

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY MANAGER

DIRECTOR: DOUGLAS A. SELBY

☐ Consent ☒ Discussion

SUBJECT:

ADMINISTRATIVE:

Report from the City Manager on Emerging Issues

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The City Manager (CM) Report will be a vehicle for the City Manager to update the Council on emerging issues that may have an impact on the City of Las Vegas. The CM Report will be a recurring item for every Council meeting. If there are no items for the particular meeting, the City Manager will recommend that the item be stricken.

RECOMMENDATION:

Report only, no action required

BACKUP DOCUMENTATION:

None

Minutes:

CITY MANAGER DOUG SELBY outlined the various events taking place throughout the City during the month of November. He indicated that the Event Task Force held a meeting where they received a final report from a consultant assessing the options and feasibilities of a new events center in Southern Nevada. The City Council and the County Commission will receive a full report from the Task Force and its consultant at the first meeting of December.

CITY MANAGER SELBY added that the need for an events center was identified in order to accommodate larger and more significant events. It is not practical to rebuild the Thomas & Mack because it would have to be taken out of service for at least 18 months, which would compromise the events that are held there. Based upon cost escalation for the Las Vegas area and the cost of event centers in other communities, the new center would cost about \$400 million. Las Vegas has now reached the level for a viable market for a major league sports team; NBA and NHL. Of the 17 preliminary sites offered for consideration to the consultant, two are located in Downtown Las Vegas.

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

COUNCILMAN WEEKLY commented he was informed about a large tear in the synthetic turf fields at Ed Fountain Park. Many teams use these fields and he is concerned about its upkeep and maintenance. If the City is going to play host to these many leagues, as they are not allowed to use other facilities, he wants to know what type of maintenance the City will provide to make them suitable. The fields are unsupervised and during the weekend there are many unprogrammed activities. CITY MANAGER SELBY replied he would follow up on this concern.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action to add conditions to the 90-day temporary tavern license held by Nevada Receivership, LLC, d/b/a Crazy Horse Too - Ward 3 (Reese)

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

On October 18, 2006, the Las Vegas City Council granted a temporary tavern license, L16-9808-5-4-001291, to Nevada Receivership, LLC, d/b/a Crazy Horse Too, located at 2476 Industrial Road, Las Vegas, Clark County, Nevada. Conditions were imposed on the license to prevent certain persons who had pled guilty to felonies in federal court, along with the previous licensee, The Power Company, Inc., and certain relatives of Rick Rizzolo, from being employed at Crazy Horse Too. In order to prevent other relatives of Rick Rizzolo from obtaining employment or access to Crazy Horse Too, this matter is before the City Council to add additional conditions.

RECOMMENDATION:

That the Las Vegas City Council revisit the issue of what conditions ought to be imposed on the temporary tavern license.

BACKUP DOCUMENTATION:

1. Submitted after final agenda – Draft Minutes from the 10-18-06 City Council Meeting Items 62 and 64
2. Submitted at meeting - copy of the added condition as read for the record by Brad Jerbic
3. Verbatim Transcript

Motion made by GARY REESE to Approve the additional condition as read for the record as follows: No persons related by blood or who was ever related by marriage to Frederick Rizzolo be employed or allowed on the premises of the business.

This becomes condition No. 7, which has been added to the conditions imposed on October 18, 2006.

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-OSCAR B. GOODMAN); (Did Not Vote-None); (Excused-None)

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

Minutes:

APPEARANCES

OSCAR GOODMAN, Mayor

GARY REESE, Councilman

BRAD JERBIC, City Attorney

STEVE WOLFSON, Councilman

JIM DiFIORE, Manager of Business Services

STEVE CARUSO, Attorney on behalf of Nevada Receivership, LLC

MICHAEL SIGNORELLI

STEVEN ROSS, Councilman



DRAFT

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 18, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Hearing, discussion and possible action concerning petition for rehearing in the matter of the Department of Finance and Business Services on behalf of the City of Las Vegas, Nevada v. The Power Company, Inc. d/b/a Crazy Horse Too - Ward 3 (Reese)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

On September 6, 2006, the Las Vegas City Council revoked The Power Company, Inc.'s Tavern License No. L16-00003-4-000209 and imposed a fine. The Power Company, Inc. has timely petitioned for rehearing. LVMC 6.88.130 provides that "[s]uch motions shall not be granted except upon a showing that there is new evidence which is material and necessary and reasonably calculated to change the decision of the City Council and that sufficient reason existed for failure to present such evidence at the hearing of the City Council." The Power Company, Inc. alleges that the City Council had a conflict of interest concerning a proposed road project, that it has subsequently entered into a purchase and sales agreement for Crazy Horse Too, and that the Mayor has stated that he can participate in the rehearing.

RECOMMENDATION:

Denial

BACKUP DOCUMENTATION:

1. Submitted at Meeting: Affidavit of Service by City Attorney's Office
2. Submitted at Meeting: Affidavit of Philip R. Byrnes and Exhibit 1 by City Attorney's Office
3. Submitted at Meeting: Operating Sublease labeled No. 5 by City Attorney's Office for Items 62 and 64
4. Submitted at Meeting: Operating Sublease labeled No. 6 by City Attorney's Office for Items 62 and 64
5. Submitted at Meeting: Written Comments from Tom McGowan for Items 62 and 64

Motion made by GARY REESE to Approve to Withdraw

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, GARY REESE, STEVE

Date 10/31/06 Item 43a

WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-OSCAR B. GOODMAN); (Did Not Vote-None); (Excused-None)

NOTE: MAYOR GOODMAN disclosed that he would be abstaining, on the advice of CITY ATTORNEY JERBIC that he has a conflict. CITY ATTORNEY JERBIC then clarified that, as previously disclosed, MAYOR GOODMAN, even though he had very little connection with his law firm, was listed as a member of the firm at the time that one of his partners was representing a co-defendant in a series of cases. During that period of time, there was also an insurance policy being paid by the firm. As a result, the argument could be made that the proceeds of the fees of the client could have been paying for the insurance policy. Therefore, this would present a conflict of interest, and the Mayor should abstain.

Minutes:

A combined Verbatim Transcript of Items 62 and 64 is made a part of the Final Minutes.

APPEARANCES:

OSCAR B. GOODMAN, Mayor

BRAD JERBIC, City Attorney

GARY REESE, Mayor Pro Tem

CHRIS CHRISTOFF

STEVE WOLFSON, Councilman

WILLIAM HENRY, Sr. Litigation Counsel

STEPHEN CARUSO, Attorney, representing the applicant

JIM DiFIORE, Manager, Business Services

MICHAEL SIGNORELLI, applicant

LOIS TARKANIAN, Councilwoman

LARRY BROWN, Councilman

STEVEN ROSS, Councilman

BARBARA JO RONEMUS, City Clerk

DRAFT

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: OCTOBER 18, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Tavern License, Nevada Receivership, LLC, dba Crazy Horse Too, 2476 Industrial Road, Michael J. Signorelli, Managing Mmbr, 100% - Ward 3 (Reese)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

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

The applicant submitted all of the required documentation and paid all applicable fees for investigation on September 20, 2006. Based on a review of the SCOPE printouts furnished to this Department by the applicant, we have determined he is preliminarily suitable to hold a temporary tavern license until the investigation is complete.

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

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Map
2. Submitted at Meeting: Copy of the conditions as read for the record by Jim DiFiore
3. Submitted at Meeting: Corrections to the submitted conditions submitted by Brad Jerbic

Motion made by GARY REESE to Approve the temporary license, with a three-month review and subject to the following conditions:

A. No person associated as a defendant, including Frederick Rizzolo, in U.S. District Court Cases 2:06-CR-186-PMP-PAL, 2:06-CR-188-PNP-PAL, CR-S-05-007-KDJ, KJD (LRL), shall be permitted on the premises of the business. The defendants, including Frederick Rizzolo, are further prohibited from operating, controlling or participating in any way with the operation of the business.

B. No person associated with the ownership of the Power Company, Inc., nor its management, including Annette Rizzolo Patterson, the bookkeeper, Frederick Rizzolo or Bartholomew Rizzolo will be permitted on the premises of the business. Further, Frederick Rizzolo, Bartholomew Rizzolo and Annette Rizzolo Patterson are further prohibited from operating, controlling or participating in any way with the operation of the business.

C. The photographs and names of the prohibited persons in Special Condition No. 1 and 2 shall be made available to all individuals responsible for the operation of the business, in order that the business complies with Special Condition No. 1.

D. Any violation of these conditions or special conditions, or any violation of any local, state or federal law shall allow the Business Services Director or Manager to administratively suspend the liquor license. The applicant understands that he has a right to appeal the suspension at the next regularly scheduled City Council meeting, subject to the Open Meeting Law.

E. The applicant shall be permitted a seven-day transition period for Bartholomew Rizzolo and Annette Rizzolo Patterson.

F. Paragraph 23, regarding Entry and Inspection, of the Sub-lease shall be amended to include language that any designated agent or agents shall be subject to approval by the Business Services Manager or Director before being allowed on the premises, and that the Business Services Manager or Director shall be notified prior to any inspections

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-OSCAR B. GOODMAN); (Did Not Vote-None); (Excused-None)

NOTE: MAYOR GOODMAN disclosed that he would be abstaining, on the advice of CITY ATTORNEY JERBIC that he has a conflict. CITY ATTORNEY JERBIC then clarified that, as previously disclosed, MAYOR GOODMAN, even though he had very little connection with his law firm, was listed as a member of the firm at the time that one of his partners was representing a co-defendant in a series of cases. During that period of time, there was also an insurance policy being paid by the firm. As a result, the argument could be made that the proceeds of the fees of the client could have been paying for the insurance policy. Therefore, this would present a conflict of interest, and the Mayor should abstain.

Minutes:

A combined Verbatim Transcript of Items 62 and 64 is made a part of the Final Minutes. Please see Item 62 for any related backup documentation.

APPEARANCES:

OSCAR B. GOODMAN, Mayor
BRAD JERBIC, City Attorney
GARY REESE, Mayor Pro Tem

CHRIS CHRISTOFF
STEVE WOLFSON, Councilman
WILLIAM HENRY, Sr. Litigation Counsel
STEPHEN CARUSO, Attorney, representing the applicant
JIM DiFIORE, Manager, Business Services
MICHAEL SIGNORELLI, applicant
LOIS TARKANIAN, Councilwoman
LARRY BROWN, Councilman
STEVEN ROSS, Councilman
BARBARA JO RONEMUS, City Clerk

DRAFT

No person related by blood or who was ever related by marriage to Frederick Rizzolo shall be employed or allowed on the premises of the business.

Submitted at City Council
Date 11/1/06 Item #432

**CITY COUNCIL MEETING OF
November 1, 2006**

VERBATIM TRANSCRIPT – ITEM 43a

**DISCUSSION AND POSSIBLE ACTION TO ADD CONDITIONS TO THE 90-DAY
TEMPORARY TAVERN LICENSE HELD BY NEVADA RECEIVERSHIP, LLC, d/b/a
CRAZY HORSE TOO – WARD 3 (REESE)**

Appearance List:

OSCAR GOODMAN, Mayor

GARY REESE, Councilman

BRAD JERBIC, City Attorney

STEVE WOLFSON, Councilman

JIM DIFIORE, Manager of Business Services

STEVE CARUSO, Attorney on behalf of Nevada Receivership, LLC

MICHAEL SIGNORELLI

STEVEN ROSS, Councilman

(00:00:00)

Typed by: Lean Coleman

Proofed by: Angela Crolli

CITY COUNCIL MEETING OF
November 1, 2006

VERBATIM TRANSCRIPT – ITEM 43a

19 **MAYOR GOODMAN**

20 Discussion and possible action to add conditions to the 90-day temporary tavern license held by
21 Nevada Receivership, LLC, doing business as Crazy Horse Too in Ward 3. Based on my prior
22 discussions with the City Attorney's Office, they still advise me that because of my prior
23 relationships involving certain persons involved in the situation that I should abstain. I'm going
24 to follow their advice and abstain and turn it over to the Mayor Pro Tem.

25

26 **MAYOR PRO TEM REESE**

27 Thank you, Your Honor. I really appreciate Mr. Signorelli and Mr. Caruso attending this
28 meeting here today. I know that we're -- supposed to be heard, I think, in 90 days, but I thought
29 it was important enough. And Mr. Jerbic concurred that we need to just make sure, clarify some
30 of those conditions. And Mr. Jerbic, with that, would you –

31

32 **BRAD JERBIC**

33 I'll be happy to you, Mr. Mayor Pro Tem and members of Council, Mr. Caruso and Mr.
34 Signorelli. We'd ask that this item be put back on the agenda just to make absolutely certain
35 what we were trying to accomplish with the conditions that were placed on this temporary license
36 when the Council voted at the last meeting. I think that we stated pretty clearly, in many of our
37 conversations, both here at the Council meeting and individually, that the goal of replacing the
38 old regime at the Crazy Horse Too with Mr. Signorelli, was to make sure there was a complete
39 divorce between Mr. Rizzolo and the individuals that work for him, individuals that were named
40 in the indictment, and the new ownership and management of the club.

41 The, we thought that we had done that. We've received information afterwards there were other
42 family members that work in other capacities that we hadn't anticipated. As soon as I called Mr.
43 Caruso, to his credit, and Mr. Signorelli, they were immediately removed from the business. But
44 in order to make it absolutely clear that we want that kind of separation between the old and the
45 new, we are recommending a new condition today, which has been provided to Mr. Signorelli
46 and to his-- attorney, Mr. Caruso.

47 I would like to read it into the record. The new condition that would be added as a Special
48 Condition Number 5 is "No person related by blood or who has ever been related by marriage to

**CITY COUNCIL MEETING OF
November 1, 2006**

VERBATIM TRANSCRIPT – ITEM 43a

49 Rick Federick Rizzolo shall be employed or allowed on the premises of the business". I'll file
50 that with the clerk and submit it to the Council for your consideration.

51

52 **MAYOR PRO TEM REESE**

53 Thank you, Mr. Jerbic. Councilmembers, are there any questions on what we're doing here, on
54 the new addition? Yes?

55

56 **COUNCILMAN WOLFSON**

57 Mayor Pro Tem, thank you. Could you read that condition one more time, Mr. Jerbic.

58

59 **BRAD JERBIC**

60 No person related by blood or who was ever related by marriage to Frederick Rizzolo shall be
61 employed or allowed on the premises of the business.

62

63 **COUNCILMAN WOLFSON**

64 The employed or allowed on the premises seems to be pretty clear, but it doesn't preclude other
65 types of communication or contact, whether it be by telephone or meetings or whatever. I'm not
66 sure if we intend to cover that kind of contact or not. But simply by saying not -- employed, I
67 mean, that speaks for itself for not being allowed on the premises, I'm not sure if it covers other
68 types of communications that could come up.

69

70 **BRAD JERBIC**

71 I submitted it to the Council's consideration. If you want to go further, we're more than willing
72 to put that kind of language in. The only -- thing I would observe with that kind of language is
73 that, as much as I agree with what you're saying Councilmember, Councilman, is very difficult to
74 monitor telephone conversations. It's very easy to observe if someone is in a club who shouldn't
75 be, if someone is employed who shouldn't be, but we can, we'll be glad to add it if you think it –

CITY COUNCIL MEETING OF
November 1, 2006

VERBATIM TRANSCRIPT – ITEM 43a

76 **COUNCILMAN WOLFSON**

77 I'd certainly appreciate that. One more comment is, who's doing the supervising and the
78 monitoring of these conditions?

79

80 **BRAD JERBIC**

81 It should be monitored and supervised by our Business Activity Department and the Metropolitan
82 Police Department. I can ask Mr. DiFiore to give you more details as to how that occurs in
83 particular, but Metro has individuals that operate in undercover capacity that enter these clubs all
84 the time, that pose as patrons. We enter the clubs when we think it's necessary to just check and
85 make sure conditions are being observed. Sometimes we get phone calls, we roll on those right
86 away and see if there might be a violation in progress, but I'll ask Jim if he wants to step up and
87 add any more detail to that.

88

89 **COUNCILMAN WOLFSON**

90 And the reason I bring this up is, it seems to me that, in a briefing I had or otherwise, that it was
91 private citizens who were contacting us and letting us know of potential violations, which is fine
92 and -- we applaud these private citizens for doing what's appropriate. But I just wanted to know
93 what we are doing as a City of Las Vegas.

94

95 **BRAD JERBIC**

96 Before turning it over to Jim, let me make an observation with your permission, Councilman.
97 The, and I know that Mr. Caruso will, as well, just because we receive complaints doesn't mean
98 that all of them are accurate. We certainly treat them as if they were; we treat them all very
99 seriously. I got a fax from Mr. Caruso yesterday because there was an allegation that a member
100 of Mr. Rizzolo's family, who was given seven days discontinue at the club, was there past the
101 seven days because her car was observed there. And Mr. Sig, Mr. Caruso went into great detail
102 to explain to the City that that car had been sold to an individual who worked there and provided
103 proof of that to us. So, not necessarily, you know, an observation doesn't always mean that
104 somebody's in violation, but Mr. DiFiore can certainly tell you what's being done to enforce these
105 conditions.

CITY COUNCIL MEETING OF
November 1, 2006

VERBATIM TRANSCRIPT – ITEM 43a

106 **MAYOR PRO TEM REESE**

107 Again, though, I think it was my intent, I wanted there to be no questions over the next three
108 months, when they came back for their hearing then, that I didn't understand. And, this is the
109 time for all of us to -- put out there what we want, what our intent is, and I certainly appreciate
110 Councilman Wolfson's questions. He asked them like an attorney would, so I appreciate that.
111 Mr. DiFiore?

112

113 **JIM DIFIORE**

114 Mayor and members of the Council, to answer Councilman Wolfson's question, typically,
115 Special Investigations section that we work closely with and my business license officers will
116 make routine inspections of, not only this club, but other clubs here licensed in the City of Las
117 Vegas. And to echo Mr. Jerbic's comments, if we get complaints forwarded to our office, we'll
118 have to make a judgment call on whether or not that is an enforceable complaint or that is
119 something that we can look into. And we'll have to deal with those on a case by case basis.
120 We'll deal with Mr. Signorelli and his attorney on this, but we will follow up on anything that we
121 do feel is a substantial nature for us to concern, be concerned with.

122

123 **COUNCILMAN WOLFSON**

124 And one last comment is, that it's my impression that Mr. Signorelli and Mr. Caruso have been
125 nothing less than a hundred and twenty percent cooperative and reasonable and responsive to all
126 of the City's concerns. Is that --

127

128 **JIM DIFIORE**

129 Absolutely true.

130

131 **COUNCILMAN WOLFSON**

132 Thank you. Thank you, gentlemen.

CITY COUNCIL MEETING OF
November 1, 2006

VERBATIM TRANSCRIPT – ITEM 43a

133 **MAYOR PRO TEM REESE**

134 And again, I just want, would you guys like to give us your names and address for the record,
135 please.

136

137 **STEVE CARUSO**

138 Thank you --, Mayor Pro Tem. Good morning, Mayor Pro Tem and Councilmembers. Steve
139 Caruso, the attorney for Nevada Receivership and Mike Signorelli, and Mike Signorelli is also
140 here.

141

142 **MICHAEL SIGNORELLI**

143 Michael Signorelli, 308 West Sahara.

144

145 **MAYOR PRO TEM REESE**

146 Thank you. Are there any questions?

147

148 **STEVE CARUSO**

149 And no objections to the City Attorney's recommendation.

150

151 **MAYOR PRO TEM REESE**

152 Thank you very much. Again, I want to thank you for being so cooperative with us. I think it's
153 important that you are successful over there, and I know that you're, again, your game plan to get
154 it together, I can't remember which one of you made a comment to me that you kind of thought
155 you were gonna get a turn-key type operation and it didn't turn out that way. So you're having to
156 go in there and pick out your -- top captains and lieutenants and stuff like that. So I -- want to
157 work with you on that. But again though, I really appreciate your cooperation and if there's any
158 questions, any, of our intent, what this City Council wants to do over there, please feel free to call
159 on myself or -- our City Attorney, Mr. Jerbic, 'cause I think that there shouldn't be, when we
160 have our hearing in three months, if there's any questions, okay?

CITY COUNCIL MEETING OF

November 1, 2006

VERBATIM TRANSCRIPT – ITEM 43a

161 **STEVE CARUSO**

162 Thank you, Mayor Pro Tem. By the same token, Mike has repeatedly expressed his gratitude
163 with the City Council for being given this chance.

164

165 **MAYOR PRO TEM REESE**

166 Are there any questions or comments? Mr. Ross, please.

167

168 **COUNCILMAN ROSS**

169 Thank you, Mayor Pro Tem. Mr. Caruso, Mr. Signorelli, my, actually Mr. Jerbic, my understand
170 (sic) this correctly, there were family members in the establishment since -- he got his new tavern
171 license? Is that --

172

173 **MAYOR PRO TEM REESE**

174 We -- allowed two to stay there for seven days.

175

176 **COUNCILMAN ROSS**

177 And I recall that.

178

179 **MAYOR PRO TEM REESE**

180 Right.

181

182 **COUNCILMAN ROSS**

183 Two for seven days.

184

185 **BRAD JERBIC**

186 And I think -- it was right after the hearing that we learned that there were other family members
187 that were there, at least one other family member there working as a bartender. And I believe
188 Mr. Caruso --

CITY COUNCIL MEETING OF

November 1, 2006

VERBATIM TRANSCRIPT – ITEM 43a

189 **MAYOR PRO TEM REESE**

190 One of them – worked in the clerical office or timekeeper's office or something --

191

192 **MAYOR GOODMAN**

193 You know the name of --

194

195 **COUNCILMAN ROSS**

196 And let me ask you this. Did that transition time all work out? I mean, did it work out for you to
197 get to the point you need to be?

198

199 **STEVE CARUSO**

200 Yeah, we -- did find. Thank you -- for your interest. You know what, the time would have had
201 to been put in anyway. The business is larger than one would think. Currently, I think there's a
202 hundred and fifty-four permanent employees, but you know what, Mike would have been there
203 anyway. He's practically living there, going home to shower and brush his teeth. So, we said
204 from the start, we're willing to do what needed to be done and don't, we're not, it was okay --

205

206 **COUNCILMAN ROSS**

207 It's -- just I'm kind of shock to see you guys here again in such a short amount of time since, you
208 know, your promise, Mr. Signorelli to this Council and to this community about the way you're
209 gonna run this business in the future. Very important to -- me, anyway, that, you know, it's done
210 on the up and up. Again, I'll repeat, these liquor licenses are golden licenses that the City
211 provides and we want you to be a successful business person. But at the same time, you're back
212 again on certain conditions, and I'm just concerned about that.

213

214 **MICHAEL SIGNORELLI**

215 Let me just respond by, and if I'm, please Mr. DiFiore or Mr. Jerbic or anyone, I'm -- not back
216 here because I did something that I didn't live up to. When I go into a facility like this, and I
217 go down a work list, and I don't see the last name being that, it's very difficult to find out who's
218 related and who's not, very candidly, and I sit there hours and hours in trying to find out who's

CITY COUNCIL MEETING OF

November 1, 2006

VERBATIM TRANSCRIPT – ITEM 43a

219 on first base, who's on second. So, actually, I – sort of called the City, and Mr. DiFiore, he'll
220 know himself, I contacted him myself and said, I may need some help. So, I actually called and
221 asked for what's happening today in a -- semi way, myself, just so you know that. So, it's not a
222 problem I committed, (inaudible) if I'm incorrect, please tell me. So, it's not for that reason just
223 so you know, I was just, I was trying to ask for help to make sure we're doing it correctly.

224

225 **COUNCILMAN ROSS**

226 I appreciate that, Mayor Pro Tem, if I may. I appreciate your explanation Mr. Signorelli. I was
227 going to ask you for one anyway, but I think your commitment is firm to this Council and to this
228 community to -- do the right thing. And it sounds like you're heading in that direction. Mr.
229 Jerbic, am I to understand, that if within 90 days, I know Councilmember bring this up again,
230 their license just expires by law, is that correct?

231

232 **BRAD JERBIC**

233 That's correct.

234

235 **COUNCILMAN ROSS**

236 Their temporary license expires by law?

237

238 **BRAD JERBIC**

239 That's correct. It takes affirmative action by the Council to continue, for this visit to continue
240 past the 90 day license.

241

242 **COUNCILMAN ROSS**

243 So, in light of that, you know, I'm sure you're having the challenge making sure who's on first
244 base and who's doing what, but please, again, recommit yourself to making those significant
245 changes to, at that location. I'd -- appreciate that. Thank you, Mayor Pro Tem.

**CITY COUNCIL MEETING OF
November 1, 2006**

VERBATIM TRANSCRIPT – ITEM 43a

246 **MAYOR PRO TEM REESE**

247 Thank you. Any other questions or comments? Alright, I'd move to add that condition Mr.
248 Jerbic read to us. Any questions on that -- condition? Then I'll make a motion to follow Mr.
249 Jerbic's recommendation. You've heard the motion. Please cast your votes. Please post.
250 (Motion carried unanimously with Goodman abstaining). Motion carries. Thank you.

251

252 **MICHAEL SIGNORELLI**

253 Thanks very much.

254

255 **MAYOR GOODMAN**

256 Good luck to you all.

257

258 **(END OF DISCUSSION)**

259 /lc;ac

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: DETENTION AND ENFORCEMENT

DIRECTOR: KAREN COYNE

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action related to the report on the Department of Detention and Enforcement jail bed expansion at 3300 Stewart Avenue - Ward 3 (Reese)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: -3.5million dollars

Funding Source: Federal Inmate Housing Rental Revenue

Dept./Division:

PURPOSE/BACKGROUND:

Inform the Council on status of Federal Inmate Bed Rental Contract, implications and impact on immediate and long-term inmate space needs

RECOMMENDATION:

Discussion and approval

BACKUP DOCUMENTATION:

Space Needs Chronological Progression

Motion made by GARY REESE to Approve to follow staffs recommendation

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B.

GOODMAN, GARY REESE, STEVE WOLFSON; (Against-None); (Abstain-None); (Did Not Vote-STEVEN D. ROSS); (Excused-None)

Minutes:

KAREN COYNE, Chief of Detention and Enforcement, outlined the challenges at the Stewart/Mojave Detention Center. As the City continues to grow, the detention center continues to exceed the available bed space. As a result, they were successfully funded to commission a study with a local architectural firm to determine what the existing space needs are to carry through the 15-year plan. The report was completed earlier this year and suggested that 1,800 beds are needed to house the misdemeanor offender population until the year 2020. While they were funded for a site need assessment, they were not funded in the five-year CIP construction plan. It would be irresponsible to plan a building without identifying a site nor have the construction funds to erect the structure. The options are limited. Within the next 30-45 days the Federal Marshal Service will exit the facility for the use of beds because this facility cannot continue to accommodate their needs. This will

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

allow for an immediate expansion of the booking desk. Isolation space is needed and this would allow for an entire unit dedicated for isolation. Short term solution could involve the County who is currently locating a short term facility that the City could co-use.

COUNCILMAN REESE discussed with CHIEF COYNE that the City stands to lose 3.5 million dollars thru the fiscal year when the federal service leaves the detention facility.

COUNCILMAN WOLFSON thanked CHIEF COYNE for her very helpful and detailed briefing. He suggested the same be done with other briefings from other departments.

COUNCILWOMAN TARKANIAN verified with CHIEF COYNE that other possible alternatives have been explored and many do not fall within the timeframe. Something needs to be done about the conditions of confinement they are currently experiencing.

TOM McGOWAN, Las Vegas resident, commented about the seriousness of this situation. CHIEF COYNE is doing an excellent job. The need is increasing, and is not temporary.

ISAAC HENDERSON stated that funds from the Weed and Seed program could help develop this facility.

MAYOR GOODMAN expressed his thoughts when he toured the facility. Judicial intervention is needed. The City cannot enforce the laws on the streets and treat the criminals harshly in order to make Las Vegas safer, and not have the ability to incarcerate them, once found guilty. He thanked the people who work at the detention center.

COUNCILMAN REESE commented that what is being proposed is a tiny band-aid on a large cut. He and COUNCILMAN BROWN have worked with other entities to shorten the disparity. There has been discussion about adding onto the facility, but it costs money. He supports CHIEF COYNE and her staff for their hard work. He hopes the County realizes the importance of overcrowding of inmates because of its dangerous situation.

MAYOR GOODMAN added that it is not only a money issue, but also the fact that nobody wants this type of facility in their backyard. There are desolate places in Southern Nevada that would be appropriate. He indicated that a meeting will be held to discuss the release of inmates, which causes him great concern because the release takes place not at the institution, but at the downtown bus station, where they are left left without any money.

COUNCILMAN REESE emphasized this is a partial solution, but a long-term solution needs to be found. He applauded CHIEF COYNE for working with what little resources are available.

Detention & Enforcement Space Needs Chronological Progression

- July 2005** D&E requested and received budget approval in FY 05/06 for a space needs assessment.
- August 2005** Representatives from KGA Architectural met with D&E staff to accumulate information, tour the site, and began the analysis of the agency's immediate, short term and long term space needs through 2020.
- January 2006** Results of the space needs assessment, drawings and cost estimates, were completed and submitted to D&E. Three options identified: expand on the existing site, secure acreage for a centralized campus; combine the options to maximize the current site by decentralizing the operations. Time and space needs are as follows:
- Immediate: Expand intake/ booking and isolation areas
- Short Term: Phase construction either on existing site or identify new location to include centralized or decentralized operations
- Long Term: Continue to phase the construction and funding to achieve a total capacity of 3000 beds
- May 2006** D&E FY 06/07 budget approved for architectural design and engineering associated with the on-site construction of a 46,000 square foot intake/ booking facility with increased isolation space required for special management needs. The project was estimated to cost \$35 million and was not funded in the 5 year capital improvement plan.
- Absent the construction funding, planning was not an immediate consideration, rather, other options to increase space were considered. Regaining contracted bed space was the only alternative.
- Phase I: Contractually decrease the number of US Marshal Inmates from 200 to 10, in an effort to regain space necessary for inmate isolation due to physical, mental, medical and/or disciplinary issues. The dayroom of the existing isolation unit would be converted into an intake triage, offering immediate relief for our intake/booking and isolation needs.

Phase II: Cease contractual obligation for housing Clark County inmates in 2008 (based on the completion of their planned short term, low level offender facility), gaining approximately 200 beds for City misdemeanants.

The combination of these two phases are projected to meet D&E's immediate and short term needs for approximately 3.5 years, during which time, a long term expansion plan could be delineated, funded and implemented.

June 2006 Verbally notified the US Marshal of our intent to rescind the housing agreement. US Marshal requested and D&E agreed to provide 10 beds to assist with facilitating access to the court for those inmates involved in trials.

July 2006 Written notice sent to the US Marshal, identifying a November 1st effective date for all, but 10, of the US Marshal inmates to be removed from the Stewart & Mojave facility.

August 2006 Received a request by the local US Marshal's office to meet with representatives from the National US Marshal's office, the Office of the Federal Detainee Trustee (OFDT) and the City's appointed leadership

September 2006 Met with representatives from both the local and national offices of the US Marshal, the Office of the Federal Detainee Trustee (OFDT), the Chief United States Federal Judge, and the Honorable Mayor as well as various representatives from the CMO and D&E.

The OFDT requested the CLV's indulgence in working together to explore alternative housing solutions which would continue to meet our mutual housing needs.

All parties agreed to collaborate, understanding the opportunity for a timely resolution limited due to the existing conditions of confinement at the D&E facility.

D&E and OFDT representatives began collaboration and discussions, toured the facility and brainstormed possible options. The OFDT requested a follow-up meeting during the first week of October, to allow some three weeks for their office to conduct research, identify possible options, outline timeframes and define the resources they could offer.

**October
2006**

October 3rd: The OFDT organized a meeting with the US Marshals, the State Department of Corrections, the Las Vegas Metropolitan Police Department (specifically detention), and the City of Las Vegas (D&E). All entities have inmate housing needs. Location(s) and funding are challenges.

Agency	Immediate	Long Term
US Marshals	250	300
DOC	250	unknown
LVMPD	500	4600
CLV	200	1800

* Numbers are approximate

October 4th: Representatives from the OFDT reported their research findings while simultaneously soliciting three private industry companies to provide an owner/builder/operator prison in the Las Vegas area.

Immediate housing needs remained the major challenge. The OFDT requested a commitment from the City of 250 beds for 2 years. In exchange, the OFDT would contribute funding to assist in the erection of temporary housing structures, consider an increase in the daily per diem rate and would assist with securing land through the Bureau of Land Management. This tentative proposal would require significant research and analysis to determine the feasibility and would ultimately require direction from the Council, planned for November 1st, 2006.

D&E identified two sites on the existing campus which would accommodate two, 96 bed ACA (American Correctional Association) compliant modular housing structures. The capital outlay and increase in costs were projected at \$4.5 million the first year.

October 20th: Representatives from D&E, Building & Safety, Public Works, Fire & Safety, Finance, the US Marshals and the OFDT met to discuss site and structure concerns, challenges and the project's feasibility.

The site offers significant challenges, ranging from building separation (space), to the availability of accessing additional utilities, specifically power and water. Recommendations included hiring a professional consultant, an electrical engineer, a structural engineer and a local contractor.

The specialized technical and professional services required would likely increase the projected costs as well as require a minimum of 6-9 months for planning and an additional 6-9 months for site preparation and construction. These timelines are not acceptable for addressing D&E's immediate space needs.

Research also demonstrated the current daily cost to house an inmate is \$90.54; currently we receive \$71.85, a rate which has been in effect for three years.

The OFDT was limited in its ability to expend funding. The organization could offer either \$1 million in grant funding towards the capital needs or negotiate an increased per diem rate, of no more than \$102.00, but not both. The City is likely in a better position to procure BLM land than the OFDT.

The proposed OFDT contribution was inadequate to cover the projected annual overtime costs, estimated at \$1.3 million, to staff the additional housing units. The proposed \$102.00 per diem rate, an increase of \$11.46 per inmate, per day, would not allow the City to recover the initial capital outlay until the fourth year of the inmate housing contract.

The City of Las Vegas has contracted with the US Marshals Service since June of 1997, by leasing available offender housing space to the US Marshals for violent offenders who have committed their crimes within the local community. This partnership has not only made Las Vegas a safer place to live, work and play, but has also contributed some \$26.5 million to the City's general fund.

Rescinding the housing agreement with the US Marshals will result in a negative revenue stream, estimated at \$3.5 million for FY 06/07; however, taking such action will build instant capacity to meet D&E's immediate space needs for intake and isolation space.

D&E has presented a plan to meet future space needs, as recommended in 2006 space needs assessment. The plan, if approved, would accomplish the following:

- \$3 million funded in FY 06/07 as well as \$ 5 million requested in the FY 07/08 will be dedicated to research and architectural design & engineering.
- FY 08/09 D&E will request capital funding for the construction of facilities to meet our needs to the year 2020.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE ITEM - Discussion and possible action regarding Approval of a new Package License subject to the provisions of the planning codes and Health Dept. regulations, Senip CVS, LLC, dba CVS Pharmacy #2990, 6391 West Lake Mead Boulevard, Zenon P. Lankowsky, Pres and Thomas S. Moffatt, Secy (Note: Item to be heard in the afternoon session in conjunction with Item 81 - SUP-14687) - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Approval of a new Package License.

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable investigation report or extend the temporary in the event the investigation is not completed.

BACKUP DOCUMENTATION:

Map

Motion made by LAWRENCE WEEKLY to Hold in Abeyance to 11/15/2006

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN WEEKLY announced the applicant's request to hold Item 84 and 45 in abeyance for two weeks to the 11/15/2006 City Council meeting.



CVS/PHARMACY #2990

400' RADIUS

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding Temporary Approval of a new Wine/Beer/Cordial/Liqueur Tasting License subject to the provisions of the planning and fire codes and Health Dept. regulations, Wineaux, Inc., dba Vino 100, 7220 Azure Drive, Suite 120, Natalie E. Buster, Dir, Pres, Secy, 50% and Teresa J. Berry, Dir, Treas, 50% - Ward 6 (Ross)

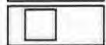
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a new Wine/Beer/Cordial/Liqueur Tasting License.

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations and limited to the conditions of the Special Use Permit with authority for the Director or Designee to issue a permanent license upon receipt of a favorable investigation report or extend the temporary in the event the investigation is not completed.

BACKUP DOCUMENTATION:

Map

Motion made by STEVEN D. ROSS to Approve the temporary license running concurrent with the 6 month review of the package license.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

JIM DiFIORE, Manager, Business and License Services, explained that two weeks ago the City Council approved the package license for this business, and the subject license is in conjunction with the package license. He recommended approval of the temporary license to run concurrent with a six-month review of the package license of 4/18/2007.

ATTORNEY TONY CELESTE appeared on behalf of the applicant and agreed with staff's recommendation.

VINO 100



0 200 400 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding Temporary Approval of a New Beer/Wine/Cooler Off-Sale License for MNDG, LLC, dba Charleston Champ, 4030 West Charleston Boulevard, George (NMN) Dima, Manager 100% - Ward 1 (Tarkanian)

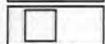
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a New Beer/Wine/Cooler Off-Sale License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Map

Motion made by LOIS TARKANIAN to Approve as amended a New Beer/Wine/Cooler Off-sale License along with temporary approval of the license and allowing the Director or designee to grant the permanent license

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

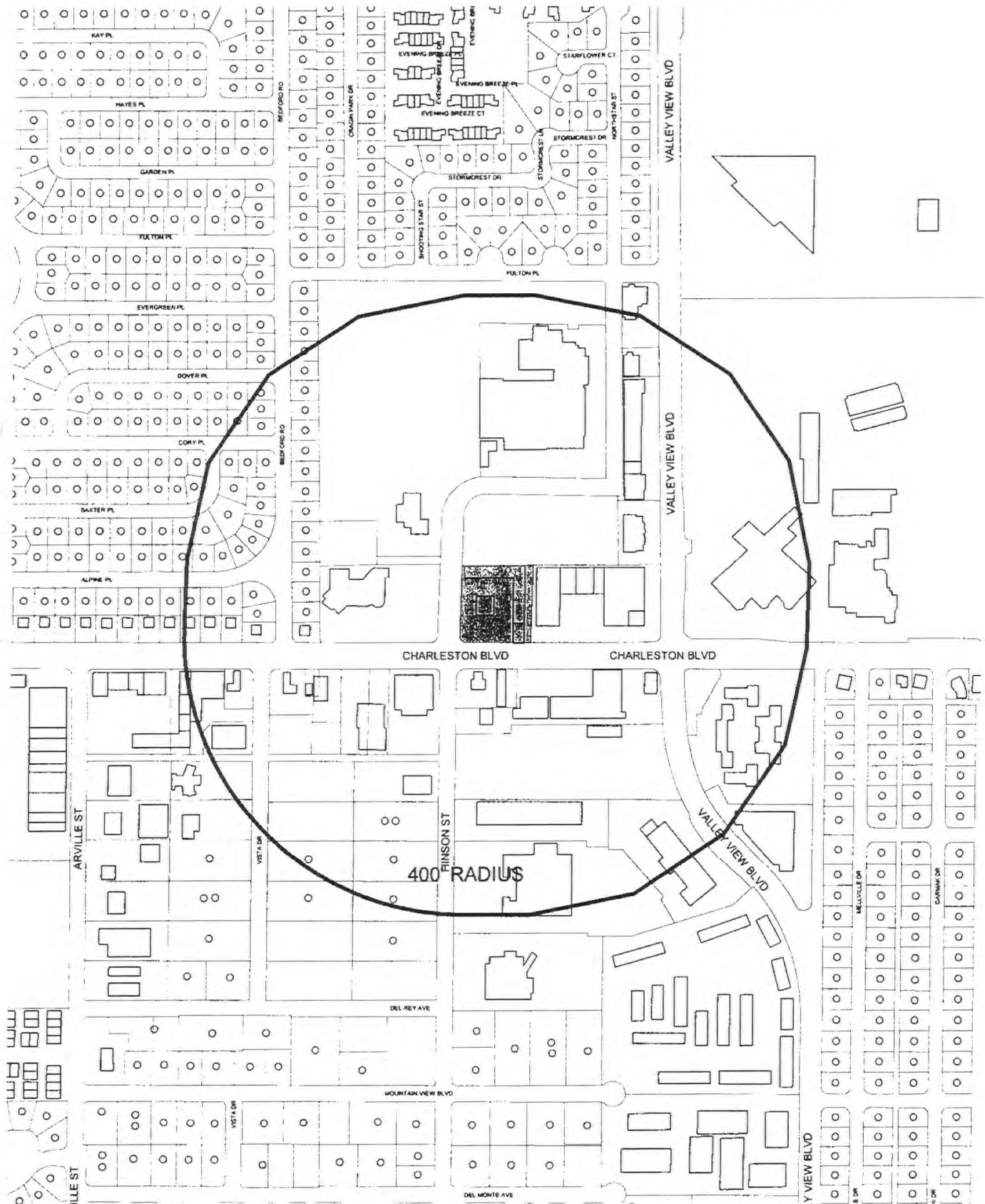
OSCAR B. GOODMAN, STEVE WOLFSON, STEVEN D. ROSS, LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN; (Against-None); (Abstain-None); (Did Not Vote-GARY REESE); (Excused-None)

Minutes:

JIM DiFIORE, Manager, Business and License Services, recommended the City Council consider an amendment to the application and consider it as a New Beer/Wine/Cooler Off-sale License. He recommended the Council approve the temporary license with conditions, as well as allowing the Director or Designee to grant the permanent license upon the receipt of a police report or extend the temporary license if the police report is not completed during the temporary licensing period.

DEAN and GEORGE DIMA were present. MR. DIMA thanked the City Council for being given this opportunity.

CHARLESTON CHAMP



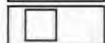
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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS**DIRECTOR: CHARLIE KAJKOWSKI**☐ Consent ☒ Discussion**SUBJECT:**

Public hearing and possible action regarding the continuation of the Traffic Signal Impact Fee Program and an update to the Capital Improvements Plan map - All Wards

Fiscal Impact**No Impact****Augmentation Required****Budget Funds Available****Dept./Division:****Amount:****Funding Source:****PURPOSE/BACKGROUND:**

According to NRS 278B.290, the Traffic Signal Impact Fee Program needs to be reviewed every three years. The existing program was adopted by the City Council on August 20, 2003. Since that time, 38 signals have been constructed. Staff is recommending all current land use categories and associated impact fee values stay as is and only the Capital Improvements Plan (CIP) map be updated by adding 27 additional new traffic signals. This update has previously been presented to the Capital Improvements Advisory Committee on September 28, 2006 at a Public Hearing. No citizen input was received at that meeting.

RECOMMENDATION:

Approve continuation of the Traffic Signal Impact Fee Program with the CIP map being amended to show current city boundaries and adding 27 new signal locations.

BACKUP DOCUMENTATION:

1. CIP Traffic Signal Master Plan Map
2. Proposed updates to CIP Traffic Signal Master Plan Map

Motion made by GARY REESE to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

CHARLIE KAJKOWSKI, Director of Public Works, explained that by State law the City is required to re-examine the Traffic Impact Fee Program (TIFP) and consider continuing or modifying the program. He recommended the City continue the program, modify the city limits to reflect what they are today and add 27 new signals to the system.

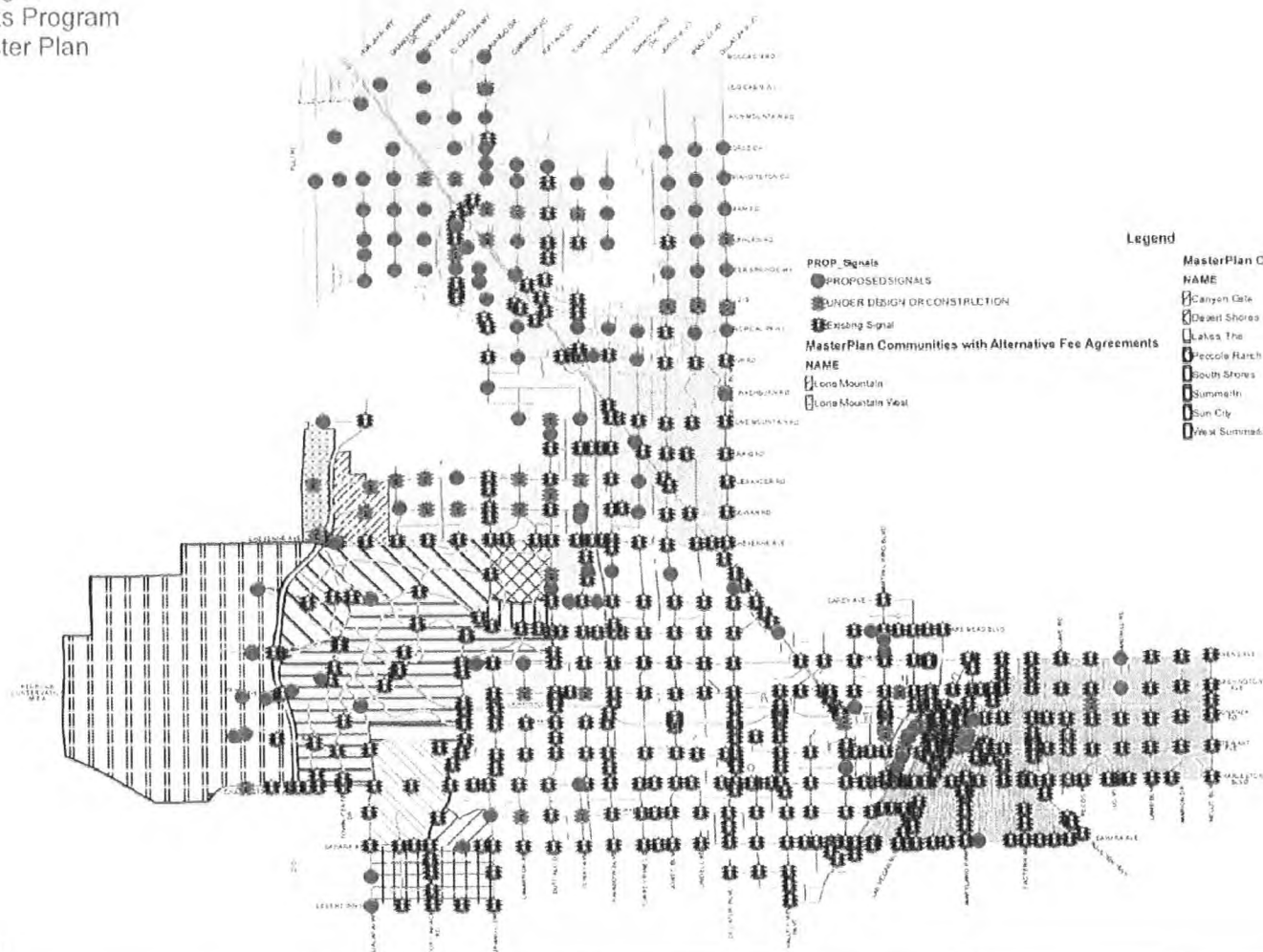
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

TOM McGOWAN, Las Vegas resident, commented about construction vehicles parking in a bus stop area and asked who is responsible for its enforcement. In addition, sidewalk signs on curbs impede traffic.

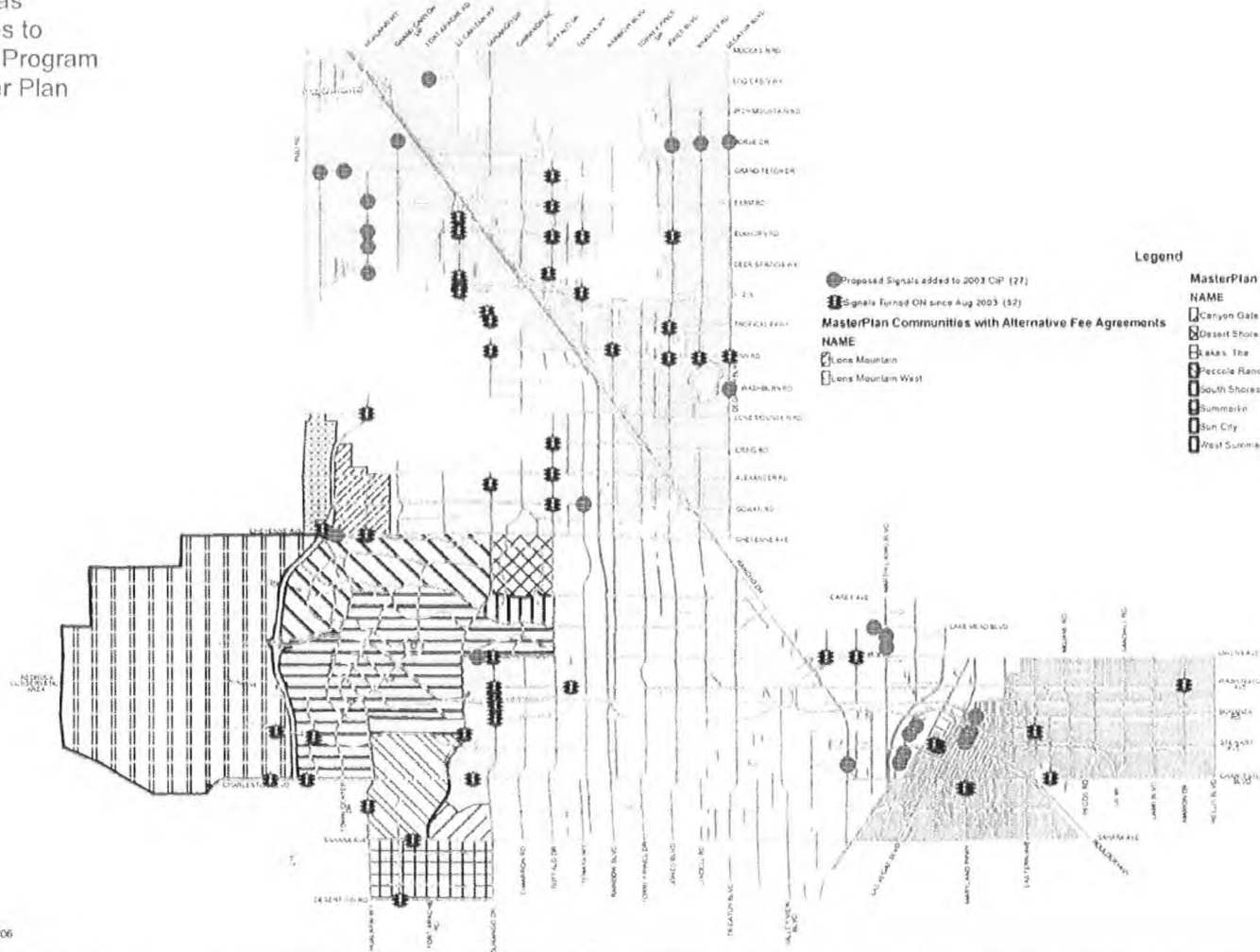
COUNCILMAN BROWN asked whether once an intersection is identified as necessitating a traffic signal, particularly in Wards 4 or 6, adjacent with unincorporated Clark County, if it can be amended before the three-year period. MR. KAJKOWSKI replied that the projection of traffic signal locations is in the means of trying to calculate how much money needs to be acquired and come up with the impact fee. Any warranted signals can be included before the three-year period.



City of Las Vegas
Capital Improvements Program
Traffic Signal Master Plan



City of Las Vegas
Proposed Updates to
Capital Improvements Program
Traffic Signal Master Plan



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

SUBJECT:

BOARDS & COMMISSIONS:

PARK & RECREATION ADVISORY COMMISSION – Heidi Hanusa, Term Expiration 12-7-2008 (Resigned 9-29-2006)

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

The term of office for Heidi Hanusa will expire December 7, 2008. There is no City residency requirement, terms are for three years; unexpired terms must be filled, and there is no limit to the number of terms that may be served. Ms. Hanusa has resigned from the board and a replacement will need to be appointed. Procedure for this Board requires appointment by the City Council.

RECOMMENDATION:

It will be necessary to appoint a new member to fill Ms. Hanusa's vacant seat.

BACKUP DOCUMENTATION:

1. Current Listing and Authority-Park & Recreation Advisory Commission
2. Memo, Dr. Barbara Jackson
3. Resignation Email, Heidi Hanusa
4. Board Interest Form, Shaun Schoener

Motion made by STEVEN D. ROSS to Hold in Abeyance to 12/06/2006

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ROSS requested the item be abeyed for 30 days as he is in the process of receiving additional interests.

PARK & RECREATION ADVISORY COMMISSION

<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1. LOWENSTEIN, JOHN (Goodman's recommendation) (Replaces Father Dave Casaleggio)	7017 Via Locanda Avenue (Ward 6)	89131	1-18-2006 (Effective 2-5-2006)	2-5-2009
2. HANUSA, HEIDI (Ross's recommendation) (Resigned 9-29-2006)	9412 Jewel Lake Avenue (Ward 6)	89166	12-7-2005	12-7-2008
3. AKER, MICHAEL R., SR. (Brown's recommendation) (Fills Unexpired Term of Chris Lazzaro, Resigned 8-23-2006)	172 Marion Drive (Ward 3)	89110	10-4-2006	12-12-2006
4. KENNEDY, PAULINE (Tarkanian's recommendation) (Fills Unexpired Term of Brian Sitter, Resigned 8-10-2006)	3108 Roseville Way (Ward 1))	89102	9-20-2006	1-8-2009
5. HEENAN, LETIA (LEE) M. (Goodman's recommendation)	4527 Alpine Place (Ward 1)	89107	9-1974 (Reappt 12-15-1997) (Reappt 1-03-2001) (Reappt. 1-7-2004)	1-7-2007
6. ROMEO, DONALD MD. (Brown's recommendation)	Hm: 4821 Black Bear Road Condominium No. 101 (Ward 6)	89149	1-1977 (Reappt 11-06-1996) (Reappt 10-20-1999) (Reappt 10-16-2002) (Reappt 11-02-2005)	11-18-2008
7. BLACKBURN, BRENT (Reese's recommendation)	1205 James Street (Ward 3)	89101	10-18-2000 (Reappt 12-05-2001) (Reappt 1-05-2005)	1-06-2008
8. CORBETT, STAVAN R. (Brown's recommendation)	412 Anchor Street	89110	11-2-2005	11-02-2008
9. JONES, ASHA (Reese's recommendation) (Fills Unexpired Term of Marjean Shea, Resigned 8-8-2006)	3540 N. Hualapai Way #2040 (Ward 4)	89129	10-18-2006	12-11-2008
10. WHITE, MALCOLM D. (L. McDonald's recommendation)	8504 Copper Falls Avenue (Ward 4)	89129	11-07-2001 (Reapp. 4-7-2004)	4-07-2007
11. SHERMAN, LISA B. (Reese's recommendation) (Formerly Lisa Cavaretta)	P. O. Box 80104 (Mailing) (Ward 2) (3077 Yankee Clipper Dr., 89117, Home)	89180	4-01-1992 (Reappt 4-05-1995) (Reappt 3-23-1998) (Reappt 3-07-2001) (Reappt 3-17-2004)	4-01-2007

12.	FOGER, CHARLES (Weekly's recommendation)	1121 Tumbleweed Avenue (Ward 5)	89106	11-06-2002 3-24-2009 (Reappt. 2-19-2003) (Reappt. 3-1-2006)
13.	McGRATH, TOM (Tarkanian's recommendation)	1413 Vista Drive (Ward 1)	89102	3-1-2006 3-1-2009
14.	HAUPT, ERNIE (Reese's recommendations)	1434 Cottonwood Place (Ward 3)	89101	12-07-1998 3-24-2009 (Reappt. 3-01-2000) (Reappt. 3-05-2003) (Reappt. 3-1-2006)
15.	McCURDY, WILLIAM (Goodman's recommendation)	1117 Hart Avenue (Ward 5)	89106	12-05-2001 2-20-2009 (Reappt. 1-22-2003) (Reappt. 1-18-2006)

ON APRIL 12, 2000 MEMBER JEANNE A. ROBERTS, WAS NAMED "MEMBER EMERITUS" BY THE PARK AND RECREATION ADVISORY BOARD FOR HER LONG SERVICE TO THIS BOARD.

NOTE: On 1-8-1992 the Council adopted Bill 91-1977, which terminated the Golf Board and added the functions previously handled by the Golf Board as functions of the Park & Recreation Board.

AUTHORITY: LVMC 2.42. Amended by Bill 2001-70, Ordinance 5346, adopted 8-1-2001.

MEMBERS: 15 members appointed by the City Council. (Increased from 11 to 15 on 2-6-1991, Bill 91-2)

TERM: 3 years (no limit to number of terms)
(Must fill unexpired terms)

NOTES: **No City residency requirement.**

**NO FINANCIAL DISCLOSURE REQUIREMENT per Bill 2001-70,
Ordinance 5346, adopted 8-1-2001.**

MEETS: Meets 2nd Wednesday of each month, 5:00 P.M., 749 Veterans Memorial Drive, Conference Room

Memorandum

City of Las Vegas
Department of
Leisure Services

To: Barbara Jo Ronemus, City Clerk
From: Barbara P. Jackson, Director *Bellem Barkan, acting*
Cc: Mary Klaholz
Date: October 12, 2006
Re: Vacancy on Parks and Recreation Advisory Commission

There is a change/vacancy on the Parks and Recreation Advisory Commission, this is a request to fill that vacancy. Heidi Hanusa has resigned as a member of the Board. Please find attached an email of her resignation dated September 29, 2006. Ms. Hanusa's term will not expire until December 7, 2008.

If you have further questions, please call Mary Klaholz at extension 6588.

Thank you.

BPJ:mdk

RECEIVED
CITY CLERK

2006 OCT 13 P 1:31

Mary Klaholz

From: Hhanusa@cs.com

Sent: Friday, September 29, 2006 11:17 AM

To: mklaholz@lasvegasnevada.gov

Subject: from Heidi Hanusa

Mary, I sent a letter out several weeks ago and I apologize for any inconvenience. I wish to resign from beign on the board of Parks and Recreation due to my own hectic schedule. Thank You, Heidi Hanusa

10/3/2006



RECEIVED
CITY CLERK

2006 JUL -6 P 4: 27

City of Las Vegas Board, Commission, or Committee Interest Form

Name: Sharon Schoenen

Home Street Address: 1704 OAK Country Ln

City: Las Vegas ZIP Code: 89144

Work Street Address: 2720 N. Tanager Way

City: Las Vegas ZIP Code: 89128

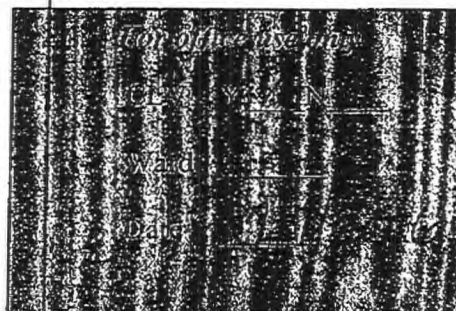
Employer: Sierra Health Services Occupation: Provision Network Analyst

Home Phone Number: (702) 413-1699 Work Phone Number: (702) 242-7042

Other Phone Number: (702) 205-5942 Email Address: —

Please list the boards, commissions, or committees that you are interested in serving on:

Any Comm Development
Civil Service
YNAPP
Park & Rec.



Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

N/A

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

Former Neighborhood Liaison to Commissioner Reid. BA in Political Science and MA in Public Administration. Very interested in local government.

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to: City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Fax: (702) 382-4803

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

SUBJECT:

BOARDS & COMMISSIONS:

Discussion and possible action on the appointment of a member of City Council to serve as an alternate on the Clark County District Board of Health

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Clark County District Board of Health has advised that their bylaws [Section 4.1(e)] allow for the designation of an alternate member from the City of Las Vegas to serve on this Board. This alternate member shall serve the same term as Board of Health Members Reese and Weekly who have term expirations in June, 2007. Authority provides for appointment of this Council member by the Mayor with ratification by the City Council.

RECOMMENDATION:

It is recommended that Mayor Goodman appoint a member of the City Council to serve as Alternate on the Clark County District Board of Health with a term expiration of June, 2007.

BACKUP DOCUMENTATION:

None

Motion made by OSCAR B. GOODMAN to Approve the appointment of Councilman Steve Ross

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN ROSS accepted MAYOR GOODMAN'S appointment to serve as an alternate to MAYOR PRO TEM REESE and COUNCILMAN WEEKLY.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

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

Bill No. 2006-59 – Establishes certain minimum community service requirements as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

It is believed that the current penalties associated with unlawful graffiti do not go far enough to deter such conduct. This bill would focus on the parents or guardians of minors who engage in this activity, establishing a minimum community service requirement for a parent or guardian as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage.

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. 2006-59

1 **BILL NO. 2006-59**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH CERTAIN MINIMUM COMMUNITY SERVICE
4 REQUIREMENTS AS PART OF THE PUNISHMENT FOR CONTRIBUTORY DELINQUENCY
5 OR CONTRIBUTORY NEGLECT RELATED TO GRAFFITI OR PROPERTY DAMAGE, AND
6 TO PROVIDE FOR OTHER RELATED MATTERS.

7 Sponsored by: Mayor Oscar B. Goodman

Summary: Establishes certain minimum
community service requirements as part of the
punishment for contributory delinquency or
contributory neglect related to graffiti or
property damage.

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

11 SECTION 1: Title 10, Chapter 48, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended to add thereto a new section, designated as Section 105,
13 reading as follows:

14 **10.48.105:** (A) In the case of a violation of NRS 201.110 where the act or omission:

15 (1) Is the proximate cause of unlawful graffiti or property damage;

16 (2) Fails to abate, prohibit or avoid unlawful graffiti or property damage;

17 or

18 (3) Fails to protect any property from such unlawful graffiti or property
19 damage,

20 ➔the offender's punishment shall include restitution for any property damage; community service
21 of at least fifty, but not more than ninety-nine, hours; or both. This punishment shall be in addition
22 to any other punishment for a misdemeanor that is deemed appropriate and is within the municipal
23 court's authority, but the aggregate punishment may not exceed that permissible for a misdemeanor.

24 (B) The requirement for community service in Subsection (A) is satisfied where:

25 (1) A parent or legal guardian is the person convicted of a violation of
26 Subsection (A);

27 (2) The minor for whom the parent or legal guardian is responsible has been
28 ordered by a court of competent jurisdiction to perform community service; and

1 (3) The parent or legal guardian has been present during every hour of the
2 minor's performance of community service.

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

11 SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
13 1983 Edition, in conflict herewith are hereby repealed.

14 PASSED, ADOPTED and APPROVED this ____ day of _____, 2006.

15 APPROVED:

16
17 By _____
18 OSCAR B. GOODMAN, Mayor

19 ATTEST:

20 _____
21 BARBARA JO RONEMUS, City Clerk

22 APPROVED AS TO FORM:

23 _____
24 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2006, 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 _____, 2006, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2006-60 – Updates sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Among the updates is a provision to allow freestanding signs within these districts if they form part of a wayfinding system or identity program related to the particular area. The bill will also provide a mechanism for obtaining waivers related to certain sign requirements.

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. 2006-60

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

11/14/2006 Recommending Committee

11/15/2006 Council agenda

1 **BILL NO. 2006-60**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE SIGN STANDARDS AND RELATED APPROVAL PROCESSES
4 FOR THE DOWNTOWN CASINO AND DOWNTOWN ENTERTAINMENT OVERLAY
DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Mayor Oscar B. Goodman

Summary: Updates sign standards and related
approval processes for the Downtown Casino
and Downtown Entertainment Overlay Districts.

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

9 SECTION 1: Title 19, Chapter 6, Section 100, Subsection (C), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 (C) Special Sign Standards.

12 (1) Signs on parcels within the Sub-district are exempt from the sign regulations contained
13 in the Zoning Code (Chapter 19.14) to the extent that those regulations are inconsistent with the
14 provisions of this Section 19.06.100. Provisions of Chapter 19.14 that are not inconsistent with the
15 provisions of this Section shall continue to apply to signs within the District. Such provisions of
16 Chapter 19.14 may be applied by the Director or be made applicable as part of the review and approval
17 process set forth in this Section.

18 (2) Any sign existing in the District as of January 2, 2002, that conforms to the provisions
19 of Chapter 19.14 or has been allowed to continue under nonconforming status may continue under the
20 provisions of this Section as long as a current permit is maintained, the sign is structurally sound and
21 in good working order, and the sign does not create a public nuisance or otherwise violate any
22 ordinance, regulation or statute. Except as otherwise provided by ordinance, any such sign shall not
23 be subject to removal or modification by reason of any amendment to Chapter 19.14.

24 (3) The sign standards contained in this Section shall:

25 (a) Be interpreted and applied with reference to the background provisions set forth
26 in Subsection (B) above;

27 (b) Apply to all property, development, expansion and renovation within the Sub-
28 district except property located within the boundaries of the Pedestrian Mall, as described in LVMC

Chapter 11.68; and

(c) Apply to any building façade within one hundred twenty-five feet of the centerline of the streets that border the Sub-district (referred to hereafter as the “buffer area”). (See Illustration A)

(4) The development, construction, expansion, or renovation of freestanding signs within the Sub-district is prohibited, except signs that:

(a) Belong to or are within the Neon Museum collection; [or]

(b) Have been declared by the Las Vegas Historic Preservation Commission to be “historic” or [“contributing.”] “contributing”; or

(c) Are components of a wayfinding system or identity program for the Sub-district.

(5) Each wall-mounted sign within the Sub-district shall be a minimum of ten feet vertically above the height of the finished sidewalk along public rights-of-way and public pedestrian pathways. (See Illustration B) On-premise signs that do not exceed sixty-five square feet in size are exempt from this requirement, provided that there is a separation between such signs of at least fifty linear feet along the right-of-way or pathway.

(6) Of all signage to be placed along Fourth Street, or along any street that is adjacent and perpendicular to Fourth Street and is within one hundred twenty-five feet of the centerline of Fourth Street, at least seventy-five percent of the total sign surface areas must consist of neon signs or animated signs, or a combination thereof. (See Illustration C) Of all signage that is not within the areas described in the preceding sentence, the minimum percentage of neon or animated signage, or combination thereof, is fifty percent.

(7) Individual sign surface areas shall not exceed a total of one thousand five hundred square feet.

(8) For any one wall, the maximum wall coverage for the composite total of all sign surface areas shall not exceed fifty percent of the eligible wall signage area, as depicted in Illustration D. This limitation does not apply to roof signs located above the roofline of the building façade nor to transparent “building wrap” signage.

(9) The minimum separation distance between off-premise signs shall be five feet.

1 (10) The total sign surface area of each wall mounted, roof mounted, or parapet mounted
2 sign shall not exceed one thousand five hundred square feet, and no such sign shall extend vertically
3 more than twenty feet above the height of the parapet.

4 (11) Animated signs must be fully operational and continuously animated twenty-four hours
5 a day. Changes to the image or other animation feature must occur no less frequently than every thirty
6 seconds, except when required maintenance or change of message dictates otherwise.

7 (12) Each off-premise sign with at least two rotating or changing messages, images or
8 contents, must change at least once every thirty seconds, and the sign must be framed by a decorative
9 faceplate or frame that is at least eighteen inches in width and that includes at least one band of
10 illuminated neon tubing completely surrounding the sign.

11 (13) At least seventy-five percent of off-premise signs are encouraged to be used to
12 advertise places, products, goods, services, ideas or statements whose subject is available or located
13 within the District.

14 (14) It is recommended that all signs be fully illuminated from at least one hour before dusk
15 until one hour after dawn. Signs may be fully illuminated during daylight hours also.

16 (15) Signs may not encroach into any public right-of-way, or any intersection more than
17 eight feet perpendicular to the building wall to which the sign is attached. (See Illustration E)
18 Marquee signage along Fourth Street is exempt from this limitation. The City does not encourage
19 encroachment of signage into public rights-of-way, and the applicant or sign owner must obtain all
20 necessary encroachment approvals before the installation of any sign.

21 (16) The owner and operator of each sign is responsible for ensuring that appropriate sign
22 maintenance occurs and that repairs of damaged signs are accomplished promptly.

23 SECTION 2: Title 19, Chapter 6, Section 100, Subsection (D), of the Municipal Code
24 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 (D) Special Sign Standards--Review and Approval Procedures.

26 (1) Design Review Committee. There is hereby created a Design Review Committee
27 (DRC) for the review of signs proposed to be located within the Sub-district and buffer area. The
28 DRC shall be composed of: two members of the Planning Commission, two representatives of the

1 Department designated by the Director, and one representative of the City's Office of Business
2 Development. The DRC shall have the authority to review and approve applications for all signs,
3 subject to the provisions of this Section.

4 (2) Application Process. Sign applications shall be submitted to the Department. The
5 Department shall forward the application to the DRC for review and action. The DRC shall review
6 the application and shall approve, approve with conditions, or deny the application.

7 (3) Design Review Provisions. The following design review procedures shall apply:

8 (a) The DRC may approve a sign application for single or multiple uses if it
9 determines that each sign is compatible with the theme and overall character to be achieved in the
10 area. The DRC shall base its assessment of compatibility on the following criteria:

11 i. The application's compliance with the standards identified in this
12 Section.

13 ii. The relationship of the scale and placement of the sign to the building
14 or premises upon which it is to be displayed.

15 iii. The relationship of colors of the sign to the colors of adjacent buildings
16 and nearby street graphics.

17 iv. The similarity or dissimilarity of a sign's size and shape to the size and
18 shape of other signs in the area.

19 v. The similarity or dissimilarity of the style of lettering on the sign to the
20 style of lettering of nearby street graphics.

21 vi. The compatibility of the type of illumination, if any, with the type of
22 illumination in the area.

23 vii. The compatibility of the materials used in the construction of the sign
24 with the material used in the construction of other signs in the area.

25 viii. The aesthetic and architectural compatibility of the proposed sign with
26 the building upon which the sign is suspended, including its signage, and with the surrounding
27 buildings and their signage.

28 ix. The sign's use of high quality, durable materials such as hardwoods,

1 painted wood, metal, stainless steel, painted steel, brass or glass.

2 (b) Applications for the design review of signs shall be processed as follows:

3 i. An application shall include: a complete set of plans which contain
4 visual representations of the lettering, illumination, color, area and height of graphics, and may also
5 indicate the areas and building where they may be placed and located; photographic or drawn
6 elevations of a minimum of two hundred sixty-six feet of frontage, with proposed signs superimposed,
7 to show the context and perspective of the proposed signs; a drawing of each sign at one-half-inch to
8 one-inch scale; and any other items required by the Director or the DRC.

9 ii. Applications shall be forwarded to the DRC by the Department at least
10 two weeks prior to the regularly scheduled DRC meeting.

11 iii. Approval or denial of an application by the DRC shall be made in
12 writing with reasons for approval, denial, or approval with conditions, within fifteen days following
13 each DRC meeting. In the event written notification of the action is not provided within that period,
14 the application shall be deemed to have been denied. Decisions of the DRC may be appealed to City
15 Council in accordance with the provisions of [subsection (d)] Paragraph (5) below.

16 (4) Waivers. The DRC is authorized to waive any of the sign standards set forth in
17 Subsection (C), other than the prohibitions contained in Paragraph (4) thereof, if:

18 (a) The applicant establishes that a waiver is warranted based upon conditions
19 specific to the parcel; and

20 (b) The DRC determines that the waiver:

21 i. Will not compromise the design objectives of the sign standards; and

22 ii. Will further the City's redevelopment efforts.

23 [(4)] (5) Appeals. The applicant may appeal [the] a decision of the DRC to the City Council.
24 An appeal must be in written form and must be filed in the office of the City Clerk, with a copy to be
25 filed in the office of the Department. The appeal must be filed within ten days after notification of
26 the administrative decision has been given (or within ten days after the deadline for notification has
27 passed), and shall specifically describe the decision at issue and the basis for the appeal. The appeal
28 shall be considered on the next available agenda of the City Council.

1 ~~[(5)]~~ (6) Rules and Regulations. The DRC shall have the authority to adopt rules and
2 regulations concerning its administrative procedures.

3 SECTION 3: Title 19, Chapter 6, Section 120, Subsection (E), of the Municipal Code
4 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 (E) Review and Approval Procedures (General).

6 (1) General Procedures. Except as otherwise provided in this Paragraph (1), [Any] any
7 application for development within the Downtown Entertainment Overlay District [, including without
8 limitation an application for a new building, the remodeling of a building, a Site Plan Review or a
9 Special Use Permit, shall be processed in accordance with the procedures described in this Subsection
10 (E). The procedures set forth in this Subsection (E) are not intended to take the place of any General
11 Plan Amendment, Rezoning or Special Use Permit requirement that may apply, but otherwise will
12 replace] shall be processed in accordance with the normal review and approval processes set forth in
13 Chapter 19.18. Any application for new signage or façade improvements, and any application for Site
14 Development Plan Review, shall be processed in accordance with the procedures described in this
15 Subsection (E).

16 (2) Design Review Committee. There is hereby created a Design Review Committee for
17 the Downtown Entertainment Overlay District (DEOD-DRC). The DEOD-DRC shall be composed
18 of:

19 (a) Two members from the Planning Commission, to be designated by the Planning
20 Commission;

21 (b) Two members from the Planning and Development Department;

22 (c) One member from the Office of Business Development who is assigned to the
23 City of Las Vegas Redevelopment Agency; and

24 (d) Two members from an owners' association that is representative of the owners
25 of property located within the District, to be designated by the governing board thereof.

26 (3) Authority. [Authority is hereby expressly granted to the DEOD-DRC to review and
27 approve applications for all designs, subject to the specific provisions of this Section 19.06.120 that
28 are applicable to the Downtown Entertainment Overlay District.] The DEOD-DRC shall have the

1 authority to review and approve all applications for new signage or façade improvements, and to
2 review and make recommendations concerning applications for Site Development Plan Review. Such
3 actions shall be subject to all applicable provisions of this Section and Section 19.06.100.

4 (4) Submittals. Applications shall be submitted to the Planning and Development
5 Department. The Department shall forward the application to the DEOD-DRC for its review and
6 action. [The DEOD-DRC shall review the application and shall approve, approve with conditions, or
7 deny the application.]

8 (5) Design Review Standards. The following design review standards shall apply:

9 (a) The DEOD-DRC may approve an application for single or multiple uses. The
10 DEOD-DRC shall base its assessment of compatibility on the following criteria:

11 (i) The compliance of the application with the site planning and
12 architectural design standards applicable to the Downtown Overlay District, as identified in LVMC
13 19.06.060, and with any applicable guidelines that might subsequently be adopted by the City Council.

14 (ii) The compliance of the application with the signage standards and
15 requirements applicable to the Special Signage Sub-district of the Downtown Casino Overlay District,
16 as identified in LVMC 19.06.100.

17 (iii) The relationship of the scale and placement of the building to the block
18 upon which it is to be built or remodeled.

19 (iv) The relationship of colors to the colors of adjacent buildings and nearby
20 street graphics.

21 (v) The similarity or dissimilarity of the building's size and shape to the size
22 and shape of others in the area.

23 (vi) The compatibility of the type of illumination with the type of
24 illumination in the area.

25 (vii) The compatibility of the materials used in the construction of the
26 building with the material used in the construction of other buildings in the area.

27 (viii) The use of high quality, durable materials and exciting, imaginative
28 designs.

1 (6) Processing of Applications. Applications for design review shall be processed as
2 follows:

3 (a) An application shall be forwarded to the DEOD-DRC by the Planning and
4 Development Department at least [two weeks] five days prior to the regularly scheduled DEOD-DRC
5 meeting.

6 (b) [Approval or denial of] Action on the application by the DEOD-DRC shall be
7 made and set forth in writing, with reasons for [approval, denial, or approval with conditions,] the
8 action taken, within fifteen days following each DEOD-DRC meeting. In the event a written
9 notification is not made within said fifteen days, the application shall be deemed to have been denied.
10 Decisions of the DEOD-DRC may be appealed to City Council in accordance with the provisions of
11 Paragraph [(7)] (8) below.

12 (c) A complete set of plans shall be submitted, which shall contain visual
13 representations of the building, illumination, color, materials and signs.

14 (d) Photographic or drawn elevations of the building frontage shall be submitted
15 as well.

16 (e) The application shall also include or address any additional materials or
17 representations as may be mandated by the Planning and Development Department or the DEOD-
18 DRC.

19 (7) Waivers. The DEOD-DRC is authorized to waive any of the sign standards and façade
20 design requirements referred to in Paragraph (5), other than the prohibition of any sign or use, if:

21 (a) The applicant establishes that a waiver is warranted based upon conditions
22 specific to the parcel; and

23 (b) The DEOD-DRC determines that the waiver:

24 i. Will not compromise the design objectives of the standards and
25 requirements; and

26 ii. Will further the City's redevelopment efforts.

27 [(7)] (8) Appeals. An applicant may appeal [the] a decision of the DEOD-DRC to the City
28 Council. An appeal must be in written form and must be filed in the office of the City Clerk, with a

1 copy to be filed in the office of the Planning and Development Department. The appeal must be filed
2 within ten days after the decision is made and shall specifically describe the decision at issue and the
3 basis for the appeal. The appeal shall be considered on the next available agenda of the City Council.

4 [(8)] (9) Rules and Regulations. The DEOD-DRC shall have the authority to adopt rules and
5 regulations concerning its administrative procedures.

6 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.100
7 and 19.06.120 are deemed to be subchapters rather than sections.

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

16 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this _____ day of _____, 2006.

20 APPROVED:

21
22 By _____
23 OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 BARBARA JO RONEMUS, City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 10-18-06
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2006, 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 _____, 2006, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2006-61 – Requires the applicant for a General Plan Amendment to conduct a neighborhood meeting. Sponsored by: Councilman Gary Reese

Fiscal Impact

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No Impact

☐

Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will follow up State legislation adopted last session to require the applicant for a General Plan Amendment to conduct a neighborhood meeting before the proposal is heard before the Planning Commission. The bill specifies the type of notification required and the means of documenting the notification provided.

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. 2006-61

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

11/14/2006 Recommending Committee

11/15/2006 Council agenda

1 **BILL NO. 2006-61**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REQUIRE THE APPLICANT FOR A GENERAL PLAN AMENDMENT TO
4 CONDUCT A NEIGHBORHOOD MEETING, AND TO PROVIDE FOR OTHER RELATED
MATTERS.

5 Sponsored by: Councilman Gary Reese

Summary: Requires the applicant for a General
Plan Amendment to conduct a neighborhood
meeting.

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

9 SECTION 1: Title 19, Chapter 18, Section 30, Subsection (C), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new
11 paragraph, designated as Paragraph (8), reading as follows:

12 (8) Neighborhood Meeting. Before the Planning Commission may conduct a public hearing on
13 a General Plan Amendment, the applicant must hold a neighborhood meeting to provide an
14 explanation of the proposed amendment. Notice of such a meeting must be given by the applicant to:

15 (a) Each owner, as listed on the county assessor's records, of real property located within
16 a radius of seven hundred fifty feet of the area to which the proposed amendment pertains;

17 (b) The owner, as listed on the county assessor's records, of each of the thirty separately
18 owned parcels nearest to the area to which the proposed amendment pertains, to the extent this notice
19 does not duplicate the notice given pursuant to paragraph (a);

20 (c) Each tenant of a mobile home park if that park is located within a radius of seven
21 hundred fifty feet of the area to which the proposed amendment pertains; and

22 (d) The president or head of each local neighborhood organization that is registered with
23 the City for notification purposes and whose organization boundaries are located within one mile of
24 the area to which the proposed amendment pertains.

25 ➡ The notice must be sent by mail at least ten days before the neighborhood meeting and include the
26 date, time, place and purpose of the meeting. No later than seventy-two hours before the meeting, the
27 applicant must complete and file with the Department a notarized affidavit indicating the time and date
28 of the meeting, the date the notice was mailed, a copy of the notice, and a listing of the names and

1 addresses to which the notice was mailed.

2 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.030
3 is deemed to be a subchapter rather than a section.

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

12 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

15 PASSED, ADOPTED and APPROVED this ____ day of _____, 2006.

16 APPROVED:

17
18 By _____
19 OSCAR B. GOODMAN, Mayor

20 ATTEST:

21 _____
22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 10-18-06
25 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2006, 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 ____, 2006, which was a ____ meeting of said Council; that at said
6 ____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:
NEW BILL:

Bill No. 2006-62 – Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☒ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Most of the updates are minor and clarifying in nature. The bill does include an increase in the fine amounts for parking a vehicle in certain prohibited locations, and adjusts the provisions relating to parking exemption permits.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2006-62
2. Business Impact Statement

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

11/14/2006 Recommending Committee

11/15/2006 Council agenda

Recess

1 BILL NO. 2006-62

2 ORDINANCE NO. _____

3 AN ORDINANCE TO UPDATE TITLE 11 OF THE MUNICIPAL CODE, RELATING TO THE
4 REGULATION OF TRAFFIC AND PARKING, AND TO PROVIDE FOR OTHER RELATED
MATTERS.

5 Sponsored by: Councilman Steven D. Ross

Summary: Updates Title 11 of the Municipal
Code, relating to the regulation of traffic and
parking.

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

9 SECTION 1: Title 11, Chapter 2, Section 70, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.02.070:** "Taxicab" means a motor vehicle which is properly licensed under State and local law
12 to provide taxicab service for a charge or fee. [In addition, the term includes any other motor vehicle
13 which is properly licensed under State and local law to provide transportation services for up to ten
14 person, including the driver, for a charge or fee.]

15 SECTION 2: Title 11, Chapter 4, Section 40, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **11.04.040:** It is the duty of the officers of the Las Vegas Metropolitan Police Department and such
18 other officers as are assigned by the Sheriff to enforce, and officers of the [Park Ranger Unit of the
19 Department of Detention and Enforcement] City's Deputy City Marshal Unit are authorized to
20 enforce, all street traffic laws of the City and all of the State vehicle laws applicable to street traffic
21 in the City.

22 SECTION 3: Title 11, Chapter 4, Section 50, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **11.04.050:** Officers of the Las Vegas Metropolitan Police Department and such officers as are
25 assigned by the Sheriff, and officers of the [Park Ranger Unit of the Department of Detention and
26 Enforcement,] City's Deputy Marshal Unit, are authorized to direct all traffic by voice, hand or signal
27 in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite
28 traffic or to safeguard pedestrians, such officers may direct traffic as conditions may require,

1 notwithstanding the provisions of the traffic laws.

2 SECTION 4: Title 11, Chapter 6, Section 30, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.06.030:** No person shall wilfully fail or refuse to comply with any lawful order or direction of
5 [a Police Officer, Department of Fire Services official or Traffic Engineering Division official.] any
6 officer or official who is authorized to enforce the provisions of this Chapter.

7 SECTION 5: Title 11, Chapter 10, Section 20, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **11.10.020:** Whenever any vehicle is found in violation of the parking laws which are set forth in
10 this Title, a Notice of Infraction [must be issued.] may be issued in accordance with this Chapter.

11 SECTION 6: Title 11, Chapter 10, Section 30, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **11.10.030:** (A) [The] A Notice of Infraction issued under this Chapter must contain the
14 following information:

15 (1) The state and license number and the make of the vehicle which is
16 parked in violation of the provisions of this Code;

17 (2) The location at which the violation occurred;

18 (3) The date and time of the violation;

19 (4) The number of the applicable parking meter, [which is adjacent to the
20 vehicle,] if the vehicle is violating a parking regulation respecting the use of parking meters, as
21 provided for in Chapter [54 of Title 11 of this Code;] 11.54;

22 (5) The name of the person who issues the Notice of Infraction;

23 (6) The section of this Code which allegedly is being violated;

24 (7) The names of the operator and/or the registered owner of the vehicle,
25 if they are known to the person who issues the Notice of Infraction;

26 (8) Information which advises of the manner in which, and the time within
27 which, the Notice of Infraction must be answered;

28 (9) Any other reasonable information which is prescribed by the Department

1 of Detention and Enforcement or Department of Business Activity.

2 (B) [Error] No error concerning or omission of any of the above-described
3 information is [not] grounds for the dismissal of an action relating to a Notice of Infraction unless the
4 person requesting such a disposition demonstrates substantial prejudice therefrom by a preponderance
5 of the evidence.

6 (C) Where the Notice of Infraction data is [stored into] entered into and stored in
7 a computer or similar device, any printout or other output readable by sight which accurately reflects
8 such data is an "original" Notice of Infraction for purposes of this Chapter. Any such recording which
9 is moved or copied into another computer or similar device and is intended to have the same effect
10 by the issuing officer is also an "original" Notice of Infraction for purposes of this Chapter.

11 (D) Any Notice of Infraction issued pursuant to this Chapter, shall constitute a
12 declaration which is subject to the penalty of perjury.

13 SECTION 7: Title 11, Chapter 10, Section 50, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **11.10.050:** An original Notice of Infraction, or a facsimile thereof, must be filed with the
16 Department of [Business Activity] Finance and Business Services and retained by that Department,
17 and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed
18 by law and is prima facie evidence of the facts which are alleged therein. An original or duplicate of
19 the Notice of Infraction must be served on the person to whom it is issued as provided in Section
20 11.10.060.

21 SECTION 8: Title 11, Chapter 10, Section 70, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **11.10.070:** (A) The operator of a vehicle is liable for the civil fines and civil penalties which
24 are imposed pursuant to this Chapter. The registered owner of the vehicle, even if he is not the
25 operator thereof, is also liable for such civil fines and civil penalties unless he is able to demonstrate
26 that the vehicle was used without his permission, express or implied. A registered owner who pays
27 any civil fine and/or civil penalty pursuant to this Chapter has the right to recover from the operator
28 of the vehicle the civil fine and/or civil penalty so paid and has a cause of action in any court which

1 has appropriate jurisdiction against the operator of the vehicle for the amount so paid.

2 (B) In order to hold the operator of a leased or rented vehicle primarily responsible
3 for the issuance of the Notice of Infraction, the name, address and phone number of the person renting
4 or leasing a vehicle found parked in violation of this Title must be provided by the rental or leasing
5 agent or agency to the Director of [the Department of Business Activity] Finance and Business
6 Services or his designee within seven calendar days of receiving notice of such infraction. Nothing
7 in this provision shall absolve the owner of responsibility for the issuance of the Notice of Infraction
8 as provided in this Chapter.

9 SECTION 9: Title 11, Chapter 10, Section 150, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.10.150:** For parking a vehicle [(1) in the area which is posted with a parking time limit or in
12 a space which is equipped with a parking meter for a period which is longer than the prescribed time,
13 or (2) in any space which is equipped with a parking meter while said meter is displaying a signal
14 which indicates that the vehicle in such parking space has already been parked beyond the prescribed
15 time,] in any of the following locations, under the circumstances indicated, the civil fine is twenty
16 dollars[.]:

17 (A) In any area posted with a parking time limit for a period longer than the
18 prescribed time; or

19 (B) In any space equipped with a parking meter while the meter displays a signal
20 indicating that the vehicle has already been parked in that space beyond the prescribed time.

21 SECTION 10: Title 11, Chapter 10, Section 160, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **11.10.160:** (A) For parking a vehicle in any of the following locations, the civil fine is [thirty]
24 thirty-five dollars:

25 (1) An area posted so as to limit parking to tour buses, shuttle buses or
26 limos;

27 (2) Adjacent to a drop box for U.S. mail;

28 (3) Adjacent to a curb or road surface which is painted red, unless

1 Subsection (B) of this Section applies; or

2 (4) At a parking meter space with a parking meter that has been [hooded
3 for another person's, company's, contractor's or agency's use or that has been hooded due to the
4 malfunction of the parking meter pursuant to LVMC 11.54.230.] posted as reserved or out of service,
5 either for use by another person, company, contractor or agency pursuant to Section 11.54.230, or
6 because of a malfunction of the parking meter.

7 (B) For parking a vehicle at any of the following locations, the civil fine is [one
8 hundred] two hundred fifty dollars:

9 (1) Adjacent to any curb or road surface which is painted red and is posted
10 with signage indicating "NO STOPPING, STANDING OR PARKING"; "EMERGENCY VEHICLES
11 ONLY"; or "ARMORED CARS ONLY";

12 (2) Within a fire lane, whether on public or private property, which has been
13 designated and posted as such pursuant to [Sections 901 and 902 of the Fire Code, as adopted by the
14 City;] the applicable provisions of the City's Fire Code, as adopted under Chapter 16.16; or

15 (3) Within fifteen feet of a fire hydrant located on either public or private
16 property, whether or not:

17 (a) A sign has been posted to indicate "No Parking[,];" or

18 (b) The adjacent curb or road surface has been painted red.

19 SECTION 11: Title 11, Chapter 10, Section 240, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **11.10.240:** (A) The City is authorized to attach an immobilizing device to a vehicle that is
22 parked on any public right-of-way or City-owned or -operated lot if the vehicle is included on an
23 immobilization eligibility list. A vehicle may be included on an immobilization eligibility list only
24 if:

25 (1) The registered owner of the vehicle has accumulated more than \$500.00
26 in unpaid civil fines, judgments and penalties, or at least five Notices of Infraction have been issued
27 and served with respect to that vehicle and have not been responded to within the time set forth in
28 Section 11.10.090; and

1 (2) At least twenty-one days before including the vehicle on the list, the City
2 provided notice of impending vehicle immobilization in accordance with Subsection (B) of this
3 Section.

4 (B) Notice of impending vehicle immobilization shall be provided by mailing such
5 notice to the registered owner of the vehicle at the address last known to the City or on file with the
6 Department of Motor Vehicles. The notice shall include the dates and nature of the infractions which
7 formed the basis for the civil fines, judgments and penalties; the numbers of the Notices of Infraction;
8 and the amounts owing. The notice shall advise that the registered owner may challenge the validity
9 of the notice by requesting a hearing. The hearing shall be held before the Hearing Officer for the sole
10 purpose of allowing the registered owner to show that:

11 (1) The amounts in question have been paid; or

12 (2) The vehicle was not properly included on the immobilization eligibility
13 list in accordance with the provisions of Subsection (A) of this Section.

14 (C) A vehicle shall be removed from the immobilization eligibility list if:

15 (1) The registered owner pays all fines, judgments, penalties and applicable
16 immobilization, towing and storage fees;

17 (2) The registered owner executes an agreement to pay within a specified
18 period of time all fines, judgments, penalties and applicable immobilization, towing and storage fees,
19 with a condition that, for default on the payment obligation, the vehicle shall be subject to
20 reinstatement on the immobilization list; or

21 (3) The Hearing Officer finds that the vehicle was not properly included on
22 the immobilization eligibility list.

23 (D) In connection with the immobilization of a vehicle, a notice shall be attached
24 to the vehicle in a conspicuous place advising:

25 (1) That the vehicle is immobilized and that any attempt to move the vehicle
26 may result in its damage;

27 (2) That the unauthorized removal of or damage to the immobilizing device
28 is a violation of law;

1 (3) How release of the immobilizing device may be obtained; and

2 (4) How a hearing may be obtained pursuant to Subsection (H).

3 (E) The City may (but is not obligated to) cause to be towed and stored any vehicle
4 which has been immobilized if, within twenty-four hours after immobilization, no arrangements have
5 been made for the vehicle's release. An unregistered vehicle that is immobilized may be towed and
6 stored immediately. Within ten days after an immobilized vehicle is towed, the City shall send a
7 notice advising that the vehicle has been immobilized and towed. The notice shall be provided by
8 means of certified mail, return receipt requested, mailed to the registered owner at the address last
9 known to the City or on file with the Department of Motor Vehicles. The notice shall state that the
10 registered owner is entitled to request a hearing pursuant to Subsection (H) of this Section to
11 determine the validity of the immobilization.

12 (F) An immobilization fee of fifty dollars shall be paid by or on behalf of the
13 registered owner of the vehicle prior to the removal of an immobilizing device.

14 (G) Release of an immobilized vehicle may be obtained by:

15 (1) The payment of all fines, judgments, penalties and applicable
16 immobilization, towing and storage fees; or

17 (2) In connection with the request of a hearing to determine the validity of
18 the immobilization of the vehicle, the posting of a bond or other sufficient undertaking in an amount
19 which will satisfy all fines, judgments, penalties and applicable immobilization, towing and storage
20 fees.

21 (H) The registered owner of a vehicle may request a hearing regarding the
22 immobilization of the owner's vehicle. The request for hearing must be made within ten days after
23 the date of the notice described in Subsection (D) or Subsection (E) of this Section. The hearing shall
24 be held before the Hearing Officer and shall be limited to a determination of whether there was a
25 factual and legal basis for the immobilization. Failure to request or attend a hearing shall be deemed
26 a waiver of the right to a hearing. If the Hearing Officer determines that there was a factual and legal
27 basis for the immobilization, the bond or undertaking shall be forfeited. If the hearing officer
28 determines that there was an insufficient factual and legal basis for the immobilization, the bond or

1 undertaking shall be exonerated.

2 SECTION 12: Title 11, Chapter 44, Section 60, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.44.060:** Upon those streets or highways or parts of streets or highways described in Schedule
5 18-V, a copy of which shall be maintained for public inspection in the offices of the City Clerk and
6 the City Traffic Engineer, which may be amended from time to time by written finding of the City
7 Traffic Engineer, no person shall stop, stand or park a vehicle for any purpose or length of time other
8 than for the expeditious and continuous loading and delivery or pickup and loading of heavy or
9 voluminous freight, cargo or other goods in any place marked as a commercial loading zone during
10 hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading
11 and unloading of materials exceed thirty minutes, day or night. [Any vehicle, other than a vehicle with
12 commercial markings evidencing its commercial use, while parked in a commercial loading zone,
13 must prominently display a commercially printed sign, no less than eight inches in width and ten
14 inches in height which identifies the commercial use of the vehicle parked. This provision shall not
15 apply to one who has obtained a loading permit under LVMC 11.52.090.] The use of a commercial
16 loading zone under this Section is limited to:

17 (A) Commercial vehicles whose commercial nature is evident from the type of
18 vehicle; or

19 (B) Vehicles which have commercially-printed markings on the exterior of the
20 vehicle clearly identifying the commercial use of the vehicle.

21 SECTION 13: Title 11, Chapter 52, Section 180, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **11.52.180:** (A) When signs are posted giving notice thereof, no person shall stop, stand or park
24 a vehicle[, other than a vehicle with commercial markings evidencing its commercial use or a vehicle
25 prominently displaying a commercially printed sign, no less than eight inches in width and ten inches
26 in height which identifies the commercial use of the vehicle parked actually engaged in loading or
27 unloading heavy or voluminous freight, cargo or other goods, in an alley described in Schedule 17-I,
28 a copy of which is to be maintained for public inspection in the office of the City Clerk and the City

1 Traffic Engineer, and such other alleys as may be added to said schedule by written finding of the City
2 Traffic Engineer. The prohibition contained in this Subsection shall not apply to a person who has
3 obtained a loading permit under LVMC 11.52.090.] in an alley described in Schedule 17-I, a copy of
4 which is to be maintained for public inspection in the office of the City Clerk and the City Traffic
5 Engineer, and such other alleys as may be added to the schedule by written finding of the City Traffic
6 Engineer, except for the following vehicles, while actually engaged in loading or unloading heavy or
7 voluminous freight, cargo or other goods:

8 (1) Commercial vehicles whose commercial nature is evident from the type
9 of vehicle; or

10 (2) Vehicles which have commercially-printed markings on the exterior of
11 the vehicle clearly identifying the commercial use of the vehicle.

