CITY OF LAS VEGAS

1700 N. GRAND AVE. • LAS VEGAS, NEW MEXICO 87701-4731 • 505-454-1401 • FAX: 505-425-7335

ALFONSO E. ORTIZ, JR.
Mayor

CITY OF LAS VEGAS
SPECIAL CITY COUNCIL AGENDA
May 7, 2014–Wednesday– 5:00 p.m.
City Council Chambers
1700 N. Grand Ave

(The City Council shall act as the Housing Authority Board of Commissioners on any matters on the Agenda concerning the Housing Department.)

I. **CALL TO ORDER**

II. **ROLL CALL**

III. **PLEDGE OF ALLEGIANCE**

IV. **MOMENT OF SILENCE**

V. **APPROVAL OF AGENDA**

VI. **PUBLIC INPUT (not to exceed 3 minutes per person)**

VII. **BUSINESS ITEMS**

1. Conduct a Public Hearing and Approval/Disapproval of Ordinance 14-03 repealing condition #2 of Ordinance 07-26 adopted on December 5, 2007 and granted to Carlos M. Lopez on the rezoning of the tract of land located at the Northeast corner of 7th Street and Airway Road.

   Lucas Marquez, Interim Community Development Director On March 31, 2014 the Las Vegas Planning and Zoning Commission considered a letter of request submitted by Gladiator Properties #3 LLC in agreement with property owner Carlos Lopez requesting that stipulated condition #2 of Ordinance 7-26 approved in 2007 be repealed. The Planning & Zoning Commission voted to forward the petition to the Governing Body with a recommendation to repeal Condition #2 of Ordinance 07-26 and enact Ordinance 14-03 in its replacement. On April 9, 2014 residents of Parkview Street & Airway Rd. filed an appeal with the City Clerk objecting to Gladiator Properties #3LLC proposed construction of

TONITA GURULE-GIRON Councilor, Ward 1 | **VINCE HOWELL** Councilor, Ward 2 | **JOSEPH "JOEY" HERRERA** Councilor, Ward 3 | **DAVID L. ROMERO** Councilor, Ward 4

entrance and exit driveways off of Airway Road to the proposed Little Caesars Pizza restaurant site.

VIII. EXECUTIVE SESSION

THE COUNCIL MAY CONVENE INTO EXECUTIVE SESSION IF SUBJECT MATTER OF ISSUES ARE EXEMPT FROM THE OPEN MEETINGS REQUIREMENT UNDER § (H) OF THE OPEN MEETINGS ACT.

A. **Personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978.**

B. **Matters subject to the attorney client privilege pertaining to threatened or pending litigation in which the City of Las Vegas is or may become a participant, as permitted by Section 10-15-1 (H) (7) of the New Mexico Open Meetings Act, NMSA 1978.**

C. **Matters pertaining to the discussion of the sale and acquisition of real property, as permitted by Section 10-15-1 (H) (8) of the Open Meetings Act, NMSA 1978.**

IX. ADJOURN

ATTENTION PERSONS WITH DISABILITES: The meeting room and facilities are accessible to persons with mobility disabilities. If you plan to attend the meeting and will need an auxiliary aid or service, please contact the City Clerk's Office prior to the meeting so that arrangements may be made.
ATTENTION PERSONS ATTENDING COUNCIL MEETING: By entering the City Chambers, you consent to photography, audio recording, video recording and its/their use for inclusion on the City of Las Vegas Web-site, and to be televised on Comcast.

NOTE: A final agenda will be posted 72 hours prior to the meeting. Copies of the Agenda may be obtained from City Hall, Office if the City Clerk, 1700 N. Grand Avenue, Las Vegas, N.M 87701

CITY COUNCIL MEETING AGENDA REQUEST

DATE: 4-25-14 DEPT: Community Development MEETING DATE: 5-7-14

ITEM/TOPIC Ordinance 14-03 repealing Condition#2 of Ordinance 07-26 adopted in 2007 granted to Carlos Lopez on the rezoning of the tract of land located at the northeast corner of 7th Street and Airway Road.

ACTION REQUESTED OF COUNCIL: Conduct a public hearing and Approval/Disapproval of Ordinance #14-03 repealing Condition#2 of Ordinance 07-26 approved by Council in 2007 and granted to Mr. Carlos Lopez on the rezoning of his property at 604 Airway Road.

BACKGROUND/RATIONALE: On March 31, 2014 the Las Vegas Planning and Zoning Commission considered a letter of request submitted by Gladiator Properties #3 LLC in agreement with property owner Carlos Lopez requesting that stipulated Condition #2 of Ordinance 07-26 approved in 2007 be repealed. As a result of opposition at the 2007 P&Z meeting by certain Parkview and Airway Rd residents the Planning & Zoning Commission imposed the condition which was later ratified by the City Council stipulating that a two (2) foot wall be built along the southerly property line of the (vacant) lot at the NE Corner of 7th Street & Airway Road eliminating access entrance and exit driveways into the site from Airway Road, thus doing away with traffic on said Airway which would be generated by development of the subject site. At the March 31, 2014 meeting the Planning & Zoning Commission voted 2 ayes to 1 nay to forward the petition to the Governing Body with a recommendation to repeal Condition #2 of Ordinance 07-26 and enact Ordinance 14-03 in its replacement. However, on April 9th residents of Parkview Street & Airway Rd. filed an appeal with the City Clerk objecting to Gladiator Properties#3, LLC proposed construction of entrance and exit driveways off of Airway Road to the proposed Little Caesar's Pizza restaurant site.

