City of Las Vegas

# PLANNING COMMISSION AGENDA

**COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011**
**CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov**

**LAS VEGAS CITY COUNCIL**

**Mayor Carolyn G. Goodman, (At-Large)**
**Mayor Pro-Tem Stavros S. Anthony, (Ward 4)**
**Councilman Steve Wolfson, (Ward 2)**
**Councilwoman Lois Tarkanian, (Ward 1)**
**Councilman Steven D. Ross, (Ward 6)**
**Councilman Ricki Y. Barlow (Ward 5)**
**Councilman Bob Coffin, (Ward 3)**
**City Manager Elizabeth N. Fretwell**

**COMMISSIONERS**

**Glenn E. Trowbridge, Acting Chair**
**Byron Goynes**
**Richard Truesdell**
**Vicki Quinn**
**Gus W. Flangas**
**Todd L. Moody**
**Trinity Schlottman**

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the DEPARTMENT DESIGNEE at (702) 229-6301 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is (702) 386-9108.

## August 9, 2011

6:00 PM

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. UNLESS OTHERWISE STATED, ITEMS MAY BE TAKEN OUT OF THE ORDER PRESENTED AT THE DISCRETION OF THE CHAIRPERSON. TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

NOTICE: This meeting has been properly noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Clark County Government Center, 500 South Grand Central Parkway
Las Vegas Library, 833 Las Vegas Boulevard North
Grant Sawyer Building, 555 East Washington Avenue
Bulletin Board, City Hall Plaza (next to Metro Records)

ACTIONS: ALL ACTIONS EXCEPT GENERAL PLAN AMENDMENTS, REZONINGS AND RELATED CASES THERETO ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN TEN DAYS AND PAYMENT OF THOSE COSTS SHALL BE MADE UPON FILING OF THE APPLICATION.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION AND AGREED TO BY THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDAED ITEM.

**PLANNING COMMISSION MEETING RULES OF CONDUCT:**

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.

2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.

3. If areas of concern are known in advance, or if the applicant does not accept staff's condition, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.

4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.

5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.

6. After all objectors' input has been received; the applicant will be invited to respond to any new issues raised.

7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.

8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

## BUSINESS ITEMS:

1. CALL TO ORDER

2. ANNOUNCEMENT: COMPLIANCE WITH OPEN MEETING LAW

3. ROLL CALL

4. PUBLIC COMMENT

5. FOR POSSIBLE ACTION TO APPROVE THE FINAL MINUTES FOR THE PLANNING COMMISSION MEETING OF JULY 12, 2011

6. FOR POSSIBLE ACTION - Any Items from the Planning Commission, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time.

## CONSENT ITEMS:

CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.

## ONE MOTION - ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE NON-PUBLIC AND PUBLIC HEARING ITEMS. ALL PUBLIC HEARINGS AND NON-PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PUBLIC OR A MEMBER OF THE PLANNING COMMISSION NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF, SHOULD REQUEST TO HAVE

THAT ITEM REMOVED FROM THIS PART OF THE AGENDA.

7. SUP-42254 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GLORIELL HOLDINGS, LLC - OWNER: CHI HSUAN WU - For possible action on a request for a Special Use Permit FOR A BEER/WINE/COOLER ON-SALE ESTABLISHMENT WITHIN AN EXISTING 5,918 SQUARE-FOOT RESTAURANT at 2131 Rock Springs Drive (APN 138-22-610-012), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

8. VAC-42053 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a petition to Vacate a portion of public right-of-way at the northeast corner 4th Street and Stewart Avenue, Ward 5 (Barlow). Staff recommends APPROVAL.

9. VAC-42246 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: THE HOWARD HUGHES COMPANY, LLC - For possible action on a petition to Vacate all public street right-of-way within a residential subdivision generally located at the southwest corner of Crossbridge Drive and Sky Vista Drive, Ward 2 (Wolfson). Staff recommends APPROVAL.

10. SDR-42260 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: SYMPHONY PARK MASTER ASSOCIATION, INC. - For possible action on a request for a Site Development Plan Review FOR A PRIVATE PARK on 0.58 acres at the intersection of Symphony Park Avenue and Grand Central Parkway (APNs 139-33-511-009 and 010), PD (Planned Development) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

## PUBLIC HEARING ITEMS

11. ABEYANCE - GPA-41777 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: RANCHO PROPERTIES, LLC - For possible action on a request for a General Plan Amendment FROM: O (OFFICE) and LI/R (LIGHT INDUSTRY/RESEARCH) TO: M (MEDIUM DENSITY RESIDENTIAL) on 9.92 acres at 3000 North Michael Way (APN 138-13-512-001), Ward 5 (Barlow). Staff recommends DENIAL.

12. ABEYANCE - ZON-41778 - REZONING RELATED TO GPA-41777 - PUBLIC HEARING - APPLICANT/OWNER: RANCHO PROPERTIES, LLC - For possible action on a request for a Rezoning FROM: O (OFFICE) AND C-M (COMMERCIAL/INDUSTRIAL) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 9.92 acres at 3000 North Michael Way (APN 138-13-512-001), Ward 5 (Barlow). Staff recommends DENIAL.

