

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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:

ADOPTION at 5/4/2005 City Council meeting pursuant to the 4/19/2005 Recommending Committee.

First Reading - 4/6/2005; First Publication - 4/23/2005

BACKUP DOCUMENTATION:

Bill No. 2005-21

MOTION:

WOLFSON - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5767 - UNANIMOUS

Clerk to proceed with second publication

MINUTES:

DEPUTY CHIEF BOB FASH, Las Vegas Fire and Rescue, was present.

(3:02 - 3:03)

4-3279

BILL NO. 2005-21

ORDINANCE NO. _____

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

Proposed by: David L. Washington, Chief,
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.

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

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

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

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

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

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

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

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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12 APPROVED:

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14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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:

ADOPTION at 5/4/2005 City Council meeting pursuant to the 4/19/2005 Recommending Committee.

First Reading - 4/6/2005; First Publication - 4/23/2005

BACKUP DOCUMENTATION:

Bill No. 2005-22

MOTION:

WOLFSON - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5768 - UNANIMOUS

Clerk to proceed with second publication

MINUTES:

DEPUTY CHIEF BOB FASH, Las Vegas Fire and Rescue, was present.

(3:03 - 3:04)

4-3326

BILL NO. 2005-22

ORDINANCE NO. _____

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

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

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

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

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

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

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

SECTION 4: A new Section 13.3.2.3.5 is added as follows:
13.3.2.3.5 Alterations, renovations, tenant improvements, or any change in occupancy or use in any existing building with more than 10,000 square feet in total area, and containing an area greater than 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 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BARBARA JO RONEMUS, City Clerk

19 APPROVED AS TO FORM:

20 Val Steep 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: _____

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APPROVED:

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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: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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:

ADOPTION at 5/4/2005 City Council meeting pursuant to the 4/19/2005 Recommending Committee.

First Reading - 4/6/2005; First Publication - 4/23/2005

BACKUP DOCUMENTATION:

Bill No. 2005-23

MOTION:

WOLFSON - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5769 - UNANIMOUS

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(3:04 - 3:05)

4-3380

BILL NO. 2005-23

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 W 2 Long
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 RONEUMUS, 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: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2005-24 - Annexation No. A-0054-99(A) - Property location: On the northeast corner of Tropical Parkway and Moonlight Drive; Petitioned by: U. S. Home; Acreage: 1.44 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the northeast corner of Tropical Parkway and Moonlight Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (May 13, 2005) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 5/4/2005 City Council meeting pursuant to the 5/3/2005 Recommending Committee.

First Reading - 4/20/2005; First Publication - 4/23/2005

BACKUP DOCUMENTATION:

Bill No. 2005-24 and Location Map

MOTION:

WOLFSON - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5770 - UNANIMOUS

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(3:05 - 3:06)

4-3426

[illegible]

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (A-0054-99(A))

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

That portion of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of Section 27, Township 19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, being Lot 57, Block 3 and Lot 58, Block 3 and the adjoining half street, Rights-of-Way of TROPICAL PARK WAY, SUNRAY DRIVE (now RIO VISTA STREET) and MOONLIGHT DRIVE, all as shown on the plat of TROPICAL PARK SUBDIVISION, in Book 3 of Plats, Page 98 of Clark County, Nevada Records, bounded as follows:

82

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

- 3 A. The area to be annexed was contiguous to the City's boundaries at the
4 time the annexation proceedings were instituted;
- 5 B. More than one-eighth (1/8) of the aggregate external boundaries of
6 the area are contiguous to the City;
- 7 C. The territory proposed to be annexed is not included within the
8 boundaries of another incorporated city or within the boundaries of
9 any unincorporated town as those boundaries existed as of July 1,
10 1983;
- 11 D. The City is eligible to annex the described territory since the
12 landowners have signed a petition constituting one hundred percent
13 (100%) of the owners of record of individual lots or parcels of land
14 within the annexation area.

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

1 located according to the needs of the area at that time. Such installations will also be made
2 at the expense of the property owners, either by means of special assessment districts or as
3 prerequisites to the approval of subdivision plats, building permits or other land use or
4 development applications.

5 SECTION 4: The annexation of the described territory shall become
6 effective on the 13th day of May, 2005, and on that date the City will have the funds
7 appropriated in sufficient amount to finance the extension into the described territory of
8 police protection, fire protection, street maintenance, street sweeping, and street lighting
9 maintenance.

10 SECTION 5: The described territory, together with the inhabitants and
11 property thereof, shall, from and after the 13th day of May, 2005, be subject to all debts,
12 laws, ordinances and regulations in force in the City and shall be entitled to the same
13 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
14 levied by the City.

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

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

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

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

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

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

8 APPROVED:

9
10 By OSCAR B. GOODMAN, Mayor

11 ATTEST:

12
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Val Steed 4-6-05
16 Date

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

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

CASE: A-54-99(A)



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: CITY ATTORNEY****DIRECTOR: BRADFORD R. JERBIC**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****NEW BILL:**

Bill No. 2005-26 - Annexation No. ANX-3026 - Property location: On the north side of Moccasin Road, between the Buffalo Drive alignment to the east and Spin Ranch Road to the west; Petitioned by: City of Las Vegas; Acreage: 7,683 acres; Zoned: R-U (County zoning), U (RC) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The proposed ordinance annexes or re-annexes certain real property generally located as described above. The annexation is at the request of the City, with a statement of non-objection having been filed by the Bureau of Land Management as owner. The annexation was previously the subject of Ordinance No. 5657, recorded in 2004, but is being reprocessed because of a possible misreading of State law concerning the annexation procedure to be used. This bill will accomplish the annexation/reannexation and establish appropriate effective dates.

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. 2005-26 and Location Map

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS WOLFSON and TARKANIAN

5/17/2005 Recommending Committee

5/18/2005 Council Agenda

(3:06 - 3:07)

4-3461

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8 **BILL NO. 2005-26**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3026)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the north side of
15 Moccasin Road, between the Buffalo Drive
alignment to the east and Spin Ranch Road to
the west.

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

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

21 Township 18 South, Range 59 East, Mount Diablo Meridian
22 Sections 22, 23, and 24.

23 Township 18 South, Range 60 East, Mount Diablo Meridian
24 Sections 19, 20, and 21;
Sections 28, 29, 30, 31, 32, and 33.

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

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

- 1 B. More than one-eighth (1/8) of the aggregate external boundaries of the area
2 are contiguous to the City;
- 3 C. The territory proposed to be annexed is not included within the boundaries
4 of another incorporated city or within the boundaries of any unincorporated
5 town as those boundaries existed as of July 1, 1983;
- 6 D. The territory in question is eligible to be annexed to the City because it is
7 property owned by a governmental entity, and the City received a written
8 statement from that entity indicating that it owns the territory and does not
9 object to the City's annexation of the territory.
- 10 E. In compliance with the procedural requirements of NRS Chapter 268, the
11 City is authorized to annex the territory in question because:
- 12 (1) In accordance with NRS 268.584, the City Council, on February 16,
13 2005, adopted a resolution of intent to annex, along with the form of
14 a notice of public hearing to be provided to property owners within
15 the annexation area, and set a public hearing for April 6, 2005.
- 16 (2) In accordance with NRS 268.578 and 268.588, the City Council, on
17 March 2, 2005, approved an annexation report and made it available
18 for inspection and copying thereafter.
- 19 (3) In accordance with NRS 268.586, the City mailed by certified mail,
20 return receipt requested, a copy of the notice of public hearing to the
21 owner of the property within the annexation area, as determined with
22 reference to the records of the Clark County Assessor.
- 23 (4) In accordance with NRS 268.586, the City had the notice of public
24 hearing published in a newspaper of general circulation within the
25 territory to be annexed, on three separate occasions in compliance
26 with the requirements of NRS 268.586.
- 27 (5) In accordance with NRS 268.590, the City Council held a public
28 hearing on April 6, 2005, at which time persons who wished to be

1 heard concerning the matter were given that opportunity. During the
2 public hearing, and within the 15-day period following the public
3 hearing, the number of persons who protested the annexation (zero)
4 was less than a "majority of the property owners" as defined by NRS
5 268.574(3).

6 (6) In accordance with NRS 268.592, because less than a majority of the
7 property owners protested the annexation, the territory may be
8 annexed by the City.

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

27 SECTION 4: The annexation of the described territory shall become
28 effective as of the applicable date set forth in Section 8 of this Ordinance, and on that date

1 the City will have the funds appropriated in sufficient amount to finance the extension into
2 the described territory of police protection, fire protection, street maintenance, street
3 sweeping, and street lighting maintenance.

4 SECTION 5: The described territory, together with the inhabitants and
5 property thereof, shall, from and after the applicable effective date set forth in Section 8 of
6 this Ordinance, be subject to all debts, laws, ordinances and regulations in force in the City
7 and shall be entitled to the same privileges and benefits as other parts of the City, and shall
8 be subject to municipal taxes levied by the City.

9 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
10 an accurate map or plat of the described territory and to record the map or plat, together with
11 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
12 Nevada, which recording shall be done prior to the 10th day of June, 2005.

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

16 SECTION 8: The territory described in this Ordinance was previously the
17 subject of an annexation ordinance (Ordinance No. 5657), adopted on January 7, 2004.
18 Because of a possible misreading of State law, there is a question regarding the validity of
19 the annexation accomplished by Ordinance No. 5657. The intent and purpose of the City
20 Council in adopting this Ordinance is to reconfirm the annexation previously accomplished
21 by Ordinance No. 5657. Upon recordation of this Ordinance and the corresponding map or
22 plat in accordance with Section 6 of this Ordinance, the annexation of territory as described
23 in this Ordinance shall be effective as follows:

24 (A) As of the recordation of Ordinance No. 5657, except to the extent there is a
25 judicial declaration or determination that the territory was not properly annexed by the
26 adoption of Ordinance No. 5657 and is not otherwise deemed to be, or to be treated as, a part
27 of the City;

28 (B) As of the 10th day of June, 2005, to the extent there is a judicial declaration

1 or determination that the territory was not properly annexed by the adoption of Ordinance
2 No. 5657 and is not otherwise deemed to be, or to be treated as, a part of the City.

3 SECTION 9: If any section, subsection, subdivision, paragraph, sentence,
4 clause or phrase in this ordinance or any part thereof is for any reason held to be
5 unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
6 decision shall not affect the validity or effectiveness of the remaining portions of this
7 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
8 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
9 phrase thereof irrespective of the fact that any one or more sections, subsections,
10 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
11 or ineffective.

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

15 PASSED, ADOPTED and APPROVED this _____ day of _____,
16 2005.

17 APPROVED:

18
19 By OSCAR B. GOODMAN, Mayor

20 ATTEST:

21
22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 4-20-05
25 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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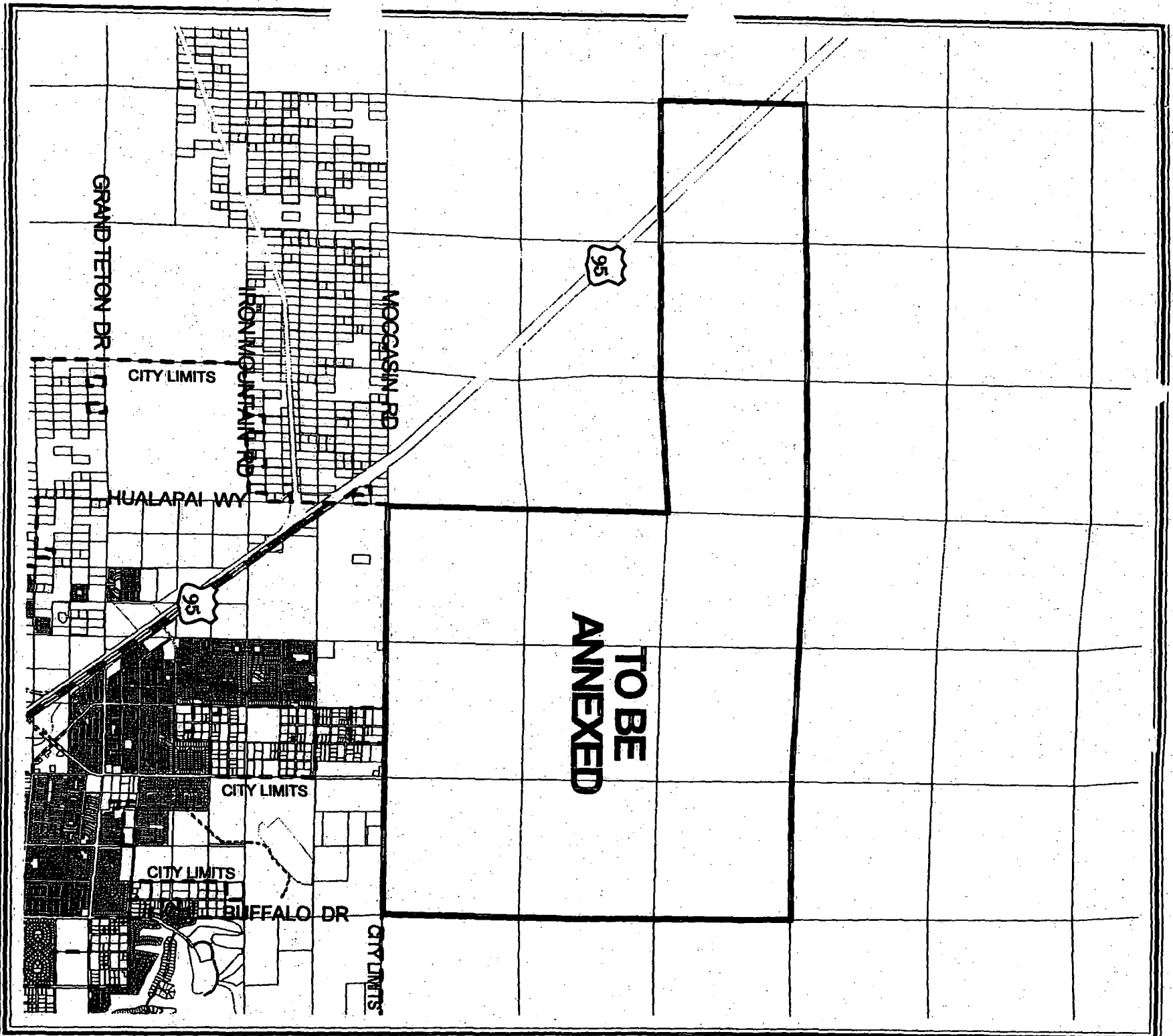
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CASE: ANX-3026

0 3000 6000 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-27 - Annexation No. ANX-5528 - Property location: Bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north; Petitioned by: Southwest Desert Equities, LLC, et al.; Acreage: 538.42 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally described as bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north. The annexation is at the request of the majority of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 10, 2005) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2005-27 and Location Map

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS WOLFSON and TARKANIAN

5/17/2005 Recommending Committee

5/18/2005 Council Agenda

(3:06 - 3:07)

4-3461

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8 **BILL NO. 2005-27**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-5528)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as bounded by Iron Mountain Road
15 to the south, Puli Road to the west, Hualapai
Way to the east, and Moccasin Road to the
north.

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

18 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
19 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
20 real property that is described in Exhibit "A" attached hereto:

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

- 23 A. The area to be annexed was contiguous to the City's boundaries at the time
24 the annexation proceedings were instituted;
- 25 B. More than one-eighth (1/8) of the aggregate external boundaries of the area
26 are contiguous to the City;
- 27 C. The territory proposed to be annexed is not included within the boundaries
28 of another incorporated city or within the boundaries of any unincorporated

town as those boundaries existed as of July 1, 1983;

D. The territory in question is eligible to be annexed to the City because:

- (1) With respect to territory not owned by a governmental entity, 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.
- (2) With respect to territory owned by a governmental entity, 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.

E. In compliance with the procedural requirements of NRS Chapter 268, the City is authorized to annex the territory in question because:

- (1) In accordance with NRS 268.584, the City Council, on February 16, 2005, adopted a resolution of intent to annex, along with the form of a notice of public hearing to be provided to property owners within the annexation area, and set a public hearing for April 6, 2005.
- (2) In accordance with NRS 268.578 and 268.588, the City Council, on March 2, 2005, approved an annexation report and made it available for inspection and copying thereafter.
- (3) In accordance with NRS 268.586, the City mailed by certified mail, return receipt requested, a copy of the notice of public hearing to the owners of the property within the annexation area, as determined with reference to the records of the Clark County Assessor.
- (4) In accordance with NRS 268.586, the City had the notice of public hearing published in a newspaper of general circulation within the territory to be annexed, on three separate occasions in compliance with the requirements of NRS 268.586.
- (5) In accordance with NRS 268.590, the City Council held a public

1 hearing on April 6, 2005, at which time persons who wished to be
2 heard concerning the matter were given that opportunity. During the
3 public hearing, and within the 15-day period following the public
4 hearing, the number of persons who protested the annexation (zero)
5 was less than a "majority of the property owners" as defined by NRS
6 268.574(3).

- 7 (6) In accordance with NRS 268.592, because less than a majority of the
8 property owners protested the annexation, the territory may be
9 annexed by the City.

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

28 SECTION 4: The annexation of the described territory shall become

1 effective on the 10th day of June, 2005, and on that date the City will have the funds
2 appropriated in sufficient amount to finance the extension into the described territory of
3 police protection, fire protection, street maintenance, street sweeping, and street lighting
4 maintenance.

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

10 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
11 an accurate map or plat of the described territory and to record the map or plat, together with
12 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
13 Nevada, which recording shall be done prior to the 10th day of June, 2005.

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

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

26 ...

27 ...

28 ...

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

By OSCAR B. GOODMAN, Mayor

APPROVED AS TO FORM:

Val Steed 4-20-05
Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk

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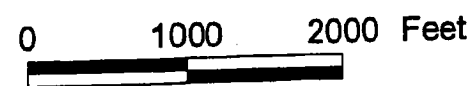
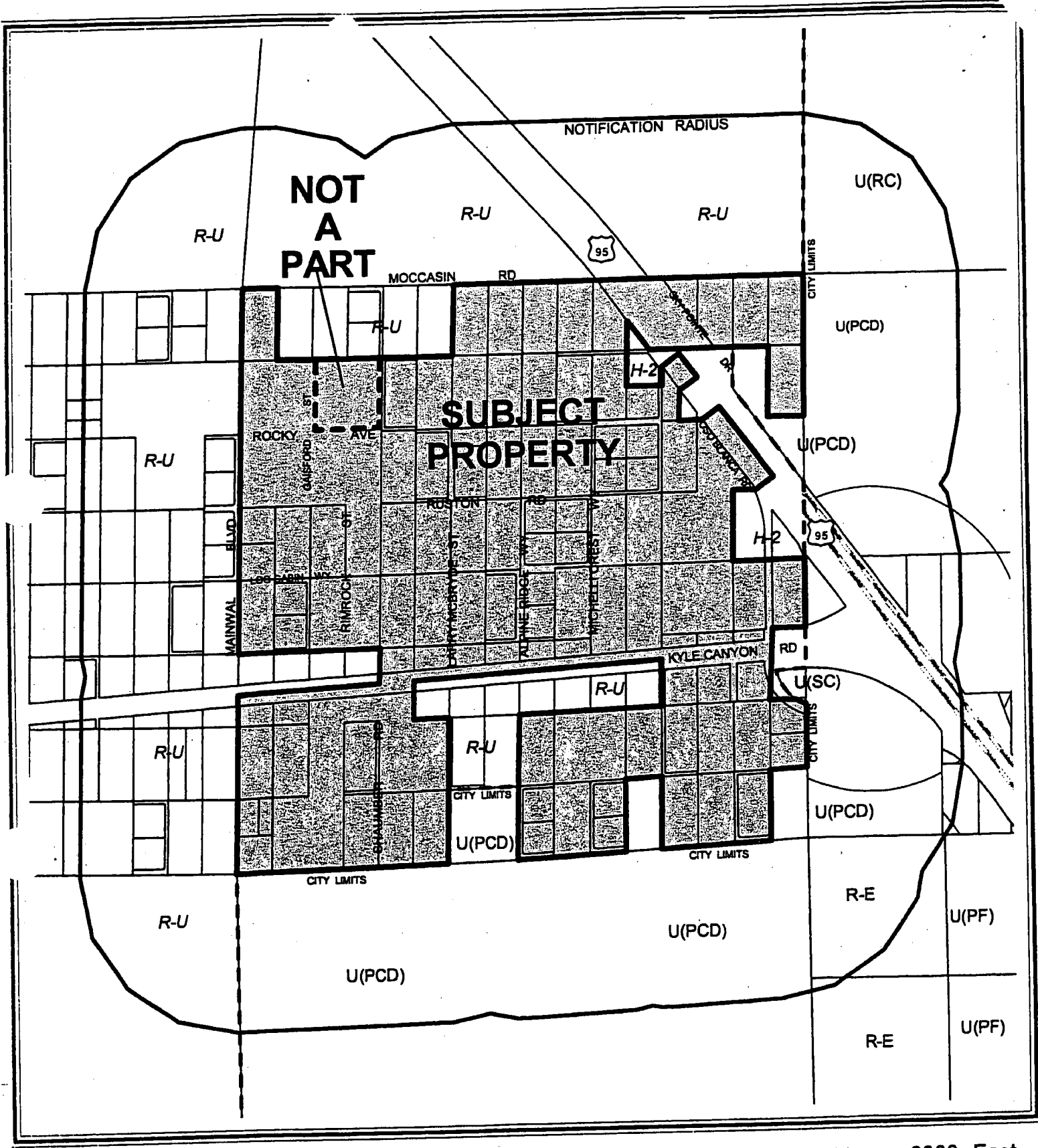
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CASE: ANX-5528

 PROPOSED ANNEXATION AREA

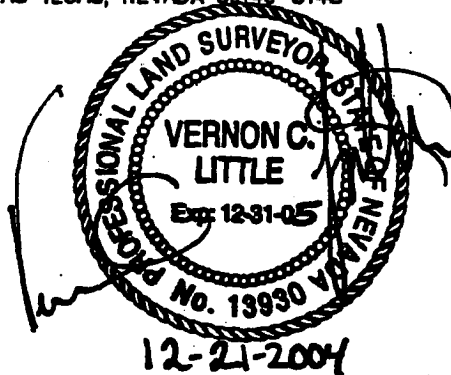


Exhibit "A"



CONSULTING ENGINEERS • PLANNERS • SURVEYORS

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

G:/6333/LEGALS/ZONE2.DOC
REF: G:/6333/6333LEGAL.DWG (LGL-ZONE02)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-28 - Annexation No. ANX-6042 - Property location: On the west side of Jones Boulevard, between Tropical Parkway and El Campo Grande Avenue; Petitioned by: Leech West, LLC; Acreage: 9.63 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the west side of Jones Boulevard, between Tropical Parkway and El Campo Grande Avenue. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 10, 2005) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2005-28 and Location Map

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS WOLFSON and TARKANIAN

5/17/2005 Recommending Committee

5/18/2005 Council Agenda

(3:06 - 3:07)

4-3461

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8 **BILL NO. 2005-28**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-6042)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the west side of Jones
Boulevard, between Tropical Parkway and El
15 Campo Grande Avenue.

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

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

21 That portion of the Northeast Quarter (NE 1/4) of the Southeast Quarter
22 (SE 1/4) of Section 26, Township 19 South, Range 60 East, M.D.M., in the
County of Clark, State of Nevada, together with the adjoining half street
23 right-of-way of JONES BOULEVARD (width varies), TROPICAL
PARKWAY (40.00 feet wide as measured from the centerline thereof),
24 CORBET STREET (30.00 feet wide as measured from the centerline
thereof), and EL CAMPO GRANDE AVENUE (30.00 feet wide as measured
from the centerline thereof) described as follows:

25 BEGINNING at the east quarter corner of said Section 26, said corner also
26 being the centerline intersection of said JONES BOULEVARD and
TROPICAL PARKWAY; thence westerly along the centerline of said
27 TROPICAL PARKWAY and the north line of the Southeast Quarter (SE 1/4)
of said Section 26, North 84°36'52" West 307.36 feet; thence departing said
28 north line, southerly along the west line of the East Half (E 1/2) of the
Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the

1 Southeast Quarter (SE 1/4) of said Section 26, South 00°28'45" West 657.93
2 feet to the south line of said East Half (E 1/2), also being the centerline of
3 CORBET STREET; thence westerly along the centerline of said CORBET
4 STREET, North 83°43'00" West 10.05 feet to the northerly projection of the
5 east line of PARCEL 2 as shown on CORPORATION GRANT, BARGAIN,
6 SALE DEED, from SIGAL AND COMPANY to TOM C. CHAN, ET AL,
7 recorded July 10, 1979 in Book 1083 as Instrument Number 1042668 of
8 Clark County, Nevada Records; thence southerly along said east line South
9 00°28'46" West 328.89 feet to the north line of PARCEL 4 as shown on
10 Parcel Map in File 2, Page 42 recorded April 24, 1974 of Clark County,
11 Nevada Records; thence westerly along the north line of said PARCEL 4
12 North 83°16'19" West 20.57 feet to the northwest corner of said PARCEL 4;
13 thence southerly along the west line and the southerly projection of said
14 PARCEL 4, South 00°24'18" West 328.77 feet to the south line of the
15 Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section
16 26, also being the centerline of EL CAMPO GRANDE AVENUE; thence
17 easterly along said south line, South 82°49'48" East 341.55 feet to the east
18 line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of
19 said Section 26, also being the centerline intersection of EL CAMPO
20 GRANDE AVENUE and JONES BOULEVARD; thence northerly along
21 said east line and the centerline of said JONES BOULEVARD, North
22 00°21'04" East 1325.85 feet to the POINT OF BEGINNING.

23
24 BASIS OF BEARINGS: North 00°21'04" East being the east line of the
25 Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 26,
26 Township 19 South, Range 60 East, M.D.M., as shown on Parcel Map in File
27 2, Page 42 of Clark County, Nevada Records.

28
29 Written by:
30 Brian Yu PLS
31 City of Las Vegas, Public Works,
32 731 S. Fourth Street
33 Las Vegas, NV 89101

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

- 36 A. The area to be annexed was contiguous to the City's boundaries at the
37 time the annexation proceedings were instituted;
- 38 B. More than one-eighth (1/8) of the aggregate external boundaries of
39 the area are contiguous to the City;
- 40 C. The territory proposed to be annexed is not included within the
41 boundaries of another incorporated city or within the boundaries of
42 any unincorporated town as those boundaries existed as of July 1,
43 1983;
- 44 D. The City is eligible to annex the described territory since the

landowners have signed a petition constituting one hundred percent (100%) of the owners of record of individual lots or parcels of land within the annexation area.

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

SECTION 4: The annexation of the described territory shall become effective on the 10th day of June, 2005, and on that date the City will have the funds appropriated in sufficient amount to finance the extension into the described territory of police protection, fire protection, street maintenance, street sweeping, and street lighting maintenance.

SECTION 5: The described territory, together with the inhabitants and property thereof, shall, from and after the 10th day of June, 2005, be subject to all debts,

1 laws, ordinances and regulations in force in the City and shall be entitled to the same
2 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
3 levied by the City.

4 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
5 an accurate map or plat of the described territory and to record the map or plat, together with
6 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
7 Nevada, which recording shall be done prior to the 10th day of June, 2005.

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

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

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

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

4 PASSED, ADOPTED and APPROVED this _____ day of _____,
5 2005.

6 APPROVED:

7
8 By OSCAR B. GOODMAN, Mayor

9 ATTEST:

10
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 4-20-05
14 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk

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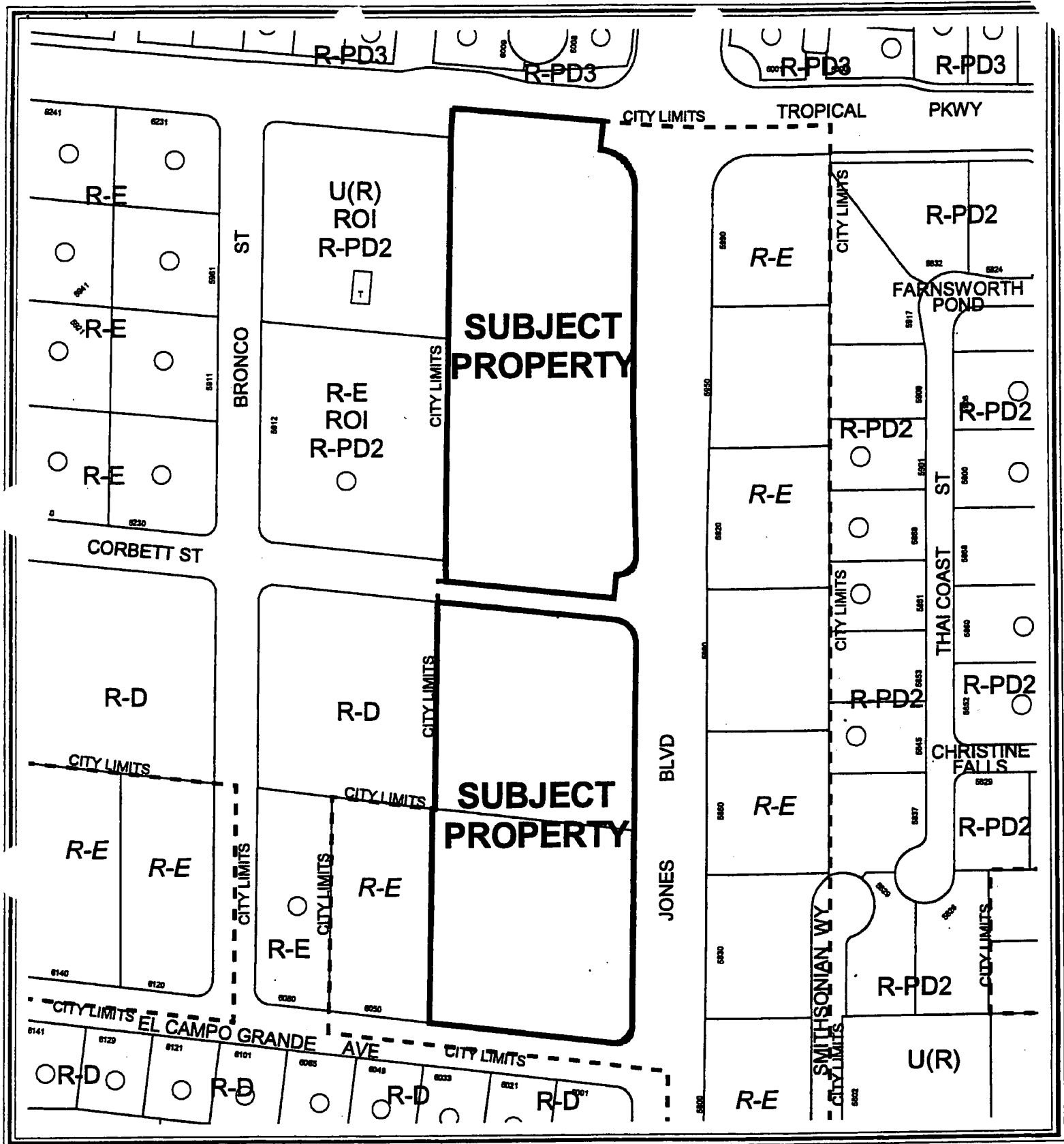
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CASE: ANX-6042



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2005-29 - Annexation No. ANX-6060 - Property location: On the west side of Balsam Street, 270 feet south of Lone Mountain Road; Petitioned by: Serge Charbonneau, et al.; Acreage: 2.79 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the west side of Balsam Street, 270 feet south of Lone Mountain Road. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (May 27, 2005) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2005-29 and Location Map

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS WOLFSON and TARKANIAN

5/17/2005 Recommending Committee

5/18/2005 Council Agenda

(3:06 - 3:07)

4-3461

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8 **BILL NO. 2005-29**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-6060)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the west side of
15 Balsam Street, 270 feet south of Lone
Mountain Road.

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

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

21 That portion of the Northeast Quarter (NE 1/4) of the Northeast Quarter
22 (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M., in the
23 County of Clark, State of Nevada, also being LOT 20, LOT 19 and LOT 18
24 and the adjoining half street right-of-way of BALSAM STREET (30.00 feet
wide as measured from the centerline thereof) and 20.00 feet wide alleys as
shown on Block 1 of BRIDLE PATH ESTATES, recorded in Book 6 of
Plats, Page 99 of Clark County, Nevada Records, described as follows:

25 COMMENCING at the northeast corner of said Section 3, said corner also
26 being the northeast corner of said BRIDLE PATH ESTATES; thence along
27 the north line of said Section 3 and the centerline of LONE MOUNTAIN
28 ROAD (50.00 feet wide as measured from centerline thereof) South
89°51'32" West 680.05 feet to the centerline intersection with said BALSAM
SREET; thence southerly along the centerline of said BALSAM STREET,
South 00°31'52" West 310.01 feet to the POINT OF BEGINNING also being
the point of intersection with the centerline of a 20.00 foot wide east-west

1 alley; thence westerly along said centerline, South 89°51'39" West 330.06
2 feet to the intersection with the centerline of a 20.00 foot wide north-south
3 alley; thence southerly along the centerline of said 20.00 foot wide
4 north-south alley, South 00°31'52" West 367.44 feet to the intersection with
5 the westerly projection of the south line of said LOT 18; thence easterly
6 along the westerly projection of said south line, along said south line and
7 along the easterly projection said south line, South 89°28'04" East 330.04 feet
8 to the centerline of said BALSAM STREET; thence northerly along the
9 centerline of said BALSAM STREET, North 00°31'52" West 371.32 feet to
10 the POINT OF BEGINNING.

11
12 BASIS OF BEARINGS: North 89°51'32" East being the north line of the
13 Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 3,
14 Township 20 South, Range 60 East, M.D.M., as shown on Book 6 of Plats,
15 Page 99 of Clark County, Nevada Records.

16
17 Written by:
18 Brian Yu PLS
19 731 S. Fourth Street,
20 Public Works,
21 City of Las Vegas

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

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

SECTION 3: The City will provide police protection through the Las Vegas
Metropolitan Police Department, fire protection, street maintenance, and library services
immediately upon annexation. Garbage collection by the company franchised by the City

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

16 SECTION 4: The annexation of the described territory shall become
17 effective on the 27th day of May, 2005, and on that date the City will have the funds
18 appropriated in sufficient amount to finance the extension into the described territory of
19 police protection, fire protection, street maintenance, street sweeping, and street lighting
20 maintenance.

21 SECTION 5: The described territory, together with the inhabitants and
22 property thereof, shall, from and after the 27th day of May, 2005, be subject to all debts,
23 laws, ordinances and regulations in force in the City and shall be entitled to the same
24 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
25 levied by the City.

26 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
27 an accurate map or plat of the described territory and to record the map or plat, together with
28 a certified copy of this ordinance, in the office of the County Recorder of Clark County,

1 Nevada, which recording shall be done prior to the 27th day of May, 2005.

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

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

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

17 PASSED, ADOPTED and APPROVED this ____ day of _____,
18 2005.

19 APPROVED:

20
21 By OSCAR B. GOODMAN, Mayor

22 ATTEST:

23
24 BARBARA JO RONEMUS, City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 4-20-05
27 Date
28

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2005-30 - Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2006) Sponsored by: Step Requirement

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:

Levies the assessment for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane. The fiscal amount reflects the estimated maintenance costs from July 2005 through June 2006.

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. 2005-30

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS WOLFSON and TARKANIAN

5/17/2005 Recommending Committee

5/18/2005 Council Agenda

(3:06 - 3:07)

4-3461

THE MORNING SESSION RECESSED AT 3:07 P.M., WAS RECALLED AT 3:14 P.M. TO GO INTO CLOSED DOOR SESSION.

BILL NO. 2005-30

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2006); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; 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. 1485 - Alta Drive (Landscape Maintenance) (hereinafter the "District"), to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project") as defined in Chapter 271, Nevada Revised Statutes and has provided that the entire cost and expense of the Maintenance 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 the entire cost and expense of the Maintenance 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 Maintenance Project; and

WHEREAS, in accordance with NRS 271.360 and NRS 271.378, the City Council has heretofore determined, and does hereby declare, that the net cost of the Maintenance Project for FY2006 (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$49,240.38, of which, \$0.00 is available from other sources and of which \$49,240.38 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 Maintenance Project; and

WHEREAS, the City Council, by resolution heretofore adopted and directed the Director of Public Works with the assistance of the Engineering Integration Division (hereinafter the "Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the costs of such work to be paid by the property specially benefited, the City Council, together with the Engineer 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; and

WHEREAS, the Engineer has reported the final assessment roll to the City Council and has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, April 6, 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 Maintenance Project 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 Engineer 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 the Maintenance Project 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, April 6, 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 March 2, 2005; and

WHEREAS, the City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing on April 6, 2005, 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. 1485 (FY2006) Assessment Protest Resolution; and

WHEREAS, by the District No. 1485 (FY2006) 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 the total cost of the Maintenance 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 Maintenance Project, with funds completely derived from the levy of assessments.

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. 1485 (FY2006) 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. 1485 (FY2006) 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. 1485 – Alta Drive (Landscape Maintenance FY2006) including, but not limited to, the creation of the District, the amount of the maintenance 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 the costs and expenses of the Maintenance 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 the Maintenance Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on March 2, 2005, and as modified and confirmed by the District No. 1485 (FY2006) Assessment Protest Resolution duly adopted by the City Council on May 4, 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, 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 four (4) substantially equal quarterly installments of principal until paid in full, without interest, payable at the office of the City Treasurer on July 1, 2005, October 3, 2005, January 2, 2006 and April 3, 2006. Failure to pay any installment 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; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not 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, but 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, and all penalty interest 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 installment of the unpaid principal.

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. 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 property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. 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 22, 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, 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, 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 271.625. 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.

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 and the last day for their payment. 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 or his designee 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 have been paid in full 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
LANDSCAPE MAINTENANCE IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE
MAINTENANCE FY2006)**

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1485 (FY2006) Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on May 18, 2005. The Levy Ordinance levied and assessed the cost and expense of landscape maintenance against the lots, tracts and parcels of land specially benefited by the maintenance in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance)," (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 21, 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, without 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 four (4) substantially equal quarterly installments of principal until paid in full, being payable at the office of the City Treasurer in Las Vegas, Nevada, on July 1, 2005, October 3, 2005, January 2, 2006, and April 3, 2006. Failure to pay any assessment installment 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 will, after such delinquency, whether the City's option is or is not 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, but 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, and all penalty interest accrued, and will 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 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 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. 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 property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. 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 22, 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 18, 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.

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 18, 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. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE FY2006) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; 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 20th 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 18th 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. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2006); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; 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 May 4, 2005, and was passed at a regular meeting held on May 18, 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 22, 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 18th day of May, 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 May 4, 2005, PASSED, ADOPTED AND APPROVED May 18, 2005.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEUMUS, City Clerk

Approved as to Form:

21 APR 2005 N ZLenny
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 May 4, 2005, and finally adopted and approved on May 18, 2005.

2. The following members of the City Council were present at the May 4, 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 May 4, 2005, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 18, 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 18, 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 May 4, and May 18, 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

(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 May 4, 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 18, 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 18, 2005.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

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

EXHIBIT B

(Attach Copy of Notice of May 18, 2005 Meeting)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: HUMAN RESOURCES

DIRECTOR: F. CLAUDETTE ENUS

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

CLOSED SESSION - To Be held at Conclusion of Morning Session:

Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss negotiations of the International Association of Firefighters, Local 1285 (IAFF) contract and the Metro Las Vegas Police Protective Association contract

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

To discuss negotiations on the IAFF, Local 1285 contract and Metro PPA contract.

RECOMMENDATION:

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED to go into a closed meeting in accordance with NRS 288.220 - UNANIMOUS

MINUTES:

There was no discussion.

(3:14)

5-202

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

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

MOTION:

REESE - Motion to STRIKE Item 89 [7075 West Craig Road], Item 91 [6440 West Hammer Lane] and Item 92 [5820 West La Madre Way] and HOLD IN ABEYANCE Item 97 [RQR-6262] to 6/15/2005 - UNANIMOUS with BROWN excused

MINUTES:

COUNCILMAN REESE requested that Item 97 [RQR-6262] be held in abeyance to the 6/15/2005 City Council meeting.

(3:52 - 3:54)

6-1

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE ITEM - 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:

REESE - Motion to STRIKE Item 89 [7075 West Craig Road], Item 91 [6440 West Hammer Lane] and Item 92 [5820 West La Madre Way] and HOLD IN ABEYANCE Item 97 [RQR-6262] to 6/15/2005 - UNANIMOUS with BROWN excused

MINUTES:

There was no discussion.

(3:52 - 3:54)

6-1

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: ABEYANCE ITEM - 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 RD

7150

7181

7101
101-104

7075

7121
101-116

7151

7131
101-109

7071
101-102

7081
101-105

7081



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

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

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



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 ¾" 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 bld.**
- 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.

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.**

**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** _____

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

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**

**RECEIVED
CITY CLERK**

2005 FEB 25 P 1:47



March 14, 2005

CERTIFIED & REGULAR MAIL

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

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

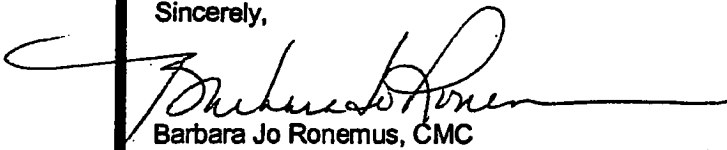
Dear Mr. Burton:

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

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

Richard A. & Barbara L. Stimac
2274 Moresca Avenue
Henderson, Nevada 89052-6548

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

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK

EVE WOLFSON

JIS 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 7008



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 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 6101 Denver Circle. PROPERTY OWNER: CHARLES ERBACHER - Ward 2 (Wolfson)

Fiscal Impact:

☐ No Impact	Amount:	\$1,123.55
☒ Budget Funds Available	Dept./Division:	Neigh. Services/Response
☐ Augmentation Required	Funding Source:	General Fund

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired ADS Environmental & Construction, Inc., - Nevada to remove all scattered refuse, waste, litter, and debris from the property, remove inoperable/abandoned black Nissan Maxima from the driveway, remove all overgrown weeds and vegetation and posting "No Trespassing" signs on site.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$1,123.55 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:

WOLFSON - ABEYANCE to 5/18/2005 - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

STEPHEN HARSIN, Deputy Director of Neighborhood Services, 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 \$1,123.55; \$977 to ADS Environmental & Construction, Inc., and a 15 percent administrative fee of \$146.55. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

ATTORNEY JOE REIFF appeared on behalf of CHARLES ERBACHER, who was also present.

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

ATTORNEY REIFF explained that this matter was first brought before the City Council on January 19, 2005, and at that time ATTORNEY MARINA KOLIAS represented MR. ERBACHER. ATTORNEY REIFF did not dispute that proper, adequate legal notice was given; however, his client contends that the abatement measures taken by the City were unnecessary and unwarranted. The automobile was operable, and he is unaware of how the City came to the conclusion it was not. In fact, his client has documentation from the Department of Motor Vehicle to show that the car was operating at the time in question. At the January 19, 2005 meeting his client contended that the only place that needed to be cleaned was the backyard and it was minimal. At the same meeting, ATTORNEY KOLIAS summarized that Las Vegas Municipal Code 9.04.010(8) definition of nuisance refers to weeds and turf grass in plain view within the front yard on a developed parcel. ATTORNEY REIFF pointed out that the abatement was done on the backyard. At the January 19, 2005 meeting, ORLANDO SANCHEZ, Director, Neighborhood Services, indicated that if the backyard can be seen in plain view, the entire property is abated. ATTORNEY REIFF contended that this is a case where the administrative agency overstepped their bounds and are not following the Code. ATTORNEY REIFF suggested that the Code eliminate the reference to the front yard if that was the intent and interpretation.

DEPUTY CITY ATTORNEY TOM GREEN suggested that the item be abeyed so that he could personally meet with ATTORNEY REIFF and his client to review the entire matter. Additionally, because he is not familiar with the various issues, he is not able to advise the Council. ATTORNEY REIFF agreed to the abeyance.

COUNCILMAN WOLFSON did not object to giving the applicant one more chance. Upon reviewing all backup documentation, he found that this has been an on-going issue since August of 2004. He verified with MR. HARSIN that Neighborhood Services creates a log and records everything that occurs, be it a telephone call or a visit to the property. The issue seems to be the \$1,100 lien. ATTORNEY REIFF rebutted that it is not only the expense issue but the principle, not only for his client, but also for other property owners, especially if the City is taking the position where they will abate backyards if they can be seen from the front. COUNCILMAN WOLFSON doubted that to be the case. He agreed to the two-week abeyance, but emphasized that both ATTORNEY REIFF and DEPUTY CITY ATTORNEY GREEN resolve this issue before the next City Council meeting.

COUNCILMAN WEEKLY confirmed with MR. ERBACHER that he does not represent the property located at Pyramid and Vegas Drive.

NOTE: COUNCILMAN BROWN directed Neighborhood Services and the City Attorney's Office to obtain a precise explanation of backyards and what the enabling reference is in the Code that allows the City to go into backyards. In the past the City has gone into backyards and emptied pools and cleaned debris. He asked that this information be made available when this item comes back before the City Council. DEPUTY CITY ATTORNEY GREEN responded that they will completely review that section of the Code.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.
(3:54 - 4:03)

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

6-61

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 6101 Denver Circle.

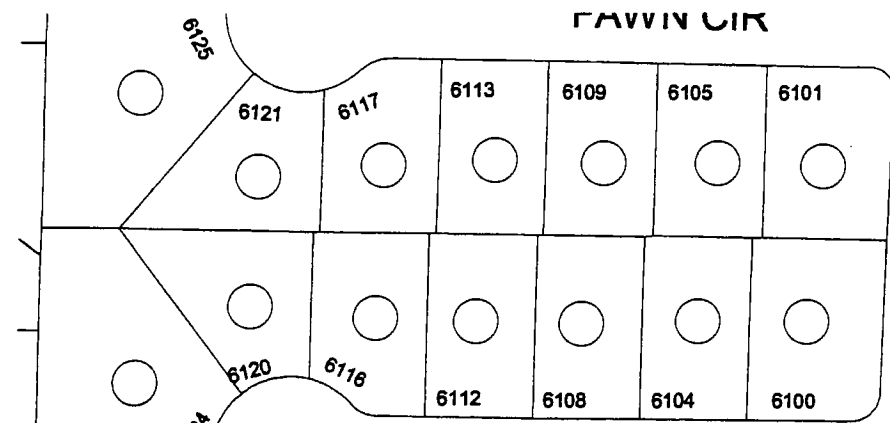
PROPERTY OWNER: CHARLES ERBACHER – Ward 2 (Wolfson)

ADS Environmental & Construction, Inc., - Nevada completed work on December 13, 2004 at a cost of \$977.00, plus a 15% administrative fee, for a total of \$1,123.55.

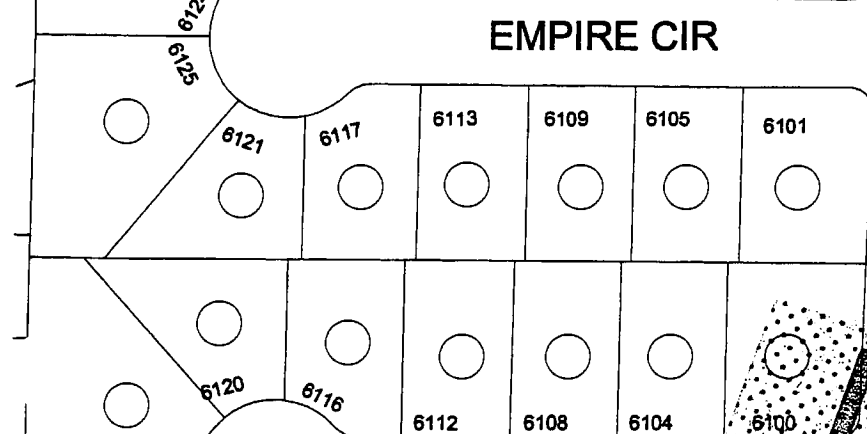
Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of "Nuisance", the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If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

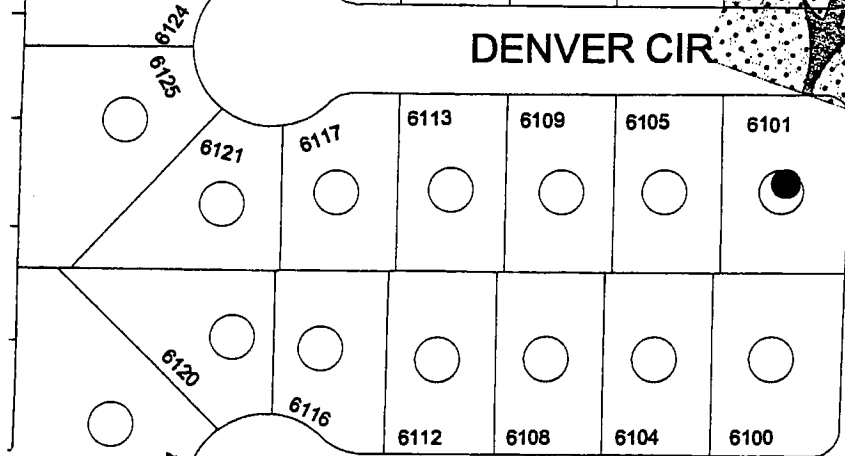
FAVORITE CIR



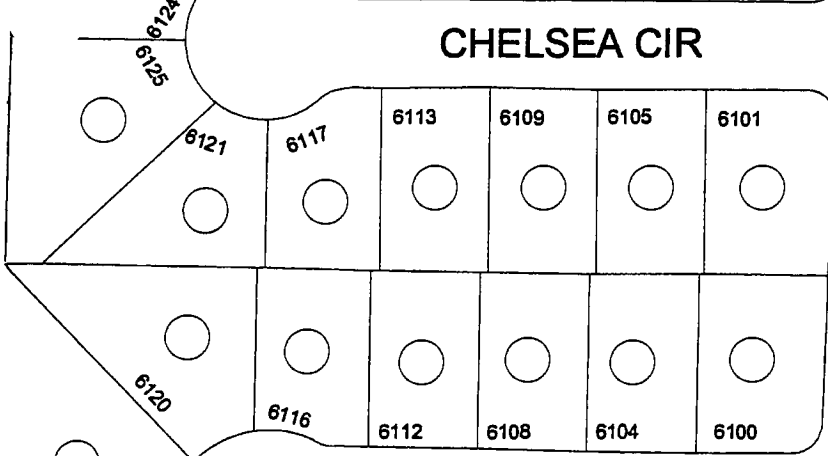
EMPIRE CIR



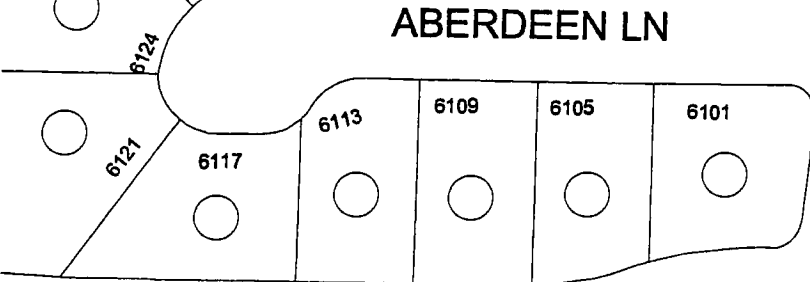
DENVER CIR



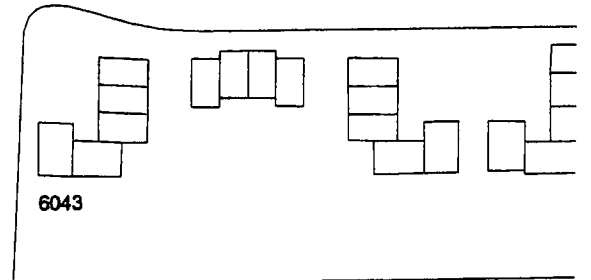
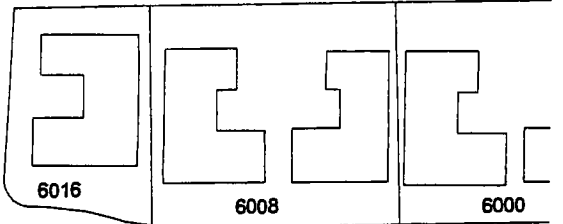
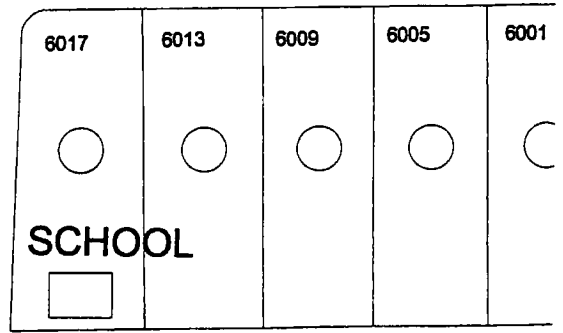
CHELSEA CIR



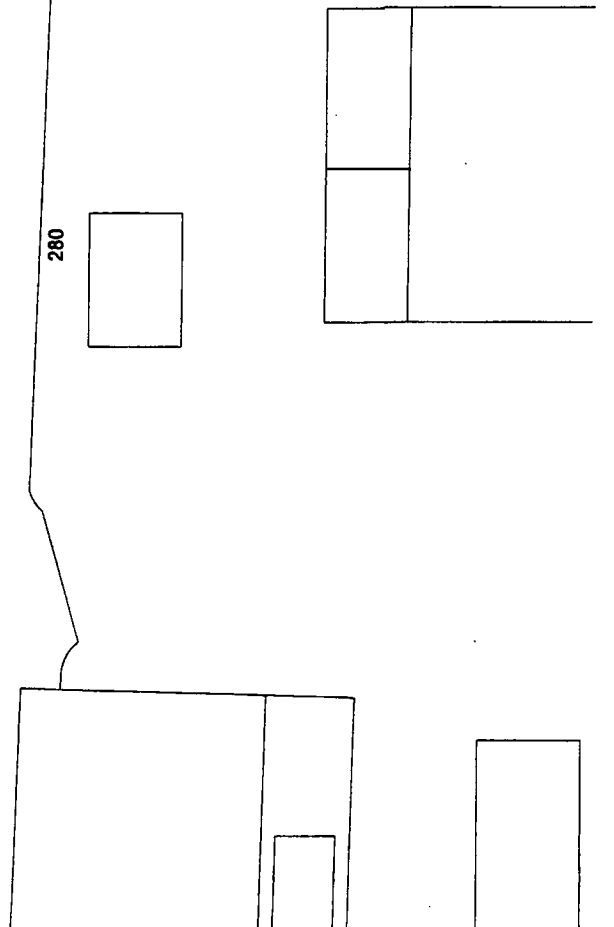
ABERDEEN LN



JONES BLVD



280



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: April 8, 2005

Re: Report of Expenses for the abatement of Nuisance/Litter located at 6101 Denver Circle - Ward 2 (Wolfson)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance/Litter," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing all scattered refuse, waste, litter, and debris from the property, removing inoperable/abandoned black Nissan Maxima from the driveway, removing all overgrown weeds and vegetation and posting "No Trespassing signs on site. ADS Environmental & Construction, Inc. – Nevada completed the work on December 13, 2004 at a cost of \$977.00, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Removing scattered refuse, waste, litter and debris, removing inoperable/abandoned black Nissan Maxima from driveway, removing all overgrown weeds and vegetation and posting No Trespassing signs.	\$977.00
AMOUNT DUE	\$977.00
Administrative Processing Fee:	\$146.55
TOTAL AMOUNT DUE:	\$1,123.55
OWNER OF RECORD:	CHARLES ERBACHER
PROPERTY ABATED:	6101 Denver Circle
ASSESSOR PARCEL:	138-26-813-021
LEGAL DESCRIPTION:	CHARLESTON HGTS TRACT #28A
	PLAT BOOK 6 PAGE 57
	LOT 34 BLOCK 1

DSS:jl

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

Disclosure of Principals

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

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

Continue list until full and complete disclosure is made.

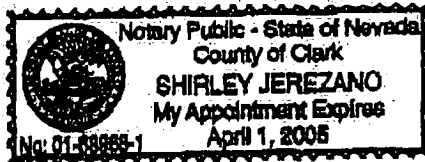
I certify under penalty of perjury, that the foregoing list is full and complete.

ADS Consulting

By: _____

STATE OF NEVADA)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 24th day of April, 2002.