STAFF RECOMMENDATION: Approval of amendment

COMMITTEE RECOMMENDATION: Planning and Zoning Commission on March 31, 2014 held a duly advertised public hearing and adopted a motion recommending Condtion#2 of Ordinance 07-26 be repealed.

THIS REQUEST FORM MUST BE SUBMITTED TO THE CITY MANAGER'S OFFICE NO LATER THAN 10:00 A.M. ON FRIDAY ONE AND A HALF WEEKS PRIOR TO THE CITY COUNCIL MEETING.

Lucas M.
SUBMITTER'S SIGNATURE

REVIEWED AND APPROVED BY:

Alfonso E. Ortiz Jr.
ALFONSO E. ORTIZ, JR.
MAYOR

ANN MARIE GALLEGOS
FINANCE DIRECTOR

Timothy P Dodge
TIMOTHY P. DODGE
CITY MANAGER

PURCHASING AGENT
(FOR BID AWARD ONLY)

DAVE ROMERO
CITY ATTORNEY
Approved as to Legal Sufficiency Only

CITY COUNCIL
RECORD PROPER

APPLICANT/PETITIONER.....**Gladiator Properties #3, LCC**
D.B.A. Little Caesar's Pizza

OWNER.....**Carlos Lopez**

LOCATION.....**N/F 604 Airway Road**

MEETING DATE.....**May 7, 2014**

ACTION REQUESTED

Uphold or Overturn the recommendation made by the Planning & Zoning Commission on March 31, 2014 to the City Council to repeal Condition #2 of Ordinance #07-26 and enact Ordinance 14-03. The Commission voted 2 to 1 in favor of repealing said condition #2 of Ordinance 07-26.

BACKGROUND

On March 31, 2014 the Planning & Zoning Commission met to consider a letter of request by Gladiator Properties #3, LLC to repeal a certain condition assigned to Ordinance 07-26 approved respectively by the Planning & Zoning Commission on Oct. 29, 2007 and the City Council on Dec. 5, 2007 rezoning the property owned by Carlos Lopez at 604 Airway Road giving him a permitted right to develop a proposed commercial retail establishment on the site. The condition imposed by P&Z and Council on the property back in 2007 was the result of opposition by residents from the Airway Road and Parkview Street neighborhoods who had concerns the Carlos Lopez project would generate increase traffic on the narrow Airway Road if the development took place. The condition imposed dealt with a 2'foot wall to be built along the entire southerly portion of the subject property prior to any development taking place on the subject and not allow driveways being built along Airway Road eliminating entrance and exit access into the subject site from Airway with the assumption that increase traffic on said Airway Rd, would be done away, forcing access into the site from 7th Street only. The residents testified that they have difficulties on exiting onto 7th Street as it is currently (Airway Road) the only exit onto 7th Street for Parkview and Airway Street residents. The property is next to the Shoes & Boots venture on 7th Street and is still today vacant as it was in 2007.

The hearing of March 31st 2014 was again met by opposition from residents from Airway Road and the Parkview Street neighborhoods regarding the repeal of Condition #2 of Ordinance 07-26. If Council upholds the Commission's recommendation the applicants Gladiator Properties #3, LLC who have entered into a purchase agreement with Carlos Lopez plan to move forward and develop the subject property at the NE Corner of 7th Street & Airway Road and build a 1,500

sq. ft. Little Caesars Pizza (carryout) restaurant on the site. Of which will have provide two driveways abutting Airway Road one being an ingress to the drive-up window and one exit driveway onto Airway.

A petition opposing and appealing Gladiator Properties making an entrance and an exit off of Airway Road to establish Little Caesars was filed with the City Clerk on April 9th and signed by 15 area Parkview & Airway residents.

EXHIBITS

Exhibit No. Document	Description (Document name, date, and number of pages)
1	Letter of request to change condition #2, 1 page
2	Scope Narrative Letter, 1 page
3	Land Development Application, 3 pages
4	E-mail Correspondence with applicant, 1 page
5	100 foot list, Vicinity map and notice sent to property owners, 5 pages
6	Notice of P&Z meeting to applicant dated 2-18-14 and City Council meeting dated 4-23-14 , 2 pages
7	Adopted Ordinance # 07-26, December 15, 2007
8	Photo of Site
9	Proposed Site Development Plan
10	Draft of Ordinance 14-03 and approval of such by City Attorney, 3 pages
11	Petition of appeal dated April 9, 2014, 1 page

EXHIBIT 1

March 6, 2014

Gerald Garcia
City Zoning
1700 N. Grand Ave.
Las Vegas, New Mexico 87707

Ref: Proposed Little Caesars at 7th and Airway Rd.

Mr. Garcia,

Thank you and the other members of the DRT for meeting with us yesterday. After review of the comments received we see nothing that would prevent us from proceeding with the project other than the site access.

