

*City of Las Vegas*

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE:      OCTOBER 1, 2008**  
**DEPARTMENT:      PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: DIR-29916      APPLICANT/OWNER: KYLE ACQUISITION**  
**GROUP, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:      APPROVAL**

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This request is for approval of a required development report pursuant to Subsection 9.01 of the Development Agreement (Agreement) entered into between Kyle Acquisition Group, LLC (Owner) and the city of Las Vegas on August 8, 2007.

**EXECUTIVE SUMMARY**

The Owner completed the first required review of the Kyle Canyon development August 6, 2008. An October 2008 follow-up review was requested as a condition of approval of that review. There are no changes to the report submitted for the first review, and the Owner has not indicated when any of the critical tasks identified in the August staff report may be commenced or completed.

Staff recommends approval of the review.

<b><i>ITEMS REQUIRING IMMEDIATE COMPLIANCE</i></b>	
For the current review period, the parties shall comply with the following items from the Development Agreement:	
<b>Owner/Master Developer</b>	
<ul style="list-style-type: none"><li>• Obtain building permits and begin construction of Indian Hills Park by 09/17/08, with completion by 03/17/10</li><li>• Submit a draft phasing schedule to city for development of the Master Planned Community</li><li>• Dedicate Section 1 and Providence lands to city for development of northern alignment of Sheep Mountain Parkway prior to recordation of Parent Final Map</li><li>• Address staff comments from Final Map Technical Review and record Parent Final Map prior to expiration of Parent Tentative Map</li><li>• Pay city \$50,000 towards the promotion of a Fire Safe Community Program within 90 days of the city's written confirmation that the program has been established</li></ul>	
<b>City of Las Vegas</b>	
<ul style="list-style-type: none"><li>• Establish and promote a Fire Safe Community Program</li><li>• Vacate BLM right-of-way for existing southern alignment of Sheep Mountain Parkway (if Section 1 and Providence lands are dedicated)</li></ul>	

<b><i>ITEMS REQUIRING COMPLIANCE WITHIN SIX MONTHS</i></b>	
Between October 2008 and March 2009, in addition to the above, the parties shall comply with the following items from the Development Agreement:	
<b>Owner/Master Developer</b>	
<ul style="list-style-type: none"> <li>• By 02/08/09, Master Developer shall pay \$1,000,000 to city of Las Vegas towards the construction of a fire station at a site located at the southwest corner of Grand Teton Drive and Hualapai Way.</li> <li>• Submit Kyle Canyon Town Center Standards for city approval no later than 02/08/09.</li> </ul>	
<b>City of Las Vegas</b>	
<ul style="list-style-type: none"> <li>• None</li> </ul>	

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/16/05	The City Council approved a request (GPA-9458) to amend the Land Use Element of the Las Vegas 2020 Master Plan to add the Traditional Neighborhood Development (TND) land use designation. The Planning Commission and staff recommended approval.
01/18/06	The City Council approved a request (GPA-9167) to amend a portion of the Centennial Hills Sector Plan of the General Plan to change land use designations from PCD (Planned Community Development), SC (Service Commercial) and PF (Public Facilities) to TND (Traditional Neighborhood Development) on 1,712 acres generally located north of Grand Teton Drive, between Puli Road and Fort Apache Road. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-21013) to select the Northern Alternative Freeway/Expressway Alignment for Sheep Mountain Parkway and to remove the Southern Alternative Freeway/Expressway Alignment from the Master Plan of Streets and Highways. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a Development Agreement (DIR-21605) between Kyle Acquisition Group, LLC and the city of Las Vegas on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road for the development of the Kyle Canyon Master Plan. The Planning Commission and staff recommended approval. In a related item, the City Council voted to approve a Parks Agreement between Kyle Acquisition Group, LLC and the city of Las Vegas. Staff recommended approval.