Shirley Jerezano
NOTARY PUBLIC in and for said
County and State



**NOTICE OF PUBLIC HEARING
MAY 4, 2005**

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, May 4, 2005** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property by removing all scattered refuse, waste, litter and debris from the property, removing inoperable/abandoned black Nisan Maxima from the driveway, removing all overgrown weeds and vegetation and posting "No Trespassing" signs on property located at **6101 DENVER CIRCLE** legally described as **CHARLESTON HGTS TRACT #28A, PLAT BOOK 6 PAGE 57 LOT 34 BLOCK 1** Owner of record at time of abatement: **CHARLES ERBACHER – WARD 2 (WOLFSON)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,123.55 was expended (\$977.00 to ADS Environmental & Construction, Inc. for cleaning the property; and \$146.55 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 RONE MUS
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: 6101 DENVER CIR

VACANT HOUSE, HIGH WEEDS

Parcel(s)

Parcel:	Size:	Subdivision Name:
13826813021	0.16 ACRE	CHARLESTON HGTS TRACT #28A

Owner Information:

10-Aug-02	05-Feb-03	RAMOS MANUEL TREJO 6101 DENVER CIR; LAS VEGAS, NV 89107-1469
05-Feb-03	14-Feb-03	UNIVERSAL MORTGAGE CORPORATIONQQ P O BOX 2082; MILWAUKEE, WI 53203
14-Feb-03	05-Mar-03	UNIVERSAL MORTGAGE CORPORATIONQQ P O BOX 2082; MILWAUKEE, WI 53201-2082
05-Mar-03	12-Mar-03	SECRETARY HOUSING & URBAN DEV 744 N FOURTH ST; MILWAUKEE, WI 53203
12-Mar-03	04-Jun-03	SECRETARY HOUSING & URBAN DEV 744 N FOURTH ST; MILWAUKEE, WI 53203-2112
04-Jun-03	09-Jul-03	REEVES DORTHEA 6101 DENVER CIR; LAS VEGAS, NV 89107-1469
09-Jul-03	16-Jul-03	ERBACHER CHARLES 6170 W LAKE MEAD BLVD #349; LAS VEGAS, NV 89108
16-Jul-03	24-Feb-05	ERBACHER CHARLES 6101 DENVER CIR; LAS VEGAS, NV 89107
24-Feb-05		ERBACHER CHARLES 6170 W LAKE MEAD BLVD #349; LAS VEGAS, NV 89108-2661

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
860034	Failed		8/10/2004	08/10/2004 15:41	08/10/2004 15:56	15
860034	Passed	Partial	8/23/2004	08/16/2004 10:18	08/16/2004 10:23	5
860034	Passed	Partial	8/23/2004	08/25/2004 8:00	08/25/2004 8:15	15
860034	Passed	Partial	9/1/2004	09/01/2004 15:00	09/01/2004 15:10	10
970581	Passed	Partial	9/20/2004	09/11/2004 7:01	09/11/2004 7:08	7
860034	Failed		9/20/2004	09/20/2004 13:03	09/20/2004 13:13	10
860034	Passed	Partial	10/18/2004	10/07/2004 9:43	10/07/2004 9:48	5
860034	Failed		10/18/2004	10/18/2004 10:53	10/18/2004 11:00	7
870076	Passed	Partial	11/19/2004	11/15/2004 8:51	11/15/2004 9:13	22
870076	Passed		11/30/2004	11/18/2004 14:37	11/18/2004 14:49	12
870076	Passed		2/4/2005	02/04/2005 12:51	02/04/2005 12:55	4

Time in Minutes: 112

Violation Details

Violation	Violation DT	Resolve DT	Location:

A-WEEDS	8/10/2004	11/18/2004	All Yards
Trim, cut, & remove all weeds & turf grass exceeding 8 inches in height.			
A-VEHICLE	8/10/2004	11/18/2004	Driveway
Remove abandoned/junk vehicle (Black Compact).			
A-REFUSE/WST	8/10/2004	11/18/2004	Property
Remove bogs of garbage, scattered litter, trash, & debris.			
A-PAINTING	9/1/2004	11/18/2004	Fence line along Jones Blvd
Repair or replace deteriorated fence along Jones Blvd.			

Log

Type:	Date:	Employee:	Min:
MEET	3/30/2005 10:31:00 AM	JESSICA LARRAMENDY	0
JL) Prepared to go before Council for approval of lien on May 4, 2005.			
PHONE	3/30/2005 9:36:00 AM	JESSICA LARRAMENDY	0
JL) Spoke to Marina Kolias regarding status of property and if we should be going before Council to place lien or if he wanted to pay for abatement. She stated for us to put before Council on 5/4 and cc her.			
DIRECT	3/17/2005 7:54:00 AM	JESSICA LARRAMENDY	0
JL) Per OS, have DSS call attorney regarding abatement fees and if owner is going to pay or if we need to go before Council for approval to place lien. File to DSS.			
MISC	2/28/2005 6:58:00 AM	JESSICA LARRAMENDY	0
JL) Rec'd certified letter back - Unclaimed.			
DIRECT	2/8/2005 1:41:00 PM	KIMBERLY BARRERA	0
kb) Orlando & Devin meeting with Atty-Marina Kolias and owner on 2/14/05 to resolve			
MISC	2/8/2005 9:48:00 AM	JESSICA LARRAMENDY	0
JL) Per email from Kim - strike item for hearing from agenda.			
NTCPH	2/4/2005 12:51:00 PM	PAMELA HINES	4
24)POSTED TO CHAIN LINK GATE @ FRONT OF DRIVEWAY			
MISC	2/2/2005 10:57:00 AM	JESSICA LARRAMENDY	0
JL) Rec'd certified green card back from Charles Erbacher's attorney signed by Erica Diamond.			
LETTER	1/27/2005 9:24:00 AM	JESSICA LARRAMENDY	0
JL) Mailed report of expense letter and memo to Charles Erbacher's attorney - Marina E. Kolias, certified			
MEET	1/27/2005 8:02:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on 2/16/05			
LETTER	1/27/2005 8:02:00 AM	JESSICA LARRAMENDY	0
JL) Report of expense letter and memo mailed to property owner.			
MISC	1/26/2005 6:57:00 AM	JESSICA LARRAMENDY	0
JL) After speaking with #24, she informed me that the Black Nissan Maxima was towed the day after the post video was taken. The vehicle was towed per our request to ADS in the bid.			
DIRECT	1/19/2005 2:02:00 PM	JESSICA LARRAMENDY	0
JL) Per OS - will prepare case to go before Council for approval on lien.			
PHONE	1/10/2005 3:28:00 PM	JESSICA LARRAMENDY	0
JL) Spoke w/Marina - requested copy of video tape of 6101 Denver. Informed her per City Clerk's office, to send a written request to them stating they wanted a copy of tape. (P) 474-4417 (F) 474-4419.			
MISC	1/10/2005 2:10:00 PM	KATHY STEWART	0
ks) Sent Invoice (\$977) from ADS Environmental & Construction, Inc. to Finance for payment. Gave file to Jessica Larramendy for Council.			
MISC	1/7/2005 8:19:00 AM	KATHY STEWART	0
ks) Invoice from ADS Environmental to Orlando for signature.			
MISC	12/15/2004 11:09:00 AM	JESSICA LARRAMENDY	0
JL) Spoke with Marina (Attorney hired by property owner). Advised her that the appeal hearing will be scheduled for 1/19/05 before Council.			

MISC	12/8/2004 7:55:00 AM	KATHY STEWART	0
ks) Gave file to Jessica.			
VIDPST	11/18/2004 2:37:00 PM	KATHY STEWART	12
24) All oleander bushes trimmed, garbage, debris removed. The area under & around vehicle has been cleaned. Litter in corners removed. Looks good.			
VIDPRE	11/15/2004 8:57:00 AM	KATHY STEWART	16
24) Pre-Video Insp. R&W in rear yard, along NW perimeter. Low hanging limbs on oleander bushes, litter in SE corner, Bags of garbage on rear patio, leaking/open. A black Maxima w/webs, litter under veh, unreg in d/w. Dead/dry bush in front of house.			
FAX	11/12/2004 3:36:00 PM	KATHY STEWART	0
ks) Per fax from ADS, start date will be 11/15 @ 10 a.m.			
BIDA	11/8/2004 1:57:00 PM	KATHY STEWART	0
ks) Faxed Award letter to ADS. Contractor to call with a start date within five days. Award letter attached in OLE.			
DIRECT	11/3/2004 7:44:00 AM	KATHY STEWART	0
Per Steve Harsin, award bid to lowest bidder, ADS (\$977).			
BIDR	11/3/2004 7:00:00 AM	KATHY STEWART	0
Received bids from contractors (1) ADS-\$977; (2) Weaver-\$1,275; (3) C&W-\$1,900; (4) KO-\$1,949. Sent e-mail to Steve Harsin & Pam Hines with the bid results.			
BIDS	10/27/2004 7:57:00 AM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bids due by COB 11/2. Invitation to Bid attached in OLE.			
MISC	10/20/2004 10:35:00 AM	KATHY STEWART	0
Received Certified letters back from Charles Erback, 3316 Valley Lane & 6170 W. lake Mead Blvd. #349, Return to Sender, Attempt Not Known. Sent letter to #27 to file.			
DIRECT	10/20/2004	KATHY STEWART	0
24) Proceed with bids.			
INSP	10/18/2004 10:53:00 AM	KATHY STEWART	7
27) Fence repaired. Vehicle remains on driveway. Some high weeds, brush, & scattered litter remain on all yards. ASSESS FEE. Proceed with abatement.			
MISC	10/18/2004 10:35:00 AM	KATHY STEWART	0
Received regular letter back Return to Sender, Not at This Address, No Forwarding Address. Sent letter to #27 to file.			
MISC	10/14/2004 10:55:00 AM	KATHY STEWART	0
Received Certified Card back from owner signed. (1982 Rainbow Blvd. #136). Received Regular letter, 3316 Valley Lane, Return to Sender, Attempt Not Known. Regular letter, 627 Hull St., Expired. Sent card & letters to #27 to file.			
MISC	10/14/2004 8:13:00 AM	KATHY STEWART	0
ks) Received Certified letters back Return to Sender, Attempt Not Known. Sent letter to #27 for filing.			
MISC	10/14/2004 7:36:00 AM	KATHY STEWART	0
ks) Sent Recorded N&O letter to #27 for filing.			
RECORD	10/13/2004 3:14:00 PM	JESSICA LARRAMENDY	0
JL) Recorded Notice & Order at Clark County. Book: 20041013 Inst: 02997.			
NOPOST	10/7/2004 2:33:00 PM	LYNN NIHIPALI	7
27)POSTED COPY OF N&O @ 517 VAN BUREN, THIS IS A VACANT/BOARDED BLD, POSTED ON BOARDED FRONT DOOR.			
NOPOST	10/7/2004 2:26:00 PM	LYNN NIHIPALI	5
27)POSTED COPY OF N&O @ 620 W MONROE AVE, ON FRONT OF BLDG,			
NOPOST	10/7/2004 2:06:00 PM	LYNN NIHIPALI	4
27)POSTED COPY OF N&O @ 3316 VALLEY LN, ON MAIL BOX POLE			
NOPOST	10/7/2004 10:40:00 AM	LYNN NIHIPALI	7
27)DELIVERED COPY OF N&O @ 1982 N RAINBOW #136, THIS IS "MAIL PLUS"			
INSP	10/7/2004 9:40:00 AM	LYNN NIHIPALI	8
27)NO CHANGE, CB 10/18			
NOPOST	10/7/2004 9:40:00 AM	LYNN NIHIPALI	8
27)POSTED N&O @ 6101 DENVER CIR, ON FRONT WINDOW			

LETTER	10/5/2004 3:11:00 PM	KATHY STEWART	1
N&O letter attached in OLE.			
NOTICE	10/5/2004 2:35:00 PM	KATHY STEWART	34
Sent Nuisance/Litter Abatement Notice & Order to Comply ltr to owner, Charles Erbacher & to addresses, 4542 E. Tropicana, #135; 627 Hull St, Henderson; 620 W. Monroe; 517 Van Buren; 3316 Valley La; 1982 N. Rainbow #136. POST: 10/7. C/B 10/18. File to #27			
RESEAR	9/28/2004 11:45:00 AM	LYNN NIHIPALI	10
27)CHECKED ASESSORS, SEWER, AND TEL BOOK NO GOOD CONTACT ADDRESS OF PH #. ABOVE OWNERS ADDRESS, 9170 W LAKE MEAD IS RIPS MAIL BOX STORED REFER TO 24			
MISC	9/22/2004 10:22:00 AM	KATHY STEWART	0
Received Certified letter back Return to Sender, No Forwarding Address. Sent letter to #27 for filing.			
INSP	9/20/2004 1:03:00 PM	KATHY STEWART	10
27) Fence along Jones Blvd remain the same. Some scattered trash & debris remain in front. Black Nissan Maxima inop/abandoned remains on driveway. Proceed with abatement. Assess fee. No new ownership on record. FILE SENT TO #24 FOR REVIEW.			
MISC	9/13/2004 10:35:00 AM	KATHY STEWART	0
Received Regular letter back Return to Sender, No forwarding address. Sent letter to #27 for filing.			
INSP	9/11/2004 7:01:00 AM	KATHY STEWART	7
26) No improvement, fence damaged & black Nissan on driveway. Took PIXS. C/B 9/20			
NOPOST	9/11/2004 7:01:00 AM	KATHY STEWART	7
26) N&O posted on front security door. Took PIXS.			
RECORD	9/9/2004 7:47:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O Addendum at Clark County. Book: 20040909 Inst: 02265.			
RECORD	9/9/2004 7:46:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O at Clark County. Book: 20040909 Inst: 02264.			
LETTER	9/8/2004 11:26:00 AM	KATHY STEWART	0
N&O addendum letter attached in OLE.			
NOTICE	9/8/2004 11:00:00 AM	KATHY STEWART	25
Sent Addendum Nuisance/Litter Abatement Notice & Order to Comply letter to owner, Charlest Erbacher. POST: 9/9. C/B: 9/20. Sent file to #27.			
NOREQ	9/2/2004 8:00:00 AM	KATHY STEWART	5
27) Submitted Addendum N&O for approval to #24. Addendum: Unpainted/Deteriorated (Structure, Fence) Repair or replace deteriorated fence along Jones Blvd.			
INSP	9/1/2004 3:00:00 PM	KATHY STEWART	10
27) No further improvement. Assess fee. Deteriorated chain link fence along Jones. Will do Addendum N&O.			
INSP	8/25/2004 8:00:00 AM	LYNN NIHIPALI	15
27)IMPROVEMENT, VEHICLE REMAINS O D/W AND SOME HIGH WEEDS T/D REMAIN ON FRONT YARD, CB 9/1			
MISC	8/20/2004 2:13:00 PM	KATHY STEWART	0
Received Certified Letter back Return to Sender, Attempt Unknown. Sent to C/E for filing.			
MISC	8/16/2004 11:38:00 AM	KATHY STEWART	0
Received Regular letter back Return to Sender, Not at this address, No Forwarding Address. Sent letter to C/E for filing.			
MISC	8/16/2004 11:25:00 AM	KATHY STEWART	3
Received Certified Card back signed. Sent to C/E for filing.			
INSP	8/16/2004 10:18:00 AM	LYNN NIHIPALI	-33661435
27)NO CHANGE			
NOPOST	8/16/2004 10:18:00 AM	LYNN NIHIPALI	-33661435
27)PSTED N&O ON PROPERTY, CB 8/23			
LETTER	8/11/2004 11:32:00 AM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	8/11/2004 11:05:00 AM	KATHY STEWART	25
Sent Nuisance/Litter Abatement Notice & Order to Comply letter to owner, Charles Erbacher. POST: 8/12. C/B: 8/23. Sent file to #27.			
NOREQ	8/10/2004 3:56:00 PM	KATHY STEWART	0
27) N&O referred to #24.			

CASENO 19940 CODEENF

02319-89

INSP

8/10/2004 3:41:00 PM

KATHY STEWART

15

27) High weeds, trash/debris on all yards. Power is still on, no answer to knock or doorbell. Bldg is secure. Black Nissan on driveway.
Will send N&O, refer to #24.

Time in minutes:

-67322625

APN 138 26 813 021

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **CHARLES ERBACHER**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: 138 26 813 021
Commonly known as: 6101 Denver Circle
Legal Description: CHARLESTON HGTS TRACT #28A
PLAT BOOK 6 PAGE 57
LOT 34 BLOCK 1

On December 13, 2004, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$1,123.55 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 February 16, 2005, ordered the above charges in the amount of \$1,123.55, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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

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

STATE OF NEVADA)
)
COUNTY OF CLARK)

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

BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this ____ day of 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
Ref # - 19940



May 5, 2005

CERTIFIED & REGULAR MAIL

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

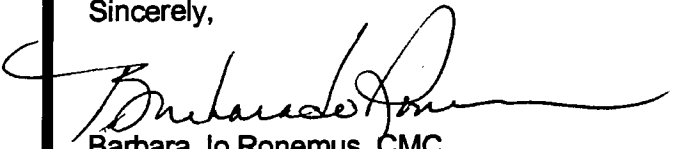
Mr. Charles Erbacher
6101 Denver Circle
Las Vegas, Nevada 89107-1469

Re: Notice of Public Hearing – 6101 Denver Circle

Dear Property Owner:

The Las Vegas City Council, at their regular meeting of May 4, 2005, held the public hearing for the aforementioned property in ABEYANCE to the May 18, 2005 City Council meeting. This item will appear on the afternoon session, which begins at 1 pm.

Sincerely,



Barbara Jo Ronemus, CMC
City Clerk

/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response Division
Tom Green, Deputy City Attorney
Paul Wilkins, Director, Building & Safety
Larry Harala, Ward 2 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



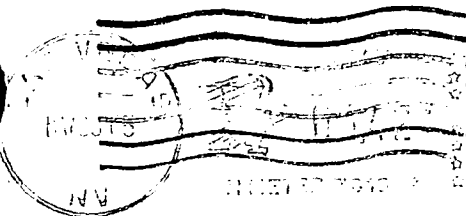
CITY of LAS VEGAS

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

CERTIFIED MAIL™



7004 1160 0005 5215 3318



Mr. Charles Erbacher
6101 Denver Circle
Las Vegas, Nevada 89107-1469

RETURN
TO
WRITER



UNCLAIMED

UNCLAIMED

UNCLAIMED
5-17
5-25

89101-2986



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply located at 6440 W. Hammer Lane. PROPERTY OWNERS: DAVID H. DOWNING III & KRYSTAL DOWNING - 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 public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances. A Zoning Violations/Nuisance Notice and Order to Comply was mailed to the property owners to correct the nuisance per Las Vegas Municipal Code, Title 19 Zoning; 19.04 Vehicle Code; 16.04 Building/Permits Required; and 9.04 Weeds/Turf. Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Glenn F. Meier, Esq., Howard, Meier & Fine, representing David and Krystal Downing, property owners and responsible parties for the property.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE - Motion to STRIKE Item 89 [7075 West Craig Road], Item 91 [6440 West Hammer Lane] and Item 92 [5820 West La Madre Way] and HOLD IN ABEYANCE Item 97 [RQR-6262] to 6/15/2005 - UNANIMOUS with BROWN excused

MINUTES:

There was no discussion.

(3:52 - 3:54)

6-1

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

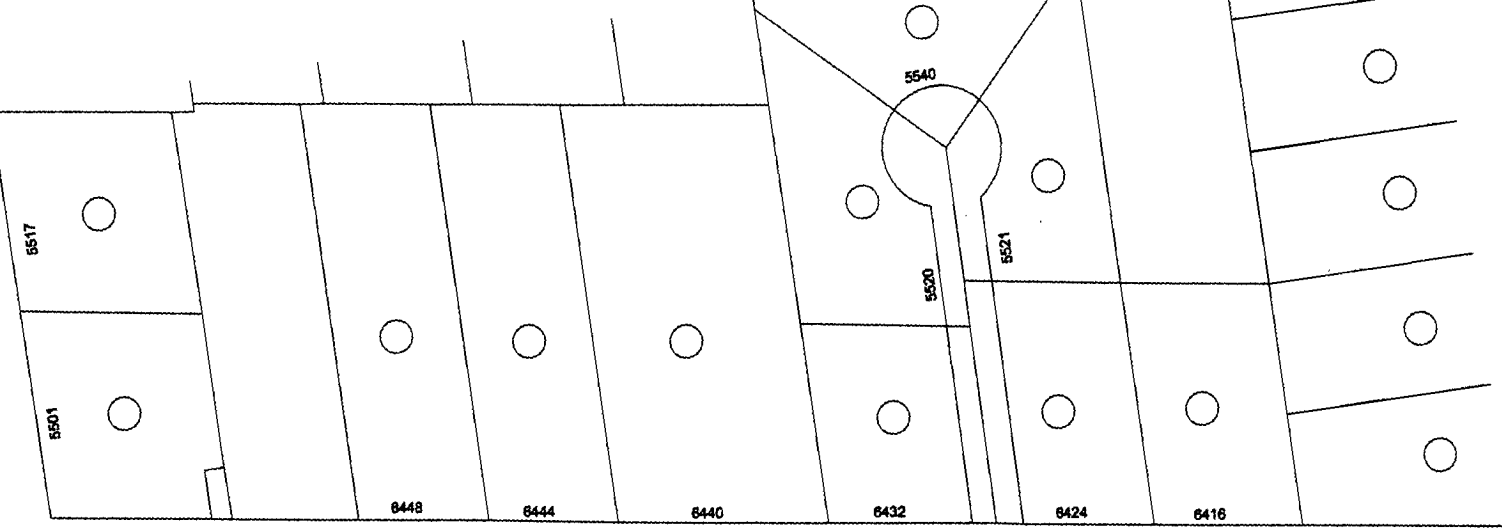
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply located at 6440 W. Hammer Lane. PROPERTY OWNERS: DAVID H. DOWNING III & KRYSTAL DOWNING - Ward 6 (Mack)

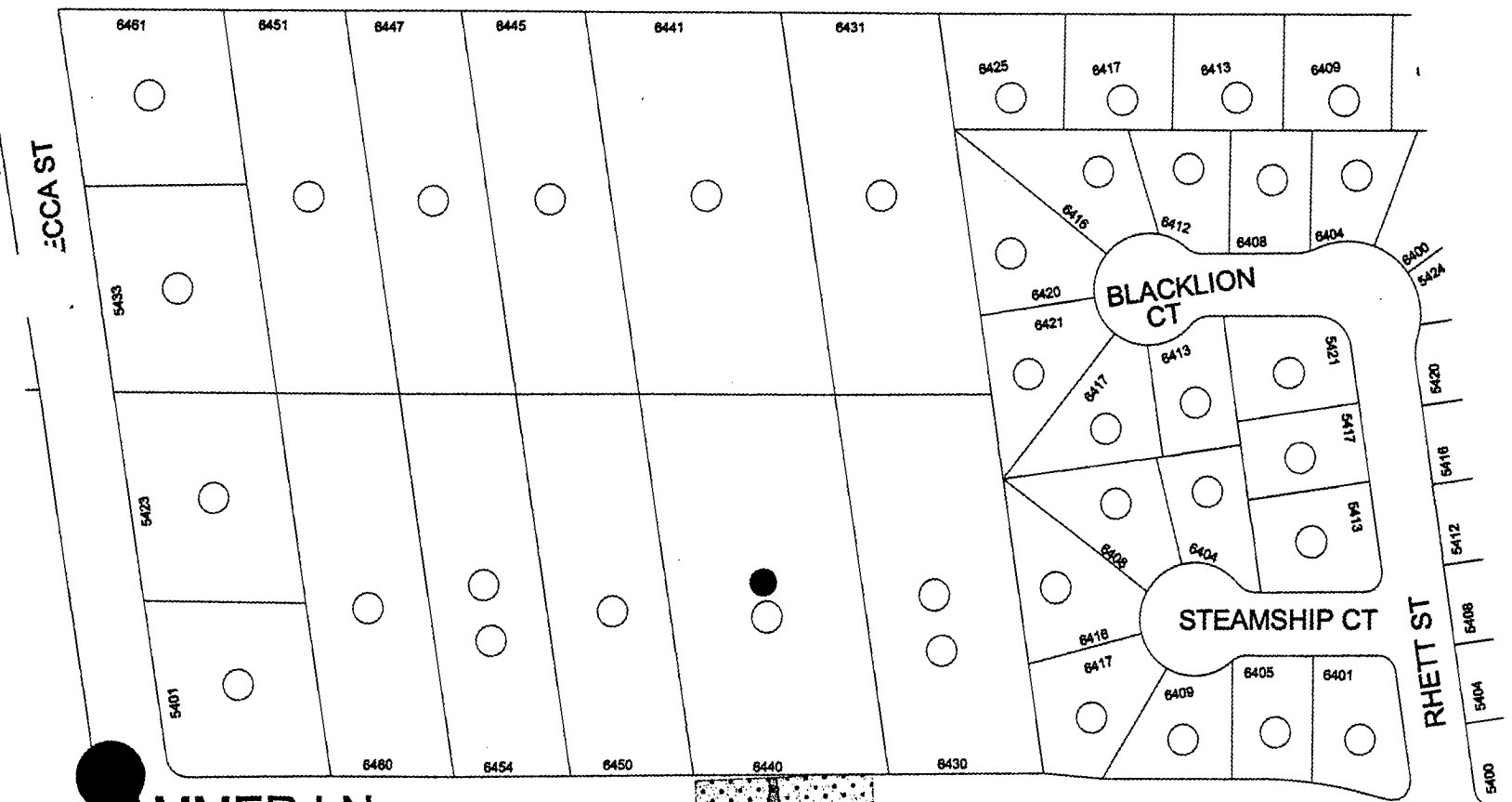
The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

A Zoning Violations/Nuisance Notice and Order to Comply was sent to the property owner by regular and certified mail requesting they correct the nuisance per Title 19 Zoning; 19.04 Vehicle Code; 16.04 Building/Permits Required; and 9.04 Weeds/Turf. A copy of the notice was also posted on the property.

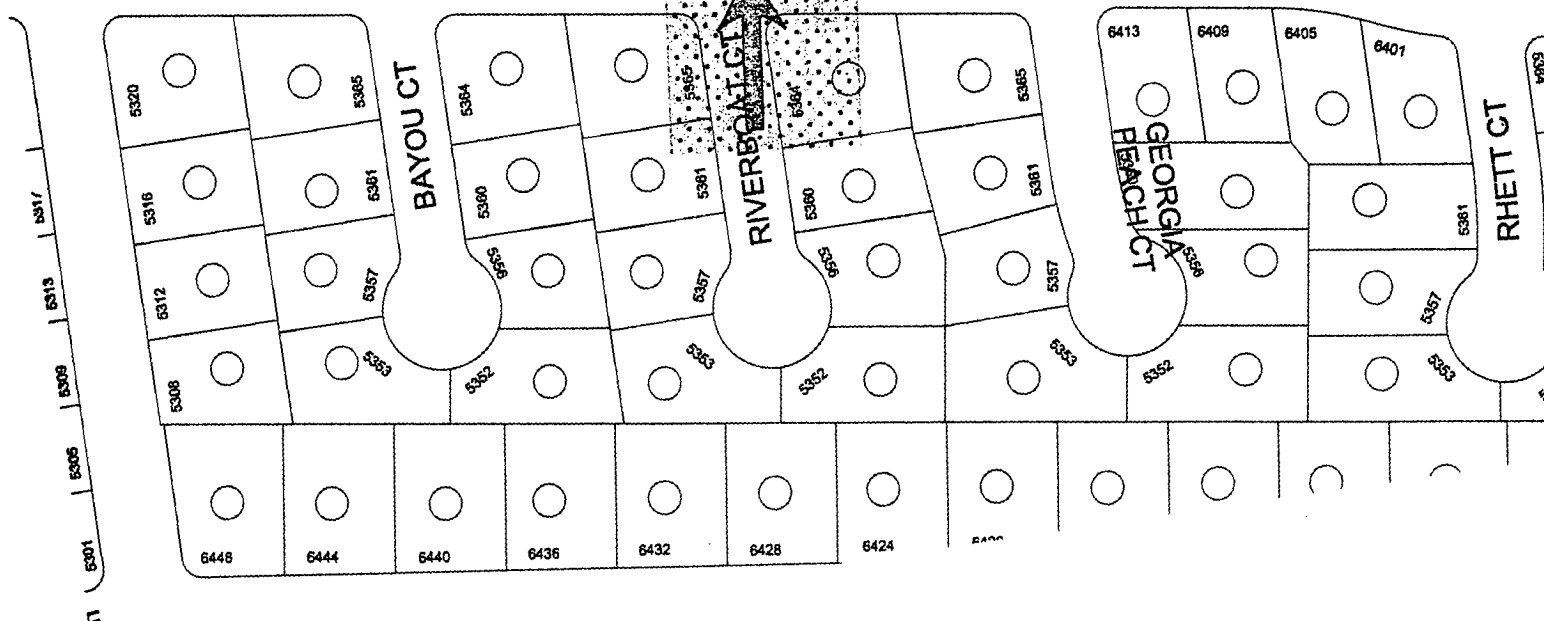
Today's hearing is to consider the appeal from Zoning Violations/Nuisance Notice and Order to Comply filed by Glenn F. Meier, Esq., Howard, Meier & Fine, representing David and Krystal Downing property owners and responsible parties for the property.



TINA LN



HAMMER LN





NEIGHBORHOOD SERVICES DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

Requestor:

LAS VEGAS CITY

03/25/2005 12:27:28 T20050054017

Book/Instr: 20050325-0002359

Notice Page Count: 2

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

APN: 125-35-104-014

March 18, 2005

CASE #26731

Certified/Regular Mail

Return Receipt Requested

(Copy)

Frances Deane
Clark County Recorder

David H. & Krystal Downing III
6440 West Hammer Lane
Las Vegas, NV 89130-1709

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

You are hereby notified as owner(s) of the property located at 6440 West Hammer Lane, Las Vegas, NV, Parcel #125-35-104-014, 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.

Per Title 19 – Zoning: Accessory structures/buildings detached from the main structure are not designed or intended for human habitation. Cease occupancy of any/all accessory structures and/or buildings immediately.

Per 19.04 – Vehicle Code: Commercial vehicles exceeding one-ton carrying capacity are prohibited in residential neighborhoods. Cease keeping, parking, or storing commercial semi's at residence to comply with code (TKTS and 2 K Trucking).

Per 16.04 – Building/Permits Required: All accessory structures require building permits. To apply for permits, call (702) 229-6251, or go to 731 South 4th Street, Department of Building & Safety. Any accessory structure not permitted, will have to be removed.

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

CASE #23731
6440 West Hammer Lane
March 18, 2005
Page 2

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

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 #19 by telephone at (702) 229-4915 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

HOWARD MEIER & FINE

ATTORNEYS AT LAW

2300 W. SAHARA AVENUE, SUITE 430/BOX 11
LAS VEGAS, NEVADA 89102

PRESTON B. HOWARD
GLENN F. MEIER
MARILYN FINE

RECEIVED
CITY CLERK

2005 MAR 28 P 4: 31

TEL : (702) 673-1000
FAX : (702) 673-1001
gmeier@hmfnevada.com

March 28, 2005

VIA Facsimile and Hand Delivery

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

Re: David and Krystal Downing, Neighborhood Services Department Case #26731

Dear Clerk:

This firm represents David and Krystal Downing. Mr. and Mrs. Downing received a notice of zoning violations and order to comply in the above referenced case number with the notice being dated March 18, 2005. In accordance with the instructions in that notice, I am notifying you, on Mr. and Mrs. Downing's behalf that they appeal the determinations of violation set forth in that notice. I understand based on the terms of the notice that the Downings will be provided with further information regarding the processing of that appeal within 15 days. Please provide that information as well as all further communication regarding this matter to my attention.

Sincerely,

HOWARD, MEIER & FINE



Glenn F. Meier, Esq.

GFM/ade

cc: David Downing



April 20, 2005

CERTIFIED & REGULAR MAIL

Glenn F. Meier, Esq.
2300 W. Sahara Avenue, Ste 430/Box 11
Las Vegas, Nevada 89102

Re: Appeal of the Zoning Violations/Nuisance Abatement Notice and Order to Comply
for property located at 6440 West Hammer Lane

Dear Mr. Meier:

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 4th day of May, 2005, at the hour of 1:00 p.m. This hearing is in response to the letter dated March 28, 2005, requesting the same on behalf of David and Krystal Downing, concerning the Notice and Order to Abate Zoning Violations/Nuisance for property located at 6440 West Hammer Lane.

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
Leni Skaar, Ward 6 Liaison

Cert # 7004 1160 0005 5215 3349

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VANCE WEEKLY

MICHAEL MACK
STEVE 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





April 21, 2005

CERTIFIED & REGULAR MAIL

David H. and Krystal Downing
6440 West Hammer Lane
Las Vegas, Nevada 89130

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

Re: Appeal of the Zoning Violations/Nuisance Abatement Notice and Order to Comply
for property located at 6440 West Hammer Lane

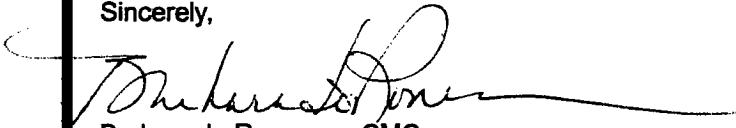
Dear David and Krystal Downing:

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 4th day of May, 2005, at the hour of 1:00 p.m. This hearing is in response to the letter dated March 28, 2005, requesting the same from Glenn F. Meier on your behalf, concerning the Notice and Order to Abate Zoning Violations/Nuisance for property located at 6440 West Hammer Lane.

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

Cut # 7004 1160 0005 5215 3332

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:

Appeal 6440
GLENN F MEIER, ESQ
2300 W SAHARA AVE
STE 430/BOX 11
LAS VEGAS NV 89102

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X. *Angela Sub-18* ☒ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

If YES, enter delivery address below: ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7004 1160 0005 5215 3349

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540

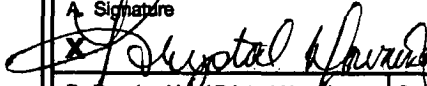
SENDER: COMPLETE THIS SECTION

- 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:

Appeal 6440
DAVID & KRYSTAL DOWNING
6440 W HAMMER LANE
LAS VEGAS NV 89130

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

4-23-05

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 3332

PS Form 3811, February 2004

Domestic Return Receipt

102585-02-M-1540

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: NEIGHBORHOOD SERVICES****DIRECTOR: ORLANDO SANCHEZ**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply located at 5820 W. La Madre Way. PROPERTY OWNER: NANCY ESTOCADO - 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 public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances. A Zoning Violations/Nuisance Notice and Order to Comply was mailed to the property owners to correct the nuisance per Las Vegas Municipal Code, Title 9.04.010 (8) Nuisances in General; 9.04.010 (8) (a) Weeds/Turf; 9.04.010 (5) Refuse and Waste; 7.36.050 Restraint and sanitation; 9.12.030 Compost piles, firewood and stored material; 19.04.050 (A, B) Special Use Permit; and 19.04.060 Zoning - Vehicles [All Residential Districts]. Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Nancy Estocado, property owner and responsible party for the property.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE - Motion to STRIKE Item 89 [7075 West Craig Road], Item 91 [6440 West Hammer Lane] and Item 92 [5820 West La Madre Way] and HOLD IN ABEYANCE Item 97 [RQR-6262] to 6/15/2005 - UNANIMOUS with BROWN excused

MINUTES:

There was no discussion.

(3:52 - 3:54)

6-1

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply located at 5820 W. La Madre Way. PROPERTY OWNER: NANCY ESTOCADO - Ward 6 (Mack)

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

A Zoning Violations/Nuisance Notice and Order to Comply was sent to the property owner by regular and certified mail requesting they correct the nuisance per Las Vegas Municipal Code, Title 9.04.010 (8) Nuisances in General; 9.04.010 (8) (a) Weeds/Turf; 9.04.010 (5) Refuse and Waste; 7.36.050 Restraint and sanitation; 9.12.030 Compost piles, firewood and stored material; 19.04.050 (A, B) Special Use Permit; and 19.04.060 Zoning – Vehicles [All Residential Districts]. A copy of the notice was also posted on the property.

Today's hearing is to consider the appeal from Zoning Violations/Nuisance Notice and Order to Comply filed by Nancy Estocado, property owner and responsible party for the property.

5824

5800

5770

5625		5771

 .50	 6020	  5820

5800	5833	5831	5827	5821	5818	5809
		 		  		

[illegible]

LEON AVE



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

APN: 125-36-302-008

March 23, 2005

CASE #26860
Certified/Regular Mail
Return Receipt Requested

(Copy)

Nancy Estocado
5820 West La Madre Way
Las Vegas, NV 89130-2199

ZONING VIOLATIONS/NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at 5820 West La Madre Way, Las Vegas, NV, Parcel #125-36-302-008, 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.

- ☐ **9.04.010 (8) Nuisances in General.** Any act or condition which, by reason of its nature, character and/or location, interferes with the reasonable use and enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values. Nuisances in general shall include, but not be limited to, the following:
- ☐ **9.04.010 (8) (a) Weeds and turf grass** in plain view within the front yard on a developed parcel or vacant parcel must be below 8 inches in height

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

03/25/2005 12:27:28 T20050054017

Book/Instr: 20050325-0002366

Notice Page Count: 6

Fees: \$19.00 N/C Fee: \$0.00

Frances Deane
Clark County Recorder

- Definition: "Transition strip" means the unimproved portion of the public right-of-way, including any vegetation growing thereon, lying between the back of the curb, or in the event there is no curb then that portion between the end of the paved street, and the property line of the property abutting the public right-of-way

- **Trim, cut, remove all weeds/turf grass exceeding eight (8) inches in height. This includes the transition strips around this property.**

9.04.010 (5) Refuse and Waste. Any material, regardless of its market value, which, by reason of its location and/or character, is unsightly or interferes with the reasonable use and enjoyment of adjacent properties; or which has a detrimental effect upon adjacent property values; or which would hamper or interfere with the containment of fire upon the premises.

- (a) Examples of refuse and waste, include, but are not limited to the depositing and keeping of refuse and waste such as old lumber, tin, wire, cans, barrels, cartons, boxes, rags, tires, inner tubes, brush, grass and hedge clippings, rocks, bricks, cinders, scrap iron, buckets, tubs, windows, screens, glass, bottles, wastepaper, bedsprings, mattresses, discarded furniture and appliances, cleaning and bedding from animal or fowl pens, and automobile parts
- **Remove from all areas of property visible from public right of ways all refuse, waste, barrels, scrap metal, scrap wood, etc.**

- **7.36.050 Restraint and sanitation.**

Every owner or any person having possession, custody or control of any animal, and keeps the same upon premises under his control, shall keep the animal restrained by a fence, cage, coop, chain, leash or other adequate means so that said animal shall not leave or escape from the premises upon which it shall be kept; provided, that no person shall keep any such animal unless its living area is kept clean and free from offensive odors, animal wastes, rodents, flies, or any other offensive or unwholesome condition. **Maintain and dispose of all horse and/or bovine manure at all times.**

- **9.12.030 Compost piles, firewood and stored materials.**

- Nothing in this Chapter shall be so construed as to prevent persons from creating and maintaining a compost pile as permitted by Health Department regulations, to accumulate and store firewood if there is a fireplace on the premises, to store serviceable vehicular parts for owned vehicles and to store useable materials for use on the property, provided such parts and materials are not stored in quantities or locations prohibited by any other provision of this Code. All such compost, firewood and stored materials shall not:
 - (1) Be visible from the street;
 - (2) Constitute a public nuisance or nuisance to neighbors;
 - (3) Create a health or fire hazard; or
 - (4) Be stored in the front or side yards.(B) Storage in the back yard shall be permitted if the yard is enclosed by a six-foot high opaque fence; however, if the abutting property is undeveloped, the opaque fencing shall not be required until the adjacent property is developed.

- Definition: "Outside Storage" means the use of a significant portion of a lot or area for the long term retention (more than twenty-four hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it

include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

- ❑ Definition: "Storage" means a space or place where goods, materials or personal property is placed and kept for more than twenty-four consecutive hours.
- ❑ **Remove from public view all items stored on property. (barrels, tools, building materials, tables, cinder block, etc.)**
- ❑ **19.04.050 (A, B) Special Use Permit** - The following use, has minimum special use permit requirements listed below, and may have additional conditions applied during the public hearing process.
- ❑ **Definition:** "Livestock Farming (Bovines/Horses)" means the raising or keeping of bovine animals or horses for recreational, entertainment or training purposes only. The term does not include the breeding or raising of animals for consumption or sale.

LIVESTOCK FARMING (BOVINES/HORSES) [U, R-A, R-E]

1. The minimum allowable parcel size is 1.25 acres.
 2. A maximum of 25 animals (bovines or horses) is allowed per parcel.
 3. No more than one bovine or horse is allowed per 7500 square feet of lot area.
 4. The parcel must also be occupied by a habitable dwelling.
 5. Bovines may not be kept at any location south of Cheyenne Avenue.
- ❑ **To achieve compliance, apply for a Special Use Permit at City of Las Vegas Department of Planning at 731 S. 4th St. or call 229-6301.**

19.04.060 Zoning - Vehicles [All Residential Districts]

- ❑ Except as otherwise provided in Paragraphs 2 to 13, inclusive, motor vehicles, including passenger cars, trucks and motorcycles which are not designed or used for racing or for purposes other than transportation, may be parked, stored or repaired on any property in a residential district, provided the same do not constitute a nuisance, health or fire hazard offense under the provisions of this Code and do not have a detrimental effect on the neighborhood. The motor vehicles shall be stored: 19.04.060
 - (a) Within a completely enclosed structure;
 - (b) In the front yard, either on an approved driveway, or on a surface of concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length and width of the vehicle; or
 - (c) In the side yard, either obscured by a six-foot-high fence to adequately screen the vehicles from view, stored on an approved driveway, or stored on a surface of concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length of the vehicle; provided, however, that the vehicle storage complies with the other provisions set out in Paragraphs 1 to 13, inclusive.
- ❑ (2) Except as otherwise provided in Paragraph (10) below, on a single family residential lot:
- ❑ No more than three operable vehicles may be stored, or one vehicle per one thousand two hundred fifty square feet of lot area, whichever allows the greater number of vehicles;
- ❑ (b) No more than fifty percent of the front yard area may be used for the storage of vehicles; and
- ❑ (c) No more than six vehicles, whether operable or inoperable may be stored at one time.

- (3) In any residential district, a recreational vehicle or trailer, or combination thereof, may be stored only as follows:
 - Within an enclosed structure;
 - (b) In a rear yard, if stored on a surface of concrete or asphaltic paving, gravel or chat which extends the full length and width of the stored item;
 - (c) In a front yard, provided that:
 - (i) The side and rear yards are not reasonably accessible for storage purposes. A corner lot shall be deemed to have reasonable access, and the existence of a fence or block wall, by itself, shall not be deemed to prevent reasonable access to the side or rear yards; or
 - (ii) The recreational vehicle or trailer, or combination thereof, is stored entirely in the yard area with no portion of the unit located closer than one foot from an adjacent public street or sidewalk; and
 - (iii) The recreational vehicle or trailer, or combination thereof, is stored on a surface of concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length and width of the stored item.
 - (d) In a side yard, if the recreational vehicle or trailer, or combination thereof, does not extend closer to the street than the front of the main building on the property, and if it is stored on a surface of concrete or asphaltic paving that is adjacent and parallel to an approved driveway and that extends the full length of the stored item.
- (4) Any vehicle being repaired, stored or parked for more than four hours on property in a residential district shall have a manufacturers rated carrying capacity not to exceed one ton, and any vehicle being repaired must be owned by a permanent resident at the location where the repair takes place, except as provided in Paragraph (9) below.
- (5) Except as otherwise provided in Paragraph (10) below:
 - (a) Any vehicle that is located in a residential district and is in mechanically inoperable condition shall be stored or repaired in a garage, shed or other enclosure; in a driveway; or in a rear yard that is enclosed by a six-foot high fence to adequately screen the vehicle from view; provided, however, that if the abutting property is undeveloped, the fencing shall not be required until the adjacent property is developed.
 - (b) In a residential district, no repair outside of an enclosure may occur later than nine p.m. or earlier than seven a.m.
- (6) Except as otherwise provided in Paragraph (10) below:
 - (a) In a residential district, no more than one vehicle that is in a mechanically inoperable condition shall be stored or repaired at any time outside of a fully enclosed building on the premises, and there shall be no repair of vehicles or storage of mechanically inoperable vehicles in the side yards.
 - (b) A vehicle shall not be stored in a mechanically inoperable condition in a residential district for more than ninety days.
- (7) There shall be no storage of junked vehicles, or parts thereof, in any residential district. Only serviceable parts for owned vehicles may be stored on the premises. Such storage shall not be permitted in the front or side yards but shall be permitted in the rear yard only if such storage is either fully enclosed by a six-foot-high fence to adequately screen the parts from view, or in a fully enclosed building; provided, however, that if the abutting property is undeveloped, the fence or enclosed building shall not be required until the adjacent property is developed. No more than two hundred square feet of space shall be used for the storage of serviceable parts.
- (8) On any lot within a residential district, the following are prohibited, except in connection with an approved construction yard or except as necessary to perform grading or construction work on the premises pursuant to a development permit:
 - (a) The repair or storage of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment; or

- ❑ (b) The parking, for more than four hours, of any vehicle whose primary function is other than the transportation of passengers, including but not limited to forklifts, backhoes, tractors, tow trucks and similar types of machinery, construction or industrial equipment.
- ❑ (9) There shall be no repair, restoration, or modification of non-owned vehicles for money or barter on residential property.
- ❑ (11) In order to facilitate vehicle inspection and enforcement under Paragraphs 1 to 13, inclusive, any person engaged in the storage, repair, restoration or modification of any vehicle shall, upon request, provide to any authorized enforcement officer:
- ❑ (a) Evidence regarding the ownership of the vehicle, such as current registration, title, bill of sale or other documentation;
- ❑ **Definition: "Stored"** with reference to vehicles or vehicle parts, means allowed to remain stationary in one place for more than seventy-two consecutive hours.
- ❑ **Definition: Trailer.** A vehicle, other than a vehicle defined as a Recreational Vehicle, that is without motor power and is designed for carrying persons, property, equipment or other items on its own structure, including, but not limited to semi-trailers, utility trailers, flatbed trailers and hauling trailers.
- ❑ **Definition: Recreational Vehicle.** A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes and converted trucks or buses.
- ❑ **Definition: Vehicle, Junked.** Any vehicle which is wrecked, partially wrecked, dismantled, or partially dismantled.
- ❑ **Definition: Vehicle, Mechanically Inoperable.** A vehicle that is temporarily inoperable due to the need for normal, reasonable and customary repairs before the vehicle can be operated on the roadways.
- ❑ **Definition: Yard, Front.** The yard area extending along the entire length of the front property line and the depth between the street right-of-way line and the primary structure.
- ❑ **Repair, remove, move, place, park, or store all passenger vehicles and recreational vehicles (including boats, trailers, trucks, motorcycles, & cars) and any vehicles whose primary function is other than transportation of passengers in accordance with 19.14.060 (Vehicles in Residential Districts)**

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.

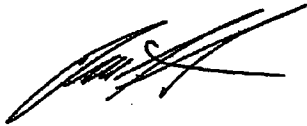
Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #19 by telephone at (702) 229-4915 to supply your current phone number, e-mail address, fax number, or additional mailing address.

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

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

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

Sincerely,

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

Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:ks

RECEIVED
CITY CLERK

03/29/05

2005 MAR 29 P 4: 51

Attention: Clerks Office at the City of Las Vegas

Reason: Requesting an Appeal against a notice and order given by the City of Las Vegas, Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

Reference to: CASE # 26860

Property Owner: Nancy Estocado

Parcel # 125-36-302-008

**Address: 5820 W. La Madre Way
Las Vegas, NV 89130**

Phone: 702-658-6715

Fax: 702-396-6291

E-Mail: Nestocado@aol.com

I have a 4.95 acre property in the city that is zoned RE.

I feel that I have been unfairly singled out and cited on the violations related to my case # by an accuser that remains anonymous according to the City Code enforcers. Please hear my case so I can fairly make corrections according to the correct civil/constitutional laws that govern us all equally.

Sincerely,



Nancy Estocado



April 20, 2005

CERTIFIED & REGULAR MAIL

Nancy Estocado
5820 West LaMadre Way
Las Vegas, Nevada 89130

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

Re: Appeal of the Nuisance/Litter Abatement Notice and Order to Comply for property located at 5820 West LaMadre Way

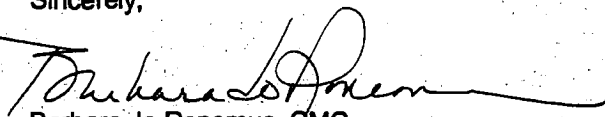
Dear Ms. Estocado:

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 4th day of May, 2005, at the hour of 1:00 p.m. This hearing is in response to your letter dated March 29, 2005, requesting the same, concerning the Nuisance/Litter Abatement Notice and Order to Comply for property located at 5820 West LaMadre Way.

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
Leni Skaar, Ward 6 Liaison

Cert # 70041160 0005 5215 3356

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



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Appeal 5820
NANCY ESTOCADO
5820 W LAMADRE WAY
LAS VEGAS NV 89130

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
Nancy Estocado ☒ Addressee

B. Received by (Printed Name) C. Date of Delivery
Nancy Estocado *4-26-05*

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 3356

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-6023 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: CHARLESTON FESTIVAL, LLC - Request for a Site Development Plan Review FOR A 94,978 SQUARE-FOOT COMMERCIAL DEVELOPMENT on 10.21 acres adjacent to the southeast corner of Torrey Pines Drive and Casada Way (APN 138-35-801-002, 138-35-803-001, and 138-35-403-005), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). 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

MOTION:

TARKANIAN - APPROVED subject to conditions, amending Condition 3 as read for the record as follows:

3. All development shall be in conformance with the site plan date stamped 03/16/05, the landscaping plans date stamped 03/07/05, and the detail presented on 05/04/05, except as amended by conditions herein.

And the added condition as read for the record as follows:

- The eastern driveway entrance shall have two traffic lanes, each for ingress and egress. A solid median between these double lanes shall extend from the southern property line northward to prevent left turn movements into the two southerly parking areas. The side setback of the easternmost building shall be waived from 10 feet to five feet.
- The wall adjacent to the front parking area shall be limited to four feet in height.
- UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY TABITHA KEETCH, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and confirmed with MAYOR GOODMAN that the matter has been resolved. Working together with ATTORNEY TROY WALLIN, who represents Mr. Pool and Mrs. Patio, 6220 W. Charleston Boulevard, they resolved the concern about the location of Building F. ATTORNEY KEETCH presented a site plan that was negotiated and approved by the adjacent neighbor. She indicated that Nevada Department of Transportation's (NDOT) concern of this plan has been

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

resolved. She wanted to ensure that her client was able to pull building permits, if this item is approved.

ATTORNEY WALLIN thanked the developer and their counsel for their cooperation. He is in full agreement with the revised plan as proposed. He asked for clarification on the boundary wall, the landscaping in front and what is planned between the two properties.

MARGO WHEELER, Director, Planning and Development Department, recommended that Condition 3 be amended so that the approval is subject to the plan that was previously submitted and the new language "and the detail presented on 05/04/05". In addition, she recommended that a condition be added stating that the eastern driveway entrance shall have two traffic lanes, each for ingress and egress. A solid median between these double lanes shall extend from the southern property line northward so as to prevent left turn movements into the two southerly parking areas. The side setback of the easternmost building shall be waived from 10 feet to five feet. This would require the median to extend back further to the north to prevent turning movements into the other parking area and prevent access between the two properties. This was done in order to gain NDOT'S approval of the plan. With regard to the side wall, MS WHEELER indicated there will be a minimum six foot or a maximum eight foot wall and landscaping within the five foot area or ten foot area adjacent to the parking.

ATTORNEY WALLIN expressed concern about the eight-foot wall. His understanding was that it would be a planter level wall to allow visibility from his client's property. MS. WHEELER indicated that type of wall would be acceptable and suggested a condition to that effect, to which ATTORNEY KEETCH agreed.

COUNCILWOMAN TARKANIAN expressed her appreciation to the developer, to ATTORNEY WALLIN and staff for making this a win-win situation for everyone, especially for the people who have lived there for a long time.

ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, asked that the height of the wall not be higher than six feet. COUNCILWOMAN TARKANIAN specified that the pony wall would be four feet in height. DEPUTY CITY ATTORNEY BRYAN SCOTT asked if the wall was going to be four feet along the entire length of the property between the two lots. MS. WHEELER clarified that an added condition would state that the wall adjacent to the front parking area shall be limited to four feet in height.

GINA VENGLASS, Public Works Department, further explained that staff has worked with NDOT on this revised plan. She pointed out that the two lanes for ingress and egress containing the median, need to extend past the second driveway, which is currently being shown as being narrowed down. ATTORNEY KAEMPFER concurred and thanked MS. WHEELER, MS. VENGLASS and LEO MAINWAL, owner of Mr. Pool and Mrs. Patio, for their help and cooperation.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:03 - 4:12)

6-341

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS:

Planning and Development

1. The south elevation of buildings D and E as shown on elevations date stamped 03/07/05, which shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, with additional architectural features to enhance facade articulation. The buildings shall carry the same level of detail around all sides of a building providing for a more consistent design and higher quality of development.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan date stamped 03/16/05 and the landscaping plans date stamped 03/07/05, except as amended by conditions herein.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
9. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

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

16. Delivery hours shall be between 5:30 A.M. and 10:00 P.M. A one-year review from the time a temporary or permanent Certificate of Occupancy is issued for the delivery hours.

Public Works

17. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision map or other mapping is necessary; if a map or joining is required, it should record prior to the issuance of any permits for this site.

18. Construct all incomplete half-street improvements on Charleston Boulevard, Torrey Pines Drive, Blair Way, Bishop Drive and Casada Way adjacent to this site concurrent development of this site. Also, construct bus turnouts on Charleston Boulevard and Torrey Pines Drive. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development. Improvements on Charleston Boulevard shall receive approval from the Nevada Department of Transportation.

19. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. Access of any type, including construction traffic, shall not be taken from the proposed Campus Drive entry until all necessary modifications to the existing traffic signal are complete. All work within the Charleston Boulevard right-of-way shall receive approval from the Nevada Department of Transportation.

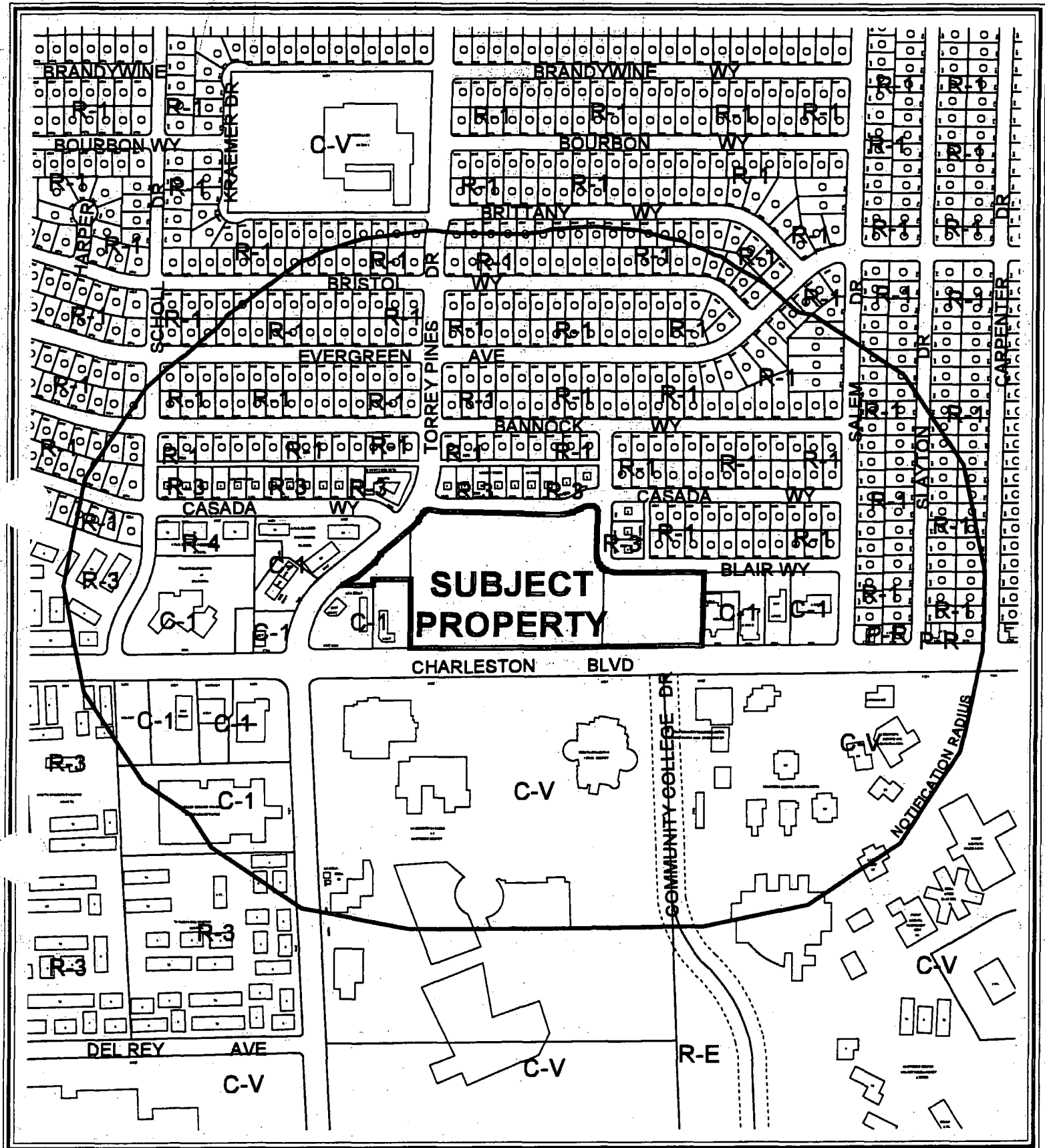
20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the

CITY COUNCIL MEETING OF: MAY 4, 2005**CONDITIONS - Continued:**

City Engineer.

21. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, 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.

22. Site development to comply with all applicable conditions of approval for Zoning Reclassification Z 49 99 and all other subsequent site-related actions.