13. ABEYANCE - SDR-41779 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-41777 AND ZON-41778 - PUBLIC HEARING - APPLICANT/OWNER: RANCHO PROPERTIES, LLC - For possible action on a request for a Site Development Plan Review FOR A 136-UNIT APARTMENT COMPLEX WITH A WAIVER TO ALLOW NO LANDSCAPE BUFFER ALONG PORTIONS OF THE NORTH PERIMETER WHERE SIX FEET IS REQUIRED on 9.92 acres at 3000 North Michael Way (APN 138-13-512-001), O (Office) and C-M (Commercial/Industrial) Zones [PROPOSED: R-3 (Medium Density Residential)], Ward 5 (Barlow). Staff recommends DENIAL.

14. ABEYANCE - GPA-41934 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: ROYAL VIEW, LLC - For possible action on a request for General Plan Amendment FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: SC (SERVICE COMMERCIAL) on 1.54 acres at the northeast corner of Sky Pointe Drive and Horse Drive (APN 125-08-210-002), Ward 6 (Ross). Staff recommends DENIAL.

15. ABEYANCE - ZON-41933 - REZONING RELATED TO GPA-41934 - PUBLIC HEARING - APPLICANT/OWNER: ROYAL VIEW, LLC - For possible action on a request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.54 acres at the northeast corner of Sky Pointe Drive and Horse Drive (APN 125-08-210-002), Ward 6 (Ross). Staff recommends DENIAL.

16. ABEYANCE - GPA-41958 - MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request to Amend the Master Plan of Streets and Highways TO REALIGN SHEEP MOUNTAIN PARKWAY BETWEEN GRAND TETON DRIVE AND FORT APACHE ROAD AND DELETE MASTER PLANNED ROADWAYS WITHIN THE KYLE CANYON MASTER PLAN AREA, Ward 6 (Ross). Staff recommends APPROVAL.

17. VAC-42250 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request for a Petition to Vacate portions of the Sheep Mountain Parkway right-of-way grant, Ward 6 (Ross). Staff recommends APPROVAL.

18. ABEYANCE - MOD-41437 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT/OWNER: NEW VISTA RANCH, INC. - For possible action on a request for a Major Modification of a previously approved Rezoning (ZON-16580) TO AMEND THE MASTER DEVELOPMENT PLAN AND DEVELOPMENT STANDARDS on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

19. ABEYANCE - ROC-40981 - REVIEW OF CONDITION RELATED TO MOD-41437 - PUBLIC HEARING - APPLICANT/OWNER: NEW VISTA RANCH, INC. - For possible action on a request for a Review of Condition of a previously approved Rezoning (ZON-16580) TO ELIMINATE CONDITIONS 5, 7 and 9 on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

20. ABEYANCE - SDR-40980 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-41437 AND ROC-40981 - PUBLIC HEARING - APPLICANT/OWNER: NEW VISTA RANCH, INC. - For possible action on a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-16581) TO DIVIDE TWO LARGE BUILDINGS INTO NINE SMALLER BUILDINGS FOR A 78-UNIT ASSISTED LIVING COMMUNITY on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

21. ABEYANCE - VAR-41882 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: DONALD E. NEWBY - For possible action on a request for a Variance TO ALLOW A FRONT YARD SETBACK OF 45 FEET WHERE 50 FEET IS REQUIRED FOR AN EXISTING PORCH ON THE MAIN DWELLING AND TO ALLOW AN EXISTING ACCESSORY STRUCTURE (CLASS II) THAT IS NOT AESTHETICALLY COMPATIBLE (METAL) WITH THE MAIN DWELLING (STUCCO) TO BE 14 FEET IN HEIGHT WHERE TEN FEET SIX INCHES IS ALLOWED, TO BE LOCATED FOUR FEET FROM THE MAIN DWELLING WHERE SIX FEET IS REQUIRED, AND FOR THE TOTAL BUILDING AREA OF ALL ACCESSORY STRUCTURES TO BE 2,256 SQUARE FEET WHERE 854 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.98 acres at 5312 Elkhorn Road (APN 125-13-802-006), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL.

22. MOD-42261 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: RIO VISTA PLAZA, LLC, ET AL - For possible action on a request for a Major Modification of a previously approved Rezoning (Z-0074-97) TO AMEND THE MASTER DEVELOPMENT PLAN TO ADD GENERAL PERSONAL SERVICE AND MASSAGE, ACCESSORY USES AS PERMITTED USES AND THE MASSAGE ESTABLISHMENT USE AS A PERMITTED USE WITH AN APPROVED SPECIAL USE PERMIT on 18.6 acres at 7007-7171 West Ann Road (APNs Multiple), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

23. SUP-42265 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: RIO VISTA PLAZA, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 260 SQUARE-FOOT MASSAGE ESTABLISHMENT IN CONJUNCTION WITH A 1,500 SQUARE-FOOT DAY SPA WITH A WAIVER TO ALLOW A DISTANCE SEPARATION OF 50 FEET FROM A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED at 7045 West Ann Road, Suite #130 (APN 125-34-515-003), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

