

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-20 - Amends the City's Administrative Code to authorize the implementation of a program for contractor verification regarding the proper installation of water heaters and water softeners. Proposed by: Paul K. Wilkins, Director of Building and Safety

Fiscal Impact:

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

PURPOSE/BACKGROUND:

A significant number of water heaters and water softeners are installed in the City without the benefit of permits or inspections. This bill is intended to address that problem and reduce the number of unapproved installations by allowing contractors who have attended a City course on installation to verify the installation of water heaters and water softeners in lieu of the traditional permit and inspection program.

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. 2005-20

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMEBERS WOLFSON and TARKANIAN

4/19/2005 Recommending Committee

4/20/2005 Council Agenda

There was no discussion.

(12:12 - 12:14)

3-331

1 **BILL NO. 2005-20**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO AMEND THE CITY'S ADMINISTRATIVE CODE TO AUTHORIZE THE**
4 **IMPLEMENTATION OF A PROGRAM FOR CONTRACTOR VERIFICATION REGARDING**
5 **THE PROPER INSTALLATION OF WATER HEATERS AND WATER SOFTENERS, AND TO**
6 **PROVIDE FOR OTHER RELATED MATTERS.**

6 Proposed by: Paul K. Wilkins, Director of
7 Building and Safety

Summary: Amends the City's Administrative
Code to authorize the implementation of a
program for contractor verification regarding the
proper installation of water heaters and water
softeners.

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

11 **SECTION 1: The document entitled "A Supplemental Document Amending The**
12 **Uniform Administrative Code, 1997 Edition," as adopted by Ordinance No. 5637 and as authorized**
13 **under Section 16.02.010 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is**
14 **hereby amended as set forth in Sections 2 and 3 of this Ordinance.**

15 **SECTION 2: Section 301.1 of the Uniform Administrative Code, as modified in the**
16 **Supplemental Document, is hereby amended to read as follows:**

17 **301.1 Permits Required. Except as otherwise specified in this Section[,] or in Section 25 of**
18 **the document entitled "A Supplemental Document Amending The Uniform Administrative Code,**
19 **1997 Edition," as adopted by Ordinance No. 5637,** no building, structure, building service equipment
20 or onsite improvement regulated by this Code or any of the technical codes shall be erected,
21 constructed enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless
22 a separate, appropriate permit for each building, structure, building service equipment or onsite
23 improvement has first been obtained from the Building Official. If work is commenced before a
24 necessary and appropriate permit for the work has been obtained, the Building Official is authorized
25 to charge an additional fee in the amount of the building permit fee (i.e., a double fee).

26 **SECTION 3: Section 25 of the Supplemental Document is hereby amended by adding**
27 **thereto, following Subsection (H) of that section, a new Subsection (I), reading as follows:**

28 **I. Notwithstanding anything to the contrary in Sections 301 through 309 of this Code, as adopted**

1 by the City, the Building Official may authorize approved contractors to install, inspect and verify the
2 proper installation of water heaters and water softeners, without the need to obtain a permit prior to
3 the installation or to obtain an inspection of the work by the City following the installation. In such
4 cases, the Building Official may issue permits for the installation of water heaters and water softeners
5 after the work has been completed and charge an appropriate fee in connection therewith. Each
6 installation must be properly verified, tagged and documented in accordance with procedures set forth
7 by the Building Official. For purposes of this Subsection (I), an "approved contractor" is one who:

- 8 1. Is properly licensed for the type of work to be performed;
- 9 2. Has successfully completed a course on the installation of water heaters and water
10 softeners provided by the City; and
- 11 3. Has been approved by the City to participate in the program described in this
12 Subsection (I).

13 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
14 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
15 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
16 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
17 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
18 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
19 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
20 invalid or ineffective.

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1 SECTION 5: 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 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 3-23-05
13 Date

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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APPROVED:

13

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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: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-21 - Amends the City's Fire Code to require the installation of automatic sprinkler systems in existing residential board and care facilities. Proposed by: David L. Washington, Chief, Department of Fire and Rescue

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This bill will require the installation of automatic sprinkler systems in existing residential board and care facilities. The bill is in response to a fire event last year, in which two persons died in a board and care facility that was not equipped with sprinklers. The bill will allow such facilities a reasonable period of time, up to January 1, 2006, to make the installation. In accordance with State law, a business impact statement has been prepared for this bill, and approval to proceed has been granted by the State Board of Examiners.

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. 2005-21

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMEBERS WOLFSON and TARKANIAN

4/19/2005 Recommending Committee

4/20/2005 Council Agenda

There was no discussion.

(12:12 - 12:14)

3-331

1 **BILL NO. 2005-21**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO AMEND THE CITY'S FIRE CODE TO REQUIRE THE INSTALLATION**
4 **OF AUTOMATIC SPRINKLER SYSTEMS IN EXISTING RESIDENTIAL BOARD AND CARE**
5 **FACILITIES, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

6 Proposed by: David L. Washington, Chief,
7 Department of Fire and Rescue

Summary: Amends the City's Fire Code to
require the installation of automatic sprinkler
systems in existing residential board and care
facilities.

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

10 **SECTION 1: The Supplemental Document Amending the NFPA 1, Uniform Fire**
11 **Code, 2003 Edition, adopted by Ordinance No. 5667 of the City of Las Vegas, replaced Sections**
12 **13.3.2.12 through 13.3.2.18.2 of the NFPA 1, Uniform Fire Code, 2003 Edition, with new sections**
13 **numbered 13.3.2.12 through 13.3.2.13.1. Certain of those sections are amended as set forth in**
14 **Sections 2 to 5, inclusive, of this Ordinance.**

15 **SECTION 2: Section 13.3.2.12 is amended to read as follows:**
16 **13.3.2.12 New and Existing Residential Occupancies.**

17 **SECTION 3: Section 13.3.2.12.3 is amended to read as follows:**
18 **13.3.2.12.3 New [Residential] residential occupancies other than One- and Two-Family**
19 **Dwellings. All new residential occupancies other than One- and Two-Family Dwellings shall be**
20 **protected throughout by an approved automatic sprinkler system in accordance with the following:**

21 (A) Buildings three or more stories in height shall be protected by an automatic
22 sprinkler system in accordance with NFPA 13.

23 (B) Buildings up to and including two stories in height shall be protected by an
24 automatic sprinkler system in accordance with NFPA 13 when required by the International Building
25 Code.

26 (C) All other buildings may be protected by an automatic sprinkler system in
27 accordance with NFPA 13R.

28 **SECTION 4: Section 13.3.2.12.4 is amended to read as follows:**

1 **13.3.2.12.4 New One and Two-Family Dwellings.** New One- and Two-Family Dwellings shall meet
2 the following requirements.

3 (A) Buildings constructed under the International Building Code shall be protected
4 throughout by an automatic sprinkler system in accordance with NFPA 13, 13R, or 13D, as permitted
5 by the International Building Code. The automatic sprinkler system shall also meet the requirements
6 of section 13.3.2.12.5

7 (B) Buildings constructed under the International Residential Code shall be
8 protected throughout by an automatic sprinkler system when required by the International Residential
9 Code or the following:

10 (1) Where required by Chapter 18 – Fire Department Access and Water
11 Supply, or elsewhere by this code, sprinklers shall be installed in accordance with 13.3.2.12.5

12 (2) When the total area of the building exceeds 10,000 ft² (929 m²), an
13 automatic sprinkler system meeting the minimum requirements of NFPA 13D shall be installed.

14 **13.3.2.12.5 Mitigation Matrix.** When an automatic sprinkler system is being installed to mitigate the
15 minimum requirements for fire department access or water supply as required by Chapter 18, the
16 design requirements in Table 13.3.2.12.5 shall apply.

17 **SECTION 5:** Section 13.3.2.12.6 is deleted and replaced with the following:

18 **13.3.2.12.6 New and Existing Residential Board and Care Facilities.** Each new and existing
19 residential board and care facility that is required to be licensed by the State of Nevada shall be
20 provided with an automatic sprinkler system in accordance with NFPA 13R. Each existing facility
21 shall be brought into compliance within the time period established for that facility by the chief, which
22 shall in no case be later than January 1, 2006.

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

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

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

10 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
12 1983 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

14 APPROVED:

15
16 By _____
17 OSCAR B. GOODMAN, Mayor

18 ATTEST:

19
20 BARBARA JO RONEMUS, City Clerk

21 APPROVED AS TO FORM:

22 Val Steel 3-23-05
23 Date

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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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-22 - Amends the City's Fire Code to update fire protection requirements for certain structures and occupancies. Proposed by: David L. Washington, Chief, Department of Fire and Rescue

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This bill will update fire protection requirements for facilities providing board and care, for condominiums, and for certain high-rise structures. The updates are intended to conform to State-law requirements and to address current trends in condominium development and high-rise residential development.

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. 2005-22

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMEBERS WOLFSON and TARKANIAN

4/19/2005 Recommending Committee

4/20/2005 Council Agenda

There was no discussion.

(12:12 - 12:14)

3-331

1 **BILL NO. 2005-22**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO AMEND THE CITY'S FIRE CODE TO UPDATE FIRE PROTECTION**
4 **REQUIREMENTS FOR CERTAIN STRUCTURES AND OCCUPANCIES, AND TO PROVIDE**
5 **FOR OTHER RELATED MATTERS.**

6 **Proposed by: David L. Washington, Chief,**
7 **Department of Fire and Rescue**

Summary: Amends the City's Fire Code to
update fire protection requirements for certain
structures and occupancies.

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

10 **SECTION 1: The document entitled "A SUPPLEMENTAL DOCUMENT**
11 **AMENDING THE NFPA 1, UNIFORM FIRE CODE, 2003 EDITION," as adopted by Ordinance No.**
12 **5667 of the City of Las Vegas, Nevada, is amended by modifying certain sections thereof and adding**
13 **new sections thereto, as set forth in Sections 2 to 15, inclusive, of this Ordinance. The asterisks that**
14 **appear after NFPA 1 section numbers, and the bracketed numbers that appear at the end of certain**
15 **provisions, reflect asterisks and bracketed numbers as they appear in the NFPA 1 (as amended), and**
16 **have the significance described therein. Brackets otherwise appearing are bolded and indicate the**
17 **deletion of material.**

18 **SECTION 2: Section 3.3.138.22 is amended to read as follows:**
19 **3.3.138.22* Residential Board and Care Occupancy. A building or portion thereof that is used for**
20 **lodging and boarding of [four] three or more residents, not related by blood or marriage to the owners**
21 **or operators, for the purpose of providing personal care services.**

22 **SECTION 3: Section 3.3.22.2 is amended to read as follows:**
23 **3.3.22.2* Apartment or Condominium Building. A building containing three or more dwelling**
24 **units with independent cooking and bathroom facilities. [101:3.3]**

25 **SECTION 4: A new Section 13.3.2.3.5 is added as follows:**
26 **13.3.2.3.5 Alterations, renovations, tenant improvements, or any change in occupancy or use in any**
27 **existing building with more than 10,000 square feet in total area, and containing an area greater than**
28 **5,000 square feet that is not separated by a 2-hr fire barrier, shall require the installation of an**

1 automatic fire sprinkler system within the entire building.

2 SECTION 5: A new Section 13.3.2.22.3 is added as follows:

3 **13.3.2.22.3** Buildings greater than 250 feet in height (above grade) shall have redundant fire
4 protection water supply system feeding the standpipes and the fire sprinkler in the building. Two fire
5 pumps, one electric primary fire pump and one secondary diesel redundant fire pump shall be
6 installed. Secondary emergency power supply for the electric fire pump is not required.

7 SECTION 6: A new Section 13.7.1.4.10.6(B)(1) is added as follows:

8 **13.7.1.4.10.6(B)(1)** Multi-channel voice evacuation systems shall be installed in high-rise buildings
9 with large and complex floor plans, and in other complex structures with high occupant load, as
10 required by the AHJ.

11 SECTION 7: New Sections 13.7.2.9.3.1 and 13.7.2.9.3.1.1 are added as follows:

12 **13.7.2.9.3.1** In a structure classified as a high-rise building, in lieu of installing stand-alone type
13 smoke alarms, system-type smoke detectors with sounder-bases shall be installed in every guest room
14 and every living area and sleeping room within the guest suite.

15 **13.7.2.9.3.1.1** Activation of these devices shall send an alarm signal to the building fire alarm control
16 panel, but the alarm shall sound only within the individual dwelling unit, suite of rooms, or similar
17 area and shall not actuate the building fire alarm system, unless otherwise permitted by the AHJ.

18 SECTION 8: Section 13.7.2.11 is amended to read as follows:

19 **13.7.2.11 New Apartment or Condominium Buildings**

20 SECTION 9: Section 13.7.2.11.1 is amended to read as follows:

21 **13.7.2.11.1** Apartment or condominium buildings with more than three stories or with more than 11
22 dwelling units, other than those meeting 13.7.2.11.2 or 13.7.2.11.3, shall be provided with a fire alarm
23 system in accordance with 13.7.1.4, except as modified by 30.3.4.2 through 30.3.4.5.2 of NFPA 101.
24 [101:30.3.4.1.1]

25 SECTION 10: New Sections 13.7.2.11.4.1 and 13.7.2.11.4.1.1 are added as follows:

26 **13.7.2.11.4.1** In a structure classified as a high-rise building, in lieu of installing stand-alone type
27 smoke alarms, system-type smoke detectors with sounder-bases shall be installed outside every
28 sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit,

1 including basements.

2 **13.7.2.11.4.1.1** Activation of these devices shall send an alarm signal to the building fire alarm
3 control panel, but the alarm shall sound only within the individual dwelling unit and shall not actuate
4 the building fire alarm system, unless otherwise permitted by the AHJ.

5 SECTION 11: A new Section 13.7.2.11.6 is added as follows:

6 **13.7.2.11.6** Corridors, spaces open to corridors and common areas shall be provided with system
7 smoke detectors that comply with NFPA 72, National Fire Alarm Code.

8 SECTION 12: Section 13.7.2.12 is amended to read as follows:

9 **13.7.2.12 Existing Apartment or Condominium Buildings**

10 SECTION 13: Section 13.7.2.12.1 is amended to read as follows:

11 **13.7.2.12.1** Apartment or condominium buildings with more than three stories or with more than 11
12 dwelling units, other than those meeting 31.3.4.1.2 of NFPA 101, shall be provided with a fire alarm
13 system in accordance with 13.7.1.4, except as modified by 31.3.4.2 through 31.3.4.5 of NFPA 101.
14 [101:31.3.4.1.1]

15 SECTION 14: A new Section 13.7.2.27.2.4 is added as follows:

16 **13.7.2.27.2.4** Smoke detectors shall be installed in each mechanical equipment room, electrical room,
17 transformer room, telephone equipment room or similar room.

18 SECTION 15: A new Section 13.7.2.27.2.5 is added as follows:

19 **13.7.2.27.2.5** Fire alarm systems installed in high-rise buildings shall utilize peer-to-peer network
20 systems, and the network nodes shall be interfaced with each other utilizing either style 6 or style 7
21 wiring methods as described by the currently adopted version of NFPA 72.

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

1 invalid or ineffective.

2 SECTION 17: Whenever in this ordinance any act is prohibited or is made or declared
3 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
4 required or the failure to do any act is made or declared to be unlawful or an offense or a
5 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
6 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
7 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
8 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

9 SECTION 18: All ordinances or parts of ordinances or sections, subsections, phrases,
10 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
11 1983 Edition, in conflict herewith are hereby repealed.

12 PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

13 APPROVED:

14
15 By _____
OSCAR B. GOODMAN, Mayor

16 ATTEST:

17
18 BARBARA JO RONEMUS, City Clerk

19 APPROVED AS TO FORM:

20 Val Stead 3-23-05
21 Date

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: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16
17 BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-23 - Levies Assessment for Special Improvement District No. 1501 - Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west. Sponsored by: Step Requirement

Fiscal Impact:

☐	No Impact	Amount:	\$58,767.02
☒	Budget Funds Available	Dept./Division:	Public Works/SID
☐	Augmentation Required	Funding Source:	Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

Construction and installation of streetlights. The District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west. The assessments will be paid over a 5-year period.

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. 2005-23

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMEBERS WOLFSON and TARKANIAN

4/19/2005 Recommending Committee

4/20/2005 Council Agenda

There was no discussion.

(12:12 - 12:14)

3-331

THE MORNING SESSION RECESSED AT 12:21 P.M.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1501 – DOWNTOWN STREET REHABILITATION PHASE III; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III (hereinafter the "District"), for the purpose of acquiring a Street Project, as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

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

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

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$1,710,600.00, of which, \$1,651,832.98 is available from other sources and of which \$58,767.02 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project; and

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

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

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, February 16, 2005, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer (with the assistance of Engineering Integration Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, February 16, 2005, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on January 19, 2005. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

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

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1501 Assessment Protest Resolution; and

WHEREAS, by the District No. 1501 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

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

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

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

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1501 Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1501 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III, including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special

benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on January 19, 2005, and as modified and confirmed by the District No. 1501 Assessment Protest Resolution duly adopted by the City Council on April 6, 2005.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand, provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in ten (10) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on October 1, 2005. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds for the district. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the

unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment, may at any time (at the option of such owner), pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after June 7, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 57/100th percent (7.57%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus three percent).

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

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. May 8, 2005) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

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

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.630. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in

making the assessment and of the right to recover judgment therefor. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the City. Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid. All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments.

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

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by

mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

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

(Form of Notice)

**NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1501 – DOWNTOWN STREET REHABILITATION PHASE III**

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1501 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on May 4, 2005. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before June 7, 2005, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in ten (10) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from May 8, 2005 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on October 1, 2005. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for

such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after June 7, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 57/100th percent (7.57%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus three percent).

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

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

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from May 8, 2005, (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this May 4, 2005.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

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

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

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before May 4, 2005, such publication to be in substantially the following form:

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1501 – DOWNTOWN STREET REHABILITATION PHASE III; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 6th day of April, 2005, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 4th day of May, 2005.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

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

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1501 – DOWNTOWN STREET REHABILITATION PHASE III; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 6, 2005, and was passed at a regular meeting held on May 4, 2005, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Steve Wolfson
Lois Tarkanian

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after May 8, 2005, i.e., the day after its publication by title only.

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

This _____ day of _____, 2005.

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

(SEAL)

Attest:
/s/ BARBARA JO RONEMUS
City Clerk

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

Introduced April 6, 2005, PASSED, ADOPTED AND APPROVED May 4, 2005.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to Form:

23 MAR 05 N 2 Lmy
Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on April 6, 2005 and finally adopted and approved on May 4, 2005.

2. The following members of the City Council were present at the April 6, 2005 Council meeting:

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

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 6, 2005, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 4, 2005, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the May 4, 2005 meeting and voted upon the adoption of the Ordinance as follows:

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

Those Voting Nay:	_____

Those Absent:	_____

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

5. All members of the City Council were given due and proper notice of the meetings held on April 6, and May 4, 2005. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

; and

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

6. A copy of such notice so given of the meeting of the City Council on April 6, 2005, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on May 4, 2005, is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this May 4, 2005.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of April 6, 2005 Meeting)

EXHIBIT B

(Attach Copy of Notice of May 4, 2005 Meeting)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONE MUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

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

MOTION:

REESE - Motion to STRIKE Item 88 [2740 Harris Avenue] and Item 94 [DIR-6223]; TABLE Item 102 [SDR-6025] and HOLD IN ABEYANCE Item 140 [ZON-5776], Item 141 [VAR-5846] and Item 142 [SDR-5778] to 5/4/2005 - UNANIMOUS

MINUTES:

NOTE: A Combined Verbatim Transcript of an excerpt of Item 82 and Item 96 [RPC-6073] is made a part of the final minutes under Item 96 [ROC-6073].

MARGO WHEELER, Director, Planning and Development Department, indicated that Item 140 [ZON-5776], Item 141 [VAR-5846] and Item 142 [SDR-5778] are shown on the City Council agenda as being held in abeyance to the May 4, 2005 City Council meeting as the Annexation has not yet occurred. COUNCILMAN WEEKLY further explained that DEPUTY CITY MANAGER BETSY FRETWELL informed him that this Bill is currently being heard at the Legislature. COUNCILMAN REESE verified with MS. WHEELER that this issue would be resolved by the May 4th City Council meeting. COUNCILMAN WEEKLY apologized to his constituents for any inconvenience.

MAYOR GOODMAN excused COUNCILMAN REESE as he was going to testify before the Legislature on a Health District matter.

(1:36 - 1:50)

4-1

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 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 located at 1176 Hassell Avenue. PROPERTY OWNERS: ESTRADA INVESTORS LLC - Ward 5 (Weekly)

Fiscal Impact:

☐	No Impact	Amount:	\$2,533.00
☒	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 board and secure all doors, windows, and openings, trim, cut and remove all weeds and turf grass exceeding eight (8) inches in height from all yards including the area between the front fence and street, remove all scattered litter, trash, and debris from the property including the area between the front fence and street, and post "No Trespassing, No Dumping and No Vehicles" signs.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$2,533.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

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

MOTION:

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

MINUTES:

NOTE: Video shown but not submitted.

MAYOR GOODMAN declared the Public Hearing open.

The property owner was not present.

ORLANDO SANCHEZ, Director of Neighborhood Services, indicated that a check was received in the amount of \$2,533 from the property owner. However, to ensure that the check clears, he recommended

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

the lien of assessment be imposed for that amount.

DEPUTY CITY ATTORNEY TOM GREEN clarified that the motion is contingent upon the check failing to clear.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:50 - 1:52)

4-457

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: Neighborhood Services

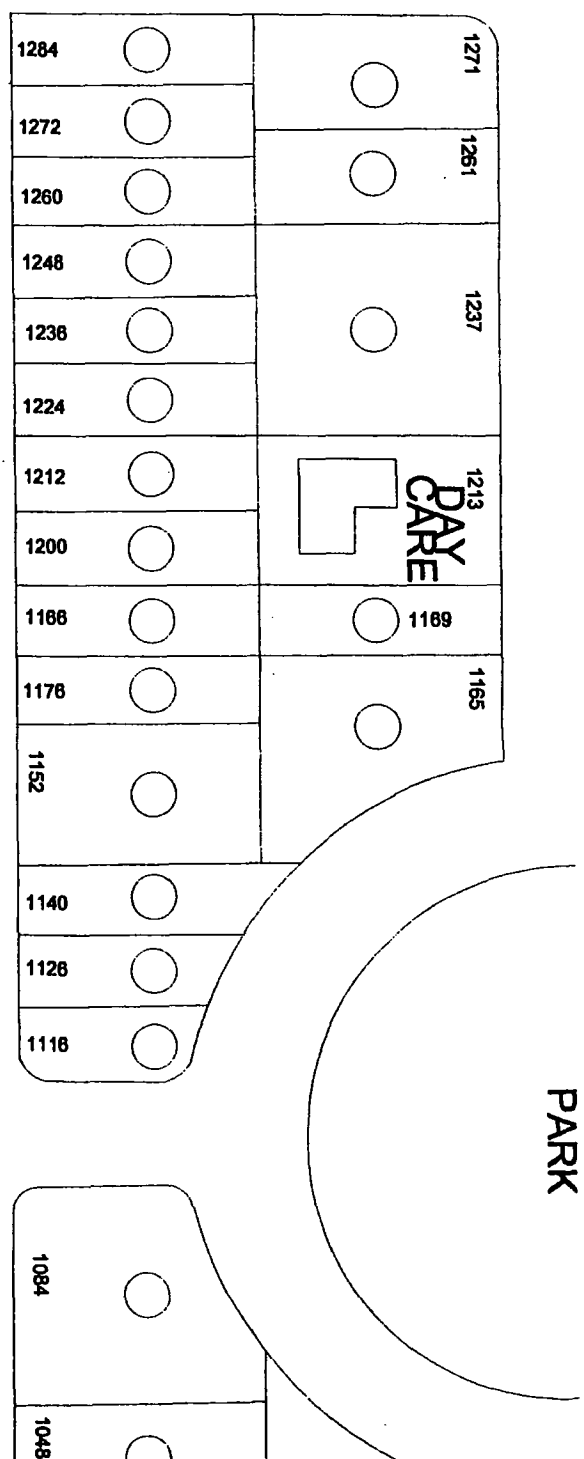
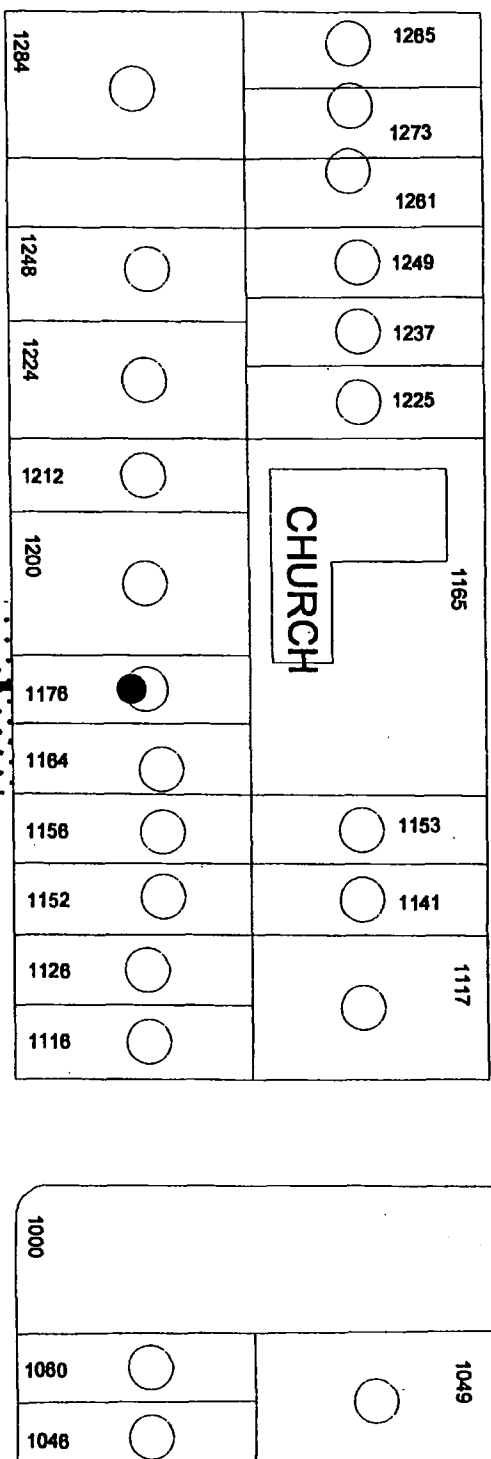
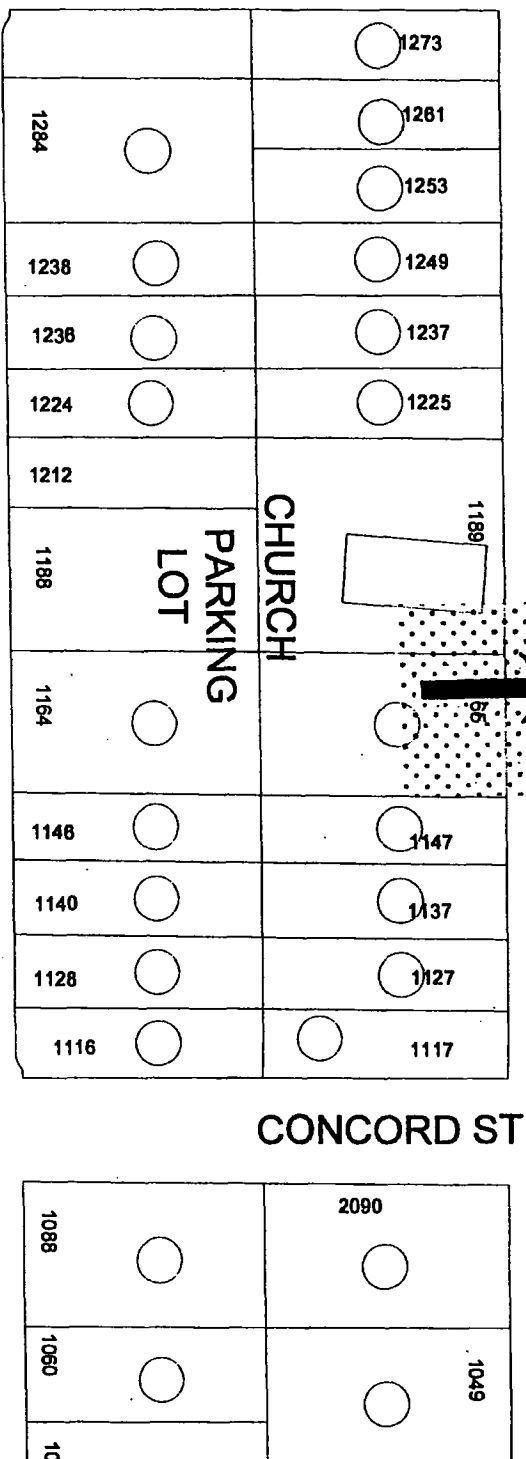
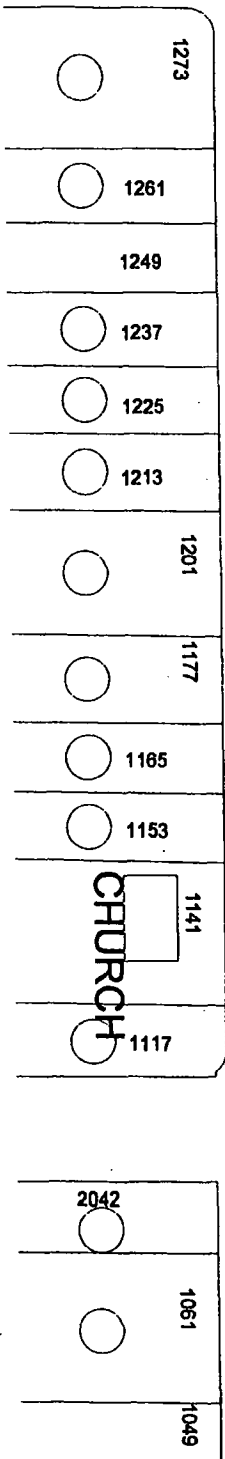
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1176 Hassell Avenue. PROPERTY OWNERS: ESTRADA INVESTORS LLC – Ward 5 (Weekly)

K.O. Construction completed work on February 16, 2005 at a cost of \$1,920.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$2,533.00.

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

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

INGTON ST



Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: March 7, 2005

Re: Report of Expenses for the abatement of Nuisance/Litter located at 1176 Hassell 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," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding and securing all doors, windows, and openings, trimming, cutting and removing all weeds and turf grass exceeding eight (8) inches in height from all yards including the area between the front fence and street, removing all scattered litter, trash, and debris from the property including the area between the front fence and street, and posting "No Trespassing, No Dumping and No Vehicles" signs. K.O. Construction completed work on February 16, 2005 at a cost of \$1,920.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board/Secure (Doors, Windows and All other openings)	\$800.00
Refuse/Waste/Trash/Debris Removal	\$220.00
Weeds & Vegetation Removal	\$800.00
Posting Signs	\$100.00
AMOUNT DUE	\$1,920.00
Administrative Processing Fee:	\$288.00
Boarded Building Certificate:	\$325.00
TOTAL AMOUNT DUE:	\$2,533.00
OWNER OF RECORD:	ESTRADA INVESTORS LLC
PROPERTY ABATED:	1176 HASSELL AVENUE
ASSESSOR PARCEL:	139-21-610-127
LEGAL DESCRIPTION:	VEGAS HGTS TRACT UNIT #4
	PLAT BOOK 1 PAGE 77
	LOT 52C

DSS:jl

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC
 more than a 1% interest in [Contractor Entity] or any principal of [Contractor 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.			

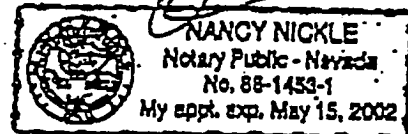
Continue list until full and complete disclosure is made.

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

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

Subscribed and sworn to before me this
29 Day of October 1999.

Nancy Nickle
 Notary Public





**NOTICE OF PUBLIC HEARINGS
APRIL 6, 2005**

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON Wednesday, April 6, 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 dangerous building by boarding and securing all doors, windows, and openings, trimming, cutting and removing all weeds and turf grass exceeding eight(8) inches in height from all yards including the area between the front fence and street, removing all scattered litter, trash, and debris from the property including the area between the front fence and street, and posting "No Trespassing No Dumping and No Vehicles" signs on property located at 1176 HASSELL AVENUE legally described as VEGAS HGTS TRACT UNIT #4, PLAT BOOK 1 PAGE 77, LOT 52C Owner of record at time of abatement: ESTRADA INVESTORS LLC- Ward 5 (WEEKLY)

The Director of Neighborhood Services certifies in the report that the sum of \$2,533.00 was expended (\$1,920.00 to K. O. Construction for cleaning the property; \$325.00 Boarded Building Certificate; and \$288.00 Administrative Processing Fee).

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

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

**BARBARA JO RONEMUS
CITY CLERK**

LAS VEGAS CITY COUNCIL

**OSCAR B. GOODMAN
MAYOR**

**GARY REESE
MAYOR PRO TEM**

**LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
EVE WOLFSON
LOIS TARKANIAN**

**DOUGLAS A. SELBY
CITY MANAGER**

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

**18112-001-1-05
CLV 7009**



Address: 1176 HASSELL AVE

CLV

Vacant house, open/accessible. High weeds, trash and debris all yards

Parcel(s)

Parcel:	Size:	Subdivision Name:
13921610127	0.12 ACRE	VEGAS HGTS TRACT UNIT #4

Owner Information:

10-Aug-02	31-Mar-04	SCHLAGETER JOSEPH C & R M FAM TR SCHLAGETER JOSEPH C & RITA M T 6457 W BROOKS AVE; LAS VEGAS, NV 89108-4361
31-Mar-04	07-Apr-04	ESTRADA INVESTORS L L C 347 S THIRD AVE; LA PUENTE, CA 91746
07-Apr-04		ESTRADA INVESTORS L L C 347 S THIRD AVE; LA PUENTE, CA 91746-2538

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
860034	Failed		1/21/2005	01/20/2005 16:00	01/20/2005 16:15	15
970581	Failed		2/7/2005	02/07/2005 16:00	02/07/2005 16:15	15
870076	Passed	Partial	2/8/2005	02/14/2005 14:30	02/14/2005 14:45	15
870076	Passed		2/28/2005	02/17/2005 10:55	02/17/2005 11:10	15
Time in Minutes:						60

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-WEEDS	1/31/2005	2/17/2005	REMOVE FROM PROPERTY
A-LITTER	1/31/2005	2/17/2005	REMOVE FROM PROPERTY
A-BLD DNGR	1/31/2005	2/17/2005	BOARD & SECURE TO CLV SPECS

Log

Type:	Date:	Employee:	Min:
MEET	2/28/2005 8:39:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on 4/6/05.			
MISC	2/25/2005 3:31:00 PM	KATHY STEWART	0
Sent invoice from KO Construction (\$1,920) to Finance for payment. Gave file to Jessica Larramendy for Council.			
EMAIL	2/25/2005 2:33:00 PM	KATHY STEWART	0
Sent 2nd request to Devin Smith to approve Oracle payment for KO Construction.			
EMAIL	2/23/2005 3:02:00 PM	KATHY STEWART	0
Sent e-mail to Devin Smith to approve Oracle payment for KO Construction.			
VIDPST	2/17/2005 10:55:00 AM	KATHY STEWART	15
24) Boarded, secure, vegetation trimmed. Boards are painted same color as house trim, which looks good. The A/C unit on side of house was removed & opening boarded to prevent access. Signs posted front & rear. Looks good. Video to DSS.			

MISC	2/16/2005 2:04:00 PM	KATHY STEWART	0
Received invoice (\$1,920) from KO Construction for abatement of property.			
PHONE	2/15/2005 8:15:00 AM	KATHY STEWART	5
24) Confirmed KO will be on-site at 9.30 a.m.			
AWARD	2/14/2005 3:14:00 PM	KATHY STEWART	0
Faxed Award letter to KO Construction. Abatement is to begin Tuesday, February 15, 2005. Award letter attached in OLE.			
DIRECT	2/14/2005 3:13:00 PM	KATHY STEWART	0
Per Devin Smith & Pam Hines: Award bid to lowest bidder KO Construction. Abatement is to begin on Tuesday, February 15, 2005.			
DIRECT	2/14/2005 2:45:00 PM	KATHY STEWART	0
24) Please get approval from Devin to award bid. When you send award letter please add work to begin 2/15. Thanks. PRE-VIDEO TAPE GIVEN TO DSS			
EMAIL	2/14/2005 2:45:00 PM	KATHY STEWART	0
24) I've checked w/KO, Weaver, + C+W, KO can start tomorrow morning, Weaver can't, + I'm waiting to hear back from C+W. Per Lena @ ADS, they can't do the job tomorrow.			
VIDPRE	2/14/2005 2:30:00 PM	KATHY STEWART	15
24) Rear door open, obvious signs of vagrant activity. Broken windows, high vegetation surrounding property. Open crawl space from east side of house. KO Construction to begin boarding & cleaning morning of 2/15.			
BIDR	2/14/2005 1:00:00 PM	KATHY STEWART	162
Received bids from contractors (1) KO Construction - \$1,920; (2) C&W - \$2,462.			
BIDS	2/9/2005 7:55:00 AM	KATHY STEWART	0
ks) Faxed Invitation to Bid to contractors. Bid due by COB, Monday, 2/14/05. Invitation to Bid attached in OLE.			
MISC	2/8/2005 10:56:00 AM	KATHY STEWART	0
Sent Certified letter, Return to Sender, No such number, to #26 to file.			
INSP	2/7/2005 4:00:00 PM	ROBERT KAEMPFER	15
26) No change in status of property: high weeds in all yards, litter in all yards and bldg is open and accessible, took pixs. refer to #24 to continue abatement			
MISC	1/31/2005 10:54:00 AM	KATHY STEWART	0
ks) Sent recorded letter to #26 to file.			
INSP	1/28/2005 12:08:00 PM	ROBERT KAEMPFER	9
26)No improvement in property, bldg still open, posted N&O on front door, took pixs, cb 2-7			
RECORD	1/27/2005 9:11:00 AM	JESSICA LARRAMENDY	0
JL) Recorded Notice & Order dated 1/26/05 at Clark County. Book: 20050127 Inst: 02027.			
NOTICE	1/25/2005 2:30:00 PM	KATHY STEWART	33
ks) Sent Notice & Order to Abate Dangerous Building letter to owners, Estrada Investors LLC. POST: 1/27. C/B: 2/7. Sent file to #27. N&O letter attached in OLE.			
NOREQ	1/24/2005 10:00:00 AM	VICTORIA ROSEMORE	0
16) N&O APPROVED AS REQUESTED BY 27. SUBMITTED TO OFFICE FOR PROCESSING.			
INSP	1/20/2005 4:00:00 PM	GERALD GUZMAN	15
27)VERIFIED.HOUSE IS VACANT,OPEN AND ACCESSIBLE THROUGH UNSECURED FRONT DOOR AND LOOSELY SECURED REAR DOOR.HIGH WEEDS,TRASH AND DEBRIS ON ALL YARDS.SEND N&O,REFER TO 16			

Time in minutes:

269

APN 139-21-610-127
Ref # - 25321

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: ESTRADA INVESTORS LLC
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: **APN 139-21-610-127**

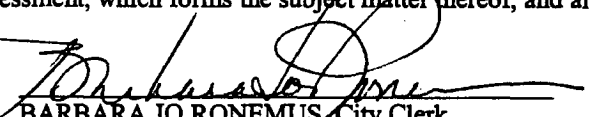
Commonly known as: **1176 HASSELL AVENUE**
Legal Description: **VEGAS HGTS TRACT UNIT #4**
PLAT BOOK 1 PAGE 77
LOT 52C

On **February 16, 2005**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **\$2,533.00** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **April 6, 2005**, ordered the above charges in the amount of **\$2, 533.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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

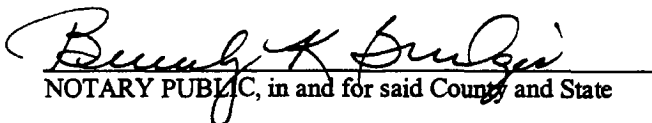

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

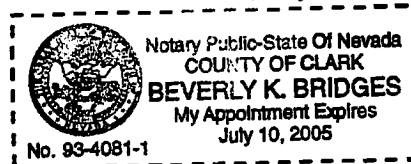
STATE OF NEVADA)
COUNTY OF CLARK)

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


BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 8th day of April, 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: APRIL 6, 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 1804 Plantea Court. PROPERTY OWNER: GARY W. WALTERS - Ward 1 (Tarkanian)

Fiscal Impact:

☐	No Impact	Amount:	\$1,265.00
☒	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 repair the fence, remove all trash, debris, and furniture, etc. and post "No Trespassing and No Dumping" signs on site.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$1,265.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

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

MOTION:

TARKANIAN - APPROVED the action of Neighborhood Services - UNANIMOUS with REESE excused

MINUTES:

NOTE: Video shown but not submitted.

MAYOR GOODMAN 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 \$1,265; \$1,100 to K.O. Construction, and a 15 percent administrative fee of \$165. He recommended that the above charges be filed and recorded against the

CITY COUNCIL MEETING OF: APRIL 6, 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.

MAYOR GOODMAN questioned how this beautiful home became such a nuisance. MR. SANCHEZ responded he did not know and that the home sold for \$937,000.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:52 - 1:53)

4-518

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1804 Plantea Court.

PROPERTY OWNER: GARY W. WALTERS – Ward 1 (Tarkanian)

K.O. Construction completed work on February 25, 2005 at a cost of \$1,100.00, plus a 15% administrative fee, for a total of \$1,265.00.

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

CC: File

Date: March 7, 2005

Re: Report of Expenses for the abatement of Nuisance/Litter located at 1804 Plantea Ct - Ward 1 (Tarkanian)

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 repairing the fence, removing all trash, debris, and furniture, etc. and posting "No Trespassing and No Dumping signs on site. K.O. Construction completed work on February 25, 2005 at a cost of \$1,100.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Refuse/Waste/Trash/Debris Removal	\$500.00
Repair Fence	\$500.00
Posting Signs	\$150.00
AMOUNT DUE	\$1,100.00
Administrative Processing Fee:	\$165.00
TOTAL AMOUNT DUE:	\$1,265.00
OWNER OF RECORD:	GARY W. WALTERS
PROPERTY ABATED:	1804 Plantea Ct
ASSESSOR PARCEL:	163-04-718-004
LEGAL DESCRIPTION:	WESTLAKE OAKLEY EST 2
	PLAT BOOK 59 PAGE 95
	LOT 4

DSS:jl

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC
 more than a 1% interest in [Contractor Entity] and all persons and entities holding
 the following: K.O. CONST INC K.O. CONSTRUCTION INC

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

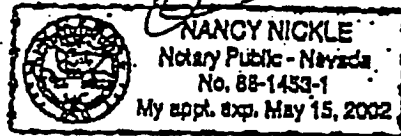
Continue list until full and complete disclosure is made.

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

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

Subscribed and sworn to before me this

29 Day of October 1999
Nancy Nickle
 Notary Public





**NOTICE OF PUBLIC HEARING
APRIL 6, 2005**

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, April 6, 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 repairing the fence, removing all trash, debris,, and furniture, etc. and posting "No Trespassing and No Dumping" signs on property located at **1804 Plantea Court** legally described as **WESTLAKE OAKLEY EST 2, PLAT BOOK 59 PAGE 95 LOT 4** Owner of record at time of abatement: **GARY W. WALTERS – WARD 1 (TARKANIAN)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,265.00 was expended (\$1,100.00 to KO Construction for cleaning the property; and \$165.00 Administrative Processing Fee).

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

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

**BARBARA JO RONEMUS
CITY CLERK**

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-1-05
CLV 7009



Address: 1804 PLANTEA CT

CITZ

THIS IS A GATED COMMUNITY (POUND #5353 - TO GET INTO COMMUNITY) - HOUSE MAY BE VACANT; LOTS OF T/D ON STREET REPUBLIC WON'T PICK UP; F/YARD HAS LIGHT WIRES EXPOSED THAT AREN'T MAINTAINED; POOL IS GREEN

Parcel(s)

Parcel:	Size:	Subdivision Name:
16304718004	0.47 ACRE	WESTLAKE OAKLEY EST 2

Owner Information:

10-Aug-02	16-Jun-04	MONDONEDO LUZVIMINDA 8450 W SAHARA AVE #160; LAS VEGAS, NV 89117-8922
16-Jun-04	19-Aug-04	MONDONEDO LUZVIMINDA % L & M INVEST INC 2550 HONOLULU AVE #108; MONTROSE, CA 91020-1859
19-Aug-04	26-Aug-04	WALTERS GARY W 1804 PLANTEA CT; LAS VEGAS, NV 89117-1984
16-Oct-04		WALTERS GARY W 1804 PLANTEA CT; LAS VEGAS, NV 89117-1984
26-Aug-04	29-Sep-04	MIZRAHI EFFRAIM 1117 CORAL RAINBOW AVE; LAS VEGAS, NV 89123-3175
29-Sep-04	06-Oct-04	WALTERS GARY W 1804 PLANTEA CT; LAS VEGAS, NV 89107

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
981876	Failed		12/10/2004	12/10/2004 10:30	12/10/2004 10:47	17
981876	Passed	Partial	12/13/2004	12/13/2004 13:03	12/13/2004 13:05	2
981876	Failed		12/21/2004	12/21/2004 13:47	12/21/2004 14:08	21
981876	Failed		12/29/2004	12/29/2004 13:59	12/29/2004 14:11	12
981876	Passed	Partial	1/14/2005	01/04/2005 12:51	01/04/2005 12:53	2
981876	Failed		1/14/2005	01/14/2005 12:40	01/14/2005 12:45	5
870076	Failed		2/10/2005	02/10/2005 14:30	02/10/2005 15:15	45
870076	Passed	Partial	2/14/2005	02/10/2005 14:30	02/10/2005 15:15	45
870076	Passed		3/1/2005	02/24/2005 13:40	02/24/2005 14:00	20
Time in Minutes:						169

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-OBSTRUCT	12/10/2004	12/13/2004	STREET
REMOVE AND DISCONTINUE STORING THE GARBAGE IN THE STREET.			
A-LITTER	12/10/2004	12/13/2004	STREET
REMOVE AND DISCONTINUE STORING THE GARBAGE IN THE STREET. CONTAIN ALL GARBAGE.			
A-POOL	12/10/2004	1/14/2005	REAR YARD
DRAIN OR TREAT WATER IN THE POOL ALL POOLS MUST BE MAINTAINED.			
A-REFUSE/WST	12/10/2004	2/24/2005	STREET, FRONT YARD
REMOVE ALL REFUSE AND WASTE FROM PUBLIC VIEW.			

A-NUISANCE 12/29/2004 2/24/2005 NORTH SIDE YARD
REPAIR FENCE TO DENY ACCESS TO THE REAR YARD TO MINORS.

A-HAZARD 12/29/2004 2/24/2005 NORTH SIDE YARD
REPAIR FENCE TO SECURE POOL IN REAR YARD

Log

Type:	Date:	Employee:	Min:
MEET	3/3/2005 9:53:00 AM	JESSICA LARRAMENDY	0
JL) Prepared to be heard by Council on 4/6/05			
MISC	3/1/2005 2:31:00 PM	LAURA DEARMOND	0
Ld) SENT K.O. CONSTRUCTION INVOICE \$1,100.00 TO FINANCE & FILE TO J.L.			
VIDREQ	2/28/2005 7:20:00 AM	LAURA DEARMOND	0
Ld) REC'D INVOICE & SENT EMAIL TO P.H. FOR VIDEO			
VIDPST	2/24/2005 1:40:00 PM	LAURA DEARMOND	20
24) GARBAGE FROM BOTH INTERIOR/EXTERIOR HAS BEEN REMOVED. SCATTERED WEEDS TRIMMED. THE POOL & SPA WERE PUMPED BUT IT HAS RAINED OVER LAST COUPLE OF DAYS, ONLY APPROXIMATELY 10-12 INCHES OF WATER REMAIN TODAY. ALL DOORS LOCKED. I PUT A PADLOCK ON ...			
/IDPST	2/24/2005 1:40:00 PM	LAURA DEARMOND	0
24) (Cont'd) SIDE GATE LOOKS GOOD. NEIGHBORS ARE SATISFIED WITH THE CLEANUP.			
MISC	2/11/2005 12:11:00 PM	PAMELA HINES	0
24) THE GATE CODE CHANGES ALL THE TIME. IT IS NOW #2105.			
VIDPRE	2/10/2005 3:15:00 PM	LAURA DEARMOND	0
24) (Cont'd) BEEN A METH LAB LOCATION AT ONE TIME. CHRIS AT K.O. WILL PUT 2 NEW LOCKS ON 2 DOORS & PUT SECURITY BARS ON THE SLIDERS AS IT IS IN A GATED COMMUNITY, MILLION DOLLAR HOMES. EMAILED D.S.S. & L.D. THAT CHRIS WILL BE REVISING AMOUNT TO ADD...			
VIDPRE	2/10/2005 3:15:00 PM	LAURA DEARMOND	0
24) (Cont'd) EXTRA COST OF \$100 (APPROX) TO LOCK UP THE HOUSE.			
VIDPRE	2/10/2005 3:15:00 PM	LAURA DEARMOND	0
24) (Cont'd) UNLOCKED. LOTS OF DOG FOOD & DOG FECES IN THE HOUSE. CARPET HAS BEEN PULLED UP IN SOME AREAS. THERE IS SOMETHING LIKE SMOKE OR CHARCOAL ON THE INTERIOR WALLS THROUGHOUT, THE DOOR FRAME AROUND POOL ROOM HAS BEEN PULLED OUT. THIS MAY HAVE...			
VIDPRE	2/10/2005 2:30:00 PM	LAURA DEARMOND	45
24) WAITED 20 MINUTES TO GAIN ACCESS AS THE GATE CODE HAD CHANGED & C/E WASN'T NOTIFIED. INSPECTOR CONFIRMS MINOR WEEDS, REFUSE & WASTE SCATTERED AROUND EXTERIOR. BOTH THE POOL & SPA NEED PUMPING (2-3 FT OF BLACK WATER). 2 DOORS TO REAR OF HOUSE ...			
VIDREQ	2/9/2005 1:41:00 PM	LAURA DEARMOND	0
Ld) RECEIVED FAX FROM CHRIS HARRISON OF K.O. CONSTRUCTION, START DATE WILL BE 2-11-05, SENT EMAIL TO P.H.			
BIDA	2/7/2005 3:20:00 PM	LAURA DEARMOND	0
Ld) AWARDED TO K.O. CONSTRUCTION			
BIDR	1/27/2005 8:27:00 AM	LAURA DEARMOND	0
Ld) RECEIVED A BID FROM K O CONSTRUCTION FOR \$1,100.00			
MISC	1/26/2005 11:45:00 AM	LAURA DEARMOND	0
Ld) CERT LETTER TO OWNER RETURNED PUT LETTER IN FILE.			
BIDS	1/21/2005 1:10:00 PM	LAURA DEARMOND	0
Ld) FAXED BID TO CONTRACTORS, DUE BACK 1-26			
PHONE	1/20/2005 8:40:00 AM	KELLY OLIVERIUS	0
30) RECIEVED A CLAL FROM MARY GREEN, SHE HAD NO CONTACT NUMBER OR ALTERNATE ADDRESS FOR GARY. SHE SAID HE WAS NEVER INVOLVED WITH THE ASSOCIATION.			
PHONE	1/19/2005 3:09:00 PM	KELLY OLIVERIUS	0
30) PHONED MARY GREEN, 243-9130, NO ANSWER, LEFT A MESSAGE FOR HER TO CALL.			
PHONE	1/18/2005 10:10:00 AM	KELLY OLIVERIUS	0
30) ATTEMPTED TO CONTACT MARY GREEN, PHONE WAS BUSY. WILL TRY LATER.			

PHONE	1/18/2005 10:09:00 AM	KELLY OLIVERIUS	0
30)CONTACTED NEIGHBORHOOD SERV. FOR ASSOCIATION INFO. ERIN BERZINA IS IN CHARGE OF THE AREA (NEIGHBORHOOD ALLIANCE ASSOCIATION), X5406. CONTACT FOR ASSOC IS MARY GREEN, 243-9130			
RESEAR	1/18/2005 10:02:00 AM	KELLY OLIVERIUS	5
30)ACCESSED COUTY SITE FOR OTHER PROPERTIES OWNED BY GARY WALTERS, ONE FOUND, LOOKED FOR NUMBER ON WHITE PAGES AND SEWER SCREENS, NONE FOUND, CHECKED HILL DONELLY, NONE FOUND. PER 24, PROCEED WITH ABATEMENT.			
REFER	1/18/2005 8:13:00 AM	KELLY OLIVERIUS	0
30) REFERRED CASE TO 24 FOR CONTUNED ABATEMENT.			
INSP	1/14/2005 12:40:00 PM	KELLY OLIVERIUS	5
30)R/W STILL ON D/W (TOYS, PAINT, T&D, FURNITURE, ECT). FENCE ON NORTH SIDE OF PROPERTY STILL NOT REPAIRED. ASSESS FEES. WILL REFER TO 24 FOR CONTINUED ABATEMENT.			
RECORD	1/6/2005 8:27:00 AM	JESSICA LARRAMENDY	0
JL) Recorded Notice & Order dated, December 30, 2004 at Clark County. Book: 20050106 Inst: 03458.			
NOPOST	1/4/2005 12:51:00 PM	KELLY OLIVERIUS	2
30)R/W REMAINS. POOL HAS BEEN PUMPED. POSTED N&O. CB 01/14			
EMAIL	12/30/2004 3:13:00 PM	KELLY OLIVERIUS	0
30)recieved an email back from linda, she was unable to find any info on gary walters. the only number was for the resident, stepahnie pacheco, 228-0614, who had the water shut off on 12/28.the property is currently vacant.			
NOTICE	12/30/2004 3:09:00 PM	LAURA DEARMOND	0
Ld) Sent N&O to owner, C/B 1-14			
EMAIL	12/30/2004 9:58:00 AM	KELLY OLIVERIUS	0
30)recieved confirmation from lloyd the pool would be pumped.			
NOREQ	12/30/2004 9:10:00 AM	VICTORIA ROSEMORE	0
16) APPROVED N&O AS REQUESTED BY 30. SUBMITTED TO OFFICE FOR PROCESSING.			
EMAIL	12/30/2004 8:53:00 AM	KELLY OLIVERIUS	0
30)per 16, EMAILED LLOYD AT RRT TO REQUEST TO HAVE WATER PUMPED OUT OF POOL.			
MISC	12/30/2004 8:09:00 AM	KELLY OLIVERIUS	0
30)PROCESSED N&O, REFERRED TO 16 FOR REVIEW.			
RESEAR	12/30/2004 8:05:00 AM	KELLY OLIVERIUS	3
30)CHECKED SEWER AND WHITE PAGES AGAIN FOR NUMBER,NONE FOUND. ACCESSED COUNTY WEBSITE FOR ASSESSOR INFO.			
EMAIL	12/30/2004 7:57:00 AM	KELLY OLIVERIUS	0
30)EMAILED LINDA TO LOOK ON WATEER SCREEN FOR A OCNTACT UMBER ON THIS ADDRESS.			
PHONE	12/30/2004 7:53:00 AM	KELLY OLIVERIUS	0
30)PHONED NV POWER,INFORMED THEM OF THE TAMPERING WITH THE SERVICE PANEL.			
INSP	12/29/2004 1:59:00 PM	KELLY OLIVERIUS	12
30)NO IMPROVEMENT.R/W ON D/W. POWER PANEL HAS BEEN TAMPERED WITH. WILL CALL NV POWER. GATE ON N SIDE OF HOUSE BROKEN. ASSESS FEES. PROCESS N&O.CB 01/10			
PHONE	12/21/2004 1:56:00 PM	KATHY STEWART	9
30) Called Southwest Gas, informed them that the fireplace is on. They will be out today to shut off gas.			
INSP	12/21/2004 1:47:00 PM	KATHY STEWART	21
30) Refuse/waste still visible on driveway (paint cans, fumiture, trash, debris, etc) Pool still has algae on bottom. Observed fireplace on inside. Issued Final C/N. House appears vacant. ASSESS FEES. PIX. C/B 12/29			
INSP	12/13/2004 1:03:00 PM	LYNN NIHIPALI	2
30)GARBAGE/DEBRIS HAS BEEN MOVED OUT OF ROW. CB 12/21 FOR COMPLETE REMOVAL OF R/W AND POOL			
RESEAR	12/13/2004 8:23:00 AM	KELLY OLIVERIUS	0
30)NO PHONE NUMBER FOUND IN WHITE PAGES OR SEWER.ASSESSOR ONLY HAS THIS PROPERTY LISTED FOR THIS NAME.			
INSP	12/10/2004 10:30:00 AM	KELLY OLIVERIUS	17
30)OBSERVED LOW WATTAGE LIGHTING(LANDSCAPE).PLUG IN TYPE, NO PERMIT REQ. PILE OF R/W ON STREET(WOOD FURNITURE,BUCKETS,TOYS,DEBRIS,ECT.). R/W IN F/Y.(CORDS,PAINT CANS, ECT). POOL IN R/Y, WATER IS CLEAR BUT GREEN ALGAE ON BOTTOM. WATER IS CIRCULATING.			

CASENO 24338 CODEENF

02517-58

INSP 12/10/2004 10:30:00 AM KELLY OLIVERIUS

-33661423

30)ISSUED 72 HOUR NOTICE. WILL RESEARCH OWNER.

Time in minutes:

-33661282

APN 163-04-718-004

Ref # - 24338

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: GARY W. WALTERS
(Reputed Owner(s)) at time of abatement.

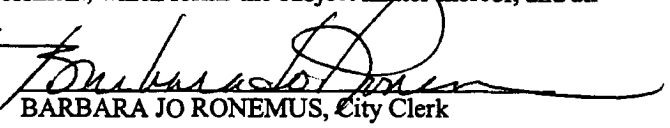
Assessor's Parcel No.: 163-04-718-004
Commonly known as: 1804 PLANTEA CT.
Legal Description: WESTLAKE OAKLEY EST 2
PLAT BOOK 59 PAGE 95
LOT 4

On February 25, 2005, 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 \$1,265.00 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

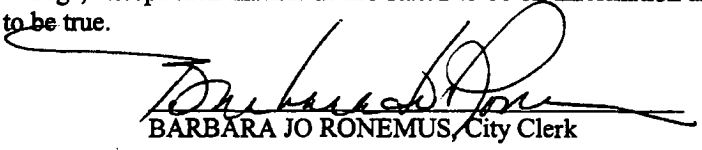
The Las Vegas City Council, at a duly noticed public hearing held on April 6, 2005, ordered the above charges in the amount of \$1,265.00, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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

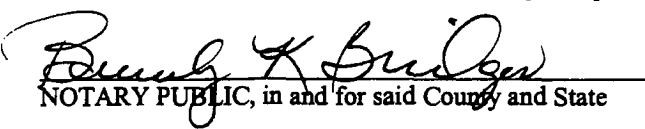

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

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


BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 8th day of April, 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: APRIL 6, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building located at 7075 W. Craig Road. PROPERTY OWNERS: RICHARD A. & BARBARA L. STIMAC - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The subject property was determined to be a dangerous building(s) as defined in Uniform Code for the Abatement Dangerous Building, 1994 Edition, Section 302, adopted by the Las Vegas Municipal Code 16.08. A Notice and Order to Abate Dangerous Building was mailed to the property owner to correct the nuisance per 16.08 Building/Dangerous; per 19.04 Vehicle Code; per 9.04 Attractive Nuisance, Refuse & Waste, Weeds/Turf; per 9.08 Litter, Garbage; and per 9.12 Outside Storage. Today's hearing is to consider the Appeal to the Notice and Order filed by Rick Burton, alleged owner and responsible party of the property.

RECOMMENDATION:

That the City Council approve the Notice and Order to Abate Dangerous Building

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Notice and Order to Abate Dangerous Building
4. Appeal Letter from Appellant
5. Notice of Appeal

MOTION:

MACK - ABEYANCE to 5/4/2005 - UNANIMOUS with REESE excused

NOTE: COUNCILMAN MACK disclosed his brother-in-law owns Timbers Bar and Grill near this property. He has not discussed this with MR. DONNER and he does not believe it will impact his business; therefore, he will be voting on this item.

MINUTES:

NOTE: Video shown but not submitted.

MAYOR GOODMAN declared the Public Hearing open.

ORLANDO SANCHEZ, Director of Neighborhood Services, explained that this particular property is in litigation and that he met with ATTORNEY BLAINE BECKSTEAD who agreed the owner will clean the property within 30 days.

ATTORNEY BECKSTEAD appeared on behalf of RICKY and MARYLEE BURTON, who have been

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

found by the District Court and affirmed by the Nevada Supreme Court to be record owners of the subject property. Earlier this week the District Court Judge ordered MR. BURTON to clean the property to which he agreed to do within 30 days.

COUNCILMAN MACK thanked ATTORNEY BECKSTEAD for resolving the details with MR. SANCHEZ.

DEPUTY CITY ATTORNEY BRYAN SCOTT advised that the item be abeyed until such time as the 30-day period ends so the property owner can clean up the property prior to a lien being imposed. MR. SANCHEZ concurred and added that if at that time the property is found to be clean, the item will be stricken.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:53 - 1:56)

4-571

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building located at 7075 W. Craig Road. PROPERTY OWNERS: RICHARD A. & BARBARA L. STIMAC - Ward 6 (Mack)

The subject property was deemed to be a dangerous building as defined in Uniform Code for the Abatement Dangerous Building, 1994 Edition, Section 302, adopted by the Las Vegas Municipal Code 16.08.

A Notice and Order to Abate Dangerous Building was sent to the property owner by regular and certified mail requesting they correct the nuisance per 16.08 Building/Dangerous; Per 19.04 Vehicle Code; Per 9.04 Attractive Nuisance, Refuse & Waste, Weeds/Turf; Per 9.08 Litter, Garbage; and Per 9.12 Outside Storage. A copy of the notice was also posted on the property.

Today's hearing is to consider the appeal from the Notice and Order to Abate Dangerous Building filed by Rick Burton, alleged owner and responsible party of the property.

CRAIG

REST

7150

7161

REST

7101
101-104

RESTAURANT
DENTIST
RESTAURANT

7075

7121
101-116

CONSTRUCTION STORAGE

7151

ALBERTSON

7131

101-108

SHOP

7071

101-102

REST

7091

101-105

SHOP

7081

BAR



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

APN: 138-03-701-003

February 18, 2005

CASE #12442
Certified/Regular Mail
Return Receipt Requested

Richard A. & Barbara L. Stimac
Kay A. Rodriguez
2274 Moresca Avenue
Henderson, NV 89052-6548

NOTICE AND ORDER TO ABATE DANGEROUS BUILDING

You are hereby notified as owner(s) of the properties located at **7075 West Craig Road, Las Vegas, NV, Parcel #138-03-701-003**, that it has been found to be a dangerous building(s) as defined in the Uniform Code for the Abatement Dangerous Building, 1994 Edition, Section 302, adopted by the Las Vegas Municipal Code 16.08.

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. The building(s) constitutes a public hazard and an attractive nuisance because *the property is open and accessible to vagrants, vandals and minor children.*

To correct this condition you need to **Per 16.08 – Building/Dangerous:** Board and secure all doors, windows, and all other openings to the property as per the attached City of Las Vegas Abatement Specifications.

Per 19.04 – Vehicle Code: Remove the semi trailer (California license plate #1VE9926), bobcat; abandoned. Remove all passenger vehicles including the blue Camaro (Nevada license plate #378 RVP); red Plymouth Sundance (stripped, vandalized); red Chevrolet Beretta, gutted interior; and the abandoned 5th wheel recreational vehicle.

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

18201-031-1-05

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

Receipt/Conformed Copy

Requestor:
LAS VEGAS CITY
02/23/2005 12:58:16 T20050033278
Book/Instr: 20050223-0002369
Notice Page Count: 7
Fees: \$20.00 N/C Fee: \$0.00

Frances Deane
Clark County Recorder



Per 9.04 – Attractive Nuisance: Remove the open structures (sheds, both metal and wood) and lean-to structure.

Per 9.04 – Refuse & Waste: Remove all refuse and waste, including but not limited to, discarded household items, auto parts, tires, old air conditioning unit, doors, crates, wood, lawn mowers, aluminum, appliances, concrete parking barriers, mattresses, bucket, and fallen tree.

Per 9.04 – Weeds/Turf: Trim, cut, and remove all weeds/turf grass exceeding eight (8) inches in height from all yards; and remove all dead bushes, trees, weeds, and tumbleweeds. This includes the transition area in front of residence along Craig Road.

Per 9.08 – Litter: Maintain the property litter free at all times.

Per 9.08 – Garbage (Receptacles or Depositing): Remove all deposited, loose, scattered garbage from the premises.

Per 9.12 – Outside Storage: Remove any and all outside storage, including tires, cartons, plastic cartons, toys, materials, and anything visible from neighboring properties and public view.

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.

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #24 by telephone at (702) 229-4923 to supply your current phone number, e-mail address, fax number, or additional mailing address.

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

If the problem still exists after this ten (10) day Notice and Order, the City may hire a licensed contractor to remove the nuisance and hazard either by demolition or safely securing the structure and cleaning the premises. As the property owner(s), you will be responsible for all costs incurred, including a fifteen (15%) administrative processing fee. There will be a three hundred twenty-five dollar (\$325.00) boarding fee, payable to the City of Las Vegas, whether your contractor or the City of Las Vegas boards the property. If the property is boarded without the fee being paid, the property will have a lien placed for that amount. 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.

CASE #12442
7075 West Craig Road
February 18, 2005
Page 3

Upon approval of the costs by the City Council, A Lien of Assessment shall be filed with the County Recorder office, certified copies of the Lien given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, 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.

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

Sincerely,



Devin Smith, Manager
Neighborhood Response Division
Neighborhood Services Department

DS:ks

Enclosure: Abatement Specifications
City of Las Vegas Vacant/Boarded Building Standards/Compliance/Process
Boarded Building Certificate Application

c: Richard & Barbara Stimac, 4973 Almagordo Street, Las Vegas, NV 89120
Kay Rodriguez, Bar K Realty, 2007 Paradise Road, LV, NV 89104-2510

City of Las Vegas Abatement Specifications

CONTRACTOR WILL BE RESPONSIBLE FOR THE FOLLOWING ON A PROJECT-BY-PROJECT BASIS:

- 1. Contractor is responsible for removing all vehicles located on property.**
- 2. Contractor is responsible for the cutting down and removal of all dry vegetation down to a 2-inch height.**
- 3. Contractor is responsible for abating all trash and debris visible on the property.**
- 4. All windows, exterior doors, holes in the roof exterior walls and any other openings providing access to the structure are to be completely covered with 3/4" exterior grade plywood and installed with through-bolts secured to 2" x 4" interior back-boards. The through bolts shall be preened over both inside and outside to prevent removal. BOARDS MUST BE PAINTED THE SAME COLOR AS THE STRUCTURE.**
- 5. The exterior doors, which are undamaged, shall be locked and toenailed shut.**
- 6. Contractor is responsible for removal of all trash and debris from the interior of the building.**
- 7. Contractor is responsible for removal of all graffiti from the premises.**
- 8. To comply with EPA, OSHA, Clark County Health Districts Demolition Removal procedures.**
- 9. Being licensed for this particular work by Nevada State Contractor's Board prior to bid.**
- 10. Paying all fees, permits, and must comply with City of Las Vegas Public Works Uniform Standard Specifications and all other applicable standards and codes.**
- 11. To call "Call Before You Dig".**
- 12. To make sure all utilities have been disconnected and services removed, both underground and overhead from the buildings to the existing right of way to the satisfaction of the applicable utility company before starting demolition, having portable toilet and other temporary utilities on site when required.**
- 13. To cap and ark disconnected utilities as required by the appropriate utility.**
- 14. To keep utilities in service and maintain access to the other sections of the neighborhood.**
- 15. Demolition of the building must include removal of all asphalted cement surfaces and slabs.**
- 16. When a building is to be demolished, it is the Contractors responsibility to ensure all utility hook-ups are disconnected.**
- 17. Have a water truck on-site and in use during demolition. Any property over one-quarter (0.25) acre must have dust suppressant.**

**City of Las Vegas
Vacant/Boarded Building**

STANDARDS/COMPLIANCE/PROCESS

CLVMC 16.31 Sec. 5 (A)

This application shall include the following information and documentation:

- (1) Address of Building to be boarded;**
- (2) Type of Building;**
- (3) For residential building, number of dwelling units;**
- (4) For non-residential building, number of building square feet and the lineal footage of all building faces at ground level;**
- (5) Owner's name, address, and telephone number
Authorized agents name (for performing owner's obligations) – address, telephone number;**
- (6) Photograph (attachment to application)
Description of condition of the building and the landscaping existing on property;**
- (7) Reason for the boarding and period of time that the building is expected to be vacant.**

CLVMC 16.31 Sec. 6 (A)

A Statement of Intent (see attachment) must be filed by or on behalf of the owner of any vacant or abandoned building

CLVMC 16.31 Sec. 6 (B)

A Statement of Intent (see attachment) must be filed by or on behalf of the owner of any lot that has become vacant following the demolition of one or more buildings thereon CLVMC 16.31 Sec. 7 (A)

Boarding of a building must be completed within ten (10) days after the issuance of a boarding certificate. The boarding must be in compliance with any minimum boarding standards that have been established by the City. (Standards Attached).

A boarding certificate is effective for a twelve-month period.

**City of Las Vegas
Neighborhood Services
Boarded Building Certificate
Application**

Ref # _____ **Date:** _____

APPLICATION REQUIREMENT PER CLVMC 16.31 SEC. 5(A), SEC 6(A), SEC 6(B), SEC 7(B), SEC 9(A), SEC 9(B), SEC 10(A)

1. ADDRESS OF VACANT BUILDING TO BE BOARDED:

2. COMMERCIAL OR RESIDENTIAL (circle one)

3. RESIDENTIAL NUMBER OF UNITS (SFD IS ONE)

4. OR COMMERCIAL SQUARE FOOTAGE PLUS LINEAL FOOTAGE OF ALL BUILDING FACES AT GROUND LEVEL

5. NAME, ADDRESS, PHONE NUMBER OF OWNER OR AUTHORIZED AGENT:

6. ATTACH PHOTOS SHOWING CONDITION OF BUILDING AND SURROUNDING LANDSCAPING AND STATEMENT OF INTENT FOR FUTURE USE OF BUILDING. THE STATEMENT OF INTENT MUST BE RECEIVED WITHIN 30 DAYS OR SHORTER IF REQUIRED BY THE NOTICE.

7. THIS BUILDING IS VACANT AND BEING BOARDED BECAUSE:

FEE AMOUNT DUE _____ **PAID** _____ **DATE**

APPLICATION: **APPROVED** ☐ **DENIED** ☐

MITIGATION PLAN: **RECEIVED** _____ **DATE** _____

REHABILITATION PLAN: **RECEIVED** _____ **DATE** _____

CLVMC 16.31 Sec. 7 (B)

Within 30 days following the issuance of a boarding certificate or the filing of a statement of intent, the owner must submit for approval by the director a proposed Mitigation Plan and a Proposed Rehabilitation Plan. (See attached).

CLVMC 16.31 Sec. 9 (A)

If an owner fails to comply with a Mitigation Plan or Rehabilitation Plan within the time frames established there in, or fails to repair vandalism or damage to the building or the property on which the building is located in accordance with a time line for such repair that has been established by the Director, the Director may cause the appropriate Mitigation measures to be taken or the repair or rehabilitation work to be performed, and may charge the owner a fee in accordance with subsection (c) of Section 10 of this ordinance.

CLVMC 16.31 Sec. 9 (B)

If an owner violates or fails to comply with any requirement of this chapter and the violation or failure to comply continues for more than fifteen (15) days, the Director may issue to the owner a Notice of Violation in accordance with Section 9.04.050, as provided for with respect to public nuisances, and may proceed to remedy the violation in accordance with the Nuisance Abatement procedures set-forth in Section 9.04.080. The owner may appeal a Notice of Violation in accordance with Sections 9.04.060 and 9.04.070.

Fees – LVMC 16.31 Sec. 10 (A)

The applicant for a boarding certificate shall pay the following fees at the time of application:

- (1) For a single-family dwelling, \$325**
- (2) For any other type of residential building, \$325 for the first residential unit, plus \$25 for each additional unit on the same parcel**
- (3) For any commercial or other non-residential structure \$325, or two dollars per lineal foot of building face, whichever is greater.**

Rick Burton
1611 West Brooks Street
North Las Vegas, NV 89032

RECEIVED
CITY CLERK

2005 FEB 28 P 4: 14

Phone: 631-9300

Fax: 631-3351

Via Certified Mail / Regular Mail & Facsimile
Return Receipt Requested
Filed with City Clerk of the City of Las Vegas

February 25, 2005

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

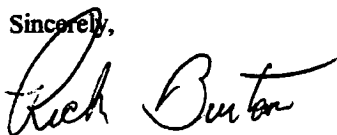
Re: Appeal of Notice and Order to Abate Dangerous Building; Case # 12442, Neighborhood Services Dept.

Dear Sirs and Madams:

As previously communicated to the Neighborhood Services Department, I am the owner of the house and front portion of adjoining land located at 7075 West Craig Road, Las Vegas, NV. This will serve as my objection to and disagreement with the assessment of the Neighborhood Services Department, Neighborhood Response Division's "Notice and Order to Abate Dangerous Building" in the above captioned matter. I therefore wish to appeal to the City Council as provided by the Notice.

Please advise of the procedure and time frame for the hearing of the Appeal. Thank you for your cooperation.

Sincerely,



Rick Burton

cc: Marilyn Fine, Attorney for Richard & Barbara Stimac and Kay Rodriguez
Devin Smith, Manager, Neighborhood Response Division, City of Las Vegas
Pam Hines, Code Enforcement Supervisor, City of Las Vegas



March 14, 2005

CERTIFIED & REGULAR MAIL

Rick Burton
1611 West Brooks Street
North Las Vegas, Nevada 89032

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
JERRENCE WEEKLY

MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

Re: Appeal of the Nuisance/Litter Abatement Notice and Order to Comply for property located at 7075 West Craig Road

Dear Mr. Burton:

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 6th day of April, 2005, at the hour of 1:00 p.m. This hearing is in response to the letter dated February 25, 2005, requesting the same, concerning the Notice and Order to Abate Dangerous Building for property located at 7075 West Craig Road.

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
Tom Green, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Leni Skaar, Ward 6 Liaison

Marilyn Fine, ESQ.
Howard, Meier & Fine, LLC
2300 W. Sahara Avenue
Suite 430, Mailbox 11
Las Vegas, Nevada 89102

Cell # 7004 1160 0005 5215 3196
Richard A. & Barbara L. Stimac
2274 Moresca Avenue
Henderson, Nevada 89052-6548

Cell # 7004 1160 0005 5215 3206

Richard A. & Barbara L. Stimac
4973 Almagordo Street
Las Vegas, Nevada 89120

Cell # 7004 1160 0005 5215 3219

Kay Rodriguez
Bar K Realty
2007 Paradise Road
Las Vegas, Nevada 89104-2510

Cell # 7004 1160 0005 5215 3202

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

VOICE 702.229.6011
TTY 702.386.9108

www.lasvegasnevada.gov
18112-001-1-05
CLV 7008

Cell # 7004 1160 0005 5215 3189

CITY of LAS VEGAS

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

RECEIVED
CITY CLERK

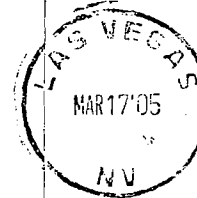
2005 APR 19 P 1:33

LN
3-18-05

CERTIFIED MAIL™



7004 1160 0005 5215 3226



U.S. POSTAGE



04.42:

H METER 716355

RETURN TO
ADDRESS
ABREAL 7075
RICHARD & BARBARA STIMAC
2274 MORESCA AVENUE
HENDERSON NV 89052-6548

RECEIVED

3-31
4-6

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. 1. Article Addressed to: APPEAL 7075 RICK BURTON 1611 WEST BROOKS STREET NORTH LAS VEGAS, NEVADA 89032	A. Signature ☐ Agent ☐ Addressee B. Received by (Printed Name) <u>Nicole Baldwin</u> C. Date of Delivery <u>3/18/05</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number <u>7004 1160 0005 5215 3189</u> (Transfer from service label)	

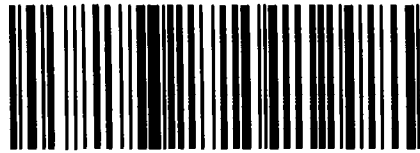
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: Appeal 7075 KAY RODRIGUEZ BAR K REALTY 2007 PARADISE ROAD LAS VEGAS NV 89032	A. Signature ☒ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery <u>3-18</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number <u>7004 1160 0005 5215 3202</u> (Transfer from service label)	

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. 1. Article Addressed to: Appeal 7075 MARILYN FINE, ESQ. HOWARD, MEIER & FINE LLC 2300 W SAHARA AVE STE 430 BOX 11 LAS VEGAS NV 89102	A. Signature ☐ Agent ☐ Addressee B. Received by (Printed Name) C. Date of Delivery <u>3/18</u> D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No 3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D. 4. Restricted Delivery? (Extra Fee) ☐ Yes
2. Article Number <u>7004 1160 0005 5215 3196</u> (Transfer from service label)	

CITY OF LAS VEGAS

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

CERTIFIED MAIL™



7004 1160 0005 5215 3219



U.S. POSTAGE

04.42:

H METER 716355

RECEIVED

2005 MAR 28 A 11:34

ANIL

Attempted
3-21-05

Appeal 7075
RICHARD A & BARBARA L STIMAC
4973 ALMAGORDO ST
LAS VEGAS NV 89120



REASON CHECKED

Attempted Not Known ☒
Insufficient Address ☐
No Such Street Number ☐
Do Not Remail In This Envelope ☐
Forwarding Order Expired ☐
Vacant No Apt. Lot No. ☐
Rto. No. 7072 Initials ☐

658204+8306 672



CITY of LAS VEGAS

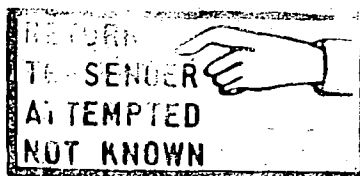
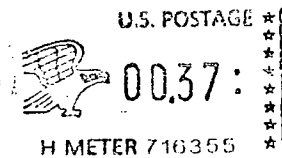
OFFICE OF THE CITY CLERK
CITY HALL
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101-2986

RECEIVED
CITY CLERK

2005 MAR 25 A 11:44

ANIK

Appeal 7075
RICHARD A & BARBARA L STIMAC
4973 ALMAGORDO ST
LAS VEGAS NV 89120



44041041252622



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 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 located at 704 W. Wilson Avenue. PROPERTY OWNER: KARL EDWARD BUTLER - Ward 5 (Weekly)

Fiscal Impact:

☐ No Impact	Amount:	\$2,912.50
☒ 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 board and secure all doors, windows, and openings, remove discarded furniture, lumber, feces, trash, and debris from all areas, and post "No Trespassing, No Dumping, No Vehicles" signs on site.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$2,912.50 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:

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

MINUTES:

NOTE: Video shown but not submitted.

MAYOR GOODMAN 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: APRIL 6, 2005

MINUTES - Continued:

approve the report of expenses in the amount of \$2,912.50; \$2,250 to K.O. Construction, \$325 for boarding certificate, and a 15 percent administrative fee of \$337.50. 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 GOODMAN declared the Public Hearing closed.

(1:56 - 1:57)

4-644

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

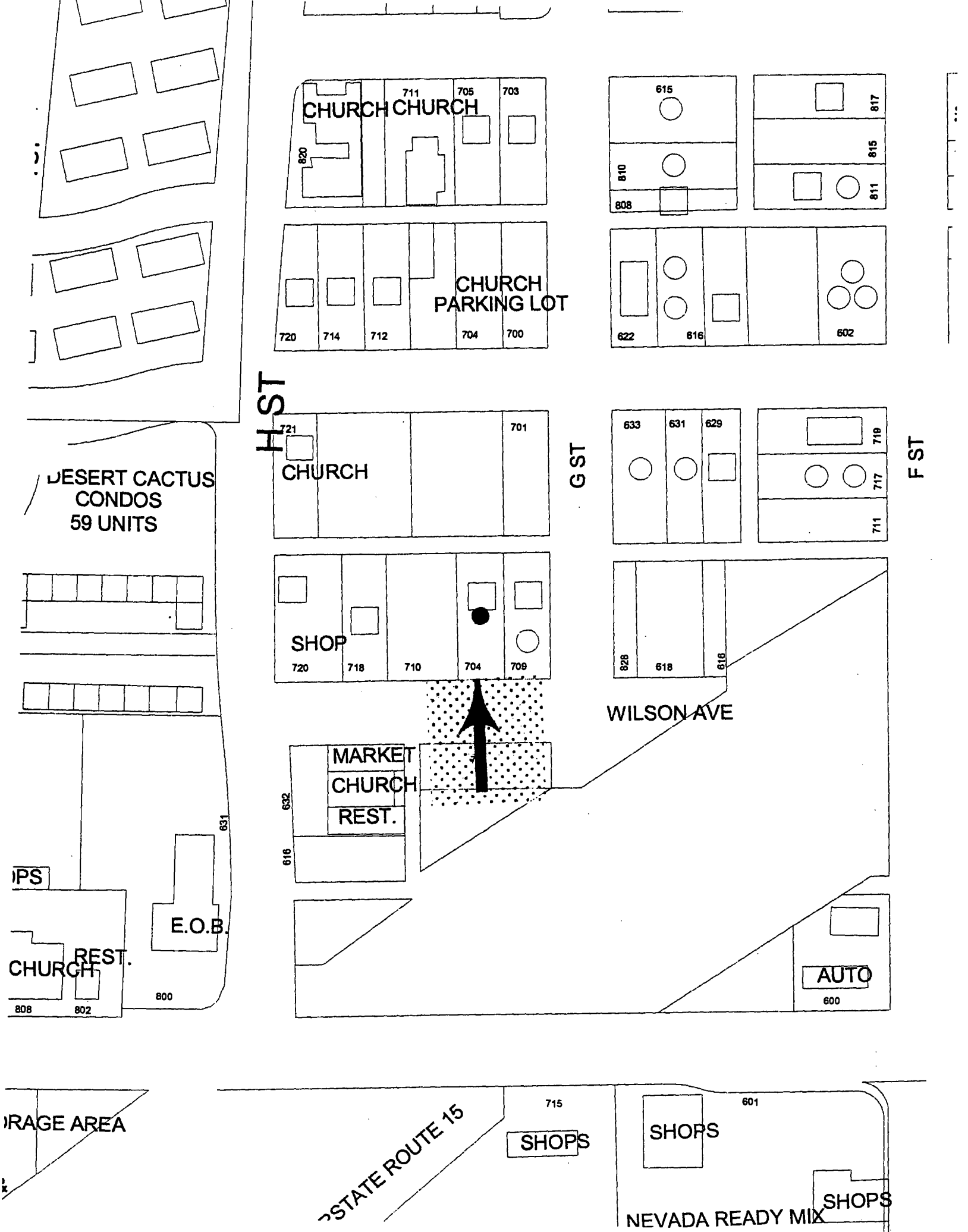
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 704 W. Wilson Avenue. PROPERTY OWNER: KARL EDWARD BUTLER – Ward 5 (Weekly)

K.O. Construction completed work on January 9, 2005 at a cost of \$2,250.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$2,912.50.