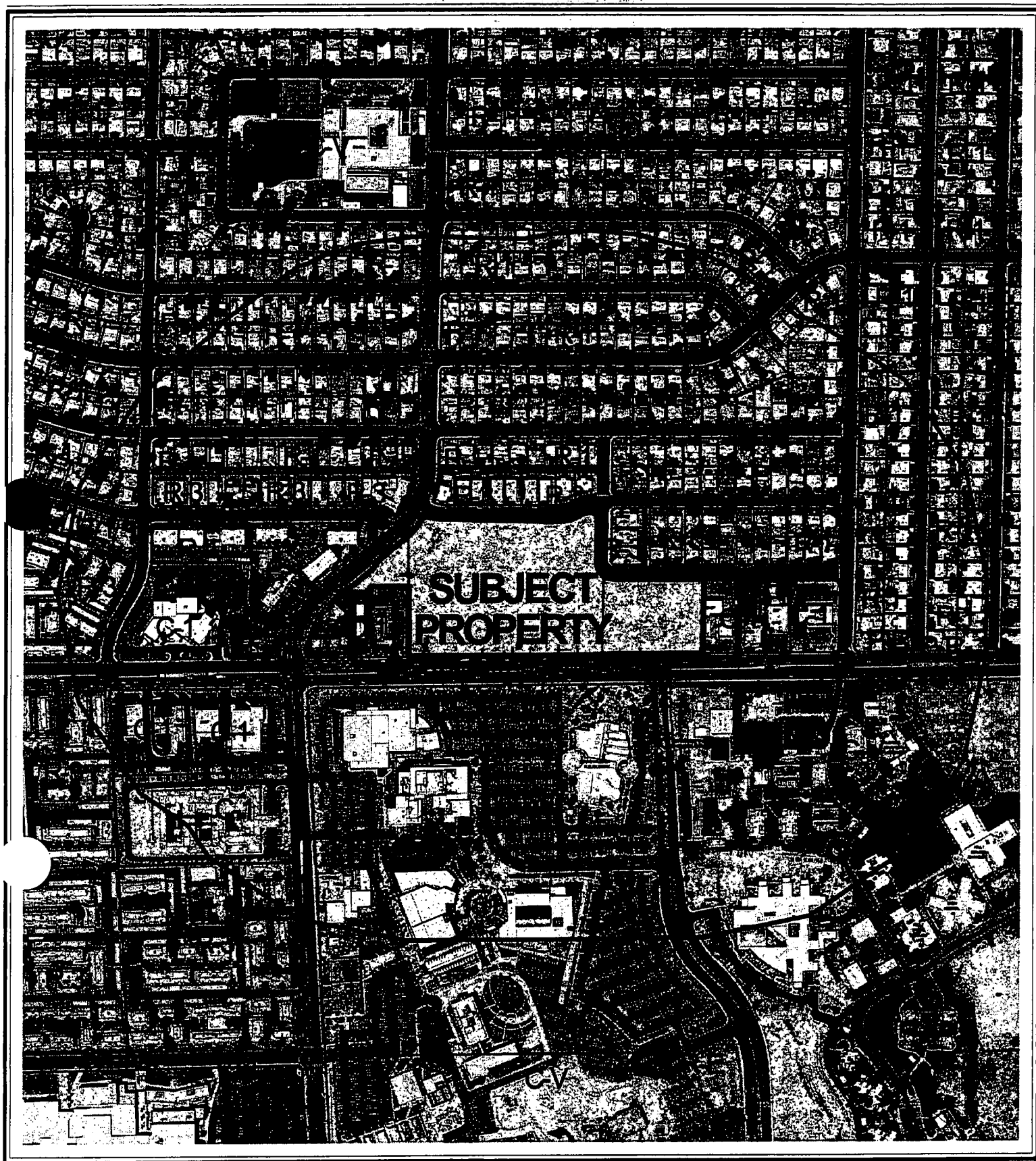


CASE: **SDR-6023**

RADIUS: 1000 FT

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





CASE: SDR-6023

RADIUS: 1000 FT

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

0 500 1000 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-6023 - APPLICANT/OWNER:
CHARLESTON FESTIVAL, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 20, 2005 CITY COUNCIL MEETING AT COUNCILWOMAN TARKANIAN'S REQUEST.

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The south elevation of buildings D and E as shown on elevations date stamped 03/07/05, which shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, with additional architectural features to enhance façade articulation. The buildings shall carry the same level of detail around all sides of a building providing for a more consistent design and higher quality of development.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan date stamped 03/16/05 and the landscaping plans date stamped 03/07/05, except as amended by conditions herein.
4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

9. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
16. Delivery hours shall be between 5:30 A.M. and 10:00 P.M. A one-year review from the time a temporary or permanent Certificate of Occupancy is issued for the delivery hours.

Public Works

17. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision map or other mapping is necessary; if a map or joining is required, it should record prior to the issuance of any permits for this site.
18. Construct all incomplete half-street improvements on Charleston Boulevard, Torrey Pines Drive, Blair Way, Bishop Drive and Casada Way adjacent to this site concurrent development of this site. Also, construct bus turnouts on Charleston Boulevard and Torrey Pines Drive. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development. Improvements on Charleston Boulevard shall receive approval from the Nevada Department of Transportation.
19. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. Access of any type, including construction traffic, shall not be taken from the proposed Campus Drive entry until all necessary modifications to the existing traffic signal are complete. All work within the Charleston Boulevard right-of-way shall receive approval from the Nevada Department of Transportation.

20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
21. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, 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.
22. Site development to comply with all applicable conditions of approval for Zoning Reclassification Z-49-99 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 a 94,978 square-foot commercial development on 10.21 acres adjacent to the southeast corner of Torrey pines Drive and Casada Way.

B) Applicant's Justification

The applicant is requesting a reduction in the total building square footage on the subject site. The requested changes are outlined in the report.

BACKGROUND INFORMATION

A) Related Actions

- 02/09/61 The City Council approved a request for Rezoning (Z-0057-60) to R-3 and C-1 on property generally located on the north side of Charleston Boulevard, east of Torrey Pines Drive. The Planning Commission recommended approval on 01/12/61.
- 06/19/92 The City Council approved an appeal for a Special Use Permit (U-0092-95) to allow a 672 square-foot Off-Premise Advertising Sign on property generally located on the north side of Charleston Boulevard, 450 east of Torrey Pines Drive. The Board of Zoning Adjustment recommended denial on 05/26/92.
- 10/13/97 The City Council approved an appeal for a Five-Year Required Review of a Special Use Permit [U-0092-95(1)] to allow a 672 square-foot Off-Premise Advertising Sign to continue on property generally located on the north side of Charleston Boulevard, 450 east of Torrey Pines Drive. The Planning Commission recommended denial on 09/11/97.
- 03/12/98 The Planning Commission approved a request for a Site Development Plan Review [Z-0057-60(1)] on property located on the north side of Charleston Boulevard approximately 200 feet east of Torrey Pines Drive (immediately to the west of the subject site) for a proposed 4,270 square-foot fast food restaurant.
- 04/07/04 The City Council approved a request for a Site Development Plan Review (SDR-3790) and Waivers of perimeter buffering and landscaping standards for a 101,000 square-foot retail center and a Special Use Permit (SUP-3815) for Liquor Sales (Off-Premise Consumption) adjacent to the north side of Charleston Terrace, approximately 375 feet east of Torrey Pines Drive. The Planning Commission and staff recommended approval.

- 02/16/05 The City Council held Review of Condition (ROC-5940) in abeyance to 03/02/05. The request for a Review of Condition Number 17 of an approved Site Development Plan Review (SDR-3790) to allow delivery hours between 5:30 A.M. and 10 P.M. where the hours were restricted to 8:00 A.M. TO 8:00 P.M. for an approved 94,978 Square Foot Retail Center on 9.74 acres adjacent to the north side of Charleston Avenue, approximately 375 feet east of Torrey Pines Drive.
- 03/02/05 The City Council approved the Review of Condition (ROC-5940). The request for a Review of Condition Number 17 of an approved Site Development Plan Review (SDR-3790) was amended to allow for delivery hours to be between 5:30 A.M. and 10:00 P.M. A condition was imposed for a one-year review from the time a temporary or permanent Certificate of Occupancy is issued for the delivery hours.
- 03/10/05 The applicant requested this item to be held in abeyance to the 03/24/05 Planning Commission meeting. The item was held in abeyance in-order to incorporate revisions, which were required by staff.
- 03/24/05 The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #13/bts/gl).

B) Pre-Application Meeting

- 11/09/04 The following items were discussed at the pre-application meeting:
- Parking lot landscaping
 - Provide a table showing changes in square footage and parking

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 10.21

B) Existing Land Use

Subject Property: Undeveloped
North: Apartments
South: Community College
East: Retail Uses
West: Fast Food Restaurants

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: M (Medium Density Residential)
L (Low Density Residential)
South: PF (Public Facilities)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-3 (Medium Density Residential)
R-1 (Single Family Residential)
South: C-V (Civic)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated as SC (Service Commercial) on the Southwest Sector Plan map of the General Plan. The SC designation allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. The current C-1 (Limited Commercial) zoning district that applies to the subject site is in conformance with the current SC General Plan designation. The site plan as proposed is substantially in compliance with both the General Plan designation and the zoning district, provided the requested waivers are approved.

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

The site is not affected by any special area plans, overlay districts or study areas.

PROJECT DESCRIPTION

The City Council approved the original Site Development Plan Review (SDR-3790) on 04/07/04. The approved site plan consisted of 95,050 square feet of total building area and Waivers of perimeter buffering and landscaping standards. Since the project was approved, several changes have been proposed to the overall site plan. These changes require a new Site Development Plan Review (SDR-6023). The following items are related to the revised Site Development Plan Review: The revised site plan indicates a reduction in the total building square-footage from 95,050 to 94,978. The east property line has been adjusted based on a boundary survey. An additional 0.45 acres located at the northwest corner of the property has been added to the site, which consisted of 40 additional parking spaces with no access to Torrey Pines or the existing gas station/restaurant to the south. The screen wall along Casada Way is now six feet except along the loading dock where it is 10 feet.

The complex is oriented towards Charleston Boulevard, with two vehicular entrances accessing Charleston Boulevard. No vehicular access is provided to Casada Way, Bishop Drive or Blair Way. Buildings D, E, and F, as indicated on the site map are pushed forward on the site,

pursuant to commercial design standards. The four remaining buildings on the site are off-set or located towards the rear, with the parking area to the front of the site; however, given the proximity of the site to residential areas to the north, this configuration is acceptable.

The Site Development Plan Review (SDR-6023) was held in abeyance to the 03/24/05 Planning Commission meeting, because of revisions, which were required by staff. The applicant also asked that the item be held in abeyance. The revised site plan has incorporated the following changes to the overall site.

- The western most entrance has been moved six feet to the east.
- Parking located north of the western access has been changed to angled parking.
- Detail has been added to the bus turnout area, which is depicted on the northwest portion of the site adjacent to Torrey Pines Drive.
- The eastern most access has been aligned with College Campus Drive south of Charleston Boulevard.
- Building F has been reduced in size by 1,200 square feet, while building E has been increased by 1,200 square feet. The total overall building square footage has remained at 94,978 square feet.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

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

Standards C-1 District	Required	Provided	Compliance
Min. Lot Size	None	10.21 acres	N/A
Min. Lot Width	100 Feet	1,275 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side (east)	10 Feet	10 Feet	Y
• Side (west)	10 Feet	58 Feet	Y
• Rear	20 Feet	74.75 Feet	Y
Max. Lot Coverage	50 %	21%	Y
Max. Building Height	None	34 Feet	N/A
Trash Enclosure	Walled, gated, roofed	4 Indicated, plus compactors for the two anchors	Y
Loading Zone	4 Required	4 Indicated, plus 2 loading docks for the anchors	Y
Mech. Equipment	Screened on roof	Screened on roof	Y

The application appears to meet the development standards of the Code.

A2) Residential Adjacency Standards

- a) Proximity slope - Only the eastern portion of the site is affected by proximity slope requirements, where there are single-family homes on the north side of Blair Way. The structures depicted on Pads D, F, and G would be the closest to these homes. Pad F is the tallest of the three buildings, which is indicated at height of 27 feet, these buildings need to be at least 81 feet away. Since the actual shortest distance to the property line of these homes is approximately 216 feet, this development complies with the requirements of this portion of the Code.
- b) Building setback - The rear setback for these single-family homes is 20 feet. Since the closest buildings proposed for this site will be approximately 216 feet, the project conforms to this requirement.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Retail, other than listed	77,685 s.f.	1 space/250 s.f. GFA	311 spaces			
Restaurant	13,403 s.f.	1 space /50 s.f. seating space + 1 space/200 s.f. remaining space	188 spaces			
Restaurant w/ Drive-thru	3,890 s.f.	1 space/100 s.f. GFA + 1 lane for each drive up + stacking for 6	39 spaces			
Totals	94,978 s.f. GFA		538 spaces	11 spaces	540 spaces	18 spaces

The site plan as proposed indicates 540 parking spaces with 18 handicap spaces. The site plan as proposed meets Title 19.10 Parking, Loading, and Traffic Standards.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/6 Spaces	90 Trees	94 Trees
Buffer:			
• Min. Trees	1 Tree/20 Linear Feet along exterior perimeters (2,590 Feet) +	130 Trees	93 Trees
	1 Tree /30 Linear Feet along interior perimeters (735 Feet)	25 Trees	9 Trees
• Min. Zone Width	15 Feet exterior, 8 Feet interior		Y Y
• Wall height	6 Feet		The screen wall along Casada Way is six feet except along the loading dock where it is 10 feet.

The proposed landscape plan does not meet landscape buffer standards. The previous Site Development Plan Review (SDR-3790) approved Waivers of perimeter buffering and landscaping standards. Therefore, the current landscape plan complies with the previously approved Site Development Plan Review and associated Waivers.

A5) Sign Standards

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

No on-site signage proposals were submitted with the project. The applicant intends to obtain signage approvals separately through the subsequent submission of a Master Sign Plan application.

B) General Analysis and Discussion

• Zoning

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial category of the General Plan.

- Site Plan

The site plan depicts a 94,978 square-foot retail commercial complex that provides a range of shopping, dining and service commercial uses that area designed to cater to both area residents and the student and employee populations of the Community College of Southern Nevada, which is directly across Charleston Boulevard to the south. The site plan attempts to integrate with other commercial uses along Charleston Boulevard in this area, and to buffer nearby residential uses from any adverse noise or traffic impacts.

- Waivers

The previous Site Development Plan Review (SDR-3790) approved Waivers of the perimeter buffering and landscaping standards. There are no additional Waivers, which are required or requested with this Site Development Plan Review.

- Landscape Plan

The landscape plan depicts a variety of 24-inch box trees used for perimeter and parking lot landscaping, including Desert Museum Palo Verde and Arizona Ash, with one-gallon and five-gallon shrubs as ground cover plantings. Plant and shrub requirements call for a minimum of four five-gallon shrubs and four one-gallon shrubs for each 24 inch box tree planted.

- Elevation

The south elevation of buildings D and E shall be revised to incorporate Title 19.08 Development Standards. The southern elevation lacks the same level of detail, which is provided on the north elevation. Title 19.08 Development Standards states: "carrying the same level of detail and finish around all sides of a building provides for a more consistent design and higher quality of development." A condition of approval has been added, which requires this revision.

The elevations as conditioned, illustrate an interesting and architecturally pleasing design using a combination of stucco plaster finish, a variety of metal cladding surfaces, aluminum storefronts, and exposed structural steel columns and framing supporting standing seam metal roofs and canopies in each building. The variety and uniqueness of the architectural details and the angled roof and canopy elements combine to give the project a flair that should be a welcome addition to the area.

FINDINGS

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

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

This proposed development will be compatible with other development that is adjacent or nearby within this portion of the Charleston Boulevard corridor. Nearby areas within the Community College of Southern Nevada campus and the related public development in that area, including the West Charleston Library, should benefit from, and be complimented by, this proposed Charleston Festival Marketplace project.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The project is consistent with the Service Commercial policies of the General Plan and the zoning regulations of the C-1 (Limited Commercial) zoning district.

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

Principal access to the site will be from Charleston Boulevard, designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. This street has adequate capacity to serve the proposed development.

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

The building and landscape materials present a creative and exciting design that will be complementary to the design of buildings found across Charleston Boulevard on the community college campus site, and with the design of other surrounding and nearby commercial, office and institutional projects in 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;”**

As conditioned, proposed elevations are appropriate for the proposed use and present a development that will be compatible with the surrounding area.

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

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

PLANNING COMMISSION ACTION

At the Planning Commission hearing there was one speaker in protest. The applicant indicated NDOT was consulted with regard to access.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

NOTICES MAILED 376 by Planning Department

APPROVALS 3

PROTESTS 2



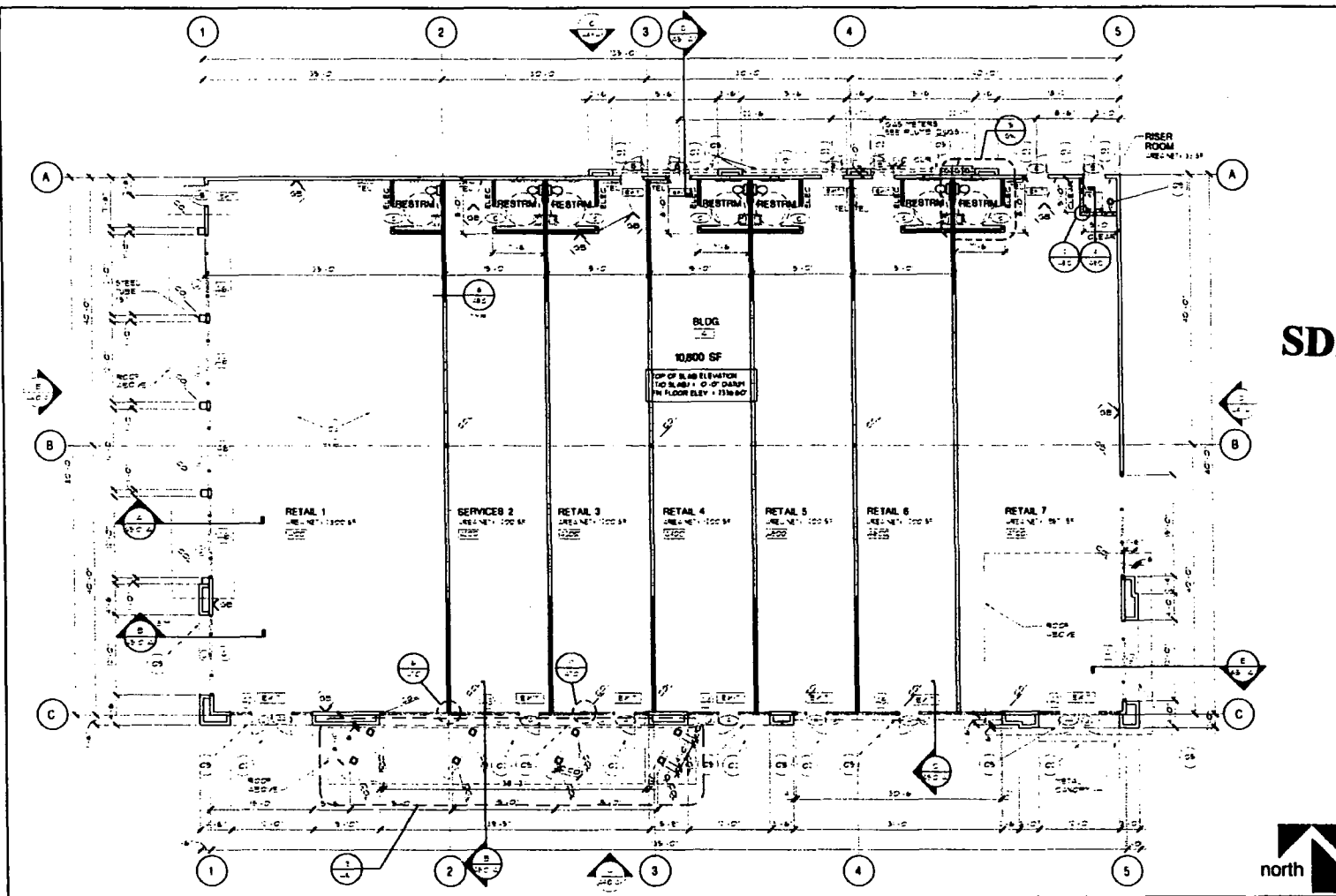
GAIL B. DE ANDE
Commission # 134237
Notary Public - California
Los Angeles County
My Comm. Expires Feb 20 2008

ORDER

**BULLSEYE
C.R.E.**

785232 Reynolds Blvd, Suite 200
Agoura Hills, CA 91301
714.791.282-2790

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SDR-6023



DESCRIPTION	OCCUPANT LOAD	EAT ACCESS	
		REQUIRED	PROVIDED
RETAIL 1 ADD	1800 SQ. FT.	50' X 10' X 10'	50' X 10' X 10'
RETAIL 2 ADD	1000 SQ. FT.	14' X 14' X 14'	14' X 14' X 14'
RETAIL 3 ADD	1000 SQ. FT.	40' X 10' X 10'	40' X 10' X 10'
RETAIL 4 ADD	1000 SQ. FT.	40' X 10' X 10'	40' X 10' X 10'
RETAIL 5 ADD	1000 SQ. FT.	40' X 10' X 10'	40' X 10' X 10'
RETAIL 6 ADD	1000 SQ. FT.	40' X 10' X 10'	40' X 10' X 10'
RETAIL 7 ADD	1000 SQ. FT.	40' X 10' X 10'	40' X 10' X 10'

REVISIONS	DATE	DESCRIPTION
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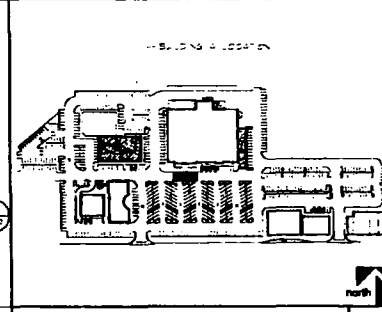
FLOOR PLAN - BLDG. - A

KEY NOTES

- FIRE BLOCKING NOTES**
1. CONTAINERS SPACES OF STUD CABS AND PARTITIONS LOCATED AREN'T SPACES AT THE CEILING AND FLOOR LEVELS AND AT THE INTERFACES BETWEEN VERTICAL AND HORIZONTAL.
 2. ALL INTERFACES BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT BOTTLES DOWN CEILING AND EDGE CEILING IN DOWNING AND VENTS WIND DUCTS AND SIMILAR OPENINGS THAT SPREAD A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS WITH NON-CONTAINABLE MATERIALS.
 3. OPENINGS BETWEEN ATTIC SPACES.
 4. FIRE BLOCKING CONSTRUCTION PER LOCAL FIRE DEPARTMENT.
 5. FIRE BLOCKING SHALL CONSIST OF:
 - a. MINIMUM NUMBER OF TWO THICKNESS OF 1" NOMINAL LUMBER WITH BROKEN UP JOINTS OR ONE THICKNESS OF 2" WOOD STRUCTURAL PANEL WITH JOINTS BACKED BY 2" X 4" WOOD STRUCTURAL PLANE, OR ONE THICKNESS OF 2" PARTICLE BOARD.
 - b. DRAFT STOPPING MATERIAL SHALL NOT BE LESS THAN 1" GYPSUM BOARD, 1" WOOD STRUCTURAL PANEL, 1" FIBERGLASS INSULATION, OR OTHER APPROVED MATERIALS ADEQUATELY SUPPORTED.
 - c. OPENINGS IN THE PARTITIONS SHALL BE PROTECTED BY 2" X 4" WOOD STRUCTURAL PLANE, OR OTHER APPROVED MATERIALS ADEQUATELY SUPPORTED.

- FLOOR PLAN GENERAL NOTES**
1. ONE SET OF APPROVED PLANS AND SPECIFICATIONS SET SHALL BE KEPT ON THE SITE OF THE BUILDING OR WORK AT ALL TIMES DURING AND AFTER THE WORK AUTHORIZED HEREIN IN A PROGRESS STAGE SECTION 101.
 2. GENERAL CONTRACTOR SHALL REVIEW THE CONTRACT DOCUMENTS AND ADVISE THE ARCHITECT OF ANY DISCREPANCIES IN THE DRAWINGS OR CHANGES PRIOR TO CONSTRUCTION.
 3. CHANGES ARE TO BE MADE OF STUD UNLESS OTHERWISE NOTED.
 4. ALL PROJECT CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY ORDINANCES AND CHAPTER 1001 IBC.
 5. THIS BUILDING SHALL BE FULLY SPRINKLED REFER TO FIRE SAFETY DRAWINGS.
 6. PROVIDE 2" X 4" WOOD PARTITIONS IN CC FOR ALL RETAIL ROOMS AND PLUMBING MALLS TO 6' ABOVE CEILING.
 7. PROVIDE FIRE RATED WALLS AS REQUIRED FOR ALL UTILITY AND CRAWL SPACES THAT EXTEND IN THE INTERIOR WALL SURFACE.
 8. PROVIDE ONE 1" X 10" FIRE RATED WOODEN A LOCATION APPROVED BY THE DEPT.
 9. PROVIDE ALL EXTERIOR ENTRY OR RETAIL TO MATCH ADJACENT SURFACE.
 10. REFER TO STRUCTURAL DRAWINGS FOR BEAM AND PARTITION WALL DESIGN AND LOCATIONS.
 11. BUILDING OCCUPANCY SHALL BE AS FOLLOWS:
 - a. RETAIL FOR THE ROOM AND BURNER ENTRY OR WALLS.
 - b. SMALL BUILDING NO OCCUPANCY WILL BE ALLOWED UNTIL PROVISIONS FOR BURNER ENTRY OR WALLS.
 - c. DISABLED ACCESS REGULATIONS AND CODES.
 - d. ENERGY CODE REQUIREMENTS ARE MET.

- FLOOR PLAN LEGEND**
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FLOOR PLAN LEGEND

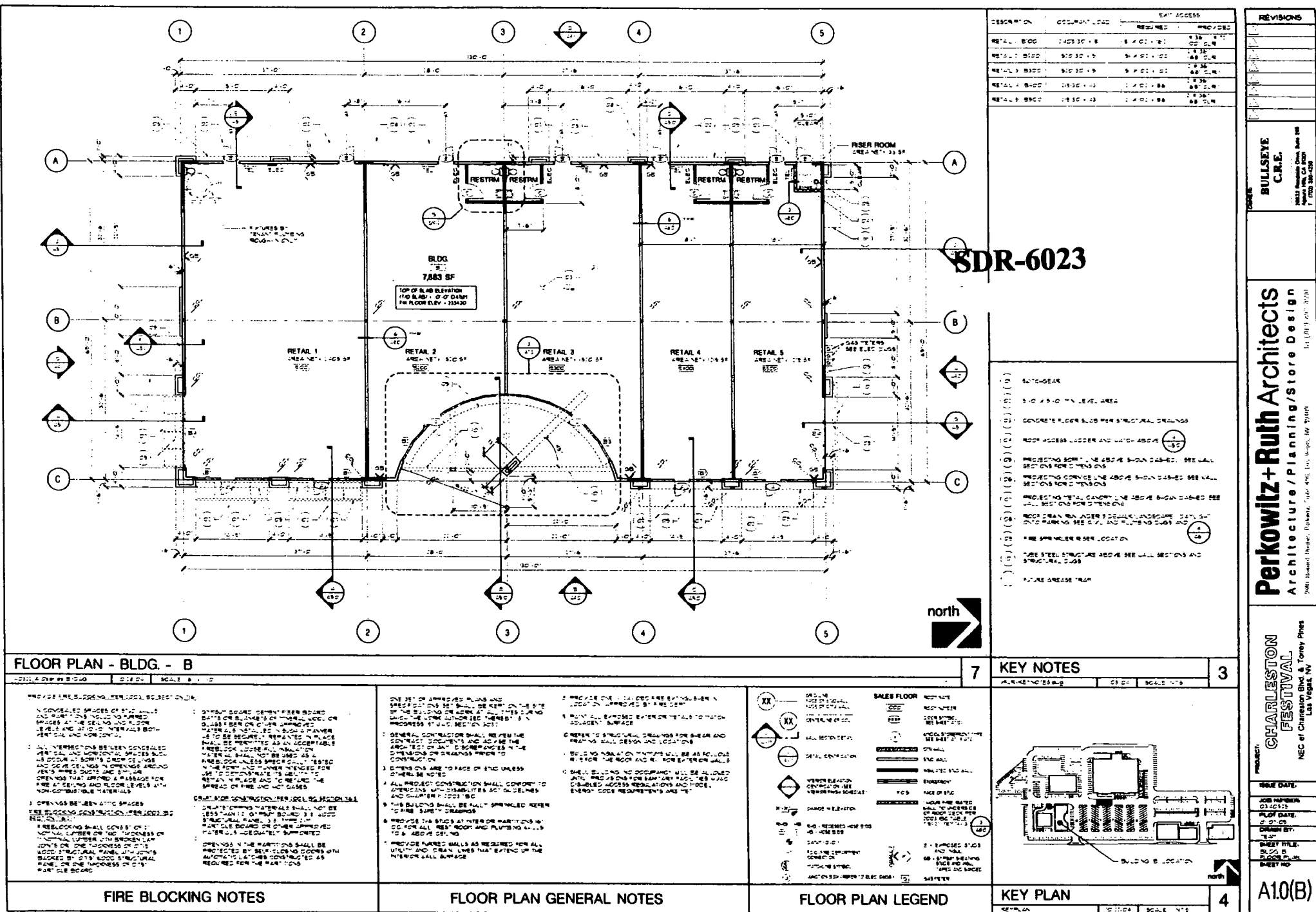
KEY PLAN

PERKOWITZ + RUTH ARCHITECTS
Architecture/Planning/Store Design

3000 Russell Heights Parkway, Suite 100, Las Vegas, NV 89109
Tel: (702) 390-3000

CHARLESTON FESTIVAL
NEC of Charleston Blvd. & Toney Pines
Las Vegas, NV

DATE: 01/01/2010
JOB NUMBER: 01010101
PROJECT DATE: 01/01/2010
DRAWN BY: S. J. RUTH
CHECKED BY: S. J. RUTH
SCALE: 1/8" = 1'-0"
SHEET TITLE: BLDG. A
FLOOR PLAN
SHEET NO.: A1.0(A)



REVISIONS

BULLSEYE C.R.E.

3000 N. Las Vegas Blvd. Suite 200

Las Vegas, NV 89109

TEL: (702) 251-4000

PROJECT

CHARLESTON FESTIVAL

NEC of Charleston Blvd. & Tropic Pkwy

Las Vegas, NV

DATE

01/01/19

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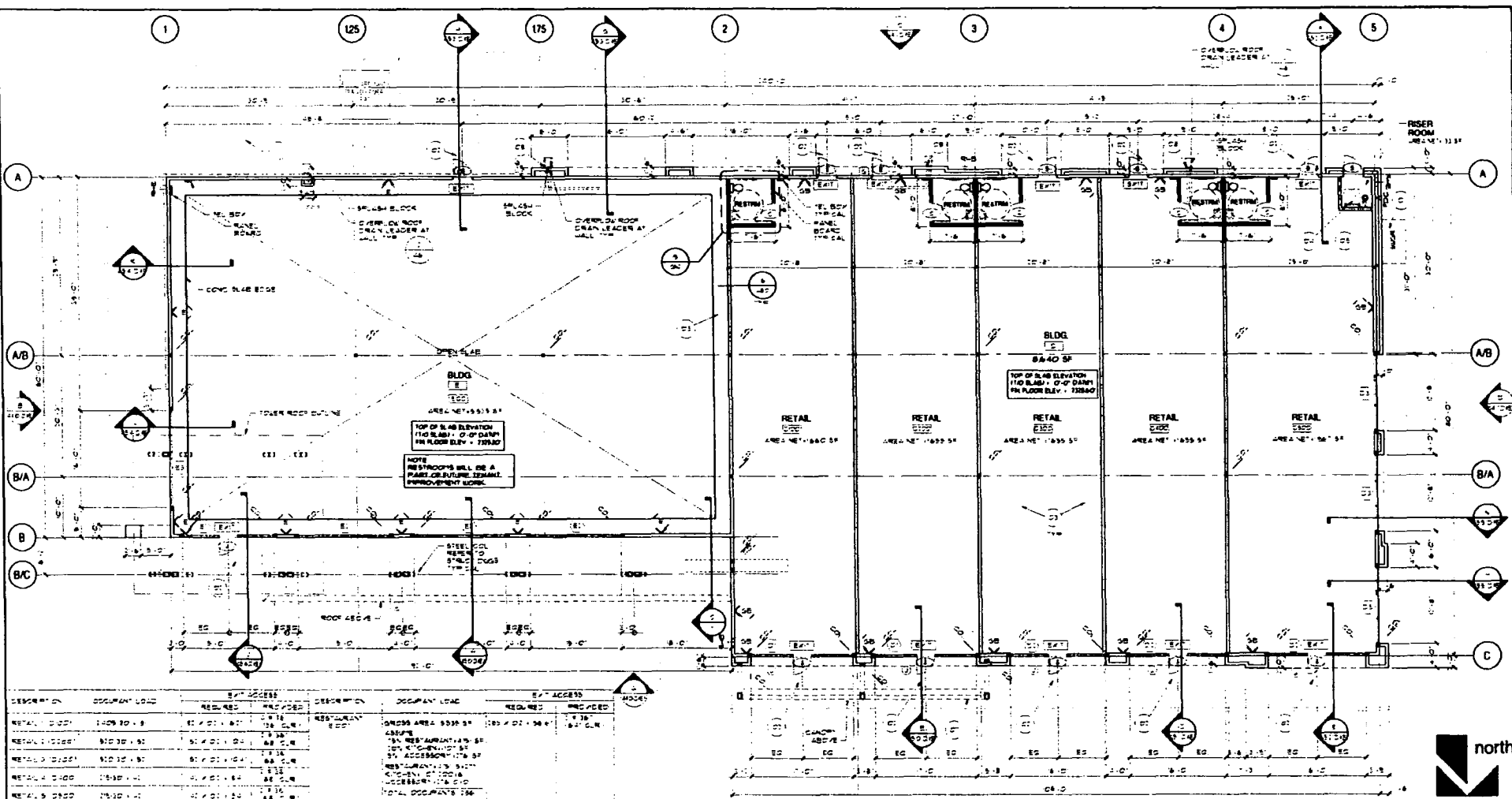
DATE

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FLOOR PLAN - BLDG. D & E

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

NOTE: REFER TO SHEET A10(A) FOR KEYNOTES

3

PERMITS ARE REQUIRED FOR THE FOLLOWING:

1. ALL INTERIORS BETWEEN CONCEALED VERTICAL AND HORIZONTAL SPACES SUCH AS OCCUR AT ROOF CEILING AND ROOF FLOOR SHALL BE PROTECTED BY A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS WITH NON-COMBUSTIBLE MATERIALS.

2. OVERPASS BETWEEN ATTIC SPACES SHALL BE PROTECTED BY A PASSAGE FOR FIRE AT CEILING AND FLOOR LEVELS WITH NON-COMBUSTIBLE MATERIALS.

ONE SET OF APPROVED PLANS AND SPECIFICATIONS SHALL BE KEPT ON THE SITE OF THE BUILDING AND SHALL BE AVAILABLE TO THE LOCAL AUTHORITY FOR INSPECTION AND THE LOCAL AUTHORITY SHALL BE NOTIFIED IN WRITING OF ANY CHANGES TO THE PLANS AND SPECIFICATIONS.

2. GENERAL CONTRACTORS SHALL REVIEW THE CONTRACT, CONDITIONS AND SPECIFICATIONS IN THE PRESENCE OF THE ARCHITECT AND THE ARCHITECT SHALL SIGN AND DATE THE CONTRACT AND SPECIFICATIONS.

3. ALL PROJECT CONSTRUCTION SHALL CONFORM TO THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) AND THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) SHALL BE KEPT ON THE SITE OF THE BUILDING AND SHALL BE AVAILABLE TO THE LOCAL AUTHORITY FOR INSPECTION AND THE LOCAL AUTHORITY SHALL BE NOTIFIED IN WRITING OF ANY CHANGES TO THE PLANS AND SPECIFICATIONS.

4. ALL PROJECT CONSTRUCTION SHALL CONFORM TO THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) AND THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) SHALL BE KEPT ON THE SITE OF THE BUILDING AND SHALL BE AVAILABLE TO THE LOCAL AUTHORITY FOR INSPECTION AND THE LOCAL AUTHORITY SHALL BE NOTIFIED IN WRITING OF ANY CHANGES TO THE PLANS AND SPECIFICATIONS.

5. THE BUILDING SHALL BE KEPT ON THE SITE OF THE BUILDING AND SHALL BE AVAILABLE TO THE LOCAL AUTHORITY FOR INSPECTION AND THE LOCAL AUTHORITY SHALL BE NOTIFIED IN WRITING OF ANY CHANGES TO THE PLANS AND SPECIFICATIONS.

6. THE BUILDING SHALL BE KEPT ON THE SITE OF THE BUILDING AND SHALL BE AVAILABLE TO THE LOCAL AUTHORITY FOR INSPECTION AND THE LOCAL AUTHORITY SHALL BE NOTIFIED IN WRITING OF ANY CHANGES TO THE PLANS AND SPECIFICATIONS.

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10. THE BUILDING SHALL BE KEPT ON THE SITE OF THE BUILDING AND SHALL BE AVAILABLE TO THE LOCAL AUTHORITY FOR INSPECTION AND THE LOCAL AUTHORITY SHALL BE NOTIFIED IN WRITING OF ANY CHANGES TO THE PLANS AND SPECIFICATIONS.

1. PROTECT ONE (1) SIDE OF THE BUILDING WITH A WALL OF 2" MINIMUM THICKNESS CONCRETE OR EQUIVALENT MATERIAL.

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SDR-6023

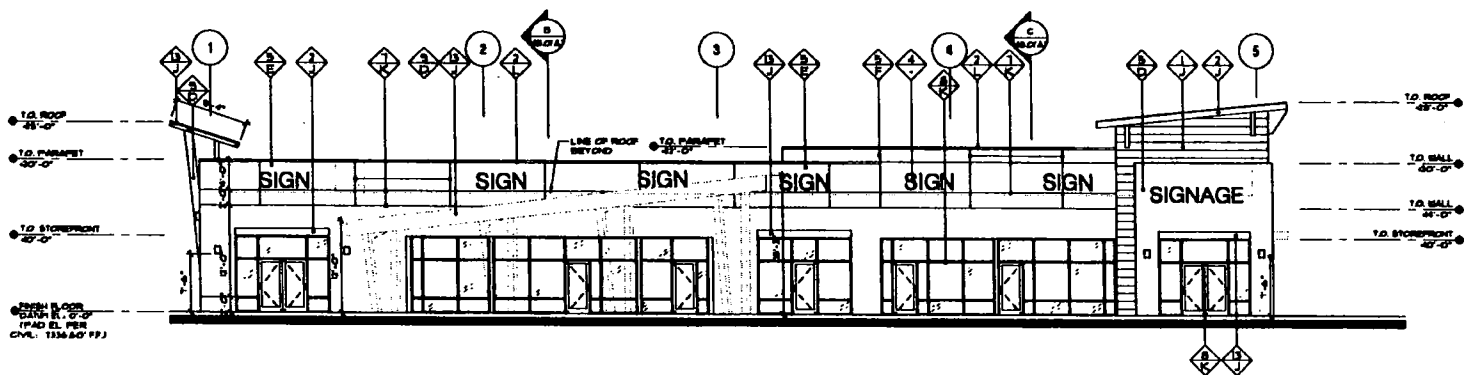
FIRE BLOCKING NOTES

FLOOR PLAN GENERAL NOTES

FLOOR PLAN LEGEND

KEY PLAN

4

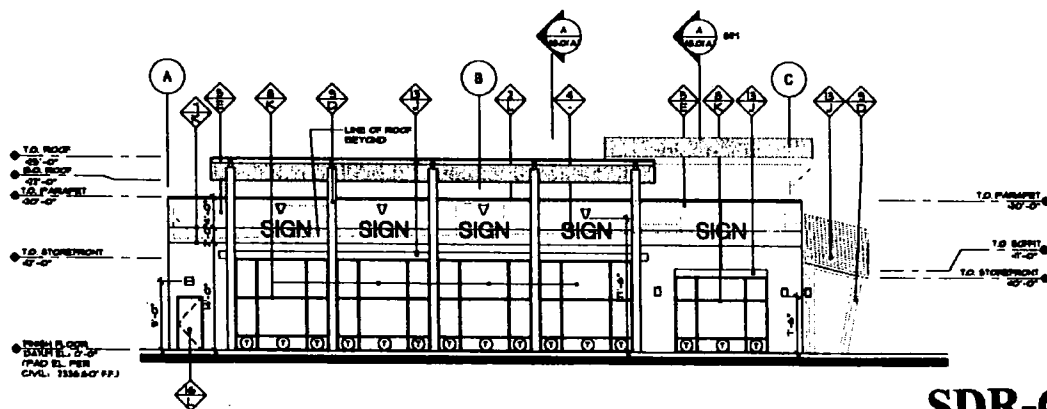


BUILDING A -- SOUTH ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONCRETE FLOOR SLAB (FLOOR SLAB STEPS ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

A



SDR-6023

BUILDING A -- WEST ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONCRETE FLOOR SLAB (FLOOR SLAB STEPS ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

B

MATERIAL	FINISH
CORRUGATED METAL CLADDING	COLOR TO MATCH PRAIRIE BRICK "STONE CISTERN"
STANDING SEAM METAL ROOF/CANOPY/COPING	COLOR TO MATCH PRAIRIE BRICK "RAIN SHEDDER"
FLUSH PANEL METAL CLADDING	COLOR TO MATCH PRAIRIE 1984 "TANGERSHINE"
SIGNAGE BY OTHERS	COLOR TO MATCH PRAIRIE ACORN "TOMATILLO"
LIGHT DASH PLASTER FINISH	COLOR TO MATCH PRAIRIE BRICK "TALATION"
HEAVY DASH PLASTER FINISH	COLOR TO MATCH PRAIRIE CHICKEN "SEA CLOUD"
METAL REVEAL	ANGELUS BLOCK "BARK GREY"
ALUMINUM STOREFRONT	"DARK BRIDGE" BY BERRIDGE MANUFACTURING CO.
EXPOSED STRUCTURAL STEEL COLUMNS & BRACING, PAINTED	"CLEAR ANODIZED" BY BERRIDGE MANUFACTURING CO.
CONCRETE COLUMN BASE	CLEAR ANODIZED
RECESSED LIGHTS	MATCH COLOR TO ADJACENT SURFACE
CENTER IDENTIFICATION SIGN TOWER	
CORRUGATED METAL PANEL/CANOPY ROOF	
TUBULAR STEEL HORIZONTAL BASE	
STEEL ROLL-UP DOOR	
HOLLOW METAL DOOR	
METAL LOUVERS	

NOTES

- ALL GLAZING PANELS ADJACENT TO FINISH FLOOR AND TO EITHER SIDE OF DOOR ENTRANCES ARE TO BE TEPFERED. ALL GLAZING SET IN STOREFRONT DOORS IS ALSO TO BE TEPFERED UNO.
- SEE ROOF PLAN FOR TOP OF SHEATHING HEIGHTS
- ROOF TO MATCH ADJACENT STOREFRONT WALL COLOR.

- G FLOOD LIGHT
- H SCENE 1
- C SCENE 2 WITH BACK-UP BATTERY
- I SCENE 3
- F SCENE 4 WITHOUT BACK-UP BATTERY
- F SCENE 5 WITHOUT BACK-UP BATTERY

EXTERIOR LIGHTING LEGEND

XTALABEED B/SCH-1 SCALE: HTS

3

REVISIONS

CHARTER

BULLSEYE C.E.E.

1336.807 F.P.

Perkowitz+Ruth Architects

Architecture/Planning/Store Design

3880 Howard Hughes Parkway, Suite 450, Las Vegas, NV 89169

TEL: (702) 897-8500

PROJECT: **CHARLESTON FESTIVAL**

NEC of Charleston, West & Tennyson

Las Vegas, NV

DATE: 09-09-25

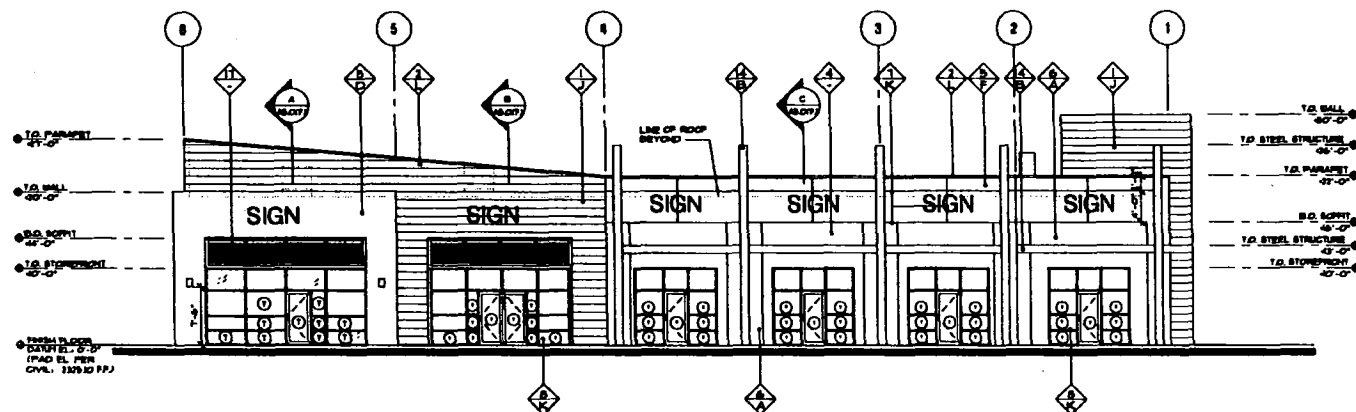
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PLOT DATE: 09-09-25

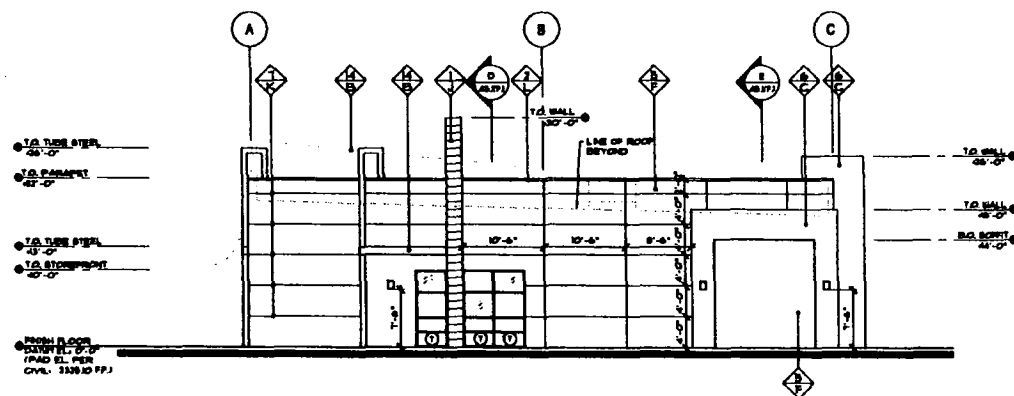
DRAWN BY: TEAM

SHEET TITLE: BLDG A ELEVATIONS

SHEET NO: A4.0(A)



MATERIAL		FINISH	
1	CORRUGATED METAL CLADDING	A	COLOR TO MATCH FRAMES AND/OR "STONE COUNTRY"
2	STANDING SEAM METAL CLADDING	B	COLOR TO MATCH FRAMES AND/OR "RAIN FOREST"
3	FLUSH PANEL METAL CLADDING	C	COLOR TO MATCH FRAMES TO "RA TANGERS"
4	BONAFIDE BY OTHERS	D	COLOR TO MATCH FRAMES FOR "HOTELLER"
5	LIGHT DASH PLASTER FRESH	E	COLOR TO MATCH FRAMES 60% "MILATION"
6	HEAVY DASH PLASTER FRESH	F	COLOR TO MATCH FRAMES CUSTOM "SEA CLUD"
7	METAL REVEAL	G	ANGULAR BLOCK "WASH GRE"
8	ALUMINUM STOREFRONT	H	"DARK BRIDGE" BY BERND MANUFACTURING CO.
9	EXPPOSED STRUCTURAL STEEL COLUMNS & FRAMING, PAINTED	I	"CLEAR ANODIZED" BY BERNDSE MANUFACTURING
10	CONCRETE COLUMN BASE	J	CLEAR ANODIZED
11	RECESSED LIGHTS	K	MATCH COLOR TO ADJACENT SURFACE
12	CENTER IDENTIFICATION SIGN TOWER	L	"
13	CORRUGATED METAL PANEL/CANOPY/ROOF	M	"
14	REBAR STEEL HORIZONTAL BARS	N	"
15	STEEL ROLL-UP DOOR	O	"
16	HOLLOW METAL DOOR	P	"
17	METAL LOUNERS	Q	"



G  FLOOD LIGHT

H  RECHARGE

C  WALL PACK WITH BACK-UP BATTERY

I  RECHARGE

F  WALL PACK WITHOUT BACK-UP BATTERY

P  WALL PACK WITHOUT BACK-UP BATTERY

EXTERIOR LIGHTING LEGEND		
XL TO LEGEND	13/3/04	SCALE: NTS

SDR-6023

TITLE		
CLASSIFICATION	PROPERTY	ACAL F.W. MAR. '8

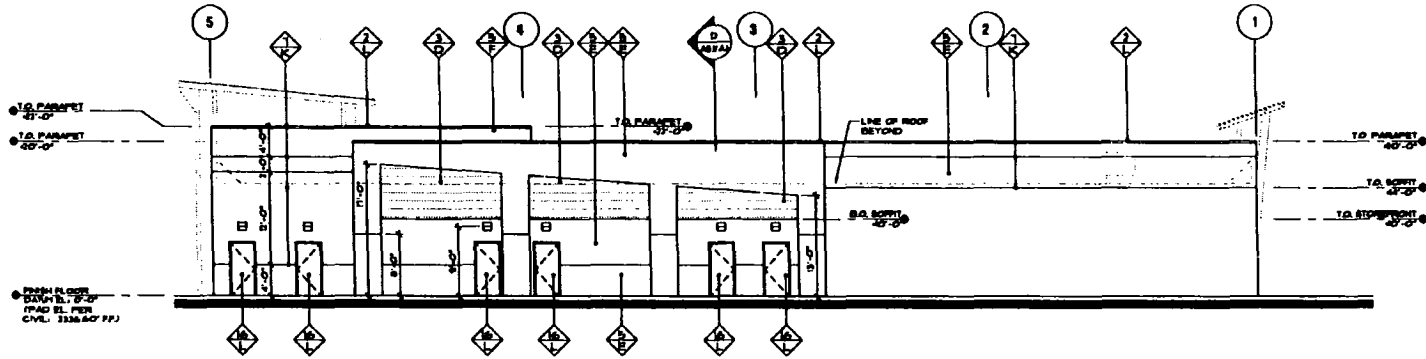
504-46 BULLSEYE C.R.L.	REVISIONS
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50422 Paddock Drive, Suite 200 Agoura Hills, CA 91301	

Perkowitz+Ruth Architects

**CHARLESTON
FESTIVAL**

ISSUE DATE:
JOB NUMBER: 03 403.25
PLOT DATE: 06/11/03
DRAWN BY: TEAM
SHEET TITLE: BLDG # ELEVATIONS SHEET NO.

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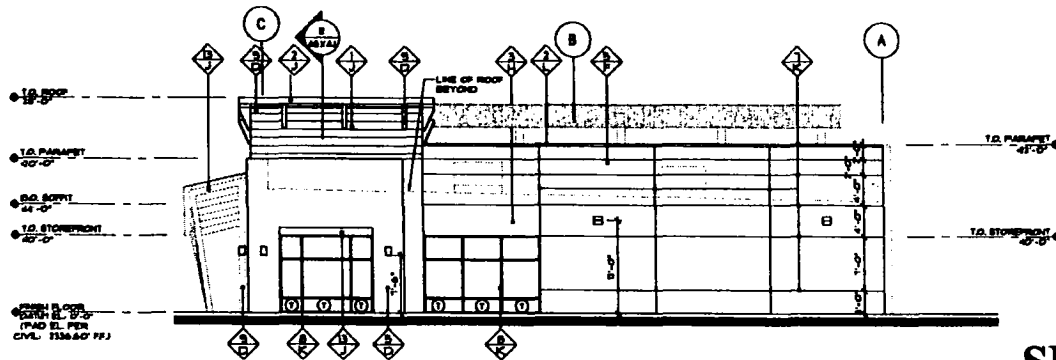


BUILDING A -- NORTH ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONCRETE FLOOR SLAB (FLOOR) WHEN FLOOR SLAB STEPS. ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

C



BUILDING A -- EAST ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONCRETE FLOOR SLAB (FLOOR) WHEN FLOOR SLAB STEPS. ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

D

MATERIAL	FINISH
1 CORRUGATED METAL CLADDING	A COLOR TO MATCH FRAMES
2 STANDING SEAM METAL ROOF/CLADDING	B COLOR TO MATCH FRAMES
3 FLUSH PANEL METAL CLADDING	C COLOR TO MATCH FRAMES
4 FINISH BY OTHERS	D COLOR TO MATCH FRAMES
5 LIGHT DASH PLASTER FRESH	E COLOR TO MATCH FRAMES
6 HEAVY DASH PLASTER FRESH	F COLOR TO MATCH FRAMES
7 METAL REVEAL	G ANGLER BLOCK "BART GRY"
8 ALUMINUM STOREFRONT	H "DARK BRIDGE" BY BERNHARDT MANUFACTURING CO.
9 EXPOSED STRUCTURAL STEEL COLUMNS + BRACING PAINTED	I "CLEAR ANODIZED" BY BERNHARDT MANUFACTURING CO.
10 CONCRETE COLUMN BASE	J CLEAR ANODIZED
11 RECESSED LIGHTS	K MATCH COLOR TO ADJACENT SURFACE
12 CENTER IDENTIFICATION SIGN	L
13 CORRUGATED METAL PANEL/CLADDING ROOF	M
14 TUBULAR STEEL HORIZONTAL BASE	N
15 STEEL ROLL-UP DOOR	O
16 HOLLOW METAL DOOR	P
17 METAL LOUVERS	Q

NOTES

1. ALL GLAZING PANELS ADJACENT TO FRESH FLOOR AND TO EITHER SIDE OF DOOR ENTRANCES ARE TO BE TYPED. ALL GLAZING SET IN STOREFRONT DOORS IS ALSO TO BE TYPED UNO.
2. SEE ROOF PLAN FOR TOP OF SHEATHING HEIGHTS.
3. SCOTTS TO MATCH ADJACENT STOREFRONT WALL COLOR.

- G FLOOD LIGHT
- H SCONCE 1
- C WALL PACK WITH BACK-UP BATTERY
- I SCONCE 2
- F WALL PACK WITHOUT BACK-UP BATTERY
- F WALL PACK WITHOUT BACK-UP BATTERY

EXTERIOR LIGHTING LEGEND

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

3

SDR-6023

TITLE

DRAWING

PROVIDE

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

4

REVISIONS

BULLSEYE C.R.E.

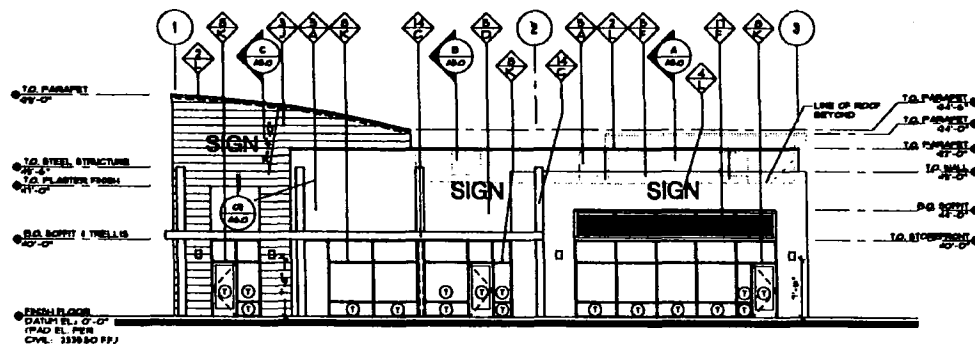
Perkowitz + Ruth Architects
Architecture / Planning / Store Design
3250 Howard Hughes Parkway, Suite 400, Las Vegas, NV 89119
Tel (702) 885-8500

PROJECT: CHARLESTON FESTIVAL
MEC of Charleston Blvd. & Toney Plaza
Las Vegas, NV

DATE: 02.02.23
JOB NUMBER: 02.02.23
PLOT DATE: 02.02.23
DRAWN BY: TEAM
SHEET TITLE: BUILDING A ELEVATIONS
SHEET NO: A4.1(A)

A4.1(B)

SDR-6023



BLDG. C - SOUTH ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONC. FLOOR SLAB (USUALLY 1" BELOW FLOOR SLAB STEPS). ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

MATERIAL

FINISH

1	CORRUGATED METAL CLADDING	A	COLOR TO MATCH BRASS BRONZE "STONE CENTER"
2	STANDING SEAM METAL ROOF/CANOPY/CLOPPING	B	COLOR TO MATCH BRASS BRONZE "RAIN SHOWER"
3	FLUSH PANEL METAL CLADDING	C	COLOR TO MATCH BRASS BRONZE "TANGERS"
4	BRASS BY OTHERS	D	COLOR TO MATCH BRASS BRONZE "TANGERS"
5	LIGHT DASH PLASTER FINISH	E	COLOR TO MATCH BRASS BRONZE "TANGERS"
6	HEAVY DASH PLASTER FINISH	F	COLOR TO MATCH BRASS BRONZE "TANGERS"
7	METAL REVEAL	G	ANGULAR BLOCK "BARK GREY"
8	ALUMINUM STONEWORK	H	"DARK BRONZE" BY DERRIDGE MANUFACTURING CO.
9	EXPOSED STRUCTURAL STEEL COLUMNS & BRACING PAINTED	I	"CLEAR ANODIZED" BY DERRIDGE MANUFACTURING CO.
10	CONCRETE COLUMN BASE	J	CLEAR ANODIZED
11	RECESSED LIGHTS	K	MATCH COLOR TO ADJACENT SURFACE
12	CENTER IDENTIFICATION SIGN TOWER	L	-
13	CORRUGATED METAL PANEL/CANOPY/ROOF	M	-
14	FLUSH METAL HORIZONTAL BASE	N	-
15	STEEL ROLL-UP DOOR	O	-
16	HOLLOW METAL DOOR	P	-
17	METAL LOUVERS	Q	-

NOTES

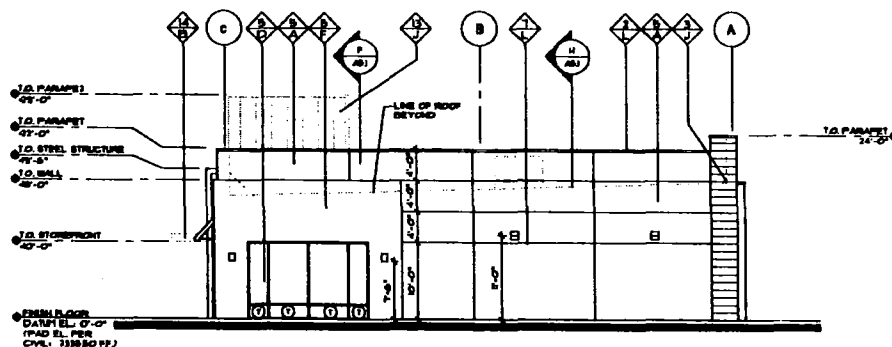
- ALL GLAZING PANELS ADJACENT TO FRESH FLOOR AND TO EITHER SIDE OF DOOR ENTRANCES ARE TO BE TYPED. ALL GLAZING SET IN STONEWORK DOORS IS ALSO TO BE TYPED UNLESS NOTED OTHERWISE.
- SEE ROOF PLAN FOR TOP OF SHEATHING HEIGHTS.
- SCOTT'S TO MATCH ADJACENT STONEWORK WALL COLOR.