24. SUP-42182 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC - For possible action on a request for a Major Amendment of a previously approved Special Use Permit (SUP-20519) FOR A PROPOSED 24-STORY MIXED-USE DEVELOPMENT CONSISTING OF 33,000 SQUARE FEET OF COMMERCIAL SPACE, 1,150 RESIDENTIAL UNITS AND A 135-FOOT TALL PARKING STRUCTURE on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

25. SDR-41600 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-42182 - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC - For possible action on a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-20502) FOR A PROPOSED 24-STORY MIXED-USE DEVELOPMENT, INCLUDING 33,000 SQUARE FEET OF COMMERCIAL SPACE, 1,150 RESIDENTIAL UNITS, AND A 135-FOOT TALL PARKING STRUCTURE on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), C-1 (Limited Commercial) Zone, Ward 3

(Coffin). Staff recommends APPROVAL.

26. SUP-41599 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT on 0.64 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue (APNs 139-34-410-056 through 059), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

27. SDR-41829 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-41599 - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 16-STORY MIXED-USE DEVELOPMENT, INCLUDING 16,000 SQUARE FEET OF COMMERCIAL SPACE AND 330 MULTI-FAMILY RESIDENTIAL UNITS AND A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN STREETSCAPE STANDARDS on 0.64 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue (APNs 139-34-410-056 through 059), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

28. VAR-42175 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SHIRLEY RITZ TRUST - For possible action on a request for a Variance TO ALLOW A FOUR-FOOT REAR YARD SETBACK FOR A PRIMARY STRUCTURE WHERE 15 FEET IS REQUIRED, TO ALLOW AN ACCESSORY STRUCTURE (CLASS II) TO BE LOCATED IN THE FRONT YARD AREA WHERE SUCH IS NOT PERMITTED AND TO ALLOW A THREE-FOOT, SIX-INCH HIGH SOLID WALL WITH A THREE-FOOT, SIX-INCH WROUGHT IRON TOP WHERE FIVE FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE FRONT YARD on 0.20 acres at 2222 Ash Avenue (APN 139-35-713-035), R-1 (Single Family Residential) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

29. VAR-42432 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CONAN AND JESSICA TURNER - For possible action on a request for a Variance TO ALLOW A THREE-FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED on 0.45 acres at 6308 Jennifer Court (APN 138-02-811-030), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL.

30. ROC-42233 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: STERLING PARK OWNERS ASSOCIATION - For possible action on a request for a Review Condition to delete Condition Number 2 of an approved Plot Plan and Building Elevation Review [Z-0050-90(5)] WHICH REQUIRED THE SUBMITTAL OF A MASTER SIGN PLAN TO THE DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR ANY INDIVIDUAL ON-PREMISE SIGNS on 4.50 acres at 7400-7580 West Sahara Avenue (APNs 163-03-411-003; 005; 007; 009 through 016), C-1 (Limited Commercial) and P-R (Professional Office and Parking) Zones, Ward 1 (Tarkanian). Staff recommends APPROVAL.

31. VAR-42234 - VARIANCE RELATED TO ROC-42233 - PUBLIC HEARING - APPLICANT/OWNER: BENSON & BERTOLDO, LLC - For possible action on a request for a Variance TO ALLOW A 25-FOOT TALL FREESTANDING SIGN TO HAVE A ZERO-FOOT SETBACK WHERE FIVE FEET IS REQUIRED on 0.32 acres at 7408 West Sahara Avenue (APN 163-03-411-014), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

32. SUP-42225 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: I RENT B & E, LLC - For possible action on request for a Special Use Permit FOR A PROPOSED PAWN SHOP USE WITHIN AN EXISTING 6,039 SQUARE-FOOT COMMERCIAL BUILDING WITH WAIVERS TO ALLOW A 657-FOOT DISTANCE SEPARATION FROM A FINANCIAL INSTITUTION, SPECIFIED WHERE 1,000 FEET IS REQUIRED at 3500 West Sahara Avenue (APN 162-05-402-007), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

33. SUP-42252 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOG BITES BACK, LLC - OWNER: WINNER PROPERTIES, LLC - For possible action on a request for a Special Use Permit FOR A 98 SQUARE-FOOT RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITH A WAIVER TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RELIGIOUS FACILITY WHERE 400 FEET IS REQUIRED at 9500 West Sahara Avenue (APN 163-06-816-015), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends DENIAL.

