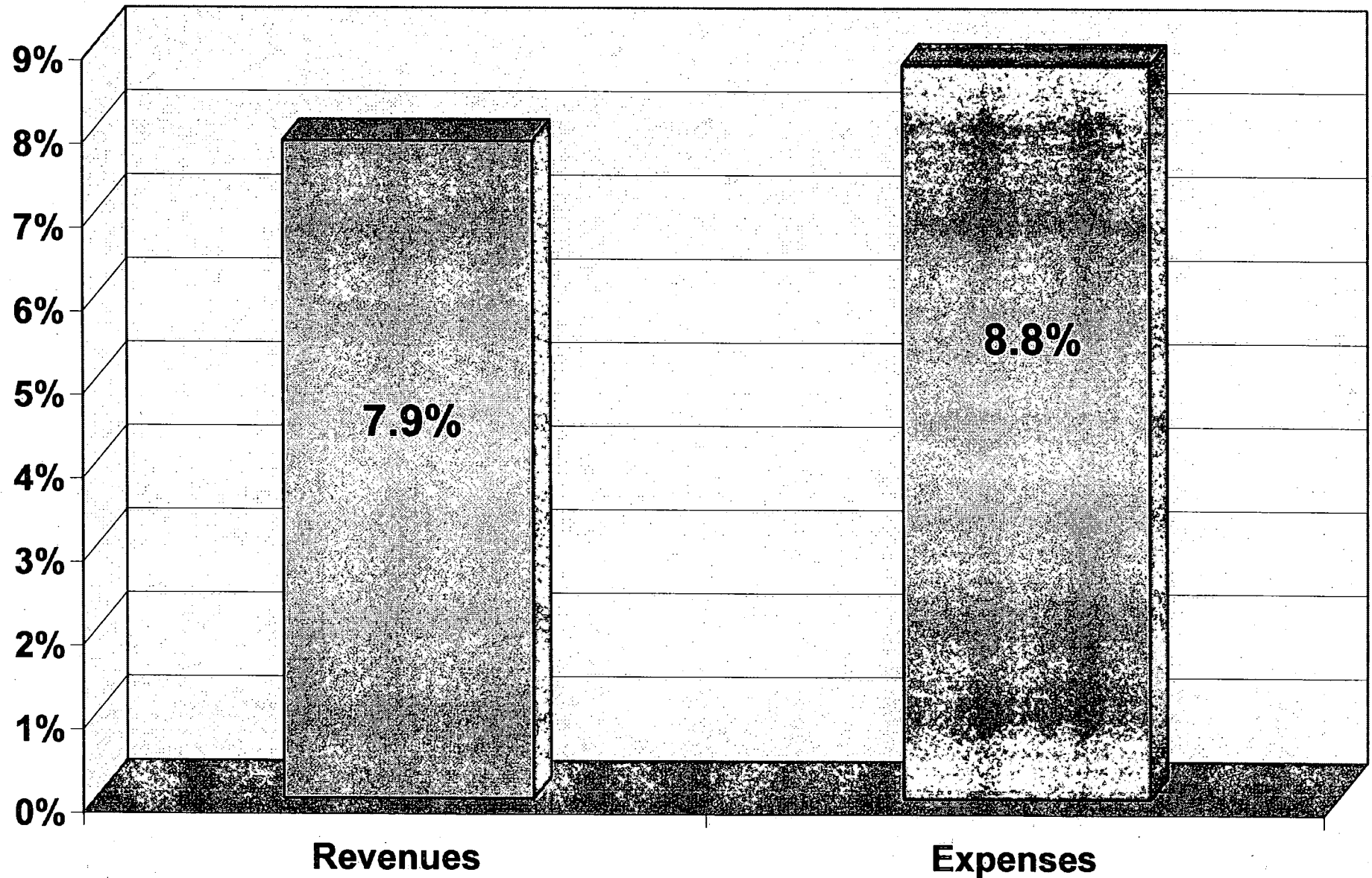
General Fund - Net Transfers



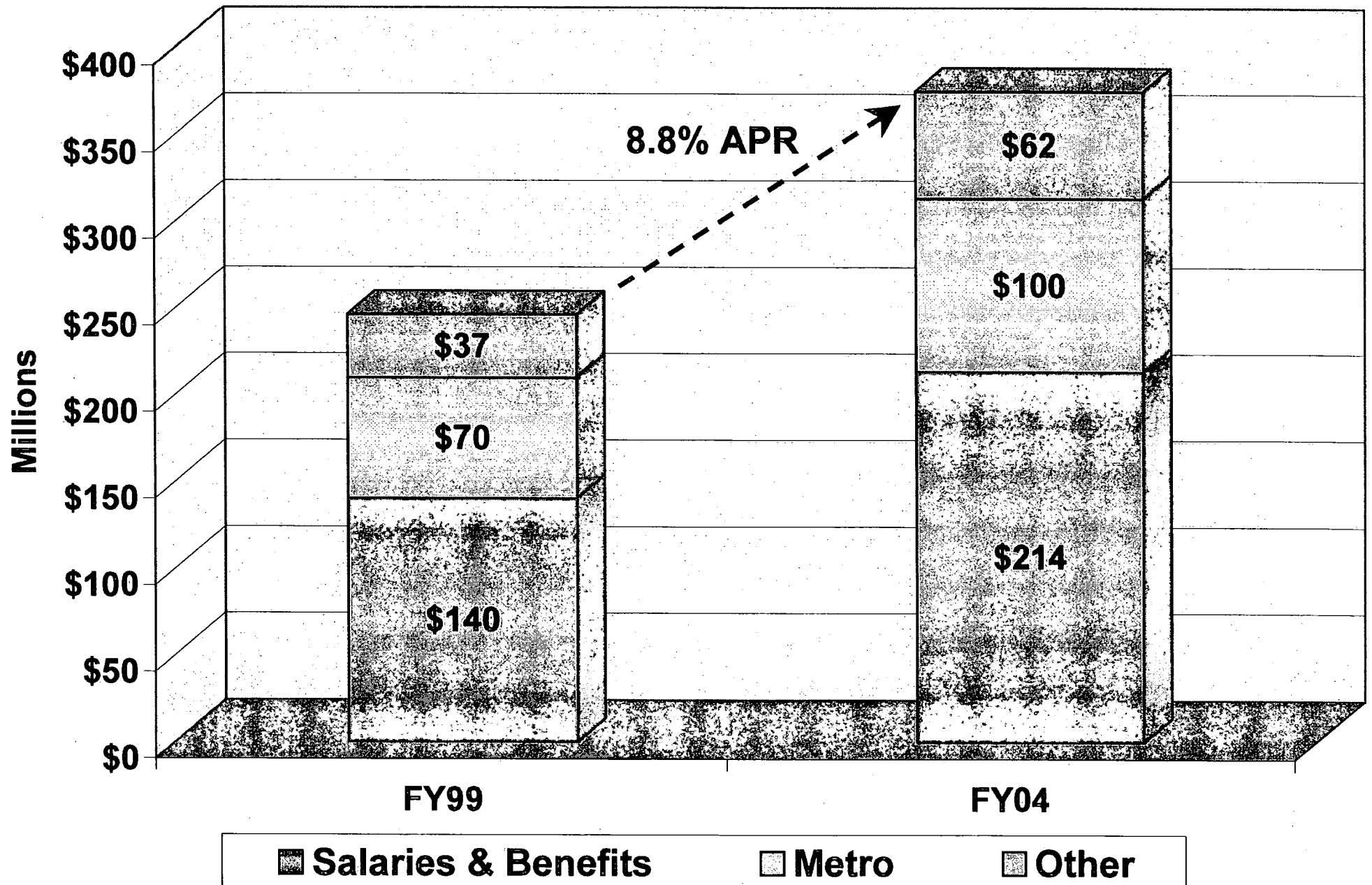
General Fund - Revenue vs. Expenses



General Fund Annual Percent Rate of Growth FY99 to FY04



General Fund Expenses



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name and Location for a Tavern License subject to the provisions of the fire codes, From: Thrower & Thrower, dba Thrower's Market, 1602 North H Street (Non-operational), Herman Thrower, Co-owner, Charlene Thrower, Co-owner, To: Hogs & Heifers of Las Vegas, Inc., dba Hogs & Heifers Saloon Las Vegas, 207 North Third Street, Michelle B. Dell, Dir, Pres, Secy, Treas, 100% - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Sonia Church Vermeys
3. Map

MOTION:

WEEKLY - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to issue the permanent license after completion of appropriate process or extend the temporary in the event the police report is not completed within the six-month temporary period - **UNANIMOUS** with GOODMAN excused and MACK abstaining because this request could have a financial impact on his brother-in-law ANDREW DONNER who is the managing partner for the property where Hogs & Heifers intends to operate under the license

MINUTES:

SONIA VERMEYS, Attorney with the Law Firm of Schreck Brignone, appeared representing the applicant and accompanied by MICHELLE DELL.

JIM DiFIORE, Manager, Business Services, was present.

MS. DELL indicated that Hogs & Heifers took a chance and opened in New York City 12 years ago in a troubled area. The area is now one of the hottest neighborhoods in New York City. She is looking forward to operating in Downtown Las Vegas, which has great energy, and become part of the growth. A great charity event is already being planned with local and San Diego Harley Davidson dealerships. All proceeds will benefit the San Diego Center for Children and the Nevada Cancer Foundation for Children. She hopes to be open for business in April 2005.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

COUNCILMAN WEEKLY wished MS. DELL great success and thanked her for all her energy. He also thanked MR. DiFIORE for all his assistance in this matter.

(10:15 - 10:21)

1-2596

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name and Location for a Tavern License subject to the provisions of the fire codes, To: Hogs & Heifers of Las Vegas, Inc., dba Hogs & Heifers Saloon Las Vegas, 207 North Third Street

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

- (A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:
 - (1) The applicant's fitness for a license; and
 - (2) The appropriateness of the applicant's business location.
- (B) A temporary license shall not be granted under this Section unless:
 - (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
 - (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
 - (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated September 15, 2004 from the applicant outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on December 21, 2004. Based on a review of a Good Conduct Certificate from the City of New York Police Department furnished to this Department, we have determined she is preliminarily suitable to hold a temporary Tavern license until the investigation is complete.

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

SCHRECK BRIGNONE

ATTORNEYS AT LAW

300 South Fourth Street

Suite 1200

Las Vegas, Nevada 89101

(702) 382-2101 • Fax (702) 382-8135

www.schrecklaw.com

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ELLEN SCHULHOFER
JAMES J. PISANELLI
TODD L. BICE
ELAYNA J. YOUGHAN
DAVID ARRAJ
SONIA CHURCH VERMEYS

JAMES D. GREENE
CRAIG S. DUNLAP
KATHRYN S. LEVER
ADAM P. SEGAL
ELIZABETH SAVAGE NELSON
MICHAEL A. KRISTOF
NIKKI L. WILMER
ANGELA TURRICIANO OTTO
LAWRENCE J. SEMENZA
MICHAEL V. INFUSO
DAVORIN J. ODRICIC
ANDREA K. BRYANT
KATE C. LOWENHAR
JENICA D. YURCIC
JESSICA C. ESPINOZA
DENNIS C. GUTWALD
NATHAN T.H. LLOYD

JAMES R. CHAMBERLAIN
(1992-2002)

November 18, 2004

VIA U.S. MAIL

Debbie Outland
Acting Sr. License Officer
City of Las Vegas Business License Department
400 Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101

Re: Hogs & Heifers

Dear Debbie:

Enclosed is the Good Conduct Certificate issued by the City of New York Police Department to Michelle Dell. I realize you are still waiting for the tavern license fee, but my client advises me that Ms. Boixo of the Mayor's Office has been in discussions with the City Manager and the Mayor regarding various alternatives. As the applicants would like to be on the second January City Council meeting, we understand we need to move quickly on this matter.

Thank you for your continued cooperation.

Sincerely,

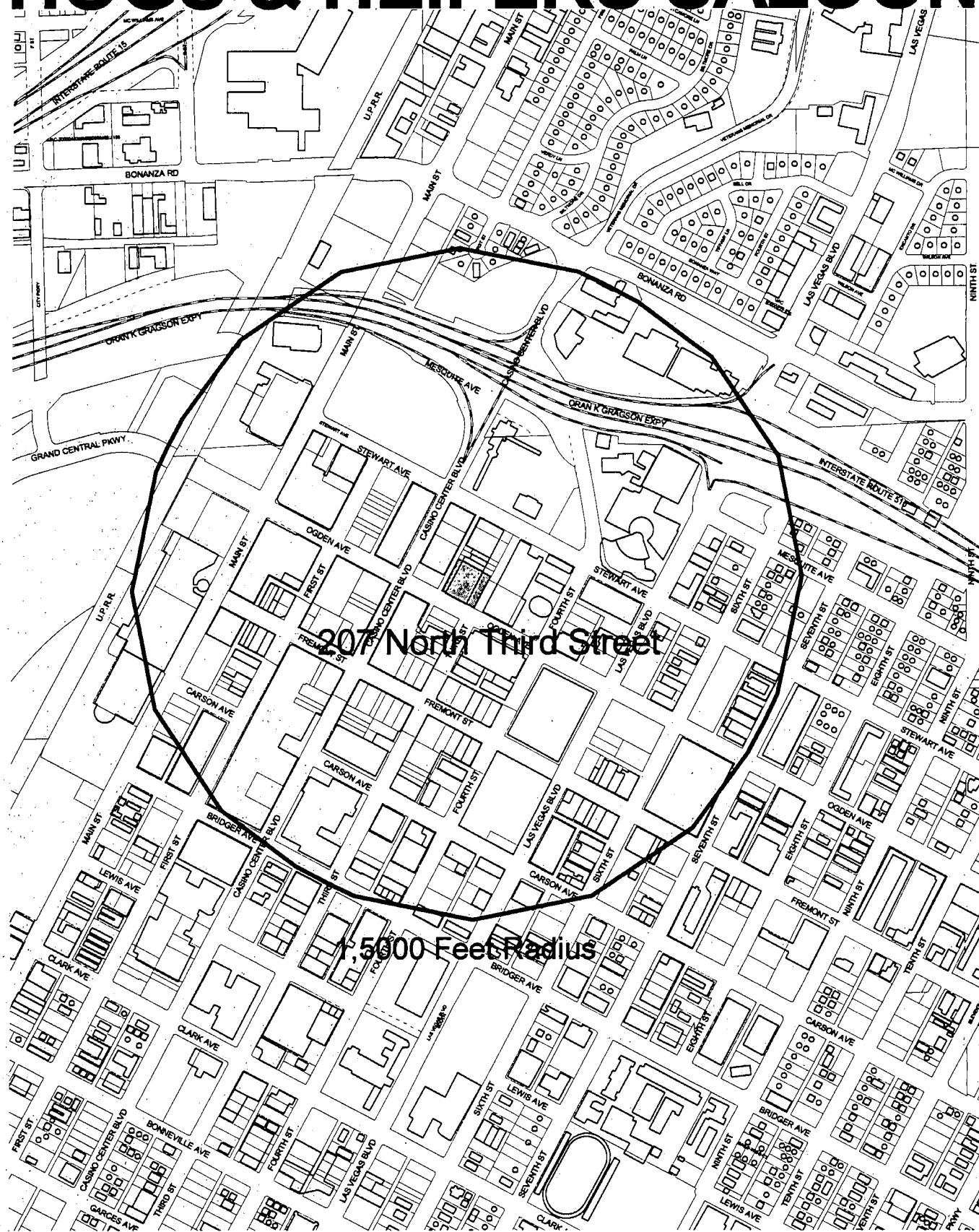


Sonia Church Vermeys
of SCHRECK BRIGNONE

SCV:mkr
Enclosures

cc: Michelle Dell

HOGS & HEIFERS SALOON



0 300 600 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of a new Massage Establishment License subject to the provisions of the planning and fire codes and Health Dept. regulations, G2E Health Systems, Inc., dba G2E Health Systems, Inc., 1181 South Buffalo Drive, Suite 140, Anthony K. Chadwell, Dir, Pres, Secy, Treas, 100% - Ward 1 (Moncrief)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a new Massage Establishment License.

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Anthony Chadwell
3. Map

MOTION:

MONCRIEF - ABEYANCE to 2/2/2005 - UNANIMOUS with GOODMAN excused

MINUTES:

The applicant was present.

JIM DiFIORE, Manager, Business Services, indicated that he received a call from EDWARD DICHTER, Planning and Development, to inform him that contact was made with MR. CHADWELL regarding the zoning for this location and that the this matter had not yet been resolved. Consequently, MR. DiFIORE requested this matter be held in abeyance for two weeks.

MR. CHADWELL indicated that he attempted to be diligent in making sure the zoning was taken care of prior to signing the lease. He contacted Planning and was told that there would not be a problem with this location because a chiropractor previously occupied the office and was leasing space to massage therapists, which is what he is seeking to do. He was told that everything was fine, because the use on this application is secondary to the primary use. After he signed the lease, issues came up during the licensing process. It has been a very frustrating process that is causing him financial concerns.

MR. DiFIORE explained for COUNCILWOMAN MONCRIEF that consideration of the temporary license is based upon resolution of zoning and fire conditions. He recommended this matter be held because there is still an issue with the zoning conditions.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

MR. CHADWELL reiterated his request for approval of the temporary license, as he is already working on a temporary basis, pending police reports.

MARGO WHEELER, Director, Planning and Development, indicated the issue is both with licensing and the land use. The land use must be approved before the license can be approved. In this case, the issue is with the multiple tenants.

MR. DiFIORE felt certain that this matter could be resolved by the next Council meeting.

COUNCILWOMAN MONCRIEF requested MR. CHADWELL contact her office.

(10:21 - 10:26)

1-2899

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a new Massage Establishment License subject to the provisions of the planning and fire codes and Health Dept. regulations, G2E Health Systems, Inc., dba G2E Health Systems, Inc., 1181 South Buffalo Drive, Suite 140

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

- (A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:
 - (1) The applicant's fitness for a license; and
 - (2) The appropriateness of the applicant's business location.
- (B) A temporary license shall not be granted under this Section unless:
 - (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
 - (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
 - (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated December 28, 2004 from Anthony Chadwell outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on December 30, 2004. Based on our review of the applicant's Scope printout and the fact that Mr. Chadwell was previously investigated and approved for a massage establishment license for Center for Holistic Rehabilitation, we have determined the applicant is preliminarily suitable to hold a temporary massage establishment license until the investigation is complete.

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

ANTHONY CHADWELL

1181 South Buffalo Suite 140
Las Vegas, NV 89117
Phone 702.869.9222
Fax 702.869.9276
cranialguy@aol.com

December 28, 2004

I am requesting a Temporary Massage Establishment License at the above location. I have held a license, exclusively in my name, without incidence since 1998. Only due to a mis-communication did I allow my prior license to lapse after my divorce while I was waiting to open up at this location.

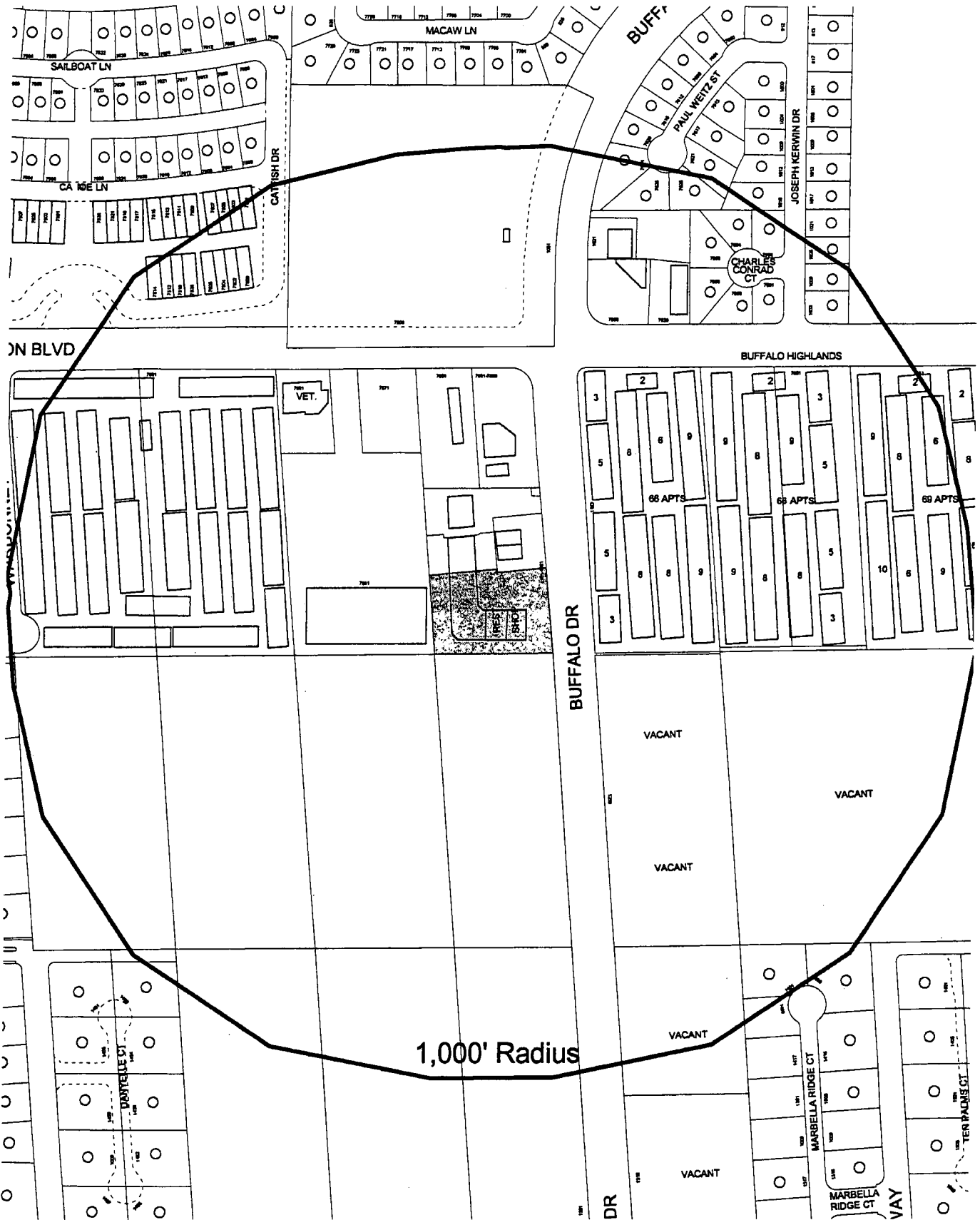
If you have any questions please call me directly at 355-5794

Sincerely,



Anthony Chadwell

G2E HEALTH SYSTEMS, INC.



0 200 400 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding a new Psychic Art & Science License subject to the provisions of the fire codes, Louise Andrea Dube, dba Andrea's Crystal Ball, 618 Carson Avenue, Louise A. Dube, 100% - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a new Psychic Art & Science License.

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting.

BACKUP DOCUMENTATION:

Map

MOTION:

BROWN - Motion to bring forward and STRIKE Items 32, 44, and 50 - UNANIMOUS with GOODMAN excused

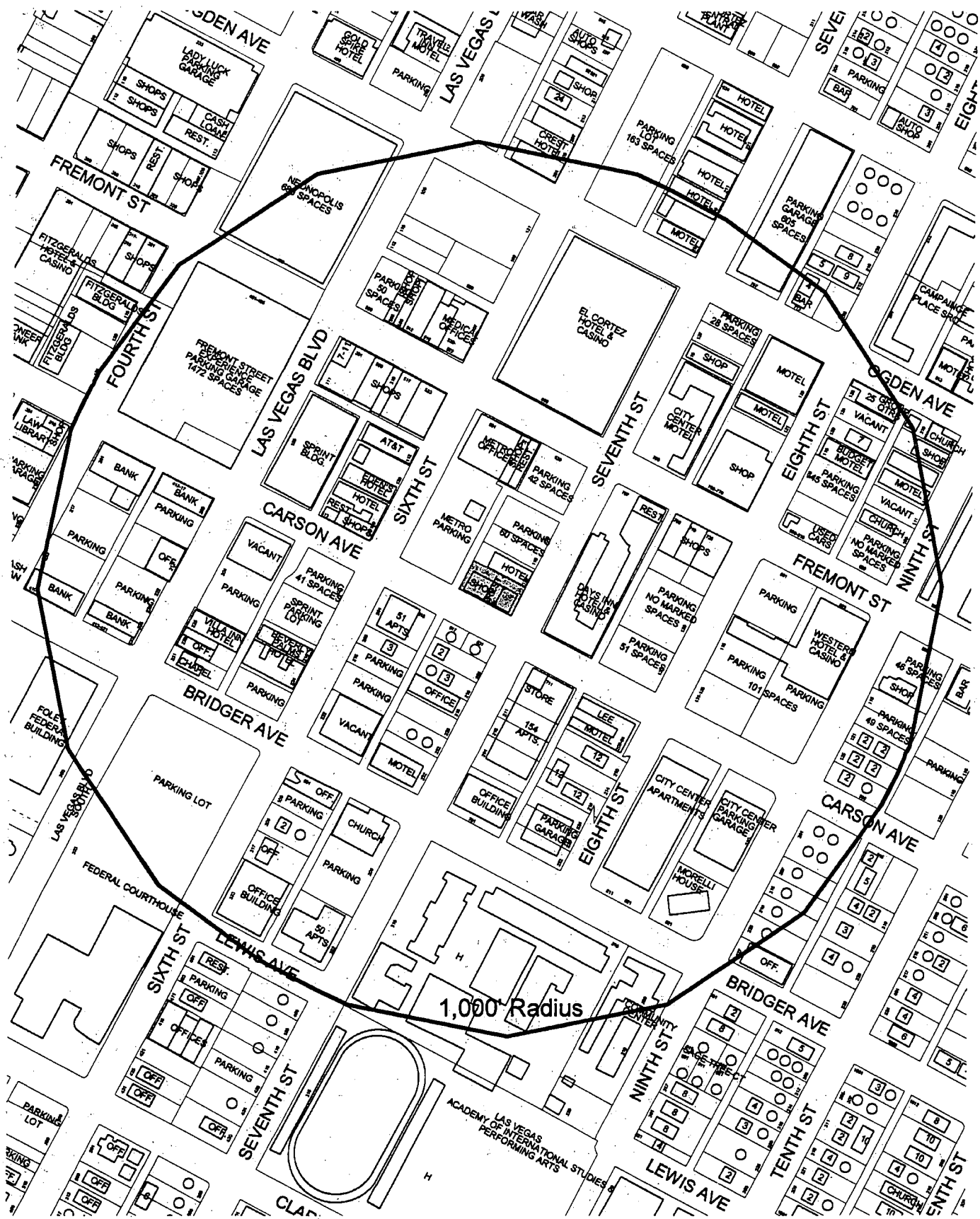
MINUTES:

There was no discussion.

(9:30 - 9:32)

1-809

ANDREA'S CRYSTAL BALL



0 200 400 Feet

50



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding a new Rock Concert Promoter License, William Arvizu, Jr., dba Genxevents, 7251 West Lake Mead Boulevard, Suite 300, William Arvizu, Jr., 100% - Ward 4 (Brown)

Fiscal Impact:

☒ No Impact

Amount:

☐ Budget Funds Available

Dept./Division:

☐ Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding a new Rock Concert Promoter License.

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting.

BACKUP DOCUMENTATION:

Map

MOTION:

BROWN - STRICKEN - UNANIMOUS with GOODMAN excused and MACK and MONCRIEF not voting

MINUTES:

The applicant was not present.

JIM DiFIORE, Manager, Business Services, indicated that during the investigation there were numerous attempts to contact the applicant for interviews; however, the Las Vegas Metropolitan Police Department (Metro), reported that the applicant did not appear for any of the interviews. The applicant was given ample notification about this meeting. MR. DiFIORE suggested the Council strike this matter.

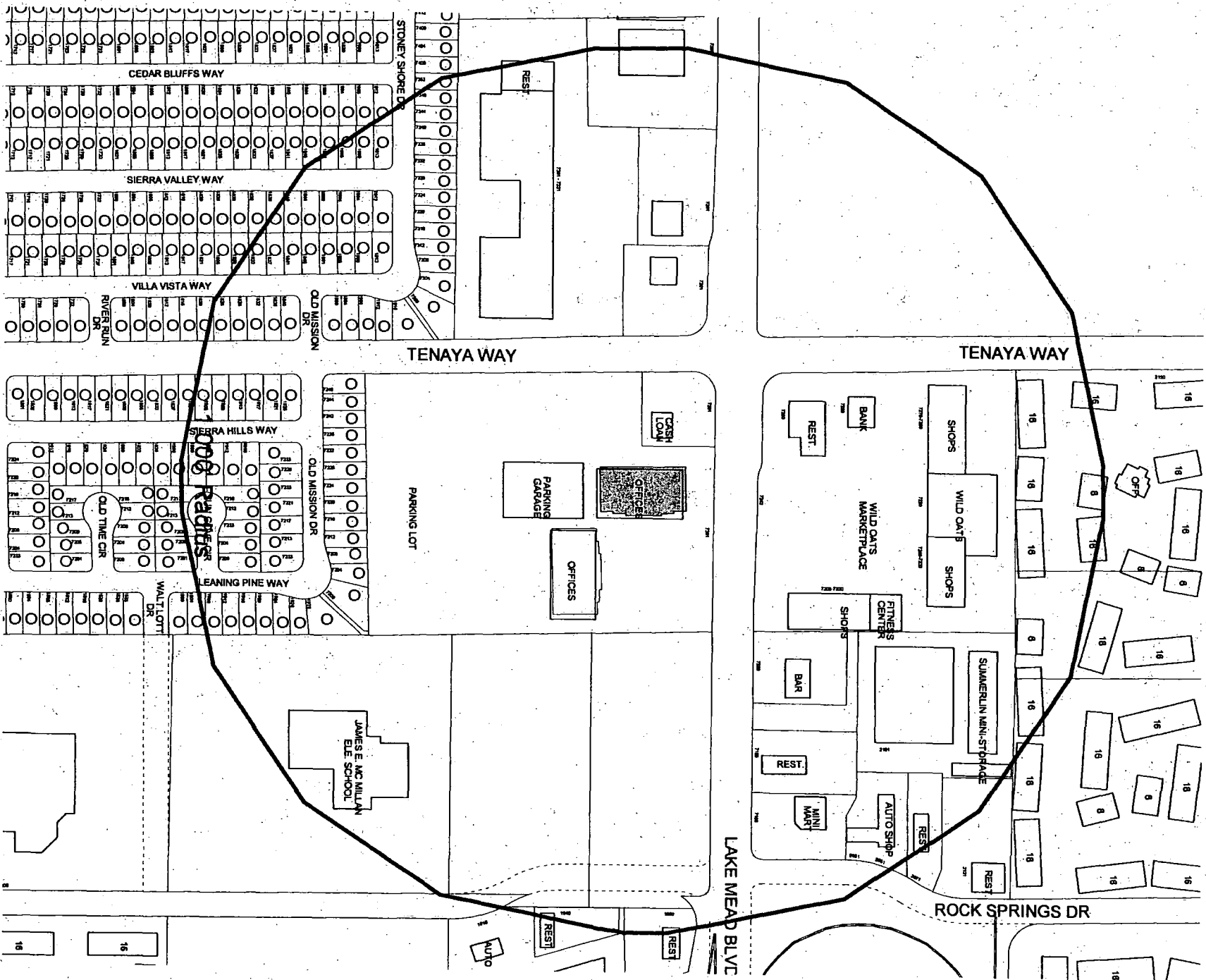
COUNCILMAN BROWN asked MR. DiFIORE if there is a current business license for this location. MR. DiFIORE was not sure.

NOTE: COUNCILMAN BROWN directed MR. DiFIORE to follow up and investigate whether there is a current license for this location.

(10:26 - 10:28)

1-3168

GENXEVENTS



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding a Six-Month Review of a Massage Establishment License, Nevcorp Consultants, Inc., dba MANYI, 3900 North Rancho Drive, Suite 107, Thomas E. Wilson, Pres, Secy, Treas, 100% - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six-Month Review of a Massage Establishment License.

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting.

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

MACK - APPROVED the temporary license subject to a six-month (7/20/2005) review - UNANIMOUS with GOODMAN excused

MINUTES:

The applicant was present.

JIM DiFIORE, Manager, Business Services, deferred this matter to STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), who reported that the applicant was given a temporary license with a six-month review to allow Metro to monitor the business. Since that time there have been no documented violations or contact with law enforcement that could be characterized as negative or derogatory.

MR. DiFIORE indicated that the original report included concerns about MR. WILSON'S ownership and operation of another massage establishment on West Cheyenne Avenue. In July and October of 2003 an arrest was made for solicitation of prostitution. The arrest in July is still pending, and the other was dismissed and the records sealed. With this being a new business, he is concerned about the propensity for similar types of arrests. MR. WILSON countered that both of the individuals that were arrested no longer work for him. Since there have been no instances of concern, he requested a permanent license.

DETECTIVE RODD requested another extension in order to give Metro the opportunity to continue to monitor the establishment and ascertain proper operation. MR. WILSON did not see the point of another six-month review, because he met the requirements of the initial six-month review and given that a permanent license is also regulated by renewal and fees. He felt he has demonstrated that he is entitled to a permanent license.

(10:28 - 10:33)

1-3265

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Six-Month Review of a Massage Establishment License, Nevcorp Consultants, Inc., dba MANYI, 3900 North Rancho Drive, Suite 107

On July 21, 2004 the City Council granted temporary approval of this license subject to a six-month review due to an area of concern in the police report and conditioned the license requiring the applicant to report any arrests or citations on the premises in writing to the Department within 48 hours of occurrence and limit the hours of operation of the business from 8 a.m. to 9 p.m. with no massage being performed after 9 p.m. and the door must be locked. In addition, the director was given the authority to suspend or revoke the license during this temporary period for any violation of these conditions.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Report regarding changes to the Public and City Council notification process on proposed projects - All Wards

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Provide the City Council with an update on the changes made to the notification process regarding notification of registered neighborhood associations increasing the distance of the notification area.

RECOMMENDATION:

Report only, no action required

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted after meeting: hardcopy of PowerPoint presentation

MOTION:

None required. A report was given.

MINUTES:

MARGO WHEELER, Director, Planning and Development, mentioned that the Mayor requested this report. Notification is initially dealt with under Nevada Revised Statutes, which call for certain distance notifications on public hearing projects. She gave a PowerPoint presentation, which is made a part of these minutes, and outlined the increases in the distance of the notification area. A 500-foot radius is required for special use permits and variances, a 750 radius for rezoning, general plan amendments, and projects of regional significance, and a 1,500-foot radius for alcohol related projects.

Moreover, changes were made to the notification of registered neighborhood associations. The president of record will be notified a month prior to Planning Commission, which is well before the ten days required under State law. Up until November of 2004, notification was by ward, but the new notification requirements will notify by radius, thus notifying neighborhood associations that are closer to the properties no matter the ward.

In addition to the changes in notification, the Hansen record-keeping system will be better utilized with the intent of increasing communication with the public and the Council. The public will be able to look up the status of projects and any comments made at the public hearing for that particular project.

Lastly, MS. WHEELER mentioned that the City has special notification requirements for areas, such as Timber Lake, at the Councilperson's request. Some changes are already in effect and others are forthcoming.

MAYOR PRO TEM REESE asked if the City can ask the applicant to pay for or help pay for a greater

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

distance notification before City Council consideration on matters that turn out to be controversial after Planning Commission consideration. MS. WHEELER answered that staff can request the applicant make that mailing. If the Planning Commission or the Council requests an extra mailing, the applicant can pay for the notification and increase the notification distance.

COUNCILMAN MACK commented that these changes will give the affected residents, whether in the City or the County, the opportunity to be a part of the process. He expressed his appreciation to staff. Of course, the radii can be expanded in the future if necessary.

COUNCILMAN WOLFSON confirmed with MS. WHEELER that applicants could expand the notice radius on their own and pay for the increased cost. He then commented that since he was elected the common issue he has identified with some of these projects is traffic. Certainly the people in the immediate area should be notified, but sometimes there are a large number of people that live outside the area who are also directly impacted because they have to be in the area several times a day.

NOTE: COUNCILMAN WOLFSON directed that consideration be given to expanding the notification radius for certain major projects. MS. WHEELER pointed out that the City's requirement is to hold neighborhood meetings. If at a neighborhood meeting it becomes obvious that a certain neighborhood or an entire neighborhood should be notified, City staff will require the applicant to do expanded notification.

(10:33 - 10:44)

1-3560/2-1

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

ITEM DESCRIPTION: PUBLIC AND CITY COUNCIL NOTIFICATION CHANGES

In order to ensure City Council notification on proposed projects, the following changes have been instituted and will be maintained.

Effective November 2004 the notification to registered Neighborhood Associations is being handled by Planning & Development. In a change from Neighborhood Services Department policy, all registered associations within 1 mile of a subject site are now being notified rather than only those associations within that particular ward. In this way associations such as McNeil & Rancho Circle would have been notified on the MLK/Alta project, whereas only Ward 5 associations did receive notification. These notices will be sent approximately 30 days before Planning Commission hearings. The staff report format has been modified and the number of associations notified will be reflected in the report. The specific list of property owners and associations notified will be in the file and available at hearings.

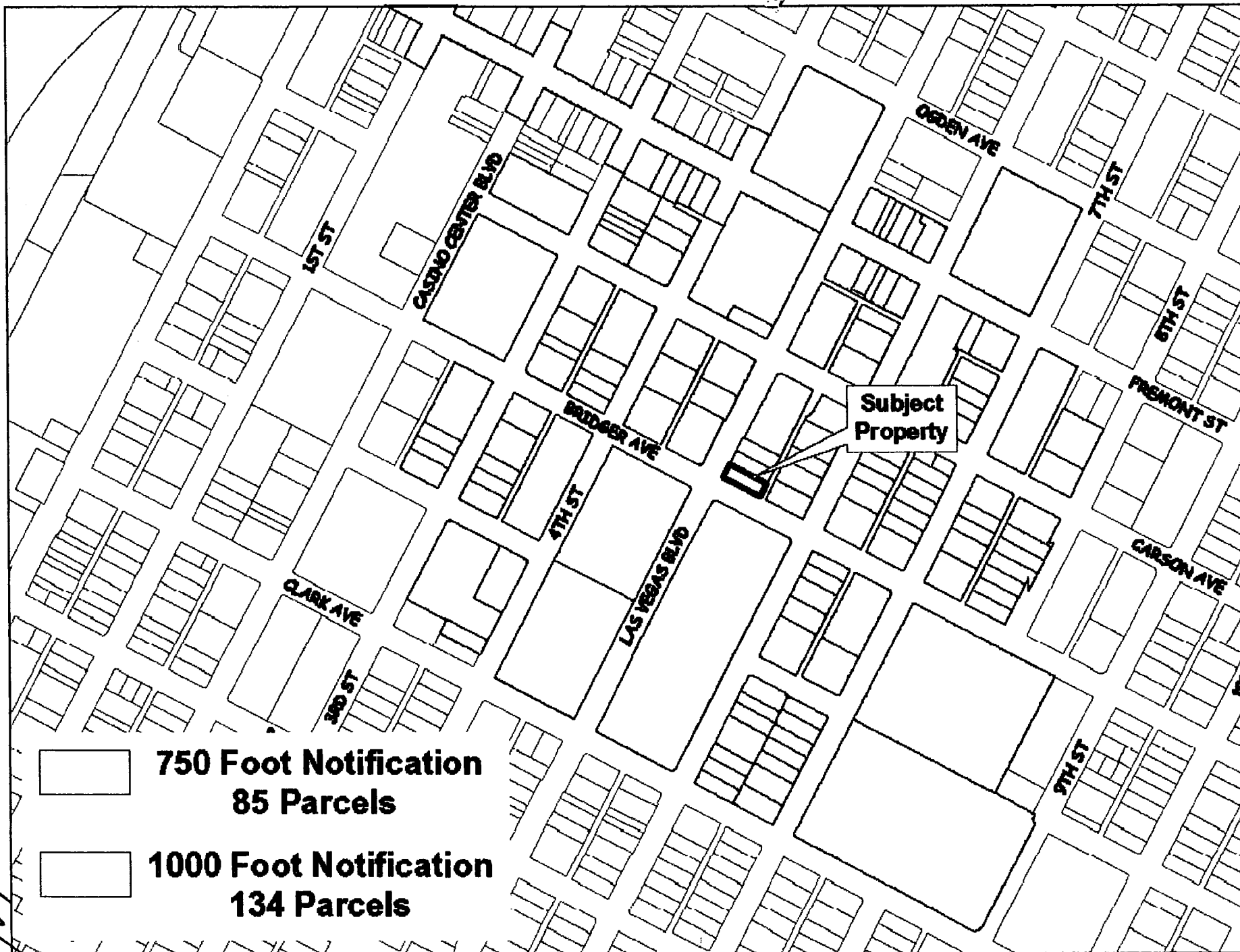
Also effective December 2004 the descriptions of all Planning Commission hearing items within each ward will be sent to ward liaisons immediately following determination by staff of potential recommendation. This will make all cases known to the City Council office approximately one month prior to Planning Commission hearings, therefore approximately 2 months prior to City Council. This takes the place of the current courtesy notification sent via email regarding potentially controversial items. This ward breakdown will then be discussed at the Planning & Development Department biweekly briefings, if desired by the City Council Members.

Planning and Development Department staff is working with IT to get Hansen access to City Council liaisons so that they have all information on applicants if they wish to contact them early in the process. Planning and Development staff will provide training.

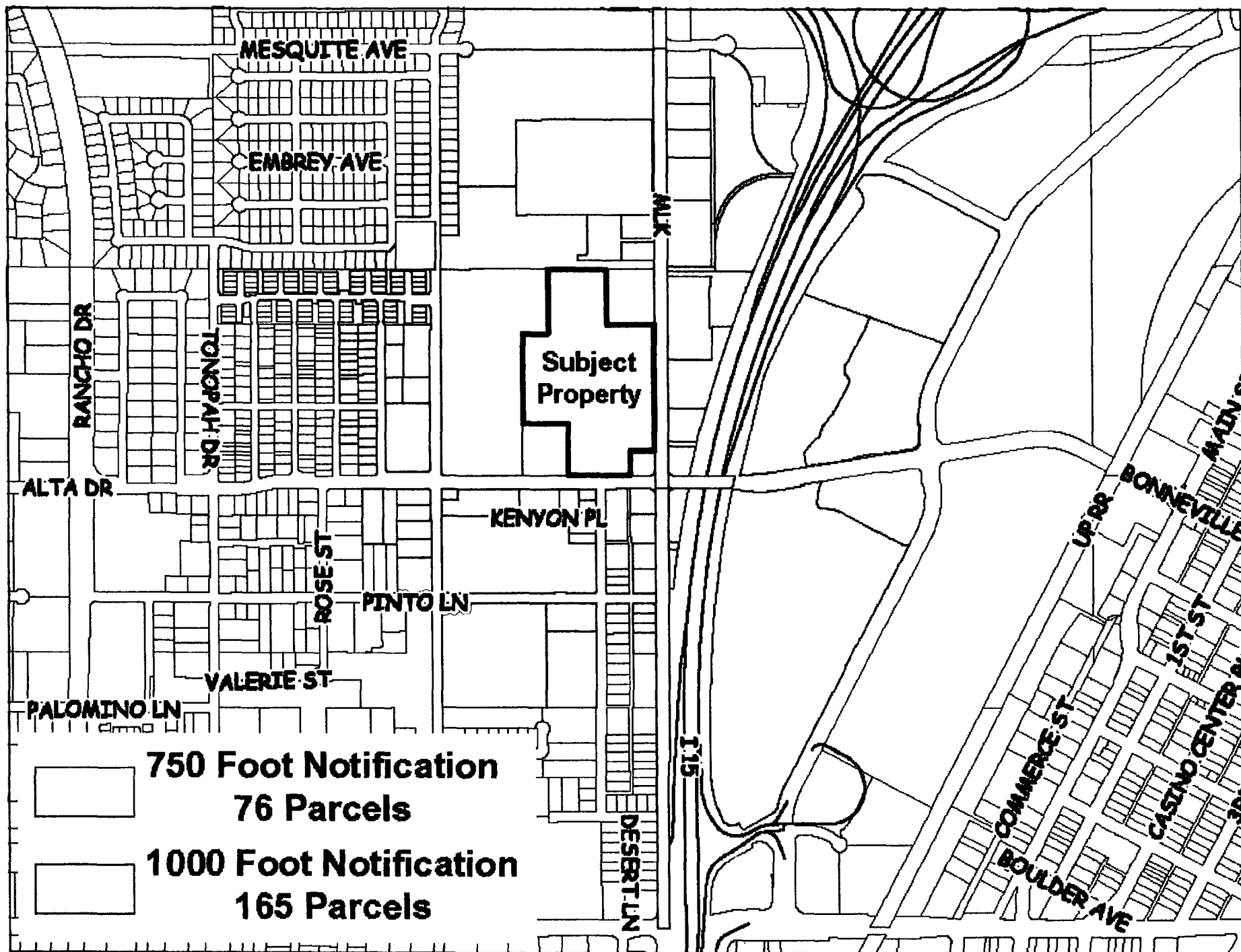
Effective with the February 2005 meetings, the standard notifications will be mailed to all property owners of record within 1000 feet, increasing the distance from the current 750 feet [NRS 278.260.4(b)] as mandated by state statute.

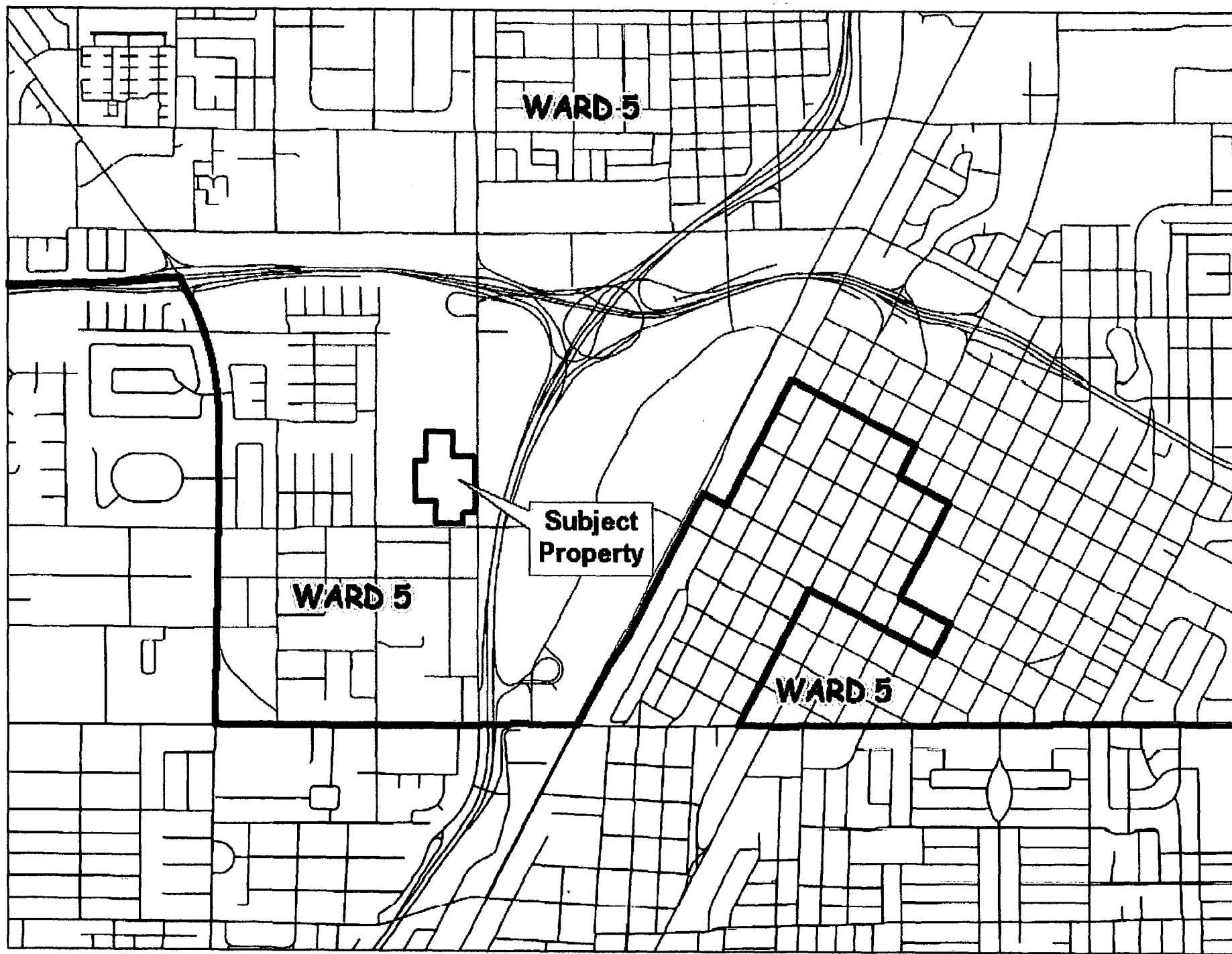
Lastly, the Statement of Financial Interest (SOFI) form has been changed so that a separate form must be signed and notarized by the current property owner of County record. In this way there will be certainty that the owner has authorized the application and there is no confusion where the applicant purports to be the owner when this is not the case.

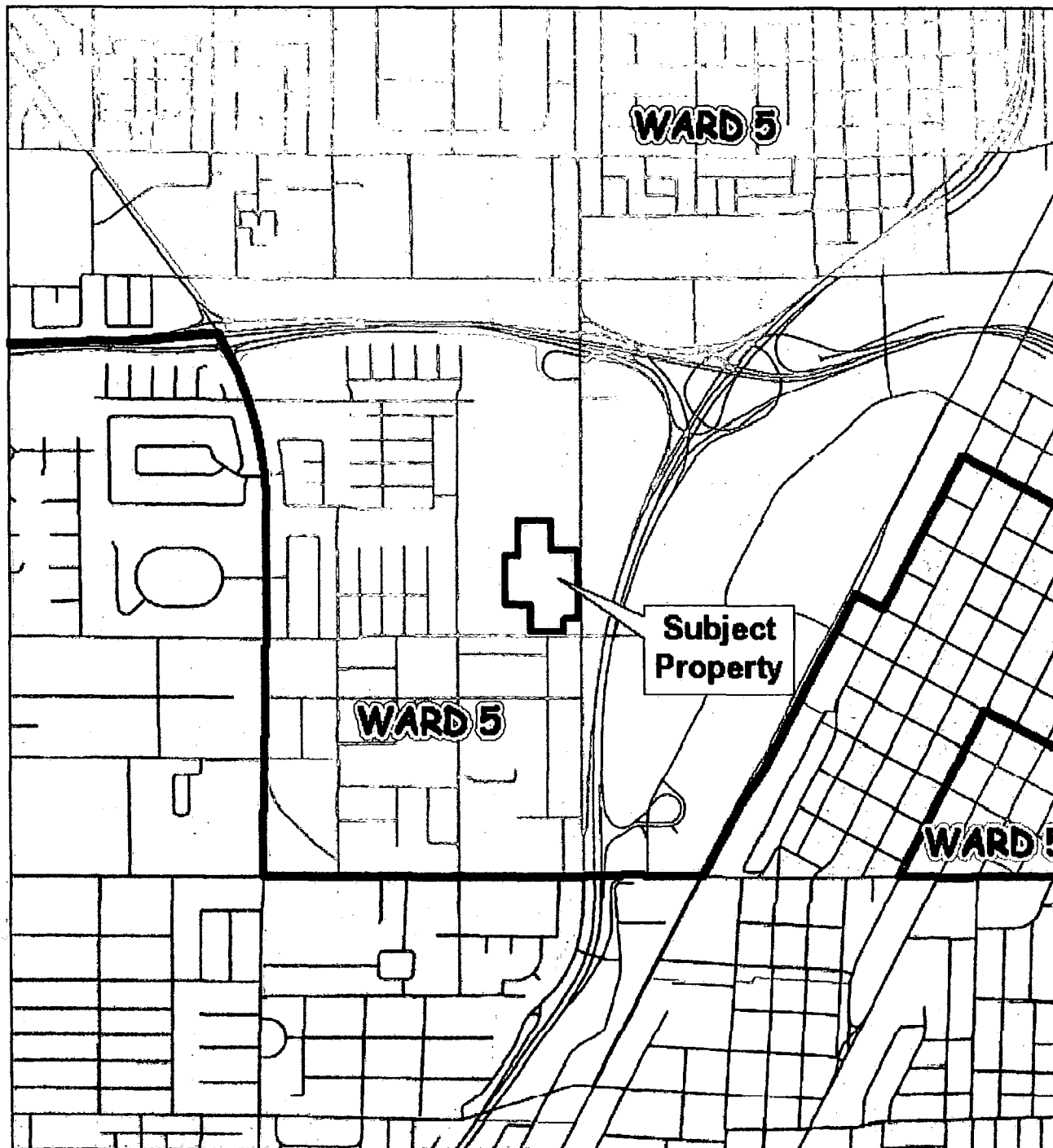
It is hoped that the changes in notification continue to maintain and improve communication between staff, elected officials, developers and the public.



11/19/05
CC Mfg.
#330







HOA's notified within same
Council Ward as Subject Property

"36 Total"

NAME

Rancho Manor NA

City Center NA

Rancho Oakley NA

Neighbors For Positive Change NA

G-704 NA

Cultural Corridor Coalition

Rancho South NA

South Cove NA

Bonanza Village NA

Harry Levy Gardens Resident Council

WLV-NAA3

WLV-NAA2

WLV-NAA4

WLV-NAA8

WLV-NAA1

Downtown Central Development Committee (DCDC)

WLV-NAA7

Twin Lakes Village NA

WLV-NAA6

Sterling Springs HOA

West Las Vegas Neighborhood Executive Board

Eastland Heights 1, 2, 3, & 4 NA

Brecken NA

Archie C. Grant NA

Twin Lakes Country Club NA

Biltmore West NA

Charleston Estates NA

Greens HOA

Biltmore Bungalows NA

Arbor Hill Neighborhood Group

Framont Street Experience

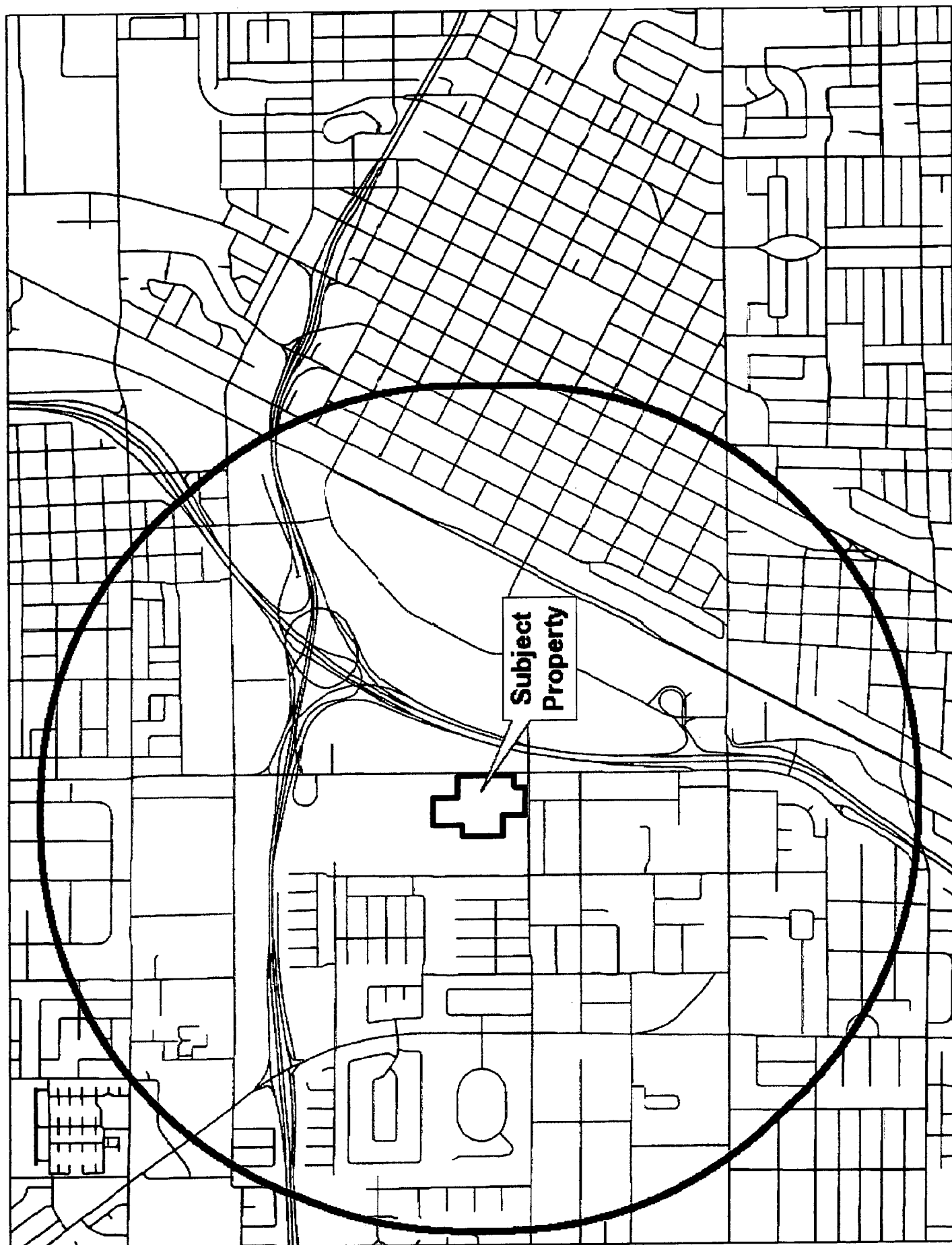
East Las Vegas Community Development Corp.

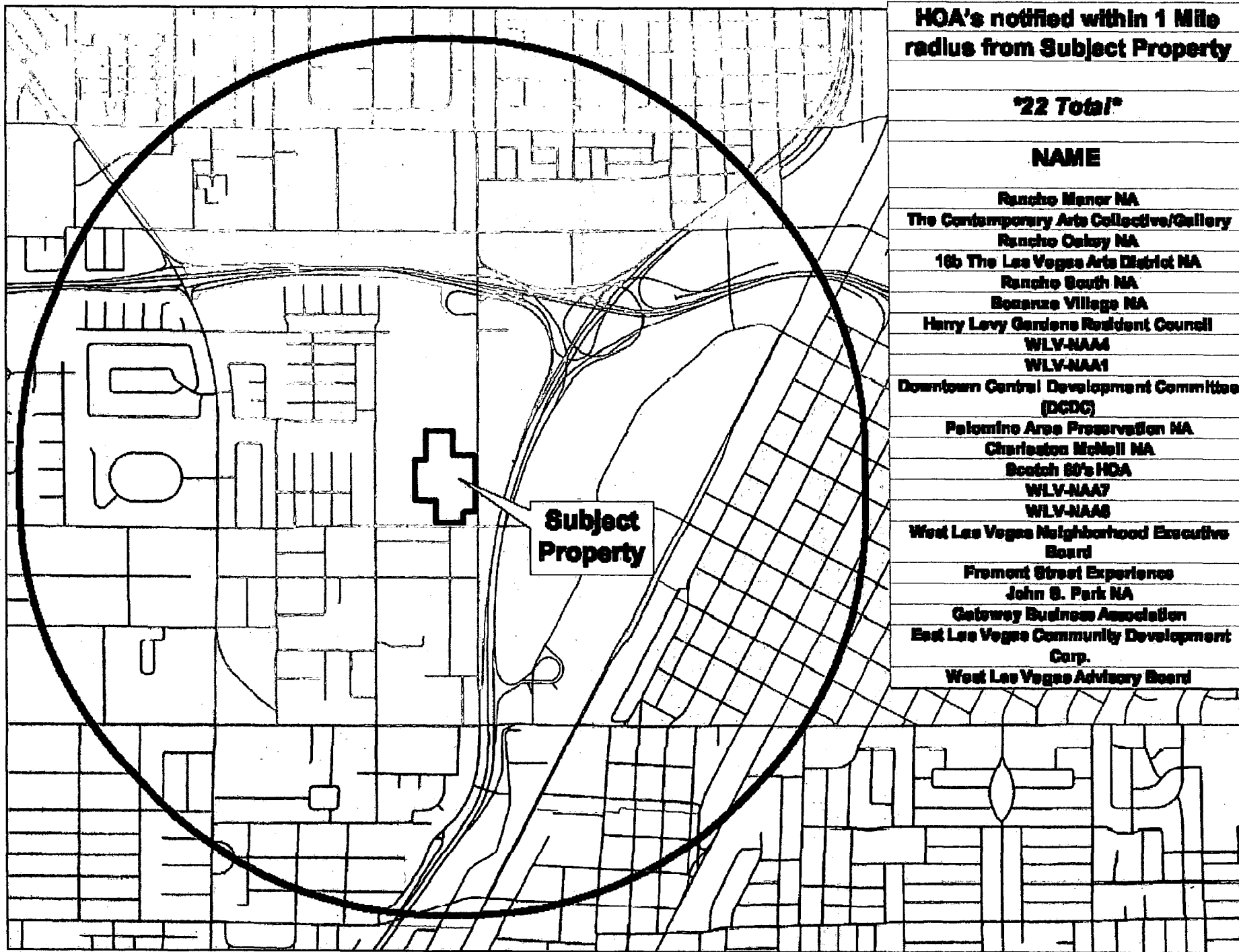
Berkley Square NA

Aide Brents Resident Council

West Las Vegas Advisory Board

Stewart Pines Resident Council





**HOA's notified within 1 Mile
radius from Subject Property**

22 Total

NAME

Rancho Manor NA
 The Contemporary Arts Collective/Gallery
 Rancho Oakey NA
 18b The Las Vegas Arts District NA
 Rancho South NA
 Bonanza Village NA
 Harry Levy Gardens Resident Council
 WLV-NAA4
 WLV-NAA1
 Downtown Central Development Committee
 (DCDC)
 Palomino Area Preservation NA
 Charleston McNeil NA
 Scotch 80's HOA
 WLV-NAA7
 WLV-NAA8
 West Las Vegas Neighborhood Executive
 Board
 Fremont Street Experience
 John S. Park NA
 Gateway Business Association
 East Las Vegas Community Development
 Corp.
 West Las Vegas Advisory Board

Project Application Database



Project #

A/P Type

Type of Work

Dept of Commerce

Project/Phase Name

All

Project Application Database



Project #

Project #

Application Associated Log/Status Menu

Project # 5556 Type SDR SITE DEVELOPMENT PLAN REVIEW

Project #	Project Name
5571	PLUMBERS & PIPEFITTERS UNIT
5568	TIFFANY PLACE APARTMENTS
5565	VILLAS AT CLIFF SHADOWS II
5562	PEP BOYS (CAR WASH ADDITION)
5556	RED ROCK PLAZA
5553	A&A PAVING AUTO DETAILING
5546	VENTURA OFFICE BUILDING SHED
5545	DUC MEDICAL OFFICE BUILDING
5542	RAINBOW EXPO T-MOBILE KIOSK
5539	
5519	WILLOWS AT LONE MOUNTAIN
5518	WILLOWS AT LONE MOUNTAIN
5517	WILLOWS AT TOWN CENTER
5503	CAR WASH/DELIVERY/COFFEE SHOP
5493	388 UN APT TO CONDO CONVERSION
5490	21 SFD SUB - JENSEN / FARM
5486	OFFICE CONVERSION 228 S JON
5482	SMOKE RANCH & BUFFALO OFF
5481	H.E.L.P. @ OWENS
5478	OFF-SITE PARKING
5461	1.5 MILL SQ FT MALL @ BOCA PA
5456	117 UNIT EXTENDED STAY AME
5452	408 UNIT CONDO CONVERSION
5395	CANDLELIGHT WEDDING CHAPEL
5393	LONGFORD SHOPPES AT SUMMIT
5387	EVE MAZZARELLA
5382	GRAND CANYON VILLAGE CONDOS
5370	CHEYENNE RANCHO PROFESSIONAL
5369	ROADWAY INN
5317	TOWN CENTER L-TC 55 N. 4
5314	ST. CROIX CONDOS
5212	THE LANDING AT RANCHO AIR FORCE

Stages	Date	Time	By	Date	Time	By
Processed	11/02/2004	10:46	982692	Temp CDD		
Approved				CDD Issued		
Final				Expires		

Associated Information			Valuation	
Type of Work	# Plans	# Pages	Declared	0.00
Dept of Commerce	Bill Group		Calculated	0.00
Priority	☒ Auto Plan Reviews		Actual	0.00

Description of Project

SDR-5556 RELATED TO VAR-5557 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: ROGER ANDERSON - OWNER: SYUFY ENTERPRISES, A CALIFORNIA LIMITED PARTNERSHIP - Request for a Site Development Plan Review FOR A PROPOSED 42,160 SQUARE-FOOT RETAIL CENTER, WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS FOR A 15-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED, AND FOR A WAIVER OF THE REQUIRED FOUNDATION LANDSCAPING AND SCREEN WALL REQUIREMENTS on 3.8 acres south of Charleston Boulevard, approximately 500 feet east of Wilshire Street (APN 163-01-502-005, 006, 007, and 008), C-1 (Limited Commercial) Zone, Ward 1 (Nonchief).

General Project/Planning Model

Application Site/Property Applications Status Fees Activities Supplementary Details SITE PLAN REVIEW

Status Application Routing/Reviews

Last Activity: 12/08/2004 09:35

Project #	Type	Date	Time	By	Status
5387	SDR	10/05/2004	11/15/2004	12/20/2004	12/20/2004
5382	SDR	10/05/2004	11/15/2004	12/20/2004	12/20/2004
5370	SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004
5369	SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004
5317	SDR	09/21/2004	12/06/2004	12/06/2004	12/06/2004
5314	SDR	09/21/2004	11/08/2004		
5212	SDR	09/23/2004	12/08/2004	12/10/2004	

Figure 1 The proposed system architecture

圖 示 變 形 圖 樣

Project #	5556	Type	SDR	SITE DEVELOPMENT PLAN REVIEW

Primary	Capacity	Ether	Contact ID	Name	Organization
Y	OTHER	REP	AC852574	LABAR ARCHITECTURE, INC.	
N	APPL		AC852575	ROGER ANDERSON,	
N	OWNER		AC41703	SYUFY ENTERPRISES, A CALIF	

	Insert
	Modify
	Remove
File Owners	

Applicants/Contacts	Contractors/Companies

Application	Site/Property	Applicants	Status	Fees	Activities	Supplementary	Details	SITE PLAN REVIEW

Status: Application Routing/Reviews

Last Activity: 12/08/2004 09:38

SDR	10/05/2004	11/15/2004			Open		
SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004	Closed		
SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004	Closed		
SDR	09/21/2004	12/06/2004	12/06/2004	12/06/2004	Closed		
SDR	09/21/2004	11/08/2004			Open		
SDR	09/21/2004	12/10/2004	12/10/2004		Closed		

Project Application Lookup

Project #
 A/P Type
 Type of Work
 Dept of Commerce
 Project/Phase Name
 All ☒

Project/Planning Application

Project # Type SITE DEVELOPMENT PLAN REVIEW

☒ DINA Required? Final City Council letter received
☒ Project of Regional Significance? Annotated minutes received
☒ Parent Project link required?
☒ Will this go to the City Council?
 Hearing Type: Public, Non-Public, Admin?

Meeting Information

Meeting Date	Meeting Type	Meeting Status	Comments
01/13/2005	PC	SCHEDULED	
12/16/2004	PC	ABEYANCE	In an effort to allow the applicant an opportunity to meet with City staff non-conforming tavern on the site and its relationship to the overall project.
12/16/2004	PC	SCHEDULED	

Insert

Remove

Modify

Project #	Project Name
5571	PLUMBERS & PIPEFITTERS UNI
5568	TIFFANY PLACE APARTMENTS
5565	VILLAS AT CLIFF SHADOWS II
5562	PEP BOYS CAR WASH ADDITIO
5556	RED ROCK PLAZA
5553	A&A PAVING AUTO DETAILING
5546	VENTURA OFFICE BUILDING SH
5545	DUC MEDICAL OFFICE BUILDING
5542	RAINBOW EXPY T-MOBILE KIOS
5539	
5519	WILLOWS AT LONE MOUNTAIN
5518	WILLOWS AT LONE MOUNTAIN
5517	WILLOWS AT TOWN CENTER
5503	CAR WASH/DELI/COFFEE SHOP
5493	388 UN APT TO CONDO CONVE
5490	21 SFD SUB JENSEN / FARM
5486	OFFICE CONVERSION 228 S JON
5482	SMOKE RANCH & BUFFALO OFF
5481	H.E.L.P. @ OWENS
5478	OFF-SITE PARKING
5461	1.5 MILL SQ FT MALL @BOCA P
5456	117 UNIT EXTENDED STAY AME
5452	408 UNIT CONDO CONVERSION
5395	CANDLELIGHT WEDDING CHAP
5393	LONGFORD SHOPPES AT SUMM
5387	EVE MAZZARELLA
5382	GRAND CANYON VILLAGE CONDOS
5370	CHEYENNE RANCHO PROFESSIONA
5369	ROADWAY INN
5317	TOWN CENTER L.T.C. 55 N.O.4
5314	ST. CROIX CONDOS
5212	THE LANDING AT RANCHO AIR C

Application Site/Property Applicants Status Fees Activities Supplementary Details SITE PLAN REVIEW

Status: Application Routing/Reviews

Last Activity: 12/08/2004 09:36

Project #	Project Name	Status	Applicant	Activity	Supplementary	Details	Open	Closed
5382	GRAND CANYON VILLAGE CONDOS	SDR	10/05/2004	11/15/2004	12/20/2004	12/20/2004	Open	
5370	CHEYENNE RANCHO PROFESSIONA	SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004	Closed	
5369	ROADWAY INN	SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004	Closed	
5317	TOWN CENTER L.T.C. 55 N.O.4	SDR	09/21/2004	12/06/2004	12/06/2004	12/06/2004	Closed	
5314	ST. CROIX CONDOS	SDR	09/21/2004	11/08/2004			Open	
5212	THE LANDING AT RANCHO AIR C	SDR	09/01/2004	12/08/2004	12/10/2004		Closed	

UNITED STATES DEPARTMENT OF JUSTICE

Project #100000000 Applied Math

Application	Associated	Log/Asset	Mea

Project #	5556	Type	SDR	SITE DEVELOPMENT PLAN REVIEW

5210	THE LANDING AT DANCHO AIR

[illegible]

Go To

Inspection Review Activities Conditions

Application	Site/Property	Applicants	Status	Fees	Activities	Supplementary	Details	SITE PLAN REVIEW

Status: Application Routing/Reviews

Last Activity: 12/08/2004 09:36

SDR	10/05/2004	11/15/2004			Open
SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004	Closed
SDR	10/04/2004	11/15/2004	12/20/2004	12/20/2004	Closed
SDR	09/21/2004	12/06/2004	12/06/2004	12/06/2004	Closed
SDR	09/21/2004	11/08/2004			Open
SDR	08/31/2004	12/10/2004	12/10/2004		Closed

[illegible]

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PUBLIC WORKS**DIRECTOR: RICHARD GOECKE**☐ CONSENT ☒ DISCUSSION**SUBJECT:**

Discussion and possible action on a request to install speed humps on Cory Place between Decatur Boulevard and Essex Drive West (\$5,200 - Neighborhood Traffic Management Program) - Ward 1 (Moncrief)

Fiscal Impact:

☐ No Impact	Amount:	\$5,200.00
☒ Budget Funds Available	Dept./Division:	Public Works/Traffic Eng.
☐ Augmentation Required	Funding Source:	Neighborhood Traffic Management Program

PURPOSE/BACKGROUND:

Residents on Cory Place between Decatur Boulevard and Essex Drive West have requested the installation of speed humps on their street. Studies conducted on this roadway showed that the 85th percentile speed was 35 mph and the volume of traffic was 494 vehicles per day. Cory Place accumulated 14 points; a total of 40 points is necessary to meet the speed hump criteria. The Traffic and Parking Commission denied the request, and the residents are appealing that denial to the City Council.

RECOMMENDATION:

Traffic and Parking Commission: Denial

Staff: Denial

BACKUP DOCUMENTATION:

Map

MOTION:

MONCRIEF - APPROVED - UNANIMOUS with GOODMAN excused

MINUTES:

RICHARD GOECKE, Director, Public Works, stated this matter came up while the City was undergoing the process of revising the ordinance to change the method by which speed humps are approved. Speed humps no longer have to meet warrants; however, staff does a warrant study. In this case, there is still a threshold of 40 points to meet and this area only accumulated 13 points. Therefore, the recommendation is for denial. He noted that the emergency response route reflected in the backup documentation map is incorrect, because the Fire Department changed it some time ago.

COUNCILWOMAN MONCRIEF indicated that this neighborhood has been trying to get speed humps because of the increased cut-through traffic. She thanked APRIL SASSO and other E.W. Griffith PTA moms for coming forward with this request. She also thanked MAYOR PRO TEM REESE for changing the code regarding speed humps.

(10:44 - 10:45)

2-297

DECATUR BLVD

EVERGREEN PL

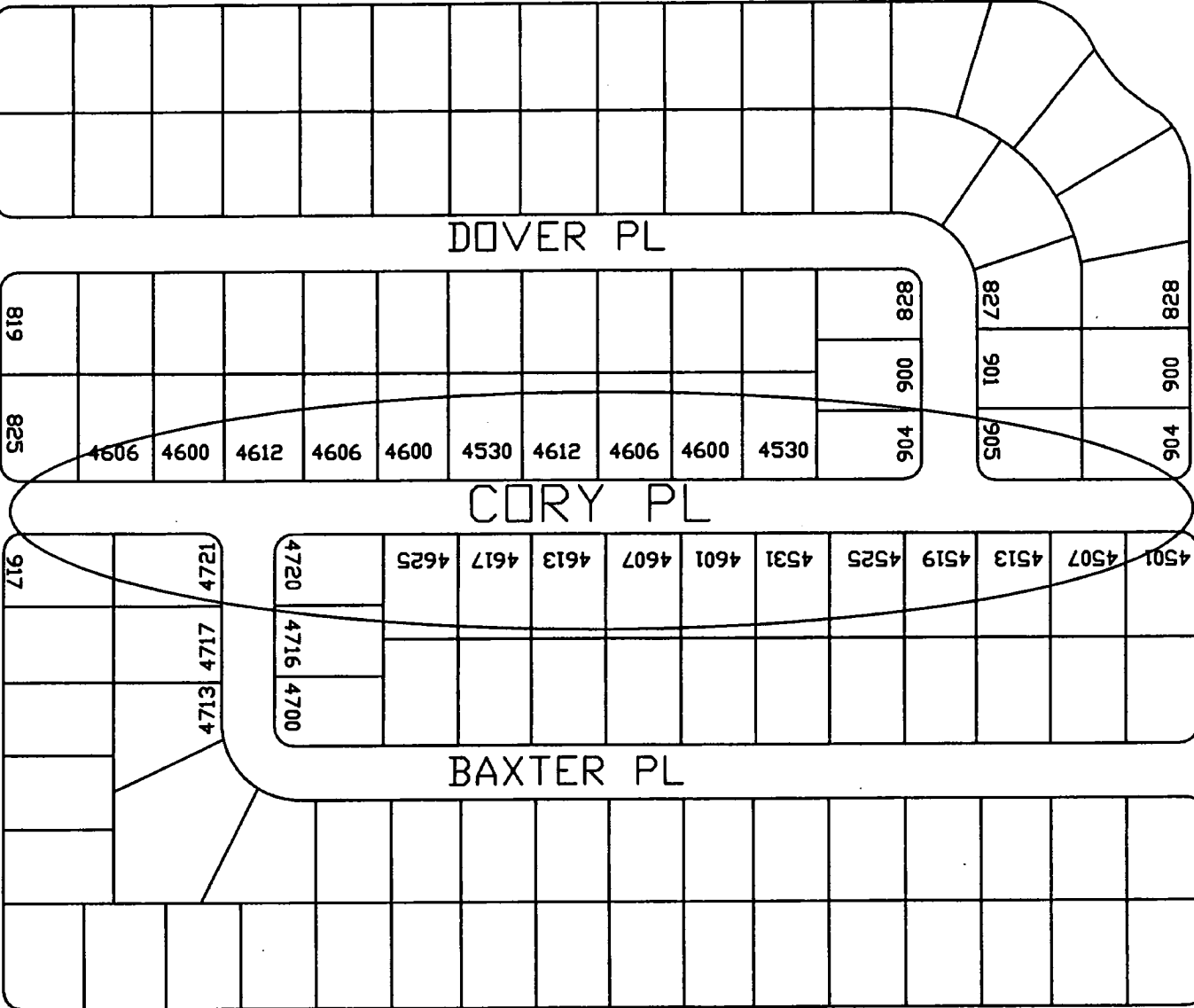
DOVER PL

CORY PL

BAXTER PL

ALPINE PL

ESSEX DRIVE WEST



EMERGENCY RESPONSE ROUTE
PROPOSED SPEED HUMPS AREA



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

BOARDS AND COMMISSIONS

**ABEYANCE ITEM - SENIOR CITIZENS ADVISORY BOARD – Al Gallego – Term Expires 6/2007
(Resigned)**

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The Senior Citizens Advisory Board was created upon Council adoption of Ordinance 5206 on April 19, 2000. This Board consists of eight members appointed by the City Council. Each of the six members of Council has one coterminous appointment with the appointee residing in the respective member of Council's Ward; the Mayor has two coterminous appointments with members residing in two different Wards. Members may serve for an uninterrupted period not longer than eight years (two terms). It will be necessary for Mayor Goodman, to appoint a new representative to fill the vacant seat. This item was held in abeyance at the January 5, 2005 Council meeting.

RECOMMENDATION:

Procedure for this seat is coterminous appointment by Mayor Goodman with the Mayor to appoint a new representative from any ward except Ward 6.

BACKUP DOCUMENTATION:

Current Listing & Authority - Senior Citizens' Advisory Board

MOTION:

REESE - ABEYANCE to 2/2/2005 - UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE encouraged anyone interested in serving to contact the Mayor's office.

(10:45 - 10:46)

2-353

SENIOR CITIZENS' ADVISORY BOARD

	<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1.	ZWECK, ROBERT (L. B. McDonald's recommendation)	2520 Lotus Hill Drive (Ward 4)	134	5-3-2000 (Reappt. 7-18-2001)	6-2005
2.	KOSBAB, JERRY (Reese's recommendation)	800 North Eastern Ave., #104 (Ward 3)	101	5-3-2000 (Reappt. 8-20-2003)	6-2007
3.	GERAN, HAZEL (Weekly's recommendation)	1028 North I Street (Ward 5)	106	5-3-2000 (Reappt. 7-18-2001) (Reappt. 8-20-2003)	6-2007
4.	HENKIN, MEL (Mack's recommendation)	7909 Ben Hogan (Ward 6)	149	7-18-2001	6-2005
5.	FUREY, HARRY (Brown's recommendation)	8004 Holly Knoll Avenue (Ward 4)	129	8-7-2002	6-2005
6.	GALLEGO, AL (Goodman's recommendation)	711 Bell Drive (Ward 5)	101	8-20/2003	6-2007
7.	DURSO, RUDOLPH (Goodman's recommendation) (Filled unexpired term of Alberta Allen)	7644 Picnic Street (Ward 6)	131	11-7-2001 (Reappt. 8-20-2003)	6-2007
8.	GOLDSTEIN, ROBERT (Moncrief's recommendation)	1600 S. Valley View Blvd.#2088 (Ward 1)	102	6-21-2000 (Reappt. 8-20-2003)	6-2007

AUTHORITY: LVMC 2.46 (Ordinance #5206 Adopted 4-19-2000)

MEMBERS: 8 members appointed by the City Council.
Mayor nominates 2 persons for appointment residing in 2 different Wards
Each Councilmember nominates 1 person for appointment (Persons nominated must reside in Ward represented by Councilmember making nomination)

TERM: Serve for an uninterrupted period not longer than eight years (2 terms) (Term to be coterminous with City Councilmember, but may serve until a successor is appointed)

NOTES: Must be a City Resident
NO FINANCIAL DISCLOSURE REQUIREMENT

DEPT. SUPPORT: Neighborhood Services (Designated as Department Liaison Per Bill 2002-129, Ordinance 5549, Adopted by City Council on 12/4/2002)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-82 - Expands the boundaries of the Live/Work Overlay District to include the East Fremont District, as identified in the Downtown Centennial Plan. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact:

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

PURPOSE/BACKGROUND:

In March of this year, the City Council adopted an ordinance to establish the Live/Work Overlay District. Subsequently, at its meeting of December 1, 2004, the Council adopted an ordinance to expand the Overlay District westward to include the Las Vegas Medical District and to allow medical office uses within the Overlay District. It has now been proposed to expand the Overlay District eastward to include the East Fremont District, as identified in the Downtown Centennial Plan. This bill will accomplish the change.

RECOMMENDATION:

ADOPTION at 1/19/2005 City Council meeting pursuant to the 1/4/2005 Recommending Committee.

First Reading – 12/15/2004; First Publication – 1/7/2005

BACKUP DOCUMENTATION:

Bill No. 2004-82

MOTION:

MONCRIEF - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5744 - **UNANIMOUS** with GOODMAN excused

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:46 - 10:47)

2-373

BILL NO. 2004-82

ORDINANCE NO. _____

AN ORDINANCE TO EXPAND THE BOUNDARIES OF THE LIVE/WORK OVERLAY DISTRICT TO INCLUDE THE EAST FREMONT DISTRICT, AS IDENTIFIED IN THE DOWNTOWN CENTENNIAL PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Expands the boundaries of the Live/Work Overlay District to include the East Fremont District, as identified in the Downtown Centennial Plan.

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

SECTION 1: Title 19, Chapter 6, Section 130, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adopting, as part thereof, the map that is attached to this Ordinance. The attached map replaces and supersedes the maps that were adopted as part of LVMC 19.06.130(C) by Ordinance Nos. 5671 and 5734. The attached map shall be included in the appropriate place in any codification of this Ordinance.

SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.130 is deemed to be a subchapter rather than a section.

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.

...

...

...

...

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

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2005.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steep 12-2-04
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2005, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

18

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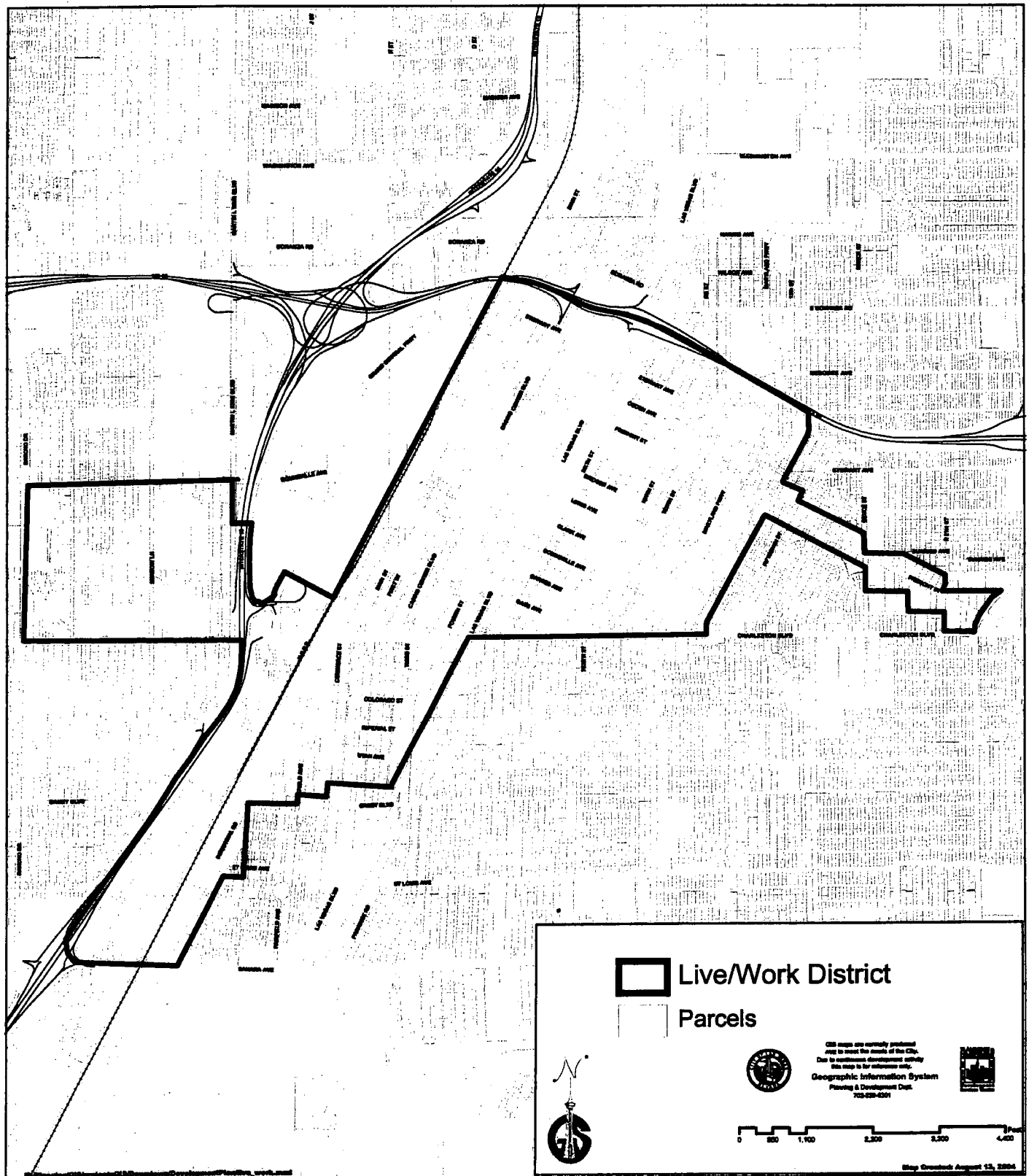
26

27

28

City of Las Vegas

LIVE/WORK OVERLAY DISTRICT



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-83 - Prohibits motorized vehicles on equestrian trails, multi-use trails, and other trails not intended for motorized vehicles. Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

In accordance with planning documents that have been adopted by the City, equestrian trails, multi-use trails, and other types of trails are not intended for use by motorized vehicles. This bill will implement those plans by prohibiting the operation of motorized vehicles on these trails, except in certain limited circumstances.

RECOMMENDATION:

ADOPTION at 1/19/2005 City Council meeting pursuant to the 1/4/2005 Recommending Committee.

First Reading – 12/15/2004; First Publication – 1/7/2005

BACKUP DOCUMENTATION:

Bill No. 2004-83

MOTION:

MONCRIEF - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5745 - UNANIMOUS with GOODMAN excused

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:47)

2-398

BILL NO. 2004-83

ORDINANCE NO. _____

AN ORDINANCE TO PROHIBIT MOTORIZED VEHICLES ON EQUESTRIAN TRAILS, MULTI-USE TRAILS, AND OTHER TRAILS NOT INTENDED FOR MOTORIZED VEHICLES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael Mack

Summary: Prohibits motorized vehicles on equestrian trails, multi-use trails, and other trails not intended for motorized vehicles.

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

SECTION 1: Title 11 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, consisting of the provision set forth as Section 2 of this Ordinance.

SECTION 2: (A) Except as otherwise provided in Subsection (B), it is unlawful to operate a motorized vehicle upon or within a right-of-way that:

(1) Has been designated on an official trails plan as an equestrian trail, multi-use trail, or other trail not intended for use by motorized vehicles;

(2) Has been dedicated to the City for use as such a trail; and

(3) Has been posted with appropriate signs to indicate that motorized vehicles are prohibited.

(B) The provisions of Subsection (A) do not apply to:

(1) An emergency vehicle;

(2) Any vehicle that is being used in connection with maintenance of the right-of-way; or

(3) Any motorized wheelchair or other device that is designed for and used by a mobility-impaired person.

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

1 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
2 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
3 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
4 invalid or ineffective.

5 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared
6 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
7 required or the failure to do any act is made or declared to be unlawful or an offense or a
8 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
9 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
10 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
11 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

12 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this ____ day of _____, 2005.

16 APPROVED:

17
18 By _____
19 OSCAR B. GOODMAN, Mayor

20 ATTEST:

21 _____
22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 12-2-04
25 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2005, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

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

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2005-4 - Repeals the Municipal Code provision that requires persons who hold certain City offices to submit a resignation before filing for election to another City office. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The Municipal Code currently provides that no elected City official or official serving as an appointee on a City board is eligible to file for election to any other City office without first having submitted a resignation from his or her current position with the City. This bill will repeal that provision in order to be consistent with a recent decision by the Nevada Supreme Court regarding that issue.

RECOMMENDATION:

FORWARDED to Full Council at 1/19/2005 City Council meeting with no recommendation pursuant to the 1/18/2005 Recommending Committee.

First Reading – 1/5/2005; First Publication – 1/8/2005

BACKUP DOCUMENTATION:

Bill No. 2005-4

MOTION:

MONCRIEF - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5746 - UNANIMOUS with GOODMAN excused

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:47 - 10:49)

2-418

BILL NO. 2005-4

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL LVMC CHAPTER 2.53, WHICH REQUIRES PERSONS HOLDING CERTAIN CITY OFFICES TO SUBMIT A RESIGNATION BEFORE FILING FOR ELECTION TO ANOTHER CITY OFFICE, AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Repeals the Municipal Code provision that requires persons who hold certain City offices to submit a resignation before filing for election to another City office.

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

SECTION 1: Title 2, Chapter 53, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, 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.

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

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2005.

5 APPROVED:

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7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 12-15-04
13 Date
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2005, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2005, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

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

Bill No. 2005-1 - Annexation No. ANX-5329 - Property location: On the southeast corner of Jones Boulevard and Madre Mesa Drive; Petitioned by: S. F. Investments, LLC; Acreage: 2.42 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Lawrence Weekly

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southeast corner of Jones Boulevard and Madre Mesa 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 (February 11, 2005) is set by this ordinance.

RECOMMENDATION:

FORWARDED to Full Council at 2/2/2005 City Council meeting with no recommendation pursuant to the 1/18/2005 Recommending Committee.

First Reading – 1/5/2005; First Publication – 1/21/2005

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

2/2/2005 Council Agenda

(10:49)

2-455

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

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

Bill No. 2005-2 - Eliminates the term limits applicable to voting members of the Historic Preservation Commission. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Membership on the Historic Preservation Commission is currently limited to two terms for voting members. This bill would eliminate that limitation.

RECOMMENDATION:

ADOPTION at 2/2/2005 City Council meeting pursuant to the 1/18/2005 Recommending Committee.

First Reading – 1/5/2005; First Publication – 1/21/2005

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

2/2/2005 Council Agenda

(10:49)

2-455

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

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

Bill No. 2005-3 - Modifies the disclosure requirements for merchants who sell motorized skateboards or motorized scooters, and requires merchants to make certain disclosures in connection with the sale of mini-motorcycles. Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Merchants who sell motorized skateboards or motorized scooters are currently required to make certain disclosures regarding the use of these vehicles. This bill will clarify the requirements, and impose similar requirements on the sale of mini-motorcycles.

RECOMMENDATION:

ADOPTION at 2/2/2005 City Council meeting pursuant to the 1/18/2005 Recommending Committee.

First Reading – 1/5/2005; First Publication – 1/21/2005

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

2/2/2005 Council Agenda
(10:49)
2-455

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

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

Bill No. 2005-5 - Levies Assessment for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) Sponsored by: Step Requirement

Fiscal Impact:

☐ No Impact	Amount:	\$176,765.66
☒ Budget Funds Available	Dept./Division:	Public Works/SID
☐ Augmentation Required	Funding Source:	Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Levies the assessment for the installation of pavement, curb and gutter, sidewalks, driveway approaches, water laterals, sewer laterals, and streetlights. The assessments will be paid over a 10-year period.

