



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON

LOIS TARKANIAN

STEVEN D. ROSS

RICKI Y. BARLOW

STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

August 5, 2010

Mr. Michael Ross
Carwin Advisors
8379 West Sunset Road, Suite #150
Las Vegas, Nevada 89113

RE: DIR-38680 – DIRECTOR'S BUSINESS
CITY COUNCIL MEETING OF AUGUST 4, 2010

Dear Mr. Ross:

The City Council at a regular meeting held August 4, 2010 APPROVED the Required review of a development report as required by Subsection 9.01 of that certain Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC dated August 8, 2007, on approximately 1,712 acres generally located at the southwest corner of Fort Apache Road and Moccasin Road (APNs 125-06-101-001; 125-06-301-001, 002; 125-06-401-001, 005; 125-06-501-001; 125-06-701-001; 125-07-101-004, 005, 006; 125-07-201-001, 002; 125-07-301-001, 002; 125-07-401-001, 002; 125-07-501-005; 125-07-602-001, 003, 004, 005; 126-12-000-001). The Notice of Final Action was filed with the Las Vegas City Clerk on August 5, 2010.

Sincerely,


Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

FM-0044-08-09



DEVELOPMENT SERVICES CENTER

731 S. Fourth Street
Las Vegas, NV 89101

Voice: 702-229-6301
Fax: 702-474-0352
TTY: 702-386-9108

www.lasvegasnevada.gov

July 22, 2010

Mr. Michael Ross
Carwin Advisors
8379 West Sunset Road, Suite #150
Las Vegas, Nevada 89113

**RE: DIR-38680 – DIRECTOR'S BUSINESS
CITY COUNCIL MEETING OF AUGUST 4, 2010**

Dear Mr. Ross:

Please be advised the City Council at its regular meeting on **August 4, 2010** as referred to above, will consider your request. This meeting will be held at 1:00 P. M. at the Council Chambers of City Hall, 400 Stewart Avenue, 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 **Friday, July 30, 2010** 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 731 South Fourth Street to request your copies.

The City Council requires that you or your representative be present at this meeting.

Sincerely,

M. Margo Wheeler, AICP

Director, Planning and Development Department

MMW:clb

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Steve Wolfson
Lois Tarkanian
Steven D. Ross
Ricki Y. Barlow
Stavros S. Anthony

City Manager
Elizabeth N. Fretwell



Report Date 06/25/2010 01:10 PM

Submitted By

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A/P # 38680 DIRECTORS BUSINESS

Application Information

Stages

	Date / Time	By		Date / Time	By
Processed	06/25/2010 13:04	982110	Temp COO		
Approved			COO Issued		
Final			Expires		

Associated Information

Type of Work	# Plans	0	Declared Valuation	0.00
Dept of Commerce	# Plans	0	Calculated Valuation	0.00
Priority	☒ Auto Reviews	Bill Group	Actual Valuation	0.00

Description of Work

DIR-38680 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: KAG PROPERTY, LLC - Required review of a development report as required by Subsection 9.01 of that certain Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC dated August 8, 2007, on approximately 1,712 acres generally located at the southwest corner of Fort Apache Road and Moccasin Road (APNs 125-06-101-001; 125-06-301-001, 002; 125-06-401-001, 005; 125-06-501-001; 125-06-701-001; 125-07-101-004, 005, 006; 125-07-201-001, 002; 125-07-301-001, 002; 125-07-401-001, 002; 125-07-501-005; 125-07-602-001, 003, 004, 005; 126-12-000-001), Ward 6 (Ross).