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 "Dangerous Building", the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

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



Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk
From: Devin S. Smith, Manager – Neighborhood Response Division
CC: File
Date: March 7, 2005
Re: Report of Expenses for the abatement of Dangerous Building located at 704 W. Wilson 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," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding and securing all doors, windows, and openings, removing discarded furniture, lumber, feces, trash, and debris from all areas, and posting "No Trespassing, No Dumping, No Vehicles" signs on site. K.O. Construction completed work on January 9, 2005 at a cost of \$2,250.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board/Secure (Doors, Windows and All other openings)	\$1,350.00
Refuse/Waste/Trash/Debris Removal	\$500.00
Vegetation Removal	\$300.00
Posting Signs	\$100.00
AMOUNT DUE	\$2,250.00
Administrative Processing Fee:	\$337.50
Boarded Building Certificate:	\$325.00
TOTAL AMOUNT DUE:	\$2,912.50
OWNER OF RECORD:	KARL EDWARD BUTLER
PROPERTY ABATED:	704 W. Wilson Avenue
ASSESSOR PARCEL:	139-27-310-061
LEGAL DESCRIPTION:	LAS VEGAS ORIG TOWNSITE 2 ND AMD
	PLAT BOOK 1 PAGE 46
	LOT 3 BLOCK 8
	& LOT 4

DSS:jl

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC
 more than a 1% interest in [Contractor Entity] or any principal of [Contractor 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	702-367-4221
2. EDWARD KOPE	LAS VEGAS, NV 89139	
3. ROSE KOPE		
4.		
5.		
6.		

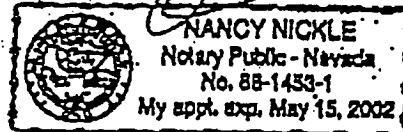
Continue list until full and complete disclosure is made.

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

[Contractor Entity] K.O. CONSTRUCTION INC
 By [Signature]

Subscribed and sworn to before me this

Day of October 1999.
Nancy Nickle
 Notary Public





**NOTICE OF PUBLIC HEARING
APRIL 6, 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, April 6, 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 dangerous building by boarding and securing all doors, windows, and openings, removing discarded furniture, lumber, feces, trash, and debris from all areas, and posting "No Trespassing No Dumping and No Vehicles" signs on property located at **704 WEST WILSON AVENUE** legally described as **LAS VEGAS ORIG TOWNSITE 2ND AMD, PLAT BOOK 1 PAGE 48, LOT 3 BLOCK 8 & LOT 4** Owner of record at time of abatement: **KARL EDWARD BUTLER- Ward 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$2,912.50 was expended (\$2,250.00 to K. O. Construction for cleaning the property; \$325.00 Boarded Building Certificate; and \$337.50 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

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-1-05
CLV 7009

Address: 704 W WILSON AVE

CITZ

COMPLEX SMELLS OF URINE AND PEOPLE USE THE BATHROOM OUTDOORS; ALSO, SOME TRASH IN THAT LOCATION AS WELL

Parcel(s)

Parcel:	Size:	Subdivision Name:
13927310061	0.17 ACRE	LAS VEGAS ORIG TOWNSITE 2ND AMD

Owner Information:

10-Aug-02	16-Apr-03	TRUSTEE CLARK COUNTY TREASURER % BUTLER KARL EDWARD 704 W WILSON AVE; LAS VEGAS, NV 89106-3467
16-Apr-03	19-May-04	BUTLER KARL EDWARD 500 RECCO AVE; NORTH LAS VEGAS, NV 89030
19-May-04	30-Jun-04	BUTLER KARL EDWARD 500 RECCO; NORTH LAS VEGAS, NV 89030
0-Jun-04		BUTLER KARL EDWARD 704 W WILSON AVE; LAS VEGAS, NV 89106-3467

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
860034	Failed		12/2/2004	11/18/2004 16:02	11/18/2004 16:12	10
760052	Passed	Partial	12/6/2004	11/24/2004 10:30	11/24/2004 10:34	4
860034	Failed		12/6/2004	12/07/2004 13:32	12/07/2004 13:43	11
870076	Passed	Partial	12/30/2004	01/05/2005 15:15	01/05/2005 15:25	10
870076	Passed	Partial	1/12/2005	01/11/2005 11:41	01/11/2005 11:57	16
870076	Passed	Partial	1/13/2005	01/19/2005 14:21	01/19/2005 14:34	13
870076	Passed		1/21/2005	01/31/2005 8:04	01/31/2005 8:14	10
Time in Minutes:						74

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-REFUSE/WST	12/2/2004	1/31/2005	R/W IN ALL AREAS BEHIND MAIN BLDG. Remove discarded furniture, lumber, feces, trash, and debris from all areas.
A-BLD DNGR	12/2/2004	1/31/2005	MIDDLE BLDGE OPEN THROUGH FRONT DOOR. REAR STORAGE BLDG O Secure all structures to CLV Abatement Specifications (attached).

Log

Type:	Date:	Employee:	Min:
MEET	2/18/2005 7:23:00 AM	JESSICA LARRAMENDY	0
JL) Prepared to go before Council on 4/6/05.			
MISC	2/16/2005 3:09:00 PM	LAURA DEARMOND	0
Ld) SENT K.O. CONSTRUCTION INVOICE \$2,250.00 INVOICE TO FINANCE & GAVE FILE TO J.L.			
INSP	1/31/2005 8:04:00 AM	PAMELA HINES	-33113
24)INSPECTION CONFIRMS ALL OPENINGS ARE NOW SECURELY BOARDED & PAD LOCK IS ON THE GATE. ABATEMENT COMPLETE.			

VIDPST	1/19/2005 2:21:00 PM	LAURA DEARMOND	13
24) 1. MIDDLE BUILDING - LOOSE BOARD OVER DOOR ENTRANCE. 2. REAR STRUCTURE - DOOR WIDE OPEN, NO BOARD AT ALL. 3. CALLED CHRIS AT KO TO FIX BOTH ITEMS. HE'LL CALL WHEN TAKEN CARE OF. 4. THE WEST SIDE GATE STILL NEED PADLOCKING. TAPE TO DEVIN SMITH.			
INSP	1/11/2005 11:41:00 AM	LAURA DEARMOND	16
24) TWO OPENINGS RE-BOARDED. FRONT ENTRANCE BOARD PULLED OFF BY ME. REAR STORAGE ROOM STILL OPEN. REFUSE REMAINS IN REAR YARD. IRON SECURITY DOOR NOT SECURED TO FRAME. SIDE GATE OPEN ALLOWING ACCESS TO REAR YARD WHERE VAGRANTS HAVE BEEN...			
INSP	1/11/2005 11:41:00 AM	LAURA DEARMOND	0
24) (Cont'd) CAMPING OUT. CALLED CHRIS AT K.O. TO ADVISE THE SECURING & CLEANING IS NOT DONE TO SPECS. HE SAID HE HADN'T SEEN IT & WAS RELYING ON HIS CREW'S INFO. VIDEO NOT COMPLETED YET.			
VIDREQ	1/10/2005 3:30:00 PM	LAURA DEARMOND	0
Ld) REC'D INVOICE & SENT VIDEO REQUEST TO P.H.			
VIDPRE	1/5/2005 3:15:00 PM	LAURA DEARMOND	10
24) MINOR REFUSE SCATTERED THROUGHOUT EXTERIOR GROUNDS. BOARDS HAVE BEEN PULLED AWAY OR REMOVED COMPLETELY LENDING ACCESS TO INTERIOR OF THE MIDDLE & REAR STRUCTURES (STORAGE ROOM ALSO). STRONG URINE SMELL & FECES PRESENT, VAGRANT MATERIAL...			
VIDPRE	1/5/2005 3:15:00 PM	LAURA DEARMOND	0
24) (Cont'd)...IN REAR YARD AREA. "NO TRESPASSING" SIGNS HAVE BEEN PULLED OFF OR BLOWN AWAY. THE NRS REFERENCE FOR "NO TRESPASSING" PAINTED ON THE FRONT BLOCK WALL FENCE SHOULD BE PAINTED OVER AS IT LOOKS BAD. PROPER SIGNS NEED TO BE POSTED. TAPE...			
VIDPRE	1/5/2005 3:15:00 PM	LAURA DEARMOND	0
24) (Cont'd)...TO DEVIN SMITH & INSPECTION INFO TO L.D. FOR ENTRY.			
PHONE	1/5/2005 8:22:00 AM	PAMELA HINES	0
24)PER TELCON W/KRIS @ K.O.- WILL BEGIN WORK 1/6. I WILL VIDEO TODAY.			
BIDA	12/30/2004 1:42:00 PM	LAURA DEARMOND	0
Ld) AWARDED TO K O CONSTRUCTION			
BIDR	12/27/2004 10:46:00 AM	LAURA DEARMOND	0
Ld) REC'D A BID FROM K O CONSTRUCTION \$2,250.00. PHYLLIS FROM WEAVER SAID THIS HAS BEEN ABATED. SENT EMAIL TO 16 TO ADVISE.			
BIDS	12/17/2004 1:45:00 PM	LAURA DEARMOND	2
Ld) FAXED BID TO CONTRACTORS, DUE BACK 12-23			
MISC	12/17/2004 8:06:00 AM	LAURA DEARMOND	0
Ld) CERT LETTER TO OWNER RETURNED "VACANT". SENT LETTER TO C/E OFFICE.			
INSP	12/7/2004 1:32:00 PM	LAURA DEARMOND	11
27) NO IMPROVEMENT, SITUATION REMAINS THE SAME, BOTH REAR STRUCTURES REMAIN OPEN/ACCESSIBLE & OCCUPIED BY VAGRANTS, FECES, T/D ALL YARDS, ASSESS FEE, PROCEED W/ABATEMENT			
RECORD	11/29/2004 11:12:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated November 22, 2004 at Clark County. Book: 20041129 Inst: 04125.			
INSP	11/24/2004 10:30:00 AM	LYNN NIHIPALI	4
29)NO CHANGE, CB 12/6			
NOPOST	11/24/2004 10:30:00 AM	LYNN NIHIPALI	4
29)N/O POSTED			
NOTICE	11/22/2004 2:01:00 PM	LAURA DEARMOND	0
Ld) SENT DANG BLDG N&O TO OWNER, C/B 12-6			
NOREQ	11/22/2004 9:11:00 AM	JULIE ABSHIRE	4
29) N/O SUBMITTED FOR PROCESSING AS REQUESTED BY 27. CB 12/2			
RESEAR	11/22/2004 9:10:00 AM	JULIE ABSHIRE	4
29) RESEARCHED MORT. INFO. AND ATTACHED TO FILE.			
REFER	11/22/2004 8:20:00 AM	VICTORIA ROSEMORE	0
16) APPROVED N&O AS REQUESTED BY 27. REFERRED TO 29 FOR RESEARCH.			

INSP

11/18/2004 4:02:00 PM

LAURA DEARMOND

10

27) MIDDLE BLDG OPEN/ACCESSIBLE THROUGH FRONT DOOR, REAR STORAGE/ACCESSORY BLDG ALSO
OPEN/ACCESSIBLE THROUGH FRONT DOOR, VERIFIED STRONG URINE SMELL & FECES IN REAR & ALONG EAST
PERIMETER BLOCK WALL, FURNITURE, T/D IN ALL AREAS BEHIND MAIN/FRONT BLDG

Time in minutes:

-33035

APN 139-27-310-061
Ref # - 23717

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: KARL EDWARD BUTLER
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: APN 139-27-310-061
Commonly known as: 704 WEST WILSON AVENUE
Legal Description: LV ORIG TOWNSITE 2ND AMD
PLAT BOOK 1 PAGE 46
LOT 3 BLOCK 8 & LOT 4

On January 9, 2005, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$2,912.50 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 April 6, 2005, ordered the above charges in the amount of \$2,912.50, 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.

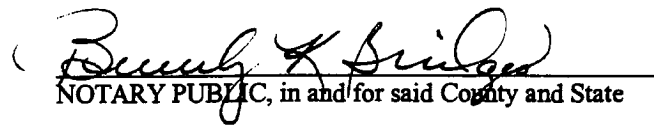

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

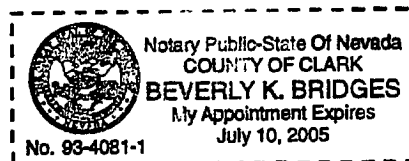
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 8th day of April, 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: APRIL 6, 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 located at 371 Maydelle Place. PROPERTY OWNERS: TRUSTEE CLARK COUNTY TREASURER - C/O GOULD ROBERT S. - Ward 3 (Reese)

Fiscal Impact:

☐ No Impact	Amount:	\$4,084.35
☒ 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 board and secure all doors, windows, and openings (front and back), remove all dismantled, junked, inoperable vehicles from the property including the pickup truck, car, and motor home in the rear yard, remove all car parts, metal, boxes, clothes, buckets, wood material, discarded A/C units, truck beds, 50-gallon drums from the entire property, remove all high vegetation and weeds, remove all paper, bottles, etc and post "No Trespassing, No Dumping, No Vehicles" signs on site.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$4,084.35 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 REESE excused

MINUTES:

NOTE: Video shown but not submitted.

MAYOR GOODMAN declared the Public Hearing open.

The property owner was not present.

ORLANDO SANCHEZ, Director of Neighborhood Services, presented a video of the subject property

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

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 \$4,084.35; \$3,269 to K.O. Construction, \$325 for boarding certificate, and a 15 percent administrative fee of \$490.35. 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 GOODMAN declared the Public Hearing closed.

(1:57 - 1:59)

4-697

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 371 Maydelle Place.

PROPERTY OWNERS: TRUSTEE CLARK COUNTY TREASURER - C/O GOULD ROBERT S. – Ward 3 (Reese)

K.O. Construction completed work on February 8, 2005 at a cost of \$3,269.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$4,084.35.

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

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

Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: Devin S. Smith, Manager – Neighborhood Response Division

CC: File

Date: March 7, 2005

Re: Report of Expenses for the abatement of Dangerous Building located at 371 Maydelle Place - Ward 3 (Reese)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding and securing all doors, windows, and openings (front and back), removing all dismantled, junked, inoperable vehicles from the property including the pickup truck, car, and motor home in the rear yard, removing all car parts, metal, boxes, clothes, buckets, wood material, discarded A/C units, truck beds, 50-gallon drums from the entire property, removing all high vegetation and weeds, removing all paper, bottles, etc and posting "No Trespassing, No Dumping, No Vehicles" signs on site. K.O. Construction completed work on February 8, 2005 at a cost of \$3,269.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board/Secure (Doors, Windows and All other openings)	\$1,500.00
Refuse/Waste/Trash/Debris Removal	\$1,000.00
Vegetation Removal	\$169.00
Vehicle Removal	\$500.00
Posting Signs	\$100.00
AMOUNT DUE	\$3,269.00
Administrative Processing Fee:	\$490.35
Boarded Building Certificate:	\$325.00
TOTAL AMOUNT DUE:	\$4,084.35
OWNER OF RECORD:	TRUSTEE CLARK COUNTY TREASURER C/O GOULD ROBERT S
PROPERTY ABATED:	371 Maydelle Place
ASSESSOR PARCEL:	139-36-110-011
LEGAL DESCRIPTION:	ARTESIAN ACRES PLAT BOOK 1 PAGE 38 PT LOT 5 BLOCK 1 .37 AC

DSS: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.		

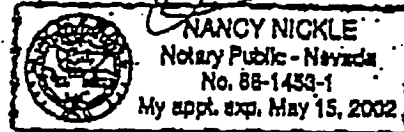
Continue list until full and complete disclosure is made.

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.

[Signature]
 Notary Public





AS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
RENCE WEEKLY

CHAEEL MACK
STEVIE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARINGS
APRIL 6, 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, April 6, 2005 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 dangerous building by boarding and securing all doors, windows, and openings (front and back), removing all dismantled, junked, inoperable vehicles from the property including the pickup truck, car, and motor home in the rear yard, removing all car parts, metal, boxes, clothes, buckets, wood material, discarded A/C units, truck beds, 50-gallon drums from the entire property, removing all high vegetation and weeds, removing all paper, bottles, etc. and posting "No Trespassing No Dumping and No Vehicles" signs on property located at **371 MAYDELLE PLACE** legally described as **ARTESIAN ACRES, PLAT BOOK 1 PAGE 38, PT LOT 5 BLOCK 1** Owner of record at time of abatement: **TRUSTEE CLARK COUNTY TREASURER c/o GOULD ROBERT S- Ward 3 (REESE)**

The Director of Neighborhood Services certifies in the report that the sum of \$4,084.35 was expended (\$3,269.00 to K. O. Construction for cleaning the property; \$325.00 Boarded Building Certificate; and \$490.35 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

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-1-05

CLV 7009



Address: 371 MAYDELLE PL

CITZ

HOUSE VACANT/BOARDED...PEOPLE LIVING ON FRONT YARD, T/D, ALSO LIVING IN TRAILER
IN BACK OF PROPERTY**Parcel(s)**

Parcel:	Size:	Subdivision Name:
13936110011	0.38 ACRE	ARTESIAN ACRES

Owner Information:

10-Aug-02	16-Jun-04	GOULD ROBERT S
		371 MAYDELLE PL; LAS VEGAS, NV 89101-3545
16-Jun-04		TRUSTEE CLARK COUNTY TREASURER % GOULD ROBERT S
		371 MAYDELLE PL; LAS VEGAS, NV 89101-3545

Inspection Summary

Inspector:	Status:	Scheduled DT:	Start Dt:	Comp DT:	Min:	
960066	Failed	1/11/2005	01/01/2005 8:00	01/11/2005 8:33	14433	
960066	Passed	Partial	1/24/2005	01/13/2005 8:00	01/13/2005 8:10	10
960066	Failed	1/24/2005	01/24/2005 9:00	01/24/2005 9:10	10	
870076	Passed	2/11/2005	02/14/2005 15:10	02/14/2005 15:30	20	
Time in Minutes:					14473	

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-VEHICLE		2/14/2005	REMOVE DISMANTLED,JUNKED INOPERABLE VEHICLES FROM REAR YA
A-REFUSE/WST		2/14/2005	REMOVE VEHICLE PARTS,BOXES,METAL,WOOD,ETC. FROM FRONT AND
W-LITTER		2/14/2005	REAOVE ALL BOTTLES PAPERS FROM FRONT AND REAR OF PROPERT
A-WEEDS	1/11/2005	2/14/2005	Property
			Remove all high vegetation & weeds.
A-BLD DNGR	1/11/2005	2/14/2005	SECURE ALL OPEN DOORS AND WINDOWS-CURRENTLY FRONT AND RE

Log

Type:	Date:	Employee:	Min:
MEET	2/17/2005 1:36:00 PM	JESSICA LARRAMENDY	0
		JL) Prepared to go before Council on 4/6/05.	
MISC	2/16/2005 6:50:00 AM	KATHY STEWART	0
		Sent invoice (\$3,269) from KO Construction to Finance for payment. Gave file to Jessica Larramendy for Council.	
VIDPST	2/14/2005 3:10:00 PM	KATHY STEWART	20
		24) Secure, clean, boards painted. Gate on Cedar side to be secured by shooting (nailing the iron gate to block). Signs posted. Looks good. (*The gate on North side has been reinforced from the rear yard side to prevent access) Abatement complete.	
MISC	2/9/2005 7:00:00 AM	KATHY STEWART	0
		ks) Received invoice (\$3,269) from KO Construction for completion of abatement. E-mailed Pam Hines.	

PHONE	2/2/2005 10:04:00 AM	KATHY STEWART	0
24) Per phone conversation with Chris @ KO Construction, start date will be this afternoon. Will do pre-video this morning.			
BIDA	2/1/2005 1:28:00 PM	KATHY STEWART	0
ks) Faxed Award letter to KO Construction. Contractor to call within 5 days with a start date. E-mailed Pam Hines & #21 this information. Award letter attached in OLE.			
DIRECT	2/1/2005 8:15:00 AM	KATHY STEWART	0
ks) Per Devin Smith, award bid to lowest bidder, KO Construction.			
BIDR	2/1/2005 7:04:00 AM	KATHY STEWART	0
ks) Received bids from contractors: (1) KO Construction - \$3,269; (2) Weaver, Inc. - \$4,125. Sent e-mail to Devin Smith & Pam Hines with this information.			
BIDS	1/26/2005 2:20:00 PM	KATHY STEWART	0
ks) Faxed Invitation to Bid to contractors. Bid due by COB Monday, 1/31. Invitation to Bid attached in OLE. E-mailed Pam Hines & Tony Guarino			
MISC	1/25/2005 10:41:00 AM	KATHY STEWART	0
ks) Received Certified letter back from owner from 2221 Constantine address, Return to Sender, Moved, Left No Forwarding Address. Sent letter to #21 to file.			
MISC	1/24/2005 10:50:00 AM	KATHY STEWART	0
ks) Received Certified & Regular letters back from 371 Maydelle address, Return to Sender, Attempted Not Known. Sent letters to #21 for filing.			
NSP	1/24/2005 9:00:00 AM	ANTHONY GUARINO	10
21)PROPERTY IN SAME CONDITION- FRONT DOOR OPEN,REAR DOOR OPEN,VEHS. DEBRIS IN REAR.LITTER,DEBRIS ON FRONTYARD. REFER TO OFFICE CONTINUE ABATEMENT.PLEASE PUT A RUSH ON THIS. CB 2-3			
MISC	1/21/2005 7:18:00 AM	KATHY STEWART	0
ks) Sent recorded letter to #21 to file.			
RECORD	1/20/2005 7:00:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated 1/12/05 at Clark County. Book: 20050120 Inst: 02520.			
MISC	1/13/2005 11:06:00 AM	KATHY STEWART	0
ks) Per request from #21, sent a copy of N&O to owner at 2435 Salt Lake Street, North Las Vegas, NV 89030.			
NOPOST	1/13/2005 8:00:00 AM	ANTHONY GUARINO	10
21)POSTED PROPERTY MAYDELLE.WENT TO CONSTANTINE ADDRESS-ROBERT NO LONGER LIVES THERE.ASKED KS TO SEND COPY OF N&O TO NO.LAS VEGAS ON SALT LAKE ST. ACCORDING TO COUNTY HE OWNS THAT PROPERTY ALSO.			
NOTICE	1/12/2005 7:30:00 AM	KATHY STEWART	30
ks) Sent Notice & Order to Abate Dangerous Building letter to owner, Trustee Clark County Treasurer, % Robert S. Gould @ 371 Maydelle & 2221 Constantine. POST: 1/13. C/B 1/24. Sent file to #21. N&O letter attached in OLE			
NSP	1/11/2005 8:34:00 AM	ANTHONY GUARINO	1
LEFT MESS FOR COMPLAINANT TO CALL ME			
INSP	1/11/2005 8:31:00 AM	ANTHONY GUARINO	2
TRASH/DEBRIS IN FRONT AND REAR ALSO-CLOTHES,PAPERS,BOTTLES.COUNTY ASSOR SHOWS MAILING ADDRESS 2221 CONSTANTINE.REFER DANG.BUILDING N&O-MAIL TO BOTH ADDRESSES AND COPY TO POST.			
INSP	1/11/2005 8:00:00 AM	ANTHONY GUARINO	30
21)FRONTDOOR OPEN-PERSON TRESPASSING INSIDE.REAR DOOR ALSO OPEN-REARYARD ACCESSIBLE-3 VEHS.IN REAR,DISMANTLED MOTORHOME,RED PU TRUCK,OLDER CAR. ALL DISMANTLED INOP.LARGE AMOUNT OF REFUSE/WASTE-CARPARTS,BOXES,WOOD,METAL ((CONT)			
PHONE	1/10/2005 2:34:00 PM	L. GORDON	0
COMPLAINANT (JUDY, 384-1258) WANTS TO BE CONTACTED.			

Time in minutes:

103

APN 139-36-110-011
Ref # - 25030

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: TRUSTEE CLARK COUNTY TREASURER
c/o GOULD ROBERT S
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: APN 139-36-110-011
Commonly known as: 371 MAYDELLE PLACE
Legal Description: ARTESIAN ACRES
PLAT BOOK 1 PAGE 38
PT LOT 5 BLOCK 1

On February 8, 2005, 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 \$4,084.35 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 April 6, 2005, ordered the above charges in the amount of \$4,084.35, 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.

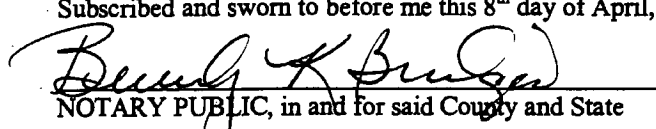

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

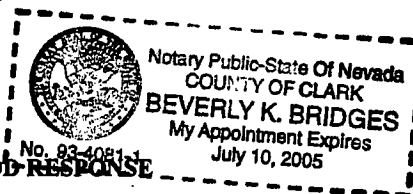
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 8th day of April, 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: APRIL 6, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE ITEM - Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 2740 Harris Avenue. **PROPERTY OWNER: DOROTHE REEVES - Ward 3 (Reese)**

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 owners to correct the nuisance per 9.04 Refuse & Waste; Weeds/Turf; Litter; per 16.04 Building/Permits Required; and Title 19 Zoning (other than vehicles & signs). Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Dorothe Reeves, owner and responsible party of 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 Letter from Appellant
5. Notice of Appeal

MOTION:

REESE - Motion to STRIKE Item 88 [2740 Harris Avenue] and Item 94 [DIR-6223]; TABLE Item 102 [SDR-6025] and HOLD IN ABEYANCE Item 140 [ZON-5776], Item 141 [VAR-5846] and Item 142 [SDR-5778] to 5/4/2005 - UNANIMOUS

MINUTES:

There was no discussion.

(1:36 - 1:50)

4-1

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

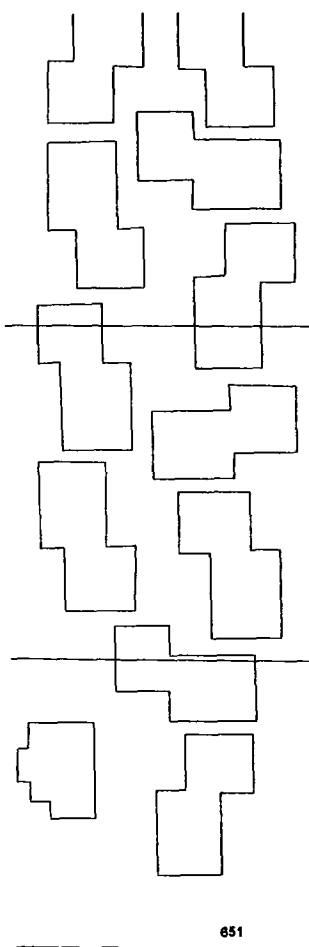
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: ABEYANCE ITEM: Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 2740 Harris Avenue. PROPERTY OWNER: DOROTHE REEVES - Ward 3 (Reese)

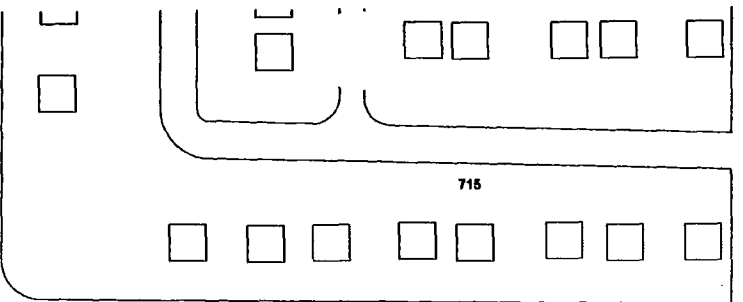
The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

A Nuisance/Litter Abatement Notice and Order to Comply was sent to the property owners by regular and certified mail requesting they correct the nuisance per 9.04 Refuse & Waste; Weeds/Turf; Litter; per 16.04 Building/Permits Required; and Title 19 Zoning (other than vehicles & signs). A copy of the notice was also posted on the property.

Today's hearing is to consider the Appeal to the Nuisance/Litter Abatement Notice and Order to Comply filed by Dorothe Reeves, owner and responsible party of the property.

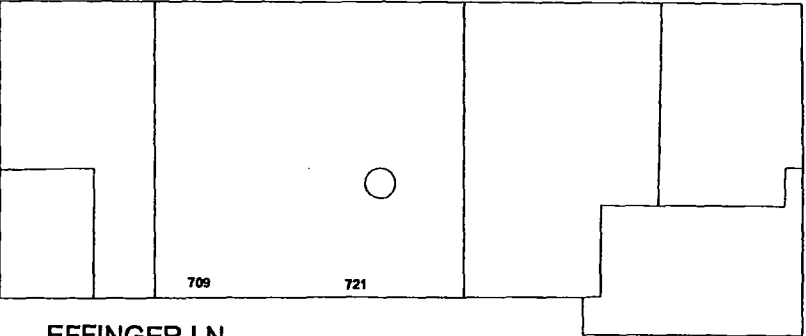


2500



715

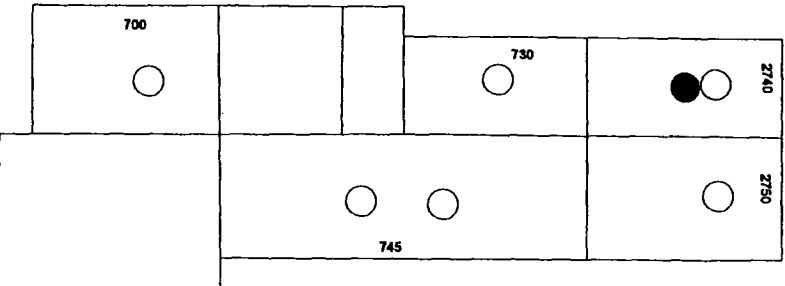
LILLY LN



709

721

EFFINGER LN



700

730

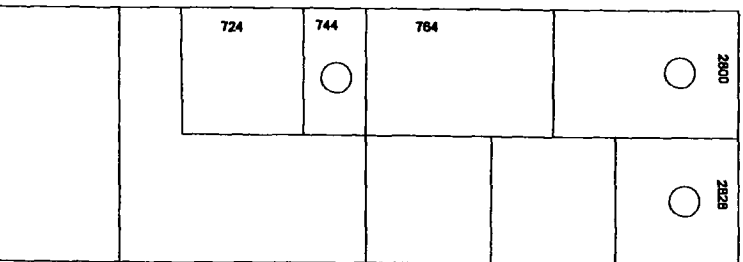
2740

2750

745

MCKNIGHT ST

651



724

744

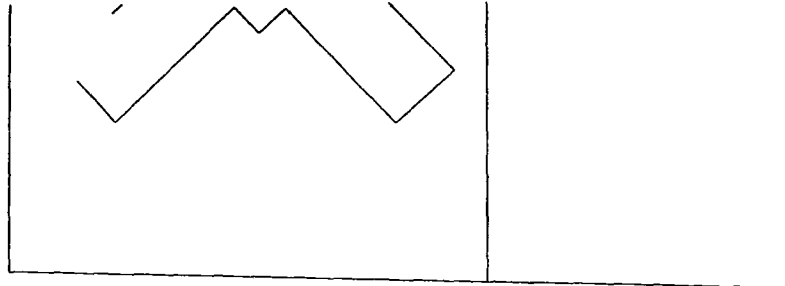
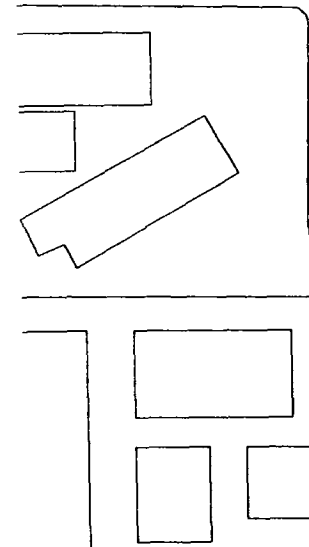
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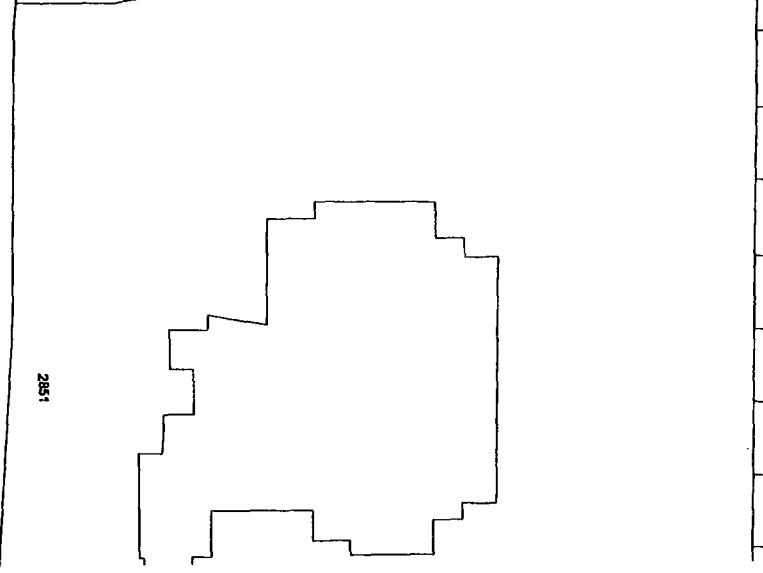
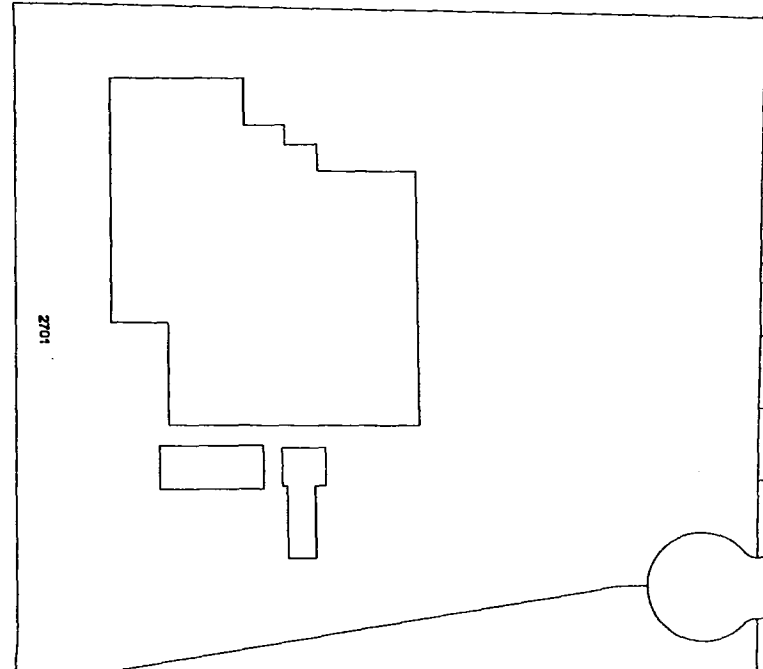
2828

PANIFLOW ST

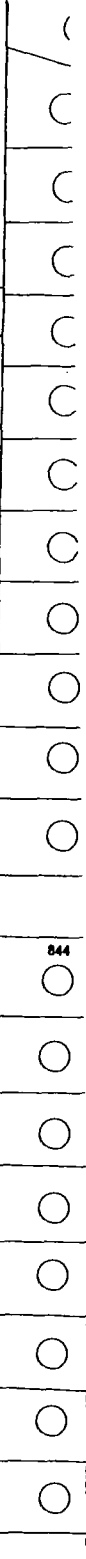
HARRIS AVE



2701



2851



844



NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

APN: 139-25-410-010

February 1, 2005

CASE #24976

Certified/Regular Mail (Copy)
Return Receipt Requested

Dorothe Reeves
2740 Harris Avenue
Las Vegas, NV 89101-2305

Requestor:

LAS VEGAS CITY

02/03/2005 12:06:05 T20050021831

Book/Instr: 20050203-0001430

Notice Page Count: 2

Fees: \$15.00 N/C Fee: \$0.00

Frances Deane
Clark County Recorder

NUISANCE/LITTER ABATEMENT NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 2740 Harris Avenue, Las Vegas, NV, Parcel #139-25-410-010, 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 the eleventh day after the day of mailing, servicing or posting of the Notice and Order by hand. If you do not correct the violation within that time, the City may issue a misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described above, or both. Be advised, the contractor will collect all debris at this location and will not separate those items, which you may consider useful or valuable. If you wish to salvage any items, please have them removed.

Per 9.04 – Refuse & Waste: Remove all tree trimmings, branches, debris, and miscellaneous items from the property. Maintain the property at all times.

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

Per 9.04 – Litter: Remove all scattered blown litter from the property.

Per 16.04 – Building/Permits Required: Obtain rehabilitation permit from the Building Department before any construction activities are conducted; and obtain the required inspections before the structure is occupied.

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



Title 19 – Zoning (other than vehicles & signs): Remove all vehicles located on this lot area, as accessory use is prohibited on this unoccupied residence in a R-E 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.

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #31, Drake Cherry, by telephone at (702) 229-4916 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,



Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:ks

c: Dorothe Reeves, 330 South Decatur Blvd, #265, Las Vegas, NV 89107

RECEIVED
CITY CLERK

2005 FEB 11 P 1:45

2-10-2005

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

RE: 2740 Harris Avenue, Las Vegas, NV 89101
Nuisance/Litter Abatement Notice

Ladies and Gentlemen,

I disagree with the assessment of Neighborhood Response and I am appealing the above notice. At this time please send all correspondence to me at:

Dorothe Reeves
330 S. Decatur Blvd.
P.O. Box # 265
Las Vegas, NV 89107

Sincerely

Dorothe Reeves



February 28, 2005

CERTIFIED & REGULAR MAIL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VANCE WEEKLY

JOHN MACK
JOHN WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

Dorothe Reeves
330 S. Decatur Boulevard
P. O. Box #265
Las Vegas, Nevada 89107

Re: Appeal of the Nuisance/Litter Abatement Notice and Order to Comply for property located at 2740 Harris Avenue

Dear Ms. Reeves:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 16th day of March, 2005, at the hour of 1:00 p.m. This hearing is in response to the letter dated February 10, 2005, from requesting the same, concerning the Nuisance/Litter Abatement Notice and Order to Comply for property located at 2740 Harris Avenue.

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
Tom Green, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Susie Martinez, Ward 3 Liaison

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-1-05

CLV 7009

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

NL 2740
Dorothe Reeves
330 S. Decatur Boulevard
PO Box #265
Las Vegas, NV 89107NL 2740

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
* *[Signature]* ☐ Addressee
B. Received by (Printed Name) *C. Date of Delivery*
C. Baitekman *3/5/05*
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☒ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7004 1160 0005 5215 3141

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

NL 2740
Jeffrey R. Albregts, Esq.
Cotlin, Collins & Ginsburg
1701 West Charleston Blvd, Ste 550
Las Vegas, NV 89102

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2-8-05

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

3. Service Type

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

4. Restricted Delivery (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0005 5215 3158

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

SENDER: COMPLETE THIS SECTION

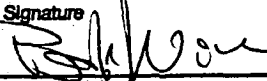
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NL 2740
 Jeffrey R. Albregts, Esq.
 Cotkin, Collins & Ginsburg
 1701 West Charleston Blvd, Ste 550
 Las Vegas, NV 89102

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

3-8-05

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

RECEIVED
CITY OF LAS VEGAS
MAR 10 2005

3. Service Type

☐ Certified Mail

☒ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☒ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0005 5215 3172

PS Form 3811, February 2004

Domestic Return Receipt

102535-02-11-1540

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

NL 2740
Fred Shakib
Construction Group, Inc.
4405 Medley Place
Encino, California 91316

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☒ Addressee

B. Received by (Printed Name)

SUE SHAKIB

C. Date of Delivery

3-7-5

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0005 5215 3165

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Public hearing on annexation report for the proposed annexation area located on the north side of Moccasin Road, between the Buffalo Drive alignment to the east and Spin Ranch Road to the west (ANX-3026) - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

NRS Sections 268.588 and 268.590 require a public hearing in connection with the annexation of property when the long form annexation process is utilized. By previous action, the City Council, in accordance with NRS, has adopted a resolution of intent to annex, set the date for a public hearing, and approved an annexation report regarding the proposed annexation. Notice of this April 6, 2005 public hearing has been provided in accordance with NRS. Those who wish to be heard regarding the annexation will have the opportunity.

RECOMMENDATION:

Public hearing only; no action required.

BACKUP DOCUMENTATION:

Annexation Report

MOTION:

MACK - APPROVED - UNANIMOUS with REESE excused

NOTE: The report for this Annexation was previously approved by the City Council by Resolution.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

There was no discussion.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(1:59 - 2:00)

4-762

ANX-3026

ANNEXATION REPORT

This annexation area is generally located on the north side of Moccasin Road, between the Buffalo Drive alignment to the east and Spin Ranch Road to the west.

ANX-3026

Contents

Summary of Municipal Services to be provided

Accurate Map with Legal Description

Boundary Map/ General Land Use Map

Location Map

Map of Proposed Rights-of-Way and Drainage Facilities

Map of Existing and Proposed Sewer Facilities

Map of Existing and Proposed Electric Transmission and Distribution Lines [For information purposes only]

Statement of Eligibility for Annexation

SUMMARY OF MUNICIPAL SERVICES TO BE PROVIDED
BY THE CITY OF LAS VEGAS

The City of Las Vegas will provide fire protection, street maintenance, street sweeping, and street lighting maintenance in the territory proposed to be annexed on the effective date of such annexation, on substantially the same basis and in the same manner as such services are provided by the City to the property owners and residents within the remainder of the City. Police protection and garbage collection provided by other agencies will also be provided on substantially the same basis and in the same manner as such services are provided by the City to the property owners and residents within the remainder of the City immediately prior to the effective date of the annexation.

Right-of-Way

The proposed major rights-of-way for the annexation area generally follow a grid pattern similar to that found throughout the valley. Dedications for these streets will be required upon development. Rights-of-way are limited, however, in the center of the site to protect that natural wash that runs through. Access will also be provided by the outer beltway which will run adjacent to the southern edge of the site. The proposed system of major rights-of-way are shown on the attached.

Sewer

Service to the proposed annexation area will be provided by an extension of an interceptor line running east and west along the Moccasin Road alignment. This interceptor will connect with the southeast corner of the annexation area. Further extension of that line to service future development will be the responsibility of the developer. The proposed system as outlined is shown on the attached exhibit.

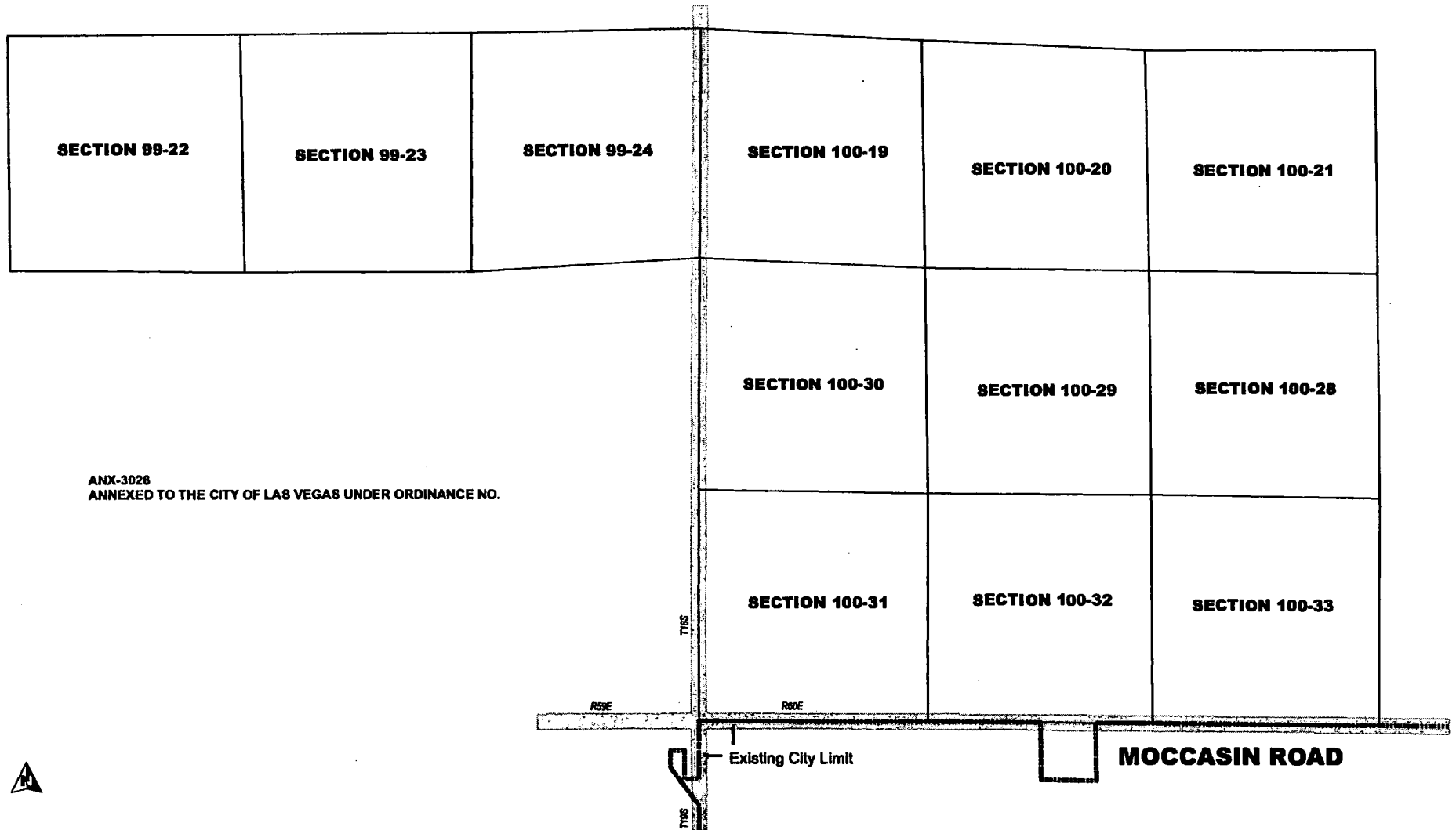
Drainage

Storm drain facilities will be required within street rights-of-way. A detention basin will be required at the north end of the natural wash that runs through the site as presented in the Upper Las Vegas Wash Facility Study prepared by the engineering firm of VTN Nevada for the City of Las Vegas. The detention basin and wash are depicted on the exhibit along with the proposed rights-of-way.

Electricity (To be provided by Nevada Power – For information purposes only)

Nevada Power has existing lines along U. S. 95 and Moccasin Road. A proposed line will service the site along the eastern and northern edge of the site. There are three substations proposed for locations internal to the site. The existing and proposed lines are shown on the attached exhibit.

**SECTIONS 22, 23, 24, T18S, R59E, M.D.M. AND
SECTIONS 19, 20, 21, 28, 29, 30, 31, 32, 33, T18S, R60E, M.D.M.**



LEGAL DESCRIPTION
ANNEXATION AREA – ANX 3026
Encompassing 7,683 Acres $\pm$
October 2, 2003

Township 18 South, Range 59 East, Mount Diablo Meridian
Sections 22, 23, and 24.
Encompassing 1,949 Acres $\pm$

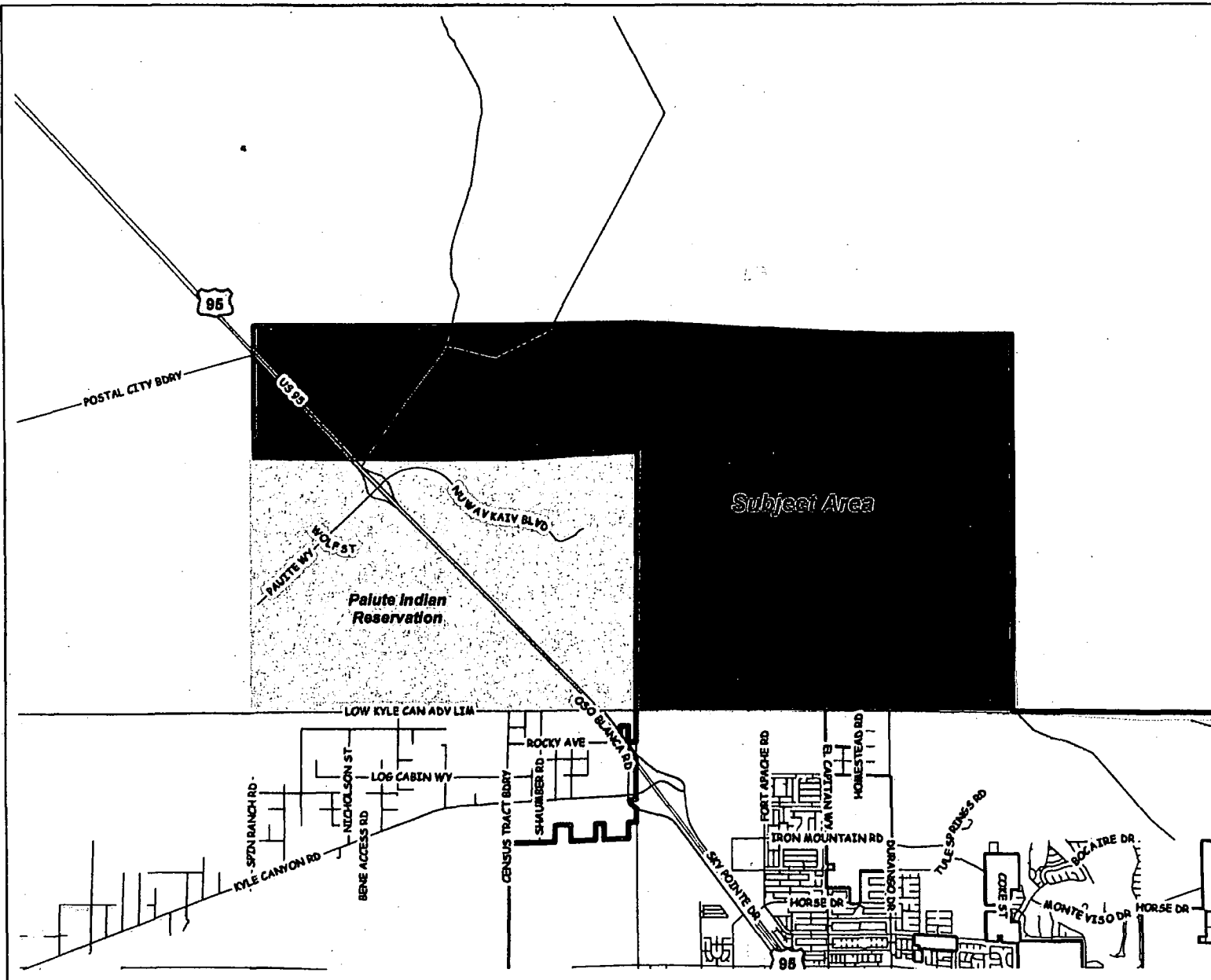
Township 18 South, Range 60 East, Mount Diablo Meridian
Sections 19, 20, and 21;
Sections 28, 29, 30, 31, 32, and 33.
Encompassing 5,734 Acres $\pm$

City of Las Vegas

Quail Springs Annexation Area and Land Use Designation

ANX-3026

- ~ Freeways
- City of Las Vegas
- Resource Conservation
- Clark County
- ▨ Paiute Indian Reservation



Plotted: January 10, 2005



City of Las Vegas
Planning & Development
Geographic Information System
January 10, 2005



City of Las Vegas

Quail Springs Annexation Area Location Map

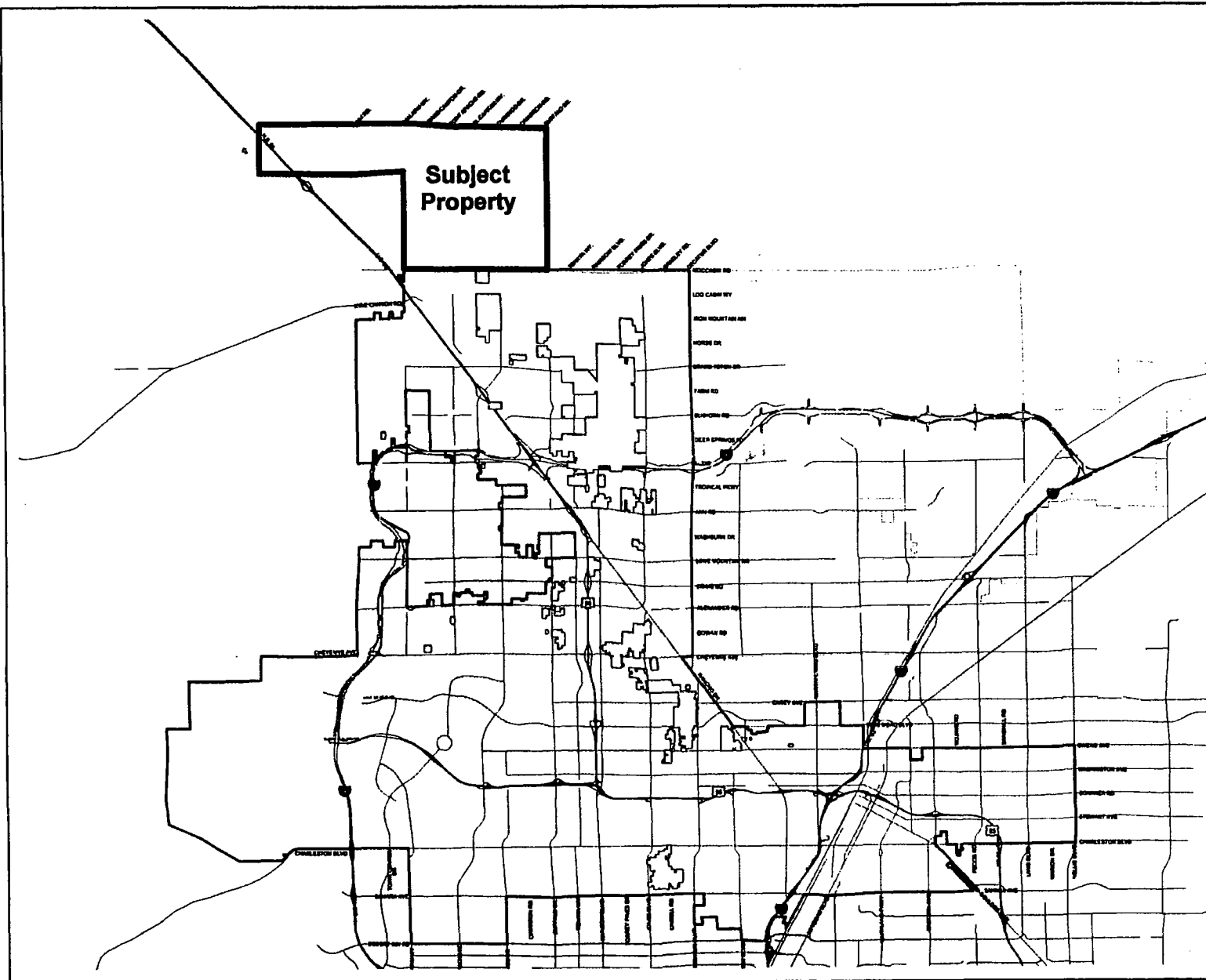
ANX-3026

- ~ Freeways
- City of Las Vegas
- Clark County
- Paiute Indian Reservation
- North Las Vegas
- Subject Property

Plotted: January 10, 2005



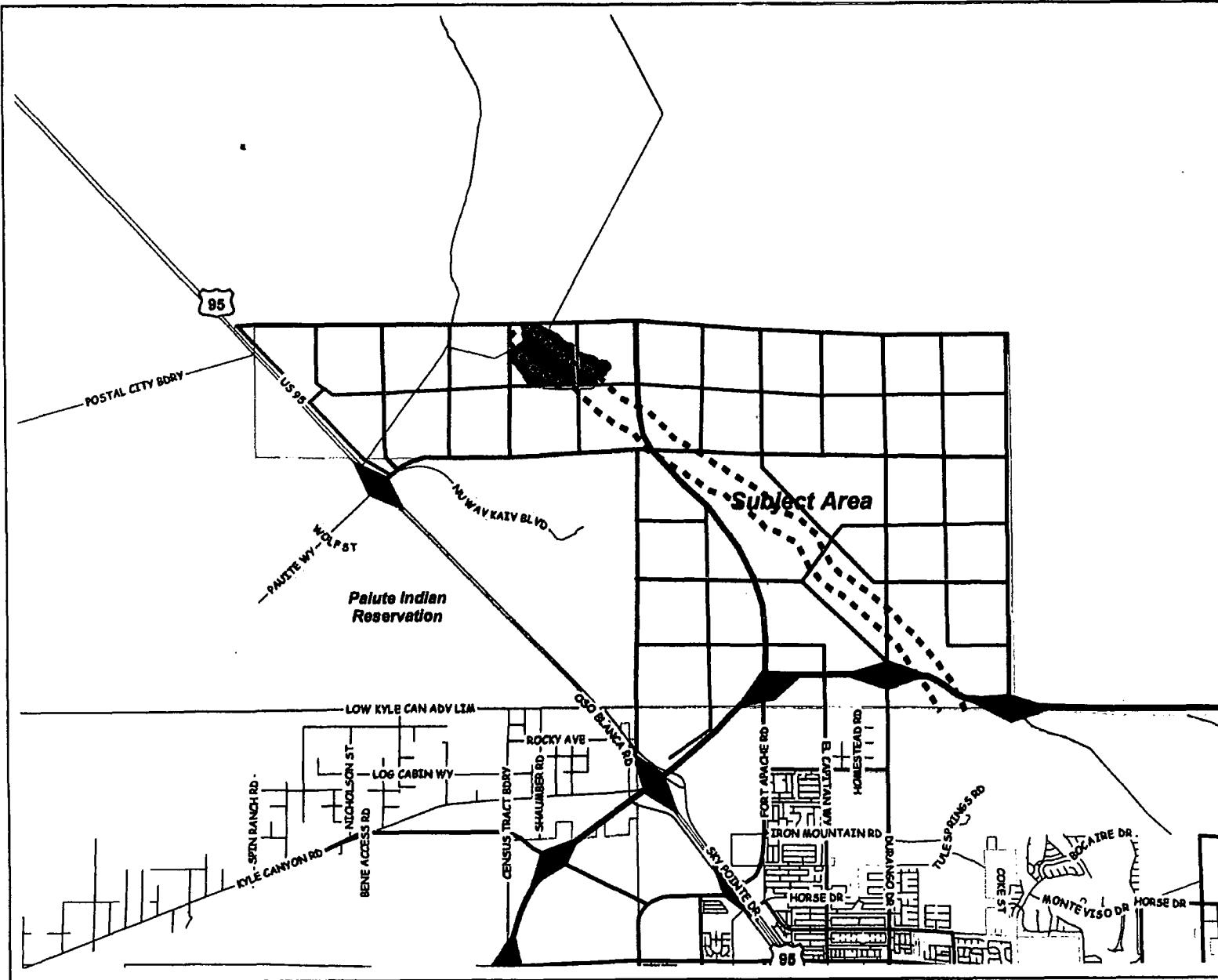
City of Las Vegas
Planning & Development
Geographic Information System
January 10, 2005



City of Las Vegas

Quail Springs Annexation Area Proposed Right-of-Way and Drainage Facilities

ANX-3026



- ~ Freeways
- City of Las Vegas
- Clark County
- Paiute Indian Reservation
- ◆◆ 1000-Foot RFCD Drainage Corridor
- Future Detention Basin
- ~ Parkway
- ~ 120 - Foot Right-of-Way Corridor
- ~ 100 - Foot Right-of-Way Corridor
- ~ 80 - Foot Right-of-Way Corridor

Plotted: January 10, 2005



PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
Geographic Information System
January 10, 2005





Legend
CLV Sewer Main

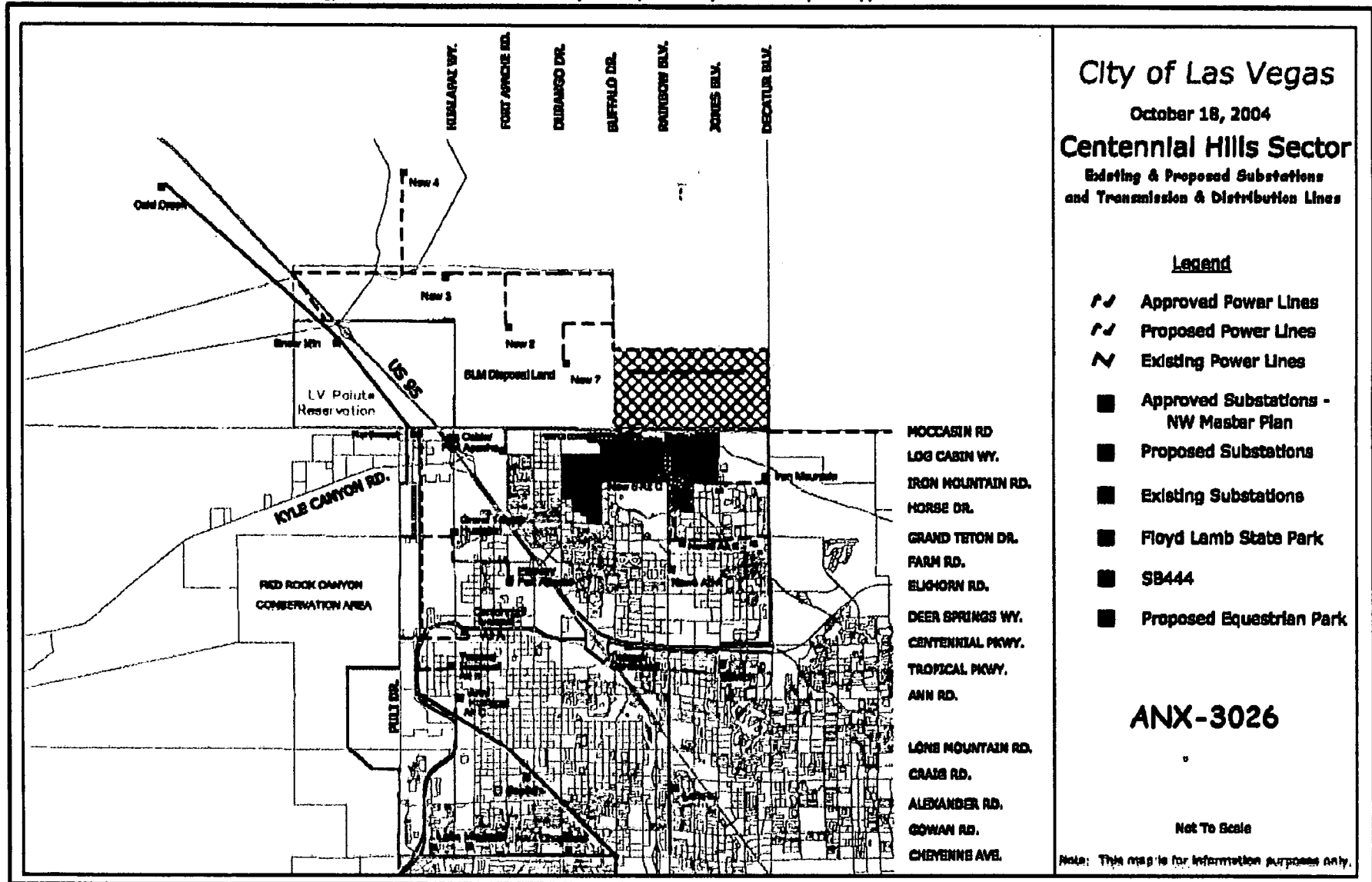
• **Da, Not Defined**

-  Db. Not Defined
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 12 INCH
 16 INCH
 18 INCH
 21 INCH
 24 INCH
 27 INCH
 30 INCH
 36 INCH
 36 INCH
 39 INCH
 41 INCH
 45 INCH
 > 45 INCH
 Proposed Interceptor

ANX-3026

December 16, 2004

This map is a planning document being used to illustrate planning amendments to the Transmission and Substation Master Plan. Nevada Power Company is seeking public input to update and amend the Plan. These changes reflect necessary enhancements to the Transmission and Substation Master Plan that will help ensure the energy demands of our customers are efficiently met. If you have any comments or questions, please contact Michelle Seitz at 227-2431.



ELIGIBILITY FOR ANNEXATION

In order for territory to be annexed to a city within Clark County, all the territory must meet the general standards of NRS 268.580 (2) and must meet the requirements of NRS 268.580 (3), 268.580 (4), 268.580 (5) or 268.580 (6). The territory proposed for annexation in connection with this report is eligible for annexation under subsections 2 through 6 of NRS 268.580 as follows:

Subsection 2

(a) The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted.

(b) More than one eighth (1/8) of the aggregate external boundaries of the area are contiguous to the boundaries of the City of Las Vegas.

(c) The territory proposed to be annexed is not included within the boundaries of another incorporated city or within the boundaries of any unincorporated town as those boundaries existed as of July 1, 1983.

Subsection 3

Not applicable.

Subsection 4

Not applicable.

Subsection 5

Not applicable.

Subsection 6

The City has received a written statement from the governmental entity that owns the territory indicating that the entity does not object to the City's annexation of the territory.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Public hearing on annexation report for the proposed annexation area bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north (ANX-5528) - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

NRS Sections 268.588 and 268.590 require a public hearing in connection with the annexation of property when the long form annexation process is utilized. By previous action, the City Council, in accordance with NRS, has adopted a resolution of intent to annex, set the date for a public hearing, and approved an annexation report regarding the proposed annexation. Notice of this April 6, 2005 public hearing has been provided in accordance with NRS. Those who wish to be heard regarding the annexation will have the opportunity.

RECOMMENDATION:

Public hearing only; no action required.

BACKUP DOCUMENTATION:

Annexation Report

MOTION:

MACK - APPROVED - UNANIMOUS with REESE excused

NOTE: The report for this Annexation was previously approved by the City Council by Resolution.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DEPUTY CITY ATTORNEY VAL STEED explained that the City Council approved the report several meetings ago. This was only a public hearing. The motion to approve does not hurt it and is not needed.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:00 - 2:09)

4-800

ANX-5528

ANNEXATION REPORT

This annexation area is generally bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north.

ANX-5528

Contents

Summary of Municipal Services to be provided

Accurate Map with Legal Description (Overall)

Accurate Map with Legal Description (Southwest corner detail area only)

Boundary Map/ General Land Use Map

Location Map

Map of Conceptual Rights-of-Way

Map of Existing and Proposed Sewer Facilities

Map of Electric Transmission and Distribution Lines [For information purposes only]

Map of Flood Control Facilities [For information purposes only]

Map of Existing Flow Rates [For information purposes only]

Map of Future Flow Rates [For information purposes only]

Map of Existing Gas Lines [For information purposes only]

Map of Water Facilities [For information purposes only]

Statement of Eligibility for Annexation

SUMMARY OF MUNICIPAL SERVICES TO BE PROVIDED
BY THE CITY OF LAS VEGAS

The City of Las Vegas will provide fire protection, street maintenance, street sweeping, and street lighting maintenance in the territory proposed to be annexed on the effective date of such annexation, on substantially the same basis and in the same manner as such services are provided by the City to the property owners and residents within the remainder of the City. Police protection and garbage collection provided by other agencies will also be provided on substantially the same basis and in the same manner as such services are provided by the City to the property owners and residents within the remainder of the City immediately prior to the effective date of the annexation.

Water

The proposed annexation area is located within the 2975, 3090 and 3205 pressure zones. The LVVWD provides water service in each of these zones and has planned for the future development in the annexation area by requiring additional facilities to be constructed.

The 2975 pressure zone is being serviced by an existing 36" water line in the Hualapai Way alignment, known as the 2975 Zone North Pipeline.

The 3090 pressure zone will be serviced from a future extension of the existing 36" water line in Egan Crest Way.

The 3205 pressure zone will be serviced from the existing 3205 pressure zone interim reservoir.

The LVVWD will typically take 3 years to construct the required facilities and 18 months for oversized main extensions. The District's policy is to allow development demands to dictate construction schedules.

The proposed system as outlined is shown on the attached exhibit.

Drainage

This text and the attached exhibits have been prepared to outline the anticipated drainage system improvements and magnitude of off site and onsite flows in the existing and future conditions, which impact this project. This information has been taken from the Clark County Regional Flood Control District Master Plan Update 2002, the *Northwest Neighborhood Flood Control Master Plan Phase 2*, as prepared by PBS&J for the City of

Las Vegas (CLV). The attached exhibits are designated as the *Existing Flow Rates*, *Future Flow Rates* and *Flood Control Facilities*.

The Phase 2 study analyzes the existing flow rates during the 10-year and 100-year storms along various roadways or flow corridors upstream, downstream and within the project area. The off site flows impacting the west perimeter of the site are perpetuated through the project area north and east onto Moccasin Road and US95 highway, respectively. Onsite roadways and flow corridors will be developed to perpetuate the flows accordingly. The anticipated off site flows to have a substantial impact to the project site, as analyzed in the *Northwest Neighborhood Flood Control Master Plan Phase 2* study, are routed to Kyle Canyon Road and Moccasin Road. Drainage facilities would probably be required to be developed within these flow corridors to mitigate the impacts to the surrounding parcels.

The storm sewer system outlined on the attached exhibit illustrates both planned CLV local and Clark County Regional Flood Control District (CCRFCDD) facilities. According to the *Northwest Neighborhood Flood Control Master Plan Phase 2*, the Kyle Canyon Road CCRFCDD facility, designated as MOKC 0159, would convey a 10-year flow of 2,935 cfs east through the project area. CLV local facilities and tributary CCRFCDD facilities to MOKC 0159 may need to be developed as well to alleviate any impacts to the surrounding parcels.

Some of these drainage facilities may be necessary to develop this project. Those improvements necessary to provide adequate flood protection to this project will be constructed by this project. Those CCRFCDD improvements not necessary to provide adequate flood protection for this project will be constructed by others.

Sewer

Service to the proposed annexation area will be provided by an extension of the existing 21" sewer line in the Frontage Road along US 95. This existing 21" sewer line connects into the existing 24" sewer line in Grand Teton.

The CLV stated that there is approximately 7.7-8.0 mgd capacity in the existing 21" sewer line in the Frontage Road. With this capacity available, it should suffice for the proposed development within the annexation area (this assumes the BLM area located to the west of US 95 and east of the Redrock Conservation Area will also utilize this line).

The above listed facilities will require the developer to enter into extension and oversize agreements with the CLV for any portion not constructed prior to development of this property.

The proposed system as outlined is shown on the attached exhibit.

Gas

Gas lines currently extend to a point approximately one mile to the south of the annexation area. Upon development, this line will be extended by the developer.

Electricity

Nevada Power will provide distribution lines along the Moccasin Road alignment as well as along a north-south alignment running approximately 1320 feet east of Puli Road. A substation is located immediately adjacent to the northwest portion of the annexation area. Another substation is proposed for a site adjacent to the southeast corner of the annexation area.

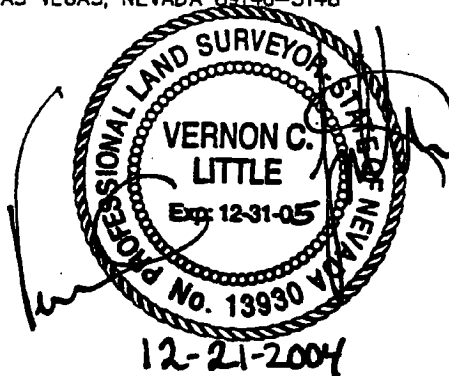
Right-of-Way

The annexation area will be accessed by the proposed Mountain Edge Parkway, U. S. 95, and Horse Drive as determined by the Department of Public Works. Internal circulation is provided by a 100-foot right-of-way along the northern portion of the site, an 80-foot right-of-way along the western portion, a 60-foot right-of-way along eastern portion, with 60-foot rights-of-way connecting them.



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2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148



W.O. 6333
SEPTEMBER 30, 2004
BY: SP
P.R. BY: VCL
PAGE 1 OF 2

EXPLANATION:

THIS LEGAL DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTHWESTERLY OF HUALAPAI WAY AND IRON MOUNTAIN ROAD FOR CITY OF LAS VEGAS ANNEXATION PURPOSES.

**LEGAL DESCRIPTION
ANNEXATION LEGAL**

BEING A PORTION OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

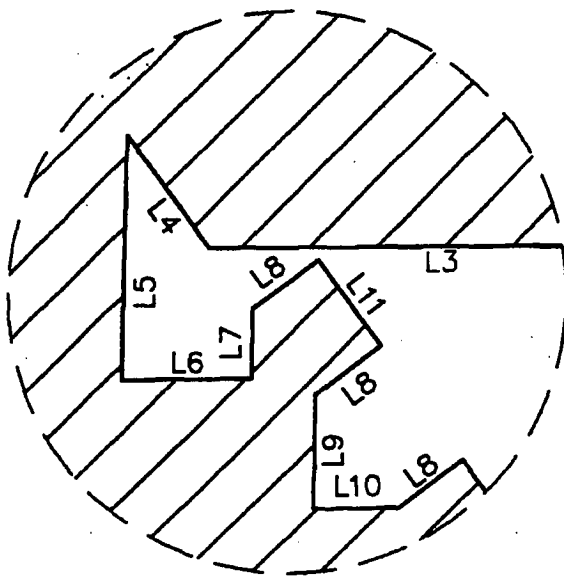
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 1, SAME BEING THE CENTERLINE INTERSECTION OF PULI ROAD AND MOCCASIN AVENUE; THENCE NORTH $89^{\circ}51'09''$ EAST, ALONG THE NORTH LINE SAID SECTION 1, COINCIDENT WITH THE CENTERLINE OF SAID MOCCASIN AVENUE, 328.84 FEET; THENCE SOUTH $00^{\circ}51'43''$ WEST, DEPARTING SAID NORTH LINE AND SAID CENTERLINE, 674.56 FEET; THENCE NORTH $89^{\circ}50'08''$ EAST, 332.12 FEET; THENCE SOUTH $00^{\circ}35'01''$ WEST, 695.08 FEET; THENCE NORTH $89^{\circ}33'22''$ EAST, 671.06 FEET; THENCE NORTH $01^{\circ}05'39''$ EAST, 691.91 FEET; THENCE NORTH $89^{\circ}50'08''$ EAST, 664.32 FEET; THENCE NORTH $00^{\circ}31'51''$ EAST, 673.90 FEET TO SAID NORTH LINE AND SAID CENTERLINE; THENCE NORTH $89^{\circ}51'39''$ EAST, ALONG SAID NORTH LINE AND SAID CENTERLINE, 683.19 FEET; THENCE NORTH $89^{\circ}21'44''$ EAST, CONTINUING ALONG SAID NORTH LINE, 2677.32 FEET TO THE EAST LINE OF SAID SECTION 1; THENCE SOUTH $00^{\circ}22'23''$ WEST, ALONG SAID EAST LINE, 1353.26 FEET; THENCE SOUTH $89^{\circ}14'30''$ WEST, DEPARTING SAID EAST LINE, 336.60 FEET; THENCE NORTH $00^{\circ}27'16''$ EAST, 677.75 FEET; THENCE SOUTH $89^{\circ}25'44''$ WEST, 1125.63 FEET; THENCE NORTH $36^{\circ}36'18''$ WEST, 357.06 FEET; THENCE SOUTH $00^{\circ}46'58''$ WEST, 629.91 FEET; THENCE NORTH $89^{\circ}20'27''$ EAST, 336.19 FEET; THENCE NORTH $00^{\circ}41'49''$ EAST, 182.04 FEET; THENCE NORTH $53^{\circ}23'42''$ EAST, 212.00 FEET; THENCE SOUTH $36^{\circ}36'18''$ EAST, 277.27 FEET; THENCE SOUTH $53^{\circ}23'42''$ WEST, 212.00 FEET; THENCE SOUTH $00^{\circ}39'24''$ WEST, 297.76 FEET; THENCE NORTH $89^{\circ}14'30''$ EAST, 222.41 FEET; THENCE NORTH $53^{\circ}23'42''$ EAST, 212.00 FEET; THENCE SOUTH $36^{\circ}36'18''$ EAST, 836.12 FEET;

THENCE SOUTH 53°23'42" WEST, 212.00 FEET; THENCE SOUTH 89°05'01" WEST, 222.48 FEET; THENCE SOUTH 00°32'08" WEST, 678.53 FEET; THENCE NORTH 88°55'36" EAST, 677.12 FEET TO THE EAST LINE OF SAID SECTION 1; THENCE SOUTH 00°05'12" EAST, ALONG SAID EAST LINE, 667.35 FEET; THENCE SOUTH 88°24'33" WEST, DEPARTING SAID EAST LINE, 340.36 FEET; THENCE SOUTH 00°03'42" WEST, 670.46 FEET; THENCE NORTH 87°53'49" EAST, 342.19 FEET TO SAID EAST LINE; THENCE SOUTH 00°04'46" EAST, ALONG SAID EAST LINE, 667.15 FEET; THENCE SOUTH 87°22'53" WEST, DEPARTING SAID EAST LINE, 344.03 FEET; THENCE SOUTH 00°04'01" WEST, 670.31 FEET TO THE SOUTH LINE OF SAID SECTION 1, SAME BEING THE CENTERLINE OF IRON MOUNTAIN ROAD; THENCE SOUTH 86°52'17" WEST, ALONG SAID SOUTH LINE AND SAID CENTERLINE, 1037.68 FEET; THENCE NORTH 00°29'53" EAST, DEPARTING SAID SOUTH LINE AND SAID CENTERLINE, 679.81 FEET; THENCE SOUTH 87°22'53" WEST, 344.10 FEET; THENCE SOUTH 00°37'59" WEST, 682.99 FEET TO SAID SOUTH LINE AND SAID CENTERLINE; THENCE SOUTH 86°52'17" WEST, ALONG SAID SOUTH LINE AND SAID CENTERLINE, 1037.68 FEET; THENCE NORTH 01°01'49" EAST, DEPARTING SAID SOUTH LINE AND SAID CENTERLINE, 1385.06 FEET; THENCE NORTH 87°53'49" EAST, 1369.35 FEET; THENCE NORTH 00°29'53" EAST, 447.96 FEET; THENCE SOUTH 86°17'56" WEST, 2378.82 FEET; THENCE SOUTH 01°03'30" WEST, 368.29 FEET; THENCE NORTH 88°39'37" WEST, 336.21 FEET; THENCE SOUTH 01°02'48" WEST, 1388.22 FEET TO SAID SOUTH LINE AND SAID CENTERLINE; THENCE SOUTH 88°23'34" WEST, ALONG SAID SOUTH LINE AND SAID CENTERLINE, 2018.84 FEET; THENCE NORTH 01°05'49" EAST, DEPARTING SAID SOUTH LINE AND SAID CENTERLINE AND ALONG THE WEST LINE OF SAID SECTION 1, SAME BEING THE CENTERLINE OF PULI ROAD, 1696.51 FEET; THENCE NORTH 86°17'56" EAST, DEPARTING SAID WEST LINE AND SAID CENTERLINE, 1348.08 FEET; THENCE NORTH 01°03'47" EAST, 341.17 FEET; THENCE SOUTH 88°47'59" WEST, 1344.23 FEET TO THE SAID WEST LINE AND SAID CENTERLINE; THENCE NORTH 01°05'49" EAST, ALONG SAID WEST LINE AND SAID CENTERLINE, 698.85 FEET; THENCE NORTH 01°08'23" EAST, CONTINUING ALONG SAID WEST LINE AND ALONG SAID CENTERLINE, 2771.13 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 538.42 ACRES (GROSS AREA), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

NOTE: THIS LEGAL DESCRIPTION IS PROVIDED AS A CONVENIENCE AND IS NOT INTENDED FOR THE PURPOSE OF SUBDIVIDING LAND NOT IN CONFORMANCE WITH NEVADA REVISED STATUTES.

END OF DESCRIPTION.