On behalf of Gladiator Properties #3, LLC and in compliance with the City of Las Vegas procedures, I would like to request a change to condition # 2 as outlined in City Ordinance No. 07-26 adopted on December 5th, 2007.

Our request is for two access points onto Airway Road, with the East one being entrance only and the West one being an entrance and exit. The required 2 foot wall would be built between the two access points.

A site plan reflecting the above and other comments received will be forwarded to you early next week. It is our belief that for us to have a successful project will need access onto Airway Road.

We will make ourselves available for any questions and for any review meeting that are necessary.

Respectfully,

Clayton L. Gooden
Star Construction Inc.

STAR
CONSTRUCTION, INC

8912 Adams NE Albuquerque, New Mexico 87113 Phone (505) 823-1100 Fax (505) 821-2650
New Mexico Lic. #013102

EXHIBIT 2

Scope Narrative

Little Caesars

Las Vegas New Mexico

The project is constructed in two phases, by two separate parties, Phase one is all the site work and a building shell constructed by Gladiator Properties #3, LLC, then all interior improvements and exterior signage are constructed by Sizzling Platter (tenant) the Little Caesars Franchise,

First Phase- Gladiator Properties:

- All site work including grading and drainage, paved parking, curbs, sidewalks, site walls, trash enclosure, striping, landscaping, utilities stubbed into building, grease trap and parking lot signage.
- Building shell about 1500 s.f. , wood frame with a complete exterior with stucco, Glass and Glazing, exterior lighting, roofing, electrical service. The interior is left for the tenant to complete.

Second Phase- Sizzling Platter:

- Will consist of the interior concrete slab, all plumbing and electrical distribution, complete HVAC, restrooms, ceiling and floor finishes, along with any other tenant improvements they need to operate.

Note: The project will need two permits, one for the shell and one for the TI improvements. There is a lag between the two permits, because Sizzling Platter does not start their drawings until after we receive our phase one permit.

If you have any questions please call me:

Clay Gooden @ 505-823-1100

Star Construction Inc. – Lic. # 13102 GB-98

I am both a partner in Gladiator Properties #3, LLC and the owner and qualifying party for Star Construction.

EXHIBIT 3

CITY OF LAS VEGAS
LAND DEVELOPMENT APPLICATION

This application shall be used for all land development for commercial, industrial, building development, conversions, special use permits, all subdivisions, townhouses, condominiums, zone changes, etc.

A. PROPERTY INFORMATION

(Refer to your County Assessor's Property Assessment form to answer some questions below)

1. Legal Description: NE Corner of 7th & Airway Rd.

2. Township: 16 N Range: 16E Section: 22

3. Subdivision Name (if platted): Parkview Addition

4. Lot: #5 Block:

5. Address or Location of Property (If physical address is needed, please contact the Research Analyst at the City of Las Vegas by calling 454-1401, extension 278).

Corner of 7th Street & Airway Road

6. Present Zoning Classification: C-1

7. If rezoning, what is Proposed Zoning Classification? N/A

8. Future Land Use Category: Commercial - Little Caesar's Pizza

9. Flood Zone Category: Map/Panel Numbers: 35047C0876D

10. Property Size: x 81' x 138' /x .2571 Acres /x 11,195 sf.

11. Existing Use(s) of Subject Property (i.e.: vacant, residential, commercial, etc):

Vacant

12. Surrounding Land Use(s): (i.e. vacant, residential, commercial, etc): Commercial - North, South & West.
Residential - East

LAND DEVELOPMENT APPLICATION

a. North: Commercial c. East: Residential

b. South: Commercial d. West: Commercial

13. Description of Proposed Activity or Use (attach separate sheet if necessary):

New Little Caesars Pizza

14. All development described here shall provide an Impact Statement pursuant to Section 12-11-12 B., 1. a), b), and c) of the Zoning Ordinance.

B. NAME/ADDRESSES

List all person(s) having ownership in subject property

Name of Property Owner: Carlos Martin Lopez and Patricia Anne Lopez

Address:

Zip: Telephone: Fax: Cell:

Name of Property Owner: (Purchaser) Gladiator Properties #3, LLC

Address: 8912 Adams N.E. Alb. N.M.

Zip: 87113 Telephone: 505-823-1100 Fax: 505-821-2650 Cell:

Name of Agent:

Name of Contact Person:

Zip: Telephone: Fax: Cell:

NAME OF ENGINEER/ARCHITECT

Name of Engineer: Mark Goodwin & Assoc.

Address: Box 90606 Alb. NM

Zip: 87199 Telephone: (505) 828-2200 Fax: 505-797-9539 Cell:

Name of Architect:

LAND DEVELOPMENT APPLICATION

Address: _____

Zip: _____ Telephone: _____ Fax: _____ Cell: _____

NOTE: Unless otherwise noted, all written correspondence will be mailed to the property owner. If correspondence is to be sent to the agent, owner must notify community development department.

C. SIGNATURE

I hereby certify that the information in this application is true and correct. I have read this application and understand that other review processes and fees may be required prior to applying for and receiving building permits and/or final development approval.

Carlos & Patricia Lopez
Signature of property owner #1

Clayton L. Gradon (Applicant)
Signature of property owner #2

_____
Signature of property owner #3

D. DEVELOPMENT REVIEW TEAM (DRT)

The Development Review Team is an interagency team created pursuant to the Community Master Plan. The team includes City department personnel and other Public Utility Agencies.

