

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

SUBJECT:

BOARDS & COMMISSIONS:

PARK & RECREATION ADVISORY COMMISSION – Michael R. Aker, Term Expiration 12/12/2006

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The term of office for Michael Aker will expire December 12, 2006. Mr. Aker was appointed at the October 4, 2006 City Council Meeting to fill the unexpired term of Chris Lazzaro and he wishes to be reappointed. There is no City residency requirement, terms are for three years, there is no limit to the number of terms that may be served, and unexpired terms must be filled. Procedure for this Board requires appointment by the City Council.

RECOMMENDATION:

Options are: Reappoint Mr. Aker or appoint a new member to fill this seat

BACKUP DOCUMENTATION:

1. Current Listing and Authority
2. Board Interest Form, Shaun Schoener

Motion made by LARRY BROWN to Approve to Reappoint MICHAEL R. AKER

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)

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



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. Tenaya Way

City: Las Vegas ZIP Code: 89128

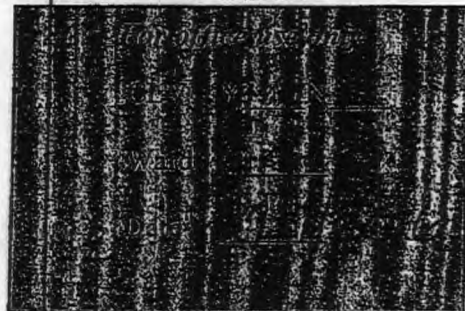
Employer: Sierra Health Services Occupation: Provision Network Analyst

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 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

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

SUBJECT:

BOARDS & COMMISSIONS

Appointment and Reappointment of Members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Youth Neighborhood Association Partnership Program Grant Review Board was established by Council action on March 1, 2000. YNAPP is a service-learning program encouraging young people to take an active role in their neighborhood. The Board consists of 15 members, eight adults and seven youths. Terms of office are one year, and members may be reappointed to consecutive one-year terms. Expiration of this Board occurs yearly. Members appointed at this meeting will serve from December 3, 2006 to December 3, 2007.

RECOMMENDATION:

Procedure for this Board is appointment by the City Council. The Department of Neighborhood Services recommends the following:

Appointments: (Adult Representative) Donna Toussaint and (Youth Representatives) Corey Paris, Nicole Redford, Linda Baires

Reappointments: (Adult Representatives) Katrina Manzi, Minerva Gomez, Loretta Arrington, Robin Munier, Darcy Hayes, Detrick Sanford, Tuesday James and (Youth Representatives) Rachel Ware, Joseph Alexander, Alba Gonzalez, Abigail Hudson

BACKUP DOCUMENTATION:

1. Agenda Memo from Department of Neighborhood Services
2. Current Listing and Authority – Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board
3. Board Interest Form, Shaun Schoener

Motion made by GARY REESE to Approve to make Appointments and Reappointments as recommended

CITY COUNCIL MEETING OF: NOVEMBER 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:

JOCELYN FISHER of Neighborhood Services was present.

COUNCILMAN REESE indicated that COUNCILWOMAN TARKANIAN requested the additional appointment of VIVIAN KERNS. However, subsequent to the meeting, it was found that her appointment was not possible because there is no available seat on the board.



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: CITY CLERK

ITEM DESCRIPTION: Appointment and Reappointment of Members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

The Youth Neighborhood Association Partnership Program (YNAPP) is designed to encourage neighborhood youth to take an active role in their community. This program will enable middle and high school youth throughout the City of Las Vegas to carry out community building projects of their own design.

Youth who need financial assistance to implement community service learning project ideas can apply for YNAPP grants up to \$1,000. Young people involved in this program will identify community needs, plan a strategy to address those needs, and submit an YNAPP Grant Application to implement their plan.

Youth and adults will serve side by side on the YNAPP Grant review Board and select exemplary proposals for funding. The board consists of fifteen (15) members, seven (7) youth and eight (8) adults. The Board shall be comprised of the Mayor's two (2) designees, and one (1) Council designee from each of the six (6) Council Wards. The Mayor shall also appoint seven (7) youth from geographically diverse locations throughout the City of Las Vegas.

Attached are the Department of Neighborhood Services' recommended appointments and reappointments listed according to their appropriate categories.

City of Las Vegas

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

AGENDA MEMO – PAGE TWO

YNAPP GRANT REVIEW BOARD APPOINTMENTS NOVEMBER 15, 2006	
Elected Official	Designee
Mayor Oscar B. Goodman Designee	Katrina Manzi, Community Leader 10513 Twin Plant Ct. LV 89129 491-4910
Mayor Oscar B. Goodman Designee	Minerva Gomez, City of Las Vegas 229-6281
Mayor Pro-Tem Gary Reese Ward 3 Designee	Loretta Arrington, Council Liaison City of Las Vegas 229-6405
Councilwoman Lois Tarkanian Ward 1 Designee	Robin Munier, Council Liaison City of Las Vegas 229-6405
Councilman Steve Wolfson Ward 2 Designee	Donna Toussaint, Neighborhood Leader 9030 W. Sahara Ave. #465 LV 89117 240-5994
Councilman Larry Brown Ward 4 Designee	Darcy Hayes, Council Liaison City of Las Vegas 229-6405
Councilman Lawrence Weekly Ward 5 Designee	Detrick Sanford, Community Leader 3300 N. Tenaya Way #1032 LV 89129 646-1420
Councilman Steven D. Ross Ward 6 Designee	Tuesday James, Council Liaison City of Las Vegas 229-6405
Mayor Goodman's Youth Designees:	
Youth Designee Representing: Advanced Technologies Academy	Rachel Ware, 6009 Oceanside Way, LV 89108 396-3107
Youth Designee Representing: Community College High School	Joseph Alexander, 6824 Baby Jade Ct. LV 89148 220-5395
Youth Designee Representing: Desert Pines High School	Alba Gonzalez, 2850 Maryland Pkwy. #G-102 89101 438-9763
Youth Designee Representing: The Meadows School	Abigail Hudson, 11334 Winter Cottage Pl. LV 89131 256-3451
Youth Designee Representing: Shadow Ridge High School	Corey Paris, 8336 Lost Spur Street, LV 89131 445-6531
Youth Designee Representing: Las Vegas Academy	Nicole Redford, 10432 Pacific Sageview Lane, LV 89144 258-2634
Youth Designee Representing: Rancho High School	Linda Baires, 4340 Bramblewood Street, LV 89147 289-8041

YOUTH NEIGHBORHOOD ASSOCIATION PARTNERSHIP PROGRAM (YNAPP) GRANT REVIEW BOARD

	<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1.	Katrina Manzi (Mayor Oscar Goodman's Designee)	10513 Twin Plant Court 491-4910	89129	2-5-2003 (Reappt. 12-3-2003) (Reappt. 11-16-2005)	12-3-2006 (Reappt. 12-1-2004)
2.	Minerva Gomez (Mayor Oscar Goodman's Designee)	City Hall 229-6281	89101	5-3-2000 (Reappt. 12-19-2001) (Reappt. 12-3-2003) (Reappt. 11-16-2005)	12-3-2006 (Reappt. 2-5-2003) (Reappt. 12-1-2004)
3.	Robin Munier (Councilwoman Lois Tarkanian's Ward 1 Designee)	City Hall 229-6405	89101	12-3-2005	12-3-2006
4.	Greg Toussaint (Councilman Steve Wolfson's Ward 2 Designee) (Replaced Nichole Alberti - resigned effective 1-29-2002)	9030 W. Sahara Avenue, #465 240-5994	89117	2-20-2002 (Reappt. 2-5-2003) (Reappt. 12-1-2004) (Reappt. 11-16-2005)	12-3-2006 (Reappt. 12-3-2003)
5.	Loretta Arrington (Mayor Pro-Tem Gary Reese's Ward 3 Designee)	City Hall 229-6405	89101	5-3-2000 (Reappt. 12-19-2001) (Reappt. 12-3-2003) (Reappt. 11-16-2005)	12-3-2006 (Reappt. 2-5-2003) (Reappt. 12-1-2004)
6.	Darcy Hayes (Councilman Larry Brown's Ward 4 Designee)	City Hall 229-6405	89101	2-5-2003 (Reappt. 12-3-2003) (Reappt. 11-16-2005)	12-3-2006 (Reappt. 12-1-2004)
7.	Detrick Sanford (Councilman Lawrence Weekly's Ward 5 Designee)	310 W. Van Buren Avenue 807-4316	89106	12-1-2004 (Reappt. 11-16-2005)	12-3-2006
8.	Tuesday James (Councilman Steven D. Ross's Ward 6 Designee)	City Hall 229-6405	89101	12-3-2005	12-3-2006
9.	Abigail Hudson (Mayor Oscar Goodman's Youth Designee Representing The Meadows School)	11334 Winter Cottage Place 256-3451	89131	12-3-2005	12-3-2006
10.	Isabelle Slick (Mayor Oscar Goodman's Youth Designee Representing Centennial High School)	7612 Sudan Court 645-9925	89149	12-1-200 (Reappt. 11-16-2005)	12-3-2006

Youth Neighborhood Association Partnership Program (YNAPP)

1-11-2006

Page 2

	<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
11.	Joseph Alexander (Mayor Oscar Goodman's Youth Designee Representing Community College High School)	6842 Baby Jade Court 220-5395	89148	12-3-2005	12-3-2006
12.	Rachel Ware (Mayor Oscar Goodman's Youth Designee Representing Advanced Technologies Academy)	6009 Oceanside Way 396-3107	89108	12-3-2005	12-3-2006
13.	Alba Gonzalez (Mayor Oscar Goodman's Youth Designee Representing Desert Pines High School)	2850 Maryland Pkwy. #G-102 438-9763	89109	12-3-2005	12-3-2006
14.	Samantha Cohen (Mayor Oscar Goodman's Youth Designee Representing Arbor View High School)	8529 Timber Pine Avenue 255-8413	89143	12-3-2005	12-3-2006
15.	Kevin Ford (Mayor Oscar Goodman's Youth Designee Representing Clark High School)	2102 Marathon Keys, NLV 643-1330	89031	12-3-2005	12-3-2006

GENERAL PURPOSE: Service learning program designed to encourage middle and high school youth to take an active role in their community. Youth and adults will serve side-by-side and select exemplary proposals for funding. Board reviews YNAPP applications and recommends awards to the City Council. Service learning grants are offered to registered neighborhood association youth groups for neighborhood and community improvement projects.

AUTHORITY: Created by City Council action on 3-1-2000 and members appointed on 5-3-2000. By-laws adopted 3-1-2000. By-Laws Amended by City Council on 11-5-2003 (changes the renewal date for members to a date specified by the City).

TERMS: ONE-YEAR TERM - May be reappointed to consecutive one-year terms.

Must fill un-expired term. Membership is not transferable or assignable.
Board expires yearly on date specified by the City (11-5-2003 Council action, amended By-Laws).

MEMBERS: 15 members appointed by the Mayor and City Council as follows:

Mayor	Two (2) Adult Designees
	Seven (7) Youth Designees from geographically diverse locations
Council	One (1) Adult Designee from each of the six Council Wards

NOTE: NO CITY RESIDENCY REQUIREMENT.
NO FINANCIAL DISCLOSURE REQUIRED.

CONTACT: Principal Office: City Hall, 400 Stewart Avenue, Dept. of Neighborhood Services, 2nd Floor, Las Vegas, Nevada
Contact Person: Jocelyn Bluit - 229-5267



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2006 JUL -6 P 4: 27

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

Name: Steven 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

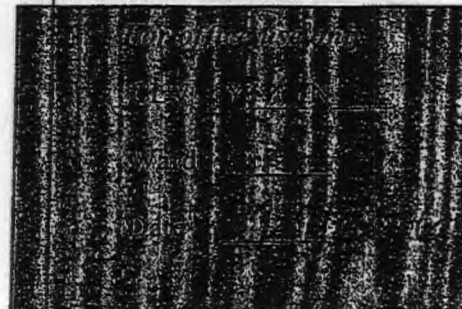
Employer: Sierra Health Services Occupation: Provision Network Analyst

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 15, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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
3. Submitted at meeting – support letter by Jeff Victor and protest memorandum by the American Civil Liberties Union of Nevada
4. Submitted after meeting - copy of written comments for Items 63 and 64 from Tom McGowan
5. Combined Verbatim Transcript for Items 63 and 64

Motion made by LOIS TARKANIAN 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:

Second Reading and bill adopted as recommended as Ordinance No. 5865. Clerk to proceed with

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

second publication.

A combined Verbatim Transcript of Items 63 and 64 is made a part of the Final Minutes under Item 63.

APPEARANCES:

OSCAR GOODMAN, Mayor

BRAD JERBIC, City Attorney

GARY REESE, Councilman

LOIS TARKANIAN, Councilwoman

JEFF VICTOR, President and General Manager, Fremont Street Experience

PAT RILEY, Attorney for Fremont Street Experience

MARK BRANDENBERG, owner of Golden Gate Hotel/Casino

GARY PECK, Executive Director of ACLU

TOM MCGOWAN, Las Vegas resident

JOHN VINO, representing various Fremont Street Experience vendors

TED RUSSELL, Las Vegas resident

STEVE WOLFSON, Councilman



BILL NO. 2006-63

ORDINANCE NO. _____

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

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

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

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

10.44A.010: For purposes of this Chapter:

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

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

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

(a) Imminent bodily injury, or

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

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

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

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

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.

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

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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**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

TESTIMONY OF
JEFFREY VICTOR
ON BEHALF OF
THE FREMONT STREET EXPERIENCE
LIMITED LIABILITY COMPANY

BEFORE THE CITY OF LAS VEGAS
CITY COUNCIL

BILL NO. 2006-64

November 15, 2006

My name is Jeff Victor and I am the President and General Manager of the Fremont Street Experience Limited Liability Company (The Company). I am here today on behalf of the Company, and each of its 10 members, speaking in support of proposed ordinance 2006-64.

As the council is aware, the Fremont Street Experience has been in operation since its creation in 1995. It was originally envisioned to be a truly unique, one-of-a-kind destination intended to attract millions of tourists every year and to help drive capital investment to the heart of downtown Las Vegas. Through the years between, the Fremont Street Experience has delivered on that intent. In fact, the LVCVA reported that the visitation to downtown in 2005 exceeded 17.7 million. To put that visitation number in perspective, according to the trade publication Amusement Business, the two best – attended amusement parks in the world in 2005 were Disney's Magic Kingdom in Orlando and Disneyland in Southern California. The publication reported that those two parks attracted 16.1 million and 14.5 million visitors respectfully during the year.

Attracting attendance numbers like that doesn't happen by accident. To do so requires enormous capital investment, exceptionally inventive entertainment offerings, ongoing management, constant promotion and the promise of delivering a clean, safe and enjoyable environment. In 1995 the city of Las Vegas delegated the authority to manage the Fremont Street Experience to the company that I now preside over. Today and every day for the past 11 years, our office has successfully managed the security, maintenance, cleanliness, promotion, advertising, live entertainment, lightshow programming, and special events that continue to define The Fremont Street Experience as one of the greatest tourist destinations available anywhere.

The ninth circuit's recent decision regarding solicitation threatens to change all of that.

It might not be widely understood that the Company generates a significant portion of its revenues through the Mall's leased retail operations, corporate sponsorships, sale of advertising space and through hosting private events. The dollars

Submitted at City Council

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generated by those activities are in turn spent to create free entertainment offerings, to pay for the electric bills, and to pay for the labor and supplies necessary to manage the cleanliness, security, and maintenance of the Mall. These activities attract visitors who then spend money through the various points of commerce, thus creating jobs and tax revenues. This rather simple formula works very, very well. But key to that formula is the Company's ability to continue to manage the mall environment as it has done for the past 11 years.

Solicitation activities, left unbridled, are fundamentally incompatible with the character and function of the Mall. Corporate sponsors will not be associated with an environment where pan-handling is allowed to flourish. Advertisers will not pay to do so in an environment where others are allowed to do so for free. No event organizer will pay to hold a private function in an environment where their clients will be exposed to intrusions from uncontrolled solicitations. No retail cart will want to pay for a lease in an environment where others are allowed to solicit their wares at will.

Most significantly, the guest experience will be compromised. Make no mistake about it; The Fremont Street Experience is not a place through which people travel to get from point A to point B. It is a destination where millions of tourists gather each year to be entertained, shop and consume. In fact our office works quite hard to create experiences that encourage just that. When we douse the neon building lights and illuminate the biggest big screen on the planet, showing proprietary content only available at Fremont Street Experience, guests stop and engage in a six to eight minute theatrical experience. When we host live concert events, guests stop and engage in the event for long periods of time. They are a captive audience and as such are vulnerable to unwanted solicitors. Their only escape from the solicitation would be to exit the event.

Similarly, guests will be highly vulnerable as they shop. Stopped, engaged in a transaction, wallets in hand, purses open, shoppers will be likely and easy targets for solicitation. Diners at the many outdoor eateries will also be targets. Captive in their seats, engaged in their consumption, solicitors will take advantage the opportunity. Stop to get a soda from one of the mall's twenty-eight vending machines - easy pickings for solicitors. In this light, visitors to the Mall are just as vulnerable to solicitation as persons getting money from ATMs, waiting at bus stops, walking through parking garages, or entering or exiting businesses - the same types of places where solicitation is already banned. We ask that the same ban be implemented at the Fremont Street Experience so that the Mall can continue in its mission to preserve and grow the downtown business corridor.

I would also like to note that I reviewed the record submitted to the City Council that supported the original ordinances, and I must add that the same market forces and pressures that were facing downtown Las Vegas more than 10 years ago are still facing us all. If anything, competition has only increased since that time. The ordinance that is before you seeks to preserve the viability of the Fremont Street Experience as a world-class commercial and entertainment attraction.



732 South Sixth Street, Suite 200A
Las Vegas, Nevada 89101
(702) 366-1536

Memorandum

To: Las Vegas City Council Recommending Committee
From: ACLU of Nevada
Date: November 14, 2006
Re: Proposed City Ordinance Bills 2006-63, 2006-64, and 2006-59.

This memorandum sets forth the ACLU of Nevada's most significant current concerns regarding three proposed bills on today's Recommending Committee meeting agenda. The ACLU of Nevada is a statewide civil rights organization that advocates for government action and policy that is compatible with the state and federal constitutions. Although the ACLU has a history of successfully litigating against the City of Las Vegas, we participate in the legislative process in an attempt to prevent future lawsuits that would drain the resources of the City and its taxpayers. This is particularly true in the area of the First Amendment. As members of this Committee undoubtedly know, we have a decade-long history of winning First Amendment challenges against the City's existing solicitation ordinances, particularly on Fremont Street. Most recently, the Ninth Circuit has held that Fremont Street is a public forum, and that solicitation there is protected First Amendment activity (ACLU of Nevada v. Las Vegas, Case No. 05-15767 (9th Cir., October 20, 2006)).

As the two bills concerning solicitation have already been placed on the Las Vegas City Council's agenda for tomorrow, November 15, 2006, we hope that this meeting is not a mere formality. We hope instead that the City will be open to discussion of the proposed Bills, particularly Bill no. 2006-64, which we believe still incorporates the same provisions struck down by the Ninth Circuit.

Bill 2006-63 (Re: Solicitation)

We certainly have serious concerns about the proposed solicitation ordinance (Bill no. 2006-63). Those concerns are made all the more serious given the very short timeline that has been provided for public comment on this bill. We have been contacted by various community groups, particularly labor organizations, that are concerned and unsure about the scope of the new bill. For instance, if virtually every spot on Fremont Street is within ten feet of a doorway (where solicitation would be prohibited under this Bill), this Bill could effectively prevent all solicitation in that public forum, which has already been explicitly prohibited by the Ninth Circuit Court of Appeals. We join with those in the labor community and with other concerned individuals and organizations to

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request that the Council stay consideration of this Bill until the full extent of its reach can be investigated by those concerned about limitations on their free speech.

Bill 2006-64 (Re: Fremont Street Experience)

The proposed Bill pertaining to the Fremont Street Experience causes us significant dismay. This ordinance incorporates three of the **exact** prohibitions struck down by the ninth Circuit in ACLU of Nevada v. Las Vegas, Case No. 05-15767 (9th Cir., October 20, 2006); Proposed Bill No. 2006-64 at 11.68A.100 (B), (H), and (K). The proposed bill contains language that prohibits all "solicitation," (Proposed LVMC 11.68A.100(K)), as well as the placement of any table, box, container, or other items for purposes of solicitation. (Proposed LVMC 11.68A.100(H)). As the Ninth Circuit recently stated:

"If this trend of privatization continues – and we have no reason to doubt that it will – citizens will find it increasingly difficult to exercise their First Amendment rights to free speech, as the fora where expressive activities are protected will dwindle." ACLU of Nevada v. Las Vegas, at 17684.

The City of Las Vegas is currently enjoined by the Ninth Circuit from enforcing its prior anti-tabling and anti-solicitation ordinances on Fremont Street against any expressive activity. ACLU of Nevada v. Las Vegas, Case No. 05-15767, at 17683. This proposed ordinance incorporates the exact same language currently enjoined by the Ninth Circuit, and simply cannot be passed and enforced with its current language without being a direct challenge to the Ninth Circuit's authority.

It should be noted that both the District Court and the Ninth Circuit contemplated the prior solicitation ordinance as including both immediate and future donations, so the inclusion of the word "immediately" in the definition of solicitation in proposed Bill no. 2006-63 is highly unlikely to change the legal issues underlying this case. See ACLU of Nevada v. Las Vegas, Case No. 05-15767, at 17678 (9th Cir., October 20, 2006). Additionally, catchall language in the proposed Bill to the effect that the ordinance "shall not be construed in derogation of the constitutional or statutory rights of any person" (proposed LVMC 11.68A.070) is plainly inadequate to address the recurrent flaws in this proposed ordinance. The federal courts have consistently reviewed the 'plain language' of legislation, and this ordinance would plainly prohibit all solicitation and its accoutrements, and would lead any ordinary person to believe that activities expressly permitted under the Ninth Circuit's constitutional ruling are expressly prohibited by this new ordinance.

We strongly believe that a crucial part of the Oath taken by each City Council member and members of the City Attorney's office is to respect the state and federal Constitutions, as well as Courts of law. We urge you not to recommend this Bill to the full Council as it now reads, for doing so would be a repudiation of the Ninth Circuit's holding on this exact issue. We remain willing and eager to work with the City Council

and the City Attorney's office to amend this ordinance in a collegial manner, rather than through future costly and time-consuming litigation.

Las Vegas City Council Meeting (QA WED. 15 NOV. '06) (CIVIL CHAMBER) (CH: MAY 9/06)

• PUBLIC COMMENT: -

.. < (40") > ..

AGENDA #63. Tom McGowan; Las Vegas Resident.

* Depending upon the context of their usage, the terms: 'SOLICITATION' AND: 'PANHANDLING' ARE SIMILAR, BUT NEITHER COINCIDENT NOR INTERCHANGEABLE. ALL ADVERTISING IS SOLICITATION, AND AN ATTORNEY WHO PLEADS IN A COURT OF LAW IS ENGAGED IN SOLICITATION. BUT 'PANHANDLING' IS A MEANS OF EXPRESSION INDICATIVE OF A STATE OF INDIGENCE OR IMPOVERISHMENT, AND IS AN INALIENABLE RIGHT GUARANTEED SECURE BY THE FIRST AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES. AND ANY CITY ATTORNEY, DEPUTY CITY ATTORNEY, OR MEMBER OF THE CITY COUNCIL WHO THINKS OTHERWISE, DOESN'T KNOW WHAT HE'S TALKING ABOUT. IN THE CLASSIC MOTION PICTURE "OUR MAN GODFREY", DURING THE GREAT DEPRESSION, WILLIAM POWELL SAID: "THE PRINCIPAL DIFFERENCE BETWEEN A DERELICT AND A MAN IS A JOB!" 'PANHANDLING' IS AN EFFECT, BUT NOT THE CAUSE!

INSTEAD OF 'CRIMINALIZING' POVERTY, CREATE GOOD-PAYING FULL-TIME JOBS AND MORE AFFORDABLE HOUSING. AND REMEMBER ONE THING: - THE BIGGEST 'PANHANDLERS' OF ALL ARE POLITICIANS AND BUREAUCRATS!

THANK YOU.

Item #64. Tom McGowan; Las Vegas Resident.

.. < (12") > ..

• HOW MANY PEDESTRIAN MALLS ARE THERE, CITYWIDE(?), AND WHICH PEDESTRIAN MALL DOES THE SUBJECT BILL APPLY TO?

THANK YOU.

(WRITTEN TEXT SUBMITTED AND REQUESTED INCLUSION IN THE MEETING MINUTES).

Submitted at City Council

Date 11/15/06 Item #63 & 64

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**COMBINED VERBATIM TRANSCRIPT - ITEM 63 AND
ITEM 64**

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

3
4 **Bill No. 2006-64 – Adopts a new Chapter 11.68A of the Municipal Code, relating to**
5 **the City's Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney**

6
7 **APPEARANCE LIST:**

8 OSCAR GOODMAN, Mayor

9 BRAD JERBIC, City Attorney

10 GARY REESE, Councilman

11 LOIS TARKANIAN, Councilwoman

12 JEFF VICTOR, President and General Manager, Fremont Street Experience

13 PAT RILEY, Attorney for Fremont Street Experience

14 MARK BRANDENBERG, owner of Golden Gate Hotel & Casino

15 GARY PECK, Executive Director of ACLU

16 TOM MCGOWAN, Las Vegas resident

17 JOHN VINO, representing Fremont Street Experience retail merchants

18 TED RUSSELL, Las Vegas resident

19 STEVE WOLFSON, Councilman

20
21 (1:57:37 - 2:32:40)

22 35 minutes

23
24 Typed by: Shamika Webb

25 Proofed by: Carmel Viado

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COMBINED VERBATIM TRANSCRIPT - ITEM 63 AND
ITEM 64

26 **MAYOR GOODMAN**

27 Item 63 is Bill Number 2006 dash 63, adopts a new Chapter ten point three four A, of the
28 Municipal Code, relating to solicitation. Mr. Jerbic.

29

30 **BRAD JERBIC**

31 I would be happy to read it for the record, Your Honor. Bill Number 26 oh, 2006 dash
32 63, an ordinance to adopt a new Chapter ten point four, four of the Municipal Code
33 relating to solicitation periphery related matters. I come to the podium today because this
34 bill and the bill that follows. We have a couple people here from Fremont Street
35 Experience that probably wanna put a few things on the record, and they probably – some
36 questions that Council may wanna ask, regarding these bills.

37

38 **MAYOR GOODMAN**

39 All right. May I suggest that we also read into the record Bill Num, Item Number 64 at
40 the same time, or not?

41

42 **BRAD JERBIC**

43 We can. I'm gonna have a different; I think it's probably good to read it in the record. It's
44 gonna take two separate votes. I'm gonna have a proposed First Amendment, to the
45 second Bill.

46

47 **MAYOR GOODMAN**

48 Okay, very good.

49

50 **BRAD JERBIC**

51 So –

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COMBINED VERBATIM TRANSCRIPT - ITEM 63 AND
ITEM 64

52 **MAYOR GOODMAN**

53 Item 64 is Bill Number 2006 dash 64, adopts a new Chapter 11 point six eight A, of the
54 Municipal Code, relating to the City's Pedestrian Law. Did you wanna make an
55 amendment?

56

57 **BRAD JERBIC**

58 Well, what I'm gonna do, Your Honor, I'm gonna first make a record on the Solicitation
59 Bill, and then when I turn my attention to the Pedestrian Law Bill, I'll read it real quickly.
60 Bill 20 oh six dash 64 is known as to adopt a new Chapter 10, 11 point 68A of the
61 Municipal Code, relating to the City's Pedestrian Mall periphery related matters.
62 The Ninth Circuit Court of Appeals a little over two weeks ago struck down two
63 Ordinances, one in whole and one in part, with respect to the City's regulation to the
64 Pedestrian Mall, also known as the Fremont Street Experience. Before you today are two
65 new Bills that do not replace those laws which were struck down. These are laws that lay
66 on top of those laws. The reason we structured it this way is to preserve our appellate
67 rights, with respect to any little challenges that remain, following the Ninth Circuit
68 decision. So the original solicitation Ordinance, and the original Pedestrian Mall
69 Ordinance are still on the books. This is Version A of each of those ordinances. And I
70 can walk through them very quickly.

71

72 **MAYOR GOODMAN**

73 I'd like you to do that.

74

75 **BRAD JERBIC**

76 First of all, Bill Number 20 oh six dash 63, is ten 44A. That's just a new solicitation
77 ordinance for the City of Las Vegas. It contains both a new more limited definition, of
78 solicitation. And it removes the prohibition of soliciting in the Pedestrian Mall, from this
79 particular ordinance. It is an 11 point 68A, the ordinance that follows this ordinance, but
80 it is removed from the Solicitation Ordinance. I know that a lot of people think that these

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ITEM 64

81 are maybe some superficial changes, but we have very carefully read the Ninth Circuit
82 decision. We have, I think, paid a lot of respect to what the Circuit instructed us in that
83 decision. And, so 10 point four, four A, now stands alone, as a Solicitation Ordinance,
84 that is city wide, that does not have anything to do with the Fremont Street Experience.
85 The prohibition against solicitation is now contained in 11 point 68A, which is the
86 Pedestrian Mall Ordinance. Where we made some changes, where we eliminated some
87 language, we added some language and we added the prohibition against solicitation in
88 11 point six eight, 100 subsection K, which is on page seven. What I'd like to do at this
89 point in time is file with the Clerk a proposed First Amendment and walk through the
90 changes. They too are – fairly minor but significant, for appellate purposes. First of all,
91 11 point six, eight A oh one oh, is the Preamble to that new Ordinance. And in the
92 Preamble, the language was temporally incorrect. It was language that reflected a record
93 that was made several years ago when the Fremont Street Experience was first
94 constructed. We added some language that merely brought it up to date.
95 The second thing we do, in 11 point six eight A oh one oh is we incorporate the record,
96 from all the other Council meetings, where these ordinances has been considered in the
97 past because we're gonna need that record, if we get a legal challenge to these. With
98 those, that on that – on the record, Your Honor, I'll be glad to answer any questions.

99
100 **MAYOR GOODMAN**

101 All right. I have a couple of questions and a statement. The number one complaint that
102 my office receives as the Mayor of the City of Las Vegas pertains to the practice that
103 takes place in the unincorporated area of the County, particular on the Strip, where local
104 and visitors alike are accosted, assaulted and sometimes battered, by persons who are
105 handing out invitations for salacious acts. And we respond of course, saying that we
106 have no jurisdiction over this. But very bothersome to our constituents as well as to the
107 people who frequent the various casinos. I'm a great believer of freedom of speech,
108 freedom of expression. But I'm also a great believer in people's right to be left alone.

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109 And if they don't want to be subjected to this kind of assaulted behavior, that they should
110 not be subject to that indignity. Does this address that concern?

111

112 **BRAD JERBIC**

113 It does.

114

115 **MAYOR GOODMAN**

116 All right. Tell me how.

117

118 **BRAD JERBIC**

119 In – two respects, course of solicitation, that is aggressive solicitation is prohibited city
120 wide, not just in the Fremont Street Experience. So if the solicitous behavior rises to that
121 level, it's a misdemeanor. It's prohibited by law. They'll be cited, they'll even be arrested
122 if necessary. And we can handle it that way –

123

124 **MAYOR GOODMAN**

125 Do we know why the County hasn't done that?

126

127 **BRAD JERBIC**

128 I don't know if it's an enforcement issue or if it's a legal issue. I have had no discussion
129 with the County, as to –

130

131 **MAYOR GOODMAN**

132 I'll tell you, what you do is drive down the Strip and you see these people they – stick this
133 stuff right in front of people's faces. There are people that are going like this. And they
134 keep going, putting in their face. And if that, if we can arrest somebody for doing that, I
135 want 'em arrested, you bet.

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136 **BRAD JERBIC**

137 The – other thing that you'll find in 11 point six eight A is the restriction regarding mall
138 advertising. And people that hand out literature that isn't for an immediate donation, for
139 some immediate solicitation may well be prohibited by that portion of the ordinances as
140 well. So there are two ways that we approach this issue in the Pedestrian Mall.

141

142 **MAYOR GOODMAN**

143 Well, those are my questions. Does anybody, 'cuse me.

144

145 **COUNCILMAN REESE**

146 I was just telling the Mayor, my brother-in-law came down here with my little sister to a
147 convention two years ago. And they got basically the whole convention center on
148 Convention Center Drive. And they my – brother- in- law tried protect my little sister.
149 They – were throwing some smut in her face, and she tried to refuse it. And the guy that
150 was trying to shove it at her. And to me it was, from what my brother-in-law said, it was
151 really disorderly, what he was doing. And so, he – got confrontation with this – guy.
152 And the guy called him names, and called her names and all this other stuff. And that's
153 just, I know for a fact, you know. And I get probably seven or eight letters a day. I mean
154 a year, commenting on the same type of behavior. And people write to our offices,
155 thinking that because we are Las Vegas. And it happens in the County. And we – try, I
156 write 'em a nice letter, tell them that this happened at County. And this is what we're
157 trying to do, and this is what we've done. And it – is a real problem. And again, I respect
158 people's rights too. But I also respect those people rights that tell them, no thank you.
159 And when they – get abused, than it's wrong.

160

161 **MAYOR GOODMAN**

162 Okay. Thank you. Why don't you folks have a seat, and we'll call on you at the
163 appropriate time, please. Thank you. All right. Won't you have seat. Good. I assume

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164 that there are some folks that wanna be heard on this. Let's put a three minute timer on.

165 And we'll hear from those who wanna be heard.

166

167 **BRAD JERBIC**

168 If we could, let me introduce Pat Riley.

169

170 **MAYOR GOODMAN**

171 Fine.

172

173 **BRAD JERBIC**

174 Who is a fine lawyer, and represents Fremont Street Experience. And, Mr. Jeff Victor,

175 who's the President, CEO of the Fremont Street Experience.

176

177 **MAYOR GOODMAN**

178 Okay, very good. Gentleman, please identify yourself for the record and we'd be happy

179 to hear from you. And Bev, let's have a three minute clock, please.

180

181 **COUNCILWOMAN TARKANIAN**

182 Mr. – Mayor, could I just ask? Are we just considering comments on Item Number 63

183 now, and not 64? Or are we combining –

184

185 **MAYOR GOODMAN**

186 On both –

187

188 **COUNCILWOMAN TARKANIAN**

189 The comments –

190

191 **MAYOR GOODMAN**

192 On both, please.

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COUNCILWOMAN TARKANIAN

On both. Okay. Thank you.

MAYOR GOODMAN

Mr. Victor.

JEFF VICTOR

Good morning, Your Honor, and City Councilmembers. My name is Jeff Victor, and I'm the President and General Manager of the Fremont Street Experience Limited Liability Company, of 425 Fremont Street. I'm here today on behalf of the company and each of its ten members. Speaking in support the Ordinance, two thousand and six dash 64. As the Council is aware, the Fremont Street Experience has been in operation since its creation in 1995. It was originally envisioned to be a truly unique, one of a kind, destination intended to attract millions of tourist every year, and to help drive capitol investment, heart to the heart of downtown Las Vegas. Through the years between, the Fremont Street has delivered on that intent. In fact, the LVCVA reported that the visitation to downtown in two thousand and five, exceeded 17 point seven million people. To put that number in perspective, according to the Trade Publication Amusement Business, the two best attended amusement parks in the world in two thousand and five, were Disney's Magic Kingdom, in Orlando and Disneyland, in Southern California. Publication reported that those two parks attracted 16 point one million and 14 point five million visitors respectfully --, during the year. Attracting attendance numbers like that doesn't happen by accident. To do so requires a numerous capital investment, exceptionally inventive entertainment offerings, ongoing management, constant promotion in the promise of delivering a clean, safe and enjoyable environment. Nineteen ninety-five the City of Las Vegas delegated the authority to manage the Fremont Street Experience to the company I now preside over. Today and everyday for the past 11 years our office has successfully managed security, maintenance, cleanliness, promotion, advertisement, live entertainment, light show programming and special events

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222 that continue to define the Fremont Street Experience as one of the greatest tourist
223 destinations available anywhere. The Ninth Circuit's recent decision regarding
224 solicitation threatens to change all that. It might not be widely understood that the
225 company generates a significant portion of its revenues through the mall's leased retail
226 operations, corporate sponsorships, sale of advertising space, and through hosting private
227 events. The dollars collected through those activities are in turn spent to create free
228 entertainment offering, to pay for the electric bill and to pay for the labor and supplies
229 necessary to manage the cleanliness, security, maintenance of the mall. These activities
230 attract visitors, who then spend the money through the various points of commerce, thus
231 creating jobs and tax revenues. This rather simple formula works very, very well. The
232 key to that formula is the company's ability to continue to manage the mall environment,
233 as they've done, as – it is done the past 11 years. Solicitation – activities left unbridled
234 are fundamentally incompatible with the character and function of the mall. Corporate
235 sponsors will not be associated with an environment where panhandling is allowed to
236 flourish. Advertisers will not pay to do so in an environment where others are allowed to
237 do so for free. No event organizer will pay to hold private function in an environment
238 where their clients will be exposed to intrusions from uncontrolled solicitation.

239
240 **MAYOR GOODMAN**

241 Mr. Victor I'm gonna have to cut you short. Because I – wanna gone have a level playing
242 field here. I wanna hold everybody to three minutes. And maybe your colleague will be
243 able to pick up where you left off.

244
245 **JEFF VICTOR**

246 Thank you.

247
248 **BRAD JERBIC**

249 Your Honor, if I could suggest for the record, Mr. Victor's comments has been written
250 down. If you could just submit them in writing –

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251 **MAYOR GOODMAN**

252 Absolutely –

253

254 **BRAD JERBIC**

255 For the Clerk –

256

257 **MAYOR GOODMAN**

258 Yup.

259

260 **PAT RILEY**

261 Oh, I can do that.

262

263 **MAYOR GOODMAN**

264 Oh, absolutely. But, I have no problem with the oral expression because I think that it's
265 important for the public to know.

266

267 **PAT RILEY**

268 I'm handing a copy to the Clerk for the record.

269

270 **MAYOR GOODMAN**

271 Very good. Thank you.

272

273 **PAT RILEY**

274 Thank you.

275

276 **COUNCILWOMAN TARKANIAN**

277 Mr. Mayor.

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278 **MAYOR GOODMAN**

279 Yes.

280

281 **COUNCILWOMAN TARKANIAN**

282 I wondered if I could ask Mr. Jerbic a question.

283

284 **MAYOR GOODMAN**

285 Sure.

286

287 **COUNCILWOMAN TARKANIAN**

288 If he could come back.

289

290 **MAYOR TARKANIAN**

291 Mr. Jerbic, Councilwoman has a question.

292

293 **COUNCILWOMAN TARKANIAN**

294 Mr. Jerbic, I strongly support the need to preserve the economic viability of the Fremont
295 Street Experience. But I am concerned about some, reemphasizing some of the
296 information that has been brought to the Council's attention and what you addressed
297 yesterday. In Recommending Committee, yesterday afternoon, the Carpenters' Union
298 made a presentation regarding the preservation of labor unions rights to picket and
299 assemble and labor disputes on Fremont Street. And, Mr. Jerbic, you explained those
300 rights would not be changed. In the previous ordinance, these rights were addressed and
301 the rights would remain. But I wonder if you could just put in the open record today, for
302 those that might be questioning your response and how you addressed that question.

303

304 **BRAD JERBIC**

305 I'll be happy to. The, first of all, let me state that what we put on the record yesterday at
306 the Recommending Committee is – just the law. The Constitution gives everybody rights

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307 in this country. But you can get more rights from State Governments, from Local
308 Governments, from Federal Governments. In the – case of labor, the National Labor
309 Relations Act has given more rights to labor because of the nature of unions and the way
310 they organize. For example, labor could go on to private property, they can go into break
311 rooms, they can go into common meeting rooms and hand out literature to people to –
312 build up membership. They can picket, they can go on private property for other labor-
313 related activities, where you and I might be trespassed. That's just the law. That's the
314 National Labor Relations Act. We respect that law. It was acknowledged originally in
315 11 point six eight. It's no – longer in that ordinance as a result of the Ninth Circuit
316 decision. But the law is still the law. And so, all labor rights that have always existed on
317 Fremont Street existed under the old law and will continue to exist under the new law.

318

319 **COUNCILWOMAN TARKANIAN**

320 Just clarifying there's no change in that. Thank you very much.

321

322 **BRAD JERBIC**

323 That's correct.

324

325 **MAYOR GOODMAN**

326 All right. Thank you. Yes, sir. Would you like to be heard?

327

328 **PAT RILEY**

329 No, sir. I'd like to bring Mr. Brandonburg –

330

331 **MAYOR GOODMAN**

332 A lawyer who doesn't want to be heard?

333

334 **PAT RILEY**

335 Oh, no, if you have questions, I'd be glad to answer them –

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336 **MAYOR GOODMAN**

337 Okay. Fine.

338

339 **PAT RILEY**

340 I don't want to wand up as a witness –

341

342 **MAYOR GOODMAN**

343 All right. Mr. Brandonburg. Fair enough, Mr. Brandonburg. That was a very nice affair
344 that we had yesterday. Yesterday was a hundredth anniversary of the Golden Gate Hotel.
345 And there was a wonderful ceremony that took place at the corner of Main and Fremont.
346 It was the first location for a gaming house in Las Vegas that wasn't in a tent. And it's
347 been successfully ever since that time. And I appreciate the fact that we celebrated it
348 yesterday.

349

350 **MARK BRANDONBURG**

351 Thank you very much, Mr. Mayor. And we certainly appreciate your participation.
352 We're very proud of our – heritage and our tradition here in Las Vegas.

353

354 **MAYOR GOODMAN**

355 Very good. Bev, start the clock please.

356

357 **MARK BRANDONBURG**

358 My name is Mark Brandonburg. I own and operate the Golden Gate Casino at One
359 Fremont Street, Las Vegas. I'm here to speak in support of the ordinances. I – believe
360 the question presented to the Council, Mr. – Mayor and members of the Council is
361 whether Fremont Street is to, is to – remain an entertainment commercial venue, or to
362 merely be an oversized sidewalk. And I'd like to talk a little about what happened in the
363 past. Before the Fremont Street Experience, downtown had a very negative image that
364 was due largely to panhandling, soliciting, the type of activity that you were describing

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365 earlier, Mr. Mayor. Very detrimental to our commercial and tourist interest here.
366 Research from UNLV showed that we had a very, again, a very strong perception by the
367 public, visitors and locals alike, that was negative as a result of those particular types of
368 activities. My personal experience at the Golden Gate simply affirmed those concerns.
369 We had complaints from customers, when they'd walk up and down the streets before the
370 Fremont Street Experience and encounter that type of activity and more particularly on –
371 special event occasions. When we would close the street, try to put a band or some type
372 of entertainment on the street what we found is we'd created a magnet for that kind of
373 activity. We put a band on the street, there'd be a crowd in front of the band. The next
374 thing you know, you had people diving into the crowd with various types of commercial
375 solicitation, whether it was to – sell cheap jewelry, or –whatever the case might be. And
376 again, it was a problem for our guests. It made it very difficult for us to put on special
377 events. And so early in the nineties when the changes in the industry brought downtown
378 casinos together to try to find out what we could do to – to improve things downtown, to
379 create an attraction, to create our own volcano, was the metaphor that we used in those
380 days. I have a very specific recollection. I'm having been the new kid on the block.
381 Sitting around the table with the likes of Steve Wynn and Bill Boyd, Jack Binion and
382 others that we're trying to come up with something creative, something innovative to
383 really help downtown compete. But the premise for anything there was, they said,
384 before, no matter what we come up with, we have to control the environment. It's not
385 gonna do us any good to create a dynamic attraction, if all we're doing is creating again
386 another magnet, where we're gonna bring thousand of people downtown that's gonna –
387 attract kinds of solicitors. They'll come down and interfere with that experience. From
388 the Fremont Street people aren't just trying to get from one place to another. That's not
389 the function of the street. It is an attraction. It is an entertainment and commercial
390 venue. And when you have that type of solicitation going on and people are trying to
391 either watch a show overhead. It's just as if you we're sitting at a movie theater and
392 you're trying to enjoy yourself. And you're sitting there with your wife or your kids, and
393 you're interrupted with that type of act. And – you're being solicited.

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394 **MAYOR GOODMAN**

395 I'm gonna have to –

396

397 **MARK BRANDONBURG**

398 I'm sorry but –

399

400 **MAYOR GOODMAN**

401 If you have any written remarks –, we'd be happy to consider those.

402

403 **MARK BRANDONBURG**

404 I thank you for your time.

405

406 **MAYOR GOODMAN**

407 Thank you very much. Anybody else, please? Mr. Peck.

408

409 **GARY PECK**

410 My name is Gary Peck; I'm the Executive Director of the American Civil Liberties Union
411 of Nevada. I'll be succinct because I'm not gonna adjudicate issues that obviously
412 inevitably are gonna be adjudicated, yet again, in Federal Court. Here is what I would
413 say; first of all, I am astounded at the presentations, today First of all, the present, the
414 Executive Director of the Carpenter's Union sits on my Board of Directors. I – think he
415 understands free speech, understands it well. I'm astonished that what we have read into
416 the record again is the same sort of statement about labor having more free speech rights
417 than everyone else. It's Black Letter Law. The Black Letter Law that was reiterated by
418 the Ninth Circuit is you can't do that. That's A. B, we're right back where we started.
419 Free speech is bad for business. Because it's bad for business, we need to control the
420 environment and squelch free speech. That argument went nowhere at the Ninth Circuit;
421 the first time it's not going anywhere at the Ninth Circuit this time either.

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422 Thirdly, this is not a case about smut peddlers. It may be politically expedient to frame it
423 that way. The Plaintiffs in our case were the Unitarians, the Sheena High Network, the
424 American Civil Liberties Union of Nevada, the Progressive Leadership Alliance of
425 Nevada and a number of other nonprofit organizations and individuals whose free speech
426 rights were violated, as a result of that ordinance, in the same way they'll be violated as a
427 result of this ordinance. So it's – sort of obfuscation and hiding the ball, to pretend that
428 that's what this law is about.

429 Then lastly, I just have to say. I respect the members of this Council and all the good
430 work that they do. But let's get real, government always says when government passes
431 laws that violates people's free speech rights, no one cares more about free speech then
432 we do, but. And this is a classic example of that. In a city that touts itself as a sanctuary
433 of free speech to the world and the country, and a city that just christened a faux liberty
434 bell, I think this action is embarrassing. I think it is shameful, and I think the federal
435 courts will see it for what it is. I think any competent attorney can read the new
436 ordinances, see that in light of the Ninth Circuit ruling, these new ordinances are as
437 unconstitutional as the old ones. And it's unfortunate that the process has been little more
438 then a charade. A Recommending Committee yesterday, a final vote today. Now
439 opportunity for meaningful input, new amendments introduced. This is all charade. It's
440 all theater. It's gonna pass, probably unanimously. It's gonna be back in court, and that's
441 too bad. And I've heard from representatives of the City's, City Attorney's Office, gee,
442 who cares, we don't have to pay the legal fees, Fremont Street will pay them. You oughta
443 be concerned about the Constitution, not just the legal fees. Thank you.

444
445 **MAYOR GOODMAN**

446 Thank you.

447
448 **TOM McGOWAN**

449 Tom McGowan, Las Vegas resident, concerned about the Constitution. I'll address both
450 Items 63 and 64 taken together. And I'll require less then two minutes. Depending upon

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the context of their usage, the terms solicitation and panhandling are similar, but neither coincident or interchangeable. All advertising is solicitation. An attorney who pleads in a court of law is engaged in solicitation. But panhandling is a means of expression, indicative the state of indigence and impoverishment that is an inalienable right guaranteed secure by the First and Fourteenth Amendment of the Constitution of the United States. Any City Attorney, Deputy City Attorney or member of the City Council who thinks otherwise, doesn't know what's he's talking about, in plain English. In the classic motion picture of Our Man Godfrey during the Great Depression, William Powell said the principal that difference between a derelict and a man is a job. Panhandling is an effect but not the cause. Instead of criminalizing poverty, create good-paying full-time jobs and more affordable housing. And remember one thing; the biggest panhandlers of all are politicians and bureaucrats. I can prove that any time you're ready. How many pedestrian laws are there, city wide? And which pedestrian law does this subject bill apply to? And if not all of them equally, why not? In light of the Fourteenth Amendment, of the Constitution? These are very simple questions. They are probably not too challenging for this august body. You start anywhere. Go ahead.

MAYOR GOODMAN

Okay, we'll receive those remarks. Anybody else, please. Yes, sir.

JOHN VINO

Your Honor. Councilmembers. My name is John Vino. I represent some of the Fremont Street Experience's retail merchants. And we just really wanted express not – so much the legality issues that you're – dealing with, but hope that everybody keeps in mind the reality of what Fremont Street is. And I think we all agree in its essence is an entertaining venue. And we invite people down to visit Fremont Street to see our overhead show and to visit, to see our free concerts. And I feel we have an obligation more so that requires a certain level of security and safety when, for those that visit us. Our biggest issue is safety. I've – watched the evolution of Fremont Street, in the early

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480 times. People would come down and ask is it safe for, to visit. Is it safe to bring our
481 children down there? And I really believe it would be a travesty if – we regress back to a
482 different level. Fremont Street does have a great mix of people on – a daily basis, a
483 nightly basis. It's an enclosed atmosphere. It makes us different from the Strip.
484 Unfortunately, like everywhere else, sometimes people visiting don't come down with
485 good intentions. And with the number of people that we have visiting on a daily basis,
486 we just want to ensure that the policy on our ongoing basis is able to handle the poli,
487 procedures necessary to deal with the issues that we have and continues to allow Fremont
488 Street to create a positive experience. And, but more than anything, continues to provide
489 the safety and benefit of not only the visitors, but for the people that work down there.
490 Thank you.

491

492 **MAYOR GOODMAN**

493 Thank you. Anybody else like to be heard?

494

495 **TED RUSSELL**

496 Good morning. My name is Ted Russell. I'm resident of Las Vegas. The Fremont Street
497 Experience is a real treasure. So much of the impetus and the force for revitalizing
498 downtown – has emanated from the power of their very quality organization, Fremont
499 Street Experience Incorporated. I offer a more moderate view. In the LVRJ, they
500 interviewed one of the executives of the smut peddlers who was not even sure whether
501 they would even visit the venue. I don't think it's a good potential for business there
502 because it's so family-oriented, so quality and so wholesome. I also wanted to mention,
503 I'm not fnd of panhandling or panhandlers. But if they have the right to ask me to buy
504 girl, give money to buy Girl Scott cookies, I guess they have a right to ask me to give
505 money, so they can buy food or whatever their necessities they deem necessary. And I do
506 regard that as a part of the First Amendment. Again, I think we need to do everything in
507 all diligence to protect the Fremont Street Experience. But again, I don't see any
508 potential for smut delivery there. Thank you so much.

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509 **MAYOR GOODMAN**

510 All right. Would anybody else like to be heard on this? All right. Thank you very much
511 folks. Mr. Jerbic.

512

513 **BRAD JERBIC**

514 If I could just make some closing comments, Your Honor, and then allow the Council to
515 – vote on these. It probably won't make any difference what I say at the podium because
516 people tend to have very strong feelings one side or the other about these kinds of
517 ordinances. And I understand why. I do want to put on the record that we have been
518 really diligently trying to follow the direction of the Ninth Circuit Court of Appeals and
519 their recent decision regarding the Fremont Street Experience, in crafting these
520 Ordinances. I know cynics will say otherwise. But that, I can tell you from the hard
521 work that we put into it in my office, working with outside counselors as well, that there's
522 a sincere effort to craft ordinances, that we believe will, I'm sorry. Your Honor –

523

524 **MAYOR GOODMAN**

525 No. I was going to ask you to, if you can, I don't know if you're prepared to do this. To
526 go through the history. This isn't a situation where we – pass an ordinance and it's a silly
527 ordinance. I mean, these are ordinances that are reviewed by fine judicial minds and
528 judges – who are sitting here, in Las Vegas, rule in our favor, their appeals. Judges in the
529 Ninth Circuit either affirm the judge or reverse the judge. I mean, this isn't silliness.
530 This is serious business. So, why don't you go through with the history, if you can, of
531 these ordinances? And assure us at the end of the day that what is proposed before us, and
532 we rely upon your good judgment and your good counsel will pass constitutional muster.

533

534 **BRAD JERBIC**

535 Let me go back to the beginning. The Fremont Street Experience was constructed in the
536 mid 1990's. And the original effort of the City was to take what was then a street and
537 side walk, convert it into a Pedestrian Mall, turn it into something that it was never

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538 before. And turn it into a commercial entertainment experience. It'd be a place where
539 people could come and eat at a cafe outside, come, where people could come and enjoy
540 vending opportunities on the street. There'd be stages set up for performances would
541 occur. But most importantly, you would have this enormous canopy that would be a five
542 block light show, where people would stand and watch a show several times a night.
543 That environment is got to be controlled in order for people to go there. We made this
544 record almost 10 years ago now. We were hopeful that the mall would create opportunity
545 for the Fremont Street Experience, opportunity for businesses to grow downtown, and it
546 worked. Part of the formula for the original Fremont Street Experience was that the City
547 and the Redevelopment Agency would put in two bond issues, about 40 million
548 dollars worth of taxpayer money into this project. The downtown casinos put in about
549 another 15 million. And, the Las Vegas Convention Visitors Authority put in about
550 another six million. So there's about 60 million dollar investment in this revitalization
551 effort. One of the things that we hoped at the end of the day would occur was that it
552 would take care of itself with no more taxpayer money. So the way this was designed
553 was that the Fremont Street Experience Limited Liability Company would not only be the
554 mall managers, but they could take advantage of every commercial opportunity in the
555 mall, to make money to pay for the maintenance of the mall. I can tell you standing here,
556 10 years after the fact, not one taxpayer dime has paid for one kilowatt of electricity, the
557 replacement of one light bulb in that canopy or one bit of cleanup on that street. Fremont
558 Street Experience Limited Liability Company has been wholly responsible for the
559 maintenance of that environment. Now, in that context, that environment needs to be
560 controlled because who would – rent a push cart and pay rent to these folks that's used for
561 operation and maintenances, if you can set up a table for free and do the exact same
562 thing. Who would come to a light show and stand literally body to body as they do every
563 night, 17 million visitors a year, if someone is working the crowd asking for money
564 instantly from you? Who would stand in front of a stage and watch a performance, if
565 you're being worked by somebody in that crowd? That was what Mr. Victor was trying
566 to state when he gave his statement to the Council. This environment needs to be

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567 controlled, not in every respect. But it needs to be controlled in some respects, in order to
568 maintain its entertainment commercial viability. The first ordinance that were crafted, we
569 thought did that. We thought that we had successfully turned the Fremont Street
570 Experience into a private run commercial entertainment experience that was no longer a
571 traditional public form. The District Court in Nevada agreed with us. It went up to the
572 Ninth Circuit, the Ninth Circuit disagreed with the District Court Judge and said, no, it is
573 still a traditional public form, you can't change it. You need to justify your ordinances as
574 reasonable time, place and manner restrictions. We came back to the district court judge
575 and in large part again, the District Court agreed with just about every part of our
576 Ordinance scheme, went back to the Ninth Circuit, and Ninth Circuit said, no. That's the
577 ruling that brought us here today. Now, as I stand here before you, I can't tell you what a
578 judge is gonna do in the future. But this is less restrictive than the ordinances were
579 before. And contrary to what a lot of people think that we're prohibiting free speech in
580 the mall, we're not. This is a very limited time, place and manner restriction on a very
581 select type of speech and in its delivery. It's a prohibition on just solicitation, which is an
582 immediate asking for something. And it's a prohibition on mall advertising and things
583 like that without Fremont Street Experience's permission. Other free speech rights have
584 been allowed in that mall from the day it opened and they continue to exist. And I think
585 that's one of the things that a lot people don't realize about it is, we respect the decision,
586 that it is a traditional public forum. We accept that. And these laws have been crafted
587 acknowledging that.

588

589 **MAYOR GOODMAN**

590 All right. Thank you very much. Okay. Any questions or comments?

591

592 **STEVE WOLFSON**

593 Just – quickly, Mayor Goodman.

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594 **MAYOR GOODMAN**

595 All right.

596

597 **STEVE WOLFSON**

598 And we touched on it briefly, and I just wanna make sure that it's clear. Mr. Jerbic, what
599 you're attempting to do with these new proposed ordinances is to take what I'll call
600 corrective legislative action. Meaning you've digested what the Ninth Circuit said, you
601 analyzed what it said, and you basically concluded that this is in line with the directive
602 that the Court has given us. So, these are new restrictive measures that in your opinion
603 are consistent with the order of the Ninth Circuit.

604

605 **BRAD JERBIC**

606 That's correct. And not just in my opinion but the opinion of other attorneys in my office
607 have reviewed it and outside counsel that employed with Fremont Street Experience that
608 has reviewed it.

609

610 **STEVE WOLFSON**

611 Then – I agree with the Mayor. What we do as a body here is we listen to our counsel,
612 our counsel that has studied, digested, conferred with colleagues. And you make
613 recommendations to us. And if we can't follow, generally speaking the recommendations
614 of our City Attorney then something's wrong. Mr. Peck, I agree and I disagree with you.
615 I agree that it's gonna be a higher court, a Ninth Circuit or whatever, that's gonna make
616 the ultimate decision. But I disagree when you said that any competent attorney can see
617 this is unconstitutional. Personally, I find that offensive. Because you talk about a
618 charade, you talk about all that. That's what you were doing just then. Mr. Jerbic's
619 extremely competent. And along with this, reasonable minds can differ.

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620 **GARY PECK**

621 I'm fairly certain you got the exact same advice from counsel the last time you drafted an
622 ordinance. You're getting the same advice, again. I can assure you this law will be
623 struck down. And, I can assure you it will be struck down for exactly the same reasons –

624

625 **MAYOR GOODMAN**

626 All right. Thank you –

627

628 **GARY PECK**

629 I'm strictly saying we listen to our counsel, and then we –

630

631 **MAYOR GOODMAN**

632 All right. Thank you, Mr. Peck –

633

634 **GARY PECK**

635 And then we make decisions inadequate –

636

637 **MAYOR GOODMAN**

638 Thank you, Mr. Peck.

639

640 **BRAD JERBIC**

641 I would state for the record, that we gave some more advice years ago. And a fellow with
642 a lot more legal education and experience than I have, wearing a black robe in Federal
643 Court agreed with us on just about 99 percent of what was on the books. It was the
644 Circuit that disagreed with him, that brought us back here today. So you even have
645 disagreement among courts on these sorts of things. So for anybody to paint this as black
646 and white, you know, it just isn't. And – this is a very involving area of law but I think
647 we've done our best, we've done our diligence in crafting these. And we wouldn't bring
648 them before you today unless we felt comfortable.

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649 **MAYOR GOODMAN**

650 Thank you. **All right, can we have a motion, please on 63?** Cast vote. All right. It's
651 on 63, let's vote, please. Post, motion carries. **(Motion carried unanimously)** Thank
652 you. And on 64.

653

654 **COUNCILWOMAN TARKANIAN**

655 **Move for the adoption.**

656

657 **MAYOR GOODMAN**

658 Okay –

659

660 **BRAD JERBIC**

661 As first amended?

662

663 **MAYOR JERBIC**

664 As first amended, that's correct –

665

666 **COUNCILWOMAN TARKANIAN**

667 **As first amended.**

668

669 **MAYOR GOODMAN**

670 All right. Let's vote. Post. Motion carries. Thank you. **(Motion carried**
671 **unanimously.)**

672

673 **BRAD JERBIC**

674 Thank you. And I would for the record, the ACLU prepared some written statements.

675 They asked that it be filed with the Clerk and made part of the record.

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676 **MAYOR GOODMAN**

677 That's discretionary on my part?

678

679 **BRAD JERBIC**

680 Probably.

681

682 **MAYOR GOODMAN**

683 No, it's in the record.

684 **(END OF DISCUSSION)**

685 /sw; cv

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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



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

Motion made by LOIS TARKANIAN to Approve as a First Amendment

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:

Second Reading and bill adopted as a First Amendment as Ordinance No. 5866. Clerk to proceed with second publication.

A combined Verbatim Transcript of Items 63 and 64 is made a part of the Final Minutes under Item 63.

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

APPEARANCES:

OSCAR GOODMAN, Mayor

BRAD JERBIC, City Attorney

GARY REESE, Councilman

LOIS TARKANIAN, Councilwoman

JEFF VICTOR, President and General Manager, Fremont Street Experience

PAT RILEY, Attorney for Fremont Street Experience

MARK BRANDENBERG, owner of Golden Gate Hotel/Casino

GARY PECK, Executive Director of ACLU

TOM MCGOWAN, Las Vegas resident

JOHN VINO, representing various Fremont Street Experience vendors

TED RUSSELL, Las Vegas resident

STEVE WOLFSON, Councilman



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**
5 **MATTERS.**

6 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: _____

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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. 2006-64
(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 15, 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



No Impact



Augmentation Required



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:

ADOPTION at 12/6/2006 City Council meeting pursuant to the 11/14/2006 Recommending Committee.

First Reading – 10/18/2006; First Publication – 11/17/2006

BACKUP DOCUMENTATION:

Bill No. 2006-59

Minutes:

Recommendation noted.

12/6/2006 Council Agenda

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: _____

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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 15, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

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

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



No Impact



Augmentation Required



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:

ADOPTION at 12/6/2006 City Council meeting pursuant to the 11/14/2006 Recommending Committee.

First Reading – 11/1/2006; First Publication – 11/17/2006

BACKUP DOCUMENTATION:

Bill No. 2006-60

Minutes:

Recommendation noted.

12/6/2006 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: _____
11

12 APPROVED:

13
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 15, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

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

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

Fiscal Impact



No Impact



Augmentation Required



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:

ADOPTION at 12/6/2006 City Council meeting as a First Amendment pursuant to the 11/14/2006 Recommending Committee.

First Reading – 11/1/2006; First Publication – 11/17/2006

BACKUP DOCUMENTATION:

Bill No. 2006-61

Minutes:

Recommendation noted.

12/6/2006 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: _____

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APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

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

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

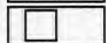
Fiscal Impact



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:

ADOPTION at 12/6/2006 City Council meeting pursuant to the 11/14/2006 Recommending Committee.

First Reading – 11/1/2006; First Publication – 11/17/2006

BACKUP DOCUMENTATION:

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

Minutes:

Recommendation noted.

12/6/2006 Council Agenda

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.

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

3 **11.54.070:** If a vehicle shall remain parked in any parking space contemplated in LVMC 11.54.060
4 beyond the parking time limit set for such parking space, and if the meter shall indicate such illegal
5 parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the
6 period of legal parking time, and such parking shall be deemed a violation of this Chapter. This
7 provision regarding overtime parking shall not apply to any [person] vehicle lawfully displaying a
8 special or temporary [handicapped] parking sticker, placard, permit or plate, and [parking such
9 vehicle] parked in a space for a period of four hours or less as provided in [Chapter 484, Section 407
10 of the Nevada Revised Statute.] NRS 484.407.

11 SECTION 19: 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 90 thereof.

13 SECTION 20: 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 90,
15 reading as follows:

16 **11.54.090:** (A) Subject to the provisions of Subsection (B), the hours of operation for any
17 parking meter shall be those which are established by the Traffic Engineer.

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

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

25 **11.54.190:** (A) Parking exemption permits shall authorize the persons to whom they are issued
26 to park, without violation[,] and without the payment of a meter fee, the vehicles to which the permits
27 are affixed in any on-street parking space adjacent to any parking meter [other than a short-term
28 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

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

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

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

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

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

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

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

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

11.65.070: (A) Notwithstanding any provisions of this [chapter] Chapter to the contrary, the holder of a residential parking permit shall be permitted to stand or park a motor vehicle for which a 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.