34. SUP-42258 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE - For possible action on a request for a Special Use Permit FOR A PROPOSED CHILD CARE - GROUP HOME (7-12 CHILDREN) WITH A WAIVER TO ALLOW ACCESS TO THE FACILITY BY MEANS OF A RIGHT-OF-WAY (OAKEY BOULEVARD) WITH A WIDTH OF GREATER THAN 60 FEET at 6201 West Oakey Boulevard (APN 163-02-712-024), R-PD5 (Residential Planned Development - 5 Units Per

Acre) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

35. SUP-42262 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: BEL AIR RG, LLC, ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED 15,263 SQUARE-FOOT MOTOR VEHICLE SALES (USED) USE at 1715 Fremont Street and 1735 Fremont Street (APNs 139-35-315-006 and 007), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

36. SUP-42264 - SPECIAL USE PERMIT RELATED TO SUP-42262 - PUBLIC HEARING - APPLICANT/OWNER: BEL AIR RG, LLC, ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED 7,572 SQUARE-FOOT AUTO REPAIR GARAGE, MAJOR WITH WAIVERS TO ALLOW SERVICE BAYS TO FACE THE RIGHT-OF-WAY AND TO ALLOW VEHICLES TO BE PARKED ON THE PREMISES FOR THE PURPOSE OF OFFERING THE VEHICLES FOR SALE WHERE SUCH IS NOT ALLOWED at 1715 Fremont Street and 1735 Fremont Street (APNs 139-35-315-006 and 007), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

37. SDR-41770 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC - For possible action on a request for a Site Development Plan Review FOR THE CONVERSION OF A SINGLE FAMILY RESIDENCE TO A 1,488 SQUARE-FOOT OFFICE BUILDING WITH WAIVERS TO ALLOW LANDSCAPE BUFFER WIDTHS OF FIVE FEET ALONG THE WEST PERIMETER WHERE 15 FEET IS REQUIRED, THREE FEET ALONG THE NORTH PERIMETER WHERE FIVE FEET IS REQUIRED AND ZERO FEET ALONG A PORTION OF THE SOUTH PERIMETER WHERE FIVE FEET IS REQUIRED on 0.16 acres at 344 South Jones Boulevard (APN 138-36-210-011), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

38. SDR-41771 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES C, LLC - For possible action on a request for a Site Development Plan Review FOR THE CONVERSION OF A SINGLE FAMILY RESIDENCE TO A 1,492 SQUARE-FOOT TUTORING CENTER, WITH WAIVERS TO ALLOW LANDSCAPE BUFFER WIDTHS OF ZERO FEET ALONG A PORTION OF THE NORTH AND SOUTH PERIMETERS WHERE FIVE FEET IS REQUIRED, AND SEVEN FEET ALONG THE WEST PERIMETER WHERE 15 FEET IS REQUIRED on 0.13 acres at 404 South Jones Boulevard (APN 138-36-210-017), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

39. SDR-42251 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: SCHOOL BOARD OF TRUSTEES - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 79,513 SQUARE-FOOT PUBLIC SCHOOL (K-12) on 11.7 acres at 2800 Stewart Avenue (APN 139-36-303-001), C-V (Civic) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

## DIRECTOR'S BUSINESS:

40. DIR-41972 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request regarding the adoption of the Sahara West Walkable Community Plan. Staff recommends APPROVAL.

41. DIR-42266 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT: CARWIN ADVISORS, LLC - OWNER: KAG PROPERTY, LLC - For possible action on a request regarding the amending of the Development Agreement for the Kyle Canyon Development on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road (APNs 125-06-101-001; 125-06-301-001 and 002; 125-06-401-001 and 005; 125-06-501-001; 125-06-701-001; 125-07-101-004, 005 and 006; 125-07-201-001 and 002; 125-07-301-001 and 002; 125-07-401-001 and 002; 125-07-501-005; 125-07-602-001, 003, 004 and 005; 126-12-000-001), Ward 6 (Ross). Staff has NO RECOMMENDATION.

42. DIR-42424 - DIRECTOR'S BUSINESS - PUBLIC HEARING - For possible action on an election of new Planning Commission Officers for the remainder of 2011. Staff has NO RECOMMENDATION.

43. DIR-42436 - DIRECTOR'S BUSINESS - PUBLIC HEARING - For possible action to amend the City of Las Vegas Planning Commission Rules and Regulations. Staff has NO RECOMMENDATION.

44. DIR-42500 - DIRECTOR'S BUSINESS - PUBLIC HEARING - For possible action on the appointment of new members to the Downtown Design Review Committee. Staff has NO RECOMMENDATION.

45. TXT-42360 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action to amend Table 1 of Town Center Development Standards to establish regulations, applicable zoning

districts, and requirements for Pet Boarding, Small Wind Energy System and Solar Panel uses. Staff recommends APPROVAL.

## CITIZENS PARTICIPATION:

46. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION. NO SUBJECT MAY BE ACTED UPON BY THE PLANNING COMMISSION UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

City of Las Vegas Agenda Item No.: **1.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG**

**SUBJECT:**
CALL TO ORDER

City of Las Vegas Agenda Item No.: **2.**

## *AGENDA SUMMARY PAGE - PLANNING*
**PLANNING COMMISSION MEETING OF: AUGUST 9, 2011**

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG**

**SUBJECT:**
ANNOUNCEMENT: COMPLIANCE WITH OPEN MEETING LAW

City of Las Vegas Agenda Item No.: **3.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG**

**SUBJECT:**
ROLL CALL

City of Las Vegas Agenda Item No.: **4.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG**

**SUBJECT:**
PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

City of Las Vegas Agenda Item No.: **5.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG**