After the application is deemed to be complete, the property owner will be notified of the next DRT meeting so that questions of the project can be asked of the DRT members at that time, Meeting schedules can also be obtained by contacting Karlene Martinez, Land Use Specialist at 454-1401, extension 252.

All land development developers or representatives shall be required to make a presentation to the DRT at the scheduled meeting. It is the applicant's responsibility to address each individual concern of each DRT member before the project can continue.

EXHIBIT 4

Gerald Garcia

From: Gerald Garcia [ggarcia@ci.las-vegas.nm.us]
Sent: Friday, January 31, 2014 2:46 PM
To: 'Clay'
Cc: 'lmarquez@ci.las-vegas.nm.us'
Subject: RE: Little Caesar's

Clay,

- The site plan depicts curb & gutter along a portion of Airway Road: Is this correct? If so, is Caesar's proposing on contracting it out, must get the ok from the City's Street Dept.
- The site when subdivided was established as an 81X139 foot lot.
- We would require a driveway access agreement between Caesar's and the adjacent Business owner(s).
- The site plan depicts the site to be a Dirt Lot. Would be required to be paved.
- As you were informed previously, the site was zoned to a Commercial (C-2) Zone in 2007, Ordinance 07-26 approving the zone change set out certain conditions to be met before development could proceed, those conditions are as follows:.

1st Drainage & Grading Plan has to be submitted to the City for review and approval. (Drainage Review Fees will be assessed)

2nd A two foot wall be built along the north boundary line, from corner to corner.

3rd A six foot wall be built along the easterly portion of the lot

4 Lighting be installed at the rear of the property in a manner that the glare be reflected downward and away from adjacent residential areas.

NOTE: Spoke to the City Attorney about conditions, specified that any modification to the Ordinance 07-26 would be required to be submitted to P&Z and also City Council, neighborhood would be provided notice.

(The Ordinance is considered Law)

We will need a letter of request from you requesting such change to the ordinance along with a letter of intent providing an overall detail of the development, e.g. lot size, building size, background of Little Caesar's site development plan, etc

- The development plan requires a review by the City Development Review Team, you have to contact City Planner Melanie Gallegos who chairs the Team to be placed in the agenda, she can be contacted at 505-426 3276.
- Construction Plans will be reviewed by Building Inspector Ben Maynes 426-3278 with building permit to follow, and the Health Dept. when all above is satisfied
- However, other requirements may apply.

Gerald Garcia

From: Clay [mailto:Clay@starconstruction.com]
Sent: Thursday, January 30, 2014 10:35 AM
To: ggarcia@ci.las-vegas.nm.us
Cc: jmahoney8@comcast.net; Alfredo Barrenechea
Subject: Little Caesar's

Gerald,
Attached is our proposed site plan for the corner of 7th and Airway. After you have a chance to review please let me know what you think our next step should be.
Thank you

Clayton L. Gooden

EXHIBIT 5

APPLICATION FOR REPEAL OF CONDITION #2 ON ORDINANCE #07-26 approved on December 5, 2007, for Zone Change of property located at 604 Airway Road to a commercial zone.

APPLICANT(S): Gladiator Properties #3, LLC
dba: Little Caesar's Pizza

Clayton L. Gooden
Star Construction, Inc.
8912 Adams, NE
Albuquerque, NM 87113

1-094-094-521-009 - - Lot 5, Parkview Addition,

PROPERTY OWNER(S): Carlos M. Lopez
HC 33, Box 65
Las Vegas, NM 87701

1. 1-094-094-492-029
Nancy Kando, LLC
1301 - 8th Street
Las Vegas, NM 87701

2. 1-094-094-490-015
Wendy's International, Inc.
One Dave Thomas Blvd.
Dublin, OH 43017

3. 1-094-093-418-466
Felix Gallegos
1105 Vuelta de las Acequias
Santa Fe, NM 87501

4. 1-094-093-421-458
Insured Income Properties
P. O. Box 1671
Orlando, FL 32802

5. 1-094-093-431-433
McDonald's Real Estate Co.
C/O Andres Zamora
P. O. Box 4500
Santa Fe, NM 87502

6. 1-094-094-519-026
DNH Investments, LLC
(A NM Limited Liab. Co.)
3000 North Garfield #107
Midland, TX 79705

7. 1-094-094-520-018
Carlos M. & Patricia Ann Lopez
HC 33, Box 65
Las Vegas, NM 87701

8. 1-095-093-012-250
Benjamin T. & Sandra R. Horton
90 S. Cascade Avenue, #330
Colorado Springs, CO 80903

APPLICATION FOR REPEAL OF CONDITION #2 ON ORDINANCE #07-26 approved on December 5, 2007, for Zone Change of property located at 604 Airway Road to a commercial zone.

9. 1-095-094-006-027
Amos & Evelyn Estrada
1620 Parkview Drive
Las Vegas, NM 87701

10. 1-095-094-007-017
Filiberto F. & Martha Montano
1583 - 16th Avenue, SE
Rio Rancho, NM 87124-3541

11. 1-095-094-007-008
Rosalie C. Garcia
600 Airway Road
Las Vegas, NM 87701

Above list completed as per 09-29-09 Map/Parcel Index Report on March 10, 2014. Above list of owners is current for 2014 as per actual property cards at the San Miguel Assessor's Office. List verified at the Assessor's Office on 03-17-14 at approximately 8:05am by Maria D. Perea, CADD Technician for Community Development Department.