Parent A/P #

Project #	38680	Project/Phase Name	KYLE CANYON DEVELOPMENT AGREEM	Phase #	
Size/Area	0.00	Size Description		Subdivision Code	
Proposed Start		Proposed Stop		% Completed	0.00
% Complete Formula					

Property/Site Information

Parcel 12506101001

Location

Owner/Tenant

Contact ID	AC1656960	Name	BANK WACHOVIA NATIONAL ASSN	Organization	% KAG PROPERTY LLC
Mailing Address	400 S FOURTH ST 3RD FLR			State/Province	NV
City	LAS VEGAS			Country	☐ Foreign
ZIP/PC	89101-6201			Evening Phone	
Day Phone				Mobile #	
Fax					

A/P Linked Addresses

No Addresses are linked to this Application

Linked Addresses

No Addresses are linked to this Application

A/P Addresses

No Other Addresses are associated to this Application

Linked Parcels

No Parcels are linked to this Application

A/P Linked Parcels

12506101001
12506301001
12506301002

City of Las Vegas400 Stewart Ave
Las Vegas, NV 89101-2927**DIR Application****Report Date** 06/25/2010 01:10 PM**Submitted By**

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A/P Linked Parcels12506401001
12506401005
12506501001
12506701001
12507101004
12507101005
12507101006
12507201001
12507201002
12507301001
12507301002
12507401001
12507401002
12507501005
12507602001
12507602003
12507602004
12507602005
12612000001**Applicants/Contacts**

Primary	N	Capacity	OWNER	Contact ID	AC1656960 ☐ Foreign
Effective		Expire			
Name	BANK WACHOVIA NATIONAL ASSN				
Day Phone		Eve Phone		Organization	% KAG PROPERTY LLC
Pager		PIN #		Position	% J DRIGGS JR
Fax		Mobile		Profession	
E-Mail					
Address	400 S FOURTH ST 3RD FLR LAS VEGAS, NV 89101-6201				
Seasonal Addr					

Valid From To
Comments Dan Bartok, Managing Director; Sr. Manager - REO Head, Real Estate Special Assets 704-715-5096

Primary	Y	Capacity	OTHER	Other	REP	Contact ID	AC1791807 ☐ Foreign
Effective		Expire					
Name	CARWIN ADVISORS						
Day Phone	(702)269-0043 x		Eve Phone		Organization		
Pager		PIN #		Position			
Fax		Mobile		Profession			
E-Mail							
Address	8379 W SUNSET RD STE 150 LAS VEGAS, NV 89113						
Seasonal Addr							

Valid From To
Comments Michael Ross, P.E., LEED-AP 702-743-3927 (cell)

Contractors

No Contractors

Item Description **Item Status**

Report Date 06/25/2010 01:10 PM

Submitted By

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Item Description

Item Status

Check Fees	Fees Successful
Check Inspections	Inspections Successful
Check Reviews	Reviews Successful
Check Conditions	Conditions Successful
Check Alert Conditions	Alert Conditions Failed
(STAFF RECOMMENDATION)	
Check Licenses	Not Checked
Check Children Status	Children Successful
Check Open Cases	0

Activity Review Details

No Activity Review Details

Planning Condition	Description	Effective	Expire	Comments
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There is no planning condition for this project.

DIRECTOR'S BUSINESS

Y Will this go to City Council?

Hearing Type

Y Will this go DIRECTLY to City Council?

Public, Non-Public, or AdminPUBLIC

Type of Director's Business DEVELOPMENT AGREEMENT

Staff Recommendation

Meeting Information

Meeting Information

Meeting Date	Meeting Type	Meeting Status	YES Votes	ND Votes	ABSTENTIONS
Comments	Add Date	Modified By	Modified Date		
08/04/2010	CC	SCHEDULED	0	0	0
SSWANTON	06/25/2010				

Template Type	A/P #	A/P Type	Status	Stage
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No children exist for this project

Employee ID	Last	First	MI	Comments
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No Employee Entries

Log Action	Description	Entered By	Start	Stop	Hours
Comments					

No Log Entries



8379 W. Sunset Road, Suite 150
Las Vegas, NV 89113
702.269.0043 Office
702.743.3927 Mobile
MichaelRoss@CarwinAdvisors.com
www.carwinadvisors.com

June 24, 2010

Mr. Steve Swanton, AICP
Senior Planner
City of Las Vegas
731 S. Fourth St.
Las Vegas, NV 89101

Re: Kyle Canyon Annual Review Report

Dear Steve:

We are pleased to submit the 2010 annual report on the Kyle Canyon Gateway Project. It is our understanding that the Planning and Development staff will prepare a staff report for this submittal and that this submittal will be heard by the City Council on August 4th. Please send me the Staff Report as soon as it is available. I would like to thank you for your assistance in meeting this annual report requirement. If you have any questions or need any further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Ross", written in a cursive style.