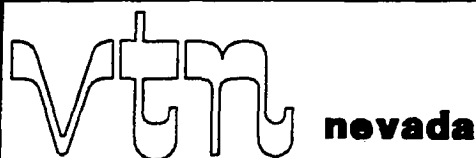
DETAIL "A"
NOT TO SCALE

NOT TO SCALE

COURSE TABLE		
NO.	BEARING	LENGTH
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L2	S00°27'16"W	677.75'
L3	N89°25'44"E	1125.63'
L4	N36°36'18"W	357.06'
L5	N00°46'58"E	629.91'
L6	N89°20'27"E	336.19'
L7	S00°41'49"W	182.04'
L8	N53°23'42"E	212.00'
L9	N00°39'24"E	297.76'
L10	N89°14'30"E	222.41'
L11	S36°36'18"E	277.27'
L12	N89°05'01"E	222.48'
L13	N00°32'08"E	678.53'
L14	N88°55'36"E	677.12'
L15	N00°05'12"W	667.35'

COURSE TABLE		
NO.	BEARING	LENGTH
L16	S88°24'33"W	340.36'
L17	N00°03'42"E	670.46'
L18	N87°53'49"E	342.19'
L19	N00°29'53"E	679.81'
L20	N87°22'53"E	344.10'
L21	S00°37'59"W	682.99'
L22	N00°29'53"E	447.96'
L23	N01°03'47"E	341.17'
L24	N01°03'30"E	368.29'
L25	S88°39'37"W	336.21'
L26	S86°17'56"W	1348.08'
L27	S88°47'59"W	1344.23'
L28	N89°50'08"E	332.12'
L29	S00°35'01"W	695.08'
L30	S89°33'22"W	671.06'
L31	N01°05'39"E	691.91'
L32	N89°50'08"E	664.32'
L33	S36°36'18"E	836.12'
L34	S87°22'53"W	344.03'
L35	N00°04'01"E	670.31'

G:\6333\6333LEGAL.DWG (LGL-ZONE2)



2727 S. RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148

**EXHIBIT TO ACCOMPANY
LEGAL DESCRIPTION**

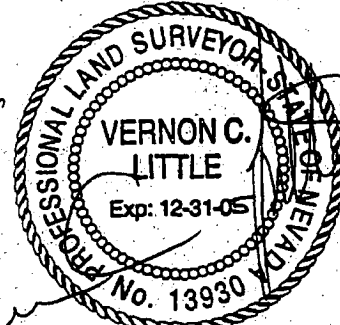
**ANNEXATION
LEGAL**

SCALE	HORZ. NONE
	VERT. NA
W.O. NO.	8333
DRAWN BY:	SP
DATE:	09/30/04
SHEET 2	OF 2



CONSULTING ENGINEERS • PLANNERS • SURVEYORS

2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148



W.O. 6333
SEPTEMBER 29, 2004
BY: SP
P.R. BY: VCL
PAGE 1 OF 1

EXPLANATION:

THIS LEGAL DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTHWESTERLY OF ALPINE RIDGE WAY AND IRON MOUNTAIN ROAD FOR CITY OF LAS VEGAS ANNEXATION PURPOSES.

**LEGAL DESCRIPTION
ANNEXATION LEGAL**

BEING PORTIONS OF SECTION 1, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBES AS FOLLOWS:

THE WEST HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);

THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEGINNING AT THE SOUTH SIXTEENTH COMMON TO SECTION 2 AND SECTION 1, SAID TOWNSHIP AND RANGE; THENCE NORTH 01°05'49" EAST, ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 198.45 FEET; THENCE NORTH 86°17'56" EAST, DEPARTING SAID WEST LINE AND ALONG THE SOUTHERLY RIGHT-OF-WAY OF KYLE CANYON ROAD, 1685.19 FEET; THENCE SOUTH 01°03'30" WEST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, 267.94 FEET; THENCE SOUTH 88°39'37" WEST, 1680.99 FEET TO THE **POINT OF BEGINNING**, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 73.46 ACRES (GROSS AREA), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

NOTE: THIS LEGAL DESCRIPTION IS PROVIDED AS A CONVENIENCE AND IS NOT INTENDED FOR THE PURPOSE OF SUBDIVIDING LAND NOT IN CONFORMANCE WITH NEVADA REVISED STATUTES.

END OF DESCRIPTION.
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REF: G:/6333/6333LEGAL.DWG (LGL-ZONE01)

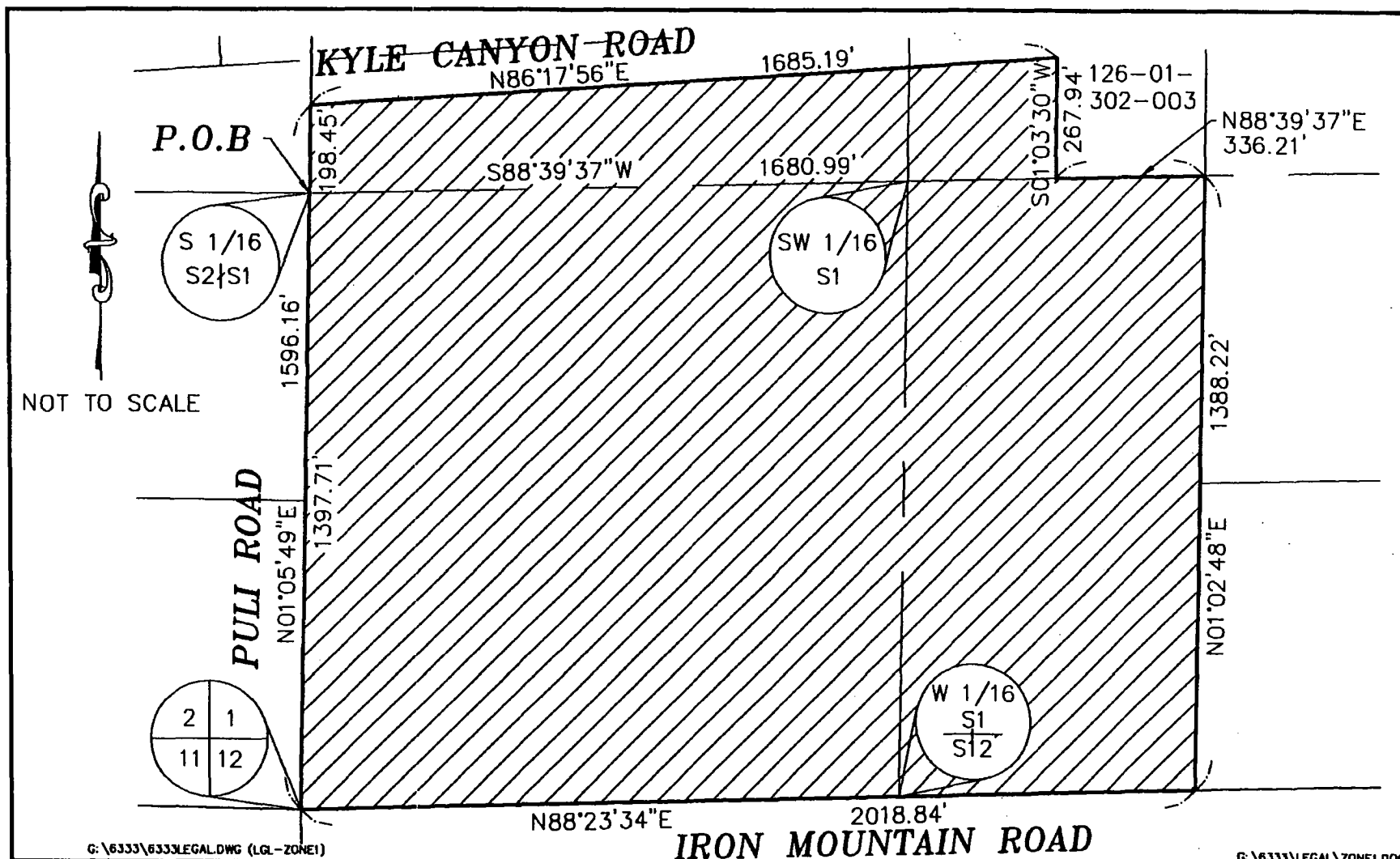
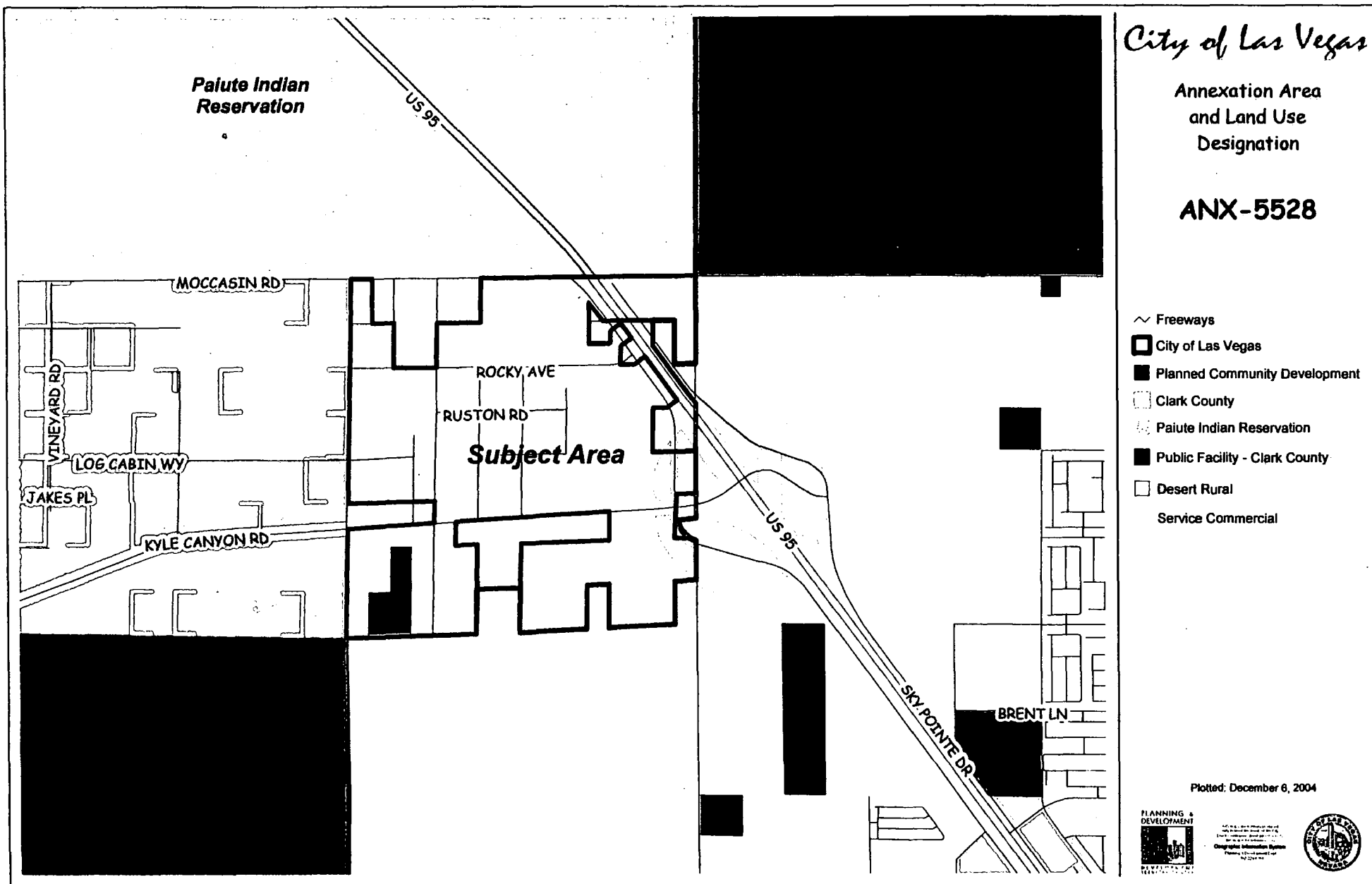


EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

ANNEXATION LEGAL

W.O.#: 6333
 DATE: 09/29/04
 BY: SP
 SCALE: NONE
 SHEET 1 OF 1

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City of Las Vegas

Annexation Area Location Map

ANX-5528

**Subject
Property**

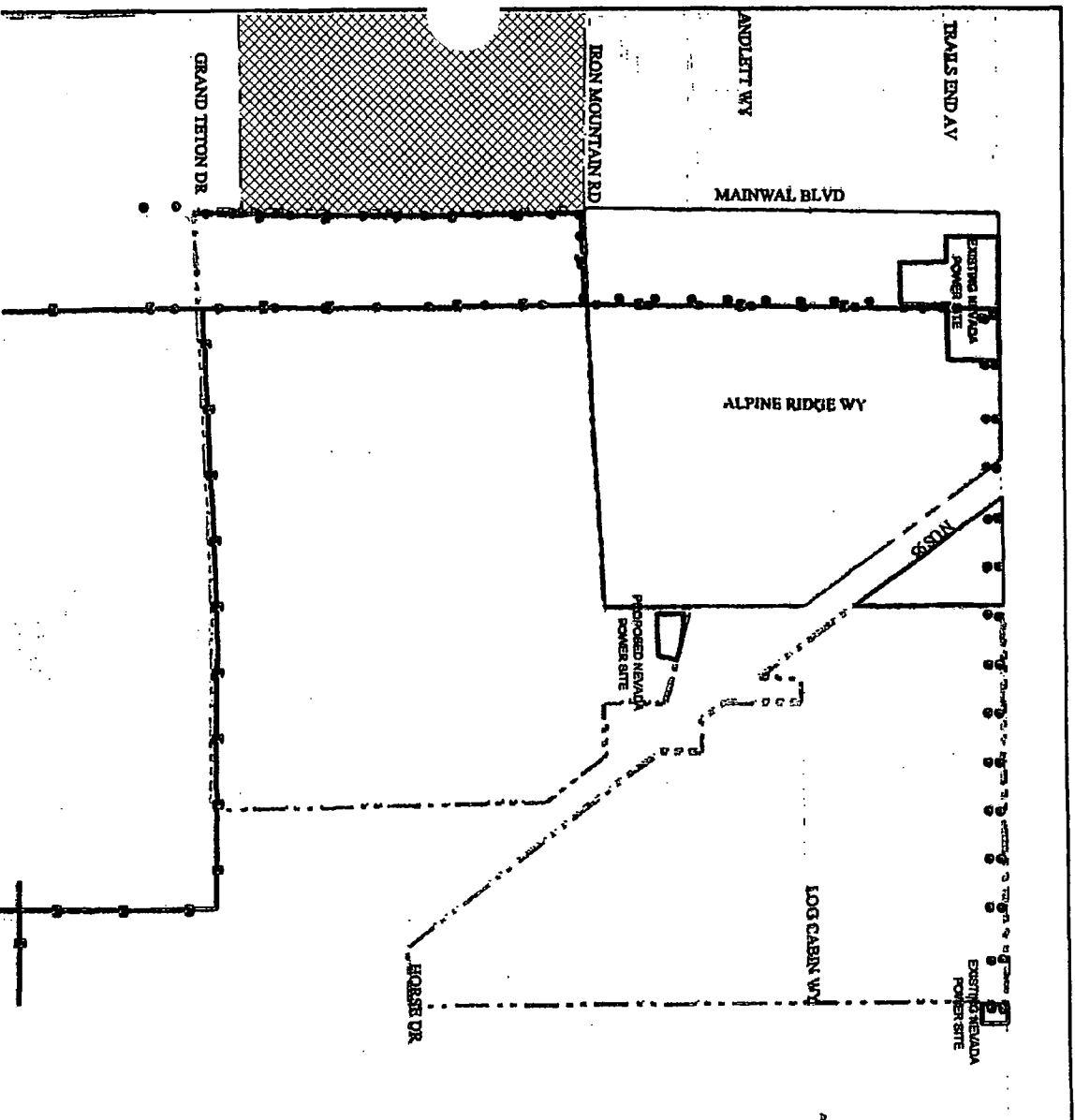
- ~ Freeways
- City of Las Vegas
- Clark County
- Paiute Indian Reservation
- North Las Vegas
- Subject Property

Plotted: December 6, 2004



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NO PART OF THIS MAP OR REPORT MAY BE REPRODUCED OR
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MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY
INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE
WRITTEN PERMISSION OF THE CITY OF LAS VEGAS.





NOTE:
THIS MAP IS FOR PLANNING PURPOSES ONLY.
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ACCURACY OF THE DATA DELINEATED HEREIN.

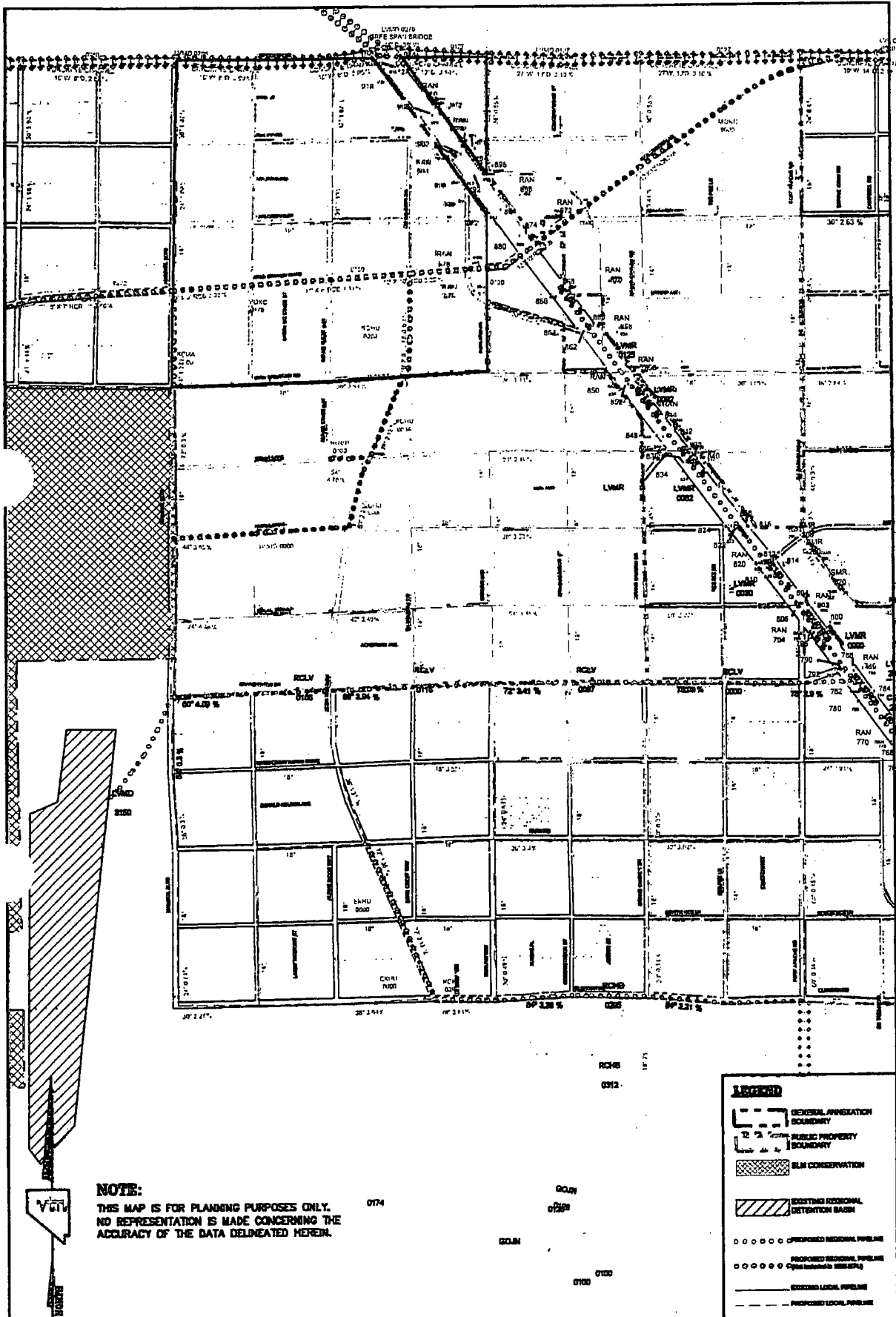
LEGEND

EXISTING TRANSMISSION
EXISTING DISTRIBUTION
PROPOSED TRANSMISSION
PROPOSED DISTRIBUTION
NEVADA POWER SITE
PLANNED POWER SITE
PLANNED POWER LINES
PLANNED POWER FIELDS

VETB Nevada
2771 S. RANCHO BOULEVARD
LAS VEGAS, NEVADA 89146-5146

**ELECTRIC TRANSMISSION AND
DISTRIBUTION LINES
ANNEXATION REPORT AREA**

W.O.S. 6933-AX
DATE 09-22-2004
BY T.H.
SCALE 1"=500'
SHEET 1 OF 1

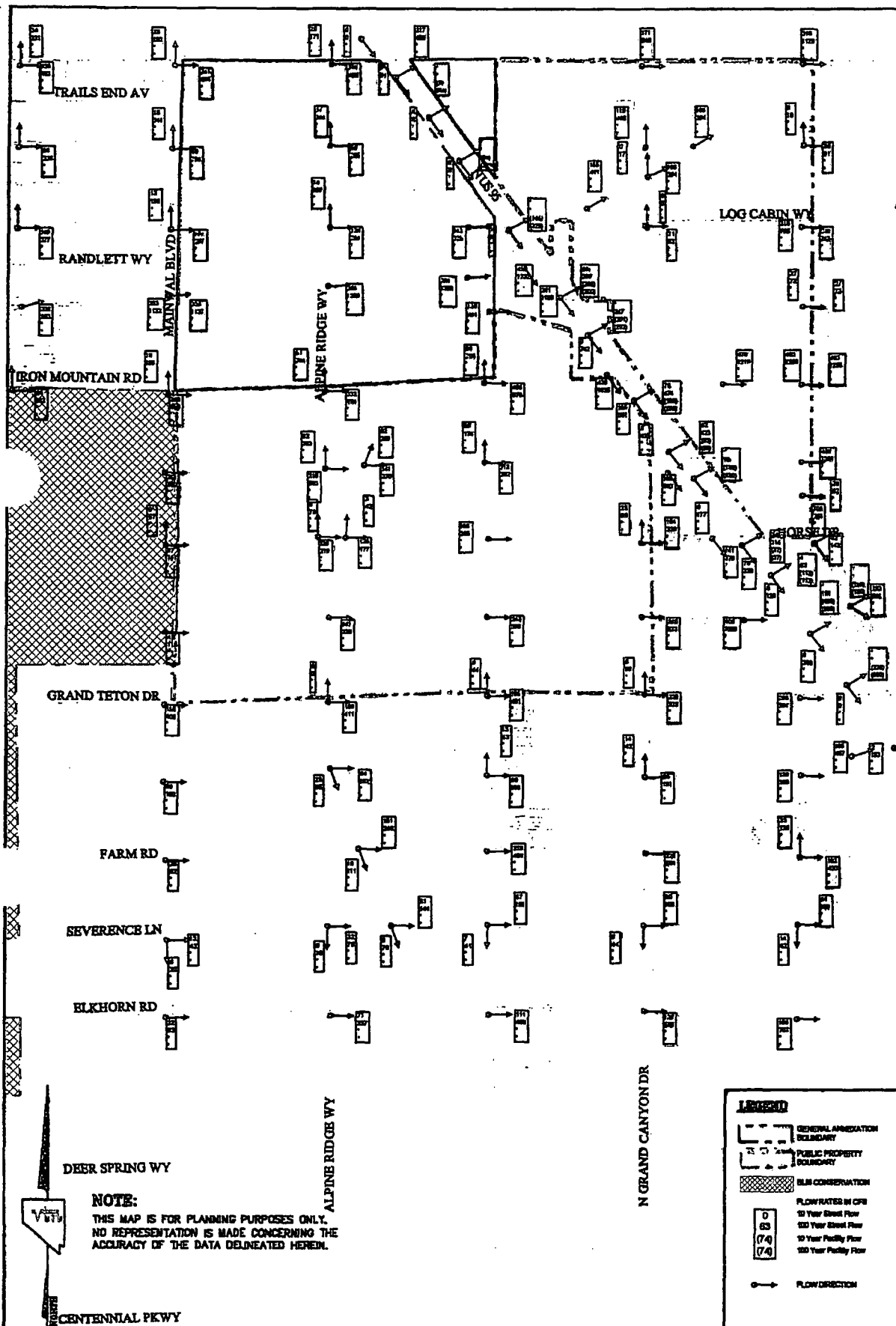


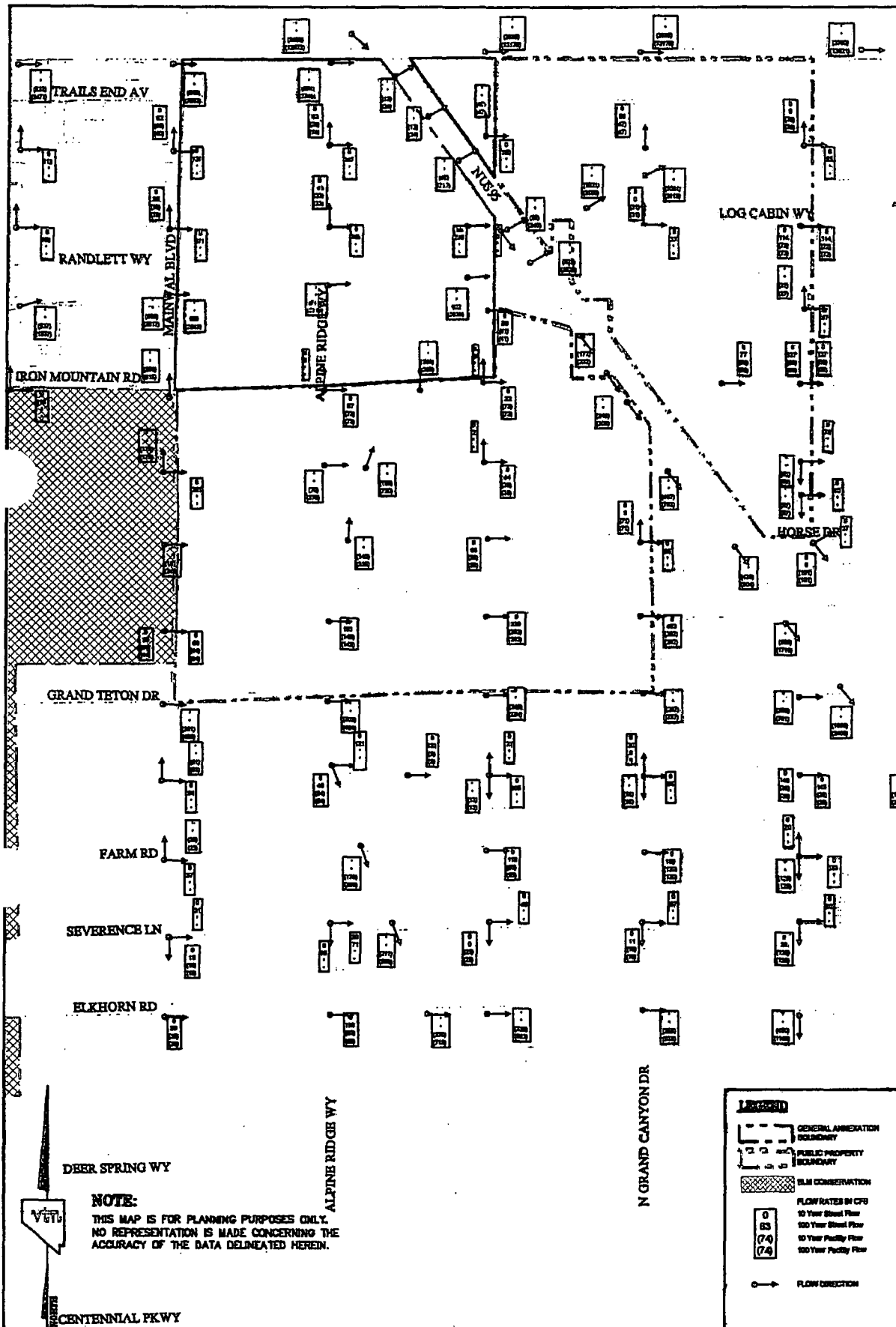
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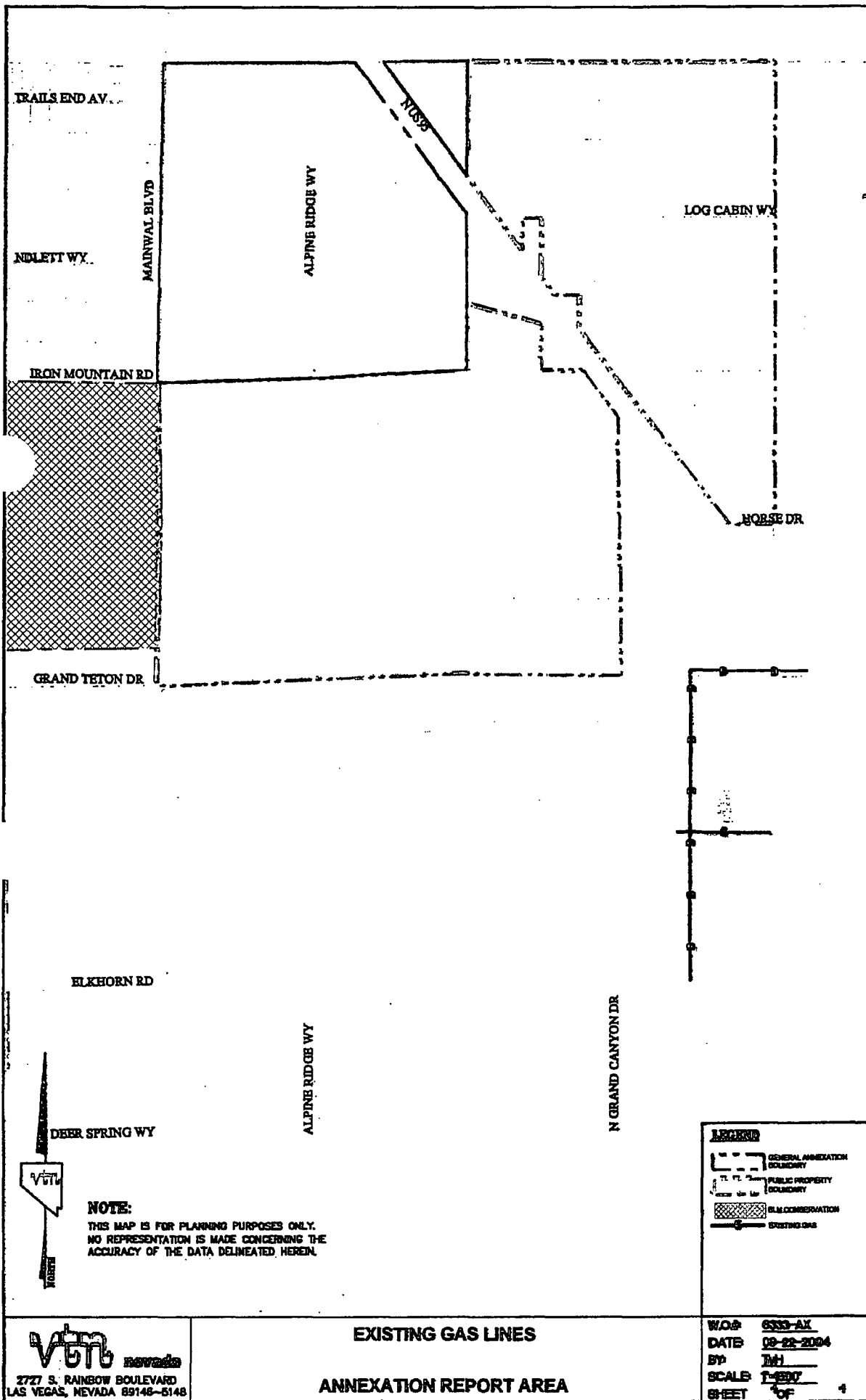
THIS MAP IS FOR PLANNING PURPOSES ONLY.
NO REPRESENTATION IS MADE CONCERNING THE
ACCURACY OF THE DATA DELINEATED HEREIN.

- LEGEND**
- GENERAL ANNEXATION BOUNDARY
 - PUBLIC PROPERTY BOUNDARY
 - FLOOD CONTROL FACILITY
 - EXISTING REGIONAL DETENTION BASIN
 - PROPOSED REGIONAL PIPELINE
 - PROPOSED REGIONAL PIPELINE (Open to Public Use)
 - EXISTING LOCAL PIPELINE
 - PROPOSED LOCAL PIPELINE
 - PROPOSED REGIONAL CHANNEL
 - PROPOSED REGIONAL CHANNEL (Open to Public Use)

W.O.S. **6333-AK**
DATE **09-22-2004**
BY **TMI**
SCALE **1"=500'**
SHEET **1** OF **1**







ELIGIBILITY FOR ANNEXATION

In order for territory to be annexed to a city within Clark County, all the territory must meet the general standards of NRS 268.580 (2) and must meet the requirements of NRS 268.580 (3), 268.580 (4), 268.580 (5) or 268.580 (6). The territory proposed for annexation in connection with this report is eligible for annexation under subsections 2 through 6 of NRS 268.580 as follows:

Subsection 2

- (a) The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted.
- (b) More than one eighth (1/8) of the aggregate external boundaries of the area are contiguous to the boundaries of the City of Las Vegas.
- (c) The territory proposed to be annexed is not included within the boundaries of another incorporated city or within the boundaries of any unincorporated town as those boundaries existed as of July 1, 1983.

Subsection 3

Not applicable.

Subsection 4

Not applicable.

Subsection 5

Not applicable.

Subsection 6

With respect to territory not owned by a governmental entity, as referred to in Paragraph (a) of this Subsection (6), the owners of record of not less than 75 percent of the individual lots or parcels of land within the territory have petitioned the City to annex the territory.

With respect to territory owned by a governmental entity, as referred to in Paragraph (b) of this Subsection (6), the City has received a written statement from the governmental entity indicating that it owns the territory and does not object to the City's annexation of the territory.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005**DEPARTMENT: PUBLIC WORKS****DIRECTOR: RICHARD GOECKE**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Public hearing on local improvement district for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance - FY2006) - (\$49,240.38 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

Fiscal Impact:

☐ No Impact	Amount:	\$49,240.38
☒ Budget Funds Available	Dept./Division:	Public Works/SID
☐ Augmentation Required	Funding Source:	Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Public hearing on the Final Assessment Roll for the annual maintenance costs of street beautification improvements from July 1, 2005 through June 30, 2006 along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane.

RECOMMENDATION:

Public Hearing only; no action required.

BACKUP DOCUMENTATION:

1. Notice of Hearing
2. Protest letter from William J. Walsh
3. Submitted after final agenda - Protest letter from Greg and Patti Cava

MOTION:**PUBLIC HEARING HELD****MINUTES:**

MAYOR GOODMAN declared the Public Hearing open.

CHARLIE KAJKOWSKI, Deputy Director, Public Works Department, explained this Special Improvement District (SID) began in 2003 and will provide for improvements for 2006. State law requires that this be considered every year as it provides for landscaping on Alta Drive.

MAYOR GOODMAN recalled that when the Council initially approved this SID the neighborhood was going to contribute towards the landscaping. MR. KAJKOWSKI replied that the SID element in the original construction was for artscape, curb and gutter. The property owners participated in the SID for the maintenance of that landscaping.

BILL WALSH, who resides on Alta Drive, stated the SID and the assessment of additional maintenance costs continuing on an annual basis is not necessary. He asked that the City Council consider one of these alternatives; rescind the SID so there is no additional levy of fees to the residents of that particular area; second, that the residents be allowed to maintain the landscaping in front of their property; third, if the first and second alternatives are not feasible, an opt provision should be included in the SID for the residents that are impacted if they do not think the assessment value added is not fruitful.

MAYOR GOODMAN opined that the third option might not be feasible. The City Council believed

CITY COUNCIL MEETING OF: APRIL 6, 2005**MINUTES - Continued:**

this was a very special street and good for the City. The only issue was who would be responsible for maintaining the landscaping, and his impression was that the neighbors would do that. He would not want to have somebody opt out and the landscaping go to seed. MR. WALSH pointed out that on a daily basis he observes how the landscaping is being maintained and does not see any added value for the amount of money the neighbors are being assessed. COUNCILWOMAN TARKANIAN assured him his property is worth more today than it was without the landscaping. MR. WALSH objected to the landscaping maintenance but not the assessment for the improvements that were made.

COUNCILWOMAN TARKANIAN opined the City should continue to maintain the landscaping through the SID, but questioned the 27 percent increase in maintenance costs when some of the plants are not being taken care of properly. DEPUTY CITY ATTORNEY BRYAN SCOTT clarified that the landscaping maintenance goes out to bid every year and the assessment is calculated based on the landscaping company that provides the landscaping maintenance. Given the raising costs of gas and other costs associated with maintaining the landscaping, it could go up every year based upon the cost of living. MR. WALSH added that MIKE THOMPSON, City of Las Vegas, told him they were having trouble with the previous contractor, but a new contractor was chosen. MR. WALSH suggested that it be reverted back to the owners who may be able to include with their landscaping costs. DEPUTY CITY ATTORNEY SCOTT advised this would be a dangerous option to use because one person's level of maintenance might differ from another person's level of maintenance. It is vital that the integrity of the SID be kept in place in order to keep that maintenance consistent.

COUNCILWOMAN TARKANIAN noted that this landscaping has made a big difference for Alta Drive. She asked how closely the City is monitoring the maintenance and if the City is getting the most effective efficient use of monies because 27 percent is a big increase in two and a half years. MR. KAJKOWSKI responded that the site is inspected by field operations staff every month. Public landscaping is difficult to maintain, especially when median islands get trampled on and scattered with debris. In 2003 the water cost was three to four thousand dollars. Currently, the cost is approximately \$15,000 just for water.

MAYOR GOODMAN suggested MR. WALSH meet with his neighbors to discuss an alternative they would all agree upon and that the City might be willing to consider. COUNCILWOMAN TARKANIAN added it would be a good idea to schedule a neighborhood meeting with the Alta Drive residents and discuss this issue with them and the problems they seem to be having and bring that information back to the City Council.

MAYOR GOODMAN declared the Public Hearing closed.

(2:09 - 2:22)

4-1092

NOTICE OF THE FILING OF FINAL ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 – ALTA DRIVE (LANDSCAPE MAINTENANCE FY2006)

NOTICE IS HEREBY GIVEN, that the Final Assessment Roll No. 2005-2 for City of Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2006) (hereinafter the "District") in and for the City of Las Vegas in the County of Clark, State of Nevada, which has been made out by the City Council of City of Las Vegas, together with the Director of Public Works, has been filed on March 2, 2005, in the office of the City Clerk and since such date, the final assessment roll has been, and now is available for examination by any interested person during regular office hours, Monday through Friday 8:00 a.m. until 5:00 p.m. The boundaries of the District are described in the Special Improvement District No. 1485 Creation Ordinance heretofore adopted (hereinafter the "Creation Ordinance") to defray the annual maintenance costs of a street beautification project (hereinafter the "Maintenance Project"). The boundaries of the District, which include the location of the Maintenance Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property abutting the street as described below. The streets along which the improvements are to be maintained include:

Alta Drive (BOTH SIDES) from western right-of-way of Rancho Drive to approximately 275 feet west of Lacy Lane.

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

The amount to be assessed will be levied on an area basis, i.e., the amount of the assessment against each parcel will be in proportion to the area of that parcel as compared to the area of all parcels to be assessed. Each property owner will be assessed for the annual cost of the Maintenance Project. The landscape maintenance shall include maintenance of all landscape improvements including trees, shrubs, and other plantings, irrigation system and controls, fertilization, electrical and water services. The maintenance shall also include the supply of all required water and electrical power.

Such basis of assessments has been designated by the City Council in the Creation Ordinance heretofore adopted. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot, tract or parcel of land or property in the District is stated in the final assessment roll. The City Council has determined that each of these tracts will receive special benefits (and corresponding market value increases) from the maintenance of improvements in the Maintenance Project.

The City Council will meet to hear and consider all complaints, protests, and objections to said final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Maintenance Project. Any person interested and any parties aggrieved by such assessments may be heard on Wednesday, April 6, 2005, at 1:00 p. m. at the City of Las Vegas Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada. Any complaint, protest, or objection to the regularity, validity, and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, and of the amount thereof levied on each lot, tract or parcel of land, shall be deemed waived unless filed in writing with the City Clerk, on or before Friday, April 1, 2005, i.e., at least three days prior to the date set for the assessment hearing.

At the time and place so designated for the hearing, the City Council shall hear and determine all complaints, protests, and objections to the regularity of the proceedings in making such assessments, the correctness of such assessments, the amount levied on any particular lot, tract or parcel of land to be assessed, the amount of the benefits and corresponding market value increases, which have been so made in writing or verbally. The City Council shall further have the power to adjourn such hearing from time to time, and by resolution shall have power, in its discretion, to revise, correct, confirm, or set aside any assessment and to order that such assessment may be made de novo. The owners of the property to be assessed are advised that this is the final chance to present any evidence as to the amount of the assessments (or other matters to be considered at the hearing) to the City Council. If a person objects to the final assessment roll or to the proposed assessments:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and,
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.395.

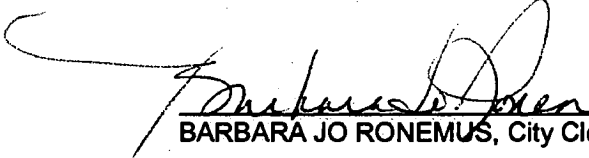
Assessments shall be due and payable at the office of the City Treasurer without interest and without demand within 30 days after the ordinance levying the assessments becomes effective. All or any part of such assessments may also, at the election of the owner, be paid thereafter in four (4) substantially equal quarterly installments without interest until paid in full. Penalties (at a rate not exceeding two percent (2%) per month on the unpaid balance of the assessment and accrued interest, or at any higher rate authorized by statute) shall be due for delinquencies. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a hardship determination. A person whose application for a hardship determination has been approved by the City Council is entitled to have the amount of the assessment postponed. A person desiring to apply for a hardship determination shall file an application no later than April 1, 2005, with the Clark County Department of Social Services (CCSS), 1600 Pinto Lane, Las Vegas, Nevada 89106. Please contact CCSS at (702) 455-8687 for a pre-qualification screening.

///

/// Pursuant to NRS 271.395, within 15 days immediately succeeding the effective date of the assessment ordinance to be adopted following the hearing, any person who has filed a complaint, protest, or objection in writing shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity, and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, and of the amount of the assessment levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation, shall be perpetually barred.

Dated this March 2, 2005.


BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

March 28, 2005

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

2005 MAR 30 A 10: 35

ATTENTION: Barbara Jo Ronemus, City Clerk

Subject: Special Assessment Protest

Reference:

(a) FY 2006 Landscape Assessment for SID 1485, dated March 2, 2005.

Protest

I am the homeowner at 2805 Alta Drive that is directly affected by SID 1485 and the Landscape Maintenance Assessment for FY2006, Ref. (a).

Please include my three requests below at the Public Hearing at 1:00 pm on Wednesday, April 6, 2005 meeting at the City Council Chambers.

I make the following protests and motions on the SID and assessment.

1. I request that the council vote to rescind SID 1485 immediately.

SID 1485 was poorly conceived and flawed because it provides no protection against poor performance. There is no accountability or assurance to the 37 residents (*referred to herein as the Residents*) of Alta Drive that their monies paid to the city have been spent effectively on landscape maintenance along the serpentine section of Alta Drive.

In my view, the landscape services provided during 2004 show extremely low "Value Added" for the assessments I paid to the city. I think it is becoming very clear to any homeowner, who contracts for landscape services in the community, that the SID 1485 contractor did not perform to any reasonable or acceptable standards.

From my personal observations of the contractor's work I know he has underperformed on landscape maintenance.

From my observations it appears:

- i) there were no standards of performance, or work product defined,
- ii) there was no ongoing monitoring of the contractor's performance during the few times they performed work on Alta Drive.

The contractor's poor performance in 2004 also appears to be because of a lack of accountability up the city management chain and accountability to the Residents. The latter are paying the bills, but are left out of the review process, and we are being neglected or ignored.

2. **I request that the council vote to return the responsibility for landscape maintenance to the Alta Drive Residents.**

The Residents have the capability and incentive to perform the landscape maintenance along the serpentine section of Alta Drive without the intervention of the city.

The Residents already have contractors performing cost effective landscape services in their front yards. The narrow band of city land along their frontage can be accommodated at no additional cost, or for a very small fraction of what the city wants the Residents to pay for the same services.

3. **If the council does not rescind SID 1485 immediately, then I demand the SID be changed to include an immediate "Opt Out" provision for the Residents.**

The council must recognize that this new area of assessment for Landscape Services is a different paradigm than the other forms of taxes typically levied by government. For this experimental process to gain acceptance, and for the concept to spread to other residential areas, city managers must be challenged by the fact that they are accountable to the Residents, who have the option to withdraw from the SID project if the project is unproductive.

This "Opt Out" provision should be no more complex than what the Residents already have with their private landscape contractors. Namely, the common law concept is that if the contractor does not perform, the agreement is terminated.

I welcome any thoughts you or the council members have on this matter before the meeting on Wednesday, April 6, 2005.

Sincerely,



William J Walsh
2804 Alta Drive
Las Vegas, NV 89107

Phone: 702-505-3164

Cc: Councilwoman Lois Tarkanian, City Hall

April 1, 2005

RECEIVED
CITY CLERK

LAS VEGAS CITY CLERK
400 E. Stewart Avenue
Las Vegas, NV 89101

2005 APR -1 P 2:44

Re: Special Improvement District No. 1485
Alta Drive (Landscape Maintenance -FY2006)

Protest

To Whom It May Concern:

This letter is being written for the purpose of protesting and questioning the proposed increase in SID No 1485 for the fiscal year 2006 which is scheduled for Public Hearing on April 6, 2005.

The document we received showed an assessment that equated to a 17.5% increase from last year, and a 27% increase in cost since the first full year of the assessment which was 2003-2004. This amount of increase is out of line given the condition of the landscape along Alta. We find it difficult to understand how it can be justified given that there are numerous areas on Alta where plants have been in need of replacement for many **months**. In no way is the area being maintained to the standard in which it was designed or originally planted. If the landscape company is now saying that their costs are increasing at this pace, then they deliberately low-balled their original bid for the purpose of getting the job and are now trying to make up for it. This is unacceptable. We ask that the new contract be closely scrutinized.

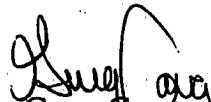
There is a lot of discussion in the media about the "wealthy people" on Alta. Please be assured that there are a number of residents for whom this SID is a struggle.

Thank you for your time and attention.



Patti Cava

3021 Alta Drive
Las Vegas, NV 89107



Greg Cava

Cc: Lois Tarkanian

Submitted after final agenda

Date 4/1/05 Item # 91

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW

EOT-6090 - APPLICANT/OWNER: DR HORTON - Request for an Extension Time for an approved Site Development Plan Review (SDR-1395) FOR A PROPOSED 565-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 226.80 acres adjacent to the east and west sides of Durango Drive, between Log Cabin Way and Moccasin Road (APNs 125-04-001-002, 005, through 009 and 011; and 125-05-604-049), R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone, Ward 6 (Mack). Staff 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 APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

BROWN - APPROVED subject to conditions Item 92 [EOT-6090] and Item 93 [EOT-6162] - **UNANIMOUS** with REESE excused

MINUTES:

There was no discussion.

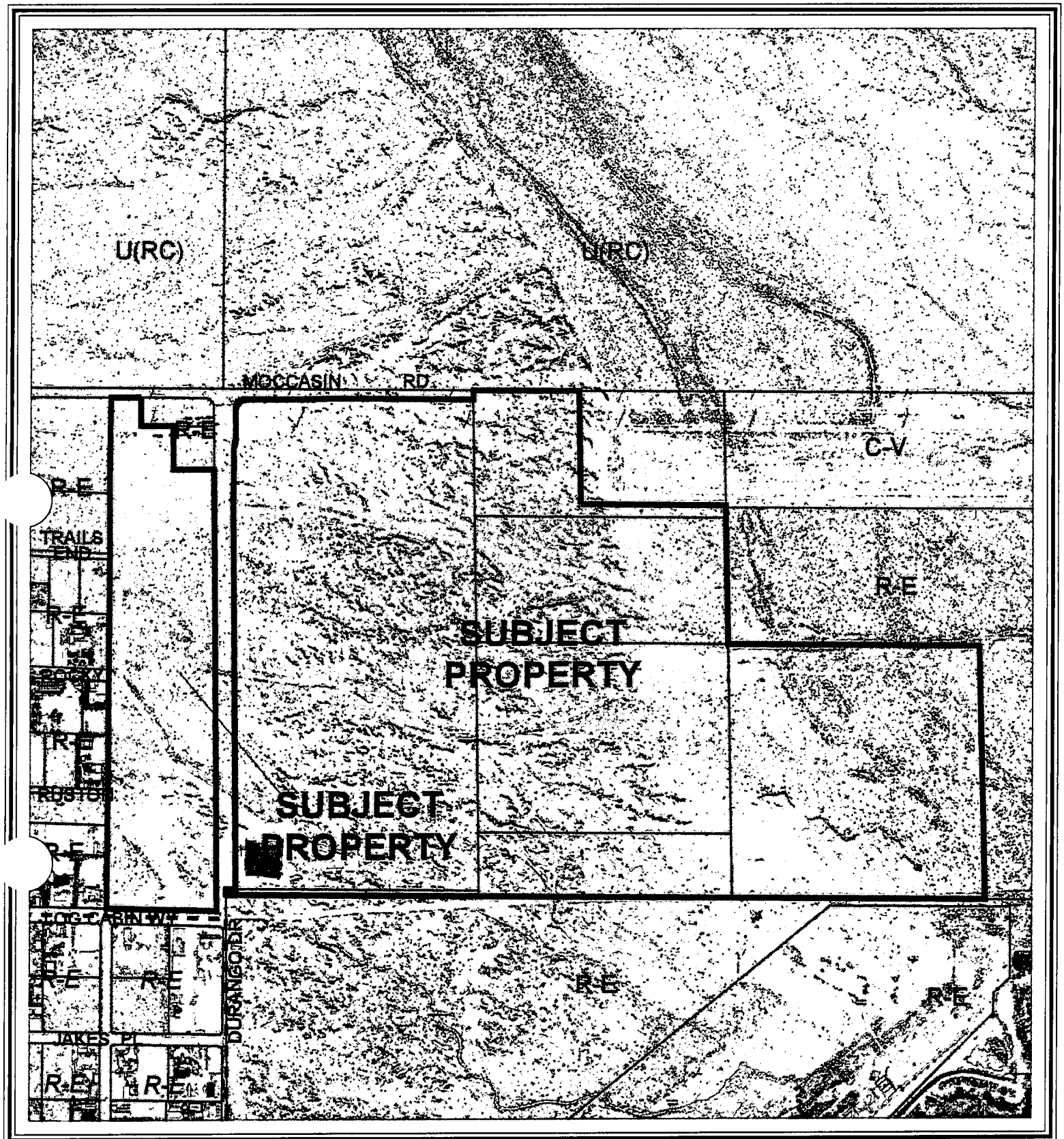
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4-2229

CONDITIONS:

Planning and Development

1. This Extension of Time shall expire on 02/19/07 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0001-99, Rezoning Z-0009-99, Site Development Plan Review SDR-1365 and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.



0 700 1400 Feet

CASE: EOT-6090

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL
PLANNED DEVELOPMENT - 2 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-6090 - APPLICANT/OWNER: DR HORTON

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time shall expire on 02/19/07 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0001-99, Rezoning Z-0009-99, Site Development Plan Review SDR-1365 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 Time for an approved Site Development Plan Review (SDR-1395) Review for a proposed 565-lot single family residential development on 226.80 acres adjacent to the east and west sides of Durango Drive, between Log Cabin Way and Moccasin Road.

B) Applicant's Justification

The applicant's justification letter indicates additional time will allow for recordation of the Log Cabin Ranch Parent Final Map along with the subsequent seven units.

BACKGROUND INFORMATION

A) Related Actions

04/26/99	The City Council approved a Rezoning (Z-0001-99) from R-E (Residence Estates) to R-PD2 (Residential Planned Development – 2 Units Per Acre) on a portion of this site. The Planning Commission and staff recommended denial on 02/11/99.
05/24/99	The City Council approved a Rezoning (Z-0009-99) from R-E (Residence Estates) to R-PD2 (Residential Planned Development – 2 Units Per Acre) on a portion of this site. The Planning Commission recommended and staff approval on 04/15/99.
02/19/03	The City Council approved a Site Development Plan Review (SDR-1395) for a proposed 565-lot single family residential development on this site. The Planning Commission and staff recommended approval on 01/23/03.
10/23/03	The Planning Commission approved a Tentative Map for Log Cabin Ranch (TMP-3055) for the overall development parcels on this site. Staff recommendation was for approval.
08/04/04	The Planning and Development Department administratively approved a Final Map Technical Review for Log Cabin Ranch (FMP-4806) for the overall development parcels on this site. To date, a copy of the recorded map has not been submitted.

B) Pre-Application Meeting

A pre-application meeting is not required for this type of application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 226.80

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped and City Park
East: Undeveloped
West: Undeveloped and Single Family Residences

C) Planned Land Use

Subject Property: PCD (Planned Community Development)
North: RC (Resource Conservation)
South: PR-OS (Park/Recreation/Open Space)
East: PR-OS (Park/Recreation/Open Space)
West: RNP (Rural Neighborhood Preservation) and DR (Desert Rural Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development – 2 Units Per Acre)
North: U (Undeveloped) [RC (Resource Conservation) General Plan Designation]
South: R-E (Residence Estates)
East: R-E (Residence Estates) and C-V (Civic)
West: R-E (Residence Estates)

E) General Plan Compliance

This site is designated PCD (Planned Community Development) on the Centennial Hills Sector Map of the General Plan, which allow densities up to 8 dwelling units per acre. The approved R-PD2 (Residential Planned Development – 2 Units Per Acre) is consistent with the PCD (Planned Community Development) General Plan Designation.

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

Map Number 2 of the Inter-local Joint Use Planning Trails Plan indicates a multi-use non-equestrian trail along both the east side of Durango Drive and the south side of Moccasin Road. This issue was addressed with Site Development Plan Review (SDR-1395) for the approved 565-lot single family residential development.

PROJECT DESCRIPTION

The subdivision site plan depicts a mixture of lots ranging in size from 6,600 square feet to more than 22,000 square feet. The larger lots are located in the western portion of the subdivision, which abuts existing rural lots. Access to the site is provided by one main street connection to Durango Drive. All lots will front onto 40-foot wide private streets.

ANALYSIS

The subject site is zoned R-PD2 (Residential Planned Development – 2 Units Per Acre). The proposed 565-lot single family development is a permitted use within the R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning district, and therefore remains appropriate for the site. Since little change has occurred in this area, the recommendation for this request is approval with another two-year time limit.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The site plan as proposed would allow for development of single-family uses at a density that remains compatible with the existing residential development in the vicinity.

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 subject site remains consistent with the general plan, the zoning code, the design standards manual, the landscape, wall and buffer standards and other plans policies and standards.

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

The street system will have adequate capacity to accommodate traffic generated by this proposed development.

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

The proposed project will incorporate appropriate building elevations and materials for the area. The proposed landscape materials also are appropriate for the area.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The building elevations are typical of single-family developments and remain compatible with other single-family subdivisions in the area.

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.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-6090 APN: 125-05-604-049; 125-04-001-002, 006 thru 009 & 011

Name of Property Owner: DR Horton

Name of Applicant: DR Horton

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: Brad Boe

Print Name: Brad Boe

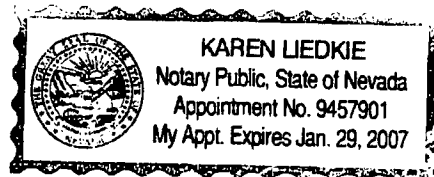
Asst. Vice President
DR Horton Inc.

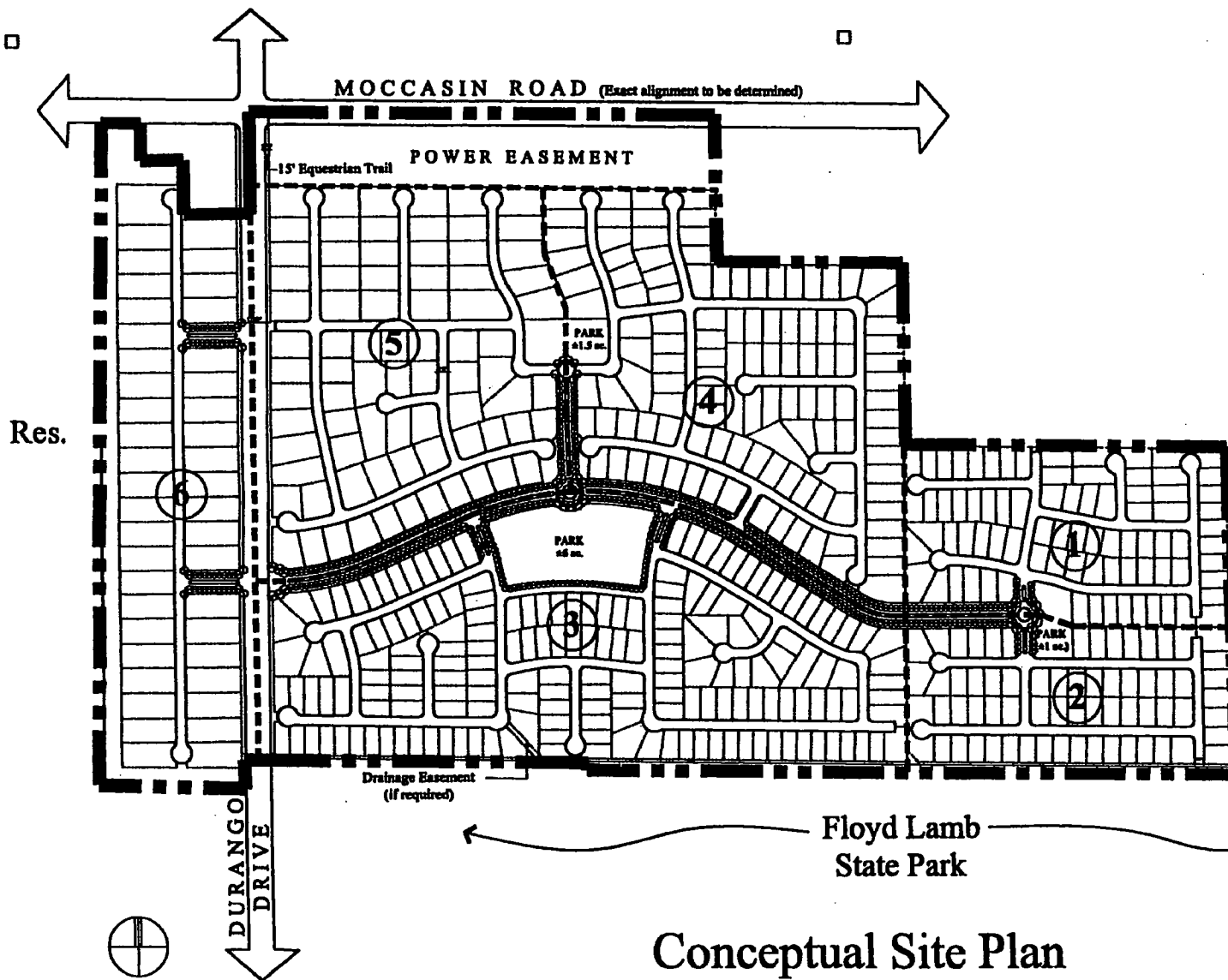
Subscribed and sworn before me

This 7th day of February, 2005

Karen Liedkie

Notary Public in and for said County and State





Site Summary

Acres: ±226 Acres

Zoning: ±2.49 Du/Ac. (R-PD2)

Units: 565 Units

1 (±60' x 110')	±81 Lots
2 (±70' x 110')	±66 Lots
3 (±60' x 120')	±179 Lots
4 (±75' x 120')	±118 Lots
5 (±100' x 125')	±78 Lots
6 (±100' x 200')	±43 Lots

Total: 565 Lots

Open Space Required:

$1.65 \times 2.49 = 4.11\%$

$4.11\% \times 226 \text{ Ac.} = 9.3 \text{ Ac.}$

Total Open Space Provided: ±9.7 Ac.

Parks: ±8.5 Ac.

Equestrian Trail: ±1.2 Ac.

EOT-6090

4-6-05 CC

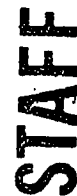
Conceptual Site Plan LOG CABIN RANCH STAFF Las Vegas, Nevada

John Laing Homes

KTGY No. 2002-514



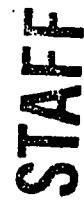
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EOT-6090
4-6-05 CC

ORDERED

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EOT-6090
4-6-05 CC

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ORESTONE AT STILING MOUNTAIN BLANCH

ORESTONE LAS VEGAS, NEVADA

9726



RMV, NEVADA

KITCO GROUP, INC.

10000 S. LAS VEGAS BLVD.

SUITE 1000

LAS VEGAS, NV 89149

PROJECT:

DESCRIPTION:

DATE:

BY:

REVISIONS:

NOTES:

1. SEE SHEET 9726 FOR DETAILS.

2. SEE SHEET 9726 FOR DETAILS.

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SQUARE FOOTAGE

FOOTING

WALL

SLAB

ROOF

TOTAL



STAFF

NOTES

[illegible]**SQUARE FOOTAGE**

**GREYSTONE AT
SPRING MOUNTAIN
RANCH**

**GREYSTONE
LAS VEGAS, NEVADA**

9728:



RMV NEVADA
 1000 S. MAIN ST., SUITE 100
 LAS VEGAS, NV 89101
 (702) 735-1111
KTGYGROUP, INC.
 1000 S. MAIN ST., SUITE 100
 LAS VEGAS, NV 89101
 (702) 735-1111



Project in Charge •
Project Director •
Project Architect •
Project Designer •
Created By •

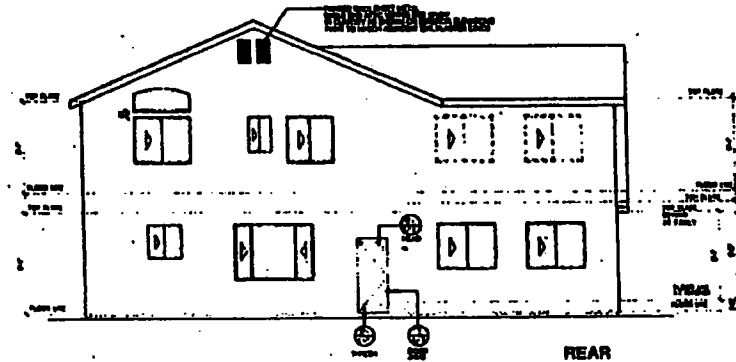
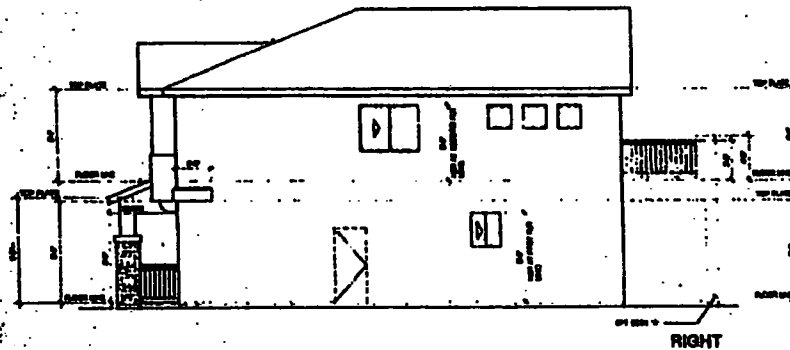
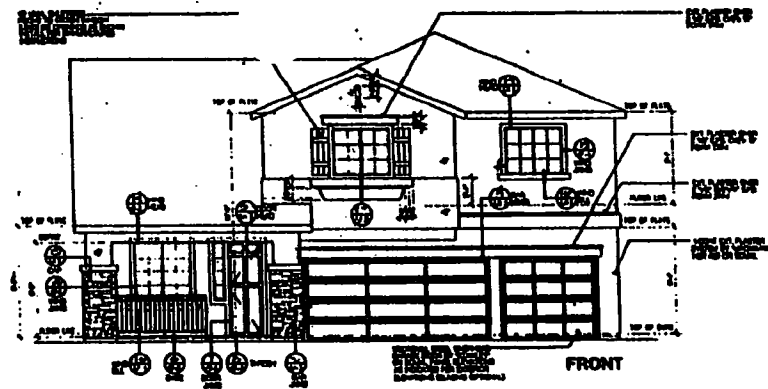
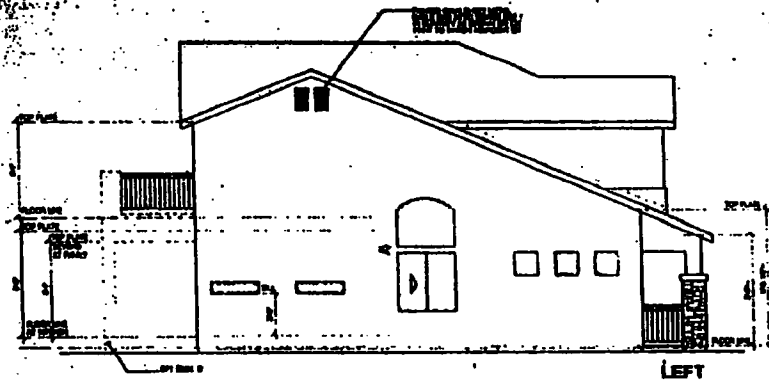
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**PLAN 3
OPTION 2**

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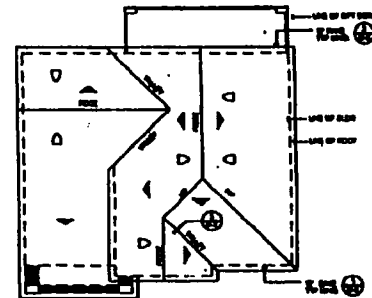
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SECRET
CONFIDENTIAL

EOT-6090
4-6-05 CC



EXTERIOR ELEVATIONS 1



ATTIC VENTILATION

ALL VENTILATION SHALL BE PROVIDED FOR THE ENTIRE ATTIC SPACE. THE VENTILATION SHALL BE PROVIDED BY THE FOLLOWING MEANS:

- 1. ROOF VENTILATION: 1.0 SQ. FT. PER 100 SQ. FT. OF ATTIC SPACE.
- 2. WALL VENTILATION: 1.0 SQ. FT. PER 100 SQ. FT. OF ATTIC SPACE.
- 3. FLOOR VENTILATION: 1.0 SQ. FT. PER 100 SQ. FT. OF ATTIC SPACE.

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- 3. FLOOR VENTILATION: 1.0 SQ. FT. PER 100 SQ. FT. OF ATTIC SPACE.

STAFF

GREYSTONE AT SPRING MOUNTAIN RANCH
GREYSTONE LAS VEGAS, NEVADA

97263



RMT NEVADA, INC.

ARCHITECT

PROJECT

KTOY GROUP, INC.

DESIGNER

DATE

REVISION

BY

CHECKED

APPROVED

DATE

BY

CHECKED

APPROVED

DATE

BY

CHECKED

APPROVED

DATE

BY

CHECKED

APPROVED

DATE

BY

CHECKED

APPROVED

EOT-6090
4-6-05 CC

FLOOR PLAN NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTER OF THE WALL UNLESS OTHERWISE NOTED.

2. ALL WALLS ARE 1/2" THICK UNLESS OTHERWISE NOTED.

3. ALL FLOORS ARE 4" CONCRETE ON 2" GYPSUM BOARD UNLESS OTHERWISE NOTED.

4. ALL ROOFS ARE 2" POLYSTYRENE INSULATION ON 4" CONCRETE UNLESS OTHERWISE NOTED.

5. ALL CEILING ARE 1/2" GYPSUM BOARD UNLESS OTHERWISE NOTED.

6. ALL DOORS ARE 6'0" HIGH AND 3'0" WIDE UNLESS OTHERWISE NOTED.

7. ALL WINDOWS ARE 6'0" HIGH AND 3'0" WIDE UNLESS OTHERWISE NOTED.

8. ALL STAIRS ARE 10'0" WIDE UNLESS OTHERWISE NOTED.

9. ALL ELEVATIONS ARE TO THE FINISH UNLESS OTHERWISE NOTED.

10. ALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.

11. ALL MATERIALS ARE TO BE OF THE BEST QUALITY AVAILABLE.

12. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

13. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODES AND SPECIFICATIONS.

14. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND SPECIFICATIONS.

15. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN INSTITUTE OF ARCHITECTS (AIA) CODE OF ETHICS AND CANONS.

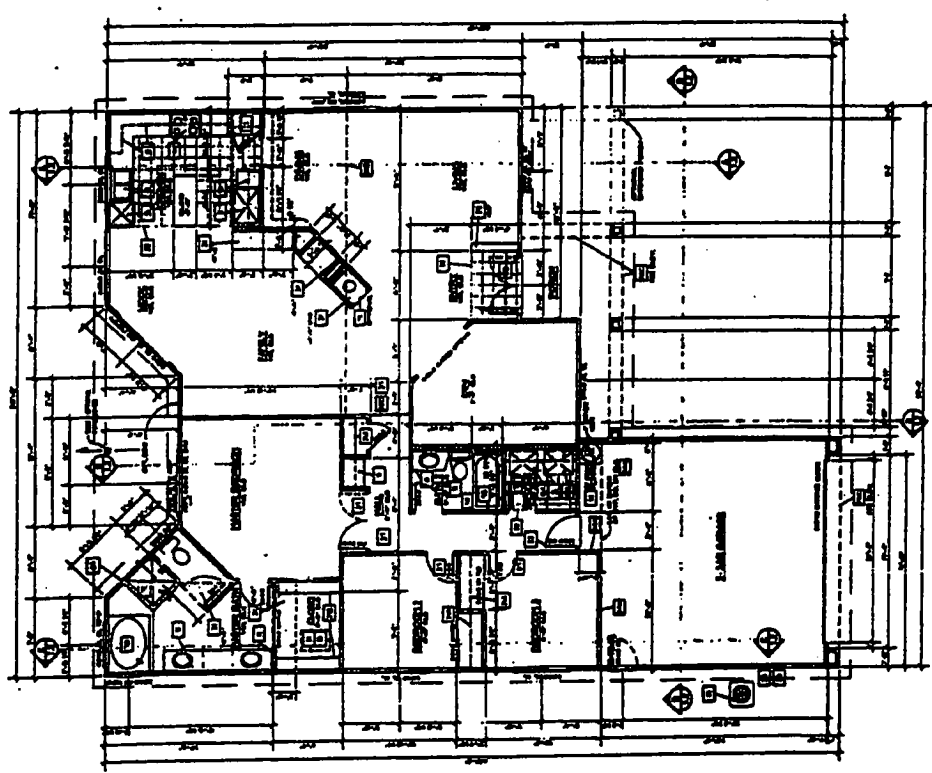
16. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) CODE OF ETHICS AND CANONS.

17. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) CODE OF ETHICS AND CANONS.

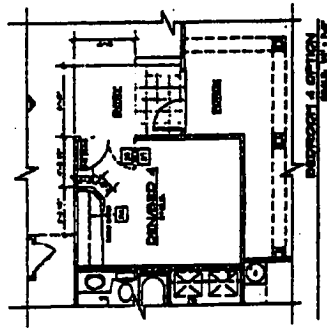
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20. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE) CODE OF ETHICS AND CANONS.



FLOOR PLAN



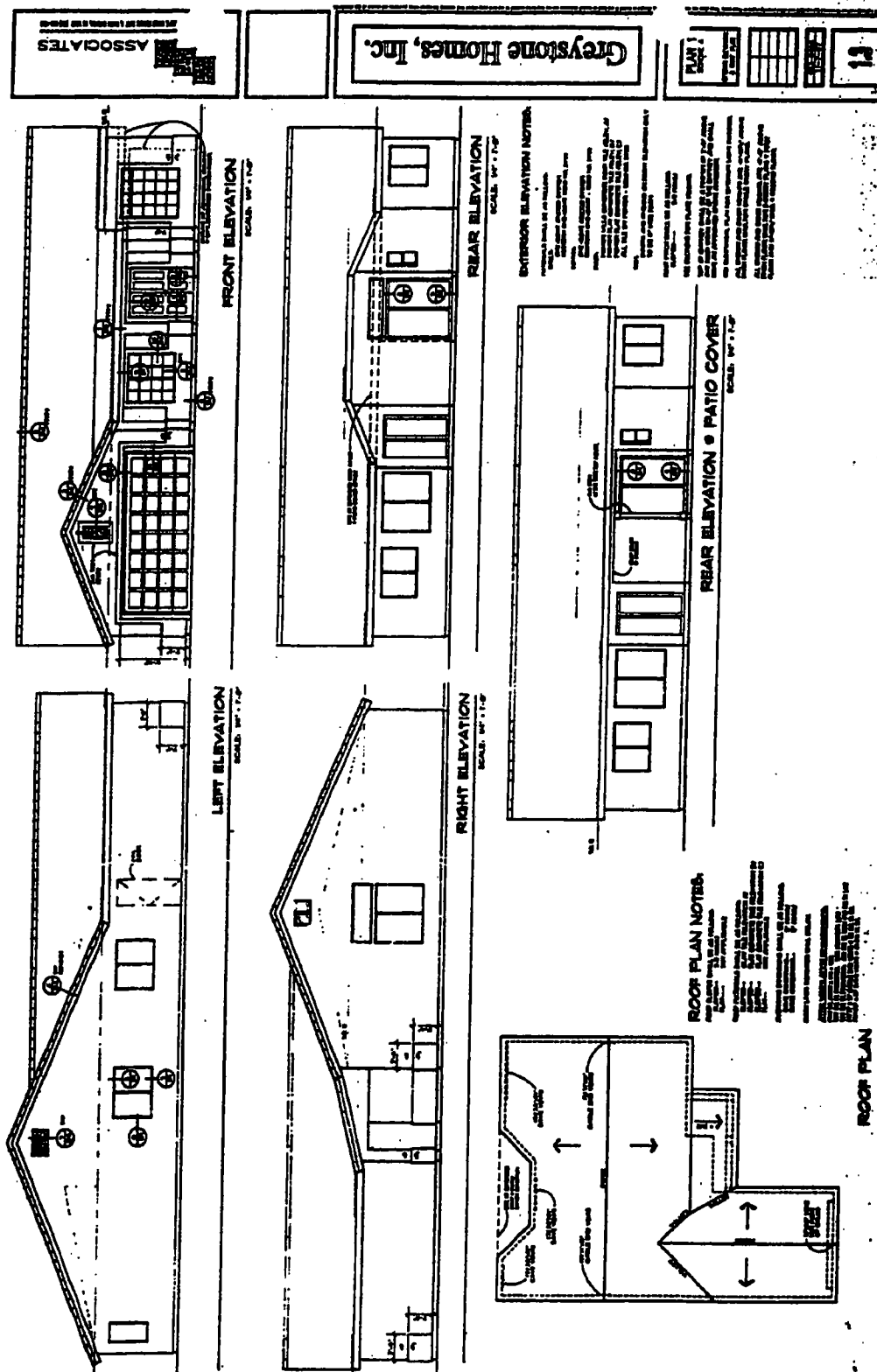
STAFF

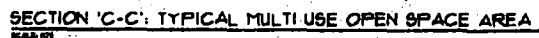
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1-20-60

EOT-6090
4-6-05 CC



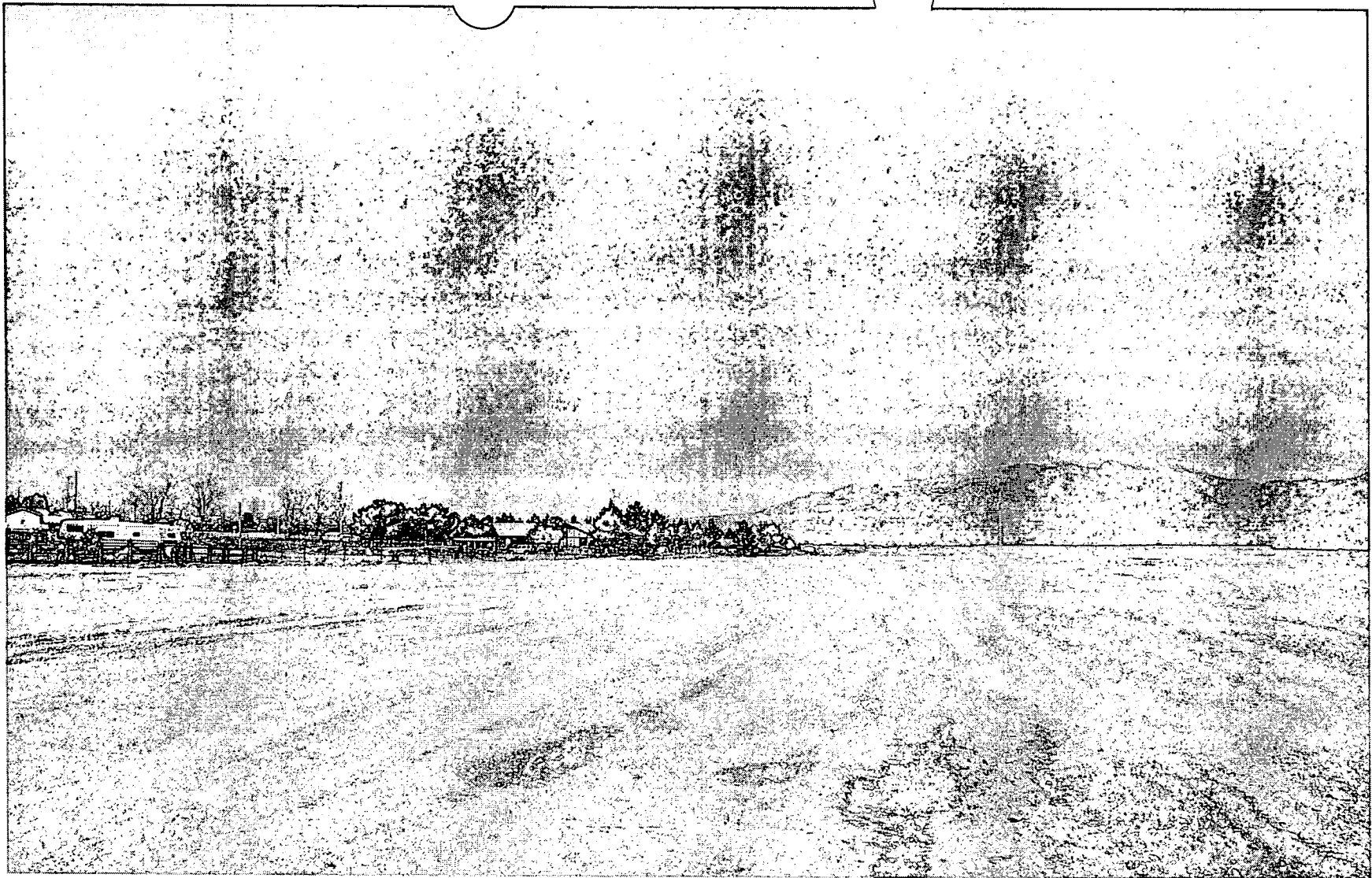


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EOT-6090
4-6-05 CC

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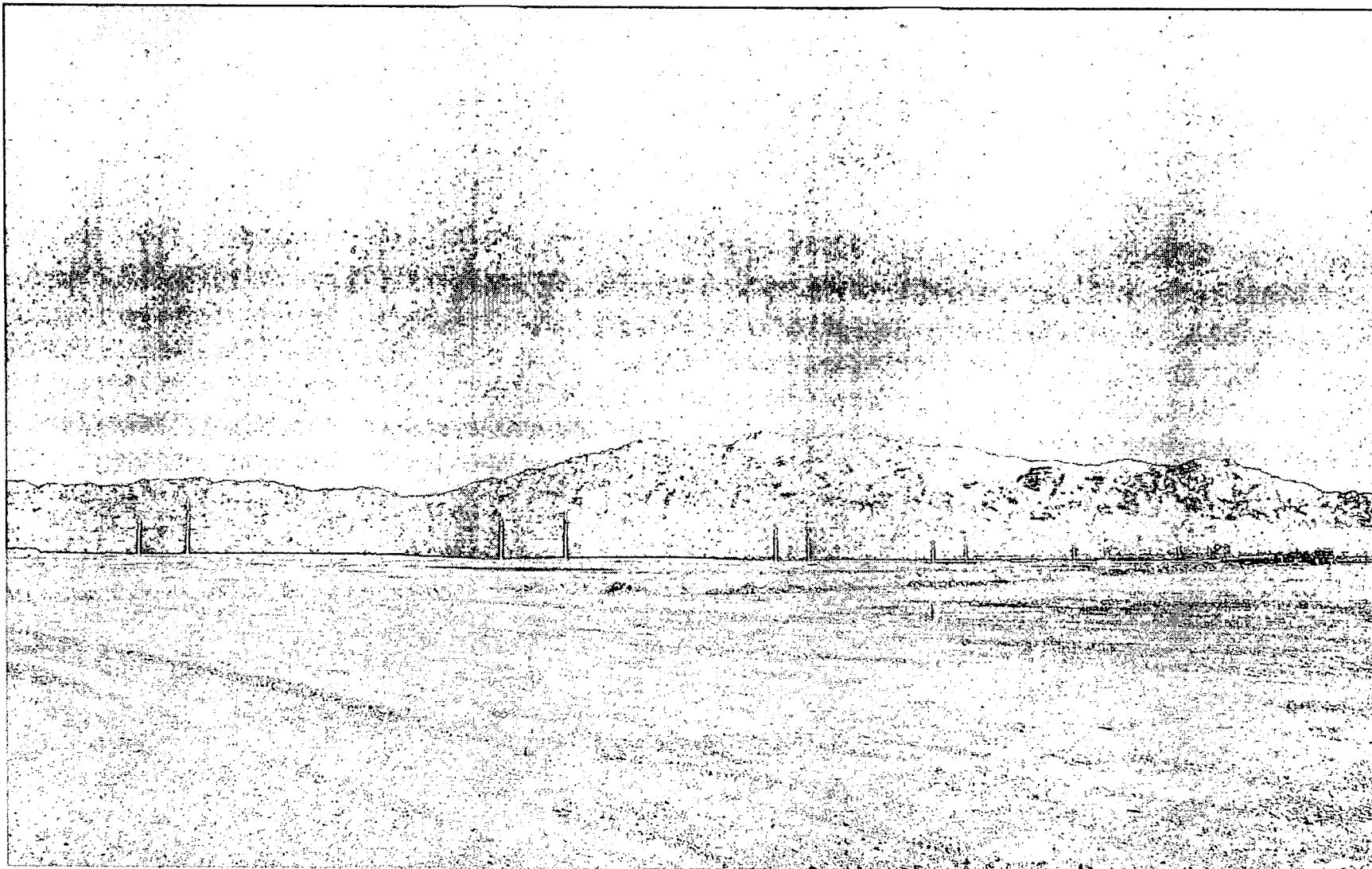


EOT-6090 - APPLICANT/OWNER: DR HORTON

Adjacent to the east and west sides of Durango Drive, between Log Cabin Way and Moccasin Road

APRIL 6, 2005 CITY COUNCIL MEETING

Picture taken 03/07/05



EOT-6090 - APPLICANT/OWNER: DR HORTON

Adjacent to the east and west sides of Durango Drive, between Log Cabin Way and Moccasin Road

APRIL 6, 2005 CITY COUNCIL MEETING

Picture taken 03/07/05



G. C. WALLACE, INC.
Engineers • Planners • Surveyors

G. C. WALLACE, PE/SE, PLS
JAMES A. DUDDESTEN, PE
MICHAEL D. ROSS, PE
CHRISTOPHER W. ANDERSON, PE
CALVIN L. BLACK, PE, PLS
E. ROBERT PETERSON
SCOTT R. PLUMMER, PE
BENJAMIN C. SMITH, PE
EUGENE W. WRIGHT, PE

THOMAS P. DYSON, PE
DOUGLAS M. HANKEL
J. P. HIGGINS, PLS, WRS
BERT A. HUGHES, PE
RICKEY D. HUMSAKER, PE, LC
NOEL C. LAUGHLIN, PE
MARVIN W. MAIZE
TIMOTHY A. MCCOY, PE, PTOE
DANNY S. McFADDEN, PE
S. WILLIAM NEIGHBORS, PE
THOMAS R. NICHOLS, PE
FREDERICK W. ORBAN, PLS
JERRY E. PRUITT, PE
BRIAN L. SCHMIDT, PE
JEFF W. STAYTON, PE
JOHN R. TOBIN, PE, PTOE
HOWARD K. VANDER MEER, PE, WRS
C. IRA WALLACE, PE

TIM B. BAKKEDAH, PE
SEPH A. BODROG, PLS
Y. D. CLARK, PE
D. A. DEXHEIMER, PE
ERIC J. GALVAN
RANDALL K. GREMLICH, PE
PASCAL HAYES, PE/SE
DANNY E. HILL, PLS
DAPHNE L. HOFFMAN
DONALD L. HOTCHKISS JR., PE
BILL HUNTER, PE
RANDY W. MROWICKI, PLS
JOHNNIE R. PATE JR., PE, PTOE
FRED A. SELLE
SAUNDRA L. VANCE, CCS, CCCA

FAYSAL ARIDI, PE
RYAN R. BELSICK, PE
JOHN T. BROWN, PE
PATRICK S. BYRD, PE
MARY A. CARR, PE
RICHARD G. CLARKE
GLENN R. CURTIS, III, CMI
IAIN DOLEMAN
JOHN FITCH, PE
ERIC C. GILES, PE/SE
NICHOLAS G. GOLZ, PE
KEITH HATTON, PE
TODD C. HAYNE, PE
GERALD L. HOLTON, PLS, WRS
RUSSELL D. JAMISON, PLS
JOSH JOHNSON, PE
YANN JONGSMA, PE
JD N. KELLEY, PE
JINIS R. KETTERMAN
ED KHANBOLOUKI, PE
SCOTT R. LANDERMAN, PLS
PAUL R. LOHMAN, PE
RICHARD A. LOZANO, PE
MICHAEL J. LUDWIG, PE
CHRISTOPHER M. LUQUETTE, PE, CFM
JEFFERY J. McBRIDE, PE
WILLIAM METCALF
MATTHEW D. MEYER, PE
WILLIAM J. MEYER, PE
RIMAH I. NAZZAL, PE/SE
GIA D. NGUYEN, PE
JERRY E. PASCOE, PLS
WESLEY T. PETTY, PE
CHRISTOPHER W. PLUTTE, PE
RICK J. READ, PE
BRADFORD G. ROCKWELL, PE
CHRISTOPHER B. SMITH, PE
DONNA J. STRALOW, PLS
S. TRACY STRATTON
CHURAJIRAT (ANN) TANAKU, PE
GRANT Y. TOKUMI, PE
KEVIN L. TOMLINSON, PE
JERRY TSUNETA
F. EDUARDO VILLALOBOS, PE/SE
PAUL J. VILLALUZ, PE
KEVIN W. WALLACE, PLS
GLENN B. WATANABE, PE
STEPHEN L. WEATHERMAN, PE
MANSON W. WONG, PE, PTOE
DEBRA M. YAMACHIKA, PE
DERICK DJ. YORO, PE

AFFILIATE OFFICE IN
SACRAMENTO, CA

767.017

February 7, 2005

City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

Subject: High Trails Ranch/Log Cabin Ranch
SDR-1395 Extension of Time

Dear Sir or Madam:

On behalf of our client, D.R. Horton, G.C. Wallace is requesting an Extension of Time for the High Trails Ranch/Log Cabin Ranch Site Development Plan Review, SDR-1395.