12 (B) When signs are posted giving notice thereof, no person shall park a vehicle at
13 any time in alleys or portions thereof described in Schedule 17-II, a copy of which is to be maintained
14 for public inspection in the office of the City Clerk and the City Traffic Engineer, and such other alleys
15 as may be added to [said Schedule] the schedule by written finding of the City Traffic Engineer.

16 (C) A vehicle otherwise lawfully parked in an alley shall not park for a greater
17 period than thirty minutes within any one-hour period.

18 SECTION 14: Title 11, Chapter 52, Section 305, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **11.52.305:** It is unlawful for a person to stand, park or store upon any residential street, a
21 commercial vehicle, recreational vehicle, trailer, or any combination of vehicle and trailer having an
22 overall length of twenty-four feet or more, except in front of]:

23 (A) The residence of the owner or driver thereof, and then only for a period not to
24 exceed four hours; or

25 (B) In front of] property from which or to which goods or passengers are being
26 picked up or delivered, and then only for that period of time during which goods or passengers are
27 being expeditiously loaded or unloaded.

28 SECTION 15: Title 11, Chapter 52, Section 330, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **11.52.330:** (A) The [Board of Commissioners] City Council finds that the parking of a vehicle
3 in violation of LVMC 11.52.320 is a public nuisance per se and a disruption of the effective use of
4 City-owned and City-leased parking lots by those persons authorized to use them. The City Manager
5 or his duly authorized representative shall have the authority to immobilize any vehicle or have any
6 vehicle removed by towing and impounding from a City-owned or City-leased parking lot if such
7 vehicle is found to be in violation of LVMC 11.52.320. All expenses incurred in the immobilization
8 or towing and impounding of such vehicle found to be in violation shall be the responsibility of and
9 charged to the registered owner of said vehicle and shall be paid prior to removal of the immobilizer
10 or prior to release of the vehicle from impoundment. The fee for releasing any car immobilized or
11 impounded under this [LVMC] Section is [twenty-five] fifty dollars.

12 (B) Citations issued for the violation of LVMC 11.52.320 shall be disposed of
13 under normal procedures and need not be paid as a condition for the release of the vehicle from
14 custody.

15 SECTION 16: Title 11, Chapter 54, Section 50, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **11.54.050:** In parking meter zones, the Traffic Engineer shall cause parking [meter posts] meters
18 to be installed [upon the curb or sidewalk immediately adjacent to the parking spaces provided in this
19 Chapter, such installation to be placed not more than two feet from the curb nor more than four feet
20 from the front line of the parking space as indicated, and the] at the appropriate locations so as to
21 control the metered parking spaces established under this Chapter. The Department of Detention and
22 Enforcement shall be responsible for the enforcement, installation, operation, maintenance and use
23 of parking meters. Each device shall be so set as to display a signal showing legal parking [upon the
24 deposit of the appropriate coin, lawful money of the United States of America, for the period of time
25 prescribed by this Chapter.] for the period of time established under this Chapter, upon the deposit of
26 the appropriate coin in lawful money of the United States of America or upon the activation of an
27 approved debit or credit payment. Each device shall be so arranged so that upon the expiration of the
28 lawful time it will indicate by a proper visible signal that the lawful parking period has expired, and

1 in such cases the right of the vehicle to occupy such space shall cease and the operator, owner,
2 possessor or manager thereof shall be subject to the penalties provided in this Title.

3 SECTION 17: Title 11, Chapter 54, Section 60, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **11.54.060:** (A) Except in a period of emergency determined by an officer of the Department
6 of Fire and Rescue or the Metropolitan Police Department, or in compliance with the directions of a
7 police officer or traffic-control sign or signal, when any vehicle shall be parked in any parking space
8 [alongside or next to which a parking meter is located,] controlled by a parking meter, the operator
9 of such vehicle shall, upon entering the parking meter space, immediately activate the meter in
10 accordance with this Section. Failure to activate a meter in accordance with this Section is a violation
11 of this Chapter.

12 (B) For purposes of this Section, activation of the meter consists of paying the
13 amount required to set in operation the timing mechanism of the meter. Payment of the amount
14 required for operation of the meter is accomplished by depositing the required amount in United States
15 coin. In the case of meters which have been installed and approved by the City for use in connection
16 with an authorized cashless payment system, payment may be made by [inserting a key or card which
17 has been authorized for use with that system and which properly records payment by means of a debit
18 or similar transaction.] means of either of the following methods which have been authorized for use
19 with that system and which properly record payment by means of a debit or similar transaction:

20 (1) The insertion in the meter of a key or card; or

21 (2) The activation of the meter by other electronic means.

22 (C) Upon activation of the parking meter in accordance with this Section, the
23 parking space may be lawfully occupied by such vehicle during the period of time which has been
24 prescribed for the part of the street in which said parking space is located and for the period during
25 which the parking meter is activated; provided, however, that any person [placing] parking a vehicle
26 in a parking meter space [adjacent to] controlled by a meter which indicates that unused time remains
27 on the meter shall not be required to make additional payment so long as [his] occupancy of [said] the
28 space does not exceed the indicated unused parking time.

SECTION 18: Title 11, Chapter 54, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.54.070: If a vehicle shall remain parked in any parking space contemplated in LVMC 11.54.060 beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this Chapter. This provision regarding overtime parking shall not apply to any [person] vehicle lawfully displaying a special or temporary [handicapped] parking sticker, placard, permit or plate, and [parking such vehicle] parked in a space for a period of four hours or less as provided in [Chapter 484, Section 407 of the Nevada Revised Statute.] NRS 484.407.

SECTION 19: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by repealing in its entirety Section 90 thereof.

SECTION 20: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 90, reading as follows:

11.54.090: (A) Subject to the provisions of Subsection (B), the hours of operation for any parking meter shall be those which are established by the Traffic Engineer.

(B) Any metered parking space may be occupied without activating the meter on the following days: January 1; the third Monday in January; the third Monday in February; the last Monday in May; July 4th; the first Monday in September; the last Friday in October; November 11; the fourth Thursday in November; the fourth Friday in November; December 25; and any general holiday declared by the President of the United States, the Governor of the State or the Mayor.

SECTION 21: Title 11, Chapter 54, Section 190, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.54.190: (A) Parking exemption permits shall authorize the persons to whom they are issued to park, without violation[, and without the payment of a meter fee, the vehicles to which the permits are affixed in any on-street parking space adjacent to any parking meter [other than a short-term parking meter (12, 15 and 30 minutes)] with a time limit of one hour or more, or in any space in a one-

1 hour time-limited parking zone, while actually engaged in field work, subject to the limitations in
2 Subsection (C) of this Section.

3 (B) The following groups of persons shall be eligible for parking exemption permits
4 upon application to the City Manager or his authorized designee:

5 (1) Members of news media whether involved in television, radio or
6 newspaper news preparation or reporting, who are actually in the field preparing or reporting news
7 stories for their employers;

8 (2) Public officers and employees of Federal, State or local governments
9 who are required by their employers to use private automobiles while actually engaged in field work
10 or business outside of their normal offices.

11 (C) No parking exemption permit shall be approved by the City Manager under this
12 Section unless he receives a letter accompanying the application from the applicant's top
13 administrative officer describing such applicant's job responsibilities and his need for an exempt
14 parking permit and which shows to the City Manager's satisfaction that the employee qualifies for the
15 permit.

16 (D) A fee [of twenty-five dollars] shall be charged for each parking exemption
17 permit issued, except as indicated in Subsection (G) of this Section. The fee for a media employee
18 exemption permit shall be in the amount of twenty-five dollars. The fee for a governmental employee
19 exemption permit shall be in the amount of five hundred dollars.

20 (E) Each parking exemption permit shall be valid for a period of one year. Once
21 a parking exemption permit is issued to a qualified applicant, it shall be unlawful for such person to
22 use the permit for other than official business, and in no case shall the permit authorize any vehicle
23 to park in any space adjacent to any parking meter or in any space posted one-hour time-limited
24 parking zone for more than two hours continuously.

25 (F) [Owners and operators of exempt-plated vehicles] Operators of City-owned
26 vehicles with exempt plates issued pursuant to NRS 482.368 shall not be required to apply for,
27 purchase or display parking exemption permits. Vehicles displaying such license plates shall be
28 authorized to park, without violation and without the payment of a meter fee, in any space adjacent

1 to any parking meter [other than a short-term parking meter] with a time limit of one hour or more,
2 or in any space posted as a one-hour or two-hour time-limited parking zone, for not more than two
3 hours continuously.

4 (G) [Elected officers, the county manager, city managers and their respective deputy
5 managers, and county and city department heads and their respective deputy department heads are
6 exempt from paying the twenty-five dollar parking exemption permit fee.] The City Manager or his
7 designee, upon request, may issue parking exemption permits, without charge, to the County Manager
8 of Clark County, or the city manager of any incorporated city within Clark County, for the use of
9 elected officials, citizen board members, or other government officials to whom those permits have
10 been assigned by the respective manager. The maximum number of permits that may be issued
11 without charge shall be as follows:

12 (1) For use by Clark County, a maximum of fifteen permits.

13 (2) For use by other cities, a maximum of seven permits per city.

14 SECTION 22: Title 11, Chapter 54, Section 200, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **11.54.200:** It shall be a violation of the provisions of this Chapter for any person:

17 (A) To cause, allow, permit or suffer any vehicle registered in the name of or
18 operated by such person, contractor or agency to be parked overtime, or beyond the period of legal
19 parking time established for any parking meter zone [as herein described, or to activate any parking
20 meter for the purposes of parking beyond the maximum legal parking time for the particular parking
21 meter zone.] established under this Chapter.

22 (B) To permit any vehicle to remain [or be placed] in any parking space adjacent
23 to any parking meter while said meter is displaying a signal indicating that the vehicle [occupying such
24 parking space] has already been parked beyond the period prescribed for such parking space or beyond
25 the period for which the meter was activated.

26 (C) To park any vehicle across any line or marking of a parking meter space or in
27 such position that the vehicle is not entirely within the area designated by such lines or markings.

28 (D) To park any vehicle for more than thirty minutes in a parking meter space that

1 has been posted as out of service because of malfunction.

2 (E) To park any vehicle in a parking meter space that has been posted as reserved
3 for use by another person, company, contractor or agency pursuant to Section 11.54.230.

4 SECTION 23: Title 11, Chapter 54, Section 210, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **11.54.210:** Notices of Infractions [which are issued due to] whose issuance is based upon a
7 malfunctioning parking meter[, and Notices of Infractions issued in error, with written notice thereof]
8 or is otherwise in error may be referred by the issuing agency[,] to the [City Attorney] Parking
9 Citations and Hearing Office for formal withdrawal of the Notice of Infraction and any Complaint
10 and/or Summons or Affidavit of Complaint and Order previously filed.

11 SECTION 24: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by repealing in its entirety Section 230 thereof.

13 SECTION 25: Title 11, Chapter 54, of the Municipal Code of the City of Las Vegas,
14 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 230,
15 reading as follows:

16 **11.54.230:** The Director of Detention and Enforcement, or the Director's designee, may issue to
17 a person, company, contractor or agency, upon application therefor, a parking space occupancy permit
18 authorizing the occupancy of one or more metered parking spaces for extended periods of time in
19 order to provide supplies, materials, or services, on a temporary basis, in the immediate area of the
20 parking spaces. Issuance of such an occupancy permit shall be in the discretion of the Director or the
21 Director's designee. In connection with the issuance of an occupancy permit, the City is authorized
22 to charge an occupancy permit fee, which shall be paid by the applicant before any permit is issued
23 or space reserved for the applicant. The amount of the occupancy permit fee shall be determined by
24 the Director and shall be in an amount that represents the sum of:

25 (A) The maximum parking meter revenue otherwise collectible for parking a vehicle
26 or vehicles, for the period of time requested, in the metered parking spaces to be occupied under the
27 occupancy permit; and

28 (B) An amount representing the costs of processing the application and occupancy

1 permit.

2 SECTION 26: Title 11, Chapter 60, Section 20, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **11.60.020:** No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other
5 than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and
6 appropriately signed, except that the driver of a passenger vehicle may temporarily stop in a taxi zone
7 for the purpose of and while actually engaged in loading or unloading passengers and such stopping
8 does not interfere with a taxicab waiting to enter or about to enter such zone.

9 SECTION 27: Title 11, Chapter 65, Section 10, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **11.65.010:** To provide clarification of terminology used herein the following definitions are
12 provided:

13 (A) "Residential area" means a contiguous or nearly contiguous area containing
14 public streets and highways or parts thereof where residents dwell.

15 (B) "Residential parking permit" means a sticker, decal or placard with a unique
16 color [defining an area, a number and an expiration date] that:

17 (1) Defines an area or unique address to which it pertains;

18 (2) Is identified by a number;

19 (3) Includes an expiration date; and

20 (4) Is to be placed on a resident's vehicle to identify that vehicle as exempt
21 from the [two-hour parking restriction.] parking restrictions contained in this Chapter.

22 (C) "Residential permit parking zone" means a residential area designated as herein
23 provided where resident motor vehicles displaying a valid permit as described herein shall be exempt
24 from parking time restrictions established pursuant to this [chapter.] Chapter.

25 (D) "Visitor parking permit" means a placard issued to a residence to be used in the
26 vehicles of visitors to a residence to exempt that vehicle from the [two-hour parking restriction.]
27 parking restrictions contained in this Chapter.

28 SECTION 28: Title 11, Chapter 65, Section 50, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **11.65.050:** (A) Once a residential permit parking zone has been approved by the City Council,
3 the Traffic Engineering Division shall:

4 (1) Install parking signs on the streets designated as a residential permit
5 parking zone. The signs shall indicate the times, locations and conditions under which parking shall
6 be by permit only;

7 (2) Issue a maximum of three permanent residential parking permits and
8 a maximum of two visitor placards per residence for a designated residential permit parking zone upon
9 application and payment of the application fee by a person eligible for such permit.

10 (B) A person is eligible to apply for a residential parking permit if he/she owns or
11 operates a motor vehicle and resides on property immediately adjacent to a street, avenue or other
12 location within the residential permit parking zone. Proof of residency in the residential permit
13 parking zone on a block designated for implementation must be presented at the time application is
14 made.

15 (C) The application for a permit shall contain the name of the owner or operator of
16 the motor vehicle; residential address; the make, model, registration and license plate number of the
17 motor vehicle; and the number of the driver's license of the applicant. The motor vehicle registration
18 and the driver's license of the applicant must be presented at the time of making said application in
19 order to verify the contents thereof. The owner or operator of any motor vehicle applying for a
20 residential parking permit shall have a valid Nevada motor vehicle license. The motor vehicle
21 registration must show the applicant's present address.

22 [(D) The permit shall display a serial number, the zone color, the calendar year the
23 permit is issued and be identified as a residential parking permit.]

24 SECTION 29: Title 11, Chapter 65, Section 70, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **11.65.070:** (A) Notwithstanding any provisions of this [chapter] Chapter to the contrary, the
27 holder of a residential parking permit shall be permitted to stand or park a motor vehicle for which a
28 permit has been issued[,] in the residential permit parking zone designated by the permit without being

1 subjected to the limitations imposed on vehicles lacking the permit; provided, however, that parking
2 [is] at that location is otherwise permitted. While a vehicle for which a residential parking permit has
3 been issued is so parked, such permit shall be displayed so as to be clearly visible [on the left side of
4 the rear bumper or] either on the lower left hand corner of the rear window or hanging from the rear
5 view mirror of the vehicle, [and such permit shall be permanently affixed.]

6 (B) A residential parking permit shall not authorize the holder thereof to stand or
7 park a motor vehicle in such places, or during such times, as the stopping, standing, or parking of
8 motor vehicles is prohibited or set aside for specific types of vehicles, and does not exempt the holder
9 from the observance of any traffic regulation other than the parking time limit.

10 (C) A residential parking permit shall not guarantee or reserve to the holder thereof
11 an on-street parking space within the designated residential permit parking area.

12 SECTION 30: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
19 invalid or ineffective.

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1 SECTION 31: All ordinances or parts of ordinances or sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2006.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 10-18-06
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2006, 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 _____, 2006, 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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BUSINESS IMPACT STATEMENT
BILL NO. 2006-62

(Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-62, that will update Title 11 of the Municipal Code, relating to the regulation of traffic and parking.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable. Unable to identify particular businesses or types of businesses that might be affected

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

Possible higher costs associated with illegal parking

Beneficial effects:

Possible reduction in illegal parking activity that hinders the provision of public services

Direct effects:

None

Indirect effects:

See adverse effects and beneficial effects

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: October 19, 2006

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2006-63 – Adopts a new Chapter 10.44A of the Municipal Code, relating to solicitation.
Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will adopt a new Chapter 10.44A of the Municipal Code, related to solicitation. The bill is in response to a recent decision by the Ninth Circuit Court of Appeals regarding the City's solicitation 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:

1. Bill No. 2006-63
2. Business Impact Statement

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

11/14/2006 Recommending Committee

11/15/2006 Council agenda

1 **BILL NO. 2006-63**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT A NEW CHAPTER 10.44A OF THE MUNICIPAL CODE,
4 RELATING TO SOLICITATION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Bradford R. Jerbic, City Attorney Summary: Adopts a new Chapter 10.44A of the
6 Municipal Code, relating to solicitation.

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

9 SECTION 1: Title 10 of the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 10.44A, consisting
11 of Sections 10 to 40, inclusive, reading as follows:

12 **10.44A.010:** For purposes of this Chapter:

13 (A) "Solicitation" means the act of solicitation, including asking, begging, soliciting
14 or pleading, for the purpose of immediately obtaining money, charity, business or patronage, or gifts
15 of items of value for oneself or another person or organization.

16 (B) "Coercion" means to wilfully and knowingly:

17 (1) Approach or speak to a person in such a manner as would cause a
18 reasonable person to believe that the person is being threatened with:

19 (a) Imminent bodily injury, or

20 (b) The commission of a criminal act upon the person or another
21 person, or upon property in the person's immediate possession;

22 (2) Persist in a solicitation after the person solicited has given a negative
23 response;

24 (3) Block, either individually or as part of a group of persons, the passage
25 of a solicited person; or

26 (4) Engage in conduct that would reasonably be construed as intended to
27 compel or force a solicited person to accede to demands.

28 **10.44A.020:** Any individual who personally commits solicitation by coercion shall be guilty of a
misdemeanor.

1 **10.44A.030:** Any individual who personally engages in solicitation at any of the following places
2 shall be guilty of a misdemeanor:

- 3 (A) At any bus, taxi, limousine, trolley or train stop;
- 4 (B) In any public transportation vehicle or facility;
- 5 (C) At any enclosed parking structure;
- 6 (D) Within twenty feet of an Automatic Teller Machine (ATM); or
- 7 (E) Within ten feet of a point of entry to or exit from any building open to the
8 public, including commercial establishments.

9 **10.44A.040:** If property is owned or controlled by a private owner or operator, nothing in this
10 Chapter shall be construed as applying to the conduct or activity of a person on said property with the
11 permission of the owner or operator of the property.

12 SECTION 2: Nothing in this Ordinance is intended to repeal, replace, modify or
13 amend any other Chapters of the Las Vegas Municipal Code, including Chapters 10.44 or 11.68. All
14 other provisions of the Code shall remain in force and effect.

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

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PASSED, ADOPTED and APPROVED this _____ day of _____, 2006.

By OSCAR B. GOODMAN, Mayor

BARBARA JO RONEMUS, City Clerk

Val Heed 10-24-06
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2006, 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 _____, 2006, 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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BUSINESS IMPACT STATEMENT

BILL NO. 2006-63

(Adopts a new Chapter 10.44A of the Municipal Code, relating to solicitation.)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-63, that will adopt a new Chapter 10.44A of the Municipal Code, relating to solicitation.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable. As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

Beneficial effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

Direct effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

Indirect effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: October 24, 2006

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2006-64 – Adopts a new Chapter 11.68A of the Municipal Code, relating to the City's Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☒

No Impact

☐

Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will adopt a new Chapter 11.68A of the Municipal Code, related to the City's Pedestrian Mall. The bill is in response to a recent decision by the Ninth Circuit Court of Appeals regarding the City's pedestrian mall 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:

1. Bill No. 2006-64
2. Business Impact Statement

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

11/14/2006 Recommending Committee

11/15/2006 Council agenda

1 **BILL NO. 2006-64**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ADOPT A NEW CHAPTER 11.68A OF THE MUNICIPAL CODE,
4 RELATING TO THE CITY'S PEDESTRIAN MALL, AND TO PROVIDE FOR OTHER RELATED
MATTERS.

5 Proposed by: Bradford R. Jerbic, City Attorney

Summary: Adopts a new Chapter 11.68A of the
Municipal Code, relating to the City's Pedestrian
Mall.

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

9 SECTION 1: Title 11 of the Municipal Code of the City of Las Vegas, Nevada, 1983
10 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 11.68A, consisting
11 of Sections 10 to 130, inclusive, reading as follows:

12 **11.68A.010:** The City Council finds that there has been a progressive decline in the economic
13 growth and vitality of businesses located in the central business district of the City which is
14 attributable to the decrease in tourists and other visitors to the central business district, that a special
15 effort is needed on the part of the City to create new jobs, maintain existing employment opportunities,
16 attract new businesses, tourists and visitors to the central business district and thereby restore the
17 economic growth and vitality thereof and that the closure of certain streets or parts thereof to vehicular
18 traffic and the creation of a Pedestrian Mall for the movement, safety, convenience, enjoyment,
19 entertainment, recreation and relaxation of pedestrians is in the best interest of the City and beneficial
20 to the owners of adjacent property and the businesses located in the central business district.

21 The City Council further finds that it is in the best interest of the public to select and
22 contract with a private operating entity for the acquisition, construction, improvement, operation,
23 management or maintenance of the Pedestrian Mall.

24 **11.68A.020:** As used in this chapter:

25 (A) "Celestial vault lightshow" is the display of computer-generated electronic
26 images on the ceiling of the celestial vault constructed above Fremont Street and the various light and
27 sound effect accompanying such images.

28 (B) "Display vehicles" are those vehicles brought into the Pedestrian Mall for

1 purposes of display to the public, and not for the primary purpose of transporting persons or property.

2 (C) "Emergency vehicles" are those motorized devices in, upon or by which any
3 person or property is or may be transported or drawn upon a street or sidewalk, including, without
4 limitation, automobiles, motorcycles and mopeds.

5 (D) "Exterior building improvements" means the building facades, marquees,
6 overhangs, recessed entries, adjoining mall area paving materials, signage and graphics, adjoining
7 landscaping, building illumination and audible effects or devices.

8 (E) "Motorized vehicles" are those motorized devices in, upon or by which any
9 person or property is or may be transported or drawn upon a street or sidewalk, including, without
10 limitation, automobiles, motorcycles and mopeds.

11 (F) "Maintenance vehicles" are those vehicles owned or operated by the City of Las
12 Vegas, as well as vehicles owned and operated by utilities and other vehicles requiring access onto
13 the Pedestrian Mall for the purpose of the repair and maintenance of the Pedestrian Mall or facilities
14 and structures contained therein.

15 (G) "Management agreement" means that agreement executed between The
16 Fremont Street Experience Limited Liability Company and the City of Las Vegas for the purpose of
17 acquisition, construction, operation, management or maintenance of the Pedestrian Mall.

18 (H) "Parade" is a group of persons with or without animals or vehicles in a public
19 procession or march and does not include a procession or march in connection with a special event
20 or mall entertainment.

21 (I) "Pedestrian Mall Act" refers to NRS 268.810 through 268.823.

22 (J) "Special events" include festivals, sporting events, exhibitions, entertainment
23 and similar activities which are not offered on a continuous basis, whether or not members of the
24 public pay an admission or entrance fee to be spectators or participants.

25 (K) "Special permit vehicles" are those vehicles authorized by The Fremont Street
26 Limited Experience Liability Company in accordance with Section 11.68A.080 to enter upon the
27 Pedestrian Mall.

28 (L) "Mall advertising" includes all advertising within or in connection with the

1 Pedestrian Mall including, without limitation, any means of marketing or promoting the Pedestrian
2 Mall, special events, or any other commercial activity, and the display of consumer goods, products,
3 or services to the users of the Pedestrian Mall for the purpose of encouraging the sale and purchase
4 thereof, including, without limitation, signs, pictures, or other displays.

5 (M) "Mall entertainment" is the conduct on the part of any person intended to
6 provide entertainment, recreation, relaxation and enjoyment to the users of the Pedestrian Mall.

7 (N) "Mall vending" is the distribution, display or sale, or any combination thereof,
8 of consumer goods or services (including food, drink or merchandise) from a pushcart, concession
9 stand, kiosk or other similar structure designed for such purpose.

10 **11.68A.030:** There is established in the downtown area of the City of Las Vegas a Pedestrian Mall,
11 the boundaries of which are described in Section 11.68A.040. The surface of all areas designated
12 therein as a part of the Pedestrian Mall shall be, after the completion of the construction thereon as
13 evidenced by the issuance of a certificate of completion therefor by the City, limited to the use of
14 pedestrians. Except for wheelchairs used to transport the physically disabled, emergency vehicles,
15 maintenance vehicles, special access vehicles, display vehicles, or vehicles granted access to the
16 Pedestrian Mall by the private operating entity, no motorized vehicle shall be permitted in the area
17 designated under Section 11.68A.040 as the Pedestrian Mall.

18 **11.68A.040:** (A) The following area constituting and comprising the Pedestrian Mall is legally
19 described in Exhibit A attached to Ordinance No. 3941, which is codified in this Chapter and adopted
20 herein as a part of this Chapter.

21 (B) The area legally described in Subsection (A) of this Section is indicated on the
22 map attached as Exhibit B to Ordinance No. 3941, which is codified in this Chapter and adopted
23 herein as a part of this Chapter.

24 **11.68A.050:** Notwithstanding the prohibition contained in Section 11.68A.030, vehicular traffic
25 traveling along Casino Center Boulevard and Fourth Street shall be permitted to cross the Pedestrian
26 Mall as those street intersect with Fremont Street except during the celestial vault lightshow in which
27 case such street may be closed to through traffic and as otherwise approved in accordance with Section
28 11.68A.130.

1 **11.68A.060:** In accordance with the provisions of the Pedestrian Mall Act, the City Council
2 designates The Fremont Street Experience Limited Liability Company as the private operating entity
3 for purposes of acquiring, constructing, improving, operating, managing and maintaining the
4 Pedestrian Mall.

5 Subject to the other provisions of this Chapter and the management agreement, The
6 Fremont Street Experience Limited Liability Company may determine the uses of the Pedestrian Mall
7 for any purpose that will enhance the movement, safety, convenience, enjoyment, entertainment,
8 recreation or relaxation of pedestrians, and other purposes necessary or appropriate to carry out the
9 provisions of the Pedestrian Mall Act, including, without limitation, seating, merchandising,
10 exhibiting, advertising and any other use, activity or special event which in the judgment of The
11 Fremont Street Experience Limited Liability Company will accomplish any of those purposes. The
12 authority delegated herein to The Fremont Street Experience Limited Liability Company to determine
13 the uses of the Pedestrian Mall shall not be construed so as to permit any use which is not permitted
14 in a C-2 Zone.

15 **11.68A.070:** Notwithstanding any other provisions of the Las Vegas Municipal Code, and in
16 accordance with the provisions of the Pedestrian Mall Act, the City Council delegates to The Fremont
17 Street Experience Limited Liability Company authority to control and regulate within the Pedestrian
18 Mall the following:

19 (A) The distribution and location of movable furniture, sculpture, devices to control
20 pedestrian traffic, landscaping and other facilities that are incidental to the Pedestrian Mall;

21 (B) The uses to be permitted or restricted on the Pedestrian Mall by occupants of
22 abutting property, utilities (provided such is not in conflict with the rights granted under any franchise
23 agreement) concessionaires, vendors, newspaper vending machines and others to serve the
24 convenience and enjoyment of pedestrians and the location of such uses;

25 (C) The raising of revenue through the imposition of a fee for the use of all or a
26 portion of the Pedestrian Mall for special events or activities to offset the cost of operating and
27 maintaining the Pedestrian Mall;

28 (D) The use of the Pedestrian Mall for advertising purposes and the charging of a

1 fee in connection therewith;

2 (E) The operation of any lighting, heating or other facilities in the Pedestrian Mall;

3 (F) The replacement of any landscaping and maintenance of the furniture and
4 facilities in the Pedestrian Mall;

5 (G) The access to the Pedestrian Mall by the public and closure of the Pedestrian
6 Mall to the public for purposes of special events or activities for limited periods of time;

7 (H) Other activities, actions or conduct to promote the best interests of the public
8 and carry out the provision of the Pedestrian Mall Act.

9 The authority delegated herein shall be subject to the City's police power, the provisions of the
10 management agreement and the other provisions of this Chapter and shall not be construed in
11 derogation of the constitutional or statutory rights of any person.

12 **11.68A.080:** Upon proper application therefor, The Fremont Street Experience Limited Liability
13 Company shall issue permits authorizing the special permit vehicles to enter upon the Pedestrian Mall.
14 These permits shall be issued to the owners and occupants of property adjoining the Pedestrian Mall,
15 or their designees, whose property as a result of the adoption of the ordinance codified in this Chapter
16 does not have sufficient access thereto and therefrom for the delivery or pickup of merchandise and
17 materials, or for the improvement, maintenance or repair of such property. The permit will identify
18 the hours of each day that the special access vehicles will be granted access in accordance with the
19 plan submitted under Section 11.68A.120, and may be made effective for such period of time, not to
20 exceed one year, as may be requested by the applicant.

21 **11.68A.090:** (A) The Fremont Street Experience Limited Liability Company shall allow access
22 to pedestrians at all times along the entire length of Fremont Street in the Pedestrian Mall and along
23 the entire length of the other streets therein except as otherwise approved in accordance with Section
24 11.68A.120. This provision does not require that access along the entire length of the Pedestrian Mall
25 always be at the same location but does require that access along the entire length of the Pedestrian
26 Mall be allowed to pedestrians. For purposes of this Section, "pedestrian access" includes reasonable
27 access for disabled persons in wheelchairs and similar devices. As a prerequisite to closure of the
28 Pedestrian Mall, The Fremont Street Experience Limited Liability Company must obtain the review

1 and approval of the City's emergency service (police and fire) providers.

2 (B) Notwithstanding any other provision contained in Section 11.68A.070 and
3 Subsection (A) of this Section, The Fremont Street Experience Limited Liability Company shall
4 preserve and retain access for pedestrians to the businesses adjoining the Pedestrian Mall unless
5 consent to the denial thereof has been obtained from the affected businesses.

6 **11.68A.100:** The following are prohibited within the Pedestrian Mall:

7 (A) Animals unless used in connection with a mall activity authorized by The
8 Fremont Street Experience Limited Liability Company or used for the purpose of assisting the visually
9 or aurally impaired;

10 (B) Mall vending, mall advertising, mall entertainment special events or other
11 commercial activities unless conducted or authorized by The Fremont Street Experience Limited
12 Liability Company;

13 (C) Parades;

14 (D) Unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line
15 skates and shopping carts except as authorized by The Fremont Street Experience Limited Liability
16 Company in connection with special events and mall entertainment;

17 (E) Sleeping or camping;

18 (F) Littering;

19 (G) Sexually oriented businesses as described in Section 19.04.040 of the Las Vegas
20 Municipal Code;

21 (H) The placement of any table, rack, chair, box, cloth, stand, booth, container,
22 structure or other object within the Pedestrian Mall for purposes of solicitation, except as necessary
23 for emergency purposes, or the maintenance or repair of the Pedestrian Mall, or as authorized by The
24 Fremont Street Experience Limited Liability Company for special events, mall advertising, mall
25 entertainment or mall vending or other commercial and entertainment activities;

26 (I) Glass and metal beverage containers including, but not limited to, bottles, jugs,
27 drinking glasses, aluminum cans and steel cans, during the hours of ten a.m. to 11:59 p.m. on
28 December 31st, and the hours of twelve a.m. to eight a.m. on January 1st of each year;

1 (J) Feeding birds; and

2 (K) Solicitation, as defined in LVMC 10.44A.010.

3 **11.68A.110:** Notwithstanding the requirements set forth in other provisions of the Las Vegas
4 Municipal Code, The Fremont Street Experience Limited Liability Company shall be licensed with
5 a miscellaneous service license and pay a license fee according to its gross sales as provided in Section
6 6.04.050 of the Las Vegas Municipal Code. So long as such fee is paid, The Fremont Street
7 Experience Limited Liability Company is exempt from the following provisions:

8 (A) The permit fees, licensing requirements and prohibitions contained in Chapters
9 6.11, 6.19, 6.26, 6.28, 6.30, 6.32, 6.42, 6.54, 6.62, 6.73, 6.76, 6.78, 6.81, 6.84;

10 (B) With respect to special events, Sections 6.50.120 and 6.50.130, provided the
11 requirements of Section 6.50.440, 6.50.450 and 6.50.460 have been satisfied;

12 (C) The special use permit and site plan development review requirements of Title
13 19 that would otherwise apply;

14 (D) The special sign standards set forth in LVMC 19.06.100(C); and

15 (E) The off-site parking and loading requirements of LVMC Chapter 19.10 that
16 would otherwise apply.

17 The exemptions granted in this section apply to The Fremont Street Experience Limited Liability
18 Company and its employees in connection with the acquisition construction, improvement, operation,
19 management and maintenance of the Pedestrian Mall.

20 **11.68A.120:** (A) Prior to completion of construction of the Pedestrian Mall, The Fremont Street
21 Experience Limited Liability Company shall submit to the City Council for review and approval a plan
22 or plans which shall include the following:

23 (1) The architectural theme and design standards which are proposed to be
24 in effect for new exterior building improvements adjoining and facing the Pedestrian Mall and for the
25 mall floorscape lying therein;

26 (2) The time and days of operation of the celestial vault lightshow;

27 (3) The location of any traffic control devices (pedestrian or vehicular)
28 within the Pedestrian Mall;

1 (4) The manner in which access shall be preserved to businesses during the
2 occurrence of any special events requiring the closure of a portion of the Pedestrian Mall to the public
3 to the extent that such information can be provided as a part of the plan;

4 (5) The manner in which access will be assured into and onto the Pedestrian
5 Mall by emergency vehicles;

6 (6) The days and hours on which special permit vehicles will be allowed
7 access into and onto the Pedestrian Mall;

8 (7) The days and times in which Casino Center Boulevard or Fourth Street,
9 or both, may be closed to vehicular traffic for special events; and

10 (8) The manner and times in which a portion of the Pedestrian Mall may
11 be closed to pedestrian access for special events and other activities.

12 (B) For purposes of Subsection (A)(1) of this Section, the architectural theme and
13 design standards in effect for new exterior building improvements adjoining and facing the Pedestrian
14 Mall are contained in that document entitled, "Fremont Street Experience Design Criteria Manual,"
15 three copies of which shall be on file with the City Clerk. The requirements for Subsections (A)(2)
16 through (A)(8) of this Section shall be as set forth in that document entitled, "The Fremont Street
17 Experience Traffic and Pedestrian Safety Plan," three copies of which shall be on file with the City
18 Clerk. Subsequent to approval by the City Council, The Fremont Street Experience Limited Liability
19 Company shall be responsible for implementing and complying with these plans, and the construction
20 of new building exterior improvements adjoining or facing the Pedestrian Mall shall comply with the
21 architectural theme and design standards contained in the Fremont Street Experience Design Criteria
22 Manual.

23 (C) Any amendments proposed to these plans by The Fremont Street Experience
24 Limited Liability Company may be made with the approval of the City Manager; except, however, that
25 any amendment to the Fremont Street Design Criteria Manual shall require approval by the City
26 Council.

27 (D) Except with respect to site development plan review pursuant to LVMC
28 19.18.050, any approval given by The Fremont Street Experience Limited Liability Company shall

1 not relieve a property owner who intends to construct new exterior building improvements from
2 obtaining appropriate approvals and permits from the City which would be required regardless of any
3 review and approval by the Fremont Street Experience Limited Liability Company. Review and
4 approval of exterior building improvements by the Fremont Street Experience Limited Liability
5 Company shall relieve the property owner from compliance with the site development plan review
6 pursuant to LVMC 19.18.050; provided, however, that any owner aggrieved by the decision of The
7 Fremont Street Experience Limited Liability Company may seek a determination from the City by
8 means of the site development plan review pursuant to LVMC 19.18.050.

9 **11.68A.130:** Any person violating the provisions of Sections 11.68A.030, 11.68A.080 and
10 11.68A.100 shall be guilty of a misdemeanor.

11 SECTION 2: Nothing in this Ordinance is intended to repeal, replace, modify or
12 amend any other Chapters of the Las Vegas Municipal Code, including Chapters 10.44 or 11.68. All
13 other provisions of the Code shall remain in force and effect.

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

9 PASSED, ADOPTED and APPROVED this ____ day of _____, 2006.

10 APPROVED:

11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 _____
16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18 *Val Steed* 10-24-06
19 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2006, 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 ____, 2006, which was a ____ meeting of said Council; that at said
6 ____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

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14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2006-64
(Adopts a new Chapter 10.44A of the Municipal Code,
relating to the City's Pedestrian Mall)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-64, that will adopt a new Chapter 11.68A of the Municipal Code, relating to the City's Pedestrian Mall.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable. As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

Beneficial effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

Direct effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

Indirect effects:

As it pertains to businesses, the bill will either maintain the status quo or be more favorable to businesses.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: October 24, 2006

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

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 made by GARY REESE to Strike Item 56 [1616 South Las Vegas Boulevard]; WITHDRAW WITHOUT PREJUDICE Item 77 [ARC-13764]; TABLE Item 78 [SUP-13891], Item 79 [SUP-13897] and Item 80 [SDR-13899]; HOLD IN ABEYANCE Item 82 [SUP-15347], Item 98 [ZON-13896], Item 99 [VAR-13900], Item 100 [SUP-13902], Item 101 [SUP-13903], Item 102 [SDR-13904], Item 103 [ZON-15371], Item 104 [VAR-15373] and Item 105 [SDR-15375] to 11/15/2006; Item 64 [EOT-16956], Item 83 [RQR-15420], Item 92 [GPA-16201], Item 93 [ZON-16196], Item 94 [SUP-16198], Item 95 [SUP-16200], Item 96 [SDR-16197], Item 108 [VAR-16144] and Item 109 [SUP-16143] to 12/06/2006

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN REESE acknowledged the applicant's request to hold Item 84 and 85 in abeyance but because the items have been held in abeyance before, he opted to hear the items as scheduled.

BART ANDERSON, Public Works Department, clarified that it was staff who requested Items 98 through 102 be held in abeyance to 11/15/2006.

COUNCILMAN REESE observed the many people in attendance to hear Item 56 [1616 South Las Vegas Boulevard] and stated that although the item was stricken, it would return before Council at a later date for a show-cause hearing. All concerned constituents were invited to contact his office regarding the matter.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: METROPOLITAN POLICE

DIRECTOR: AREA COMMAND

☐ Consent ☒ Discussion

SUBJECT:

ABEYANCE ITEM - Hearing to review the conditions set by City Council regarding the Appeal to the Notice and Declaration of Chronic Nuisance located at 1616 S. Las Vegas Boulevard.

PROPERTY OWNERS: COOK LIVING TRUST - C/O BROOKS ROBYNE J TRUST - C/O N COOK - Ward 3 (Reese)

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a chronic nuisance as defined in Las Vegas Municipal Code, Title 9.04.010 and 9.040.020, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was mailed to the property owners to correct the nuisance per Title 9.04.010 and 9.040.020. Today's hearing is to review the conditions set by City Council at the August 16, 2006 meeting regarding the Appeal to the Notice and Declaration of Chronic Nuisance filed by Gary Logan, Esq., representing property owner Robyne Brooks and Brooks Center, property owner and responsible party. More specifically, the Council ordered that the property owner provide 24/7 armed, licensed and bonded security at the property as requested by Metro. To date, the property owner has failed to cooperate with Metro and provide the onsite security.

RECOMMENDATION:

That the City Council approve the Notice and Declaration of Chronic Nuisance.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Notice and Declaration of Chronic Nuisance
4. Appeal Letter from Appellant
5. Notification of Hearing Letter
6. Notice of Appeal
7. Verbatim Transcript from 8/16/2006 Council meeting
8. Notification of Hearing Letter

Motion made by GARY REESE to Strike Item 56 [1616 South Las Vegas Boulevard];
WITHDRAW WITHOUT PREJUDICE Item 77 [ARC-13764]; TABLE Item 78 [SUP-13891],
Item 79 [SUP-13897] and Item 80 [SDR-13899]; HOLD IN ABEYANCE Item 82 [SUP-15347],

CITY COUNCIL MEETING OF: NOVEMBER 01, 2006

Item 98 [ZON-13896], Item 99 [VAR-13900], Item 100 [SUP-13902], Item 101 [SUP-13903], Item 102 [SDR-13904], Item 103 [ZON-15371], Item 104 [VAR-15373] and Item 105 [SDR-15375] to 11/15/2006; Item 64 [EOT-16956], Item 83 [RQR-15420], Item 92 [GPA-16201], Item 93 [ZON-16196], Item 94 [SUP-16198], Item 95 [SUP-16200], Item 96 [SDR-16197], Item 108 [VAR-16144] and Item 109 [SUP-16143] to 12/06/2006

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 55 for related discussion.



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: Metropolitan Police

ITEM DESCRIPTION: ABEYANCE ITEM - Hearing to review the conditions set by the City Council regarding the Appeal to the Notice and Declaration of Chronic Nuisance located at 1616 S. Las Vegas Boulevard. PROPERTY OWNERS: COOK LIVING TRUST - C/O BROOKS ROBYNE J TRUST - C/O N COOK - Ward 3 (Reese)

The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9.04.010 and 9.040.020, dealing with nuisances.

A Notice and Declaration of Chronic Nuisance was sent to the property owners requesting they correct the nuisance per Title 9.

On April 13, 2006 an undercover police officer entered the Market located at 1616 S. Las Vegas Boulevard and bought narcotic paraphernalia from the employee working the cash register. He was arrested on a felony charge and over 400 items of narcotic paraphernalia were recovered and impounded as evidence. The area surrounding the property is the second highest for robberies and we believe that is due to the criminal behavior occurring inside the market by its employees. By illegally selling narcotic paraphernalia to the local drug dealers encourages drug users to loiter on the property and cause crime to increase. Several different officers have tried to work with the owner of the market to decrease the criminal activity occurring around and inside the business but we have received no cooperation. We are working very hard to try to improve the quality of life for all residents and business owners in this area but this is extremely hard when you find one business owner that will not cooperate. This will no longer be tolerated and therefore we suggest the following:

Today's hearing is to review the conditions set by City Council at the August 16, 2006 meeting regarding the Appeal for the Notice and Declaration of Chronic Nuisance filed by Gary Logan, Esq., representing property owner, Robyne Brooks and Brooks Center, property owner and responsible party. More specifically, the Council ordered that the property owner provide 24/7 armed, licensed and bonded security at the property as requested by Metro. To date, the property owner has failed to cooperate with Metro and provide the onsite security.

1510
1512
APT. 1500
TO 17

S CASINO CENTER BLVD

HOTEL
1511-1515
1521
1500 MOTEL
201

REST. 1515
HOTEL
REST.
1508
BAR
1510-16

S LAS VEGAS BLVD

1519
-1441
PARK
SOB

TELE
ANT
REST

E WYOMING AVE
SHOPS 110-160
1600
LIQU. 110-150
1616

REST
1601-15
REST.
1619
MINI MART
REST

MARKET
505

E OAKLEY BLVD

RUG
1701-05
MINI
1701

520
OFF.
528
OFF.
1700
4
1704



To: Robin Brooks

BILL
YOUNG,
Sheriff

Las Vegas Metropolitan Police
Department
400 Stewart Avenue
Las Vegas, Nevada 89101-2984
(702) 795-3111

NOTICE AND DECLARATION OF CHRONIC NUISANCE

In Response
Please Reply To:
Officer Minoletti
Officer Fricker
Phone#229-8360
Dated 5-01-06

PLEASE TAKE NOTICE that on 04-13-06, the following conduct occurred on the premises commonly known as 1616 S. Las Vegas Blvd:

On April 13, 2006 an undercover police officer entered the Market located at 1616 S. LV BLVD and bought narcotic paraphernalia from the employee working the cash register. He was arrested on a felony charge and over 400 items of narcotic paraphernalia were recovered and impounded as evidence. The area surrounding your property is the second highest for robberies and we believe that is due to the criminal behavior occurring inside the market by its employees. By illegally selling narcotic paraphernalia to the local drug dealers only encourages drug users to enter on your property and cause crime to increase. Several different officers have tried to work with the owner of the market to decrease the criminal activity occurring around and inside the business but we have received no cooperation. We are working very hard to try to improve the quality of life for all residents and business owners in this area but this is extremely hard when you find one business owner that will not cooperate. This will no longer be tolerated and therefore we suggest the following:

- Termination of the lease that you currently have with the owner of the market located at 1616 S. Las Vegas Blvd.

This conduct constitutes a Chronic Nuisance as defined by Las Vegas Municipal Code 9.04.010. Pursuant to Las Vegas Municipal Code 9.040.020, every person who causes or maintains a public nuisance or chronic nuisance, or who wilfully omits or refuses to perform any legal duty relating to the abatement of such a nuisance.

- (1) Shall be guilty of a misdemeanor; or
- (2) Shall be liable civilly to the City and, upon such finding based upon substantial evidence, shall be responsible to pay civil penalties of not more than five hundred dollars per day for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation.
- (3) Each day that a violation of this Section continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings.





BILL
YOUNG,
Sheriff

Las Vegas Metropolitan Police
Department
400 Stewart Avenue
Las Vegas, Nevada 89101-2984
(702) 795-3111

REQUEST FOR ABATEMENT

YOU ARE HEREBY requested to take any and all steps necessary to abate the above nuisance IMMEDIATELY. You have until 05-16-05 to correct and abate this nuisance. I can assist you with suggestions and alternatives that may help in abating this nuisance. Please contact me upon receipt of this notice so that the appropriate corrective actions can begin. Failure to abate this nuisance will result in the implementation of any and all remedial measures available to the City of Las Vegas under Title 9 of the Las Vegas Municipal Code, including civil fines and criminal prosecution. If you wish to appeal this notice, see Las Vegas Municipal Code 9.04.070, attached hereto.

A handwritten signature in black ink, appearing to read "G. Minoletti", written over a horizontal line.

Officer Giovanni Minoletti

cc Councilwoman Lois Tarkanian
City Attorney





Las Vegas Metropolitan Police
Department
400 Stewart Avenue
Las Vegas, Nevada 89101-2984
(702) 795-3111

BILL
YOUNG,
Sheriff

9.04.070 Appeal procedures.

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. Any 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.



Gerry Logan
Attorney at Law

RICHARD I. FEINBERG, M.D., J.D.
OF COUNSEL

Bank of America Plaza
Suite 701
300 S. Fourth Street
Las Vegas, Nevada 89101

(702) 386-9900
FAX: (702) 382-4800

May 11, 2006

375-9997

(15.28 July 06)

City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

Re: Notice and Declaration of Chronic Nuisance and
Request for Abatement
1616 South Las Vegas Boulevard
Brooks Center, a Nevada General Partnership

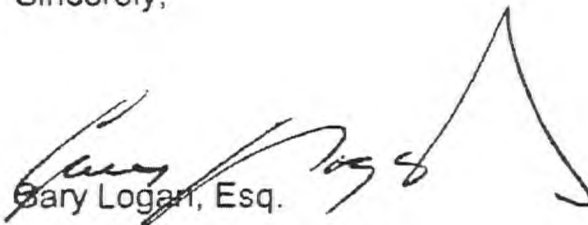
Dear City Clerk:

Be advised that this office represents Robyne Brooks and Brooks Center, a Nevada General Partnership, the record titleholder of the above-mentioned property.

A Notice and Declaration of Chronic Nuisance and Request for Abatement was issued by Officer Giovanni Minoletti on May 1, 2006 to Brooks Center, a Nevada General Partnership, copies of which are attached hereto.

Pursuant to Las Vegas Municipal Code 9.04.070 this letter shall serve as our appeal of said Notice.

Sincerely,


Gerry Logan, Esq.

GL/h

2006 MAY 11 P 12:11

RECEIVED
CITY CLERK

October 19, 2006

Certified/Regular Mail
Return Receipt Requested

Cook Living Trust
Brooks Robyne J. Trust
c/o N. Cook
13701 Sunset Blvd
Pacific Palisades, CA 90272-4021

RE: 1616 S. Las Vegas Boulevard

Dear Property Owner:

At the City Council meeting held on August 16, 2006, Agenda Item #84 was approved subject to conditions. Due to the non-compliance of the conditions set by council, a review hearing is scheduled on October 18, 2006. This will be a review of the conditions to provide 27/7 armed, licensed and bonded security at the property as requested by Metro. To date, the property owner has failed to cooperate with Metro and provide the onsite security.

If you have any questions concerning this hearing or procedure, please contact SGT Damian Walburn or Daniel A. Still, in the City Attorney's Office.

Sincerely,



Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:jl



August 7, 2006

CERTIFIED & REGULAR MAIL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
TEVE WOLFSON
JOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

Gary Logan, Esq.
Bank of America Plaza
300 S. Fourth Street, Suite 701
Las Vegas, Nevada 89101

Re: Appeal of the Notice and Declaration of Chronic Nuisance for property located at
1616 South Las Vegas Boulevard

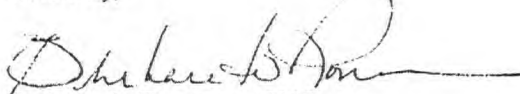
Dear Mr. Logan:

You are hereby notified on behalf of Robyne Brooks and Brooks Center that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 16th day of August 2006, at the hour of 1:00 p.m. This hearing is in response to the Notice of Appeal received by the Las Vegas City Clerk on May 11, 2006, requesting the same, concerning the Notice and Declaration of Chronic Nuisance for property located at 1616 South Las Vegas Boulevard.

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.

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: Stephen Harsin, Director, Neighborhood Services
Devin Smith, Manager, Neighborhood Response
Dan Still, Deputy City Attorney
Jeanne Maust, Ward 1 Liaison

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1616 S. Las Vegas Boulevard. PROPERTY OWNERS: COOK LIVING TRUST – C/O BROOKS ROBYNE J TRUST – C/O N COOK – Ward 1 (Tarkanian) [NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese)]

Appearance List:

OSCAR GOODMAN, Mayor

GARY LOGAN, Attorney

GARY REESE, Councilman

DAN STILL, Deputy City Attorney

DAMIAN WALBURN, Sergeant, Las Vegas Metropolitan Police Department, Downtown Area Command

ROBYNE BROOKS, Owner

GIOVANI MINOLETTI, Las Vegas Metropolitan Police Department

JOAN BAJORQUES, Vegas Adventures Weddings

STEVE HOUSER, Eileen's Formal Wear

KARI HOUSER, Eileen's Formal Wear

JIM DiFIORE, Manager of Business Services

STEVEN D. ROSS, Councilman

LOIS TARKANIAN, Councilwoman

(1:09 – 1:51)

50 minutes

Typed by: Angela Crolli

Proofed by: Carmel Viado

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

28 **MAYOR GOODMAN**

29 Okay. Eighty-four is a hearing to consider the appeal regarding the Notice and Declaration of
30 Chronic Nuisance located at 1616 South Las Vegas Boulevard. The property owners are Cook
31 Living Trust, Care Of Brooks Robyne J. Trust, Care of N. Cook. This is in Ward 1. As of
32 August 6th, this item is located in Ward 3. So, it's in Ward 3 and the recommendation is that the
33 City Council approve the Notice and Declaration of Chronic Nuisance.
34 Is anybody here on behalf of the –

35

36 **GARY LOGAN**

37 Yes, Your Honor.

38

39 **MAYOR GOODMAN**

40 – City?

41

42 **GARY REESE**

43 Who from the City is going to be handling it?

44

45 **MAYOR GOODMAN**

46 Mr. Still?

47

48 **DAN STILL**

49 Your Honor, Metro will make the presentation.

50

51 **MAYOR GOODMAN**

52 Oh, they are?

53

54 **DAN STILL**

55 Yes.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

56 **MAYOR GOODMAN**

57 All right. Fine. Yes, Sir.

58

59 **DAMIAN WALBURN**

60 Thank you, Sir. Like to start –

61

62 **MAYOR GOODMAN**

63 Please state your name for the record, please.

64

65 **DAMIAN WALBURN**

66 Sergeant Damian Walburn, Downtown Area Command, COP Sergeant. I'd like to first start out
67 by explaining why we're here. We're actually here because of the chronic nuisance letter. We're
68 going hand out several booklets for the Council so you can follow along with the presentation
69 that we're gonna to make.

70

71 **MAROR GOODMAN**

72 Very good. Mr. Logan have a copy?

73

74 **GARY LOGAN**

75 I just received one, Your Honor.

76

77 **MAYOR GOODMAN**

78 All right. Very good.

79

80 **GARY LOGAN**

81 So, obviously, I haven't had an opportunity to go through it.

82

83 **MAYOR GOODMAN**

84 Right.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

85 **GARY LOGAN**

86 So, way beyond the basis of that alone we should move to continue this.

87

88 **MAYOR GOODMAN**

89 Well, I haven't seen it either, so we're sort of even.

90

91 **DAMIAN WALBURN**

92 You can actually follow along with it chronologically. We're actually gonna to have boards up.

93

94 **GARY LOGAN**

95 Well, for the record, Your Honor, we'll ask for a continuance.

96

97 **MAYOR GOODMAN**

98 Okay. Would you please state your names for the record.

99

100 **GARY LOGAN**

101 Gary Logan, Attorney at Law, representing the – Brooks Trust and the Cook Trust.

102

103 **MAYOR GOODMAN**

104 All right then.

105

106 **ROBYNE BROOKS**

107 And I'm Robyne Brooks.

108

109 **MAYOR GOODMAN**

110 Very good. Yes, Sir.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

111 **DAMIAN WALBURN**

112 Thank you, Mayor. The Chronic Nuisance letter was sent Certified Mail to respective owners of
113 problematic properties. This is done to hold them accountable for impropriety by their tenants.
114 Community oriented policing has been sending Chronic Nuisance letters out for over two and a
115 half yeas. In over seventy certified letters that have been sent by our Chronic Nuisance detail,
116 this is the first Chronic Nuisance appeal. To this point we have managed to meet with both
117 management teams and owners to abate any problem and establish a working relationship.

118 How this project started at 1616 Boulevard South. In April 2006 a patrol sergeant conducted a
119 designated patrol activity in the area of Oakey and the Boulevard South. The patrol sergeant
120 advised me that he conducted an arrest on a subject for narcotics paraphernalia. The subject
121 advised the sergeant that the contraband was purchased at the Oakey Discount Market located at
122 1616 the Boulevard South, which we actually have pictured here. This is the front west and the
123 side view of the store and this is the rear side view and southwest side of the store. The picture
124 that we have here is a Nevada driver's license. This is actually the tenant and business owner at
125 the Oakey Discount Market.

126 Furthermore, at this location, is a common place to buy glass roses and brillo pads. Both these
127 items, collectibly (sic) are commonly used to smoke crack cocaine. The subject advised the
128 sergeant that the contraband is kept behind the counter and that you have to ask for it. This
129 information was then given to the, my community oriented policing officers.

130 On four thirteen two thousand and six, both COP and special investigation section, conducted an
131 undercover narcotics paraphernalia buy at the Discount Market, at 1616 the Boulevard South,
132 specifically the Oakey Discount Market. Mulugeta Bour, also known as Tony Bour, who is also
133 pictured in the driver's license as a tenant there –

134

135 **MAYOR GOODMAN**

136 May I ask Sergeant, if Mr. Bour is here today?

137

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

137 **DAMIAN WALBURN**

138 Let me check, please. Bour here? Yes, Sir. He is.

139

140 **MAYOR GOODMAN**

141 Okay. All right. Fine.

142

143 **DAMIAN WALBURN**

144 Tony Bour is behind the counter and the only employee at the store at the time. The undercover
145 officer asked Mr. Bour for a "setup", which is used for the illegal introduction of a scheduled one
146 narcotic into the human body. The officer paid three dollars and fifty cents and received one
147 brillo pad and a glass rose inside a paper bag. Seized from the property on that date was three
148 hundred and nineteen glass roses, also used for smoking pipes, a hundred and forty eight brillos
149 used to filter cocaine, one sign, as viewed in the board, as advertisement, that I'll show you, and
150 one brown paper bag.

151 Mr. Bour was arrested for the following sale of narcotics paraphernalia. He was also cited by
152 special investigations section for having an expired health permit. The permit had actually
153 expired on six thirty of 05, the year before. Tony Bour felony arraignment in front of Judge
154 Mosley currently is scheduled for August 24th two thousand and six for arraignment at this time.

155

156 **MAYOR GOODMAN**

157 When did the arrest take place?

158

159 **DAMIAN WALBURN**

160 On the same day that I read you, which is the 13th.

161

162 **MAYOR GOODMAN**

163 Of what?

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

164 **DAMIAN WALBURN**

165 April.

166

167 **MAYOR GOODMAN**

168 Was he taken into custody.

169

170 **DAMIAN WALBURN**

171 Yes, Sir. He was arrested for a felony.

72

173 **MAYOR GOODMAN**

174 And then released on bail?

175

176 **DAMIAN WALBURN**

177 Released on bail?

178

179 **GIOVANI MINOLETTI**

180 Yeah.

181

182 **DAMIAN WALBURN**

183 Yes, Sir.

184

185 **MAYOR GOODMAN**

186 Thank you.

187

188 **DAMIAN WALBURN**

189 Also of note and importance, Mr. Bour stated on April 25th of two thousand and six, to Officer
190 Minoletti, who's standing behind me, that he profits between a thousand and twelve hundred
191 dollars cash net each and every month.

192

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

192 **MAYOR GOODMAN**

193 From the sales of these items?

194

195 **DAMAIN WALBURN**

196 Yes, Sir.

197

198 **MAYOR GOODMAN**

199 All right.

200

201 **DAMIAN WALBURN**

202 Efforts and correspondence with the owner, who's standing to my left, Mrs. Brooks, and also
203 with her legal advisor, Mr. Logan. On April 27th of two thousand and six, the Chronic Nuisance
204 Detail had a twenty-minute conversation with the owner, Robyne Brooks regarding the culpable
205 actions by Tony Bour and his felony arrest. The officer discussed terminating the lease from Mr.
206 Bour. On May 1st two thousand and six, the Chronic Nuisance Detail sent a Certified Chronic
207 Nuisance letter to Robyne Brooks. On May 15th of two thousand and six, the Chronic Nuisance
208 Detail spoke with Gary Logan, her legal advisor, to my left, and Mrs. Brooks legal advisor and
209 advised us that they would be appealing the process. At the end of May Robyne spoke with the
210 Chronic Nuisance Detail and told Officer Minoletti, standing behind me, that Tony's case had
211 been dropped. The reason for this is they were not going to do anything against Mr. Bour
212 because Mr. Bour had told them that his case was dropped from a felony to a misdemeanor.

213 On June 22nd –

214

215 **MAYOR GOODMAN**

216 Is there any – evidence which would support that?

217

218 **DAMIAN WALBURN**

219 There is evidence, Sir. We actually have correspondence with one of the City Attorneys in the

**CITY COUNCIL MEETING OF
August 16, 2006**

VERBATIM TRANSCRIPT – ITEM 84

220 Criminal Division who confirmed that, in fact, it is going in for the 24th in front of Judge
221 Mosley.

222

223 **MAYOR GOODMAN**

224 For a felony?

225

226 **DAMIAN WALBURN**

227 As a felony.

228

229 **MAYOR GOODMAN**

230 As a felony.

231

232 **DAMIAN WALBURN**

233 Yes, Sir.

234

235 **MAYOR GOODMAN**

236 All right.

237

238 **DAMIAN WALBURN**

239 On June 22nd two thousand and six, Ms. Brooks, Gary Logan, my COP detail, the City Attorney,
240 Dan Still, and Business Licensing, Jim Rickett, met with both parties to come up with a positive
241 solution to collectively abate the problem. Case in point, we're going to need a appeal process
242 today.

243 Talk a little bit about the character history of Mr. Bour, and I'm going to refer to the boards on
244 this. On this one here, this actually shows the health permit and it's dated back for date expired
245 on six thirty of 05; however, on the 13th he was cited for no health permit; shows almost a one-
246 year lapse in that.

247 Let's flip to the other board. If you look here, there's a picture in the middle, and this is actually
248 narcotics paraphernalia. There's brillos, which are used to filter the crack cocaine and when

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

249 they're put inside, they have a smoking pipe. Some various smoking pipes are pens. There's
250 actually pipes that you can buy and also glasses. The one here in the middle is a glass pipe. This
251 is actually what the roses came in and what Mr. Bour was selling behind the counter.
252 If you go to the, actually keep it here. If you look here, these are Nevada business registration
253 forms. The first one on the top is dated May 2nd of two thousand and two, and this is actually for
254 his second property, at 113 North 4th Street and the second one at the bottom is dated on January
255 22nd of two thousand and three, for the property at 1616 Boulevard South.

256

257 **MAYOR GOODMAN**

258 (Inaudible)

259

260 **DAMIAN WALBURN**

261 The reason that I put the picture here with the Nevada business registration forms is the fact that
262 when a person goes in and registers for a business license, he or she is shown this
263 picture. They're also taught and given a video, as well as a five-minute introduction by the clerk
264 at the window that these are the types of contraband items that should not be sold to the public.

265 Go to the next picture. Let's talk about this. This next picture here is what I called over the
266 counter. If you look over to the register here, it's got a sign: "if you don't see what you want,
267 please ask for it". That's actually right over the register. As you look down inside the register
268 here, he's got brillos and glass pipes that are actually inside the drawer. He just opens up the
269 drawer till, where you would keep money, pulls out the glass pipes.

270 Here we have boxes of Chore Boys, which are also brillo pads consistently used to filter the
271 cocaine, and then another case of roses. And the pictures here, on the bottom, are pictures, that
272 are right behind the counter, where it shows where he has his stuff packaged, and then the look
273 inside the bag you can see he has Chore Boys inside the bag as well.

274

275 **MAYOR GOODMAN**

276 I think the record should reflect that, at least some of the Councilmembers, have had ourselves
277 educated, and some of the new Councilmembers may not be as educated as perhaps Councilman

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

278 Reese, Councilman Brown, myself and Councilman Weekly, who addressed these issues several
279 years ago, particularly on the west side. And we took a very hard stance that anybody who is
280 engaging in the sale of these kind of items, is definitely engaging in the sale of narcotics
281 paraphernalia. And perhaps, so I see Councilman Ross, I don't think he's ever taken crack
282 cocaine. I'm don't know whether you take crack cocaine or you inject, I don't know the right
283 phrase, but I'm sure you've had very little dealings with crack cocaine as has Councilwoman
284 Tarkanian. Why don't you tell 'em how these are used so that the public can be educated, as well
285 as my Council.

286
287 **DAMIAN WALBURN**
288 Sir, I'm glad you asked. And actually on this board here, this is actually, we start here at the top
289 with the –

290
291 **MAYOR GOODMAN**
292 I'm wondering whether you can put it down –

293
294 **DAMIAN WALBURN**
295 Absolutely.

296
297 **MAYOR GOODMAN**
298 – so we can have the overhead because I think this is an important lesson. What appears to be,
299 and this is what confused me, when I first began to consider these kind of items, everything
300 seemed to be legal, and you know, legit, but when purchased and mixed together, it definitely is
301 a vehicle to ingest crack cocaine. Are we able to see it on the overhead?

302
303 **DAMAIN WALBURN**
304 No, Sir.

305

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

305 **MAYOR GOODMAN**

306 No. Okay. All right. Well, we tried. Is it on? Okay. Good. Yes, we are.

307

308 **DAMIAN WALBURN**

309 I'm actually gonna try and move this around just a little bit.

310

311 **MAYOR GOODMAN**

312 Good. All right.

313

314 **DAMIAN WALBURN**

315 If you look at the top, I have it titled "Advertisement". You see a sign that is attached to the
316 cigarette advertisement over the register. It says, "If you don't see what you want, please ask for
317 it". If you add that sign with advertisement with the next picture, we actually have the Chore
318 Boy filters with the next picture, which actually is the glass roses. This is what you get on the
319 bottom. It's also called the "setup" which is what he was selling it for. It comes in a paper bag.
320 You get a Chore Boy and a glass. When you take some of the filter out and you put it inside the
321 glass pipe and you have to break the end off of it, a person who's co-dependant on crack cocaine
322 will actually put the crack cocaine inside the glass and smoke it with a lighter or a match and it'll
323 heat and filter it up and through. And that's how it's used, Sir.

324 Next I'd like to show some forms that come from both taxation in the State of Nevada and also
325 through City Business Licensing. On the top here, we have a form where it actually shows in the
326 year two thousand and two on, dated August 15th, pre-agent inspection by Agent D. Outland
327 with Business Licensing, found behind the counter mini baggies, Chore Boys and blunt wrappers
328 at his other address.

329 Second there's a letter here from Jim DiFiore, who's present today, in Council, and this is in
330 regards to 1616 South Las Vegas Boulevard, where the City warns Mr. Bour because he was
331 taking beers out of six-packs cans and selling them individually in which is also against Nevada
332 Revised Statute.

333 On the bottom here, I have a picture and what you'll see there is a bucket and next to that you'll

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

334 see an open pack of cigarettes and next to that you see individual cigarettes. It's illegal to sell
335 those separately; however, he was caught doing that and those items seized on the same date of
336 arrest on April 13th.

337

338 **MAYOR GOODMAN**

339 And how do individual cigarettes play into the smoking of crack cocaine?

340

341 **DAMIAN WALBURN**

342 Well, just the impropriety alone shows his character and his behavior on what he's actually
343 willing to do to make a dollar.

344

345 **MAYOR GOODMAN**

346 Okay, but it doesn't have any relevance as far as the crack.

347

348 **DAMIAN WALBURN**

349 No, Sir

350

351 **MAYOR GOODMAN**

352 Okay.

353

354 **DAMIAN WALBURN**

355 And to the left of that, I actually have a form, which was a follow up done by taxation where he
356 was warned again for improprieties on his property. Thank you.

357 The – other thing that I'd like to talk about is the timeline in the County and City hours that have
358 been invested to this point. For total person hours, in our unit, and this is combined with SIB,
359 we have a hundred and twenty-nine hours. Total hours with the City of Las Vegas, Business
360 Licensing, Code Enforcement, Las Vegas Fire, taxation and gaming, we have a total of a
361 hundred and forty-eight hours from the time this thing was walked down the hall by the patrol
362 sergeant to where we stand vested here in the Council.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

363 I had talked to communications earlier and I also have a video that I'd like to queue up. It's
364 about three minutes when Mr. Bour was actually in this Council here today, two weeks after he
365 was arrested on a felony crime, and three respected persons of the Board here had asked him if
366 he's had any improprieties at the same address that's in question now. And I'd like to play that
367 up, if we might.

368

369 **MAYOR GOODMAN**

370 I wish you wouldn't play it, and I'll tell you why, okay?

371

372 **DAMIAN WALBURN**

373 Yes, Sir.

374

375 **MAYOR GOODMAN**

376 I'm gonna let you play it, but I'll tell you why I wish you wouldn't play it, 'cause I'm hot.

377

378 **DAMIAN WALBURN**

379 Yes, Sir.

380

381 **MAYOR GOODMAN**

382 I'm really hot at Mr. Bour. He stood before us and let me say nice things about him because I
383 used to walk past the establishment where he worked on Fourth Street and would say good
384 morning to him, and I thought that he was decent person. And he let me say nice things about
385 him when he knew that he's not a nice person, and I'm angry at him, I want you to know that.
386 So, let – let's see it.

387

388 **DAMIAN WALBURN**

389 This isn't the video.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

390 **MAYOR GOODMAN**

391 No, that's, this is, that looked like Henderson. Are they, queuing the next video?

392

393 **DAMIAN WALBURN**

394 Believe so, Sir. It should have been queued up and right on par, three minutes and, I think, 25
395 seconds.

396

397 **MAYOR GOODMAN**

398 Okay. If there's a problem in the back there, please let us know.

399

400 **DAMIAN WALBURN**

401 It's on its way. The tape is on its way.

402

403 **MAYOR GOODMAN**

404 Here we go. Is there a (sic) audio as well? Is there sound to it?

405

406 **DAMIAN WALBURN**

407 Yes, Sir. There's audio and video. Yes, Sir.

408

409 **MAYOR GOODMAN**

410 Okay.

411

412 **(VIDEO FROM PLANNING COMMISSION MEETING SHOWN)**

413

414 **MAYOR GOODMAN**

415 This is – before the Planning Commission.

416

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

416 **(VIDEO FROM PLANNING COMMISSION MEETING SHOWN)**

417

418 **MAYOR GOODMAN**

419 Excuse me, Sergeant, is (inaudible). That's April 27th, is that before or after he was arrested?

420

421 **DAMIAN WALBURN**

422 This is two weeks after he was arrested on a felony, Mayor.

423

424 **MAYOR GOODMAN**

425 Right, didn't have any problems at 1616, right?

426

427 **DAMIAN WALBURN**

428 No problems, Sir.

429

430 **MAYOR GOODMAN**

431 Okay.

432

433 **(VIDEO FROM PLANNING COMMISSION MEETING SHOWN)**

434

435 **MAYOR GOODMAN**

436 Thank you.

437

438 **DAMIAN WALBURN**

439 That's the end of the video, Mayor.

440

441 **MAYOR GOODMAN**

442 Right –

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

443 **DAMIAN WALBURN**

444 And –

445

446 **MAYOR GOODMAN**

447 – that was not before the Council, that was before the Planning Commission.

448

449 **DAMIAN WALBURN**

450 Yes, Sir – In my, in conclusion, I want to make something perfectly clear, we're not looking for
451 any – civil penalties against Mrs. Brooks. In closing I'd like to set two goals and respectfully
452 request for that. One of the two goals is the revocation of Mr. Bour's business license, short time
453 goal, and I believe a solution, at least, until a revocation can be set forth, if it was granted, is that
454 they only be required to provide 24-hour, seven-day-a-week vetted by LVMPD security, which
455 is our license and bonded and being cleared through us before those persons be posted. And
456 there's also some witnesses in the audience. They're here to testify against the property at 1616
457 Boulevard South, Mayor.

458

459 **MAYOR GOODMAN**

460 All right. Fine. Do you want those people address us and then we can hear from Mr. Logan?

461

462 **DAMIAN WALBURN**

463 Yes, Sir. If I may add, I'd like to call Joann and Glen up front, please, from Vegas Adventures
464 Weddings.

465

466 **MAYOR GOODMAN**

467 All right. When you come up, please, give us your name and address.

468

469 **JOAN BAJORQUES**

470 Good morning, good afternoon, Mayor. I'm Joan Bajorques. We have just come up into getting
471 the wedding chapel, which is on the north side of the strip mall, and just as of yesterday, we

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

472 received a temporary occupancy pending a couple things getting done. So, we're, we are ready to
473 almost open up. During this period of time where we've been under the renovations, we have so
474 many people hanging out in our parking lot. The single bags with single sold, something,
475 alcohol, whatever. The gutter's completely lined with trash. They sit on the parking bumpers in
476 front of our store. They hang out by our door; put their feet up on the wall. I'm concerned
477 because they open up the door. We're gonna to be open into the evening. My wedding
478 coordinator is petrified. I'm afraid.

479 So, all of this trash that keeps coming through by our front door; there's urine. Our customers
480 then go right around the corner to Eileen's Formal Wear. This is daytime: puddles of urine,
481 boxes of trash, garbage everywhere. At night the problems are gonna get worse. Eileen's closes
482 before, we are going to be open late into the evening. I fear for myself. My wedding coordinator
483 and I have discussed bringing our dogs. How many wedding chapels have to have dogs inside so
484 women working there, trying to make a living, are gonna feel comfortable. Our windows get
485 washed; they're just gonna come pee on the windows. This is a beautiful, we have spent so much
486 money getting the renovations inside and now from the outside we have a constant flow of bums,
487 trash, bottles, obviously single bottles in brown paper bags and they're doing this so I'm
488 assuming it's drinkable alcohol.

489 And I'm just appalled at the fact that now that we've committed, we're in there, that we have this
490 issue that we spending so much money a month on lease and what is it gonna look like when
491 people who are in wedding gowns trudging through a bunch of puddles of urine and kicking
492 boxes of trash? I'm just extremely concerned. I'm, here we spent all the money, we're already in
493 there, we're committed to a three-year lease.

494

495 **MAYOR GOODMAN**

496 I appreciate it. I understand what you're saying.

497

498 **JOAN BAJORQUES**

499 Okay.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

500 **MAYOR GOODMAN**

501 Right. The one thing, I'm not going to joke about this and I understand this is a serious issue. It
502 is, but we appreciate it.

503

504 **JOAN BAJORQUES**

505 Thank you.

506

507 **MAYOR GOODMAN**

08 All right.

509

510 **JOAN BAJORQUES**

511 I know that someone from Eileen's right next door to us –

512

513 **MAYOR GOODMAN**

514 Sure.

515

516 **JOAN BAJORQUES**

517 – was gonna also speak.

518

519 **MAYOR GOODMAN**

520 Be happy to hear from them.

521

522 **JOAN BAJORQUES**

523 Okay.

524

525 **STEVE HOUSER**

526 Steve Houser from Eileen's.

527

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

527 **KARI HOUSER**

528 Hi, I'm Kari Houser from Eileen's.

529

530 **MAYOR GOODMAN**

531 Be happy to hear from you, folks.

532

533 **STEVE HOUSER**

534 We've been here before.

535

536 **MAYOR GOODMAN**

537 Yes.

538

539 **STEVE HOUSER**

540 We moved here about October of last year. We went through the 702 rule problem, which we
541 have more problems there. The problem we've really had, we'd come in contact with and I –
542 never had a problem with Tony personally. I, the problem we're having with all the bums and not
543 just the urine and the poop and the throwing up. We've had bums pass out, and my wife will tell
544 'cause I'm not there at night, she's the one closing, but they pass out in the front door. I, in the
545 morning I have to go out and clean up the pee off the front door 'cause you can't walk through
546 the place, with this heat it's just – In the back of the store there's these needles and condoms; it's
547 gross.

548

549 **MAYOR GOODMAN**

550 Okay, it sounds like Circle Park.

551

552 **STEVE HOUSER**

553 It's – even worse sometimes and –

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

554 **MAYOR GOODMAN**

555 Okay, but I mean, that's what we're up against and that's why we are going to do something as a
556 Council when it comes to these kind of issues. We passed an ord, we didn't pass the new
557 ordinance? I guess we had the first reading of the ordinance this morning on public urination and
558 defecation, and we're gonna enforce it. This is like deja vu all over again. What you're talking
559 about is the same kind of conduct that makes it uninhabitable and unenjoyable to have a quality
560 of life in this part of town, and we're just not going to tolerate it.

561

562 **STEVE HOUSER**

563 Well, we've had our business downtown for 15 years. This is the worst and – it's hurting our
564 business.

565

566 **MAYOR GOODMAN**

567 Okay, we appreciate it. We understand where you're coming from.

568

569 **COUNCILMAN REESE**

570 (Inaudible)

571

572 **MAYOR GOODMAN**

573 We will. It's that it, Sergeant?

574

575 **DAMIAN WALBURN**

576 Yes, Mayor. Thank you.

577

578 **MAYOR GOODMAN**

579 All right. Very good. Mr. Logan?

580

581 **GARY LOGAN**

582 Thank you, Your Honor.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

583 **ROBYNE BROOKS**

584 May I respond?

585

586 **GARY LOGAN**

587 I'll let Mrs. Brooks.

588

589 **ROBYNE BROOKS**

590 Let me respond that only yesterday did my two tenants call me and tell me of the issues. Never
591 before did they address it to me, but they did tell me they were going to come down and speak
592 today, so I was prepared. My question to them was, why hadn't you told me? And on another
593 defense, we do have a maintenance man that does go down and pick up stuff. He's down there
594 once a week painting out the graffiti. The graffiti is terrible. So, we – are aware of that and we
595 have been trying to address it. I was not aware of the urination issue as bad as it was until today.
596 Over the last two years, Mayor, we have put two hundred and fifty thousand dollars into that
597 building. It used to be a Warehouse Records. When Warehouse went out and filed BK, before we
598 could open up and divide it up because they had leased basically the entire building, before we
599 could open it up because of the codes in the City, we spent over two hundred and fifty thousand
600 dollars bringing that up to code now, and obviously I want to maintain it. It's a nice income
601 string for my family. I want to maintain it as well as I can.

602

603 **MAYOR GOODMAN**

604 Sure. Excuse me one second.

605

606 **ROBYNE BROOKS**

607 Please.

608

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

608 **MAYOR GOODMAN**

609 All right. Mr. Logan.

610

611 **GARY LOGAN**

612 Your Honor, the one thing that Metro failed to advise the Council of, is the fact that I had a
613 discussion with a member of the City Attorney's Office as a result of a request from Metro for
614 my client to terminate the lease. My client doesn't have a right under the terms of the lease to
615 terminate it. There is no clause in the lease which gives her that right. And I said to Metro at this
16 meeting they referred to, which I believe was in April, move to revoke his license.

617

618 **MAYOR GOODMAN**

619 Okay. Well, I think we're all in the same page, Mr. Logan, to be quite frank with you. I –

620

621 **GARY LOGAN**

622 And for the first time, may I interrupt you, Your Honor?

623

624 **MAYOR GOODMAN**

625 Sure.

626

627 **GARY LOGAN**

628 Today is the first time I learned –

629

630 **MAYOR GOODMAN**

631 My wife does, why can't you?

632

633 **GARY LOGAN**

634 – today is the first time that I learned that the former establishment had its license revoked for
635 the same activity.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

636 **MAYOR GOODMAN**

637 Okay, well. I think based on the recommendation of Metro, I think that this can be resolved. I
638 think that your tenants can have a degree of comfort if, in fact, you're able to get that 24-hour
639 security there, if you have no problem with that.

640

641 **COUNCILMAN REESE**

642 Can I –

643

644 **MAYOR GOODMAN**

645 Sure, certainly Mayor Pro Tem, it's in your Ward.

646

647 **COUNCILMAN REESE**

648 Can I have Mr. DiFiore come up, please? Your Honor, with your permission, I would like to ask
649 Mr. DiFiore if – he's heard enough evidence today, does he think we can have this brought
650 forward at a later date for revocation of this license?

651

652 **JIM DiFIORE**

653 Absolutely. I think with the history of the activity that's gone on at this business, with this being
654 the top of the mountain of problems that we've had there, I think this is grounds for disciplinary
655 action at a – later date.

656

657 **COUNCILMAN REESE**

658 Okay. And I – guess to me, I would just put the building owner on notice, as far as I feel that, at
659 this location because the past history and I was aware of the history before, that has been going
660 on there, the revocation of the license before, that at this location I'm not gonna support more
661 alcohol sales at this location. So, if you – go to lease or for whatever reason, alcohol will not be
662 included in it. And that's as far as, that's me personally how I feel. I feel this – neighborhood has
663 to be cleaned up and this is a, I think, it's the right step that we're going to take.

664 I – certainly support Metro – recommendation, if you feel like you can hire the security until

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

665 such time that we can have a special hearing on the revocation of the license. She's saying,
666 shaking her head yes.

667

668 **ROBYNE BROOKS**

669 I will – yes, I will talk to the tenants. We've been speaking about security, so, we'll divide that
670 amongst all of us. Absolutely, we will.

671

672 **COUNCILMAN REESE**

673 Okay.

674

675 **ROBYNE BROOKS**

676 I'll get with these gentlemen so they can tell me who I should call.

677

678 **COUNCILMAN REESE**

679 Okay. So then, Your Honor, if there're no other questions, I'm gonna make a motion then.

680

681 **MAYOR GOODMAN**

682 All right. Very good.

683

684 **COUNCILMAN ROSS**

685 Mayor – Pro Tem, Your Honor.

686

687 **MAYOR GOODMAN**

688 Yes.

689

690 **COUNCILMAN REESE**

691 Yes.

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

692 **COUNCILMAN ROSS**

693 I just have one question. Mayor Pro Tem is to add to that, to help me understand this. Mr.
694 DiFiore said at a later date that he will direct the City staff and Metropolitan Police Department
695 to –

696

697 **COUCILMAN REESE**

698 As soon as possible.

699

700 **COUNCILMAN ROSS**

701 As soon as possible. Is that possible to do that?

702

703 **COUNCILMAN REESE**

704 Yes.

705

706 **COUNCILMAN ROSS**

707 Thank you.

708

709 **COUNCILMAN REESE**

710 Mr. DiFiore said yes.

711

712 **COUNCILWOMAN TARKANIAN**

713 Mr. Mayor?

714

715 **MAYOR GOODMAN**

716 Yes.

717

718 **COUCILWOMAN TARKANIAN**

719 I just wanted to add, I – think that we should express our appreciation and respect to Metro. This
720 has been going for months to be able to reach this point for something like this can be done. And

CITY COUNCIL MEETING OF
August 16, 2006

VERBATIM TRANSCRIPT – ITEM 84

721 it was only through those hard, that hard work and those efforts and the individuals that you
722 mentioned that you had worked with. And these are things that need to be cleaned up, and these
723 are things why some of the ordinances are being changed, you know, that you signed off on
724 recently, Mr. Mayor. And I just know that the whole Council appreciates it very much.

725
726 **DAMIAN WALBURN**

727 Thank you.

728
729 **MAYOR GOODMAN**

730 And we got a new nuisance ordinance now. We have this urination and defecation ordinance. I
731 mean, it's sounds so stupid that we have to have ordinances to stop people from doing this, but
732 there are a lot of stupid people out there.

733
734 **COUNCILMAN REESE**

735 And I'd also like to thank Councilwoman Tarkanian and her staff for working with Metro on this
736 issue for as long as they have. I know that it's, sometime it's really, really tough to get something
737 put on the agenda and make sure that we got all our t's crossed and i's dotted. And I too want to
738 thank Metro.

739 **And Your Honor, I'm gonna make a motion that we follow staff's recommendation for**
740 **them to work with Metro, hiring a 24-hour, seven-day-a-week security until such time that**
741 **we can have a revocation hearing. And I'd like to ask staff to expedite that as soon as**
742 **possible. And again put the – owner of the market on notice that we are going to be doing**
743 **this. He's here and he does know. With that, Your Honor, that's my motion.**

744
745 **MAYOR GOODMAN**

746 Al right. Very good. All right. Let's vote, please. Post. Motion carries. **(Motion carried**
747 **unanimously)**

**CITY COUNCIL MEETING OF
August 16, 2006**

VERBATIM TRANSCRIPT – ITEM 84

748 **COUNCILMAN REESE**

749 I would like to thank those from the neighborhood for coming down today and giving us their
750 input. I think it's very important that we know what's going on over there.

751

752 **MAYOR GOODMAN**

753 Al right. Good luck to you.

754

755 **GARY LOGAN**

756 Thank you.

757

758 **DAMIAN WALBURN**

759 Thank you.

760

761 **(END OF DISCUSSION)**

762 /ac:cv



October 19, 2006

Certified/Regular Mail
Return Receipt Requested

LAS VEGAS CITY COUNCIL

MAYOR

OSCAR B. GOODMAN

GARY REESE, WARD 3
(MAYOR PRO-TEM)

LARRY BROWN, WARD 4

LAWRENCE WEEKLY, WARD 5

WOLFSON, WARD 2

ARKANIAN, WARD 1

STEVEN D. ROSS, WARD 6

CITY MANAGER

DOUGLAS A. SELBY

Cook Living Trust
Brooks Robyne J. Trust
c/o N. Cook
13701 Sunset Blvd
Pacific Palisades, CA 90272-4021

RE: 1616 S. Las Vegas Boulevard

Dear Property Owner:

At the City Council meeting held on October 18, 2006, Agenda Item #97 was held in abeyance and rescheduled to be heard on November 1, 2006. This hearing is to review the conditions set by Council on August 16, 2006. Due to the noncompliance of the conditions, this hearing is to review the conditions to provide 27/7 armed, licensed and bonded security at the property as requested by Metro. To date, the property owner has failed to cooperate with Metro and provide the onsite security.

If you have any questions concerning this hearing or procedure, please contact SGT Damian Walburn or Daniel A. Still, in the City Attorney's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Devin Smith".

Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

NEIGHBORHOOD
SERVICES DEPARTMENT
DIRECTOR
STEPHEN K. HARSIN, AICP

DS:jl

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

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ Consent ☐ Discussion

SUBJECT:

EXTENSION OF TIME - VARIANCE

EOT-16950 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Variance (VAR-4671) THAT ALLOWED A REAR SETBACK OF 28.9 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 84.75 FEET IN CONJUNCTION WITH A PROPOSED SELF-SERVICE CAR WASH AND PET WASH on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). 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 and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for VAR-4671

Motion made by GARY REESE to Approve Subject to Conditions Item 57 [EOT-16950], Item 58 [EOT-16951], Item 59 [EOT-17091], Item 60 [EOT-17074], Item 61 [EOT-17075] and Item 62 [EOT-17076]

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



CASE: EOT-16950

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



0 50 100 Feet



CASE: EOT-16950

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-16950 - EXTENSION OF TIME - VARIANCE -
APPLICANT: DAVID MASON - OWNER: H & GG LP

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Extension of Time will expire on October 6, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Variance (VAR-4671) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/06/04	The City Council approved a General Plan Amendment (GPA-4609) to amend the Centennial Hills Interlocal Land Use Plan of the General Plan from ML (Medium Low Density Residential) to GC (General Commercial; Variance (VAR-4671) to allow a rear setback of 28.9 feet where residential adjacency standards require a minimum of 84.75 feet in conjunction with a proposed self-serve car wash and pet wash; and a Site Development Plan Review (SDR-4606) for a Self Serve Car Wash and Pet Wash; a Waiver of Distance Requirement for Trash Enclosure and a Waiver to reduce Perimeter landscaping requirements on 0.42 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road. The Planning Commission recommended approval, but staff recommended denial on 09/09/04.
11/01/06	The City Council will consider a related Extension of Time (EOT-16951) of an approved Site Development Plan Review (SDR-4606) that allowed a Self Serve Car Wash and Pet Wash; a Waiver of Distance Requirement for Trash Enclosure and a Waiver to reduce Perimeter landscaping requirements on 0.42 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road.
<i>Related Building Permits/Business Licenses</i>	
	No building permits have been issued on the subject site.
<i>Pre-Application Meeting</i>	
	A pre-application meeting is not required for this type of application.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.42

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Undeveloped/Convenience Store	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
South	Multi-Family Housing	M (Medium Density Residential)	R-PD18 (Residential Planned Development – 18 Units per Acre)

East	Single Family Dwellings	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
West	Right-of-Way (U.S. 95)	Right-of-Way (U.S. 95)	Right-of-Way (U.S. 95)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

There are no special area plans or districts that have an effect on the site.

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Variance (VAR-4671) that allowed a rear setback of 28.9 feet where residential adjacency standards require a minimum of 84.75 feet in conjunction with a proposed self-service car wash and pet wash on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road.

ANALYSIS

This is the first Extension of Time for the subject Variance (VAR-4671), which was approved by the City Council on 10/06/04. There was an associated General Plan Amendment (GPA-4609) and Site Development Plan Review (SDR-4606) also approved by City Council. The applicant indicates that the project was delayed due to the construction of adjacent roadways. These issues have since been resolved. The applicant indicates they will be moving forward with the plan review and permitting process. Therefore, the Extension of Time can be supported to allow for additional time.

Previous Conditions of Approval from Variance (VAR-4671)

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-4606).
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.