RECOMMENDATION:

ADOPTION at 2/2/2005 City Council meeting pursuant to the 1/18/2005 Recommending Committee.

First Reading – 1/5/2005; First Publication – 1/21/2005

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

2/2/2005 Council Agenda

(10:49)

2-455

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-6 - Annexation No. ANX-5100 - Property location: On the east side of U. S. 95, south of Lone Mountain Road; Petitioned by: R. Paramahamsa Trust, et al.; Acreage: 12.66 acres; Zoned: R-E (County zoning), U (O) and R-E (City equivalents). Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the east side of U. S. 95, south of Lone Mountain Road. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (February 25, 2005) 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. 2005-6 and Location Map

MOTION:

First Reading - Referred - COUNCILMEMBERS MONCRIEF and WOLFSON

MINUTES:

2/1/2005 Recommending Committee

2/2/2005 Council Agenda

(10:49)

2-457

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8 **BILL NO. 2005-6**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-5100)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the east side of
U. S. 95, south of Lone Mountain Road.

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

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

20 That portion of the Northeast Quarter (NE 1/4) of the Northeast Quarter
21 (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M., in the
22 County of Clark, State of Nevada, also being a portion of Block 1 of BRIDLE
PATH ESTATES, recorded in Book 6 of Plats, Page 99 of Clark County,
Nevada Records, described as follows:

23 COMMENCING at the Northeast Quarter (NE 1/4) corner of said Section 3,
24 said corner also being the northeast corner of said BRIDLE PATH
ESTATES; thence along the north line of said Section 3 and the centerline
25 of LONE MOUNTAIN ROAD (50.00 feet wide as measured from centerline
thereof) South 89°51'32" West 563.26 feet to the POINT OF BEGINNING;
26 thence leaving said north line at a right angle, South 00°08'28" East 50.00
feet to the south line of said LONE MOUNTAIN ROAD; thence along said
27 south line, South 89°51'28" West 117.28 feet to the centerline intersection of
BALSAM STREET (60.00 feet wide) and the 20.00 foot wide east-west
28 BRIDLE PATH as shown on said BRIDLE PATH ESTATES; thence along
the centerline of said east-west BRIDLE PATH, South 89°51'32" West

1 330.06 feet to the centerline intersection with the 20.00 foot wide north-south
2 BRIDLE PATH; thence along the centerline of said north-south BRIDLE
3 PATH South 00°31'52" West 1021.70 feet to the centerline of RED COACH
4 AVENUE (30.00 feet wide as measured from center thereof); thence along
5 the centerline of said RED COACH AVENUE, North 89°52'42" West 335.16
6 feet to the southwest corner of said BRIDLE PATH ESTATES on the
7 centerline of U.S. HIGHWAY 95; thence along the centerline of said
8 U. S. HIGHWAY 95 North 00°41'01" East 1330.22 feet to the north line of
9 said Section 3; thence along said north line North 89°51'32" East 778.48 feet
10 to the POINT OF BEGINNING.

11 Written by:
12 Brian Yu PLS
13 731 S. Fourth Street,
14 Public Works,
15 City of Las Vegas

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

- 18 A. The area to be annexed was contiguous to the City's boundaries at the
19 time the annexation proceedings were instituted;
- 20 B. More than one-eighth (1/8) of the aggregate external boundaries of
21 the area are contiguous to the City;
- 22 C. The territory proposed to be annexed is not included within the
23 boundaries of another incorporated city or within the boundaries of
24 any unincorporated town as those boundaries existed as of July 1,
25 1983;
- 26 D. The City is eligible to annex the described territory since the
27 landowners have signed a petition constituting one hundred percent
28 (100%) of the owners of record of individual lots or parcels of land
within the annexation area.

29 SECTION 3: The City will provide police protection through the Las Vegas
30 Metropolitan Police Department, fire protection, street maintenance, and library services
31 immediately upon annexation. Garbage collection by the company franchised by the City
32 will also be provided immediately. The City sanitary sewer system will serve the proposed
33 annexation area. Any connection to or extension of this sewer line to serve the annexation

1 area shall be at the expense of the landowners. Other services, such as participation in the
2 City's recreational programs, special education classes and programs, public works planning,
3 building inspections, and other City services will also be available immediately. Utilities
4 such as gas, electricity, telephone, and water are provided by private utility companies and
5 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
6 sidewalks and street lights which are not in place at the time of annexation will be installed
7 in the presently developed areas upon the request of the property owners and at their expense
8 by means of special assessment districts. Such improvements will be extended into the
9 undeveloped areas as development takes place and the need therefor arises, and will be
10 located according to the needs of the area at that time. Such installations will also be made
11 at the expense of the property owners, either by means of special assessment districts or as
12 prerequisites to the approval of subdivision plats, building permits or other land use or
13 development applications.

14 SECTION 4: The annexation of the described territory shall become
15 effective on the 25th day of February, 2005, and on that date the City will have the funds
16 appropriated in sufficient amount to finance the extension into the described territory of
17 police protection, fire protection, street maintenance, street sweeping, and street lighting
18 maintenance.

19 SECTION 5: The described territory, together with the inhabitants and
20 property thereof, shall, from and after the 25th day of February, 2005, be subject to all debts,
21 laws, ordinances and regulations in force in the City and shall be entitled to the same
22 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
23 levied by the City.

24 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
25 an accurate map or plat of the described territory and to record the map or plat, together with
26 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
27 Nevada, which recording shall be done prior to the 25th day of February, 2005.

28 SECTION 7: The described territory, which previously has been zoned R-E

(County of Clark classification), is hereby classified with the City of Las Vegas classifications set forth below, which are deemed to be the equivalents of the County classification:

PARCEL

CITY CLASSIFICATION

APN 138-03-510-001 and -031

U (O)

APN 138-03-510-002

R-E

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, 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 _____, 2005.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 1-5-05
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2005, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2005, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk
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PORTED DESERT GOLF COURSE

R-PD5

C-2

C-2

95

CITY LIMITS

LONE MOUNTAIN RD

RD

**SUBJECT
PROPERTY**

U(PROS)

R-E

C-V

CITY LIMITS

U(PROS)

R-E

R-E

R-E

R-E

R-E

R-E

R-E

U(O)

RED COACH AVE

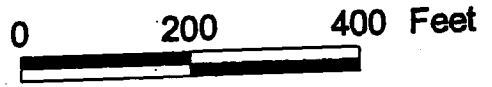
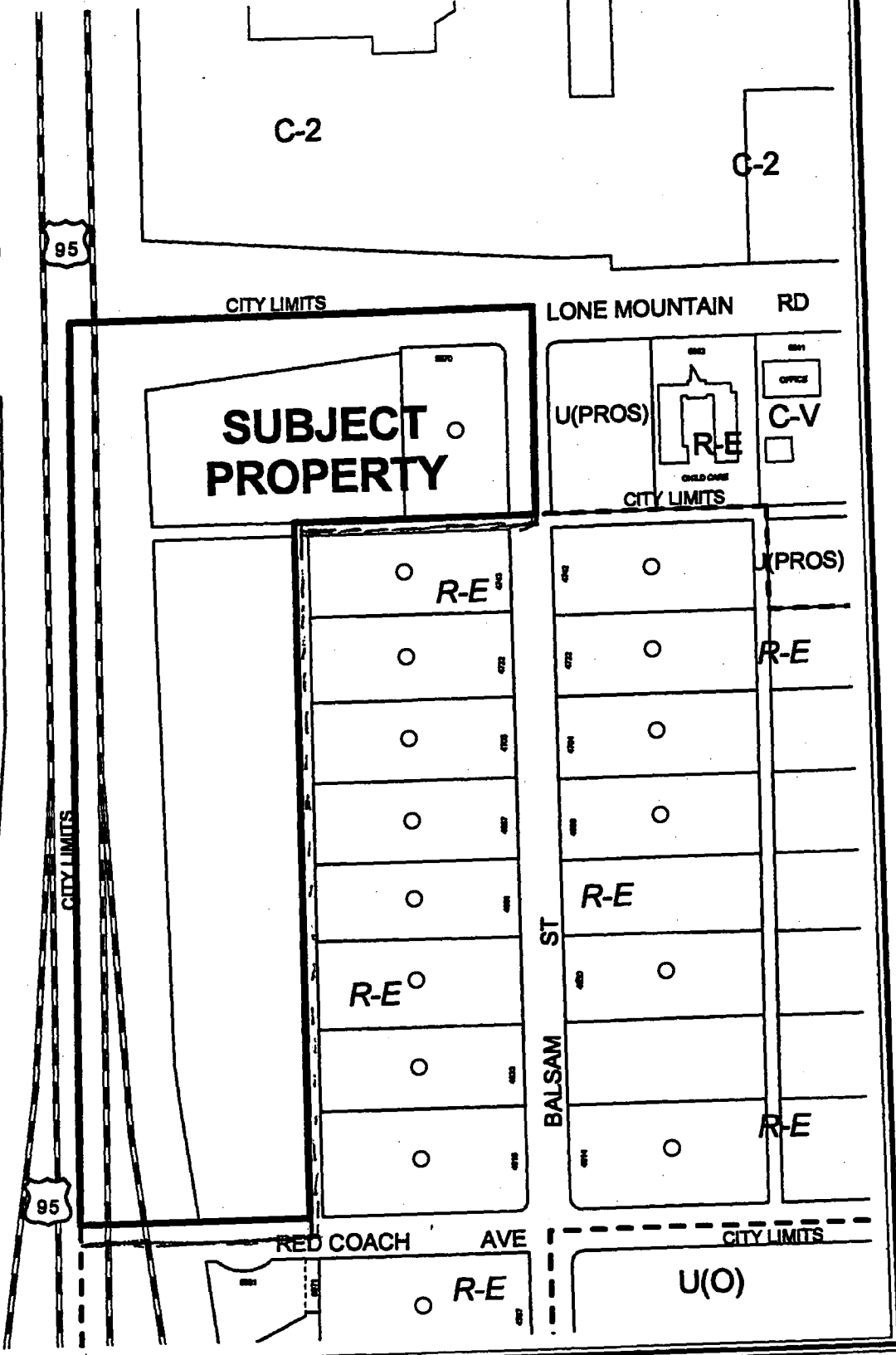
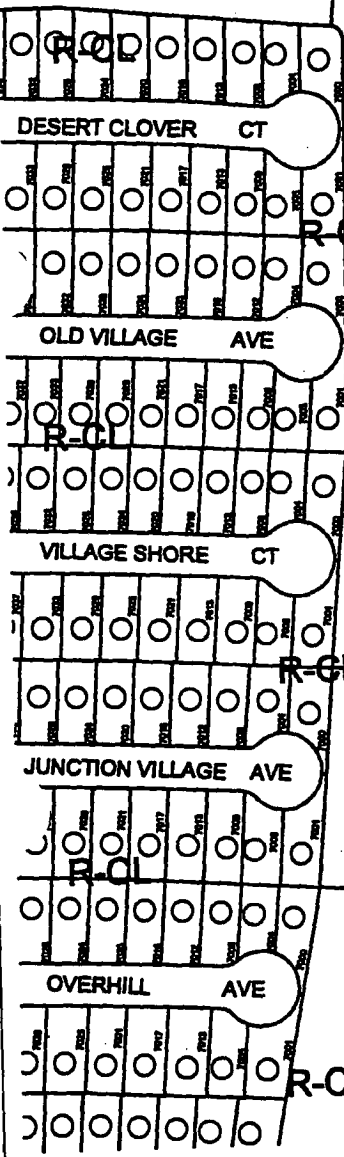
AVE

CITY LIMITS

BALSAM ST

CITY LIMITS

95



CASE: ANX-5100



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-7 - Annexation No. ANX-5514 – Property location: On the northeast corner of Alexander Road and Grand Canyon Drive; Petitioned by: Maple Development, LLC, et al.; Acreage: 4.96 acres; Zoned: R-E (County zoning), U (RNP) and U (R) (City equivalents). Sponsored by: Councilman Larry Brown

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northeast corner of Alexander Road and 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 (February 25, 2005) 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. 2005-7 and Location Map

MOTION:

First Reading - Referred - COUNCILMEMBERS MONCRIEF and WOLFSON

MINUTES:

2/1/2005 Recommending Committee

2/2/2005 Council Agenda

(10:49)

2-457

THE MORNING SESSION RECESSED AT 10:49 A.M.

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8 **BILL NO. 2005-7**

9 **ORDINANCE NO. _____**

10 **AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO**
11 **PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS**
12 **INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE**
13 **CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-5514)**

13 Sponsored by: Councilman Larry Brown Summary: Annexes property described
14 generally as located on the northeast corner of
Alexander Road and Grand Canyon Drive.

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

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

20 The West Half (W 1/2) of the Southwest Quarter (SW 1/4) of the Southwest
21 Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 6, Township
22 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada,
23 being LOT 1 and LOT 2 together with the adjacent half street right of ways
24 of; FLORINE AVENUE (30.00 feet wide as measured from the centerline
25 thereof), GRAND CANYON DRIVE (40.00 feet wide as measured from the
centerline thereof), and ALEXANDER ROAD (50.00 feet wide as measured
from the centerline thereof) as shown on LAND DIVISION 15-87 recorded
in Book 880816 as Instrument Number 00635, and on Record of Surveys in
File 89, Page 72 recorded June 19, 1997, all of Clark County, Nevada
Records.

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

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

1 time the annexation proceedings were instituted;

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

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

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

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

1 development applications.

2 SECTION 4: The annexation of the described territory shall become
3 effective on the 25th day of February, 2005, and on that date the City will have the funds
4 appropriated in sufficient amount to finance the extension into the described territory of
5 police protection, fire protection, street maintenance, street sweeping, and street lighting
6 maintenance.

7 SECTION 5: The described territory, together with the inhabitants and
8 property thereof, shall, from and after the 25th day of February, 2005, be subject to all debts,
9 laws, ordinances and regulations in force in the City and shall be entitled to the same
10 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
11 levied by the City.

12 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
13 an accurate map or plat of the described territory and to record the map or plat, together with
14 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
15 Nevada, which recording shall be done prior to the 25th day of February, 2005.

16 SECTION 7: The described territory, which previously has been zoned R-E
17 (County of Clark classification), is hereby classified with the City of Las Vegas
18 classifications set forth below, which are deemed to be the equivalents of the County
19 classification:

20 PARCEL

CITY CLASSIFICATION

21 APN 138-06-802-001

U (RNP)

22 APN 138-06-802-003

U (R)

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

1 phrase thereof irrespective of the fact that any one or more sections, subsections,
2 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
3 or ineffective.

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

7 PASSED, ADOPTED and APPROVED this _____ day of _____,
8 2005.

9 APPROVED:

10
11 By OSCAR B. GOODMAN, Mayor

12 ATTEST:

13
14 BARBARA JO RONEMUS, City Clerk

15 APPROVED AS TO FORM:

16 Val Steep 1-6-05
Date

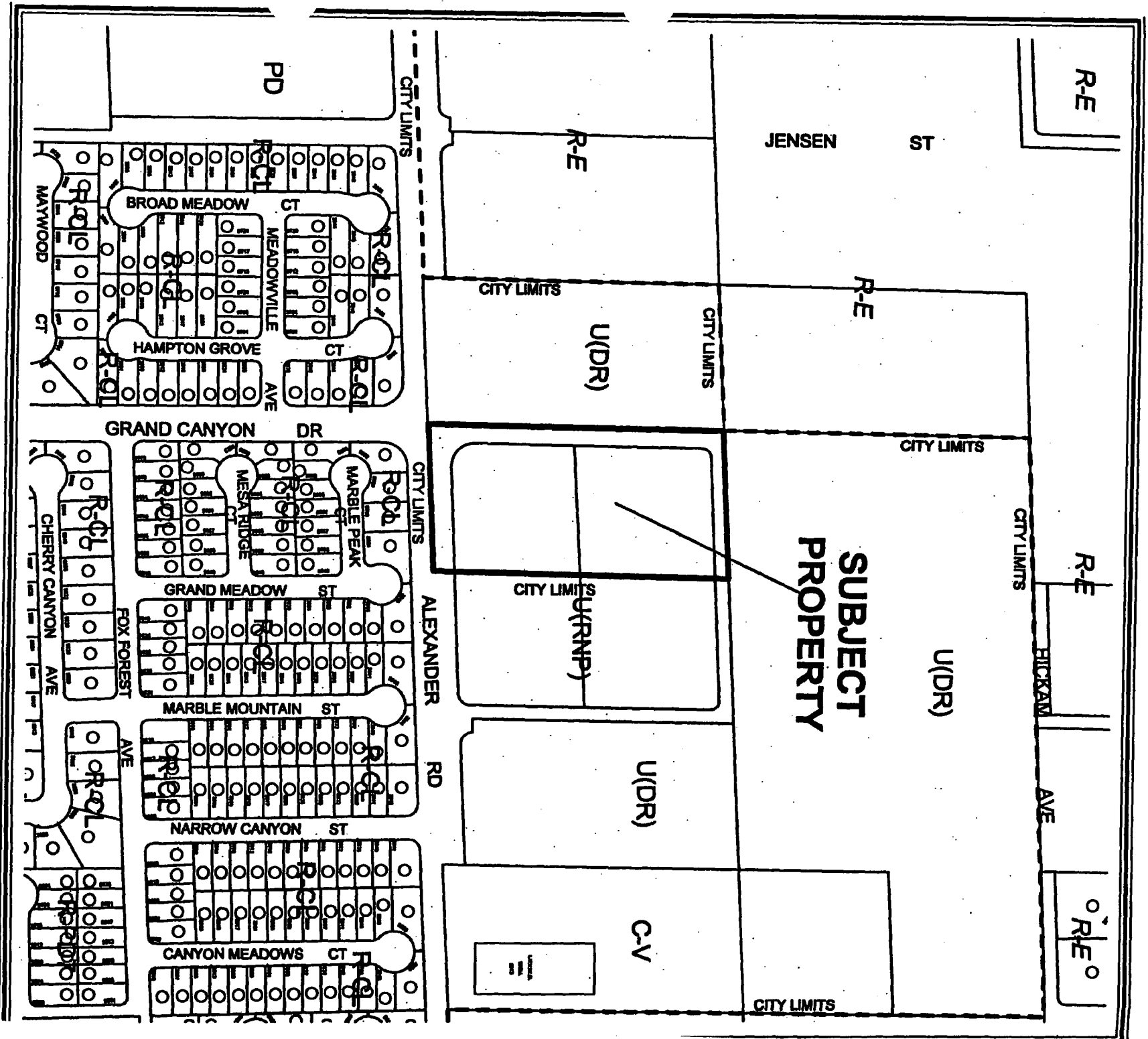
1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2005, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2005, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:
8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____
11
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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk



CASE: ANX-5514

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO 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:

BROWN - Motion to HOLD IN ABEYANCE Item 91 [RQR-5513], Item 95 [SUP-2848], Item 96 [SUP-3394], Item 97 [SUP-4532], Item 98 [SUP-4693], Item 109 [SUP-5582] and Item 110 [SDR-5583] to 2/2/2005 and accept the WITHDRAWAL WITHOUT PREJUDICE of Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] - UNANIMOUS with MACK abstaining on Item 91 [RQR-5513] because his company, Mack Consulting, negotiates with Lamar Outdoor on behalf of his clients and GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE indicated that prior to the meeting ATTORNEY BILL CURRAN submitted a letter for the record, requesting that Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] be withdrawn without prejudice.

MAYOR PRO TEM REESE requested Item 109 [SUP-5582] and Item 110 [SDR-5583] be held in abeyance to the 2/2/2005 City Council meeting so he can meet with the applicant. He announced that MAYOR GOODMAN and DEPUTY CITY MANAGER BETSY FRETWELL were attending the Mayors conference in Washington, D.C.

(1:00 - 1:07)

3-1

CURRAN & PARRY
ATTORNEYS AT LAW

300 SOUTH FOURTH STREET
SUITE 1201
LAS VEGAS, NEVADA 89101

WILLIAM P. CURRAN
STANLEY W. PARRY

JOSHUA H. REISMAN
GLENN M. MACHADO

TELEPHONE
(702) 471-7000

FACSIMILE
(702) 471-7070

E-MAIL
curranparry@curranparry.com

January 19, 2005

Barbara Jo (Roni) Ronemus, City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: **REQUEST TO WITHDRAW –**
January 19, 2005 City Council Meeting
Item #120 (GPA-5182), Item #121 (ZON-5183),
Item #122 (VAR-5575) & Item #123 (SDR-5573)

Dear Mr. Ronemus:

On behalf of my client, Infield Development II, LLC, I request the above referenced items be withdrawn without prejudice.

Thank you for your assistance.

Sincerely,

Handwritten signature of Bill Curran, appearing as "B. Curran /c.w."

Bill Curran

WPC:cw

Submitted at City Council

Date 1/19/05 Item #65

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at Vacant lot - North of 1733 N. Decatur Blvd. **PROPERTY OWNERS: TELOS ENTERPRISES INC, C/O J. DONELL RECEIVER - Ward 5 (Weekly)**

Fiscal Impact:

☐ No Impact	Amount:	\$4,426.35
☒ Budget Funds Available	Dept./Division:	Neigh. 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 K.O. Construction to remove the discarded boat, sofa, piles of tree trimmings, broken concrete, trash and debris, erecting the fencing to prohibit continued illegal dumping, trimming, cutting and removing all weeds and turf grass exceeding eight (8) inches in height, and post "No Trespassing, No Dumping and No Vehicles" signs on site.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$4,426.35 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED the action of Neighborhood Services - **UNANIMOUS** with GOODMAN excused

MINUTES:

NOTE: Video shown but not submitted.

MAYOR PRO TEM REESE declared the Public Hearing open.

The property owner was not present.

ORLANDO SANCHEZ, Director of Neighborhood Services, presented a video of the subject property and read the purpose/background regarding the condition of the property as a public hazard and an attractive nuisance requiring the described abatement. **MR. SANCHEZ** recommended the City Council

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

approve the report of expenses in the amount of \$4,426.35; \$3,849 to K.O. Construction, and a 15 percent administrative fee of \$577.35. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:07 - 1:09)

3-128

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

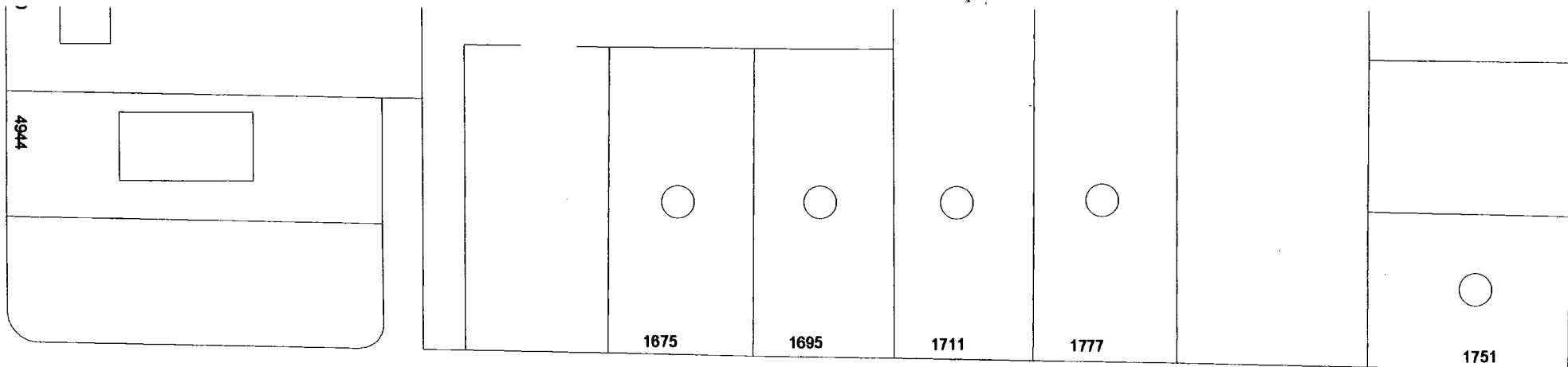
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at Vacant lot (APN: 138-24-804-017) North of 1733 N. Decatur Blvd. PROPERTY OWNERS: TELOS ENTERPRISES INC, C/O J. DONELL RECEIVER – Ward 5 (Weekly)

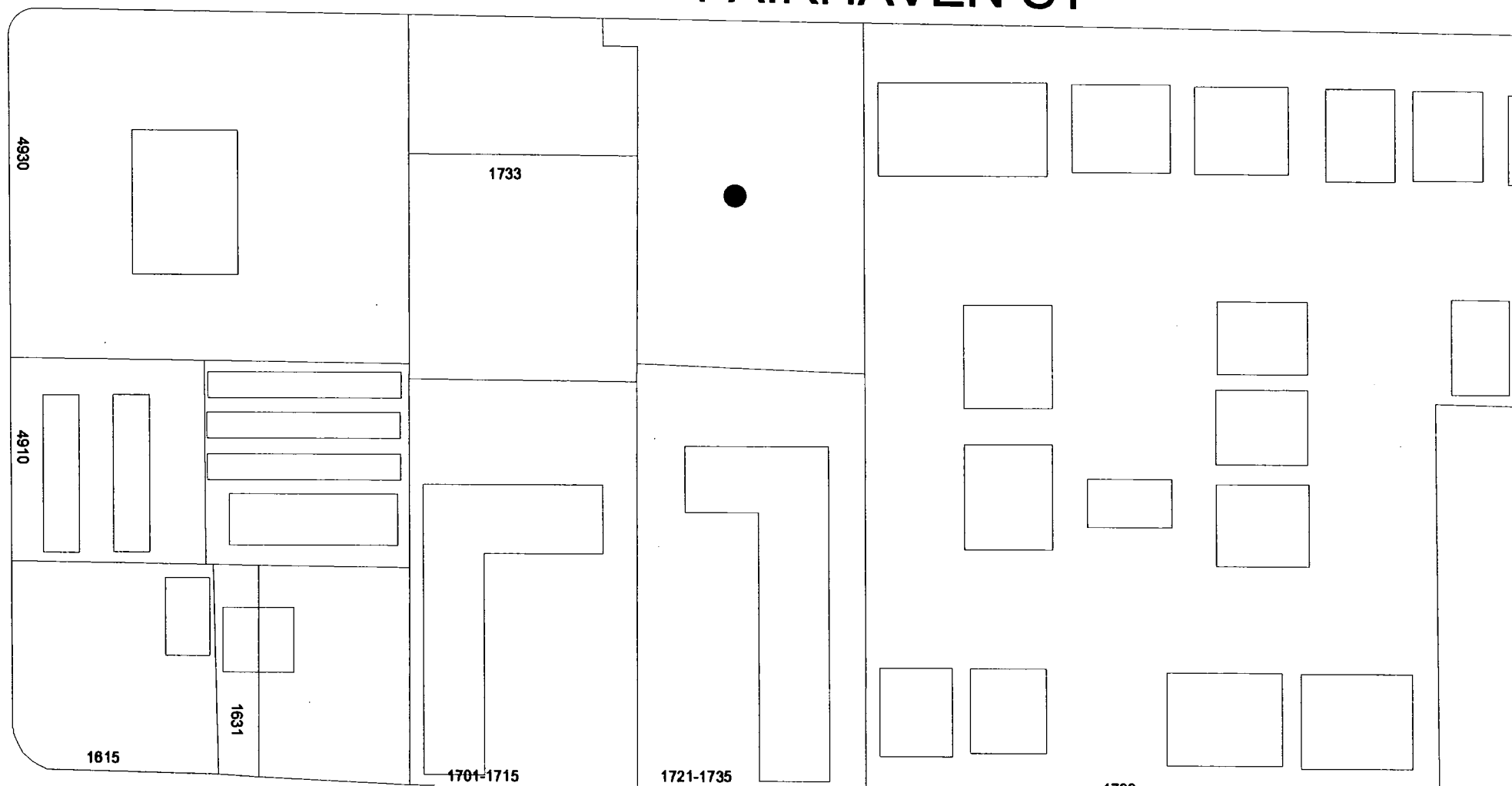
K.O. Construction completed work on November 23, 2004 at a cost of \$3,849.00, plus a 15% administrative fee, for a total of \$4,426.35.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of "Nuisance", 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.



FAIRHAVEN ST



Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: Orlando Sanchez, Director – Neighborhood Response Division

CC: File

Date: December 17, 2004

Re: Report of Expenses for the abatement of Nuisance/Litter located at Vacant lot – North of 1733 North Decatur Blvd - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance/Litter," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing the discarded boat, sofa, piles of tree trimmings, broken concrete, trash and debris, erecting the fencing to prohibit continued illegal dumping, trimming, cutting and removing all weeds and turf grass exceeding eight (8) inches in height, and posting "No Trespassing, No Dumping and No Vehicles" signs on site. K.O. Construction completed work on November 23, 2004 at a cost of \$3,849.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 3,849.00
AMOUNT DUE	3,849.00
Administrative processing fee	<u>577.35</u>
TOTAL AMOUNT DUE	\$4,426.35

OWNER OF RECORD: TELOS ENTERPRISES INC
c/o J. DONELL RECEIVER

PROPERTY ABATED: Vacant lot – North of 1733 N. Decatur Blvd

ASSESSOR'S PARCEL: 138 24 804 017

LEGAL DESCRIPTION: PARCEL MAP FILE 96 PAGE 41
LOT 1

OS:jl

EXHIBIT A

DISCLOSURE OF PRINCIPALS

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

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

Continue list until full and complete disclosure is made.

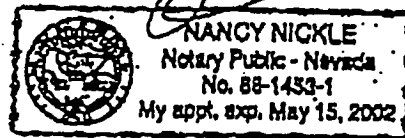
I certify under penalty of perjury, that the foregoing list is full and complete.

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

Subscribed and sworn to before me this

29 Day of October, 1999.

Nancy Nickle
 Notary Public





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VRENCE WEEKLY

MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING
JANUARY 19, 2005

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, January 19, 2005** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property by removing the discarded boat, sofa, piles of tree trimmings; broken concrete; trash and debris; and erecting the fencing to prohibit continued illegal dumping, trimming, cutting and removing all weeds and turf grass exceeding eight (8) inches in height, and by posting "No Trespassing, No Dumping and No Vehicles" signs on property located at **VACANT LOT NORTH OF 1733 NORTH DECATUR BOULEVARD (APN: 138-24-804-017)** legally described as **PT SE4 SE4 SEC 24 20 60** Owner of record at time of abatement: **TELOS ENTERPRISES, INC., c/o J. DONELL RECEIVER – WARD 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$4,426.35 was expended (\$3,849.00 to K. O. Construction for cleaning the property; and \$577.35 Administrative Processing Fee).

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

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

BARBARA JO RONEMUS
CITY CLERK

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

VOICE 702.229.6011
TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-8/04

Parcel: 13824804017

CITZ

LOT TO THE NORTH OF 1733 N DECATUR

VACANT LOT(S) BEHIND CHARLESTON AUTO PARTS, FULL OF TRASH DEBRIS, DUMPED VEHICLES, ETC

Parcel(s)

Owner Information:**Inspection Summary**

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
940274	Failed		7/29/2004	08/02/2004 13:00	08/02/2004 13:10	10
940274	Passed	Partial	8/13/2004	08/27/2004 8:43	08/27/2004 8:46	3
860034	Passed	Partial	9/7/2004	08/31/2004 13:44	08/31/2004 13:54	10
860034	Passed	Partial	9/20/2004	09/08/2004 16:41	09/08/2004 16:45	4
940274	Passed	Partial	9/20/2004	09/20/2004 13:15	09/20/2004 13:18	3
870076	Passed	Partial	10/20/2004	11/10/2004 6:57	11/10/2004 7:19	22
870076	Passed	Partial	11/19/2004	11/29/2004 9:14	11/29/2004 9:25	11
870076	Passed		12/17/2004	12/08/2004 13:09	12/08/2004 13:14	5
Time in Minutes:						68

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-REFUSE/WST	8/2/2004	12/8/2004	VACANT LOT
REMOVE ALL TRASH, DEBRIS, METAL, JUNK BOAT FROM THIS VACANT LOT. MAINTAIN AT ALL TIMES. NOTE ABOVE FEES AND CODES.			
A-WEEDS	8/31/2004	12/8/2004	Property
Trim, cut, remove all weeds & turf grass exceeding 8 inches in height.			

Log

Type:	Date:	Employee:	Min:
MISC	12/9/2004 8:30:00 AM	KATHY STEWART	0
ks) Sent Invoice (\$3,849) from KO Construction, Inc. to Finance for payment. Gave file to Jessica Larramendy for Council.			
EMAIL	12/8/2004 1:09:00 PM	KATHY STEWART	0
Per #24, okay to pay; weeds are gone.			
VIDPST	11/29/2004 9:14:00 AM	KATHY STEWART	11
24) Post Video Insp, Lot & drainage area cleaned, grated, fenced. The area frontage (Fairhaven side) has weeds between wall & sidewalk that need removed. Called Kris @ KO states it will be done later today. Will check 11/30.			
MISC	11/24/2004 7:00:00 AM	KATHY STEWART	0
ks) Received Invoice (\$3849) from K.O. Construction for completion of abatement.			
VIDPRE	11/10/2004 6:57:00 AM	KATHY STEWART	22
24) Most of the debris is @ North perimeter & west perimeter. Refuse, burned out car shell, dry vegetation, litter, etc. Tape to OS, data info to KS for entry.			
BIDA	11/9/2004 1:47:00 PM	KATHY STEWART	0
Faxed Award letter to KO Construction. Contractor to call within 5 days with a start date. Award letter attached in OLE.			
DIRECT	11/9/2004 1:30:00 PM	KATHY STEWART	0
Per Pam Hines, Award to next lowest bidder, KO Construction due to C&W withdrawing their bid.			

FAX	11/9/2004 12:31:00 PM	KATHY STEWART	0
Received fax from Jack Paripovich, C&W, withdrawing their bid due to discrepancies of the temporary fencing. Called Pam Hines to advise her. She said to Award to next lowest bidder, KO Construction.			
BIDA	11/2/2004 2:06:00 PM	KATHY STEWART	0
ks) Faxed Award letter to C&W Enterprises, Inc. Contractor must call within 5 days with a start date. Award letter attached in OLE.			
DIRECT	11/2/2004 7:59:00 AM	KATHY STEWART	0
Per Steve Harsin, Award bid to the lowest bidder, C&W Enterprises.			
BIDR	11/2/2004 7:00:00 AM	KATHY STEWART	0
Received the following bids from contractors, (1) C&W Enterprises - \$2,800; (2) KO Construction - \$3,849; ADS - \$6,479. Sent e-mail to Steve Harsin & Pam Hines regarding bid results.			
BIDS	10/26/2004 11:24:00 AM	KATHY STEWART	0
Faxed Invitation to bid to contractors. Bids due by COB Monday, November 1, 2004. Invitation to Bid attached in OLE.			
MISC	10/20/2004	KATHY STEWART	0
24) Proceed with bids.			
MISC	10/20/2004	KATHY STEWART	0
27) Map referred to #24.			
DIRECT	10/19/2004 2:35:00 PM	VICTORIA ROSEMORE	0
16) PER 24, HAVE 27 PRINT AND MARK A MAP FOR THE ABATEMENT PROCESS.			
MISC	9/24/2004 7:00:00 AM	KATHY STEWART	0
Received Certified & Regular letters back Return to Sender, Forwarding Order Expired. Sent letter to #27 for filing.			
INSP	9/20/2004 1:15:00 PM	LYNN NIHIPALI	3
19) NO CHANGE IN VIOLATIONS REFER TO OFFICE TO BEGIN ABATEMENT, PROCESS			
RECORD	9/20/2004 7:19:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O at Clark County. Book: 20040920 Inst: 03964			
MISC	9/16/2004 2:38:00 PM	KATHY STEWART	0
Received Certified Card back from owner signed. Sent card to #27 for filing.			
INSP	9/8/2004 4:41:00 PM	KATHY STEWART	4
27) No change. C/B 9/20			
NOPOST	9/8/2004 4:41:00 PM	KATHY STEWART	4
27) N&O posted on property.			
LETTER	9/7/2004 7:51:00 AM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	9/7/2004 7:00:00 AM	KATHY STEWART	25
Sent Nuisance/Litter Abatement Notice & Order to Comply letter to owner, TELOS Enterprises, Inc., Los Angeles, CA & a copy to TELOS Enterprises, Inc. Attn: Gary Lee, 7390 W. Sahara Ave., #250, LV 89117. POST: 9/8. C/B: 9/20. Sent file to #27.			
NOREQ	9/1/2004 8:00:00 AM	KATHY STEWART	5
27) N&O request to #24.			
INSP	8/31/2004 1:44:00 PM	KATHY STEWART	10
27) Situation remains the same. Took updated photos. Send N&O.			
INSP	8/27/2004 8:43:00 AM	LYNN NIHIPALI	3
19) NO CHANGE, FINAL NOTICE ISSUED TO OWNER, PICTURES TAKEN.			
INSP	8/2/2004 1:00:00 PM	MARIA VIGIL	10
19) VERIFIED VACANT LOT HAS TRASH, DEBRIS AND JUNK BOAT. C/N MAILED TO OWNER. C/B 8/13			

Time in minutes:

97

APN 138-24-804-017
Ref # - 19382

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

**TO: TELOS ENTERPRISES, INC.
c/o J. DONELL RECEIVER**

(Reputed Owner(s)) at time of abatement

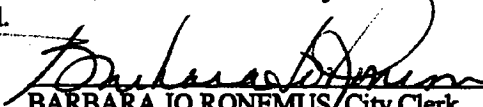
Assessor's Parcel No.: 138-24-804-017
Commonly known as: VACANT LOT NORTH OF
1733 N. DECATUR BLVD.
Legal Description: PARCEL MAP FILE 96
PAGE 41 LOT 1

On November 23, 2004, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$4,426.35 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on January 19, 2005, ordered the above charges in the amount of \$4,426.35, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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


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

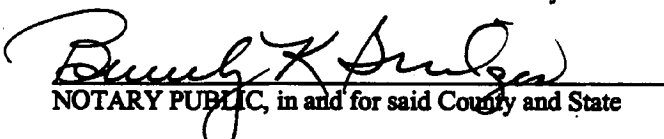
STATE OF NEVADA)

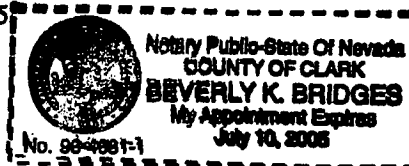
COUNTY OF CLARK)

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


BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 4th day of February, 2005


NOTARY PUBLIC, in and for said County and State



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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at Vacant lot - West of 1733 N. Decatur Blvd. **PROPERTY OWNERS: TELOS ENTERPRISES INC - Ward 5 (Weekly)**

Fiscal Impact:

☐ No Impact	Amount:	\$4,426.35
☒ Budget Funds Available	Dept./Division:	Neigh. 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 K.O. Construction to remove the discarded refuse/waste including boat, sofa, piles of tree trimmings, broken concrete, miscellaneous junk, trash and debris and erecting temporary fencing around the vacant lot. Removing all dead/dry, overgrown vegetation from the vacant lot and posting "No Trespassing, No Dumping and No Vehicles" signs on site.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$4,426.35 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED the action of Neighborhood Services - UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: Video shown but not submitted.

MAYOR PRO TEM REESE declared the Public Hearing open.

The property owner was not present.

ORLANDO SANCHEZ, Director of Neighborhood Services, presented a video of the subject property and read the purpose/background regarding the condition of the property as a public hazard and an attractive nuisance requiring the described abatement. **MR. SANCHEZ** recommended the City Council

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

approve the report of expenses in the amount of \$4,426.35; \$3,849 to K.O. Construction, and a 15 percent administrative fee of \$577.35. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

MR. SANCHEZ explained the date stamp was not included in this particular video because this is an old project. The new abatements will have a date and time stamp.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:09 - 1:11)

3-189

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

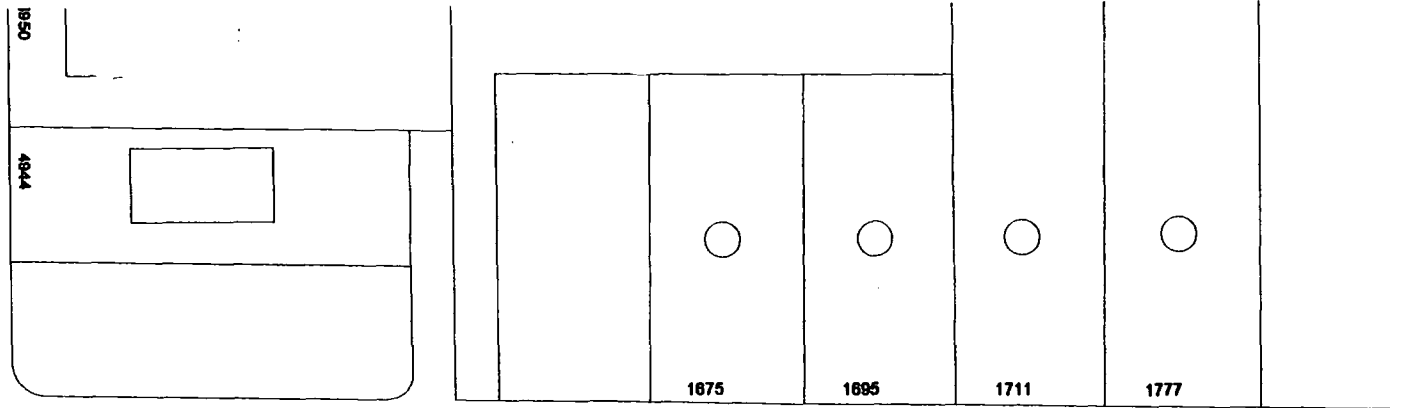
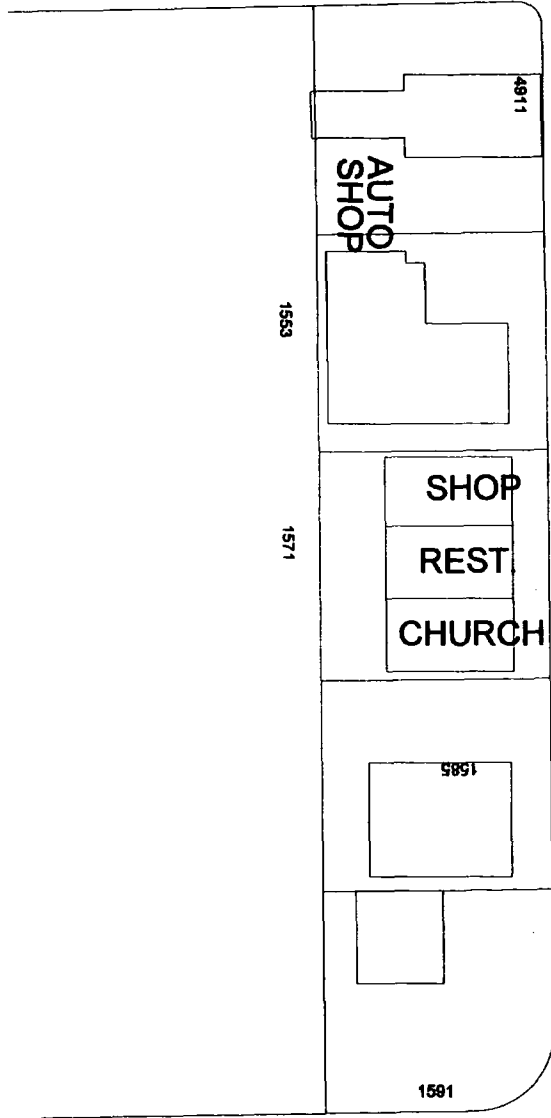
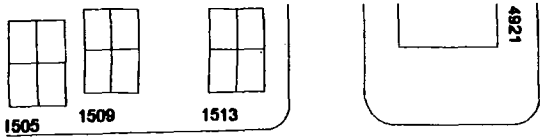
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at Vacant lot (APN: 138-24-804-005) West of 1733 N. Decatur Blvd. PROPERTY OWNERS: TELOS ENTERPRISES INC – Ward 5 (Weekly)

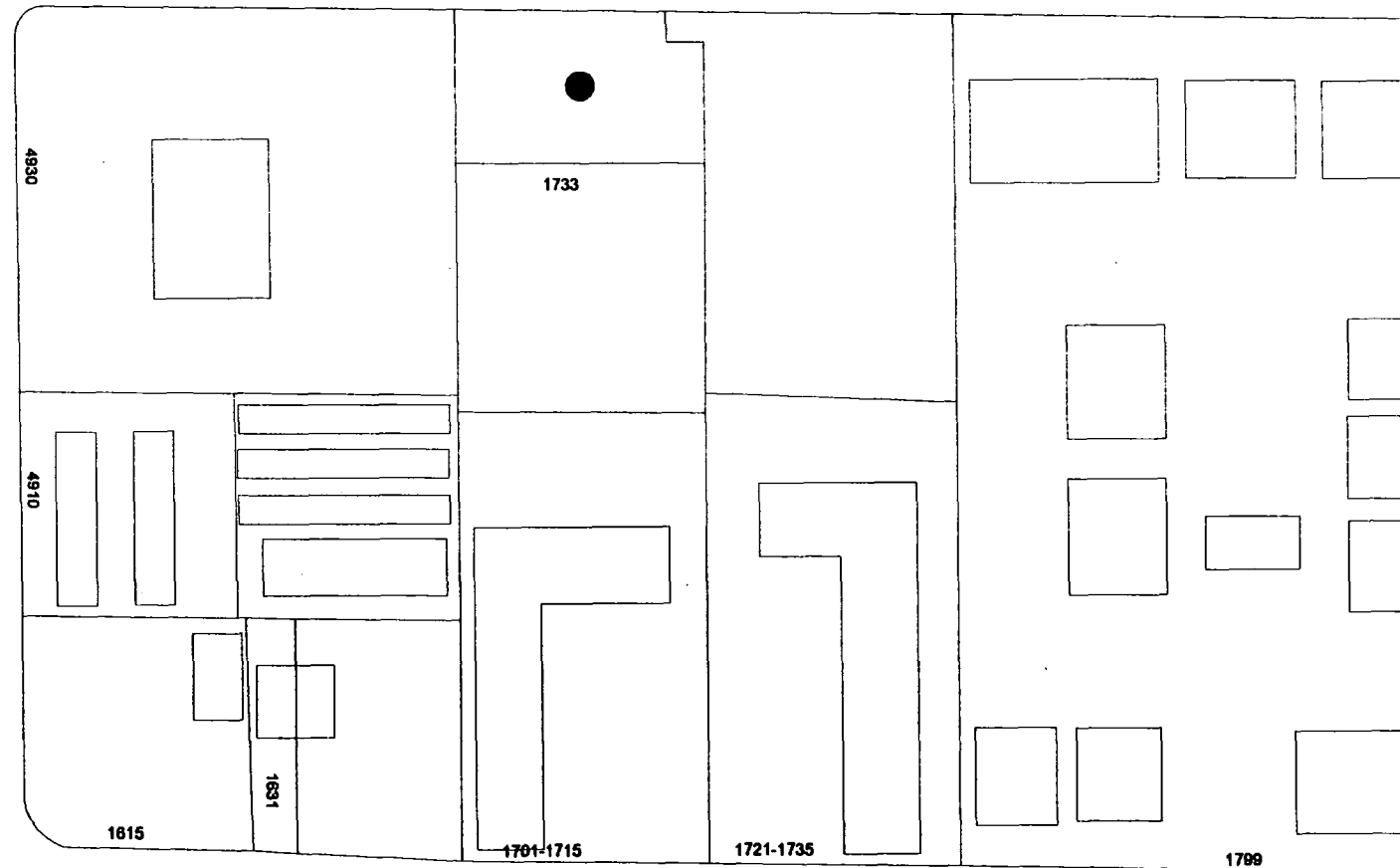
K.O. Construction completed work on November 23, 2004 at a cost of \$3,849.00, plus a 15% administrative fee, for a total of \$4,426.35.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of "Nuisance", 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.



FAIRHAVEN ST



DECATUR BLVD

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: Devin Smith, Manager – Neighborhood Response Division

CC: File

Date: December 17, 2004

Re: Report of Expenses for the abatement of Nuisance/Litter located at Vacant lot – West of
1733 North Decatur Blvd - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance/Litter," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing the discarded refuse/waste including boat, sofa, piles of tree trimmings, broken concrete, miscellaneous junk, trash and debris, and erecting temporary fencing around the vacant lot. Removing all dead/dry, overgrown vegetation from the vacant lot and posting "No Trespassing, No Dumping and No Vehicles" signs on site. K.O. Construction completed work on November 23, 2004 at a cost of \$3,849.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 3,849.00
AMOUNT DUE	3,849.00
Administrative processing fee	<u>577.35</u>
TOTAL AMOUNT DUE	\$4,426.35

OWNER OF RECORD: TELOS ENTERPRISES INC

PROPERTY ABATED: Vacant lot – West of 1733 N. Decatur Blvd

ASSESSOR'S PARCEL: 138 24 804 005

LEGAL DESCRIPTION: PT SE4 SE4 SEC 24 20 60

DS:jl

EXHIBIT A

DISCLOSURE OF PRINCIPALS

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

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. CHRIS HARRISON	4255 W. MAULDING AVE	702-361-4221
2. EDWARD KOPE	LAS VEGAS, NV 89139	
3. ROSE KOPE		
4.		
5.		
6.		

Continue list until full and complete disclosure is made.

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

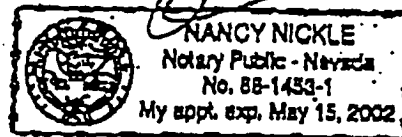
[Contracting Entity] K.O. CONSTRUCTION INC

By: [Signature]

Subscribed and sworn to before me this

29 Day of October 1999

Nancy Nickle
 Notary Public





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM
LARRY BROWN
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING
JANUARY 19, 2005

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, January 19, 2005** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property by removing the discarded waste including boat, sofa, piles of tree trimmings; broken concrete; miscellaneous junk, trash and debris; and erecting temporary fencing around the vacant lot; removing all dead/dry overgrown vegetation from the vacant lot and by posting "No Trespassing, No Dumping and No Vehicles" signs on property located at **VACANT LOT WEST OF 1733 NORTH DECATUR BOULEVARD (APN: 138-24-804-005)** legally described as **PT SE4 SE4 SEC 24 20 60** Owner of record at time of abatement: **TELOS ENTERPRISES, INC.**
- WARD 5 (WEEKLY)

The Director of Neighborhood Services certifies in the report that the sum of \$4,426.35 was expended (\$3,849.00 to K. O. Construction for cleaning the property; and \$577.35 Administrative Processing Fee).

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

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

BARBARA JO RONEMUS
CITY CLERK

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

VOICE 702.229.6011
TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-8/04

Parcel: 13824804005

CITZ

LOT TO THE WEST OF 1733 N DECATUR

VACANT LOT(S) BEHIND CHARLESTON AUTO PARTS, FULL OF TRASH DEBRIS, DUMPED VEHICLES, ETC

Parcel(s)

Owner Information:

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
940274	Failed		7/29/2004	08/02/2004 13:00	08/02/2004 13:10	10
940274	Passed	Partial	8/13/2004	08/13/2004 8:40	08/13/2004 8:43	3
860034	Passed	Partial	8/30/2004	08/31/2004 13:44	08/31/2004 13:54	10
860034	Passed	Partial	9/20/2004	09/08/2004 16:41	09/08/2004 16:45	4
940274	Passed	Partial	9/20/2004	09/20/2004 13:12	09/20/2004 13:15	3
870076	Passed	Partial	10/20/2004	11/08/2004 6:55	11/08/2004 7:10	15
870076	Passed		11/19/2004	11/29/2004 9:03	11/29/2004 9:13	10
Time in Minutes:						55

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-WEEDS	8/2/2004	11/29/2004	VACANT LOT
REMOVE FROM ALL AREAS OF THIS VACANT LOT ALL HIGH WEEDS. MAINTAIN AT ALL TIMES. NOTE ABOVE FEE.			
A-REFUSE/WST	8/2/2004	11/29/2004	VACANT LOT
REMOVE FROM ALL AREAS OF THIS VACANT LOT TRASH, DEBRIS, TREE LIMBS. MAINTAIN AT ALL TIMES. NOTE ABOVE FEE.			

og

Type:	Date:	Employee:	Min:
MISC	12/9/2004 8:35:00 AM	KATHY STEWART	0
ks) Sent Invoice (\$3,849) from KO Construction, Inc. to Finance for payment. Gave file to Jessica Larramendy for Council.			
EMAIL	12/8/2004 1:09:00 PM	KATHY STEWART	0
Per #24, okay to pay.			
VIDPST	11/29/2004 9:03:00 AM	KATHY STEWART	10
24) Post Video Insp. Clean, grated, fenced, Abated. Signs posted.			
MISC	11/24/2004 7:00:00 AM	KATHY STEWART	0
ks) Received Invoice (\$3849) from K.O. Construction for completion of abatement.			
FAX	11/8/2004 10:57:00 AM	KATHY STEWART	0
Received fax from KO stating start date will be 11/9 for clean up. Filed in folder.			
VIDPRE	11/8/2004 6:55:00 AM	KATHY STEWART	15
24)This parcel has scattered refuse & waste along Fairhaven frontage & South/North perimeters of lot. Discarded furniture, buckets, landscape debris, garbage bags, etc. Met w/Chris,KO, on site to discuss temp fencing after cleanup. Tape to OS, data KS			
BIDA	11/2/2004 2:09:00 PM	KATHY STEWART	0
ks) Faxed Award letter to KO Construction. Contractor must call within 5 days with a start date. Award letter attached in OLE.			
DIRECT	11/2/2004 7:59:00 AM	KATHY STEWART	0
Per Steve Harsin, Award bid to the lowest bidder, KO Construction.			

BIDR	11/2/2004 7:00:00 AM	KATHY STEWART	0
Received the following bids from contractors, (1)KO Construction-\$3,849; (2) ADS-\$6,097. Sent e-mail to Steve Harsin & Pam Hines regarding bid results.			
BIDS	10/26/2004 11:27:00 AM	KATHY STEWART	0
Faxed Invitation to bid to contractors. Bids due by COB Monday, November 1, 2004. Invitation to Bid attached in OLE.			
MISC	10/20/2004	KATHY STEWART	0
27) Map referred to #24.			
MISC	10/20/2004	KATHY STEWART	0
24) Proceed with abatement.			
DIRECT	10/19/2004 2:35:00 PM	VICTORIA ROSEMORE	0
16) PER 24, HAVE 27 PRINT AND MARK A MAP FOR THE ABATEMENT PROCESS.			
INSP	9/20/2004 1:12:00 PM	LYNN NIHIPALI	3
19) NO CHANGE IN VIOLATIONS, REFER TO OFFICE TO BEGIN ABATEMENT PROCESS			
RECORD	9/20/2004 7:20:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O at Clark County. Book: 20040920 Inst: 03965			
INSP	9/8/2004 4:41:00 PM	KATHY STEWART	4
27) No change. C/B 9/20			
NOPOST	9/8/2004 4:41:00 PM	KATHY STEWART	4
27) Posted N&O on property.			
LETTER	9/7/2004 8:51:00 AM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	9/7/2004 8:35:00 AM	KATHY STEWART	15
Sent Nuisance/Litter Abatement Notice & Order to Comply letter to owner, TELOS Enterprises, Inc. POST: 9/8. C/B: 9/20. Sent file to #27.			
NOREQ	9/1/2004 8:00:00 AM	KATHY STEWART	5
27) N&O request to #24.			
INSP	8/31/2004 1:44:00 PM	KATHY STEWART	10
27) Situatoin remains the same. Took updated photos. Send N&O.			
INSP	8/31/2004 8:20:00 AM	LYNN NIHIPALI	5
19)NO CHANGE, TOOK PICTURES, SENDING NOTICE/ORDER			
LETTER	8/23/2004 7:27:00 AM	MARIA VIGIL	0
19) FINAL NOTICE MAILED. C/B 8/30			
INSP	8/13/2004 8:40:00 AM	MARIA VIGIL	3
19) NO CHANGE. SENDING FINAL NOTICE. PICTURES TAKEN.			
INSP	8/2/2004 1:00:00 PM	MARIA VIGIL	10
19) TRASH/DEBRIS, HIGH WEEDS, TREE LIMBS ON THIS VACANT LOT. C/N MAILED TO PROPERTY OWNER. C/B 8/13			
<i>Time in minutes:</i>			84

APN 138-24-804-005

Ref # - 19383

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: TELOS ENTERPRISES, INC.

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

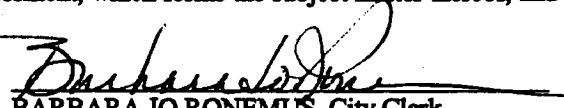
Assessor's Parcel No.: 138-24-804-005
Commonly known as: VACANT LOT WEST OF
1733 N. DECATUR BLVD.
Legal Description: PT SE4 SE4 SEC 24 20 60

On November 23, 2004, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$4,426.35 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on January 19, 2005, ordered the above charges in the amount of \$4,426.35, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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

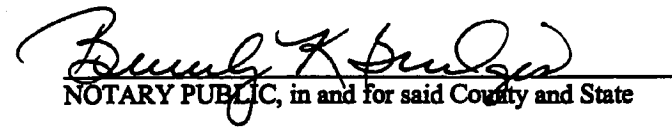

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

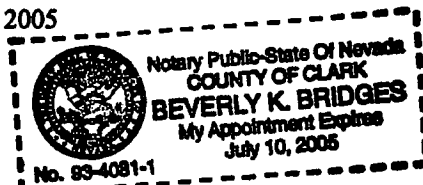
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are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


BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 4th day of February, 2005


NOTARY PUBLIC, in and for said County and State

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



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition at 705 W. Adams Avenue. PROPERTY OWNER: JANICE ARBULU - Ward 5 (Weekly)

Fiscal Impact:

☐ No Impact	Amount:	\$17,957.25
☒ Budget Funds Available	Dept./Division:	Neigh. 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 ADS Consulting, Inc., of Nevada to secure and board the property, CamAir to provide asbestos survey, Tiberti Fence Company to secure the property, and C & W Enterprises to abatement and demolish the structure and post "No Trespassing" signs.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$17,957.25 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 Disclosures
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

MOTION:

WEEKLY - APPROVED the action of Neighborhood Services with a condition that the bank will not sell the property before the lien is recorded - **UNANIMOUS** with GOODMAN excused

MINUTES:

NOTE: Video shown but not submitted.

MAYOR PRO TEM REESE declared the Public Hearing open.

ORLANDO SANCHEZ, Director of Neighborhood Services, presented a video of the subject property and read the purpose/background regarding the condition of the property as a public hazard and an attractive nuisance requiring the described abatement. MR. SANCHEZ recommended the City Council approve the report of expenses in the amount of \$17,957.25; \$977 to ADS Consulting, Inc. of Nevada to secure and board the property, \$500 to CamAir to provide asbestos survey, \$1,388 to Tiberti Fence Company to secure the property, \$12,570 to C & W Enterprises to abate and demolish the structure, and

CITY COUNCIL MEETING OF: JANUARY 19, 2005**MINUTES - Continued:**

a 15 percent administrative fee of \$2,342.25. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

ATTORNEY JEFF ALLISSON, appeared on behalf of the current owner of the subject property, Ocwen Federal Bank located in Florida. The bank inherited the property in October of 2004 by foreclosure. He asked for additional time before a lien is recorded to allow the bank to determine whether or not they want to pay the abatements amount in lieu of having a lien recorded against the property. He understands the property is worth between \$20,000 and \$40,000 as is today. His client received an offer on the property and negotiations are ongoing, but no deal has been made.

DEPUTY CITY ATTORNEY TOM GREEN suggested the City Council approve the lien with the understanding that ATTORNEY ALLISON and MR. SANCHEZ discuss this issue informally. The item would not have to come back before the City Council for any further action. ATTORNEY ALLISON indicated that 30 to 60 days should be sufficient time and he agreed to approve the lien, but wait to record the lien.

COUNCILMAN WEEKLY questioned what makes the bank different from any other property owner who have had a lien imposed on their properties. The bank did not do its due diligence regarding the condition of the property before it was purchased. ATTORNEY ALLISON responded that the broker may have not notified the bank in time or it was an oversight. The bank foreclosed on October 15, 2004, and his understanding is that some of the abatement had already been performed. COUNCILMAN WEEKLY remarked that he is very sensitive to those who show extreme hardship, but not for someone who did not research the property's condition. Other adjacent properties have similar situations and those property owners have a responsibility to ensure their properties are maintained and not be a negative for the neighborhood.

DEPUTY CITY ATTORNEY GREEN suggested a condition of approval be added to enforce the bank to satisfy the lien before selling the property. ATTORNEY ALLISON replied that he does not have the authority to agree to that condition. He acknowledged that the lien would have to be satisfied whether Ocwen Federal Bank pays it outright before the lien is recorded or whether the lien is satisfied by a subsequent purchaser after the lien is recorded. DEPUTY CITY ATTORNEY GREEN asked that ATTORNEY ALLISON agree to the condition that the property will not be disposed of until the lien is recorded. ATTORNEY ALLISON concurred. MR. SANCHEZ pointed out that the title already reflects a hold because of the recorded Notice and Order.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:07 - 1:09)

3-128

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: Neighborhood Services

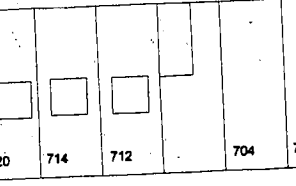
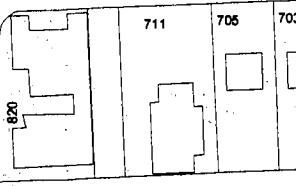
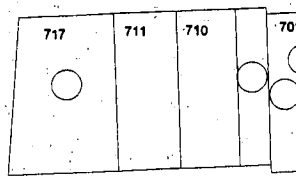
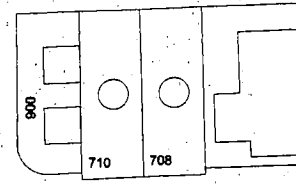
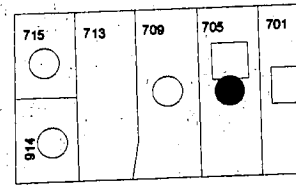
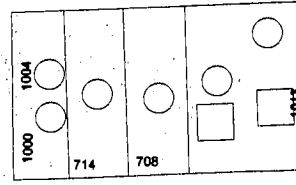
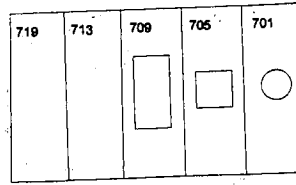
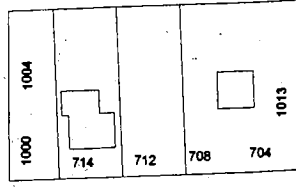
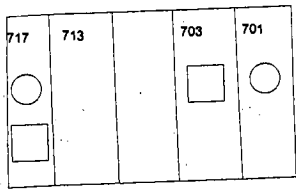
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 705 W. Adams Avenue. PROPERTY OWNER: JANICE ARBULU – Ward 5 (Weekly)

ADS Consulting, Inc., of Nevada secured and boarded the structure on April 19, 2004 at a cost of \$977.00, CamAir completed asbestos survey on May 3, 2004 at a cost of \$500.00, Tiberti Fencing (securing the property) on June 21, 2004 at a cost of \$1,388.00, and C & W Enterprises completed the abatement and demolition on September 22, 2004 at a cost of \$12,750.00 plus a 15% administrative fee, for a total of \$17,957.25.

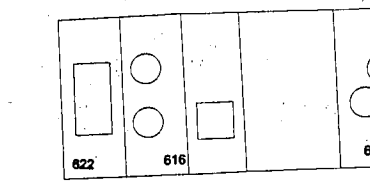
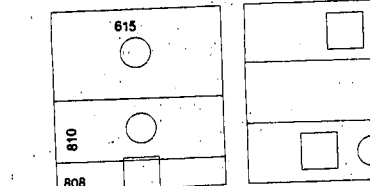
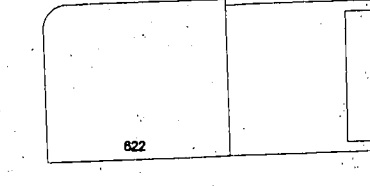
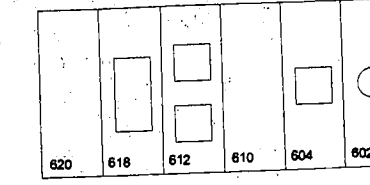
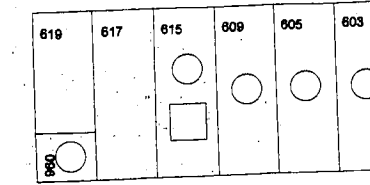
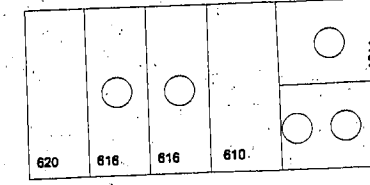
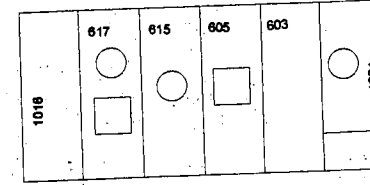
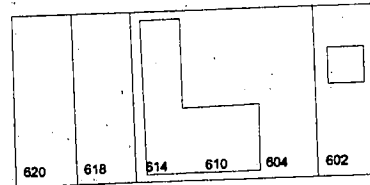
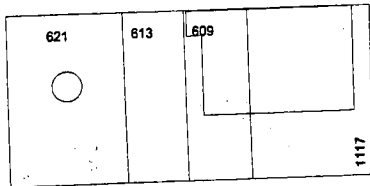
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If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All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

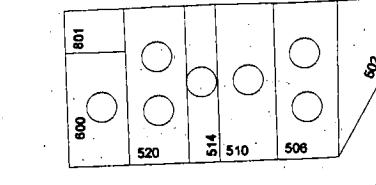
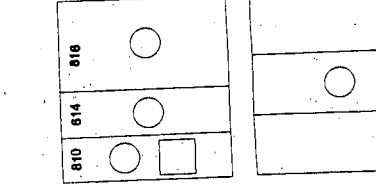
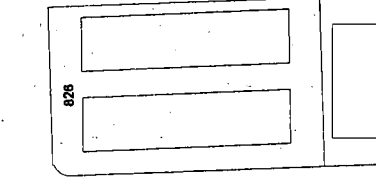
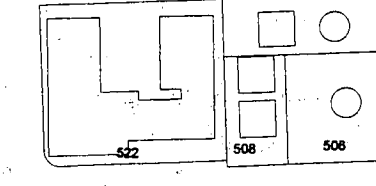
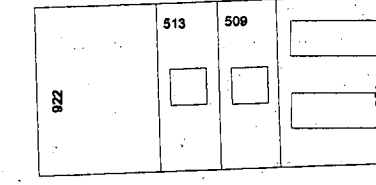
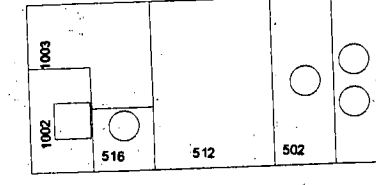
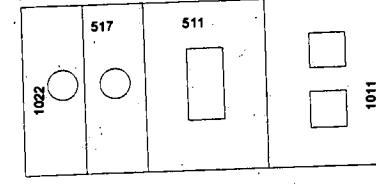
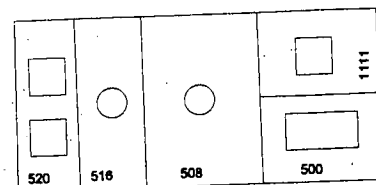
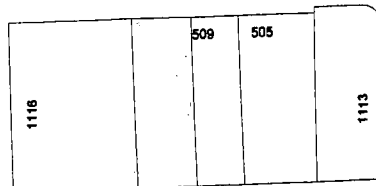
HST



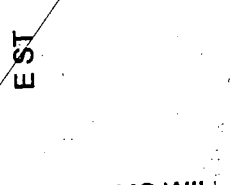
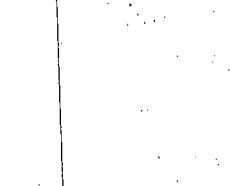
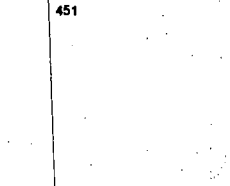
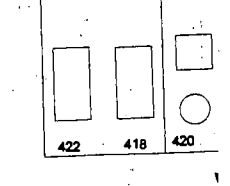
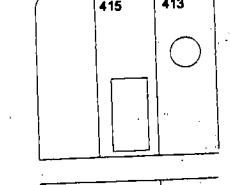
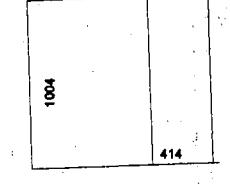
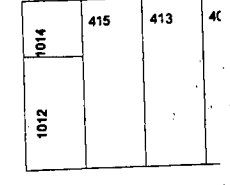
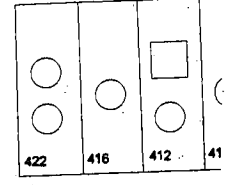
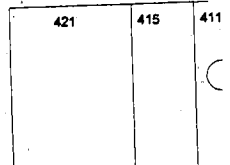
GST



FST



EST



JEFFE

ADAMS A'

EST

MC WIL

Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk
From: Devin Smith, Manager – Neighborhood Response Division
CC: File
Date: December 20, 2004
Re: Report of Expenses for the abatement of Dangerous Building/Demolition located at 705 W. Adams Avenue - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building/Demolition," the Department of Neighborhood Services caused the above-referenced property to be corrected by hiring ADS Consulting, Inc., of Nevada to secure and board the structure on April 19, 2004; CamAir to provide an asbestos survey on May 3, 2004; Tiberti Fencing to secure the property on June 21, 2004 and C & W Enterprises to complete the abatement, demolish the structure and post "No Trespassing" signs on September 22, 2004. The abatement was completed on September 22, 2004 at a cost of \$17,957.25, which was accepted by the Department of Neighborhood Services.

Contract Amount:

ADS Consulting, Inc of Nevada.....	\$ 977.00
CamAir	500.00
Tiberti Fencing	1,388.00
C&W Enterprises	12,750.00
AMOUNT DUE.....	15,615.00
Administrative processing fee	<u>2,342.25</u>
TOTAL AMOUNT DUE	\$17,957.25

OWNER OF RECORD: JANICE ARBULU

PROPERTY ABATED: 705 W. Adams Avenue

ASSESSOR'S PARCEL: 139-27-210-119

LEGAL DESCRIPTION: H F M & M ADD
PLAT BOOK 1 PAGE 47
LOT 8 BLOCK 32

DS:jl

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of ADS Consulting, and all persons and entities holding more than 1% interest in ADS Consulting or any principal of ADS Consulting are the following:

Full Name	Business Address	Business Phone
1. <u>Nelson Quetzada</u>	<u>1801 S. Eastern Avenue</u>	<u>(702) 531-3330</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____

Continue list until full and complete disclosure is made.

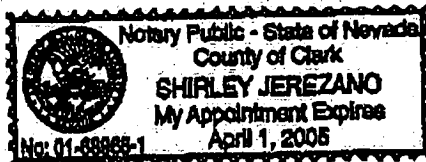
I certify under penalty of perjury, that the foregoing list is full and complete.

ADS Consulting

By: _____

STATE OF NEVADA }
COUNTY OF CLARK }

Subscribed and sworn to before me, a Notary Public,
on this 29th day of April, 2002.



NOTARY PUBLIC in and for said
County and State

CamAir
3233 Barbuda Rd.
Las Vegas, NV 89117

Disclosure of Principals

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

Full Name	Business Address	Business Phone
1. <u>DENNIS J. KISH</u>	<u>3233 BARBUDA RD, LV, NV 89117</u>	<u>(702) 610-4226</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____

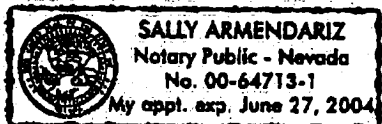
Continue list until full and complete disclosure is made.

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

By: CamAir DENNIS J. KISH
J. J. Kish

STATE OF NEVADA)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 26th day of December, 2002, by Dennis J. Kish.



[Signature]
NOTARY PUBLIC in and for said
County and State

C & W Enterprises, Inc.
3160 S. Valley View Blvd, Suite 204
Las Vegas, NV 89102

Disclosure of Principals

The principals and partners of *C & W Enterprises, Inc.*, and all persons and entities holding more than 1% interest in *C & W Enterprises, Inc.* or any principal of *C & W Enterprises, Inc.* are the following:

	Full Name	Business Address	Business Phone
1.	<u>Tony Moreno</u>	<u>3160 S. Valley View #204</u>	<u>732-8961</u>
2.	<u>Jose Moreno</u>	<u>3160 S. Valley View #204</u>	<u>732-8961</u>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____

Continue list until full and complete disclosure is made.

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

C & W Enterprises, Inc.

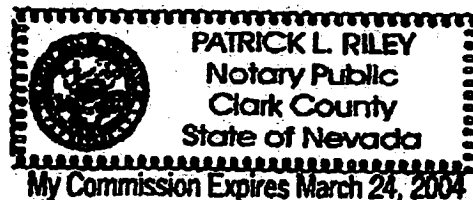
By: _____

Print Name

STATE OF NEVADA)
)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 17th day of AUGUST, 2000.

Patrick L. Riley
NOTARY PUBLIC in and for said
County and State





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING
JANUARY 19, 2005

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, January 19, 2005**, 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 securing and boarding the structure; providing an asbestos survey; and final abatement by demolishing the structure and posting "No Trespassing" signs on property located at **705 WEST ADAMS AVENUE** legally described as **H F M & M ADD, PLAT BOOK 1 PAGE 47 LOT 8 BLOCK 32**. Owner of record at time of abatement: **JANICE ARBULU - WARD 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$17,957.25 was expended (\$977.00 to ADS Consulting, Inc. of Nevada; \$500.00 to CamAir; \$1,388.00 to Tiberti Fencing; and \$12,750.00 to C & W Enterprises for abatement of the property; and \$2,342.25 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 a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

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

BARBARA JO RONEMUS
CITY CLERK

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

VOICE 702.229.6011
TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-6/04

Address: 705 W ADAMS AVE

OPEN DANGEROUS/BUILDING- DRUG HOUSE

Parcel(s)

Parcel:	Size:	Subdivision Name:
13927210119	0.16 ACRE	H F M & M ADD

Owner Information:

10-Aug-02	03-Nov-04	ARBULU JANICE 705 W ADAMS AVE; LAS VEGAS, NV 89106-4904
03-Nov-04		BANK WELLS FARGO MN NA TRS % OCWEN FED BANK 12650 INGENUITY DR; ORLANDO, FL 32826-2703

Inspection Summary

Inspector:	Status:	Scheduled DT:	Start Dt:	Comp DT:	Min:	
940274	Failed		04/07/2004 13:05	04/07/2004 13:55	50	
980036	Passed	Partial	5/27/2004	05/27/2004 9:35	05/27/2004 9:40	5
870076	Passed	Partial	7/12/2004	06/12/2004 16:08	06/12/2004 16:20	12
870076	Passed		9/21/2004	12/03/2004 13:20	12/03/2004 13:27	7
Time in Minutes:					74	

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-WEEDS	4/7/2004		ALL YARD AREAS
A-REFUSE/WST	4/7/2004		ALL YARD AREAS
A-LITTER	4/7/2004		ALL YARD AREAS
A-BLD DNGR	4/7/2004		ALL BUILDINGS ARE OPEN AND UNSECURED

Log

Type:	Date:	Employee:	Min:
MEET	12/21/2004 2:03:00 PM	JESSICA LARRAMENDY	0
JL) Set date on 1/5/05 to be heard at Council meeting on 1/19/05			
LETTER	12/21/2004 2:02:00 PM	JESSICA LARRAMENDY	0
JL) Report of expense letter and memo sent to property owner.			
MISC	12/8/2004 3:30:00 PM	LAURA DEARMOND	0
Ld) GAVE FILE TO J.L.			
MISC	12/7/2004 9:36:00 AM	LAURA DEARMOND	0
Ld) SENT C&W INVOICE \$12,750.00 TO FINANCE			
INSP	12/3/2004 1:20:00 PM	JESSICA LARRAMENDY	7
24) Final inspection - ground has been leveled off and No Trespassing signs have been posted. Closed.			
INSP	12/1/2004 9:10:00 AM	JESSICA LARRAMENDY	4
24) Condition the same, deep grooves in the ground. No Signs yet. Will call Sharon @ C&W			

VIDPST	9/30/2004 2:13:00 PM	LAURA DEARMOND	0
24) ...CARE OF TODAY. C/B 10-7 FOR FINAL INSPECTION.			
VIDPST	9/30/2004 1:59:00 PM	LAURA DEARMOND	14
24) BUILDINGS DEMOLISHED. THE DIRT NEEDS TO BE LEVELED OFF; AS THERE ARE DEEP GROOVES FROM THE BACK HOE. SOME MINOR LITTER ALONG WESTERN PROPERTY LINE. "NO TRESPASSING" SIGNS HAVE NOT BEEN POSTED YET. CALLED JACK AT C&W, HE'LL GET IT TAKEN ((CONT...))			
PHONE	9/24/2004 8:45:00 AM	KATHY STEWART	2
24) Jack @ C&W states work should be done by next week. He will call me Monday so I can video.			
MISC	9/21/2004 8:06:00 AM	LAURA DEARMOND	4
24)...TIBERTI STATED NO ONE WAS AVAILABLE. JACK STATED THEY WOULD TRY TO GO OVER THE FENCE & REACH THE STRUCTURE. TIBERTI'S #382-7070.			
MISC	9/21/2004 8:05:00 AM	LAURA DEARMOND	0
24) *NOTE: ON 9-15-04 LD WAS TO CHECK W/C&W FOR START DATE. ADVISED O.S. THAT WE REALLY NEED LETTER TO GET OUT TO CONTRACTORS & MEET WITH THEM. ON 9-21-04 I REC'D A CALL FROM JACK AT C&W WORK ALREADY IN PROGRESS. A NEW PRE-VIDEO WAS NOT FILMED ((CONT...))			
MISC	9/21/2004 8:05:00 AM	LAURA DEARMOND	2
24)...& I WAS NOT GIVEN A START DATE. THERE ARE 2 PRE VIDEOS ALREADY SHOT FOR THIS LOCATION. I ATTEMPTED TO GET SOMEONE FROM TIBERTI TO MOVE THE TEMP FENCE SO JACK COULD KNOCK DOWN THE ACCESSORY STRUCTURE ON THE OUTSIDE OF THE FENCE. LIZ AT ((CONT...))			
PHONE	9/21/2004 8:00:00 AM	LAURA DEARMOND	0
24) LIZ AT TIBERTI 382-7070 DOESN'T HAVE ANYONE AVAIL TO REMOVE PART OF FENCE, CAN DO IT WED A.M.-MAYBE			
PHONE	9/15/2004 3:35:00 PM	LAURA DEARMOND	0
Ld) LEFT MESSAGE AT C&W TO LET ME KNOW THE START DATE			
MISC	9/15/2004 3:30:00 PM	LAURA DEARMOND	0
24) L.D. WILL CHECK W/JACK FOR START DATE			
MISC	8/17/2004 9:40:00 AM	LAURA DEARMOND	0
Ld) SENT TIBERTI FENCE INVOICE \$1,388.00 TO FINANCE.			
PHONE	7/30/2004 11:07:00 AM	DAVID SEMENZA	0
DS Southwest Gas must do some type of special disconnect in the street on this property on 8/3, C&W will begin demo 8/4.			
MISC	7/8/2004 2:58:00 PM	DAVID SEMENZA	0
SENT FENCE BILL TO LAURA FOR FILING.\$1388.00			
LETTER	6/24/2004 3:40:00 PM	DAVID SEMENZA	11520
FINAL VISUAL CLEARANCE BY CAMAIR FOR ASBESTOS			
PHONE	6/21/2004 8:15:00 AM	LAURA DEARMOND	0
Ld) SPOKE W/SHARON FROM C&W, VIDEO NOW ON LOG, ASKED HER TO PROCEED			
INSP	6/12/2004 4:08:00 PM	LAURA DEARMOND	22
24) THIS PROPERTY LOOKS JUST AS IT DID WHEN I DID THE 1ST VIDEO ON 5/24 SO I'M NOT SURE WHY I WAS ASKED TO DO ANOTHER "PRE" VIDEO. SO I PUT "POST" ON THE 1ST "PRE" TAPE & THEN FILMED A 2ND TAPE WITH 6-12 "PRE" DATE. OPEN, TRASHED, ALL STRUCTURES.			
VIDREQ	6/11/2004 8:31:00 AM	LAURA DEARMOND	0
Ld) SENT VIDEO REQUEST TO P.H.; C&W HOLDING OFF ON DEMO UNTIL VIDEO COMPLETED			
AWARD	5/21/2004 10:43:00 AM	LAURA DEARMOND	0
Ld) AWARDED TO C&W, WCB W/START DATE			
BIDR	5/20/2004 2:59:00 PM	LAURA DEARMOND	0
Ld) REC'D A BID FROM C&W ENTERPRISES \$12,750.00			
MISC	5/20/2004 10:14:00 AM	LAURA DEARMOND	0
Ld) SENT CAMAIR INVOICE \$500.00 TO FINANCE			
BIDS	5/12/2004 7:00:00 AM	LAURA DEARMOND	0
Ld) FAXED DEMO BID TO CONTRACTORS; DUE BACK 5/19			
RECORD	5/7/2004 1:42:00 PM	JESSICA LARRAMENDY	0
JL) RECORDED N&O AT CLARK COUNTY TODAY. BOOK: 20040507 INST: 002200.			

MISC	5/6/2004 9:33:00 AM	LAURA DEARMOND	0
Ld) REC'D CERT CARD FROM OWNER JANICE ARBULU @ 5380 E FLAMINGO RD, #6 ADDR SIGNED BY ROBERT ROSE			
BIDA	5/6/2004 8:25:00 AM	LAURA DEARMOND	0
Ld) ASBESTOS SURVEY AWARDED TO CAMAIR			
INSP	5/3/2004 10:45:00 AM	VICKI OZUNA	0
19) Shed is still open on the rear of the property. Rear Building is open and front house is open through window. Checking on status of demo letter.			
LETTER	4/29/2004 11:00:00 AM	LAURA DEARMOND	0
Ld) SENT DEMO LETTER TO OWNER @ 5380 E FLAMINGO RD, #6			
MISC	4/27/2004 9:27:00 AM	LAURA DEARMOND	0
Ld) SENT ADS INVOICE \$977.00 TO FINANCE			
BIDS	4/21/2004 7:24:00 AM	LAURA DEARMOND	0
Ld) FAXED ASBESTOS SURVEY BID TO CONTRACTORS, DUE BACK 4/26			
MISC	4/15/2004 2:31:00 PM	LAURA DEARMOND	0
Ld) PUT DEMO LETTER IN C/E BASKET FOR PAUL WILKINS SIGNATURE			
BIDA	4/9/2004 3:55:00 PM	LAURA DEARMOND	0
Ld) AWARDED TO ADS, WILL START NO LATER THAN MON MORNING 4/12			
BIDS	4/8/2004 2:06:00 PM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS; DUE BACK 12PM TOMORROW & WORK TO BEGIN NO LATER THAN MONDAY MORNING 4/12			
INSP	4/7/2004 1:05:00 PM	VICKI OZUNA	50
19) PROPERTY NEEDS TO BE SECURED. REQUEST TO BOARD IMMEDIATELY SENT TO DS. REFERRING TO 24 FOR NOTICE AND ORDER.			
INSP	4/7/2004 1:05:00 PM	VICKI OZUNA	-44590
19/28) MET WITH METRO ON SITE. PROPERTY OPEN AND UNSECURED. DRUG HOUSE. WEEDS, TRASH DEBRIS ON PROPERTY. 2 BUILDINGS AND 2 SHEDS ARE OPEN. METRO CALLED AT 450 THEY WERE INSIDE. TOOK PICTURES OF INSIDE, PROPERTY HAS MOLD, NO UTILITIES AND POWER ILLEGAL.			
<i>Time in minutes:</i>			-32965

APN 139-27-210-119
Ref # - 12356

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: JANICE ARBULU
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: APN 139-27-210-119

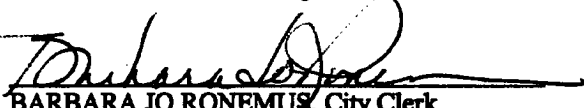
Commonly known as: 705 WEST ADAMS AVENUE
Legal Description: H F M & M ADD
PLAT BOOK 1 PAGE 47
LOT 8 BLOCK 32

On September 22, 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 \$17,957.25 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 January 19, 2005, ordered the above charges in the amount of \$17,957.25, 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.

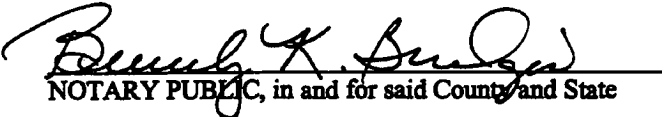

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

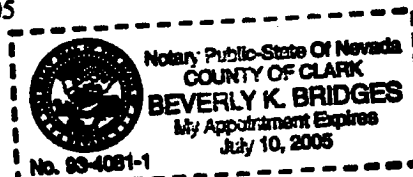
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 4th day of February, 2005


NOTARY PUBLIC, in and for said County and State

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



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 3705 San Joaquin Avenue. **PROPERTY OWNERS: WALTER & SHIRLEY J. MERKEL - Ward 1 (Moncrief)**

Fiscal Impact:

☐ No Impact	Amount:	\$747.40
☒ Budget Funds Available	Dept./Division:	Neigh. 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 C&W Enterprises to remove abandoned vehicles, truck bed, all high vegetation, all refuse, waste and graffiti. Securing gates and posting "No Trespassing" signs on site.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$747.50 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - APPROVED the action of Neighborhood Services - UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: Video shown but not submitted.

MAYOR PRO TEM REESE declared the Public Hearing open.

The property owner was not present.

ORLANDO SANCHEZ, Director of Neighborhood Services, presented a video of the subject property and read the purpose/background regarding the condition of the property as a public hazard and an attractive nuisance requiring the described abatement. **MR. SANCHEZ** recommended the City Council approve the report of expenses in the amount of \$747.50; \$650 to C & W Enterprises and a 15 percent administrative fee of \$97.50. He recommended that the above charges be filed and recorded against the

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:19 - 1:21)

3-525

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

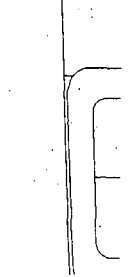
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 3705 San Joaquin Avenue. PROPERTY OWNERS: WALTER & SHIRLEY J. MERKEL – Ward 1 (Moncrief)

C&W Enterprises completed work on October 7, 2004 at a cost of \$650.00, plus a 15% administrative fee, for a total of \$747.50.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of "Nuisance", 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.



Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk
From: Devin Smith, Manager – Neighborhood Response Division
CC: File
Date: December 20, 2004
Re: Report of Expenses for the abatement of Nuisance/Litter located at 3705 San Joaquin Avenue - Ward 1 (Moncrief)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance/Litter," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing abandoned vehicles, truck bed, all high vegetation, all refuse, waste and graffiti. Securing gates and posting "No Trespassing" signs on site. C&W Enterprises completed work on October 7, 2004 at a cost of \$650.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 650.00
AMOUNT DUE	650.00
Administrative processing fee	<u>97.50</u>
TOTAL AMOUNT DUE	\$747.50

OWNER OF RECORD: Walter & Shirley J. Merkel
PROPERTY ABATED: 3705 San Joaquin Avenue
ASSESSOR'S PARCEL: 162 07 516 034
LEGAL DESCRIPTION: LAS VERDES HGTS 6 UNIT #3
PLAT BOOK 8 PAGE 29
LOT 2 BLOCK 5

DS:jl

C & W Enterprises, Inc.
3160 S. Valley View Blvd, Suite 204
Las Vegas, NV 89102

Disclosure of Principals

The principals and partners of *C & W Enterprises, Inc.*, and all persons and entities holding more than 1% interest in *C & W Enterprises, Inc.* or any principal of *C & W Enterprises, Inc.* are the following:

	Full Name	Business Address	Business Phone
1.	<u>Tony Moreno</u>	<u>3160 S. Valley View #204</u>	<u>732-8961</u>
2.	<u>Jose Moreno</u>	<u>3160 S. Valley View #204</u>	<u>732-8961</u>
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____

Continue list until full and complete disclosure is made.

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

C & W Enterprises, Inc.

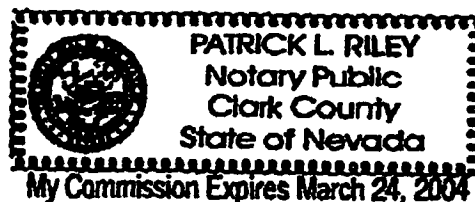
By: _____

Print Name

STATE OF NEVADA)
)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 17th day of AUGUST, 2000.

Patrick L. Riley
NOTARY PUBLIC in and for said
County and State





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
JANUARY 19, 2005

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, January 19, 2005** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property by removing abandoned vehicles, truck bed, all high vegetation, all refuse, waste and graffiti; securing gates and posting "No Trespassing-" signs on property located at **3705 SAN JOAQUIN AVENUE** legally described as **LAS VERDES HGTS 6 UNIT #3, PLAT BOOK 8 PAGE 29 LOT 2 BLOCK 5** Owner of record at time of abatement: **WALTER & SHIRLEY J. MERKEL – WARD 1 (MONCRIEF)**

The Director of Neighborhood Services certifies in the report that the sum of \$747.50 was expended (\$650.00 to C & W Enterprises for cleaning the property; and \$97.50 Administrative Processing Fee).

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

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

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
18112-001-604

Address: 3705 SAN JOAQUIN AVE

CITZ

Possible vacant house, trash/debris, overgrown vegetation, truck in front yard, trash in pool.