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

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 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12
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: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

18

19

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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 15, 2006

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:
NEW BILL:

Bill No. 2006-65 – Updates the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise. Proposed by: Barbara Jo Ronemus, City Clerk

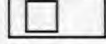
Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill is a housekeeping measure to update the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise.

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. 2006-65
2. Business Impact Statement

Minutes:

First Reading - Referred - COUNCILMEMBERS TARKANIAN and ROSS

12/6/2006 Council Agenda

12/19/2006 Recommending Committee

12/20/2006 Council Agenda

THE MORNING SESSION RECESSED AT 11:44 A.M.

BILL NO. 2006-65

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE DESCRIPTION OF THE CITY WARD BOUNDARIES TO REFLECT CHANGES IN PRECINCT NUMBERS OR DESCRIPTIONS MADE BY THE CLARK COUNTY ELECTION DEPARTMENT, AS A RESULT OF ANNEXATIONS OR OTHERWISE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Barbara Jo Ronemus, City Clerk

Summary: Updates the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise.

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

SECTION 1: Title 1, Chapter 16, Section 60, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1.16.060: Ward No. 5 shall consist of that area of the City which is encompassed within election precinct numbers 2050, 2327, 2331, 2332, 2333, 2341, 2349, 2358, 2450, 2451, 2452, 2453, 2454, 2455, 2460, 2462, 4028, 4031, 4035, 4320, 4321, 4324, 4330, 4331, 4332, 4340, 4341, 4342, 4347, 4450, 4451, 4452, 4453, 4455, 4460, 4461, 4462, 4463, 4464, 4465, 4466, 4467, 4468, 6300, 6301, 6302, 6303, 6305, 6310, 6311, 6312, 6314, 6320, 6322, 6323, 6325, 6330, 6331, 6332, 6333, 6334, 6339, 6340 and 6341.

SECTION 2: Title 1, Chapter 16, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1.16.070: Ward No. 6 shall consist of that area of the City which is encompassed within election precinct numbers 2037, 2044, 2047, 2052, 2323, 2325, 2326, 2328, 2329, 2338, 2346, 2350, 2351, 2352, 2353, 2354, 2355, 2357, 2947, 2948, 3469, 3470, 3471, 3472, 3481, 3482, 3483, 3485, 3486, 3490, 3491, 3494, 3495, 3498, 3500, 3501, 3502, 3505, 3506, 3507, 3508, 3509, 3510, 3514, 3520, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3545, 3546, 3547, 3548, 3549, 3550, 3551 and 3556.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

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

6 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

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

10 APPROVED:

11
12 By _____
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 BARBARA JO RONEMUS, City Clerk

16 APPROVED AS TO FORM:

17
18 Val Steel 11-2-06
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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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. 2006-65

(Updates the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2006-65, that will update the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise.

1. The following constitutes a description 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 potentially-affected 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:

None

Beneficial effects:

None.

Direct effects:

None

Indirect effects:

None.

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: November 2, 2006

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 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 73 [4401 Cory Place]; HOLD IN ABEYANCE Item 85 [ZON-13896], Item 86 [VAR-13900], Item 87 [SUP-13902], Item 88 [SUP-13903] and Item 89 [SDR-13904] to 01/17/2007; Item 93 [ZON-15031], Item 94 [SDR-15030] and Item 101 [SUP-15347] to 12/06/2006; and Item 102 [SDR-15747] to 12/20/2006; TABLE Item 90 [ZON-14344], Item 91 [VAR-15323] and Item 92 [SDR-14353]; and WITHDRAW THE APPEAL of Item 116 [SUP-16483]

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

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

Minutes:

Regarding Items 85 through 89, ROBERT GROESBECK, 5820 South Pecos, requested to hold the items in abeyance, as there are a few more issues, such as the legal descriptions, needing to be resolved prior to the request for approval. MR. GROESBECK confirmed with MAYOR GOODMAN an abeyance to January 17, 2007 would be voted upon.

ASSISTANT CITY ATTORNEY BRYAN SCOTT confirmed with COUNCILMAN REESE that Item 116 [SUP-16483] is being withdrawn without prejudice.

MARGO WHEELER, Director of Planning and Development, clarified that the applicant for Item 101 [SUP-15347] is Jim Marcasey, Check City, and the owner is Buffalo Washington III.

ALAN ROUSE, Manager, Loan Mart, 7575 West Washington Boulevard, Suite 123, stated for the past five years, he has made substantial efforts in working with the residents of Summerlin. He understands Item 101 [SUP-15347] has been previously held in abeyance two times; he desired a discussion take place at this meeting, as he and his district manager were in attendance.

COUNCILWOMAN TARKANIAN responded that she assured the applicant that the item would be abeyed. The applicant's attorney is aware of the concerns and would like to follow up with his client, who is out of town at this time.

DAVID CLARK, 4950 Sawyer Avenue, informed the Council of those in attendance who oppose Item 116 [SUP-16483], and the residents were not informed that the applicant had

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

withdrawn the application. COUNCILMAN WEEKLY confirmed that his office did receive faxes concerning their opposition; as a result, the applicant has withdrawn the application and found another site for the proposed pawn shop. The Councilman apologized to the residents in attendance for any inconvenience and thanked them for voicing their concerns. MR. CLARK expressed his desire to see the Council proactive on preventing a proliferation of these pawn shops. COUNCILMAN WEEKLY added that Council cannot prevent anyone from applying for such projects; however, there are provisions within the Code and Council has the discretion to determine if such a proposal is compatible.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN HARSIN

☐ Consent ☒ Discussion

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned building and assess civil penalties located at 2700 Brienza Way. PROPERTY OWNER: SCOTT GRIFFITHS - Ward 2 (Wolfson)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$1851.85

Funding Source: General Fund

Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired C.H. Construction, LLC to remove all trash, debris, refuse, waste, litter, all vegetation (dead, dry vegetation exceeding 8 inches in height), clean the swimming pool and post No Trespassing, No Dumping, No Vehicle signs on site. To date, there have been six (6) inspections conducted at this location. The value of the property based on the sale date of October 2003 was \$268,000.00.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$1,851.85 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

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

Motion made by STEVE WOLFSON to Approve as recommended

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

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

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

Minutes:

Video shown but not submitted.

MAYOR GOODMAN declared the public hearing open.

The property owner was not present.

DEVIN SMITH, Manager of Neighborhood Response, read the purpose/background regarding the condition of the property as a public and attractive nuisance requiring the described abatement. Upon six inspections of the property and no response from the owner, MR. SMITH recommended the City Council approve the report of expenses in the amount of \$1,851.85 to C & H Construction, LLC. The value of the property, based on the sale of October 2003, was \$268,000. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

MAYOR GOODMAN was disappointed to see the deterioration of such a beautiful property.

COUNCILMAN WOLFSON referenced the report from staff regarding the process of placing liens and collecting fines on these properties. He was impressed that the collection rate on collecting these fines was 85 percent and commended MR. SMITH'S department on a good job. The Councilman discussed the abatement process with MR. SMITH and requested that the video presentations include an aerial footage of the surrounding properties to show the impact the deteriorated properties have on their neighborhood.

MAYOR GOODMAN declared the public hearing closed.

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned building and assess civil penalties located at 2700 Brienza Way. PROPERTY OWNER: SCOTT GRIFFITHS – Ward 2 (Wolfson)

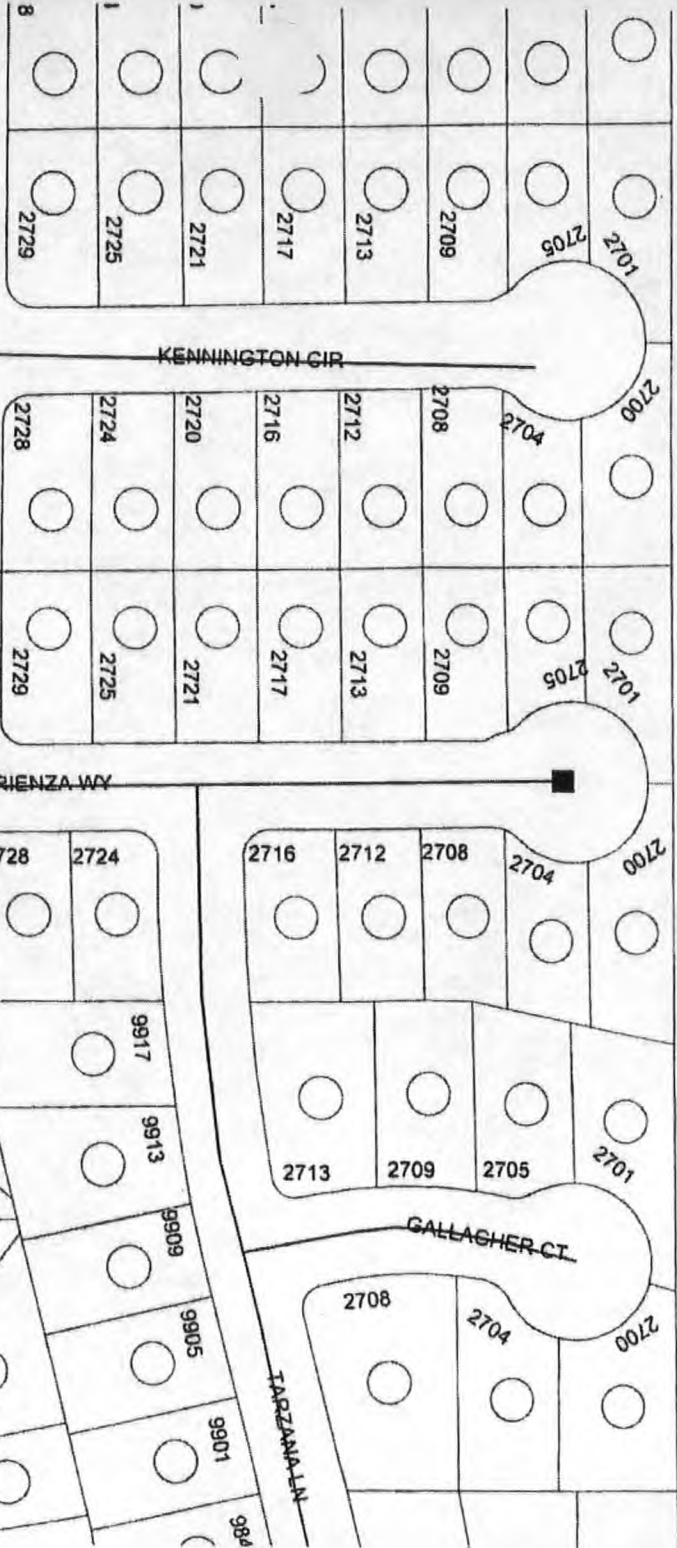
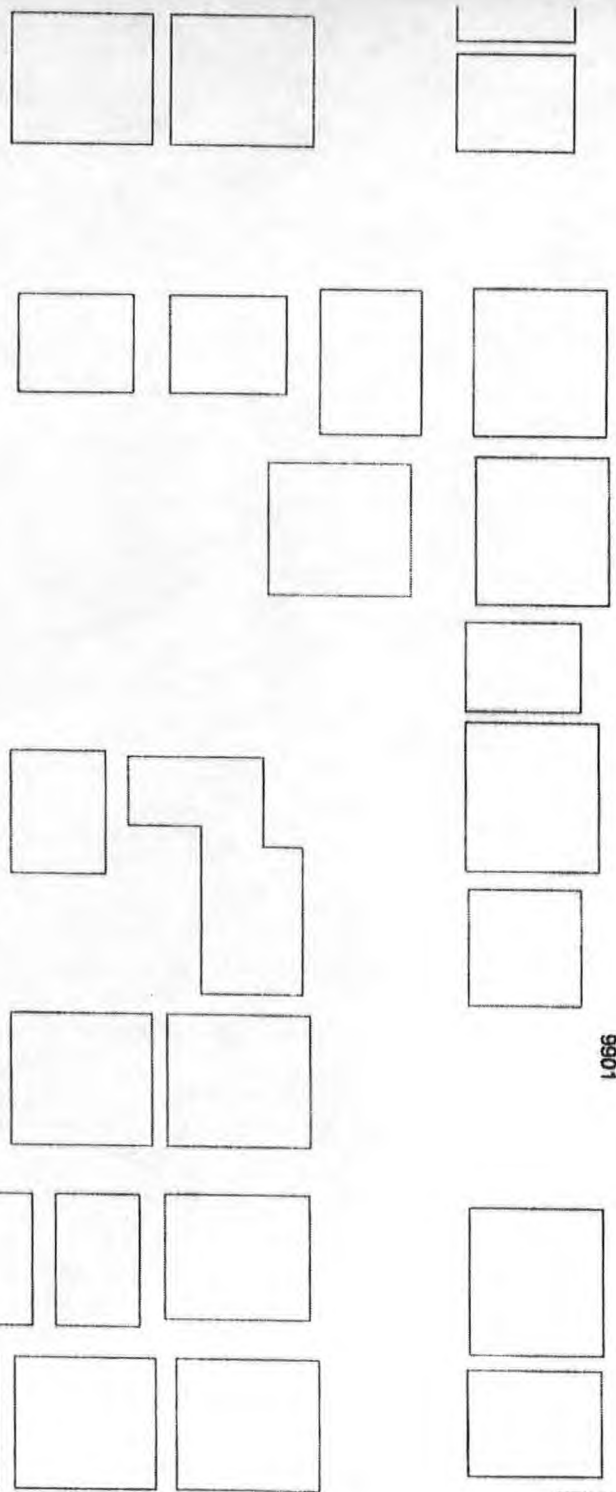
C.H. Construction, LLC completed work on August 25, 2006 at a cost of \$1,369.00; plus a 15% administrative fee, \$127.50 in reinspection fees (including late fees); and \$150.00 in civil penalties for a total of \$1,851.85.

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

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

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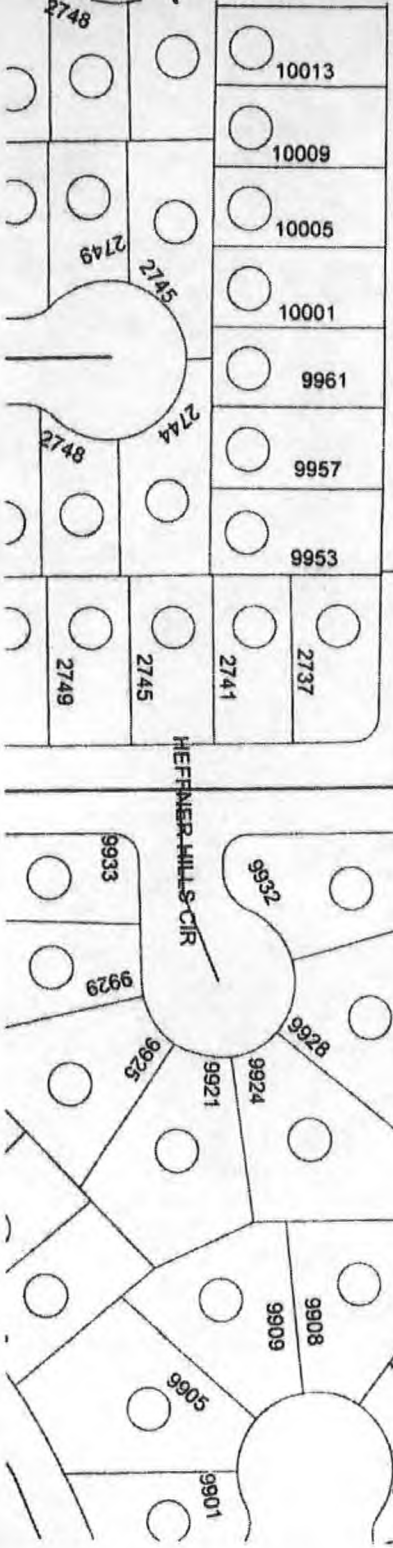


DOVE RIDGE DR

BRIENZA WY

GALLAGHER CT

TARZAN LN



HEFFNER HILLS CIR

10013

10009

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Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

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

CC: File

Date: October 30, 2006

Re: Report of Expenses for the abatement of Vacant or Abandoned Building and Assess Civil Penalties at 2700 Brienza Way - Ward 2 (Wolfson)

LVMC9.04.045 Authorizes the City of Las Vegas to assess and collect a reinspection fee of \$75.00 if the violation(s) are not brought into compliance by the reinspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial reinspection. In addition, LVMC9.04.020 and 9.040.030 Authorizes the city to assess a civil penalty concurrently with the reinspection fees assessed. On the 2nd reinspection a \$45 reinspection fee + a \$150.00 civil penalty will be assessed; On the 3rd reinspection a \$45 reinspection fee + a \$300.00 civil penalty will be assessed; On the 4th reinspection and any future re-inspections will be assessed a \$45 reinspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 daily civil fee will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing all trash, debris, refuse, waste, litter, all vegetation (dead, dry vegetation exceeding 8 inches in height), cleaning the swimming pool and posting No Trespassing, No Dumping, No Vehicle signs on site. The abatement was completed by C.H. Construction, LLC on August 25, 2006 at a cost of \$1,369.00 which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Refuse/Waste/Trash/Debris/Litter Removal (Exterior)	\$869.00
Vegetation Removal (Dead/Dry/Overgrown)	\$400.00
Posting Signs	\$100.00
AMOUNT DUE:	\$1,369.00
Administrative Processing Fee:	\$205.35
Sub-Total:	\$1,574.35
Reinspection Fees:	\$127.50
Civil Penalties:	\$150.00
TOTAL AMOUNT DUE:	\$1,851.85
OWNER OF RECORD:	
SCOTT GRIFFITHS	
PROPERTY ABATED:	
2700 Brienza Way	
ASSESSOR PARCEL:	
163-07-111-009	
LEGAL DESCRIPTION:	
LAKES UNIT #1 RICHMOND AMERICAN HOMES AMD	
PLAT BOOK 39 PAGE 39	
LOT 84 BLOCK 1	

DSS:jl

C.H. Construction, LLC
2505 Anthem Village Dr, Suite E-532
Henderson, NV 89052

Disclosure of Principals

The principals and partners of C.H. Construction, LLC and all persons and entities holding more than 1% interest in C.H. Construction, LLC or any principal of C.H. Construction, LLC are the following:

Full Name	Business Address	Business Phone
1. Christopher G. Harrison	2505 Anthem Village Dr. E-532 Hend, NV 89052	702-858-7860
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____

Continue list until full and complete disclosure is made.

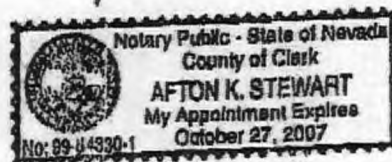
I certify under penalty of perjury, that the foregoing list is full and complete.

C.H. Construction, LLC

By: Christopher Harrison
Print Name:

STATE OF NEVADA)
COUNTY OF CLARK }

Subscribed and sworn to before me, a Notary Public,
on this 22 day of May, 2005.



Afton K. Stewart
Notary Public in and for Clark County,
State of Nevada



**NOTICE OF PUBLIC HEARING
NOVEMBER 15, 2006**

Pursuant to Title 9, Chapter 4 of the Las Vegas Municipal Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, November 15, 2006 at 1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

LAS VEGAS CITY COUNCIL

**OSCAR B. GOODMAN
MAYOR**

**GARY REESE
MAYOR PRO TEM**

**LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
S TARKANIAN
EVEN D. ROSS**

**DOUGLAS A. SELBY
CITY MANAGER**

Abatement of the property by removing all trash, debris, refuse, waste, litter, all vegetation (dead, dry vegetation exceeding 8 inches in height), cleaning the swimming pool, and posting No Trespassing, No Dumping, No Vehicle signs on property located at **2700 BRIENZA WAY**, legally described as **LAKES UNIT #1 RICHMOND AMERICAN HOMES AMD PLAT BOOK 39 PAGE 39 LOT 84 BLOCK 1**. Owner of record at time of abatement: **SCOTT GRIFFITHS - WARD 2 (WOLFSON)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,851.85 was expended (\$1,369.00 for cleaning of the property by C.H. Construction, LLC; \$127.50 for Re-inspection fees; \$205.35 Administrative Processing Fee and \$150.00 civil penalties).

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

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

**BARBARA JO RONEMUS
CITY CLERK**

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

**18112-001-06-05
CLV 7008**

Address: 2700 BRIENZA WY

CITZ

VACANT HOUSE HAS MOSQUITOS AROUND - POOL GREEN, HIGH WEEDS/GRASS

Parcel(s)

Parcel:	Size:	Subdivision Name:
16307111009	0.14 ACRE	LAKES UNIT #1 RICHMOND AMERICAN

Owner Information:

10-Aug-02	05-Nov-03	MENTE SUN HUI 2700 BRIENZA WY; LAS VEGAS, NV 89117-3686
05-Nov-03	26-Nov-03	GRIFFITHS SCPTT 2207 FEDERAL AVE EAST; SEATTLE, WA 98102-4143
26-Nov-03		GRIFFITHS SCOTT 2207 FEDERAL AVE EAST; SEATTLE, WA 98102-4143

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
981876	Failed		6/23/2006	06/23/2006 10:49	06/23/2006 10:54	5
981876	Passed	Partial	7/10/2006	06/28/2006 12:38	06/28/2006 12:41	3
981876	Failed		7/10/2006	07/10/2006 10:37	07/10/2006 10:41	4
981876	Passed	Partial	7/14/2006	08/01/2006 8:50	08/01/2006 8:53	3
981876	Failed		8/22/2006	08/22/2006 13:19	08/22/2006 13:22	3
982400	Passed	Partial	10/16/2006	10/24/2006 9:45	10/24/2006 9:48	3
982400	No Action		11/1/2006			

Time in Minutes: 21**Violation Details**

Violation	Violation DT:	Resolve DT:	Location:
MITIGATION	6/23/2006		PROPERTY
SUBMIT A MITIGATION PLAN.			
A-INTENT LTR	6/23/2006		PROPERTY
SUBMIT A LETTER OF INTENT			
A-LITTER	6/23/2006		PROPERTY
REMOVE ALL LITTER			
A-WEEDS	6/23/2006		PROPERTY
REMOVE ALL HIGH WEEDS			
A-BLD DNGR	6/23/2006	7/10/2006	PROPERTY
SECURE BLDG TO CLV SPECS			
A-BLD VACANT	7/10/2006		PROPERTY
MAINTAIN PROPERTY CLEAN/SECURE.			

Log

Type:	Date:	Employee:	Min:
MEET	10/30/2006 1:13:00 PM	JESSICA LARRAMENDY	0

JL) Scheduled to go before Council on November 15, 2006

LETTER	10/30/2006 1:13:00 PM	JESSICA LARRAMENDY	0
JL) Report of expense ltr and memo mailed to property owner both certified and regular mail.			
MISC	10/25/2006 8:05:00 AM	LYNN NIHIPALI	5
16)REVIEWED WITH 24, TO GO ON COUNCIL AGENDA, CHECK WITH DEVIN IF READY TO START WITH MRP.			
INSP	10/24/2006 9:45:00 AM	LYNN NIHIPALI	3
16)PIX, SECURE, WEEDS AND GRASS STARTING TO GROW, REFER TO 24 FOR STATUS, CB 11-01			
DIRECT	10/3/2006 9:36:00 AM	PAMELA HINES	11
24)DRAFT SUMMARY TO JESS. C/B 10/16 TO 16 FOR MRP. ARE WE GOING TO REQUIRE THE MRP SINCE THE BLDG DID NOT REQUIRE BOARDING??			
MISC	9/20/2006 6:58:00 AM	KATHY STEWART	0
Sent Invoice (\$1,369) from C.H. Construction for completion of abatement to Finance for payment. Gave file to Pam Hines for review/Council.			
MISC	9/19/2006 2:23:00 PM	KATHY STEWART	0
Sent invoice from C.H. Construction to Devin Smith for signature.			
EMAIL	9/18/2006 3:47:00 PM	KATHY STEWART	0
Emailed Devin Smith to approve Oracle payment for C.H. Construction (\$1,369) 2nd Request			
MBILL	9/15/2006 11:04:00 AM	JESSICA LARRAMENDY	0
JL) Emailed Barb to add line to auto invoice for abatement, Hansen Bill #19313. Add \$325 Boarded Building Certificate fee. Abatement invoices should be \$1,899.35			
MAIL	9/15/2006 8:12:00 AM	KATHY STEWART	0
Emailed Devin Smith to approve Oracle payment for C.H. Construction (\$1,369)			
VIDPST	9/14/2006 8:54:00 AM	KELLY OLIVERIUS	9
30)FILMED POST ABATEMENT VIDEO. CLEAN/SECURE. POSTED.			
PHONE	9/13/2006 3:19:00 PM	KELLY OLIVERIUS	0
30)CALL FROM CH CONST, ABATEMENT IS DONE.			
PHONE	9/1/2006 8:05:00 AM	KELLY OLIVERIUS	0
30)PHONED CHRIS, HE STATED THE SIGNS ARE NOT POSTED YET AND SHOULD BE DONE FOR FILMING ON TUE.			
PHONE	8/30/2006 10:40:00 AM	KELLY OLIVERIUS	1
30)PHONED CHRIS, INFORMED HIM NO SIGNAGE. HE STATED HE WOULD HAVE SIGNS POSTED TODAY AND CALL ME TO FILM POST ABATEMENT.			
INSP	8/30/2006 8:10:00 AM	KELLY OLIVERIUS	14
30)PER CHRIS, WENT TO FILM POST ABATEMENT VIDEO, THE PROPERTY WAS NOT POSTED. CB 08/31.			
SC	8/30/2006 7:19:00 AM	KATHY STEWART	0
Received Invoice (\$1,369) from C.H. Construction.			
PHONE	8/29/2006 1:18:00 PM	KELLY OLIVERIUS	0
30)VM FROM CH, ABATEMENT IS DONE. FILM TOMORROW.			
PHONE	8/29/2006 8:20:00 AM	KELLY OLIVERIUS	4
30)PHONED CHRIS WITH CH CONST, 858-7860, INFORMED HIM VIDEO IS COMPLETE AND ABATEMENT CAN PROCEED.			
VIDPRE	8/29/2006 8:10:00 AM	KELLY OLIVERIUS	14
30)FILMED PRE ABATEMENT VIDEO. NO CHANGE AT PROEPRTY, WEEDS LITTER REMAIN. REAR SLIDING DOOR OPEN.			
EMAIL	8/25/2006 11:43:00 AM	KATHY STEWART	0
Per email from #30, Per Chris, he is to do the abatement for this property on 08/29, I will film it first thing in the morning on the 29th and call him with the OK to start. He is going to abate the Flora Spray property on Wednesday the 30th.			
FAX	8/25/2006 11:07:00 AM	KATHY STEWART	0
Received fax from C.H. Construction stating start date for abatment of property will be Monday, 8/28/06. Emailed #30 this information.			
BIDA	8/25/2006 10:01:00 AM	KATHY STEWART	0
Faxed Award letter to C.H. Construction. Contractor to fax/call within five days with a start date.			
DIRECT	8/25/2006 9:38:00 AM	KATHY STEWART	0
Per Devin Smith, Award to low bidder, C.H. Construction.			
EMAIL	8/25/2006 7:49:00 AM	KATHY STEWART	0
Emailed Devin Smith to proceed with abatement - award to low bidder.			

PHONE	8/23/2006 2:11:00 PM	KELLY OLIVERIUS	0
30)PHONED SCOTT GRIFFITHS, 206-324-7189, NO ANSWER, NO MESSAGE.			
RESEAR	8/23/2006 2:11:00 PM	KELLY OLIVERIUS	0
30)CHECKED ASSESSOR, NO CHANGE IN OWNERSHIP.			
MISC	8/23/2006 8:06:00 AM	KATHY STEWART	0
Sent Certified letter from owner, Return to Sender, Unclaimed, to Maria to file.			
INSP	8/22/2006 1:19:00 PM	KELLY OLIVERIUS	3
30)VIOL REMAIN, UNCHANGED. PIX. ASSESS FEE. PUT IN FOR CONT ABATEMENT. ATTEMPT CONTACT WITH OWNER.			
DIRECT	8/2/2006 7:23:00 AM	KELLY OLIVERIUS	0
30) PER 24, CB AFTER RETURN FROM VACATION DUE TO NOT BEING A DANGEROUS BLDG. CB 08/22			
NTCABT	8/1/2006 8:50:00 AM	KELLY OLIVERIUS	4
30)POSTED NOTICE TO ABATE. CB 08/11.			
NOTICE	7/31/2006 1:24:00 PM	KATHY STEWART	0
Sent Ten (10) Day Notice Before Abatement letter to owner. POST: 8/1. C/B: 8/11. Sent file to #30			
BIDR	7/31/2006 7:03:00 AM	KATHY STEWART	0
Received bid from contractors (1) C.H. Construction-\$1,369; (2) C&W Enterprises-\$1,800; (3)Graeagle Construction-\$2,010			
BIDS	7/25/2006 7:53:00 AM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bid due by COB, Friday, 7/28/06			
DIRECT	7/24/2006 1:59:00 PM	KATHY STEWART	0
Per Pam Hines, rebid abatement; need at least two bidders.			
MISC	7/24/2006 1:29:00 PM	LAURA DEARMOND	0
CERT LETTER TO OWNER SCOTT GRIFFITHS RETURNED UNCLAIMED, ATTACHED LETTER TO FILE			
FAX	7/24/2006 9:43:00 AM	KATHY STEWART	0
Sent fax to contractors on list who did not bid to see if they would submit a bid. No one responded.			
BIDR	7/24/2006 7:00:00 AM	KATHY STEWART	0
Received bid from C.H. Construction-\$4,169. No other bids received.			
BIDS	7/17/2006 8:19:00 AM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bid due by COB, Friday, 7/21/06			
EMAIL	7/14/2006 1:34:00 PM	KELLY OLIVERIUS	0
30)PER LINDA, ONLY CONTACT NUMBER IS THE SAME ONE I HAVE.			
SEAR	7/13/2006 2:37:00 PM	KELLY OLIVERIUS	0
30)CHECKED ASSESSOR, NO CHANGE IN OWNERSHIP.			
EMAIL	7/13/2006 2:35:00 PM	KELLY OLIVERIUS	0
30)EMAILED LINDA FOR ALT NUMBER.			
PHONE	7/13/2006 2:34:00 PM	KELLY OLIVERIUS	0
30)PHONED OWNER, NO ANSWER, NO MESSAGE.			
INSP	7/10/2006 10:37:00 AM	KELLY OLIVERIUS	4
30)DOORS SECURE. LITTER AND HIGH WEEDS REMAIN. CONTACT OWNER. PIX. ASSESS FEES. PUT IN FOR ABATE.			
RECORD	6/30/2006 3:04:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated June 27, 2006 at Clark County. Book: 20060630 Inst: 03816			
NOPOST	6/28/2006 12:38:00 PM	KELLY OLIVERIUS	3
30)POSTED N&O, CB 07/10			
DBPROJ	6/27/2006 2:22:00 PM	LAURA DEARMOND	0
MISC	6/26/2006 4:46:00 PM	KELLY OLIVERIUS	5
30)PROCESSED N&O, FORWARDED TO LAURA.			
PHONE	6/26/2006 4:08:00 PM	KELLY OLIVERIUS	0
30)PHONED OWNER, SCOTT GRIFFITHS, 206-324-7189, NO ANSWER, NO MESSAGE.			

RESEAR	6/26/2006 4:03:00 PM	KELLY OLIVERIUS	5
30)ACCESSED ASSESSOR FOR OWNER INFO. CHECKED WHITE PAGES, SEWER, AND HANSEN FOR CONTACT INFO.			
INSP	6/23/2006 10:49:00 AM	KELLY OLIVERIUS	5
30)SFD, OPEN/ACCESS (SLIDING DOORS IN R.). HGIH WEEDS. LITTER. PIX. PROCESS N&O. POOL IS DRAINED.			

Time in minutes: 90

APN 163-07-111-009
Ref #43694

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: SCOTT GRIFFITHS
(Reputed Owner(s)) at time of abatement.

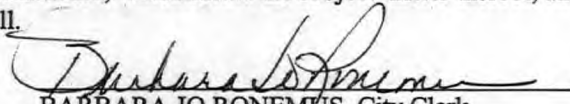
Assessor's Parcel No.: 163-07-111-009
Commonly known as: 2700 BRIENZA WAY
Legal Description: LAKES UNIT #1 RICHMOND
AMERICAN HOMES AMD
PLAT BOOK 39 PAGE 39
LOT 84 BLOCK 1

On August 25, 2006, as provided in the Municipal Code, 9.04, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$1,851.85 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

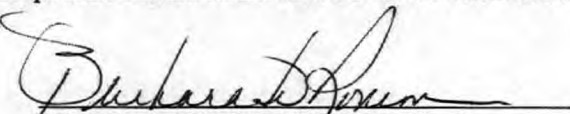
The Las Vegas City Council, at a duly noticed public hearing held on November 15, 2006, ordered the above charges in the amount of \$1,851.85, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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

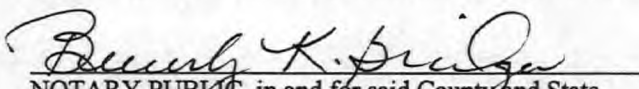

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

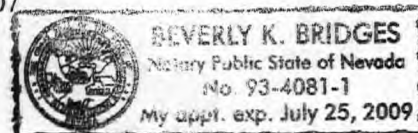
STATE OF NEVADA)
COUNTY OF CLARK)

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


BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 23rd day of January, 2007


NOTARY PUBLIC, in and for said County and State



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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: STEPHEN HARSIN**☐ Consent ☒ Discussion**SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned building and assess civil penalties located at 3705 San Joaquin Avenue. PROPERTY OWNERS: WALTER & SHIRLEY MERKEL - Ward 1 (Tarkanian)

Fiscal Impact☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$6,113.50**Funding Source:** General Fund**Dept./Division:** Neighborhood Services/Response**PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Neighborhood Services hired Weaver Construction, Inc. to board and secure the structure to City of Las Vegas specifications, remove all trash, debris, refuse, waste, litter, all vegetation (dead, dry vegetation exceeding 8 inches in height), repair the fence/gate and post No Trespassing, No Dumping, No Vehicle signs on site. To date, there have been twenty-one (21) inspections conducted at this location. The value of the property based on the sale date of May 2005 was \$150,000.00.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$6,113.50 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

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

Motion made by LOIS TARKANIAN to Approve as recommended

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

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

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:

Video shown but not submitted.

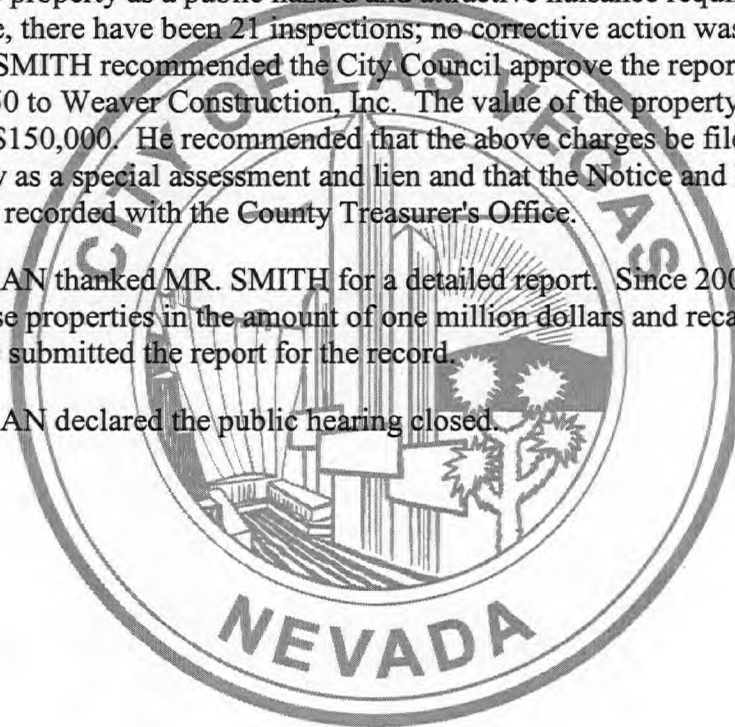
MAYOR GOODMAN declared the public hearing open.

The property owner was not present.

DEVIN SMITH, Manager of Neighborhood Response, read the purpose/background regarding the condition of the property as a public hazard and attractive nuisance requiring the described abatement. To date, there have been 21 inspections; no corrective action was taken nor was an appeal filed. MR. SMITH recommended the City Council approve the report of expenses in the amount of \$6,113.50 to Weaver Construction, Inc. The value of the property, based on the sale of May 2005, was \$150,000. He recommended that the above charges be filed and recorded against the property as a special assessment and lien and that the Notice and Lien of Assessment should be filed and recorded with the County Treasurer's Office.

MAYOR GOODMAN thanked MR. SMITH for a detailed report. Since 2001, the City has placed liens on these properties in the amount of one million dollars and recaptured \$887,000 since that time. He submitted the report for the record.

MAYOR GOODMAN declared the public hearing closed.



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of vacant or abandoned building and assess civil penalties located at 3705 San Joaquin Avenue. PROPERTY OWNERS: WALTER & SHIRLEY MERKEL – Ward 1 (Tarkanian)

Weaver Construction, Inc. completed work on September 19, 2006 at a cost of \$3,380.00; plus a 15% administrative fee; \$451.50 in reinspection fees (including late fees); \$1,450.00 in civil penalties; and \$325.00 boarded building certificate fee for a total of \$6,113.50.

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

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

1	3813	3809	3805	3801	3713	3709	3705	3701
	○	○	○	○	○	○	○	○
3	3812	3808	3804	3800	3712	3708	3704	3700
	○	○	○	○	○	○	○	○

SAN ANGELO AVE

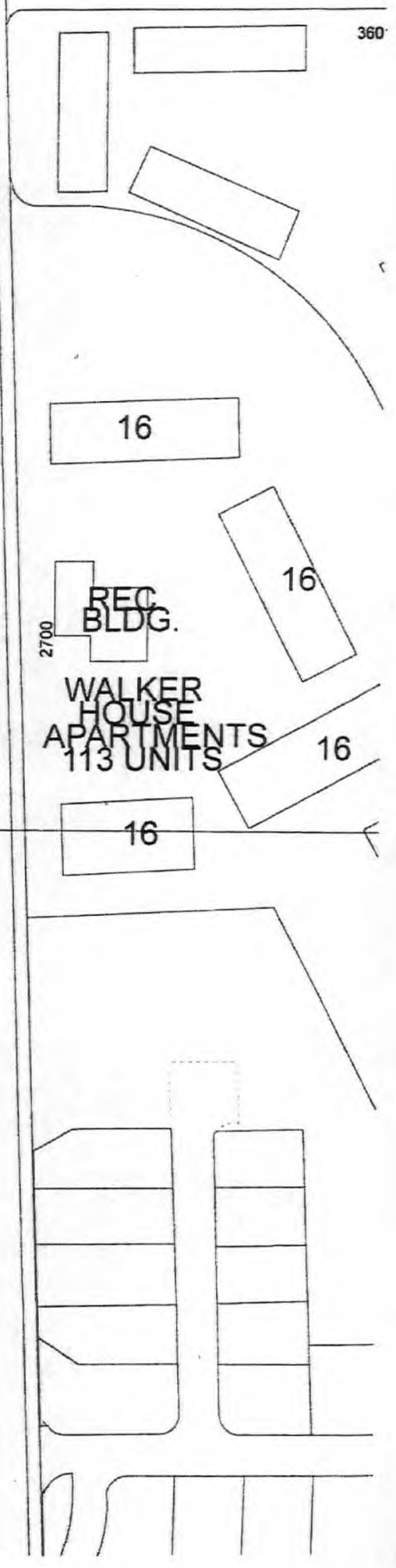
7	3813	3809	3805	3801	3713	3709	3705	3701
	○	○	○	○	○	○	○	○
12	3808	3804	3800	3716	3712	3708	3704	3700
	○	○	○	○	○	○	○	○

SAN JOAQUIN AVE

13	3809	3805	3801	3717	3713	3709	3705	3701
	○	○	○	○	○	○	■	○

OFFICES

S VALLEY VIEW BLVD



Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

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

CC: File

Date: October 31, 2006

Re: Report of Expenses for the abatement of Vacant or Abandoned Building and Assess Civil Penalties at 3705 San Joaquin Avenue - Ward 1 (Tarkanian)

LVMC9.04.045 Authorizes the City of Las Vegas to assess and collect a reinspection fee of \$75.00 if the violation(s) are not brought into compliance by the reinspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial reinspection. In addition, LVMC9.04.020 and 9.040.030 Authorizes the city to assess a civil penalty concurrently with the reinspection fees assessed. On the 2nd reinspection a \$45 reinspection fee + a \$150.00 civil penalty will be assessed; On the 3rd reinspection a \$45 reinspection fee + a \$300.00 civil penalty will be assessed; On the 4th reinspection and any future re-inspections will be assessed a \$45 reinspection fee + a \$500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred (\$500.00) dollars per day for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The \$500.00 daily civil fee will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding and securing the structure to City of Las Vegas specifications, removing all trash, debris, refuse, waste, litter, all vegetation (dead, dry vegetation exceeding 8 inches in height), repairing the fence/gate, and posting No Trespassing, No Dumping, No Vehicle signs on site. The abatement was completed by Weaver Construction, Inc. on September 19, 2006 at a cost of \$3,380.00 which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Board/Secure structure to City of Las Vegas specifications	\$1,475.00
Refuse/Waste/Trash/Debris/Litter Removal (Exterior)	\$1,420.00
Vegetation Removal (Dead/Dry/Overgrown)	\$250.00
Repair broken fence/gate	\$185.00
Posting Signs	\$50.00
AMOUNT DUE:	\$3,380.00
Administrative Processing Fee:	\$507.00
Boarded Building Certificate	\$325.00
Sub-Total:	\$4,212.00
Reinspection Fees (w/late fees):	\$451.50
Civil Penalties:	\$1,450.00
TOTAL AMOUNT DUE:	\$6,113.50
OWNER OF RECORD:	
WALTER & SHIRLEY MERKEL	
PROPERTY ABATED:	
3705 San Joaquin Avenue	
ASSESSOR PARCEL:	
162-07-516-034	
LEGAL DESCRIPTION:	
LAS VERDES HGTS 6 UNIT #3	
PLAT BOOK 8 PAGE 29	
LOT 2 BLOCK 5	

DSS:jl

WEAVER CONSTRUCTION

"GENERAL ENGINEERING"

2590 NORTH NELLIS BLVD.

LAS VEGAS, NEVADA 89115

EXHIBIT A

DISCLOSURE OF PRINCIPALS

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

FULL NAME

BUSINESS ADDRESS

BUSINESS PHONE

1. Phil Weaver 2590 N. Nellis Blvd. LV, NV 644-1088
2. _____
3. _____
4. _____
5. _____
6. _____

Continue list until full and complete disclosure is made

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

Weaver Construction

BY: Phyllis Weaver
Phyllis Weaver, Office Mgr.

Subscribed and sworn to before me
this 28 day of October, 1999.

Stephanie D. Dunn
Notary Public





**NOTICE OF PUBLIC HEARING
NOVEMBER 15, 2006**

Pursuant to Title 9, Chapter 4 of the Las Vegas Municipal Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, November 15, 2006 at 1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

LAS VEGAS CITY COUNCIL

**OSCAR B. GOODMAN
MAYOR**

**GARY REESE
MAYOR PRO TEM**

**LARRY BROWN
LAWRENCE WEEKLY**

**STEVE WOLFSON
S TARKANIAN
EVEN D. ROSS**

**DOUGLAS A. SELBY
CITY MANAGER**

Abatement of the property by boarding and securing the structure to City of Las Vegas specifications, removing all trash, debris, refuse, waste, litter, all vegetation (dead, dry vegetation exceeding 8 inches in height), repairing the fence/gate, and posting No Trespassing, No Dumping, No Vehicle signs on property located at **3705 SAN JOAQUIN AVENUE**, legally described as **LAS VERDES HGTS 6 Unit 3 PLAT BOOK 8 PAGE 29 LOT 2 BLOCK 5**. Owner of record at time of abatement: **WALTER AND SHIRLEY MERKEL - WARD 1 (TARKANIAN)**

The Director of Neighborhood Services certifies in the report that the sum of \$6,113.50 was expended (\$3,380.00 for cleaning the property by Weaver Construction; \$325.00 boarded building certificate; \$451.50 for Re-inspection fees; \$507.00 Administrative Processing Fee and \$1,450.00 civil penalties).

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

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

**BARBARA JO RONEMUS
CITY CLERK**

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

**18112-001-06-05
CLV 7009**

Address: 3705 SAN JOAQUIN AVE

CITZ

Vacant house, open/accessible

Parcel(s)

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

Owner Information:

10-Aug-02	26-May-05	MERKEL WALTER & SHIRLEY J 3705 SAN JOAQUIN AVE; LAS VEGAS, NV 89102-5906
26-May-05	02-Jun-05	BERRY WILLIAM JAMES JR 8425 LUNA BAY LN; LAS VEGAS, NV 89128
02-Jun-05	23-Jun-05	BERRY WILLIAM JAMES JR 8425 LUNA BAY LN; LAS VEGAS, NV 89128-7172
23-Jun-05		MERKEL WALTER & SHIRLEY 3705 SAN JOAQUIN AVE; LAS VEGAS, NV 89102-5906

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
981876	Failed		5/3/2005	05/03/2005 10:33	05/03/2005 10:42	9
981876	Passed	Partial	5/16/2005	05/09/2005 14:01	05/09/2005 14:06	5
840182	Passed	Partial	5/19/2005	05/19/2005 8:50	05/19/2005 9:00	10
870076	Passed	Partial	5/27/2005	06/08/2005 10:20	06/08/2005 10:31	11
870076	Passed	Partial	6/20/2005	06/22/2005 12:47	06/22/2005 12:55	8
870076	Failed		7/11/2005	07/22/2005 17:41	07/22/2005 17:54	13
840182	Passed	Partial	7/11/2005	06/30/2005 10:20	06/30/2005 10:25	5
860034	Failed		8/16/2005	08/16/2005 13:30	08/16/2005 13:41	11
60066	Failed		8/25/2005	08/25/2005 9:20	08/25/2005 9:30	10
960066	Failed		9/26/2005	09/15/2005 8:45	09/15/2005 8:50	5
983986	Failed		9/26/2005	09/27/2005 14:20	09/27/2005 14:25	5
940274	Passed	Partial	1/31/2006	02/16/2006 10:00	02/16/2006 10:30	30
940274	Failed		2/15/2006	01/23/2006 12:15	01/23/2006 12:25	10
983986	Passed	Partial	2/22/2006	03/07/2006 10:25	03/07/2006 10:30	5
983986	Passed	Partial	3/17/2006	03/23/2006 10:00	03/23/2006 10:15	15
981876	Passed	Partial	3/31/2006	03/31/2006 10:11	03/31/2006 10:16	5
981876	Passed	Partial	4/17/2006	04/06/2006 12:32	04/06/2006 12:35	3
981876	Failed		4/17/2006	04/20/2006 8:53	04/20/2006 9:03	10
981876	Passed	Partial	5/2/2006	05/02/2006 12:39	05/02/2006 12:42	3
981876	Failed		5/15/2006	05/15/2006 12:29	05/15/2006 12:34	5
981876	Failed		8/22/2006	08/22/2006 11:24	08/22/2006 11:27	3
982400	No Action		10/25/2006			

Time in Minutes: 181

Violation Details

<i>Violation</i>	<i>Violation DT:</i>	<i>Resolve DT:</i>	<i>Location:</i>
A-REFUSE/WST	5/3/2005		WEST AND EAST SIDE YARDS
REMOVE ALL REFUSE, WASTE, DEAD VEGETATION FROM PUBLIC VIEW.			
A-REFUSE/WST	5/3/2005		FRONT YARD
REMOVE ALL REFUSE AND WASTE FROM PUBLIC VIEW.			
A-PAINTING	5/3/2005		EAST SIDE YARD
REPAIR BROKEN FENCE/GATE IN SIDE YARD.			
A-BLD DNGR	5/3/2005		PROPERTY
SECURE THE STRUCTURE PER CLV SPECS.			
A-LITTER	5/3/2005		FRONT YARD
REMOVE AND MAINTAIN PROPERTY LITTER FREE.			
A-WEEDS	5/3/2005		FRONT YARD
CUT AND OR REMOVE ALL HIGH WEEDS AND GRASS VISIBLE FROM THE RIGHT OF WAY.			
A-VEHICLE	5/3/2005	3/28/2006	DRIVEWAY
REMOVE AND DISCONTINUE STORING JUNK/INOPERABLE VEHICLES AT THIS LOCATION.			
A-PERMIT REQ	3/31/2006		PROPERTY
OBTAIN A PERMIT FOR LAWFUL OCCUPANCY.			
A-MITIGATION	3/31/2006		PROPERTY
SUBMIT A MITIGATION PLAN.			
A-INTENT LTR	3/31/2006		PROPERTY
SUBMIT A LETTER OF INTENT			
A-BRDG CERT	3/31/2006		PROPERTY
OBTAIN A BOARDING CERT			

Log

<i>Type:</i>	<i>Date:</i>	<i>Employee:</i>	<i>Min:</i>
MEET	10/31/2006 8:31:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on November 15, 2006.			
ETTER	10/31/2006 8:31:00 AM	JESSICA LARRAMENDY	0
JL) Sent report of expense letter and memo to property owner both certified and regular mail.			
DIRECT	10/3/2006 10:22:00 AM	PAMELA HINES	4
24)FILE TO JESS FOR COUNCIL. C/B 10/25 TO 16 FOR STATUS CONDITION REPORT BEFORE COUNCIL.			
MISC	9/29/2006 3:32:00 PM	LAURA DEARMOND	0
SENT WEAVER INVOICE \$3,380 TO FINANCE & GAVE FILE TO PAM			
VIDPST	9/18/2006 1:00:00 PM	KELLY OLIVERIUS	42
30)FILMED POST ABATEMENT VIDEO. PROPERTY IS CLEAN, FENCE CONSTRUCTED IN E. S/Y, NO ENTRY. PER 21 PROPERTY IS IN COMPLIANCE.			
PHONE	9/11/2006 12:37:00 PM	KELLY OLIVERIUS	2
30)PHONED PHYLLIS WITH WEAVER CONST, INFORMED HER VIDEO IS COMPLETE AND ABATEMENT CAN BEGIN.			
VIDPRE	9/11/2006 12:28:00 PM	KELLY OLIVERIUS	9
30)FILMED PRE ABATE VIDEO. ALL VIOL REMAIN. VAG INHABITED.			
DIRECT	8/30/2006 8:51:00 PM	PAMELA HINES	0
24) LET'S PLEASE CHECK WITH WEAVER ON 9/1, WHEN THE START DATE WILL BE.			
PHONE	8/29/2006 3:21:00 PM	KELLY OLIVERIUS	0
30)PER SHIRLEY, RETURNED A CALL TO ROSARIO, COMPLAINANT, HE WAS NOTHOME AT RESIDENCE AND CALL DIDI NOT GO THROUGH ON CELL PHONE.			

PHONE	8/29/2006 2:10:00 PM	SHIRLEY WARMOUTH	1
ROSARIO (H 889-9582 OR C 767-6841) THERE'S TRAFFIC GOING INTO HOUSE FROM THE SIDE OF HOUSE; TREES HAVE FALLEN IN R/YARD AND ARE DRIED (FIRE HAZARD); EMPTY POOL FULL OF T/D)			
INSP	8/22/2006 11:24:00 AM	KELLY OLIVERIUS	3
30) VERIFIED ALL VIOLATIONS REMAIN. PIX. CONTINUE WITH ABATEMENT.			
BIDA	8/14/2006 3:20:00 PM	LAURA DEARMOND	0
AWARDED TO WEAVER CONSTRUCTION			
DIRECT	8/11/2006 4:00:00 PM	JESSICA LARRAMENDY	0
JL) Per Devin, did not grant extension request - owner has had plenty of time. Proceed with abatement. Referred to Laura and placed in #30 queue for 8/22/06.			
EMAIL	7/20/2006 2:14:00 PM	LAURA DEARMOND	0
SENT EMAIL TO 30 ASKING IF SHE KNEW OF ANY REASON WHY THIS ABATEMENT IS ON HOLD BEFORE I SEND ANOTHER REQUEST TO DEVIN FOR APPROVAL			
EMAIL	5/22/2006 7:39:00 AM	LAURA DEARMOND	0
SENT EMAIL TO DEVIN FOR OK TO AWARD			
RESEAR	5/17/2006 8:19:00 AM	KELLY OLIVERIUS	0
30) CHECKED ASSESSOR, NO OWNERSHIP CHANGE.			
DIRECT	5/16/2006 2:01:00 PM	KELLY OLIVERIUS	2
30) PER DEVIN, HE CONTACTED AIDA, ABATEMENT IS TO CONTINUE.			
.SP	5/15/2006 12:29:00 PM	KELLY OLIVERIUS	5
30) ALL VIOL. REMAIN, UNCHANGED. PIX. ASSESS FEE. CHECK WITH DEVIN FOR CONTACT WITH AIDA. PUT IN FOR CONT ABATEMENT. REFER TO 24. CIVIL PENALTY TO START WITH NEXT FAILED INSPECTION. LETTER/BOARD DUE 06/04.			
PHONE	5/12/2006 2:36:00 PM	KELLY OLIVERIUS	0
30) RETURNED A CALL TO AIDA, 492-1810, 809-3626, SAID SHE IS HAVING BACK PROBLEMS AND WANTED A 30 DAY EXTENSION TO ABATE PROPERTY. I TOLD HER DUE TO THE CONDITION OF THE PROPERTY A 30 DAY EXTENSION WAS NOT FEASIBLE. REFERRED HER TO DEVIN.			
PHONE	5/5/2006 1:45:00 PM	KELLY OLIVERIUS	0
30) RETURNED A CALL TO AIDA, SHE WAS NOT AVAIL. SPOKE TO JACKIE, EXPLAINED NOTICE TO ABATE. TOLD HER ALL VIOL. NEED TO BE ABATED BY 05/15 OR CONTRACTOR WOULD ABATE. SHE SAID SHE WOULD RELAY THE INFO TO AIDA.			
NTCABT	5/2/2006 12:39:00 PM	KELLY OLIVERIUS	3
30) POSTED TEN DAY NOTICE TO ABATE, CB 05/15			
MISC	5/1/2006 2:24:00 PM	LAURA DEARMOND	0
REC'D CERT CARD FROM ADA MERKEL			
NOTICE	4/28/2006 8:09:00 AM	LAURA DEARMOND	0
SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNERS WALTER & SHIRLEY MERKEL & COPY TO ADA MERKEL			
BIDR	4/28/2006 8:06:00 AM	LAURA DEARMOND	0
REC'D BIDS 1. WEAVER CONSTRUCTION INC \$3,380.00 2. C.H. CONSTRUCTION LLC \$4,449.00			
PHONE	4/27/2006 5:06:00 PM	KELLY OLIVERIUS	0
30) RETURNED A CALL TO AIDA MERKEL, NO ANSWER, LEFT A VM FOR HER TO CALL.			
BIDS	4/24/2006 2:04:00 PM	LAURA DEARMOND	0
FAXED BID TO CONTRACTORS, DUE BACK 4-27			
PHONE	4/21/2006 8:03:00 AM	KELLY OLIVERIUS	0
30) PHONED AIDA MERKEL, NO ANSWER, LEFT A VM FOR HER TO CALL.			
RESEAR	4/21/2006 8:02:00 AM	KELLY OLIVERIUS	0
30) CHECKED ASSESSOR, NO CHANGE IN OWNERSHIP.			
MISC	4/20/2006 3:03:00 PM	KELLY OLIVERIUS	1
30) VERIFIED WITH 20 WATER HAS BEEN SHUT OFF.			
INSP	4/20/2006 8:53:00 AM	KELLY OLIVERIUS	10
30) PROPERTY STILL OPEN/ACCESS. WEEDS, LITTER, R/W REMAIN. PIX. ASSESS FEE. PUT IN FOR ABATE. CB 04/24 TO 24. WATER RUNNING IN R/Y, PER 19, PHONED 20 AND HE WILL SHUT OFF WATER.			
MISC	4/18/2006 11:20:00 AM	LAURA DEARMOND	0
REC'D CERT CARD FROM AIDA MERKEL			

RECORD	4/13/2006 3:03:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated April 4, 2006 at Clark County. Book: 20060413 Inst: 03856			
MISC	4/13/2006 1:51:00 PM	LAURA DEARMOND	0
CERT & REGULAR LETTERS TO OWNERS WALTER & SHIRLEY MERKEL RETURNED MOVED LEFT NO ADDRESS UNABLE TO FORWARD			
NOPOST	4/6/2006 12:32:00 PM	KELLY OLIVERIUS	3
30)POSTED N&O. CB 04/17.			
MISC	4/5/2006 9:08:00 AM	KATHY STEWART	0
Sent certified letter, Return to Sender, Unclaimed, to #30 to file.			
DBPROJ	4/4/2006 4:08:00 PM	LAURA DEARMOND	0
MISC	4/3/2006 11:20:00 AM	KELLY OLIVERIUS	0
30)PROCESSED N&O, FORWARDED TO KATHY.			
CONTCT	4/3/2006 11:18:00 AM	KELLY OLIVERIUS	0
30)AIDA MERKEL, 4489 GRACEMONT AVE, LV, NV, 89139			
PHONE	4/3/2006 11:14:00 AM	KELLY OLIVERIUS	0
30)PHONED NUMBER IN HANSEN FOR AIDA MERKEL, 809 3626, SHE SAID SHE WAS BUSY AND TO CALL TOMORROW. SHE IS THE DAUGHTER OF OWNERS.			
SEAR	4/3/2006 11:13:00 AM	KELLY OLIVERIUS	0
30)ACCESSED COUNTY SITE FOR OWNER INFO.CHECKED WHITE PAGES, NO NUMBER.			
PHONE	3/31/2006 2:58:00 PM	KELLY OLIVERIUS	0
30)RETURNED A CALL TO TOM GRIFFIN, 227-4492, NO ANSWER, LEFT A VM FOR HIM TO CALL.			
INSP	3/31/2006 10:11:00 AM	KELLY OLIVERIUS	5
30)SFD, OPEN/ACCESS (GARAGE DOOR). R/W ALL YARDS (TRUCK BED, WOOD, METAL, GARBAGE BAGS, TREE LIMBS, ECT.). WEEDS, LITTER. BROKEN GARAGE DOOR. VAGRANT ONSITE. PIX. PROCESS N&O. PERMIT REQ DUE TO RED TAG.			
INSP	3/22/2006 10:00:00 AM	KENNETH BEAMAN	15
29)Met with Aida Merkel #809-3626 @ the residence;verified no one was living the house,case being referred to #30 for vacant building.Aida states that she will be re-habing the house.			
MISC	3/14/2006 8:34:00 AM	KATHY STEWART	0
Sent Certified & Regular letters from owner, Return to Sender, Moved, Left No Address, to #19 to file.			
RECORD	3/13/2006 1:22:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated March 6, 2006 at Clark County. Book: 20060313 Inst: 01876.			
POST	3/7/2006 10:25:00 AM	KENNETH BEAMAN	5
29)Ten Day Notice to vacate posted to front door. c/b 03/17.			
NOTICE	3/6/2006 2:59:00 PM	KATHY STEWART	0
Sent Ten (1) Day Vacate Notice & Order to Comply letter to owner & copy to Aida Merkel. POST: 3/7. C/B: 3/17. Sent file to #19.			
INSP	2/23/2006 9:00:00 AM	VICKI OZUNA	15
19) Also Notice and order to remove debris, high weeds and junk vehicle. Referred to 24.			
INSP	2/23/2006 9:00:00 AM	VICKI OZUNA	15
19) Aida did not show, fee assessed for inspection. House has no power, panel removed, pictures of main hook up show no power. Rear yard better but not completed. Junk vehicle body on driveway. Front yard has high weeds. Sending 10 day vacate notice.			
MISC	2/22/2006 9:00:00 AM	VICKI OZUNA	5
19) spoke to aida by phone, she is ill and will meet us onsite at 9:00 2/23.			
CNI	2/22/2006 8:28:00 AM	VICKI OZUNA	32
19) Correction notices mailed to both addresses of Aidas. Will issue copy to her onsite of property.			
INSP	2/16/2006 10:00:00 AM	VICKI OZUNA	30
19/29) Truck bed on front side yard needs to be moved. House paint is deteriorated and peeling. Told Ben that Electricity must be on by Monday. Meeting onsite Wednesday at 9:00 with Aida. Sending notice and order.			
INSP	2/16/2006 10:00:00 AM	VICKI OZUNA	30
19/29) Inspected property, found rear yard full of trash, debris, illegal generator running, scrap wood. Front of property has 4 vehicles, one illegally parked. Met with Tenant Ben Bates 413-3354. Started Camaro (operable) other vehicles are operable.			