FINDINGS

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow enough time for the applicant to begin the plan review and permitting process. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: EDT-16950 APN: 125-27-201-005 and 004
Name of Property Owner: H&GG LIMITED PARTNERSHIP & DAVID MASON
Name of Applicant: DAVID MASON

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:

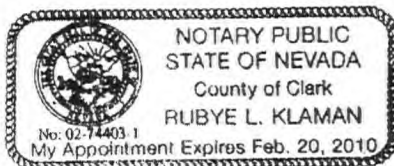
Print Name: DAVID MASON

Subscribed and sworn before me

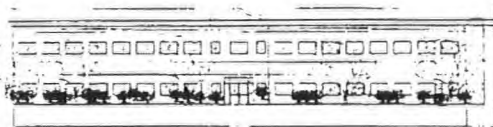
This 19th day of September, 2006

Notary Public in and for said County and State

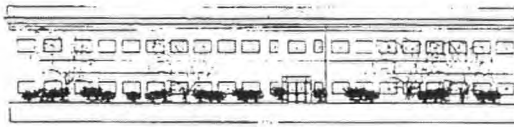
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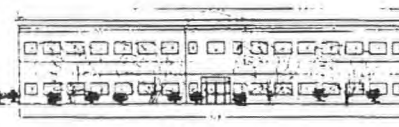
AdoptApplication PacketStatement of Financial Interest.doc



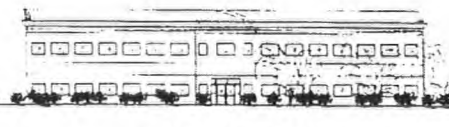
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

INTENSE LANDSCAPING
ALONG THE EASTERN
PROPERTY LINE IS INDICATED
AND BUFFERED ACCORDING
TO FIGURE 39.64-12 IN TITLE
30

SITE AND ELEVATIONS
REV 08-19-06

LANDSCAPE SCHEDULE

- PALM TREES (11)
- MESQUITE PALO VERDE 24" BOX RANDOM
- ALLEGRO PINE TREES 24" BOX 20' H
- 3' & 5' SHRUBS RANDOM - RANGERS CASIAS
PENSTEMON SAGES LAVENDARS
- GROUND COVER - MINUS 6" TO MINUS 1" RED ROCK
RANDOM SCATTER OVER CRUSHED RED GRAVELS
- PROPERTY LINE SYMBOL
- STREET CENTERLINE SYMBOL

PARKING ANALYSIS

FIRST FLOOR = 16,500 SF
SECOND FLOOR = 19,450 SF
TOTAL FLOOR AREA = 35,950 SF
PARKING FOR OFFICE COMMERCIAL = 4 SPACES / 1,000 SF
TOTAL NUMBER PARKING SPACES REQUIRED = 153
TOTAL NUMBER PARKING SPACES PROVIDED = 153
INCLUDING 6 SPACES FOR HANDICAP WITH 2 VAN ACCESS

LOT COVERAGE ANALYSIS

TOTAL ROOFED OVER FIRST FLOOR AREA = 16,500 SF
TOTAL LOT SIZE = 2.5 ACRES GROSS NET 90,000 SF
PERCENT OF LOT COVERAGE = 22.61%
PERCENT OF LANDSCAPING = 22.61%

ASSESSOR'S PARCEL NUMBER
176 16 301 021

TYPICAL TRASH ENCLOSURE



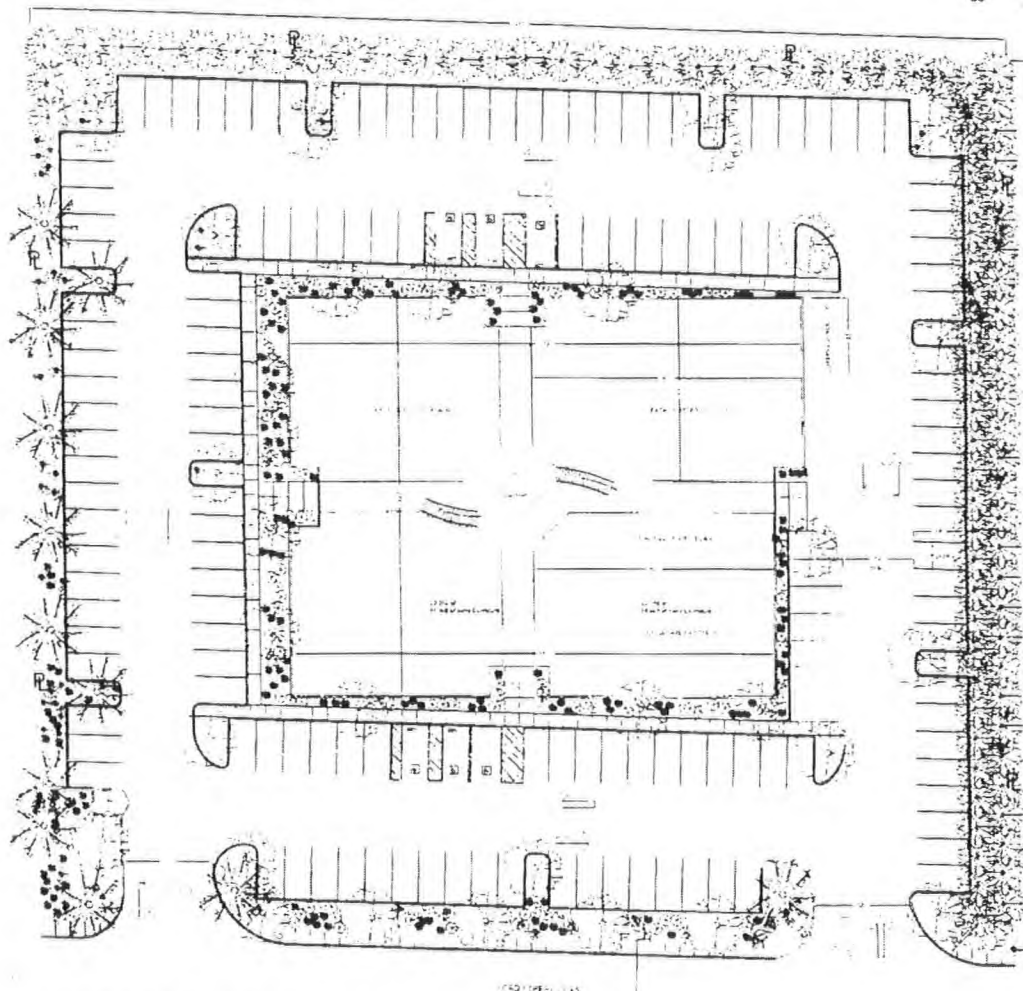
TYPICAL HANDICAP PARKING SPACES



TYPICAL EXTERIOR WALL DETAIL



6" HIGH (9 COURSES) SPLIT FACE CONCRETE BLOCK
WALL (CONSIDERED DECORATIVE) ALONG THE EASTERN
NORTHERN AND WESTERN PROPERTY LINE. IN THIS
CASE TO BE MORE COMPATIBLE WITH THE
NEIGHBORING PROPERTIES THE NINTH COURSE IS TO
BE A 4" X 6" X 20" BETWEEN PLYSTERS



20 SCALE

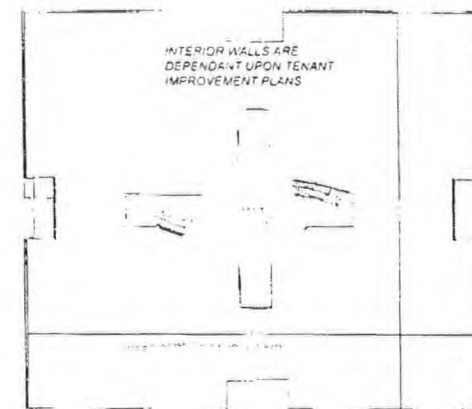
SITE PLAN AND FIRST FLOOR PLAN EOT-16950

11/01/06 CC

VICINITY MAP
no scale



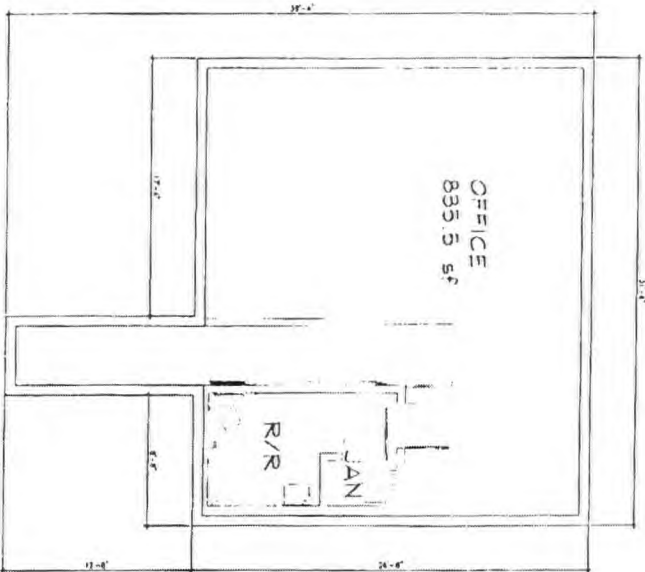
DIRECTION ARROWS



SECOND FLOOR PLAN

RECEIVED

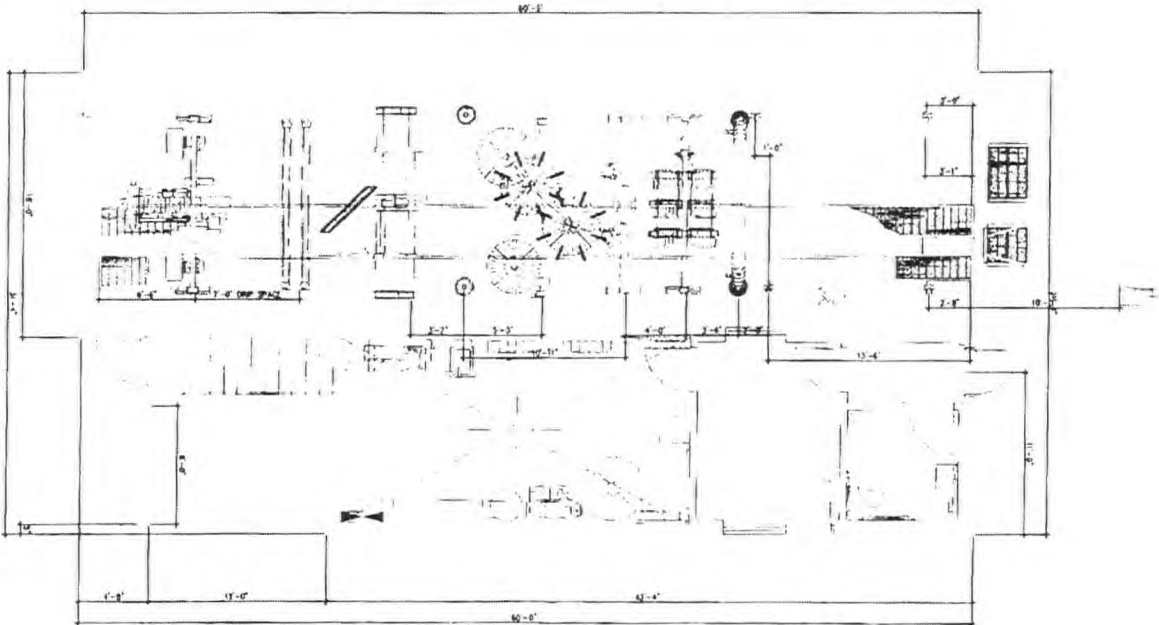
SEP 19 2006



SECOND FLOOR

RECEIVED

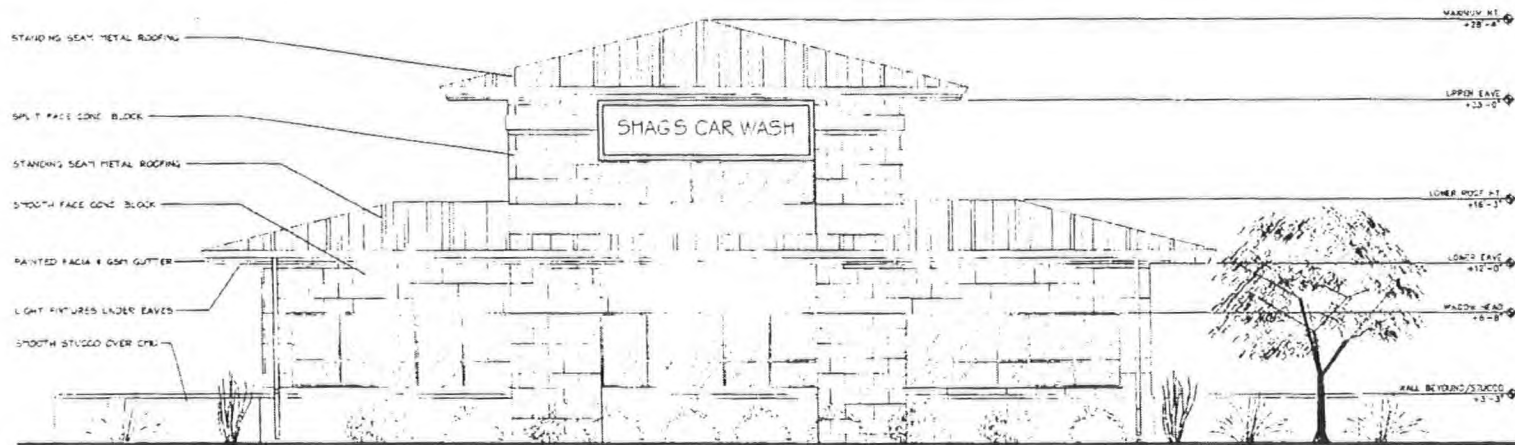
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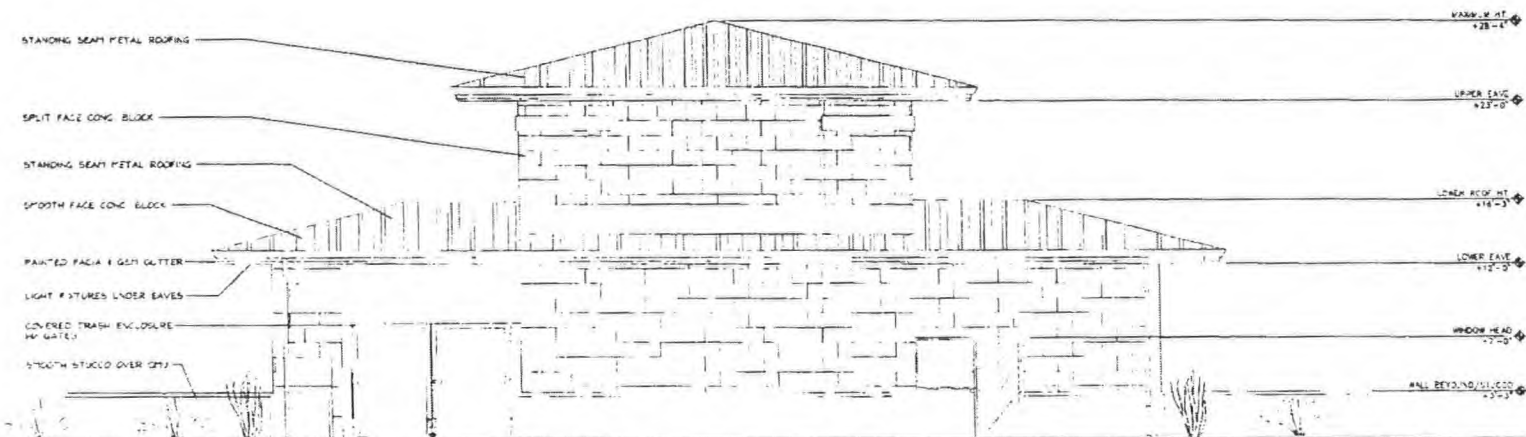
FIRST FLOOR

EOT-16950
11/01/06 CC

DATE: 11/01/06 DRAWN: [Signature] CHECKED: [Signature] APPROVED: [Signature]	PROJECT: [Text] SHEET: [Text] SCALE: [Text]	CRYSTAL CLEAN ARCHITECTURAL FIRM ARCHITECTS - INTERIORS - LANDSCAPE ARCHITECTS 10000 W. 10TH AVE. SUITE 100 DENVER, CO 80202 TEL: 303.733.1111 WWW.CRYSTALCLEANARCHITECTS.COM	DON PHILLIPS - AIA ARCHITECT 1000 W. 10TH AVE. SUITE 100 DENVER, CO 80202 TEL: 303.733.1111 WWW.DONPHILLIPSARCHITECTS.COM	TITLE: [Text] REVISIONS: [Text]
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SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION

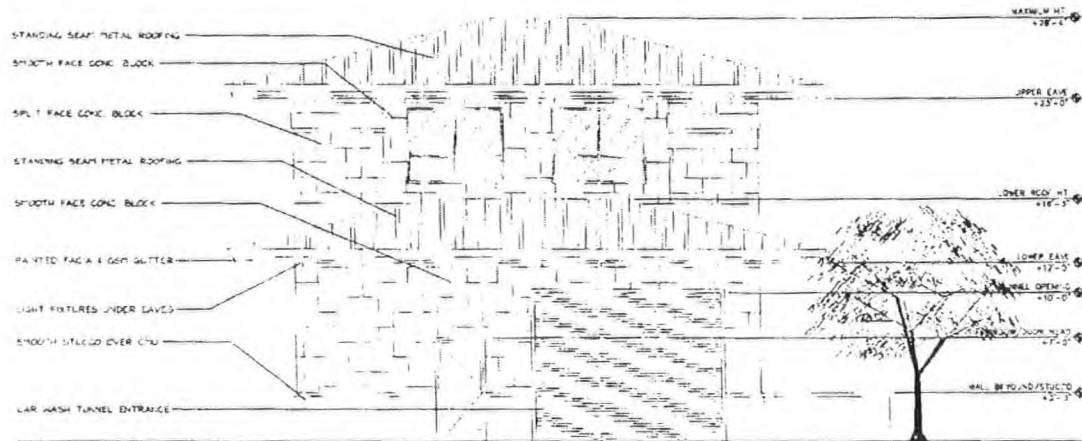
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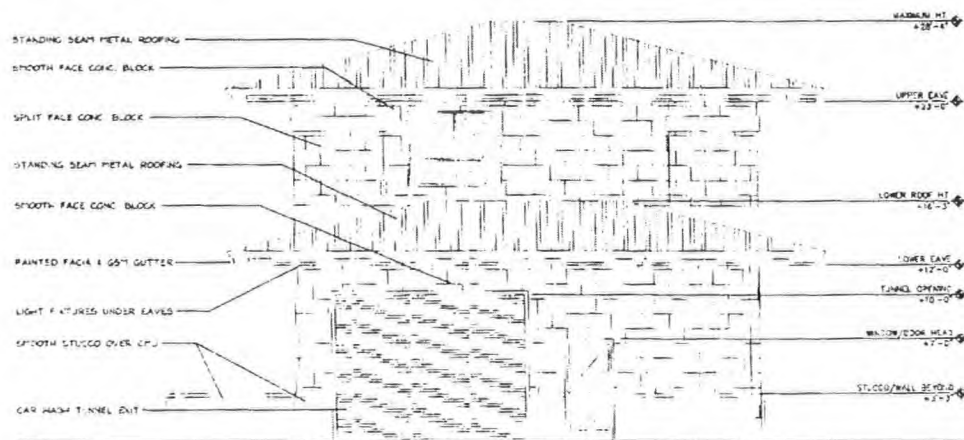
EOT-16950

11/01/06 CC

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NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

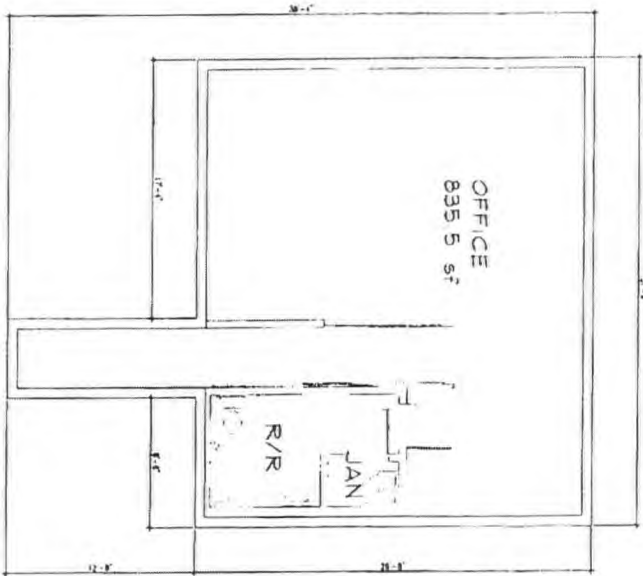
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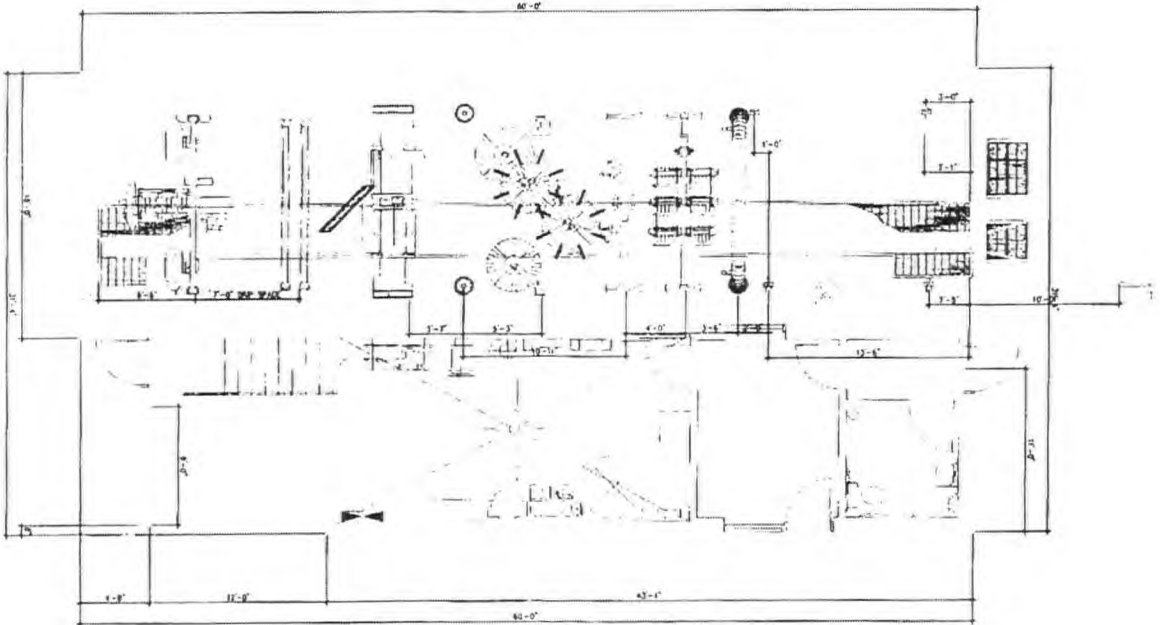
EOT-16950
11/01/06 CC

2413-EL-00	
REVISIONS	BY
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DON PHILIPS - ARCHITECT 1000 10th St. N. Suite 100 Grand Rapids, MI 49503 Tel: 616.221.1111 Fax: 616.221.1112 www.donphilips.com	
OPTIMAL CLEAR 1000 10th St. N. Suite 100 Grand Rapids, MI 49503 Tel: 616.221.1111 Fax: 616.221.1112 www.optimalclear.com	
DATE: 11/01/06 DRAWN: [Signature] JOB: 2413-EL-00 SHEET: 11/2	

SECOND FLOOR



FIRST FLOOR



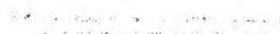
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EOT-16950

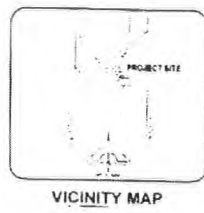
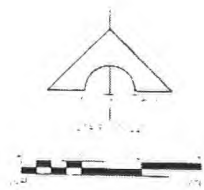
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DATE: 11/01/06 DRAWN BY: [Signature] CHECKED BY: [Signature] DESIGNED BY: [Signature] PROJECT: EOT-16950	Automatic Gar Door Plan for Bridge Gar User 100% AS-BUILT DRAWING 11/01/06 CC	CRISTAL CLEAN BRIDGE GARAGE SYSTEM ENGINEERS - ARCHITECTS 100% AS-BUILT DRAWING	DON PHELIPS - AIA ARCHITECT 100% AS-BUILT DRAWING 11/01/06 CC	100% AS-BUILT DRAWING 11/01/06 CC
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SEP 19 2006

EOT-16950
11/01/06 CC

[illegible]

OWNER/DEVELOPER
HGG PROPERTIES

SHAG'S CAR WASH

PROJECT

C1

*LAS Consulting, Inc.
856 E. Sahara, #201
Las Vegas, NV 89104
(702) 499-6469-cell.
(702) 341-8489-fax*

September 19, 2006

RE: VAR-4671-04, APN 125-27-201-004 & 005

Dear Sir or Madam:

Please accept this letter as justification for our request for an extension of time, which expires on October 6, 2006, for VAR-4671-04, related to GPA-4609 & SDR-4606 for a setback in conjunction with a proposed self car wash & pet wash on .43 acres adjacent to the NEC of Sky Pointe Drive & Ranch House Rd. The applicant intends to move forward with this project once design questions are resolved with the NDOT Roadway.

Yours truly,



Lucy Stewart
LAS Consulting, Inc.

**EOT-16950
11/01/06 CC**



050064

October 11, 2004

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. David Mason
Mr. James Shoughro
516 South 6th Street, Suite #400
Las Vegas, Nevada 89101

RE: VAR-4671 – VARIANCE
CITY COUNCIL MEETING OF OCTOBER 6, 2004
Related to GPA-4609 & SDR-4606

Dear Mr. Mason:

The City Council at a regular meeting held October 6, 2004 APPROVED the request for a Variance TO ALLOW A REAR SETBACK OF 28.9 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 84.75 FEET IN CONJUNCTION WITH A PROPOSED SELF-SERVICE CAR WASH AND PET WASH on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 7, 2004. This approval is subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-4606).
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.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Chad Vellinga
3445 South Valley View Boulevard
Las Vegas, Nevada 89102

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

EOT-16950
11/01/06 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☒ **Consent** ☐ **Discussion****SUBJECT:**

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW RELATED TO EOT-16950

EOT-16951 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4606) THAT ALLOWED A SELF SERVE CAR WASH AND PET WASH; A WAIVER OF DISTANCE REQUIREMENT TO ALLOW A TRASH ENCLOSURE TO BE 28 FEET FROM RESIDENTIAL USES WHERE 50 FEET IS REQUIRED; AND A WAIVER TO REDUCE PERIMETER LANDSCAPING REQUIREMENTS on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff Recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

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City Council Meeting

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RECOMMENDATION:

Staff Recommends APPROVAL, subject to conditions.

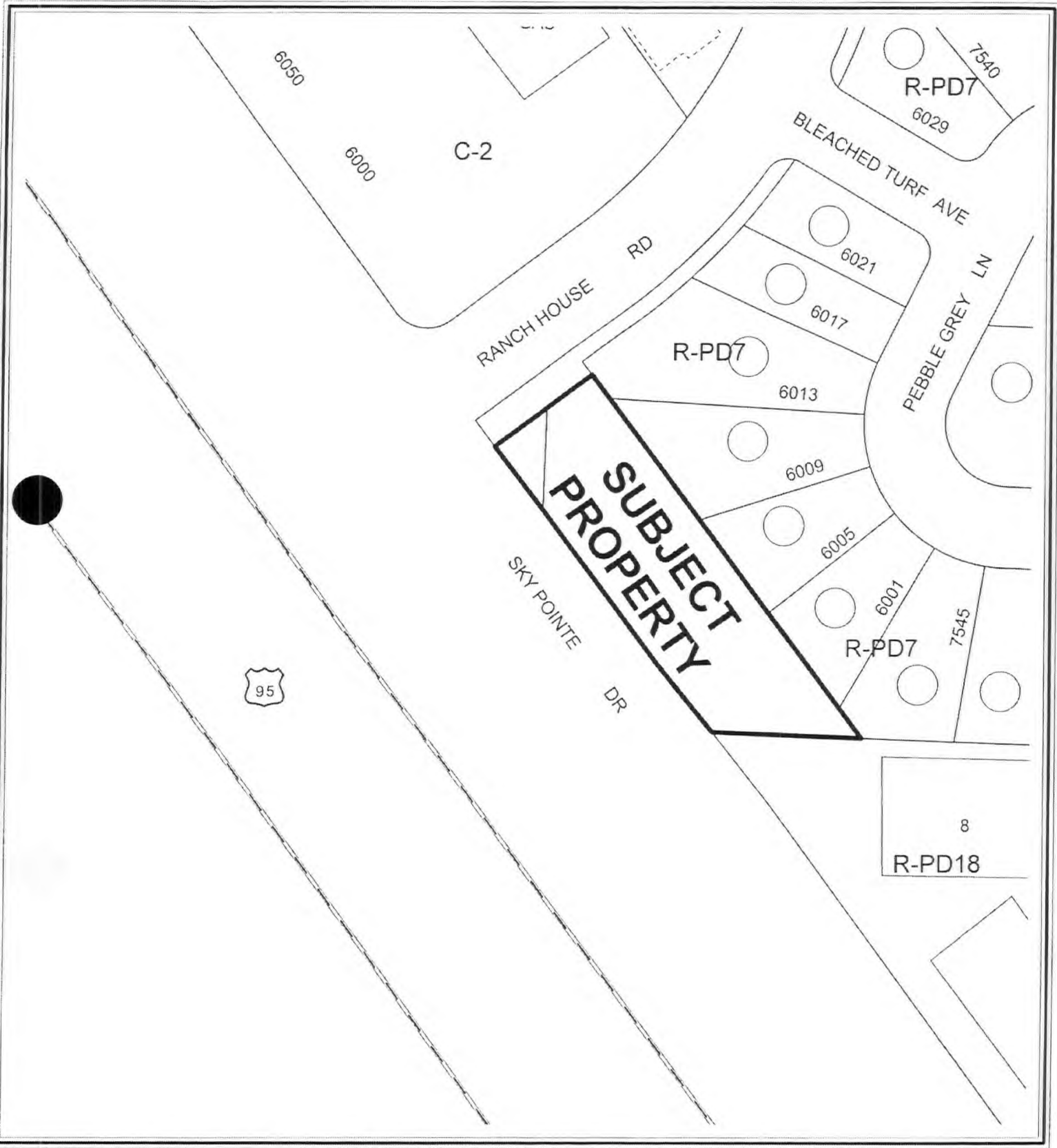
BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SDR-4606

Motion made by GARY REESE to Approve Subject to Conditions Item 57 [EOT-16950], Item 58 [EOT-16951], Item 59 [EOT-17091], Item 60 [EOT-17074], Item 61 [EOT-17075] and Item 62 [EOT-17076]

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)



CASE: **EOT-16951**

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-16951 - EXTENSION OF TIME - SITE DEVELOPMENT
PLAN REVIEW - APPLICANT: DAVID MASON - OWNER: H & GG LP

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Extension of Time will expire on October 6, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-4606) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/06/04	The City Council approved a General Plan Amendment (GPA-4609) to amend the Centennial Hills Interlocal Land Use Plan of the General Plan from ML (Medium Low Density Residential) to GC (General Commercial; Variance (VAR-4671) to allow a rear setback of 28.9 feet where residential adjacency standards require a minimum of 84.75 feet in conjunction with a proposed self-serve car wash and pet wash; and a Site Development Plan Review (SDR-4606) for a Self Serve Car Wash and Pet Wash; a Waiver of Distance Requirement for Trash Enclosure and a Waiver to reduce Perimeter landscaping requirements on 0.42 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road. The Planning Commission recommended approval, but staff recommended denial on 09/09/04.
11/01/06	The City Council will consider a related Extension of Time (EOT-16950) of an approved Variance (VAR-4671) to allow a rear setback of 28.9 feet where residential adjacency standards require a minimum of 84.75 feet in conjunction with a proposed self-serve car wash and pet wash on 0.42 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road.
<i>Related Building Permits/Business Licenses</i>	
	No building permits have been issued on the subject site.
<i>Pre-Application Meeting</i>	
	A pre-application meeting is not required for this type of application.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.42

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
North	Undeveloped/Convenience Store	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
South	Multi-Family Housing	M (Medium Density Residential)	R-PD18 (Residential Planned Development – 18 Units per Acre)

East	Single Family Dwellings	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
West	Right-of-Way (U.S. 95)	Right-of-Way (U.S. 95)	Right-of-Way (U.S. 95)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

There are no special area plans or districts that have an effect on the site.

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Site Development Plan Review (SDR-4606) that allowed a Self Serve Car Wash and Pet Wash; a Waiver of distance requirement to allow a trash enclosure to be 28 feet from residential uses where 50 feet is required; and a Waiver to reduce perimeter landscaping requirements on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road.

ANALYSIS

This is the first Extension of Time for the subject Site Development Plan Review (SDR-4606), which was approved by the City Council on 10/06/04. There was an associated General Plan Amendment (GPA-4609) and Variance (VAR-4671) also approved by City Council. The applicant indicates that the project was delayed due to the construction of adjacent roadways. These issues have since been resolved. The applicant indicates that they will be moving forward with the plan review and permitting process. Therefore, the Extension of Time can be supported to allow for additional time.

Previous Conditions of Approval from Site Development Plan Review (SDR-4606)

1. Location of the trash enclosure and handicap parking space shall be worked out with staff.
2. Twenty-four inch box trees planted 15-feet on center shall be required along the east property line, and 30-inch tall berm shall be incorporated in the landscape area along Sky Pointe Drive and Ranch House Road with 24-inch box trees planted 20-feet on center.

3. Approval of a General Plan Amendment (GPA-4609) and Variance (VAR-4671) by the City Council.
4. All proposed trash enclosures shall have a roof.
5. 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.
6. All development shall be in conformance with the site plan and building elevations, date stamped 06/16/04, except as amended by conditions herein.
7. 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.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
12. Landscape and maintain the remnant vacant lot adjacent to Sky Pointe Drive concurrent with installation of landscaping on this site, if allowed by adjacent homeowners' association.
13. Increase the height of the wall between the residences and the car wash to a maximum height of eight feet.
15. A gate to be approved by the Planning and Development Department will be placed across the driveway when the car wash is closed so there is no access to the site after business hours.
16. An attendant shall be on site at all times during business hours.

15. Trash receptacle shall be brought to the street for trash pick up only and shall remain within the enclosure during all other times.
17. No windows shall be placed on the second floor (office) facing the residences.
18. All City Code requirements and design standards of all City departments must be satisfied.
19. Hours of operation shall be 7:00 a.m. to 8:00 p.m. during the week and 8:00 a.m. to 8:00 p.m. during the weekends.
20. There shall be no signage allowed on the east side of the building facing residential properties.
21. There shall be an on-site median designed to slow egress and ingress at the entrance approved by the City Traffic Engineer.
22. The applicant shall add a median on site at the entrance to the satisfaction of the City Engineer.
23. 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.
24. The proposed driveways, accessing Sky Pointe Drive, shall be designed, located and constructed in accordance with Standard Drawing #222A.
25. The developer of this site shall be responsible to connect to public sewer. Coordinate with the Collection Systems Planning Section of the Department of Public Works to connect to public sewer at 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.
26. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of grading permits. Provide and improve all drainageways as recommended.

FINDINGS

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow enough time for the applicant to begin the plan review and permitting process. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EDT-16951 APN: 125-27-201-004 & 005

Name of Property Owner: H&GG LIMITED PARTNERSHIP & DAVID MASON

Name of Applicant: DAVID MASON

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): [Signature]

APN: _____

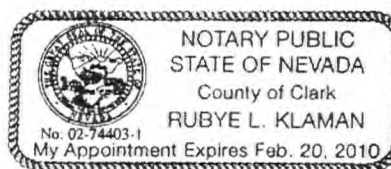
Signature of Property Owner _____

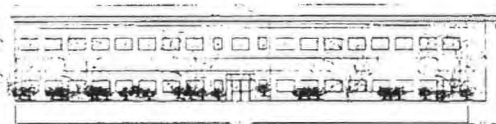
Print Name: _____

Subscribed and sworn before me

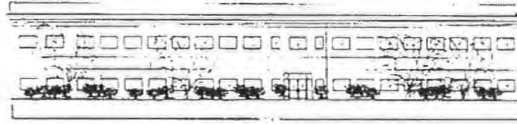
This 21st day of August, 2006

Richard L. Loman
Notary Public in and for said County and State

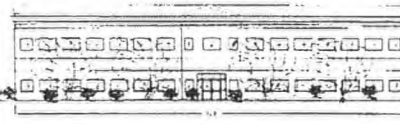




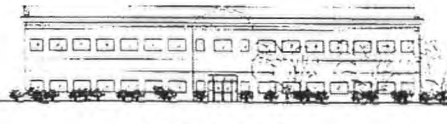
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

INTENSE LANDSCAPING
ALONG THE EASTERN
PROPERTY LINE IS INDICATED
AND BUFFERED ACCORDING
TO FIGURE 30 64-12 IN TITLE
30

SITE AND ELEVATIONS
REV 08-19-06

LANDSCAPE SCHEDULE

- PALM TREES 11'
- MESQUITE PALM VERDE 24" BOX RANDOM
- ALLEPPO PINE TREES 24" BOX 20' 00"
- 4' & 5' SHRUBS RANDOM - RANGERS CASIAS
PENSTEMON SAIGES LAVENDARS
- GROUND COVER - MINUS 6" TO MINUS 1" RED ROCK
RANDOM SCATTER OVER CRUSHED RED GRAVELS
- PROPERTY LINE SYMBOL
- STREET CENTERLINE SYMBOL

PARKING ANALYSIS

FIRST FLOOR = 16,500 sq ft
SECOND FLOOR = 19,450 sq ft
TOTAL FLOOR AREA = 35,950 sq ft
PARKING FOR OFFICE COMMERCIAL = 4 SPCS - 1,000 sq ft
TOTAL NUMBER PARKING SPACES REQUIRED = 153
TOTAL NUMBER PARKING SPACES SHOWN = 153
INCLUDING 5 SPCS FOR HANDICAP WITH 2 VAN ACCESS

LOT COVERAGE ANALYSIS

TOTAL ROOFED OVER FIRST FLOOR AREA = 20,350 sq ft
TOTAL LOT SIZE = 25 ACRES GROSS NET 90,000 sq ft
PERCENT OF LOT COVERAGE = 22.61%
PERCENT OF LANDSCAPING = 22%

ASSESSOR'S PARCEL NUMBER
176 16 301 021

TYPICAL TRASH ENCLOSURE



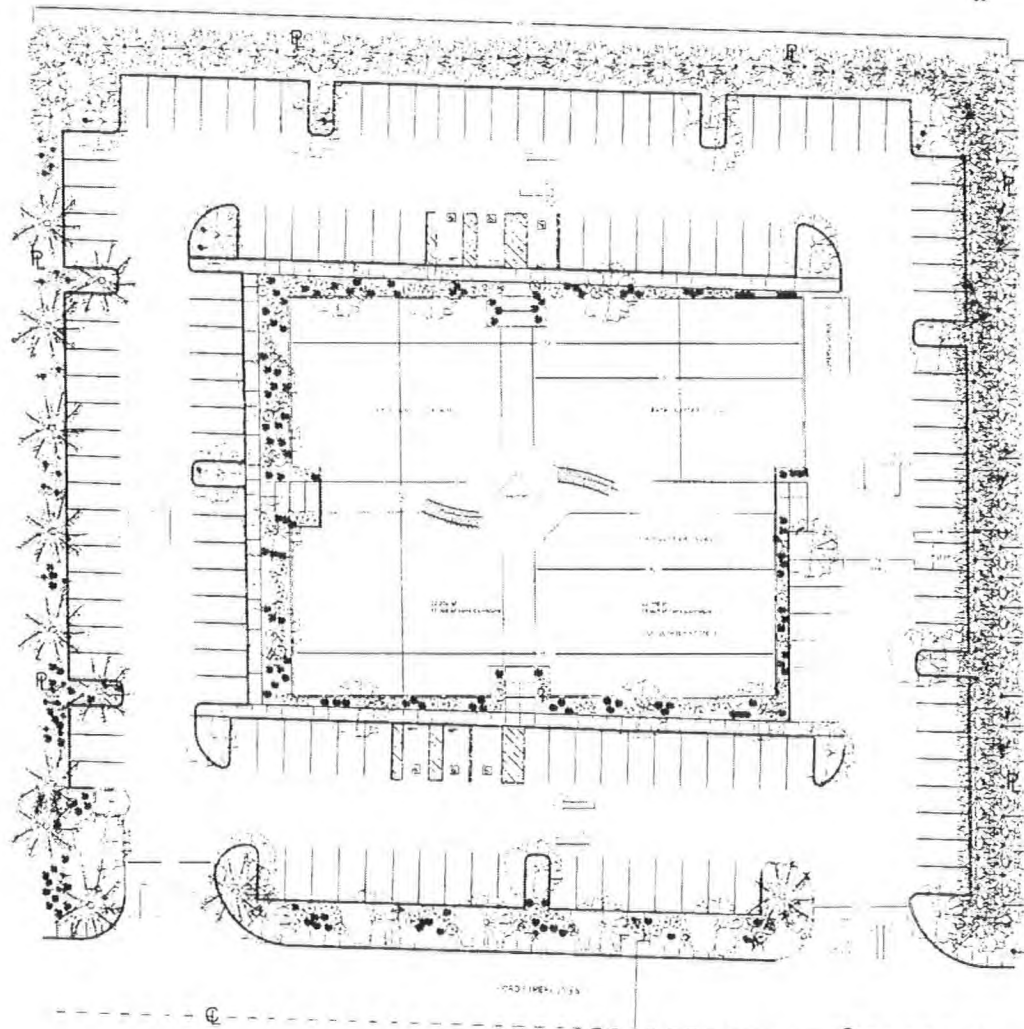
TYPICAL HANDICAP PARKING SPCS



TYPICAL EXTERIOR WALL DETAIL



6" HIGH (9 COURSES) SPLIT FACE CONCRETE BLOCK
(WALLS CONSIDERED DECORATIVE) ALONG THE EASTERN
NORTHERN AND WESTERN PROPERTY LINE IN THIS
CASE TO BE MORE COMPATIBLE WITH THE
NEIGHBORING PROPERTIES. THE NINTH COURSE IS TO
BE 4' X 6' X 20' BETWEEN PLYSTERS



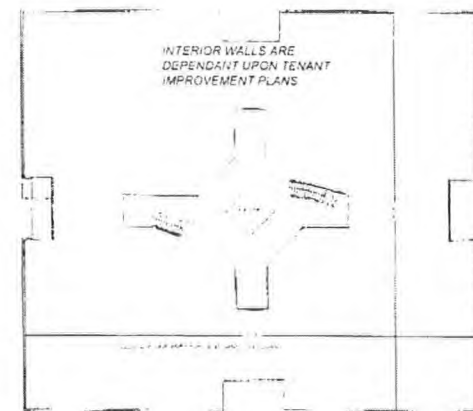
20 SCALE

SITE PLAN AND FIRST FLOOR PLAN

VICINITY MAP
no scale



DIRECTION ARROWS



INTERIOR WALLS ARE
DEPENDANT UPON TENANT
IMPROVEMENT PLANS

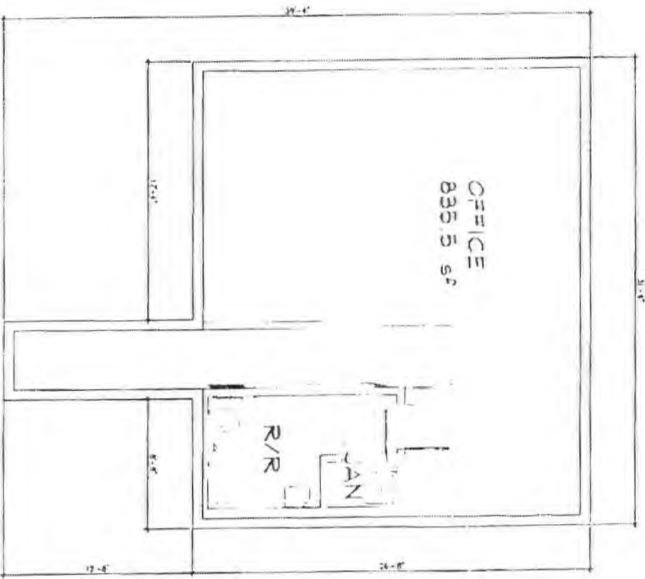
SECOND FLOOR PLAN

RECEIVED

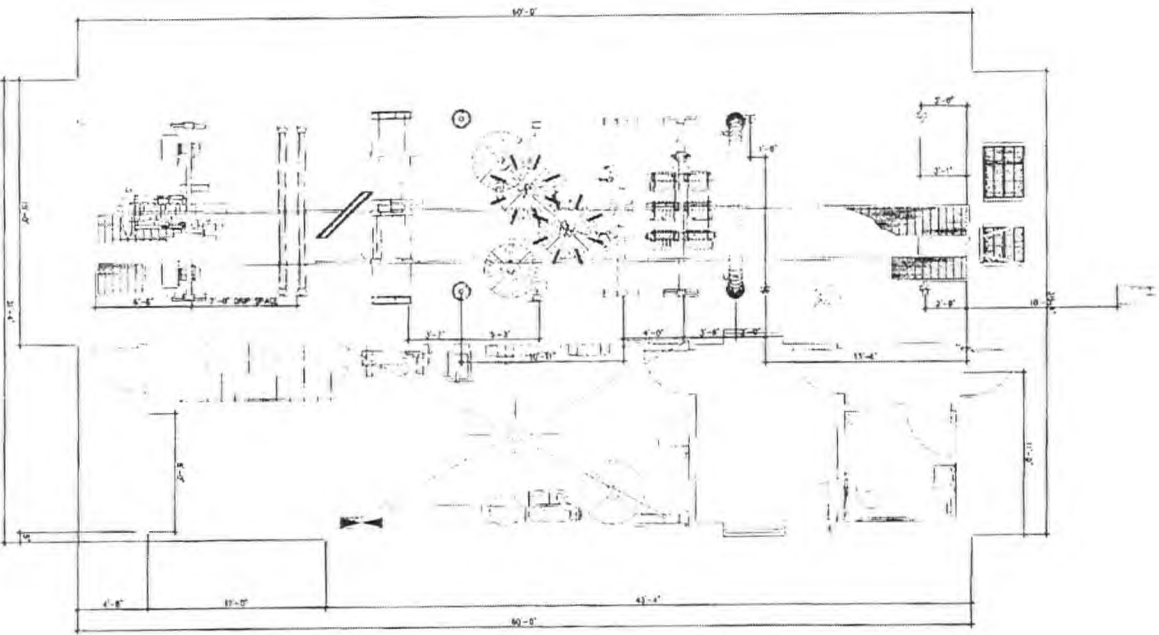
SEP 19 2006

EOT-16951

11/01/06 CC



SECOND FLOOR

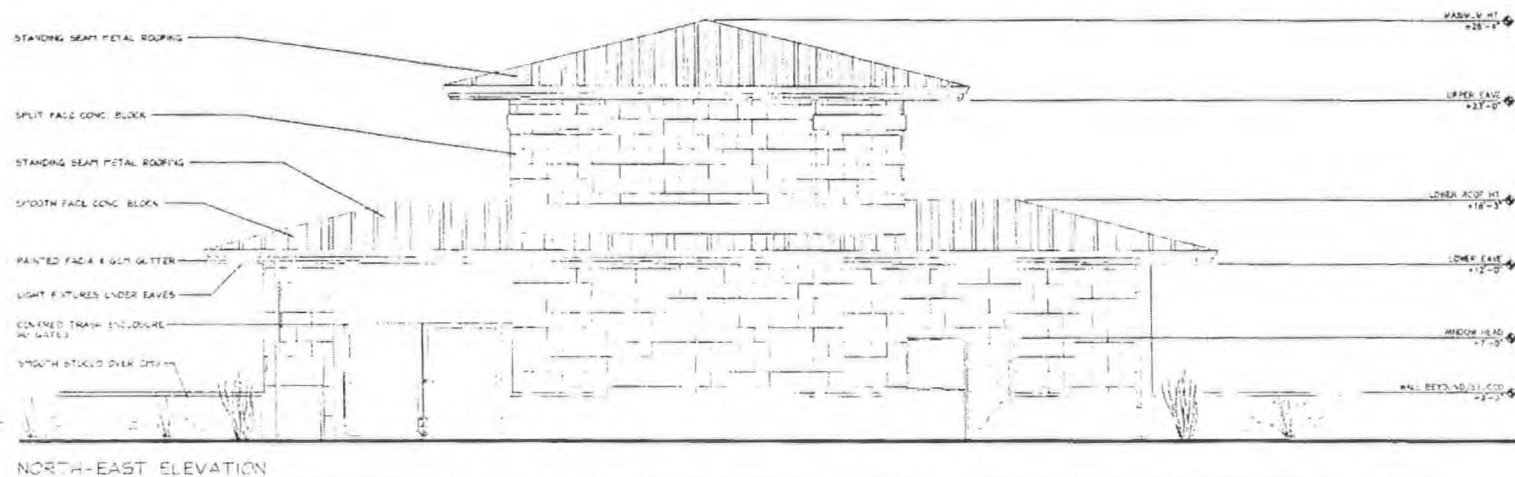
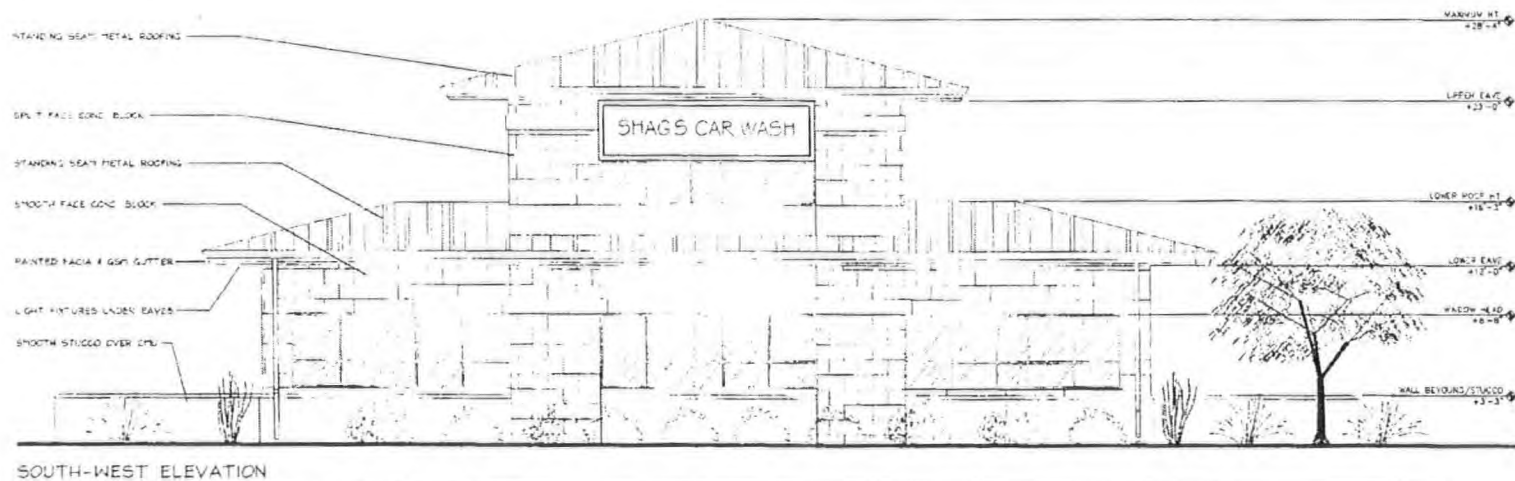


FIRST FLOOR

RECEIVED
SEP 19 2006

EOT-16951
11/01/06 CC

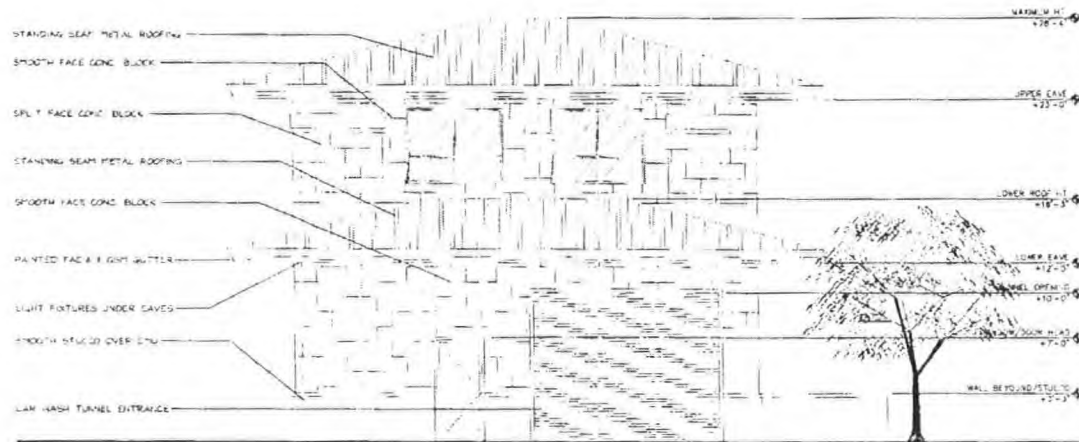
DATE: 11/01/06 DRAWN BY: [Signature] CHECKED BY: [Signature] APPROVED BY: [Signature]	CRYSTAL CLEAR ARCHITECTURAL FIRM ARCHITECTS - PLANNERS - ENGINEERS 11111 11111 11111 11111 11111	DON PHILLIPS - AIA ARCHITECT 2222 2222 2222 2222 2222 ARCHITECTS - PLANNERS - ENGINEERS ARCHITECTS - PLANNERS - ENGINEERS	THANK YOU REVISIONS BY
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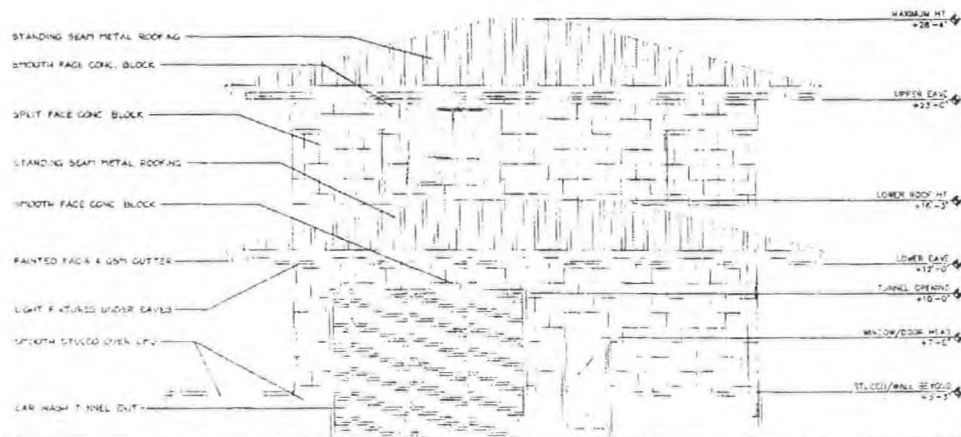
RECEIVED

SEP 19 2006

EOT-1695/
11/01/06 CC



NORTH-WEST ELEVATION



SOUTH-EAST ELEVATION

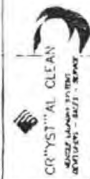
RECEIVED

SEP 19 2006

EOT-16951
11/01/06 CC

2415-EL-00	BY
REVISIONS	
1	
2	
3	
4	

DON PHILIPS, AIA ARCHITECT
1000 10TH AVENUE, SUITE 100
DENVER, CO 80202
303.733.1111

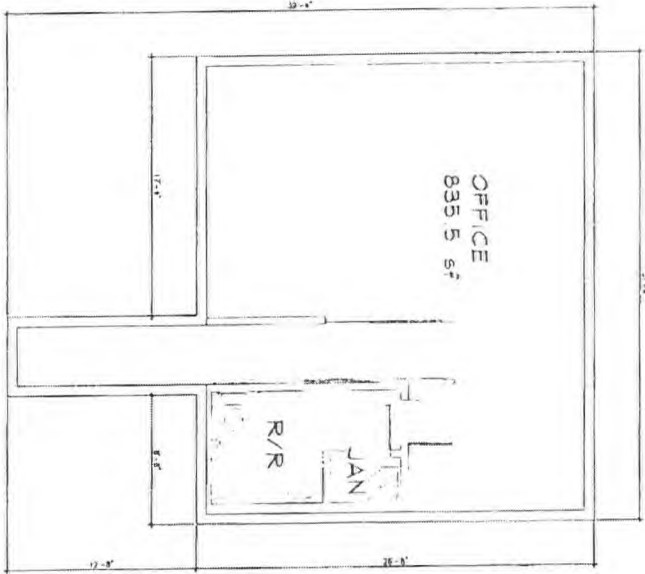


CRYSTAL CLEAR
CONSTRUCTION

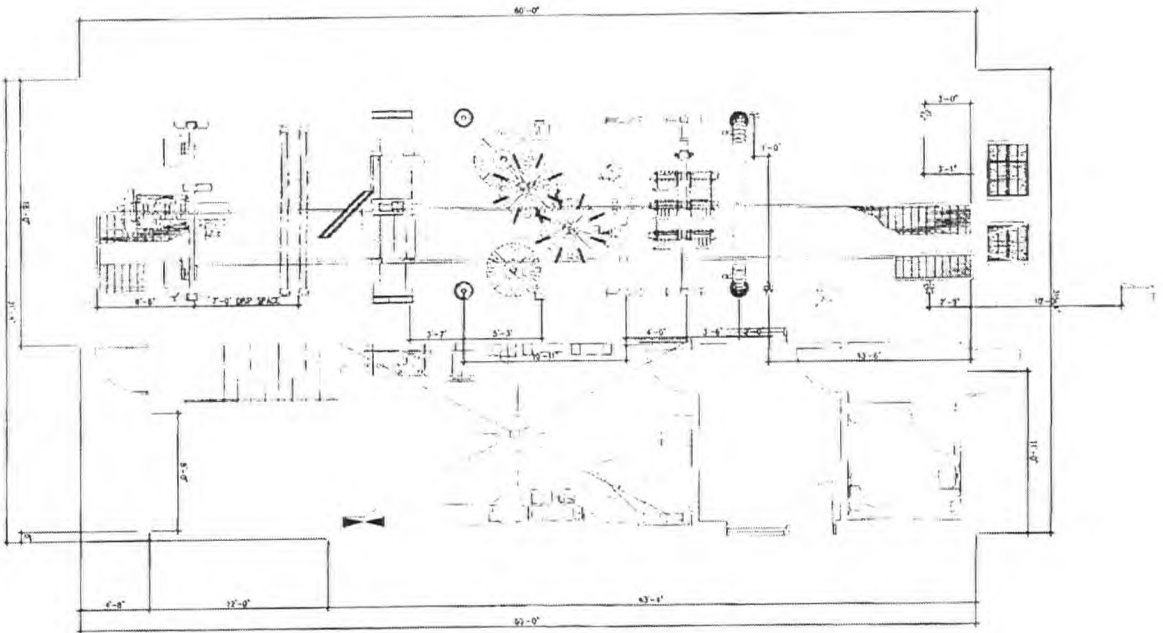
APPROVED BY: [Signature]
DATE: 11/01/06
PROJECT: EOT-16951
JOB: 2415-EL-00

DATE: 11/01/06
SCALE: 1/8" = 1'-0"
DRAWN: [Signature]
JOB: 2415-EL-00
SHEET: 112

SECOND FLOOR



FIRST FLOOR



RECEIVED

SEP 19 2008

FOT-16951
11/01/06 CC

DATE: 11/01/06 BY: [Signature] CHECKED: [Signature] APPROVED: [Signature]	PROJECT: 11/01/06 CC SHEET: 11/01/06 CC	CRYSTAL CLEAN 11/01/06 CC 11/01/06 CC	DON PHILLIPS - AIA ARCHITECT 11/01/06 CC 11/01/06 CC	11/01/06 CC 11/01/06 CC
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REVISED

SEP 19 2006

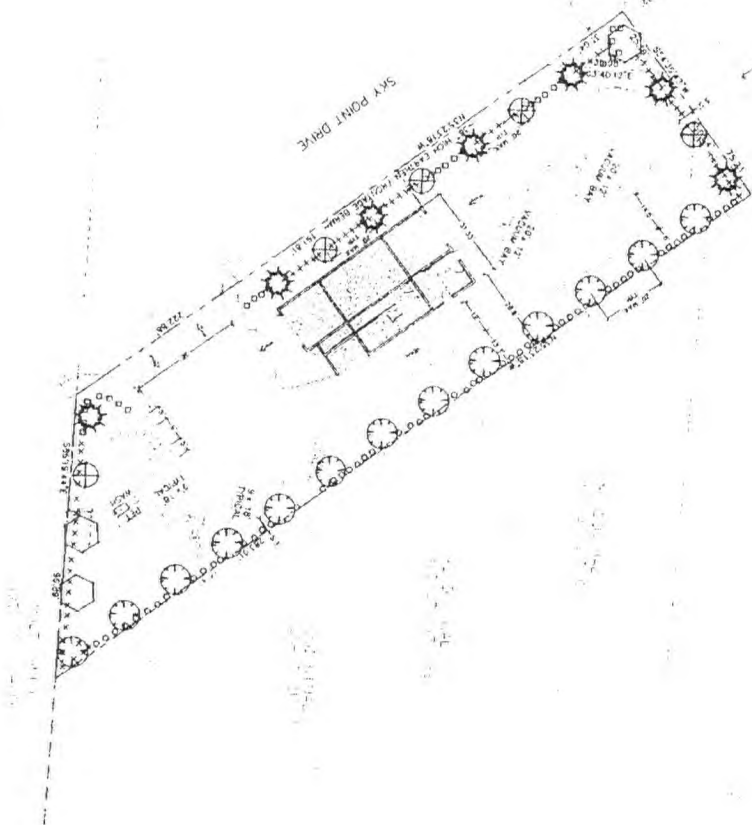
PLANTING LEGEND

	10' x 10' Tree	10' x 10' Tree
	15' x 15' Tree	15' x 15' Tree
	20' x 20' Tree	20' x 20' Tree
	25' x 25' Tree	25' x 25' Tree
	30' x 30' Tree	30' x 30' Tree
	35' x 35' Tree	35' x 35' Tree
	40' x 40' Tree	40' x 40' Tree
	45' x 45' Tree	45' x 45' Tree
	50' x 50' Tree	50' x 50' Tree
	55' x 55' Tree	55' x 55' Tree
	60' x 60' Tree	60' x 60' Tree
	65' x 65' Tree	65' x 65' Tree
	70' x 70' Tree	70' x 70' Tree
	75' x 75' Tree	75' x 75' Tree
	80' x 80' Tree	80' x 80' Tree
	85' x 85' Tree	85' x 85' Tree
	90' x 90' Tree	90' x 90' Tree
	95' x 95' Tree	95' x 95' Tree
	100' x 100' Tree	100' x 100' Tree

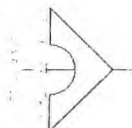
US HIGHWAY 95

SKY POINT DRIVE

RANCH HOUSE ROAD



VICINITY MAP



EOT-16951
11/01/06 CC

*LAS Consulting, Inc.
856 E. Sahara, #201
Las Vegas, NV 89104
(702) 499-6469-cell.
(702) 341-8489-fax*

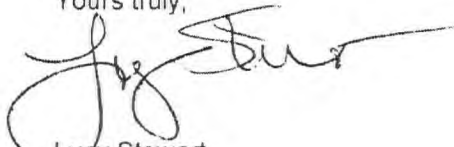
September 19, 2006

RE: SDR-4606-04, APN 125-27-201-004 & 005

Dear Sir or Madam:

Please accept this letter as justification for our request for an extension of time, which expires on October 6, 2006, for SDR-4606-04, related to GPA-4609 & VAR-4671-04 for a site development preview for a proposed self car wash & pet wash on .43 acres adjacent to the NEC of Sky Pointe Drive & Ranch House Rd. The applicant intends to move forward with this project once design questions are resolved with the NDOT Roadway.

Yours truly,



Lucy Stewart
LAS Consulting, Inc.

**EOT-16951
11/01/06 CC**



December 16, 2004

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. David Mason
Mr. James Shoughro
516 South 6th Street, Suite #400
Las Vegas, Nevada 89101

RE: SDR-4606 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF OCTOBER 6, 2004
Related to GPA-4609 & VAR-4671

Dear Mr. Mason:

The City Council at a regular meeting held October 6, 2004 APPROVED the request for a Site Development Plan Review FOR A SELF SERVE CAR WASH AND PET WASH; A WAIVER OF DISTANCE REQUIREMENT TO ALLOW A TRASH ENCLOSURE TO BE 28 FEET FROM RESIDENTIAL USES WHERE 50 FEET IS REQUIRED and A WAIVER TO REDUCE PERIMETER LANDSCAPING REQUIREMENTS on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 7, 2004. This approval is subject to:

Planning and Development

1. Location of the trash enclosure and handicap parking space shall be worked out with staff.
2. Twenty-four inch box trees planted 15-feet on center shall be required along the east property line, and 30-inch tall berm shall be incorporated in the landscape area along Sky Pointe Drive and Ranch House Road with 24-inch box trees planted 20-feet on center.
3. Approval of a General Plan Amendment (GPA-4609) and Variance (VAR-4671) by the City Council.
4. All proposed trash enclosures shall have a roof.
5. 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.
6. All development shall be in conformance with the site plan and building elevations, date stamped 06/16/04, except as amended by conditions herein.

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

EOT-16951
11/01/06 CC

Mr. David Mason
Mr. James Shoughro
SDR-4606 – Page Two
December 16, 2004

7. 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.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
12. Landscape and maintain the remnant vacant lot adjacent to Sky Pointe Drive concurrent with installation of landscaping on this site, if allowed by adjacent homeowners' association.
13. Increase the height of the wall between the residents and the car wash to a maximum of eight feet.
14. A gate to be approved by the Planning and Development Department will be placed across the driveway when the car wash is closed so there is no access to the site after business hours.
15. An attendant shall be on site at all times during business hours.
16. Trash receptacle shall be brought to the street for trash pick up only and shall remain within the enclosure during all other times.
17. No windows shall be placed on the second floor (office) facing the residences.
18. All City Code requirements and design standards of all City departments must be satisfied.

EOT-16951
11/01/06 CC

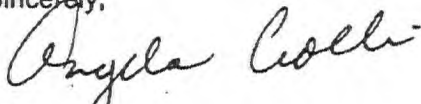
Mr. David Mason
Mr. James Shoughro
SDR-4606 – Page Three
December 16, 2004

19. Hours of operation shall be 7:00 a.m. to 8:00 p.m. during the week and 8:00 a.m. to 8:00 p.m. during the weekends.
20. There shall be no signage allowed on the east side of the building facing residential properties.
21. There shall be an on-site median designed to slow egress and ingress at the entrance approved by the City Traffic Engineer.

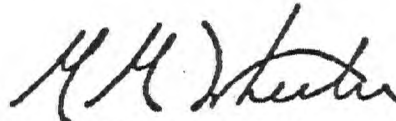
Public Works

22. The applicant shall add a median on site at the entrance to the satisfaction of the City Engineer.
23. 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.
24. The proposed driveways, accessing Sky Pointe Drive, shall be designed, located and constructed in accordance with Standard Drawing #222A.
25. The developer of this site shall be responsible to connect to public sewer. Coordinate with the Collection Systems Planning Section of the Department of Public Works to connect to public sewer at 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.
26. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing drainage patterns for this site prior to the issuance of grading permits. Provide and improve all drainageways as recommended.

Sincerely,



Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk



M. Margo Wheeler, AICP
Deputy Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Chad Vellinga
3445 South Valley View Boulevard
Las Vegas, Nevada 89102

EOT-16951
11/01/06 CC

*LAS Consulting, Inc.
856 E. Sahara, #201
Las Vegas, NV 89104
(702) 499-6469-cell.
(702) 341-8489-fax*

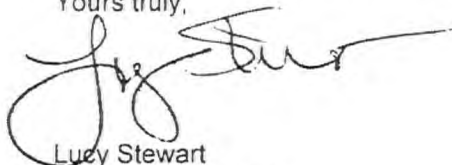
September 19, 2006

RE: SDR-4606-04, APN 125-27-201-004 & 005

Dear Sir or Madam:

Please accept this letter as justification for our request for an extension of time, which expires on October 6, 2006, for SDR-4606-04, related to GPA-4609 & VAR-4671-04 for a site development preview for a proposed self car wash & pet wash on .43 acres adjacent to the NEC of Sky Pointe Drive & Ranch House Rd. The applicant intends to move forward with this project once design questions are resolved with the NDOT Roadway.

Yours truly,

A handwritten signature in black ink, appearing to read 'Lucy Stewart', written over a horizontal line.

Lucy Stewart
LAS Consulting, Inc.

**EOT-16951
11/01/06 CC**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ **Consent** ☐ **Discussion**

SUBJECT:

EXTENSION OF TIME - SPECIAL USE PERMIT

EOT-17091 - APPLICANT/OWNER: JAMES & ELIZABETH BRACY, JR. - Request for an Extension of Time of an approved Special Use Permit (U-0072-00) THAT ALLOWED A CHURCH/HOUSE OF WORSHIP at 330 North 9th Street (APN 139-35-112-001), R-4 (High Density Residential) Zone, Ward 5 (Weekly). 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.

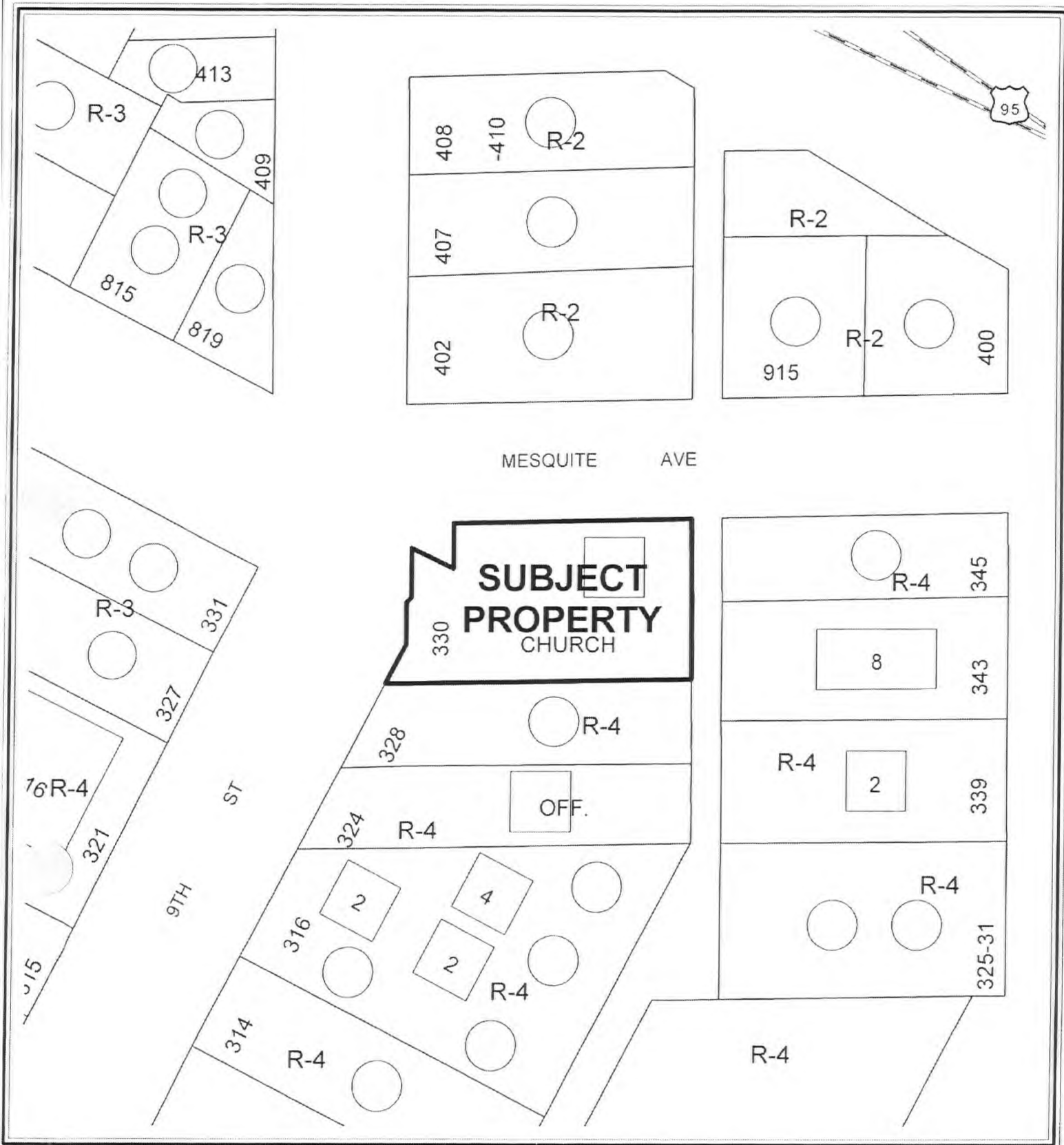
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for EOT-5421
6. City Council approval letter for U-0072-00

Motion made by GARY REESE to Approve Subject to Conditions Item 57 [EOT-16950], Item 58 [EOT-16951], Item 59 [EOT-17091], Item 60 [EOT-17074], Item 61 [EOT-17075] and Item 62 [EOT-17076]

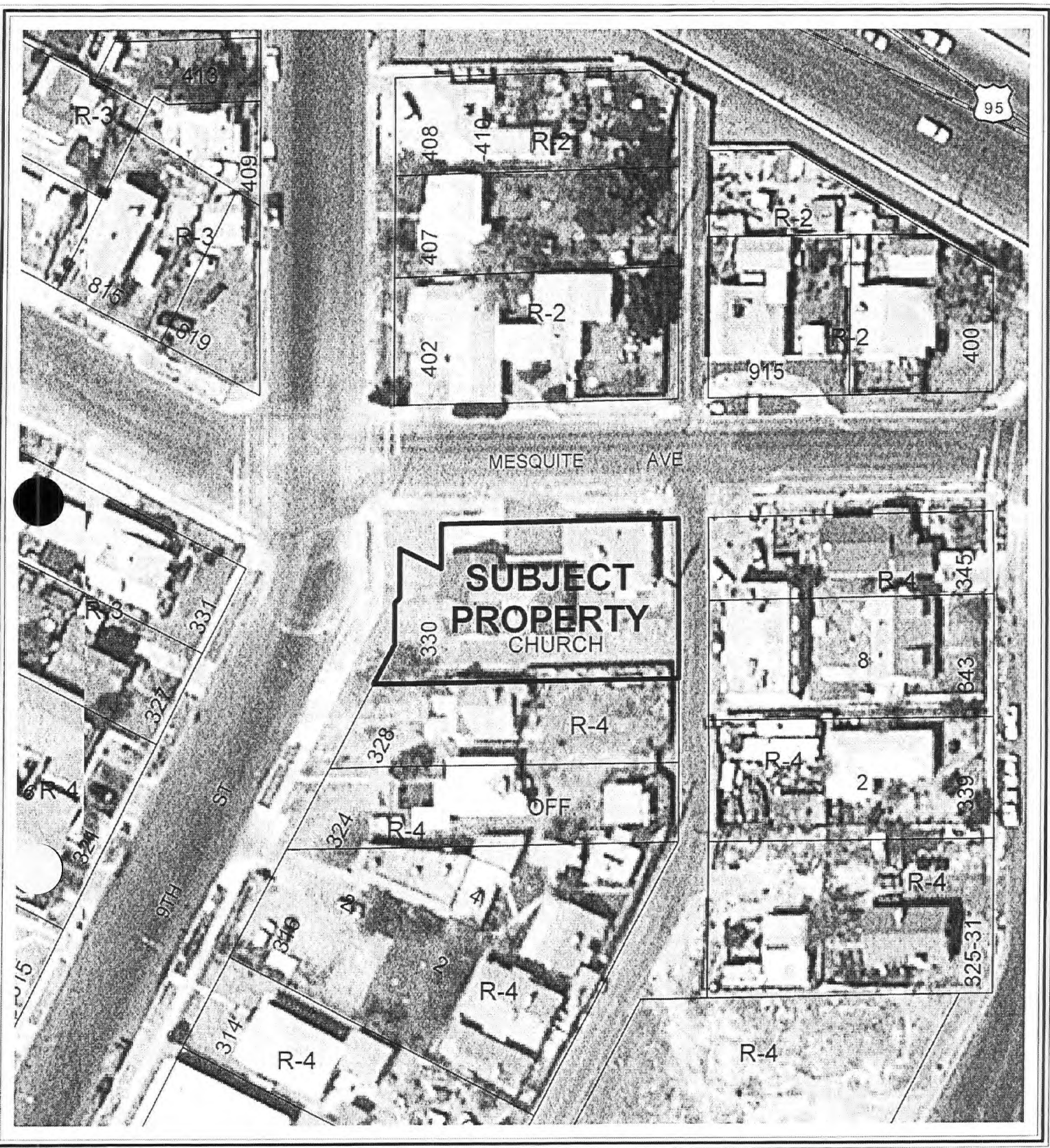
Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



CASE: EOT-17091

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)



CASE: EOT-17091

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-17091 - EXTENSION OF TIME - SPECIAL USE PERMIT -

APPLICANT/OWNER: JAMES & ELIZABETH BRACY, JR.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on October 18, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Special Use Permit (U-0072-00) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/18/00	The City Council approved a Special Use Permit (U-0072-00) to allow the church/house of worship on this site. The Planning Commission and staff recommended approval on September 14, 2000.
01/22/03	The City Council approved an Extension of Time (EOT-1227) for the Special Use Permit (U-0072-00) which allowed the church/house of worship on this site. The Planning Commission and staff recommended approval on December 19, 2002.
11/17/04	The City Council approved an Extension of Time (EOT-5421) an approved Special Use Permit (U-0072-00) which allowed a Church/House of Worship at 330 N. 9 th Street. Staff recommended approval of the request.
<i>Related Building Permits/Business Licenses</i>	
	To date, no building permits have been filed for the proposed church/house of worship.
<i>Pre-Application Meeting</i>	
	A pre-application meeting is not required for this type of application.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.25

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Church/House of Worship	MXU (Mixed-Use)	R-4 (High Density Residential)
North	Single Family Dwelling	MXU (Mixed-Use)	R-2 (Medium-Low Density Residential)
South	Single Family Dwelling	MXU (Mixed-Use)	R-4 (High Density Residential)
East	Multi-Family Dwelling	MXU (Mixed-Use)	R-4 (High Density Residential)
West	Single Family Dwelling	MXU (Mixed-Use)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Special Use Permit (U-0072-00) that allowed a Church/House of Worship at 330 North 9th Street.

ANALYSIS

This is the third Extension of Time for the subject Special Use Permit (U-0072-00), which was approved by the City Council on 11/17/04. The applicant indicates that the project has been delayed due to financial constraints. The applicant indicates they will be moving forward with constructing of on-site parking. Therefore, the Extension of Time can be supported to allow for additional time to construct on-site parking.

Previous Conditions of Approval from Special Use Permit (U-0072-00) and Extension of Time (EOT-5421)

(U-0072-00)

1. The three spaces shown adjacent to the north wall of the proposed church building shall be deleted.
2. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first. The plan shall show the addition of 24 inch box trees spaced 20 feet on center along the north and west property lines.
3. Replace the existing chain link fence on the south property line with a 6 foot tall decorative perimeter wall with a minimum of 20 percent contrasting material, as required by the Planning and Development Department.
4. The Special Use Permit includes only such activities as religious services, religious instruction, church club activities and similar activities. Functions such as child care facilities, formal educational programs preschool classes and similar related activities shall require an additional public hearing.

5. Thrift shops, homeless shelters and other similar activities are prohibited.
6. The property will have to meet all requirements of a commercial structure, as required by the Building and Safety Department.
7. Dedicate a 25 foot radius on the southeast corner of 9th Street and Mesquite Avenue prior to the issuance of any permits.
8. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards prior to occupancy of this site.
9. Construct full-width alley paving adjacent to this site concurrent with development of this site.
10. Landscape and maintain all unimproved rights-of-way on 9th Street and Mesquite Avenue adjacent to this site.
11. Submit an Encroachment Agreement for all landscaping and private improvements located in the 9th Street and Mesquite Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
12. Meet with the Traffic Engineer for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways should be designed, located and constructed to meet the intent of Standard Drawing #224.
13. 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements 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 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. Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works. 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.

14. All development shall be in conformance with the Site Development plan and building elevations.
15. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. For non-residential developments, failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
16. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.
17. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
18. All City Code requirements and design standards of all City departments must be satisfied.
19. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet.
20. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

(EOT-5421)

1. This Extension of Time will expire on October 18, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit U-0072-00 and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

FINDINGS

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow enough time for the applicant to construct on-site parking. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

<u>SENATE DISTRICT</u>	N/A
------------------------	-----

<u>NOTICES MAILED</u>	N/A
-----------------------	-----

<u>APPROVALS</u>	0
------------------	---

<u>PROTESTS</u>	0
-----------------	---



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EDT-17091 APN: 139-35-112-001
Name of Property Owner: JAMES & ELIZABETH BRACY JR
Name of Applicant: SAME ABOVE

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: 139-35-112-001

Signature of Property Owner: James Bracy Jr

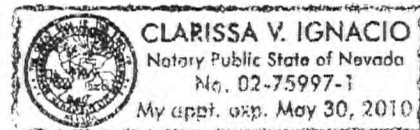
Print Name: JAMES & ELIZABETH BRACY JR

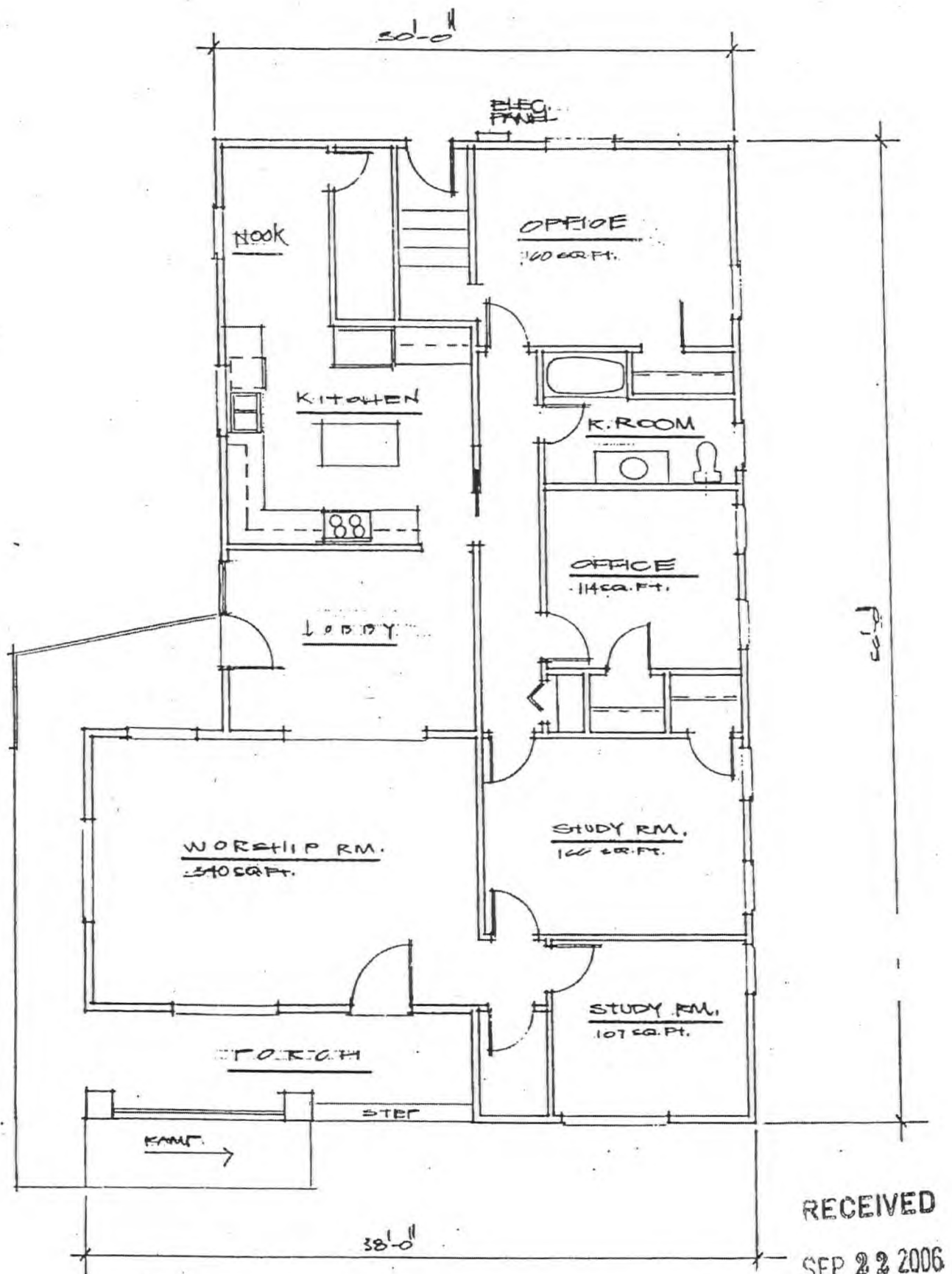
Subscribed and sworn before me

This 20th day of SEPT, 2008

[Signature]

Notary Public in and for said County and State NEVADA





RECEIVED
SEP 22 2006

EOT-17091
FLOOR PLAN - (AS BUILT)
11/01/06 CC
SCALE = 1/8"

ADDRESS
530 NINTH STREET
LAS VEGAS, NEVADA
CLARK COUNTY



EOT-17091
11/01/06 CC

MT. LIBERTY MISS. BAPT. CHURCH PARKING LOT ADDITION

A PORTION OF THE N4S 1/2 SEC 4 S8, TOWNSHIP 20 SOUTH, RANGE 51 EAST M.D.M. BEING APM 120-58-11E-001, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

ADDRESSOR PARCEL NUMBER

120-58-11E-001

OWNER/DEVELOPER

Mr. Jerome Brandy
330 North 9th Street
LAS VEGAS, NEVADA 89101
TEL: 702-443-4788

BASE OF BEARING

A BEARING OF 10° 00' 00" N 90° 00' 00" E
FROM THE CORNER OF THE 1/4 SECTION 4 S8, TOWNSHIP 20 SOUTH, RANGE 51 EAST M.D.M. BEING APM 120-58-11E-001, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

STREET ADDRESS
330 North 9th Street
LAS VEGAS, NEVADA 89101
TEL: 702-443-4788

ACREAGE
TOTAL PARCEL - 0.28 ACRES

REFERENCE MAP
Based on Survey No. 104 Page 10
Boulder Addition Book 1 Page 15
Boulder Subdivision Book 1 Page 15

Legal Description

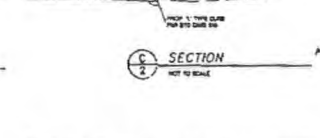
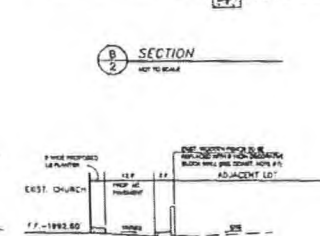
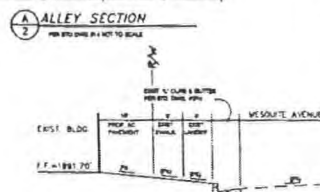
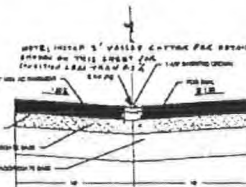
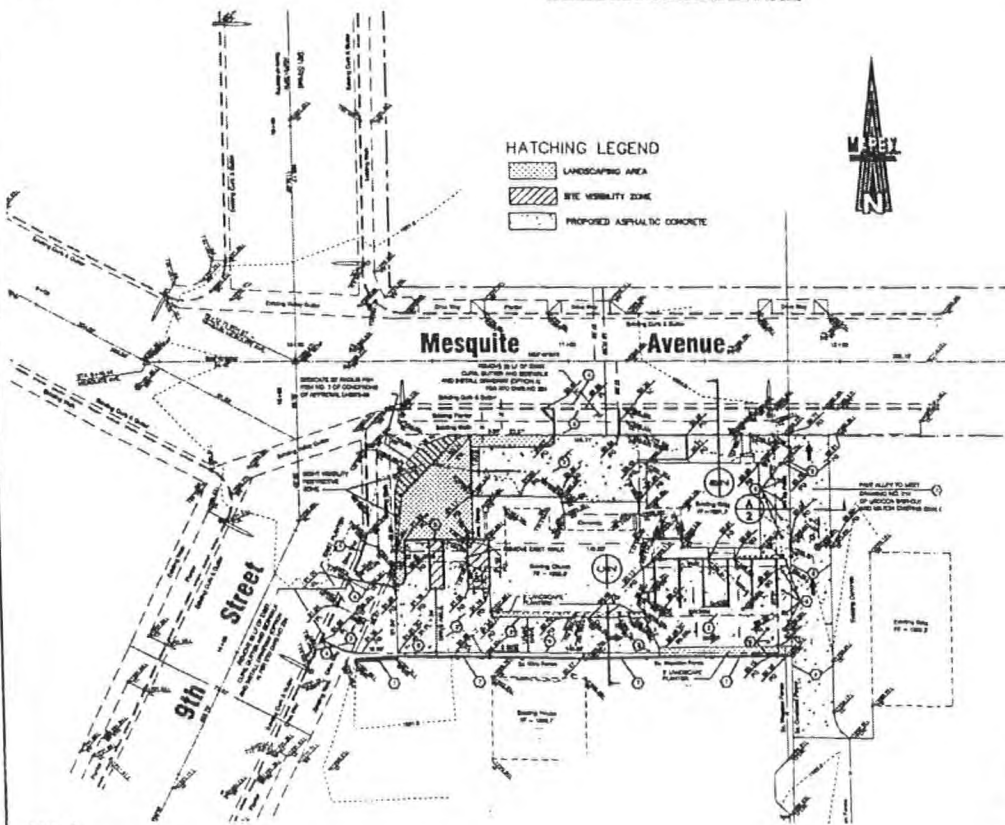
A PORTION OF THE 1/4 SECTION 4 S8, TOWNSHIP 20 SOUTH, RANGE 51 EAST M.D.M. BEING APM 120-58-11E-001, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

MAJOR ENGINEERING NOTES:

1. EXISTING CONDITIONS SHALL BE NOTED INDICATED BY ANY DISCONTINUITY IN THE PLANS AND INDICATED BY THE FIELD.
2. FOR EACH TRAIL ONE PLANTER SHALL BE PLACED AT 10' ALONG THE TRAIL AND ONE PLANTER SHALL BE PLACED AT 10' ALONG THE TRAIL.
3. ALL PLANTER AREAS SHALL HAVE A MINIMUM ONE FOOT BROADWAY NEXT TO THE TRAIL FROM THE EXISTING PLANT.
4. ALL EXISTING CURBS SHALL BE REMOVED AND THE EXISTING CURBS SHALL BE REPLACED WITH NEW CURBS.
5. EXISTING CURBS SHALL BE REPLACED WITH NEW CURBS.
6. EXISTING CURBS SHALL BE REPLACED WITH NEW CURBS.
7. EXISTING CURBS SHALL BE REPLACED WITH NEW CURBS.

HATCHING LEGEND

- LANDSCAPING AREA
- SITE VISIBILITY ZONE
- PROPOSED ASPHALTIC CONCRETE



LEGEND AND ABBREVIATIONS	
EXISTING PAVEMENT	END VERTICAL CURVE
PROPERTY LINE	EX. EXISTING
ENCLOSURE	FF. FINISH FLOOR
SHALL	FD. FINISH DRIVE
FLOW RATE/DIRECTION	FL. FLOW LINE
NAT. GROUND CONTOUR	INT. INTERSECTION
7/2. FINISH GRADE CONTOUR	MVC. MIDDLE VERTICAL CURVE
BACK OF CURB	PL. PROPERTY LINE
BACK OF CURVE RETURN	S/M. SIDEWALK
BACK OF SIDEWALK	TC. TOP OF CURB
BACK VERTICAL CURVE	VAL. VALLEY BOTTOM
C&G. CURB AND GUTTER	EDGE OF EXISTING AC
CL. CENTERLINE	

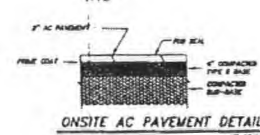
CONSTRUCTION NOTES:

1. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
2. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
3. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
4. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
5. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
6. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
7. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
8. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
9. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.
10. EXISTING CURB SHALL BE REPLACED WITH NEW CURB.



VICINITY MAP

NTS



DISCLAIMER NOTE:

THIS DOCUMENT IS THE PROPERTY OF MAPEN ENGINEERING INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MAPEN ENGINEERING INC.



RECEIVED

SEP 22 2006

EOT-17091
11/01/06 CC

DATE	BY	REVISION
11/01/06	CC	11/01/06

MT. LIBERTY MISS. BAPT. CHURCH
330 N 9TH STREET
LAS VEGAS, NEVADA 89101
TEL: 702-443-4788 FAX: 702-443-4789

GRADING PLAN
CITY OF LAS VEGAS
PARKING LOT ADDITION
FOR MT. LIBERTY MISS. BAPT. CHURCH



DATE	BY	REVISION
11/01/06	CC	11/01/06

Sept. 22, 2006

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

Dear Planning + Development Dept.

Mr. + Mrs. James Bracy Jr. where we serve at 330 N. 9th St. as
Pastor + wife of Mt. Liberty Miss. Bapt. Church, would like to request
allotted time for completion of work in progress for construction of
parking lot. The consummation of the project is slow but steady due
to low income of parishoners, and our goal is to continue on until
we meet all requirements issued by Planning + Development Dept.
The members of Mt. Liberty Miss. Bapt. would highly appreciate the
Councils approval, God Bless You + we love you.

Mr. + Mrs. James Bracy Jr.



November 19, 2004

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. and Mrs. James Bracy Jr.
330 North 9th Street
Las Vegas, Nevada 89101

RE: EOT-5421 - EXTENTION OF TIME - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF NOVEMBER 17, 2004

Dear Applicant:

The City Council at a regular meeting held November 17, 2004 APPROVED the request for a Second Extension of Time of an approved Special Use Permit (U-0072-00) WHICH ALLOWED A CHURCH/HOUSE OF WORSHIP at 330 North 9th Street (APN 139-35-112-001), R-4 (High Density Residential) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on November 18, 2004. This approval is subject to:

Planning and Development

1. This Extension of Time will expire on October 18, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Special Use Permit U-0072-00 and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

Sincerely,

A handwritten signature in cursive script that reads "Vicky Darling".

Vicky Darling
Assistant Deputy City Clerk for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

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

VOICE 702.229.6011
TDD 702.386.9108

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

EOT-17091
11/01/06 CC



October 24, 2000

MAYOR
OSCAR B. GOODMAN

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

CITY MANAGER
VIRGINIA VALENTINE

Mr. and Mrs. James Bracy
330 North 9th Street
Las Vegas, Nevada 89101

RE: U-0072-00 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 18, 2000

Dear Mr. and Mrs. Bracy:

The City Council at a regular meeting held October 18, 2000 APPROVED the request for a Special Use Permit FOR A PROPOSED 1,744 SQUARE FOOT CHURCH at 330 North 9th Street (APN: 139-35-112-001), R-4 (High Density Residential) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 19, 2000. This approval is subject to:

Planning and Development

1. The three spaces shown adjacent to the north wall of the proposed church building shall be deleted.
2. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first. The plan shall show the addition of 24 inch box trees spaced 20 feet on center along the north and west property lines.
3. Replace the existing chain link fence on the south property line with a 6 foot tall decorative perimeter wall with a minimum of 20 percent contrasting material, as required by the Planning and Development Department.
4. The Special Use Permit includes only such activities as religious services, religious instruction, church club activities and similar activities. Functions such as child care facilities, formal educational programs preschool classes and similar related activities shall require an additional public hearing.
5. Thrift shops, homeless shelters and other similar activities are prohibited.
6. The property will have to meet all requirements of a commercial structure, as required by the Building and Safety Department.

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

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

Public Works

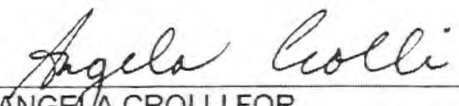
7. Dedicate a 25 foot radius on the southeast corner of 9th Street and Mesquite Avenue prior to the issuance of any permits.
8. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards prior to occupancy of this site.
9. Construct full-width alley paving adjacent to this site concurrent with development of this site.
10. Landscape and maintain all unimproved rights-of-way on 9th Street and Mesquite Avenue adjacent to this site.
11. Submit an Encroachment Agreement for all landscaping and private improvements located in the 9th Street and Mesquite Avenue public rights-of-way adjacent to this site prior to occupancy of this site.
12. Meet with the Traffic Engineer for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways should be designed, located and constructed to meet the intent of Standard Drawing #224.
13. 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements 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 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.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works. 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.

Planning and Development

14. All development shall be in conformance with the Site Development plan and building elevations.
15. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. For non-residential developments, failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
16. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.
17. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
18. All City Code requirements and design standards of all City departments must be satisfied.
19. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet.
20. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

Sincerely,


ANGELA CROLLI FOR
BARBARA JO RONEMUS, City Clerk

/ac

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services
Land Development Services

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ **Consent** ☐ **Discussion**

SUBJECT:

EXTENSION OF TIME - REZONING

EOT-17074 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Rezoning (ZON-4646) FROM: R-E (RESIDENCE ESTATES) TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), Ward 5 (Weekly). 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

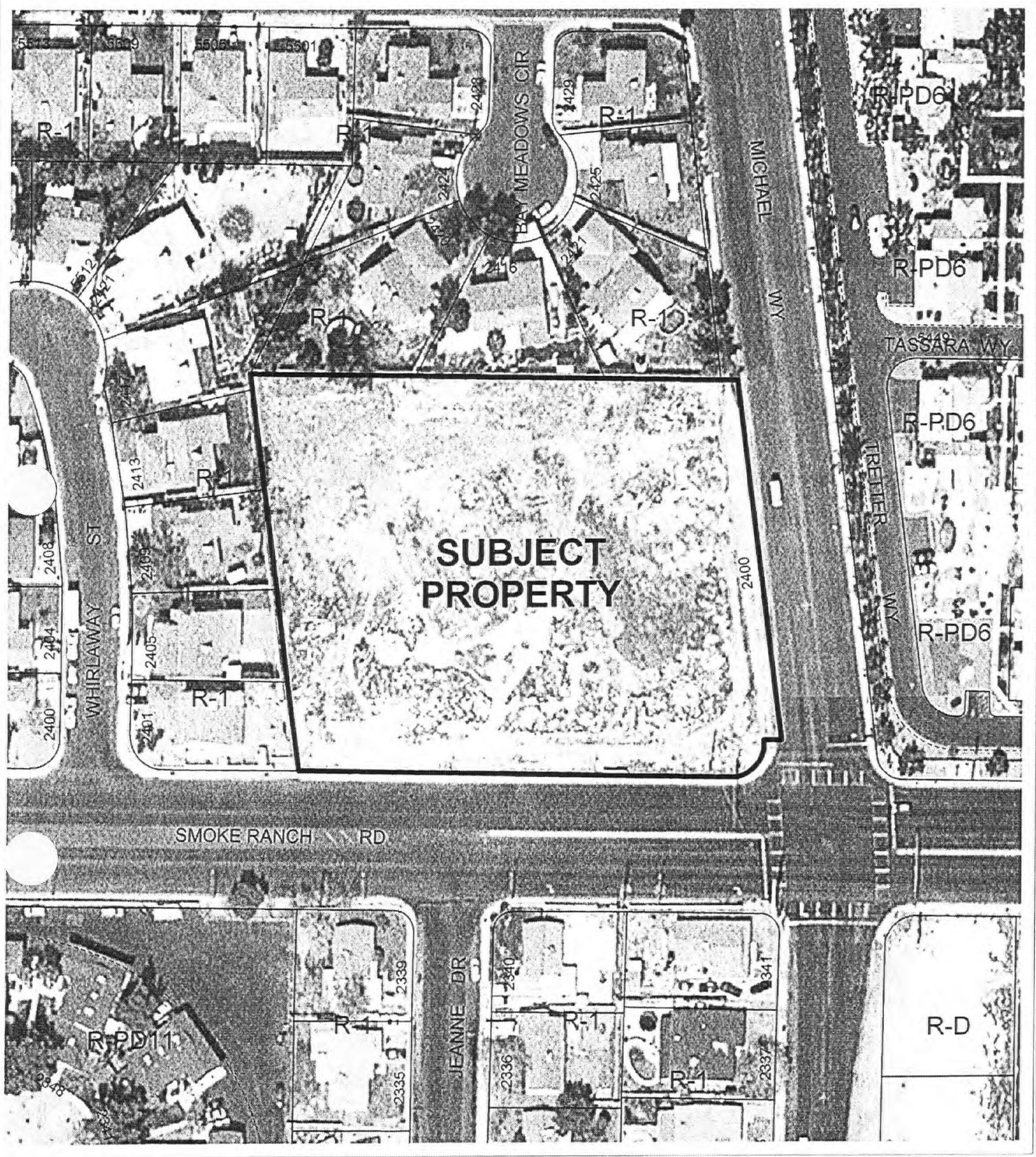
BACKUP DOCUMENTATION:

1. Location and Aerial Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for ZON-4646

Motion made by GARY REESE to Approve Subject to Conditions Item 57 [EOT-16950], Item 58 [EOT-16951], Item 59 [EOT-17091], Item 60 [EOT-17074], Item 61 [EOT-17075] and Item 62 [EOT-17076]

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS, LOIS TARKANIAN, LAWRENCE WEEKLY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



CASE: **EOT-17074**

0 60 120 Feet

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES)

APPROVED ZONING OF SUBJECT PROPERTY:

R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-17074 - EXTENSION OF TIME - REZONING -
APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on October 6, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Rezoning (ZON-4646) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/06/04	The City Council approved a General Plan Amendment (GPA-4649) to amend a portion of the Southwest Sector Plan of the General Plan from (Public Facility) to ML (Medium Low Density Residential); Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre); Site Development Plan Review (SDR-4647) for a 14 Unit Single Family Residential Development; Variance (VAR-4648) to allow a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential subdivision where 5.0 acres is required for a 14 unit single family residential planned development and a Waiver (WVR-4846) to Title 18.12.160 to allow approximately 157 feet between street intersections where 220 feet is the minimum distance separation required and a Waiver of Title 18.12.105 to allow a Private Drive to be 679 feet where 200 feet is the maximum length permitted on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road. The Planning Commission and staff recommended approval on 08/26/04.
12/16/04	The Planning Commission approved a Tentative Parcel Map (TMP-5585) for a 14-lot Single Family Residential Subdivision on 2.45 acres adjacent to the northwest corner of Smoke Ranch Road and Michael Way. Staff recommended approval of the request.
11/01/06	The City Council will consider a related Extension of Time (EOT-17075) of an approved Variance (VAR-4648) that allowed a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential planned development and Extension of Time (EOT-17076) of an approved Site Development Plan Review (SDR-4647) that allowed a 14 unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
11/01/06	The City Council will consider a Review of Condition (ROC-17081) Number 4 of an approved Site Development Plan Review (SDR-4647) to allow zero foot setbacks on all sides where a minimum if 20 feet are required in the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
<i>Related Building Permits/Business Licenses</i>	
	A Drainage Study (DS-3961) was submitted on 05/10/06 and finalized on 06/26/06. Civil Improvement Plans were submitted on 07/26/06, but denied on 08/22/06. A final map has not been submitted and no building permits have been issued on the subject site.

