

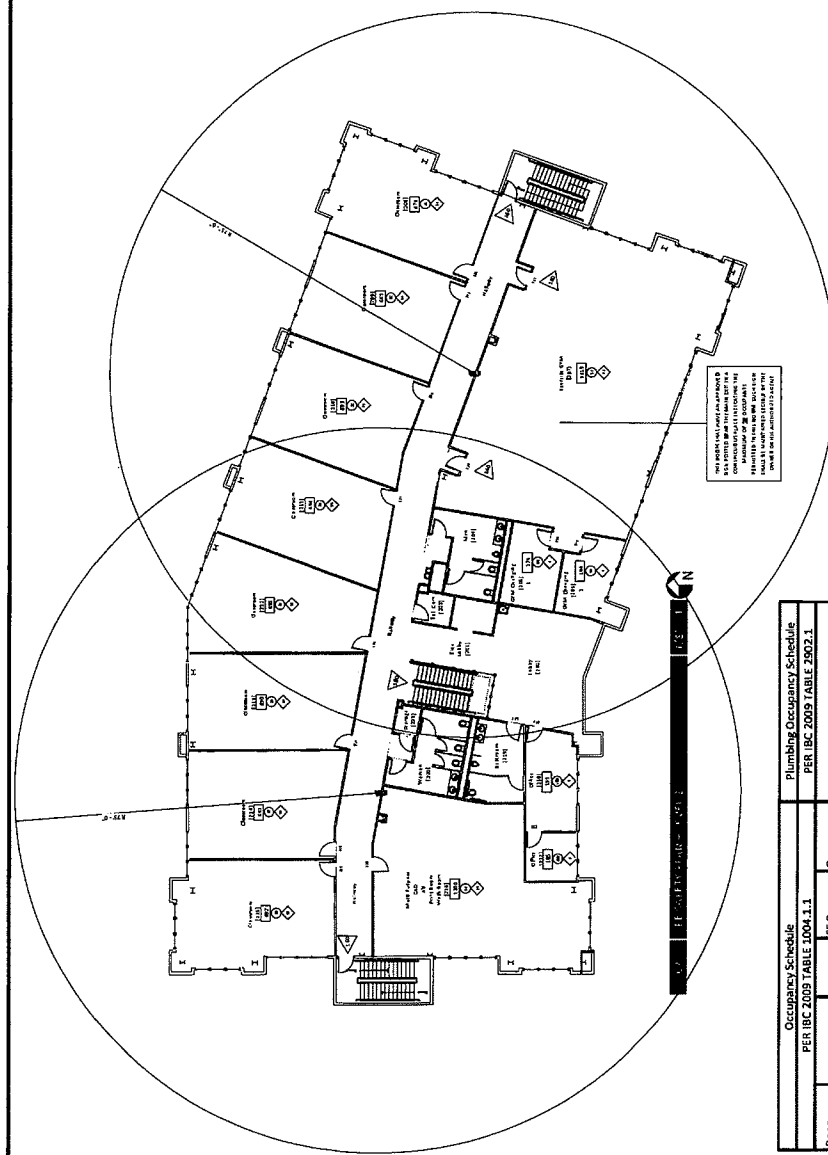


RQR-62049

Occupancy Schedule					Plumbing Occupancy Schedule	
PER IBC 2003 TABLE 1004.1.1					PER IBC 2003 TABLE 2002.1.1	
Room Number	Room Name	Area	SF Per Occupant	Occupancy Load	Plumbing Occupancy Load	
101	Office	401	100	4	4	
102	Work Courthouse	2110	50	54	Request for N/A	
103	Office	225	100	3	3	
104	Classroom	7116	20	56	56	
110	Classroom	709	20	36	36	
111	Classroom	715	20	36	36	
112	Classroom	715	20	36	36	
113	Classroom	700	20	35	35	
114	Classroom	698	20	35	35	
115	Classroom	698	20	35	35	
116	Classroom	883	20	44	44	
117	Classroom	882	20	44	44	
118	Work Room	177	100	2	2	
119	Work Room	142	100	2	2	
121	Janitor Room	1400	15	94	Request for N/A	
TOTAL	56	10101	Occupants	444	Plumbing Occupants 293	

RQR-62049

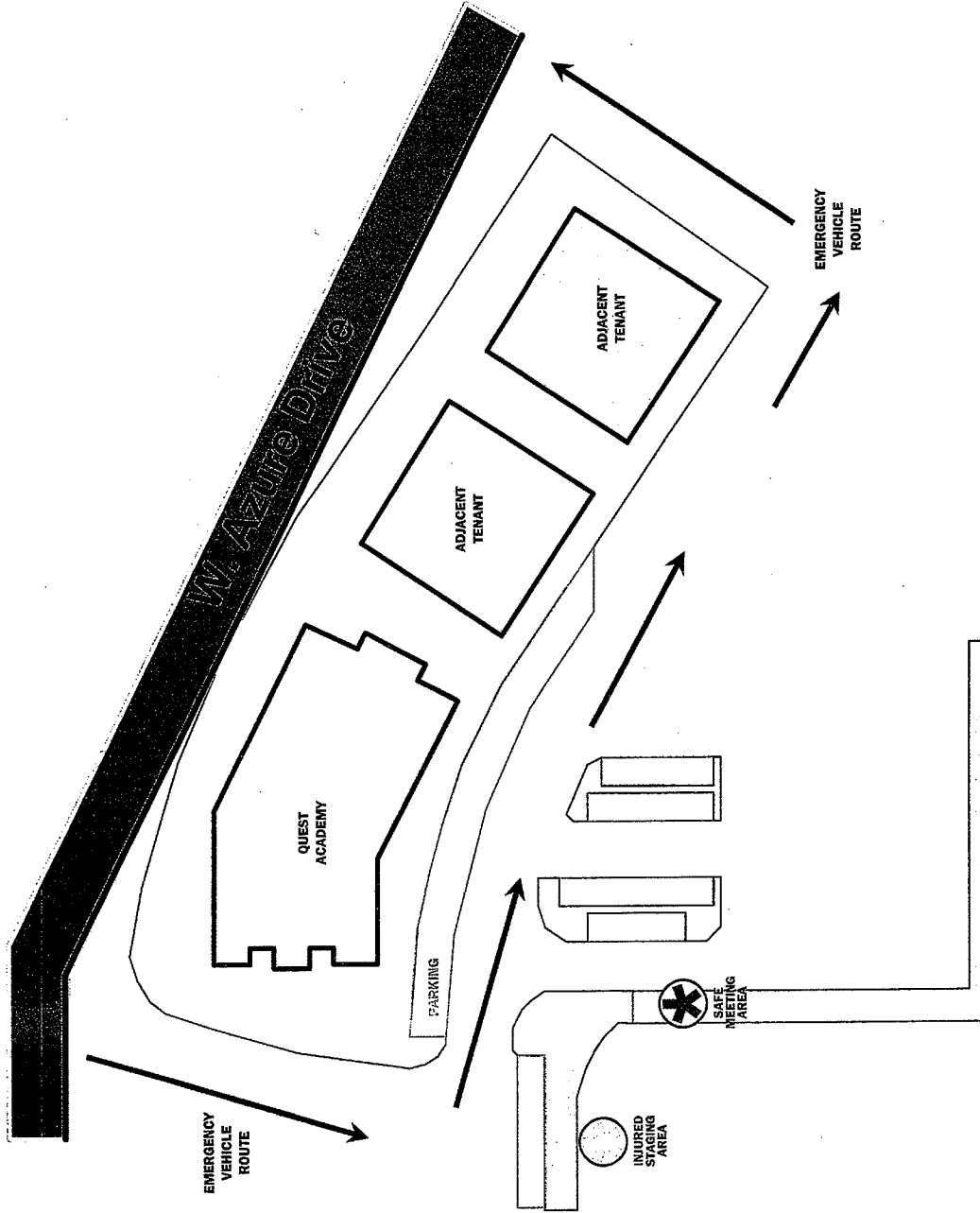
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Occupancy Schedule PER BC 2009 TABLE 1004.1.1					Plumbing Occupancy Schedule PER BC 2009 TABLE 2902.1
Room Number	Room Name	Area	SF Per Occupant	Occupancy Load	Plumbing Occupancy Load
205	GYM Changing	174	50	4	Request for N/A
206	GYM Changing	184	50	4	Request for N/A
207	Exercise GYM	2615	50	53	Request for N/A
208	Classroom	679	20	34	34
209	Classroom	663	20	34	34
210	Classroom	695	20	35	35
211	Classroom	694	20	35	35
212	Classroom	695	20	35	35
213	Classroom	690	20	35	35
214	Classroom	693	20	35	35
215	Classroom	697	20	35	35
216	Work Room	1200	50	24	Request for N/A
217	Office	105	100	2	2
218	Office	195	100	2	2
219	Office	979	367	2	2
TOTAL	SF	9799	Occupants	367	Plumbing Occupants
					282

[illegible]

Traffic Flow and Staging Areas



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City of Las Vegas
Department of Planning



Page
1 of 7



Quest Preparatory Academy - Roberson
7485 West Azure Drive, Las Vegas, Nevada 89130

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RQR-62049

1. ZERO TOLERANCE
2. ALL STAFF MEMBERS TO ASSIST WITH VEHICLE AND DROP OFF
3. MONITORS TO DIRECT ALL PEDESTRIAN TRAFFIC TO NORTH WALKWAY ON AZULE
4. MONITORS TO ASSIST WITH VEHICLE TRAFFIC AND DIRECTION

Tenant Improvement For:

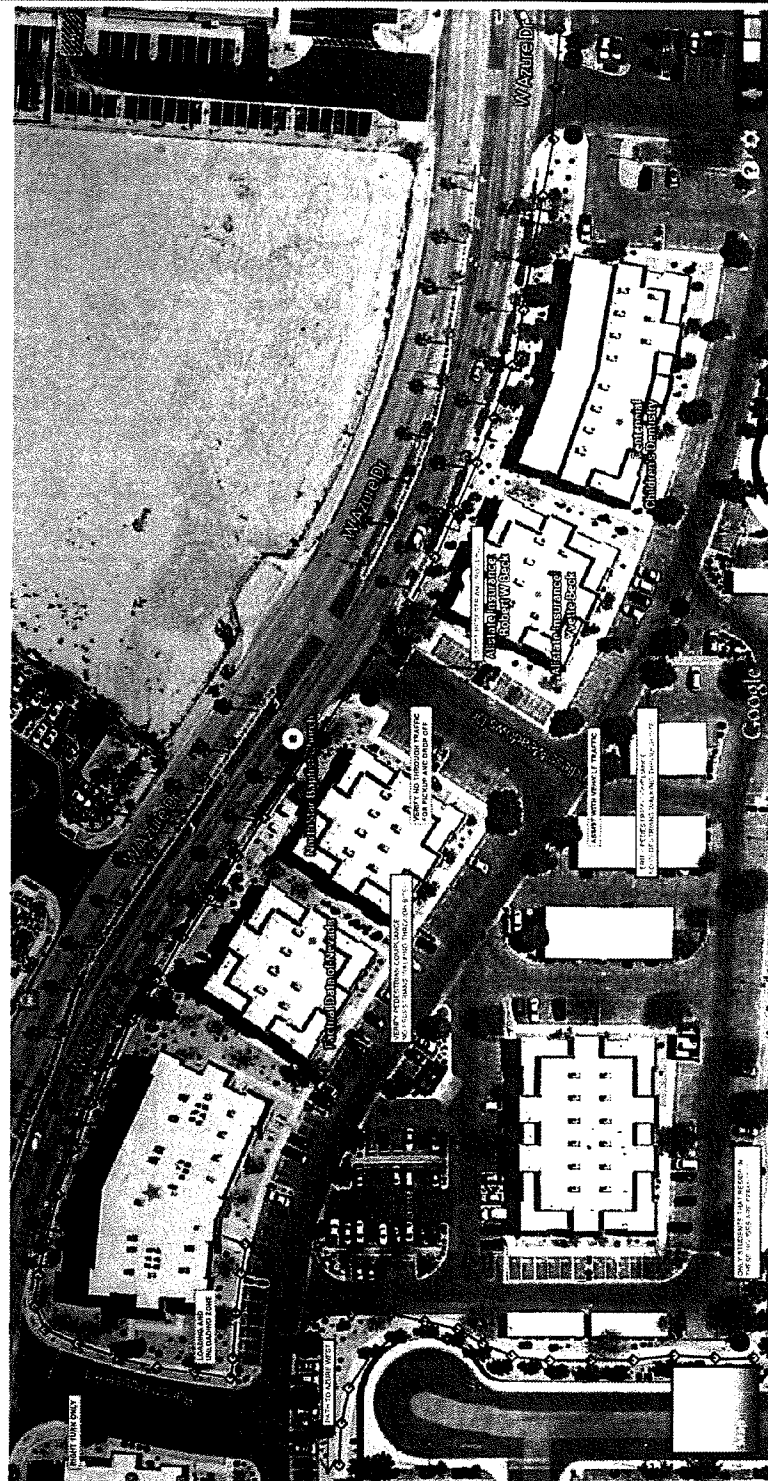
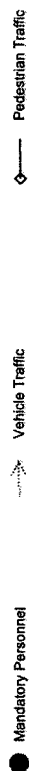
2/03/2025

25 AM

405

A1

Site Plan
Pickup-
Dropoff



01 SET PLAY PICKED AND DROPPED TRAFFIC

RQR-62049

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Dept. of Planning

CITY OF LAS VEGAS

DEVELOPMENT REVIEW COMMENT FORM



**Department of Planning
Case Planning Division
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106
(702) 229-6301 phone (702) 385-7268 fax**

RQR-62049 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DYNAMIC PROPERTY HOLDINGS, LLC - For possible action on a request for a Required Review of an approved Required Review (RQR-59613 [PRJ-59614]) for a Special Use Permit (SUP-53970) FOR AN EXISTING PUBLIC SCHOOL, SECONDARY USE at 7485 West Azure Drive (APN 125-27-114-023), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross).