EMAIL	2/15/2006 10:33:00 AM	PAMELA HINES	5
24)REC'D PICS OF R/Y YARD FULL OF REFUSE/WASTE, DEBRIS, SCRAP WOOD, HOUSEHOLD JUNK, FULL GARBAGE BAGS, ETC, IN & AROUND THE IN-GROUND POOL. PICS GIVEN TO #29 & #19 TO PROCEED WITH FINAL NOTICE TO THE MERKELS, NOTICING NEW FEE INFO & PENDING ABATEMENT.			
PHONE	2/8/2006 2:40:00 PM	PAMELA HINES	7
24)CYNTHIA @ CCHD STATES R/Y IS HEALTH PROBLEM. SENDING PICS & REPORT SO WE CAN INCLUDE R/Y IN OUR CLEANUP. CCHD CANNOT ABATE AS THEY HAVE NO WAY TO LIEN PROPERTY. MERKEL'S NOT RESPONDING TO THEIR MAIL EITHER.WILL CHECK WITH #19 ON STATUS.			
LETTER	2/7/2006 2:00:00 PM	KENNETH BEAMAN	0
29)MAILED FINAL NOTICE TO AIDA MERKEL,NO RESPONSE FROM TELEPHONE CALL C/B 02/15.			
PHONE	1/26/2006 8:00:00 AM	KENNETH BEAMAN	5
29)NO ANSWER;LEFT MESSAGE FOR AIDA MERKEL TO CALL REGARDING PROPERTY.			
MISC	1/24/2006 9:04:00 AM	VICKI OZUNA	0
19) Per 29 Aida Merkel has not returned his phone call to either his desk or his cell phone.			
INSP	1/23/2006 12:15:00 PM	VICKI OZUNA	10
19) with new fee information. cb 1/31			
INSP	1/23/2006 12:15:00 PM	VICKI OZUNA	10
19) Took pictures of property, spoke with man who claimed to be tenant (Adrian), another man sleeping in van stored on front yard area. Adrian stated that cars were being removed by next tuesday. Advised 29 to contact owner and to send a final notice			
PHONE	1/18/2006 7:00:00 AM	KENNETH BEAMAN	5
29)CALLED OWNER AIDA MERKEL.LEFT MESSAGE.			
DIRECT	1/17/2006 2:15:00 PM	PAMELA HINES	0
24)19 IS FOLLOWING UP ON THIS CASE, INSPECTION AND VIDEOTAPING (?) HAVE WE MADE CONTACT WITH OWNER LATELY??			
INSP	1/11/2006 8:50:00 AM	KENNETH BEAMAN	10
29)NO CHANGE IN PROPERTY CONDITIONS.CALLED OWNER AIDA MERKEL LEFT MESSAGE.REFFERING TO #24 FOR ABATEMENT.			
MISC	10/27/2005 10:47:00 AM	LAURA DEARMOND	0
CERT LETTER TO AIDA MERKEL RETURNED UNCLAIMED, PUT LETTER IN CASE FILE			
MISC	10/27/2005 9:29:00 AM	JESSICA LARRAMENDY	0
JL) Regular mail ltr returned - Return to Sender - No Such Number.			
MISC	10/4/2005 9:48:00 AM	LAURA DEARMOND	0
CERT LETTER TO OWNER RETURNED, MOVED LEFT NO ADDRESS, PUT LETTER IN FILE			
MAIL	9/30/2005 8:04:00 AM	LAURA DEARMOND	0
sent email to Devin to get ok to award			
INSP	9/27/2005 2:20:00 PM	KENNETH BEAMAN	5
29) NO CHANGE,HIGH WEEDS REMAIN,R/W SCATTERED ACROSS THE PROPERTY,UNPAINTED/DETERIORATED SURFACES EXITS ETC.PIX TAKEN.CONTINUING ABATEMENT PROCESS.GIVEN TO OFFICER#24			
LETTER	9/26/2005 2:12:00 PM	JESSICA LARRAMENDY	0
JL) Letter sent to: Ada Merkel regarding denial of appeal. Appeal should have been filed before July 8th to the N&O. The 10-day ltr gave owners option to abate before 9/23. If not, we would hire contractor on their behalf.			
APPEAL	9/26/2005 10:34:00 AM	JESSICA LARRAMENDY	0
JL) Received appeal to the 10-Day Before Abatement Notice. There are no appeal rights as of July 8th. The appeal request is dated 9/22/05. Appeal should have been filed before the July 8th date for the N&O dated 6/27/05.			
PHONE	9/20/2005 12:36:00 PM	ANTHONY GUARINO	0
21)spoke to owner-AIDA MERKEL- SHE WOULD LIKE TO APPEAL N&O NOTIFYING HER OF CONTRACTORS BID TO CLEAN.I ADVISED HER I DON'T BELIEVE YOU CAN APPEAL THAT NOTICE ONLY THE ORIGINAL N&O,SHE WILL CONTACT CITY CLERK.CELL 809-3626,TELE 492-1910			
NOPOST	9/15/2005 8:45:00 AM	ANTHONY GUARINO	5
21)10 DAY BEFORE POSTED. PROPERTY IN SAME CONDITION- FURNITURE,TRASH ON DRIVEWAY,YARD. BUILDING SECURE IN FRONT CB 9-26			
NOTICE	9/13/2005 4:55:00 PM	LAURA DEARMOND	0
SENT 10 DAY NOTICE BEFORE ABATEMENT TO OWNER			

BIDR	9/13/2005 4:51:00 PM	LAURA DEARMOND	0
REC'D BIDS 1.C.H. CONSTRUCTION \$2,269.00 2.CLV RRT \$2,550.00			
BIDS	9/7/2005 11:48:00 AM	LAURA DEARMOND	0
faxed bid to contractors, due back 9-12			
INSP	8/25/2005 9:20:00 AM	ANTHONY GUARINO	10
21)PROPERTY SECURE. CALLED POWER AND WATER COMPS- AT THIS TIME NO SERVICE FOR EITHER.LARGE AMOUNT OF DEBRIS ON DRIVEWAY,FRONTYARD-FURNITURE,CARPET.HIGH GRASS.PER 24 CONT. ABATEMENT PROCESS.SENT PAPERWORK.			
VOICE	8/19/2005 12:54:00 PM	PAMELA HINES	5
24)MESS FROM AIDA. SHE NOW SAYS NO ONE IS LIVING IN THE HOME. SHE ALSO STATES POWER IS ON. WILL HAVE OFFICER #21 CHECK ON 8/25, CONFIRM WITH WATER DISTRICT IF WATER IS OFF OR ON & NV POWER TOO PLEASE.			
INSP	8/16/2005 1:30:00 PM	GERALD GUZMAN	11
27)HIGH GRASS/WEEDS,TRASH DEBRIS IN FRONT AREAS.HOUSE REMAINS VACANT,OPEN/ACCESSIBLE THROUGH FRONT AND GARAGE WINDOWS.VERIFIED NO WATER SERVICE.ASSASS FEE,PROCEED W/ABATEMENT.REFER TO 24,CALL BACK8/24			
PHONE	8/9/2005 2:43:00 PM	PAMELA HINES	4
24)REC'D CALL FROM AIDA, VEHS HAVE BEEN REMOVED. SHE DOES HAVE SOMEONE STAYING IN THE HOUSE TO ASSIST WITH CLEANUP. ADVISED HER POWER HAS TO BE ON FOR SOMEONE TO OCCUPY. SHE SAID IT WILL BE TOMORROW. ASKED HER TO CALL & CONFIRM WHEN IT IS.			
VOICE	8/5/2005 8:30:00 AM	PAMELA HINES	4
24)LEFT V/M MESSAGE FOR AIDA MERKEL TO CALL ME			
INSP	8/4/2005 2:40:00 PM	PAMELA HINES	5
24)THE 2 VEHS REMAIN IN D/W WILL CHECK W/AIDA AGAIN BEFORE PURSUING ABATEMENT FURTHER.			
PHONE	7/28/2005 9:09:00 AM	PAMELA HINES	7
24)PER AIDA PROPERTY OWNERSHIP"LOUDY" THEFT & DAMAGE DONE TO REAR & INTERIOR. ADVISED WE'VE BEEN DEALING W/THIS TOO LONG. THE 2 VEHS NEED TO BE REMOVED THIS WEEK, & BALANCE OF CLEANUP IN TIMELY MANNER. WILL CHECK STATUS 8/1			
VOICE	7/28/2005 8:03:00 AM	PAMELA HINES	5
24)LEFT MESSAGE ON AIDA'S V/M TO CALL ME ASAP AS WE ARE GETTING READY TO GO AHEAD WITH ABATEMENT.			
PHONE	7/22/2005 6:10:00 PM	PAMELA HINES	-117
24)ATTEMPTED TO CALL AIDA MERKEL, SHE COULDN'T TALK - SAID TO CALL HER IN EARLY MORNING.			
INSP	7/22/2005 5:41:00 PM	PAMELA HINES	12
24)2 DISMANTLED JUNKERS IN D/W, WEEDS 80% ABATED, WINDOWS COVERED W/CARDBOARD, I THINK THIS PROPERTY HAS BEEN TAKEN OVER BY STREET PEOPLE. WILL ATTEMPT CONTACT W/THE MERKELS AGAIN.			
MISC	7/21/2005 1:22:00 PM	LAURA DEARMOND	0
Certified letter returned, unclaimed, from owner William Berry 5-18-05 until 6-15-05, sent letter to C/E office.			
NOPOST	7/1/2005 2:31:00 PM	PAMELA HINES	6
24)ATTEMPTED TO DELIVER N & O TO WM BERRY, HE STATES HE DID NOT PURCHASE THE PROPERTY. SQUATTERS PORTRAYED THEMSELVES AS HAVING AUTHORITY TO SELL. OWNERSHIP REVERTED BACK TO MERKELS. VERIFIED ON CC ASSESSOR SCREEN. WILL CONTACT MERKELS.			
NOPOST	6/30/2005 10:20:00 AM	GEORGE CLEVELAND	5
28) NO CHANGE..POSTED N/O ON PROPERTY..CB 7/11			
RECORD	6/30/2005 1:00:00 AM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated June 27, 2005 at Clark County. Book: 20050630 Inst: 04320.			
NOTICE	6/27/2005 2:12:00 PM	LAURA DEARMOND	0
SENT DANG BLDG N&O TO WILLIAM BERRY (OWNER FROM 5-18-05 UNTIL 6-15-05)			
INSP	6/22/2005 12:47:00 PM	LAURA DEARMOND	8
24) NO CHANGE. IT DOES NOT APPEAR N&O WAS SENT TO THE NEW OWNER AS REQUESTED, WILL DO SO 6-23			
INSP	6/8/2005 10:25:00 AM	ELIZABETH DOUGLAS	6
24) AND THEY USED ELECTRICAL POWER TO WELD WROUGHT IRON SECURITY DOORS ON REAR ENTRANCE. C/B 10 DAYS AFTER NEW OWNER'S POSTING - 6/20.			
INSP	6/8/2005 10:20:00 AM	ELIZABETH DOUGLAS	5
24) CONDITION REMAINS THE SAME. THE OWNERSHIP HAS CHANGED. WE NEED TO SEND NOTICE & ORDER TO NEW OWNER! CALLED LD AND ASKED HER TO SEND N & O TO NEW OWNER AND PRINT COPY TO POST ON LUNA BAY! NEIGHBOR STATES THERE WAS A WORKER ON-SITE A FEW DAYS AGO			

MISC	5/23/2005 7:56:00 AM	LAURA DEARMOND	0
Ld) CERT LETTER TO OWNER RETURNED, MOVED, LEFT NO ADDRESS, SENT LETTER TO C/E OFFICE.			
INSP	5/19/2005 8:50:00 AM	GEORGE CLEVELAND	10
28) FRONT DOOR OPEN, I CLOSED AND LOCKED DOOR..NO IMPROVEMENT IN CONDITION FROM 5/16...CB 5/27			
MISC	5/16/2005 3:33:00 PM	KELLY OLIVERIUS	0
30)PER AIDA MERKELL, HEER MAILING ADDRESS IS 4489 GRACEMONT AVE, LV, NV, 89139			
PHONE	5/16/2005 3:32:00 PM	KELLY OLIVERIUS	0
30)RETURNED A CALL FROM AIDA MERKEL, 809-3626, SHE SAID SHE CAN ONLY DO SO MUCH WORK ON HER DAYS OFF. I TOLD HER THE PROPERTY NEEDED TO BE SECURED AND CLEANED. SHE SAID SHE WILL DO WHAT SHE CAN. I REMINDED HER INSP IS 05/19.			
RECORD	5/16/2005 2:26:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated May 5, 2005 at Clark County. Book: 20050516 Inst: 02538.			
RECORD	5/11/2005 1:55:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated May 5, 2005 at Clark County. Book: 20050511 Inst: 02174.			
NOPOST	5/9/2005 2:01:00 PM	KELLY OLIVERIUS	5
30)NO CHANGE SINCE LAST INSPECTION. POSTED N&O. CB 05/19.			
NOTICE	5/5/2005 3:18:00 PM	LAURA DEARMOND	0
Ld) SENT DANG BLDG N&O TO OWNER, C/B 5-16			
ISC	5/4/2005 7:14:00 AM	KELLY OLIVERIUS	0
30)PROCESSED N&O, FORWARDED TO 24 FOR REVIEW.			
PHONE	5/4/2005 7:13:00 AM	KELLY OLIVERIUS	0
30)PHONED 876-6379, NO ANSWER. NO MESSAGE.			
RESEAR	5/4/2005 7:07:00 AM	KELLY OLIVERIUS	5
30)ACCESSED COUNTY WEBSITE, WHITE PAGES, AND SEWER SCREEN FOR OWNER INFO.THIS PROPERTY IS THE ONLY ONE OWNED BY THESE PEOPLE. FOUND A CONTACT NUMBER ON SEWER SCREEN.			
INSP	5/3/2005 10:33:00 AM	KELLY OLIVERIUS	9
30)OBSERVED HIGH WEEDS IN F/Y. R/W(FURNITURE, LUGGAGE, WATER BOTTLE, T&D, ECT.). SILVER CHRYSLER ON D/W, POSS INOP. FRONT DOOR OPEN, BUT MANY PERSONAL ITEMS INSIDE. MAY BE INHABITED. BROKEN WINDOW ON FRONT OF HOUSE. BROKEN FENCE E S/Y. DEAD VEGE. AND			
INSP	5/3/2005 10:33:00 AM	KELLY OLIVERIUS	9
30)R/W VISIBLE IN W S/Y. WILL PROCESS N&O. LOCKED FRONT DOOR TO SECURE.PIX.			

Time in minutes:

313

APN 162-07-516-034

Ref # 29463

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: WALTER & SHIRLEY MERKEL

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

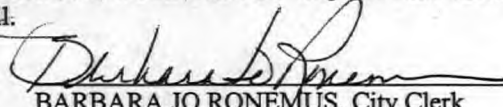
Assessor's Parcel No.: 162-07-516-034
Commonly known as: 3705 SAN JOAQUIN AVENUE
Legal Description: LAS VERDES HGTS 6 UNIT #3
PLAT BOOK 8 PAGE 29
LOT 2 BLOCK 5

On September 19, 2006, as provided in the Municipal Code, 9.04, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$6,113.50 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on November 15, 2006, ordered the above charges in the amount of \$6,113.50, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

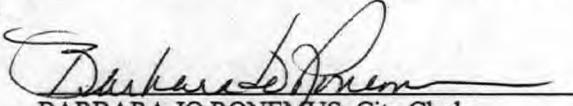
All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment,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


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

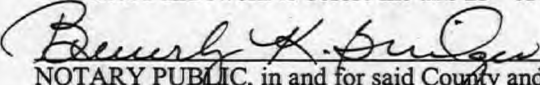
STATE OF NEVADA)

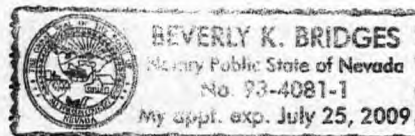
)
COUNTY OF CLARK)

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


BARBARA JO RONEUMUS, City Clerk

Subscribed and sworn to before me this 23rd of January, 2007


NOTARY PUBLIC, in and for said County and State



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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN HARSIN

☐ Consent ☒ Discussion

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of dangerous building (repairs/public nuisance) located at 4401 Cory Place. PROPERTY OWNERS: WILLIAM G. & SUSAN A. CASTEEL - Ward 1 (Tarkanian)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$2,186.38

Funding Source: General Fund

Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and a nuisance. The Department of Neighborhood Services declared the property in violation and hired Disaster Kleen-Up of NV to repair plumbing violations on site. To date, there have been seven (7) inspections conducted at this location. The value of the property based on the sale date of April 2000 was \$539,000.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$2,186.38 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Submitted at meeting - Lien Assessment/Collection Report

Motion made by GARY REESE to Strike Item 73 [4401 Cory Place]; HOLD IN ABEYANCE Item 85 [ZON-13896], Item 86 [VAR-13900], Item 87 [SUP-13902], Item 88 [SUP-13903] and Item 89 [SDR-13904] to 01/17/2007; Item 93 [ZON-15031], Item 94 [SDR-15030] and Item 101 [SUP-15347] to 12/06/2006; and Item 102 [SDR-15747] to 12/20/2006; TABLE Item 90 [ZON-14344], Item 91 [VAR-15323] and Item 92 [SDR-14353]; and WITHDRAW THE APPEAL of

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

Item 116 [SUP-16483]

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

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

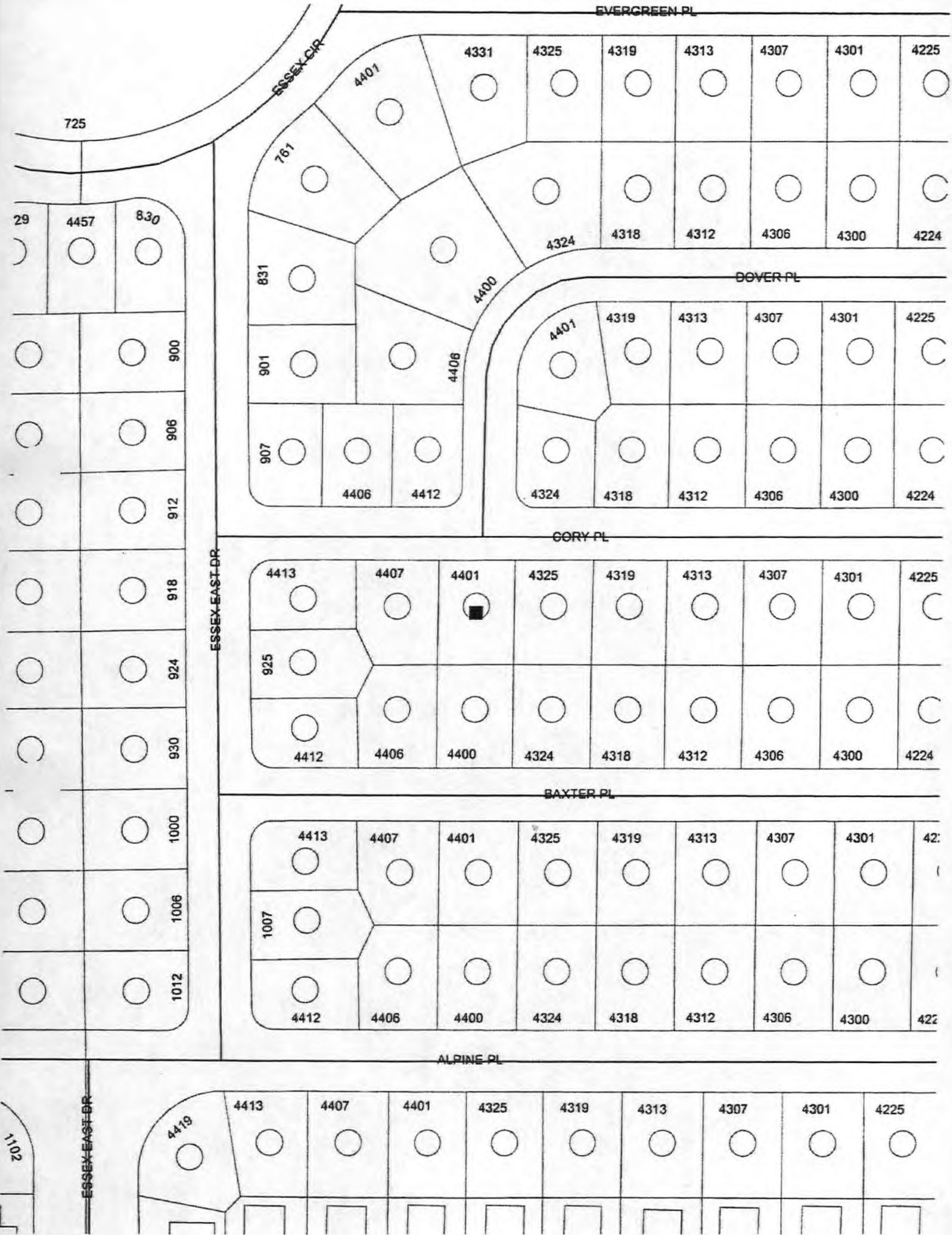
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building (repairs/public nuisance) located at 4401 Cory Place. PROPERTY OWNERS: WILLIAM G. & SUSAN A. CASTEEL – Ward 1 (Tarkanian)

Disaster Kleen-Up of NV completed work on July 14, 2006 at a cost of \$1,901.20; plus a 15% administrative fee, for a total of \$2,186.38.

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

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



Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

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

CC: File

Date: October 31, 2006

Re: Report of Expenses for the abatement of Dangerous Building (repairs/public nuisance) at
4401 Cory Place - Ward 1 (Tarkanian)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by repairing the plumbing violations on site. Disaster Kleen-Up of NV completed work on July 14, 2006 at a cost of \$1,901.20, which was accepted by the Department of Neighborhood Services.

Contract Amount Breakdown:	
Plumbing Repairs (Cleaning & Toilet Replacement)	\$1,901.20
AMOUNT DUE	\$1901.20
Administrative Processing Fee:	\$285.18
TOTAL AMOUNT DUE:	\$2,186.38
OWNER OF RECORD:	WILLIAM G. & SUSAN A.. CASTEEL
PROPERTY ABATED:	4401 CORY PLACE
ASSESSOR PARCEL:	139-31-411-090
LEGAL DESCRIPTION:	HYDE PARK SUB #1
	PLAT BOOK 3 PAGE 56
	LOT 68 BLOCK 3

DSS:jl

ALLIED FLOORING SERVICES
DBA DISASTER KLEEN-UP OF NEVADA
1722 Primrose Path
LAS VEGAS, NEVADA 89108

DISCLOSURE OF PRINCIPALS

The principals and partners of Allied Flooring Services and
all persons and entities holding more than a 1% interest in

Allied Flooring Services or any principal of
Allied Flooring Services are the following:

<u>FULL NAME</u>	<u>BUSINESS ADDRESS</u>	<u>BUSINESS PHONE</u>
1. <u>Javier Cardona</u>	<u>1722 Primrose Path LV NV 89108</u>	<u>647-7777</u>
2. <u>Marisela Cardona</u>	<u>1722 Primrose Path LV NV 89108</u>	<u>647-7777</u>
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

Continue list until full and complete disclosure is made

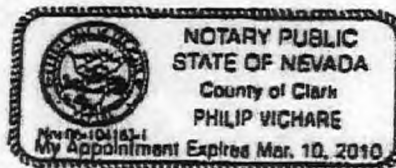
I certify under penalty or perjury, that the foregoing list is
full and complete.

Allied Flooring Services

BY: Lynn Muravnick
Lynn Muravnick, Office Mgr.

Subscribed and sworn to before me
This 16th day of August, 2006.

Philip Vichare
Notary Public





**NOTICE OF PUBLIC HEARING
NOVEMBER 15, 2006**

Pursuant to Title 9, Chapter 4 of the Las Vegas Municipal Code, NOTICE IS HEREBY GIVEN THAT ON **Wednesday, November 15, 2006 at 1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

LAS VEGAS CITY COUNCIL

**OSCAR B. GOODMAN
MAYOR**

**GARY REESE
MAYOR PRO TEM**

**LARRY BROWN
LAWRENCE WEEKLY
EVE WOLFSON
J. TARKANIAN
J. EVEN D. ROSS**

**DOUGLAS A. SELBY
CITY MANAGER**

Abatement of the property by repairing the plumbing violations on property located at **4401 CORY PLACE**, legally described as **HYDE PARK SUB #1 PLAT BOOK 3 PAGE 56 LOT 68 BLOCK 3**. Owner of record at time of abatement: **WILLIAM G. AND SUSAN A. CASTEEL - WARD 1 (TARKANIAN)**

The Director of Neighborhood Services certifies in the report that the sum of \$2,186.38 was expended (\$1,901.20 for plumbing repairs by Disaster Kleen-Up of Nevada and \$285.18 Administrative Processing Fee).

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

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

**BARBARA JO RONEMUS
CITY CLERK**

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

**18112-001-06-05
CLV 7009**

Address: 4401 CORY PL

CITZ

HIGH VEGETATION & DEAD ANIMAL SMELL COMING FROM BACK YARD AT 4401 CORY.
PLEASE CALL JIM ELDER 822-4325 BEFORE GOING SO YOU CAN SEE IT FROM HIS YARD AT 4325.

Parcel(s)

Parcel:	Size:	Subdivision Name:
13931411090	0.17 ACRE	HYDE PARK SUB #1

Owner Information:

10-Aug-02	CASTEEL G WILLIAM & SUSAN A
	4401 CORY PL, LAS VEGAS, NV 89107-4262

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
960392	Failed		5/18/2006	05/18/2006 8:30	05/18/2006 8:40	10
40274	Passed	Partial	5/28/2006	05/25/2006 4:10	05/25/2006 4:45	35
960392	Passed	Partial	5/30/2006	06/01/2006 12:49	06/01/2006 12:49	0
960392	Passed	Partial	6/2/2006	06/02/2006 9:30	06/02/2006 9:40	10
960392	Passed	Partial	6/19/2006	06/19/2006 12:05	06/19/2006 12:15	10
940274	Passed	Partial	7/7/2006	07/14/2006 10:00	07/14/2006 10:15	15
940274	Passed	Partial	8/8/2006	08/25/2006 10:15	08/25/2006 10:20	5
870076	No Action		10/4/2006			
Time in Minutes:						85

Violation Details

Violation	Violation DT:	Resolve DT:	Location:
A-REFUSE/WST REMOVE			ALL YDS: ACCUMMULATED LITTER, DEAD VEG
A-PAINTING REPAIR	5/18/2006		WOOD FENCE - SIDE YDS - MISSING SLATS - UNPAINTED
A-WEEDS CUT AND MAINTAIN	5/18/2006		ALL YDS

Log

Type:	Date:	Employee:	Min:
MEET	10/31/2006 10:52:00 AM	JESSICA LARRAMENDY	0
JL) Scheduled to go before Council on November 15, 2006			
LETTER	10/31/2006 10:51:00 AM	JESSICA LARRAMENDY	0
JL) Report of expense ltr and memo mailed to property owner both certified and regular mail.			
MISC	9/27/2006 8:02:00 AM	JESSICA LARRAMENDY	0
JL) Paid invoice to Disaster Kleen-Up of NV - in the amount of \$1,901.20. Req #93330, PO #239602, Rec #178388. Forwarded (email .pdf) copy to Candice in Finance. File forwarded to #24 for review before agenda.			
INSP	9/20/2006 4:00:00 PM	STEPHANIE DEMOLEAS	10
17) toilet functional, PROP CLEAN OUTSIDE, INTERIOR STILL A MESS. NO FLOOR IN BATH, BUT BID DID NOT INCLUDE THIS ITEM			

FAX	9/20/2006 3:00:00 PM	PAMELA HINES	2
24) REC'D FAXED INVOICE FOR FLOORING. DISPATCHED 17 TO PERFORM INSPECTION FOR COMPLIANCE.			
INSP	8/25/2006 10:15:00 AM	KARL VILLABLANCA	5
19) FRONT OF PROPERTY CLEAN. SIDE YARD ALMOST EMPTIED OF ALL DEBRIS. RESIDENTS WORKING ON CLEANING OUT NEXT LOAD FOR DUMPSTER. WILL OBTAIN DUMPSTER FOR 09-06, C/B 09-11.			
MISC	7/20/2006 9:00:00 AM	VICKI OZUNA	1
19) Called Tom (contractor) left message about when flooring to be completed. Also dumpster requested from Republic for 8/4. cb 8/8			
INSP	7/14/2006 10:00:00 AM	VICKI OZUNA	15
19) Stopped and checked status of abatement, contractor has not contacted me to say bathroom is finished, found floor not complete and also no progress on removal of trash. Will contract contractor for status. cb 7/21			
INSP	6/19/2006 12:05:00 PM	STEPHANIE DEMOLEAS	10
17) met on site w/MARY, NEW TOILET IS INSTALLED AND FUNCTIONAL. BATHROOM OTHERWISE BARE/UNFINISHED. INTERIOR STILL HAS PUNGENT NOXIOUS ODOR OF FILTH AND CLOTHING/SUNDRIES PILED HIGH, 19 TO ALSO INSPECT TOMORROW'S C 6/22			
MISC	6/8/2006 3:46:00 PM	KATHY STEWART	0
Sent signed Certified Card from owner to #17 to file			
RECORD	6/7/2006 2:05:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O dated June 2, 2006 at Clark County. Book: 20060607 Inst: 03073.			
'DR	6/6/2006 3:06:00 PM	KATHY STEWART	0
Received Bid from ARS - \$8,450.38. Gave Bid to #19			
BIDS	6/6/2006 9:28:00 AM	KATHY STEWART	0
Faxed Invitation to Bid to ARS Service Express for plumbing. Bid due by COB today, 6/6/06			
NOPOST	6/6/2006 9:20:00 AM	STEPHANIE DEMOLEAS	10
17) N&O HANDED TO SUSQAN CASTEEL			
NOTICE	6/2/2006 1:40:00 PM	KATHY STEWART	0
Sent Notice & Order to Make Repairs/Public Nuisance letter to owner. POST: 6/5. C/B: 6/15. Sent file to #17.			
INSP	6/2/2006 9:30:00 AM	STEPHANIE DEMOLEAS	10
17) MET ON SITE TO SUSAN CASTEEL AND PHOTO-ED ID TO MATCH WITH RELEASE, S/C FOR DUMPSTER 6/8			
PHONE	6/1/2006 12:48:00 PM	STEPHANIE DEMOLEAS	0
17) s/w theresa AT CHRISTMAS IN APRIL. 259-4900, SHE STATED THEY WILL NOT HAVE ANY FUNDS UNTIL 7/1, HOWEVER MRS CASTELL CAN CONTACT HER THE INTERIM TO FILE PAPERWORK FOR QUALIFICATION			
EMAIL	6/1/2006 12:48:00 PM	STEPHANIE DEMOLEAS	0
17) emailed MANDY AT REPUBLIC TO ORDER DUMPSTER			
INSP	6/1/2006 9:50:00 AM	STEPHANIE DEMOLEAS	10
17) met on site w/ SUSAN CASTEEL WHO SIGNED ABATEMENT RELEASE FOR PLUMBING AND WINDOW.			
INSP	5/26/2006 3:00:00 PM	VICKI OZUNA	45
19) Sending notice and order. 17 to take authorization form to owner to sign so we can obtain a plumber to abate plumbing issues. Also will obtain dumpster for owners to use.			
INSP	5/26/2006 3:00:00 PM	VICKI OZUNA	45
19) Met Health District onsite. Videoed entire property. Spoke with owner advised that teenager not allowed back to stay in house until toilet is repaired, they don't have money to fix. Health District provided report calling house public nuisance.			
MISC	5/26/2006 9:18:00 AM	VICKI OZUNA	0
19) Pictures printed and researched and highlighted code for possible abatement and notice/order.			
INSP	5/25/2006 4:10:00 PM	VICKI OZUNA	35
19) house is covered in clothing and trash. Pictures taken and copied into EDM. Spoke to neighbor to the east, willing to do witness statement as to how long the stench has been affecting him. Told him we would be in contact with him on status of abate.			
INSP	5/25/2006 4:10:00 PM	VICKI OZUNA	35
19) Met Officer B. Conk P6820 (373-7835) onsite. House was open and accessible. Verified that house is in unsanitary condition. Toilet appears to not be operable. Human waste all over bathroom area and on containers in bathroom. Entire floor area in			
PHONE	5/25/2006 3:55:00 PM	VICKI OZUNA	5
19) Received call from Metro Officer with request for us to meet onsite to look at open/accessible residence that is unsanitary.			

CASENO 42217 CODEENF

02422-83

REFER 5/19/2006 7:01:00 AM STEPHANIE DEMOLEAS

0

17) SVC REQ OPENED FOR ANIMAL CONTROL # 168162

INSP 5/18/2006 8:30:00 AM STEPHANIE DEMOLEAS

10

17) CN POSTED, CB 5/28

Time in minutes:

248

APN 139-31-411-090

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **WILLIAM G. & SUSAN A. CASTEEL**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: **139 31 411 090**
Commonly known as: **4401 Cory Place**
Legal Description: **HYDE PARK SUB #1**
PLAT BOOK 3 PAGE 56
LOT 68 BLOCK 3

On **July 14, 2006**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **\$2,186.38** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **November 15, 2006** ordered the above charges in the amount of **\$2,186.38**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

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

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

STATE OF NEVADA)
)
COUNTY OF CLARK)

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

BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this ____ day of November, 2006

NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE, LAS VEGAS, NV 89101
Case # - 42217

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Mayor Oscar B. Goodman
Mayor Pro-Tem Gary Reese
Councilman Larry Brown
Councilman Lawrence Weekly
Councilman Steve Wolfson
Councilwoman Lois Tarkanian
Councilman Steven D. Ross

From: Stephen K. Harsin, AICP, Director
Neighborhood Services Department

CC: Doug Selby
Steve Houchens
Betsy Fretwell
Orlando Sanchez

Date: November 15, 2006

Re: Lien Assessment/Collection Report



Per your request, attached is a Lien Assessment /Collection report of the amount of liens placed and collected over since 2001. Since 2001, the city has placed liens in the amount of \$1,040,736.96 related to code violations. In turn, the city has recaptured \$887,533.56 (85%) since 2001.

Submitted at City Council

Date 11/15/2006 Item 13



Neighborhood Services Department Property Lien Assessment Report

Neighborhood Services has been placing liens on properties as it relates to code violations that include abatement invoices, boarded building certificates, temporary fencing, asbestos surveys, administrative fees, inspection/re-inspection fees and civil penalties. It is important to note that funds collected in a particular year are not related to the number or amounts of liens recorded in a specific collection/lien year due to the fluctuation of payments received from property owners.

Liens placed by fiscal year:

2001 - \$	126,788.64
2002 - \$	135,004.62
2003 - \$	108,556.24
2004 - \$	349,245.65
2005 - \$	230,146.66
2006 - \$	90,995.15 (as of 11/2/06)
Total	\$1,040,736.96

Liens collected by fiscal year:

2001 - \$	90,480.78
2002 - \$	135,004.62
2003 - \$	103,815.24
2004 - \$	253,556.50
2005 - \$	90,692.46
2006 - \$	9,819.15 (as of 11/2/06)
	<u>\$ 204,164.11</u> was collected from properties lien prior to 2001.
Total	\$ 887,533.56 been recaptured and leaving a balance of \$153,203.40 to be collected.

During this reporting period, the city has collected 85% of its liens.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ Consent ☐ Discussion

SUBJECT:

EXTENSION OF TIME - SPECIAL USE PERMIT

EOT-17431 - APPLICANT/OWNER: SAMER NAKHLE - Request for an Extension of Time of an approved Special Use Permit (SUP-4511) THAT ALLOWED A PRIVATE STREET adjacent to the southeast corner of Belcastro Street and Holmby Avenue (APN 163-03-501-032), R-E (Residence Estates) Zone, Ward 1 (Tarkanian). 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 SUP-4511

Motion made by GARY REESE to Approve Item 74 [EOT-17431] subject to conditions and Item 75 [EOT-17487] subject to conditions and adding the following condition:

3. Original Condition No. 6 of SDR-4823 shall be revised to read as follows:
Construct half-street improvements including appropriate overpaving, if legally able on Cliff Shadows Parkway and Alexander Road 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. Required off-site improvements may be phased at the discretion of the City Engineer.

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

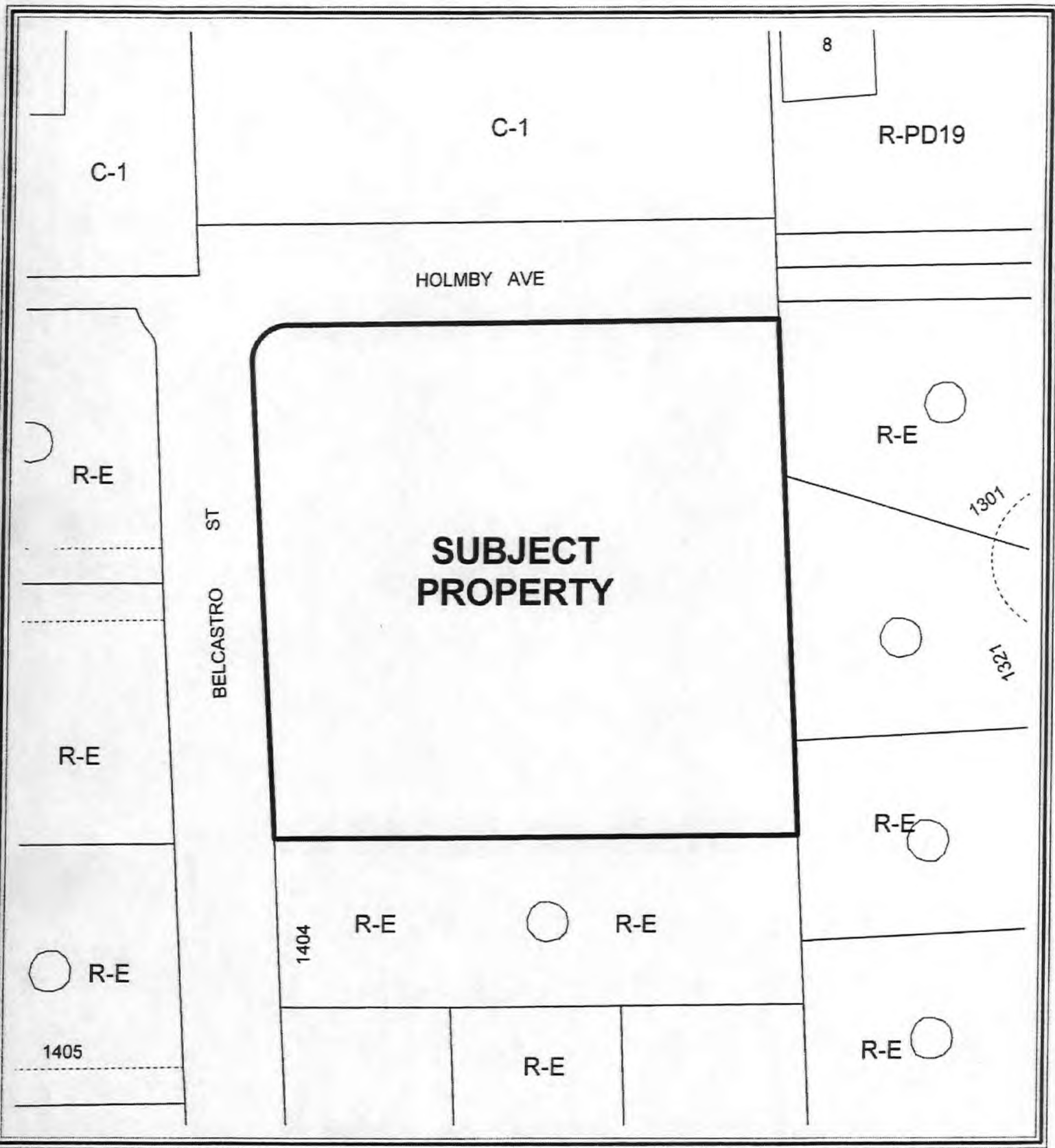
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

Minutes:

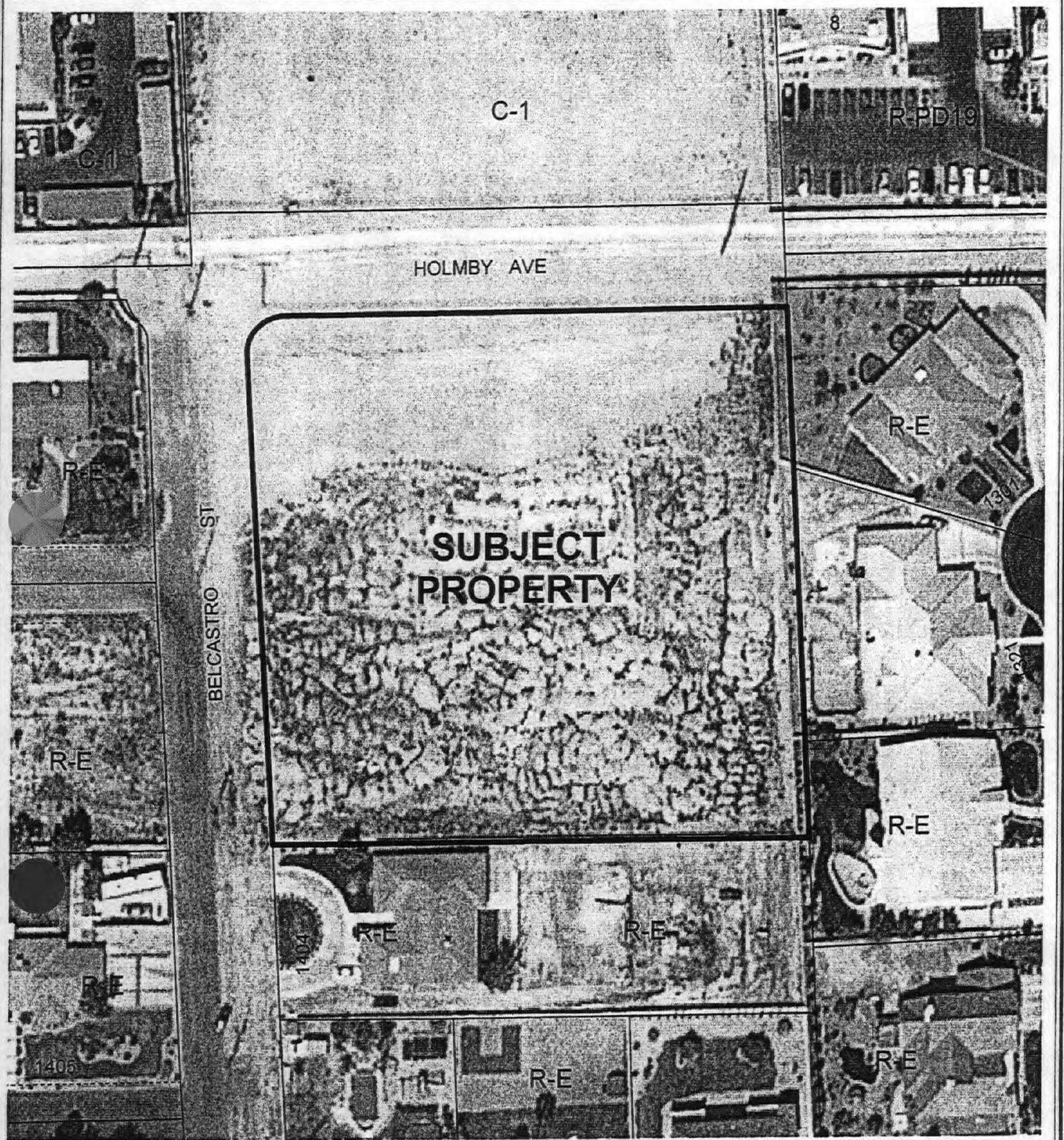
COUNCILMAN REESE asked BART ANDERSON, Public Works Department, to read into the record the additional condition for Item 75 [EOT-17487].





CASE: EOT-17431

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



CASE: EOT-17431

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-17431 - APPLICANT/OWNER: SAMER NAKHLE

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on August 4, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-4511) 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>	
11/23/98	The City Council approved a General Plan Amendment (GPA-27-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval on 10/22/98.
08/04/04	The City Council approved a Special Use Permit (SUP-4511) to allow a private street for this development. The Planning Commission and staff recommended approval on July 8, 2004.
09/23/04	The Planning Commission approved a Tentative Map (TMP-4968) for a 4 lot single family subdivision on 2.50 acres adjacent to the east side of Belcastro Street, approximately 320 feet north of Del Rey Avenue. Staff recommended approval of the request.
11/16/06	The following cases will be approved administratively. Extension of Time (EOT-16988) of an approved Tentative Map (TMP-4968) for a 4 lot single family residential subdivision and an Extension of Time (EOT-17432) of an approved Vacation (VAC-4967) that allowed a Vacation of Right-Of-Way for a portion of the south half of Holmby Avenue, east of Belcastro Street, south of Holmby Avenue on 2.50 acres.
<i>Related Building Permits/Business Licenses</i>	
06/07/05	Civil Improvement Plans (L-CIVIL-7155) were submitted but have not been approved.
01/13/06	A Final Map (FMP-11312) was submitted, but has not been approved.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	DR (Desert Rural)	R-E (Residence Estates)
North	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Dwelling	DR (Desert Rural)	R-E (Residence Estates)
East	Single Family Dwelling	DR (Desert Rural)	R-E (Residence Estates)
West	Undeveloped	DR (Desert Rural)	R-E (Residence Estates)

<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		Y
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-4511) that allowed a Private Street adjacent to the southeast corner of Belcastro Street and Holmby Avenue.

ANALYSIS

This is the first Extension of Time for the subject Special Use Permit (SUP-4511), which was approved by the City Council on 08/04/04. The applicant has also submitted two Extension of Time applications, which will be administratively approved. Title 18 allows the Director to approve additional time for Tentative Map and Vacation applications. Extension of Time (EOT-16988) is for an approved Tentative Map (TMP-4968) for a 4 lot single family residential subdivision and Extension of Time (EOT-17432) of an approved Vacation (VAC-4967) that allowed a vacation of Right-Of-Way for a portion of the south half of Holmby Avenue, east of Belcastro Street, south of Holmby Avenue on 2.50 acres.

The applicant indicates that the project has been delayed due to economics. The applicant has submitted Civil Improvement plans on 06/07/05 and a Final Map on 01/13/06. The Civil Improvement plans and Final Map are in various stages of plan check review. The applicant has indicated that he will continue to move forward with the submitted plans. Therefore, the Extension of Time can be supported as the applicant is moving forward with the permitting and review process.

Previous Conditions of Approval from Special Use Permit (SUP-4511)

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.04.050 for the Private Streets use.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Submit a petition of vacation for Belcastro Street and Holmby Avenue adjacent to this site prior to or concurrent with submittal of a Tentative Map for this site. Such petition shall be acted upon by City Council prior to the submittal of a Final Map for technical review. Belcastro Street shall be terminated in a circular cul-de-sac meeting current City Standards, unless otherwise allowed by the City Engineer.
5. Private streets shall be identified as "Public Utility Easements (P.U.E.), City of Las Vegas Sewer Easements and Public Drainage Easements to be Privately Maintained by the Homeowner's Association."
6. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.
8. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
9. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

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 continue with 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

<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-17431 APN: 163-03-501-032

Name of Property Owner: SAMER NAKHLE

Name of Applicant: _____

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

☐ Yes

☒ No

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

City Official: _____

Partner(s): _____

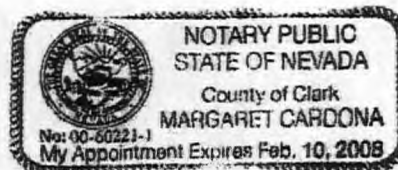
APN _____

Signature of Property Owner: SAMER NAKHLE BY Chaman
Mithul: his AH - FACT

Print Name: SAMER NAKHLE

Subscribed and sworn before me

This 5th day of October, 2006
[Signature]
Notary Public in and for said County and State



EMS ENGINEERING

5160 S. Eastern Ave. #F
Las Vegas, Nevada 89119
(702) 739-7211

September 29, 2006

Subject: Justification Letter for Extension of Time for SUP-4511.

Due to a slowing of housing sales the developer has gotten behind schedule on his developments. He still plans to develop this parcel as shown. This is the only undeveloped parcel left in this immediate area so all conditions of the original map are still the same.



E.M. Szymanski, PE

EOT-17431
11-15-06 CC



048735

August 9, 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

Gus Misherifi
Samer Nakhle
8221 Windrush Avenue
Las Vegas, Nevada 89117

RE: SUP-4511 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 4, 2004

Dear Mr. Misherifi:

The City Council at a regular meeting held August 4, 2004 APPROVED a Request for a Special Use Permit FOR A PROPOSED PRIVATE STREET adjacent to the southeast corner of Belcastro Street and Holmby Avenue (APN: 163-03-501-032), R-E (Residence Estates) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on August 5, 2004. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.04.050 for the Private Streets use.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Submit a petition of vacation for Belcastro Street and Holmby Avenue adjacent to this site prior to or concurrent with submittal of a Tentative Map for this site. Such petition shall be acted upon by City Council prior to the submittal of a Final Map for technical review. Belcastro Street shall be terminated in a circular cul-de-sac meeting current City Standards, unless otherwise allowed by the City Engineer.
5. Private streets shall be identified as "Public Utility Easements (P.U.E.), City of Las Vegas Sewer Easements and Public Drainage Easements to be Privately Maintained by the Homeowner's Association."

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-17431
11-15-06 CC

Gus Misherifi
SUP-4511 - Page Two
August 9, 2004

6. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.
7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.
8. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
9. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

Sincerely,



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

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. John Vornsand, AICP
2564 Wigwam Parkway, Suite #308
Henderson, Nevada 89074

EOT-17431
11-15-06 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ **Consent** ☐ **Discussion**

SUBJECT:

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW

EOT-17487 - APPLICANT: CITY OF LAS VEGAS - OWNER: BUREAU OF LAND MANAGEMENT - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4823) THAT ALLOWED A CITY PARK on 13.0 acres adjacent to the west side of Cliff Shadows Parkway, approximately 660 feet south of Alexander Road (a portion of APN 137-12-101-008), C-V (Civic) Zone, Ward 4 (Brown). 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-4823

Motion made by GARY REESE to Approve Item 74 [EOT-17431] subject to conditions and Item 75 [EOT-17487] subject to conditions and adding the following condition as read for the record:

A. Original Condition No. 6 of SDR-4823 shall be revised to read as follows:
Construct half-street improvements including appropriate overpaving, if legally able on Cliff Shadows Parkway and Alexander Road 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. Required off-site improvements may be phased at the discretion of the City Engineer.

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)

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

Minutes:

COUNCILMAN REESE asked BART ANDERSON, Public Works Department, to read into the record the additional condition for Item 75 [EOT-17487].



R-U

R-U

R-U

**SUBJECT
PROPERTY**

**NOT
A
PART**

U(PCD)
ROI
C-V

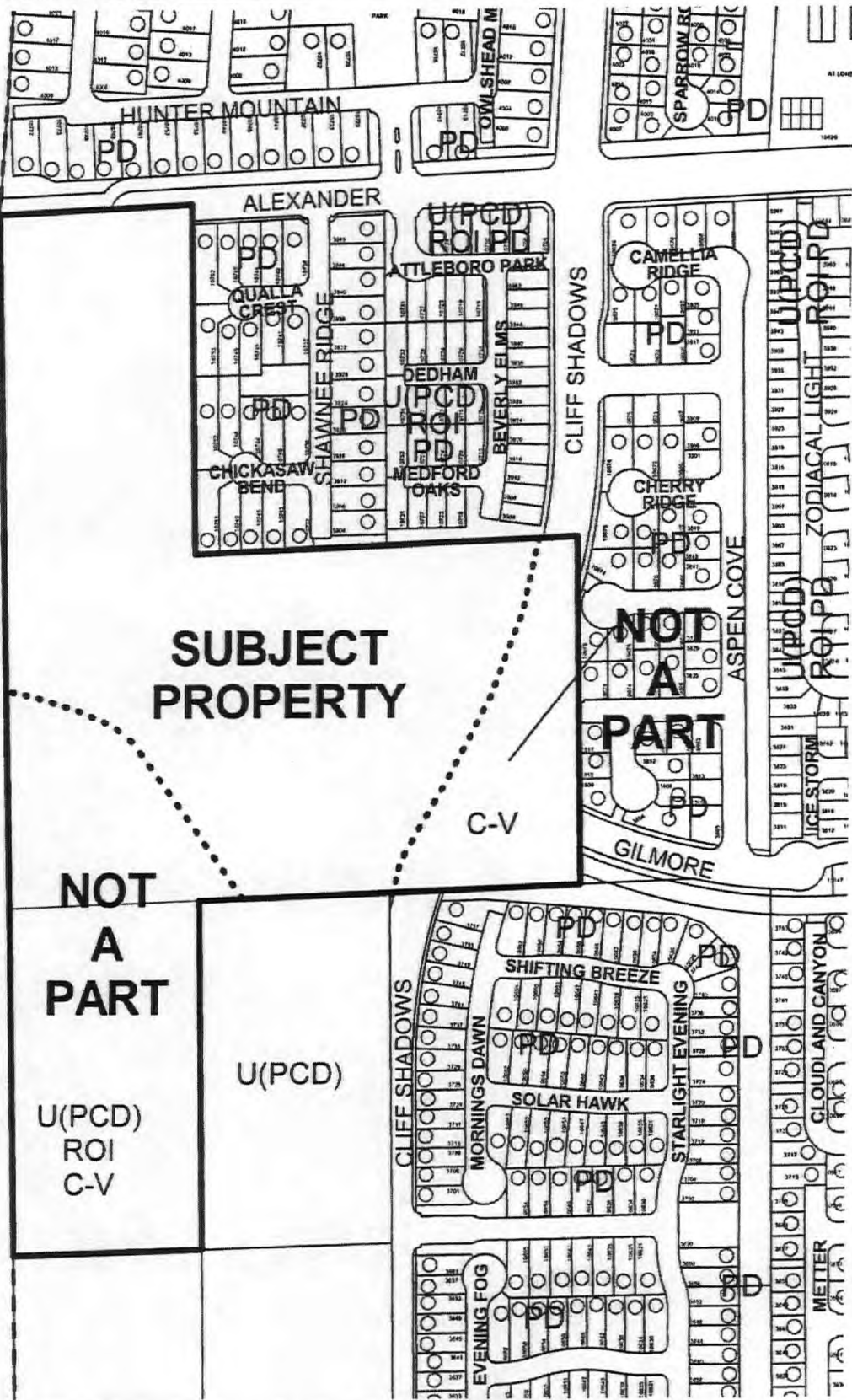
U(PCD)

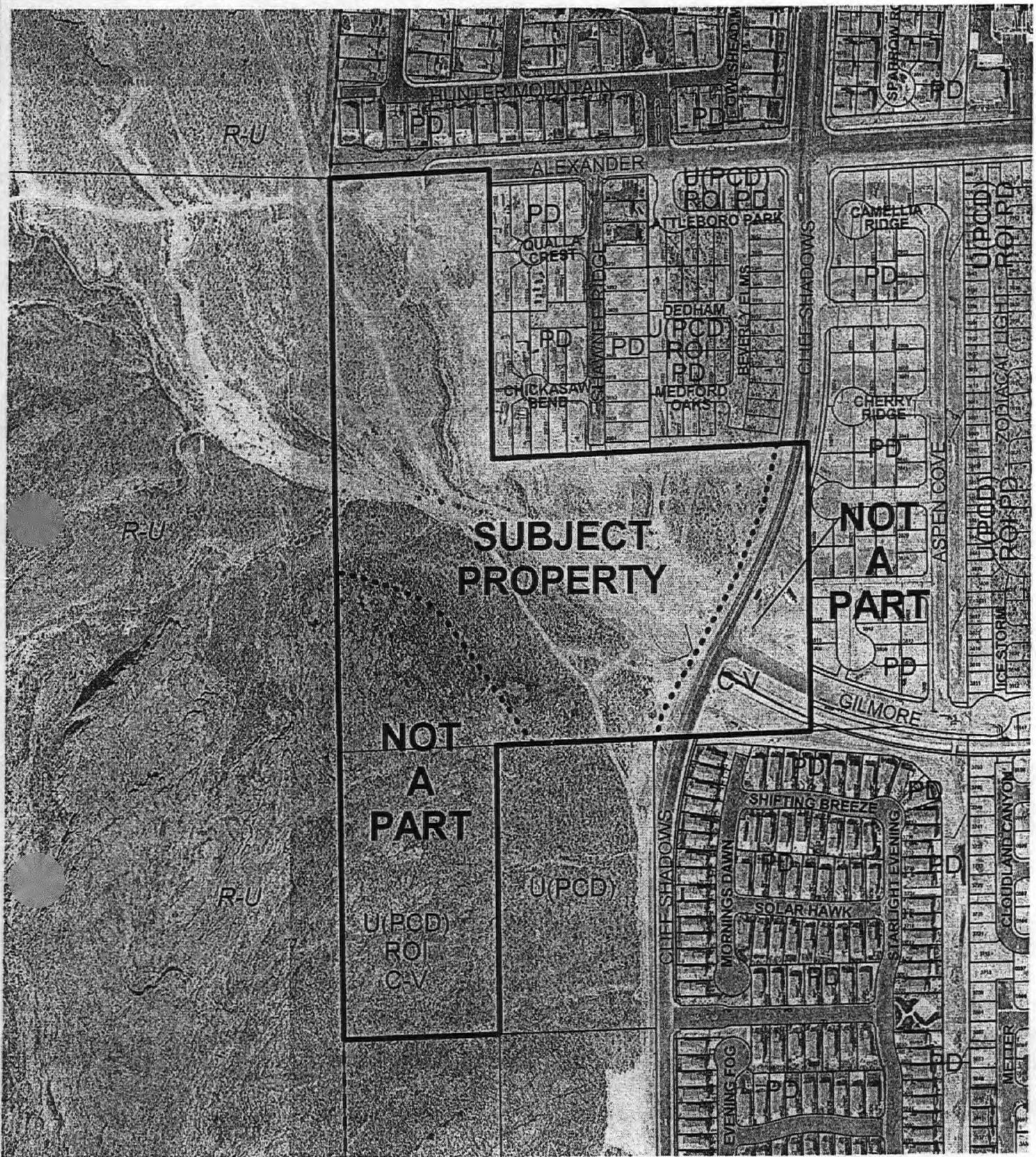
C-V

0 200 400 Feet

CASE: EOT-17487

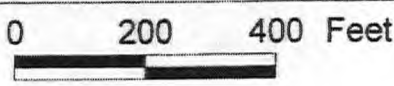
ZONING OF SUBJECT PROPERTY: C-V (CIVIC)





CASE: EOT-17487

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-17487 - APPLICANT: CITY OF LAS VEGAS – OWNER:
BUREAU OF LAND MANAGEMENT**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on October 10, 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-4823) 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>	
08/20/03	The City Council approved a Rezoning (ZON-2603) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to C-V (Civic) on 20 acres adjacent to the west and east sides of Cliff Shadows Parkway, approximately 650 feet south of Alexander Road. The Planning Commission and staff recommended approval on 07/24/03.
06/16/04	The City Council approved a Rezoning (ZON-4234) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to C-V (Civic) on 5.00 acres and a Major Modification (MOD-4236) for a Request for a Major Modification to the Lone Mountain West Master Plan to add 25.41 acres into the plan and to change the future land use designation from Public Facility to Park/School/Recreation/Open Space adjacent to the southeast corner of the alignments of Gilmore Avenue and Puli Drive. The Planning Commission and staff recommended approval on 05/13/04.
10/06/04	The City Council approved a Site Development Plan Review (SDR-4823) for a City Park on 13.00 acres adjacent to the west side of Cliff Shadows Parkway, approximately 660 feet south of Alexander Road. The Planning Commission and staff recommended approval on 08/26/04.
<i>Related Building Permits/Business Licenses</i>	
10/24/06	The Civil Improvement plans (17706-L-CIVIL) were submitted on the indicated date. These plans have not been approved.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres:	20.00
Net Acres:	13.00

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	C-V (Civic)
North	Single Family Dwelling	PCD (Planned Community Development)	PD (Planned Development)
South	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) Zone [(PCD) Planned Community Development - General Plan Designation]
East	Undeveloped/Single Family Dwellings	C-V (Civic)	C-V (Civic)
West	Undeveloped	Clark County	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Lone Mountain West	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
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-4823) that allowed a City Park on 13.0 acres adjacent to the west side of Cliff Shadows Parkway, approximately 660 feet south of Alexander Road.

ANALYSIS

This is the first Extension of Time for the subject Site Development Plan Review (SDR-4823), which was approved by the City Council on 10/06/04. The applicant indicates that the project has been delayed due to engineering issues. Civil Improvement plans were submitted on 10/24/06, but have not been approved. This demonstrates that the applicant is moving forward with construction of the subject site. Therefore, the Extension of Time can be supported to allow for additional time, due to delays in the engineering process.

Previous Conditions of Approval from Site Development Plan Review (SDR-4823)

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped August 11, 2004, except as amended by conditions herein.
3. The proposed trail through the site shall be constructed as an equestrian trail.
4. Conformance to all applicable Conditions of approval for Rezoning ZON-2603.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.

Public Works

6. Construct half-street improvements including appropriate overpaving, if legally able on Cliff Shadows Parkway and Alexander Road 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.
7. An update to the Lone Mountain West Master Traffic Impact Analysis or other information acceptable to the Traffic Engineering Division must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings.
8. A Drainage Plan and Technical Drainage Study or other information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study.

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 continue with 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: 507-17487 APN: 137-12-101-008

Name of Property Owner: BLM (RPP Lease - N-75747)

Name of Applicant: City of Las Vegas

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: _____

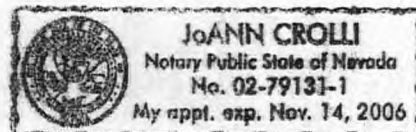
Signature of Property Owner: Robin Hoek

Print Name: Robin Yorkum

Subscribed and sworn before me

This 17th day of October, 2006

John G. Gelli
Notary Public in and for said County and State
Clark Nevada



SUBJECT PROPERTY LINE

EXISTING NATURAL AREA
TO REMAIN IN PLACE

SUBJECT PROPERTY LINE

EXISTING NATURAL AREA
TO REMAIN IN PLACE

RURAL OPEN AREA

SUBJECT PROPERTY LINE

OUTDOOR/SHED WITH
LANDSCAPE FEATURE

LAKE OF WOOD

ALEXANDER ROAD

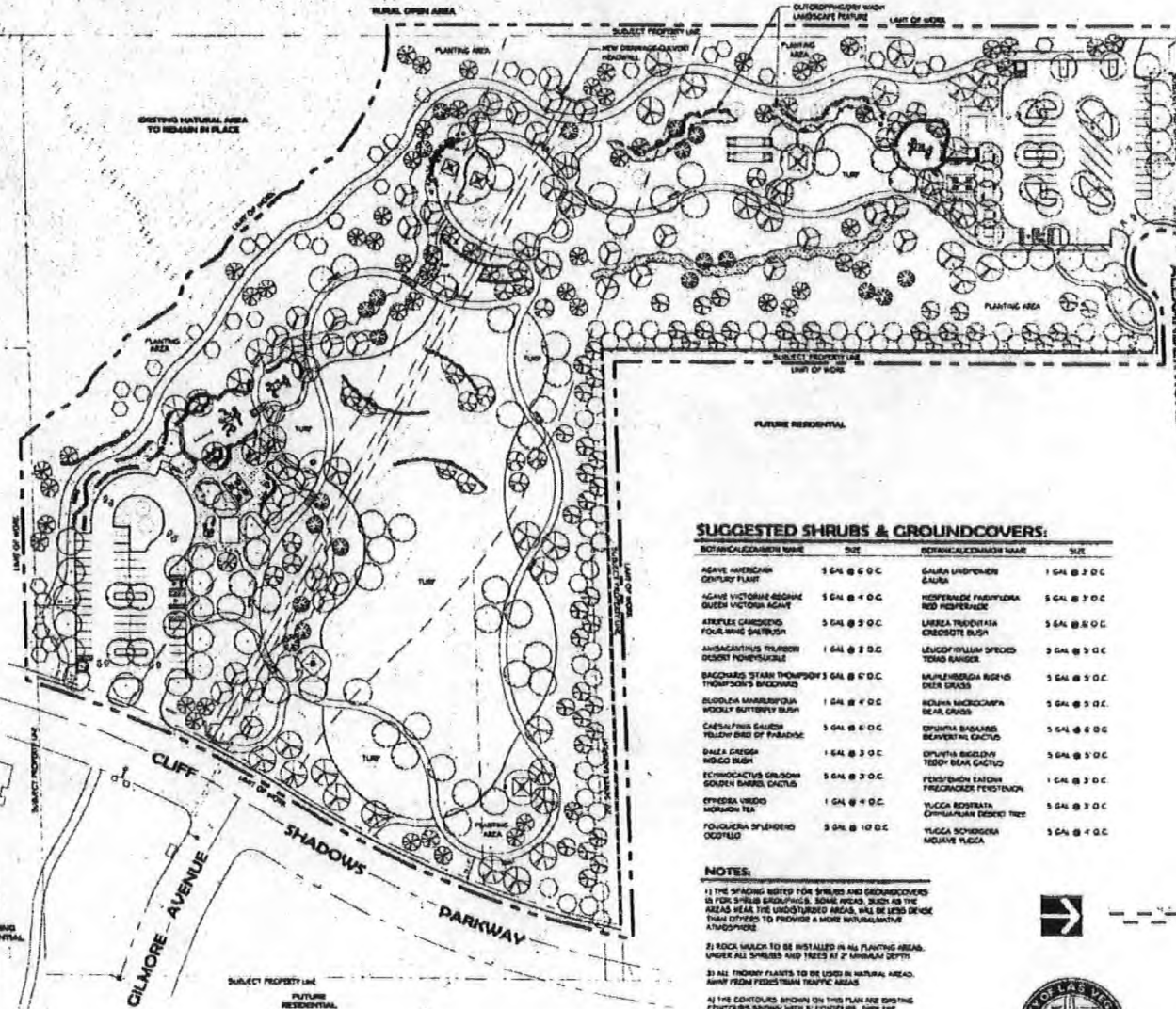
EXISTING
RESIDENTIAL

TREE LEGEND

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY
	AGACIA STEPHANIA	2 1/2" BOX	51
	AGACIA GREGGII	2 1/2" BOX	71
	AGACIA FARGESIANA	2 1/2" BOX	46
	SOUTHWESTERN SHEET AGACIA W	2 1/2" BOX	46
	PROUS WILSONIUS	2 1/2" BOX	60
	CHLOPSIS LEMANS	2 1/2" BOX	60
	DESERT WALNUT	2 1/2" BOX	37
	AGACIA ANSARA	2 1/2" BOX	37
	WILSONIUS	2 1/2" BOX	64
	VELVET AG	2 1/2" BOX	23
	PARSONSIA THOMAS THOMAS	2 1/2" BOX	23
	DESERT MUSEUM PALO VERDE	2 1/2" BOX	37
	PROSPERITY CHILDERS THOMAS	2 1/2" BOX	37
	CHLOPSIS THOMAS	2 1/2" BOX	37
	PROSPERITY GLANDULOSA	2 1/2" BOX	35
	HONEY MESQUITE W	2 1/2" BOX	35
	POPULUS FREEMONTI	2 1/2" BOX	35
	PREMONT COTONWOOD	2 1/2" BOX	35
	PROSPERITY GLANDULOSA MAURICE	2 1/2" BOX	30
	THOMAS GLANDULOSA HONEY MESQUITE	2 1/2" BOX	30
	TUGCA BEZVOLA	2 1/2" BOX	16
	JOSPLA TREE	2 1/2" BOX	16

LANDSCAPE NOTES:

SITE			
PROPERTY SIZE	125.40 AC	1,077,386 S.F.	
UNIT OF WORK SIZE	119.58 AC	636,600 S.F.	
LANDSCAPE			
NATURAL AREA TO REMAIN UNOBTAINED	17.35 AC	371,800 S.F.	
OUTSIDE UNIT OF WORK			
LANDSCAPED AREA	10.31 AC	406,610 S.F.	
TURF AREA	10.68 AC	115,328 S.F.	
TOTAL LANDSCAPED AREA WITHIN UNIT OF WORK	11.59 AC	322,138 S.F.	