**SUBJECT:**
FOR POSSIBLE ACTION TO APPROVE THE FINAL MINUTES FOR THE PLANNING COMMISSION MEETING OF JULY 12, 2011

City of Las Vegas Agenda Item No.: **6.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: JULY 12, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
Any items from the Planning Commission, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **7.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

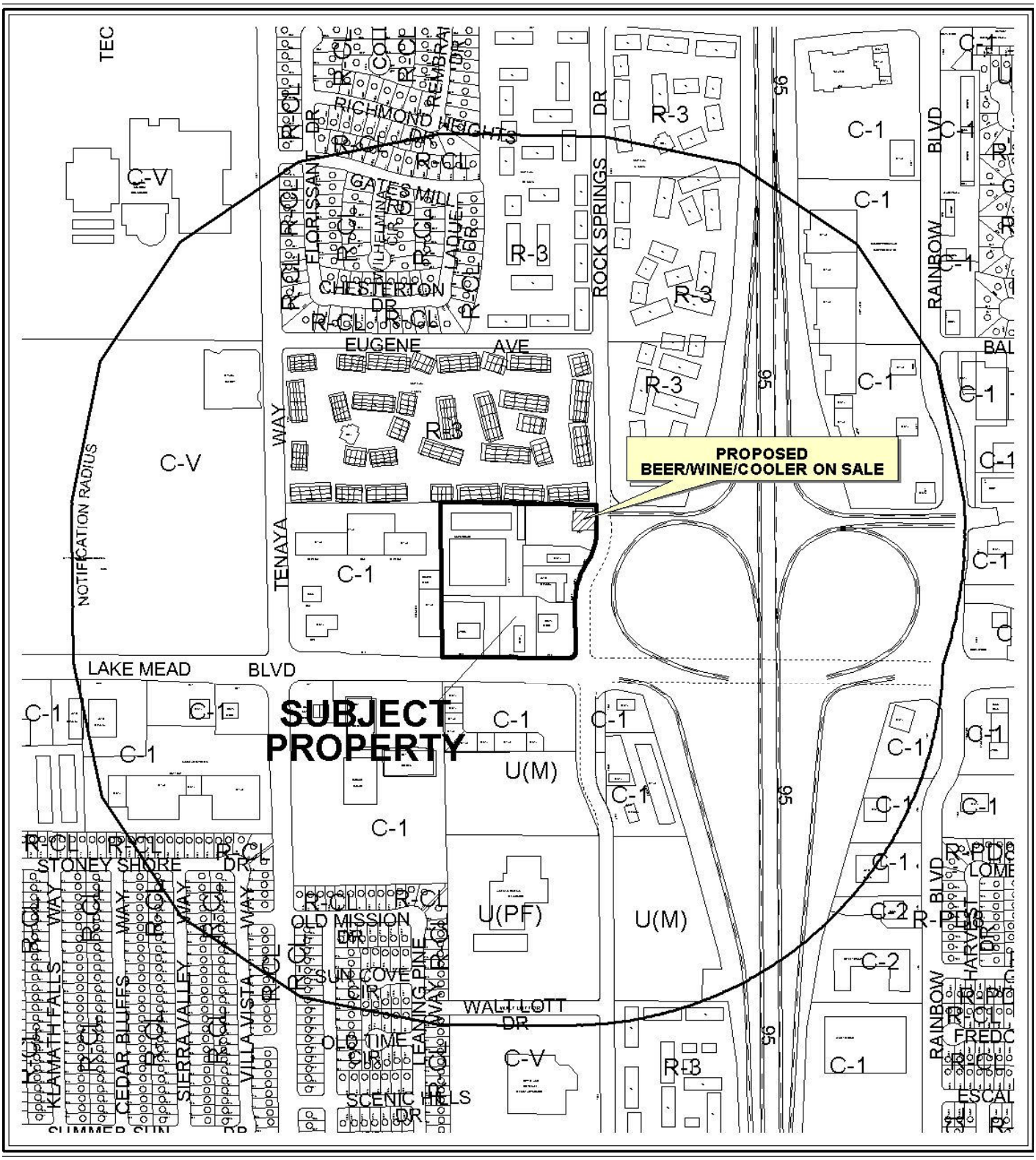
**SUBJECT:**
SUP-42254 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GLORIELL HOLDINGS, LLC - OWNER: CHI HSUAN WU - For possible action on a request for a Special Use Permit FOR A BEER/WINE/COOLER ON-SALE ESTABLISHMENT WITHIN AN EXISTING 5,918 SQUARE-FOOT RESTAURANT at 2131 Rock Springs Drive (APN 138-22-610-012), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