The Site Development Plan Review was originally submitted as a condition of Z-1-99. Due to the protracted process of procuring a land swap with the State for utility easement and right-of-way purposes, we have been unable to record the Parent Final Map, FMP-4806. With an extension of time to February 9, 2006 we will have the time necessary to complete this project and record the Log Cabin Ranch Parent Final Map along with the subsequent seven units.

If you have any questions or require any additional information, please call me at 804-4374. Thank you for your consideration of this matter.

Very truly yours,
G.C. Wallace, Inc.

Elisabet Wadsworth
Project Coordinator

cc: Tommy Uribe, DR Horton
Gia Nguyen, GC Wallace

EOT-6090

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

EXTENSION OF TIME - SPECIAL USE PERMIT

EOT-6162 - APPLICANT/OWNER: DEER SPRINGS INVESTMENTS, LLC - Request for an Extension of Time for an approved Special Use Permit which allowed A TAVERN on a portion of 5.0 acres adjacent to northwest corner of Durango Drive and Deer Springs Way (APN 125-20-201-025) T-C (Town Center) Zone, Ward 6 (Mack). 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:

BROWN - APPROVED subject to conditions Item 92 [EOT-6090] and Item 93 [EOT-6162] -
UNANIMOUS with REESE excused

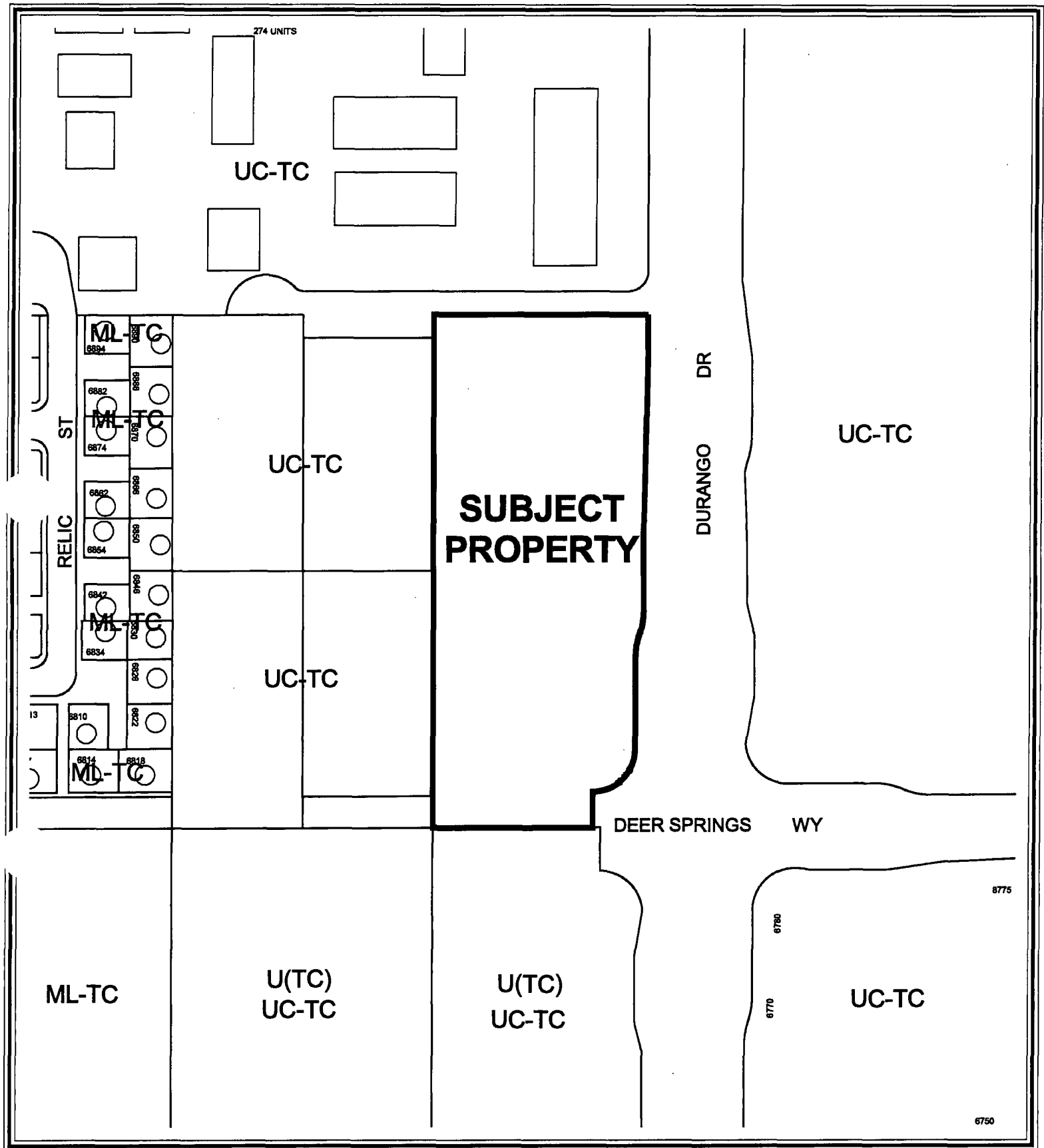
MINUTES:

There was no discussion.
(2:37 - 2:38
4-2229

CONDITIONS:

Planning and Development

1. This Extension of Time shall expire on 03/19/07 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning ZON-1620, Special Use Permit SUP-1569, Site Development Plan Review SDR-1741 and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

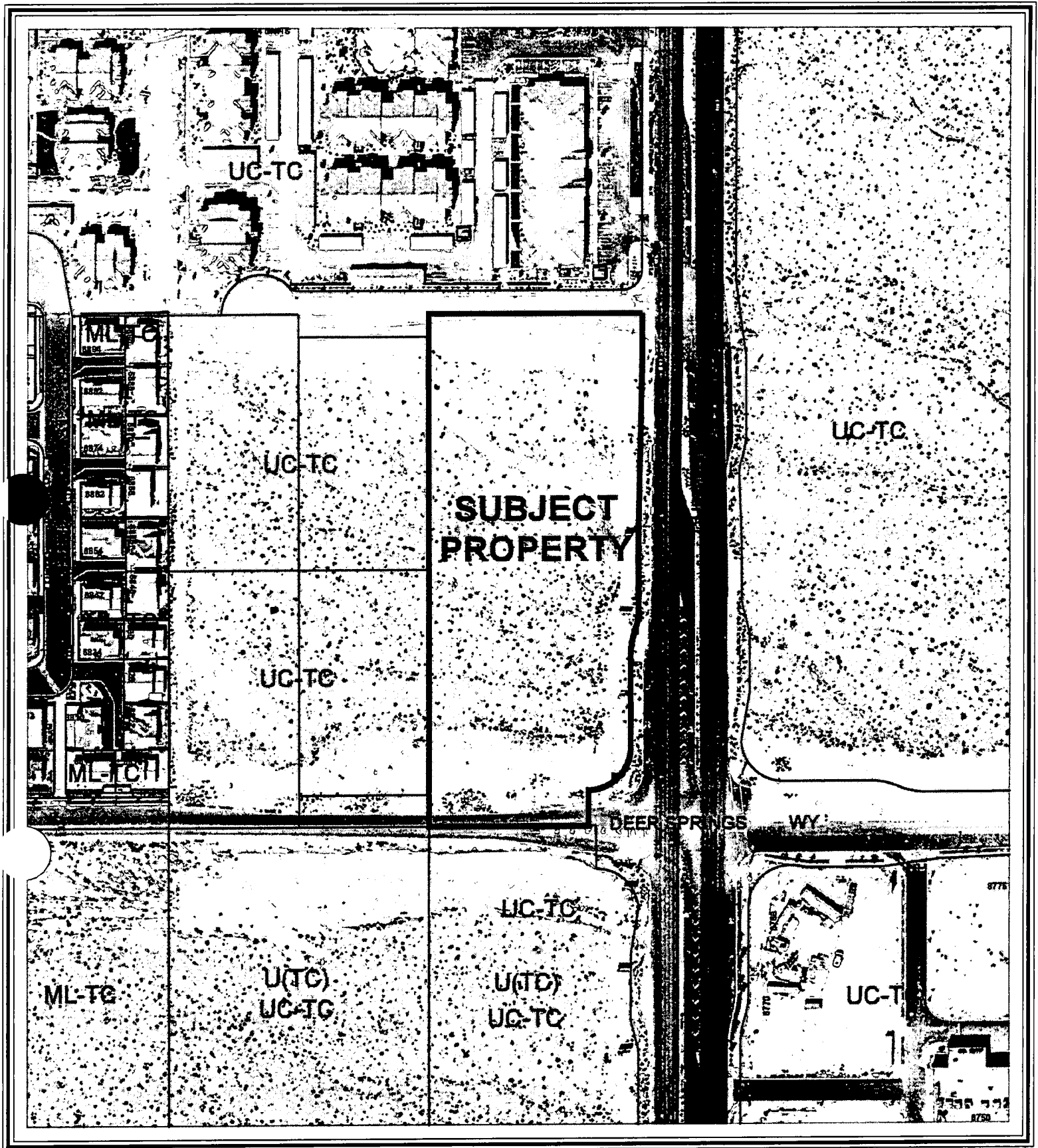


CASE: EOT-6162

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)
SPECIAL LAND USE DESIGNATION]





CASE: EOT-6162

ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED USE - TOWN CENTER)
SPECIAL LAND USE DESIGNATION]



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-6162 - APPLICANT/OWNER: DEER SPRINGS
INVESTMENTS, LLC

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time shall expire on 03/19/07 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning ZON-1620, Special Use Permit SUP-1569, Site Development Plan Review SDR-1741 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-1569) which allowed a tavern on a portion of 5.0 acres adjacent to northwest corner of Durango Drive and Deer Springs Way.

B) Applicant's Justification

The applicant's justification letter indicates additional time is needed to complete a feasibility study, engineering and design work for the high density mixed use development.

BACKGROUND INFORMATION

A) Related Actions

03/19/03 The City Council approved a Rezoning (ZON-1620) to TC (Town Center), a Special Use Permit (SUP-1569) which allowed the tavern and a Site Development Plan Review (SDR-1741) for the proposed tavern on this site. The Planning Commission and staff recommended approval on 02/13/03.

03/16/05 To date no permits have been submitted for the proposed tavern on this site.

B) Pre-Application Meeting

A pre-application meeting is not required for this type of application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.0
Net Acres: 3.96

B) Existing Land Use

Subject Property: Undeveloped
North: Apartments
South: Undeveloped
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: UC-TC (Urban Center Mixed-Use - Town Center)
North: UC-TC (Urban Center Mixed-Use - Town Center)
South: UC-TC (Urban Center Mixed-Use - Town Center)
East: UC-TC (Urban Center Mixed-Use - Town Center)
West: UC-TC (Urban Center Mixed-Use - Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center)
North: T-C (Town Center)
South: U (Undeveloped) [TC (Town Center) General Plan Designation]
East: T-C (Town Center)
West: T-C (Town Center)

E) General Plan Compliance

The site is designated as TC (Town Center) on the Centennial Hills Sector map of the General Plan. The existing T-C (Town Center) zoning and UC-TC (Urban Center Mixed Use - Town Center) land use are in compliance with this land use designation.

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

The site is located within the portion of Town Center designated as UC-TC (Urban Center Mixed-Use). Development within this land use designation will typically be multi-storied having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. Development in this land use designation shall be consistent with Section 3.4.3, Mixed Use, of the Centennial Hills Sector Plan.

B) General Analysis and Discussion

- Zoning

The proposed tavern is allowed in the T-C (Town Center) zoning district and UC-TC (Urban Center Mixed-Use - Town Center) land use designation with the approval of a Special Use Permit.

- Use

The proposed tavern remains appropriate as approved as there has been little change in the area. The site is surrounded by predominately commercial and mixed use land uses, which are compatible with approved tavern. Therefore, the recommendation for this request is approval with another two year time limit.

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 Town Center Development Standards require a tavern 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, this use meets the minimum distance separation requirements as no protected uses have been identified within 400 feet of the subject property.

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

The subject site remains physically suitable for the type and intensity of land use as proposed by this proposed tavern.

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.”**

Durango Drive is designated as 100-foot wide Primary Arterial and Deer Springs Way is designated as an 80-foot wide Secondary Collector. Both rights-of-way remain adequate access to the subject site.

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

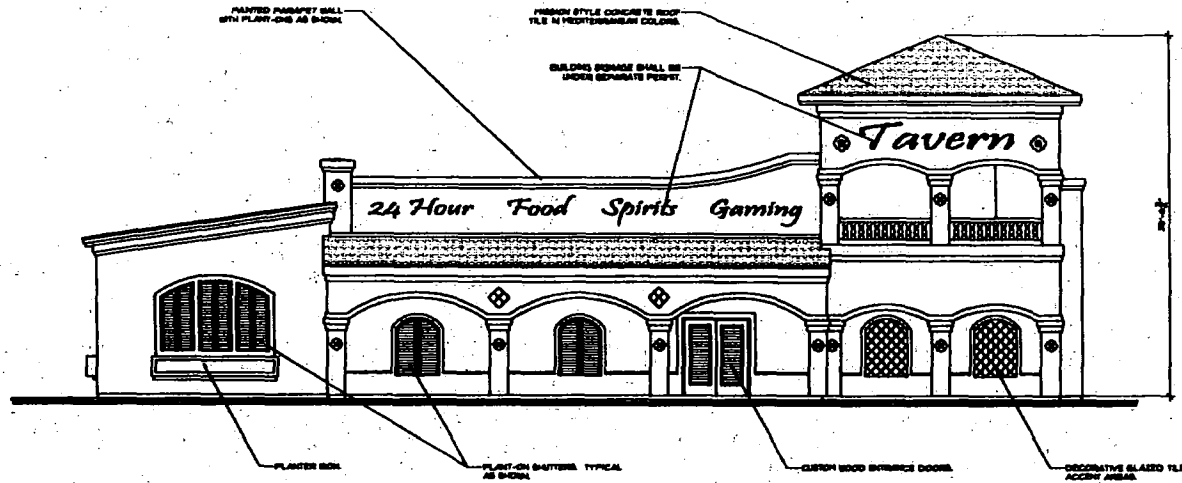
The proposed tavern use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare.

NOTICES MAILED N/A

APPROVALS 0

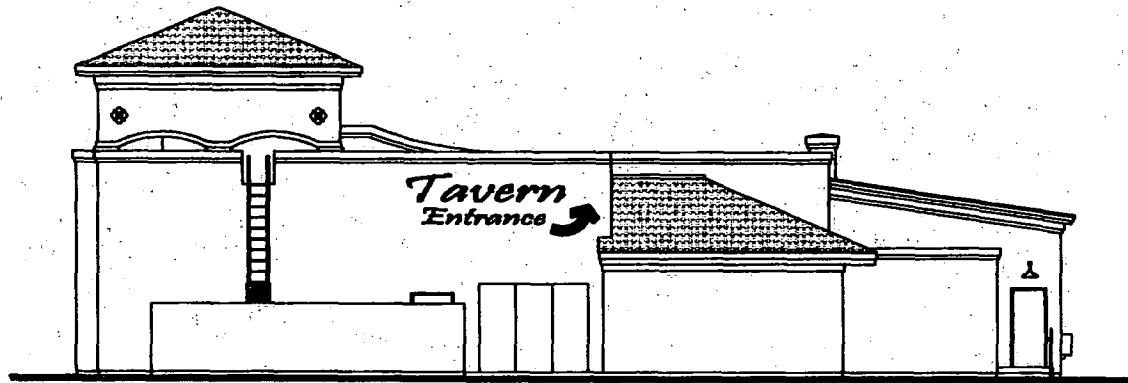
PROTESTS 0





WEST ELEVATION

SCALE: 3/8" = 1'-0"



EAST ELEVATION

SCALE: 3/8" = 1'-0"

EOT-6162

4-6-05 CC

ADDRESS NOTE:
THE BUILDING ADDRESS SHALL BE PLACED FOR APPLICABLE MUNICIPALITY REQUIREMENTS. PROBABLY THE ADDRESS LOCATIONS AND IMPRINTS SHALL MEET THE FOLLOWING CRITERIA:

- ADDRESS SHALL BE 6"X 12" MINIMUM
- ADDRESS MUST BE DISPLAYED ON THE FREE STANDING SIGN AND ON AT LEAST ON LOCATION ON THE BUILDING
- PLACE ADDRESS SO IT IS VISIBLE FROM THE STREET IN BOTH DIRECTIONS
- CONTRAST THE COLOR OF THE ADDRESS IMPRINTS WITH THE COLOR OF THE BACKGROUND
- ALIGNMENTS THE ADDRESS IMPRINTS EITHER DIRECTLY OR INDIRECTLY SO IT IS VISIBLE AT NIGHT
- PLACE ADDRESS CLEAR OF LANDSCAPING
- ADDRESS MUST BE DISPLAYED AT EACH ENTRANCE

REVISIONS

Rev. Date Description

Rev.	Date	Description

CONTRACTOR

Rev.	Date	Description

FRESLIN BUILDERS

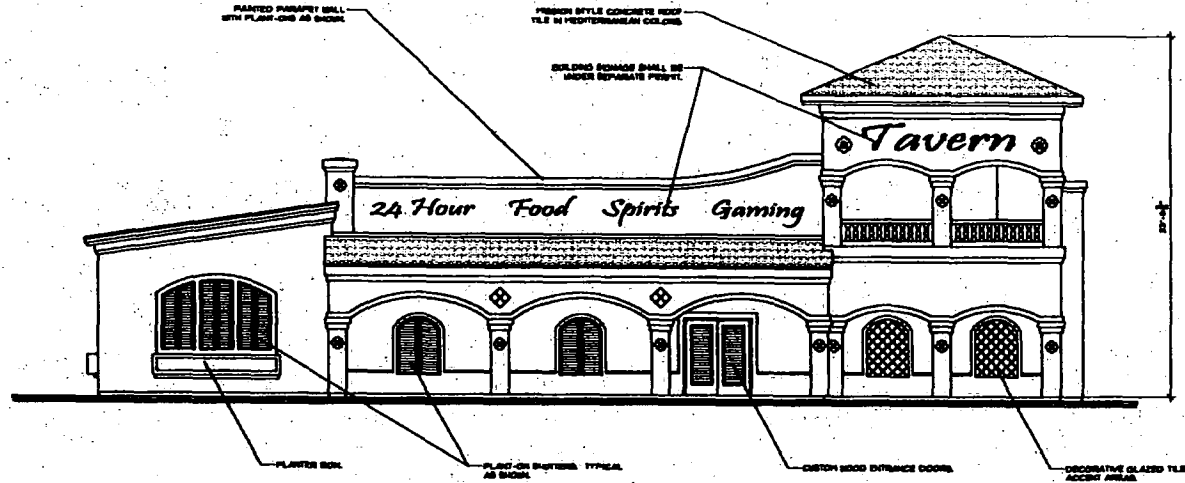
DESIGN & CONSTRUCTION
LUTHERVILLE, MARYLAND
LICENSE NUMBER
8825 PLUMMER AVENUE, SUITE 6
LAS VEGAS, NEVADA 89119
(702) 796-3077
FAX: (702) 796-3088
www.freslinbuilders.com

Project Owner:
Doug Hitt Development
Northwest Corner of El
Capitan Way and Deer
Springs, Las Vegas,
Nevada

Sheet Title:
Exterior Elevations

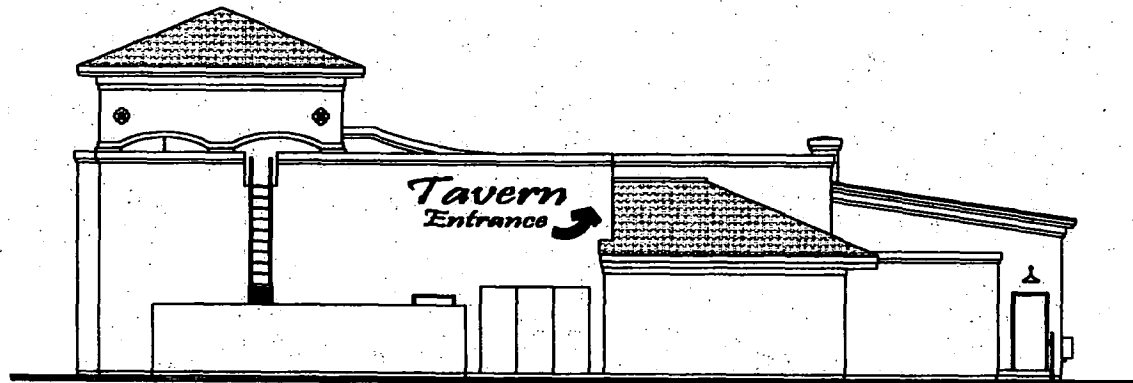
Date: December 16, 2005
Project No.: 4000
City of Las Vegas

A2.1



WEST ELEVATION

SCALE: 3/8" = 1'-0"



EAST ELEVATION

SCALE: 3/8" = 1'-0"

EOT-6162

4-6-05 CC

REVISIONS

No.	Date	Description

 Project Manager

 Designer

 Checker

 Date

CONTRACTOR

BRESLIN BUILDERS

DESIGN & CONSTRUCTION

COMMERCIAL, RESIDENTIAL, CONSTRUCTION

ADDRESS: 8000

800 POLARIS AVENUE, SUITE 100

LAS VEGAS, NEVADA 89115

TEL: 702-737-1000

FAX: 702-737-1000

www.breslinbuilders.com

Doug Hitt Development

Northwest Corner of El
 Capitan Way and Deer
 Springs, Las Vegas,
 Nevada

Exterior Elevations

ADDRESS NOTE:
 THE BUILDING ADDRESS SHALL BE PLACED
 PER APPLICABLE JURISDICTION REQUIREMENTS.
 PREPARE THE ADDRESS LOCATION AND MARKING
 SHALL MEET THE FOLLOWING CRITERIA:

- ADDRESS SHALL BE 6" HIGH
- ADDRESS SHALL BE DISPLAYED ON THE FREE
 STANDING SIGN AND ON AT LEAST ON LOCATION
 ON THE BUILDING.
- PLACE ADDRESS SO IT IS VISIBLE FROM THE
 STREET IN BOTH DIRECTIONS.
- CONTRAST THE COLOR OF THE ADDRESS MARKING
 WITH THE COLOR OF THE BACKGROUND.
- ILLUSTRATE THE ADDRESS MARKING EITHER DIRECTLY
 OR INDIRECTLY SO IT IS VISIBLE AT NIGHT.
- PLACE ADDRESS CLEAR OF LANDSCAPE.
- ADDRESS MUST BE DISPLAYED AT EACH ENTRANCE.

Date:	December 16, 2005	Drawn By:	TJH
Project No.:	41001	Checked By:	TJH
Location:	City of Las Vegas		

A2.1



1. USE SHEET AND FOR CONCRETE, WALL, TYPICAL, AND OTHER LAYOUT INFORMATION.
2. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES PERMITS TO CONSTRUCTION CODE, CHAPTER 16.01, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7.
3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES PERMITS TO CONSTRUCTION CODE, CHAPTER 16.01, AND THE CALIFORNIA BUILDING CODE, CHAPTER 7.
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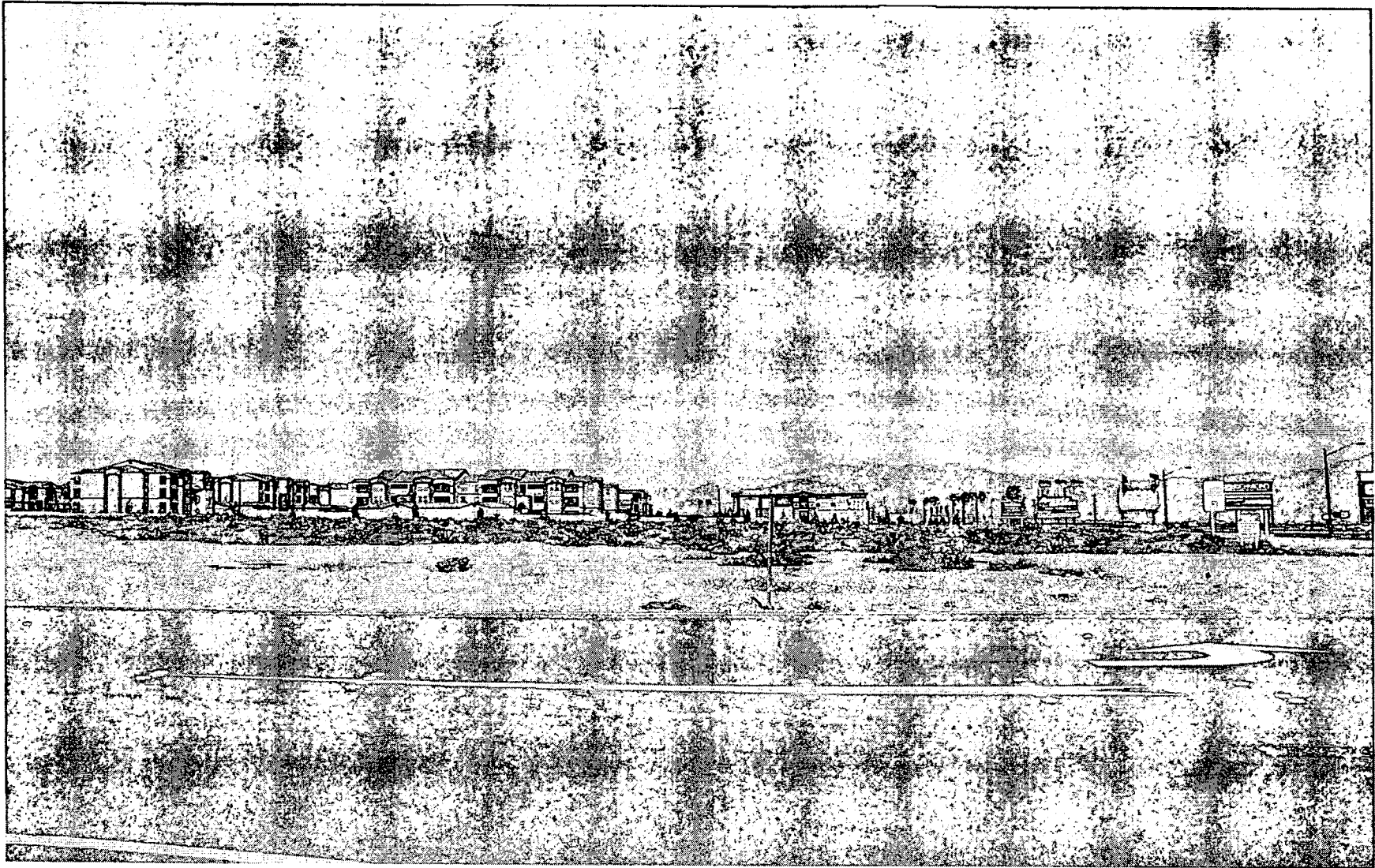
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Designed By
Reviewed By
Checked By
Approved By
Date
Signature
Title
Department
City of Los Angeles

Bou Hitt Development
 Northwest Corner of E
 8th and Main
 Las Vegas, NV

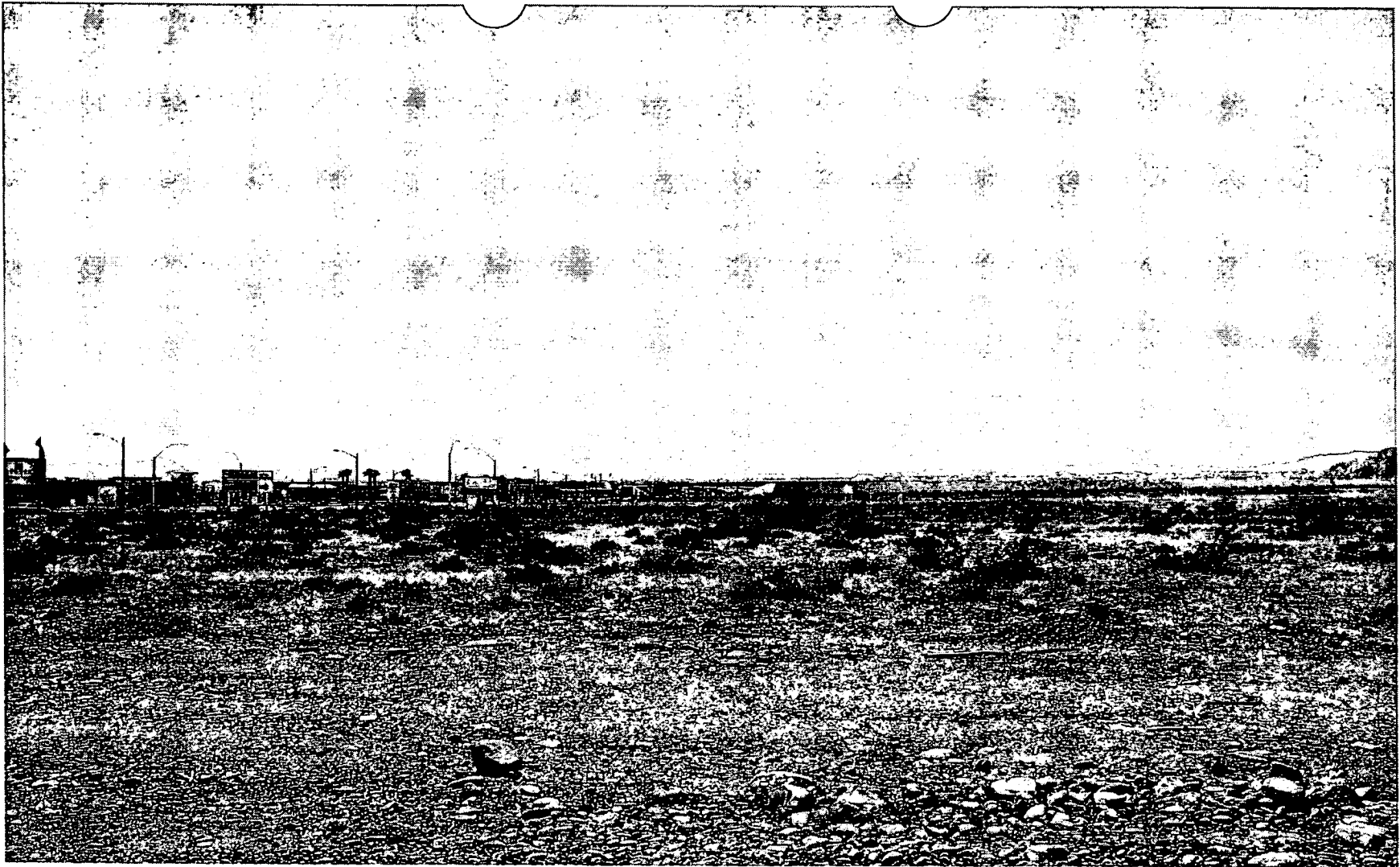
RESLIN BUILDERS

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EOT-6162 - APPLICANT/OWNER: DEER SPRINGS INVESTMENTS, LLC
Adjacent to the northwest corner of Durango Drive and Deer Springs Way
APRIL 6, 2005 CITY COUNCIL MEETING

Picture taken 03/07/05



EOT-6162 - APPLICANT/OWNER: DEER SPRINGS INVESTMENTS, LLC
Adjacent to the northwest corner of Durango Drive and Deer Springs Way
APRIL 6, 2005 CITY COUNCIL MEETING

Picture taken 03/07/05

*Justification Letter
#SUP 1569
Extension of time request*

I need additional time to complete my feasibility study, engineering and design work for my high density mixed use development.

Purposed project is located in Northwest Centennial Hills Town Center.

Please call me with any questions.

*W. Douglas Hitt
Deer Springs Investments, LLC
2208 Alia Court
Las Vegas, NV 89102
702 595-9112*

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

DIRECTOR'S BUSINESS

DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS, Ward 6 (Mack). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Lionel Sawyer & Collins
5. Planning and Development Department letter dated 02/07/05

MOTION:

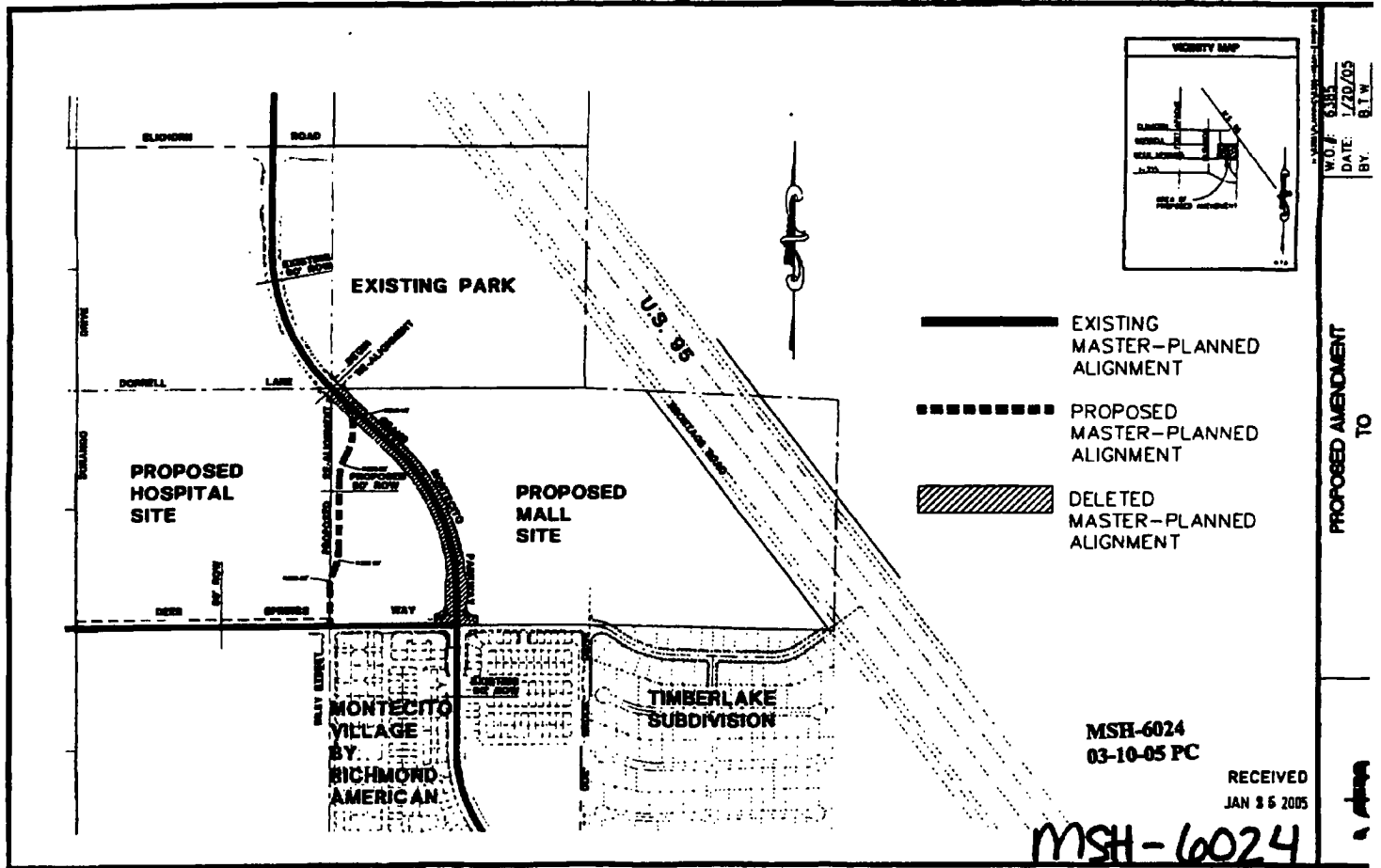
REESE - Motion to STRIKE Item 88 [2740 Harris Avenue] and Item 94 [DIR-6223]; TABLE Item 102 [SDR-6025] and HOLD IN ABEYANCE Item 140 [ZON-5776], Item 141 [VAR-5846] and Item 142 [SDR-5778] to 5/4/2005 - UNANIMOUS

MINUTES:

There was no discussion.

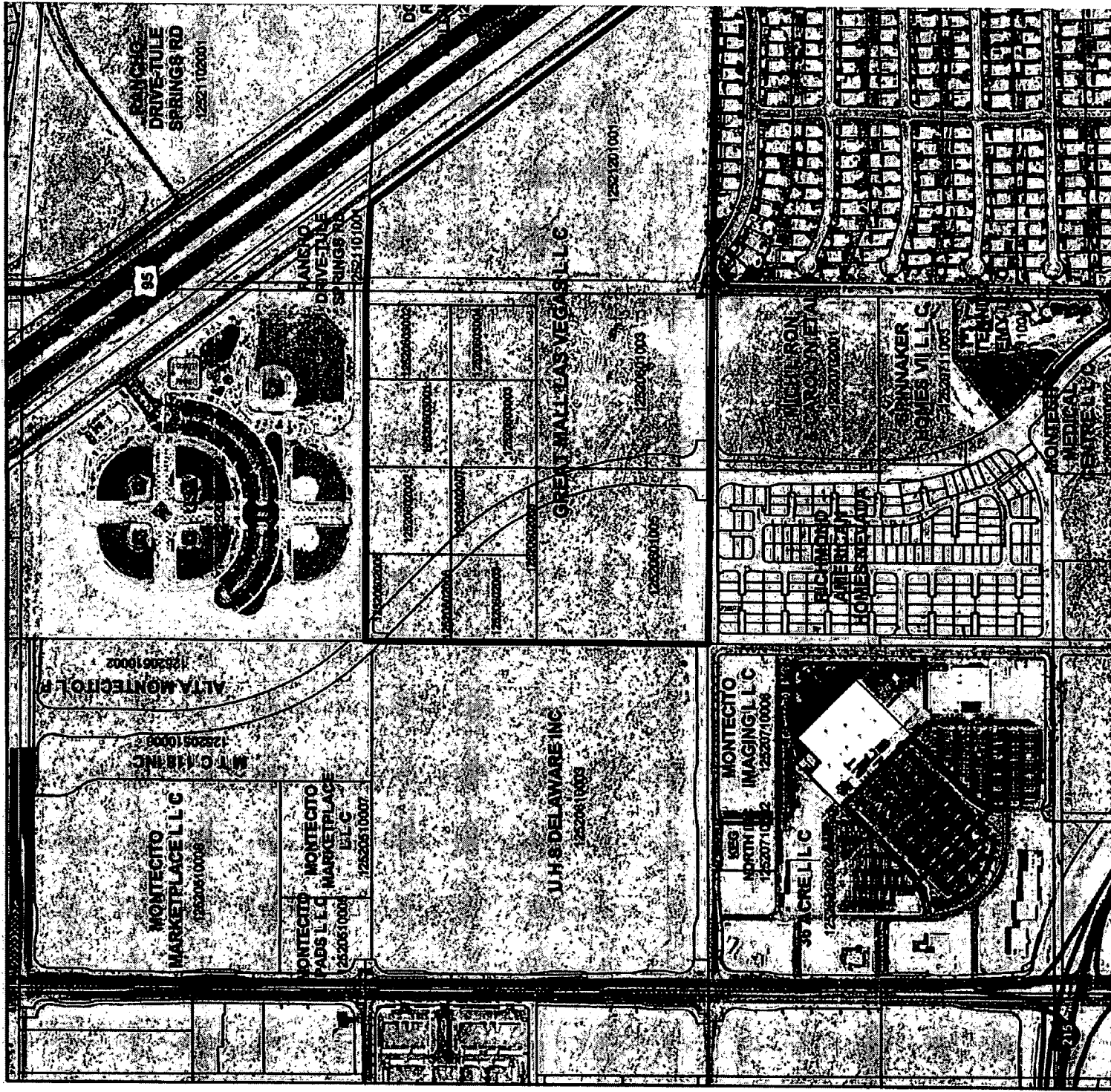
(1:36 - 1:50)

4-1



DIR-6223

4-6-05 CC



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

**ITEM DESCRIPTION: DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA
DEVELOPMENT CORPORATION**

**** CONDITIONS ****

Staff recommends DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is for an appeal of the Director's decision, per Title 19.00.070.F to deny acceptance of the application of a Request to amend the Master Plan of Streets and Highways (MSH-6024) to realign a portion of Grand Montecito Parkway between the Dorrell Lane alignment and Deer Springs Way, for failure to comply with requirements set forth in the Montecito Town Center Development Agreement.

BACKGROUND DATA

- 04/19/00 The City Council approved an amendment (MSH-0001-00) to the Master Plan of Streets and Highways, to create a number of major roadways, which included Grand Montecito Parkway (at that time not finally named and noted preliminarily as Durango Drive), within the Town Center area. This roadway system was intended to fulfill the requirement of the Federal Highway Administration to have a loop road system around the Town Center to provide local access to all four quadrants of the Town Center.
- 04/03/02 The Montecito Town Center Development Agreement was entered into by the City of Las Vegas and Montecito Town Center LLC, a Nevada limited liability company.
- 02/07/05 The Planning and Development Department issued a letter indicating the request to amend the Master Plan of Streets and Highways (MSH-6024) to realign a portion of Grand Montecito Parkway between the Dorrell Lane alignment and Deer Springs Way could not be accepted because the applicant did not provide evidence that the request met the requirements of the Montecito Town Center Development Agreement.
- 02/24/05 The Planning and Development Department received a letter from the applicant's representative requesting that the Department's refusal to accept the application as constituted be appealed to the City Council. This letter was dated 02/24/05 which is 17 days after the letter of non-acceptance was sent. Title 19.00.070.F only provides for a ten-day appeal period.
- 03/09/05 The Planning and Development Department received an amended request from Triple 5 Nevada Development Corporation to MSH-6024 dated 03/08/05, to delete, rather than realign, the segment of Grand Montecito Parkway located within the "Great Mall of Las Vegas LLC" site, located on parcels 125-20-602-002/003/006/007 and 125-20-601-003 and 005.

On 03/15/05, the applicant's representative provided a site plan to Planning staff in support of this amended request, illustrating a site plan of a mall development on the site incorporating a proposed private street through the subject parcel to connect Grand Montecito Parkway from the northern boundary of the site to Deer Springs Way at the southern boundary of the site. This proposed private street does not meet public street standards. This amended request has been made without the express written consent of Montecito Town Center LLC.

DETAILS OF APPLICATION REQUEST

The applicant had initially requested that a portion of Grand Montecito Parkway located within an area known as the Montecito Town Center, designated as a "Special Design Road" on the Master Plan of Streets and Highways, be realigned generally to the west of its currently approved location. The applicant has filed this request for an amendment as MSH-6024. The City, through the Director of the Department of Planning and Development and the City Attorney's Office, took in the application but advised the applicant that it would not agenda the item until the request was signed by Montecito Town Center LLC (the "Owner") in accordance with the City's interpretation of the requirements of the Montecito Town Center Development Agreement. The applicant is now appealing the City's refusal to agenda its request, based on the provisions of Title 19.00.070.F.

ANALYSIS & FINDINGS

Firstly, it should be noted that the applicant's appeal was contained in a letter dated 02/24/05, which is 17 days after the City's letter of non-acceptance was sent (02/07/05). Title 19.00.070.F only provides for a ten-day appeal period. It is the view of the City's legal staff that this appeal is not properly constituted and that the decision of the Director to not accept the application should be considered as Final Action.

Should the City Council elect to consider the appeal on its merits, a number of points should be considered. Upon its approval, the Montecito Town Center Development Agreement superceded other City regulations and policies within the original Agreement area of approximately 192 acres (now approximately 210 acres) and limited such regulations and policies to those in effect on the date of approval of the Agreement. Section 3.2 of the Agreement specifically states that any modification of the "Montecito Rules", which are specifically defined under subsection 1.1(22) of the Agreement, and which include "Normal City Rules" defined under subsection 1.1(2) of the Agreement, which in turn includes any change to zoning or any regulations, plans and policies, including amendments to the Master Plan of Streets and Highways, requires the "express written consent" of the Owner. The term "Owner" is also specifically defined under subsection 1.1(33) of the Agreement, to mean:

...Montecito Town Center LLC, a Nevada limited liability company, the owner of the land constituting the property and its successors and assigns, if any, as permitted under the terms of subsections 12.2(a) and 12.2(b) of this Agreement.

These subsections of the Agreement allow Montecito Town Center LLC to sell portions of its land within the Agreement area to other corporate entities for development, and to voluntarily transfer or assign rights of the Owner. The intent of these subsections is to require these purchasers to assume any liabilities, duties or obligations of the Owner, or to fully transfer these rights if the Owner sells off a majority of the Agreement area. This clause provides protection to the City by ensuring that some entity is responsible for the obligations of the master developer. These clauses do not specifically obligate the Owner to transfer the rights of changes to the "Montecito Rules"; these are specifically regulated by subsection 3.2 of the Agreement.

Additionally, the applicant had initially provided a map as part of the MSH-6024 application that indicates that a portion of the realigned road as proposed would be in part located on the parcel to the west, which is under separate ownership and has been approved for a hospital development. The owners of that site have not signed the application for the streets and highways amendment; as a result, the application is incomplete from that standpoint.

The applicant, in order to eliminate the need for participation by the owners of the hospital parcel to the west, have submitted on 03/09/05 a revised request to simply delete Grand Montecito Parkway from the subject site. This would have the effect of "dead-ending" the portion of Grand Montecito Parkway to the north of the site. The applicant has attempted to resolve this issue by providing a site plan for the subject site showing an internal private road connecting Grand Montecito Parkway to Deer Springs Way to the south. This would not represent a satisfactory solution, however, as the proposed private road has two 90-degree intersections and sharp curves that do not meet the necessary public street standards, and could not convey adequate traffic flows if approved. It should be noted that the site plan as provided to staff has never had prior review or approval by Public Works Department staff, Planning Commission or City Council, and is strictly illustrative in nature.

The major portion of the property in question is owned by Great Mall Las Vegas LLC; however, this does not make this company an "Owner" for the purposes of requesting zoning or other land use or policy changes. Since the application for MSH-6024 was not accompanied by a document providing the "express written consent" of Montecito Town Center LLC pursuant to subsection 3.2 of the Agreement as referenced above, the application was deemed to be incomplete. The Department will not schedule an incomplete application for consideration by the Planning Commission. Accordingly, it is recommended that the appeal be denied.

It is recommended that the amended request similarly be denied, based on:

- (1) the failure of the applicant to file a timely appeal on the first denial, in the view of staff, the first letter was final action and is binding.
- (2) the amended request is not an amendment since the first denial was not properly appealed and should be considered as final. The amended request should actually be considered as a new application and should be subsequently considered on its own merits.

- (3) The applicant per terms of the approved development agreement is not an owner, the request cannot be made for the same reasons as the first denial.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

City of Las Vegas
Planning & Development Department
Current Planning Division
731 South 4th Street
Las Vegas, Nevada 89101

March 8, 2005

RE: MASTER STREETS AND HIGHWAYS PLAN AMENDMENT REQUEST

Triple Five Development is requesting a Master Streets and Highways Plan amendment. We are requesting that a portion of right-of-way generally located in the northwest, known as Grand Montecito Parkway, be realigned between the Dorrell Lane alignment on the north and Deer Springs Way on the South. The master plan currently shows this street as a meandering seventy-foot (70') section of the street frontage system to US 95.

It is the our intent to eliminate a section of this frontage road beginning at a point approximately 1,320 feet south of Elkhorn Road (Dorrell Lane alignment) where the existing right-of-way departs APN# 125-20-510-004 at its southeast corner, south, to its intersection point at Deer Springs Way.

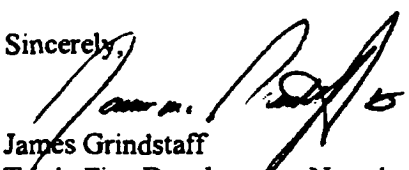
We consider this section of road as currently aligned a significant hardship. We intend on developing a regional mall on property bisected by the current alignment. The intent of this application is to provide the future development with a suitable, single parcel on which to build this regional facility instead of two oddly shaped parcels.

Additionally, as a result of the current status of the S.I.D. it has become necessary to seek alternative solutions to the previous Grand Montecito alignment. We desire to create an alignment that allows for the orderly movement of vehicles while creating points that provide areas for safe pedestrian travel.

This realignment will take a road that currently would split the mall into to separate areas causing multiply daily pedestrian crossing over an extremely busy road and relocated the road to the perimeter thus minimizing the auto / pedestrian conflicts.

Thank you for you time in reviewing our application.

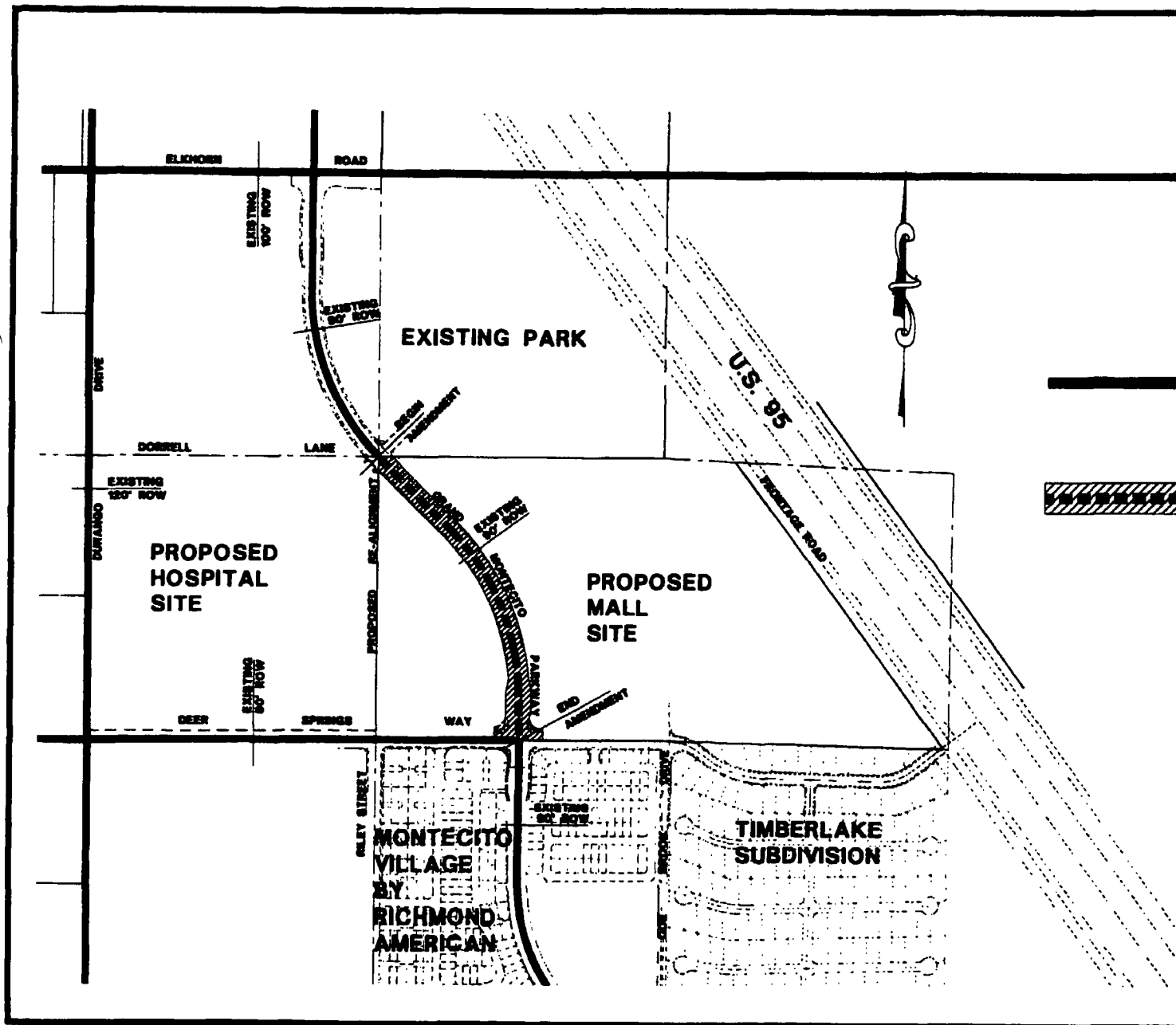
Sincerely,


James Grindstaff
Triple Five Development Nevada

RECEIVED

MAR - 9 2005

.....
DFR-6.223





TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

City of Las Vegas
Planning & Development Department
Current Planning Division
731 South 4th Street
Las Vegas, Nevada 89101

January 25, 2005

RE: MASTER STREETS AND HIGHWAYS PLAN AMENDMENT REQUEST

Triple Five Development is requesting a Master Streets and Highways Plan amendment. We are requesting that a portion of right-of-way generally located in the northwest, known as Grand Montecito Parkway, be realigned between the Dorrell Lane alignment on the north and Deer Springs Way on the South. The master plan currently shows this street as a meandering seventy-foot (70') section of the street frontage system to US 95.

It is the our intent to realign a section of this frontage road beginning at a point approximately 1,320 feet south of Elkhorn Road (Dorrell Lane alignment) where the existing right-of-way departs APN# 125-20-510-004 at its southeast corner, south, to the intersection point of Riley Street and Deer Springs Way. This essentially relocates the intersection of Grand Montecito Parkway and Deer springs Way approximately 660 feet west of its currently planned location.

We consider this section of road as currently aligned a significant hardship. We intend on developing a regional mall on property bisected by the current alignment. The intent of this application is to provide the future development with a suitable, single parcel on which to build this regional facility instead of two oddly shaped parcels.

Additionally, as a result of the current status of the S.I.D. it has become necessary to seek alternative solutions to the previous Grand Montecito alignment. We desire to create an alignment that allows for the orderly movement of vehicles while creating points that provide areas for safe pedestrian travel.

This realignment will take a road that currently would split the mall into to separate areas causing multiply daily pedestrian crossing over an extremely busy road and relocated the road to the perimeter thus minimizing the auto / pedestrian conflicts.

Thank you for you time in reviewing our application.

Sincerely,


James Grindstaff
Triple Five Development Nevada

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

(702) 383-8888

FAX (702) 383-8845

lsc@lionsawyer.com

www.lionsawyer.com

SAMUEL S. LIONEL
GRANT SAWYER
(1918-1996)

JON R. COLLINS
(1923-1987)

RICHARD M. BRYAN
JEFFREY P. ZUCKER
PAUL R. MEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
DENNIS L. KENNEDY
RICHARD W. HORTON
DAN C. BOWEN
MARK A. SOLOMON
RODNEY M. JEAN
HARVEY WHITEMORE
TODD TOUTON
DAVID WHITEMORE
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN
ANTHONY N. CABOT
KIRBY J. SMITH
COLLEEN A. DOLAN

JENNIFER A. SMITH
GARY W. DUHON
LAUREL E. DAVIS
DAN R. REASER
CARL D. SAVELY
MARK LEMMONS
HOWARD E. COLE
PAUL E. LARSEN
P. GREGORY GIORDANO
MARK A. MCINTIRE
ALLEN J. WILT
LYNN S. FULSTONE
RORY J. REID
DAN C. MCGUIRE
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON
SHAWN M. ELICEGUI
HECTOR J. CARBAJAL II
EMILIA K. CARGILL
G. LANCE COBURN
JOHN M. MAYLOR
E. LEIF REID
ELIZABETH R. BRENNAN

JEFFREY D. MENICUCCI
JANET SUE BESSEMER
WILLIAM J. MCKEAN
GREGORY R. GEMIGNANI
DANA A. DWIGGINS
DOREEN SPEARS HARTWELL
SEAN T. WATERS
STEVEN E. HOLLINGWORTH
LINDA M. BULLEN
LAURA K. GRANIER
ALAN D. FREER
MAXIMILIANO D. COUNILLIER III
ELIZABETH BRICKFIELD
LEAH A. AYALA
SARAH E. HARMON

CRISTINA L. JOHNSON
MICHAEL D. KNOX
ROSA SOLIS-RAINEY
ERIC C. BOUGHMAN
ERIN FLYNN
JENNIFER ROBERTS
SUZANNE L. MARTIN
BRENT HEBERLEE
MATTHEW B. CRANE
JASMINE K. MEHTA
JON A. BAUMUNK
CHRISTOPHER CHILDS
MEREDITH L. STOW
JOICE NIOY
*ADMITTED IN CA ONLY

OF COUNSEL

BRIAN MCKAY
ELLEN WHITEMORE
BRIAN HARRIS
ABBIE G. FRIEDMAN
LAURA J. THALACKER

WRITER'S DIRECT DIAL NUMBER:

702-383-8819

plarsen@lionsawyer.com

February 24, 2005

Via Facsimile

M. Margo Wheeler, Director
Planning and Development
City of Las Vegas
400 Stewart Street
Las Vegas, Nevada 89101

DIR-6223

4-6-05 CC

Re: Appeal of Refusal to Process Montecito Parkway Alignment Application MSH-6024

Dear Ms. Wheeler:

Pursuant to Section 3.9 and 3.10 of the Montecito Town Center Development Agreement ("Agreement"), my client Triple Five Nevada Development Corporation ("Triple Five") hereby appeals your February 7th letter wherein you refuse to process or schedule any hearing on Triple Five's application to amend the master plan of streets and highways (MSH-6024). A copy of your letter is attached for your convenient reference. I respectfully request the appeal be set before the City Council on an expedited basis as set forth in Sections 3.9 and 3.10 of the Agreement.

Your refusal letter indicated that the application to amend the streets and highways plan required the "express written consent of the Montecito Companies, LLC" pursuant to Section 3.2 of the Agreement. That provision states that:

City and *Owner* acknowledge and agree the Montecito rules are peculiar to the project and may not be amended, modified or changed with respect to this Project without the express written consent of *Owner* except as otherwise provided in Sections 3.3 through 3.6 of this Agreement. (Emphasis added)

RENO OFFICE: 1100 BANK OF AMERICA PLAZA, 50 WEST LIBERTY STREET • RENO, NEVADA 89501 • (775) 788-8666 • FAX (775) 788-8682

CARSON CITY OFFICE: 410 SOUTH CARSON STREET • CARSON CITY, NEVADA 89701 • (775) 841-2115 • FAX (775) 841-2118

WASHINGTON, DC OFFICE: 101 CONSTITUTION AVENUE NW, SUITE 800 • WASHINGTON, DC 20001 • (202) 742-4264 FAX (202) 742-4265

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

M. Margo Wheeler, Director

February 24, 2005

Page 2

This provision therefore raises several legal questions: Is Montecito Companies, LLC the sole "Owner" under the agreement, whose consent is required to amend the agreement or any of its terms *even after it no longer owns the property in question?* Or, rather, is Triple Five an "Owner" now that it owns the property in question?

If one examines the language of the Agreement, you will see that Section 1.1(33) defines "Owner" as "Montecito Town Center, LLC" (and not Montecito Companies, LLC as your letter erroneously states) as well as "the owner of the land constituting the property *and its successors and assigns, if any*, as permitted under the terms of subsections 12.2(a) and 12.2(b) of this Agreement." (emphasis added). You will no doubt agree that a Triple Five entity now owns the land through which the Montecito Parkway is proposed to run, rather than Montecito Town Center, LLC. Accordingly, it would appear that Triple Five Nevada is an "owner" as defined by the Agreement, and therefore is entitled to petition the City to amend the Agreement, including the Montecito Parkway alignment, in absolute compliance with Section 3.2.

Indeed, the City has previously agreed that Triple Five's subsidiary Great Mall of Las Vegas, LLC is an "Owner" for purposes of an estoppel certificate issued under Section 4.13 of the Agreement. In that estoppel certificate, the City also implied that Triple Five's subsidiary was an "Owner" for purposes of incurring liability, under Section 10.4(c)(2) of the Agreement, due to its "opposition" to the City's ill-fated SID for the Montecito Parkway improvements. See Letter dated September 29, 2004, attached. If Triple Five is an "Owner" for purposes of Sections 4.13 and 10.4(c)(2), as the City has previously asserted, then it is certainly an "Owner" for purposes of Section 3.2.

Please note that the Agreement also provides that if the real property is transferred to a third party who does not expressly assumed the obligations of the "Owner," then that third party takes the land free of any such obligation of the "Owner," and is thereby not an "Owner" as that term is defined by the Agreement. See Sections 12.2(a) and 12.2(b). Since the Agreement does not run with the land in the absence of express written assumption of its terms by transferees, successors or assigns such as Triple Five, the Agreement would not have any effect upon Triple Five: it is simply be moot to anyone who is not an "Owner."

The legal issue is therefore crystal clear: either Triple Five is an "Owner" under the Agreement and therefore entitle to petition for amendment fo the Agreement as permitted by Section 3.2, or it is not an "Owner" and the Agreement is entirely moot as applied to development of Triple Five's property. The City cannot deny Triple Five "owner" status, yet maintain that Triple Five is in any way obligated under the Agreement. Whichever position the City takes on this issue, the application (MSH-6024) must be processed.

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

M. Margo Wheeler, Director

February 24, 2005

Page 3

Please be advised that these issues notwithstanding, the City Council still has discretion under Section 6.2 to modify street alignments within the Property. Indeed, no provision of Section 10.4 or any other provision of the Agreement maintains that Montecito Parkway is an absolute alignment.

For the reasons set forth herein, Triple Five respectfully appeals your decision to refuse to process the amendment to the streets and highway plan (MSH-6024) on the grounds that such an application requires the consent of person who no longer own the real property in question. Pursuant to Sections 3.9 and 3.10 of the Agreement, this appeal must be presented directly to the City Council for action "and no appeal to or review by the Planning Commission will be required."

Thank you for your processing of this appeal. Should you refuse, we shall have no choice but to pursue appropriate judicial remedies.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul E. Larsen", with a stylized flourish at the end.

Paul E. Larsen

PEL/gb

Enclosure.

cc: Brad Jerbic, City Attorney (via fax w/enclos.)

City Council and Mayor (via fax w/enclos.)

Triple Five Nevada (via fax w/enclos.)



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

February 7, 2005

Mr. James Grindstaff
Triple Five Development Nevada
9510 W. Sahara Avenue
Suite 200
Las Vegas, Nevada 89117

Dear Mr. Grindstaff:

Your application for an amendment to the Master Plan of Streets and Highways (MSH 6024) has been received on January 25, 2005. This application is intended to change the alignment of Grand Montecito Parkway north of Deer Springs Way. The portion of this roadway affected by this application is located within an area of the city that is subject to the Montecito Town Center Development Agreement.

Pursuant to section 3.2 of the Agreement, such an application will require the express written consent of the Montecito Companies LLC. As such written consent has not been submitted with your application, the application will not be scheduled for Planning Commission pending our receipt of such written consent.

Additionally, it appears that the alignment of the southern portion of the proposed road change would affect the property owner to the west of your site (i.e. the hospital site). We would need the owners of that site to also sign as applicants to your request, as it would affect their land.

Please contact me at 229-6352 or Gary Leobold, Planning Supervisor at 229-4851 if you have questions or require clarification.

Yours truly,

M. Margo Wheeler, AICP
Director
Planning and Development

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

VOICE 702.229.6011
TTY 702.388.9108
www.lasvegasnevada.gov

DIR-6223

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ADDENDUM - DIRECTOR'S BUSINESS

DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION - Appeal of Director's decision per Title 19.00.070.F to deny the acceptance of the application of a Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS, Ward 6 (Mack). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Lionel Sawyer & Collins
5. Planning and Development Department letter dated 02/07/05
6. Submitted after final agenda - Planning and Development Department letter dated 03/17/05
7. Submitted at City Council - Planning and Development Department letter dated 02/07/05

MOTION:

MACK - APPROVED the appeal subject to the following added conditions:

- An expedited application process with all associated costs, including those relating to traffic studies shall be borne by Triple 5 Nevada Development Corporation.
- With notification to Montecito Companies, LLC of such expedited application inclusive of maps, documents and staff reports.
- UNANIMOUS

MINUTES:

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

MAYOR GOODMAN declared the Public Hearing open.

Appearances:

OSCAR GOODMAN, Mayor

RICHARD BRYAN, Attorney, Lionel, Sawyer and Collins, 300 South 4th Street

TOM GREEN, Deputy City Attorney, City of Las Vegas

MARGO WHEELER, Director, Planning and Development Department

PAUL LARSEN, Attorney, Lionel Sawyer and Collins, 300 South 4th Street

MICHAEL MACK, Councilman

LARRY BROWN, Councilman

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

LOIS TARKANIAN, Councilwoman

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway

BART ANDERSON, Development Coordination Division, Public Works Department

ESKANDER GHERMEZIAN, Triple Five Nevada Development Corporation

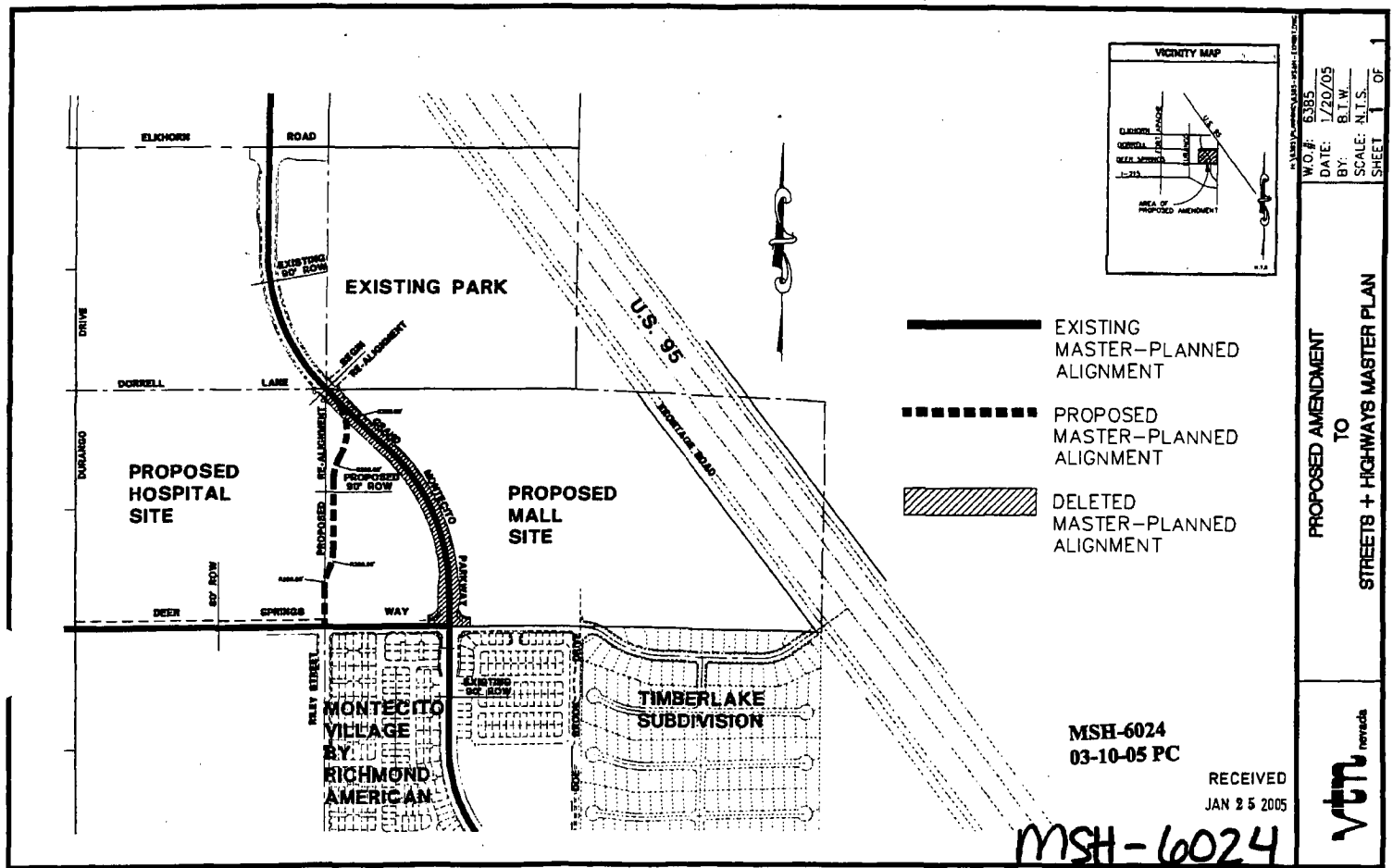
LAWRENCE WEEKLY, Councilman

STEVE WOLFSON, Councilman

MAYOR GOODMAN declared the Public Hearing closed.

(3:17 - 3:47)

5-466



DIR-6223

4-6-05 CC

DIR-6223

MONTECITO
MARKETPLACE L L C
12520510008

M T C 118 INC
12520510006

ALTA MONTECITO L P
12520510002

MONTECITO
PADS L L C
12520510005

MONTECITO
MARKETPLACE
L L C
12520510007

USA
12520501002

RANCHO
DRIVE-TULE
SPRINGS RD
12521101001

RANCHO
DRIVE-TULE
SPRINGS RD
12521102001

U H S DELAWARE INC
12520610003

12520602005
12520602002
12520603001
12520603002
12520602006
12520602007
12520603004
12520602003
12520603003
12520602005

GREAT MALL LAS VEGAS L L C

12520601005

12520601003

12521201001

DORRELL
RANCH
HOLDING CO L L C
12521202001

P N II INC
12521202002

P N II INC
12521202003

RICHMOND
AMERICAN
HOMES NV INC
12521202004

KOPPER
KEG
NORTH INC
12520710002

MONTECITO
IMAGING L L C
12520710006

36 ACRE L L C
12520710002

KOPPER
KEG
DEPARTMENT
STORES INC
12520710003

RICHMOND
AMERICAN
HOMES NEVADA

MICH'L RON
& CAROLYN ETAL
12520702001

SPINNAKER
HOMES VII L L C
12520711003

CENTENNIAL
ACADEMY L L C
12520711004

MONTECITO
MEDICAL
CENTRE L L C
12520810002

D F ALL C
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NINETY-FIVE
TWO-FIFTEEN
CTR ETAL
12521301003

12521301004

COUNTY OF CLARK
(PUBLIC WORKS)
12521401001

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT
ITEM DESCRIPTION: DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA
DEVELOPMENT CORPORATION

**** CONDITIONS ****

Staff recommends DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is for an appeal of the Director's decision, per Title 19.00.070.F to deny acceptance of the application of a Request to amend the Master Plan of Streets and Highways (MSH-6024) to realign a portion of Grand Montecito Parkway between the Dorrell Lane alignment and Deer Springs Way, for failure to comply with requirements set forth in the Montecito Town Center Development Agreement.

BACKGROUND DATA

- 04/19/00 The City Council approved an amendment (MSH-0001-00) to the Master Plan of Streets and Highways, to create a number of major roadways, which included Grand Montecito Parkway (at that time not finally named and noted preliminarily as Durango Drive), within the Town Center area. This roadway system was intended to fulfill the requirement of the Federal Highway Administration to have a loop road system around the Town Center to provide local access to all four quadrants of the Town Center.
- 04/03/02 The Montecito Town Center Development Agreement was entered into by the City of Las Vegas and Montecito Town Center LLC, a Nevada limited liability company.
- 02/07/05 The Planning and Development Department issued a letter indicating the request to amend the Master Plan of Streets and Highways (MSH-6024) to realign a portion of Grand Montecito Parkway between the Dorrell Lane alignment and Deer Springs Way could not be accepted because the applicant did not provide evidence that the request met the requirements of the Montecito Town Center Development Agreement.
- 02/24/05 The Planning and Development Department received a letter from the applicant's representative requesting that the Department's refusal to accept the application as constituted be appealed to the City Council. This letter was dated 02/24/05 which is 17 days after the letter of non-acceptance was sent. Title 19.00.070.F only provides for a ten-day appeal period.
- 03/09/05 The Planning and Development Department received an amended request from Triple 5 Nevada Development Corporation to MSH-6024 dated 03/08/05, to delete, rather than realign, the segment of Grand Montecito Parkway located within the "Great Mall of Las Vegas LLC" site, located on parcels 125-20-602-002/003/006/007 and 125-20-601-003 and 005.

On 03/15/05, the applicant's representative provided a site plan to Planning staff in support of this amended request, illustrating a site plan of a mall development on the site incorporating a proposed private street through the subject parcel to connect Grand Montecito Parkway from the northern boundary of the site to Deer Springs Way at the southern boundary of the site. This proposed private street does not meet public street standards. This amended request has been made without the express written consent of Montecito Town Center LLC.

DETAILS OF APPLICATION REQUEST

The applicant had initially requested that a portion of Grand Montecito Parkway located within an area known as the Montecito Town Center, designated as a "Special Design Road" on the Master Plan of Streets and Highways, be realigned generally to the west of its currently approved location. The applicant has filed this request for an amendment as MSH-6024. The City, through the Director of the Department of Planning and Development and the City Attorney's Office, took in the application but advised the applicant that it would not agenda the item until the request was signed by Montecito Town Center LLC (the "Owner") in accordance with the City's interpretation of the requirements of the Montecito Town Center Development Agreement. The applicant is now appealing the City's refusal to agenda its request, based on the provisions of Title 19.00.070.F.

ANALYSIS & FINDINGS

Firstly, it should be noted that the applicant's appeal was contained in a letter dated 02/24/05, which is 17 days after the City's letter of non-acceptance was sent (02/07/05). Title 19.00.070.F only provides for a ten-day appeal period. It is the view of the City's legal staff that this appeal is not properly constituted and that the decision of the Director to not accept the application should be considered as Final Action.

Should the City Council elect to consider the appeal on its merits, a number of points should be considered. Upon its approval, the Montecito Town Center Development Agreement superceded other City regulations and policies within the original Agreement area of approximately 192 acres (now approximately 210 acres) and limited such regulations and policies to those in effect on the date of approval of the Agreement. Section 3.2 of the Agreement specifically states that any modification of the "Montecito Rules", which are specifically defined under subsection 1.1(22) of the Agreement, and which include "Normal City Rules" defined under subsection 1.1(2) of the Agreement, which in turn includes any change to zoning or any regulations, plans and policies, including amendments to the Master Plan of Streets and Highways, requires the "express written consent" of the Owner. The term "Owner" is also specifically defined under subsection 1.1(33) of the Agreement, to mean:

...Montecito Town Center LLC, a Nevada limited liability company, the owner of the land constituting the property and its successors and assigns, if any, as permitted under the terms of subsections 12.2(a) and 12.2(b) of this Agreement.

These subsections of the Agreement allow Montecito Town Center LLC to sell portions of its land within the Agreement area to other corporate entities for development, and to voluntarily transfer or assign rights of the Owner. The intent of these subsections is to require these purchasers to assume any liabilities, duties or obligations of the Owner, or to fully transfer these rights if the Owner sells off a majority of the Agreement area. This clause provides protection to the City by ensuring that some entity is responsible for the obligations of the master developer. These clauses do not specifically obligate the Owner to transfer the rights of changes to the "Montecito Rules"; these are specifically regulated by subsection 3.2 of the Agreement.

Additionally, the applicant had initially provided a map as part of the MSH-6024 application that indicates that a portion of the realigned road as proposed would be in part located on the parcel to the west, which is under separate ownership and has been approved for a hospital development. The owners of that site have not signed the application for the streets and highways amendment; as a result, the application is incomplete from that standpoint.

The applicant, in order to eliminate the need for participation by the owners of the hospital parcel to the west, have submitted on 03/09/05 a revised request to simply delete Grand Montecito Parkway from the subject site. This would have the effect of "dead-ending" the portion of Grand Montecito Parkway to the north of the site. The applicant has attempted to resolve this issue by providing a site plan for the subject site showing an internal private road connecting Grand Montecito Parkway to Deer Springs Way to the south. This would not represent a satisfactory solution, however, as the proposed private road has two 90-degree intersections and sharp curves that do not meet the necessary public street standards, and could not convey adequate traffic flows if approved. It should be noted that the site plan as provided to staff has never had prior review or approval by Public Works Department staff, Planning Commission or City Council, and is strictly illustrative in nature.

The major portion of the property in question is owned by Great Mall Las Vegas LLC; however, this does not make this company an "Owner" for the purposes of requesting zoning or other land use or policy changes. Since the application for MSH-6024 was not accompanied by a document providing the "express written consent" of Montecito Town Center LLC pursuant to subsection 3.2 of the Agreement as referenced above, the application was deemed to be incomplete. The Department will not schedule an incomplete application for consideration by the Planning Commission. Accordingly, it is recommended that the appeal be denied.

It is recommended that the amended request similarly be denied, based on:

- (1) the failure of the applicant to file a timely appeal on the first denial, in the view of staff, the first letter was final action and is binding.
- (2) the amended request is not an amendment since the first denial was not properly appealed and should be considered as final. The amended request should actually be considered as a new application and should be subsequently considered on its own merits.