- Q FLOOD LIGHT
- H SCORE 1
- C BALL PACK WITH BACK-UP BATTERY
- I SCORE 2
- F BALL PACK WITHOUT BACK-UP BATTERY
- F BALL PACK WITHOUT BACK-UP BATTERY

EXTERIOR LIGHTING LEGEND

KL/OL/BL/BD/ND 0/1/2/3/4 SCALE: 1/8" = 1'-0"

3



BLDG. C - WEST ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONC. FLOOR SLAB (USUALLY 1" BELOW FLOOR SLAB STEPS). ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

SDR-6023

TITLE

CHARLES STON

HYDRO/IT

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

4

REVISIONS

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BULLSEYE C.R.E.

Perkowitz + Ruth Architects
Architecture/Planning/Store Design
3040 Howard Hughes Parkway, Suite 100, Las Vegas, NV 89103
Tel: (702) 852-8500

CHARLESTON FESTIVAL
NEC of Charleston Area & Torrey Pines
Las Vegas, NV

PROJECT:

DATE:

JOB NUMBER: 09-00125

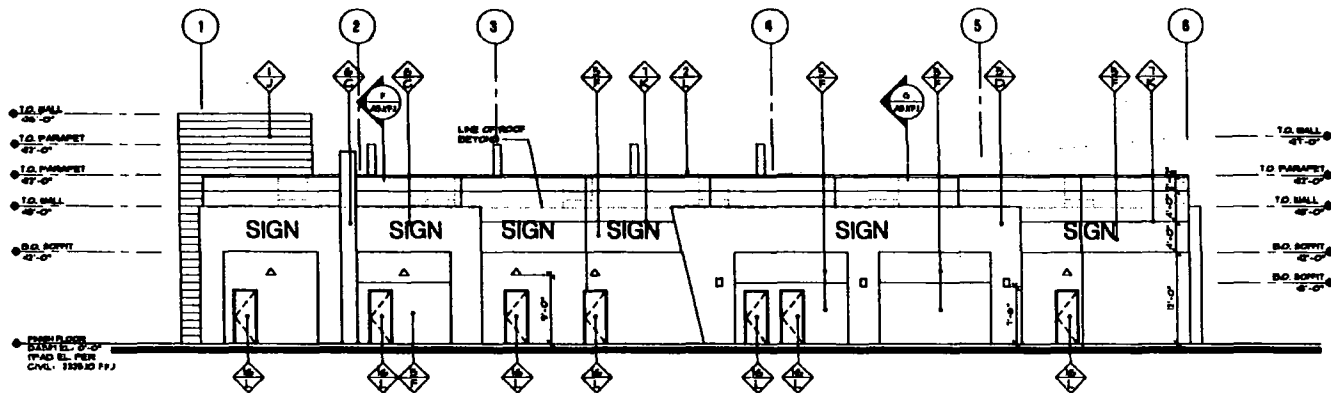
PLOT DATE: 09/01/09

DRAWN BY: TEAM

SHEET TITLE: BLDG C ELEVATIONS

SHEET NO:

A4.1(C)

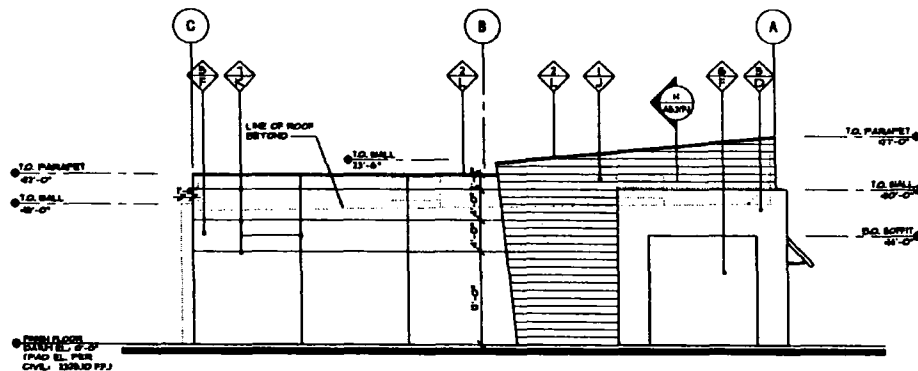


BUILDING F -- SOUTH ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONCRETE FLOOR SLAB (UGH) WHEN FLOOR SLAB STEPS. ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

C



SDR-6023

BUILDING F -- EAST ELEVATION

ALL ELEVATION HEIGHTS ARE GIVEN FROM TOP OF INTERIOR CONCRETE FLOOR SLAB (UGH) WHEN FLOOR SLAB STEPS. ELEVATION HEIGHTS ARE REFERENCED FROM THE HIGHEST FINISHED FLOOR.

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

D

MATERIAL	FINISH
1 CORRUGATED METAL CLADDING	A COLOR TO MATCH FRAMES
2 1/2" RIBBED GALV. METAL ROOF/CLADDING	B MATCH "STONE CEMENT"
3 FLUSH PANEL METAL CLADDING	C COLOR TO MATCH FRAMES
4 SHIMMER BY OTHERS	D COLOR TO MATCH FRAMES
5 LIGHT DASH PLASTER FINISH	E COLOR TO MATCH FRAMES
6 HEAVY DASH PLASTER FINISH	F COLOR TO MATCH FRAMES
7 METAL REVEAL	G ANGLER BLOCK "BARK GREY"
8 ALUMINUM STOREFRONT	H "DARK BRIDGE" BY BERRIDGE MANUFACTURING CO.
9 EXPOSED STRUCTURAL STEEL COLUMN & BRACING, PAINTED	I "CLEAR ANODIZED" BY BERRIDGE MANUFACTURING CO.
10 CONCRETE COLUMN BASE	J CLEAR ANODIZED
11 RECESSED LIGHTS	K MATCH COLOR TO ADJACENT SURFACE
12 CENTER IDENTIFICATION SIGN	L
13 CORRUGATED METAL PANEL CANOPY ROOF	M
14 RIBBLED STEEL HORIZONTAL BASE	N
15 STEEL ROLL-UP DOOR	O
16 HOLLOW METAL DOOR	P
17 METAL LOUVERS	Q

NOTES

- ALL GLAZING PANELS ADJACENT TO FINISH FLOOR AND TO EITHER SIDE OF DOOR ENTRANCES ARE TO BE TYPED. ALL GLAZING SET IN STOREFRONT DOORS IS ALSO TO BE TYPED UNDO.
- SEE ROOF PLAN FOR TOP OF SHEATHING HEIGHTS.
- SOFFITS TO MATCH ADJACENT STOREFRONT BALL COLOR.

- G FLOOD LIGHT
- H SCORE 1
- C BALL PACK WITH BACK-UP BATTERY
- I SCORE 2
- F BALL PACK WITHOUT BACK-UP BATTERY
- E BALL PACK WITHOUT BACK-UP BATTERY

EXTERIOR LIGHTING LEGEND

HL TO LEGEND D/DMH SCALE: MTS

3

REVISIONS

BULLSEYE C.R.E.

Perkowitz + Ruth Architects
Architecture / Planning / Store Design
5850 Howard Hughes Parkway, Suite 400, Los Angeles, CA 90045
Tel: (702) 961-8500

CHARLESTON FESTIVAL
NEC of Charleston Blvd. & Tennyson Place
Las Vegas, NV

DATE: 03/03/20
JOB NUMBER: 03-0023
PLOT DATE: 03/03/20
DRAWN BY: TEAM
SHEET TITLE: BUILDING ELEVATIONS
SHEET NO:

A4.1(F)



SDR-6023 - APPLICANT/OWNER: CHARLESTON FESTIVAL, LLC
SOUTHEAST CORNER OF TORREY PINES DRIVE AND CASADA WAY
MARCH 24, 2005 PLANNING COMMISSION

02/22/05



**SDR-6023 - APPLICANT/OWNER: CHARLESTON FESTIVAL, LLC
SOUTHEAST CORNER OF TORREY PINES DRIVE AND CASADA WAY
MARCH 24, 2005 PLANNING COMMISSION**

02/22/05

REVISED

MEMORANDUM

Date: January 24, 2005
To: **CITY OF LAS VEGAS
PLANNING AND DEVELOPMENT DEPARTMENT**
From: Deborah McCutchen
Project: **CENTENNIAL BUSINESS PARK** Project No.: 03-403
APN: 138-35-801-002 and 138-35-803-001
New parcel: 138-35-403-005
Re: **ADMINISTRATIVE REVIEW:** File No.: 5.1
Justification Letter
Related to: SDPR #3790 and SUP #3815

Perkowitz+Ruth Architects, on behalf of Charleston Festival, LLC, respectfully request Administrative Design Review approval for site revisions after approval of SPDR #3790. The site, a 10-acre parcel located is on the north side of Charleston Blvd, east of Torrey Pines, opposite the Community College of Southern Nevada is zoned C-1. The proposed uses on this site are a neighborhood market anchor in addition to commercial/retailers and restaurants.

We respectfully request approval of the following site changes: east property line adjustment based on boundary survey, addition of .45 acres at the northwest corner of the property and buildings that have moved and changed in size. The total building square footage has decreased from 101,000 down to 94,978 square foot.

Included for your review and approval with the building elevations are the exterior elevations of the Wal-market for this location and a building height profile showing that they will have a 22' building height where 30' is allowed. In addition to the 6' decorative block wall at the property line, Wal-Mart will provide a 10' screen wall at the loading dock.

The proposed site plan changes will not adversely affect the surrounding neighborhood. The site plan allows for required Fire Department access and turn radiuses and ingress and egress.

Document13
NB-MEMO (r. 11/2/00)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****SITE DEVELOPMENT PLAN REVIEW**

SDR-6057 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: LAKE EAST, LLC AND STARBOARD, LLC - Request for a Site Development Plan Review. FOR THE PROPOSED CONVERSION OF AN EXISTING 448 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 19.68 acres at 8600 Starboard Drive (APN 163-08-601-005), R-PD23 (Residential Planned Development - 23 units per acre) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

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

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:**WOLFSON - APPROVED subject to conditions - UNANIMOUS****MINUTES:**

MAYOR GOODMAN declared the Public Hearing open on Item 94 [SDR-6057] and Item 95 [SDR-6058].

ATTORNEY STANLEY PARRY, 300 South Fourth Street, appeared on behalf of the applicant to present a condominium conversion together with ERNIE FREGGIARO, Integrity Engineering, 2480 East Tompkins Avenue. MR. FREGGIARO stated that a meeting was held with ATTORNEY PARRY and COUNCILMAN WOLFSON to address concerns expressed by the residents.

MAYOR GOODMAN verified with DEPUTY CITY ATTORNEY BRYAN SCOTT that staff has not yet begun to work on an ordinance that will address the issue of condominium affordability. At one time there had been discussion about imposing a moratorium. Some research has been done with regard to other jurisdictions, such as Henderson, Reno, and Sparks, that have more specific and stricter regulations with regard to condo conversions. The City of Las Vegas does not have a regulation. It is done through a Site Development Plan Review.

ATTORNEY PARRY discussed with COUNCILMAN WOLFSON that due to financing issues, they would not be able to convert the apartments until June of 2006. They are taking the preliminary steps in anticipation of that date. In addition, the final map and a condominium designation will not be

CITY COUNCIL MEETING OF: MAY 4, 2005**MINUTES - Continued:**

completed until the end of this year. COUNCILMAN WOLFSON asked if the middle of 2006 is when they expect to be able to provide the tenants with the 120-day notice, which is required by State law. ATTORNEY PARRY replied that if they overcome the financing issue and have the final map in place, then they would be ready to move forward, which would allow them to have legal descriptions for each unit. They would then simultaneously create CC&RS and record those against the property, create a homeowners association and by-laws, then be able to sell the units to individuals. The establishment of those requirements would not be completed until the end of this year, at which time they would give the 120-day notice. However, they do not expect project completion until June 2006.

COUNCILMAN WOLFSON asked for their best estimate as to when the 120-day notice would be afforded. ATTORNEY PARRY reiterated that notices would not be sent out until June of 2006. Under current State Statute the tenants would have the first right of refusal. In addition, for long-term residents and those that may have disabilities, there would be special provisions. COUNCILMAN WOLFSON pointed out that the City of Las Vegas' Code and the State law do not require as much compared to other local municipalities. He thanked DEPUTY CITY ATTORNEY SCOTT for providing him with that information.

COUNCILMAN WOLFSON asked ATTORNEY PARRY if his client is willing to consider some additional incentives, even though he is not required by law to provide, such as displacement assistance or offering to refurbish the units. ATTORNEY PARRY responded that his client's justification letter is somewhat vague and he does not believe it has the texture that would be legally binding on the client. The letter indicated that for tenants who choose not to purchase a condominium unit, funds will be available to long-term tenants as well as those with specific needs. COUNCILMAN WOLFSON felt comfortable with the content of the letter, and commented he became very concerned with apartment/condo issues in the last couple of months. He is very concerned about the City of Las Vegas and the Valley as a whole, being able to provide rental opportunities for people. The City of Las Vegas does not yet have protections in place as other cities do. As an example, he cited the City of Henderson, which pursuant to Statute does have refurbishing, restoration provisions, provisions for extension of tenancy for the elderly, the handicap and parents with young children. By Statute, some of these categories of people are entitled to extensions of their leases from six months to five years. Under the City of Las Vegas' current statutory scheme, if the applicant wanted to comply with the existing law of providing the 120-day notice, the renters would have to move.

MAYOR GOODMAN reiterated that the City Attorney's Office has been instructed to prepare an ordinance, which will protect the existing tenants. COUNCILMAN WOLFSON pointed out he is not suggesting today that a moratorium be considered. The average apartment rental rate over the last four and five years has increased and the average vacancy rate is decreasing. There are more condo units, but by comparison and ratio, less apartment units are being built. If this trend continues, rental opportunities need to be provided because many people cannot afford to buy. First right of refusal sounds good, but some of the current residents begged him to carefully consider this project because they are the original renters. They will not be able to afford to buy, even with the many incentives offered, and they would probably be displaced. COUNCILMAN WOLFSON suggested that all options be considered, including drafting an ordinance that will protect tenants, protect future condominium purchasers and possibly include a moratorium.

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

DONNA TOUSSAINT, President of the West Sahara Community Association in the Lakes, stated that these 900 potential condominium units are located in the center of the West Sahara Homeowners Association. The applicant would have to form a sub-association and reference all their documents that they are also part of the West Sahara Homeowners Association. The majority of the residents within this HOA support and welcome this project because they feel it is good for their community. MS. TOUSSAINT indicated that when she was first married she could not afford a house; therefore, she rented an apartment, but was unable to paint any color she wanted. House prices have gone up so rapidly that getting into the housing market for young families and retirees is very difficult. This project might help. She urged the City Council to consider this project.

SCOTT DOCKSWELL, 3036 Yankee Clipper Drive, stated his backyard and upper deck look over into the proposed project. He is a member of two Boards at the Lakes and every person he has spoken to strongly supports this conversion. Rent will increase even if they are not condos.

COUNCILMAN WOLFSON stated that according to the information provided to him by staff, the total number of condominium units approved for conversion since November of 2004, including this project is 6,300 condominium units. This is not only a Ward 2 issue. That information includes a breakdown of every Ward where projects have been approved or are within the system to be approved.

ATTORNEY PARRY asked that the approval be with conditions as approved by the Planning Commission. MARGO WHEELER, Director, Planning and Development Department, clarified that those conditions are what is before the City Council today.

COUNCILWOMAN TARKANIAN asked COUNCILMAN WOLFSON to provide the Ward breakdown information regarding the project conversions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 94 [SDR-6057] and Item 95 [SDR-6058].

(4:12 - 4:32)

6-641

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0024-86) and subsequent site-related actions, 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.

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

4. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either 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.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. The trash enclosure shall be rebuilt to meet code standards and maintained, subject to approval of the Planning and Development Department.
7. The number of trees on project perimeter shall be provided to meet code, pursuant to a landscape plan to be submitted for review and approval by the Planning and Development Department.

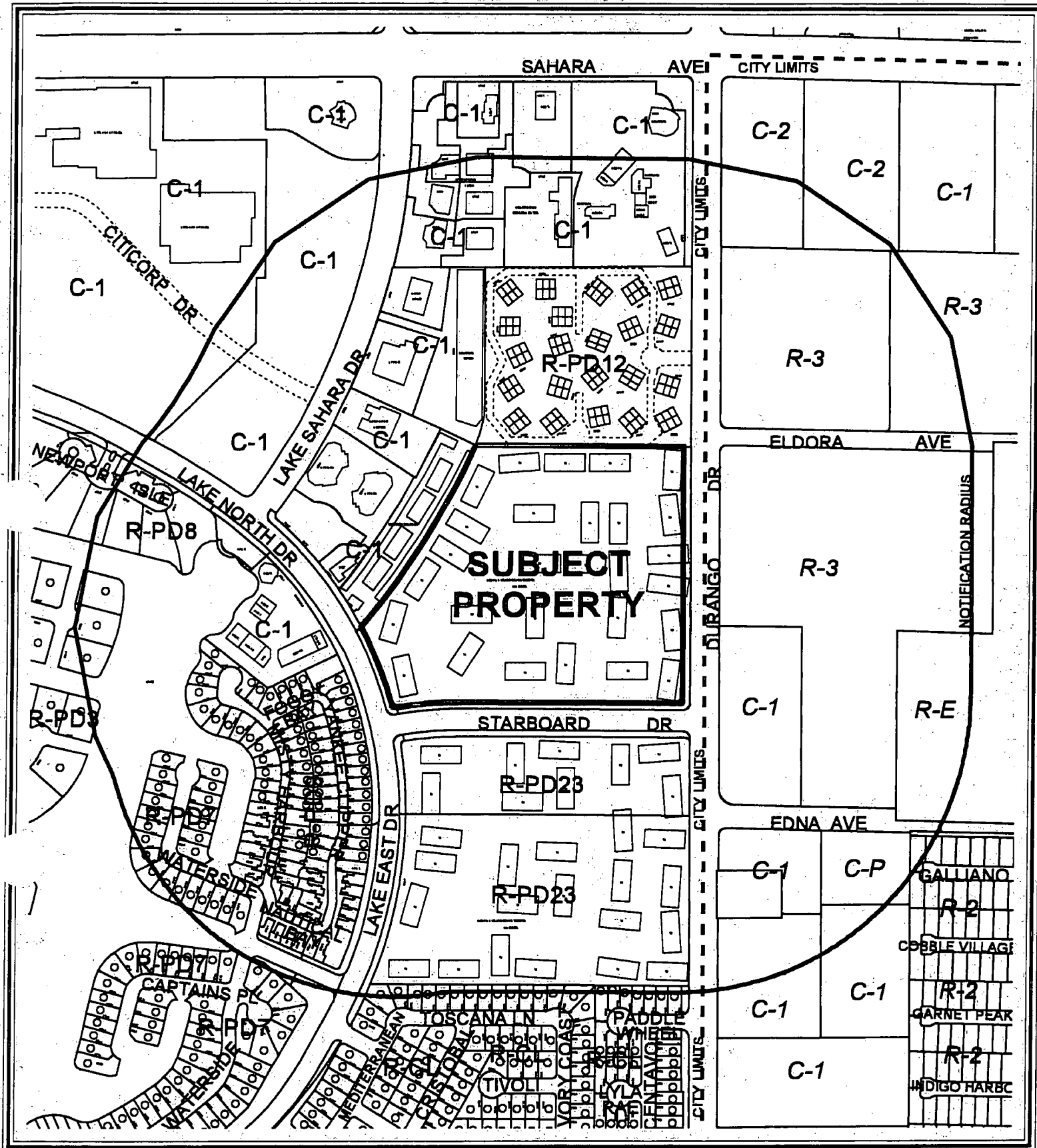
Public Works

8. Grant a Traffic Signal Chord Easement on the northwest corner of Durango Drive and Starboard Drive.
9. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to recordation of a map for this site.
10. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
11. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
12. 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.
13. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

14. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



CASE: SDR-6057

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)

0 400 800 Feet

94





CASE: SDR-6057

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-6057 - APPLICANT/OWNER:
LAKE EAST, LLC AND STARBOARD, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 20, 2005 CITY COUNCIL MEETING AT COUNCILMAN WOLFSON'S REQUEST.

**** CONDITIONS ****

Staff recommends Denial. The Planning Commission (5-1 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0024-86) and subsequent site-related actions, 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. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either 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.
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7. The number of trees on project perimeter shall be provided to meet code, pursuant to a landscape plan to be submitted for review and approval by the Planning and Development Department.

Public Works

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13. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.
14. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for the proposed conversion of an existing 448 unit apartment project to a condominium development on 19.68 acres at 8600 Starboard Drive.

B) Applicant's Justification

The applicant's representative has stated in a letter that the property owner has years of experience converting apartment units to condominiums. This conversion will adhere to Uniform Common Interest Ownership Act of 1994 (UCOIA) requirements, providing all tenants with a 120-day minimum notice of the conversion and a minimum 60-day notice for first right of refusal. A Homeowners' Association will be created to meet Nevada Department of Real Estate requirements.

BACKGROUND INFORMATION

A) Previous Actions

04/02/86 The City Council approved a Rezoning (Z-0024-86) from N-U (Non-Urban) under Resolution of Intent to R-PD23 (Residential Planned Development – 23 units per acre) and P-R (Professional Office and Parking) to R-PD23 (Residential Planned Development – 23 units per acre) on the subject site. The Planning Commission and staff recommended approval.

03/24/05 The Planning Commission voted 5-1 to recommend APPROVAL (PC Agenda Item #31/ss).

B) Pre-Application Meeting

01/21/05 Requirements for submittal of Site Development Plan Review and Tentative Map applications were discussed. The applicant was informed that the earliest that hearings for the Tentative Maps could be scheduled would be 14 days after final approval of the Site Development Plan Reviews.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 19.68

B) Existing Land Use

Subject Property: Apartments
North: Residential Condominiums
South: Apartments
East: Condominiums and Undeveloped
West: Mini-Warehouse and Single Family Dwellings

C) Planned Land Use

Subject Property: H (High Density Residential)
North: MLA (Medium-Low Attached Density Residential)
South: M (Medium Density Residential)
East: Clark County
West: SC (Service Commercial) and ML (Medium-Low Density Residential)

D) Existing Zoning

Subject Property: R-PD23 (Residential Planned Development – 23 units per acre)
North: R-PD12 (Residential Planned Development – 12 units per acre)
South: R-PD23 (Residential Planned Development – 23 units per acre)
East: R-3 (Multiple-Family Residential – 18 units per acre – Clark County)
and C-1 (Local Business – Clark County)
West: C-1 (Limited Commercial) R-PD9 (Residential Planned Development – 9 units per acre) and R-PD7 (Residential Planned Development – 7 units per acre – perimeter common area)

E) General Plan Compliance

The subject property is designated H (High Density Residential) on the Southwest Sector Map of the General Plan. Although this land use category is intended for residential development with a minimum density of 25 dwelling units per gross acre, lower density residential land uses are acceptable. The existing apartment development has a density of 22.76 units per gross acre; therefore, the proposed conversion project conforms to the General Plan.

<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 plans are associated with the subject property.

PROJECT DESCRIPTION

The complex consists of 448 units in 28 two-story buildings. Recreational amenities include three swimming pools. A landscaped meandering walk maintained by others abuts the north side of Starboard Drive and the east side of Lake East Drive. Access is provided from two entrances

from Starboard Drive. A total of 710 parking spaces is provided, including 431 covered spaces. Landscaping is provided on the perimeter of the site and in the parking area, but does not meet current Zoning Code requirements.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.06, the Development Standards for an R-PD project are established by Site Development Plan Review. The following Development Standards are proposed for the subject property:

Standards	Proposed
Min. Setbacks	
• Front	10 Feet
• Side	15 Feet
• Corner	20 Feet
• Rear	15 Feet
Max. Building Height	20 Feet
Trash Enclosure	Walled, gated
Mech. Equipment	Screened

The existing development proposes development standards similar to other condominium developments in this area of the City. Parking and landscaping is deficient with regard to the current code; those issues are discussed in the appropriate sections below.

A2) Residential Adjacency Standards

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

- a) Proximity slope. Existing buildings along the southwestern portion of the property are approximately 20 feet tall at their highest point, requiring at least a 60-foot setback from the property lines of the single-family homes located to the southwest of the subject property across Lake East Drive. These buildings are set back at least 140 feet from the protected properties; therefore, the Residential Adjacency Standards with respect to proximity slope have been met.
- b) Building setback. These same buildings along the southwestern portion of the property are also set back at least the minimum 10 feet required for the back yards of the protected single-family homes.

A3) Parking and Traffic Standards

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

Uses	Units	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Condominiums 1-bedroom	144	1.25 spaces/unit + 1 space per 6 units	204			
Condominiums 2-bedroom	248	1.75 spaces/unit + 1 space per 6 units	475			
Condominiums 3-bedroom	56	2.00 spaces/unit + 1 space per 6 units	122			
TOTAL	448		801	N/A	704	6

The site met parking requirements when first approved, but is deficient 91 spaces according to current Zoning Code parking requirements. This represents an 11% deviation from the current requirements. Handicapped parking spaces provided do not meet Title 19 accessibility standards.

The Department of Public Works has recommended a condition of approval requiring all active gated access driveways to be designed, located and constructed in accordance with Standard Drawing #222A.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area (279 uncovered spaces)	1 Tree/6 uncovered spaces + half of all trees at end of rows	67 Trees (47+20)	26
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet	141 Trees	73 Trees
• Min. Zone Width	14 Feet with meandering sidewalk, 19 Feet across from single family uses; 6 feet sides and rear		25 Feet 15 Feet rear
• Wall height	8 Feet		Not shown

The site is deficient with respect to the number and spacing of trees and shrubs planted in the parking lot and perimeter planter areas.

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Ratio	Required		Provided	
			Percent	Area	Percent	Area
19.68 acres	22.8	1.65	37.6 %	7.40 acres	29.2 %	5.75 acres

The site provides less for open space than the 7.4 acres required by the current codes, based on density. The Zoning Code bases the minimum amount of open space to be provided on the gross acreage of the project.

A5) Sign Standards

All signage for the site is subject to the standards contained in Title 19.14 for multi-family developments in an R-PD (Residential Planned Development) zoning district, except where allowed by Variance.

B) General Analysis and Discussion

- Zoning

The site is currently zoned R-PD23 (Residential Planned Development – 23 units per acre), allowing residential development of up to 23.49 dwelling units per acre. The current development (and proposed conversion) is a permitted use in an R-PD zone. The site plans may establish development standards for R-PD projects; however, the Zoning Code requires certain open space provisions to be met. Staff does not encourage the conversion of nonconforming apartment complexes into condominium developments; rather, it recommends compliance with current codes where possible. As the subject development will be unable to provide parking, open space and landscaping according to code standards, staff recommends denial.

- Site Plan

The site plan depicts an orderly arrangement of buildings and parking areas. Circulation is logical, and there is an adequate sidewalk system connecting all buildings.

- Waivers

No waivers are sought in conjunction with this project.

- Landscape Plan

The landscape plan shows the existing planting materials and locations. Although some trees and shrubs are missing per the current landscaping codes, no additional landscaping is proposed. Perimeter landscaping along public rights-of-way is located in a common area and includes clusters of Ash, Mulberry, Sycamore, Purple-Leaf Plum and Pine. Along Starboard Drive, trees are scattered on either side of a meandering sidewalk. There are nearly no trees along the side and rear; these areas, as well as all other unpaved areas, contain turf. A significant amount of landscaping has been planted onsite and is well maintained. Generally, the existing landscaping along Durango Drive and Starboard Drive is aesthetically pleasing though not code compliant. Parking lot trees are planted heavily near the entrances, but are missing throughout most of the development. No planter islands have been constructed.

- Elevation

The existing elevations are of adequate design and materials to be appropriate for and compatible with surrounding development in the area.

- Floor Plan

The existing buildings house one, two and three bedroom units ranging from 703 square feet to 1,109 square feet.

FINDINGS

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

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

Much of the surrounding area is currently developed with medium density residential and commercial uses that are compatible with the proposed conversion.

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 condominium conversion is consistent with the General Plan. However, the development fails to meet current Title 19 and Landscape, Wall and Buffer standards in regard to parking, perimeter and parking lot landscaping, and the provision of open space. The applicant is encouraged to bring the site into compliance with current codes, if possible, prior to the conversion of condominium units. If compliance is not possible, conversion of the units is not recommended.

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

Starboard Drive, a 70-foot right-of-way, provides access to the site. No negative impacts to traffic in the surrounding area are caused by access points or site circulation.

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

The building materials are appropriate for this area, which contains a similar apartment complex to the south, condominiums to the north and commercial to the west. Landscaping materials are appropriate, but are deficient in number under the current Landscape, Wall and Buffer 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 existing elevations are uniform in appearance and materials and create a pleasing environment for residents and guests.

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

The proposed development will be subject to compliance with building codes, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission added Conditions #6 and 7.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED 583 by Planning Department

APPROVALS 1

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST



**SUNRISE MEADOWS
 @ THE LAKES**

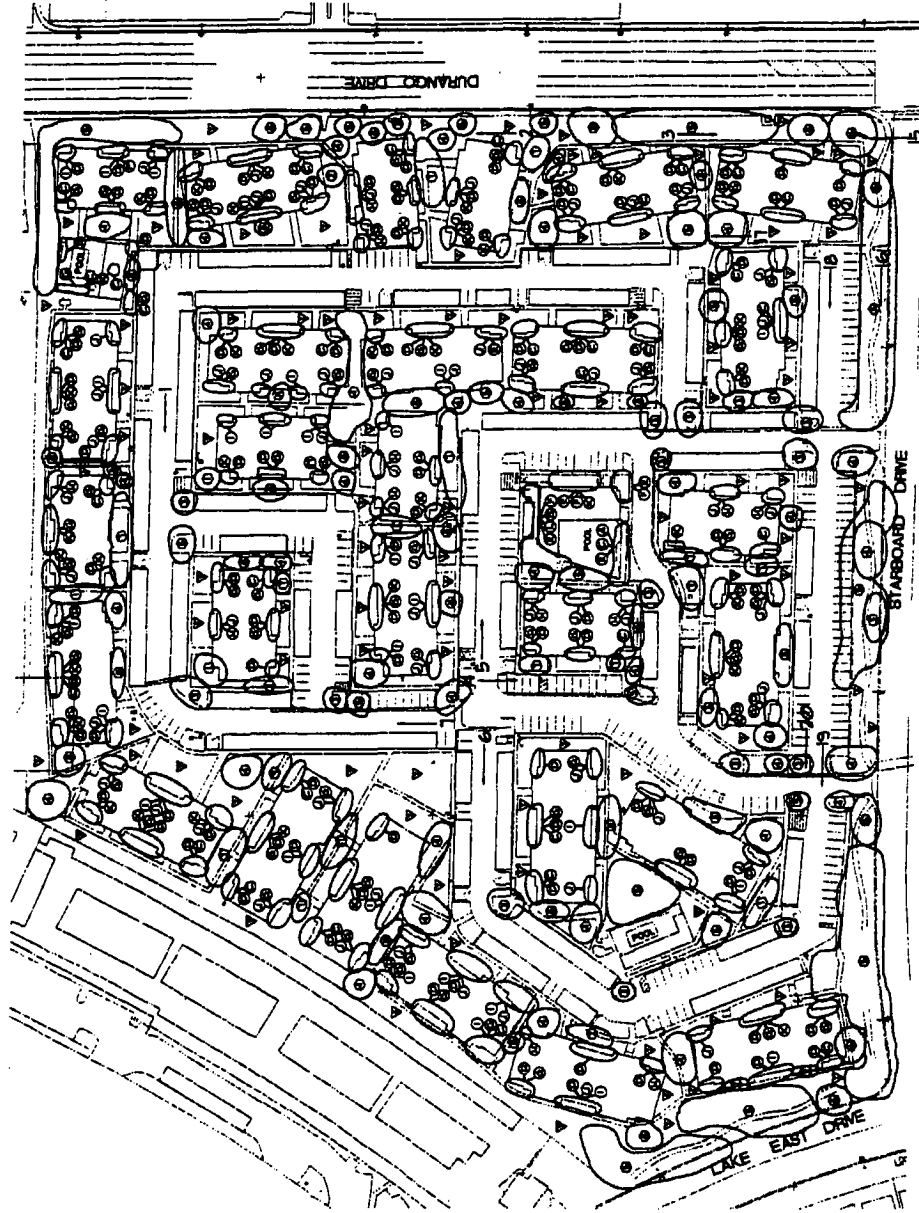
Project Number	03/010-000
Owner	MR. & MRS. J. L. JONES
Design By	MAZUNINO & ASSOCIATES
Checked By	MAZUNINO & ASSOCIATES
Date	11/01/03
Scale	1" = 10' - 0"

Sheet Number	11/01
Sheet Title	EXISTING PLANTING PLAN

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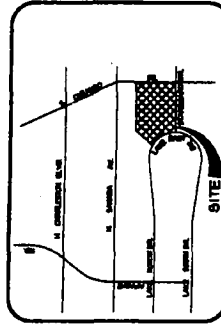


SDR-6057
03/24/05 PC

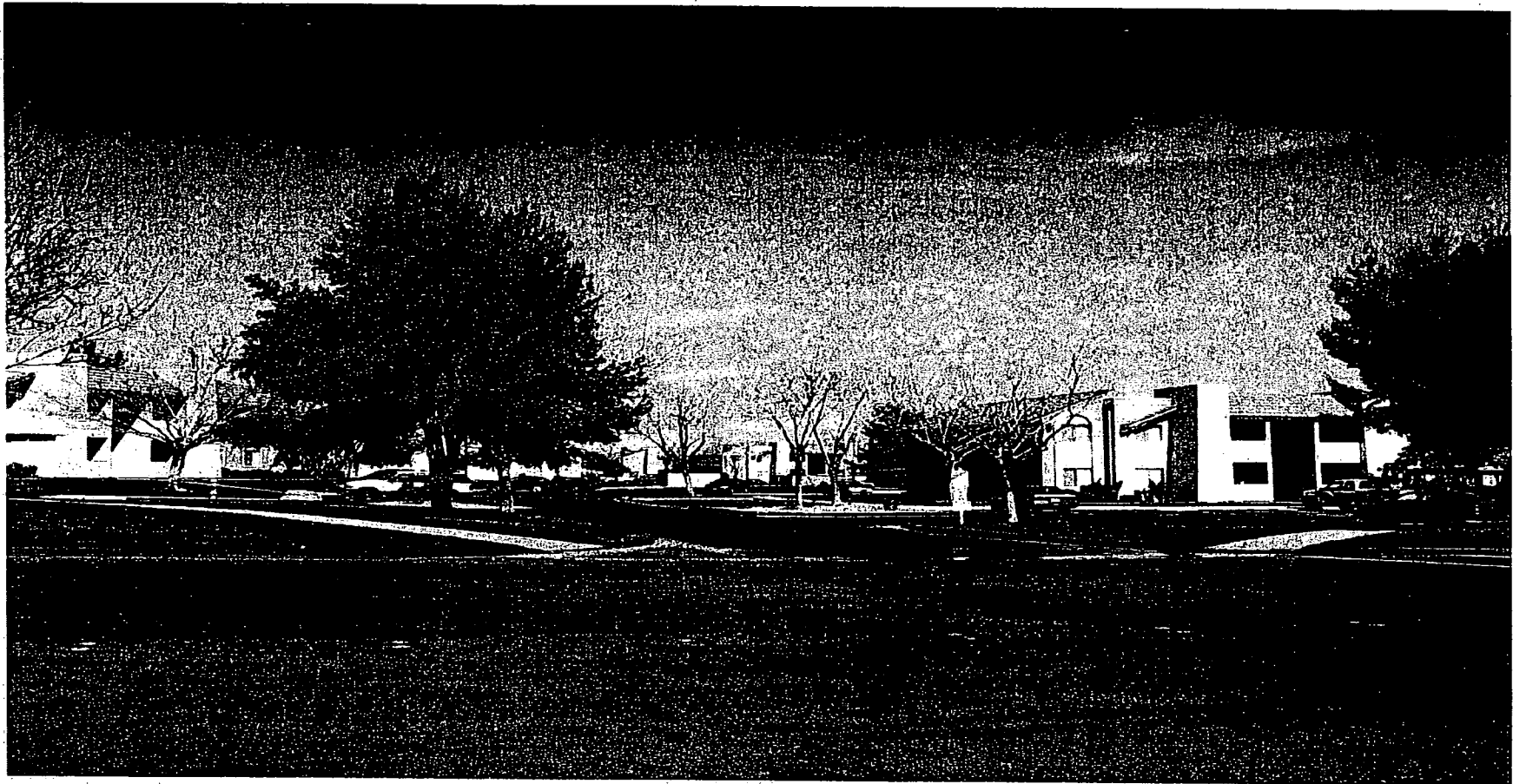


PLANT SCHEDULE

SYMBOL	PLANT NAME	QUANTITY
1	1" - 1 1/2" DBH. EVERGREEN	10
2	1" - 1 1/2" DBH. DECIDUOUS	10
3	1" - 1 1/2" DBH. PALM	10
4	1" - 1 1/2" DBH. SHRUB	10
5	1" - 1 1/2" DBH. TREE	10
6	1" - 1 1/2" DBH. PALM	10
7	1" - 1 1/2" DBH. SHRUB	10
8	1" - 1 1/2" DBH. TREE	10
9	1" - 1 1/2" DBH. PALM	10
10	1" - 1 1/2" DBH. SHRUB	10
11	1" - 1 1/2" DBH. TREE	10
12	1" - 1 1/2" DBH. PALM	10
13	1" - 1 1/2" DBH. SHRUB	10
14	1" - 1 1/2" DBH. TREE	10
15	1" - 1 1/2" DBH. PALM	10
16	1" - 1 1/2" DBH. SHRUB	10
17	1" - 1 1/2" DBH. TREE	10
18	1" - 1 1/2" DBH. PALM	10
19	1" - 1 1/2" DBH. SHRUB	10
20	1" - 1 1/2" DBH. TREE	10
21	1" - 1 1/2" DBH. PALM	10
22	1" - 1 1/2" DBH. SHRUB	10
23	1" - 1 1/2" DBH. TREE	10
24	1" - 1 1/2" DBH. PALM	10
25	1" - 1 1/2" DBH. SHRUB	10
26	1" - 1 1/2" DBH. TREE	10
27	1" - 1 1/2" DBH. PALM	10
28	1" - 1 1/2" DBH. SHRUB	10
29	1" - 1 1/2" DBH. TREE	10
30	1" - 1 1/2" DBH. PALM	10
31	1" - 1 1/2" DBH. SHRUB	10
32	1" - 1 1/2" DBH. TREE	10
33	1" - 1 1/2" DBH. PALM	10
34	1" - 1 1/2" DBH. SHRUB	10
35	1" - 1 1/2" DBH. TREE	10
36	1" - 1 1/2" DBH. PALM	10
37	1" - 1 1/2" DBH. SHRUB	10
38	1" - 1 1/2" DBH. TREE	10
39	1" - 1 1/2" DBH. PALM	10
40	1" - 1 1/2" DBH. SHRUB	10
41	1" - 1 1/2" DBH. TREE	10
42	1" - 1 1/2" DBH. PALM	10
43	1" - 1 1/2" DBH. SHRUB	10
44	1" - 1 1/2" DBH. TREE	10
45	1" - 1 1/2" DBH. PALM	10
46	1" - 1 1/2" DBH. SHRUB	10
47	1" - 1 1/2" DBH. TREE	10
48	1" - 1 1/2" DBH. PALM	10
49	1" - 1 1/2" DBH. SHRUB	10
50	1" - 1 1/2" DBH. TREE	10

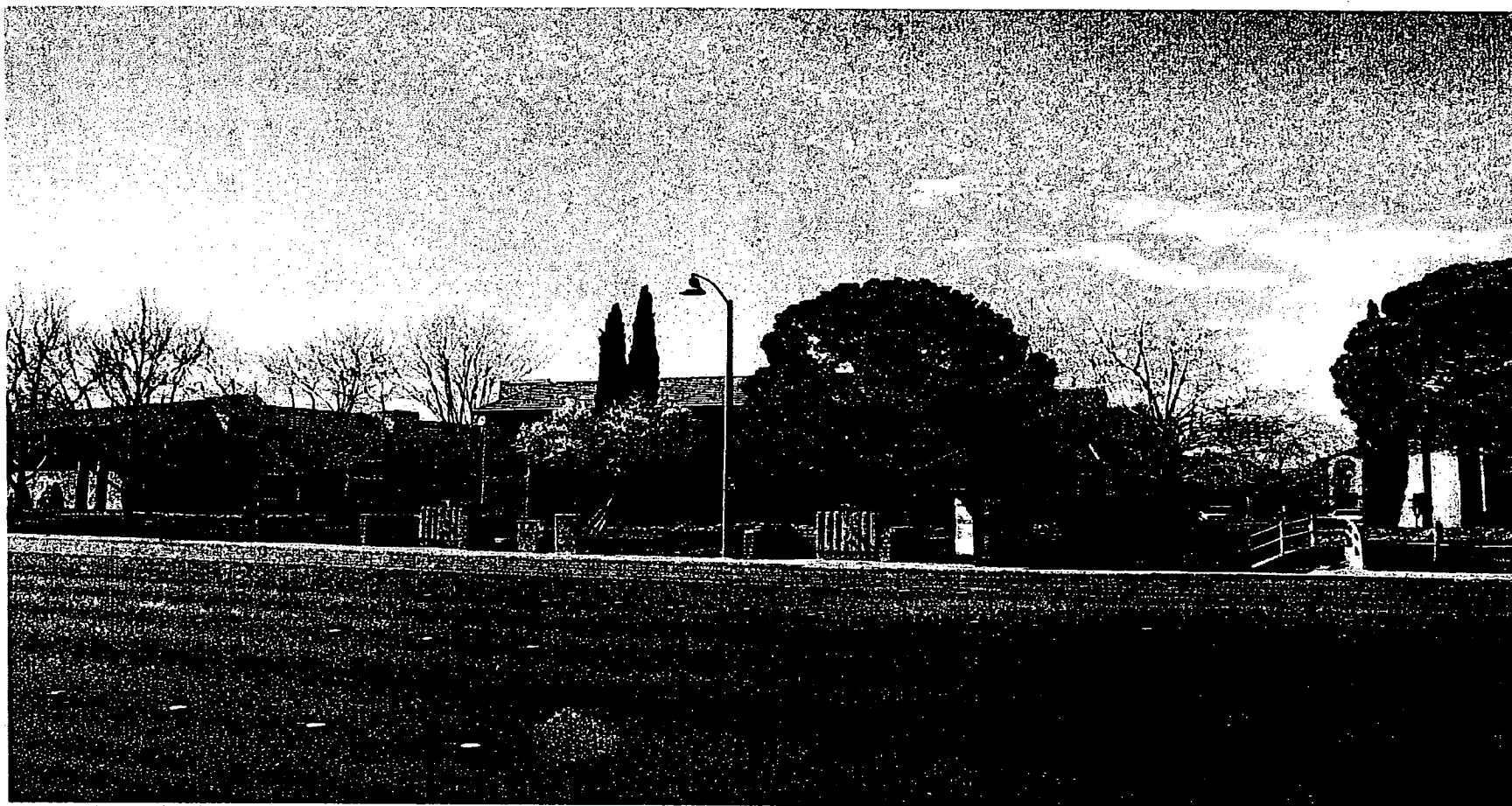


VICINITY MAP



SDR-6057 - APPLICANT/OWNER: LAKE EAST, LLC AND STARBOARD, LLC
8600 STARBOARD DRIVE
MARCH 24, 2005 PLANNING COMMISSION

3/3/05



SDR-6057 - APPLICANT/OWNER: LAKE EAST, LLC AND STARBOARD, LLC
8600 STARBOARD DRIVE
MARCH 24, 2005 PLANNING COMMISSION

3/3/05

February 1, 2005

Mr. Gary Leobold, AICP
Planning Manager
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

RE: Sunrise Meadows at The Lakes

Dear Gary:

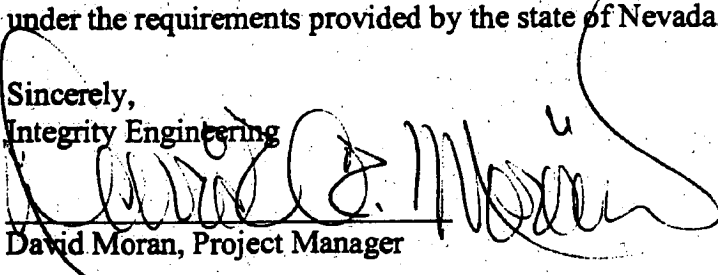
On behalf of our client, Lake East, LLC and Starboard, LLC, I am submitting some background and experience information regarding the main principal of the two LLC's as it relates to condominium conversions.

The main principal of the two LLC'S, Roy E. Hearrean, has been in the real estate development business since 1962. His firm, State Wide Investors, Inc., was founded in 1966 and has built and converted more than 4,000 condominium units. Mr. Hearrean is a licensed general contractor with over 40 years of active involvement in real estate development, marketing, construction, and management. As with prior condominium conversions completed by State Wide Investors, Inc., Mr. Hearrean has indicated that the condominium conversion of Sunrise Meadows at The Lakes will adhere to the requirements of UCOIA, (Uniform Common Interest Ownership Act of 1994).

During the condominium process, State Wide Investors, Inc. will follow the procedures of UCOIA and provide all tenants with a minimum of 120 day notice of the proposed condominium conversion and a minimum 60 day notice for first right of refusal. For tenants who choose not to purchase a condominium unit, funds are available to long term tenants as well as those with specific needs which include an age provision.

The condominiums are expected to have sales prices in the range from \$130,000's to the \$230,000's. A Homeowner's Association will be created in accordance with the State of Nevada Department of real Estate requirements. All owners will be a member of this association which will be operated under the requirements provided by the state of Nevada.

Sincerely,
Integrity Engineering


David Moran, Project Manager

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****SITE DEVELOPMENT PLAN REVIEW**

SDR-6058 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: LAKE EAST, LLC AND STARBOARD, LLC - Request for a Site Development Plan Review FOR THE PROPOSED CONVERSION OF AN EXISTING 448 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 20.00 acres at 3001 Lake East Drive (APNs 163-08-701-001 and 163-08-603-001), R-PD23 (Residential Planned Development - 23 units per acre) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

WOLFSON - APPROVED subject to conditions - UNANIMOUS with MACK not voting

MINUTES:

NOTE: See Item 94 [SDR-6057] for all related discussion.

(4:12 - 4:32)

6-641

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0004-85) and subsequent site-related actions, 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. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of

CITY COUNCIL MEETING OF: MAY 4, 2005**CONDITIONS - Continued:**

infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either 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.

5. All City Code requirements and design standards of all City departments must be satisfied.
6. The trash enclosure shall be rebuilt to meet code standards and maintained, subject to approval of the Planning and Development Department.
7. The number of trees on project perimeter shall be provided to meet code, pursuant to a landscape plan to be submitted for review and approval by the Planning and Development Department.
8. The chain link fence around the recreation area shall be replaced with wrought iron or tubular steel fencing, subject to review and approval by the Planning and Development Department.

Public Works

9. Grant a Traffic Signal Chord Easement on the southwest corner of Durango Drive and Starboard Drive.
10. 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.
11. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
12. 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.
13. 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.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.

15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)





CASE: SDR-6058

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-PD23 (RESIDENTIAL PLANNED DEVELOPMENT - 23 UNITS PER ACRE)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-6058 - APPLICANT/OWNER:
LAKE EAST, LLC AND STARBOARD, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 20, 2005 CITY COUNCIL MEETING AT COUNCILMAN WOLFSON'S REQUEST.

**** CONDITIONS ****

Staff recommends Denial. The Planning Commission (5-1 vote) recommends APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations date stamped 02/01/05, and with all applicable conditions of approval of Rezoning (Z-0004-85) and subsequent site-related actions, 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. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either 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.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. The trash enclosure shall be rebuilt to meet code standards and maintained, subject to approval of the Planning and Development Department.
7. The number of trees on project perimeter shall be provided to meet code, pursuant to a landscape plan to be submitted for review and approval by the Planning and Development Department.

8. The chain link fence around the recreation area shall be replaced with wrought iron or tubular steel fencing, subject to review and approval by the Planning and Development Department.

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11. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
12. 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.
13. 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.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map to discuss fire requirements for the proposed use of this facility.
15. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for the proposed conversion of an existing 448 unit apartment project to a condominium development on 20.00 acres at 3001 Lake East Drive.

B) Applicant's Justification

The applicant's representative has stated in a letter that the property owner has years of experience converting apartment units to condominiums. This conversion will adhere to Uniform Common Interest Ownership Act of 1994 (UCOIA) requirements, providing all tenants with a 120 day minimum notice of the conversion and a minimum 60-day notice for first right of refusal. A Homeowners' Association will be created to meet Nevada Department of Real Estate requirements.

BACKGROUND INFORMATION

A) Previous Actions

05/06/85 The City Council approved a Rezoning from N-U (Non-Urban) under Resolution of Intent to R-PD23 (Residential Planned Development – 23 units per acre), R-PD7 (Residential Planned Development – 7 units per acre) and C-1 (Limited Commercial) to R-PD23 (Residential Planned Development – 23 units per acre) on the subject site as part of a larger request (Z-0004-85). The Planning Commission and staff recommended approval.

03/24/05 The Planning Commission voted 5-1 to recommend APPROVAL (PC Agenda Item #32/ss).

B) Pre-Application Meeting

01/21/05 Requirements for submittal of Site Development Plan Review and Tentative Map applications were discussed. The applicant was informed that the earliest that hearings for the Tentative Maps could be scheduled would be 14 days after final approval of the Site Development Plan Reviews.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 20.00

B) Existing Land Use

Subject Property: Apartments
North: Apartments
South: Single Family Dwellings
East: Offices
Commercial
West: Single Family Dwellings
Townhouses

C) Planned Land Use

Subject Property: M (Medium Density Residential)
North: H (High Density Residential)
South: ML (Medium-Low Density Residential)
East: Clark County
West: ML (Medium Low Density Residential)
MLA (Medium-Low Attached Residential)
SC (Service Commercial)

D) Existing Zoning

Subject Property: R-PD23 (Residential Planned Development – 23 units per acre)
North: R-PD23 (Residential Planned Development – 23 units per acre)
South: R-CL (Single Family Compact-Lot)
East: C-P (Office and Professional – Clark County) under Resolution of
Intent to C-2 (General Commercial – Clark County) and C-1 (Local
Business – Clark County)
West: R-PD9 (Residential Planned Development – 9 units per acre) and R-
PD7 (Residential Planned Development – 7 units per acre – perimeter
common area)

E) General Plan Compliance

The subject property is designated M (Medium Density Residential) on the Southwest Sector Map of the General Plan. This land use category is intended for residential development with up to 25 dwelling units per gross acre. The existing apartment development has a density of 22.4 units per gross acre; therefore, the proposed conversion project conforms to the General Plan.

<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 plans are associated with the subject property.

PROJECT DESCRIPTION

The complex consists of 448 units in 28 two-story buildings. Recreational amenities include two centrally located swimming pools and a playground area. A landscaped buffer area with a sidewalk maintained by others abuts the south side of Starboard Drive and the east side of Lake East Drive. Access is provided from two entrances from Starboard Drive. A total of 621 parking spaces is provided, including 443 covered spaces. Landscaping is provided on the perimeter of the site and in the parking area, but does not meet current Zoning Code requirements.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.06, the Development Standards for an R-PD project are established by Site Development Plan Review. The following Development Standards are proposed for the subject property:

Standards	Proposed
Min. Setbacks	
• Front (Lake East Dr.)	10 Feet
• Side	15 Feet
• Corner	20 Feet
• Rear	25 Feet
Max. Building Height	22 Feet
Trash Enclosure	Walled and gated
Mech. Equipment	Screened

The existing development proposes development standards similar to other condominium developments in this area of the City. Parking and landscaping is deficient with regard to the current code; those issues are discussed in the appropriate sections below.

A2) Residential Adjacency Standards

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

- a) Proximity slope. Existing buildings along the southern portion of the property are approximately 22 feet tall at their highest point, requiring at least a 66-foot setback from the property lines of the single-family homes located to the south of the subject property. These buildings are only set back approximately 20 to 25 feet from the protected properties; therefore, the Residential Adjacency Standards with respect to proximity slope cannot be met. Buildings along the west side of the property require at least a 60-foot setback from single-family homes on the west side of Lake East Drive; they are set back at least 130 feet from the property lines of these homes, thereby meeting the proximity slope standard.

- b) Building setback. These same buildings along the southern edge of the property are set back at least the minimum 10 feet required for the back yards of the protected single-family homes, thereby complying with the standard. The buildings along the west edge of the property are set back more than the 10 feet required for the rear yards of homes along the west side of Lake East Drive, also meeting the standard.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Condominiums 1-bedroom	144	1.25 spaces/unit + 1 space per 6 units	204			
Condominiums 2-bedroom	248	1.75 spaces/unit + 1 space per 6 units	475			
Condominiums 3-bedroom	56	2.00 spaces/unit + 1 space per 6 units	122			
TOTAL	448		801	N/A	618	3

The site met parking requirements when first approved, but is deficient 180 spaces according to current Zoning Code parking requirements. This represents a 22% deviation from the current requirements. Handicapped parking spaces provided do not meet Title 19 accessibility standards.

The Department of Public Works has recommended a condition of approval requiring all active gated access driveways to be designed, located and constructed in accordance with Standard Drawing #222A.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area (178 uncovered spaces)	1 Tree/6 uncovered spaces + half of all trees at end of rows	60 Trees (30+30)	17
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet	127 Trees	106 Trees
• Min. Zone Width	14 Feet with meandering sidewalk, 19 Feet across from single family uses; 6 feet rear		25 Feet 15 Feet rear
• Wall height	8 Feet		Not shown

The site is deficient with respect to the number and spacing of trees and shrubs planted in the parking lot and perimeter planter areas.

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
20.00 acres	22.4	1.65	37 %	7.39 acres	35.5 %	7.10 acres

The site provides slightly less open space than the 7.4 acres required by the current codes, based on density. The Zoning Code bases the minimum amount of open space to be provided on the gross acreage of the project.

A5) Sign Standards

All signage for the site is subject to the standards contained in Title 19.14 for multi-family developments in an R-PD (Residential Planned Development) zoning district, except where allowed by variance.

B) General Analysis and Discussion

• Zoning

The site is currently zoned R-PD23 (Residential Planned Development – 23 units per acre), allowing residential development of up to 23.49 dwelling units per acre. The current development (and proposed conversion) is a permitted use in an R-PD zone. The site plans may establish development standards for R-PD projects; however, the Zoning Code requires certain open space provisions to be met. Staff does not encourage the conversion of nonconforming apartment complexes into condominium developments; rather, it recommends compliance with current codes where possible. As the subject development will be unable to provide parking, open space and landscaping according to code standards, and buildings along the south edge of the project do not meet Residential Adjacency standards, staff recommends denial.

- Site Plan

The site plan depicts an orderly arrangement of buildings and parking areas. Circulation is logical, and there is an adequate sidewalk system connecting all buildings.

- Waivers

No waivers are sought in conjunction with this project.

- Landscape Plan

The landscape plan shows the existing planting materials and locations. Although some trees and shrubs are missing per the current landscaping codes, no additional landscaping is proposed. Perimeter landscaping along Lake East Drive and Starboard Drive is located in a common area and includes clusters of sycamore, Purple-Leaf Plum and pine. Trees along Durango Drive are sparse but include primarily Ash and Honey Locust. Turf is existing on all other unpaved areas. Generally, the existing landscaping along the entire perimeter is aesthetically pleasing though not code compliant. A significant amount of landscaping, including various species of groundcover, has been planted onsite and is well-maintained. Parking lot trees are missing throughout most of the development. No planter islands have been constructed.

- Elevation

The existing elevations are of adequate design and materials to be appropriate for and compatible with surrounding development in the area.

- Floor Plan

The existing buildings house one, two and three bedroom units ranging from 703 square feet to 1,109 square feet.

FINDINGS

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

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

Much of the surrounding area contains existing development with medium-low to medium density residential and commercial uses that are compatible with the proposed conversion.

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 condominium conversion is consistent with the General Plan. However, the development fails to meet current Title 19 and Landscape, Wall and Buffer standards in regard to parking, perimeter and parking lot landscaping, and the provision of open space. The applicant is encouraged to bring the site into compliance with current codes, if possible, prior to the conversion of condominium units. If compliance is not possible, conversion of the units is not recommended.

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

Starboard Drive, a 70-foot right-of-way, provides access to the site. No negative impacts to traffic in the surrounding area are caused by access points or site circulation.