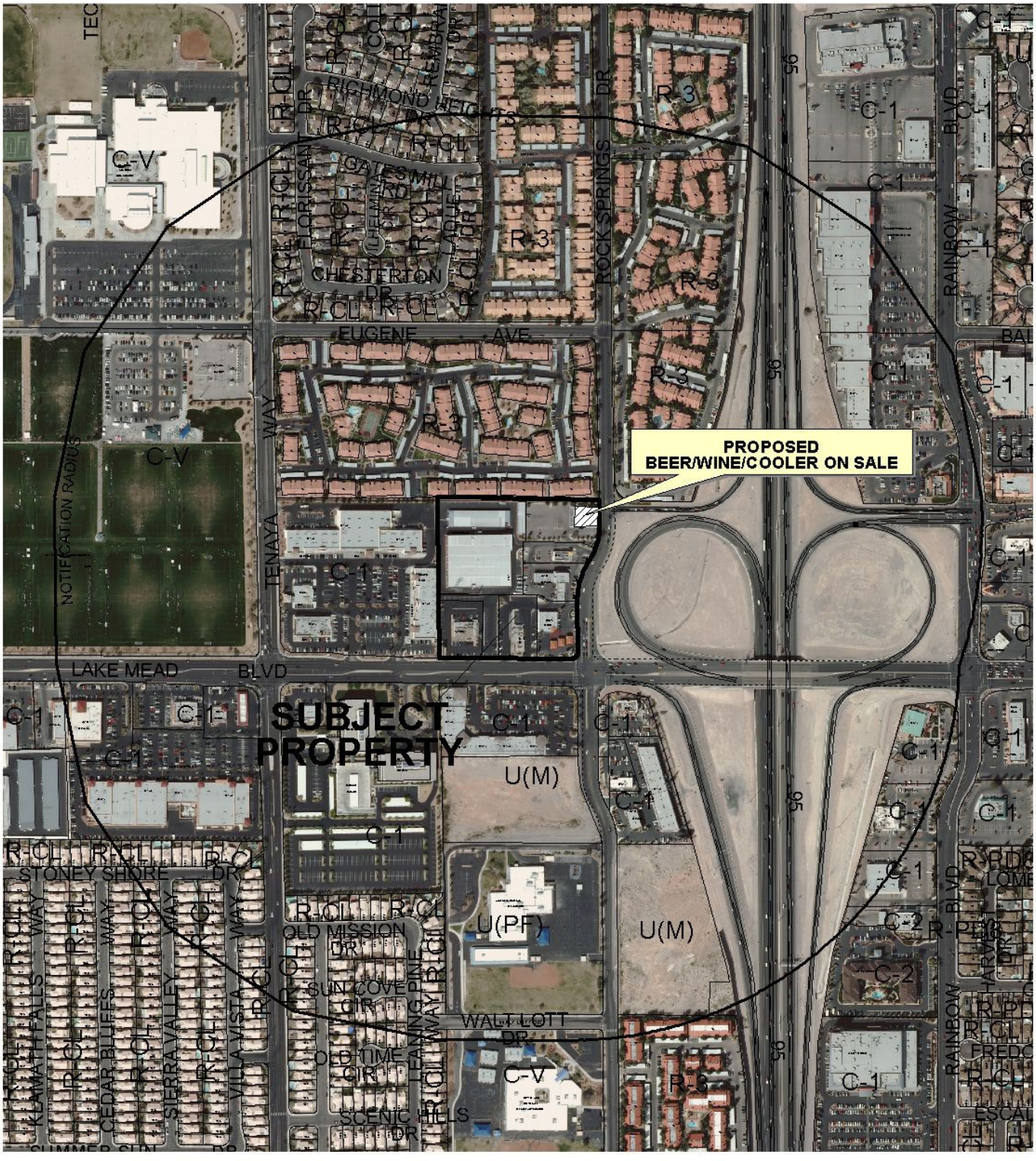
**BACKUP DOCUMENTATION:**
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




**CASE:** **SUP-42254**

**RADIUS:** 1500 FT

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




0 300 600 Feet

**CASE:** **SUP-42254**

**RADIUS:** 1500 FT

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

N




**SUP-42254**

## Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Beer/Wine/Cooler On Sale
- Child Care/ Children Facility
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer
- N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: GLORIELL HOLDINGS, LLC - OWNER: CHI HSUAN WU**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-42254** | Staff recommends APPROVAL, subject to conditions: | N/A |

**** CONDITIONS ****

# SUP-42254 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Beer/Wine/Cooler On-Sale Establishment use.

2. Conformance to the approved conditions for Variance (V-0150-96) and Site Development Plan Review [Z-0074-84(18)].

3. 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.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.

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

**Staff Report Page One**
**August 9, 2011 - Planning Commission Meeting**

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a proposed Beer/Wine/Cooler On-Sale Establishment use within an existing 5,945 square-foot restaurant at 2131 Rock Springs Drive. The proposed use complies with all Title 19.12 requirements and can be conducted in a manner that is harmonious and compatible with existing surrounding development and land uses; therefore, staff recommends approval with conditions. If this application is denied, the proposed Beer/Wine/Cooler On-Sale Establishment use cannot be located within the subject property, nor can a business license for alcohol use be obtained for the use at this location.