PLANNING COMMISSION: JULY 12, 2016
CITY COUNCIL: AUGUST 17, 2016

PLANNING SUPERVISOR: STEVE GEBEKE



PUBLIC HEARING

Comments Due: JUNE 14, 2016

Comments not returned by the due date will not be incorporated into the staff report for this case. Comments may be submitted either on this sheet and routed via interoffice mail, U.S. mail, fax, or e-mailed to **Nora Lares** (nlares@lasvegasnevada.gov), the Agenda Tech responsible for this case. If you desire to meet with the case planner you may schedule an appointment by calling (702) 229-6301.

LIST COMMENTS BELOW:



DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-62049** APN: 125-27-114-024

Name of Property Owner: Dynamic Property Holdings, LLC

Name of Applicant: Dynamic Property Holdings, LLC

Name of Representative: Holley Driggs Walch - Ron Thompson

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: _____

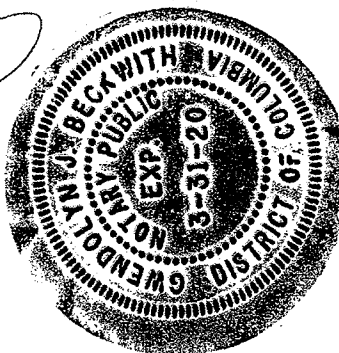
Print Name: Jesse / Kim

Subscribed and sworn before me

This 27th day of May, 2016
Gwendolyn J. Beckwith
Notary Public in and for said County and State

GWENDOLYN J. BECKWITH
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires March 31, 2020

Revised 03/28/16



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City of Las Vegas
Department of Planning



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Annual Review
 Project Address (Location) 7485 W. Azure Drive
 Project Name Quest Academy Proposed Use No change proposed
 Assessor's Parcel #(s) 125-27-114-024 Ward # 6-Ross
 General Plan: existing TC (To proposed No) Zoning: existing T-C [SX] proposed No ch
 Commercial Square Footage 27,992 Floor Area Ratio _____
 Gross Acres _____ Lots/Units _____ Density _____
 Additional Information _____

PROPERTY OWNER Dynamic Property Holdings LLC Contact Joshua Kern
 Address 818 Connecticut Ave NW Suite 1009 Phone: (202) 277-8627 Fax: _____
 City Washington State DC Zip 20006
 E-mail Address rthompson@nevadafirm.com

APPLICANT Dynamic Property Holdings LLC Contact Joshua Kern
 Address 818 Connecticut Ave NW Suite 1009 Phone: (202) 277-8627 Fax: _____
 City Washington State DC Zip 20006
 E-mail Address rthompson@nevadafirm.com

REPRESENTATIVE Holley Driggs Walch Contact Ron Thompson
 Address 400 S 4th St, 3rd Fl Phone: (702) 791-0308 Fax: (702) 791-1912
 City Las Vegas State NV Zip 89101
 E-mail Address rthompson@nevadafirm.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* [Signature] *Attorney for Joshua Kern*

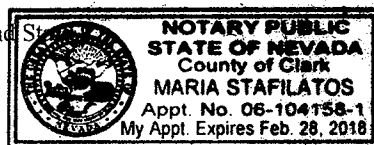
* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Joshua M Kern

Subscribed and sworn before me

This 2nd day of June, 2016
[Signature]

Notary Public in and for said County and State



Revised 03/28/16

FOR DEPARTMENT USE ONLY

Case # **RQR-62049**

Meeting Date:

Total Fee:

Date Received:*

Received By:
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*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

City of Las Vegas
 Dept. of Planning

JUSTIFICATION LETTER

June 2, 2016

City of Las Vegas
Planning Department
333 North Rancho Drive
Las Vegas, Nevada 89106

Re: RQR-62049 – Required Annual Review and Review of Conditions
Planning Commission Meeting of July 12, 2016

Project: Quest Academy

Address: 7485 West Azure Drive, Las Vegas, Nevada 89130

1. Explanation of Request.

This Justification Letter is submitted to support the application for approval of RQR-62049, which is a required Annual Review and a Review of Conditions of the Quest Preparatory Academy (“Quest”), at the 7485 West Azure Drive campus of Quest (the “Subject Property”).

On June 11, 2014, the City of Las Vegas Planning Commission (the “PC”) granted a Special Use Permit (SUP-53970) allowing, in general, the operation of a high school by Quest on the Subject Property. On July 15, 2015, the PC conducted its first annual review of SUP-53970 under RQR-59613. In its 2015 annual review, the PC placed amended conditions on the continuing approval of SUP-53970. Two of those conditions were: (1) an annual review of the Subject Property and the operation of Quest under the Special Use Permit; and (2) a limitation on the number of students that could attend Quest at the Subject Property to 215, which is less than the maximum number of students permitted under controlling state law. The Nevada State Board of Education provides that the maximum class size in high schools is a 25 to 1 student to teacher ratio, which for Quest, would equate to a maximum of 525 students at the Subject Property. The Subject Property is permitted to house 800 individuals pursuant to current code enforcement. A maximum student body of 525 students, plus administration, staff and teachers will not exceed the 800 individual total currently permitted at the Subject Property by code enforcement.

The purpose of the lesser student population condition to SUP-53970 was to further reduce traffic at the Subject Property presumably because not all of the traffic safety measures were constructed at the time of the grant of RQR-59613, and in view of that limitation, the PC acted to reduce traffic numbers. The traffic study in support of RQR-59613 was undertaken with the assumption that the maximum number of 800 individuals as permitted by code enforcement would be utilizing the Subject Property. The traffic study was reviewed and approved as part of granting RQR-59613. However, as stated before, not all of the traffic safety measures required in the traffic study had been constructed by July 2015. Since the granting of RQR-59613, all of the traffic safety measures identified in the July 2015 traffic study have been constructed and are in place at or near the Subject Property. Thus, the reason why the Planning Commission acted in

RQR-62049

City of Las Vegas
Dept. of Planning

July 2015 pursuant to RQR-59613 to limit the student population at Quest has been addressed and resolved.

On October 26, 2015, after the grant of RQR-59613, the Director of the Nevada State Public Charter School Authority ("SPCSA"), acting on delegated authority from the SPCSA Board, appointed Joshua Kern ("Receiver") as the receiver and manager of the assets and operations of Quest, including the operation of Quest on the Subject Property.

The Receiver seeks this RQR-62049 to continue to operate the Quest campus at the Subject Property and to increase the maximum number of students to approximately 525 as permitted by state law.

A significant percentage of the student population at the Subject Property are special needs students. Quest is proud that its campus is able to provide to the community this service to a population that is particularly underserved. Quest's parents strongly support Quest's educational curriculum, and those parents of special needs students strongly support this Review of Conditions within RQR-59613.

2. Intended Use of the Subject Property. A public charter school.

3. Compliance with City Policies and Regulations. Pursuant to Town Center Development Standards page 24 paragraph 27, public or private school, primary and secondary, a school may be located adjacent to, nor have direct access/egress to, Main Street, Parkway, or Primary Arterial in Town Center. The existing site plan and location meet all conditions of the Town Center Development Standards and were previously approved in conjunction with SUP-53970.

4. Parking Requirements. The existing site plan and location exceeds the minimum parking requirements of 4.52 spaces per 1000 square foot ratio.

5. Operational Matters. Quest operates so that its student drop-off time is between 6:30 am and 7:25 am. Student pick-up time is between 2:25 pm and 3:00 pm. There is no overlap during commuting time so as to not increase any congestion near the Subject Property. In addition, the early drop-off time limits (if not eliminates) any traffic overlap with neighboring businesses.

Respectfully Submitted,



Ronald J. Thompson, Esq.
Representative for
Quest Preparatory Academy

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City of Las Vegas
Dept. of Planning

RQR-62049

JUSTIFICATION LETTER

June 1, 2016

City of Las Vegas
Planning Department
333 North Rancho Drive
Las Vegas, Nevada 89106

Re: RQR-59613 [PRJ-59614] – Required Review
Planning Commission Meeting of July 14, 2015

Project: Quest Academy

Address: 7485 West Azure Drive, Las Vegas, Nevada 89130

1. Explanation of Request.

This Justification Letter is submitted to support the application for approval of RQR-59613 and its one year review of Joshua Kern, Trustee (the “Trustee”) of the Quest Preparatory Academy (“Quest”), at the 7485 West Azure Drive campus of Quest (the “Subject Property”) for two particular reasons: (i) to continue to operate the campus pursuant to the existing Special Use Permit; and (ii) to increase the student population to a maximum of 525 students, or 25 students per classroom pursuant to state law, from the present restriction of 215 students imposed by the current Special Use Permit.

On July 14, 2015, the City of Las Vegas Planning Commission granted a Special Use Permit (SUP-53970) allowing, in general, the operation of a high school by Quest on the Subject Property. In conjunction with the Planning Commission’s approval, SUP-53970 was subject to a variety of conditions. Two of those conditions were: (1) an annual review of the Special Use Permit in July 2016; and (2) a limitation on the number of students that could attend Quest at the Subject Property to 215, which is less than the maximum number of students permitted under controlling state law. The Nevada State Board of Education provides that the maximum class size in high schools is a 25 to 1 student to teacher ratio, which for Quest, would equate to a maximum of 525 students at the Subject Property. (cite needed, researching where 25/1 comes from). The Subject Property is permitted to house 800 individuals pursuant to current code enforcement. A maximum student body of 525 students, plus administration, staff and teachers will not exceed the 800 individual total currently permitted at the Subject Property by code enforcement.

The purpose of the lesser student population condition to SUP-53970 was to further reduce traffic at the Subject Property presumeably because not all of the traffic safety measures were constructed at the time of the grant of SUP-53970, and in view of that limitation, the Planning Commission acted to reduce traffic numbers. The traffic study in support of SUP-53970 was undertaken with the assumption that the maximum number of 800 individuals as permitted by code enforcement would be utilizing the Subject Property. The traffic study was reviewed and approved as part of granting SUP-53970. However, as stated before, not all of the

RQR-62049

JUN 06 2016

City of Las Vegas
Dept. of Planning

traffic safety measures required in the traffic study had been constructed by July 2015. Since the granting of SUP-53970, all of the traffic safety measures identified in the July 2015 traffic study have been constructed and are in place at or near the Subject Property. Thus, the reason why the Planning Commission acted in July 2015 to limit the student population at Quest has been addressed and resolved.

On October 26, 2015, after the grant of SUP-53970, the Director of the Nevada State Public Charter School Authority ("SPCSA"), acting on delegated authority from the SPCSA Board, appointed Joshua Kern ("Receiver") as the receiver and manager of the assets and operations of Quest, including the operation of Quest on the Subject Property.

The Receiver seeks this Special Use Permit to continue to operate the Quest campus at the Subject Property and to increase the maximum number of students to approximately 525 as permitted by state law. Quest currently operates the campus at the Subject Property in compliance with SUP-53970.

A significant percentage of the student population at the Subject Property are special needs students. Quest is proud that its campus is able to provide to the community this service to a population that is particularly underserved. Quest's parents strongly support Quest's educational curriculum, and those parents of special needs students strongly support this Special Use Permit Application.

2. Intended Use of the Subject Property. A public charter school.

3. Compliance with City Policies and Regulations. Pursuant to Town Center Development Standards page 24 paragraph 27, public or private school, primary and secondary, a school may be located adjacent to, nor have direct access/egress to, Main Street, Parkway, or Primary Arterial in Town Center. The existing site plan and location meet all conditions of the Town Center Development Standards and were previously approved in conjunction with SUP-53970.

4. Parking Requirements. The existing site plan and location exceeds the minimum parking requirements of 4.52 spaces per 1000 square foot ratio.

5. Operational Matters. Quest operates so that its student drop-off time is between 6:30 am and 7:25 am. Student pick-up time is between 2:25 pm and 3:00 pm. There is no overlap during commuting time so as to not increase any congestion near the Subject Property. In addition, the early drop-off time limits (if not eliminates) any traffic overlap with neighboring businesses.