Details of Application Request	
Site Area	
Gross Acres	2.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD6 (Residential Planned Development – 6 Units per Acre)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Multi-Family Dwellings	MLA (Medium Low Attached Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre) on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.

ANALYSIS

This is the first Extension of Time for the subject Rezoning (ZON-4646), which was approved by the City Council on 10/06/04. There was an associated General Plan Amendment (GPA-4649), Site Development Plan Review (SDR-4647), Waiver (WVR-4846), and a Variance (VAR-4648) also approved by City Council. The Extension of Time is needed to comply with Condition of Approval Number 3 from the Tentative Map (TMP-5585). The Condition states “Approval by the City Council of an application for Review of Condition Number 4 of the Site

Development Plan Review (SDR-4647) to amend the minimum setbacks to zero feet prior to the approval of a Final Map Technical Review or Civil Improvement plans.” The Review of Condition (ROC-17081) will be heard at the 11/01/06 City Council meeting with the related Extension of Time applications. Therefore, the Extension of Time can be supported to allow for additional time to comply with the previous conditions of approval.

FINDINGS

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow conformance to the conditions of approval from the related tentative map case. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
--	-----

<u>ASSEMBLY DISTRICT</u>	N/A
---------------------------------	-----

<u>SENATE DISTRICT</u>	N/A
-------------------------------	-----

<u>NOTICES MAILED</u>	N/A
------------------------------	-----

<u>APPROVALS</u>	0
-------------------------	---

<u>PROTESTS</u>	0
------------------------	---

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-17074 APN: 138-13-403-001

Name of Property Owner: AGUIÑO BENITO ARMANDO ETAL

Name of Applicant: - SAME -

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

Yes

No

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

City Official: _____

Partner(s): _____

APN: _____

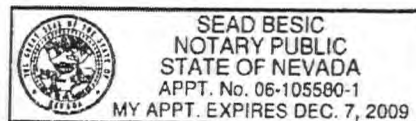
Signature of Property Owner:

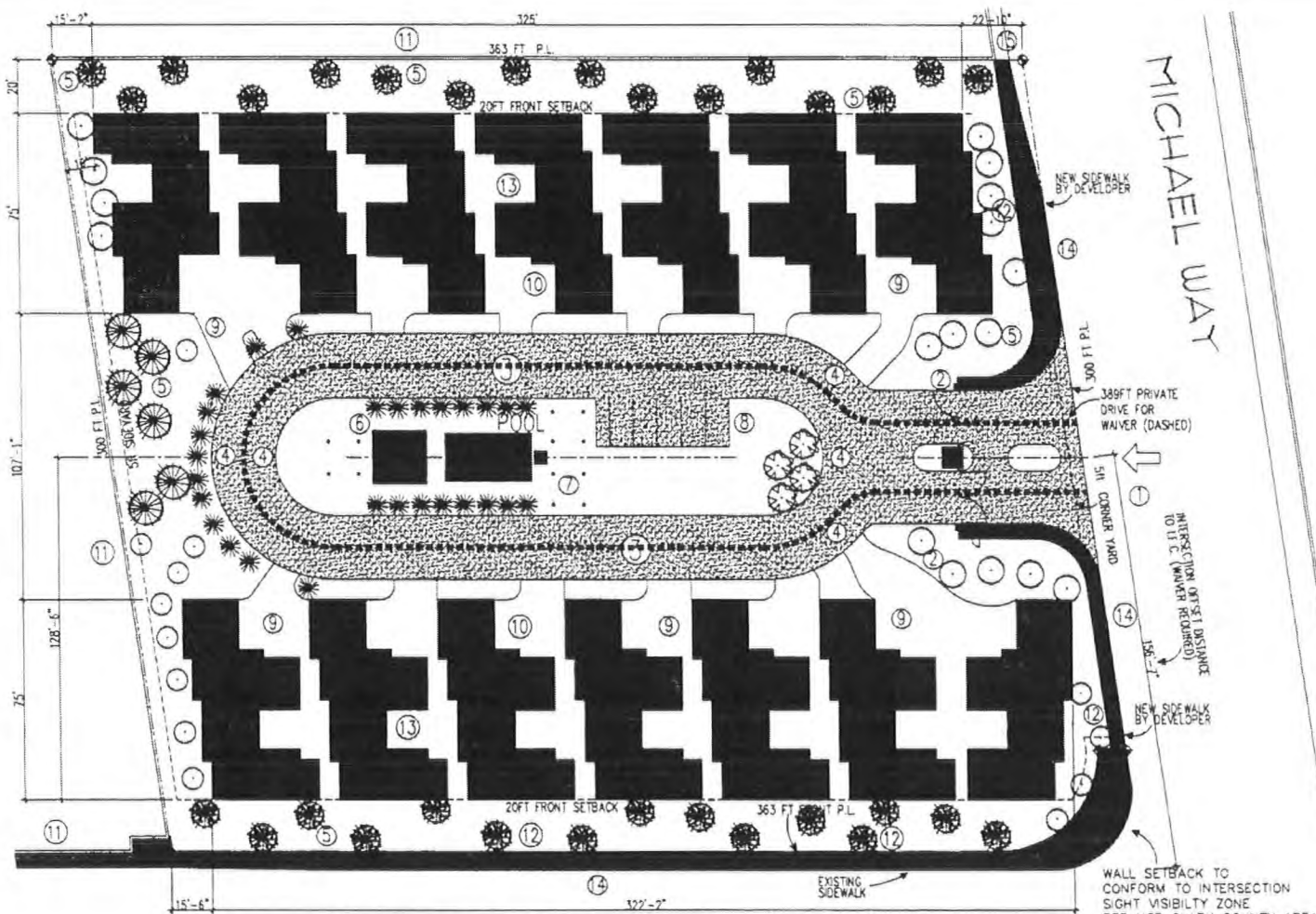
Print Name: AUGUSTO G GABORRO

Subscribed and sworn before me

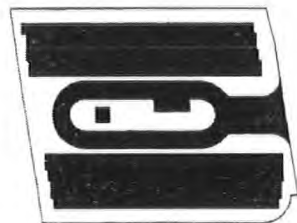
This 22 day of Sept, 2006

Notary Public in and for said County and State

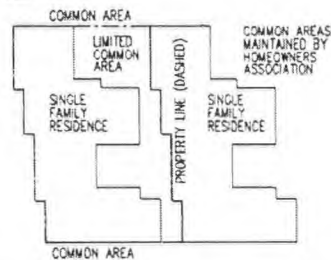




SMOKE RANCH RD



OPEN SPACE REQUIREMENT
NON-OPEN SPACE SHOWN SHADED
1.65 X 5.7 = 9.45 %
9.45% X 106,722 SQ FT = 10,032 SQ FT REQUIRED
39,984 SQ FT PROVIDED



WALL SETBACK TO CONFORM TO INTERSECTION SIGHT VISIBILITY ZONE PER USD CLARK COUNTY AREA DWG 201.2
BACK OF CURB RADIUS PER USD CLARK COUNTY AREA DWG 201

STANDARD	REQUIRED	PROVIDED
MINIMUM LOT SIZE ±1	6,500	108,900
DWELLING UNITS PER ACRE	6	5.7
MIN. LOT WIDTH (H)	NA	NA
MIN. FRONT YARD SETBACK (H)	NA	20
MIN. SIDE YARD SETBACK (H)	NA	10
MIN. CORNER SIDE YARD SETBACK (H)	NA	22
MIN. REAR YARD SETBACK (H)	NA	20
MIN. DISTANCE BETWEEN BUILDINGS	NA	35
MAX LOT COVERAGE	NA	NA
MAX. BUILDING HEIGHT (H)	2 ST/35H	2 ST/35H

KEY NOTES

- ENTRY/EGRESS TO USD STANDARD 222A
- AUTOMATIC HORIZONTAL SWING GATE & GUARD HOUSE
- NEW 24' WIDE PAVED ROAD
- 22' IR & 45' O.R. RADIUS
- LANDSCAPE BUFFER & JOGGING TRACK
- CLUB HOUSE
- POOL
- GUEST PARKING W/ H.C. SPACE 18' X 9' TYP
- TYPICAL DRIVEWAY
- TYPICAL FIRE-SPRINKLERED SINGLE FAMILY RESIDENCE 2 STOREY MAX HEIGHT 35 FT
- EXISTING BFT HOT CMU WALL
- NEW BFT HOT CMU WALL W/ 20% CONTRASTING MATERIAL
- TYPICAL COURTYARD
- SIDEWALK
- EXISTING FIRE HYDRANT

BUILDING SIZES

GROUND FLOOR FOOTPRINT	
12 UNITS AT 2320 SQ FT	27,840 SQ. FT
1 UNIT AT 2202 SQ FT	2,202 SQ. FT
1 UNIT AT 2280 SQ. FT	2,280 SQ. FT
POOL HOUSE	400 SQ. FT
GUARD HOUSE	96 SQ. FT
TOTAL	32,818 SQ. FT

PROPERTY SIZE 2.45 ACRES 106,722 SQ. FT

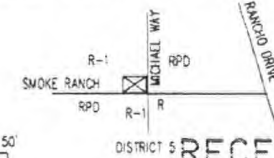
F.A.R. (FLOOR AREA RATIO) 30.7%

DENSITY 5.7 UNITS PER ACRE

PARKING

12 UNITS EACH WITH DOUBLE GARAGE	24
2 PARKING SPACES IN EACH GARAGE COURT	24
5 OFF STREET GUEST PARKING W/ 1 H/C	5
TOTAL PARKING	53

EOT-17074
11/01/06 CC

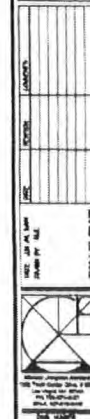


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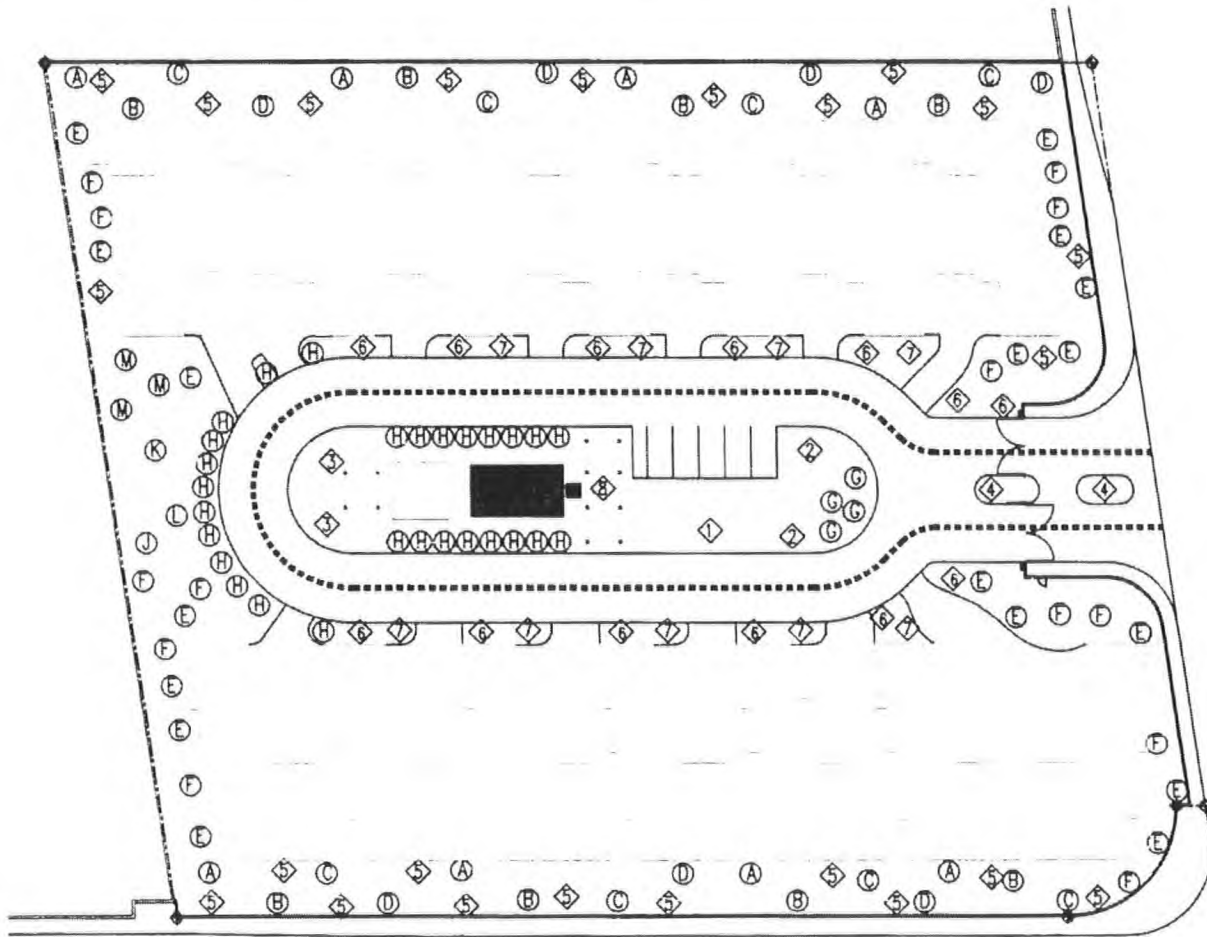
SEP 22 2006

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
SITE DEVELOPMENT PLAN



SP1



SMOKE RANCH RD

KEY TO TREES

Symbol	HGT	
A	5 FT	CRIMSON KING MAPLE
B	5 FT	SCARLET MAPLES
C	5 FT	SUGAR MAPLES
D	5 FT	NORWAY MAPLES
E	5 FT	CRAPE MAPLE - ZUNI
F	5 FT	CRAPE MAPLE - TONTO
G	5 FT	DATE PALM - PHOENIX DACTYLOFERA
H	5 FT	ITALIEN CYPRESS - CUPRESSUS SEMPERVIRENS
J	5 FT	CHESTNUT - COLASSAL
K	5 FT	CHESTNUT - CHINESE
L	5 FT	HARDY ALMOND
M	5 FT	MESQUITE

KEY TO PLANTS

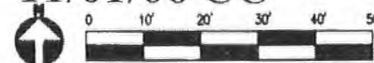
Symbol	
1	DRYLAND MIX
2	CACTI MIX
3	ROSE MIX
4	POTS W/ PERENNIALS
5	GRASS CLUMP MIX W/ STONE CHIPPINGS
6	CACTI W/ DESERT GRASS CLUMP MIX
7	CACTI IN POTS
8	GRAPE

NOTES:

- PROJECT IS XERI-LANDSCAPED
- NO TURF
- PATH TO BE COMPACTED SHELL
- DRIVEWAY TO BE COLORED CONCRETE
- PROVIDE SEAT OPPOSITE REAR OF EACH HOUSE
- PROVIDE MINIMUM OF ONE 24" TREE FOR EVERY 30 FT OF GROSS FRONTAGE IN STREETSCAPE
- PROVIDE MINIMUM OF 4 SHRUBS FOR EVERY TREE PLANTED
- ALL LANDSCAPE AREAS NOT COVERED BY VEGETATION SHALL CONTAIN A MIN OF 2" OF ROCK MULCH OR DECOMPOSED GRANITE

EOT-17074

11/01/06 CC



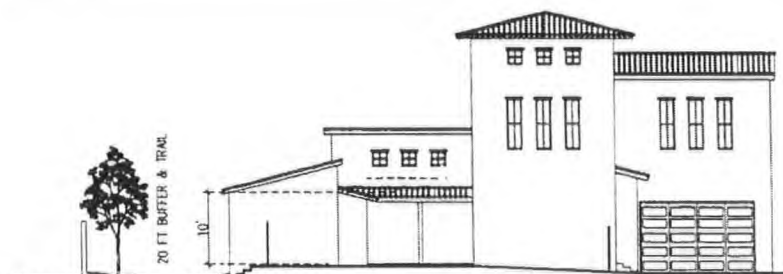
RECEIVED
SEP 22 2006

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
LANDSCAPE PLAN



LS1



SIDE ELEVATION (TYPE A)



FRONT ELEVATION (TYPE A)

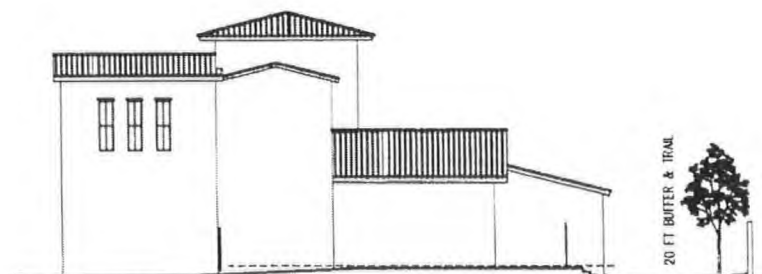
TYP. MATERIALS

ROOF CEMENT ROMAN TILE

WALLS STUCCO - VARIOUS TUSCAN STYLED COLORS
BRICK ACCENT

WINDOWS: RUSTIC STYLE - WOOD COLOR OR BLACK

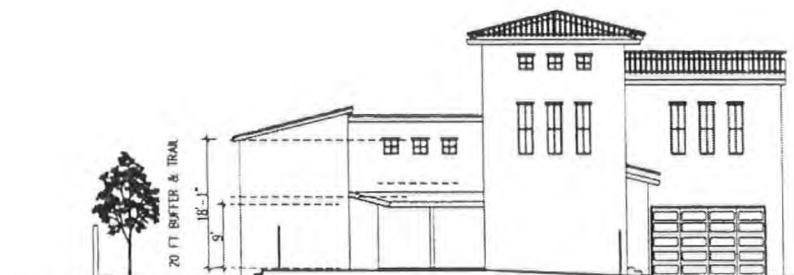
DOORS RUSTIC STYLE - WOOD COLOR OR BLACK



SIDE ELEVATION (TYPE A)



REAR ELEVATION (TYPE A)



SIDE ELEVATION (TYPE B)

NOTE:

ELEVATIONS ARE GENERIC
DEVELOPER WILL VARY DETAILS, ENTRANCE DESIGN
AND COLORS TO CREATE INDIVIDUALITY FOR EACH
RESIDENCE WHICH WILL BE CUSTOM DESIGNED FOR
THE BUYER

FOOTPRINT, HEIGHT AND MASSING WILL NOT CHANGE

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
BUILDING ELEVATIONS



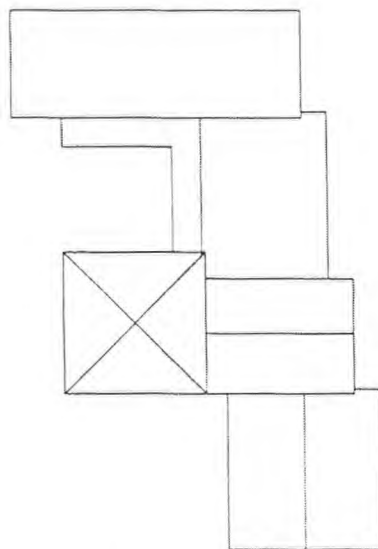
EOT-17074
11/01/06 CC

RECEIVED
SEP 22 2006

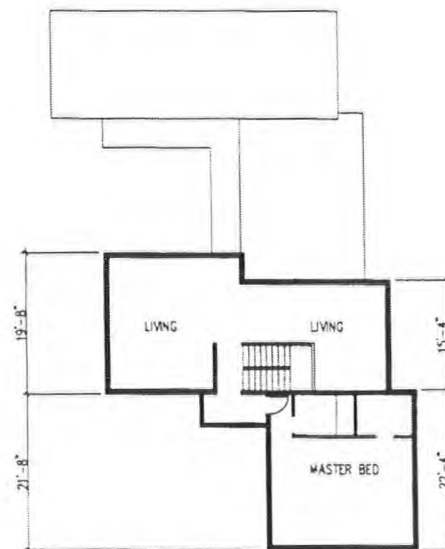
SP2

TYPE A GENERIC PLAN

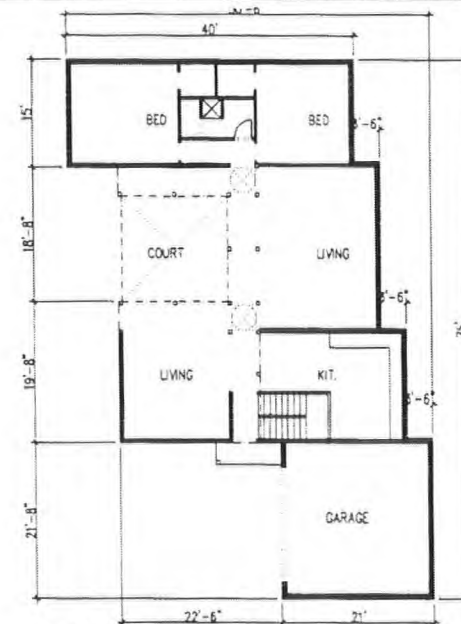
	SQ FT
LOWER AC	1864
UPPER AC	1210
TOTAL AC	3074
GARAGE	457
TOTAL	3531



ROOF



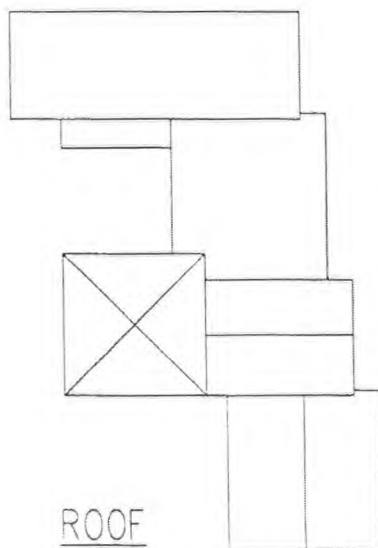
2NDFLOOR



FIRST FLOOR

TYPE B GENERIC PLAN

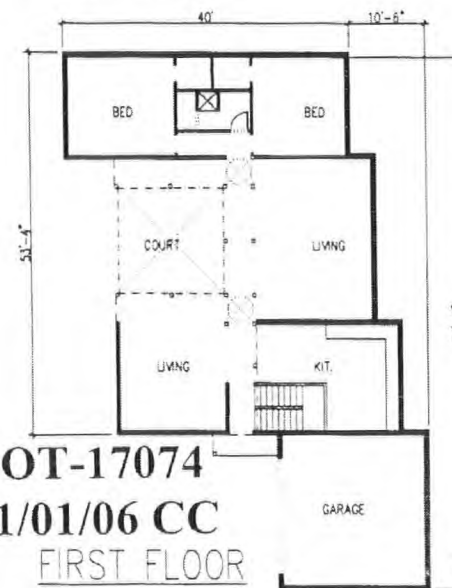
	SQ FT
LOWER AC	1864
UPPER AC	1902
TOTAL AC	3766
GARAGE	457
TOTAL	4223



ROOF



2NDFLOOR

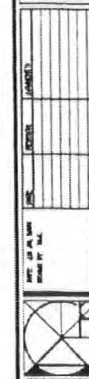


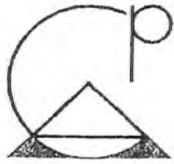
EOT-17074
11/01/06 CC
FIRST FLOOR

RECEIVED
SEP 22 2006

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
UNIT FLOOR PLANS
TYPES A & B





Michael J Livingston NCARB, Architect
ARCHITECTURE & COMMUNITY PLANNING www.acpglobal.com

1350 Town Center Drive, Unit 3032, Las Vegas, Nevada 89144

Tel (702) 271-0437

Fax (702) 256-1406

mjlivingston@acpglobal.com

design
engineering
civil engineering
project development
construction management

September 20, 2006

City of Las Vegas
Planning and Development
Development Services Center
731 S. 4th Street
Las Vegas, NV 89101

Ref: JUSTIFICATION LETTER for EXTENSION OF TIME for ZON-4646

Zerlina - 14 unit development on 2.5 acre site - property # 138-13-403-001

Michael Way and Smoke Ranch

In order to comply with condition #2 two-year limit from ZON-4646 approved October 6, 2004 we are requesting an Extension of Time.

The project is nearing completion of civil review. To date approvals have been given for Tentative Map (TMP-5585) and the Drainage Study has been completed, reviewed and approved by Flood Control. Civil drawings have completed first review and redline comments have been returned for corrections. Las Vegas Valley Water District have completed first review and made a service commitment. Nevada Power has completed design and made a service commitment.

The drainage study and civil design has taken longer than expected to complete and is now nearing completion.

An extension of time is respectfully requested in good faith since the developer is fully intentional of breaking ground at the earliest opportunity.

Respectfully,

Michael Livingston, Architect and Agent for Owner.

EOT-17074
11/01/06 CC



October 11, 2004

Mr. Beneto Aquino
Aquino Beneto Armano et al, et al
5109 Rancher Avenue
Las Vegas, Nevada 89108

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

RE: ZON-4646 – REZONING
CITY COUNCIL MEETING OF OCTOBER 6, 2004
Related to GPA-4649, VAR-4648, WVR-4846 & SDR-4647

Dear Mr. Aquino:

The City Council at a regular meeting held October 6, 2004 APPROVED the request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD6 (Residential Planned Development - 6 Units per Acre) on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001). The Notice of Final Action was filed with the Las Vegas City Clerk on October 7, 2004. This approval is subject to:

Planning and Development

1. A General Plan Amendment (GPA4649) approved by the City Council prior to any site grading and development activity on the site
2. A Resolution of Intent with a two-year time limit.

Public Works

3. Dedicate an additional 10 feet of right-of-way for a total half-street width of 40 feet on Michael Way and dedicate an additional 31.5 feet for a total 54 foot radius on the northwest corner of Smoke Ranch Road and Michael Way adjacent to this site prior to the issuance of any permits.
4. Construct all incomplete half-street improvements on Smoke Ranch Road and Michael Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

EOT-17074
11/01/06 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ Consent ☐ Discussion

SUBJECT:

EXTENSION OF TIME - VARIANCE RELATED TO EOT-17074

EOT-17075 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Variance (VAR-4648) THAT ALLOWED A 2.5 ACRE R-PD SUBDIVISION WHERE 5.0 ACRES IS REQUIRED FOR A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). 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.

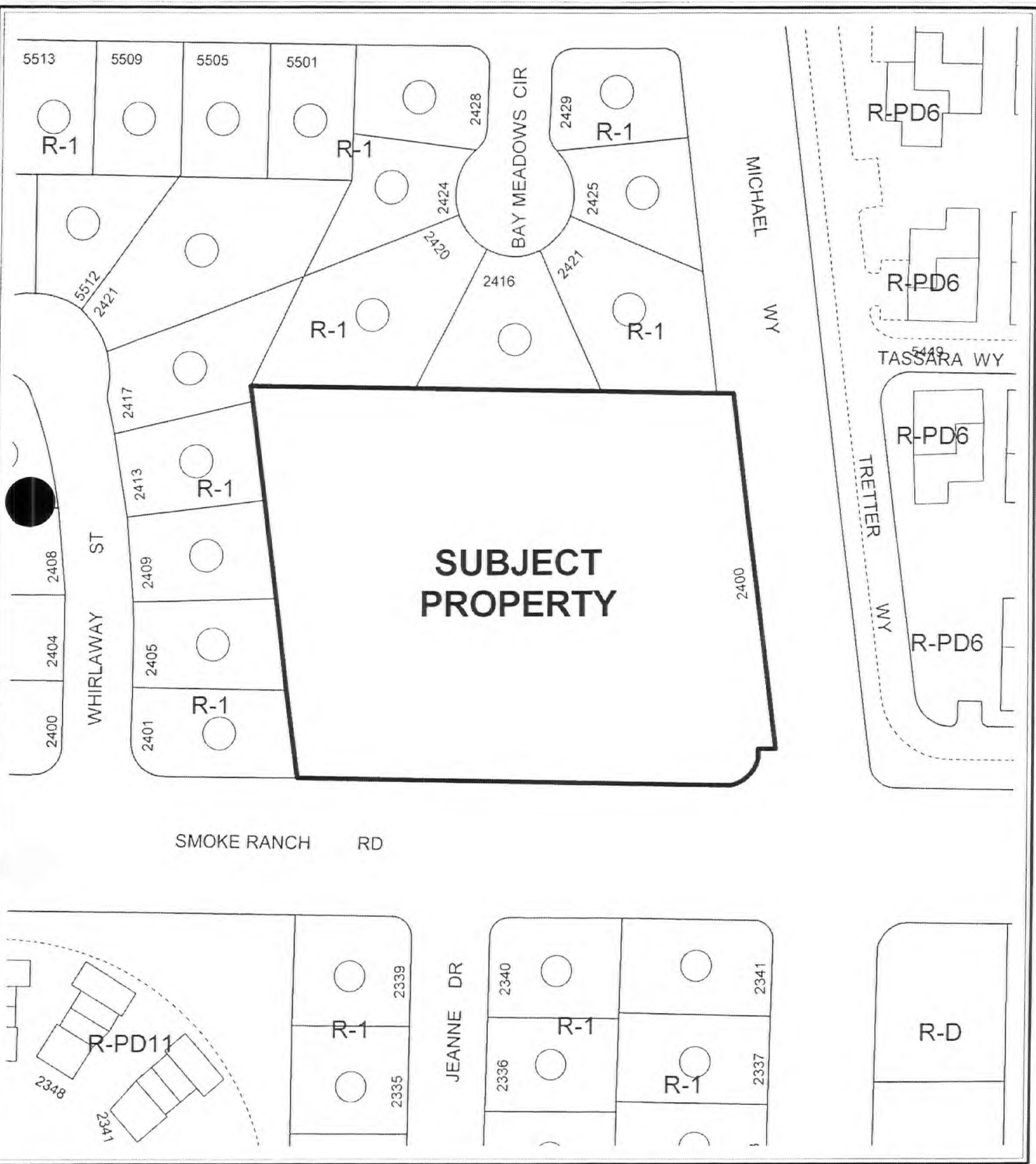
BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for VAR-4648

Motion made by GARY REESE to Approve Subject to Conditions Item 57 [EOT-16950], Item 58 [EOT-16951], Item 59 [EOT-17091], Item 60 [EOT-17074], Item 61 [EOT-17075] and Item 62 [EOT-17076]

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



CASE: **EOT-17075**

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

APPROVED ZONING OF SUBJECT PROPERTY:
R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-17075 - EXTENSION OF TIME - VARIANCE -
APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. This Extension of Time will expire on October 6, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Variance (VAR-4648) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/06/04	The City Council approved a General Plan Amendment (GPA-4649) to amend a portion of the Southwest Sector Plan of the General Plan from (Public Facility) to ML (Medium Low Density Residential); Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre); Site Development Plan Review (SDR-4647) for a 14 Unit Single Family Residential Development; Variance (VAR-4648) to allow a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential subdivision where 5.0 acres is required for a 14 unit single family residential planned development and a Waiver (WVR-4846) to Title 18.12.160 to allow approximately 157 feet between street intersections where 220 feet is the minimum distance separation required and a Waiver of Title 18.12.105 to allow a Private Drive to be 679 feet where 200 feet is the maximum length permitted on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road. The Planning Commission and staff recommended approval on 08/26/04.
12/16/04	The Planning Commission approved a Tentative Parcel Map (TMP-5585) for a 14-lot Single Family Residential Subdivision on 2.45 acres adjacent to the northwest corner of Smoke Ranch Road and Michael Way. Staff recommended approval of the request.
11/01/06	The City Council will consider a related Extension of Time (EOT-17074) of an approved Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre) and Extension of Time (EOT-17076) of an approved Site Development Plan Review (SDR-4647) that allowed a 14 unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
11/01/06	The City Council will consider a Review of Condition (ROC-17081) Number 4 of an approved Site Development Plan Review (SDR-4647) to allow zero foot setbacks on all sides where a minimum if 20 feet are required in the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
<i>Related Building Permits/Business Licenses</i>	
	A Drainage Study (DS-3961) was submitted on 05/10/06 and finalized on 06/26/06. Civil Improvement Plans were submitted on 07/26/06, but denied on 08/22/06. A final map has not been submitted and no building permits have been issued on the subject site.

Details of Application Request	
Site Area	
Gross Acres	2.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD6 (Residential Planned Development – 6 Units per Acre)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Multi-Family Dwellings	MLA (Medium Low Attached Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Variance (VAR-4648) that allowed a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.

ANALYSIS

This is the first Extension of Time for the subject Variance (VAR-4648), which was approved by the City Council on 10/06/04. There was an associated General Plan Amendment (GPA-4649), Site Development Plan Review (SDR-4647), Waiver (WVR-4846), and a Rezoning (ZON-4646) also approved by City Council. The Extension of Time is needed to comply with Condition of Approval Number 3 from the Tentative Map (TMP-5585). The Condition states “Approval by

the City Council of an application for Review of Condition Number 4 of the Site Development Plan Review (SDR-4647) to amend the minimum setbacks to zero feet prior to the approval of a Final Map Technical Review or Civil Improvement plans.” The Review of Condition (ROC-17081) will be heard in at the 11/01/06 City Council meeting with the related Extension of Time applications. Therefore, the Extension of Time can be supported to allow for additional time to comply with the previous conditions of approval.

Previous Conditions of Approval from Variance (VAR-4648)

1. Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4649), Rezoning (ZON-4646) and Site Development Plan Review (SDR-4647) 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.

FINDINGS

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow conformance to the conditions of approval from the related tentative map case. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

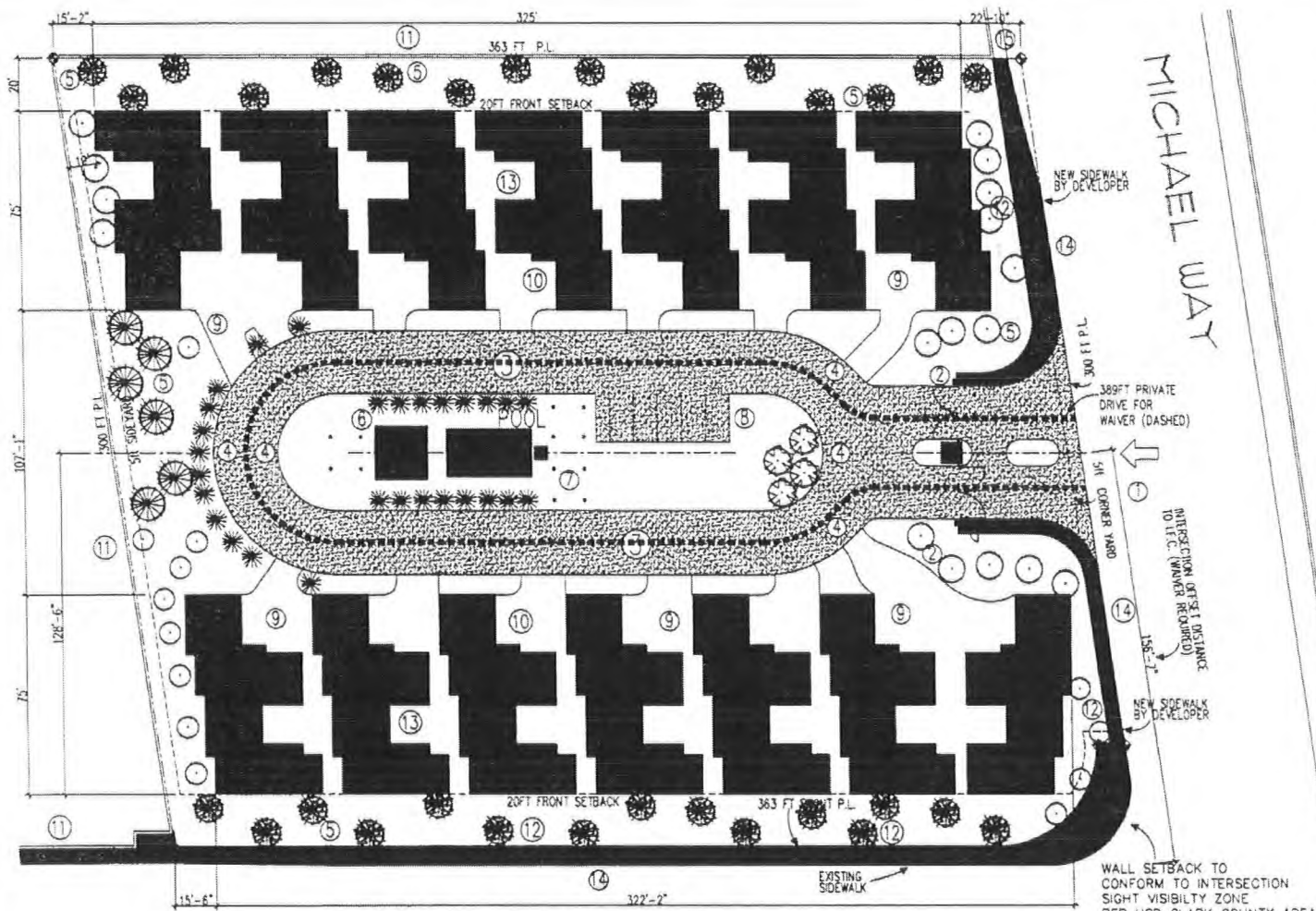
SENATE DISTRICT N/A

NOTICES MAILED N/A

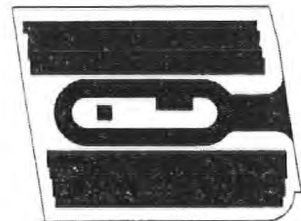
APPROVALS 0

PROTESTS 0

SEAD BASIC
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 06-105580-1
MY APPT. EXPIRES DEC. 7, 2009



SMOKE RANCH RD

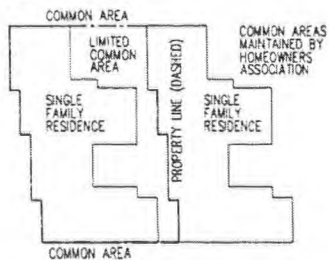


OPEN SPACE REQUIREMENT

NON-OPEN SPACE SHOWN SHADED

1.65 X 5.7 = 9.45 %

9.45% X 106,722 SQ FT = 10,032 SQ FT REQUIRED
39,984 SQ FT PROVIDED



WALL SETBACK TO CONFORM TO INTERSECTION SIGHT VISIBILITY ZONE PER USD CLARK COUNTY AREA DWG 201.2
BACK OF CURB RADIUS PER USD CLARK COUNTY AREA DWG 201



RESIDENTIAL RPD-6 DEVELOPMENT STANDARD		
STANDARD	REQUIRED	PROVIDED
MINIMUM LOT SIZE s.f.	6,500	106,900
DWELLING UNITS PER ACRE	8	5.7
MIN. LOT WIDTH (ft)	NA	NA
MIN. FRONT YARD SETBACK (ft)	NA	20
MIN. SIDE YARD SETBACK (ft)	NA	10
MIN. CORNER SIDE YARD SETBACK (ft)	NA	22
MIN. REAR YARD SETBACK (ft)	NA	20
MIN. DISTANCE BETWEEN BUILDINGS	NA	35
MAX. LOT COVERAGE	NA	NA
MAX. BUILDING HEIGHT (ft)	2 ST/35ft	2 ST/35ft

KEY NOTES

- ENTRY/EGRESS TO USD STANDARD 222A
- AUTOMATIC HORIZONTAL SWING GATE & GUARD HOUSE
- NEW 24' WIDE PAVED ROAD
- 22' IR & 45' O.R. RADIUS
- LANDSCAPE BUFFER & JOGGING TRACK
- CLUB HOUSE
- POOL
- GUEST PARKING W/ H.C. SPACE 18' X 9' TYP
- TYPICAL DRIVEWAY
- TYPICAL FIRE-SPRINKLERED SINGLE FAMILY RESIDENCE 2 STOREY MAX HEIGHT 35 FT
- EXISTING 8FT HGT CMU WALL
- NEW 8FT HGT CMU WALL W/ 20% CONTRASTING MATERIAL
- TYPICAL COURTYARD
- SIDEWALK
- EXISTING FIRE HYDRANT

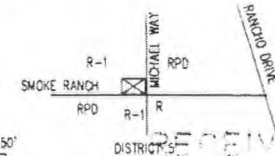
BUILDING SIZES

GROUND FLOOR FOOTPRINT	
12 UNITS AT 2320 SQ FT	27,840 SQ. FT
1 UNIT AT 2202 SQ FT	2,202 SQ. FT
1 UNIT AT 2280 SQ. FT	2,280 SQ. FT
POOL HOUSE	400 SQ. FT
GUARD HOUSE	96 SQ. FT
TOTAL	32,818 SQ. FT
PROPERTY SIZE 2.45 ACRES	106,722 SQ. FT
F.A.R. (FLOOR AREA RATIO)	30.7%
DENSITY	5.7 UNITS PER ACRE

PARKING

12 UNITS EACH WITH DOUBLE GARAGE	24
2 PARKING SPACES IN EACH GARAGE COURT	24
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TOTAL PARKING	53

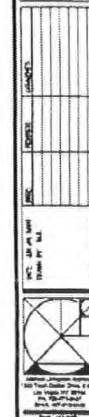
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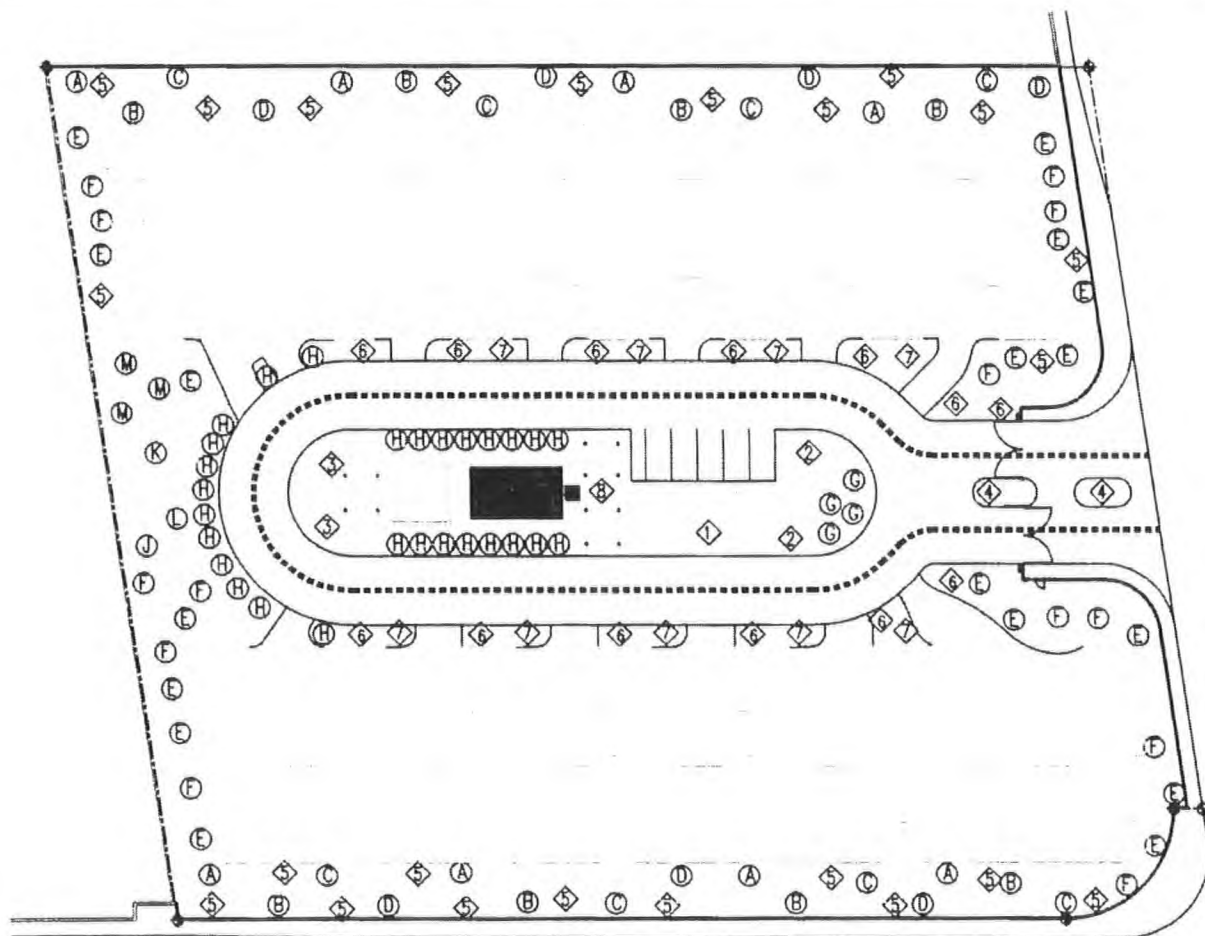
SEP 22 2006

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ZERLINA
SITE DEVELOPMENT PLAN

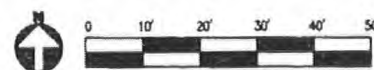


SP1



SMOKE RANCH RD

EOT-17075
11/01/06 CC



KEY TO TREES

○	HGT	
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KEY TO PLANTS

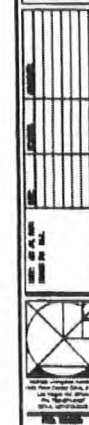
◇	
1	DRYLAND MIX
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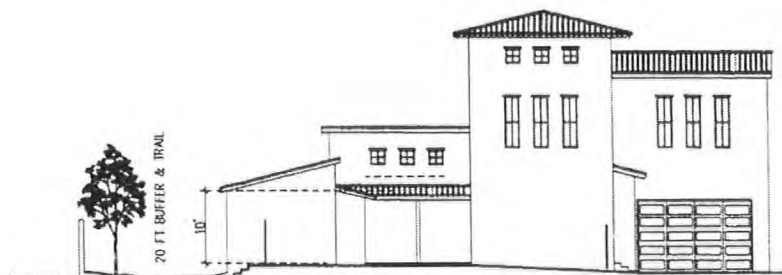
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City of Las Vegas, Nevada

ZERLINA
LANDSCAPE PLAN

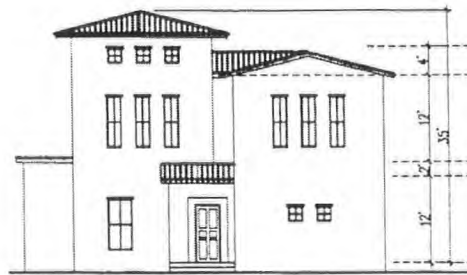


LS1

RECEIVED
SEP 22 2006



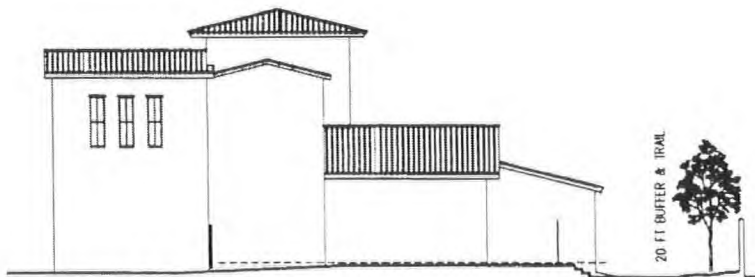
SIDE ELEVATION (TYPE A)



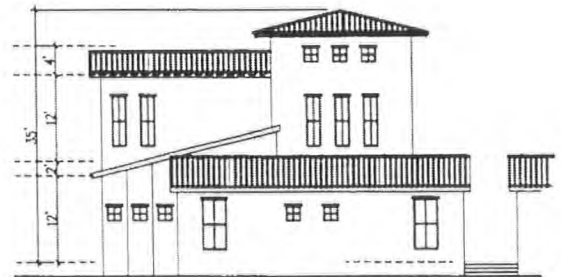
FRONT ELEVATION (TYPE A)

TYP. MATERIALS

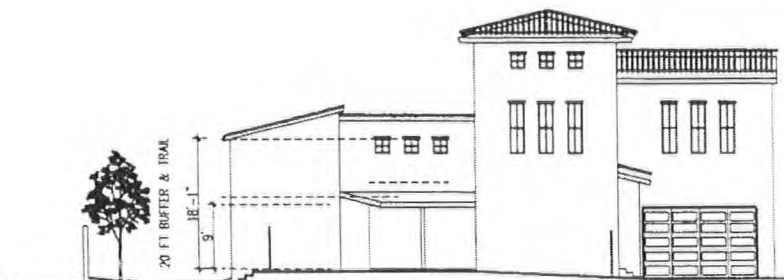
- ROOF CEMENT ROMAN TILE
- WALLS STUCCO - VARIOUS TUSCAN STYLED COLORS
BRICK ACCENT
- WINDOWS: RUSTIC STYLE - WOOD COLOR OR BLACK
- DOORS RUSTIC STYLE - WOOD COLOR OR BLACK



SIDE ELEVATION (TYPE A)



REAR ELEVATION (TYPE A)



SIDE ELEVATION (TYPE B)

NOTE:

ELEVATIONS ARE GENERIC
DEVELOPER WILL VARY DETAILS, ENTRANCE DESIGN
AND COLORS TO CREATE INDIVIDUALITY FOR EACH
RESIDENCE WHICH WILL BE CUSTOM DESIGNED FOR
THE BUYER

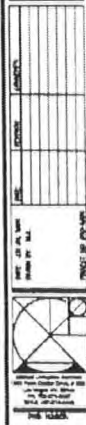
FOOTPRINT, HEIGHT AND MASSING WILL NOT CHANGE

EOT-17075
11/01/06 CC

RECEIVED
SEP 22 2006

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

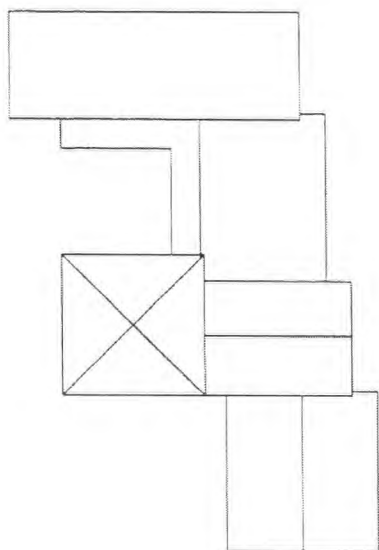
ZERLINA
BUILDING ELEVATIONS



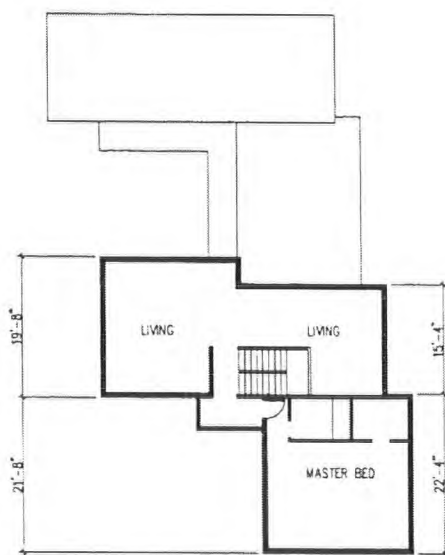
SP2

TYPE A GENERIC PLAN

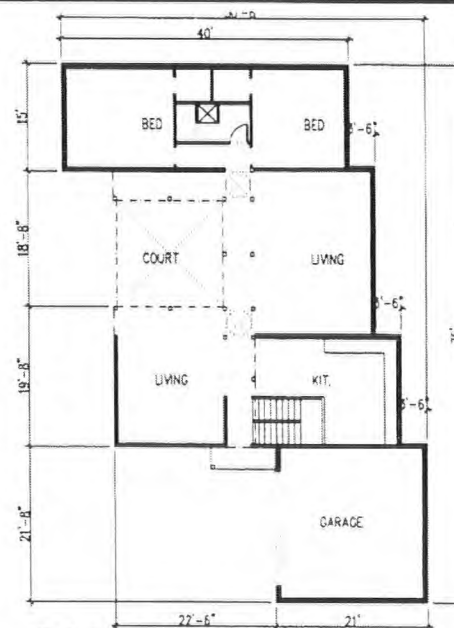
	SQ. FT.
LOWER AC	1864
UPPER AC	1210
TOTAL AC	3074
GARAGE	457
TOTAL	3531



ROOF



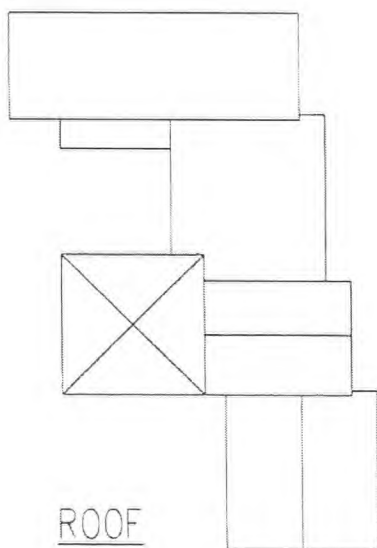
2NDFLOOR



FIRST FLOOR

TYPE B GENERIC PLAN

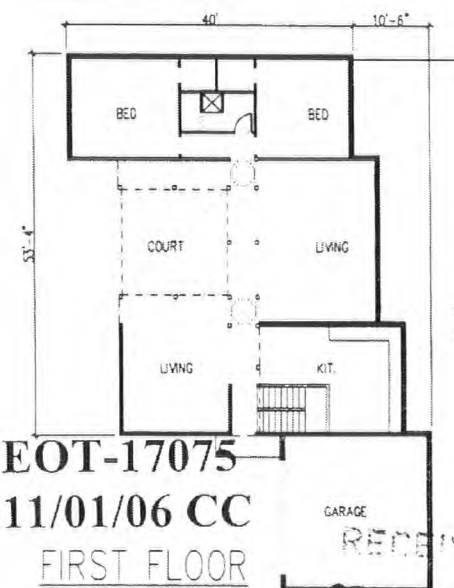
	SQ. FT.
LOWER AC	1864
UPPER AC	1902
TOTAL AC	3766
GARAGE	457
TOTAL	4223



ROOF



2NDFLOOR



EOT-17075
11/01/06 CC
FIRST FLOOR

RECEIVED
SEP 22 2006

2.45 ACRE SITE 138-13-403-001

DISTRICT 5

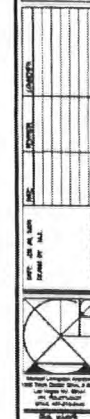
MICHAEL WAY / SMOKE RANCH RD.

City of Las Vegas, Nevada

ZERLINA

UNIT FLOOR PLANS

TYPES A & B



SP3



Michael J Livingston NCARB, Architect
ARCHITECTURE & COMMUNITY PLANNING www.acpglobal.com

1350 Town Center Drive, Unit 3032, Las Vegas, Nevada 89144

Tel (702) 271-0437

Fax (702) 256-1406

mjlivingston@acpglobal.com

design
engineering
civil engineering
project development
construction management

September 20, 2006

City of Las Vegas
Planning and Development
Development Services Center
731 S. 4th Street
Las Vegas, NV 89101

Ref: JUSTIFICATION LETTER for EXTENSION OF TIME for VAR-4648

Zerlina - 14 unit development on 2.5 acre site - property # 138-13-403-001

Michael Way and Smoke Ranch

In order to comply with condition #2 two-year limit from VAR-4648 approved October 6, 2004 we are requesting an Extension of Time

The project is nearing completion of civil review. To date approvals have been given for Tentative Map (TMP-5585) and the Drainage Study has been completed, reviewed and approved by Flood Control. Civil drawings have completed first review and redline comments have been returned for corrections. Las Vegas Valley Water District have completed first review and made a service commitment. Nevada Power has completed design and made a service commitment.

The drainage study and civil design has taken longer than expected to complete and is now nearing completion.

An extension of time is respectfully requested in good faith since the developer is fully intentional of breaking ground at the earliest opportunity.

Respectfully,

Michael Livingston, Architect and Agent for Owner.

EOT-17075
11/01/06 CC



October 11, 2004

Mr. Beneto Aquino
Aquino Beneto Armano et al, et al
5109 Rancher Avenue
Las Vegas, Nevada 89108

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
IANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

RE: VAR-4648 - VARIANCE
CITY COUNCIL MEETING OF OCTOBER 6, 2004
Related to GPA-4649, ZON-4646, WVR-4846 & SDR-4647

Dear Mr. Aquino:

The City Council at a regular meeting held October 6, 2004 APPROVED the request for a Variance TO ALLOW A 2.5 ACRE R-PD SUBDIVISION WHERE 5.0 ACRES IS REQUIRED FOR A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 7, 2004. This approval is subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for a General Plan Amendment (GPA-4649), Rezoning (ZON-4646) and Site Development Plan Review (SDR-4647) 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. ←

Sincerely,

Angela Crolli
Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

8 1/2 x 11 of submitted plan
floor plans
elevation
dead
legal
statement of interest

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Michael Livingston
1350 Town Center Drive, Suite #3032
Las Vegas, Nevada 89144

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6004

EOT-17075
11/01/06 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☒ **Consent** ☐ **Discussion****SUBJECT:**

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW RELATED TO EOT-17074 AND EOT-17075

EOT-17076 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4647) THAT ALLOWED A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). 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.

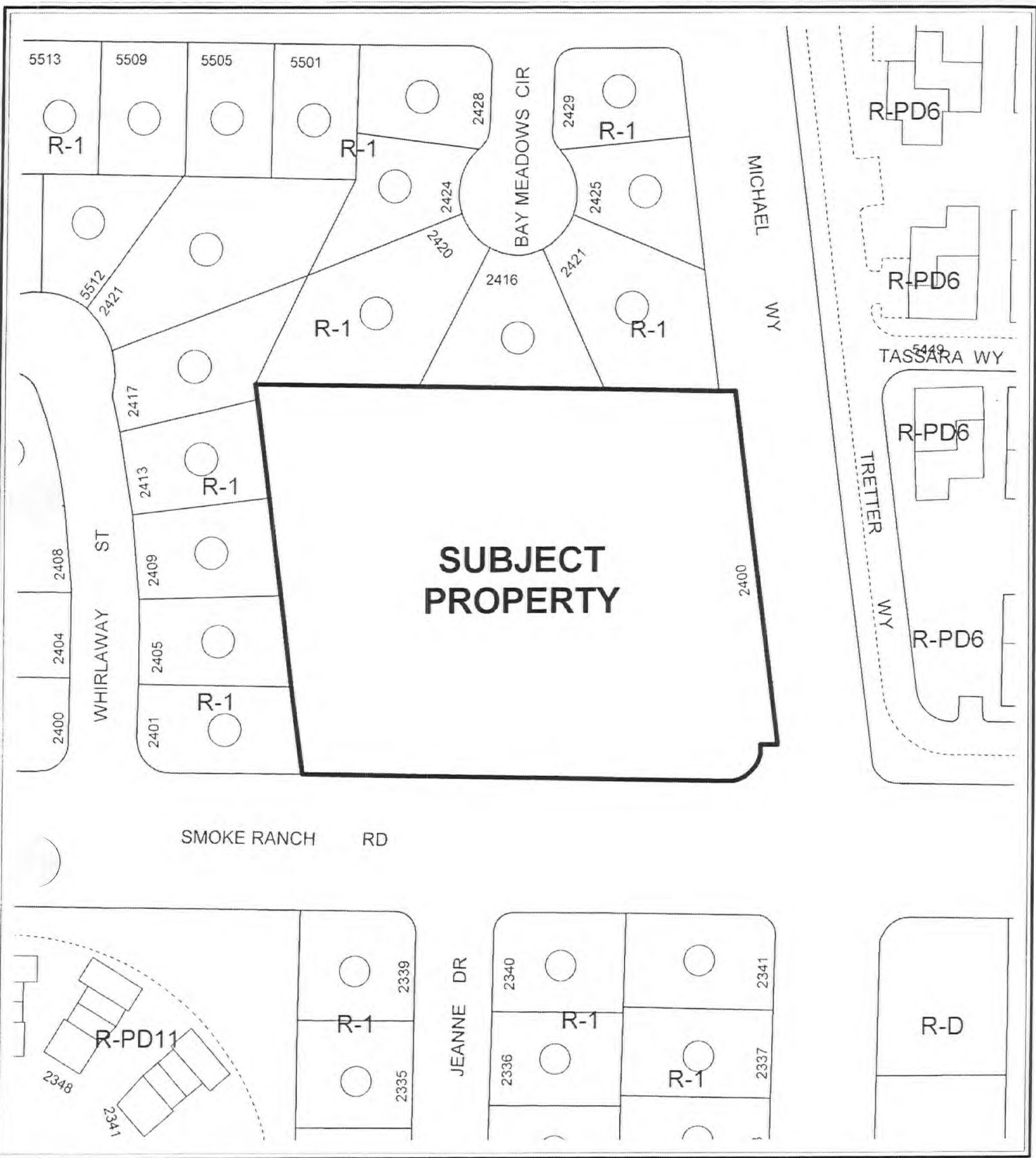
BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SDR-4647

Motion made by GARY REESE to Approve Subject to Conditions Item 57 [EOT-16950], Item 58 [EOT-16951], Item 59 [EOT-17091], Item 60 [EOT-17074], Item 61 [EOT-17075] and Item 62 [EOT-17076]

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



CASE: EOT-17076



ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES)

APPROVED ZONING OF SUBJECT PROPERTY:

R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-17076 - EXTENSION OF TIME - SITE DEVELOPMENT

PLAN REVIEW - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on October 6, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-4647) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/06/04	The City Council approved a General Plan Amendment (GPA-4649) to amend a portion of the Southwest Sector Plan of the General Plan from (Public Facility) to ML (Medium Low Density Residential); Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre); Site Development Plan Review (SDR-4647) for a 14 Unit Single Family Residential Development; Variance (VAR-4648) to allow a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential subdivision where 5.0 acres is required for a 14 unit single family residential planned development and a Waiver (WVR-4846) to Title 18.12.160 to allow approximately 157 feet between street intersections where 220 feet is the minimum distance separation required and a Waiver of Title 18.12.105 to allow a Private Drive to be 679 feet where 200 feet is the maximum length permitted on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road. The Planning Commission and staff recommended approval on 08/26/04.
12/16/04	The Planning Commission approved a Tentative Parcel Map (TMP-5585) for a 14-lot Single Family Residential Subdivision on 2.45 acres adjacent to the northwest corner of Smoke Ranch Road and Michael Way. Staff recommended approval of the request.
11/01/06	The City Council will consider a related Extension of Time (EOT-17074) of an approved Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre) and Extension of Time (EOT-17075) of an approved Variance (VAR-4648) that allowed a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
11/01/06	The City Council will consider a Review of Condition (ROC-17081) Number 4 of an approved Site Development Plan Review (SDR-4647) to allow zero foot setbacks on all sides where a minimum if 20 feet are required in the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
<i>Related Building Permits/Business Licenses</i>	
	A Drainage Study (DS-3961) was submitted on 05/10/06 and finalized on 06/26/06. Civil Improvement Plans were submitted on 07/26/06, but denied on 08/22/06. A final map has not been submitted and no building permits have been issued on the subject site.

Details of Application Request	
Site Area	
Gross Acres	2.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD6 (Residential Planned Development – 6 Units per Acre)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Multi-Family Dwellings	MLA (Medium Low Attached Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Site Development Plan Review (SDR-4647) that allowed a 14-unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.

ANALYSIS

This is the first Extension of Time for the subject Site Development Plan Review (SDR-4647), which was approved by the City Council on 10/06/04. There was an associated General Plan Amendment (GPA-4649), Variance (VAR-4648), Waiver (WVR-4846), and Rezoning (ZON-4646) also approved by City Council. The Extension of Time is needed to comply with Condition of Approval Number 3 from the Tentative Map (TMP-5585). The Condition states “Approval by the City Council of an application for Review of Condition Number 4 of the Site

Development Plan Review (SDR-4647) to amend the minimum setbacks to zero feet prior to the approval of a Final Map Technical Review or Civil Improvement plans.” The Review of Condition (ROC-17081) will be heard in at the 11/01/06 City Council meeting with the related Extension of Time applications. Therefore, the Extension of Time can be supported to allow for additional time to comply with the previous conditions of approval.

Previous Conditions of Approval from Site Development Plan Review (SDR-4647)

1. A General Plan Amendment (GPA-4649) from PF (Public Facility) to ML (Medium-Low Density Residential) land use designation, rezoning (ZON-4646) R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units Per Acre), and Variance (VAR-4648) approved by the City Council.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. 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.
4. The setbacks for this development are a minimum of 20 feet to the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear.
5. All development shall be in conformance with the site plan; landscape plan and building elevations, dated stamped August 18, 2004 except as amended by conditions herein.
6. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
11. All City Code requirements and design standards of all City departments must be met except as amended by conditions herein.
12. The applicant shall meet with Planning and Development Staff to develop an address plan prior to the issue of permits.
13. The proposed gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

14. 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.
15. 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.
16. Site development to comply with all applicable conditions of approval for ZON-4646 and all other subsequent site-related actions.
17. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
18. 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 non-standard private street/private drive intersections are proposed within this subdivision.

FINDINGS

As there have been no notable changes on the site since the approval of the original application, staff has no objection to this request for an Extension of Time. The Extension of Time will allow conformance to the conditions of approval from the related tentative map case. A condition of approval has been added, which recommends that the extension be allowed for two years or until such time as another Extension of Time application is approved.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

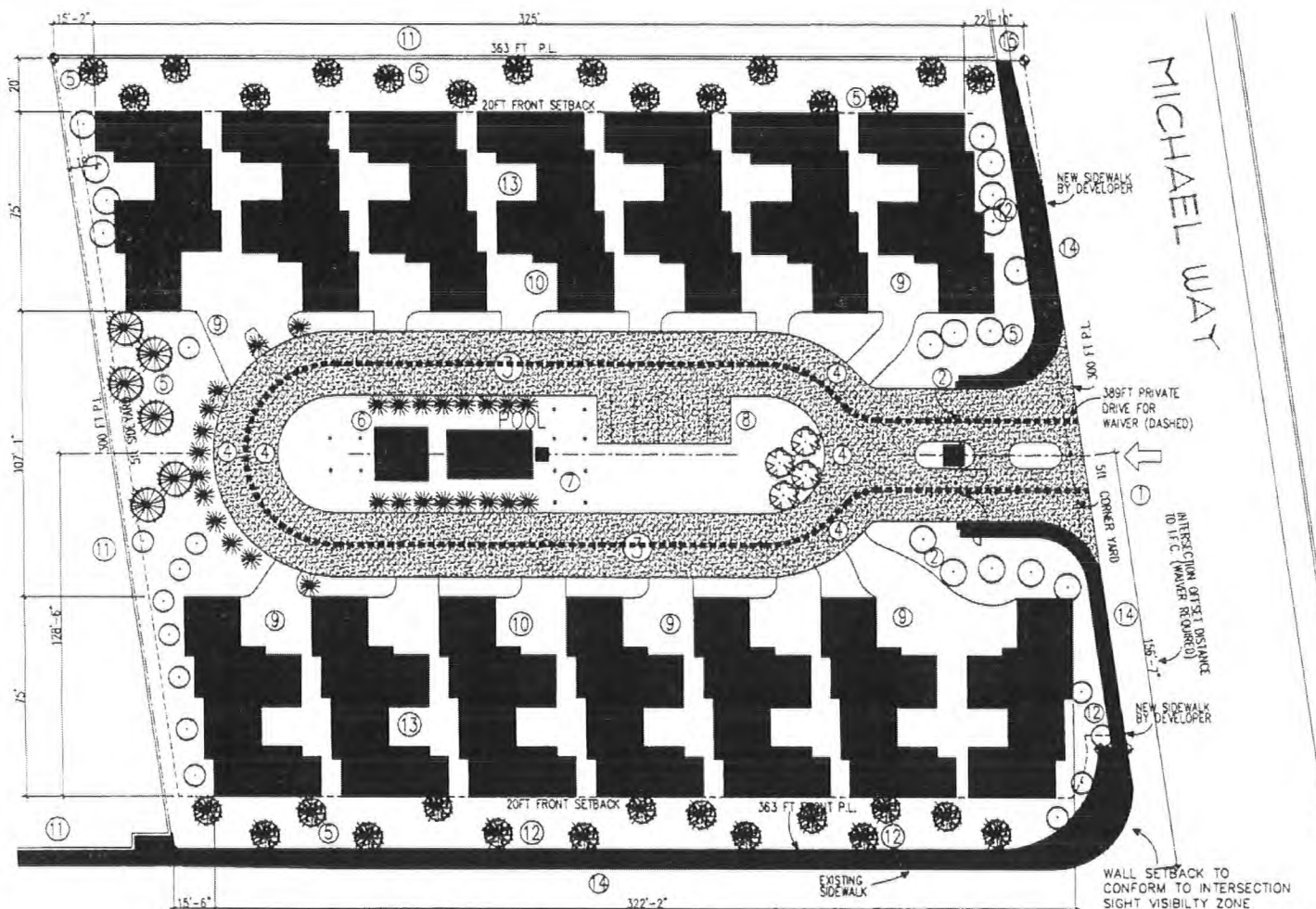
Name of Applicant: - SAME -

Mo No

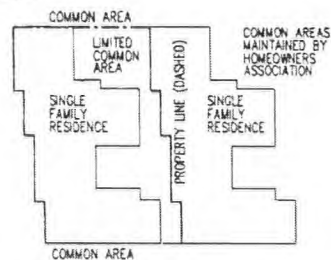
APN: _____

Print Name: AUGUSTO G GABORRO

 SEAD BASIC
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 06-105580-1
MY APPT. EXPIRES DEC. 7, 2009

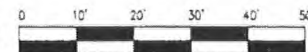


SMOKE RANCH RD



OPEN SPACE REQUIREMENT
NON-OPEN SPACE SHOWN SHADED
1.65 X 5.7 = 9.45 %
9.45% X 106,722 SQ FT = 10,032 SQ FT REQUIRED
39,984 SQ FT PROVIDED

WALL SETBACK TO
CONFORM TO INTERSECTION
SIGHT VISIBILITY ZONE
PER USD CLARK COUNTY AREA
DWG 201.2
BACK OF CURB RADIUS
PER USD CLARK COUNTY AREA
DWG 201



RESIDENTIAL RPD-6 DEVELOPMENT STANDARD	REQUIRED	PROVIDED
MINIMUM LOT SIZE ±1	6,500	108,900
DWELLING UNITS PER ACRE	6	5.7
MIN. LOT WIDTH (ft)	NA	NA
MIN. FRONT YARD SETBACK (ft)	NA	20
MIN. SIDE YARD SETBACK (ft)	NA	10
MIN. CORNER SIDE YARD SETBACK (ft)	NA	22
MIN. REAR YARD SETBACK (ft)	NA	20
MIN. DISTANCE BETWEEN BUILDINGS	NA	35
MAX LOT COVERAGE	NA	NA
MAX. BUILDING HEIGHT (ft)	2 ST/35ft	2 ST/35ft

KEY NOTES

- ENTRY/EGRESS TO USD STANDARD 222A
- AUTOMATIC HORIZONTAL SWING GATE & GUARD HOUSE
- NEW 24' WIDE PAVED ROAD
- 22' LR & 45' O.R. RADIUS
- LANDSCAPE BUFFER & JOGGING TRACK
- CLUB HOUSE
- POOL
- GUEST PARKING W/ H.C. SPACE
18' X 9' TYP
- TYPICAL DRIVEWAY
- TYPICAL FIRE-SPRINKLERED SINGLE FAMILY RESIDENCE
2 STOREY MAX HEIGHT 35 FT
- EXISTING 8FT HGT CMU WALL
- NEW 8FT HGT CMU WALL W/ 20% CONTRASTING MATERIAL
- TYPICAL COURTYARD
- SIDEWALK
- EXISTING FIRE HYDRANT

BUILDING SIZES

GROUND FLOOR FOOTPRINT	
12 UNITS AT 2320 SQ FT	27,840 SQ. FT
1 UNIT AT 2202 SQ FT	2,202 SQ. FT
1 UNIT AT 2280 SQ. FT	2,280 SQ. FT
POOL HOUSE	400 SQ. FT
GUARD HOUSE	96 SQ. FT
TOTAL	32,818 SQ. FT

PROPERTY SIZE 2.45 ACRES 106,722 SQ. FT

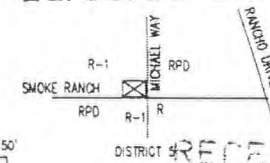
F.A.R. (FLOOR AREA RATIO) 30.7%

DENSITY 5.7 UNITS PER ACRE

PARKING

12 UNITS EACH WITH DOUBLE GARAGE	24
2 PARKING SPACES IN EACH GARAGE COURT	24
5 OFF STREET GUEST PARKING W/ 1 H/C	5
TOTAL PARKING	53

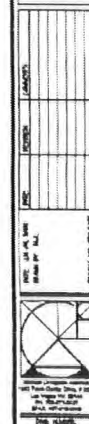
EOT-17076
11/01/06 CC



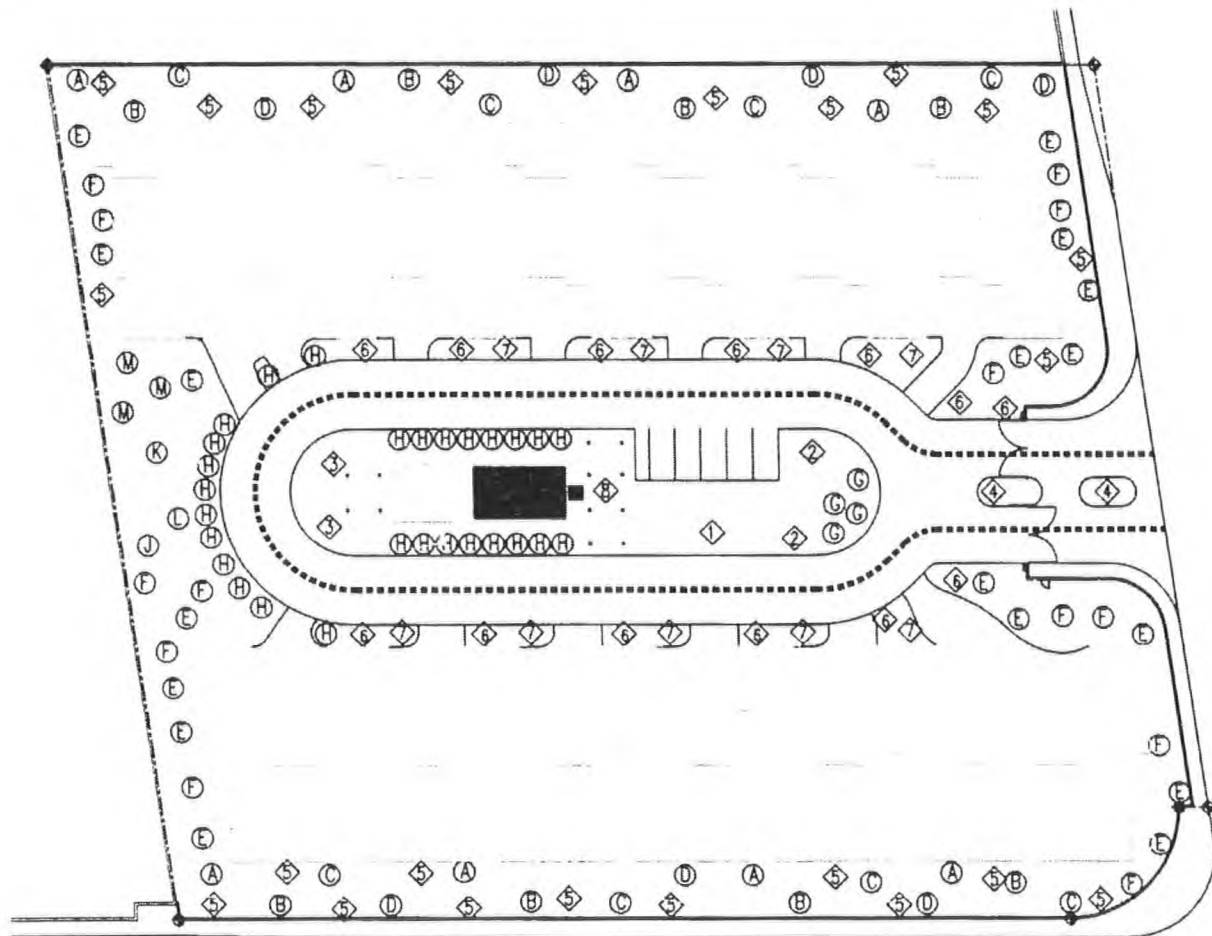
SEP 22 2006

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
SITE DEVELOPMENT PLAN

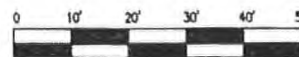


SP1



SMOKE RANCH RD

EOT-17076
11/01/06 CC



KEY TO TREES

○	HGT	
A	5 FT	CRIMSON KING MAPLE
B	5 FT	SCARLET MAPLES
C	5 FT	SUGAR MAPLES
D	5 FT	NORWAY MAPLES
E	5 FT	CRAPE MAPLE - ZUNI
F	5 FT	CRAPE MAPLE - TONTO
G	5 FT	DATE PALM - PHOENIX DACTYLIFERA
H	5 FT	ITALIEN CYPRESS - CUPRESSUS SEMPERVIRENS
J	5 FT	CHESTNUT - COLASSAL
K	5 FT	CHESTNUT - CHINESE
L	5 FT	HARDY ALMOND
M	5 FT	MESQUITE

KEY TO PLANTS

◇	
1	DRYLAND MIX
2	CACTI MIX
3	ROSE MIX
4	POTS W/ PERENNIALS
5	GRASS CLUMP MIX W/ STONE CHIPPINGS
6	CACTI W/ DESERT GRASS CLUMP MIX
7	CACTI IN POTS
8	GRAPE

NOTES:

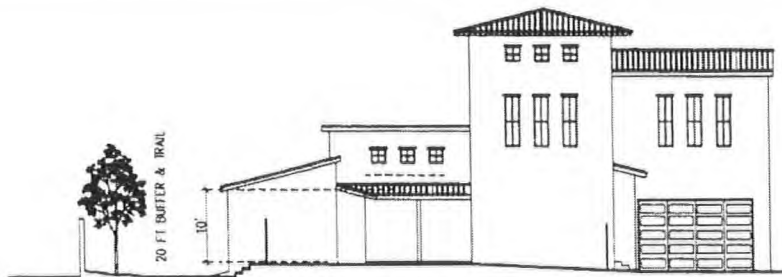
- PROJECT IS XERI-LANDSCAPED
- NO TURF
- PATH TO BE COMPACTED SHELL
- DRIVEWAY TO BE COLORED CONCRETE
- PROVIDE SEAT OPPOSITE REAR OF EACH HOUSE
- PROVIDE MINIMUM OF ONE 24" TREE FOR EVERY 30 FT OF GROSS FRONTAGE IN STREETSCAPE.
- PROVIDE MINIMUM OF 4 SHRUBS FOR EVERY TREE PLANTED
- ALL LANDSCAPE AREAS NOT COVERED BY VEGETATION SHALL CONTAIN A MIN OF 2" OF ROCK MULCH OR DECOMPOSED GRANITE

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
LANDSCAPE PLAN

RECEIVED
SEP 22 2006

LS1



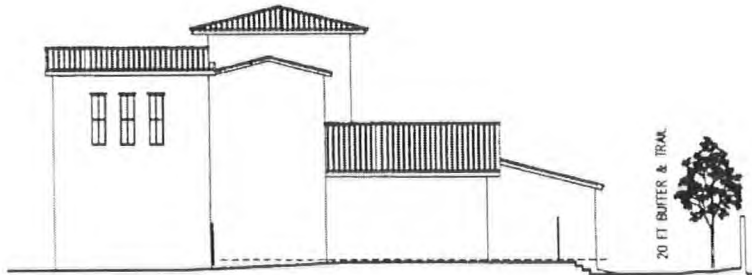
SIDE ELEVATION (TYPE A)



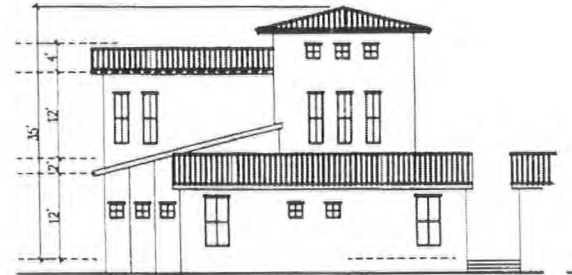
FRONT ELEVATION (TYPE A)

TYP. MATERIALS

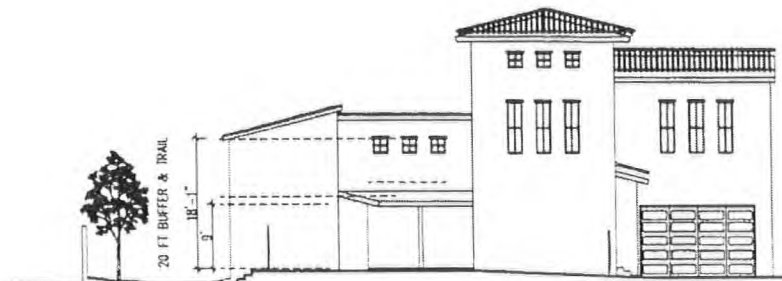
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- DOORS RUSTIC STYLE - WOOD COLOR OR BLACK



SIDE ELEVATION (TYPE A)



REAR ELEVATION (TYPE A)



SIDE ELEVATION (TYPE B)

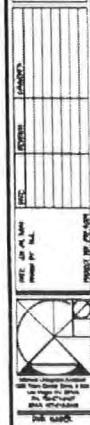
NOTE:

ELEVATIONS ARE GENERIC
DEVELOPER WILL VARY DETAILS, ENTRANCE DESIGN
AND COLORS TO CREATE INDIVIDUALITY FOR EACH
RESIDENCE WHICH WILL BE CUSTOM DESIGNED FOR
THE BUYER

FOOTPRINT, HEIGHT AND MASSING WILL NOT CHANGE

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
BUILDING ELEVATIONS



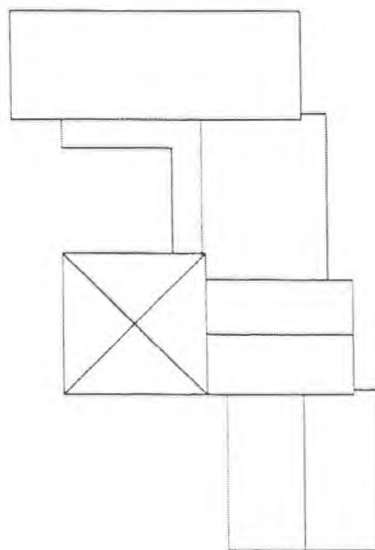
EOT-17076
11/01/06 CC

RECEIVED
SEP 22 2006

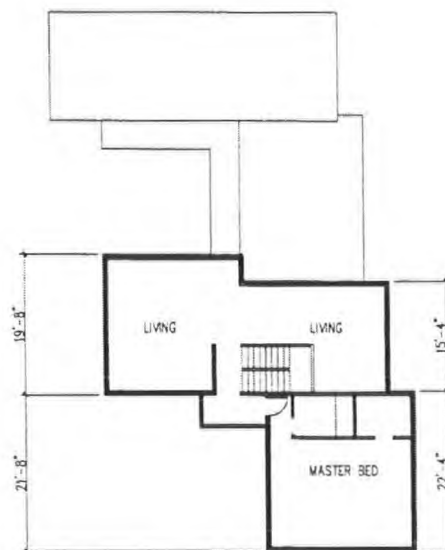
SP2

TYPE A GENERIC PLAN

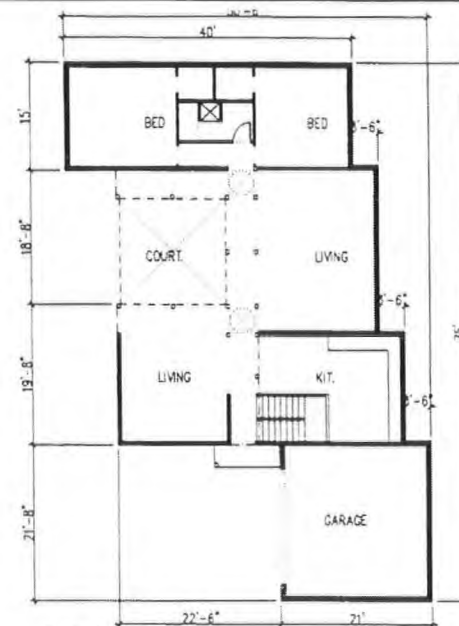
	SQ FT
LOWER AC	1864
UPPER AC	1210
TOTAL AC	3074
GARAGE	457
TOTAL	3531



ROOF



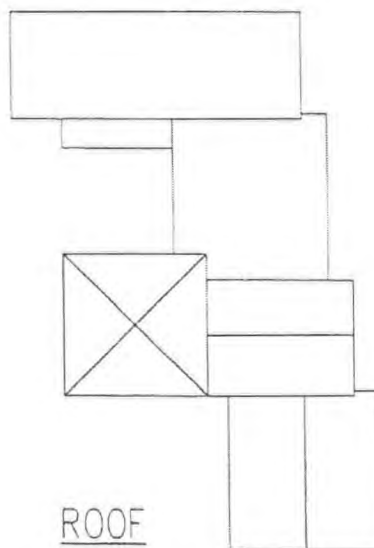
2NDFLOOR



FIRST FLOOR

TYPE B GENERIC PLAN

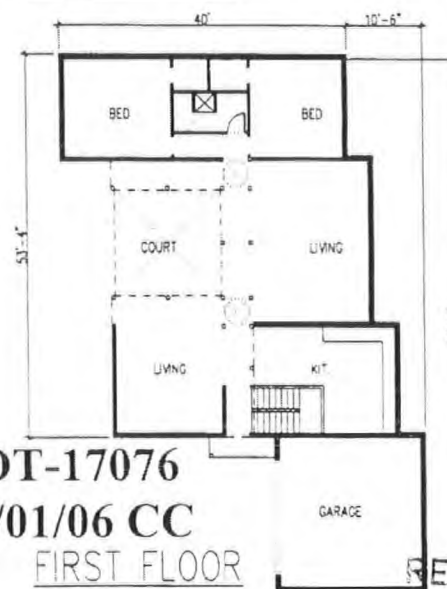
	SQ FT
LOWER AC	1864
UPPER AC	1902
TOTAL AC	3766
GARAGE	457
TOTAL	4223



ROOF



2NDFLOOR



FIRST FLOOR

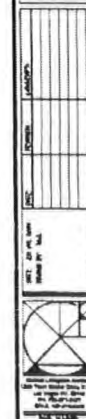
EOT-17076
11/01/06 CC

RECEIVED

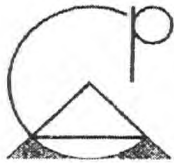
SEP 22 2008

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
UNIT FLOOR PLANS
TYPES A & B



SP3



Michael J Livingston NCARB, Architect
ARCHITECTURE & COMMUNITY PLANNING www.acpglobal.com

1350 Town Center Drive, Unit 3032, Las Vegas, Nevada 89144

Tel (702) 271-0437

Fax (702) 256-1406

mjlivingston@acpglobal.com

design
engineering
civil engineering
project development
construction management

September 20, 2006

City of Las Vegas
Planning and Development
Development Services Center
731 S. 4th Street
Las Vegas, NV 89101

Ref: JUSTIFICATION LETTER for EXTENSION OF TIME for SDR-4647

Zerlina - 14 unit development on 2.5 acre site - property # 138-13-403-001

Michael Way and Smoke Ranch

In order to comply with condition #3 two-year limit from SDR-4647 approved October 6, 2004 we are requesting an Extension of Time.

The project is nearing completion of civil review. To date approvals have been given for Tentative Map (TMP-5585) and the Drainage Study has been completed, reviewed and approved by Flood Control. Civil drawings have completed first review and redline comments have been returned for corrections. Las Vegas Valley Water District have completed first review and made a service commitment. Nevada Power has completed design and made a service commitment.

The drainage study and civil design has taken longer than expected to complete and is now nearing completion.

An extension of time is respectfully requested in good faith since the developer is fully intentional of breaking ground at the earliest opportunity.

Respectfully,

Michael Livingston, Architect and Agent for Owner.

EOT-17076
11/01/06 CC



October 11, 2004

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. Beneto Aquino
Aquino Beneto Armano et al, et al
5109 Rancher Avenue
Las Vegas, Nevada 89108

RE: SDR-4647 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF OCTOBER 6, 2004
Related to GPA-4649, VAR-4648, ZON-4646 & WVR-4846

Dear Mr. Aquino:

The City Council at a regular meeting held October 6, 2004 APPROVED the request for a Site Development Plan Review FOR A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone [PROPOSED: R-PD6 (Residential Planned Development - 6 Units per Acre)]. The Notice of Final Action was filed with the Las Vegas City Clerk on October 7, 2004. This approval is subject to:

Planning and Development

1. A General Plan Amendment (GPA-4649) from PF (Public Facility) to ML (Medium-Low Density Residential) land use designation, rezoning (ZON-4646) R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units Per Acre), and Variance (VAR-4648) approved by the City Council.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. 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.
4. The setbacks for this development are a minimum of 20 feet to the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear.

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

VOICE 702.229.6011

TDD 702.386.9108

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18112-001-6004

EOT-17076
11/01/06 CC

5. All development shall be in conformance with the site plan; landscape plan and building elevations, dated stamped August 18, 2004 except as amended by conditions herein.
6. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
11. All City Code requirements and design standards of all City departments must be met except as amended by conditions herein.
12. The applicant shall meet with Planning and Development Staff to develop an address plan prior to the issue of permits.

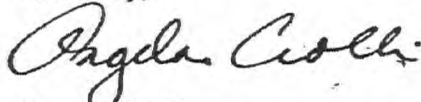
Public Works

13. The proposed gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
14. 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.
15. 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.
16. Site development to comply with all applicable conditions of approval for ZON-4646 and all other subsequent site-related actions.

Mr. Beneto Aquino
SDR-4647 – Page Three
October 11, 2004

17. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
18. 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 non-standard private street/private drive intersections are proposed within this subdivision.

Sincerely,



Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Michael Livingston
1350 Town Center Drive, Suite #3032
Las Vegas, Nevada 89144

EOT-17076
11/01/06 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

REVIEW OF CONDITION

ROC-17081 - PUBLIC HEARING - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for a Review of Condition Number 4 of an approved Site Development Plan Review (SDR-4647) TO ALLOW ZERO FOOT SETBACKS ON ALL SIDES WHERE A MINIMUM OF 20 FEET ARE REQUIRED IN THE FRONT OF THE HOUSE, 10 FEET ON THE SIDE, 22 FEET ON THE CORNER SIDE, AND 20 FEET IN THE REAR on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). 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 and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SDR-4647

Motion made by LAWRENCE WEEKLY to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

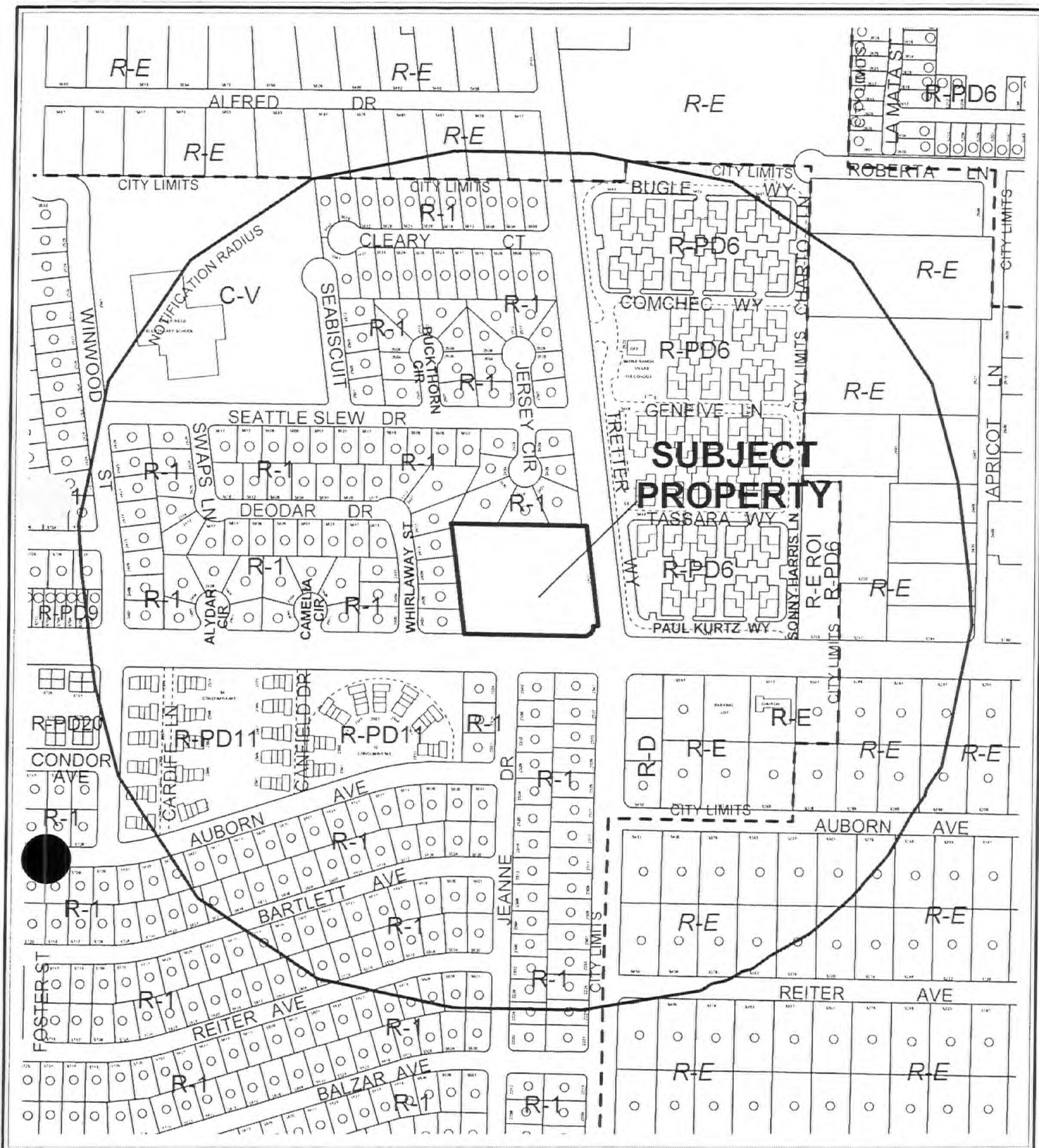
MICHAEL LIVINGSTON, Architect, appeared on behalf of the owner to request approval.