Parcel(s)

Parcel:	Size:	Subdivision Name:
16207516034	0.16 ACRE	LAS VERDES HGTS 6 UNIT #3

Owner Information:

10-Aug-02	MERKEL WALTER & SHIRLEY J
	3705 SAN JOAQUIN AVE; LAS VEGAS, NV 89102-5906

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
840182	Failed		5/20/2004	05/21/2004 9:55	05/24/2004 10:10	4335
840182	Passed	Partial	6/7/2004	05/27/2004 13:35	05/27/2004 13:40	5
840182	Failed		6/7/2004	06/07/2004 14:45	06/07/2004 14:55	10
870076	Passed	Partial	8/21/2004	09/23/2004 14:24	09/23/2004 14:31	7
870076	Passed	Partial	9/21/2004	07/09/2004 12:45	07/09/2004 12:51	6
870076	Passed	Partial	9/27/2004	09/27/2004 10:51	09/27/2004 11:01	10
870076	Passed	Partial	9/29/2004	10/08/2004 16:09	10/08/2004 16:16	7
870076	Passed	Partial	10/18/2004	12/01/2004 14:30	12/01/2004 14:41	11
870076	Passed		12/3/2004	12/03/2004 8:07	12/03/2004 8:15	8
Time in Minutes:						4399

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-WEEDS	6/2/2004	12/3/2004	HIGH VEG ALL YARD AREAS
A-VEHICLE	6/2/2004	12/3/2004	RED CHEVY P/U & SILVER DODGE ON D/W (POSSIBLE INOPS)
A-REFUSE/WST	6/2/2004	12/3/2004	TRASH, RUBBISH, PICKUP BED, OIL CONTAINER, DISCARDED FURNITUR

Log

Type:	Date:	Employee:	Min:
MISC	12/17/2004 1:56:00 PM	LAURA DEARMOND	0
Ld) GAVE FILE TO J.L.			
MISC	12/13/2004 1:55:00 PM	LAURA DEARMOND	0
Ld) SENT C&W INVOICE FOR \$650.00 TO FINANCE			
VIDPST	12/3/2004 8:07:00 AM	LAURA DEARMOND	8
24) ALL VEG OVERGROWTH REMOVED, BAGS & PILES OF VEG REMOVED...FINALLY! TAPE TO O.S., DATA TO L.D. TO ENTER.			
VIDPST	12/1/2004 2:30:00 PM	LAURA DEARMOND	11
24) IVY VINES CUT FROM FRONT OF HOUSE, SOME BAGGED, SOME PILED IN FRONT YARD. CALLED SHIRLEY'S DAUGHTER AIDA, SHE WAS THE ONE THAT RAN CREW OFF. SHE SAID GO AHEAD & LET CREW FINISH THE JOB NOW. CALLED BOB AT C&W, THEY WILL COMPLETE JOB 12-2			

PHONE	11/29/2004 2:28:00 PM	LAURA DEARMOND	3
24) REC'D CALL FROM SHARON, SHE STATES CREW WENT OVER TO DO THE WORK & MERKEL RAN THEM OFF. I TOLD HER TO FORGET IT. IT'S BEEN SO LONG ANYWAY.			
PHONE	11/24/2004 9:02:00 AM	LAURA DEARMOND	2
24) ADVISED SHARON AT C&W THAT I HAVE NOT HEARD BACK FROM JACK AFTER 3 ATTEMPTS TO GET THE IVY THINNED OUT. SHE WILL TAKE CARE OF IT ASAP			
INSP	10/20/2004 9:01:00 AM	LAURA DEARMOND	6
24) IVY STILL HASN'T BEEN THINNED & TRIMMED, LEFT ANOTHER MESSAGE FOR JACK ON CELL PHONE.			
INSP	10/8/2004 4:09:00 PM	LAURA DEARMOND	7
24) THE IVY AT FRONT OF HOUSE STILL HAS NOT BEEN TRIMMED OUT AS I REQUESTED. THE ONE VEH REMAINING WAS MOVED TO THE D/W SO THE VEG UNDERNEATH IT CAN NOW BE CUT. I LEFT A MESSAGE ON JACK'S (C&W) CELL PHONE TO CALL ME WHEN THIS IS COMPLETED.			
MISC	10/7/2004 1:37:00 PM	LAURA DEARMOND	1
Ld) REC'D INVOICE SENT FILE TO P.H.			
INSP	9/27/2004 10:51:00 AM	LAURA DEARMOND	10
24) PRE-VIDEO COMPLETED. R.S. DUMPSTER IN FRONT OF LOCATION. JACK'S CREW WILL ABATE TODAY.			
INSP	9/23/2004 2:24:00 PM	LAURA DEARMOND	0
...ACCESSIBLE (FENCE IS SECURE). C/B 9-27 TO 24 PLEASE FOR VIDEO			
INSP	9/23/2004 2:24:00 PM	LAURA DEARMOND	0
24) ...PIX TAKEN. OWNERSHIP ON CC ASSESSOR RECORD HAS NOT CHANGED. I SPOKE W/JACK @ C&W, HE WILL SEND HIS CREW BACK OVER ON MON 9-27 TO CLEAN FRONT YARD, SIDE YARD, & D/W; REMOVING VEHS & TRUCK BED. HIS BID WILL BE LOWER AS THE REAR YARD IS NOT (CONT...)			
INSP	9/23/2004 2:24:00 PM	LAURA DEARMOND	7
24) THE 2 INOPS & 1 TRUCK BED REMAIN IN D/W & F/Y, AS IN PREVIOUS INSPECTION. OVERGROWTH AROUND THE FRONT OF THE HOUSE & DEAD BUSH IN FRONT PART OF SIDE AREA BY D/W. THE ONLY THING DONE BY OWNER (?) WAS THE HIGH VEG IN FRONT & SIDE YARD. NEW (CONT...)			
MISC	9/20/2004 11:41:00 AM	LAURA DEARMOND	0
Ld) SPOKE W/SHARON FROM C&W, SHE SENT FAX TO D.S. ON 8-4-04 ADVISING THEY WOULD NOT BE DOING THE WORK AT THIS ADDRESS, SENT FILE TO P.H. TO CHECK IF OWNER DID WORK REQUIRED			
PHONE	8/5/2004 4:03:00 PM	SHIRLEY WARMOUTH	1
RECEIVED ANOTHER CALL REGARDING THIS PROPERTY - NO CHANGE			
EXTEND	7/28/2004 9:53:00 AM	DAVID SEMENZA	0
ds Spoke with owner who lives there part time. She said she would have the property cleaned within 2 weeks and she had been out of town. 809-3626.			
RECORD	7/23/2004 3:04:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O at Clark County. Book: 20040723 Inst: 03060.			
BIDR	7/20/2004 3:16:00 PM	LAURA DEARMOND	0
Ld) REC'D BIDS (1)C&W \$1800 (2)K O CONSTRUCTION \$2269			
BIDA	7/20/2004 3:11:00 PM	LAURA DEARMOND	0
Ld) AWARDED TO C&W ENTERPRISES, WILL CALL BACK W/START DATE			
BIDS	7/14/2004 12:15:00 PM	LAURA DEARMOND	0
Ld) FAXED BID REQUEST TO CONTRACTORS, DUE BACK 7/19			
PHONE	7/13/2004 4:22:00 AM	MARIA VIGIL	0
RECEIVED COMPLAINT ON PROPERTY. LOOKS LIKE A JUNGLE WITH ALL THE HIGH WEEDS ON THE FYARD.			
INSP	7/9/2004 12:45:00 PM	VICTORIA ROSEMORE	6
24) PRE-VIDEO COMPLETE. ABANDONED VEHS & TRUCK BED REMAIN, HI/DRY VEG IN F/Y, S/Y, SMALL AMOUNT OF REFUSE IN FRONT AREA. WOODEN SIDE GATE HAS BEEN NAILED SHUT BUT I CAN SEE THRU SMALL OPENING THAT THERE IS R/W IN R/Y AS WELL. TAPE TO DS & FILE TO LD.			
REFER	7/7/2004 8:41:00 AM	VICTORIA ROSEMORE	0
16) PER 28, AUDIT REPORT - CASE REFERRED TO 24 TO CONT. ABATEMENT.			
INSP	6/7/2004 2:45:00 PM	LYNN NIHIPALI	10
28)NO IMPROVEMENT, ASSESS 75.00 FEE PIX, CB 6/18			
MISC	6/4/2004 8:09:00 AM	LAURA DEARMOND	1
Ld) CERT LETTER RETURNED UNCLAIMED			

NOPOST	5/27/2004 1:35:00 PM	LYNN NIHIPALI	5
28)POSTED N&O ON PROPERTY			
INSP	5/27/2004 1:35:00 PM	LYNN NIHIPALI	5
28)NO CHANGE			
NOTICE	5/25/2004 3:39:00 PM	LAURA DEARMOND	0
Ld) SENT N&O TO OWNERS: WALTER & SHIRLEY MERKEL; POST 5/26; CB 6/7			
NOREQ	5/24/2004 7:25:00 AM	GEORGE CLEVELAND	10
PREPARED AND SUBMITTED N & O TO OWNER			
INSP	5/21/2004 9:55:00 AM	GEORGE CLEVELAND	15
HOUSE APPEARS TO BE VACANT, NEIGHBORS ON BOTH SIDES GONE, NEIGHBOR ACROSS STREET UNSURE. HIGH VEGETATION IN ALL YARDS. INOPERABLE SILVER DODGE, RED CHEVY PICK-UP IN DRIVEWAY. T/D IN ALL YARDS. REAR YARD UNACCESSIBLE. PIX..WILL SEND N & O TO OWNER			

Time in minutes: 108

APN 162-07-516-034

Ref # - 15267

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: WALTER & SHIRLEY J. MERKEL

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

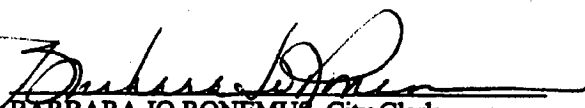
Assessor's Parcel No.: 162-07-516-034
Commonly known as: 3705 SAN JOAQUIN AVENUE
Legal Description: LAS VERDES HGTS 6 UNIT #3
PLAT BOOK 8 PAGE 29
LOT 2 BLOCK 5

On October 7, 2004, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$747.50 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on January 19, 2005, ordered the above charges in the amount of \$747.50, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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


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

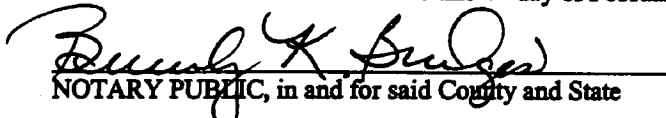
STATE OF NEVADA)

)
COUNTY OF CLARK)

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

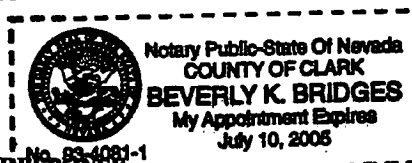

BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 4th day of February, 2005


NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:

CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 6101 Denver Circle. PROPERTY OWNER: CHARLES ERBACHER - Ward 2 (Wolfson)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances. A Nuisance/Litter Abatement Notice and Order to Comply was mailed to the property owner to correct the nuisance per 19.04 Refuse & Waste; Unpainted/Deteriorated (Structure, Fence, etc) and Vehicle Code. Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Charles Erbacher property owner and responsible party for the property.

RECOMMENDATION:

That the City Council approve the Nuisance/Litter Abatement Notice and Order to Comply.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Nuisance/Litter Abatement Notice and Orders to Comply
4. Appeal Letters from Appellant and Representative
5. Notice of Appeal
5. Submitted after final agenda - Letter from Attorney Marina Koliass
6. Submitted at City Council - Appellant's Brief submitted by Attorney Marina E. Koliass

MOTION:

WOLFSON - Motion that the City complied with the requirements of the Statute in providing notice to the property owner - UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: Video shown but not submitted.

MAYOR PRO TEM REESE declared the Public Hearing open.

ORLANDO SANCHEZ, Director of Neighborhood Services, explained the property owner filed an appeal citing lack of improper notification. MR. SANCHEZ provided copies of non-responsive return envelopes. The property was properly posted as per Title 19.04.050, as well as exercising every means necessary to notify the property owner. MR. SANCHEZ explained for MAYOR PRO TEM REESE that the property was cited for trash and debris and the property was abated.

ATTORNEY MARINA KOLIAS appeared on behalf of CHARLES ERBACHER, who was also present. ATTORNEY KOLIAS submitted a brief for the record outlining reasons for the appeal. She explained that MR. ERBACHER was not notified or personally served with the notice as required by

CITY COUNCIL MEETING OF: JANUARY 19, 2005**MINUTES - Continued:**

Title 19.04.050, Subsection C of the Las Vegas Municipal Code. She indicated that an error might have been committed when the notice was sent to the Lake Mead Boulevard address. That address was taken from the Records web page and it belongs to a different owner. Secondly, even though the notice may have been attached to the property, MR. ERBACHER'S tenants did not give him the notice. She also indicated the video shows that the City's intervention was unwarranted. The City went beyond the scope of the front yard. MR. ERBACHER had already made great efforts to clean the debris left by his tenants, and cleaned the property regardless of whether he received the notice or not. MR. SANCHEZ indicated the property was noticed and that MR. ERBACHER might have seen the notice when he visited the rental property. Therefore, the property was properly noticed per City Code.

COUNCILMAN WOLFSON discussed with ATTORNEY KOLIAS that the Statute requires that notice needs to be made by either personal service, mailing the notice by certified mail return receipt requested to the owner at the last known address or posting the notice in a conspicuous place on the property. He verified with MR. SANCHEZ that that was done. ATTORNEY KOLIAS rebutted her client never received the certified letter. Her client is an absentee landlord. The tenant at that particular property did not communicate this fact to her client. The Statute may have been complied with, but her client was never personally served with the notice. COUNCILMAN WOLFSON emphasized the City has to do only one of the three and it seems that the City complied with at least two of the requirements. ATTORNEY KOLIAS rebutted that her client had already begun to clean the property as evidenced in the videotape. The videotape showed the front yard had been cleaned and abated. The Municipal Code states that nuisances are weeds and turf grass in plain view within the front yard on a developed parcel or vacant parcel exceeding eight inches in height. She believes that the definition of a nuisance is specific to the front yard and a review of the tape would show that the front yard had been cleaned.

COUNCILMAN WOLFSON asked DEPUTY CITY ATTORNEY GREEN if the City Council was to consider ATTORNEY KOLIAS' appeal based upon her assertion of a lack of notice or on the merits. DEPUTY CITY ATTORNEY GREEN replied that ATTORNEY KOLIAS has the right to appeal on both of those grounds. With regard to the notice issue, if that is the basis of the appeal, then the Council should determine whether notice was given according to the Code. Therefore, the appeal could move on the facts of the case and the Council has complete discretion to accept or modify the report and recommendations. COUNCILMAN WOLFSON concluded that the City clearly complied with the notice requirements. ATTORNEY KOLIAS reiterated that her client did not receive notice because it was sent to an erroneous address and not necessarily the last known address of MR. ERBACHER.

MAYOR PRO TEM REESE asked MR. SANCHEZ whether there is proof that MR. ERBACHER tried to clean the property before the City went to abate the property. MR. SANCHEZ responded that if the backyard can be seen from public view and the neighbors complain, the City will abate the property, including the backyard, if no response is received from the property owner. This particular backyard can be seen through the chain link fence.

COUNCILMAN BROWN verified with MR. SANCHEZ the letter dated October 6, 2004 sent to CHARLES ERBACHER at 6170 West Lake Mead Boulevard was copied to the same name at six different addresses. Every possible attempt was made to notify the property owner. The address was obtained from the Clark County Assessor's records. MR. ERBACHER confirmed for COUNCILMAN BROWN that no notice was received at the West Lake Mead Boulevard address or at any of the other six

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

addresses. He owns two of those properties and his tenants did not notify him of the notices sent by the City.

ATTORNEY KOLIAS requested the videotape be reviewed to assess whether or not the property had already been cleaned before the City abated the property. MR. SANCHEZ emphasized the only issue before the City Council at this time was the appeal of the notification process. The lien assessment would be the next step and the property owner would be notified. At that point, the attorney could argue whether the property had already been cleaned before the City's intervention. DEPUTY CITY ATTORNEY GREEN acknowledged MR. SANCHEZ'S comments.

MR. ERBACHER'S current residence is 6101 Denver Circle and has lived at this address since October after his tenants moved out. An anonymous driver damaged the fence and it was repaired in October before the City's abatement. The before video shows the fence was repaired. MAYOR PRO TEM REESE reiterated the only issue the Council could consider at this time is whether or not sufficient notice was given to the property owner. COUNCILMAN WOLFSON felt the City complied with the requirements of the Statute in providing proper notice to the property owner. MR. SANCHEZ discussed with MAYOR PRO TEM REESE that the property owner will be notified of the lien of assessment and it will be placed on the property if an agreement is not reached between the City and the property owner. COUNCILMAN WOLFSON commented that the property owner could argue whether the City's abatement was warranted during the notice of abatement process. ATTORNEY KOLIAS remarked that a lien was already placed upon the property the day she requested this appeal.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:21 - 1:41)

3-572

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Appeal hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 6101 Denver Circle. PROPERTY OWNERS: CHARLES ERBACHER - Ward 2 (Wolfson)

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

A Nuisance/Litter Abatement Notice and Order to Comply was sent to the property owner by regular and certified mail requesting they correct the nuisance per 19.04 Refuse & Waste; Unpainted/Deteriorated (Structure, Fence, etc) and Vehicle Code. A copy of the notice was also posted on the property.

Today's hearing is to consider the appeal from Nuisance/Litter Abatement Notice and Order to Comply filed by Charles Erbacher property owner and responsible party for the property.



NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

October 6, 2004

CASE #19940

Certified/Regular Mail

Return Receipt Requested

Charles Erbacher

6170 West Lake Mead Blvd, #349

Las Vegas, NV 89108-2661

(NEW)

NUISANCE/LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 6101 Denver Circle, Las Vegas, NV, Parcel #138-26-813-021, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

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

You are hereby ordered to correct the nuisance by Per 9.04 – Refuse & Waste: Remove all scattered refuse, waste, litter, and debris from the property. Maintain the property litter free at all times or re-inspection fees will be assessed each visit for non-compliances. Per 9.04 – Unpainted/Deteriorated (Structure, Fence, etc): Repair or replace deteriorated chain link fence along the rear property line abutting Jones Boulevard public sidewalk area. Per 19.04 – Vehicle Code: Remove inoperable/abandoned black Nissan Maxima from the driveway as prohibited to store inoperable vehicle in "R" zone.

Post "No Trespassing" (per NRS 207.200), "No Dumping" (per NRS 444.630), and "No Vehicles" (per CLVMC 10.78.020 & 11.24.020) signs on-site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within ten (10) days of posting of this notice.

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

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

18201-031-7-04

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



CASE #19940
6101 Denver Circle
October 6, 2004
Page 2

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #27 by telephone at (702) 229-4922 to supply your current phone number, e-mail address, fax number, or additional mailing address.

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

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

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-2330 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Orland Sanchez', enclosed within a large, horizontal oval loop.

Orland Sanchez, Director
Department of Neighborhood Services

OS:ks

- c: Charles H. Erbacher, 4542 East Tropicana Avenue, #135, Las Vegas, NV 89121-6705
Charles H. Erbacher, 627 Hull Street, Henderson, NV 89121
Charles H. Erbacher, 620 West Monroe Avenue, Las Vegas, NV 89106
Charles H. Erbacher, 517 Van Buren Avenue, Las Vegas, NV 89106-3055
Charles H. Erbacher, 3316 Valley Lane, Las Vegas, NV 89106-1211
Charles H. Erbacher, 1982 N. Rainbow Blvd., #136, Las Vegas, NV 89108-2797



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

Receipt/Conformed Copy
Requestor: LAS VEGAS CITY
09/09/2004 10:11:10 T20040096527
Book/Instr: 20040909-0002265
Notice: Page Count: 2
Fees: \$15.00 N/C: \$0.00
Frances Deane
Clark County Recorder

September 8, 2004

CASE #19940
Certified/Regular Mail
Return Receipt Requested

Charles Erbacher
6170 West Lake Mead Blvd., #349
Las Vegas, NV 89108-2661

ADDENDUM **NUISANCE/LITTER ABATEMENT NOTICE AND ORDER TO COMPLY**

You are hereby notified as owner(s) of the property located at **6101 Denver Circle, Las Vegas, NV, Parcel #138-26-813-021**, that you are in violation of **Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.**

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

You are hereby ordered to correct the nuisance by **Per 9.04 – unpainted/Deteriorated (Structure, Fence, etc): Repair or replace deteriorated fence along Jones Blvd.**

NOTE: See attached letter dated August 11, 2004 for all other code violations.

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

Responsible party must provide contact information to this department. **Contact the area Code Enforcement Officer #27 by telephone at (702) 303-3093 to supply your current phone number, e-mail address, fax number, or additional mailing address.**

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

18201-031-7-04



CASE #19940
6101 Denver Circle
September 8, 2004
Page 2

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

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

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-2330 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Orland', enclosed within a large, horizontal oval loop.

Orland Sanchez, Director
Department of Neighborhood Services

OS:ks

Attachment: Notice & Order letter dated August 11, 2004



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

Receipt/Conformed Copy
Requestor: LAS VEGAS CITY
08/09/2004 10:11:10 T20040096527
Book/Instr: 20040909-0002264
Notice: Page Count: 4
Fees: \$17.00 N/C: \$0.00
Frances Deane
Clark County Recorder

August 11, 2004

CASE #19940
Certified/Regular Mail
Return Receipt Requested

Charles Erbacher
6170 West Lake Mead Blvd., #349
Las Vegas, NV 89108-2661

NUISANCE/LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 6101 Denver Circle, Las Vegas, NV, Parcel #138-26-813-021, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

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

You are hereby ordered to correct the nuisance by Per 9.04 – Refuse & Waste: Remove all bags of garbage, scattered litter, trash, and debris from the property.

Per 9.04 – Weeds/Turf: Trim, cut, and remove all weeds and turf grass exceeding eight (8) inches in height from all yards.

Per 19.04 – Vehicle Code: Remove the abandoned/junk vehicle, black compact, from the driveway.

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

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
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18201-031-7-04



CASE #19940
6101 Denver Circle
August 11, 2004
Page 2

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #27 by telephone at (702) 303-3093 to supply your current phone number, e-mail address, fax number, or additional mailing address.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "David Semenza", with a long, sweeping horizontal line extending to the right.

David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

DS:ks

KOLIAS LAW OFFICES

601 EAST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89104
Telephone: (702) 474-4417
Facsimile: (702) 474-4419

December 2, 2004

Via Facsimile: (702) 382-3045 & U.S. Mail

LAS VEGAS CITY COUNSEL
400 Stewart Avenue
Las Vegas, NV 89101

2004 DEC - 3 PM 2:27

RECEIVED
CITY CLERK

Re: My Client : Charles Erbacher
Subject : Request for Appeal
Nuisance/Litter Abatement Notice and Order to Comply
Property : 6101 Denver Circle, Las, NV 89107
Parcel # : 138-26-813-021
Case # : 19940

Dear Counsel Members:

Our office represents Charles Erbacher. Accordingly, please address and forward all correspondence to our attention. Mr Erbacher, as the owner of the above-referenced property, requests an appeal of the Notice and Order issued on or about September 8, 2004, by the Neighborhood Services Department, a copy of which is attached hereto.

The request for appeal comes at this late date as Mr. Erbacher did not receive notice in compliance with §9.04.050(C) of the Municipal Code, which reads in pertinent part:

9.04.050 Notice of violation.

(C) Service of Notice of Violation. Such notice of violation may be served in any of the following ways:

- (1) By personal service thereof upon the owner or responsible party;
- (2) By mailing the notice by certified mail, return receipt requested to the owner or responsibility at the last known address; or
- (3) By posting the notice in a conspicuous place on the property; provided, however, that service by posting shall only be used when the authorized official cannot determine the last known address of the owner or responsible party.

Mr. Erbacher was never personally contacted or personally served with the Notice as required by the above-referenced code. Nor did Mr. Erbacher receive notice by certified mail, return receipt requested. However, a review of the County Assessor's web page reveals a cross-reference between the listed address and the parcel number, but with the name of another person:

Official Records	Marriages	News	FAQ	Search
 Recorder				
Web Services Detailed Data Results				
Instrument: 20030625-03587		Book/Instr: 20030625 / 3587		
Document Type: Deed		Recorded: 06/25/2003 14:53:12		Pgs: 1
ReRecorded: N		Remarks:		
Requestor: D REEVES				
Disposition: D REEVES 6170 W LAKE MED BLVD 349 LAS VEGAS NV 891050000				
1st Party: REEVES, DORTHEA				
2nd Party: ERBACHER, CHARLES				
Legal Description: ParcelNum: 13826813021 / ParcelNum: 13826813021				
References:				
Tot Value: \$81,000.00		Encumbrance: \$0.00		
RPTT: \$202.50		Exmpt Code:		Percent: 100% ATag:

Certainly, it cannot be said that Mr. Erbacher's failure to appeal within ten (10) days of the date of the Notice constituted his waiver. Where one lacks knowledge of a right, there is no basis upon which waiver of it can rest. See, 28 Am. Jur. 3d 840, *Estoppel and Waiver*, Sec. 202, which expounds upon this principle in the following manner:

§ 202. KNOWLEDGE OF RIGHT OR PRIVILEGE

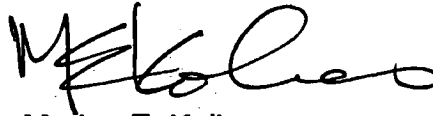
Waiver is an act of understanding that presupposes that a party has knowledge of its rights, but chooses not to assert them. It must generally be shown by the party claiming a waiver that the person against whom the waiver is asserted had at the time knowledge, actual or constructive, of the existence of the party's rights or of all material facts upon which they depended. Where one lacks knowledge of a right, there is no basis upon which waiver of it can rest. Ignorance of a material fact negates waiver, and waiver cannot be established by a consent given under a mistake or misapprehension of fact.

Based upon the lack of notice, Mr. Erbacher is entitled to due process of law. Accordingly, pursuant to §9.04.070 of the Municipal Code, Mr. Erbacher respectfully requests that his appeal be heard by the City Council.

Thank you for your attention in this matter. We look forward to hearing from you in the next fifteen (15) days.

Sincerely,

KOLIAS LAW OFFICES

A handwritten signature in black ink, appearing to read 'M. Kolias', written over the printed name.

Marina E. Kolias

cc: client
Enclosure



December 27, 2004

CERTIFIED & REGULAR MAIL

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

Marina E. Kolias
Kolias Law Offices
601 East Charleston Boulevard
Las Vegas, Nevada 89104

Re: Appeal of the Nuisance/Litter Abatement Notice and Order to Comply for property located at 6101 Denver Circle

Dear Ms. Kolias:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 19th day of January, 2005, at the hour of 1:00 p.m. This hearing is in response to your letter dated December 2, 2004, requesting the same, concerning the Nuisance/Litter Abatement Notice and Order to Comply for property located at 6101 Denver Circle.

You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with the City Clerk on behalf of the Las Vegas City Council.

If you have any questions or need further information please do not hesitate to contact Devin Smith, Manager, Neighborhood Response at 229-6615.

Sincerely,

Barbara Jo Ronemus, CMC
City Clerk

/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Larry Harala, Ward 2 Liaison

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

VOICE 702.229.6011

TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-8/04



December 27, 2004

CERTIFIED & REGULAR MAIL

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

Charles Erbacher
6101 Denver Circle
Las Vegas, Nevada 89107

Re: Appeal of the Nuisance/Litter Abatement Notice and Order to Comply for property located at 6101 Denver Circle

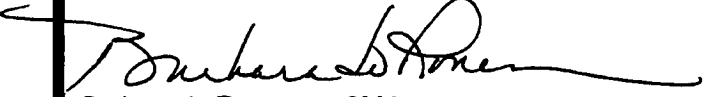
Dear Mr. Erbacher:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 19th day of January, 2005, at the hour of 1:00 p.m. This hearing is in response to the letter dated December 2, 2004, from Marina E. Kolas requesting the same, concerning the Nuisance/Litter Abatement Notice and Order to Comply for property located at 6101 Denver Circle.

You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of book, documents or other things by filing an affidavit therefore with the City Clerk on behalf of the Las Vegas City Council.

If you have any questions or need further information please do not hesitate to contact Devin Smith, Manager, Neighborhood Response at 229-6615.

Sincerely,


Barbara Jo Ronemus, CMC
City Clerk

/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Larry Harala, Ward 2 Liaison

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

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  B. Received by (Printed Name) ELIZA DIAMOND C. Date of Delivery 12-29-04 D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
1. Article Addressed to: Appeal 6101 MARINA E. KOLIAS KOLIAS LAW OFFICES 601 E CHARLESTON BLVD LAS VEGAS NV 89104		Service type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery (Extra Fee) ☐ Yes	
7004 1160 0005 5211 2759		RECEIVED CITY CLERK	

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

CITY of LAS VEGAS

OFFICE OF THE CITY CLERK
CITY HALL
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101-2986

RECEIVED
CITY CLERK

2005 FEB -1 A 10 59

CERTIFIED MAIL



U.S. POSTAGE

4.42

716355

7004 1160 0005 5211 2742

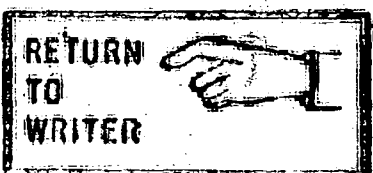
Appeal 6101
CHARLES ERBACHER
6101 DENVER CIRCLE
LAS VEGAS NV 89107

UNCLAIMED

RECEIVED
CITY CLERK

2005 FEB -1 A 10 59

PTN 1-18



89101-2986



KOLIAS LAW OFFICES

400 EAST CHARLESTON BOULEVARD
LAS VEGAS, NEVADA 89101
Telephone: (702) 474-4419
Facsimile: (702) 474-4419

January 18, 2005

Via Facsimile Only: (702) 382-4803

Barbara Jo Ronemus, CMC
CITY CLERK
400 Stewart Avenue
Las Vegas, NV 89101

Re: Appeal of the Nuisance/Litter Abatement Notice and Order to Comply
Property : 6101 Denver Circle, Las, NV 89107
Parcel # : 138-26-813-021
Case # : 19940

Dear Ms. Ronemus:

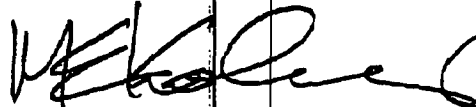
Please accept this letter as a follow-up to my call wherein I requested to view the videotape taken by Neighborhood Services in connection with the above-referenced abatement.

Given the fact that the Hearing in this matter is scheduled for tomorrow, I would like to view the tape today. Please call me at your earliest convenience so that we can arrange for the same.

Thank you for your attention in this matter. I look forward to hearing from you.

Sincerely,

KOLIAS LAW OFFICES



Marina E. Kolias

cc: client

Submitted after final agenda

Date 1/18/05 Item # 70

RECEIVED
CITY CLERK

2005 JAN 18 A 10:22

KOLIAS LAW OFFICES
601 East Charleston Boulevard, Las Vegas, NV 89104
Telephone: (702) 474-4417 Facsimile: (702) 474-4419

MARINA E. KOLIAS, ESQ.
Nevada Bar Number: 6383
KOLIAS LAW OFFICES
601 East Charleston Boulevard
Las Vegas, Nevada 89104
Telephone: (702) 474-4417
Facsimile: (702) 474-4419
Counsel for Appellant
CHARLES ERBACHER

LAS VEGAS CITY COUNSEL
CLARK COUNTY, NEVADA

IN RE:

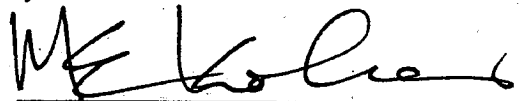
CASE NO.: 19940

6101 Denver Circle
Las Vegas, NV 89107
APN: 138-26-813-021

Appellant's Brief Re:
Nuisance/Litter Abatement
Notice & Order To Comply

COMES NOW, Appellant CHARLES ERBACHER by and through his counsel MARINA E. KOLIAS, ESQ., and hereby appeals the City of Las Vegas Neighborhood Services Department Nuisance / Litter Abatement Notice and Order to Comply for the property located at 6101 Denver Circle, Las, NV 89107, Parcel #: 138-26-813-021, owned by Appellant CHARLES ERBACHER. This Appeal is made and based upon the Points and Authorities and Exhibits attached hereto, and any oral testimony which may be adduced at the hearing of this matter.

DATED this 14th day of January 2005.



MARINA E. KOLIAS, ESQ.
Nevada Bar Number: 6383
KOLIAS LAW OFFICES
601 East Charleston Boulevard
Las Vegas, Nevada 89104
Telephone: (702) 474-4417
Facsimile: (702) 474-4419
Counsel for Appellant
CHARLES ERBACHER

Submitted at City Council
Date 1/19/05 Item #170

POINTS & AUTHORITIES

I.

OVERVIEW

CHARLES ERBACHER appeals the Nuisance / Litter Abatement Notice and Order to Comply because:

- ➡ Mr. Erbacher was never personally contacted or personally served with the Notice as required by §9.04.050(C) of the Las Vegas Municipal Code. Nor did Mr. Erbacher receive notice by certified mail, return receipt requested.
- ➡ A review of the condition of the subject property ***at the time of the City's entry*** reveals that the City's intervention was unwarranted.
- ➡ By the time the City arrived to "abate" the property, Mr. Erbacher had already corrected the listed nuisances.
- ➡ As evidenced on the videotape, the City went beyond the scope of their authority. The videotape clearly reveals that the City entered the back yard, where the garbage had already been neatly bagged. The City had only the authority to abate the front yard, not videotape the back. See, §9.04.010(8)(a) of the Las Vegas Municipal Code.
- ➡ As evidenced on the videotape, Mr. Erbacher's vehicle was not "obviously abandoned or in an obviously mechanically inoperable condition." Nor had it been parked in the same location for more than thirty (30) days. As such, the City had no authority to tow Mr. Erbacher's car. See, §9.04.010(8)(d) of the Las Vegas Municipal Code.
- ➡ Accordingly, Mr. Erbacher seeks:
 - The "abatement" of all the assessed fines and costs related to the City's actions
 - The expungement of all Liens, Notices and Orders recorded on the property related to the city's actions
 - And repayment of the damages and fees incurred as a result of the City's actions

II.

RELEVANT FACTS

Mr Erbacher, is the owner of the property located at 6101 Denver Circle, Las, NV 89107, Parcel #: 138-26-813-021 (hereinafter the "Subject Property"). In 2004, Mr. Erbacher rented the Subject Property to tenants. Before moving out on or around October 2004, the tenants obviously trashed the Subject Property.

Apparently the City had left Notices regarding the condition of the subject Property in August and September 2004. However, the tenants never advised Mr. Erbacher of any Notices from the City or complaints regarding the Subject Property. (See Notices, attached as Exhibit "1").

In October 2004, Mr. Erbacher discovered the damages left by the tenants, and immediately sought to clean up and repair the Subject Property. Mr. Erbacher repaired the fence. Mr. Erbacher also cleaned up the yard and bagged all the debris. Mr. Erbacher left the bags on the back porch until the next scheduled trash pick-up day. (See, note from neighbor Louis Olejack, attached as Exhibit "2").

Mr. Erbacher's vehicle was parked in the driveway of the Subject Property. It was not a junk vehicle, but rather a 1996 Nissan Maxima. The Maxima had 43,000 miles on it, was fully insured, and was appraised by the DMV to be worth \$6,400.00! (See insurance information and DMV appraisal, attached as Exhibit "3").

On or about November 17, 2004, a City of Las Vegas cleaning crew came into Mr. Erbacher's yard. The cleaning crew's truck had the logo, "Environmental Construction Development, Inc." and there was another truck which had "NDS" on the side.

Clearly the cleaning crew must have noticed the efforts that had already occurred in cleaning the yards, but disregarded the same. The cleaning crew apparently re-cleared and re-raked Mr. Erbacher's yard. The cleaning crew demolished plants that were already pruned, and destroyed piping used to water the yard.

1 On or about November 18, 2004, the cleaning crew and the "Environmental
2 Construction Development, Inc." returned to the Subject Property. This time there
3 were at least six (6) people.

4 Two (2) men from the cleaning crew went over to Mr. Erbacher's black car
5 parked in the driveway, and broke into the trunk of the car. This was not a junky car.
6 The men rummaged through the trunk of the car, and Mr. Erbacher's neighbor, Milocka
7 Williams asserts that she saw one of them take a disc out of the trunk and put into in
8 his car. (See, Ms. Williams' Affidavit, attached as Exhibit "4").

9 When Ms. Williams approached the men, they told her that the people no longer
10 lived there. Ms. Williams tried to tell the men that indeed Mr. Erbacher did live there,
11 but to no avail.

12 Also on November 18, 2004, about two (2) hours after the cleaning crew left, a
13 tow truck came and towed Mr. Erbacher's black car in the driveway. The tow
14 operator left no notice about what happened to the car.

15 Mr. Erbacher came home to find that his yard had been nearly raked bare, that
16 his car was missing, and that the piping in the yard had been destroyed. Thinking
17 that his car had been stolen, Mr. Erbacher made a Police Report.

18 After learning that the City was responsible for the towing of his car, Mr.
19 Erbacher retrieved the car from Action Towing, at the cost of \$140.00. (See Tow Bill
20 attached as Exhibit "5"). After picking up the car, Mr. Erbacher discovered that the
21 radio speaker had been stolen from the vehicle.

22 A review of the County Recorder's website reveals there are assessed fines
23 and costs related to the City's actions recorded on the title of the Subject Property.
24 (See, Recorder's web page information, attached as Exhibit "6").

25 Now, Mr. Erbacher files this appeal for the expungement of all Liens, Notices
26 and Orders recorded on the property related to the city's actions, and for repayment
27 of the damages and fees incurred as a result of the City's actions.
28

III.

ARGUMENT

1. **A review of the condition of the subject property at the time of the City's entry reveals that the City's intervention was unwarranted.**

§9.04.010(8) of the Las Vegas Municipal Code describes "nuisances in General" as follows:

(8) Nuisances in General. Any act or condition which, by reason of its nature, character and/or location, interferes with the reasonable use and enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values. Nuisances in general shall include, but not be limited to, the following:

(a) **Weeds and turf grass in plain view within the front yard on a developed parcel or vacant parcel exceeding eight inches in height**, with the exception for useful grasses and pastures as set forth in Section 9.04.040;

(b) Graffiti, defined as the unauthorized spraying of paint, ink, chalk, dye or other similar marking substances on public or private buildings, walls, fences or other structures allowed to remain for more than twenty-four hours;

(c) **Unpainted or painted buildings, walls, fences** or other structures upon which the condition of the structure has become so deteriorated as to permit decay, excessive cracking, peeling, chalking, dry rot, warping or termite infestation;

(d) **Any vehicle that has been abandoned, or any vehicle in an obviously mechanically inoperable condition**, that:

(i) Is parked within a multifamily residential parking lot, in a location that is visible from public property; and

(ii) Has been parked in the same location for more than thirty days;

(e) Criminal activity on any lot or premises within the City.

(Emphasis added).

Mr. Erbacher had already undertaken to abate and improve the Subject Property. The City went beyond the scope of their authority and abatement of the Subject Property was unwarranted. The City had no authority to enter the back yard, where the garbage bags were loaded. The Code only permits abatement of weeds and turf grass in plain view within the front yard on a developed parcel or vacant parcel exceeding eight inches in height. See, §9.04.010(8)(a) of the Las Vegas Municipal Code.

The City had no authority to tow Mr. Erbacher's car. The car was not abandoned or in an obviously mechanically inoperable condition. Nor had it been

1 parked in the same location for more than thirty (30) days. As such, the towing of the
2 vehicle by the City was unwarranted. See, §9.04.010(8)(d) of the Las Vegas
3 Municipal Code.

4 **2. By the time the City arrived to "abate" the property, Mr. Erbacher had**
5 **already corrected the listed nuisances.**

6 As evidenced on the videotape, the City went beyond the scope of their
7 authority. The videotape clearly reveals that the City entered the back yard, where
8 the garbage had already been neatly bagged. The City had only the authority to
9 abate the front yard, not videotape the back. See, §9.04.010(8)(a).

10 As evidenced on the videotape, Mr. Erbacher's vehicle was not "obviously
11 abandoned or in an obviously mechanically inoperable condition." Nor had it been
12 parked in the same location for more than thirty (30) days. As such, the City had no
13 authority to tow Mr. Erbacher's car. See, §9.04.010(8)(d).

14 **IV.**

15 **CONCLUSION**

16 Accordingly, based upon the preceding, Mr. Erbacher seeks The "abatement"
17 of all the assessed fines and costs related to the City's actions; The expungement of
18 all Liens, Notices and Orders recorded on the property related to the city's actions;
19 and repayment of the damages and fees incurred as a result of the City's actions

20 Respectfully submitted this 19th day of January, 2005.

21 **KOLIAS LAW OFFICES**

22 

23 **MARINA E. KOLIAS, ESQ.**
24 Nevada Bar Number: 6383
25 601 East Charleston Boulevard
26 Las Vegas, Nevada 89104
27 Telephone: (702) 474-4417
28 Facsimile: (702) 474-4419
Counsel for Appellant
CHARLES ERBACHER



NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

August 11, 2004

CASE #19940
Certified/Regular Mail
Return Receipt Requested

Charles Erbacher
6170 West Lake Mead Blvd., #349
Las Vegas, NV 89108-2661

NUISANCE/LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 6101 Denver Circle, Las Vegas, NV, Parcel #138-26-813-021, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

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

You are hereby ordered to correct the nuisance by Per 9.04 – Refuse & Waste: Remove all bags of garbage, scattered litter, trash, and debris from the property.

Per 9.04 – Weeds/Turf: Trim, cut, and remove all weeds and turf grass exceeding eight (8) inches in height from all yards.

Per 19.04 – Vehicle Code: Remove the abandoned/junk vehicle, black compact, from the driveway.

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

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

18201-031-7-04

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

Q

CASE #19940
6101 Denver Circle
August 11, 2004
Page 2

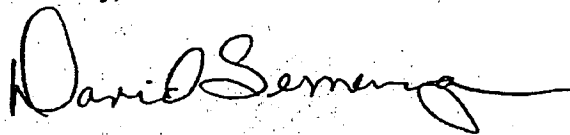
Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #27 by telephone at (702) 303-3093 to supply your current phone number, e-mail address, fax number, or additional mailing address.

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

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

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

Sincerely,



David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

DS:ks



NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

September 8, 2004

CASE #19940

Certified/Regular Mail

Return Receipt Requested

Charles Erbacher

6170 West Lake Mead Blvd., #349

Las Vegas, NV 89108-2661

ADDENDUM

NUISANCE/LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 6101 Denver Circle, Las Vegas, NV, Parcel #138-26-813-021, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

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

You are hereby ordered to correct the nuisance by Per 9.04 – unpainted/Deteriorated (Structure, Fence, etc): Repair or replace deteriorated fence along Jones Blvd.

NOTE: See attached letter dated August 11, 2004 for all other code violations.

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

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #27 by telephone at (702) 303-3093 to supply your current phone number, e-mail address, fax number, or additional mailing address.

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

18201-031-7-04

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

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

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

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-2330 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Orland', enclosed within a large, horizontal oval loop.

Orland Sanchez, Director
Department of Neighborhood Services

OS:ks

Attachment: Notice & Order letter dated August 11, 2004



NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

October 6, 2004

CASE #19940

Certified/Regular Mail

Return Receipt Requested

Charles Erbacher
6170 West Lake Mead Blvd, #349
Las Vegas, NV 89108-2661

(NEW)

NUISANCE/LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 6101 Denver Circle, Las Vegas, NV Parcel #138-26-813-021, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

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

You are hereby ordered to correct the nuisance by Per 9.04 – Refuse & Waste: Remove all scatter refuse, waste, litter, and debris from the property. Maintain the property litter free at all time re-inspection fees will be assessed each visit for non-compliances. Per 9.04 – Unpainted/Deteriorated (Structure, Fence, etc): Repair or replace deteriorated chain link fence along the rear property line abutting Jones Boulevard public sidewalk area. Per 19.04 – Vehicle Code: Remove inoperable/abandoned black Nissan Maxima from the driveway as prohibited to store inoperable vehicle in "R" zone.

Post "No Trespassing" (per NRS 207.200), "No Dumping" (per NRS 444.630), and "No Vehicles" (per CLVMC 10.78.020 & 11.24.020) signs on-site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within ten (10) days of posting of this notice.

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

LAS VEGAS CITY COUNCIL

MAYOR OSCAR B. GOODMAN

MAYOR PRO TEM GARY REESE • LARRY BROWN • LAWRENCE WEEKLY • JONATHAN SNACK

JANET MONCRIEF • STEVE WOLFSON

CITY MANAGER DOUGLAS A. SELBY

18201-031-7-04

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



CASE #19940
6101 Denver Circle
October 6, 2004
Page 2

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #27 by telephone at (702) 229-4922 to supply your current phone number, e-mail address, fax number, or additional mailing address.

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

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

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-2330 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



Orland Sanchez, Director
Department of Neighborhood Services

OS:ks

c: Charles H. Erbacher, 4542 East Tropicana Avenue, #135, Las Vegas, NV 89121-6705
Charles H. Erbacher, 627 Hull Street, Henderson, NV 89121
Charles H. Erbacher, 620 West Monroe Avenue, Las Vegas, NV 89106
Charles H. Erbacher, 517 Van Buren Avenue, Las Vegas, NV 89106-3055
Charles H. Erbacher, 3316 Valley Lane, Las Vegas, NV 89106-1211
Charles H. Erbacher, 1982 N. Rainbow Blvd., #136, Las Vegas, NV 89108-2797

Nov-21-04

The house at 6101 Denver Cir
looked fine and typical for the area.
I saw no tall weeds or debris in his yard
since the time I moved in which was
in October. The neighbor also did a nice
job in repairing his fence in October.
His black maxima in his driveway
never looked like a junk car to
me and was not an abandoned vehicle.

Louis J. Olejack

Louis J. Olejack
Neighbor at 6105 Denver Cir

NEVADA EVIDENCE OF MOTOR VEHICLE LIABILITY INSURANCE

American Bankers Insurance
Company of Florida
P.O. Box 1069
Lancaster, S.C. 29721

RODNEY D. YOUNG INSURANCE
PHONE # 702-579-6381

THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR
PRODUCTION UPON DEMAND. SEE REVERSE SIDE.

INSURED POLICY NUMBER TNV 0036610 26

ERBACHER, DOROTHEA B.
2031 SOUTH SYCAMORE
PAHUA, NV 89044

American Bankers
Insurance Company of Florida

THIS COVERAGE MEETS THE REQUIREMENTS SET FORTH IN NRS 485.185.

EFFECTIVE DATE
10/21/2004

EXPIRATION DATE
11/21/2004

YEAR/MAKE/VEHICLE IDENTIFICATION NUMBER
1996
JN1CA21DOTT178276
NSSN MAXIMA SEDAN 4D

N2138-0800

TO REPORT A CLAIM: Toll Free 1-877-638-3023

NEVADA EVIDENCE OF MOTOR VEHICLE LIABILITY INSURANCE

American Bankers Insurance
Company of Florida
P.O. Box 1069
Lancaster, S.C. 29721

RODNEY D. YOUNG INSURANCE
PHONE # 702-579-6381

THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR
PRODUCTION UPON DEMAND. SEE REVERSE SIDE.

INSURED POLICY NUMBER TNV 0036610 26

ERBACHER, DOROTHEA B.
2031 SOUTH SYCAMORE
PAHUA, NV 89044

American Bankers
Insurance Company of Florida

THIS COVERAGE MEETS THE REQUIREMENTS SET FORTH IN NRS 485.185.

EFFECTIVE DATE
10/21/2004

EXPIRATION DATE
11/21/2004

YEAR/MAKE/VEHICLE IDENTIFICATION NUMBER
1996
JN1CA21DOTT178276
NSSN MAXIMA SEDAN 4D

N2138-0800

TO REPORT A CLAIM: Toll Free 1-877-638-3023

FLORIDA EVIDENCE OF MOTOR VEHICLE LIABILITY INSURANCE

American Bankers Insurance
Company of Florida
P.O. Box 1069
Lancaster, S.C. 29721

RODNEY D. YOUNG INSURANCE
PHONE # 702-579-6381

THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR
PRODUCTION UPON DEMAND. SEE REVERSE SIDE.

INSURED POLICY NUMBER TNV 0036610 25

ERBACHER, DOROTHEA B.
2031 SOUTH SYCAMORE
PAHUNGE, AL 36904

American Bankers
Insurance Company of Florida

THIS COVERAGE MEETS THE REQUIREMENTS SET FORTH IN NRS 485.185.

EFFECTIVE DATE
09/21/2004

EXPIRATION DATE
10/21/2004

YEAR/MAKE/VEHICLE IDENTIFICATION NUMBER
1996
JN1CA21DOTT178276
NSSN MAXIMA SEDAN 4D

N2138-0800 TO REPORT A CLAIM: Toll Free 1-877-638-3023

NEVADA EVIDENCE OF MOTOR VEHICLE LIABILITY INSURANCE

American Bankers Insurance
Company of Florida
P.O. Box 1069
Lancaster, S.C. 29721

RODNEY D. YOUNG INSURANCE
PHONE # 702-579-6381

THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE FOR
PRODUCTION UPON DEMAND. SEE REVERSE SIDE.

INSURED POLICY NUMBER TNV 0036610 25

ERBACHER, DOROTHEA B.
2031 SOUTH SYCAMORE
PAHUNGE, AL 36904

American Bankers
Insurance Company of Florida

THIS COVERAGE MEETS THE REQUIREMENTS SET FORTH IN NRS 485.185.

EFFECTIVE DATE
09/21/2004

EXPIRATION DATE
10/21/2004

YEAR/MAKE/VEHICLE IDENTIFICATION NUMBER
1996
JN1CA21DOTT178276
NSSN MAXIMA SEDAN 4D

N2138-0800 TO REPORT A CLAIM: Toll Free 1-877-638-3023

FEE \$10.00



AUTHORIZED APPRAISAL REPORT

NRS 374.112

I am requesting an appraisal be made of the vehicle described below. I understand the Department of Motor Vehicles will use as the vehicle's sales price the amount stated on the authorized appraisal, or \$100.00, whichever is greater, as the taxable basis. Appraisal must be submitted at time of registration.

Buyer's Legal Signature *[Signature]*
Please Type or Print
Full Legal Name of Buyer *Charles E. Brocher*
Street Address *1082 N Rainbow #13*
City *Las Vegas* State *NV* Zip Code *89108*

To be completed by an authorized appraiser

VEHICLE INFORMATION

1996
Year/Make *Nissan* Body Type *48* Odometer *64351*
Vehicle Identification Number *JN1CA21D0TT178276*

CONDITION OF VEHICLE

Can vehicle be operated? Yes ☒ No ☐
Is the engine present? Yes ☒ No ☐
Is the transmission present? Yes ☒ No ☐
Is vehicle 4 Wheel Drive? Yes ☐ No ☒
Interior..... Excellent ☐ Good ☐ Fair ☒ Poor ☐
Exterior..... Excellent ☐ Good ☐ Fair ☒ Poor ☐

☐ Other
(See reverse for rating definitions)

Comments

APPRAISER CERTIFICATION

I certify, pursuant to NRS 374, I have inspected the above described vehicle and to the best of my knowledge and belief the estimated appraised value is \$ *6400.00*

\$

Please Type or Print
DMV Office *DMV* Employee ID No. *2922*

FIELD SERVICES DIVISION
4021 W. CAREY AVENUE
LAS VEGAS, NEVADA 89030

Printed Name of Appraiser *[Signature]* DMV Business Lic. No.

Signature of Appraiser *[Signature]*

Date of Appraisal *10/2/96*

Original -- To Buyer; 2nd Copy -- To DMV; 3rd Copy -- To Appraiser

KOLIAS LAW OFFICES
601 East Charleston Boulevard, Las Vegas, NV 89104
Telephone: (702) 474-4417 Facsimile: (702) 474-4419

AFFIDAVIT OF MILOCKA WILLIAMS

STATE OF NEVADA)
COUNTY OF CLARK) SS

I, MILOCKA WILLIAMS, being first duly sworn according to law, deposes and says that:

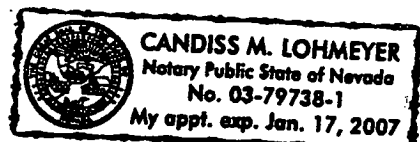
1. I over the age of eighteen (18) years, and I have personal knowledge of the matters set forth herein unless stated on information and belief and would be competent to so testify.
2. I live at 6100 Denver Circle, Las Vegas, Nevada, 89107. I make this Affidavit in support of Charles Erbacher's Appeal of the Nuisance and Abatement violation for the property located at 6101 Denver Circle, Las Vegas, Nevada, 89107 (hereinafter "6101 Denver Circle").
3. On November 16, 2004, I saw a lot of garbage bags on the curb in front of 6101 Denver Circle waiting to be taken by the garbage men.
4. On November 17, 2004, I witnessed a cleaning crew clearing and raking and throwing away stuff from the yard located at 6101 Denver Circle, which is across the street from my home. The truck being loaded by the cleaning crew had the logo, "Environmental Construction Development, Inc." and there was another truck which had "NDS" on the side.
5. On November 18, 2004, the cleaning crew and the "Environmental Construction Development, Inc." returned to 6101 Denver Circle. This time there were at least six (6) people in the yard.
6. There were two (2) men that I believe were foreman, who went over to the black car parked in the driveway of 6101 Denver Circle, and broke into the trunk of the car. This was not a junky car. The foremen rummaged through the trunk of the car, and I saw one of them take a disc out of the trunk and put into in his car.
7. Before the cleaning crews ever came, the people who live 6101 Denver Circle, Las Vegas, Clark County Nevada, 89107, had already repaired their fence and already cleaned up their yard. But when I talked to one of the foremen, he told me that the people no longer lived there.
8. On November 18, 2004, about two (2) hours after the cleaning crew left, a tow truck came towed the black car in the driveway of 6101 Denver Circle. The tow operator left no notice about what happened to the car.

FURTHER AFFIANT SAYETH NAUGHT.

Milocka Williams
MILOCKA WILLIAMS

SWORN TO AND SUBSCRIBED BEFORE
me this 17 day of January, 2005.

Candiss M. Lohmeyer
Notary Public, in and for
said County and State



REPUBLIC SERVICES

of Southern Nevada

770 East Sahara Avenue * PO Box 98508
Las Vegas, Nevada 89193-8508
(702) 735-5151

CHARLES ERBACHER
6101 DENVER CIR
LAS VEGAS, NV 89107

Date: 1/12/2005
Account: 10-27093-7
Service: 6101 DENVER CIR
LAS VEGAS, NV 89107

Dear Customer:

We would like to thank you for using Republic Services, Inc. for all of your residential solid waste needs. In order to provide you with the finest twice a week solid waste services, we ask you to follow these simple instructions:

- * Please place your solid waste at the curb the night before your scheduled pickups. Your scheduled pickup days are: **Tuesday - Friday**
- * Please use nothing larger than a 33 gallon trash can or lease a 90-gallon mobile toter from us.
- * Please limit your solid waste on any one pickup to three cubic yards or 15 - 33 gallon cans.
- * Please make sure that all loose materials, such as dirt, rocks, and grass clippings are contained and do not weigh more than 75 pounds per container.
- * Tree limbs must be tied and bundled and should not be more than six feet in length.
- * You may place your heavy items out on any scheduled pickup day
- * Water heaters and water softeners must be drained and emptied.
- * To have a refrigerator removed you must contact **Environmental Technologies** at 734-5400.
- * Break down all cardboard boxes.
- * Please use one location for trash pickup.

Recyclables will be picked up twice a month. We ask that you refer to your calendars for those dates. Excess recyclables may be placed along side your baskets as long as they are contained. If you need additional baskets, please contact our office. If you should move, please leave your recycling baskets at your existing property.

Used motor oil - Pour motor oil only into a one gallon plastic container with a secure lid and place at the curb next to recycling baskets. (Limit: Two 1 gallon containers per recycle pickup)

In addition to our curbside services, we also offer free dumping to all current residential customers at all of our solid waste facilities. When dumping residential solid waste you will be required to present a valid Nevada Drivers License and the stub from your most recent bill, if available. We also provide a drop off site for oil, paint, and batteries, which is located at 333 W. Gowan. Customers wishing to utilize this service can drop these items off any Tuesday through Saturday from 8am until 4pm. Additionally, we schedule household hazardous waste days four times a year. If you are interested in obtaining a schedule of those days, please call our office.

Again, we thank you for using Republic Services, Inc.. Should you have any questions regarding our services, please call us at (702) 735-5151.

NVSAHCLP

29.



"We take Pride in our Service"

3035 Westwood Drive
Las Vegas, Nevada 89109
PHONE (702) 737-9100

TOW BILL

CPC N-3336



24 HOUR
SERVICE

255498

Time
Called 1:00 AM PM
Date 11/18/04
Disp. 110 AM PM
Arrive 125 AM PM
Depart 135 AM PM
Comp. 155 AM PM
Total Time
On Site 10 min

Row 725 Space _____ VEHICLES IMPOUNDED IN: SECURED ☒ FENCED AREA ☒ INSIDE ☒ LOCKED BLDG. ☐

TOWED FROM <u>6101 DENVER CIR</u>		TOWED TO <u>YARD</u>		FIRST TOW MILES \$ <u>140.</u>	
PERSON RESPONSIBLE FOR CHARGES <u>CHARLES ERTSCHEN</u>		P.O. NO.	CASH ☒	VISA	M/C
ADDRESS <u>1862 N. RAINBOW # 136</u>		CITY/STATE <u>LAS VEGAS, NV 89108</u>		5.1 TO 50 \$	
NAME/ADDRESS PERSON REQUESTING TOW <u>ADS</u>		IMPOUND <u>YES</u>		OVER 50 MILES \$	
REGISTERED OWNER <u>SAME AS ABOVE</u>		PHONE#		DOLLIES & MILEAGE \$	
ADDRESS		CITY/STATE		FACILITATE \$	
DRIVER/UNIT NO. <u>Allen - SE</u>		RELEASED TO <u>Chad Graham</u>		STORAGE \$ <u>70.00</u> Days \$	
RELEASED BY <u>[Signature]</u>	DATE <u>11/18</u>	TIME <u>4:10</u>	MILEAGE DISP. <u>383</u>	ARR. <u>393</u>	COMP. <u>400</u>
STAND-BY/CLEAN-UP REQUIRED		OFFICER'S BADGE NO.	MILEAGE	TOTAL MILES	SUBTOTAL \$ <u>140.00</u>
make & year <u>NISS 96</u>	model <u>MAX</u>	color <u>BLK</u>	license no.	STATE	CUSTOMER PAID \$ <u>140.00</u>
					TOTAL \$ <u>140.00</u>

IF THERE ARE ANY COMPLAINTS REGARDING THIS TOW,
PLEASE CALL THE TRANSPORTATION SERVICES AUTHORITY AT
(702) 486-3303.

VIN NO.

JN1CA21D0TT178276

WHITE - COMPANY YELLOW - CUSTOMER PINK - DRIVER GOLDEN ROD - ACCOUNTING

6 143486

Incident Report



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
400 E STEWART
LAS VEGAS, NV 89101
(702) 229-3111

Incident Number: LLV041118002537

Incident Summary

Incident Type: Report type: STATION INCIDENT
Inc Occurred Address: 6101 DENVER CI LAS VEGAS, NV 89108 Sector/Beat: V4/V4
Inc Occurred Start: 11/16/2004 14:00 Inc Occurred End: 11/18/2004 16:30 Report Taken: 11/18/2004 17:26
Domestic: N Bias Motivation: Gang Related: U Substance: U
Contact Nature: Reported Date/Time:
Reporting Officer: MCLEAN, K 5687 Primary Assigned Officer:
Case Status: OPEN Disposition: Disposition Date:

Offenses

Statute Code: LARC205.220B Enhancers:
Statute Desc: GRAND LARCENY - AUTO
Counts: 1 Statute Severity: FELONY

Officers

Event Association	Emp#	Badge#	Name	Squad#
LEST REPORT TAKER	5687	5687	MCLEAN, K 5687	SW20

Persons Involved

Person#: 0001 MNI: 3161144 Can ID Suspect: No
Event Association: VICTIM Contact Date/Time:
Name: ERBACHER, CHARLES HAROLD
DOB: 07/10/1976 Age: 28 - 28 Sex: MALE Race: WHITE/CAUCASIAN
Height: 5' 10" - 5' 10" Weight: 180 - 180 lbs Eye Color: BLUE Hair Color: BLONDE
Address: 6101 DENVER CI LAS VEGAS, NEVADA 89108 Sector/Beat: V4/V4
Phone Type 1: RESIDENCE Phone# 1: (702) 631-9489 Ext 1:
Phone Type 2: CELLULAR Phone# 2: (702) 353-8360 Ext 2:
Occupation: PROPERTY MAINTENANCE / ADVERTISING Employer/School: SELF-EMPLOYED
Gang Name:

Vehicles Involved

Vehicle#: 0001
Event Assoc: VICTIM'S VEHICLE Vehicle Status: STOLEN
Vehicle Type: A Year: 1996 Make: NISSAN Model: MAXIMA
VIN: JN1CA21D0TT178276 License#: State: Expires on:
Style: 4-DOOR Prim Color: BLACK Sec Color: BLACK Ter Color: BLACK
Status d/t: Status Value: Recovered Date: Recovered Value:
NCIC Date: 11/18/2004 17:50 NCIC Reported By: CAILLIER, P 7670
NCIC#: NCIC Cancelled:
Registered Owner Name: Address: Phone#:
Vehicle Features
ENGINE AIR CONDITIONING RADIATOR BUCKET SEATS
AUTO TRANSMISSION BATTERY SUNROOF REAR VIEW MIRROR
SIDE VIEW MIRROR FRONT BUMPER REAR BUMPER RADIO
TAPE DECK CLOCK

Incident Report

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
400 E STEWART
LAS VEGAS, NV 89101
(702) 229-3111

Incident Number: LLV041118002537

Modus Operandi

Against Persons: N
Against Property: Y
Occupied: N
General Premise 1: SINGLE FAMILY RESIDENCE
General Premise 2:
Specific Premise: DRIVEWAY
Surrounding Area 1: CORNER
Surrounding Area 2:
Surrounding Area 3:
Relationship to Suspect 1: NONE
Relationship to Suspect 2:
Weapon Type 1:
Automatic: N
Weapon Type 2:
Automatic: N
Weapon Type 3:
Automatic: N

Crime Against Property

of Premises Entered:
Entry Point:
Exit Point:
Entry Loc 1:
Exit Loc 1:
Entry Loc 2:
Exit Loc 2:
Entry Method 1: POSSIBLE UNLOCKED
Exit Method 1:
Entry Method 2:
Exit Method 2:
Entry Tool 1: UNKNOWN
Exit Tool 1:
Entry Tool 2:
Exit Tool 2:
Vehicle Entry: UNKNOWN
Safe Entry:

Suspect Action 1:
Suspect Action 2:
Suspect Action 3:
Suspect Action 4:
Suspect Action 5:
Additional Factor 1: VICTIM OF SIMILAR CRIME
Additional Factor 2: SIMILAR CRIMES IN NEIGHBORHOOD
Additional Factor 3:
Additional Factor 4:
Additional Factor 5:
Victim Location: OUT OF TOWN
Electronic Locks: Y
Video Surveillance: N
Maid:
Inspectress:

Crime Against Persons

Pre-Incident Contact 1:
Pre-Incident Contact 2:
Pre-Incident Contact 3:
Victim Condition 1:
Victim Condition 2:
Victim Condition 3:
Victim Condition 4:
Victim Condition 5:
Suspect Solicited 1:
Suspect Solicited 2:
Suspect Pretended to Be:
Suspect Action 1:
Suspect Action 2:
Suspect Action 3:
Suspect Action 4:
Suspect Action 5:
Sex Crime 1:
Sex Crime 2:
Sex Crime 3:
Sex Crime 4:
Sex Crime 5:
Vehicle Involvement 1:
Vehicle Involvement 2:

Incident Report

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
400 E STEWART
LAS VEGAS, NV 89101
(702) 229-3111

Incident Number: LLV041118002537

Narratives

Entered date/time: 11/18/2004 17:26
Subject: GRAND LARCENY AUTO

Narrative type: INCIDENT CRIME REPORT
Author: MCLEAN, K 5687

VICTIM, CHARLES ERBACHER, STATES THAT HE WENT OUT OF TOWN ON 11/26/2004 AT APPROXIMATELY 1400 HOURS, LEAVING THE ABOVE DESCRIBED VEHICLE IN HIS DRIVEWAY. VICTIM STATES HE MAY HAVE LEFT VEHICLE UNLOCKED. WHEN HE RETURNED HOME AT APPROXIMATELY 1630 HOURS ON 11/18/2004 THE VEHICLE WAS MISSING.

NEGATIVE TITLE, KEY, WEAPON, WITNESS AND SUSPECT INFORMATION.



Recorder

Web Services Detailed Data Results

Instrument: 20041203-01614**Book/Instr:****Document Type:** Lien**Recorded:** 12/03/2004 13:21:27**Pgs:** 1**ReRecorded:** N**Remarks:****Requestor:** CITY OF LAS VEGAS**Disposition:** CITY OF LAS VEGAS**1st Party:** ERBACHER**Legal Description:****References:****Tot Value:** \$**Property Value:** \$0.00**RPTT:** \$**Exmpt Code:****Percent:** %**ATag:**

Instrument: 20040909-02265**Book/Instr:****Document Type:** Notice - ORDER**Recorded:** 09/09/2004 10:11:10**Pgs:** 2**ReRecorded:** N**Remarks:** NUISANCE LITTER ABATEMENT NOTICE AND ORDER TO COMPLY**Requestor:** LAS VEGAS CITY**Disposition:** LAS VEGAS CITY**1st Party:** ERBACHER, CHARLES**2nd Party:** LAS VEGAS CITY**Legal Description:** ParcelNum: 13826813021**References:****Tot Value:** \$**Property Value:** \$0.00**RPTT:** \$**Exmpt Code:****Percent:** %**ATag:**

Instrument: 20040909-02264**Book/Instr:****Document Type:** Notice - ORDER**Recorded:** 09/09/2004 10:11:10**Pgs:** 4**ReRecorded:** N**Remarks:** ADDENDUM NUISANCE LITTER ABATEMENT NOTICE AND ORDER TO COMPLY**Requestor:** LAS VEGAS CITY**Disposition:** LAS VEGAS CITY-NS 400 STEWART AVE LAS VEGAS NV 89101**1st Party:** ERBACHER, CHARLES**2nd Party:** LAS VEGAS CITY**Legal Description:** ParcelNum: 13826813021**References:**

Tot Value: \$
RPTT: \$

Property Value: \$0.00
Exmpt Code:

Percent: %

ATag:

Instrument: 20040826-02387

Book/Instr:

Document Type: Lien

Recorded: 08/26/2004 10:18:47

Pgs: 1

ReRecorded: N

Remarks:

Requestor: SEWER LAS VEGAS CITY

Disposition: SEWER LAS VEGAS CITY

1st Party: ERBACHER, CHARLES

2nd Party: LAS VEGAS CITY

Legal Description: ParcelNum: 13823517002

References:

Tot Value: \$

Property Value: \$0.00

RPTT: \$

Exmpt Code:

Percent: %

ATag:

Search Criteria: Find all documents where the Start Date >= 8/1/2004 and Document Type In ('Lien','Notice') and Last Name Like 'Erbacher%'

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

EXTENSION OF TIME - SPECIAL USE PERMIT

EOT-5753 - APPLICANT/OWNER: LUZ MARIA SANCHEZ - Request for an Extension of Time of an approved Special Use Permit (SUP-3064) which ALLOWED A RESTAURANT SERVICE BAR at 621 North Eastern Avenue (APN 139-26-811-192), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED subject to conditions - UNANIMOUS with REESE abstaining because the property in question is located adjacent to his barbershop and GOODMAN excused

NOTE: An initial motion for approval by BROWN carried unanimously with GOODMAN excused and was reconsidered upon motion by WEEKLY which also carried unanimously with GOODMAN excused.

NOTE: COUNCILWOMAN MONCRIEF disclosed that her small surgery center is located across the street from the property in question, but does not feel this will have an impact on her business.

MINUTES:

Consent Item 71 [EOT-5753] was reconsidered so that MAYOR PRO TEM REESE could abstain because his barbershop is located adjacent to the property in question.

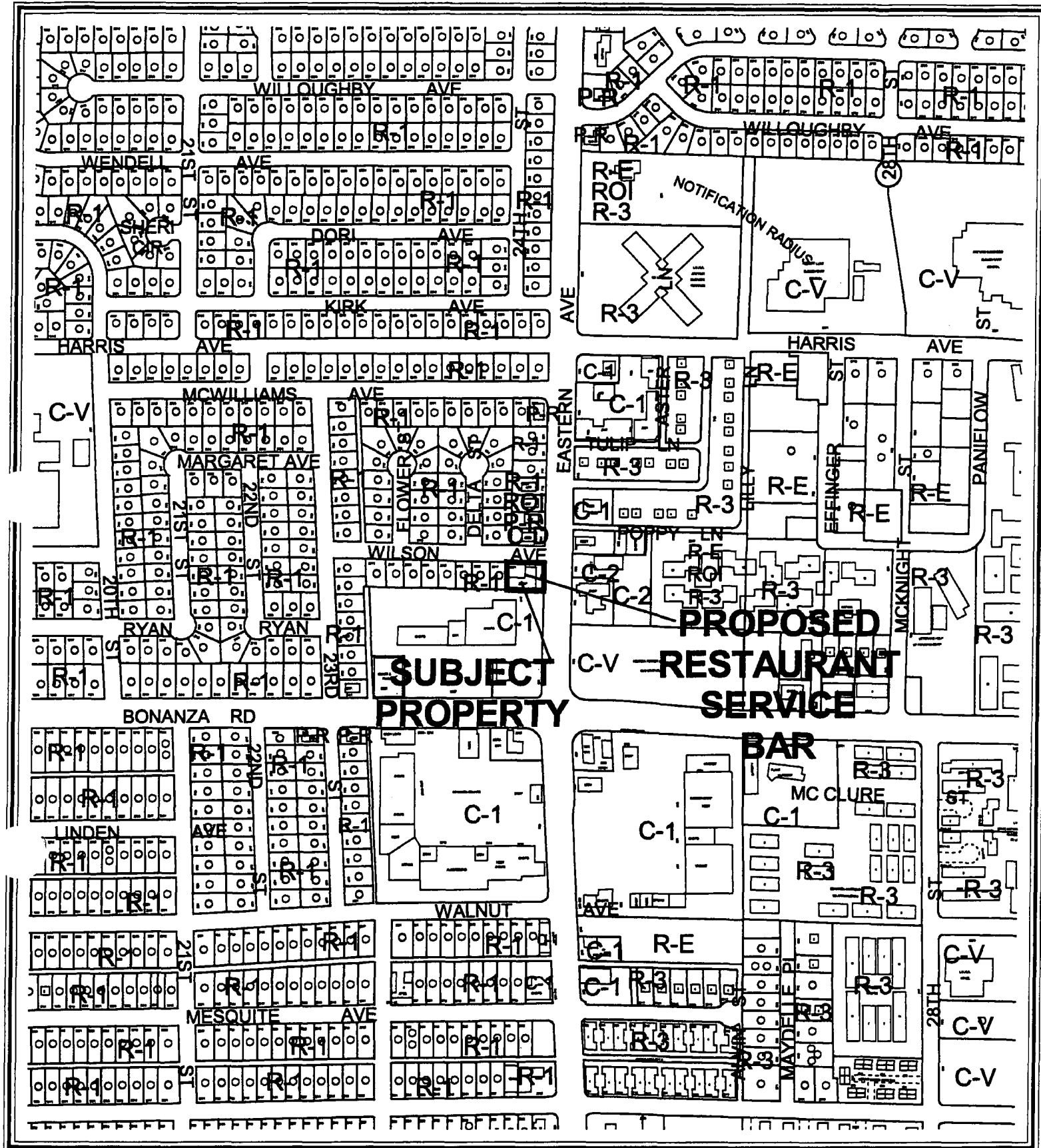
(1:41 - 1:42/1:43 - 1:44)

3-1279/3-1362

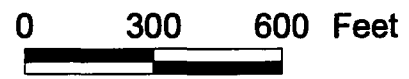
CONDITIONS:

Planning and Development

1. This Extension of Time will expire on December 17, 2005 unless the Special Use Permit is exercised or another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit SUP-3064 and Variance VAR-3065, and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.



CASE: EOT-5753



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



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-5753 - APPLICANT/OWNER: LUZ MARIA SANCHEZ

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on December 17, 2005 unless the Special Use Permit is exercised or another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit SUP-3064 and Variance VAR-3065, 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 request is for an Extension of Time for an approved Special Use Permit (SUP-3064) which allowed a restaurant service bar at 621 North Eastern Avenue.

B) Applicant's Justification

The applicant's justification letter indicates additional time is needed due to health and financial problems that stopped construction for the last two months.

BACKGROUND INFORMATION

A) Previous Actions

- 09/28/77 The Board of City Commissioners approved a Rezoning (Z-0083-77) from R-1 (Single Family Residential) to C-1 (Limited Commercial) on the eastern portion of the subject site. The Planning Commission recommended denial.
- 07/03/91 The City Council approved a Rezoning (Z-0036-91) to C-1 (Limited Commercial) on the western portion of the subject site. The Planning Commission recommended approval.
- 09/29/03 The applicant submitted business licenses for the restaurant and service bar which were denied pending approval of the Special Use Permit and Variance. To date, those licenses still have not been approved.
- 12/17/03 The City Council approved a Special Use Permit (SUP-3064) for the restaurant service bar and a Variance (VAR-3065) to allow 15 parking spaces where 34 spaces are required for the proposed restaurant on this site with both cases subject to a one-year review. The Planning Commission and staff recommended denial on October 23, 2003.
- 05/26/04 A permit for a tenant improvement was issued for the conversion of the retail building to a restaurant. To date this work has not been completed.
- 01/19/05 The City Council will hear related requests for a Required One-Year Review (RQR-5752) for the approved Special Use Permit (SUP-3064) which allowed the restaurant service bar on this site and a Required One-Year Review (RQR-5754) for the approved Variance (VAR-3065) to allow 15 parking spaces where 34 spaces are required for the proposed restaurant on this site.

B) Pre-Application Meeting

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

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.29

B) Existing Land Use

Subject Property: Commercial Buildings
North: Office
South: Commercial Center
East: Market and Auto Shop
West: Single Family Residence

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-D (Designed Commercial)
South: C-1 (Limited Commercial)
East: C-2 (General Commercial)
West: R-1 (Single Family Residential)

E) General Plan Compliance

The site is located in the Redevelopment Plan Area of the General Plan and is designated as C (Commercial). The existing C-1 (Limited Commercial) Zoning designation is in conformance with the General Plan.

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

This site is located in the Las Vegas Redevelopment Plan area. There are no requirements within this plan that would affect the operation of a restaurant service bar at this location.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
<i>Restaurant</i>						
Dining area	800 SF	1/50 GFA of public seating and waiting area, including outdoor areas	16	See below	See below	See below
Remaining GFA	3,422 SF	1/200 GFA of remaining GFA, with a minimum of 10 spaces	18	See below	See below	See below
Handicap breakdown			32	2	14	1
TOTAL			34		15	

The proposed development is deficient in the amount of parking required; therefore the applicant submitted a received approval of a Variance (VAR-3065) to allow for reduction of the required parking.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Restaurant Service Bar	May not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park	Greater than 400 Feet from all protected uses

There are no protected uses application within 400 feet of this location.

B) General Analysis and Discussion

- Zoning

A Restaurant Service Bar is permitted in the C-1 (Limited Commercial) zone with approval of a Special Use Permit.

- Use

Title 19.20 defines Restaurant Service Bar as a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premises consumption.

Title 19.04.050 establishes the criteria and minimum requirements for the approval of alcohol-related uses. The Code requires a restaurant service bar to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, no protected uses are known to be within the minimum separation distance requirement.

FINDINGS

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

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

With the approval of the Variance to allow reduce parking, the use can be conducted in a manner that is harmonious and compatible with surrounding land uses.

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

In approving the Variance to allow reduce parking, the City Council determined this site is physically suitable for the proposed restaurant service bar.

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

The proposed restaurant service bar use will be accessed through Eastern Avenue (100-foot Primary Arterial) and Wilson Avenue (60-foot Residential). Eastern Avenue has adequate capacity to serve the proposed use.

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

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

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-5753 APN: _____

Name of Property Owner: Luz Maria Sanchez

Name of Applicant: Tomas Chaver

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

_____ Yes

/ No

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

City Official: _____

Partner(s): _____

APN: _____

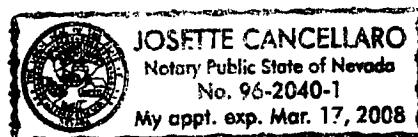
Signature of Property Owner/Authorized Agent: [Signature]

Print Name: LUZ MARIE SANCHEZ

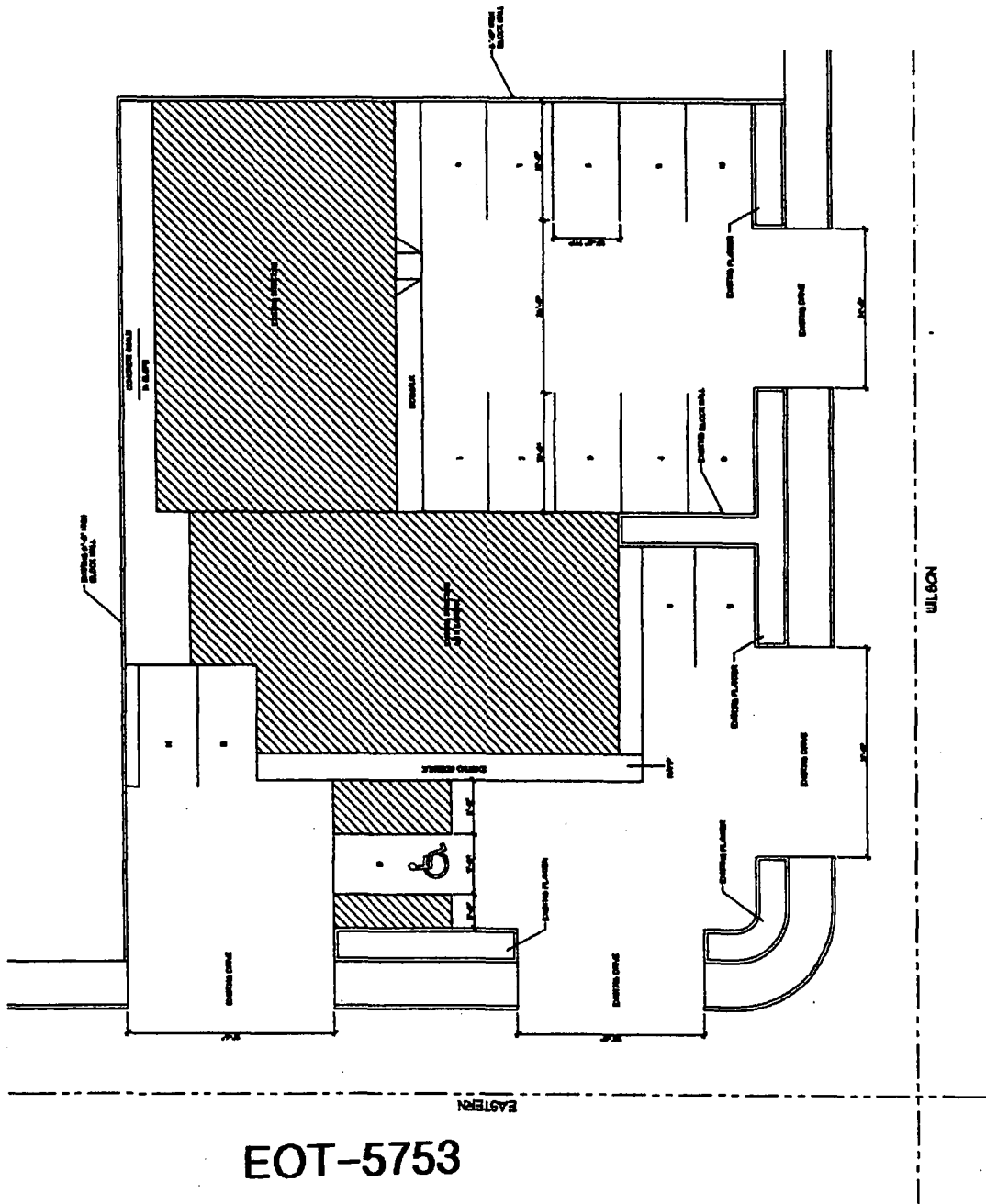
Subscribed and sworn before me

This 8 day of December 2004

[Signature]
Notary Public in and for said County and State



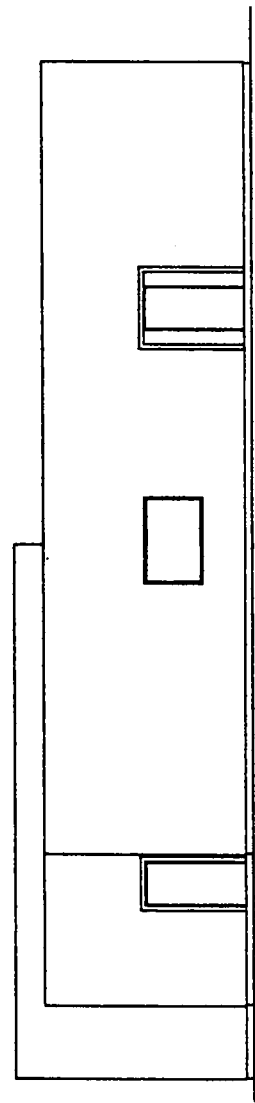
REVISED	DATE	BY	DESCRIPTION
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02	01/19/05	CC	1-19-05 CC
03	01/19/05	CC	1-19-05 CC
04	01/19/05	CC	1-19-05 CC
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67	01/19/05	CC	1-19-05 CC
68	01/19/05	CC	1-19-05 CC
69	01/19/05	CC	1-19-05 CC
70	01/19/05	CC	1-19-05 CC
71	01/19/05	CC	1-19-05 CC
72	01/19/05	CC	1-19-05 CC
73	01/19/05	CC	1-19-05 CC
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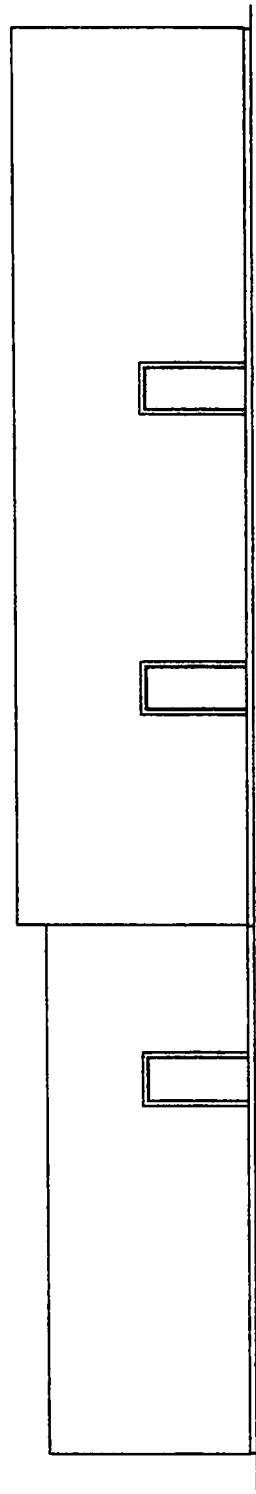
EOT-5753
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EOT-5753
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WEST ELEVATION



SOUTH ELEVATION



ELEV

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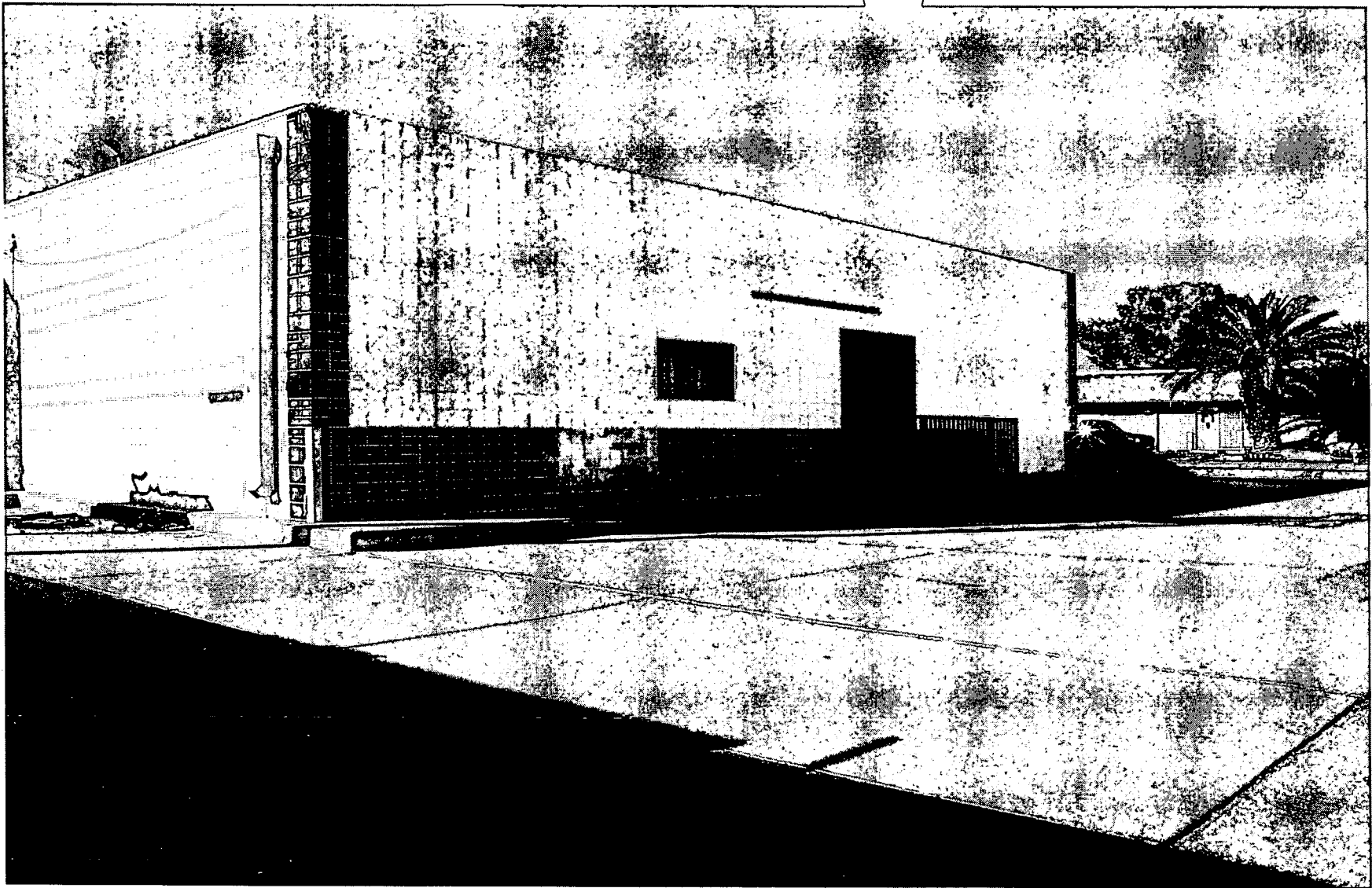
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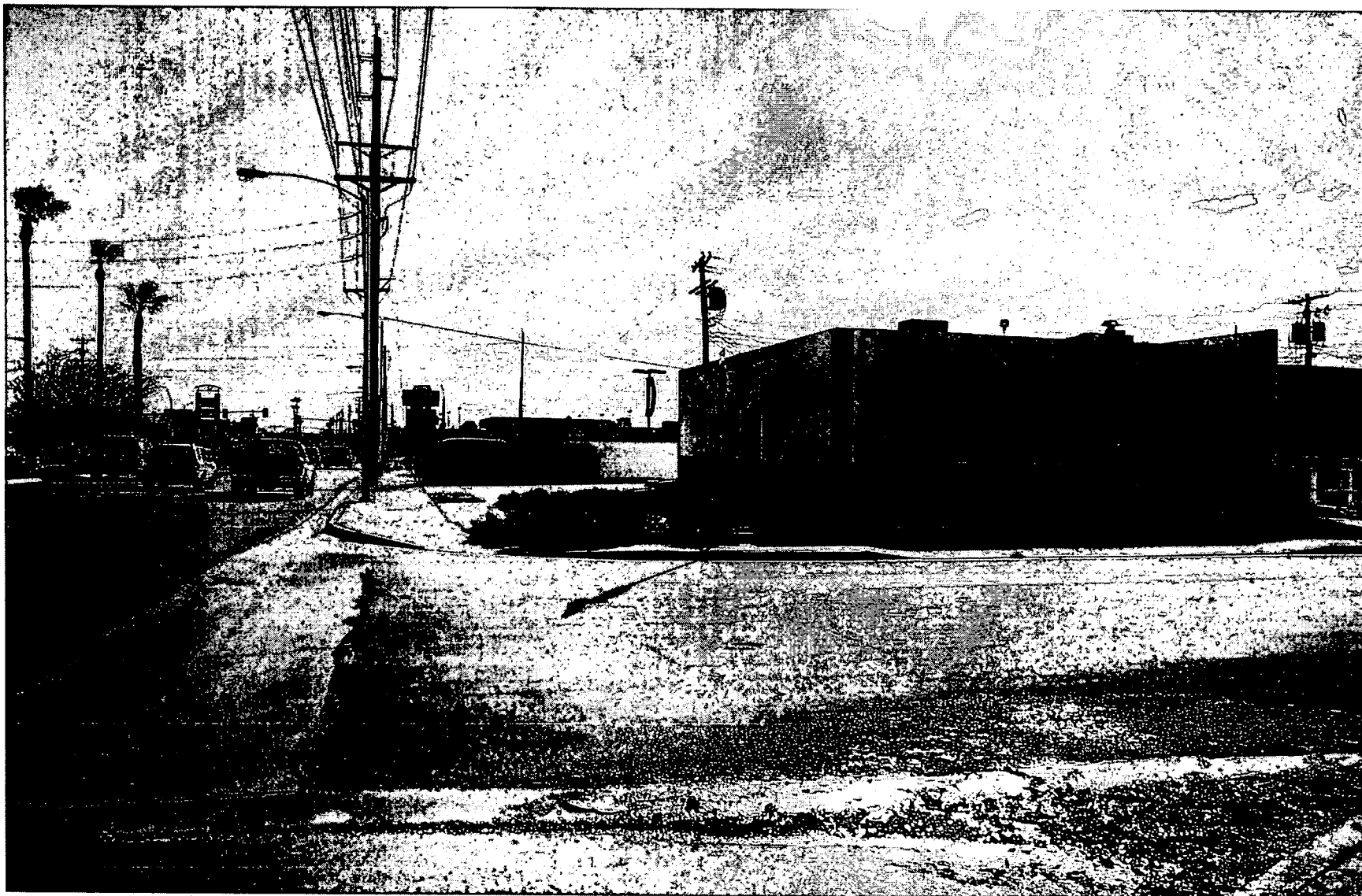
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EOT-5753 - APPLICANT/OWNER: LUZ MARIA SANCHEZ
621 North Eastern Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING

Picture taken 12/28/04



EOT-5753 - APPLICANT/OWNER: LUZ MARIA SANCHEZ
621 North Eastern Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING

Picture taken 12/28/04

EOT-5753

PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF LAS VEGAS

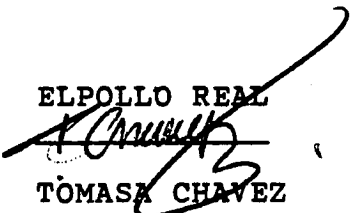
12-07004

JUSTIFICATION LETTER:

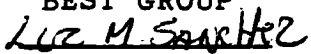
ON BEHALF OF "EL POLLO REAL RESTAURANTE" AND "BEST GROUP"
WE REQUEST AN EXTENSION AND RENEWAL FOR REZONING LOCATION
621 N EASTERN AVE : DUE TO HEALTH AND FINANCIAL PROBLEMS,
CONSTRUCTION STOPPED FOR THE LAST TWO MONTHS.
NOW CONSTRUCTION HAS STARTED AND WILL BE FINISHED BY 12-31-04,
READY TO BE INSPECTED AND FULLY FUNCTIONAL

SINCERLY:

ELPOLLO REAL


TOMASA CHAVEZ

BEST GROUP


LUZ M SANCHEZ.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REQUIRED ONE YEAR REVIEW RELATED TO EOT-5753 - SPECIAL USE PERMIT

RQR-5752 - PUBLIC HEARING - RQR-5752 - APPLICANT/OWNER: LUZ MARIA SANCHEZ - Request for a Required One-Year Review of an approved Special Use Permit (SUP-3064) which ALLOWED A RESTAURANT SERVICE BAR at 621 North Eastern Avenue (APN 139-26-811-192), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. City Council approval letter for SUP-3064
5. Justification letter

MOTION:

WEEKLY - APPROVED subject to conditions - UNANIMOUS with REESE abstaining because the property in question is located adjacent to his barbershop and GOODMAN excused

NOTE: MAYOR PRO TEM REESE indicated that he has abstained from voting when these items have previously come before the City Council because the property is located adjacent to his barbershop.

NOTE: COUNCILWOMAN MONCRIEF disclosed that her small surgery center is located across the street from the property in question, but does not feel this will have an impact on her business.

MINUTES:

COUNCILMAN BROWN declared the Public Hearing open on Item 72 [RQR-5732] and Item 73 [RQR-5754].