SUGGESTED SHRUBS & GROUNDCOVERS:

BOTANICAL/COMMON NAME	SIZE	BOTANICAL/COMMON NAME	SIZE
AGAVE AMERICAN	5 GAL @ 3.0 C	SAURA UNIFORMIS	1 GAL @ 3.0 C
CENTURY PLANT	5 GAL @ 3.0 C	SAURA	5 GAL @ 3.0 C
AGAVE VICTORIAN-DESERT	5 GAL @ 3.0 C	HESPERALOE PARVIFLORA	5 GAL @ 3.0 C
QUEEN VICTORIA AGAVE	5 GAL @ 3.0 C	RED HESPERALOE	5 GAL @ 3.0 C
ATROPIS CARPENTER	5 GAL @ 3.0 C	LIBREA FREEDMANIA	5 GAL @ 3.0 C
FOUR-LEAF SHALBUSH	5 GAL @ 3.0 C	CREOSOTE BUSH	5 GAL @ 3.0 C
ANACARDIUM THUNBERGII	5 GAL @ 3.0 C	LEUCOPHYLLUM SPECIOSUM	5 GAL @ 3.0 C
DESERT FERNLEAF	5 GAL @ 3.0 C	YUCCA	5 GAL @ 3.0 C
SAGUARO STAM THOMPSON'S	5 GAL @ 3.0 C	THOMPSON'S SAGUARO	5 GAL @ 3.0 C
THOMPSON'S SAGUARO	5 GAL @ 3.0 C	MAHONIEBUSH BUSH	5 GAL @ 3.0 C
BLUETIA MAHONIEBUSH	5 GAL @ 3.0 C	DEER GRASS	5 GAL @ 3.0 C
WOOLLY BUTTERFLY BUSH	5 GAL @ 3.0 C	ROCKWORTHIA	5 GAL @ 3.0 C
CHESLUTIA SAGUARO	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
YELLOW BIRD OF PARADISE	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
SAURA CRESSA	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
WILSONIUS	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
ECHINOCACTUS GRISONI	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
SOUTH DAWG CACTUS	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
OPUNTIA VIRENS	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
MORRISONI	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
POULICARIA SPINOSA	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C
ODOTILO	5 GAL @ 3.0 C	SPINOSA SAGUARO	5 GAL @ 3.0 C

NOTES:

- 1) THE SPACING NOTED FOR SHRUBS AND GROUNDCOVERS IS FOR SPACING SHRUBS. SOME AREAS, SUCH AS THE AREAS NEAR THE UNOBTAINED AREAS, WILL BE LESS DENSE THAN OTHERS TO PROVIDE A MORE NATURALISTIC APPEARANCE.
- 2) ROCK WALLS TO BE INSTALLED IN ALL PLANTING AREAS UNDER ALL SHRUBS AND TREES AT 2' MINIMUM DEPTH.
- 3) ALL TREES PLANTED TO BE USED IN NATURAL AREAS. ANY FEED FEEDS FROM TRAFFIC AREAS.
- 4) THE EXISTING SHRUBS ON THIS PLAN ARE EXISTING EXISTING SHRUBS WITH 5' GROUND. THEY ARE PROVIDED FOR INFORMATION ONLY.



DEPARTMENT OF PUBLIC WORKS
ENGINEERING INTEGRATION
OFFICE OF ARCHITECTURAL
SERVICES



GILMORE CLIFF SHADOWS PARK & TRAIL HEAD

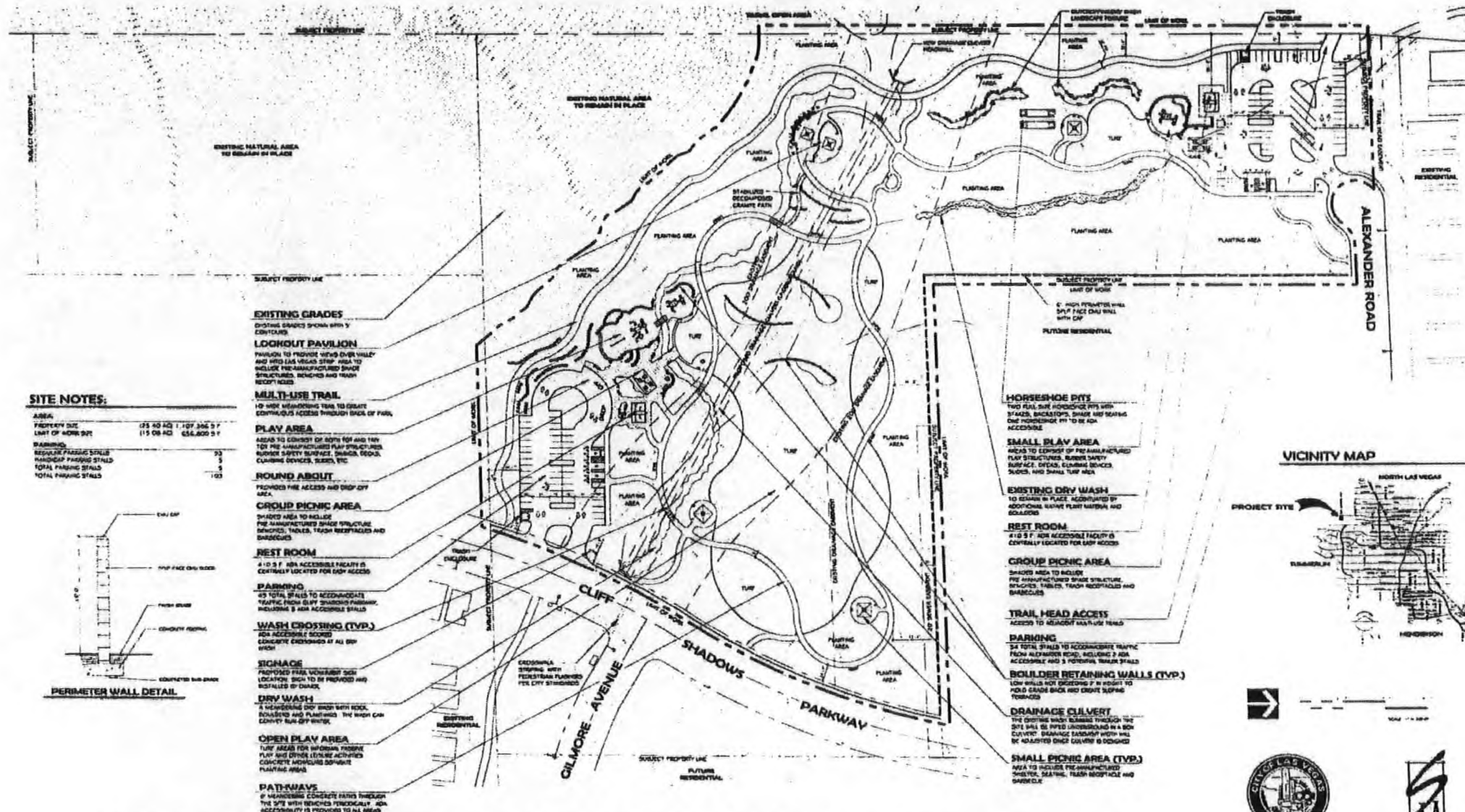
PRELIMINARY LANDSCAPE PLAN

RECEIVED
AUG 11 2004

REVISED
B.11.04

EOT-17487
11/15/06 CC

And Wilson Drive, Suite 2
Las Vegas, NV 89102
(702) 971-1000



GILMORE CLIFF SHADOWS PARK & TRAIL HEAD

PRELIMINARY SITE PLAN

RECEIVED
AUG 11 2004

REVISED
8.11.04

EOT-17487
11/15/06 CC



DEPARTMENT OF PUBLIC WORKS
ENGINEERING INTEGRATION
OFFICE OF ARCHITECTURAL
SERVICES



SOUTHWICK
LANDSCAPE
ARCHITECTS



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

DEPARTMENT OF
PUBLIC WORKS

OAS

OFFICE OF
ARCHITECTURAL
SERVICES

400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

TELEPHONE: (702) 229-6535
FAX: (702) 384-4846
TDD: (702) 386-9108

www.lasvegasnevada.gov

October 19, 2006

Department of Planning and Development
Development Service Center
731 North Fourth Street
Las Vegas, NV 89101

Attn: City of Las Vegas Planning

**RE: GILMORE CLIFF SHADOWS PARK & TRAIL HEAD- EXTENSION
OF TIME-SDR-4823**

Dear Planning:

On October 6, 2004 the City Council approved SDR-4823 for site improvements at Gilmore Cliff Shadows Park and Trail Head. Proposed site improvements include new parking lots, small turf areas for passive recreation use, subsurface drainage box culvert, group and individual picnic areas complete with shade shelters, children's play areas, restrooms, walking paths providing views of the City's skyline, enhancing native wash areas and landscaping. Half-street improvements along Cliff Shadows Parkway and Alexander are also included in this project.

Southwick Landscape Architects was the successful consultant selected by the City to perform the design services. They provided full improvement plans for both the park and trail head. Due to cost escalation, it was determined that the City would have to phase this project. The drawing package has now been separated (park and trail head), with a scaled-down version of the trail head currently in for plan review/permitting. Please consider this letter as a request for time extension and phasing of improvements. Included with this request is the latest site plan for file.

As funding becomes available, it is the City's intent to provide complete park and trail head improvements shown in the initial submittal. Thank you for your consideration.

EDT-17487
11-15-06 CC



October 8, 2004

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
ANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. Clair Lewis
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

RE: SDR-4823 - SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF OCTOBER 6, 2004

Dear Mr. Lewis:

The City Council at a regular meeting held October 6, 2004 APPROVED the request for a Site Development Plan Review FOR A PROPOSED CITY PARK on 13.00 acres adjacent to the west side of Cliff Shadows Parkway, approximately 660 feet south of Alexander Road (a portion of APN 137-12-101-008), C-V (Civic) 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. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped August 11, 2004, except as amended by conditions herein.
3. The proposed trail through the site shall be constructed as an equestrian trail.
4. Conformance to all applicable Conditions of approval for Rezoning ZON-2603.
5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.

Public Works

6. Construct half-street improvements including appropriate overpaving, if legally able on Cliff Shadows Parkway and Alexander Road adjacent to this

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

VOICE 702.229.6011
TDD 702.386.9108
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18112-001-804

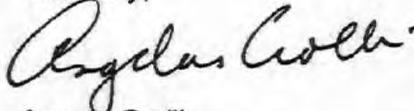
EOT-17487
11/15/06 CC

Mr. Clair Lewis
SDR-4823 - Page Two
October 8, 2004

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.

7. An update to the Lone Mountain West Master Traffic Impact Analysis or other information acceptable to the Traffic Engineering Division must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings.
8. A Drainage Plan and Technical Drainage Study or other information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study.

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. Stan Southwick
Southwick Landscape Architects
6362 McLeod Drive, Suite #3
Las Vegas, Nevada 89120

EOT-17487
11/15/06 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-16267 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: NEWLAND COMMUNITIES - OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT WITH 17 DEVELOPMENT PARCELS on 61.57 acres located at the northeast corner of Grand Central Parkway and Bonneville Avenue (APN 139-34-110-002 and 003), PD (Planned Development) Zone, Ward 5 (Weekly). The Planning Commission (7-0 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 (7-0 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

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.

SCOTT ADAMS, Director of Office Business Development, apologized for the miscommunication at the last meeting regarding the design guidelines. He clarified that the design guidelines will be coming back before Council at a later date as an amendment to the Centennial Plan in the form of an ordinance. What is now before Council is consideration and approval of the Master Parcel Plan for the 61 acres, Union Park. He then introduced RITA BRANDIN, Newland Communities, 2090 West Sahara Avenue.

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

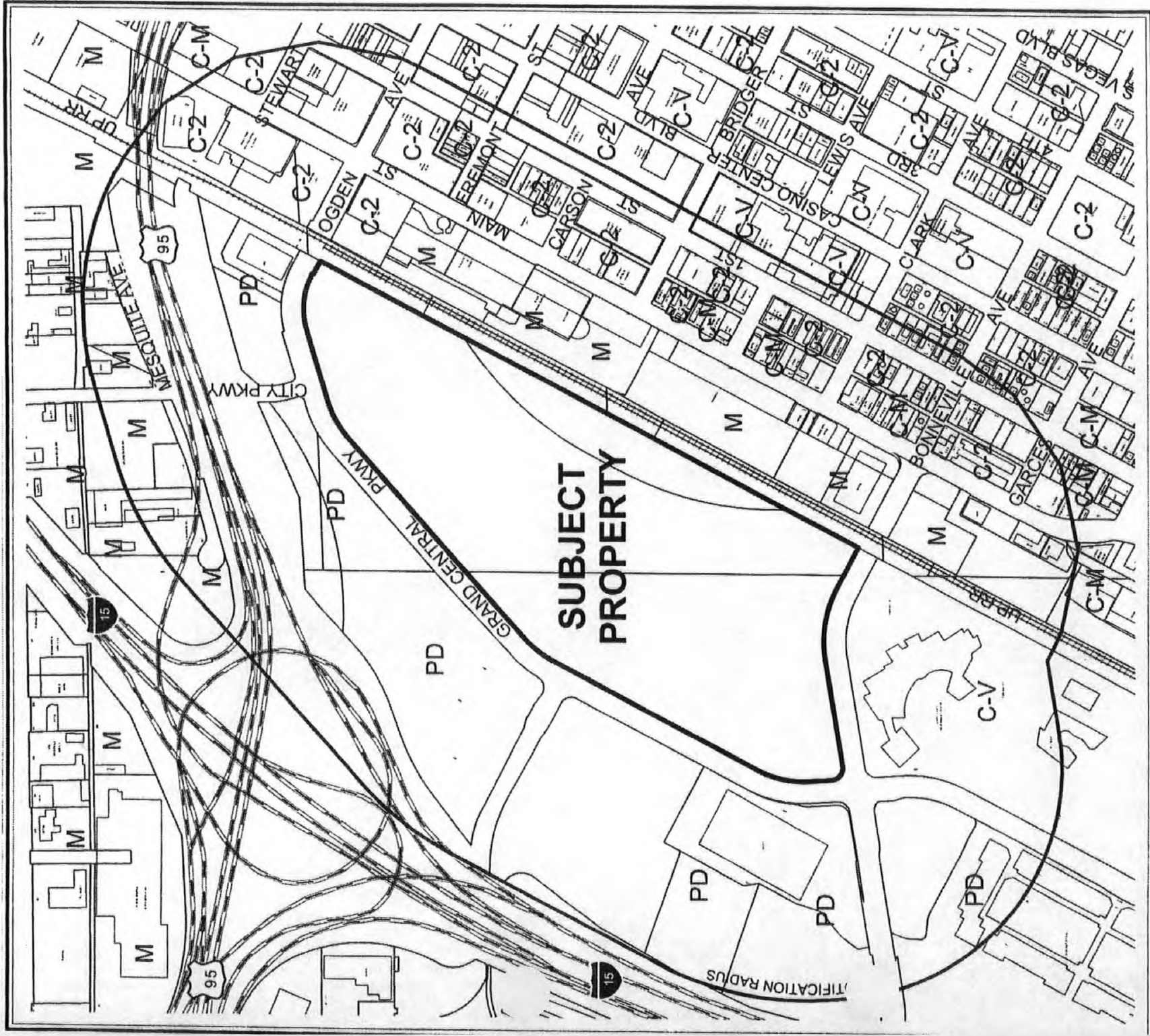
MS. BRANDIN used the overhead to depict the parcel plan for the 61 acres, which entails a subdivision of 16 developmental parcels and four open space parcels. Just under seven acres have been dedicated to the Ruvo Brain Institute and the Smith Center for the Performing Arts. There will also be a park called Symphony Park. MS. BRANDIN noted that the public streets creating the parcels will be public only to back of curb.

MAYOR GOODMAN commended all those involved in the project. He knows that the project is magnificent and will be a magnet of intellectual, cultural and artistic developments surrounded by residential and mixed use.

COUNCILMAN WEEKLY recognized MS. BRANDIN'S credibility and thanked her for her efforts on development in Southern Nevada. He believes that Newland Communities will bring a great addition to the 61-acre project.

MAYOR GOODMAN declared the public hearing closed.



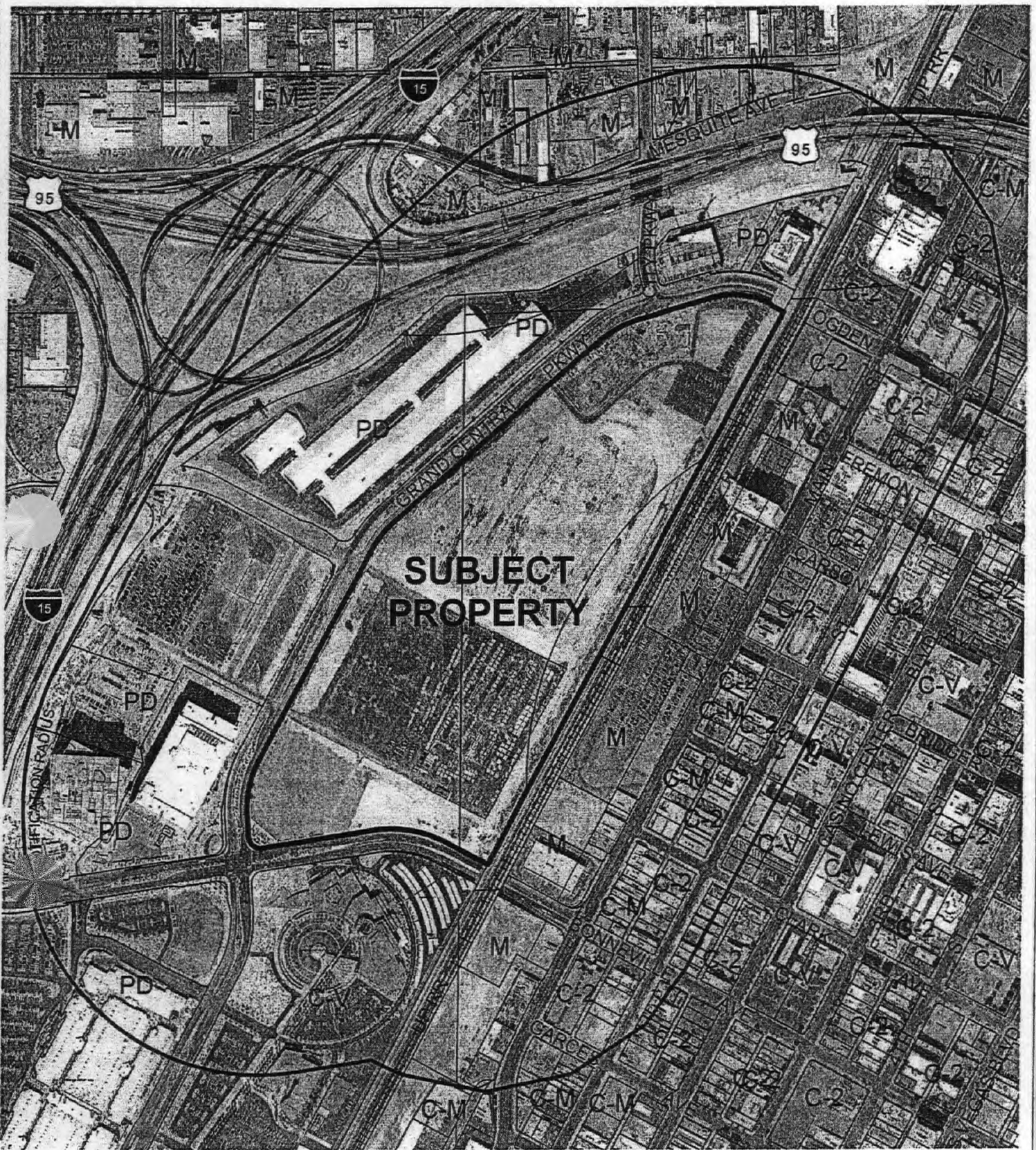


CASE: SDR-16267

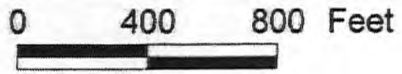
RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)





CASE: **SDR-16267**
RADIUS: 1000 FT
ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-16267 - APPLICANT: NEWLAND COMMUNITIES - OWNER: CITY OF LAS VEGAS

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 1, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE COUNCIL.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. All development on the site shall be subject to the standards contained in the Union Park Design Standards (TXT-16302), as adopted by City Council.
2. All development shall be in conformance with the general site development plan, date stamped 08/24/06, except as amended by conditions herein.
3. A parking district plan with cross-parking agreements for the development site shall be approved by the Planning Commission or City Council prior to the issuance of building permits for any development parcel. Building permits may be issued for the development on Parcel A1 (SDR-15042) prior to the approval of the parking district plan.
4. All development on the individual development parcels shall be subject to the approval of a Site Development Plan Review application.
5. Any new utility or power service line provided to the development site shall be placed underground from the external property line of the development to the point of onsite connection.
6. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
7. 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.
8. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

9. Identify the on-site street network as public roadways or private. Geometric design of all public roadways shall meet the approval of the City Engineer.
10. Coordinate with the Collection System Planning section of the Department of Public Works regarding connection to public sewer. 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.
11. Landscape and maintain all unimproved rights-of-way, if any, in the public rights-of-way adjacent to or within this site.
12. Submit an Encroachment Agreement for all landscaping, if any, located in the public rights-of-way adjacent to or within this site prior to occupancy of this site.
13. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
14. Site development to comply with all applicable conditions of approval for Z-100-97, the Parkway Center Commercial Subdivision and all other applicable site-related actions.
15. 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.
16. Dedicate all proposed public streets and appropriate deceleration/right turn lanes adjacent to this site, acceptable the City Engineer, prior to or concurrent with onsite development activities.
17. Construct all proposed public streets and deceleration/right turn lanes along Grand Central Parkway concurrent with onsite development activities as allowed by the City Engineer.

18. All existing aboveground public utilities adjacent to this site shall be relocated underground concurrent with development of this site, unless it is demonstrated to the satisfaction of the City Engineer that a particular facility cannot be relocated underground for technical reasons; any facilities that remain aboveground must be appropriately relocated to provide appropriate screening and/or integration into proposed architectural features.
19. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, other than for the Ruvo Alzheimer's Center. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site other than for the Ruvo Alzheimer's Center. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This Site Development Plan Review application has been submitted in conjunction with the Union Park Design Standards (TXT-16302) to establish the general layout for the Union Park redevelopment site. This review is not intended to permit the construction of any structures on the site, but rather serves as the entitlement process for the establishment of the development parcels and future dedication of the street network.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) on the subject property. The Planning Commission and staff recommended approval.
01/02/02	The City Council approved the Parkway Center Development Standards, which have since been incorporated as part of the Las Vegas Downtown Centennial Plan.
09/20/06	The City Council approved a Site Development Plan Review application (SDR-15042) for a proposed 62,616 square foot medical research center and museum on a 1.9 acre portion of the subject site. The Planning Commission and staff had recommended approval of the request.
10/05/06	The Planning Commission recommended approval of a Text Amendment (TXT-16302), adopting the Union Park Design Standards. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #55/ff).
<i>Pre-Application Meeting</i>	
07/07/06	At the pre-application conference, it was noted that a master Site Development Plan Review would be required, and that a separate Site Development Plan Review application would be required for individual sites within the development area.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required as part of this application request, nor was one held.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	61.57

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MXU (Mixed-Use)	PD (Planned Development)
North	Office Use	MXU (Mixed-Use)	PD (Planned Development)
South	Government Use	PF (Public Facilities)	C-V (Civic)
East	Union Pacific Railroad	C (Commercial)	M (Industrial) C-2 (General Commercial)
West	Furniture Mart	MXU (Mixed-Use)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
PD Planned Development District	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			
PD Planned Development District	X		Y
Downtown Overlay District	X		Y
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District	X		Y
Downtown Casino Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

All development on the site will be subject to the Union Park Design Standards (TXT-16302), which are scheduled to be adopted concurrently with this Site Development Plan Review application.

<i>Development Standards</i>	
Site Development Standards	Development standards for each block are contained in Section 4 of the Union Park Design Standards document. The design standards establishment minimum frontage/build-to requirements, allowable setbacks, tower locations, parking locations, and open space. No height limits are automatically applied;

<i>Residential Adjacency Standards</i>	
3:1 proximity slope	Residential Adjacency standards are not automatically applied in the Downtown Centennial Plan area.

<i>Landscaping and Open Space Standards</i>	
Landscape Standards	Specific streetscape standards are contained in Section 2 of the Union Park Design Standards document. Standards for the areas identified for parks and plazas are also contained in the document. A list of permitted plant materials is also included in the appendix of the document.

<i>Parking Standards</i>	
Parking Requirements	As the development area is within the boundaries of the Downtown Centennial Plan, parking requirements are not automatically applied. Section 4 of the Union Park Design Standards document lists the amount of parking spaces that are intended to be developed on each block; a parking district will be established for the entire development site, allowing shared parking between the individual development parcels.

<i>Signage Standards</i>	
Sign Requirements	Sign standards are contained in Section 3.16 of the Union Park Design Standards document. The document references portions of Title 19.14 of the Las Vegas Municipal Code regarding permitting, installation and maintenance requirements; dimensional standards are contained in Section 3.16 of the Design Standards.

ANALYSIS

The proposed layout of the site provides a street grid system that aligns with Discovery Drive and City Parkway on the west side of the site, and replicates the pattern of the east/west streets on the east side of the Union Pacific railroad tracks that separate the site from the rest of the downtown area. Minimal driveways openings are planned along Grand Central Parkway, with much of the access to the individual development parcels to be provided on site. The design of the site is also consistent with current plans for a Bus Rapid Transit (BRT) route on Grand Central Parkway, which will have two stations adjacent to the development. Block sizes for the

individual parcels generally do not exceed 600 feet in any direction, which maintains a human scale for the development site and facilitates use by pedestrians. Sidewalk widths are specified in Section 2 of the Union Park Design Standards document, and generally meet or exceed the standards contained in the Downtown Centennial Plan. It is also intended that pedestrian connections will be developed over the railroad tracks, offering access to the existing urban core, and providing greater connectivity between the Parkway Center and downtown.

The scope of development intended for Union Park is summarized in Section 4 of the Union Park Design Standards document. The table below includes the square footage and number of units for the various commercial and residential uses proposed for the site; the totals listed below are approximate, and will be reviewed on a case-by-case basis as Site Development Plan Review applications are submitted for each development parcel.

Parcel	Office (SF)	Retail (SF)	Hotel (Units)	Residential (Units)	Civic (Units)	Parking (Spaces)	Stories
A1	0	0	0	0	0	0	4
A2	505,600	0	0	0	0	806	N/A
B	331,500	49,670	0	282	0	2,350	N/A
C	0	27,790	0	593	0	1,082	N/A
D	0	11,960	0	328	0	791	N/A
E	500,000	152,192	0	0	0	2,000	N/A
F/G	0	41,470	250	280	0	898	N/A
H/I	13,000	0	0	0	586,000	0	N/A
J	166,000	0	500	0	0	1,185	N/A
K	175,940	0	0	0	0	1,080	N/A
L	0	20,863	0	479	0	1,624	N/A
M4	0	0	0	0	0	300	N/A
N	0	12,482	0	578	0	966	N/A
O1	0	26,882	0	406	0	747	N/A
O2	0	4,068	0	243	0	472	N/A
P	0	15,996	0	0	0	986	N/A
Q	0	0	1,000	0	0	1,170	N/A
Total:	1,692,040	363,373	1,750	3,189	586,000	16,457	--

As previously noted, the totals shown in the table are intended to provide a general estimate of the intensity of development. The majority of the commercial square footage will be devoted to office uses, with retail uses being secondary to the office market. The Performing Arts Center will occupy most of Parcel H/I, and will be approximately 600,000 square feet in area. Hotel uses are planned for three parcels within the development, and will include approximately 1,750 rooms; only one of the planned hotels will be associated with non-restricted gaming uses. Finally, approximately 3,200 residential units are planned for the site, and will include both residential flats and townhouse units.

Development standards for each parcel are contained in Section 4 of the Union Park Design Standards documents. The development standards require buildings to be located adjacent to the sidewalk along most frontages, with minimal setbacks allowed for open space or to allow for variations in the façade of the building. The standards require parking structures to be generally located at the center of each development parcel, in order to maximize the retail frontage and enhance the pedestrian environment. The lot coverage allowance will be up to 100%, in order to encourage an urban form of development. The design standards also specify the location for tower elements on each block, in order to maximize solar orientation or shading, and to maintain views. Height limits are generally not specified for the development parcels; although general massing studies have been included within the Design Standards document, building height will be reviewed on a case-by-case basis. Architectural design standards are contained in Section 3 of the document, and specify materials and finishes, fenestration, articulation, storefront design, parking structure design, and screening of mechanical equipment and service areas. A design review committee will be established to review the development of each parcel, and will replace the Parkway Center Architectural Review Committee (PC-ARC) as the review body for the development.

It is intended that a parking district will be established for the development, and that most of the parking will be shared among the development parcels. Parking may be reserved for residential units and certain commercial uses. Most of the development parcels are slated to contain a parking structure, while some parcels (such as the Performing Arts Center parcel) will not. Consequently, the establishment of a parking district will allow for the sharing of parking structures among the development parcels. The balance between office, retail, civic and residential uses offers adequate variation in parking demand, so that are shared parking arrangement between the uses will function properly. A total of 16,457 parking spaces are intended to be developed, which exceeds the amount that would be required under the current Parkway Center standards.

Several of the parcels (M1, M2, M3, and M4) have been identified for public open space, while portions of some of the development parcels are identified for small plazas or squares. The developers of individual parcels will be required to install the streetscape treatment abutting their site as a condition of approval, subject to the requirements contained in the Union Park Design Standards document. Specific streetscape standards have been identified for each of the streets, based on the character of the street and accompanying uses. A list of permitted plant materials is contained in the Design Standards document.

FINDINGS

The following findings must be made for an SDR:

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 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 scale of development is consistent with the urban core, and will be compatible with development on adjacent parcels.

In regard to "2":

The proposed development is consistent with the General Plan and the Downtown Centennial Plan, and is consistent with landscape and buffer standards.

In regard to "3":

Site access and circulation has been designed to coordinate with the existing street network, so as to assist with the flow of traffic to and from the site. The intensity of the development will have an impact on the adjacent street network; however, proposed mass transit facilities on Grand Central Parkway and the mixed-use pedestrian nature of the development will assist in reducing the impact of traffic.

In regard to "4":

The permitted building materials and plant materials specified by the Union Park Design Standards document are generally consistent with the existing Parkway Center standards. These elements will be reviewed for each development parcel upon the submittal of an individual Site Development Plan Review application.

In regard to "5":

Building elevations and design characteristics will be reviewed for each development parcel upon the submittal of an individual Site Development Plan Review application.

In regard to "6":

All parcels within the development will be subject to design review and permit review.

PLANNING COMMISSION ACTION

The Planning Commission added condition #19 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 95 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-16267** APN: 139-34-110-002 & -003
Name of Property Owner: City Parkway V, Inc.
Name of Applicant: City of Las Vegas

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: _____

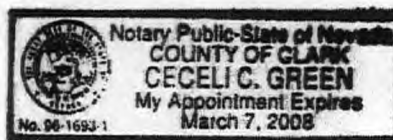
Signature of Property Owner: _____

Print Name: Douglas Selby

Subscribed and sworn before me

This 24th day of August, 2006

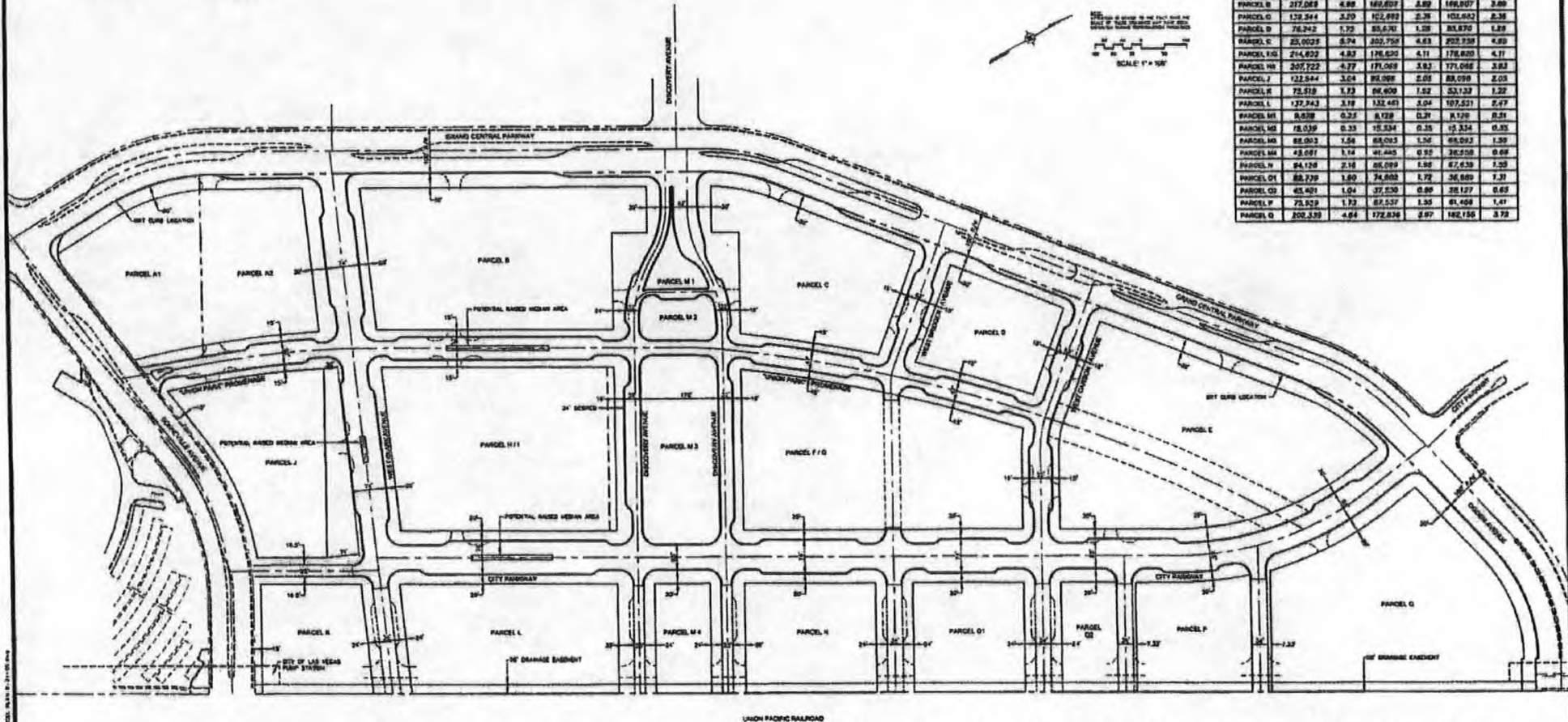
Ceceli C. Green
Notary Public in and for said County and State



UNION PARK PARCEL PLAN DATED 08.21.06

PARCEL TABLE

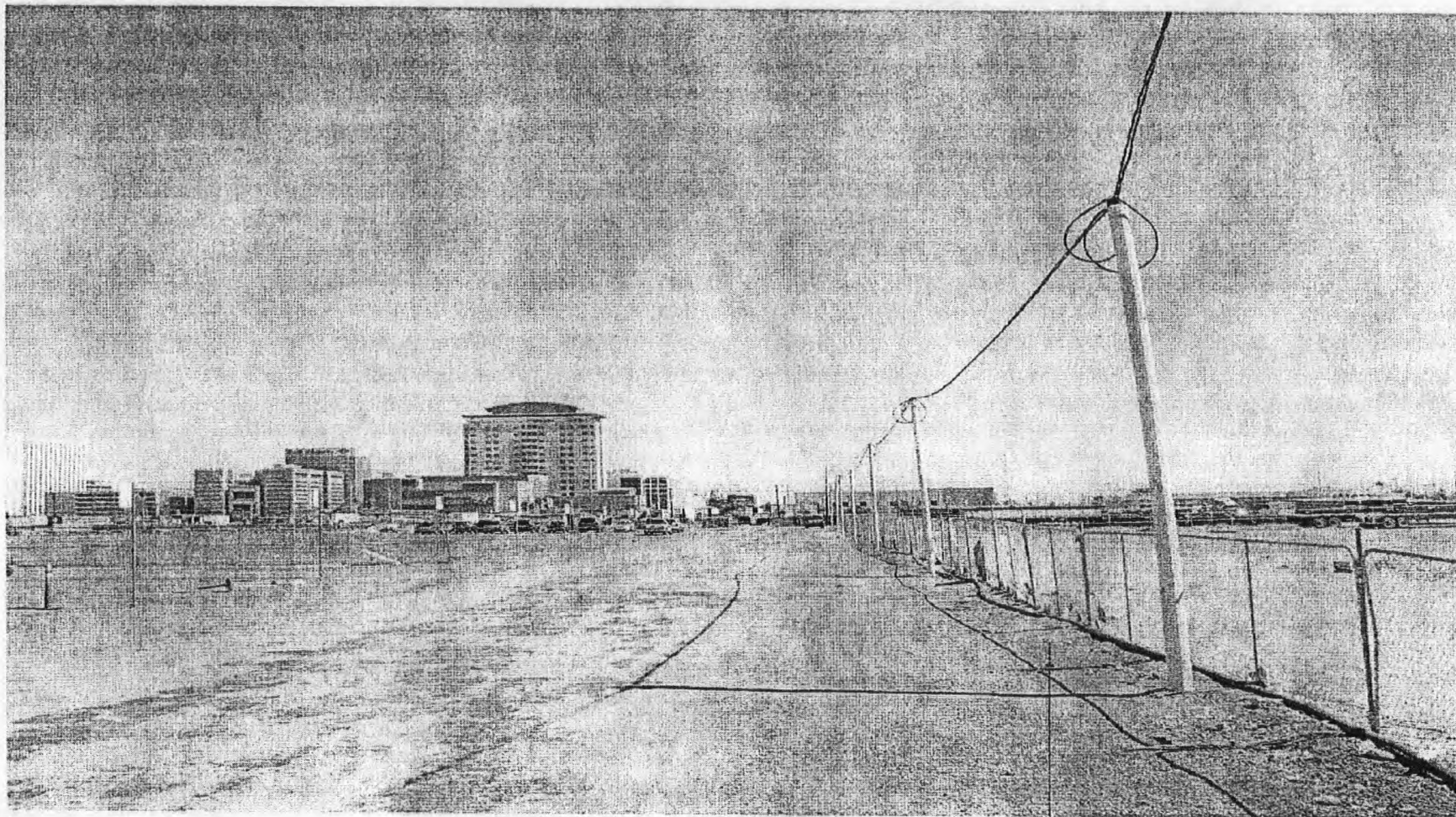
	PURCHASE (ACRES)	USABLE (NET)	BUILDABLE (NET)
	30 FT. ACRE	30 FT. ACRE	30 FT. ACRE
PARCEL A1	82,877	2.12	77,876 1.78
PARCEL A2	85,792	2.22	78,509 1.92
PARCEL B	272,085	4.85	189,807 3.89
PARCEL C	129,544	2.50	102,893 2.38
PARCEL D	78,242	1.72	85,670 1.98
PARCEL E	25,025	0.574	252,758 4.63
PARCEL F10	214,822	4.82	176,822 4.11
PARCEL H8	207,722	4.77	171,089 3.82
PARCEL J	122,844	3.04	85,088 2.05
PARCEL K	75,819	1.73	86,400 1.92
PARCEL L	137,343	3.18	132,481 3.04
PARCEL M1	8,838	0.21	8,129 0.21
PARCEL M2	18,039	0.33	15,334 0.35
PARCEL M3	88,003	1.98	88,003 1.98
PARCEL M4	43,081	1.14	41,445 0.92
PARCEL N	84,128	2.18	85,089 1.92
PARCEL O1	88,729	1.90	74,803 1.72
PARCEL O2	45,401	1.04	37,530 0.86
PARCEL P	75,929	1.73	87,537 1.95
PARCEL Q	202,339	4.64	172,836 3.87



RECEIVED
AUG 24 2006

Kinley-Horn and Associates, Inc.

SDR-16267
10/05/06 PC



SDR-16267 -APPLICANT: NEWLAND COMMUNITIES - OWNER: CITY OF LAS VEGAS
NORTHEAST CORNER OF GRAND CENTRAL PARKWAY AND BONNEVILLE AVENUE
OCTOBER 5, 2006 PLANNING COMMISSION

09/15/06



Union Park

Application for Amendment to the Downtown Centennial Plan

Letter of Justification – August 21, 2006

Applicant – Office of Business Development, City of Las Vegas

This request to amend the existing downtown Centennial Plan is done to bring the approved plan into conformance with the current City Council approved development plan and guidelines for the development area.

1. Since the downtown Centennial Plan was adopted July 5, 2000, the areas around the Union Park site have changed in unanticipated major ways.
 - a. The existence of the World Market Center, its tremendous market success, and its now more feasible build-out at 12 million S.F. were not anticipated and create the need for transportation and service changes in the area.
 - b. The RTC has now routed a Bus Rapid Transit (BRT) line along Grand Central Boulevard providing increased opportunity for public transit access to a high density development on Union Park.
 - c. Changes in ownership of key parcels east of the Union Pacific Railroad Tracks has created an opportunity to rethink the location of key public facilities such as a new city hall.
 - d. The market for mixed-use high density office, residential, and retail projects has expanded greatly and been proven by numerous new projects in downtown.
 - e. Two new major institutional initiatives have been committed to the Union Park site in the form of the Ruvo Alzheimers Institute and the Smith Center for the Performing Arts. These have necessitated a whole new approach to the organization of the land area in Union Park.
2. The proposed plan and guidelines impose burdens that are consistent with the existing Centennial Plan but are also specific to creating a high quality, high density, pedestrian friendly urban environment that extends downtown features and qualities to Union Park.

SDR-16267
10/05/06 PC



Union Park

Letter of Justification—August 21, 2006

Applicant—Office of Business Development, City of Las Vegas

3. This request to amend the existing Downtown Centennial Plan is being made to establish a Master Plan for development, supplemented by the Design Standards, pursuant to the goals of the Centennial Plan, which specifically addresses the goals, objectives and requirements of the Union Park development.
 - a. **Vision of Downtown - p. 2**

"Jobs will be created—construction and permanent, professional and service...daily visitors to downtown will sustain a variety of new cafes, restaurants, and supporting commercial uses...high-rise condominiums...growing synergy of uses will create a dynamic, rich, urbane environment that will promote other redevelopment and desirable land uses downtown...a complex and intriguing pedestrian-oriented 24-hour lifestyle."
The Union Park Plan's land use plan shows a rich mix of these uses, with the addition of a dynamic performing arts center, all linked to the surrounding downtown and World Market Center in a lively mixed-use environment.
 - b. **Vision of Downtown - p. 3**

"...a long-term strategy to re-establish Downtown Las Vegas as the region's premier cultural, civic, financial and business center." **Union Park will bring all of these uses into immediate proximity to Downtown, plus the essential element of residential community, which is cited in this element of the Vision.**
 - c. **Definition of Downtown Districts - p. 30**

District 4: Parkway Center "... Parkway Center should become a dense, walkable mixed-use environment linked to the existing downtown street grid."
Union Park comprises high-rise and mid-rise residential development, high-rise office development, continuous retail streets, pedestrian amenities on all streets and pedestrian linkages and view corridors aligned with the downtown street grid and connection to the Clark County Government complex.
 - d. **Downtown Renaissance - p. 10**

"These projects will create a new critical mass of people which will create further market demands for additional cafes, retail, and entertainment venues,

SDR-16267
10/05/06 PC



thus transforming Downtown Las Vegas into a sophisticated and urban environment."

Union Park's City Parkway and Union Park Promenade will have continuous, active uses such as entertainment, restaurants, retail, coffee shops, and other attractive uses that will satisfy the growing need for neighborhood and visitor services and venues.

e. Downtown Renaissance - p. 10

"...the development of new residential communities will not only be possible, but highly desirable in rounding out the land uses downtown...new residential towers with panoramic valley views, townhouses and courtyard apartments...the fate of the vacant railyards may be determined with new buildings rising on this now vacant site..."

High rise residential towers in Union Park (on the vacant railyards) will have valley views, and these will be complemented by townhouses and courtyard apartments. The residential community will be a vibrant generator of round the clock activity, and an appealing, authentic Las Vegas neighborhood, close to many attractions.

f. Urban Design Framework - p. 23

V3D Linkages 4 p. 23 "Lewis Street should be developed into the primary east-west pedestrian corridor for the revitalized Office Core district...the City's commitment to rebuild this street into the Lewis Street Corridor...the new Civic Corridor..."

Lewis Street, projected west from the Office Core, bisects the site of the proposed City Hall, and across the tracks, the extension of this street creates a Civic Axis with Discovery Drive accessing the site from the west, alongside which will be located the new Performing Arts Center. This is intended to extend and strengthen the Civic Axis of Lewis Street.

g. V3D Linkages - p. 25

"The net effect of all linkage systems and improvements will result in drawing people from one place to another, improving the image and character of the area, and consequently encouraging a greater use of Downtown Las Vegas in its entirety.

All sidewalks and streets in Union Park are designed as linear open spaces with high levels of pedestrian amenities to link areas within Union Park and to areas outside Union Park. Pedestrian bridges are planned to link Union Park directly with the Clark County Governmental Complex, the proposed City Hall site on Main Street, and the Fremont Street Experience.

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10/05/06 PC



- h. **V3E Proposed Mixed Use Opportunities Residential Neighborhoods - p.26**
"The City has identified the potential of building some 5000 residential units over the next 10 years within downtown Las Vegas...the creation and strengthening of neighborhoods is essential...successful integration of residential development into Downtown Las Vegas will require focusing on efforts in specific areas, establishing a critical mass..."
Union Park can create well over half of the City's residential unit goal on the 61 acres. This will be the critical mass that is needed to generate demand for many other uses and create an exciting downtown place to live.
- i. **Parks and Open Space - p. 26**
Many downtowns across the nation are recognized for their formal public open space...Over the next few years, the City should pursue the creation of a series of a series of small urban park spaces linked by trails and enhanced pedestrian streetscapes to expand the livability of Downtown."
Union Park will feature a major Symphony Park on the Civic Axis, as a forecourt to the new Performing Arts Center, as the open space heart of Union Park and its neighborhood. Smaller publicly-accessible open spaces are planned throughout Union Park, and along its streets, which are designed as linear parkways.
- j. **V4 Definition of Downtown Districts -District Four: Parkway Center - p. 30**
"Parkway Center should become a dense, walkable, mixed-use environment linked to the existing downtown street grid."
The major planning premise of Union Park is to create a highly walkable, very dense and mixed-use environment, which will be a catalyst and linkage to the surrounding land use districts in Downtown Las Vegas. The mix of high-density residential towers and lower residential blocks, the continuously active streets, the office and employment uses and the comfortable, walkable streets of Union Park will create this district.
- k. **DS Downtown Las Vegas: Design Standards - pgs. 47-59**
Union Park includes, in its Design Standards, the design standards discussed in the Centennial Plan for Downtown Las Vegas. See separate justification letter for description of these Design Standards and the Design Review process.

SDR-16267
10/05/06 PC



Union Park

Letter of Justification—August 21, 2006

Applicant—Office of Business Development, City of Las Vegas

This request to adopt the Design Standards for Union Park is being made to establish a guide for quality development in Union Park, pursuant to the goals of the Centennial Plan, and also specifically addressing the goals, objectives and requirements of the Union Park development.

Design Standards

The Union Park Design Standards are graphic and written principles of design which are to be incorporated into the design of all development blocks in the project. They are an aid to achieving a high level of design excellence. The success of Union Park depends on each developer and designer incorporating the Design Standards into the Designs for each block and individual project.

The Design Standards will guide developers and architects through the process of creating a pedestrian-oriented, visually cohesive and economically viable urban community. They promote a clear and consistent process for the development of parcels. While they provide a clear vision, they are also flexible in accommodating a mix of uses while helping to shape a variety of building forms. They do not mandate particular architectural styles or building materials. Instead, they do the following:

- Recognize that Union Park will be built and evolve over time
- Create and maintain a standard of architectural and urban design quality that will sustain real estate values for everyone
- Promote a cohesive development pattern while allowing for diversity and variety in the design and construction of individual projects
- Assist designers, City Staff, developers and other in making consistent design choices that reinforce the vision
- Provide clear guidance to the process of Design Review and public approvals

Each development project will be reviewed for compliance with the Design Standards, according to the Design Review process described in the back of this book. The Design Review Committee will be made up of City and Development Manager representatives. This book of Design Standards is organized into four major parts:

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10/05/06 PC



Section 1 Union Park Orientation

This section informs the project developer and designer to the systems and requirements that affect not only the individual sites but also the Union Park site as a whole. Items addressed include parking and access, site drainage, public open space, tower location, sustainability and solar orientation.

Section 2 Streetscape and Open Space

This section delineates the major characteristics of all the streets and open space, including their cross sections, design themes and streetscape elements. The section illustrates designs which are to be followed by developers who will own and develop the areas behind the curb lines, including the sidewalks.

Section 3 General Site and Building Design Standards

This section covers non-geographic features of the development such as building articulation, signage, site lighting and active building frontages. Each of these contributes to the success of the urban environment by adding a functional and aesthetic note to the overall look and feel of Union Park. The section addresses Required, Recommended and Allowable standards for each of the topics.

Section 4 Character of the Blocks

This section shows how the design standards in sections 1-3 are applied to each building parcel. It describes allowable and encouraged building setbacks, active frontages, parking access and other parameters of each land parcel. Setbacks, open space features, view corridors, parking, tower location and other features are displayed so that the designer has a logical starting point for design.

Each Design Standard is organized into Intents and Standards. The Intent is a statement of the purpose or goal behind each design standard. If the specific language is not definitive, the Design Review Committee reserves the discretion of making decisions on the basis of their understanding of the Intent. This will be the governing decision.

Each principle is either Required (this shall be done) or Recommended (this should be done). In some cases a principle is stated as Acceptable, meaning that if someone chooses to use it, its use is permitted.

Design Review

To ensure that each Union Park project complies with the Design Standards, each will be reviewed with respect to its architectural, urban design and landscape design qualities, as measured by the Design Standards.

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10/05/06 PC



The objectives of the Design Review are primarily to provide timely, fair and firm design direction for each project, and to resolve differences in design approach between the parcel developer, the Development Manager and the City of Las Vegas.

A Design Review Committee consisting of 2 people appointed by the Master Developer and 3 people appointed by the City of Las Vegas will review each project, supplemented as they determine, by design and/or engineering consultants.

The Design Review Process

Each project will be subject to the same review process, with submittals at these stages:
Block Plans—A review of the project at a Conceptual Design level, identifying parking, access, site plan, pedestrian and open space, concept elevations, a program and a 3-D model.

Plans and Drawings—A review of the project at a Design Development level identifying more detailed site, grading and drainage plan, floor plans, sections, elevations, key details, color and material boards, signage and a refined 3-D model.

Review of Construction—An on-site review to ensure the project's construction in compliance with the Design Standards. This is an inspection carried out on the construction site to confirm the fidelity to the approved design.

Waivers to the Design Standards may be granted by City Council upon a recommendation from the Design Review Committee, upon presentation of a justification evidenced by economic or other hardship, or improvement in the goals and objectives of Union Park, or the City's redevelopment efforts.

Amendments to the Design Standards may be recommended by the Design Review Committee, when they are warranted to address deficiencies or changes in the development. Changes will be made in accordance with the requirements of Title 19.18 of the Las Vegas Municipal Code.

SDR-16267
10/05/06 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

DIRECTOR'S BUSINESS

DIR-15183 – WATER FEATURE EXEMPTION - APPLICANT/OWNER: HIGH VALLEY 1, LLC. - Request TO ALLOW THE OPERATION OF AN 88 SQUARE FOOT WATER FEATURE at an existing office development on 1.95 acres at 2760 and 2764 Lake Sahara Drive (APN 163-08-601-002), Ward 2 (Wolfson). 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

Motion made by STEVE WOLFSON to Approve Subject to Conditions

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

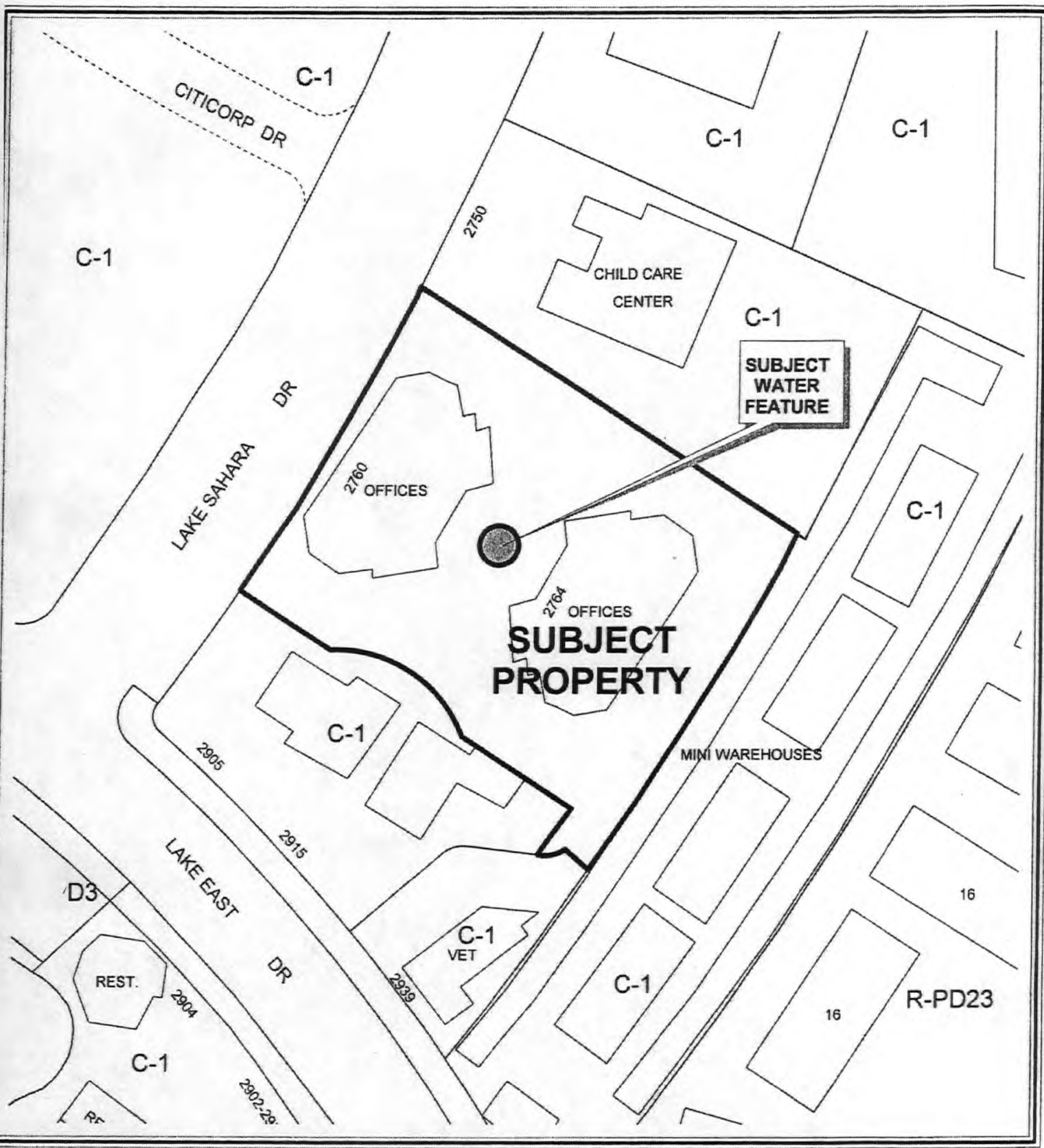
LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-LAWRENCE WEEKLY); (Excused-None)

Minutes:

MAYOR GOODMAN declared the public hearing open.

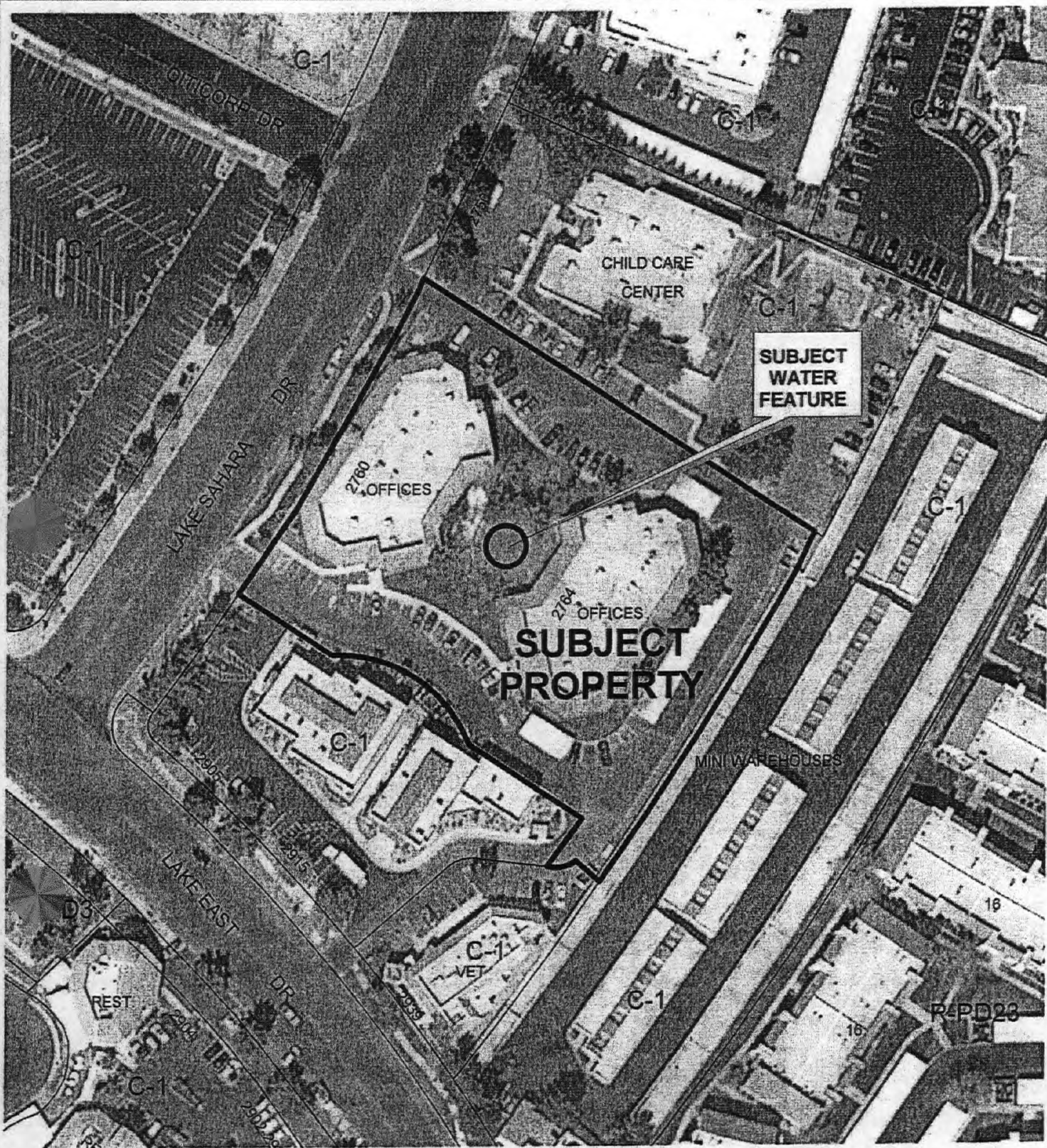
TINA CAMERON, MDL Group, appeared on behalf of the applicant and stated the office park has been in existence for approximately 15 years. Due to restrictions, the water feature was turned off. MS. CAMERON is now requesting to allow the operation of the water feature, which is approximately 80 square feet.

MAYOR GOODMAN declared the public hearing closed.



CASE: DIR-15183

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



0 60 120 Feet

CASE: DIR-15183

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

ITEM DESCRIPTION: DIR-15183 - APPLICANT/OWNER: HIGH VALLEY 1, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. The applicant shall pay a fee to the City through the Planning and Development Department of \$880.00 to operate the water feature through December 31, 2006. For subsequent years in which Drought Watch or Drought Alert is declared, an annual fee of \$250.00 shall be paid.
2. The applicant shall post a sign at the water feature to indicate an exemption has been received allowing its operation.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to allow the operation of an 88 square foot water feature at an existing office development on 1.95 acres at 2760 and 2764 Lake Sahara Drive.

EXECUTIVE SUMMARY

The request from the applicant would allow the operation of an existing water feature, which is located between two office buildings on Lake Sahara Drive. The 88 square foot calculation is derived from the area of the water feature that comes into contact with water.

ANALYSIS

The applicant is proposing to re-activate an existing 88 square foot water feature, which is located between two office buildings at 2760 and 2764 Lake Sahara Drive. The applicant is not removing any turf in conjunction with the re-activation of the water feature. A fee of \$880.00 dollars will be required to re-activate the fountain if the exemption is approved. The applicant has been advised of the fees associated with the re-activation, and has agreed to pay the fees if approved. Additionally, the applicant will be required to pay an additional yearly fee of \$250.00 when either the Drought Watch or Drought Alert is declared.

Pursuant to Title 14.11.190, the City Council may approve exemptions to allow the operation of water features during Drought Watch and Drought Alert as defined by the Southern Nevada Water Authority (SNWA). On sites where turf exists at the time of the exemption request, 50 square feet of turf shall be converted to drought tolerant landscaping (such as desert landscaping) to allow for each square foot of water feature area. In cases where there is not enough turf at the time of the request to meet this ratio, a fee of \$10 per square foot of surface area shall be paid for the remaining portion of the water feature area not covered by the turf conversion. In cases where there is no turf on the subject site, the \$10 per square foot of water feature area shall be applied.

The SNWA notes that there are no outstanding violations regarding this water feature.

Title 14.11.190 states that a "water reduction plan" is required for exemption eligibility. The submitted plans for this site indicate that the subject water feature contains 88 square feet of surface area. There is no turf to convert to as part of this request. In the event that the required water savings cannot be achieved, as in this case, Title 14.11.190 states that a fee must be paid to allow for the exemption. Therefore, the amount of the fee the applicant shall be required to pay to allow for the operation of the water feature during the current declaration of Drought Alert is \$880. In subsequent years when either Drought Watch or Drought Alert is declared, the property owner shall pay an annual fee of \$250 to allow for the continued operation of the water feature.

In order to inform the public that an exemption has been received for the subject water feature, the applicant shall post a sign adjacent to the subject water feature indicating such. This is in conformance to Title 14.11.

FINDINGS

The re-activation of the 88 square foot water feature is minor in nature and does not impose an undue hardship on the Southern Nevada Water Authority. Therefore, staff can support the proposed water feature exemption as conditioned.