Michael Ross P.E. LEED-AP
Director
CARWIN ADVISORS

RECEIVED
JUN 25 2010
DIR-38680

ANNUAL REVIEW REPORT

KYLE CANYON

Development Agreement

Between

The City of Las Vegas

And

KAG Property LLC

(a.k.a. Wachovia Bank)

Prepared By: CARWIN ADVISORS
MICHAEL ROSS, P.E. LEED-AP
8379 W. Sunset Rd. #150
Las Vegas, NV 89113
Phone# (702) 269-0043

June, 2010

RECEIVED
JUN 25 2010
DIR-38680

INTRODUCTION

On May 16, 2007 The City of Las Vegas and Kyle Acquisition Group, LLC entered into a Development Agreement which became effective on August 8, 2007 (the "Development Agreement").

On September 23, 2008 Wachovia Bank, acting as the managing creditor of 41 total creditors, foreclosed on the Kyle Canyon property. A new entity was formed called KAG Property LLC (the "Owner").

The Development Agreement requires certain performance of the Owner and/or Designated Builders in exchange for reasonable assurances from the City that the Owner might develop the Planned Community in an orderly fashion. Additionally, the Development Agreement obligates the City to perform certain tasks and to insure that municipal services are provided to the Planned Community at the most economical cost to its citizens.

Section 9.01 of the Development Agreement and NRS Chapter 278 require that the Owner submit a report every year documenting material compliance with the terms of the Development Agreement within the preceding twelve months. In fulfillment of the NRS requirement and Section 9.01 of the Development Agreement, the Owner hereby submits this annual review to the City. This report provides a brief history of the project and addresses compliance by the Owner and the City with the terms of the Development Agreement. The summary details the total number of residential units built and approved for the calendar year.

The information contained herein is current as of June, 2010.

SUMMARY

The existing Development Agreement by Kyle Acquisition Group allows for up to 16,000 residential units and 258 acres of commercial uses. Construction has not yet started on the Kyle Canyon Gateway master planned community. Therefore, zero residential units and zero commercial uses have been built. It is anticipated that no development will occur in 2010 or 2011. A conceptual plan revising the project to less intensive land uses has been developed with City staff and reduces the number of residential units to a maximum of 9,000. The Development Agreement is being revised to match this plan.

HISTORY OF THE PLANNED COMMUNITY

In 2004 the City of Las Vegas developed a plan for 1,700 acres controlled by the BLM in the vicinity of the intersection of Kyle Canyon Road (State Route 157) and U.S. 95 located in Sections 6 and 7 of Book 125 and Section 12 of Book 125. The purpose of this plan was to develop policies and guidelines that foster a more sustainable, energy efficient and environmentally compatible development. A resolution, R-176-2004 also known as the NORA resolution, adopting key components of that plan that established the guidelines and goals was approved by the City of Las Vegas on December 1, 2004.

The land covered by the Kyle Canyon Gateway Plan was auctioned by the BLM in February 2005. The Kyle Acquisition Group LLC was the successful bidder. Kyle Acquisition Group LLC consisted of Focus Commercial Group and nine home builders.

On May 16, 2007 the Las Vegas City Council approved the Kyle Canyon Development Agreement and Design Guidelines; ZON-20543 and DIR-21605. Key components of the Design Guidelines are to create a community that is diverse in uses, is walkable, and provides a strong sense of community. The community will be connected by a series of trails and open spaces. The Design Guidelines also contain provisions to ensure that development is energy efficient, improves air quality and reduces water usage. On June 20, 2007 the City Council adopted the Development Agreement by ordinance.