LUZ MARIA SANCHEZ, 95 Emerald Dunes Circle, Henderson, owns the property at 621 North Eastern Avenue, and explained that due to health and financial reasons the restaurant was not opened and that it would open at the end of the month. She agreed with all conditions.

No one appeared in opposition.

COUNCILMAN BROWN declared the Public Hearing closed on Item 72 [RQR-5732] and Item 73 [RQR-5754].

(1:41 - 1:46)

CITY COUNCIL MEETING OF: JANUARY 19, 2005

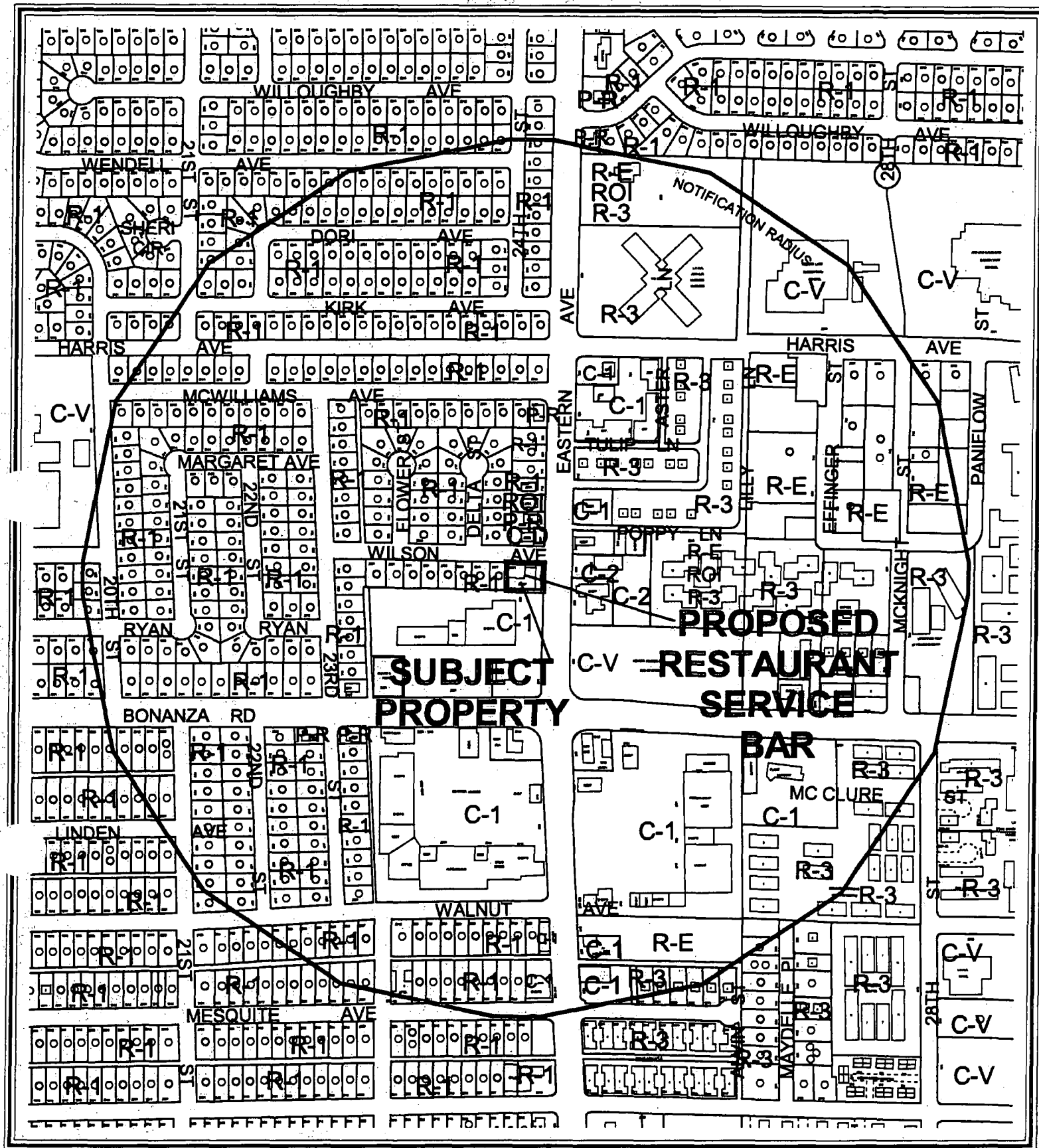
MINUTES - Continued:

3-1311

CONDITIONS:

Planning and Development

1. This Special Use Permit shall be reviewed one year from the issuance of a business license for the proposed restaurant.
2. Conformance to the Conditions of Approval for Special Use Permit SUP-3064 and Variance VAR-3065, and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.



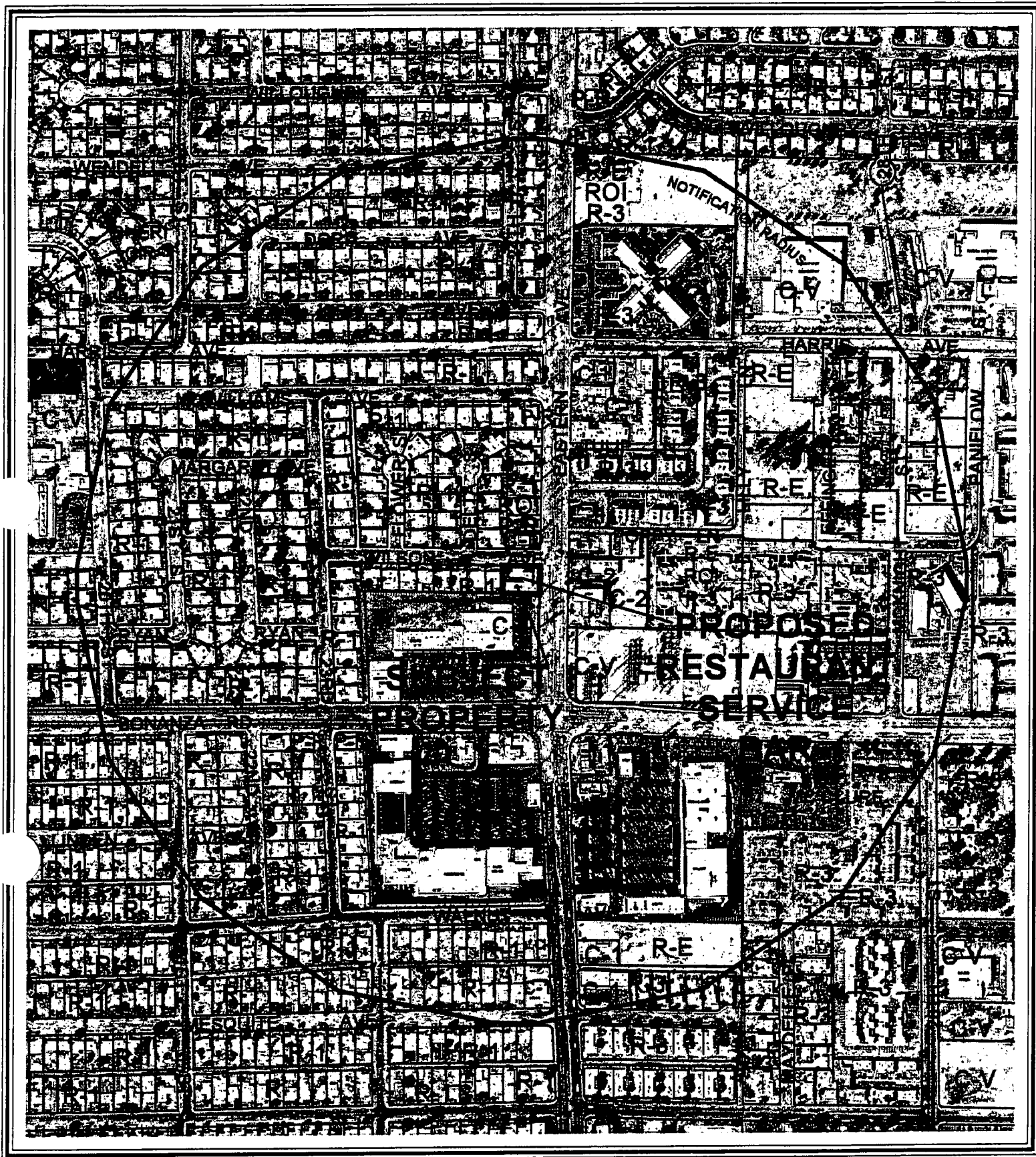
CASE: RQR-5752

RADIUS: 1500 FT

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

0 300 600 Feet





CASE: RQR-5752

RADIUS: 1500 FT

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

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-5752 - APPLICANT/OWNER: LUZ MARIA SANCHEZ

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Special Use Permit shall be reviewed one year from the issuance of a business license for the proposed restaurant.
2. Conformance to the Conditions of Approval for Special Use Permit SUP-3064 and Variance VAR-3065, 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 request is for a Required One-Year Review of an approved Special Use Permit (SUP-3064) which allowed a restaurant service bar at 621 North Eastern Avenue.

BACKGROUND INFORMATION

A) Previous Actions

- 09/28/77 The Board of City Commissioners approved a Rezoning (Z-0083-77) from R-1 (Single Family Residential) to C-1 (Limited Commercial) on the eastern portion of the subject site. The Planning Commission recommended denial.
- 07/03/91 The City Council approved a Rezoning (Z-0036-91) to C-1 (Limited Commercial) on the western portion of the subject site. The Planning Commission recommended approval.
- 09/29/03 The applicant submitted business licenses for the restaurant and service bar which were denied pending approval of the Special Use Permit and Variance. To date, those licenses still have not been approved.
- 12/17/03 The City Council approved a Special Use Permit (SUP-3064) for the restaurant service bar and a Variance (VAR-3065) to allow 15 parking spaces where 34 spaces are required for the proposed restaurant on this site with both cases subject to a one-year review. The Planning Commission and staff recommended denial on October 23, 2003.
- 05/26/04 A permit for a tenant improvement was issued for the conversion of the retail building to a restaurant. To date this work has not been completed.
- 01/19/05 The City Council will hear related requests for an Extension of Time (EOT-5753) for the approved Special Use Permit (SUP-3064) which allowed the restaurant service bar and a Required One-Year Review (RQR-5754) for the approved Variance (VAR-3065) which allowed 15 parking spaces where 34 spaces are required for the proposed restaurant on this site.

B) Pre-Application Meeting

A pre-application meeting is not required for a Required Review application.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Required Review application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.29

B) Existing Land Use

Subject Property: Commercial Buildings
North: Office
South: Commercial Center
East: Market and Auto Shop
West: Single Family Residence

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-D (Designed Commercial)
South: C-1 (Limited Commercial)
East: C-2 (General Commercial)
West: R-1 (Single Family Residential)

E) General Plan Compliance

The site is located in the Redevelopment Plan Area of the General Plan and is designated as C (Commercial). The existing C-1 (Limited Commercial) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Study Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located in the Las Vegas Redevelopment Plan area. There are no requirements within this plan that would affect the operation of a restaurant service bar at this location.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
<i>Restaurant</i>						
Dining area	800 SF	1/50 GFA of public seating and waiting area, including outdoor areas	16	See below	See below	See below
Remaining GFA	3,422 SF	1/200 GFA of remaining GFA, with a minimum of 10 spaces	18	See below	See below	See below
Handicap breakdown			32	2	14	1
TOTAL			34		15	

The proposed development is deficient in the amount of parking required; therefore the applicant submitted a received approval of a Variance (VAR-3065) to allow for reduction of the required parking.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Restaurant Service Bar	May not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park	Greater than 400 Feet from all protected uses

There are no protected uses application within 400 feet of this location.

B) General Analysis and Discussion

- Zoning

A Restaurant Service Bar is permitted in the C-1 (Limited Commercial) zone with approval of a Special Use Permit.

- Use

Title 19.20 defines Restaurant Service Bar as a bar wherein alcoholic beverage drinks are prepared for service only at tables in a restaurant and for consumption only in connection with a meal served on the premises, and where customers are not permitted to purchase alcoholic beverage drinks directly from the bar or for off-premises consumption.

Title 19.04.050 establishes the criteria and minimum requirements for the approval of alcohol-related uses. The Code requires a restaurant service bar to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, no protected uses are known to be within the minimum separation distance requirement.

Since the restaurant with a service bar has not yet opened, a condition has been added requiring another review of this application one year from the issuance of a business license.

FINDINGS

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

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

With the approval of the Variance to allow reduce parking, the use can be conducted in a manner that is harmonious and compatible with surrounding land uses.

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

In approving the Variance to allow reduce parking, the City Council determined this site is physically suitable for the proposed restaurant service bar.

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

The proposed restaurant service bar use will be accessed through Eastern Avenue (100-foot Primary Arterial) and Wilson Avenue (60-foot Residential). Eastern Avenue has adequate capacity to serve the proposed use.

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

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

NOTICES MAILED 445 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-5752 APN: _____
Name of Property Owner: LUZ Maria Sanchez
Name of Applicant: Tomasa Chavez

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: _____

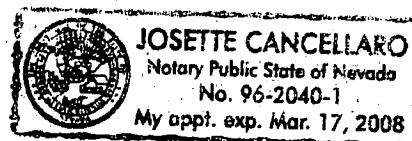
Signature of Property Owner/Authorized Agent: _____

Print Name: LUZ MARIE SANCHEZ

Subscribed and sworn before me

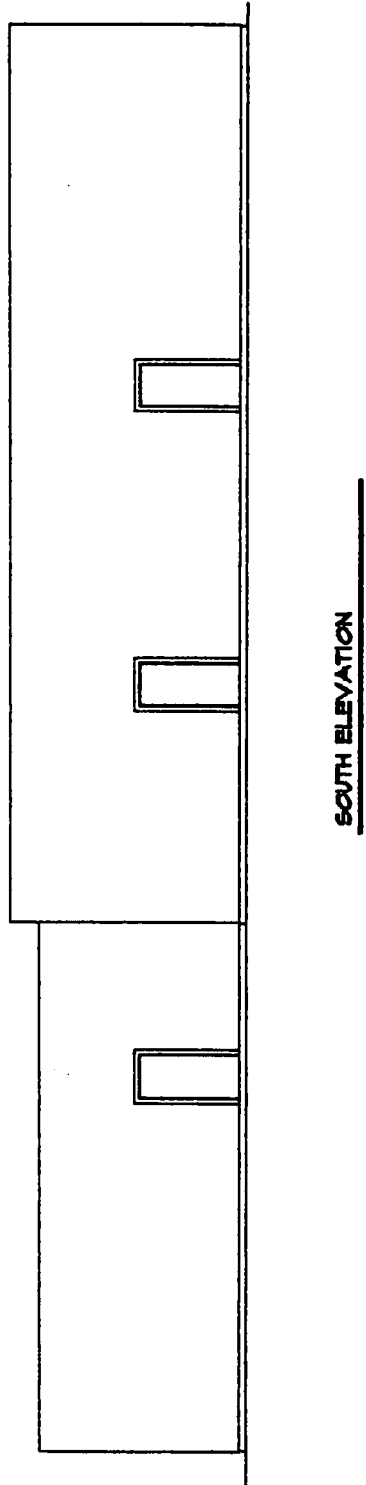
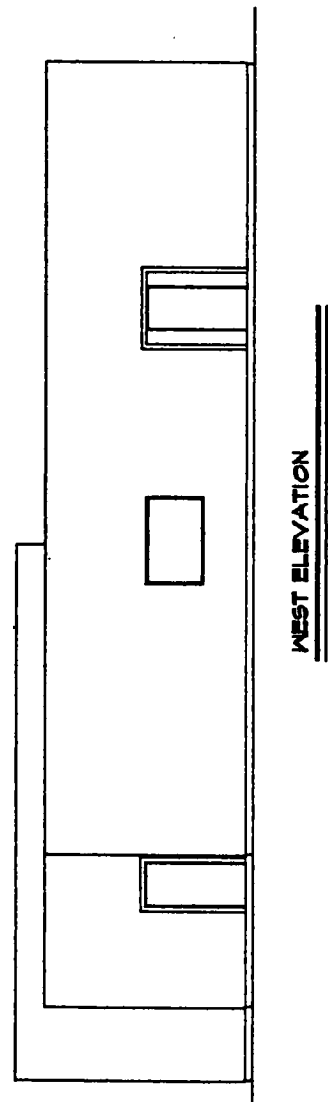
This 8 day of December, 2004

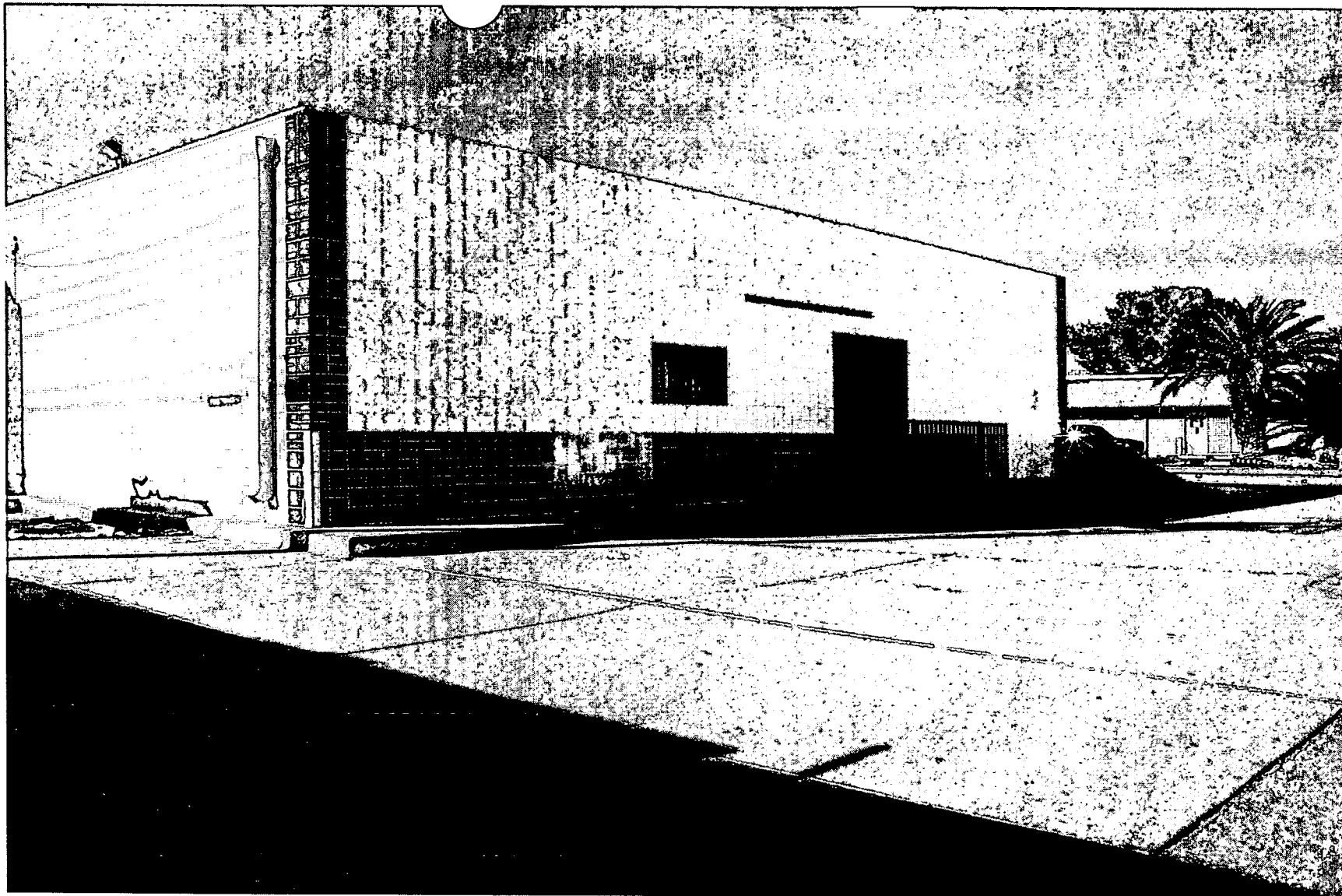
Jose Cancellaro
Notary Public in and for said County and State



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RQR-5752
RQR-5754
1-19-05 CC





RQR-5752 - APPLICANT/OWNER: LUZ MARIA SANCHEZ
621 North Eastern Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING

Picture taken 12/28/04



RQR-5752 - APPLICANT/OWNER: LUZ MARIA SANCHEZ
621 North Eastern Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING

Picture taken 12/28/04



MAYOR
OSCAR B. GOODMAN

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

CITY MANAGER
DOUGLAS A. SELBY



041520

February 3, 2004

RQR-5752

Ms. Luz Maria Sanchez
621 North Eastern Avenue, Suite B
Las Vegas, Nevada 89101

RE: SUP-3064 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF DECEMBER 17, 2003
RELATED TO VAR-3065

Dear Ms. Sanchez:

The City Council at a regular meeting held December 17, 2003 APPROVED the request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 621 North Eastern Avenue (APN: 139-26-811-192), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on December 18, 2003. This approval is subject to:

Planning and Development

1. This Special Use Permit shall be reviewed in one year.
2. Restrict the use of the rear portion of the structure as shown on the plan for storage only.
3. This Special Use Permit 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.
4. Conformance to the Conditions of Approval for Rezoning (Z-0083-77), and Rezoning (Z-0036-91).
5. Conformance to all Minimum Requirements under Title 19.04.050 for Restaurant Service Bar use.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

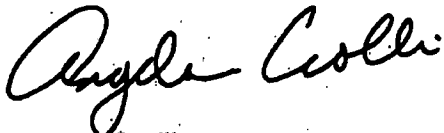
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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

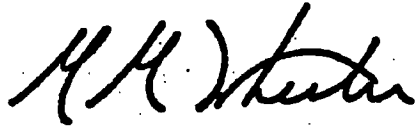
Ms. Luz Maria Sanchez
SUP-3064 -- Page 2
February 3, 2004

8. The Restaurant Service Bar use shall conform to the definition as listed in Title 19.20.020.
9. All City Code requirements and design standards of all City departments must be satisfied.

Sincerely,



Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk



M. Margo Wheeler, AICP
Deputy Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. David Garcia
Ms. Tomasa Chavez
621 North Eastern Avenue, Suite B
Las Vegas, Nevada 89101

RDR 5752

PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF LAS VEGAS

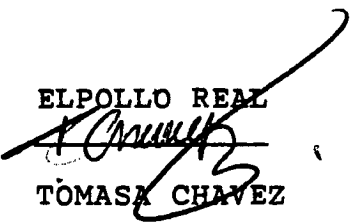
12-07004

JUSTIFICATION LETTER:

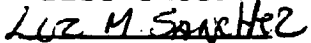
ON BEHALF OF "EL POLLO REAL RESTAURANTE" AND "BEST GROUP"
WE REQUEST AN EXTENSION AND RENEWAL FOR REZONING LOCATION
621 N EASTERN AVE : DUE TO HEALTH AND FINANCIAL PROBLEMS,
CONSTRUCTION STOPPED FOR THE LAST TWO MONTHS.
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SINCERLY:

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BEST GROUP


LUZ M SANCHEZ.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REQUIRED ONE YEAR REVIEW RELATED TO EOT-5753 AND RQR-5752 - VARIANCE

RQR-5754 - PUBLIC HEARING - APPLICANT/OWNER: LUZ MARIA SANCHEZ - Request for a Required One-Year Review of an approved Variance (VAR-3065) which ALLOWED 15 PARKING SPACES WHERE 34 PARKING SPACES ARE REQUIRED FOR AN EXISTING RETAIL BUILDING WITH A RESTAURANT at 621 North Eastern Avenue (APN 139-26-811-192), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. City Council approval letter for VAR-3065
5. Justification letter

MOTION:

WEEKLY - APPROVED subject to conditions - UNANIMOUS with REESE abstaining because the property in question is located adjacent to his barbershop and GOODMAN excused

NOTE: MAYOR PRO TEM REESE indicated that he has abstained from voting when these items have previously come before the City Council because the property is located adjacent to his barbershop.

NOTE: COUNCILWOMAN MONCRIEF disclosed that her small surgery center is located across the street from the property in question, but does not feel this will have an impact on her business.

MINUTES:

NOTE: See Item 72 [RQT-5752] for all related discussion.

(1:41 - 1:46)

3-1311

CONDITIONS:

Planning and Development

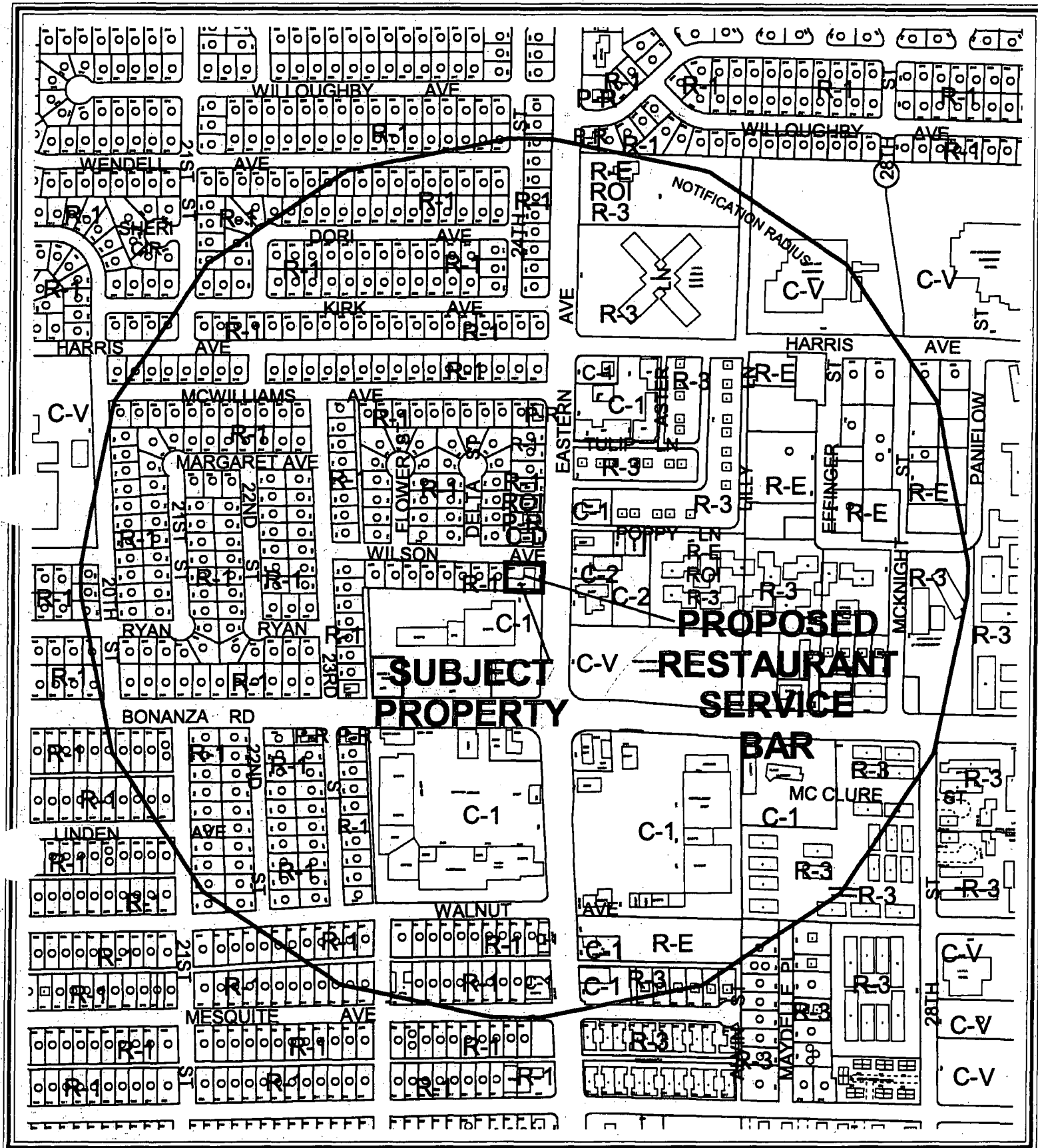
1. This Variance shall be reviewed one year from the issuance of a business license for the proposed restaurant.

2. Conformance to the Conditions of Approval for Special Use Permit SUP-3064 and Variance VAR-3065, and all other subsequent site related actions as required by the Planning and Development

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

Department and Department of Public Works.



CASE: RQR-5754

RADIUS: 1500 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-5754 - APPLICANT/OWNER: LUZ MARIA SANCHEZ

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Variance shall be reviewed one year from the issuance of a business license for the proposed restaurant.
2. Conformance to the Conditions of Approval for Special Use Permit SUP-3064 and Variance VAR-3065, 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 request is for a Required One-Year Review of an approved Variance (VAR-3065) which allowed 15 parking spaces where 34 are required for a proposed restaurant at 621 North Eastern Avenue.

BACKGROUND INFORMATION

A) Previous Actions

- 09/28/77 The Board of City Commissioners approved a Rezoning (Z-0083-77) from R-1 (Single Family Residential) to C-1 (Limited Commercial) on the eastern portion of the subject site. The Planning Commission recommended denial.
- 07/03/91 The City Council approved a Rezoning (Z-0036-91) to C-1 (Limited Commercial) on the western portion of the subject site. The Planning Commission recommended approval.
- 09/29/03 The applicant submitted business licenses for the restaurant and service bar which were denied pending approval of the Special Use Permit and Variance. To date, those licenses still have not been approved.
- 12/17/03 The City Council approved a Special Use Permit (SUP-3064) for the restaurant service bar and a Variance (VAR-3065) to allow 15 parking spaces where 34 spaces are required for the proposed restaurant on this site with both cases subject to a one-year review. The Planning Commission and staff recommended denial on October 23, 2003.
- 05/26/04 A permit for a tenant improvement was issued for the conversion of the retail building to a restaurant. To date this work has not been completed.
- 01/19/05 The City Council will hear related requests for an Extension of Time (EOT-5753) and a Required One-Year Review (RQR-5752) for the approved Special Use Permit (SUP-3064) which allowed the restaurant service bar on this site.

B) Pre-Application Meeting

A pre-application meeting is not required for a Required Review application.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Required Review application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.29

B) Existing Land Use

Subject Property: Commercial Buildings
North: Office
South: Commercial Center
East: Market and Auto Shop
West: Single Family Residence

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-D (Designed Commercial)
South: C-1 (Limited Commercial)
East: C-2 (General Commercial)
West: R-1 (Single Family Residential)

E) General Plan Compliance

The site is located in the Redevelopment Plan Area of the General Plan and is designated as C (Commercial). The existing C-1 (Limited Commercial) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Study Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located in the Las Vegas Redevelopment Plan area. There are no requirements within this plan that would affect the operation of a restaurant service bar at this location.

ANALYSIS

A) *Zoning Code Compliance*

Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
<i>Restaurant</i>						
Dining area	800 SF	1/50 GFA of public seating and waiting area, including outdoor areas	16	See below	See below	See below
Remaining GFA	3,422 SF	1/200 GFA of remaining GFA, with a minimum of 10 spaces	18	See below	See below	See below
Handicap breakdown			32	2	14	1
TOTAL			34		15	

The proposed development is deficient in the amount of parking required; therefore the applicant submitted a received approval of this Variance (VAR-3065) to allow for reduction of the required parking.

B) *General Analysis and Discussion*

The site plan depicts an existing 4,222 square foot structure. The applicant proposes to operate a restaurant in a portion of the existing building. A total of 34 parking spaces are required for the subject site, including two handicap accessible parking spaces, of which one must be a van accessible space. Fifteen parking spaces are indicated on the site plan, including five accessed from the Eastern Avenue entrance and 10 spaces accessed from Wilson Avenue, a sixty-foot street that serves a residential neighborhood.

The applicant has indicated in the companion Extension of Time request for the Special Use Permit that additional time is needed due to health and financial problems that stopped construction for the last two months and the restaurant has not opened. Therefore, a condition has been added requiring another review of this application one year from the issuance of a business license for the restaurant.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance was presented with the original variance request, in that the applicant created a self-imposed hardship by proposing a use with a parking demand that exceeds the amount of available parking. However, in approving the Variance, the City Council found there was adequate justification to allow for reduction in required parking for the proposed restaurant at this location.

NOTICES MAILED 445 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RDR-5731 APN: _____
Name of Property Owner: LUZ MARIA SANCHEZ
Name of Applicant: TOMASA CHAVEZ

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: _____

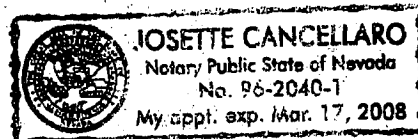
Signature of Property Owner/Authorized Agent: _____

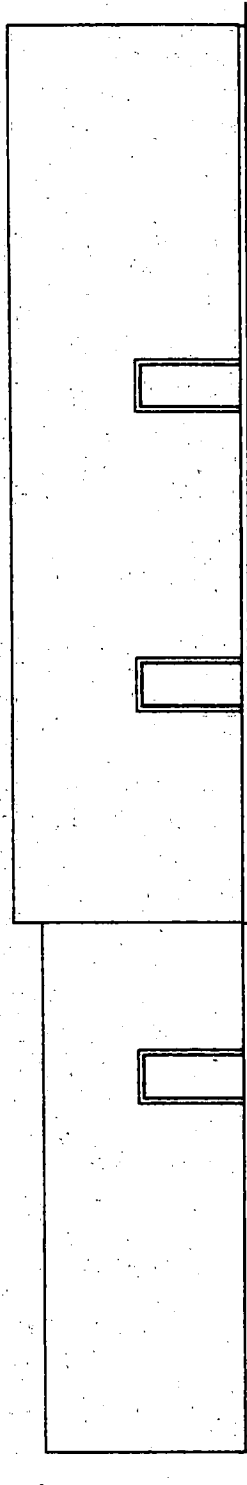
Print Name: LUZ MARIA SANCHEZ

Subscribed and sworn before me

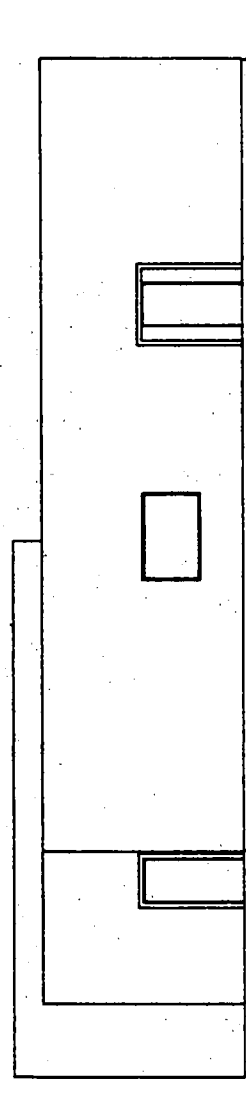
This 8 day of December 2004

[Signature]
Notary Public in and for said County and State



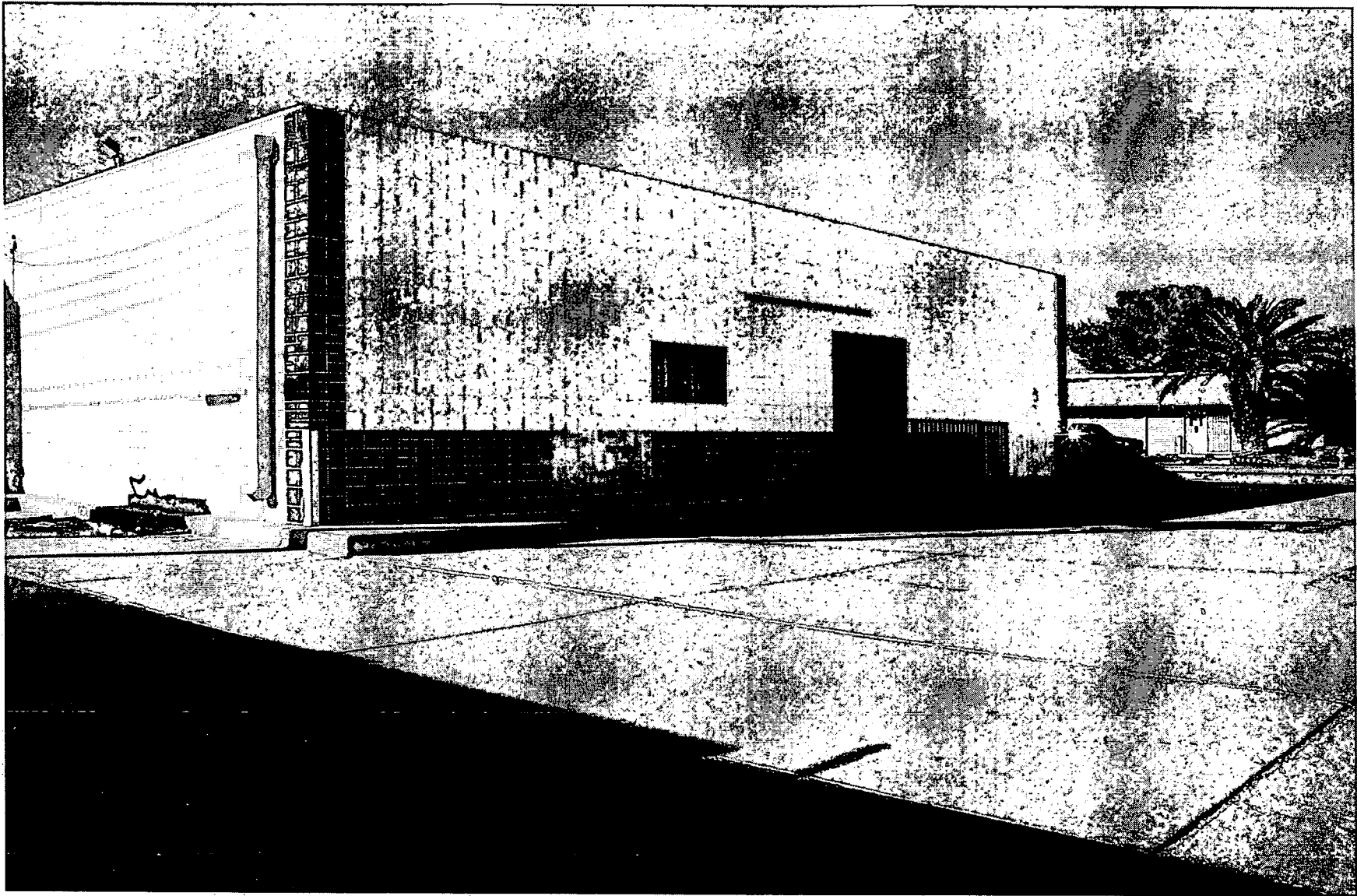


SOUTH ELEVATION



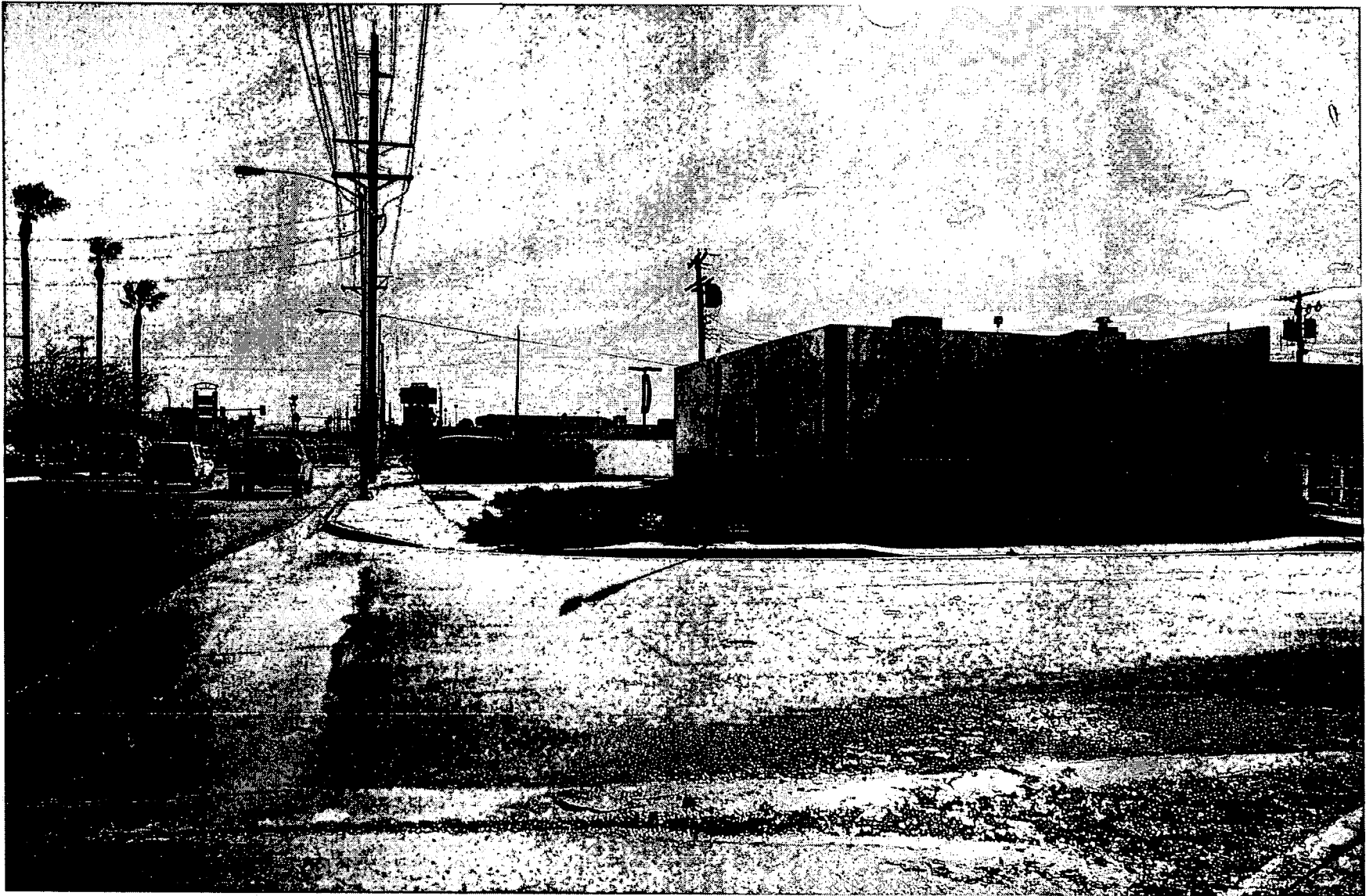
WEST ELEVATION

1-19-05 CC



RQR-5754 - APPLICANT/OWNER: LUZ MARIA SANCHEZ
621 North Eastern Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING

Picture taken 12/28/04



RQR-5754 - APPLICANT/OWNER: LUZ MARIA SANCHEZ
621 North Eastern Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING

Picture taken 12/28/04



MAYOR
OSCAR B. GOODMAN

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

CITY MANAGER
DOUGLAS A. SELBY

February 3, 2004

RQR-5754

Ms. Luz Maria Sanchez
621 North Eastern Avenue, Suite B
Las Vegas, Nevada 89101

RE: VAR-3065 - VARIANCE
CITY COUNCIL MEETING OF DECEMBER 17, 2003
RELATED TO SUP-3064

Dear Ms. Sanchez:

The City Council at a regular meeting held December 17, 2003 APPROVED the request for a Variance TO ALLOW 15 PARKING SPACES WHERE 34 PARKING SPACES ARE REQUIRED FOR AN EXISTING RETAIL BUILDING WITH A RESTAURANT at 621 North Eastern Avenue (APN: 139-26-811-192), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on December 18, 2003. This approval is subject to:

Planning and Development

1. This Variance shall be reviewed in one year.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Conformance to the Conditions of Approval for Rezoning (Z-0083-77), and Rezoning (Z-0036-91).

Sincerely,

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

M. Margo Wheeler, AICP
Deputy Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. David Garcia
Ms. Tomasa Chavez
621 North Eastern Avenue, Suite B
Las Vegas, Nevada 89101

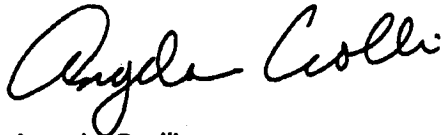
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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

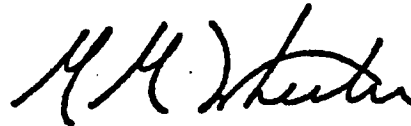
Ms. Luz Maria Sanchez
SUP-3064 – Page 2
February 3, 2004

8. The Restaurant Service Bar use shall conform to the definition as listed in Title 19.20.020.
9. All City Code requirements and design standards of all City departments must be satisfied.

Sincerely,



Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk



M. Margo Wheeler, AICP
Deputy Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. David Garcia
Ms. Tomasa Chavez
621 North Eastern Avenue, Suite B
Las Vegas, Nevada 89101

200-5754

PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF LAS VEGAS

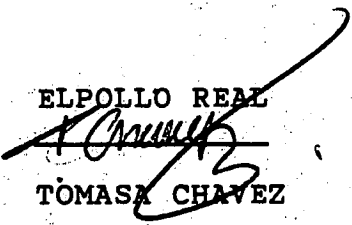
12-07004

JUSTIFICATION LETTER:

ON BEHALF OF "EL POLLO REAL RESTAURANTE" AND "BEST GROUP"
WE REQUEST AN EXTENSION AND RENEWAL FOR REZONING LOCATION
621 N EASTERN AVE : DUE TO HEALTH AND FINANCIAL PROBLEMS,
CONSTRUCTION STOPPED FOR THE LAST TWO MONTHS.
NOW CONSTRUCTION HAS STARTED AND WILL BE FINISHED BY 12-31-04,
READY TO BE INSPECTED AND FULLY FUNCTIONAL

SINCERLY:

ELPOLLO REAL


TOMASA CHAVEZ

BEST GROUP


LUZ M SANCHEZ.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REVIEW OF CONDITION

ROC-5747 - PUBLIC HEARING - APPLICANT: BLUE HERON PROPERTIES - OWNER: W. M. LAND DEVELOPMENT - Request for a Review of Condition Number 5 of an approved Site Development Plan Review (SDR-4539) TO ALLOW A 25 FOOT REAR YARD SETBACK FOR MODEL A AND A 29 FOOT REAR YARD SETBACK FOR MODEL B FOR LOTS ON THE EAST SIDE OF THE DEVELOPMENT, WHERE 30 FEET WAS THE MINIMUM SETBACK FOR MODEL A AND 34 FEET IS THE MINIMUM SETBACK FOR MODEL B (EXCEPT FOR THE SOUTHERNMOST LOT WHICH IS ALLOWED A 20 FOOT REAR SETBACK) for an approved 23-lot single family development on 4.75 acres adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-201-001 and 002), R-E (Residence Estates) Zone under Resolution of Intent to R-PD5 (Residential Planned Development - 5 Units Per Acre) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. City Council approval letter for SDR-4539
5. Justification letter

MOTION:

MONCRIEF - APPROVED subject to conditions and amending Condition 1 as follows:

1. Condition Number 5 of Site Development Plan Review SDR-4539 shall be revised to read:

"The setbacks for this development shall be a minimum of 14.5 feet (Model A) and 10 feet (Model B) to the front of the house, 18 feet to the front of the garage as measured from back of curb, 4.5 feet on the side and 29 feet (Model A) and 25 feet (Model B) fee in the rear (except for the two southernmost lots on the hammerhead, which will be allowed 20-foot rear setback on the east lot and 15-foot rear setback on the west lot). For Models 'A' and 'B' on the remaining 11 lots on the west side of the development, adjacent to Buffalo Drive, the rear yard setback shall be 20-feet.

- UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

ATTORNEY JENNIFER LAZOVICH, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and concurred with staff's recommendation and the revised language of Condition 1. She clarified that the rear yard setback for Model B should be 25 feet and the rear yard setback for Model A should be 29 feet.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

COUNCILWOMAN MONCRIEF indicated these homes would be located next to the Social Security building, and was pleased that this area will remain residential. The reduction of the setback of five feet is necessary for this particular lot.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:46 - 1:48)

3-1487

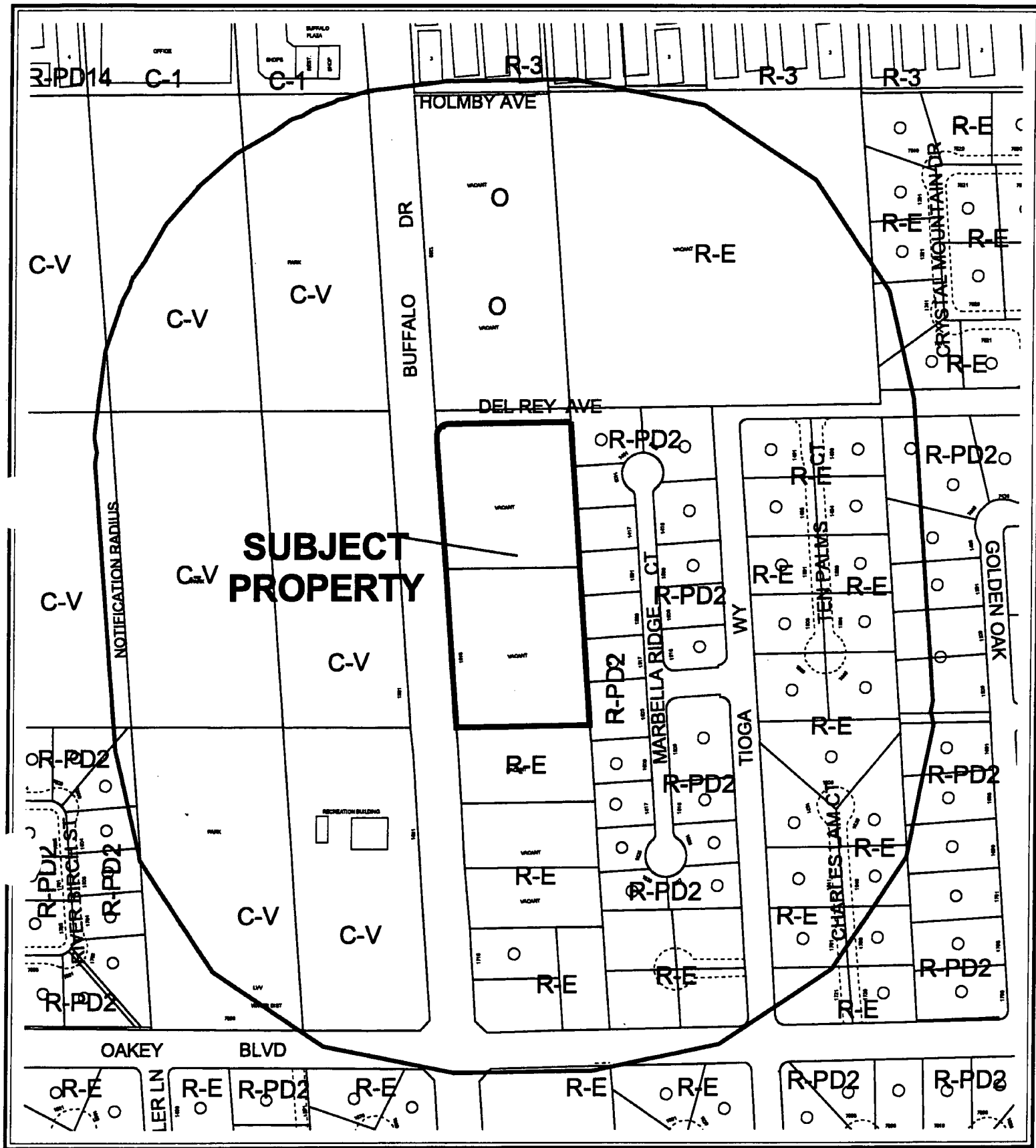
CONDITIONS:

Planning and Development

1. Condition Number 5 of Site Development Plan Review SDR-4539 shall be revised to read:

"The setbacks for this development shall be a minimum of 14.5 feet (Model A) and 10 feet (Model B) to the front of the house, 18 feet to the front of the garage as measured from back of curb, 4.5 feet on the side and 25 feet (Model A) and 29 feet (Model B) feet in the rear (except for the two southernmost lots on the hammerhead, which will be allowed 20-foot rear setback on the east lot and 15-foot rear setback on the west lot). For Models 'A' and 'B' on the remaining 11 lots on the west side of the development, adjacent to Buffalo Drive, the rear yard setback shall be 20-feet."

2. Conformance to all other conditions of approval of SDR-4539.



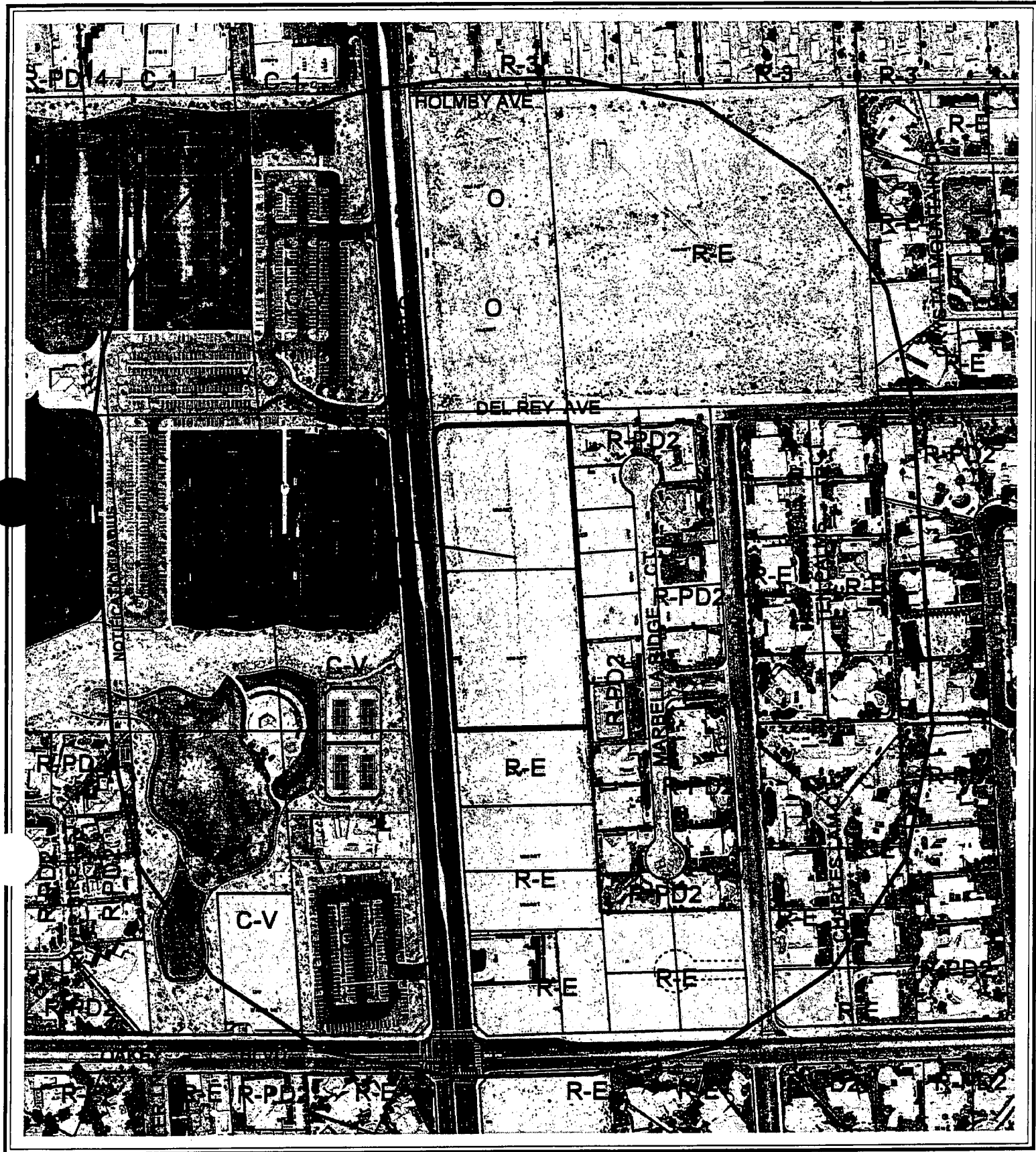
CASE: ROC-5747

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE)





CASE: ROC-5747

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ROC-5747 - APPLICANT: BLUE HERON PROPERTIES –
OWNER: W. M. LAND DEVELOPMENT**

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. Condition Number 5 of Site Development Plan Review SDR-4539 shall be revised to read:

“The setbacks for this development shall be a minimum of 14.5 feet (Model A) and 10 feet (Model B) to the front of the house, 18 feet to the front of the garage as measured from back of curb, 4.5 feet on the side and 25 feet (Model A) and 29 feet (Model B) feet in the rear (except for the two southernmost lots on the hammerhead, which will be allowed 20-foot rear setback on the east lot and 15-foot rear setback on the west lot). For Models ‘A’ and ‘B’ on the remaining 11 lots on the west side of the development, adjacent to Buffalo Drive, the rear yard setback shall be 20-feet.”
2. Conformance to all other conditions of approval of SDR-4539.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This a request for a Review of Condition Number 5 of an approved Site Development Plan Review (SDR-4539) to allow a 25 foot rear yard setback for Model A and a 29 foot rear yard setback for Model B for lots on the east side of the development, where 30 feet was the minimum setback for Model A and 34 feet is the minimum setback for Model B (except for the southernmost lot which is allowed a 20 foot rear setback) for an approved 23-lot single family development on 4.75 acres adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue.

B) Applicant's Justification

The applicant's justification letter indicates a 5 foot wide common lot for drainage is now provided along the east side of the site. The reduction of the setbacks by 5 feet is necessary due to this lot, but will not change the distance the proposed homes will be located from the existing homes to the east.

BACKGROUND INFORMATION

A) Previous Actions

- 09/15/04 The City Council approved a General Plan Amendment (GPA-4535) to the L (Low Density Residential), a Variance (VAR-4536) to allow Residential Planned Development zoning on a parcel smaller than five acres, a Waiver (WVR-4748) of Title 18 to allow substandard street widths, a Rezoning (ZON-4537) to R-PD5 (Residential Planned Development - 5 Units Per Acre) and a Site Development Plan Review (SDR-4539) for a proposed 23-lot single family development on the subject site. The Planning Commission and staff recommended approval on August 12, 2004.
- 12/15/04 The City Council a Review of Condition (ROC-5588) of an approved Site Development Plan Review (SDR-4539) to allow a 20-foot rear yard setback for lots on the west side of the development, adjacent to Buffalo Drive, where 30 feet was the minimum setback for model 'A' and 34 feet is the minimum setback for model 'B' (except for the southernmost lot which is allowed a 15-foot rear setback) for an approved 23-lot single family development on this site. Staff recommendation was for approval.

B) Pre-Application Meeting

12/02/04 The nature of and reasons supporting the request were presented. The proposed changes in setbacks would apply to the referenced lots within the development.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Review of Condition application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 4.63 acres

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped (approved Social Security office)
South: Undeveloped (approved single-family development)
East: Single-family residential
West: City Park

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: O (Office)
South: L (Low Density Residential)
East: DR (Desert Rural Density Residential)
West: P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: O (Office)
South: R-PD5 (Residential Planned Development - 5 Units per Acre)
East: R-PD2 (Residential Planned Development - 2 Units per Acre)
West: C-V (Civic)

E) General Plan Compliance

The subject site is located on the Southwest Sector Plan map of the General Plan and is designated L (Low Density Residential). The approved R-PD5 zoning district is in conformance with the L (Low Density Residential) land use designation.

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

There are no Special Area Plans, Overlay Districts or Study Areas that affect the subject site.

PROJECT DESCRIPTION

The subject site was approved for a 23-lot single-family residential project on a 4.63-acre parcel located at the southeast corner of Buffalo Drive and Del Rey Avenue. The eleven lots, which are along the east side of the site were approved as the 30 and 34-foot setbacks to provide a buffer between this development and the existing single family lots to the east. Since that approval, the site has been revised to require a 5 foot wide common lot along the east side for drainage purposes. The applicant is requesting the rear yard setbacks for the lots along the east side to be 25 feet for Model A and 29 feet for Model B.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, the Development Standards for an R-PD zoned project are proposed as follows:

Standards	Proposed
Min. Lot Size	6,435 Feet
Min. Lot Width	53 Feet
Min. Setbacks	
• Front	10 Feet
• Side	4.5 Feet
• Corner	N/A
• Rear	25 feet for Model A and 29 feet for Model B Feet
Max. Lot Coverage	57 % (approx)
Max. Building Height	2 Stories / 29 Feet

These standards are appropriate for this type and scale of development.

FINDINGS

If approved, the change to Condition Number 5 would affect lots which are located along the east side of the development with the exception of the two southernmost lots on the hammerhead. The nature of the request is minor due to the 5 foot wide common lot now required for drainage. There would be no affect to the surrounding property owners. The revised setback dimensions are consistent with the intent of the original Site Plan Review in that the same distance separation from the existing single family residences to the east will be maintained. The recommendation for this request is approval.

NOTICES MAILED 68 by Planning Department

APPROVALS 0

PROTESTS 0

Desert View Lofts

City of Las Vegas
Planning
&
Development
Documentation
Submittal

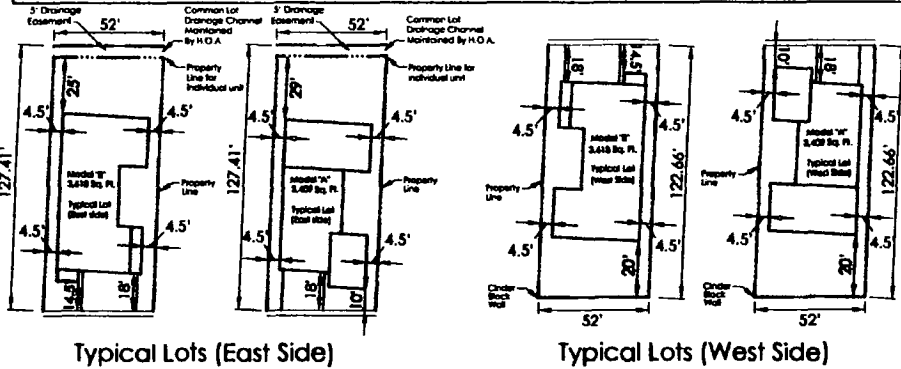
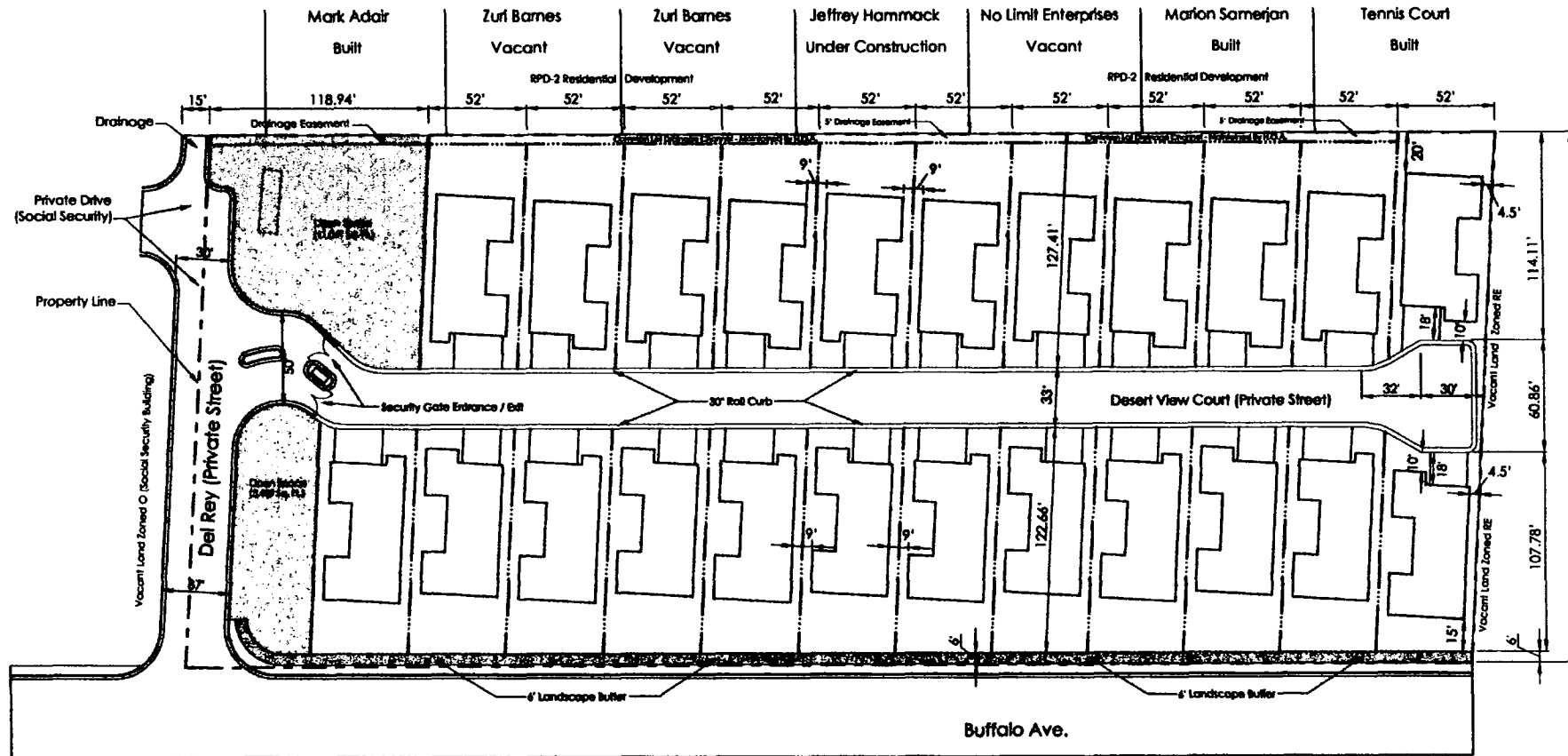
12/02/04

Site Plan

Blue Heron Properties
6290 Harrison Drive
Las Vegas, Nevada 89120

1 - (702) 256-8866
1 - (702) 256-8862

www.blueheron-properties.com



Site Analysis

Total Area of Property:	201,877 Sq. Ft.	Total Living Area:	80,706 Sq. Ft.
Total Units:	23	Floor Area Ratio:	40%
Units Per Acre:	4.96	Typical Lot (East Side):	6441 Sq. Ft.
Parking Required:	46 Spaces	Typical Lot (West Side):	6416 Sq. Ft.
Parking Provided:	136 Spaces	Open Space Required:	16,497 Sq. Ft.
Model "A" Unit Size:	3,409 Sq. Ft.	Open Space Provided:	16,530 Sq. Ft.
Model "B" Unit Size:	3,618 Sq. Ft.		

Legend

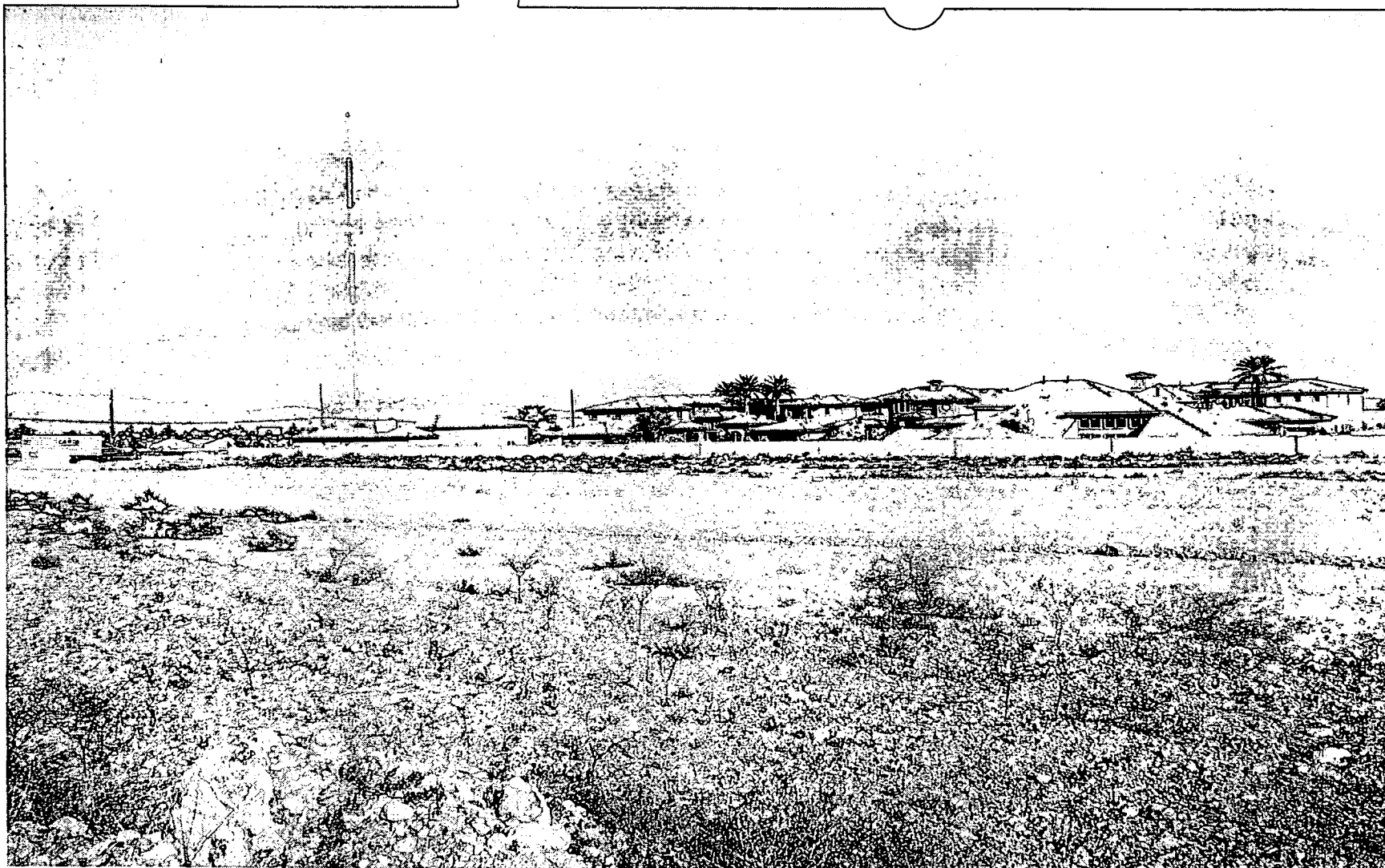
Single Family Home	Private Yard	Street
Open Space	6' Landscape Strip	Driveway



Site Plan
Scale: 1" = 60'

ROC-5747

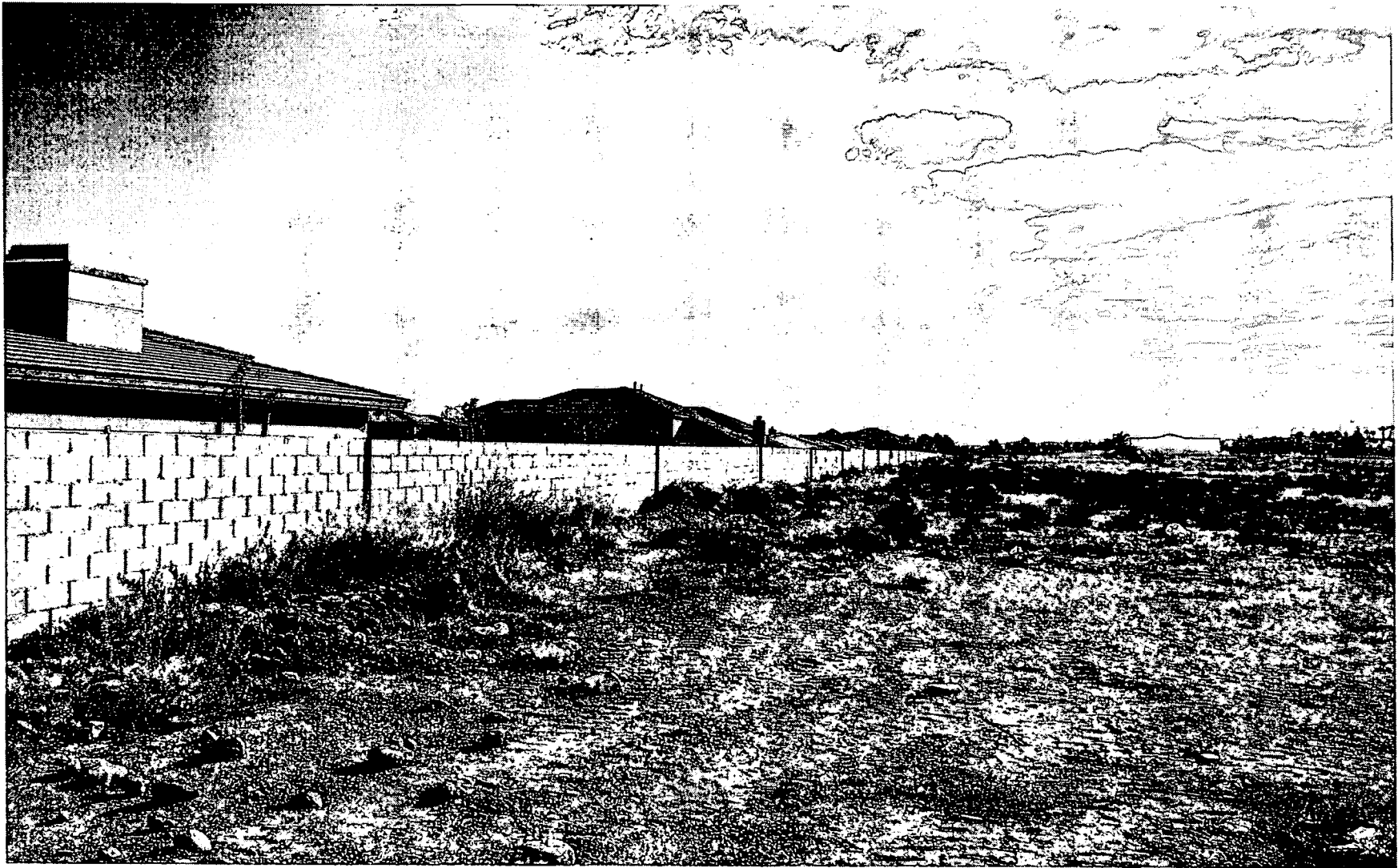
1-19-05 CC



**ROC-5747 - APPLICANT: BLUE HERON PROPERTIES – OWNER: W. M. LAND
DEVELOPMENT**

**Adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING**

Picture taken 12/28/04



**ROC-5747 - APPLICANT: BLUE HERON PROPERTIES – OWNER: W. M. LAND
DEVELOPMENT**

**Adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING**

Picture taken 12/28/04



**ROC-5747 - APPLICANT: BLUE HERON PROPERTIES – OWNER: W. M. LAND
DEVELOPMENT**

**Adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue
JANUARY 19, 2005 CITY COUNCIL MEETING**

Picture taken 12/28/04



049515



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

September 17, 2004

Ms. Marina Curland
W. Land Development
10226 Amber Hue Lane
Las Vegas, Nevada 89144

RE: SDR-4539 - SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF SEPTEMBER 15, 2004
Related to GPA-4535, VAR-4536, ZON-4537 and WVR-4748

Dear Ms. Curland:

The City Council at a regular meeting held September 15, 2004 APPROVED the request for a Site Development Plan Review FOR A PROPOSED 24-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.75 acres adjacent to the southeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-201-001 and 002), R-E (Residence Estates) Zone [Proposed: R-PD5 (Residential Planned Development - 5 Units per Acre)]. The Notice of Final Action was filed with the Las Vegas City Clerk on September 16, 2004. This approval is subject to:

Planning and Development

1. A General Plan Amendment (GPA-4535) from DR (Desert Rural Density Residential) to L (Low Density Residential), a Variance (VAR-4536) to allow R-PD development on a site smaller than five acres, a Rezoning [ZON-4537] to an R-PD5 (Residential Planned Development - 5 Units per Acre) Zoning District, and a Title 18 Waiver (WVR-4748) to allow substandard street widths, approved 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 revised site plan and building elevations for a maximum of 23 units date stamped 7-30-04, except as amended by conditions herein.
4. The standards for this development shall include the following: minimum distance between buildings of nine feet, and building height shall not exceed two stories or 29 feet, whichever is less.

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

ROC-5747

5. The setbacks for this development shall be a minimum of 14.5 feet (Model A) and 10 feet (Model B) to the front of the house, 18 feet to the front of the garage as measured from back of curb, 4.5 feet on the side and 30 feet (Model A) and 34 feet (Model B) feet in the rear (except for the two southernmost lots on the hammerhead, which will be allowed 20-foot rear setback on the east lot and 15-foot rear setback on the west lot).
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
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.
13. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
14. All development shall be in conformance with the site plan and building elevations, date stamped 07/29/04, except as amended by conditions herein.

Public Works

15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits or the recordation of a map unless the joint access is being provided with the map being recorded.

Ms. Marina Curland
SDR-4539 – Page Three
September 17, 2004

16. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
18. Site development to comply with all applicable conditions of approval for ZON-4537 and all other subsequent site-related actions.
19. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

Sincerely,


Ydoleena Yturralde
Deputy City Clerk for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Ms. Seena Hyde
Hyde Consulting
1165 Forum Veneto Drive
Henderson, Nevada 89052

Mr. Tommy Isola
Blue Heron Properties
6290 Harrison Drive, Suite #2
Las Vegas, Nevada 89120



ROC-5747

December 2, 2004

City of Las Vegas
Planning & Development
731 S. Fourth Street
Las Vegas, Nevada 89101

RE: Parcels **163 03201 001** and **163 03201 002**
• **Site Development Plan Review of Conditions (SDR-4539)**

To Whom It May Concern:

The purpose of this letter is to present justification for the approval of the requests indicated above.

Site Development Plan Review

Blue Heron Properties, Inc is making an application for review of condition number five for its site development plan for parcels 163 03201 001 and 163 03201 002 located at the SEC of Del Rey Avenue and Buffalo Drive. Specifically, within condition number five the minimum rear setback along the eastern boundary of the development is 34 feet for model A and 30 feet for model B. We have taken every precaution to give our neighbors to the east not only the maximum setback the site allows, but also to keep our pad elevations as low as possible so as to not encroach upon or "tower over" those residences.

Through exhaustive engineering studies it was determined that placing a five foot wide common lot drainage U-channel behind our eastern units will allow us to avoid draining those lots to the street, which would cause a significant increase in pad elevation. By providing this drainage channel, technically we are required to move the official property line of our units from the eastern wall to the western edge of the channel. This in turn will require those eastern units to have a minimum rear setback of 29 feet for model A and 25 feet for model B.

We would like to point out that this technicality will in no way change the distance between our units and our neighbors to the east; the new language will only change the official property line of our lots. This change will affect all of the eastern units except the southern most unit on the east side which is not effect by the drainage channel. We respectfully request that the site development plan be reviewed so that staff's conditions reflect a 29 foot minimum rear setback for model A and a 25 foot minimum rear setback for model B along the eastern side of the development.

Blue Heron Properties, Inc. thanks you for your thoughtful consideration of the issues contained herein. We are available at any time to meet with you to discuss any aspect of this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Tommy Isola", with a stylized, sweeping flourish extending to the right.

Tommy Isola
Blue Heron Properties, Inc.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****MAJOR DEVIATION FROM THE SUMMERLIN DEVELOPMENT STANDARDS**

SCD-5551 - PUBLIC HEARING - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC - Request for a Major Deviation from the Summerlin Development Standards TO ALLOW 546 PARKING SPACES WHERE A MINIMUM OF 591 PARKING SPACES IS REQUIRED FOR A PROPOSED PUB (TAVERN) WITHIN AN APPROVED OFFICE COMPLEX on 4.74 acres adjacent to the northeast corner of Charleston Boulevard and Indigo Drive (APN 137-36-811-018), P-C (Planned Community) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	2
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 12/16/2004 Planning Commission meeting Item 35

MOTION:

WOLFSON - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 75 [SCD-5551], Item 76 [SUP-5549] and Item 77 [SUP-5550].

ATTORNEY JENNIFER LAZOVICH, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. She pointed out the property is surrounded by commercial property located on the corner of Charleston Boulevard and Indigo Drive. The applicant will be building a mirror image of an existing office building adjacent to this property. A bistro restaurant will be located on the first floor and a tavern with gaming. However, the emphasis will be the dining component. The applicant is looking for a wine cellar-bistro theme. The restaurant will serve Italian and French food for breakfast, lunch and dinner. This particular establishment will service the area well, especially the office component.

ATTORNEY LAZOVICH indicated the proposed property will be located on the other side of the existing office building. There will be shared parking between the two office projects. The overall parking reduction is for 45 spaces. The peak use is expected to be when the offices are closed and the office building empty, making over 500 parking spaces available.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

COUNCILMAN WOLFSON thanked ATTORNEY LAZOVICH and the applicant for holding informative neighborhood meetings. He asked MARGO WHEELER, Director, Planning and Development Department, to explain the condition regarding the gaming hours of operation. MS. WHEELER explained that the gaming hours of operation are limited from 7:00 a.m. to 2:30 a.m. to ensure the establishment would not be a 24-hour operation. At that time the applicant agreed and the hours of operation condition will be imposed on the proposed tavern as well. ATTORNEY LAZOVICH concurred with those conditions. MS. WHEELER acknowledged that Condition 1 of Item 76 [SUP-5549] should reflect the hours of operation of 7:00 a.m. to 2:30 a.m.

COUNCILMAN WOLFSON commented the restaurant would be a great addition to this area. Parking should not be an issue because most of the visitors will frequent the restaurant in the evening.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 75 [SCD-5551], Item 76 [SUP-5549] and Item 77 [SUP-5550].

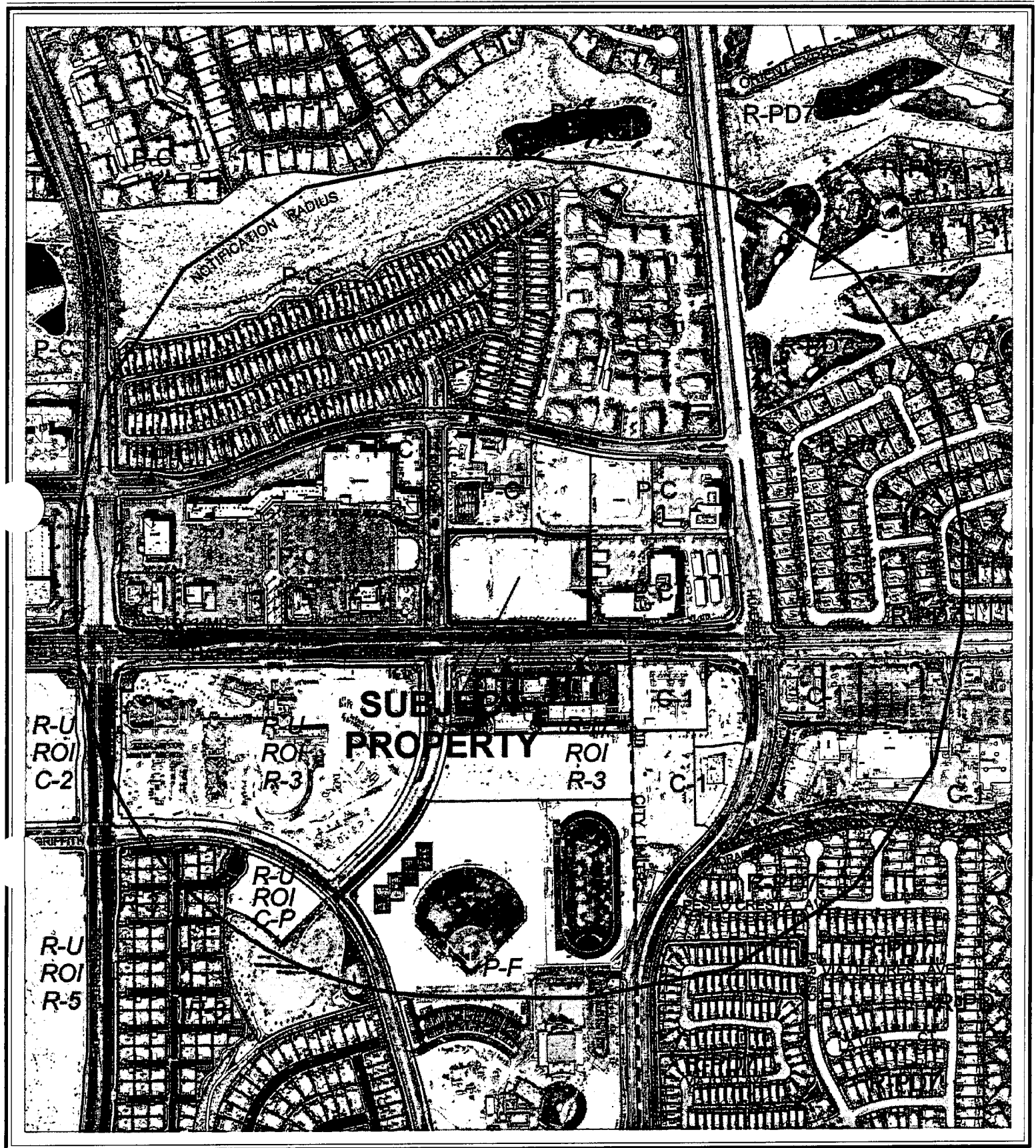
(1:48 - 1:56)

3-1578

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permits [SUP-5549 & SUP-5550] and Site Development Plan Review [CRG-4414].
2. Conformance to Summerlin Development Standards, "Shared Parking", Section 3 h.
3. This Major Deviation 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: SCD-5551

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SCD-5551 - APPLICANT: HARMON ENTERPRISES, INC. -

OWNER: CBS I, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permits [SUP-5549 & SUP-5550] and Site Development Plan Review [CRG-4414].
2. Conformance to Summerlin Development Standards, "Shared Parking", Section 3 h.
3. This Major Deviation shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Major Deviation from the Summerlin Development Standards to allow 546 parking spaces where a minimum of 591 parking spaces are required in conjunction with two approved office buildings on 4.74 acres adjacent to the northeast corner of Charleston Boulevard and Indigo Drive. This application is to be considered in conjunction with a Special Use Permit (SUP-5549) for a Pub (Tavern) and a Special Use Permit (SUP-5550) for Gaming.

B) Applicant's Justification

The applicant states that they intend to construct a restaurant (the "Restaurant"), with a Bistro theme on the first floor of a future office building. The applicant further states the following:

- The hours of operation are to be from 7:00 am to 2:30 am
- Aesthetically, the future office building is to mirror the first phase of the office development, and have been approved in April 2004.
- The applicant states that the proposed uses are sanctioned by Summerlin.
- The project will be located on the north side of Charleston Boulevard, with 100-foot right-of-way.
- Summerlin Development Standards do not require any distance separation.
- "This is an appropriate location for this type of development given the proximity to a primary arterial and the creativity of placing two distinct uses within an office building."
- There are a total of 546 parking spaces provided, where only 490 are required for the office buildings.
- "Although the applicant is seeking a variance to reduce parking, the variance will have minimal practical effect because when the office is closed in the evening there will be hundreds of spaces available for patrons of the Restaurant."

BACKGROUND INFORMATION

A) Previous Actions

02/16/94 The City Council approved a Rezoning (Z-0135-93) application to reclassify the subject property from N-U (Non-Urban) to P-C (Planned Community) as part of a larger request. The Planning Commission and staff both recommended approval.

- 10/23/97 The City Referral Group approved a Site Development Plan Review (SV-0038-97) for proposed commercial office complex located in Village 11/12 East Commercial Center. Staff recommendation not available. (Phase I).
- 04/14/04 The City Referral Group approved a Site Development Plan Review for a 72,000 square foot office building located on the northeast corner of Charleston Boulevard and Indigo Street in Howard Hughes Plaza. Staff recommended approval. (Phase II).
- 09/15/04 The City Council approved a revised development standards manual for Summerlin (DIR-3934). The Planning Commission and Staff both recommended approval.
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #35/pl).

B) Pre-Application Meeting

- 10/21/04 A Pre-application conference was held, resulting in the following comments:
1. The original site parking was calculated out for an office use only.
 2. A new parking analysis is to be submitted on or with the site plan.
 3. Special Use Permits are need for both the Pub and Gaming.
- 11/01/04 A pre-application submittal checklist was filled out as a result of the new parking analysis. No pre-application conference was held for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 4.74

B) Existing Land Use

Subject Property: Undeveloped (Proposed Second Phase of the Hughes Office Development)

North: Under construction (Proposed Commercial Office Complex)

South: Commercial/Retail Center

East: Office Building "A" (First Phase of the Hughes Office Development)

West: Commercial/Retail Center

C) Planned Land Use

Subject Property: LI/R (Light Industrial/ Research) & SC (Service Commercial)
North: SC (Service Commercial)
South: Clark County
East: LI/R (Light Industrial/ Research)
West: LI/R (Light Industrial/ Research) & SC (Service Commercial)

D) Existing Zoning

Subject Property: P-C (Planned Community) [EC (Employment Center)]
North: P-C (Planned Community) [EC (Employment Center)]
South: Clark County (Commercial)
East: P-C (Planned Community) [EC (Employment Center)]
West: P-C (Planned Community) [EC (Employment Center)]

E) General Plan Compliance

The subject parcel is designated both LI/R (Light Industrial/ Research) and SC (Service Commercial) within the Southwest Sector Land Use Map of the General Plan. The LI/R (Light Industrial/ Research) and SC (Service Commercial) General Plan designations are in conformance with the subject site's Summerlin Special Land Use designation of EC (Employment Center). The proposed uses are in conformance with those permitted within a EC (Employment Center) special land use district.

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

Summerlin: EC (Employment Center)

The Employment Center (EC) land use district will provide employment opportunities for Summerlin residents. These areas may accommodate office, light industry, business, professional, and support commercial services and may include higher density multi-family residential areas.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Summerlin Development Standards, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Pubs, Bars and Lounges	5,700 SF. (Indoor/Outdoor) 1,800 SF. (Non-Public)	1 Space / 50 SF. of public and waiting area, including outdoor seating/eating areas, plus 1 Space / 200 SF. of the total remaining GFA, with a minimum of 10 spaces	123	12	535	11
Office	140,200 SF.	1 Space / 300 SF.	468	12		
Total	147,700 SF.		579	12		

The addition of a Pub (Tavern) with Gaming use, to a previously approved (CRG-4144) commercial office complex, greatly increases the required amount of parking to be provided onsite. The commercial office complex is composed of the existing office building (Phase I) and the proposed office building (Phase II). The total parking provided by both phases is insufficient for the proposed Pub (Tavern) with gaming. The updated parking analysis supplied by the applicant illustrates this deficiency quite clearly.

B) General Analysis and Discussion

The proposed location of the Pub (Tavern) with Gaming will be that of a commercial office complex, which as part of its original approvals had had its parking calculated out based upon office use only. The addition of a more intense use to the site will most definitely create a parking deficiency within the complex. This will be especially evident during the hours of operation of the office complex.