Respectfully Submitted,



Ronald J. Thompson, Esq.
Representative for
Quest Preparatory Academy

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RQR-62049

JUN 06 2016

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40
Carson City, Nevada 89706-2543
(775) 687 - 9174 • Fax: (775) 687 - 9113

October 29, 2015

Ms. Deborah Roberson
Superintendent
Quest Preparatory Academy
4660 North Rancho
Las Vegas, NV 89030

Dear Ms. Roberson,

At the September 28, 2015 meeting of the State Public Charter School Authority board, the Authority reviewed the results of the forensic audit of Quest Preparatory Academy. The SPCSA board unanimously adopted a resolution directing SPCSA staff to take the following actions:

- 1) As the audit has revealed a pattern of self-dealing transactions by past members of this school's board, and because the ramifications of those decisions continue to impact the school, directed SPCSA staff to take immediate actions to work with the school for the installment of a receiver as soon as possible.
- 2) As the auditors received no cooperation from the Chartered For Excellence Foundation, which claimed it was not subject to auditor's requests for information, but significant public money continues to flow from the school to this foundation that was established by former board members, and because of other potentially troubling issues revealed by the audit, including a pattern of awarding contracts without board approval, the execution of excessive contracts that appeared of no benefit to the school, directed staff to forward the full audit results to the Attorney General's public integrity unit for further investigation of any and all issues raised in the audit results.

Pursuant to that resolution and to the agreement Quest made with the SPCSA board as a condition to granting its amendment request on August 25, 2015, the Director of the SPCSA, acting on delegated authority from the SPCSA Board, appointed Mr. Joshua M. Kern of TenSquare, LLC to serve as the Authority-appointed receiver for the school effective October 26, 2015. Pursuant to that appointment, Mr. Kern has full legal authority over all aspects of school finance, operations, and academics and is directed to report back to the SPCSA board and staff on Quest's status.

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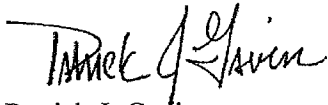
RQR-62049

JUN 06 2016

City of Las Vegas
Dept. of Planning

Pursuant to that appointment, Mr. Kern is to have signatory authority over all bank accounts and shall have the authority to negotiate, enter into, renegotiate, and enforce any and all contracts on behalf of the school. Mr. Kern's compensation, subject to review by the Director, is to be paid out of school funds for the duration of his tenure as the Authority-appointed receiver for the school.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Gavin". The signature is fluid and cursive, with a horizontal line extending from the top of the first letter.

Patrick J. Gavin
Director

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City of Las Vegas
Dept. of Planning



**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
MAYOR

STEVEN D. ROSS
MAYOR PRO TEM

LOIS TARKANIAN
RICKI Y. BARLOW
STAVROS S. ANTHONY
BOB COFFIN
BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

July 15, 2015

Mr. Tony Winsor
Dynamic Property Holdings LLC
7495 West Azure Drive, Ste. 100

**RE: RQR-59613 [PRJ-59614] - REQUIRED REVIEW
PLANNING COMMISSION MEETING OF JULY 14, 2015**

Dear Applicant:

Your request for a Required Review of an approved Special Use Permit (SUP-53970) FOR AN EXISTING PUBLIC SCHOOL, SECONDARY USE at 7485 West Azure Drive (APN 125-27-114-023), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross) [PRJ-59614], was considered by the Planning Commission on July 14, 2015.

The Planning Commission voted to **APPROVE** your request, subject to the following amended conditions:

Planning

1. A Required Review shall be considered at a public hearing within one year from the date of this application's approval.
2. Total number of students shall not exceed 435 first semester.
3. Total number of students shall not exceed 215 second semester.
4. Quest Academy must hire a full-time parking/traffic/campus monitor.
5. All gym classes must be held indoors.
6. All parents/guardians must sign the drop-off/pick-up agreement.
7. School traffic flashers whether temporary or permanent must be installed to identify the school zone prior to the opening of the school year.
8. Conformance to the Conditions of Approval for Special Use Permit (SUP-53970) shall be required.
9. Payment of the required fees totaling \$800.00 (\$300.00 application fee, \$500.00 notification fee) within 10 days of Planning Commission action.

RQR-62049

2014 WINNER OF THE U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION AWARD

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING
DEVELOPMENT SERVICES CENTER
333 NORTH RANCHO DRIVE
3RD FLOOR
LAS VEGAS, NEVADA 89106

VOICE 702.229.6301

FAX 702.474.7463

TTY 7-1-1

www.lasvegasnevada.gov



/city of las vegas

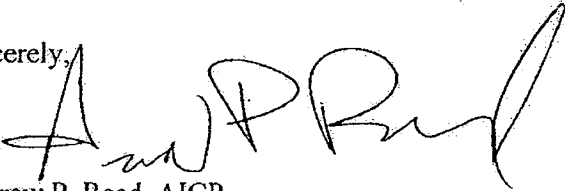
10. A public hearing required review before Planning Commission shall be heard three months from the date of approval.
11. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

12. Prior to the start of the 2015-2016 school year, construct school flashers on Azure Drive meeting the approval of the City Traffic Engineer.

This action by the Planning Commission on **July 14, 2015** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision as allowed by code or there is a review action filed by the City Council within the same time period. For additional information on appeals or review requests submitted please access <http://www.lasvegasnevada.gov/CheckStatus/DevelopmentApp.htm>, or contact the Department of Planning and Development at 702.229.6301 after **July 27, 2015**. No building permits or business licenses related to these items shall be issued prior to the expiration of the required ten day waiting period, or until any filed appeal is resolved pursuant to LVMC Title 19.18.

Sincerely,



Andrew P. Reed, AICP
Planning Supervisor
Case Planning Division

AR:nl

RQR-62049



LAS VEGAS
CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

LOIS TARKANIAN

STEVEN D. ROSS

RICKI Y. BARLOW

BOB COFFIN

BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING
DEVELOPMENT SERVICES CENTER
333 NORTH RANCHO DRIVE
3RD FLOOR
LAS VEGAS, NEVADA 89106

VOICE 702.229.6301

FAX 702.474.0352

TTY 702.386.9108

www.lasvegasnevada.gov

June 11, 2014

Mr. LaVar (Tony) Winsor
Dynamic Property Holdings LLC
7495 West Azure Drive #100
Las Vegas, Nevada 89130

**RE: SUP-53970 [PRJ-53983] - SPECIAL USE PERMIT
PLANNING COMMISSION MEETING OF JUNE 10, 2014**

Dear Applicant:

Your request for a Special Use Permit FOR A PUBLIC SCHOOL, SECONDARY USE at 7485 West Azure Drive (APN 125-27-114-023), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross) [PRJ-53983], was considered by the Planning Commission on June 10, 2014.

The Planning Commission voted to **APPROVAL** of your request, subject to the following amended conditions:

Planning

1. *A public hearing required review before the Planning Commission shall be heard one (1) year from the date of final approval.*
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Public School, Secondary use.
3. Conformance to the approved conditions for Site Development Plan Review (SDR-6109).
4. Prior to issuance of building permits, the applicant shall submit a revised pick-up/drop-off route in which children are not required to traverse parked cars to reach the front entrance of the Private School, Secondary use.
5. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.

RQR-62049



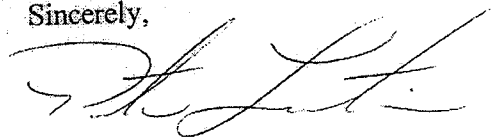
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

9. Prior to operating as a school, construct school Flashers on Azure Drive meeting the approval of the City Traffic Engineer.
10. 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, whichever may occur first. 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. 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.

This action by the Planning Commission on **June 10, 2014** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision as allowed by code or there is a review action filed by the City Council within the same time period. For additional information on appeals or review requests submitted please access <http://www.lasvegasnevada.gov/CheckStatus/DevelopmentApp.htm>, or contact the Department of Planning and Development at 702.229.6301 after **June 23, 2014**. No building permits or business licenses related to these items shall be issued prior to the expiration of the required ten day waiting period, or until any filed appeal is resolved pursuant to LVMC Title 19.18.