The parent Tentative Map (TMP-25492) was approved by the Las Vegas Planning Commission on December 20, 2007. The Parent Final Map has been submitted to the City of Las Vegas and comments have been received. The Master Drainage, Traffic, Sanitary Sewer Studies have been approved and updates have been put on hold.

On September 23, 2008, Wachovia Bank foreclosed on the Kyle Canyon property forming a new ownership entity called KAG Property LLC. Neither Focus Commercial, nor the nine previous builders, no longer has an interest in the property. Wachovia Bank has hired Carwin Advisors of Las Vegas to manage the property.

CURRENT ACTIVITY

HORSE INTERCHANGE:

On April 16, 2009 KAG Property executed the Control of Access Donation for the Horse Interchange construction. Groundbreaking for construction was June 8, 2009.

PROPERTY TAXES:

Prior to September 23, 2008 the property taxes were three quarters delinquent. KAG Property has brought the property tax payments current.

SHEEP MOUNTAIN PARKWAY:

The Development Agreement, as currently approved, requires the future outer Beltway alignment to be aligned north – south along the western boundary of the property (Puli Road) and curve northeast through Section 1 north of the Kyle Canyon master plan. The future proposed alignment thru Section 1 requires the acquisition of numerous properties owned by many different owners. In light of the extreme challenges of purchasing these parcels and the limitations of using eminent domain for right of way acquisition, the existing diagonal beltway alignment is now being considered. This right of way alignment does not require additional property acquisition as a part of Kyle Canyon Master Plan.

STRATEGIC PLANNING / LAND USE PLAN:

In light of the changing real estate market conditions and the consideration of the existing diagonal outer beltway alignment, KAG Property desires to study potential land uses in addition to those already approved to determine the highest and best uses for Kyle Canyon in today's market climate. An amended land plan will be analyzed as necessitated by the consideration of the existing diagonal beltway alignment and any alternative land uses that may be suitable for the master planned community.

On June 1, 2009 KAG Property engaged the services of Hart Howerton Land Planners to work in concert with the City to prepare a Summary Report of strategic market research to recommend the highest and best uses for Kyle Canyon in the current market place while still meeting the intent of the NORA resolution adopted December 1, 2004 and the intent of the existing Development Agreement. Hart Howerton is a nationally recognized land planning consultant having experience on large master plan communities throughout the United States of America and internationally. The strategic market research and recommendations, geographical constraints analysis and the review of surrounding neighborhood concerns was completed and presented to KAG Property and the City staff in the form of a Summary Report in October 2009. With this Summary Report the process of amending the Land

Use Plan began. A new Conceptual Plan that reduces the total number of residential units to 9,000 has been created by Carwin Advisors, KTG Y Planners and City Staff. The master traffic and drainage plans are being revised to match the new Conceptual Plan.

SOUTHERN NEVADA HEALTH DISTRICT:

KAG Property has made a concerted effort to continue to clean up debris and trash that has been illegally dumped by unknown parties on the Kyle Canyon property. Specifically along Grant Teton Dr. and along Grand Canyon Dr. in response to Southern Nevada Health District and City Public Works requests.

The following chart summarizes the status of the key requirements set forth in the Development Agreement and related documents.