FINDINGS

As this Major Deviation from Summerlin Development Standards is tantamount to a Variance, the Code standards will be employed in determining the findings of this case. In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by placing an intense use of such size within a proposed commercial office complex. Alternative location selection with adequate parking would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

4

NOTICES MAILED 381 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SCD-5551** APN: **137-36-811-018**

Name of Property Owner: CBS I, LLC

Name of Applicant: Harmon Enterprises, 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: _____

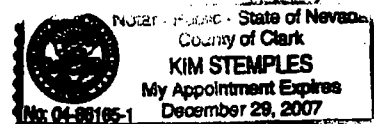
Signature of Property Owner/Authorized Agent:

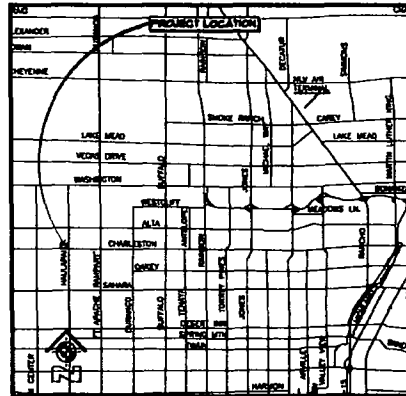
Print Name: _____

Subscribed and sworn before me

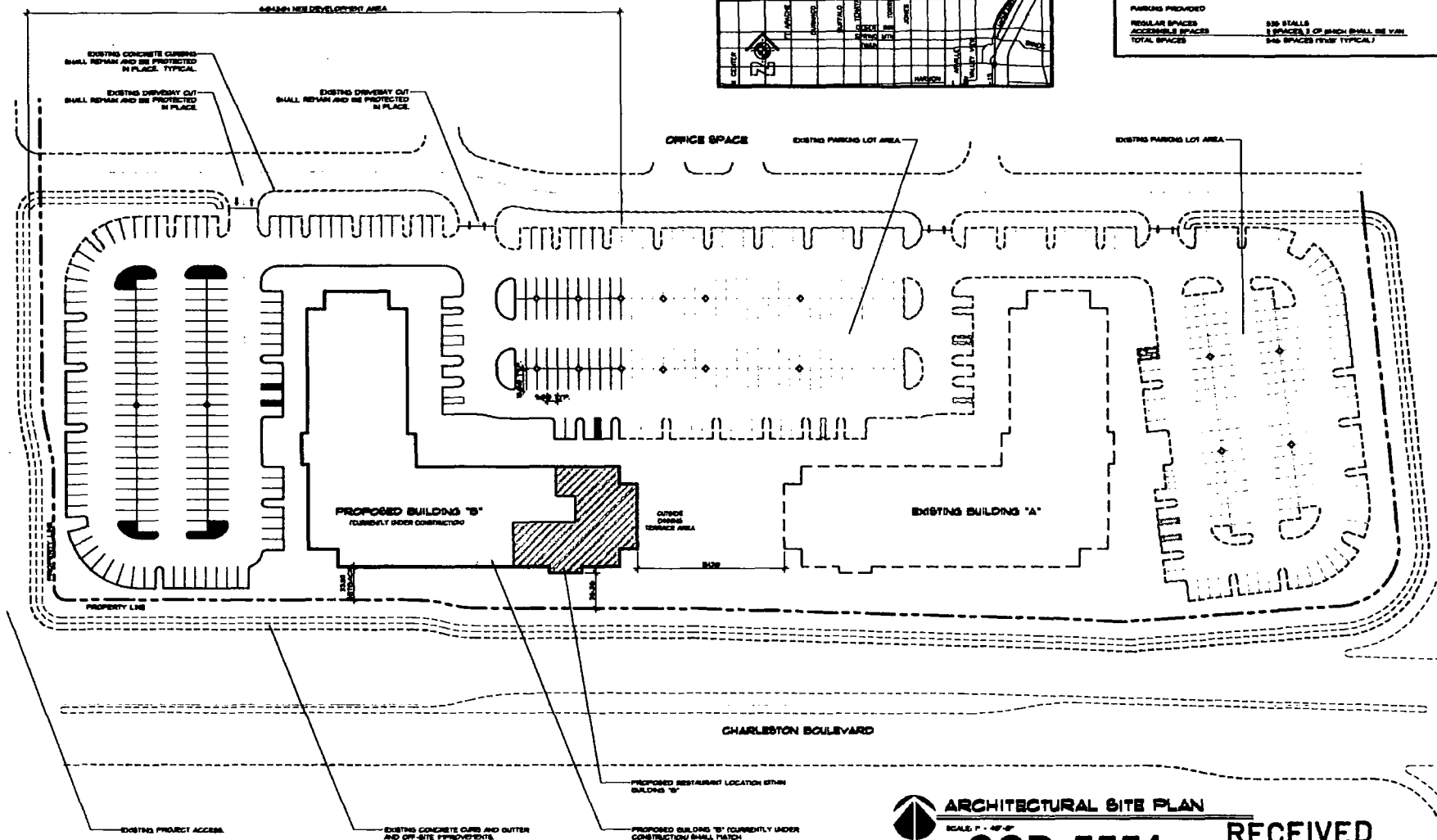
This 1st day of November 2004

Ron Samples
Notary Public in and for said County and State





DESIGN DATA		CITY OF LAS VEGAS - TITLE 19A
NEW DEVELOPED LOT AREA	16,735.4 SQUARE FEET OR 3.84 ACRES	
NEW BUILDING AREA	35,670 SQUARE FEET MAIN LEVEL 12,860 SQUARE FEET TOTAL BUILDING	
LOT COVERAGE	21.26% OF NEW DEVELOPED LOT AREA	
PARKING REQUIRED (CITY OF LAS VEGAS)		
1,000 SF. - 1 PER 200 SF. - 500 SPACES (RESTAURANT NON-PUBLIC AREA)		
1,000 SF. - 1 PER 50 SF. - 2,000 SPACES (RESTAURANT OUTDOOR PUBLIC AREA)		
1,000 SF. - 1 PER 50 SF. - 2,000 SPACES (RESTAURANT MOODS PUBLIC AREA)		
1,000 SF. - 1 PER 100 SF. - 1,000 SPACES (NEW OFFICE AREA)		
1,000 SF. - 1 PER 100 SF. - 1,000 SPACES (EXISTING OFFICE BUILDING AREA)		
TOTAL SPACES REQUIRED	5,500 or 56 SPACES (TYPICAL)	
PARKING PROVIDED		
REGULAR SPACES	550 STALLS	
ACCESSIBLE SPACES	1 SPACES 3' OF WHICH SHALL BE VAN	
TOTAL SPACES	546 SPACES (TYPICAL)	



ARCHITECTURAL SITE PLAN

SCALE: 1" = 40'-0"

SCD-5551
12/16/04 PC

RECEIVED
NOV 01 2004

REVISIONS

Rev. Date Description

Rev.	Date	Description

Drawn: [Name]
Checked: [Name]
Reviewed: [Name]
Approved: [Name]

CONTRACTOR	
Company Name	
Address	
City/State/Zip	
Phone/Fax	
Website	

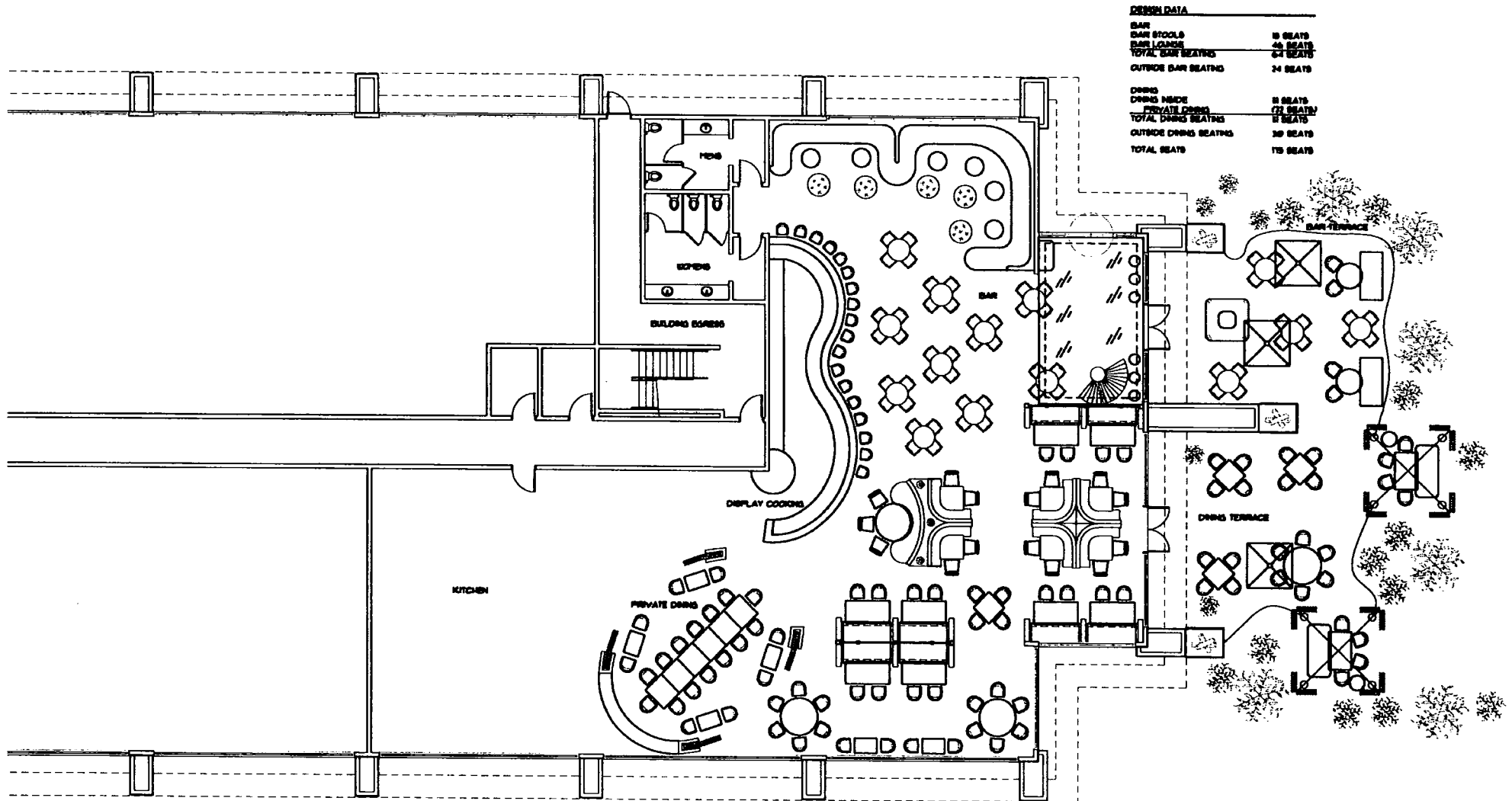
BRESLIN BUILDERS
GENERAL CONTRACTOR
10000 CHARLESTON BOULEVARD, SUITE 100
LAS VEGAS, NEVADA 89139
(702) 799-8877
FAX (702) 799-8888
www.breslinbuilders.com

Project Name:
Charleston Hualapai Office
10000 Charleston Boulevard,
Las Vegas, Nevada

Sheet Title:
Architectural Site Plan with Restaurant

Date:	March 17, 2004	Designed By:	Tom McElroy
Project No.:	SCD-5551	Drawn By:	SLT
Revision:		Checked By:	
Approval:		City of Las Vegas:	

AS1.1r



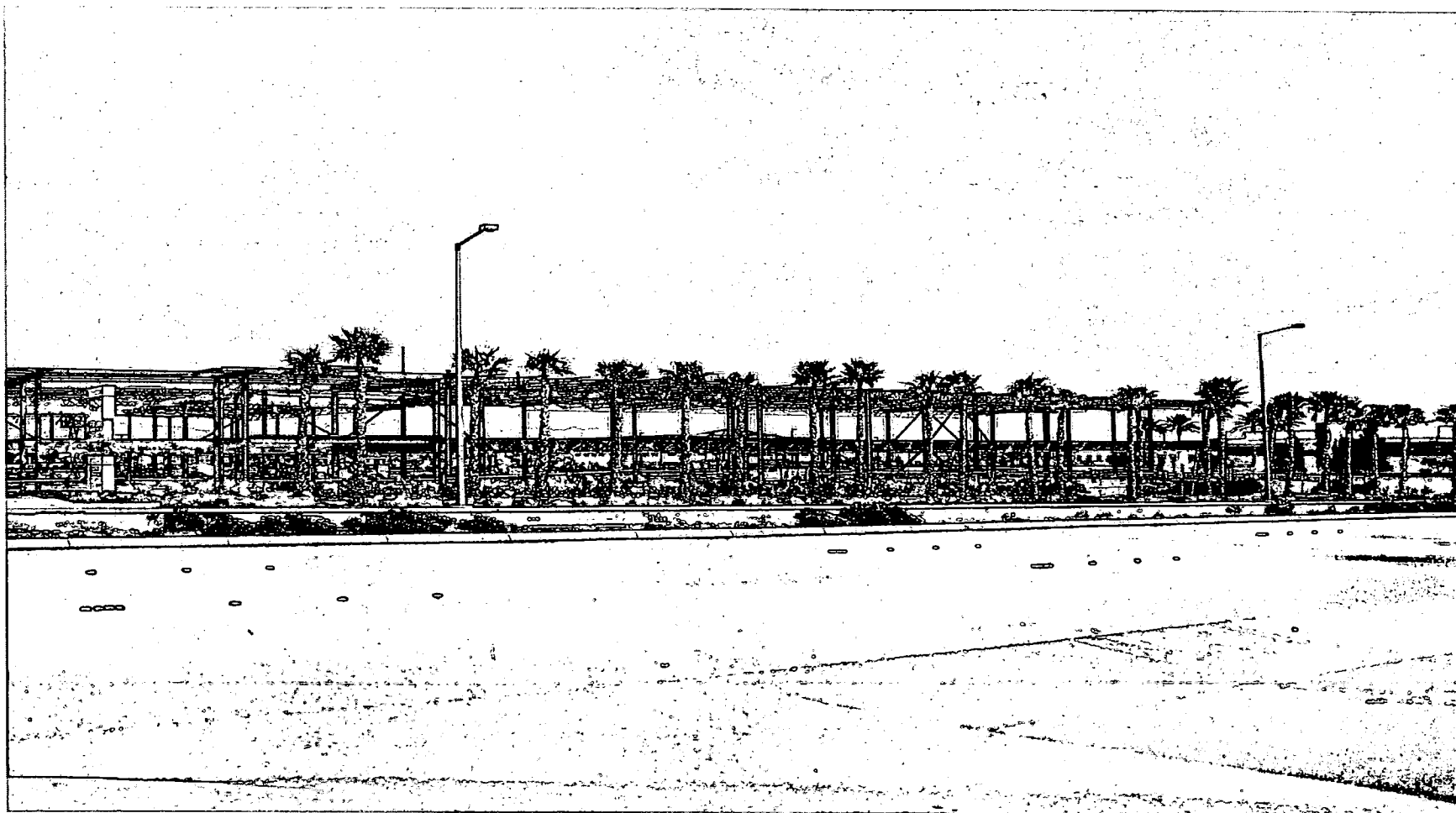
SCD-5551
12/16/04 PC

RECEIVED
NOV 01 2004



SCD-5551 - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC
ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE
DECEMBER 16, 2004 PLANNING COMMISSION

11/19/04



SCD-5551 - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC
ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE
DECEMBER 16, 2004 PLANNING COMMISSION

11/19/04

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

NOTICE OF PUBLIC HEARING

MAJOR DEVIATION FROM THE SUMMERLIN DEVELOPMENT STANDARDS

13736813093
K J M TRUST
10327 JUNIPER CREEK LN
LAS VEGAS NV 89145-8853

Case SCD-5551

MEETING: PLANNING COMMISSION
DATE: DECEMBER 16, 2004
TIME: 6:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SCD-5551

APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC - REQUEST FOR A MAJOR DEVIATION FROM THE SUMMERLIN DEVELOPMENT STANDARDS TO ALLOW 546 PARKING SPACES WHERE A MINIMUM OF 591 PARKING SPACES ARE REQUIRED FOR A PROPOSED PUB (TAVERN) WITHIN AN APPROVED OFFICE COMPLEX ON 4.74 ACRES ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE (APN 137-36-811-018), P-C (PLANNED COMMUNITY) ZONE, WARD 2 (WOLFSON).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S½) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 36, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M.

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, Current Planning Division, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on Major Deviations will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. You may not receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>.



READ INTO THE RECORD

SEE LOCATION MAP ON REVERSE SIDE



We object
Ms. Jane M. Melville
10327 Juniper Creek Ln
Las Vegas NV 89145-8853

THE HUMANE SOCIETY OF THE UNITED STATES

*Jane Melville
Kenneth Melville*

GARY M. LEOBOLD, PLANNING SUPERVISOR
PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT RELATED TO SCD-5551

SUP-5549 - PUBLIC HEARING - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC - Request for a Special Use Permit FOR A PROPOSED PUB (TAVERN) on 4.74 acres adjacent to the northeast corner of Charleston Boulevard and Indigo Drive (APN 137-36-811-018), P-C (Planned Community) Zone, Ward 2 (Wolfson). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0 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 12/16/2004 Planning Commission meeting Item 36

MOTION:

WOLFSON - APPROVED subject to conditions and amending Condition 1 as follows:

1. The hours of operation of the proposed pub shall be 7:00 a.m. to 2:30 a.m.
- UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 75 [SCD-5551] for all related discussion.
(1:48 - 1:56)
3-1578

CONDITIONS:

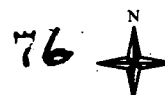
Planning and Development

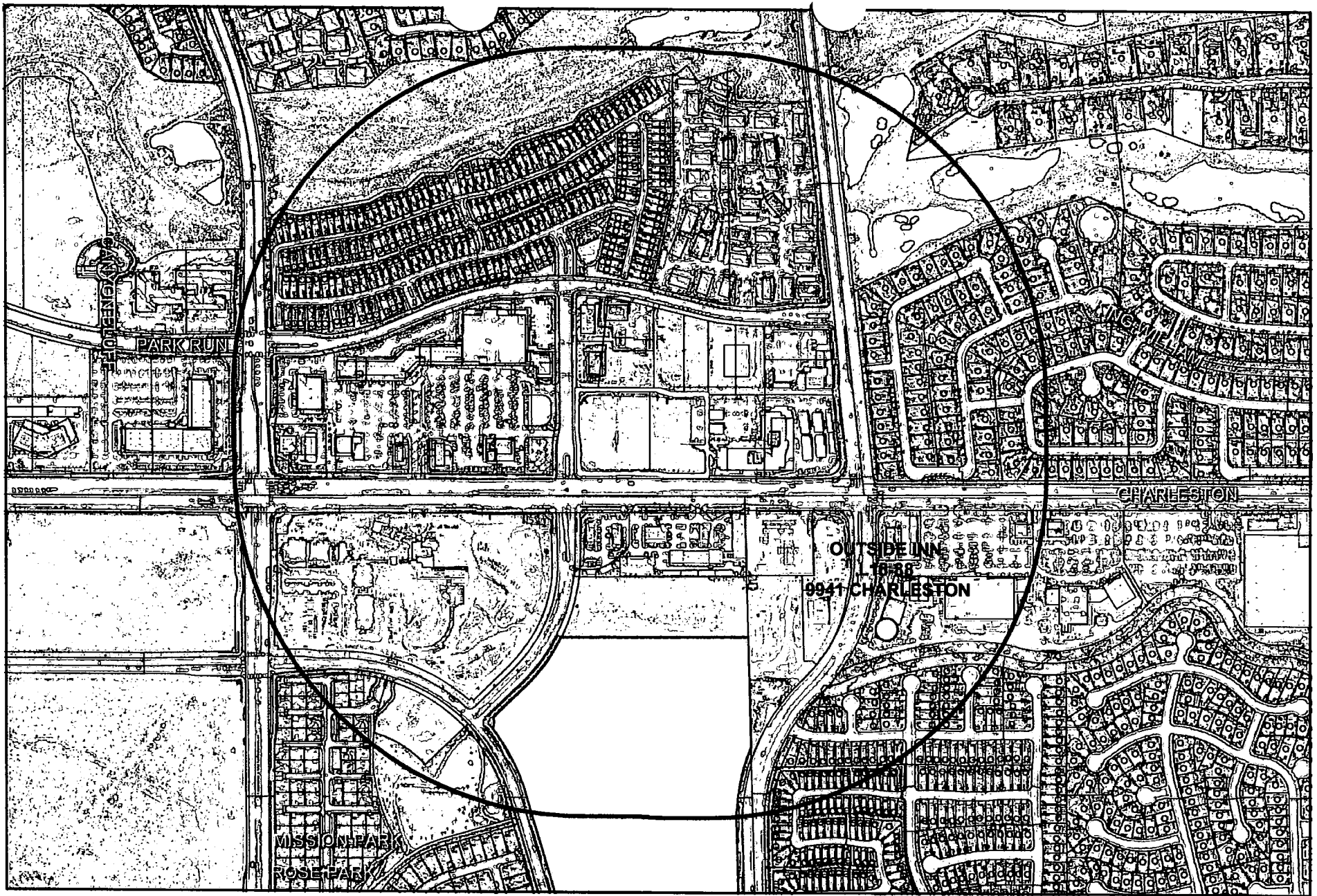
1. The hours of operation of the proposed pub shall be 7:30AM to 2:30AM.
2. Conformance to Summerlin Development Standards, "Shared Parking", Section 3 h.
3. Proposed exterior wall signage must be approved by the land owner and the Summerlin Architectural Review Committee prior to obtaining sign permits.
4. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [CRG-4144], Major Deviation [SCD-5551] and Special Use Permit [SUP-5550].
5. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied.





SUP-5549
Taverns

Business Licenses

- Child Care/
Children Facility
- Tavern

- RELIGIOUS
- PARKS
- SCHOOLS

- Subject Property
- 1500 foot buffer

0 470 940 1,880 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-5549 - APPLICANT: HARMON ENTERPRISES, INC. -
OWNER: CBS I, LLC**

**** CONDITIONS ****

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

Planning and Development

1. The hours of operation of the proposed pub shall be 7:30AM to 2:30AM.
2. Conformance to Summerlin Development Standards, "Shared Parking", Section 3 h.
3. Proposed exterior wall signage must be approved by the land owner and the Summerlin Architectural Review Committee prior to obtaining sign permits.
4. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [CRG-4144], Major Deviation [SCD-5551] and Special Use Permit [SUP-5550].
5. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
6. Approval of this Special Use Permit does not constitute approval of a liquor license.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a proposed Pub (Tavern) on 4.74 acres adjacent to the northeast corner of Charleston Boulevard and Indigo Drive. This application will be considered in conjunction with another Special Use Permit (SUP-5550) for Gaming and a Major Deviation (SCD-5551) from the Summerlin Development Standards for relief from parking requirements.

B) Applicant's Justification

- The applicant states that they intent to construct an upscale restaurant (the "Restaurant"), with a Bistro theme on the first floor of a future office building.

BACKGROUND INFORMATION

A) Previous Actions

- 02/16/94 The City Council approved a Rezoning (Z-0135-93) application to reclassify the subject property from N-U (Non-Urban) to P-C (Planned Community) as part of a larger request. The Planning Commission and staff both recommended approval.
- 10/23/97 The City Referral Group approved a Site Development Plan Review (SV-0038-97) for proposed commercial office complex located in Village 11/12 East Commercial Center. Staff recommendation not available. (Phase I).
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- 09/15/04 The City Council approved a revised development standards manual for Summerlin (DIR-3934). The Planning Commission and Staff both recommended approval.
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #36/pl).

B) Pre-Application Meeting

- 10/21/04 A Pre-application conference was held, resulting in the following comments:

1. The original site parking was calculated out for an office use only.
2. A new parking analysis is to be submitted on or with the site plan.
3. Special Use Permits are need for both the Pub and Gaming.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 4.74

B) Existing Land Use

Subject Property: Undeveloped (Proposed Second Phase of the Hughes Office Development)

North: Under construction (Proposed Commercial Office Complex)

South: Commercial/Retail Center

East: Office Building "A" (First Phase of the Hughes Office Development)

West: Commercial/Retail Center

C) Planned Land Use

Subject Property: LI/R (Light Industrial/ Research)
SC (Service Commercial)

North: SC (Service Commercial)

South: Clark County

East: LI/R (Light Industrial/ Research)

West: LI/R (Light Industrial/ Research)
SC (Service Commercial)

D) Existing Zoning

Subject Property: P-C (Planned Community) [EC (Employment Center)]

North: P-C (Planned Community) [EC (Employment Center)]

South: Clark County (Commercial)

East: P-C (Planned Community) [EC (Employment Center)]

West: P-C (Planned Community) [EC (Employment Center)]

E) General Plan Compliance

The subject parcel is designated both LI/R (Light Industrial/ Research) and SC (Service Commercial) within the Southwest Sector Land Use Map of the General Plan. The LI/R (Light Industrial/ Research) and SC (Service Commercial) General Plan designations are in conformance with the subject site's Summerlin Special Land Use designation of EC (Employment Center). The proposed uses are in conformance with those permitted within a EC (Employment Center) special land use district.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Summerlin		
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	

Summerlin: EC (Employment Center)

The Employment Center (EC) land use district will provide employment opportunities for Summerlin residents. These areas may accommodate office, light industry, business, professional, and support commercial services and may include higher density multi-family residential areas.

County/North Las Vegas/HOA Notification

As the notification radius for this application includes lands within Clark County, notification of this request was sent to this entity. At this time Clark County has not responded with comments pertinent to this matter.

Project of Regional Significance

This request was determined to be a Project of Regional Significance. Information relative to this status is provided below.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

1) Any Special Use Permit within 500 feet of Clark County

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

2) No comments have been received at the time this report was prepared.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Summerlin Development Standards, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required Ratio	Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Pubs, Bars and Lounges	5,700 SF. (Indoor/ Outdoor) 1,800 SF. (Non-Public)	1 Space / 50 SF. of public and waiting area, including outdoor seating/eating areas, plus 1 Space / 200 SF. of the total remaining GFA, with a minimum of 10 spaces	123	12		
Office	140,200 SF.	1 Space / 300 SF.	468	12		
Total	147,700 SF.		579	12	535	11

The commercial office complex, in which the proposed Pub (Tavern) is to be located, is composed of the existing office building (Phase I) and a proposed office building (Phase II). The total parking provided by both phases is insufficient for the proposed Pub (Tavern) with gaming. This application will be consider in conjunction with a Major Deviation (SCD-5551) application to allow for a reduction in required parking.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Summerlin Development Standards that apply to the proposed Pub (Tavern) use; however, there is one similar approved uses within the 1,500-foot notification distance.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned P-C (Planned Community) and has both a LI/R (Light Industrial/ Research) and a SC (Service Commercial) General Plan designation. The subject site is located within the Summerlin Special Plan Area and has a land use designated within that plan of EC (Employment Center). The proposed Pub (Tavern) use is within the range of uses permitted, with approval of a Special Use Permit, in the EC (Employment Center) land use district.

- Use

There are no minimum separation distances or similar criteria that are applicable to the Pubs, Bars & Lounges use category within the Summerlin Development Standards. The proposed location of the use is within 1,500 feet of another Tavern located on the southeast corner of Hualapai Way and Charleston Boulevard. Additionally, the proposed Pub (Tavern) is located within 1,500 feet of the Lutheran Secondary School. Both of these protected uses are separated from the subject site by Charleston Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. The commercial office complex in which the Pub (Tavern) is proposed has inadequate parking, therefore the applicant has also applied for a Major Deviation from the Summerlin Development Standards (SCD-5551).

- Conditions

There are no base conditions within the Summerlin Development Standards, therefore this application will be subject to the conditions of approval of Site Development Plan Review (CRG-4144), Major Deviation (SCD-5551), and Special Use Permit (SUP-5550).

FINDINGS

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

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

The proposed location is part of a larger commercial office complex, which offers a range of different services, therefore the proposed use will be compatible with the surrounding land uses as projected by the General Plan.

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

The subject site is physically suitable for the type of use proposed, as long as the size of the use can accommodate the required amount of parking associated with such a use.

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

Access to the site is via two 24-foot wide drives from Park Run Drive, as well as one 24-foot wide drive aisle from Indigo Drive and interior drives within the existing commercial subdivision. The provided access ways to the site are adequate in size to meet the requirements of the proposed use.

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

The proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

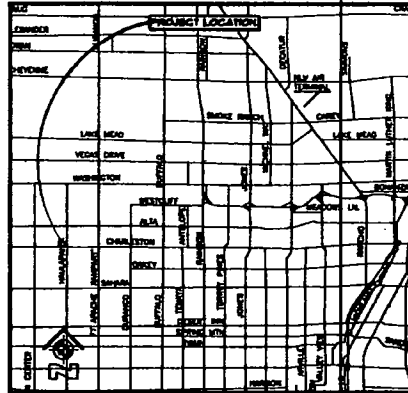
4

NOTICES MAILED 383 by City Clerk

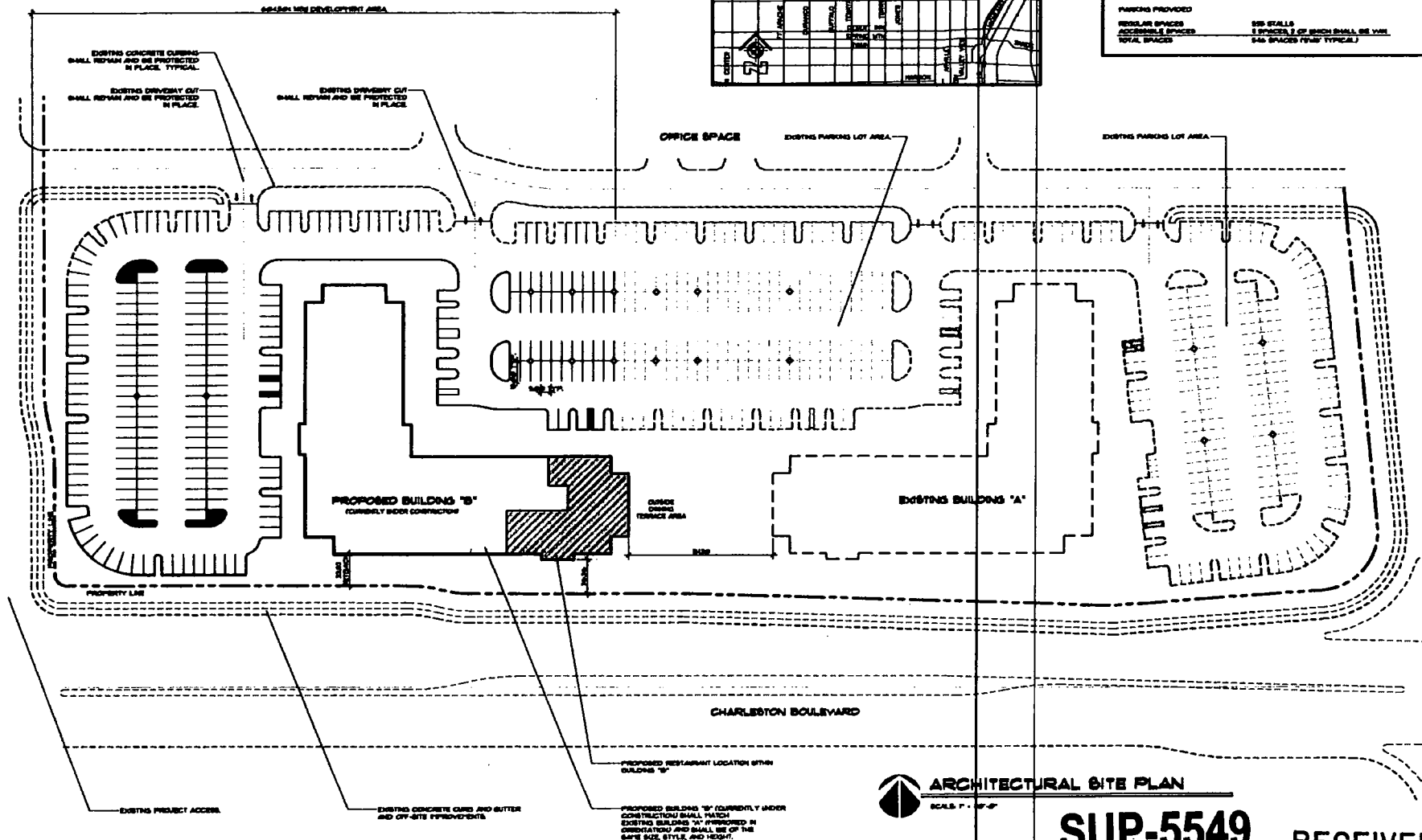
APPROVALS 0

PROTESTS 0





DESIGN DATA		CITY OF LAS VEGAS - TITLE 18A
NEW DEVELOPED LOT AREA	10,120.54 SQUARE FEET OR 231.4 ACRES	
NEW BUILDING AREA	24,676 SQUARE FEET MAIN LEVEL 12,338 SQUARE FEET TOTAL BUILDING AREA	
LOT COVERAGE	25% OF NEW DEVELOPED LOT AREA	
PARKING REQUIRED (CITY OF LAS VEGAS)		
1,000 SF. - 1 PER 500 SF. - 500 SPACES (RESTAURANT NON-PUBLIC AREA)		
1,000 SF. - 1 PER 50 SF. - 2,000 SPACES (RESTAURANT OUTDOOR PUBLIC AREA)		
1,000 SF. - 1 PER 50 SF. - 5,000 SPACES (RESTAURANT INDOOR PUBLIC AREA)		
1,000 SF. - 1 PER 500 SF. - 225 SPACES (OFFICE AREA)		
1,000 SF. - 1 PER 500 SF. - 2,000 SPACES (EXISTING OFFICE BUILDING AREA)		
TOTAL SPACES REQUIRED	5,625 (OR 50 SPACES PER 1,000 SF. TYPICAL)	
PARKING PROVIDED		
REGULAR SPACES	500 SPACES	
ACCESSIBLE SPACES	5 SPACES 2' OF WHICH SHALL BE 14'x8'	
TOTAL SPACES	545 SPACES (TYPICAL)	



ARCHITECTURAL SITE PLAN

SCALE 1" = 40'-0"

SUP-5549 RECEIVED
12/16/04 PC NOV 01 2004

REVISIONS

Rev. Date Description

1. 12/16/04 Initial Design
 2. 12/16/04 Final Design
 3. 12/16/04 Final Design
 4. 12/16/04 Final Design
 5. 12/16/04 Final Design
 6. 12/16/04 Final Design
 7. 12/16/04 Final Design
 8. 12/16/04 Final Design
 9. 12/16/04 Final Design
 10. 12/16/04 Final Design

CONTRACTOR

1. 12/16/04 Initial Design
 2. 12/16/04 Final Design
 3. 12/16/04 Final Design
 4. 12/16/04 Final Design
 5. 12/16/04 Final Design
 6. 12/16/04 Final Design
 7. 12/16/04 Final Design
 8. 12/16/04 Final Design
 9. 12/16/04 Final Design
 10. 12/16/04 Final Design

RESLIN BUILDERS

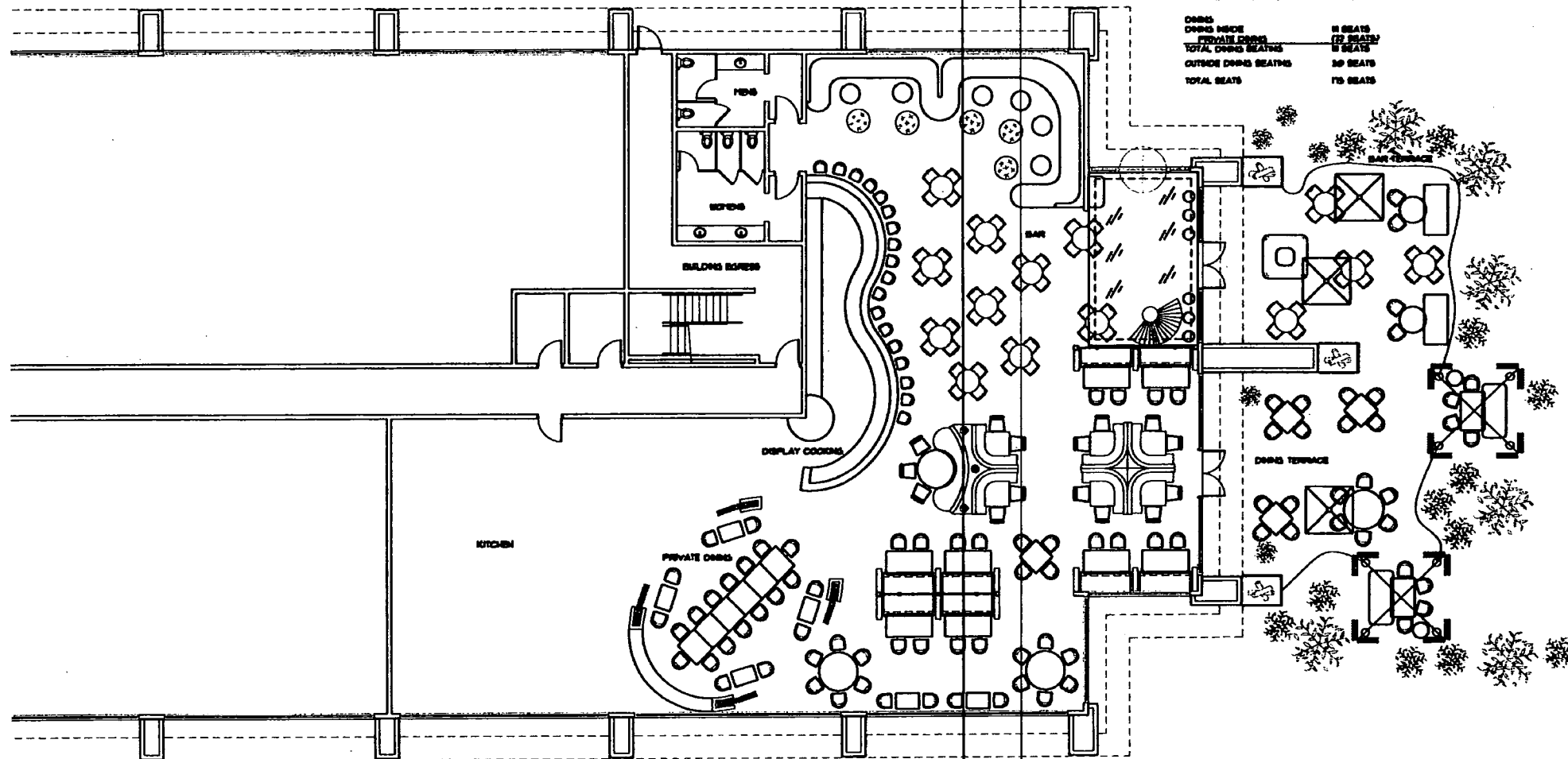
1221 POLARIS AVENUE, SUITE B
 LAS VEGAS, NEVADA 89119
 (702) 735-0000
 FAX: (702) 735-0000
 www.reslinbuilders.com

Project Owner:
Charleston Hualapal Office
 10000 Charleston Boulevard,
 Las Vegas, Nevada

Sheet Title:
Architectural Site Plan with Restaurant

Date: 12/16/04
 Prepared By: David Reslin
 Project No.: 5549
 Drawn By: BRT
 Checked By: TMS/B
 City of Las Vegas

AS1.1r

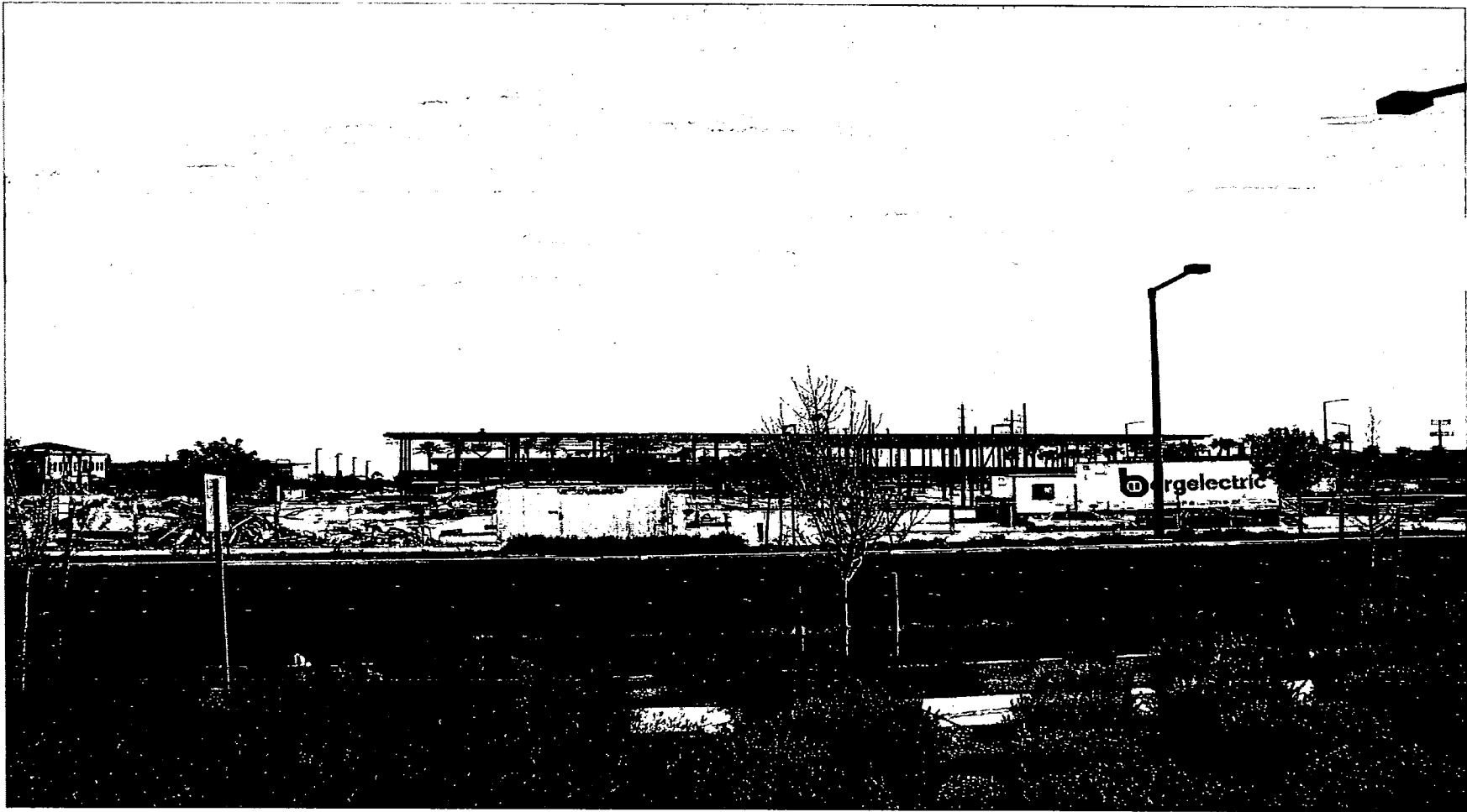


DESIGN DATA

BAR	18 SEATS
BAR STOOL	25 SEATS
BAR LOUNGE	24 SEATS
TOTAL BAR SEATING	67 SEATS
OUTSIDE BAR SEATING	24 SEATS
DINING	11 SEATS
DINING PRIVATE	12 SEATS
TOTAL DINING SEATING	23 SEATS
OUTSIDE DINING SEATING	20 SEATS
TOTAL SEATS	115 SEATS

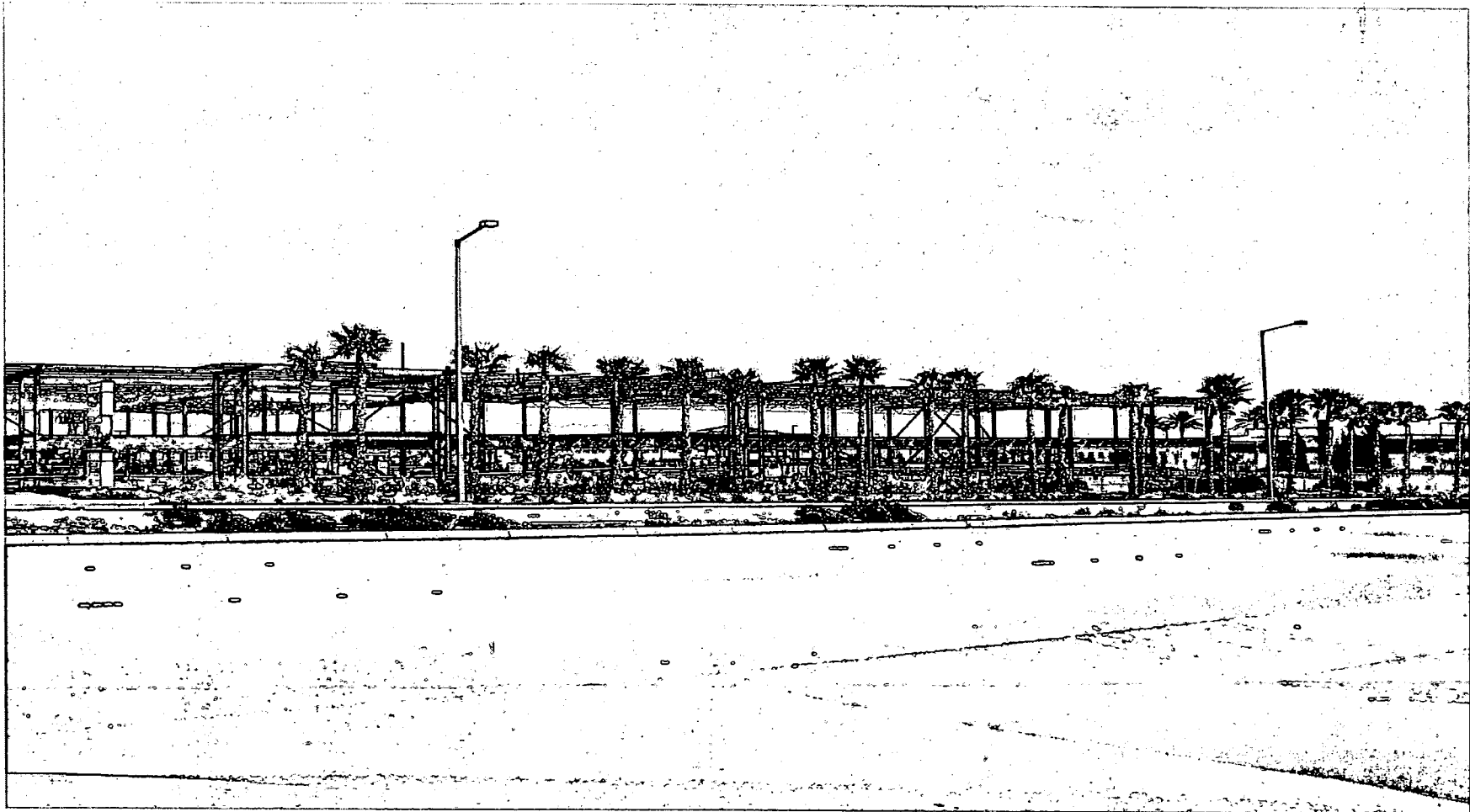
SUP-5549
12/16/04 PC

RECEIVED
 NOV 01 2004



SUP-5549 - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC
ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE
DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04



SUP-5549 - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC
ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE
DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

MEETING: PLANNING COMMISSION
DATE: DECEMBER 16, 2004
TIME: 6:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SUP-5549

APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC - REQUEST FOR A SPECIAL USE PERMIT FOR A PROPOSED PUB (TAVERN) ON 4.74 ACRES ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE (APN 137-36-811-018), P-C (PLANNED COMMUNITY) ZONE, WARD 2 (WOLFSON).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S½) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 36, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M.

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objection thereto or approval thereof with the Planning and Development Department, Current Planning Division, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. This request may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after discussion of the item. You will receive an additional notice for the City Council meeting. For further information, please call 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>.



READ INTO

SEE LOCATION MAP ON REVERSE SIDE

THE RECORD

We object
Jane Melville
Kenneth Melville

GARY LEOBOLD, PLANNING SUPERVISOR
PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION



Mrs. Jane M. Melville
10327 Juniper Creek Ln
Las Vegas NV 89145-8853

THE HUMANE SOCIETY OF THE UNITED STATES

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT RELATED TO SCD-5551 AND SUP-5549

SUP-5550 - PUBLIC HEARING - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC - Request for a Special Use Permit FOR A PROPOSED GAMING USE on 4.74 acres adjacent to the northeast corner of Charleston Boulevard and Indigo Drive (APN 137-36-811-018), P-C (Planned Community) Zone, Ward 2 (Wolfson). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Protest letter from Sumiko Tatsue
5. Back up referenced from the 12/16/2004 Planning Commission meeting Item 37

MOTION:

WOLFSON - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 75 [SCD-5551] for all related discussion.

(1:48 - 1:56)

3-1578

CONDITIONS:

Planning and Development

1. Gaming hours of operation are limited to 7 am to 2:30 am.
2. Conformance to Summerlin Development Standards, "Shared Parking", Section 3 h.
3. Proposed exterior building mounted signage must be approved by the developer and the Summerlin Architectural Review Committee prior to obtaining sign permits.
4. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [CRG-4144], Major Deviation [SCD-5551] and Special Use Permit [SUP-5549].
5. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
6. The proposed gaming use shall be restricted to not more than fifteen (15) slot machines, which are

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

incidental to the primary business at the establishment, and no other game or gaming devices.

7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied.



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-5550 - APPLICANT: HARMON ENTERPRISES, INC. -
OWNER: CBS I, LLC**

**** CONDITIONS ****

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

Planning and Development

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2. Conformance to Summerlin Development Standards, "Shared Parking", Section 3 h.
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**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

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- The applicant states that they intent to construct an upscale restaurant (the "Restaurant"), with a Bistro theme on the first floor of a future office building.

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Gross Acres: 4.74

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<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
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Summerlin		
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- Use

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FINDINGS

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The proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

PLANNING COMMISSION ACTION

The Planning Commission added Condition #1.

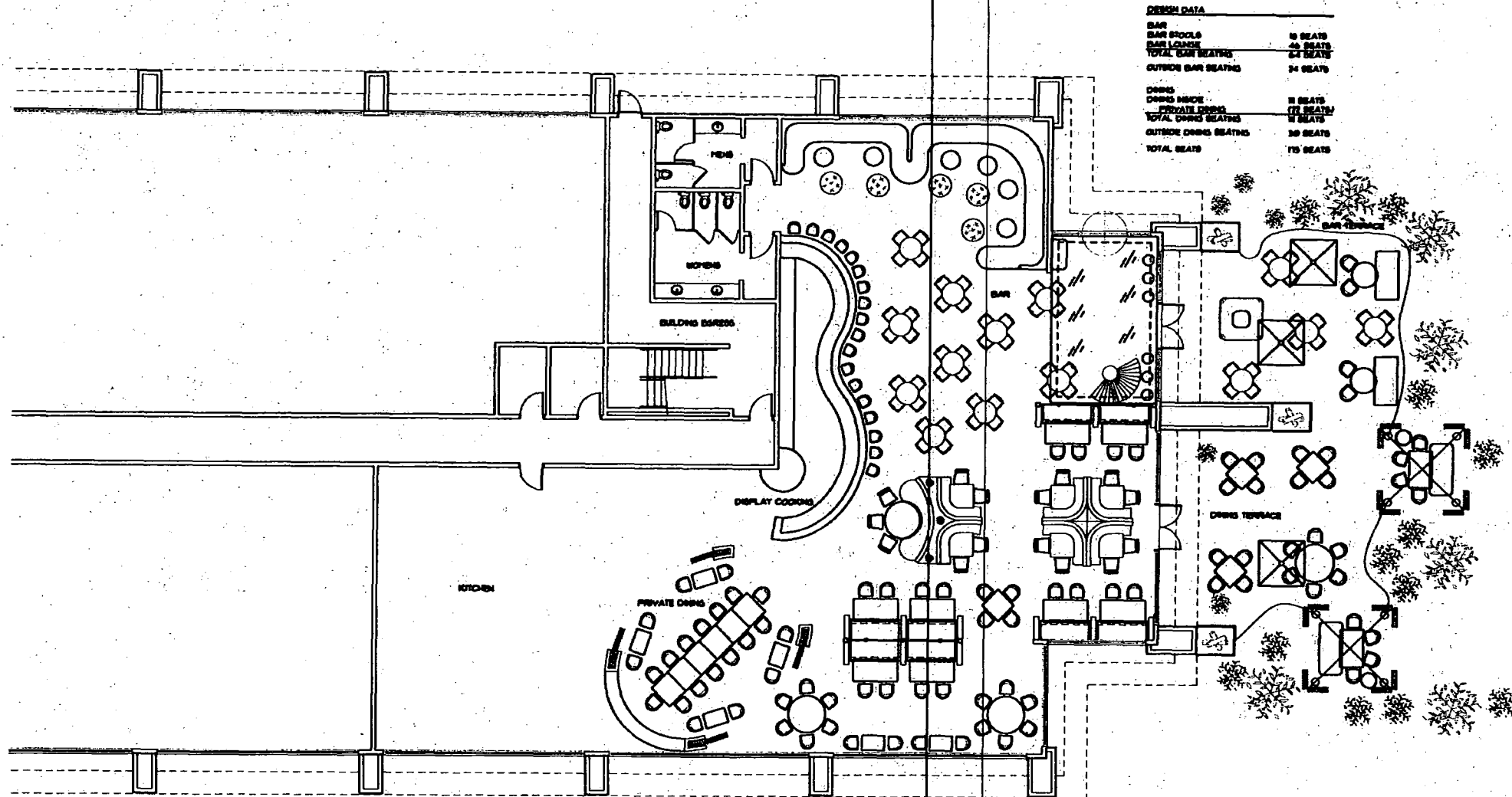
NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

NOTICES MAILED 383 by City Clerk

APPROVALS 0

PROTESTS 0





SUP-5550
12/16/04 PC

RECEIVED
 NOV 01 2004



SUP-5550 - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC
ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE
DECEMBER 16, 2004 PLANNING COMMISSION

11/19/04



SUP-5550 - APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC
ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE
DECEMBER 16, 2004 PLANNING COMMISSION

11/19/04

SUMIKO TATSUE

RECEIVED
CITY CLERK

January 9, 2005

2005 JAN 14 A 10:35

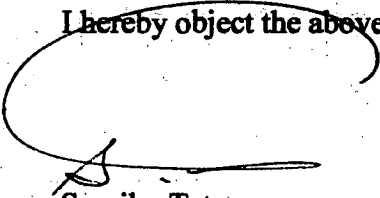
City Clerk
City Council Chambers
400 Stewart Avenue
Las Vegas, NV 89101

Subject: SUP-5550

When I purchased my house at 10456 Heritage Park Ave., Las Vegas, NV 89135 in March 2002, I was given a document regarding Regional Gaming Enterprise District per NRS 463. It indicates the lot (northeast corner of Charleston Blvd. and Indigo Drive – APN 137-36-811-018) is not designated to Gaming District at all. It is supposed to be Employment Center.

Red Rock Station Casino is being built, and traffic is getting very heavy. Harmon Enterprises, Inc. is requesting to build Casino with less than legal parking area. We should keep Summerlin desirable place to live.

I hereby object the above location property to be used as Gaming Use.


Sumiko Tatsue

Protest

10456 Heritage Park Avenue
Las Vegas, NV 89135-1058
PHONE: (702) 562-4856
E-MAIL: STATSUE@EARTHLINK.NET

Submitted after final agenda

Date 1/14/05 Item #77

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

MEETING: PLANNING COMMISSION
DATE: DECEMBER 16, 2004
TIME: 6:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SUP-5550

APPLICANT: HARMON ENTERPRISES, INC. - OWNER: CBS I, LLC - REQUEST FOR A SPECIAL USE PERMIT FOR A PROPOSED GAMING USE ON 4.74 ACRES ADJACENT TO THE NORTHEAST CORNER OF CHARLESTON BOULEVARD AND INDIGO DRIVE (APN 137-36-811-018), P-C (PLANNED COMMUNITY) ZONE, WARD 2 (WOLFSON).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S½) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 36, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M..

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objection thereto or approval thereof with the Planning and Development Department, Current Planning Division, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. This request may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after discussion of the item. You will receive an additional notice for the City Council meeting. For further information, please call 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>.



*We object. This will create
more traffic, close to
an intersection with no stop
lights*

GARY LEOBOLD, PLANNING SUPERVISOR
PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

READ INTO

SEE LOCATION MAP ON REVERSE SIDE

THE RECORD

Jane Melville Kenneth Melville

*10327 Juniper Creek Ln
Las Vegas, NV 89145*

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

MAJOR MODIFICATION TO THE LONE MOUNTAIN MASTER DEVELOPMENT PLAN

MOD-5581 - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan TO CHANGE LAND USE DESIGNATIONS FROM: NEIGHBORHOOD COMMERCIAL AND PARK/SCHOOL/RECREATION/OPEN SPACE TO: MULTI-FAMILY MEDIUM on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (4-1 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 12/16/2004 Planning Commission meeting Item 28

MOTION:

BROWN - ABEYANCE to 3/2/2005 - UNANIMOUS with GOODMAN excused

NOTE: An initial motion for abeyance to 2/16/2005 by BROWN carried unanimously with GOODMAN excused and was reconsidered upon a motion by BROWN which also carried unanimously with GOODMAN excused.

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 78 [MOD-5581] and Item 79 [SDR-5579].

The applicant was not present.

COUNCILMAN BROWN stated that during a neighborhood meeting it was mentioned that this item would be held in abeyance to the 2/16/2005 City Council meeting so that additional information could be provided.

The items were reconsidered by COUNCILMAN BROWN to change the abeyance date from 2/16/2005 to 3/2/2005.

No one appeared in opposition.

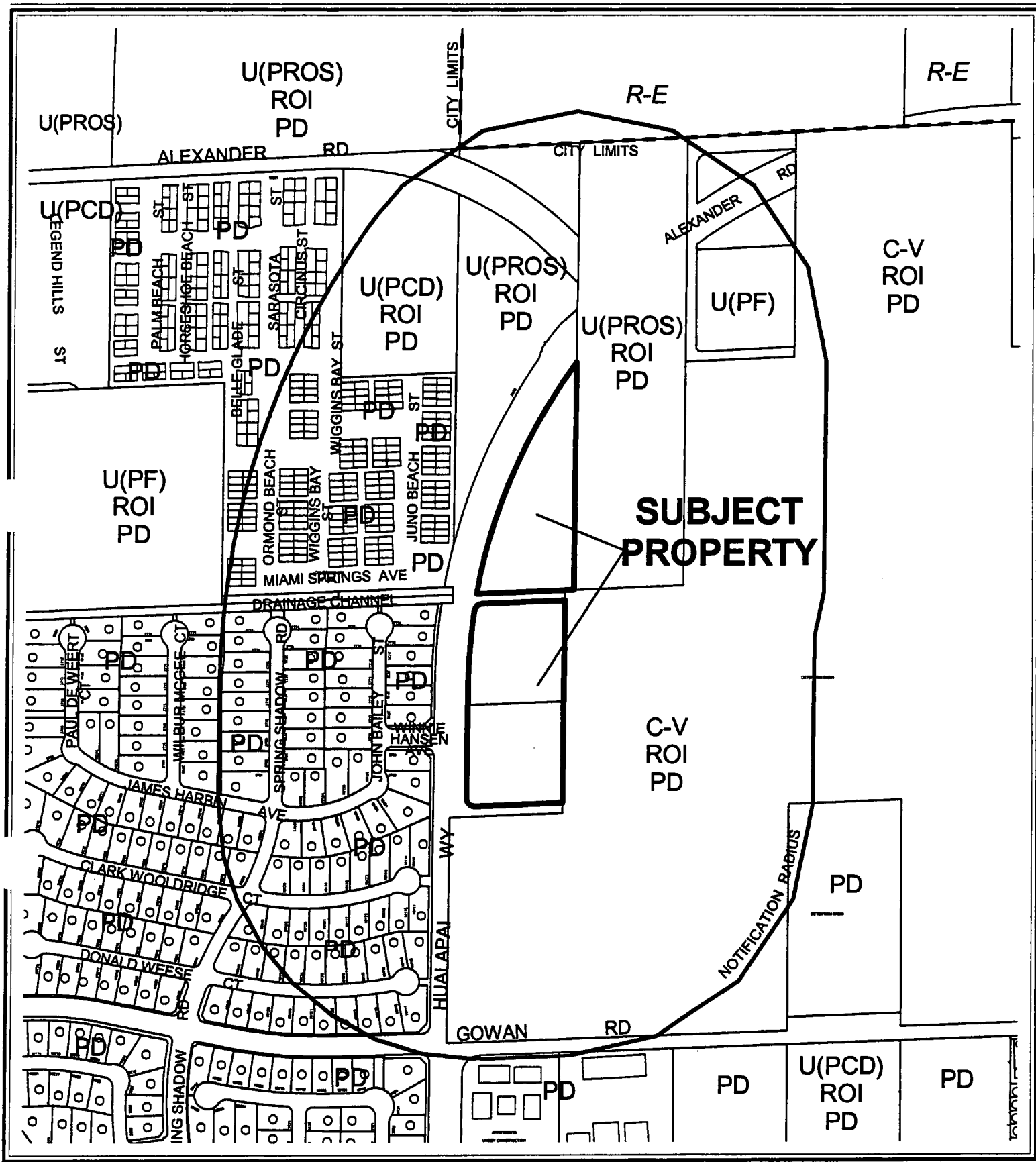
CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 78 [MOD-5581] and Item 79 [SDR-5579].

(1:56 - 1:58/3:27 - 3:28)

3-1888/4-1965



CASE: MOD-5581

RADIUS: 750 FT

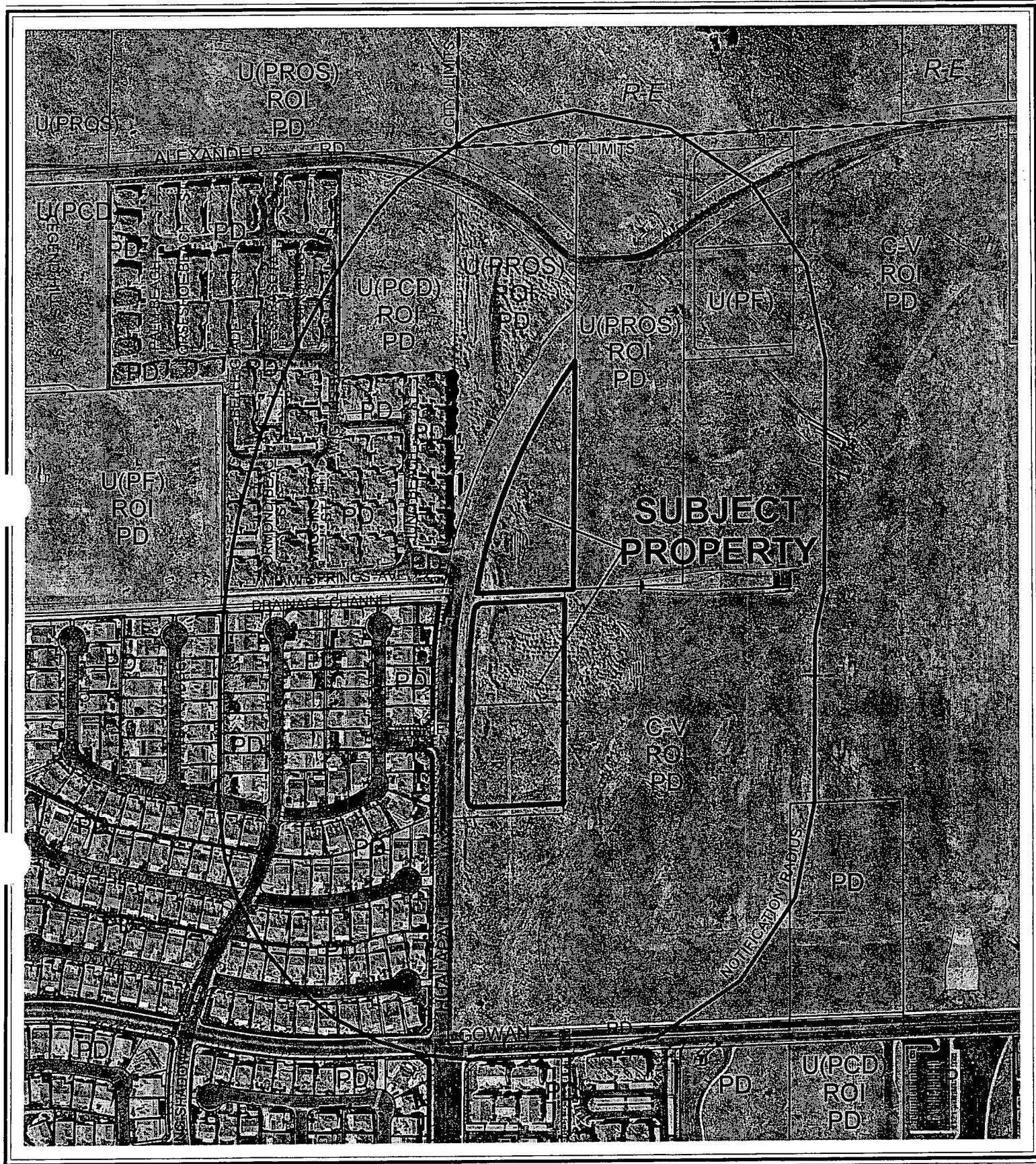
0 300 600 Feet



LONE MOUNTAIN MASTER PLAN SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
NEIGHBORHOOD COMMERCIAL AND PARK/SCHOOL/RECREATION/OPEN SPACE

78

PROPOSED LONE MOUNTAIN MASTER PLAN SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
MULTI-FAMILY MEDIUM

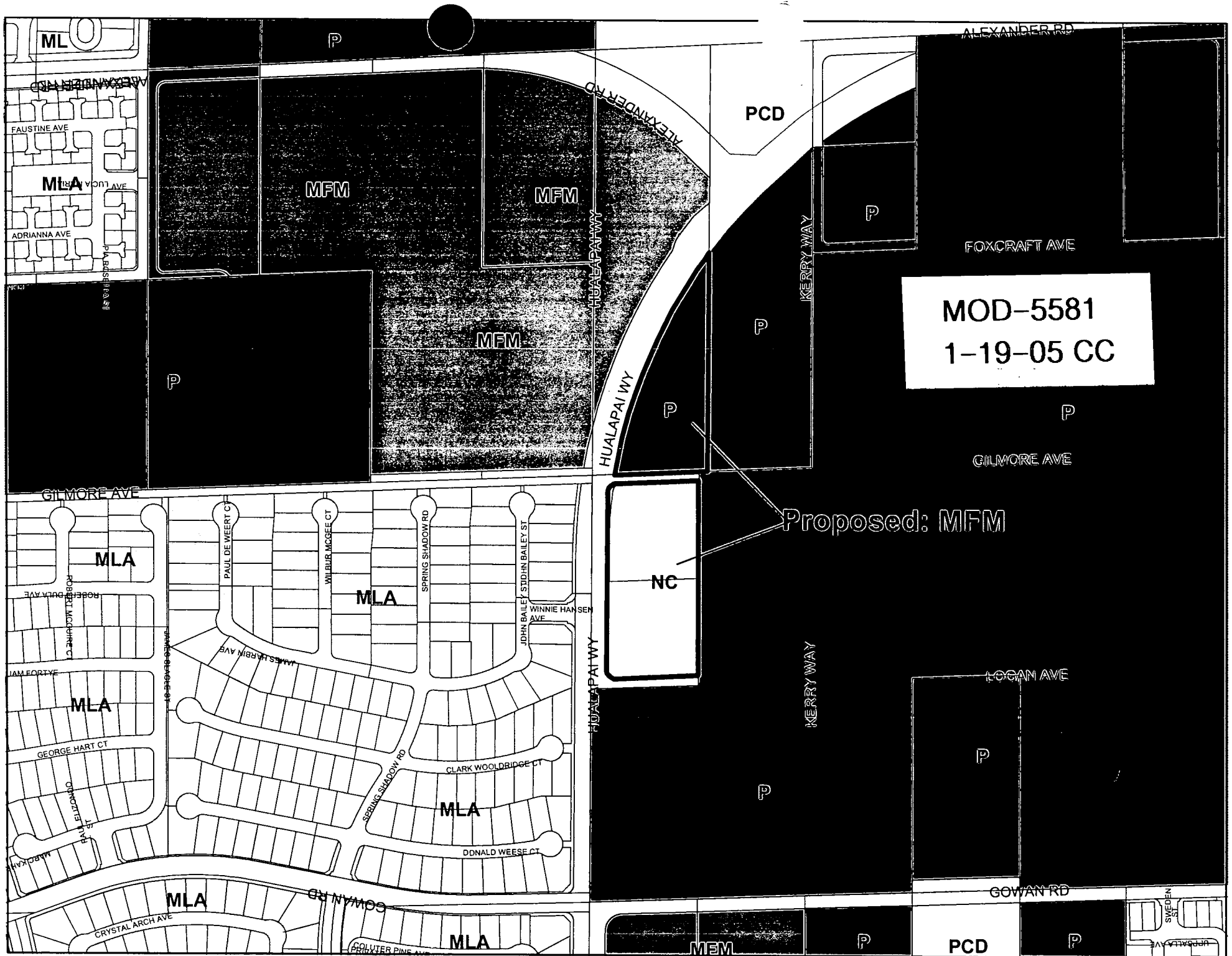


CASE: MOD-5581

RADIUS: 750 FT

**LONE MOUNTAIN MASTER PLAN SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
NEIGHBORHOOD COMMERCIAL AND PARK/SCHOOL/RECREATION/OPEN SPACE**

**PROPOSED LONE MOUNTAIN MASTER PLAN SPECIAL LAND USE DESIGNATION OF SUBJECT PROPERTY:
MULTI-FAMILY MEDIUM**



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: MOD-5581 - APPLICANT: OMEGA DEVELOPMENT -
OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS**

**** CONDITIONS ****

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

Planning and Development

1. Approval of a Site Development Plan Review (SDR-5579) by the City Council.
2. Conformance to the Lone Mountain West Master Development Plan, except as amended by this request.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This request is for a Major Modification to the Lone Mountain Master Development Plan to change the land use designations from Neighborhood Commercial and Park/School/Recreation/ Open Space to Multi-Family Medium on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue.

B) *Applicant's Justification*

The applicant has justified the request by stating the following:

“This application is for a Site Development Review and Major Modification to develop 136 for-sale condominium homes on these parcels. This project is adjacent to residential (across Hualapai Way) and more specifically condominiums. The City of Las Vegas is currently in the process of constructing a park that would abut these parcels to the east. The residential development is much more appropriate for this area given the residential feel to the area and lack of high intense commercial developments. The park will provide a much needed relaxation spot for all of the adjacent residential neighbors.”

BACKGROUND INFORMATION

A) *Actions*

- 12/14/95 The two southern parcels of the subject property were annexed to the City at the request of Sasasuwan Kosol & Sopin, et al (out of Los Angeles, California). The Focus Commercial Group represented this group, which purchased the property on 10/30/90. Prior to this date, there were five previous owners since 04/24/67.
- 03/15/96 Sasasuwan Kosol & Sopin, et al sold the two southern parcels of the subject property to Summit Holdings LLC.
- 06/19/96 Summit Holdings LLC sold the two southern parcels of the subject property to Perma-Bilt.
- 06/23/97 The City Council approved a Rezoning request (Z-0033-97) by Perma-Bilt to rezone the two southern parcels of the subject property and all the area included in the Lone Mountain Master Development Plan from N-U (Non-Urban), ROI to R-CL (Single-Family Compact Lot), R-PD9 (Residential Planned Development – 9 Units per Acre), and R-2 (Two-Family Residence) zoning districts to PD (Planned

Development). The Planned Development ("Master Development Plan") designated the two southern parcels of the subject property and an additional 62 acres for commercial use. (There was no commercial zoning or commercial designation of the two southern parcels of the subject request prior to this Rezoning request.)

- 09/29/97 Perma-Bilt sold the two southern parcels of the subject property to Lone Mountain Commercial LLC (Phil Davis was the manager).
- 11/04/04 Lone Mountain Commercial LLC sold the two southern parcels of the subject property to Lone Mountain Villas LLC.
- 11/26/03 The City acquired a parcel, which included the northern parcel of the subject property, from the Bureau of Land Management. This parcel was acquired for the construction of the Hualapai Way curve (under a Special Improvement District assessment) and to convey a remnant west of Hualapai Way to the Focus Commercial Group.
- 12/16/04 The Planning Commission voted 4-1 to recommend APPROVAL (PC Agenda Item #28/dd).

B) Pre-Application Meeting

- 10/19/04 The staff met with the prospective applicant to review a proposal to establish a residential condominium development on the subject property. It was indicated that a Major Modification would be required to change the commercial and open space classifications of the Lone Mountain Master Development Plan to permit the development. The procedures for both a Major Modification and a Site Development Plan Review were discussed.

C) Neighborhood Meetings

The staff has required a neighborhood meeting for this Major Modification; however, a meeting has not yet been held. The meeting is scheduled for January 12th.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 8.74

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped
East: Undeveloped and detention basin
West: Single-family residences, residential condominiums, and undeveloped

C) *Planned Land Use*

Subject Property: Neighborhood Commercial and Park/School/Recreation/Open Space
North: Park/School/Recreation/Open Space
South: Park/School/Recreation/Open Space
East: Park/School/Recreation/Open Space
West: Multi-Family Medium and Medium-Low Attached

D) *Existing Zoning*

Subject Property: PD (Planned Development)
North: PD (Planned Development)
South: PD (Planned Development)
East: PD (Planned Development)
West: PD (Planned Development)

E) *General Plan Compliance*

This property is designated for PCD (Planned Community Development) land uses in the Centennial Hills Sector Plan of the General Plan. The site is included within the Lone Mountain Master Development Plan area and is designated for Neighborhood Commercial and Park/School/Recreation/Open Space land uses.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Lone Mountain Master Development Plan	X	
Special Overlay District		X
Trails	X	
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

A multi-use transportation trail is required along the east side of Hualapai Way with provisions for a crossing to the north side of Alexander Road. This trail is not shown on the latest site plan submitted. This matter is discussed in detail in an accompanying Site Development Plan Review (SDR-5579).

ANALYSIS:

A) *Zoning Code Compliance*

The subject property is zoned PD (Planned Development) which is a zone intended to permit and encourage comprehensively planned developments. This zoning district provides the flexibility for the subject property to be developed according to the permitted land uses and development standards of the Lone Mountain Master Development Plan.

B) *General Analysis and Discussion*

The southerly two parcels (approximately five acres) of the subject property were designated in the Lone Mountain Master Development Plan for "Neighborhood

Commercial” development. (Attached to this report is the Lone Mountain Master Development Plan Proposed Land Use Map for this area.) There is no explanation in the Plan as to the purpose for this land use designation in this particular location. According to the land use descriptions of the Plan (page 9 of Section 2.3), “The Neighborhood Commercial category addresses parcels of five acres or less and provides for the development of convenience retail shopping, services and professional offices principally serving neighborhood needs, and compatible in scale, character and intensity with adjacent residential development.” For the convenience of the neighborhood, Neighborhood Commercial is also located approximately a half mile to the south at Hualapai Way and Cheyenne Avenue, resulting in some redundancy for Neighborhood Commercial uses in the subject location.

The subject property is located immediately west of a large detention basin and undeveloped areas that the City has an interest in developing for a major park. (A plan of the proposed park is attached to this report.) Commercial development at this location has no particular relationship to the proposed park, although park users would find it convenient to purchase food, drinks and other various items. Residential development at this location would benefit by the presence of the park.

The applicant is interested in a residential land use classification (Multi-Family Medium) that permits a density of development of from 12.1 to 18 dwelling units per acre. The proposal is to develop a 136-unit residential condominium project on 8.74 gross acres for an overall density of 15.6 dwelling units per acre. The subject property is separated from other developments to the west by Hualapai Way and from any other development by the proposed park and detention basin to the north, east and west. For this and the above reasons, the proposed development is an appropriate land use for this area, and it is recommended that the subject request for a Major Modification be approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

NOTICES MAILED 436 by Planning Department

APPROVALS 0

PROTESTS 2



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **MOD-5581** APN: 138-07-103-006
Name of Property Owner: City of Las Vegas
Name of Applicant: Omega Dev.

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: _____

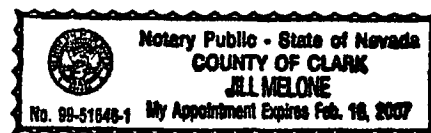
Signature of Property Owner/Authorized Agent: David Roark

Print Name: David Roark

Subscribed and sworn before me

This 15th day of November, 2004

Jill Melone
Notary Public in and for said County and State





SITE DATA

PROPOSED USE :
AREA 1
CURRENT GEN. PLAN DESIGNATION
PROPOSED GEN. PLAN DESIGNATION
PROPOSED UNIT
PROPOSED DENSITY

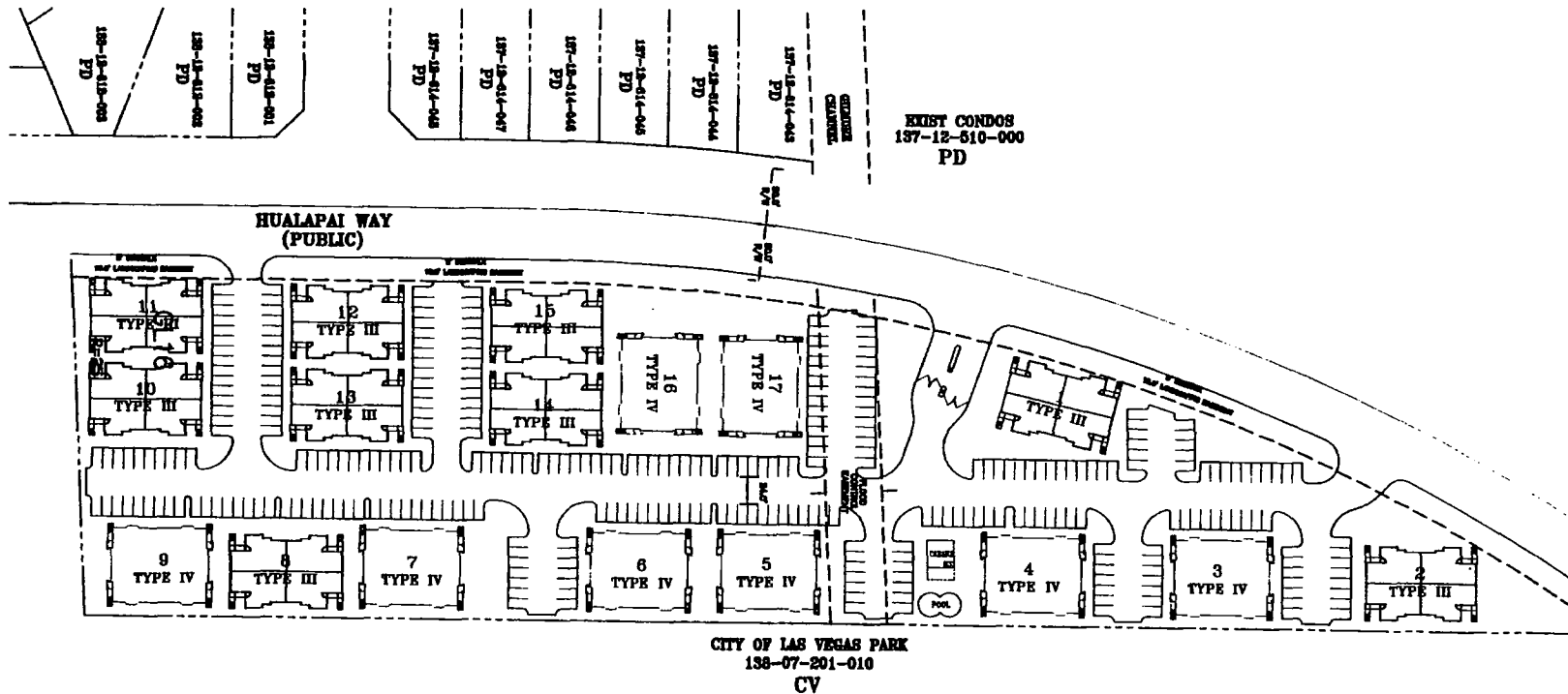
LOW DENSITY RESIDENTIAL
0.746 GROSS ACRES
LOVE MOUNTAIN - BEDMOUNWOOD COMMERCIAL & PARK
SALON USED TO MEDIUM DENSITY RESIDENTIAL
130-0 BEDROOM CONDOS
10.00 UNITS/ACRE

MIN FRONT SETBACK : 30'
MIN SIDE YARD SETBACK : 10'
MIN CORNER SETBACK SETBACK : 10'
MIN REAR YARD SETBACK : 10'
MAX BUILDING HEIGHT : 3 STORIES OR 30' (WHICHEVER IS LESS)

APN NUMBERS

APN: 130-07-003-000, 130-07-004-000, -002

OF 2 BED UNITS : 170
REQUIRED PARKING PER UNIT : 1.75 SPACES PER UNIT
GUEST PARKING REQUIRED : 8 SPACES/100 SPACES
TOTAL PARKING REQUIRED : 330 RESIDENT + 12 GUEST = 350 SPACES
TOTAL PARKING PROVIDED : 370 SPACES



PROJECT NO. _____

DATE _____

SCALE _____

BY _____

CHECKED _____

APPROVED _____

DAVID PATRICK
ARCHITECT
P.C.
1300 S. LAS VEGAS BLVD.
SUITE 200
LAS VEGAS, NV 89102
TEL: 702-735-1111
FAX: 702-735-1112

LOVE MOUNTAIN HILLS
GILMORE AND HUALAPAI CONDOMINIUMS
PRELIMINARY SITE PLAN

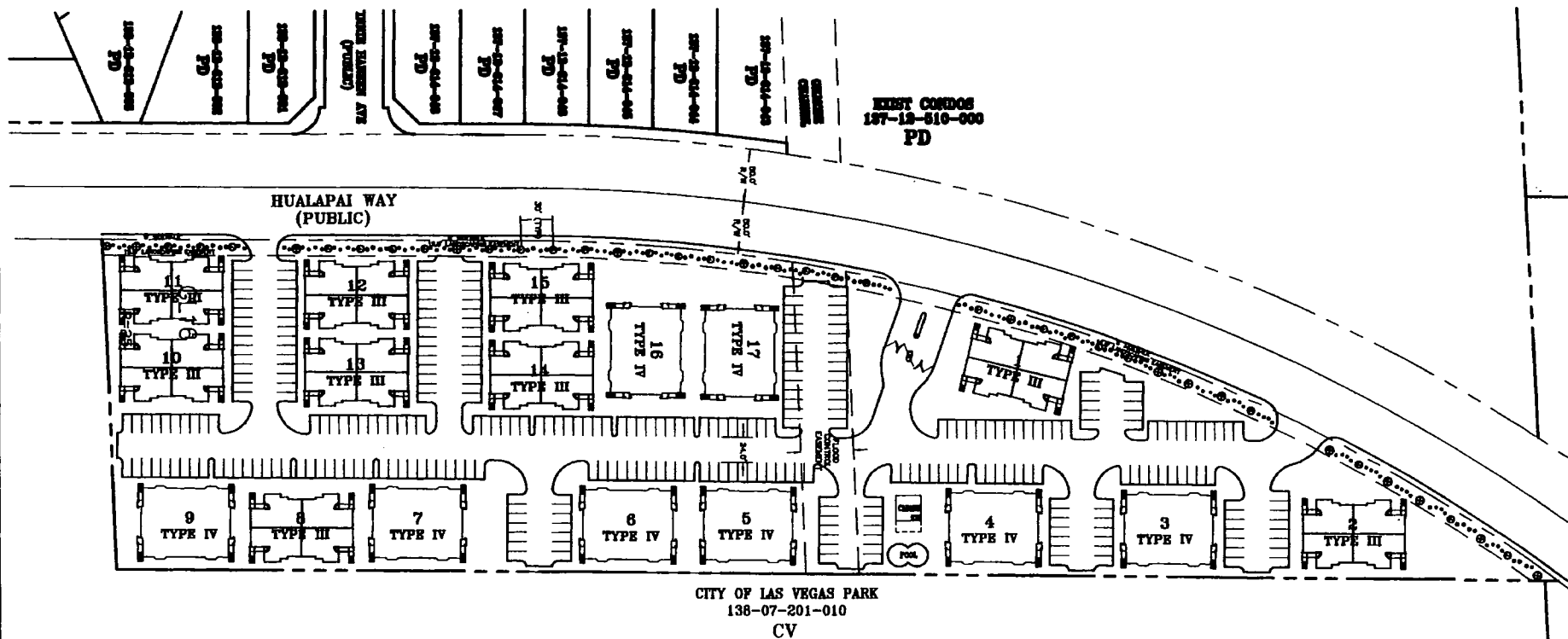
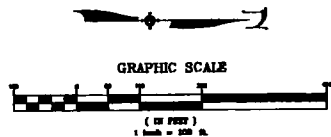
SHEET
SP
1 OF 1 SHEETS

MOD-5581
12/16/04 PC

APN NUMBERS

LEDGEND

SYM.	TYPE	QTY
⊕	24" Box Modesto Ash	14
⊙	24" Box Mandel Pine	24
●	5 gallon Texas Ranger	42
●	5 gallon Autumn Sage	73
●	5 gallon Deer Grass	48



MOD-5581
12/16/04 PC

LONE MOUNTAIN HILLS
GILMORE AND HUALAPAI CONDOMINIUMS
LANDSCAPE PLAN

LS



MOD-5581 - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC
AND THE CITY OF LAS VEGAS
EAST SIDE OF HUALAPAI WAY, NORTH AND SOUTH OF GILMORE AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

12/2/04

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

12/08/04

**PETITION TO THE CITY OF LAS VEGAS PLANNING COMMISSION
OBJECTING TO SITE DEVELOPMENT PLAN SDR-5579 AND MAJOR
MODIFICATION MOD-5581.**

We the undersigned are petitioning the planning commission to reject both SDR-5579 and MOD-5581. This is based on the following concerns.

The Northwest area is already saturated with high density, low income housing. Currently in the Shadow Hills area there are more than (300), three hundred, condominiums, with more currently under construction. Couple that with (400), four hundred, apartment units; the construction of low income single and multi-family housing units on the corner of Cheyenne and Hualapai and it shows that we have our share. The over population of this area is taxing our roads, our schools, the Fire and Police departments and our patience's. This is demonstrated by the fact that our new neighbor school, Conner's Elementary, is already at 85% capacity. We have to question the overall area plan and would like to have a chance to review it with the City Council. Does this level of density meet the original Master plan and the intent of the BLM or the Flood Control Authority? These items and questions should be considered before approval can be given.

The Grandview area consist of all single story buildings. To surround it with multi-story units definitely violates our right of privacy. More condos in this area would be tantamount to putting our community in a maze. Also the placements of these condos would not be commensurate with overall layout of the area. They would be an island of condos in the middle of a park. Chances are they will stick out like a sore thumb. Their elevation would be greater than any units in that area and would not blend in with the established horizon.

There is also a question of the legitimacy of the proposals. Of the 8.74 acres that are under consideration, four are zoned for neighborhood commercial. The other 4.74 acres are zoned as Plan-Park, School and Recreational. It has been identified as part of the park construction in a, if not written, verbal agreement between the city councilman and his constituents. Therefore a "de facto" agreement with the City of Las Vegas. Any change in its status would definitely be a Breach of Contract. We believe this land was promised to the people of Las Vegas as a park and there is no way this parcel of land should even be considered for housing. Again, before the Planning Committee can rule on these proposals the question of legitimacy should be reviewed by the City Council.

**READ INTO
THE RECORD**

12/08/04

Considering the above information and the feelings of the signers, it should be obvious that these proposals do not meet the legal requirements or the emotional support of the people in the area. We believe that the rejection of MOD-5581 and SDR-5579. would be in everyone's best interest. If there is not sufficient information to reject these proposals, then we ask the Planning Committee to send it back to the City Council for review by the council and the community.

Thank you:

**READ INTO
THE RECORD**

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to
Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
FRANK SUTHERLAND	<i>[Signature]</i>	3709 JOHN BAILEY ST
MARION SUTHERLAND	<i>[Signature]</i>	3709 JOHN BAILEY ST.
RICHARD M DOMENILE	<i>[Signature]</i>	3725 JOHN BAILEY ST
VICTORIA BITNER	<i>[Signature]</i>	3721 JOHN BAILEY ST
NICHOLAS CAPUTO	<i>[Signature]</i>	3722 John Bailey St
JUDY ZALALIS	<i>[Signature]</i>	3718 John Bailey Street
DON SILVERMAN	<i>[Signature]</i>	3733 JOHN BAILEY ST
JUDITH H. SILVERMAN	<i>[Signature]</i>	3733 John Bailey St.
CHARLES E. GOODRUE	<i>[Signature]</i>	3734 John Bailey ST.
BETTE M. GOODRUE	<i>[Signature]</i>	3734 John Bailey St
ARNEVA D. SMITH	<i>[Signature]</i>	3730 John Bailey
ROY VAN SMITH	<i>[Signature]</i>	3730 John Bailey
BOBBIE DOMENILE	<i>[Signature]</i>	3725 John Bailey

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to
Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
Juanita Stoffers	<i>Juanita Stoffers</i>	3704 John Bailey Rd
Leeann Traczyk	<i>Leeann Traczyk</i>	10126 James Harbin
DAN TRACZYK	<i>Dan Traczyk</i>	10126 James Harbin ave.
Debra Tennariello	<i>Debra Tennariello</i>	10138 James Harbin Ave
Jerry Appelhans	<i>Jerry Appelhans</i>	10138 James Harbin Ave.
Carol Cooney	<i>Carol Cooney</i>	10201 James Harbin Ave
Peter Cooney	<i>Peter Cooney</i>	10201 James Harbin Ave.
PATRICIA Cunningham	<i>Patricia Cunningham</i>	10201 James Harbin Ave
Mel Zukas	<i>M. Zukas</i>	3709 Spring Shadow Rd
Jeanne F Powell	<i>J. Powell</i>	3713 Spring Shadow Rd
Ellen Landau	<i>E. Landau</i>	3721 Spring Shadow Rd
Arnold Landau	<i>A. Landau</i>	3721 Spring Shadow Rd.
Charlene Pritz	<i>Charlene Pritz</i>	3733 Spring Shadow Rd.

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
<u>Doni Alfaro</u>	<u>Doni Alfaro</u>	<u>3733 Spring Shade</u>
<u>Rose Bellavia</u>	<u>Rose Bellavia</u>	<u>3733 Spring Shade Rd</u>
<u>J. Alfaro</u>	<u>J. Alfaro</u>	<u>3733 Spring Shade Rd</u>
<u>SHARON PHELPS</u>	<u>Sharon Phelps</u>	<u>3726 Spring Shade</u>
<u>Mary Lombardo</u>	<u>Mary Lombardo</u>	<u>3718 Spring Shade Rd</u>
<u>Phil Lombardo</u>	<u>Phil Lombardo</u>	<u>3718 Spring Shade Rd</u>
<u>WAYNE PETERSEN</u>	<u>Wayne Petersen</u>	<u>10141 JAMES HARBIN</u>
<u>SCOTT ALEXANDER</u>	<u>Scott Alexander</u>	<u>3717 John Bailey St</u>
<u>LORI ALEXANDER</u>	<u>Lori Alexander</u>	<u>3717 John Bailey St</u>
<u>Jason Schmitz</u>	<u>Jason Schmitz</u>	<u>3713 John Bailey St</u>
<u>Darlene Schmitz</u>	<u>Darlene Schmitz</u>	<u>3713 John Bailey St</u>
<u>Lorne Scott</u>	<u>Lorne Scott</u>	<u>10121 James Harbin Ave</u>
<u>Johnny Scott</u>	<u>Lorne Scott</u>	<u>10121 James Harbin Ave</u>

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
KATHA Michelle Brooks	Katha Brooks	3700 John Bailey
Jean CORNWALL	Jean Cornwall	10134 JAMES HARBIN
ROBERT KELEMEN	Robert Kelemen	3717 SPRING SHADOW
TERESA CALAMIA	Teresa Calamia	3710 SPRING SHADOW
DONNA RUSSO	Donna Russo	3734 Spring Shadow Rd.
FRANK TAMB	Frank Tamb	10205 JAMES HARBIN
JOE RIMANO	Joe Rimano	10713 JAMES HARBIN
TANNA PRINCE	Tanna Prince	10225 JAMES HARBIN AVE
LINDA GALANTI	Linda Galanti	10229 JAMES HARBIN AVE
STEVE GALANTI	Steve Galanti	" " "
CINDY JORDAN	Cynthia L. Jordan	10233 JAMES HARBIN AVE
KAREN MARTINEZ	Karen Martinez	10237 James Harbin Ave.
Duane Black	Duane Black	10234 James Harbin Ave

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
~~Jeffrey Black~~	~~Jeffrey Black~~	~~10234 James Harbin Ave~~
Wilfred Chilton	[Signature]	3701 PAUL DE WERT CT.
Lee Jones	[Signature]	3709 Paul De Wert
Neil Canoso Reedson	[Signature]	10130 James Harbin Ave.
Ryan Skanda	Ryan Skanda	3729 John Bailey
Kristine Hoffmann	[Signature]	3726 JOHN BAILEY STREET
CLIFF USTER	[Signature]	10240 Clark Woodbridge Ct
SUSAN MARTIN	[Signature]	10125 James Harbin
⇒ Nicole Moretto	[Signature]	10135 Clark Woodbridge
Kim Nelson	[Signature]	10139 Clark Woodbridge Ct
Merton A. Bates	Ruth Bates	10111 CLARK WOODBRIDGE CT
Sgt Friedlander	[Signature]	10115 CLARK WOODBRIDGE CT
RAY RAMICORE	BARBARA RAMICORE	10119 CLARK WOODBRIDGE CT

SIR:

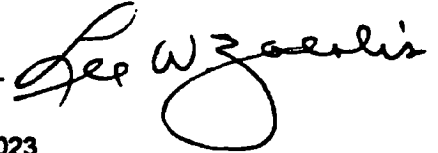
08 DEC 04

THE BELOW LISTED HOME OWNERS OF LAS VEGAS, NV. STRENUOUSLY OBJECT TO THE PROPOSED MODIFICATION OF THE LONE MOUNTAIN MASTER PLAN DEVELOPMENT. THE PROPOSED CHANGE WOULD NOT ONLY VIOLATE THE EXISTING MASTER PLAN BUT WOULD, ALSO VIOLATE THE TRUST WE PLACED IN THE CITY OF LAS VEGAS WHEN WE PURCHASED OUR HOME IN THE SHADOW HILLS COMMUNITY.