<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: DIR-15183 APN: 163-08-601-002

Name of Property Owner: High Valley 1, LLC.

Name of Applicant: High Valley 1, LLC.

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

☐ Yes

☒ No

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

~~City Official: _____~~

~~Partner(s): _____~~

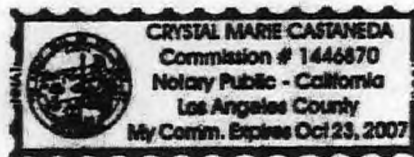
~~APN: _____~~

Signature of Property Owner: [Signature]

Print Name: GINN ENGLISH

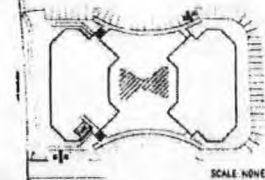
Subscribed and sworn before me

This 29TH day of JUNE, 20 06
[Signature]
Notary Public in and for said County and State



LOCATION PLAN

LAKE OFFICE PARK
TENANT LOCATION
2740 LAKE SARAH DRIVE
LAS VEGAS, NV 89117
SUITE 100



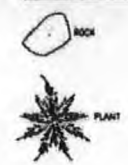
PROJECT DATA

APPROXIMATE AREA OF PATIO B: 1100 SQ. FT.
APPROXIMATE AREA OF PATIO A: 400 SQ. FT.
APPROXIMATE AREA OF FOUNTAIN: 40 SQ. FT.

GENERAL NOTES

1) ALL DIMENSIONS ARE APPROXIMATE

LEGEND

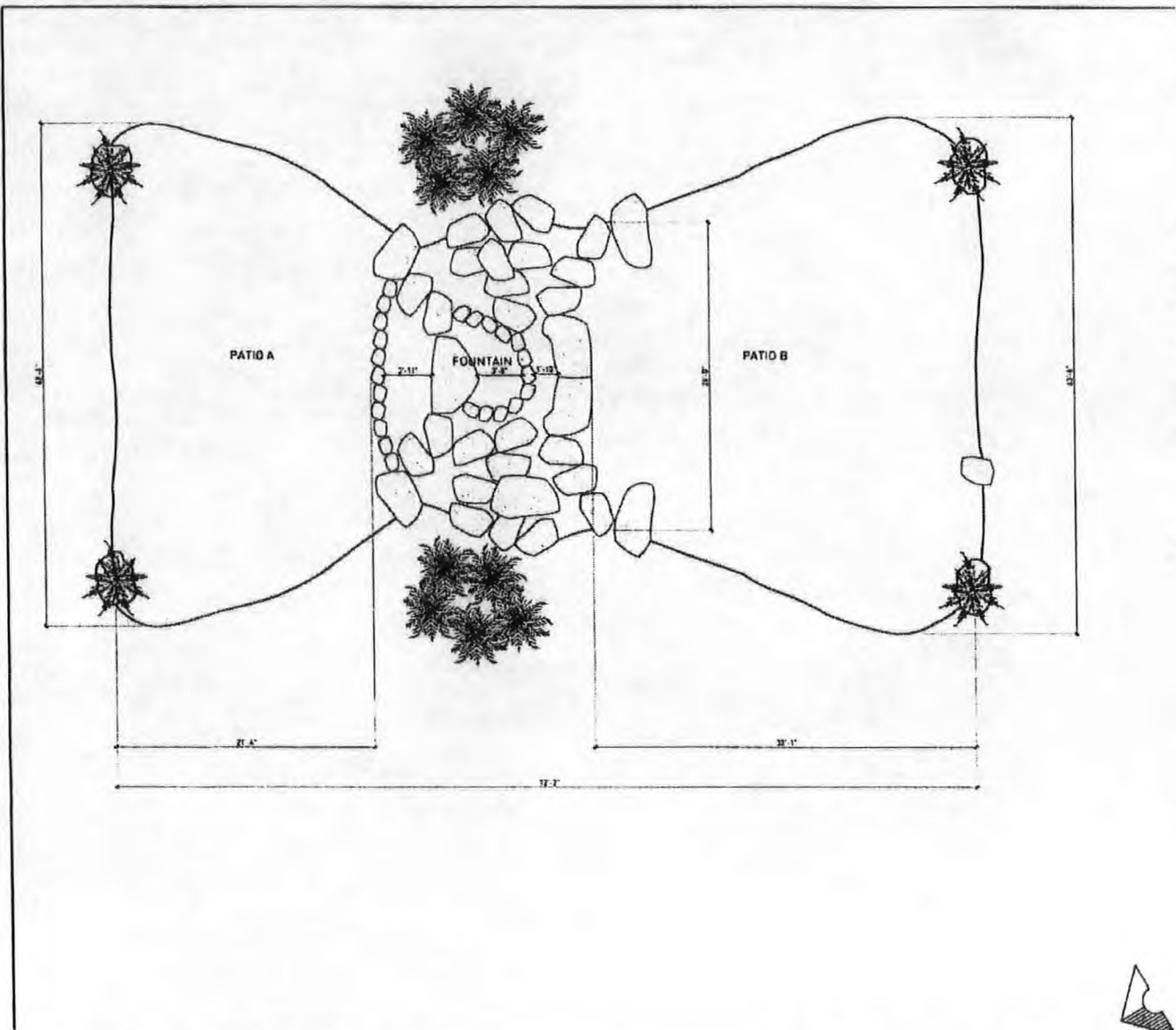


PARKER SCAGGIARI
interiors | architecture
2641 W Charleston Blvd. • Suite 100 • Las Vegas, NV 89102
702.733.7788 • www.parker-scaggiari.com

PRELIMINARY SPACEPLAN
LAKE OFFICE PARK

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	09-06-06
2	REVISED	
3		
4		
5		
6		
7		
8		
9		
10		

ID 1.0



SITE PLAN @ FOUNTAIN



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

DIR-15183
09-06-06 CC



MANAGEMENT • DEVELOPMENT
LEASING • SALES

June 12, 2006

Planning & Development Department

VIA HAND DELIVERY

Re: High Valley 1, LLC.
Water Feature

Dear Sir/Madam;

Attached please find the submittal information for us to reinstate our water feature.

The water feature at High Valley 1, LLC is a one tier fountain located outside between two of the existing buildings. The fountain is less than 1% of the total property landscape area, however, it is well shaded which helps to keep water evaporation to a minimum.

We feel that the water feature has both intrinsic and real property value as it is a prominent amenity to the property. We feel it enhances quality of life and work day experience for our tenants, which is why the property has enjoyed such long term tenancy.

The owners have been very responsive and co-operative to water conservation. The new property owners have reduced the surface area of the fountain, and completed a landscape conversion to desert landscape along the perimeter of the buildings.

We have also attached the appropriate deed description and site plan for your review. The Las Vegas Valley Water District account number is 7973774853. If you have any questions please feel free to contact our office at 702-388-1800.

Sincerely,

MDL GROUP on behalf of
HIGH VALLEY 1, LLC.

Tena Cameron

Tena Cameron, RPA
Asset Manager

TC/km

DIR-15183

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-16488 - PUBLIC HEARING - APPLICANT: MARCUS SGRIZI - OWNER: BOCA FASHION VILLAGE, LLC - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB at 608 Rampart Boulevard, Suite #4 (APN 138-32-312-005), PD (Planned Development) Zone, Ward 2 (Wolfson). NOTE: The correct address is 740 Rampart Boulevard, Suite #4. Planning Commission (7-0 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:

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

Motion made by STEVE WOLFSON 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.

He pointed out that the correct address of the proposed supper club is 740 Rampart Boulevard, Suite 4.

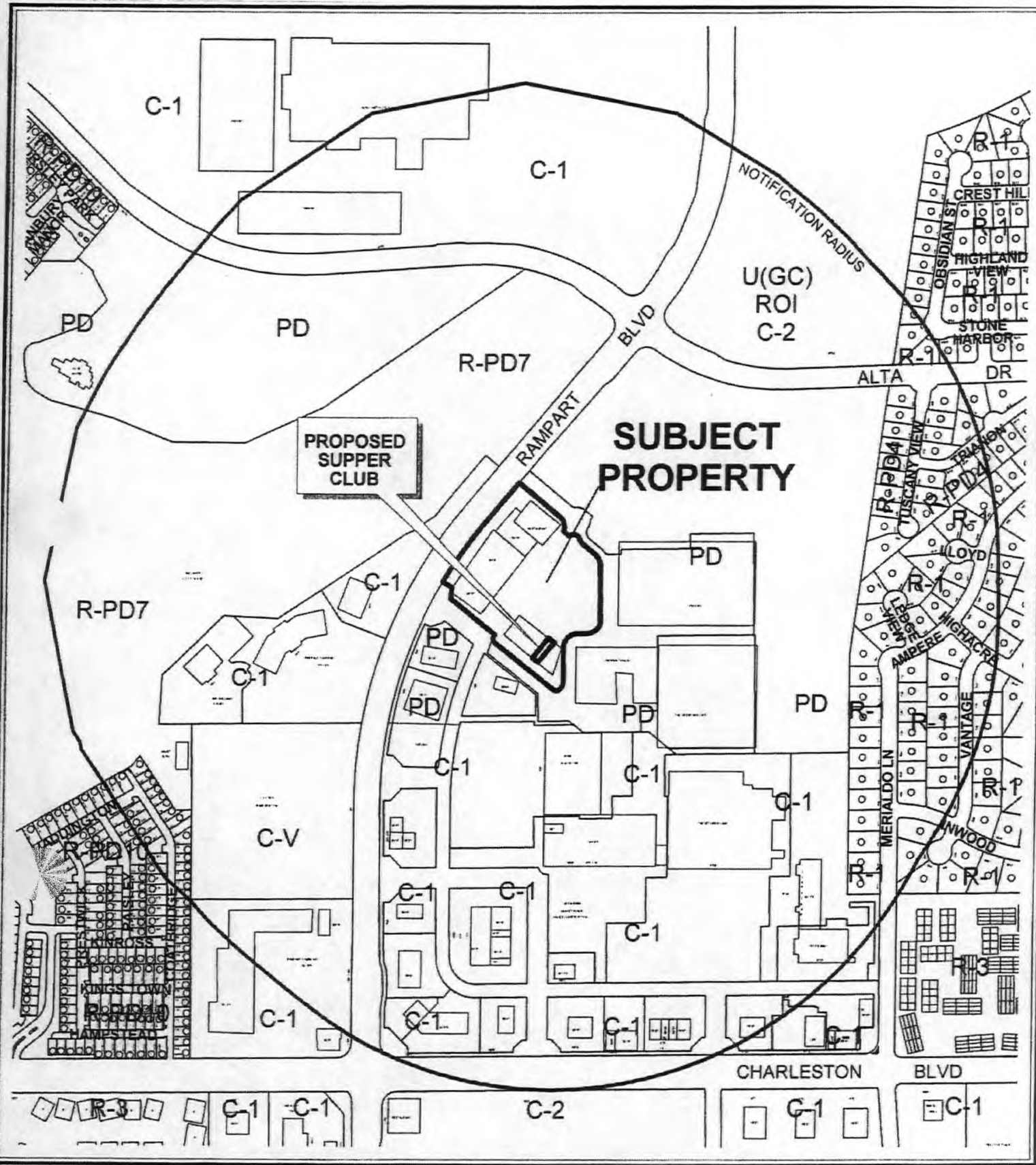
MARCUS SGRIZZI thanked Council for their assistance and on past projects. He assured everyone that the proposed supper club will be a cool and fun place to hang out. The menu will be Italian and seafood, and there will be classic movies and Mo Town music. MR. SGRIZZI anticipates the restaurant opening in February 2007.

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

COUNCILMAN WOLFSON has faith that the supper club will be a great addition to the neighborhood.

MAYOR GOODMAN declared the public hearing closed.



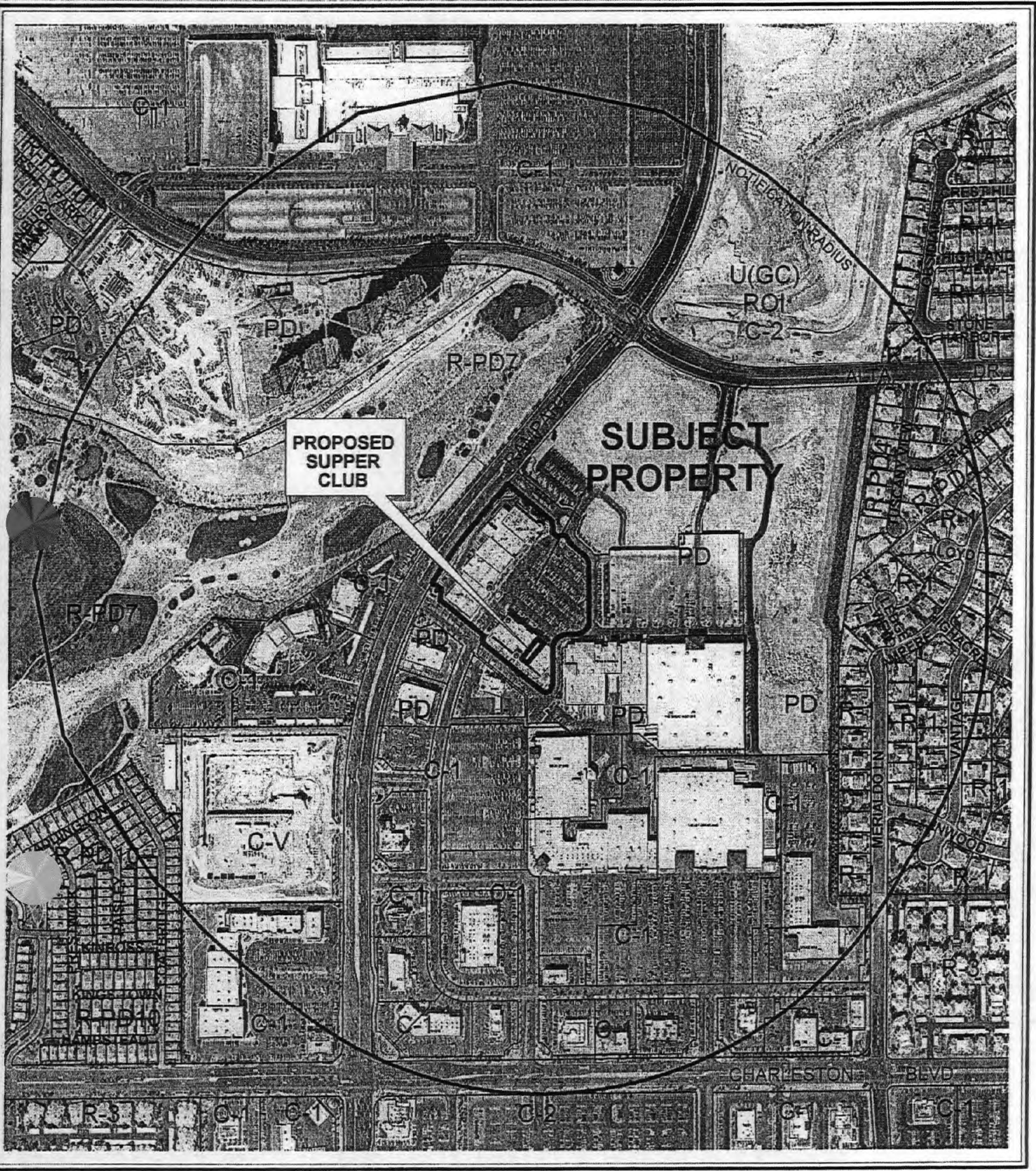


CASE: SUP-16488

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)



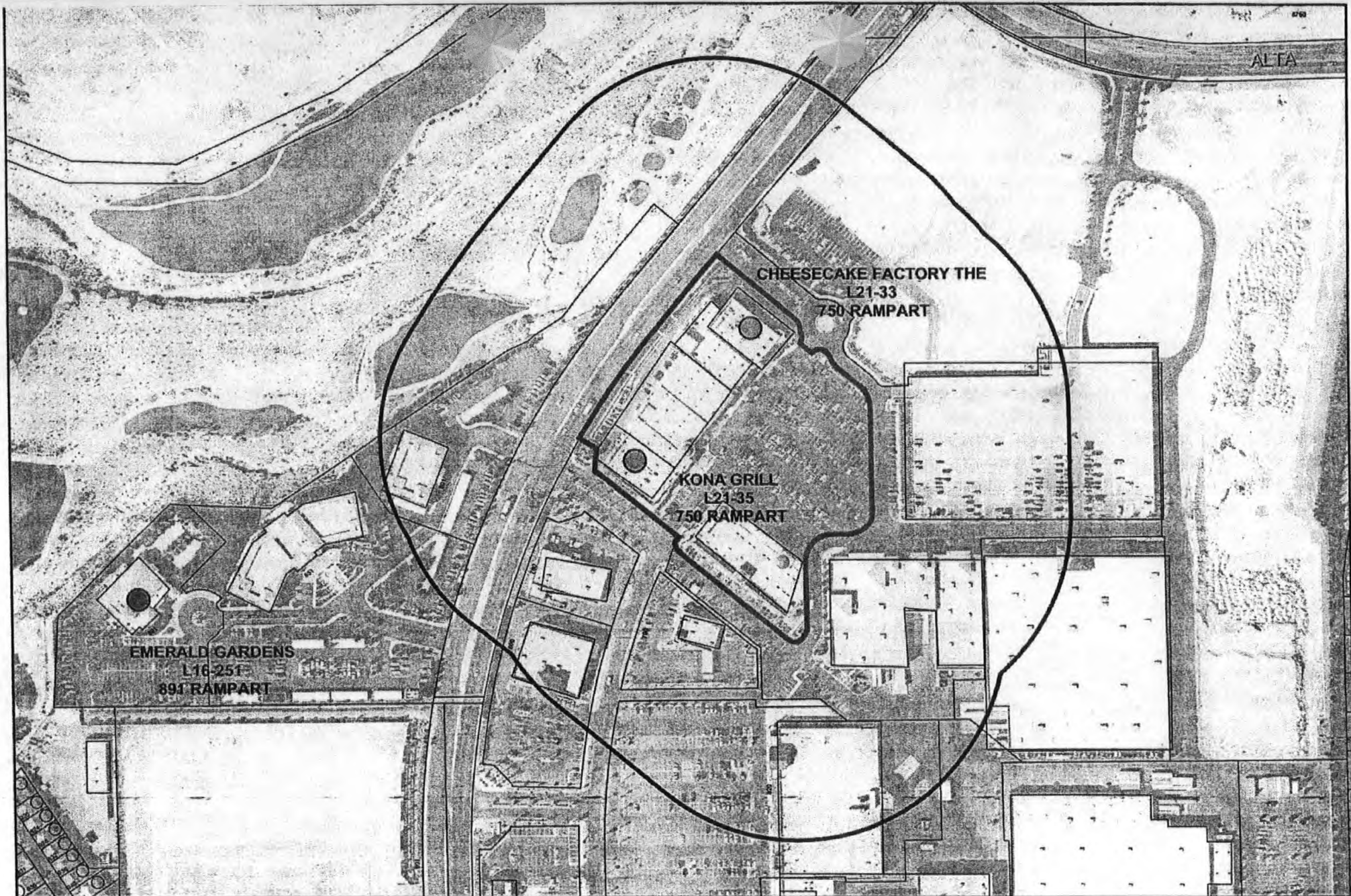


CASE: **SUP-16488**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)





SUP-16488

Protected Landuses

- | | |
|--|---|
|  CITY PARKS |  RELIGIOUS |
|  SCHOOLS | |

Business Licenses

- | | |
|---|--|
|  Tavern |  Child Care/
Children Facility |
|  Supper Club/
Restaurant Service Bar | |

- | |
|--|
|  Subject Property |
|  400 foot buffer |



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-16488 - APPLICANT: MARCUS SGRIZI - OWNER:
BOCA FASHION VILLAGE, LLC**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Supper Club use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City 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 ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed Supper Club at 740 Rampart Boulevard, Suite #4. The proposed use is located within "Phase III" of Boca Park. "Phase III" consists of buildings six, seven and eight. The subject property is zoned PD (Planned Development) and is part of the Boca Park development. Boca Park is intended to provide for a variety of commercial, retail, and office uses including the proposed Supper Club, subject to approval of a Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/20/81	The City Council approved a Request for a Rezoning (Z-0034-81) of approximately 2,249.23 acres of land from: N-U (Non-Urban) to R-1 (Single Family Residential), R-2 (Medium-Low Density Residential), R-3 (Medium Density Residential), R-MHP (Residential Mobile/Manufactured Home Park), R-PD7 (Residential Planned Development – 7 Units Per Acre), R-PD8 (Residential Planned Development – 8 Units Per Acre), P-R (Professional Offices and Parking), C-1 (Limited Commercial), C-2 (General Commercial), and C-V (Civic) on property generally located north of Sahara Avenue, south of Westcliff Drive, west of Durango Drive, and east of Hualapai Way. The Planning Commission recommended approval.
09/02/92	The City Council approved a request for Reclassification of Property (Z-0030-92) located on the east side of Rampart Boulevard, between Charleston Boulevard and Alta Drive, from: N-U (Non-Urban) (under Resolution of Intent to R-1 (Single Family Residential), C-1 (Limited Commercial), and C-2 (General Commercial), To: R-1 (Single Family Residence) and C-1 (Limited Commercial), proposed use: Regional Shopping Mall and Single Family Dwellings. The Planning Commission recommended approval.
06/07/95	The City Council approved a Review of Condition [Z-0010-82(2)] that required a planter to be constructed along the north property line. The Planning Commission recommended denial.
04/27/98	The City Council approved a request for a Rezoning (Z-0012-98) on property located on the southeast corner of Rampart Boulevard and Alta Drive, from: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) to: PD (Planned Development) proposed use: 248 room, five-story, non-gaming hotel, 650 seat amphitheater, 535,200 square foot retail, 57,600 square foot office, 125 unit condominium complex, a four-story parking garage, and a six-story parking garage, size: 47.4 acres. The Planning Commission recommended approval.

04/18/01	The City Council approved a request for a Master Sign Plan Review [Z-0012-98(3)] for property located at the southeast corner of the intersection of Alta Drive and Rampart Boulevard (Boca Park, Phase III). The Planning Commission recommended approval.
07/05/01	The City Council approved a request for a Special Use Permit (U-0054-01) for a 6,218 square foot Supper Club on 1.15 acres on the east side of Rampart Boulevard, approximately 220 feet north of Charleston Boulevard within Boca Park Phase 1. The Planning Commission recommended approval.
02/20/02	The City Council approved a Special Use Permit (U-0151-01) for a Supper Club in conjunction with a proposed restaurant on property located adjacent to the east side of Rampart Boulevard, approximately 750 feet south of Alta Drive. The Planning Commission recommended approval.
08/20/03	The City Council approved a request for a Special Use Permit (SUP-2571) for a Supper Club on the subject site. The Planning Commission and Staff recommended approval.
06/21/06	The City Council approved a Special Use Permit (SUP-12804) for a Beer/Wine/Cooler On-Sale Establishment at 750 South Rampart Boulevard, Suite #7. The Planning Commission and staff recommended approval on 05/25/06.
10/19/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #4/ng).
Related Building Permits/Business Licenses	
	No building permits or business license have been issued for the subject site.
Pre-Application Meeting	
07/13/06	The elements of a pre-application meeting for a Supper Club use were discussed.
Neighborhood Meeting	
	A neighborhood meeting is not required for this type of application.

Details of Application Request	
Site Area	
Gross Acres	6.04

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial/Boca Park	SC (Service Commercial)	PD (Planned Development)
North	Commercial/Boca Park	SC (Service Commercial)	PD (Planned Development)
South	Commercial/Boca Park	SC (Service Commercial)	PD (Planned Development)
East	Commercial/Boca Park	SC (Service Commercial)	PD (Planned Development)
West	Commercial/Boca Park	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Boca Park	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	

DEVELOPMENT STANDARDS

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	
Proposed Supper Club located in Suite #4 of Building 7	4,575 s.f.	1/250	19	1	*	*	*
Buildings 6, 7 and 8	291,260 s.f.	-	1,165	20	*	*	*
TOTAL	295,835 s.f.	-	1,184	21	*	*	*

*The proposed development is located within "Phase III" of Boca Park. "Phase III" includes; buildings 6, 7 and 8. These buildings consist of approximately 295,835 square feet. Parking for Boca Park was originally addressed within the development agreement, the current parking statistics are noted in the above table. The site is in compliance with parking requirements within the Development Agreement established by [Z-0030-92(5)].

ANALYSIS

The applicant is proposing a 4,575 square-foot Supper Club located within the Boca Park shopping center. The proposed use is consistent with the conditions of approval for a Supper Club use as conditioned. Also, the proposed use is consistent with adjacent uses within Boca Park as there are similar restaurants within the center. There are 19 parking spaces required for the restaurant. The parking requirements for Boca Park were established by a Development Agreement, which was established as a part of Site Development Plan Review [Z-0030-92(5)].

The overall development shares parking. The recent adoption of revised land use table allows for shopping centers to be calculated at one parking space for every 250 square feet. Therefore, the overall center provides adequate parking for the proposed use. The addition of the Supper Club will be compatible with similar uses as conditioned.

CONDITIONS FOR A SUPPER CLUB USE

1. The bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minor;
2. The actual seating available at all times within the restaurant area will accommodate at least 125 persons;
3. Alcoholic beverages are served in the restaurant area only in conjunction with the service of food;
4. Full course meal is available during all hours the bar area is open to the public;
5. A cook and food server, other than a bartender, are available at all times the bar area is open to the public; and
6. The restaurant operation is the principal portion of the business.

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 Supper Club is located within the Boca Park shopping center. There are several other Supper Clubs located within the development. Therefore, the proposed use is harmonious with the existing and future land uses as projected by the General Plan.

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

The subject site is suitable for retail/restaurant uses. There are several similar businesses within the existing development. Therefore, the subject Supper Club is appropriate for the subject site as 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."**

The subject site has access via S. Rampart Boulevard a Primary (100-foot) Arterial and Alta Drive a Secondary (80-foot) Collector. Given the size of the existing development, the addition of the Supper Club will have a negligible effect on the transportation infrastructure currently serving the site.

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

The proposal conforms to the goals and objectives of the General Plan designation in which it is located. As such, it will not endanger the public health, safety, or welfare of the populace or be inconsistent with the objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The site meets all applicable conditions per Title 19.04 for a Supper Club. The use conforms to Title 19 as conditioned.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 435 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-16488** APN: 138 32 312 005

Name of Property Owner: Dee Fashion Village

Name of Applicant: Marcus Sgrilli

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: _____

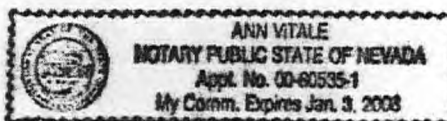
Signature of Property Owner: _____

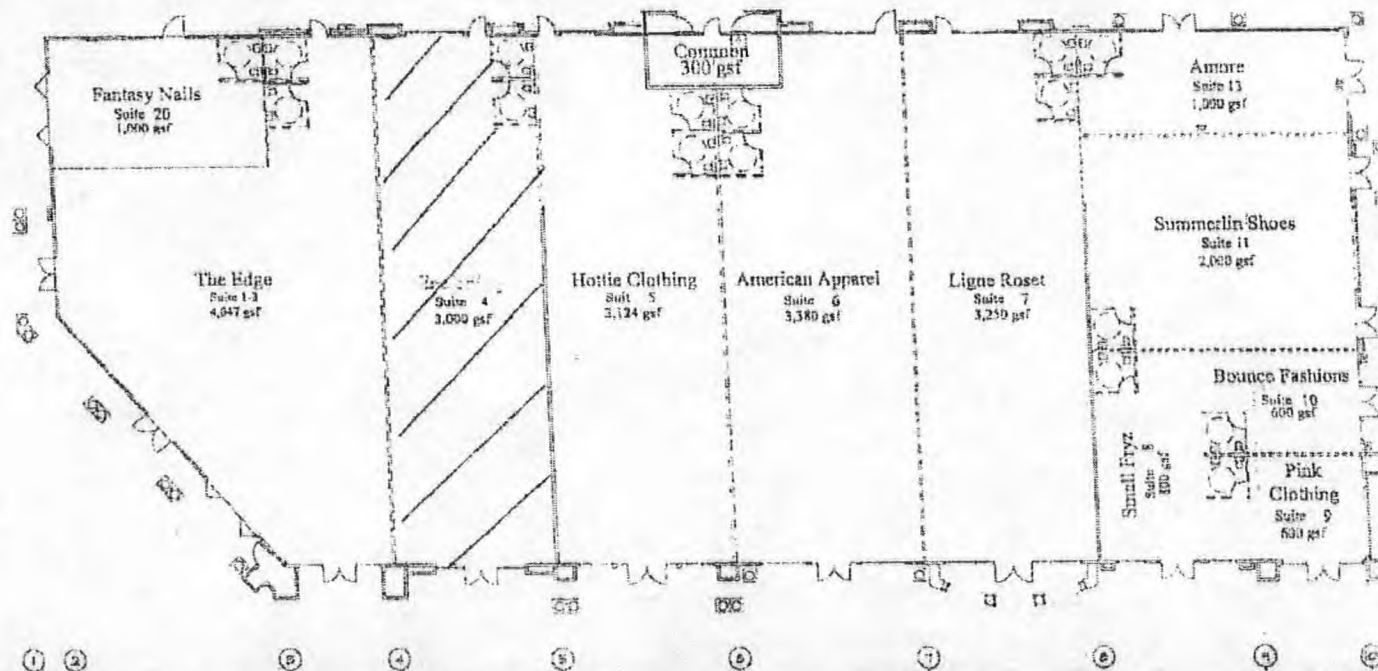
Print Name: Andrew Clark

Subscribed and sworn before me

This 1st day of Sept., 2002

James H. Hite
Notary Public in and for said County and State





Area Calculation

Suite 1-3	The Edge	3,047 sq
Suite 4	Fine Things	2,000 sq
Suite 5	Hottie Clothing	3,124 sq
Suite 6	American Apparel	2,380 sq
Suite 7	Ligne Roset	3,250 sq
Suite 8	Small Fryz	300 sq
Suite 9	Pink Clothing	600 sq
Suite 10	Bounce Fashions	600 sq
Suite 11	Summerlin Shoes	2,000 sq
Suite 13	Amore	1,000 sq
Suite 20	Fantasy Nails	1,000 sq
		20,690 sq

Common	300 sq
Total	21,191 sq



Leasing Plc
Project # 100185.3 Area 28, 20

555

TRINITY FIVE NEVADA DEVELOPMENT CORPORATION

BUILDING SEVEN
BOCA PARK
Los Vegas, Nevada

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Perlman

SUP-16488
10/19/06 PC

SUP-16488
10/19/06 PC

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PARKING REQUIREMENTS

DRIVE/PAV	1,593
2nd FLOOR	1,461
3,053 / 30 = 81	
OTHER	
1218 / 200 = 6	
TOTAL	87

REQUIRED PARKING ALLOCATION = 89

SQUARE FOOTAGE BREAKDOWN

DRIVE/PAV	1,593
2nd FLOOR	1,461
3,053	
OTHER	703
TOTAL	3,000
2nd FLOOR	1,461
MEZZANINE	1,14
OFFICE	1,375
TOTAL	4,975

A-1

DATE: 10/19/06

PROJECT: SUP-16488

CLIENT: BOCA PARK BUILDING 87

DESIGNER: GREENE TINDALL

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

FLOOR PLANS

1st FLOOR PLAN

2nd FLOOR PLAN

3rd FLOOR PLAN

4th FLOOR PLAN

5th FLOOR PLAN

6th FLOOR PLAN

7th FLOOR PLAN

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91st FLOOR PLAN

92nd FLOOR PLAN

93rd FLOOR PLAN

94th FLOOR PLAN

95th FLOOR PLAN

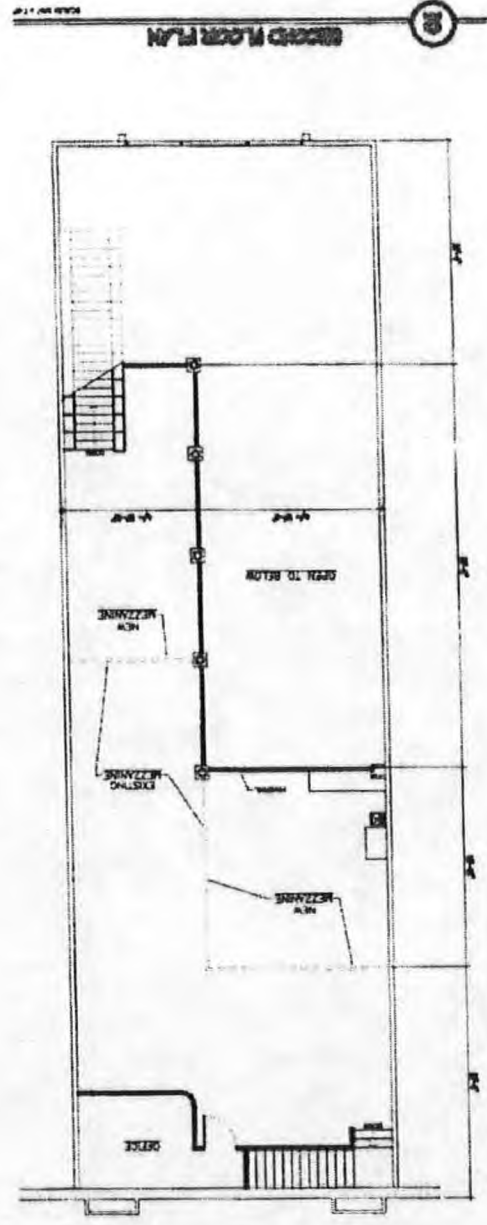
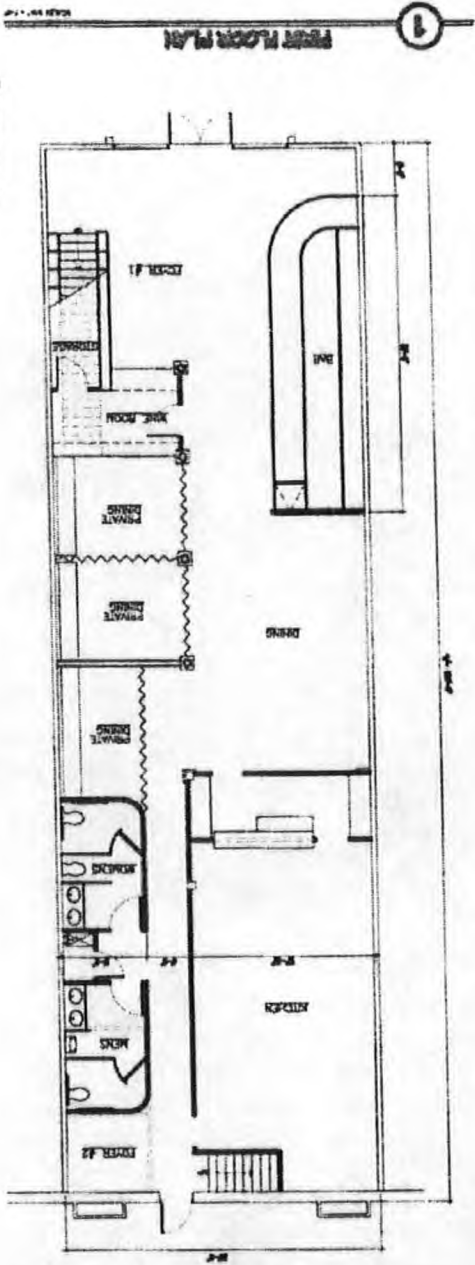
96th FLOOR PLAN

97th FLOOR PLAN

98th FLOOR PLAN

99th FLOOR PLAN

100th FLOOR PLAN



Perlman

Architects, Inc.

Parking Summary for Boca Park Phase III

September 1, 2006

	Bldg Area		Parking Required		Parking Provided	Parking Available
Totals:						
Retail 6	60,240	sf	481	#	465	129
Retail 7	26,606	sf	173	#	127	14
Retail 8	268,995	sf	837	#	837	0
Overall Site	295,835	sf	1,491	#	1,429	143

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SUP-16488
10/19/06 PC

Parking Calculations for Boca Park Phase III

September 1, 2006

Building	Tenant	Suite Area		Parking Occupancies	Area Ratio	Parking Ratio	Parking Required	Parking Provided	Parking Available
Building R-6									
100	Kona Grill	7,780	sf	Public non-public	1 x 200 3,940	1 per 50 1 per 200	88 13	98	10
104	Empty	2,460	sf	Retail	2,460	1 per 250	10	7	3
104	Design within reach	3,520	sf	Retail	3,520	1 per 250	14	10	4
105	Joey D	1,420	sf	Retail	1,420	1 per 250	6	7	1
105	Empty	1,420	sf	Retail	1,420	1 per 250	6	7	1
105	Empty	1,420	sf	Retail	1,420	1 per 250	6	8	2
106	Vasari	3,800	sf	Retail	3,800	1 per 250	14	15	1
107	Wild Truffles	1,646	sf	Public non-public	1,475 2,171	1 Per 50 1 per 200	40 11	43	2
108	Hypnotic	1,600	sf	Retail	1,600	1 Per 250	11	21	8
109	Duxiana	1,853	sf	Retail	1,853	1 Per 250	7	23	16
110	Envy	2,400	sf	Retail	2,400	1 Per 250	10	14	4
111	Ultra Diamonds	2,400	sf	Retail	2,400	1 Per 250	10	11	1
112	Bellini	2,400	sf	Retail	2,400	1 Per 250	10	10	0
113	Tululah G	2,400	sf	Retail	2,400	1 per 250	10	7	3
114	S2 Art	2,400	sf	Retail	2,400	1 per 250	10	15	5
115	C-Level (Clothes)	1,496	sf	Retail	1,496	1 per 250	6	17	11
116	Gordon-Biersch	8,428	sf	Public non-public	4,428 4,000	1 per 50 1 per 200	89 10	105	0
117	Cheese Cake Factory	9,850	sf	Public non-public	4,850 5,000	1 per 50 1 per 200	91 25	192	80

Total Area R-2

60,240 sf

481

610

129

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SUP-16488
10/19/06 PC

Parking Calculations for Boca Park Phase III

September 1, 2006

Building	Tenant	Suite Area	Parking Occupancies	Area Ratio	Parking Ratio	Parking Required	Parking Provided	Parking Available
Building R-7								
101	The Edge	4,047	Retail	4,047	1 per 250	17	24	7
104	Mezzu	1,000	Rest/Publie	1,000	1 per 200	5	12	7
			Rest/ nonpublic	2,000	1 per 50	40		
105	Hottie	1,250	Retail	1,250	1 per 250	5	13	8
106	American Apparel	3,180	Retail	3,180	1 per 250	13	17	4
106	Empty	4,400	Retail	4,400	1 per 250	18	15	3
107	Ligne Roset	1,250	Retail	1,250	1 per 250	5	13	8
108	Cricket Alley	800	Retail	800	1 per 250	3	7	4
109	Pink	872	Retail	872	1 per 250	4	5	1
110	Bounce Fashion	600	Retail	600	1 per 250	3	5	2
111	Hoochie's	2,000	Retail	2,000	1 per 250	8	8	0
113	Amore	1,000	Retail	1,000	1 per 250	4	4	0
120	Fancy Nails	1,000	Retail	1,000	1 per 250	4	4	0

Total Area R-7

24,600 sf

173

127

14

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SUP-16488
10/19/06 PC

Parking Calculations for Boca Park Phase III

September 1, 2006

Building	Tenant	Suite Area		Parking Occupancies	Parking Ratio	Parking Required	Parking Provided	Parking Available
Building R-8								
Anchor	The Great Indoors	142,000	sf	Retail	1 per 250	568	568	0
110	Sunshine Floor	26,395	sf	Retail	1 per 250	106	106	0
130	Harry & David	7,100	sf	Retail	1 per 250	9	9	0
140	Mikasa	6,000	sf	Retail	1 per 250	24	24	0
106	Linens 'N Things	32,500	sf	Retail	1 per 250	130	130	0

Total Area R-7

208,995 sf

837

837

0

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SUP-16488
10/19/06 PC





SUP-16488 - APPLICANT: MARCUS SGRIZI - OWNER: BOCA FASHION VILLAGE, LLC
608 RAMPART BOULEVARD, SUITE #4
OCTOBER 19, 2006 PLANNING COMMISSION

09/26/06

8.22.06

City of Las Vegas
Planning & Development Department
731 S. 4th St.
Las Vegas, NV 89101

Re: Boca Park Supper Club - **Justification Letter**
APN # 138-32-312-005

To Whom It May Concern:

In the Boca Park Center many restaurants presently exist and this request is to provide a restaurant/supper club as a tentative improvement in an existing building, previously occupied by a furniture store.

This use is compatible with the adjacent tenants and the center has adequate parking to include this use.


Barry Greene
Architect

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SUP-16488
10/19/06 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-16515 - PUBLIC HEARING - APPLICANT: HENNESSEY'S TAVERN, INC. - OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 1,500-FOOT SEPARATION DISTANCE REQUIREMENT FROM ANOTHER LIQUOR ESTABLISHMENT (TAVERN) at 425 Fremont Street, Suite #210 (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 3 (Reese). NOTE: To be heard in conjunction with Morning Session Item 55. Planning Commission (7-0 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:

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. Backup referenced from the 10-19-06 Planning Commission Meeting Item 5

Motion made by GARY REESE 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.

PAUL HENNESSEY, 425 Fremont Street, was present.

MAYOR GOODMAN commented on a recently passed statute pertaining to smoking regulations. Some constituents who own supperclubs are concerned that they must choose to

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

serve food or allow smoking without serving food; would there be a liability issue with the lessee providing the food? In addition, there would be an issue if some owners choose to not serve food then their business becomes a bar but the license was for a supperclub. The Mayor felt it was important enough to do research on behalf of the constituents.

ASSISTANT CITY ATTORNEY BRYAN SCOTT responded that occasionally there are some contracts with such a provision but time is needed to research this issue. He also informed the Mayor that only taverns can choose to serve food as an accessory. Supper club establishments are required to have a food element moreso than the alcohol element. Upon the new statute taking effect (December 8, 2006), individuals cannot smoke in supper clubs.

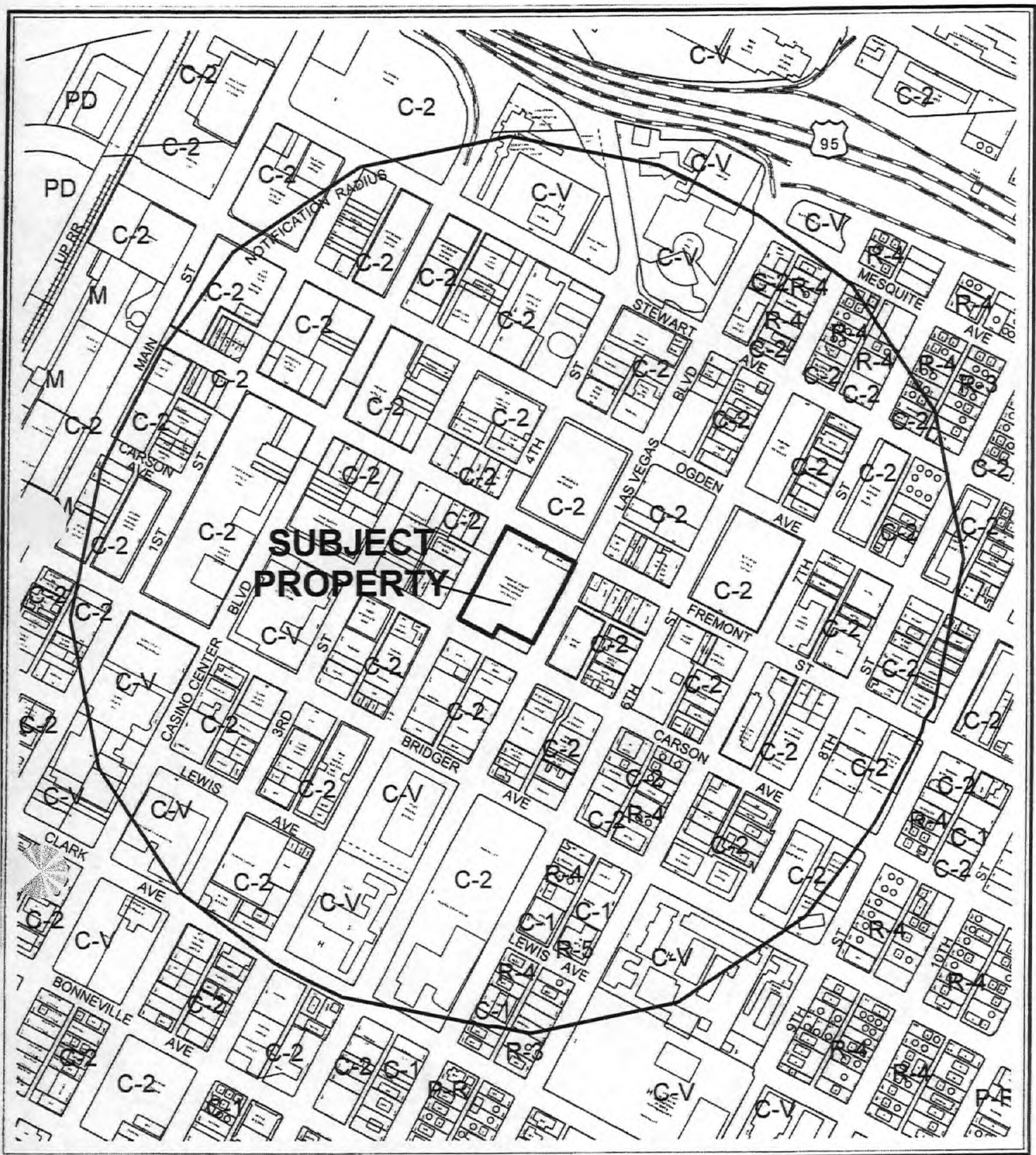
MR. HENNESSEY questioned if smoking is allowed on the outdoor patio of supper clubs and in the gaming area where children are not allowed. ASSISTANT CITY ATTORNEY SCOTT responded that the only exemption from the "no smoking" rule is with gaming in the casinos where smoking is allowed in the restaurants within the casinos.

ASSISTANT CITY ATTORNEY SCOTT responded to COUNCILMAN REESE'S inquiry by stating that the marijuana initiative was a constitutional amendment, which required multiple votes by the people prior to approval. In this matter, the statute becomes a law once approved.

MR. HENNESSEY felt that individuals were overreacting, as it was his opinion that people tend to adapt easily and smoke outdoors when required. Since the new law passed in California, both smoking and non-smoking patrons of his California restaurant have remained and his liquor sales increased by five percent. He believed that supper club owners will not have to renovate their restaurants and will maintain their smoking and non-smoking patrons. For the Council, MR. HENNESSEY described the proposal as two restaurants with live music on the second floor. Included is a circular bar, a patio, a piano lounge and an additional seating area.

COUNCILMAN REESE thanked MR. HENNESSEY for his contributions to the downtown area with his exemplary work reflecting vibrant development.

MAYOR GOODMAN declared the public hearing closed.



CASE: **SUP-16515**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)





CASE: **SUP-16515**

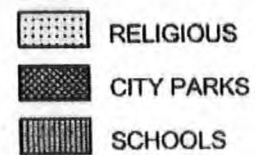
RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)





● Child Care/
Children Facility ● Tavern



☐ Subject Property



1500 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-16515 - APPLICANT: HENNESSEY'S TAVERN, INC. -

OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION

**** 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 Liquor Establishment (Tavern) use.
2. Conformance to the conditions for Special Use Permit (SUP-16518), if approved.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposal is for two Liquor Establishments (Tavern's) to be located on the second floor of the subject property. This will be developed in two phases. This Special Use Permit is for the first phase. The related Special Use Permit (SUP-16518) is for the second phase. Each will have a separate entrance. The first phase will be located in the northeast portion of the site. The project is in compliance with all applicable plans and policies and approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/06/94	The City Council approved an Aesthetic Review (AR-0009-94) for the construction of a parking structure and retail shops on the subject property. The Planning Commission recommended approval on 06/23/94.
10/06/99	The City Council approved a Special Use Permit (U-0096-00) for a proposed tavern on the subject property. The Planning Commission recommended approval of the request on 09/23/99.
01/19/05	The City Council held the request for a Special Use Permit (SUP-5466) in abeyance on 12/01/04 at the applicant's request. The City Council tabled a request for a Special Use Permit (SUP-5466) for a proposed Liquor Establishment (Tavern) and a Waiver of the separation distance requirement on 01/19/05. The Planning Commission recommended approval on 11/18/04.
08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6914) for two Taverns and two Special Use Permits (SUP-6915 and SUP-6916) at this location. The Planning Commission and staff recommended approval.
10/19/06	A companion Special Use Permit (SUP-16518) for a Liquor Establishment (Tavern) will be heard concurrently with this item.
10/19/06	The Planning Commission recommended approval of companion item SUP-16518 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #5/ng).
<i>Related Building Permits/Business Licenses</i>	
There are no business licenses or building permits related to this Special Use Permit.	
<i>Pre-Application Meeting</i>	
08/25/06	A pre-application meeting was held. It was noted that waivers would be required and that each phase would be handled as a separate Special Use Permit. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for a Special Use Permit, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.59

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Liquor Establishment (Taverns)/Parking	C (Commercial)	C-2 (General Commercial)
North	Neonopolis	C (Commercial)	C-2 (General Commercial)
South	Bank	C (Commercial)	C-2 (General Commercial)
East	Retail Shops	C (Commercial)	C-2 (General Commercial)
West	Retail Shops	C (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	X		
Downtown Overlay District	X		Y
A-O Airport Overlay District	X		Y
Downtown Casino Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

<i>Parking Requirement - Downtown</i>						
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Base Parking Requirement</i>		<i>Provided Parking</i>		<i>Compliance</i>
		<i>Parking Ratio</i>	<i>Parking</i>	<i>Parking</i>	<i>Parking</i>	
Liquor Establishment (Tavern)	2,351 SF	1:50 (Seating)	47			
Phase I	3,068 SF	1:200 (Other)	15			

Phase II	4,847 SF	1:50 (Seating)	97				
	704 SF	1:200 (Other)	4				
SubTotal	10,970 SF		163	6			
TOTAL			163		1,293		Y

The proposed use would typically require 163 parking spaces. This includes both phases of the project. A total of 1,293 spaces are provided in the attached parking structure. Other alternatives are available for parking in the immediate area. As this project is located in the Downtown Centennial Plan Area it is exempt from the automatic application of Title 19.10 parking requirements.

ANALYSIS

This phase of the project includes a circular bar, a patio, a piano lounge, and additional seating area. The site is located in several special plan areas, as noted in the chart above, and is in compliance with all of them. Parking for this site is available from the Fremont Street Experience Garage that is part of this structure. Several other options are available for parking in the surrounding area. This type of development is compatible with the area and will add to the entertainment options available to the downtown area and the Fremont Street Experience. Approval of this request is recommended.

LIQUOR ESTABLISHMENT (TAVERN)

19.04.050 (1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (taverns), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

(3) For the purpose of Paragraph (2), and for that purpose only:

(a) The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

(b) The "property line" of a liquor establishment (tavern) refers to:

(i) The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or

(ii) The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:

A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Paragraph (1) would qualify the parcel under the distance separation requirement;

B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of one hundred feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;

C. All parking spaces required by LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use; and

D. The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

(4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.

(5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Paragraph 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:

(a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay District;

(b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;

(c) Will be located within a regional mall; or

(d) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.

(6) The use shall conform to the provisions of LVMC Chapter 6.50.

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 land use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. This area is intended for this and other similar type uses that offer food, drink, and entertainment. The proposal is in compliance with the area and the General Plan.

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

The subject site is physically suitable for the type 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."**

Access to the parking garage on the site is available from Fourth Street. Additionally, a large portion of the customers would be pedestrians walking from other areas along Fremont Street. The street and highway facilities providing access to the property are adequate for this type of development.

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

This Special Use Permit request is in compliance with all applicable plans and policies and will not adversely affect the public health or the general welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

This Special Use Permit request is in compliance with all the conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 193 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-16515** APN: 139-34-610-045

Name of Property Owner: Fremont Street Experience

Name of Applicant: Hennessey's Tavern, Inc.

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

☐ Yes

☒ No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner: _____

Print Name: Jeff Victor

St of NV
County of Clark

Subscribed and sworn before me

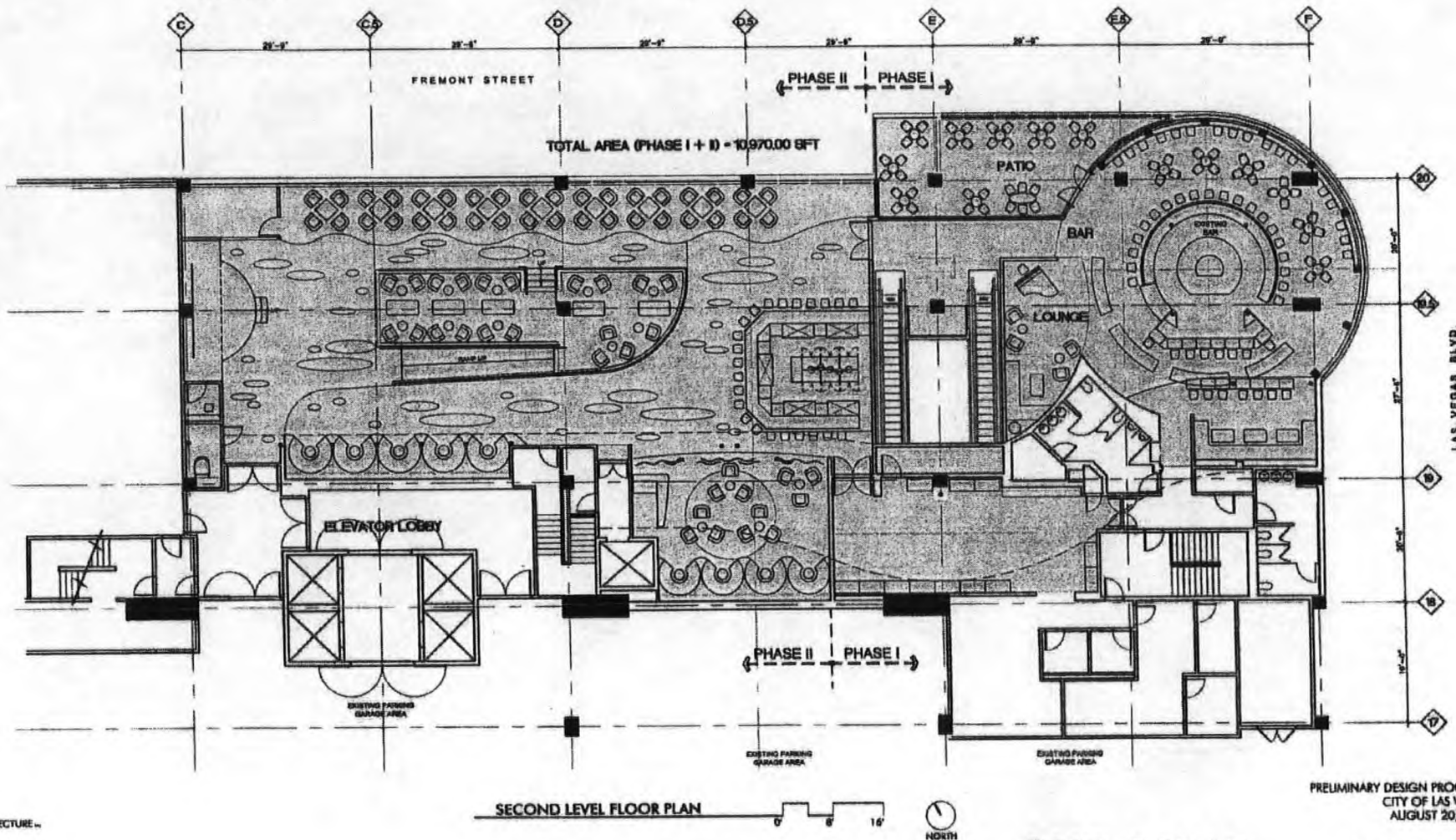
This 29th day of August, 2006
Megan E. Conklin
Notary Public in and for said County and State



BRASS BAR
LAS VEGAS

PROJECT DATA

PHASE 1 NUMBER :	1264610046	CONSTRUCTION TYPE AND DESCRIPTION
TOTAL AREA (PHASE 1 & 2)	10,370.00 SFT	TYPE I - FR PROTECTED NON-COMBUSTIBLE
OCCUPANT LOAD		ENTS PROVIDED
TOTAL OCCUPANT LOAD (MINUS BAY - PHASE-1)	846	PLUMBING FEATURE
OCCUPANCY GROUPS AND SPECIAL REQUIREMENTS		EXISTING MEN RESTROOMS :
A-3 OCCUPANCY		WATER CLOSETS
AUTOMATIC SMOKE/HEAT SYSTEM (EXIST. FULLY SMOKE/HEAT)		URINALS
PHASE(2)		EXISTING WOMENS RESTROOM :
OPEN PARKING GARAGE		WATER CLOSETS
		LAUNDRY



PRELIMINARY DESIGN PROGRESS
CITY OF LAS VEGAS
AUGUST 20, 2006

SUP-16515
10/19/06 PC

RECEIVED
SEP 05 2006



SUP-16515 - APPLICANT: HENNESSEY'S TAVERN, INC. - OWNER: FREMONT STREET EXPERIENCE
PARKING CORPORATION
425 FREMONT STREET, SUITE #210
OCTOBER 19, 2006 PLANNING COMMISSION

09/21/06

MARTIN HARRIS

C O N S T R U C T I O N

City of Las Vegas
Planning and Development Department

September 1, 2006

To Whom it May Concern:

This is our formal request for a Special use Permit for two Liquor Establishments (Two Taverns) located within the Fremont Street parking garage at 425 Fremont Street – second floor, directly above Mickey Finnz and Hennessey's Tavern. The two businesses will be known as The Brass Bar and Brass Nightclub.

The Brass Nightclub will serve as a night club with live band entertainment, (Brass), which is a New Orleans Jazz and/or 30's and 40's Swing style type of music with a contemporary flair. At the Brass Bar there will be a piano player in the bar lounge (Phase I) playing a more subdued form of 30's, 40's Swing and Contemporary music. Food service will be limited to side dishes (such as rings, fries, chips and dips, wings) and short order items (such as sandwiches and wraps) prepared in the first floor kitchen and served from the second floor food service prep area.

Given that this property is within the Fremont Street Experience area, this venue will offer our patrons a wonderful variety of entertainment, food and beverage choices that in many ways are currently not available at the mall. Additionally, we would expect that this venue will materially help revitalize the area on Fremont Street between Las Vegas Boulevard and 4th Street. The revitalization of downtown is currently a critical focus of the City.

We are looking forward to developing our third and fourth entertainment themed project on this site with your support. Please let me know if you have any questions.

Respectfully,



Peter Bolles
Project Manager, Special Projects
Martin & Harris Construction

SUP-16515
10/19/06 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-16515 - APPLICANT: HENNESSEY'S TAVERN, INC. - OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **October 19, 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 **Carman Burney** 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.

 10/13/06
Signature Date

Jeff Victor
Please print name

Fremont Street Experience
Company Name

Sincerely,

John Korkosz, Planning Supervisor
Current Planning Division

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE



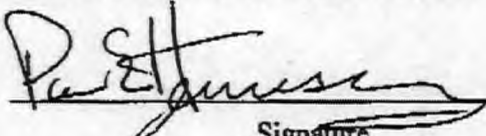
**Planning and Development Department
Current Planning Division
731 South Fourth Street
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(702) 229-6301 Phone (702) 385-7268 Fax**

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EXPERIENCE PARKING CORPORATION**

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Please sign and date that you have read and agree to the conditions.


Signature

10/15/06
Date

PAUL Hennessey
Please print name

Hennessey's Las Vegas
Company Name

Sincerely,

**John Korkosz, Planning Supervisor
Current Planning Division**

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT RELATED TO SUP-16515

SUP-16518 - PUBLIC HEARING - APPLICANT: HENNESSEY'S TAVERN, INC. - OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 1,500-FOOT SEPARATION DISTANCE REQUIREMENT FROM ANOTHER LIQUOR ESTABLISHMENT (TAVERN) at 425 Fremont Street, Suite #220 (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 3 (Reese). NOTE: To be heard in conjunction with Morning Session Item 54. The Planning Commission (7-0 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 (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 10-19-06 Planning Commission Meeting Item 6

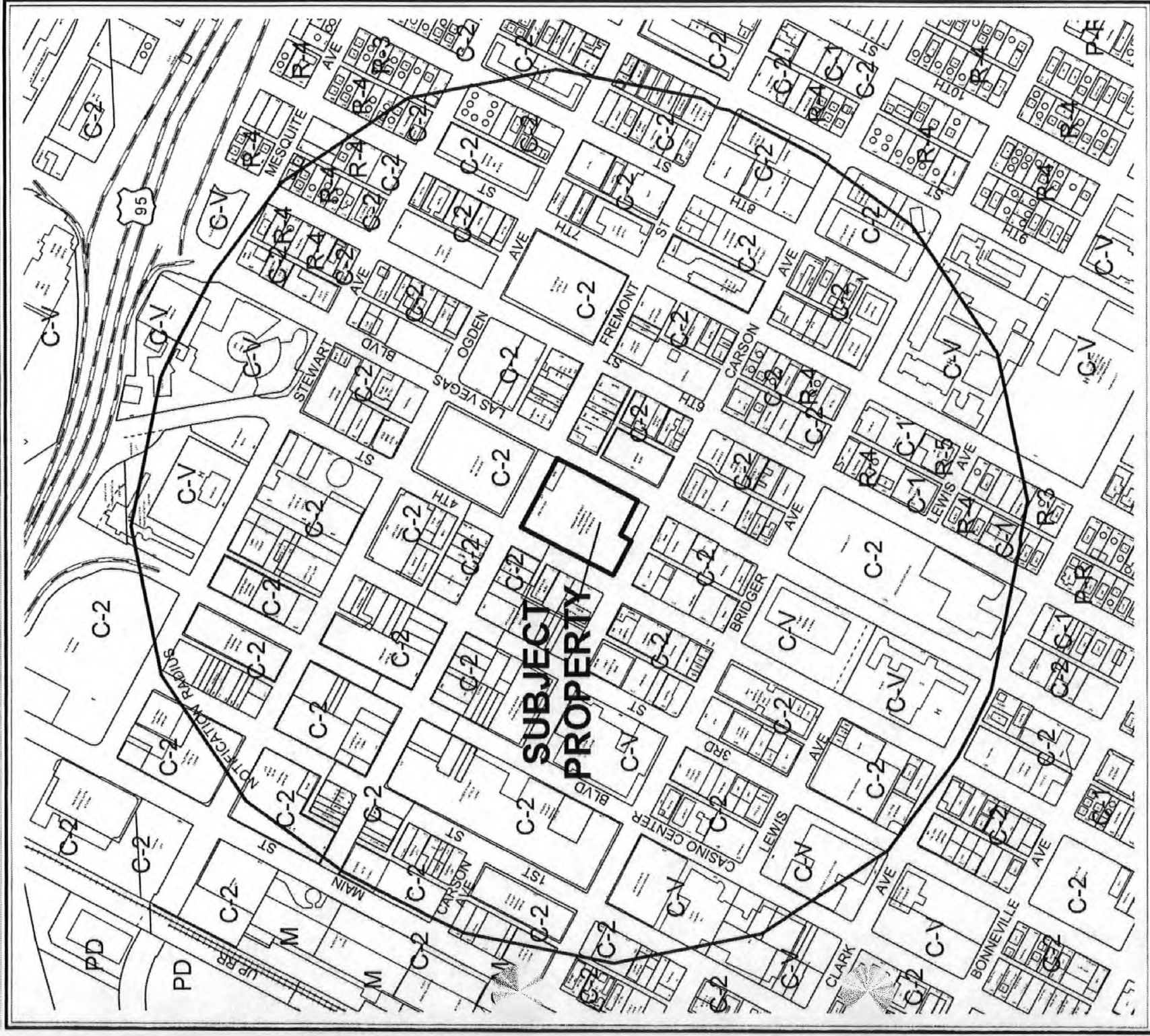
Motion made by GARY REESE to Approve subject to conditions

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 79 for related discussion.