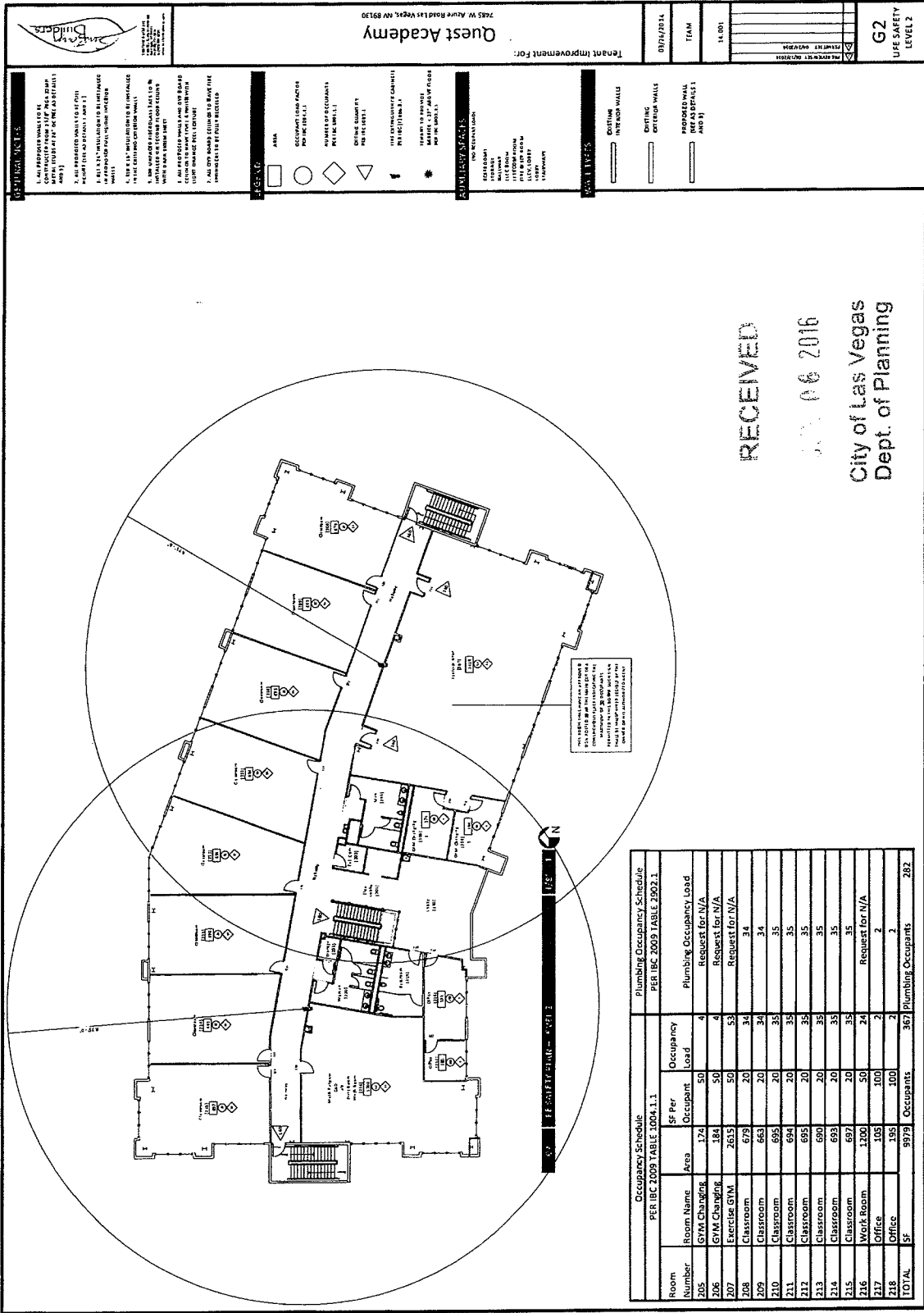
Sincerely,



Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl

RQR-62049



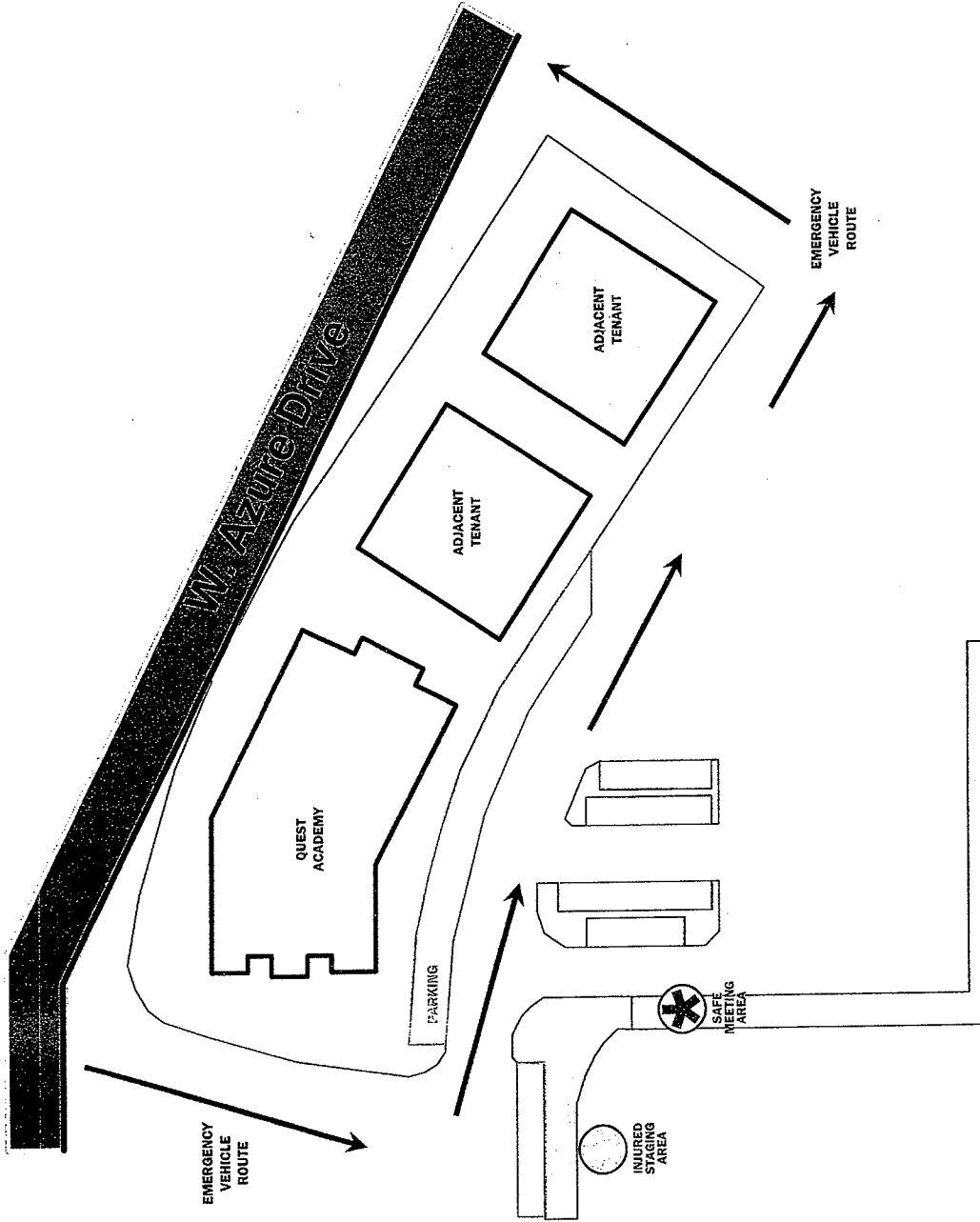
RECEIVED

JUN 06 2016

City of Las Vegas
Dept. of Planning

RQR-62049

Traffic Flow and Staging Areas



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06 2016

City of Las Vegas
Department of Planning

RQR-62049

2. ZERO TOLERANCE
2. ALL STAFF MEMBERS TO ASSIST WITH PICKUP AND DROP OFF
3. MONITORS TO DIRECT ALL PEDESTRIAN TRAFFIC TO NORTH WALKWAY ON ALIUE
4. MONITORS TO ASSIST WITH VEHICLE TRAFFIC AND DIRECTION

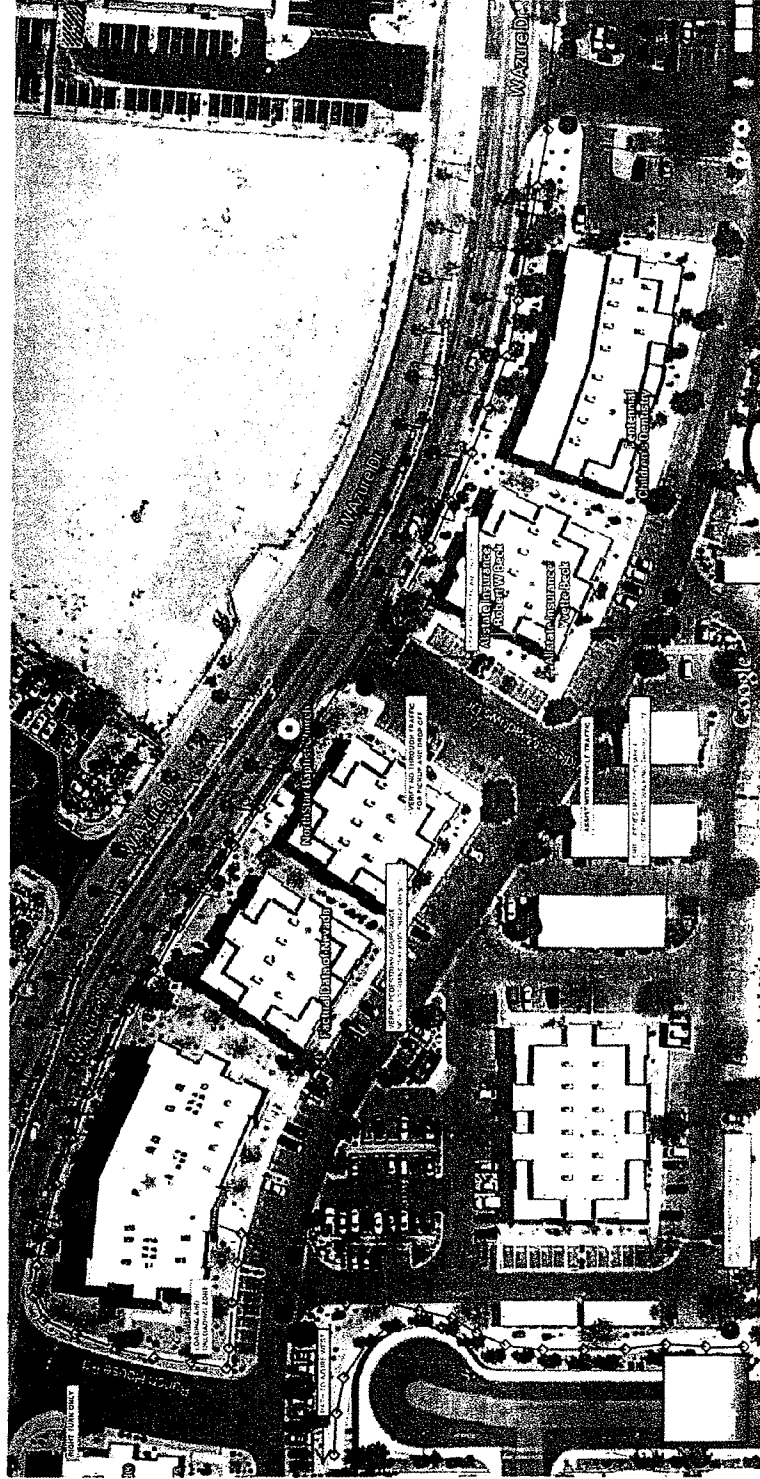
Research Improvement for

0 0 0 0 0 0 0 0

9891;

1.4.2015

A1
Site Plan
Pickup-
Dropoff



01 SET PLAN - PICK-UP AND DROP OFF TRAFFIC

RECEIVED

City of Las Vegas
Dept. of Planning



**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
MAYOR

STEVEN D. ROSS
MAYOR PRO TEM

LOIS TARKANIAN
RICKI Y. BARLOW

STAVROS S. ANTHONY
BOB COFFIN
BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

July 13, 2016

Mr. Joshua Kern
Dynamic Property Holdings LLC
818 Connecticut Ave. NW, Ste. 1009
Washington, DC 20006

**RE: RQR-62049 - REQUIRED REVIEW
PLANNING COMMISSION MEETING OF JULY 12, 2016**

Dear Applicant:

Your request for a Required Review of an approved Required Review (RQR-59613) for a Special Use Permit (SUP-53970) FOR AN EXISTING PUBLIC SCHOOL, SECONDARY USE at 7485 West Azure Drive (APN 125-27-114-024 and -025), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross), was considered by the Planning Commission on July 12, 2016.

The Planning Commission voted to **DENY** your request as the approved land use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding land uses

This action by the Planning Commission on **July 12, 2016** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision as allowed by code or there is a review action filed by the City Council within the same time period. For additional information on appeals or review requests submitted please access <http://www.lasvegasnevada.gov/CheckStatus/DevelopmentApp.htm>, or contact the Department of Planning and Development at 702.229.6301 after **July 25, 2016**. No building permits or business licenses related to these items shall be issued prior to the expiration of the required ten day waiting period, or until any filed appeal is resolved pursuant to LVMC Title 19.18.

Sincerely,

Steve Gebeke, AICP
Planning Supervisor
Case Planning Division

SG:nl

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING
DEVELOPMENT SERVICES CENTER
333 NORTH RANCHO DRIVE
3RD FLOOR
LAS VEGAS, NEVADA 89106

VOICE 702.229.6301
FAX 702.474.0352
TTY 7-1-1
www.lasvegasnevada.gov



/city of las vegas

RQR-62049 - Page Two
July 13, 2016

cc:

Mr. Ron Thompson
Holley Driggs Walch
400 S. 4th Street, 3rd Floor
Las Vegas, Nevada 89101



**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
MAYOR

STEVEN D. ROSS
MAYOR PRO TEM

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www.lasvegasnevada.gov



/city of las vegas

June 30, 2016

Mr. Joshua Kern
Dynamic Property Holdings LLC
818 Connecticut Ave. NW, Ste. 1009
Washington, DC 20006

**RE: RQR-62049 - REQUIRED REVIEW
PLANNING COMMISSION MEETING OF JULY 12, 2016**

Dear Applicant:

Please be advised the City of Las Vegas Planning Commission at its regular meeting on *July 12, 2016* as referred to above, will consider your request. This meeting will be held at 6:00 P.M. at the Council Chambers of City Hall, 495 South Main Street, Las Vegas, Nevada.

A copy of staff's recommendations, any conditions related to your application and the *final agenda* will be available on-line on *Wednesday, July 6, 2016* at www.lasvegasnevada.gov. If you do not have access to the Internet and would prefer receiving hard copies of the documentation, please call the Case Planning Division at (702) 229-6301 or come into the Development Services Center at 333 North Rancho Drive, 3rd Floor, Las Vegas, Nevada 89106 to request your copies.

The Planning Commission requires that you or your representative be present at this meeting.

Sincerely,

Steve Gebeke, AICP
Planning Supervisor
Case Planning Division

SG:nl

cc:

Mr. Ron Thompson
Holley Driggs Walch
400 S. 4th Street, 3rd Floor
Las Vegas, Nevada 89101

CITY OF LAS VEGAS

DEVELOPMENT REVIEW COMMENT FORM



Department of Planning
Case Planning Division
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106
(702) 229-6301 phone (702) 385-7268 fax

RQR-62049 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DYNAMIC PROPERTY HOLDINGS, LLC - For possible action on a request for a Required Review of an approved Required Review (RQR-59613 [PRJ-59614]) for a Special Use Permit (SUP-53970) FOR AN EXISTING PUBLIC SCHOOL, SECONDARY USE at 7485 West Azure Drive (APN 125-27-114-023), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross).

PLANNING COMMISSION: JULY 12, 2016
CITY COUNCIL: AUGUST 17, 2016

PLANNING SUPERVISOR: STEVE GEBEKE



PUBLIC HEARING

Comments Due: JUNE 14, 2016

Comments not returned by the due date will not be incorporated into the staff report for this case. Comments may be submitted either on this sheet and routed via interoffice mail, U.S. mail, fax, or e-mailed to Nora Lares (nlares@lasvegasnevada.gov), the Agenda Tech responsible for this case. If you desire to meet with the case planner you may schedule an appointment by calling (702) 229-6301.

LIST COMMENTS BELOW:



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Annual Review
 Project Address (Location) 7485 W. Azure Drive
 Project Name Quest Academy Proposed Use No change proposed
 Assessor's Parcel #(s) 125-27-114-024 Ward # 6-Ross
 General Plan: existing TC (To proposed No) Zoning: existing T-C (S proposed No)
 Commercial Square Footage 27,992 Floor Area Ratio _____
 Gross Acres _____ Lots/Units _____ Density _____
 Additional Information _____

PROPERTY OWNER Dynamic Property Holdings LLC Contact Joshua Kern
 Address 818 Connecticut Ave NW Suite 1009 Phone: (202) 277-8627 Fax: _____
 City Washington State DC Zip 20006
 E-mail Address rthompson@nevadafirm.com

APPLICANT Dynamic Property Holdings LLC Contact Joshua Kern
 Address 818 Connecticut Ave NW Suite 1009 Phone: (202) 277-8627 Fax: _____
 City Washington State DC Zip 20006
 E-mail Address rthompson@nevadafirm.com

REPRESENTATIVE Holley Driggs Walch Contact Ron Thompson
 Address 400 S 4th St, 3rd Fl Phone: (702) 791-0308 Fax: (702) 791-1912
 City Las Vegas State NV Zip 89101
 E-mail Address rthompson@nevadafirm.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* By Notary attorney for Joshua Kern

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

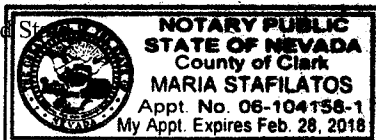
Print Name Joshua M Kern

Subscribed and sworn before me

This 2nd day of June, 20 16.