## ISSUES

- A Beer/Wine/Cooler On-Sale Establishment use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 11/21/84 | The City Council approved a request for Rezoning (Z-0074-84) from N-U (Non-Urban) to R-CL (Single Family Compact Lot), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial) as part of a large request. This subject site is located at the northwest corner of Lake Mead Boulevard and Rock Springs Drive. The Planning Commission and staff recommended approval. |
| 12/17/96 | The Board of Zoning Adjustment approved a request for a Variance (V-0156-96) to allow 80 parking spaces where 139 parking spaces are required for a proposed 5,500 square-foot restaurant on property located at 2001-2005 Rock Springs Drive. The Department of Planning staff had no objection to the request. |
| 02/27/97 | The Planning Commission approved a request for a Site Development Plan Review [Z-0074-84(18)] on property located on the west side of Rock Spring Drive, north of Lake Mead Boulevard for a proposed 5,560 square-foot restaurant. The Department of Planning staff had no objection to the request. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 04/19/02 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 08/20/97 | A building permit (#97017284) was issued for a New Building for Certificate of Occupancy at 2131 Rock Springs Drive. The permit was finalized on 01/30/98. |
| 06/15/99 | A building permit (#99011777) was issued for Tenant Improvement for Certificate of Occupancy at 2131 Rock Springs Drive. The permit was finalized on 07/16/99. |
| 10/14/02 | A business license (R09-01171) was issued for a Restaurant at 2131 Rock Springs Drive. The license was marked out of business on 02/08/10. |
| 12/02/10 | A business license (R09-01592) was issued for a Restaurant at 2131 Rock Springs Drive. The license is currently active. |
| 06/28/11 | A business license (L09-93339) was filed for a Beer/Wine/Cooler On Sale at 2131 Rock Springs Drive. The license has not been reviewed by the Department of Planning. |

| ***Pre-Application Meeting*** | |
|---|---|
| 06/06/11 | A pre-application meeting was held with the applicant, where the submittal requirements for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment use were discussed. The proposed use can only be served in conjunction with a meal. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | A site visit by staff noted that the subject site had graffiti on the wall of the existing building. A broken window was observed along the south side of the building. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 1.11 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Restaurant, 2,000 sq. ft. or more (without Drive-Through) | SC (Service Commercial) | C-1 (Limited Commercial) |

| | | | |
|---|---|---|---|
| North | Multi-Family Residential | M (Medium Density Residential) | R-3 (Medium Density Residential) |
| South | Restaurant, 2,000 sq. ft. or more (without Drive-Through) | SC (Service Commercial) | C-1 (Limited Commercial) |
| East | US-95 on/off ramp | Right-of-way | Right-of-way |
| West | Mini-Storage Facility | SC (Service Commercial) | C-1 (Limited Commercial) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | X | N/A |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| A-O (Airport Overlay) District (175 feet) | | X | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Rock Springs Drive | N/A | N/A | 60 | N/A |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Restaurant | 2,300 SF seating area | 1/50 SF | 46 | | | | |
| | 3,645 SF remaining area | 1/200 SF | 19 | | | | |
| **TOTAL SPACES REQUIRED** | | | 65 | | 80 | | Y |

RG

| | | | | | |
|---|---|---|---|---|---|
| **Regular and Handicap Spaces Required** | 62 | 3 | 76 | 4 | Y |



## ANALYSIS

A Beer/Wine/Cooler On-Sale Establishment use is defined per Title 19.18.020 as "an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 30 or more people may be served with meals at any one time at tables or stools." The applicant currently has an operating business license for a restaurant with seats available for 180 guests. No additional parking is required beyond that which is required for the principal use on the site. The proposed use will be located within an existing restaurant and meets the minimum distance separation requirements. The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses; therefore, staff recommends approval.

## FINDINGS (SUP-42254)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed use will be located within an existing restaurant and meets the minimum distance separation requirements. The proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

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

   The subject site is physically suitable for the type and intensity of the proposed use. The proposed Beer/Wine/Cooler On-Sale Establishment use on-site parking requirement does not require additional parking required beyond that which is required for the principal use on the site.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Site access is provided from Rock Springs Drive. This street is sufficient in size to accommodate the needs of the proposed use.

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

Approval of the Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections.

**5. The use meets all of the applicable conditions per Title 19.12.**

The proposed use complies with the Minimum Special Use Permit Requirements for a Beer/Wine/Cooler On-Sale Establishment use.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 15

**NOTICES MAILED** 227

**APPROVALS** 0

**PROTESTS** 0

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42254** APN: 138-22-610-012

Name of Property Owner: CHI HSUAN WU.

Name of Applicant: GLORIELL HOLDINGS, LLC

Name of Representative: _____

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: Chi Hsuan Wu.

Print Name: CHI HSUAN WU.

Subscribed and sworn before me

This 7th day of June, 2011

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BENJAMIN W. NERO II
No: 10-1673-1
My Appointment Expires Feb. 23, 2014

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JUN 23 2011
City of Las Vegas

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** SPECIAL USE PERMIT BEER/WINE-COOLER ON-SALE EST.