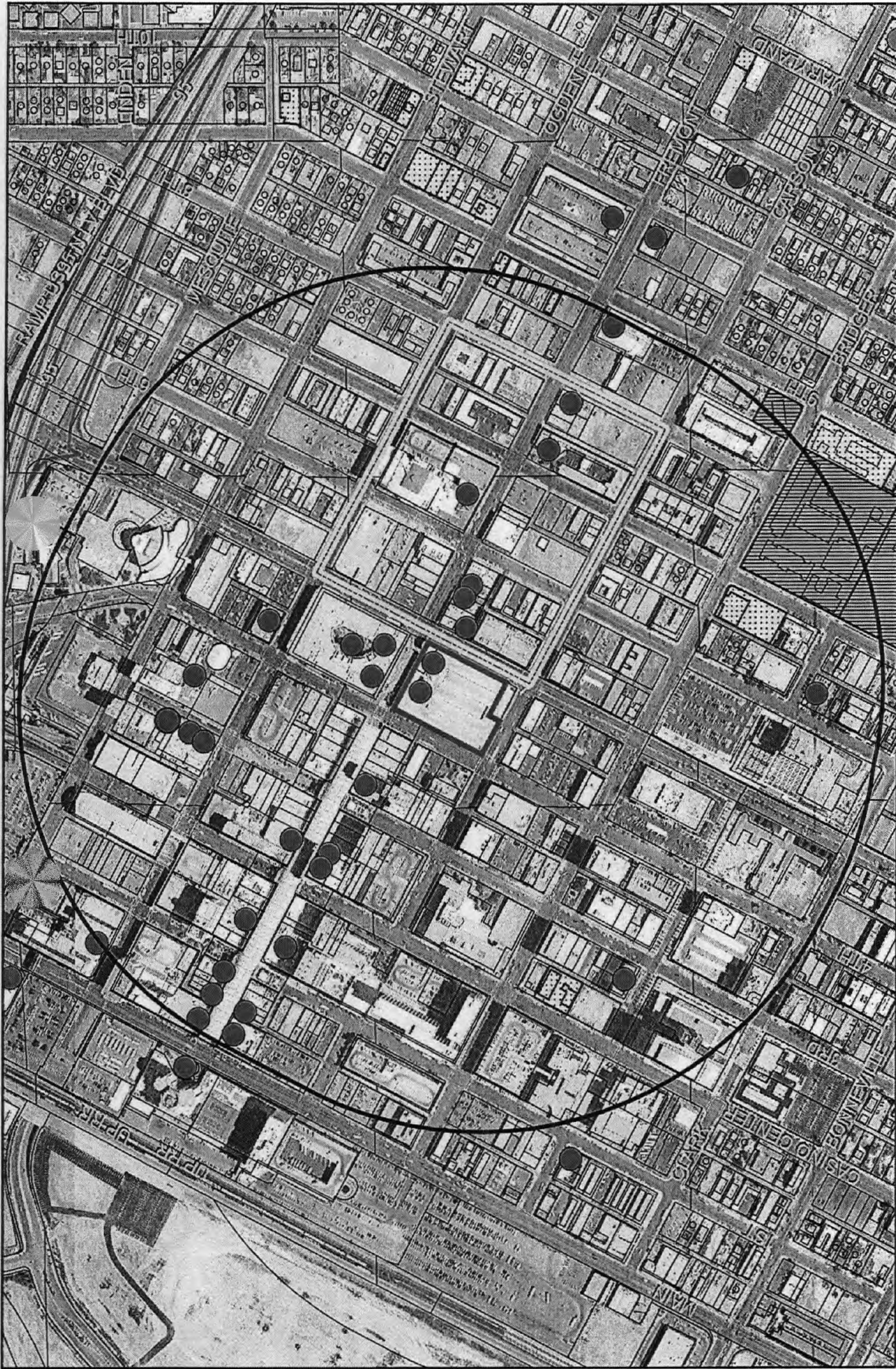
CASE: **SUP-16518**

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 500 1000 Feet





Subject Property
1500 foot buffer

RELIGIOUS
CITY PARKS
SCHOOLS

Business Licenses
Child Care/
Children Facility
Tavern

SUP-16515
SUP-16518
Taverns

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-16518 - APPLICANT: HENNESSEY'S TAVERN, INC. -
OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION**

**** 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 Liquor Establishment (Tavern) use.
2. Conformance to the conditions for Special Use Permit (SUP-16515), if approved.
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. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The proposal is for two Liquor Establishments (Tavern's) to be located on the second floor of the subject property. This will be developed in two phases. This Special Use Permit is for the second phase. The related Special Use Permit (SUP-16515) is for the first phase. Each Liquor Establishment (Tavern) will have a separate entrance. The project is in compliance with all applicable plans and policies and approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/06/94	The City Council approved an Aesthetic Review (AR-0009-94) for the construction of a parking structure and retail shops on the subject property. The Planning Commission recommended approval on 06/23/94.
10/06/99	The City Council approved a Special Use Permit (U-0096-00) for a proposed tavern on the subject property. The Planning Commission recommended approval of the request on 09/23/99.
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08/17/05	The City Council approved a request for a Site Development Plan Review (SDR-6914) for two Taverns and two Special Use Permits (SUP-6915 and SUP-6916) at this location. The Planning Commission and staff recommended approval.
10/19/06	A companion Special Use Permit (SUP-16515) for a Liquor Establishment (Tavern) will be heard concurrently with this item.
10/19/06	The Planning Commission recommended approval of companion item SUP-16515 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #6/ng).
<i>Related Building Permits/Business Licenses</i>	
There are no business licenses or building permits related to this Special Use Permit.	
<i>Pre-Application Meeting</i>	
08/25/06	A pre-application meeting was held. It was noted that waivers would be required and that each phase would be handled as a separate Special Use Permit. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for a Special Use Permit, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.59

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
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West	Retail Shops	C (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	X		
Downtown Overlay District	X		Y
A-O Airport Overlay District	X		Y
Downtown Casino Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Liquor Establishment (Tavern)	2,351 SF	1:50 (Seating)	47				
Phase I	3,068 SF	1:200 (Other)	15				

Phase II	4,847 SF	1:50 (Seating)	97				
	704 SF	1:200 (Other)	4				
SubTotal	10,970 SF		163	6			
TOTAL			163		1,293		Y

The proposed use would typically require 163 parking spaces. This includes both phases of the project. A total of 1,293 spaces are provided in the attached parking structure. Other alternatives are available for parking in the immediate area. As this project is located in the Downtown Centennial Plan Area it is exempt from the automatic application of Title 19.10 parking requirements.

ANALYSIS

This phase of the project includes a bar, a stage for music and other entertainment, and additional seating area. The site is located in several special plan areas, as noted in the chart above, and is in compliance with all of them. Parking for this site is available from the Fremont Street Experience Garage that is part of this structure. Several other options are available for parking in the surrounding area. This type of development is compatible with the area and will add to the entertainment options available to the downtown area and the Fremont Street Experience. Approval of this request is recommended.

LIQUOR ESTABLISHMENT (TAVERN)

19.04.050 (1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (taverns), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

(3) For the purpose of Paragraph (2), and for that purpose only:

(a) The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

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A. Using the property line of that parcel for the purpose of measuring the distance separation referred to in Paragraph (1) would qualify the parcel under the distance separation requirement;

B. The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of one hundred feet. The required access may be shared with a larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;

C. All parking spaces required by LVMC Chapter 19.10 for the liquor establishment (tavern) use will be located on the same parcel as the use; and

D. The owners of all parcels within the commercial subdivision, including the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

(4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.

(5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Paragraph 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:

(a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay District;

(b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as an historic property, historic building, or landmark;

(c) Will be located within a regional mall; or

(d) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.

(6) The use shall conform to the provisions of LVMC Chapter 6.50.

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 land use can be conducted in a manner that is harmonious and compatible with the surrounding land uses. This area is intended for this and other similar type uses that offer food, drink, and entertainment. The proposal is in compliance with the area and the General Plan.

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

The subject site is physically suitable for the type 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.”**

Access to the parking garage on the site is available from Fourth Street. Additionally, a large portion of the customers would be pedestrians walking from other areas along Fremont Street. The street and highway facilities providing access to the property are adequate for this type of development.

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

This Special Use Permit request is in compliance with all applicable plans and policies and will not adversely affect the public health or the general welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

This Special Use Permit request is in compliance with all the conditions of Title 19.04

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 193 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-16518**

APN: 139-34-610-045

Name of Property Owner: Fremont Street Experience

Name of Applicant: Hunnessey's Tavern, Inc.

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

☐ Yes

☒ No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner: _____

Print Name: JEFF VICTOR

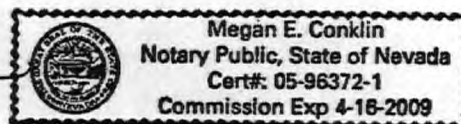
Subscribed and sworn before me Jeff Victor

This 5th day of September, 2006.

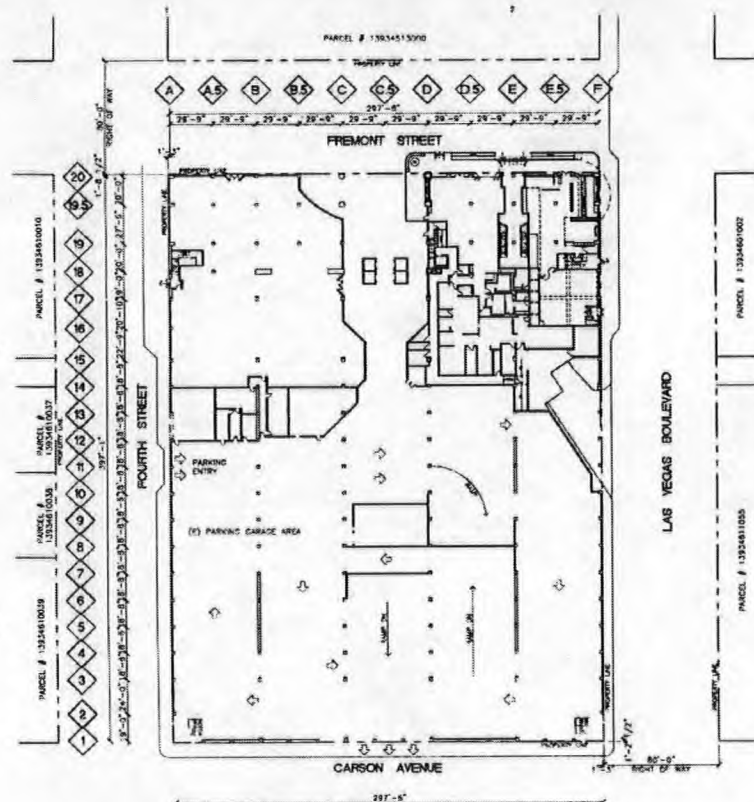
Megan E. Conklin
Notary Public in and for said County and State

State of NV
County of Clark

Revised 12-08-04



F:\depot\Application Packet\Statement of Financial Interest.pdf



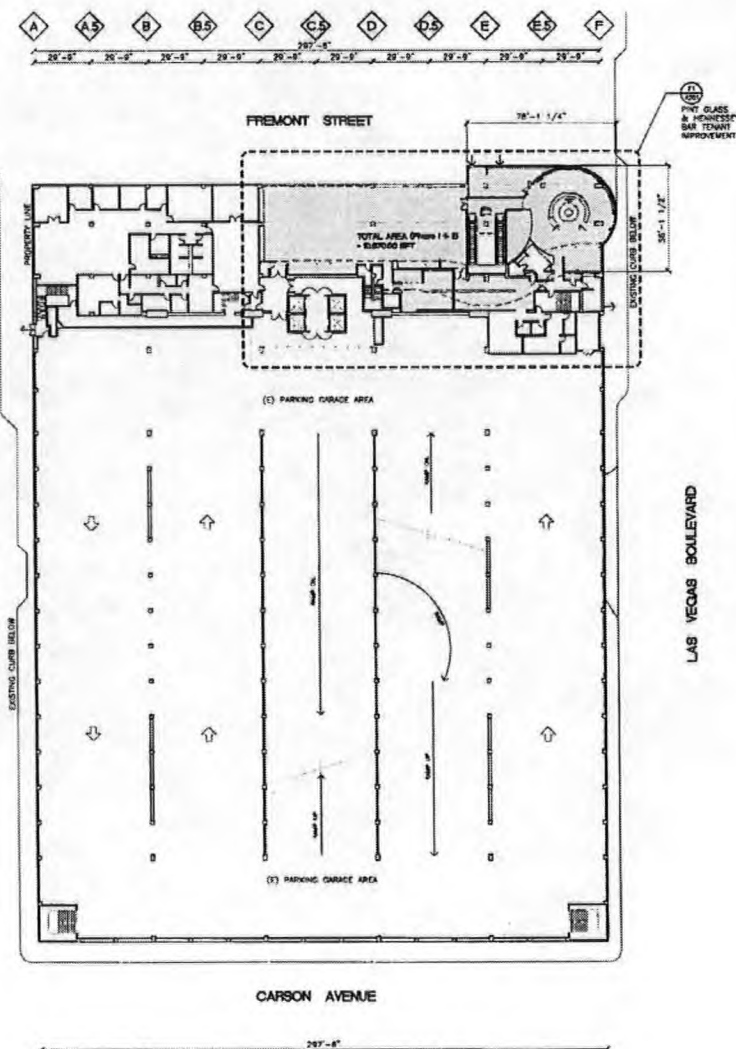
D1 EXISTING BUILDING GROUND LEVEL SITE PLAN



E1 VICINITY MAP
N.T.S.



E3 EXISTING BUILDING 2nd LEVEL SITE PLAN



W2T ARCHITECTURE

4325 S VALLEY VIEW BLVD. 300
LAS VEGAS, NEVADA 89106
TEL. 702.891.5301
FAX 702.891.5310

PAUL HENNESSEY

BRASS BAR

PROJECT NO.
05241A101
SPO
ON 31 06

SITE PLANS,
VICINITY MAP

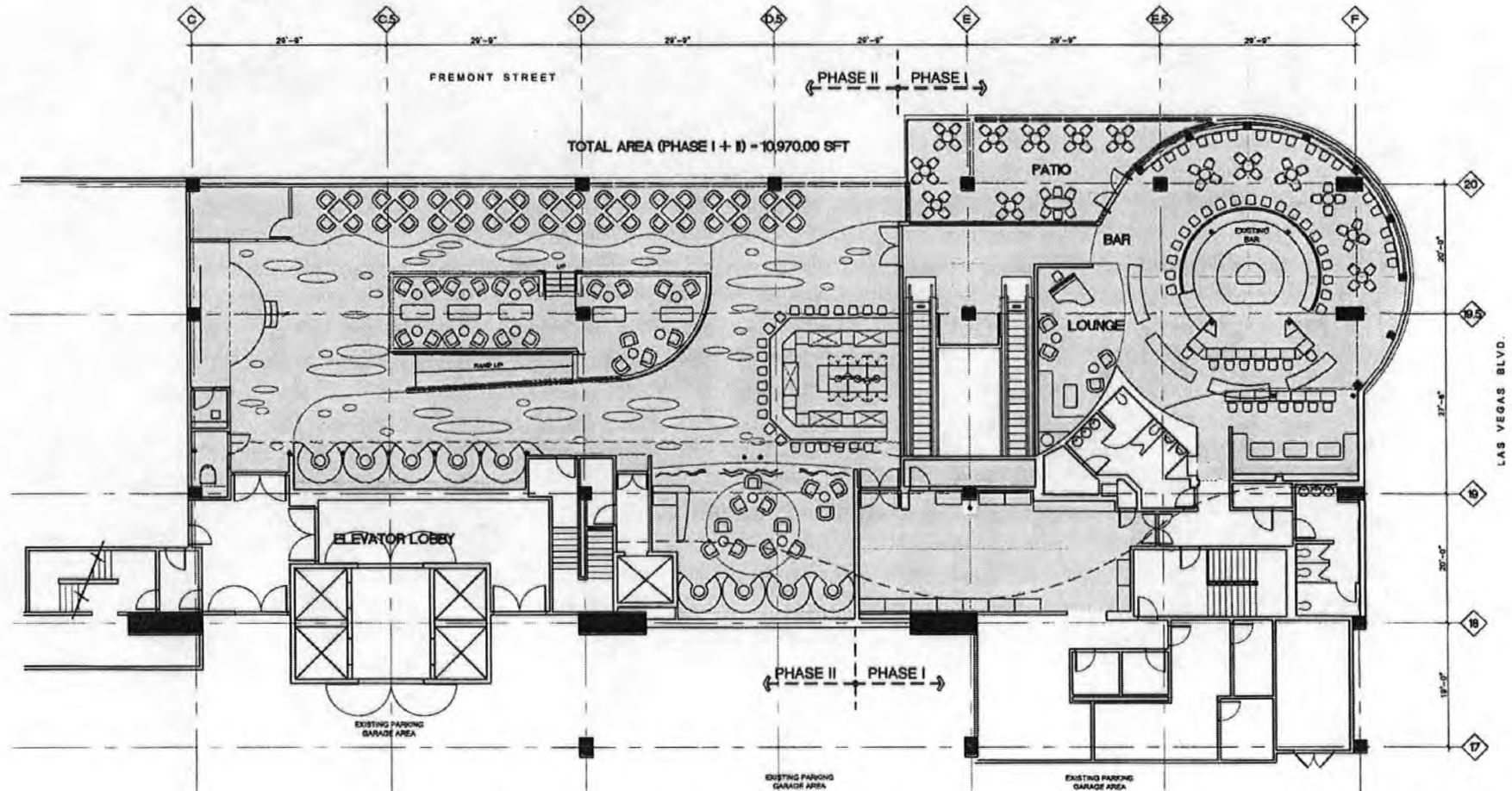
A101

RECEIVED
SEP 05 2006

SUP-16518
10/19/06 PC

PROJECT DATA

PARCEL NUMBER	13934810040	CONSTRUCTION TYPE AND EXCEPTIONS
TOTAL AREA (PHASE I & II)	10,970.00 SFT	TYPE I - FM PROTECTED NON-COMBUSTIBLE
OCCUPANT LOAD		EXITS PROVIDED 3
TOTAL OCCUPANT LOAD (BRASS BAR - PHASE-1)	882	PLUMBING FIXTURE
OCCUPANCY GROUPS AND SPECIAL REQUIREMENTS		EXISTING MEN RESTROOMS : 2
A-3 OCCUPANCY		WATER CLOSETS
AUTOMATIC SPRINKLER SYSTEM (EXIST. FULLY SPRINKLED)		URINALS
PARKING		EXISTING WOMEN'S RESTROOM : 1
OPEN PARKING GARAGE		WATER CLOSETS
		LAVATORY



SECOND LEVEL FLOOR PLAN

0' 8' 16'



PRELIMINARY DESIGN PROGRESS
CITY OF LAS VEGAS
AUGUST 20, 2006

SUP-16518
10/19/06 PC

RECEIVED
SEP 05 2006



SUP-16518 - APPLICANT: HENNESSEY'S TAVERN, INC. - OWNER: FREMONT STREET EXPERIENCE
PARKING CORPORATION
425 FREMONT STREET, SUITE #220
OCTOBER 19, 2006 PLANNING COMMISSION

09/21/06



City of Las Vegas
Planning and Development Department

September 1, 2006

To Whom it May Concern:

This is our formal request for a Special use Permit for two Liquor Establishments (Two Taverns) located within the Fremont Street parking garage at 425 Fremont Street – second floor, directly above Mickey Finnz and Hennessey's Tavern. The two businesses will be known as The Brass Bar and Brass Nightclub.

The Brass Nightclub will serve as a night club with live band entertainment, (Brass), which is a New Orleans Jazz and/or 30's and 40's Swing style type of music with a contemporary flair. At the Brass Bar there will be a piano player in the bar lounge (Phase I) playing a more subdued form of 30's, 40's Swing and Contemporary music. Food service will be limited to side dishes (such as rings, fries, chips and dips, wings) and short order items (such as sandwiches and wraps) prepared in the first floor kitchen and served from the second floor food service prep area.

Given that this property is within the Fremont Street Experience area, this venue will offer our patrons a wonderful variety of entertainment, food and beverage choices that in many ways are currently not available at the mall. Additionally, we would expect that this venue will materially help revitalize the area on Fremont Street between Las Vegas Boulevard and 4th Street. The revitalization of downtown is currently a critical focus of the City.

We are looking forward to developing our third and fourth entertainment themed project on this site with your support. Please let me know if you have any questions.

Respectfully,

A handwritten signature in cursive script, reading 'Peter Bolles'.

Peter Bolles
Project Manager, Special Projects
Martin & Harris Construction

SUP-16518
10/19/06 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-16518 - APPLICANT: HENNESSEY'S TAVERN, INC. - OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **October 19, 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 **Carman Burney 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.

A handwritten signature in black ink, appearing to read "Jeff Victor", written over a horizontal line.
Signature

10/13/06
Date

Jeff Victor

Please print name

Fremont Street Experience

Company Name

Sincerely,

John Korkosz, Planning Supervisor
Current Planning Division

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE



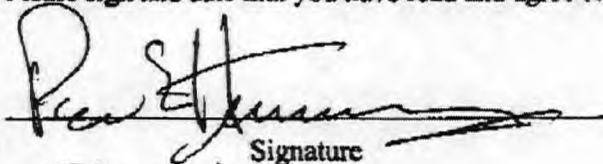
Planning and Development Department
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Please sign and date that you have read and agree to the conditions.


Signature

10/15/06
Date

Paul Hennessey
Please print name

Hennessey's Las Vegas
Company Name

Sincerely,

John Korkosz, Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-16542 - PUBLIC HEARING - APPLICANT/OWNER: JAIVADAN AND HANSA NARAN - Request for a Site Development Plan Review FOR A PROPOSED 21,726 SQUARE FOOT PROFESSIONAL OFFICE BUILDING on 1.82 acres at 2496 West Charleston Boulevard (APNs 139-32-802-022 and 030), C-D (Designed Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 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 (7-0 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 10-19-06 Planning Commission Meeting Item 7

Motion made by LOIS TARKANIAN to Approve subject to conditions

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

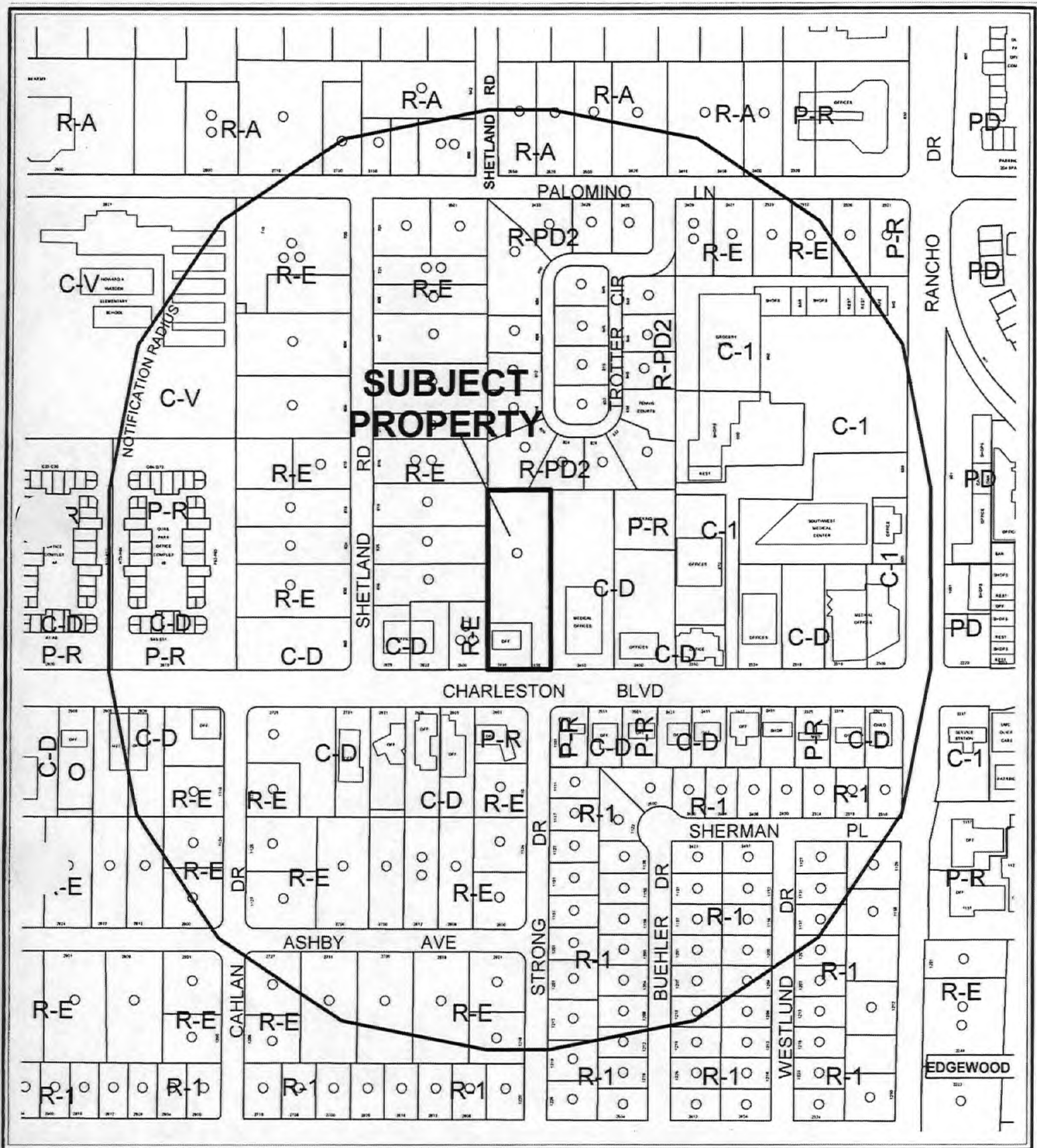
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the public hearing open.

JOHN NARAN appeared on behalf of the applicant. He apologized for the applicant's absence, as he had a medical emergency. COUNCILWOMAN TARKANIAN appreciated the applicant working with the residents and making adjustments to protect the residents' environment.

MAYOR GOODMAN declared the public hearing closed.



CASE: **SDR-16542**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-D (DESIGNED COMMERCIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-16542 - APPLICANT/OWNER: JAIVADAN AND HANSA NARAN

**** CONDITIONS ****

The Planning Commission (7-0 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 09/05/06, except as amended by conditions herein.
3. A revised site plan and landscape plan shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect the changes herein. The site plan parking layout shall be revised to include 2 designated loading spaces. The spaces shall be designed 15 feet in width, 25 feet in length with a 15 foot clearance.
4. A technical landscape plan signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: (1) Revise the landscaping plan to add one 24-inch box tree for placement within the parking landscape area islands to meet the required 12 total parking area trees. (2) The landscaping plan shall be modified to include the height(s) of existing or proposed wall/fence height(s) along all property lines bordering residential uses. Wall/fence shall comply with City Council Bill No. 2006-43 and the Commercial Development District standards of Section 19.08.050 of Title 19.
5. 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.

6. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect: (1) cross sections of the trash enclosure to meet LVMC 19.08.060., and Title 19 Commercial Development Standards – Section 19.08.050.
7. 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).
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. 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.
11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
12. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Coordinate with the City Surveyor to determine whether a Reversionary Map or other mapping is necessary; if a map or joining is required, it should record prior to the issuance of any permits for this site.
15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a; including driveway throat depth length.

16. Modify the median island in Charleston Boulevard to restrict the driveway to right turn in and right turn out turning movements only, in a manner acceptable to the City Traffic Engineer and the Nevada Department of Transportation.
17. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site prior to the issuance of any permits.
18. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss the layout of onsite private circulation and to discuss fire requirements for the proposed use of this facility; design shall meet the approval of the Department of Fire Services.
19. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer

**** STAFF REPORT ****

PROJECT DESCRIPTION

Construction of a new 21,700 square foot professional office building on 2 parcels totaling 1.82 acres located at 2496 West Charleston directly north of Strong Road. The project involves demolition of an existing substandard office structure and parking lot to allow for construction of a new one-story professional office building.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/15/06	The City Council reviewed a request for a Site Development Plan Review (SDR-10519) and Variance (VAR-10622) for a proposed 40,385 square foot professional office building, a Waiver of the foundation landscaping requirement, and a Waiver of the Commercial District Development Standards to allow a two story 34-foot high building where a one-story, 20-foot building is the maximum allowed on 1.82 acres. The Variance requested a 70-foot setback where residential adjacency standards require a 105 foot minimum setback for the proposed professional office building located at 2496 West Charleston Boulevard, C-D (Designed Commercial) Zone. City Council recommended approval.
10/19/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #7/ja).
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or licenses associated with this application.	
<i>Pre-Application Meeting</i>	
08/24/06	A Pre-Application Meeting was held with the applicant. It was noted that the project was in close proximity to existing residentially protected property. As such, residential adjacency standards apply. Additionally, a drainage study as well as replacement of substandard public improvements are required.
<i>Neighborhood Meeting</i>	
A neighborhood Meeting is not required for this application type, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.82 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial and Undeveloped	Office	C-D (Commercial Designed)
North	Residential	Single Family Residential	R-PD2 (Residential Planned Development - 2 Units Per Acre)
South	Office	Office	P-R (Professional Offices and Parking)
East	Commercial	Office	C-D (Designed Commercial)
West	Residential	Single Family Residential	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Rancho-Charleston Land Use Study	X		Y
Las Vegas 2020 Master Plan – Revitalization Area	X		Y
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	N/A	Y
Min. Lot Width	100	164	Y
Min. Setbacks • Front • Side • Corner • Rear	25 10 15 25	25 10 35 25	Y
Min. Distance Between Buildings	N/A	N/A	Y
Max. Lot Coverage	30%	27.5%	Y
Max. Building Height	1-story or 20 feet (whichever is less), for parcels fronting Charleston Boulevard between Rancho Drive and Valley View Boulevard.	20 feet	Y

Trash Enclosure	1	1	Y
Mech. Equipment	N/A	N/A	Y

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	60 feet	62 feet from west property line; 145 feet from north property line	Y
Adjacent development matching setback	1 foot to the west 1 foot to the north	62 feet 145 feet	Y
Trash Enclosure	50 feet	60 feet	Y

<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	12 Trees	11	N
Buffer: Min. Trees	North 1 Tree /20 Linear Feet	9	9	Y
	South 1 Tree/30 Linear Feet	6	6	
	West 1 Tree/20 Linear Feet	24	24	
	East 1 Tree/30 Linear Feet	16	16	
TOTAL		67	66	N
Min. Zone Width	15 feet/adjacent to Right of Way 8 feet/interior lot lines		Y	Y
Wall Height	6 feet adjacent to residential uses 8 feet adjacent to commercial uses		N	N*

* Project shall be conditioned requiring the submittal of a revised landscape plan which identifies wall/fence heights and materials on all property lines bordering adjacent residential uses.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Professional Office	21,726 sf	1 space/300 sf	72	3	75	3	Y

TOTAL		72	3	75	3	Y
Loading Spaces	0	2		0		N*

* The project shall be conditioned requiring submittal of a revised parking plan showing designated loading parking spaces.

ANALYSIS

The proposed project application is for the approval of a Site Development Plan Review to construct a new 21,700 square foot professional office building. The proposal involves the demolition of an existing substandard office building adjacent to a vacant dirt lot to allow for construction of a new one story office building on two parcels totaling 1.82 acres. Surrounding land uses include residential to the west and north, and office uses to the east and south. The project site is located within the C-D (Designed Commercial) Zone, and the A-O (Airport Overlay District) District for North Las Vegas Airport. The project plans were reviewed and Development Services staff determined the proposal is consistent with the Title 19 Commercial Development Standards, Airport Overlay District Standards, and Residential Adjacency Guidelines.

- Zoning

The project is consistent with Title 19 commercial development standards for the C-D (Designed Commercial) Zone.

- Special Area Plan/Overlay District:

The project is located with the Las Vegas 2020 Master Plan – Revitalization Area between Valley View Boulevard and Rancho Boulevard and is consistent with the purpose and intent of the plan. Moreover, this project is located within the Airport Overlay District (A-O) for North Las Vegas Airport. The highest point on the proposed office structure will be 20 feet from elevation where 175 feet is the maximum permitted. As such, the building would conform to the guidelines for the A-O (Airport Overlay) District.

- Site Plan/Landscaping/Parking:

The project site plan has addressed all of the required setbacks, bulk and scale, and parking requirements of Title 19. The project landscaping plan for the parking area is deficient by one 24-inch Olea Europaea Tree. Title 19 landscaping requirements for commercial district development require this project to provide 1 tree for every 6 parking spaces (72 parking spaces). The landscape plan for the parking area is deficient by one tree. The project shall be conditioned to add one 24" box tree to meet the parking area landscape requirements. The exterior of the building would be designed utilizing a combination of stone, smooth stucco and corrugated veneer and an arch standing seam metal roof with a large overhang. The structure will improve an undeveloped site and is compatible with existing development in the revitalization district.

- Residential Adjacency Guidelines:

The project parcels share property lines with existing adjacent residentially zoned homes at the north and west boundaries. The proposed office building would exceed the required setbacks from existing homes to the north and west. Additionally, the structure is designed to conform to the Residential Adjacency Guidelines.

- Prior Approval:

In March of 2006, the site was approved for a proposed 40,385 square foot professional office at the site with subsurface parking. The applicant has modified the design of the previous proposal and currently requests a one story, 21,726 square foot office building with surface parking and no medical use.

- Applicant Justification Letter:

The applicant has designed the project to meet the intent of City of Las Vegas revitalization efforts and the surrounding residentially protected uses. The proposal will enhance the availability of professional office space within a re-emerging business corridor. Furthermore, as an urban infill project, this proposal would build upon underutilized land and improve the quality of development within the Charleston Boulevard Corridor.

FINDINGS

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

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

The proposed professional office is compatible with existing adjacent residential and commercial uses.

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 proposal would conform to the guidelines of the General Plan, the goals and intent of the Las Vegas 2020 Master Plan – Revitalization Area, Title 19 Commercial Development Standards, Residential Adjacency Standards, Airport Overlay District requirements, and wall and buffer standards.

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

Vehicular access and circulation will not adversely affect movements on Charleston Boulevard or neighborhood traffic.

4. Building and landscape materials are appropriate for the area and for the City;

The exterior of the proposed office building will be constructed with a combination of stone, smooth stucco and corrugated veneer and an arch standing seam metal roof with large overhand. Utilizing modern architectural elements, the structure would complement as well as enhance the surrounding community development. Project landscaping will include Honey Locust, Fruitless Olive, and Japanese Privet which are appropriate for the area.

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

The proposed development is designed to blend with adjacent structures and will provide contemporary architectural design features.

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

No detrimental effects to human health and public safety will result with this development proposal.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 149 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-16542** APN: 139-32-802-022 & 139-32-502-050
Name of Property Owner: J. VADAN & HANSA NARAN
Name of Applicant: (JAY) JAIVADAN NARAN

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: _____

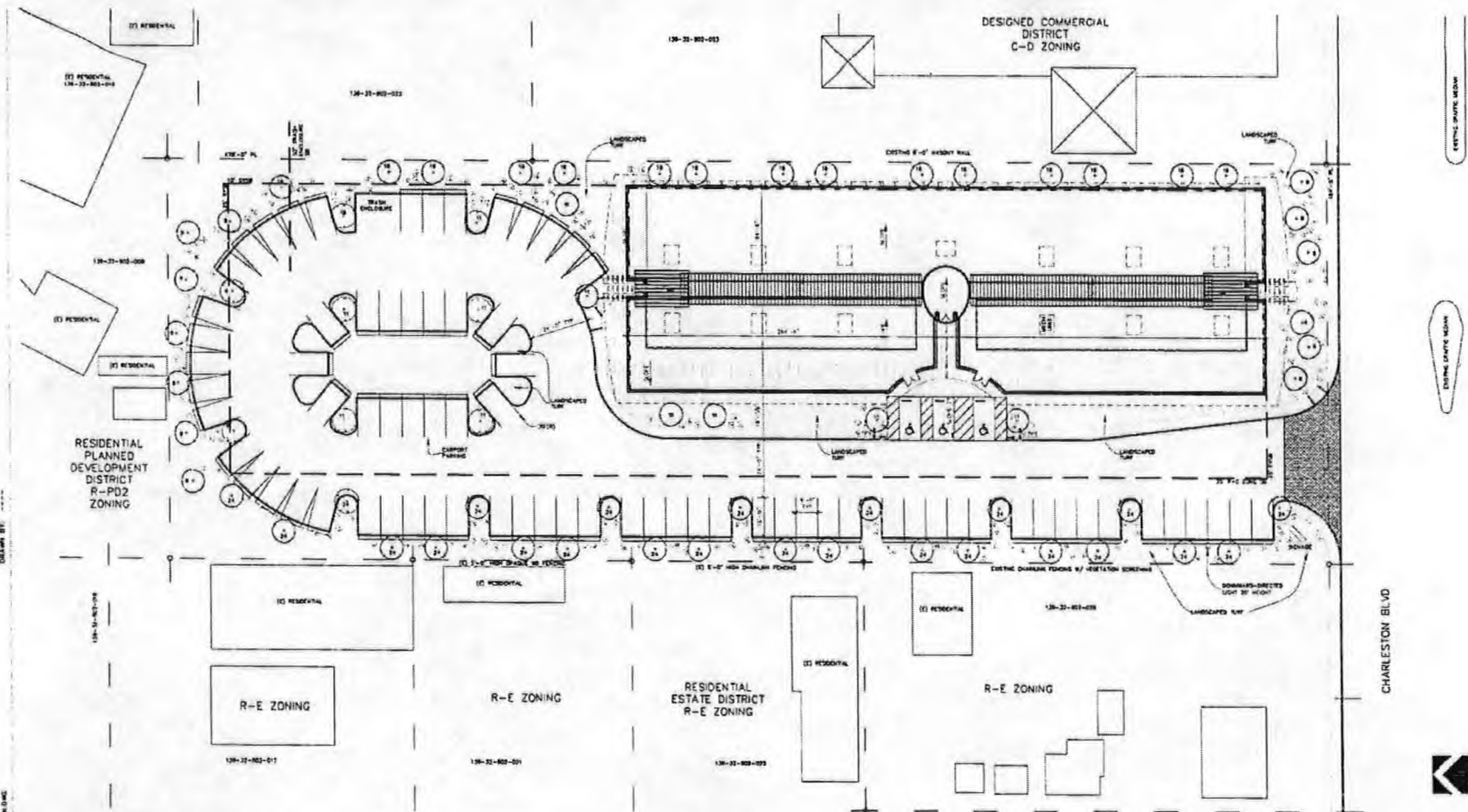
Print Name: JAIVADAN & HANSA NARAN

Subscribed and sworn before me

This 5th day of September, 2006

Cari K. McClish
Notary Public in and for said County and State





STRONG ROAD

CHARLESTON BLVD



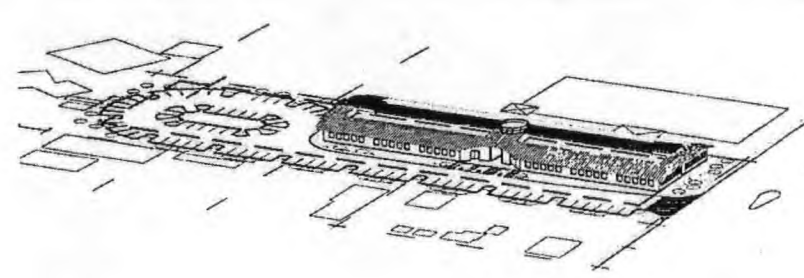
Henry R. Ruffell
Architect
1000 W. 10th St.
Las Vegas, NV 89102
702.735.1477
www.henryruffell.com

CHARLSTON OFFICE BUILDING 2496 WEST CHARLSTON BLVD. LAS VEGAS, NV

ROOF & SITE PLAN
SCALE 1/32" = 1'-0"

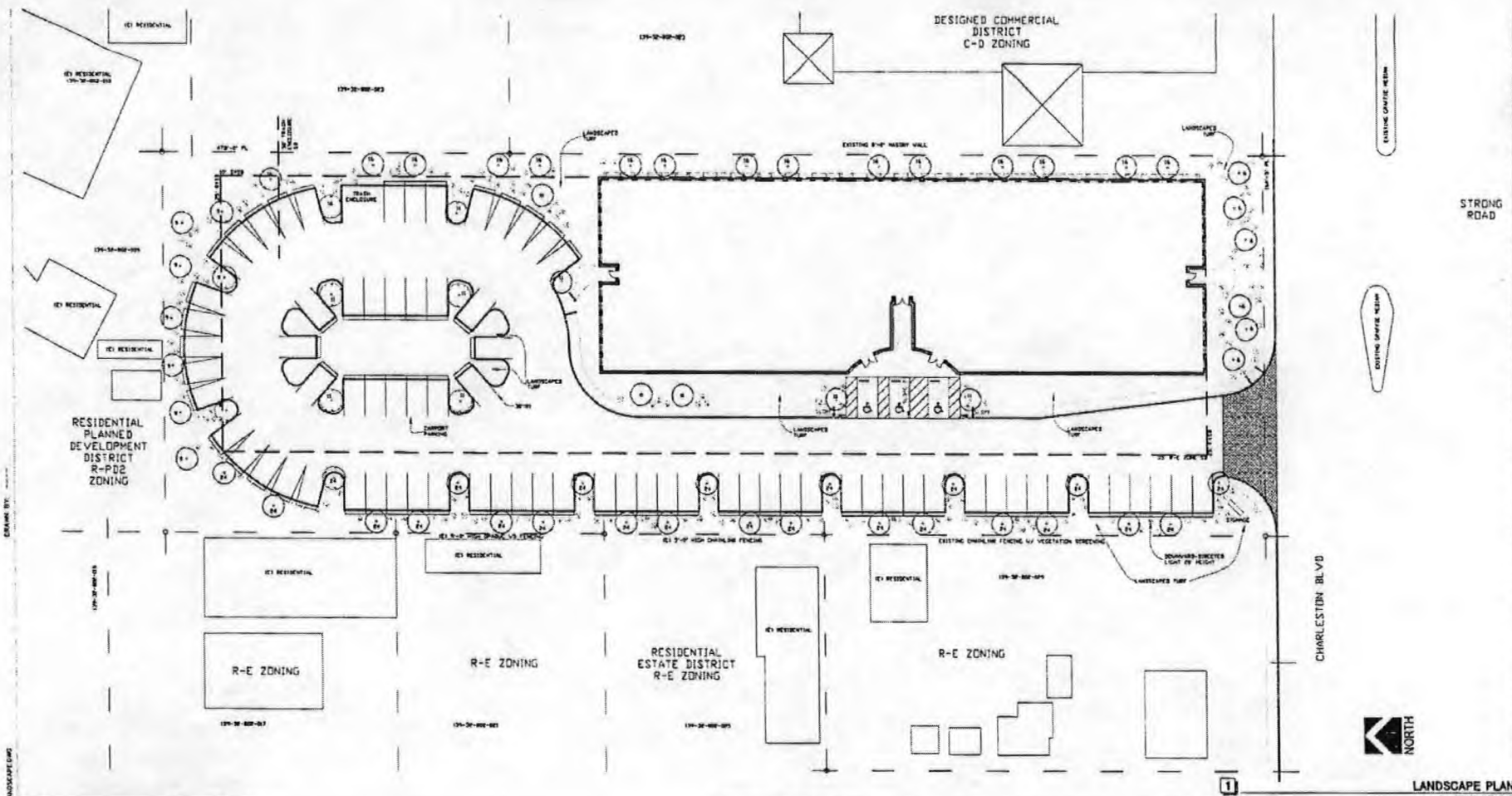
SITE ANALYSIS			
	(FT)	(ACRES)	(SF)
APN #	139-32-802-030	0.3261	14,205
	139-32-802-022	1.4904	64,922
GROSS OR NET SITE AREA		1.8165	79,127
CURRENT ZONE	C-D DESIGNED COMMERCIAL		
MIN. LOT WIDTH	100		
FRONT YARD SET BACK	25		
SIDE YARD SET BACK	10		
REAR YARD SET BACK	25		
MAX. BLDG HEIGHT ONE STORY	20		
TRASH ENCLOSURE AWAY FROM RES. P/L	50		
RESIDENTIAL AGENCY STANDARD REQ	102		
APPROVED VARIANCE (VAR-10622)	70		
R-E (RESIDENTIAL) ZONED SETBACK	35		

SITE PLAN
DATE LAST EDITED September 5, 2006
REVISIONS:
SET DATE:
SHEET NUMBER
CUP 1
OF SHEETS & COPIES



RECEIVED
SEP 05 2006

SDR-16542
10/19/06 PC

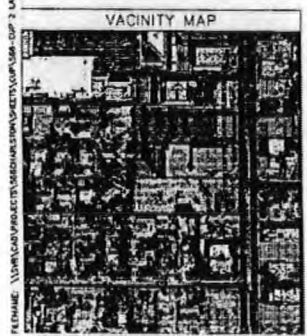


HOWARD L. RUTEN
 Architect
 1400 S. 1st St.
 Suite 100
 Charleston, SC 29401
 (803) 799-1111
 www.howardruten.com

ALL DRAWINGS AND
 WRITTEN MATERIAL
 CONSTITUTE ORIGINAL
 WORK OF THE ARCHITECT AND
 MAY NOT BE REPRODUCED,
 COPIED, OR OTHERWISE
 USED IN ANY MANNER
 WITHOUT WRITTEN
 CONSENT OF ARCHITECT.

CHARLSTON OFFICE BUILDING

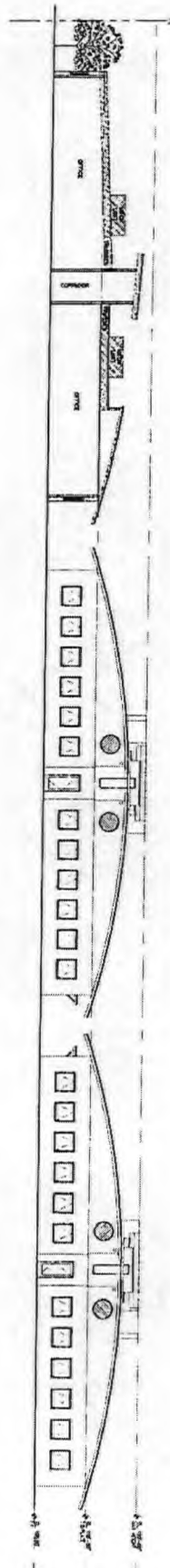
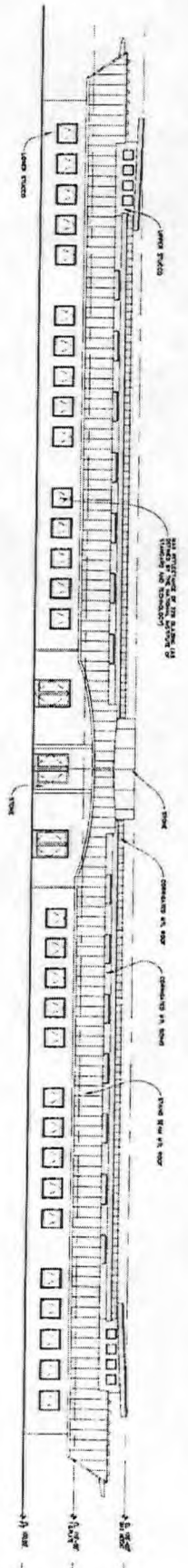
LANDSCAPE PLAN
 SCALE 1/8" = 1'-0"



LANDSCAPING LEGEND						LANDSCAPE ANALYSIS					
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY.	(FT)	(ACRES)	(SF)	(%)	(PARKING G)	TREE REQ.
○	QUERCUS PRINCEPS	HONEY LOCUST	24" BOX	20'-0"	58			21,726	27.46%		
○	QUERCUS PRINCEPS	FRUITLESS OLIVE	24" BOX	20'-0"	8			300	72		
○	QUERCUS PRINCEPS	JAPANESE PRIVET	3 GAL	4'-0"	200						
DECOMPOSED GRANITE ROCK MULCH - INSTALL A 3" LAYER OF 1/4" MINUS MAXIMUM SIZED DECOMPOSED GRANITE CONTINUOUS IN ALL PLANTERS UNDER ALL TREES AND SHRUBS BEFORE PLACING GRANITE. CONTACT SUB-GRAD TO RISE AND APPLY A PRE-EMERGENT HERBICIDE TO SOIL AFTER PLACING GRANITE. RAKE SURFACE, WET TO ENTIRE SURFACE, ALLOW TO DRY. TRANSDUCERS SURFACE WITH A LEAF RAKE. APPLY A SECONDARY APPLICATION OF PRE-EMERGENT HERBICIDE TO TOP OF GRANITE. KEEP TOP OF GRANITE 1" BELOW ADJACENT WALKS AND CURBS. DO NOT ALLOW GRANITE TO TOUCH TEN TRUNK OF ANY PLANT. INSTALL AFTER INSTALLATION OF PLANT MATERIAL.						LAND USE ANALYSIS BUILDING 21,726 27.46% PAVING + HARDSCAPE 31,248 39.49% LANDSCAPE 26,153 33.05% ENTIRE SITE 79,127 100.00%					

LANDSCAPE
 DATE LAST EDITED
 September 5, 2005
 REVISIONS:
 SET DATE:
 SHEET NUMBER
CUP 2
 OF SHEETS IN SET

RECEIVED
 SEP 05 2006
 SDR-16542
 10/19/06 PC

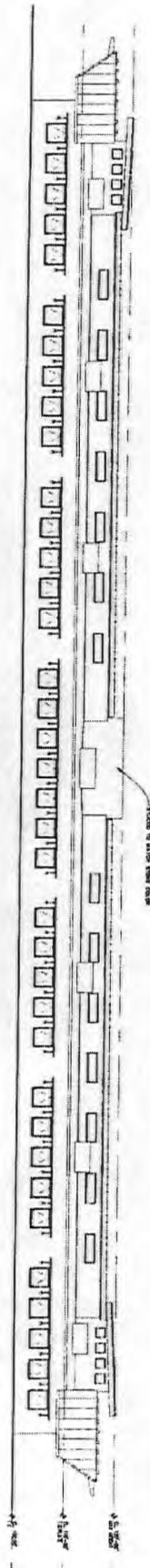


SECTION AA
SCALE 1/8"=1'-0"

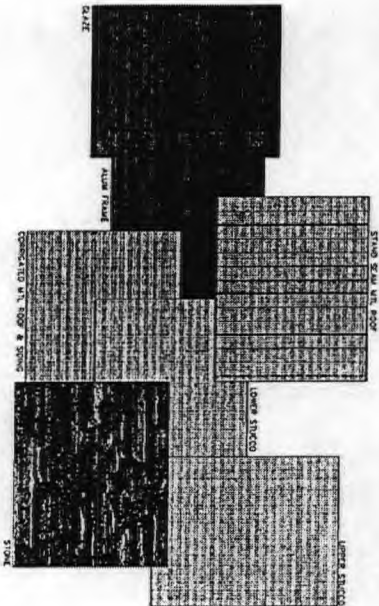
SOUTH ELEVATION
SCALE 1/8"=1'-0"

NORTH ELEVATION
SCALE 1/8"=1'-0"

WEST ELEVATION
SCALE 1/8"=1'-0"



EAST ELEVATION
SCALE 1/8"=1'-0"



EAST ELEVATION
SCALE 1/8"=1'-0"

CHARLSTON OFFICE BUILDING

BLDG ELEV
DATE LAST REVISED
SEP 05 2006
REVISIONS
SHEET NUMBER
CUP 3
SHEET 1 OF 3
SCALE 1/8"=1'-0"

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SDR-16542
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COLOR AND MATERIAL
SCALE 1/8"=1'-0"

LLDG ANALYSIS

IBC, SEC 506

SEC.304.1 PROFESSIONAL SERVICE

TABLE 503 (GROUP B)
/ TYPE V B

$$84.5 + 84.5 + 264.5$$

$$2(84.5 + 264.5)$$

60

9000

$$I_f = 100 [F / P - 0.25] W / 30$$

$$A_t [A_t \times I_f / 100] + [A_t \times I_s / 100] = A_a$$

300

(AUTOMATIC
SPRINKLER SYSTEM +
SINGLE-STORY)

SEC 506
AREA
MODIFICATION
= 42,679 SF

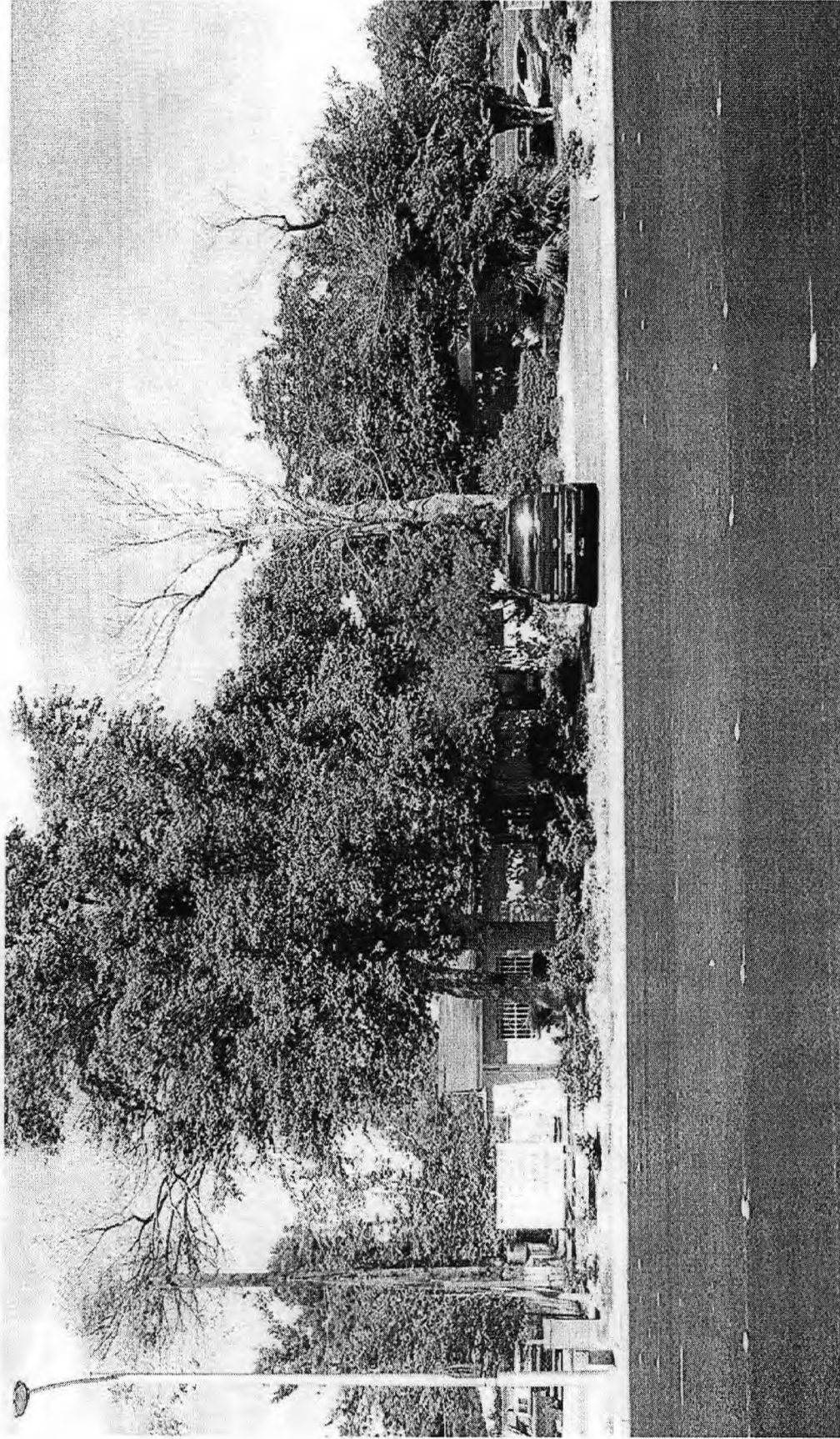
IBC, TABLE 601 = BUILDING ELEMENTS = 0 HOUR

		NORTH	EAST	SOUTH	WEST
	DISTANCE FROM PL	30'+	10'+	30'+	30'+
TABLE 602	EXTERIOR WALL FIRE RATING	0	0	0	0
TABLE 704.8	PROTECTED EXTERIOR OPENING	NO LIMIT	45%	NO LIMIT	NO LIMIT

SDR-16542

10/19/06 PC

SDR 16542				
Jaivadan & Hansa Naran				
2496 W. Charleston				
Proposed 21.726 thousand square foot office building.				
Traffic produced by proposed development:				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	GENERAL OFFICE BUILDING [1000 SF]	21.726	11.01	239
AM Peak Hour			1.55	34
PM Peak Hour			1.49	32
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Charleston Avenue				
Average Daily Traffic (ADT)	52,374			
PM Peak Hour	4190			
(heaviest 60 minutes)				
Rancho Drive				
Average Daily Traffic (ADT)	29,036			
PM Peak Hour	2323			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets:				
	Adjacent street ADT			
	Capacity			
Charleson Avenue	49115			
Rancho Drive	32585			
This project will add approximately 239 trips per day on Charleston & Rancho. This will increase expected volumes by less than 1 percent on Charleston and Rancho. Charleston is over capacity and Rancho is at about 89 percent of capacity.				
Based on Peak Hour use, this development will add roughly 32 additional cars into the area; which works out to about one every two minutes.				
Note that this report assumes all traffic from this development uses all named streets.				



SDR-16542 - APPLICANT/OWNER: JAIVADAN AND HANSA NARAN
2496 WEST CHARLESTON BOULEVARD
OCTOBER 19, 2006 PLANNING COMMISSION

09/21/06



SDR-16542 - APPLICANT/OWNER: JAIVADAN AND HANSA NARAN
2496 WEST CHARLESTON BOULEVARD
OCTOBER 19, 2006 PLANNING COMMISSION

09/21/06



SDR-16542 - APPLICANT/OWNER: JAIVADAN AND HANSA NARAN
2496 WEST CHARLESTON BOULEVARD
OCTOBER 19, 2006 PLANNING COMMISSION

09/21/06



SDR-16542 - APPLICANT/OWNER: JAIVADAN AND HANSA NARAN
2496 WEST CHARLESTON BOULEVARD
OCTOBER 19, 2006 PLANNING COMMISSION

09/21/06

ROBERT F. TUTTLE
ARCHITECTURE • PLANNING • DESIGN

New Profesional Office Building
2496 West Charleston Boulevard

The proposed project, located along Charleston Boulevard will provide additional professional office space for the growing market along the already established professional corridor in this area.

The project is located on two parcels of property zoned C-D (designed commercial), which is currently occupied by small, ill maintained structures and vegetation, with a majority of the property being vacated land. The creation of a new professional commercial business will provide a clean, contemporary look, similar in fashion to the existing developments along Charleston Boulevard and in keeping with the future path the area is moving toward. This new professional office building and surrounding landscape will be well maintained and increase the beautification of the surrounding area.

The revised proposed project consists of one story 21,726 sq.ft. professional office space. Parking facilities will consist of 78 surface spaces (72 parking space is required). No loading dock is necessary. All major delivery will be with car or van only.

The building exterior wall is construct of high energy efficient Styro-Form insulated concrete forming system. With combination of stone, smooth stucco and corrugated veneer and arch stand seam metal roof with large overhang. The building is keep within required 20'-0" height limit, while still provide nature lighting and nature ventilation through corridor high window. The main idea of architecture design is to provide a well fit with surround Charleston Boulevard office building style while keeping with the requirement of the local regulations and ordinances; The intelligent in architecture design and creative use of materials are made to respect neighboring properties, the community and the natural environment of southern Nevada.

The proposed new sidewalk and new driveway also increase safety ingress/ egress from Charleston Boulevard, meeting necessary requirements of the Nevada Department of Transportation, and provide the required traffic width and flow for fire department to access the property.

The proposed project are in good faith and sensitivity toward the community, governmental bodies, and overall development of existing and new businesses. The continuing effort of this project is to create a well-designed structure and environment for professional development, and to provide and maintain the growing market of accessible and contemporary services.

92677

SDR-16542
10/19/06 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-16542 - APPLICANT/OWNER: JAIVADAN AND HANSA NARAN

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **October 19, 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 **Carman Burney 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.

A handwritten signature in black ink, appearing to read "Jaivadan Naran", written over a horizontal line.
Signature

A handwritten date "17th Oct. 06" written in black ink above a horizontal line.
Date

The name "JAIVADAN NARAN" printed in all capital letters in black ink above a horizontal line.

Please print name

The name "NARAN CONTRACTORS INC." printed in all capital letters in black ink above a horizontal line.

Company Name

Sincerely,

John Korkosz, Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

GENERAL PLAN AMENDMENT

GPA-14304 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN - Request to amend a portion of the Centennial Hills Sector Plan of the Master Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL) on 3.52 acres at 5300 North Rainbow Boulevard (APN 125-35-201-006), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL of MLA (Medium Low Attached Density Residential)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

120

City Council Meeting

209

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest from Bruce Gardella and protest petition and letters with 208 signatures
6. Backup referenced from the 09-07-06 Planning Commission Meeting Item 13

Motion made by STEVEN D. ROSS to Approve subject to conditions

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 abstained from voting on Items 82, 83 and 84, as he and ATTORNEY JAY BROWN own property on West Charleston Boulevard.

Minutes:

MAYOR PRO TEM REESE declared the public hearing open.

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

ATTORNEY JAY BROWN, 520 South Fourth Street, along with MIKE ANDERSON, Architect, 921 American Pacific Drive, Henderson, NV appeared on behalf of the applicant. ATTORNEY BROWN stated that two neighborhood meetings have taken place. Hearing the residents' concerns, the applicant is now proposing 36 units per acre and the density has been reduced by 50 percent.

MR. ANDERSON showed diagrams of the parcel, which fronts on Rainbow Boulevard, has one entry that is gated and is secured around the perimeter. The open space is located in the middle of the development with a pool, clubhouse and a park with playground area. Because all units have been pulled to the interior of the project, there is an overabundance of parking available. The trash enclosures are also located within the interior of the project.

BRUCE and CHERYL GARDELLA, 6513 Echo Crest Avenue, appeared and MRS. GARDELLA believed that the proposed project is out of character, incompatible and best suited away from rural density. The residents prefer development that is consistent with the current Master Plan and zoning requirements. She stated she was informed by a representative of the Earnest May Elementary School that the Parent Teacher Association (PTA) is in opposition as well, as it will overload their class sizes. MRS. GARDELLA continued by stating that the streets and parks in the subject area were not designed to handle the increased traffic that this development will generate nor is the project affordable housing.

MRS. GARDELLA referenced COUNCILMAN ROSS' campaign flyers that spoke of elected representatives having the courage to stand by the Master Plan. She added there is a petition with 208 signatures from residents who oppose the development and urged the Council to deny the applications. MR. GARDELLA emphasized that future residents would clearly see into their backyards and the daycare center. He is also concerned with the proposed parking along the rear wall, as individuals currently climb on top of the existing block wall to get to the school. He has also experienced robberies at another property with similar development and did not want this to happen again.

BILL MILLER, 6504 Echo Crest Avenue, agreed with the GARDELLA'S and opposed the project.

SERGE MILLER, 6441 Rancho Sante Fe Drive, concurred with the previous residents' comments. He was displeased at the Planning Commission allowing applicants to deviate from the Master Plan.