- (3) The applicant per terms of the approved development agreement is not an owner, the request cannot be made for the same reasons as the first denial.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

City of Las Vegas
Planning & Development Department
Current Planning Division
731 South 4th Street
Las Vegas, Nevada 89101

March 8, 2005

RE: MASTER STREETS AND HIGHWAYS PLAN AMENDMENT REQUEST

Triple Five Development is requesting a Master Streets and Highways Plan amendment. We are requesting that a portion of right-of-way generally located in the northwest, known as Grand Montecito Parkway, be realigned between the Dorrell Lane alignment on the north and Deer Springs Way on the South. The master plan currently shows this street as a meandering seventy-foot (70') section of the street frontage system to US 95.

It is the our intent to eliminate a section of this frontage road beginning at a point approximately 1,320 feet south of Elkhorn Road (Dorrell Lane alignment) where the existing right-of-way departs APN# 125-20-510-004 at its southeast corner, south, to its intersection point at Deer Springs Way.

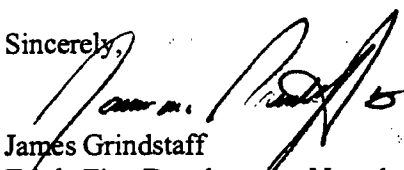
We consider this section of road as currently aligned a significant hardship. We intend on developing a regional mall on property bisected by the current alignment. The intent of this application is to provide the future development with a suitable, single parcel on which to build this regional facility instead of two oddly shaped parcels.

Additionally, as a result of the current status of the S.I.D. it has become necessary to seek alternative solutions to the previous Grand Montecito alignment. We desire to create an alignment that allows for the orderly movement of vehicles while creating points that provide areas for safe pedestrian travel.

This realignment will take a road that currently would split the mall into to separate areas causing multiply daily pedestrian crossing over an extremely busy road and relocated the road to the perimeter thus minimizing the auto / pedestrian conflicts.

Thank you for you time in reviewing our application.

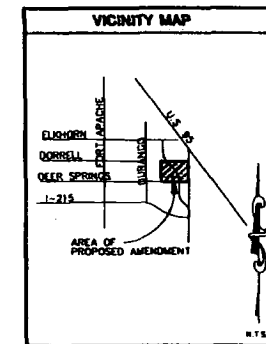
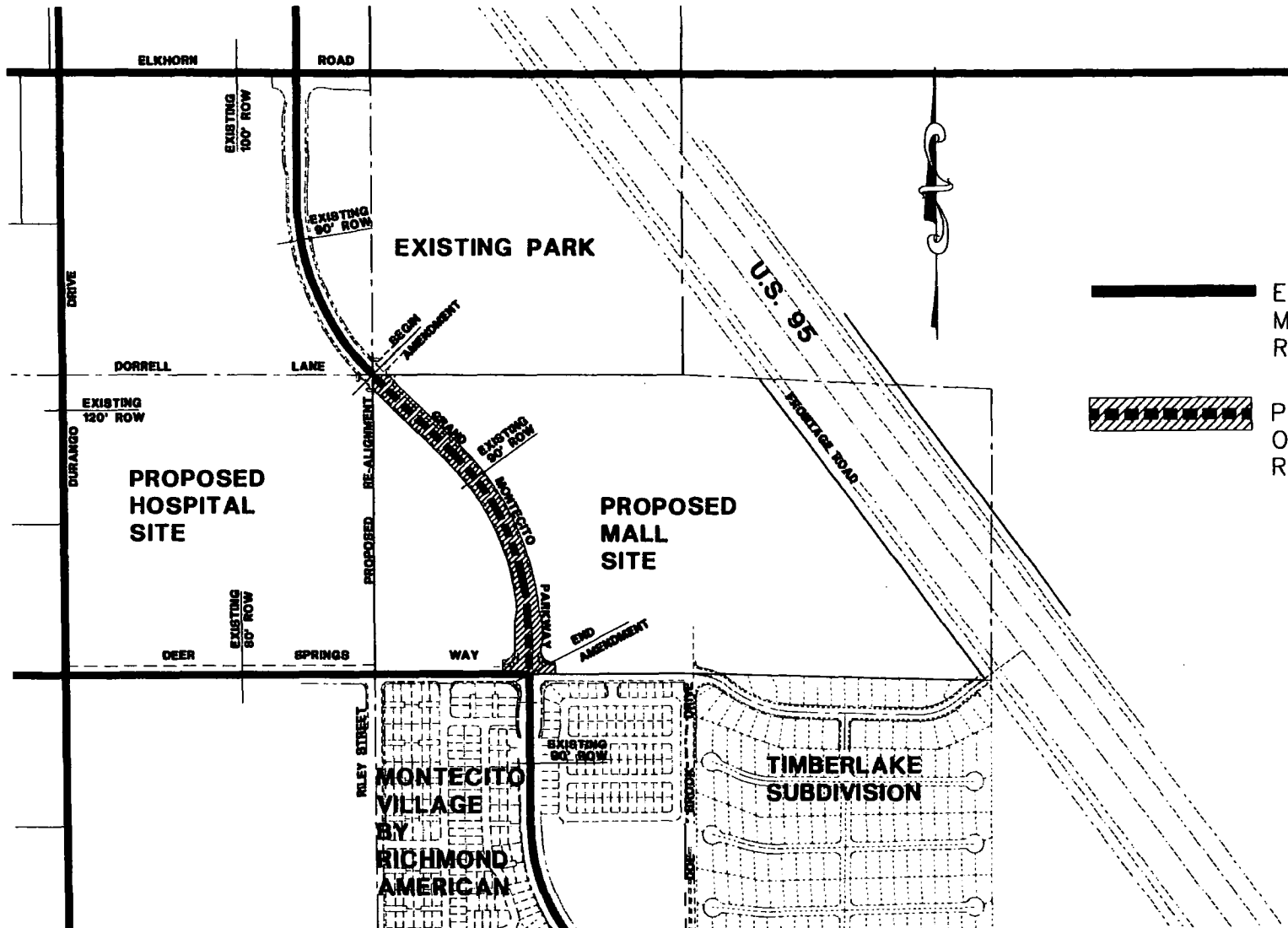
Sincerely,


James Grindstaff
Triple Five Development Nevada

RECEIVED

MAR - 9 2005

.....
DPR-6223



-  **EXISTING MASTER-PLANNED ROAD ALIGNMENTS**
-  **PROPOSED DELETION OF MASTER-PLANNED ROAD ALIGNMENT**

RECEIVED
MAR - 9 2005

DIR-6223

W.O. # 6385 DATE: 3/1/05 BY: B.I.W. SCALE: N.T.S. SHEET 1 OF 1	
PROPOSED AMENDMENT TO STREETS + HIGHWAYS MASTER PLAN	
	



TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

City of Las Vegas
Planning & Development Department
Current Planning Division
731 South 4th Street
Las Vegas, Nevada 89101

January 25, 2005

RE: MASTER STREETS AND HIGHWAYS PLAN AMENDMENT REQUEST

Triple Five Development is requesting a Master Streets and Highways Plan amendment. We are requesting that a portion of right-of-way generally located in the northwest, known as Grand Montecito Parkway, be realigned between the Dorrell Lane alignment on the north and Deer Springs Way on the South. The master plan currently shows this street as a meandering seventy-foot (70') section of the street frontage system to US 95.

It is the our intent to realign a section of this frontage road beginning at a point approximately 1,320 feet south of Elkhorn Road (Dorrell Lane alignment) where the existing right-of-way departs APN# 125-20-510-004 at its southeast corner, south, to the intersection point of Riley Street and Deer Springs Way. This essentially relocates the intersection of Grand Montecito Parkway and Deer springs Way approximately 660 feet west of its currently planned location.

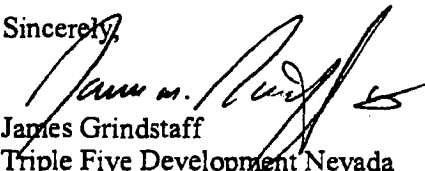
We consider this section of road as currently aligned a significant hardship. We intend on developing a regional mall on property bisected by the current alignment. The intent of this application is to provide the future development with a suitable, single parcel on which to build this regional facility instead of two oddly shaped parcels.

Additionally, as a result of the current status of the S.I.D. it has become necessary to seek alternative solutions to the previous Grand Montecito alignment. We desire to create an alignment that allows for the orderly movement of vehicles while creating points that provide areas for safe pedestrian travel.

This realignment will take a road that currently would split the mall into to separate areas causing multiply daily pedestrian crossing over an extremely busy road and relocated the road to the perimeter thus minimizing the auto / pedestrian conflicts.

Thank you for you time in reviewing our application.

Sincerely,


James Grindstaff
Triple Five Development Nevada

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET

LAS VEGAS, NEVADA 89101

(702) 383-8888

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SAMUEL S. LIONEL
GRANT SAWYER
(1918-1998)

JON R. COLLINS
(1923-1987)

RICHARD H. BRYAN
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
DENNIS L. KENNEDY
RICHARD W. HORTON
DAN C. BOWEN
MARK A. SOLOMON
RODNEY M. JEAN
HARVEY WHITTEMORE
TODD TOUTON
DAVID WHITTEMORE
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN
ANTHONY N. CABOT
KIRBY J. SMITH
COLLEEN A. DOLAN

JENNIFER A. SMITH
GARY W. DUHON
LAUREL E. DAVIS
DAN R. REASER
CARL D. SAVELY
MARK LEMMONS
HOWARD E. COLE
PAUL E. LARSEN
P. GREGORY GIORDANO
MARK A. MCINTIRE
ALLEN J. WILT
LYNN S. FULSTONE
RORY J. REID
DAN C. MCGUIRE
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON
SHAWN M. ELICEGUI
HECTOR J. CARBAJAL II
EMILIA K. CARGILL
G. LANCE COBURN
JOHN M. NAYLOR
E. LEIF REID
ELIZABETH R. BRENNAN

JEFFREY D. MENICUCCI
JANET SUE BESSEMER
WILLIAM J. MCKEAN
GREGORY R. GEMIGNANI
DANA A. DWIGGINS
DOREEN SPEARS HARTWELL
SEAN T. WATERS
STEVEN E. HOLLINGWORTH
LINDA M. BULLEN
LAURA K. GRANIER
ALAN D. FREER
MAXIMILIANO D. COUVILLIER III
ELIZABETH BRICKFIELD
LEAH A. AYALA
SARAH E. HARMON
CRISTINA L. JOHNSON
MICHAEL D. KNOX
ROSA SOLIS-RAINEY
ERIC C. BOUGHMAN
ERIN FLYNN
JENNIFER ROBERTS
SUZANNE L. MARTIN
BRENT HEBERLEE
MATTHEW B. CRANE
JASMINE K. MEHTA
JON A. BAUMUNK
CHRISTOPHER CHILDS
MEREDITH L. STOW
JOICE NIDY*
*ADMITTED IN CA ONLY

OF COUNSEL

BRIAN MCKAY
ELLEN WHITTEMORE
BRIAN HARRIS
ABBIE G. FRIEDMAN
LAURA J. THALACKER

February 24, 2005

WRITER'S DIRECT DIAL NUMBER:

702-383-8819

plarsen@lionsawyer.com

Via Facsimile

M. Margo Wheeler, Director
Planning and Development
City of Las Vegas
400 Stewart Street
Las Vegas, Nevada 89101

DIR-6223

4-6-05 CC

Re: Appeal of Refusal to Process Montecito Parkway Alignment Application MSH-6024

Dear Ms. Wheeler:

Pursuant to Section 3.9 and 3.10 of the Montecito Town Center Development Agreement ("Agreement"), my client Triple Five Nevada Development Corporation ("Triple Five") hereby appeals your February 7th letter wherein you refuse to process or schedule any hearing on Triple Five's application to amend the master plan of streets and highways (MSH-6024). A copy of your letter is attached for your convenient reference. I respectfully request the appeal be set before the City Council on an expedited basis as set forth in Sections 3.9 and 3.10 of the Agreement.

Your refusal letter indicated that the application to amend the streets and highways plan required the "express written consent of the Montecito Companies, LLC" pursuant to Section 3.2 of the Agreement. That provision states that:

City and *Owner* acknowledge and agree the Montecito rules are peculiar to the project and may not be amended, modified or changed with respect to this Project without the express written consent of *Owner* except as otherwise provided in Sections 3.3 through 3.6 of this Agreement. (Emphasis added)

M. Margo Wheeler, Director
February 24, 2005
Page 2

This provision therefore raises several legal questions: Is Montecito Companies, LLC the sole "Owner" under the agreement, whose consent is required to amend the agreement or any of its terms *even after it no longer owns the property in question?* Or, rather, is Triple Five an "Owner" now that it owns the property in question?

If one examines the language of the Agreement, you will see that Section 1.1(33) defines "Owner" as "Montecito Town Center, LLC" (and not Montecito Companies, LLC as your letter erroneously states) as well as "the owner of the land constituting the property *and its successors and assigns, if any*, as permitted under the terms of subsections 12.2(a) and 12.2(b) of this Agreement." (emphasis added). You will no doubt agree that a Triple Five entity now owns the land through which the Montecito Parkway is proposed to run, rather than Montecito Town Center, LLC. Accordingly, it would appear that Triple Five Nevada is an "owner" as defined by the Agreement, and therefore is entitled to petition the City to amend the Agreement, including the Montecito Parkway alignment, in absolute compliance with Section 3.2.

Indeed, the City has previously agreed that Triple Five's subsidiary Great Mall of Las Vegas, LLC is an "Owner" for purposes of an estoppel certificate issued under Section 4.13 of the Agreement. In that estoppel certificate, the City also implied that Triple Five's subsidiary was an "Owner" for purposes of incurring liability, under Section 10.4(c)(2) of the Agreement, due to its "opposition" to the City's ill-fated SID for the Montecito Parkway improvements. See Letter dated September 29, 2004, attached. If Triple Five is an "Owner" for purposes of Sections 4.13 and 10.4(c)(2), as the City has previously asserted, then it is certainly an "Owner" for purposes of Section 3.2.

Please note that the Agreement also provides that if the real property is transferred to a third party who does not expressly assumed the obligations of the "Owner," then that third party takes the land free of any such obligation of the "Owner," and is thereby not an "Owner" as that term is defined by the Agreement. See Sections 12.2(a) and 12.2(b). Since the Agreement does not run with the land in the absence of express written assumption of its terms by transferees, successors or assigns such as Triple Five, the Agreement would not have any effect upon Triple Five: it is simply be moot to anyone who is not an "Owner."

The legal issue is therefore crystal clear: either Triple Five is an "Owner" under the Agreement and therefore entitle to petition for amendment fo the Agreement as permitted by Section 3.2, or it is not an "Owner" and the Agreement is entirely moot as applied to development of Triple Five's property. The City cannot deny Triple Five "owner" status, yet maintain that Triple Five is in any way obligated under the Agreement. Whichever position the City takes on this issue, the application (MSH-6024) must be processed.

LIONEL SAWYER & COLLINS
ATTORNEYS AT LAW

M. Margo Wheeler, Director
February 24, 2005
Page 3

Please be advised that these issues notwithstanding, the City Council still has discretion under Section 6.2 to modify street alignments within the Property. Indeed, no provision of Section 10.4 or any other provision of the Agreement maintains that Montecito Parkway is an absolute alignment.

For the reasons set forth herein, Triple Five respectfully appeals your decision to refuse to process the amendment to the streets and highway plan (MSH-6024) on the grounds that such an application requires the consent of person who no longer own the real property in question. Pursuant to Sections 3.9 and 3.10 of the Agreement, this appeal must be presented directly to the City Council for action "and no appeal to or review by the Planning Commission will be required."

Thank you for your processing of this appeal. Should you refuse, we shall have no choice but to pursue appropriate judicial remedies.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul E. Larsen", with a stylized flourish at the end.

Paul E. Larsen

PEL/gb

Enclosure.

cc: Brad Jerbic, City Attorney (via fax w/enclos.)
City Council and Mayor (via fax w/enclos.)
Triple Five Nevada (via fax w/enclos.)



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VRENCE WEEKLY
MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

February 7, 2005

Mr. James Grindstaff
Triple Five Development Nevada
9510 W. Sahara Avenue
Suite 200
Las Vegas, Nevada 89117

Dear Mr. Grindstaff:

Your application for an amendment to the Master Plan of Streets and Highways (MSH-6024) has been received on January 25, 2005. This application is intended to change the alignment of Grand Montecito Parkway north of Deer Springs Way. The portion of this roadway affected by this application is located within an area of the city that is subject to the Montecito Town Center Development Agreement.

Pursuant to section 3.2 of the Agreement, such an application will require the express written consent of the Montecito Companies LLC. As such written consent has not been submitted with your application, the application will not be scheduled for a Planning Commission pending our receipt of such written consent.

Additionally, it appears that the alignment of the southern portion of the proposed road change would affect the property owner to the west of your site (i.e. the hospital site). We would need the owners of that site to also sign as applicants to your request, as it would affect their land.

Please contact me at 229-6352 or Gary Leobold, Planning Supervisor at 229-4851 if you have questions or require clarification.

Yours truly,

M. Margo Wheeler, AICP
Director
Planning and Development

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

12-001-1-05

7009

DIR-6223

PLANNING & DEVELOPMENT



Development
Services Center

731 S. Fourth Street
Las Vegas, NV. 89101

TTY 702-386-9108

Voice:

Administration 229-6353

Comp Planning 229-6022

Current Planning 229-6301

www.lasvegasnevada.gov

March 17, 2005

Mr. James Grindstaff
Triple Five Nevada Development Corporation
9510 W. Sahara Avenue
Suite 200
Las Vegas, Nevada
89117

Dear Mr. Grindstaff:

The Planning and Development Department is in receipt of your request dated March 8, 2005, via a transmittal from VTN Engineers received by us on March 9, 2005, to modify your request for a previously submitted Master Plan of Streets and Highways amendment (MSH-6024). Your modification seeks to delete a segment of Grand Montecito Parkway rather than realigning it per the initial request.

I regret to inform you that we cannot accept your modification request at this time for the following reasons:

- The original application was accepted by our Department, but you were advised in writing that we considered the application incomplete in that the application was not authorized by an adjacent landowner, a portion of whose land was contained within the application area, and that the application was not accompanied by the "express written consent" of Montecito Town Center LLC. You had 10 days to appeal that decision or provide the required information, but you did not file the appeal for 17 days. Accordingly, our opinion is that our decision to not accept your application was Final Action as soon as the appeal period expired. This modification request is therefore too late to be accepted, as there is no application currently open and pending which can be modified. This application would need to be filed as a new application.
- Should City Council, on the first appeal, disagree with our position, then the Department will presumably be directed to consider the original application as submitted on its merits. The request to delete the road segment rather than realigning it is a significant departure from the original request and would warrant a new application rather than modifying the original request in any event.

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Lawrence Weekly
Michael Mack
Steve Wolfson
Lois Tarkanian

City Manager
Douglas A. Selby



07101-001-01-05

Submitted after final agenda

Date 4/5/05 Item #94A

We have included reference to this amended request in the case report on your appeal (DIR-6223), so that the City Council has complete information on the case; however, for the reasons noted above, we will not take any action on your latest request until Council has adjudicated the matters contained in your appeal, or until you submit a new application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Margo Wheeler', written over the word 'Sincerely,'.

Margo Wheeler, AICP

c. Tom Green



February 7, 2005

Mr. James Grindstaff
Triple Five Development Nevada
9510 W. Sahara Avenue
Suite 200
Las Vegas, Nevada 89117

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

ARRY BROWN
RENCE WEEKLY
MICHAEL MACK
STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

Dear Mr. Grindstaff:

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Pursuant to section 3.2 of the Agreement, such an application will require the express written consent of the Montecito Companies LLC. As such written consent has not been submitted with your application, the application will not be scheduled for a Planning Commission pending our receipt of such written consent.

Additionally, it appears that the alignment of the southern portion of the proposed road change would affect the property owner to the west of your site (i.e. the hospital site). We would need the owners of that site to also sign as applicants to your request, as it would affect their land.

Please contact me at 229-6352 or Gary Leobold, Planning Supervisor at 229-4851 if you have questions or require clarification.

Yours truly,

M. Margo Wheeler, AICP
Director
Planning and Development

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

VOICE 702.229.6011
TTY 702.386.9108

www.lasvegasnevada.gov
8112-001-1-05
LV 7009

Submitted at City Council

Date 4/6/05 Item # 94A

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

Item 94A – DIR-6223 Applicant: Triple Five Nevada Development Corporation – Appeal of Director’s decision per Title 19.00.070.F to deny the acceptance of the application of a Request to amend the Master Plan of Streets and Highways to realign a portion of Grand Montecito Parkway between Dorrell Lane and Deer Springs, Ward 6 (Mack)

Appearance List:

OSCAR GOODMAN, Mayor

RICHARD BRYAN, Attorney, Lionel, Sawyer and Collins, 300 South 4th Street

TOM GREEN, Deputy City Attorney, City of Las Vegas

MARGO WHEELER, Director, Planning and Development Department

PAUL LARSEN, Attorney, Lionel Sawyer and Collins, 300 South 4th Street

MICHAEL MACK, Councilman

LARRY BROWN, Councilman

LOIS TARKANIAN, Councilwoman

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway

BART ANDERSON, Development Coordination Division, Public Works Department

ESKANDER GHERMEZIAN, Triple Five Nevada Development Corporation

LAWRENCE WEEKLY, Councilman

STEVE WOLFSON, Councilman

(3:17 – 3:47)

5-466

30 minutes

Typed by: Stacey Campbell

Proofed by: Angela Crolli

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

28 **MAYOR GOODMAN**

29 We're gonna go back to 94A. 94A is DIR-6223, Director's Business. The applicant is Triple
30 Five Nevada Development Corporation. Appeal of Director's Decision per Title 19.00.070.F, to
31 deny the acceptance of the application of a request to amend the Master Plan of Streets and
32 Highways to realign a portion of Grand Montecito Parkway between Dorrell Lane and Deer
33 Springs. This is in Ward 6. The staff recommends denial.

34 Gentlemen, why don't you make your appearance and then I have a question that I want to ask
35 Ms. Wheeler.

36

37 **RICHARD BRYAN**

38 Your Honor, members of the Council, for the record, my name is Richard Bryan with the law
39 firm of Lionel, Sawyer and Collins, 300 South 4th Street, Las Vegas, Nevada. I'm joined by my
40 colleague and partner in the firm, Mr. Paul Larsen, and another partner and colleague, Mr. Paul
41 Hejmanowski.

42

43 **MAYOR GOODMAN**

44 All right. Thank you very much. Ms. Wheeler –

45

46 **RICHARD BRYAN**

47 Excuse me, Your Honor, the principle in the firm is Eskander Ghermezian I beg your pardon.

48

49 **MAYOR GOODMAN**

50 Welcome, Mr. Gomazian and Mr. Green, representing the City.

51

52 **TOM GREEN**

53 City of Las Vegas, Your Honor. And, if I might ask to be heard first on this, I think I might be
54 able to cut the matter substantially short –

55

56 **MAYOR GOODMAN**

57 Well, if you're going to be heard first, then I promise you. Ms. Wheeler, just so I understand, an
58 application was brought to City Hall.

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59 **MARGO WHEELER**

60 Yes, Sir.

61

62 **MAYOR GOODMAN**

63 The application was delivered to the Planning Director's office.

64

65 **MARGO WHEELER**

66 Yes, Sir.

67

68 **MAYOR GOODMAN**

69 Ordinarily, what is the procedure when somebody comes to City Hall with an application? Once
70 the application is taken into the hand of a City employee, is the application then stamped as
71 having been delivered at that time?

72

73 **MARGO WHEELER**

74 Generally, Sir, yes.

75

76 **MAYOR GOODMAN**

77 All right.

78

79 **MARGO WHEELER**

80 It is –

81

82 **MAYOR GOODMAN**

83 All right. In this particular instance, an application was brought to you, correct?

84

85 **MARGO WHEELER**

86 Yes, Sir.

87

88 **MAYOR GOODMAN**

89 Was it stamped?

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90 **MARGO WHEELER**

91 I can review, I believe so, just a moment. Yes, Sir. We have, well, we have a date of acceptance
92 on the application.

93

94 **MAYOR GOODMAN**

95 Okay. That's what I wanted to know because I don't know what we're doing here, to be honest
96 with you. I really don't know what we're doing here with, you know, nine million lawyers and
97 nine million briefings when the question was whether or not an application was accepted. It was
98 accepted and then what happened with it may have been something you don't like or you do like
99 but it was accepted and that's what's on here and that's what I want to hear about, Mr. Green. I
100 don't want to hear about anything else.

101

102 **TOM GREEN**

103 I'm going to address that first, Your Honor.

104

105 **MAYOR GOODMAN**

106 Okay.

107

108 **TOM GREEN**

109 Your Honor, normal – City procedure's, when applications come in, Margo Wheeler is –
110 required to look at those and see if it's just an, appropriate application on its face. For example,
111 if somebody requesting for some change with respect to property they don't even own, she's not
112 going to take that in and then refer it up to clog up to City Council agenda and you're going to
113 ask, why is this even here, the person doesn't even own the land. So, our normal City procedures
114 are for her to do that, to examine the thing, see – who are the interested parties and make sure all
115 those parties sign onto the application so that they know what's going on with their land and we
116 have that in the record.

117 And so, in this particular case, when she looked at this, she knew that there was the Montecito
118 Development Agreement, which had requirements and so on, and she determined that we don't
119 have all the interested parties on this application. There are two others. So, she said, I'm not
120 take, I'm not gonna refer this to City Council to be heard, hold it, wait –

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121 **MAYOR GOODMAN**

122 No. Okay, so there's an acceptance and then there's the decision not to refer, correct?

123

124 **TOM GREEN**

125 That's correct.

126

127 **MAYOR GOODMAN**

128 And the only thing that's before us today, is there not, an appeal of the Director's decision to
129 deny the acceptance of the application. That did not take place. The application was accepted.

130 Now, people don't like what happened after it was accepted.

131

132 **PAUL LARSEN**

133 Your Honor, if I can interrupt.

134

135 **MAYOR GOODMAN**

136 Well, no.

137

138 **PAUL LARSEN**

139 What – happened, was the application –

140

141 **MAYOR GOODMAN**

142 Not right now, not right now. No. Am I wrong with my basic premise; if I'm wrong, then I'm
143 gonna listen to people. But, I think the only thing that's before us today is whether it was
144 accepted. If it was accepted and you don't like what happened to it, then that's for another day.

145 And I was asked that this matter be allowed to be placed on the agenda because people wanted to
146 have this issue resolved, whether it was accepted or not, that's all. That's all I want to hear about
147 today.

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148 **TOM GREEN**

149 Your Honor, it was accepted with an indication in the – rejection letter that it was not going to be
150 referred to – Council for a hearing. So, what they, what Triple Five appealed from was that
151 decision, that it would not be referred. So, as far as whether it was accepted or not accepted –

152

153 **MAYOR GOODMAN**

154 That's not, with all due respect, Mr. Green, and I have nothing but respect for you and the City
155 Attorney's office, what's agendaized (sic) today is an appeal of director's decision for the Title
156 19 to deny the acceptance of the application. That's all that's before us. Not whether or not after
157 she took it in, she did what was right or what was wrong or whether she should have done
158 something else.

159

160 **TOM GREEN**

161 All right, Your Honor. I understand where you're going.

162

163 **MAYOR GOODMAN**

164 Okay.

165

166 **TOM GREEN**

167 Let me say this one thing.

168

169 **MAYOR GOODMAN**

170 Oh, sure.

171

172 **TOM GREEN**

173 I've gone around all week, I've been briefing all the Council members and so I've talked to
174 everyone individually, so I have a lot of confidential information built up in me. I know of all
175 the misgivings and I know of some, a little disappointing aspects of our situation that Council
176 members have expressed to me, even today. And – there's one thing that's run through this,
177 even till today. And, the question is, like, what about this late filing of the appeal. What about
178 the fact that we have – this issue down there about whether they're an owner and – whether this

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179 can be heard on the merits or is it totally prohibited by – Montecito Company. Does the, the
180 ultimate question is, does the City Council have any discretion to do anything here or are we
181 bound as tight as I'd kind of indicated in my memo to you. The answer to that question is as
182 follows. Number one, I believe the Planning Department did exactly what they're required to do.
183 They looked at the application, they – determined that it was an inappropriate application, didn't
184 have all the interested parties. And so, whether they, whether we say they accepted it or
185 whatever, I don't want to get balled down into that semantical issue right now. They
186 nevertheless gave it back, said they weren't gonna process the application, so there was an
187 appeal from that. It was filed late.

188 Can the City Council do anything about it. Well, our late appeals, we're not like a court. In
189 court, as you know, its jurisdictional and you have nothing, you make the same law that you –
190 have the ability to not lift that up now as a defense, you don't have to raise that as a block if – the
191 Council desires not to, that lateness. So you do have discretion. So, there's one, various Council
192 members have expressed the general idea, is there any way that this could be heard on the merits
193 without prejudicing anybody's rights. The answer to that is, yes. I, I'm sorry I didn't present
194 this to you, the exact questions weren't asked to me, it didn't even gel on me until today. You do
195 have the discretion, like I say, not to raise the issue of the late filing. You do have this
196 discretion, the discretion, I think, to grant the appeal but not on the reasons raised by the
197 applicant.

198 You have the right, think of the Montecito Development Agreement. It says that that agreement
199 can't be amended, modified or changed without the consent of the owner, which is Montecito
200 Town Center, LLC. It does not say that the modification can't be considered or entertained
201 pending that consent by the Montecito Companies. So, this is getting a little technical and it's
202 dangerous, we normally don't, and this is the reason we don't process things these way, this way.
203 We don't entertain hypothetical situations because it spends a lot of time and money when, in the
204 end, it may not come to fruition, because we don't have the consent of an important
205 party. But nevertheless, you have the discretion. You could grant the appeal on the basis that
206 you want to hear this on the merits, you want to consider it and that at the end of your
207 consideration period, you're going to want to hear from Montecito Town Center, LLC., whether
208 or not they consent to the change.

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209 What if it never reaches that? What if it doesn't get through traffic and – you're totally
210 dissatisfied with the road alignment, it'll never reach that issue. So, what, if you took that route,
211 you would be postponing that consent issue. It's still an issue in the case, but you could
212 nevertheless hear this matter on the merits.

213 So, if you do so, I would request one thing and that is, because of their particularly important
214 position in the development agreement, I would ask that Montecito Town Center be given
215 somewhat extraordinary benefits. And, that would be super notice. I would request that
216 everything that's done that they be given notice and copies of – everything whether that's done
217 by Planning, the copies, or whether Triple Five be required to provide those copies just so that
218 they're kept up to date and they can never say in court that they weren't apprised of what's
219 happening.

220 So, I just throw that out as, I think that answers several Council member's questions to me about
221 whether or not, do you have the discretion to do that.

222

223 **MAYOR GOODMAN**

224 Well, I appreciate that but I don't even think that's before us today, with all due respect.
225 Councilman Mack, what do you desire to take place? Because as far as I'm concerned, this was
226 accepted and there's a step after this that has to be taken place by the parties, the only question
227 that's before us today is whether or not it was accepted. And, when Ms. Wheeler said that she
228 took it in, that it was stamped, that ends it as far as I'm concerned.

229

230 **PAUL LARSEN**

231 With all due respect, Your Honor, that is not what's before you today.

232

233 **MAYOR GOODMAN**

234 Well that is what's before me today. That's what is agendaized (sic). Can you read?

235

236 **PAUL LARSEN**

237 I'm sorry, Your Honor. I – filed the appeal. The appeal was an appeal of Ms. Wheeler's
238 decision to not accept the application based upon –

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239 **MAYOR GOODMAN**

240 She accepted it.

241

242 **PAUL LARSEN**

243 – what he just said.

244

245 **MAYOR GOODMAN**

246 She accepted it.

247

48 **PAUL LARSEN**

249 We have a rejection letter dated February 7th.

250

251 **MAYOR GOODMAN**

252 No. But, she accepted it and then after that, you don't like what she did. But she accepted it and
253 I believe that's the only thing that's before us today. But, Councilman Mack, what do you,
254 what's your pleasure?

255

256 **COUNCILMAN MACK**

257 Your Honor, I was privileged to have a meeting with the Senator and Chris Kaempfer, I think,
258 three or four weeks ago and we had a meeting discussing this item. And, really, the crust of our
259 discussion comes down to the roadway alignment. I think, it's been expressed to me by the
260 Montecito Companies and their representatives that they would like to see this project come
261 forward, but they were concerned about the roadway alignments. And, I guess there's also some
262 – additional business that they would like to get resolved as well. And so, at that meeting, with
263 City Attorney Brad Jerbic, we discussed a plan of having our Public Works staff work on a –
264 study to see if a roadway alignment would work to start with. Why go through all these
265 exercises if we don't have to if the roadway alignment, ultimately, is not gonna be accepted by
266 staff? So that's what we took, talked about and that's what I've discussed with the Senator and
267 his representatives and Chris, that's what we discussed about earlier. But, I still believe, that,
268 you know, that the development agreement needs to be adhered to and I don't know how we –
269 move forward in this, in, you know, in regard to whether the application was accepted or not. I
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270 don't know what we can do here today but I, I'd propose tabling the item and moving staff
271 forward to look at the roadway alignment and not addressing the concern of the – development
272 agreement at this current time. And, I'd like to hear some discussion on that.

273

274 **MAYOR GOODMAN**

275 All right.

276

277 **COUNCILMAN BROWN**

278 Mayor Goodman, if I may.

79

280 **MAYOR GOODMAN**

281 Yes.

282

283 **COUNCILMAN BROWN**

284 Senator, or Mr. Larsen, what – is it that you are asking us to do today?

285

286 **RICHARD BRYAN**

287 If I might, we view the action taken by staff in a different context, with all due respect on His
288 Honor. In effect, all we've asked, all we seek is to have an application before you so that you
289 can say we like the alignment, we don't like the alignment, please modify it. The position that
290 staff has left us in is in a never-never land situation. We are perpetually, if you will, Councilman
291 Brown, left in the on-deck circle. We never get a chance to come up to bat to say, this is what
292 the alignment looks like because staff has refused to go forward. In our view, we considered that
293 a rejection. So, in other words, if the present status remains, there's nothing we can do. You
294 never get a chance to see whether or not we're proposing is reasonable. Whether in your view
295 it's consistent with the law. Our view is that number one, what we seek is consistent with the
296 development agreement. There may be some difference of opinion with able colleague and
297 friend such as Mr. Kaempfer, who represents the Montecito Group. But we think that it is your
298 decision as a Council and cannot be delegated to neighbors to make the determination as to
299 whether or not this thing should go forward. What we're now being told is, you don't even get a
300 chance to see it, to look at it, unless we get the consent of a couple of the neighbors. We think

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301 that's not what the agreement provides, we think that's contrary to public policy, we think it's
302 contrary to the law. We are not asking you to make a decision today on the merits, all we're
303 saying is give us a chance to file this, to get this on the calendar at sometime in the future where
304 we can debate the merits or demerits. That's – where we're coming from.

305

306 **COUNCILMAN BROWN**

307 To have – our staff, Public Works –

308

309 **MAYOR GOODMAN**

10 I agree with that.

311

312 **COUNCILMAN BROWN**

313 – review the alignment?

314

315 **RICHARD BRYAN**

316 Yeah.

317

318 **PAUL LARSEN**

319 Right.

320

321 **MAYOR GOODMAN**

322 I – don't disagree with that, Senator.

323

324 **RICHARD BRYAN**

325 Your Honor, and I – appreciate that.

326

327 **MAYOR GOODMAN**

328 I'm – just saying that when the City accepted it, that triggered that and when they send you the
329 letter of rejection, that's an issue that has to be brought in front of the Council to see whether
330 they properly rejected it.

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331 **PAUL LARSEN**

332 That's exactly what we're here for, Your Honor.

333

334 **MAYOR GOODMAN**

335 Well, and I think that's what the issue is.

336

337 **PAUL LARSEN**

338 That's exactly what the issue is.

339

40 **MAYOR GOODMAN**

341 But, I think the first thing we have to do is follow the Open Meeting Law and follow what's
342 agendaized (sic) here and decide today, whether or not this document was accepted.

343

344 **PAUL LARSEN**

345 Your Honor, it was not accepted. If you look at the letter of February 7th, and I placed a copy of
346 it up there, the decision was made not to go forward with it on the basis of Section 3.2 of the
347 agreement. The agreement itself allows Ms. Wheeler to make those interpretations of the
348 agreement. It also provides an appeal provision for us to appeal her interpretation of the
349 agreement to you. That is what we've done today. What we are asking for is for direction for
350 her to go forward with the review of the agreement to simply present it to you at some point in
351 the future on the merits, rather than hold it in abeyance as it is right now.

352

353 **MAYOR GOODMAN**

354 Mr. Larsen, let me just tell you why I'm coming from where I'm coming, okay? There was an
355 agendaized (sic) item, Item number 94, which said, appeal of director's decision per Title
356 19.00.07.07F, to deny the application of a request. Okay, that's what 94 said. What's before us
357 today is 94A, which is an appeal of Director's Decision to deny the acceptance of the
358 application. So, we're limited to that issue, not to get into the area as to whether or not, under
359 94, there was an incorrect decision to deny the application.

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360 **PAUL LARSEN**

361 Your Honor, Mr. Green and I discussed how best to describe our appeal. We were in agreement
362 that that best described our appeal. It doesn't change the basis –

363

364 **MAYOR GOODMAN**

365 Which one, 94 or 94A?

366

367 **PAUL LARSEN**

368 94A. Mr. – Green agreed that that description was a description –

59

370 **MAYOR GOODMAN**

371 I think you won 94A?

372

373 **PAUL LARSEN**

374 No, Your Honor. If you look at our appeal letter, our appeal letter asked for direction from this
375 Council to direct staff –

376

377 **TOM GREEN**

378 You should never lick a – win in the face. Your Honor, if you want to pursue that, that avenue, I
379 understand your thinking. If you want to find that the application was accepted and basically
380 accomplished the same goals that I – was saying, then –

381

382 **MAYOR GOODMAN**

383 Let me ask you this, Mr. Green, maybe I'm all wet. Is accepted and received synonymous? Or,
384 does accepted mean there's an approval and I don't think it does, Ms. Wheeler, because we have
385 a whole process after it's accepted to determine whether or not it's going to be granted.

386

387 **TOM GREEN**

388 It was just received. When things come in, they're stamped so we know when they were
389 received but she didn't make any decision on it at that point. So, and with the decision she made
390 was that it was not acceptable –

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391 **PAUL LARSEN**

392 To do nothing with it.

393

394 **TOM GREEN**

395 – it wasn't in the form necessary for acceptance –

396

397 **PAUL LARSEN**

398 Your Honor –

399

400 **TOM GREEN**

401 – so she rejected it.

402

403 **PAUL LARSEN**

404 Your Honor, that, that's – the no-mans land that we're in, is it's not being processed by staff, yet
405 we have no ability to go forward.

406

407 **MAYOR GOODMAN**

408 Okay. What do you suggest that we get something in front of us that we could say yes or no to
409 what the project's all about?

410

411 **TOM GREEN**

412 I recommend that you grant the appeal for the reason that you have the discretion to hear this
413 with the bank of knowledge that you have, already. It's not like a normal City procedure. I
414 believe that Margo did exactly right under normal City procedures and I don't think the appeal
415 should be granted on that basis. You have – the discretion to grant the appeal on the basis that
416 you want to hear the realignment on the merits. And, the issue of the consent, you know that
417 you'll face that down the line.

418 So, if you do grant that, I would ask that you do give the super notice to Montecito Town Center
419 and their counsel.

420

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420 **PAUL LARSEN**

421 And we would accept everything Mr. Green just said.

422

423 **MAYOR GOODMAN**

424 Fair enough, okay. See, we're getting to the –

425

426 **COUNCILWOMAN TARKANIAN**

427 Mr. Mayor.

428

29 **MAYOR GOODMAN**

430 – I don't know the word for it, but we're getting down to it. Yes.

431

432 **COUNCILWOMAN TARKANIAN**

433 I –

434

435 **CHRIS KAEMPFER**

436 Your Honor.

437

438 **MAYOR GOODMAN**

439 Yes.

440

441 **COUNCILWOMAN TARKANIAN**

442 As I'm understanding, what you're saying is, and it's on – record, she did accept it, the letter you

443 brought forward says –

444

445 **PAUL LARSEN**

446 We're not gonna do –

447

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447 **COUNCILWOMAN TARKANIAN**

448 – it did not go forward – it was accepted and that's what I think the Mayor is saying. You're
449 saying if it's, if we're considering just that it was accepted or not, it was accepted, it just did not
450 go forward past that point. Which I think, is what you're concerned about.

451

452 **MAYOR GOODMAN**

453 Right. I think that's accurate. Mr. Kaempfer.

454

455 **CHRIS KAEMPFER**

56 Yes. Good afternoon, Your Honor, members of the Council, Chris Kaempfer here on behalf of
457 Montecito Town Center, LLC. Your Honor and member of the Council, here's the problem.
458 You – have a development agreement with us. The only two parties to that agreement are the
459 City of Las Vegas and Montecito Town Center. We've not signed any application, we've not
460 agreed –

461

462 **MAYOR GOODMAN**

463 I agree and my position is this, Mr. Kaempfer, let it get in front of us and you make that
464 argument. And, if we feel that in fact the contract has not been complied with, then we make our
465 decision based on that. That's – all I'm saying. I'm trying to get over the hurdle today, in order
466 to get us before, get you before the City Council so we can make a decision and then you can
467 take your best shot whether we're right or wrong.

468

469 **CHRIS KAEMPFER**

470 And that's why, if I might, Your Honor, that's why Councilman Mack's suggestion made so
471 much sense. Because what we said was, why don't you take this plan that you want you guys to
472 approve and they want us to approve why don't we do it on an informal basis, let the City take a
473 look at it and if the City Traffic people say this works, then we're not gonna have a problem with
474 it provided they – do some other things that we talked about.

475

476 **MAYOR GOODMAN**

477 Well, it could take place on a parallel basis.

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478 **PAUL LARSEN**

479 Your Honor, I respectfully suggest that's exactly what could happen. We could have those
480 discussions while we're going forward –

481

482 **MAYOR GOODMAN**

483 Sure.

484

485 **PAUL LARSEN**

486 – with Mr. Green's recommendation.

87

488 **MAYOR GOODMAN**

489 Certainly.

490

491 **CHRIS KAEMPFER**

492 Just so, the record has to be absolutely clear. There is only one owner in this document and that
493 is Montecito Town Center, LLC. They're taking a different position. They're taking because we
494 sold some property to them, they became an owner under this agreement.

495

496 **MAYOR GOODMAN**

497 And, that, that's what will be argued to us.

498

499 **CHRIS KAEMPFER**

500 But, just so that we're all clear, you know.

501

502 **MAYOR GOODMAN**

503 I hope – I know you're taking issue with it and that's – very clear. I know the position of the
504 parties, I just would like to get it going in two directions now, if that's acceptable to Councilman
505 Mack. One, that you try to work it out through the City staff deciding what is appropriate and
506 seeing whether you can agree upon that and that would be a holiday for us. Otherwise, you come
507 in front of us, you make your respective arguments, we make our decisions, that's why we're
508 elected, and you take your best shot.

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509 **RICHARD BRYAN**

510 Your Honor, I think that's acceptable. May we have a time certain that gives us the time that
511 you're talking –

512

513 **MAYOR GOODMAN**

514 That's going to be up to Councilman Mack. I'll – let him make the motion.

515

516 **TOM GREEN**

517 Your Honor, with respect to that, if you grant this appeal, it just goes back to Planning
18 Department and then it's gonna follow the normal course –

519

520 **RICHARD BRYAN**

521 That's fine.

522

523 **PAUL LARSEN**

524 We'd be, we'd accept that.

525

526 **MICHAEL MACK**

527 How many – days? Could we hear this before the end of my term?

28

529 **PAUL LARSEN**

530 I'd respectfully suggest the May 4th meeting. Two weeks would be, bump into some holidays for
531 Mr. Ghermezian.

532

533 **MARGO WHEELER**

534 I, Mayor?

535

536 **CHRIS KAEMPFER**

537 Is your staff gonna –

538

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538 **MARGO WHEELER**

539 Mayor?

540

541 **CHRIS KAEMPFER**

542 – have an opportunity in two weeks to say this alignment works –

543

544 **MARGO WHEELER**

545 The applicant –

546

47 **CHRIS KAEMPFER**

548 – and Traffic and –

549

550 **COUNCILMAN MACK**

551 I, that's what I need to hear from Margo.

552

553 **MAYOR GOODMAN**

554 Ms. Wheeler.

555

556 **MARGO WHEELER**

557 The processing for the Master, an amendment to the Master Plan of Streets and Highways does

558 have to go to Planning Commission first. Is it a Public Hearing?

559

560 **BART ANDERSON**

561 Yes.

562

563 **MARGO WHEELER**

564 And, it is a Public Hearing. This is April 6th –

565

566 **BART ANDERSON**

567 First meeting in May.

568

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568 **MARGO WHEELER**

569 It would have to be the first meeting in May for Planning Commission and I could get that to the
570 first meeting in June of Council.

571

572 **MAYOR GOODMAN**

573 Councilman Reese asked the question, why does it have to go through Planning.

574

575 **MARGO WHEELER**

576 Based on Code.

77

578 **BART ANDERSON**

579 Yeah, I believe that's a State law.

580

581 **MARGO WHEELER**

582 Oh, State law?

583 **BART ANDERSON**

584 Yeah.

585

586 **COUNCILMAN MACK**

587 Does it have to go to the Planning Commission? Can we fast track it?

588

589 **BART ANDERSON**

590 We can investigate that. I believe the State law says that if there is a Planning Commission, it
591 should go to Planning Commission first.

592

593 **MAYOR GOODMAN**

594 I see.

595

596 **BART ANDERSON**

597 But, we'll have to research that.

598

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598 **MAYOR GOODMAN**

599 All right. Well, we'll assume that –

600

601 **MARGO WHEELER**

602 We can process it as soon as possible, as soon as they –.

603

604 **MAYOR GOODMAN**

605 Excuse me.

606

607 **MARGO WHEELER**

608 We can process it as soon as we believe possible.

609

610 **MAYOR GOODMAN**

611 All right.

612

613 **MARGO WHEELER**

614 Is that –

615

616 **COUNCILMAN MACK**

617 Okay, and I'd like to have that on the, the very last date to be the June 6th meeting.

618

619 **MARGO WHEELER**

620 Again, as promptly as we possibly, legally can, we will do so.

621

622 **MAYOR GOODMAN**

623 All right, very good.

624

625 **COUNCILMAN MACK**

626 And then one last thing –

627

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

627 **MARGO WHEELER**

628 If that, if that's agreeable to both of the parties, the owners.

629

630 **PAUL LARSEN**

631 We have no objection

632

633 **COUNCILMAN MACK**

634 – one last thing I'd like to – ask, the cost adhered by the City, for fast tracking this or doing a
635 traffic study, is – Mr. Ghermezian, is your company willing to – pay for these additional costs?

36

637 **ESKANDER GHERMEZIAN**

638 At this time, I don't care what it costs. You, the project is being held, delayed, delayed, delayed,
639 how much delay I have to experience Mr. Mack – ?

640

641 **MAYOR GOODMAN**

642 Wait, wait, wait, wait a minute. He asked a, Mr. Ghermezian, he asked a simple question.

643

644 **PAUL LARSEN**

645 The answer is yes, we'd be –

46

647 **ESKANDER GHERMEZIAN**

648 The answer is yes, but don't delay anymore, please.

649

650 **MAYOR GOODMAN**

651 He asked a simple question.

652

653 **ESKANDER GHERMEZIAN**

654 Yes.

655

656 **MAYOR GOODMAN**

657 Okay.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

658 **COUNCILMAN MACK**

659 I understand.

660

661 **CHRIS KAEMPFER**

662 And, Your Honor, Ms. Wheeler asked if – that was acceptable to the parties, it's acceptable with
663 the understanding that we're preserving, for the record, the fact that they cannot move forward
664 legally without permission of Montecito Town Center, LLC. We'll argue that to you, you made
665 that crystal clear.

666

667 **MAYOR GOODMAN**

668 That's certainly on the record.

669

670 **CHRIS KAEMPFER**

671 All right.

672

673 **MAYOR GOODMAN**

674 Okay. Councilman?

675

676 **COUNCILMAN MACK**

677 Okay, anything else Margo?

678

679 **LAWRENCE WEEKLY**

680 I was just going to ask Mr. Ghermezian just one question.

681

682 **MARGO WHEELER**

683 Again, if the action is to approve the appeal and Mr. Green, if I'm correct, the action would be to
684 approve the appeal again, then at the staff level we, the direction is to process this absolutely as
685 quickly as we can based upon State and City code. And, that's what we'll do.

686

687 **COUNCILMAN MACK**

688 And the additional condition that Triple Five will adhere the cost to any of the traffic.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

689 **PAUL LARSEN**

690 We agree to all of those.

691

692 **MAYOR GOODMAN**

693 Right, and Councilman Brown.

694

695 **COUNCILMAN BROWN**

696 Councilman Mack, just, so, when it hits the Planning Commission it's – very simple and, correct
697 me, Mr. Larsen, if I'm wrong, you're submitting an amendment to the Streets and Highway Plan
698 that is going to be reviewed at Planning Commission in 30 days or whatever.

699

700 **PAUL LARSEN**

701 We understand that.

702

703 **COUNCILMAN BROWN**

704 That's the specific issue.

705

706 **PAUL LARSEN**

707 That's correct.

708

709 **COUNCILMAN BROWN**

710 Ultimately, it ends up at our first meeting in June and then at that time, I guess Mr. Kaempfer, if
711 there are other issues separate from the review of the amendment to the streets and highways –

712

713 **PAUL LARSEN**

714 We understand that – we're deferring for another day, that day, Mr. Kaempfer's legal argument.

715

716 **CHRIS KAEMPFER**

717 Councilman, answering that, absolutely, we're very much concerned over the fact that we have
718 an agreement that someone else is going to amend without our permission. That bothers us.

719 Yes, Sir.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

720 **COUNCILMAN BROWN**

721 But, here's the issue.

722

723 **CHRIS KAEMPFER**

724 Preserving that, understood.

725

726 **COUNCILMAN BROWN**

727 And, at Planning Commission, since this body does not oversee Planning Commission, the issue
728 is going to be raised, as far as well why – is Planning Commission even hearing this if there's an
29 issue outstanding as far as the legal ownership rights.

730

731 **COUNCILMAN MACK**

732 I agree.

733

734 **COUNCILMAN BROWN**

735 So, I just want both parties to agree today that we're not going to, even through an act of God,
736 try to hold up something or delay something at Planning Commission that would harm the
737 schedule to bring this back before Council in the first meeting of June. I just want that on the
738 record that we understand, not disregarding any rights that the owner or the applicant have.

39

740 **MAYOR GOODMAN**

741 Right. I – would – concur and, if there's any way in the world, and I love the Planning
742 Commission, but on this one here, if there's any way in the world to get it back in front of us, try
743 to do that, please.

744

745 **MARGO WHEELER**

746 We certainly agree.

747

748 **MAYOR GOODMAN**

749 All right.

750

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

750 **COUNCILMAN WOLFSON**

751 Mayor Goodman?

752

753 **COUNCILMAN BROWN**

754 Thank you Councilman.

755

756 **MAYOR GOODMAN**

757 Councilman.

758

59 **COUNCILMAN WOLFSON**

760 With your permission and Councilman Mack's permission, it's my understanding that what
761 we're going to be looking at perhaps in a month or so are two things. Number one, the issue on
762 the merits and number two, procedurally whether or not Triple Five has the ability to bring this
763 before us, if – you will.

764 The request I have is this, is that I received a memorandum and – met with Mr. Hemanowski,
765 and I appreciate our meeting and the memorandum, and then I received a memorandum of law, if
766 you will, from the City's, from the City. I want to make sure both parties are seeing each other's
767 memos so that you can each respond to these memorandums. Because what we're doing, is
768 we're talking about potentially hearing something on the merits if we decide that we are able to
69 hear something on the merits procedurally. So, I think the procedural argument is very important
770 and I think to best educate this Board, the lawyers involved need to make sure that they're
771 exchanging these legal memorandums so they each have a chance to reply to all of these things.

772

773 **PAUL LARSEN**

774 I can assure you that's been done already.

775

776 **COUNCILMAN WOLFSON**

777 Okay. 'Cause I get one from one party and one from the other and I don't know if you guys are
778 aware of each others memos.

779

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

779 **MAYOR GOODMAN**

780 Okay. Councilman Mack.

781

782 **CHRIS KAEMPFER**

783 I've been told I will be given a copy of the memos.

784

785 **MAYOR GOODMAN**

786 All right. Councilman Mack.

787

88 **COUNCILMAN MACK**

789 My motion is – to follow staff's recommendations, as stated by Margo, with all the amended

790 changes. Also, we don't want to hurt the integrity, I guess at this point, of the Montecito

791 agreement with the City.

792

793 **MAYOR GOODMAN**

794 All right. And Mr. Larsen, my –

795

796 **PAUL LARSEN**

797 I'll take yes for an answer, Your Honor.

98

799 **MAYOR GOODMAN**

800 – my expression before was just to get this thing moving along. I –

801

802 **PAUL LARSEN**

803 I appreciate that.

804

805 **MAYOR GOODMAN**

806 – knew we were gonna end up, we had to end up here. I really didn't want you guys to make

807 too much money today. All right.

808

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

808 **COUNCILMAN MACK**

809 Margo, I guess I need to – revise my – motion because staff's recommendation was for denial so,
810 motion for approval.

811

812 **BART ANDERSON**

813 And, Mr. Mayor, if I may, through you, Councilman, just to clarify, you wanted an additional
814 condition that any costs associated with performing traffic study or analysis of their proposed
815 realignment shall be borne by –

816

17 **COUNCILMAN MACK**

818 Triple Five.

819

820 **BART ANDERSON**

821 – Triple Five.

822

823 **PAUL LARSEN**

824 The fast track costs.

825

826 **BART ANDERSON**

27 And, does, the fast track costs, yes.

828

829 **COUNCILMAN MACK**

830 Yes.

831

832 **BART ANDERSON**

833 But if there are costs associated with performing a traffic study internally, is that what you were
834 referring to?

835 **COUNCILMAN MACK**

836 Is that something that we would do standard anyways? With the development?

837

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

837 **BART ANDERSON**

838 I don't know. I mean, normally, we would require them to do a traffic study. If we were doing
839 an internal one, I don't know if costs are something that we would be able to address. That's the
840 first time I've heard it. It just sounded like that's what you had directed us to do and –

841

842 **COUNCILMAN MACK**

843 Well I, you know, what – would be the cost incurred in house?

844

845 **BART ANDERSON**

846 You know, again, I – can't answer that. If there are any costs incurred –

847

848 **PAUL LARSEN**

849 I can solve this. We will agree to any extraordinary costs associated with fast tracking this.

850

851 **MAYOR GOODMAN**

852 Well, I – think in fairness to you though, if there are extraordinary costs that are substantial, I
853 believe the City should advise you to get your okay.

854

855 **PAUL LARSEN**

856 We'd certainly appreciate that, Your Honor.

857

858 **BART ANDERSON**

859 Okay, so if the condition could be worded in that way that any costs associated with fast
860 tracking, including costs related to traffic studies, shall be borne by Triple Five.

861

862 **PAUL LARSEN**

863 We agree to that.

864

865 **COUNCILMAN MACK**

866 Okay.

867

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

867 **MAYOR GOODMAN**

868 All right. Very good, thank you.

869

870 **COUNCILMAN MACK**

871 As amended?

872

873 **MAYOR GOODMAN**

874 As amended.

875

876 **TOM GREEN**

877 Additionally, with the notice that I would like, on the record, I would like that super notice given
878 to – Montecito because I think because of their position in the Montecito Development
879 Agreement, they're entitled to that type of notice which would include all moving papers, all
880 maps, documents.

881

882 **PAUL LARSEN**

883 We agree to that as well and if Mr. Kaempfer can be the point of contact for that super notice.

884

885 **RICHARD BRYAN**

886 We want to make sure we get the notice.

887

888 **MAYOR GOODMAN**

889 Very good.

890

891 **CHRIS KAEMPFER**

892 I'll be happy to be and I assume also we'll get the, a report from staff as soon as it's available.

893 Thank you.

894

895 **MAYOR GOODMAN**

896 Thank you.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 94A

897 **CHRIS KAEMPFER**

898 I can always count on your staff. Thank you.

899

900 **COUNCILMAN MACK**

901 As amended, Your Honor.

902

903 **MAYOR GOODMAN**

904 All right. Thank you. Let's vote, please. Post. Motion carries **(Motion carried unanimously)**

905 Good luck folks.

06

907 **PAUL LARSEN**

908 Thank you very much.

909

910 **CHRIS KAEMPFER**

911 Thank you.

912

913 **RICHARD BRYAN**

914 Thank you, Your Honor. Thank you, members of the Council.

-915 **(END OF DISCUSSION)**

16 /slc;ac

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REQUIRED ONE YEAR REVIEW - REVIEW OF CONDITION

RQR-6141 - PUBLIC HEARING - APPLICANT: YONO ENTERPRISES - OWNER: RICHARD STURMAN - Required One-Year Review of an approved Review of Condition (ROC-1770) WHICH DELETED CONDITION NO. 2 of an approved Special Use Permit (U-0154-98) PROHIBITING THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE BEER, WINE COOLERS OR SCREW CAP WINE for an existing market at 611 Fremont Street, Suite 20 (APN 139-34-611-019), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL

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.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. City Council approval letter for ROC-1770

MOTION:

WEEKLY - APPROVED subject to conditions - Motion carried with MACK not voting and REESE excused

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

STEVE YONO, owner of Fremont Family Market and Deli, 611 Fremont Street, asked that the restriction be lifted.

MARGO WHEELER, Director, Planning and Development Department, explained that the restriction of the sale of the screw cap and singles was lifted previously. This is the required review. If the City Council wishes to continue to allow the restriction and approve it with a one-year review, then the action would be to approve the request as proposed. If the City Council wishes not to have any further reviews, then Condition 1 would be amended.

COUNCILMAN WEEKLY requested that the review be kept for another year because there are still many issues that need to be resolved in this particular area.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:38 - 2:42)

CITY COUNCIL MEETING OF: APRIL 6, 2005

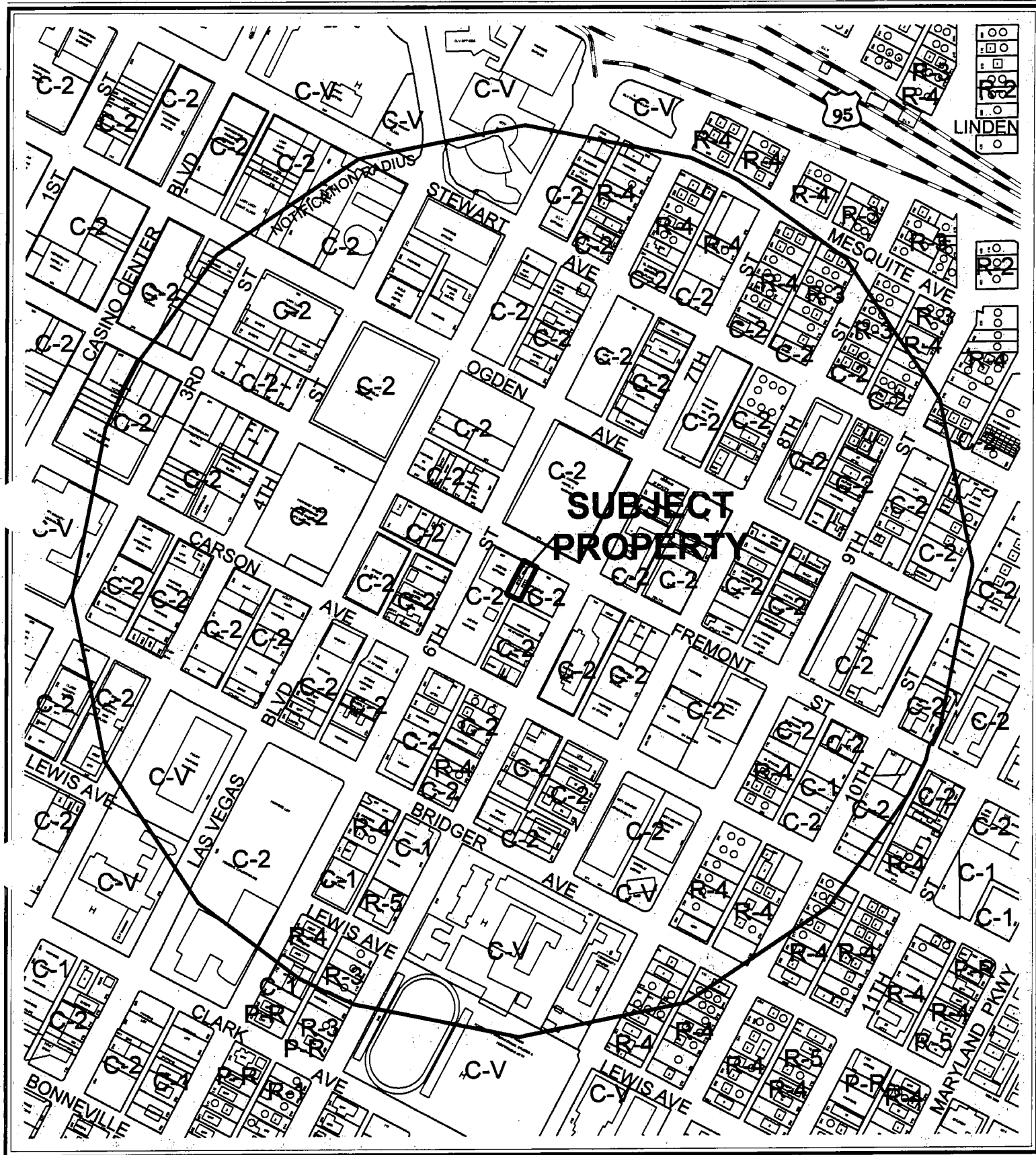
MINUTES - Continued:

4-2293

CONDITIONS:

Planning and Development

1. The sale of individual containers of any size beer, wine coolers, or screw cap wine at this location shall be reviewed in one year by the City Council.
2. Conformance to all applicable Conditions of Approval for Special Use Permit U-0154-98.
3. All City Code requirements and design standards of all City Departments shall be satisfied.



CASE: **RQR-6141**

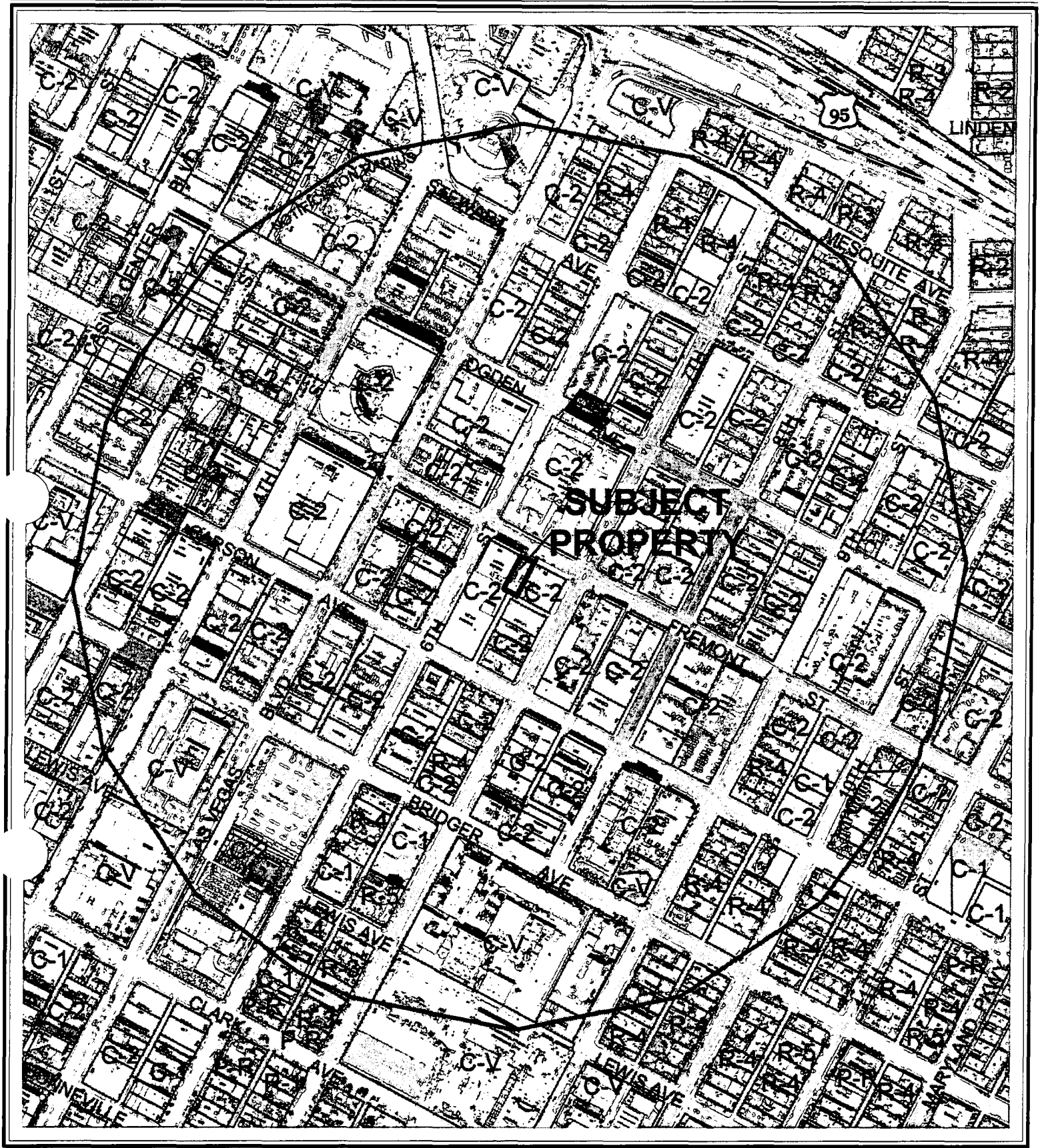
RADIUS: 1500 FT

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

0 400 800 Feet

95





CASE: RQR-6141

RADIUS: 1500 FT

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

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-6141 - APPLICANT: YONO ENTERPRISES – OWNER:
RICHARD STURMAN

**** CONDITIONS ****

Staff recommends DENIAL. If Approved, subject to:

Planning and Development

1. The sale of individual containers of any size beer, wine coolers, or screw cap wine at this location shall be reviewed in one year by the City Council.
2. Conformance to all applicable Conditions of Approval for Special Use Permit U-0154-98.
3. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Required One-Year Review of an approved Review of Condition (ROC-1770) which deleted Condition No. 2 of an approved Special Use Permit (U-0154-98) prohibiting the sale of individual containers of any size beer, wine coolers or screw cap wine for an existing market at 611 Fremont Street.

B) Applicant's Justification

A justification letter was not required for this request.

BACKGROUND INFORMATION

A) Related Actions

03/22/99	The City Council approved a Special Use Permit (U-0154-98) for the sale of beer and wine for off-premise consumption in conjunction with an existing market/deli, subject to a six-month review. The Planning Commission and staff recommended denial on 01/14/99.
01/05/00	The City Council approved a Required Six-Month Review of a Special Use Permit [U-0154-98(1)] for the sale of beer and wine for off-premise consumption in conjunction with an existing market/deli, subject to a one-year review. Staff recommended approval.
03/07/01	The City Council approved a Required One-Year Review of an approved Special Use Permit [U-0154-98(2)] for the sale of beer and wine for off-premise consumption in conjunction with an existing market/deli, with no subsequent reviews required. The Planning Commission and staff recommended approval on 01/25/01.
04/16/03	The City Council approved a request for a Review of Condition (ROC-1770) Number 2 of the Special Use Permit (U-0154-98), which prohibited the sale of individual containers of any size beer, wine coolers or screw cap wine for an existing market. The approval allowed the sale of such containers, subject to a one-year review at City Council. The Planning Commission and staff recommended denial on 03/13/03.
04/07/04	The City Council approved a Required One-Year Review (RQR-3881) of a Review of Condition (ROC-1770) Number 2 of the Special Use Permit (U-0154-98), which prohibited the sale of individual containers of any size beer, wine coolers or screw cap wine for an existing market. The approval allowed the sale of such containers, subject to a one-year review at City Council. Staff recommended denial.

B) Pre-Application Meeting

A pre-application meeting is not required for this type of application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.17

B) Existing Land Use

Subject Property: Retail Commercial
North: Hotel & Casino
South: Parking lot
East: Parking lot
West: Office

C) Planned Land Use

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: PF (Public Facility)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property is identified on the Southeast Sector Map of the General Plan as being included in the "Downtown Redevelopment Plan" Area. It is subject to the land use designations identified in the Las Vegas Redevelopment Plan. The Redevelopment Plan designates the parcel as C (Commercial), which allows office uses, service-oriented commercial uses, and general commercial uses. The existing market and deli on the subject site is consistent with the Commercial designation and is a permitted use in the C-2 (General Commercial) zoning district. The sale of beer and wine for off-premise consumption is also a permitted use in the C-2 district with the approval of a Special Use Permit.

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

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

Las Vegas Downtown Centennial Plan: The subject site falls within the East Fremont district of the Las Vegas Downtown Centennial Plan. According to the plan, this district “will present future opportunities for new commercial ventures and the integration of medium density mixed-income residential neighborhoods.” The current retail commercial use is compatible with the goals of the plan.

Entertainment Overlay District: The subject site and all surrounding sites also fall within the boundaries of the Downtown Entertainment Overlay District. This district was created to revitalize a portion of Downtown by encouraging the clustering of non-gaming nightclubs, comedy clubs, restaurants, and other eating, drinking, and entertainment establishments.

ANALYSIS

Condition Number 2 of approved Special Use Permit (U-0154-98) prohibited the sale of individual containers of any size beer, wine coolers, or screw cap wine by the Fremont Family Market and Deli. The City Council decided in the review of this condition to allow the sale of individual containers and added the condition of a one-year review at City Council.

A report received from the Las Vegas Metropolitan Police Department indicates that it responded to the following incidents at this location from April, 2004 to March 9, 2005:

<u>Incident</u>	<u>Number of Occurrences</u>
Accident With Injuries	1
Unknown Problem	2

911 Disconnect	3
Stolen Vehicle	1
Assault/Battery	1
Fight	2
Other Disturbance	2
Suspicious Person	1
Fraud	1
Wanted Suspect	2
Directed Patrol Activity	1
Vehicle Stop	1
Pedestrian Check	44
Range	1

The Las Vegas Metropolitan Police Department has indicated they cannot confirm a relationship between above incidents and the single sales of beer and wine at this location.

Staff has consistently recommended denial of requests for the sale of individual containers of beer, wine coolers, and screw cap wine in this area, based on findings that carry-out sales appear to contribute to the deterioration of the downtown environment. Furthermore, the prohibition of individual container sales has been a standard condition of approval for any Special Use Permit pertaining to off-premise liquor sales. The evidence provided is insufficient to change the recommendation for this item.

FINDINGS

Although the lack of reports of drunkenness is encouraging, the sale of individual containers of beer, wine coolers, and screw cap wine at this location does not promote the goals of revitalization of the downtown area. Therefore, the recommendation is for denial, with another one-year review required if approved.

NOTICES MAILED 217 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-6141 APN: 139-34-611-019

Name of Property Owner: Richard STORMAN

Name of Applicant: STAE, MANUEL, MANUEL JR Yono

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: _____

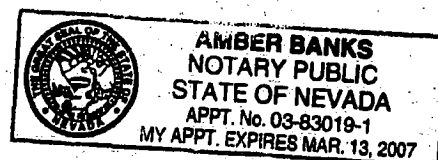
Signature of Property Owner: [Signature]

Print Name: Richard STUBBINS

Subscribed and sworn before me

This 17th day of February, 2015

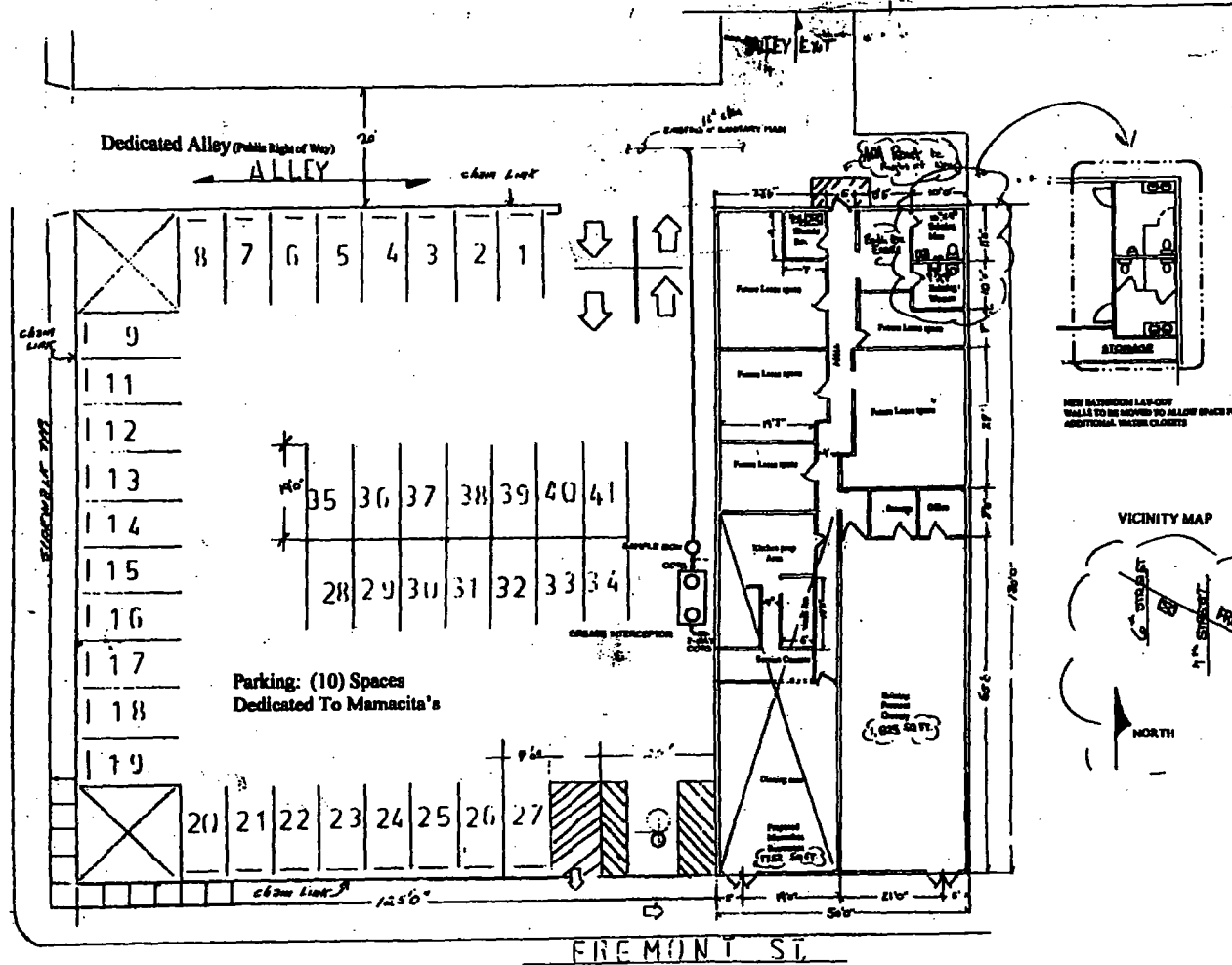
~~Notary Public in and for said County and State~~



RQR- 41
4-6-05 CC

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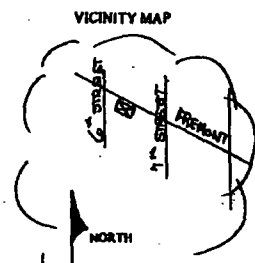


CODE ANALYSIS:
CONSTRUCTION TYPE
OCCUPANCY GROUP
ACTUAL FLOOR AREA
PARKING REQ. 1,732,000
SINGLE STORY HEIGHT
FIRE SPRINKLER SYSTEM
UNIFORM BUILDING CODE

V-B
A-3
1,732 SQ. FT.
9 (PROV.) 10 (Aval.)
100"
NONE
1107

OCCUPANT NOTES:

REQUIRED	AVAILABLE
1. OCCUPANT LOAD	
2. ELEVATOR	
3. BATHROOM (MIN 4-4)	
4. MANICURE (4-3)	
5. KITCHEN (4-4)	
6. DINING AREA (4-4)	
7. LIVING AREA (4-4)	
8. TOTAL AREA (4-4)	
9. TOTAL BATHROOMS (4-4)	
10. BATHROOMS (4-4)	
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46. BATHROOMS (4-4)	
47. BATHROOMS (4-4)	
48. BATHROOMS (4-4)	
49. BATHROOMS (4-4)	
50. BATHROOMS (4-4)	



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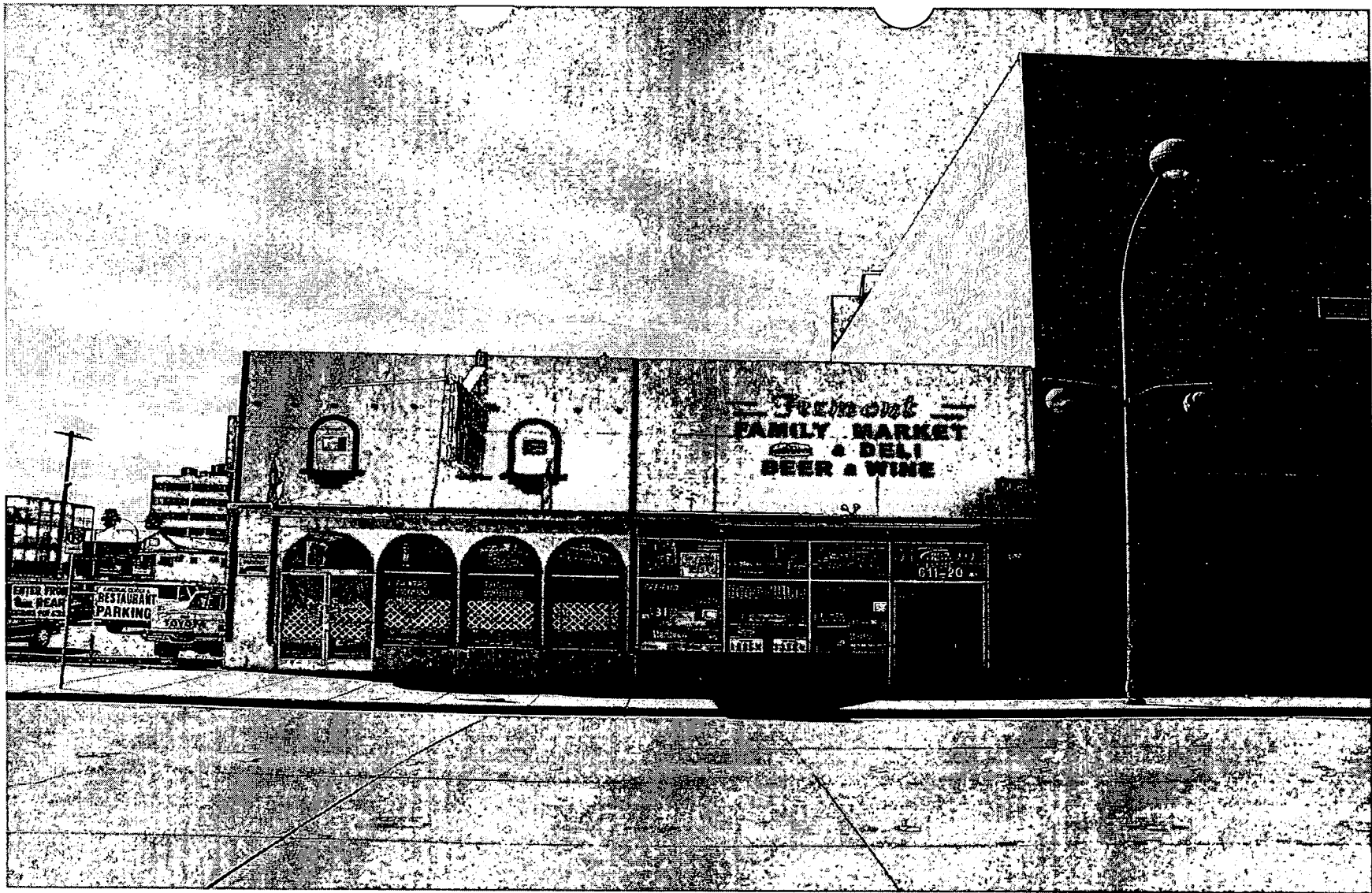
EXISTING WALLS
PROPOSED WALLS
NEW WALL CONSTRUCTION
FUTURE LEASABLE SPACE
(Labeled on Plan)

SITE PLAN SCALE 1" = 10'-0"

Merlin Hardy
HARDY DEVELOPMENT
MERLIN HARDY
LIC. # B 26060

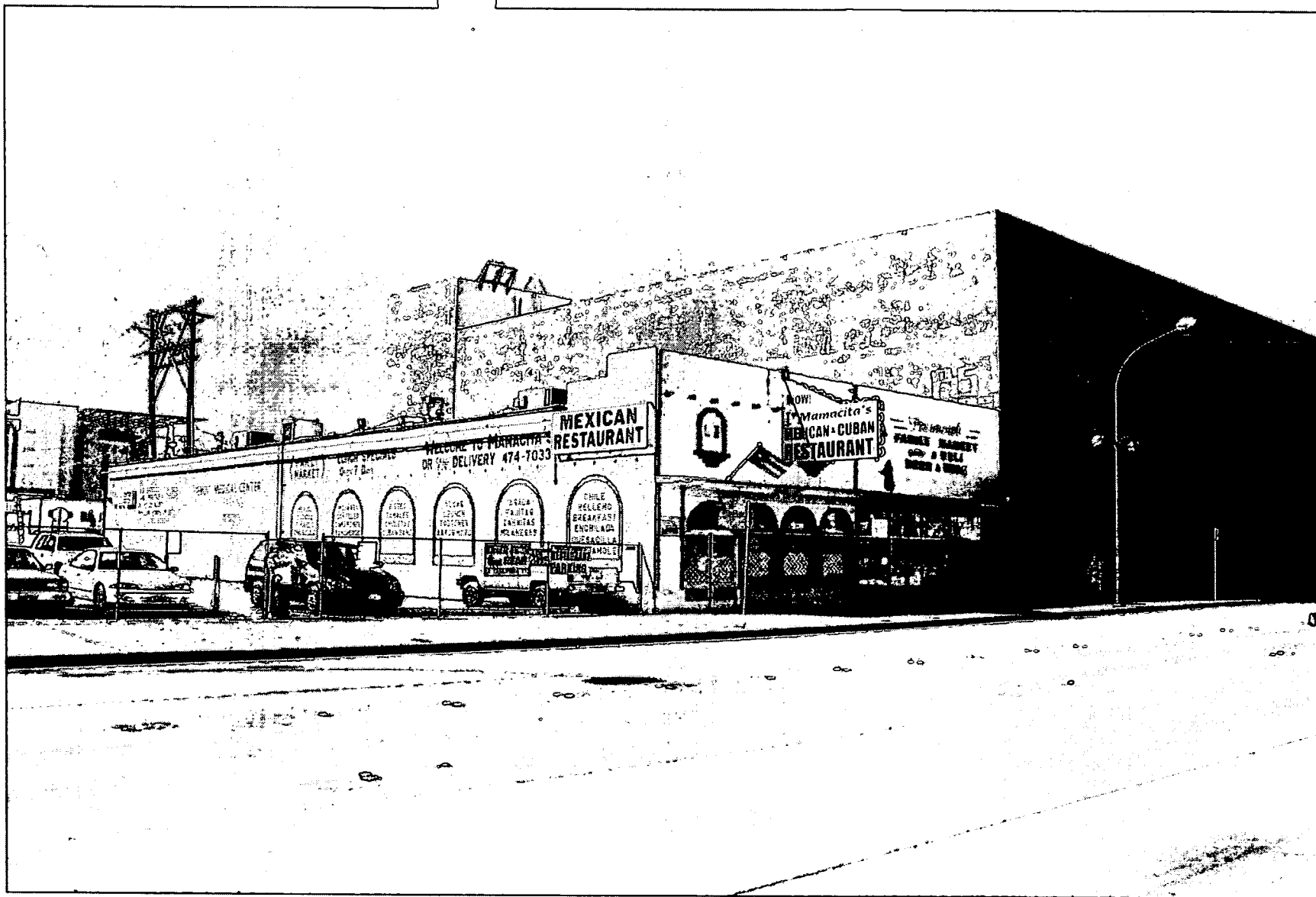
611 E FREEMONT STREET
LAS VEGAS NEVADA

66-8905-7



RQR-6141 - APPLICANT: YONO ENTERPRISES – OWNER: RICHARD STURMAN
611 Fremont Street
APRIL 6, 2005 CITY COUNCIL MEETING

Picture taken 03/09/05



RQR-6141 - APPLICANT: YONO ENTERPRISES – OWNER: RICHARD STURMAN
611 Fremont Street
APRIL 6, 2005 CITY COUNCIL MEETING

Picture taken 03/09/05



037392



MAYOR
OSCAR B. GOODMAN

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

CITY MANAGER
DOUGLAS A. SELBY

June 23, 2003

Mr. Richard Sturman
114 North Third Street
Las Vegas, Nevada 89109

RE: ROC-1770 - REVIEW OF CONDITION
CITY COUNCIL MEETING OF APRIL 16, 2003

Dear Mr. Sturman:

The City Council at a regular meeting held April 16, 2003 APPROVED the request for a Review of Condition #2 of an Approved Special Use Permit (U-0154-98) which prohibited the sale of individual containers of any size of beer, wine coolers or screw cap wine for an existing market (Fremont Family Market and Deli) on 0.15 acres at 611 Fremont Street, #20 (APN: 139-34-611-019), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on April 17, 2003. This approval is subject to:

Planning and Development

1. The use shall be reviewed in one year at City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. Conformance to all applicable conditions of approval for Special Use Permit (U-154-98).