The Board of Adjustment and Planning & Zoning Commission will hold a **PUBLIC HEARING** on Monday, March 24, 2014 at 4:00 pm, in the City Council Chambers, 1700 North Grand Avenue, Las Vegas, New Mexico, to consider an application submitted by Little Caesar's to repeal a portion of Ordinance # 07-26, which was approved on December 5, 2007. The legal description for this property is on file at Community Development Department, 1700 North Grand Avenue, Las Vegas, New Mexico 87701.

This letter is notifying you because you own property within 100 feet (excluding public right-of-way) of the proposed **PROJECT (SEE LETTER ENCLOSED)**. You may appear at the hearing to enter your testimony in favor or in opposition to this request or you may forward written statements, which shall be entered into the record. Please forward all statements to the Community Development Department, 1700 North Grand Avenue, Las Vegas, New Mexico 87701. The applicant aggrieved by the decision of the Board of Adjustment and Planning & Zoning Commission, may file a written notice of appeal.

If you require further information, please contact Gerald Garcia, Zoning/Licensing Supervisor at (505) 454-1401, extension 3275.

CITY OF LAS VEGAS

COMMUNITY DEVELOPMENT DEPARTMENT
1700 NORTH GRAND AVENUE
LAS VEGAS, NEW MEXICO 87701

'NOT TO SCALE'

N

CITY OF LAS VEGAS

1700 N. GRAND AVE. • LAS VEGAS, NEW MEXICO 87701-4731 • 505-454-1401 • FAX: 505-425-7335

ALFONSO E. ORTIZ, JR.
Mayor

March 13, 2014

Dear Property Owner:

On December 5, 2007 the City Council Passed, Approved and Adopted Ordinance No. 07-26, consenting to the rezoning of the vacant property at 604 Airway Road which is next to and south of the business known as "Shoes & Boots". The owner of the property Carlos M. Lopez had petitioned the City at that time to rezone the property from its residential classification to a C-2 Central Business District Commercial Zone with the intent to build a retail commercial building on the subject site. On approving Ordinance 07-26 the City council upheld the recommendation of the Planning & Zoning Commission to approve the zone change subject to the following conditions:

1. That a comprehensive drainage & grading plan be submitted for review and approval prior to the issuance of a building permit.
2. That a two (2') foot wall be built along the southerly property line as to deter vehicular traffic exiting or entering the subject site from Airway Road.
3. That a six (6') foot wall be built along the easterly property line.
4. That lighting be installed at the rear of the property and that it be installed in a manner that the glare from the system be reflected downward and away from the residential area.

A few weeks before the December 5th City Council meeting, the Planning & Zoning Commission conducted a public hearing on October 29, 2007 to consider Mr. Lopez's request. You were mailed a certified letter from the City's Community Development giving you formal notice of the application and the meeting for the zone change and the proposed construction of the commercial building. The notice provided you the opportunity to enter testimony in favor or in opposition to the request or to forward written statements to our office.

Obviously, Mr. Lopez never developed the property as he intended and has had it on the market ever since. Recently our department was contacted by representatives from "Little Caesars Pizza" who are interested in developing the pizza carryout facility at this site. They were advised by our department that the rezoning approval was granted with the aforementioned 4 conditions. They (Little Caesars) have submitted a request to the city that condition 2 be

TONITA GURULE-GIRON Councilor, Ward 1 | **VINCE HOWELL** Councilor, Ward 2 | **JOSEPH "JOEY" HERRERA** Councilor, Ward 3 | **DAVID L. ROMERO** Councilor, Ward 4

repealed so they may move forward on developing the site. They are committed to meeting the terms of the other 3 conditions.

After consulting with the City's legal department it was determined by that office and ours mutually that it would be necessary to take this matter before the Planning & Zoning Commission and the City Council respectively so they may consider Little Caesars request to repeal condition 2.

This letter will serve as a formal notice that the Planning & Zoning Commission will hold a public hearing on March 31, 2014 at 4:00pm at the Council Chambers 1700 No Grand Ave. to consider Little Caesars request.

You may appear at the hearing to enter your testimony in favor or in opposition to this request or you may forward written statements to the Community Development Department, P. O. Box 160 Las Vegas NM, 87701 or you may call me at (505) 426-3275.

Sincerely,

Gerald Garcia
Zoning/Licensing Supervisor

XC Lucas Marquez, Community Development Director
Tim Dodge, City Attorney
David Romero, City Attorney
Maria Perea, CADD
Matt Griego, Admin.
Ben Maynes, Building Inspector

EXHIBIT 6

CITY OF LAS VEGAS

1700 N. GRAND AVE. • LAS VEGAS, NEW MEXICO 87701-4731 • 505-454-1401 • FAX: 505-425-7338

ALFONSO E. ORTIZ, JR.
Mayor

March 20, 2014

Clay Gooden
Star Construction
8912 Adams NE
Albuquerque, New Mexico 87113

Dear Mr. Clay

This is to formally give you notice that the City of Las Vegas Planning and Zoning Commission/Board of Adjustment will hold a public hearing on March 31, 2014 at 4:00 pm in the City Council Chambers 1700 N Grand Avenue to consider your request to repeal condition 2 of Ordinance No. 07-26 as it relates to the construction of Little Caesars.