05/16/07	The City Council approved a request for a Rezoning (ZON-20543) from U (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation] and R-E (Residence Estates) to T-D (Traditional Development) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road. The Kyle Canyon Development Standards and Design Guidelines were approved as part of this action. The Planning Commission and staff recommended approval.
06/20/07	The City Council adopted Ordinance No. 5910, thereby adopting the Development Agreement between Kyle Acquisition Group, LLC and the city of Las Vegas.
08/08/07	The Development Agreement between Kyle Acquisition Group, LLC and the city of Las Vegas was recorded in the Official Records of Clark County. The approved Parks Agreement was recorded together with the Development Agreement. This is the Effective Date of the Development Agreement.
08/15/07	The City Council approved a Major Modification (MOD-22589) of the Kyle Canyon Development Standards and Design Guidelines to realign Iron Mountain Road between Hualapai and Grand Canyon Drive, and to add street cross sections. The Planning Commission and staff recommended approval.
08/15/07	The City Council approved a parent Tentative Map (TMP-22586) for a 213-lot mixed use subdivision on the Community property. The Planning Commission and staff recommended approval. This map was expunged by TMP-25492.
09/05/07	The City Council approved a Petition to Annex (ANX-21949) 15.56 acres generally located on the south side of Kyle Canyon Road, approximately 1,030 feet east of Shaumber Road; and a Petition to Annex (ANX-21950) 5.15 acres generally located on the south side of Kyle Canyon Road, east of Alpine Ridge Way. The Planning Commission and staff recommended approval. The effective date of the annexations was 09/14/07.
09/19/07	The City Council approved a request (GPA-20469) to amend the Centennial Hills Sector Plan of the General Plan to change land use designations from PCD (Planned Community Development) and SC (Service Commercial) to TND (Traditional Neighborhood Development) on 7.27 acres on the west side of Oso Blanca Road, approximately 2,190 feet south of Kyle Canyon Road. The City Council also approved a Rezoning (ZON-22351) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], C-1 (Limited Commercial) and C-2 (General Commercial) to T-D (Traditional Development) on the same 7.27 acres. This action also updated the Kyle Canyon Development Standards and Design Guidelines. The Planning Commission and staff recommended approval.
09/19/07	The City Council approved a request (ZON-20475) to establish a Gaming Enterprise Overlay District on 51.38 acres at the southeast corner of Hualapai Way and Oso Blanca Road. The City Council also approved a Special Use Permit (SUP-20478) for a Non-Restricted Gaming use on this site. The Planning Commission and staff recommended approval.

10/23/07	Staff completed the first Final Map Technical Review for the Kyle Canyon Gateway Parent Final Map (FMP-24541) and conducted a workshop pursuant to Subsection 3.05(c)(ii) of the Agreement to discuss comments with the Master Developer. The Final Map was deemed not to be in substantial compliance with the approved parent Tentative Map (TMP-22586). Staff and the Master Developer agreed to retain the Final Map and have the Master Developer submit a new Tentative Map that matched the Final Map. The Final Map would be subject to a subsequent review once the Tentative Map was approved.
12/20/07	The Planning Commission approved a parent Tentative Map (TMP-25492) for a 105-lot mixed-use subdivision on the 1,712-acre Community property. Staff recommended approval.
01/31/08	Planning and Development and Public Works Department staff conditionally approved a Final Map Technical Review for the Kyle Canyon Gateway Parent Final Map (FMP-24541). As of 07/22/08 Final Map mylars based on the current Tentative Map have not been submitted for staff review.
02/06/08	The City Council approved a request (MSH-25695) to amend the Master Plan of Streets and Highways to rename Horse Drive west of Grand Canyon Drive to Kyle Heights Parkway; to realign a portion of the Iron Mountain Road alignment between Horse Drive and the Northern Beltway; to reclassify various streets as identified by the special design designations adopted as part of the Kyle Canyon Development Standards and Design Guidelines; and to add or remove various roadway segments. The Planning Commission and staff recommended approval. The City Council also approved a Major Modification (MOD-25875) of the Kyle Canyon Development Standards and Design Guidelines to amend various street names and to clarify street cross section drawings within the Community. A subsequent Street Name Change application will be required prior to issuance of the first residential permit in the Community. The Planning Commission and staff recommended approval.
02/06/08	The City Council tabled a Petition to Vacate a BLM right-of-way grant generally located north of Grand Teton Drive, south of Moccasin Road, between Puli Road and Fort Apache Road (VAC-23811). The area to be vacated is the original alignment of Sheep Mountain Parkway that was discarded in favor of an alignment to the north (MSH-21013). The Planning Commission and staff had recommended approval. The Petition cannot record until Section 1 Land, Providence Land, and On-Property Land are dedicated to the city for creation of the right-of-way for the northern alignment of Sheep Mountain Parkway, pursuant to Subsection 7.05(a)(v) of the Agreement.
08/06/08	The City Council approved the initial 11-month review of the Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC. Staff recommended approval.

## **ANALYSIS**

Pursuant to NRS Chapter 278.0205 and Subsection 9.01 of the Agreement, the City Council requested a follow-up review of the Agreement reporting on the status of development within the Kyle Canyon Community. The initial report was approved by the City Council 08/06/08.

The follow-up status report from the Owner dated 09/02/08 does not indicate any changes to the status report approved at the 08/06/08 City Council meeting. The most immediate items to be addressed are included in the summary table at the beginning of this staff report. They include securing permits and beginning construction of Indian Hills Park by 09/17/08 (a date 180 days after receiving notice from the city that adequate flood control facilities were in place to protect the park and that plans were sufficient to acquire permits for construction) and the submittal of a draft phasing schedule to the city for development of the Community prior to 08/08/07. Items to be addressed within the next six months include payment of funds to the city toward an on-property fire station and the submittal of the Kyle Canyon Town Center standards.

## **FINDINGS**

Staff recommends approval of the review, even as it appears that the Master Developer will be in default of this Agreement requiring acquisition of permits and commencement of construction of Indian Hills Park by the date of this hearing. Based upon this default, staff will send to the Master Developer the necessary notice of default and opportunity to cure as provided by Subsection 10.01 of the Development Agreement to enable this Council to take further action in accordance with the terms of the Development Agreement, if desired.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0