Sincerely,

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

Sincerely,

M. Margo Wheeler, AICP
Planning Manager, Current Planning Division
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Steve Yono
611 Fremont Street, Suite #20
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

20R-6141

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REVIEW OF CONDITION

ROC-6073 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: BRUCE A. MORRIS - OWNER: CALVARY COMMUNITY ASSEMBLY OF GOD - Request for a Review of Condition Number 1 of an approved Site Development Plan Review [Z-0086-99(1)] TO ELIMINATE THE REQUIREMENT FOR A DECORATIVE BLOCK WALL ALONG THE SOUTH PROPERTY LINE for an existing church on 11.22 acres at 2900 North Torrey Pines Drive (APNs 138-14-601-005, 006, 013 and 014), U (Undeveloped) Zone [PF (Public Facility) General Plan Designation] under Resolution of Intent to C-V (Civic) and C-V (Civic) Zone, Ward 5 (Weekly). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification letter
5. City Council approval letter for Z-0086-99(1)
6. Submitted at City Council - March 25, 1997 Board of Zoning Adjustment Minutes

MOTION:

WEEKLY - DENIED - UNANIMOUS with GOODMAN abstaining because the mother of one of his staff members is on the board of directors for the church

MINUTES:

NOTE: A Combined Verbatim Transcript of an excerpt of Item 82 and Item 96 [RPC-6073] is made a part of the final minutes under Item 96 [ROC-6073].

COUNCILMAN BROWN declared the Public Hearing open.

APPEARANCES:

GARY REESE, Mayor Pro Tem
BRUCE MORRIS, Pastor, Calvary Community Assembly of God
OSCAR GOODMAN, Mayor
LAWRENCE WEEKLY, Councilman
LILY BURNS, 2880 Mustang Street
BARBARA JO RONEMUS, City Clerk
MICHAEL MACK, Councilman
MARGO WHEELER, Director, Planning and Development Department
LARRY BROWN, Councilman

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

STEVE WOLFSON, Councilman

STEVEN KOZMARY, Doctor, Kozmary Pain Clinic

BRYAN SCOTT, Deputy City Attorney

BOB HOYES, 5428 Palisades Quad Avenue

JOE BURNS, 2880 Mustang Street

ALICE KUKEC, 2860 Mustang Street

GINA WILBORN, Office Manager, Calvary Community Assembly of God

ELDEN GROWBERGER

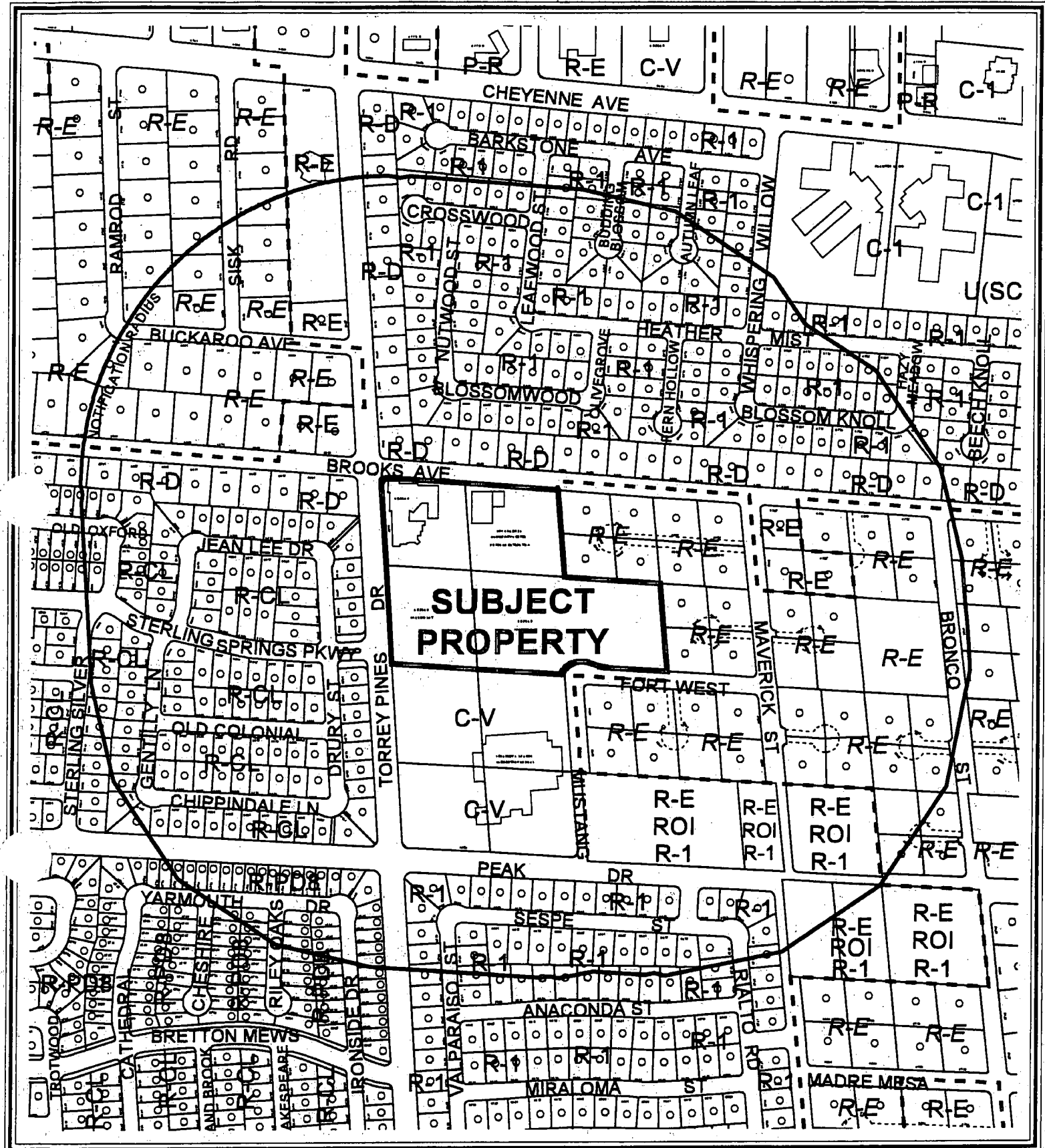
PENNY GILLMAN

SHELDON GROWBERGER, 8745 Roselli Court

COUNCILMAN BROWN declared the Public Hearing closed.

(1:36 - 1:41/1:43 - 1:52/2:42 - 3:15)

4-1/4-178/4-2452/5-1



CASE: **ROC-6073**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PF (PUBLIC FACILITY) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-V (CIVIC) AND C-V (CIVIC)

0 400 800 Feet





CASE: ROC-6073

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [PF (PUBLIC FACILITY) GENERAL PLAN DESIGNATION] UNDER
RESOLUTION OF INTENT TO C-V (CIVIC) AND C-V (CIVIC)



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - ROC-6073 - APPLICANT: BRUCE A. MORRIS – OWNER: CALVARY COMMUNITY ASSEMBLY OF GOD

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 16, 2005 CITY COUNCIL MEETING AT COUNCILMAN WEEKLY'S REQUEST.

**** CONDITIONS ****

Staff recommends DENIAL. If Approved subject to:

Planning and Development

1. Conformance to all applicable Conditions of Approval for Rezoning Z-0086-99, Site Development Plan Review Z-0086-99(1) and all other site related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Review of Condition Number 1 of an approved Site Development Plan Review [Z-0086-99(1)] to eliminate the requirement for a decorative block wall along the south property line for an existing Church on 11.22 acres at 2900 North Torrey Pines Drive.

B) Applicant's Justification

The applicant's justification letter indicates their understanding was the perimeter wall was only required along the east side of the site. Additionally the applicant has the following concerns about the placement of a wall along the south property line: attraction of graffiti, blocking the view of the adjacent elementary school and increased crime and illegal activities.

BACKGROUND INFORMATION

A) Related Actions

03/01/00 The City Council approved a Rezoning (Z-0086-99) to C-V (Civic) for the overall site. The Planning Commission and staff recommended approval on 01/27/00.

08/16/00 The City Council approved a Site Development Plan Review [Z-0086-99(1)] for a proposed 14,980 square foot daycare and a 20,539 square foot community center in conjunction with an existing church on this site. The Planning Commission and staff recommended approval on 01/27/00.

02/23/01 A Certificate of Occupancy was issued for the day care building.

06/17/04 A Certificate of Completion was issued for the community center building.

B) Pre-Application Meeting

01/26/05 A pre-application meeting was held and the applicant was advised of the requirements for a Review of Condition application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 11.22

B) Existing Land Use

Subject Property: Undeveloped, Church and Community Center
North: Single Family Residences
South: Single Family Residences and Elementary School
East: Single Family Residences
West: Single Family Residences

C) Planned Land Use

Subject Property: PF (Public Facility)
North: R (Rural Density Residential)
South: R (Rural Density Residential) and PF (Public Facility)
East: R (Rural Density Residential)
West: ML (Medium Low Density Residential)

D) Existing Zoning

Subject Property: U (Undeveloped) [PF (Public Facility) General Plan Designation]
under Resolution of Intent to C-V (Civic) and C-V (Civic)
North: R-D (Single Family Residential-Restricted)
South: C-V (Civic) and Unincorporated Clark County
East: Unincorporated Clark County
West: R-D (Single Family Residential-Restricted) and R-CL (Single Family Compact-Lot)

E) General Plan Compliance

The site is designated as PF (Public Facility) in the Centennial Hills Sector Plan of the General Plan. The existing R-PD3 (Residential Planned Development – 3 Units Per Acre) is in conformance with this land use designation.

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

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

ANALYSIS

Condition of Approval Number 1 for the approved Site Development Plan Review reads as follows:

“Construct a six foot high decorative combination block wall on the north half of the eastern property line prior to the issuance of any other grading, building or construction permit. The remainder of the perimeter wall shall be completed prior to the issuance of the certificate of occupancy.”

The applicant is now requesting this condition be revised to eliminate the wall along the south property line because they do not believe it is required by the condition. Additionally, as noted in the applicant’s justification, they have concerns about attraction of graffiti, blocking the view of the adjacent elementary school and increased crime and illegal activities if the wall is required.

FINDINGS

The purpose of the condition is to provide a buffer between the church use and the rural residences to the south. Additionally, the construction of the wall helps facilitate Condition of Approval Number 1 for Rezoning Z-0086-99, which states “No vehicular access shall be allowed onto Fort West Road on onto Mustang Street”. Therefore, the recommendation for this request is denial and the 6 foot high decorative block wall should be provided along the south property line.

NOTICES MAILED 447 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-6073 APN: 138-14-601-005, 006, 013 & 014

Name of Property Owner: CALVARY COMMUNITY ASSEMBLY OF GOD, INC.

Name of Applicant: BRUCE A. MORRIS

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: _____

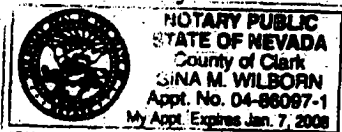
Signature of Property Owner:

Print Name: DRUCE A. MORRIS

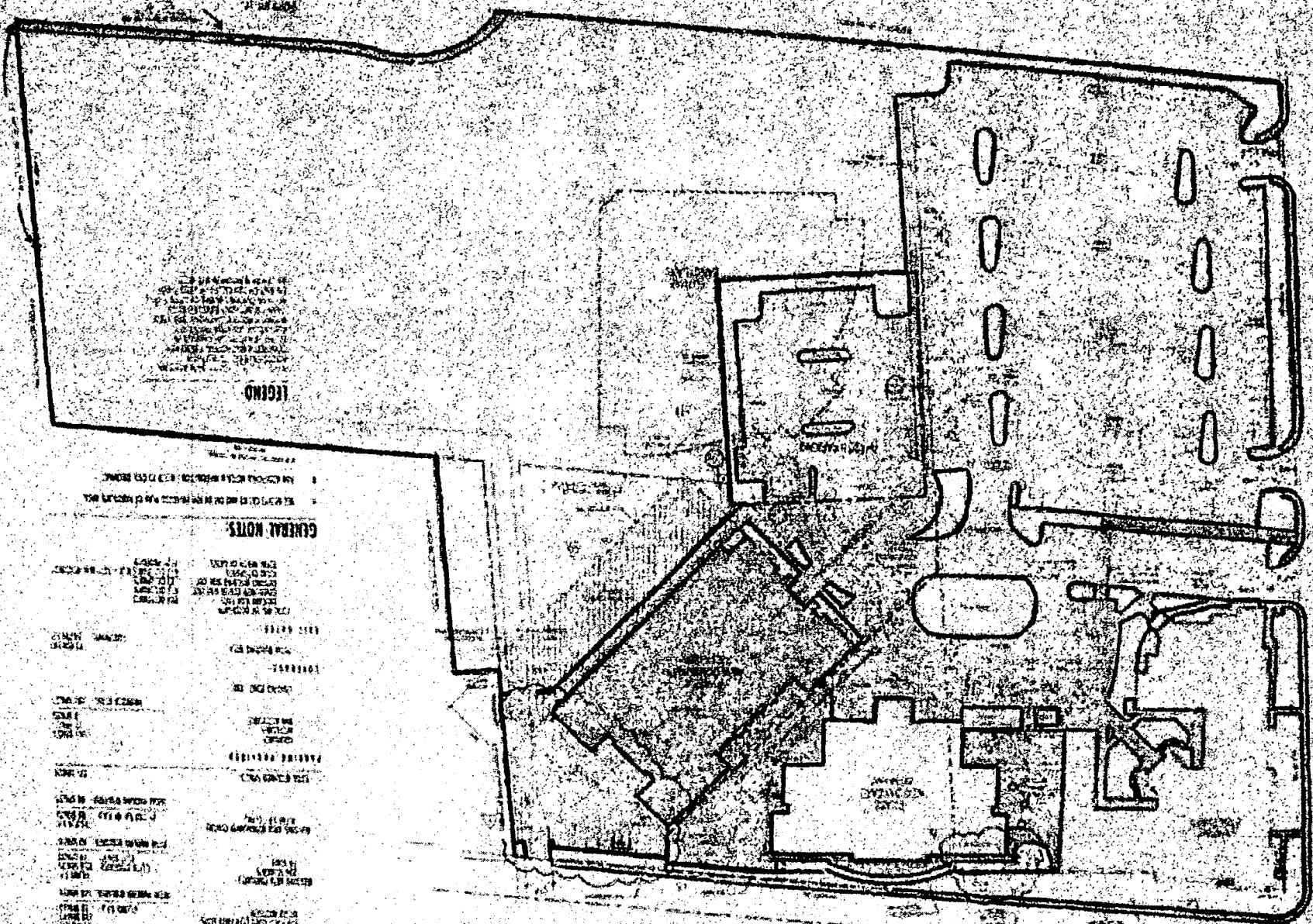
Subscribed and sworn before me

This 2ND day of FEBRUARY, 2005

John M. Wilburn
Notary Public in and for said County and State



ROC-6073
3-16-05 CC



LEGEND

GENERAL NOTES

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES.
- 2. THE DESIGNER HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.
- 3. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE COMPATIBLE WITH THE SURROUNDING ENVIRONMENT AND TO PROVIDE FOR THE WELL-BEING OF THE COMMUNITY.
- 4. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE ACCESSIBLE TO ALL PEOPLE, INCLUDING THOSE WITH PHYSICAL DISABILITIES.
- 5. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE ENERGY EFFICIENT AND TO PROVIDE FOR THE CONSERVATION OF NATURAL RESOURCES.
- 6. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE AESTHETICALLY PLEASING AND TO ENHANCE THE QUALITY OF THE ENVIRONMENT.
- 7. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE ECONOMICALLY FEASIBLE AND TO PROVIDE FOR THE WELL-BEING OF THE COMMUNITY.
- 8. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE SUSTAINABLE AND TO PROVIDE FOR THE WELL-BEING OF THE COMMUNITY.
- 9. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE SECURE AND TO PROVIDE FOR THE WELL-BEING OF THE COMMUNITY.
- 10. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO BE HEALTHY AND TO PROVIDE FOR THE WELL-BEING OF THE COMMUNITY.

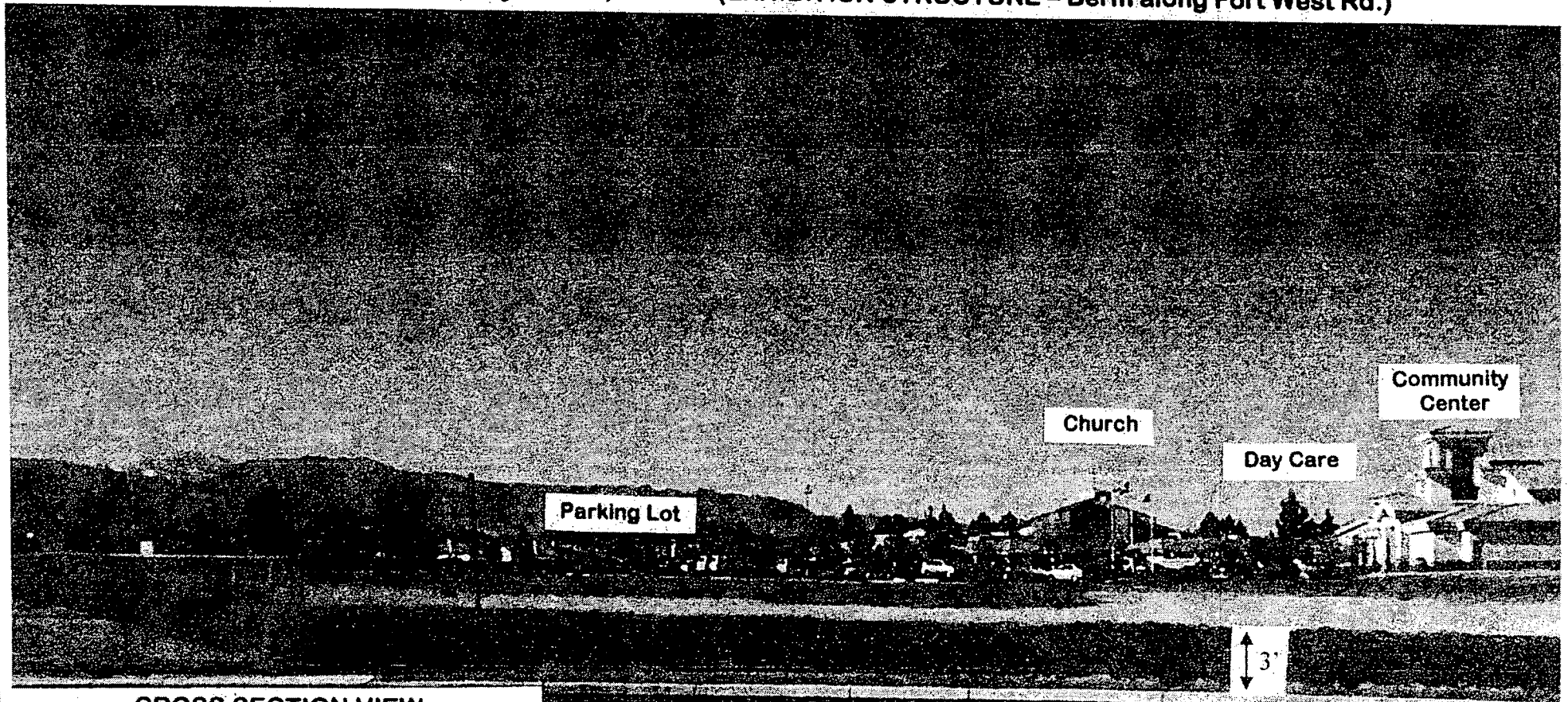
SITE SUMMARY

Community Center, Assembly of God

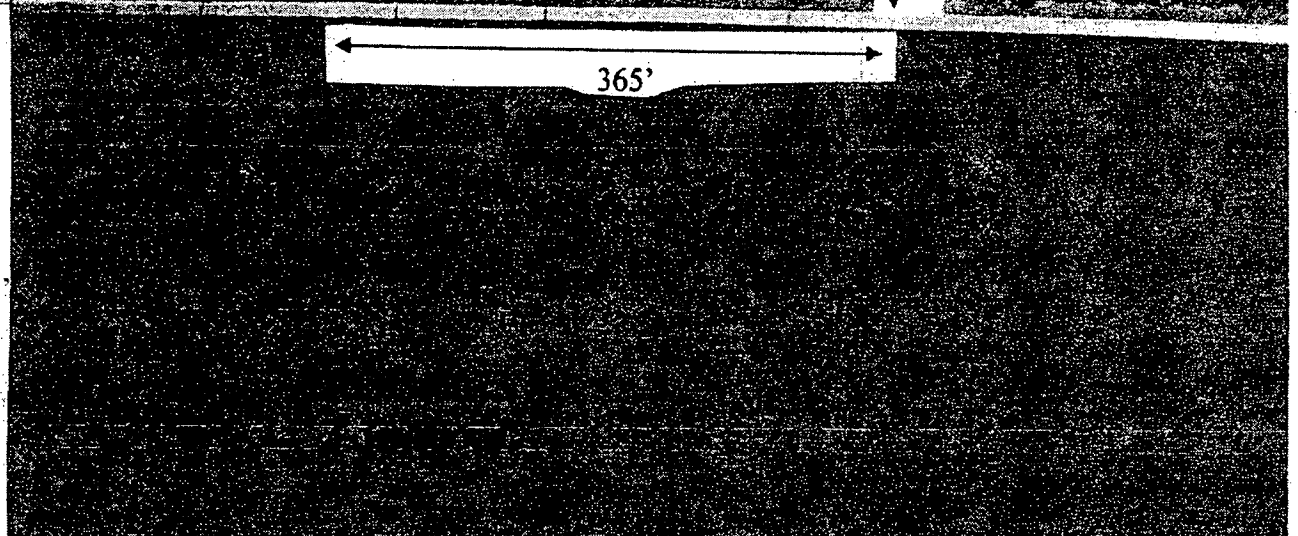
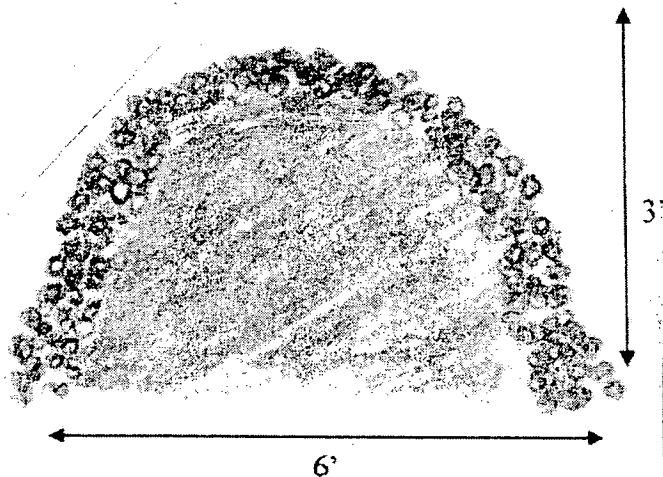
COMMUNITY CENTER

JMA ARCHITECTURE

Calvary Community Assembly of God, Inc. (EXHIBITION STRUCTURE – Berm along Fort West Rd.)



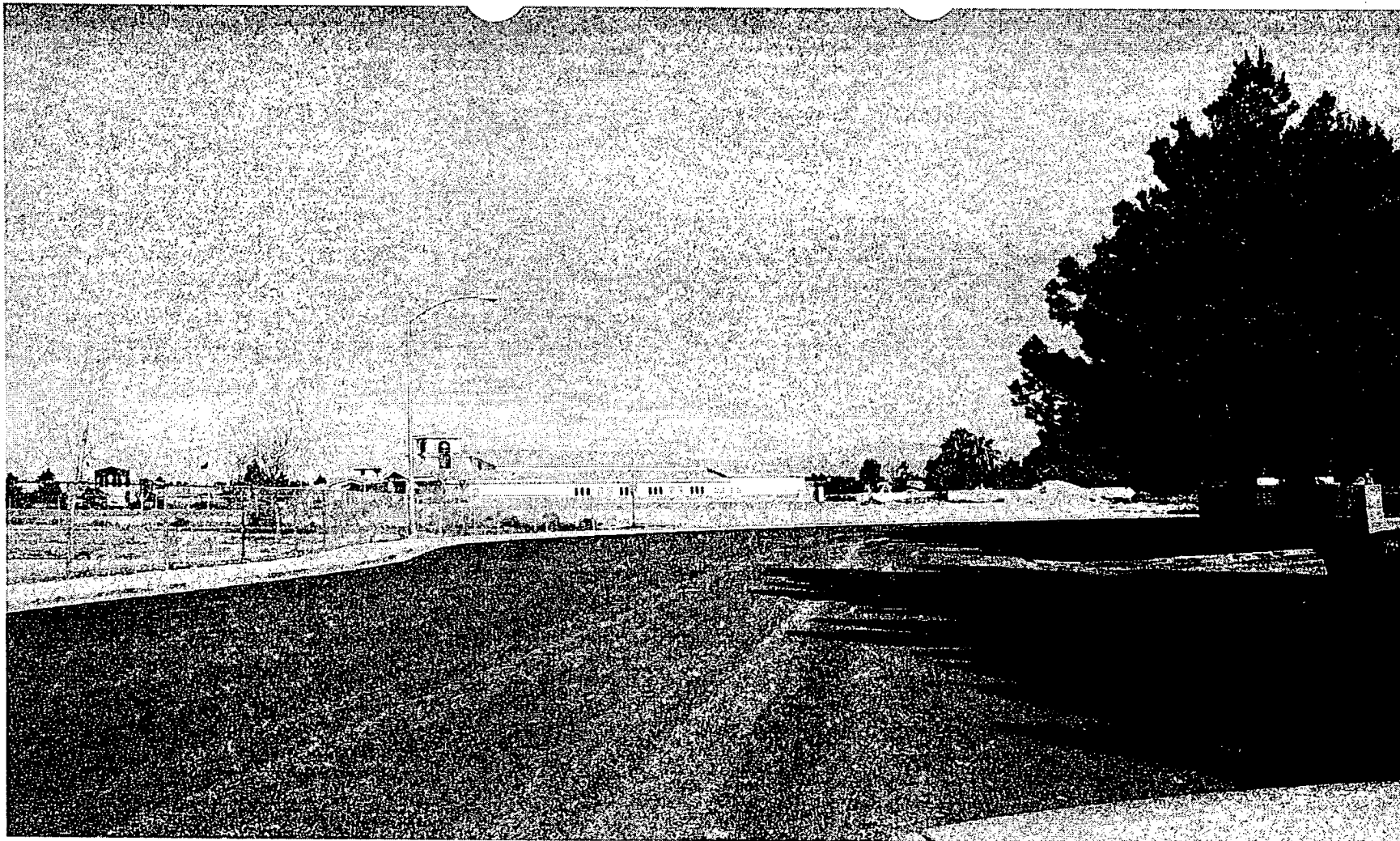
CROSS SECTION VIEW





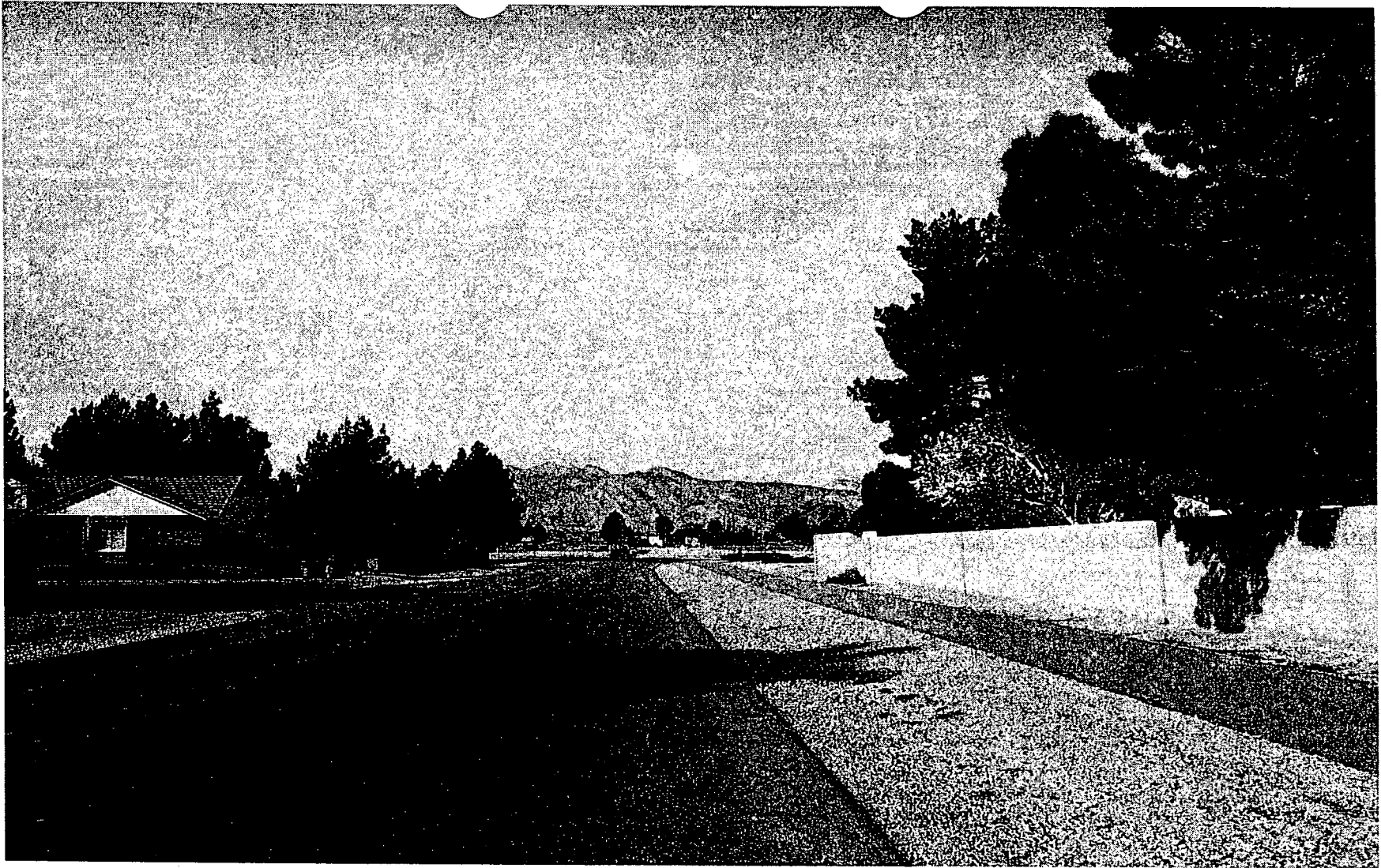
**ROC-6073 - APPLICANT: BRUCE A. MORRIS – OWNER: CALVARY COMMUNITY
ASSEMBLY OF GOD
2900 North Torrey Pines Drive
MARCH 16, 2005 CITY COUNCIL MEETING**

Picture taken 02/22/05



**ROC-6073 - APPLICANT: BRUCE A. MORRIS – OWNER: CALVARY COMMUNITY
ASSEMBLY OF GOD
2900 North Torrey Pines Drive
MARCH 16, 2005 CITY COUNCIL MEETING**

Picture taken 02/22/05



**ROC-6073 - APPLICANT: BRUCE A. MORRIS – OWNER: CALVARY COMMUNITY
ASSEMBLY OF GOD
2900 North Torrey Pines Drive
MARCH 16, 2005 CITY COUNCIL MEETING**

Picture taken 02/22/05



February 3, 2005

Dear Council Members:

In response to the zoning violation notice Calvary Community Assembly of God received we ask the City Council to reconsider the violations and correct the city planning office's interpretation of the requirements for the block wall along Fort West Road.

1. **Construct a 6-foot high decorative block wall on the north half of the eastern property line prior to the issuance of any other grading, building or construction permits. The remainder of the perimeter wall shall be completed prior to the issuance of the certificate of occupancy.**
 - a. A 6-foot high decorative block wall has been completed on the north half of the eastern property line (see site map).
 - b. The perimeter wall has been completed on the entire eastern section of the property (see site map). The wall has been inspected by the City and the certificates of occupancy for both the Day Care Center and the Community Center have been issued.
 - c. To date, no mention has ever been made of a block wall on the southern side of the property along Fort West Road in any of the city documentation or conditions for approvals (see City Council meeting minutes from 1/28/2000, 3/1/2000, 3/15/2000, 8/16/2000, and 9/1/2000). If the block wall had been a criterion along Fort West Road, it would have been specified in documentation. No such specification exists nor can it be found in past city records. We have contacted our former pastor, Stan Steward, and Brent Steward who were both active in obtaining city permits and fulfilling the requirements set out by the city for our certificate of occupancy. These men report that there was never any requirement for a wall along Fort West Road stated in any previous conversations or correspondence..
2. **No vehicular access shall be allowed onto Fort West Road or onto Mustang Street.**
 - a. Every effort has been made to prevent vehicles from accessing Fort West Road. This restriction has been reinforced by church staff personnel in response to objections from some of our neighbors along Fort West Road. Announcements have been made to the congregation on multiple occasions and notices have been placed in our weekly bulletins regarding vehicular access onto either Fort West Road or Mustang Street. During special events, roving security patrols are utilized to prevent vehicles from exiting on either of the above streets. The infrequent infractions seem to be limited to special events especially when visitors to our campus who are not familiar with the appropriate exits. Regular church attendees are not violating this restriction. We believe that vehicles accessing Fort West Road occurs rarely and is not a common occurrence. The nuisance is a limited one.

We ask that the Council reevaluate the decision by the city planning department regarding the above violations and uphold the decision of the city inspector, who determined that the conditions for certificate of occupancy had been met.

If the decision is made to provide an even more limited access to Fort West Road we propose the following solution:

1. Define the area in question as the southern property line of the church along Fort West Road only (approximately three hundred and sixty five feet). This distance to not include the property line between the church and the school where a chain link fence is already in existence.

RDC-6073

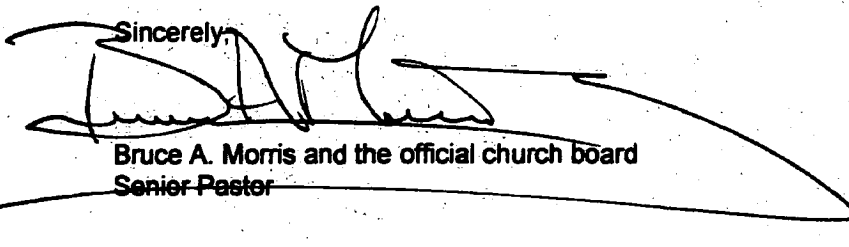
2. Construct a berm to prevent traffic from exiting onto Fort West Road.
 - a. A 3-foot high berm will be erected to prevent vehicular access to the Fort West Road.
 - b. This will minimize any traffic attempting to exit from the church property to Fort West Road.
3. Erect signage to notify church property users that only approved exits from the church property may be accessed.
4. Announcements in the church bulletin.
5. Announcements from the pulpit regarding parking and access.
6. Roving security patrols during special events when traffic may be unusually high.

We also believe that erecting a six-foot high brick wall along the southern property line along Fort West Road would not be in the best interest of the neighborhood as a whole. A number of potential problems would be experienced by building such a wall.

1. Attraction of graffiti- The existing wall has already been "tagged" by graffiti on a regular basis. Erecting a six-foot high wall in close proximity to the school would invite further unsightly graffiti and the costs incurred to remove.
2. Children from elementary school out of view. Clark County School District requires chain link fencing and this is already in place along the property line between the school and the church.
3. Lack of sight will promote increased crime and illegal activities. An open and direct line of sight would help to maintain minimal of crime and vandalism in the neighborhood.
4. The area in question is an undeveloped parcel of land. We expect to submit plans for additional building in the near future (2-3 years). At that time a block wall may be appropriate depending on the structure and plan of development. Vehicle access to Fort West Road will need to be revisited when the plan is submitted.

We thank the City Council for their attention to the above matter.

Sincerely,



Bruce A. Morris and the official church board
Senior Pastor



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
MICHAEL J. McDONALD
(MAYOR PRO-TEM)
GARY REESE
LARRY BROWN
JETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK

CITY MANAGER
VIRGINIA VALENTINE

September 1, 2000

Mr. Stanley Stewart
Calvary Community Assembly of God
2900 North Torrey Pines Drive
Las Vegas, Nevada 89108

RE: Z-0086-99(1) - SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF AUGUST 16, 2000

Dear Applicant:

The City Council at a regular meeting held August 16, 2000 APPROVED the request for a Site Development Plan Review on property located adjacent to the southeast corner of the intersection of Torrey Pines Drive and Brooks Avenue FOR A PROPOSED 14,980 SQUARE FOOT DAYCARE AND A 20,539 SQUARE FOOT COMMUNITY CENTER IN CONJUNCTION WITH AN EXISTING CHURCH (CALVARY COMMUNITY ASSEMBLY OF GOD), U (Undeveloped) Zone [R (Rural Density) General Plan Designation], R-E (Residence Estates), and C-V (Civic) Zones PROPOSED C-V (CIVIC) ZONE, Size: 11.22 Acres. The Notice of Final Action was filed with the Las Vegas City Clerk on August 17, 2000. This approval is subject to:

1. Construct a 6-foot high decorative block wall on the north half of the eastern property line prior to the issuance of any other grading, building or construction permits. The remainder of the perimeter wall shall be completed prior to the issuance of the certificate of occupancy.
2. The landscape plan shall be revised to depict a minimum six foot wide planter along the east property boundary.
3. The elevations for the proposed buildings shall be revised to depict the same colors used as the existing church building, or the exterior material colors of the existing building shall be changed to match the colors of the proposed buildings.
4. Wallpack lighting shall not be allowed. Lighting standards within the parking lots shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights.
5. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

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

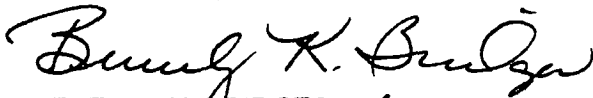
VOICE 702.229.6011
TDD 702.386.9108
www.ci.las-vegas.nv.us

ROC-6073

Mr. Stanley Stewart
Z-0086-99(1) – Page Two
September 1, 2000

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
7. A landscaping plan shall be submitted prior to or at the same time application is made for a building permit, or prior to occupancy, whichever occurs first.

Sincerely,


BEVERLY K. BRIDGES
Chief Deputy City Clerk

/vwd

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services
Land Development Services

Mr. John Lopeman
JMA Architecture Studios
10150 Covington Cross Drive
Las Vegas, Nevada 89144

BOARD OF ZONING ADJUSTMENT

MEETING OF
MARCH 25, 1997

City of Las Vegas

AGENDA & MINUTES

Page 47

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

Item
Number

DISCUSSION/ACTION ITEMS

PLANNING AND DEVELOPMENT

U-12-97 - CALVARY COMMUNITY ASSEMBLY OF GOD, INC.

4. The applicant shall apply for plot plan and building elevation review prior to the issuance of any building permits for the proposed gymnasium/multipurpose area and classrooms.

5. Dedicate 40 feet of right-of-way for Torrey Pines Drive and 30 feet for Brooks Avenue adjacent to this site where such dedication does not exist, 30 feet for Fort West Road from the centerline of Mustang Street to the eastern edge of this site, and an appropriate radius on the northwest corner of Fort West Road and Mustang Street to provide an "L" intersection prior to the issuance of any permits as required by the Department of Public Works.

6. Construct half-street improvements on Torrey Pines Drive and Brooks Avenue (where such does not exist) adjacent to this site. Also construct half-street improvements on Fort West Road from Mustang Street to the east edge of this site, including an appropriate radius at the northwest corner of the intersection of Mustang Street and Fort West Road to create an "L" intersection. All improvements shall be constructed with the first phase of development anywhere on this site as required by the Department of Public Works.

7. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, along Torrey Pines Drive and Brooks Avenue and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.

8. No access drives shall be allowed onto Fort West Road as required by the Department of Public Works.

impacts the quality of life for the adjacent R-E rural homes along Mustang. They would like to know what to expect in the future. They do not oppose the basic proposal or use of the rooms for Sunday school, they would like to see a condition for a six foot high block sound wall along Fort West with dense landscaping. This would also screen rural residences facing what would eventually become a large parking lot. No access should be permitted to Fort West which is an unimproved road. No lights should be installed on the athletic field which will be bordered on three sides by R-E homes.

Pastor Stan Stewart explained that he will speak with the Youth Pastor about not using the portable public address system. That was a condition and he would work to see that it is complied with. He did not contact the neighbors along Mustang because he did not realize that they were being impacted. It is the church's intention to be a good neighbor and he will work toward that. If it becomes absolutely necessary, they will discontinue the Friday night youth activities. He would hate to see that happen but it is a possibility. However, the block wall was not something he was prepared to address given the expense. The church is doing all of its development in phases because it is working on an available cash basis. In fact, they are currently only looking at constructing the additional offices, which is part of the last approval and not included in this application, and the parking lot. During the delay in constructing the athletic field, it may become unnecessary because of a school being proposed adjacent to this site. The classrooms are for one Sunday school class per grade and not a school.

Ms. Hargrove pointed out that the gymnasium and other phases of development will come back for a review. Staff did not include a condition for a block wall because most of the adjoining properties have residential block walls except where they face a street. Mr. Solomon responded that the homes along Mustang and Fort West do not have any protection. Pastor Stewart stressed that there is a block wall along the eastern boundary. The property adjacent to Mustang and Fort West is vacant and needs to be annexed into the City.

Ms. Jacobson pointed out that if these concerns should not be addressed at this time, this is final Board action and only some of the concerns could be addressed in the future by staff. Ms.

Continued at City Council

4/6/05 Item # 96

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

Excerpt of Item 82 [Any Items] and Item 96 – ROC-6073 – APPLICANT: BRUCE A. MORRIS – OWNER: CALVARY COMMUNITY ASSEMBLY OF GOD

Appearance List:

GARY REESE, Mayor Pro Tem

BRUCE MORRIS, Pastor, Calvary Community Assembly of God

OSCAR GOODMAN, Mayor

LAWRENCE WEEKLY, Councilman

LILY BURNS, 2880 Mustang Street

BARBARA JO RONEMUS, City Clerk

MICHAEL MACK, Councilman

MARGO WHEELER, Director, Planning and Development Department

LARRY BROWN, Councilman

STEVE WOLFSON, Councilman

STEVEN KOZMARY, Doctor, Kozmary Pain Clinic

BRYAN SCOTT, Deputy City Attorney

BOB HOYES, 5428 Palisades Quad Avenue

JOE BURNS, 2880 Mustang Street

ALICE KUKEC, 2860 Mustang Street

GINA WILBORN, Office Manager, Calvary Community Assembly of God

ELDEN GROWBERGER

PENNY GILLMAN

SHELDON GROWBERGER, 8745 Roselli Court

(1:36 – 1:41/1:43 – 1:52/2:42 – 3:15)

4-1/4-178/4-2452/5-1

47 minutes

Typed by: Angela Crolli

Proofed by: Stacey Campbell

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

31 **MAYOR PRO TEM REESE**

32 Council members, are there any other items we need bring forward at this time? Yes.

33

34 **BRUCE MORRIS**

35 Yes, my name is Bruce Morris, Pastor Calvary Community Church. Item 96, ROC-6073. I'm
36 here to request a 30-day abeyance so that we can get some further discovery from staff and the
37 neighborhood and to mitigate some outstanding issues related to that item.

38

39 **MAYOR GOODMAN**

40 And Mayor Pro Tem, on Item Number 96, I've advised by one of my staff that her mother is on
41 the Board of Directors of the church, and I believe under that set of circumstances, I have to
42 abstain from this particular decision.

43

44 **MAYOR PRO TEM REESE**

45 Okay. Item 9, 96, ROC-6073 abeyance item, public hearing. Applicant Bruce A. Morris, owner,
46 Calvary Community Assembly of God. This is in Councilman Weekly's Ward. Councilman
47 Weekly, you have any request on this item?

48

49 **COUNCILMAN WEEKLY**

50 What I wanted to do is, Pastor, have you all had a, are you all scheduled or planning to meet with
51 any other the folks from the neighborhood at all because we have some of those folks here, also
52 to, that want to address this item.

53

54 **BRUCE MORRIS**

55 Yes. It would be our desire, rather than this setting, to be able to try to settle some of the issues
56 with those neighbors who are either present or other neighbors who aren't present, sure.

57

58 **COUNCILMAN WEEKLY**

59 Okay. Someone from the neighborhood, just one, just one, just one – please, if your Honor, if
60 it's okay?

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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

61 **MAYOR GOODMAN**

62 Fine. Certainly.

63

64 **COUNCILMAN WEEKLY**

65 Okay. I just like to just maybe take a moment, maybe –

66

67 **MAYOR GOODMAN**

68 No problem. Why don't you just come up and –

69

70 **MAYOR PRO TEM REESE**

71 You abstained.

72

73 **MAYOR GOODMAN**

74 Oh, I'm out of this. I'd better leave.

75

76 **MAYOR PRO TEM REESE**

77 It's okay.

78

79 **COUNCILMAN WEEKLY**

80 Mayor Pro Tem?

81

82 **MAYOR PRO TEM REESE**

83 Yes.

84

85 **COUNCILMAN WEEKLY**

86 If I could just beg your indulgence just for a second. Keep in mind, this is an item that we're
87 dealing with that I inherited this from Councilman Mack after redistricting and –

88

89 **MAYOR PRO TEM REESE**

90 Councilman Weekly, if I –

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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

91 **COUNCILMAN WEEKLY**

92 Yes, Sir –

93

94 **MAYOR PRO TEM REESE**

95 – are there any other items that we need to bring forward? Okay. Then, what I'd like to do is,
96 I'd like to take action on Item 88, 94 and 102. I'll make a motion to follow staff's
97 recommendation on those three items, please. Please cast your vote.

98

99

END RELATED DISCUSSION

RESUMED RELATED DISCUSSION

100

101

102 **COUNCILMAN WEEKLY**

103 Back to this item Mayor Pro Tem?

104

105 **MAYOR PRO TEM REESE**

106 Yes Sir.

107

108 **COUNCILMAN WEEKLY**

09 Thank you, Sir. This is an item, once again, that was heard back in 2000 when Councilman
110 Michael Mack represented the area, and at that particular time, the current Pastor, who's here
111 with us today, who, who's representing Calvary Church, was not there and, of course, I didn't
112 represent the area. So, we had to go back and do a lot of homework and watch videotapes and
113 read transcripts. And I think that there was a clear misunderstanding of the conditions that was
114 placed as it related to the perimeter wall that was a part of some conditions that was agreed upon
115 by the representative from JMA Architects, as well as the pastor, the, I guess, the then pastor at
116 that particular time.

117 I know the residents in the neighborhood have been speaking about this particular issue. I know
118 my last neighborhood meeting out there they were very concerned that we are now in two
119 thousand and five and all of the conditions have yet to be met. And they wanted to know as to
120 when we, when was the City going step up to the plate and make sure that these conditions were
121 to be adhered to. And so, here we are at this point, and I know Pastor, and thank you very much

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122 for taking the time off your schedule on last week to come and meet with us to talk about this.

123 But today you're asking to hold this item in abeyance and the neighborhood is saying, what?

124

125 **LILY BURNS**

126 My name is Lily Burns. I live at 2880 Mustang Street.

127

128 **MAYOR PRO TEM REESE**

129 Ma'am, can you turn – the –

130

131 **COUNCILMAN WEEKLY**

132 Lily, turn your microphone on, please.

133

134 **LILY BURNS**

135 Okay.

136

137 **COUNCILMAN WEEKLY**

138 Okay.

139

40 **LILY BURNS**

141 Lily Burns, 2880 Mustang Street. I'm on the property adjacent to the church. Actually, we've

142 been coming here since the '90s over getting this stuff done. The last – time we were here was

143 in 2000 over it. I've already met with the Pastor, so I don't see any reason to have an abeyance.

144 There're only two houses on this street that are actually involved in this. All we're asking for is

145 that the fence be put up.

146 I brought some photographs of what we look at from our rural home, and these were the

147 concerns we had before this church was ever built, that this is what we're going have to deal

148 with.

149

150 **MAYOR PRO TEM REESE**

151 Could you – put the picture on the overhead, please?

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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

152 **COUNCILMAN WEEKLY**

153 Ms. Burns, just lay 'em flat on the, right there.

154

155 **LILY BURNS**

156 Okay. We are in a rural neighborhood and we're looking at a parking lot every day. I don't
157 know how well these are showing up.

158

159 **COUNCILMAN WEEKLY**

160 That's fine. If you can zoom in just a little bit more.

161

162 **LILY BURNS**

163 I primarily like to show you the one that we're looking at. Now, that our trees have grown
164 before that they were kind of hidden. But we can't sit in our front yard without looking at a used
165 car lot, basically, is what's happening. And it's been a long time. Now, this church has a lot of
166 money. They may tell you they're poor but they're building churches up in Alaska, they're
167 doing all kind of things, and we're asking for a couple of thousand dollars worth of fence. And I
168 don't think that's unreasonable.

169 We can't keep coming back. I work. This is costing me money. My husband works out of
70 town. He has to come in every time we have a meeting and sit here until 10:00 o'clock and then
171 go to work at 3:00 o'clock in the morning. And we're just to the point where we're worn out.
172 And you know we're very reasonable neighbors. We've come in and supported development in
173 our area. But this is going, being going on almost ten years, and it's, you know, we're just done.
174 We're tired.

175

176 **COUNCILMAN WEEKLY**

177 Well, I can say from our standpoint, you all know we inherited this project after redistricting. It
178 had to go back and do a lot of homework and research to find out what was you all's previous
179 discussion on this. And so, Pastor, I know the other day in our meeting, you know, we kind of
180 didn't agree on what the conditions were, and I know we had our Director from our Planning
181 Department who was there with us, as well as our City Attorney who was in there with us. And
182 everybody came up with the same conclusion as to what was determined, as far as those

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183 conditions were agreed upon by the Councilman who represented the area at that particular time,
184 as well as the Pastor. And that was something that we saw on a videotape on record.

185 And so, I guess today, I just want to ask you, because, of course, you know, working with me,
186 I'm the kind of person I'd like to try to bridge the gap and have everybody work together. But,
187 you know, it's to a point now, again, as the lady just said, it's over ten years old and we need to
188 put this behind us and – I think it's just a matter of a little small perimeter wall because we did
189 all agree that the fence that's also on that street as well is part of the sch, the Clark County
190 School District and we can't mandate that the School District build a permanent block wall. So,
'91 I think all we're asking for was the completion of that wall there right in front of those – two
192 existing neighborhood, neighbors who live right there off the, that vacant lot from the church.
193 That's it in a nutshell.

194 And so, I mean, if you would like to maybe just explain why we're asking for another abeyance
195 today 'cause –

196

197 **BRUCE MORRIS**

198 The primary reason why I'm asking for an abeyance is because, as you are, I'm new to this
199 church. I've only been here since September –

200

91 **COUNCILMAN WEEKLY**

202 Yes Sir.

203

204 **BRUCE MORRIS**

205 – of 2004. So, I'm having to play catch up with a lot of information. Just a couple of
206 corrections, the pastor was not at that meeting in 2002. It was a Business Administrator, Harry
207 Withfield.

208

209 **COUNCILMAN WEEKLY**

210 Okay.

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211 **BRUCE MORRIS**

212 I have met with Lily Burns. Found her to be a very nice lady. She came to me and introduced
213 herself to me saying she was there representing the neighborhood, I'm not sure how many
214 neighbors she was representing. But she did come and had a very nice, cordial conversation. I
215 think, primarily, she wanted to introduce herself to me, get acquainted with the new pastor and
216 bring me up to speed on their perspective some of the issue that they had been dealing with
217 former pastoral staff and administration. And I – appreciated that. It was immediately following
218 an event where there was an issue regarding a large light that was shining in the neighborhood
219 that I think brought that to the surface, and her, perhaps, feeling the desire and a sense in the
220 need to come and talk to the new pastor at that point because of an issue or they felt that we were
221 out of compliance regarding a light. I – can't speak for her, but I believe that's what prompted
222 her to come and meet me at that point.

223 I have not met with any of the other neighbors. I have not met any of the other neighbors, other
224 than the neighbors who are here tonight from our church who live immediately surrounding the
225 church. And I know that many of them do not have the same issues that this particular neighbor
226 does. I, because I'm so new to the church, this fellow here, who is a friend and a member of our
227 church is very knowledgeable regarding planning issues. Is new to the church and trying to get
228 up to speed from his background and experience as well. And I just feel if you can give us an
29 abeyance of 30 to 60 days based on the fact that we're new, it would give us a chance to perhaps
230 talk face to face with some of the rest of the neighborhood, as well as for me to have a chance to
231 discover more issues related to these conditions.

232 Let me, by the way, interject here, that I wasn't here in ninety. I wasn't here in 2000, but the
233 conditions that we're talking about today have not been longstanding for over ten years. They
234 were in 2000 that this was last discussed related to these specific conditions, in August 16th of
235 2000. So, it's not a 10-year issue. It's an issue of little bit over four years. I wanted to clarify
236 that as well.

237

238 **MAYOR PRO TEM REESE**

239 Thank – you. Councilman Weekly?

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240 **COUNCILMAN WEEKLY**

241 Yeah. Pastor, I can just say honestly, I mean, we sat there and we watched the videotape and we
242 all read the transcripts, and, I mean, I'm not really clearly still understanding why we would go
243 for an additional 60 days. I know that's something that I clearly would not support at all because
244 I – don't understand why when it was agreed upon, as far as the church is concerned. And I
245 thought we thoroughly went over that and kind all left out there in agreeance of what was stated
246 on the record, as far as the conditions were concerned.

247

248 **BRUCE MORRIS**

249 No, that's not an accurate statement. I didn't agree to anything in that meeting that day.

250

251 **COUNCILMAN WEEKLY**

252 No, you –

253

254 **MAYOR PRO TEM REESE**

255 Just (inaudible)

256

257 **COUNCILMAN WEEKLY**

258 – no you – didn't agree – to the fact that you didn't, you, what you said was you didn't agree to
259 the interpretation.

260

261 **BRUCE MORRIS**

262 Correct.

263

264 **COUNCILMAN WEEKLY**

265 But I think we all agreed to the fact that there were some agreements on the record. You didn't
266 agree to the interpretation of what was said, but we all – sat there and watched what was agreed
267 upon on the record. So, as far as I'm concerned here today, Pastor, I think I'd like to go ahead
268 and move forward, please.

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269 **MAYOR PRO TEM REESE**

270 Okay. So, then the request for the abeyance will not be –

271

272 **COUNCILMAN WEEKLY**

273 It's denied.

274

275 **MAYOR PRO TEM REESE**

276 Okay. On the – request for the abeyance we need a motion.

277

278 **COUNCILMAN WEEKLY**

279 Yes. The request for den, for the abeyance today is, I'm sorry?

280

281 **BARBARA JO RONEMUS**

282 We don't need a motion. (Inaudible)

283

284 **COUNCILMAN MACK**

285 You don't need a motion.

286

287 **COUNCILMAN WEEKLY**

288 No. Yeah. We're just going to hear a motion.

289

290 **MAYOR PRO TEM REESE**

291 So, we'll – hear the item in – turn then.

292

293 **BRUCE MORRIS**

294 All right. Thank you.

295

296 **MAYOR PRO TEM REESE**

297 Thank you.

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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

298 **END OF RELATED DISCUSSION**

299 **RESUMED RELATED DISCUSSION**

300

301 **MARGO WHEELER**

302 Excuse me, Mayor, 96 was not abeyed, Sir, so I believe that may be next on your agenda.

303

304 **MAYOR GOODMAN**

305 I have it abeyed. Okay. You're right.

306

307 **BRUCE MORRIS**

308 That's fine with us.

309

310 **MAYOR GOODMAN**

311 I understand that. That's very good. Now I know why you're heading the flock there. Okay.

312

313 **COUNCILMAN WEEKLY**

314 The pastor – is real quick, Mayor.

315

16 **MAYOR GOODMAN**

317 Right.

318

319 **COUNCILMAN WEEKLY**

320 Real quick.

321

322 **MAYOR GOODMAN**

323 I saw that. Ninety six is ROC-6073, a public hearing. The applicant is Bruce A. Morris, owner
324 of Calvary Community Assembly of God. Request for a Review of Condition Number 1 of an
325 approved Site Development Plan Review to eliminate the requirement for a decorative block
326 wall along the south property line for an existing church on 11.22 acres at 2900 North Torrey
327 Pines Drive. This is in Ward 5. The staff recommends denial. It's a public hearing, which is
328 now declared open.

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329 I think the issues have been clearly framed, but let's hear – from the applicant.

330

331 **BRUCE MORRIS**

332 Mr. Mayor, if you could give me a few minutes please. Because of the fact that I'm so new to
333 this whole situation, I have to work from some notes, if you don't mind.

334

335 **MAYOR GOODMAN**

336 Go ahead.

337

338 **BRUCE MORRIS**

339 Typically, on Sunday I don't have a problem with that, but I'm not preaching. I'm speaking to
340 the Council. So, I work from these notes. I have standing here with me today –

341

342 **MAYOR GOODMAN**

343 The Council or the choir?

344

345 **BRUCE MORRIS**

346 Both. I have standing here today Doctor Steven Kozmary, from Kozmary Pain Clinic, as well as
47 the office manager.

348

349 **MAYOR GOODMAN**

350 Oh, I'm out of this.

351

352 **COUNCILMAN BROWN**

353 You are.

354

355 **MAYOR GOODMAN**

356 I forgot. I'm sorry. I can't chair this.

357

358 **BRUCE MORRIS**

359 You can go and sing in the choir.

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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

360 **MAYOR GOODMAN**

361 I'll turn this over to the Mayor Pro Tem Tem.

362

363 **COUNCILMAN BROWN**

364 Tem Tem.

365

366 **COUNCILMAN WOLFSON**

367 Tem Tem

368

369 **COUNCILMAN WEEKLY**

370 Ten ten.

371

372 **BRUCE MORRIS**

373 I also have standing here with me our office manager and who is more acutely aware of the
374 issues than I have because she was the assistant to the Senior Pastor prior to my election. I just, a
375 note of clarification, I'm not technically the owner of Calvary Community Assembly. It's a
376 congregational style of government and the entire membership owns Calvary Community
377 Assembly.

378 As Councilman Weekly has already stated, we're kind of both new to this situation. Councilman
379 Mack was over that particular Ward before there was some redistrict, redistricting and shuffling
380 around. And so both Councilman Weekly, as well as myself, had to get up to speed on some of
381 the issues related to the conditions that were stated in August of 2000 as approved subject to
382 conditions and added conditions that a required six-foot high perimeter block wall shall be
383 completed on the north half of the eastern property line.

384 I'm not sure if all the Council members have had an opportunity to review the videotape of that
385 particular meeting back in 2000, but it's clear to us in reviewing those minutes, both the
386 transcripts, as well as the actual videotape, that the early portion of that discussion was in
387 reference to the north wall, which was a half wall on Brooks Avenue. And then later on there's a
388 reference in that transcript and videotape of being the remainder of the perimeter wall, which in
389 our interpretation would be the remainder of the eastern wall. Both of those conditions have
390 been met.

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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

391 The middle building here, which serves as our educational facility and school, received its
392 Certificate of Occupancy shortly after its completion. It was already signed off by City
393 inspectors and we did receive that C of O after that time. Since that time, the next building,
394 which is our community center, gymnasium facility, has also been inspected by City, with those
395 conditions in mind, has also received its Certificate of Occupancy since that time. The perimeter
396 wall on the eastern property line was completed and we were granted the C of O for both of
397 those facilities to be able to occupy those premises.

398 Minutes from that 2000 meeting further state that Councilman Mack noted that the applicant
399 worked closely with the neighboring community. He indicated that he would like to add the
400 following conditions; that the required six foot high perimeter block wall shall be completed on
401 the north half of the eastern property line prior to the issuance of any other grading, building or
402 construction permits. The remainder of the perimeter wall must be completed prior to the
403 issuance of that Certificate of Occupancy. Again, at that point, our understanding, from
404 everyone I've been able to collect data from, in talking with former pastors and staff members,
405 Harry Withfield, who represented the church at that time, as well as building committee
406 members, finance committee chairman, board members who are present. They're six today here
407 in this meeting. Not one of them ever recalls ever there being a mention of any southern wall on
408 the southern portion near the Fort West Road. In fact, in the original renderings of our drawing
09 you'll note, which we're not interested in at this point, there was also plans in the making for
410 there to be an access road for emergency off of that, the southeast corner. So, to have a block
411 wall along that wall would not allow that if necessary in the future, should the Council decide if
412 that would be important with further development of our property.

413 So, up until that point that we received the Notice and Order that we were in violation of the
414 Code dealing with nuisances, we had received the Certificate of Occupancy for both of those
415 facilities and there was nothing in, I'm in, our mind that was yet outstanding, as far as conditions
416 to be met. And suddenly, four and a half years after the fact, out of the blue, we were issued a
417 Notice and an Order that we were in violation of the Municipal Code dealing with nuisances.
418 And that Notice stated that we were in violation of the site development review and that no
419 vehicular access should be granted onto Fort West Road or onto Mustang Street. Well, as you
420 know, Calvary Community Assembly, like other churches, are a not for pro, profit organization
421 and we continue to provide a very positive service to our city and neighborhood. We're certainly

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VERBATIM TRANSCRIPT – Excerpt of Item 82 and Item 96

422 not interested in being a nuisance to our neighbors, but rather a blessing to the neighborhood.
423 We have always been in compliance with permits, cooperative with inspectors and fire marshals
424 and endeavor to maintain a healthy relationship with the neighborhood. Many of those
425 neighbors are in attendance today to speak on behalf of the church. So, we believe that the
426 condition referenced in the minutes related to the remainder of the eastern perimeter wall, and we
427 believe that the vagueness of the interpretation of what perimeter was is where there's a catch
428 here in our understanding of what's going to be required of us.

429 If it truly is a perimeter wall, then perimeter means perimeter. Perimeter would be the entire
430 southern portion of our lot, as well as the western portion and the northern portion. So, if you're
431 defining perimeter more specifically than what we're hearing so far, we'll be glad to hear that
432 and need to have some direction from you on that.

433 That wall that we were asked to complete was in fact completed. It was inspected by the City
434 and Certificates of Occupancy for both the daycare and the community center have been issued
435 to us. And so, we feel that out of the blue this redefined wall is unreasonable and unnecessary
436 and as a result of a couple of complaints from neighbors of ours, there, in that particular
437 neighborhood.

438 I'd like also to correct a statement that was made earlier by Mrs. Burns that our church does not
439 have a lot of money. We have some very beautiful facilities that the lord has given us the ability
440 to build for his glory and we're thankful for that. But our budget is probably as tight, if not
441 tighter than what you're experiencing here in your entity. But if for some reason the Council
442 should rule that a barrier be constructed on the southern property line, we would like to know if
443 there could be any alternative obstruction that would be agreeable. We would also like to have
444 clarification as to the purpose of the wall, if it's to make the property more aesthetically pleasing
445 to the neighbors. We believe that, perhaps, a tree line with landscaping would be more attractive
446 and pleasing to the surrounding neighborhood. We believe that a berm could be constructed to
447 stop any unnecessary traffic that has occasionally traversed that property line. We believe that
448 even a chain link fence that would match more aesthetically to the elementary school that's
449 neighboring there would be more economically palatable as well.

450 So, we feel like by having you determine today that a block wall is not necessary, would also
451 eliminate some potential problems that would be experienced by building a wall on that property
452 line. The existing eastern wall has already, numbers of times, being tagged by graffiti on a

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453 regular basis. Children at Bunker Hill, or, Bunker Elementary School next door would
454 potentially be put at risk by erecting a block wall for them to jump over and hide behind. It
455 would construct a darkened corner that would, I believe, invite increased criminal activity and
456 other illegal activity there.

457 One further thing I'd like to note is, we too as a church would like to be treated on a level
458 playing field. We believe that Calvary Community Assembly has received special adverse
459 treatment when there're five other churches within a one mile radius of Calvary Community
460 Assembly that have not been required to build brick wall, any kind of walls around their facility
'61 and feel like we are being singled out as a church over this area. So, we're concerned that the
462 Council would set a precedent by requiring a block wall to be constructed because of the
463 objections of two residents in the neighborhood. So, we're asking you, please, to consider
464 abeying it so that we can give more information to the Council members that perhaps have not
465 yet had opportunity to review the minutes and look at the videotape or even to vote to overturn
466 the recommendation that we construct that block wall. I'm not sure if anyone else is here, if this
467 time for others to speak to the issue or not.

468

469 **COUNCILMAN BROWN**

470 Thank you. Anyone else in your group wish to speak? If you have anything to add, I think the
71 Pastor had covered a lot of that.

472

473 **STEVEN KOZMARY**

474 No. I'm Doctor Steven Kozmary, and I think the Pastor has pretty much covered all the essential
475 points. And I just wanted to emphasize that only, there're only two neighbors that are
476 complaining here about this, and they referred to this area as a rural site. This is, possibly ten
477 years ago was a rural area. Right now it's a suburban community. There is a significant expense
478 associated with constructing this wall. And again, there is, out of the other five churches in the
479 area, no other churches have been required to go to this length to protect the neighbors.

480

481 **COUNCILMAN BROWN**

482 Okay. If I – may, that's – been entered. Do you have a list of those churches or –

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483 **BRYAN SCOTT**

484 Councilman, I don't know how relevant that is because this is a condition that was placed upon
485 this –

486

487 **COUNCILMAN BROWN**

488 Okay.

489

490 **BRYAN SCOTT**

491 – particular church at the time that it was done.

492

493 **COUNCILMAN BROWN**

494 Very good.

495

496 **BRYAN SCOTT**

497 I think we need to limit our comments to this condition of approval and any comments that you
498 get from the – audience should be limited to the interpretation of the condition of approval,
499 which required the block wall around the perimeter of this particular church not any other church
500 or any other building in the area.

501

502 **COUNCILMAN BROWN**

503 Okay. I appreciate that. Doctor, were you finished? Did you have –

504

505 **STEVEN KOZMARY**

506 Define perimeter.

507

508 **BRUCE MORRIS**

509 Yes, I think, the only other thing I had to add is that there is some contention as to the
510 interpretation of the perimeter. You can interpret that in a number of ways. From the map we
511 have complied with building the wall on the eastern perimeter of the church property. There was
512 never any mention of building a wall on the southern aspect of the property.

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513 **COUNCILMAN BROWN**

514 Thank you. This is a public hearing. I'm sorry, did you want speak? Please.

515

516 **BOB HOYES**

517 Bob Hoyes, 5428 Palisades Quad Avenue, was a question as to where the other churches were or
518 what the other churches –

519

520 **COUNCILMAN BROWN**

521 No.

522

523 **BOB HOYES**

524 Okay.

525

526 **COUNCILMAN BROWN**

527 That, that's been dismissed.

528

529 **COUNCILMAN WEEKLY**

530 That's not necessary.

31

532 **COUNCILMAN BROWN**

533 Open the public hearing.

534

535 **JOE BURNS**

536 Hi, Joe Burns, 2880 Mustang Street. Curi, curious thing about the – photographs that they put up
537 on the plot plan, is – one of the things that I see that's – happened with this particular
538 development is – you folks put conditions on them, but yet they propose plans that clearly ignore
539 those conditions. And – one – of the conditions is that there should be no access onto Fort West.
540 If you can recall that drawing it's clearly there's a driveway onto Fort West in their proposed
541 plans, which I know will eventually come before the – Council.

542 I have here minutes from March 25th, 1997. So, I cer, certainly appreciate everybody's efforts in
543 researching this project. But it this, it does go back some time. And I'm finally at the point

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544 where an agreement is an agreement. We have some conditions that Pastor Stan Stewart agreed
545 to with these original proposals. I think we should just simply get on with it. The – fact that
546 they allege that other churches don't have block walls, I don't think that's entirely true; other
547 churches don't have block walls around the front of their property. The area that we're talking
548 about in – this particular case in on the – back side of the property. It's not on the front.
549 And if you'll, again, recall a, the drawings, the structures are built like a megaphone and I'm on
550 the corner facing the open side of the megaphone. So, whatever noise occurs there is amplified
551 and just comes right in my front door. And again, we had – a nice meeting outside and
552 everybody is quite amenable, but I think we finally have to cut to the chase and we've got a
553 condition and an agreement here, I think they should honor. Thank you.

554

555 **COUNCILMAN BROWN**

556 Thank you.

557

558 **ALICE KUKEC**

559 My name is Alice Kukec and I live at 2860 Mustang Street, and on the condition that was written
560 of March of 1997, it specifically states Fort West and Mustang where the block walls should be.
561 There's cars, now, evidently, there's two churches involved in this one church. They rent out the
562 recreation hall to another church. So, they have quite a few cars. I would say, maybe, 95% of
563 their parishioners do not live in the neighborhood because there's at least, when they both have
564 church functions, there's at least five, six hundred cars there. And there's quite a few that just go
565 over the, there's no driveway in off of Fort West and Mustang. But they just drive right over
566 cause it's easier for them to park. They just park in the back. And it is, it's – a concern.
567 And originally, I mean, in 1997 right on Fort West and Mustang there's supposed to be a block
568 wall. That was one of the original conditions. And I think, with, if we let somebody build and
569 we rezone to let them build, the original conditions should stick.

570

571 **COUNCILMAN BROWN**

572 Thank you.

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573 **ALICE KUKEC**

574 Thank you.

575

576 **COUNCILMAN MACK**

577 Can we get a copy of that, ma'am?

578

579 **ALICE KUKEC**

580 Yes, you can.

581

582 **COUNCILMAN BROWN**

583 Ma'am, would you submit that, if you're – willing to submit that to the City Clerk.

584

585 **COUNCILMAN MACK**

586 We'll make a copy of it real quick and give it back to you.

587

588 **COUNCILMAN BROWN**

589 And we'll get you a copy back.

590

591 **LILY BURNS**

592 Hi, Lily Burns, 2880 Mustang Street. Once again, one of the issues that hasn't seemed to be
593 brought forward here is, the kind Pastor here was talking about how they were in compliance
594 with everything that was ordered at the 2000 meeting. However, at that 2000 meeting they
595 didn't have a parking lot extended out within a couple hundred feet of our house either. They
596 have since encroached on property that hasn't been approved for building. Maybe they haven't
597 put cement down, but they put down some kind of black top and they – use that entire dirt lot for
598 parking, as well as that black top.

599 Now, as far as I'm concerned, they should have to come in before you and have building permits
600 and get all that stuff done, which should require them to comply with the off-site development in
601 that area, if there is any question about it. I don't see that there's a question because it is a
602 nuisance; the noise, the traffic driving across the driveway, you know, the kids path to school.
603 And again, you know, what it looks like out there. Thank you.

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604 **COUNCILMAN BROWN**

605 Thank you. Is there anyone else wishing to speak during the public hearing?

606

607 **GINA WILBORN**

608 I would like to. My name is Gina Wilborn. I'm the office manager there at Calvary Community.

609 And, my only question, well, I have several, but, one of my main questions was, if you have the

610 two separate conditions that we're in violation of and the first one would that, we have not

611 constructed a six-foot block wall around the perimeter, which includes the southern boundary.

612 But then the next condition states no vehicular access onto Fort West Road or Mustang Street.

613 But if there was, and the intent was to have a block wall there, then why would that be another

614 condition stating no vehicular access if there was supposed a block wall constructed?

615

616 **BRYAN SCOTT**

617 That's probably so that you won't come back at a later time and in order to ask for access onto to

618 Fort West Road.

619

620 **GINA WILBORN**

621 That, that's why there's those two separate?

622

623 **BRYAN SCOTT**

624 And that's probably why there's two separate conditions.

625

626 **GINA WILBORN**

627 Okay.

628

629 **BRYAN SCOTT**

630 So that you won't later come on, because we – often have applicants who come and will

631 construct a wall and then ask the Council month's later to tear down the wall or to – add an

632 ingress or egress through the wall in order to access a – City street.

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633 **GINA WILBORN**

634 Okay. Thank you.

635

636 **COUNCILMAN BROWN**

637 Thank you.

638

639 **BRUCE MORRIS**

640 So, excuse me, Mr. Attorney –

641

642 **COUNCILMAN BROWN**

643 Pastor –

644

645 **BRUCE MORRIS**

646 – are you making the –

647

648 **COUNCILMAN BROWN**

649 – hold it –

650

51 **BRUCE MORRIS**

652 – determination that –

653

654 **COUNCILMAN BROWN**

655 Pastor?

656

657 **BRUCE MORRIS**

658 Yes.

659

660 **COUNCILMAN BROWN**

661 Let me just, is there anyone else wishing to speak during –

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662 **BRUCE MORRIS**

663 Sorry.

664

665 **COUNCILMAN BROWN**

666 – the public hearing?

667

668 **BRUCE MORRIS**

669 I just wanted some clarification from his statement.

670

671 **COUNCILMAN BROWN**

672 You, we're going to give you –

673

674 **BRUCE MORRIS**

675 All right. Thank you.

676

677 **COUNCILMAN BROWN**

678 – appropriate time after the public hearing is closed.

679

80 **ELDEN GROWBERGER**

681 My name is Elden Growberger, I live within the area there of the church. I've been a member of
682 that church well before we moved to our present location. I've also served on the board of the
683 church and I know that all along we have worked very hard to work with the community there
684 and meet their concerns. I remember a few years back and I don't have the statistics here right in
685 front of me, the exact dates, but we had an opening out onto to Brook Street. This was before the
686 motion, two more recent buildings were built. And there were some neighbors across the street
687 that complained because when our evening service was let out, our lights were shining into their
688 houses. We then blocked off that particular exit or entrance for our evening services. It was still
689 used for our Sunday morning services.

690 I don't believe that you're going to find anything from our church membership or leadership that
691 would be against something that would be reasonable in stopping the problem here, when it
692 comes to trees or landscaping or berm, seen to it that that is not used as an access or an egress.

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693 The fact is though, the lady mentioned earlier, that it would only cost us about two thousand or
694 \$3,000 for that fence. She had about 10% of it, if our figures are right. It would cost much,
695 much more than that. And another thing that had come up with what she had said was that we
696 were building a church in Alaska. And it is true that a number of our members went up there last
697 summer to work on a church. However, this was not paid by our church, this was paid by the
698 individuals themselves. So, we are not a very healthy budget and it would be a very difficult
699 thing for our church at this time to come up with the expense of – several hundred thousand
700 dollars. Thank you.

701

702 **PENNY GILLMAN**

703 My name is Penny Gillman. I'm on the church board. I just like to point out that we do have a
704 beautiful facility. I don't know why anyone wouldn't want it in their neighborhood. And we're
705 not using all that dirt. We're using a very small portion. We did check with the City. They say
706 we did not need any kind of construction permit for that. So, I just want to let you know.

707

708 **COUNCILMAN BROWN**

709 Thank you.

710

11 **SHELDON GROWBERGER**

712 Hi there. Sheldon Growberger and I'm 8745 Roselli Court. I am also a church board member.
713 My feeling is that we should block off the vehicle access to that, whether it be something in
714 oppose to that, like a berm or some type of landscaping like we suggested. I'd also recommend
715 that we hold this in abeyance so we could, you know, figure out a better solution for this. But I'd
716 like for each and every Councilmen to be able to – look over the – tapes and the transcripts and
717 everything to be able to make a good decision on that. Thank you.

718

719 **COUNCILMAN BROWN**

720 Thank you. All right. We're going to close the public hearing and Pastor we'll you give just a
721 few minutes to answer any questions or –

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722 **BRUCE MORRIS**

723 Is he allowed to speak?

724

725 **COUNCILMAN BROWN**

726 Please.

727

728 **BRUCE MORRIS**

729 Thank you.

730

731 **BOB HOYES**

732 Council members of the Council, I – appreciate the opportunity to speak this afternoon. I think

733 there's – a few things that are really being overlooked. One is clear definition of perimeter.

734

735 **COUNCILMAN BROWN**

736 Could you, I'm sorry, earlier you did, but would you put your name back on the public record for
737 our Clerk.

738

739 **BOB HOYES**

40 Bob Hoyes.

741

742 **COUNCILMAN BROWN**

743 Thank you, Bob.

744

745 **BOB HOYES**

746 Yes. Clear definition of perimeter, I mean, we drove all the churches within a one-mile radius or

747 thereabouts and we – looked, and clearly there is a block wall between any church or all

748 churches and abutting residential where the church property abuts the residential. But in cases

749 where the church is across the street from a residential, in no case were there block walls

750 required or no, and I should say, they weren't provided. And so, there's a precedent. And for a

751 church that's – growing, we provide a tremendous service to the community. We have a –

752 school and we, our doors are certainly open. By requiring a block wall along the southern

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753 property line, just by virtue of the shape of the property, you can tell that that is going to be a
754 collector of nuisance activities.

755 The other thing that – may be of interest to the – residents that live there, although there was a
756 mention of obstructing the view from the used car parking lot, it may be of interest to have
757 visibility into that – corner of the property right now for security purposes; graffiti, as – was
758 mentioned before. But until we get that part – of the property developed, it, it's really a security
759 issue. And so, some of the things that – we would least like to do is encumber the police
760 department or the neighbors by having illegal activities going on behind a block wall. Certainly,
761 we'd be amenable, and we have been, to providing whatever conditions and satisfying whatever
762 conditions have been imposed on us. But by creating a block wall you're – creating an enclave
763 there that – we feel that, never mind the – monetary aspect and everything else, but from a social
764 standpoint, it becomes an attractive area for nuisance type activities. And we don't want that
765 either. So, that's one of the things.

766 And – as far as the access, clearly we will – block that off. We don't have a problem with that.
767 But from a security standpoint, and perhaps we could hear back from the neighbors on this, if
768 they want a block wall then the potential exists because that part of the property is not developed
769 yet, that there would be some things going on that – we won't have control over when we're not
770 there.