Maria Stafilatos

Notary Public in and for said County and State



Revised 03/28/16

FOR DEPARTMENT USE ONLY

Case # **RQR-62049**

Meeting Date:

Total Fee:

Date Received:*

Received By: **RECEIVED**

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

City of Las Vegas
Dept. of Planning



DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-62049** APN: 125-27-114-024
Name of Property Owner: Dynamic Property Holdings, LLC
Name of Applicant: Dynamic Property Holdings, LLC
Name of Representative: Holley Driggs Walch - Ron Thompson

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: _____

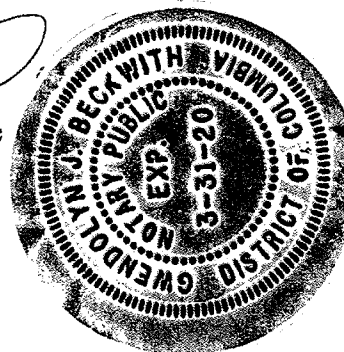
Print Name: J. Driggs Walch

Subscribed and sworn before me

This 27th day of May, 2016
Gwendolyn J. Beckwith
Notary Public in and for said County and State

GWENDOLYN J. BECKWITH
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires March 31, 2020

Revised 03/28/16



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JUN 06 2016

City of Las Vegas
Department of Planning

RECEIVED

JUN 27 2016

City of Las Vegas
Dept. of Planning

JUSTIFICATION LETTER

June 9, 2016

City of Las Vegas
Planning Department
333 North Rancho Drive
Las Vegas, Nevada 89106

Re: RQR-62049 – Required Annual Review and Review of Conditions
Planning Commission Meeting of July 12, 2016

Project: Quest Academy

Address: 7485 West Azure Drive, Las Vegas, Nevada 89130

1. Explanation of Request.

This Justification Letter is submitted to support the application for approval of RQR-62049, which is a required Annual Review and a Review of Conditions of the Quest Preparatory Academy ("Quest"), at the 7485 West Azure Drive campus of Quest (the "Subject Property").

On June 11, 2014, the City of Las Vegas Planning Commission (the "PC") granted a Special Use Permit (SUP-53970) allowing, in general, the operation of a high school by Quest on the Subject Property. On July 15, 2015, the PC conducted its first annual review of SUP-53970 under RQR-59613. In its 2015 annual review, the PC placed amended conditions on the continuing approval of SUP-53970. Two of those conditions were: (1) an annual review of the Subject Property and the operation of Quest under the Special Use Permit; and (2) a limitation on the number of students that could attend Quest at the Subject Property to 215, which is less than the maximum number of students permitted under controlling state law. The Nevada State Board of Education provides that the maximum class size in high schools is a 25 to 1 student to teacher ratio, which for Quest, would equate to a maximum of 525 students at the Subject Property. The Subject Property is permitted to house 800 individuals pursuant to current code enforcement. A maximum student body of 525 students, plus administration, staff and teachers will not exceed the 800 individual total currently permitted at the Subject Property by code enforcement.

The purpose of the lesser student population condition to SUP-53970 was to further reduce traffic at the Subject Property presumably because not all of the traffic safety measures were constructed at the time of the grant of RQR-59613, and in view of that limitation, the PC acted to reduce traffic numbers. The traffic study in support of RQR-59613 was undertaken with the assumption that the maximum number of 800 individuals as permitted by code enforcement would be utilizing the Subject Property. The traffic study was reviewed and approved as part of

RQR-62049

JUN 27 2016

City of Las Vegas
Planning Department
June 9, 2016
Page 2

City of Las Vegas
Dept. of Planning

granting RQR-59613. However, as stated before, not all of the traffic safety measures required in the traffic study had been constructed by July 2015. Since the granting of RQR-59613, all of the traffic safety measures identified in the July 2015 traffic study have been constructed and are in place at or near the Subject Property. Thus, the reason why the Planning Commission acted in July 2015 pursuant to RQR-59613 to limit the student population at Quest has been addressed and resolved.

On October 26, 2015, after the grant of RQR-59613, the Director of the Nevada State Public Charter School Authority ("SPCSA"), acting on delegated authority from the SPCSA Board, appointed Joshua Kern ("Receiver") as the receiver and manager of the assets and operations of Quest, including the operation of Quest on the Subject Property.

The Receiver seeks this RQR-62049 to continue to operate the Quest campus at the Subject Property and to increase the maximum number of students to approximately 525 as permitted by state law.

A significant percentage of the student population at the Subject Property are special needs students. Quest is proud that its campus is able to provide to the community this service to a population that is particularly underserved. Quest's parents strongly support Quest's educational curriculum, and those parents of special needs students strongly support this Review of Conditions within RQR-59613.

2. Intended Use of the Subject Property. A public charter school.
3. Compliance with City Policies and Regulations. Pursuant to Town Center Development Standards page 24 paragraph 27, public or private school, primary and secondary, a school may be located adjacent to, nor have direct access/egress to, Main Street, Parkway, or Primary Arterial in Town Center. The existing site plan and location meet all conditions of the Town Center Development Standards and were previously approved in conjunction with SUP-53970.
4. Parking Requirements. The existing site plan and location exceeds the minimum parking requirements of 4.52 spaces per 1000 square foot ratio.
5. Operational Matters. Quest operates so that its student drop-off time is between 6:30 am and 7:25 am. Student pick-up time is between 2:25 pm and 3:00 pm. There is no overlap during commuting time so as to not increase any congestion near the Subject Property. In addition, the early drop-off time limits (if not eliminates) any traffic overlap with neighboring businesses.

In the 2015 annual review, the Planning Commission put in place a short list of operational requirements for the continued operation of Quest under the special use permit. This is to confirm that conditions four through six of the 2015 annual review are being complied with by Quest. Specifically: (1) Quest employs a full-time parking/traffic/campus monitor; (2) all of Quest's gym classes are conducted indoors; and (3) all Quest parents/guardians are required to

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City of Las Vegas
Planning Department
June 9, 2016
Page 3

City of Las Vegas
Dept. of Planning

executed a drop-off/pick-up agreement. A sample of the form drop-off/pick-up agreement in use at Quest is attached for review.

Respectfully Submitted,



Ronald J. Thompson, Esq.
Representative for
Quest Preparatory Academy

RQR-62049

JUN 27 2016

City of Las Vegas
Dept. of Planning**QUEST PREPARATORY ACADEMY DROP-OFF AND PICK-UP AGREEMENT**
Dr. E. Wayne Roberson Campus

This Agreement is entered into between Quest Academy PTO ("Quest Academy" or "school"), and _____ ("Student") and _____ ("Parent" or Legal Guardian of Student). Quest Academy, the student and the student's parent or legal guardian are cumulatively referred to herein as "the parties". Any agreement made by "Student" in this Agreement is also agreed to by Student's parent or legal guardian.

WHEREAS, the building which houses Quest Academy at 7485 W. Azure Drive ("Azure Campus") is part of an association of property and business owners (Shea at Tenaya Village) which share uncovered parking and other common areas ("Association"); and

WHEREAS, a residential neighborhood is located just south of the Quest Academy's Azure Campus; and

WHEREAS, it is a priority of Quest Academy to, in all things, be a good neighbor to the businesses and residences which surround our Azure campus; and

WHEREAS, it is a priority of Quest Academy to protect the safety of its students and staff, as well as nearby residents, and patrons and staff of businesses surrounding our campus; and

WHEREAS, it is a priority of Quest Academy to protect the quiet enjoyment of residences and businesses surrounding our campus;

THE FOLLOWING IS THEREFORE AGREED TO between the parties:

1. The Roberson campus instructional hours are from 7:25 am to 2:25 pm. In order to avoid unnecessary congestion along Azure or within the complex, cars cannot begin lining up for drop-off before 7:00 am or for pick-up before 2:15 pm.
2. Student and Parent have been provided with instructions and/or a map which delineates the Association property and the authorized route to be taken during the "Pick-Up and Drop-Off Times."
3. Student and Parent shall only use the approved Drop-Off and Pick-Up route and shall not to use any other entrance, exit, or parking location to drop off or pick up students.
4. Neither Student nor Parent shall not park his/her vehicle for the purpose of dropping off or picking up students.
5. Student and Parent agree not to park vehicles to drop-off or pick-up students.
6. Student and Parent specifically agree not to park, and/or pick-up and/or drop-off on Ranch House Road, Blooming Meadows Drive, or Azure Avenue.
7. If parking is necessary for purposes other than pick up or drop off, Students and Parents agree to only park in uncovered parking spaces close to the Quest Preparatory Academy building.
8. In no event shall Student park a vehicle on Association property overnight.
9. Student and Parent agree that Quest Preparatory Academy and/or the Association may tow away, at owner's expense, any vehicle in violation of this policy.
10. Student pedestrian traffic will only be allowed on Azure Drive and on the sidewalk which constitutes the southern-most part of the Association property.

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City of Las Vegas
Dept. of Planning

11. Students are not to walk through the Association parking lot or loiter near Association businesses at any time without permission of both the business and Quest Academy.
12. Only students who live in the residential neighborhood south of the campus will be allowed to enter or exit through the Association's southern fence opening at Ranch House Road and Blooming Meadows Drive.
13. Students, staff, parents, legal guardians, and all other guests of Quest Academy shall at all times comply with all federal, state, local laws and Association rules and regulations applicable to the location of the school and shall not take any action which would be considered unsafe, immoral, improper, or offensive in a professional and educational environment.
14. Students shall take no action which would cause the School, Association, or nearby businesses or residential areas to become dangerous, unattractive, or unsightly.
15. Students shall take no action which might become an annoyance or nuisance to the School, Association, or nearby businesses or neighborhoods.
16. During drop-off and pick-up times, Quest Academy Staff shall be placed in strategic locations to maximize compliance with this plan, and Students agree to obey Quest Academy staff in relation to this plan without question.
17. Quest Academy Staff shall have the authority to enforce this Agreement at all times and are not limited to drop-off and pick-up times.
18. This is a no tolerance agreement. The Student and the student's parent or legal guardian agree that Quest Academy has the right to expel any student who violates this Agreement after a single infraction.

Date: _____

Print Students Name: _____

Students Signature: _____

Date: _____

Print Parent or Guardian Name: _____

Signature of Parent or Guardian: _____

JUSTIFICATION LETTER

June 2, 2016

City of Las Vegas
Planning Department
333 North Rancho Drive
Las Vegas, Nevada 89106

Re: RQR-62049 – Required Annual Review and Review of Conditions
Planning Commission Meeting of July 12, 2016

Project: Quest Academy

Address: 7485 West Azure Drive, Las Vegas, Nevada 89130

1. Explanation of Request.

This Justification Letter is submitted to support the application for approval of RQR-62049, which is a required Annual Review and a Review of Conditions of the Quest Preparatory Academy (“Quest”), at the 7485 West Azure Drive campus of Quest (the “Subject Property”).

On June 11, 2014, the City of Las Vegas Planning Commission (the “PC”) granted a Special Use Permit (SUP-53970) allowing, in general, the operation of a high school by Quest on the Subject Property. On July 15, 2015, the PC conducted its first annual review of SUP-53970 under RQR-59613. In its 2015 annual review, the PC placed amended conditions on the continuing approval of SUP-53970. Two of those conditions were: (1) an annual review of the Subject Property and the operation of Quest under the Special Use Permit; and (2) a limitation on the number of students that could attend Quest at the Subject Property to 215, which is less than the maximum number of students permitted under controlling state law. The Nevada State Board of Education provides that the maximum class size in high schools is a 25 to 1 student to teacher ratio, which for Quest, would equate to a maximum of 525 students at the Subject Property. The Subject Property is permitted to house 800 individuals pursuant to current code enforcement. A maximum student body of 525 students, plus administration, staff and teachers will not exceed the 800 individual total currently permitted at the Subject Property by code enforcement.

The purpose of the lesser student population condition to SUP-53970 was to further reduce traffic at the Subject Property presumably because not all of the traffic safety measures were constructed at the time of the grant of RQR-59613, and in view of that limitation, the PC acted to reduce traffic numbers. The traffic study in support of RQR-59613 was undertaken with the assumption that the maximum number of 800 individuals as permitted by code enforcement would be utilizing the Subject Property. The traffic study was reviewed and approved as part of granting RQR-59613. However, as stated before, not all of the traffic safety measures required in the traffic study had been constructed by July 2015. Since the granting of RQR-59613, all of the traffic safety measures identified in the July 2015 traffic study have been constructed and are in place at or near the Subject Property. Thus, the reason why the Planning Commission acted in

RQR-62049

City of Las Vegas
Dept. of Planning

July 2015 pursuant to RQR-59613 to limit the student population at Quest has been addressed and resolved.

On October 26, 2015, after the grant of RQR-59613, the Director of the Nevada State Public Charter School Authority ("SPCSA"), acting on delegated authority from the SPCSA Board, appointed Joshua Kern ("Receiver") as the receiver and manager of the assets and operations of Quest, including the operation of Quest on the Subject Property.

The Receiver seeks this RQR-62049 to continue to operate the Quest campus at the Subject Property and to increase the maximum number of students to approximately 525 as permitted by state law.

A significant percentage of the student population at the Subject Property are special needs students. Quest is proud that its campus is able to provide to the community this service to a population that is particularly underserved. Quest's parents strongly support Quest's educational curriculum, and those parents of special needs students strongly support this Review of Conditions within RQR-59613.

2. Intended Use of the Subject Property. A public charter school.
3. Compliance with City Policies and Regulations. Pursuant to Town Center Development Standards page 24 paragraph 27, public or private school, primary and secondary, a school may be located adjacent to, nor have direct access/egress to, Main Street, Parkway, or Primary Arterial in Town Center. The existing site plan and location meet all conditions of the Town Center Development Standards and were previously approved in conjunction with SUP-53970.
4. Parking Requirements. The existing site plan and location exceeds the minimum parking requirements of 4.52 spaces per 1000 square foot ratio.
5. Operational Matters. Quest operates so that its student drop-off time is between 6:30 am and 7:25 am. Student pick-up time is between 2:25 pm and 3:00 pm. There is no overlap during commuting time so as to not increase any congestion near the Subject Property. In addition, the early drop-off time limits (if not eliminates) any traffic overlap with neighboring businesses.