WE PURCHASED OUR HOME BECAUSE OF THE LOCATION AND VIEW. WE PAID A PREMIUM FOR THIS LOT, WHICH WAS SHOWN ON THE ORIGINAL PROPOSED PLAN TO AFFORD US A CLEAR UNOBSTRUCTED VIEW. THE EAST VIEW FROM HUALAPAI WAS PRESENTED AS A LARGE PARK AREA WITH RETENTION POND.

THERE APPEARS TO BE A CONSISTENT CONTINUING PATTERN OF RE-ZONING SUCH AREAS AFTER THEY HAVE BEEN SOLD-OUT, LEAVING THE HOME-OWNERS WITH NO RECOURSE BUT TO ACCEPT THESE, UNDER-HANDED, IF NOT ILLEGAL, CHANGES. THIS PATTERN OF APPARENT COLLUSION OF THE CITY COUNCIL WITH THE HOME BUILDERS CERTAINLY DESERVES INTENSE SCRUTINY FROM THE MEDIA AND CITIZENS ETHICS BOARD.

LEE & JUDY ZALALIS
3718 JOHN BAILEY ST
LAS VEGAS, NV.
89129-5023
(702) 233-9466

A handwritten signature in black ink, appearing to read "Lee & Judy Zalalis", written over the printed name and address.

REFERENCES: MOD-5581 & SDR-5579.

READ INTO
THE RECORD

December 10, 2004

Susan L. Martin
Michael F. Martin
10125 James Harbin Ave
Las Vegas, NV 89129

Members of the City of Las Vegas Planning Commission
400 Stewart Avenue
Las Vegas, Nevada 89101

Fax # (702) 474-0352

Subject: Objections to Modification to the Lone Mountain Master Plan and Site Development

Reference: MOD-5579 and [REDACTED]

Dear Sir:

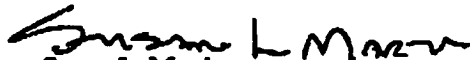
Susan L. and Michael F. Martin, citizens of Las Vegas, strongly object to the proposed modification to the Lone Mountain Master Development Plan. This proposed change would not only violate the existing Master Plan but would be a violation of the trust we placed in the City of Las Vegas when we bought our home in the Shadow Hills Community. We purchased our home because of the planned development of the area as a single family home community with a large park adjacent for recreational activities.

The proposed modification to allow multi-family, multi-storied residencies will seriously overcrowd the neighborhood. If the Planning Commission and the City Council would take a closer look at the area and the Hualapai Way corridor from Cheyenne Street to Alexander Road, you would surely see that the area has been overbuilt with multi-unit housing.

The residents of the Shadow Hill Master Planned Community have previously objected to any planned development of this land for other than an extension of the proposed park. The area in consideration, the 8.74 acres, should have been secured and added to the proposed park site long before now to make the park larger and to maintain the sight lines into and out of the park.

We object to the proposed significant modification to the Lone Mountain Master Development Plan

Yours truly


Susan L. Martin

Michael F. Martin

December 5, 2004

To **Members of the City of Las Vegas Planning Commission
Members of the Las Vegas City Council
Councilman Larry Brown**

From **Roy Van & Arneva D. Smith
3730 John Bailey Street - Las Vegas NV 89129
702-255-4303
RSmith281@cox.net**

Subject **Objections to modification to the Lone Mountain Master Plan and Site
Development.**

Reference MOD-5581 and SDR-5579

The above listed citizens of Las Vegas, Roy Van and Arneva D. Smith, hereby strenuously object to the proposed modification of the Lone Mountain Master Development Plan. This proposed change would not only violate the existing master plan but would be a violation of the trust we placed in the city of Las Vegas when we bought our home in the Shadow Hills Community. We bought because of the planned development of the area as a single family home community with a large park adjacent for recreational activities.

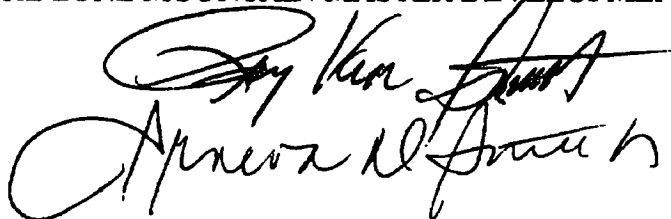
The proposed modification to allow multi-family, multi-storied residences will seriously overcrowd the neighborhood and overwhelm the parks usage. This is a serious quality of life issue. The square footage of park space to residence is already too low and the additional dense housing would lower the numbers further. If the Planning Commission and the City Council would take a closer look at the area and the Hualapai Way corridor from Cheyenne Street to Alexander Road surely you will see that the area has been overbuilt with multi-unit housing.

The area on the east side of Hualapai Way between Cheyenne Street and Gowan Road is over built with apartments. Further inspection will show that on the west side of Cheyenne north of the drainage channel, the area is over built with multi-unit condominiums.

The residents of the Shadow Hills MASTER PLANNED COMMUNITY have on numerous occasions voiced our objections to any planned development other than an extension of the proposed park on the site in question. We have made our choices and our voices clear to our City of Las Vegas Council representative, Larry Brown.

The area in consideration, the 8.74 acres, should have been secured and added to the proposed park site long before now to make the park larger and to maintain the sight lines into and out of the park.

**WE OBJECT STRENIOUSLY TO THE PROPOSED MAJOR
MODIFICATION TO THE LONE MOUNTAIN MASTER DEVELOPMENT PLAN.**

The block contains two handwritten signatures in black ink. The top signature is 'Roy Van' and the bottom signature is 'Arneva D. Smith'. Both signatures are written in a cursive, flowing style.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-5581

SDR-5579 - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 136-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (4-1 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 12/16/2004 Planning Commission meeting Item 29**

MOTION:

BROWN - ABEYANCE to 3/2/2005 - UNANIMOUS with GOODMAN excused

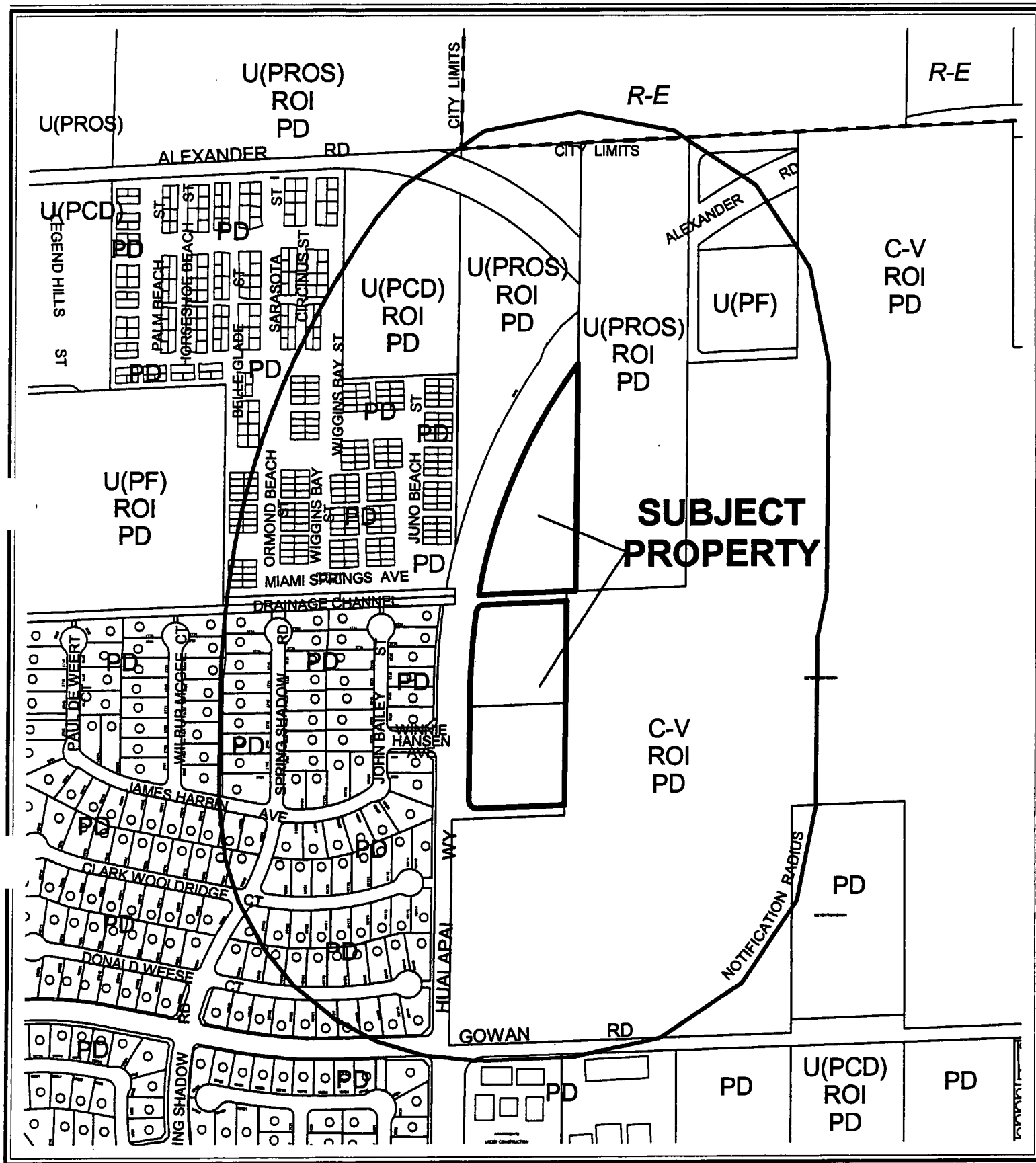
NOTE: An initial motion for abeyance to 2/16/2005 by BROWN carried unanimously with GOODMAN excused and was reconsidered upon motion by BROWN, which also carried unanimously with GOODMAN excused.

MINUTES:

NOTE: See Item 78 [MOD-581] for all related discussion.

(1:56 - 1:58/3:27 - 3:28)

3-1888/4-1965



CASE: SDR-5579

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PCD (PLANNED COMMUNITY DEVELOPMENT) AND PR-OS (PARKS/RECREATION/OPEN SPACE) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-5579 - APPLICANT: OMEGA DEVELOPMENT -

OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS

**** CONDITIONS ****

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

Planning and Development

1. Approval of a Major Modification to the Lone Mountain Master Development Plan (MOD-5581) 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 and building elevations date stamped 12/08/04, except as amended by conditions herein.
4. The standards for this development shall include the following:

Standards	Dimensions
Min. Setbacks	
• Front	20 feet
• Side	5 feet
• Corner	5 feet
• Rear	10 feet
• Space between buildings	10 feet
Max. Building Height	2 Stories / 35 feet

5. The site plan shall be revised to show compliance with the standards above, the provision of handicapped parking spaces, and other conditions of approval stated herein and approved by staff of the Planning and Development Department prior to the time application is made for a tentative map or a building permit, whichever comes first.
6. The landscape plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for a tentative map or a building permit, whichever comes first, to reflect the following:
 - A multi-use transportation trail that complies with the design specifications of the "Master Plan Transportation Trails Elements" shall be constructed along Hualapai Way. Provision shall be made for a crossing of the path to the north side of Alexander Road. Street trees spaced 30 feet on center shall be provided within the minimum five-foot amenity zone along the back side of the trail path. A detailed section of the transportation trail and landscaping shall be provided on the landscape plan.

- Perimeter landscaping with 24 inch box trees, 30 feet on center shall be provided along the rear and side property lines and shall be planted within a six-foot wide planting area. The landscaping shall be shown on the landscape plan.
 - Trees shall be provided within the parking area and comply with the Parking Area standards of the City's "Landscape, Wall, and Buffer Guidelines." The parking area trees shall be shown on the landscape plan.
 - A detail of the perimeter walls, including the design and materials shall be illustrated on the landscape plan. All property line walls shall be decorative block walls, with at least 20 percent contrasting materials, and they shall not exceed a height of eight feet, including the height needed for retaining. Wall heights shall be measured from the side of the wall with the least vertical exposure above the finished grade, unless otherwise stipulated. Where a greater wall height is needed, it shall be stepped back or terraced by a distance of five feet so no portion thereof exceeds a height of eight feet. The front wall along Hualapai Way shall consist of a combination of a two-foot 10-inch high solid wall with a wrought iron fence in between solid pilasters with a cap.
 - The total amount of open space, to consist of a minimum of 330 square feet per dwelling unit, shall be designated on the landscape plan.
7. Landscaping and a permanent underground sprinkler system shall be installed as required and shall be permanently maintained in a satisfactory manner.
 8. The elevation drawings and floor plans shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map or a building permit, whichever comes first, to reflect the following:
 - Notation of the total square footage for each type of unit.
 - Elevation drawings with details of the architectural embellishments and colors.
 9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Air conditioning units shall not be mounted on rooftops.
 10. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wall pack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building.
 11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
 12. 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.

13. All City code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should the common interest community, or members thereof, request additional maintenance activities, the associated costs shall be assessed to the common interest community and/or members thereof.

Public Works

16. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
17. Dedicate an area acceptable to the Flood Control Section of the Department of Public Works for the existing flood control channel shown on the submitted site plan as "Drainage Right-of-Way" with the Final Map for this site.
18. Coordinate with the City of Las Vegas Engineering Design Section of the Department of Public Works to determine any impacts to this site from the Hualapai Way SID Project #1493, if any, prior to the submittal of any construction drawings for this site.
19. Vacate all rights-of-way in conflict with this site prior to the recordation of a Final Map for this site, unless otherwise allowed by the City Engineer.

20. The proposed site plan is acceptable for a multi-family condominium development, however does not comply with private street code requirements for a townhome development; if townhomes are proposed, the site must be re-designed to comply with Title 18 requirements unless a waiver of such is approved by City Council.
21. Landscape and maintain all unimproved right-of-way adjacent to this site.
22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Hualapai Way and drainage channel public rights-of-way adjacent to this site prior to occupancy of this site.
23. 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.
24. The proposed entrance driveway shall align with the existing driveway on the west side of Hualapai Way and shall be designed, located and constructed in accordance with Standard Drawing #222a. Driveway throat depth shall be a minimum of 120-feet unless otherwise allowed by the City Traffic Engineer.
25. An update to the Master Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, or compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
26. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole

or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

27. Site development to comply with all applicable conditions of approval for Z-33-97, the Lone Mountain Master Plan and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Site Development Plan Review for a proposed 136-unit residential condominium development on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue.

B) Applicant's Justification

The applicant has justified the request by stating the following:

“This application is for a Site Development Review and Major Modification to develop 136 for-sale condominium homes on these parcels. This project is adjacent to residential (across Hualapai) and more specifically condominiums. The City of Las Vegas is currently in the process of constructing a park that would abut these parcels to the east. The residential development is much more appropriate for this area given the residential feel to the area and lack of high intense commercial developments. The park will provide a much needed relaxation spot for all of the adjacent residential neighbors.”

BACKGROUND INFORMATION

A) Actions

- 06/23/97 The City Council approved a request for Rezoning (Z-0033-97) from C-V (Civic) and N-U (Non Urban) under a Resolution of Intent to R-CL (Single-Family Compact Lot) and R-PD9 (Residential Planned Development - 9 Units per Acre) to PD (Planned Development) for the Lone Mountain Master Plan Area. The subject property is included in that area. The Planning Commission and staff recommended approval on 06/12/97.
- 11/06/03 A request for Rezoning (ZON-2999) of a portion of the subject property from a U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) to C-V (Civic) Zone was stricken from the Planning Commission's agenda.
- 12/16/04 The Planning Commission recommended approval of an accompanying item for a Major Modification (MOD-5581) to the Lone Mountain Master Development Plan to change the land use designations from Neighborhood Commercial and Park/School/Recreation/ Open Space to Multi-Family Medium.

12/16/04 The Planning Commission voted 4-1 to recommend APPROVAL (PC Agenda Item #29/dds).

B) Pre-Application Meeting

10/19/04 The staff met with the prospective applicant to review a proposal to establish a residential condominium development on the subject property. It was indicated that a Major Modification would be required to change the commercial and open space classifications of the Lone Mountain Master Development Plan to permit the development. The procedures for both a Major Modification and a Site Development Plan Review were discussed.

C) Neighborhood Meetings

The staff has required a neighborhood meeting for this Major Modification; however, a meeting has not yet been held. The meeting is scheduled for January 11th.

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 8.74

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped
East: Undeveloped and detention basin
West: Single-family residences, residential condominiums, and undeveloped

C) Planned Land Use

Subject Property: Neighborhood Commercial
North: Park/School/Recreation/Open Space
South: Park/School/Recreation/Open Space
East: Park/School/Recreation/Open Space
West: Multi-Family Medium and Medium-Low Attached

D) Existing Zoning

Subject Property: PD (Planned Development)
North: PD (Planned Development)
South: PD (Planned Development)
East: PD (Planned Development)
West: PD (Planned Development)

E) General Plan Compliance

This property is designated for PCD (Planned Community Development) land uses in the Centennial Hills Sector Plan of the General Plan. The site is included within the Lone Mountain Master Development Plan area and is designated for Neighborhood Commercial and Park/School/Recreation/Open Space land uses. The site plan will comply with the proposed special land use designation of Multi-Family Medium, if an accompanying application for a Major Modification (MOD-5581) is approved.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Lone Mountain Master Development Plan	X	
Special Overlay District		X
Trails	X	
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

A multi-use transportation trail is required along the east side of Hualapai Way with provisions for a crossing to the north side of Alexander Road. This trail is not shown on the latest site plan submitted. This matter is discussed in detail later in this report, and is addressed through a condition of approval.

PROJECT DESCRIPTION

The proposed development is to consist of 136 residential condominium units on 8.74 acres for an overall density of 15.56 dwelling units per acre. The 136 units are distributed within 17 two-story buildings with eight units in each building. There are two models proposed, nine buildings with "Type III" units and eight buildings with "Type IV" units. All the units are to have two bedrooms.

Three access points to Hualapai Way are proposed that will connect to a north-south drive through the development. All parking will be exterior to the buildings. The only landscaping proposed for the development is within a 15-foot landscape strip along Hualapai Way.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, the Development Standards for the subject development are to comply with those standards approved in the Lone Mountain Master

Development Plan; however, according to the Development Plan, the setback requirements are to be according to Title 19 requirements. Since the property is zoned PD (Planned Development) and there are no specific standards for the PD Zone, the proposed standards are compared to the setback requirements for an R-3 (Medium Density Residential and Apartment District).

Standards	R-3 Zone	Provided
Min. Setbacks		
• Front	20 feet	20 feet
• Side	5 feet	10 feet
• Corner	5 feet	10 feet
• Rear	20 feet	10 feet
Between buildings	10 feet	Unknown
Max. Building Height	2 Stories / 35 feet	2 Stories / 35 feet

In comparing the standards of the proposed development to an R-3 (Medium Density Residential and Apartment District) of Title 19, the standards are similar. Title 19 requires a separation of 10 feet between buildings. This distance is not indicated or noted on the site plan, but it is recommended that this minimum distance be provided. The development standards above, including the separation requirement, are addressed in the conditions of approval for this staff report.

A2) Parking and Traffic Standards

Pursuant to the Lone Mountain Master Development Plan, the parking requirements are to adhere to Title 19 requirements. Accordingly, Title 19.10 requires the following:

Uses	Units	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Multi-family	136	1 3/4/unit +	238			
Two bedroom		1/6 units	23			
Total	136		256	5	319	0

For 136 two-bedroom residential condominium units, 261 total parking spaces are required. A total of 319 parking spaces are provided which exceeds the requirement. All parking spaces are exterior to the units, and no differentiation is made as to which of the required 23 spaces are for guest parking. Handicapped parking spaces are to be provided at the ratio of two percent times the total number of parking spaces. For 319 spaces, six are to be handicapped spaces. One of the six handicapped spaces must be van accessible. This is addressed as a condition of approval in this staff report.

A3) Landscape and Open Space Standards

According to the Lone Mountain Master Development Plan, perimeter area landscaping is to be in accordance with the City's "Landscape, Wall, and Buffer Guidelines." The Guidelines require a 10-foot wide landscape planter or a 14-foot wide landscape planter including a meandering sidewalk along a public street and a six-foot wide landscape planter along rear and side property line solid walls.

The development is proposed to have a 15-foot landscape easement in back of a five-foot sidewalk along Hualapai Way. A multi-use transportation trail is required along Hualapai Way that is designed and constructed to comply with the "Master Plan Transportation Trails Element." In lieu of a five-foot sidewalk constructed along the street curb, a 10-foot wide sidewalk constructed five feet off the street curb should be provided. There is sufficient width within the landscape easement to provide a five-foot amenity zone to the rear of the 10-foot wide sidewalk. Trees spaced 30 feet on center within the five-foot amenity zone are required. No other landscaping is illustrated for the development, including the required trees along the rear and side property lines. Neither is landscaping proposed for the parking areas. The Lone Mountain Master Development Plan requires that landscaping "be incorporated into parking areas to break up expanses of pavement and provide visual, heat and glare relief" (Section 6.2.3B). It is recommended that the parking areas be provided with trees in compliance with the City's "Landscape, Wall, and Buffer Guidelines."

Also, perimeter walls are proposed around the development to establish a gated development. The Lone Mountain Master Development Plan includes broad statements as to the design of perimeter walls that are consistent with the design standards for walls of the "Landscape, Wall, and Buffer Guidelines." In particular, the walls should be constructed to consist of 20 percent contrasting materials. Five-foot wrought iron "view fencing" is proposed along the rear property line. A detail of the fencing has not been provided. It is recommended that a combination of a two-foot 10-inch high solid wall with a wrought iron fence in between solid pilasters with caps be provided along Hualapai Way.

According to the Lone Mountain Master Development Plan, a minimum of 330 square feet per dwelling unit shall be allocated to open space. There is no indication on the plan as to compliance with this requirement.

To address the deficiencies and discrepancies indicated above, the Conditions of Approval in this staff report include the following stipulations:

- A multi-use transportation trail that complies with the design specifications of the Master Plan Transportation Trails Elements shall be constructed along Hualapai Way. Street trees spaces 30 feet on center shall be provided within the minimum five-foot amenity zone along the back of the trail path. A detailed section of the transportation trail and landscaping shall be provided on the landscape plan.

- Perimeter landscaping with 24 inch box trees, 30 feet on center shall be provided along the rear and side property lines and shall be planted within a six-foot wide planting area. The landscaping shall be shown on the landscape plan.
- Trees shall be provided within the parking area and comply with the Parking Area standards of the City's "Landscape, Wall, and Buffer Guidelines." The parking area trees shall be shown on the landscape plan
- The perimeter walls shall be shown on the landscape plan. A detail of the perimeter walls, including the design and materials shall be illustrated on the landscape plan. It is recommended that the front wall along Hualapai Way consist of a combination of a two-foot 10-inch high solid wall with a wrought iron fence in between solid pilasters with caps.
- Open space, to consist of 330 square feet per dwelling unit, shall be designated on the landscape plan.

B) *General Analysis and Discussion*

- Zoning

The present zoning of the property is PD (Planned Development). The proposed development is permitted within this zoning district.

- Site Plan

Elements of the site plan are described in the "Project Description" section and addressed in A of the "Analysis section" above. Except for noted deficiencies and discrepancies, there are no major concerns with the site plan.

- Waivers

No Waivers are being requested.

- Landscape Plan

The landscape plan is discussed in detail above. As noted, there are major deficiencies and discrepancies in the provisions of landscaping.

- Elevation

The elevation drawings illustrate two story buildings with concrete tile roofs and stucco siding on the exterior. Second floor stairways extend either out from the building or turn at a landing partway down. Exterior columns extend the height of the building and second-story balconies provide visual interest to the buildings' design. A color palate has not been submitted. This is addressed in the Conditions of Approval for this development.

- Floor Plan

Floor plans have been submitted for two types of units. Both units are similar in the number of bedrooms, bathrooms and other spaces, but their configuration is much different. One floor plan illustrates a kitchen located central to the floor space, and the other has a living room as the central focus. The square footage of the space is not indicated and should be noted on the plan. This is addressed as a condition of approval with this report.

FINDINGS

To approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The subject property is separated from other residential developments to the west by Hualapai Way and from any other development by a proposed City park and detention basin to the north, east and west. Since the development is virtually isolated from any other development, compatibility is not an issue. The City park will provide a direct service and benefit to the residents of the proposed residential development.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed development complies generally with the Lone Mountain Master Development Plan. However, there are major deficiencies and discrepancies in compliance with the Landscape, Wall and Buffer Standards of Title 19. This concern is addressed as a condition of approval in this report.

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

According to the Master Plan of Streets and Highways, Hualapai Way is a Primary Arterial (100-foot wide) street. The street is designed to carry significant volumes of traffic that originate from within and beyond the site. The central drive to the complex and its juxtaposition with a drive to a residential development across Hualapai Way is not shown on the site plan. This is addressed as a condition of approval in this report.

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

Building materials are similar to other projects of this type and include concrete roof tile and stucco siding. Numerous architectural embellishments, including protruding columns and recessed balconies, provide visual interest to the design of the buildings. The site is devoid of landscaping as addressed in the "Analysis" section above.

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;"**

As addressed in 1 and 4 above, the buildings are not unsightly, undesirable or obnoxious in appearance, and they are compatible with development in the area.

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

Because the site will be subject to ongoing inspection, the public health, safety, and welfare will not be compromised.

PLANNING COMMISSION ACTION

There were 15 speakers opposed to the project at the Planning Commission hearing. Issues of concern included access to the park, elimination of future park land, restricted views, traffic and neighborhood decimation.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

NOTICES MAILED 436 by Planning Department

APPROVALS 0

PROTESTS 15

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5579** APN: 138-07-201-001, -002

Name of Property Owner: Lone Mountain LLC

Name of Applicant: Omega Development

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: _____

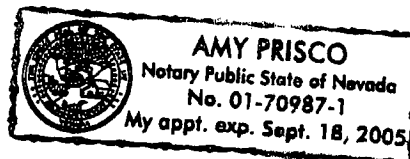
Signature of Property Owner/Authorized Agent:

Print Name: Row Day

Subscribed and sworn before me

This 2 day of November, 2004

Notary Public in and for said County and State



STATEMENT OF FINANCIAL INTEREST

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

SITE DATA

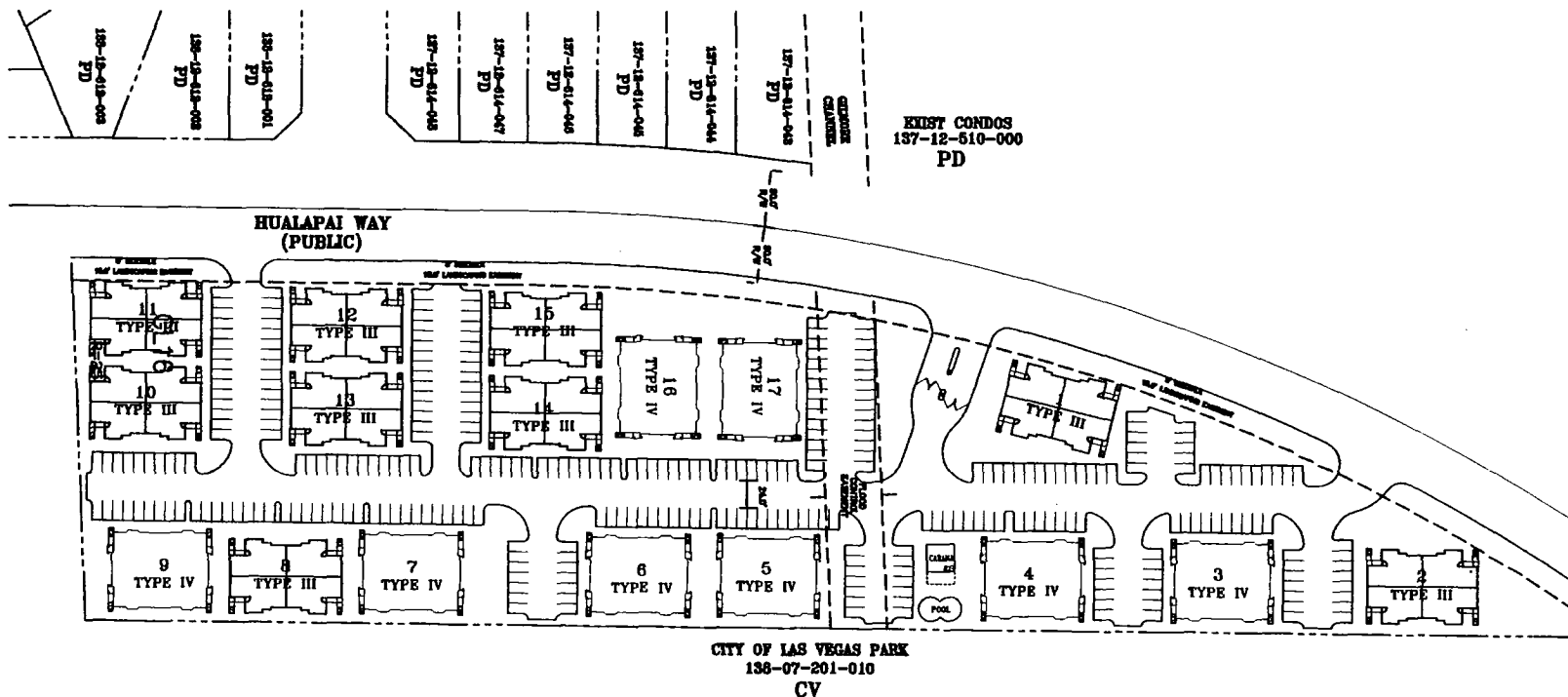
PROPOSED USE:
AREA:
CURRENT GEN. PLAN DESIGNATION:
PROPOSED GEN. PLAN DESIGNATION:
PROPOSED UNITS:
PROPOSED DENSITY:

LOW DENSITY RESIDENTIAL
0.74 UNITS/ACRE
LOVE MOUNTAIN - NEIGHBORHOOD COMMERCIAL & PARK
MAJOR MOD. TO MEDIUM DENSITY RESIDENTIAL
136-2 BEDROOM CONDOS
15.00 UNITS/ACRE

MIN FRONT SETBACK: 30'
MIN SIDE YARD SETBACK: 10'
MIN CORNER SIDEYARD SETBACK: 10'
MIN REAR YARD SETBACK: 10'
MAX BUILDING HEIGHT: 2 STORIES OR 30' (WHICHEVER IS LESS)

APN NUMBERS
APN: 136-07-003-000, 136-07-201-000, -002

OF 2 BED UNITS: 120
REQUIRED PARKING PER UNIT: 1.75 SPACES PER UNIT
GUEST PARKING REQUIRED: 8 SPACES/150 SPACES
TOTAL PARKING REQUIRED: 208 RESIDENT + 12 GUEST = 220 SPACES
TOTAL PARKING PROVIDED: 228 SPACES



PROJECT INFORMATION	
PROJECT NAME	LOVE MOUNTAIN HILLS
OWNER	DAVID PATRICK
DESIGNER	DAVID PATRICK
DATE	12/16/04
SHEET INFORMATION	
SHEET NO.	SP
PROJECT LOCATION	
LOVE MOUNTAIN HILLS	
GILMORE AND HUALAPAI CONDOMINIUMS	
PRELIMINARY SITE PLAN	

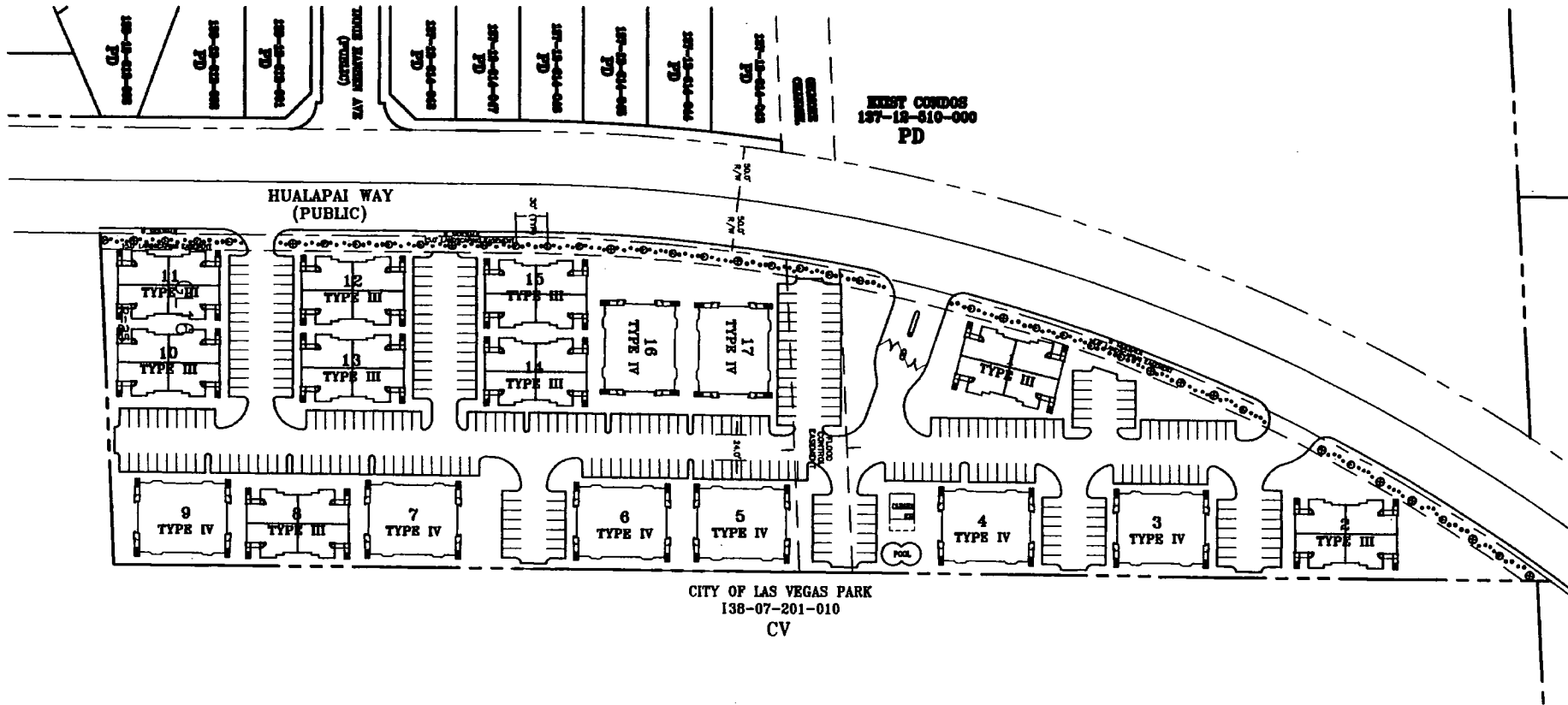
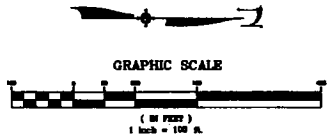
SDR-5579
12/16/04 PC

APN NUMBERS

APN: 138-07-201-001 - 002
138-07-103-008

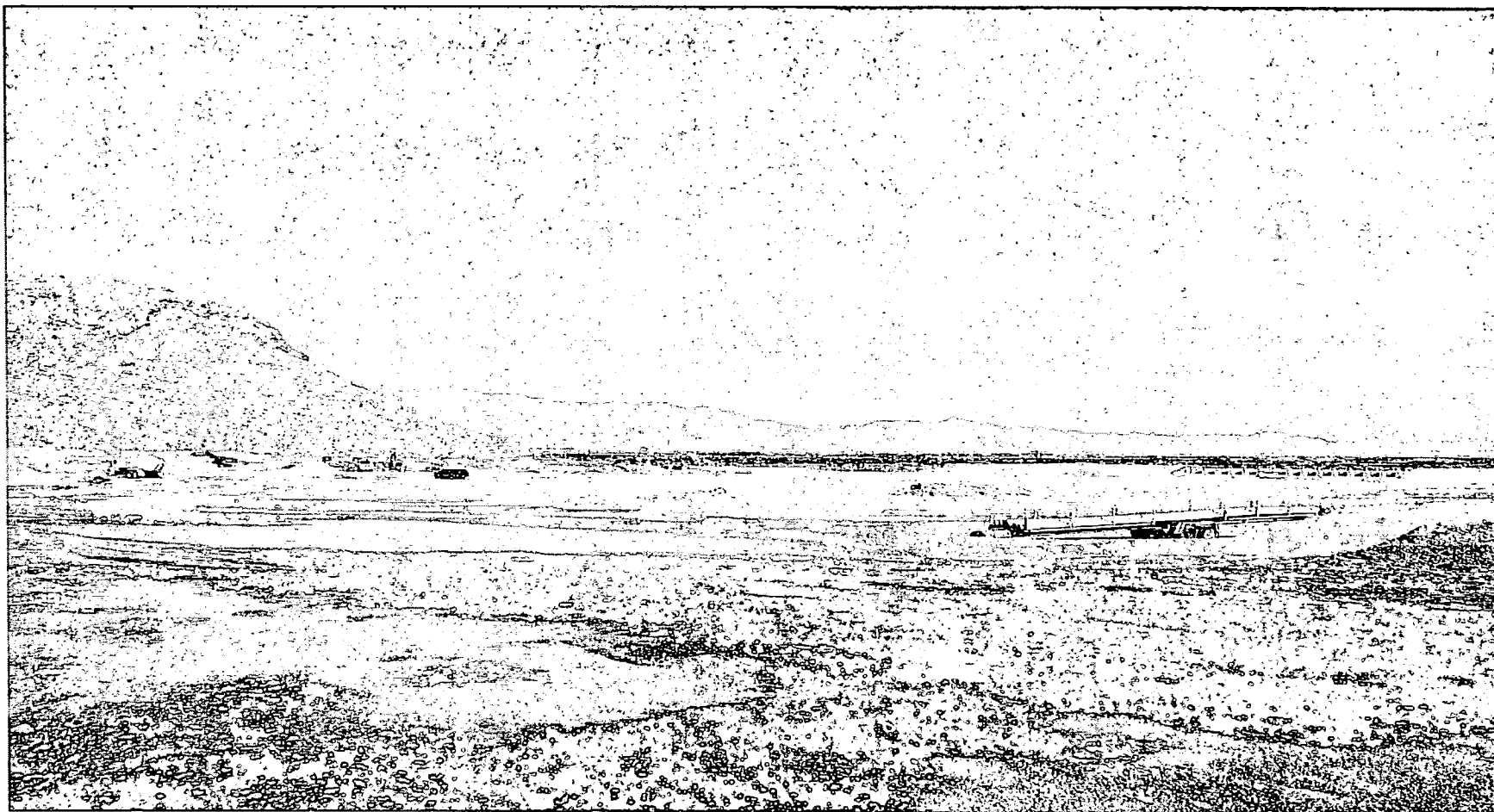
LEDGEND

SYM.	TYPE	QTY
⊕	24" Box Modesto Ash	14
⊙	24" Box Mondel Pine	24
●	5 gallon Texas Ranger	42
●	5 gallon Autumn Sage	73
●	5 gallon Deer Grass	48



**LONE MOUNTAIN HILLS
GILMORE AND HUALAPAI CONDOMINIUMS
LANDSCAPE PLAN**

SDR-5579
12/16/04 PC



SDR-5579 - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC
AND THE CITY OF LAS VEGAS
EAST SIDE OF HUALAPAI WAY, NORTH AND SOUTH OF GILMORE AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

12/2/04

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

12/08/04

**PETITION TO THE CITY OF LAS VEGAS PLANNING COMMISSION
OBJECTING TO SITE DEVELOPMENT PLAN SDR-5579 AND MAJOR
MODIFICATION MOD-5581.**

We the undersigned are petitioning the planning commission to reject both ~~MOD-5579~~ and MOD-5581. This is based on the following concerns.

The Northwest area is already saturated with high density, low income housing. Currently in the Shadow Hills area there are more than (300), three hundred, condominiums, with more currently under construction. Couple that with (400), four hundred, apartment units; the construction of low income single and multi-family housing units on the corner of Cheyenne and Hualapai and it shows that we have our share. The over population of this area is taxing our roads, our schools, the Fire and Police departments and our patience's. This is demonstrated by the fact that our new neighbor school, Conner's Elementary, is already at 85% capacity. We have to question the overall area plan and would like to have a chance to review it with the City Council. Does this level of density meet the original Master plan and the intent of the BLM or the Flood Control Authority? These items and questions should be considered before approval can be given.

The Grandview area consist of all single story buildings. To surround it with multi-story units definitely violates our right of privacy. More condos in this area would be tantamount to putting our community in a maze. Also the placements of these condos would not be commensurate with overall layout of the area. They would be an island of condos in the middle of a park. Chances are they will stick out like a sore thumb. Their elevation would be greater than any units in that area and would not blend in with the established horizon.

There is also a question of the legitimacy of the proposals. Of the 8.74 acres that are under consideration, four are zoned for neighborhood commercial. The other 4.74 acres are zoned as Plan-Park, School and Recreational. It has been identified as part of the park construction in a, if not written, verbal agreement between the city councilman and his constituents. Therefore a "de facto" agreement with the City of Las Vegas. Any change in its status would definitely be a Breach of Contract. We believe this land was promised to the people of Las Vegas as a park and there is no way this parcel of land should even be considered for housing. Again, before the Planning Committee can rule on these proposals the question of legitimacy should be reviewed by the City Council.

**READ INTO
THE RECORD**

12/08/04

Considering the above information and the feelings of the signers, it should be obvious that these proposals do not meet the legal requirements or the emotional support of the people in the area. We believe that the rejection of MOD-5581 and SDR-5579. would be in everyone's best interest. If there is not sufficient information to reject these proposals, then we ask the Planning Committee to send it back to the City Council for review by the council and the community.

Thank you:

**READ INTO
THE RECORD**

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
FRANK SUTHERLAND	<i>[Signature]</i>	3709 JOHN BAILEY ST
MARION SUTHERLAND	<i>[Signature]</i>	3709 JOHN BAILEY ST.
RICHARD M. DOMENILE	<i>[Signature]</i>	3725 JOHN BAILEY ST
VICTORIA BITNER	<i>[Signature]</i>	3721 JOHN BAILEY ST
NICHOLAS CAPUTO	<i>[Signature]</i>	3722 John Bailey St
JUDY ZALALIS	<i>[Signature]</i>	3718 John Bailey Street
DON SILVERMAN	<i>[Signature]</i>	3733 JOHN BAILEY ST
JUDITH H. SILVERMAN	<i>[Signature]</i>	3733 John Bailey St.
CHARLES E. GOODRUE	<i>[Signature]</i>	3734 John Bailey ST.
BETTE M. GOODRUE	<i>[Signature]</i>	3734 John Bailey St.
ARNEVA D. SMITH	<i>[Signature]</i>	3730 John Bailey
ROY VAN SMITH	<i>[Signature]</i>	3730 John Bailey
BOBBIE DOMENILE	<i>[Signature]</i>	3725 John Bailey

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to
Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
Juanita Stoffers	<i>Juanita Stoffers</i>	3704 John Bauley Rd
Leeann Traczyk	<i>Leeann Traczyk</i>	10126 James Harbin Ave
DAN TRACZYK	<i>Dan Traczyk</i>	10126 James Harbin Ave.
Debra Tennariello	<i>Debra Tennariello</i>	10138 James Harbin Ave
Jerry Appelhans	<i>Jerry Appelhans</i>	10138 James Harbin Ave.
Carol Cooney	<i>Carol Cooney</i>	10201 James Harbin Ave
Peter Cooney	<i>Peter Cooney</i>	10201 James Harbin Ave.
PATRICIA CUNNINGHAM	<i>Patricia Cunningham</i>	10201 James Harbin Ave
MEL ZULAKF	<i>M. Zulakf</i>	3709 Spring Shadow Rd
Jeanne F Powell	<i>J. Powell</i>	3713 Spring Shadow Rd
Ellen Landau	<i>E. Landau</i>	3721 Spring Shadow Rd
Arnold Landau	<i>A. Landau</i>	3721 Spring Shadow Rd.
Charlene Pretz	<i>Charlene Pretz</i>	3733 Spring Shadow Rd

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to
Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
<u>Doni Alfaro</u>	<u>Doni Alfaro</u>	<u>3733 Spring Shad</u>
<u>Rose Bellavia</u>	<u>Rose Bellavia</u>	<u>3733 Spring Shad Rd</u>
<u>J. Alfaro</u>	<u>J. Alfaro</u>	<u>3733 Spring Shad Rd</u>
<u>SHARON PHELPS</u>	<u>Sharon Phelps</u>	<u>3726 Spring Shad</u>
<u>Mary Lombardo</u>	<u>Mary Lombardo</u>	<u>3718 Spring Shad Rd</u>
<u>Phil Lombardo</u>	<u>Phil Lombardo</u>	<u>3718 Spring Shad Rd</u>
<u>WAYNE PETERSEN</u>	<u>Wayne Petersen</u>	<u>10141 JAMES HARBIN</u>
<u>Scott Alexander</u>	<u>Scott Alexander</u>	<u>3717 John Bailey St</u>
<u>LORI Alexander</u>	<u>Lori Alexander</u>	<u>3717 John Bailey St</u>
<u>Jason Schmutz</u>	<u>Jason Schmutz</u>	<u>3713 John Bailey St</u>
<u>Darlene Schmutz</u>	<u>Darlene Schmutz</u>	<u>3713 John Bailey St</u>
<u>Lorrie Scott</u>	<u>Lorrie Scott</u>	<u>10121 James Harbin Ave</u>
<u>Johnny Scott</u>	<u>Lorrie Scott</u>	<u>10121 James Harbin Ave</u>

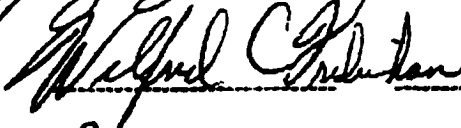
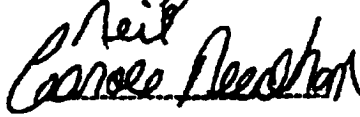
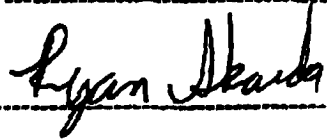
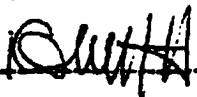
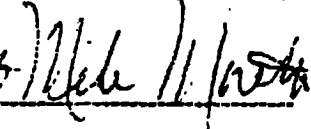
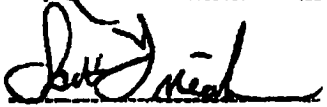
December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
<u>Keith Michelle Brooks</u>	<u>Keith Brooks</u>	<u>3700 John Bailey</u>
<u>Jean Cornwall</u>	<u>Jean Cornwall</u>	<u>10134 JAMES HARBIN</u>
<u>ROBERT KELEMEN</u>	<u>Robert Kelemen</u>	<u>3717 SPRING SHADOW</u>
<u>TERESA CALAMIA</u>	<u>Terese Calamia</u>	<u>3710 Spring Shadow</u>
<u>DONNA RUSSO</u>	<u>Donna Russo</u>	<u>3734 Spring Shadow Rd.</u>
<u>ALAN TAMB</u>	<u>Alan Tamb</u>	<u>10205 James Harbin</u>
<u>JOE ROMANO</u>	<u>Joe Romano</u>	<u>10213 JAMES HARBIN</u>
<u>TANNA PRINCE</u>	<u>Tanna Prince</u>	<u>10225 JAMES HARBIN AVE</u>
<u>LINDA GALANT</u>	<u>Linda Galant</u>	<u>10229 James Harbin Ave</u>
<u>STEVE GALANT</u>	<u>Steve Galant</u>	<u>" " "</u>
<u>CINDY JORDAN</u>	<u>Cynthia L Jordan</u>	<u>10233 James Harbin Ave</u>
<u>KAREN MARTINEZ</u>	<u>Karen Martinez</u>	<u>10237 James Harbin Ave.</u>
<u>Duane Black</u>	<u>Duane Black</u>	<u>10234 James Harbin Ave</u>

December 9, 2004

By signing below I agree with the Petition to the City of Las Vegas objecting to Development Plan SDR-5579 and Major Modification MOD-5581.

NAME	SIGNATURE	ADDRESS
~~Jorge y... Blaz~~	~~Jorge y... Blaz~~	~~10234 James Harbin Ave~~
Wilfred Chubatan		3701 PAUL DE WERTER.
Lee Jones		3709 Paul De wester
Neil Canoe Neeshan		10130 James Harbin Ave.
Ryan Skanda		3729 John Bailey
Kristine Hoffmann		3726 JOHN BAILEY STREET
CLIFF USTER		10240 Clark Woodbridge Ct
SUSAN MARTIN		10125 James Harbin
⇒ Nicole Mirett		10134 Clark Woodbridge
Kim Nelson		10139 Clark Woodbridge Ct
Merton A. Bates		10111 CLARK WOODBRIDGE CT
Scott Friedlander		10115 CLARK WOODBRIDGE CT
RAY RAMICOR		10119 CLARK WOODBRIDGE CT

SIR:

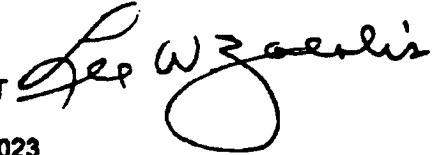
08 DEC 04

THE BELOW LISTED HOME OWNERS OF LAS VEGAS, NV. STRENUOUSLY OBJECT TO THE PROPOSED MODIFICATION OF THE LONE MOUNTAIN MASTER PLAN DEVELOPMENT. THE PROPOSED CHANGE WOULD NOT ONLY VIOLATE THE EXISTING MASTER PLAN BUT WOULD, ALSO VIOLATE THE TRUST WE PLACED IN THE CITY OF LAS VEGAS WHEN WE PURCHASED OUR HOME IN THE SHADOW HILLS COMMUNITY.

WE PURCHASED OUR HOME BECAUSE OF THE LOCATION AND VIEW. WE PAID A PREMIUM FOR THIS LOT, WHICH WAS SHOWN ON THE ORIGINAL PROPOSED PLAN TO AFFORD US A CLEAR UNOBSTRUCTED VIEW. THE EAST VIEW FROM HUALAPAI WAS PRESENTED AS A LARGE PARK AREA WITH RETENTION POND.

THERE APPEARS TO BE A CONSISTENT CONTINUING PATTERN OF RE-ZONING SUCH AREAS AFTER THEY HAVE BEEN SOLD-OUT, LEAVING THE HOME-OWNERS WITH NO RECOURSE BUT TO ACCEPT THESE, UNDER-HANDED, IF NOT ILLEGAL, CHANGES. THIS PATTERN OF APPARENT COLLUSION OF THE CITY COUNCIL WITH THE HOME BUILDERS CERTAINLY DESERVES INTENSE SCRUTINY FROM THE MEDIA AND CITIZENS ETHICS BOARD.

LEE & JUDY ZALALIS
3718 JOHN BAILEY ST
LAS VEGAS, NV.
89129-5023
(702) 233-9466

A handwritten signature in black ink, appearing to read "Lee & Judy Zalalis", written over the printed name and address.

REFERENCES: MOD-5581 & SDR-5579.

READ INTO
THE RECORD

December 5, 2004

To Members of the City of Las Vegas Planning Commission
 Members of the Las Vegas City Council
 Councilman Larry Brown

From Roy Van & Arneva D. Smith
 3730 John Bailey Street - Las Vegas NV 89129
 702-255-4303
 RSmith281@cox.net

Subject Objections to modification to the Lone Mountain Master Plan and Site
 Development.

Reference MOD-5581 and SDR-5579

The above listed citizens of Las Vegas, Roy Van and Arneva D. Smith, hereby strenuously object to the proposed modification of the Lone Mountain Master Development Plan. This proposed change would not only violate the existing master plan but would be a violation of the trust we placed in the city of Las Vegas when we bought our home in the Shadow Hills Community. We bought because of the planned development of the area as a single family home community with a large park adjacent for recreational activities.

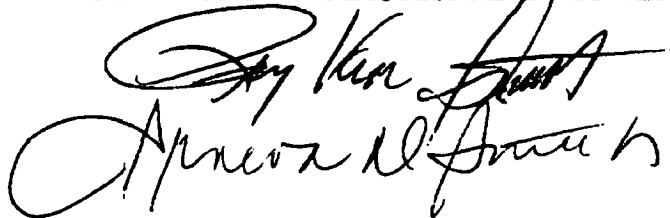
The proposed modification to allow multi-family, multi-storied residences will seriously overcrowd the neighborhood and overwhelm the parks usage. This is a serious quality of life issue. The square footage of park space to residence is already too low and the additional dense housing would lower the numbers further. If the Planning Commission and the City Council would take a closer look at the area and the Hualapai Way corridor from Cheyenne Street to Alexander Road surely you will see that the area has been overbuilt with multi-unit housing.

The area on the east side of Hualapai Way between Cheyenne Street and Gowan Road is over built with apartments. Further inspection will show that on the west side of Cheyenne north of the drainage channel, the area is over built with multi-unit condominiums.

The residents of the Shadow Hills MASTER PLANNED COMMUNITY have on numerous occasions voiced our objections to any planned development other than an extension of the proposed park on the site in question. We have made our choices and our voices clear to our City of Las Vegas Council representative, Larry Brown.

The area in consideration, the 8.74 acres, should have been secured and added to the proposed park site long before now to make the park larger and to maintain the sight lines into and out of the park.

**WE OBJECT STRENIOUSLY TO THE PROPOSED MAJOR
MODIFICATION TO THE LONE MOUNTAIN MASTER DEVELOPMENT PLAN.**

The block contains two handwritten signatures in black ink. The top signature is 'Roy Van' and the bottom signature is 'Arneva D. Smith'. Both signatures are written in a cursive, flowing style.

December 10, 2004

Susan L. Martin
Michael F. Martin
10125 James Harbin Ave
Las Vegas, NV 89129

Members of the City of Las Vegas Planning Commission
400 Stewart Avenue
Las Vegas, Nevada 89101

Fax # (702) 474-0352

Subject: Objections to Modification to the Lone Mountain Master Plan and Site
Development

Reference: MOD-5579 and MOD-5581

Dear Sir:

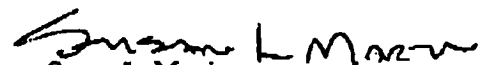
Susan L. and Michael F. Martin, citizens of Las Vegas, strongly object to the proposed modification to the Lone Mountain Master Development Plan. This proposed change would not only violate the existing Master Plan but would be a violation of the trust we placed in the City of Las Vegas when we bought our home in the Shadow Hills Community. We purchased our home because of the planned development of the area as a single family home community with a large park adjacent for recreational activities.

The proposed modification to allow multi-family, multi-storied residencies will seriously overcrowd the neighborhood. If the Planning Commission and the City Council would take a closer look at the area and the Hualapai Way corridor from Cheyenne Street to Alexander Road, you would surely see that the area has been overbuilt with multi-unit housing.

The residents of the Shadow Hill Master Planned Community have previously objected to any planned development of this land for other than an extension of the proposed park. The area in consideration, the 8.74 acres, should have been secured and added to the proposed park site long before now to make the park larger and to maintain the sight lines into and out of the park.

We object to the proposed significant modification to the Lone Mountain Master Development Plan

Yours truly


Susan L. Martin


Michael F. Martin

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-5518 - PUBLIC HEARING - APPLICANT: CHARTERED DEVELOPMENT - OWNER: WILLOWS LONE MOUNTAIN, LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 98-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 4.57 acres at 3540 North Hualapai Way (APN 138-07-301-001), PD (Planned Development) Zone [Multi-Family Medium Lone Mountain Special Land Use Designation], Ward 4 (Brown). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

BROWN - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

RUSS SILLITOE, Civiltec Engineering, 4796 South Sandhill Road, Suite #14, appeared on behalf of the applicant and concurred with staff's recommendations.

COUNCILMAN BROWN verified with MARGO WHEELER, Director, Planning and Development Department, that the conversion meets all code requirements.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:58 - 1:59)

3-1975

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 of Site Development Plan Review [Z-0033-97(23)] except as amended by conditions herein.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

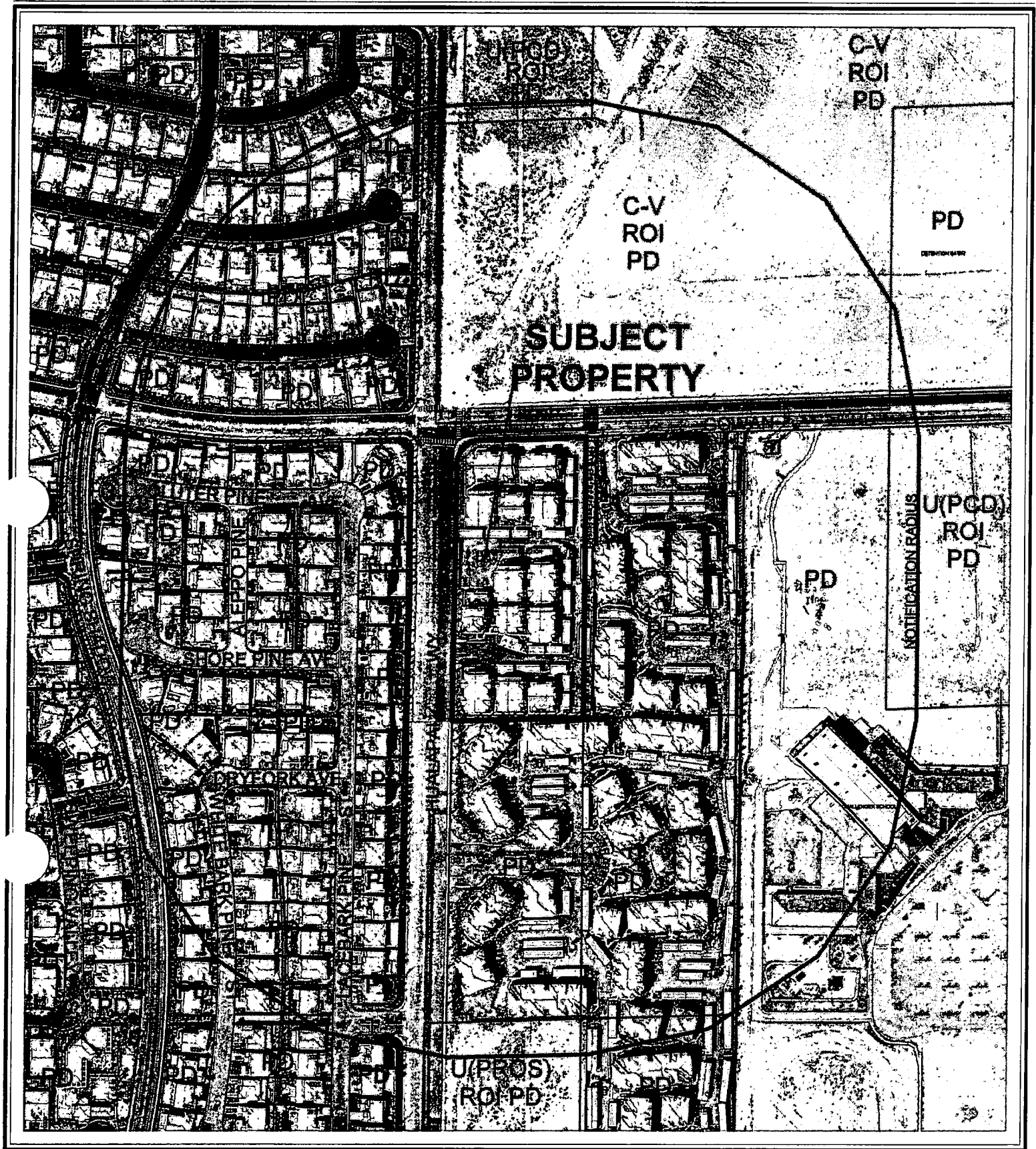
3. Prior to the submittal of a Final Map, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
 4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
 5. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.
 6. All City Code requirements and design standards of all City departments must be satisfied.
- Public Works
7. 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.
 8. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
 9. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Evidence of payment is required with Final Map mylar submittal.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

10. 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 recordation of a Final Map for this site. Provide and improve all drainageways as recommended in the approved drainage plan/study.
11. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
12. Site development to comply with all applicable conditions of approval for Z-33-97(22), Z-33-97(23) and all other subsequent site-related actions.





CASE: SDR-5518

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [MULTI-FAMILY MEDIUM LONE MOUNTAIN SPECIAL LAND USE DESIGNATION]

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-5518 - APPLICANT: CHARTERED DEVELOPMENT -
OWNER: WILLOWS LONE MOUNTAIN, LLC**

**** CONDITIONS ****

The Planning Commission (5-0 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 of Site Development Plan Review [Z-0033-97(23)] except as amended by conditions herein.
3. Prior to the submittal of a Final Map, 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.
4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
5. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

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

Public Works

7. 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.
8. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
9. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Evidence of payment is required with Final Map mylar submittal.
10. 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 recordation of a Final Map for this site. Provide and improve all drainageways as recommended in the approved drainage plan/study.
11. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
12. Site development to comply with all applicable conditions of approval for Z-33-97(22), Z-33-97(23) and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for Site Development Plan Review for the conversion of a 98-unit apartment project to a condominium development on 4.57 acres at 3540 North Hualapai Way.

B) Applicant's Justification

The applicant states that their intent is to convert an apartment complex to a condominium complex and that they will meet with the Planning and Development Department before the Final Map to develop a comprehensive address plan for the site. The applicant states no pertinent justification for the application.

BACKGROUND INFORMATION

A) Previous Actions

05/02/01 The City Council approved a request for a Major Modification to the Lone Mountain Master Development Plan [Z-0033-97(22)] from PCD (Planned Community Development) to MFM (Multi-Family Medium) for 5.64 acres located at the southeast corner of the intersection of Hualapai Way and the Gowan Road alignment. The Planning Commission and Staff both recommended approval on March 22, 2001.

05/02/01 The City Council approved a request for a Site Development Plan Review and waiver of perimeter landscape requirements [Z-0033-97(23)] on 5.64 acres at the southeast corner of the intersection of Hualapai Way and the Gowan Road alignment. The Planning Commission and Staff both recommended approval on March 22, 2001.

12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #60/pl).

B) Pre-Application Meeting

10/08/04 A pre-application conference was held resulting in the following comments:

1. The applicant shall meet with Planning and Development to develop a comprehensive address plan prior to the submittal of the Final Map.
2. The basic submittal requirements for a Special Use Permit were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 4.57

B) Existing Land Use

Subject Property: Apartment Complex

North: Proposed City of Las Vegas Park / Detention Basin

South: Apartment Complex [Proposed Condominium Conversion
(SDR-5493)]

East: Apartment Complex [Proposed Condominium Conversion
(SDR-5493)]

West: Single-Family Residential Subdivision

C) Planned Land Use

Subject Property: PCD (Planned Community Development)

North: PR-OS (Parks/Recreation/Open Space)

South: PCD (Planned Community Development)

East: PCD (Planned Community Development)

West: PCD (Planned Community Development)

D) Existing Zoning

Subject Property: PD (Planned Development)

North: C-V (Civic) Under Resolution of Intent to PD (Planned Development)

South: PD (Planned Development)

East: PD (Planned Development)

West: PD (Planned Development)

E) General Plan Compliance

The subject site is designated PCD (Planned Community Development) within the Centennial Hills Sector Land Use Map of the General Plan. The subject parcel is designated MFM (Multi-Family Medium) within the Lone Mountain Master Plan.

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

Lone Mountain

The Multi-Family Medium Density provides for the development of 12.1 to 18 dwelling units per gross acre. Product types shall include a higher density variety of multi-family unit such as condominiums and buildings up to three stories.

PROJECT DESCRIPTION

The site plan depicts access to the subject site will be from one driveway off of Hualapai Way and a exit-only driveway off of Gowan Road. The rectangular shape site consists of 13 two-story buildings and one centrally located pool. Garages and covered parking are provided for the residents, as well as uncovered parking for guests. A total of 186 parking spaces are provided including 4 handicap parking spaces. Access aisles to the covered and uncovered parking areas range from 43 feet to 61 feet in width.

The perimeter landscaping was granted a waiver by the City Council as part of the original Site Development Plan Review [Z-0033-97(23)]. Landscaping is provided around all of the buildings and in planters around the perimeter of the proposed complex. A mixture of Mondel Pine, Arizona Ash and Chitalpa trees adorn the site.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

The Lone Mountain Master Plan does not provide specific setback or minimum lot dimension standards for apartment development within the MFM (Multi-Family Medium) designation. As a result, the development is in compliance with zoning standards that apply to the site.

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
Multi-Family		1.25 spaces/unit/1 BR	30		30
		1.75 spaces/unit/2BR	74		74
		2 spaces/unit/3BR	64		64
		1 guest space per five units	17	5	18 6

The site plan indicates that 139 surface parking spaces will be provided, 98 of which are covered parking spaces including 29 compact parking spaces and 6 handicap parking spaces. Additionally, 12 garage spaces will be provided. The project exceeds the parking standards of the Zoning Ordinance.

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 Tree / 6 Spaces	7 Trees	9 Trees
Buffer:			
• Min. Trees	1 Tree / 30 Linear Feet	64 Trees	64 Trees
• Min. Zone Width	15 Feet		7 Feet
• Wall height	6 Feet		6 Feet

The submitted landscape plan does not meet the requirements for perimeter landscaping. The existing apartment complex has a seven-foot wide planter along Hualapai Way and along Gowan Road. The City of Las Vegas Urban Design Guidelines and Standards require a 15-foot wide landscape planter along a street frontage when an apartment project is across from a single family project and a 10-foot wide landscape planter elsewhere along a street frontage, with 24-inch box trees planted every 30 feet. The original Site Development Plan Review [Z-0033-97(23)] approved 05/22/01 by the City Council approved a waiver of perimeter landscaping, therefore the existing site is in conformance.

Pursuant to Lone Mountain Master Plan, the following Open Space Standards apply to the subject proposal:

Ratio	Required	Provided
	Area	Area
330 SF. / Unit or 2% of Total	32,340 SF	32,973 SF.

The existing amount of useable open space exceeds the requirements of the Lone Mountain Master Plan.

B) General Analysis and Discussion

- Zoning

The subject property is currently zoned PD (Planned Development), and is included within the Lone Mountain Master Plan with a designation of MFM (Multi-Family Medium). The subject site has a density of 17.4 dwelling Units per acre and is in conformance with the MFM (Multi-Family Medium) designation that allows for 12.1 to 18 dwelling units per acre.

- Site Plan

The site plan illustrates an orderly arrangement of buildings and vehicle driveway and parking areas. The site plan depicts community facilities, including a recreation building and outdoor pool, at the entrance to the site off Hualapai Way. This location will be at most approximately 300 feet from the most distant apartments, and therefore centrally accessible to residents of all buildings on the site. The site plan does depict parking spaces sufficient to meet the requirements of Municipal Code Title 19.10.010.

- Waivers

The perimeter landscaping pertaining to the street frontages along Hualapai Way and Gowan Road were previously approved by City Council on 05/22/04 as part of the original Site Development Plan Review [Z-0033-97(23)].

- Landscape Plan

Landscaping is provided around all of the buildings and in planters around the perimeter of the proposed complex. A mixture of Mondel Pine, Arizona Ash and Chitalpa trees adorn the site.

- Elevation

The elevations depict an appropriate design for multi-family residential buildings, in terms of color and materials.

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;”**

Much of the surrounding area is currently developed as medium-low to medium density residential development that is compatible with the proposed project.

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 previously approved Site Development Plan Review [Z-0033-97(23)] by City Council granting a waiver of perimeter landscaping requirements regarding street frontages, the proposed conversion is in complete conformance with the General Plan as well as the Lone Mountain Master Plan, Title 19 and other standards.

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

The subject site has access directly to Hualapai Way, designated as 100-foot Primary Arterial by the Master Plan of Streets and Highways. This road will be adequate to meet the requirements of the proposed development. Additionally, the subject site has an exit-only access gate, which opens onto Gowan Road.

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

The building and landscape materials are appropriate for this area, which will contain a blend of medium-low and medium density residential uses with a similar scale, appearance and design.

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 architectural design of this project will allow it to blend harmoniously with other similar development emerging in this area. The developer of this project, for the most part, has considered the design of the project in the context of the approved Lone Mountain Master Plan and has attempted to integrate the development with those 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.

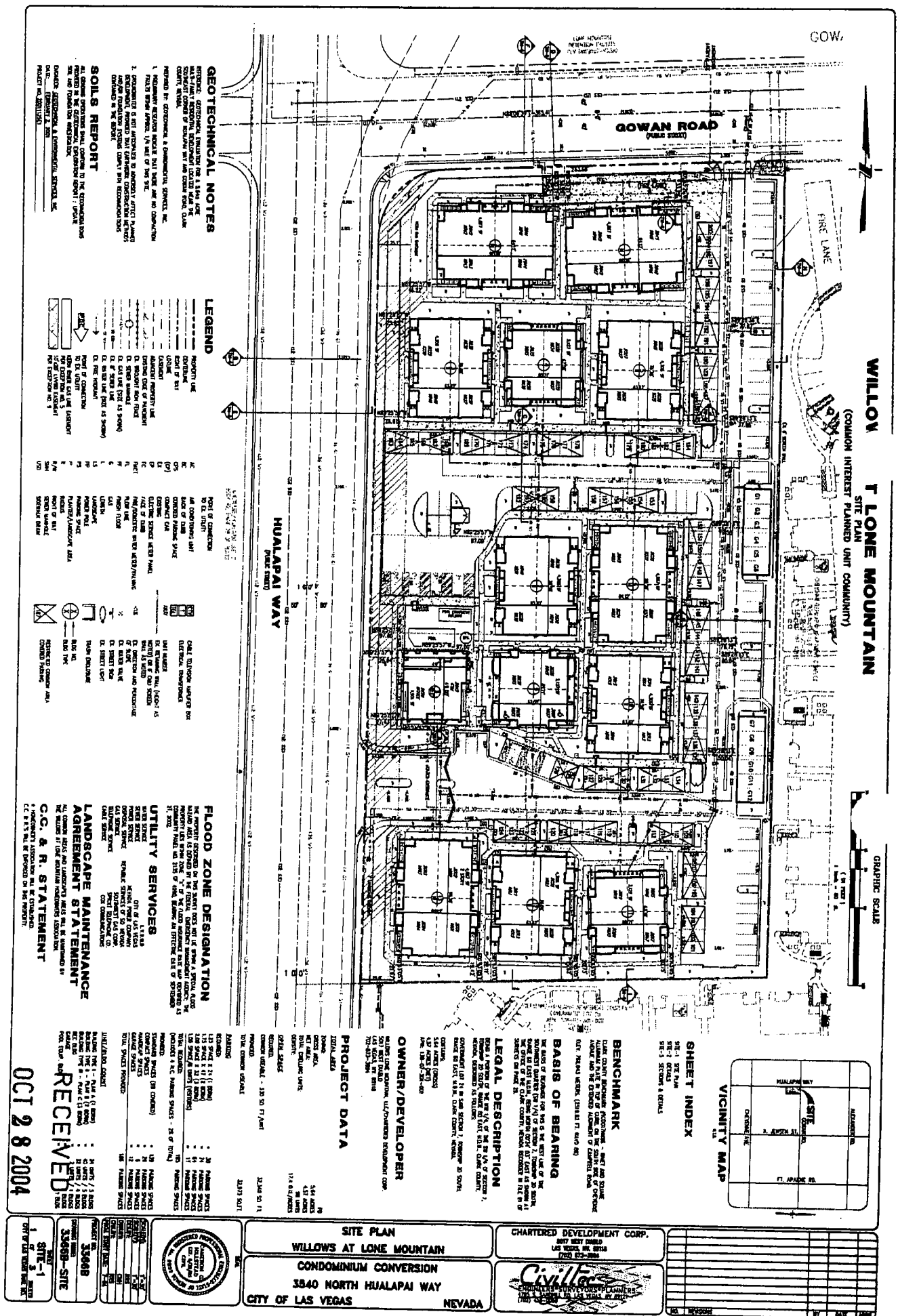
NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

NOTICES MAILED 137 by Planning Department

APPROVALS 0

PROTESTS 0





WELLS AT LONE MOUNTAIN

SITE PLAN

(COMMON INTEREST PLANNED UNIT COMMUNITY)

RECEIVED
OCT 28

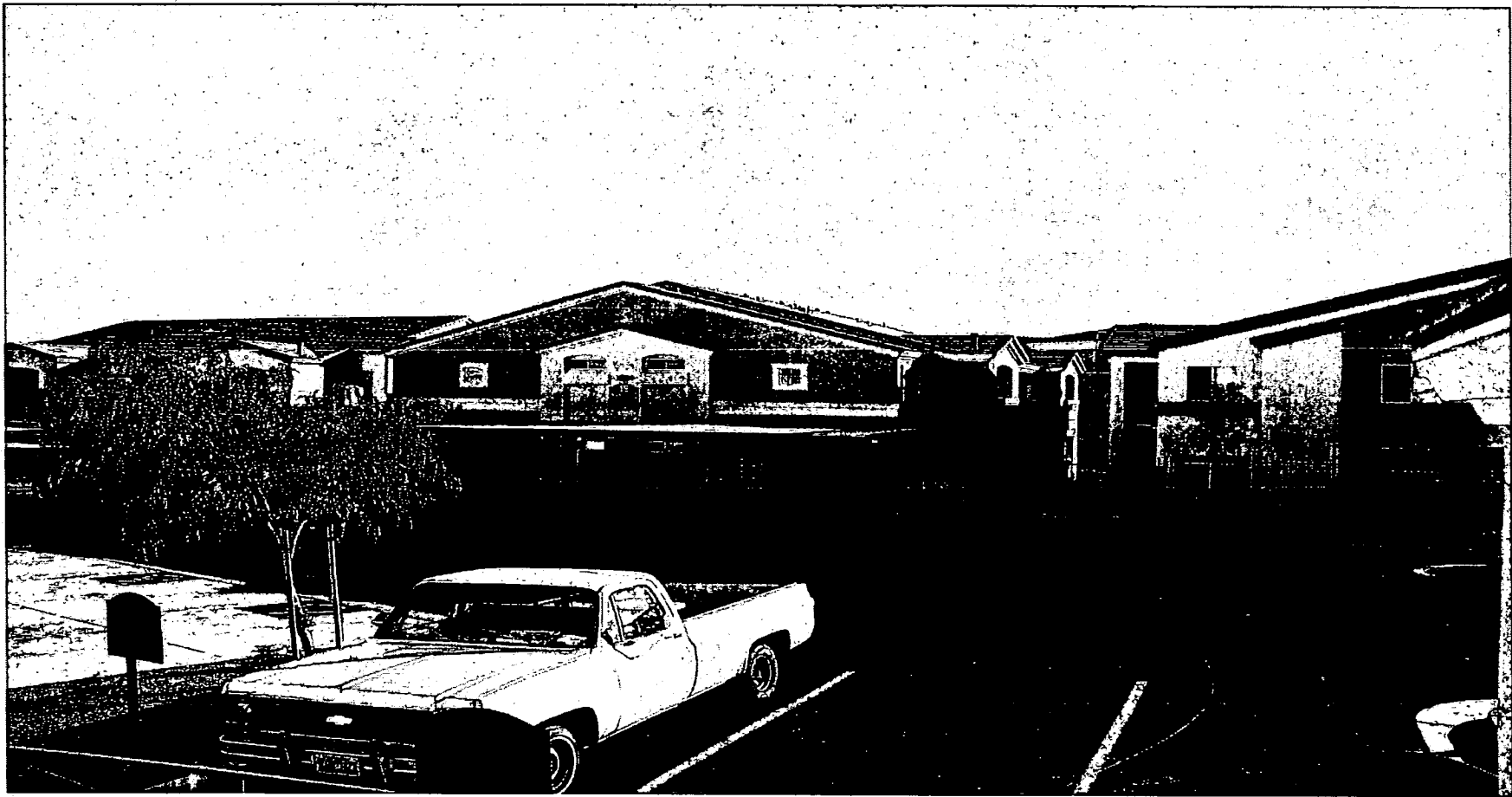
City of Los Angeles Book 101

SDR-5518
12/16/04 PC



SDR-5518 - APPLICANT: CHARTERED DEVELOPMENT - OWNER: WILLOWS LONE MOUNTAIN
3540 NORTH HUALAPAI WAY
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04



SDR-5518 - APPLICANT: CHARTERED DEVELOPMENT - OWNER: WILLOWS LONE MOUNTAIN
3540 NORTH HUALAPAI WAY
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

VACATION

VAC-5508 - PUBLIC HEARING - APPLICANT: PULTE HOMES, INC. - OWNER: COKE MAGGIE, LLC - Petition to Vacate a portion of the west half of Buffalo Drive south of Iron Mountain Road, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0 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 GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

The applicant was not present and no one appeared in opposition.

There was no discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:59 - 2:00)

3-2026

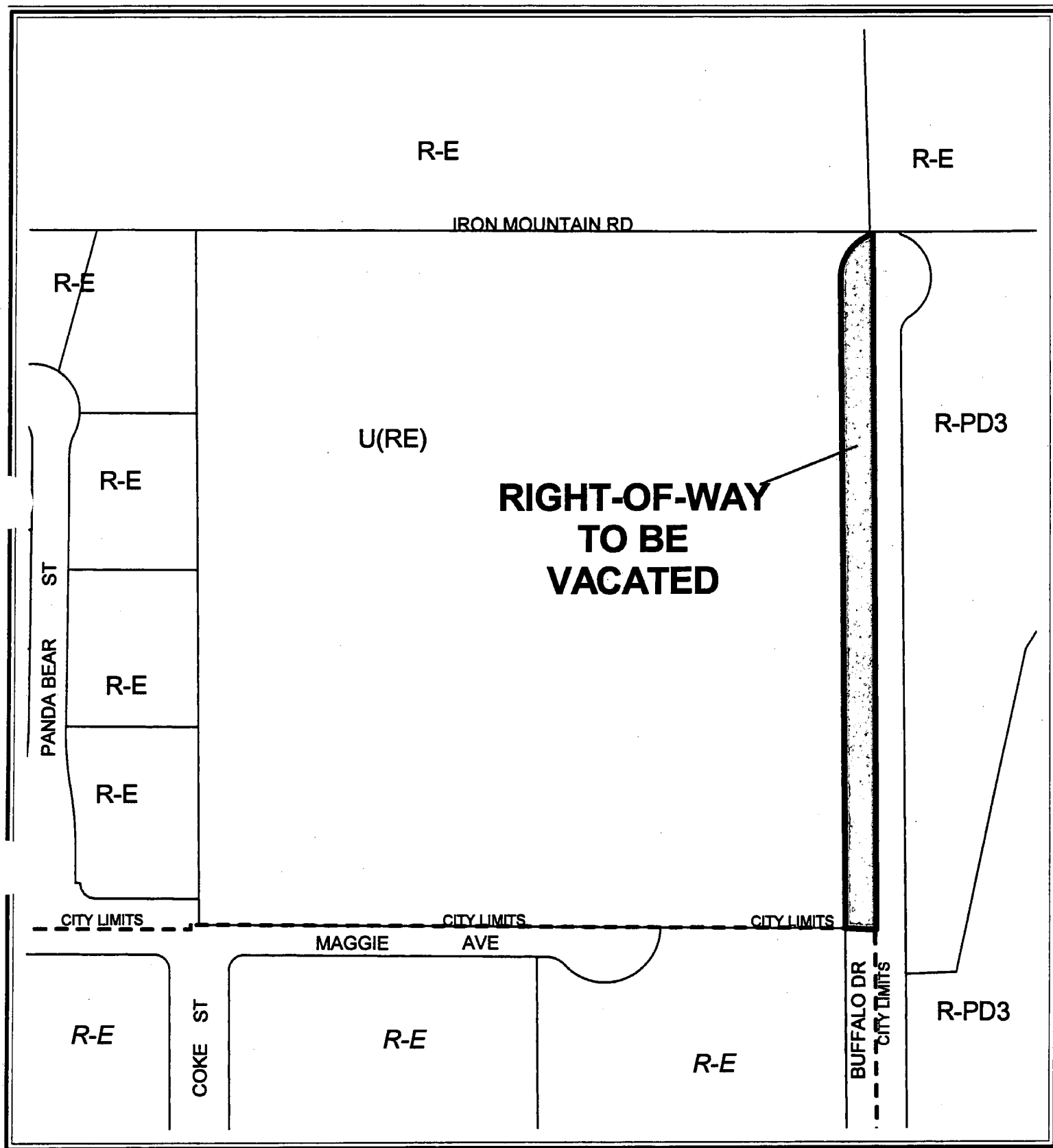
CONDITIONS:

1. The limits of this vacation shall be the western 30 feet of Buffalo Drive between Maggie Avenue and Iron Mountain Road.
2. 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 Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.
3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
4. All development shall be in conformance with code requirements and design standards of all City Departments.

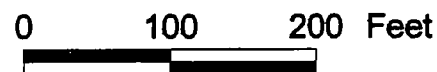
CITY COUNCIL MEETING OF: JANUARY 19, 2005

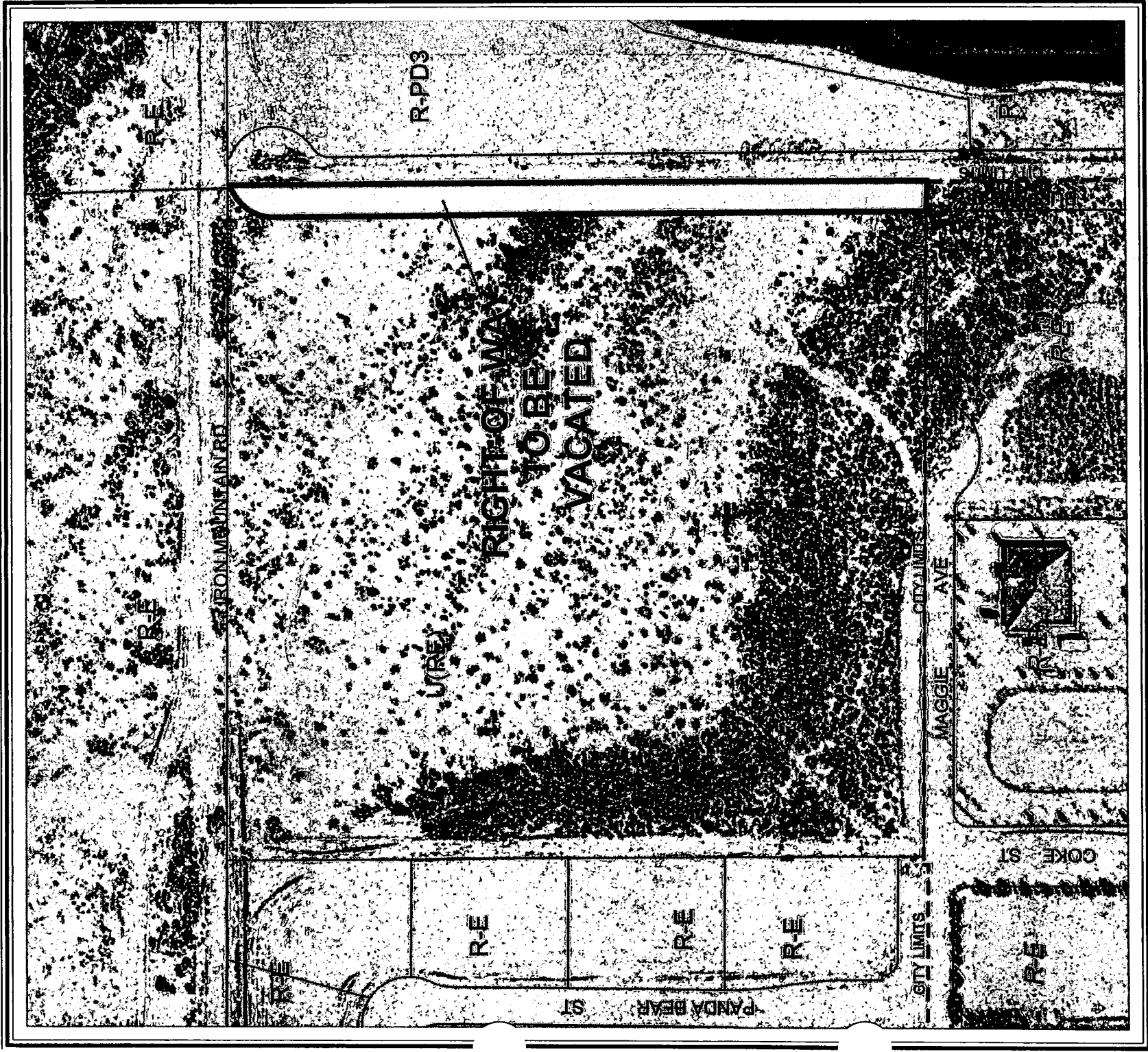
CONDITIONS - Continued:

5. 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 Vacation.
6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met. 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 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.



CASE: VAC-5508





CASE: VAC-5508



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-5508 - APPLICANT: PULTE HOMES, INC. - OWNER: COKE MAGGIE, LLC

**** CONDITIONS ****

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

1. The limits of this vacation shall be the western 30 feet of Buffalo Drive between Maggie Avenue and Iron Mountain Road.
2. 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 Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.
3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. 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 Vacation.
6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met. 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 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

This request is for approval to Vacate a portion of the west half of Buffalo Drive south of Iron Mountain Road and north of Maggie Avenue extended east.

B) Applicant's Justification

In a letter submitted with the subject request, it is indicated that this Vacation request is in conjunction with the Vacation request of VAC-3307 (approved by the City Council on 01/21/04) both of which were or are being submitted at the request of the City.

BACKGROUND INFORMATION

A) Previous Actions

- 10/02/91 The City Council approved a Rezoning (Z-0075-91) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on a portion of the property east of this request for what was then known as Mountain Spa. The Planning Commission recommended approval on 09/12/91.
- 07/01/92 The City Council approved a Rezoning (Z-0036-92) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on a portion of the property east of this request for what was then known as Mountain Spa. The Planning Commission recommended approval on 06/11/92.
- 09/04/02 The City Council approved a Site Development Plan Review [Z-0075-91(13)] for a revised master development plan containing 1873 lots on 635.80 acres east of this request for what is now known as Silverstone Ranch. The Planning Commission recommended approval on 08/08/02. The staff also recommended approval.
- 10/23/03 The Planning Commission accepted the applicant's request to withdraw without prejudice a petition to Vacate (VAC-2946) the east half of Buffalo Drive, between Brent Lane and Iron Mountain Road.
- 01/21/04 The City Council approved a request to Vacate (VAC-3307) the east half of Buffalo Drive between Brent Lane and Iron Mountain Road. The Planning Commission and staff recommended approval of this request on 12/18/03.
- 05/05/04 The City Council approved a request to Annex (ANX-3871) the property west of subject request. The effective date was 06/11/04. The Planning Commission and staff recommended approval on 03/25/04.
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #15/dd).

DETAILS OF APPLICATION REQUEST

The subject application proposes to Vacate the west half (W1/2) of Buffalo Drive, thirty feet (30') wide, located north of Maggie Avenue extended east and including a portion of the offset cul-de-sac; said property being a portion of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 9, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to incorporate this public right-of-way for Buffalo Drive into the adjacent development to the west. This request is appropriate, as the subject right-of-way is not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

The following information is presented concerning this request:

- A. Does this Vacation request result in uniform or non-uniform right-of-way widths? *N/A, since the east half of Buffalo Drive is in the process of being vacated by VAC-3307.*
- B. From a traffic-handling viewpoint will this Vacation request result in a reduced traffic handling capability? *No, since Buffalo Drive north of Maggie Avenue is an unused street.*
- C. Does it appear that the Vacation request involves only excess right-of-way? *No, it is the reciprocal vacation for the east half of Buffalo Drive (VAC-3307).*
- D. Does this Vacation request coincide with development plans of the adjacent parcels? *Yes, the northeast corner of Maggie Avenue and Coke Street is developing as a residential subdivision.*
- 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.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

NOTICES MAILED 2 by City Clerk

APPROVALS 0

PROTESTS 0



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VACATION

VAC-5576 - PUBLIC HEARING - APPLICANT: KB HOME NEVADA, INC. - OWNER: CLIFF'S EDGE DEVELOPMENT, LLC - Petition to Vacate U.S. Government Patent Easements generally located south of Grand Teton Drive, east of Egan Crest Drive, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0 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 GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

The applicant was not present and no one appeared in opposition.