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

The building materials are appropriate for this area, which contains a similar apartment complex to the north, single family dwellings to the south and west and commercial to the east. Landscaping materials are appropriate, but are deficient in number under the current Landscape, Wall and Buffer 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 existing elevations are uniform in appearance and materials and create a pleasing environment for residents and guests.

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

The proposed development will be subject to compliance with building codes, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission added Conditions 6-8 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED 459 by Planning Department

APPROVALS 1

PROTESTS 0



Case Number: **SDR-6058** APN: 163-08-701-001, 163-08-603-001

Name of Property Owner: Starboard LLC

Name of Applicant: Lake East LLC and Starboard LLC

Yes

 X No

City Official: _____

Partner(s): _____

APN: _____

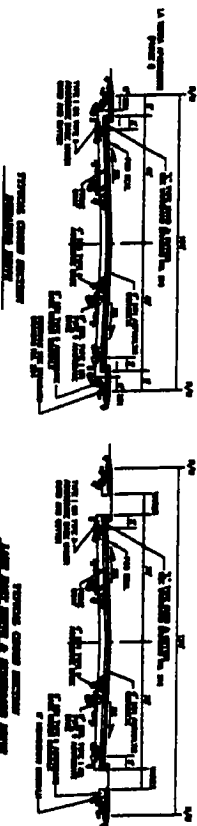
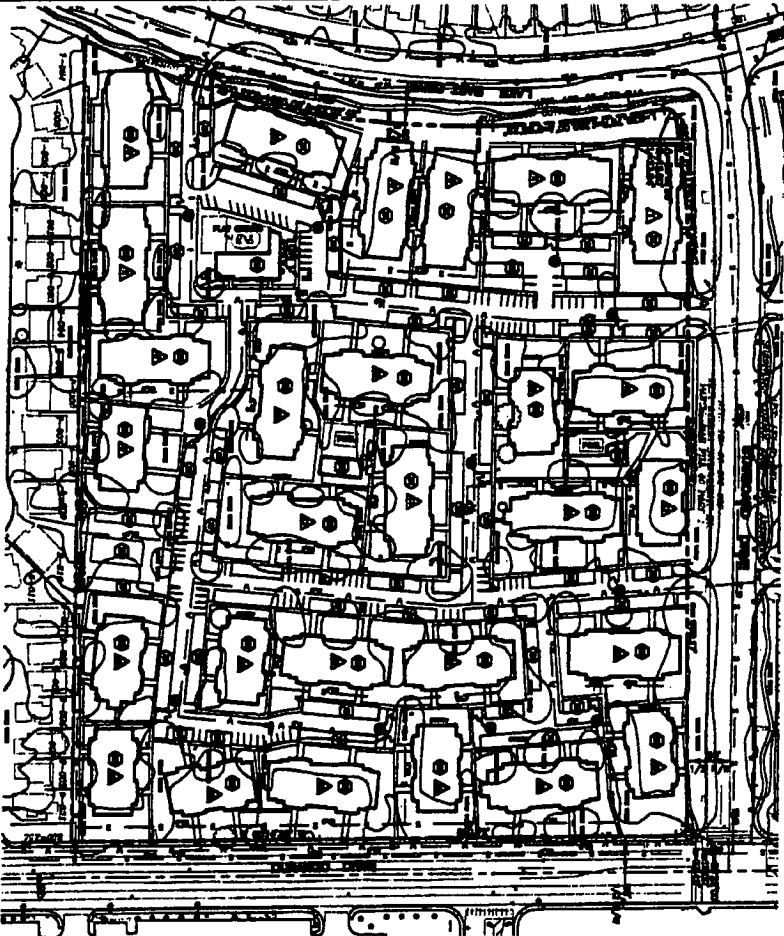
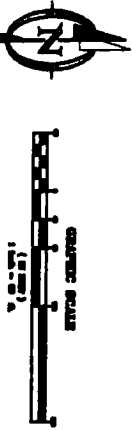
Signature of Property Owner/Authorized Agent:

Print Name: Jacquelyn J. Muis, Secretary and as
Attorney-in-fact for Richard L. Hebrrean

This 20 day of October, 2004
Glenn L. Jones M.C.
 Notary Public in and for said County and State

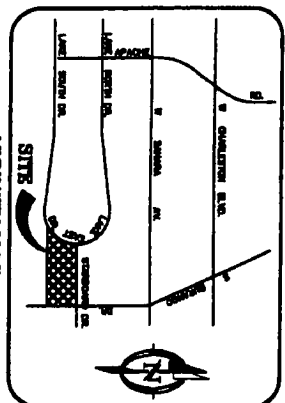
SITE PLAN FOR SUNSET BREEZE @ THE LAKES

APN: 163-08-603-001 & 163-08-701-001



GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES.
2. THE SITE PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE SURVEYOR. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED.
3. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED.
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10. THE ENGINEER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND IT TO BE IN SUBSTANTIAL ACCORD WITH THE INFORMATION PROVIDED.



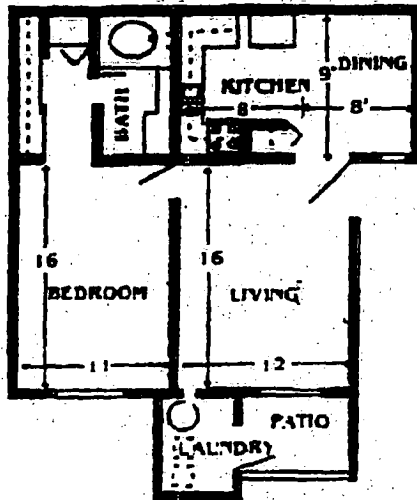
VICINITY MAP

LEGEND:

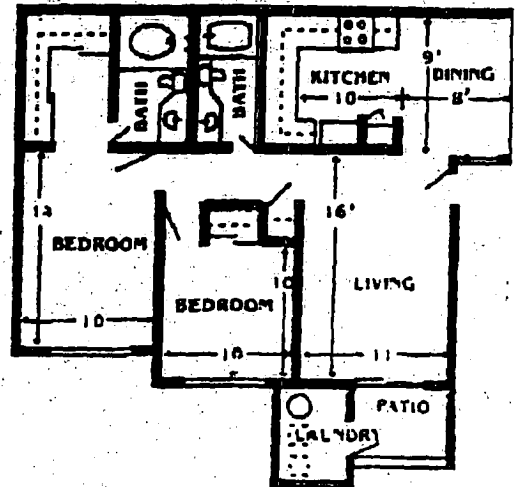
- 1. 1" = 1' SCALE
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SDR-6058
03/24/05 PC

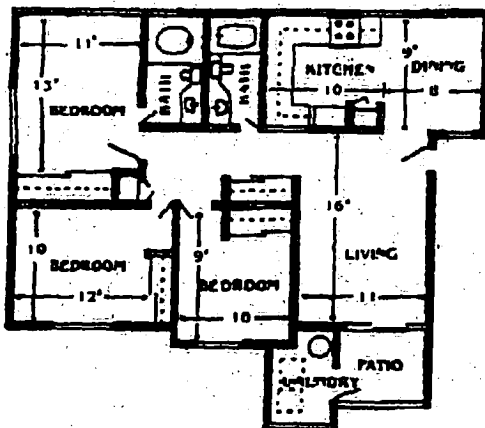
SHEET C-1	SUNSET BREEZE @ THE LAKES SITE PLAN	5480 E. Thompson Ave. Suite 200 Los Angeles, CA 90011 Phone: 702.458.4884 Fax: 702.458.4818	SCALE: 1" = 80'	DESIGNED BY: CA	CHECKED BY: DM	DATE:	REV. 2	DATE	REVISION	APPROVAL
			JOB NO: 15-171	REVISION APPROVAL BLOCK						



Apartment Rent
One Bedroom
703 Square Feet
703 #



Apartment Rent
Two Bedroom
923 Square Feet
923 #



Apartment Rent
Three Bedroom
1109 Square Feet
1109 #



SDR-6058 - APPLICANT/OWNER: LAKE EAST, LLC AND STARBOARD, LLC
3001 LAKE EAST DRIVE
MARCH 24, 2005 PLANNING COMMISSION

3/3/05

February 1, 2005

Mr. Gary Leobold, AICP
Planning Manager
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

RE: Sunset Breeze at The Lakes

Dear Gary:

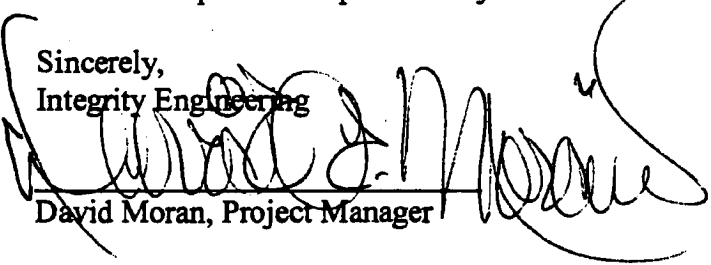
On behalf of our client, Lake East, LLC and Starboard, LLC, I am submitting some background and experience information regarding the main principal of the two LLC's as it relates to condominium conversions.

The main principal of the two LLC'S, Roy E. Hearrean, has been in the real estate development business since 1962. His firm, State Wide Investors, Inc., was founded in 1966 and has built and converted more than 4,000 condominium units. Mr. Hearrean is a licensed general contractor with over 40 years of active involvement in real estate development, marketing, construction, and management. As with prior condominium conversions completed by State Wide Investors, Inc., Mr. Hearrean has indicated that the condominium conversion of Sunset Breeze at The Lakes will adhere to the requirements of UCOIA, (Uniform Common Interest Ownership Act of 1994).

During the condominium process, State Wide Investors, Inc. will follow the procedures of UCOIA and provide all tenants with a minimum of 120 day notice of the proposed condominium conversion and a minimum 60 day notice for first right of refusal. For tenants who choose not to purchase a condominium unit, funds are available to long term tenants as well as those with specific needs which include an age provision.

The condominiums are expected to have sales prices in the range from \$130,000's to the \$230,000's. A Homeowner's Association will be created in accordance with the State of Nevada Department of real Estate requirements. All owners will be a member of this association which will be operated under the requirements provided by the state of Nevada.

Sincerely,
Integrity Engineering


David Moran, Project Manager

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****SITE DEVELOPMENT PLAN REVIEW**

SDR-6111 - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: CHARLESTON-3RD, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 28 STORY MIXED USE DEVELOPMENT CONSISTING OF 159 RESIDENTIAL CONDOMINIUM UNITS AND 7,000 SQUARE FEET OF COMMERCIAL/RETAIL SPACE, WITH WAIVERS FROM THE DOWNTOWN CENTENNIAL PLAN STREETScape, BUILD-TO-LINE AND BUILDING STEPBACK REQUIREMENTS on 0.44 acres at 1026 and 1036 South Third Street (APN 139-34-410-091 and 092), C-2 (General Commercial) Zone and R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

TARKANIAN - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

GREG BORGEL, 300 South Fourth Street, appeared on behalf of LEONARD EDELMAN together with TOM SCHUMAN and JOHN LOPEMAN, JMA Architecture Studios. MR. BORGEL thanked staff for working with them and concurred with all conditions. He praised MR. EDELMAN for redesigning the plan to accommodate the rerouting of Casino Center Drive.

Using the overhead, MARGO WHEELER, Director, Planning and Development Department, showed a 3-D rendering of all the projects proposed at this time. The rendering will be presented every time a similar project comes forward so that the Council can see how Downtown is developing. MAYOR GOODMAN commented that the exterior is being placed on the parking structure of the So Ho Lofts, and the architecture is art deco at its very best. This striking building will set a very good example for the type of products the Council envisions for Downtown.

MR. BORGEL verified with MS. WHEELER that there is no difference between the Planning Commission conditions and those provided in the backup for the City Council. MR. BORGEL indicated

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

that the timetable for completion is subject to the mapping constraints, however, the applicant would like to begin by next year.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(4:32 - 4:36)

6-1336

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped 04/01/05, except as amended by conditions herein.
3. The Waiver from the Downtown Centennial Plan building setback requirement is hereby approved, based on the proposed facade articulation and massing of the building.
4. The Waiver from the Downtown Centennial Plan build-to line requirement is hereby approved, based on the provision of an arcade and additional area for a public sidewalk.
5. The Waiver from the Downtown Centennial Plan streetscape requirement for 11-foot wide sidewalks and a five-foot amenity zone is hereby approved, due to the constraints of the public rights-of-way. All other streetscape elements shall conform to the Downtown Centennial Plan requirements, and shall match the Fourth Street improvements installed by the City of Las Vegas.
6. Palm trees shall be installed in the Third Street and Casino Center Boulevard rights-of-way at a maximum spacing of 35 feet on center.
7. The amenity zone along Charleston Boulevard shall be replaced with a sidewalk due to the constrained width of the right-of-way, and conforming tree grates shall be installed at the base of the shade trees.
8. The required landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for legal action by the City of Las Vegas.
9. The applicant shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229 6272.

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

10. All aerial encroachments are subject to the review and approval of the Public Works Department.
 11. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j of the Downtown Centennial Plan. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.
 12. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
 13. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
 14. Sign and record a Covenant Running with Land agreement for the possible future installation and/or relocation of half-street improvements in accordance with Downtown Centennial Standards for all improvements not required to be constructed at this time as a result of the requested Waiver. Such Covenant Running with Land agreement shall record prior to the issuance of any permits (or the recordation of a Final Map for this site).
 15. Signage for the development shall be permitted in conformance to the Arts District requirements of Downtown Centennial Plan.
 16. All City Code requirements and design standards of all City departments must be satisfied.
- Public Works
17. Dedicate a 10 foot radius on the northwest corner of Third Street and Charleston Boulevard prior to the issuance of any permits.
 18. Coordinate with the City Engineer's Division to continue to refine the Casino Center realignment and the integration of this site therein, including issues related to right-of-way acquisition or relinquishment, prior to the recordation of a Final Map for this site.
 19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
 20. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.
 21. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located within the public rights-of-way adjacent to this site prior to occupancy of this site. Additionally, obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.

CITY COUNCIL MEETING OF: MAY 4, 2005**CONDITIONS - Continued:**

22. Public sewer for this site shall connect to the 18-inch line located in Charleston Boulevard. Coordinate with the Collection System Planning Section of the Department of Public Works to determine connection requirements prior to the issuance of any permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

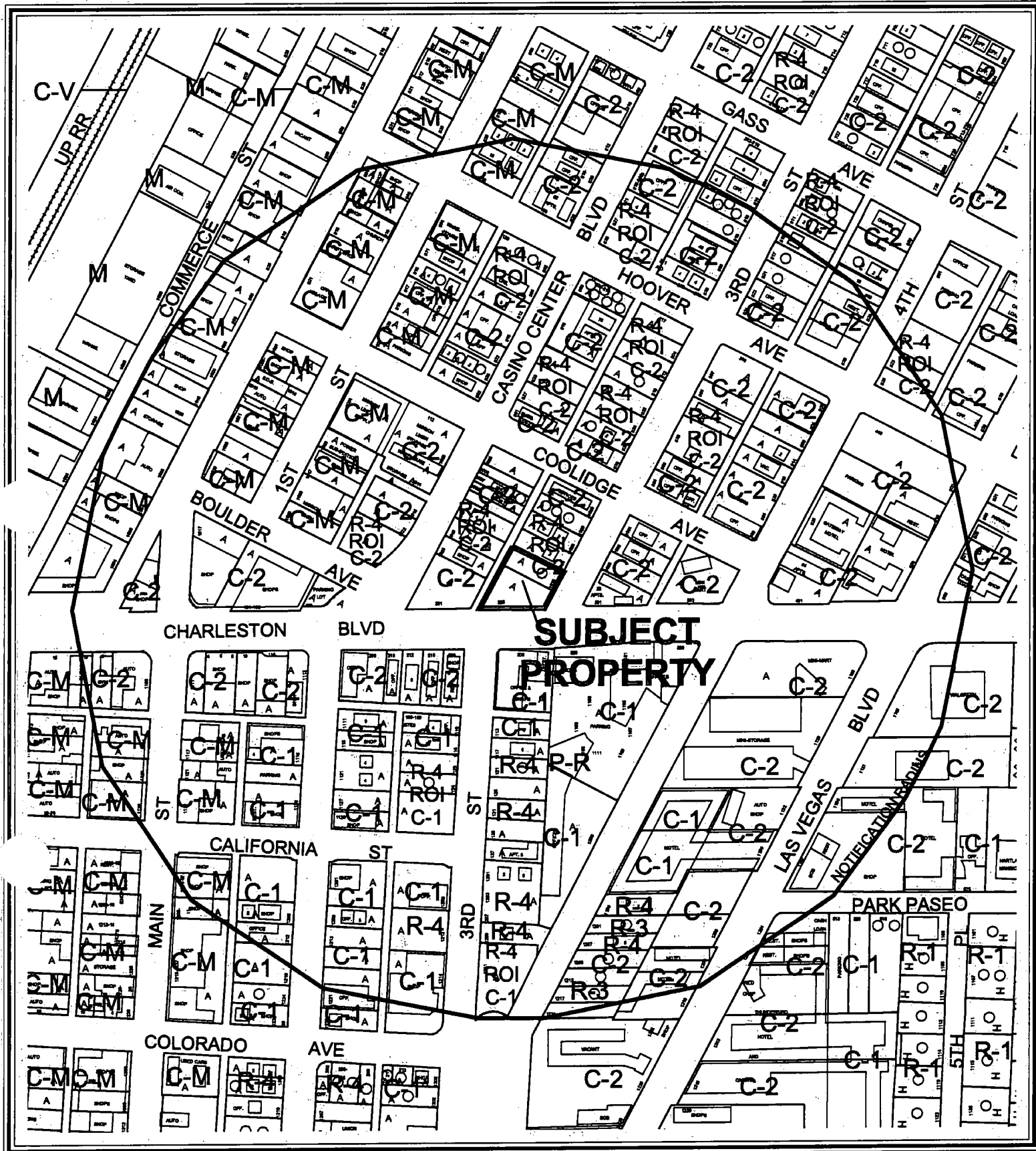
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of map subdividing this site, whichever may occur first. Provide and improve all drainageways as recommended.

24. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning

25. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site prior to submittal of any construction drawings.

26. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.

27. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.



CASE: SDR-6111

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) AND C-2 (GENERAL COMMERCIAL)

96





AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-6111 - APPLICANT: JMA ARCHITECTURE STUDIOS -

OWNER: CHARLESTON-3RD, LLC, ET AL

**** CONDITIONS ****

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped 04/01/05, except as amended by conditions herein.
3. The Waiver from the Downtown Centennial Plan building stepback requirement is hereby approved, based on the proposed façade articulation and massing of the building.
4. The Waiver from the Downtown Centennial Plan build-to line requirement is hereby approved, based on the provision of an arcade and additional area for a public sidewalk.
5. The Waiver from the Downtown Centennial Plan streetscape requirement for 11-foot wide sidewalks and a five-foot amenity zone is hereby approved, due to the constraints of the public rights-of-way. All other streetscape elements shall conform to the Downtown Centennial Plan requirements, and shall match the Fourth Street improvements installed by the City of Las Vegas.
6. Palm trees shall be installed in the Third Street and Casino Center Boulevard rights-of-way at a maximum spacing of 35 feet on center.
7. The amenity zone along Charleston Boulevard shall be replaced with a sidewalk due to the constrained width of the right-of-way, and conforming tree grates shall be installed at the base of the shade trees.
8. The required landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for legal action by the City of Las Vegas.
9. The applicant shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.

10. All aerial encroachments are subject to the review and approval of the Public Works Department.
11. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j of the Downtown Centennial Plan. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.
12. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
14. Sign and record a Covenant Running with Land agreement for the possible future installation and/or relocation of half-street improvements in accordance with Downtown Centennial Standards for all improvements not required to be constructed at this time as a result of the requested Waiver. Such Covenant Running with Land agreement shall record prior to the issuance of any permits (or the recordation of a Final Map for this site).
15. Signage for the development shall be permitted in conformance to the Arts District requirements of Downtown Centennial Plan.
16. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

17. Dedicate a 10 foot radius on the northwest corner of Third Street and Charleston Boulevard prior to the issuance of any permits.
18. Coordinate with the City Engineer's Division to continue to refine the Casino Center realignment and the integration of this site therein, including issues related to right-of-way acquisition or relinquishment, prior to the recordation of a Final Map for this site.
19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
20. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.
21. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located within the public rights-of-way adjacent to this site prior to occupancy of this site. Additionally, obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.

22. Public sewer for this site shall connect to the 18-inch line located in Charleston Boulevard. Coordinate with the Collection System Planning Section of the Department of Public Works to determine connection requirements prior to the issuance of any permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of map subdividing this site, whichever may occur first. Provide and improve all drainageways as recommended.
24. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning
25. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site prior to submittal of any construction drawings.
26. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.
27. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a proposed 28-story mixed-use development consisting of 159 residential condominium units and 7,000 square feet of commercial space, with Waivers from the Downtown Centennial Plan streetscape, build-to line and building setback requirements on 0.40 acres at 1026 and 1036 South Third Street. The project has been redesigned to accommodate the proposed Casino Center/Third Street realignment.

B) Applicant's Justification

The applicant notes that the proposed project will be a companion development of the mixed-use project that was recently approved on the parcel to the west, and will accommodate the proposed street realignment.

BACKGROUND INFORMATION

A) Previous Actions

12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcel, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
04/20/94	The City Council approved a request to Withdraw Without Prejudice a Special Use Permit (U-0042-94) application to allow a Class III Secondhand Dealership on the subject property. The Board of Zoning Adjustment recommended approval of the Special Use Permit on 03/22/94.
05/18/94	The City Council approved a Variance (V-0042-94) to allow Secondhand Sales where such use was not permitted. The Board of Zoning Adjustment recommended approval of the request on 04/26/94.
03/24/05	The Planning Commission held this item in abeyance to the 04/14/05 PC Meeting to properly re-notify the request in accordance with the revised plans submitted on 04/01/05.
04/14/05	The Planning Commission voted 6-0-1 to recommend APPROVAL (PC Agenda Item #32/ff).

B) Pre-Application Meeting

01/26/05 At the pre-application conference, issues were discussed relative to the aerial encroachments over the alley and the flow of traffic between the two developments. In addition, issues were resolved relative to the streetscape requirements and the constrained right-of-way along Charleston Boulevard. It was also noted that a traffic study would be required.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.44

B) Existing Land Use

Subject Property: Undeveloped
Single-Family Residential Use
North: Multifamily Residential Use
South: Office Use
General Retail Use
East: Multifamily Residential Use
West: Off-Premise Advertising Sign
Undeveloped (98-unit mixed-use development approved 02/16/05)

C) Planned Land Use

Subject Property: C (Commercial)
MXU (Mixed-Use)
North: MXU (Mixed-Use)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
R-4 (High-Density Residential) under Resolution of Intent to C-2
(General Commercial)
North: R-4 (High-Density Residential) under Resolution of Intent to C-2
(General Commercial)
South: C-1 (Limited Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a C (Commercial) land use designation. The Commercial designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed mixed-use development is consistent with the land use designation.

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

Redevelopment Plan Area

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Arts District. The district is intended to accommodate a variety of commercial, residential, and arts-related uses within a dense, urban environment. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Trails

While the development is not adjacent to any Transportation or Recreation Trail route identified in the General Plan, the Centennial Plan identifies urban trails along Third Street and Charleston Boulevard. The urban trails are intended to be developed with grant funds or as capital improvement projects, and individual property owners are not required to install the trail elements at this time.

PROJECT DESCRIPTION

The project involves the removal of the existing residential structure on the northern portion of the site, and the construction of a new 28-story mixed-use structure. The building will include a total of 159 loft-style units, with 7,000 square feet of commercial space on the first level of the structure. Parking will occupy Levels 2 through 7 of the building; residential units will occupy Levels 8 through 28. A total of 178 parking spaces will be provided within the structure, and two parking spaces will be located at grade outside of the structure.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	0.40 Acres	N/A
Min. Lot Width	N/A	140 Feet	N/A
Min. Setbacks			
• Front (Charleston)	0 Feet	11'-8"	N
• Corner (Third)	0 Feet	0 Feet	N/A
• Corner (Casino Center)	0 Feet	0 Feet	Y
• Rear	0 Feet	0 Feet	Y
Max. Lot Coverage	Up to 100%	91%	Y
Max. Building Height	N/A	370 Feet	N/A
Trash Enclosure	Walled and roofed	Interior	Y
Loading Zone	1 Space	1 Space	Y
Mech. Equipment	Screened	Screened	Y

The structure will generally comply with all development standards listed in the Downtown Centennial Plan, with the exception of the front yard setback. The Centennial Plan requires 70% of the building to be located directly at the property line adjacent to the sidewalk; the proposed structure will be located 11'-8" behind the property line in order to provide additional space for the construction of a wider sidewalk. An arcade structure will occupy a portion of the setback area, providing shade for pedestrians.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards.

A3) Parking and Traffic Standards

As with other development standards, the property is exempt from the automatic application of parking requirements due it being located within the boundaries of the Downtown Centennial Plan area. The following table details the parking figures for the development:

Uses	GFA	Provided Parking	
		Regular	Handicap
Multifamily Residential Units	159 Units		
Commercial	7,000 SF		
Total:		174	6

A total of 178 parking spaces will be provided within the parking structure; 20 of the spaces will be tandem spaces. The applicant has noted that 62% of the spaces in the structure will be compact spaces, due to the location and spacing of the building columns. Two parking spaces and a loading zone will be located at grade.

The Public Works Department has noted that Casino Center Boulevard is under discussion for realignment. The department has requested that the applicant coordinate with the City Engineer's office as the project moves forward to address construction and timing issues.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
East/West Street Charleston Boulevard	1 Shade Tree @ 30' o.c. max. (min. 24" box)	4 Shade Trees	3 Shade Trees
North/South Street Third Street	1 Palm Tree @ 35' o.c. max. (min. 25' height)	3 Palm Trees	2 Shade Trees
North/South Street Casino Center	1 Palm Tree @ 35' o.c. max. (min. 25' height)	5 Palm Trees	4 Shade Trees 2 Palm Trees
Sidewalk	11' Sidewalk	N/A	5'-10'

One additional shade tree will be required along the Charleston Boulevard frontage; palm trees are required by the Centennial Plan on Third Street and Casino Center Boulevard. One additional tree will be needed on the Third Street frontage in order to conform to the minimum spacing requirements. The sidewalk along the Casino Center frontage will not conform to the minimum 11-foot depth requirement; the sidewalk on the Charleston frontage will meet the minimum depth requirement, but the structure for the arcade will be located in the middle of the sidewalk area. The applicant has requested a Waiver from the streetscape requirements to address these issues.

A5) Sign Standards

No information has been provided relative to the proposed signage for the building. Signage shall be subject to the requirements listed in the Downtown Centennial Plan relative to the Arts District.

B) General Analysis and Discussion

- Zoning

The subject property is zoned C-2 (General Commercial); however, development standards and uses for the property are dictated by the Downtown Centennial Plan. The Arts District section of the Centennial Plan allows mixed-use developments by right, and no Special Use Permit is required. The structure will generally conform to the development standards listed in the Centennial Plan, with the exception of the building setback along Charleston Boulevard, for which a Waiver has been requested.

- Site Plan

The site plan depicts a commercial space at the front of the building, with access to the space from the public sidewalk along Charleston Boulevard. A six-foot deep arcade is provided at the front of the building along Charleston, which assists in increasing the pedestrian area in front of the building and also assists in shading the ground-level commercial space. A residential lobby is provided on the east side of the building, and is directly accessible from the public sidewalk on Third Street. Two parking spaces and a loading zone are located directly off of the realigned Casino Center Boulevard; all remaining parking spaces for the development will be in the internal parking structure, which takes access from Third Street. The trash facility will be located within the building, and will be accessed Third Street.

- Waivers

The following Waivers from the Downtown Centennial Plan requirements are requested:

1. Building Stepbacks: The Centennial Plan requires a minimum five-foot stepback at the 4th, 11th, and 18th stories of a building. The only stepback to be provided is at the eighth story of the building; however, there is adequate articulation of the façade elements to satisfy the design requirements of the Downtown Centennial Plan. Consequently, staff recommends approval of the Waiver.
2. Build-To Line: The Centennial Plan requires that buildings be located directly at the front yard setback for a minimum of 70% of the parcel width; the proposed structure will be located 11'-8" from the front property line on Charleston Boulevard. The applicant has requested a Waiver from this requirement in order to provide a wider sidewalk area along Charleston Boulevard; an arcade will occupy a portion of this setback area. As this will increase safety and enhance the pedestrian environment, staff recommends approval of the Waiver.

3. Streetscape: The Centennial Plan requires an 11-foot wide sidewalk and a five-foot wide amenity zone in the public rights-of-way; due to the constrained right-way-area, a five-foot sidewalk and five-foot amenity zone will be provided along Charleston Boulevard and a ten-foot sidewalk will be provided along Casino Center Boulevard. Due to the fact that the right-of-way constraints are beyond the control of the applicant and every effort has been made to provide a reasonable streetscape treatment, staff recommends approval of the Waiver.

- Landscape Plan

The landscape plan depicts the installation of shade trees in an amenity zone along Charleston Boulevard, and a combination of shade trees and palm trees along Casino Center Boulevard. Shade trees are shown in the amenity zone along Third Street. The shade trees along Casino Center and Third Street will need to be changed to palm trees in order to conform to the Centennial Plan streetscape requirements; in addition, a total of three palm trees will be required along Third Street and five shade trees will be required along Charleston Boulevard. Accent paving will be provided at the intersections and driveway entrances as required by the Centennial Plan. Due to the right-of-way constraints, it is recommended that tree grates be utilized along Charleston Boulevard instead of the full-width amenity zone.

- Elevation

As with the recently-approved tower building to the west, the elevations clearly define each function of the building through fenestration and materials, with a solid base at the parking levels and generous glazing on the residential levels. The proposed building continues the same architectural theme as established by the other tower, including the use of decorative pre-cast concrete, synthetic stucco, Low-E glazing, and stone veneer accents. The base element clearly defines the street wall for Charleston Boulevard, while the tower element is set back from the wall plane of the base element and will have a lighter appearance and greater freedom of form. The decorative rooftop elements of the proposed building continue the lines of the rooftop elements of the approved tower to the west, but utilizes a slightly different form in order to provide a distinctive character.

- Floor Plan

The floor plan depicts a commercial space at the front of the building facing Charleston Boulevard, with the residential lobby located immediately behind the commercial space. Parking and service functions will be located at the back of the building, with primary access from Third Street. The residential lobby will be separate from the commercial space, and will have access from Third Street. Trash facilities and mechanical equipment will be located within the structure at the ground floor, and will have access from the public alley. Residential amenities will be located on the eighth floor of the building, and will include a sun deck, swimming pool, fitness center and meeting room. Most residential floors will include a total of eight units; the two top floors of the building will have five 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 uses are compatible with other adjacent development in the area. While the proposed structure will be taller than the buildings in the immediate vicinity, it is consistent with other development that is proposed or underway in the downtown 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 consistent with the General Plan, Title 19, and is generally consistent with the Downtown Centennial Plan. Waivers have been requested from the building setback and build-to requirements, but the design of the structure conforms to the objectives of the Centennial Plan. The applicant has also requested a Waiver from the Centennial Plan streetscape requirements due to the right-of-way constraints.

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

The site has been designed so that the principal driveway is on Third Street instead of Charleston Boulevard, thereby reducing impacts to the flow of traffic on Charleston. Delivery functions will be accommodated via a driveway area and loading zone off Casino Center Boulevard.

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

The proposed building materials and landscape materials are appropriate for the area and for the City; the placement of the tree types will need to be revised to conform to the Centennial Plan streetscape design.

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

The design of the elevations are appropriate to the different functions and unit types within the building, and will be compatible with other development in the downtown area.

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

The project will be subject to inspections, and appropriate measures will be taken to protect public health, safety, and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 169 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-6111** APN: 139-34-410-091

Name of Property Owner: Charleston & Third, LLC

Name of Applicant: Dr John Lopemay JMA Architecture Studios

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

Yes

 X No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name:

Subscribed and sworn before me

This 4th day of FEBRUARY, 2005

Sharon J. Heiman
Notary Public in and for said County and State



Sharon J Herman
My Commission DD112301
Expires May 16, 2008



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-6111** APN: 139-34-410-092
Name of Property Owner: Charleson & Third, LLC
Name of Applicant: OMA Architecture Studios 

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

Yes

No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name:

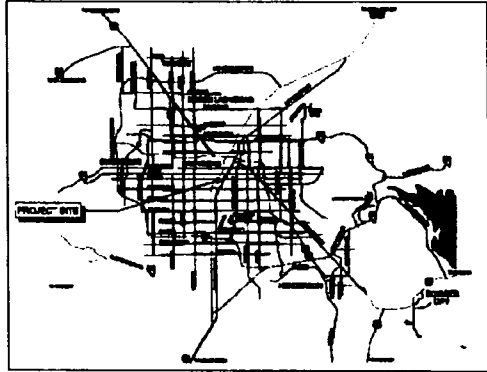
Subscribed and sworn before me

This 4 day of Feb, 2008

Notary Public in and for said County and State



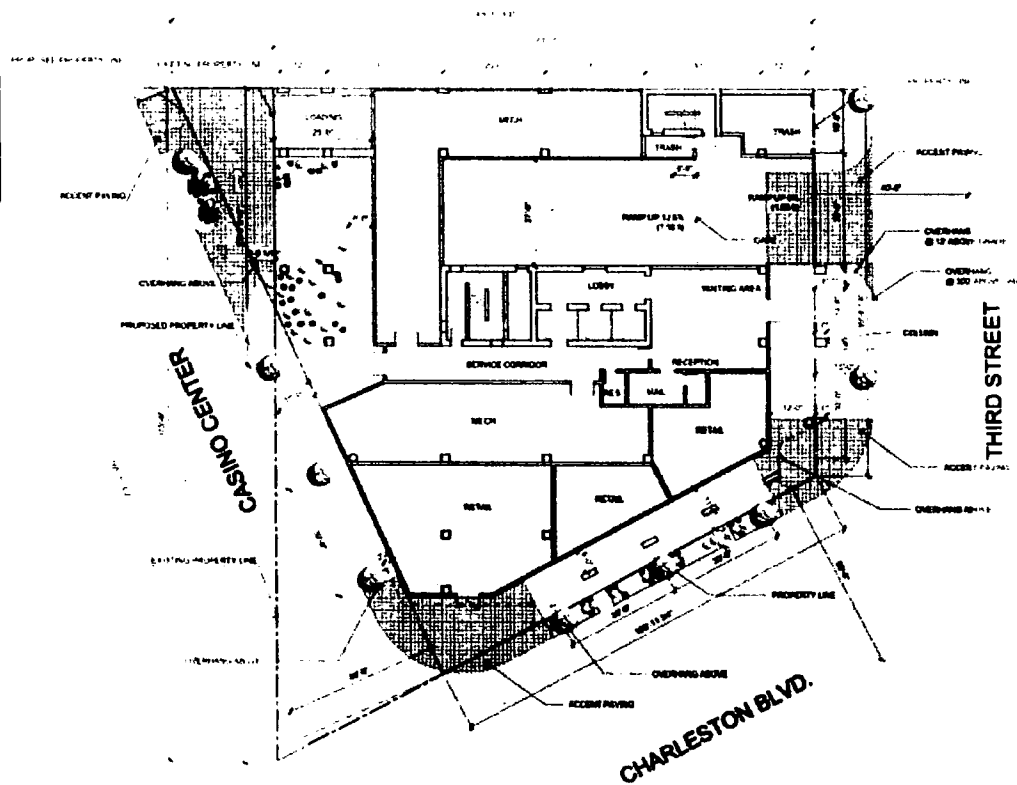
MARITZA SMITH
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 03-80514-1
MY APPT. EXPIRES FEB. 13, 2007



LANDSCAPING DATA

LANDSCAPE AREA	1,006 SF
HARDSCAPE AREA	4,108 SF
TOTAL LANDSCAPE AREA	5,114 SF
LANDSCAPE COVERAGE	21.1%
PLANTING LEGEND	
STANDARD BOTANICAL CONVENTIONS	5-21

- WASHINGTONIA FRAGRANS 2501
10' X 10' X 10' H. 10' W.
- LARIX PRINCEPIS 2501
10' X 10' X 10' H. 10' W.
- CAROLINA PRINCEPIS 2501
10' X 10' X 10' H. 10' W.
- PISTIA JAPONICA 2501
10' X 10' X 10' H. 10' W.



SITE ZONING

PARCEL # 199-34-410-001
JURISDICTION 199-34-410-002
CITY OF LAS VEGAS

SITE DATA

SITE AREA GROSS	1.70 ACRES
SITE AREA NET	1.43 ACRES
CURRENT ZONING	C-2 (GENERAL COMMERCIAL)
PROPOSED ZONING	C-2
BUILDING COVERAGE	81.1%
F.A.R.	1.129 X
UNITS	159 UNITS
DENSITY	201

BUILDING AREAS

1 BEDROOM RESIDENTIAL CONDOS (UNDER 1000 SF) 175 UNITS	63,100 SF
2 BEDROOM RESIDENTIAL CONDOS (OVER 1000 SF) 84 UNITS	130,700 SF
CONDO AMENITIES	4,400 SF
OFFICE / RETAIL	2,800 SF

PARKING ANALYSIS

PARKING PROVIDED:

PARKING STRUCTURE	6 LEVEL
TOTAL RESIDENT PARKING FOR 159 UNITS (INCLUDING 30 TANDEM PARKING)	178 SPACES
ON-SITE PARKING (11-ST LEVEL)	2 SPACES
TOTAL PARKING PROVIDED INCLUDING	180 SPACES
COMPACT PARKING	111 SPACES
HANDICAP PARKING	6 SPACES
ADDITIONAL PARKING	
LOADING PARKING	1 SPACE

SITE/GROUND/LANDSCAPE PLAN

SCALE: 1" = 40'

Charleston / THURD Condominiums

City of Las Vegas
LAS VEGAS, NEVADA

SDR-6111
04-14-05 PC
REVISED 04-01-05

RECEIVED

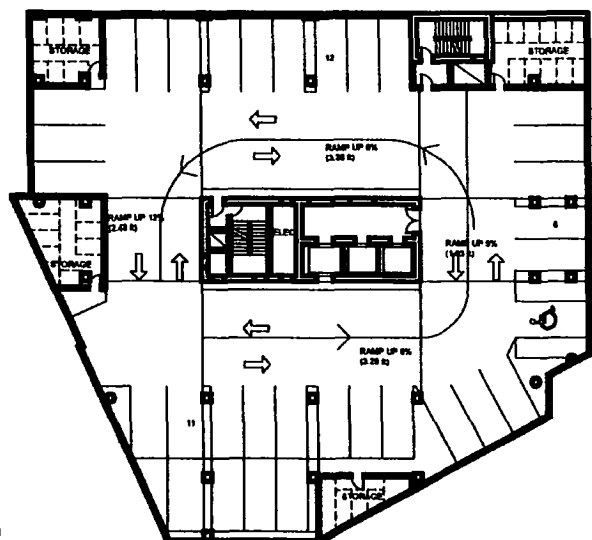
APR 1 2005

Project # 200401320

10150 COWINGTON CROSS DRIVE LAS VEGAS, NV 89118
PHONE (702) 731-2033 FAX (702) 731-2219 WWW.JMAARCH.COM

Date: APRIL 15TH, 2005

DR-01



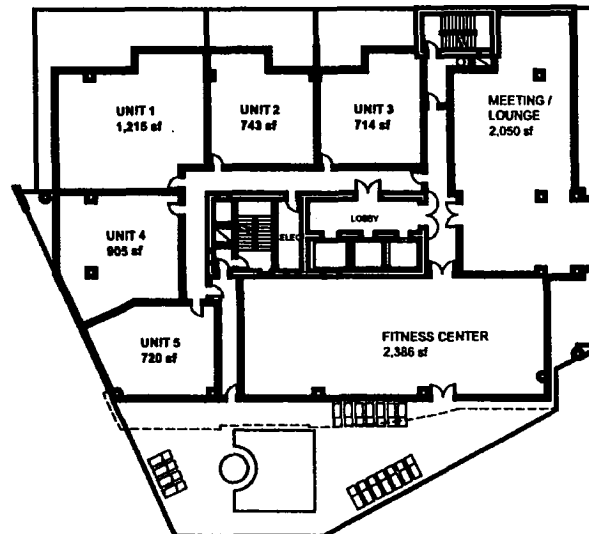
PARKING SPACE: 29 (+4 TANDEM) /LEVEL
TOTAL PARKING SPACES: 158 (+20 TANDEM)

PD02 LEVEL 02-07 FLOOR PLAN
CHARLESTON / THIRD CONDOMINIUMS

SDR-6111
04-14-05 PC
REVISED 04-01-05

RECEIVED
APR 1 2005

10130 CONVENTON CROSS DRIVE LAS VEGAS, NEVADA 89144
PHONE: (702) 731-3025 FAX: (702) 731-3028 WWW.JMAARCH.COM
PROJECT NO: 200401329
DATE: 03.28.2005
SCALE: 1"=30'
NORTH



1 BEDROOM: 4 UNITS
2 BEDROOM: 1 UNITS

TOTAL 5 UNITS

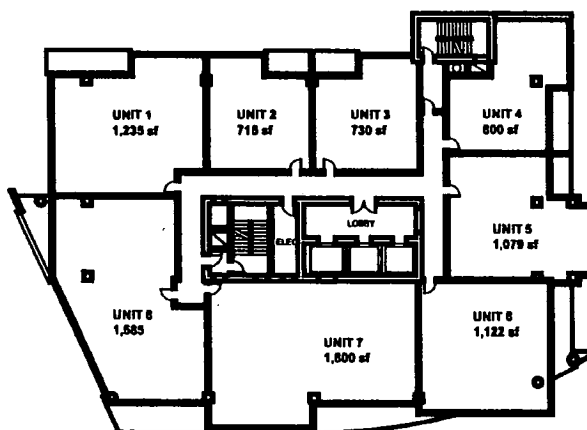
PD03 LEVEL 08 FLOOR PLAN
CHARLESTON / THIRD CONDOMINIUMS

SDR-6111
04-14-05 PC
REVISED 04-01-05

RECEIVED
APR 1 2005

18130 EDWINSON CROSS DRIVE LAS VEGAS, NEVADA 89144
PHONE: (702) 731-3823 FAX: (702) 731-3838 WWW.JMAARCH.COM
PROJECT NO. 200401328
DATE: 03.29.2005
SCALE: 1/16" = 1'-0" NORTH

1 BEDROOM: 4 UNITS/LEVEL
 2 BEDROOM: 4 UNITS/LEVEL
 8 UNITS/LEVEL
 TOTAL 128 UNITS

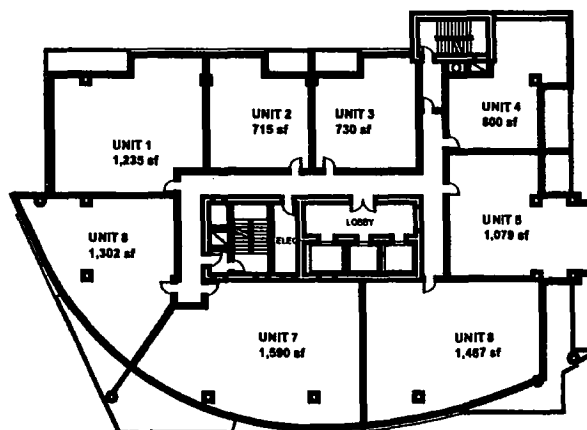


PD04 LEVEL 09-24 FLOOR PLAN
CHARLESTON / THIRD CONDOMINIUMS

SDR-6111
04-14-05 PC
REVISED 04-01-05

RECEIVED
APR 1 2005

19139 CORNWORTH CIRCLE DRIVE, LAS VEGAS, NEVADA 89144
 PHONE: (702) 731-8821 FAX: (702) 731-8838 WWW.JMAARCH.COM
 PROJECT NO: 200401329
 DATE: 03.29.2005
 SCALE: 1"=30'
 NORTH



1 BEDROOM: 4 UNITS/LEVEL
2 BEDROOM: 4 UNITS/LEVEL

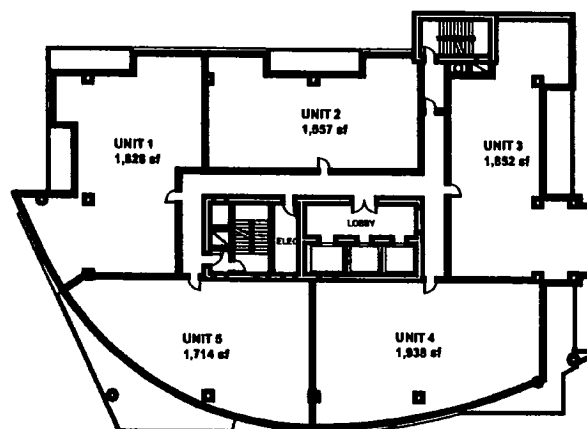
TOTAL 16 UNITS

PD05 LEVEL 25-26 FLOOR PLAN
CHARLESTON / THIRD CONDOMINIUMS

SDR-6111
04-14-05 PC
REVISED 04-01-05

RECEIVED
APR 1 2005

19139 DOWNTOWN CROSS DRIVE LAS VEGAS, NEVADA 89144
PHONE: (702) 731-3533 FAX: (702) 731-3538 WWW.JMAARCH.COM
PROJECT NO: 200401329
DATE: 03.28.2005
SCALE: 1"=30'
NORTH



2 BEDROOM: 5 UNITS/LEVEL

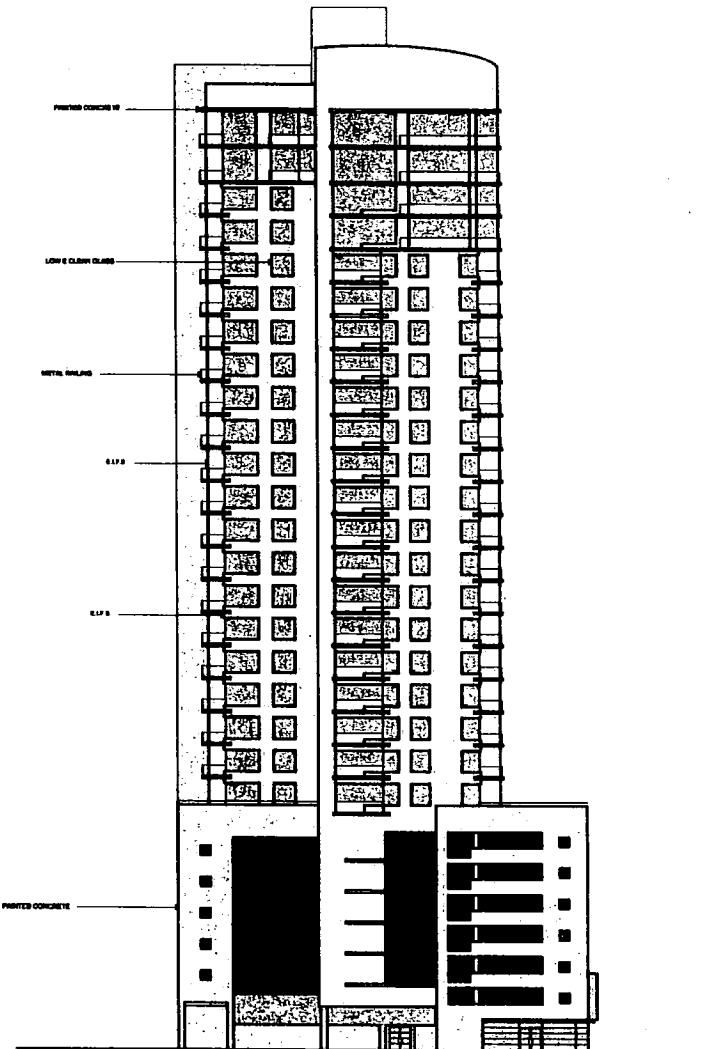
TOTAL 10 UNITS

PD06 LEVEL 27-28 FLOOR PLAN
CHARLESTON / THIRD CONDOMINIUMS

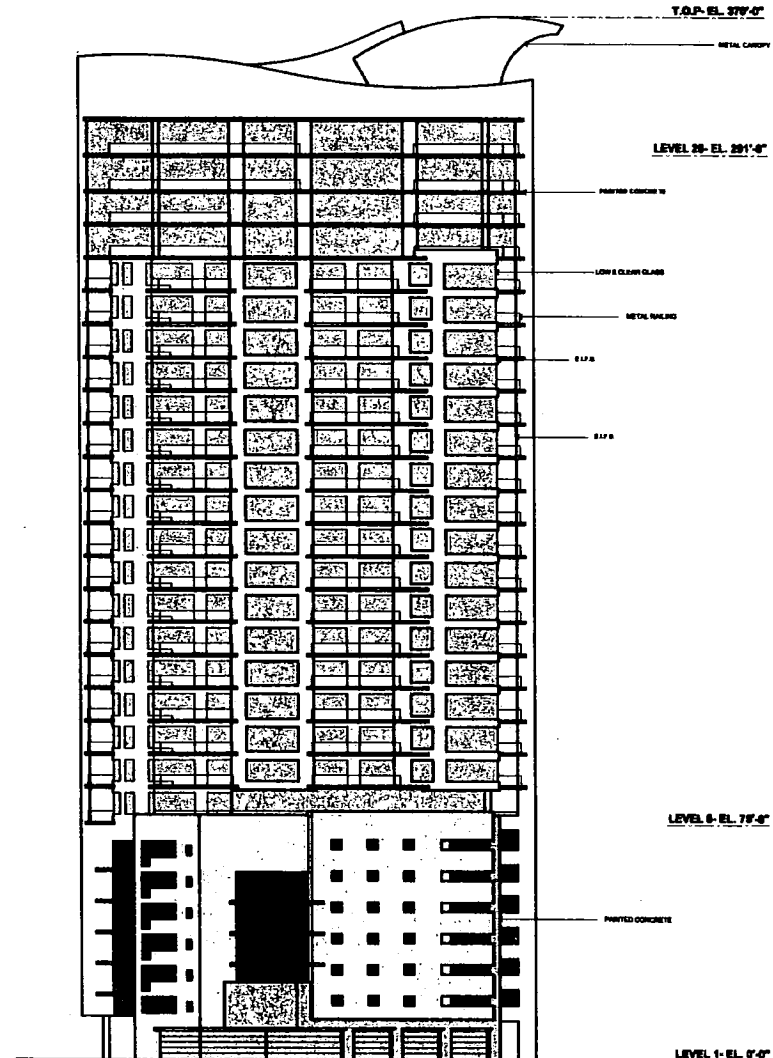
SDR-6111
04-14-05 PC
REVISED 04-01-05

RECEIVED
APR 1 2005

10100 CONVENT ROAD DRIVE LAS VEGAS, NEVADA 89144
 PHONE: (702) 731-8025 FAX: (702) 731-8026 WWW.JMAARCH.COM
 PROJECT NO: 200401328
 DATE: 03.28.2005
 SCALE: 1"=30'
 NORTH



WEST ELEVATION



SDR-6111 SOUTH ELEVATION
04-14-05 PC
REVISED 04-01-05

Charleston / THIRD Condominiums

City of Las Vegas
LAS VEGAS, NEVADA

SCALE: 1" = 80'-0"

JMA ARCHITECTURE STUDIOS

RECEIVED
APR 1 2005

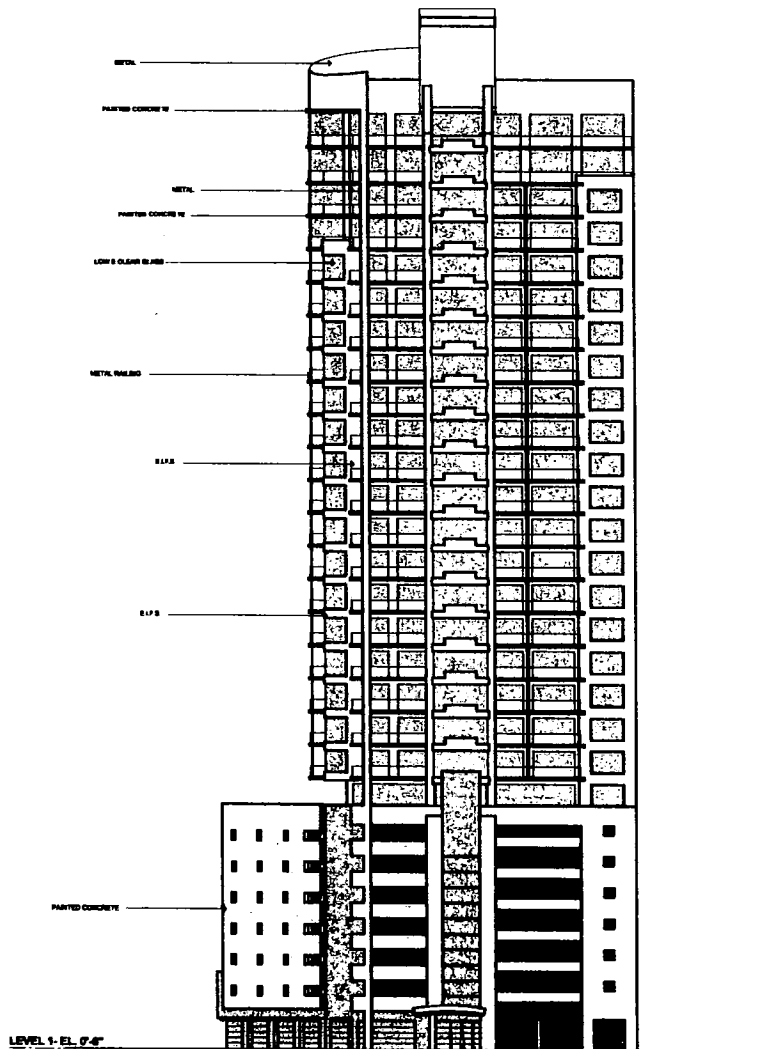
Project # 200401329

10150 COVINGTON CROSS DRIVE *** LAS VEGAS, NV 89114
PHONE: (702) 731-2033 *** FAX: (702) 731-2030 *** WWW.JMAARCH.COM

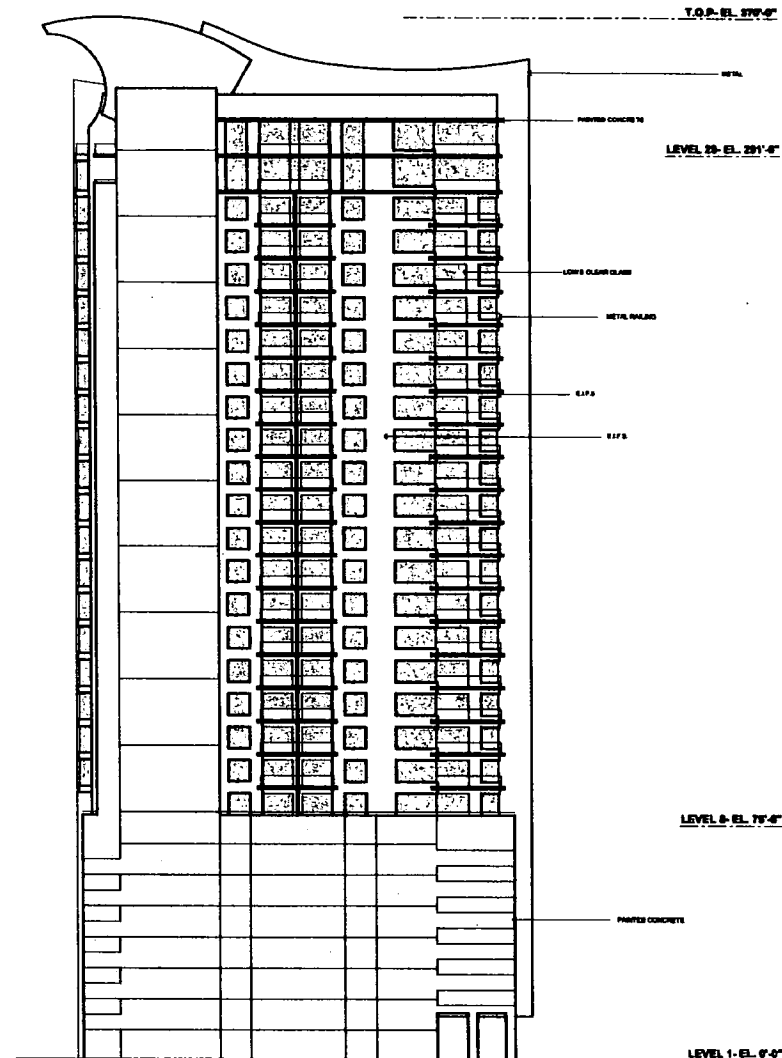


APRIL 1ST, 2005
Date:

DR-07



EAST ELEVATION



NORTH ELEVATION

SDR-6111
04-14-05 PC
REVISED 04-01-05

SCALE: 1" = 40'-0"

Charleston / THIRD Condominiums

City of Las Vegas
LAS VEGAS, NEVADA

JMA ARCHITECTURE STUDIOS

Project # 200401329

10150 COVINGTON CROSS DRIVE *** LAS VEGAS, NV 89114
PHONE: (702) 731-2033 *** FAX: (702) 731-2030 *** WWW.JMAARCH.COM

RECEIVED
APR 1 2005

Date: APRIL 1ST, 2005

DR-08



SDR-6111 - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: CHARLESTON-3RD, LLC, ET A
1026 AND 1036 SOUTH THIRD STREET
APRIL 14, 2005 PLANNING COMMISSION

3/3/05



SDR-6111 - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: CHARLESTON-3RD, LLC, ET AL
1026 AND 1036 SOUTH THIRD STREET
APRIL 14, 2005 PLANNING COMMISSION

3/3/05

February 8, 2005

City of Las Vegas
Current Planning Division
Development Services Center
731 South 4th Street
Las Vegas, NV 89101

RE: Charleston Boulevard and Third Street Condominiums
JUSTIFICATION LETTER

APN: 139-34-410-091
139-34-410-092

Dear Sir or Madam:

We are requesting Site Development Plan Review and Waiver of Design Standard for the development of a mixed use project consisting of a 20 story, 114 unit condominium tower, 4,530 square feet of associated amenity spaces for the condo including a fitness club and lounge, 6,200 square feet of commercial retail space accessible to the general public, and 178 parking spaces in a structured parking garage. This mixed use development will be located at the northwest corner of Charleston Boulevard and Third Street in the downtown redevelopment area. The General Plan designation is General Commercial and the site is zoned C-2.