REQUIREMENTS

Facility	Requirement	Commencement	Explanation of Requirement	City Action	Developer Action	Status
Telecommunications Facilities	Telecommunications Facilities Map	Within 6 months of recordation of Final Parent Map	3.13(b) of DA	Ensure telecommunications Map is submitted within 6 months of Final Parent Map recordation	Submit telecommunications maps	Final Parent Map not recorded. On Hold pending new Land Use Plan with diagonal beltway.
ROW Agreement for Optical Fiber	Execute ROW Agreement for Optical Fiber	At any time	3.14 of DA	Ensure Agreement is in place	Reach agreement with City and pay	Agreement not Submitted to City
Town Center Standards	Submit design standards for the Town Center and Urban Mixed Use areas	18 months after the effective date of the DA or prior to the issuance of the 3500 th residential building permit	3.21(a) of DA	Ensures standards are submitted and approved	Submit standards	On Hold pending new Land Use Plan with diagonal beltway.
Master HOA	Form Master HOA	To be formed at time of Final Parent Map recordation	4.01(a)	Ensure Master HOA is formed	Form Master HOA	Final Parent Map not recorded. On Hold pending new Land Use Plan with diagonal beltway.
Temporary detention basins	City to maintain temporary detention basins	Within 60 days of completion of First temporary detention basin	4.04 of DA	Maintain detention basins	Deposit \$100,000 into special account within completion of first temporary detention basin	No temporary basins have been constructed to date.
CCSD acreage	Dedicate up to 72 acres to CCSD for school sites shown on master land use plan.	At any time	5.01 of DA	None	Dedicate up to 72 acres to CCSD for school sites	Requires recordation of parent final map.
Fire Protection	Developer to pay City \$1,000,000 towards the Construction of a Fire Station	18 months after the effective date of the DA	5.02 (a) of DA	None	Make payment to City	On Hold pending new Land Use Plan with diagonal beltway and Summary Report.
Fire Safe Community Program	City to establish Fire Safe Community Program (FSCP)	Within 90 days of effective date	5.02(d) of DA	Establish (FSCP)	Within 90 of notice from City that FSCP is established, pay City \$50,000 towards cost	Program not set up
Regional Transportation Center	Dedicate 2.5 gross acres for transit hub	None	5.03(a) of DA	None	Dedicate land	Requires recordation of parent final map.

Facility	Requirement	Commencement	Explanation of Requirement	City Action	Developer Action	Status
Police Services	Designated Builders to pay City \$218 per residential unit towards the construction of a Metro substation.	Payment to be Received when building permits are issued by the City	5.04 of DA	Collect fees	None	No fees due. Requires recordation of the parent final map.
Northern Beltway 'Sheep Mountain Parkway'	Dedicate ROW with Section 1 and within Providence. No longer required for diagonal beltway.	Prior to recordation of Parent Final Map	7.05 (a) of DA	None	Dedicate land	Re-aligning northern beltway to be in existing diagonal easement.
Kyle Canyon Interchange	Developer to pay City \$10 million for interchange	Within 60 days of notification from City that design is complete	7.06 (a) of DA	Design interchange	Make payment to City	Design of Interchange being revised due to diagonal northern beltway
Horse Drive Interchange	City shall use its best efforts to complete Construction.	Within 30 months of effective date	7.06 (b) of DA	Construct interchange	None	Construction started June 8, 2009.
Park Area Conceptual Plan	Developer to submit conceptual plan for each Park Area	Prior to issuance to 500 th residential permit	5. B) of Parks Agreement	Notify Developer when 400 th permit is issued in each Park Area. Review plans and drawings.	Design conceptual park plans	Trigger not yet reached
Park Plans	Developer to submit 90% construction Drawing to City within 180 days of City's approval of conceptual plans and 100% plans within 90 days of City's review of 90% plans	To start after conceptual plans are approved by City	5. C) of Parks Agreement	Review and comment on park plans	Design park plans	Trigger not yet reached. Conceptual plan not submitted or approved.
Construction of HOA Parks	Developer to commence construction of each park within 90 days of City's final approval of construction drawings	To start after construction Drawing and specifications are approved by City	5. D) of Parks Agreement	None. Accept parks in lieu of RCT up to a maximum of 16,000 residential units.	Construct and dedicate amenities to City or HOA as specified in Parks Agreement.	Trigger not yet reached
Indian Hills Park	Developer to commence construction of park	Within 180 days of receiving notice from City	5. E) of Parks Agreement	Notify Developer that plans are complete and adequate flood control facilities are in place. Accept park in lieu of RCT. Begin maintenance within 30 days of park completion.	Construct park within 18 months of commencement	Design Plans received from City. On hold pending revision of the Development Agreement and Parks Agreement.
Iron Mountain Park	Developer to design and construct park	Within 180 days of receiving notice from City that 7000 th permit For residential dwelling is issued	5. F) of Park Agreement	Notify Developer that trigger is reached and adequate flood control facilities are in place	Design and construct park	Trigger not yet reached