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

JEANETTE REITZ, 2417 Whirlaway Street, appeared in opposition of the zoning request as homes could potentially abut her property and affect existing privacy. MR. LIVINGSTON noted this plan was approved two years ago and this request is only a minor modification to the plan. He clarified that the request is for a zero lot line for the homes within the site. The buffer and landscape areas would remain at 22 feet. MARGO WHEELER, Director of Planning and Development, explained the minimum distance allowed for properties on the west side would be 15 feet two inches, 20 feet on the south and north and 15 feet on the west of the parcel.

MAYOR GOODMAN declared the Public Hearing closed.





CASE: **ROC-17081**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD6
RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)



CASE: **ROC-17081**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD6
RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-17081 - REVIEW OF CONDITION - PUBLIC HEARING -

APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Condition Number 4 of Site Development Plan Review (SDR-4647) shall be amended to read, "The setbacks for this development shall be a minimum of zero feet on all sides".
2. Conformance to all other conditions of approval of Site Development Plan Review (SDR-4647) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/06/04	The City Council approved a General Plan Amendment (GPA-4649) to amend a portion of the Southwest Sector Plan of the General Plan from (Public Facility) to ML (Medium Low Density Residential); Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre); Site Development Plan Review (SDR-4647) for a 14 Unit Single Family Residential Development; Variance (VAR-4648) to allow a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential subdivision where 5.0 acres is required for a 14 unit single family residential planned development and a Waiver (WVR-4846) to Title 18.12.160 to allow approximately 157 feet between street intersections where 220 feet is the minimum distance separation required and a Waiver of Title 18.12.105 to allow a Private Drive to be 679 feet where 200 feet is the maximum length permitted on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road. The Planning Commission and staff recommended approval on 08/26/04.
12/16/04	The Planning Commission approved a Tentative Parcel Map (TMP-5585) for a 14-lot Single Family Residential Subdivision on 2.45 acres adjacent to the northwest corner of Smoke Ranch Road and Michael Way. Staff recommended approval of the request.
11/01/06	The City Council will consider a related Extension of Time (EOT-17074) of an approved Rezoning (ZON-4646) from R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units per Acre); Extension of Time (EOT-17075) of an approved Variance (VAR-4648) that allowed a 2.5 acre R-PD subdivision where 5.0 acres is required for a 14 unit single family residential planned development; and an Extension of Time (EOT-17076) of an approved Site Development Plan Review (SDR-4647) that allowed a 14 unit single family residential planned development on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.
<i>Related Building Permits/Business Licenses</i>	
	A Drainage Study (DS-3961) was submitted on 05/10/06 and finalized on 06/26/06. Civil Improvement Plans were submitted on 07/26/06, but denied on 08/22/06. A final map has not been submitted and no building permits have been issued on the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD6 (Residential Planned Development – 6 Units per Acre)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Multi-Family Dwellings	MLA (Medium Low Attached Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
West	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

PROJECT DESCRIPTION

This is a request for a Review of Condition Number 4 of an approved Site Development Plan Review (SDR-4647) to allow zero foot setbacks on all sides where a minimum of 20 feet are required in the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road.

ANALYSIS

This Review of Condition was required as a condition of approval from Tentative Map (TMP-5585), which was approved by the Planning Commission on 12/16/04. Condition number 3 from the Tentative Map states “Approval by the City Council of an application for Review of Condition Number 4 of the Site Development Plan Review (SDR-4647) to amend the minimum setbacks to zero feet prior to the approval of a Final Map Technical Review or Civil Improvement plans”. The applicant is complying with the condition in order to proceed with the development of the approved residential subdivision. Therefore, the Review of Condition can be supported as it was a required condition, which needs to be considered prior to approval of a Final Map Technical Review or Civil Improvement plans.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-17081 APN: 138-13-403-001

Name of Property Owner: AQUINO BENITO ARMANDO ETAL

Name of Applicant: - SAME -

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

Yes

No

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

City Official: _____

Partner(s): _____

APN: _____

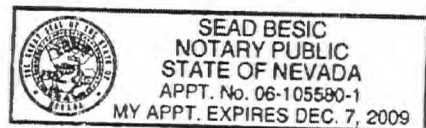
Signature of Property Owner: _____

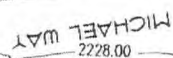
Print Name: AUGUSTO G GABORRO

Subscribed and sworn before me

This 22 day of SEP, 20 06

Notary Public in and for said County and State



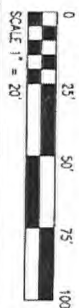


100 FT ROW

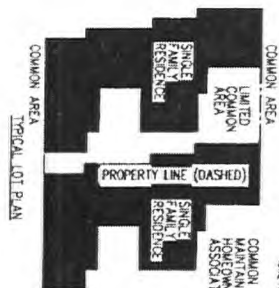
ROC-17081
s11/01/06 CC

SEP 2 2 2006

2017-11-17



OPEN SPACE REQUIREMENT
NON-OPEN SPACE SHOWN SHADED
 $1.65 \times 5.7 = 9.45 \times$
 $9.45 \times \times 106.722 \text{ SQ FT} =$
 $10.032 \text{ SQ FT REQUIRED}$
 $39.984 \text{ SQ FT PROVIDED}$



SEWAGE FLOW INFORMATION

NUMBER OF RESIDENTS: 14

EST. PG./FALL

SEWAGE DAILY AVERAGE FLOW = 14 x 250 = 3500 GPD

SEWAGE DAILY PEAK FLOW = 14 x 250 x 4.25 = 14875 GPD

[illegible]

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

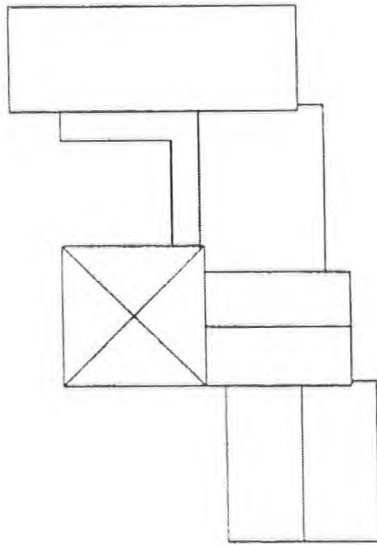
ZERLINA

SITE DEVELOPMENT PLAN

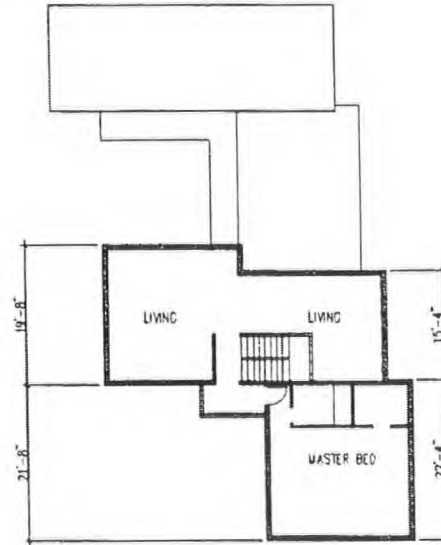
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TYPE A GENERIC PLAN

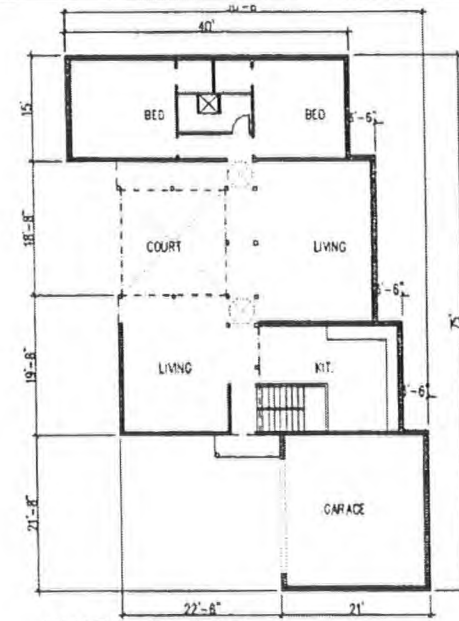
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ROOF



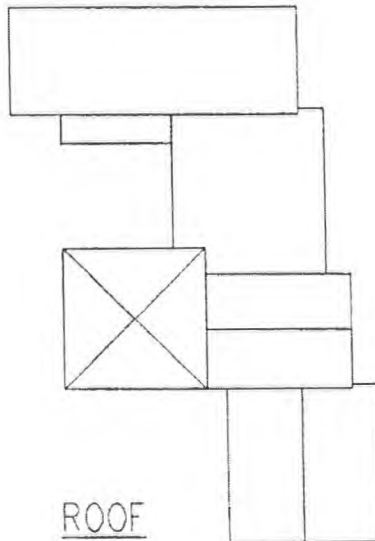
2NDFLOOR



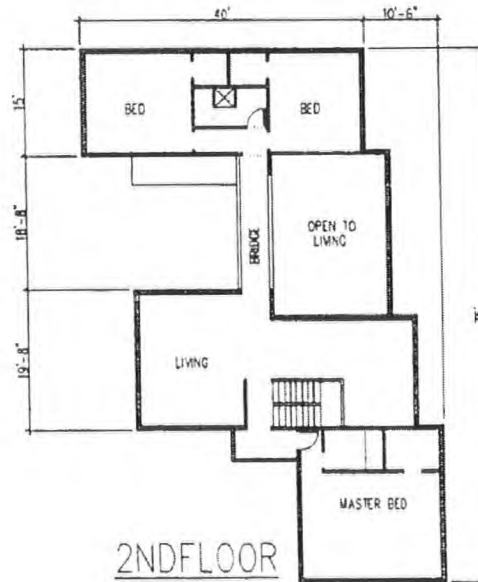
FIRST FLOOR

TYPE B GENERIC PLAN

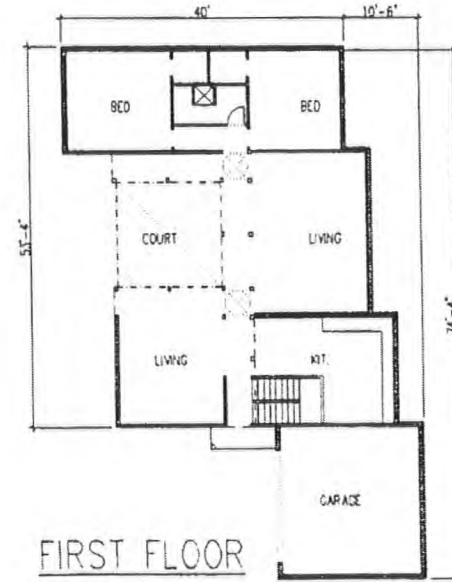
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TOTAL	4223



ROOF



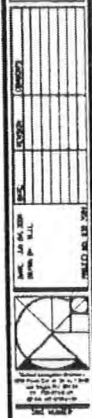
2NDFLOOR



FIRST FLOOR

2.45 ACRE SITE 138-13-403-001
DISTRICT 5
MICHAEL WAY / SMOKE RANCH RD.
City of Las Vegas, Nevada

ZERLINA
UNIT FLOOR PLANS
TYPES A & B



SP3

ROC-17081
11/01/06 CC

RECEIVED
SEP 22 2006



Michael J Livingston NCARB, Architect

ARCHITECTURE & COMMUNITY PLANNING www.acpglobal.com

1350 Town Center Drive, Unit 3032, Las Vegas, Nevada 89144

Tel (702) 271-0437

Fax (702) 256-1406

mjlivingston@acpglobal.com

design
engineering
civil engineering
project development
construction management

September 20, 2006

City of Las Vegas
Planning and Development
Development Services Center
731 S. 4th Street
Las Vegas, NV 89101

Ref: JUSTIFICATION LETTER for Reverse of Condition #4 from SDR-4647)

Zerlina - 14 unit development on 2.5 acre site - property # 138-13-403-001

Michael Way and Smoke Ranch

In order to comply with condition #3 from TMP-5585 we are requesting a review of Condition #4 of SDR 4647.

Condition #4 should be revised to state "Setbacks shall be a minimum of 0 (zero) feet on all sides"

The intent is to conform with the approved condition #3 of TMP-5585 requiring an amendment to condition #4 of SDR 4667 which requires setbacks for this development to be a minimum of 20 feet to the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear.

Respectfully,

Michael Livingston, Architect and Agent for Owner.

ROC-17081
11/01/06 CC



October 11, 2004

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. Beneto Aquino
Aquino Beneto Armano et al, et al
5109 Rancher Avenue
Las Vegas, Nevada 89108

RE: SDR-4647 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF OCTOBER 6, 2004
Related to GPA-4649, VAR-4648, ZON-4646 & WVR-4846

Dear Mr. Aquino:

The City Council at a regular meeting held October 6, 2004 APPROVED the request for a Site Development Plan Review FOR A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone [PROPOSED: R-PD6 (Residential Planned Development - 6 Units per Acre)]. The Notice of Final Action was filed with the Las Vegas City Clerk on October 7, 2004. This approval is subject to:

Planning and Development

1. A General Plan Amendment (GPA-4649) from PF (Public Facility) to ML (Medium-Low Density Residential) land use designation, rezoning (ZON-4646) R-E (Residence Estates) to R-PD6 (Residential Planned Development - 6 Units Per Acre), and Variance (VAR-4648) approved by the City Council.
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. 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.
4. The setbacks for this development are a minimum of 20 feet to the front of the house, 10 feet on the side, 22 feet on the corner side, and 20 feet in the rear.

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

VOICE 702.229.6011

TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-604

ROC-17081
11/01/06 CC

5. All development shall be in conformance with the site plan; landscape plan and building elevations, dated stamped August 18, 2004 except as amended by conditions herein.
6. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
8. Air conditioning units shall not be mounted on rooftops.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
10. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
11. All City Code requirements and design standards of all City departments must be met except as amended by conditions herein.
12. The applicant shall meet with Planning and Development Staff to develop an address plan prior to the issue of permits.

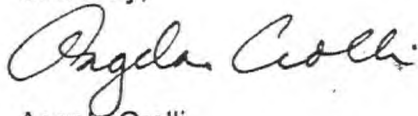
Public Works

13. The proposed gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
14. 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.
15. 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.
16. Site development to comply with all applicable conditions of approval for ZON-4646 and all other subsequent site-related actions.

Mr. Beneto Aquino
SDR-4647 – Page Three
October 11, 2004

17. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
18. 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 non-standard private street/private drive intersections are proposed within this subdivision.

Sincerely,



Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. of Fire Services

Mr. Michael Livingston
1350 Town Center Drive, Suite #3032
Las Vegas, Nevada 89144

ROC-17081
11/01/06 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

EXTENSION OF TIME - SPECIAL USE PERMIT

EOT-16956 - APPLICANT/OWNER: RINKAI AMERICA INC - Request for an Extension of Time of an approved Special Use Permit (SUP-5028) THAT ALLOWED A 73-STORY MIXED-USE DEVELOPMENT at 2423 and 2417 Las Vegas Boulevard (APN 162-04-813-070 and 071; 162-03-410-008), C-2 (General 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.

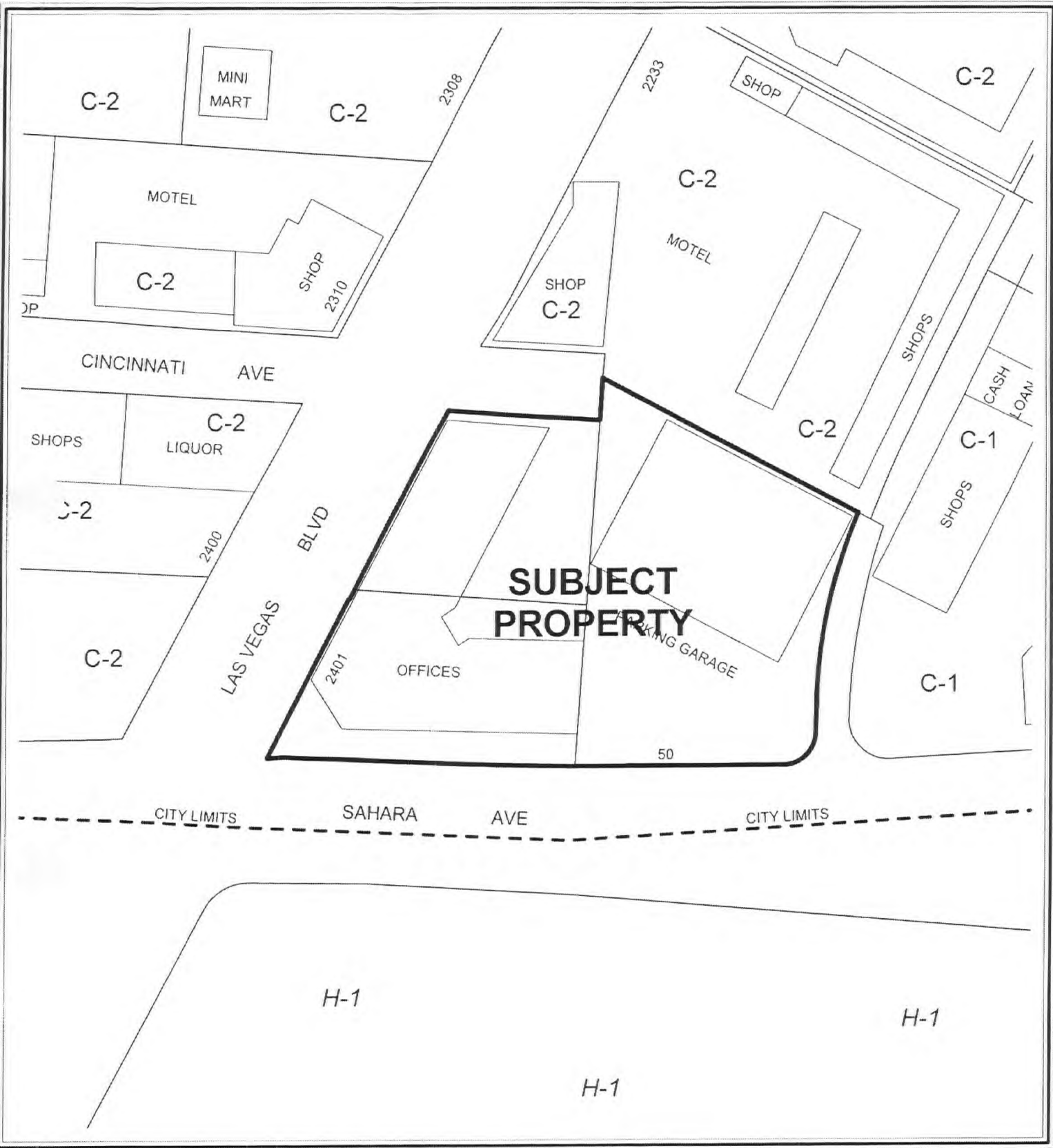
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. City Council approval letter for SUP-5028
6. Submitted after final agenda – Abeyance request by applicant

Motion made by GARY REESE to Strike Item 56 [1616 South Las Vegas Boulevard]; WITHDRAW WITHOUT PREJUDICE Item 77 [ARC-13764]; TABLE Item 78 [SUP-13891], Item 79 [SUP-13897] and Item 80 [SDR-13899]; HOLD IN ABEYANCE Item 82 [SUP-15347], Item 98 [ZON-13896], Item 99 [VAR-13900], Item 100 [SUP-13902], Item 101 [SUP-13903], Item 102 [SDR-13904], Item 103 [ZON-15371], Item 104 [VAR-15373] and Item 105 [SDR-15375] to 11/15/2006; Item 64 [EOT-16956], Item 83 [RQR-15420], Item 92 [GPA-16201], Item 93 [ZON-16196], Item 94 [SUP-16198], Item 95 [SUP-16200], Item 96 [SDR-16197], Item 108 [VAR-16144] and Item 109 [SUP-16143] to 12/06/2006

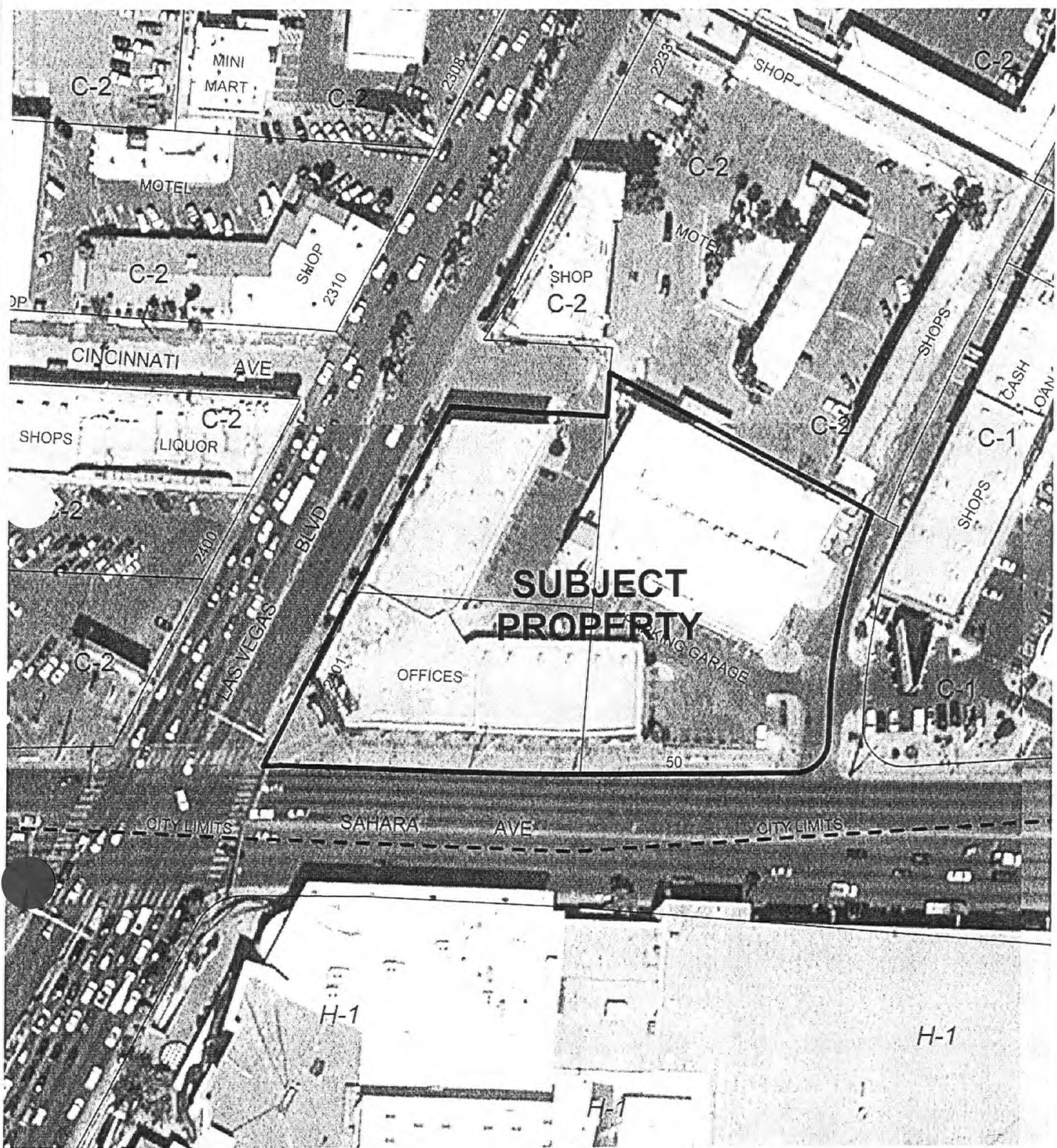
Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)



CASE: EOT-16956

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



0 60 120 Feet

CASE: EOT-16956

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-16956 - EXTENSION OF TIME - SPECIAL USE PERMIT -

APPLICANT/OWNER: RINKAI AMERICA INC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on November 3, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-5028) and all other subsequent related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/03/04	The City Council approved a Site Development Plan Review (SDR-5027) and Waivers of Downtown Centennial Plan Standards for streetscaping, building stepbacks, and reflective glazing for a 73-story, 1,300,000 square-foot mixed use development consisting of 960 condominium units and 25,000 square feet of commercial uses and Special Use Permit (SUP-5028) for a proposed 73-story mixed-use development on 2.17 acres at 2423 and 2417 Las Vegas Boulevard. The Planning Commission and staff recommended approval on 10/07/04.
03/02/05	The City Council approved a Vacation (VAC-5030) Petition to Vacate a 20-foot (20') wide public alley generally located north of Sahara Avenue, west of Paradise Road. The Planning Commission and staff recommended approval on 01/27/05.
06/15/05	The City Council approved a Review of Condition (ROC-6691) Request for a Review of Conditions for an approved Site Development Plan Review (SDR-5027) to remove Condition Numbers 18, 27 and 30 for an approved 73-story, 863-foot tall, 1,300,000 square foot mixed use development consisting of 951 condominium units and 41,000 square feet of commercial uses 2.17 acres at 2417 and 2423 South Las Vegas Boulevard. Staff recommended approval of the request.
11/03/05	The Planning Commission approved a Tentative Map (TMP-9117) for a 944-Unit Mixed Use Condominium Development 2.17 acres adjacent to the northeast corner of Sahara Avenue and Las Vegas Boulevard. Staff recommended approval of the request.
<i>Related Building Permits/Business Licenses</i>	
	No building permits have been issued; and nothing is in the plan check process on the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant building	C (Downtown Commercial)	C-2 (General Commercial)
North	Commercial building/parking garage	C (Downtown Commercial)	C-2 (General Commercial)
South	Casino	Clark County	Clark County

East	Parking garage	C (Downtown Commercial)	C-2 (General Commercial)
West	Multi-tenant commercial	C (Downtown Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Special Use Permit (SUP-5028) that allowed a 73-story mixed-use development at 2423 and 2417 Las Vegas Boulevard.

ANALYSIS

This is the first Extension of Time for the subject Special Use Permit (SUP-5028), which was approved by the City Council on 11/03/04. There was an associated Site Development Plan Review (SDR-5027) also approved by the City Council. An Extension of Time for the Site Development Plan Review has not been submitted. The justification letter indicates that the applicant will be redesigning the project. Also, the applicant indicates that the project has been delayed due to financial constraints, but includes that they will be moving forward with a modified version of the project. Therefore, the Extension of Time cannot be supported since the Site Development Plan Review has expired.

Previous Conditions of Approval from Special Use Permit (SUP-5028)

1. Conformance to all minimum requirements listed in Title 19.04.050 for a Mixed-Use development.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5027).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

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

FINDINGS

Staff cannot support the Extension of Time for the Special Use Permit (SUP-5028). The related Site Development Plan Review (SDR-5027) has since expired. The applicant indicates that the project will be redesigned at a later date. Therefore, the subject Extension of Time cannot be supported and recommends denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Ken Kim

Yes ☐ No ☒

APN: _____

Print Name: Ken Kim

Notary Public in and for said County and State



Summit Residential Center on the Strip

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE
LAS VEGAS, NEVADA



City of Las Vegas
SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT
Date: August 12, 2004

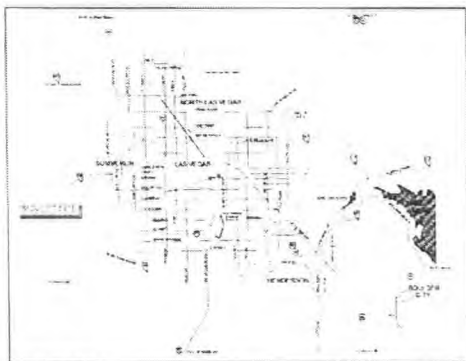
Project # 200401160
Proposal # 200401001.110

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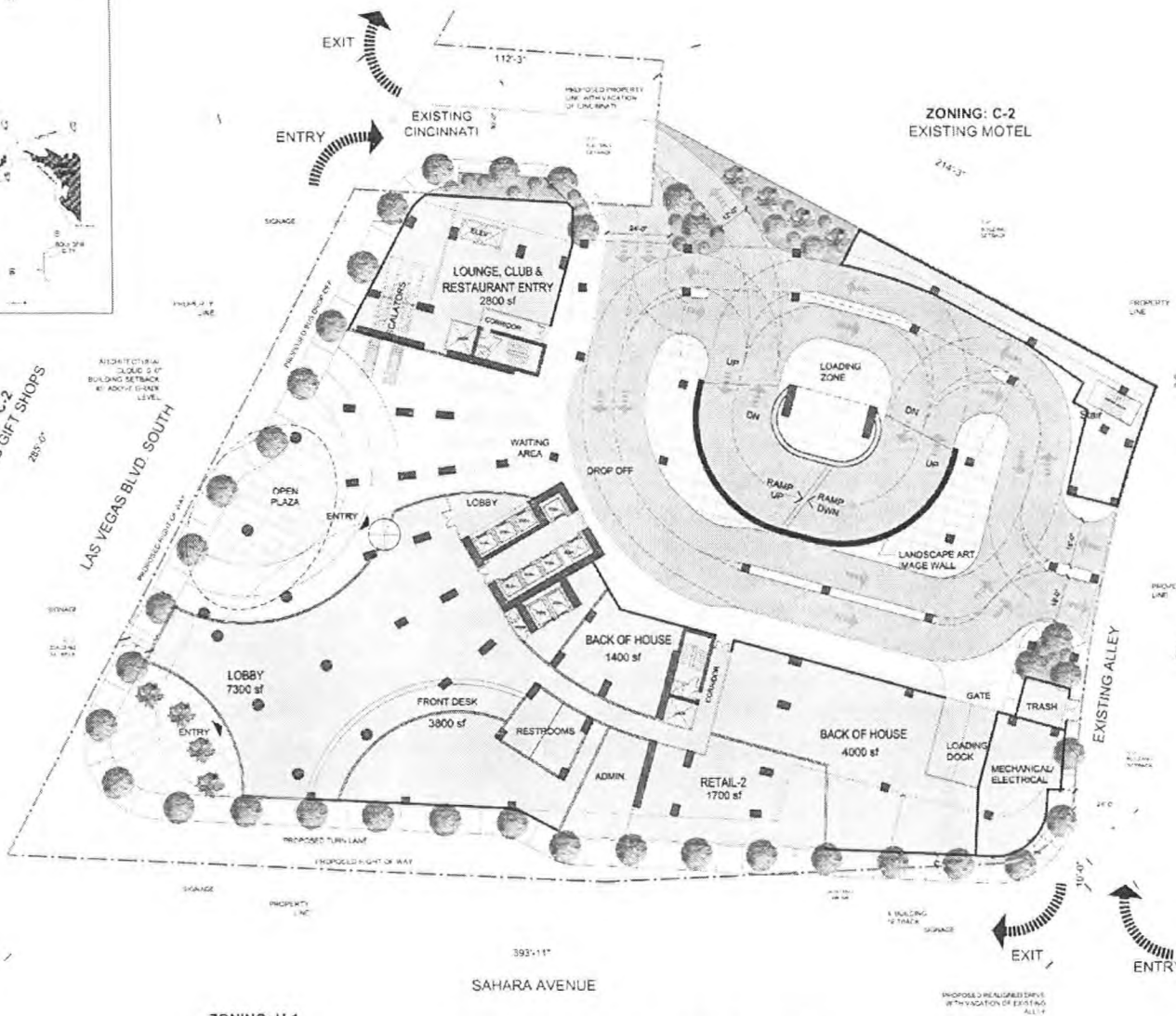
VICINITY MAP HTS

PLANTING LEGEND

SYMBOL	DETAILS / PLANT NAME
(Symbol)	ADONIS PALM (10' - 12' HGT)
(Symbol)	ADONIS PALM (14' - 16' HGT)
(Symbol)	ADONIS PALM (18' - 20' HGT)
(Symbol)	ADONIS PALM (22' - 24' HGT)
(Symbol)	ADONIS PALM (26' - 28' HGT)
(Symbol)	ADONIS PALM (30' - 32' HGT)
(Symbol)	ADONIS PALM (34' - 36' HGT)
(Symbol)	ADONIS PALM (38' - 40' HGT)
(Symbol)	ADONIS PALM (42' - 44' HGT)
(Symbol)	ADONIS PALM (46' - 48' HGT)
(Symbol)	ADONIS PALM (50' - 52' HGT)
(Symbol)	ADONIS PALM (54' - 56' HGT)
(Symbol)	ADONIS PALM (58' - 60' HGT)
(Symbol)	ADONIS PALM (62' - 64' HGT)
(Symbol)	ADONIS PALM (66' - 68' HGT)
(Symbol)	ADONIS PALM (70' - 72' HGT)
(Symbol)	ADONIS PALM (74' - 76' HGT)
(Symbol)	ADONIS PALM (78' - 80' HGT)
(Symbol)	ADONIS PALM (82' - 84' HGT)
(Symbol)	ADONIS PALM (86' - 88' HGT)
(Symbol)	ADONIS PALM (90' - 92' HGT)
(Symbol)	ADONIS PALM (94' - 96' HGT)
(Symbol)	ADONIS PALM (98' - 100' HGT)

ZONING: C-2
EXISTING GIFT SHOPS

ALTERNATE BUILDING SETBACK
AT ABOUT 10' FROM
LAS VEGAS BLVD SOUTH



SITE PLAN / GROUND LEVEL
SCALE: 1" = 20'

JMA ARCHITECTURE STUDIOS

Parking

PARKING STRUCTURE	
TOTAL 12 LEVELS	110 SPACES
STANDARD SINGLE SPACE	874 SQUARE FEET
TANGENT DOUBLE SPACE	747 SQUARE FEET

PARKING STRUCTURE	
TOTAL 12 LEVELS	110 SPACES
STANDARD SINGLE SPACE	874 SQUARE FEET
TANGENT DOUBLE SPACE	747 SQUARE FEET

Proposed Parking Calculations

Category	Units	Proposed
24 Hr. Hotel Residential Units		
Unit 1 - 1 Bedroom Condo	120 units	120 units
Unit 2 - 1 Bedroom Condo	120 units	120 units
Unit 3 - 1 Bedroom Condo	120 units	120 units
Unit 4 - 1 Bedroom Condo	120 units	120 units
Unit 5 - 1 Bedroom Condo	120 units	120 units
Unit 6 - 1 Bedroom Condo	120 units	120 units
Unit 7 - 1 Bedroom Condo	120 units	120 units
Unit 8 - 1 Bedroom Condo	120 units	120 units
Unit 9 - 1 Bedroom Condo	120 units	120 units
Unit 10 - 1 Bedroom Condo	120 units	120 units
Unit 11 - 1 Bedroom Condo	120 units	120 units
Unit 12 - 1 Bedroom Condo	120 units	120 units
Unit 13 - 1 Bedroom Condo	120 units	120 units
Unit 14 - 1 Bedroom Condo	120 units	120 units
Unit 15 - 1 Bedroom Condo	120 units	120 units
Unit 16 - 1 Bedroom Condo	120 units	120 units
Unit 17 - 1 Bedroom Condo	120 units	120 units
Unit 18 - 1 Bedroom Condo	120 units	120 units
Unit 19 - 1 Bedroom Condo	120 units	120 units
Unit 20 - 1 Bedroom Condo	120 units	120 units
Unit 21 - 1 Bedroom Condo	120 units	120 units
Unit 22 - 1 Bedroom Condo	120 units	120 units
Unit 23 - 1 Bedroom Condo	120 units	120 units
Unit 24 - 1 Bedroom Condo	120 units	120 units
Unit 25 - 1 Bedroom Condo	120 units	120 units
Unit 26 - 1 Bedroom Condo	120 units	120 units
Unit 27 - 1 Bedroom Condo	120 units	120 units
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Unit 30 - 1 Bedroom Condo	120 units	120 units
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Unit 37 - 1 Bedroom Condo	120 units	120 units
Unit 38 - 1 Bedroom Condo	120 units	120 units
Unit 39 - 1 Bedroom Condo	120 units	120 units
Unit 40 - 1 Bedroom Condo	120 units	120 units
Unit 41 - 1 Bedroom Condo	120 units	120 units
Unit 42 - 1 Bedroom Condo	120 units	120 units
Unit 43 - 1 Bedroom Condo	120 units	120 units
Unit 44 - 1 Bedroom Condo	120 units	120 units
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Unit 60 - 1 Bedroom Condo	120 units	120 units
Unit 61 - 1 Bedroom Condo	120 units	120 units
Unit 62 - 1 Bedroom Condo	120 units	120 units
Unit 63 - 1 Bedroom Condo	120 units	120 units
Unit 64 - 1 Bedroom Condo	120 units	120 units
Unit 65 - 1 Bedroom Condo	120 units	120 units
Unit 66 - 1 Bedroom Condo	120 units	120 units
Unit 67 - 1 Bedroom Condo	120 units	120 units
Unit 68 - 1 Bedroom Condo	120 units	120 units
Unit 69 - 1 Bedroom Condo	120 units	120 units
Unit 70 - 1 Bedroom Condo	120 units	120 units
Unit 71 - 1 Bedroom Condo	120 units	120 units
Unit 72 - 1 Bedroom Condo	120 units	120 units
Unit 73 - 1 Bedroom Condo	120 units	120 units
Unit 74 - 1 Bedroom Condo	120 units	120 units
Unit 75 - 1 Bedroom Condo	120 units	120 units
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Unit 84 - 1 Bedroom Condo	120 units	120 units
Unit 85 - 1 Bedroom Condo	120 units	120 units
Unit 86 - 1 Bedroom Condo	120 units	120 units
Unit 87 - 1 Bedroom Condo	120 units	120 units
Unit 88 - 1 Bedroom Condo	120 units	120 units
Unit 89 - 1 Bedroom Condo	120 units	120 units
Unit 90 - 1 Bedroom Condo	120 units	120 units
Unit 91 - 1 Bedroom Condo	120 units	120 units
Unit 92 - 1 Bedroom Condo	120 units	120 units
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Unit 99 - 1 Bedroom Condo	120 units	120 units
Unit 100 - 1 Bedroom Condo	120 units	120 units
Unit 101 - 1 Bedroom Condo	120 units	120 units
Unit 102 - 1 Bedroom Condo	120 units	120 units
Unit 103 - 1 Bedroom Condo	120 units	120 units
Unit 104 - 1 Bedroom Condo	120 units	120 units
Unit 105 - 1 Bedroom Condo	120 units	120 units
Unit 106 - 1 Bedroom Condo	120 units	120 units
Unit 107 - 1 Bedroom Condo	120 units	120 units
Unit 108 - 1 Bedroom Condo	120 units	120 units
Unit 109 - 1 Bedroom Condo	120 units	120 units
Unit 110 - 1 Bedroom Condo	120 units	120 units

Site Zoning

SITE AREA	2.17 Acres (94,525 sq ft)
Parcel Number:	162-04-113-079 162-04-113-071 162-03-410-008
Site Address	3425 S. Las Vegas Blvd 2417 S. Las Vegas Blvd
Jurisdiction	Las Vegas - 69104
City Ward	Gary Rowe
Zoning Class	Existing: General Commercial District (C-2) Proposed: General Commercial District (C-2)
Special Use Permit	Mixed Use
Downstream Overlay District	Included within the Las Vegas Downtown Central Plan
Dwelling Unit Density	860 units per 2.17 Acres
Yard Setbacks (Minimum)	Front: 0 feet Side: 0 feet Rear: 0 feet Height: 92 feet
BUILDING AREA	~ 1,300,000 sq ft

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

EOT-16956
11/01/06 CC

Project # 200401166
Proposal # 200401901.110

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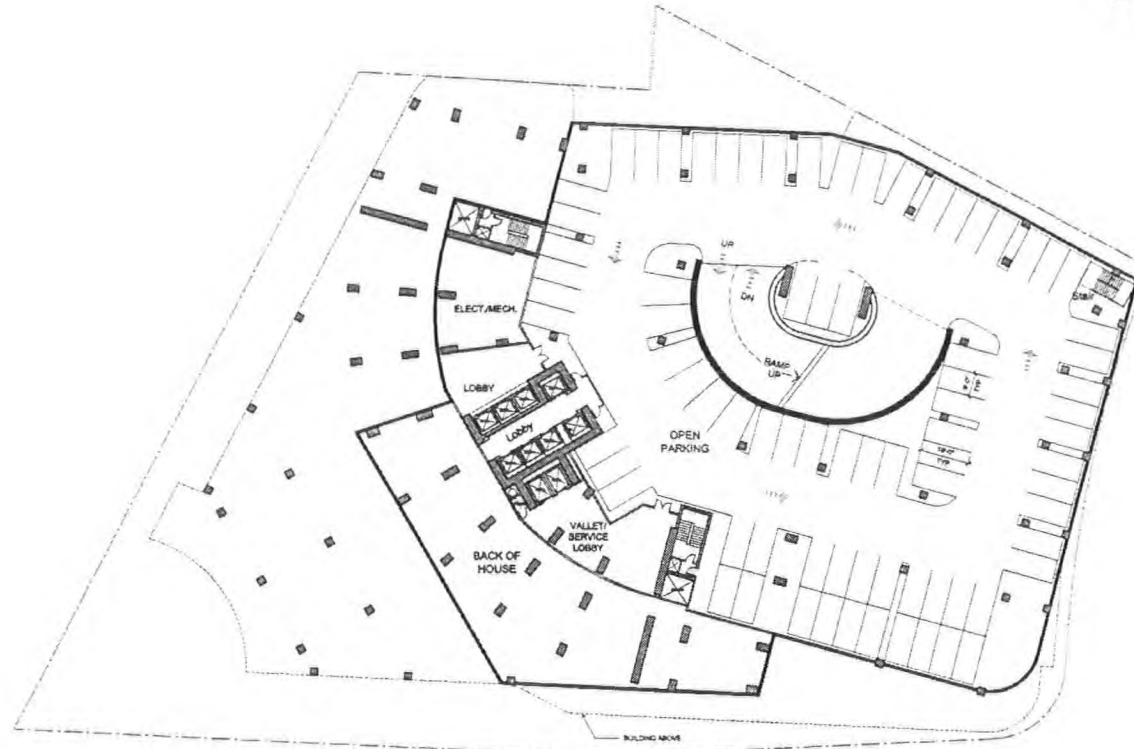
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AUGUST 12, 2004

Date:

DR-01



PARKING SPACES PER LEVEL

OPEN PARKING	58 (OPEN)
SINGLE SPACE PARKING	16/10 (OPEN)
DOUBLE SPACE / TANDEM PARKING	
TOTAL	78

TYPICAL SUB-GRADE LEVEL (SUB FLOOR 1 and 2)

SCALE: 1"= 20'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

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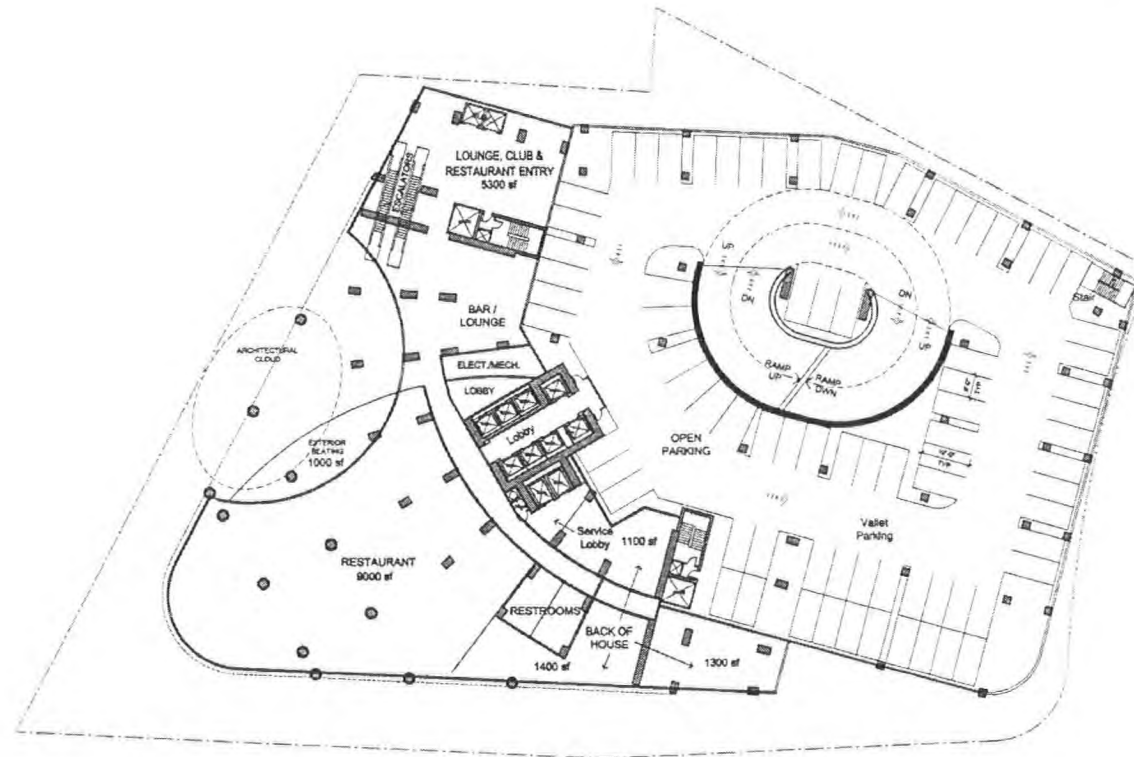


15150 DOWNTOWN CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

DR-02

EOT-16956
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PARKING SPACES PER LEVEL:
 OPEN PARKING: 58 (OPEN)
 SINGLE SPACE PARKING: 15/10 (VALET)
 DOUBLE SPACE / TANDEM PARKING: 15/10 (VALET)
 TOTAL: 78

RESTAURANT LEVEL (FLOOR 2)

SCALE: 1" = 20'

SITE DEVELOPMENT PLAN REVIEW
 SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
 LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
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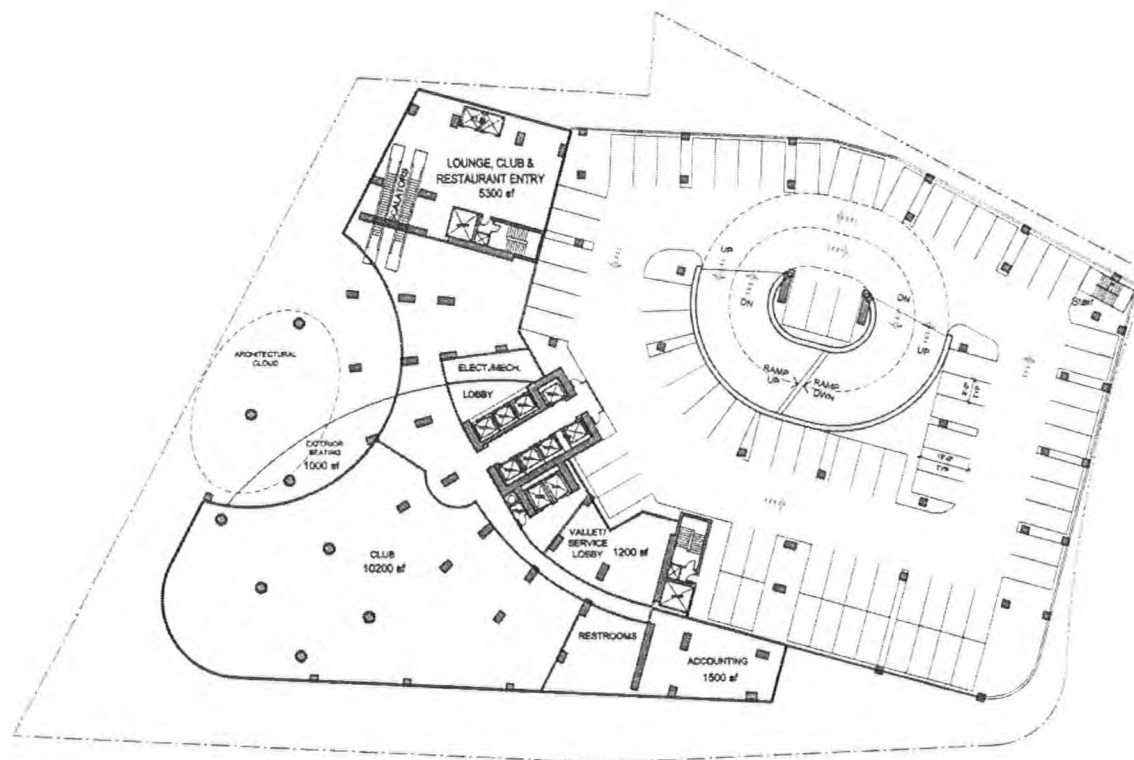
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CLUB LEVEL (FLOOR 3)

SCALE: 1" = 20'

PARKING SPACES PER LEVEL:	58
SINGLE SPACE PARKING:	10/10
DOUBLE SPACE / TANDEM PARKING:	
TOTAL:	78

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

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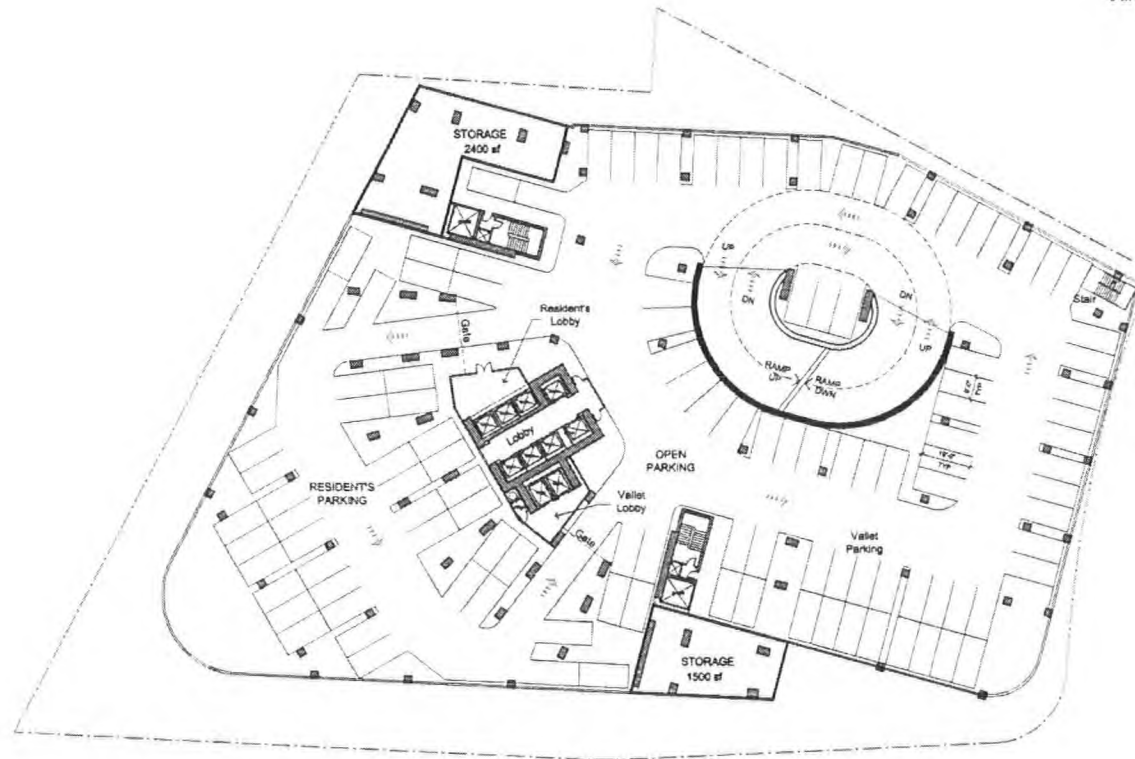
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PARKING SPACES PER LEVEL:

OPEN PARKING	50 (OPEN)
SINGLE SPACE PARKING	15/15 (VALET)
DOUBLE SPACE / TANDEM PARKING	15/15 (VALET)
RESIDENT'S PARKING	8
SINGLE SPACE PARKING	15/15
DOUBLE SPACE / TANDEM PARKING	15/15
TOTAL	118

TYPICAL PARKING LEVEL (FLOOR 4 - 11) 8 LEVELS

SCALE: 1" = 20'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
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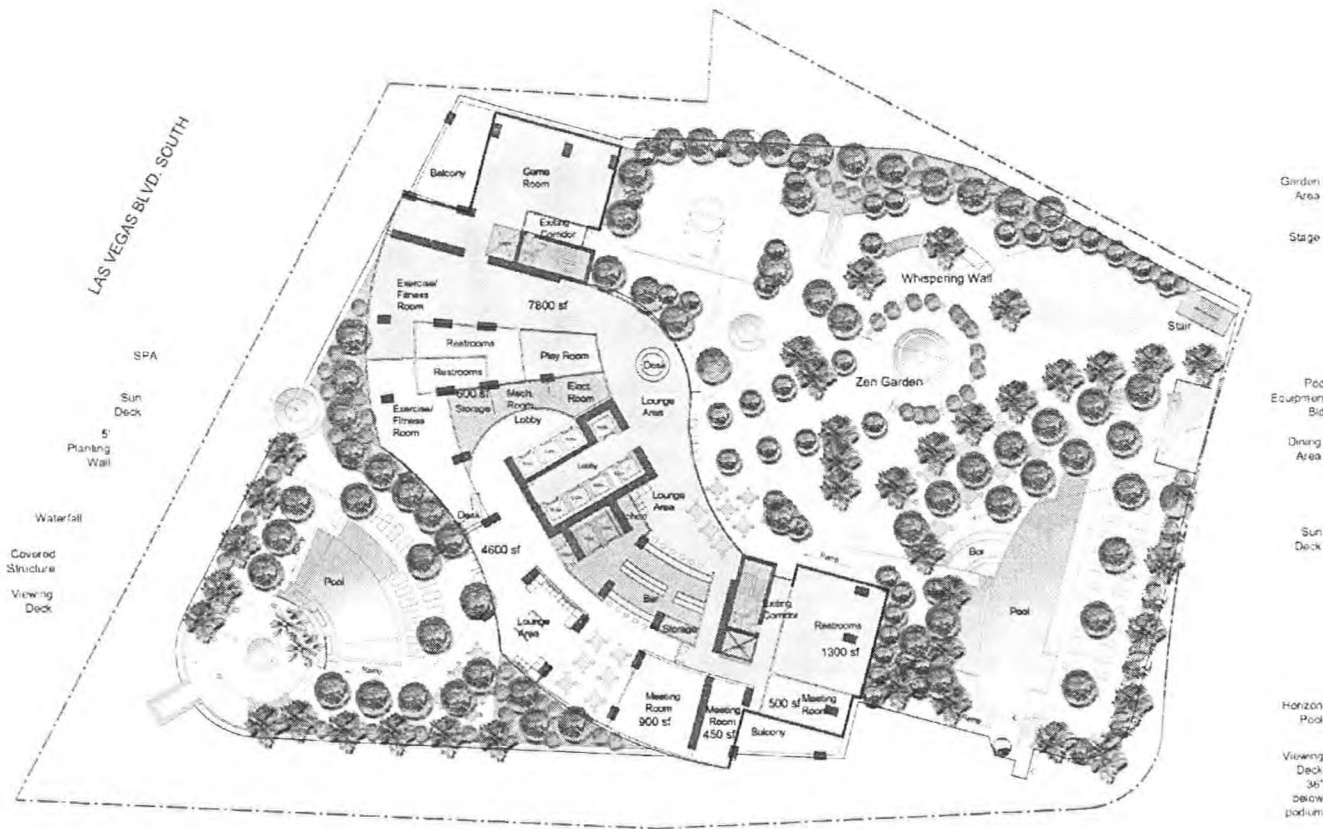
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DATE: AUGUST 12, 2004

DR-05

EOT-16956
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SAHARA

PODIUM LEVEL (FLOOR 12)

SCALE: 1" = 20'

PLANTING LEGEND	BOTANICAL COMMON NAME
	LEUCODENDRON LEUCODENDRON
	QUERCUS PARVIFLORA
	ULMUS PARVIFLORA AN DRUM (S) 30' 20' 15' 10' 5' 0'
	WATSONIA COMPOSITA
	MEXICAN PINE PALM 25' 11' 0'
	CANYON PINE (S) 10'
	YELLOW BIRD OF PARADISE
	ATRIA LATONICA
	JAPANESE ANEMONE

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

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Project # 200401166
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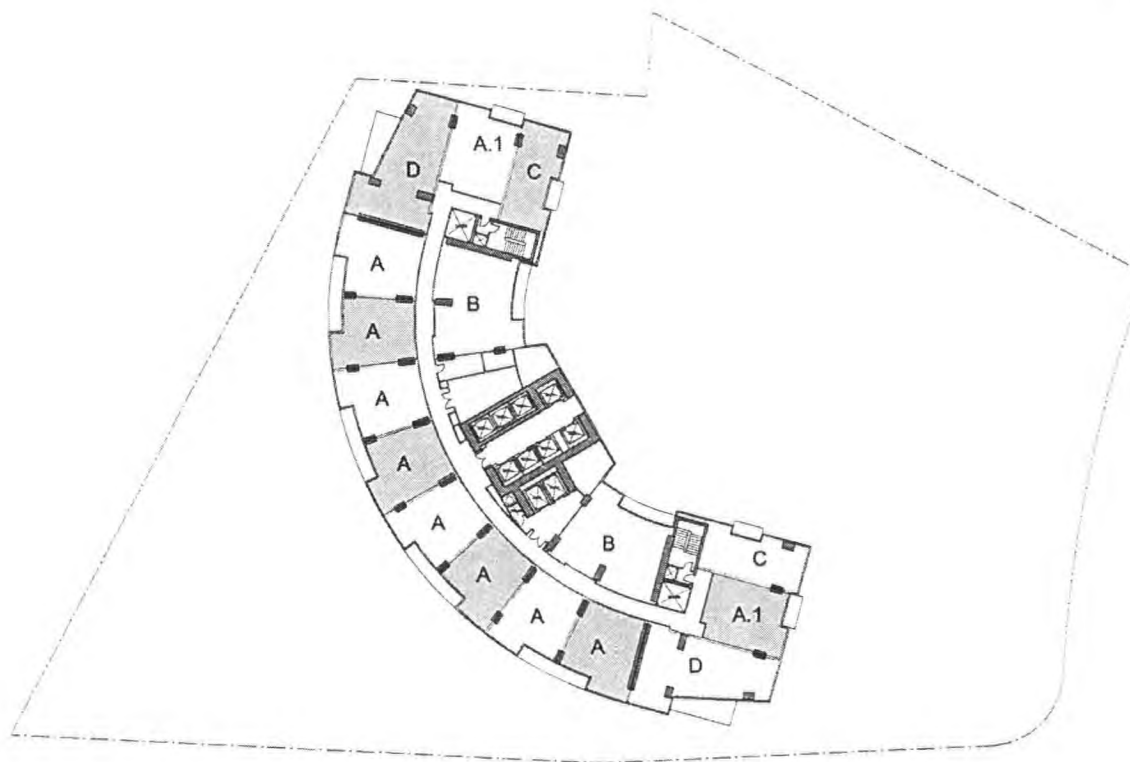
10150 COVINGTON CROSE DRIVE *** LAS VEGAS, NV 89114
PHONE: (702) 731-2033 *** FAX: (702) 731-2033 *** WWW.JMAARCH.COM



DATE: AUGUST 12, 2004

DATE:

DR-06



TYPICAL CITY HOME RESIDENTIAL CONDO LEVEL(FLOOR 13-52) 40 LEVELS

SCALE: 1"= 20'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110



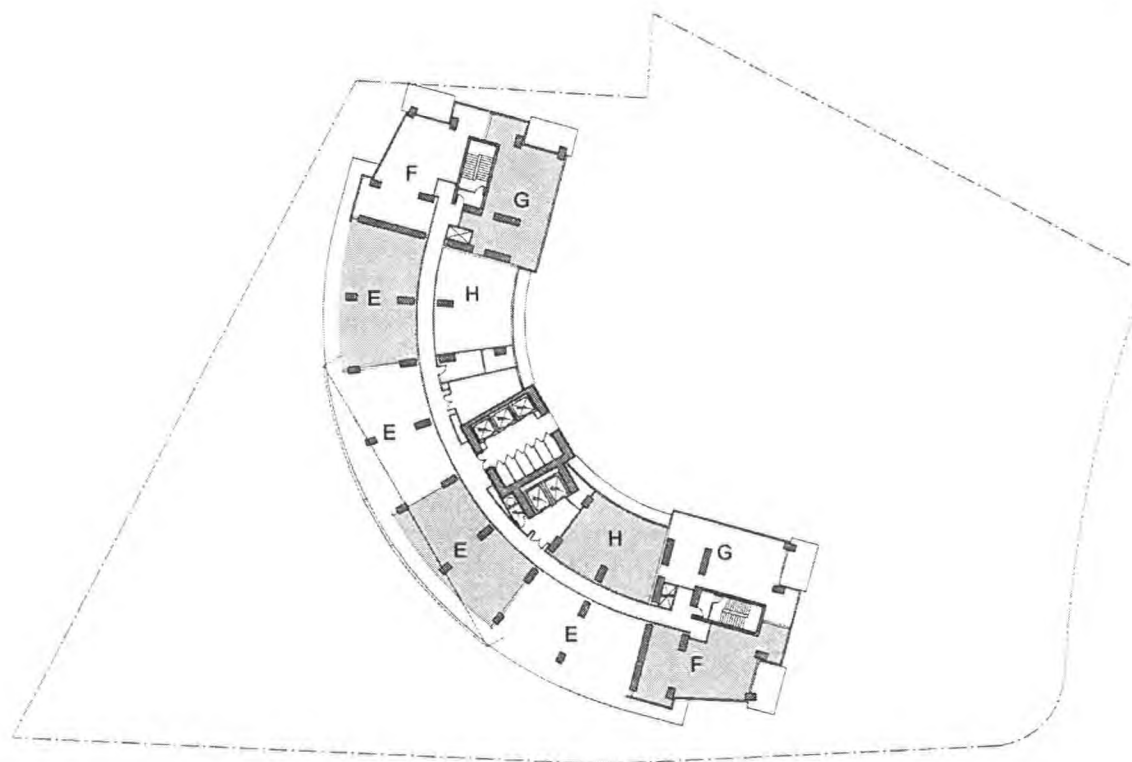
10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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TYPICAL SKY HOME RESIDENTIAL CONDO LEVEL(FLOOR 54-65) 12 LEVELS

SCALE: 1"= 20'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
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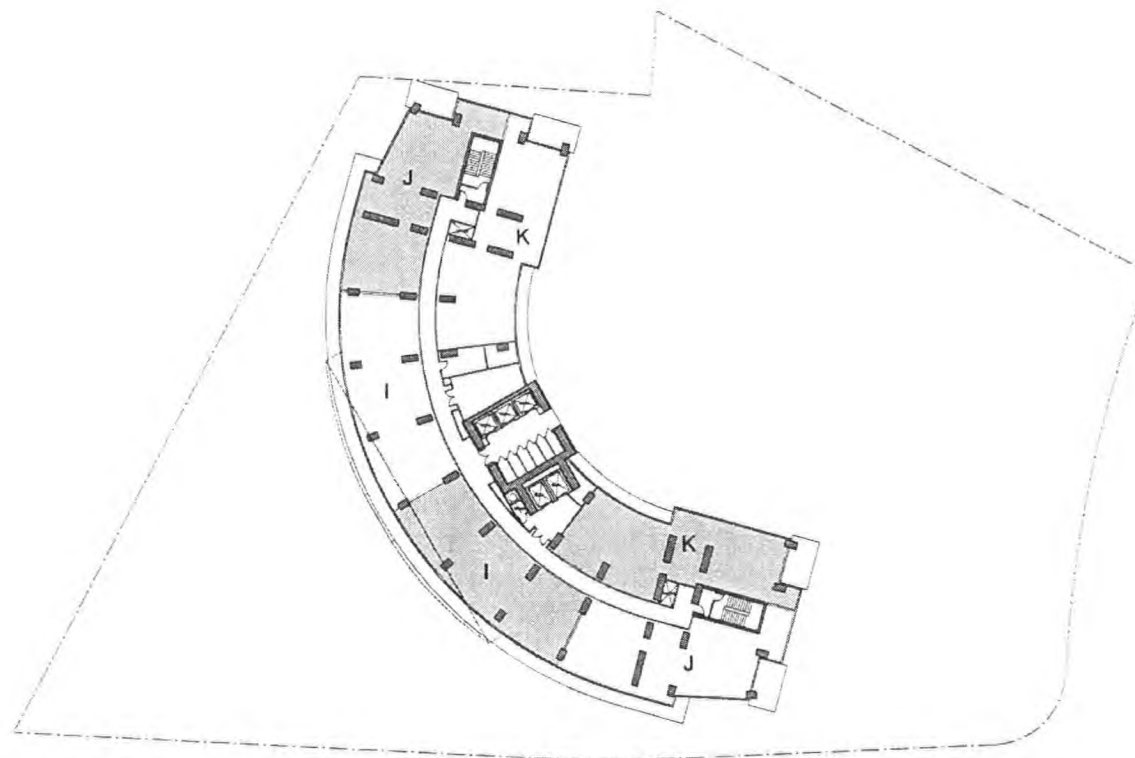
10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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TYPICAL SIGNATURE RESIDENTIAL CONDO LEVEL (FLOOR 66-70) 5 LEVELS

SCALE: 1"= 20'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110



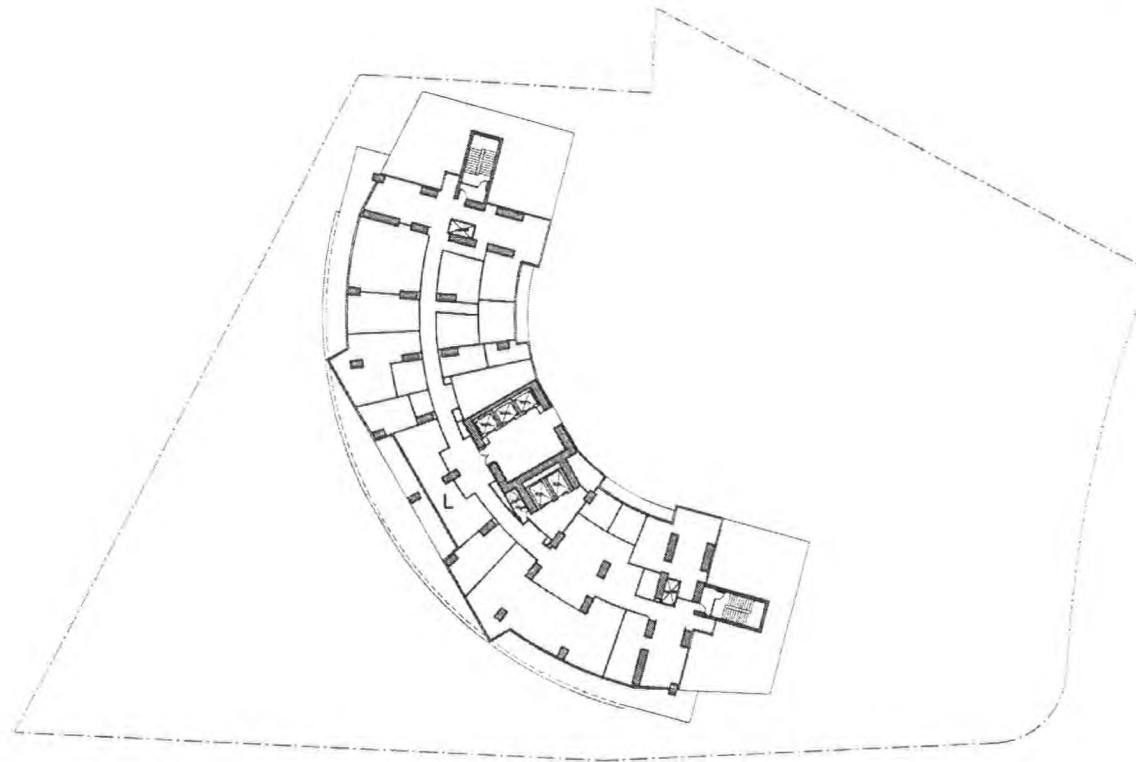
10150 DOVINGTON CROSS DRIVE *** LAS VEGAS, NV 89114
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PENTHOUSE RESIDENTIAL CONDO LEVEL (FLOOR 71)

SCALE: 1"= 20'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110



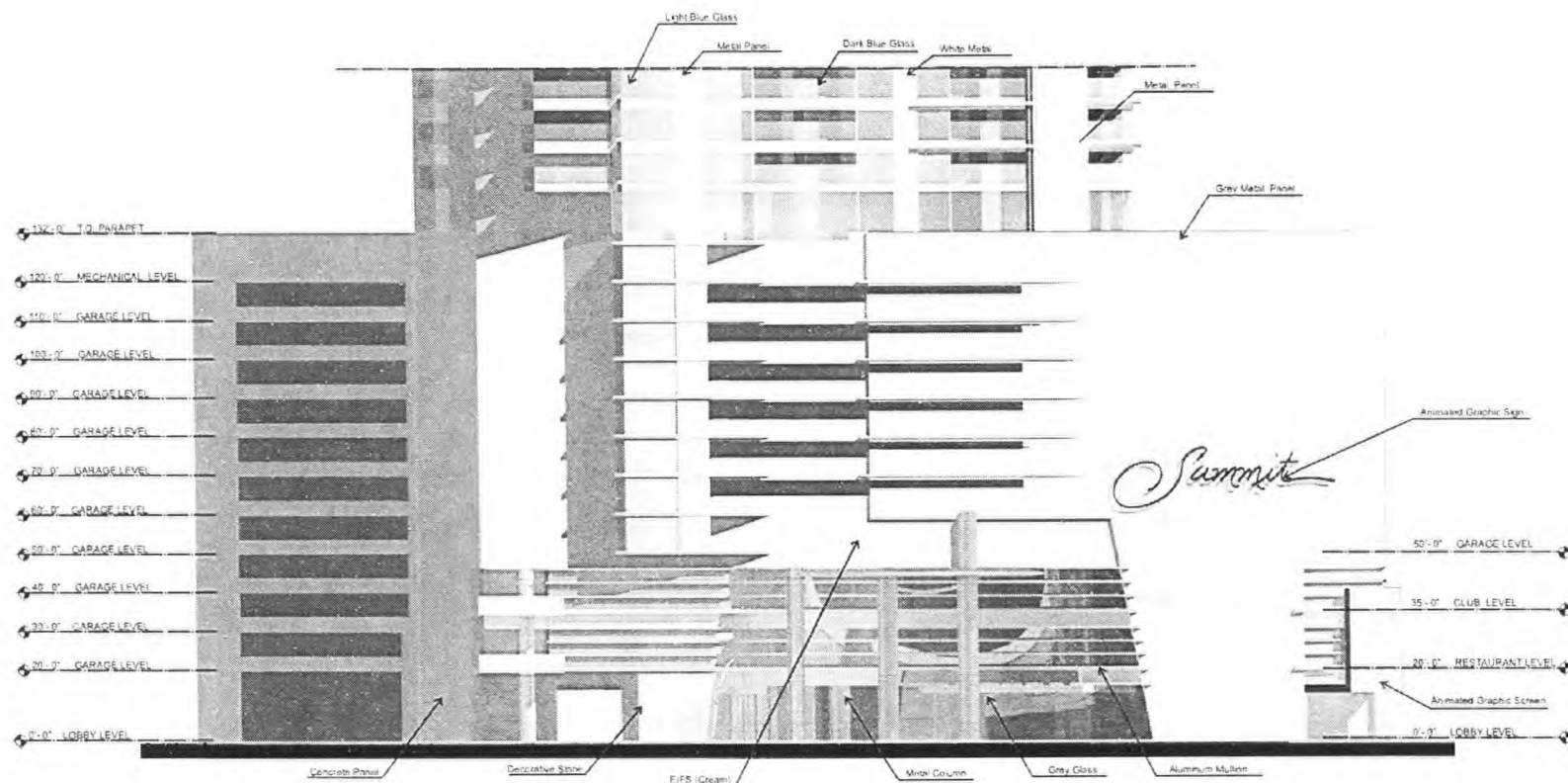
10150 DOVINGTON CROSS DRIVE LAS VEGAS, NV 89114
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LAS VEGAS BOULEVARD ELEVATION

SCALE: 1/16" = 1'-0"

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

EOT-16956
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Project # 200401166
Proposal # 200401901.110
10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
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Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

19150 COVINGTON CROSS DRIVE ** LAS VEGAS, NV 89114
PHONE (702) 731-2033 *** FAX (702) 731-2039 *** WWW.JMAARCH.COM



JMA ARCHITECTURE STUDIOS



VIEW FROM LAS VEGAS BOULEVARD

Date: AUGUST 10, 2004

DR-12

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EOT-16956
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Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
PHONE: (702) 731-2030 FAX: (702) 731-2039 WWW.JMAARCH.COM

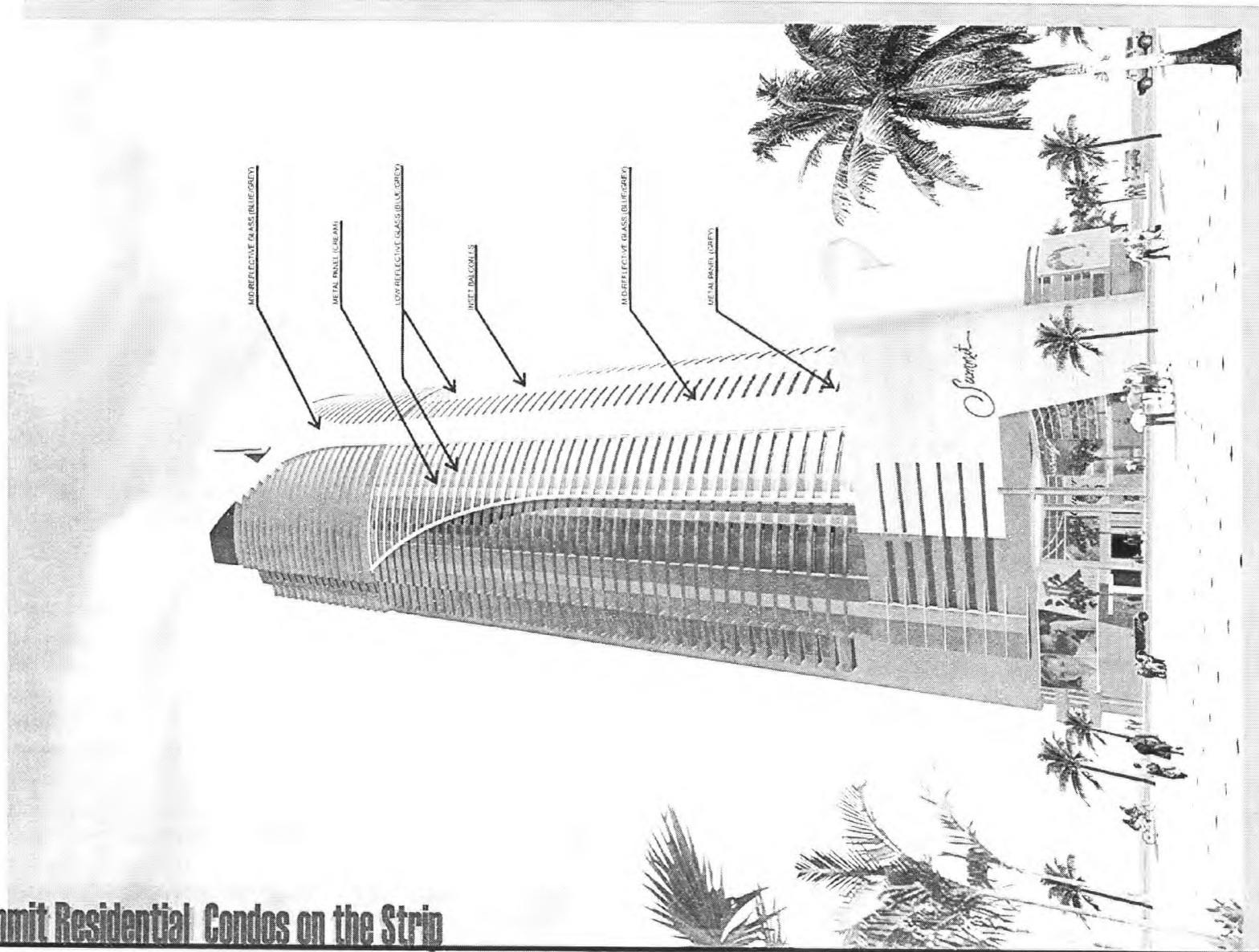


Date: AUGUST 12, 2004

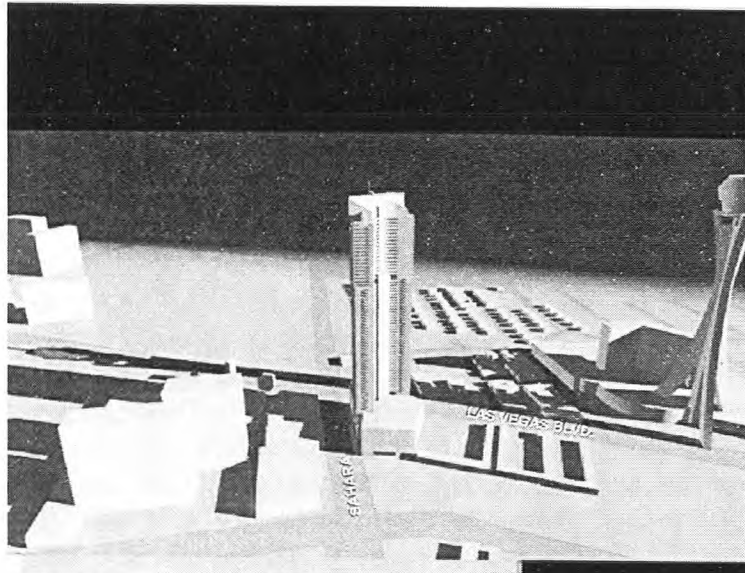
DR-12

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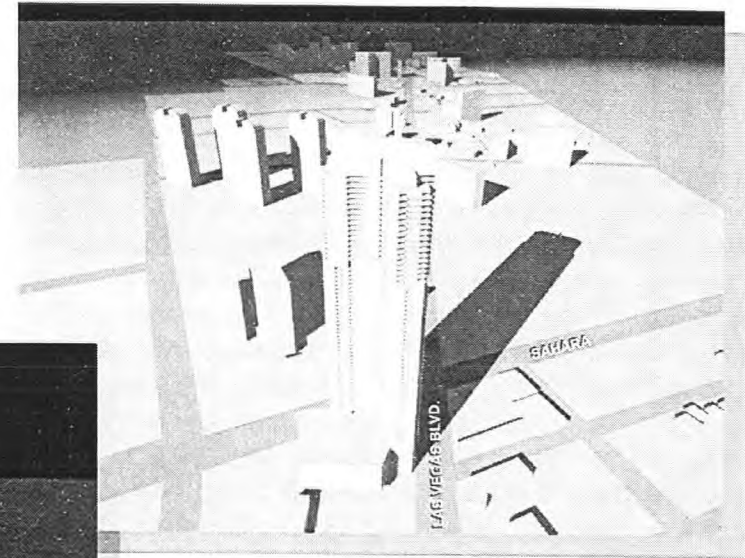
EOT-16956
11/01/06 CC



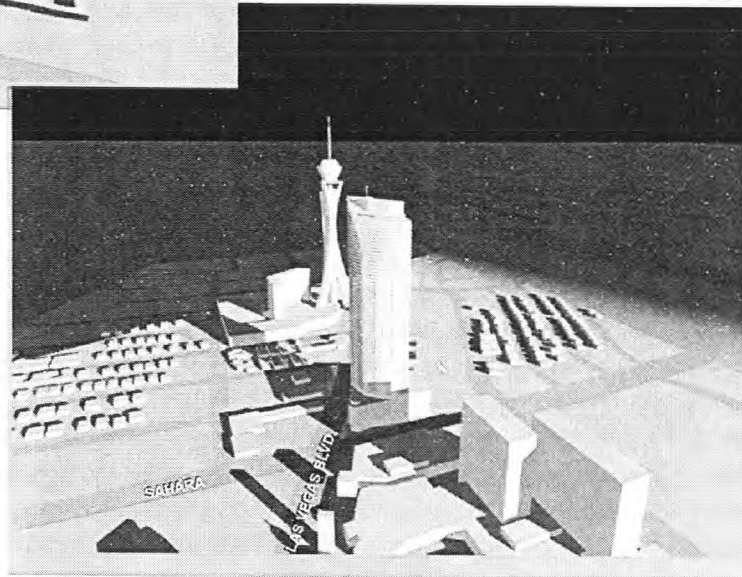
VIEW FROM LAS VEGAS BOULEVARD



VIEW FROM THE EAST



VIEW FROM THE NORTH



VIEW FROM THE SOUTH

MASSING PERSPECTIVES

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

EOT-16956
11/01/06 CC

Project # 200401166
Proposal # 200401901.110

10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
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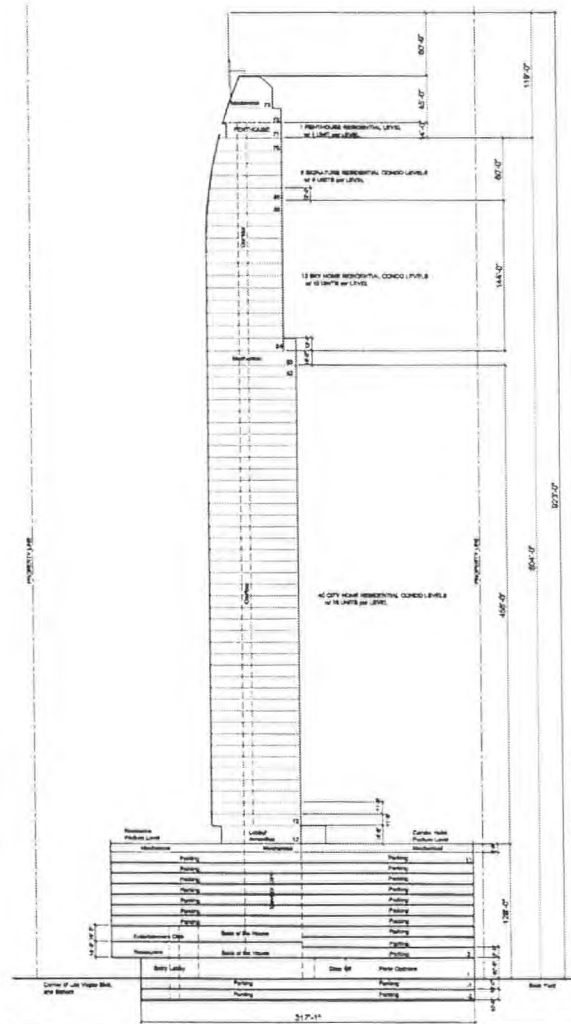
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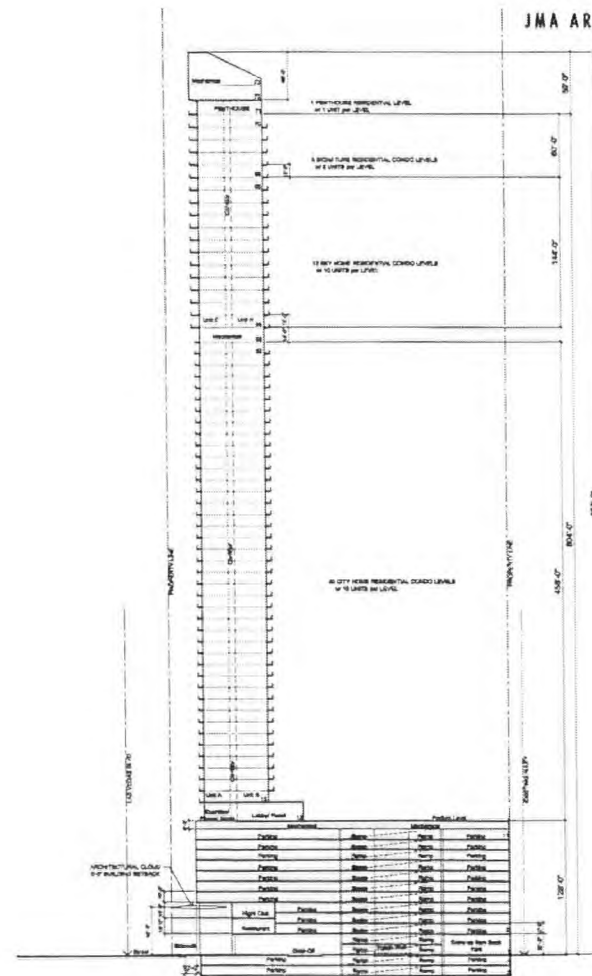
Date: AUGUST 10, 2004

DR-13

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT



SECTION thru the
corner of LAS
VEGAS BLVD and
SAHARA
SCALE: 1"= 50'



SECTION thru
LAS VEGAS
BLVD and
EXISTING ALLEY
SCALE: 1"= 50'

JMA ARCHITECTURE STUDIOS

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

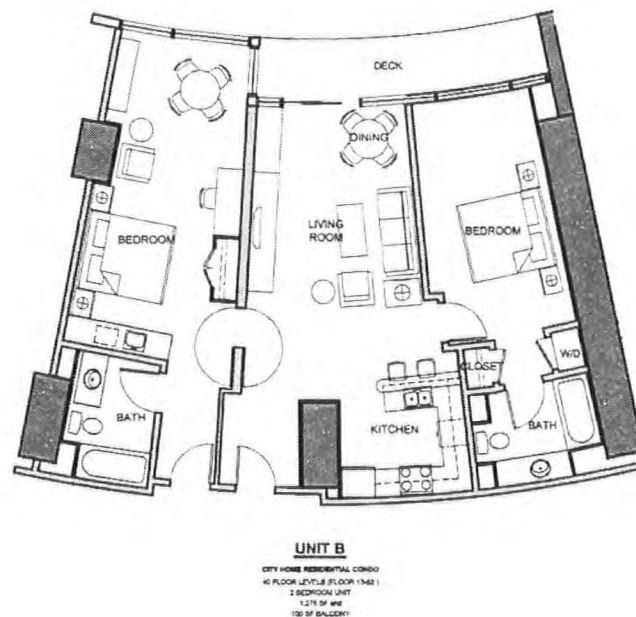
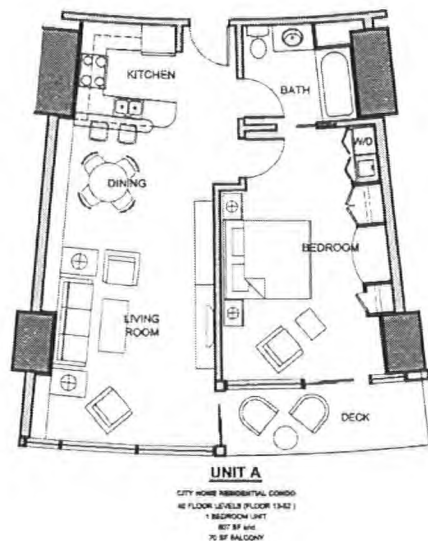
10150 CONVENTION CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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FLOOR PLANS UNITS A, A1, B
SCALE: 1/4" = 1'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

EOT-16956
11/01/06 CC

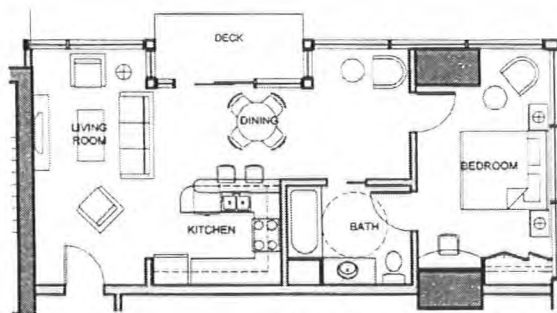
Project # 200401166
Proposal # 200401901.110

10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
PHONE: (702) 731-2033 FAX: (702) 731-2038 WWW.JMAARCH.COM

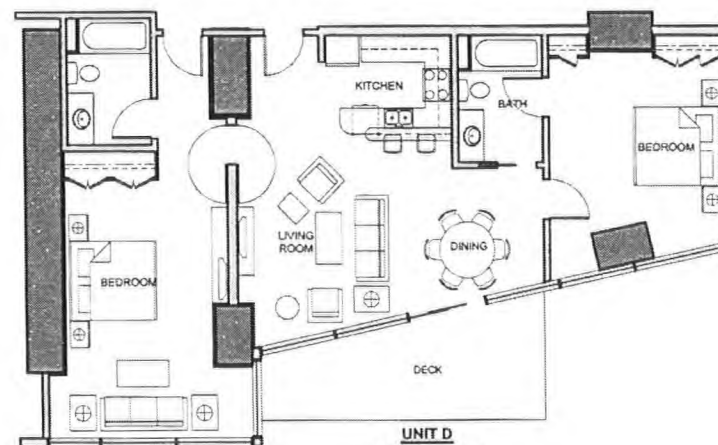
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DATE: AUGUST 12, 2004

DR-15



UNIT C
CITY HOME RESIDENTIAL CONDO
40 FLOOR LEVELS (FLOOR 13-14)
1 BEDROOM UNIT
740 SF and
58 SF BALCONY



UNIT D
CITY HOME RESIDENTIAL CONDO
40 FLOOR LEVELS (FLOOR 13-14)
2 BEDROOM UNIT
1,200 SF and
151 SF BALCONY

FLOOR PLANS UNITS C, D

SCALE: 1/4" = 1'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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UNIT E
SKY HOME RESIDENTIAL CONDO
12 LEVELS (FLOOR 8-19)
2 BEDROOM UNIT W/ DEN
1,380 SF
238 SF BALCONY



UNIT F
SKY HOME RESIDENTIAL CONDO
12 LEVELS (FLOOR 8-19)
2 BEDROOM UNIT W/ DEN
1,402 SF
233 SF BALCONY

FLOOR PLANS UNITS C, D

SCALE: 1/4" = 1'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

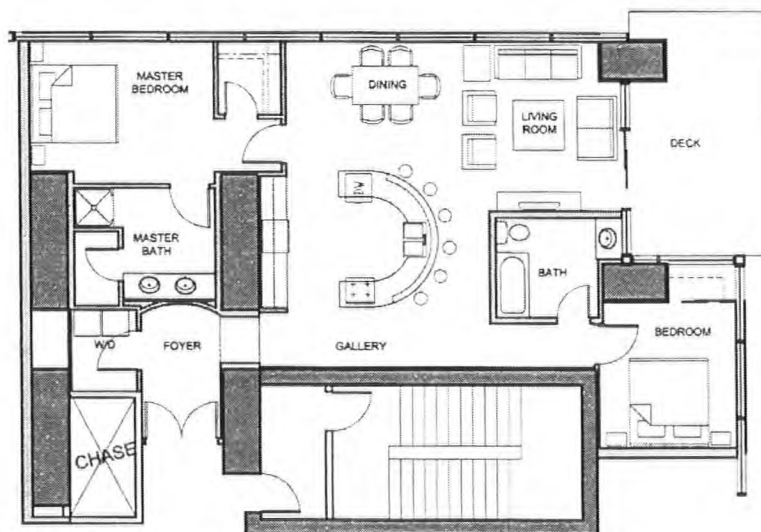
10150 COWINGTON CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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UNIT G
SKY HOUSE RESIDENTIAL CORRIDOR
13 LEVELS (FLOOR 34-46)
2 BEDROOM UNIT
1,362 SF and
126 SF BALCONY



UNIT H
SKY HOUSE RESIDENTIAL CORRIDOR
13 LEVELS (FLOOR 34-46)
2 BEDROOM UNIT
1,174 SF and
136 SF BALCONY

FLOOR PLANS UNITS G, H
SCALE: 1/4" = 1'

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

10150 DOVINGTON CROSS DRIVE LAS VEGAS, NV 89114
PHONE: (702) 731-2023 FAX: (702) 731-2038 WWW.JMAARCH.COM

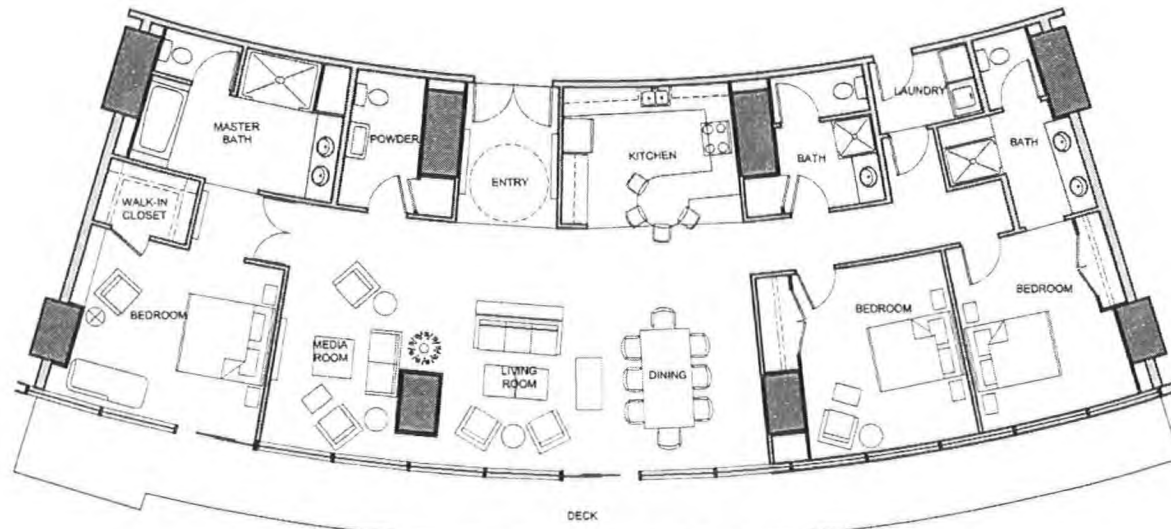
DATE: AUGUST 12, 2004

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SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT



UNIT I
BONA FIDE RESIDENTIAL CONDO
3 LEVELS (FLOOR 18-20)
3 BEDROOM UNIT
2,431 SF
408 SF BALCONY

FLOOR PLAN UNIT I

SCALE: 1/4" = 1'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

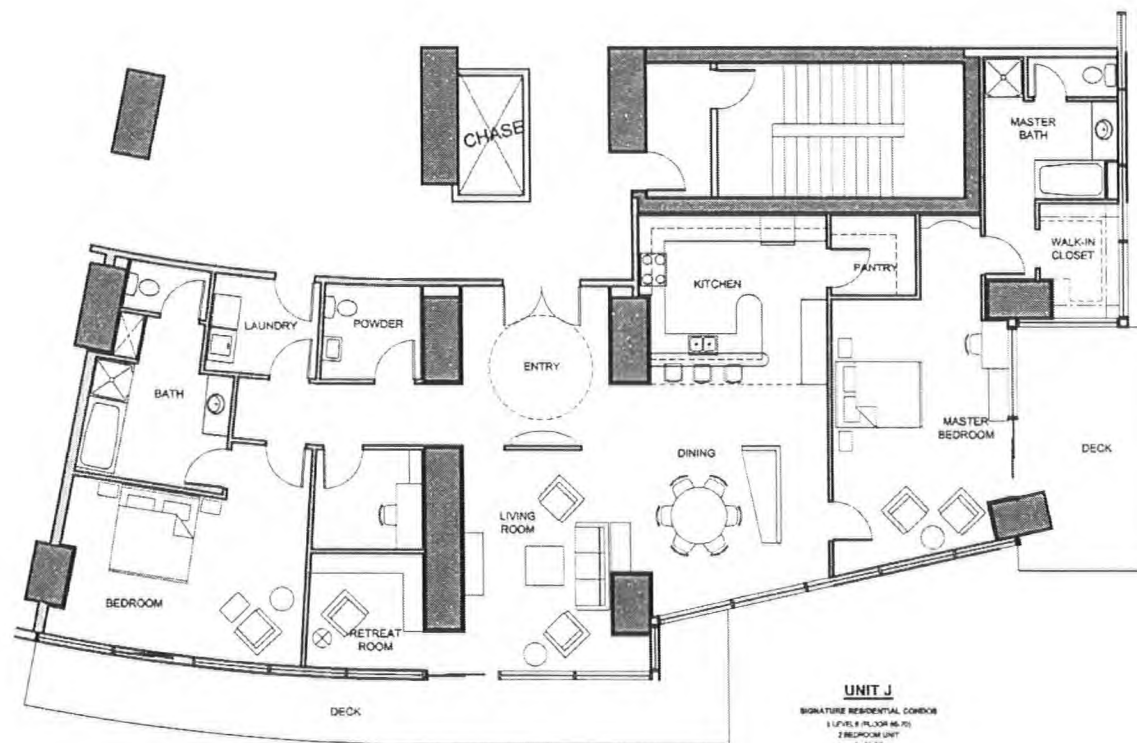
10150 COVINGTON CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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FLOOR PLAN UNIT J

SCALE: 1/4" = 1'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

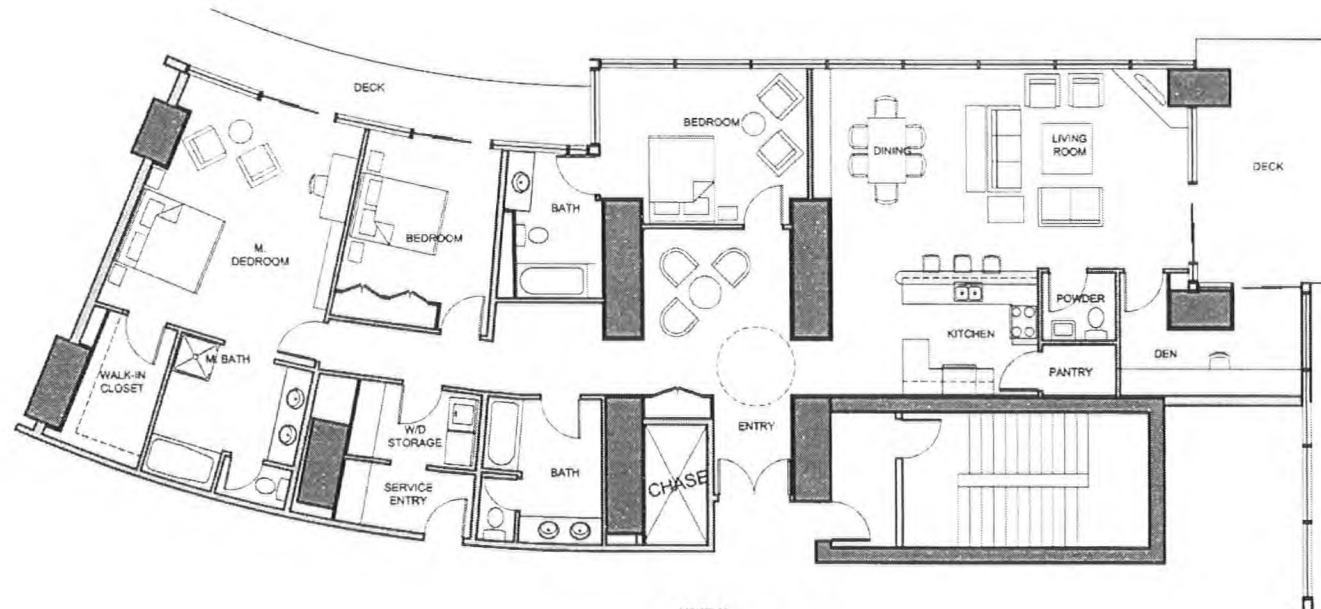
10150 DOWNTOWN CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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UNIT K
SIGNATURE RESIDENTIAL CONDOS
1 LEVEL 2 FLOOR (6/11)
3 BEDROOM UNIT
2,818 SF W/O
340 SF BALCONY

FLOOR PLAN UNIT L
SCALE: 1/4" = 1'

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

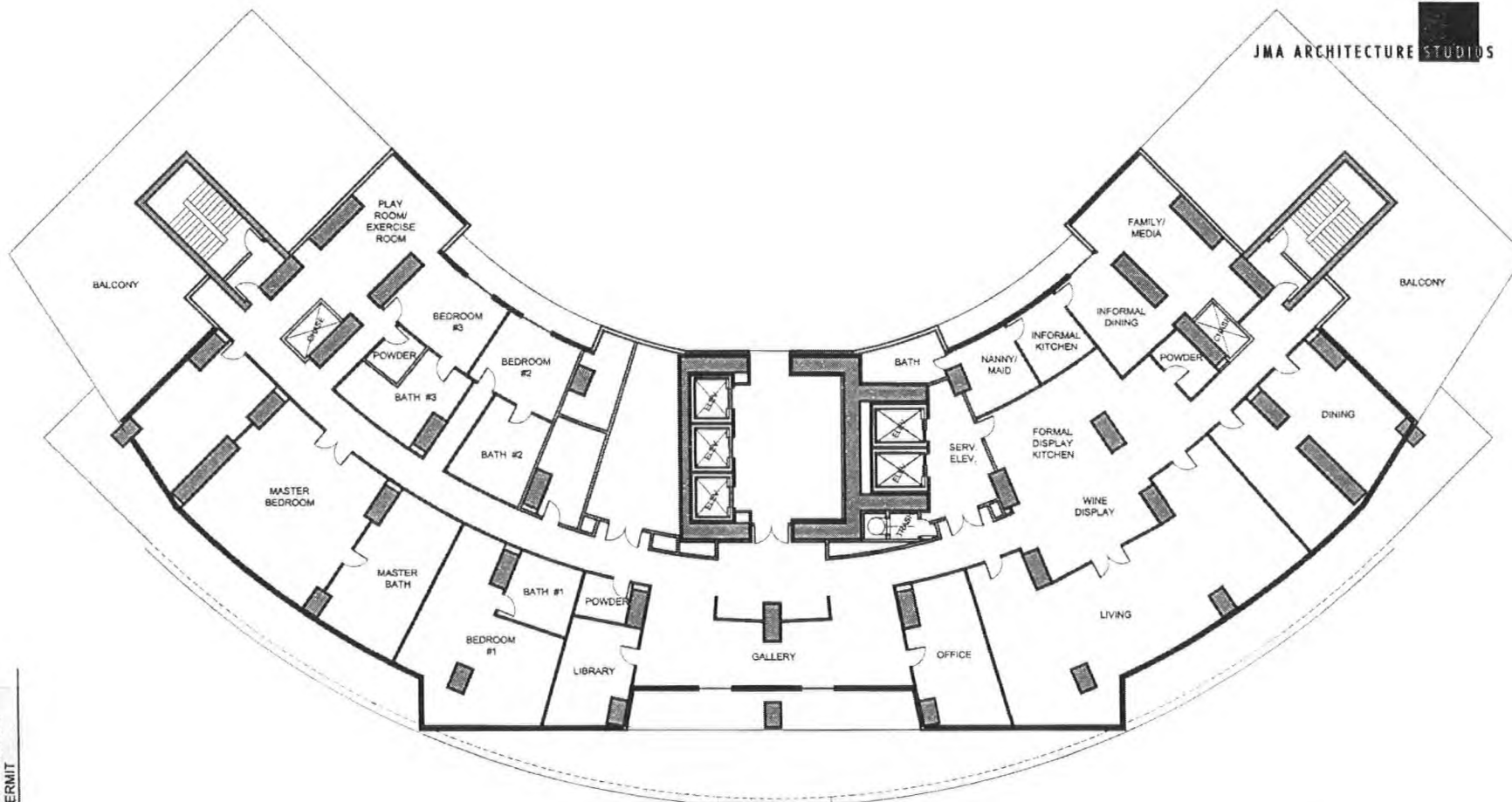
10100 CONVENTION CROSS DRIVE LAS VEGAS, NV 89114
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FLOOR PLAN UNIT L

SCALE: 1/4" = 1'

UNIT L

PENTHOUSE RESIDENTIAL CONDO

1 LEVEL (FLOOR T1)
8 BEDROOM UNIT
11,765 SF
3,705 SF BALCONY

SITE DEVELOPMENT PLAN REVIEW
SPECIAL USE PERMIT

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

Project # 200401166
Proposal # 200401901.110

10150 CONNINGTON CROSS DRIVE LAS VEGAS, NV 89114
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DATE: AUGUST 12, 2004

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St. Hubert SLG
220 Grit Finish

Natural Stone
Dual Cream

Alucobond Material
Platinum A2006-M

Alucobond Material
Copper Metallic

EXTERIOR COLOR SCHEME

Summit Residential Condos on the Strip

City of Las Vegas
LAS VEGAS, NEVADA

SOUTH LAS VEGAS BOULEVARD/ SAHARA AVENUE

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Project # 200401166
Proposal # 200401901.110

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SEP 19 2006

Date: AUGUST 12, 2004

Rinkai America Inc
2417 S Las Vegas Blvd, Las Vegas 89104

City Councilors
Las Vegas City Council
City Hall, Tenth Floor
400 Stewart Avenue
Las Vegas, NV 89101

September 19, 2006

Dear Councilors,

**Re: Justification for extension to entitlements for Cnr. Las Vegas Boulevard and Sahara
Boulevards Las Vegas SUP 5028 APN 162-04-813-070, 162-04-813-071, 162-03-410-008**

We hereby respectfully request the entitlements granted on the third day of November 2004 be extended for a period of two years.