Staff will initially present the item to the Board; at the end of staff presentation the Chairperson will open the hearing. In all cases dealing with property issues, all persons, witnesses who wish to speak for or against the issue will have to be sworn in.

It is required that you or a representative be present at the hearing to answer any questions the Board may have of your request, failure to be present may result on your request being heard at a future meeting. Staff also encourages you to speak on your behalf when given the opportunity and if you choose you may bring in other parties in support of your request.

If you have any questions, please feel free to contact me at 505-426-3275.

Sincerely,

Gerald Garcia
Zoning/Licensing Supervisor

XC Applicant file

TONITA GURULE-GIRON
Councilor, Ward 1

VINCE HOWELL
Councilor, Ward 2

JOSEPH "JOEY" HERRERA
Councilor, Ward 3

DAVID L. ROMERO
Councilor, Ward 4

CITY OF LAS VEGAS

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ALFONSO E. ORTIZ, JR.
Mayor

April 23, 2014

Clay Gooden, Star Construction
8912 Adams NE
Albuquerque, New Mexico 87113

Dear Mr. Clay

This is to formally give you notice that the City of Las Vegas Planning & Zoning Commission on March 31, 2014 voted 2 to 1 in favor to forward your petition to the Governing Body of the City of Las Vegas with a recommendation to repeal Condition #2 as specified in Ordinance 07-26, regarding the 2'foot wall to be built along the southerly boundary line of the property at now or formerly known as 604 Airway Road.

The City Council will conduct a public hearing on May 7, 2014 at 5:00 pm in the City Council Chambers 1700 N Grand Avenue to consider either upholding or overturning the Commission's recommendation.

Staff will initially present the item to the Council; at the end of the staff presentation the Mayor will open the hearing. In all cases dealing with property issues, all persons, witnesses who wish to speak for or against the issue will have to be sworn in.

It is required that you or a representative be present at the hearing to answer any questions the Council may have of your project, failure to be present may result on the item being heard at a future meeting. Staff also encourages you to speak on your behalf when given the opportunity and if you choose you may bring in other parties in support of your request.

If you have any questions, please feel free to contact me at 505-426-3275.

Sincerely,
Gerald Garcia
Zoning/Licensing Supervisor

XC Carlos Lopez, property owner
Applicant file

TONITA GURULE-GIRON
Councilor, Ward 1

VINCE HOWELL
Councilor, Ward 2

JOSEPH "JOEY" HERRERA
Councilor, Ward 3

DAVID L. ROMERO
Councilor, Ward 4

EXHIBIT 7

CITY OF LAS VEGAS
CITY COUNCIL
ORDINANCE NO. 07-26

AN ORDINANCE GRANTING AN AMENDMENT TO THE OFFICIAL ZONING MAP, FROM AN R-1 SINGLE FAMILY RESIDENTIAL ZONE TO A C-2 COMMERCIAL ZONE FOR PROPERTY LOCATED AT 604 AIRWAY ROAD REQUESTED BY CARLOS M. LOPEZ.

WHEREAS, CARLOS M. LOPEZ has applied for an amendment to the official zoning map for property located at 604 Airway Road, Las Vegas, New Mexico pursuant to provisions of the Las Vegas City Ordinance and:

WHEREAS, the City Of Las Vegas Planning and Zoning Commission conducted a public hearing on October 29, 2007, wherein after hearing public testimony the Planning and Zoning Commission are recommending to the City Council to uphold said ordinance, and:

WHEREAS, the Governing Body of the City of Las Vegas on December 5, 2007 conducted a public hearing, and:

NOW, THEREFORE BE IT ORDAINED that the Governing Body of the City of Las Vegas, New Mexico, hereby GRANTS the amendment to the official zoning map from an R-1 Single-Family Residential Zone to a C-2 Central Business District subject to the following conditions:

1. That a comprehensive drainage & grading plan be submitted for review and approval prior to the processing and issuance of zoning approval for a building permit.

2. That a two (2') foot wall be built along the southerly property line s to deter vehicular traffic from exiting or entering the subject site.

3. That a six (6') foot wall be built along the easterly portion of the property.

4. That lighting be installed at the rear of the property. The lighting system shall be installed in a manner that any glare from the system shall be reflected downward and away from any adjacent or nearby residential areas.

IT IS FURTHER ORDAINED that the City Council of the City of Las Vegas hereby adopts the following findings of fact upon which the Council's decision is based:

1. That boundaries of the zones established by the City's Ordinances, the classification of property herein, or other provisions of said Ordinance may be amended whenever public necessity, convenience, or general welfare require.

2. That the site plan development plan for the zone change has been provided which is acceptable to the City Council.

PASSED, APPROVED AND ADOPTED THIS 5th DAY OF DECEMBER, 2007.