There was no discussion.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(2:00 - 2:01)

3-2062

CONDITIONS:

1. The Order of Relinquishment of Interest shall be revised to exclude any portion of the existing right-of-way and/or Government Patent Easements on Grand Teton Drive, east of Egan Crest Way.
2. 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 with Site Development Plan Review SDR-5309 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
3. 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

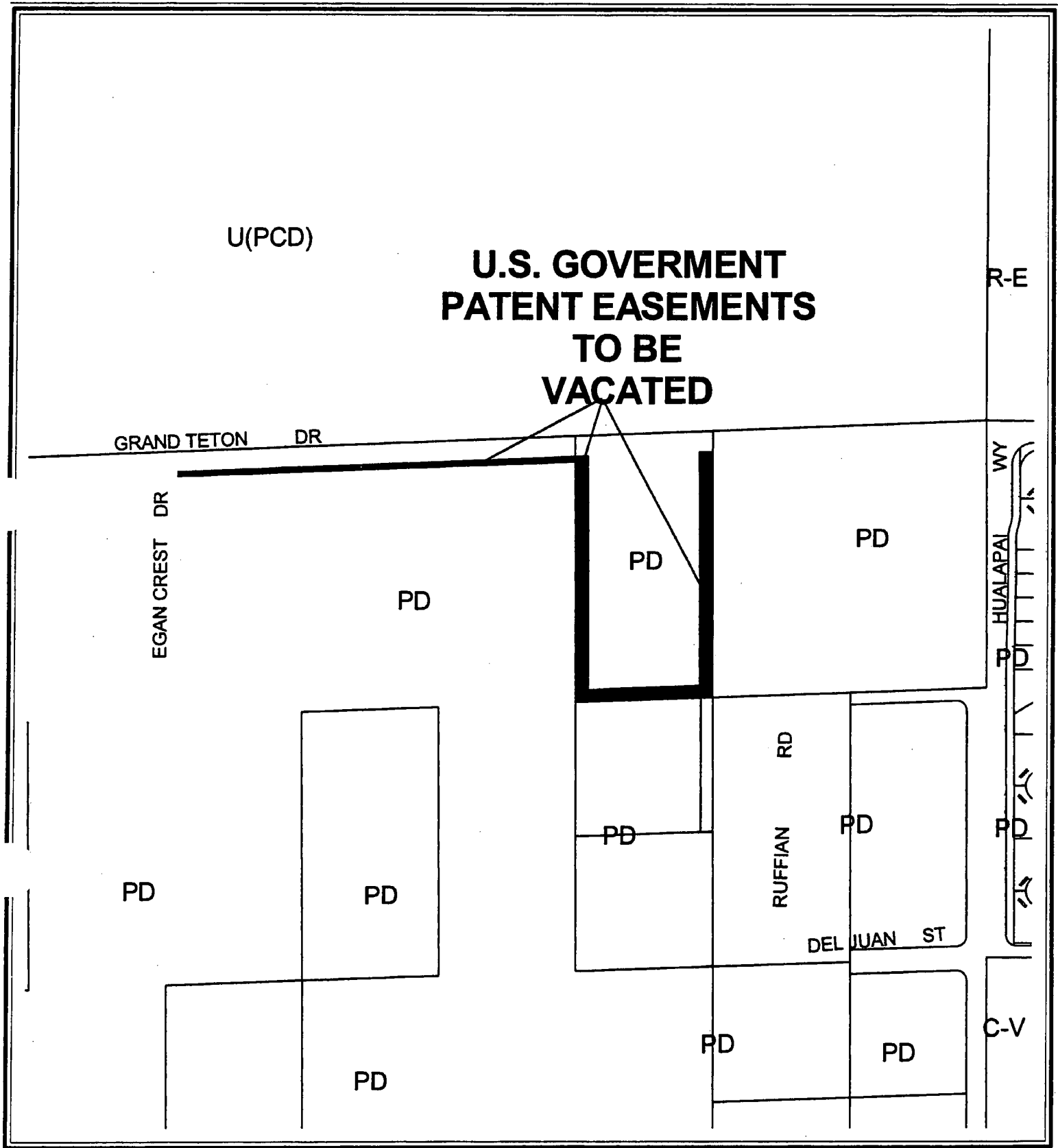
CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

Relinquishment of Interest.

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 Relinquishment of Interest shall not be recorded until all of the above conditions 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.
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.

**U.S. GOVERNMENT
PATENT EASEMENTS
TO BE
VACATED**



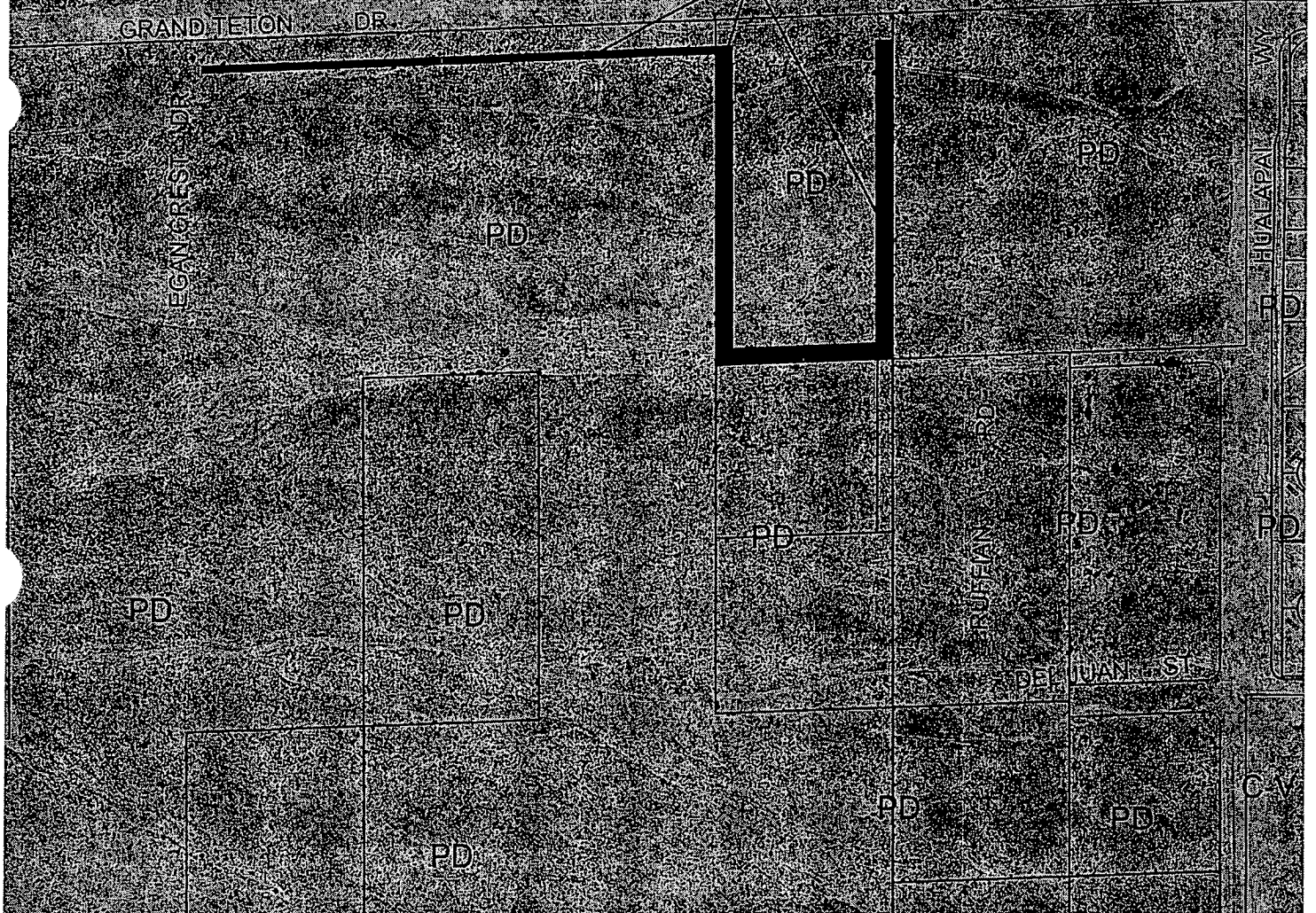
CASE: VAC-5576

0 300 600 Feet

82



U.S. GOVERNMENT
PATENT EASEMENTS
TO BE
VACATED



CASE: VAC-5576

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-5576 - APPLICANT: KB HOME NEVADA, INC. -
OWNER: CLIFF'S EDGE DEVELOPMENT, LLC**

**** CONDITIONS ****

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

1. The Order of Relinquishment of Interest shall be revised to exclude any portion of the existing right-of-way and/or Government Patent Easements on Grand Teton Drive, east of Egan Crest Way.
2. 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 with Site Development Plan Review SDR-5309 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
3. 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.
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 Relinquishment of Interest shall not be recorded until all of the above conditions 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.
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*

This is a Petition to Vacate U.S. Government Patent Easements generally located south of Grand Teton Drive, east of Egan Crest Drive, within the Cliff's Edge Master Development Plan (Providence) area.

B) *Applicant's Justification*

Vacation of the U.S. Government patent easements is necessary to develop a multi-family condominium development. The existing easements are no longer necessary.

BACKGROUND INFORMATION

A) *Previous Actions*

- 02/05/03 The City Council approved an annexation (A-0035-02) of over 1056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission recommended approval on September 26, 2002. The effective date of this annexation is February 14, 2003.
- 03/19/03 The City Council approved the "Cliff's Edge Master Development Plan" to regulate development and the provision of infrastructure in the area around the subject site. The Planning Commission and staff recommended approval.
- 07/16/03 The City Council approved a request for a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved amendments to the approved Cliff's Edge Master Development Plan. The Planning Commission and staff recommended approval on 06/12/03.
- 12/04/03 A Minor Modification (MOD-3189) to the Cliff's Edge Master Development Plan and Design Guidelines was administratively approved by the Planning and Development Department, subject to a number of conditions.
- 02/18/04 The City Council approved a Development Agreement between the City of Las Vegas and Cliff's Edge, Limited Liability Company, for the Cliff's Edge Master Planned Community. The Planning Commission recommended approval on 01/08/04. Staff recommended approval of this application.

- 03/11/04 The Planning Commission approved a Tentative Map (TMP-3798) for a 35-lot mixed-use subdivision on 922.96 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. This Tentative Map is to serve as the guiding map for the further subdivision of land within the Cliff's Edge Master Development Plan Area.
- 06/16/04 The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-4197) to add major roads within the Cliff's Edge Master Development Plan area, generally located between Grand Teton Drive and Clark County 215, and between Puli Road and Hualapai Way. The preparation and submission of this request was a condition of approval of the Cliff's Edge parent Tentative Map, as approved by the Planning Commission on March 11, 2004.
- 11/04/04 The Planning Commission approved a Site Development Plan Review (SDR-5309) for a proposed 224-unit residential condominium development on 20.96 acres adjacent to the southeast corner of Grand Teton Drive and Egan Crest Drive. Staff recommended approval.
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #16/pl).

DETAILS OF APPLICATION REQUEST

The subject Vacation request proposes to vacate U. S. Government Patent Easements as follows:

The West, South and East 33.00 Feet of the East Half ($E\frac{1}{2}$), except the North 50.00 Feet of the West and East 33.00 Feet, and the North 65.00 Feet of the West Half ($W\frac{1}{2}$), except the North 50.00 Feet of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 13, Township 19 South, Range 59 East, M.D.M.

The North 65.00 Feet of the East Half ($E\frac{1}{2}$), except the North 50.00 Feet and the North 65.00 Feet of the West Half ($W\frac{1}{2}$), except the North 50.00 Feet and West 40.00 Feet of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 13, Township 19 South, Range 59 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing U. S. Government Patent Reservations because they are no longer needed in their current configuration. This will allow the development of a 224-unit multi-family condominium subdivision on this site. This request is appropriate, as the subject easements are not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

Public Works has no objection to the vacation application request for U.S. Government Patent Reservations generally located south of Grand Teton Drive, east of Egan Crest Way.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

NOTICES MAILED 3 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-5576** APN: **126-13-501-001 & ptn of 126-13-601-018**

Name of Property Owner: **Cliff's Edge Development, LLC**

Name of Applicant: **KB HOME**

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: _____

Dr. J. T.

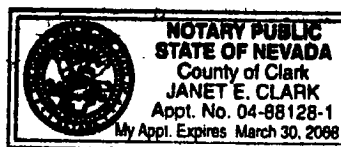
Randall J. Tarr, S.V.P Forward Planning
KB Home Nevada, Inc.
Attorney-In-Fact

Subscribed and sworn before me

This 12th day of October, 2004

Janet E. Clark

Notary Public in and for said County and State





VAC-5576 - APPLICANT: KB HOME NEVADA, INC. - OWNER: CLIFF'S EDGE DEVELOPMENT, LLC
SOUTH OF GRAND TETON DRIVE, EAST OF EGAN CREST DRIVE
DECEMBER 16, 2004 PLANNING COMMISSION

11/19/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:
VARIANCE

VAR-5531 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC - Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 93 PARKING SPACES WHERE 180 PARKING SPACES ARE REQUIRED IN CONJUNCTION WITH A PROPOSED 16,009 SQUARE FOOT COMMERCIAL RETAIL CENTER on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue (APN 138-27-301-015), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by PGAL

MOTION:

WOLFSON - APPROVED subject to conditions and the following added condition as stated for the record:

- Project shall be limited to a maximum of 4,000 square feet of restaurant use in no more than 2 units.
- There shall be no drive thru restaurants.
- UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open.

CHRIS MURTAGH, Longford Properties, 3167 East Warm Springs Road, stated the initial request was for 9,000 square feet of restaurant space and the balance for retail, which increased the parking requirement. The request has now been changed for only two restaurants: a 1,600 square feet Starbucks coffee shop and an all-purpose restaurant.

COUNCILMAN WOLFSON verified with MR. MURTAGH that he would agree to a specific condition that the Starbucks would not be a drive-thru restaurant. MARGO WHEELER, Director, Planning and Development Department, suggested the condition only state that there shall be no drive thru and not indicate a specific restaurant.

COUNCILMAN WOLFSON thanked MR. MURTAGH for meeting with him and for reaching a

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

reasonable compromise. Safety is a concern because of the increased traffic and the addition of a new park located across from this development. He indicated there might be discussions about an overhead crossing or an underground tunnel consistent with the Bonanza Trail project. He asked the applicant to work with staff in that regard.

MS. WHEELER suggested an additional condition to state the project shall be limited to 4000 square feet of restaurant use and no more than two units. She restated the condition of the no drive thru restaurant. MR. MURTAGH agreed to both conditions.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed.

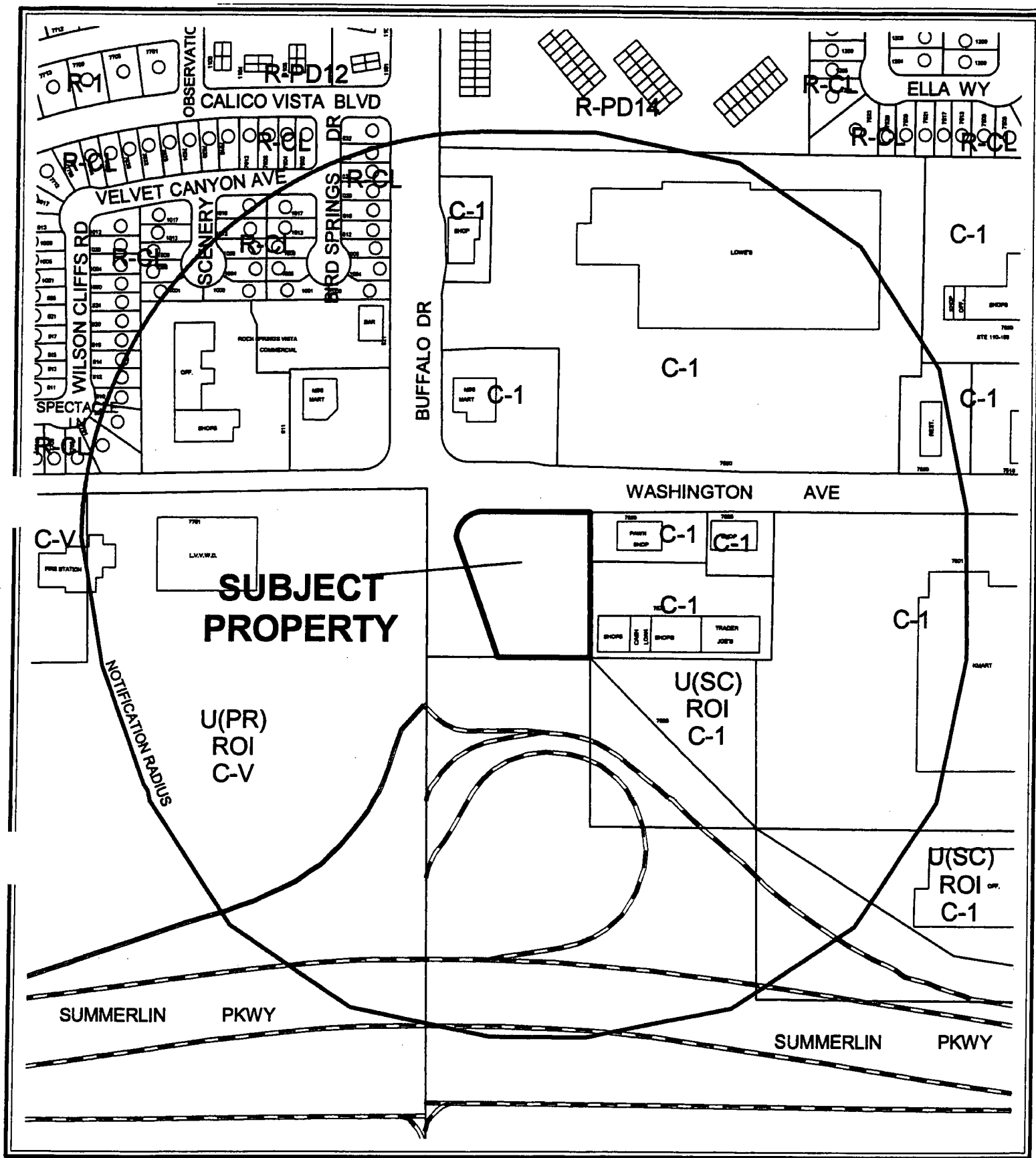
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3-2103

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-5393].
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-5531

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - VAR-5531 – APPLICANT/OWNER:
BUFFALO WASHINGTON III, LLC**

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 15, 2004 CITY COUNCIL MEETING AT COUNCILMAN WOLFSON'S REQUEST.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-5393].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Variance to allow 93 parking spaces where 180 spaces are the minimum required for a proposed 16,009 square-foot commercial retail center on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue.

B) Applicant's Justification

The applicant has justified this request by stating that this project will be an asset for this fast-growing area of the City and will provide retail and restaurant opportunities for patrons of the balance of the commercial and office development adjacent to this site and for users of the nearby city park to the west.

BACKGROUND INFORMATION

A) Previous Actions

- 11/02/83 The City Council approved a Petition (A-0010-83) to Annex property generally located west of Lorenzi Boulevard, between Westcliff Drive and Washington Avenue, containing approximately 922 acres of land, including the subject site. The Planning Commission recommended approval on 11/02/83. The effective date was 12/30/83.
- 12/07/94 The City Council approved a Rezoning (Z-0131-94) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for this site as part of a larger request. The Planning Commission had recommended Approval on 12/07/94. The Rezoning expiration date was 12/07/95.
- 02/07/96 The City Council approved a Reinstatement and an Extension of Time of an approved Rezoning [Z-0131-94(1)], which expired on 12/07/95. The Planning Commission had recommended Approval on 01/11/96. The Rezoning expiration date was 02/07/97.
- 05/12/97 The City Council approved a Reinstatement and second Extension of Time [Z-0131-94(2)] of an approved Rezoning (Z-0131-94) with an expiration date of 05/12/98. The Planning Commission had recommended Approval on 04/10/97.

- 07/13/98 The City Council approved a third Extension of Time [Z-0131-94(4)] of an approved Rezoning (Z-0131-94) with no time limit. The Planning Commission had recommended Approval on 06/11/98.
- 11/21/02 The Planning Commission approved a request for a Site Development Plan Review (SDR-1046) for a proposed 11,987 square-foot Pharmacy on 2.5 acres located adjacent to the southeast corner of Buffalo Drive and Washington Avenue. Staff had recommended approval.
- 11/18/04 The Planning Commission recommended approval of a companion request for a Site Development Plan Review (SDR-5393) for a proposed 16,009 square-foot commercial retail center and waivers of building setbacks, building orientation and perimeter and foundation landscaping standards on the subject site, concurrently with this request.
- 11/18/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #39/gl).

B) Pre-Application Meeting

- 09/17/04 The applicant was advised of the deficiencies with respect to Code that were represented by this request, and was advised of the procedures to address the approval of these deficiencies.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.55

B) Existing Land Use

Subject Property: Undeveloped
North: Commercial center
South: Summerlin Parkway
East: Commercial Center
West: City Park/Fire Station

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: ROW (Right-of-way)
East: SC (Service Commercial)
West: P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property: U (Undeveloped) [SC (Service Commercial) General Plan Designation] under a Resolution of Intent to C-1 (Limited Commercial)

North: C-1 (Limited Commercial)

South: U (Undeveloped) [ROW (Right-of-Way)]

East: C-1 (Limited Commercial)

West: U (Undeveloped) [P/R/OS (Parks/Recreation/Open Space) General Plan Designation] under a Resolution of Intent to C-V (Civic)

E) General Plan Compliance

The subject property is located within the Southwest Sector of the General Plan. The property is designated SC (Service Commercial) in the General Plan. The Variance request is not directly impacted by any specific policies of the General Plan.

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

No special districts or zones are related to the subject property.

ANALYSIS

A) Zoning Code Compliance

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
General Retail, Other than Listed (under 25,000 s.f.)	7,009 s.f.	1 space/175 s.f. GFA	41 spaces			
Restaurant	9,000 s.f.	1 space/50 s.f. seating area + 1 space/200 s.f. remaining area	139 spaces			
Totals			180 spaces	6 spaces	93 spaces	4 spaces

The site plan would slightly exceed the parking requirements of the Code if solely developed for retail uses; however, the applicant is proposing that Building A be entirely developed for restaurant uses. As the parking standards for these uses are significantly higher than for retail uses, the requested deviation from Code standard is 48.3%.

The Department of Public Works states that it supports present City Code parking requirements; therefore it cannot support the Variance request for property located on the southeast corner of Buffalo Drive and Washington Avenue to allow 93 parking spaces where 180 spaces are the minimum allowed.

Public Works further notes that this site is the subject of a Site Development Plan Review SDR-5393; all site-related conditions of approval are addressed with that action.

B) General Analysis and Discussion

The applicant requires the Variance to enable one of the two buildings on the subject site to be developed entirely for restaurant uses. The site plan and the two buildings, if not used for restaurant purposes, would have sufficient parking to meet Code requirements. The nature of restaurants, particularly the small coffee, ice cream and lunch service type of operations that characterize commercial centers of this scale, have relatively high volume customer turnover that translates into parking and traffic demands for which this site is unsuited. With two restricted access points from major streets, and a third access point which requires access through an adjacent parcel, it is suggested that the scope of the requested Variance is unacceptable, and therefore denial is recommended.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by attempting to propose uses for the site that have high traffic and parking demands for which the site is unsuited. Alternative use of the site for retail commercial uses would allow for conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances. Denial of this request is therefore recommended.

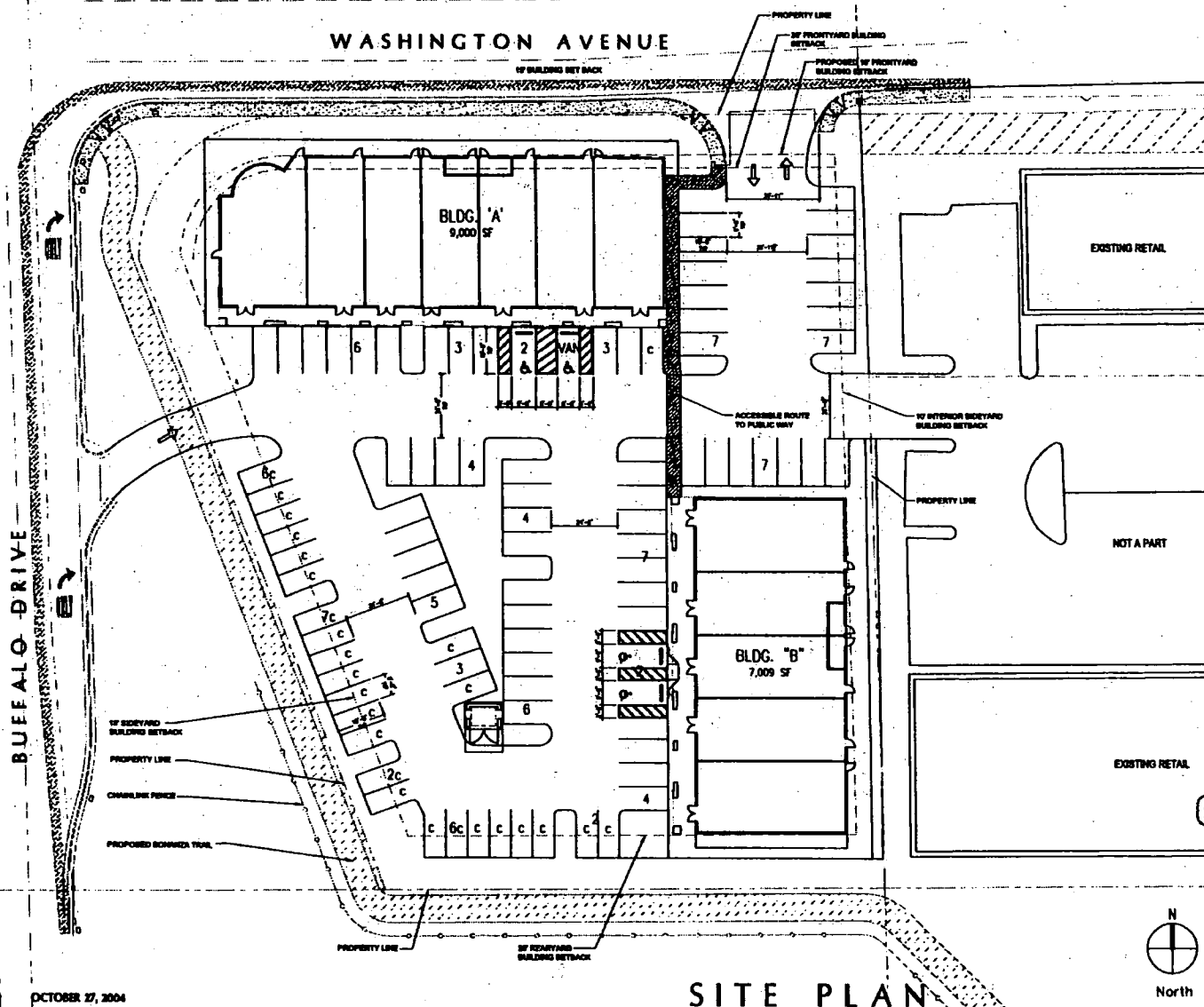
PLANNING COMMISSION ACTION

The Planning Commission concurred with staff that the Variance would render the project incompatible with the neighborhood and would contribute to traffic congestion at the intersection.

NOTICES MAILED 66 by City Clerk

APPROVALS 0

PROTESTS 1



SITE ANALYSIS

PARCEL NUMBER	138-27-301-015
SITE AREA	1.55 ACRES 67,518 SF
FLOOR AREA RATIO	23.7%
BUILDING AREAS	
BUILDING 'A' - BUSINESS/RESTAURANT/RETAIL USE	9,000 SF
BUILDING 'B' - BUSINESS/RETAIL USE	7,009 SF
TOTAL	16,009 SF

City of Las Vegas Municipal Code (TITLE 19)
Chapter 19.10, Table 1.

PARKING SPACES REQUIRED FOR BUILDING 'A'

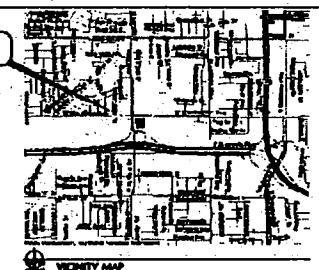
1 SPACE FOR EACH 50 SF OF PUBLIC SEATING/EATING AREAS & WAITING AREA, PLUS ONE SPACE FOR EACH 200 SF OF REMAINING GSF, MINIMUM OF 10 SPACES.

PUBLIC SEATING/ EATING AREAS = .67% OF AREA
REMAINING GSF = .33% OF AREA

SUITE 'A'	
1102 SF @ $\frac{1}{50}$ SF =	22 SPACES
543 SF @ $\frac{1}{200}$ SF =	3 SPACES
SUITE 'B', 'C', 'F'	
808 SF @ $\frac{1}{50}$ SF =	17 X 3 = 51 SPACES
398 SF @ $\frac{1}{200}$ SF =	2 X 3 = 6 SPACES
SUITE 'D', 'E'	
749 SF @ $\frac{1}{50}$ SF =	17 X 2 = 30 SPACES
369 SF @ $\frac{1}{200}$ SF =	2 X 2 = 4 SPACES
SUITE 'G'	
1006 SF @ $\frac{1}{50}$ SF =	20 SPACES
495 SF @ $\frac{1}{200}$ SF =	3 SPACES
139 SPACES REQUIRED	

PARKING SPACES REQUIRED FOR BUILDING 'B'

7,009 SF @ $\frac{1}{175}$ SF =	41 SPACES
TOTAL SPACES REQUIRED	180 SPACES
PARKING SPACES PROVIDED	
64 FULL SIZED SPACES	
4 ACCESSIBLE SPACES	
25 COMPACT SPACES	
93 SPACES PROVIDED	



OCTOBER 27, 2004

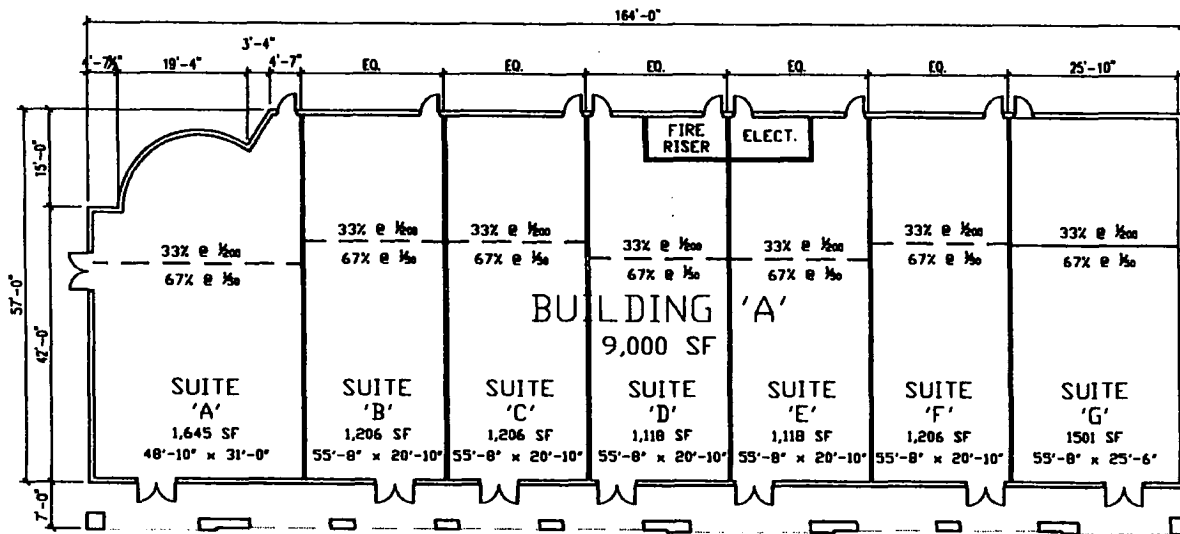
SITE PLAN

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA



PCAL

VAR-5531 RECEIVED
11/18/04 PC OCT 27 2004



MAXIMUM OCCUPANCY

BUILDING 'A'

MAXIMUM OCCUPANCY FOR RESTAURANT USE PER 2000 I.B.C. = 1 OCC./15 SF

9,000 SF X .67 / 15 SF = 402 OCCUPANTS

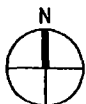
MAXIMUM OCCUPANCY FOR COMMERCIAL KITCHEN USE PER 2000 I.B.C. = 1 OCC./200 SF

9,000 SF X .33 / 200 SF = 15 OCCUPANTS

BUILDING 'B'

MAXIMUM OCCUPANCY FOR BUSINESS USE PER 2000 I.B.C. = 1 OCC./100 SF

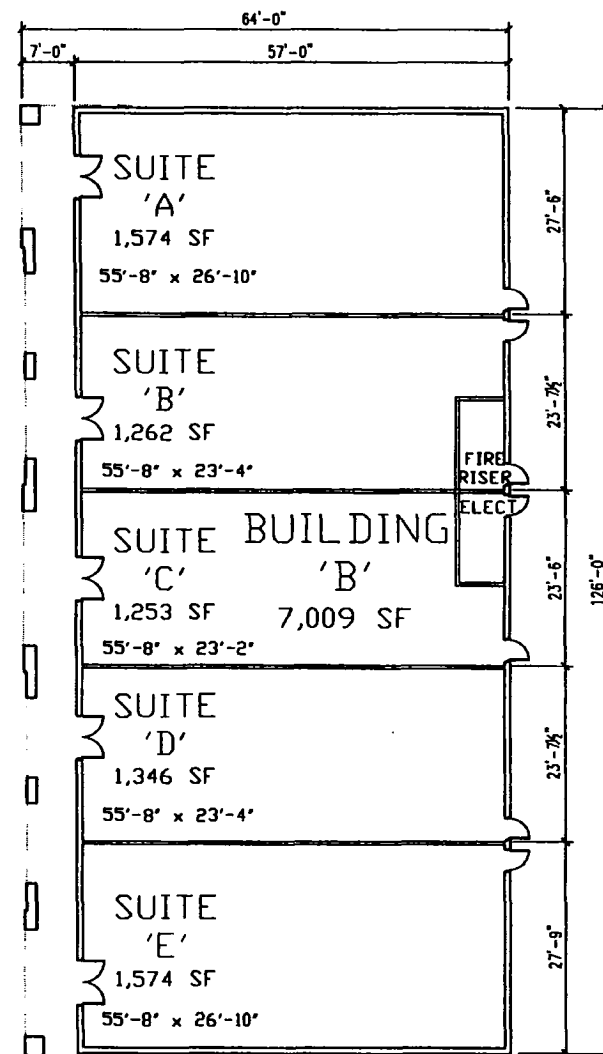
7,009 SF / 100 SF = 71 OCCUPANTS



North

OCTOBER 27, 2004

FLOOR PLANS



LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

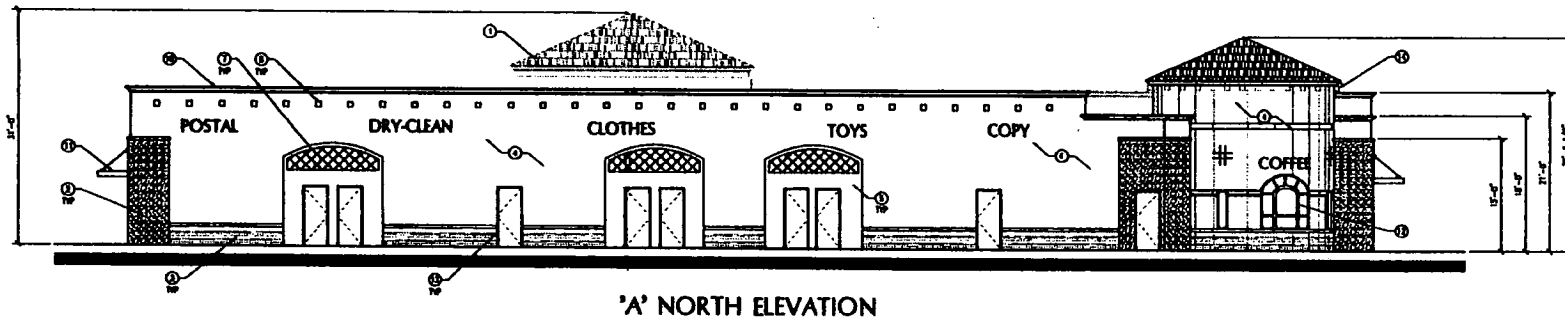
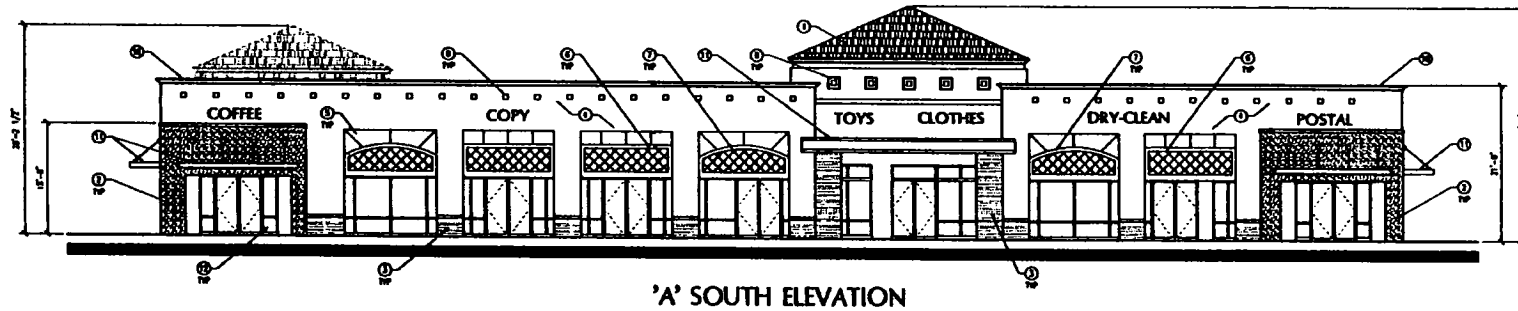
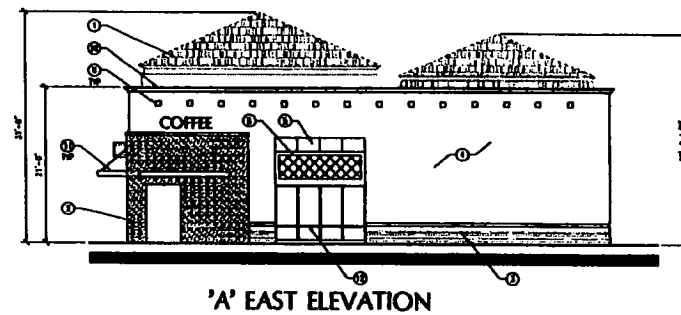
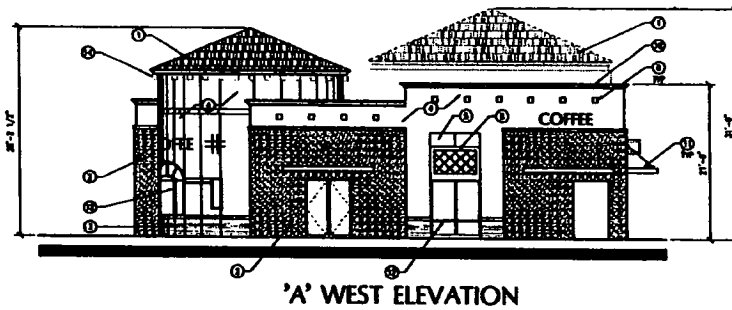
VAR-5531

RECEIVED

11/18/04 PC

OCT 27 2004

PGAL



① KEYNOTES

1. SCONCRETE SLATE ROOF -EAGLE ROOFING, JNP-4548.
2. CORONADO CULTURED STONE, "CANYON LEDGE"
3. CORONADO CULTURED STONE, "VIRGINIA LEDGE"
4. CEMENT PLASTER, FIELD COLOR: FRAZEE 8693M
5. CEMENT PLASTER, ACCENT COLOR: FRAZEE 8672W
6. PAINTED METAL GRID - COLOR: FRAZEE 7466M
7. PAINTED METAL GRID - COLOR: FRAZEE 8126M
8. CERAMIC TILE INSETS, COLOR TO MATCH FRAZEE 7466M
9. CEMENT PLASTER FINISHED POP-OUT WITH TILE INSET, TILE TO MATCH FRAZEE 7466M
10. PRE-FABRICATED FOAM CROWN, PAINTED FIELD ACCENT COLOR: FRAZEE 8672W
11. METAL SHADE ELEMENT, PAINTED, FRAZEE 8126M
12. INSULATED GLAZING
13. METAL DOOR, PAINTED, FRAZEE 8672W
14. PAINTED CORBELS- ACCENT FIELD COLOR: FRAZEE 8672W

OCTOBER 27, 2004

BUILDING 'A' ELEVATIONS

VWV-07

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

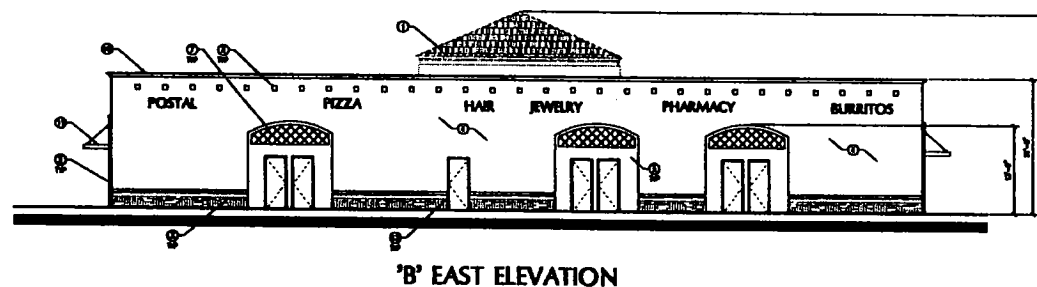
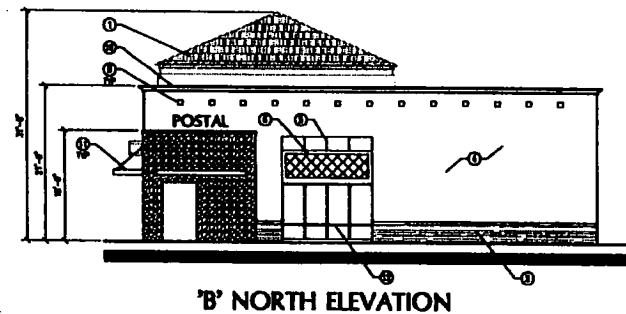
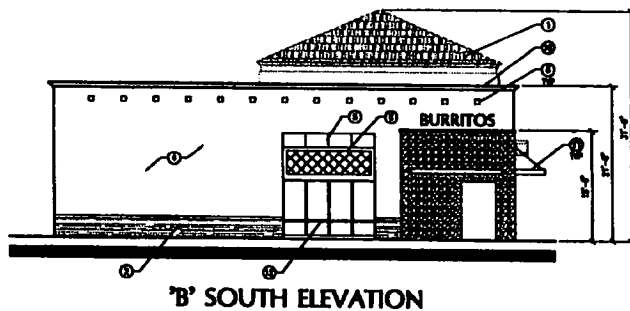
VAR-5531

RECEIVED

PGAL

11/18/04 PC

OCT 27 2004



① KEYNOTES

1. CONCRETE SLATE ROOF -EAGLE ROOFING, #MP-4548.
2. CORONADO CULTURED STONE, "CANYON LEDGE"
3. CORONADO CULTURED STONE, "VIRGINIA LEDGE"
4. CEMENT PLASTER, FIELD COLOR: FRAZEE 8683M
5. CEMENT PLASTER, ACCENT COLOR: FRAZEE 8672W
6. PAINTED METAL GRID - COLOR: FRAZEE 7466M
7. PAINTED METAL GRID - COLOR: FRAZEE 8126M
8. CERAMIC TILE INSETS, COLOR TO MATCH FRAZEE 7466M
9. CEMENT PLASTER FINISHED POP-OUT WITH TILE INSET, TILE TO MATCH FRAZEE 7466M
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11. METAL SHADE ELEMENT, PAINTED, FRAZEE 8126M
12. INSULATED GLAZING
13. METAL DOOR, PAINTED, FRAZEE 8672W
14. PAINTED CORBELS- ACCENT FIELD COLOR: FRAZEE 8672W

OCTOBER 27, 2004

BUILDING 'B' ELEVATIONS

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

VAR-5531

RECEIVED

PGAL

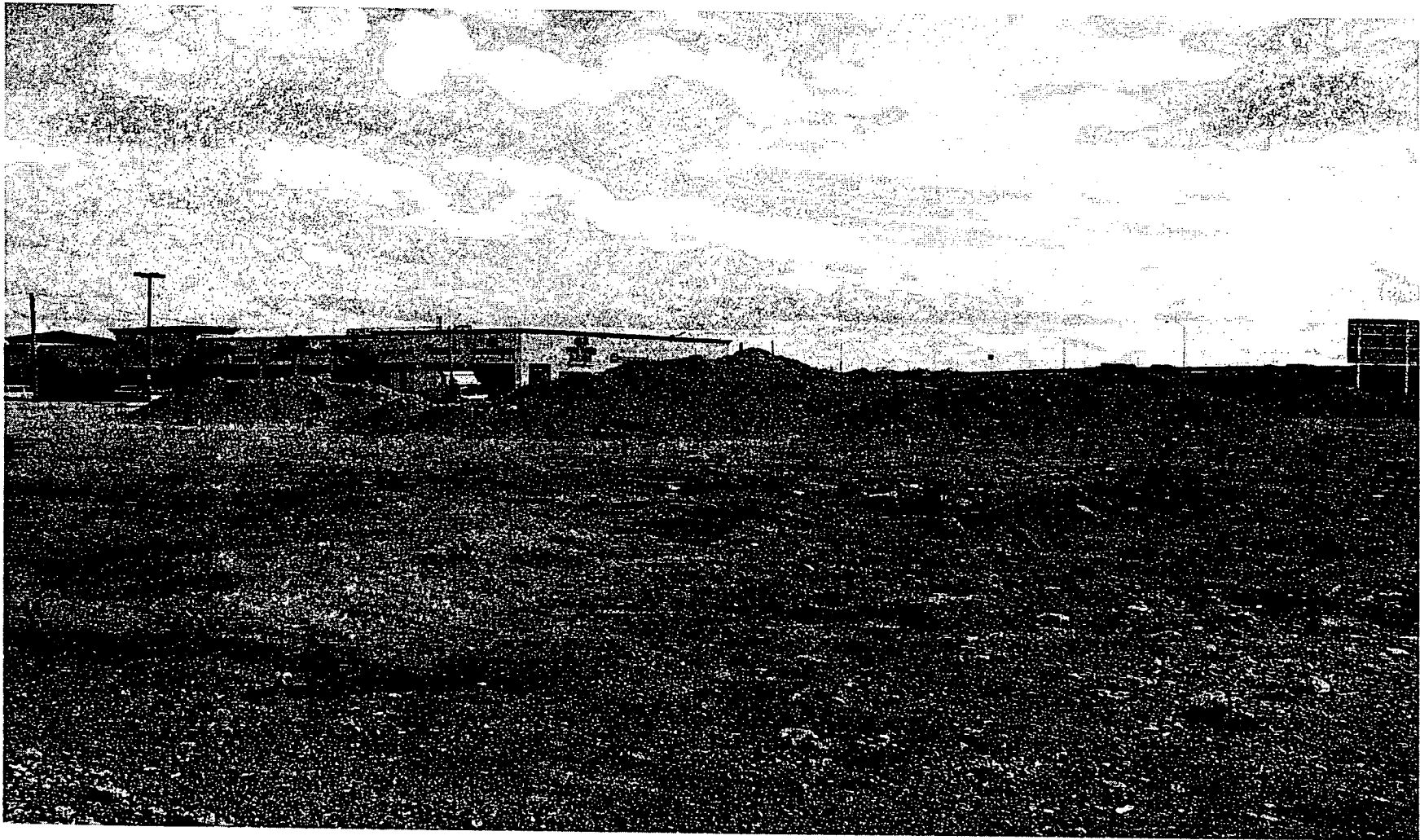
11/18/04 PC

OCT 27 2004



VAR-5531 - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC
SOUTHEAST CORNER OF BUFFALO DRIVE AND WASHINGTON AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04



VAR-5531 - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC
SOUTHEAST CORNER OF BUFFALO DRIVE AND WASHINGTON AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

RECEIVED
CITY CLERK

PGAL

November 24, 2004

2004 NOV 24 P 2:03

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

Subject: Variance for The Longford Shoppes at Summerlin Parkway, City of Las Vegas Number VAR-5531

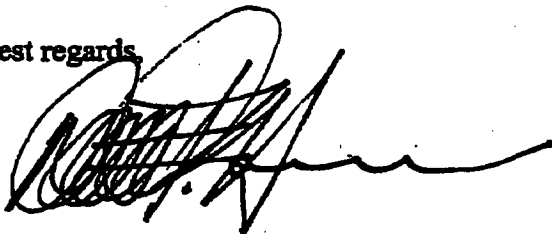
Dear Ms. Ronemus,

On 18 November 2004, the City of Las Vegas Planning Commission denied the variance for The Longford Shoppes at Summerlin Parkway, City of Las Vegas Number VAR-5531. On behalf of our client, Buffalo Washington III, LLC, PGAL requests a formal appeal of this decision before City Council.

VAR-5531 is a companion item for SDR-5393, which has been approved by the City of Las Vegas Planning Commission on 18 November as well.

We sincerely appreciate your help with this matter.

Best regards,



David F. Moss, AIA
Associate Principal

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****VARIANCE**

VAR-5547 - PUBLIC HEARING - APPLICANT: PICERNE DEVELOPMENT CORPORATION - OWNER: PICERNE PROVIDENCE, LLC - Request for a Variance TO ALLOW A 30-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 126 FEET on 15.69 acres adjacent to the southwest corner of Dorrell Lane and Hualapai Way (APN 126-24-610-003), PD (Planned Development) Zone [Medium Density Residential Cliff's Edge Special Land Use Designation], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted after final agenda - Protest letter from Randy McCarthy
5. Back up referenced from the 12/16/2004 Planning Commission meeting Item 24

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 84 [VAR-5547] and Item 85 [SDR-4730].

ATTORNEY BOB GRONAUER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and indicated the project is located in the Providence Master Planned community. The property is planned for Medium Density multi-family. The Variance is being requested because the adjacent property is currently zoned residential, but master planned for multi-family. The people who own this property intend to build some type of mini storage, low commercial use, and they support the Variance application. The other waivers are minor adjustments to the plan.

COUNCILMAN MACK thanked ATTORNEY GRONAUER for working with staff. Although the land impacted by the Variance has the potential to be R-E (Residential Estates) by the Water District, the school district minimized that possibility.

Regarding Item 85 [SDR-4730], COUNCILMAN MACK asked MARGO WHEELER, Director,

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

Planning and Development Department, if a condition should be added to address the multi-use trail. ATTORNEY GRONAUER ensured that the trail element would comply with the Providence Master Plan. MS. WHEELER indicated Condition 23 refers to the Cliff's Edge Parent Map, Design Guidelines, and Development Agreement. Therefore, all of the conditions and requirements of the Cliff's Edge original project will be imposed upon this project as well.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 84 [VAR-5547] and Item 85 [SDR-4730].

(2:05 - 2:09)

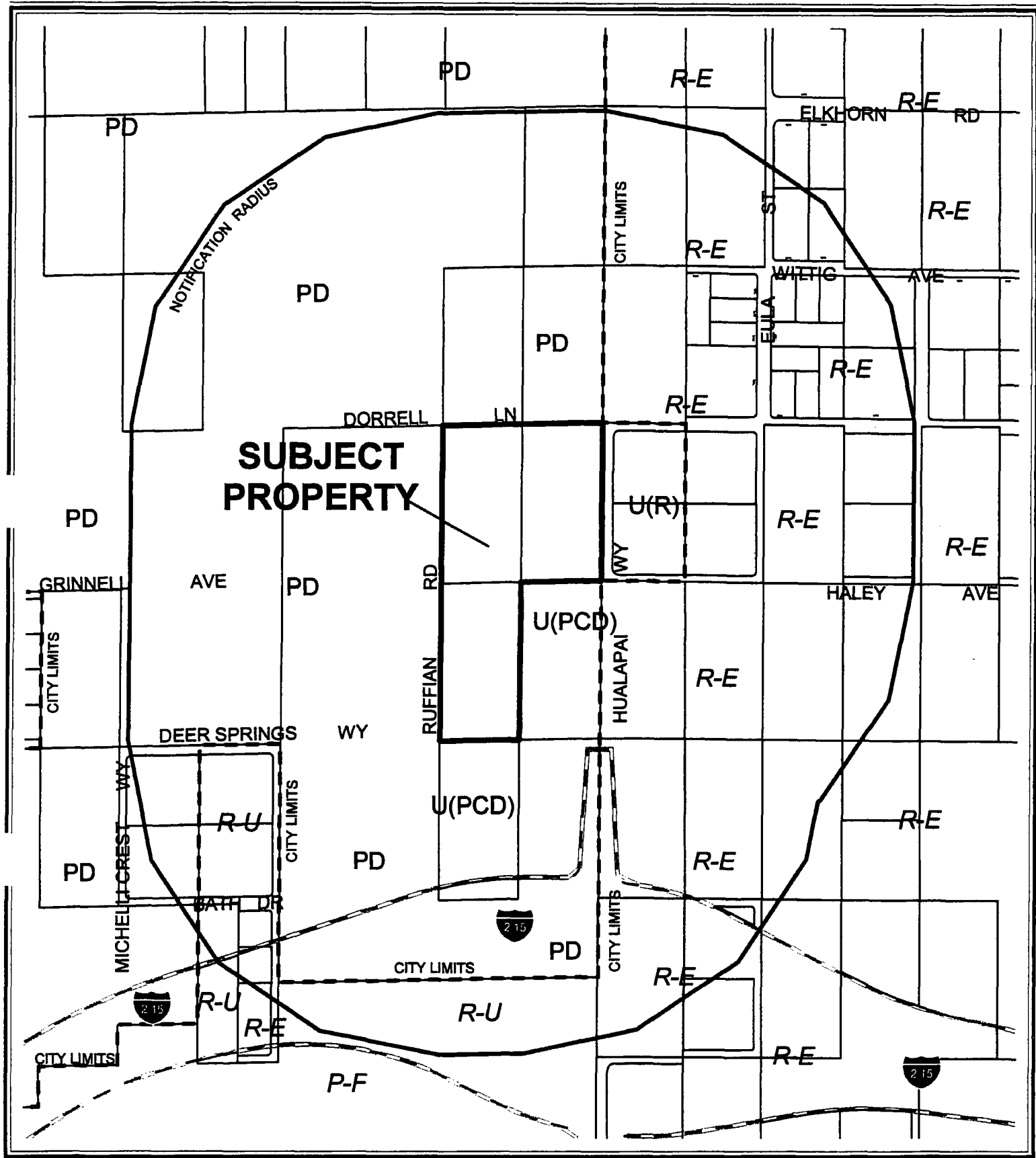
3-2263

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-4730].

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.



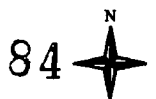
CASE: VAR-5547

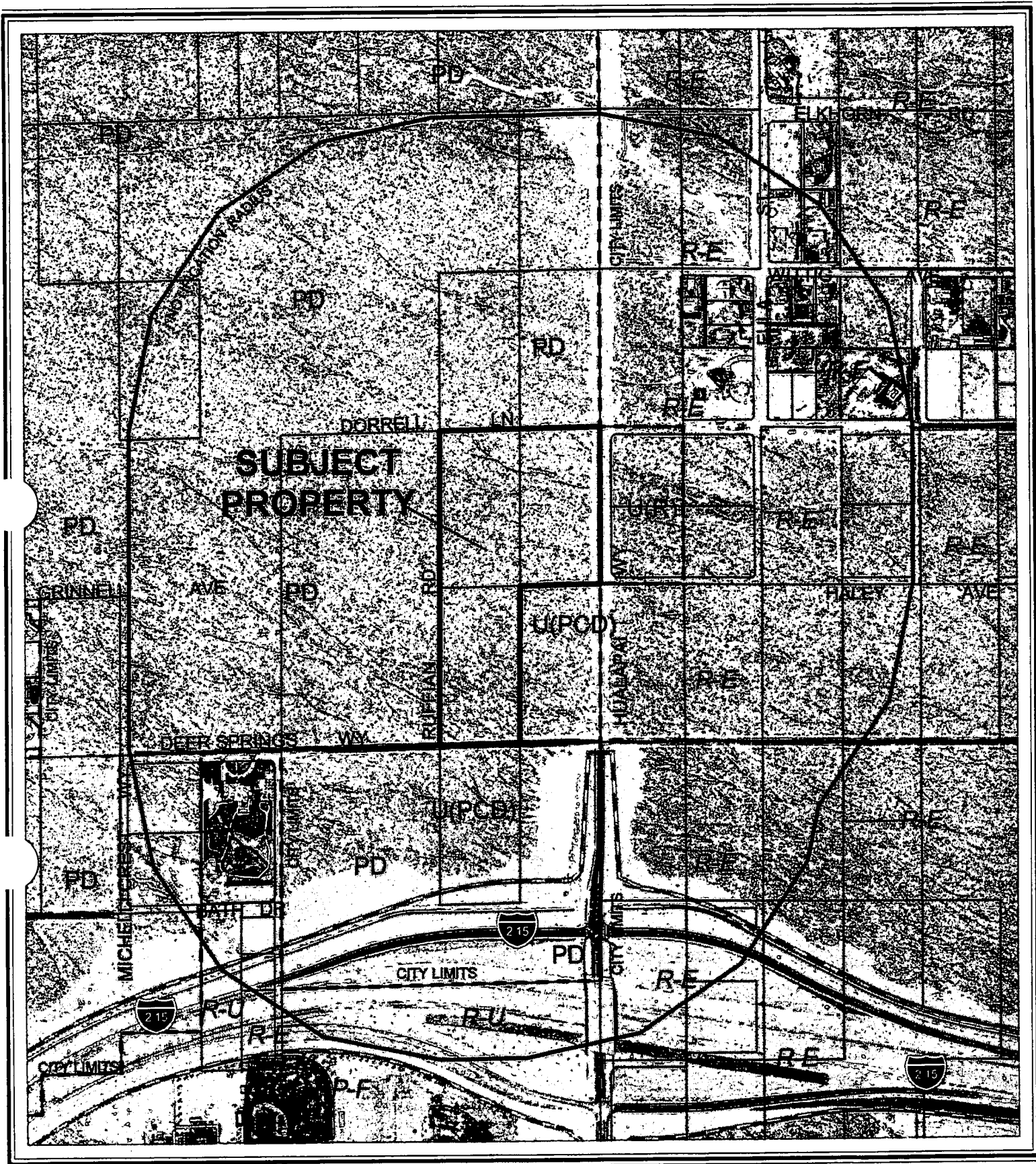
RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [M (MEDIUM DENSITY) CLIFF'S EDGE
SPECIAL LAND USE DESIGNATION]

0 400 800 Feet





CASE: **VAR-5547**

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

PD (PLANNED DEVELOPMENT) ZONE [M (MEDIUM DENSITY) CLIFF'S EDGE
SPECIAL LAND USE DESIGNATION]

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-5547 - APPLICANT: PICERNE DEVELOPMENT CORPORATION - OWNER: PICERNE PROVIDENCE, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-4730].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow a to allow a 30-foot setback where 126 feet is required by the residential adjacency standards on 15.69 acres adjacent to the southwest corner of Dorrell Lane and Hualapai Way. This application will be considered with related a Site Development Plan Review (SDR-4730) application.

B) Applicant's Justification

The applicant justifies this application by stating, "Picerne is requesting a variance to reduce the residential adjacency standards. The closest setback to the residential will be 30 feet from the property line for one building. Any other building that may need a variance is much further away from the residential property line. Although the adjacent property to our south and east is zoned residential, the likelihood of it developing single-family residential is not great because of its location between Hualapai Way and this multi-family development. Furthermore, the City has approved similar variances under similar circumstances in the past."

BACKGROUND INFORMATION

A) Previous Actions

- 02/05/03 The City Council approved an Annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission and staff recommended approval on 09/26/02. The effective date of this annexation was 02/14/03.
- 03/19/03 The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval on 02/13/03.
- 07/16/03 The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved text modifications to the related Cliff's Edge Master Development Plan to address conditions of approval of ZON-1520. The Planning Commission and staff recommended approval on 06/12/03.

- 02/18/04 The Cliff's Edge Development Agreement (DIR-3451) was introduced to the City Council at this time. It was approved in ordinance form on 03/17/04. The Planning Commission and staff recommended approval on 01/08/04.
- 05/05/04 The City Council approved a Major Modification (MOD-3955) request to the Cliff's Edge Master Development Plan to change land use designations from: village commercial to: medium low density residential and medium residential; from: medium residential to: residential small lot; and from: medium low density residential to: pump & reservoir; to modify section 6.2.3 regarding retaining walls; and to modify table 1 (section 2.2) to reflect changes to the land use categories on 40 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval on 04/08/04.
- 08/12/04 The Planning Commission approved a motion to table a Site Development Plan Review (SDR-4730) application due to the Cliff's Edge Parent Map and SID problems not being resolved. Additionally, the applicant was required to submit a Variance (VAR-5547) application for residential adjacency standards.
- 12/16/04 The Planning Commission recommended approval of a related Site Development Plan Review (SDR-4730).
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #24/pl).

B) Pre-Application Meeting

- 05/12/04 A pre-application conference was held regarding the related Site Development Plan Review (SDR-4730) application and resulted in the following comments:
1. An approval letter from the Cliff's Edge Design Review Committee (DRC).
 2. MOD-3955 change the land use designation to Medium Density Residential.
 3. Off-site improvement requirements were discussed.
 4. Two access points are required – a main entry and rolling access gate for residential only.
 5. Signal traffic fee required.
 6. A waiver of the parking lot fingers standard is to be requested.
 7. A waiver of setback requirements from 3.2.1 of the Cliff's Edge Master Development Plan and Design Guidelines for one, two, and three-story structures.
- 09/17/04 A follow up meeting was held with the developers, Providence and Kummer, Kaempfer, Bonner & Renshaw. Deficiencies with project were discussed and a Variance (VAR-5547) application was required for residential adjacency standards. Providence agreed to waive all deviations from the Cliff's Edge Master Development Plan and Design Guidelines.

10/21/04 A pre-application submittal checklist was prepared for the applicant. No pre-application meeting was held for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 15.69

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: PCD (Planned Community Development)
North: PCD (Planned Community Development)
South: PCD (Planned Community Development)
East: R (Rural Density Residential)
West: PR-OS (Parks – Open Space)

D) Existing Zoning

Subject Property: PD (Planned Development)
North: PD (Planned Development)
South: U (PCD) [Undeveloped (Planned Community Development General Plan designation)] & PD (Planned Development)
East: Clark County Zoning [Rural Estates Residential [2 Units Per Acre] (R-E)]
West: PD (Planned Development)

E) General Plan Compliance

This site is located on the Centennial Hills Sector Plan Map of the General Plan. The Centennial Hills Sector Plan designates this site as PCD (Planned Community Development). The site is designated as M (Medium Density Residential) within the Cliff's Edge Master Development Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Cliff's Edge	X	
Special Overlay District		X
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Cliff's Edge Master Plan:

The City Council approved a master development plan entitled the "Cliff's Edge Master Development Plan and Design Guidelines" on 03/19/03. The land use and text changes to the master plan were approved through the City Council by means of several Rezonings and Major Modification (MOD-3599), approved on 05/05/04.

Multi-Use Non-Equestrian (Transportation) Trail:

A Multi-use Transportation Trail is required along the western portion of the Hualapai Way street frontage, as shown on Map 2 of the Transportation Trails Element of the Master Plan. A multi-use transportation trail refers to paved trail paths separated from the roadway and designed for the exclusive use of bicyclists, pedestrians, and other users of non-motorized vehicles. Provision of the right-of-way for, and construction of, the Multi-Use Non-Equestrian (Transportation) Trail, will be the responsibility of the developers of the Cliff's Edge project. The trail and street frontage along Hualapai Way are to conform to the Cliff's Edge Parent Map as depicted in TMP-3798.

ANALYSIS

A) Zoning Code Compliance

A1) Residential Adjacency Standards

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

- a) Proximity slope. Building 7 is approximately 30 feet from the nearest residential property line. The applicant is proposing a building approximately 42 feet in height, which would require a 126-foot setback, a 320% deviation of the proximity slope. The proposed fails to meet the proximity slope requirement.
- b) Building setback. Building 7 is approximately 30 feet from the nearest residential property line, where approximately 125 feet is required, therefore the proposed development fails to meet the required building setback.

The proposed building location in regards to the potentially residential property to the east and south fails to meet the residential adjacency standards.

B) *General Analysis and Discussion*

The proposed development is adjacent to a non-owner parcel with the zoning designation of U (PCD) [Undeveloped (Planned Community Development General Plan designation)], which is currently not a part of the Cliff's Edge Master Planned Community. The PCD designation allows for a number of different uses, one of which is residential. This meets the criteria in the Zoning Code for the application of Residential Adjacency Standards. Therefore, the proximity of Building 7 to the property line of said parcel is not in conformance with Residential Adjacency Standards.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship overbuilding the site with large multi-family buildings without consideration for surrounding properties. Alternative site design with an emphasis on fewer units would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

The Planning Commission believed there is not a problem with approval of the subject Variance.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

NOTICES MAILED 41 by City Clerk

APPROVALS 0

PROTESTS 0



VAR-5547

Name of Applicant: Picame Development Corporation

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: Ernesto R. Alvarez, Sr. VP

Subscribed and sworn before me

This 26th day of October, 2004

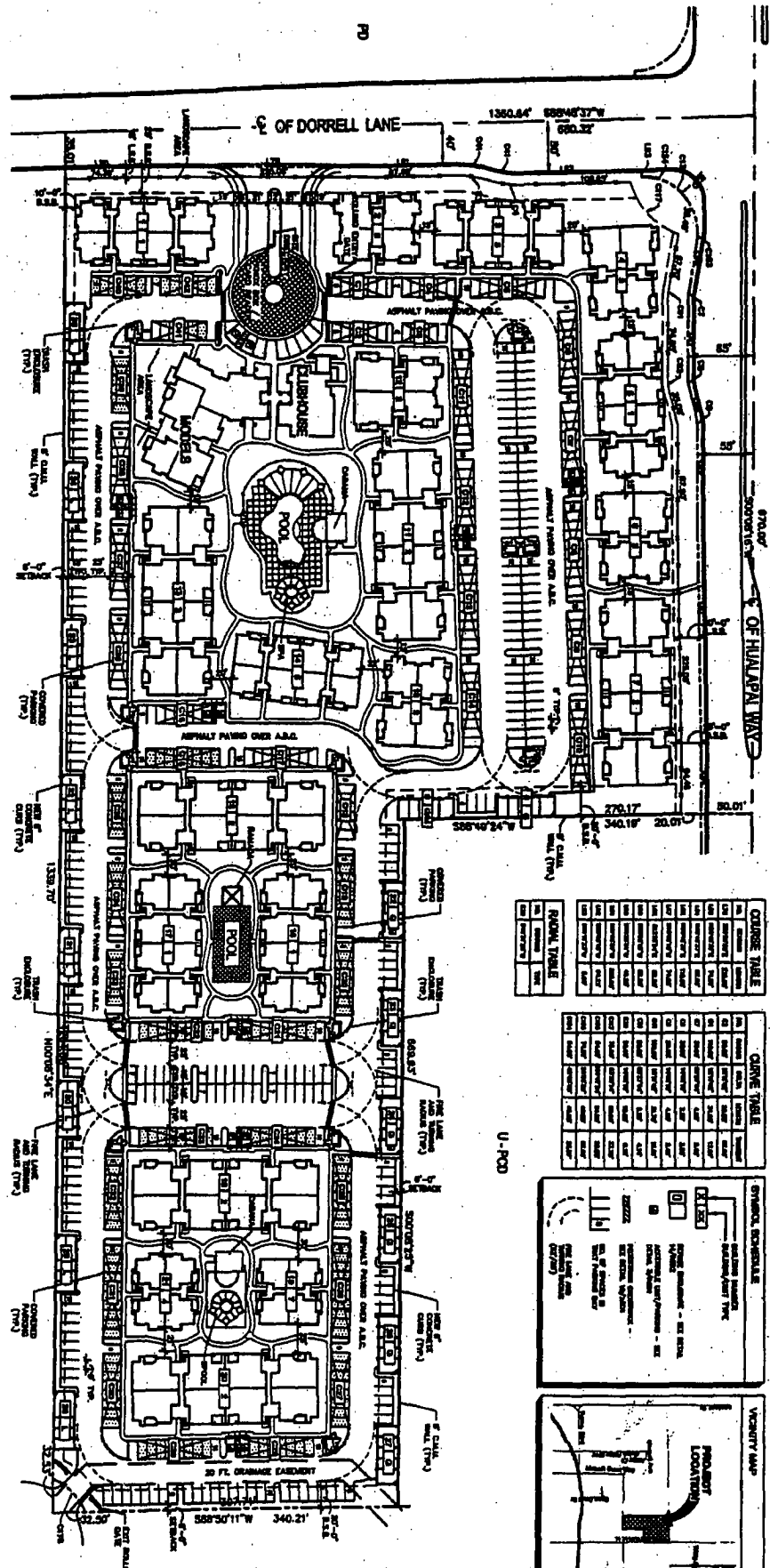
Tarissa D. Galt
Notary Public in and for said County and State



Notary Public State of Arizona
Maricopa County
Larissa D Getz
Expires May 29, 2006

PROJECT DATA	
SITE DATA:	1360.84' 88948.37' W 1360.84' 88948.37' W 1360.84' 88948.37' W
BUILDING AREA:	1360.84' 88948.37' W 1360.84' 88948.37' W 1360.84' 88948.37' W
LOT COVERAGE:	1360.84' 88948.37' W 1360.84' 88948.37' W 1360.84' 88948.37' W
PARKING:	1360.84' 88948.37' W 1360.84' 88948.37' W 1360.84' 88948.37' W

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ARCHITECTURAL SITE PLAN



A1.1

PICERNE AT PROVIDENCE
 Rental Apartment Community
 Picerne Development Corp.
 1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
 PHONE: (602) 276-8484 FAX: (602) 265-1886



billform architecture
 1420 E. Missouri Ave., Suite 100
 Phoenix, Arizona 85014-2469
 PHONE: (602) 276-8484 FAX: (602) 265-1886

VAR-5547
12/16/04 PC

A.2.1

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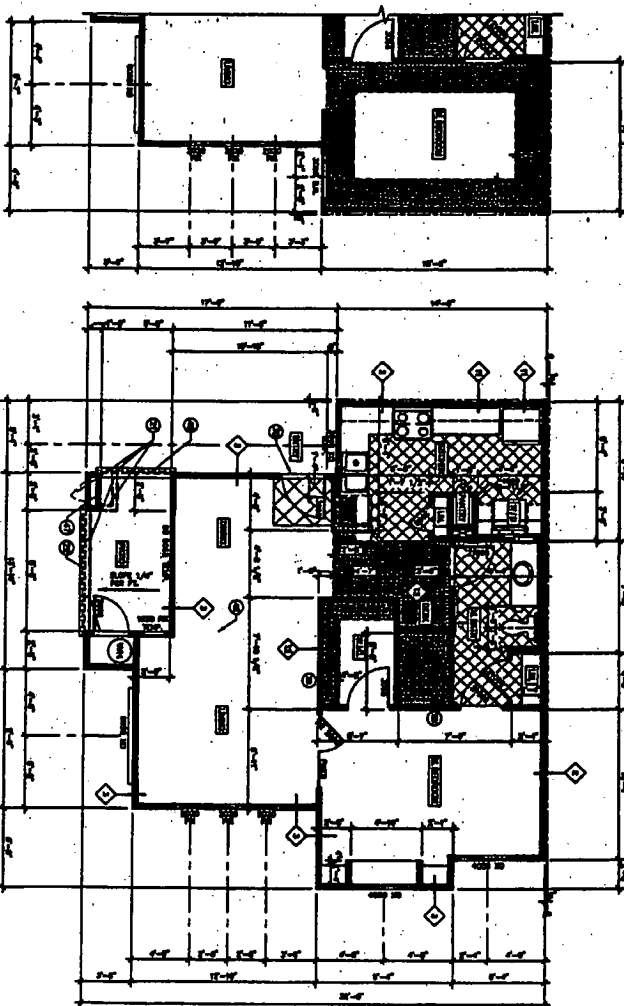
VAR-5547 UNIT A2 FLOOR PLANS
12/16/04 PC

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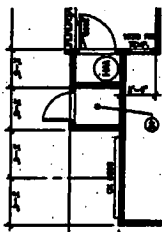
PICERNE AT PROVIDENCE
 Rental Apartment Community
 Gladi County, Nevada
Picnerne Development Corp.
 1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
 PHONE (602) 279-0484 FAX (602) 288-1820

biltform
architecture

A2.3

[illegible]

UNIT 13
As from 1980
first building plans for construction



UNIT A3	ALL CALCULATIONS PER FLOOR TO APPLY TO 2ND & 3RD FLOOR (L.A.O.)
1st Floor	789 S.F.
2nd Floor	789 S.F.
3rd Floor	789 S.F.
Total	2367 S.F.











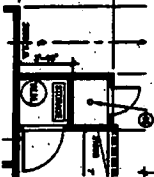
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canada
phone: (514) 496-7714
fax: (514) 496-7715

VAR-5547 UNIT A3 FLOOR PLANS
12/16/04 PC

A2.2.6

[illegible]

UNIT B1
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

UNIT B1		ALL OCCUPANCY IN 1ST FLOOR TO APPLY TO 2ND & 3RD FLOOR UNITS.
1ST FLOOR	(TYPE OF UNIT)	
Unit 101	100 S.F.	
Unit 102	22 S.F.	
Unit 103	22 S.F.	
Total		144 S.F.

VAR-5547
12/16/04 PC

UNIT B1 FLOOR PLANS

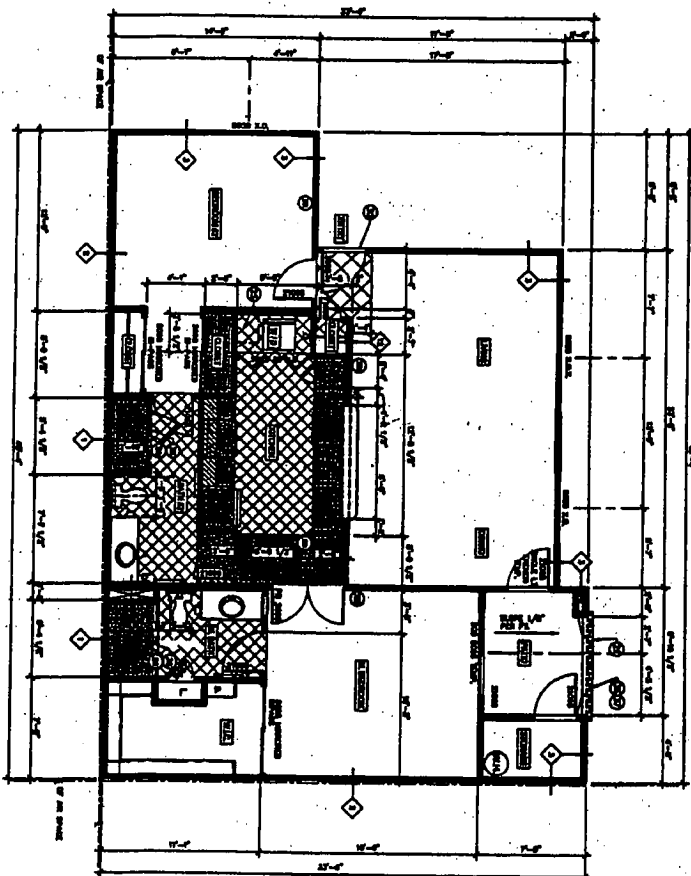
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Check County, Nevada
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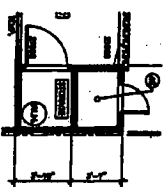
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of Nevada, Inc.**
1125 east main ave. - suite 101
sparks - nevada 89414
Phone (702) 735-1111 Fax (702) 735-1111

A2.9

[illegible]UNIT B2
AT THE END
GIVE STUDENTS PLANS FOR DOING WORK

UNIT 82	
FIRST FLOOR (TYPE "B" UNIT)	
ALL DIMENSIONS FOR 1ST FLOOR TO APPLY TO THIS & 2ND FLOOR UNITS	
Length	1.344 B.P.
Width	28 B.P.
Area	72 B.P.



VAR-5547 UNIT B2 FLOOR PLANS
12/16/04 PC

[illegible][illegible]

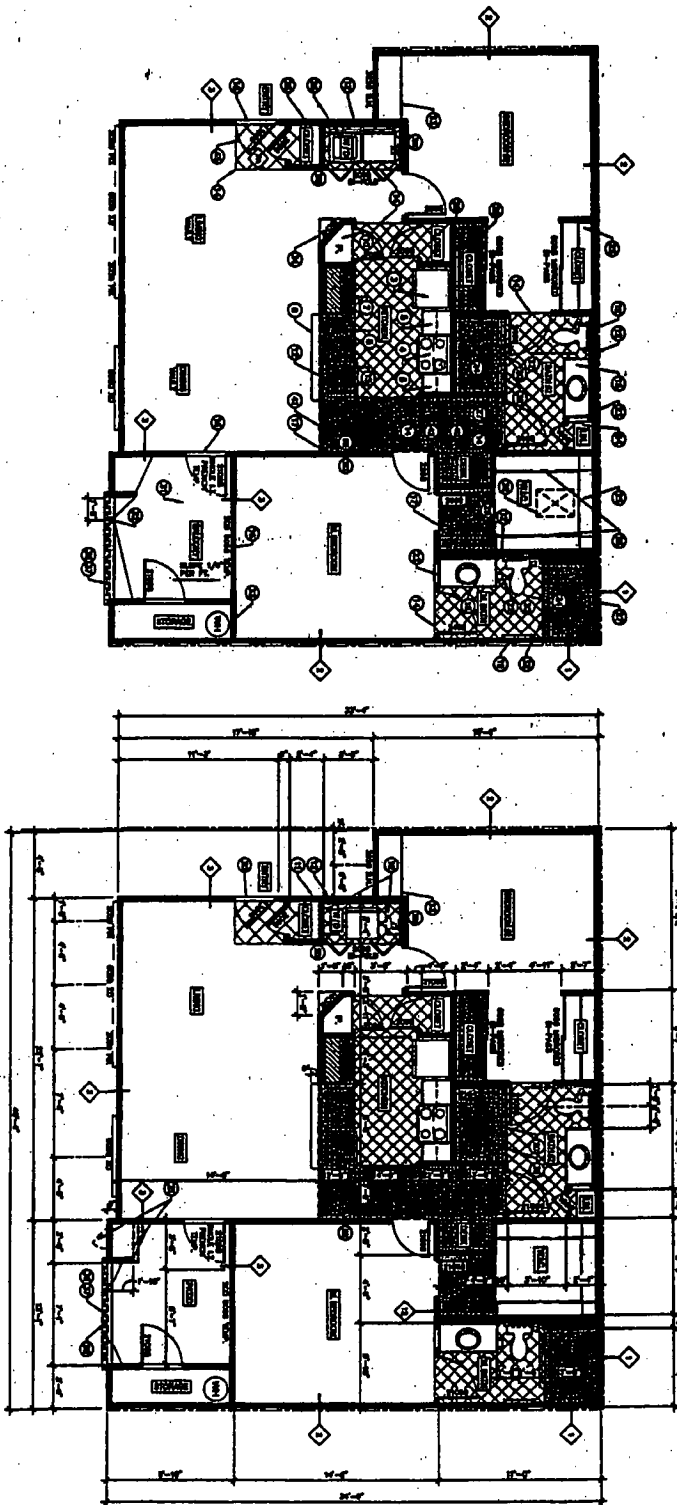
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Las Vegas • 89101
Phone (702) 735-1111

A2.12

[illegible]

UNIT B3	
SECOND FLOOR	
ALL IMPROVEMENTS ARE IN THIS FLOOR	
TO APPLY TO FIRST FLOOR (UNCL)	
Landscaping	\$1,100.00
Roofing	0.00
Electricity	0.00
Total	\$1,100.00

UNIT B3	
UNIT #	APPLY TO 2ND & 3RD FLOOR UNITS
Unit #	1798.00
Charge	600.00
Pay	618.00
Total	1,798.00

VAR-5547
1 INT R3 FLOOR PLANS
12/16/04 PC

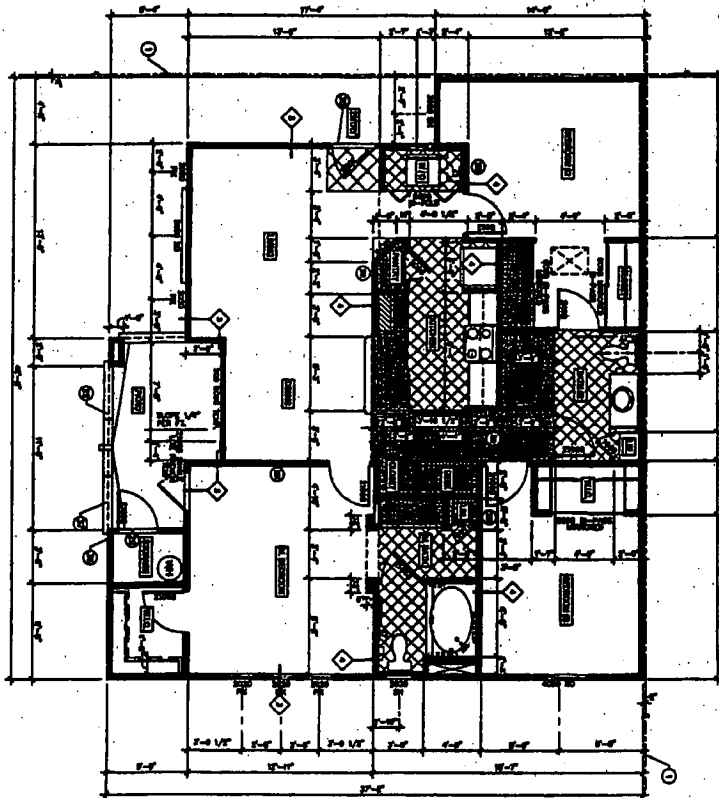
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a. Name of the vessel, company or individual (Print) b. Address (Print) c. City (Print) d. State (Print) e. Zip (Print) f. Telephone (Print) g. E-mail (Print) h. Fax (Print) i. Other (Print)		a. Name of the vessel, company or individual (Print) b. Address (Print) c. City (Print) d. State (Print) e. Zip (Print) f. Telephone (Print) g. E-mail (Print) h. Fax (Print) i. Other (Print)	
3. VESSEL INFORMATION a. Vessel Name (Print) b. Vessel Type (Print) c. Vessel Length (Feet) (Print) d. Vessel Width (Feet) (Print) e. Vessel Height (Feet) (Print) f. Vessel Weight (Tons) (Print) g. Vessel Color (Print) h. Vessel Registration (Print) i. Vessel License (Print) j. Vessel Insurance (Print) k. Vessel Equipment (Print) l. Vessel Status (Print)		a. Vessel Name (Print) b. Vessel Type (Print) c. Vessel Length (Feet) (Print) d. Vessel Width (Feet) (Print) e. Vessel Height (Feet) (Print) f. Vessel Weight (Tons) (Print) g. Vessel Color (Print) h. Vessel Registration (Print) i. Vessel License (Print) j. Vessel Insurance (Print) k. Vessel Equipment (Print) l. Vessel Status (Print)	
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A2.15

[illegible]

UNIT G1
FIRST FLOOR
ONE "B" UNIT

ALL BALANCING AT SETBACK TO
APPLY TO SIDE & REAR FLOORS W/LD.

Units: 6,100 S.F.
Stairs: 100 S.F.
Elevator: 175 S.F.
Total: 6,375 S.F.