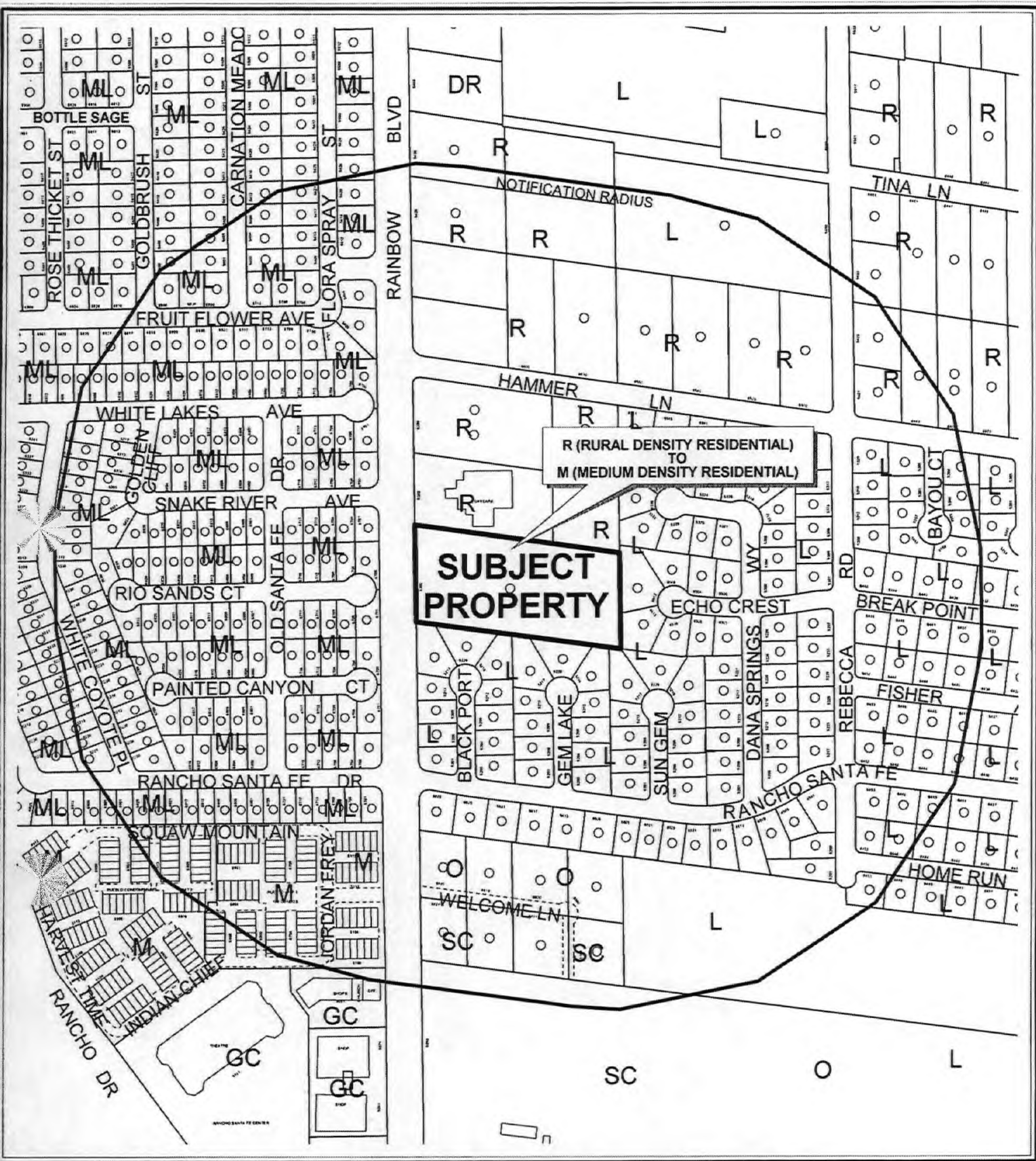
ATTORNEY BROWN believed that the petition referenced by MRS. GARDELLA was signed prior to the revisions made and the current proposal. He did not believe there would be an impact on the school with the proposed development. In addition, he believed the applicant has made strong efforts in alleviating the residents' issues. With that, he accepted all conditions and asked for approval on all applications.

CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

COUNCILMAN ROSS outlined the history of this application and emphasized that the site is a challenging infill parcel. He detailed how the applicant revised the proposed development to alleviate the residents' concerns. He was not aware of the Parent/Teacher Association (PTA) regulating student population in elementary schools; it was reviewed and verified by the Clark County School District that Earnest May Elementary School could in fact handle the population. He pointed out that the counted 96 signatures of opposition, with some being duplicates, to the 68-unit project. He was displeased by a comment made indicating this type of project results in increased crime and does not belong in single-family neighborhoods. However, he strongly believed that the proposed development is an opportunity to fill the parcel and create homes with reasonable price points for others to live in. The Councilman concluded by saying he appreciated the residents meeting with the applicant and commended all who participated in listening and addressing the residents' concerns.

MAYOR GOODMAN declared the public hearing closed.





CASE: **GPA-14304**

RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:

R (RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:

M (MEDIUM DENSITY RESIDENTIAL)



CASE: GPA-14304

RADIUS: 1000 FT

GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:

R (RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN LAND USE DESIGNATION OF SUBJECT PROPERTY:

M (MEDIUM DENSITY RESIDENTIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - GPA-14304 - APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/se vote) recommends APPROVAL, subject to:

1. This application shall be amended From: R to MLA.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend a portion of the Centennial Hills Sector Plan of the Master Plan from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential) on 3.52 acres at 5300 North Rainbow Boulevard.

EXECUTIVE SUMMARY

This application seeks to change the General Plan land-use designation of the subject property located at 5300 North Rainbow Boulevard from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential). The project also required a Rezoning (ZON-14308) and a Site Development Plan Review (SDR-14306). Denial of this project is recommended as the proposed development is considered out of character with the surrounding neighborhood and does not meet the intent of the Rural Preservation Overlay District.

BACKGROUND DATA:

- | | |
|----------|--|
| 03/12/92 | The Planning Commission approved the three Land Use Sector Maps of the General Plan. |
| 05/24/99 | The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map. |
| 08/18/99 | The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 units per acre, Medium-Low Density Residential to allow up to 8 units per acre, and Medium Density Residential up to 25 units per acre. |
| 09/06/00 | The City Council approved the Las Vegas 2020 Master Plan. This site is within the Centennial Hills Sector Area as described in the Plan. |
| 07/27/06 | This item and companion items for a Rezoning (ZON-14308) to an R-3 (Medium Density Residential) District, a Variance (VAR-14309) from residential adjacency requirements), and a Site Development Plan Review (SDR-14306) for a proposed 68 unit condominium complex were held in abeyance to the 08/24/06 Planning Commission meeting in order for the applicant to redesign the project. |

- 08/24/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Rezoning (ZON-14308) to change the zoning from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Variance (VAR-14309) from residential adjacency requirements were held in abeyance in order to submit revised plans for the project.
- 09/07/06 Companion items for a Rezoning (ZON-14308) to an R-2 (Medium-Low Density Residential) District and a Site Development Plan Review (SDR-14306) will be heard concurrently with this item. The Variance (VAR-14309) is no longer required.
- 09/07/06 The Planning Commission recommended approval of companion item ZON-14308, withdrew without prejudice VAR-14309 and held in abeyance SDR-14306 concurrently with this application.
- 09/07/06 The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #13/ng).

DETAILS OF APPLICATION REQUEST

Site Area: 3.52 Acres

EXISTING LAND USE

Subject Property	Single Family Residential (Proposed Condominiums)
North	Single Family Residential
	Commercial
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

PLANNED LAND USE

Subject Property	R (Rural Density Residential) [Proposed: MLA (Medium Low Attached Density Residential)]
North	R (Rural Density Residential)
South	L (Low Density Residential)
East	L (Low Density Residential)
West	ML (Medium-Low Density Residential)

EXISTING ZONING

Subject Property	R-E (Residence Estates) [Proposed: R-2 (Medium-Low Density Residential)]
North	R-E (Residence Estates)
South	R-1 (Single Family Residential)
East	R-1 (Single Family Residential)
West	R-CL (Single Family Compact-Lot)

<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

<i>EXISTING GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>	<i>PROPOSED GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>
R	3.59 du/ac or 12 units	MLA	12.49 du/ac or 43 units

The proposed General Plan Amendment would result in a density that is nearly six times greater than what is currently permitted on the site. This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The actual proposed density (911.9 units per acre) is still larger than the property across Rainbow Boulevard. This is out of character with the area and is deemed inappropriate.

DEFINITIONS

R (Rural Density Residential) (2.5 to 3.59 units/gross acre). The Rural Density Residential category allows a maximum of 3.5 units per gross acre. This is a rural or semi-rural environment with a life-style much like that of the Desert Rural, but with a smaller allowable lot size.

MLA (Medium Low Attached Density Residential)(8.1 to 12 dwelling units/gross acre.) The Medium Low Attached Density Residential category permits a maximum of 12 dwelling units per gross acre. This category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low-density apartments. This category is an appropriate use for the residential portion of a Village Center or Town Center Area. It is also an appropriate transitional use.

INTERAGENCY ISSUES

RURAL PRESERVATION OVERLAY DISTRICT

The site is within an area identified as Rural Preservation Overlay District. Chapter 278 of the Nevada Revised Statutes stipulates the identification of a 330-foot transitional buffer around Rural Preservation Neighborhoods. Within these buffer areas, residential development density is limited to three dwelling units per acre, unless good cause is shown. Land is disqualified from status as a

Rural Preservation Neighborhood, or as a required buffer, if it is closer than 330 feet to a road greater than 99 feet in width. In the case of this application a portion of the parcel is in the 330-foot area that is exempt from the standards of the RPOD; however, the remainder of the parcel is subject to these standards and per the proposed project does not meet the intent of the RPOD.

ANALYSIS

The proposed project that initiates the need for this General Plan Amendment is considered out of character with the area. As a whole the project requires deviations from standards and also a change of land-use designation and zoning district. These changes are not minor. The land use designation would jump three categories from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential). This is considered too great of a change and the addition of a condominium development to an area that currently features one acre lots directly adjacent to the property is considered inappropriate.

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 density and intensity of the proposed General Plan Amendment is not compatible with the surrounding land use designations. The area is designated as R (Rural Density Residential), L (Low Density Residential), and ML (Medium-Low Density Residential). The greatest density of these is 8.49 units per acre. The proposed density is 12.49 units per acre. This is larger than any designation in the vicinity. This is not appropriate and denial is recommended.

In regard to "2":

The proposed General Plan Amendment and Rezoning would result in a density that is nearly six times greater than what is currently permitted on the site. This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The proposed R-2 (Medium-Low Density Residential) District is inappropriate and denial of the Rezoning request is recommended.

In regard to "3":

The site would gain access from Rainbow Boulevard, a 100-foot Primary Arterial. The gated community would permit adequate stacking area. Site access and circulation would be adequate.

In regard to "4":

There are no additional plans that apply to the proposal. There is an additional policy which is applicable; this is the Rural Preservation Overlay District. In the case of this application a portion of the parcel is in the 330-foot area that is exempt from the standards of the RPOD; however, the remainder of the parcel is subject to these standards and per the proposed project does not meet the intent of the RPOD, which is a density limit of two units per acre.

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 asked to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on 06/15/06 a neighborhood meeting sponsored by the applicant was held at 5:30 p.m. at the Santa Fe Casino. Two applicant representatives, two staff members, and 25 citizens were in attendance and had the following comments:

- The proposed condominiums are inappropriate for the area; everything in the immediate vicinity is single-family residential.
- The Medium Density land use designation is much too dense for the area.
- The two-story buildings are inappropriate as everything else in the neighborhood is one story.

- The project doesn't have adequate side yard setbacks-10 feet aren't sufficient to separate a two-story multifamily building from a single-family residence.
- The two-story buildings will completely diminish views.
- The multifamily project will generate excessive traffic.
- The multifamily project will decrease property values.
- The type of people who live in apartments and condominiums will result in an increase in crime and do not belong in a single-family area.

PLANNING COMMISSION ACTION

There were 12 speakers in opposition to the application.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

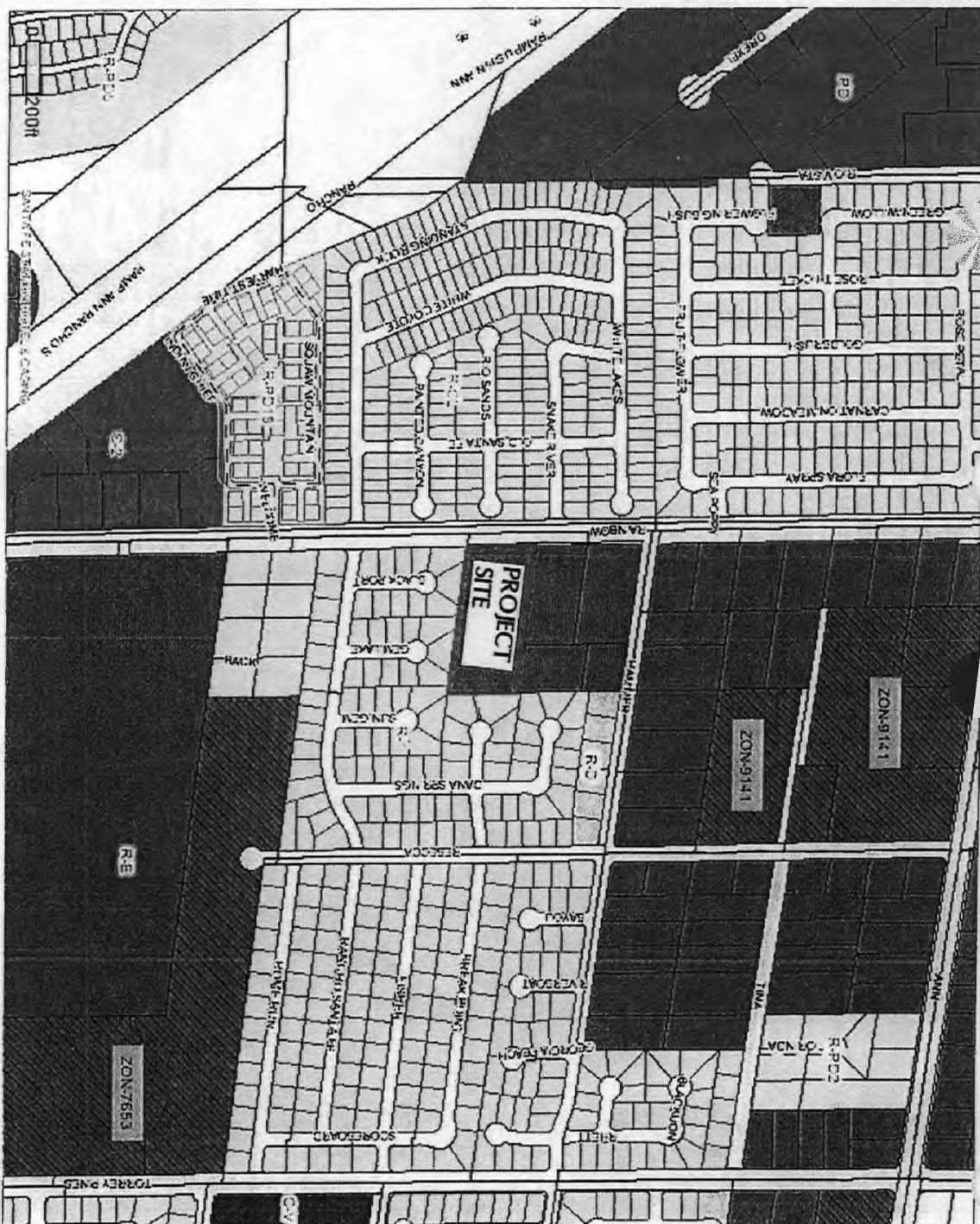
ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 547 by Planning Dept

APPROVALS 0

PROTESTS 108



NO SCALE

08/24/06 PC

RECEIVED
JUN 13 2006

5300 N. Rainbow

6-12-06

LAW OFFICE

Jay H. Brown, Ltd.

A PROFESSIONAL CORPORATION
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
EMAIL: jay@jhbrownltd.com

June 12, 2006

City of Las Vegas Planning & Development
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Justification Letter
5300 N Rainbow Ave. APN #: 125-35-201-006

Gentlemen:

Please be advised that I represent Bruce and Julie Khalilzadegan with their applications for a General Plan Amendment, Site Development Plan Review, Rezoning and a Variance for the above mentioned location.

The proposed project will be a multi-family development of two story high condominiums which will require a Site Development Plan Review per Title 19.18.

Currently, the location is general planned Rural Density Residential which allows 3.59 units per acre. We wish to have 22 units per acre and therefore will require a general plan amendment to Medium Density Residential which allows 25.49 per acre. To keep the zoning consistent with the requested general plan amendment we are also requesting the zoning be changed from R-E (Residence Estate) to R-3 (Medium Density Residential).

Additionally, since the proposed location is adjacent to single family residential, a variance to allow multi-family residential is requested.

If you have any questions, please contact me or my assistant Shawn Schrott.

Very truly yours,


Jay H. Brown

JHB:ss

GPA-14304

RECEIVED
JUN 13 2006

To: City Clerk

From: Bruce Gardella

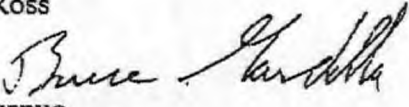
Attached is a letter to each member of the City Council for their review prior to the October 4 City Council meeting. I would appreciate your assistance in distributing it to the council members.

Attachment: 2 pages

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2006 SEP 19 A 10:50

To: Councilwoman Lois Tarkanian
Councilman Steve Wolfson
Mayor Pro Term Gary Reese
Councilman Larry Brown
Council Lawrence Weekly
Council Steven D. Ross

From: Bruce Gardella 
6513 Echo Crest Avenue
Las Vegas, NV 89130

Date: September 18, 2006

Re: GPA-14304 and ZON-14308

There are two applications to be brought before the City Council on the October 4 agenda. They are to amend the Master Plan (GPA-14304) to allow a zoning change and a zoning change from RE to R-3 (ZON-14308). The purpose of these applications is to allow condominium development on 3.52 acres located at 5300 North Rainbow Boulevard. The Planning Commission staff has recommended denial of these proposals. The Planning Commission has recommended approval.

This property directly abuts my residence and I am writing this letter to express my very strong opposition to these two applications.

The proposed development presented at two neighborhood meetings is a low-end condominium project that is not consistent with the Master Plan, does not fit with any of the adjacent developments and is inappropriate with all of the surrounding properties and developments.

In the last ten years that I have been in residence at this address the City Council has been very consistent in requiring all developments to be single story, single family residences on large lots in this neighborhood. Several developments have been required to increase the size of their lots and only single story structures have been allowed. We implore the City Council to be consistent in the requirements of the Master Plan and deny these proposed changes to the Master Plan and zoning.

This proposed development would increase the density from the present zoning by over 700%. The increase in density from the existing surrounding neighborhoods would be approximately 400%. All the agencies that rely on the Master Plan to plan our schools, roadways and infrastructure have certainly not planned for an increased density of 400% to 700%. If this project were approved, the City Council would be hard pressed to deny similar proposals in the future. This would result in a drastic overload to our already overloaded neighborhood schools, resulting in increased bussing of the children out of our area. The streets in the neighborhood, especially those surrounding the elementary school, already have too much traffic and will become a safety concern.

Any two-story structure built on this site will have a direct line of sight into my back yard, and that of my neighbors, removing all of the privacy from our residences.

We have a drainage channel that runs from the proposed project between my residence and my neighbor to the north. There are children that climb the block walls and walk the top of the wall along this drainage channel. This is not a frequent occurrence and we discourage it; however, with this development this will become a more frequent problem. This is a serious security and safety issue.

Page 2
September 18, 2006

There are many other problems with this proposed project too numerous to mention in this letter but in closing, please consider the following:

1. In the two neighborhood meetings held by the developer everyone in attendance strongly objected to both versions of this project.
2. A petition requesting denial of the applications was signed by over 100 residents of the surrounding area and presented to the Planning Commission.
3. No one at the neighborhood meeting or at the Planning Commission meeting spoke for approval or had anything positive to say about this project.
4. Approval of this low end, inappropriate project would reap profits for the developer who is not a resident of Las Vegas and result in a significant drop in the value of the surrounding property of the residences in this neighborhood.

Please deny these applications.

PETITION

We, the undersigned, disagree with the Planning Commission approval (09-07-06) of the items below and REQUEST THAT THE CITY COUNCIL DENY THESE ITEMS as they are not consistent with the Master Plan for this neighborhood of primarily rural designated density. We believe that the impact on schools and open space has not been addressed; therefore, we ask that a change in the Master Plan and zoning be denied for any increased density.

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ZON-14308 - REZONING RELATED TO GPA-14304 - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO R-3 MEDIUM DENSITY RESIDENTIAL) on 3.52 acre at 5300 North Rainbow Boulevard.

Protest

Print Name	Sign Name	Address	Date
Sheryl Gardella	Sheryl Gardella	6513 Echo Crest LV, NV	9-23-06
VICTOR SALAZAR	Victor Salazar	5200 Black Port CT LV, NV	9-23-06
Martha Moya	Martha Moya	5200 Black Port CT LV, NV	9-23-06
Damon Evans	Damon Evans	5204 Black Port CT LV, NV	9-23-06
Tom Zirkel	Tom Zirkel	6116 Lone Lone Cactus LV, NV	9-23-06
Rocky Becker	Rocky L. Becker	5217 Black Port CT LV, NV	9-23-06
Rich STEVENS	Rich Stevens	5216 BLACK PORT CT LV, NV	9-23-06
CANDACE BECKER	Candace Becker	5217 BLACK PORT CT LV, NV	9-23-06
Bill Miller	Bill Miller	6509 Echo Crest CT LV, NV	9-23-06
Sue Campbell	SUE CAMPBELL	5209 BLACK PORT CT LV, NV	9-23-06
William C. Miller	WILLIAM C. MILLER	6504 ECHO CREST AVE	9-23-06
Margaret Evans	Margaret Evans	5201 Black Port CT	9-23-06
Jo O'Brien	Jo O'Brien	6205 REBECCA	9/23
Becky Gardner	Becky Gardner	5200 Gem Lake Ct	9/23
Irene Bock	Irene Bock	5212 Gem Lake Ct	9-23
Dary C Bock	Dary C Bock	5212 Gem Lake Ct	9/23
Diane Butler	Diane Butler	5217 Gem Lake Ct	9-23
Richard Herdman	Richard Herdman	5213 Gem Lake Ct	9/23
PAT ADNEY	PAT ADNEY	5209 GEM LAKE CT	9/23
WILLIAM ADNEY	WILLIAM ADNEY	" " " "	"
ORI ASTIN	ORI ASTIN	6605 Rancho Santa Fe	9/2
MICHAEL TEUSKA	Michael Teuska	6601 RANCHO SANTA FE	9/2
S. Kagebein	S. Kagebein	5212 Sun Gem Ct.	9-2

Submitted after final agency review
Date 10/2/06 Item 8

RECEIVED

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Print Name	Sign Name	Address	Date
Sharon Causse	Sharon Causse	6517 Rancho Santa Fe Dr	9/23/06
Jetta L. Simmons	Jetta L. Simmons	6505 Rancho Santa Fe Dr.	9/23/06
Audra G. Simmons	Audra G. Simmons	6505 Rancho Santa Fe Dr.	9-23-06
Angela Montoya	Angela Montoya	6501 Rancho Santa Fe	9-23-06
Lew Hilliard	Hilliard, Lewis R	5008 - Dana Springs Way	9/23/06
Bernice Montoya	Bernice Montoya	5216 Dana Springs Way	9/23/06
Steve Springer	Steve Springer	5220 Dana Springs Way	9-23-06
Kevin Naschko	Kevin Naschko	5221 Dana Springs Way	9/23/06
MONA NASCHKO	MONA NASCHKO	5221 DANA SPRINGS W.	9/23/06
James F. Freese	JAMES F. FREESE	5213 DANA SPRINGS WAY	9-23-06
BRANDON J. Stillwell	Brandon J. Stillwell	5201 DANA SPRINGS WAY	9-23-06
Terry Hancock	Terry Hancock	6521 W. Hammer Ln	9/23/06
RIAN HICKS	Rian Hicks	6533 W. HAMMER	9-23-06
Christi Miller	Christi Miller	6509 Echo Crest Ave	9/23/06
Rick Butler	Rick Butler	6508 ECHO CREST	9-23-06
Christine DeGese	Christine DeGese	6611 W Hammer Ln	9-23-06
DAVID Belcher	David Belcher	6611 W. HAMMER LN	9-23-06
Agnes Belcher	Agnes Belcher	6611 W. Hammer Ln	9-23-06
Muriel Belcher	Muriel Belcher	6611 W. Hammer Ln	9/23/06
Walter H. Belcher	Walter H. Belcher	6611 West Hammer Ln	9/23/06
PETER D. ESSON	Peter D. Esson	6620 WELCOME LN LV, NV 89130	9/23/06
JEAN ESSON	Jean Esson	6620 Welcome Ln, LV, NV 89130	9/23/06
Stacie Howlett	Stacie Howlett	6621 Welcome Ln. 89130	9/23/06

PETITION

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CITY CLERK
SEP 11 - 4 PM '06

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Print Name	Sign Name	Address	Date
RAYMOND Spoke	Raymond Spoke	6608 Welcome Ln	9/23
Stacey Lindman	Stacey Lindman	6611 Welcome Lane	9/23
Paul Lindman	Paul Lindman	6611 Welcome Lane	9-23
Ruce H. Wells	Ruce H. Wells	5237 Rebecca Rd.	9-23
Carol J. Ravich	Carol J. Ravich	5237 Rebecca Rd	9-23
Bennie R. Montoya	Bennie R. Montoya	6501 Rancho Santa Fe Dr.	9-23
Tisha L Ryan	Tisha L Ryan	5200 Black Pt Ct	9/23/06
Matthew Sicilian	Matthew Sicilian	5206 Black Pt Ct	9/23/06
Robert Testic	Robert Testic	6625 Rancho Santa Fe	9/23/06
Bobby Valdez	Bobby Valdez	6621 Rancho Santa Fe Dr.	9/23/06
Corey Valdez	Corey Valdez	6621 Rancho Santa Fe Dr.	9-22-06
Mike E. Martin	Mike E. Martin	6609 Rancho Santa Fe Dr.	9/23/06
Donald Heider	Donald Heider	5216 Gem Lake Ct	9-23-06
Holly Heider	Holly Heider	5216 Gem Lake Ct	9-23-06
Shelley Camilla	Shelley Camilla	5200 Gem Lake Ct	9/23/06
Mike Beyer	Mike Beyer	5201 Gem Lake Ct	9/23/06
Debbie Beyer	Debbie Beyer	5201 Gem Lake Ct	9/23/06
Cheri Kremerek	Cheri Kremerek	6525 Rancho Santa Fe Dr	9/23/06
LANCE KREMERER	LANCE KREMERER	6525 RANCHO SANTA FE	9/23/06
Marion Badger	MARION BADGER	5220 SUN Gem Ct.	9/23/06
Tamara Haddock	Tamara Haddock	5220 SUN Gem Ct	9-23-06
Lloyd Bartlett	Lloyd Bartlett	5200 DANA Springs Wy	9-23-06
Beverly Enriquez	Beverly Enriquez	6609 Pickford Ln	9-23-06

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Print Name	Sign Name	Address	Date
Mr & Mrs Buttle	Richard & Regina Buttle	6508 Echo Crest Ave	9-23-06
Barbara Miller	Barbara C Miller	6504 Echo Crest Ave	9-23-06
BERT SNYDER	Bertha Snyder	6504 Echo Crest Ave	9-23-06
Mary T. Stuart	Mary T Stuart	6500 Echo Crest Ave	9-23-06
9 GALLEGOS	Elisa Gallegos	5304 DANA SPRINGS WY	9-23-06
SHARON PLAGOR	Sharon Plager	5312 Dana Springs W.	9-23-06
RAY CORDREY	Ray Cordrey	5312 DANA SPRINGS W.	9-23-06
Maria Cordrey	Maria Cordrey	5312 Dana Springs Dr	9-23-06
GRADY DAVIS	Grady Davis	5316 DANA SPRINGS WAY	9-23-06
Robert Gorman	Robert Gorman	5320 Dana Springs way	9-23-06
ALBERTA BOOTH	Amelia Booth	5328 DANA SPRINGS WAY	9-23-06
Jason Buckholder	Jason Buckholder	5333 DANA SPRINGS WY	9-23-06
Leo Shaver	Leo J. Shaver	5224 DANA SPRINGS WAY	9-23-06
Sylvia Rowland	Sylvia Rowland	5301 Rebecca Rd	9-23-06
Brian Rowland	Brian Rowland	5301 Rebecca Rd	9-23-06
Tuischa Mallory	Tuischa Mallory	5301 Rebecca Rd	9-23-06
Crystal Stanley	Crystal Stanley	5308 Rebecca Rd	9-23-06
Paul L. Stanley	Paul L. Stanley	5308 Rebecca Rd	9-23-06
POCITURNON	Pociturnon	5313 Rebecca Rd	9/23/06
ONETA MITCHELL	Oneta Mitchell	5312 REBECCA Rd	9/23/06
CAREY MITCHELL	Carey Mitchell	5312 REBECCA	9/23/06
JERRI LEWIS	Jerri Lewis	5320 Rebecca Rd	9/23/06
RONALD SEDMAN	Ronald Sedman	6513 West Hammer Lane	9/23/06

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Print Name	Sign Name	Address	Date
P.J. Roadville	<i>P.J. Roadville</i>	6809 Fruit Flower Ave	9-27-06
J. M. ROADVILLE	<i>J.M. Roadville</i>	6809 FRUIT FLOWER AVE	9-27-06
Dexter Brewer	<i>D. Brewer</i>	5416 Flowering Bush CT	9-27-06
Kimberly Heyburn	<i>Kimberly Heyburn</i>	5412 Flowering Bush Ct.	9-27-06
TRICIA LILORE	<i>Tricia Lilore</i>	5417 Flowering Bush Ct	9-27-06
JOE SAWICKI	<i>Joe Sawicki</i>	5413 FLOWERING BUSH CT	9-27-06
Carlos Reed	<i>Carlos Reed</i>	6909 Fruit Flower Ave	9-27-06
JAMES Schlosser	<i>James Schlosser</i>	5401 Rose Thicket St	9/27/06
Jacob Dwyer	<i>Jacob Dwyer</i>	5401 Rose Thicket St.	9/27/06
Cindy Schlosser	<i>Cindy Schlosser</i>	5401 Rose Thicket	9/27/06
Ann Barclay	<i>Ann Barclay</i>	5412 Rose Thicket	9/27
BLUNDA DINTZMAN	<i>Blunda Dintzman</i>	5416 Rose Thicket St	9/27
John Jones	<i>John Jones</i>	6905 Bottle Sage Ave	9/27
Caryl Crowthe	<i>Caryl Crowthe</i>	6820 Bottle Sage Ave	9/27
Julio Henriquez	<i>Julio Henriquez</i>	6821 Bottle Sage Ave	9/27
Ermy Olmsted	<i>Ermy Olmsted</i>	6817 Bottle Sage Ave	9/27
Chris Page	<i>Chris Page</i>	6812 Bot He. Sage Ave	9/27
JASON LAWRENCE	<i>Jason Lawrence</i>	5508 ROSE THICKET ST	9/27
Glenda Moodyman	<i>Glenda Moodyman</i>	5517 Rose Thicket St.	9-27
MARIA C. HAAR	<i>Maria C. Haar</i>	5525 ROSE THICKET ST.	9-27
Ermy Seaborg	<i>Ermy Seaborg</i>	5528 Rose Thicket St	9/27
NANCY CONLEY	<i>Nancy Conley</i>	6829 FRUIT FLOWER AVE	9-27
Tobin Conley	<i>Tobin Conley</i>	6829 FRUIT Flower Ave	9-27

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Print Name	Sign Name	Address	Date
KIM WIKES		5324 WHITE COYOTE	9/22/06
EVELYN CRAMER		5324 WHITE COYOTE PL	9/22/06
Jay Francumano		5525 Green Willow St	9-22-06
SHARON HUSTON		5328 WHITE COYOTE	9-27-06
Tonia Woodford		5340 White Coyote Pl.	9-28-06
Tom R. Barker		5325 White Coyote Pl.	9-28-06
Melinda Barker		5325 White Coyote Pl.	9/28/06
Reuben Thompson		5341 White Coyote PL	9/29/06
AARON GORDON		5320 White Coyote PL	9/29/06
Michael R. Goss		5323 White Coyote PL	9/29/06
Zbigniew Fijalek		6912 White Lakes Ave	9/29/06
MARZENNIA FIOLE		6912 WHITE LAKES AVE	9/29/06
White		6817 WHITE LAKES AVE	9/29/06
LAT WHITE		6817 WHITE LAKES AVE	9/29/06
Diana Benson		5312 White Coyote PL	10/1/06
Tim Bayman		5309 White Coyote PL	10-1-06
MICHELLE PRANS		5237 WHITE COYOTE PL	10/1/06
Roggy Fowler		5232 White Coyote Pl	10/1/06
JERRY WYPYSZCZAK		5241 White Coyote PL	
Julie Rohnert		5233 White Coyote	
Gilbert Montoya		5200 White Coyote Pl	10-1-06
Tommy DUTLER		5200 Standing Rock PL	
RONNIE BRIMBY		5209 Standing Rock PL	

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[illegible]

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OCT -2 P 1:37
2006

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[illegible]

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[illegible]

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CITY CLERK

TO: Councilwoman Lois Tarkanian
Councilman Steve Wolfson
Mayor Pro Tem Gary Reese
Councilman Larry Brown
Councilman Lawrence Weekly
Council Steven D. Ross

2006 OCT -2 P 2: 22

FROM: Sheryl Gardella



DATE: October 2, 2006

RE: ZON-14308

Please vote for **DENIAL** of ZON-14308 (Agenda item #87) at the October 4 City Council meeting. **The Planning Commission Staff recommendation is DENIAL** and below are excerpts from their Analysis and Findings:

"The proposed Rezoning would result in a density that is nearly six times greater (12.49 units per acre) than what is currently permitted on the site (3.59 units per acre in the R land use designation, which is actually required to be down to two units per acre due to the site being located in an RPOD). This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The actual proposed density (11.9 units per acre) is still larger than the property across Rainbow Boulevard. This is out of character with the area and is deemed inappropriate."

"Growth and development factors in the community do not indicate the need for this Rezoning. This type of development is best suited for a location further away from rural density single-family residential property. The rezoning is considered inappropriate for this location and denial of this request is recommended."

The people living in the surrounding neighborhoods do not want **any increased density** for this property and do not want a condominium development set right in the middle of their single-family residence developments.

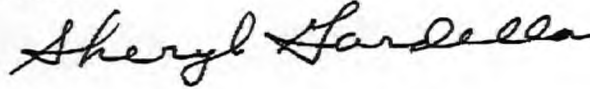
The only entity that will gain anything from this project is the landowner/developer.

RECEIVED
CITY CLERK

TO: Councilwoman Lois Tarkanian
Councilman Steve Wolfson
Mayor Pro Tem Gary Reese
Councilman Larry Brown
Councilman Lawrence Weekly
Council Steven D. Ross

2006 OCT -2 P 2: 22

FROM: Sheryl Gardella



DATE: October 2, 2006

RE: GPA-14304

Please vote for **DENIAL** of GPA-14304 (Agenda item #86) at the October 4 City Council meeting. **The Planning Commission Staff recommendation is DENIAL** and below are excerpts from their Analysis and Findings:

"The proposed project that initiates the need for this General Plan Amendment is considered out of character with the area. As a whole, the project requires deviations from standards and also a change of land-use designation and zoning district. These changes are not minor. The land use designation would jump three categories from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential). This is considered too great of a change and the addition of a condominium development to an area that currently features one-acre lots directly adjacent to the property is considered inappropriate."

"The density and intensity of the proposed General Plan Amendment is not compatible with the surrounding land use designations. The area is designated as R (Rural Density Residential), L (Low Density Residential) and ML (Medium - Low Density Residential). The greatest density of these is 8.49 units per acre. The proposed density is 12.49 units per acre. This is larger than any designation in the vicinity. This is not appropriate and denial is recommended."

The proposed condominium development includes two-story units which are not compatible with the surrounding properties which are **ALL ONE STORY** structures.

In addition, the proposed condominium development would also affect the already oversized classrooms at Ernest May Elementary School and increase traffic through the Confetti and Sportsman Park Developments.

STICK TO THE MASTER PLAN FOR THIS AREA WHICH IS WITHIN THE RURAL PRESERVATION OVERLAY DISTRICT.

**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**

Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101
July 17, 2006

To Whom It May Concern:

Please deny the rezoning request ZON 14308; the General Plan Amendment, GPA 14304; the Variance , GAr 14309; and the Site Development Plan Review, SDR 14306.

This area is zoned R-3 on the master plan and should not be changed to medium density. There is already too much traffic on Rainbow Road, too many houses to add 68 Condos to the area. We urge you to please deny these requests! Thank you.

Earl + Audney Somerville

Earl and Audney Somerville
6817 Painted Canyon Ct.
Las Vegas, NV 89130

17 July 2006

To: Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

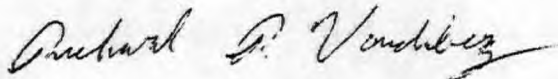
From: Richard Paul Vandenberg, Trustee
RPV Trust
6512 Echo Crest Ave.
Las Vegas Nevada, 89130

Re: Case: GPA-14304
SDR-14306
VAR-14309

I hereby strongly object to the proposed actions contained in the above referenced cases, and plan to attend the Planning Commission meeting set for 6:00 pm, July 27, 2006.

I purchased my property on July 1, 1996, Because the subdivision had R-1 zoning with only single story homes. It is a nice quiet area which will be harmed by multiple-family densities and multiple-car parking lots. My rear lot line is located entirely on the rear lot line of the referenced property. My neighbor to the south abuts the balance of the referenced property.
Multiple-family zoning should remain west of Rainbow Boulevard.

Sincerely,

A handwritten signature in cursive script, reading "Richard P. Vandenberg".

Richard Paul Vandenberg, Trustee

5108 Back Street
Las Vegas, NV 89130-1809
17 July 2006

Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

Subject: Written Objections Related To:
GPA-14304
ZON-14308
SDR-14306
VAR-14309

Dear Sirs:

Thank you for the opportunity to file my written objections related to the proposed project at 5300 North Rainbow Boulevard (APN125-35-201-006) as described in GPA-14303, ZON-14308, SDR-14306, and VAR-14309.

I respectfully request you disapprove this project for the following reasons:

1. GPA-14304
 - A. The surrounding area of this proposed project is comprised of single family residences located on large lots, some up to an acre in size.
 - B. The homes adjacent and near this project are primarily single story homes. Multiple floor buildings would not be in keeping with the design of the area.
 - C. Increasing the density of this area will put additional burdens on the local fire and police stations.
 - D. There is a child care center immediately adjacent to the proposed project which could be adversely affected by increased traffic flow and noise in the area.
 - E. Depending on which elementary school would be assigned to this project, the addition of 68 condominium units would add an additional burden on the already stressed local elementary schools of Joe Neal and Earnst May.
 - F. The addition of 68 condominium units would significant increase the traffic flow along North Rainbow Boulevard including egress onto a road with a 45 mph speed limit in that area.
 - G. The majority of the public, who attending the community meeting of 15 June 2006, at the Santa Fe Hotel & Casino, did not support this project.

Subject: Written Objections

- H. The project presenter stated the public comments would be submitted to the project developer and a future community meeting would be conducted to share new project designs, but apparently was not the intention.
- I. This proposed project does not fit the Centennial Hills Section of the Master Plan and will detract from the surrounding area.

2. ZON-14308

- A. Same as above.

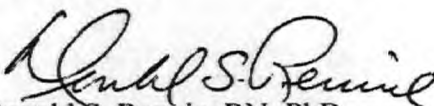
3. SDR-14306

- A. At the community meeting of 15 June 2006, at the Santa Fe Hotel & Casino, the project presenter did not mention to the attending public that there would be any requests for waivers of the required perimeter landscape buffer. In fact, the project presenter emphasized the fact that there would be significant landscape buffers, particularly adjacent to the immediate properties to serve as a barrier between properties.
- B. Without landscape buffers, residents in the immediately adjacent properties to the proposed project will lose all aspects of privacy.

4. VAR-14309

- A. At the community meeting of 15 June 2006, at the Santa Fe Hotel & Casino, the project presenter did not mention to the attending public that there would be any requests for variances from the required setbacks. In fact, the project presenter emphasized the fact that there would be significant setbacks which would contribute to the maintenance of the privacy of the residents of the adjacent properties.
- B. Without proper setbacks, the privacy of the adjacent residential property owners will be significantly compromised.

Respectfully,


Donald S. Rennie, RN, PhD



The way it should be

July 26, 2006

City of Las Vegas
Planning & Development Department
Current Planning Division
Flinn Fagg, Manager

In re: Objection to GPA-14304, ZON-14308 and VAR-14309 and SDR-14306

Dear City Personnel:

As the property owner of 18.66 gross acres located at the southwest corner of Ann Road and Rebecca, PN II, Inc, dba Pulte Homes Las Vegas, formally **objects** to the aforementioned zoning applications.

As the City knows, Pulte was recently approved to build 78 detached single family homes on 18.66 gross acres just north of the applicant's proposed site at a density of 4.11 dwelling units per acre.

The applicant's property currently resides in a RE district which allows a maximum density of 3.59 dwelling units per acre. The proposed 68 condominiums would create density exceeding 19 units per acre: almost five times the density that was recently awarded to the Pulte community just north.

Pulte seriously questions the merit or value of this proposed project insofar as it significantly challenges the rural aspects of the area and fails to maintain the larger detached home feel of the entire corridor. At minimum, the applicant's density must be significantly reduced to a level more in keeping with the existing area.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Craig Cherney".

Craig Cherney, esq.
Pulte Homes Las Vegas
702-914-3035 phone
702-914-4997 fax

July 26, 2006

VIA FACSIMILE
702-474-0352

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

Re: Zoning Case Numbers: GPA-14304, ZON-14309, and SDR-14306

Dear Commissioners:

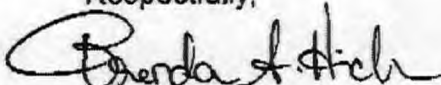
I am contacting you regarding the above referenced zoning case numbers as I reside at 6550 West Hammer Lane. I am speaking out to voice my opposition for the proposed condominium project associated with these case numbers, and ask that you accept this letter as my formal objection to this project.

This project falls within the boundary of the recently adopted Rural Neighborhood Preserve and feel this project is way to dense for the surrounding area that is currently zoned RE. I furthermore more feel that the request to encroach on the existing development by allowing a setback waiver, of 10-foot sides and 23-rear yard where the Code requires 87 feet, is inappropriate for the area. It is also my concern that the increased traffic would negatively impact the area as well.

I would however support a project that did not have such a high density on the 3.52 acres. I would support a project that more closely resembles the development surrounding the area. I understand that land is at a premium and that development is inevitable, but don't feel a density of 19.31 du/acre, in this case is beneficial.

Thank you for your consideration of my request.

Respectfully,


Brenda A. Hicks
Homeowner
702.655.5874

R

34-37
P

5108 Back Street
Las Vegas, NV 89130-1809
1 September 2006

Planning and Development Department
Current Planning Division
Development Services Center
ATTN: Doug Rankin
731 South Fourth Street
Las Vegas, NV 89101

Subject: Written Objections Related To:
GPA-14304

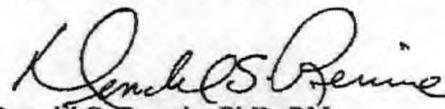
Dear Sir:

Thank you for the opportunity to file my written objections related to the proposed project at 5300 North Rainbow Boulevard (APN125-35-201-006) as described in GPA-14304.

I respectfully request you disapprove this project for the following reasons:

- A. The surrounding area of this proposed project is comprised of single family - single storey residences, located on large lots, up to an acre in size. This is congruent with the Centennial Hills section of the developmental master plan for the area.
- B. Increasing the density of this area will put additional burdens on the local fire and police stations.
- C. There is a child care center immediately adjacent to the proposed project which could be adversely affected by increased traffic flow and noise in the area.
- D. Depending on which elementary school would be assigned to this project, the addition of 42 condominium units would add an additional burden on the already stressed local elementary schools of Joe Neal and Earnst May.
- E. The addition of 42 condominium units would significant increase the traffic flow along North Rainbow Boulevard including egress onto a road with a 45 mph speed limit in that area.

Respectfully Submitted,


Donald S. Rennie, PhD, RN

ITEM # 13
CASE # GPA-14304
PC MTG 9-7-06

P

July 19, 2006

Planning and Development Department
Current Planning Division

Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

RECEIVED

JUL 25 4 10 PM '06

PLANNING AND
DEVELOPMENT

Subject: Applications for: Rezoning ZON-14308
General Plan Amendment GPA-14304
Variance-14309
Site Development Plan Review SDR-14306

My wife and I own and reside at 6513 Echo Crest Avenue and our property is directly adjacent to the property at 5300 Rainbow Blvd for which the subject applications were made.

We appreciate and agree with the recommendation for denial made by the Current Planning Division Staff for these applications.

We further wish to state our strenuous objection to any consideration of approval of any of these subject applications. It is our understanding that the applications are for a 68 multi-story condominium development, without garages, to be positioned around the exterior of the property.

We object for the following reasons:

- 1) Single-family residences that are zoned as R-1 or R-E surround this property. This proposed development is not consistent with the existing residential neighborhood or the master plan for development.
- 2) All present property owners will experience a substantial loss in the value of their residences if this proposed development is allowed to proceed.
- 3) All planning of the infrastructure is based on the master plan for development. If high-density developments like this are allowed, all services will be overloaded including all utility services, roadways, schools, police and fire protection and health services. The growth in this area has already overloaded our schools, hospital emergency rooms and the water system. The roadways in these neighborhoods were not designed to take this kind of high-density development.
- 4) All of the existing residences adjacent to this proposed development in my area have spent considerable time and monies in the improvement of their properties by installing pools, patios and landscaping. We will lose our privacy in our own back yards if this multi-story development is allowed.
- 5) The Planning Commission has a history of denying any rezoning or variances not consistent with a minimum of R-1 zoning for all prior developments.

Finally all other residences in the area would experience a large financial loss and a lower quality of life if these applications were approved.

We wish to thank the staff for their recommendation of denial for all these applications and express our desire that the Planning Commission follow the staff recommendations.

Sincerely,



Bruce R. Gardella



Bruce Gardella
6513 Echo Crest Ave
Las Vegas, NV 89130

ITEM # 34-37 R
CASE # _____
PC MTG 7.27.06 P

CC: Steven D. Ross, Ward 6 Councilman

We the residents signed below are opposed to the following item listed below. We feel that this is not compatible with the area and the density does not comply with the master plan. The variance does not follow the guidelines set before us established by the Las Vegas city codes that have been adopted. The following item is set to be heard before the Planning Commission on July 27th. We believe that our voice needs to be heard.

GPA-14304, ZON-14308, VAR-14309 & SDR-14306

APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN

Request to amend a portion of the Centennial Hills Sector Plan of the Master

Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL)

on 3.52 acres at 5300 North Rainbow Boulevard.

Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL)

Request for a Variance TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 10 FEET

IN THE SIDE YARD AREA AND 23 FEET IN THE REAR YARD WHERE 87 FEET IS THE MINIMUM SETBACK REQUIRED

Request for a Site Development Plan Review FOR A PROPOSED 68-UNIT CONDOMINIUM DEVELOPMENT AND A WAIVER OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS.

Name
Phone #

Address

Signature

1. Rich Stevens
Linda J. Stevens 5216 Blackport Ct
655-1555 89130
Linda J. Stevens
2. Tisha & MATTHEW SICLIANO 5200 Blackport Ct
89130
Jim & Tisha
3. Rocky & Candace Becken 5217 Blackport Ct
645-0577 Candace Becken
Faye Becken
4. Suzanne & Peter Merello 5208 Blackport Ct
399-8905
Suzanne Merello Peter Merello
5. Victor & Martha Salazar 5200 Blackport Court
638-2826
Victor Salazar

ITEM # 34.37

CASE #

PC MTG 7.27.06

1. Regina Butler 6508 Echo Crest Ave
Regina Butler
2. Misti Miller 6509 Echo Crest Ave.
Misti Miller
3. Mary Stuart 6500 Echo Crest Ave.
Mary Stuart
4. JEFF WACH 6449 Breakport
Jeff Wach
5. CAROL NICHOLSON 5233 REBECCA RD. 89130
Carol Nicholson
6. CAREY MITCHELL 5312 REBECCA RD
Carey C. Mitchell
7. JAMIE LEWIS 5320 REBECCA RD
Jamie Lewis
8. SERGE G. MILLER 6441 Rancho Santa Fe
Serge Miller
9. DAVID REYES 6437 Rancho Santa Fe
David Reyes
10. RICK VIETHS 6428 RANCHO SANTA FE.
Rick Vieth

NAME

ADDRESS

SIGNATURE

PHONE #

1. MARION EDRAEIN 5325 DANA SPRINGS WAY, LAS VEGAS NV 89130

Marion E. Edrae

2. Cynthia K Randall 5333 Dana Springs Way LV. NV 89130

Cynthia K Randall

3. Susan Gain 5336 Dana Springs Way LV. NV 89130

Susan Gain

4. William Gain 5336 Dana Springs Way LV. NV 89130

William Gain

5. Kevin Raschko 5221 DANA SPRINGS WAY LV. NV 89130

Kevin Raschko

6. Leo Sharuk 5224 DANA SPRINGS WAY LV NV 89130

Leo J. Sharuk

7. Leona Kellard 5208 Dana Springs Way

Leona Kellard

8. Sherri Aragon 5228 Dana Springs LV NV 89130

Sherri Aragon

9. BERNA PISERIN 6501 ECHO CREST AVE 89130

Berna Piserin

10. Barbara Miller 6504 Echo Crest Ave 89130

Barbara C. Miller

NAME

ADDRESS

SIGNATURE

PHONE #

1. Robert Gorman 5320 Dana Springs Way.
Robt Gorman
2. ZENOPIA WATSON 5321 DANA SPRINGS WAY
Zenobia Watson
3. Mark Short 5329 Dana Springs Way
MARK SHORT
4. JASON BURKHOLDER 5333 DANA SPRINGS WY
Jason Burkholder
5. Sharon Plager 5312 Dana Springs Way
Sharon Plager
6. MARIE CORDREY 5312 Dana Springs Way
Mari Cordrey
7. RAY CORDREY 5312 Dana Springs
Ray Cordrey
8. TAMARA Short 5329 Dana Springs Way
Tamara Short
9. Camela Holmes 5324 Dana Springs Way
Camela Holmes
10. Darwin Holmes 5324 Dana Springs Way
Darwin Holmes

NAME	ADDRESS	SIGNATURE
PHONE #		

1. Julie Westlund 5308 Dana Springs Way
Julie Westlund 395-1892
2. Steve Westlund 5308 Dana Springs Way
Steve Westlund
3. Kristen Boehler 5316 Dana Springs Way
Kristen Boehler 365-7958
4. GRADY DAVIS 5316 DANA SPRINGS WAY
Grady Davis - 683-5161
5. Donald Heider 5316 Gem Lake Ct 655-0178
6. CARMELA LO CASCIO 702 645 6132
6700 SNAKE RIVER AVE 89130 Carmela, Alaska
7. JEAN SHEPHERD Jean Shepherd 702-655-7981
6705 Snake River Ave.
8. PAUL TICH Paul Tich
6708 SNAKE RIVER AVE 278-0862
9. JOE LESKO Joe Lesko
6800 SNAKE RIVER 658-0687
10. MARTIN & HEATHER GRIMES
6716 Snake River 658-8094 *Martin Grimes*

NAME

ADDRESS

SIGNATURE

PHONE #

- (702) 449-0676.
1. Maria Borabona Maria Borabona
5213 Sun Gem Ct. Las Vegas 89130.
 2. Mary Goodspeed Mary Goodspeed 655 6094
5217 Sun Gem Ct. Las Vegas NV 89130
 3. MARION BADGER 655-2726
5220 Sun Gem Ct. L.V. Nev. Marion Badger
 4. T.J. Kagebein 515-1356
5212 Sun Gem Ct. L.V. NV T.J. Kagebein
 5. Keri Kagebein
5212 Sun Gem Ct. LV NV 89130 ⁵¹⁵⁻¹³⁵⁶ Keri Kagebein
 6. Cathalina Baugh 395-5902
5264 Sun Gem Ct. L.V. NV 89130 273-0003
 7. Leslie Balemah 5200 Sun Gem Ct
Leslie Balemah
 8. Jeanette Wilhelm Jeanette Wilhelm 234-4905
5908 Old Ridge Rd. N.L.V. 89031
 9. Linda Bearden Linda Bearden 878-9364
5208 Sun Gem Ct. L.V. NV 89130
 10. Jim Bearden Jim Bearden
5208 Sun Gem Ct. L.V. 89130

NAME

ADDRESS

SIGNATURE

PHONE #

James Evans

James Evans

Margaree Evans - 5201 Blackfoot Ct. Margaree Evans

2. Rob Jr 6625 Rancho Santa Fe

232-9236

Robert Jestic

Rob Jr

3. Lynne Erickson 66017 Rancho Santa Fe Lynne & Erickson

656-9270

89130

4. Mike Beyar 5201 Gem Lake Court Mike Beyar

396-4908

5. Maureen K. Potholz 5205 Gem Lake Ct

72-656-6887

6. RAY + WICKIE ADNEY 5209 Gem Lake

233-1274

Maureen

Lusbyus 89130

7. Bill Butler 5217 Gem Lake Ct. Wellbuck

656-1481

8. Shelley Paille 5220 Gem Lake Ct. L.V.NV 89130

227-4530 Shelley Paille

9. RALPH KELLY 5208 GEM LAKE CT. L.V.NV 89130

656-1441

Ralph Kelly

10. JEANANNE KELLY 5208 GEM LAKE CT L.V.NV. 89130

656-1441

Jeananne Kelly

NAME

ADDRESS

SIGNATURE

PHONE #

1. Kelly Roberts 5200 Gem Lake.
218-9532 Kelly Roberts
2. Glenda Hall 2398 N. Rainbow Blvd Glenda Hall
658-8481
3. Sommer Diller 5348 N. Rainbow Blvd.
645-6062
4. J. GALANGA = 6401 W. HAMMER LN
LV. NV. 89130 - 598-3712 / 355-0205
5. Raymond, L. Metz 6551 W. Hammer Ln. Raymond L Metz
Las Vegas Nev. 89130 702-871-7772
6. Stanley V Venesky 5213 Black Port Ct Stanley V Venesky
396-6064
7. ARENO SCHOUTEN ARENO
6613 RANCHO SANTA FE 89130 528-5375
8. Jennifer Figueroa Jennifer Figueroa 325-5212
5209 SunGem Ct., Las Vegas NV 89130
9. ROBERT BORTEN Robert Borten 630 7771
5209 SunGem Ct LV NV 89130
10. Elisa Mallegos 5304 Dana Springs way Elisa Mallegos
445-4715

NAME

ADDRESS

SIGNATURE

PHONE #

9

PHONE #

NAME ADDRESS SIGNATURE

1. Joseph Casey 6521 Rancho Santa Fe Dr 89130
6554225
2. Ari Falkner 5401 Dana Springs Way 89130
430-8965
3. Bert Lucas 5217 Dana Springs Way 89130
655 6223 Jeff Sawyer
4. Jim R Stuart 6500 Echo Crest Al. 89130
656-6507
5. Bill Miller 658-4730
6504 Echo Crest Ave.
6. Richard Vandenberg 658 4743 Richard Vandenberg
6512 Echo Crest Ave 89130
7. Sheryl Gardella 645-2177 Sheryl Gardella
6513 Echo Crest Ave 89130
8. Bruce Gardeila 645-2177 Bruce Gardeila
6513 Echo Crest Ave 89130
9. Scott Romo 429-0034 Scott Romo
10. William C Miller 6524 Echo Crest Ave
6505 Echo Crest Ave 89130
384-2268 William C Miller

1. MARK HETER Mark Heter
5305 REBECCA RD 89130 [702-655-1581]
2. SUE CAMPBELL Sue Campbell
5209 BLACK PORT CT. 89130 702-645-5486
3. NORMA ROEBKE Norma Roebke
5205 BLACK PORT CT 655-8034
4. LEROY ROEBKE Leroy Roebke
5205 BLACK PORT CT 655-8034
5. ELAINE MONTEIRO Elaine Monteiro
702-325-0622 15517 BOWERMAN WAY
6. DAMON EVANS Damon Evans
5204 BLACK PORT CT 211-9495
7. JOHN KELLEY John Kelley 655-6031
5212 BLACK PORT CT
8. DAVID BELCHER 645-1676
6611 W. HAMMER LN. David M Belcher
9. HERBERT SHANKS
6701 SNAKE RIVER AVE
10. LAUREN WRIGHT 702/8100270 (702) 515-1167
7734 Hidden Gazebo Las Vegas Lauren Wright

NAME

ADDRESS

SIGNATURE

PHONE #

1. WARREN L. WOODARD 1205 SMOKE KURY AV (Las Vegas)
NV 89130 (702) 58-3311

2. RONALD J. GARDNER 6716 Rio Grande Ct
LAS VEGAS, NV 89130 (702) 58-3311

3. BRYAN Sisson Bryan Sisson
6709 PAINTED CANYON CT,
LAS VEGAS, NV 89130

4. Linda Smith Linda Smith
6701 Painted Canyon Ct
LAS VEGAS, NV 89130

5. Denise & Perry Bell Denise Bell
6700 W Painted Canyon Ct 346-7451

6. Tiffany Hubbard
6708 Painted Canyon Ct
Las Vegas, NV 89130 951-7389

7. Dennis E. Evans Dennis E. Evans
6717 Painted Canyon Ct. 285-1520

8. Cindy Ferris Cindy Ferris
6717 Painted Canyon Court 498-7547

9. _____

10. _____

NAME ADDRESS SIGNATURE
PHONE #

1. MARK RODNEY 6808 Snake River Ave

702-296-7803

2. Ramona Woodard 6805 Snake River Ave

Ramona Woodard 658-3397

3. ~~CHARLES ADASZIK~~ 818-3726 ~~Charles Adaszik~~

~~702-203-619-770-0439~~

4. ~~Jerry Fank~~

383-0544

5. Shelley Fanchulik

6805 P.O. Sands Crt 383-0544

6. Terival D. Luck

6800 PAINTED CANYON Crt. 658-6545

7.

8.

9.

10.

NAME

ADDRESS

SIGNATURE

PHONE #

1. Mike + ELFRIEDE Leroy
4413 Port Breeze DR 89031 6557421
2. Karina Schacht
8909 Medicine Wheel Ave Las Vegas 89143
3. Julee + Steve Westlund ~~Julee Westlund~~
5308 Dana Springs Way 595-1892
4. John R. Hall ~~GP - 8481~~
5398 Vandenberg Ln. W. 89130
5. Lenna Vigoreaux ~~Lenna Vigoreaux~~
5400 W Cheyenne Ave #1092 Las Vegas NV 89108
6. Peberan Punion
7808 Sleeping Pink Ct Las Vegas 89143
7. Chase Diller 767-4296
8020 Nestled Vista 89128 Las Vegas, NV
8. Jhonna Diller 4655 N. Chieftain St.
Jhonna Diller L.V. NV 89129
9. _____
10. _____

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
<u>PHONE #</u>		

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: NOVEMBER 15, 2006

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

REZONING RELATED TO GPA-14304

ZON-14308 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 3.52 acres at 5300 North Rainbow Boulevard (APN 125-35-201-006), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL of R-2 (Medium Low Density Residential) Zoning

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

119

City Council Meeting

209

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest from Bruce Gardella and protest petition and letters with 208 signatures
6. Backup referenced from the 09-07-06 Planning Commission Meeting Item 14

Motion made by STEVEN D. ROSS to Approve subject to conditions

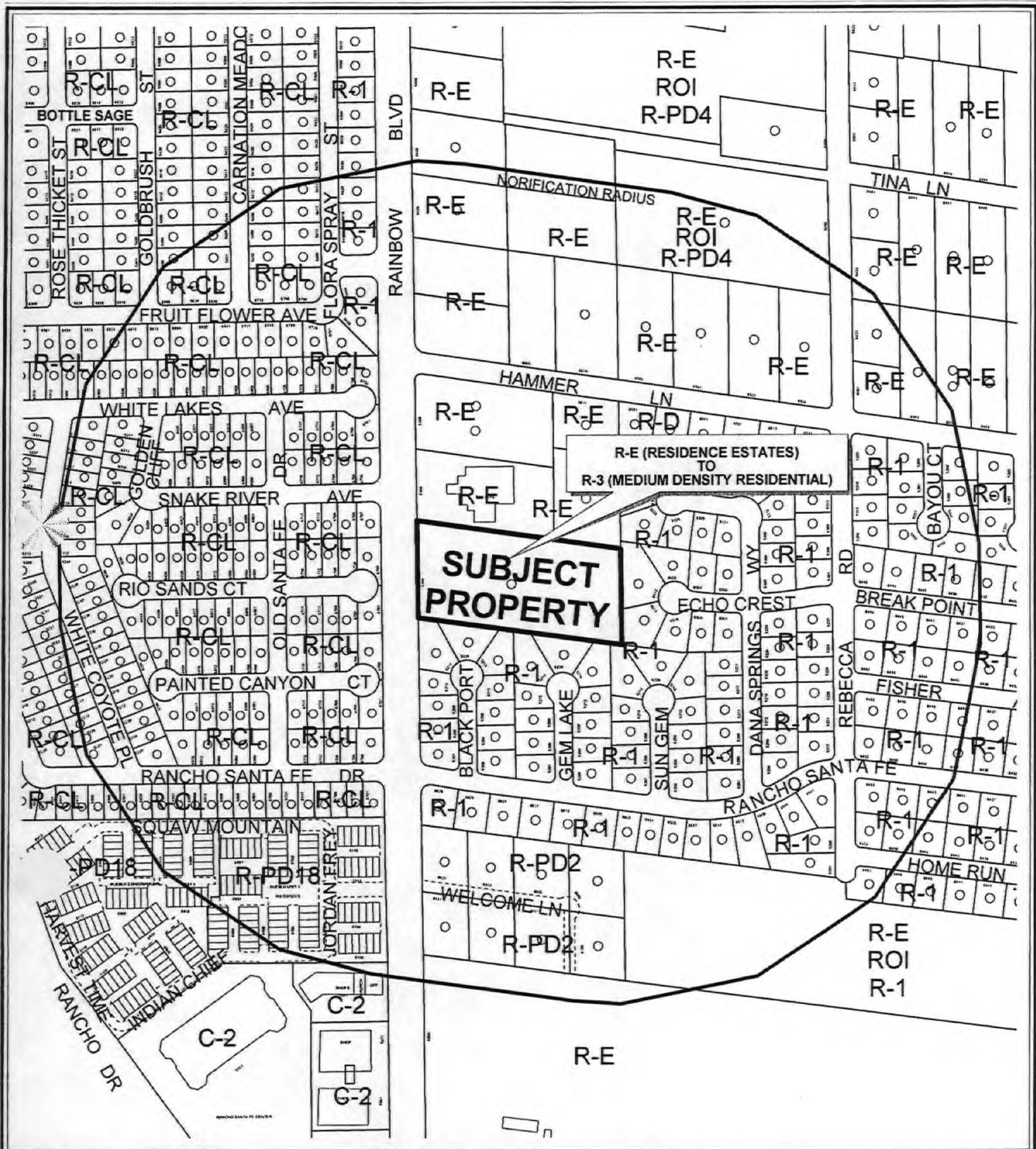
Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

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 abstained from voting on Items 82, 83 and 84, as he and ATTORNEY JAY BROWN own property on West Charleston Boulevard.

Minutes:

See Item 82 for related discussion.