ATTEST:

CITY CLERK, CHERYL YARA

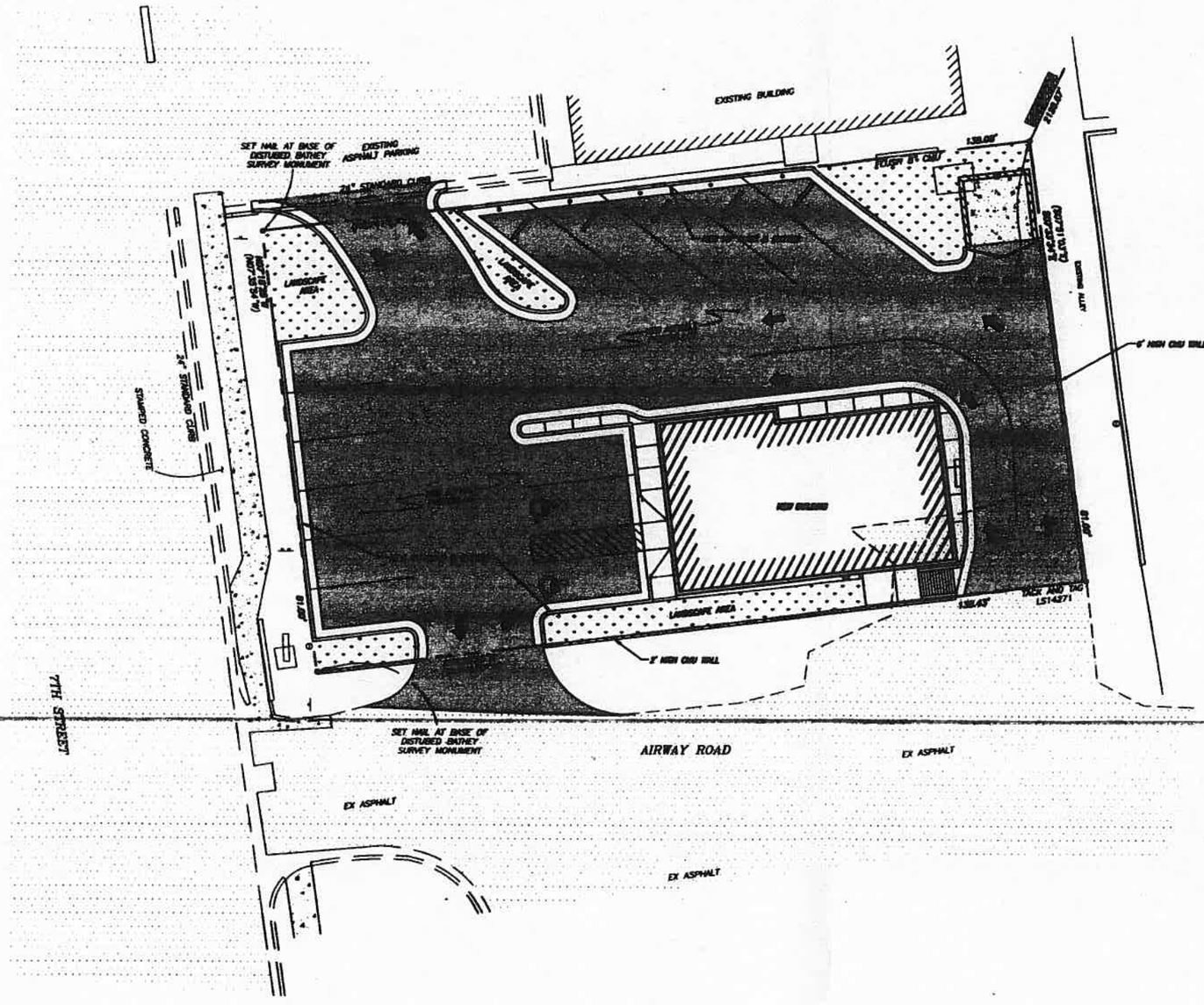
HENRY G. SANCHEZ, MAYOR

REVIEWED AND APPROVED AS TO FORM

MATTHEW SANDOVAL, CITY ATTORNEY

EXHIBIT 8

EXHIBIT C



LEGAL DESCRIPTION

LOT 6, PARKVIEW ADDITION, LYING WITHIN PROJECTED SECTION 05, T.16DS., R.16E., N.M.P.M, WITHIN THE LAS VEGAS GRANT CITY OF LAS VEGAS COUNTY OF SAN MIGUEL, NEW MEXICO AS RECORDED IN PLAT Bk. 57, Pg. 58

LITTLE CAESAR'S - LAS VEGAS, NM

SITE PLAN

MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS
P.O. BOX 90606
ALBUQUERQUE, NEW MEXICO 87199
(505)828-2200, FAX (505)797-9539

Designed: DER	Drawn: DER	Checked: DMG	Sheet 1 of 1
Scale: 1" = 1'	Date:	Job: A13030	

F:\A13.085\A13030 1 Little Caesar's 1 Las Vegas\Site Plan\A13030_Site Plan.dwg, Last saved by: Dwayne, 3/7/14

EXHIBIT 10

CITY OF LAS VEGAS, CITY COUNCIL
ORDINANCE NO. 14-03

AN ORDINANCE TO REPEAL CONDITION #2 OF ORDINANCE 07-26 ADOPTED ON DECEMBER 5, 2007 AND GRANTED TO CARLOS M. LOPEZ ON THE REZONING OF THE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF 7TH STREET AND AIRWAY ROAD.