The proposed building is connected at the parking levels 2 through 6 and the amenities level 20 with the adjacent proposed building located across the alley at the northeast corner of the Casino Center and Charleston Boulevard. The entrance to the residents' parking of both buildings is at the Casino Center Boulevard. The addition of the bridge results in a loss of 15 parking spaces in the parking structure of the adjacent building.

The Waiver of the Design Standard is requested for the building step-back at 4th, 11th and 18th stories. The proposed building steps back at 7th level, the top of parking structure.

The Waiver of the Design Standard is requested for the Build-To-Line requirement. The pedestrian sidewalk on Charleston Boulevard is too narrow to accommodate this requirement.

We are requesting approval for the overhead encroachment to the public way on Third Street. We propose the canopy at the residents' entry to extend 18" past the building (and property) line to be more visible and inviting.

Sincerely

Kastytis Cechavicius
Senior Designer



Thomas J. Schoeman, AIA
President

Edward A. Vance, AIA
Sr. Vice President

SDR-6111

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REQUIRED SIX-MONTH REVIEW - SPECIAL USE PERMIT

RQR-6262 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: MARIA ZUBIA PENA - OWNER: KOUTNOUYAN LIVING TRUST - Request for a Required Six-Month Review of an approved Special Use Permit (SUP-3128) WHICH ALLOWED AUTO PARTS (NEW AND REBUILT) (ACCESSORY SALES & SERVICE) AND AUTO REPAIR GARAGE, MINOR on 3.9 acres located at 4401 Stewart Avenue (APN 140-32-201-002), C-1 (Limited Commercial) Zone, Ward 3 (Reese). 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. City Council approval letter for SUP-3128**

MOTION:

REESE - Motion to STRIKE Item 89 [7075 West Craig Road], Item 91 [6440 West Hammer Lane] and Item 92 [5820 West La Madre Way] and HOLD IN ABEYANCE Item 97 [RQR-6262] to 6/15/2005 - UNANIMOUS with BROWN excused

MINUTES:

COUNCILMAN REESE requested that Item 97 [RQR-6262] be held in abeyance to the 6/15/2005 City Council meeting.

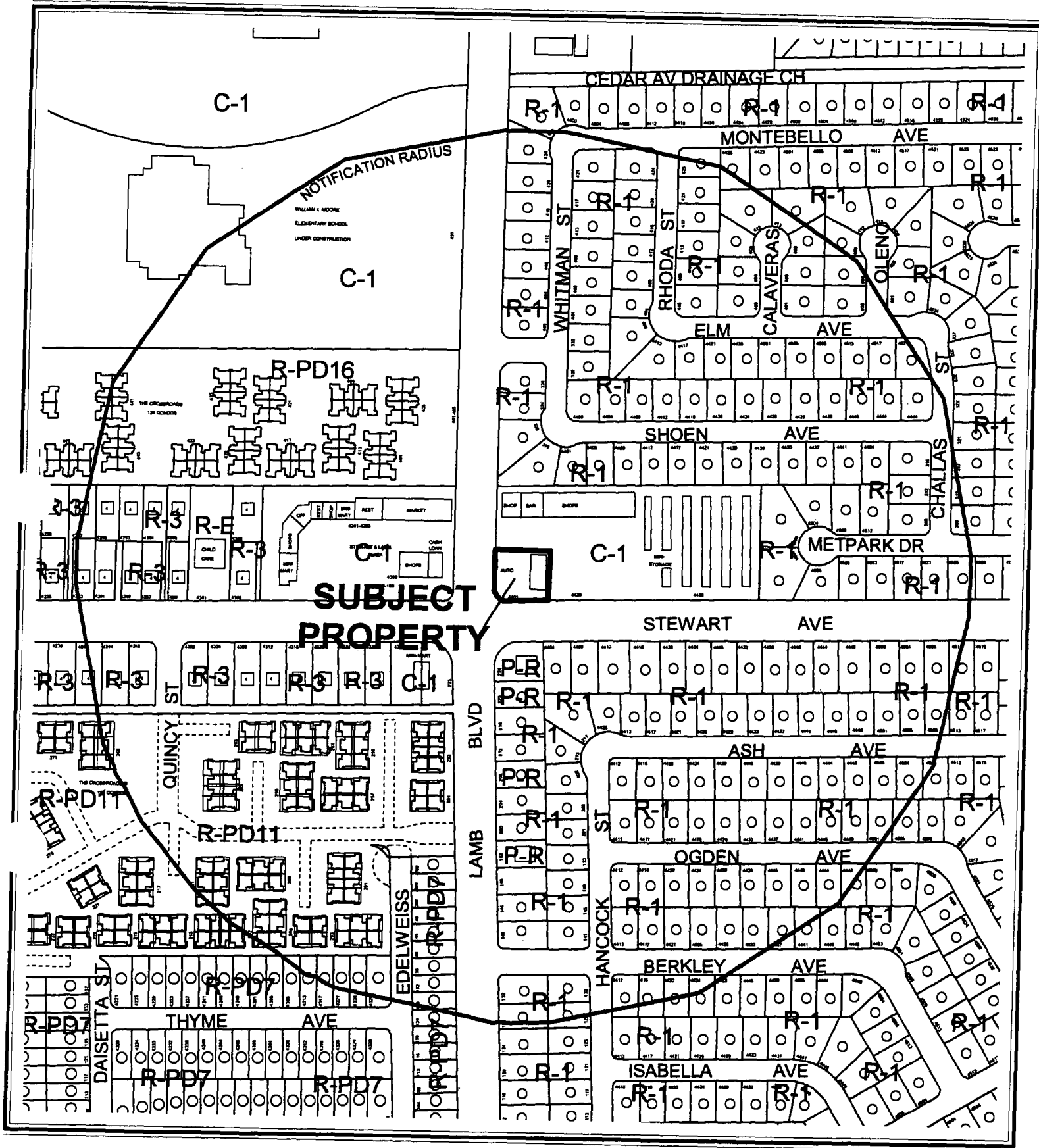
(3:52 - 3:54)

6-1

CONDITIONS:

Planning and Development

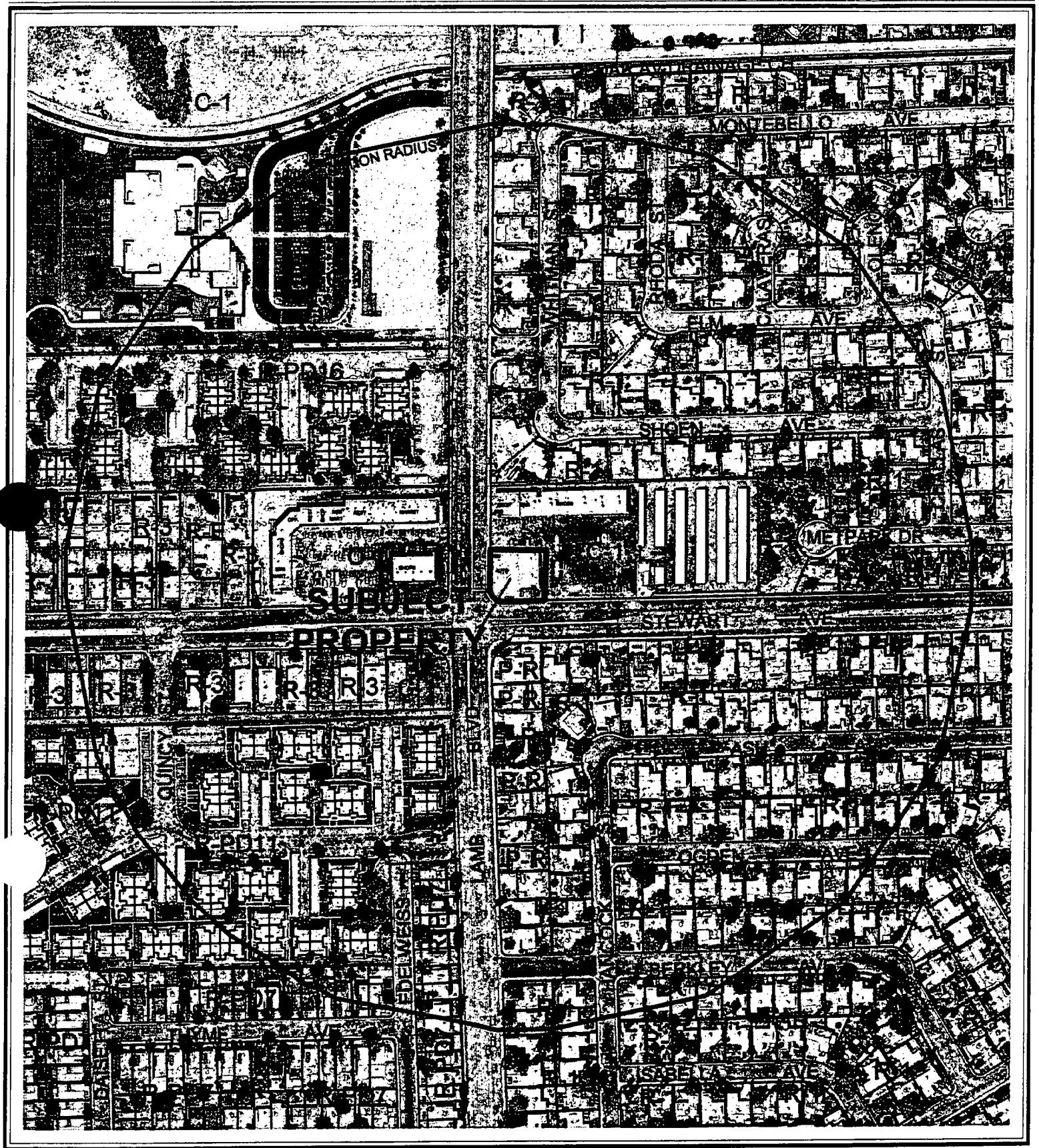
- 1. Conformance to the Conditions of Approval for Special Use Permit SUP-3128 with no further reviews required.**



CASE: RQR-6262

RADIUS: 1000 FT

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



CASE: RQR-6262

RADIUS: 1000 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - RQR-6262 - APPLICANT: MARIA
ZUBIA PENA – OWNER: KOUTNOUYAN LIVING TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 20, 2005 CITY COUNCIL MEETING AT COUNCILMAN REESE'S REQUEST.

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit SUP-3128 with no further reviews required.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Required Six-Month Review of an approved Special Use Permit (SUP-3128) which allowed auto parts (new and rebuilt) (accessory sales & service) and auto repair garage, minor at 4401 Stewart Avenue.

B) Applicant's Justification

A justification letter is not required for this type of application.

BACKGROUND INFORMATION

A) Related Actions

01/21/04 The City Council approved a Special Use Permit (SUP-3128) to allow the auto parts (new and rebuilt) (accessory sales & service) and auto repair garage, minor on this site, subject to a 6-month review. The Planning Commission and staff recommended approval on 11/20/03.

10/28/04 A business license was issued for the tire and auto accessory sales at this location.

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: 0.36

B) Existing Land Use

Subject Property: Tire Store and Auto Accessory Sales
North: Commercial Retail Center
South: Single Family Residences and Office
East: Commercial Retail Center
West: Commercial Retail Center

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: R-1 (Single Family Residential) and P-R (Professional Office and Parking)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) *General Plan Compliance*

The subject site is located within the Southeast Sector Map of the General Plan and is Designated as SC (Service Commercial). The existing C-1 (Limited Commercial) zoning is in compliance with this General Plan 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

A) *General Analysis and Discussion*

- Zoning

The auto repair garage, minor (tire store and auto accessory sales) is allowed in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit

- Use

The proposed auto repair garage, minor, has had minimal impact upon the surrounding neighborhood, provided all conditions established by Title 19 are fulfilled.

On March 31, 2005 a site inspection was conducted and photos were taken. The inspection revealed the auto repair garage, minor (tire store and auto accessory sales) site is operating in a manner that provides a clean and neat appearance. Since this use has minimal affects on the surrounding land uses, the recommendation for this request is approval with no further reviews required.

The applicant has submitted written indication they wish to change the hours of operation that were limited to 8:00 a.m. to 6:00 p.m. by Condition Number 1 of the approved Special Use Permit. That applicant has been notified any changes to the Conditions of Approval would require a separate Review of Condition application. Therefore, a change to the hours of operation cannot be considered as part of this request.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed auto repair garage, minor, should has minimal impact upon the surrounding neighborhood, provided all conditions established by Title 19 continue to be fulfilled.

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

The northern half of the building was converted to allow for an auto repair garage with service bays and the on-site parking is adequate due with the condition that an Off-Site Parking Agreement must be recorded with the property to the adjacent property to the northeast prior to the issuance of a certificate of occupancy

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

The subject site is located along Stewart Avenue and Lamb Boulevard which are both designated as a Primary Arterial (100-Foot) streets per the Master Plan of Streets and Highways and can adequately serve the approved use on this 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.”**

This development has obtained the necessary development permits, including Building and Safety Department requirements for a Certificate of Occupancy and a business license, which will insure the protection of the public health, safety and general welfare.

NOTICES MAILED 419 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RGR-6262 APN: 140-32-201-002

Name of Property Owner: Nora Armenian

Name of Applicant: _____

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

_____ Yes

_____ ☒ No

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

City Official: _____

Partner(s): _____

APN: _____

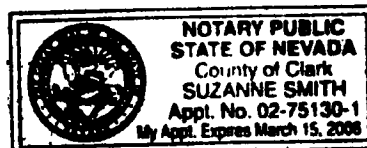
Signature of Property Owner: N. Armenian

Print Name: Nora Armenian

Subscribed and sworn before me

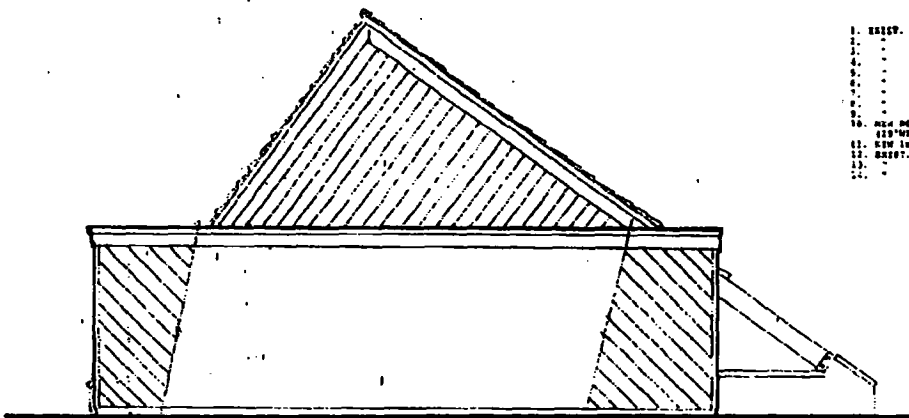
This 10th day of March, 2005

Suzanne Smith
Notary Public in and for said County and State



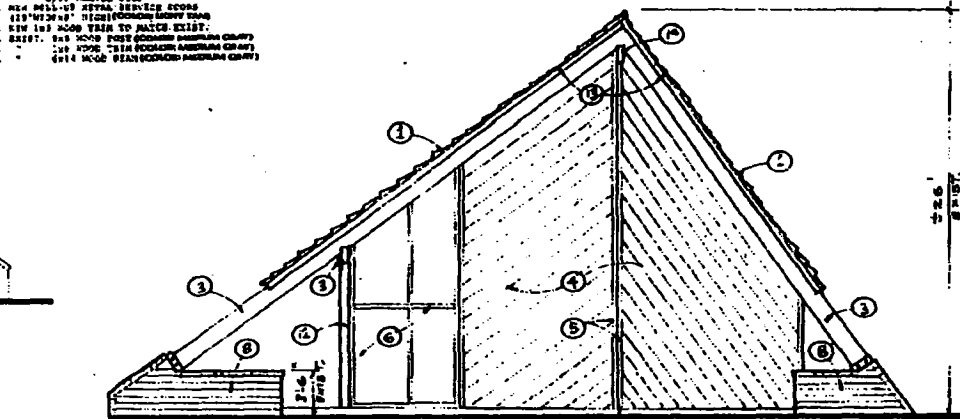
KEYNOTES

1. EXIST. CEDAR SHAKE SHINGLE ROOF (COMMON BRUSHED BR.)
2. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
3. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
4. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
5. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
6. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
7. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
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11. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
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15. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
16. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
17. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
18. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
19. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
20. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
21. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)
22. EXIST. 1/2" x 4" DOG EARS (COMMON BRUSHED BR.)

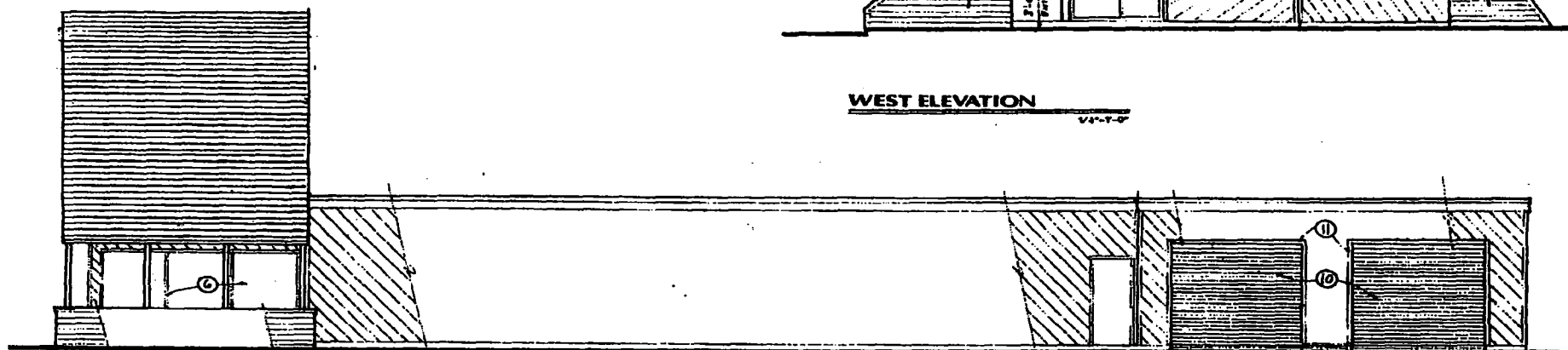


EAST ELEVATION

KEYNOTES SAME AS WEST & NORTH ELEV.



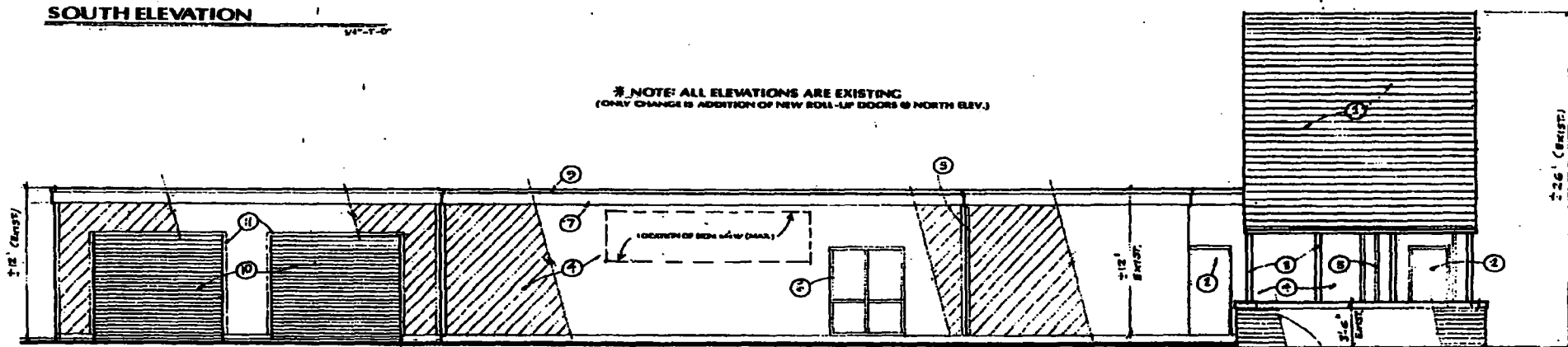
WEST ELEVATION



SOUTH ELEVATION

KEYNOTES SAME AS ELEVATION BELOW

NOTE: ALL ELEVATIONS ARE EXISTING
(ONLY CHANGE IS ADDITION OF NEW ROLL-UP DOORS @ NORTH ELEV.)



NORTH ELEVATION

RQR-6262

4-20-05 CC

RECEIVED

REVISION

TIRE STORE
(INTERIOR ELEVATION)

1.000000
2.000000
3.000000

4.000000
5.000000
6.000000

7.000000
8.000000
9.000000

10.000000
11.000000
12.000000

EXTERIOR ELEVATIONS

1.000000
2.000000
3.000000
4.000000
5.000000
6.000000
7.000000
8.000000
9.000000
10.000000
11.000000
12.000000

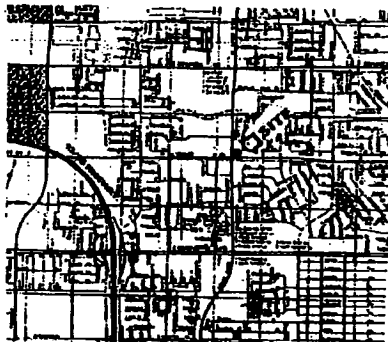
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KEYNOTES

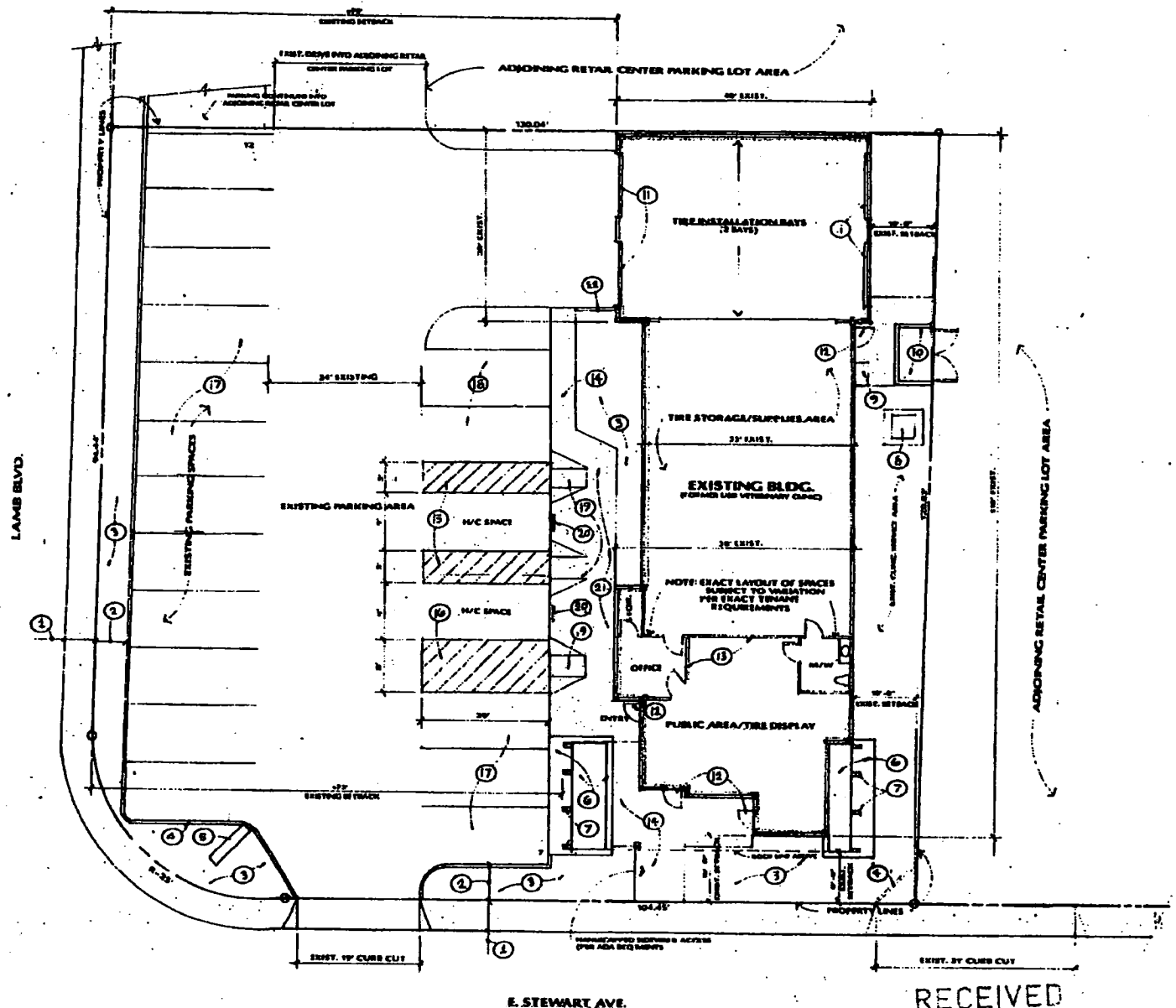
1. EXIST. 1" CONC. WALL
2. 1" PLASTERED AREA
3. CONC. CURB
4. SIGNAGE WITHIN BLDG.
5. BRICK FRAMER
6. A-FRAME BLDG. FOR BIKES
7. 1000 BLDG. ELEV. 1
8. 1/2" CONC. FLOOR
9. EXIST. PANEL
10. CONC. TRASH ENCLOSURE
11. NEW 10' WIDE VEH. ACCESS TO BLDG.
12. OVERHEAD DOORS 1000 BLDG. FLOOR PLANE
13. EXIST. DOOR
14. NEW WOOD FLOOR INTERIOR WALLS (SPROCKET)
15. EXIST. CONC. WALL
16. NEW 1" WIDE STRIPED HANDICAPPED ACCESS
17. NEW 6" WIDE VAN ACCESSIBLE STRIPED HANDICAPPED ACCESS
18. EXIST. 8' X 10' DOORWAY SPACE
19. NEW HANDICAPPED SPACES IN AREA OF EXIST. SPACES IDENTIFIED BY NEW B/C SPACES
20. NEW CONC. HANDICAPPED RAMP: 1" WIDE 1000 BLDG. 1" WIDE 1000 BLDG. 1" WIDE 1000 BLDG.
21. NEW 1/2" CONC. WALL 1000 BLDG. 1" WIDE 1000 BLDG.
22. NEW CONC. CURB

TABULATION

CONCERN: CONSTRUCTION
 DATE: 10/10/10
 TOTAL BLDG. AREA: 1274 SQ. FT.
 PARKING PROVIDED: 10 INCLUDING 2 HANDICAPPED SPACES



VICINITY MAP



E. STEWART AVE.

RECEIVED

SITE/FLOOR PLAN



TIRE STORE
 (INTERIOR REMODEL
 WITHIN EXISTING BLDG.)

Vehicle
 Shop and
 Repair

NO. 10-101
 10-101

SITE/FLOOR PLAN

Scale
 Date
 Drawn
 1
 2

RQR-6262

4-20-05 CC

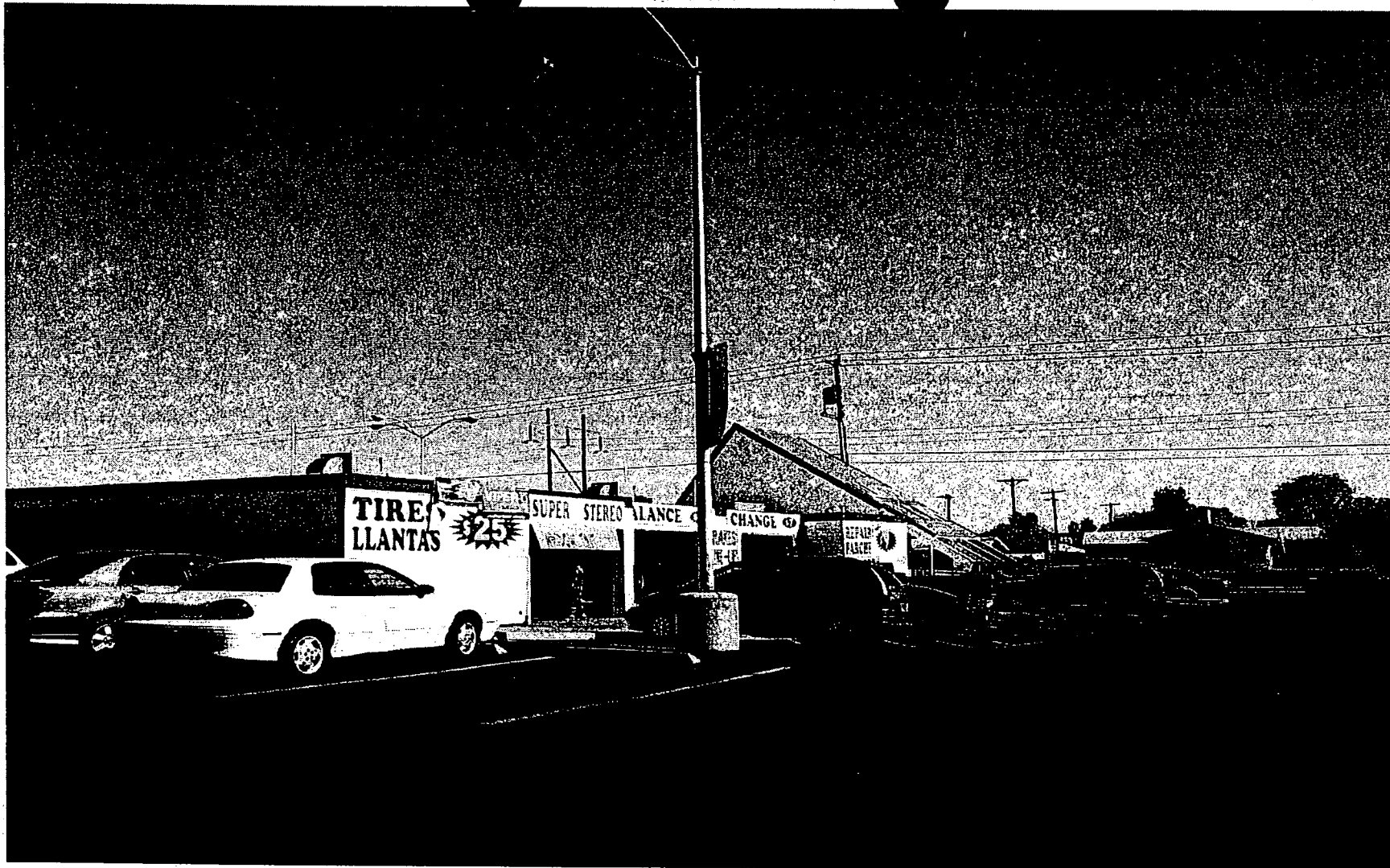


RQR-6262 - APPLICANT: MARIA ZUBIA PENA – OWNER: KOUTNOUYAN LIVING TRUST

4401 Stewart Avenue

APRIL 20, 2005 CITY COUNCIL MEETING

Picture taken 03/31/05

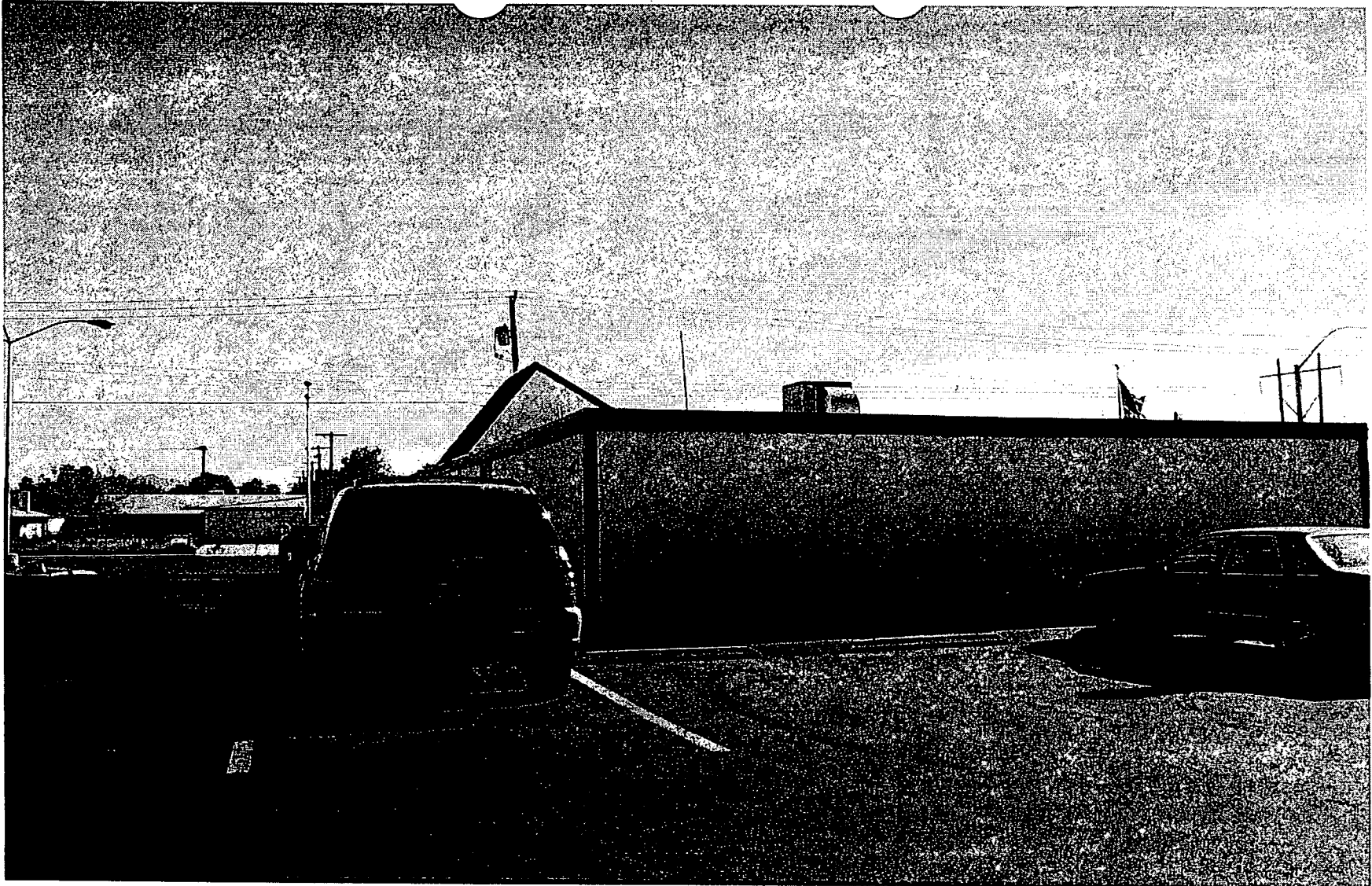


RQR-6262 - APPLICANT: MARIA ZUBIA PENA – OWNER: KOUTNOUYAN LIVING TRUST

4401 Stewart Avenue

APRIL 20, 2005 CITY COUNCIL MEETING

Picture taken 03/31/05

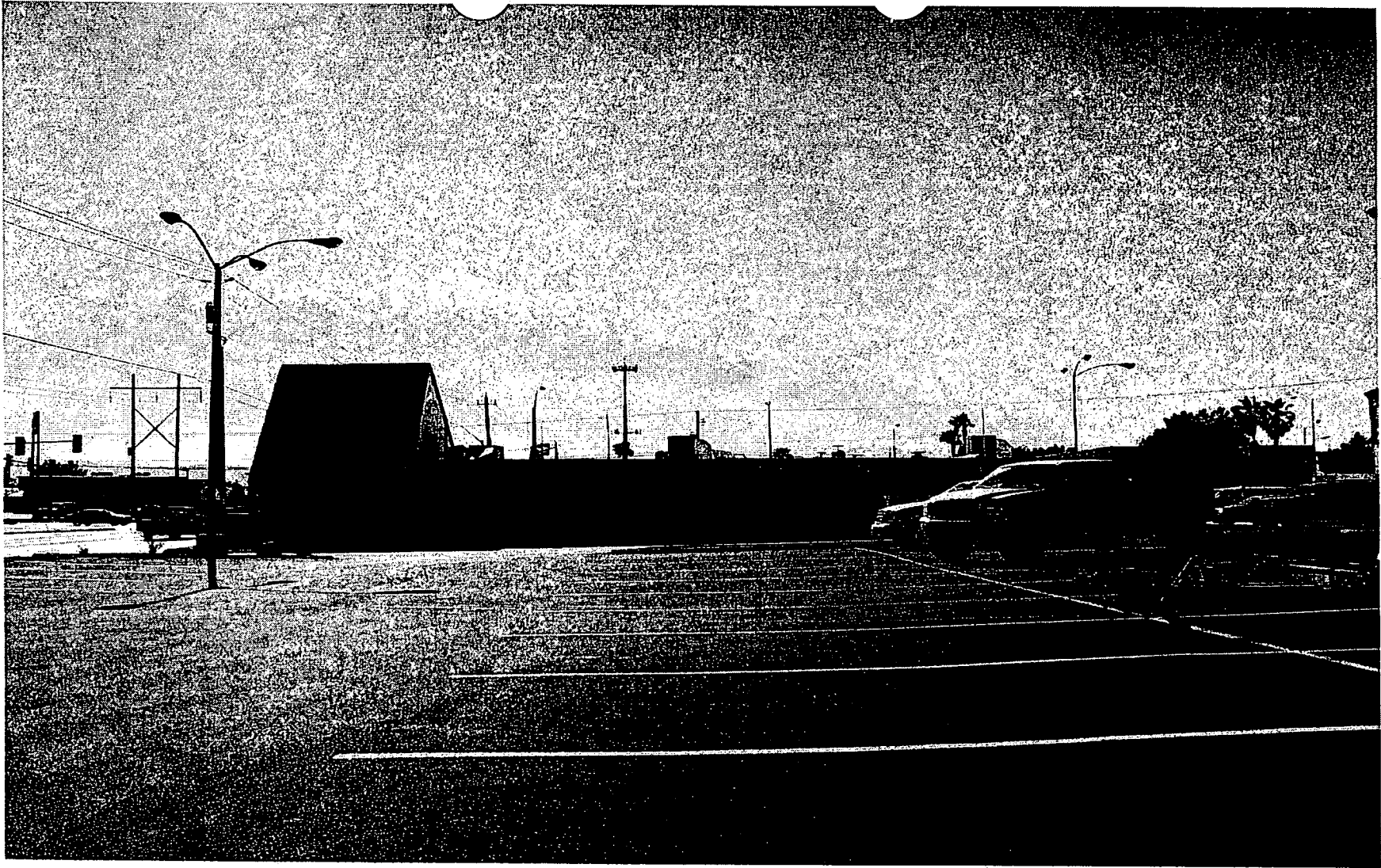


RQR-6262 - APPLICANT: MARIA ZUBIA PENA – OWNER: KOUTNOUYAN LIVING TRUST

4401 Stewart Avenue

APRIL 20, 2005 CITY COUNCIL MEETING

Picture taken 03/31/05



RQR-6262 - APPLICANT: MARIA ZUBIA PENA – OWNER: KOUTNOUYAN LIVING TRUST

4401 Stewart Avenue

APRIL 20, 2005 CITY COUNCIL MEETING

Picture taken 03/31/05



041605



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

February 6, 2004

Ms. Nora Armenian
Armenian & Koutnouyan
1000 Stephanie Place, Suite #3
Henderson, Nevada 89014

RE: SUP-3128 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF JANUARY 21, 2004

Dear Ms. Armenian:

The City Council at a regular meeting held January 21, 2004 APPROVED the request for a Special Use Permit FOR AUTO PARTS (NEW AND REBUILT) (ACCESSORY SALES & SERVICE) AND A PROPOSED AUTO REPAIR GARAGE, MINOR, located at 4401 Stewart Avenue (APN: 140-32-201-002), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the City Clerk's Office on January 22, 2004. This approval is subject to:

Planning and Development

1. The hours of operation shall be from 8:00 a.m. to 6:00 p.m.
2. A trash dumpster shall be located and fully enclosed to meet Title 19 Standards.
3. No signage shall be placed on the lawn or landscaped areas.
4. There shall be no outside displays.
5. The Special Use Permit shall be reviewed in six months by City Council.
6. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
7. Prior to the issuance of a Certificate of Occupancy the owners of parcels APN 140-32-201-001 and APN 140-32-201-002 must execute an Off-Site Parking Agreement or similar document, satisfactory to the City Attorney, allowing for the use of five additional parking spaces for the subject site.
8. A landscaping plan showing shrubs in conformance to Code standards must be submitted and approved by the Planning and Development Department Staff prior to or at the same time application is made for a building permit.

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

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

Ms. Nora Armenian
SUP-3128 - Page 2
February 6, 2004

9. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
10. All repair, service, and installation work shall be performed within a completely enclosed building.
11. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
12. No outside storage of stock, equipment or residual used equipment shall be located in any open area outside of an enclosed building.
13. All disabled vehicles shall be stored in an area, which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.
14. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

15. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northeast corner of Stewart Avenue and Lamb Boulevard prior to the issuance of any permits as required by the Department of Public Works. Alternatively, the applicant may grant a traffic signal chord easement on the northeast corner of Stewart Avenue and Lamb Boulevard; coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of any permits for this site.
16. Provide a copy of a recorded Joint Access and Parking Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.

Sincerely,



Angela Croll
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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****REZONING**

ZON-5776 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE) on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. [NOTE: The Planning Commission recommended approval based on the application being revised to R-PD3 (Residential Planned Development - 3 Units per Acre)]

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	96
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:**WEEKLY - APPROVED subject to conditions - UNANIMOUS****MINUTES:**

MAYOR GOODMAN declared the Public Hearing open on Item 98 [ZON-5776], Item 99 [VAR-5846] and Item 100 [SDR-5778].

ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and thanked COUNCILMAN WEEKLY for his efforts in bringing the developer and the neighbors together to come up with a development that would work for everyone. He thanked the neighbors for their suggestions and staff for their ideas and assistance, but one resident feels that this should still be developed at rural densities.

ATTORNEY KAEMPFER outlined some of the conditions to which the developer agreed to during the neighborhood meeting and the Planning Commission meeting. The total amount of homes to be built on this site will be seven. Originally, a plan was proposed that showed nine. He asked that the approval be for a maximum of seven lots on the property. In addition, Lots 1 and 7 would face Madre Mesa Drive. The applicant agreed to construct a combination of block and wrought iron wall at Jones Boulevard and Madre Mesa Drive to alleviate concern of potential graffiti problems. Additionally, landscaping will be placed out in the front to help discourage any graffiti. A landscape berm will be built on the property

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

immediately across from the cul-de-sac; parcel 138-13-310-047. The reason for that landscape berm was due to a concern that cars coming in and out of the cul-de-sac at night would shine their headlights into that home. ATTORNEY KAEMPFER indicated that this condition might not be an enforceable zoning condition; however, it is a promise that the developer made. Single story homes will be built on Lots 1 through 4. The square footages range in size from 1,900 square feet to 2,500 square feet for single story homes and the two story homes average around 3,000 square feet. In addition, all prospective homebuyers will sign a disclosure statement acknowledging that the adjoining homes may have horses or other animals. The developer has tried to match a project, which is consistent with the adjacent homes, especially on Madre Mesa Drive. An R-PD3 allowed the developer to maintain the rural General Plan and fits better in the neighborhood, especially when the property catty corner to it was approved at an R-1 density.

ARLON SIBERT, 5980 West Alfred Drive, showed on the overhead the location of his property in relation to the proposed project. He pointed out that last fall the City Council denied an application for a project for two homes on a half-acre lot located in this vicinity. He appeared on behalf of the residents of Hillcrest Manor, Rancho Las Vegas Estates, and Lewis Homes development to the south and unincorporated Clark County to the west. He indicated that the 132 parcels in Hillcrest Manor are all half-acre or larger parcels. The residents do not want sidewalks and streetlights in this area. He questioned if the number of units are seven or nine. The proposed project shows that the lots would have a setback of 18 feet from the street; however, many of the existing homes have 50 feet setbacks. He disagreed that most of the home owners are in favor of the project. Many residents have horses and many younger families are moving into the area looking for a rural lifestyle. The proposed project is incompatible with the rural character of the area. MR. SIBERT asked that the City Council deny the request.

JOHN HUNT, 5948 Madre Mesa Drive, stated that although he would like to see homes on half-acre lots, he believes that the proposed project is a solution for this area. He prefers not having streetlights. The cul-de-sac will be an asset because there is no area for children to play. He expressed concern about the wall becoming a canvas for graffiti, and asked that the developer find ways to ensure that does not happen. He asked if something can be done about the traffic on Madre Mesa Drive, and suggested that a traffic berm be installed. The current speed limit is 25 mph, but the last traffic study showed the average speed was 37 mph with an average of 400 cars traveling down that street. The project needs to be fine tuned so that it is in compliance with the existing rural area.

COUNCILMAN MACK remarked that this project has similarities to projects developed in Ward 6. It is located near a major section line road and is an infill piece surrounded by R-E and R-1 parcels. He believes the developer has done a great job. In today's standards a six thousand square foot lot is considered a big lot, though it does not conform to an R-E lot, affordability is crucial and is of great concern to the Council.

COUNCILMAN WEEKLY was appreciative for the residents' participation in the neighborhood meeting where discussion was held about the first proposal presented by ATTORNEY KAEMPFER. Although many were unhappy, this particular piece of property and the R-PD3 that was agreed upon will make this infill project compatible with this area. Many of the neighbors asked for several conditions to be placed on the application. COUNCILMAN WEEKLY asked Public Works staff if it

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

would be possible to place a traffic-calming device on Madre Mesa Drive, and if the developer would be willing to pay for that device. GINA VENGLASS, Public Works Department, replied that within the City's jurisdiction, the Traffic and Planning Commission would hear issues such as installation of speed humps on public streets. Since this will be sort of a City island around the County, she believes it would need to be coordinated with the County and the City for a traffic-calming device. COUNCILMAN WEEKLY assured MR. HUNT that the City will work with the County's Public Works Department as well as the Commissioner's Office to do a study to see what would be the best possible solution to control traffic on Madre Mesa Drive.

MARGO WHEELER, Director, Planning and Development Department, explained that all of the conditions referenced by ATTORNEY KAEMPFER are incorporated in Item 100 [SDR-5778]. Condition 1 through 4 include that lots 1 and 7 shall face Madre Mesa Drive; lot 6 shall have the block and wrought iron wall; lots 1 through 4 shall be single story; home sizes shall range from 1,900 to 2,500 square feet and the two stories 3,000 square feet; and the disclosure with regard to horses on adjacent properties. ATTORNEY KAEMPFER concurred with all conditions. DEPUTY CITY ATTORNEY BRYAN SCOTT clarified with MS. WHEELER that the condition for the maximum of seven lots would be added to Condition 8.

MAYOR GOODMAN declared the Public Hearing closed on Item 98 [ZON-5776], Item 99 [VAR-5846] and Item 100 [SDR-5778].

(4:36 - 5:03)

6-2670

CONDITIONS:

Planning and Development

1. The zoning district applicable to the subject site shall be R-PD3 (Residential Planned Development - 3 units per acre) for a maximum of 7 units.
2. A Variance (VAR-5846) to allow an R-PD development on less than five acres and a Site Development Plan Review (SDR-5778) dated 03/28/05 approved by the City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. A Resolution of Intent with a two-year time limit.

Public Works

4. Dedicate 25 feet of right-of-way adjacent to this site for Madre Mesa Drive.
5. Construct half-street improvements, including appropriate overpaving, on Madre Mesa Drive and construct all incomplete half-street improvements on Jones Boulevard adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the east boundary of this site prior to construction of hard surfacing (asphalt or concrete).
6. Remove all substandard public street improvements, if any, adjacent to this site and replace with

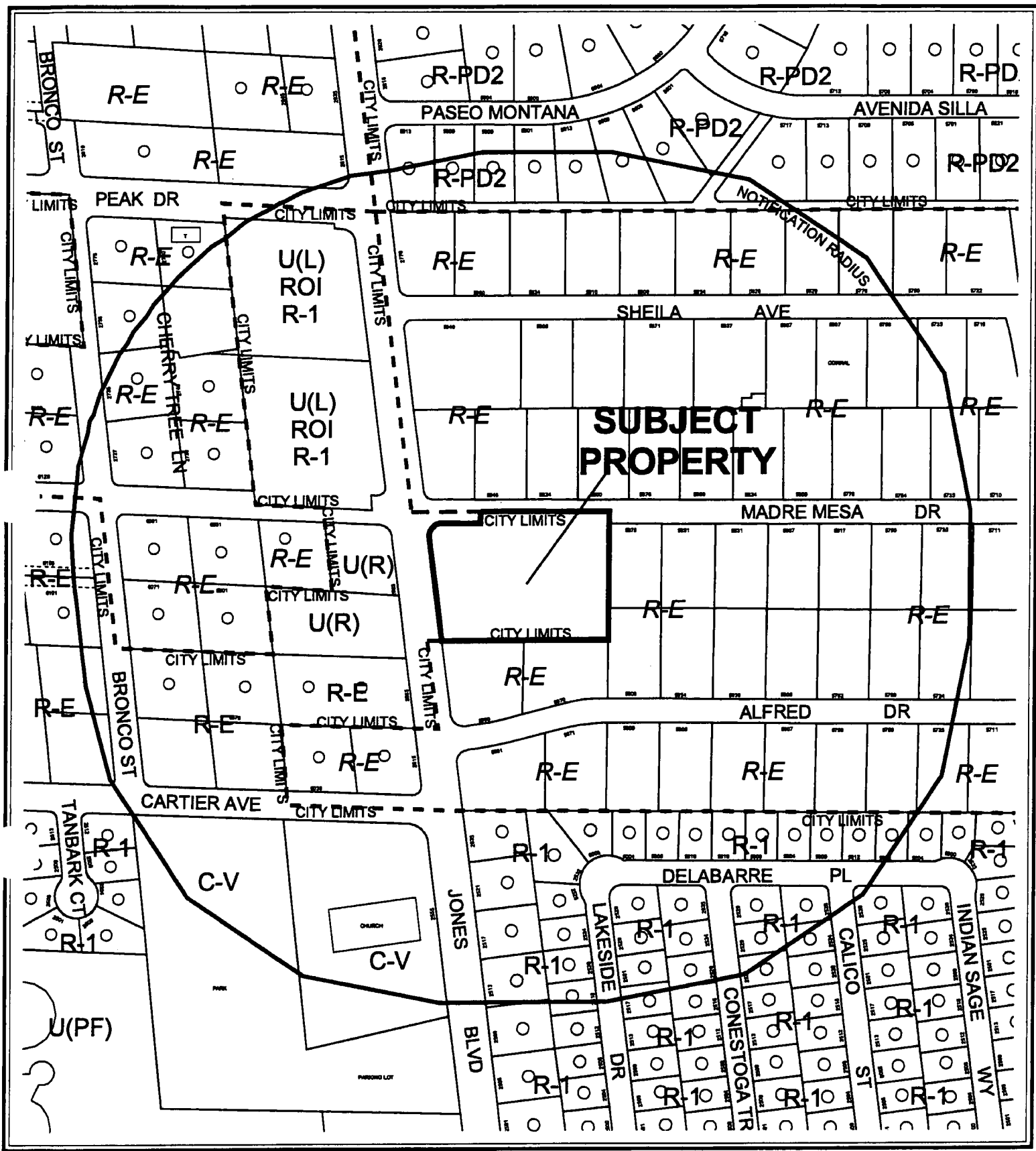
CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

new improvements meeting current City Standards concurrent with on-site development activities.

7. Extend public sewer in Madre Mesa Drive to the western edge of this site to a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



CASE: ZON-5776

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

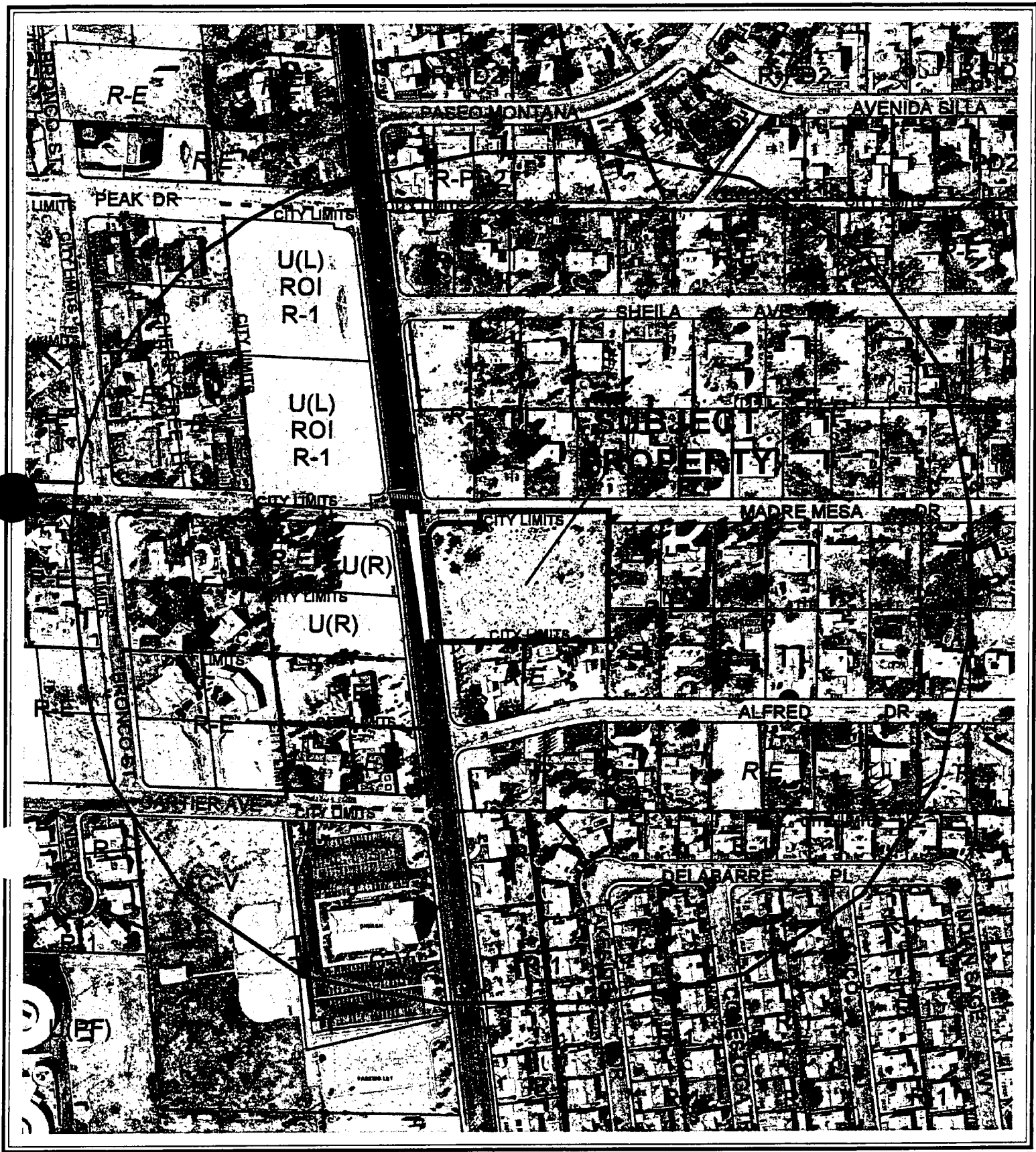
U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE)

0 200 400 Feet





CASE: ZON-5776

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - ZON-5776 - APPLICANT: S.B.A.
DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 6, 2005 CITY COUNCIL MEETING AT STAFF'S REQUEST.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. The zoning district applicable to the subject site shall be R-PD3 (Residential Planned Development – 3 units per acre) for a maximum of 7 units.
2. A Variance (VAR-5846) to allow an R-PD development on less than five acres and a Site Development Plan Review (SDR-5778) dated 03/28/05 approved by the City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. A Resolution of Intent with a two-year time limit.

Public Works

4. Dedicate 25 feet of right-of-way adjacent to this site for Madre Mesa Drive.
5. Construct half-street improvements, including appropriate overpaving, on Madre Mesa Drive and construct all incomplete half-street improvements on Jones Boulevard adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the east boundary of this site prior to construction of hard surfacing (asphalt or concrete).
6. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
7. Extend public sewer in Madre Mesa Drive to the western edge of this site to a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Rezoning from U (Undeveloped) [R (Rural Density Residential) General Plan designation] to R-PD4 (Residential Planned Development - 4 units per acre) on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive.

B) Applicant's Justification

The applicant's justification letter claims that the property is compatible with surrounding uses, as it will provide much needed single-family housing in the area.

BACKGROUND INFORMATION

A) Related Actions

- 01/27/05 The Planning Commission held this item and a related General Plan Amendment (GPA-5775) from R (Rural Density Residential) to L (Low Density Residential), Variance (VAR-5846) for reduced R-PD district size, and a Site Development Plan Review (SDR-5778) for a proposed nine-lot single-family residential development in abeyance to the 02/24/05 Planning Commission meeting so that the applicant could revise the plan to a lower density. Staff recommended denial of all items.
- 02/02/05 The City Council approved a Petition to Annex (ANX-5329) the subject site into the city of Las Vegas. The effective date of this annexation was 02/11/05. Staff and the Planning Commission recommended approval.
- 02/24/05 The Planning Commission accepted the applicant's request to withdraw without prejudice the related General Plan Amendment; they recommended approval of the related Variance and Site Development Plan Review (VAR-5846 and SDR-5778).
- 02/24/05 The Planning Commission voted 3-1-2 to recommend APPROVAL (PC Agenda Item #15/ss).