Respectfully Submitted,



Ronald J. Thompson, Esq.
Representative for
Quest Preparatory Academy

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JUN 06 2016

City of Las Vegas
Dept. of Planning

RQR-62049

JUSTIFICATION LETTER

June 1, 2016

City of Las Vegas
Planning Department
333 North Rancho Drive
Las Vegas, Nevada 89106

Re: RQR-59613 [PRJ-59614] – Required Review
Planning Commission Meeting of July 14, 2015

Project: Quest Academy

Address: 7485 West Azure Drive, Las Vegas, Nevada 89130

1. Explanation of Request.

This Justification Letter is submitted to support the application for approval of RQR-59613 and its one year review of Joshua Kern, Trustee (the "Trustee") of the Quest Preparatory Academy ("Quest"), at the 7485 West Azure Drive campus of Quest (the "Subject Property") for two particular reasons: (i) to continue to operate the campus pursuant to the existing Special Use Permit; and (ii) to increase the student population to a maximum of 525 students, or 25 students per classroom pursuant to state law, from the present restriction of 215 students imposed by the current Special Use Permit.

On July 14, 2015, the City of Las Vegas Planning Commission granted a Special Use Permit (SUP-53970) allowing, in general, the operation of a high school by Quest on the Subject Property. In conjunction with the Planning Commission's approval, SUP-53970 was subject to a variety of conditions. Two of those conditions were: (1) an annual review of the Special Use Permit in July 2016; and (2) a limitation on the number of students that could attend Quest at the Subject Property to 215, which is less than the maximum number of students permitted under controlling state law. The Nevada State Board of Education provides that the maximum class size in high schools is a 25 to 1 student to teacher ratio, which for Quest, would equate to a maximum of 525 students at the Subject Property. (cite needed, researching where 25/1 comes from). The Subject Property is permitted to house 800 individuals pursuant to current code enforcement. A maximum student body of 525 students, plus administration, staff and teachers will not exceed the 800 individual total currently permitted at the Subject Property by code enforcement.

The purpose of the lesser student population condition to SUP-53970 was to further reduce traffic at the Subject Property presumeably because not all of the traffic safety measures were constructed at the time of the grant of SUP-53970, and in view of that limitation, the Planning Commission acted to reduce traffic numbers. The traffic study in support of SUP-53970 was undertaken with the assumption that the maximum number of 800 individuals as permitted by code enforcement would be utilizing the Subject Property. The traffic study was reviewed and approved as part of granting SUP-53970. However, as stated before, not all of the

RQR-62049

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City of Las Vegas
Dept. of Planning

traffic safety measures required in the traffic study had been constructed by July 2015. Since the granting of SUP-53970, all of the traffic safety measures identified in the July 2015 traffic study have been constructed and are in place at or near the Subject Property. Thus, the reason why the Planning Commission acted in July 2015 to limit the student population at Quest has been addressed and resolved.

On October 26, 2015, after the grant of SUP-53970, the Director of the Nevada State Public Charter School Authority ("SPCSA"), acting on delegated authority from the SPCSA Board, appointed Joshua Kern ("Receiver") as the receiver and manager of the assets and operations of Quest, including the operation of Quest on the Subject Property.

The Receiver seeks this Special Use Permit to continue to operate the Quest campus at the Subject Property and to increase the maximum number of students to approximately 525 as permitted by state law. Quest currently operates the campus at the Subject Property in compliance with SUP-53970.

A significant percentage of the student population at the Subject Property are special needs students. Quest is proud that its campus is able to provide to the community this service to a population that is particularly underserved. Quest's parents strongly support Quest's educational curriculum, and those parents of special needs students strongly support this Special Use Permit Application.

2. Intended Use of the Subject Property. A public charter school.
3. Compliance with City Policies and Regulations. Pursuant to Town Center Development Standards page 24 paragraph 27, public or private school, primary and secondary, a school may be located adjacent to, nor have direct access/egress to, Main Street, Parkway, or Primary Arterial in Town Center. The existing site plan and location meet all conditions of the Town Center Development Standards and were previously approved in conjunction with SUP-53970.
4. Parking Requirements. The existing site plan and location exceeds the minimum parking requirements of 4.52 spaces per 1000 square foot ratio.
5. Operational Matters. Quest operates so that its student drop-off time is between 6:30 am and 7:25 am. Student pick-up time is between 2:25 pm and 3:00 pm. There is no overlap during commuting time so as to not increase any congestion near the Subject Property. In addition, the early drop-off time limits (if not eliminates) any traffic overlap with neighboring businesses.

Respectfully Submitted,



Ronald J. Thompson, Esq.
Representative for
Quest Preparatory Academy

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RQR-62049

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City of Las Vegas
Dept. of Planning

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

**1749 North Stewart Street Suite 40
Carson City, Nevada 89706-2543
(775) 687 - 9174 • Fax: (775) 687 - 9113**

October 29, 2015

Ms. Deborah Roberson
Superintendent
Quest Preparatory Academy
4660 North Rancho
Las Vegas, NV 89030

Dear Ms. Roberson,

At the September 28, 2015 meeting of the State Public Charter School Authority board, the Authority reviewed the results of the forensic audit of Quest Preparatory Academy. The SPCSA board unanimously adopted a resolution directing SPCSA staff to take the following actions:

- 1) As the audit has revealed a pattern of self-dealing transactions by past members of this school's board, and because the ramifications of those decisions continue to impact the school, directed SPCSA staff to take immediate actions to work with the school for the installment of a receiver as soon as possible.
- 2) As the auditors received no cooperation from the Chartered For Excellence Foundation, which claimed it was not subject to auditor's requests for information, but significant public money continues to flow from the school to this foundation that was established by former board members, and because of other potentially troubling issues revealed by the audit, including a pattern of awarding contracts without board approval, the execution of excessive contracts that appeared of no benefit to the school, directed staff to forward the full audit results to the Attorney General's public integrity unit for further investigation of any and all issues raised in the audit results.

Pursuant to that resolution and to the agreement Quest made with the SPCSA board as a condition to granting its amendment request on August 25, 2015, the Director of the SPCSA, acting on delegated authority from the SPCSA Board, appointed Mr. Joshua M. Kern of TenSquare, LLC to serve as the Authority-appointed receiver for the school effective October 26, 2015. Pursuant to that appointment, Mr. Kern has full legal authority over all aspects of school finance, operations, and academics and is directed to report back to the SPCSA board and staff on Quest's status.

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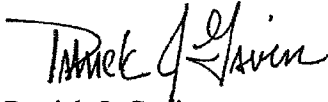
RQR-62049

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**City of Las Vegas
Dept. of Planning**

Pursuant to that appointment, Mr. Kern is to have signatory authority over all bank accounts and shall have the authority to negotiate, enter into, renegotiate, and enforce any and all contracts on behalf of the school. Mr. Kern's compensation, subject to review by the Director, is to be paid out of school funds for the duration of his tenure as the Authority-appointed receiver for the school.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Gavin". The signature is fluid and cursive, with the first name "Patrick" being more prominent.

Patrick J. Gavin
Director

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**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
MAYOR

STEVEN D. ROSS
MAYOR PRO TEM

LOIS TARKANIAN
RICKI Y. BARLOW
STAVROS S. ANTHONY
BOB COFFIN
BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

July 15, 2015

Mr. Tony Winsor
Dynamic Property Holdings LLC
7495 West Azure Drive, Ste. 100

**RE: RQR-59613 [PRJ-59614] - REQUIRED REVIEW
PLANNING COMMISSION MEETING OF JULY 14, 2015**

Dear Applicant:

Your request for a Required Review of an approved Special Use Permit (SUP-53970) FOR AN EXISTING PUBLIC SCHOOL, SECONDARY USE at 7485 West Azure Drive (APN 125-27-114-023), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross) [PRJ-59614], was considered by the Planning Commission on July 14, 2015.

The Planning Commission voted to **APPROVE** your request, subject to the following amended conditions:

Planning

1. A Required Review shall be considered at a public hearing within one year from the date of this application's approval.
2. Total number of students shall not exceed 435 first semester.
3. Total number of students shall not exceed 215 second semester.
4. Quest Academy must hire a full-time parking/traffic/campus monitor.
5. All gym classes must be held indoors.
6. All parents/guardians must sign the drop-off/pick-up agreement.
7. School traffic flashers whether temporary or permanent must be installed to identify the school zone prior to the opening of the school year.
8. Conformance to the Conditions of Approval for Special Use Permit (SUP-53970) shall be required.
9. Payment of the required fees totaling \$800.00 (\$300.00 application fee, \$500.00 notification fee) within 10 days of Planning Commission action.

RQR-62049

2014 WINNER OF THE U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION AWARD

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING
DEVELOPMENT SERVICES CENTER
333 NORTH RANCHO DRIVE
3RD FLOOR
LAS VEGAS, NEVADA 89106

VOICE 702.229.6301
FAX 702.474.7463
TTY 7-1-1
www.lasvegasnevada.gov



/city of las vegas

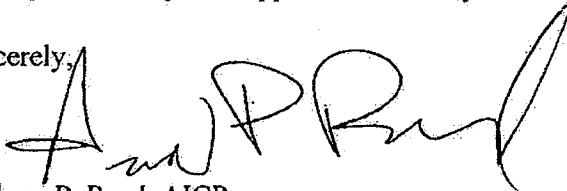
10. A public hearing required review before Planning Commission shall be heard three months from the date of approval.
11. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

12. Prior to the start of the 2015-2016 school year, construct school flashers on Azure Drive meeting the approval of the City Traffic Engineer.

This action by the Planning Commission on **July 14, 2015** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision as allowed by code or there is a review action filed by the City Council within the same time period. For additional information on appeals or review requests submitted please access <http://www.lasvegasnevada.gov/CheckStatus/DevelopmentApp.htm>, or contact the Department of Planning and Development at 702.229.6301 after **July 27, 2015**. No building permits or business licenses related to these items shall be issued prior to the expiration of the required ten day waiting period, or until any filed appeal is resolved pursuant to LVMC Title 19.18.

Sincerely,



Andrew P. Reed, AICP
Planning Supervisor
Case Planning Division

AR:nl

RQR-62049



LAS VEGAS
CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

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3RD FLOOR
LAS VEGAS, NEVADA 89106

VOICE 702.229.6301

FAX 702.474.0352

TTY 702.386.9108

www.lasvegasnevada.gov

June 11, 2014

Mr. LaVar (Tony) Winsor
Dynamic Property Holdings LLC
7495 West Azure Drive #100
Las Vegas, Nevada 89130

**RE: SUP-53970 [PRJ-53983] - SPECIAL USE PERMIT
PLANNING COMMISSION MEETING OF JUNE 10, 2014**

Dear Applicant:

Your request for a Special Use Permit FOR A PUBLIC SCHOOL, SECONDARY USE at 7485 West Azure Drive (APN 125-27-114-023), T-C (Town Center) Zone [SX-TC (Suburban Mixed Use - Town Center) Special Land Use Designation], Ward 6 (Ross) [PRJ-53983], was considered by the Planning Commission on June 10, 2014.

The Planning Commission voted to **APPROVAL** of your request, subject to the following amended conditions:

Planning

1. *A public hearing required review before the Planning Commission shall be heard one (1) year from the date of final approval.*
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Public School, Secondary use.
3. Conformance to the approved conditions for Site Development Plan Review (SDR-6109).
4. Prior to issuance of building permits, the applicant shall submit a revised pick-up/drop-off route in which children are not required to traverse parked cars to reach the front entrance of the Private School, Secondary use.
5. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.

RQR-62049



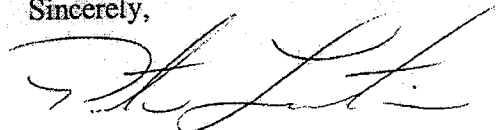
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

9. Prior to operating as a school, construct school Flashers on Azure Drive meeting the approval of the City Traffic Engineer.
10. 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, whichever may occur first. 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. 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.

This action by the Planning Commission on **June 10, 2014** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision as allowed by code or there is a review action filed by the City Council within the same time period. For additional information on appeals or review requests submitted please access <http://www.lasvegasnevada.gov/CheckStatus/DevelopmentApp.htm>, or contact the Department of Planning and Development at 702.229.6301 after **June 23, 2014**. No building permits or business licenses related to these items shall be issued prior to the expiration of the required ten day waiting period, or until any filed appeal is resolved pursuant to LVMC Title 19.18.

Sincerely,



Peter Lowenstein, AICP
Planning Supervisor
Case Planning Division

PL:nl

RQR-62049

RECEIVERSHIP APPOINTMENT

This Receivership Appointment ("Appointment") is made as of October 26, 2015, by the **NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**, ("SPCSA") appointing **JOSHUA M. KERN** of TenSquare, LLC ("Receiver") to act as a receiver and manager of the assets, operations and undertakings of Quest Academy Preparatory Education, a Nevada State funded charter school.