The property has not been developed due to a number of factors including:

- a. the change in economic circumstances that lead to the original launch not achieving the desired results.
- b. An increase in building costs, leading to a need to partially redesign the project, and
- c. the failure of deposit bonds to enter the market thereby allowing for the more expeditious sale of the project.

We've worked to resolve these issues and now believe that the project can proceed.

The extension will continue to provide for the property to be used to construct a world class, leading edge resort condominium/condominium project of 945 units with associated retail and car parking facilities.

The proposed development will create an iconic landmark for the City of Las Vegas and will delineate the break from the City of Las Vegas and Clark County.

It will provide both permanent and rental accommodation for the citizens of Las Vegas and visitors and will help to revitalize the surrounding area by creating a precedent for future development.

The development will also assist in the alleviation of the traffic congestion on the corner of Las Vegas Boulevard and Sahara Avenue by providing a dedicated bus turn out and additional lane for traffic turning north from Sahara Avenue onto Las Vegas Boulevard.

Additionally, the development has provision for over head pedestrian walk ways which will further assist traffic flows and accordingly permit the further development of the area.

EOT-16956
11/01/06 CC

The development also provides for a people friendly retail component which will create and promote pedestrian traffic in the surrounding areas.

Finally the development will lead to the current unused structure being demolished and the new development being constructed improving the ambience and feel of the neighborhood whilst at the same time making the area safer for residents and visitors alike

Yours Truly

A handwritten signature in black ink, appearing to read 'Joseph DiMauro', written over a horizontal line.

Joseph DiMauro
As agent for Rinkai America Inc

EOT-16956
11/01/06 CC



November 4, 2004

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY

MICHAEL MACK

JANET MONCRIEF

STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. Ken Kim
Rinkai America, Inc.
3265 East Tropicana Avenue, Suite E-1
Las Vegas, Nevada 89121

RE: SUP-5028 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF NOVEMBER 3, 2004
Related to VAC-5029 and SDR-5027

Dear Mr. Kim:

The City Council at a regular meeting held November 3, 2004 APPROVED the request for a Special Use Permit FOR A PROPOSED 73-STORY MIXED-USE DEVELOPMENT at 2423 and 2417 Las Vegas Boulevard (APN 162-04-813-070 and 071; 162-03-410-008), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on November 4, 2004. This approval is subject to:

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for a Mixed-Use development.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5027).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

Sincerely,

A handwritten signature in cursive script that reads "Vicky Darling".

Vicky Darling
Assistant Deputy City Clerk for
Barbara Jo Ronemus, City Clerk

cc: See Attached List

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

VOICE 702.229.6011

TDD 702.386.9108

www.lasvegasnevada.gov

18112-001-6/04

EOT-16956
11/01/06 CC

Mr. Ken Kim
SUP-5028 – Page Two
November 4, 2004

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Nic Niccum
JMA Architecture Studio
10150 Covington Cross Drive
Las Vegas, Nevada 89144

Mr. Greg Borgell
Moreno & Associates
300 South Fourth Street, Suite #1500
Las Vegas, Nevada 89101

EOT-16956
11/01/06 CC

OCT 24 2006

RINKAI AMERICA INC**2427 South Las Vegas Boulevard Las Vegas Nevada 89104
Tel. 714 865 6131 Fax. 702 737 6685**

October 23, 2006.

Margot Wheeler A.I.C.P.
City of Las Vegas
Planning and Development
Fax Number 702 385 7268

2006 OCT 24 P 3:53

RECEIVED
CITY CLERK

Dear Ms Wheeler,

RE: Extension of Time SUP -5028**Case Number EOT-169568****Proposed High Rise Condominium project, Corner Las Vegas and
Sahara Boulevards Las Vegas Nevada.**

We hereby respectfully request that the hearing of the abovementioned matter be abeyed for a period of 30 days.

We request this abeyance as we are currently in negotiations that will speed the progress of the construction of the abovementioned high rise condominium project and require this abeyance to allow for these negotiations to successfully conclude.

We believe that it is in the best interests of the City that this project proceeds as it will create a gate way to the City of Las Vegas and a land mark delineating the City Of Las Vegas and Clark County.

Yours faithfully,

Joseph Di Mauro
As agent for Rinkai America Inc.

Submitted after final agenda

Date 10/24/06 Item #64

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-16176 - PUBLIC HEARING - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Special Use Permit FOR CHURCH/HOUSE OF WORSHIP at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 10-05-06 Planning Commission meeting Item 4

Motion made by LAWRENCE WEEKLY to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

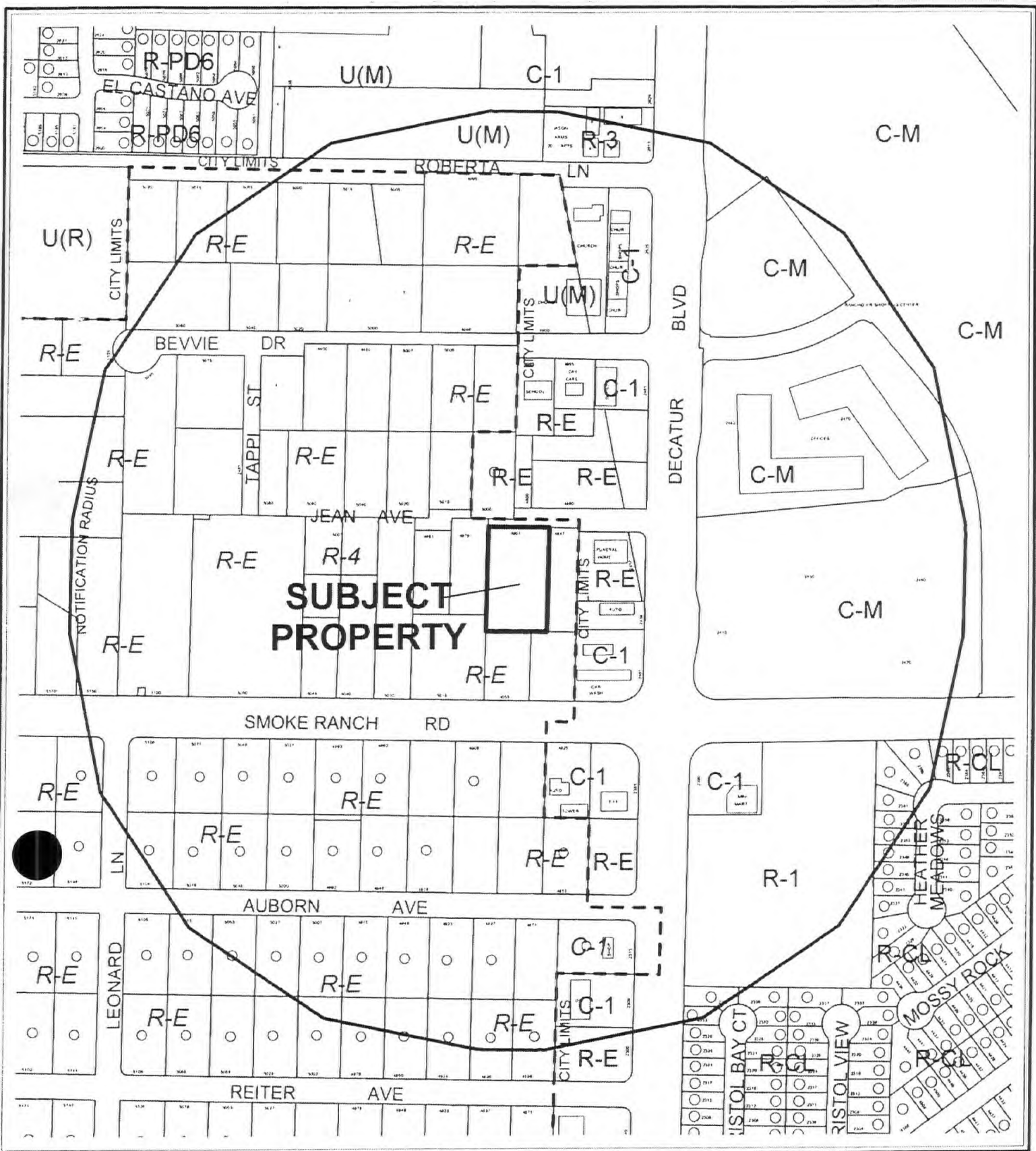
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open for Item 65 [SUP-16176] and Item 66 [SDR-16178].

BARRY WILLIAMS, Kenny Construction, appeared on behalf of the owner and requested approval.

MAYOR GOODMAN declared the Public Hearing closed for Item 65 [SUP-16176] and Item 66 [SDR-16178].



CASE: **SUP-16176**

RADIUS: 1000 FT

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



CASE: SUP-16176

RADIUS: 1000 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-16176 - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a church/house of worship use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-16178 shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Request for a Special Use Permit for a church/house of worship. The property was recently annexed into the city, with an effective date of September 29, 2006.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/29/06	This property was annexed into the city of Las Vegas.
	The Planning Commission recommended approval of companion item SDR-16178 concurrently with this application.
10/05/06	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #4/ar).
<i>Related Building Permits/Business Licenses</i>	
1959	A single family dwelling was constructed on this site.
<i>Pre-Application Meeting</i>	
08/04/06	Staff explained the parking and landscaping requirements associated with a church/house of worship
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.85

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single family dwelling	R (Rural density residential)	R-E (Residence Estates)
North	Single family dwelling	SC (Service Commercial) and R (Rural density residential)	R-E (Residence Estates)
South	Single family dwelling	R (Rural density residential)	Clark County
East	Funeral home/auto shop	R (Rural density residential)	C-1 (Limited Commercial) and R-E (Residence Estates)
West	Single family dwelling	R (Rural density residential)	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>X</i>	<i>Compliance</i>
Special Area Plan		X	
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 square feet	37,026 square feet	Y
Min. Lot Width	100 feet	150 feet	Y
Min. Setbacks			
• Front	50 Feet	160 Feet	Y
• Side	10 Feet	10 Feet	Y
• Rear	10 Feet	12 Feet	Y
Max. Building Height	2 stories/35 feet	1 story/15 feet	Y
Trash Enclosure	Minimum 50 feet from residential	50 Feet from residential	Y

Per Title 19.12, the following landscape standards apply to this site:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree /6 Spaces	8 Trees	0 Trees	N
Buffer: Min. Trees	1 Tree/20 Linear Feet	24 Trees	24 Trees	Y
Min. Zone Width	15 Feet along Jean Street 8 Feet along the north, east and west property lines		15 Feet along Jean Street 8 Feet along the north, east and west property lines	Y

This development will be in compliance with city standards with the provision of eight parking lot trees. Staff has addressed this issue as a condition of approval.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/House of Worship	Main gathering area= 2,826 sq ft.	1/100 sq ft	29 spaces	2	44	2	Y
TOTAL			29 spaces	2	44	2	Y

ANALYSIS

The site is currently developed with a single family dwelling. The applicant is proposing to remodel the interior of the structure to allow it to be used as a church. No changes are proposed to the buildings exterior. A new parking lot will be provided north of the church building and will provide vehicular access to Jean Avenue. Landscaping planters that comply with the standards of the zoning code are depicted along the property line. A larger landscape planter is also shown in the parking lot. No parking lot trees are shown on the site plan. Staff finds that there is adequate space with the parking lot planter to provide the eight trees required by the zoning code, and has included a condition of approval which addresses this issue.

The property is within an area of the Airport Overlay district which limits building heights to 35 feet. The existing structure is 15 feet in height and complies with the height limitation.

The proposed church is compatible with the existing single family development to the west and north and the commercial uses to the south and east.

FINDINGS

The following findings must be made for a Special Use Permit:

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

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."
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."

In regard to "1":

The proposed Church/House of Worship would be located between an existing single family dwelling and commercial development along Decatur Boulevard. The use as a Church/House of Worship would be an acceptable buffer between these two uses.

In regard to "2":

There are no constraints to the use of this site as a church.

In regard to "3":

The site is accessed from Jean Avenue, a residential street that is adequately sized for this use and which will not be adversely impacted by this development.

In regard to "4":

The proposal will be subject to required inspection, thereby securing the public's health, safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 120 by City Clerk

APPROVALS 0

PROTESTS 0

DOOR SCHEDULE	
NO.	DESCRIPTION
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McKinney Construction
 LICENSE # 00000000000000000000

SIGNATURE
 KIM HESTER CHASE, AIA
 L.A.S. 00000000000000000000
 (314) 700-0000 FAX (314) 700-0000

THESE PLANS ARE PREPARED AND SUBMITTED BY THE CONTRACTOR AS AN EXCUTION TO BE USED FOR WORK UNDER CONTRACT. LICENSE CATEGORY AUTHORIZED: LANDSCAPE ARCHITECT

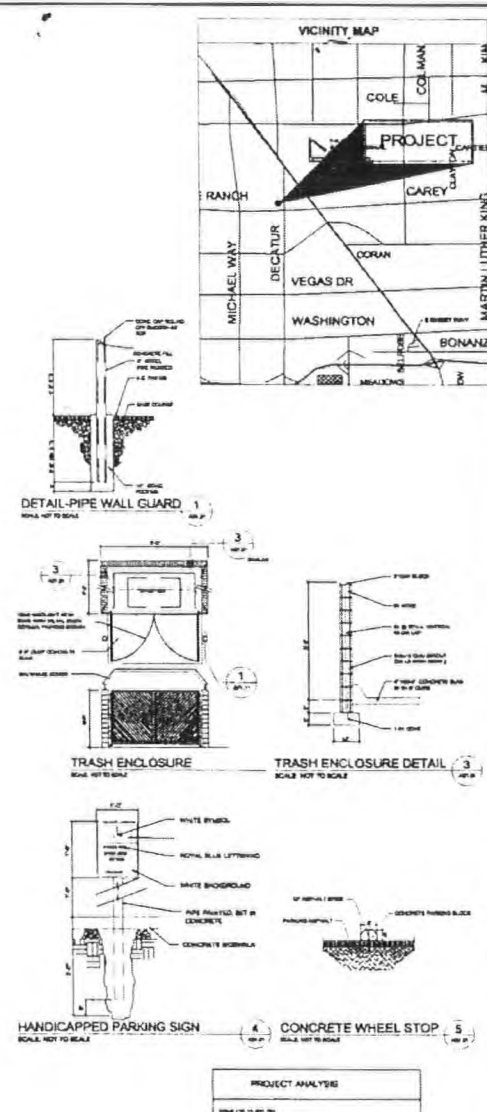
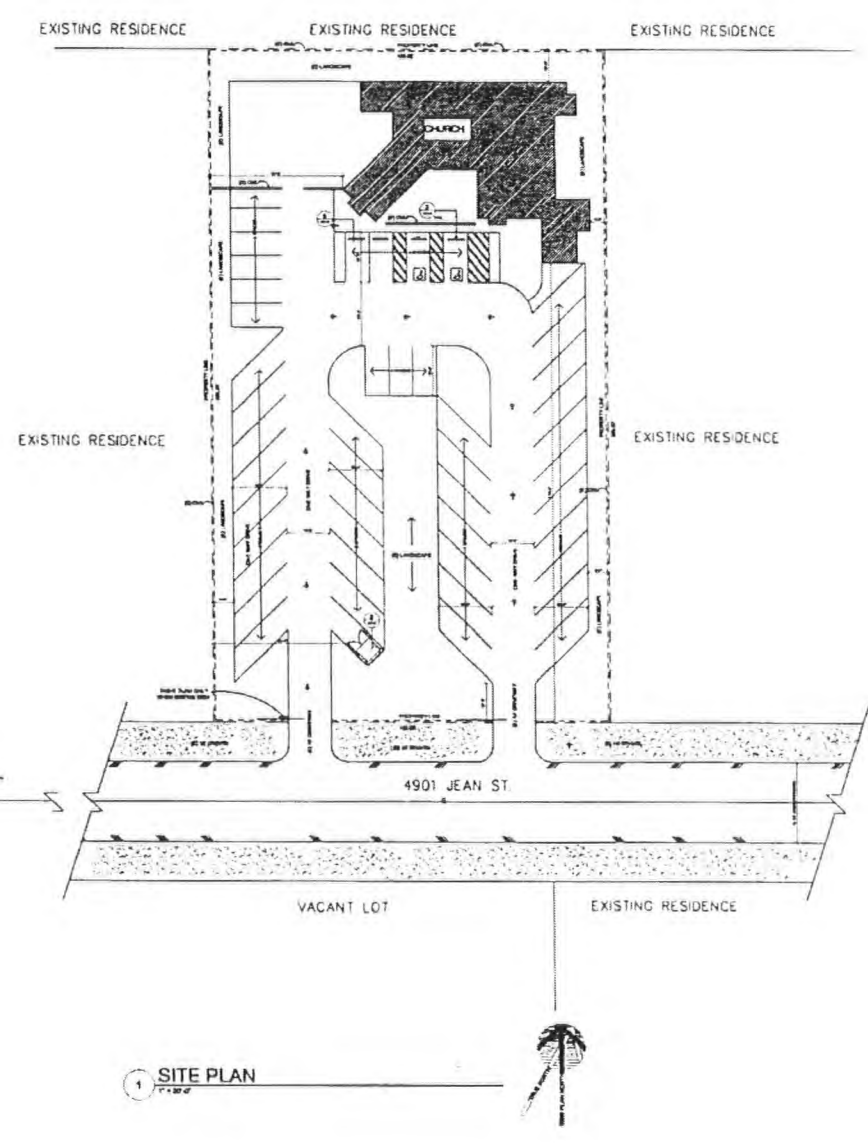
PROJECT: MOUNT ZION FULL GOSPEL FELLOWSHIP
4801 JEAN AVE
LAS VEGAS, NEVADA

SHEET TITLE: SITE PLAN

REVISIONS	
NO.	DESCRIPTION

DATE: SEP 4, 2006
 SCALE: AS NOTED
 DRAWN: BW
 JOB NO: 04-3330-04

SHEET
AS1.01
 OF SHEETS



SUP-16176 SDR-16178

REVISED 10/05/06 PC

SEP 06 2006

August 18, 2006

MOUNT ZION, IS REQUESTING A SPECIAL USE PERMIT WITH THE CITY OF LAS VEGAS PLANNING AND DEVELOPMENT SERVICES. MOUNT ZION IS REQUESTING TO CONVERTE THE ONE STORY HOME, TO APLACE OF WORSHIP.

MOUT ZION IS REQUISTING THE CITY OF LAS VEGAS PLANNING AND DEVELOPMENT SERVICES TO PERMIT A REAR SETBACK OF 12 FEET WHERE 30 FEET IS REQUIRED.

MOUNT ZION, IS REQUESTING A CONTINGENCY ON THE OUTSIDE LANDSCAPE.

THANK YOU,
MOUNT ZION

SUP-16176
SDR-16178
10/05/06 PC

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

CITY OF LAS VEGAS

ONE MOTION/ONE VOTE



Planning and Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: SUP-16176 - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *October 5, 2006* Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Dorothy Marsili at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

Butherford McKinney 10/3/06
Signature Date
Butherford McKinney
Please print name
McKinney Construction
Company Name

Sincerely,

Doug Rankin
Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-16176

SDR-16178 - PUBLIC HEARING - APPLICANT: MOUNT ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Site Development Plan Review FOR THE PROPOSED CONVERSION OF A 2,826 SQUARE FOOT RESIDENCE AND 375 SQUARE FOOT CASITA TO A PLACE OF WORSHIP on 0.85 acres at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 10-05-06 Planning Commission Meeting Item 5

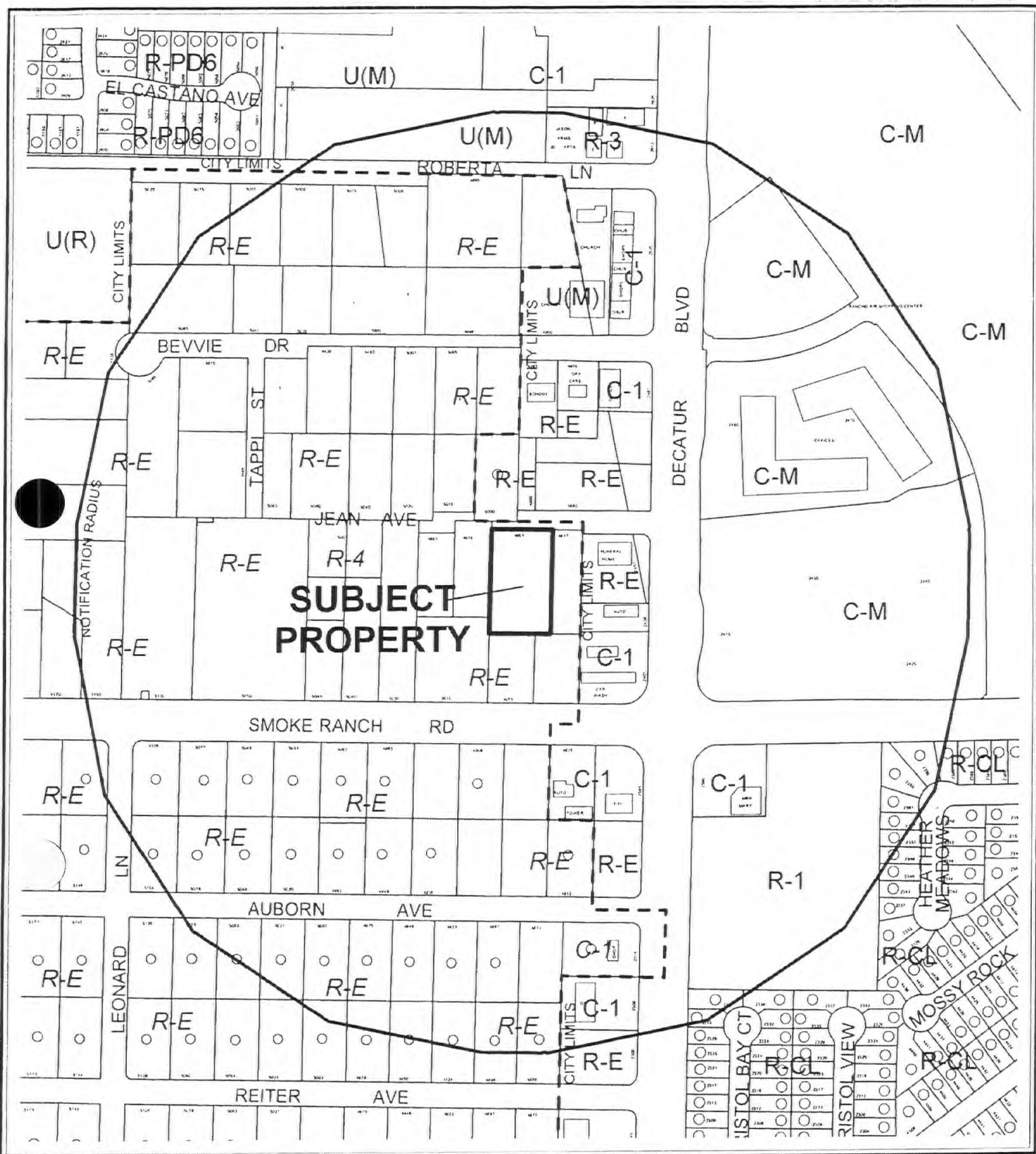
Motion made by LAWRENCE WEEKLY to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 65 for related discussion.



CASE: **SDR-16178**

RADIUS: 1000 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-16178 - APPLICANT: MOUNT ZION CHURCH; OWNER: JOHN W. ARNOLD

**** CONDITIONS ****

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

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/06/06, except as amended by conditions herein.
3. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for building permit to reflect the provision of eight 24 inch box trees within the center landscape planter.
4. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
5. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
7. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

8. 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.
9. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

10. Dedicate an additional 10 feet of right-of-way for a total half-street width of 30 feet on Jean Avenue adjacent to this site prior to the issuance of any permits.
11. Construct half-street improvements, including appropriate transition paving, on Jean Avenue adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
12. Extend the existing sewer line in Jean Avenue past the western boundary of this site at a depth and location acceptable to the Collection System Planning Section of the Department of Public Works. 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.
13. 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 a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.
14. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for the proposed conversion of a 2,826 square foot residence and 375 square foot casita to a place of worship. The property was recently annexed into the city, with an effective date of September 29, 2006.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/29/06	This property was annexed into the city of Las Vegas.
10/05/06	The Planning Commission recommended approval of companion item SUP-16176 concurrently with this application.
	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #5/ar).
<i>Related Building Permits/Business Licenses</i>	
1959	A single family dwelling was constructed on this site.
<i>Pre-Application Meeting</i>	
08/04/06	Staff explained the parking and landscaping requirements associated with a church/house of worship
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.85

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single family dwelling	R (Rural density residential)	R-E (Residence Estates)
North	Single family dwelling	SC (Service Commercial) and R (Rural density residential)	R-E (Residence Estates)
South	Single family dwelling	R (Rural density residential)	Clark County
East	Funeral home/auto shop	R (Rural density residential)	C-1 (Limited Commercial) and R-E (Residence Estates)
West	Single family dwelling	R (Rural density residential)	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>X</i>	<i>Compliance</i>
Special Area Plan		X	
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 square feet	37,026 square feet	Y
Min. Lot Width	100 feet	150 feet	Y
Min. Setbacks			
• Front	50 Feet	160 Feet	Y
• Side	10 Feet	10 Feet	Y
• Rear	10 Feet	12 Feet	Y
Max. Building Height	2 stories/35 feet	1 story/15 feet	Y
Trash Enclosure	Minimum 50 feet from residential	50 Feet from residential	Y

Per Title 19.12, the following landscape standards apply to this site:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree /6 Spaces	8 Trees	0 Trees	N
Buffer:		24		
Min. Trees	1 Tree/20 Linear Feet	Trees	24 Trees	Y
Min. Zone Width	15 Feet along Jean Street 8 Feet along the north, east and west property lines		15 Feet along Jean Street 8 Feet along the north, east and west property lines	Y

This development will be in compliance with city standards with the provision of eight parking lot trees. Staff has addressed this issue as a condition of approval.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Church/House of Worship	Main gathering area= 2,826 sq ft.	1/100 sq ft	29 spaces	2	44	2	Y
TOTAL			29 spaces	2	44	2	Y

ANALYSIS

The site is currently developed with a single family dwelling. The applicant is proposing to remodel the interior of the structure to allow it to be used as a church. No changes are proposed to the buildings exterior. A new parking lot will be provided north of the church building and will provide vehicular access to Jean Avenue. Landscaping planters that comply with the standards of the zoning code are depicted along the property line. A larger landscape planter is also shown in the parking lot. No parking lot trees are shown on the site plan. Staff finds that there is adequate space with the parking lot planter to provide the eight trees required by the zoning code, and has included a condition of approval which addresses this issue.

The property is within an area of the Airport Overlay district which limits building heights to 35 feet. The existing structure is 15 feet in height and complies with the height limitation.

FINDINGS

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

In regard to "1":

The proposed Church/House of Worship would be located between an existing single family dwelling and commercial development along Decatur Boulevard. The use as a Church/House of Worship would be an acceptable buffer between these two uses.

In regard to "2":

This development will be in compliance with city plans, policies and standards with the provision of eight parking lot trees. Staff has addressed this issue as a condition of approval.

In regard to "3":

The site is accessed from Jean Avenue, a residential street that is adequately sized for this use and which will not be adversely impacted by this development.

In regard to "4":

Building materials are appropriate for the area and the City of Las Vegas. Staff finds that there is adequate space with the parking lot planter to provide the eight trees required by the zoning code, and has included a condition of approval which addresses this issue.

In regard to "5":

Building elevations and design characteristics are not unsightly.

In regard to "6":

The proposal will be subject to required inspection, thereby securing the public's health, safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

4

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 116 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-16178** APN: 13813 SC186P-060
Name of Property Owner: John Arnold
Name of Applicant: Mt Zion Church

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: _____

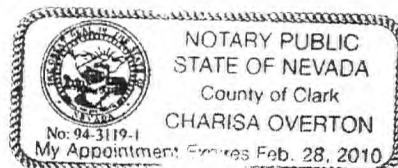
Signature of Property Owner:

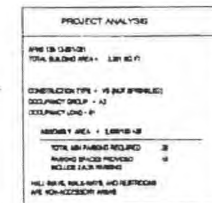
Print Name: _____

Subscribed and sworn before me

This 17th day of August, 2006

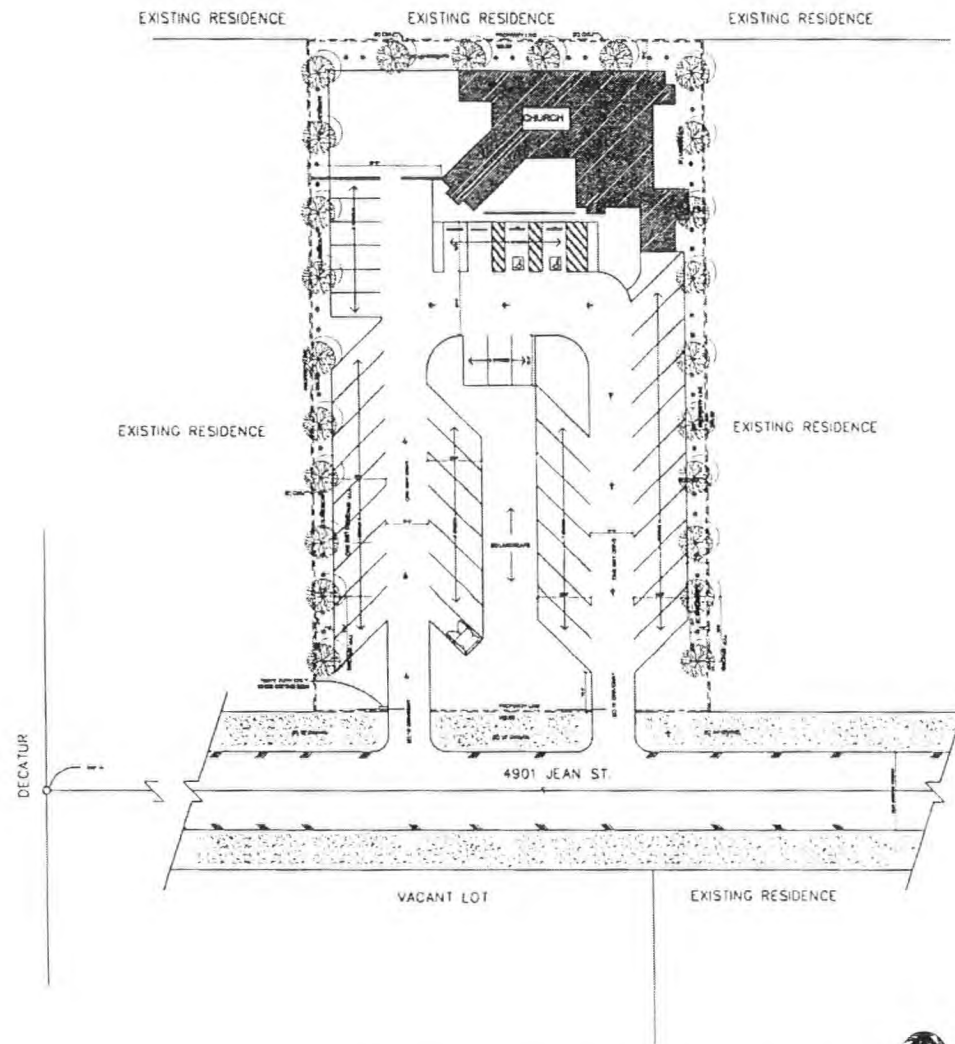
Charisa Overton
Notary Public in and for said County and State





 CORPORATION Mountain Construction, Inc. LEONARD J. MOUNTAIN, CHAIRMAN																							
"BIDDING" 100 WEST CHANDLER AVE. LAS VEGAS, NEVADA 89101 OFF 762-5400 / FAX 762-6741 THESE PLANS ARE PREPARED AND SUBMITTED BY THE CONTRACTOR AS AN OBLIGATION TO BEB BIDDING FOR WORK UNDER CONTRACTOR LICENSE CATEGORY A/ARCHITECTED UNDER 4000 S.F.																							
PROJECT MOUNT ZION FULL GOSPEL FELLOWSHIP 4901 JEAN AVE. LAS VEGAS, NEVADA	SHEET TITLE SITE PLAN																						
REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%; font-size: x-small;">NO.</th> <th style="width: 90%; font-size: x-small;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		NO.	DESCRIPTION																				
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SUP-16176	SDR-16178
REVISED	10/05/06 PC

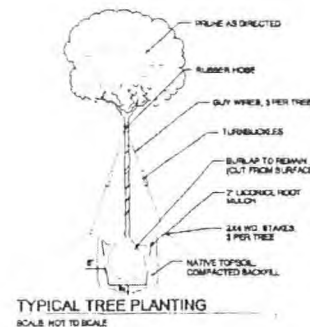


1 LANDSCAPE PLAN
1" = 30'

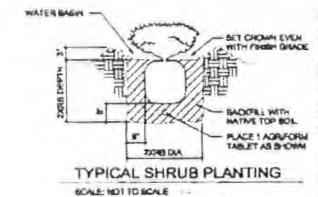


1. THE SPRINKLER SYSTEM DESIGN WILL BE BASED ON THE MAXIMUM OPERATING PRESSURE AND THE MAXIMUM FLOW DEMAND SHOWN ON THE S-COP DRAWINGS AT EACH POINT OF CONNECTION. THE IRRIGATION CONTRACTOR SHALL VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE S-COP DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE CONTRACTOR. IN THE EVENT PRESSURE DIFFERENCES ARE NOT REPORTED PRIOR TO START OF CONSTRUCTION, THE IRRIGATION CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
2. THIS SHOP DRAWING DESIGN WILL BE DIAGRAMMATIC. ALL PIPING, VALVES, ETC. SHOWN WITHIN PAVED AREAS IS FOR DESIGN CLARITY ONLY AND SHALL BE INSTALLED IN PLANTING AREAS. AVOID ANY CONFLICTS BETWEEN THE SPRINKLER SYSTEM, PLANTING AND ARCHITECTURAL FEATURES.
3. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE HIMSELF WITH ANY GRADE DIFFERENCES, LOCATION OF WALLS AND RETAINING WALLS.
4. THE IRRIGATION CONTRACTOR SHALL FLUSH AND ADJUST ALL SPRINKLER HEADS FOR OPTIMUM PERFORMANCE AND TO PREVENT OVERSPRAY ONTO NEARBY ROADWAYS AND/OR BUILDINGS AS MUCH AS POSSIBLE.

SYMBOL	BOTANICAL NAME	COMMON NAME	QTY'S	SIZE	REMARKS
(Symbol)	JUNIPERUS OR EQUAL	JUNIPERUS	12	24" BOX	8'x7'0" D.C.
(Symbol)	CASSIA OR EQUAL	DESBERT CASSIA	24	5 GALLON	
(Symbol)	RED ROCK	RED ROCK	18	18" TUBS	10"



TYPICAL TREE PLANTING
SCALE: NOT TO SCALE



TYPICAL SHRUB PLANTING
SCALE: NOT TO SCALE

McIntosh Construction
LICENSED & BONDED LANDSCAPE ARCHITECT

PROJECT: MOUNT ZION FULL GOSPEL FELLOWSHIP
4801 JEAN AVE.
LAS VEGAS, NEVADA

SHEET TITLE: LANDSCAPE & DETAIL'S PLAN

REVISIONS:

NO.	DESCRIPTION
1	ISSUED FOR BIDDING

DATE: 8/24/06
SCALE: AS NOTED
SHEET: 04
JOB NO: 04-5530-01

SHEET

LD1.01

OF 1 SHEETS

SUR-16176 **SDR-16178**
REVISED **10/05/06 PC**

SEP 06 2006

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4-87-11
MOUNT ZION FULL GOSPEL FELLOWSHIP
4901 JEAN AVE.
LAS VEGAS, NEVADA
4-87-11
EXISTING FLOOR PLAN & DEMO

1995

Ref: 02-FA-00169

100

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Age Group	Percentage of Respondents
18-29	65%
30-49	75%
50-69	80%
70+	85%

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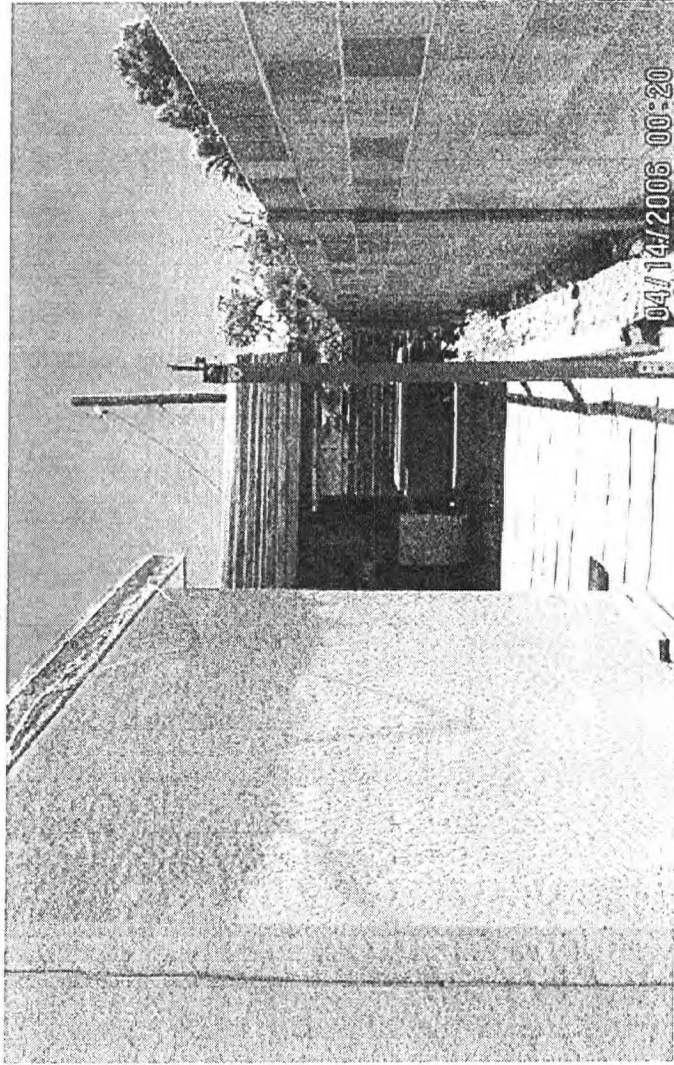
1. *Journal of the American Medical Association*, 1997; 277: 1027-1031.

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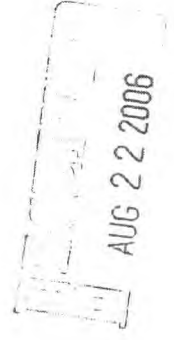
SUP-16176
SDR-16178
10/05/06 PC

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West Side



SUP-16176
SDR-16178
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East side



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SUP-16176
SDR-16178
10/05/06 PC

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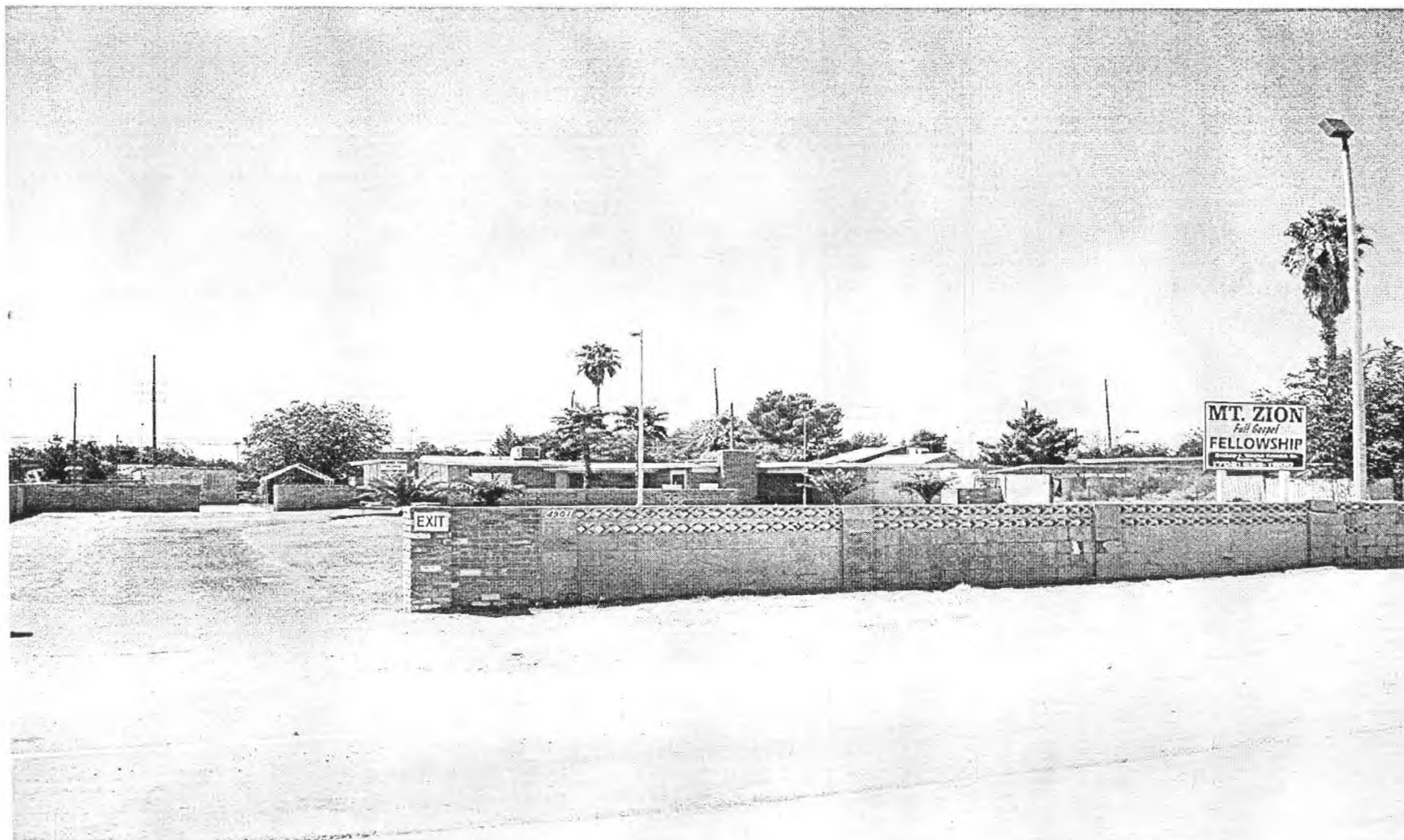


SUP-16176
SDR-16178
10/05/06 PC

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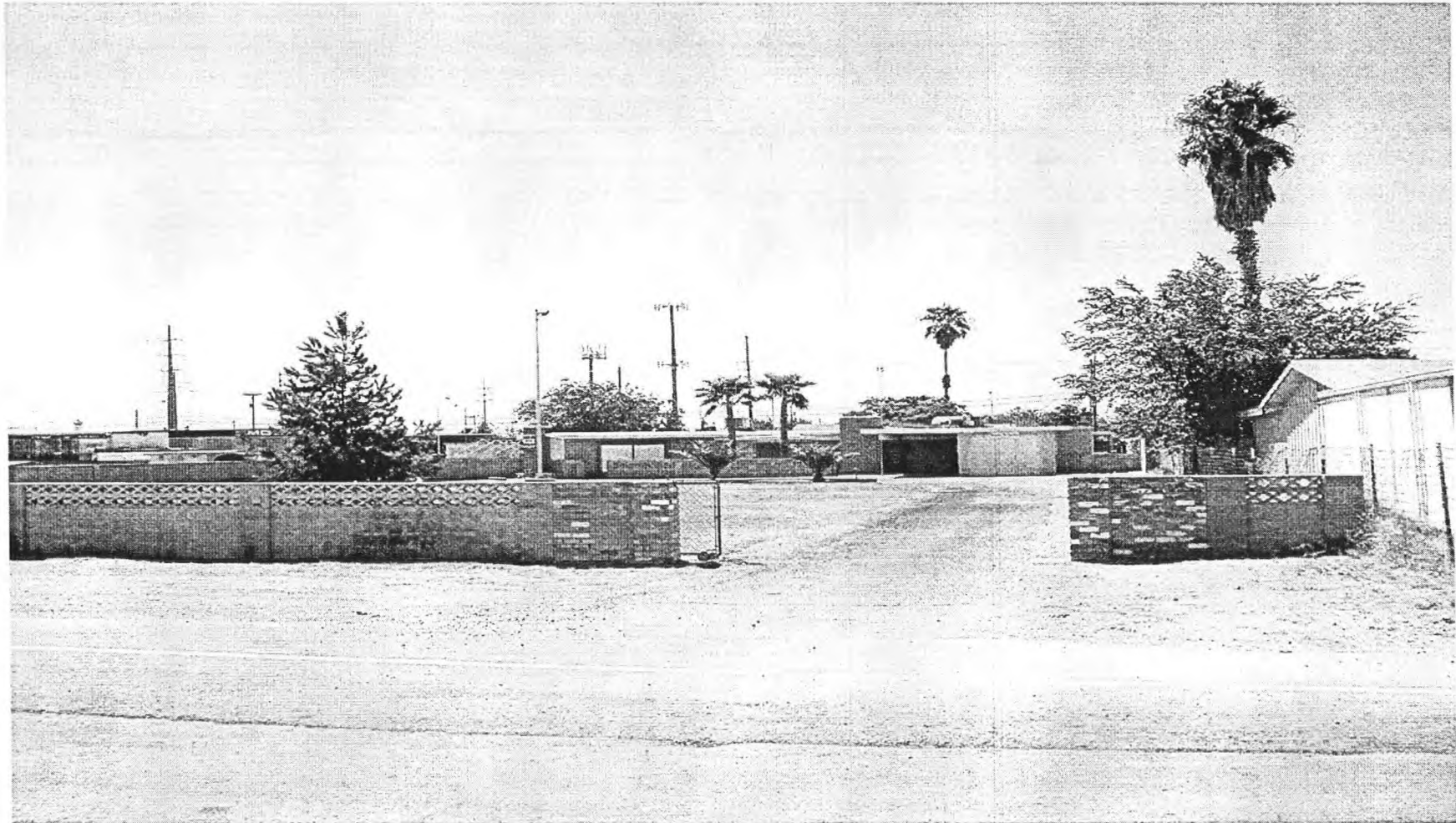
SDR 16178				
Mount Zion Church				
4901 Jean Avenue				
Proposed 2.826 thousand square foot church conversion.				
Traffic produced by proposed development:				
New Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	CHURCH [1000 SF]	2.826	9.11	26
AM Peak Hour			0.72	2
PM Peak Hour			0.66	2
(heaviest 60 minutes)				
Previous Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SINGLE FAMILY DETACHED [DWELL]	1	9.57	10
AM Peak Hour			0.75	1
PM Peak Hour			1.01	1
(heaviest 60 minutes)				
Net Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	CHURCH [1000 SF]	2.826		16
AM Peak Hour				1
PM Peak Hour				1
(heaviest 60 minutes)				
Existing traffic on all nearby streets: Counts not available for Jean Avenue				
Deecatur Boulevard				
Average Daily Traffic (ADT)	26,972			
PM Peak Hour	2158			
(heaviest 60 minutes)				
Smoke Ranch Road				
Average Daily Traffic (ADT)	14,661			
PM Peak Hour	1173			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets:				

	Adjacent street ADT			
	Capacity			
Decatur Boulevard	51700			
Smoke Ranch Road	32585			
This project will add approximately 16 trips per day on Jean, Decatur and Smoke Ranch. This will increase expected volumes by less than 1 percent on Decatur and Smoke Ranch. Decatur is at about 52 percent of capacity and Smoke Ranch is at about 45 percent of capacity. Counts are not available for Jean Avenue, but it is believed to be under capacity.				
Based on Peak Hour use, this development will add roughly 1 additional cars into the area; which works out to about one every sixty minutes.				
Note that this report assumes all traffic from this development uses all named streets.				



SUP-16176 AND SDR-16178 - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD
4901 JEAN AVENUE
OCTOBER 5, 2006 PLANNING COMMISSION

08/30/06



SUP-16176 AND SDR-16178 - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD
4901 JEAN AVENUE
OCTOBER 5, 2006 PLANNING COMMISSION

08/30/06



SUP-16176 AND SDR-16178 - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD
4901 JEAN AVENUE
OCTOBER 5, 2006 PLANNING COMMISSION

08/30/06

August 18, 2006

MOUNT ZION, IS REQUESTING A SPECIAL USE PERMIT WITH THE CITY OF LAS VEGAS PLANNING AND DEVELOPMENT SERVICES. MOUNT ZION IS REQUESTING TO CONVERTE THE ONE STORY HOME, TO APLACE OF WORSHIP.

MOUT ZION IS REQUISTING THE CITY OF LAS VEGAS PLANNING AND DEVELOPMENT SERVICES TO PERMIT A REAR SETBACK OF 12 FEET WHERE 30 FEET IS REQUIRED.

MOUNT ZION, IS REQUESTING A CONTINGENCY ON THE OUTSIDE LANDSCAPE.

THANK YOU,
MOUNT ZION

SUP-16176
SDR-16178
10/05/06 PC

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

CITY OF LAS VEGAS**ONE MOTION / ONE VOTE**

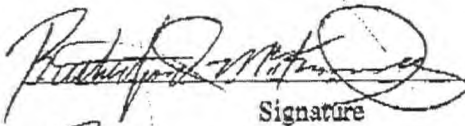
Planning and Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

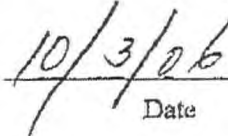
SUBJECT: SDR-16178 - APPLICANT: MOUNT ZION CHURCH; OWNER: JOHN W. ARNOLD

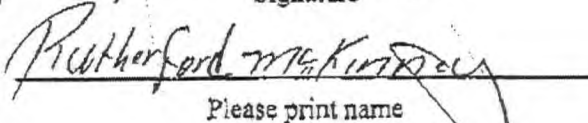
The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *October 5, 2006* Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

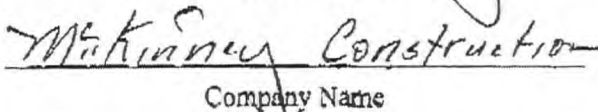
Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Dorothy Marsili at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.


Signature


Date


Please print name


Company Name

Sincerely,

Doug Rankin
Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

RESCIND PREVIOUS ACTION - SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

10

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

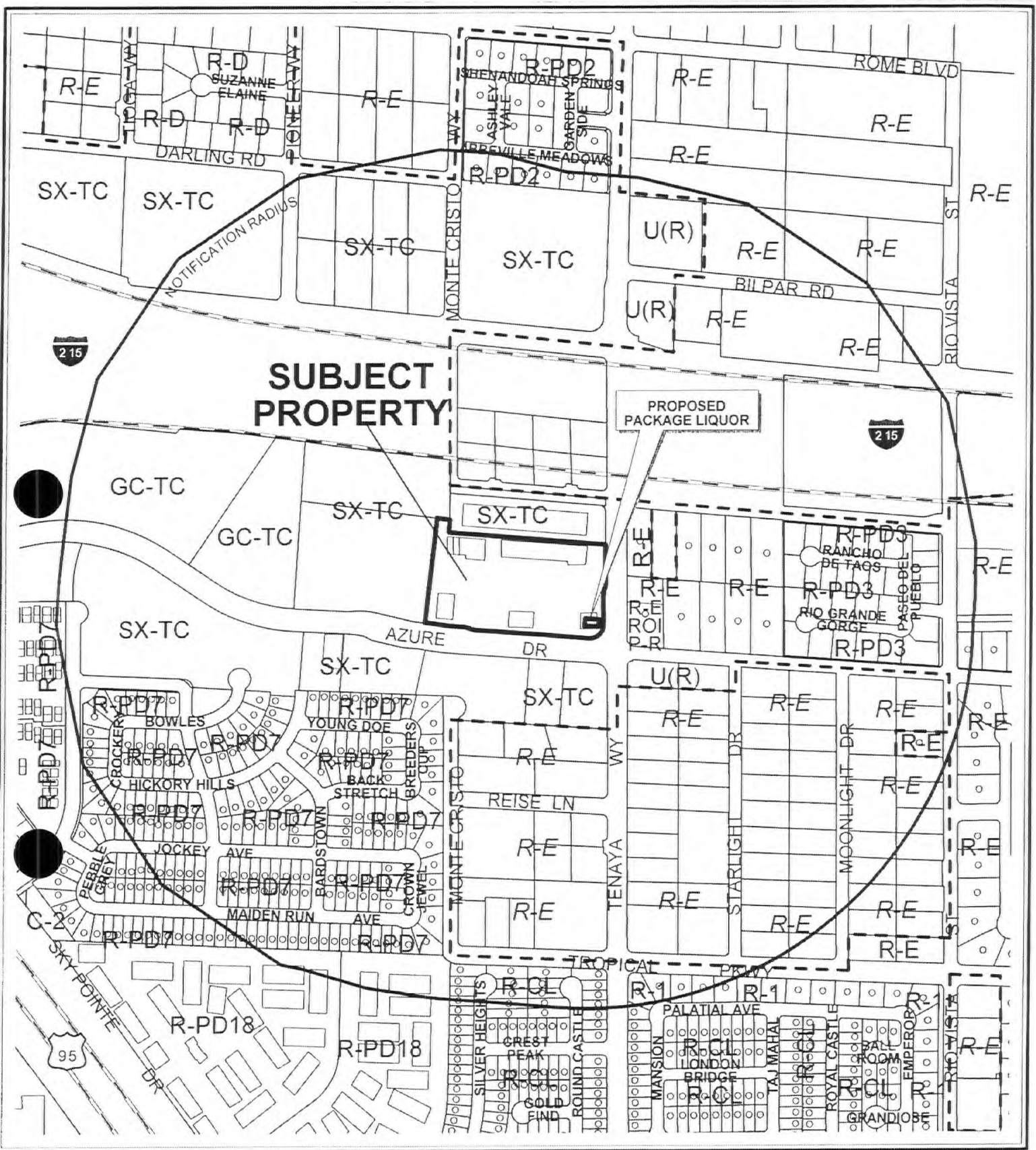
BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report

Motion made by STEVEN D. ROSS to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



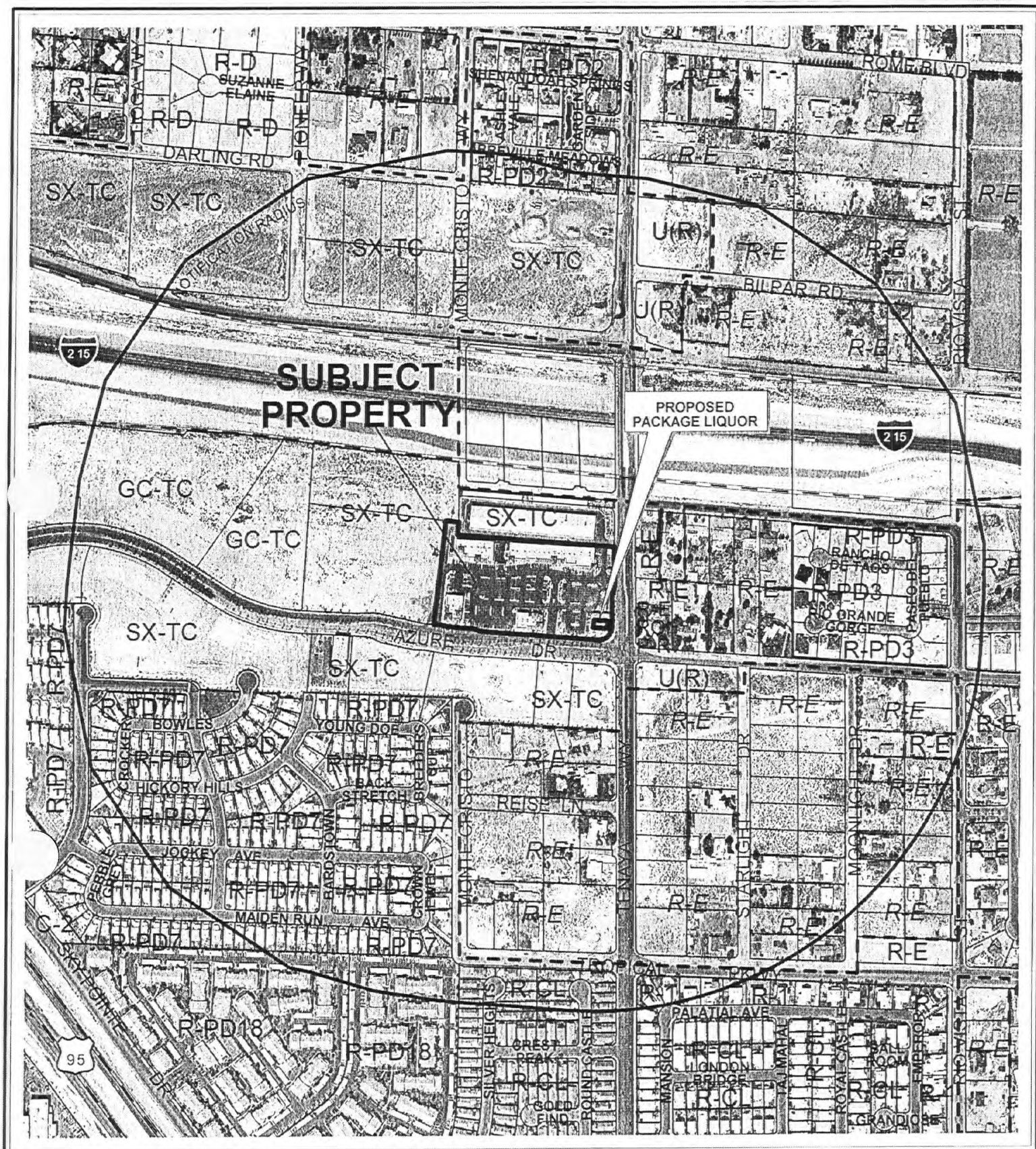
CASE: **SUP-15282**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [GC-TC (GENERAL COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]





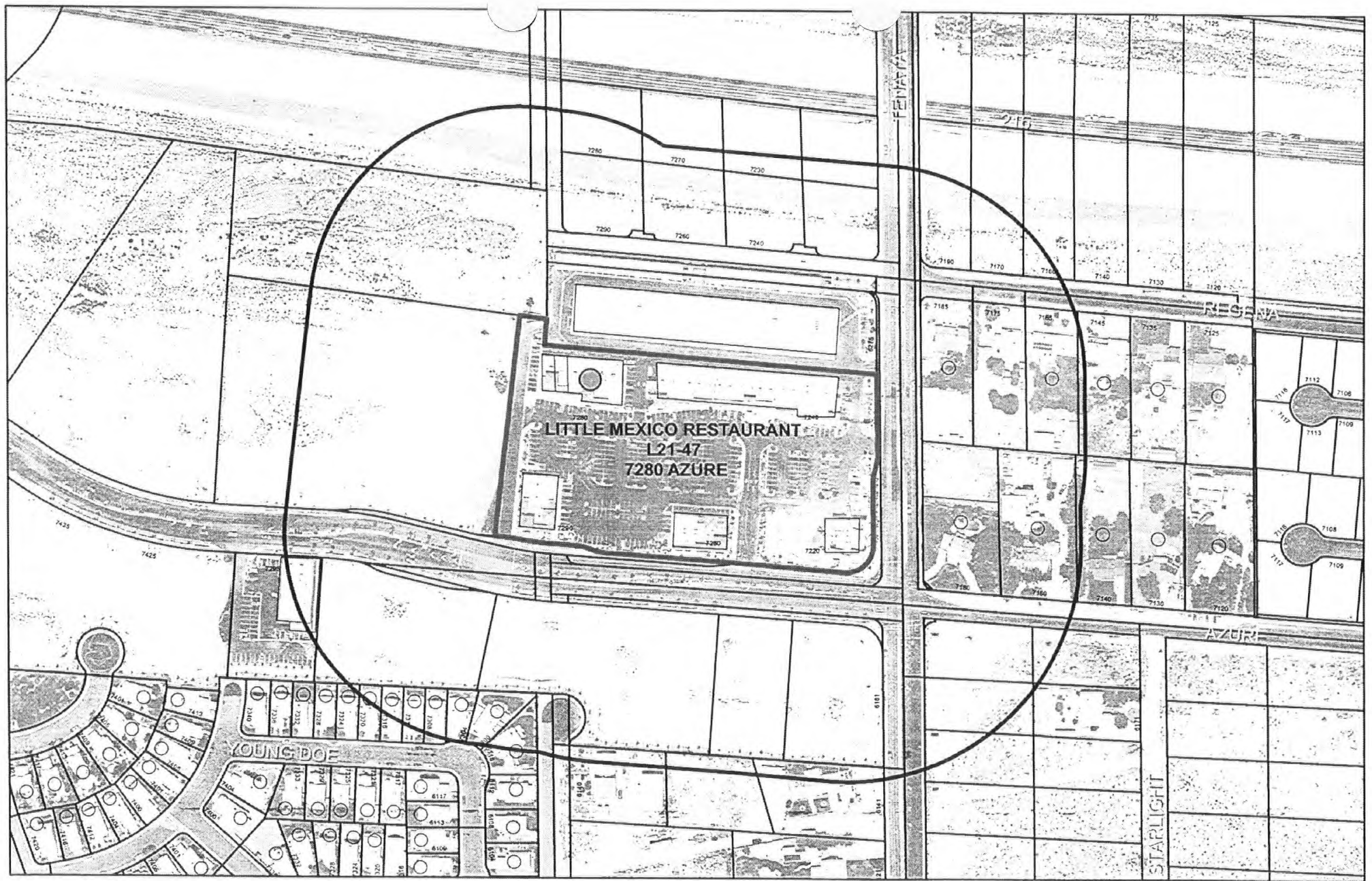
CASE: **SUP-15282**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [GC-TC (GENERAL COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]





SUP-15282

Package Liquor Sales

Business Licenses

- Child Care/Children Facility
- Tavern
- Supper Club/Restaurant Service Bar
- Liquor on/off Sales

- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- 400 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-15282 - APPLICANT: TVC 707, LLC - OWNER:
WINEAUX, INC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Package Liquor Off-Sale Establishment use and all Minimum Requirements under Town Center Development Standards section 4(B) for Alcoholic Beverage Sales/Liquor Stores is required.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for Alcoholic Beverage Sales/Liquor Store at 7220 Azure Drive, Suite 110.

EXECUTIVE SUMMARY

The applicant seeks a Special Use Permit for Alcoholic Beverage Sales/Liquor Store for an upscale shop offering wine tasting and package wine and liquor sales in an existing shopping center at West Azure Drive and Tenaya Way in the Town Center Master Plan. The shopping center is located on 6.31 acres and offers suitable parking and accessibility. The subject property is located in a 1,310 square foot suite within the center, near the southeast corner of the parcel. All distance separation requirements for both Title 19 and the Town Center Development Standards Manual are met by the applicant. Due to the location of the shopping center near unincorporated parcels, this site application is deemed a Project of Regional Significance.

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|---|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) from: U, R-E, R-PD7, R-PD11, R-PD13, R-PD18, R-CL, C-1, C-2, C-V, and P-D to: T-C (Town Center). The Planning Commission and Staff recommended approval. |
| 04/04/01 | The City Council approved a Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square foot commercial development on 14.16 acres at the northwest corner of the intersection of Tenaya Way and Azure Drive, a Special Use Permit (U-0019-01) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed grocery store, a Special Use Permit (U-0020-01) for a Supper Club, a Special Use Permit (U-0022-01) for a Restaurant Service Bar, a Special Use Permit (U-0023-01) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed drug store. The Planning Commission and Staff recommended approval of all items. |
| 08/06/03 | The City Council approved a Site Development Plan Review (SDR-2399) for a proposed 51,000 square foot retail center and a 90,900 square foot mini-storage facility; and to allow for a reduction in the amount of perimeter and parking lot landscaping. The Planning Commission and Staff recommended approval. |

- 03/15/06 The City Council approved a Major Modification (MOD-10994) changing the Land Use Designation at the Tenaya Village Center from SX-TC (Suburban Mixed Use – Town Center) to GC-TC (General Commercial – Town Center), Special Use Permit (SUP-10996) for a Tavern and Special Use Permit (SUP-10997) for Gaming (Restricted). Staff recommended denial of the Major Modification and Tavern, and recommended approval of the Gaming (Restricted). The Planning Commission recommended approval of all three applications.
- 09/07/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #5/r1).

B) Pre-Application Meeting

- 06/20/06 A pre-application meeting was held in which the applicant was informed of the requirements for a Special Use Permit for Alcoholic Beverage Sales in Town Center. In addition, the applicant was requested to provide a parking analysis for the entire shopping center included with a site plan, as well as the required questionnaire for a Project of Regional Significance.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 6.3 acres

B) Existing Land Use

Subject Property:	Service Commercial
North:	Industrial/Commercial
South:	Undeveloped
East:	Single-Family
West:	Undeveloped

C) Planned Land Use

Subject Property:	GC-TC (General Commercial - Town Center)
North:	GC-TC (General Commercial - Town Center)
South:	GC-TC (General Commercial - Town Center)
East:	O (Office); R (Rural Density Residential)
West:	TC (Town Center)

D) Existing Zoning

Subject Property	T-C (Town Center)
North	T-C (Town Center)
South	T-C (Town Center)
East	R-E (Residence Estates); R-E (Residence Estates) under Resolution of Intent to P-R (Professional Office and Parking)
West	T-C (Town Center)

E) General Plan Compliance

The subject property is located in the Centennial Hills Sector of the General Plan. Within this Sector, it has a land use designation of TC (Town Center). This designation is designed to accommodate large commercial, community, and cultural complexes and will ultimately become the main or "downtown" business center for Town Center. It may include regional shopping facilities, high and mid-rise office structures, high-density residential, cultural, community and recreational facilities. On 03/15/06, City Council approved a Major Modification to the Town Center Master Plan (MOD-10994) changing the land use designation of the Tenaya Village Center, in which the subject property is located, from SX-TC (Suburban Mixed-Use – Town Center) to GC-TC (General Commercial - Town Center).

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

Town Center

The subject site is located within the Town Center District. The site is designated as GC-TC, which allows the use of Alcoholic Beverage Sales/Liquor Store with a Special Use Permit.

Trails

A Multi-Use, Transportation trail runs along the eastern edge of the subject site. No provision for this trail is required as a part of this application. Additionally, the Town Center Loop Trail alignment runs along the southern portion of subject site but will not affect this application.

Development Impact Notification Assessment and Project of Regional Significance

Due to the subject site's proximity to an adjacent jurisdiction (Clark County), this request is deemed a Project of Regional Significance. An Environmental Impact Assessment form is required and is discussed in more detail below.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

Any Special Use Permit within 500-Feet of an adjacent jurisdiction (unincorporated Clark County).

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received as of the completion of this report.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Shopping Center	43,261 sf	1/250 sf GFA	167	6	318	8

The entire shopping center, including the subject property, requires 325 parking spaces, including 8 handicap van accessible spaces. The site plan includes 326 spaces including the 8 accessible spaces and therefore exceeds the parking requirements.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04 and the Town Center Development Standards Manual, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Alcoholic Beverage Sales/Liquor Store	Shall not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.	Yes

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

Standards	Code Requirement	Provided
Trash Enclosure	Shall not be located within 50 Feet of any property line from any protected property.	Yes

The application meets the distance separation requirements as well as the trash enclosure requirements as required in Title 19 and the Town Center Development Standards Manual.

B) General Analysis and Discussion

- Zoning

The site is zoned T-C (Town Center). The land use designation of GC - T-C (General Commercial – Town Center) permits the proposed Alcoholic Beverage Sales/Liquor Store with approval of a Special Use Permit pursuant to Title 19 and the Town Center Development Standards Manual. This application, if approved, would satisfy that requirement.

- Use

Alcoholic Beverage Sales/Liquor Stores is listed on the permitted uses table within the GC-TC designation in Town Center. The proposed 1,310 square foot Wine Shop will be located in an existing commercial center and it would meet all applicable conditions, including distance separation. Furthermore, all development standards, including parking, will be met on the site.

- Conditions

Per the Town Center Development Standards Manual, the following conditions are automatically applicable to Alcoholic Beverage Sales/Liquor Stores:

- a. No beer/wine/cooler on-sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale, package, wholesale general use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.
- b. The distances referred to in Paragraph 1 shall be measured in a straight line from the property line of the church, synagogue, school, child care facility, or from the nearest property line of a City park to the property line of the proposed liquor premises, and in a straight line from the property line of the proposed tavern to the property line of any existing liquor establishment premises disregarding all intervening obstacles.
- c. When considering a Special Use Permit application for a liquor establishment for off-premise consumption which also requires a waiver of the distance limitation in Paragraph One, the Planning Commission shall take into consideration the distance policy, and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- d. All business which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The subject proposal complies with the above conditions, and requires no distance waivers.

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 use is compatible with the surrounding neighborhood and with future uses as projected by the General Plan. There are no protected uses within the minimum separation distance required by Title 19.

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

The subject site can easily accommodate the proposed Alcoholic Beverage Sales/Liquor Stores Use.

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

The site is served by Azure Drive (a 70-foot frontage street) and Tenaya Way (an 80-foot secondary collector). As such, the addition of a tavern will not negatively impact existing transportation facilities.

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.”**

Approval of this request will not be inconsistent with the objectives of applicable plans and documents.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 406 by City Clerk

APPROVALS 0

PROTESTS 0

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). NOTE: This item is being reheard to correct the suite number which should be #120. The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

10

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest petition with 13 signatures representing 10 properties
6. Backup referenced from the 09-07-06 Planning Commission Meeting Item 5

Motion made by STEVEN D. ROSS to Approve subject to conditions and adding the following conditions as read for the record:

- A. The hours of operation shall not exceed Monday through Saturday 11 a.m. to 8 p.m.
- B. A six-month administrative review of the Special Use Permit shall occur six months after the issuance of a business license.
- C. Any expansion beyond the 1310 square foot Suite will require a new Special Use application and Public Hearing.
- D. No beer will be sold on the premises.
- E. The sales display area for liquor to an area shall be limited to 48 square feet within the store.

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

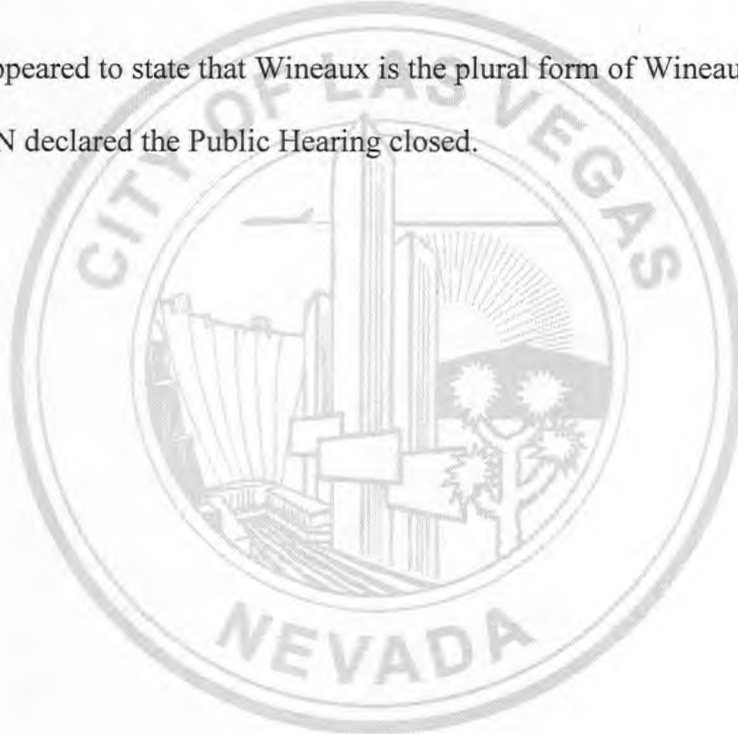
Minutes:

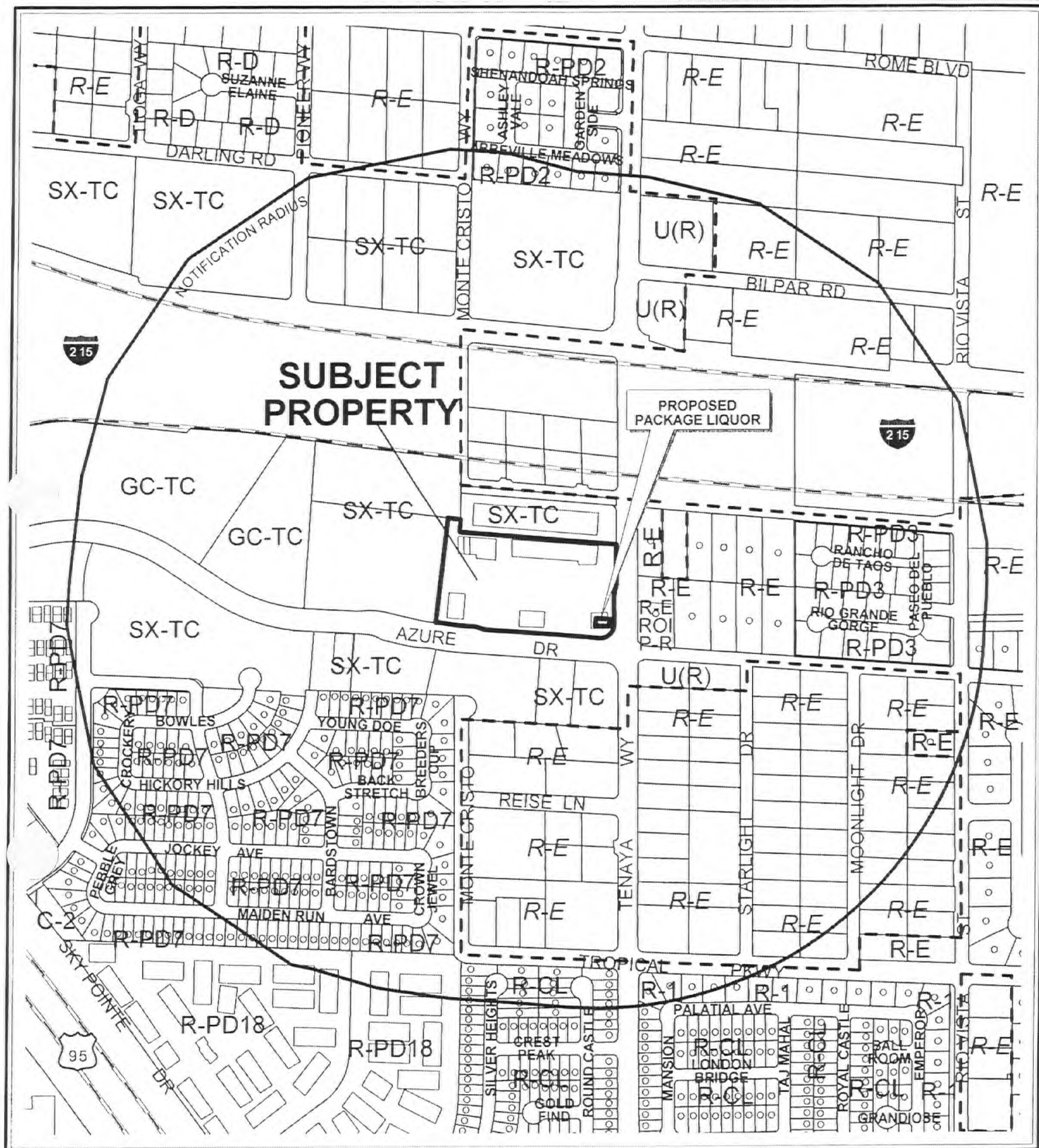
MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY TONY CELESTE, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and announced the correct Suite number of 120 and not 110. ATTORNEY CELESTE agreed to all additional conditions read by MARGO WHEELER, Director of Planning and Development.

TOM MCGOWAN appeared to state that Wineaux is the plural form of Wineau.

MAYOR GOODMAN declared the Public Hearing closed.





CASE: **SUP-15282**

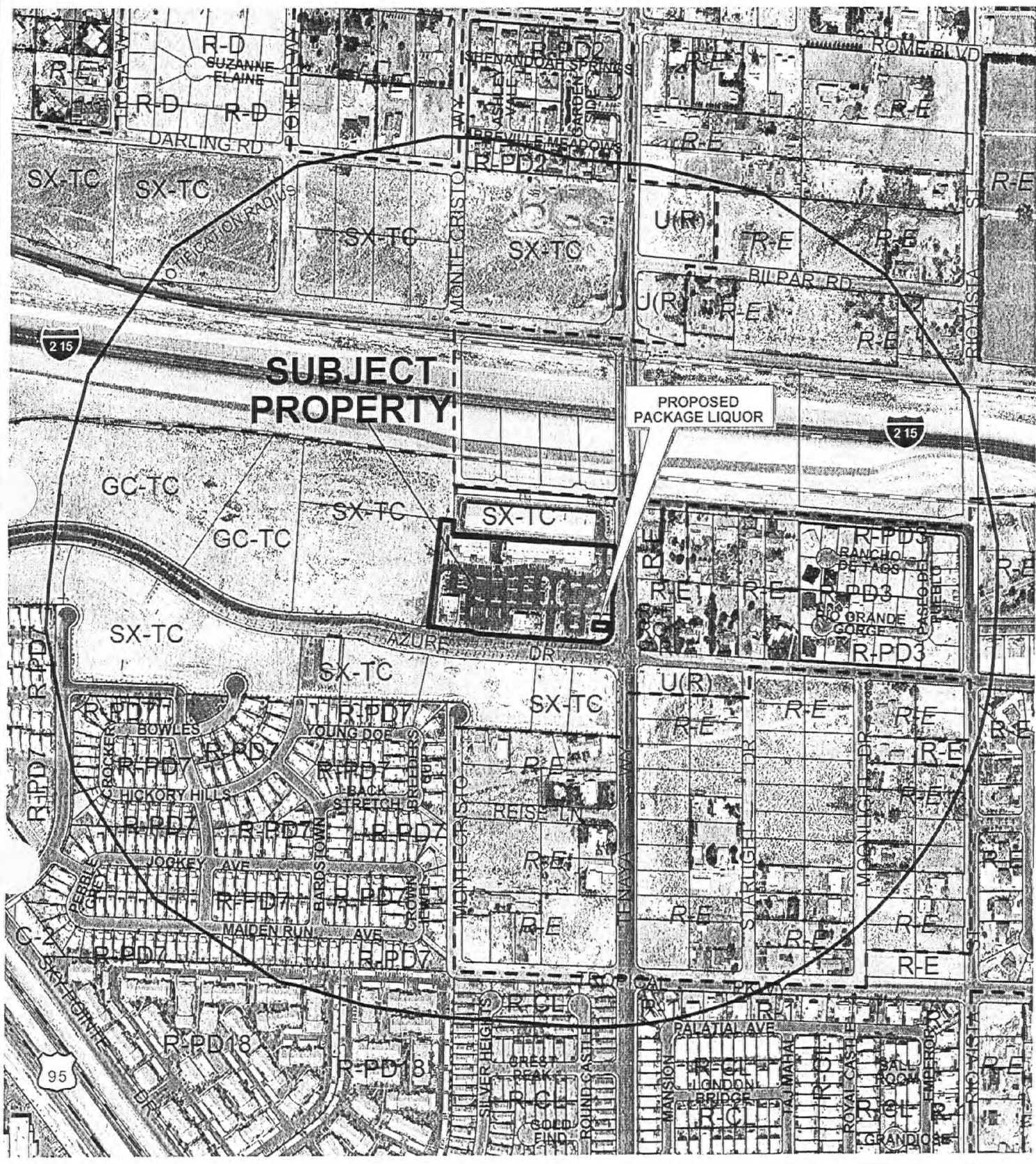
RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [GC-TC (GENERAL COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]

0 800 1600 Feet





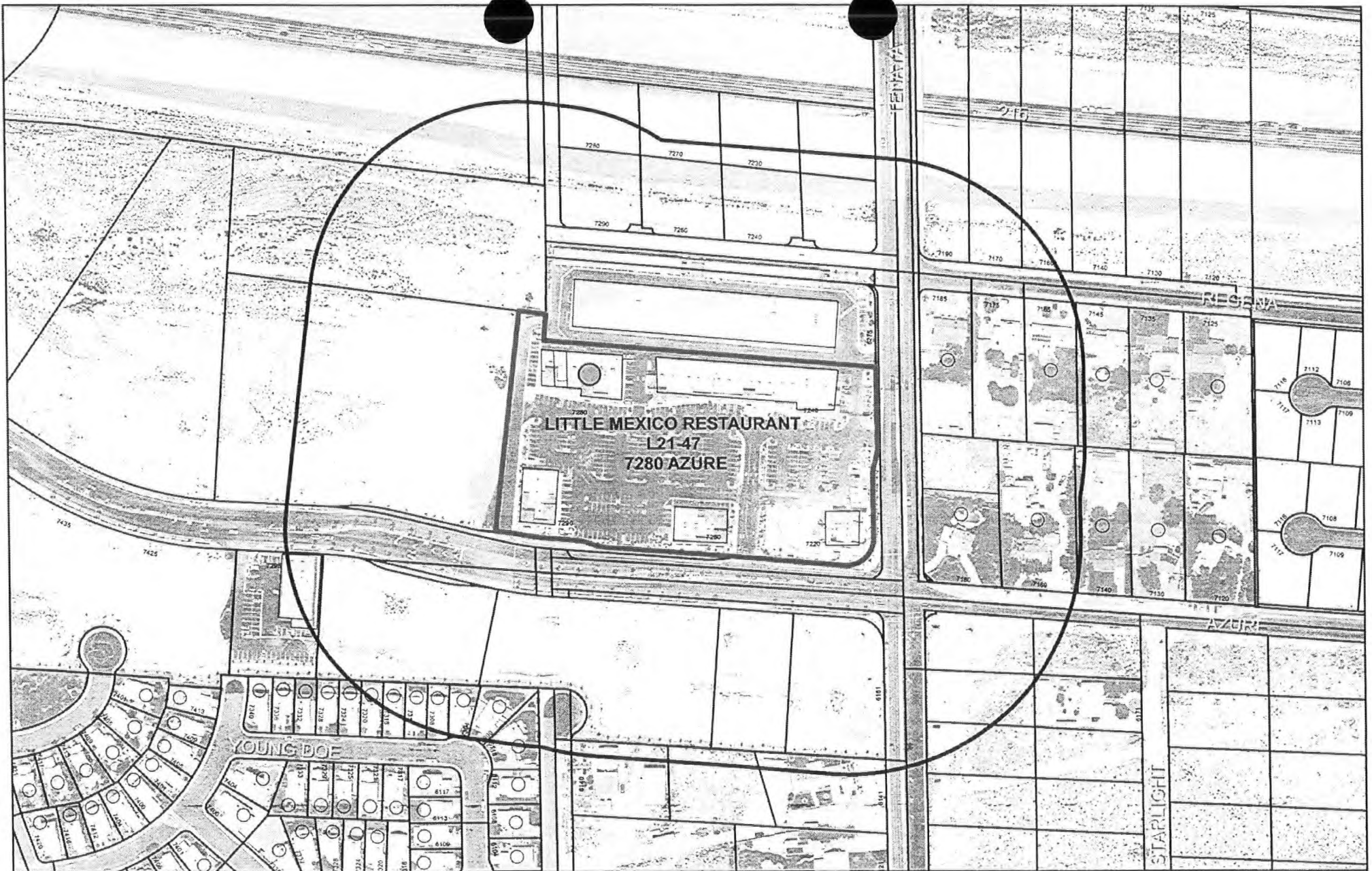
CASE: SUP-15282

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [GC-TC (GENERAL COMMERCIAL - TOWN CENTER) SPECIAL LAND USE DESIGNATION]





SUP-15282

Package Liquor Sales

Business Licenses

- Child Care/Children Facility
- Tavern
- Supper Club/Restaurant Service Bar
- Liquor on/off Sales

- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- 400 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-15282 - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Package Liquor Off-Sale Establishment use and all Minimum Requirements under Town Center Development Standards section 4(B) for Alcoholic Beverage Sales/Liquor Stores is required.
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3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for Alcoholic Beverage Sales/Liquor Store at 7220 Azure Drive, Suite 110.