B) Pre-Application Meeting

- 12/01/04 Submittal requirements were discussed. The related annexation will be effective by the time these applications go to City Council. The development proposal would require a General Plan Amendment, Rezoning to an R-PD district, a Variance to allow an R-PD designation on a parcel less than five acres and a Site Development Plan Review. The Department of Public Works will require a Drainage Study and will assess a traffic signal mitigation fee, but no traffic study is required. This site will not need a waiver for intersection offset separation. The site should be revised to ensure minimal retainment along the east edge of the development. The development was originally designed as a hammerhead on a public street, but has since been revised into a knuckle with a turnaround on a private street.

C) Neighborhood Meetings

12/20/04 A neighborhood meeting sponsored by the applicant was held at the Durango Hills Community Center/YMCA at 3251 North Durango Drive. Six people attended and had the following comments

- No streetlights, no curb and gutter. Please retain rural street standards.
- Would like 3 or 4 units max. Builder said that no one is willing to do 3 or 4 units on that property because it fronts Jones.
- The higher density doesn't fit with 1/2-acre horse property in surrounding neighborhood.
- Drainage and traffic are major problems along Madre Mesa.
- They were also concerned about having to convert to LVVWD water.
- Concerned about running sewer line down Madre Mesa and the resulting disruption to the neighborhood during construction and the potential to make full street improvements.
- Overall sentiment: density, traffic, drainage will become worse.
- The applicant explained that this project may help improve traffic and drainage because these issues will be studied and city and developer will take action to correct problems as part of developing this project.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.16

B) Existing Land Use

Subject Property	Undeveloped
North	Single family dwellings
South	Single family dwellings
East	Single family dwellings
West	Single family dwellings

C) Planned Land Use

Subject Property	R (Rural Density Residential)
North	R (Rural Density Residential)
South	R (Rural Density Residential)
East	R (Rural Density Residential)
West	R (Rural Density Residential)

D) Existing Zoning

Subject Property	U (Undeveloped)
North	Clark County R-E (Rural Estates Residential)
South	Clark County R-E (Rural Estates Residential)
East	Clark County R-E (Rural Estates Residential)
West	U (Undeveloped)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with an R (Rural Density Residential) land use designation. The proposed zoning for this site is R-PD4 (Residential Planned Development - 4 units per acre), which will be in compliance with the General Plan with the approval of the related General Plan Amendment (GPA-5804) to the L (Low Density Residential) 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

Special Notification - Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application.

ANALYSIS

A) General Analysis and Discussion

The proposed R-PD4 (Residential Planned Development - 4 units per acre) zoning district is intended for residential developments with up to 4.49 units per acre, and is not appropriate for the area.

The revised site plan submitted 01/21/05 depicts nine lots with lot sizes ranging between 6,981 and 8,757 square feet, which are significantly smaller than those in the area. The adjacent R-E (Rural Estates Residential – Clark County Designation and Residence Estates – City of Las Vegas Designation) zoned parcels have minimum lot sizes of over one half acre and are rural in nature. Given the established development pattern of the area, a Rezoning request to R-PD4 (Residential Planned Development - 3 units per acre) zoning would be inappropriate for this location.

FINDINGS

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

1. **“The proposal conforms to the General Plan.”**

With the approval of the proposed General Plan Amendment (GPA-5775) to an L (Low Density Residential) land use designation, the proposed R-PD4 (Residential Planned Development – 4 units per acre) zoning district will conform to the General Plan.

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

The R-PD4 (Residential Planned Development - 4 units per acre) zoning district allows for residential development with up to 4.49 units per acre. The revised site plan depicts nine lots with lot sizes ranging between 6,981 and 8,757 square feet. The proposed lot sizes are significantly smaller than those of the adjacent city and county R-E (Residence Estates and Rural Estates Residential) zoned parcels, which have minimum lot sizes of over one-half acre. The proposed residential development is not consistent or compatible with the surrounding development in the area. While the smaller lots depicted on the revised site plan increased in size, the overall number of lots did not; therefore, the density remains identical to the original request, which cannot be supported.

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

Given the established development pattern in the area, the proposed R-PD4 (Residential Planned Development) zoning district is not appropriate, as the majority of the parcels in the area are zoned R-E (Residence Estates and Rural Estates Residential), which allow for larger lot sizes and lower densities than the proposed development.

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

The site will receive access from Madre Mesa Drive, a 60-foot collector street that is adequate in size to meet the requirements of the proposed zoning district.

PLANNING COMMISSION ACTION

There were 2 speakers in protest.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED 125 by Planning Department

APPROVALS 0

PROTESTS 96



ZON-5776

Case Number: **ZON-5776** APN: **138-13-301-001**

Name of Property Owner: S.F. Investments, LLC

Name of Applicant: S.B.A. Development, Inc.

Yes

✓ No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

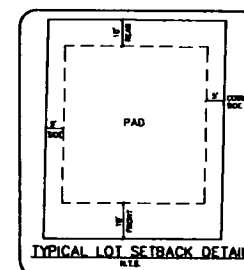
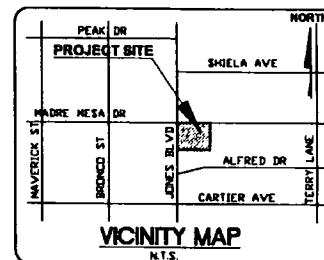
Print Name: STEPHEN B. AIDENBERG

This 3rd day of December, 2004

J. Rosanne Eitner
Notary Public in and for said County and State

RECEIVED

DEC 14 2004



LEGAL DESCRIPTION
THAT PORTION OF THE SOUTHWEST QUARTER (SW 1/4)
OF THE NORTHWEST QUARTER (NW 1/4) OF THE
SOUTHWEST QUARTER (SW 1/4) OF SECTION 13,
TOWNSHIP 20 SOUTH, RANGE 80 EAST, M.D.B. & M.

SITE DATA
AREA: 2.17 AC. (GROSS)
EXISTING ZONING: RE
GENERAL PLAN DESIGNATION DESERT RURAL
UP TO 2.40 UNITS PER ACRE(2.1-2.40 DU/AC)
NUMBER OF UNITS: 0
DENSITY (GROSS): 4.15 DU/AC
OPEN SPACE PROVIDED: 3,255 SF
AREA: 1.77 AC. (NET)

LOT DATA
BUILDING SIZES 1880, 2480, 3170
F.A.R.
SMALLEST LOT/LARGEST PLAN
6801SF/2480SF
=2.70
LARGEST PLAN BASED ON ONLY THE FIRST
FLOOR SIZE

ADN NUMBER
138-13-301-001

DEVELOPER

SPINNAKER HOMES
4511 W. CHEYENNE, SUITE 105
N. LAS VEGAS, NV. 89032
PHONE: (702) 873-7773
FAX: (702) 873-7776

OWNER

S.F. Investments, LLC
1500 W. BAYVIEW, SUITE 105
MILWAUKEE, WI. 53222
PHONE: (414) 873-7773
FAX: (414) 873-7776

RECEIVED
MAR 28 2005

TAC
Customer Focused Solutions
2353 E. SACKET ROAD
Suite 150
Las Vegas, NV 89113
Tel: 702-850-0377
Fax: 702-397-4377
Web: tacusa.com
NIV Entrepreneur Awards

BUNKER COMMONS IV
SITE PLAN / LOCATION MAP

SHEET
1
OF 1 SHTS
PROJECT ID

\\1977 0077 Boston 00\Ann\Sta. Cons\Summary of Sta. Cons. Studies and comments Jan. 88 for 1989 - 10 Pages

REVIEW
52805

ZON-5776
VAR-5846

SDR-5778
REVISED

**4-6-05 CC
REVISED**

~~MAR 28 2005~~

TRC

Customer-Focused Solutions
BV Engineering Nevada

December 13, 2004

City of Las Vegas Planning and Development
731 South Fourth Street
Las Vegas, NV 89101

Re: GPA, Zone Change, and SDR for 2.1-acres on the Southeast corner of Madre Mesa Drive and Jones Boulevard in the City of Las Vegas, Nevada. (APN #138-13-301-001)

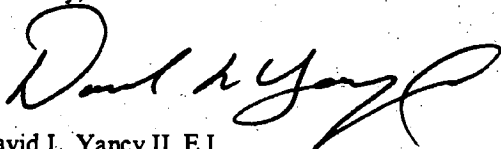
To Whom It May Concern:

This project is generally located on the southeast corner of Madre Mesa Drive and Jones Boulevard. The project site is currently in the jurisdiction of Clark County and is zoned RE (Rural Estates 2 units/acre) according to their general plan designation. Annexation application ANX-5923 for the project site proposes to annex the parcel into the City of Las Vegas jurisdictional limits. Our application for a general plan amendment is in for a Residential Planned Development of 4.1 units/acre. This zone change would create an RPD-4 zoning on these parcels.

Jones Boulevard, an 80-foot arterial, borders the property to the east while Madre Mesa Drive, a 60' local collector, borders the site on the north. Half acre residential homes border the site to the east and south. The proposed subdivision will consist of 9 lots and have a gross density of 4.16 units/acre. Access to the site is proposed from Madre Mesa Drive and approximately 280-feet of intersection length is provided to satisfy Title 18, Section 12.12.160. The interior street of the subdivision is a 49-foot public street with an offset bulb to provide emergency access to the site. Although the termination of the street is not in conformance with Title 18, Section 18.12.130, the proposed design mitigates the requirement for access to the site via Jones Boulevard. The project is directly adjacent to an 80' minor arterial, which provides adequate traffic facilities and is included on the Master Streets and Highways Plan. Water, sewer and dry utilities are all available to this site and accessible with right-of-way dedicated adjacent to the project. Six feet of landscaping, required by Title 18, is being proposed along the street frontages of Madre Mesa Drive and Jones Boulevard. A 6-foot decorative CMU wall is proposed at the project boundary to screen this project from the adjacent uses to the west and north.

This project is compatible with surrounding uses, as it will provide much needed single-family housing in the area. City facilities are adequate to serve the development and assure the continued development of infill parcels. The existing subdivision on the northwest corner (a.k.a Bunker Commons II) is already zoned R1 which will create a homogeneous atmosphere in the neighborhood. If you have any questions or concerns regarding this application, please feel free to contact me.

Sincerely,



David L. Yancy II, E.I.

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DEC 14 2004

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

VARIANCE RELATED TO ZON-5776

VAR-5846 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 2.16 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED on property adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: The Planning Commission recommended that the proposed zoning change to R-PD3)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	26
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

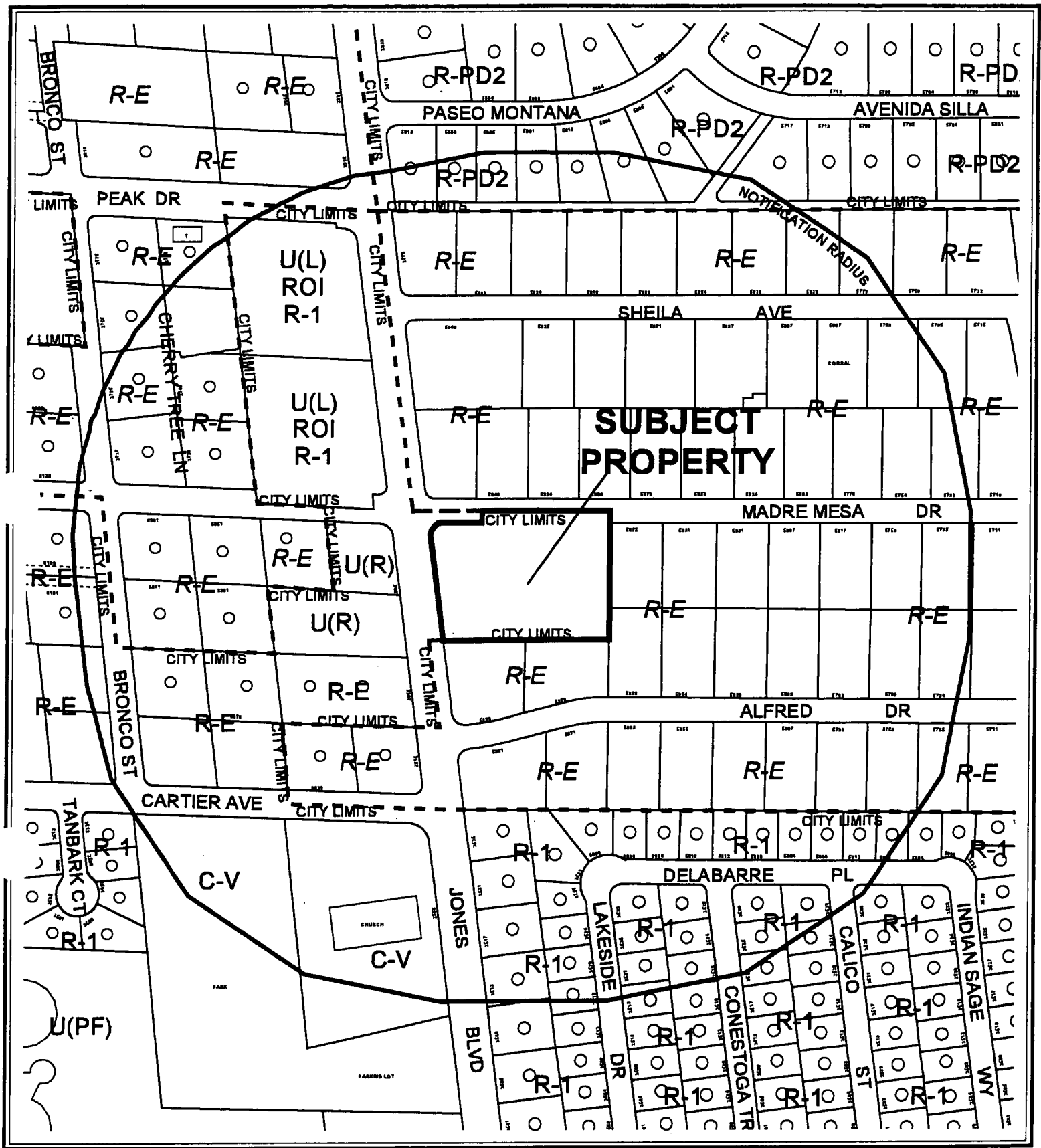
MOTION:**WEEKLY - APPROVED subject to conditions - UNANIMOUS****MINUTES:**

NOTE: See Item 98 [ZON-5776] for all related discussion.
(4:36 - 5:03)
6-2670

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Rezoning (ZON-5776) and Site Development Plan Review (SDR-5778) approved by the City Council.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



CASE: VAR-5846

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-5846 - APPLICANT: S.B.A. DEVELOPMENT, INC. -
OWNER: SF INVESTMENTS, LLC**

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 6, 2005 CITY COUNCIL MEETING AT STAFF'S REQUEST.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a Rezoning (ZON-5776) and Site Development Plan Review (SDR-5778) approved by the City Council.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow the development of an R-PD (Residential Planned Development) zoning district on 2.16 acres, where 5.00 acres are the minimum required, on property adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive.

B) Applicant's Justification

The applicant's justification letter states that no other type of zoning district (other than an R-PD) can accommodate the proposed lot configuration without numerous variances of development standards. The proposed R-PD4 (Residential Planned Development – 4 units per acre) will have little to no negative impact on the surrounding area.

BACKGROUND INFORMATION

A) Related Actions

- 01/27/05 The Planning Commission held this item and a related General Plan Amendment (GPA-5775) from R (Rural Density Residential) to L (Low Density Residential), Rezoning (ZON-5776) from U (Undeveloped) [R (Rural Density Residential) General Plan designation] to R-PD4 (Residential Planned Development - 4 units per acre), and a Site Development Plan Review (SDR-5778) for a proposed nine-lot single-family residential development in abeyance to the 02/24/05 Planning Commission meeting so that the applicant could revise the plan. Staff recommended denial of all items.
- 02/02/05 The City Council approved a Petition to Annex (ANX-5329) the subject site into the city of Las Vegas. The effective date of this annexation was 02/11/05. Staff and the Planning Commission recommended approval.
- 02/24/05 The Planning Commission accepted the applicant's request to withdraw without prejudice the related General Plan Amendment; they recommended approval of the related Rezoning and Site Development Plan Review (ZON-5776 and SDR-5778).
- 02/24/05 The Planning Commission voted 3-1-2 to recommend APPROVAL (PC Agenda Item #16/ss).

B) Pre-Application Meeting

- 12/17/05 This item was a late submittal for review. Submittal requirements were explained, but no other issues relating directly to this case were discussed.

C) Neighborhood Meetings

12/20/04 A neighborhood meeting sponsored by the applicant was held at the Durango Hills Community Center/YMCA located at 3251 North Durango Drive. Six people attended and had the following comments

- No streetlights, no curb and gutter. Please retain rural street standards.
- Would like 3 or 4 units max. Builder said that no one is willing to do 3 or 4 units on that property because it fronts Jones.
- The higher density doesn't fit with 1/2-acre horse property in surrounding neighborhood.
- Drainage and traffic are major problems along Madre Mesa.
- They were also concerned about having to convert to LVVWD water.
- Concerned about running sewer line down Madre Mesa and the resulting disruption to the neighborhood during construction and the potential to make full street improvements.
- Overall sentiment: density, traffic, drainage will become worse.
- The applicant explained that this project may help improve traffic and drainage because these issues will be studied and city and developer will take action to correct problems as part of developing this project.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.16

B) Existing Land Use

Subject Property	Undeveloped
North	Undeveloped
	Single family dwellings
South	Single family dwellings
East	Single family dwellings
West	Single family dwellings

C) Planned Land Use

Subject Property	R (Rural Density Residential)
North	R (Rural Density Residential)
South	R (Rural Density Residential)
East	R (Rural Density Residential)
West	R (Rural Density Residential)

D) Existing Zoning

Subject Property	U (Undeveloped)
North	Clark County R-E (Rural Estates Residential)
South	Clark County R-E (Rural Estates Residential)
East	Clark County R-E (Rural Estates Residential)
West	U (Undeveloped)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with an R (Rural Density Residential) land use designation. The proposed zoning for this site is R-PD4 (Residential Planned Development - 4 Units Per Acre), which will be in compliance with the General Plan with the approval of the related General Plan Amendment (GPA-5804) to the L (Low Density Residential) designation. Variance not affected by the General Plan Policies.

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

Special Notification - Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application.

ANALYSIS

A) General Analysis and Discussion

This Variance will allow a R-PD development proposed at the southeast corner of Jones Boulevard and Madre Mesa Drive to be located on a parcel of 2.16 acres, where a minimum site area of 5.00 acres is required by Title 19.04.040.

The proposed R-PD4 (Residential Planned Development - 4 Units Per Acre) zoning district is intended for residential developments with up to 4.49 Units Per Acre, and is not appropriate for the area. The proposed site plan depicts nine lots with other lot sizes ranging between 6,981 and 8,757 square feet, which are significantly smaller than those in the area. The adjacent R-E (Rural Estates Residential - Clark County Designation and Residence Estates) zoned parcels have minimum lot sizes of over one half acre and are rural in nature. Given the established development pattern of the area, a Rezoning request to R-PD4 (Residential Planned Development - 3 units per acre) zoning would be inappropriate for this location.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by requesting R-PD (Residential Planned Development) on a site with insufficient acreage. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

NOTICES MAILED 128 by City Clerk

APPROVALS 0

PROTESTS 26

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-5846** APN: 138-13-201-001

Name of Property Owner: S.F. INVESTMENTS LLC

Name of Applicant: S. B. A. Development, Inc.

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

Yes

✓ 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: W. W. W. W. W.

Print Name: Stephen B. Aizenberg

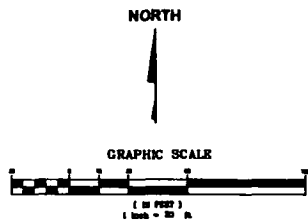
Subscribed and sworn before me

This 16th day of December, 2004

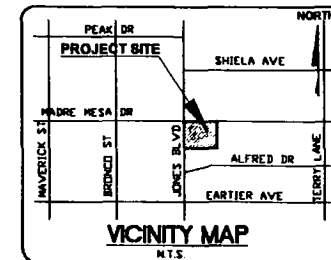
Rosanna Eitner
Notary Public in and for said County and State



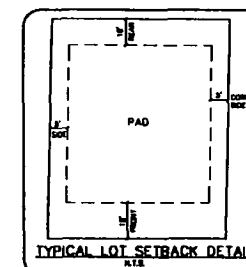
JENNIFER L. HIGASHI
NOTARY PUBLIC
STATE OF NEVADA
Com. Appointment Exp: Aug. 4, 2007
Certificate No: 84-85605-1



SITE PLAN



PROJECT NO.	827-0078
DESIGN	PREL
DATE	03/08/05
SCALE	1/8" = 1'-0"
PN	04



LEGAL DESCRIPTION
THAT PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 40 EAST, M.D.B. & M.

SITE DATA
AREA: 2.17 AC. (GROSS)
EXISTING ZONING: RE
GENERAL PLAN DESIGNATION: DESERT RURAL
UP TO 2.48 UNITS PER ACRE (2.1-2.48 DU/AC)
NUMBER OF LOTS: 8
DENSITY (GROSS): 4.15 DU/AC
OPEN SPACE PROVIDED: 3,235 SF
AREA: 1.77 AC. (NET)

LOT DATA
BUILDING SIZES: 1800, 2400, 3176
F.A.R.:
SMALLEST LOT/LARGEST PLAN: 6301SF/2440SF
-2.70
LARGEST PLAN BASED ON ONLY THE FIRST FLOOR SIZE.

APN NUMBER
138-13-301-001

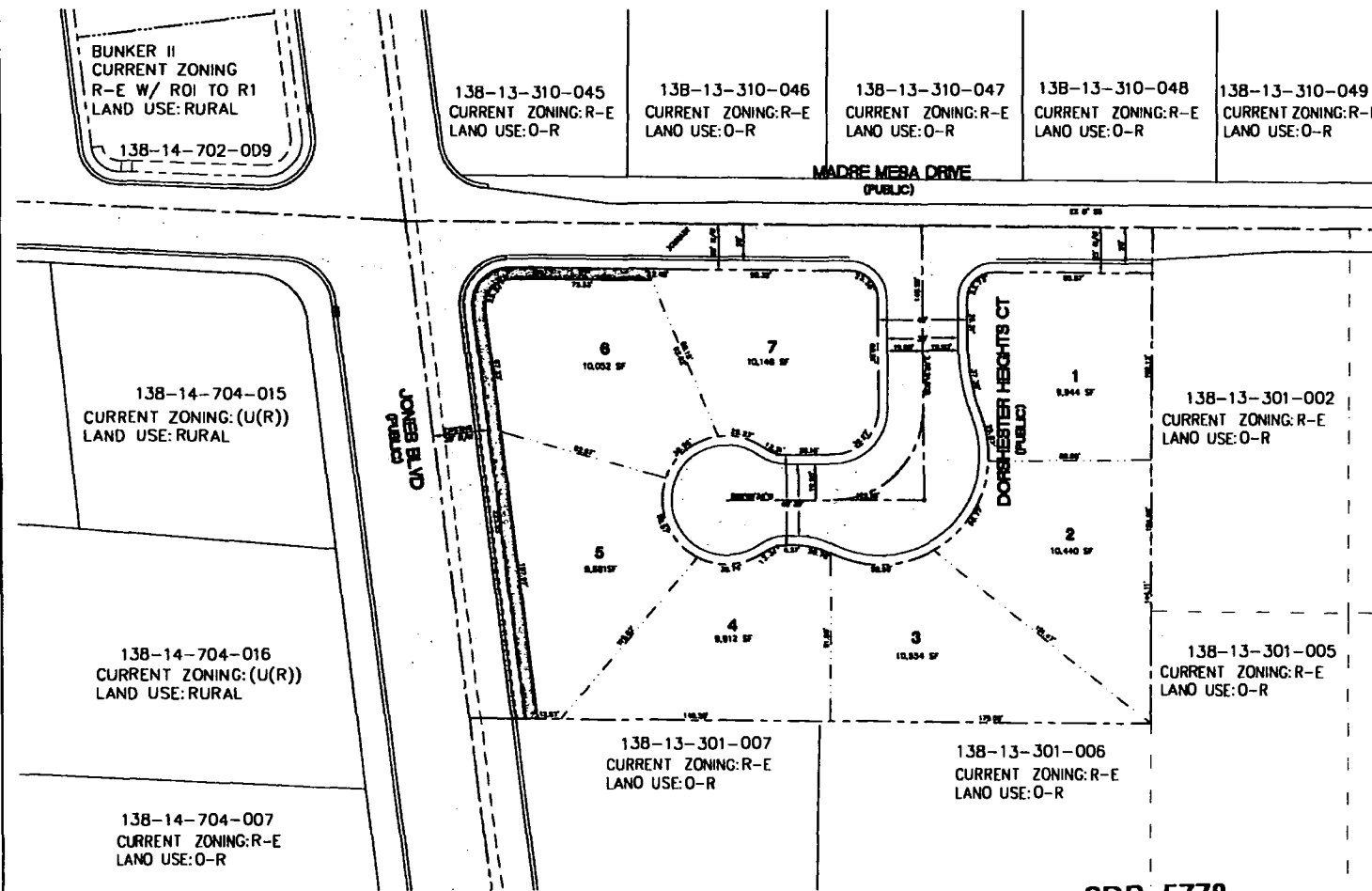
DEVELOPER
SPRINKLER HOMES
4511 W. CHEYENNE, SUITE 105
N. LAS VEGAS, NV 89032
PHONE: (702) 873-7773
FAX: (702) 873-7776

CORNER
S.F. INVESTMENTS, LLC
4511 W. CHEYENNE, SUITE 105
N. LAS VEGAS, NV 89032
PHONE: (702) 873-7773
FAX: (702) 873-7776

TRC
Customer-Focused Solutions
817 Engineering Avenue
Las Vegas, NV 89113
TEL: (702) 873-7773
FAX: (702) 873-7776
www.trcinc.com

BUNKER COMMONS IV
SITE PLAN / LOCATION MAP

SHEET
1
OF 1 SHEETS
PROJECT ID



RECEIVED
MAR 28 2005

REVISION
52805

ZON-5776
VAR-5846

SDR-5778
REVISED
4-6-05 CC
REVISED

TRC
Customer-Focused Solutions

BV Engineering Nevada

December 17, 2004

City of Las Vegas Planning and Development
731 South Fourth Street
Las Vegas, NV 89101

Re: Variance of Title 19 Section 19.06.040 for 2.1-acres on the Southeast corner of Madre Mesa Drive and Jones Boulevard in the City of Las Vegas, Nevada. (APN #138-13-301-001)

To Whom It May Concern:

The project site is currently in the jurisdiction of Clark County and is zoned RE (Rural Estates 2 units/acre) according to their general plan designation. Annexation application ANX-5923 for the project site proposes to annex this parcel into the City of Las Vegas jurisdictional limits. Applications for a General Plan Amendment (to go from Rural to Low Density), a Zone Change (to go from RE to R-PD4) and a Site Development Plan review have been submitted in conjunction with this application.

While processing the annexation for this project, we met with staff and reviewed the options for various zoning districts. We found that with our proposed design there was no available zoning district that would not require us to apply for one or in some cases several variances. We determined the RPD-4 zoning to best suit our proposed project while only requiring this one variance which we believe has little to no negative impact on the surrounding area and still supports existing City policies and regulations. However, per Title 19 section 19.06.040 the minimum site area that is eligible for rezoning to the R-PD zoning district is 5 acres and our site is only 2.1 acres.

Since the City's preferred option for access to this project would be off of Madre Mesa Drive, a 60' collector street, vs. Jones Boulevard an 80' arterial we needed to design a 49' interior street with an off-set bulb for emergency access which created various pie shaped lots within the subdivision that require unique setbacks of an 18' front, 5' sides and 10' in the rear in order for the proposed product to fit. The pie shaped lots also have reduced lot widths in the front. Had we applied for any other zoning these would have been variances that would have come with a recommendation for denial from staff.

It is our understanding that the RDP districts were created to provide for flexibility and innovation in residential development. We believe this proposed project to be an ideal candidate for this with its unique and spacious lots, over 3,200 sq' of perimeter landscaping and its overall homogeneity of the surrounding land use.

If you have any further questions or comments please contact me at (702) 650-0572. Thank you in advance for your consideration.

Sincerely,



Valerie Livengood
Project Coordinator

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5776, AND VAR-5846

SDR-5778 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Site Development Plan Review FOR A PROPOSED NINE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: The Planning Commission recommended approval based on the proposal being amended to R-PD3 for 7 units)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY - APPROVED subject to conditions and amending Condition 8 as read for the record as follows:

8. All development shall be in conformance with the site plan and building elevations submitted at the 02/24/05 Planning Commission meeting indicating the maximum of seven lots, except as amended by conditions herein.

- UNANIMOUS

MINUTES:

NOTE: See Item 98 [ZON-5776] for all related discussion.

(4:36 - 5:03)

6-2670

CONDITIONS:

Planning and Development

1. Homes on lots 1 and 7 shall face Madre Mesa Drive as shown on the site plan submitted at the 02/24/05 Planning Commission meeting.
2. Lot 6 shall have a wall constructed into a combination of block and wrought iron.
3. Lots 1, 2, 3, and 4 as shown on the plan submitted 3/28/05 shall be single story.

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

4. Home sizes shall range from 1,900 square feet to 2,500 square feet for single story dwellings and shall be a minimum of 3,000 square feet for two story homes.
5. Disclosure on sales that rural property abuts the development allowing the keeping of horses and other animals shall be made by the developer to purchasers of these homes.
6. A Variance (VAR 5846), and Rezoning (ZON 5776) approved by the City Council.
7. 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.
8. All development shall be in conformance with the site plan and building elevations submitted at the 02/24/05 Planning Commission meeting, except as amended by conditions herein.
9. The setbacks for this development shall be a minimum of 18 feet to the front of the house, five feet on the side, five feet on the corner side, and 10 feet in the rear.
10. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
11. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either 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.

CITY COUNCIL MEETING OF: MAY 4, 2005

CONDITIONS - Continued:

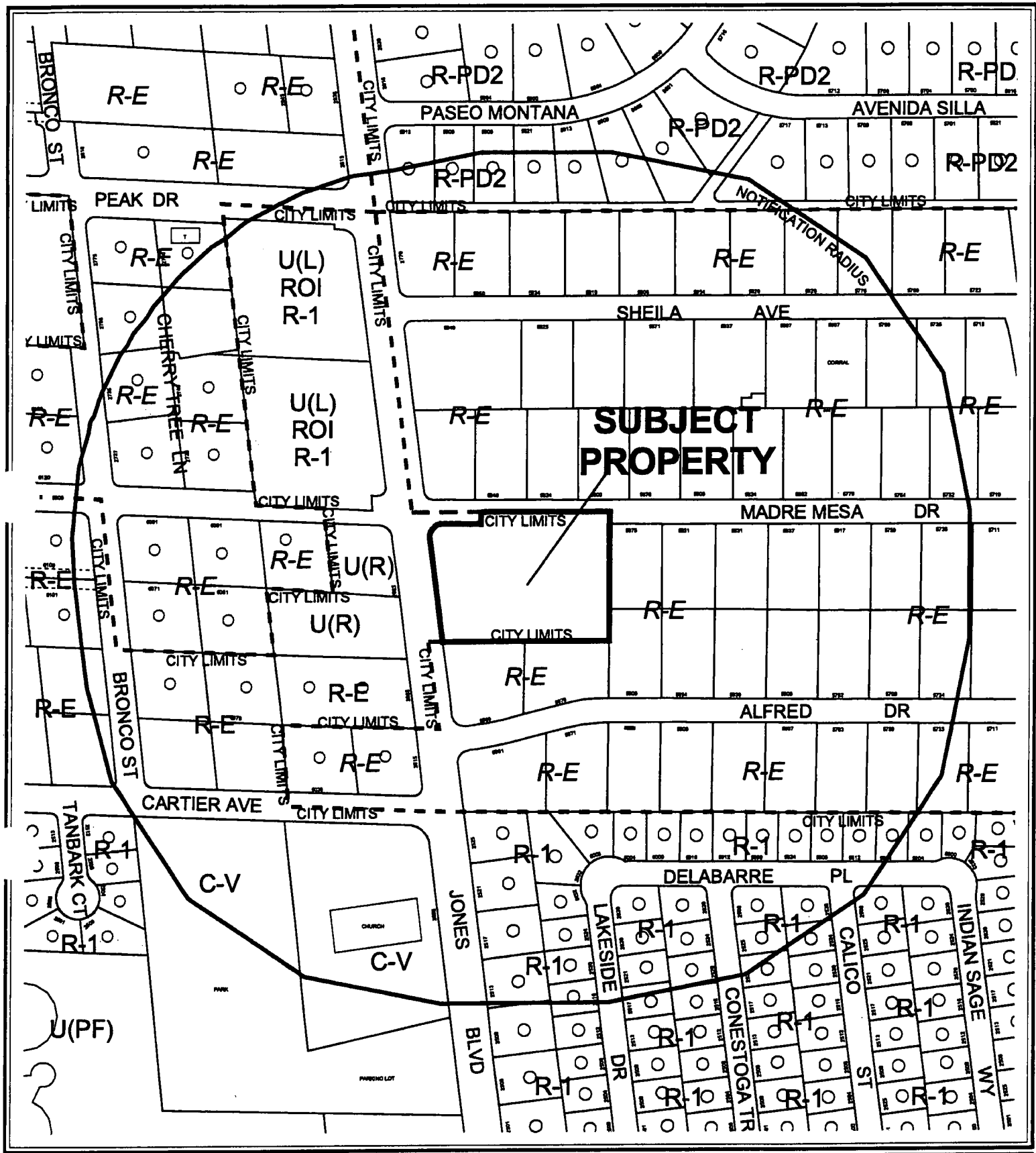
16. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

17. A Master Streetlight Plan of public streetlights shall be submitted and approved by the Department of Public Works prior to the submittal of any construction drawings for this site.

18. Site development to comply with all applicable conditions of approval for ZON-5776 and all other subsequent site-related actions.

19. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that the substandard public cul-de-sac bulb was approved as a deviation from Standards by the City Engineer on January 20, 2005.



CASE: SDR-5778

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE)

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-5778 - APPLICANT: S.B.A.
DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 6, 2005 CITY COUNCIL MEETING AT STAFF'S REQUEST.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. Homes on lots 1 and 7 shall face Madre Mesa Drive as shown on the site plan submitted at the 02/24/05 Planning Commission meeting.
2. Lot 6 shall have a wall constructed into a combination of block and wrought iron.
3. Lots 1, 2, 3, and 4 as shown on the plan submitted 3/28/05 shall be single story.
4. Home sizes shall range from 1,900 square feet to 2,500 square feet for single story dwellings and shall be a minimum of 3,000 square feet for two story homes.
5. Disclosure on sales that rural property abuts the development allowing the keeping of horses and other animals shall be made by the developer to purchasers of these homes.
6. A Variance (VAR-5846), and Rezoning (ZON-5776) approved by the City Council.
7. 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.
8. All development shall be in conformance with the site plan and building elevations submitted at the 02/24/05 Planning Commission meeting, except as amended by conditions herein.
9. The setbacks for this development shall be a minimum of 18 feet to the front of the house, five feet on the side, five feet on the corner side, and 10 feet in the rear.
10. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
11. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either 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.
16. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

17. A Master Streetlight Plan of public streetlights shall be submitted and approved by the Department of Public Works prior to the submittal of any construction drawings for this site.
18. Site development to comply with all applicable conditions of approval for ZON-5776 and all other subsequent site-related actions.
19. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that the substandard public cul-de-sac bulb was approved as a deviation from Standards by the City Engineer on January 20, 2005.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a proposed nine lot residential development on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive.

B) Applicant's Justification

The applicant's justification letter claims that the property is compatible with surrounding uses, as it will provide much needed single-family housing in the area.

BACKGROUND INFORMATION

A) Related Actions

- 01/27/05 The Planning Commission held this item, a related General Plan Amendment (GPA-5775) from R (Rural Density Residential) to L (Low Density Residential), Rezoning (ZON-5776) from U (Undeveloped) [R (Rural Density Residential) General Plan designation] to R-PD4 (Residential Planned Development - 4 units per acre), and Variance (VAR-5846) for reduced R-PD district size in abeyance to the 02/24/05 Planning Commission meeting so that the applicant could revise the plan to a lower density. Staff recommended denial of all items.
- 02/02/05 The City Council approved a Petition to Annex (ANX-5329) the subject site into the city of Las Vegas. The effective date of this annexation was 02/11/05. Staff and the Planning Commission recommended approval.
- 02/24/05 The Planning Commission accepted the applicant's request to withdraw without prejudice the related General Plan Amendment; they recommended approval of the related Rezoning and Variance (ZON-5776 and VAR-5846) pursuant to new plans shown at the 2/24/05 Planning Commission hearing and submitted to staff 3/28/05.
- 02/24/05 The Planning Commission voted 3-1-2 to recommend APPROVAL (PC Agenda Item #17/ss).

B) Pre-Application Meeting

- 12/01/04 Submittal requirements were discussed. The related annexation will be effective by the time these applications go to City Council. The development proposal would require a General Plan Amendment, Rezoning to an R-PD district, a Variance to

allow an R-PD designation on a parcel less than five acres and a Site Development Plan Review. The Department of Public Works will require a Drainage Study and will assess a traffic signal mitigation fee, but no traffic study is required. This site will not need a waiver for intersection offset separation. The site should be revised to ensure minimal retainment along the east edge of the development. The development was originally designed as a hammerhead on a public street, but has since been revised into a knuckle with a turnaround on a private street.

C) Neighborhood Meetings

12/20/04 A neighborhood meeting sponsored by the applicant was held at the Durango Hills Community Center/YMCA located at 3251 North Durango Drive. Six people attended and had the following comments.

- No streetlights, no curb and gutter. Please retain rural street standards.
- Would like 3 or 4 units max. Builder said that no one is willing to do 3 or 4 units on that property because it fronts Jones.
- The higher density doesn't fit with half-acre horse property in surrounding neighborhood.
- Drainage and traffic are major problems along Madre Mesa.
- They were also concerned about having to convert to LVVWD water.
- Concerned about running sewer line down Madre Mesa and the resulting disruption to the neighborhood during construction and the potential to make full street improvements.
- Overall sentiment: density, traffic, drainage will become worse.
- The applicant explained that this project may help improve traffic and drainage because these issues will be studied and city and developer will take action to correct problems as part of developing this project.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.16

B) Existing Land Use

Subject Property	Undeveloped
North	Undeveloped
	Single family dwellings
South	Single family dwellings
East	Single family dwellings
West	Single family dwellings

C) Planned Land Use

Subject Property	R (Rural Density Residential)
North	R (Rural Density Residential)

South	R (Rural Density Residential)
East	R (Rural Density Residential)
West	R (Rural Density Residential)

D) Existing Zoning

Subject Property	U (Undeveloped)
North	R-E (Rural Estates Residential – Clark County Designation)
South	R-E (Rural Estates Residential – Clark County Designation)
East	R-E (Rural Estates Residential – Clark County Designation)
West	U (Undeveloped)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan with an R (Rural Density Residential) land use designation. The proposed zoning for this site is R-PD4 (Residential Planned Development - 4 units per acre), which will be in compliance with the General Plan with the approval of the related General Plan Amendment (GPA-5804) to the L (Low Density Residential) designation. This land use category allows residential densities of up to 5.5 units per acre. Therefore the site plan complies with the General Plan land use designation.

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

Special Notification - Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application.

PROJECT DESCRIPTION

A new site plan was shown at the 2/24/05 Planning Commission hearing and submitted to staff 3/28/05. The site plan depicts a seven lot residential development on 2.16 acres, for a density of 3.08 dwelling units per acre. The development is proposed on a parcel at the southeast corners of Jones Boulevard and Madre Mesa Drive. Access to the development is from Madre Mesa Drive. Five lots front on a 39-foot private street terminating in a cul-de-sac and 2 shall face Madre Mesa Drive. Six-foot landscape buffers are provided along both Jones Boulevard and Madre Mesa Drive and provide 3,225 square feet of open space. Four lots will be developed with one story detached single family residential dwellings and three lots may have two-story residences.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.040, the Site Development Plan establishes the Development Standards within an R-PD District. The development standards that are proposed for this site through this Site Development Plan are as follows:

Standards	Provided
Min. Lot Size	9,691 SF
Min. Lot Width	38 Feet
Min. Setbacks:	
Front	18 Feet
Side	5 Feet
Corner	5 Feet
Rear	10 Feet

The revised site plan indicates that lot sizes and widths have increased, while setbacks have decreased to 18 feet to the front of the house, five feet on the side and corner side, and 10 feet in the rear. The only other R-PD development in the area has larger lots and setbacks typical of lower density developments; therefore, this revised project would be setting a precedent in the area.

A2) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees (Jones/Madre Mesa)	1 – 24” Box Tree/30 Linear Feet	18 Trees	18 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	6 Feet max		Not provided

The proposal meets applicable Title 19 landscape requirements.

The open space requirements of Title 19.06 do not apply to R-PD developments containing 11 or fewer lots.

B) General Analysis and Discussion

• Zoning

The proposed zoning for the subject site is R-PD3 (Residential Planned Development - 3 units per acre). The purpose of the R-PD (Residential Planned Development) District

is to allow maximum flexibility to permit imaginative and innovative residential design and to utilize land for the development of residential communities, which are planned and developed with appropriate amenities to establish a clear sense of community. It is intended to promote the enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and homogeneity of use patterns. Portions of an R-PD (Residential Planned Development) development may have a higher or lower density than permitted by the

- Site Plan

The proposed site plan depicts lot sizes ranging between 9,691 and 10,554 square feet, which are significantly smaller than those in the area. The revised site plan removed 2 lots; therefore, the density is now 3.08 dwelling units per acre. The proposed lots, though slightly increased in size, are not compatible with adjacent parcels, which have minimum lot sizes of over one half acre, are rural in nature, and have densities that are half of the ratio proposed by this application.

- Waivers

There are no waivers required for this application.

- Landscape Plan

The landscape plan depicts six-foot landscape buffers along Jones Boulevard and Madre Mesa Drive. The buffer areas are planted with 24-inch box Holly Oak trees 30 feet on center. The proposal exceeds applicable Title 19 and Landscape, Wall and Buffer requirements.

- Elevation

The building elevations depict typical one and two story single-family dwellings.

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 density and lot sizes are not compatible with adjacent development and development in the area. The proposed site plan depicts an average lot size of approximately 7,700 square feet, which is significantly smaller than the average size of existing lots in the area. The proposed lots, though slightly increased in size, are not compatible with adjacent parcels, which have minimum lot sizes of over one half acre, are rural in nature, and have densities that are half of the ratio proposed by this application.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

With the approval of the companion General Plan Amendment (GPA-5775) and Rezoning (ZON-5776), the development will be consistent with the General Plan, Title 19, the Design Standards Manual, and the Landscape, Wall and Buffer Standards.

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

The site will receive access via Madre Mesa Drive. Site access will not negatively impact adjacent roadways or neighborhood traffic.

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

The building and landscape materials are appropriate for the area and the City.

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

The building elevations depicts structures that are not unsightly, undesirable, or obnoxious in appearance, and are typical of single family dwellings in the area.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED 125 by Planning Department

APPROVALS

0

PROTESTS

26

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5718** ~~5578~~ APN: 138-13-301-001

Name of Property Owner: S.F. Investments, LLC

Name of Applicant: S.B.A. Development, Inc.

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

 Yes

✓ No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: [Signature]

Print Name: STEPHEN B. ATTENBERG

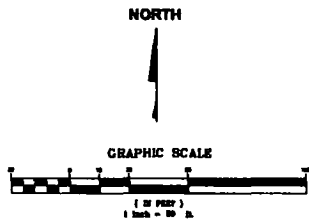
Subscribed and sworn before me

This 3rd day of December, 2004

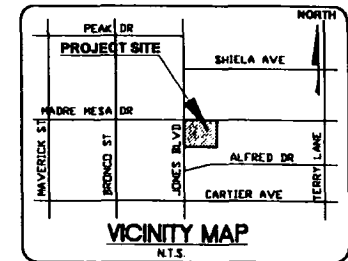
Rosanne Eitner
Notary Public in and for said County and State

RECEIVED

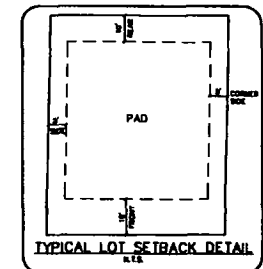
DEC 14 2004



SITE PLAN



PROJ. NO.	027-007
SECTION	001
DATE	5/26/05
SCALE	AS SHOWN
PN	01



LEGAL DESCRIPTION
THAT PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 90 EAST, M.D. 9 & 10.

SITE DATA
AREA: 2.17 AC. (GROSS)
EXISTING ZONING: RE
GENERAL PLAN DESIGNATION: DESERT RURAL
UP TO 2.40 UNITS PER ACRE (2.1-2.40 DU/AC)
NUMBER OF UNITS: 9
DENSITY (GROSS): 4.19 DU/AC
OPEN SPACE PROVIDED: 3,255 SF
AREA: 1.77 AC. (NET)

LOT DATA
BUILDING SIZES: 1800, 2400, 3176
F.A.R.:
SMALLEST LOT/LARGEST PLAN: 6000 SF/2400 SF
= 2.50
LARGEST PLAN BASED ON ONLY THE FIRST FLOOR B.L.

APN NUMBER
138-13-301-001

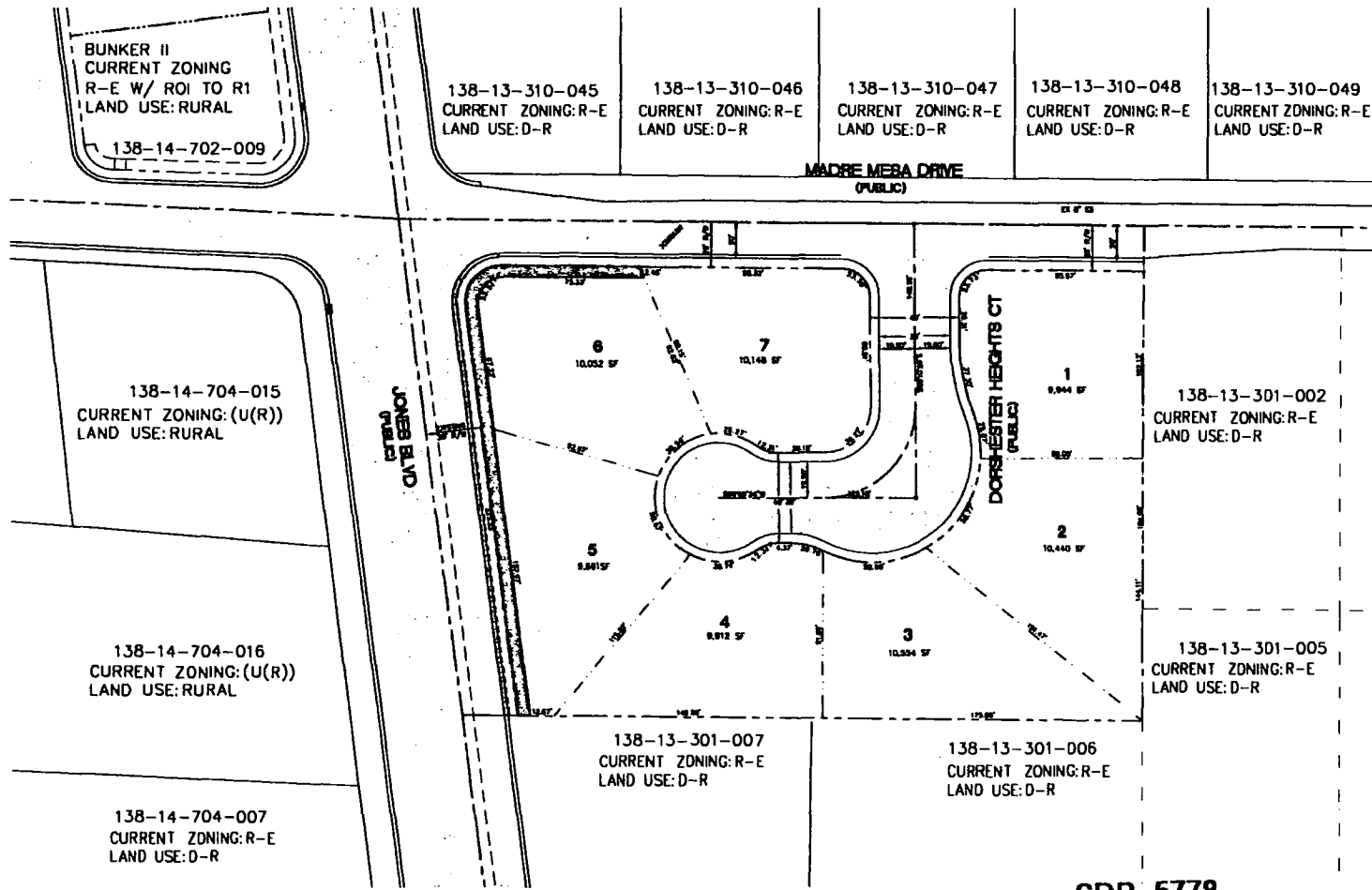
DEVELOPER
SPRINKLER HOMES
4311 W. CHEYENNE, SUITE 105
N. LAS VEGAS, NV 89032
PHONE: (702) 873-7773
FAX: (702) 873-7776

OWNER
S.F. INVESTMENTS, LLC
4311 W. CHEYENNE, SUITE 105
N. LAS VEGAS, NV 89032
PHONE: (702) 873-7773
FAX: (702) 873-7776

TRC
Customer-Focused Solutions
Civil Engineering/Architecture

BUNKER COMMONS IV
SITE PLAN / LOCATION MAP

SHEET
1
OF 1 SHEETS
PROJECT ID



REVISION
32805

ZON-5776
VAR-5846

SDR-5778
REVISED

4-6-05 CC
REVISED

RECEIVED
MAR 28 2005

RECEIVED

DEC 14 2004

LAND MEASUREMENTS
JUL 31 2004 7:28
SANDY VALLEY AND MOUNTAIN
(702) 250-1070 FAX 838-7882

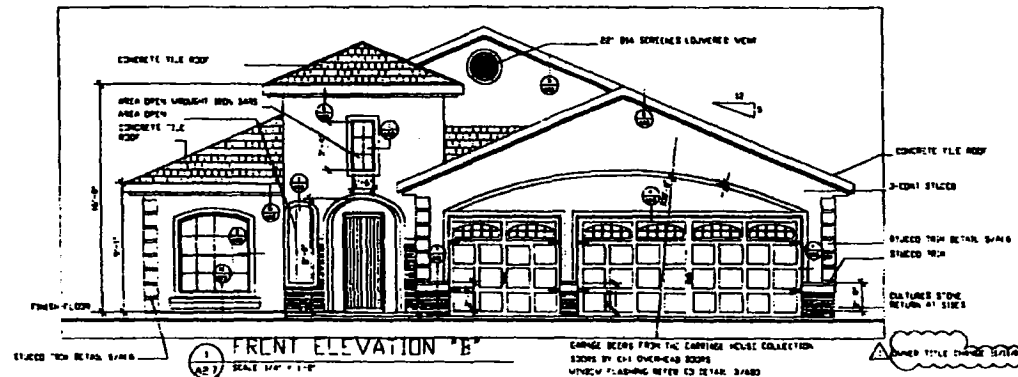
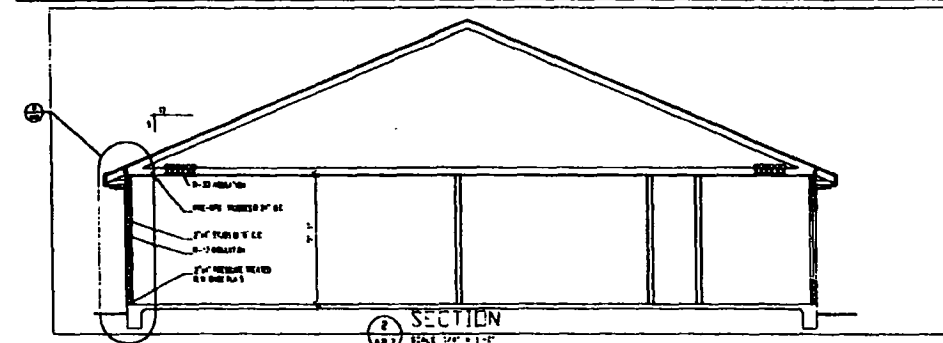
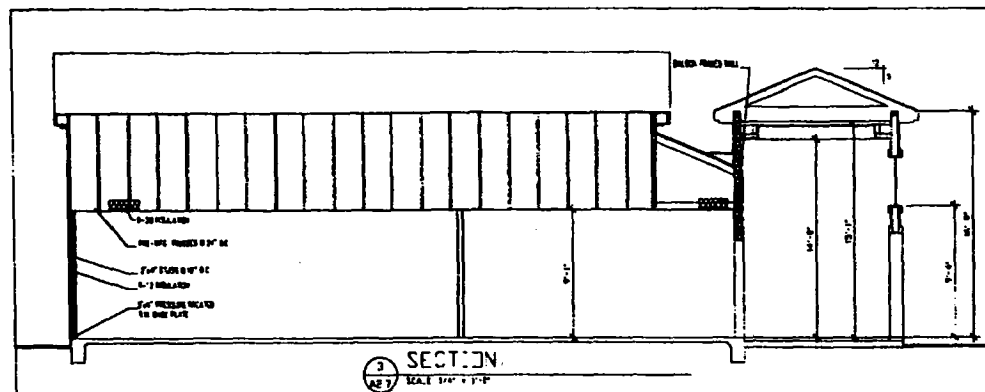


ROYAL CONSTRUCTION
4511 W. LUTHER AVE. SUITE 100
LAS VEGAS, NV 89103
PH 873-7773 FAX 873-7776
Contractor Lic. 023405

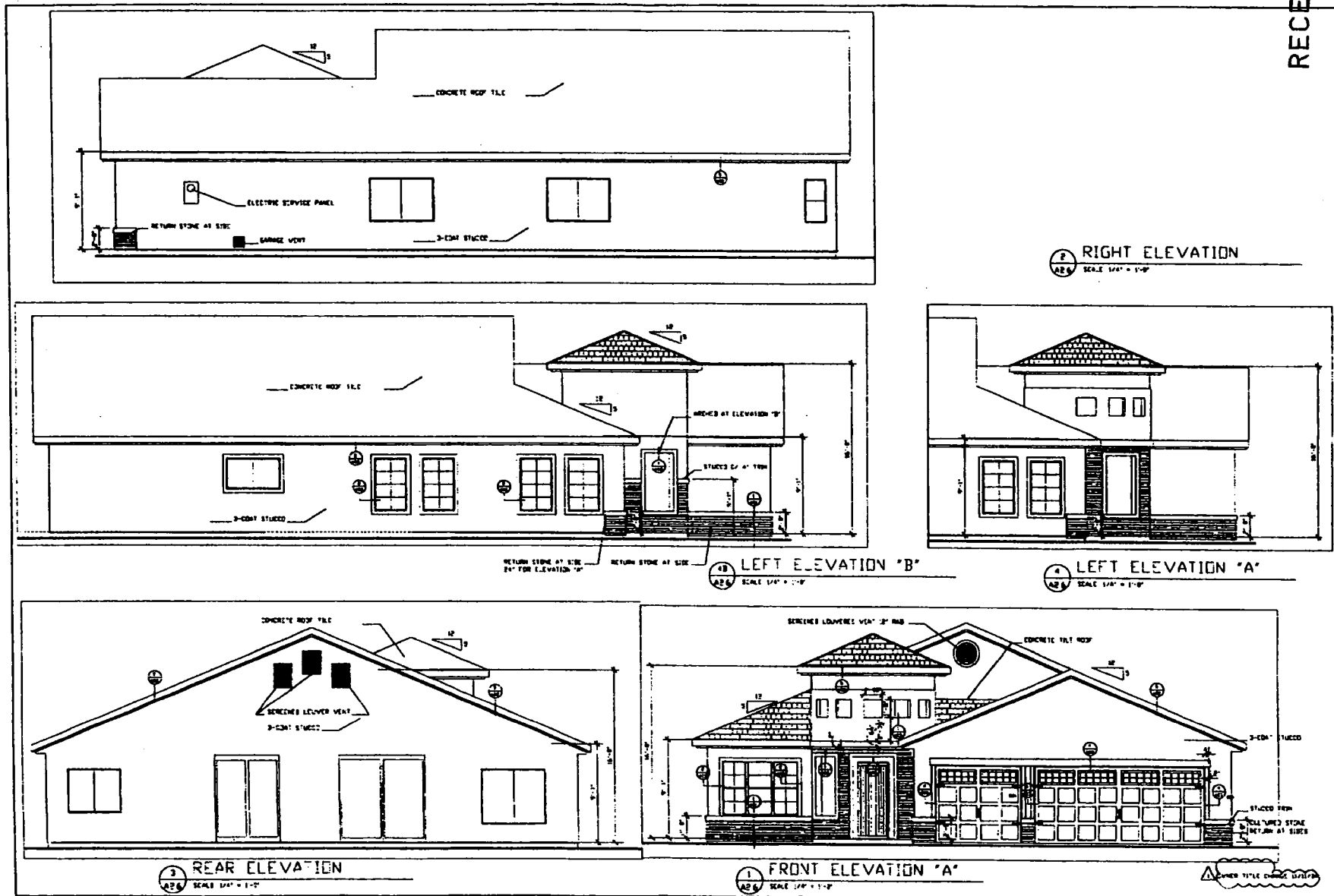
PLAN (2) 2495
ELEVATIONS
HUNKER COMMONS

DRAWN	DATE
CHECKED	DATE
BY	02/24/05
SCALE	AS SHOWN
JOB NO	CA-04
SHEET	

A2.7



SDR-5778
02/24/05 PC



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DAVID MOORE ARCHITECTS
PC 31 BOX 738
SANDY VALLEY NV 89016
(702) 250-4070 FAX 838-7882