WHEREAS, the Planning & Zoning Commission of the City of Las Vegas on October 29, 2007 conducted a public hearing to consider a petition submitted by Carlos M. Lopez to rezone his property located now or formerly known as 604 Airway Road from a R-1 Single Family Residential Zone to a C-2 Central Business District with the intent to develop the site with a retail commercial project thereon. The Commission heard testimony in protest from residents of the Parkview Avenue neighborhood contesting that the project would increase traffic on Airway Road as this is the only right of exit afforded to them onto 7th Street; and

WHEREAS, as a result of the opposition by the neighborhood the Planning & Zoning Commission imposed four conditions of approval, being the following:

1. That a comprehensive drainage & grading plan be submitted for review and approval prior to the processing and issuance of zoning approval for a building permit.
2. That a two (2') foot wall be built along the southerly property line as to deter vehicular traffic from exiting or entering the subject site.
3. That a six (6') foot wall be built along the easterly portion of the property.
4. That lighting is installed at the rear of the property. The lighting system shall be installed in a manner that any glare from the system shall be reflected downward and away from any adjacent or nearby residential areas.

WHEREAS, all parties agreed to the conditions imposed, which was then followed by the Commission adopting a motion to recommend to the City Council approval of Ordinance 07-26; and

WHEREAS, the City Council of the City of Las Vegas, New Mexico adopted Ordinance No. 07-26 and the specified conditions on December 5, 2007 of which ordinance amended the Official Zoning Map for that parcel of property located now or formerly known as 604 Airway Road from a R-1 Single Family Residential to a C-2 Central Business District Commercial Zone with the intent to develop and build a retail commercial project on the site, however, the property has remained un-developed since; and

WHEREAS, Carlos M. Lopez entered into a purchase agreement with Gladiator Properties #3, LLC on October 11, 2013, the purchaser is interested on the subject site to build a Little Caesars Pizza carry out restaurant thereon, the new buyers were informed of the conditions herein described and chose to proceed with the acquisition of the property

and request the City repeal condition #2 of Ordinance 07-26 being a prerequisite prior to the development of the site; and

WHEREAS, Gladiator Properties #3 has submitted a petition to repeal existing condition #2 of Ordinance 07-26; and

WHEREAS, said petition was presented to the City of Las Vegas Planning & Zoning Commission on March 31, 2014 after duly publication in accordance with Chapter 450, Section 450-98 through118; and

WHEREAS, the Planning & Zoning Commission voted 2 ayes to 1 nay on March 31, 2014 to forward the petition to the Governing Body of the City of Las Vegas with a recommendation to repeal Condition #2 of Ordinance 7-26; and

WHEREAS, after due and proper consideration, the City of Las Vegas City Council has deemed it to be in the best interest of the City of Las Vegas to repeal the existing Condition #2 of Ordinance 07-26 and enact Ordinance 14-03 as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEW MEXICO, as follows:

Condition # 2. That a two (2') foot wall be built along the southerly property line of the subject site as to deter vehicular traffic of exiting or entering the site (from Airway Road) is hereby repealed upon the effective date of this ordinance. The repeal of such Ordinance condition #2 shall not abrogate or affect the remaining conditions which shall be enforced.

This ordinance is hereby passed and approved by a majority of all members of the City Council pursuant to Chapter 450, Section 450-116 at a Special meeting of said Council on the _____ day of May, 2014.

PASSED, APPROVED AND ADOPTED THIS _____DAY OF_____, 2014.

ATTEST:

_____ _____

Casandra Fresquez, City Clerk Alfonso E. Ortiz Jr., Mayor

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY

_____

David Romero, City Attorney

City Attorney's Office

Date: 4/14/14

I am in receipt of the document for review submitted by Gerald.

The document has been reviewed by the City Attorney and is hereby:

Approved: _____

Disapproved: _____

Other: _____

Dave Romero

Dave Romero, City Attorney

EXHIBIT 11

APR 9 2014

1:35pm

April 8, 2014

To, City of Las Vegas City Council, Board of Adjustment

We the people living on Airway and Parkview Road **are not in agreement and appeal** with Gladiator Properties **making an entrance and exit** off of Airway Road to their place of business (Little Ceasers). These are the names of residents living on Airway and Parkview:

1. John Freitas 1624 Parkview Rd
2. [illegible] 1700 Parkview LVN 87701
3. Donna Lucero 1705 Parkview
4. Arthur T Marquez 1622 Parkview Road
5. [illegible] 1702 Parkview Rd.
6. Renée Liddell 1703 Parkview Rd.
7. [illegible] 1705 Parkview Rd
8. Lina Garcia 1615 Parkview Rd.
9. Ron Montz 1619 PARKview Rd
10. Joseph Garcia 600 Airway Rd
11. Rosalie Garcia 600 Airway Rd
12. John E. McCord 1617 Parkway Rd
13. Carolyn Freitas 1624 Parkview Drive LV.
14. Geneva Pinkston 1700 Parkview Rd
15. Consuelo Marquez 1622 Parkview Rd.