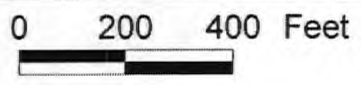


CASE: **ZON-14308**

RADIUS: 1000 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)





CASE: ZON-14308

RADIUS: 1000 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY: R-3 (MEDIUM DENSITY RESIDENTIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-14308 - APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN

THIS ITEM WAS HELD IN ABEYANCE FROM THE OCTOBER 4, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/se vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-14304) to a MLA (Medium Low Attached Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-14306) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.
4. Approval is from R-E TO R-2
5. Deed restriction within the CC&Rs shall be filed with the County Recorder that there shall be no rental of units within the first two years. The deed restriction shall be filed on each and every unit with the County Recorder. This restriction shall be enforced by the Homeowners' Association.

Public Works

9. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards 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.
10. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct

such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Rezoning from R-E (Residence Estates) to R-2 (Medium-Low Density Residential) on 3.52 acres at 5300 North Rainbow Boulevard.

EXECUTIVE SUMMARY

This Rezoning application is considered inappropriate for this location. The site is located in a Rural Preservation Overlay District. This permits a maximum of two units per acre. The proposed density is nearly six times greater than what is currently permitted on this site. The project is out of character with the neighborhood and denial of this request is recommended.

BACKGROUND INFORMATION

A) *Related Actions*

- 07/27/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Variance (VAR-14309) from residential adjacency requirements, and a Site Development Plan review (SDR-14306) for a proposed 68 unit condominium development were abeyed to the 08/24/06 Planning Commission in order for the applicant to redesign the project.
- 08/24/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Rezoning (ZON-14308) to change the zoning from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Variance (VAR-14309) from residential adjacency requirements were held in abeyance in order to submit revised plans for the project.
- 09/07/06 The Planning Commission recommended approval of companion item GPA-14304, withdrew without prejudice VAR-14309 and held in abeyance SDR-14306 concurrently with this application.
- 09/07/06 The Planning Commission voted 6-1/se to recommend APPROVAL (PC Agenda Item #14/ng).

B) Pre-Application Meeting

06/01/06 A pre-application meeting was held and elements of this proposed development were discussed.

C) Neighborhood Meetings

06/15/06 A neighborhood meeting was held regarding companion General Plan Amendment (GPA-14304). The meeting was held at 5:30 p.m. at the Santa Fe Casino. Two applicant representatives, two staff members, and 25 citizens were in attendance. The following concerns were noted:

- The proposed condominiums are inappropriate for the area; everything in the immediate vicinity is single-family residential.
- The Medium Density land use designation is much too dense for the area.
- The two-story buildings are inappropriate as everything else in the neighborhood is one story.
- The project doesn't have adequate side yard setbacks--10 feet isn't sufficient to separate a two-story multifamily building from a single-family residence.
- The two-story buildings will completely diminish views.
- The multifamily project will generate excessive traffic.
- The multifamily project will decrease property values. The type of people who live in apartments and condominiums will result in an increase in crime and do not belong in a single-family area.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.52

B) Existing Land Use

Subject Property: Single Family Residential (Proposed Condominium Development)

North: Single Family Residential
Commercial

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

C) Planned Land Use

Subject Property: R (Rural Density Residential) [Proposed MLA (Medium Low Attached Density Residential)]

North: R (Rural Density Residential)

South: L (Low Density Residential)
East: L (Low Density Residential)
West: ML (Medium Low Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates) [Proposed R-2 (Medium-Low Density Residential)]
North: R-E (Residence Estates)
South: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
West: R-CL (Single Family Compact-Lot)

E) General Plan Compliance

The subject property is currently designated as R (Rural Density Residential) under the Centennial Hills Sector Plan of the General Plan. The Rural Density Residential category is a rural or semi-rural environment with a lifestyle much like that of the Desert Rural, but with smaller allowable lot size. The R category permits up to 3.59 units per acre. The applicant has proposed a General Plan Amendment (GPA-14304) to be heard concurrently with the application that would amend the land-use designation to MLA (Medium Low Attached Density Residential). The Medium Low Attached Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low density apartments. The MLA category permits up to 12.49 units per acre. With approval of the proposed General Plan Amendment the site would be in compliance with the General Plan. It is noted that denial of the General Plan Amendment is recommended as the proposed MLA (Medium Low Attached Density Residential) designation is not compatible with the area.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District	X	
Airport 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

Airport Overlay District

The proposed development is located in the Airport Overlay District 200-foot height notification zone. The proposed development is two stories and approximately 34 feet tall; therefore no action is required on the part of the applicant.

Trails

A multi-use transportation trail is required along Rainbow Boulevard. The applicant has not provided for this and will be required to submit a revised landscape plan showing this trail. The trail requires a five-foot transition strip in the right-of-way, a ten-foot public transportation path, and a five-foot private landscaped corridor made up of shrubs, benches, and other amenities.

Rural Preservation Overlay District

The project is located in the Rural Preservation Overlay District (RPOD). The RPOD permits a maximum of two units per acre. While the portion of the development closest to Rainbow Boulevard is exempt from these requirements as it is within 330 feet of a right-of-way greater than 100 feet in width, the rear half of the development is not and should be required to meet the two units per acre maximum requirement. The proposed density is nearly six times what would typically be permitted in the RPOD.

F) Density

<i>EXISTING ZONING</i>	<i>PERMITTED DENSITY</i>	<i>PROPOSED ZONING</i>	<i>PERMITTED DENSITY</i>	<i>GENERAL PLAN</i>	<i>PERMITTED DENSITY</i>
R-E	2 du/ac	R-2	12.49 du/ac	MLA	12.49 du/ac

The proposed Rezoning would result in a density that is nearly six times greater (12.49 units per acre) than what is currently permitted on the site (3.59 units per acre in the R land use designation, which is actually required to be down to two units per acre due to the site being located in an RPOD). This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The actual proposed density (11.9 units per acre) is still larger than the property across Rainbow Boulevard. This is out of character with the area and is deemed inappropriate.

ANALYSIS

A) General Analysis and Discussion

The proposed project that initiates the need for this Rezoning is considered out of character with the area. As a whole the project requires too many deviations from standards and also a change of land use designation and zoning district. These changes are not minor. The rezoning would jump four categories from R-E (Residence Estates) to R-2 (Medium-Low Density Residential). This is considered too great of a change and the addition of a condominium development to an area that currently features one acre lots directly adjacent to the property is considered inappropriate.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The proposal does not conform to the General Plan as currently designated. The applicant has requested a General Plan Amendment (GPA-14304) to change the land-use designation to MLA (Medium Low Attached Density Residential). With approval of this application the project would conform to the General Plan. It is noted that denial of the General Plan Amendment is recommended as it is considered incompatible with the neighborhood.

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

The proposed condominium complex is located in a Rural Preservation Overlay District or (RPOD). The RPOD permits a maximum of two dwelling units per acre. While the portion of the development closest to Rainbow Boulevard is exempt from these requirements as it is within 330 feet of a right-of-way greater than 100 feet in width the rear half of the development is not and should be required to meet the two units per acre maximum requirement. Additionally the immediate area is single-family homes and this development would be out of character with the neighborhood. As this development does not meet the intent of the RPOD and is out of character with the neighborhood denial of this application is recommended.

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

Growth and development factors in the community do not indicate the need for this Rezoning. This type of development is best suited for a location further away from rural density single-family residential property. The rezoning is considered inappropriate for this location and denial of this request is recommended.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The site would gain access from Rainbow Boulevard a 100-foot Primary Arterial. The gated community would permit adequate stacking area. Site access and circulation would be adequate.

PLANNING COMMISSION ACTION

The Planning Commission added conditions #4 and 5.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 547 by Planning Dept

APPROVALS 0

PROTESTS 107



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-14308** APN: 125-35-201-006

Name of Property Owner: Bruce & Julie Khalilzadegan

Name of Applicant: Bruce & Julie Khalilzadegan

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: Bruce Khalilzadegan

Subscribed and sworn before me

This 12th day of June, 2006

Shawn Schrott
Notary Public in and for said County and State



R-CL ZONING

5300 N. Rainbow

8.24.06

**SQ. FTG. / PARKING CALCULATION**

PROJECT FOOTPRINT
SQUARE FOOTAGE: 42 UNITS (LOBBY S.F. EACH - TOTAL 45,696 S.F.
 TYPICAL UNIT - 2 BEDROOM / 2 BATH

TOTAL
PARKING REQUIRED: 2 BEDROOM UNIT - 1.75 SPACES PER UNIT
PLUS 1 SPACE FOR EVERY 6 UNITS
42 UNITS X 1.75 = 74 PARKING SPACES
42 UNITS / 6 = 7 SPACES
TOTAL PARKING SPACES REQUIRED = 81

PARKING PROVIDED: 11 SPACES
INCLUDES 6 HANDICAP SPACES
IN SETBACK LINE R-E ZONING

LOT INFO

APN NO. - 125-35-201-006

CURRENT CREDIT PLAN

CURRENT GENERAL PLANE
PROPOSED GENERAL PLANE

CURRENT ZONING:

CURRENT ZONING
PROPOSED ZONING

SITE AREA (EST.) :

DENSITY:

% OF LOT COVERED BY BUILDING:

% OF LOT 5

SETBACKS

FRONT:

RESIDENTIAL
NORTH END

**NORTH SIDE
(RESIDENTIAL)**

SOUTH SIDE

RESIDENTIAL

REAR:
RESIDENTIAL

RESIDENTIAL

R. GURAJI
M. MEDILIA

R-E

R-3

YIELD SE. = 3.52 ACRES

12 UNITS PER ACRE

ALLOWABLE PRO

NA

REQ'D.

$$20^{\circ}-0^{\circ}$$

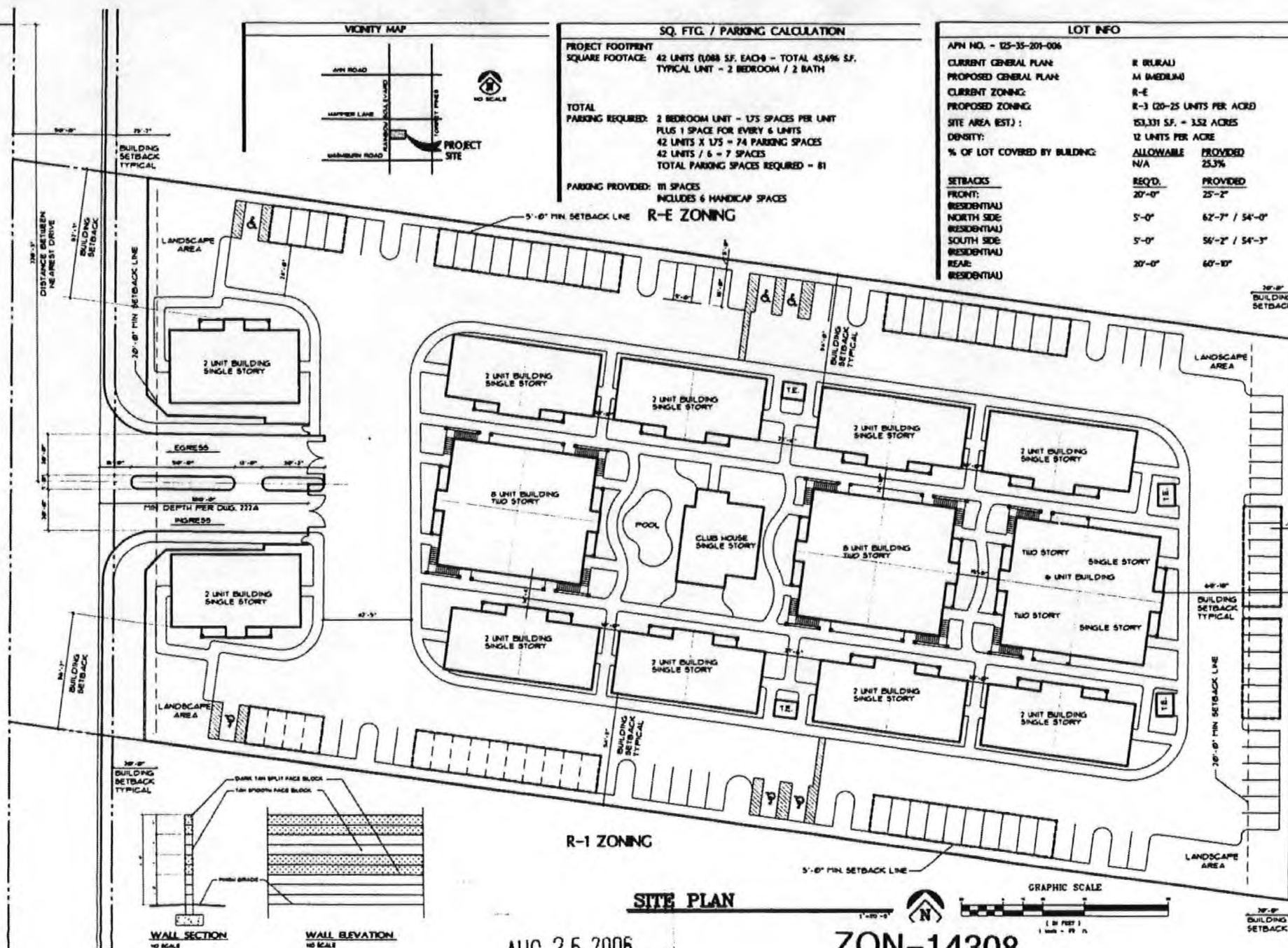
23

5-9

5-0

2004-05

20-0°



SITE PLAN

AUG 25 2006

ZON-14308
09/07/06 PC
REVISED

GENERAL NOTES

1. PROPER MAINTENANCE SHALL OCCUR FOR ALL TURF AREAS AND IRRIGATION SYSTEMS.
2. PER LAS VEGAS ZONING CODE CHAPTER 16.2 LANDSCAPE STANDARDS:
 11) 34" BOX TREE PER 50' O.C. + STREET SIDE.
 12) 34" BOX TREE PER 50' O.C. ON CURBS.
 PROVIDE LANDSCAPE ISLANDS FOR 6' PARKING SPACES AND AT THE END OF A ROW OF PARKING SPACES.
 PROVIDE (1) FIVE GALLON SHRUBS AND (1) ONE GALLON SHRUB PER 34" BOX AND 5 GALLON TREE PROVIDED.
3. SEE THE SITE PLAN FOR ADDITIONAL LANDSCAPED AREA DIMENSIONS.

SYMBOL	ETHICAL	BOTANICAL NAME	COMMON NAME	SIZE
○	LANDSCAPE	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	LANDSCAPE	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.
□	LAND	REFER TO DATA REQUIREMENTS		

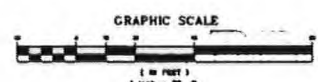
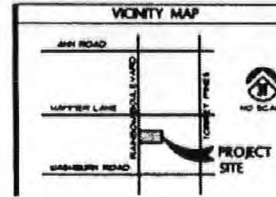
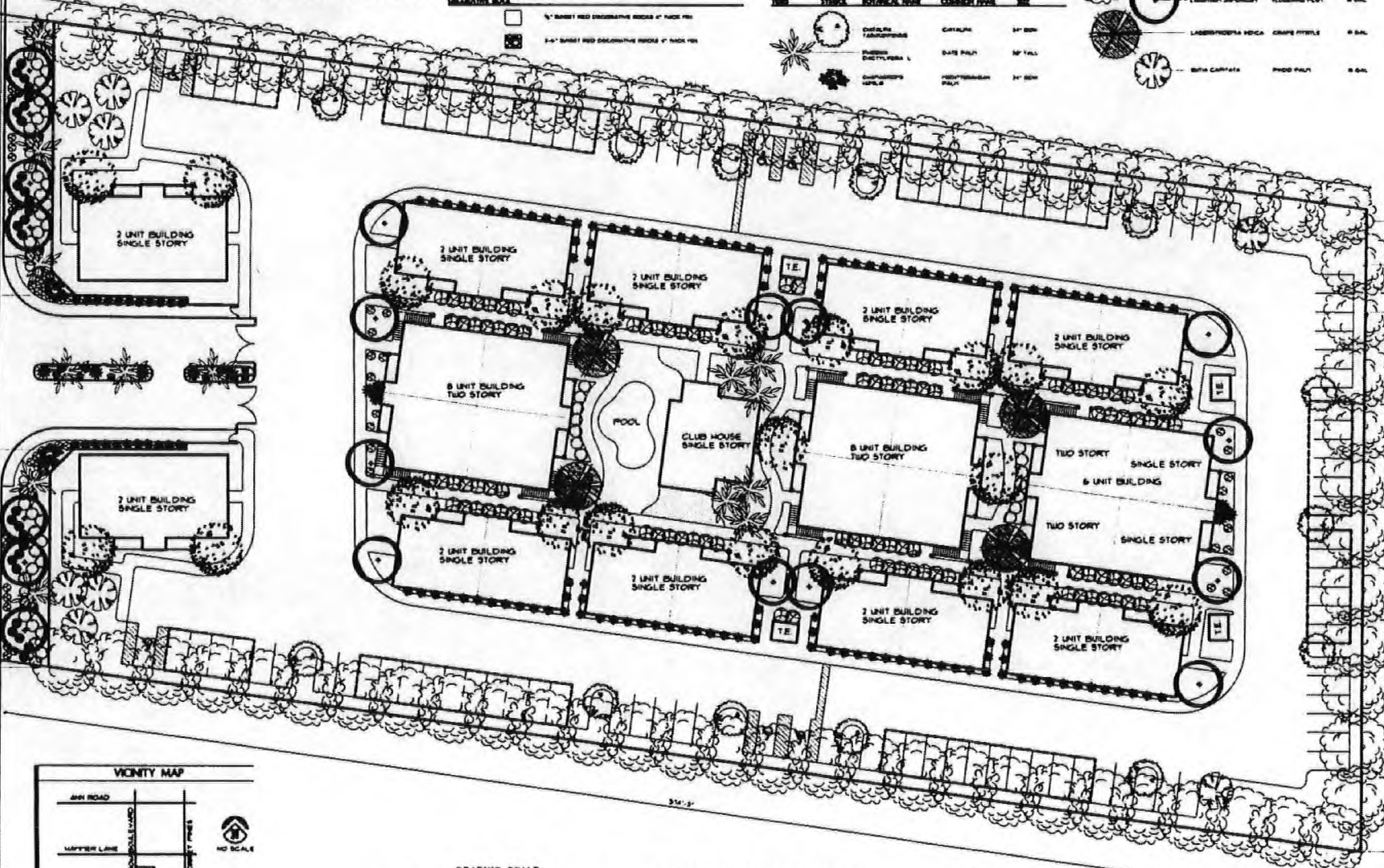
SYMBOL	ETHICAL	BOTANICAL NAME	COMMON NAME	SIZE
□	LAND	REFER TO DATA REQUIREMENTS		
□	LAND	REFER TO DATA REQUIREMENTS		

SYMBOL	ETHICAL	BOTANICAL NAME	COMMON NAME	SIZE
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.

SYMBOL	ETHICAL	BOTANICAL NAME	COMMON NAME	SIZE
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.

LANDSCAPE MATERIAL LEGEND

SYMBOL	ETHICAL	BOTANICAL NAME	COMMON NAME	SIZE
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	TRAILING HYDRANGEA	1 GAL.
○	HYDRANGEA	HYDRANGEA	SPREAD HYDRANGEA	1 GAL.



LANDSCAPING PLAN



AUG 25 2006

ZON-14308
 09/07/06 PC
 REVISED

5300 N. Rainbow

8.24.06

LAW OFFICE

Jay H. Brown, Ltd.

A PROFESSIONAL CORPORATION
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
EMAIL: jay@jhbrownltd.com

June 12, 2006

City of Las Vegas Planning & Development
731 South Fourth Street
Las Vegas, Nevada 89101

Re: Justification Letter
5300 N Rainbow Ave. APN #: 125-35-201-006

Gentlemen:

Please be advised that I represent Bruce and Julie Khalilzadegan with their applications for a General Plan Amendment, Site Development Plan Review, Rezoning and a Variance for the above mentioned location.

The proposed project will be a multi-family development of two story high condominiums which will require a Site Development Plan Review per Title 19.18.

Currently, the location is general planned Rural Density Residential which allows 3.59 units per acre. We wish to have 22 units per acre and therefore will require a general plan amendment to Medium Density Residential which allows 25.49 per acre. To keep the zoning consistent with the requested general plan amendment we are also requesting the zoning be changed from R-E (Residence Estate) to R-3 (Medium Density Residential).

Additionally, since the proposed location is adjacent to single family residential, a variance to allow multi-family residential is requested.

If you have any questions, please contact me or my assistant Shawn Schrott.

Very truly yours,


Jay H. Brown

JHB:ss

ZON-14308
07/27/06 PC

RECEIVED
JUN 13 2006

To: City Clerk

From: Bruce Gardella

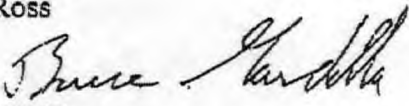
Attached is a letter to each member of the City Council for their review prior to the October 4 City Council meeting. I would appreciate your assistance in distributing it to the council members.

Attachment: 2 pages

RECEIVED
CITY CLERK

2006 SEP 19 A 10:50

To: Councilwoman Lois Tarkanian
Councilman Steve Wolfson
Mayor Pro Term Gary Reese
Councilman Larry Brown
Council Lawrence Weekly
Council Steven D. Ross

From: Bruce Gardella 
6513 Echo Crest Avenue
Las Vegas, NV 89130

Date: September 18, 2006

Re: GPA-14304 and ZON-14308

There are two applications to be brought before the City Council on the October 4 agenda. They are to amend the Master Plan (GPA-14304) to allow a zoning change and a zoning change from RE to R-3 (ZON-14308). The purpose of these applications is to allow condominium development on 3.52 acres located at 5300 North Rainbow Boulevard. The Planning Commission staff has recommended denial of these proposals. The Planning Commission has recommended approval.

This property directly abuts my residence and I am writing this letter to express my very strong opposition to these two applications.

The proposed development presented at two neighborhood meetings is a low-end condominium project that is not consistent with the Master Plan, does not fit with any of the adjacent developments and is inappropriate with all of the surrounding properties and developments.

In the last ten years that I have been in residence at this address the City Council has been very consistent in requiring all developments to be single story, single family residences on large lots in this neighborhood. Several developments have been required to increase the size of their lots and only single story structures have been allowed. We implore the City Council to be consistent in the requirements of the Master Plan and deny these proposed changes to the Master Plan and zoning.

This proposed development would increase the density from the present zoning by over 700%. The increase in density from the existing surrounding neighborhoods would be approximately 400%. All the agencies that rely on the Master Plan to plan our schools, roadways and infrastructure have certainly not planned for an increased density of 400% to 700%. If this project were approved, the City Council would be hard pressed to deny similar proposals in the future. This would result in a drastic overload to our already overloaded neighborhood schools, resulting in increased bussing of the children out of our area. The streets in the neighborhood, especially those surrounding the elementary school, already have too much traffic and will become a safety concern.

Any two-story structure built on this site will have a direct line of sight into my back yard, and that of my neighbors, removing all of the privacy from our residences.

We have a drainage channel that runs from the proposed project between my residence and my neighbor to the north. There are children that climb the block walls and walk the top of the wall along this drainage channel. This is not a frequent occurrence and we discourage it; however, with this development this will become a more frequent problem. This is a serious security and safety issue.

Page 2

September 18, 2006

There are many other problems with this proposed project too numerous to mention in this letter but in closing, please consider the following:

1. In the two neighborhood meetings held by the developer everyone in attendance strongly objected to both versions of this project.
2. A petition requesting denial of the applications was signed by over 100 residents of the surrounding area and presented to the Planning Commission.
3. No one at the neighborhood meeting or at the Planning Commission meeting spoke for approval or had anything positive to say about this project.
4. Approval of this low end, inappropriate project would reap profits for the developer who is not a resident of Las Vegas and result in a significant drop in the value of the surrounding property of the residences in this neighborhood.

Please deny these applications.

PETITION

We, the undersigned, disagree with the Planning Commission approval (09-07-06) of the items below and REQUEST THAT THE CITY COUNCIL DENY THESE ITEMS as they are not consistent with the Master Plan for this neighborhood of primarily rural designated density. We believe that the impact on schools and open space has not been addressed; therefore, we ask that a change in the Master Plan and zoning be denied for any increased density.

GPA-14304 - Request to amend a portion of the Centennial Hills Sector Plan of the Master Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL) on 3.52 acres at 5300 North Rainbow Boulevard.

ZON-14308 - REZONING RELATED TO GPA-14304 - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO R-3 MEDIUM DENSITY RESIDENTIAL) on 3.52 acre at 5300 North Rainbow Boulevard.

Protest

Print Name	Sign Name	Address	Date
Sheryl Gardella	Sheryl Gardella	6513 Echo Crest LV, NV	9-23-06
VICTOR SALAZAR	Victor Salazar	5200 Black Port CT LV, NV	9-23-06
Martha Moya	Martha Moya	5200 Black Port CT LV, NV	9-23-06
Damon Evans	Damon Evans	5204 Black Port CT LV, NV	9-23-06
Tom Zihel	Tom Zihel	6116 Lone Lone Cactus LV, NV	9-23-06
Rocky Becker	Rocky L. Becker	5217 Black Port CT LV, NV	9-23-06
Rich STEVENS	Rich Stevens	5216 BLACK PORT CT LV, NV	9-23-06
CANDICE BECKER	Candice Becker	5217 BLACK PORT CT LV, NV	9-23-06
Bill Miller	Bill Miller	6509 Echo Crest CT LV, NV	9-23-06
Sue Campbell	SUE CAMPBELL	5209 BLACK PORT CT LV, NV	9-23-06
William C Miller	WILLIAM C MILLER	6504 ECHO CREST AVE	9-23-06
Margaret Evans	Margaret Evans	5201 Black Port CT	9-23-06
JO O'Brien	JO O'Brien	6205 VERDE	9/23
Becky Gaudin	Becky Gaudin	5200 Gem Lake Ct	9/23
Jane Bock	Jane Bock	5212 Gem Lake Ct	9-23
Dary C Bock	Dary C Bock	5212 Gem Lake Ct	9/23
Diane Butler	Diane Butler	5217 Gem Lake Ct	9-23
Artiel Hernandez	Artiel Hernandez	5213 Gem Lake Ct	9/23
PAT ADNEY	PAT ADNEY	5209 GEM LAKE CT	9/23
MIAN ADNEY	MIAN ADNEY	" " " "	
ORI ASTIN	ORI ASTIN	6605 Rancho Santa Fe	9/2
MICHAEL TEUSKA	Michael Teuska	6601 RANCHO SANTA FE	9/2
S. Kagebein	S. Kagebein	5212 Sun Gem Ct	9-2

Submitted after final agency
Date 10/2/06 Item 8

RECEIVED

CITY CLERK

PETITION

We, the undersigned, disagree with the Planning Commission approval (09-07-06) of the items below and REQUEST THAT THE CITY COUNCIL DENY THESE ITEMS as they are not consistent with the Master Plan for this neighborhood of primarily rural designated density. We believe that the impact on schools and open space has not been addressed; therefore, we ask that a change in the Master Plan and zoning be denied for any increased density.

GPA-14304 - Request to amend a portion of the Centennial Hills Sector Plan of the Master Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL) on 3.52 acres at 5300 North Rainbow Boulevard.

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Print Name	Sign Name	Address	Date
Sharon Causse	Sharon Causse	6517 Rancho Santa Fe Dr	9/23/06
Jetta L. Simmons	Jetta L. Simmons	6505 Rancho Santa Fe Dr.	9/23/06
Audria G. Simmons	Audria G. Simmons	6505 Rancho Santa Fe Dr.	9-23-06
Angela Montoya	Angela Montoya	6501 Rancho Santa Fe	9-23-06
Louise Hilliard	Hilliard, Louise R	5208 - Dana Springs Way	9/23/06
Bernice Montoya	Bernice Montoya	5216 Dana Springs Way	9/23/06
Steve Springer	Steve Springer	5220 Dana Springs Way	9-23-06
Kevin Maschke	Kevin Maschke	5221 Dana Springs Way	9/23/06
MONA MASCHKE	MONA MASCHKE	5221 DANA SPRINGS W.	9/23/06
James F. Freese	JAMES F. FREESE	5213 DANA SPRINGS WAY	9-23-06
BRANDON J. Stillwell	Brandon J. Stillwell	5201 DANA SPRINGS WAY	9-23-06
Terry Hancock	Terry Hancock	6521 W. Hammer Ln	9/23/06
RIAN HICKS	Rian Hicks	6530 W. HAMMER	9-23-06
Christi Miller	Christi Miller	6509 Echo Crest Ave	9/23/06
Rick Butler	Rick Butler	6508 ECHO CREST	9-23-06
Christine DeGese	Christine DeGese	6611 W Hammer Ln	9-23-06
DAVID Belcher	David Belcher	6611 W. HAMMER LN	9-23-06
Agnes Belcher	Agnes Belcher	6611 W. Hammer Ln	9-23-06
Muriel Belcher	Muriel Belcher	6611 W. Hammer Ln	9/23/06
Walter H. Belcher	Walter H. Belcher	6611 West Hammer Ln	9/23/06
PETER D. ESSON	Peter D. Esson	6620 WELCOME LN LV, NV 89130	9/23/06
JEAN ESSON	Jean Esson	6620 Welcome Ln, LV, NV 89130	9/23/06
Stacie Howlett	Stacie Howlett	6621 Welcome Ln. 89130	9/23/06

PETITION

RECEIVED

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Print Name	Sign Name	Address	Date
Raymond Spoke	Raymond Spoke	6608 Welcome Ln	9/23
Stacey Lindman	Stacey Lindman	6611 Welcome Lane	9/23
Paul Lindman	Paul Lindman	6611 Welcome Lane	9-23
Proce H. Wells	Proce H. Wells	5237 Rebecca Rd.	9-23
Carol J. Ravich	Carol J. Ravich	5237 Rebecca Rd	9-23
Bennie R. Montoya	Bennie R. Montoya	6501 Rancho Santa Fe Dr.	9-23
Tisha L Ryan	Tisha L Ryan	5200 Black Pt Ct	9/23/06
Matthew Sicilian	Matthew Sicilian	5206 Black Pt Ct	9/23/06
Robert Testic	Robert Testic	6625 Rancho Santa Fe	9/23/06
Bobby Valdez	Bobby Valdez	6621 Rancho Santa Fe Dr.	9/23/06
Corey Valdez	Corey Valdez	6621 Rancho Santa Fe Dr.	9-23-06
Nate E. Martin	Nate E. Martin	6609 Rancho Santa Fe Dr.	9/23/06
Donald Heider	Donald Heider	5216 Gem Lake Ct	9/23/06
Holly Heider	Holly Heider	5216 Gem Lake Ct	9-23-06
Shelley Camilla	Shelley Camilla	5200 Gem Lake Ct	9/23/06
Mike Beyer	Mike Beyer	5201 Gem Lake Ct	9/23/06
Debbie Beyer	Debbie Beyer	5201 Gem Lake Ct	9/23/06
Cheri Kremenek	Cheri Kremenek	6525 Rancho Santa Fe Dr	9/23/06
LANCE KREMEK	LANCE KREMEK	6525 RANCHO SANTA FE	9/23/06
Marion Badger	MARION BADGER	5220 SUN Gem Ct.	9/23/06
Tamara Haddock	Tamara Haddock	5220 SUN Gem Ct	9-23-06
Lloyd Bartlett	Lloyd Bartlett	5200 DANA Springs Wy	9-23-06
Beverly Enriquez	Beverly Enriquez	6609 Pickford Ln	9-23-06

PETITION

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Print Name	Sign Name	Address	Date
Mr & Mrs Buttle	Richard & Regina Buttle	6508 Echo Crest Ave	9-23-06
Barbara Miller	Barbara C Miller	6504 Echo Crest Ave	9-23-06
BERT SNYDER	Bertha Snyder	6504 Echo Crest Ave	9-23-06
Mary T. Stuart	Mary T Stuart	6500 Echo Crest Ave	9-23-06
J & G GALLEGOS	Elisa Gallegos	5304 DANA SPRINGS WY	9-23-06
SHARON PLAGOR	Sharon Plager	5312 Dana Springs W.	9-23-06
RAY CORDREY	Ray Cordrey	5312 DANA SPRINGS W.	9-23-06
Marie Cordrey	Marie Cordrey	5312 Dana Springs Dr	9-23-06
GRADY DAVIS	Grady Davis	5316 DANA SPRINGS WAY	9-23-06
Robert Gorman	Robert Gorman	5320 Dana Springs way	9-23-06
ALBERTA BOOTH	Alberta Booth	5328 DANA SPRINGS WAY	9-23-06
Jason Buckholder	Jason Buckholder	5333 DANA SPRINGS WY	9-23-06
Leo Shaver	Leo J. Shaver	5224 DANA SPRINGS WAY	9-23-06
Sylvia Rowland	Sylvia Rowland	5301 Rebecca Rd	9-23-06
Brian Rowland	Brian Rowland	5301 Rebecca Rd	9-23-06
Trisha Mallory	Trisha Mallory	5301 Rebecca Rd	9-23-06
Crystal Stanley	Crystal Stanley	5308 Rebecca Rd	9-23-06
Paul L. Stanley	Paul L Stanley	5308 Rebecca Rd	9-23-06
POCITURNON	Pociturnon	5313 Rebecca Rd	9/23/06
ONETA MITCHELL	Oneta Mitchell	5312 REBECCA Rd	9/23/06
CAREY MITCHELL	Carey Mitchell	5312 REBECCA	9/23/06
JERRI LEWIS	Jerry Lewis	5320 Rebecca Rd	9/23/06
RONALD SEDMAN	Ronald Sedman	6513 West Hammer Lane	9/23/06

PETITION

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2006 OCT -2 P 1:37
CITY CLERK

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Print Name	Sign Name	Address	Date
P.J. Roadville	<i>P.J. Roadville</i>	6809 Fruit Flower Ave	9-27-06
J. M. ROADVILLE	<i>J.M. Roadville</i>	6809 FRUIT FLOWER AVE	9-27-06
Dexter Brewer	<i>D. Brewer</i>	5416 Flowering Bush CT	9-27-06
Kimberly Heyburn	<i>Kimberly Heyburn</i>	5412 Flowering Bush Ct.	9-27-06
Richard L. Hildre	<i>Richard L. Hildre</i>	5417 Flowering Bush Ct	9-27-06
Joe Sawicki	<i>Joe Sawicki</i>	5413 FLOWERING BUSH CT	9-27-06
Carlos Reed	<i>Carlos Reed</i>	6909 Fruit Flower Ave	9-27-06
JAMES Schlosser	<i>James Schlosser</i>	5401 Rose Thicket St	9/27/06
Jacob Dwyer	<i>Jacob Dwyer</i>	5401 Rose Thicket St.	9/27/06
Cindy Schlosser	<i>Cindy Schlosser</i>	5401 Rose Thicket	9/27/06
Ann Barclay	<i>Ann Barclay</i>	5412 Rose Thicket	9/27
ELUNDA DINTZMAN	<i>Elunda Dintzman</i>	5416 ROSE THICKET ST	9/27
John Joines	<i>John Joines</i>	6905 Bottle Sage Ave	9/27
Caryl Crowthe	<i>Caryl Crowthe</i>	6820 Bottle Sage Ave	9/27
Julio Henriquez	<i>Julio Henriquez</i>	6821 Bottle Sage Ave	9/27
Ermy Almont	<i>Ermy Almont</i>	6817 Bottle Sage Ave	9/27
Chris Page	<i>Chris Page</i>	6812 Bot He. Sage Ave	9/27
JASON LAWRENCE	<i>Jason Lawrence</i>	5508 ROSE THICKET ST	9/27
Glenda Moodyman	<i>Glenda Moodyman</i>	5517 ROSE THICKET ST.	9-27
MARIA C. HAAR	<i>Maria C. Haar</i>	5525 ROSE THICKET ST.	9-27
Ermy Seaborg	<i>Ermy Seaborg</i>	5528 Rose Thicket St	9/27
NANCY CONLEY	<i>Nancy Conley</i>	6829 FRUIT FLOWER AVE	9-27
Tobin Conley	<i>Tobin Conley</i>	6829 FRUIT Flower Ave	9-27

PETITION

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Print Name	Sign Name	Address	Date
KIM WALKER		5324 WHITE COYOTE	9/22/06
EVELYN CRAIK		5324 WHITE COYOTE PL	9/22/06
Jay Francisco		5525 Green Willow St	9/23/06
SHARON HUSTON		5328 WHITE COYOTE	9/27/06
TORIA WOODSFORD		5340 White Coyote Pl.	9/28/06
Tom R. Barker		5325 White Coyote Pl.	9/28/06
Melinda Barker		5325 White Coyote Pl.	9/28/06
Reuben Thompson		5341 White Coyote PL	9/29/06
AARON GORDON		5320 White Coyote PL	9/29/06
Michael R. Goss		5323 White Coyote PL	9/29/06
Abigaille Fijolel		6912 White Lakes Ave	9/29/06
MARZENNA FIOLEL		6912 WHITE LAKES AVE	9/29/06
Pat White		6817 WHITE LAKES AVE	9/29/06
AT White		6817 WHITE LAKES AVE	9/29/06
Diana Benson		5312 White Coyote PL	10/1/06
Tim Bayman		5309 White Coyote PL	10-1-06
MICHELLE PRADS		5237 WHITE COYOTE PL	10/1/06
Roggy Fowler		5232 White Coyote Pl	10/1/06
JERRY WYPYSZCZAK		5241 White Coyote PL	
Julie Robner		5233 White Coyote	
Gilbert Montoya		5200 white coyote pl	10-1-06
Thomas Antler		5200 Standing Rock PL	
RONNIE KRUPP		5209 Standing Rock PL	

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Print Name	Sign Name	Address	Date
MARIA BUTIRAGUIZ	Maria Butiragui	6808 Fruit Flower Ave.	9/27/06
Tara Conklin	Tara Conklin	6824 fruit flower Ave	9/27/06
RUSSELL LEE	Russell Lee	6905 Fruit Flower Ave	9-28-06
Gwen Johnson	Gwen Johnson	6908 Fruit Flower Ave	9-28-06
Amy Blamhard	Amy Blamhard	5408 Flowering Bush	9/28/06
Jeri Cuny	Jeri Cuny	5409 Flowering Bush	9-28-06
Cheryl Giaromo	Cheryl Giaromo	5424 Goldbrush St.	9-28-06
JAMES GABEL	James Gabel	6804 FRUIT FLOWER AVE	9/28/06
Teresa Gabel	Teresa Gabel	6804 Fruit Flower Ave	9/28/06
Blanca Lemus	Blanca Lemus	6813 Fruit Flower Ave	9-29-06
GERALDINE ANDERSON	Geraldine Anderson	6817 Fruit Flower Ave	9/29/06
Marelin Barnes	Marelin Barnes	5417 Gold Brush St.	9/29/06
Nancy Alexander	N. Alexander	6812 Rose Petal Ave	9/29/06
ROBERTA STAMBAUGH	Roberta Stambaugh	5513 Green Willow St	9/29/06
GERALD V. LIEDER	Gerald V. Lied	6812 WHITE WAKES AVE	10/1/06

RECEIVED
CITY CLERK
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2006 OCT -2 P 1:37

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[illegible]

RECEIVED
CITY CLERK

TO: Councilwoman Lois Tarkanian
Councilman Steve Wolfson
Mayor Pro Tem Gary Reese
Councilman Larry Brown
Councilman Lawrence Weekly
Council Steven D. Ross

2006 OCT -2 P 2: 22

FROM: Sheryl Gardella



DATE: October 2, 2006

RE: ZON-14308

Please vote for **DENIAL** of ZON-14308 (Agenda item #87) at the October 4 City Council meeting. **The Planning Commission Staff recommendation is DENIAL** and below are excerpts from their Analysis and Findings:

"The proposed Rezoning would result in a density that is nearly six times greater (12.49 units per acre) than what is currently permitted on the site (3.59 units per acre in the R land use designation, which is actually required to be down to two units per acre due to the site being located in an RPOD). This area is primarily single-family residential and the greatest density permitted in the immediate vicinity is 8.49 units per acre as part of the subdivision directly across Rainbow Boulevard. The actual proposed density (11.9 units per acre) is still larger than the property across Rainbow Boulevard. This is out of character with the area and is deemed inappropriate."

"Growth and development factors in the community do not indicate the need for this Rezoning. This type of development is best suited for a location further away from rural density single-family residential property. The rezoning is considered inappropriate for this location and denial of this request is recommended."

The people living in the surrounding neighborhoods do not want **any increased density** for this property and do not want a condominium development set right in the middle of their single-family residence developments.

The only entity that will gain anything from this project is the landowner/developer.

RECEIVED
CITY CLERK

TO: Councilwoman Lois Tarkanian
Councilman Steve Wolfson
Mayor Pro Tem Gary Reese
Councilman Larry Brown
Councilman Lawrence Weekly
Council Steven D. Ross

2006 OCT -2 P 2: 22

FROM: Sheryl Gardella



DATE: October 2, 2006

RE: GPA-14304

Please vote for **DENIAL** of GPA-14304 (Agenda item #86) at the October 4 City Council meeting. **The Planning Commission Staff recommendation is DENIAL** and below are excerpts from their Analysis and Findings:

"The proposed project that initiates the need for this General Plan Amendment is considered out of character with the area. As a whole, the project requires deviations from standards and also a change of land-use designation and zoning district. These changes are not minor. The land use designation would jump three categories from R (Rural Density Residential) to MLA (Medium Low Attached Density Residential). This is considered too great of a change and the addition of a condominium development to an area that currently features one-acre lots directly adjacent to the property is considered inappropriate."

"The density and intensity of the proposed General Plan Amendment is not compatible with the surrounding land use designations. The area is designated as R (Rural Density Residential), L (Low Density Residential) and ML (Medium - Low Density Residential). The greatest density of these is 8.49 units per acre. The proposed density is 12.49 units per acre. This is larger than any designation in the vicinity. This is not appropriate and denial is recommended."

The proposed condominium development includes two-story units which are not compatible with the surrounding properties which are **ALL ONE STORY** structures.

In addition, the proposed condominium development would also affect the already oversized classrooms at Ernest May Elementary School and increase traffic through the Confetti and Sportsman Park Developments.

STICK TO THE MASTER PLAN FOR THIS AREA WHICH IS WITHIN THE RURAL PRESERVATION OVERLAY DISTRICT.

**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**

Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101
July 17, 2006

To Whom It May Concern:

Please deny the rezoning request ZON 14308; the General Plan Amendment, GPA 14304; the Variance, GAR 14309; and the Site Development Plan Review, SDR 14306.

This area is zoned R-3 on the master plan and should not be changed to medium density. There is already too much traffic on Rainbow Road, too many houses to add 68 Condos to the area. We urge you to please deny these requests! Thank you.

Earl & Audney Somerville

Earl and Audney Somerville
6817 Painted Canyon Ct.
Las Vegas, NV 89130

P

17 July 2006

To: Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101

From: Richard Paul Vandenberg, Trustee
RPV Trust
6512 Echo Crest Ave.
Las Vegas Nevada, 89130

Re: Case: GPA-14304
SDR-14306
VAR-14309

I hereby strongly object to the proposed actions contained in the above referenced cases, and plan to attend the Planning Commission meeting set for 6:00 pm, July 27, 2006.

I purchased my property on July 1, 1996, Because the subdivision had R-1 zoning with only single story homes. It is a nice quiet area which will be harmed by multiple-family densities and multiple-car parking lots. My rear lot line is located entirely on the rear lot line of the referenced property. My neighbor to the south abuts the balance of the referenced property.
Multiple-family zoning should remain west of Rainbow Boulevard.

Sincerely,

A handwritten signature in cursive script, reading "Richard P. Vandenberg". The signature is written in dark ink and is positioned above the printed name.

Richard Paul Vandenberg, Trustee

P

5108 Back Street
Las Vegas, NV 89130-1809
17 July 2006

Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

Subject: Written Objections Related To:
GPA-14304
ZON-14308
SDR-14306
VAR-14309

Dear Sirs:

Thank you for the opportunity to file my written objections related to the proposed project at 5300 North Rainbow Boulevard (APN125-35-201-006) as described in GPA-14303, ZON-14308, SDR-14306, and VAR-14309.

I respectfully request you disapprove this project for the following reasons:

1. GPA-14304

- A. The surrounding area of this proposed project is comprised of single family residences located on large lots, some up to an acre in size.
- B. The homes adjacent and near this project are primarily single story homes. Multiple floor buildings would not be in keeping with the design of the area.
- C. Increasing the density of this area will put additional burdens on the local fire and police stations.
- D. There is a child care center immediately adjacent to the proposed project which could be adversely affected by increased traffic flow and noise in the area.
- E. Depending on which elementary school would be assigned to this project, the addition of 68 condominium units would add an additional burden on the already stressed local elementary schools of Joe Neal and Earnst May.
- F. The addition of 68 condominium units would significant increase the traffic flow along North Rainbow Boulevard including egress onto a road with a 45 mph speed limit in that area.
- G. The majority of the public, who attending the community meeting of 15 June 2006, at the Santa Fe Hotel & Casino, did not support this project.

P

Subject: Written Objections

- H. The project presenter stated the public comments would be submitted to the project developer and a future community meeting would be conducted to share new project designs, but apparently was not the intention.
- I. This proposed project does not fit the Centennial Hills Section of the Master Plan and will detract from the surrounding area.

2. ZON-14308

- A. Same as above.

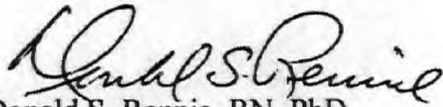
3. SDR-14306

- A. At the community meeting of 15 June 2006, at the Santa Fe Hotel & Casino, the project presenter did not mention to the attending public that there would be any requests for waivers of the required perimeter landscape buffer. In fact, the project presenter emphasized the fact that there would be significant landscape buffers, particularly adjacent to the immediate properties to serve as a barrier between properties.
- B. Without landscape buffers, residents in the immediately adjacent properties to the proposed project will lose all aspects of privacy.

4. VAR-14309

- A. At the community meeting of 15 June 2006, at the Santa Fe Hotel & Casino, the project presenter did not mention to the attending public that there would be any requests for variances from the required setbacks. In fact, the project presenter emphasized the fact that there would be significant setbacks which would contribute to the maintenance of the privacy of the residents of the adjacent properties.
- B. Without proper setbacks, the privacy of the adjacent residential property owners will be significantly compromised.

Respectfully,


Donald S. Rennie, RN, PhD

P



The way it should be

July 26, 2006

City of Las Vegas
Planning & Development Department
Current Planning Division
Flinn Fagg, Manager

In re: Objection to GPA-14304, ZON-14308 and VAR-14309 and SDR-14306

Dear City Personnel:

As the property owner of 18.66 gross acres located at the southwest corner of Ann Road and Rebecca, PN II, Inc, dba Pulte Homes Las Vegas, formally **objects** to the aforementioned zoning applications.

As the City knows, Pulte was recently approved to build 78 detached single family homes on 18.66 gross acres just north of the applicant's proposed site at a density of 4.11 dwelling units per acre.

The applicant's property currently resides in a RE district which allows a maximum density of 3.59 dwelling units per acre. The proposed 68 condominiums would create density exceeding 19 units per acre: almost five times the density that was recently awarded to the Pulte community just north.

Pulte seriously questions the merit or value of this proposed project insofar as it significantly challenges the rural aspects of the area and fails to maintain the larger detached home feel of the entire corridor. At minimum, the applicant's density must be significantly reduced to a level more in keeping with the existing area.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Craig Cherney".

Craig Cherney, esq.
Pulte Homes Las Vegas
702-914-3035 phone
702-914-4997 fax

July 26, 2006

VIA FACSIMILE
702-474-0352

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

Re: Zoning Case Numbers: GPA-14304, ZON-14309, and SDR-14306

Dear Commissioners:

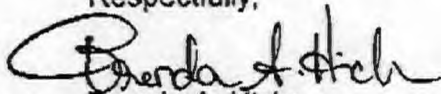
I am contacting you regarding the above referenced zoning case numbers as I reside at 6550 West Hammer Lane. I am speaking out to voice my opposition for the proposed condominium project associated with these case numbers, and ask that you accept this letter as my formal objection to this project.

This project falls within the boundary of the recently adopted Rural Neighborhood Preserve and feel this project is way to dense for the surrounding area that is currently zoned RE. I furthermore more feel that the request to encroach on the existing development by allowing a setback waiver, of 10-foot sides and 23-rear yard where the Code requires 87 feet, is inappropriate for the area. It is also my concern that the increased traffic would negatively impact the area as well.

I would however support a project that did not have such a high density on the 3.52 acres. I would support a project that more closely resembles the development surrounding the area. I understand that land is at a premium and that development is inevitable, but don't feel a density of 19.31 du/acre, in this case is beneficial.

Thank you for your consideration of my request.

Respectfully,



Brenda A. Hicks
Homeowner
702.655.5874

R

34-37
P

July 19, 2006

Planning and Development Department
Current Planning Division

Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

RECEIVED

JUL 25 4 10 PM '06

PLANNING AND
DEVELOPMENT

Subject: Applications for: Rezoning ZON-14308
General Plan Amendment GPA-14304
Variance-14309
Site Development Plan Review SDR-14306

My wife and I own and reside at 6513 Echo Crest Avenue and our property is directly adjacent to the property at 5300 Rainbow Blvd for which the subject applications were made.

We appreciate and agree with the recommendation for denial made by the Current Planning Division Staff for these applications.

We further wish to state our strenuous objection to any consideration of approval of any of these subject applications. It is our understanding that the applications are for a 68 multi-story condominium development, without garages, to be positioned around the exterior of the property.

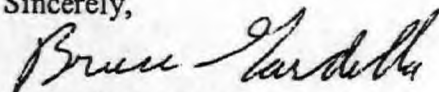
We object for the following reasons:

- 1) Single-family residences that are zoned as R-1 or R-E surround this property. This proposed development is not consistent with the existing residential neighborhood or the master plan for development.
- 2) All present property owners will experience a substantial loss in the value of their residences if this proposed development is allowed to proceed.
- 3) All planning of the infrastructure is based on the master plan for development. If high-density developments like this are allowed, all services will be overloaded including all utility services, roadways, schools, police and fire protection and health services. The growth in this area has already overloaded our schools, hospital emergency rooms and the water system. The roadways in these neighborhoods were not designed to take this kind of high-density development.
- 4) All of the existing residences adjacent to this proposed development in my area have spent considerable time and monies in the improvement of their properties by installing pools, patios and landscaping. We will lose our privacy in our own back yards if this multi-story development is allowed.
- 5) The Planning Commission has a history of denying any rezoning or variances not consistent with a minimum of R-1 zoning for all prior developments.

Finally all other residences in the area would experience a large financial loss and a lower quality of life if these applications were approved.

We wish to thank the staff for their recommendation of denial for all these applications and express our desire that the Planning Commission follow the staff recommendations.

Sincerely,



Bruce R. Gardella



Bruce Gardella
6513 Echo Crest Ave
Las Vegas, NV 89130

ITEM # 34-37 R
CASE # _____
PC MTG 7.27.06 P

CC: Steven D. Ross, Ward 6 Councilman

We the residents signed below are opposed to the following item listed below. We feel that this is not compatible with the area and the density does not comply with the master plan. The variance does not follow the guidelines set before us established by the Las Vegas city codes that have been adopted. The following item is set to be heard before the Planning Commission on July 27th. We believe that our voice needs to be heard.

GPA-14304, ZON-14308, VAR-14309 & SDR-14306

APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN

Request to amend a portion of the Centennial Hills Sector Plan of the Master

Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL)

on 3.52 acres at 5300 North Rainbow Boulevard.

Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL)

Request for a Variance TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 10 FEET

IN THE SIDE YARD AREA AND 23 FEET IN THE REAR YARD WHERE 87 FEET IS THE MINIMUM SETBACK REQUIRED

Request for a Site Development Plan Review FOR A PROPOSED 68-UNIT CONDOMINIUM DEVELOPMENT AND A WAIVER OF PERIMETER LANDSCAPE BUFFER REQUIREMENTS.

Name
Phone #

Address

Signature

1. Rich Stevens
Linda J. Stevens 5216 Blackport Ct 89130
655-1555

2. Tisha & MATTHEW SICILIANO 5208 Blackport Court 89130
Jim & Tisha

3. Rocky & Candace Becken 5217 Black Port Ct
645-0577 Candace Becken Rocky Becken

4. Suzanne & Peter Merelli 5208 Black Port Ct
399-8905

5. Victor & Martha Salazar 5200 Black Port Court 89130
638-2826

ITEM # 34.37

CASE #

PC MTG 7.27.06

1. Regina Butler 6508 Echo Crest Ave
Regina Butler
2. Misti Miller 6509 Echo Crest Ave.
Misti Miller
3. Mary Stuart 6500 Echo Crest Ave
Mary Stuart
4. Jeff Wain 6499 Buckport
Jeff Wain
5. Carol Nicholson 5233 REBECCA Rd. 89130
Carol Nicholson
6. CAREY MITCHELL 5312 REBECCA RD
Carey C. Mitchell
7. JAMIE LEWIS 5320 REBECCA RD
Jamie Lewis
8. SERGE G. MILLER 6441 Rancho Santa Fe
Serge Miller
9. DAVID REYES 6437 Rancho Santa Fe
David Reyes
10. RICK VIETHS 6428 RANCHO SANTA FE
Rick Vieth

NAME

ADDRESS

SIGNATURE

PHONE #

1. MARION EDRAVIN 5325 DANA SPRINGS WAY, LAS VEGAS NV 8913
Marion E. Edra
2. Cynthia K Randall 5333 Dana Springs Way LV. NV 89130
Cynthia K Randall
3. Susan Gain 5336 Dana Springs way U.N. 8913
Susan G
4. William Gain 5336 Dana Springs way U.N.
William Gain
5. Kewin Naschko 5221 DANA SPRINGS Way LV, NV 89130
Kewin Naschko
6. Leo Shaver 5224 DANA SPRINGS way LV NV 89130
Leo J. Shaver
7. Leona Kellard 5208 Dana Springs Way
Leona
8. Sherri Aragon 5228 Dana Springs, LV NV 89130
Sherri A
9. BERNA PISZKIN 6501 ECHO CREST AVE 89130
Berna Piskin
10. Barbara Miller 6504 Echo Crest Ave 8913
Barbara C. Miller

NAME

ADDRESS

SIGNATURE

PHONE #

1. Robert T Gorman 5320 Dana Springs Way.
Robt Gorman

2. ZENOBIA WATSON 5321 DANA SPRINGS WAY
Zenobia Watson

3. Mark Short 5329 Dana Springs Way
MARK SHORT

4. JASON BURKHOLDER 5333 Dana Springs way
Jason Burkholder

5. Sharon Plager 5312 Dana Springs way
Sharon Plager

6. MARIE CORDRET 5312 Dana Springs way
Mari Cordrey

7. RAY CORDRET 5312 Dana Springs
Ray Cordrey

8. TAMARA Short 5329 Dana Springs way
Tamara Short

9. Jamela Holmes 5324 Dana Springs Way
Jamela Holmes

10. Darwin Holmes 5324 Dana Springs Way
Darwin Holmes

NAME ADDRESS SIGNATURE

PHONE #

1. ~~Julie Westlund~~ 5308 Dana Springs Way
Julie Westlund 395-1892
2. ~~Steve Westlund~~ 5308 Dana Springs Way
Steve Westlund
3. Kristen Boehler 5316 Dana Springs Way
Kristen Boehler 365-7458
4. GRADY DAVIS 5316 DANA SPRINGS WAY
Grady Davis - 683-5161
5. Donald Heider 5316 Gem Lake Ct 655-0178
6. CARMELA LO CASCIO 702 645 6132
6700 SNAKE RIVER AVE 89130 Carmela Placer
7. JEAN SHEPHERD Jean Shepherd 702-655-7981
6705 Snake River Ave.
8. PAUL TUCK Paul Tuck
6708 SNAKE RIVER AVE 278-0862
9. JOE LESKO Joe Lesko
6800 SNAKE RIVER 658-0687
10. MARTIN & HEATHER GRIMES
6716 Snake River 658-8094 *Martin & Heather*

NAME

ADDRESS

SIGNATURE

PHONE #

- (702) 449-0676.
1. Maria Borabona Maria Borabona
5213 Sun Gem Ct. Las Vegas NV 89130
 2. Mary Goodspeed Mary Goodspeed 655 6094
5217 Sun Gem Ct. Las Vegas NV 89130
 3. MARION BADGER 655-2726
5220 Sun Gem Ct. L.V. Nev. Marion Badger
 4. T.J. Kagebein 515-1356
5212 Sun Gem Ct. L.V. NV T.J. Kagebein
 5. Karl Kagebein
5212 Sun Gem Ct. LV NV 89130 ⁵¹⁵⁻¹³⁵⁶ Thi. Kagebein
 6. Cathalina Baugh 395-5902
5204 Sun Gem Ct. L.V. NV 89130 273-0003
 7. Leslie Balemah 5200 SW Gen Ct
Leslie Balemah
 8. Jeanette Wilhelm Jeanette Wilhelm 234-4905
5908 Old Ridge Rd. N.L.V. 89031
 9. Linda Bearden Linda Bearden 878-9364
5208 Sun Gem Ct. L.V. NV 89130
 10. Jim Bearden Jim Bearden
5208 Sun Gem Ct. L.V. 89130

NAME	ADDRESS	SIGNATURE
PHONE #		

James EVANS

James E. Co.

Margaree EVANS - 5201 Blackport Ct. Margaree E.

2. Rob Jr 6625 Rancho Santa Fe
232-9236 Robert Jestic
Rob Jr

3. Lynne Erickson 6617 Rancho Santa Fe Lynne & Erickson
656-7270 89130

4. Mike Beya 5201 Gem Lake Court Mike Beya
396-4908

5. Maureen K. Patridge 5205 Gem Lake Ct
727-656-6887

6. RAY + VICKIE ADNEY 5209 Gem Lake
233-1274 Vickie Las Vegas 89130

7. Bill Butler 5217 Gem Lake Ct. Wellsville
656-1491

8. Shelley Camillo 5220 Gem Lake Ct. LV NV 89130
227-4530 Shelley Camillo

9. RALPH KELLY 5208 GEM LAKE CT. L.V. NV 89130
656-1441 Ralph Kelly

10. JEANANNE KELLY 5208 GEM LAKE CT. L.V. NV. 89130
656-1441 Jeannane Kelly

NAME

ADDRESS

SIGNATURE

PHONE #

1. Kelly Roberts 5200 Gem Lake.
218-9532 Kelly R.
2. Glenda Hall 2398 N. Rainbow Blvd. Glendale Hill.
658-8481
3. Sommer Diller 5348 N. Rainbow Blvd.
645-6062
4. J. GALANGA = 6401 W. HAMMER LN
LV. NV. 89130 - 598-3712 / 355-0205
5. Raymond, L. Nitz 6551 W. Hammer Ln. Raymond L. Nitz
Las Vegas Nev. 89130 702-871-7772
6. Stanley Venesky 5213 Blackport Ct Stanley
396-6064
7. ARENO SCHOULTER ARENO
6613 RANCHO SANTA FE 89130 528-5375
8. Jennifer Figueroa 325-5212
5209 SunGem Ct., Las Vegas NV 89130
9. ROBERT BOLTEN Robert Bolt 630 7771
5209 SUN. GEM CT LV NV 89130
10. Elia Mallegos 5304 Dana Springs way
445-4715

NAME

ADDRESS

SIGNATURE

PHONE #

1. JOSEPH CASEY 6521 RANCHO SANTA FE DR 89130
6554225
2. Jori Faulkner 5201 Dana Springs Way 89130
430-8965
3. Bert Lucas 5217 Dana Springs Way 89130
655 6223 Bert Lucas JR.
4. Jim R Stuart 6500 Echo Crest Av. 89130
Jim R Stuart 656-6507
5. Bill Miller 658-4730
6504 Echo Crest Ave.
6. Richard Vandenberg 658 4743 Richard Vandenberg
6512 Echo Crest Ave 89130
7. Sheryl Gardella 645-2177 Sheryl Gardella
6513 Echo Crest Ave 89130
8. Bruce Gardella 645-2177 Bruce Gardella
6513 Echo Crest Ave 89130
9. Scott Romren 429-0034 Scott R.
6505 Echo Crest Ave LUNV 89130
10. WILLIAM C MILLER 6584 Echo Crest Ave
384-2268 William C Miller

NAME

ADDRESS

SIGNATURE

PHONE #

1. MARK HETER Mark Heter
5305 REBECCA RD 89130 [702-655-1581]
2. SUE CAMPBELL Sue Campbell
5209 BLACK FORT CT. 89130 702-645-5486
3. NORMA ROEBKE Norma Roebke
5205 BLACK FORT CT 655-8034
4. LEROY H. ROEBKE Leroy H. Roebke
5205 BLACK FORT CT 655-8034
5. ELAINE MONTEIRO Elaine Monteiro
702-325-0622 15517 BOWERMAN WAY
6. DANNON EVANS Dannon Evans
5204 BLACK FORT CT 277-9495
7. JOHN R. KELLEY John R. Kelley 655-6031
5212 BLACK FORT CT
8. DAVID BELCHER 645-1676
6611 W. HAMMER LN. David M. Belcher
9. HERBERT W. SHANKS
6701 S. LAKE RIVER AVE
10. LAUREN WRIGHT 702/8100270 (602) 515-1467
7734 Hidden Gazebo Las Vegas Lauren Wright

NAME ADDRESS SIGNATURE

PHONE #

1. WARREN L. WOODARD 1205 SMOKE KURY AV (Las Vegas)
NV 89130 (702) 628-3311

2. RONALD J. GARDNER 6716 Rio Grande Ct, Las Vegas, NV 89130
Rm 40

3. BRYAN Sisson Bryan Sisson
6709 PAINTED CANYON CT,
LAS VEGAS, NV 89130

4. LINDA Smith Linda Smith
6701 Painted Canyon Ct
Las Vegas, NV 89130

5. Denise & Perry Bell Denise Bell
6700 W Painted Canyon Ct 346-7415

6. Tiffany Hubbard
6708 Painted Canyon Ct
Las Vegas, NV 89130 951-7389

7. Dennis E. Evans Dennis E. Evans
6717 Painted Canyon Ct. 285-1520

8. Cindy Ferris Cindy Ferris
6717 Painted Canyon Court 498-7547

9. _____

10. _____

NAME ADDRESS SIGNATURE

PHONE #

1. MARK RODNEY 6808 Snake River Ave

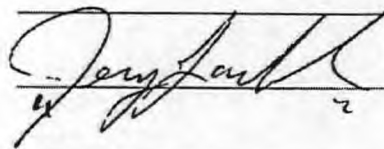
202-296-7803

2. Samona Woodard 6805 Snake River Ave

Samona Woodard 658-3397

3. ~~CHARLES ADASZIK~~ 818-3726 Charles Adaszik

~~702-202-619-770-0439~~

4. 

383-0544

5. Shelley Fancher

6805 D.J. Sands Ct 383-0544

6. Terri D. Luck

6800 PAINTED CANYON Crt. 658-6545

7.

8.

9.

10.

NAME

ADDRESS

SIGNATURE

PHONE #

1. Mike + ELFRIEDE LeRoy
4413 Port Breeze Dr 89031 6557421
2. Karina Schacht
8909 Medicine Wheel Ave Las Vegas 89143
3. Julee + Steve Westlund ~~Julee Westlund~~
5308 Dana Springs Way 505-1892
4. John R. Hall ~~GP - 8491~~
5398 Wadsworth, L.V. NV 89130
5. Kenna Vigoreaux ~~Kenna Vigoreaux~~
5400 W Cheyenne Ave H 1092 Las Vegas NV 89108
6. Peberan Punion
7808 Sleeping Pine Ct Las Vegas 89143
7. Chase Diller 767-4296
8020 Nestled Vista 89128 Las Vegas, NV
8. Jhonna Diller 4655 N. Chieftain St.
Jhonna Diller L.V. NV 89129
9. _____
10. _____

NAME

ADDRESS

SIGNATURE

PHONE #