71

772 **COUNCILMAN BROWN**

773 All right. I will, Councilman Mack?

774

775 **COUNCILMAN MACK**

776 Thank you, Mayor Pro Tem Tem. Councilman Weekly, I'm sorry to give you this gift that just
777 keeps giving when we did the redistricting. But when we placed this condition on, and I – was
778 the Councilperson at the time that we placed the condition on the perimeter wall, it was clearly –
779

780 **COUNCILMAN WEEKLY**

781 Mack, can you talk in your mike. I don't think everybody can hear you.

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782 **COUNCILMAN MACK**

783 I'm sorry. It was – clearly specified at the time of approval that they, the Fort West and Mustang
784 crash gate would be installed, and we worked very closely with the adjacent residents off
785 Mustang and Fort West. And, you know, Pastor, I hear you when you say that maybe other
786 churches don't have the same conditions, but this was negotiated with the neighbors and the
787 church at the time of approval. There was a perimeter wall that was supposed to be erected on
788 the southern boundary and a crash gate that was supposed to be put up on the Fort
789 West/Mustang. And that was a condition that the neighbors fought for and – we brought, I think,
790 an agreement, to the Council at that time.

791 So, to hear this today, and I feel for you, 'cause you're a new – administrator for this church, and
792 I also feel for the church because I know churches and temples and synagogues have budgets to
793 maintain. But this was a condition that was placed on the – church at the time. It was – agreed
794 upon by the neighborhood and I think that this condition should be withheld.

795

796 **COUNCILMAN BROWN**

797 Thank you. Councilman?

798

799 **COUNCILMAN WEEKLY**

800 Yes, I just wanted to point out, thank you very much, Councilman. You know I believe that,
801 Pastor, that the church and the parishioners want to be a blessing to the neighborhood. And as
802 we discussed, I think, I spoke with Ms. Gina on the phone also too about this. You know, this is
803 a tough one for me because I didn't know the history of it and didn't have much to go by until I
804 had to go back and do the research on this. And I know you all pointed out, I think, Mr. Hoyes
805 pointed out that there are five other churches in a one-mile radius that, being that may be true, I
806 guess, Mr. Hoyes, I go back to the fact of what was discussed in 2000, when it was negotiated
807 between the representative of the area then, the residents and members of the church at that time.
808 That's the only thing, man, I can actually go off of.

809 And, you know, Pastor, the only thing that troubles me about this is there is no way, you know,
810 I'm – the type of person or anybody up here would single out a church or anything like that. I've
811 gone to your church and in this neighborhood and you're right, Ms. Gillman, your church is
812 beautiful. It's a beautiful church and I think that anyone who would have a church in their

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813 neighborhood would want something like that in their neighborhood. But there was an
814 agreement that was put on the record when this was negotiated with the neighborhood. And so,
815 that's all I had to go by based on what was given to me. And you say that this was brought up, I
816 guess, five years later, well, it was brought to my attention just recently at a regular
817 neighborhood meeting talking about another project.

818

819 **BRUCE MORRIS**

820 Which we were not invited to.

821

822 **COUNCILMAN WEEKLY**

823 Well, we sent out notifications, man, and I make sure that I've had my notification area even
824 expanded. I even expanded my meeting notifications to County residents, who I'm not really
825 ultimately responsible for, but I feel like anything that's going to go into a residential
826 neighborhood, whether you live in the City or the County or North Las Vegas, that's not
827 important to me. If you have to look at it every single day, you should be able to have some
828 form of input as to what's going in your neighborhood. So, you know, I'm sorry, if – you didn't,
829 I – make sure that I, make sure that my meeting notifications, that everybody within reason is
830 invited to those meetings.

831 So, I guess, I'm just going back to what I had to deal with here. And as far as the neighbors, you
832 say there's only two neighbors, you know, again, they have the proof in the pudding. They were
833 actively involved in it and the good thing that I have to deal with right with right now is the
834 representative, although he keeps reiterating he won't be here in eight more weeks, he should
835 now, and I had an opportunity to go back to him and say, what did you talk about. What did you
836 put on the record? What did you all agree with, as far as approving this church on this site? And
837 I think we just heard what his interpretation of – the conditions were. And so, you know, that's
838 basically all I have to go on, man. And so, I'm going to go with the neighbors on this, that this
839 perimeter block wall be completed.

840 And – you know, again, Pastor, no disrespect to you, man, I appreciate the conversation that we
841 had. I think you're a good man, but I think you understand the situation that I'm in.

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842 **BRUCE MORRIS**

843 Just a couple of comments, if I may.

844

845 **COUNCILMAN WEEKLY**

846 Yes, Sir.

847

848 **COUNCILMAN BROWN**

849 Pastor, very briefly.

850

851 **BRUCE MORRIS**

852 Sure.

853

854 **COUNCILMAN BROWN**

855 Thank you.

856

857 **BRUCE MORRIS**

858 Just a question regarding, you know, reasonable conditions that are place upon any entity,
859 whether it be a residence or a church.

860

861 **COUNCILMAN WEEKLY**

862 Yes, Sir.

863

864 **BRUCE MORRIS**

865 The reason why we requested a review of conditions is, things change from time to time. Doctor
866 Kozmary has mentioned that our City and our community has changed drastically in the last
867 decade. This is no longer rural community. It is part of a very growing suburbia area. Does the
868 Council ever give consideration to changing conditions or reviewing conditions? That's why we
869 requested it, because we don't feel it's reasonable at this time.

870 There was a comment or two made regarding the crash bar and a – gate and a driveway that I had
871 not heard about until today. We don't have copies of those minutes and we'd like to have copies,
872 by the way. And our attorney here made mention of the fact that vehicular access would never

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873 be granted on that street. I – think it's unreasonable even to make that statement if we were to
874 ask for that consideration at some time in the future, as the church would continue to grow and
875 expand.

876 One of the arguments in your office, Councilman Weekly, that day when I met with you and the
877 attorney was that we don't want traffic on that street. Well, you already have hundreds and
878 hundreds of cars on that street everyday. That cul-de-sac turning the corner to pick up skid, kids
879 from school, dropping them off and picking them up. So, our view is, it's unreasonable to say
880 that we don't want traffic on that street when there already is hundreds of cars daily on that
881 street.

882

883 **COUNCILMAN WEEKLY**

884 Yes.

885

886 **BRUCE MORRIS**

887 – on the cul-de-sac back there.

888

889 **COUNCILMAN WEEKLY**

890 I do understand.

91

892 **COUNCILMAN BROWN**

893 Thank you.

894

895 **COUNCILMAN WEEKLY**

896 Mayor Pro Tem Tem, I'm going to follow the recommendation of staff. Again, all I can go off
897 of is what was before me and going off of the – at the past transcripts and having dialogue with
898 the Councilman who represented the area then who made the motion for those recommendations.
899 And according to what the attorney read back to me, as far as the interpretation that it was
900 interpreted and agreed, by not only the applicant, but the residents, that there be a decorative
901 block wall along the south property line. And so, with staff recommendation, I'm going to
902 follow that. Yes, Sir?

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903 **COUNCILMAN MACK**

904 Councilman Weekly?

905

906 **COUNCILMAN WEEKLY**

907 Yes.

908

909 **COUNCILMAN MACK**

910 Maybe just to help the applicant here, if we can get the conditions that were approved under my
911 watch with the crash gate and regard to those two streets and the cross – thru traffic and as well
912 as the block wall.

913

914 **MARGO WHEELER**

915 Yes, Sir. If I may, Mayor Pro Tem and Councilman.

916

917 **COUNCILMAN WEEKLY**

918 Yes.

919

920 **MARGO WHEELER**

921 To add new condition Number 1, just so that we're all clear, that the conformance to the
922 conditions of those applications shown, and in addition Special Use Permit U-12-97, and we'll
923 make sure that all those are available to the – applicant.

924

925 **COUNCILMAN WEEKLY**

926 As amended.

927

928 **BRUCE MORRIS**

929 Is – there any opportunity for nego, negotiation with the two complaining neighbors about the
930 opportunity to construct some different kind of obstruction there rather than a six-foot-high wall.

931 Is there opportunity for us to visit that with them and come to, with, to an agreement and a
932 suggestion to the Council about an alternative to that?

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933 **COUNCILMAN WEEKLY**

934 I think, Pastor, based on what's agendaed here today, that's the only thing, I think, I can discuss,
935 and, you know, so I'm going off of my agenda here today.

936

937 **BRUCE MORRIS**

938 Are conditions ever revisited and overturned and new conditions visited?

939

940 **COUNCILMAN WEEKLY**

941 They are.

942

943 **BRUCE MORRIS**

944 Okay.

945

946 **COUNCILMAN BROWN**

947 You're – certainly welcome to talk to the neighbors, but I will take that in a form of a motion?

948

949 **BOB HOYES**

950 Is –

951

952 **COUNCILMAN WEEKLY**

953 Did you have something to say, on the attorney side?

954

955 **BOB HOYES**

956 For clarification, is that across the entire southern property line? With the elementary school
957 there they have a chain link fence, if we were to construct a block wall with a chain link fence
958 right next to the chain link fence, you have a gap, you're going to have a gap.

959

960 **BRYAN SCOTT**

961 With –

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962 **BOB HOYES**

963 That's potentially a safety issue. So –

964

965 **BRYAN SCOTT**

966 Councilman, I don't think there was any provision, which – required them to build a wall next to
967 the wall. I think that at the time that was constructed you knew the school was going in or was in
968 at that time. And I think it was clear that the – block wall should meet the chain link fence not
969 be adjacent to the chain link fence.

970

971 **MARGO WHEELER**

972 That is correct.

973

974 **BRYAN SCOTT**

975 **And also since this is a review of condition, if, your motion would be for denial.** You're not
976 adding additional conditions, you're just clarifying the condition about the southern boundary.

977

978 **COUNCILMAN WEEKLY**

979 **Correct.**

980

981 **COUNCILMAN BROWN**

982 There's a motion on the floor. Please cast your vote. Post. That motion carries. (**Motion**
983 **carried unanimously with GOODMAN abstaining because the mother of one of his staff**
984 **members is on the board of directors of the church)** Thank you.

985

(END OF DISCUSSION)

986 /ac;sc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****REVIEW OF CONDITION**

ROC-6074 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: THE MONTECITO COMPANIES - OWNER: AZURE SOUTH, INC. - Request for a Review of Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], WHICH PROHIBITED CERTAIN USES, TO ELIMINATE THE CONDITION ENTIRELY for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive (APN 125-27-222-006), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL

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

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification letter
5. City Council approval letter for Z-0076-98(20)

MOTION:**MACK - APPROVED subject to the deletion of Condition 1 - UNANIMOUS****MINUTES:****MAYOR GOODMAN** declared the Public Hearing open.

ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the Montecito Companies and Azure South, Inc. and indicated that in March of 2005 they filed an application for a first class convenience market in conjunction with a commercial development on the southwest corner of Tenaya Way and Azure Drive. However, Condition 22 of the Site Development Plan Review, which was approved for a commercial center in 2001, contains a prohibition against a convenience market. The request is for the opportunity to bring back a plan for a convenience market for the Council's consideration. The quality of the market would be similar to the recently approved convenience store located on Hualapai Way and Sahara Avenue for JACK CASON. He pointed out the approval of the waiver will not approve the convenience market itself, but give the applicant the right to present that market for consideration. ATTORNEY KAEMPFER accepted staff's revised Condition 22.

LYNN FENSTERMAKER, 6075 Starlight Drive, asked the City Council to deny the request because there are four convenience stores within a one-mile radius of the proposed location. Traffic has decreased since the opening of the Durango Interchange on US95. The primary traffic is morning and evening commute. There is no direct access to the 215 Beltway or to US95. The Centennial Hills Lone

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

Mountain Management Plan requires buffering between commercial developments and rural residential areas. This property is surrounded on two sides by rural residential and does not meet the definition of the jointly approved City and County plan for buffering.

STEVE BOWER, Vice President of Development for Shay Commercial, 2850 South Jones Boulevard, indicated he owns property on the south side of Azure Drive for which a Site Development Plan Review application for an office development is pending before the Planning Commission. They support Montecito's request because Town Center would provide the types of necessary services that are needed in this particular area. They believe this type of an addition would benefit Shay Commercial and their future office tenants.

ATTORNEY KAEMPFER indicated the property is already planned and zoned for some rather intense Commercial uses. He reiterated that at this time he is only requesting for the opportunity to be able to bring back a plan for a convenience store, which he believes is appropriate at this location, especially since that is now a traffic-signalized corner.

MS. FENSTERMAKER rebutted that she primarily opposes the 24-hour access and the pumps the applicant is requesting because it is not appropriate for the neighborhood. MAYOR GOODMAN and DEPUTY CITY ATTORNEY BRYAN SCOTT clarified for MS. FENSTERMAKER that the hours of operation would be discussed once the application comes back for a Special Use Permit for the convenience store.

COUNCILMAN MACK stated that a congregate care center located in the County east of this property and an approved professional office provide appropriate buffering. This has been the line that was drawn in the sand where commercial was going to stop and this is a minor change. His main concern is that the lighting and signage be similar to what MR. CASON did on Sahara Avenue and Hualapai Way and what the Herbst family did on Town Center Drive and Hualapai Way. COUNCILMAN MACK indicated that MR. NIELSEN from the Montecito Companies would look at those two properties and keep the lighting and signage to a minimum level.

MARGO WHEELER, Director, Planning and Development Department, verified with COUNCILMAN MACK that Condition 1 would be deleted in its entirety.

MAYOR GOODMAN declared the Public Hearing closed.

(3:47 - 3:56)

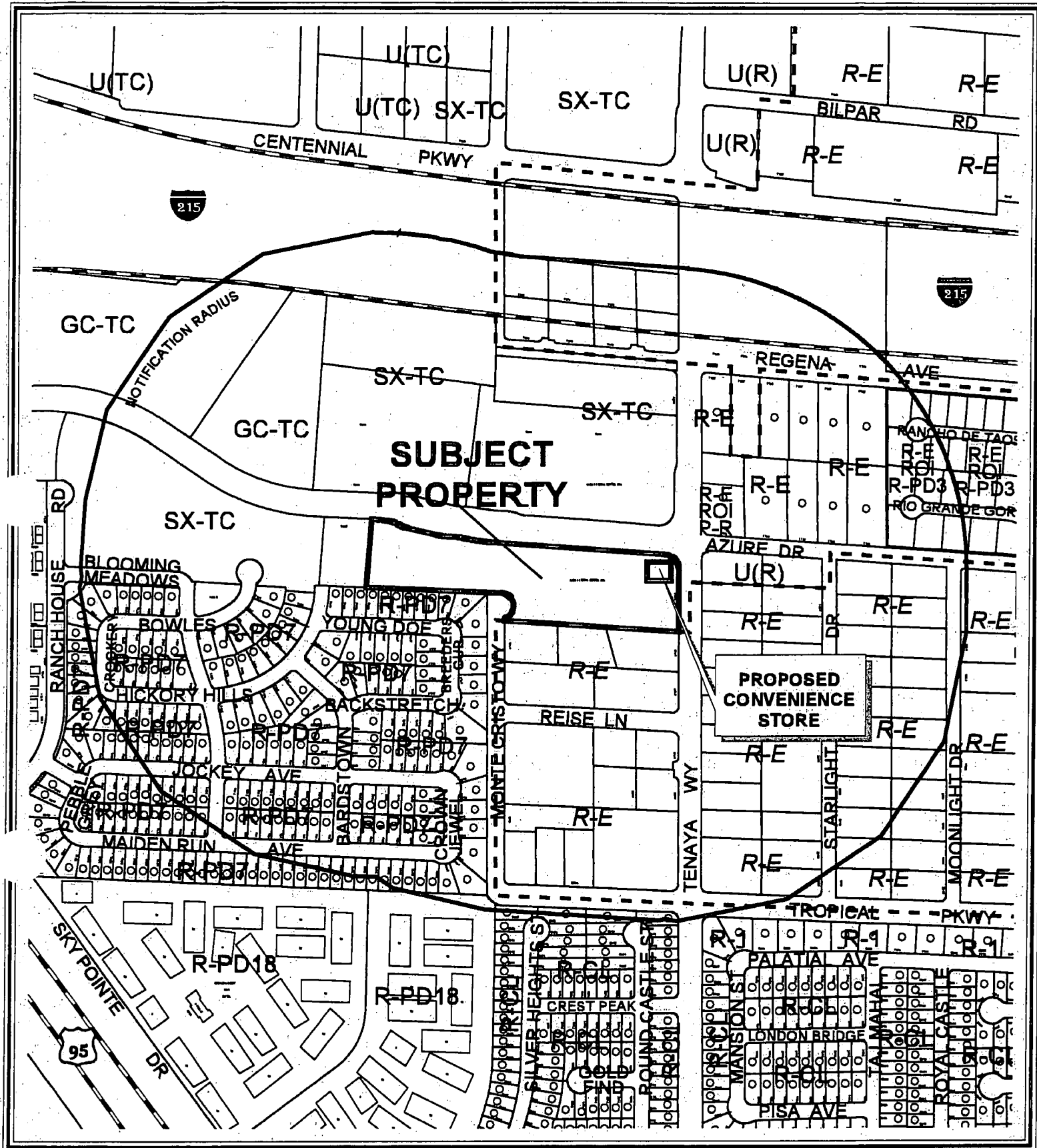
5-1508

CONDITIONS:

Planning and Development

1. Condition Number 22 of Site Development Plan Review Z-0076-98(20) shall read as follows:

"A maximum of six (6) supper club permits shall be exercised with no more than two (2) south of Azure Drive. With respect to the south side of Azure Drive, no 24-hour uses shall be allowed, no fast food restaurants with drive-through windows shall be allowed and all buildings shall be limited to one-story."



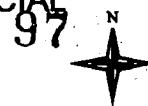
CASE: ROC-6074

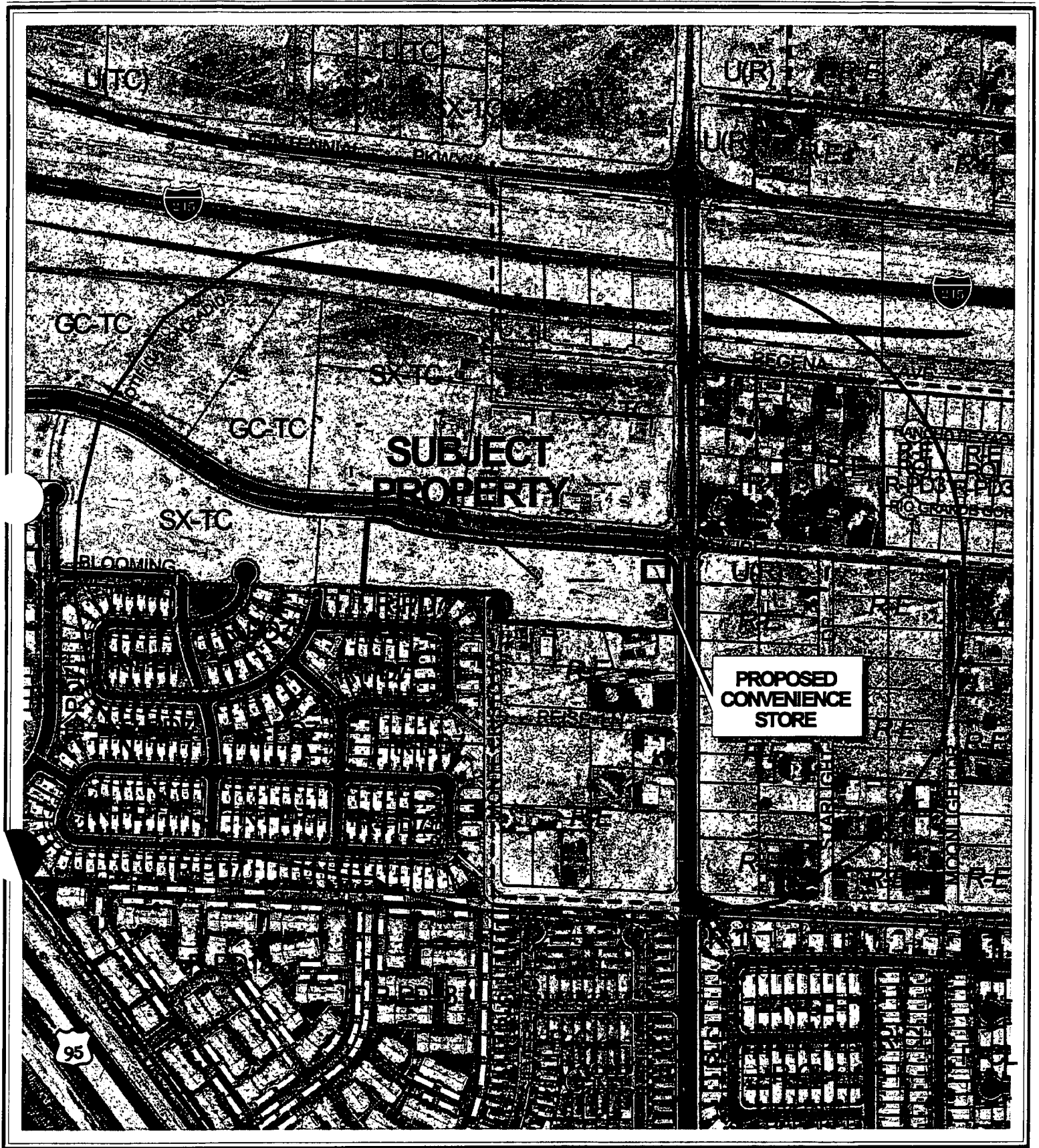
RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

0 400 800 Feet





CASE: ROC-6074

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SX-TC (SUBURBAN MIXED USE - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

0 400 800 Feet



AGENDA MEMO

**CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - ROC-6074 - APPLICANT: THE
MONTECITO COMPANIES – OWNER: AZURE SOUTH, INC.**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 16, 2005 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

Staff recommends DENIAL. If Approved subject to:

Planning and Development

1. Condition Number 22 of Site Development Plan Review Z-0076-98(20) shall read as follows:

“A maximum of six (6) supper club permits shall be exercised with no more than two (2) south of Azure Drive. With respect to the south side of Azure Drive, no 24-hour uses shall be allowed, no fast food restaurants with drive-through windows shall be allowed and all buildings shall be limited to one-story.”

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Review of Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], which prohibited certain uses, to eliminate the condition entirely for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive.

B) Applicant's Justification

The applicant's justification letter indicates at the time the original Site Development plan Review was approved the Town Center Development Standards had not been approved. Since that time conditions in the area have changed and the prohibited uses are now appropriate on this property.

BACKGROUND INFORMATION

A) Related Actions

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) to TC (Town Center) on this site as part of a larger request. The Planning Commission and staff recommended approval on 11/05/98.
- 04/04/01 The City Council approved a Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square foot commercial development that included property north and south of Azure Drive. The Planning Commission and staff recommended approval on 02/22/01.
- 03/24/05 The Planning Commission will hear requests for a Special Use Permit (SUP-5894) and a Site Development Plan Review (SDR-5893) for a proposed 3,500 square-foot convenience store with fuel pumps and waivers of the 70% glazing and the 330-foot separation requirement from residential properties at the southwest corner of Azure Drive and Tenaya Way. These cases were held in abeyance at the 02/10/05 Planning Commission meeting at the applicant's request. Staff recommendation for these items is denial.

B) Pre-Application Meeting

- 01/31/05 A pre-application meeting was held and the applicant was advised of the requirements for a Review of Condition application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.94

B) Existing Land Use

Subject Property: Undeveloped
 North: Commercial/Retail Center (Under Construction)
 South: Undeveloped and Single Family Residences
 East: Undeveloped
 West: Undeveloped and Single Family Residences

C) Planned Land Use

Subject Property: SX-TC (Suburban Mixed-Use Town Center)
 North: SX-TC (Suburban Mixed-Use Town Center)
 South: ML (Medium Low Density Residential)
 East: R (Rural Density Residential)
 West: ML (Medium Low Density Residential) and SX-TC (Suburban Mixed-Use Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center)
 North: T-C (Town Center)
 South: Unincorporated Clark County
 East: Unincorporated Clark County and U (Undeveloped) [R (Rural Density Residential) General Plan Designation]
 West: R-PD7 (Residential Planned Development – 7 Units Per Acre) and T-C (Town Center)

E) General Plan Compliance

The site is designated as TC (Town Center) on the Centennial Hills Sector map of the General Plan. The existing T-C (Town Center) zoning and SX-TC (Urban Center Mixed Use - Town Center) land use are in compliance with this land use designation

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

The site is located within the portion of Town Center designated as SX-TC (Suburban Mixed-Use). Development within this land use designation will typically be of a mixed variety with both commercial and medium density residential uses being permitted.

A Multi-use Transportation Trail is required along the south and east sides of the subject site. The construction of the trail will be required with any site development plans approved for development on the property.

ANALYSIS

Condition of Approval Number 22 for the approved Site Development Plan Review reads as follows:

“A maximum of six (6) supper club permits shall be exercised with no more than two (2) south of Azure Drive. With respect to the south side of Azure Drive, no 24-hour uses shall be allowed, no fast food restaurants with drive-through windows shall be allowed, no convenience stores shall be allowed and all buildings shall be limited to one-story.”

The applicant is now requesting this condition be eliminated because they believe conditions in the area have changed and the prohibited uses are now appropriate on this property. As listed in the Related Cases, the applicant has submitted application for Special Use Permit and Site Development Plan Review to allow a convenience store with fuel pumps at the southwest corner of Azure Drive and Tenaya Way to be heard by the Planning Commission on 03/24/05.

FINDINGS

The purpose of the original, existing condition is to provide a transition from the more intense commercial uses allowed north of Azure Drive and the existing single family residences to the south of this site. Completely eliminating the condition would allow uses not appropriate nor compatible with the adjacent single family residences. Additionally, the proposed convenience store with fuel pumps does not meet the minimum distance separation requirements from residential set forth in the Town Center Development Standards and the proposal for a new Site Development Plan Review as submitted will require a waiver. There is adequate space on property north of Azure Drive that is more suitable for intense commercial uses prohibited by this condition. Therefore, the recommendation for this request is denial.

If this request is approved, it is recommended that only the prohibition of convenience stores be removed and the remainder of the condition should stay intact.

NOTICES MAILED 250 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-6074 APN: 125-27-222-000

Name of Property Owner: Azure South Inc.

Name of Applicant: The Montevito Companies

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: IVA

Partner(s): _____

APN: _____

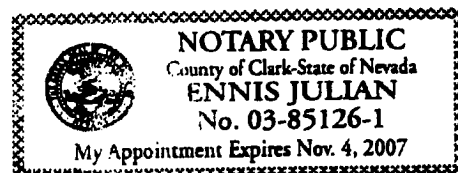
Signature of Property Owner: _____

Print Name: Frank Nelson

Subscribed and sworn before me

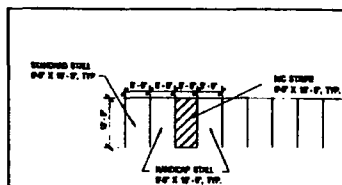
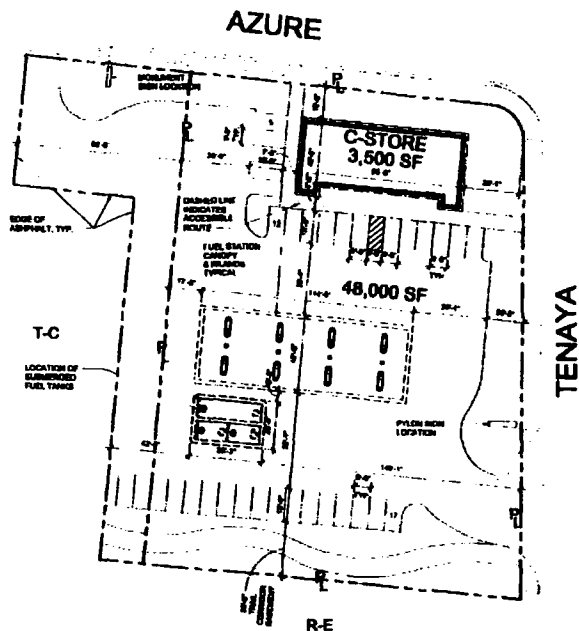
This 3rd day of February, 2005

[Signature]
Notary Public in and for said County and State



SITE PLAN

SCALE 1"=60'



STANDARD PARKING STALL DIMENSIONS

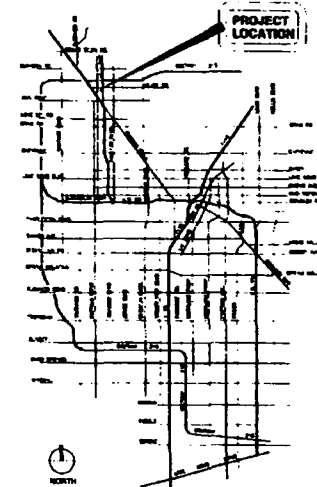
SITE INFORMATION

ASSESSORS PARCEL NUMBER (APN)	125-27-222-006
CURRENT ZONING	T-C
SITE AREA	4.110 ACRES - 48,000 S.F.
PROPOSED BUILDING	
C-STORE	3,500 S.F.
SITE COVERAGE	
C-STORE	7.29 %
PARKING REQUIRED	
C-STORE	5/1000 S.F. 18 SPACES
PARKING PROVIDED (INCLUDES ACCESSIBLE SPACES)	
C-STORE	34 SPACES

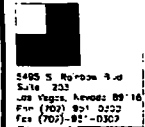
OWNER

AZURE SOUTH INC.
6800 W. CHARLESTON BLVD. STE. #120
LAS VEGAS, NEVADA 89146
CONTACT: JOE GRENADER
CONTACT: P 702.388.0444 F 702.882.7704

VICINITY MAP



Vadologo Petsch AIA



NO. 1 ON
CONSTRUCTION

MONTECITO

TENAYA VILLAGE CENTER
SMC of Tenaya Way & Azure Drive, Las Vegas, NV
Enlarged
Site Plan

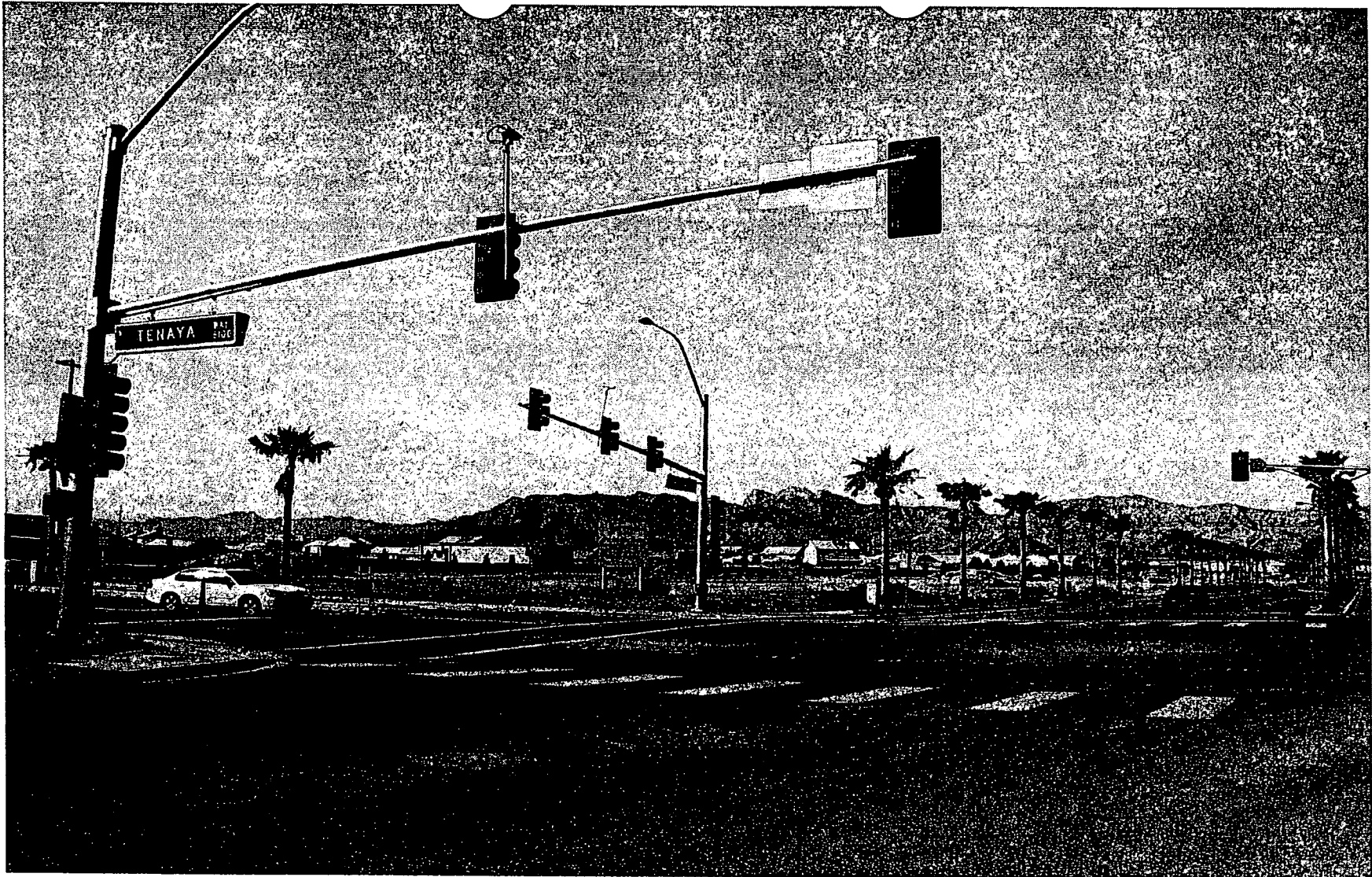
REV.	DESCRIPTION	DATE
1		
2		
3		
4		

Project No: 2004-23
Drawn By: Office
Date: 12/28/04
Scale: See Drawing
Sheet No:

A-1.01

ROC-6074
3-16-05 CC

RECEIVED
MAY 16 2005



ROC-6074 - APPLICANT: THE MONTECITO COMPANIES – OWNER: AZURE SOUTH, INC.

**Adjacent to the southwest corner of Tenaya Way and Azure Drive
MARCH 16, 2005 CITY COUNCIL MEETING**

Picture taken 02/22/05

MONTECITO

COMPANIES

February 4, 2005

City of Las Vegas
Planning and Development Department
Attn: Doug Rankin
731 S. Fourth Street
Las Vegas, NV 89101

RE: Tenaya Village Center Review of Conditions Justification (Z-0076-98(20))

Dear Sir:

This letter is prepared as a justification letter for the proposed Review of Conditions for condition #22 of Z-0076-98(20), a Site Development Review for the Tenaya Village Center project located West of Tenaya on both sides of Azure Drive. This condition stipulated that 24-hour uses, fast food restaurants with drive through windows, and convenience stores will not be allowed South of Azure and that all buildings are to be limited to one story. This application was originally approved in April 2001 and has been super-ceded by several individual Site Development Reviews for portions of this area. During the review of a Convenience Store site development review, this condition was discovered. Planning Staff has asked that we submit for a Review of Condition application to remove this condition in its entirety from this "parent" application and allow subsequent Site Development Reviews to approve the uses on a case by case basis.

In general, when this original application was reviewed nearly four years ago, the idea of a Town Center was in its infancy and the surrounding neighborhoods had concerns regarding permitted uses within this Town Center area. This application was approved in April, 2001, approximately seven months before the approval of the Town Center Development Standards (approved November 7, 2001). The Town Center Development Standards in which this property lies within, details permitted, conditional, and special uses allowed within the Town Center area and any specific conditions related to these uses. Also, this Development Standards guideline indicated the permitted heights for buildings within the different areas of Town Center. Because these standards were not available at the time of our application and are now the standard used for development in the area, we ask that Condition #22 of the Site Development Review application Z-0076-988(20) be removed in its entirety.

Furthermore, Condition #12 of the same application required a 30 foot deep heavily landscaped Town Center perimeter buffer which is currently installed along the South side of the property in question. Because this trail and landscape corridor was installed as a buffer to the neighboring residential properties, it is our opinion that it provides additional justification for the Town Center Development Standards to govern development in this area rather than Condition #22 of old this old application.

6600 W Charleston Blvd, Suite 120
Las Vegas, NV 89146
Office (702) 798-5111 Facsimile (702) 892-7784
www.montecitocompanies.com

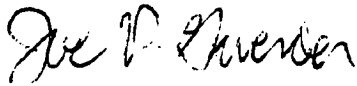
ROC-6074

MONTECITO

COMPANIES

For the reasons outlined above, we believe removing Condition #22 of Site Development Review Z-0076-98(20) is warranted and should be removed in it's entirety. Thank you in advance for your consideration of our request. Please feel free to call me to discuss this request in detail.

Sincerely,



Joe P. Gwerder, PE
Vice President of Construction
Montecito Companies



008947

May 8, 2001

Mr. Frank Neilson
Centennial 95, Limited Partnership
6600 West Charleston Boulevard, Suite #124
Las Vegas, Nevada 89146

RE: Z-0076-98(20)- SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF APRIL 4, 2001

Related to U-0006-01 through U-0016-01, U-0019-01, U-0020-01, U-0022-01 & U-0023-01

Dear Mr. Neilson:

The City Council at a regular meeting held April 4, 2001 APPROVED the request for a Site Development Plan Review FOR A PROPOSED 138,000 SQUARE FOOT COMMERCIAL DEVELOPMENT on 14.16 acres at the northwest corner of the intersection of Tenaya Way and Azure Drive, and FOR A PROPOSED 110,000 SQUARE FOOT COMMERCIAL DEVELOPMENT on 16.66 acres on the south side of Azure Drive between Tenaya Way and approximately 520 feet east of Rancho Drive/ US 95 (APN: 125-27-101-025, 027; 125-27-202-009 and 010), TC (Town Center) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on April 5, 2001. This approval is subject to:

Planning and Development

1. Applicant to work with staff to determine appropriate improvements on cul-de-sacs
2. If this Site Development Plan Review is not exercised within two years of the City Council approval, this Site Development Plan Review shall be void unless an Extension of Time is granted.
3. The site plan shall be revised to depict substantial outdoor plazas with seating areas and appropriate landscaping to encourage pedestrian gathering, including at a minimum, the plazas between buildings adjacent to the intersection of Azure Drive and Tenaya Way.
4. The site plan shall be revised to depict landscape setbacks zones of at least fifteen (15) feet in width between the back of sidewalk and any building wall along Azure Drive.
5. The site plan shall be revised to depict compliance with the Title 19A.10.010 requirements for off-street parking for the site uses, or a Variance to parking

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

VOICE 702.229.6011
TDD 702.386.9108
www.ci.las-vegas.nv.us

ROC-6074

requirements shall be approved by the City Council prior to the issuance of any permits, any site grading, and all development activity for the site.

6. The site plan shall be revised to depict compliance with the Title 19A.10.010 requirements for handicap accessible spaces, and compliance with the Title 19A.10.020 requirements for loading spaces.
7. In lieu of a 5-foot wide sidewalk along the west side of Tenaya Way, a 10-foot multi-use trail path must be meandering and shall be provided consisting of poured concrete construction, meeting the minimum specifications for a sidewalk, as illustrated in the City of Las Vegas draft Trails Plan. The trail path shall be separated from the street curb by a 5-foot wide landscaped amenity zone. A public access easement shall be provided over that portion of the trail path not included within the public right-of-way.
8. Buildings abutting the west side of Tenaya Way, if oriented away from the multi-use trail path (i.e., having their main front entrance facing away from the trail path), shall be set back a minimum of fifteen (15) feet from the trail path with a landscaped building and pedestrian amenity zone. Buildings oriented toward the trail (i.e., having their main front entrance facing onto and accessed from the trail) may have a minimum setback of five (5) feet from the trail path, with landscaping and other amenities provided within the space between the building and the trail path.
9. The site plan shall be revised to depict all parking stalls adjacent to the corner of Tenaya Way and Regina Avenue set back a minimum of 15 feet behind the property line.
10. The landscape plan shall depict compliance with the requirement of Title 19A.06.110 regarding 20 percent of the gross site acreage in open space, recreation area, pedestrian/bikeway facilities, and landscaped areas in public rights-of-way.
11. The landscape plan shall depict full compliance with the Town Center Loop Road standards including a four-foot wide amenity zone and a five-foot wide sidewalk. Within the amenity zone is required minimum twenty-foot brown trunk height Mexican Fan Palm trees planted thirty-five feet on-center, decomposed granite, five-gallon ground cover, and the required hardscape finish at a minimum 15 feet by four feet every three palm tree plantings or every 105 feet on-center. The sidewalk shall be constructed of the required finish. Within the landscape setbacks, minimum width of fifteen feet, are required clusters of Mexican Fan Palm trees of twelve-foot to twenty-five-foot brown trunk height planted thirty-five feet on-center. The median islands within Azure Drive are required to be a minimum width of fifteen feet landscaped, except where necessary cuts are located, containing minimum twenty-foot brown trunk height Mexican Fan Palm trees planted thirty-five feet on-center, decomposed granite, five-gallon ground cover, and the required hardscape finish at a minimum 15 feet by four feet every three palm tree plantings or every 105 feet on-center. The landscape plan shall also depict the required accent paving.
12. Landscape islands, a minimum five (5) feet in width, shall be provided throughout the parking lots, every six (6) parking spaces. Such double-sided islands shall each contain a

Mr. Frank Neilson
Z-0076-98(20) – Page Three
May 8, 2001

minimum of two (2) 24" box shade trees (which have a minimum 1-1/2" diameter caliber at 4 feet above the root ball at the time of planting) and four (4) 5-gallon shrubs per tree.

13. All illustrative decorative paving, including square and round intersections, pedestrian plazas, and entry plazas, shall be designed and constructed as shown on the submitted plans, and such decorative paving shall consist of stamped colored concrete or handset pavers or some other type of decorative amenities subject to approval by the Planning and Development Department Staff. The plaza shown between buildings "G" and "H" shall be designed and constructed as shown on the submitted plans and shall contain the 8-pointed star pattern as illustrated in regard to size, location and pattern, and such decorative paving shall consist of stamped colored concrete or handset pavers or some other type of decorative amenities subject to approval by the Planning and Development Department Staff.
14. A minimum 30-foot deep, heavily landscaped Town Center perimeter buffer shall be installed and maintained in perpetuity along the southern and western perimeter of the site south of Azure Drive. The Town Center perimeter buffer shall contain a meandering 10 foot wide concrete pathway consistent with the trail cross section submitted to the City Council on April 4, 2001, and two rows of minimum 24" box evergreen trees a maximum of 20 foot on center, staggered on each side of the pathway, with a minimum four (4) 5-gallon shrubs per tree. Low level bollard lighting shall be provided to light the pathway for public safety, and the lighting shall be designed to prevent light spilling into neighboring single-family residential lots. A public access easement shall be provided over the entire buffer trail path, which shall allow quiet passage at all times.
15. The applicant shall have constructed a six-foot high decorative block wall, with at least 20 percent contrasting materials, along the entire length of the southern and western perimeter if agreed to by the abutting and affected property owners. The applicant shall work with Planning and Development Department Staff for appropriate landscaping adjacent to the wall.
16. All proposed building elevations shall demonstrate, to the satisfaction of Planning and Development Department staff, side and rear elevations consistent with submitted front elevations, reflecting at a minimum the varied rooflines, and regularly-spaced vertical facade elements.
17. The rear (north) elevations of building A2 shall depict a loading dock enclosure, consisting of a solid masonry wall of at least ten feet in height, along the length of the north side of loading spaces.
18. The Master Sign Plan shall be amended to prohibit wall signs on any building side facing a residential property; therefore, proposed wall signage on the south walls of all pad buildings located south of Azure Drive, and proposed wall signage on the east walls of the two pad buildings located in closest proximity to Tenaya Way, shall be eliminated

from the Master Sign Plan unless a waiver is approved by the Planning and Development Department Director.

19. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed buildings. Lighting standards within the parking lots shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights.
20. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
21. No utility vault exceeding 27 cubic feet in size may encroach into the minimum approved landscape areas along public street frontages. Additionally, no waivers from approved required landscaping or approved signage standards shall be allowed due to the placement of any utility vaults.
22. A maximum of six (6) supper club permits shall be exercised with no more than two (2) south of Azure Drive. With respect to the south side of Azure Drive, no 24-hour uses shall be allowed, no fast food restaurants with drive-through windows shall be allowed, no convenience stores shall be allowed and all buildings shall be limited to one-story;
23. An architectural theme for the entire development shall be submitted for Planning and Development Department Staff approval.

Public Works

24. Terminate Ranch House Road and Exotic Blue Street adjacent to this site in a manner acceptable to the Department of Public Works. Also, provide an acceptable vehicle turnaround for Regina Avenue adjacent to this site. Construct appropriate public street improvements for the approved terminations of Ranch House Road and Exotic Blue Street concurrent with development of this site.
25. Coordinate with the Special Improvement Section of the Department of Public Works for the public street improvements of Tropical Parkway (a.k.a. Azure Drive). Full width street improvements on Azure Drive and Tenaya Way adjacent to this site must be in place prior to occupancy of this site. Also, construct half-street improvements including appropriate overpaving on Regina Avenue adjacent to this site concurrent with development of this site.
26. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

Mr. Frank Neilson
Z-0076-98(20) – Page Five
May 8, 2001

27. An amendment to the approved Traffic Impact Analysis for this site shall be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis as amended prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Final Map for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
28. 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, or the recordation of a Final Map for this site, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct neighborhood or local drainage improvements as determined by the approved Drainage Plan/Study concurrent with development of this site. Alternatively, the developer may agree to contribute monies in lieu of such drainage facility improvements as are recommended; such monies shall be contributed prior to the issuance of any building or grading permits, whichever may occur first.
29. Landscape and maintain all unimproved rights-of-way, if any, on Azure Drive and on Tenaya Way adjacent to this site.
30. Submit an Encroachment Agreement for all landscaping and private improvements located in the Azure Drive and Tenaya Way public right-of-way adjacent to this site prior to occupancy of this site.
31. Provide pedestrian walkway easements for all public sidewalks not located within the public right-of-way.

Sincerely,



JB
DOREEN ARAUJO
DEPUTY CITY CLERK I for
BARBARA JO RONEMUS, CITY CLERK

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services
Land Development Services

Ms. Diana Bossard
Bossard Development Services
2920 N. Green Valley Pkwy, Ste #814
Henderson, Nevada 89014

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REVIEW OF CONDITION

ROC-6132 - PUBLIC HEARING - APPLICANT: DWYER ENGINEERING - OWNER: CANYON RIDGE CHRISTIAN CHURCH - Request for a Review of Condition Number 2 of an approved Review of Condition (ROC-3216) TO REMOVE THE REQUIREMENT TO INSTALL HALF STREET IMPROVEMENTS ON THE EAST SIDE OF MAVERICK STREET, SOUTH OF LA MADRE WAY for an existing Church located at 6200 West Lone Mountain Road (APNs 125-35-802-001, 003 and 007), C-V (Civic) Zone, Ward 6 (Mack). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification letter
5. City Council approval letter for ROC-3216
6. Protest letter from John McGrail

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

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

MAYOR GOODMAN declared the Public Hearing open.

APPEARANCES

OSCAR GOODMAN, Mayor

THOMAS HELLUMS, 7310 Smoke Ranch Road

MICHAEL MACK, Councilman

BART ANDERSON, Public Works Department

UNIDENTIFIED COUNCIL MEMBER

LOIS TARKANIAN, Councilwoman

BRYAN SCOTT, Deputy City Attorney

UNIDENTIFIED FEMALE SPEAKER

MAYOR GOODMAN declared the Public Hearing closed.

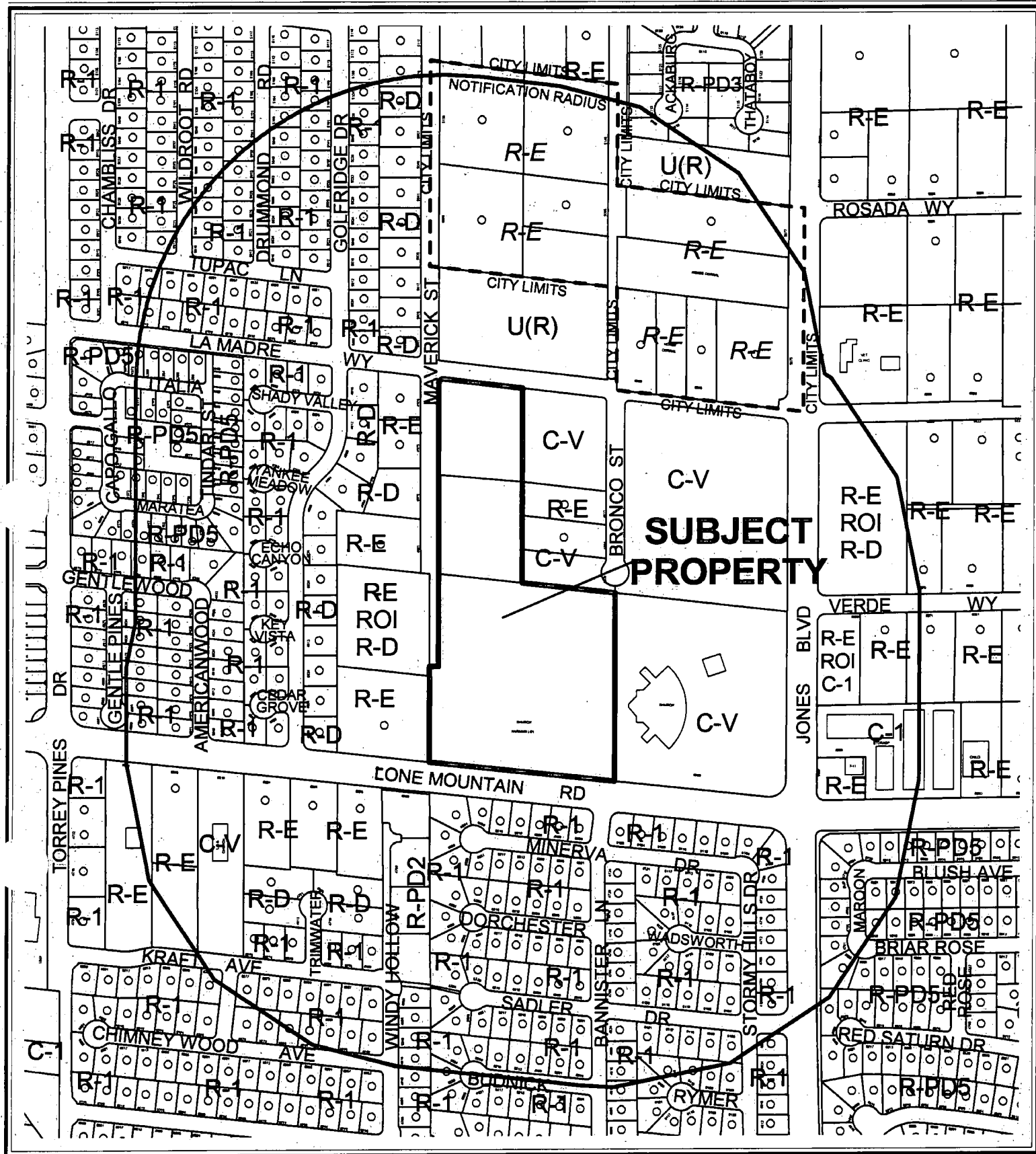
(3:56 - 4:02)

5-1876

CITY COUNCIL MEETING OF: APRIL 6, 2005**CONDITIONS:****Public Works**

1. Condition Number 2 of Review of Condition ROC-3216 shall read as follows:

Obtain dedication or public roadway easement rights to terminate Maverick Street as shown on Zoning Reclassification ZON 1218 prior to the issuance of permits for this site. If said dedication or easement rights cannot be obtained, dedicate appropriate right of way for a cul de sac terminus, meeting current City Standards, for Maverick Street prior to the issuance of permits for any construction abutting or overlying Maverick Street. Also, submit a Petition of Vacation to vacate existing right of way in excess of the dedications required above for termination of Maverick Street, if any. Such vacation must be approved by City Council prior to the submittal of construction drawings for this site, and shall record prior to the issuance of permits for any permanent structures overlying the area to be vacated. Construct pavement and "L" type curb and gutter on the unimproved portion of the Maverick Street right-of-way adjacent to this site, including appropriate overpaving, if legally able, where such overpaving does not currently exist, concurrent with development of this site; however sidewalk improvements shall be deferred at this time. Sign and record a Covenant Running with Land agreement for all urban improvements not constructed at this time on Maverick Street. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.



CASE: ROC-6132

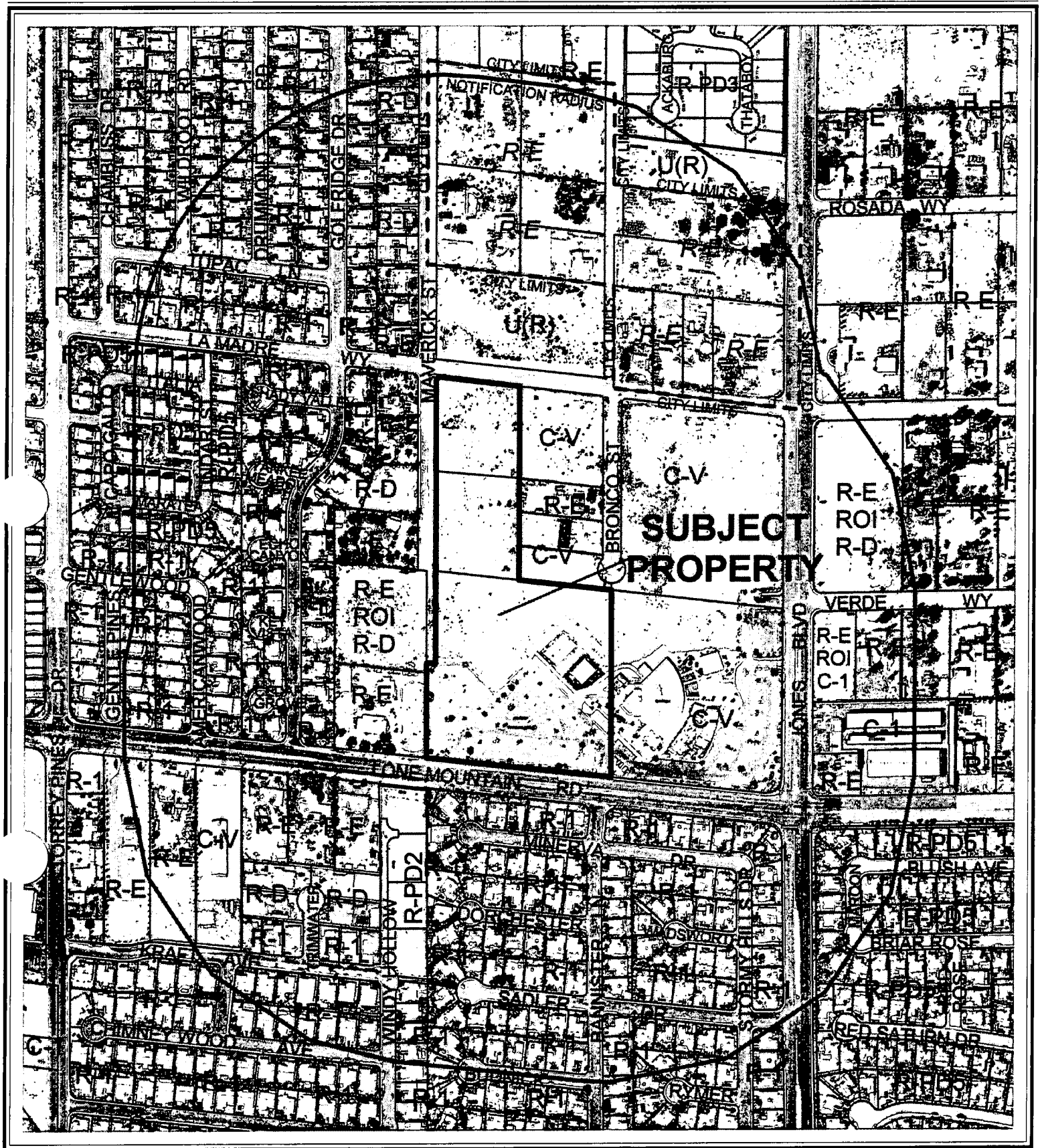
RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 400 800 Feet

98





CASE: ROC-6132

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-6132 - APPLICANT: DWYER ENGINEERING –
OWNER: CANYON RIDGE CHRISTIAN CHURCH

**** CONDITIONS ****

Staff recommends DENIAL. If Approved, subject to:

Public Works

1. Condition Number 2 of Review of Condition ROC-3216 shall read as follows:

Obtain dedication or public roadway easement rights to terminate Maverick Street as shown on Zoning Reclassification ZON-1218 prior to the issuance of permits for this site. If said dedication or easement rights cannot be obtained, dedicate appropriate right-of-way for a cul-de-sac terminus, meeting current City Standards, for Maverick Street prior to the issuance of permits for any construction abutting or overlying Maverick Street. Also, submit a Petition of Vacation to vacate existing right-of-way in excess of the dedications required above for termination of Maverick Street, if any. Such vacation must be approved by City Council prior to the submittal of construction drawings for this site, and shall record prior to the issuance of permits for any permanent structures overlying the area to be vacated. Construct pavement and "L" type curb and gutter on the unimproved portion of the Maverick Street right-of-way adjacent to this site, including appropriate overpaving, if legally able, where such overpaving does not currently exist, concurrent with development of this site; however sidewalk improvements shall be deferred at this time. Sign and record a Covenant Running with Land agreement for all urban improvements not constructed at this time on Maverick Street. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Review of Condition Number 2 of an approved Review of Condition (ROC-3216) to remove the requirement to install half street improvements on the east side of Maverick Street, south of La Madre Way for an existing Church located at 6200 West Lone Mountain Road.

B) Applicant's Justification

The applicant's justification letter indicates after meeting with the residents on the west side of Maverick Street, the residents and the Church concluded the best roadway would be a 47 foot wide residential road with rural conditions applying to the east side of the street. Maverick Street is a dead end cul-de-sac and the rural road provides for slower traffic, less light pollution and a better buffer between the road and the church property.

BACKGROUND INFORMATION

A) Related Actions

- 09/06/95 The City Council approved a Special Use Permit (U-0088-95) to allow the church on this site. The Board of Zoning Adjustment recommended approval on 07/25/95.
- 12/17/03 The City Council approved a Variance (VAR-3214) to allow a church at an overall height of 77'-0" feet where 35'-0" feet is allowed Site Development Plan Review (SDR-3213) and a waiver of the parking lot landscaping requirements and a for two proposed classroom buildings and an expansion of an existing church on the subject site. The Planning Commission and staff recommended denial of the Variance and approval of the Site Development Plan Review on 11/20/03.
- 12/17/03 The City Council approved a Review of Condition (ROC-3216) Nos. 3 and 4 of an approved Special Use Permit (U-0088-95) which required the Vacation of Maverick Street with all necessary cul-de-sac dedications and street improvements and required the construction of half and full street improvements for streets adjacent to the subject site and Condition Nos. 11 and 13 of an approved Plot Plan and Building Elevation Review [U-0088-95(1)] which restricted the height of the entire building to 35 feet to be measured from average finished grade to the highest exterior feature of the building and required the creation of two half-acre parcels for future residential development in the north portion of the parcel as a buffer for the R-E (Residence Estates) homes on Bronco. The Planning Commission and staff recommended approval on 11/20/03.

02/18/04 The City Council approved a Rezoning (ZON-3471) to C-V (Civic) for the overall church site. The Planning Commission and staff recommended approval on 01/22/04.

B) Pre-Application Meeting

01/26/05 A pre-application meeting was held and the applicant was advised of the requirements for a Review of Condition application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 25.14

B) Existing Land Use

Subject Property: Church and Undeveloped
North: Undeveloped and Single Family Residences
South: Single Family Residences
East: Undeveloped, Single Family Residences and Convenience Store
West: Single Family Residences

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-V (Civic)
North: Unincorporated Clark County and U (Undeveloped) [R (Rural Density Residential) General Plan Designation]
South: R-1 (Single Family Residential)
East: R-E (Residence Estates), R-E (Residence Estates) under Resolution of Intent to R-D (Single Family Residential – Restricted), R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) and C-1 (Limited Commercial)
West: R-E (Residence Estates) and R-D (Single Family Residential – Restricted)

E) General Plan Compliance

The site is designated as PF (Public Facility) on the Centennial Hills Sector map of the General Plan. The existing C-V (Civic) zoning is in compliance with this land use designation.

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

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

ANALYSIS

Condition of Approval Number 2 for the approved Review of Condition reads as follows:

Condition #3 of Special Use Permit (U-0088-95) shall be replaced with the following:

Obtain dedication or public roadway easement rights to terminate Maverick Street as shown on Zoning Reclassification ZON-1218 prior to the issuance of permits for this site. If said dedication or easement rights cannot be obtained, dedicate appropriate right-of-way for a cul-de-sac terminus, meeting current City Standards, for Maverick Street prior to the issuance of permits for any construction abutting or overlying Maverick Street. Also, submit a Petition of Vacation to vacate existing right-of-way in excess of the dedications required above for termination of Maverick Street, if any. Such vacation must be approved by City Council prior to the submittal of construction drawings for this site, and shall record prior to the issuance of permits for any permanent structures overlying the area to be vacated. Construct half-street improvements, including appropriate overpaving if legally able, on Maverick Street adjacent to this site concurrent with development of this site.”

The applicant is now requesting this condition be revised because after meeting with the residents on the west side of Maverick Street, the residents and the Church concluded the best roadway would be a 47 foot wide residential road with rural conditions applying to the east side of the street. Maverick Street is a dead end cul-de-sac and the rural road provides for slower traffic, less light pollution and a better buffer between the road and the church property.

FINDINGS

This Review of Condition action requests to construct rural improvements on Maverick Street and to do so without curb and gutter. Urban improvements were required along Maverick Street with Review of Condition ROC-3216 in conjunction with development of Canyon Ridge Christian Church. In addition, the width of Maverick Street was reduced to 47-feet through Petition of Vacation VAC-4347. A 47-foot public street width, as defined by Clark County Standard Drawing No. 207, is designed to include “L” type curb and gutter. Therefore, staff expected that “L” type curb and gutter would be installed with Maverick Street improvements. Rolled curb, although acceptable for rural street sections, is wider and requires a minimum street width of 49-feet.

The current rural street section requirements include construction of rolled curb and gutter on the development side of the street to convey storm water effectively and to reduce pavement damage experienced in areas where curb and gutter do not exist. Because portions of the west half of Maverick Street from La Madre Way southbound approximately 500-feet, are currently improved with urban standards that include sidewalk, "L" type curb and gutter and streetlights, the Department of Public Works recommends that the east half of Maverick Street be constructed to urban standards as well.

For these reasons, Public Works recommends **DENIAL** of the request to install rural improvements (without curb and gutter) along the east half of Maverick Street. If approved, we would still recommend that urban standards for roadway section apply, including construction of "L" type curb and gutter to match the existing improvements on the west side of Maverick Street, but allowing the deferral of sidewalk improvements to accommodate the "rural" intent of the developer, as set forth in this modified Condition of Approval:

Obtain dedication or public roadway easement rights to terminate Maverick Street as shown on Zoning Reclassification ZON-1218 prior to the issuance of permits for this site. If said dedication or easement rights cannot be obtained, dedicate appropriate right-of-way for a cul-de-sac terminus, meeting current City Standards, for Maverick Street prior to the issuance of permits for any construction abutting or overlying Maverick Street. Also, submit a Petition of Vacation to vacate existing right-of-way in excess of the dedications required above for termination of Maverick Street, if any. Such vacation must be approved by City Council prior to the submittal of construction drawings for this site, and shall record prior to the issuance of permits for any permanent structures overlying the area to be vacated. Construct pavement and "L" type curb and gutter on the unimproved portion of the Maverick Street right-of-way adjacent to this site, including appropriate overpaving, if legally able, where such overpaving does not currently exist, concurrent with development of this site; however sidewalk improvements shall be deferred at this time. Sign and record a Covenant Running with Land agreement for all urban improvements not constructed at this time on Maverick Street. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

NOTICES MAILED 362 by Planning Department

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT****STATEMENT OF FINANCIAL INTEREST**

Case Number: RDC 6132 APN: 125-35-800²-001,003,007
Name of Property Owner: Canyon Ridge Christian Church
Name of Applicant: Dwyer Engineering

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

_____ Yes

X _____ No

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

City Official: _____

Partner(s): _____

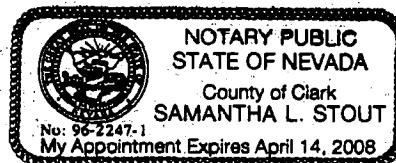
APN: _____

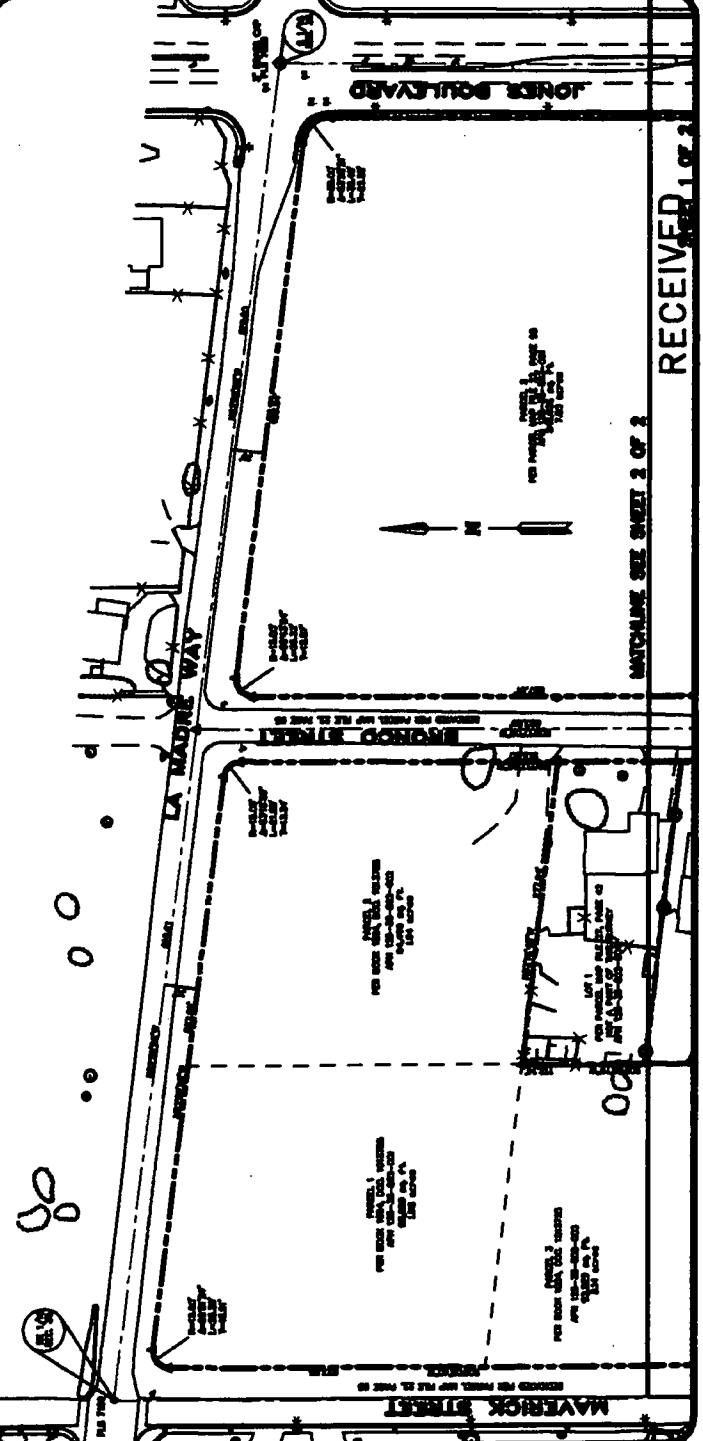
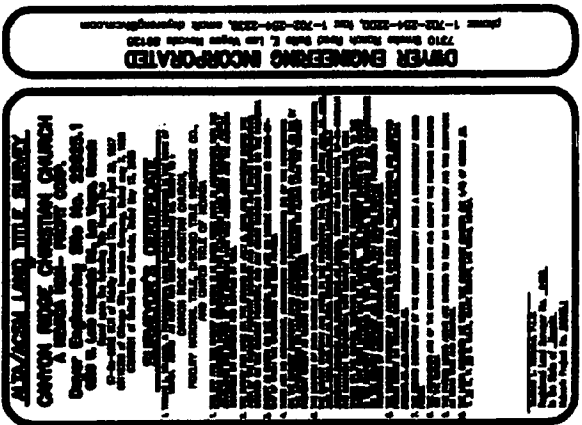
Signature of Property Owner/Authorized Agent: M. Hattel

Print Name: M. HATTEL

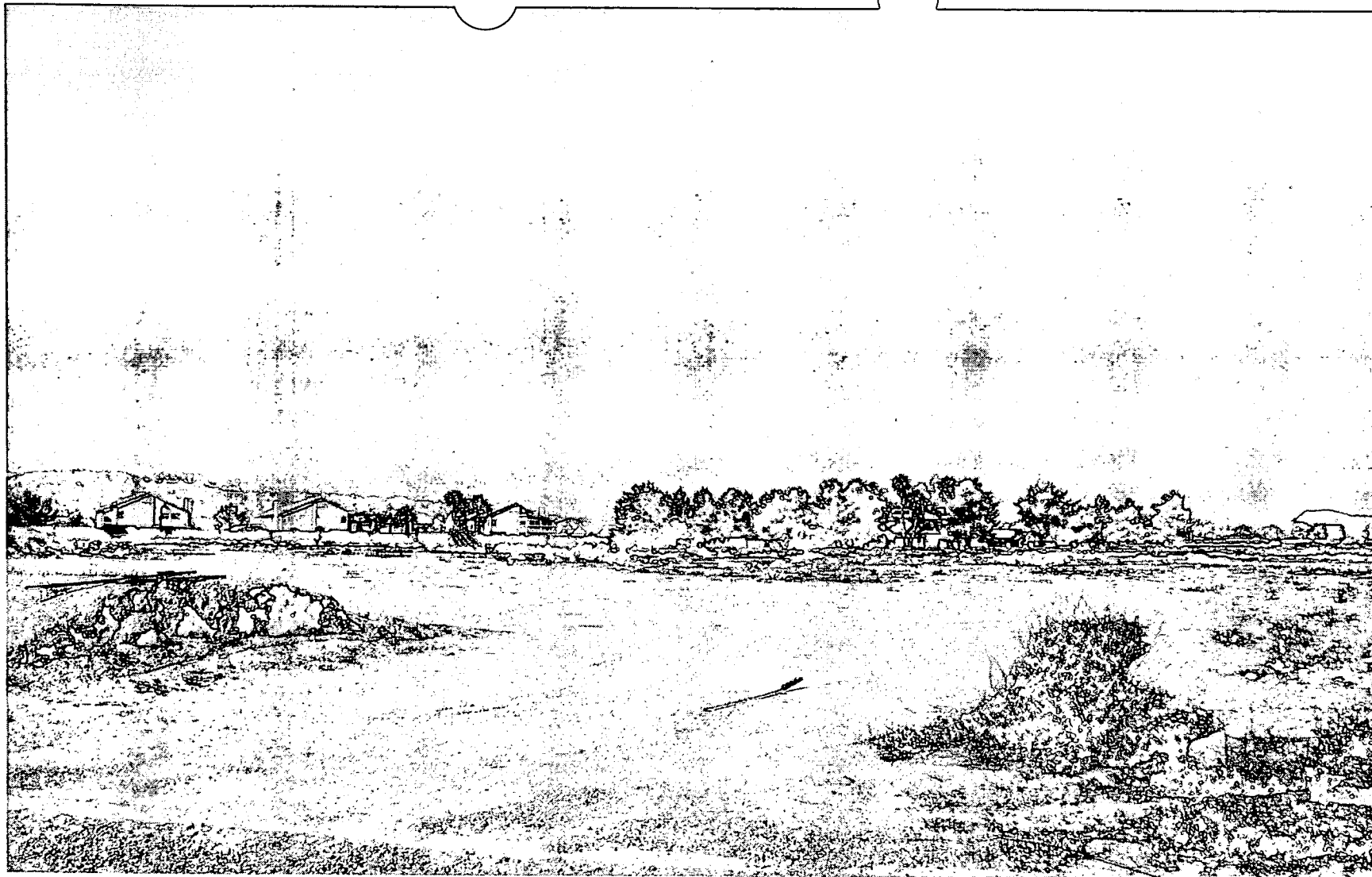
Subscribed and sworn before me

This 19 day of January, 2005
Samantha L. Stout
Notary Public in and for said County and State



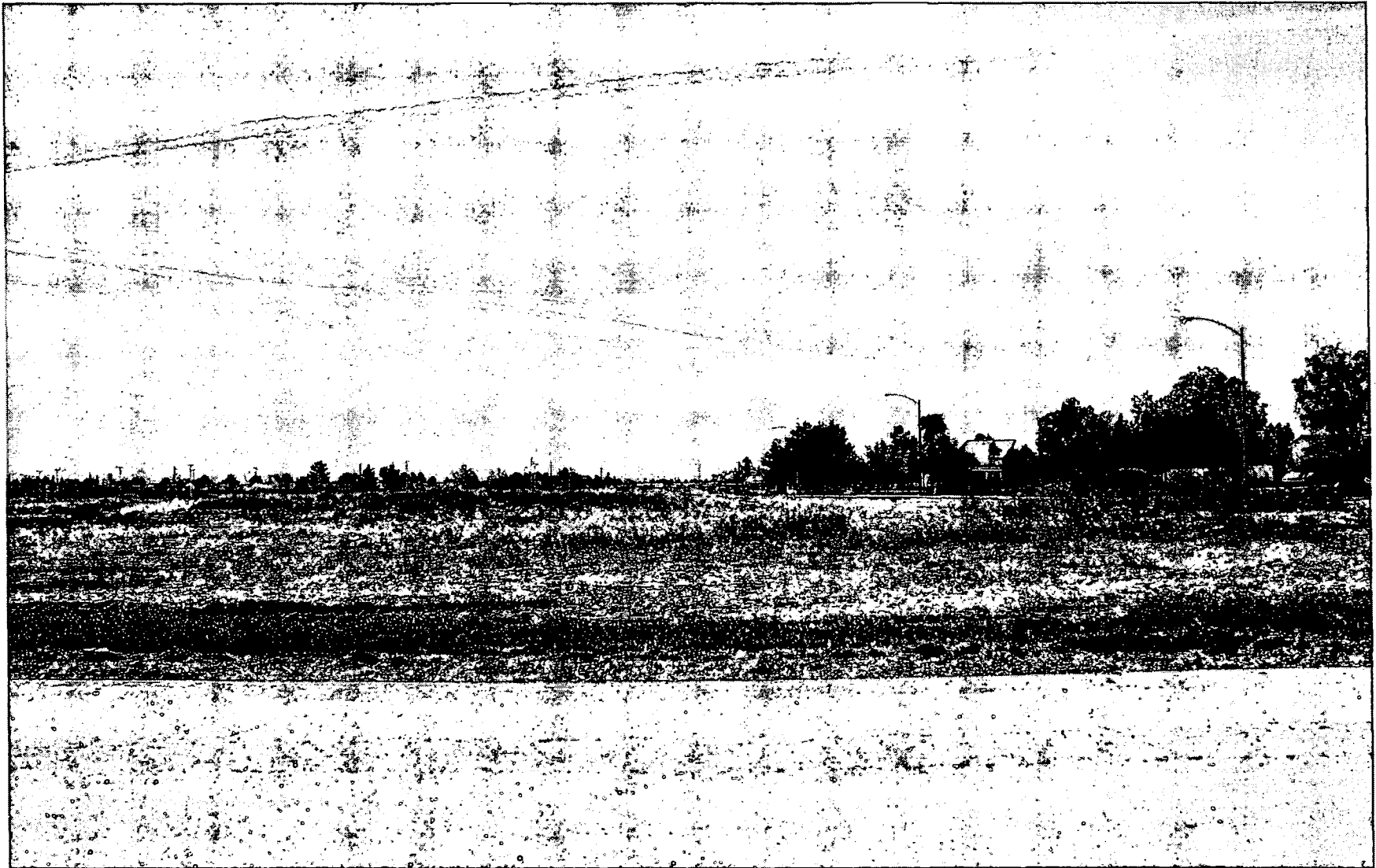


FEB 14 2005 ROC-6132 4-6-05 CC



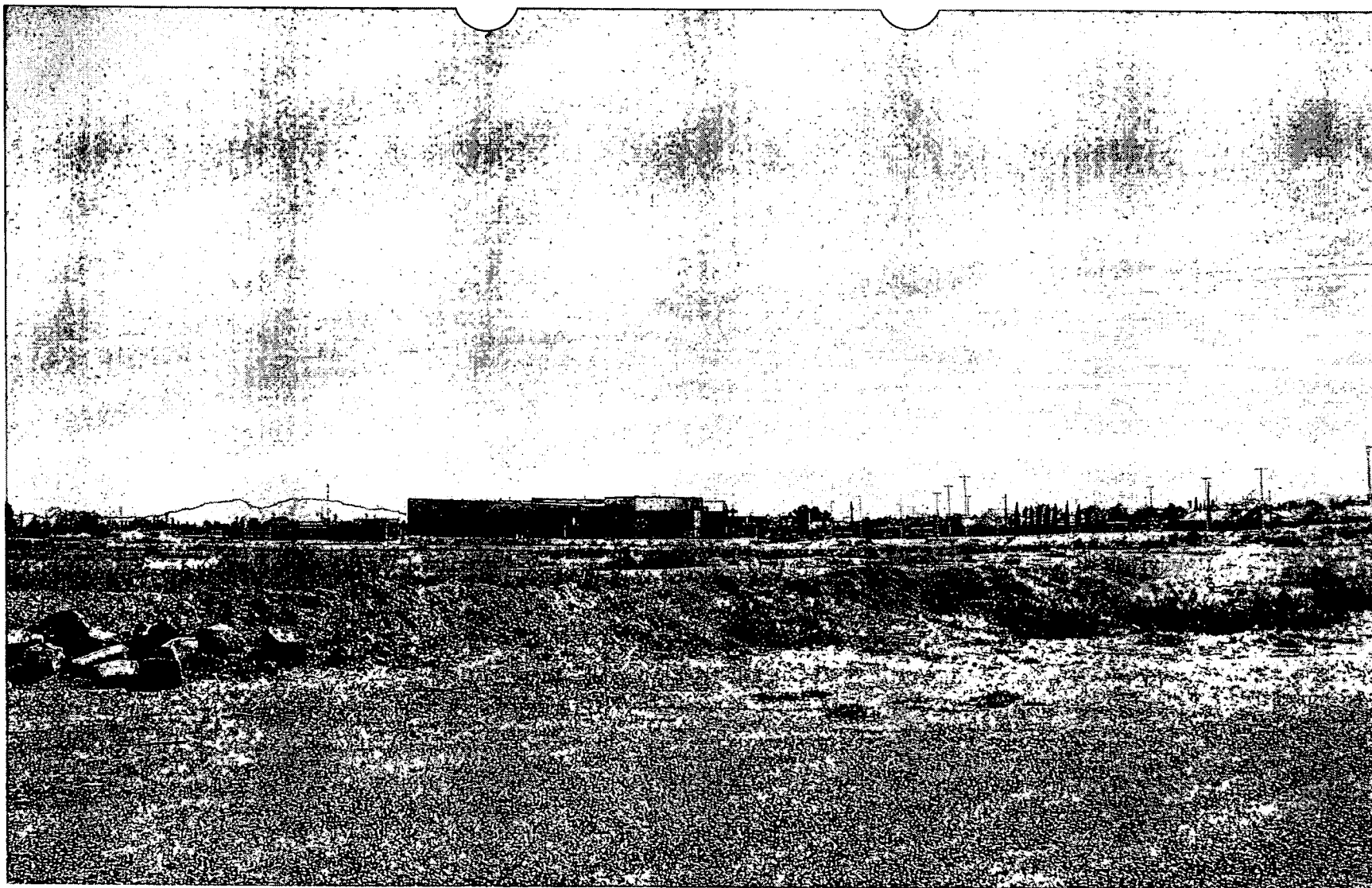
**ROC-6132 - APPLICANT: DWYER ENGINEERING – OWNER: CANYON RIDGE
CHRISTIAN CHURCH
6200 West Lone Mountain Road
APRIL 6, 2005 CITY COUNCIL MEETING**

Picture taken 03/07/05



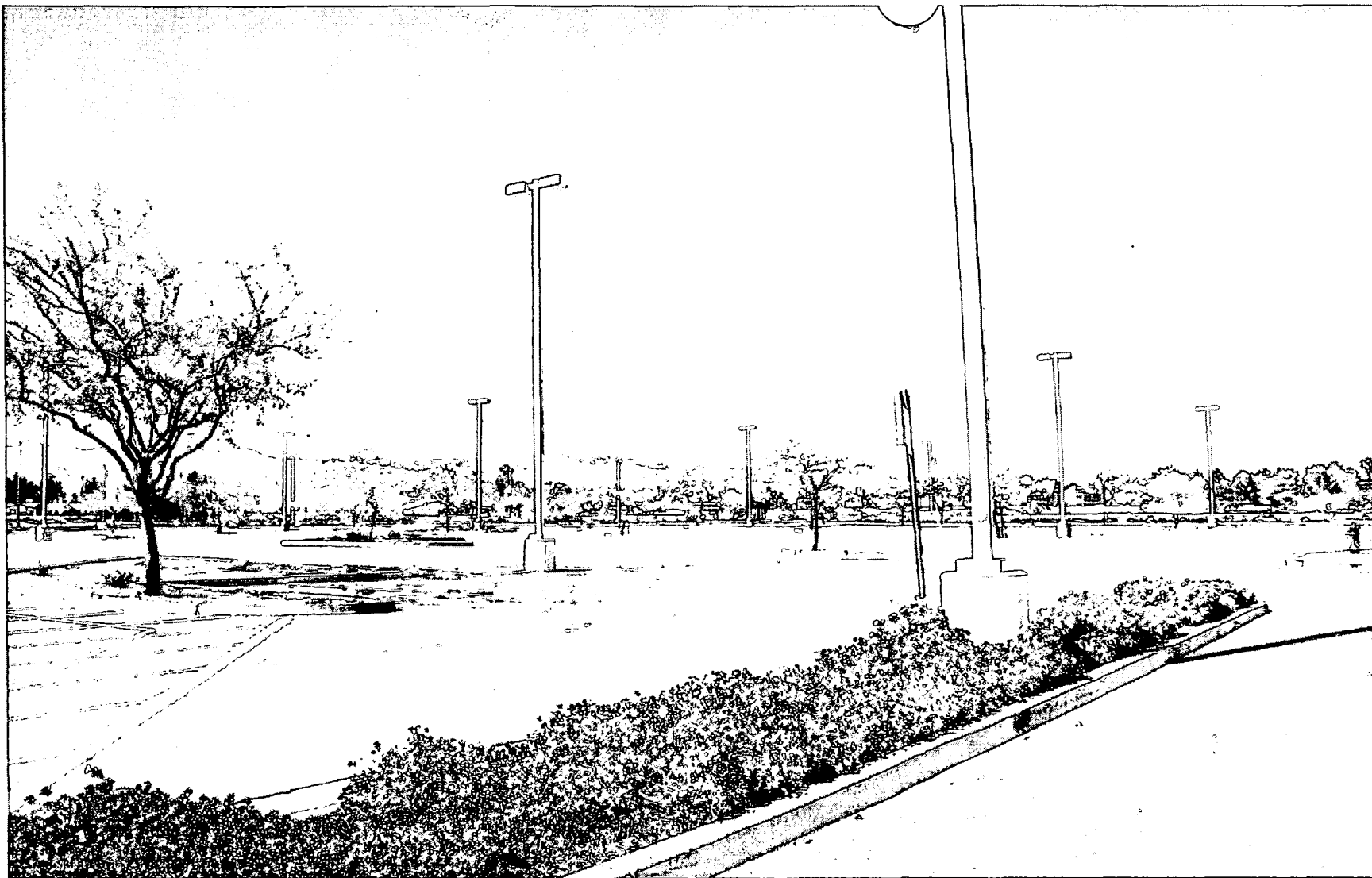
**ROC-6132 - APPLICANT: DWYER ENGINEERING – OWNER: CANYON RIDGE
CHRISTIAN CHURCH
6200 West Lone Mountain Road
APRIL 6, 2005 CITY COUNCIL MEETING**

Picture taken 03/07/05



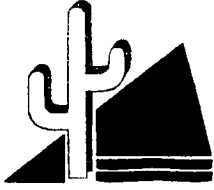
**ROC-6132 - APPLICANT: DWYER ENGINEERING – OWNER: CANYON RIDGE
CHRISTIAN CHURCH
6200 West Lone Mountain Road
APRIL 6, 2005 CITY COUNCIL MEETING**

Picture taken 03/07/05



**ROC-6132 - APPLICANT: DWYER ENGINEERING – OWNER: CANYON RIDGE
CHRISTIAN CHURCH
6200 West Lone Mountain Road
APRIL 6, 2005 CITY COUNCIL MEETING**

Picture taken 03/07/05



DWYER ENGINEERING, INC.