Facility	Requirement	Commencement	Explanation of Requirement	City Action	Developer Action	Status
Moccasin Park	Developer to design and construct park.	Within 90 days of City final approval of construction drawings.	Paragraph 7 of the Parks Agreement.	Accept park in lieu of RCT. Begin maintenance within 30 days of park completion.	Construct park and dedicate amenities to City.	Plans have not been submitted.
Arroyos	Developer required to protect the existing North and South arroyos.	None	Park Agreement Exhibit C – Required Facilities	Review and comment on conceptual layout for arroyos	Design and construct layout adjacent to arroyos	Plans have not been submitted.
Community Centers (West Parks, East Parks and Town Center Park)	Developer to design and construct parks.	None	Park Agreement Exhibit C – Required Facilities	Review and comment on conceptual layout for each 5 acre Park with Community Center	Design and construct Community Centers. Dedicate to HOA for maintenance.	Plans have not been submitted.

INFRASTRUCTURE

Item	Document	Performance Requirement	Status
Sanitary Sewer	ZON-20543 3.02(c)	None	Off site design approval pending
Flood Control and Drainage	7.07 of DA	Design and construct all drainage facilities identified on Master Drainage Study	Master Study was approved on March 29, 2007. A study revision was submitted to the City on June 22, 2010 and is being reviewed. Construction has not commenced
Special Improvement District	8.01 of DA	Form SID	Application on hold
Offsites	3.02(c)	None	No permits issued

TRANSPORTATION IMPROVEMENTS

Item	Performance Requirement	Reference	Status
Traffic Study	Prepare and Submit a Master Traffic Study	ZON-20543	Approved A revision to the traffic study matching the Conceptual Plan will be submitted to the City in July
Transportation Improvements	Construct all Village Streets as indicated in Master Traffic Study within 24 months of start of construction.	7.04(a) and 3.02(c) of Development Agreement	None of the Village Streets are under construction at this time
Traffic Signals	Developer will construct all traffic signals identified in the Master Traffic Study	7.04(b) of DA	None of the traffic signals are under construction at this time

GAMING ENTERPRISE DISTRICT

Item	Performance Requirement	Reference	Status
Gaming Enterprise Overlay District	None	ZON-20475 approved by City Council on May 16, 2007.	Approved
Special Use Permit		SUP-20478 approved by City Council on September 19, 2007.	

MODIFICATIONS TO DESIGN GUIDELINES

There have been two approved Major Modifications to the Design Guidelines in accordance with Section 3.03 (d). The following table is a summary of the approved changes.

MOD Number	Approval Date	Action
MOD-22589	August 15, 2007	Realigned Iron Mountain Road and clarified Common Element width on certain cross sections
MOD-25875	February 6, 2008	Renamed Village Streets internal to project, updated street cross sections for new names, and clarified certain street cross section diagrams

CONCLUSIONS

The ownership of the property has changed to Wachovia Bank (a.k.a. KAG Property LLC) thru foreclosure. This change of ownership has made the acquisition of additional parcels for the Northern Beltway no longer feasible resulting in the need to revise the land use plan to accommodate the existing diagonal beltway alignment. In light of this and the current real estate market climate, the new owners retained the services of Hart Howerton Strategic Planning Consultants to perform a strategic market analysis that produced a Summary Report of findings and potential land use recommendations. The Summary Report was presented to the City on October 2, 2009. Based on the recommendations of this report, a Conceptual Plan was created by Carwin Advisors and the City. Carwin Advisors and KTG Y Planners are now in the process of refining the Conceptual Plan by creating lotting studies of various parcels. These studies are being presented to City staff for review and comment on an ongoing basis.