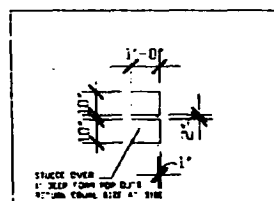
PRYAL CONSTRUCTION
4311 W. CHEYENNE AVE. SUITE 105
LAS VEGAS, NV 89032
PH 873-7773 FAX 873-7776
Contractor Lic. 030409

PLAN (2) 2495
ELEVATIONS
BUNKER COMMONS

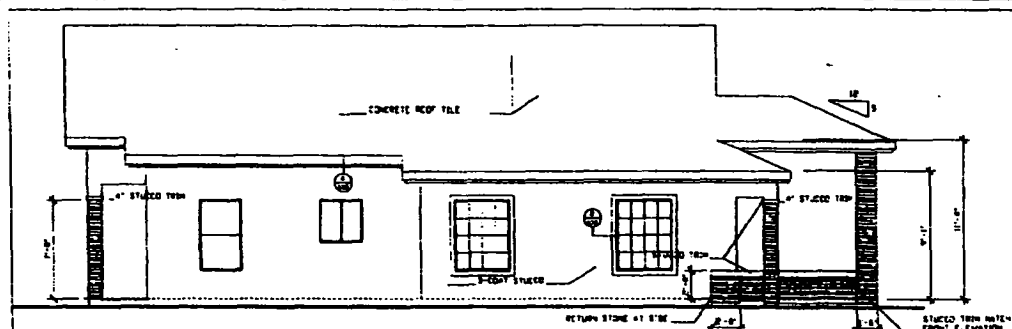
OWNER	DATE
DESIGNED	DATE
DRAWN	DATE
SCALE	AS SHOWN
JOB NO.	01-04
SHEET	
A2.6	
SF	1 SHEETS

SDR-5778
02/24/05 PC

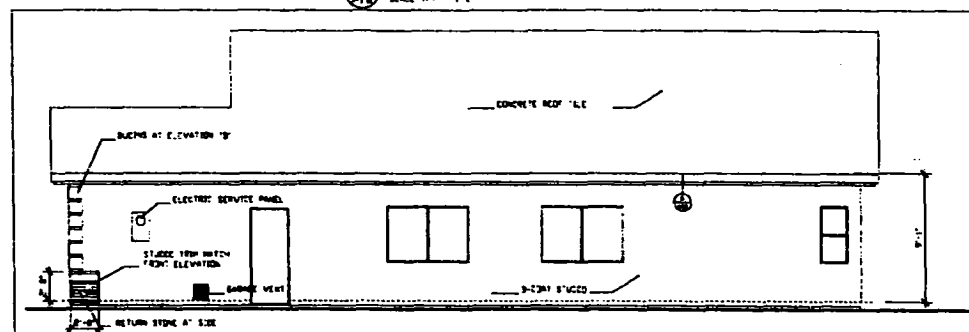
RECEIVED
DEC 14 2004



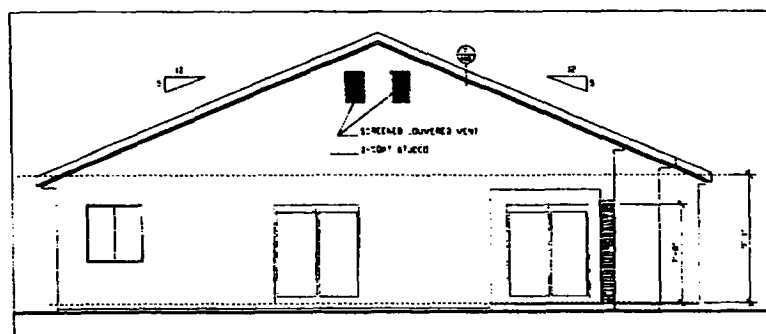
4 QUEINS AT ELEVATION
SCALE 1/8" = 1'-0"



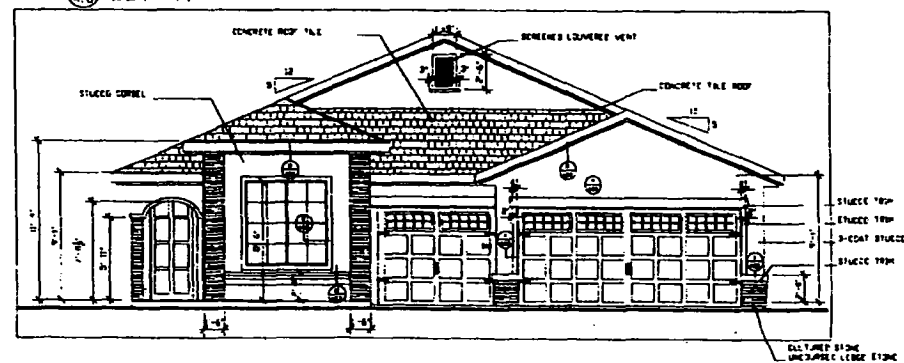
4 LEFT ELEVATION
SCALE 1/8" = 1'-0"



2 RIGHT ELEVATION
SCALE 1/8" = 1'-0"



2 REAR ELEVATION
SCALE 1/8" = 1'-0"



1 FRONT ELEVATION 'A'
SCALE 1/8" = 1'-0"

CHANGE FROM THE CHAIRMAN HOUSE COLLECTION
BOOK BY THE CHAIRMAN HOUSE
WHEN FLASHING REFER TO DETAIL 3/20/04

DAVID MOORE ARCHITECT
INC. 311 N. 11th St.
SANDY VALLEY, MO 65019
(314) 250-4070 FAX 314-250-1682



ROYAL CONSTRUCTION
2311 W. GOSWELL AVE. SUITE 105
ST. LOUIS, MO 63114
PH: 314/373-1173 FAX 314/373-1176
Construction, Inc. 03/24/05

PLAN 03 1880
ELEVATIONS
BUNKER COMMUNIS

DRAWN	DAK
CHECKED	DAK
DATE	04/18/04
SCALE	AS SHOWN
JOB NO.	03-11
SHEET	A1.6
OF	3 SHEETS

SDR-5778
02/24/05 PC

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DEC 14 2004

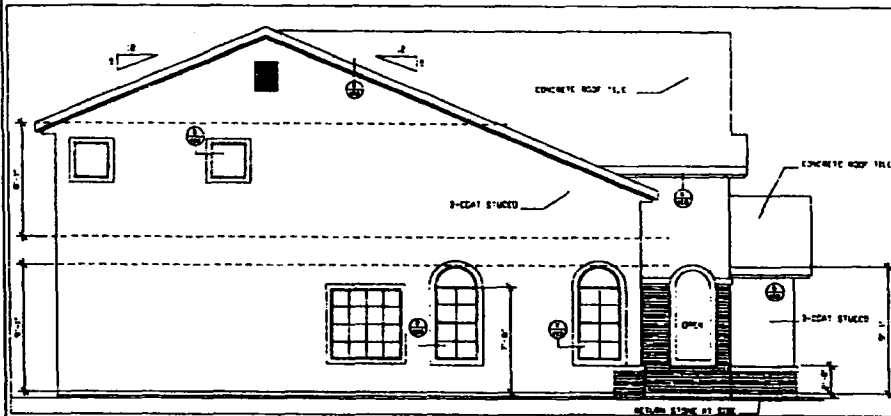
DAVID MORRIS ARCHITECT
INC. 31 BENT 738
SANDY VALLEY NY 09019
(716) 750-4070 FAX 738 7682



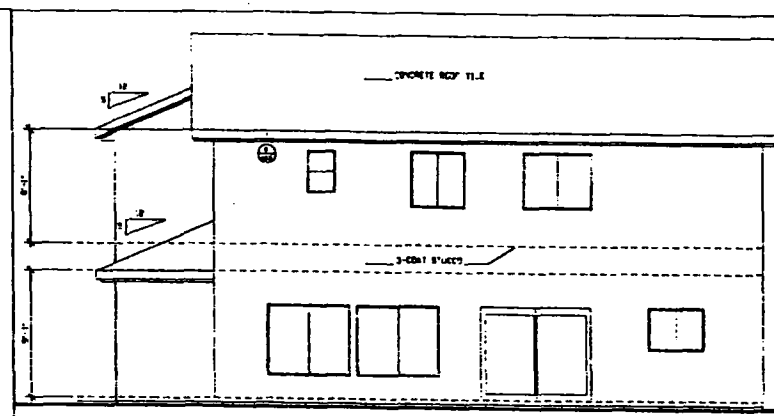
ROYAL CONSTRUCTION
4331 W. CHEVYING AVE. SUITE 100
LAS VEGAS, NV 89112
PH 702-772-7773 FAX 702-7776
WWW.ROYALCON.COM

PLAN (4) 3176
ELEVATIONS
BUNKER COMMONS

OWNER	DRN
ENGINEER	DATE
DATE	08/28/04
SCALE	AS SHOWN
JOB NO.	24-24
BY	DATE
A4.6	
NO. 1 SHEETS	

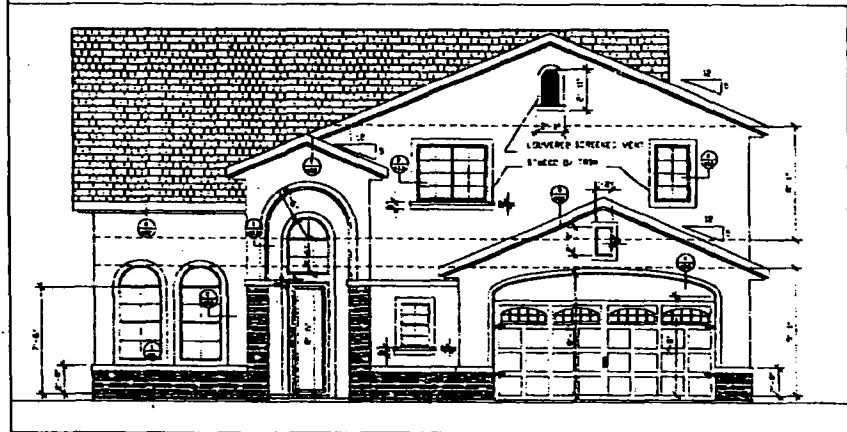


1 LEFT ELEVATION 'A'
SCALE 1/4" = 1'-0"

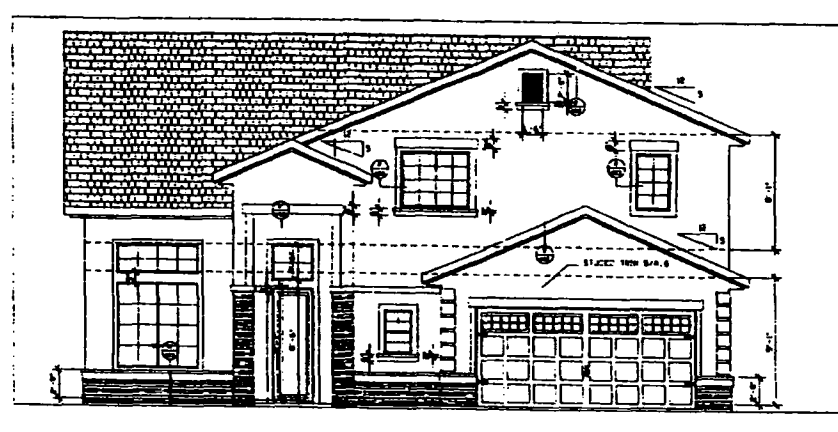


2 REAR ELEVATION
SCALE 1/4" = 1'-0"

SHARPE DOORS FROM THE LANDSCAPE HOUSE COLLECTION
SCANS BY CH OVERHEAD DOORS
VIEWING FACING REFER TO SECTION SHARDS



3 FRONT ELEVATION 'A'
SCALE 1/4" = 1'-0"

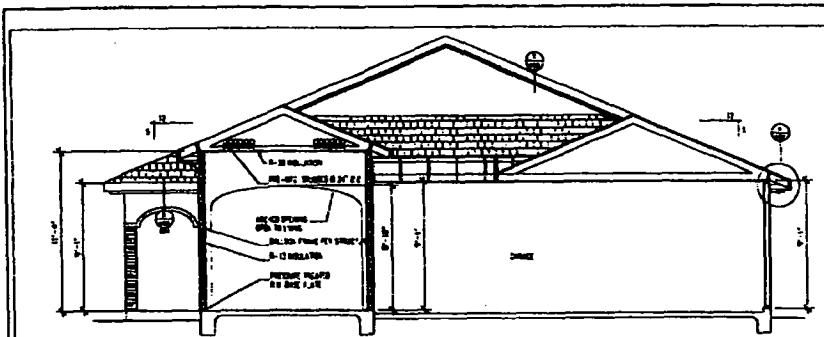


4 FRONT ELEVATION 'B'
SCALE 1/4" = 1'-0"

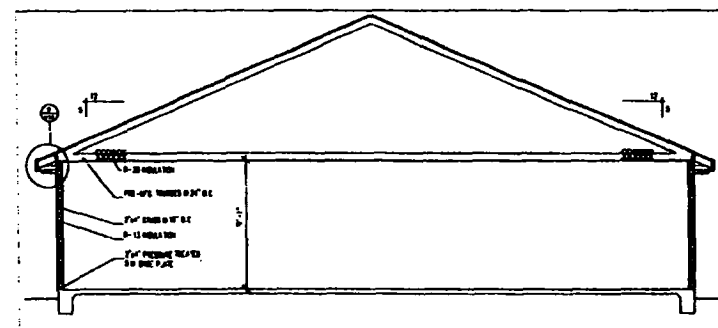
NEW FLOOR PLAN TITLES

SDR-5778
02/24/05 PC

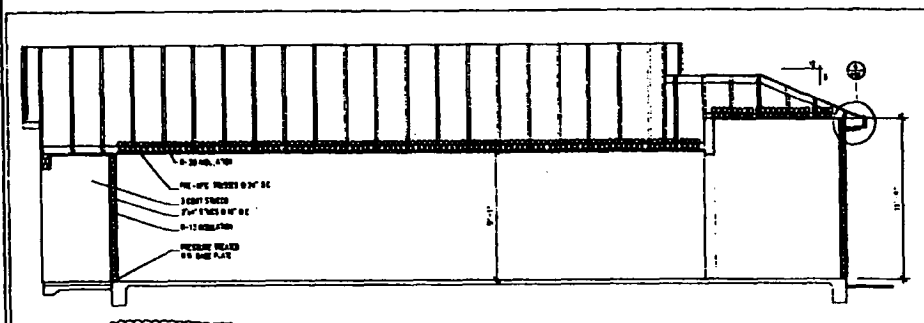
RECEIVED
DEC 14 2004



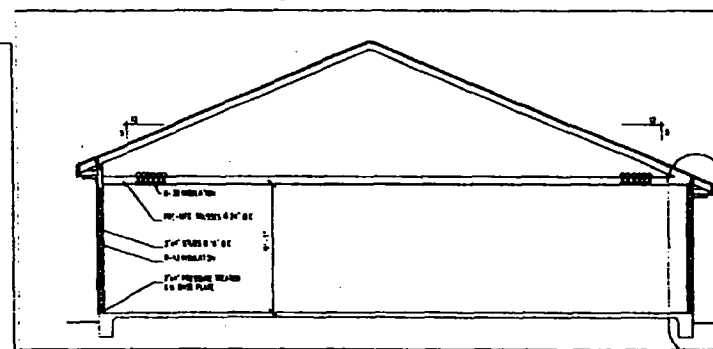
SECTION
SCALE: 1/4" = 1'-0"



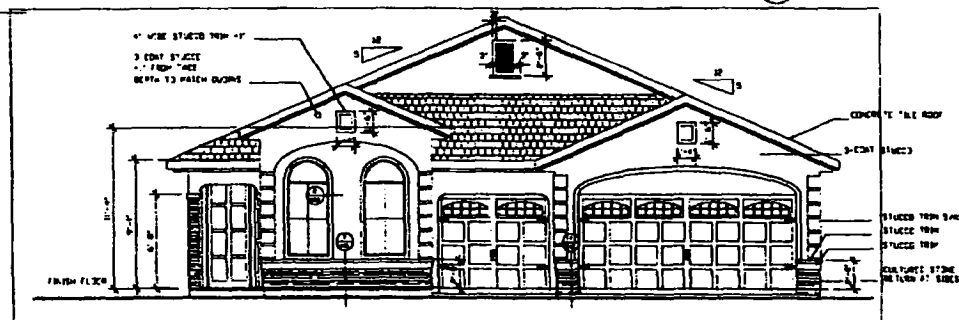
SECTION
SCALE: 1/4" = 1'-0"



SECTION
SCALE: 1/4" = 1'-0"



SECTION
SCALE: 1/4" = 1'-0"

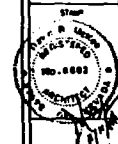


FRONT ELEVATION 'B'
SCALE: 1/4" = 1'-0"

GARAGE DOORS FROM THE EMERALD HOUSE COLLECTION
DOORS BY G-1 OVERHEAD DOORS

REVISION PER PLAN REVIEW BY/ON AND FULLY INTERPRET

DAVID MCKEE ARCHITECT
INC. 31 BOX 738
SANDY HOLLOW, NV 89019
(702) 790-4070 FAX 838-7682



ROYAL CONSTRUCTION
4311 W. CHEYENNE AVE. SUITE 103
LAS VEGAS, NV 89032
PH 873-7773 FAX 873-7776
Contractor Lic. 035409

PLAN 11880
ELEVATIONS
BUNKER COMMONS

DRAWN	DATE
CHECKED	DATE
DATE	BY/REV
SCALE	AS SHOWN
JOB NO.	BY/ON
SHEET	

A1.7

TOP 1 54478

SDR-5778
02/24/05 PC

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DEC 14 2004

DAVID WISNET ARCHITECT
INC. 31 BOX 738
SANDY VALLEY NY 13818
(702) 250-4070 FAX 813-7687

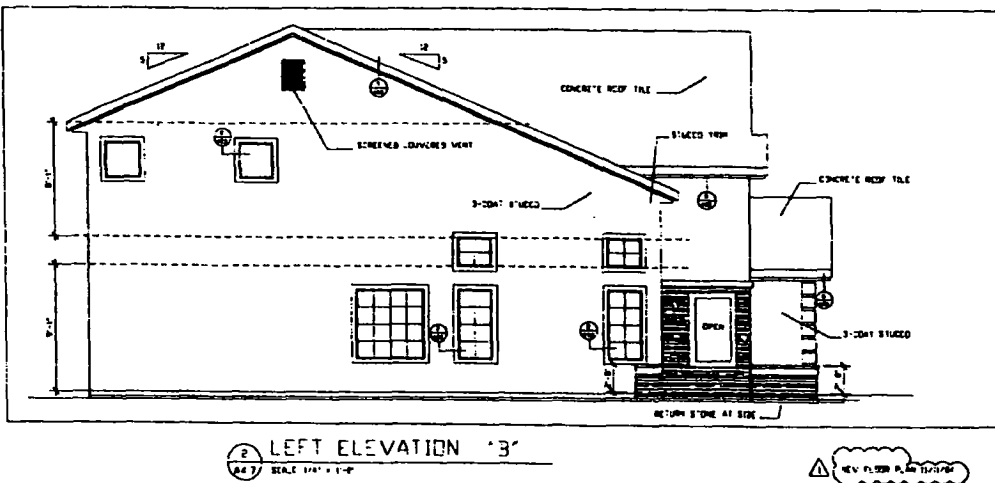
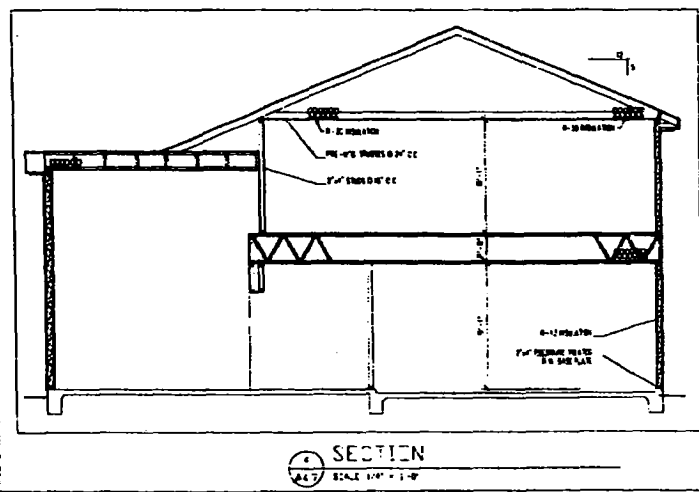
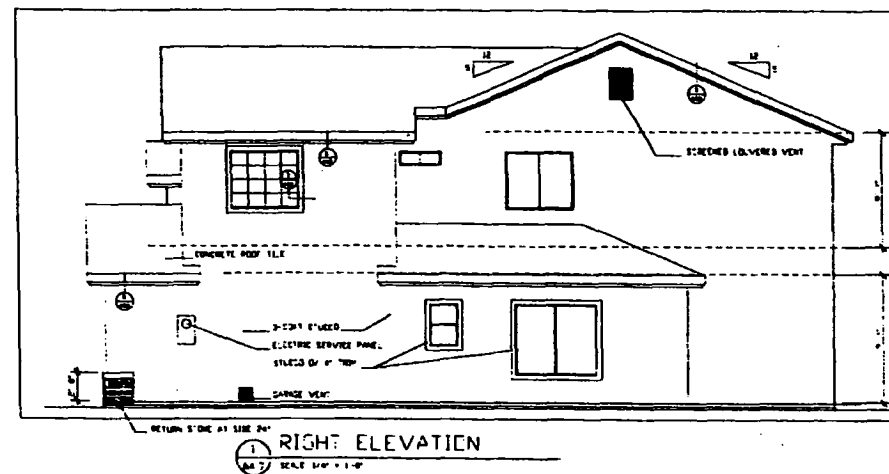
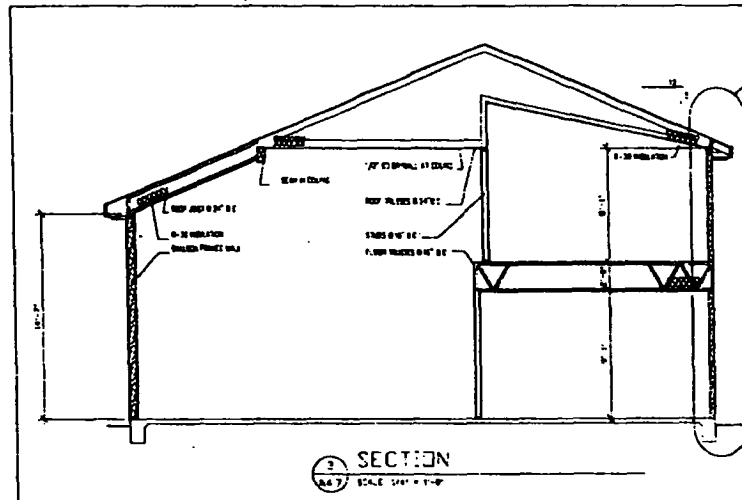


ROYAL CONSTRUCTION
4331 W. CHEVLANE AVE SUITE 102
LAS VEGAS, NV 89102
PH 873-7773 FAX 873-7776
CONTRACT L.N. 035107

PLAN (4) 3176
ELEVATIONS
BUNKER COMMONS

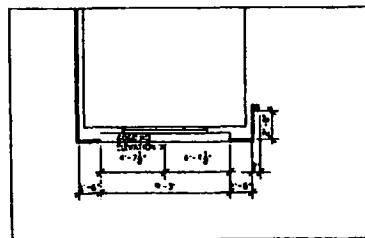
DESIGN	DATE
CHECKED	DATE
DATE	12/28/04
SCALE	AS SHOWN
JOB NO.	04-04
SHEET	

A4.7
TOP 3 SHEETS

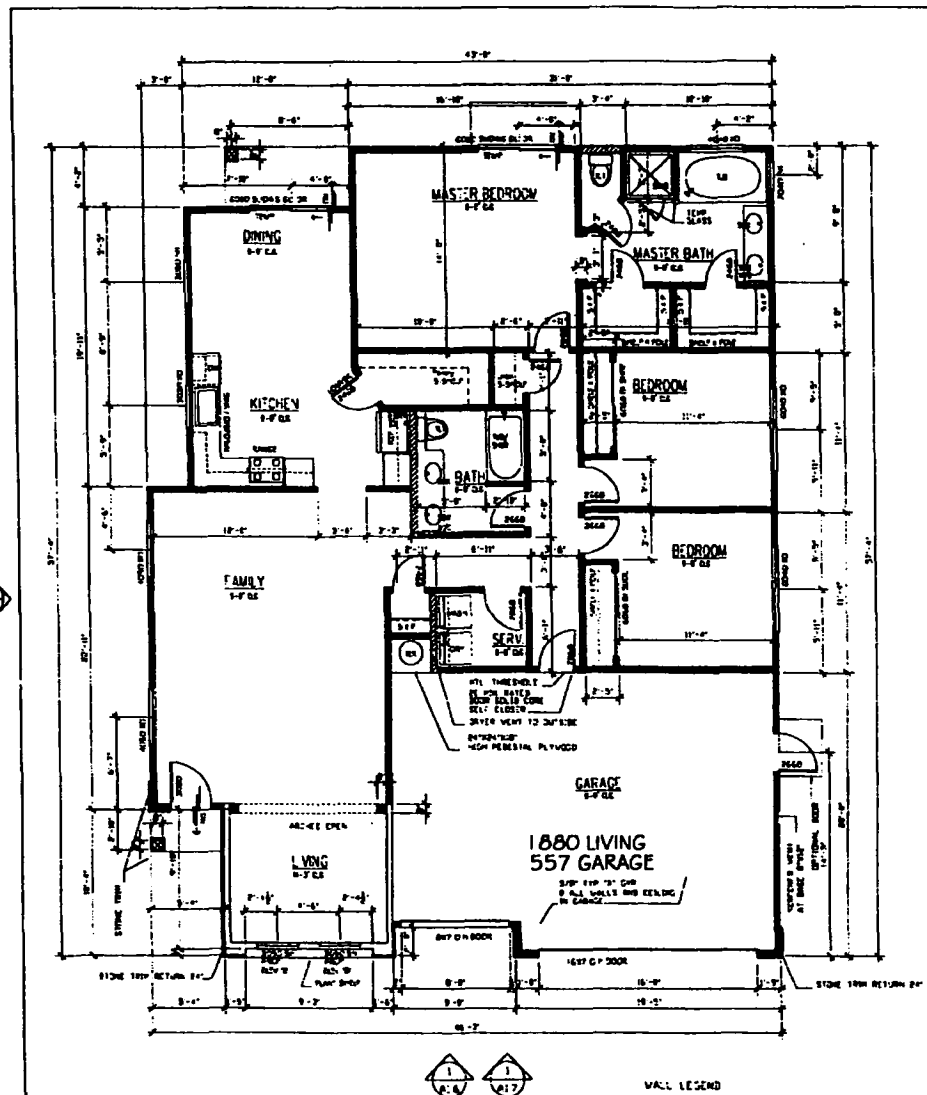


SDR-5778
02/24/05 PC

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DEC 14 2004



FLOOR PLAN ELEVATION "A"
SCALE: 1/4" = 1'-0"



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

2002 Sq. Ft. Living Area
25 Sq. Ft. Covered Entry
207 Sq. Ft. Covered Deck
207 Sq. Ft. Garage Area

WALL LEGEND

- 8" CMU STUBS @ 8" O.C.
- 8" CMU STUBS @ 16" O.C.
- BUILT-UP FRAMED WALLS
- REFER TO STRUCTURAL FOR TYPICAL

OWNER TITLE CHANGE LETTER

DAVID MCKEE ARCHITECT
NC 31 802 738
SUNNY VALLEY, NC 28019
(703) 250-4870 FAX 833 7662



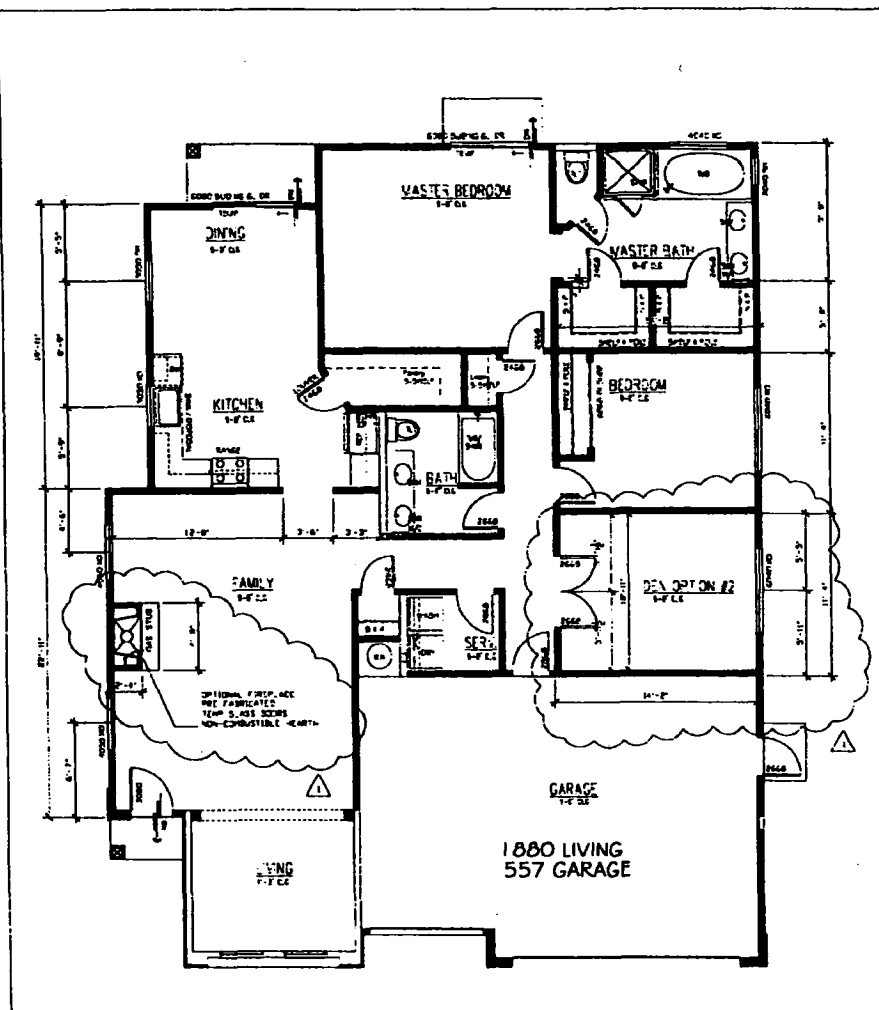
KROYAL CONSTRUCTION
4311 V. CRYSTINE AVE. SUITE 105
LAS VEGAS, NV 89125
702 773 7773 FAX 702 7776

PLAN C/D 1880
FLOOR PLAN
BUNKER COMMONS

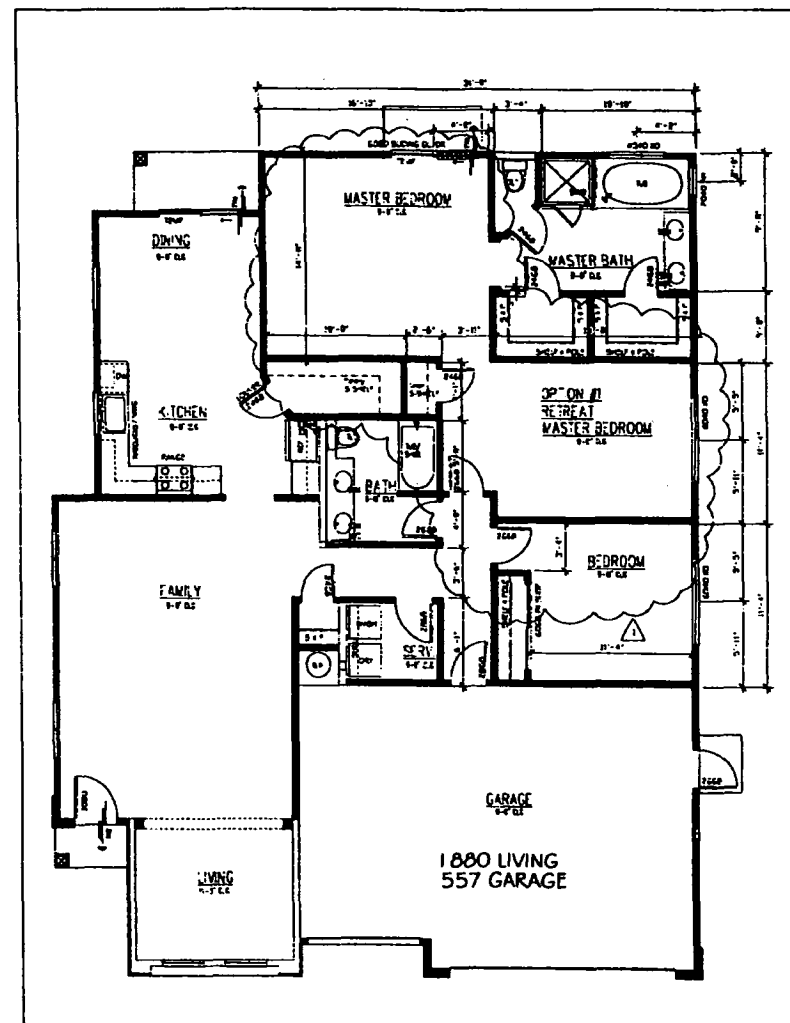
DRAWN	BY
CHECKED	BY
DATE	04/26/04
SCALE	AS SHOWN
JOB NO.	04-1
SHEET	
A1.2	
NO.	1 OF 1

SDR-5778
02/24/05 PC

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2 FLOOR PLAN OPTIONS
A1.B 12'-0" x 14'-0" x 1'-2"



1 FLOOR PLAN OPTIONS

SDR-5778

02/24/05 PC

PLAN (1) 1880
FLOOR PLAN
BUNKER COMMONS

ROYAL CONSTRUCTION
4511 W. CHEYENNE AVE., SUITE 105
LAS VEGAS, NV 89032
702/411-8773 FAX 8773-7776
Contractors Lic. 035407

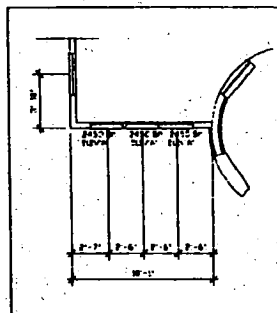
DAVID MCKEE ARCHITECT
MC 31 BOX 738
SANDY WILFV NV 89019
(702) 250-4070 FAX 838-7682



DATE	DATE
CHARGE	DATE
DATE	06/28/00
SCALE	AS SHOWN
JOB NO	64-2
Sheet	
A1.8	
NOT A SHEET	

DEC 14 2004

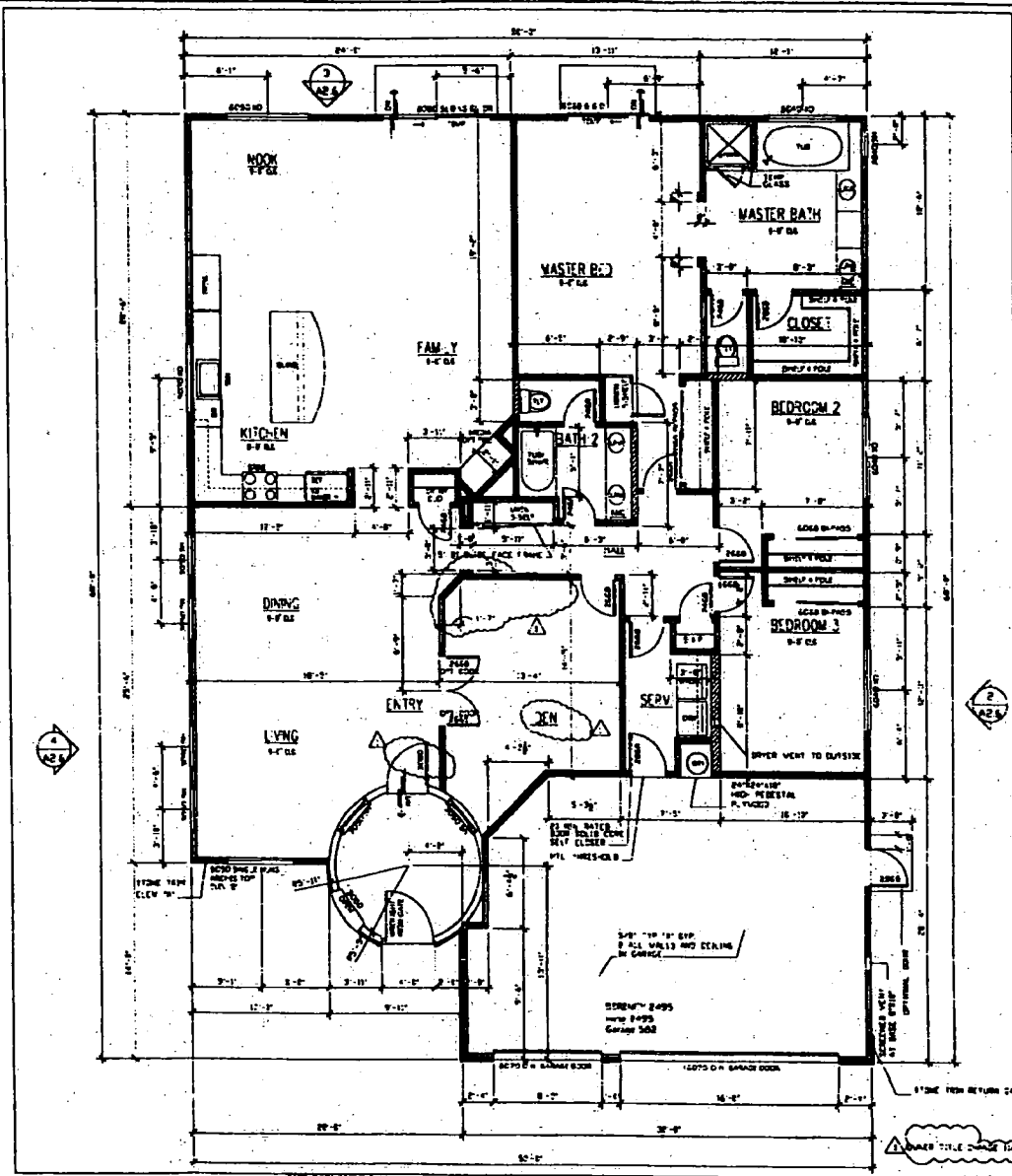
RECEIVED



FLOOR PLAN ELEVATION "A"
SCALE 1/4" = 1'-0"

ALL FIREPLACES SHALL COMPLY WITH CITY
BUILDING CODE REQUIREMENTS. ALL
FIREPLACES, CHIMNEYS, AND FIREPLACE
ACCESSORIES SHALL BE INSTALLED PER
MANUFACTURER'S REQUIREMENTS AND
APPROVED LISTING SPECIFICATIONS. REPORT
FIRE RISK.

WALL LEGEND
1/4" STUCCO 5/8" WIDE
1/4" STUCCO 5/8" WIDE
1/4" STUCCO 5/8" WIDE
1/4" STUCCO 5/8" WIDE



FLOOR PLAN W/ DEN
SCALE 1/4" = 1'-0"

2400 SDR 5778 5/05
2400 SDR 5778 5/05
2400 SDR 5778 5/05

SDR-5778

02/24/05 PC

THOMAS MCKEE ARCHITECT
401 N. 3100 E. SUITE 100
SALT LAKE CITY, UT 84119
(801) 250-4070 FAX 801-7682



ROYAL CONSTRUCTION
4511 W. LIN VILLAGE AVE. SUITE 100
LAS VEGAS, NV 89137
PH 873-7773 FAX 873-7776

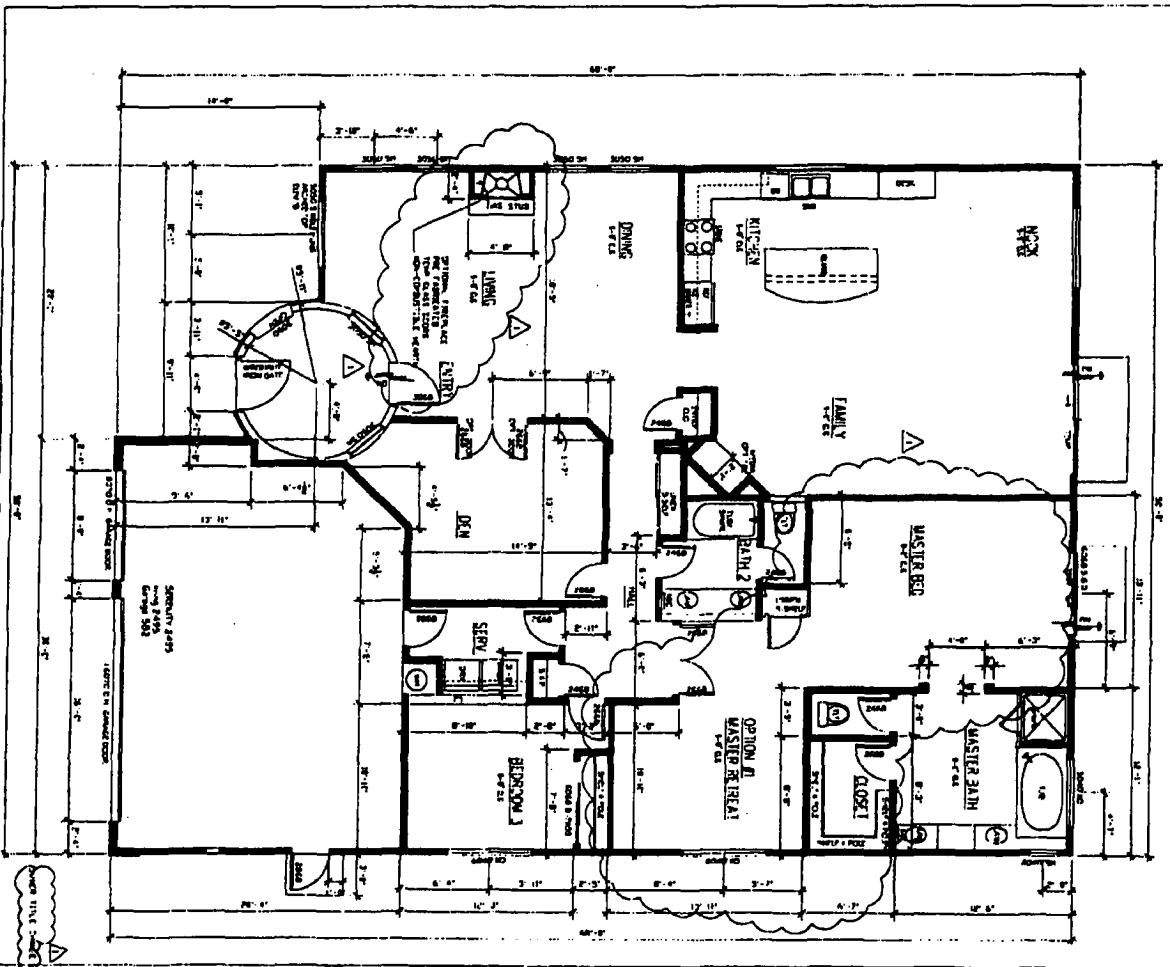
PLAN (2) 2495
FLOOR PLAN
BUNKER COMMONS

DATE	BY
CHECKED	BY
DATE	BY
SCALE	AS SHOWN
DATE	BY
DATE	BY

A2.2
REVISED PER PLAN REVIEW 10/1/04

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DEC 14 2004

1 FLOOR PLAN OPTIONS
SCALE: 1/8" = 1'-0"



PLAN (2) 2495
FLOOR PLAN
BUNKER COMMONS

ROYAL CONSTRUCTION
4311 W. CHURCH AVE., SUITE 103
LAS VEGAS, NV 89032
PH 873-7773 FAX 873-7776

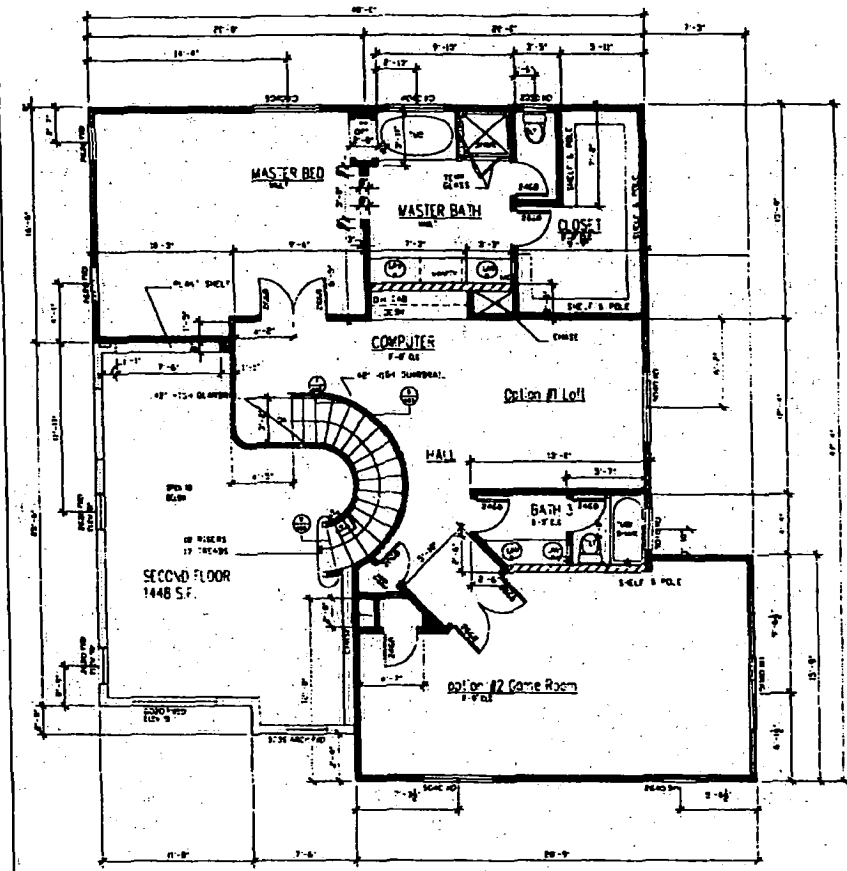


DAVID MCKEE ARCHITECT
101 11 DOW 738
SANDY VALLEY NV 89019
(702) 750-4070 FAX 818 7682

SDR-5778
02/24/05 PC

A2.8

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SECOND FLOOR OPTIONS
FLOOR PLAN

ADP SIG-178-1-0

SDR-5778

02/24/05 PC

 NEW FLASH PLUM 17-25724

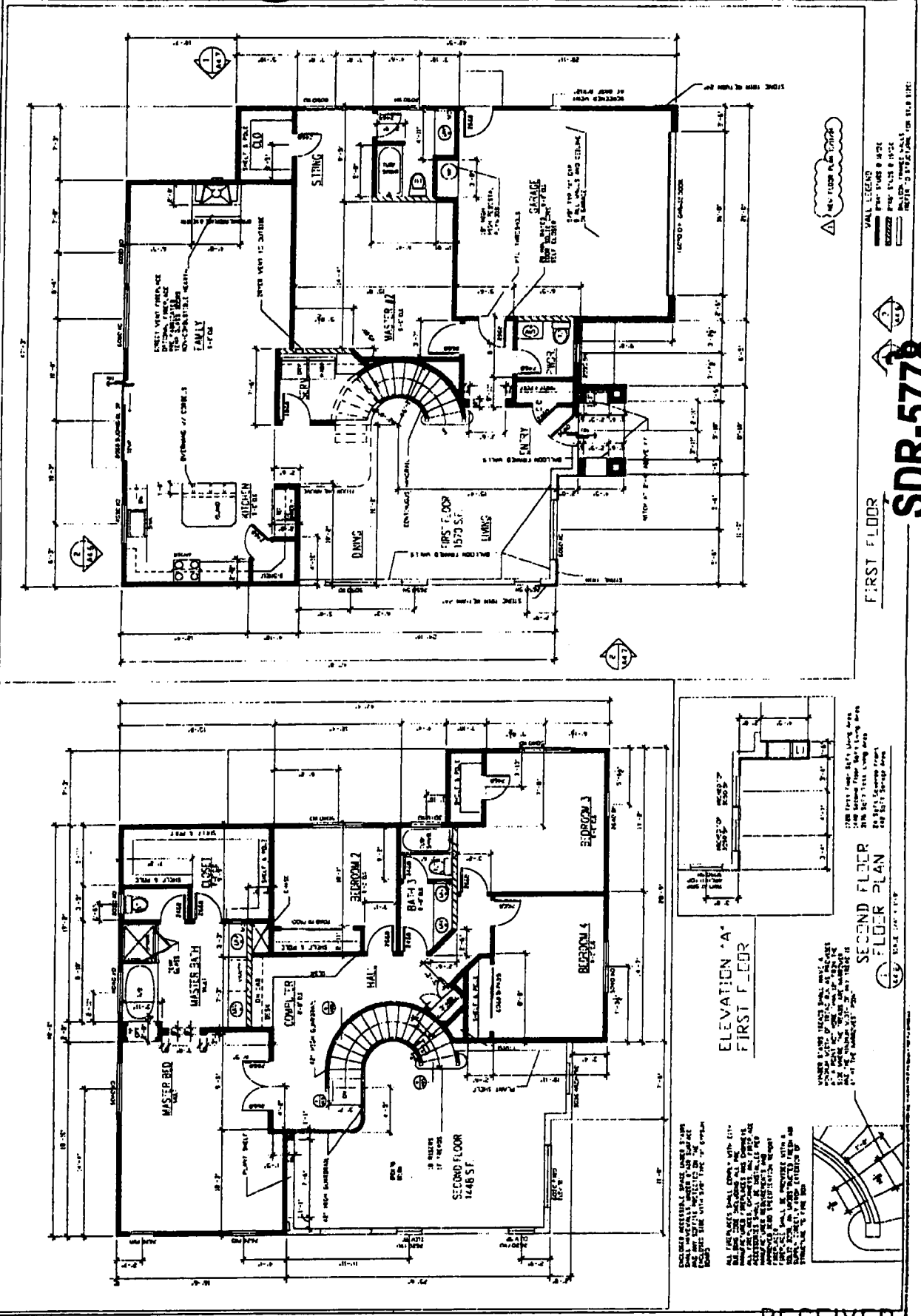
WALL DEAD
STUDS @ 16" OC
STUDS @ 16" OC
3/4" x 3/4" FRAMED WALLS
NUTTED TO STRUCTURAL FOR ETC. SEE

PLAN (4) 3176
FLOOR PLAN
BUNKER COMMONS

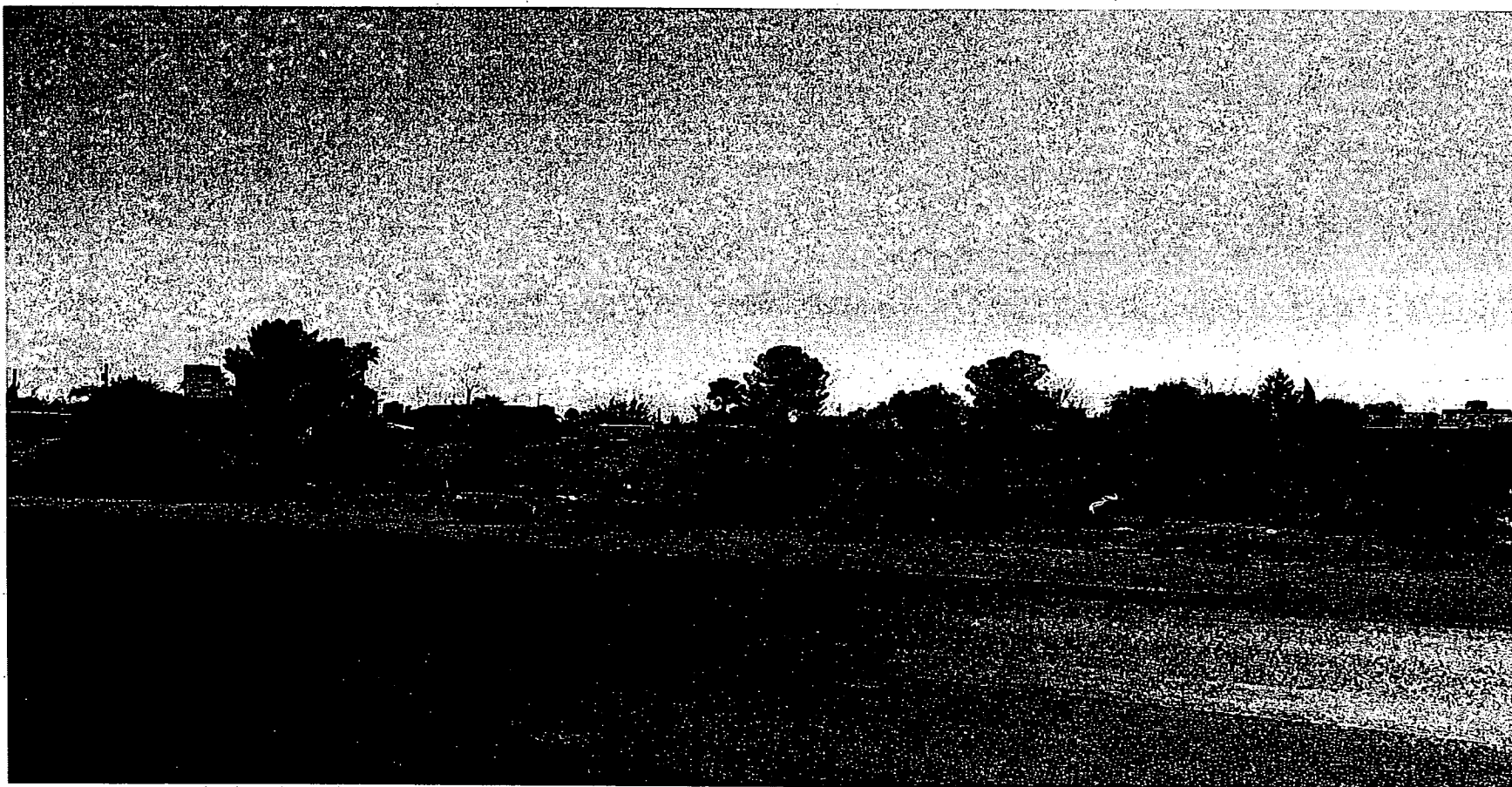
ROYAL CONSTRUCTION
4511 W. CHEYENNE AVE. SUITE 103
LAS VEGAS, NV 89032
PH 873-7173 FAX 873-1114

DAVID MONTZ ARCHITECT
MC 31 BOX 138
SANDY VALLEY NV 89019
(702) 250-4070 FAX 638-7070





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DEC 14 2004



GPA-5775, ZON-5776, VAR-5846, & SDR-5778 - APPLICANT: S.B.A. DEVELOPMENT, INC. -
OWNER: SF INVESTMENTS, LLC
SOUTHEAST CORNER OF JONES BOULEVARD AND MADRE MESA DRIVE
FEBRUARY 24, 2005 PLANNING COMMISSION

1/12/05

TRC
Customer-Focused Solutions
BV Engineering Nevada

December 13, 2004

City of Las Vegas Planning and Development
731 South Fourth Street
Las Vegas, NV 89101

Re: GPA, Zone Change, and SDR for 2.1-acres on the Southeast corner of Madre Mesa Drive and Jones Boulevard in the City of Las Vegas, Nevada. (APN #138-13-301-001)

To Whom It May Concern:

This project is generally located on the southeast corner of Madre Mesa Drive and Jones Boulevard. The project site is currently in the jurisdiction of Clark County and is zoned RE (Rural Estates 2 units/acre) according to their general plan designation. Annexation application ANX-5923 for the project site proposes to annex the parcel into the City of Las Vegas jurisdictional limits. Our application for a general plan amendment is in for a Residential Planned Development of 4.1 units/acre. This zone change would create an RPD-4 zoning on these parcels.

Jones Boulevard, an 80-foot arterial, borders the property to the east while Madre Mesa Drive, a 60' local collector, borders the site on the north. Half acre residential homes border the site to the east and south. The proposed subdivision will consist of 9 lots and have a gross density of 4.16 units/acre. Access to the site is proposed from Madre Mesa Drive and approximately 280-feet of intersection length is provided to satisfy Title 18, Section 12.12.160. The interior street of the subdivision is a 49-foot public street with an offset bulb to provide emergency access to the site. Although the termination of the street is not in conformance with Title 18, Section 18.12.130, the proposed design mitigates the requirement for access to the site via Jones Boulevard. The project is directly adjacent to an 80' minor arterial, which provides adequate traffic facilities and is included on the Master Streets and Highways Plan. Water, sewer and dry utilities are all available to this site and accessible with right-of-way dedicated adjacent to the project. Six feet of landscaping, required by Title 18, is being proposed along the street frontages of Madre Mesa Drive and Jones Boulevard. A 6-foot decorative CMU wall is proposed at the project boundary to screen this project from the adjacent uses to the west and north.

This project is compatible with surrounding uses, as it will provide much needed single-family housing in the area. City facilities are adequate to serve the development and assure the continued development of infill parcels. The existing subdivision on the northwest corner (a.k.a Bunker Commons II) is already zoned R1 which will create a homogeneous atmosphere in the neighborhood. If you have any questions or concerns regarding this application, please feel free to contact me.

Sincerely,



David L. Yancy II, E.I.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

MINUTES:

NL - 6101 Denver Circle, RQR-6148, RQR-6152, SUP-5877, SUP-6160, SUP-6194, SUP-6204, SUP-6219, VAC-6184, VAC-6196, VAC-6202, VAC-6203, VAR-5878, VAR-5949, VAR-6118 and VAR-6355 - 5/18/2005 AGENDA

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MAY 4, 2005

CITIZENS PARTICIPATION:

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

DOROTHY BARNES, Las Vegas resident, indicated personal turmoil she has experienced for the past nine years while living in Las Vegas.

(5:03 - 5:06)

6-2670

MEETING ADJOURNED AT 5:06 P.M.