RECITALS

A. Quest Academy Preparatory Education ("Quest"), is a Nevada State funded charter school located in Las Vegas, Nevada metropolitan area organized, operated and governed pursuant to Chapter 386 of the Nevada Administrative Code, which governs Local Administrative Organization relating to Charter Schools, and Title 23 of the Nevada Revised Statutes, governing Public Officers and Employees under Nevada Revised Statutes under Chapter 281.

B. Quest operates its charter school at four (4) campuses in the Las Vegas metropolitan area consisting of: (i) the Alexander Campus located at 7550 West Alexander, Las Vegas, Nevada 89149 servicing kindergarten; (ii) the Bridger Campus located at 1300 East Bridger, Las Vegas, Nevada 89101 servicing kindergarten through fifth grade; (iii) the Roberson Campus located at 7485 Azure Drive, Las Vegas, Nevada 89130 servicing seventh through twelfth grade; and (iv) the Torrey Pines Campus located at 4660 North Rancho Drive, Las Vegas, Nevada 89130 servicing kindergarten through sixth grade.

C. Pursuant to that certain resolution and agreement entered into between Quest and the SPCSA board as a condition to granting an amendment request on August 25, 2015, the Director of the SPCSA, acting on delegated authority from the SPCSA Board, appointed Joshua M. Kern as the receiver and manager of the assets, operations and undertakings of Quest, effective October 26, 2015, with full legal authority over all aspects of school finance, operations, and academics, all records of any kind relating to any of the foregoing, all funds and proceeds relating to any of the foregoing (including insurance, general intangibles and other accounts proceeds) of Quest (the "Receivership Property").

D. SPCSA and the Receiver desire through this Appointment to further define the duties, responsibilities, authority and compensation of the Receiver pertaining to Quest and the Receivership Property.

NOW, THEREFORE, acting in the authority granted to the SPCSA board by Quest pursuant to the conditions of approval of the August 25 Amendment request, and the authority delegated by the SPCSA board to the Executive Director at the September 28 Board meeting, the SPCSA Executive Director issues the following appointment to which the Receiver agrees shall remain in full force and effect until such time as it is replaced by a judicial order appointing a receiver, or the SPCSA and the Receiver agree in writing that it should be amended, terminated or replaced:

1 In addition to those powers granted by law, the Receiver is authorized to do the following:

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- 1.1 To hold, preserve, administer, and operate the business and activities of Quest consistent with its lawful authority and nonprofit purposes with full authority to perform all acts necessary or incidental thereto, including the power to hire and terminate employees;
- 1.2 To continue to operate Quest's campuses in such manner, to such extent, and for such duration as the receiver may in good faith determine to be in the best interest of Quest's students and in the public interest subject to revocation or termination of the Quest's charter issued by the SPCSA;
- 1.3 To immediately collect, marshal, take custody, control and possession of, conserve, hold and manage all funds, accounts, property, premises, mail and other assets of, or in the possession or under the control of Quest, wherever situated, with the power to collect, receive and take possession of all goods, rights, credits, money, leases, books, work papers, and records of accounts, contracts, financial records, monies on hand in banks and other papers and documents of Quest;
- 1.4 To employ such managers, agents, employees, servants and contractors including, without limitation, members and employees of TenSquare, LLC, as may in his judgment be advisable or necessary in the management, conduct, control or custody of the affairs of Quest and the Receivership Property;
- 1.5 To make such payments and disbursements as may be necessary and advisable for the preservation of the business of Quest and the Receivership Property as may be necessary and advisable in discharging his duties as receiver;
- 1.6 To retain and employ investigators, attorneys, accountants and other professionals of his choice, to assist, advise and represent him in his duties as receiver of Quest;
- 1.7 To receive and collect any and all sums of money due to or owing to Quest in any manner whatsoever, whether now due or hereafter due and payable, and to do such things and enter into such agreements in connection with the administration, care, preservation and maintenance of the business and assets of Quest as he may deem advisable;
- 1.8 To institute, prosecute and defend, compromise, adjust, intervene in or become a party to, or assist the Attorney General for the State of Nevada in prosecuting such actions or proceedings as may be necessary or proper for the collection, marshaling, protection, maintenance, or preservation of the Receivership Property, as well as to appear in and conduct the defense of any suit in any court by or against Quest, where such prosecution, defense or other disposition of such action or proceeding will in the judgment of the Receiver be advisable and proper for the protection of business and Receivership Property;
- 1.9 To obtain information within the custody or control of any person, firm or entity needed to identify the accounts, employees, properties, or other assets of Quest, including the Receivership Property;

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- 1.10 To pay himself a reasonable compensation, including reimbursement for actual out-of-pocket expenses incurred, for fulfilling his duties as receiver for Quest, subject to approval by SPCSA, from the assets of Quest;
- 1.11 Take exclusive and immediate possession, custody, and control of the Receivership Property and preserve, protect and manage said Receivership Property;
- 1.12 Exclude all third parties, or anyone claiming under or through them who does not have valid rights for possession of the Receivership Property, or any portion thereof, from possession of said Receivership Property, or any portion thereof;
- 1.13 Use, operate, manage, and control the Receivership Property;
- 1.14 Have signatory authority over all Quest bank accounts;
- 1.15 Take exclusive and immediate possession, custody and control of the Quest's records, books of account, ledgers and all business records related to the Receivership Property, wherever located and however maintained (including, without limitation, information contained in the computers and any and all software relating thereto, as well as banking records, statements, and canceled checks and a list identifying all passwords, identification numbers, and other information necessary or appropriate for access to these accounts);
- 1.16 Take exclusive and immediate possession, custody and control of all of Quest's websites, email accounts and passwords (and computers and software relating thereto) related to the Receivership Property or its operation;
- 1.17 Take exclusive and immediate possession, custody and control of all documents that pertain to the Receivership Property, including, but not limited to, all licenses, permits, or governmental approvals relating to the Receivership Property and will execute any and all documents necessary to renew and transfer licenses for the Receivership Property as allowed by the rules and regulations of the applicable government agencies;
- 1.18 Take exclusive and immediate possession, custody and control of all contracts, leases, subleases, management agreements, franchise agreements, royalty agreements, employment agreements, licenses, assignments, or other agreements of any kind whatsoever, whether currently in effect or lapsed, which relate to the Receivership Property;

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- 1.19 To continue in effect any contracts, agreements, letters of credit and all other instruments presently existing and not in default relating to the Receivership Property; to negotiate or to enter into contracts, agreements, letters of credit, leases, the terms of which may be extended beyond the appointment of the receivership, or other arrangements; or to modify or cancel leases or other contracts, as the Receiver may deem in his discretion to be appropriate for or beneficial to the operation, management, protection and preservation of the Receivership Property; and to terminate any existing contract, agreement or instrument which is not commercially reasonable or beneficial to the Receivership Property;
- 1.20 Discharge the obligations evidenced by any loan documents pending a judicial or non-judicial sale of the Receivership Property;
- 1.21 To determine, upon taking possession of the Receivership Property, whether, in the Receiver's judgment, there is adequate insurance coverage and if sufficient insurance coverage does not exist, to obtain liability, fire and other insurance necessary to provide adequate coverage for the Receivership Property; the Receiver shall have the discretion to determine who insures the Receivership Property and will be named an additional insured at the time this Agreement is executed;
- 1.22 Establish bank accounts in the name of the Receiver for the deposit of monies and funds collected and received in connection with the Receivership Property, at a federally insured banking institution. The Receiver is not required to expend any funds other than those of the Receivership Property. Monies coming into the possession of the Receiver which are not expended for the purposes herein authorized, shall be held by the Receiver in federally insured banking institution and, to the extent possible, in interest bearing accounts and disbursed in accordance with further review and approval by the SPCSA Director;
- 1.23 Deal exclusively with all government authorities, contractors and subcontractors with regard to the Receivership Property, and take all actions necessary to comply with all agreements with and requirements of all governmental authorities with regard to the Receivership Property;
- 1.24 To take any steps the Receiver believes necessary or desirable to obtain or maintain any licenses, permits, entitlements or governmental approvals relating to the Receivership Property, improvements, and the operation of Quest;
- 1.25 Expend funds to purchase merchandise, materials, supplies and services as the Receiver deems necessary and advisable to assist it in performing its duties hereunder;
- 1.26 To take and file an inventory of all personal property including, furniture, fixtures, equipment, inventory, contracts, leases and sub-leases of the Receivership Property;

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- 1.27 Prepare monthly statements reflecting the Receiver's fees and administrative costs and expenses incurred in the operation and administration of the Receivership Property. Receiver shall be fully reimbursed for amounts Receiver expends in the preservation, maintenance of the Receivership Property;
 - 1.28 Take such other actions as may be necessary or incidental to the foregoing specific powers, directions, and general authorities relating to the Receivership Property;
 - 1.29 To obtain from the SPCSA, upon notice to SPCSA, any appropriate modifications of this Appointment;
 - 1.30 To file a voluntary petition for bankruptcy relief pursuant either chapter 7 or chapter 11 of the United States Bankruptcy Code ("Bankruptcy Code") in the United States Bankruptcy Court for the District of Nevada if the Receiver determines in his business judgment that the filing of such a petition is necessary to preserve and protect the assets of Quest. The Receiver shall also be authorized to convert or dismiss any such bankruptcy case if the Receiver later determines that conversion or dismissal is in the best interest of Quest and its creditors. In the event of any such bankruptcy filing, the Receiver shall be authorized to operate Quest as the debtor-in-possession, subject to any required court authorization.
- 2 In addition to the Receiver's authorized actions delineated above, this Appointment also authorizes the Receiver to compel, prohibit and/or enjoin, through judicial process or otherwise, the following:
- 2.1 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, upon execution of this Appointment, from collecting any debts due to the Property; and paying out, assigning, selling, conveying, transferring, encumbering, or delivering any of Quest's assets, and entering into any contracts, agreements or leases on behalf of Quest, including, but not limited to the Receivership Property, to any other person.
 - 2.2 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to deliver to the Receiver any and all funds, accounts, lease payments, revenues, or income derived from the Receivership Property, which are currently held by Quest and/or its trustees, members, officers, directors, managers, employees and agents, and provide to the Receiver information regarding all the accounts in which all Rents, lease payments, revenues, and income derived from the Receivership Property is held and, as necessary, authorize any banks to release such funds to the Receiver.
 - 2.3 To compel all persons or entities, including banks, to turn over those funds, operating bank accounts, and safe deposit boxes to the Receiver without delay and delete all designated signors on bank accounts.

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- 2.4 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to grant full access to the Receivership Property and all parts and portions of the Receivership Property and improvements.
- 2.5 To compel Quest, its trustees, members, officers, directors, managers, employees and agents and all other persons or entities in possession or control of Receivership Property to turn over to the Receiver the possession, custody, and control of the Receivership Property, including, without limitation, all keys to all locks relating to the Receivership Property, including without limitation all pass codes, passwords and access codes to all computerized equipment, all of Quest's records, books of account, ledgers and all business records for the Receivership Property, wherever located and however maintained (including, without limitation, information contained in the computers and any and all software relating thereto, as well as banking records, statements, and canceled checks and a list identifying Quest and all passwords, identification numbers, and other information necessary or appropriate for access to these accounts) and provide a list to the Receiver of all persons in possession of keys to the Property;
- 2.6 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the receiver the possession, custody and control of all of Quest's websites, email accounts and passwords (and computers and software relating thereto) related to the Receivership Property or its operation;
- 2.7 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver all documents which are or pertain to the Receivership Property, including, but not limited to, all licenses, permits, or governmental approvals relating to the Receivership Property;
- 2.8 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver all documents which constitute or pertain to insurance policies, whether currently in effect or lapsed which are related to the Receivership Property, and evidence of payment of premiums due with respect to each policy;
- 2.9 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver copies of all real and personal ad valorem property tax bills and other tax bills relating to the Receivership Property for 2014 and 2015, reflecting current balances due and copies of notices or any other assessments due or forthcoming;
- 2.10 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver all contracts, leases, subleases, management agreements, franchise agreements, construction contracts, architect agreements, plans and specifications, royalty agreements, employment agreements, licenses, assignments, or other agreements of any kind whatsoever, whether currently in effect or lapsed, which relate to the Receivership Property;

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- 2.11 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver all documents of any kind pertaining to any and all toxic chemicals or hazardous material, if any, ever brought, used and/or remaining upon the Receivership Property, including, without limitation, all reports, surveys, inspections, checklists, proposals, orders, citations, fines, warnings and notices;
- 2.12 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver a status report of any and all judgments entered, or threatened or pending litigation, relating to the Receivership Property;
- 2.13 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver all monies derived from the Receivership Property, wherever and whatsoever mode maintained;
- 2.14 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver all mail relating to the Receivership Property. The Receiver is further authorized and empowered to take any and all steps necessary to receive, collect and review all mail addressed to Quest including, but not limited to, mail addressed to any post office boxes held in the name of Quest, and the receiver is authorized to instruct the U.S. Postmaster to reroute, hold, and or release said mail to the Receiver.
- 2.15 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to turn over to the Receiver a list of all individuals presently employed by Quest including salary and wage information, and all employee files and records;
- 2.16 To compel Quest, its trustees, members, officers, directors, managers, employees and agents to otherwise cooperate fully with the Receiver in the performance of the Receiver's powers and duties, including, without limitation, the Receiver's exercise of all powers granted to the receiver pursuant to this Appointment.
- 2.17 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents from committing or permitting any waste of or on the Receivership Property or any part thereof or to suffer, commit or permit any act on the Property or any part thereof in violation of the law or transferring, removing, encumbering, or disposing of any real or personal property on the Property;
- 2.18 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents from demanding, collecting, receiving, discounting, or in any way diverting or using any of the funds or revenues from the Receivership Property;

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- 2.19 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents from directly or indirectly interfering in any manner with the discharge of the Receiver's duties under this Appointment or the Receiver's possession or operation, or management of the Receivership Property; and
- 2.20 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents from doing any act which will, or which will tend to impair, defeat, divert, prevent, or prejudice the preservation of the Receivership Property, or the preservation of the Plaintiff's interests in the Receivership Property.
- 2.21 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, or any person acting at its direction or in concert with it from transferring selling, seizing, encumbering, or otherwise taking action against or disposing of any of the Receivership Property;
- 2.22 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, or any person acting at its direction or in concert with it from interfering in any way with the Receiver's use, occupancy, maintenance, or operation of the Receivership Property;
- 2.23 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, or any person acting at its direction or in concert with it from withdrawing funds derived from the operation of the Receivership Property;
- 2.24 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, or any person acting at its direction or in concert with it from paying or transferring Quest funds other than to the Receiver;
- 2.25 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, or any person acting at its direction or in concert with it from removing, disposing of, destroying, concealing, changing or altering any of the records of pertaining to the Receivership Property;
- 2.26 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, or any person acting at its direction or in concert with it from terminating, cancelling or otherwise affecting insurance coverage or utility service relating to the Receivership Property; or
- 2.27 To prohibit and enjoin Quest, its trustees, members, officers, directors, managers, employees and agents, or any person acting at its direction or in concert with it from interfering with, noticing an event of default under, canceling or otherwise terminating, altering or changing any franchise agreement relating to any or all of the Receivership Property.