CIVIL ENGINEERS, LAND SURVEYORS, WATER RIGHTS, LAND USE PLANNING

February 1, 2005

Matt Pinjuv
City of Las Vegas Planning
731 S 4th Street
Las Vegas, NV 89101

Re: Justification Letter for Rural Road
Review of Original Conditions ROC 3216 Item 2
Canyon Ridge Christian Church

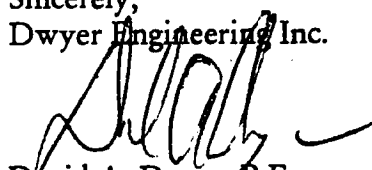
Dear Matt,

The original conditions of approval requested the East side of Maverick Street be constructed to urban standards. Standard "L" type curb has been constructed along the West right-of-way of Maverick Street from La Madre Way South for approximately 500' $\pm$. After meetings with the residents on the West side of Maverick Street, the residents and the Church concluded the best roadway would be a 47' wide residential road with rural road conditions applying to the East side of the street. We also request no curb be required.

Maverick Street is a dead end cul-de-sac and the rural road provides for slower traffic, less light pollution, and a better buffer between the road and the church property.

We therefore request the original conditions be modified to provide the rural road on Maverick Street.

Sincerely,
Dwyer Engineering Inc.


David A. Dwyer P.E.
Principal

ROC-6132



MAYOR
OSCAR B. GOODMAN

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

CITY MANAGER
DOUGLAS A. SELBY

January 7, 2004

Mr. Doug Parks
Canyon Ridge Christian Church
6200 West Lone Mountain Road
Las Vegas, Nevada 89130

RE: ROC-3216 - REVIEW OF CONDITION
CITY COUNCIL MEETING OF DECEMBER 17, 2003
Related to VAR-3214 & SDR-3213

Dear Mr. Parks:

The City Council at a regular meeting held December 17, 2003 APPROVED the request for a Review of Conditions No. 3 and 4 of an approved Special Use Permit (U-0088-95) WHICH REQUIRED THE VACATION OF MAVERICK STREET WITH ALL NECESSARY CUL-DE-SAC DEDICATIONS AND STREET IMPROVEMENTS AND REQUIRED THE CONSTRUCTION OF HALF AND FULL STREET IMPROVEMENTS FOR STREETS ADJACENT TO THE SUBJECT SITE and Conditions No. 11 and 13 of an approved Plot Plan and Building Elevation Review [U-0088-95(1)] WHICH RESTRICTED THE HEIGHT OF THE ENTIRE BUILDING TO 35 FEET TO BE MEASURED FROM AVERAGE FINISHED GRADE TO THE HIGHEST EXTERIOR FEATURE OF THE BUILDING AND REQUIRED THE CREATION OF TWO HALF-ACRE PARCELS FOR FUTURE RESIDENTIAL DEVELOPMENT IN THE NORTH PORTION OF THE PARCEL AS A BUFFER FOR THE R-E HOMES ON BRONCO on 25.14 acres adjacent to the northwest corner of Lone Mountain Road and Jones Boulevard, (APN: 125-35-803-001, 002, 125-35-802-006 and 007), R-E (Residence Estates) 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. Condition # 13 shall be removed from the approval of Special Use Permit [U-0088-95(1)].

Public Works

2. Condition #3 of Special Use Permit (U-0088-95) shall be replaced with the following:

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

Mr. Doug Parks
ROC-3216 – Page Two
January 7, 2004

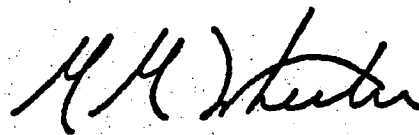
Obtain dedication or public roadway easement rights to terminate Maverick Street as shown on Zoning Reclassification ZON-1218 prior to the issuance of permits for this site. If said dedication or easement rights cannot be obtained, dedicate appropriate right-of-way for a cul-de-sac terminus, meeting current City Standards, for Maverick Street prior to the issuance of permits for any construction abutting or overlying Maverick Street. Also, submit a Petition of Vacation to vacate existing right-of-way in excess of the dedications required above for termination of Maverick Street, if any. Such vacation must be approved by City Council prior to the submittal of construction drawings for this site, and shall record prior to the issuance of permits for any permanent structures overlying the area to be vacated. Construct half-street improvements, including appropriate overpaving if legally able, on Maverick Street adjacent to this site concurrent with development of this site.

3. Condition #4 of Special Use Permit (U-0088-95) shall be replaced with the following:
Sign and record a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants and sewers) on Bronco Street adjacent to this site. This condition shall be reviewed by the Planning Commission and City Council in two years from the date of approval of this Review of Condition action, at which time the final disposition of Bronco Street adjacent to this site may be determined, improvements may be required, or another review period may be imposed.

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. John Sawdon
Swisher & Hall, AIA, Limited
7373 Peak Drive, Suite #250
Las Vegas, Nevada 89128

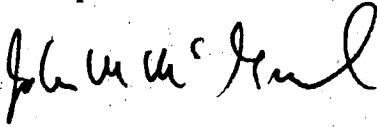
RE: case ROC 6132 Review of condition 2

RECEIVED
CITY CLERK

If Maverick Street is currently planned to extend south and intersect Lone Mountain Road, then the property owner should be financially responsible for the improvements.

2005 MAR 30 A 10:33

If current planning is for Maverick Street to never intersect with Lone Mountain Road then a cul-de-sac (or half cul-de-sac) would be acceptable.



John M McGrail
6258 Kraft Ave
LV NV 89130

Protest

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT –Item 98

**Item 98 – ROC-6073 – APPLICANT: DWYER ENGINEERING – OWNER: CANYON
RIDGE CHRISTIAN CHURCH**

Appearance List:

OSCAR GOODMAN, Mayor
THOMAS HELLUMS, 7310 Smoke Ranch Road
MICHAEL MACK, Councilman
BART ANDERSON, Public Works Department
UNIDENTIFIED COUNCIL MEMBER
LOIS TARKANIAN, Councilwoman
BRYAN SCOTT, Deputy City Attorney
UNIDENTIFIED FEMALE SPEAKER

(3:56 – 4:02)

5-1876

6 minutes

Typed by: Angela Crolli
Proofed by: Stacey Campbell

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT –Item 98

28 **MAYOR GOODMAN**

29 All right. Item 98. Item 98 is ROC-6132. It'll be a public hearing. The applicant is Dwyer
30 Engineering. The owner is Canyon Ridge Christian Church. Request for a Review of Condition
31 Number 2 of an approved Review of Condition to remove the requirement to install half street
32 improvements on the east side of Maverick Street, south of La Madre Way for an existing church
33 located at 6200 West Lone Mountain Road. The staff recommends denial. It's a public hearing,
34 which is now open. Yes, Sir.

35

36 **THOMAS HELLUMS**

37 Good afternoon, Your Honor, City Council. Thomas Hellums, 7310 Smoke Ranch Road on
38 behalf of the applicant. We're strictly before you today as the street improvements for the west
39 side of Maverick. Staff has recommended a rural street environment. We are going to provide
40 that in the future. However, just some slight modifications. We'll be providing a 12-foot wide
41 paving, which is adjacent to the existing fully developed on the west side, but without a curb,
42 concrete curb. So, that's all we're requesting today.

43

44 **MAYOR GOODMAN**

45 All right. Thank you. Any questions? Folks, it's a public hearing. Would anybody like to be
46 heard? We'll close the public hearing then. This is Councilman Mack.

47

48 **COUNCILMAN MACK**

49 Thank you. So, it's my understanding that you're vacating Maverick down to 37 feet, which
50 does not meet the City standards.

51

52 **THOMAS HELLUMS**

53 That has been approved by you, yes Sir.

54

55 **COUNCILMAN MACK**

56 Okay. And then, the roll, for roll curb. So, unless you want to widen the street, you need to do
57 an "L" curb. You're gonna do an "L" curb then?

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT –Item 98

58 **THOMAS HELLUMS**

59 Well, we – would request no curb. We, we’re actually putting in a wider strip of pavement. We
60 feel that’s much more appropriate than the City’s rural street section, which requires a curb.

61

62 **COUNCILMAN MACK**

63 Okay. So, you’re going to widen the street.

64

65 **THOMAS HELLUMS**

66 Yes, it’ll be a little bit wider.

67

68 **COUNCILMAN MACK**

69 Super. Your Honor, **I motion – for approval with staff conditions.**

70

71 **MAYOR GOODMAN**

72 All right. Let’s vote, please.

73

74 **BART ANDERSON**

75 If – I may, Sir. When he says he’s proposing to widen the street, he’s proposing to put down
76 asphalt. He’s not proposing to actually widen the right-of-way. In the future, when curb and
77 gutter is put in it will have to still be “L” curb and gutter, –

78

79 **COUNCILMAN MACK**

80 So, this is temporary.

81

82 **BART ANDERSON**

83 – which, I just don’t want the misunderstanding that he’s actually proposing to widen the right-
84 of-way because he is not.

85

86 **COUNCILMAN MACK**

87 Okay.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT –Item 98

88 **MAYOR GOODMAN**

89 All right. I think it's very important that we be clear on this.

90

91 **UNIDENTIFIED COUNCIL MEMBER**

92 Yeah, Councilman.

93

94 **MAYOR GOODMAN**

95 As Councilman Weekly points out, we don't want to be visiting this two years from now as to a
96 misunderstanding.

97

98 **COUNCILMAN MACK**

99 Does the applicant understand that?

100

101 **THOMAS HELLUMS**

102 Yes.

103

104 **MAYOR GOODMAN**

105 So, what – are we voting on?

106

107 **COUNCILMAN MACK**

108 Go ahead, Bart, if you can clarify that.

109

110 **BART ANDERSON**

111 The requirement is for them to construct full urban improvements; that would be sidewalk, curb,
112 gutter. They're asking to not do that. Only put in the pavement portion of the street, not put in
113 any sidewalk, curb or gutter. And while, certainly, I could accommodate the lack of sidewalk, I
114 just want to point out that there is existing curb and gutter "L" curb on the west side of this
115 street. So, having the west side having curb and gutter and the east side having nothing, you
116 guys will have to decide.

***CITY COUNCIL MEETING OF
APRIL 6, 2005***

VERBATIM TRANSCRIPT –Item 98

117 **MAYOR GOODMAN**

118 Well, does he have any future obligation to complete it?

119

120 **BART ANDERSON**

121 If you do this review of condition, we would have to put on some kind of future obligation.

122 What they're asking for is relief from that requirement in perpetuity.

123

124 **MAYOR GOODMAN**

125 Okay.

126

127 **THOMAS HELLUMS**

128 Excuse me – , Your Honor, there is a restricted covenant that the church has signed that provides,

129 at a later time, if the City comes along and requires that the church has to do that –

130

131 **MAYOR GOODMAN**

132 Okay, so –

133

134 **THOMAS HELLUMS**

135 – and we have signed that agreement.

136

137 **MAYOR GOODMAN**

138 All right.

139

140 **THOMAS HELLUMS**

141 Or we'll sign that agreement.

142

143 **COUNCILWOMAN TARKANIAN**

144 (Inaudible)

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT –Item 98

145 **BRYAN SCOTT**

146 What's – the triggering mechanism for that actually occurring –

147

148 **UNIDENTIFIED FEMALE**

149 The condition, as it is written, requires him to do that.

150

151 **COUNCILMAN MACK**

152 Okay.

153

154 **BRYAN SCOTT**

155 – I mean, what has to occur for the City to actual ask for the “L” curb and gutter on the other
156 side of the street, other than development.

157

158 **COUNCILMAN MACK**

159 Your Honor, my understanding is the condition as written requires them to put in the “L” curb in.

160

161 **MAYOR GOODMAN**

162 All right, with that understanding, then –

163

164 **BRYAN SCOTT**

165 I mean, I think what they're asking for is relief from that condition –

166

167 **MAYOR GOODMAN**

168 Well –

169

170 **BRYAN SCOTT**

171 – from that requirement, which means that they won't be putting it in. And, I'm just trying to
172 clarify what would be the triggering mechanism, which will require them in the future and then
173 come back and put that “L” curb and gutter in, 'cause if you take this condition off now they
174 won't ever put it in.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT –Item 98

175 **THOMAS HELLUMS**

176 I – don't know if it would relieve us from – that. That – restricted covenant would follow the
177 land in perpetuity. Now, I think – development might – require that, but of course that would
178 have to be brought before the public process.

179

180 **MAYOR GOODMAN**

181 Right. Councilman Mack?

182

183 **COUNCILMAN MACK**

184 Your Honor, I'm gonna – to stick to the – original condition and ask for the "L" curb to be put
185 in.

186

187 **MAYOR GOODMAN**

188 All right. All right, is that the motion?

189

190 **COUNCILMAN MACK**

191 Yes, my motion is for approval with staff conditions.

192

193 **MAYOR GOODMAN**

194 All right. Let's vote, please. Post. Motion carries. (Motion carried unanimously) Thank you.

195

(END OF DISCUSSION)

196 /ac;sc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****SITE DEVELOPMENT PLAN REVIEW**

SDR-5924 - PUBLIC HEARING - APPLICANT/OWNER: SCHOOL BOARD OF TRUSTEES - Request for Site Development Plan Review FOR A PROPOSED CITY PARK on 5.05 acres adjacent to the northwest corner of El Campo Grande Avenue and Bradley Road (a portion of APN 125-25-302-001), C-V (Civic) Zone, Ward 6 (Mack). The Planning Commission (6-0 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 (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification letter
5. Submitted at City Council - Proclamation presented to Ms. Polly Gonzalez's family
6. Backup referenced from the 2/24/2005 Planning Commission Meeting Item 11

MOTION:

MACK - APPROVED subject to conditions with the following added condition as read for the record:

- The park will be named Polly Gonzalez Memorial Park.
- UNANIMOUS

NOTE: MAYOR GOODMAN requested that the record reflect a YES vote for COUNCILMAN REESE, who was excused.

NOTE: COUNCILWOMAN TARKANIAN disclosed that she was a member of the District Board of Trustees, but that service ended in the year 2000. She does maintain contacts with school district administrators regarding educational issues of mutual interests, but she has no official position in that capacity. She serves as a board member of the Public Education Foundation, which is a private, non-profit organization supporting educational programs within the schools. She is also involved in supporting a teacher's preparatory program conducted at Clark High School. These activities flow primarily from her professional interest in public education and none affect her independence of judgment regarding this item; therefore, she will vote on the item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

PATRICK BATTE, Public Works Department, appeared on behalf of the applicant and concurred with all conditions. **MR. BATTE** expressed his appreciation to the City of Las Vegas residents, the Mayor

CITY COUNCIL MEETING OF: APRIL 6, 2005**MINUTES - Continued:**

and Council and in particular COUNCILMAN MACK for this project. The El Campo Grande Park, when completed in the winter of 2006, will have on-site parking, a large picnic shelter that can be reserved by residents and a restroom. There will also be a shaded tot-lot area and a water-play feature. The main emphasis of the park is a two-acre recreational area surrounded by three smaller enclosed picnic gazebos, and a daylight trail will surround the project. MR. BATTE was honored that the beautiful life of Anchorwoman POLLY GONZALEZ would be recognized. MS. GONZALEZ'S belief in children, family and improving the life for all the community is mirrored in the park being presented.

COUNCILMAN MACK explained that the park was named before it went to the Park Recreation Board. After speaking with the Channel 8 staff and MS. GONZALEZ'S family, he felt it was appropriate to address the issue at this time. Last week Las Vegas lost a very special citizen, Channel 8 Anchorwoman POLLY GONZALEZ. She died in a tragic car accident near Death Valley. Her death sent shock waves throughout the community, not just because she was a familiar face from TV but also because she was truly a part of the fabric of the community. She was involved in youth programs and co-hosted the City of Las Vegas Teen Town Hall on Channel 2 with COUNCILMAN WEEKLY. A video was shown of that program. MS. GONZALEZ was well known for her commitment to children and to education. She optimized the American Dream, coming from modest means, but rising to great things. Her wonderful legacy is that she encouraged many young people to do the same and live their dreams as she had. Tonight the community will hold a memorial on her behalf at Shadow Hills Baptist Church at 7:30 p.m.

COUNCILMAN MACK indicated that the City of Las Vegas will honor her memory and contributions by naming the proposed park site located at El Campo Grande Avenue and Bradley Road as Polly Gonzalez Memorial Park. The park is adjacent to Kay Carl Elementary School. He invited MS. GONZALEZ'S family members and EMILY NEILSON, General Manager, Channel 8, to speak.

MS. NEILSON stated that Channel 8 is deeply touched that the Council would consider honoring MS. GONZALEZ in this way. Since MS. GONZALEZ moved here eleven years ago, she dedicated herself to the City, its successes and its children and especially the Latino community. She loved Las Vegas and from the outpouring of emotions and messages the station received, Las Vegas loved her as well. She had a real connection to the successes of her two daughters, SABRINA and GABRIELLA. She spent countless hours unselfishly supporting a wide range of non-profit and other community organizations. She loved to mentor students and encouraged them to get a college education. MS. NEILSON added that Channel 8 is proud to have had her be a part of Channel 8 and she is sure that the City would be proud to have POLLY GONZALEZ'S name associated with a City facility. MS. NEILSON introduced MS. GONZALEZ'S family; her mother, her two sisters and two brothers, who came to attend the memorial service.

RANDY GONZALEZ thanked the Mayor and City Council and especially COUNCILMAN MACK, on behalf of his family. The family would be honored to have this park named for his sister's memory. His nieces will be given something to be proud of for many years to come. He knew his sister loved Las Vegas very much and planned on making Las Vegas her permanent home.

TOM McGOWAN, Las Vegas resident, stated that the people of Las Vegas were honored to have someone like POLLY GONZALEZ. She was a kind, generous person and an excellent newscaster. She was a credit to her Latino heritage, her family, the City of Las Vegas, the State of Nevada and the United

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

States of America. She will never be forgotten. He supports naming the park in memory of POLLY GONZALEZ.

COUNCILMAN WEEKLY was pleased with the wonderful tribute for POLLY GONZALEZ. She was a very good friend. Since there would be many presentations to the family at the memorial service, he asked MAYOR GOODMAN to make a presentation to the GONZALEZ family on behalf of the City Council. She was a true friend and she will never be forgotten.

MAYOR GOODMAN presented and read a proclamation to the GONZALEZ family proclaiming March 28, 2005 POLLY GONZALEZ day in the City of Las Vegas. MAYOR GOODMAN commented that sometimes his experiences with members of the media can be characterized as stormy, and all he ever asks from reporters was that they treat everybody on a level playing field. Whenever he wanted a fair shake, he could count on MS. GONZALEZ. When the suggestion was made to name the park for her memory, it was without hesitation that he supported the idea. Her memory will be with everyone forever and her daughters will be able to enjoy the spirit of her in the community, and what she stood for will never die.

COUNCILMAN MACK added a condition to informally name the park Polly Gonzalez Memorial Park in respect to the Park Advisory Board and the City Council, as it was not agendaed. The item will be brought back for the formal naming of the park. MAYOR GOODMAN added that if COUNCILMAN REESE were present, he would vote in the affirmative.

COUNCILWOMAN TARKANIAN stated it is appropriate that Polly Gonzalez Memorial Park is adjacent to Kay Carl Elementary School because these two names together form all the ideals, cares and compassion that MS. GONZALEZ had.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:22 -2:37)

4-1590

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.
2. All development shall be in conformance with the site plan and building elevations date stamped 01/11/05, except as amended by conditions herein.
3. Handicapped parking spaces shall be provided in the parking area in accordance with Title 19 requirements.
4. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.

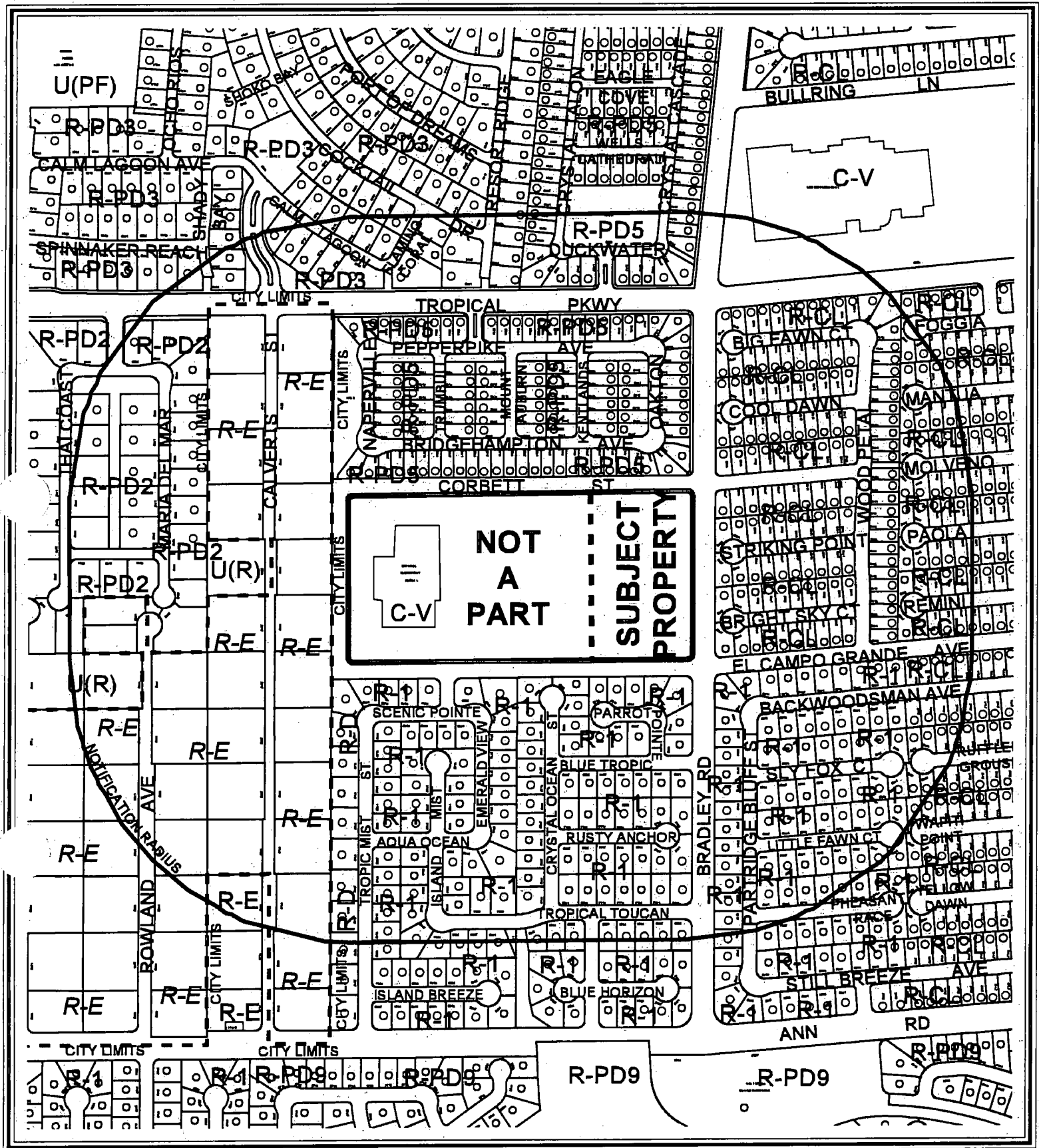
CITY COUNCIL MEETING OF: APRIL 6, 2005

CONDITIONS - Continued:

5. A stamped landscape plan must be submitted prior to or at the same time application is made for a building permit.
6. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting, if used, shall utilize 'shoe-box' fixtures and downward-directed lights. Property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
7. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

8. A Drainage Plan and Technical Drainage Study or other acceptable information must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study.
9. A Traffic Impact Analysis or other acceptable information must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings.



CASE: SDR-5924

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 500 1000 Feet





CASE: SDR-5924

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

0 500 1000 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-5924 - APPLICANT/OWNER: SCHOOL BOARD OF TRUSTEES

**** CONDITIONS ****

The Planning Commission (6-0 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.
2. All development shall be in conformance with the site plan and building elevations date stamped 01/11/05, except as amended by conditions herein.
3. Handicapped parking spaces shall be provided in the parking area in accordance with Title 19 requirements.
4. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
5. A stamped landscape plan must be submitted prior to or at the same time application is made for a building permit.
6. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting, if used, shall utilize 'shoe-box' fixtures and downward-directed lights. Property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
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9. A Traffic Impact Analysis or other acceptable information must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a proposed public park on 5.05 acres adjacent to the northwest corner of El Campo Grande Avenue and Bradley Road.

B) Applicant's Justification

The applicant justifies this application by stating that the proposed public park will further enhance the quality of life for the rapidly growing community. Additional passive recreational space will be provided for nearby residents.

BACKGROUND INFORMATION

A) Related Actions

- 01/03/01 The City Council approved the Annexation (A-0010-00) of 20.36 acres into the City of Las Vegas. This land was zoned P-F (Public Facility – Clark County Designation) and became C-V (Civic), the City's equivalent designation, upon ordinance. The Planning Commission and staff recommended approval. The annexation became effective 04/13/01.
- 02/22/01 A request for a Site Development Plan Review (SD-0002-01) for a proposed 62,500 square-foot elementary school and for a Waiver of landscaping requirements on 13.7 acres adjacent to the northeast corner of El Campo Grande Avenue and Leon Avenue was scheduled to be heard by the Planning Commission. However, the majority of Planning Commissioners that was required to hear and vote on the item was not present. The applicant was advised by the Planning Commission to revise the landscape plan in order to eliminate the need for the Waiver of Landscaping Requirements and to request that the Site Development Plan Review be considered administratively.
- 03/09/01 Planning and Development Department staff administratively approved a Site Development Plan Review (SD-0015-01) for a proposed 62,500 square-foot elementary school on 13.7 acres adjacent to the northeast corner of El Campo Grande Avenue and Leon Avenue.
- 02/24/05 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #11/ss).

B) Pre-Application Meeting

12/21/04 The applicant detailed the construction of the proposed park. On-street parking would be required for the first phase. Restrooms, a splash pad, and a parking lot will be developed in the second phase. The existing chain link fence dividing the proposed park from the adjacent school site will remain.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 5.05

B) Existing Land Use

Subject Property: Public School (Kay Carl Elementary School)
North: Single-Family Residential
South: Single-Family Residential
East: Single-Family Residential
West: Single-Family Residential

C) Planned Land Use

Subject Property: PF (Public Facilities)
North: L (Low Density Residential)
South: L (Low Density Residential)
East: ML (Medium-Low Density Residential)
West: R (Rural Density Residential)

D) Existing Zoning

Subject Property: C-V (Civic)
North: R-PD5 (Residential Planned Development – 5 units per acre)
South: R-1 (Single Family Residential)
East: R-CL (Single Family Compact-Lot)
West: R-E (Rural Estates Residential – Clark County Designation)

E) General Plan Compliance

The subject property is designated PF (Public Facilities) on the Centennial Hills Sector Map of the General Plan. This designation allows for uses considered public or semi-public. The existing C-V (Civic) zoning district conforms to this land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

No special districts, zones, or trails are associated with the subject property.

PROJECT DESCRIPTION

The City of Las Vegas is proposing to develop a five-acre passive recreational park on a portion of a larger 17 acre parcel. The remaining 12 acres of the parcel have already been improved and contain the Kay Carl Elementary School. Access to the site is from Corbett Street on the north side of the property. The southern two-thirds of the park will feature lighted concrete walking paths, benches, picnic pads, dog-stations, two fabric shaded tot lots, and a two-acre turfed recreational area. Parking will be exclusively along Corbett Street and El Campo Grande Avenue for the first phase of the project. A second phase will complete improvements on the north third of the park, including a restroom building, trash enclosure, splash pad, and parking lot containing 17 spaces. Non-paved portions of the park will be landscaped with various deciduous trees and shrubs complemented by groundcover consisting of small plantings and decomposed granite.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Title 19.08.050 stipulates that the development standards for a project in a C-V (Civic) district shall be established upon approval of a Site Development Plan, and that setbacks and other standards are not automatically applied. The proposed restroom structure will have adequate setbacks from adjacent streets and from abutting properties, and will not exceed one story in height.

Standards	Proposed
Min. Lot Size	5.05 acres
Min. Lot Width	565 Feet
Min. Setbacks (restroom structure)	
• To east property line	121 Feet
• To north property line	118 Feet
Max. Building Height	12 Feet
Trash Enclosure	Walled, gated, roofed, > 50 feet from residential

A2) Residential Adjacency Standards

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

- a) Proximity slope. All proposed structures fit under the required Proximity Slope.
- b) Building setback. All proposed structures will exceed the minimum setbacks from protected properties.

A3) Parking and Traffic Standards

Title 19 does not establish a parking requirement for public parks. The site plan indicates that 17 parking spaces will be provided in a lot located along Corbett Street at the north side of the park. This number could decrease relative to the provision of handicapped parking spaces.

The Department of Public Works notes that a Traffic Impact Analysis will be required prior to the issuance of permits or drawings for the site.

A4) Landscape and Open Space Standards

While properties that are zoned C-V (Civic) are exempt from the general application of landscape requirements, the proposed park should generally meet the intent of parking lot landscaping and perimeter buffering requirements. The following table compares the standards listed in Title 19.12 with what is shown on the conceptual landscape plan:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 – 24" Box Tree/6 Spaces + half of trees at end of rows	5 Trees	5 Trees
Buffer: • Min. Trees	1 – 24" Box Tree/30 Linear Feet	63 Trees	119 Trees

The perimeter landscape buffers approximate those of a typical residential subdivision. When compared to such a development, this project far exceeds those requirements. Parking lot trees are not in islands but at the end of parking rows.

B) General Analysis and Discussion

- **Zoning**

The existing zoning on the subject property is C-V (Civic). This zoning district is intended to provide for the continuation of existing public uses and for the development of new public facilities. The subject parcel is shared by a public school, and is surrounded by single family residential uses. A public park is therefore an appropriate use for this site.

- **Site Plan**

The site plan has been designed so that facilities that will receive the most use are located adjacent to Corbett Street. Most of these facilities will be constructed during Phase 2. Turf covers approximately 40 percent of the park area. Title 19.12 exempts parks from maximum turf area limitations. The parking lot should provide at least one handicapped space to comply with Title 19 requirements. Access to the park from the elementary school is recommended, but not a condition of approval.

- Waivers

No waivers have been requested in conjunction with this application.

- Landscape Plan

The arrangement of trees and shrubs along all four streets should provide adequate buffering from adjacent residential properties, although these materials are not centered within a typical planter as is normally required. Parking lot landscaping is sufficient, as the parking area is surrounded by vegetation that will still reduce heat and glare and provide filtering of airborne particles. Trees include 24-inch box Bottle, Chitalpa, Raywood Ash, Stone Pine, Chinese Pistache and Chaste. Shrubs include five-gallon Desert Spoon, Red Hesperaloe, Rio Bravo Sage, True and Dwarf Myrtle, and Autumn Sage. These species are drought resistant and compatible with the surrounding area.

- Elevation

The restroom building is a one-story structure with a CMU and tile exterior and a tile roof. It meets all Residential Adjacency standards.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The park is compatible with the adjacent school and residential development and will provide recreation space for residents in the immediate area.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed development is in conformance with the PF (Public Facilities) land use designation of the General Plan. Landscaping meets the intent of Title 19 and the Landscape, Wall and Buffer Standards. The provision of adequate handicapped parking spaces will bring the project into conformance with the parking requirements of Title 19.

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

The park will be a low-intensity use and will not negatively impact adjacent roadways or neighborhood traffic. The first phase of the project will utilize on-street parking along Corbett Street and El Campo Grande Avenue.

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

Trees, shrubs and groundcover are drought resistant and compatible with the surrounding area. Building materials will be appropriate for a public park and will be compatible with the area.

5. "Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"

The restroom structure is not obnoxious in appearance and will blend in with the various on-site plantings.

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

Development of the park is subject to inspections that aim to protect the health, safety and welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

11

NOTICES MAILED 585 by Planning Department

APPROVALS 1

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5924** APN: 125-25-302-001

Name of Property Owner: Clark County School District

Name of Applicant: Clark County School District

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: _____

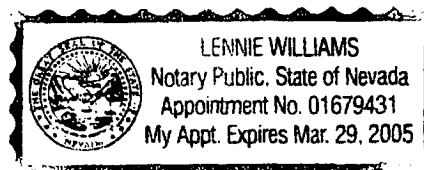
Signature of Property Owner/Authorized Agent:

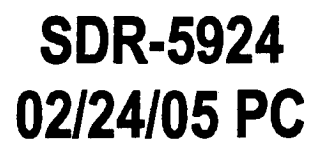
Print Name: Matt LaCroix

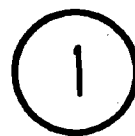
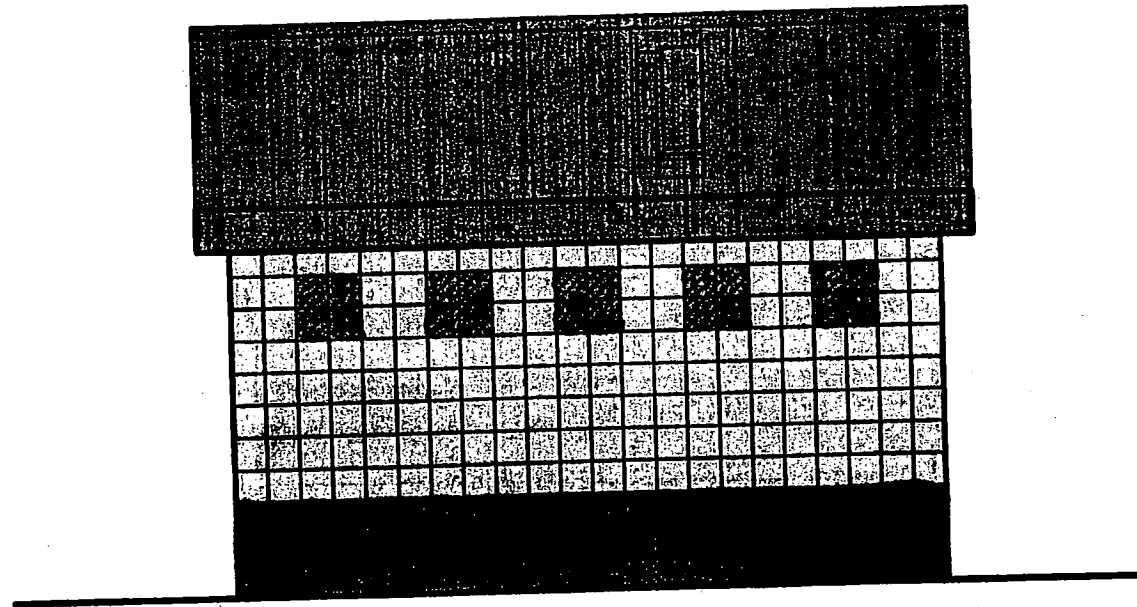
Subscribed and sworn before me

This 10 day of January, 2005

Notary Public in and for said County and State



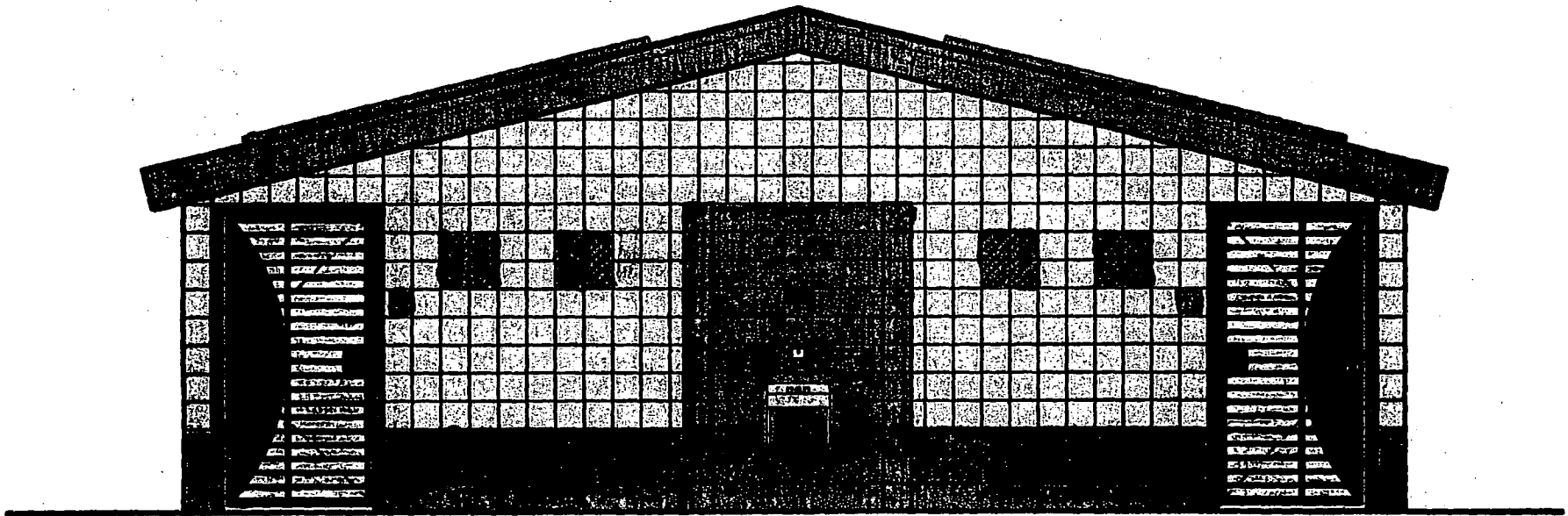




Side Elevation

Scale: 1/4"=1'-0"

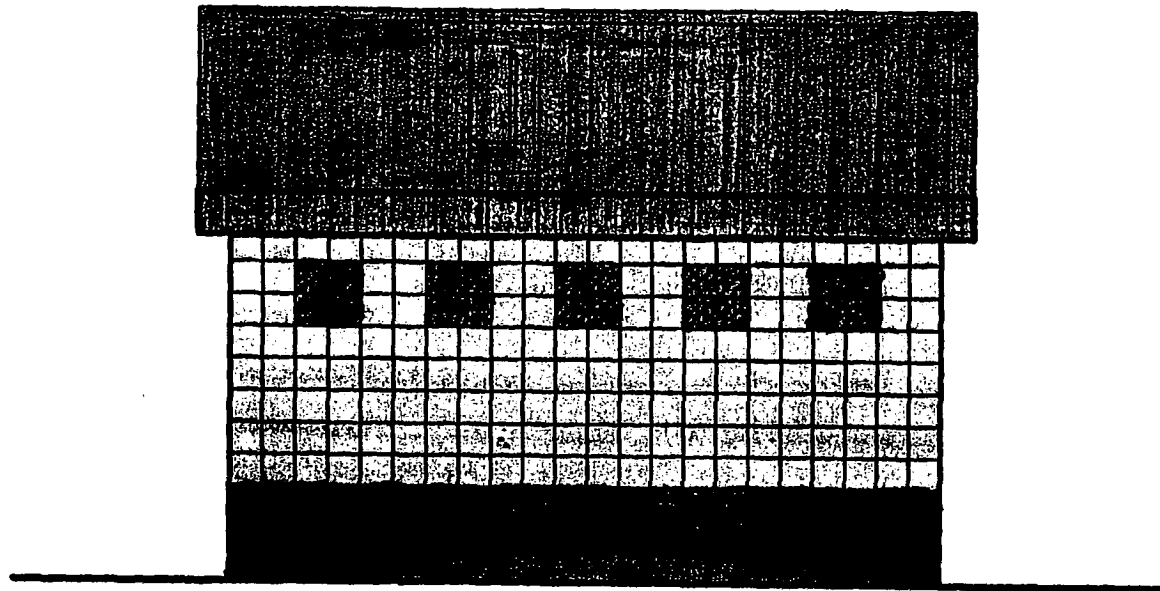
SDR-5924
02/24/05 PC



2 Front Elevation

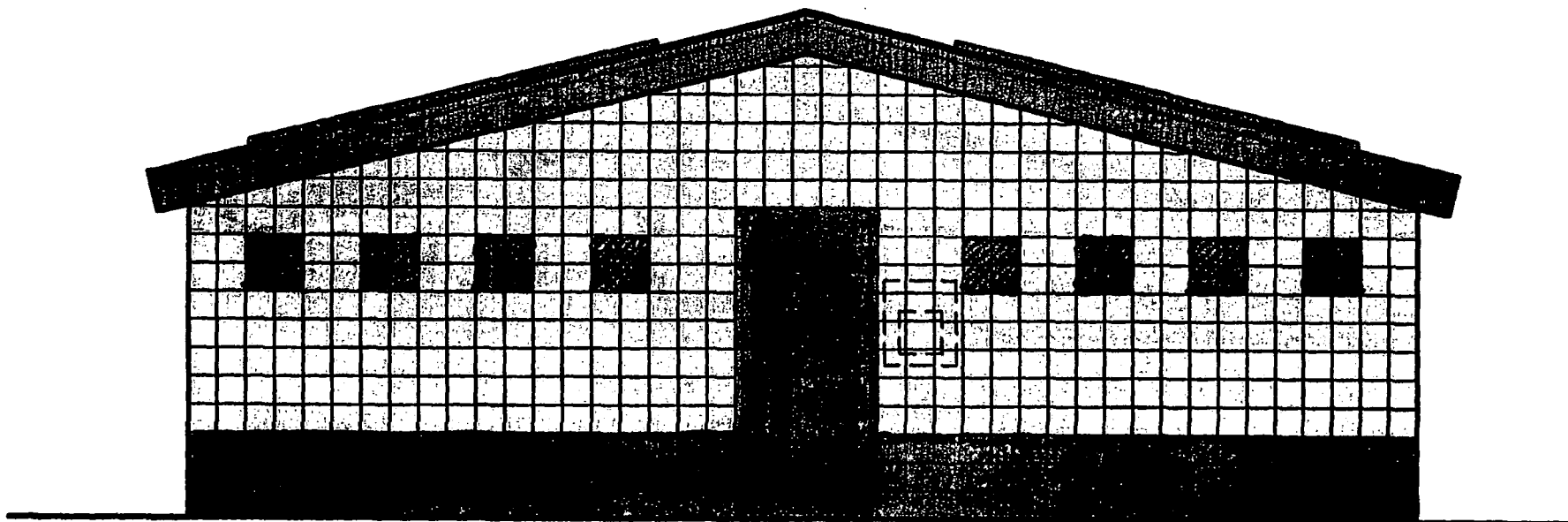
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SDR-5924
02/24/05 PC



3 Side Elevation
Scale: 1/4" = 1' - 0"

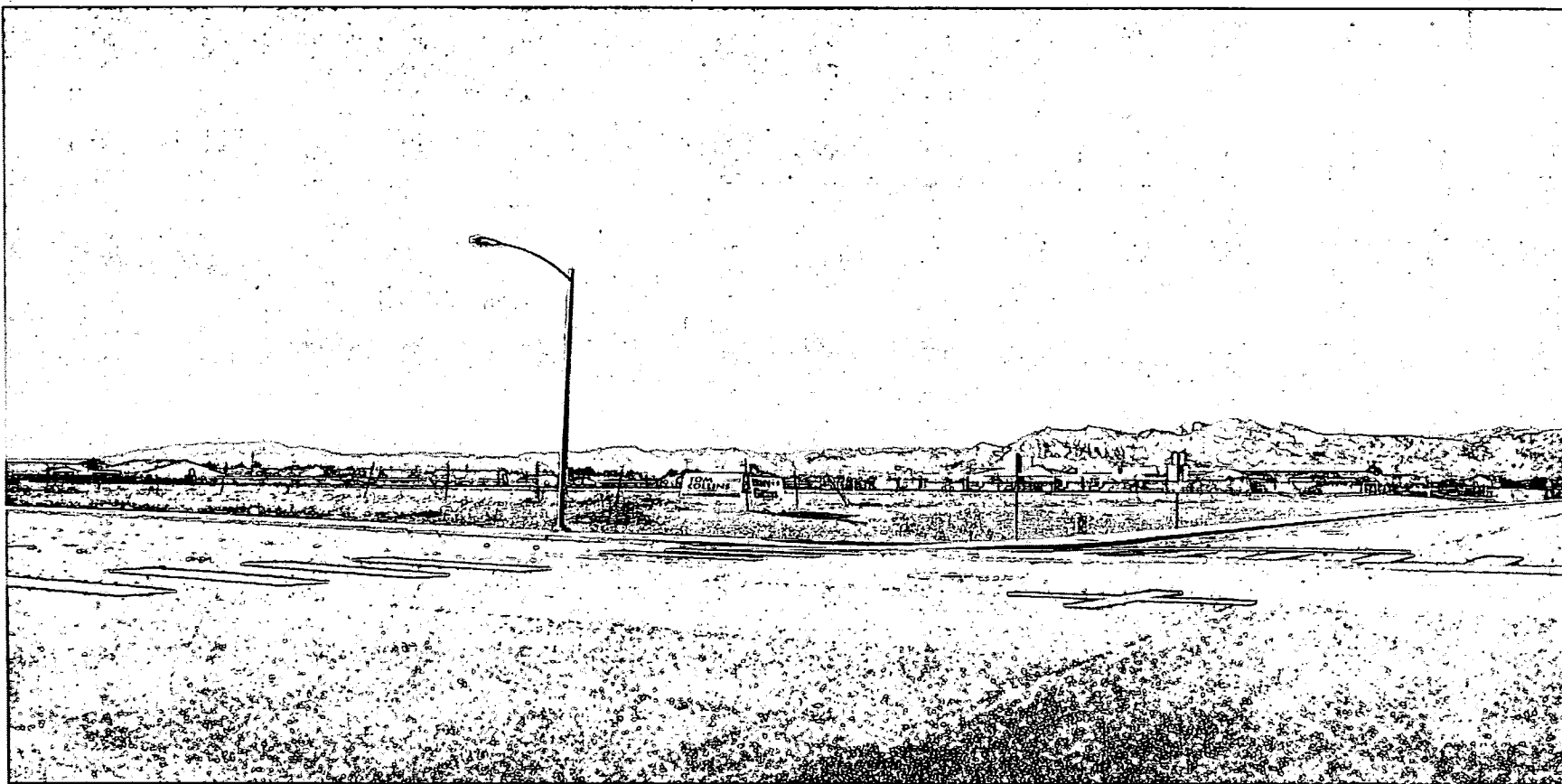
SDR-5924
02/24/05 PC



4 Rear Elevation

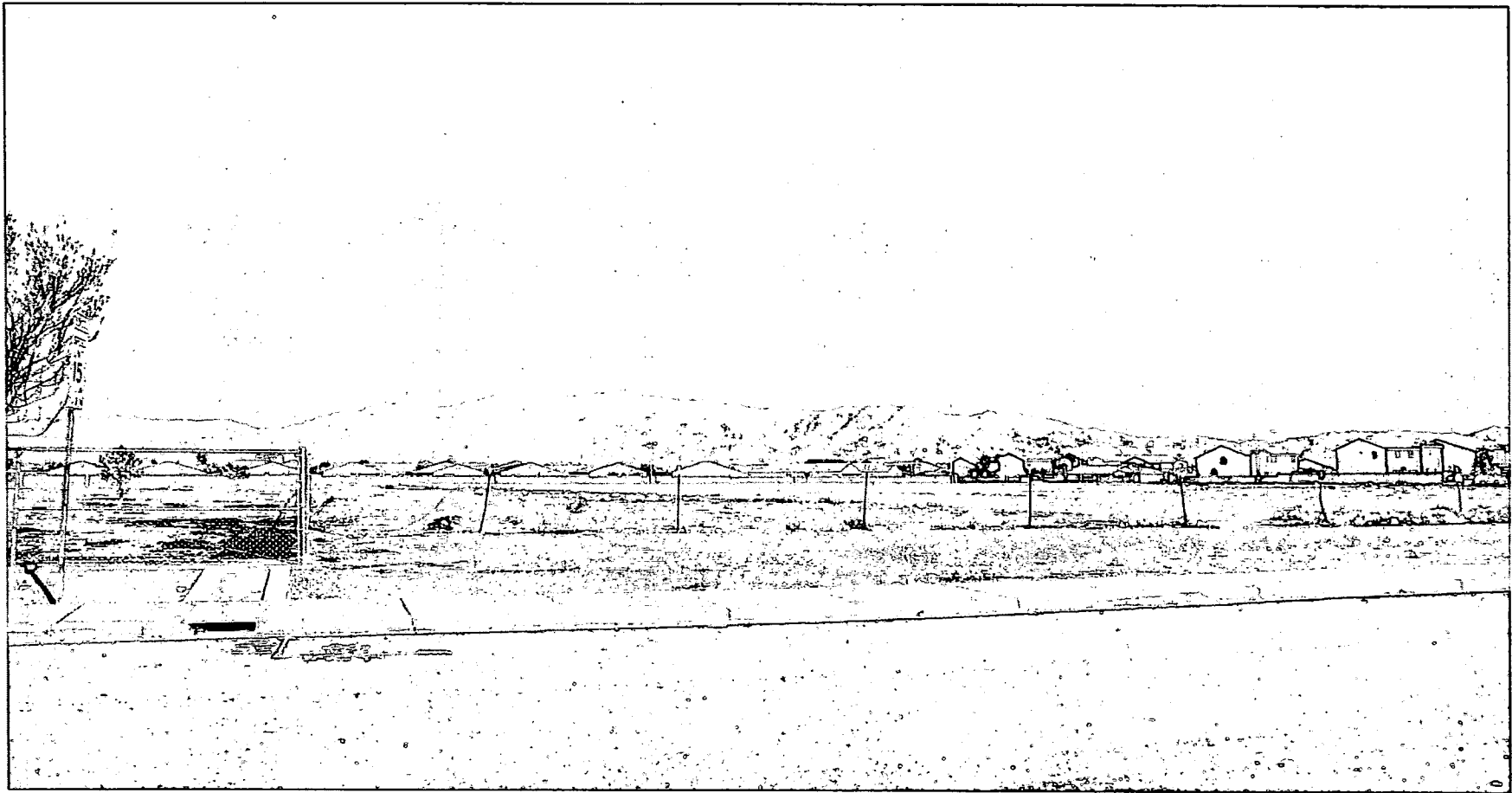
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SDR-5924
02/24/05 PC



SDR-5924 - APPLICANT/OWNER: SCHOOL BOARD OF TRUSTEES
NORTHWEST CORNER OF EL CAMPO GRANDE AVENUE AND BRADLEY ROAD
FEBRUARY 24, 2005 PLANNING COMMISSION

2/4/05



**SDR-5924 - APPLICANT/OWNER: SCHOOL BOARD OF TRUSTEES
NORTHWEST CORNER OF EL CAMPO GRANDE AVENUE AND BRADLEY ROAD
FEBRUARY 24, 2005 PLANNING COMMISSION**

2/4/05



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

**DEPARTMENT OF
PUBLIC WORKS**



**OFFICE OF
ARCHITECTURAL
SERVICES**

400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 229-6535
FAX: (702) 384-4846
TDD: (702) 386-9108

www.lasvegasnevada.gov

January 3, 2005

Margo Wheeler
City of Las Vegas Planning Commission
731 So. 4th Street
Las Vegas, NV 89101

**Subject: Justification letter for the Site Development Plan Review-El
Campo Grande Bradley Park-PC 2-24-05.**

Dear Margo:

To further enhance the quality of life for the rapidly growing community in Ward 6 (Michael Mack), the City is proposing to construct a 5.05 acre passive Park adjacent to Kay Carl Elementary school, at the N.W. corner of El Campo Grande Avenue and Bradley Road. The El Campo Grande Bradley Park will provide additional recreational open space for the local residents.

Phase I Park amenities include (2) fabric shaded tot lots, a two acre Bermuda turf recreational area, lighted concrete walkway paths, benches, picnic pad areas, and a natural daylight trail around the park perimeter. Vehicle parking will be offsite along Corbett Street and El Campo Grande.

Planting will be entirely of drought resistant specimens supported by drip system irrigation. Surrounding areas are covered with decomposed granite. Soft landscape berms are proposed along Bradley Road to mitigate noise, balance grading quantities, and provide additional protection for the open space recreational area.

Phase II planned future additions include a small toilet building, water feature splash pad, trash enclosure, and a paved parking area to accommodate 17 stalls.

Should you have any further questions, please contact me at 229-1046.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Batte'".

Patrick Batte'
Project Manager- City of Las Vegas Office of Architectural Services.

**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**

February 14, 2005

City of Las Vegas Planning & Development Department
Current Planning Division, Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

Re: SDR-5924

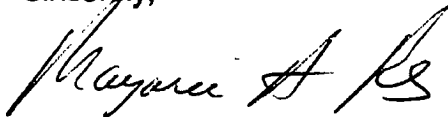
Dear Sirs:

I am writing to express my approval of the SDR-5924 Site Development Plan for a 5.05 acre park on Bradley Road and El Campo Ave.

I believe the location is excellent, and as we have no other parks nearby, this facility will improve the quality of life in our neighborhood.

I sincerely hope that you will pass on this proposal.

Sincerely,



Marjorie A Rees
Ref # 12525810076
5316 Pheasant Trace Ct.
Las Vegas, NV 89130-1583

READ INTO
THE RECORD

A

Proclamation

WHEREAS; A native of San Jose, California, Polly Gonzalez has always been heavily involved in the community as well as the Latin community; she believed she was always a role model for young people; and

WHEREAS; Polly pursued her dream and became a well-respected professional and a beloved member of the community. Much of her time was devoted to being a loving mother and role model to her daughters, Sabrina and Gabriella; and

WHEREAS; Polly worked tirelessly to maintain integrity in journalism; she led a life of commitment and dedication, contributing in countless ways to community and non-profit organizations. We will all remember Polly's many efforts and kindnesses on behalf of our community; and

WHEREAS; May the loving memories of your dear friend and colleague give you strength to carry on, may her memory continue to comfort you, may you keep her close to you in spirit and thought, and always in your hearts;

THEREFORE; In recognition of her contributions and in celebration of her life, the Mayor & Las Vegas City Council hereby proclaims

March 28, 2005

Polly Gonzalez Day

In the City of Las Vegas



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****SITE DEVELOPMENT PLAN REVIEW**

SDR-5943 - PUBLIC HEARING - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 216 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 8.52 acres at 5800 West Lake Mead Boulevard (APN 138-24-215-005), R-4 (High Density Residential) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend 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 MACK not voting

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID TURNER, Baughman & Turner Consulting Engineers, 1210 Hinson Street, appeared on behalf of the applicant and concurred with staff recommendations.

MAYOR GOODMAN asked what plans are available for the existing tenants to become homeowners. MR. TURNER replied that the tenants would have the first right of refusal for their apartment. In addition, mortgage financing will be available, and the mortgage payments would be fairly similar to what their current apartment rent would be. MR. TURNER stated he would work with the tenants to ensure they can realize the American dream and not be dispossessed.

COUNCILMAN MACK added that he met with a developer who has purchased an apartment complex to be converted into condominiums. He was assured that financing would be available for the tenants with no down payment or closing costs. MAYOR GOODMAN indicated this is important because he does not want renters placed in a position where they might not have a place to live as an alternative to becoming a homeowner.

TOM MCGOWAN, Las Vegas resident, asked how many retired seniors and how many families with minor age children currently are or will reside in the condominium conversion. MR. TURNER was unable to answer the question at this time.

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

COUNCILMAN WEEKLY thanked the applicant for implementing measures to help many of the tenants because many people who live in apartments are wondering whether their apartment will be converted, and many do not qualify for financing programs.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:02 - 4:06)

5-2104

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 Special Use Permit/Site Development Plan Review (U-0024-95) and Rezoning (Z 0028 99) 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. A landscaping plan must be submitted prior to or at the same time application is made for a Tentative Map reflecting conformance with the landscape plan date stamped 07/15/99 from Rezoning application (Z-0028-99).
5. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
6. 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

CITY COUNCIL MEETING OF: APRIL 6, 2005

CONDITIONS - Continued:

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.

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

Public Works

8. 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 prior to recordation of a map for this site.

9. All existing and proposed gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

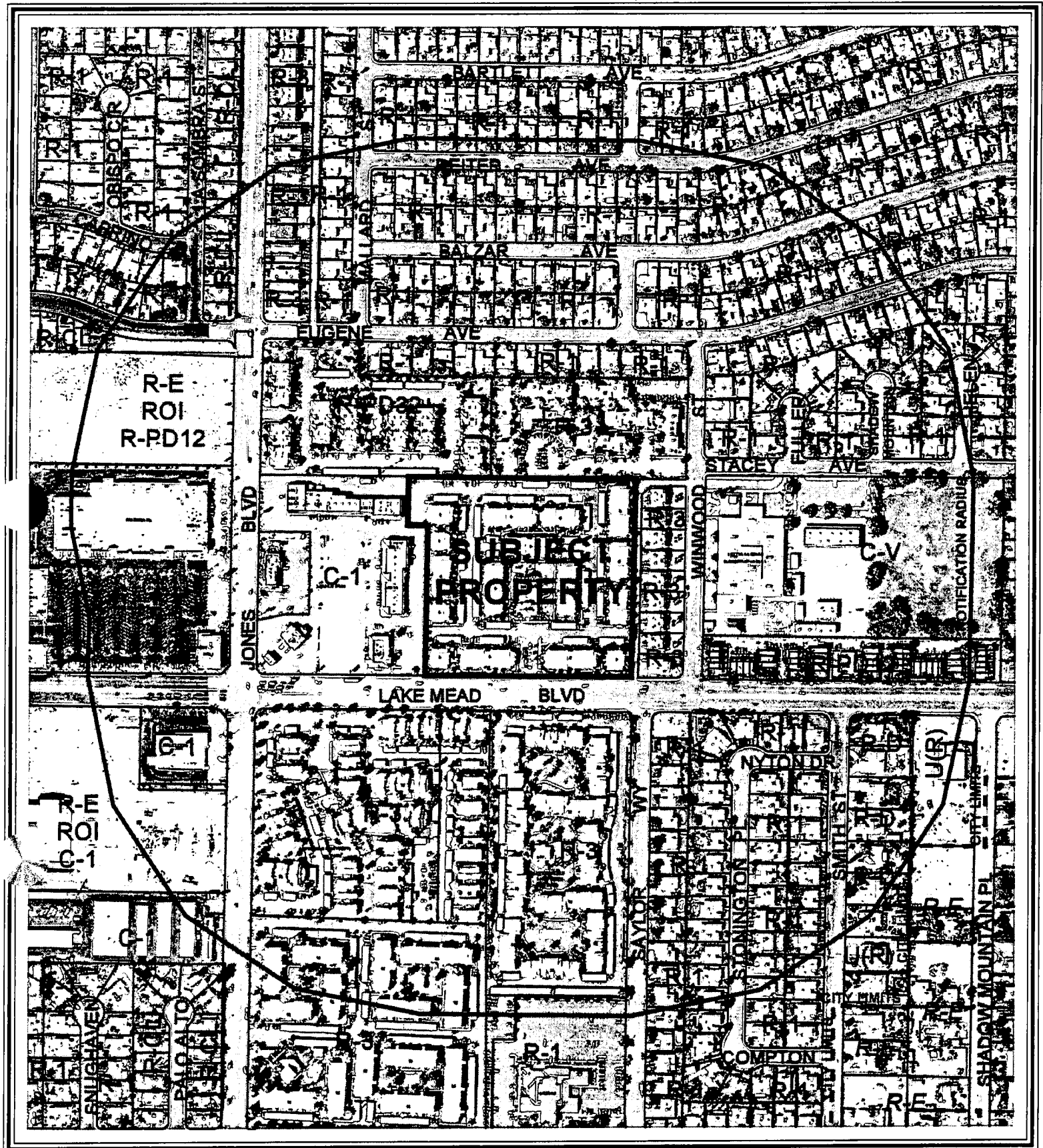
10. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

11. 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.

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

13. Site development to comply with all applicable conditions of approval for Z-28-99 and all other subsequent site-related actions.





CASE: **SDR-5943**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-5943 - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY, LLC

**** CONDITIONS ****

The Planning Commission (6-0 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 Special Use Permit/Site Development Plan Review (U-0024-95) and Rezoning (Z-0028-99) 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. A landscaping plan must be submitted prior to or at the same time application is made for a Tentative Map reflecting conformance with the landscape plan date stamped 07/15/99 from Rezoning application (Z-0028-99).
5. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
6. 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.

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

Public Works

8. 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 prior to recordation of a map for this site.
9. All existing and proposed gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
10. A Homeowners' 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.
11. 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.
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13. Site development to comply with all applicable conditions of approval for Z-28-99 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for the proposed conversion of a 216 unit apartment project to a condominium development on 8.52 acres at 5800 West Lake Mead Boulevard.

B) Applicant's Justification

The applicant justifies this request by stating that need for affordable ownership housing has made this request feasible. In addition the approval of this request would not have a negative impact on either the environment or general public. Furthermore, the applicant states that the subject site is in conformance with City of Las Vegas standards for parking and landscaping.

BACKGROUND INFORMATION

A) Related Actions

- 09/25/63 The Board of City Commissioners approved a Rezoning (Z-0116-63) application for the reclassification of property generally located at the northeast corner of Jones Boulevard and Lake Mead Boulevard and along the south side of Smoke Ranch Road and Michael Way, from R-1 (Single Family Residential) and R-3 (Medium Density Residential) to C-1 (Limited Commercial). The planning Commission recommended approval on 09/12/63. (The subject parcel was part of this larger request.)
- 03/28/95 The Board of Zoning Adjustment approved a Special Use Permit (U-0024-95) for a 216 unit apartment complex on the north side of Lake Mead Boulevard, approximately 660 feet east of Jones Boulevard. Staff recommended approval.
- 08/18/99 The City Council approved a General Plan Amendment (GPA-0013-99) to amend a portion of the Southwest Sector of the General Plan on property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard, from SC (Service Commercial) to H (High Density Residential). The Planning Commission recommended approval on 07/15/99.
- 08/18/99 The City Council approved a Rezoning (Z-0028-99) application for the reclassification of property located on the north side of Lake Mead Boulevard, approximately 540 feet east of Jones Boulevard, from C-1 (Limited Commercial) to R-4 (High Density Residential). The Planning Commission recommended approval on 07/15/99.

02/24/05 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #41/pl).

B) Pre-Application Meeting

12/23/04 A pre-application conference was held resulting in the following comments:

1. The original Site Development Plan Review was approved via a Special Use Permit application (U-0024-95).
2. A parking analysis for the site shall be submitted.
3. The submittal requirements for a Site Development Plan Review were discussed.
4. Public Works commented that the following would be required; Sanitation connection fees; Drainage study; and off-site improvements.

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

Net Acres: 8.52

B) Existing Land Use

Subject Property: San Michelle Apartment Complex (216 units)

North: Apartment Complexes

South: Apartment Complexes

East: 8 plex Apartment Buildings

West: Commercial Center

C) Planned Land Use

Subject Property: H (High Density Residential)

North: M (Medium Density Residential)

H (High Density Residential)

South: M (Medium Density Residential)

H (High Density Residential)

East: M (Medium Density Residential)

West: SC (Service Commercial)

D) Existing Zoning

Subject Property: R-4 (High Density Residential)

North: R-3 (Medium Density Residential)

R-PD32 (Residential Planned Development – 32 units per acre)

South: R-3 (Medium Density Residential)

East: R-3 (Medium Density Residential)

West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is designated H (High Density Residential) within the Southwest Section Plan of the General Plan. The High Density Residential category is the highest density residential category permitted within the city, and permits densities in excess of 25 units per acre, with the exception of high-rise apartments, which has no specific limit. The subject site has a density of 25.3 units per acre, therefore is in conformance with the General Plan.

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

Airport Overlay District

The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted by Title 19. All development within the airspace above the height of thirty five feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. The existing structures stand well below the 105 foot height restriction imposed by the north Las Vegas Airport Overlay District map.

Pedestrian Path

A Pedestrian Path will be required along the southern property line alignment of the subject property, as shown on Map 2 of the Master Plan Transportation Trails Element of the General Plan.

PROJECT DESCRIPTION

Site Area:	8.52	Acres
Residential Buildings:	16	Buildings
Building Height:	27	Feet (2 stories)
Number of Units:	216	Units
Density:	25.3	units per acre
Parking Required:	366	Spaces
Parking Provided:	370	Spaces

Access to the subject site is from a main entry driveway off of Lake Mead Boulevard. There also exists an emergency vehicle driveway that accesses from the adjacent Shadow Hills Shopping Center. Interior drives have a width of 25 feet. The plot plan indicated 16 apartment buildings and one clubhouse. Parking is supplied throughout the site, as either covered or uncovered spaces. Landscaping is provided around all of the buildings and in planters around the perimeter of the existing complex. Elevations and color photographs depict stucco exteriors with a light brown trim and composite shingles. An existing Pedestrian Path is located along the southern portion of the site. Amenities for the site include a pool and a clubhouse.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	6,500 SF	371,131 SF	Yes
Min. Lot Width	N/A	612.58 Feet	Yes
Min. Setbacks			
• Front	10 Feet	25 Feet	Yes
• Side	5 Feet	10 Feet	Yes
• Corner	5 Feet	N/A	N/A
• Rear	20 Feet	20 Feet	Yes
Max. Lot Coverage	N/A	N/A	N/A
Min. Distance Between Buildings	10 Feet	13 Feet	Yes
Max. Building Height	2 Stories / 35 Feet	27 Feet	Yes
Trash Enclosure	Yes	7	Yes

The existing apartment complex is in conformance with the development standards set forth by the R-4 (High Density Residential) zoning district.

A2) Parking and Traffic Standards

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

Uses	Units	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Multi-family and Condominium Developments	216 Units	**	358	8	362	8

****The existing development is composed of one and two bedroom units. The parking standards for such development is as follows:**

<i>Multi-family and Condominium Developments</i>	Required
Studio and one bedroom	One and one-quarter spaces per unit, plus one guest space for every six units.
Two bedrooms	One and three-quarter spaces per unit, plus one guest space for every six units.

The parking standards of the Code have been met.

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 Space	27 Trees	58
Buffer:			
• Min. Trees	1 Tree / 30 Linear Feet	84 Trees	50
• Min. Zone Width			
- Front	10 Feet		10 Feet
- Side & Rear	6 Feet		6 Feet
• Wall height	6 Feet		6 Feet

The above referenced tree counts are based upon the cross referencing of the submitted landscape plan from site most recent Rezoning application Z-0028-99. The existing amount of trees adjacent to the parking areas on site exceeds the required amount, but fails to be distributed evenly throughout the entire property, as is exemplified parking located along the northern property line. The perimeter landscaping fails to meet the required number of trees prescribed for subject site, especially along the western property line of the subject parcel. Along the front property line a five-foot sidewalk exists abutting the right-of-way and adjacent to a 10-foot landscape buffer. The site also has a minimum of six feet of landscape buffer along the rear and side property lines. Therefore the subject site is in compliance with the Title 19.12 and the Las Vegas Urban Design Guidelines and Standards.

B) General Analysis and Discussion

• **Zoning**

The subject property is currently zoned R-4 (High Density Residential). The R-4 District is intended to provide for the development of a variety of multi-family units such as duplexes, townhouses and high-density apartments. The proposed conversion of the existing San Michelle apartment complex to a condominium development is consistent with, as well as being a permissible use within an R-4 (High Density Residential) zoning district.

- Site Plan

The site plan matches that of the originally approved Special Use Permit and Site Development Plan Review (U-0024-95). The site plan depicts 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 Lake Mead Boulevard.

- Waivers

The applicant is not requesting any waivers as part of this Site development Plan Review. All deficiencies identified will be subject to conditions.

- Landscape Plan

The interior and perimeter landscaping was previously approved as part of the Special Use Permit and Site Development Plan Review (U-0024-95) and once again as part of Rezoning (Z-0028-99). The application will be conditioned for conformance with the landscape plan date stamped 07/15/99 from Rezoning application (Z-0028-99).

- Elevation

The elevations depict an appropriate design for multi-family residential buildings, in terms of color and materials.

- Floor Plan

The provided floor plans indicate that within the three building types, there will be a compilation of one and two bedroom units. The floor plans also depict two varieties of two bedroom units.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development is compatible with the adjacent development and development in the area, since the site is not physically changing and therefore, will continue to have the same impact on the community as it has in the past.

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 conversion of the existing apartments into condominiums is consistent with the General Plan, Title 19, the Wall and Buffer Standards, and other duly adopted City Plans, policies and Standards. The landscaping, based upon the previously submitted landscape

plans, would be in conformance with Title 19.12 and the Las Vegas Urban Design Guidelines and Standards, but fails to establish a one to one correlation with existing conditions, therefore this application will be conditioned to provide a revised landscape plan reflecting additional landscaping.

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

The subject site has access directly to Lake Mead Boulevard, 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 apartment conversion to condominium development. Additionally, the subject site has an emergency access gate, which opens onto the adjacent commercial property.

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

The building and landscape materials are appropriate for this area. With the addition of landscaping along the street frontage and the northern property line the subject property will enhance its appearance, as well as become in conformance with intent of the Las Vegas Urban Design Guidelines and Standards.

5. "Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"

The design of the development is harmonious with existing development around the site.

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

The development will be subject to all codes, ordinances, and standards that will secure the health, safety, and general welfare of the public.

PLANNING COMMISSION ACTION

There was one speaker protesting this application at the Planning Commission hearing.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

NOTICES MAILED 321 by Planning Department

APPROVALS 0

PROTESTS 0



Case Number: **SDR-5943** **APN:** 138-24-215-005

Name of Property Owner: San Michele Gary, LLC 12; San Michele Stephen, LLC 88

Name of Applicant: Gary Martin

 Yes X No

APN: _____

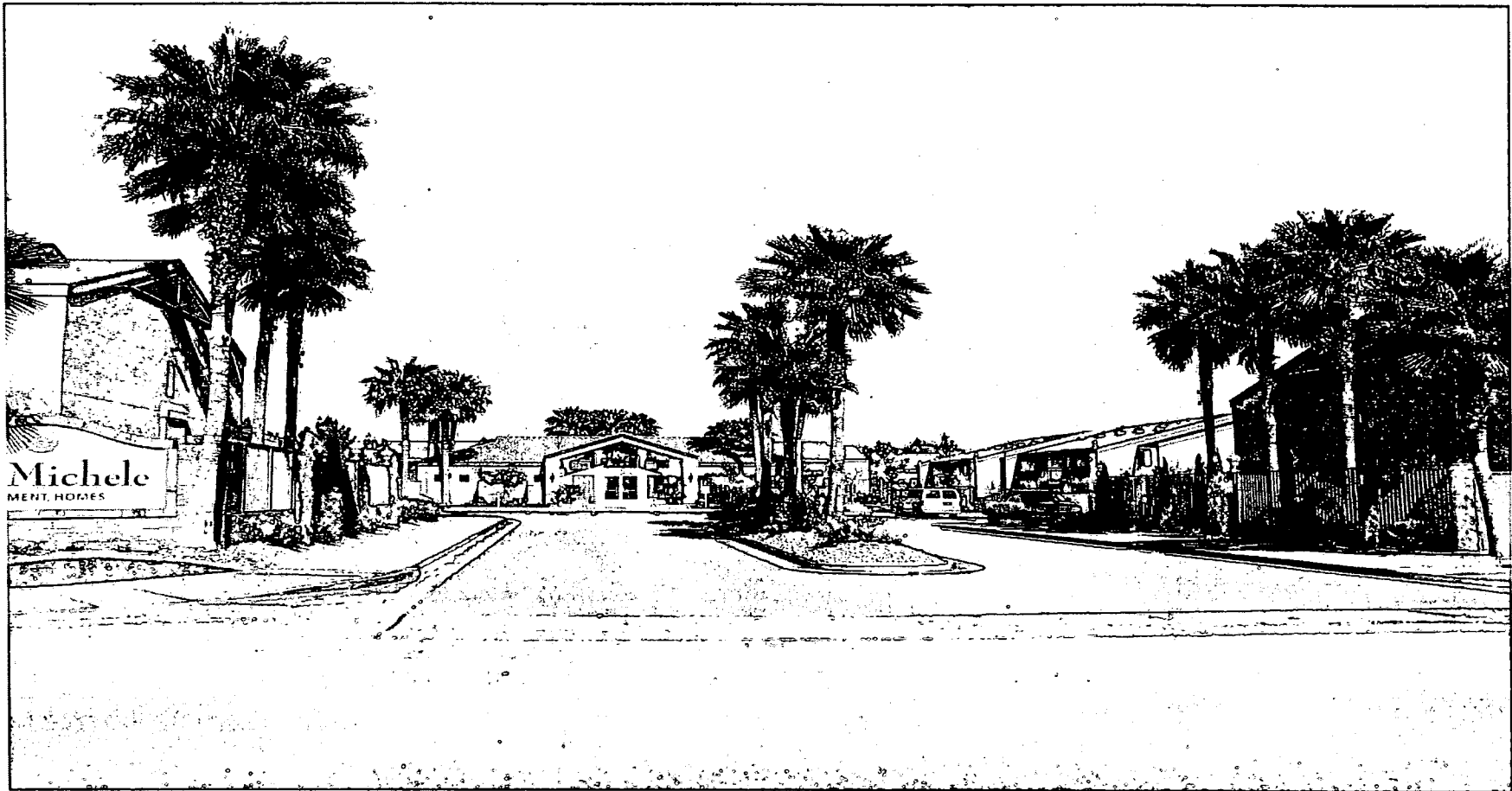
Print Name: GARY R MARTIN

 Notary Public - State of Nevada
County of Clark
GILBERT NOCKOWITZ
My Appointment Expires
April 14, 2007
No: 03-81326-1



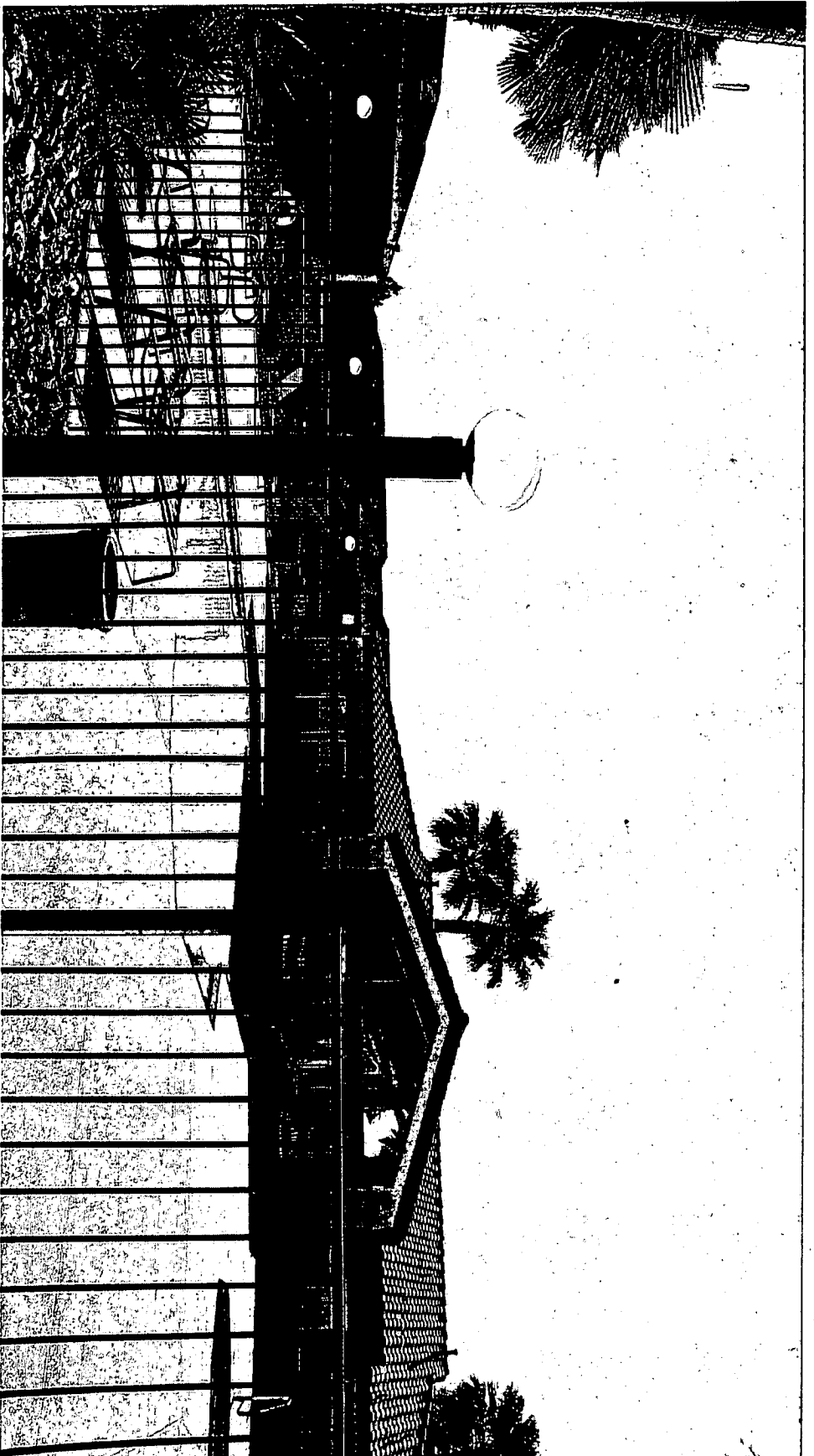
SDR-5943 - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC
5800 WEST LAKE MEAD BOULEVARD
FEBRUARY 24, 2005 PLANNING COMMISSION

2/4/05



SDR-5943 - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC
5800 WEST LAKE MEAD BOULEVARD
FEBRUARY 24, 2005 PLANNING COMMISSION

2/4/05



SDR-5943 - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC
5800 WEST LAKE MEAD BOULEVARD
FEBRUARY 24, 2005 PLANNING COMMISSION

2/4/05



SDR-5943 - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC
5800 WEST LAKE MEAD BOULEVARD
FEBRUARY 24, 2005 PLANNING COMMISSION

2/4/05

Baughman & Turner, Inc.

Consulting Engineers & Land Surveyors

1210 HINSON ST.

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January 11, 2005

CLV Planning & Development Department

731 S. Fourth Street

Las Vegas, Nevada 89101

Re: APN-138-24-215-005/San Michele Condominiums

To Whom It May Concern:

Please let this letter serve as justification for a site development plan review for a condominium conversion. The project called San Michelle, consists of 16 apartment buildings (216 units) on 8.54 acres located on Lake Mead Blvd. approximately 530 feet east of Jones Blvd. The apartments will be converted to condominiums through the subdivision process. The need for affordable ownership housing has made this request feasible.

The buildings were built in 1997 and have a tan stucco finish with light brown trim and composite shingle roofs. The clubhouse, also tan, has a burnt red clay tile roof. The current zoning and general plan are consistent with the proposed development. Parking and landscaping comply with CLV standards. The approval of this application will not have negative effect on either the environment or general public. Should you have any questions, please do not hesitate to call.

Sincerely,
Baughman & Turner, Inc.



David S. Turner
President
DST/hc