VAR-5547
12/16/04 PC

UNIT C1 FLOOR PLANS

[illegible]

A2.17

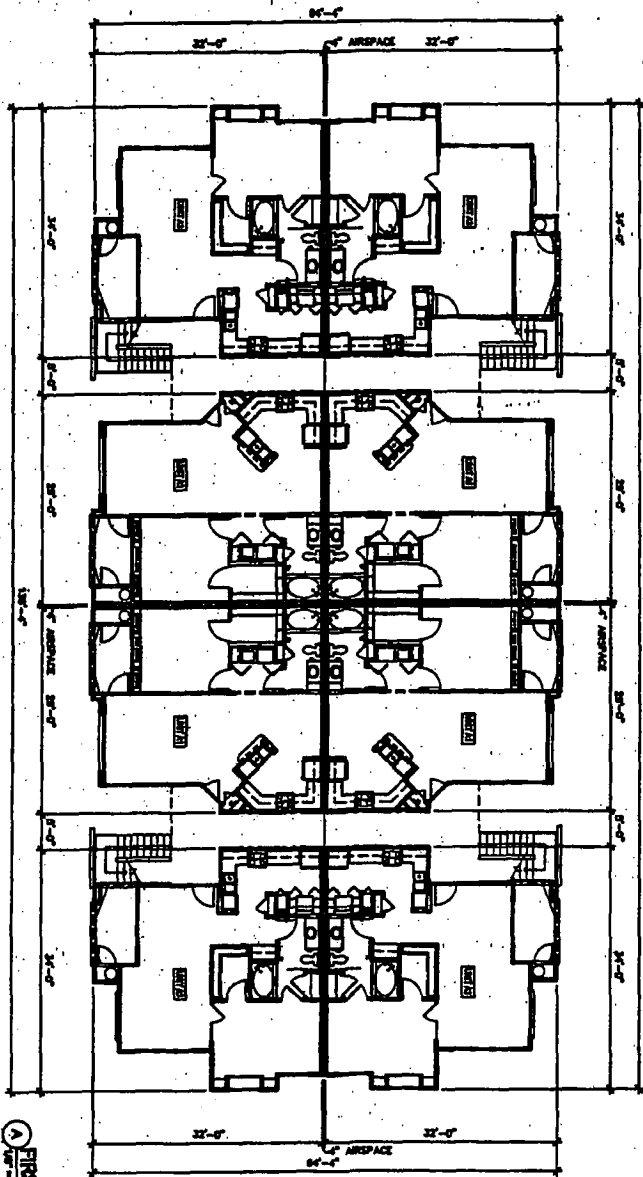
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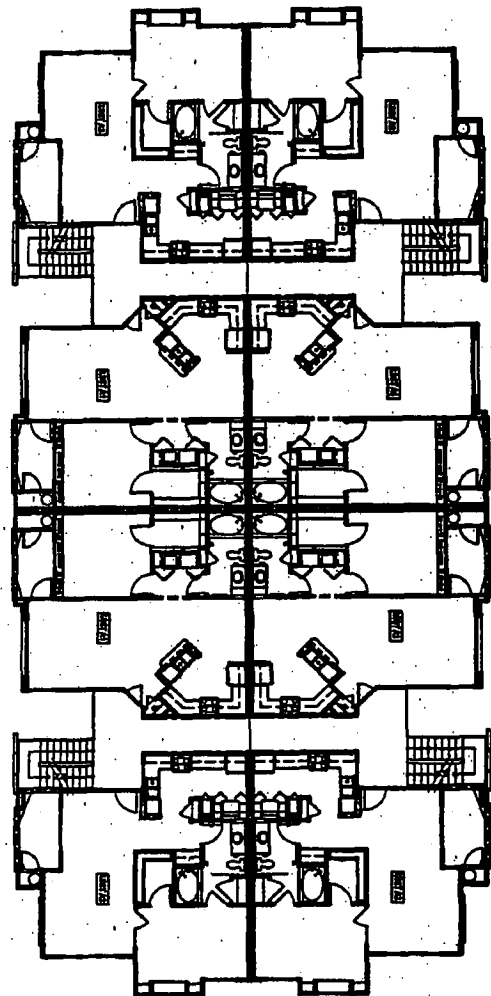
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11335 and 13th and - apt 101
Las Vegas - Nevada 89114
Phone 431-1111 Fax 431-1111

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Ⓐ FIRST FLOOR PLAN
1/8" = 1'-0"



Ⓑ SECOND FLOOR PLAN
1/8" = 1'-0"

VAR-5547
12/16/04 PC
BUILDING TYPE 1
FIRST & SECOND FLOOR PLANS

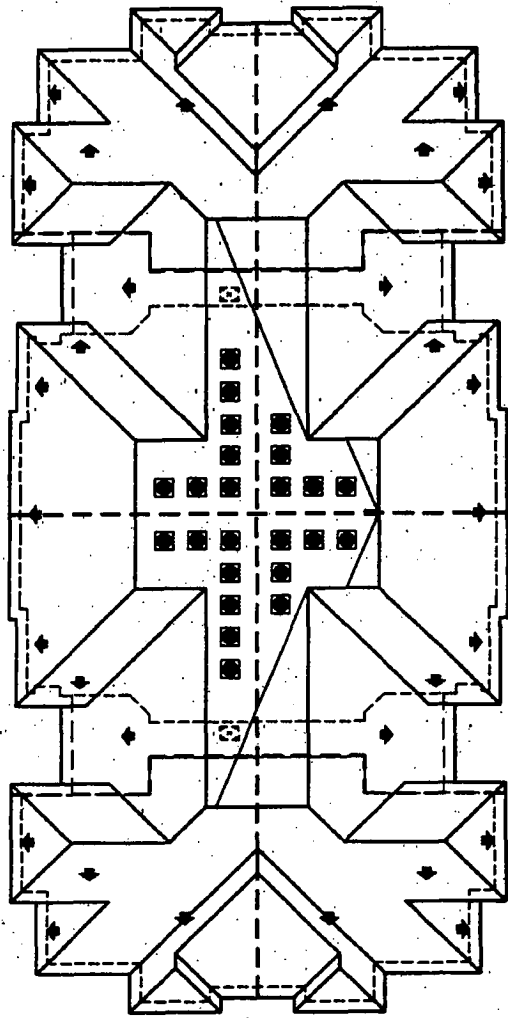
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5	REVISED PER COMMENTS	12/16/04
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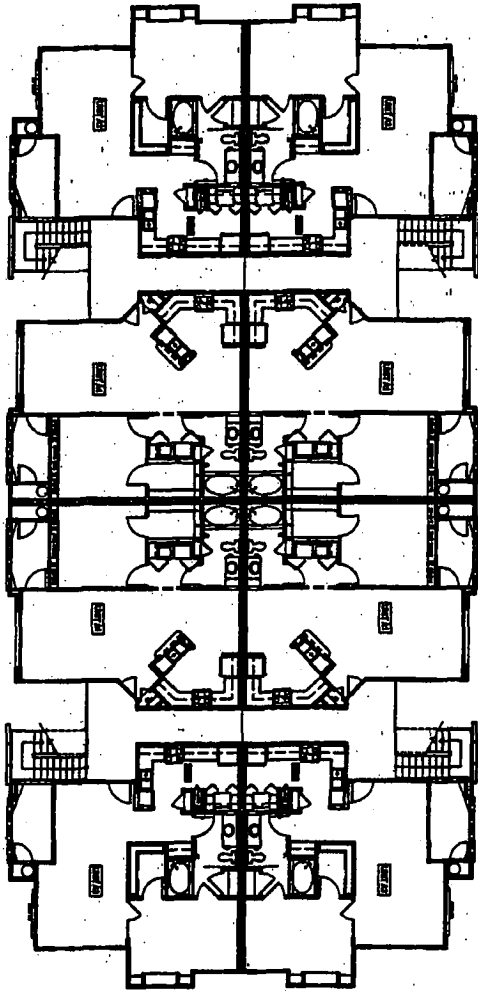
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Clint County, Nevada
Piceme Development Corp.
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PHONE: (602) 279-0000 FAX: (602) 255-1000

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1150 West Camelback Road, Suite 100
Phoenix, Arizona 85015
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B ROOF PLAN
1/8" = 1'-0"



A THIRD FLOOR PLAN
1/8" = 1'-0"

BUILDING TYPE 1
THIRD FLOOR & ROOF PLAN

VAR-5547
12/16/04 PC

A4.2

REVISION	DATE	BY	CHKD	APPD
1	12/16/04	PC		

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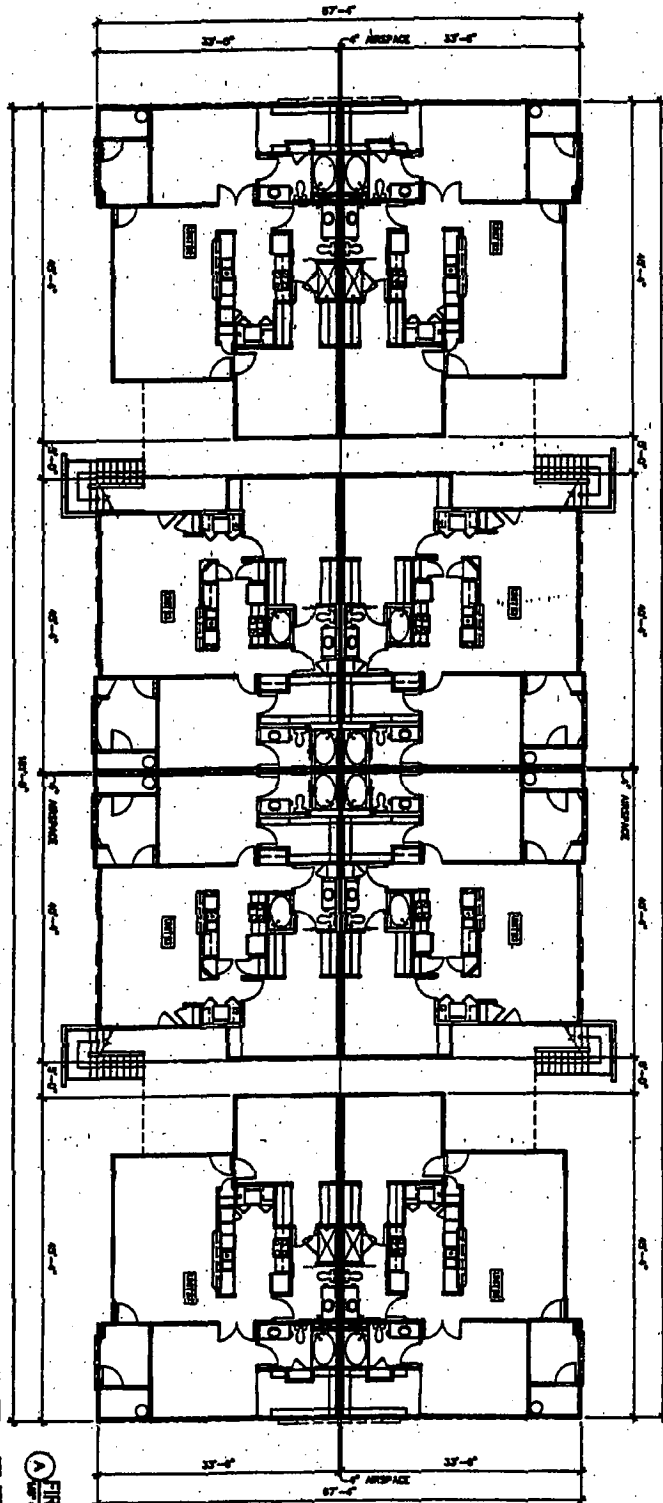
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FIRST & SECOND FLOOR PLANS

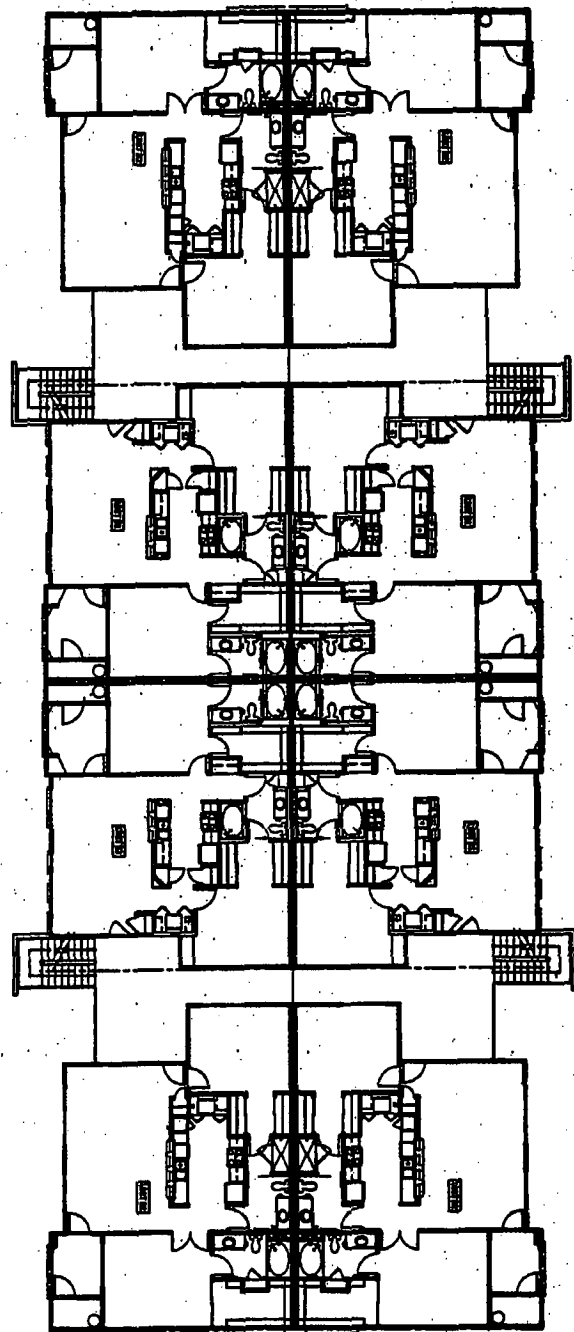
FIRST FLOOR PLAN

BUILDING TYPE 2

A4.3



SECOND FLOOR PLAN



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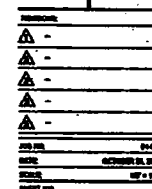
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Phoenix, Arizona 85015
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**BUILDING TYPE 2
THIRD FLOOR & ROOF PLAN**

VAR-5547
12/16/04 PC

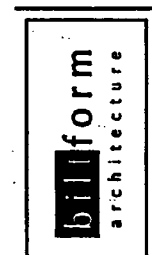


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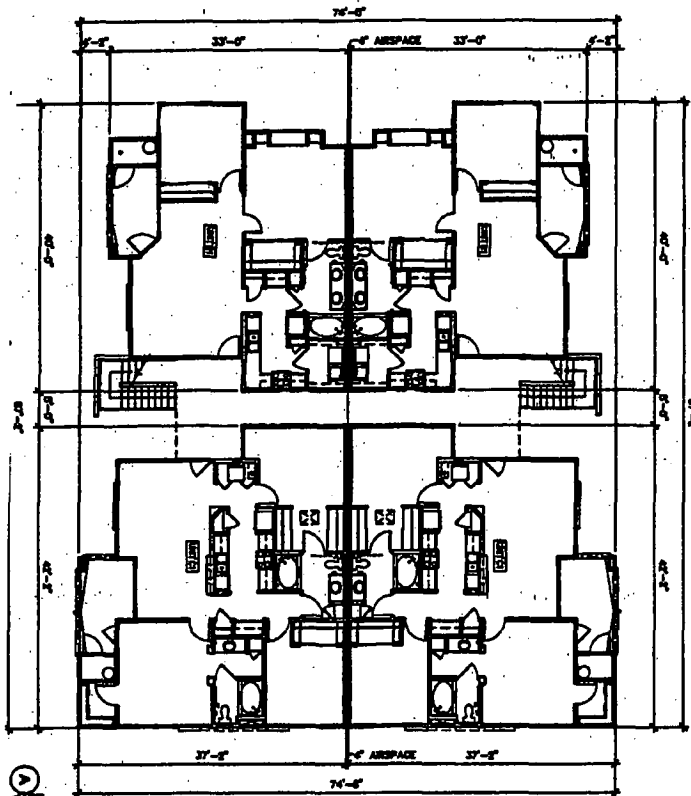
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Rental Apartment Community

Piceme Development Corp.
East County, Nevada

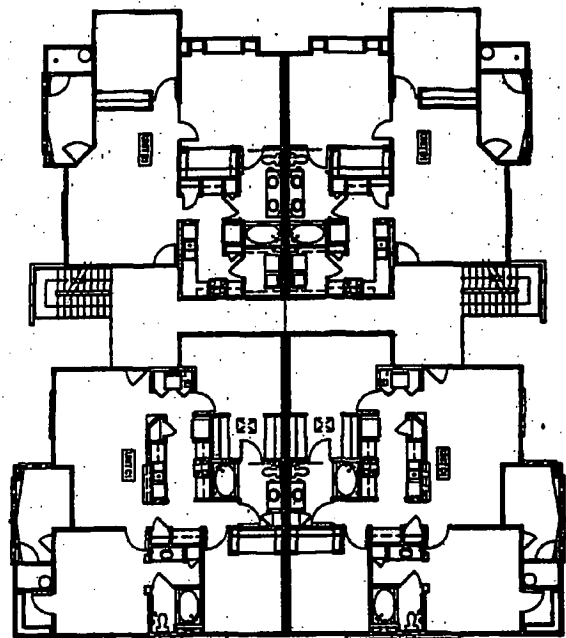
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1228 east adams street, suite 101
las Vegas, nevada 89101
Phone 692-204229 Fax 692-204239



Ⓐ FIRST FLOOR PLAN
1/8" = 1'-0"



Ⓑ SECOND FLOOR PLAN
1/8" = 1'-0"

VAR-5547
12/16/04 PC

BUILDING TYPE 3
FIRST & SECOND FLOOR PLANS

A4.5

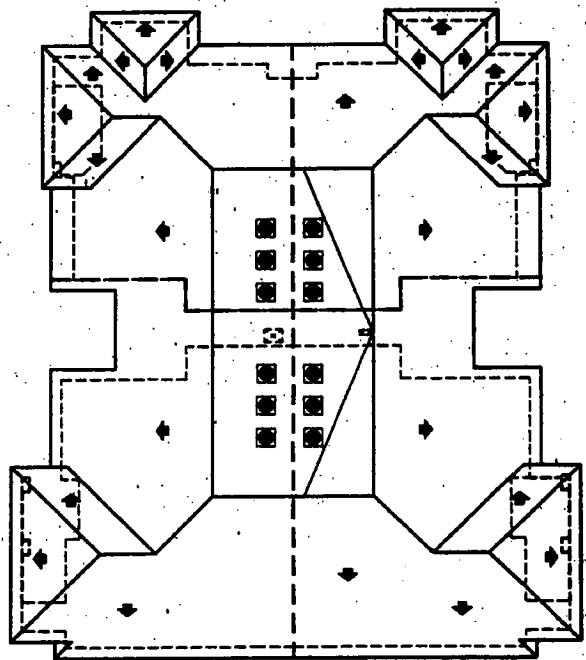
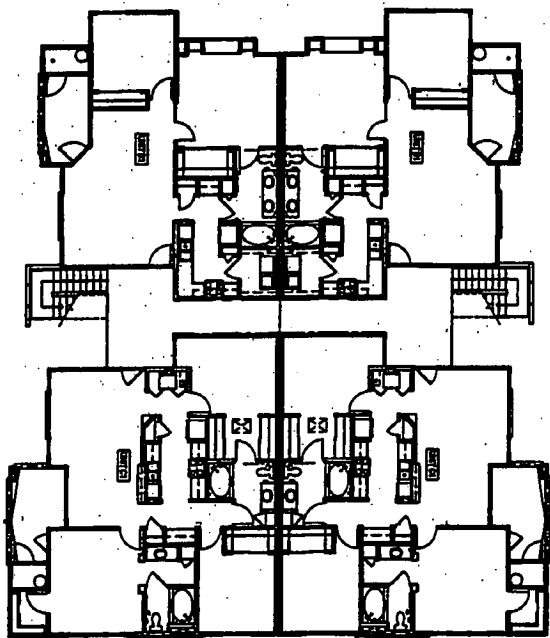
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7	REVISION	12/16/04
8	REVISION	12/16/04
9	REVISION	12/16/04
10	REVISION	12/16/04

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Clark County, Nevada

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1125 East McDowell, Suite 101
Phoenix, Arizona 85029
Phone: (602) 380-1988





④ THIRD FLOOR PLAN
100' x 145'

ROOF PLAN
156 - 150

**BUILDING TYPE 3
THIRD FLOOR & ROOF PLAN**

A.4.6

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Clark County, Nevada

Clark County, Nevada

Picerne Development Corp.

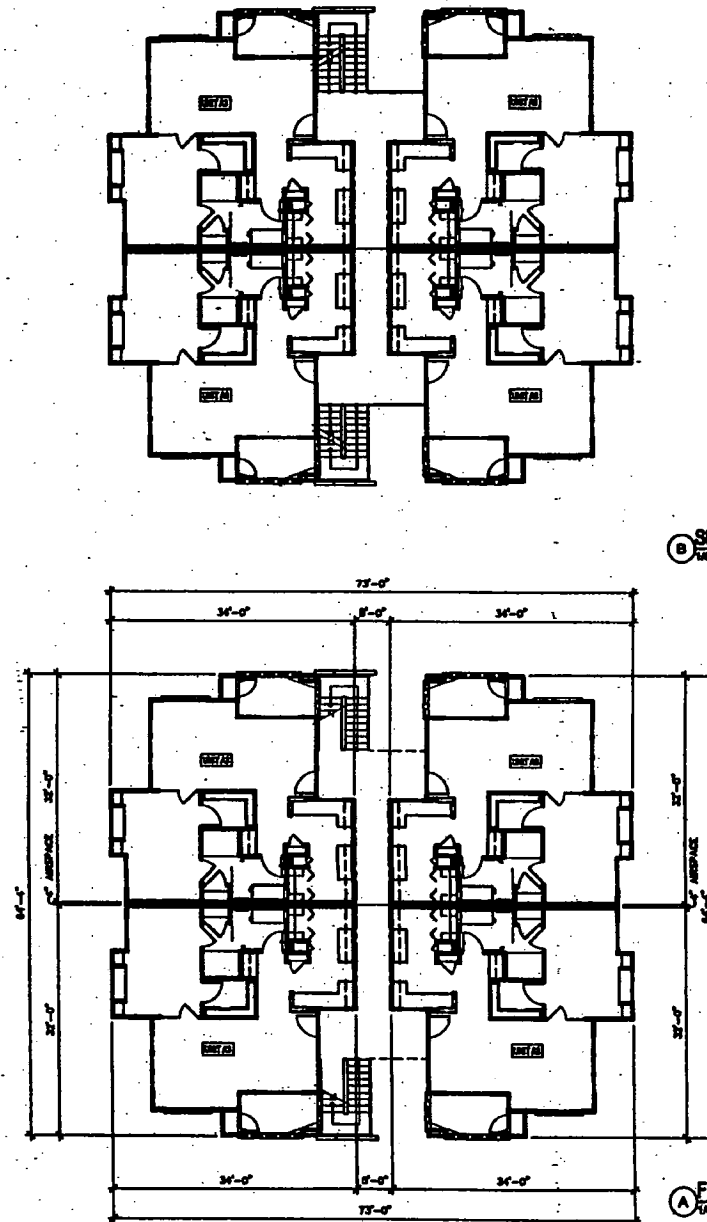
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B SECOND FLOOR PLAN
1/8" = 1'-0"

A FIRST FLOOR PLAN
1/8" = 1'-0"

BUILDING TYPE 4
FIRST & SECOND FLOOR PLANS

VAR-5547
12/16/04 PC



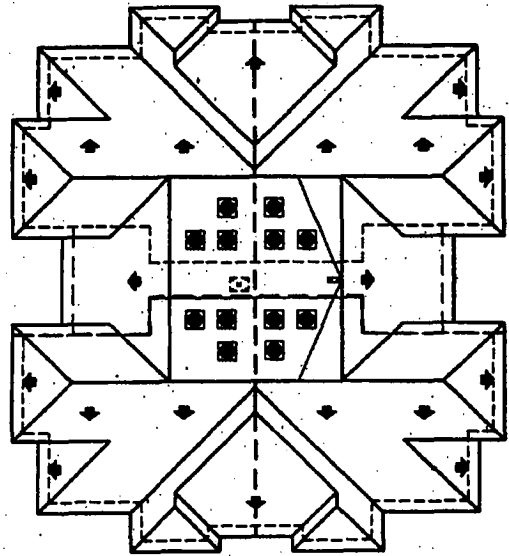
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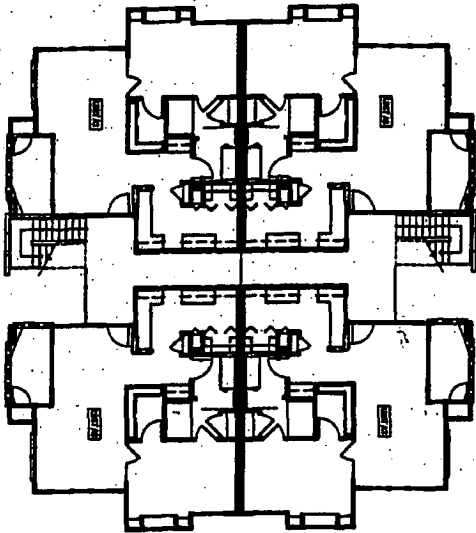
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90.00	90.00
91.00	91.00
92.00	92.00
93.00	93.00
94.00	94.00
95.00	95.00
96.00	96.00
97.00	97.00
98.00	98.00
99.00	99.00
100.00	100.00

A4.7



B
ROOF PLAN



A
THIRD FLOOR PLAN

VAR-5547
12/16/04 PC

THIRD FLOOR & ROOF PLAN

A4.8

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/16/04
2	REVISED	12/16/04
3	REVISED	12/16/04
4	REVISED	12/16/04
5	REVISED	12/16/04
6	REVISED	12/16/04
7	REVISED	12/16/04
8	REVISED	12/16/04
9	REVISED	12/16/04
10	REVISED	12/16/04

PICERNE AT PROVIDENCE

Rental Apartment Community
Clark County, Nevada

Piceme Development Corp.

1420 E. Missouri Ave., Suite 100, Phoenix, Arizona 85014-2469
PHONE: (602) 275-8884 FAX: (602) 255-1888

billform architects
of architecture, inc.
1000 North Central Ave., Suite 100
Phoenix, Arizona 85012-1001
Phone: (602) 255-1888
Fax: (602) 255-1888

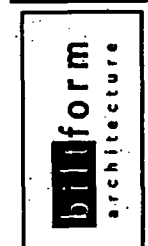
billform
architecture



VAR-5547 FU
12/16/04 PC

**BUILDING TYPE 5
FIRST & SECOND FLOOR PLANS**

A4.9

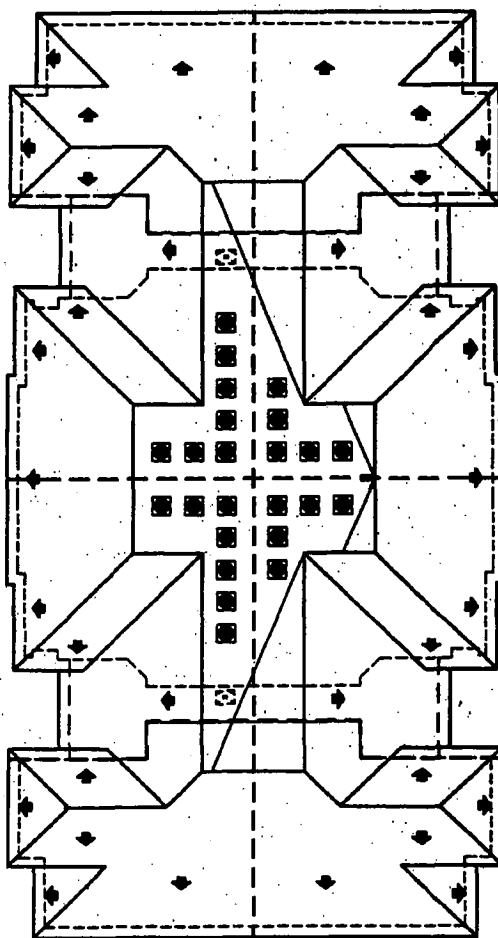


**bliform architecture
group
of nevada, inc.**
1226 east alamo road suite 101
las vegas, nevada 89114
Phone (702) 585-4525 Fax (702) 585-4529

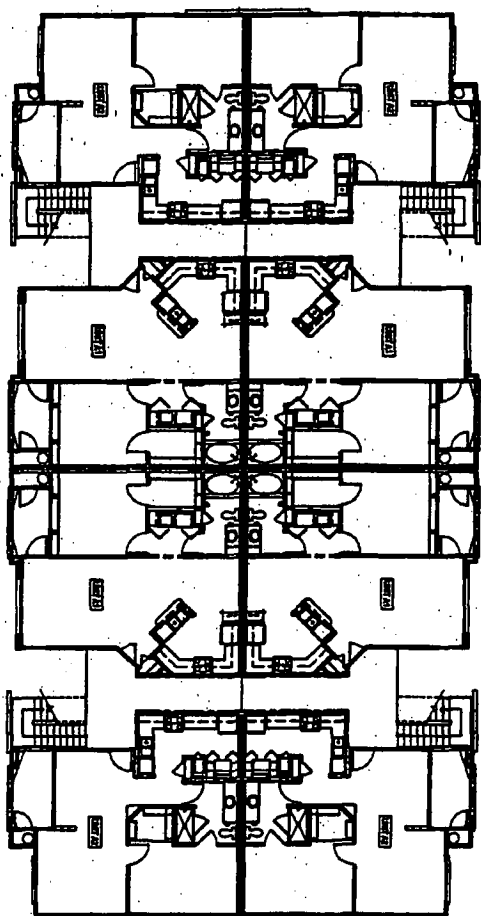
PICERNE AT PROVIDENCE
Rental Apartment Community
Clark County, Nevada

Piceme Development Corp.
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE (602) 278-6086 FAX (602) 265-1353

[illegible]



⑤ ROOF PLAN
1/2" = 1'-0"



④ THIRD FLOOR PLAN
1/2" = 1'-0"

VAR-5547
12/16/04 PC

BUILDING TYPE 5
THIRD FLOOR & ROOF PLAN

A4.10

PICERNE AT PROVIDENCE

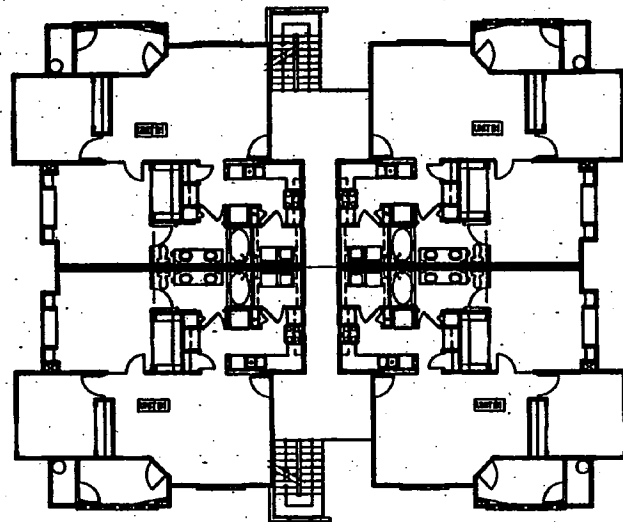
Rental Apartment Community
Clark County, Nevada

Piceme Development Corp.

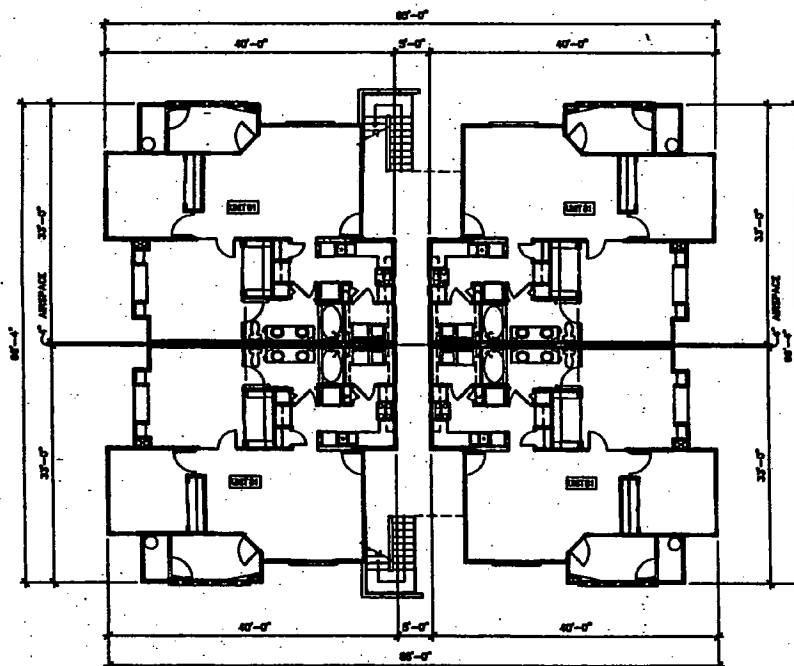
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE: (602) 279-8884 FAX: (602) 285-1008

billform architecture
1175 W. Camelback Road, Suite 100
Phoenix, Arizona 85015-1001
Phone: (602) 285-1008
Fax: (602) 285-1008

billform
architecture



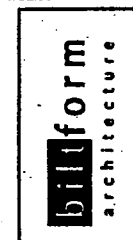
B SECOND FLOOR PLAN
1/8" = 1'-0"



A FIRST FLOOR PLAN
1/8" = 1'-0"

VAR-5547
12/16/04 PC

BUILDING TYPE 6
FIRST & SECOND FLOOR PLANS



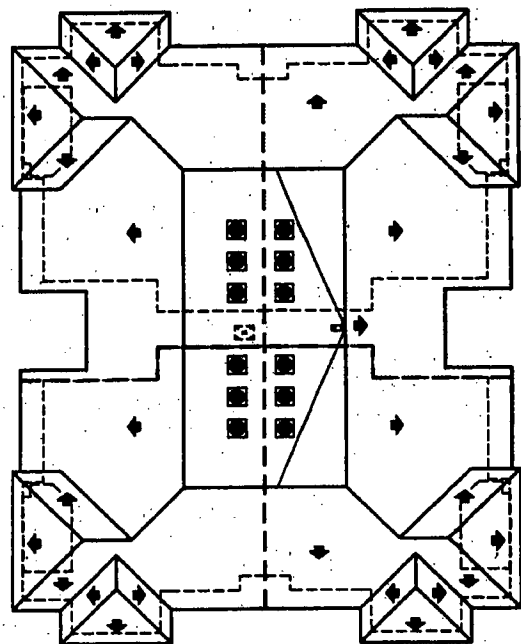
bitform architecture
group
of nevada, inc.
1325 W. WILSON AVE., SUITE 101
PHOENIX, ARIZONA 85014
Phone: 602.255.6600 Fax: 602.255.6601

PICERNE AT PROVIDENCE
Rental Apartment Community
Cook County, Illinois

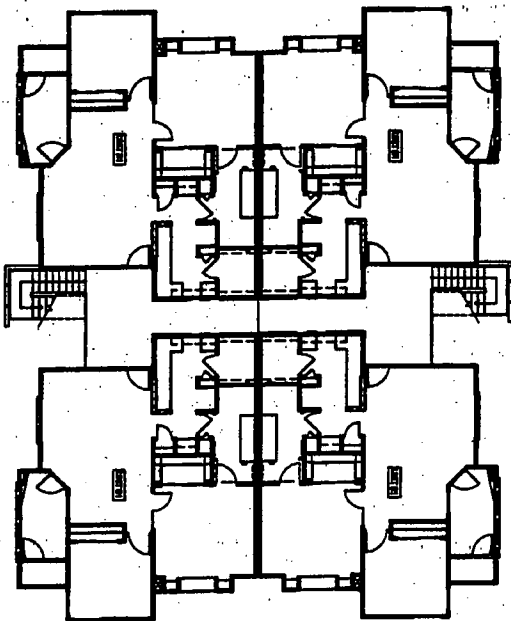
Piceme Development Corp.
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHOENIX, AZ 85014

1.00	1.00
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3.00	3.00
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11.00	11.00
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94.00	94.00
95.00	95.00
96.00	96.00
97.00	97.00
98.00	98.00
99.00	99.00
100.00	100.00

A4.11



8 ROOF PLAN
1/8" = 1'-0"



7 THIRD FLOOR PLAN
1/8" = 1'-0"

VAR-5547
12/16/04 PC

BUILDING TYPE 6
THIRD FLOOR & ROOF PLAN

A4.12

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

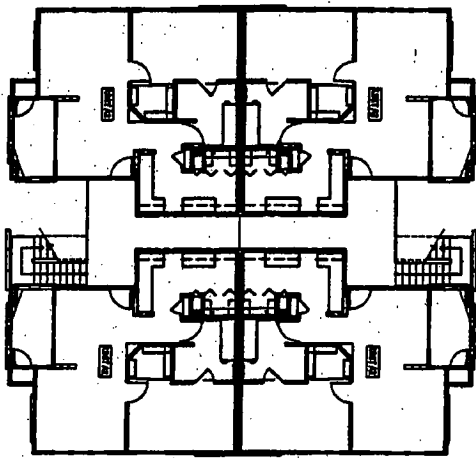
PICERNE AT PROVIDENCE Rental Apartment Community Clark County, Nevada

Picerne Development Corp.

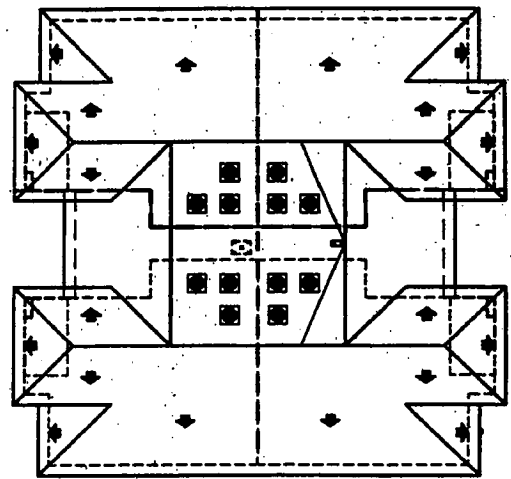
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE: (602) 270-8444 FAX: (602) 266-1820

billform architecture
1120 West Camelback Road, Suite 100
Phoenix, Arizona 85015
Phone: (602) 266-1820
Fax: (602) 266-1820





③ THIRD FLOOR PLAN
1/8" = 1'-0"



④ ROOF PLAN
1/8" = 1'-0"

VAR-5547
12/16/04 PC

BUILDING TYPE 7
THIRD FLOOR & ROOF PLAN

A4.14

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

PICERNE AT PROVIDENCE

Rental Apartment Community

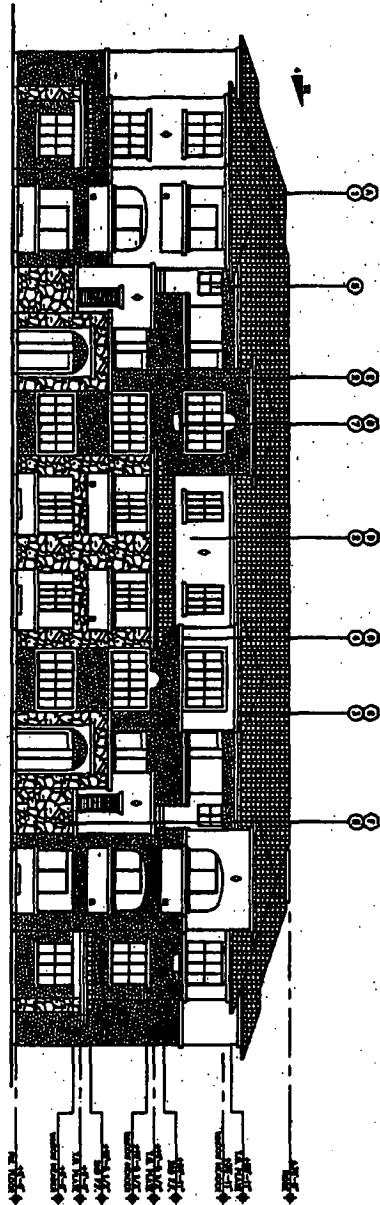
Clark County, Nevada

Piceme Development Corp.

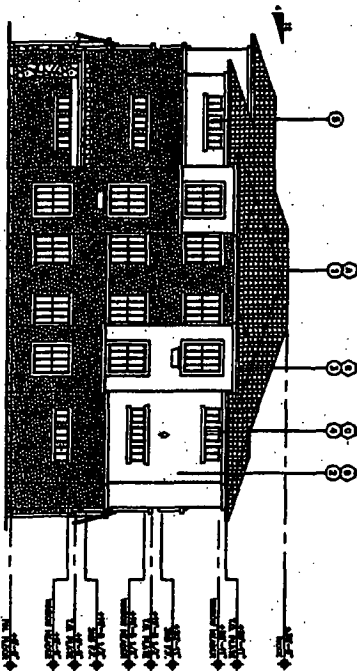
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2489
PHONE: (602) 278-8884 FAX: (602) 226-1200

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architecture
1177 West McDowell Road, Suite 101
Phoenix, Arizona 85007
Phone: (602) 226-1200
Fax: (602) 226-1200

billform
architecture



① FRONT & REAR ELEVATION
1/8" = 1'-0"



② LEFT & RIGHT ELEVATION
1/8" = 1'-0"

VAR-5547
12/16/04 PC

ELEVATION KEY NOTATION ①		
1. CORNER BRICK - 1/2" - 6" x 8" x 16"		
2. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
3. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
4. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
5. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
6. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
7. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
8. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
9. BRICK PATTERN - 1/2" - 6" x 8" x 16"		
10. BRICK PATTERN - 1/2" - 6" x 8" x 16"		

EXTERIOR COLOR SCHEDULE		
① BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
② BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
③ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
④ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
⑤ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
⑥ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
⑦ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
⑧ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
⑨ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"
⑩ BRICK	1/2" - 6" x 8" x 16"	1/2" - 6" x 8" x 16"

BUILDING TYPE 1
EXTERIOR ELEVATIONS

A5.1

PICERNE AT PROVIDENCE

Rental Apartment Community

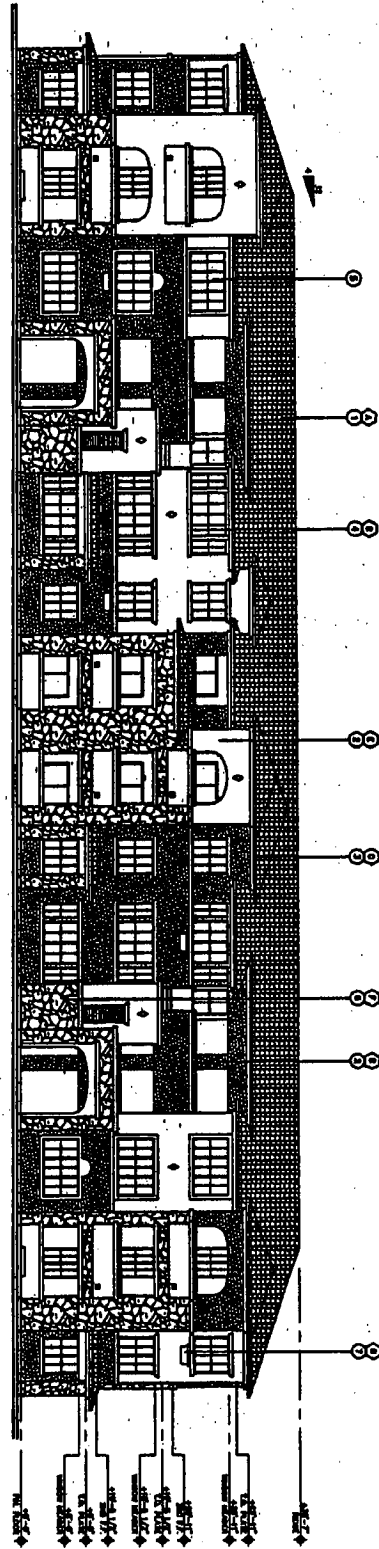
Clark County, Nevada

Picerne Development Corp.

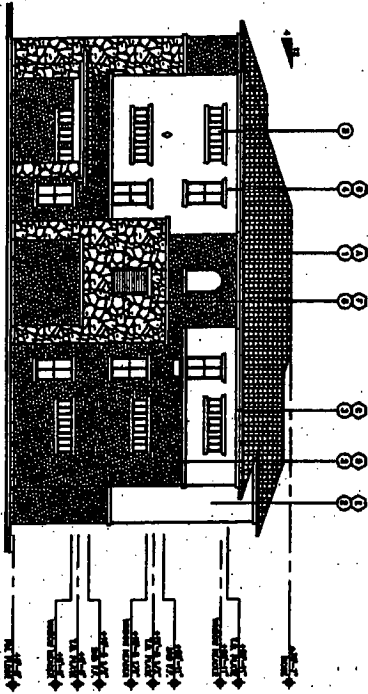
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE: (602) 279-9444 FAX: (602) 263-1928

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architecture

billform architecture
of asst'd, inc.
1333 W. 10th Ave., Suite 101
Phoenix, Arizona 85009
Tel: (602) 263-1928
Fax: (602) 263-1928



FRONT & REAR ELEVATION
1/8" = 1'-0"



LEFT & RIGHT ELEVATION
1/8" = 1'-0"

VAR-5547
12/16/04 PC

ELEVATION KEY NOTATION: ①	
1. CHAIRMAN ROOM - 12' x 14' x 10'	2. CHAIRMAN ROOM - 12' x 14' x 10'
3. CHAIRMAN ROOM - 12' x 14' x 10'	4. CHAIRMAN ROOM - 12' x 14' x 10'
5. CHAIRMAN ROOM - 12' x 14' x 10'	6. CHAIRMAN ROOM - 12' x 14' x 10'
7. CHAIRMAN ROOM - 12' x 14' x 10'	8. CHAIRMAN ROOM - 12' x 14' x 10'
9. CHAIRMAN ROOM - 12' x 14' x 10'	10. CHAIRMAN ROOM - 12' x 14' x 10'
11. CHAIRMAN ROOM - 12' x 14' x 10'	12. CHAIRMAN ROOM - 12' x 14' x 10'
13. CHAIRMAN ROOM - 12' x 14' x 10'	14. CHAIRMAN ROOM - 12' x 14' x 10'
15. CHAIRMAN ROOM - 12' x 14' x 10'	16. CHAIRMAN ROOM - 12' x 14' x 10'
17. CHAIRMAN ROOM - 12' x 14' x 10'	18. CHAIRMAN ROOM - 12' x 14' x 10'
19. CHAIRMAN ROOM - 12' x 14' x 10'	20. CHAIRMAN ROOM - 12' x 14' x 10'
21. CHAIRMAN ROOM - 12' x 14' x 10'	22. CHAIRMAN ROOM - 12' x 14' x 10'
23. CHAIRMAN ROOM - 12' x 14' x 10'	24. CHAIRMAN ROOM - 12' x 14' x 10'
25. CHAIRMAN ROOM - 12' x 14' x 10'	26. CHAIRMAN ROOM - 12' x 14' x 10'
27. CHAIRMAN ROOM - 12' x 14' x 10'	28. CHAIRMAN ROOM - 12' x 14' x 10'
29. CHAIRMAN ROOM - 12' x 14' x 10'	30. CHAIRMAN ROOM - 12' x 14' x 10'
31. CHAIRMAN ROOM - 12' x 14' x 10'	32. CHAIRMAN ROOM - 12' x 14' x 10'
33. CHAIRMAN ROOM - 12' x 14' x 10'	34. CHAIRMAN ROOM - 12' x 14' x 10'
35. CHAIRMAN ROOM - 12' x 14' x 10'	36. CHAIRMAN ROOM - 12' x 14' x 10'
37. CHAIRMAN ROOM - 12' x 14' x 10'	38. CHAIRMAN ROOM - 12' x 14' x 10'
39. CHAIRMAN ROOM - 12' x 14' x 10'	40. CHAIRMAN ROOM - 12' x 14' x 10'
41. CHAIRMAN ROOM - 12' x 14' x 10'	42. CHAIRMAN ROOM - 12' x 14' x 10'
43. CHAIRMAN ROOM - 12' x 14' x 10'	44. CHAIRMAN ROOM - 12' x 14' x 10'
45. CHAIRMAN ROOM - 12' x 14' x 10'	46. CHAIRMAN ROOM - 12' x 14' x 10'
47. CHAIRMAN ROOM - 12' x 14' x 10'	48. CHAIRMAN ROOM - 12' x 14' x 10'
49. CHAIRMAN ROOM - 12' x 14' x 10'	50. CHAIRMAN ROOM - 12' x 14' x 10'
51. CHAIRMAN ROOM - 12' x 14' x 10'	52. CHAIRMAN ROOM - 12' x 14' x 10'
53. CHAIRMAN ROOM - 12' x 14' x 10'	54. CHAIRMAN ROOM - 12' x 14' x 10'
55. CHAIRMAN ROOM - 12' x 14' x 10'	56. CHAIRMAN ROOM - 12' x 14' x 10'
57. CHAIRMAN ROOM - 12' x 14' x 10'	58. CHAIRMAN ROOM - 12' x 14' x 10'
59. CHAIRMAN ROOM - 12' x 14' x 10'	60. CHAIRMAN ROOM - 12' x 14' x 10'
61. CHAIRMAN ROOM - 12' x 14' x 10'	62. CHAIRMAN ROOM - 12' x 14' x 10'
63. CHAIRMAN ROOM - 12' x 14' x 10'	64. CHAIRMAN ROOM - 12' x 14' x 10'
65. CHAIRMAN ROOM - 12' x 14' x 10'	66. CHAIRMAN ROOM - 12' x 14' x 10'
67. CHAIRMAN ROOM - 12' x 14' x 10'	68. CHAIRMAN ROOM - 12' x 14' x 10'
69. CHAIRMAN ROOM - 12' x 14' x 10'	70. CHAIRMAN ROOM - 12' x 14' x 10'
71. CHAIRMAN ROOM - 12' x 14' x 10'	72. CHAIRMAN ROOM - 12' x 14' x 10'
73. CHAIRMAN ROOM - 12' x 14' x 10'	74. CHAIRMAN ROOM - 12' x 14' x 10'
75. CHAIRMAN ROOM - 12' x 14' x 10'	76. CHAIRMAN ROOM - 12' x 14' x 10'
77. CHAIRMAN ROOM - 12' x 14' x 10'	78. CHAIRMAN ROOM - 12' x 14' x 10'
79. CHAIRMAN ROOM - 12' x 14' x 10'	80. CHAIRMAN ROOM - 12' x 14' x 10'
81. CHAIRMAN ROOM - 12' x 14' x 10'	82. CHAIRMAN ROOM - 12' x 14' x 10'
83. CHAIRMAN ROOM - 12' x 14' x 10'	84. CHAIRMAN ROOM - 12' x 14' x 10'
85. CHAIRMAN ROOM - 12' x 14' x 10'	86. CHAIRMAN ROOM - 12' x 14' x 10'
87. CHAIRMAN ROOM - 12' x 14' x 10'	88. CHAIRMAN ROOM - 12' x 14' x 10'
89. CHAIRMAN ROOM - 12' x 14' x 10'	90. CHAIRMAN ROOM - 12' x 14' x 10'
91. CHAIRMAN ROOM - 12' x 14' x 10'	92. CHAIRMAN ROOM - 12' x 14' x 10'
93. CHAIRMAN ROOM - 12' x 14' x 10'	94. CHAIRMAN ROOM - 12' x 14' x 10'
95. CHAIRMAN ROOM - 12' x 14' x 10'	96. CHAIRMAN ROOM - 12' x 14' x 10'
97. CHAIRMAN ROOM - 12' x 14' x 10'	98. CHAIRMAN ROOM - 12' x 14' x 10'
99. CHAIRMAN ROOM - 12' x 14' x 10'	100. CHAIRMAN ROOM - 12' x 14' x 10'

BUILDING TYPE 2
EXTERIOR ELEVATIONS

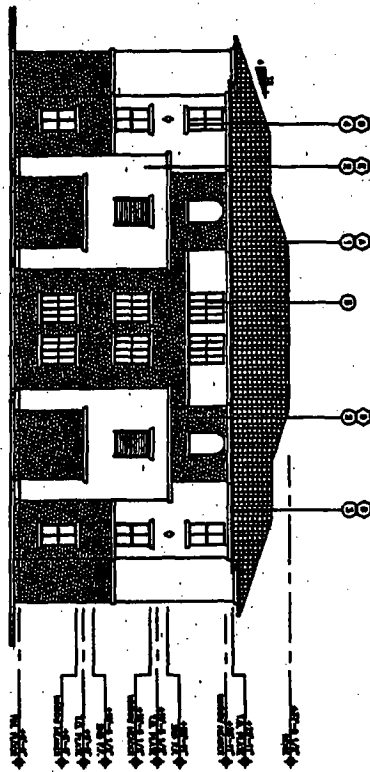
A5.2

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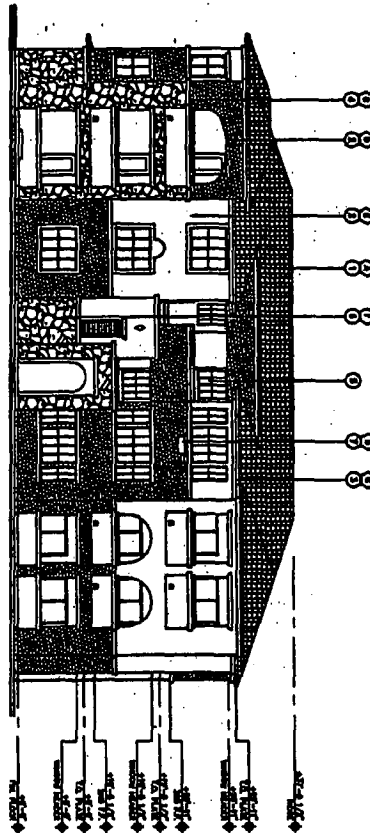
PICERNE AT PROVIDENCE
Rental Apartment Community
Picerne Development Corp.
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE: (602) 278-4404 FAX: (602) 285-1805

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of architecture, inc.
1111 North Central Avenue, Suite 111
Phoenix, Arizona 85004
Phone: (602) 285-1805

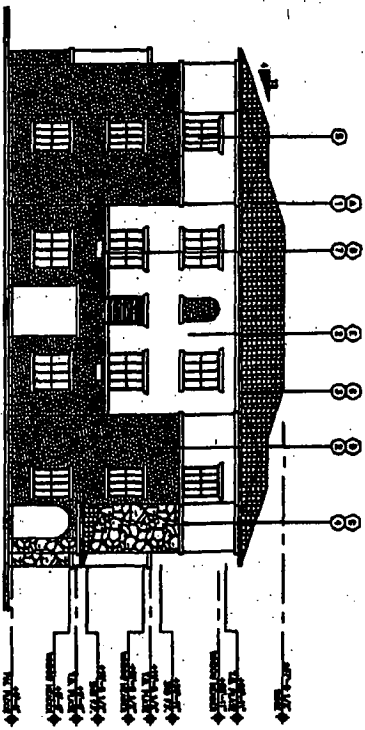
billform
architecture



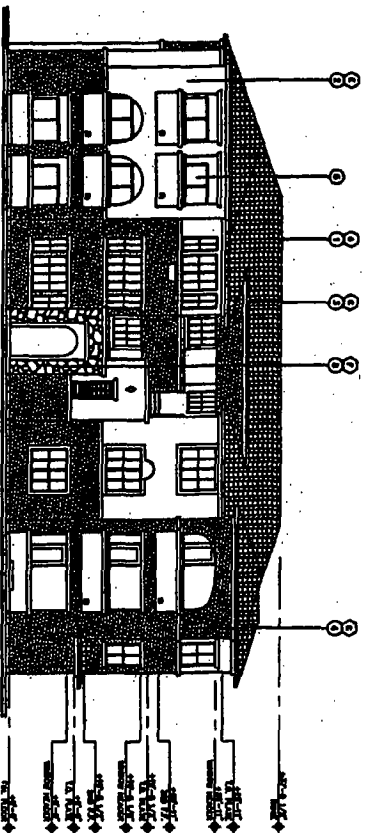
RIGHT ELEVATION



FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION

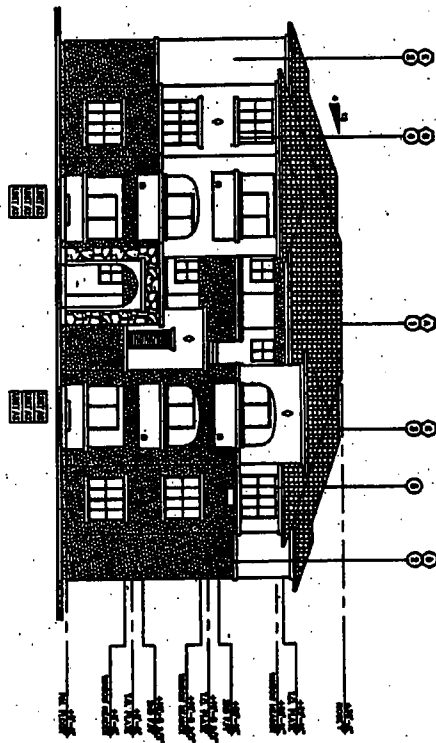
ELEVATION KEY NOTES	
1. CORNER COPY - 1/4" x 1/4" x 1/4"	2. CORNER COPY - 1/4" x 1/4" x 1/4"
3. CORNER COPY - 1/4" x 1/4" x 1/4"	4. CORNER COPY - 1/4" x 1/4" x 1/4"
5. CORNER COPY - 1/4" x 1/4" x 1/4"	6. CORNER COPY - 1/4" x 1/4" x 1/4"
7. CORNER COPY - 1/4" x 1/4" x 1/4"	8. CORNER COPY - 1/4" x 1/4" x 1/4"
9. CORNER COPY - 1/4" x 1/4" x 1/4"	10. CORNER COPY - 1/4" x 1/4" x 1/4"
11. CORNER COPY - 1/4" x 1/4" x 1/4"	12. CORNER COPY - 1/4" x 1/4" x 1/4"
13. CORNER COPY - 1/4" x 1/4" x 1/4"	14. CORNER COPY - 1/4" x 1/4" x 1/4"
15. CORNER COPY - 1/4" x 1/4" x 1/4"	16. CORNER COPY - 1/4" x 1/4" x 1/4"
17. CORNER COPY - 1/4" x 1/4" x 1/4"	18. CORNER COPY - 1/4" x 1/4" x 1/4"
19. CORNER COPY - 1/4" x 1/4" x 1/4"	20. CORNER COPY - 1/4" x 1/4" x 1/4"
21. CORNER COPY - 1/4" x 1/4" x 1/4"	22. CORNER COPY - 1/4" x 1/4" x 1/4"
23. CORNER COPY - 1/4" x 1/4" x 1/4"	24. CORNER COPY - 1/4" x 1/4" x 1/4"
25. CORNER COPY - 1/4" x 1/4" x 1/4"	26. CORNER COPY - 1/4" x 1/4" x 1/4"
27. CORNER COPY - 1/4" x 1/4" x 1/4"	28. CORNER COPY - 1/4" x 1/4" x 1/4"
29. CORNER COPY - 1/4" x 1/4" x 1/4"	30. CORNER COPY - 1/4" x 1/4" x 1/4"
31. CORNER COPY - 1/4" x 1/4" x 1/4"	32. CORNER COPY - 1/4" x 1/4" x 1/4"
33. CORNER COPY - 1/4" x 1/4" x 1/4"	34. CORNER COPY - 1/4" x 1/4" x 1/4"
35. CORNER COPY - 1/4" x 1/4" x 1/4"	36. CORNER COPY - 1/4" x 1/4" x 1/4"
37. CORNER COPY - 1/4" x 1/4" x 1/4"	38. CORNER COPY - 1/4" x 1/4" x 1/4"
39. CORNER COPY - 1/4" x 1/4" x 1/4"	40. CORNER COPY - 1/4" x 1/4" x 1/4"
41. CORNER COPY - 1/4" x 1/4" x 1/4"	42. CORNER COPY - 1/4" x 1/4" x 1/4"
43. CORNER COPY - 1/4" x 1/4" x 1/4"	44. CORNER COPY - 1/4" x 1/4" x 1/4"
45. CORNER COPY - 1/4" x 1/4" x 1/4"	46. CORNER COPY - 1/4" x 1/4" x 1/4"
47. CORNER COPY - 1/4" x 1/4" x 1/4"	48. CORNER COPY - 1/4" x 1/4" x 1/4"
49. CORNER COPY - 1/4" x 1/4" x 1/4"	50. CORNER COPY - 1/4" x 1/4" x 1/4"
51. CORNER COPY - 1/4" x 1/4" x 1/4"	52. CORNER COPY - 1/4" x 1/4" x 1/4"
53. CORNER COPY - 1/4" x 1/4" x 1/4"	54. CORNER COPY - 1/4" x 1/4" x 1/4"
55. CORNER COPY - 1/4" x 1/4" x 1/4"	56. CORNER COPY - 1/4" x 1/4" x 1/4"
57. CORNER COPY - 1/4" x 1/4" x 1/4"	58. CORNER COPY - 1/4" x 1/4" x 1/4"
59. CORNER COPY - 1/4" x 1/4" x 1/4"	60. CORNER COPY - 1/4" x 1/4" x 1/4"
61. CORNER COPY - 1/4" x 1/4" x 1/4"	62. CORNER COPY - 1/4" x 1/4" x 1/4"
63. CORNER COPY - 1/4" x 1/4" x 1/4"	64. CORNER COPY - 1/4" x 1/4" x 1/4"
65. CORNER COPY - 1/4" x 1/4" x 1/4"	66. CORNER COPY - 1/4" x 1/4" x 1/4"
67. CORNER COPY - 1/4" x 1/4" x 1/4"	68. CORNER COPY - 1/4" x 1/4" x 1/4"
69. CORNER COPY - 1/4" x 1/4" x 1/4"	70. CORNER COPY - 1/4" x 1/4" x 1/4"
71. CORNER COPY - 1/4" x 1/4" x 1/4"	72. CORNER COPY - 1/4" x 1/4" x 1/4"
73. CORNER COPY - 1/4" x 1/4" x 1/4"	74. CORNER COPY - 1/4" x 1/4" x 1/4"
75. CORNER COPY - 1/4" x 1/4" x 1/4"	76. CORNER COPY - 1/4" x 1/4" x 1/4"
77. CORNER COPY - 1/4" x 1/4" x 1/4"	78. CORNER COPY - 1/4" x 1/4" x 1/4"
79. CORNER COPY - 1/4" x 1/4" x 1/4"	80. CORNER COPY - 1/4" x 1/4" x 1/4"
81. CORNER COPY - 1/4" x 1/4" x 1/4"	82. CORNER COPY - 1/4" x 1/4" x 1/4"
83. CORNER COPY - 1/4" x 1/4" x 1/4"	84. CORNER COPY - 1/4" x 1/4" x 1/4"
85. CORNER COPY - 1/4" x 1/4" x 1/4"	86. CORNER COPY - 1/4" x 1/4" x 1/4"
87. CORNER COPY - 1/4" x 1/4" x 1/4"	88. CORNER COPY - 1/4" x 1/4" x 1/4"
89. CORNER COPY - 1/4" x 1/4" x 1/4"	90. CORNER COPY - 1/4" x 1/4" x 1/4"
91. CORNER COPY - 1/4" x 1/4" x 1/4"	92. CORNER COPY - 1/4" x 1/4" x 1/4"
93. CORNER COPY - 1/4" x 1/4" x 1/4"	94. CORNER COPY - 1/4" x 1/4" x 1/4"
95. CORNER COPY - 1/4" x 1/4" x 1/4"	96. CORNER COPY - 1/4" x 1/4" x 1/4"
97. CORNER COPY - 1/4" x 1/4" x 1/4"	98. CORNER COPY - 1/4" x 1/4" x 1/4"
99. CORNER COPY - 1/4" x 1/4" x 1/4"	100. CORNER COPY - 1/4" x 1/4" x 1/4"

VAR-5547
12/16/04 PC
BUILDING TYPE 3
EXTERIOR ELEVATIONS

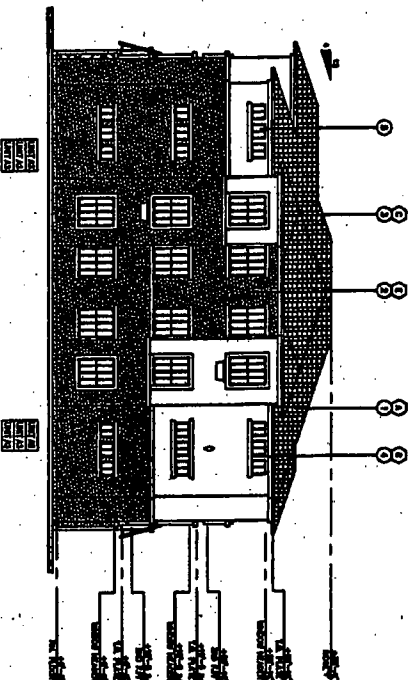
A5.3

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PHOTO: 602 274-1000 FAX: 602 274-1000

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billform architects
1120 East Main Street, Suite 100
Phoenix, Arizona 85001
Phone: 602 274-1000 Fax: 602 274-1000



FRONT & REAR ELEVATION
1/2" = 1'-0"



LEFT & RIGHT ELEVATION
1/2" = 1'-0"

VAR-5547
12/16/04 PC

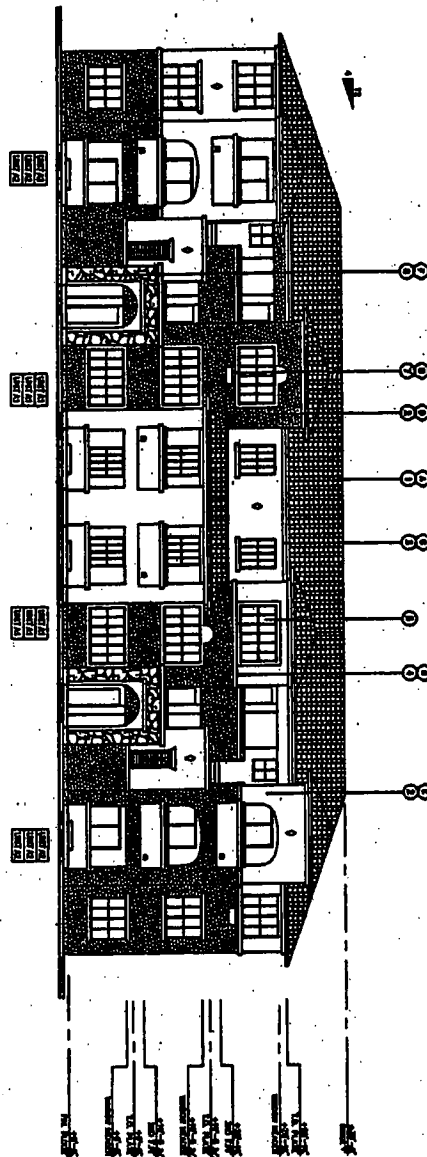
BUILDING TYPE 4
EXTERIOR ELEVATIONS

A5.4

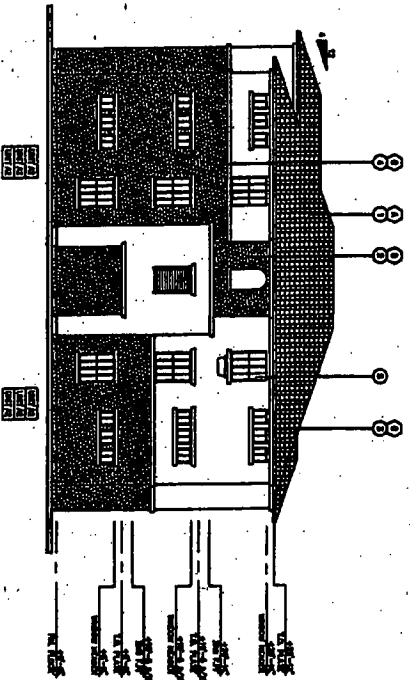
ELEVATION KEY NOTATION	
1. SURFACE MATERIAL	2. COLOR
3. FINISH	4. MATERIAL
5. FINISH	6. MATERIAL
7. FINISH	8. MATERIAL
9. FINISH	10. MATERIAL
11. FINISH	12. MATERIAL
13. FINISH	14. MATERIAL
15. FINISH	16. MATERIAL
17. FINISH	18. MATERIAL
19. FINISH	20. MATERIAL
21. FINISH	22. MATERIAL
23. FINISH	24. MATERIAL
25. FINISH	26. MATERIAL
27. FINISH	28. MATERIAL
29. FINISH	30. MATERIAL
31. FINISH	32. MATERIAL
33. FINISH	34. MATERIAL
35. FINISH	36. MATERIAL
37. FINISH	38. MATERIAL
39. FINISH	40. MATERIAL
41. FINISH	42. MATERIAL
43. FINISH	44. MATERIAL
45. FINISH	46. MATERIAL
47. FINISH	48. MATERIAL
49. FINISH	50. MATERIAL
51. FINISH	52. MATERIAL
53. FINISH	54. MATERIAL
55. FINISH	56. MATERIAL
57. FINISH	58. MATERIAL
59. FINISH	60. MATERIAL
61. FINISH	62. MATERIAL
63. FINISH	64. MATERIAL
65. FINISH	66. MATERIAL
67. FINISH	68. MATERIAL
69. FINISH	70. MATERIAL
71. FINISH	72. MATERIAL
73. FINISH	74. MATERIAL
75. FINISH	76. MATERIAL
77. FINISH	78. MATERIAL
79. FINISH	80. MATERIAL
81. FINISH	82. MATERIAL
83. FINISH	84. MATERIAL
85. FINISH	86. MATERIAL
87. FINISH	88. MATERIAL
89. FINISH	90. MATERIAL
91. FINISH	92. MATERIAL
93. FINISH	94. MATERIAL
95. FINISH	96. MATERIAL
97. FINISH	98. MATERIAL
99. FINISH	100. MATERIAL

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billform architects
of providence, inc.
1100 East Main Street, Suite 101
Providence, RI 02903



A FRONT & REAR ELEVATION
1/2" = 1'-0"



B LEFT & RIGHT ELEVATION
1/2" = 1'-0"

EXTERIOR MATERIALS: ①	
1. CONCRETE AND BRICK - EXTERIOR WALLS	1. CONCRETE AND BRICK - EXTERIOR WALLS
2. BRICK - EXTERIOR WALLS	2. BRICK - EXTERIOR WALLS
3. BRICK - EXTERIOR WALLS	3. BRICK - EXTERIOR WALLS
4. BRICK - EXTERIOR WALLS	4. BRICK - EXTERIOR WALLS
5. BRICK - EXTERIOR WALLS	5. BRICK - EXTERIOR WALLS
6. BRICK - EXTERIOR WALLS	6. BRICK - EXTERIOR WALLS
7. BRICK - EXTERIOR WALLS	7. BRICK - EXTERIOR WALLS
8. BRICK - EXTERIOR WALLS	8. BRICK - EXTERIOR WALLS
9. BRICK - EXTERIOR WALLS	9. BRICK - EXTERIOR WALLS
10. BRICK - EXTERIOR WALLS	10. BRICK - EXTERIOR WALLS

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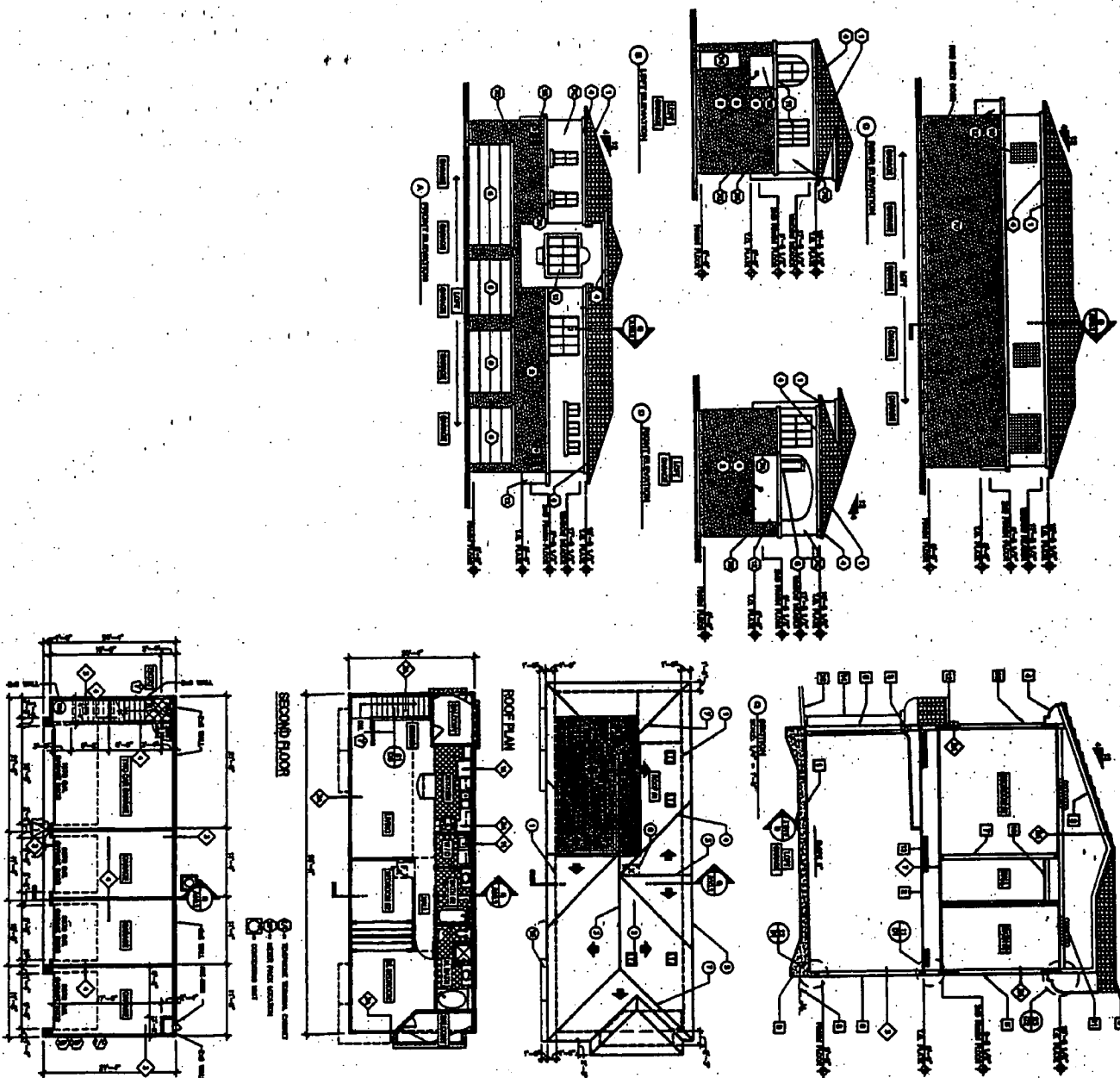
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of phoenix, inc.
1111 N. 1st Avenue, Suite 111
Phoenix, Arizona 85004
Phone: (602) 258-1111
Fax: (602) 258-1111

PICERNE AT PROVIDENCE
Rental Apartment Community
One Grand, Phoenix

Piceme Development Corp.
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VAR-5547
12/16/04 PC
BUILDING TYPE 5
EXTERIOR ELEVATIONS

A5.5



LOFT - BUILDING TYPE 8
ELEVATIONS AND SECTION

[illegible]

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Rental Apartment Community
Clark County, Nevada

Picerne Development Corp.

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PHONE: (602) 271-4444 FAX: (602) 258-1035

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**Bilidera architecture
Group
of Nevada, Inc.**

A6.1

HAULPAI WAY

DORRELL LANE

STREET PLANTING BY DEVELOPER

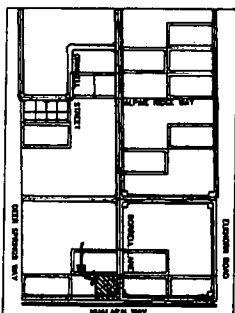
MATCHLINE-SEE SHEET L3.3

STREET PLANTING BY DEVELOPER

MATCHLINE-SEE SHEET L3.2

[illegible]

TYPE: PROJECT ACTIVITY		1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
1	Construction of new building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
2	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
3	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
4	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
5	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
6	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
7	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
8	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
9	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
10	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
11	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
12	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
13	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
14	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
15	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
16	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
17	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
18	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
19	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
20	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
21	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
22	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
23	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
24	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
25	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
26	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
27	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
28	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
29	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
30	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
31	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
32	Renewal of building	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	201																			



KEY MAN
⊕all

GREY PICKET

Fig. 2. Waterlogging density: average
incidence of infection (%)
at 1000 hours after infection

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Planting

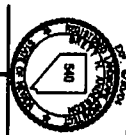
13.1

	REMARKS
A	SECOND SURVEILLANCE
A	-
A	-
A	-
A	-
A	-
ALB NO.	B-60
SPEC	OCCUPANT IN ROOM
SCALE	F-87
SHEET NO.	

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Las Vegas - Nevada 89101
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HAULPAI WAY

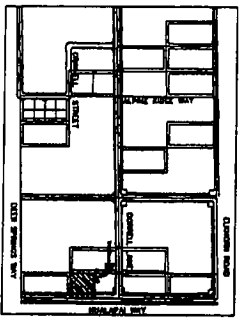
This is a detailed site plan for a proposed development. The plan shows several building footprints with internal room divisions. A central parking area is defined by a grid of lines. Landscaping is indicated by various symbols for trees and shrubs, particularly along the perimeter and between buildings. A dashed line at the bottom is labeled "LIMIT OF CONSTRUCTION". On the left side, a vertical match line is labeled "MATCHLINE-SEE SHEET 3.5".

MATCHLINE-SEE SHEET L3.5

LIMIT OF CONSTRUCTION



Sym. Prod Name		Material Description		Weight	
①	Standard 1000	1000	1000	1000	1000
②	Standard 1000	1000	1000	1000	1000
③	Standard 1000	1000	1000	1000	1000
④	Standard 1000	1000	1000	1000	1000
⑤	Standard 1000	1000	1000	1000	1000
⑥	Standard 1000	1000	1000	1000	1000
⑦	Standard 1000	1000	1000	1000	1000
⑧	Standard 1000	1000	1000	1000	1000
⑨	Standard 1000	1000	1000	1000	1000
⑩	Standard 1000	1000	1000	1000	1000
⑪	Standard 1000	1000	1000	1000	1000
⑫	Standard 1000	1000	1000	1000	1000
⑬	Standard 1000	1000	1000	1000	1000
⑭	Standard 1000	1000	1000	1000	1000
⑮	Standard 1000	1000	1000	1000	1000
⑯	Standard 1000	1000	1000	1000	1000
⑰	Standard 1000	1000	1000	1000	1000
⑱	Standard 1000	1000	1000	1000	1000
⑲	Standard 1000	1000	1000	1000	1000
⑳	Standard 1000	1000	1000	1000	1000
㉑	Standard 1000	1000	1000	1000	1000
㉒	Standard 1000	1000	1000	1000	1000
㉓	Standard 1000	1000	1000	1000	1000
㉔	Standard 1000	1000	1000	1000	1000
㉕	Standard 1000	1000	1000	1000	1000
㉖	Standard 1000	1000	1000	1000	1000
㉗	Standard 1000	1000	1000	1000	1000
㉘	Standard 1000	1000	1000	1000	1000
㉙	Standard 1000	1000	1000	1000	1000
㉚	Standard 1000	1000	1000	1000	1000
㉛	Standard 1000	1000	1000	1000	1000
㉜	Standard 1000	1000	1000	1000	1000
㉝	Standard 1000	1000	1000	1000	1000
㉞	Standard 1000	1000	1000	1000	1000
㉟	Standard 1000	1000	1000	1000	1000
㊱	Standard 1000	1000	1000	1000	1000
㊲	Standard 1000	1000	1000	1000	1000
㊳	Standard 1000	1000	1000	1000	1000
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GREY PICKET

ONEKEY PICK UP
rental cars | car wash

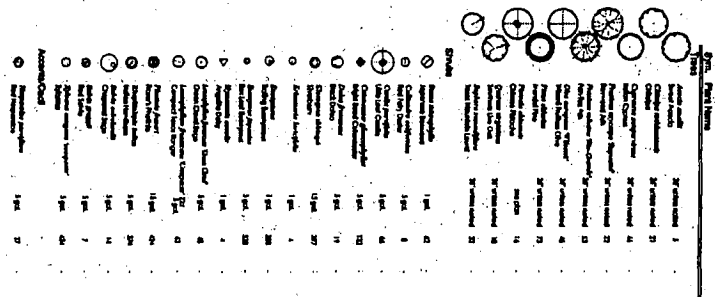
L3.2 Planting

PICERNE AT PROVIDENCE
Rental Apartment Community
Clark County, Nevada

Picerne Development Corp.
420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2489
OFFICE: (602) 278-6881 FAX: (602) 286-1989



VAR-5547
12/16/04 PC



Characteristics		1964	1965	1966
①	Weight of base cloth	160	160	160
②	Weight of base cloth	15	15	20
③	Base fabric	15	15	20
④	Weight of base cloth	160	160	160
⑤	Weight of base cloth	160	160	160
⑥	Weight of base cloth	160	160	160
⑦	Weight of base cloth	160	160	160
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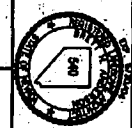
GREY PICTURES
In charge worldwide community casting

L3.3 Planting

VAR-5547
12/16/04 PC

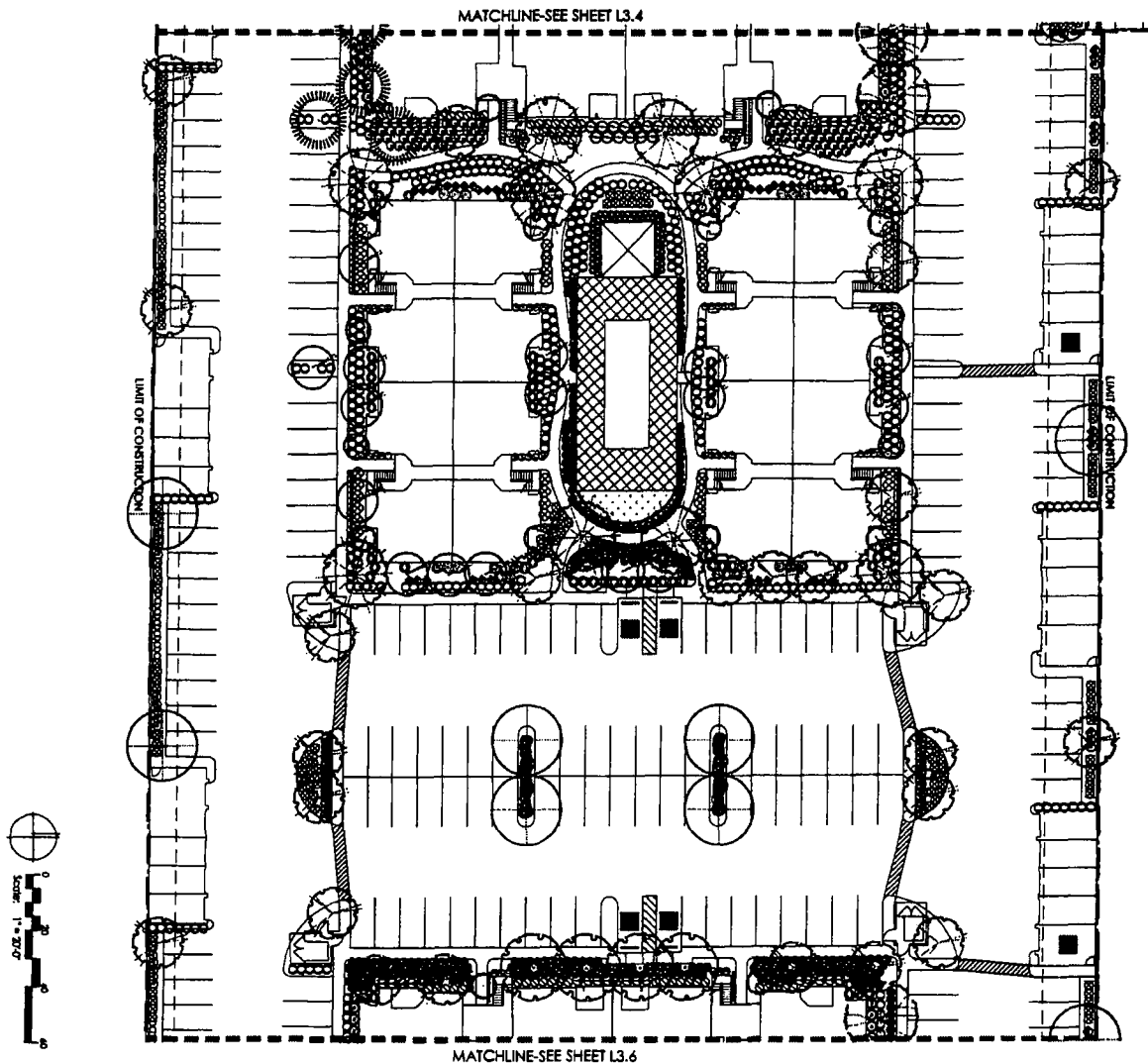
PICERNE AT PROVIDENCE
Rental Apartment Community
Clark County, Nevada

Piceme Development Corp.
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE: (602) 275-8888 FAX: (602) 265-1681

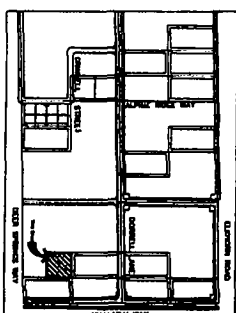


of Nevada, Inc.
1718 East Sahara Ave., Ste. 101
Las Vegas, NV 89119
Phone (702) 735-1111 Fax (702) 735-1112

VAR-5547
12/16/04 PC



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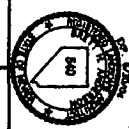
GREY PICKET:
Leeds-type architecture. Commercial design.
"It's a 100-ft-tall tower, not a 2
-story building," says the
architect, who says the tower

L3.5 Planting

VAR-5547
12/16/04 PC

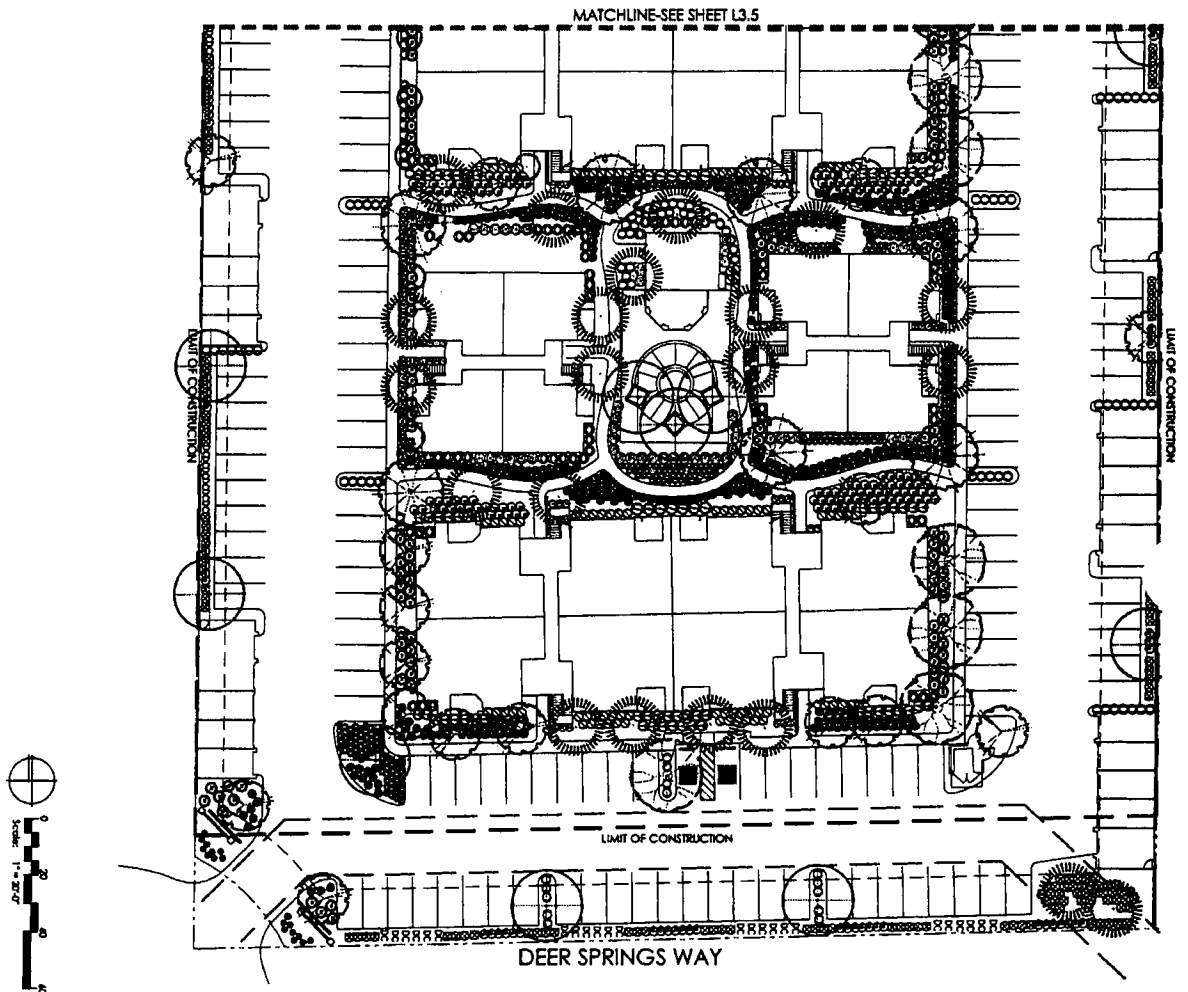
PICERNE AT PROVIDENCE
Rental Apartment Community
Clark County, Nevada

Piceme Development Corp.
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE 602-978-6888 FAX 602-978-1081

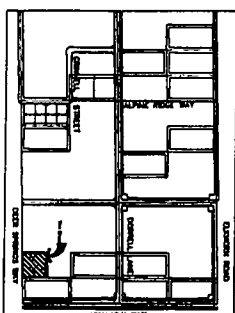


**Wilhelm architect
Group
of Nevada, Inc.**
1318 East Second and - 100 101
Spokane - Idaho 83402
Phone 823-2111 Telex 823-2111





Syllabus Part Number		Topic	Prerequisites
1	26	Number and Number Systems	
2	27	Algebra	
3	28	Geometry	
4	29	Statistics	
5	30	Mathematical Processes	
6	31	Mathematical Processes	
7	32	Mathematical Processes	
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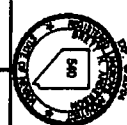
GREYLOCKE
Leaders in Architecture • Construction • Design

L3.6 Planting

VAR-5547
12/16/04 PC

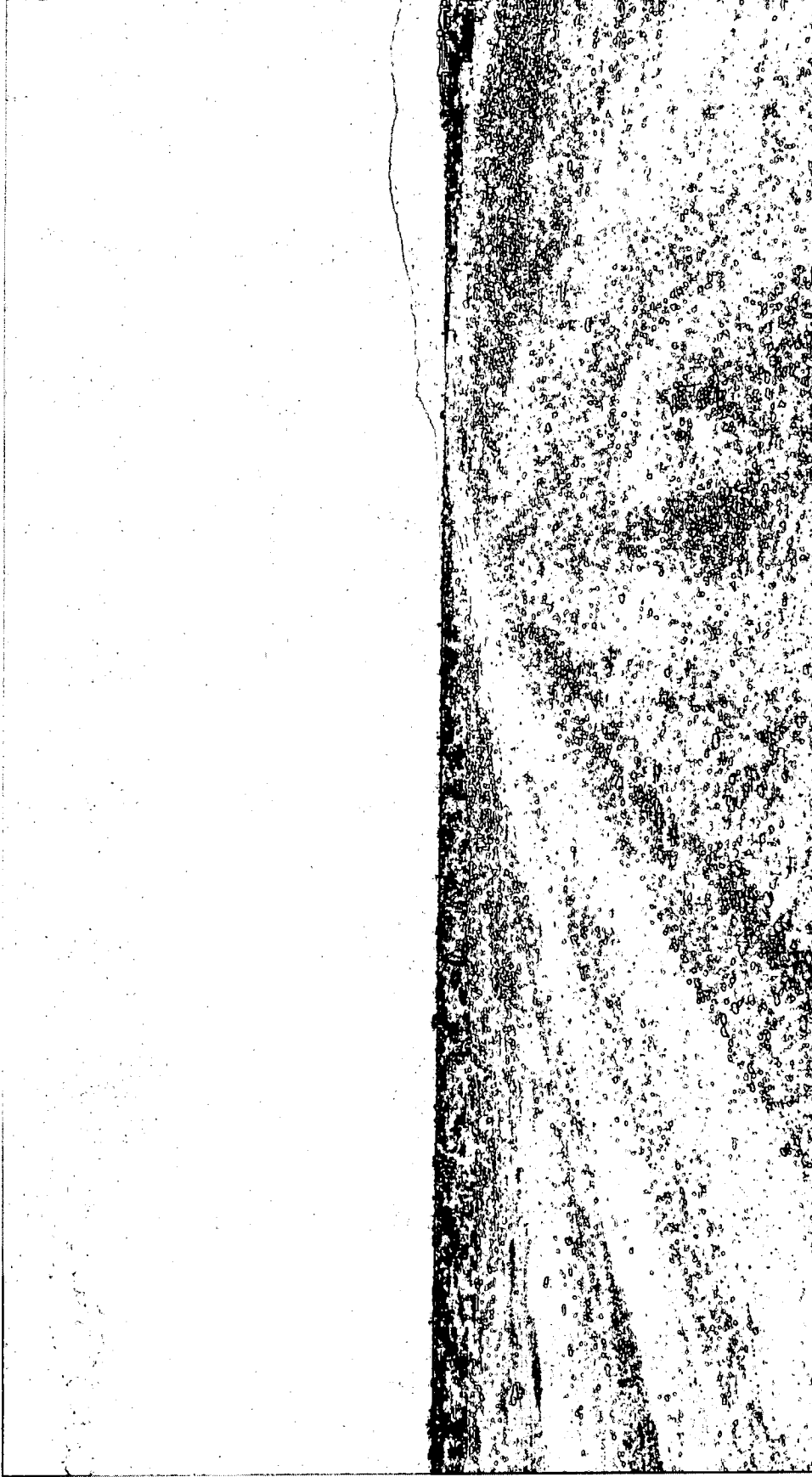
PICERNE AT PROVIDENCE

Picerne Development Corp.
1420 E. Missouri Ave., Suite 100 Phoenix, Arizona 85014-2469
PHONE: (602) 270-8484 FAX: (602) 283-1828



**Milliron architecture
Group
of Nevada, Inc.**
1130 East Olsen Blvd., Suite 101
Las Vegas, Nevada 89116
Phone (702) 633-7000 Fax (702) 633-7000





VAR-5547 - APPLICANT: PICERNE DEVELOPMENT CORPORATION - OWNER: PICERNE PROVIDENCE, LLC
SOUTHWEST CORNER OF DORRELL LANE AND HUALAPAI WAY
DECEMBER 16, 2004 PLANNING COMMISSION

11/19/04

Gary Leobold

From: TR MCCARTHY [TR_8@MSN.COM]
Sent: Tuesday, January 18, 2005 6:47 PM
To: GLEOBOLD@LASVEGASNEVADA.GOV; MICHAEL MACK
Cc: LENI SKAAR; MARK FIORENTINO; CHIP MAXFIELD; KIM BUSH; JFIELD@KKBR.COM
Subject: RE: VAR-5547-PLEASE VOTE AGAINST THIS REQUEST

1/18/05

DEAR GARY

I WISH TO ONCE AGAIN EXPRESS MY OPPOSITION TO THE REQUEST FOR THE ABOVE VARIANCE AS A RESIDENT OF THE IMMEDIATE NEIGHBORHOOD. NORMAL RESIDENTIAL SETBACKS SHOULD BE OBSERVED IN ORDER TO MAKE THIS THE "SUMMERLIN LIKE COMMUNITY" THAT FOCUS HAS TOLD US THEY ARE STRIVING FOR.

I SPENT AN HOUR THIS AFTERNOON TO REVIEW THE PLANS FOR THIS PROJECT WITH JON FIELD OF KKBR, ALONG WITH ANOTHER CONCERNED NEIGHBOR AND THE MORE I LEARNED OF THE PROJECT THE LESS I FELT IT FIT IN WITH WHAT FOCUS HAS BEEN TELLING US THEY WERE TRYING TO ACHIEVE HERE.

I ALSO FEEL THE TALLER UNITS SHOULD BE BUILT NEAR HUALAPAI, AND OR THE MORE COMMERCIAL AREAS, MAINTAINING THE LOWER BUILDINGS AS YOU GO INWARD INTO THE RESIDENTIAL AREAS OF THE COMMUNITY.

MANY THANKS FOR YOUR ASSISTANCE.

SINCERELY,

RANDY MCCARTHY

10225 DEE SPRINGS WAY

LV,NV 89149

Protest

RECEIVED
CITY CLERK
2005 JAN 19 A 8:06

Submitted after final agenda

Date 1/19/05 Item #84

1/19/2005

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

Gary Leobold

From: TR MCCARTHY [TR_8@msn.com]
Sent: Tuesday, December 14, 2004 3:05 PM
To: GLeobold@LasVegasNevada.GOV
Subject: RE: SDR-4730, VAR-5547

12/14/04

TO: GARY LEOBOLD

RE: SDR-4730, ~~VAR-5547~~ - PLEASE VOTE AGAINST THESE TWO REQUESTS

I WISH TO EXPRESS MY OPPOSITION TO THE REQUEST FOR THE ABOVE VARIANCES AS A RESIDENT OF THE IMMEDIATE NEIGHBORHOOD. NORMAL RESIDENTIAL SETBACKS SHOULD BE OBSERVED AS FOCUS HAS PRESENTED THIS TO ALL EXISTING RESIDENTS AS " A SUMMERLIN LIKE COMMUNITY ".

I WOULD ALSO HOPE THAT IF THESE JULTI-FAMILY RESIDENTIAL UNITS ARE BUILT, THAT THE TALLER UNITS BE KEPT NEAR HUALAPAI, GIVEN IT'S BEING A MAJOR NORTH SOUTH STREET WITH SOME P/R, AND OR COMMERCIAL AREAS. THE FURTHER WEST ONE GOES INTO THE DEVELOPMENT TOWARDS EXCLUSIVELY SINGLE FAMILY RESIDENCES, THE LOWER THE BUILDING HEIGHT AND THE LOWER THE DENSITY.

MANY THANKS FOR YOUR ASSISTANCE.

SINCERELY,

T. RANDALL MCCARTHY
10225 DEER SPRINGS WAY
LV, NV 89149

**READ INTO
THE RECORD**

12/15/2004

December 14, 2004

Craig Platt
7025 Eula Street
Las Vegas, NV 89149

Sean Robertson, Planner
City of Las Vegas Planning and Development Services
731 South Fourth Street
Las Vegas, NV 89101

RE: SDR - 4730
VAR - ~~3547~~

Dear Mr. Robertson,

I am strongly opposed to the applicant's requests as they are being proposed.

The applicant is proposing to make major decreases in setback requirements for their multi-family development.

During the design process for Cliff's Edge, residents in the area were assured that the design standards would be adhered to. These design standards required greater setbacks and landscaping in order to buffer and insulate existing and future projects on the east side of Hualapai Way as well as to upgrade the appearance along the road.

These requested changes would undermine the design standards and have a negative impact on the community.

I hope that take these comments into consideration.

Respectfully,


Craig Platt

**READ INTO
THE RECORD**

RECEIVED

DEC 12 2004

November 5, 2004

Mr. Gary Leobold, AICP
Senior Planner
City of Las Vegas
Planning and Development Department
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Recommendation of Approval of
Variance to Residential Adjacency Standards
By Piceme Providence LLC

Dear Mr. Leobold:

This correspondence is to advise you that as owner representative of APN 126-24-601-013, I support the above application and recommend approval as submitted.

Specifically, I support the location of all structures adjacent APN 126-24-601-13 including residential building #7 and for a zero setback of ancillary structures numbered 8G, 9GM, 22G, 23G, 24G, 25G, 26G and 27G (see attached site plan for exact locations). Representatives of the applicant have provided me with materials and explanations sufficient for me to support their application.

If you have any questions regarding this recommendation of approval, please feel free to contact me at (702) 524-0589.

Sincerely,

Jeffrey Parker

WAIMEA FAMILY L P
P O BOX 371149
LAS VEGAS NV 89137-1149

cc: Ms. Ann Pierce, Kummer Kaempfer Bonner & Renshaw
Mr. Jeffrey L. Allen, Piceme Development Corporation

VAR-5547