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- 3 The Receiver shall prepare and submit to the SPCSA quarterly reports of income and expenses, including, but not limited to, a quarterly operating statement, a balance sheet, accounts payable, schedule of capital expenditures, schedule of contracts and agreements entered into during the preceding quarterly period, and a schedule of governmental taxes and assessments ("Quarterly Report");
- 4 The Receiver shall not be required to give security or post a bond for the payment of such costs or damages as may arise from the appointment of the Receiver, as Receiver.
- 5 Quest shall indemnify and hold harmless Joshua M. Kern, individually, in his capacity as Receiver, his agents, contractors, employees and representatives, from any claims made by persons not a party to this Agreement, which claims arise out of the operation of this receivership, except in a case where the Receiver has acted knowingly outside the scope of the receivership authority, or committed fraud or intentionally misrepresented the Receiver's ministerial authority as the Receiver, or acted in gross negligence, recklessly or in wanton disregard of his duties. In the event a suit is filed against the Receiver, or a related entity of the Receiver, over an issue arising out of this receivership, except as conditioned above, it shall be incumbent upon the Quest to reimburse the Receiver for the fees and costs of defending such action, including any appeals thereof to final resolution and award of judgment. Upon any subsequent notice from the SPCSA terminating the appointment of the Receiver, the Receiver shall render a final accounting which shall be submitted to the SPCSA within 60 days of the notice of termination, with copies of the final accounting delivered to the SPCSA and, after Receiver renders such final accounting, Receiver shall be discharged from any further duties as Receiver.
- 6 Miscellaneous Provisions under this Appointment are as follows:
 - 6.1 Notices. Any notice required or permitted to be given under this Appointment ("Notice") shall be given in writing, by electronic mail, by certified mail postage prepaid, by hand delivery, or by recognized overnight courier service to any party at the address set forth below; and, if by hand delivery, shall be deemed to have been given or made on the day on which it was given; if by recognized overnight courier service, and shall be deemed to have been given on the business day immediately after it was sent. The physical and electronic mail addresses and telephone numbers for each party are as follows, subject to written notice of change of such information in accordance with this provision:

If to SPCSA: 1749 North Stewart Street, Suite 40
Carson City, Nevada 89706-2543
E-mail: pgavin@spcsa.nv.gov
Attn: Mr. Patrick J. Gavin, Director

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With a copy to: Gregory D. Ott
Deputy Attorney General
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701
E-mail: GOtt@ag.nv.gov

If to Receiver: Joshua M. Kern
TenSquare, LLC
818 Connecticut Avenue, NW
Suite 1009
Washington, DC 20006
E-mail: josh@thetensquaregroup.com

With a copy to: Richard F. Holley, Esq.
Holley Driggs Walch
Fine Wray Puzey & Thompson
400 S 4th Street, Third Floor
Las Vegas, Nevada 89101
rholley@nevadafirm.com

- 6.2 Compensation. The Receiver shall be paid from the Receivership Property, including insurance policies, all compensation arising out of the Receivership. The Receiver shall be paid \$35,000.00 for preparing the initial report to SPCSA regarding Quest and the Receivership Property. The Receiver shall also be compensated at the rate of \$24,000.00 per month for his time spent operating, managing and administering the business operations of Quest and collecting, administering, preserving and protecting the Receivership Property. The Receiver shall also be reimbursed for all costs pertaining to the Receivership. The Receiver shall submit monthly invoices to SPCSA by the 10th day of each month.
- 6.3 Integration. This Appointment sets forth in full the terms of appointment by the SPCSA of the Receiver with respect to the Receivership and is intended as the full, complete, and exclusive expression of powers and obligations governing the relationship between them with respect thereto. This Appointment supersedes all other discussions, promises, representations, warranties, agreements, and understandings between the SPCSA and the Receiver with respect to the subject matter hereof.
- 6.4 Amendments. This Appointment may not be modified or amended except in a writing signed by all Parties.

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- 6.5 No Waiver. No waiver of any powers, duties or obligations stated herein by any of the Parties hereunder shall be implied from any omission to take action on account thereof on one or more occasions, and no express waiver shall affect any power, duty or obligation other than that referenced therein, and any such waiver shall be operative only for the time and to the extent stated therein. No waiver of any kind herein shall be effective unless set forth in a writing signed by the SPCSA and the Receiver.
- 6.6 Interpretation. This Appointment is the product of discussions of the Parties, and in the enforcement or interpretation thereof, is to be interpreted in a neutral manner, and any presumption with regard to interpretation for or against any Party by reason of that Party having drafted or caused to be drafted this Appointment, or any portion thereof, shall not be effective in regard to the interpretation hereof.
- 6.7 Advice of Counsel. Each of the Parties herein have had the opportunity to receive independent legal advice from attorneys of their choice with respect to the advisability of agreeing to the terms provided herein, including, but not limited to, the tax consequences, if any, of the transactions which are the subject of this Appointment and with respect to the advisability of executing this Appointment, and prior to execution the Parties reviewed this Appointment. This Appointment has been carefully read by, the contents hereof are known by, and it has been signed freely by each of the Parties. The Parties have made such investigation of the facts pertaining to this Appointment and all of the matters pertaining thereto, as they deem necessary.
- 6.8 Governing Law and Jurisdiction. This Appointment shall be governed by and construed in accordance with the laws of the State of Nevada without resort to choice of law principles. The jurisdiction for any dispute arising out of this Appointment shall be Clark County, Nevada, unless another jurisdiction is otherwise mutually agreed to by all the Parties.
- 6.9 Attorneys' Fees. In the event any action or proceeding is commenced in connection with or arising out of this Appointment, the prevailing party shall be entitled to attorneys' fees and costs of suit, whether at trial or on appeal, as fixed by the Court. In the event Quest files for, or is placed into bankruptcy, then the Receiver shall be entitled to any attorneys' fees and costs incurred in the pursuit and enforcement of its rights in such bankruptcy proceeding, whether not an action of an adversarial or contested nature is filed.
- 6.10 Severability. In the event of any invalidity or unenforceability of any provision of this Appointment, the remainder of this Appointment shall remain in full force and effect, unless the absence of the provision that has been determined to be invalid or unenforceable would render the purpose of this Appointment invalid.

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- 6.11 Counterparts; Fax Signature. This Appointment may be signed by the Parties hereto in separate counterparts, all of which together shall constitute one and the same instrument. For purposes of this Appointment, a faxed or emailed signature on a counterpart shall be fully binding as though it was an original signature.
- 6.12 Headings. The headings of all paragraphs of this Appointment are inserted solely for the convenience of reference and are not a part of and are not intended to govern, limit or aid in the construction or interpretation of any term or provision hereof.
- 6.13 Authority. The individual respectively executing this Appointment on behalf of each of the SPCSA and the Receiver represents and warrants that: (i) it is the correct and authorized person to be executing this Appointment; (ii) any necessary consents and/or approvals from any members, partners, officers or trustees, as the case may be, of any of respective Parties required to be obtained for such person to be authorized to execute this Appointment and to bind such party to this Appointment have been obtained; and (iii) following execution of this Appointment by such person, this Appointment shall be a valid and binding obligation of each of the SPCSA and the Receiver.
- 6.14 Survival of Representations, Warranties and Covenants. Each and all provisions of this Appointment shall survive and remain in full force and effect. All releases herein shall survive repayment and performance of obligations under this Appointment.

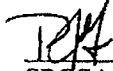
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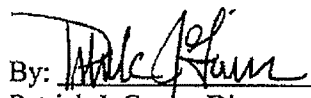
- 7 WAIVER OF JURY TRIAL. SPCSA AND THE RECEIVER HEREBY WAIVE ALL RIGHTS TO A JURY TRIAL IN ANY ACTION, SUIT, PROCEEDING OR COUNTERCLAIM OF ANY KIND DIRECTLY OR INDIRECTLY ARISING OUT OF OR IN ANY WAY RELATING TO THIS APPOINTMENT, OR ANY OTHER AGREEMENT EXECUTED IN CONNECTION WITH THIS APPOINTMENT. THIS WAIVER OF JURY TRIAL IS MADE KNOWINGLY, VOLUNTARILY AND INTENTIONALLY BY EACH OF THE PARTIES HERETO. IT IS FURTHER ACKNOWLEDGED THAT EACH OF THE PARTIES HERETO HAS HAD AN OPPORTUNITY TO REVIEW THIS APPOINTMENT WITH INDEPENDENT LEGAL COUNSEL. EACH OF THE PARTIES HERETO HAS INITIALED THIS SECTION BELOW TO INDICATE ITS/HIS AGREEMENT WITH THIS JURY TRIAL WAIVER AND OTHER TERMS CONTAINED IN THIS SECTION.


SPCSA


RECEIVER

THE PARTIES HEREBY AGREE THIS APPOINTMENT AS OF October 26, 2015.

**STATE PUBLIC CHARTER
SCHOOL AUTHORITY**

By: 
Patrick J. Gavin, Director

RECEIVER

By: 
Joshua M. Kern

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**LAS VEGAS
CITY COUNCIL**

CAROLYN G. GOODMAN
MAYOR

STEVEN D. ROSS
MAYOR PRO TEM

LOIS TARKANIAN
RICKI Y. BARLOW
STAVROS S. ANTHONY
BOB COFFIN
BOB BEERS

ELIZABETH N. FRETWELL
CITY MANAGER

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING

DEVELOPMENT SERVICES CENTER
333 NORTH RANCHO DRIVE
3RD FLOOR
LAS VEGAS, NEVADA 89106

VOICE 702.229.6301

FAX 702.474.0352

TTY 7-1-1

www.lasvegasnevada.gov



/city of las vegas

November 24, 2015

CORRECTED LETTER

Mr. Tony Winson
Dynamic Property Holdings LLC
7495 West Azure Drive, Ste. 100
Las Vegas, Nevada 89130

RE: RQR-62049 - REQUIRED REVIEW - SPECIAL USE PERMIT
PREVIOUS CASES: RQR-59613 [PRJ-59614] & SUP-53970 [PRJ-53983]
7485 West Azure Drive (APN 125-27-114-023)

Dear Applicant:

Our records indicate the above referenced action will be scheduled for the July 12, 2016 Planning Commission meeting, at which time the Commission may discontinue the use.

Provide two (2) 24" x 36" site plans, two (2) 8½" x 11" site plans, and two (2) 8½" x 11" floor plans and/or elevations depicting the site. In addition to the plans required, we also need a justification letter, current deed, the enclosed Statement of Financial Interest form and Application completed and notarized. Please come to our offices at 333 North Rancho Drive no later than May 26, 2016 to pay the application fee of \$300.00, notification fee of \$500.00 (\$750.00 notification fees apply if alcohol related). You also have the option to submit and pay fees online, for online submittal instructions please call Steve Gebeke or Andy Reed at (702) 229-6301. Failure to submit the above mentioned items may result in immediate discontinuance of the use for this site.

Failure to submit the above mentioned items will not prevent the item from being placed on the agenda for consideration by the Planning Commission, and payment of fees will be required as a condition of approval, if the Required Review is approved. If the Required Review is denied, the Special Use Permit for this site shall be discontinued, and the use shall be required to cease.

If you have any questions, please feel free to contact me at (702) 229-6301.

Sincerely,

Nora Lares, Agenda Technician
Department of Planning
Case Planning Division