EXECUTIVE SUMMARY

The applicant seeks a Special Use Permit for Alcoholic Beverage Sales/Liquor Store for an upscale shop offering wine tasting and package wine and liquor sales in an existing shopping center at West Azure Drive and Tenaya Way in the Town Center Master Plan. The shopping center is located on 6.31 acres and offers suitable parking and accessibility. The subject property is located in a 1,310 square foot suite within the center, near the southeast corner of the parcel. All distance separation requirements for both Title 19 and the Town Center Development Standards Manual are met by the applicant. Due to the location of the shopping center near unincorporated parcels, this site application is deemed a Project of Regional Significance.

BACKGROUND INFORMATION

A) *Related Actions*

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) from: U, R-E, R-PD7, R-PD11, R-PD13, R-PD18, R-CL, C-1, C-2, C-V, and P-D to: T-C (Town Center). The Planning Commission and Staff recommended approval.
- 04/04/01 The City Council approved a Site Development Plan Review [Z-0076-98(20)] for a proposed 138,000 square foot commercial development on 14.16 acres at the northwest corner of the intersection of Tenaya Way and Azure Drive, a Special Use Permit (U-0019-01) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed grocery store, a Special Use Permit (U-0020-01) for a Supper Club, a Special Use Permit (U-0022-01) for a Restaurant Service Bar, a Special Use Permit (U-0023-01) for a Liquor Establishment (Off-Premise Consumption) in conjunction with a proposed drug store. The Planning Commission and Staff recommended approval of all items.
- 08/06/03 The City Council approved a Site Development Plan Review (SDR-2399) for a proposed 51,000 square foot retail center and a 90,900 square foot mini-storage facility; and to allow for a reduction in the amount of perimeter and parking lot landscaping. The Planning Commission and Staff recommended approval.

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B) Pre-Application Meeting

- 06/20/06 A pre-application meeting was held in which the applicant was informed of the requirements for a Special Use Permit for Alcoholic Beverage Sales in Town Center. In addition, the applicant was requested to provide a parking analysis for the entire shopping center included with a site plan, as well as the required questionnaire for a Project of Regional Significance.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 6.3 acres

B) Existing Land Use

Subject Property:	Service Commercial
North:	Industrial/Commercial
South:	Undeveloped
East:	Single-Family
West:	Undeveloped

C) Planned Land Use

Subject Property:	GC-TC (General Commercial - Town Center)
North:	GC-TC (General Commercial - Town Center)
South:	GC-TC (General Commercial - Town Center)
East:	O (Office); R (Rural Density Residential)
West:	TC (Town Center)

D) Existing Zoning

Subject Property	T-C (Town Center)
North	T-C (Town Center)
South	T-C (Town Center)
East	R-E (Residence Estates); R-E (Residence Estates) under Resolution of Intent to P-R (Professional Office and Parking)
West	T-C (Town Center)

E) General Plan Compliance

The subject property is located in the Centennial Hills Sector of the General Plan. Within this Sector, it has a land use designation of TC (Town Center). This designation is designed to accommodate large commercial, community, and cultural complexes and will ultimately become the main or "downtown" business center for Town Center. It may include regional shopping facilities, high and mid-rise office structures, high-density residential, cultural, community and recreational facilities. On 03/15/06, City Council approved a Major Modification to the Town Center Master Plan (MOD-10994) changing the land use designation of the Tenaya Village Center, in which the subject property is located, from SX-TC (Suburban Mixed-Use – Town Center) to GC-TC (General Commercial - Town Center).

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

Town Center

The subject site is located within the Town Center District. The site is designated as GC-TC, which allows the use of Alcoholic Beverage Sales/Liquor Store with a Special Use Permit.

Trails

A Multi-Use, Transportation trail runs along the eastern edge of the subject site. No provision for this trail is required as a part of this application. Additionally, the Town Center Loop Trail alignment runs along the southern portion of subject site but will not affect this application.

Development Impact Notification Assessment and Project of Regional Significance

Due to the subject site's proximity to an adjacent jurisdiction (Clark County), this request is deemed a Project of Regional Significance. An Environmental Impact Assessment form is required and is discussed in more detail below.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

Any Special Use Permit within 500-Feet of an adjacent jurisdiction (unincorporated Clark County).

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received as of the completion of this report.

The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Required		Provided	
		Ratio	Parking		Parking
			Regular	Handicap	
Shopping Center	43,261 sf	1/250 sf GFA	167	6	318 8

The entire shopping center, including the subject property, requires 325 parking spaces, including 8 handicap van accessible spaces. The site plan includes 326 spaces including the 8 accessible spaces and therefore exceeds the parking requirements.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04 and the Town Center Development Standards Manual, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Alcoholic Beverage Sales/Liquor Store	Shall not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park.	Yes

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

Standards	Code Requirement	Provided
Trash Enclosure	Shall not be located within 50 Feet of any property line from any protected property.	Yes

The application meets the distance separation requirements as well as the trash enclosure requirements as required in Title 19 and the Town Center Development Standards Manual.

B) General Analysis and Discussion

- Zoning

The site is zoned T-C (Town Center). The land use designation of GC - T-C (General Commercial – Town Center) permits the proposed Alcoholic Beverage Sales/Liquor Store with approval of a Special Use Permit pursuant to Title 19 and the Town Center Development Standards Manual. This application, if approved, would satisfy that requirement.

- Use

Alcoholic Beverage Sales/Liquor Stores is listed on the permitted uses table within the GC-TC designation in Town Center. The proposed 1,310 square foot Wine Shop will be located in an existing commercial center and it would meet all applicable conditions, including distance separation. Furthermore, all development standards, including parking, will be met on the site.

- Conditions

Per the Town Center Development Standards Manual, the following conditions are automatically applicable to Alcoholic Beverage Sales/Liquor Stores:

- a. No beer/wine/cooler on-sale, beer/wine/cooler off-sale, beer/wine/cooler on-off-sale, package, wholesale general use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.
- b. The distances referred to in Paragraph 1 shall be measured in a straight line from the property line of the church, synagogue, school, child care facility, or from the nearest property line of a City park to the property line of the proposed liquor premises, and in a straight line from the property line of the proposed tavern to the property line of any existing liquor establishment premises disregarding all intervening obstacles.
- c. When considering a Special Use Permit application for a liquor establishment for off-premise consumption which also requires a waiver of the distance limitation in Paragraph One, the Planning Commission shall take into consideration the distance policy, and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
- d. All business which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The subject proposal complies with the above conditions, and requires no distance waivers.

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 use is compatible with the surrounding neighborhood and with future uses as projected by the General Plan. There are no protected uses within the minimum separation distance required by Title 19.

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

The subject site can easily accommodate the proposed Alcoholic Beverage Sales/Liquor Stores Use.

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

The site is served by Azure Drive (a 70-foot frontage street) and Tenaya Way (an 80-foot secondary collector). As such, the addition of a tavern will not negatively impact existing transportation facilities.

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.”**

Approval of this request will not be inconsistent with the objectives of applicable plans and documents.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 401 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

SUP-15282

Case Number: _____ APN: 125-27-113-007

Name of Property Owner: TVC 707, LLC

Name of Applicant: Wineaux, Inc.

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

_____ Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

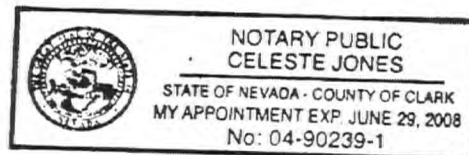
Signature of Property Owner: _____

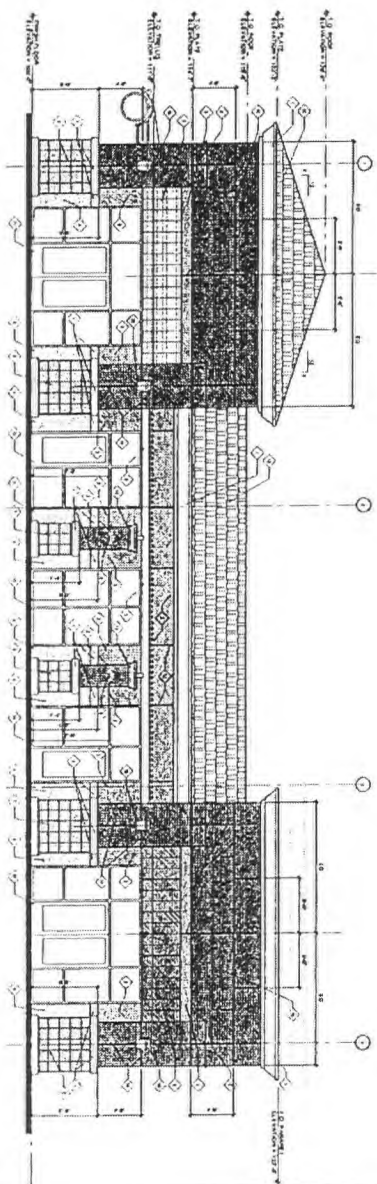
Print Name: Frank Nielsen

Subscribed and sworn before me

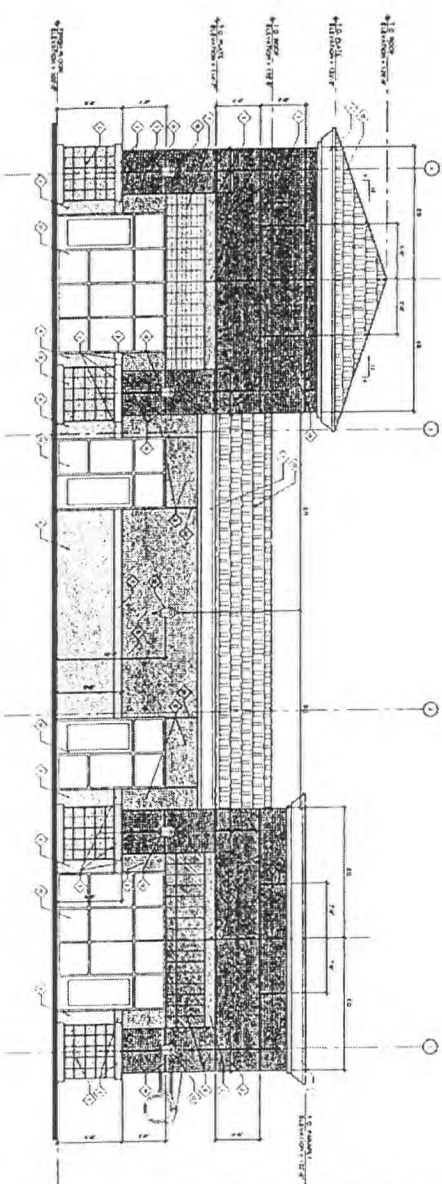
This 26th day of June, 2006

Celeste Jones
Notary Public in and for said County and State





EXTERIOR ELEVATIONS - WEST



EXTERIOR ELEVATIONS - EAST

KEYNOTES

1. EXTERIOR FINISHES SHALL BE AS SHOWN ON THESE ELEVATIONS.
2. EXTERIOR WALLS SHALL BE CONCRETE WITH STUCCO FINISH UNLESS NOTED OTHERWISE.
3. EXTERIOR ROOF SHALL BE AS SHOWN ON THESE ELEVATIONS.
4. EXTERIOR FLOORS SHALL BE AS SHOWN ON THESE ELEVATIONS.
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24. EXTERIOR DETAILS SHALL BE AS SHOWN ON THESE ELEVATIONS.

MATERIAL LEGEND

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GENERAL NOTES

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Vedelago Patrick Architects AIA
 1000 S. Las Vegas Blvd., Suite 100
 Las Vegas, NV 89101
 Tel: 702.731.1000
 Fax: 702.731.1001
 www.vpad.com

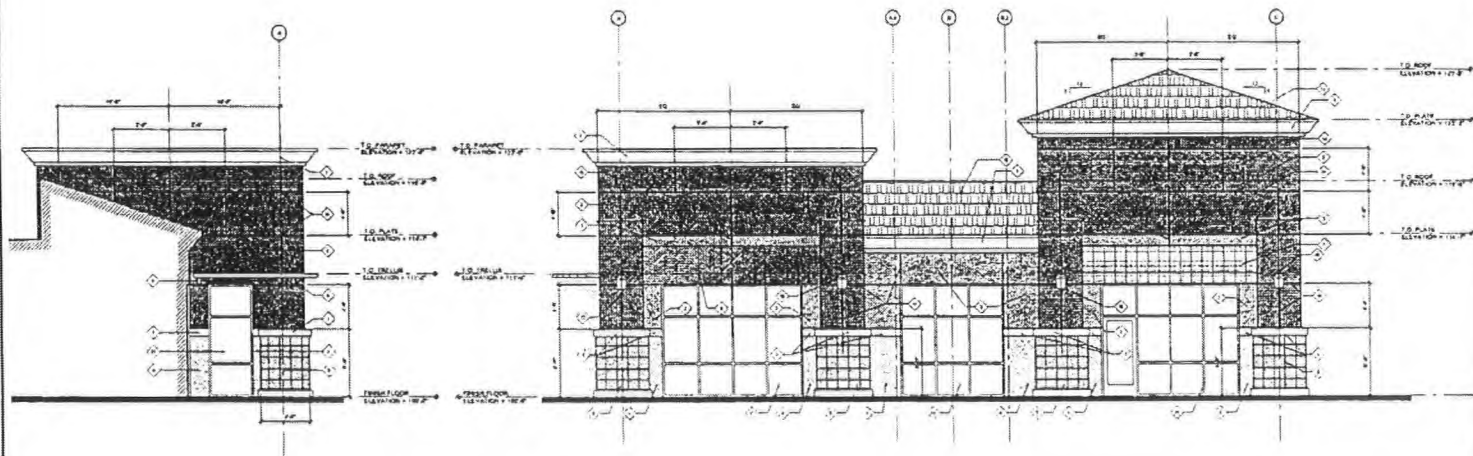
TENAYA VILLAGE
PAD 1
 NW Intersection - Tenaya Way and Azure Drive, Las Vegas, Nevada
 EXTERIOR ELEVATIONS

NO.	REVISION	DATE
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09/07/06 PC

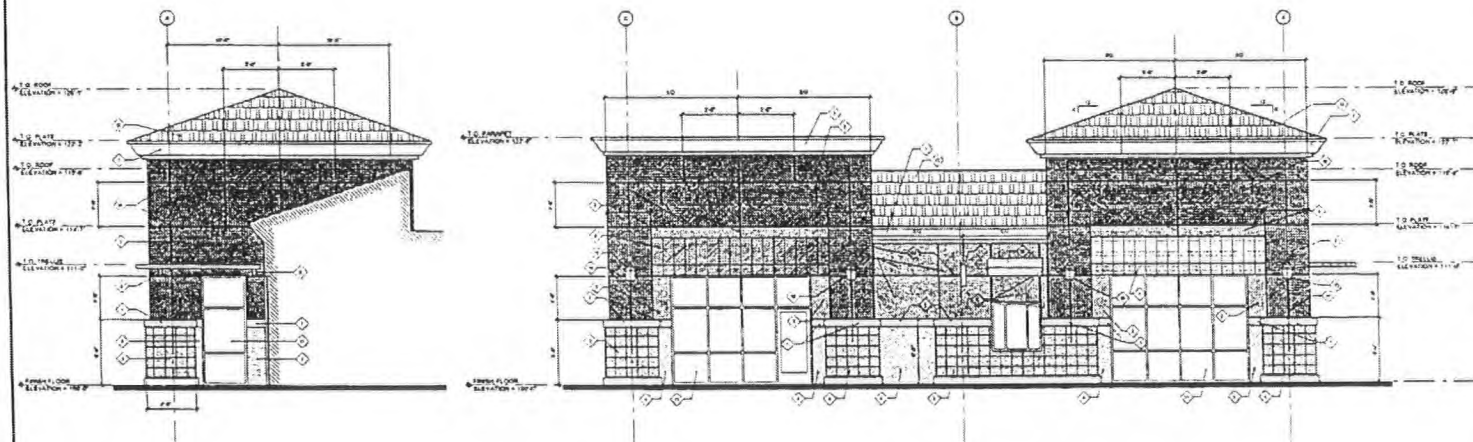
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EOL 10/1/97

KIM WOLF



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- 3 CLEST PLASTER, PAINTED 19" x 7" 11
- 4 CLEST PLASTER, PAINTED 6" x 7" 12
- 5 8" STEEL L21-1, 1" SEE LUGGAGE 13
- 6 FABRIC ANCHORS, 1" x 1" SEE LUGGAGE 14
- 7 FABRIC ANCHORS, 1" x 1" SEE LUGGAGE 15
- 8 STEEL WELLS 7" 16
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1. *Journal of Management Studies*, 1997, 34, 1, 1-14.

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TENAYA VILLAGE
PAD 1
Tenaya Way and Arrow Drive, Lake
EXTERIOR ELEVATIONS

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FROM: YPA

All rights reserved.

Special Price

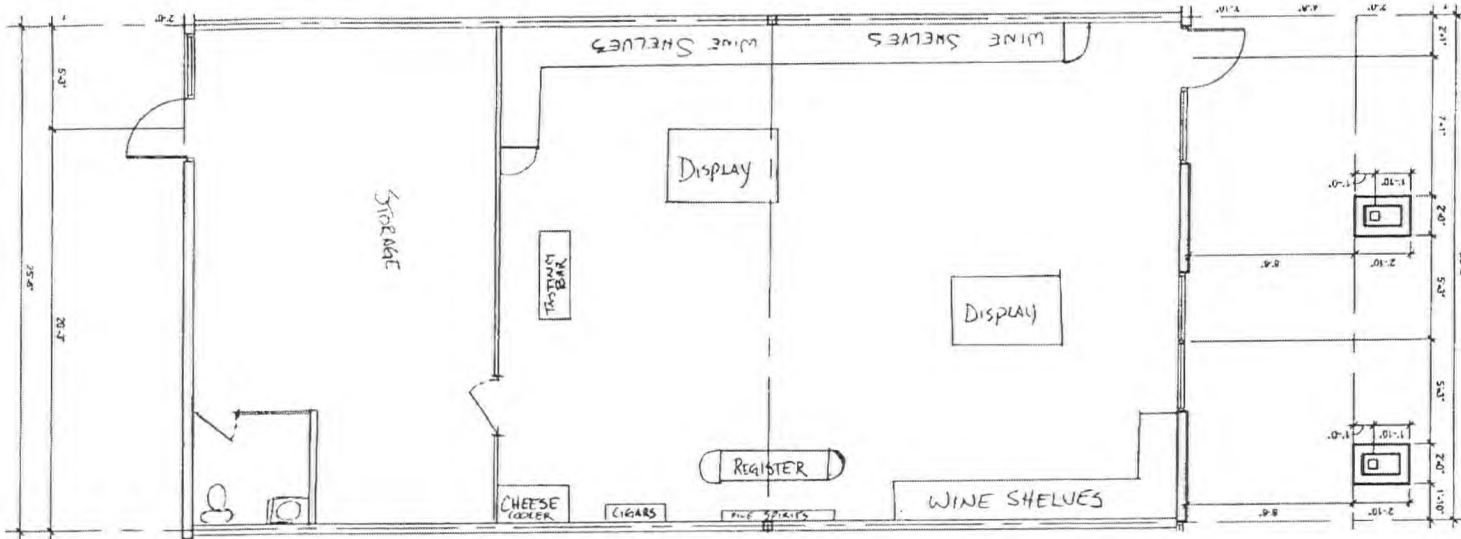
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Notes:

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Vino 100

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TENAYA VILLAGE CENTER

Parking Analysis Update
29-Jun-06

Bldg #	Address	Total (sf)	Retail (sf) (1/250)	Medical/Beauty (sf) (1/50&1/200)	Restaurant (sf) (1/50&1/200)	
1	7220 Azure Drive	4,351	2,651	0	1,700	Includes drive thru
2	7260 Azure Drive	5,958	4,008	1,950	0	
3	7290 Azure Drive	5,958	5,958	0	0	
9	7280 Azure Drive	10,500	5,700	1,750	3,050	
10	7240 Azure Drive	22,719	8,679	4,390	9,650	
		49,486	26,996	8,090	14,400	

RETAIL PARKING CALCULATIONS

Retail Parking Required (per Las Vegas Zoning Ordinance) = 1 space/250 sf

$$26,996/250 = 107.98$$

Total Parking for Retail = 108 spaces
--

MEDICAL/BEAUTY SALON PARKING CALCULATIONS

Barber/Beauty Salon in 25,000 sf Shopping Center (per Las Vegas Zoning Ordinance) = 1 space/200 sf

Office/Medical/Dental up to 2,000 sf (per Las Vegas Zoning Ordinance) = 1 space/200 sf

$$8,090/200 = 40.45$$

Total Parking for Retail = 41 spaces

RESTAURANT PARKING CALCULATIONS (W/O DRIVE THRU)

Seating/Waiting Area for Restaurant (per Zoning Code without drive thru) = 1 space/50 sf of seating/waiting area

Estimated 6,475 sf is seating/waiting area

$$(6,350)/50 = 127.00$$

= 127 spaces

Remaining Restaurant Parking (per Zoning Code without drive thru) = 1 space/200 sf of remaining area

Estimated 6,475 sf is remaining gross floor area

$$(6,350)/200 = 31.75$$

= 32 spaces

RESTAURANT PARKING CALCULATIONS (WITH DRIVE THRU)

Remaining Restaurant Parking (per Zoning Code with drive thru) = 1 space/100 sf

$$1,700/100 = 17 \text{ spaces}$$

Total Parking for Restaurant with Drive Thru = 176 spaces
--

PARKING SUMMARY (total build-out)

Total Spaces Required = 325 spaces

Total Spaces Provided = 326 spaces

Conclusion: Minimum Parking Requirements met

SUP-15282
09/07/06 PC

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SUP-15282 - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC
7220 AZURE DRIVE, SUITE 110
SEPTEMBER 7, 2006 PLANNING COMMISSION

08/08/06



SUP-15282 - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC
7220 AZURE DRIVE, SUITE 110
SEPTEMBER 7, 2006 PLANNING COMMISSION

08/08/06

**KUMMER
KAEMPFER**

ATTORNEYS AT LAW

LAS VEGAS OFFICE

ANTHONY J. CELESTE

aceleste@kkbrf.com
702.693.4215

**KUMMER KAEMPFER BONNER
RENSHAW & FERRARIO**

LAS VEGAS OFFICE
3800 Howard Hughes Parkway
Seventh Floor
Las Vegas, NV 89169
Tel. 702.792.7000
Fax: 702.796.7181

RENO OFFICE
5585 Kietzke Lane
Reno, NV 89511
Tel. 775.852.3900
Fax: 775.852.3982

SUMMERLIN OFFICE
3425 Cliff Shadows Parkway
Suite 150
Las Vegas, NV 89129
Tel. 702.693.4260
Fax: 702.939.8457

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel. 775.882.1311
Fax: 775.882.0257

July 18, 2006

VIA HAND DELIVERY

City of Las Vegas
PLANNING & DEVELOPMENT DEPARTMENT
731 S. Fourth Street
Las Vegas, Nevada 89101

Re: Justification Letter for Vino 100 – SUP (7220 W. Azure Drive, Suite 120)

To Whom It May Concern:

Please be advised that this office represents Vino 100 (the "Applicant") in the above referenced matter. The Applicant is requesting a special use permit to allow for the sale of alcoholic beverages located in an existing suite at 7220 W. Azure Drive, Suite 120 (the "Suite").

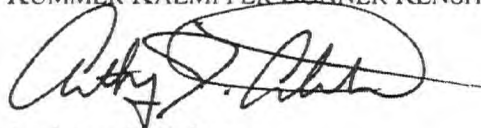
The Suite is in a shopping center. The shopping center is generally located on about 6.31 acres on the northwest corner of W. Azure Drive and Tenaya Way, more particularly described as 125-27-113-007. The Suite is located in the southeast corner of the shopping center.

The Suite is approximately 1,310 square feet. The Suite meets all parking and setback requirements applicable to this application. The Applicant is requesting a special use permit in order to operate an upscale wine store with wine tasting and liquor sales.

We thank you in advance for your time and consideration of this application. If you have any questions or concerns, please feel free to contact the undersigned.

Very truly yours,

KUMMER KAEMPFER BONNER RENSCHAW & FERRARIO



Anthony J. Celeste

AJC/dmf

RECEIVED

**SUP-15282
09/07/06 PC**

Protest

SUP-15282

Alcohol Beverage - Sales Liquor Store

7220 Azure Drive, Ste 110

TVC707, LLC

Owner: Wineaux, Inc.

RECEIVED
CITY CLERK

2006 SEP 19 P 2:43

The applicant on Azure & Tenaya would like to put in VINO100 – this is what they term a “wine boutique.” They specialize (per the website) in offering over a 100 wines under \$25.00.

The following residents ask Councilman Ross to deny the above-referenced application. There is a supper club and tavern already approved on this site, in addition to another supper club and convenience store directly across the street. This area caters to families, and children, in particular. The tavern owner offered numerous conditions to make it family friendly and supper club oriented – with just the additional machines. There is a Kid’s Pastry Chef (will be opening); gelato shop, pizza place, music lessons, Pilatez – all of the things that make a great center. The Centennial Hills area was touted as being a unique area with boutiques, businesses and a great place to raise families, please support these families in denying an application that approves a liquor store – regardless of how it is packaged – at this site. Thank you for your consideration.

Name	Signature	Address
Laura Boggess	Laura Boggess	5655 Adavanc
Barbara Wheeler	Barbara Wheeler	5825 Juliano
Tom Wheeler	Tom Wheeler	5825 JULIANO
Dora Terry	Dora Terry	8535 Corbett St
Curtis Terry	Curtis Terry	8535 Corbett St
Julie Nelson	Julie Nelson	8988 Darrell Ln.
Dirk Nelson	Dirk Nelson	8988 Darrell LN

Name	Signature	Address
Ouida Y. Nulle	Ouida Y. Nulle	7133 Antique Olive
Tammy Ensey	Channing Ensey	1536 Deer Springs Dr.
Brian Copley	Brian Copley	9008 Darrell
KEVEN COYLE	KEVEN COYLE	9033 SMART CT.
Joanne Hybarger	Joanne Hybarger	5704 Janell Dr.
Sheila: Ken Lambert	Sheila: Ken Lambert	5910 Sierra Bonita Ct

RECEIVED
CITY CLERK
2006 SEP 19 P 2:43

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

CITY OF LAS VEGAS

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **September 7, 2006** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Dorothy Marsili at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.



Signature

9/6/06

Date

TERESA BARRY

Please print name

Winraux Inc. DBA Vino 100

Company Name

Sincerely,

Doug Franklin
Planning Supervisor
Current Planning Division

SWP-15287

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

GENERAL PLAN AMENDMENT

GPA-14325 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request to amend the Downtown Redevelopment Area Land Use Plan FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 1.33 acres at 700, 708, 712, 714 and 716 South 10th Street and 715 and 717 South 9th Street (APNs 139-34-810-101 through 105, 074 and 075), Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote on a motion for approval) failed to obtain a supermajority which is tantamount to DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote on a motion for approval) failed to obtain a supermajority which is tantamount to DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted at meeting - Letter of support by Carl F. Piazza, Esq.; Citizens Concerns - "Hot Topics"; Charleston Avenue Project informational packet for Items 69 - 76
6. Combined Verbatim Transcript for Items 69-76
7. Backup referenced from the 09-07-06 Planning Commission Meeting Item 17

Motion made by GARY REESE to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

A combined Verbatim Transcript of Items 69 - 76 is made a part of the Final Minutes.

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

APPEARANCES:

OSCAR GOODMAN, Mayor

GARY REESE, Councilman

DAVID CLAPSADDLE, GC Garcia, 1711 Whitney Mesa Drive, Henderson, Nevada

STEVE WOLFSON, Councilman

JIM LEWIS, Deputy City Attorney

CHARLES SARELLIS, CPA, 10th Street and Garces, Las Vegas, Nevada

EARL HARLEY, Attorney, 916 Casino Center, Las Vegas, Nevada

TOM MCGOWAN, Las Vegas, Nevada

EDWARD MILEY, 711 South 9th Street, Las Vegas, Nevada

JORGE VOCHANEZ, 631 South Casino Center Boulevard, Las Vegas, Nevada

STEVE GREGORY, Applicant

GLENDA SHAW, 916 South Casino Center Boulevard, Las Vegas, Nevada

MARGO WHEELER, Director, Planning and Development

LARRY HARRISON, 724 South 9th Street, Las Vegas, Nevada

JOSEPH E. THERIET, 621 South 9th Street, Las Vegas, Nevada

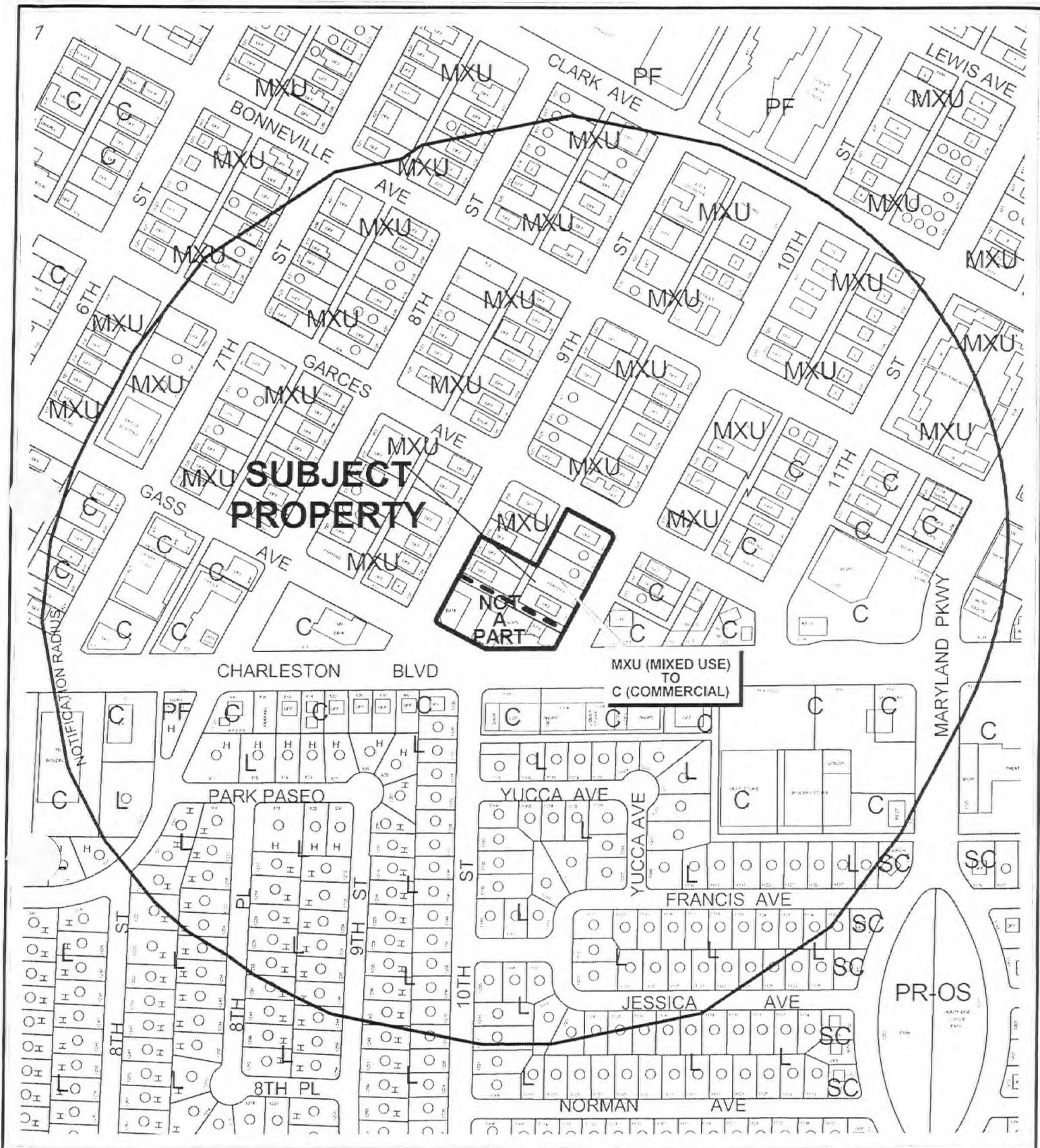
LOIS TARKANIAN, Councilwoman

STEVEN D. ROSS, Councilman

BART ANDERSON, Engineering Project Manager, Public Works Department

RONI RONEMUS, City Clerk





CASE: GPA-14325

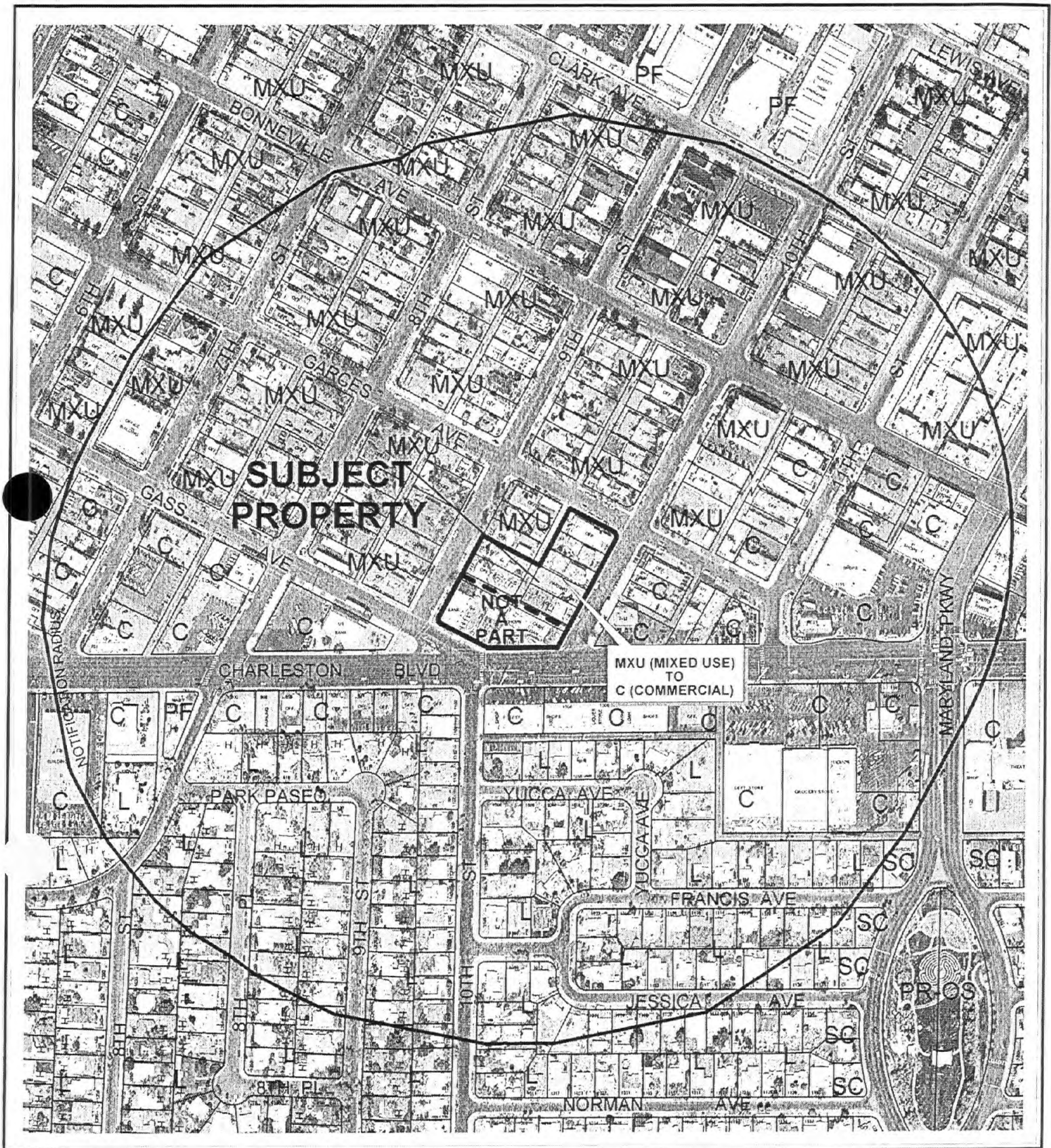
RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:

MXU (MIXED USE)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:

C (COMMERCIAL)



CASE: **GPA-14325**

RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
MXU (MIXED USE)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:
C (COMMERCIAL)

0 200 400 Feet



City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - GPA-14325 - APPLICANT: CASINO CENTER
PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL**

*THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL
MEETING AT THE REQUEST OF COUNCILMAN REESE.*

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3 vote on a motion for approval) failed to obtain a supermajority vote which is tantamount to DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This applicant is a request to amend the Downtown Redevelopment Area Land Use Plan from MXU (Mixed-Use) to C (Commercial) on 1.33 acres at 700, 708, 712, 714 and 716 South 10th Street, and 715 and 717 South 9th Street. The following associated cases will be considered concurrently with this request: ZON-14338, VAR-14342, VAR-14345, VAR-14347, SUP-14339, VAC-12884 and SDR-14349.

EXECUTIVE SUMMARY

The proposed General Plan Amendment is intended to provide a consistent land use designation for the development site, which is currently divided between the C (Commercial) and MXU (Mixed-Use) land use designations. The parcels adjacent to the development site are designated MXU (Mixed-Use) and C (Commercial); as the commercial zoning permitted under either land use designation is similar, the proposed amendment will have little impact on the adjacent properties. However, as the development plan proposed for the site is inconsistent with the development standards of Title 19, staff is unable to support this General Plan Amendment.

BACKGROUND DATA:

- 05/03/72 The City Council approved a Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) for the parcel at 717 S. 9th Street. The Planning Commission recommended approval of the request on 04/13/72.
- 02/06/91 The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium-Density Residential), R-4 (High-Density Residential), P-R (Professional Office and Parking) and C-1 (Limited Commercial) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval of the request on 01/10/91.
- 03/12/92 The Planning Commission approved the three Land Use Sector Maps of the General Plan.
- 09/06/99 The City Council approved GPA-10-00 to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and to match actions taken since 1996.

- 09/06/00 The City Council approved the Las Vegas 2020 Master Plan. This site is within the Southeast Sector Area as described in the Plan.
- 10/01/03 The City Council approved an amendment (GPA-2497) to Map 9 of the City of Las Vegas Downtown Redevelopment Plan to consolidate all land use categories into four use designations. The subject site was designated as MXU (Mixed-Use).
- 09/07/06 The Planning Commission recommended approval of companion items ZON-14338, VAR-14347, SUP-14339, VAC-12884 and denial of VAR-14342, VAR-14345 and SDR-14349 concurrently with this application.
- 09/07/06 The Planning Commission 4-3 vote on a motion for approval failed to obtain a supermajority vote which is tantamount to DENIAL (PC Agenda Item #17/ff).

DETAILS OF APPLICATION REQUEST

Site Area: 1.33 Acres

EXISTING LAND USE

Subject Property: Single-Family Residential Use
 Office Use
 General Commercial Use

North: Office Use

South: Office Use
 General Commercial Use

East: Single-Family Residential Use
 Office Use
 General Commercial Use

West: Single-Family Residential Use
 Office Use

PLANNED LAND USE

Subject Property: MXU (Mixed-Use) [Proposed: C (Commercial)]

North: MXU (Mixed-Use)

South: C (Commercial)

East: C (Commercial)

West: MXU (Mixed-Use)

EXISTING ZONING

Subject Property: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-1 (Limited Commercial) [Proposed: C-1(Limited Commercial)]

North: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

South: C-1 (Limited Commercial)

East: R-4 (High-Density Residential)
P-R (Professional Office and Parking)
C-2 (General Commercial)

West: R-1 (Single Family Residential)
P-R (Professional Office and Parking)

<i>SPECIAL DISTRICTS/ZONES</i>	YES	NO
SPECIAL PLAN AREA	X	
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

The development site is located within the boundaries of the Las Vegas Redevelopment Plan area, and currently has an MXU (Mixed-Use) land use designation. This application proposes to change the designation to C (Commercial).

<i>EXISTING GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>	<i>PROPOSED GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>
MXU	N/A	C	N/A (Proposed Density: 170.7 du/ac)

No residential density limits are specified for either the MXU (Mixed-Use) or C (Commercial) land use designations. The proposed density of the project will be 170.7 dwelling units per acre.

DEFINITIONS

MXU (Mixed-Use) – The Mixed-Use category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

C (Commercial) – The Commercial category allows for commercial uses that are normally allowed within the O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

INTERAGENCY ISSUES

SPECIAL PLAN AREA

The subject site is located within the Las Vegas Redevelopment Plan area. The effect of this Special Plan Area on this application and the area affected by this application is to make the land use designation consistent for the entire development site, as it is currently split between the MXU (Mixed-Use) and C (Commercial) land use designations.

ANALYSIS

The proposed General Plan Amendment is intended to provide a consistent land use designation for the development site, which is currently divided between the C (Commercial) and MXU (Mixed-Use) land use designations. The parcels adjacent to the development site are designated MXU (Mixed-Use) and C (Commercial); as the commercial zoning permitted under either land use designation is similar, the proposed amendment will have little impact on the adjacent properties.

The development proposal for the site includes approximately 18,000 square feet of commercial space and 350 residential units. Neither the MXU (Mixed-Use) nor the C (Commercial) land use designations specify a residential density limit; as proposed, the development will result in a density of 170.7 dwelling units per acre. This density is similar to many of the mixed-use projects that have been proposed for the Downtown Centennial Plan area, most of which have been in the range between 50 and 350 dwelling units per acre. However, this project is located outside of the Centennial Plan area, and is immediately surrounded by a low-scale professional office area to the north, and a single-family residential neighborhood located on the south side of Charleston Boulevard. As such, the project will be out of scale with the existing development. In addition, multiple Variances and Waivers have been requested for the project, which implies that the project is inappropriate for its location.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to "1":

The development site abuts properties that are designated C (Commercial) to the east and south, and MXU (Mixed-Use) to the north and west. As the MXU (Mixed-Use) land designation permits both residential and commercial zoning, the intensity of development that will result from the requested change is generally consistent with the existing adjacent land use designations.

In regard to "2":

The proposed C (Commercial) land use designation will permit P-R (Professional Office and Parking), O (Office), C-1 (Limited Commercial), and C-2 (General Commercial) zoning to be applied to the subject parcels. This is the same zoning that would be allowable under the existing MXU (Mixed-Use) land use designation; consequently, the requested change is compatible with the existing districts.

In regard to "3":

The site immediately abuts Charleston Boulevard, a 100-Foot Primary Arterial as designated on the Master Plan of Streets and Highways, and has adequate capacity to serve the proposed development. The remainder of the site is bordered by 70- and 80-foot wide local streets, which may be impacted by the intensity of the development plan. Recreation facilities in the downtown area are somewhat limited, although long-range plans call for the development of parks and urban trails within the developed core of the city. Utilities are generally adequate to service the proposed development; the applicant will be responsible for any upgrades that may be necessary.

In regard to "4":

While the proposed change in the land use designation is generally consistent with adopted plans and policies, the proposed development is inconsistent with Title 19 development standards, and staff is unable to support the amendment.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on 5 July 2006, a neighborhood meeting sponsored by the applicant was held at the Las Vegas Senior Center. There were a total of 33 members of the public in attendance, and the following comments and concerns were offered:

- The parking variance may further impact limited parking in the downtown area;
- The intensity of the development may impact the street network to the north of the development site;
- Construction noise will impact adjacent residential neighborhoods;
- The scale of the development may exhaust the current capacity of utilities in the area;
- The height of the proposed towers may shade abutting neighborhoods;
- Additional recreation facilities will be needed for residents of the development.

PLANNING COMMISSION ACTION

There was one speaker in favor and one opposed at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 295 by Planning Dept

APPROVALS 3

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-14325** APN: 139-34-810-101 thru 105, 074, 075
Name of Property Owner: First Light Properties / Casino Center Prop
Name of Applicant: Casino Center Properties

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: _____

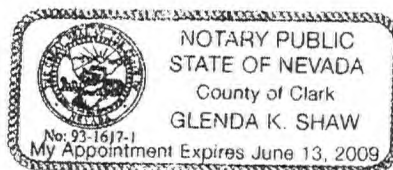
Signature of Property Owner: Steven T. Gregory

Print Name: Steven T. Gregory

Subscribed and sworn before me

This 6 day of June, 2006

Glenda K. Shaw
Notary Public in and for said County and State



Charleston & 10th Land Use



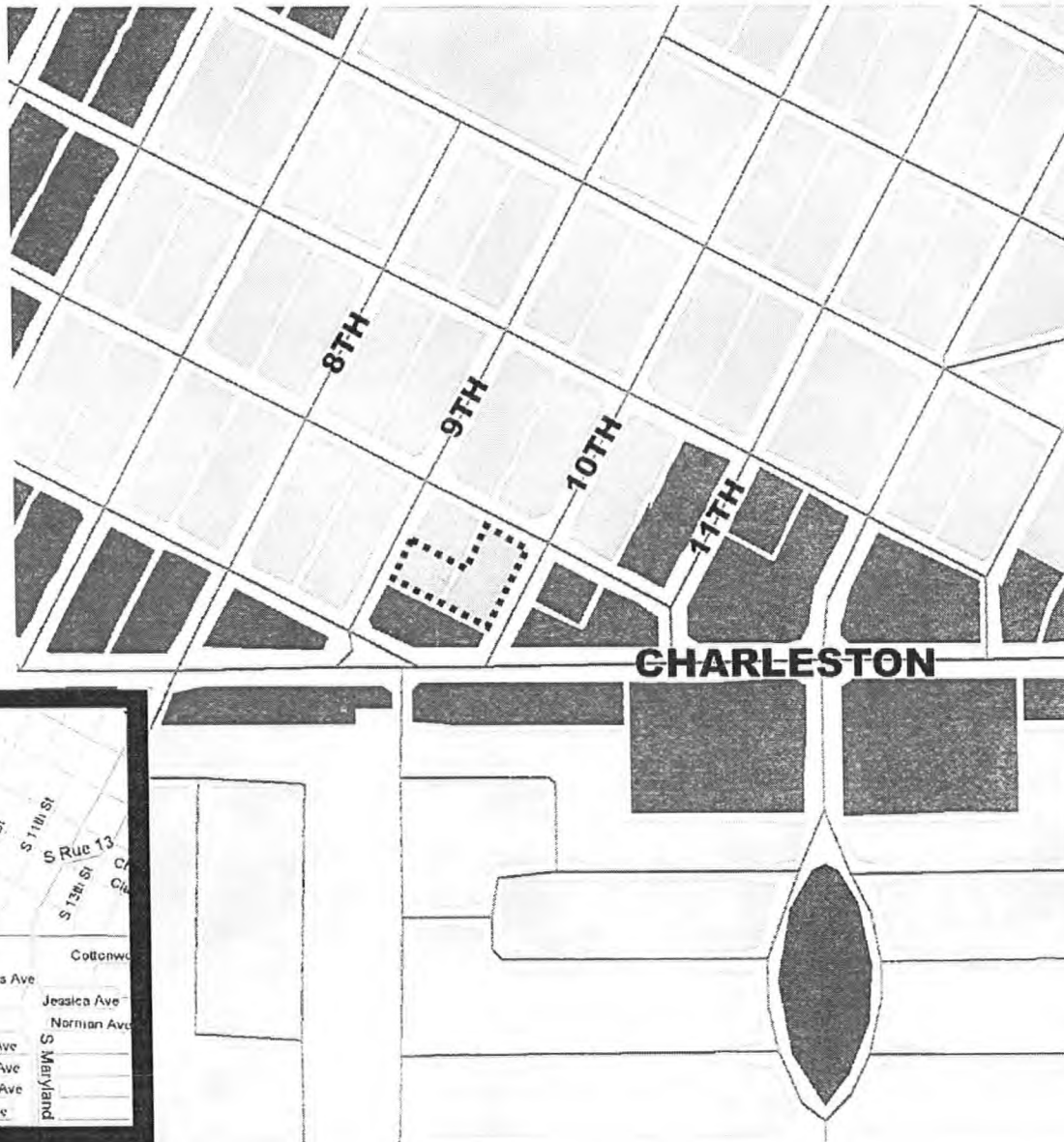
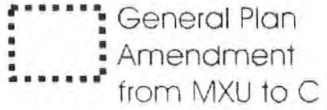
A Planning & Development Services Corporation
June 2005

City of Las Vegas

SOUTHEAST SECTOR

Land Use Categories

-  Rural Neighbourhood Preservation - up to 2 du/ac
 -  Desert Rural - Up to 2.49 du/ac
 -  Rural - up to 3.59 du/ac
 -  Low - up to 5.49 du/ac
 -  Medium-Low - up to 8.49 du/ac
 -  Medium-Low Attached - up to 12.49 du/ac
 -  Medium - up to 25.49 du/ac
 -  High - 25+ du/ac
 -  Mixed Use (L,ML,M,H,OSC,CC,PF)
 -  Office
 -  Service Commercial
 -  General Commercial
 -  Tourist Commercial
 -  Commercial (OSC,CC)
 -  Park/Recreation/Open space
 -  Public facility
 -  Resource Conservation
 -  Right-of-Way
 -  Light Industrial/Research
- MASTER PLANNED AREAS**
- University Medical Center



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Plotted: March 07, 2006



1-800-394-6644
www.geogebra.com

GPA-14325

07/27/06 PC

June 12, 2006

Ms. Margo Wheeler
City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

RE: Letter of Justification for the North side of Charleston Boulevard, Between 9th and 10th Streets- General Plan Amendment, Special Use Permit for Mixed Use: Variance to Residential Adjacency Standards and Site Development Plan Review; APN: 139-34-812-003; 139-34-810-101 thru 105; 139-34-810-074 and 075

Dear Margo:

On behalf of our clients Glenda Shaw and Steve Gregory, please accept the application package for the 2.05 +/- acre property located on the north side of Charleston Boulevard, between 9th and 10th Streets. The proposal is a mixed-use project consisting of 18,000 square feet of ground floor office and/or retail space, with 350 condominiums within two structures- one 14 story, 170 foot high building oriented toward the southwest corner of the parcel and a second 17 story, 195 foot high building oriented toward the southwest corner of Garces and 10th Street. The following applications are submitted with this request:

- 1) General Plan Amendment from MXU to C for the entire site with the exception of APN: 139-34-812-003, which is currently designated Commercial (C) on the City of Las Vegas Redevelopment Plan;
- 2) Rezoning from Professional Office and Parking (P-R) to Limited Commercial (C-1) for APN: 139-34-810-102 and 103; High Density Residential (R-4) to Limited Commercial (C-1) for APN: 139-34-810-101;
- 3) Special Use Permit for a Mixed Use Project in Limited Commercial (C-1) for the entire property;
- 4) Variance to Title 19.08.060 of the City of Las Vegas Zoning Ordinance Residential Adjacency standards to allow a setback of 45 feet from Single Family Residential (R-1), where 510 feet is required.
- 5) Variance to Title 19.08, Table 3, Commercial District Development Standards to allow a maximum lot coverage of 56% where 50% is the maximum allowed.

GARCIA

GPA-14325
07/27/06 PC

- 6) Variance to allow 624 parking spaces, where 634 are required to provide for some sort of future restaurant or café space.
- 7) Site Development Plan Review for a Mixed Use Project in Limited Commercial (C-1).

CURRENT LAND USE AND ZONING CONDITIONS

The southern portion of the site is currently designated Commercial (C) on the City of Las Vegas Downtown Redevelopment Area Land Use Designations Map of the Redevelopment Plan; the remainder of the site is designated Mixed Use District (MXU). The entire block to the east, from Charleston Boulevard to Garces, between 10th and 11th Street is designated Commercial (C) as well as all the properties fronting along the south side of Charleston Boulevard are also designated Commercial(C). The blocks to the north and west of the site are all designated Mixed Use (MXU); in fact the entire area north of Charleston is shown for both Mixed Use and Commercial development.

The majority of the subject site is already zoned Limited Commercial (C-1), the three remaining parcels on the southwest corner of Garces and 10th Street are Professional Offices and Parking (P-R) and High Density Residential (R-4). The overall zoning pattern for the area is more intense General Commercial (C-2) to the east of 10th Street, Limited Commercial (C-1) to the south and a mixture of C-1, P-R and R-1 to the north, with the majority of the properties developed as professional offices.

APPROVAL CRITERIA- GENERAL PLAN AMENDMENT **Title 19.18.030 (I)**

The determinations for the Planning Commission and City Council for approval of a General Plan Amendment are as follows:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;**

The entire area north of Charleston Boulevard is projected to be Commercial or Mixed Use Development as clearly shown on the Downtown Redevelopment Area Land Use Designations Map. In fact, all of the properties fronting along the north and south sides of the project, to the east and west, are all designated for Commercial (C), which allows mixed use projects.

The subject site is designated both MXU and C; both allow mixed use projects with approval of a Special Use Permit. It was determined, through the pre-application process, that a General Plan Amendment was needed to prevent a split land use on the site, as it was being assembled into one project for the purposes of development. Either designating the entire site for MXU or C would be appropriate, however, as a result of a subsequent meeting with staff, changing the northern part of the property from MXU to C was preferable, as a consistent Commercial land use designation would result along the south side of Garces from 9th to 11th streets.

GPA-14325
07/27/06 PC

Essentially, there is no change in the density and intensity of permitted land uses as a result of this amendment to the General Plan, it will merely result in a consistent land use designation on the Redevelopment Plan Map;

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts.**

The proposed Limited Commercial (C-1) zoning district is conforming to either the Mixed Use District (MXU) or Commercial (C) land use designations of the Redevelopment Plan Map. In fact, over 75% of the site is already zoned C-1. This application only applies to the three parcels along the northeast corner of the property. Therefore, it will result in a consistent zoning for the entire project. It is compatible with the C-1 zoned properties along the south side of Charleston Boulevard, and the General Commercial (C-2) properties to the east of 10th Street and south of Garces.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and**

There are adequate facilities and utilities available to serve the needs of this property. It is a developed, infill piece with services already in place.

4. **The proposed amendment conforms to other applicable adopted plans and policies.**

The General Plan Amendment and the related applications implement the following objectives of the Redevelopment Plan:

- A. The elimination of environmental deficiencies and blight in the Redevelopment Area, which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people, including among others, small and/or irregular lots, obsolete and aged building types, economic and social deficiencies, deteriorated public improvements, inadequate parking facilities and inadequate utilization of land and public facilities.

This block is in need of redevelopment as current development has been stagnant and become an eyesore to this area of the City. It will result in a modern, mixed use development that will result in additional reinvestment and redevelopment of other properties in the area. It will eliminate development which has resulted in a blighted area and provide an enhanced streetscape and vibrancy to development along the north side of the Charleston Boulevard corridor.

- B. The assembly of land into parcels suitable for modern, integrated development and allowing for improved pedestrian and vehicular circulation in the Redevelopment Area:

**GPA-14325
07/27/06 PC**

The project has assembled eight of the eleven parcels in the block bounded by Garces to the north, 9th Street to the west, 10th Street to the east and Charleston Boulevard to the south. The only parcels that have not been acquired are the three parcels on the northwest corner of the block. The applicant has had discussions with these property owners.

This assemblage will allow development of a modern mixed-use project envisioned by the Redevelopment plan. One of the companion items is a vacation of the public alleys on the site; vacation of the north-south alley will not incur any changes to access in terms of traffic flow or private access; the east-west alley will be relocated to allow for a more cohesive development and improved traffic flow.

- C. The replanning, redesign and development of undeveloped areas which or stagnant or improperly utilized;

While this piece is developed, it has become stagnant, underutilized and is not contributing to the economic diversification and well-being of the City.

- D. The strengthening of retail, office, and other commercial and residential functions in the downtown area;

This project will add much needed office space, retail uses and opportunities for people to live and work in this area of the City. It will enhance the vitality of this area and provide an impetus for other redevelopment projects to occur.

- E. The strengthening and diversification of the economic base of the Redevelopment Area and the community by the installation of needed site improvements to stimulate new commercial expansion, employment and economic growth;

Modern mixed-use compact development, such as that proposed for this site, can do nothing but enhance the economic base of the redevelopment area. It will provide employment opportunities, stimulate new commercial and residential redevelopment in the area, and increase the tax base generated along the Charleston Boulevard corridor.

In summary, this proposal meets the requirements for approval of a General Plan Amendment, as it will not increase the intensity or density of development in the area, since both current plan designations allow and encourage mixed use development. It also implements the long-term vision and objectives of the Redevelopment Plan as it assembles underutilized and decaying parcels into a modern, compact mixed-use development that will re-invigorate interest and future investment along the Charleston Boulevard corridor.

**GPA-14325
07/27/06 PC**

APPROVAL CRITERIA- REZONING
Title 19.18.040 (K)

The following are the criteria for approval of a proposed rezoning:

- 1) **The proposal conforms to the General Plan.**

The proposed Limited Commercial (C-1) is a conforming zone change for both the Mixed-Use District (MXU) and Commercial (C) land use categories of the City of Las Vegas Redevelopment 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.**

As previously stated, approximately 75% of the site is currently zoned C-1. This application only applies to the three parcels located on the more northeast corner of the site; it essentially a single zoning designation for the portion of the block that has been assembled by the applicant.

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

This area of the City, along the Charleston Boulevard corridor is ripe for redevelopment activity that will contribute to the economic base of the area. Current development on this site is in disrepair, stagnant, and has contributed to long term blight and decay. Rezoning the site to C-1, allowing for mixed use development, should result in stimulating additional redevelopment activity in the area.

- 4) **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

This action adds a small additional amount of C-1 property to the area. Street and highway facilities should provide adequate access and traffic carrying capacity; a traffic study will be provided to identify any additional improvements that will be needed.

APPROVAL CRITERIA- SPECIAL USE PERMIT
Title 18.18.060-(L)

The following are the determinations to be made for approval of a Special Use Permit:

- 1) **The proposed 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 Redevelopment Plan Land Use Map shows that the entire area of the City north of this site and the Charleston Boulevard corridor, from Main Street to Bruce Street, up to Bonanza Road, is designated

GPA-14325
07/27/06 PC

predominately Commercial or for Mixed Use, which clearly indicates that modern, mixed use projects are a key component to encouraging reinvestment and redevelopment in this area of the City. The proposed use is oriented toward the Charleston Boulevard corridor, and should not be readily visible from the professional offices located to the north of the site. A line of sight drawing is included with this package, showing that only a small portion of the towers will be visible from some places within the John S. Park neighborhood to the south of Charleston Boulevard. The Redevelopment Plan encourages the assemblages of parcels to promote the type and intensity of development to stimulate the economy of the downtown area.

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

In terms of land use designation, a portion of the site is already designated for Commercial land uses; the remainder is MXU, which allows Service Commercial and General Commercial uses. In terms of the actual project proposed for the property, it can accommodate the proposed mix of residential and commercial uses, while providing all parking in a six level parking garage. Adequate on-site access will be provided to ensure free-flow of traffic movements and accommodate all emergency services.

- 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; and**

The surrounding street network should be adequate to provide access and traffic carrying capacity. A traffic study will be submitted to determine additional improvements that will be needed to accommodate traffic and circulation needs.

- 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.**

Approval of this Special Use Permit will implement the core vision and objectives of the Redevelopment Plan of the City of Las Vegas. It will spur economic activity; provide places for new and current residents to live, work, shop and play. It will lead to additional investment and needed redevelopment in the immediate area and other parcels located within the Redevelopment Plan area. Therefore, it will contribute to the overall well-being of the City, and enhance the public health, safety and welfare.

APPROVAL CRITERIA- VARIANCES **Title 19.18.070 (L)**

The following is the substantive criterion for determining approval of variance applications:

GPA-14325
07/27/06 PC

- 2) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the 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.

There are three variances requested from the strict application of the Code. They are:

19.08.060, the residential adjacency standards, which states that no non-residential building shall exceed the height of a line drawn from the property line of a protected property at a 3:1 slope directly into the property subject to the standards of the chapter. A 15 foot tall building can be constructed at the applicable setback line; any building height above the 15 feet must fall below the slope.

There are two adjacent properties zoned R-1 in very close proximity to the site- 707 S. 9th Street, which is to the west of the 20 foot wide east/west alley and 630 S. 10th Street, located on the northwest corner of Garces and 10th Street. We believe the variance is warranted for these reasons:

- a. *Strict application of the Code standard would make it difficult for any reasonable commercial property to be built on the site without some variance to the standard. This development pattern is not a result of any action taken by the applicant, or their predecessor in title. Also, this and all the other surrounding properties are designated for Commercial or for Mixed Use Development, which should be a factor in determining the appropriateness of a variance application.*
- b. *While on its face the variance may seem excessive, it is not in terms of factoring the overall objectives of the Redevelopment Plan. The long term vision of the plan is for re-planning and redeveloping stagnant areas of the City that no longer contribute to its tax or economic base. Therefore, the variance to allow a modern, forward-looking mixed use development should be considered.*
- c. *Paragraph 5.b. entitled Waiver, states any mixed-use development that contains a significant residential element is eligible for a waiver by the City Council. The gross building size of the project is 393,250 square feet; of that, only 18,000 square feet is non-residential space. Clearly, this is a residential driven project that given its importance to continued implementation of the Redevelopment Plan should be considered for a waiver.*

- d. *The boundaries of the Downtown Centennial Plan extend to one-half block east of 6th Street, north of Charleston Boulevard. This is only two blocks away from the western edge of this project. If the project were in the Downtown Centennial Plan, Code standards would not be automatically applied. This is, obviously, in close proximity to the Plan area, and when reviewing the Future Land Use Maps of the Downtown Plan, Redevelopment Plan and Southeast Sector of the General Plan, all allow and encourage either commercial or mixed-use development; there is no real difference of lying within, or outside the Downtown Plan boundaries in terms of actual land use.*

19.08- Figure 3- Commercial Development Standards allow a maximum building coverage of 50 %, where 56% is requested. The variance is warranted for the following reasons:

- a. *The six percent increase in lot coverage is minor and will not result in any detriment to the overall health, safety and general welfare to this area of the City.*
- b. *As previously identified, the site is in close proximity to the area covered by the City of Las Vegas Downtown Centennial Plan, where the automatic application of Code standards is not applied.*

Title 19.10, Parking Requirements states that for a restaurant, café, tavern, bar and eating establishment, one space for each 50 square feet of public seating area, plus one space for each 200 square feet of the total remaining GFA, with a minimum of 10 spaces. Based on the minimum 10 spaces, a variance is requested to allow 624 spaces where 634 are required. The variance is warranted for the following reasons:

- 1) *The provided 624 spaces accommodate the 350 condominium units, based on a mix of 300 one bedroom and 50 two bedroom units and 18,000 square feet of commercial, based on the 1/175 square feet required by Code. It is not know at this time, if a restaurant will be included in the ground floor space, or how much square footage it will need. The variance is intended to "free up" some parking to accommodate a future eating/drinking establishment.*
- 2) *Normally in the downtown area, the goal is to provide at least one parking space per unit and one space/3,000 square feet of retail area. The provided parking exceeds this goal.*
- 3) *The parking standards of the City of Las Vegas do not account for shared, or captured trips in a mixed use environment. This should also be taken into consideration when examining the parking standards for this type of proposal.*

APPROVAL CRITERIA- SITE DEVELOPMENT PLAN REVIEW **Title 19.18.050 (E)**

The following criteria are to be considered for approval of a Site Development Plan Review:

GPA-14325
07/27/06 PC

- 1) **The proposed development is compatible with adjacent development and development in the area;**

While the predominant existing development pattern to the north of Charleston Boulevard is a mixture of professional office and some remaining single family units, the Redevelopment Plan encourages mixed-use as a major tool for redevelopment. Also, the project is constructed so as to not encourage any cut-through traffic for the businesses north of Charleston, or any of the residential neighborhoods south of Charleston Boulevard. The parcels to the east are zoned C-2, which not only allows mixed use with a special use permit, but more intense commercial uses as well.

- 2) **The proposed development is consistent with the General Plan, this title, the Design Standards manual, the Landscape Wall and Buffer Standards and other duly-adopted city plans, policies and standards:**

The project is in substantial accordance with development related ordinances of the City. All landscaping, open space and required recreational amenities for a project of this size and scale will be provided. The variances to the residential adjacency standards, parking and building coverage are reasonable and not beyond the scope of the type of intensity and density that will be needed to reinvigorate this area of the City.

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

All access will be directed to Charleston Boulevard, to minimize any impacts to business owners or residents in the area. The north/south alley, if vacated, will continue to operate as it currently does, in terms of access and traffic flow.

- 4) **Building and landscape materials are appropriate for the area and for the City**

The buildings will be constructed of Low E clear glass, vision and spandrel glazing in aluminum framed curtain walls, with storefront retail glazing. This will be an exciting, vibrant addition to this area of the City, spurring additional redevelopment and reinvestment in the area. Therefore, the building and landscape material effectively implement the long-term vision of the Redevelopment Plan.

- 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 the area**

The existing development on the property is unsightly, undesirable and obnoxious in appearance, which has led to an overall decay along the Charleston Boulevard corridor. This project will bring an attractive, exciting environment to Charleston Boulevard and will be an important first step in changing the face of this area of the City.

**GPA-14325
07/27/06 PC**

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

The redevelopment of this area is in the highest interest of all resident of the City of Las Vegas. Making the Redevelopment Plan objectives a reality will bring new development, new investment and a new, much needed vibrant atmosphere to this area.

SUMMARY

In summary, we believe this project will be the impetus for the north side of the Charleston Boulevard corridor. It assembles parcels that are stagnant, underutilized and in need of redevelopment into an exciting mixed-use project that will spur future redevelopment activity. The intent is to enhance the environment of the business owners to the north, while having minimal impacts, in terms of views, traffic and shading to the John S. Park neighborhood to the South. It is the first step in implementing the overall objectives of the Redevelopment Plan along the north side of Charleston Boulevard.

We respectfully ask for your favorable consideration of this project; please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



David Clapsaddle
Director of Planning

GCG:mj

**GPA-14325
07/27/06 PC**

The Law Offices Of

Piazza & Associates, Ltd.

Carl F. Piazza

Member Nevada & Illinois Bar

Paralegal

Marj Arena

October 24, 2006

Councilman Gary Reese
c/o City Hall
400 E. Stewart
Las Vegas, NV 89101

RE : Proposed Mix Use Project on Charleston Blvd.,
between Ninth and Tenth Streets

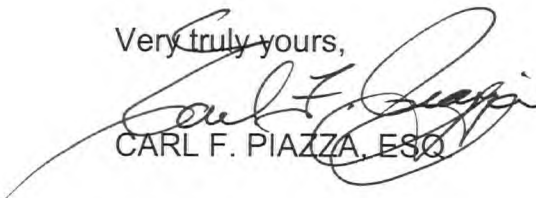
Dear Councilman Reese:

As a long time property owner (November 1985) in the area of the proposed project, I wanted to express my feelings regarding the project.

It has been our experience over the past 21 years, especially after dark, that the character of our neighborhood vastly changes. At various times we have had homeless enter our building through a back door ; we have found vagrants sleeping behind our dumpster ; we have found their "belongings", shopping carts, etc., strewn over our parking lot ; these people have defecated in our parking lot, between our buildings, and have even smeared waste material on our office windows ; and, on a regular basis, have found condoms used to transport heroin in our parking lot.

The only way, in my opinion, this situation will improve, is to upgrade the area and have people live and work in the area. As such, I heartily endorse this project. Further, I applaud your efforts, as well as Mayor Goodman's, to accomplish that goal.

Very truly yours,


CARL F. PIAZZA, ESQ

cc: Dave Clapsaddle, Director Of Planning (via facsimile)
GC Garcia

CFP/md

Submitted at City Council

Date 11/1/06 Item 69-74

Citizen's Concerns – "Hot Topics"

Date of Council Meeting: 11/1/2006 Subject: GPA14325, ZON14338, VAR14342, VAR14345, VAR14347, SUP14339 (Casino Center Properties) Agenda Item # 69-76

DATE	NAME	ADDRESS	PHONE	IN FAVOR	AGAINST	WARD
10/30/06	June Schwartz	1013 South 6 th St.	385-1019	X		3
10/30/06	Jean Asmussen	718 E. Park Paseo	388-7425	X		3
10/30/06	Vanda Canaii	1119 South 6 th St.	736-7723	X		3
10/30/06	Cody Cole	1239 South 7 th St.	204-9170	X		3
10/30/06	Janette Powell	730 Park Paseo	367-1736	X		3
10/30/06	Andrew & Robert Allen	Park Paseo	388-0776	X		3
10/30/06	Deloris Fisch	1260 South 8 th St.	382-6651	X		3
10/30/06	Nora & William Harvey	1240 South 8 th St.	646-6164	X		3

Submitted at City Council
Date 11/1/06 Item 69-76

Citizen's Concerns – “Hot Topics”

Date of Council Meeting: 11/1/2006 Subject: SUP13891, SUP13897, SDR13899 (1431 S. Las Vegas Blvd.)

Agenda Item #: 78-80

[illegible]

Citizen's Concerns – “Hot Topics”

Date of Council Meeting: 11/1/2006 Subject: VAR16144 T-Mobile USA Agenda Item #: 108-109

[illegible]

CHARLESTON AVENUE PROJECT



Date 11/1/06 Item # 69-76

CHARLESTON AVENUE PROJECT
POINTS TO CONSIDER

- CHARLESTON AVE. IS A NATURAL CORRIDOR FOR HIGH DENSITY MIXED USE AND DEVELOPMENT.
- IT IS **NOT** OUR INTENTION TO “FLIP” THIS PROPERTY! WE **OWN** THIS PROPERTY AND HAVE GIVEN GREAT CONSIDERATION AND RESEARCH TO THIS PROJECT OVER ALL OTHER PROPERTIES THAT WE CURRENTLY AND HAVE PREVIOUSLY OWNED IN THE DOWNTOWN CENTENNIAL DISTRICT.
- OUR DECISION TO DEVELOP THIS PROPERTY IS BASED UPON THE FINANCIAL VALUE OF THIS PROJECT. WITH THE BASIS PRICE PSF OF LAND VALUE, THE INGRESS/EGRESS OF 5 STREETS TO THE PROJECT, THE DEVELOPMENT NEED OF THE AREA, LIMITED COMPETITION IN THIS AREA, THE UN-OBSTRUCTED VIEWS THIS SITE OFFERS, UNIT SALES REFLECTIVE OF AFFORDABLE PRICES PRESENTLY VALUED IN THE \$400,000.00 RANGE AND AMENITIES THAT WILL BRING VALUE TO OUR NEIGHBORS ARE ALL PART OF THE REASON WE HAVE SELECTED THIS SITE TO BE INVOLVED IN FOR DEVELOPMENT.
- WE ARE SENSITIVE TO THE CONSTRUCTION ISSUES AND AGREE TO ADHERE TO “CONDITIONS” SET FORTH BY THE COMMISSION TO MITIGATE AS MUCH AS POSSIBLE THESE ISSUES. (SEE ATTACHED)
- WE WILL PROVIDE CONSTRUCTION PARKING OFFSITE AND PHASE OUR CONSTRUCTION TO ALLOW THE PARKING GARAGE DEVELOPMENT FIRST FOR CONTAINMENT OF CONSTRUCTION PARKING ISSUES FOR THE DURATION OF THE DEVELOPMENT.
- AS PART OF OUR DEVELOPMENT TEAM FOR A SUCCESSFUL PROJECT, WE HAVE OVER 47 YEARS ESTABLISHED RESIDENCY IN THIS COMMUNITY, WE HAVE EXPERIENCE IN DEVELOPMENT AND ARE CURRENTLY DEVELOPING OTHER PROPERTIES THAT WE OWN, WE HAVE OVER 20 YEARS EXPERIENCE IN FINANCE, WE HAVE A PROFESSIONAL MARKETING TEAM ASSEMBLED, AND OUR REAL ESTATE BROKER BRINGS OVER 30 YEARS OF EXPERIENCE IN THE LAS VEGAS MARKET TO THE TEAM.
- WE ARE NOT PART OF THE HISTORICAL AREA AND THIS DEVELOPMENT AND OTHERS LIKE IT WILL BRING ADDED VALUE AND REVENUE TO OUR CITY. THIS DEVELOPMENT IS THE NEXT

TRANSITION FROM A BUSINESS ENVIRONMENT TO A MIXED USE BUSINESS ENVIRONMENT IN A CURRENTLY DISTRESSED AREA.

- THIS PROJECT IS DESIGNED SPECIFICALLY TO ATTRACT PEOPLE TO ACTUALLY LIVE IN AN AFFORDABLE UNIT THAT PROVIDES THEM A PLACE TO DINE, A PLACE TO BANK, A PLACE TO WORK, A PLACE TO HAVE EASY ACCESS TO A MAJOR CORRIDOR OF CHARLESTON AVENUE AND OTHER TRANSPORT SYSTEMS.
- WE WILL CONTINUE TO WELCOME FURTHER DISCUSSIONS FROM THE ADJACENT PROPERTIES AND THEIR SPECIFIC ISSUES.

CONDITIONS FOR CONSIDERATION

1. During the construction phase of the project, the applicant shall provide an off-site staging area and transport employees to the site.
2. During the construction phase of the project, the applicant shall construct the parking garage as the first phase of the project, to provide on-site parking for employees to building the mixed use portion of the development.
3. During the construction phase of the project, the applicant shall provide a contact person, e-mail address and telephone number as a neighborhood contact on a 24 hour basis.
4. Hours of operation during the construction phase of the project are proposed between the hours of 6:00 am and 6:00 pm. Should the hours be changed as part of any plans and reports submitted to the City for construction of the project, it shall be the responsibility of the applicant's to notify those neighbors within the public hearing notification boundaries.
5. Construction staging and access shall cause minimal disruption to the free flow of traffic along Charleston Boulevard, Gass Avenue, Garces Avenue, 9th Street and 10th Street.
6. The applicant shall provide a safety barrier to ensure the protection of the property of the abutting neighbors.
7. The applicant shall prepare and submit a shadow study to the Planning and Development Department prior to the commencement of construction.

PROJECT SUMMARY

PROPERTY SIZE: 89,679 SF (2.05 AC)

IT INCLUDES EXIST. ALLEY VACATING

LOT COVERAGE: 51,000 S.F. = 56% ±

FAR: 0.228 DENSITY: 171/AC

TOTAL CONDO UNITS PROVIDED 350

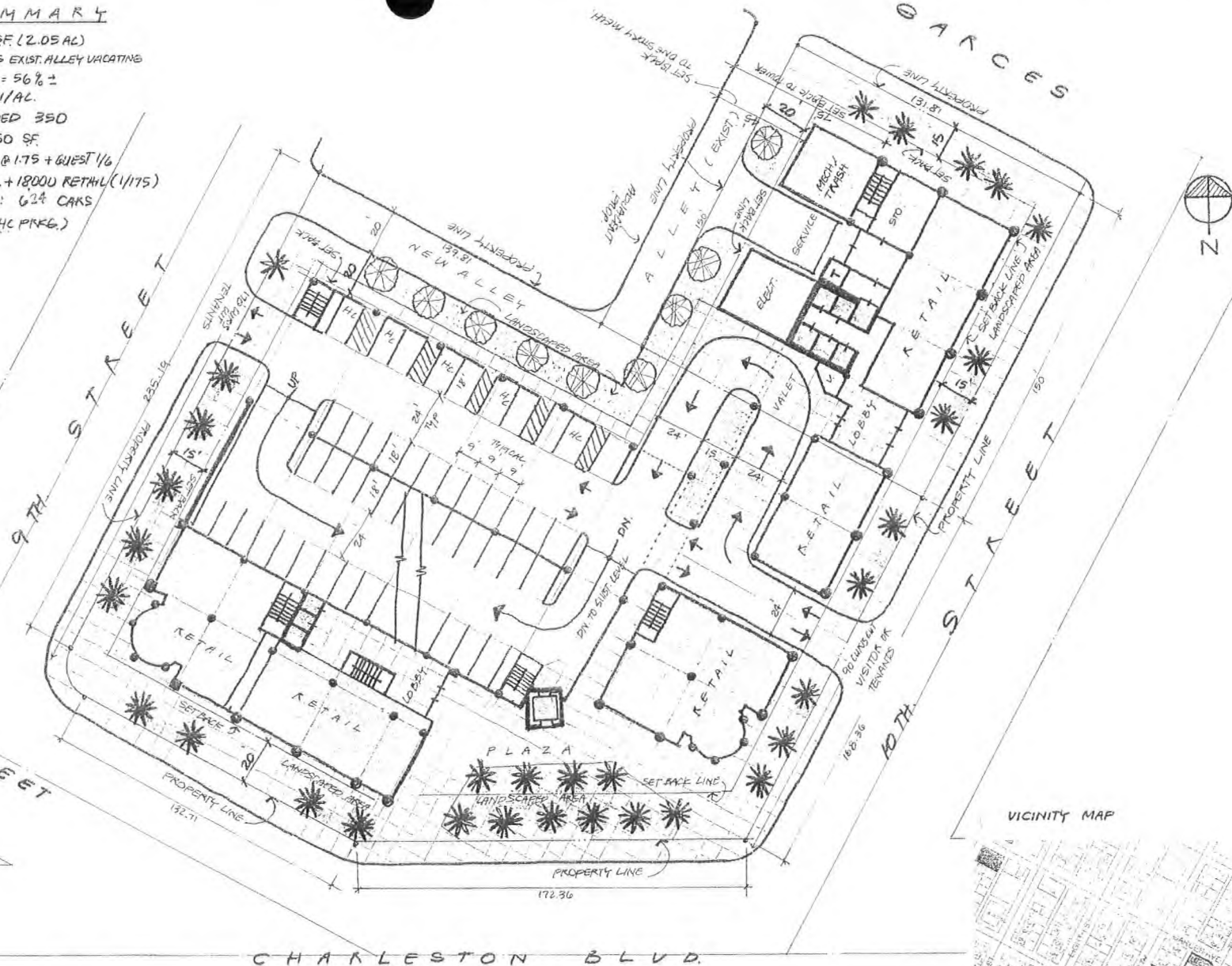
GROSS BLDG. SIZE: 393,250 SF

PARKING: 1 BK @ 1.2, 2 BK @ 1.75 + GUEST 1/6

300 ONE BR. + 50 TWO BR. + 18000 RETAIL (1/175)

TOTAL PARKING PROVIDED: 634 CARS

(2% HC PREF.)



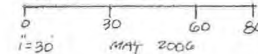
VICINITY MAP



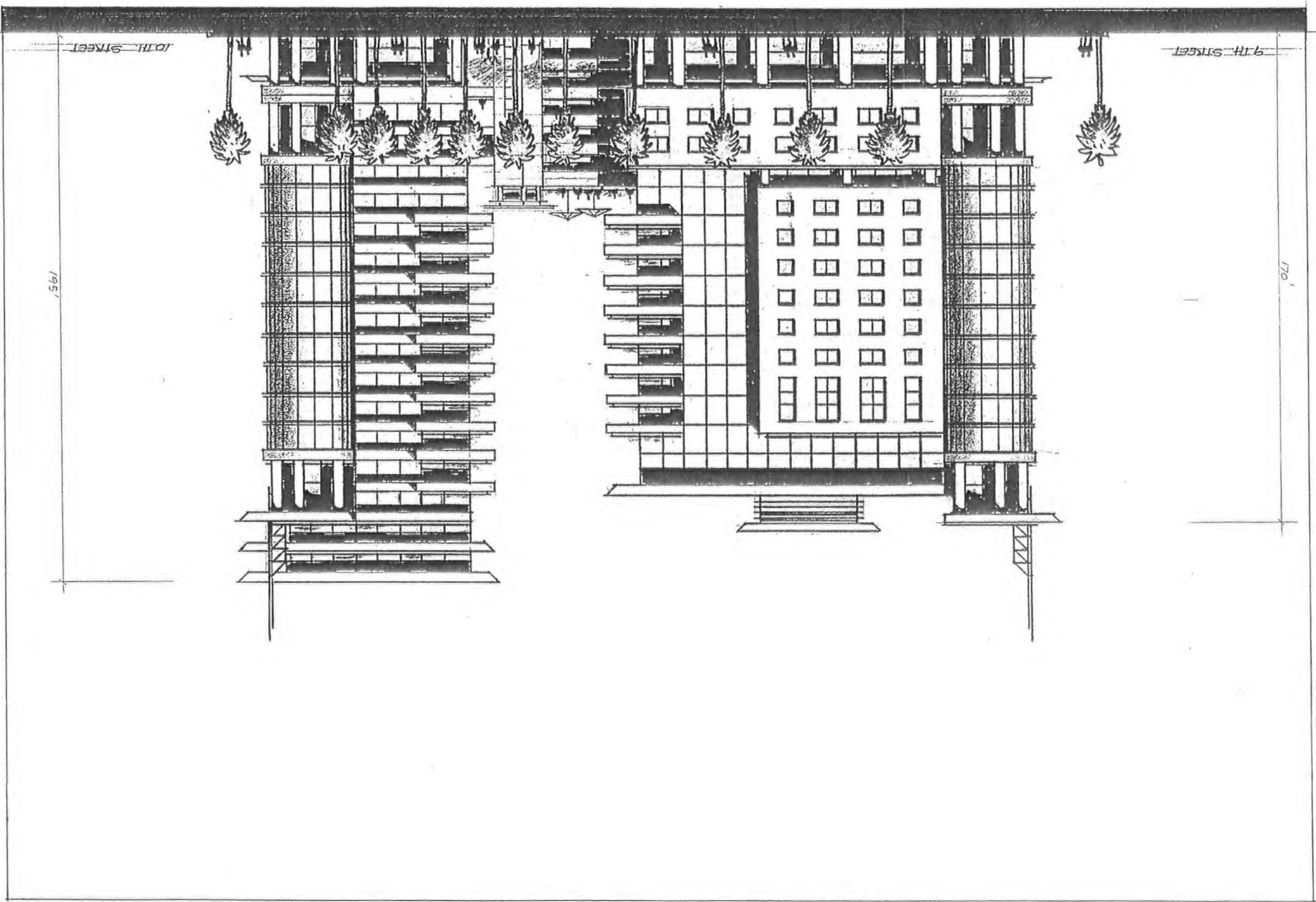
architecture design
real estate development

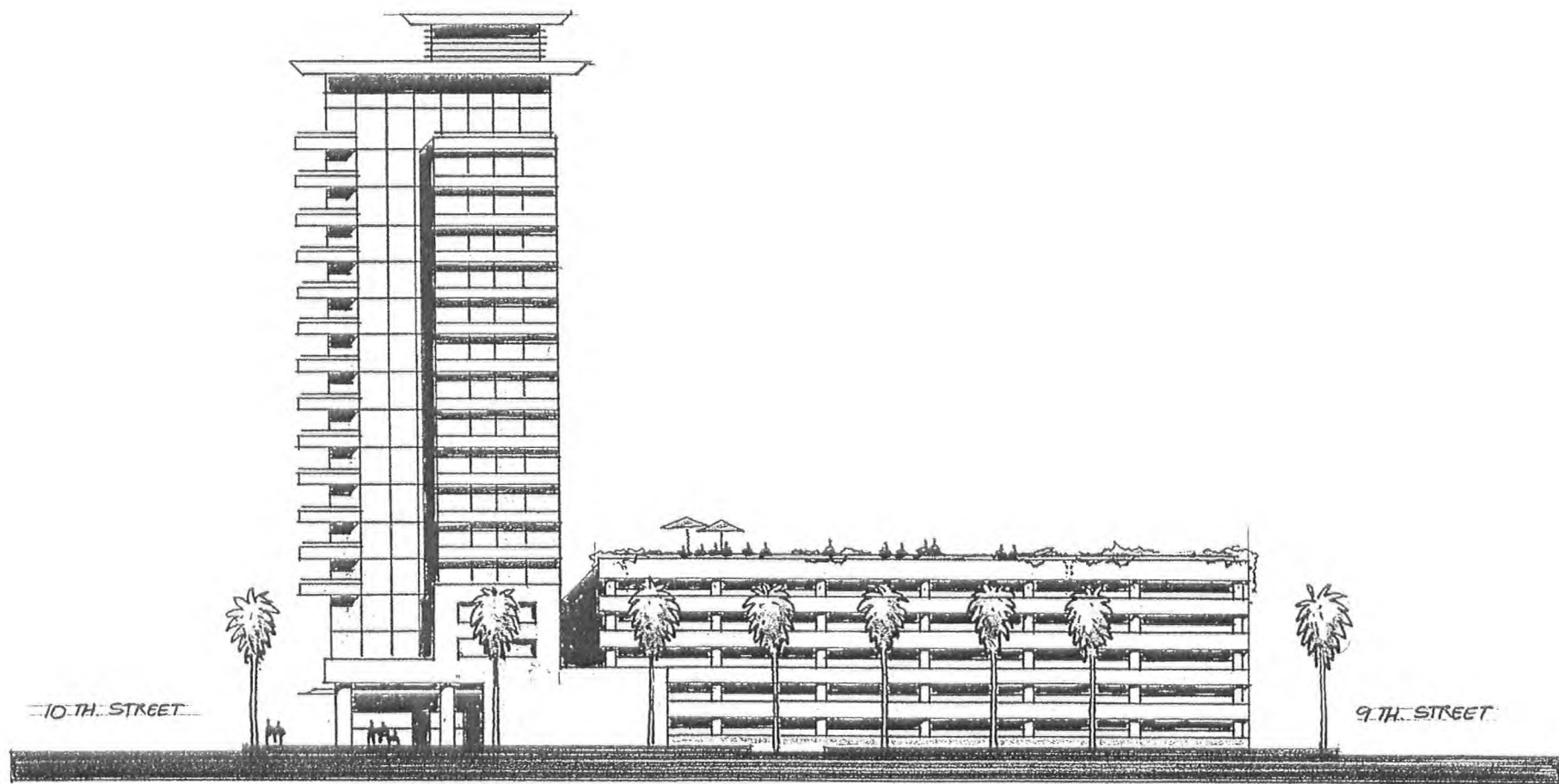
CASINO CENTER PROPERTIES, LLC

SITE PLAN

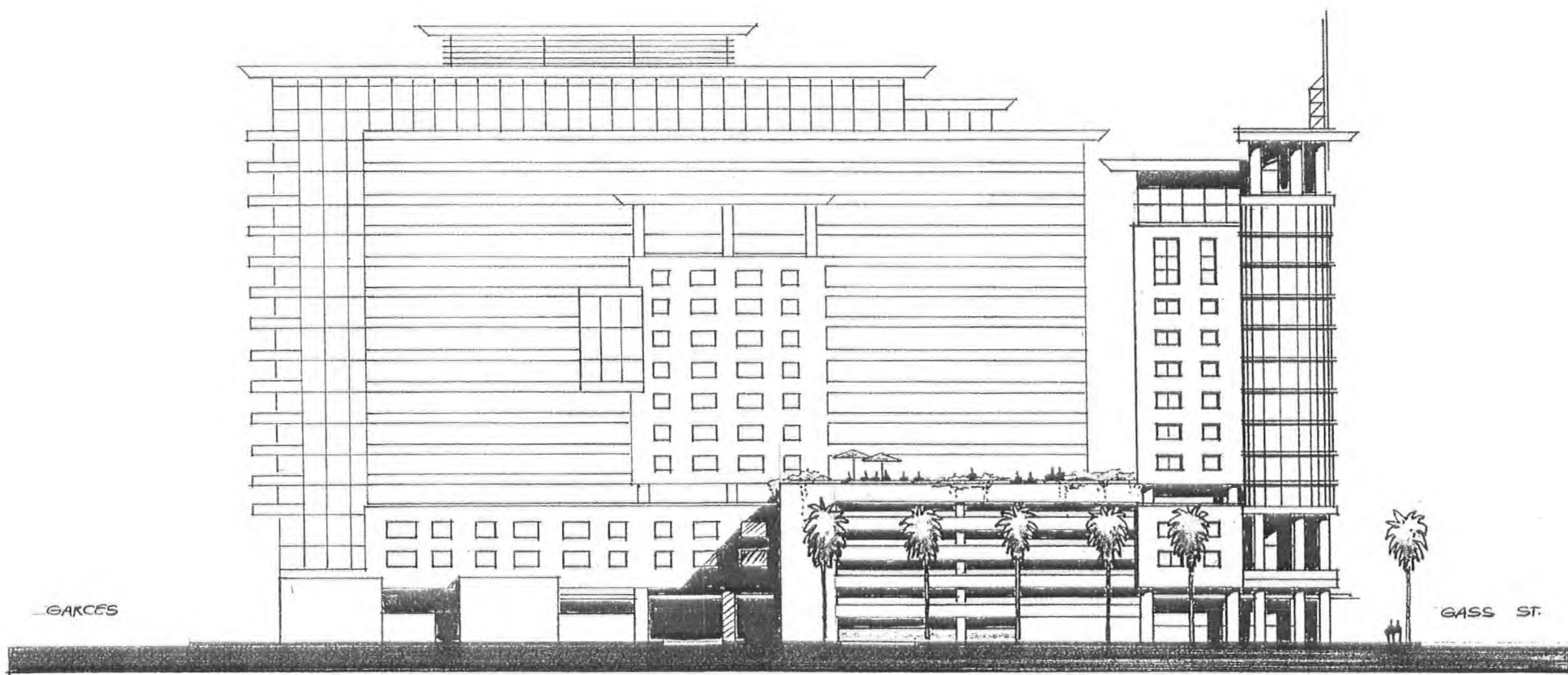


GAS / CHARLESTON ELEVATION

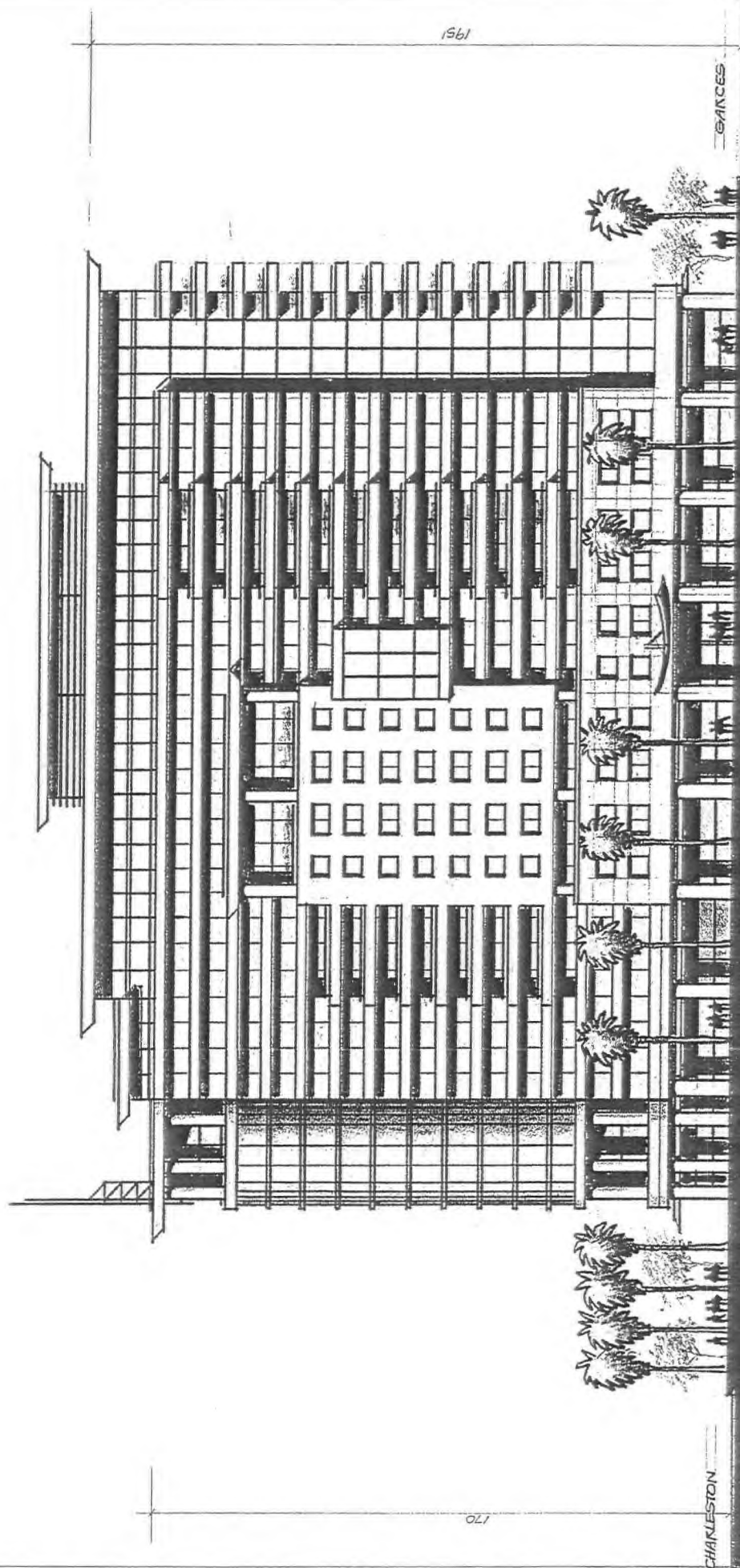




GARCES - ALLEY ELEVATION



9TH STREET ELEVATION



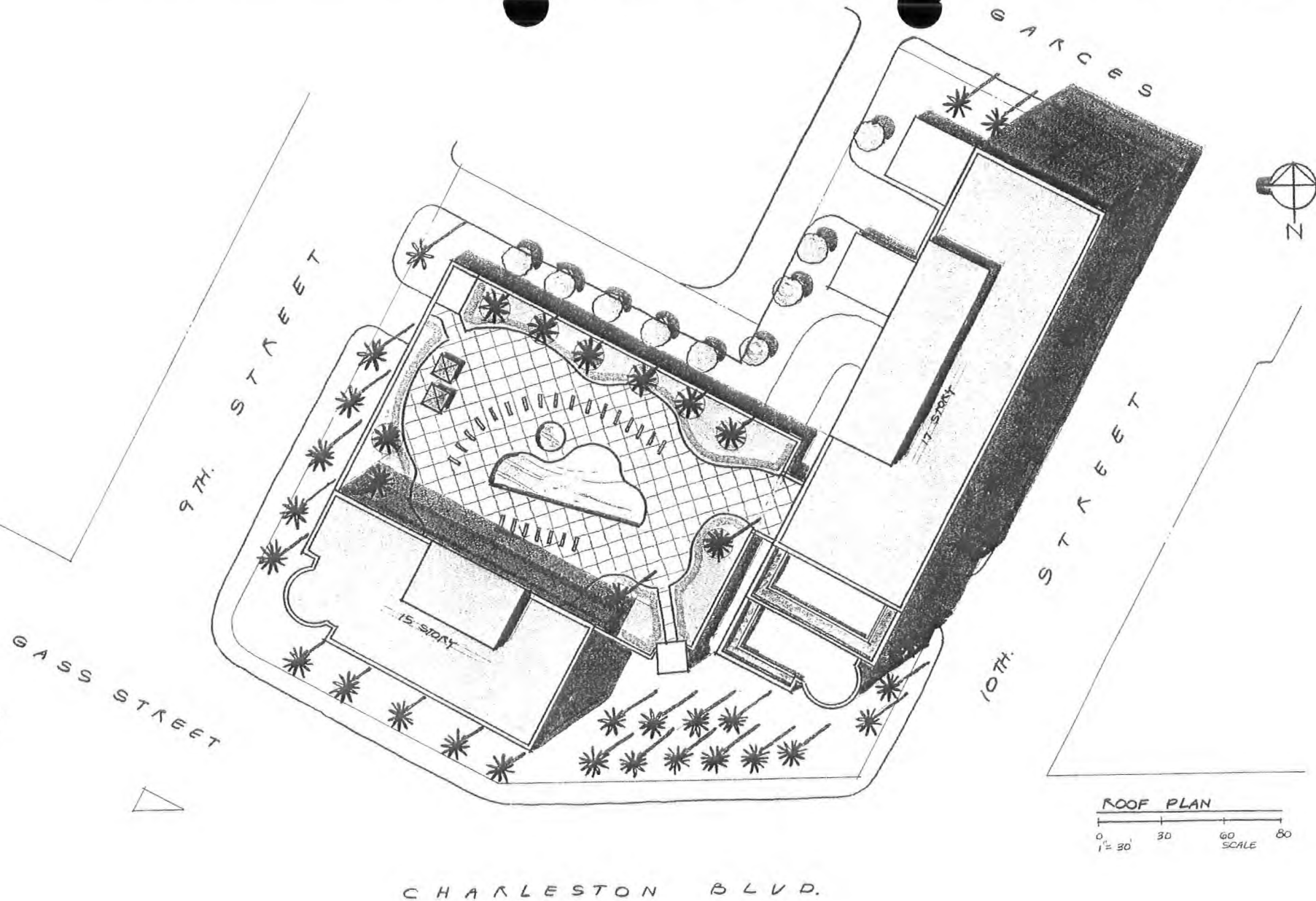
1961

GARCES

10 TH STREET ELEVATION

CHARLESTON

170



CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1 **Item 69 [GPA-14325] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
2 **CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES,**
3 **LLC, ET AL - Request to amend the Downtown Redevelopment Area Land Use Plan**
4 **FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 1.33 acres at 700, 708,**
5 **712, 714 and 716 South 10th Street and 715 and 717 South 9th Street (APNs 139-34-**
6 **810-101 through 105, 074 and 075), Ward 5 (Weekly). NOTE: As of August 6, 2006**
7 **this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning**
8 **Commission (4-3 vote on a motion for approval) failed to obtain a supermajority**
9 **which is tantamount to DENIAL**

10
11 **Item 70 [ZON-14338] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
12 **CASINO CENTER PROPERTIES - OWNER: FIRST STREET PROPERTIES,**
13 **LLC - Request for a Rezoning FROM: P-R (PROFESSIONAL OFFICE AND**
14 **PARKING) AND R-4 (HIGH DENSITY RESIDENTIAL) TO: C-1 (LIMITED**
15 **COMMERCIAL) on 0.52 acres at 700, 708 and 712 South 10th Street (APNs 139-34-**
16 **810-101 through 103), Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is**
17 **located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission**
18 **(5-2 vote) recommends APPROVAL**

19
20 **Item 71 [VAR-14342] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
21 **CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES,**
22 **LLC, ET AL - Request for a Variance TO ALLOW NO STEPBACK BEYOND**
23 **THE BUILDING SETBACK LINE WHERE A 1:1 STEPBACK TO HEIGHT**
24 **RATIO IS REQUIRED ALONG A STREET CLASSIFIED AS COLLECTOR OR**
25 **LARGER IN CONJUNCTION WITH A PROPOSED MIXED-USE**
26 **DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard**
27 **and 10th Street (APNs 139-34-810-101 through 105, 074 and 075; and 139-34-812-**
28 **003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking)**

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

29 **Zone and C-1 (Limited Commercial) Zone [Proposed: C-1 (Limited Commercial)**
30 **Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward**
31 **3 (Reese). The Planning Commission (5-2 vote) and staff recommend DENIAL**

32
33 **Item 72 [VAR-14345] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
34 **CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES,**
35 **LLC, ET AL - Request for a Variance TO ALLOW LOT COVERAGE OF 56**
36 **PERCENT WHERE 50 PERCENT IS THE MAXIMUM ALLOWED IN**
37 **CONJUNCTION WITH PROPOSED MIXED-USE DEVELOPMENT on 2.05**
38 **acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-**
39 **34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density**
40 **Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited**
41 **Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5**
42 **(Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The**
43 **Planning Commission (4-3 vote) and staff recommend DENIAL**

44
45 **Item 73 [VAR-14347] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
46 **CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES,**
47 **LLC, ET AL - Request for a Variance TO ALLOW 624 PARKING SPACES**
48 **WHERE 635 IS THE MINMUM NUMBER OF PARKING SPACES REQUIRED**
49 **IN CONJUNCTION WITH A PORPOSED MIXED-USE DEVELOPMENT on 2.05**
50 **acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-**
51 **34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density**
52 **Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited**
53 **Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5**
54 **(Weekly). As of August 6, 2006 this item is located in Ward 3 (Reese). Staff**
55 **recommends DENIAL. The Planning Commission (4-3 vote) recommends**
56 **APPROVAL**

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

57 **Item 74 [SUP-14339] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
58 **CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES,**
59 **LLC, ET AL - Request for a Special Use Permit FOR A PROPOSED MIXED-USE**
60 **DEVELOPMENT at the northwest corner of Charleston Boulevard and 10th Street**
61 **(APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High**
62 **Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1**
63 **(Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward**
64 **5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese).**
65 **Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends**
66 **APPROVAL**

67
68 **Item 75 [VAC-12884] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
69 **CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES,**
70 **LLC, ET AL - Petition to Vacate public alleys generally located south of Garces**
71 **Avenue, between 9th Street and 10th Street, Ward 5 (Weekly). NOTE: As of August**
72 **6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The**
73 **Planning Commission (5-2 vote) recommends APPROVAL**

74
75 **Item 76 [SDR-14349] - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT:**
76 **CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES,**
77 **LLC, ET AL - Request for a Site Development Pan Review FOR A PROPOSED**
78 **MIXED-USE DEVELOPMENT CONSISTING OF 350 RESIDENTIAL**
79 **CONDOMINIUM UNITS AND 18,000 SQUARE FEET OF COMMERCIAL**
80 **FLOOR AREA WITHIN ONE 14-STORY AND ONE 17-STORY BUILDING,**
81 **AND A WAIVER OF THE RESIDENTIAL ADJACENCY REQUIREMENTS ON**
82 **2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs**
83 **139-34-810-101 through 105,074, and 075; and 139-34-812-003), R-4 (High**
84 **Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5**

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

85 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3(Reese). The
86 Planning Commission (4-3 vote) and staff recommend DENIAL

87

88 Appearance List:

89 OSCAR GOODMAN, Mayor

90 GARY REESE, Councilman

91 DAVID CLAPSADDLE, GC Garcia; 1711 Whitney Mesa Drive, Henderson, Nevada

92 STEVE WOLFSON, Councilman

93 JIM LEWIS, Deputy City Attorney

94 CHARLES SARELLIS, CPA, 10th Street and Garces, Las Vegas, Nevada

95 EARL HARLEY, Attorney, 916 Casino Center, Las Vegas, Nevada

96 TOM MCGOWAN, Las Vegas, Nevada

97 EDWARD MILEY, 711 South 9th Street, Las Vegas, Nevada

98 JORGE VOCHANEZ, 631 South Casino Center Boulevard, Las Vegas, Nevada

99 STEVE GREGORY, Applicant

100 GLENDA SHAW, 916 South Casino Center Boulevard, Las Vegas, Nevada

101 MARGO WHEELER, Director, Planning and Development

102 LARRY HARRISON, 724 South 9th Street, Las Vegas, Nevada

103 JOSEPH E. THERIET, 621 South 9th Street, Las Vegas, Nevada

104 LOIS TARKANIAN, Councilwoman

105 STEVEN D. ROSS, Councilman

106 BART ANDERSON, Engineering Project Manager, Public Works Department

107 RONI RONEMUS, City Clerk

108

109 (04:17:18 -05:32:39)

110

111 Typed by: Shamika Webb

112 Proofed by: Ydo Yturralde

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

113 **MAYOR GOODMAN**

114 Alright, we have 69, 70, 71, 72, 73 and 74. Sixty nine is GPA-14325, it's gonna be a
115 public hearing. The applicant is Casino Center Properties, the owner is Casino Centers
116 Properties, LLC, ET AL. Request to amend the Downtown Redevelopment Area Plan
117 use from: MXU, Mixed Use, to Commercial to C, Commercial on 1 point three, three
118 acres at 700, 708, 712, 714 and 716 South 10th Street and 715 and 717 South 9th Street.
119 This is in Ward 3. The Staff recommends denial. The Planning Commission failed to
120 obtain a supermajority which is tantamount to a denial.

121 Seventy is ZON-14338. The same applicant, the owner is First Street Properties.
122 Request for rezoning from PR, Professional Office and Parking and R4, High Density
123 Residential to C1, Limited Commercial on point five two acres, 700, 7 oh 8, 712 South
124 10th Street, this is in Ward 3. And the staff recommends denial, the Planning
125 Commission recommends approval, subject to conditions.

126 Seventy-one is VAR-14342. The applicant is Casino Center Properties. The owner
127 Casino Center Properties, LLC, ET AL, request for a Variance to allow no step back
128 beyond the building set back line, where a one-to-one step back to height ratio is
129 required. Along a street classified as collector or larger in conjunction with a proposed
130 Mixed Use Development on two point oh five acres at the Northwest corner of
131 Charleston Boulevard and 10th Street. The Planning Commission and staff both
132 recommend denial.

133 Seventy-two is VAR-14345. The applicant is Casino Center Properties. The owner
134 Casino Center Properties, LLC, ET AL, request for Variance to allow lot coverage of 56
135 percent where 50 percent is the maximum allowed in conjunction with a proposed Mixed
136 Use Development on two point oh five acres at the northwest corner of Charleston
137 Boulevard and 10th Street. The Planning Commission and staff recommend denial.

138 Seventy-three is VAR-14347. The applicant is Casino Center Properties. The owner of
139 Casino Center Properties, LLC, ET AL request for variance to allow six hundred and
140 twenty-four parking spaces, where six hundred and thirty-five is the minimum number of

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

141 parking spaces required. In conjunction with the proposed Mixed Use Development on
142 two point oh five acres at the northwest corner of Charleston Boulevard and 10th Street.
143 The staff recommends denial, the Planning Commission recommends approval subject to
144 conditions.

145 Seventy-four is SUP-14339. The applicant is Casino Center Properties. The owner
146 Casino Center Properties, LLC, ET AL, request for Special Use Permit for proposed Mix
147 Use Development at the northwest corner of Charleston Boulevard and 10th Street. The
148 Staff recommends denial, the Planning Commission recommends approval subject to
149 conditions. These are all in Ward 3, and they're all Public Hearings which are now
150 declared open.

151

152 **COUNCILMAN REESE**

153 Your Honor.

154

155 **MAYOR GOODMAN**

156 Yes, Sir.

157

158 **COUNCILMAN REESE**

159 If I could, I'd like a minute to record I got a citizen's concern, hot topic. There's ten or
160 half dozen names supporting the project. I'd like to read a letter that I received from a
161 Carl F. Piazza. It says dear Councilman Reese as a long time property owner, November
162 1985 in the area of the proposed project. I want to express my opinion regarding the
163 project. It has been our experience over the last 21 years, so on and so forth. Does
164 assets, I hardly endorse this project, further I applaud your efforts as well as Mayor
165 Goodman's to accomplish this goal, gratefully yours, Carl F. Spiazza. He's in favor of
166 these projects. I just wanna put that on the record.

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

167 **MAYOR GOODMAN**

168 You know what, I thank you for that. I'm – looking at the agenda. I think I have to read
169 75 and 76, they seem to be related.

170

171 **COUNCILMAN REESE**

172 Yes.

173

174 **MAYOR GOODMAN**

175 Is that correct?

176

177 **COUNCILMAN REESE**

178 Yes.

179

180 **MAYOR GOODMAN**

181 Okay, let's include them. Seventy-five is VAC-12884. The applicant is Steve Gregory.
182 The owner is Casino Center Properties, LLC. Petition to vacate the public alleys,
183 generally located south of Garces Avenue, between 9th and 10th Street. The staff
184 recommends denial, the Planning Commission recommends approval subject to
185 conditions.

186 And finally 76, which is SDR-14349. The – applicant is Casino Center Properties. The
187 owner, Casino Center Properties, LLC, ET AL, request for site development plan.
188 Reviewed for proposed mixed use development, consisting of 3 and 50 residential
189 condominium units and 18,000 square feet of commercial floor area within one 14 storey
190 and one 17 story building and a Waiver of the residential adjacency requirements on two
191 point oh five acres at the northwest corner of Charleston Boulevard and 10th Street. The
192 Planning Commission and staff recommends denial. These two are subject to Public
193 Hearings, and – they're now declared open. Yes, Sir.

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

194 **DAVID CLAPSADDLE**

195 Good afternoon, Your Honor, members of the Council. Dave Clapsaddle, with GC
196 Garcia, 1711 Whitney Mesa Drive, in Henderson. Here on behalf of Steve Gregory and
197 Glenda Shaw who are in the audience this afternoon.

198 This was held at your last meeting in order for us to do a neighborhood meeting, another
199 neighborhood meeting. Just briefly, let me refresh your memory on the project. Here is
200 Charleston, 9th, 10th this is the US Bank here, this is the 7-Eleven, frontage along
201 Charleston Boulevard. What we're asking for is approval of two towers, 18,000 square
202 feet of retail, 3 and 50 condominiums above, access off of 9th, 10th all the landscaping
203 we, all the – standards of the code. Pertaining to the alley vacation, what we clarified at
204 the Planning Commission is that we will not vacate the alley north of the property we
205 own. We do not own these three lots along this part of 9th Street, so we are not vacating
206 this part of the alley to give assurance to all these property owners, that they will stay
207 have access to the alley and will always, it'll always act as it currently does today.
208 Fourteen story tower here, 17 on this side, all the amenities will be on top of a seven-
209 story parking garage. The pool amenities will be on top of the – garage. And briefly, just
210 to refresh your memory of the building, this is the 10th Street elevation. We think it's
211 gonna be a gorgeous attractive addition to the north side of Charleston Boulevard. We
212 think that a project of this style – the scope, this type of Mixed Use project will spur
213 development on the north side of Charleston, which we think it's time to do and is in need
214 – of it. And again, this is the Gas Charleston elevation, showing the height and design of
215 both of the towers.

216 Now, since our last meeting, we had a neighborhood meeting and we heard four items at
217 that neighborhood meeting that we want to try to clarify, and also answer some questions.
218 One thing we heard is a concern about parking. We have withdrawn the parking
219 variance. The parking variance is no longer on the table. We are going to stay within the
220 parking standards of the code, and we're gonna make this project work.

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

221 Second, at our neighborhood meeting we heard parking a problem. Our – parking garage
222 is currently six stories, we would agree to add another level of parking to the parking
223 garage to make sure that we are over parked and to make sure that the neighbors will not
224 have any intrusion.

225 The other thing we heard is construction. How are we gonna handle parking and getting
226 employees to the site during construction of the project? And what we've shared with the
227 neighbors at that meeting is that – we will shuttle construction employees from an offsite
228 area. Second, we would commit to building the parking garage first, just like their doing
229 on the City Center Project. So, while the parking garage is being built, we can stage off
230 site, shuttle employees there. We're gonna build the parking garage first so that
231 construction employees can park onsite while the remaining part of the project is being
232 built to give the neighbors a higher level of comfort. As far as traffic, our traffic study's
233 been submitted to the City. Your Public Works department has looked at it and they are
234 reviewing it.

235 The other thing that we're agreeing to, as part as the construction is to have a 24-hour
236 contact person, email, telephone so that if neighbors have a concern anytime during the
237 day, any time during the night, days, weekends there's gonna be a contact that they can
238 get a hold of if they have any questions, at all. The other thing we heard from the
239 neighbors both to the north of us, the business owners and to the south in John S. Park is
240 that they wanted amenities. They would like to have food service, they would like to
241 have a restaurant. And what we would agree to also, as an idea, is that part of the retail
242 mix of the 18,000 square feet, part of that is going to be food service. And that would
243 leave us with about 13, 14, 15, 12,000 square feet of additional retail that is gonna make
244 it a viable retail area for us to provide services to the doctors, to the lawyers, to the
245 professional offices north of Charleston Boulevard, and also give those folks who live
246 south of Charleston Boulevard a place to walk, to eat, to have amenities and have a –
247 place to go.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

248 We have had several neighborhood meetings. There is a lot of neighborhood support for
249 this project. Some of those folks are here, some of the neighbors are here. And what I'd
250 rather do is reserve some time to be able to come back if there's any questions you have
251 after the neighbors are done, Your Honor, we'd like to be able to come back after that –

252

253 **MAYOR GOODMAN**

254 No problem, certainly. Okay –

255

256 **COUNCILMAN WOLFSON**

257 Mayor Goodman, I'm sorry.

258

259 **MAYOR GOODMAN**

260 Yes.

261

262 **COUNCILMAN WOLFSON**

263 In interest of full disclosure, I own an office building on the corner of 7th and Bonneville.

264 It is just inside the notice area. I'm disclosing that fact. I don't think my property value

265 will be affected any differently than any of the other properties in that area. It's my

266 understanding from talking to Council that that is the necessary disclosure I – can still

267 vote on this matter.

268

269 **JIM LEWIS**

270 That is correct, Councilman.

271

272 **COUNCILMAN WOLFSON**

273 Thank you.

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

274 **DAVE CLAPSADDLE**

275 Thank you, Your Honor.

276

277 **MAYOR GOODMAN**

278 All right, very good. Just by a show of hands, how many people would like to speak on
279 this item? Okay, not that many. All right, why don't you just come up at your leisure,
280 and tell us who you are, tell us your address, it'll be happy to hear from you. Yes.

281

282 **CHARLES SARELLIS**

283 My name is Charles Sarellis, and I'm a CPA. And I have an office on the corner of 10th
284 and Garces, and I've been there since 1980. And I'm in full support of this project, I think
285 it will really help the neighborhood. And, on both sides of Charleston, and – really help
286 Charleston, you know, the Charleston Street in particular, where we're gonna have some,
287 you know, a nice project there Mixed Use. Thank you.

288

289 **MAYOR GOODMAN**

290 Thank you, Mr. Sarellis. Mr. Harley.

291

292 **EARL HARLEY**

293 Mr. Mayor, council people I'm Earl Harley, I'm an attorney here at 916 Casino Center. I
294 represent two principles who've been studying this area that's in question for quite some
295 time, and in expressing an interest in the project that is developed by the people here
296 today. We would recommend to you that the full plan as proposed be accepted into this.
297 And I will say that my clients are substantial, they have turned several large multi-million
298 dollars projects in the downtown area, and they want to see this go forward. Thank you –

299

300 **MAYOR GOODMAN**

301 Thank you very much. Next, please.

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

302 **TOM McGOWAN**

303 Tom McGowan, Las Vegas resident. May I have the overhead, please? That is the from
304 your planning department. It is the plot plan per development in the immediately,
305 continuously adjacent community, which is called the Arts District. And that you would
306 note that overhead, there are at least 10 high rise condominium volt towers under
307 development in that particular district. The least of size is 30, 40 stories, the tallest is 73,
308 Golden Ring Guy. And of course you got Stratosphere Tower at a hundred and ten
309 stories. So, for your information it's physically a generic fact that shadows will be cast
310 from west to east, and from southwest to northeast, northwest to southeast. And they
311 have the declination seasonal tilt of the earth's axes will cast that area of 9th and 10th
312 Street into shadows. In case shadows ever arise as an issue, because the shadow
313 regardless of whether this development is in or not. Okay, that's the first thing to
314 understand.

315 Secondly, Item 85 of today's agenda is for a billboard. (inaudible) a few blocks east of
316 the particular property between 9th and 10th (inaudible) that billboard will cast a shadow,
317 because it's 40 stories high. That billboard and its companion billboard within that same
318 business area will cast a shadow in the morning, east to west. Again, this property will be
319 in shadow regardless of whether this development is under construction or not. And then
320 the development itself when completed will be in the same shadow caused by other
321 properties in the adjacent areas. What I wanna say finally is these design is aesthetically
322 appealing, it ranks easily under the (inaudible), with the finest quality design that you
323 have in your current roster of developments. Easily if not equal to (inaudible) in terms of
324 appearances and it's operative to the entire community, not just the local or sub-local
325 area. Furthermore, and this is very important, this is a plus quality (inaudible) principle
326 until development. Okay, these are limited rise not high rise, 14, 17 stories is a virtually
327 minuscule compared to other development projects which typically begin at 40, 30, 40
328 stories. So this – development is not offensive to anybody in particular, except somebody
329 right next door who decides to look out the window bright and early every morning and

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

330 stare directly at the sun, because (inaudible) to begin with or at the sunset at night.
331 (inaudible) light bins and will bend around those building so that the (inaudible) is
332 limited in scope. You have to look at all that stuff, because it is factual in and of itself of
333 – the earth, earth's rotation. Shadows are not invariable; they do vary in scope in the
334 direction. So laws (inaudible) will be minimized completely.

335 Regarding the emergency parking issue, it's (inaudible) all the way around. It is
336 responsibly government, it is in accordance to with your desire to revitalize (inaudible)
337 the City of Las Vegas. You got downtown retail, very promptly, a very upscale
338 restaurant, a nice quality of people. We (inaudible) a good piano bar, which this town
339 needs, tell you the honest truth. And I can certainly provide on that, not pro bono
340 necessarily, but affordable and permanently.

341 But finally, you have the eaves dropped in commercial corridor. Very badly in need,
342 long over due for commercial development. This is the motivational incentive for other
343 developers to come down and develop that East Charleston corridor all the way down
344 Boulder Highway. And the people who are the applicants here are not fly-by-night
345 developers. They're here to stay. And, they're doing this community a very important
346 service, in my opinion. They're adding to housing stock, which you need very much so.
347 They are acting out in accordance with your wishes and maybe you didn't ask them to do
348 it but they're doing it, all you have to do is approve it. Thank you.

349

350 **MAYOR GOODMAN**

351 Anybody else liked to be heard?

352

353 **EDWARD MILEY**

354 Yes, Mayor. Edward Miley, 711 South 9th Street. If I could get the overhead, please.
355 Here's a picture of the – property the way it looked at the last City Council meeting.
356 We've met with Mr. Gregory and their group on multiple occasions. When I sat down
357 with them, and in fact they would never actually even give me an offer to buy the

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

358 property or whatever else. Look at how good this property looks, whatever. I said,
359 "Look, you wanna build it, I'm not for it. I think it's too intense, I don't want it 17 and 19
360 stories." In fact we went back and forth. They're people and I said, look, I think five
361 stories is probably the most that I think really is appropriate there. I prefer three stories
362 behind, but it's really not doable. They proceed to say that they don't really intend to
363 build anyway, they intend to flip the property for 17 million dollars. And I think that's
364 pretty telling because there's three property owners, of – which I am one. Ms. Robershaw
365 is one and there are two ladies who had to work today and couldn't be here, they're the
366 remaining hold outs. They bought the property around us for an amalgamated 38 dollars
367 a square foot. I sit down and I explain to them, I said, you know, we don't wanna have a
368 high-rise here especially behind me, whatever else. They, again explained it's not gonna
369 happen, they're gonna flip it for 17 million dollars. They have plans or whatever else, but
370 they've done nothing besides get an architectural drawing of saying this is what the
371 property is gonna look like. At the Planning Commission they even said they anticipate
372 this being built in three to five years. As the Mayor knows, he went – into the RJ on
373 August 9th, and said one year before stuff has to go on the ground.

374
375 **MAYOR GOODMAN**

376 What I said was, I want to put a one year limitation on the entitlements. That there has to
377 be report back to the Council, but if I don't see that there's progress then we can
378 reconsider the granting of the entitlement.

379
380 **EDWARD MILEY**

381 Most telling to me and this apparently happens more, I think Ms. Robershaw can address
382 this, as well. But I, my office spoke with the two ladies that live in between Ms. Rober
383 Shaw's office and my office. Was Mr. Gregory contacted her and said, "say your for the
384 project, if we, unless we get the entitlements, we'll be able to find some deep pocket to
385 come in and take you out of the project. That to me explains right there, they don't have

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

386 the where withal, they don't have the money to do it. They're simply looking to flip the
387 property, do what they can. Our concern is that they don't intend to build there. And I'll
388 show you, if I could get the overhead again. This is what the property looked like when I
389 came in prior to the City Council order to pick it up. There was a fire arsonist, we were
390 down without phones for about two days, internet. I was told by – Mr. Gregory's group
391 they were gonna have their insurance broker get a hold of me, work something out, as far
392 as my – loss of income for a couple days. I still haven't heard that. But I will show you
393 pictures that were taken this afternoon, and this was just over the fence line. I don't know
394 how much you can see, if you could see all these or not. But, basically it's – hobo back
395 there. Are we gonna have to wait three to five years before they start building, when we
396 have homeless people coming in, children are going back there, there's needles back
397 there, God knows what's happening inside the property itself.

398

399 **MAYOR GOODMAN**

400 Well, we could – rectify that real fast with Neighborhood Services going out there and
401 cleaning it up real fast, real fast –

402

403 **EDWARD MILEY**

404 Just to let you know, are we gonna be looking forward to having basically empty –

405

406 **MAYOR GOODMAN**

407 And as a matter of fact, I'm gonna, pardon me Mr. Miley, I am gonna direct staff right
408 now. That – is an – attractive nuisance. That has to be cleaned up immediately. That's –
409 not something that we wanna have ten different visits by our Neighborhood Services
410 people. I want that cleaned up right away –

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

411 **EDWARD MILEY**

412 I would point out, they were ordered last time to pick up. They went out and what they
413 did is they basically boarded up these windows or whatever. This building is not
414 architecturally sound, as you can see, that's the truss right there that's hanging free. It's
415 only a matter of time before it collapses, whether somebody's inside or outside. But we
416 think it's an attractive nuisance at the very least.

417 When I had my meeting with them and I said, you know, what's going on or whatever, I
418 also said, I'm assuming since I represent numerous Carpenters and Teamsters in this
419 town, this is gonna be union project. They laughed, and basically said, no. So, obviously
420 assuming they – get entitlements, they can actually scrape up enough money to start
421 building or whatever it is. They're gonna have them Soho Loft where they're not gonna
422 be able to get the labor entitlement or anything else. They've addressed various things
423 about what there gonna do with off sites. That's all they've done. People, some people
424 live down here. This is not contrary to – the gentleman speakig before me. There is
425 nothing in this particular area that's beyond three stories. We're fine with three stories,
426 five stories we want them to use it, we want them to put office spaces in, we want them to
427 put restaurants in or whatever. We think that 17 and 19 story high rise is too intense for
428 the area.

429

430 **MAYOR GOODMAN**

431 Thank you. Anybody else like to be heard?

432

433 **COUNCILMAN WOLFSON**

434 Mayor Goodman, may I ask Mr. Miley a question?

435

436 **MAYOR GOODMAN**

437 Certainly.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

438 **COUNCILMAN WOLFSON**

439 Mr. Miley how long have you owned your property?

440

441 **EDWARD MILEY**

442 I believe it's four years.

443

444 **STEVE WOLFSON**

445 And do you believe that this project, if built as proposed, will increase or decrease the
446 value of your property?

447

448 **EDWARD MILEY**

449 Speaking with my – appraisers and stuff they say that my property will probably go down
450 probably go down 40 percent if they build it. And that's just my particular property. I've
451 – heard – stories of 25 to 30 percent from Mr. Piazza and stuff from across the street. I
452 left a message Mr. Piazza yesterday; he hasn't returned my phone call.

453

454 **MAYOR GOODMAN**

455 All right, any other questions of Mr. Miley? All right, Mr. Vochanez.

456

457 **JORGE VOCHANEZ**

458 Good afternoon, Mayor, Council. My name is Jorge Vochanez. My office is located, if I
459 could have the overhead, please. My office is located on 631 South 9th Street. I've had
460 my law practice there, and 14, 15 employees there for the past 15 years. And I'm here to
461 tell you today that first all, that myself and I think most of the other business owners
462 along South 9th Street aren't opposed to development on this particular corner. But we're
463 – definitely opposed to the magnitude and intensity of this development. This is a corner
464 that is in dyer need of development, as Mr. Miley has shown you through some of his
465 photographs, but at the same time I – really want to put the Council on notice of the fact

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

that 9th Street, where my office and many others are located, looks like this. It's one and two story professional buildings that've all been there for a long time. And that – are all servicing clients that come in that require on street parking. All of us have adequate parking under the code, when we established our businesses long ago, and we have parking that's sufficient for the current neighborhood as the way it stands. It's, we would submit to you that we don't have parking that's sufficient for 31 stories of retail and condominiums. At the last Council meeting I stated that we need to be practical here in that customers and retail users in the like of 31 stories of retail use aren't going to go to the sixth story of a parking garage, they're going to go to the street level. Street level is what we depend on for our parking. We all have adequate parking for that and for our businesses but not for this type of monstrous project within a neighborhood that looks like this one looks. I thought he had a question for me. I heard this man speaking behind me.

MAYOR GOODMAN

I didn't hear – anything –

JORGE VOCHANEZ

Okay. In addition to that, with respect to the compatibility of this project besides parking, there's also the issue regarding traffic. This is gonna have access on 9th Street. Again you've – heard the figures on the square footage with respect to the different types of retail use, with respect to the different types of condo use and the like. Again, it's our position that this going to have a severe impact on – our traffic, on – 9th Street. I guess they have submitted a traffic – report. Since most of my practice is devoted to litigation-type issues, I can tell you that, you know, paying an expert five to ten thousand dollars gets you amazing results to support basically whatever you want. So I'd ask that you take, if you're going to rely upon that report. I bet I can get a traffic report that would say the exact opposite. So again, I'd – ask that the Council be practical here when looking at

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

494 putting 31 stories of retail and condo and offices near businesses that nothing, are nothing
495 but one and two story offices. Now, with respect to the project itself, I – think that it's
496 also important that you look at the developer, the applicant here. This is a person with no
497 history of building high-rise development. This is a person that has admitted to you
498 basically that what they're going to do is simply flip it. They want your entitlements and
499 they want you to flip it. And they want them – to be able to flip it to some developer.
500 Well, if there's mysterious principals back there that are looking at this very very
501 seriously, and that are actually wanted to come in and – look at this project as it's being
502 proposed to you, as was told to you today, let's see them. Let them come forward. And
503 obviously they're not coming forward and they are mysterious because, you know what?
504 There's no one here to produce to you for that. We'd also ask that, I guess there's all of
505 sudden names of neighbors that are in favor of this project, as was told to you by Mr.
506 Miley. I've also been informed that neighbors near my office that were told that they
507 were gonna make fantastic profits, if they came out in favor of this project. And that
508 sounds very consistent with the neighbors here on 9th Street are also being told. So
509 again, I'd look at a weary eye also with all of a sudden – homeowner approval here that
510 wasn't in existence a few weeks ago. Again, this is all about compatibility and it's all
511 about who's proposing this. I – submit to the Council that it's bad planning policy to
512 allow development based on flipping. And that's not how you're going to establish
513 projects. What it's gonna do it's just gonna cause the whole project to be re-reviewed,
514 when the actual real developer, whoever that may be, comes in. Because I submit to you
515 that this isn't about shadows and it isn't about mystery developers, it's about good sound
516 development. And, what good, if I got the overhead, what good sound development isn't
517 is having entitlements given and then having other individuals come up and try to later
518 flip this project to other people –

519

520 **COUNCILMAN REESE**

521 Your Honor, if I could please.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

522 **MAYOR GOODMAN**

523 Yes –

524

525 **COUNCILMAN REESE**

526 I'm – sitting up here, and I'm not an attorney, okay. But I've heard allegations here, that I
527 – want Mr. Gregory come up here and – talk to these allegations that these attorneys are
528 making here. And what they're doing to me is – (inaudible) not above (inaudible). If
529 there's – talk like this going on, then what are we even doing here?

530

531 **MAYOR GOODMAN**

532 Well –?

533

534 **COUNCILMAN REESE**

535 I'm talking about this – flipping. They're – admitting that they, they been approached.
536 That all they're gonna do is flip this property, and I – don't want to hear this stuff any
537 more –

538

539 **MAYOR GOODMAN**

540 Okay, well I appreciate.

541

542 **COUNCILMAN REESE**

543 (inaudible) either pass this project on its merits or we will not riot because there's illegal
544 activity going on, as far as I'm concerned.

545

546 **MAYOR GOODMAN**

547 Okay, well I – received a letter from –

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

548 **JORGE VOCHANEZ**

549 Can I answer any other questions while I'm up here?

550

551 **MAYOR GOODMAN**

552 Not right now, thanks.

553

554 **JORGE VOCHANEZ**

555 Thank you.

556

557 **MAYOR GOODMAN**

558 I received a letter from Mr. Gregory, which I read over the noon hour, and the very
559 allegations that have been addressed today were addressed in that letter, as though it was
560 a preempted strike on his part, anticipating what was gonna be said. And he denies that
561 he has any intention, other than to develop the property. He denies ever saying that he
562 wasn't going to use a union help. And, basically what it comes down to, Mayor Pro Tem,
563 is that we wanna see these –kinda projects in our downtown. We don't want to see them
564 delayed, and we don't want to be taken advantage of and defrauded by representations,
565 where people come to us and they ask for entitlements, and then we see that the next
566 thing that they do is they're trying to flip the property. But truth of the matter is, I think
567 we have to judge the project on its merits. And we're in America, if there's a flipping
568 there's a flipping. But that's why I want to put this year limitation on it, so that it has to
569 come back and we have to see that there's progress.

570

571 **COUNCILMAN REESE**

572 Your Honor, if I could I would like to ask Mr. Gregory a question. Did you in anybody
573 presence – did you ever tell anybody what's – been said here today, you were gonna flip
574 this property?

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

575 **STEVE GREGORY**

576 Never.

577

578 **COUNCILMAN REESE**

579 And they're – saying, Your Honor, that they was told by this applicant that that's all he's
580 gonna do is flip this property.

581

582 **STEVE GREGORY**

583 That's absolutely inaccurate.

584

585 **MAYOR GOODMAN**

586 What did you say if anything about your intentions of, on this piece of property?

587

588 **STEVE GREGORY**

589 To build this project, Your Honor. Currently, just to give you a little bit of a back
590 ground. My background is in finance. I spent 38 years in the security's industry. A
591 significant portion of my net worth is tied up in this project. I do own other projects here
592 in Las Vegas. I'm currently developing, since there was an allegation made I had no
593 experience. I'm currently developing a 250 lot subdivision outside of St. George, Utah,
594 two multi million dollar homes in Cabos San Lucas, Mexico and 40 condominiums in
595 Puerte Viallarta, Mexico. So, to say I have no experience is in accurate.

596

597 **MAYOR GOODMAN**

598 All right. Well –

599

600 **STEVE GREGORY**

601 It is my intent to build this project –

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

602 **MAYOR GOODMAN**

603 What I don't want to do – Mayor Pro Tem. I – feel like Ms. Mazio and the Congressman.
604 The only difference is there's nothing to drink, pardon me. But – the, I don't want to start
605 putting you under oath. I mean, I – really don't, I don't like to do that. I really don't, but I
606 think we have to proceed. Unless Mr. Miley, do you wanna give us specifics as to when
607 these statements were made?

608

609 **EDWARD MILEY**

610 I – can't give you the exact date. There – were several people in the room –

611

612 **MAYOR GOODMAN**

613 All right. Who – was there, and –

614

615 **EDWARD MILEY**

616 – Michael McDonald, Richard Henry, I believe that Mr. Gregory was there, I don't –
617 know if Mr. Clapsaddle was there or not and I forget, Ms. Shaw was there.

618

619 **MAYOR GOODMAN**

620 And what was his statement that was made?

621

622 **EDWARD MILEY**

623 Basically I – said, you don't have the money, I'm not opposed to it, let's work out a deal.
624 I don't want to be around, if you're gonna build. Give me some space in there, so I can
625 move out for a couple years –

626

627 **MAYOR GOODMAN**

628 How about – the flipping?

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

629 **EDWARD MILEY**

630 Well, that's when he said. We – bought this property next to us, behind you for 38 dollars
631 a square foot, amalgamated. And they volunteered that, and I was like, I was in shock,
632 because I thought property was about 145 a square foot. They said we're looking to sell
633 this property behind you for 17 million dollars, is what they said. They just also said
634 basically that they want to work out a deal, pay me below market interest rate (inaudible)
635 square foot for my property, and then split it 50, 50, and Mr. Reese and I spoke about that
636 in his chambers the other day. And split it 50, 50 when the project ever goes forward –

637

638 **MAYOR GOODMAN**

639 All right –

640

641 **EDWARD MILEY**

642 With respect to union labor, Your Honor, I even got on the phone with the labor union
643 that afternoon and said just guess he conversation I had today. As an officer of the court,
644 you've seen me in court before, Mr. Wolfson seen me in court before. I'm on the State
645 Bar Committee, I disbar attorneys for lying. The fact that (inaudible) question by
646 someone who's not even from this state. Who's had, who has already admitted, I don't
647 know how much money tied up in this project. I find personally insulting and offensive.

648

649 **STEVE GREGORY**

650 First of all, my residence is 283 Pear Meadow Street in Henderson, Nevada, for the
651 record.

652

653 **MAYOR GOODMAN**

654 All right. Thank you gentleman. Okay, anybody else wanna be heard? Yes, ma'am.

655 Let's have a calm reasoned presentation.

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

656 **GLEND A SHAW**

657 Glenda Shaw, 916 South Casino Center Boulevard. I am a 48-year resident of Las
658 Vegas. I love the city; I have a good reputation in this town. And, I was present at all of
659 these meetings. Perhaps there has been some miscommunication or a misinterpretation
660 of the word joint venture. Joint venture is not flipping. We did discuss doing joint
661 venture on this property. We are flipping and have flipped other properties that we have
662 purchased in the Centennial area. And are, presently do have those on the market. So
663 that we have all of the sufficient funds to do this project. This project is our focus for
664 development. As far as the fire, we have had lots of homeless, and as the weather
665 change, we get a lot of them breaking in constantly. We are constantly on top of getting
666 these properties cleaned up. It is a weekly job, almost daily any more because they keep
667 breaking into these residences. We're doing everything we can, we do have security that
668 patrols the area for us, reports to us and we send our maintenance people out as soon as
669 we possibly can to clean up the mess, bur up the mess and keep them from being a health
670 or liability hazard.

671

672 **MAYOR GOODMAN**

673 Thank you.

674

675 **COUNCILMAN REESE**

676 Where by. Excuse me, Your Honor.

677

678 **MAYOR GOODMAN**

679 Yes. Certainly, Mayor Pro Tem.

680

681 **COUNCILMAN REESE**

682 Ma'am.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

683 **GLEND A SHAW**

684 Yes.

685

686 **COUNCILMAN REESE**

687 What about that property that was showing, that the Mayor was asking that
688 Neighborhood Services go clean up – right away?

689

690 **GLEND A SHAW**

691 That is right behind Mr. Miley's office. The fire started on a Saturday evening –

692

693 **COUNCILMAN REESE**

694 No, I'm not talking about the fire. I'm talking about the picture he showed after that.

695

696 **GLEND A SHAW**

697 Sure. That he said was done today?

698

699 **GARY REESE**

700 Yes.

701

702 **GLEND A SHAW**

703 Yes, we had a crew over there this morning, cleaning up. They had other jobs to do
704 before they went to this property. It got broken into again, over the last couple of days
705 because of the weather, and because of Halloween last night, there were a lot of them that
706 broke in again. We keep – trying to mitigate these problems but unfortunately, these are
707 distress properties that are uninhabitable, so we boarded them up.

708

709 **COUNCILMAN WOLFSON**

710 Mayor Goodman.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

711 **MAYOR GOODMAN**

712 Yes, Councilman.

713

714 **COUNCILMAN WOLFSON**

715 With Mayor Pro Tem's permission.

716

717 **GARY REESE**

718 Yes.

719

720 **COUNCILMAN WOLFSON**

721 You know, I bought two properties on 7th and Bonneville about 6, 7, 8 years ago. And
722 one of them was boarded up and the other one was close to it, and rather than leave them
723 in that condition so that the things you described occur, I leveled them. Why don't you
724 do that?

725

726 **GLENDIA SHAW**

727 And, we are.

728

729 **STEVE GREGORY**

730 We would be happy to level those properties, Councilman.

731

732 **GLENDIA SHAW**

733 We have taken bids on them. And unfortunately, there are so many demolition jobs out
734 there that we have to wait our turn. And unfortunately, we have a waiting period to in
735 order to get those demolition. Yes, we have got, especially those that are uninhabitable.

736

737 **MAYOR GOODMAN**

738 All right. Thank you, ma'am.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

739 **MARGO WHEELER**

740 Mr. Mayor.

741

742 **MAYOR GOODMAN**

743 Yes.

744

745 **MARGO WHEELER**

746 I apologize.

747

748 **MAYOR GOODMAN**

749 No problem.

750

751 **MARGO WHEELER**

752 Just one point of clarification for the record.

753

754 **MAYOR GOODMAN**

755 Yes.

756

757 **MARGO WHEELER**

758 This project is not within the Downtown Centennial Plan area.

759

760 **MAYOR GOODMAN**

761 All right. Thank you. All right. Anybody else wanna be heard before we close the public
762 hearing? I – guess apparently so.

763

764 **LARRY HARRISON**

765 My name is Larry Harrison. I have an office at 724 South 9th Street. I am not adverse to
766 the project itself. My concerns is that I have four or five licensed agents in my office at

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

767 any given time. And, when you're going through this construction process, my concerns
768 as I'm driving up and down the other corridors is the construction and trucks, the –
769 utilities, the tearing up of the street, and no access or limited access to my office. I've,
770 as soon as I heard about this project I put my office up for sale. That was over 90 days
771 ago. I've yet to have anybody come through because of the concerns that I'm expressing
772 today is limiting me from even being able to sell my project. I – think that my office
773 would make an excellent construction office. I'd like to see them use my office as a
774 construction office, level it for parking, for rural parking, whatever it might be. But
775 (inaudible) to be there, my office is very much like a retail store, in that I am offering
776 health insurance. And I need to have easy access to my office or this project can sink me
777 during the next three to five years if we have construction delays. That's my concern –
778

779 **MAYOR GOODMAN**

780 All right. I'm asking the City, the City Manager to send the gentleman a bill for that free
781 advertisement. All right. Very good, thank you. All right. Any body else?
782

783 **JOSEPH E. THERIET**

784 I'd like to say that.
785

786 **MAYOR GOODMAN**

787 Please – give us your name, please.
788

789 **JOSEPH E. THERIET**

790 Oh my name is Joseph E. Theriet. I came here in 1940 to teach high school at the Las
791 Vegas High School. And in 1942, I bought the property at 621 South 9th Street. I've
792 lived there every since, had lots of chances to sell, but I – like the area, I think it is a
793 wonderful place, it's close to town. I use to walk to high school. I think that it's a good

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

794 place to live, a good place to be. And I think that this project will improve the place. I
795 would like to have some real neighbors. I 've got a lot of – lawyers, you know. But –

796

797 **MAYOR GOODMAN**

798 And – lawyers are not neighbors, I know that –

799

800 **JOSEPH E. THERIET**

801 Well yeah – they're neighbors but I don't see them. And (inaudible) I think that this
802 would improve (inaudible). I believe we're very happy to have a nice restaurant
803 (inaudible) close, so I could (inaudible) maybe dinner. Any rate, I'm in favor of it and I
804 hope that it – goes through. Thank you.

805

806 **MAYOR GOODMAN**

807 All right. Thank you, sir. 'Kay, anybody else? All right. Seeing none, we'll close the
808 public hearing. I got a couple questions, Mr. Clapsaddle.

809

810 **DAVE CLAPSADDLE**

811 Yes, Sir.

812

813 **MAYOR GOODMAN**

814 Do you have the financing in place for the project?

815

816 **DAVE CLAPSADDLE**

817 Let me defer to Mr. Gregory or Mr. Shaw or Mrs. Shaw.

818

819 **MAYOR GOODMAN**

820 All right.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

821 **DAVE CLAPSADDLE**

822 I can tell you this, is that when Glenda was talking about joint venturing with a partner,
823 we are in the midst of doing that. We own – this dirt, we are – negotiating with joint
824 venture partners who can come in and help us build this. As far as financing, normally
825 you go do that as, after entitlements then you have a project to go and talk to a financier
826 about. But let me refer to Mr. Gregory to tell you about his activity (inaudible) financing
827 –

828

829 **MAYOR GOODMAN**

830 Okay, but as far as you know. Your – answer, I'm gonna take it is a long way of saying,
831 no, you don't.

832

833 **DAVE CLAPSADDLE**

834 I'm gonna say, I'm gonna defer to the owner.

835

836 **MAYOR GOODMAN**

837 Okay, so I'll – strike your answer then. Okay, fine.

838

839 **STEVE GREGORY**

840 Mr.– Mayor, we've – had discussions with several groups. As the same, my –
841 background is finance and Wall Street for the last 30 years. Up until my retirement last
842 December 31. I was the national spokesperson for the Aim Management Group, which is
843 one of the largest money management companies in the whole world. We have a local
844 funder who has funded another project here, who's expressed interest in providing up to
845 20 million dollars worth of equity financing. But as my colleague here said, until such
846 time as we have the entitlements it really is difficult to be able to quantify exactly what is
847 going to be needed. So the short answer is we have interest, but do we have something in
848 place right now? The answer is, no.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

849 **MAYOR GOODMAN**

850 How much will the project cost to build?

851

852 **STEVE GREGORY**

853 But let me – defer to Mr. Clapsaddle. We're saying some where in the neighborhood
854 around, depending upon. And – the good news is that construction cost have been
855 coming down.

856

857 **DAVE CLAPSADDLE**

858 It's, I would hate to give him a figure. But construction costs are coming down. The cost
859 of steel is coming down, the cost of concrete is coming down, the cost of – dealing these
860 types of – projects –

861

862 **MAYOR GOODMAN**

863 How much will it cost you?

864

865 **DAVE CLAPSADDLE**

866 – that we've seen in the past will help us get it built quicker –

867

868 **MAYOR GOODMAN**

869 How much will it cost?

870

871 **DAVE CLAPSADDLE**

872 To – do this, I –

873

874 **STEVE GREGORY**

875 Somewhere – in excess of a hundred million –

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

876 **DAVE CLAPSADDLE**

877 Probably.

878

879 **MAYOR GOODMAN**

880 All right –

881

882 **DAVE CLAPSADDLE**

883 I would just hate to tell you –

884

885 **STEVE GREGORY**

886 And –

887

888 **MAYOR GOODMAN**

889 – when will it be built? When is it gonna be finished?

890

891 **STEVE GREGORY**

892 As soon as physically possible, Your Honor. And does that mean in the next two years,

893 does that mean we can start in a year? The – process right now of getting – building

894 permits, plans approved could take 12 to 18 months. We would like to start this as soon

895 as possible because quite frankly, this is not the best use of my money. I would like to see

896 this project get under way, as quickly as humanly possible. That's all that I can tell you.

897

898 **MAYOR GOODMAN**

899 Well, assuming that this Council approves the project –

900

901 **MR. GREGORY**

902 Yes, Sir.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

903 **MAYOR GOODMAN**

904 And assuming that part of the motion by the Mayor Pro Tem would be to have a year
905 review on this. What could we expect to hear at the end of the year, as to the progress
906 made on this?

907

908 **STEVE GREGORY**

909 Well, I'd like to say that within six months that, you know, Your Honor and members of
910 the Council we have a builder lined up, we have construction financing in place, we have
911 equity financing. I'd like to be able to come back within six months and tell you that we
912 have something concrete to move forward. Again, it is my intent to move forward with
913 this project, as quickly as possible. There is no reason for me to sit on these entitlements.
914 As – was mentioned before, I have other properties that's up for sell. I've not come for
915 this Council, saying that I'd like entitlements on this property, when I never had any
916 intention. I, Casino – Center Boulevard. So, if you'd like me to come back here in three
917 months, six months, nine months, 12 months I'd be more than happy to tell you exactly
918 what we're doing you know, and the progress that we're making. I'm in totally sincere in
919 telling you that this project is for real, and we're going to move it as quickly as possible to
920 get this thing approved and to get this thing built.

921

922 **MAYOR GOODMAN**

923 Thank you. All right. Are there any other questions?

924

925 **COUNCILMAN WOLFSON**

926 Yes, Your Honor.

927

928 **MAYOR GOODMAN**

929 Yes, Council (sic) Wolfson.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

930 **COUNCILMAN WOLFSON**

931 I think I know the answer to this question but, Mr. Lewis, entitlements run with the land
932 not the owner; is that right? So, if we grant the entitlements as requested and it's flipped
933 or sold or whatever you wanna call it and the new owner comes in, that new owner has
934 the entitlements. So we can't condition entitlements on just this owner; is that right?

935

936 **JIM LEWIS**

937 Mr. Councilman that is correct. You – can condition the entitlements as you see fit
938 within your discretion. But with regard to this property owner, he may not be the
939 property owner within the year.

940

941 **COUNCILMAN WOLFSON**

942 And the reason I bring this up for obvious reasons, is we're – judging some integrity here
943 –

944

945 **STEVE GREGORY**

946 Absolutely.

947

948 **COUNCILMAN WOLFSON**

949 – and the gentleman sounds credible, he sounds believable. But I'd hate to grant the
950 entitlements and like we all have the concern, six or 12 months from now, he's gone
951 because a better deal came around. And then we have to rely on a new owner, who may
952 take another two or three or four years and it's just sitting there.

953

954 **MAYOR GOODMAN**

955 Mayor Pro Tem, may I ask this question?

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

956 **COUNCILMAN REESE**

957 Absolutely.

958

959 **MAYOR GOODMAN**

960 Thank you. Assuming that we put a year review on it, and at the end of the year we
961 conclude that there really hasn't been sufficient movement to have the project actualized.
962 We can then remove the entitlements, can we not?

963

964 **JIM LEWIS**

965 Mr. Mayor, is that question for me?

966

967 **MAYOR GOODMAN**

968 Yes.

969

970 **JIM LEWIS**

971 Yeah, the answer is it's not so much you'd be putting review on your Site Plan review,
972 today or your Special Use Permits. They would be special, their entitlements would be
973 for a time certain. So, they would expire in one year. So they would have to come back
974 for it again, and they would have to indicate to you why it is they need the extension.

975

976 **MAYOR GOODMAN**

977 Right, okay, that – was my intention when I began to talk about this, because I did not
978 want us to be taken advantage of. I didn't want developers, and I'm not talking about this
979 particular instance, to come before us, get the entitlements and, we don't have, I'm more
980 interested and the Council's more interested in the project.

981

982 **JIM LEWIS**

983 Absolutely –

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

984 **MAYOR GOODMAN**

985 Rather than who's building, whether or not you're gonna make money from it. We wanna
986 see these kind of developments in our downtown and throughout our city. And we –
987 have to have some kind of a – hold on it, that if they're not progressing in a reasonable
988 manner that we have the right to then terminate the entitlements and go back to square
989 one. And that's our intention. All right. Very good. All right, Mayor Pro Tem.

990

991 **COUNCILMAN REESE**

992 Thank you, Your Honor. I wanna thank the Councilmembers for their questions. I
993 wanna thank the applicants, as well as the residents. How much I appreciate their
994 meeting. I – really thought we might be able to come up with some type of agreement. I
995 don't think we have. I do have some added conditions. I guess the first condition I
996 wanna put on here, and this is – just because I've been sitting here today and some of
997 things that Mr. Miley had to present to us. I would ask staff, is there any way we
998 condition this property, and I'm not – trying to use it, as far as getting the project built.
999 But I would like to see this whole project demolished and a fence put around it until such
1000 time that they start construction.

1001

1002 **STEVE GREGORY**

1003 May I make a point of reference here. Right now we have a, quite a viable shopping
1004 center on Charleston. It is fully leased, and so this is good rent paying customers –

1005

1006 **COUNCILMAN REESE**

1007 How 'bout – the empty ones?

1008

1009 **STEVE GREGORY**

1010 The empty ones? Right now there is only one empty, and we're – referring to the – 10th
1011 Street properties at 700, seven oh eight and 712. Seven oh eight is owner occupied,

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1012 actually the gentleman that I purchased the property from, is occupying that property. It's
1013 712 that is vacant at this point. And based upon our analysis it's really impossible to
1014 rehab that property. And so I would be more than happy to – demolish that property.

1015

1016 **COUNCILMAN REESE**

1017 Is that the burnt house structure?

1018

1019 **STEVE GREGORY**

1020 Yes, Sir, it is.

1021

1022 **COUNCILMAN REESE**

1023 Which is the one that Mr. Miley, right behind Mr. Miley's?

1024

1025 **STEVE GREGORY**

1026 That – is the one that Mr. Miley was referring to, it's seven, 712.

1027

1028 **COUNCILMAN REESE**

1029 We can get that demolished right now?

1030

1031 **STEVE GREGORY**

1032 We can get that demolished as soon as – the Council requested. Within 30 days, I'm sure
1033 there's no problem.

1034

1035 **COUNCILMAN REESE**

1036 Within 30 days would be my condition then.

1037

1038 **STEVE GREGORY**

1039 Very good.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1040 **JIM LEWIS**

1041 Mr. Mayor Pro Tem, I would either put that condition on Item 74 or 76 or above.

1042

1043 **GARY REESE**

1044 Councilwoman.

1045

1046 **MAYOR GOODMAN**

1047 Councilwoman, did you wanna say something?

1048

1049 **COUNCILWOMAN TARKANIAN**

1050 I did wanna say anything (sic). I – got lost a little bit there between those comments

1051 (inaudible). So excuse me. And I maybe taking a different tack in this. I – just wanted

1052 to note, that I'm very concerned about the consistency that we have in development

1053 within the city. And we need to look at the message we're sending to the development

1054 community and those people as well as to the neighborhood surrounding the areas of the

1055 development. My concern is that this site is outside of the Centennial plan as, Betsy

1056 Fretwell mentioned, but at the same time we're continuing to discuss limiting height on

1057 other major commercial quarters that are within the Centennial plan. And to me, it's just

1058 let's have a plan one way or the other, and keep within that plan. I think that way we're

1059 not causing problems within the building community.

1060 The applicants who applies to me, were not very definite on cost or where the financing it

1061 could be obtained. I think the intensity of this building is at great variance with the

1062 neighborhood. I thought that Councilman Wolfson had excellent point on the granting of

1063 entitlement. We've been granting entitlements, and we've been noting in open meetings

1064 for some time now that there are many problems recently on the delays that are caused.

1065 So, I just wanted to voice my concerns in this. And, thank you very much for listening,

1066 and thank you very much, Councilman Reese, for letting me have those comments.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1067 **COUNCILMAN REESE**

1068 You bet.

1069

1070 **MAYOR GOODMAN**

1071 All right. Thank you.

1072

1073 **COUNCILMAN REESE**

1074 And again, I – can certainly appreciate that, the locations. I think we've, I've tried to look
1075 at each project that comes before me more on its merit rather than what's built around the
1076 corner. And I think some projects need to be built, and some of them need to go back
1077 and be redone or relooked at. And so, this one here I went by there probably five or six
1078 different times. I have concerns, I think I've – brought this out, I have concerns about
1079 once the project is built, how we're gonna affect the flow of traffic. I had concerns about
1080 the gentleman that has an office down there. During construction how we're gonna effect
1081 his – in and out, his parking for his customers, his real estate people. That bothers me
1082 also, because I'm a small businessman myself and I understand what parking is. And all
1083 these things we don't have any records. I would hope because of the SohoLofts that we
1084 would be able to see what kind of traffic problem is generated on one of these high rises.
1085 But we got construction going on downtown and when we try and get downtown it's
1086 pretty impossible. And I – really think that if we allow this project to be built, that we are
1087 going to have problems during construction and after construction. And I wanna add a
1088 condition on here that six months or a year after this project is completed that if there's a
1089 need for traffic signalization, one spot, two spot, three spots, four spots because of this
1090 project that the developer will fund and will put in those mechanisms that we have to
1091 have for traffic control.

1092

1093 **STEVE GREGORY**

1094 Councilman Reese, we are happy to commit to that.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1095 **COUNCILMAN REESE**

1096 Okay, that will be my condition number 10 then. Also, I – don't know whether I can, but
1097 I do have a problem with what Mr. Miley indicated as far as union work. I would hope
1098 that you would commit on your own, that you will make sure that this is built 100 percent
1099 union.

1100

1101 **STEVE GREGORY**

1102 Absolutely. We, as I said, I don't recall that that was ever brought up. But we have no
1103 problem with that, and that would be a commitment.

1104

1105 **COUNCILMAN REESE**

1106 I won't speak for the other Councilmembers, but I do have a concern about that also. So,
1107 that would be my condition number 11. They volunteered that.

1108

1109 **JIM LEWIS**

1110 Mr. Mayor – Pro Tem. I hate to interject at this time –

1111

1112 **MAYOR GOODMAN**

1113 Well then, don't.

1114

1115 **COUNCILMAN REESE**

1116 He volunteered.

1117

1118 **JIM LEWIS**

1119 I – think, I think it's – good to hear from the applicant that this would be in fact that –

1120

1121 **COUNCILMAN REESE**

1122 (inaudible)

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1123 **JIM LEWIS**

1124 –Union raider. But I – might advise against making that a condition of approval. I'm not
1125 sure that could, that is enforceable, that it can go to the RJC and enforce that on your
1126 behalf.

1127

1128 **MAYOR GOODMAN**

1129 Right.

1130

1131 **JIM LEWIS**

1132 So, I would just recommend that we've heard it on the record. I think that we can enforce
1133 it as gentlemen but I'm not sure I would advise it being on our application as a condition.

1134

1135 **COUNCILMAN REESE**

1136 Well, I don't know how to use dynamite either.

1137

1138 **STEVE GREGORY**

1139 We – are, we are on the record.

1140

1141 **COUNCILMAN REESE**

1142 Okay. My – first condition that I would add then. I'm gonna read these in, and Margo
1143 will put them wherever they become necessary, okay? She's sticking his tongue out at
1144 me.

1145

1146 **STEVE GREGORY**

1147 Oh.

1148

1149 **MARGO WHEELER**

1150 Is this – Mayor Pro Tem, is this the list that Mr. Clappsaddle provided?

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1151 **COUNCILMAN REESE**

1152 Yes.

1153

1154 **MARGO WHEELER**

1155 Just – to go over that, to review those. With regards to the construction plan, there is a
1156 condition already written with regard to the construction plan. What I think would be
1157 good to add is that during the construction phase of the project, the applicant shall
1158 provide a contact person, email address and telephone number to the Council Ward office
1159 and the Planning and Development Department, as a contact on a 24-hour basis. I think
1160 that is one that we don't have that – we should have, that you, should be added. The
1161 provision of a security barrier to ensure the protection of properties butting the neighbors
1162 during construction subject to the approval of the Building and Safety Department is
1163 another one that could be added that is not in there. If the Councilman wishes, this
1164 shadow study submitted to the department prior to commencement of the construction,
1165 but I don't know what we would do with that.

1166

1167 **COUNCILMAN REESE**

1168 Yeah, I – don't either. That's –

1169

1170 **MARGO WHEELER**

1171 Right, so, I – that's some rewording on a couple of them. If there's others, Sir, we'll
1172 certainly work with you on that.

1173

1174 **COUNCILMAN REESE**

1175 Kay. Well, the first one I had was the applicant shall amend the site Development Plan to
1176 add an additional. An additional level of parking to the parking garage. The applicant
1177 shall ensure their portion on the Retail Mix of the project shall include a nice restaurant.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1178 **MARGO WHEELER**

1179 A nice restaurant.

1180

1181 **COUNCILMAN REESE**

1182 During construction phase of the project the applicant shall provide an offsite staging
1183 area and transport employees to the site. And I don't know that we, the City have enough
1184 staff to go out there and man that, make sure that's it's done. But if one of the –
1185 businesses in the area, if they call and complain about employees parking in front of their
1186 businesses I would like to have them, give them the ability to have the car towed
1187 immediately. I mean if – they don't call you guys first, Margo I'm just talking right now,
1188 it's not a condition. But if – they call you and if you don't respond, like you got that 24
1189 hour, you promise me you'll have a 24-hour number where somebody can call. And if
1190 they know somebody pulling in there with there hard hat and walking across the street
1191 and they call you and the car isn't removed within a reasonable amount of time, that they
1192 have a right to have that car towed.

1193

1194 **STEVE GREGORY**

1195 No, I – have no problem with that, Councilman.

1196

1197 **COUNCILMAN REESE**

1198 Because, I – definitely feel, I don't want to put any of these people that have business
1199 there out of business. I want this to be a project that's gonna to help all those people in
1200 this area.

1201

1202 **STEVE GREGORY**

1203 You have my assurance that we would like to be the best of neighbors.

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1204 **COUNCILMAN REESE**

1205 Okay.

1206

1207 **DAVID CLAPSADDLE**

1208 On – top of that Mayor Pro Tem, we have to give your staff a plan for construction, that

1209 will all be part of the plan. So, all this be written in not only as conditions of approval.

1210 When we come back to your staff and give you a construction plan and a schedule and all

1211 that, all of this will be incorporated into that report.

1212

1213 **COUNCILMAN REESE**

1214 Thank you.

1215

1216 **BART ANDERSON**

1217 Mayor Pro Tem.

1218

1219 **COUNCILMAN REESE**

1220 Yes.

1221

1222 **BART ANDERSON**

1223 I'm sorry, Bart Anderson, Public Works –

1224

1225 **COUNCILMAN REESE**

1226 I know you.

1227

1228 **BART ANDERSON**

1229 I'm just a little bit concerned over how such – a request would be enforced. That we

1230 would have selective public parking on the street. And some people can and some people

1231 can't. And who would do the towing –

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1232 **COUNCILMAN REESE**

1233 I'm only talking about – the – businesses will know. Okay, if the car has been parked out
1234 there for seven hours, two days in a row they know they've been working over here.

1235

1236 **BART ANDERSON**

1237 I know that.

1238

1239 **COUNCILMAN REESE**

1240 But if they call them and ask them to have this car moved, they should – go and move it.

1241

1242 **BART ANDERSON**

1243 And who do they call to have the car towed away?

1244

1245 **COUNCILMAN REESE**

1246 They can call a towing company or somebody, there's a whole bunch them in the yellow
1247 pages.

1248

1249 **BART ANDERSON**

1250 Well, I understand that, but – at whose expense is it going to be towed? And on whose
1251 authority?

1252

1253 **COUNCILMAN REESE**

1254 The car owner's expense after – he's been warned and stuff. Yes, it's gonna be the – car
1255 owner's expense. They're gonna be told. Their – gonna ensure all their employees –

1256

1257 **BART ANDERSON**

1258 I understand.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1259 **COUNCILMAN REESE**

1260 They're gonna be told that they can't , that this is where they're gonna pick you up over
1261 here at this designated area and we're gonna bring you over here to the site.

1262

1263 **BART ANDERSON**

1264 Can, how –

1265

1266 **COUNCILWOMAN TARKANIAN**

1267 Mr. Councilman, if I can just interject. If you – work that out and it works well, I want
1268 you to give me that plan to use for those parking places on Sahara that we've been
1269 fighting for a year and a half. And where we've done everything you've done and code
1270 cited. They just don't listen to us. I've told the Mayor, it's not right they don't listen to us,
1271 but they don't.

1272

1273 **COUNCILMAN REESE**

1274 Well, but again though, you know this is – new territory and we – got businesses over
1275 here it's not like between Maine and Las Vegas Boulevard. They're going into an
1276 existing neighborhood. And again, this is not the first time I've been involved in this.
1277 When the attorney's moved in there, I had the same kinda meetings. And they didn't
1278 want people parking, the – home owners they didn't want people parking in front of their
1279 homes either. That they had their – way to get in their driveways, they – blocked their
1280 driveways. I – went through this before. You have to enforce it.

1281

1282 **BART ANDERSON**

1283 If I may then suggest that the condition require the applicant to coordinate with Parking
1284 Enforcement to come up with a plan for limiting or –

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1285 **COUNCILMAN REESE**

1286 You could've said that right at the beginning.

1287

1288 **BART ANDERSON**

1289 I apologize, Sir.

1290

1291 **COUNCILMAN REESE**

1292 Okay.

1293

1294 **BART ANDERSON**

1295 I'm thinking on my feet and I'm slow.

1296

1297 **DAVID CLAPSADDLE**

1298 We will do, we will incorporate what Mr. Anderson is talking about –

1299

1300 **COUNCILMAN REESE**

1301 The parking (inaudible)

1302

1303 **DAVID CLAPSADDLE**

1304 As the part of the – part of the construction plan. Yes, Sir.

1305

1306 **COUNCILMAN REESE**

1307 And again, I wanna emphasize, this is something to me that is very very new. We don't

1308 know what's gonna happen once this project is done. We don't know how it's gonna

1309 affect traffic. We don't know whether we're gonna have to make oneway streets. We

1310 don't know whether we gone have to put in a traffic signal at – 8th and Bonneville. We

1311 don't know how it's gonna affect traffic. I wanna make sure that this project is as hundred

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1312 percent good as we could possibly make it. And I think working with the applicant we
1313 can do that.

1314

1315 **JIM LEWIS**

1316 Mr. Mayor.

1317

1318 **COUNCILMAN REESE**

1319 Yes.

1320

1321 **JIM LEWIS**

1322 Jim Lewis, City Attorney's office. Mr. Mayor Pro Tem, I – think that with regard to this
1323 condition, Bart, I think we do need to say pursuant to provisions of our Code the
1324 applicant will do so, because we, our Code doesn't allow the City to tow these cars
1325 legally. We don't want to create a new thing or just for this, because we may not be able
1326 to do so. So I would just ask that we add to the condition pursuant to Las Vegas
1327 Municipal Code, the applicant will blow, blow, blow, blow. We, it'll be dangerous for us
1328 to have City Parking Enforcement created having those rules created for this project
1329 itself. We may be able to come up with a comprehensive framework for these projects,
1330 as well. But it would be deemed as a case by case basis, to try to amend our Code
1331 through site plan reviews. So, I would just ask that we add that as part as the condition.

1332

1333 **COUNCILMAN REESE**

1334 That's fine.

1335

1336 **JIM LEWIS**

1337 Thank you, Sir.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1338 **COUNCILMAN REESE**

1339 And also –

1340

1341 **MAYOR GOODMAN**

1342 And – as long as you're talking about this, gentlemen. This is not gonna be the first – this
1343 is the first time a project of this magnitude is being built in a residential area –

1344

1345 **COUNCILMAN REESE**

1346 Yes, it is.

1347

1348 **MAYOR GOODMAN**

1349 But I think it's just the beginning of projects like this being built in residential areas. So it
1350 would do us well, Mr. Anderson and Ms. Wheeler, it would do us well as a city to begin
1351 enacting provisions, which they can be part of our Code, which will address issues like
1352 this, so there will be a consistency. And when developers come before us, they'll know
1353 exactly what they're going to be expected to do. This one here is sort of like a Ginny pig
1354 or a test case, but this is not gonna be the – last of these projects.

1355

1356 **MARGO WHEELER**

1357 Mayor, we agree. And the condition regarding the comprehensive construction staging
1358 plan is a required condition now on all of these projects.

1359

1360 **COUNCILMAN REESE**

1361 And – again Your Honor, we put in a SRO, single home occupant at 8th and Ogden. And
1362 we went kinda through the same – history there. We didn't – have anything to base our
1363 conditions on and we didn't have anything to base our parking requirements on. And so it
1364 was – brand new then. This is, to me this is kinda the same thing, only this is at a bigger
1365 magnitude, and I'm – skeptical. I'm scared to death what we're going to create here. But

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1366 again though, I've – had many many residents call me that was opposed to the – attorneys
1367 moving into this eight or nine years ago. So I – like I say I'm – trying to do what the
1368 constituents want. They – want this, I'm gonna try to make sure that we condition it such
1369 that we impact the people in the area the least amount that we can. And, I – feel like
1370 that's all we can do as a Council is to try, you know, the least impact we can have on
1371 them the better they're gonna like the project too.

1372 I'd like to have the hours of operation during the construction phase be between 6:00 am
1373 and 6:00 pm. The staging area we talked about, the safety barrier we've talked about.
1374 The shadow study, I – think it's important. I don't know who's gonna benefit from it but
1375 I'd like to see a shadow – study, to see how it's gonna affect.
1376 I think that's, that's all the conditions I have. Councilmembers is there anything else
1377 you'd like to add before I make the motions?

1378

1379 **MAYOR GOODMAN**

1380 Now, gentlemen are those conditions agreeable?

1381

1382 **STEVE GREGORY**

1383 They are indeed –

1384

1385 **DAVID CLAPSADDLE**

1386 They are.

1387

1388 **MAYOR GOODMAN**

1389 Very good.

1390

1391 **COUNCILMAN WOLFSON**

1392 Mayor Goodman.

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1393 **MAYOR GOODMAN**

1394 Yes.

1395

1396 **COUNCILMAN WOLFSON**

1397 Mayor Pro Tem, forgive me if – I didn't hear it, but did we say something about the one –
1398 year time frame?

1399

1400 **COUNCILMAN REESE**

1401 That's in there, yes. It's – an existing condition right now, but it says two years. I'm
1402 wanna change that to one year.

1403

1404 **MAYOR GOODMAN**

1405 Very good, thank you.

1406

1407 **JIM LEWIS**

1408 And, Your Honor.

1409

1410 **MAYOR GOODMAN**

1411 Yes.

1412

1413 **COUNCILMAN ROSS**

1414 Mayor Pro Tem, did we discuss, was there a condition in there about the parking garage
1415 being built first?

1416

1417 **COUNCILMAN REESE**

1418 I – went over the top of that one. That's my condition number four. During the
1419 construction phase of the project the applicant shall construct a parking garage, as the

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1420 first phrase of the project, provide onsite parking for employees building the Mixed Use
1421 portion of this development.

1422

1423 **MAYOR GOODMAN**

1424 Agreeable gentlemen?

1425

1426 **STEVE GREGORY**

1427 Yes, Sir –

1428

1429 **DAVID CLAPSADDLE**

1430 It's agreeable.

1431

1432 **MAYOR GOODMAN**

1433 Very good.

1434

1435 **COUNCILMAN REESE**

1436 Thanks, Sir. Okay, with that Your Honor, I'm gonna make **a motion on the General**
1437 **Plan Amendment, I make for approval of that item with all conditions, please.**

1438

1439 **MAYOR GOODMAN**

1440 All right. Item 69, let's vote on it, please.

1441

1442 **COUNCILWOMAN TARKANIAN**

1443 Could I just ask one question? You said that your, you've gone to the neighbors and you
1444 haven't had the complaints of the neighbors then?

1445

1446 **COUNCILMAN REESE**

1447 No, none.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1448 **COUNCILWOMAN TARKANIAN**

1449 No complaints from the neighbors.

1450

1451 **COUNCILMAN REESE**

1452 One of the residents that live there, the one lady that is in between the two attorneys,
1453 she's kind of, I think hesitant, I think that she's – scared a little bit. She told me that she
1454 really don't want it, but it wasn't an emphatic no. She just kinda said she didn't wanna
1455 have it.

1456

1457 **LOIS TARKANIAN**

1458 Okay, I – still have my concerns but the citizens in that area feel that way then (inaudible)
1459

1460 **COUNCILMAN REESE**

1461 Well, we – see a gentleman. And I – God bless him, I love him to death. Mr. Thierit
1462 comes here. We had a meeting here the other night at the same chambers, a hundred
1463 years old, he comes out to voice his opinion. And I want him to know how much I
1464 appreciate that. I think it's important that we have somebody that cares. And like they
1465 say, I have had many many meetings with attorneys over some the attorney offices being
1466 built, originally. So I – appreciate what he does, I appreciate what he has done and what
1467 he continues to do for his community, and I appreciate that.

1468 And so, Your Honor, **my motion on for it to approve the GPA.**

1469

1470 **MAYOR GOODMAN**

1471 All right. Let's vote, please. Post, motion carries. [UNANIMOUS]

1472

1473 **COUNCILMAN REESE**

1474 And on the – Rezoning 14338, I make **the motion for approval with all conditions.**

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1475 **MAYOR GOODMAN**

1476 All right. Please vote. Post.

1477

1478 **COUNCILMAN REESE**

1479 With a change in the condition there, Margo, one year –

1480

1481 **MARGO WHEELER**

1482 That's coming.

1483

1484 **COUNCILMAN REESE**

1485 Okay.

1486

1487 **JIM LEWIS**

1488 Margo, I wouldn't – think that you want **the one year on rezoning as well**. We can't get

1489 it on the GPA, but I think you gotta have a one-year time limit on the rezoning, as well.

1490 That way – it expire the Resolution of Intent expires too.

1491

1492 **MAYOR GOODMAN**

1493 Very good. All right. **That's the motion then.**

1494

1495 **RONI RONEMUS**

1496 Okay, that's an amendment –

1497

1498 **MAYOR GOODMAN**

1499 Yes.

1500

1501 **RONI RONEMUS**

1502 – to condition number two.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1503 **COUNCILMAN REESE**

1504 Yes.

1505

1506 **RONI RONEMUS**

1507 Is that correct, Margo?

1508

1509 **MAYOR GOODMAN**

1510 Yes, a one year review.

1511

1512 **MARGO WHEELER**

1513 Right, that would be a one-year expiration on the zoning, Item 70.

1514

1515 **MAYOR GOODMAN**

1516 Okay, let's vote please. Post, motion carries. [UNANIMOUS] Seventy-one, please.

1517

1518 **COUNCILMAN REESE**

1519 **On the Variance 14342 make the motion for approval with all conditions.**

1520

1521 **MAYOR GOODMAN**

1522 All right please vote. Post.

1523

1524 **COUNCILMAN REESE**

1525 And on –

1526

1527 **RONI RONEMUS**

1528 Councilman Ross, your vote didn't register. Thank you.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1529 **MAYOR GOODMAN**

1530 Carries. [UNANIMOUS]

1531

1532 **COUNCILMAN REESE**

1533 **On Item 72, I make a motion for approval with all conditions.**

1534

1535 **MAYOR GOODMAN**

1536 Thank you. Let's vote, please. Post. Carries. [UNANIMOUS]

1537

1538 **COUNCILMAN REESE**

1539 **And Item 73, Variance 14347. I would like to make a motion to strike that item.**

1540

1541 **MAYOR GOODMAN**

1542 All right. Let's vote, please. Post.

1543

1544 **MARGO WHEELER**

1545 Okay.

1546

1547 **COUNCILMAN REESE**

1548 That's the parking variance –

1549

1550 **MARGO WHEELER**

1551 Yea, I was just thinking for them to withdraw would then take it off (inaudible) –

1552

1553 **DAVID CLAPSADDLE**

1554 Either way is fine. Striking, I think would accomplish the same thing.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1555 **COUNCILMAN REESE**

1556 Sorry, Margo.

1557

1558 **MARGO WHEELER**

1559 Okay.

1560

1561 **MAYOR GOODMAN**

1562 There's been a motion to strike, let's vote.

1563

1564 **RONI RONEMUS**

1565 Councilman Weekly, your vote didn't register.

1566

1567 **MAYOR GOODMAN**

1568 Post, carries. [UNANIMOUS]

1569

1570 **COUNCILMAN REESE**

1571 **And Item 74 is Special Use Permit 14 three – 39. I will make a motion for approval**
1572 **with all conditions as amended.**

1573

1574 **MAYOR GOODMAN**

1575 All right. Thank you. Let's vote.

1576

1577 **MARGO WHEELER**

1578 How, I'm sorry. What amendment, Sir?

1579

1580 **COUNCILMAN REESE**

1581 Is – there – some on 74?

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1582 **MARGO WHEELER**

1583 Seventy-six will be the place, I believe to put them all especially the one you discussed
1584 with regard to the demolition. But since they well, may well not be exercising this SUP
1585 on the Mixed Use, immediately my thought would be to put it on the SDR.

1586

1587 **COUNCILMAN REESE**

1588 Okay, that's fine. Okay, with all conditions then.

1589

1590 **MAYOR GOODMAN**

1591 Okay, let's vote. Post, please. Motion carries. [UNANIMOUS]

1592

1593 **COUNCILMAN REESE**

1594 **And on eight, 75 make a motion with all conditions.**

1595

1596 **MAYOR GOODMAN**

1597 All right. Please vote. Post. Carries. [UNANIMOUS with Councilman Brown not
1598 voting]

1599

1600 **COUNCILMAN REESE**

1601 **And Item eighty, 76 is Site Development Review 14, three 49, make a motion for**
1602 **'proval with all conditions as amended.**

1603

1604 **MARGO WHEELER**

1605 May I take try to sure we got them all?

1606

1607 **COUNCILMAN REESE**

1608 Absolutely, please.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1609 **MARGO WHEELER**

1610 Okay, thank you. The change to condition number two, that the approval shall be for one
1611 year instead of two years with the rest of the language, and number two remaining. In
1612 number three, the development shall be in conformance with this submitted plans as
1613 shown in condition number three adding the phrase that a new site plan including ground
1614 floor restaurant use shall be submitted to provide parking to meet all Code requirements.
1615 So that will take care of the parking, Sir.

1616

1617 **COUNCILMAN REESE**

1618 Is that, I – want it in there though that they have, they gonna – add one more level of
1619 parking.

1620

1621 **MARGO WHEELER**

1622 Well, the issue. And – that certainly may, but this – would allow them, they either
1623 remove units or they add the parking.

1624

1625 **COUNCILMAN REESE**

1626 I don't – want them to remove the units. I want them to add the parking.

1627

1628 **MARGO WHEELER**

1629 Okay, so to provide parking within an additional level to meet Code.

1630

1631 **DAVID CLAPSADDLE**

1632 Will it increase in the parking garage height from six stories to seven –

1633

1634 **COUNCILMAN REESE**

1635 Yes.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1636 **DAVID CLAPSADDLE**

1637 Mayor Pro Tem, accomplish the same thing?

1638

1639 **COUNCILMAN REESE**

1640 Yes.

1641

1642 **MARGO WHEELER**

1643 Well again, my concern is we noticed the floors, the stories of the buildings. We could
1644 not at this time –

1645

1646 **COUNCILMAN REESE**

1647 No, they're just –

1648

1649 **MARGO WHEELER**

1650 Approve additional stories –

1651

1652 **COUNCILMAN REESE**

1653 No, they're – just gonna add one story of parking to what they, existing to what they
1654 have.

1655

1656 **MARGO WHEELER**

1657 Right and that would have to be subterranean. It would not be able to add to the height of
1658 the buildings.

1659

1660 **COUNCILMAN REESE**

1661 No, they're gonna – have the sixth floors of parking and they're gonna have –

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1662 **STEVE GREGORY**

1663 We would add one additional above ground parking in the sixth story parking structure.

1664 So we would go from six to seven. That would not change the height of the two

1665 buildings that would have the condominiums.

1666

1667 **MAYOR GOODMAN**

1668 You would have one less floor in your condominiums.

1669

1670 **STEVE GREGORY**

1671 No – Sir.

1672

1673 **COUNCILMAN REESE**

1674 The parking garage is right there.

1675

1676 **STEVE GREGORY**

1677 Since – the parking garage is separate –

1678

1679 **MAYOR GOODMAN**

1680 Oh, okay.

1681

1682 **STEVE GREGORY**

1683 We're talking separate.

1684

1685 **COUNCILMAN REESE**

1686 We can't do that, Margo?

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1687 **MARGO WHEELER**

1688 Well, the – problem, Sir, is that generally when we notice a 14 story and a 17 story
1689 building. We do not allow them to go any higher than what was noticed –

1690

1691 **COUNCILMAN REESE**

1692 But this – is the parking garage itself, though –

1693

1694 **MAYOR GOODMAN**

1695 It's – a separate building –

1696

1697 **STEVE GREGORY**

1698 It's separate.

1699

1700 **MAYOR GOODMAN**

1701 That's where I was confused. It's a separate building. The parking is separate from the
1702 condos.

1703

1704 **MARGO WHEELER**

1705 No, it's not.

1706

1707 **DAVID CLAPSADDLE**

1708 The site plan, if I may, Your Honor.

1709

1710 **MAYOR GOODMAN**

1711 Yes.

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1712 **DAVID CLAPSADDLE**

1713 To – Mayor Pro Tem and – Director Wheeler. The site plan shows a number of level and
1714 a height of the parking garage. What we're suggesting is that we would just take one
1715 more level and add it to that, to accomplish what you want. Every level has a certain
1716 number of parking spaces to it. I can't remember what it is off hand. But we would add
1717 one more level with that number of parking spaces to make sure we are over parked.

1718

1719 **MARGO WHEELER**

1720 Okay, then the language that – I had that the – new site plan, including ground floor
1721 restaurant use shall be submitted to provide parking within an additional level to meet
1722 Code requirements.

1723

1724 **COUNCILMAN REESE**

1725 That be fine.

1726

1727 **MARGO WHEELER**

1728 Okay.

1729

1730 **COUNCILMAN REESE**

1731 That's great.

1732

1733 **MARGO WHEELER**

1734 An additional condition that the property at seven-twelve 10th Street shall be demolished
1735 within thirty days. That during the construction of the project the applicant shall
1736 construct the parking garage as the first phase of the project to provide onsite parking for
1737 employees subject to the requirements of the Building Code. They need to be sure to
1738 meet that. That during the construction phase the applicants shall provide a contact
1739 person, email address and telephone number to the Council Ward office and Planning and

CITY COUNCIL MEETING OF
November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1740 Development Department, as a 24-hour contact. That the hours of operation of
1741 construction shall be limited to 6:00 am to 6:00 pm. That a safety barrier to ensure the
1742 protection of abutting properties be constructed subject to approval of Building Code
1743 requirements. A shadow study shall be prepared and submitted to the Planning and
1744 Development Department prior to the commencement of construction. And then I'll take
1745 that the applicant shall work with a Parking Enforcement, or do you wanna try these?

1746

1747 **BART ANDERSON**

1748 I can try it.

1749

1750 **MARGO WHEELER**

1751 You got 'em –

1752

1753 **BART ANDERSON**

1754 I'll try it.

1755

1756 **MARGO WHEELER**

1757 He'll try 'em.

1758

1759 **BART ANDERSON**

1760 With the caveat that Parking Enforcement is not a part of Public Works and I can't
1761 commit them, here is what I'll take a stab at. Pursuant to Municipal – Code provisions,
1762 provide a plan that can be approved by Parking Enforcement prior to the issuance of
1763 permits whereby any vehicles of contractors or employees associated with this
1764 development may be towed if they are parked along the street adjacent to property not
1765 owned by this applicant.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1766 **COUNCILMAN REESE**

1767 Great.

1768

1769 **BART ANDERSON**

1770 And I would defer to the attorneys to make sure that I'm not busting anything.

1771

1772 **JIM LEWIS**

1773 No. Mr. Mayor Pro Tem, that sounds great.

1774

1775 **BART ANDERSON**

1776 And I – have not addressed the signalization that you had spoke to. Did you want that to
1777 be a condition, as well?

1778

1779 **COUNCILMAN REESE**

1780 Absolutely, yes.

1781

1782 **BART ANDERSON**

1783 How about, coordinate with the, okay, we need a one year after development?

1784

1785 **COUNCILMAN REESE**

1786 Yes, after construction.

1787

1788 **BART ANDERSON**

1789 How – do we do that? Oh, well, yes –

1790

1791 **COUNCILMAN REESE**

1792 After completion.

*CITY COUNCIL MEETING OF
November 1, 2006*

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1793 **BART ANDERSON**

1794 Within one year after a Certificate of Occupancy is issued coordinate with traffic
1795 engineer to determine if additional signalization is required in the neighborhood as a
1796 result of this development. The developer shall be responsible for the total cost of all
1797 signalization required or recommended by the traffic engineer.

1798

1799 **DAVID CLAPSADDLE**

1800 Through you, Your Honor –

1801

1802 **MAYOR GOODMAN**

1803 Yes.

1804

1805 **DAVID CLAPSADDLE**

1806 We have no problem with that. We will after that, we will update our traffic study, bring
1807 it in, we'll sit down with your staff, what they tell us we have to do, we'll do.

1808

1809 **MAYOR GOODMAN**

1810 And pay for it?

1811

1812 **STEVE GREGORY**

1813 And pay for it.

1814

1815 **MAYOR GOODMAN**

1816 Very good.

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1817 **COUNCILMAN REESE**

1818 And I got one other condition. Construction staging access shall cause minimal
1819 disruption to the free flow of traffic along Charleston Boulevard, Gas, Garces, 9th and
1820 10th Street.

1821

1822 **MARGO WHEELER**

1823 If I may, that would be added to condition number 13 to further describe the
1824 comprehensive construction staging plan.

1825

1826 **DAVID CLAPSADDLE**

1827 And Mayor Pro Tem that is the same condition we have placed on other projects of this
1828 nature, we're happy to except that.

1829

1830 **COUNCILMAN REESE**

1831 Thank you. Any other conditions – we need to add? Your Honor, that would be my
1832 **motion then for approval of Item Number 76 with all conditions as amended.**

1833

1834 **MAYOR GOODMAN**

1835 All right. Thank you. Let's vote, please. Post. Okay, motion carries. [UNANIMOUS]

1836 Thank you very much.

1837

1838 **COUNCILMAN REESE**

1839 I just wanna thank everyone for their participation. I hope we see this project started
1840 within a year or two.

1841

1842 **STEVE GREGORY**

1843 And I'd just like to say to the Council, thank you for your support and we hope to make
1844 this project a credit to the community at large. Thank you.

CITY COUNCIL MEETING OF

November 1, 2006

**COMBINED VERBATIM TRANSCRIPT - ITEM 69 [GPA-14325],
ITEM 70 [ZON-14338], ITEM 71 [VAR-14342], ITEM 72 [VAR-14345],
ITEM 73 [VAR-14347], ITEM 74 [SUP-14339], ITEM 75 [VAC-12884] AND
ITEM 76 [SDR-14349]**

1845

(END OF DISCUSSION)

1846

/sw; yy

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

GEORGE T. BOCHANIS
LAW OFFICES

631 SOUTH NINTH STREET
LAS VEGAS, NEVADA 89101

GEORGE T. BOCHANIS, ESQ.
ADAM L. MUSLUSKY, ESQ.
ALLAN P. CAPPS, ESQ.

PAUL A. EDWARDS
WORKER'S COMPENSATION ADMINISTRATOR

TELEPHONE (702) 388-2005
FACSIMILE (702) 388-0484
PERSONAL INJURY AND WORKER'S
COMPENSATION LAW

July 26, 2006

VIA FACSIMILE ONLY
385-7268

City of Las Vegas Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

Re: GPA 14325

Dear Planning Commissioners:

I am the property owner at 631 South Ninth Street in Las Vegas, Nevada which houses my law firm. I have been at this business address since the time I constructed my office in 1992. It is my understanding that the above general plan amendment contemplates several tall office buildings and a large parking garage on East Charleston Boulevard between Ninth and Tenth Streets.

I am unable to attend the planning commission meeting on this agenda set for Thursday, July 27, 2006 because I currently serve as a Henderson Planning Commissioner and have a Henderson Planning Commission meeting at the same time.

I have not reviewed the proposed plans for this mixed use development but have several concerns based on some of the general concepts of the plan that were described to me by one of the applicants representatives during a briefing I had with him at the conclusion of a Henderson Planning Commission briefing session.

Obviously, a major concern is that his project would somehow alter or modify our access from South Ninth and South Tenth Street from Charleston Boulevard to our office location which is on the corner of South Ninth Street and Garces Avenue. As you know, the city expanded Las Vegas High School at the corner of South Ninth Street and Clark Avenue thus blocking any access we have from the north. Therefore, I want to ensure that this project in no way alters access from South Ninth and South Tenth Street from East Charleston Boulevard to our location on South Ninth Street and Garces Avenue.

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GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Two

The second concern has to do with parking with the impact that this is project would have on street parking. We want to make sure that there are no waiver for parking given to this project that will impact our customer parking in our existing neighborhood.

I also want to know whether the applicant is actually going to build this project, or has committed to building this project or is the applicant simply seeking entitlements for future sale after you grant their zoning variance requests.

Finally, a major concern with respect to this project is the impact that the construction of this project will have on my existing business and all those businesses, primarily consisting of law offices in this area. I would like to know how long the construction of this project will take. Since it is such a massive project, I am assuming that there will be at least one hundred construction workers at all times working on this project. This raises the issue as to where these individuals will park their vehicles. The applicant should be required to provide separate parking in a designated lot for those individuals who work on this project. We cannot have our on street parking taken away for the six to twelve month period that I assume this project will take to build. Another issue as to where the material for this project will be stored. We again request that you require a condition that a separate materials staging area on Charleston Boulevard be provided by the applicant. Additionally, the applicant should be required to provide access at all times from East Charleston Boulevard to South Ninth and South Tenth Street during this construction period. At no time should either of these streets be blocked during construction and the applicant should be required to provide all such traffic control such as flagmen and appropriate signage to make sure that traffic continuously flows on South Ninth and South Tenth from East Charleston Boulevard.

Finally, I would like to know the impact that this project has on the city's historic preservation district concept. Many of property owners in the area objected to these historical preservation district requirements being imposed upon us and now it appears that one applicant is easily able to obtain variances from the historical preservation district requirement that many of us have objected to for years. It appears that this massive project would be entirely inconsistent with the goals of the city's historical development district.

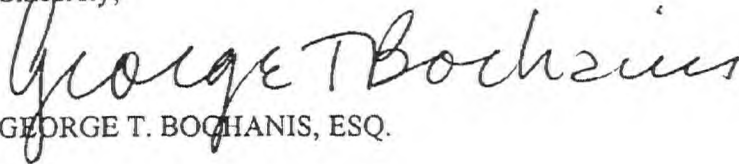
GEORGE T. BOCHANIS
LAW OFFICES

City of Las Vegas Planning Commission
Page Three

I have spoken to several other property owners in my area, many of whom were unaware of the meeting that was held by the applicant with respect to this project. Further, many other property owners have informed me that they are going to wait to see what the planning commission approves then if it is objectionable, they plan to voice their concerns and objections to city council.

I thank you for taking into consideration my concerns with respect to this project.

Sincerely,



GEORGE T. BOCHANIS, ESQ.

GTB.jh

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July 20, 2006

Glenn Trowbridge
City of Las Vegas Planning Commission
c/o City of Las Vegas Planning & Development Dept.
731 South 4th Street
Las Vegas, NV 89101

Dear Mr. Trowbridge:

I am writing this letter in regards to the mixed use project at 9th & 10th Street proposed by George C. Garcia.

I own some apartments located at 604 South 11th Street and I feel that this project would be a definite improvement for the neighborhood and I am for this project being developed.

Sincerely,



Perry B. Whitt
2701 Bryant Avenue
Las Vegas, NV 89102

PBW/cf

RECEIVED
JUL 25 12 57 PM '06
PLANNING AND
DEVELOPMENT

ITEM # 43-50
CASE # _____
PC MTG 7.27.06

R

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Thiriot 1977 Trust
621 So. 9th St.
Las Vegas, NV 89101
July 30, 2006

RECEIVED
AUG 03 2006

Las Vegas City Planning Commission
400 Stewart Ave.
Las Vegas, NV 89101

RE: Proposed mixed use project on Charleston Blvd., between 9th and 10th Streets (VAC-12884, GPA-14325, SDR-14349, SUP-14339, VAR 14345, VAR-14342, VAR-14347, ZON-14338)

ATTN: Planning Commission:

On July 5, 2006, I met with David Clapsaddle at the Senior Center, in regards to the above referenced mixed use project. After checking all the proposals I am very much in favor of this project. My properties (617 & 621) are on 9th Street in the block just north of the proposed project.

Since your planned meeting of July 27, was postponed until later, this letter will verify my agreement with the project since I will not be able to attend the next meeting. My hope is that this will be passed because it will be a wonderful bonus to this part of the downtown area.

I would be happy to talk to anyone on the planning commission if there is question as to my position in this matter. My telephone # is 384-2498.

Thank you for your attention to this matter.

Sincerely,

Joseph E. Thiriot
Joseph E. Thiriot

A

Telephone Protest/ Approval Log

SDR-14349
VAC-12884

Meeting Date:

08/24/06

SUP-14339

Case Number:

GPA-14325

VAR-14347 VAR-14345

VAR-14342

ZON-14338

Date:

08/22/06

Name:

Karen Velgovic

Address:

807 E. Oakley
L.V. NV 89104

Phone:

385-4219

☐

PROTEST

☒

APPROVE

Date:

Name:

Address:

Phone:

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APPROVE

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APPROVE

Date:

Name:

Address:

ITEM # 17-24

CASE # 558 NYS NE

PC MTG 9/1/06

Phone:

☐

PROTEST

☐

APPROVE

Vanda B. Canai
1119 South 6th St.
Las Vegas, Nevada 89104

Thursday, September 7, 2006

Re: Scheduled form approval of
VAC - 12884
GPA - 14325
SDR - 14349
SUP - 14339
VAR - 14345
VAR - 14342
VAR - 3477
ZON - 14338

City Planning Commission
Las Vegas, Nevada

The project scheduled meeting for Lot Street and Charleston Blvd. presented by Dave Clapsaddle and team is a welcomed enterprise. I am happy to give my approval for this venture to help enhance the beautification of our wonderful neighbourhood. Dave and his team delivered an informative project with understandable charts & great visuals. The team was approachable, returned calls with information requested. Dave and team assured the neighbors that their input was a certainty. I hope the rest of Charleston Blvd developments follow the lead of this pulchritudinous project. I hope that the planning commission visualizes my site and approves this project for the neighbourhood. Thank you.

Vanda Canai (11)

Submitted at Planning Commission

Date 9/7/06 Item #17-24