**Project Address (Location)** 2131 ROCK SPRINGS DR. LAS VEGAS, NV 89128

**Project Name** PANCIT-ADOBO FILIPINO RESTAURANT **Proposed Use** _____

**Assessor's Parcel #(s)** 138-22-610-012 **Ward #** 1-TARKANIAN

**General Plan:** existing √SC proposed NO CHANGE **Zoning:** existing C1 proposed NO CHANGE

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** 1.13 **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** CHI HSIAN WU. **Contact** _____

**Address** 76 Copper Fountain st **Phone:** 360-2225 **Fax:** _____

**City** Las Vegas **State** N.V. **Zip** 89138

**E-mail Address** _____

**APPLICANT** GLORIA ROSELL-ENSLER (GLORIELL HOLDINGS, LLC) **Contact** GLORIA ROSELL-ENSLER

**Address** 9904 CHARLEMONT DR **Phone:** 702-452-3626 **Fax:** _____

**City** LAS VEGAS, NV **State** NV **Zip** 89134

**E-mail Address** MABUHAY@PANCIT-ADOBO.COM

**REPRESENTATIVE** _____ **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**Property Owner Signature*** Chi Hsian Wu.

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

**Print Name** CHI HSIAN WU.

Subscribed and sworn before me

This 7th day of June, 20 11.

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BENJAMIN W. NERO II
No: 10-1673-1
My Appointment Expires Feb. 23, 2014

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| Case # | SUP-42254 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $1,280 |
| Date Received:* | 6/23/11 |
| Received By: | BMS |

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

f:\depot\Application Packet\Application Form.pdf

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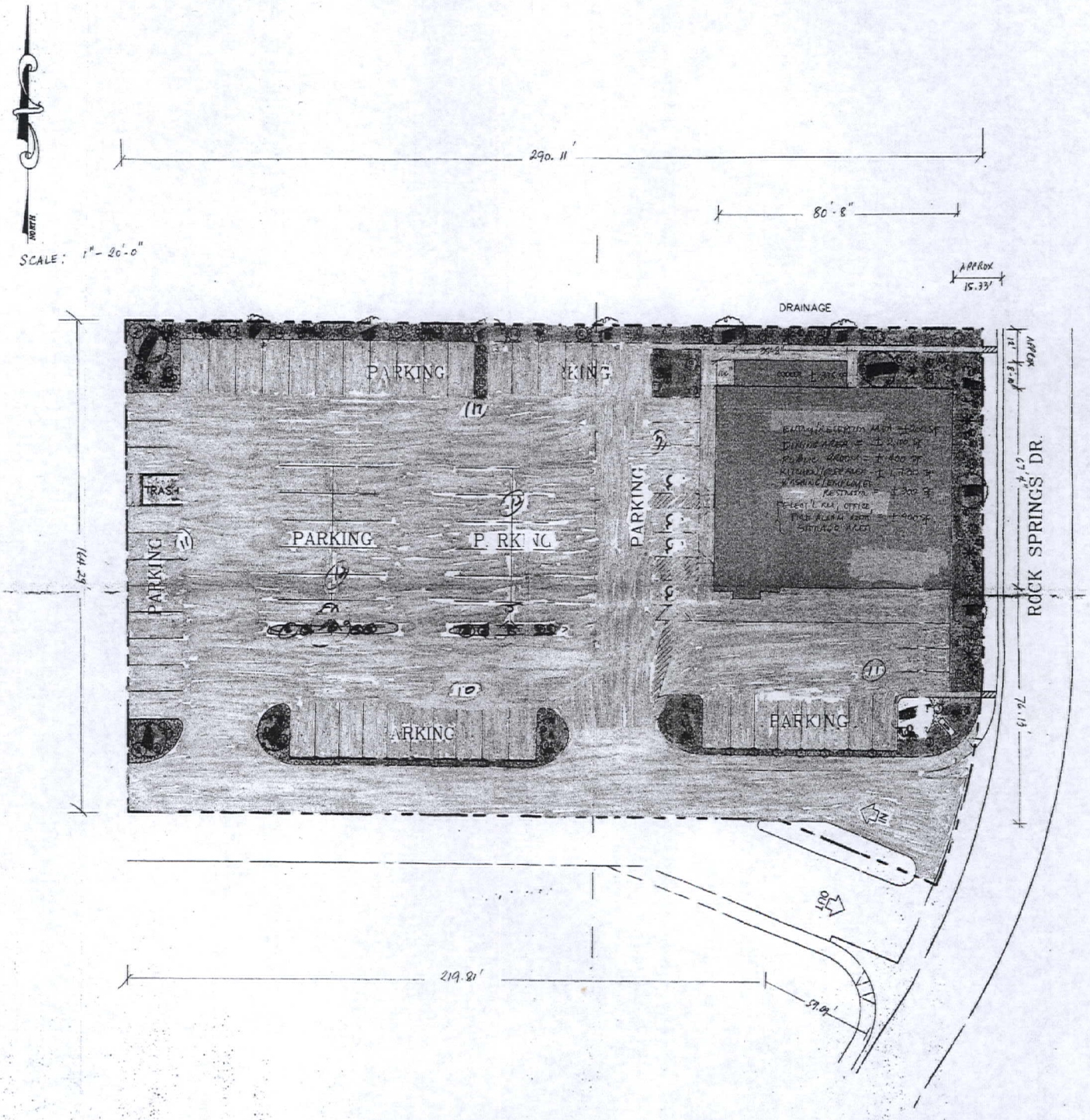


PANCIT-ADOBO FILIPINO RESTAURANT

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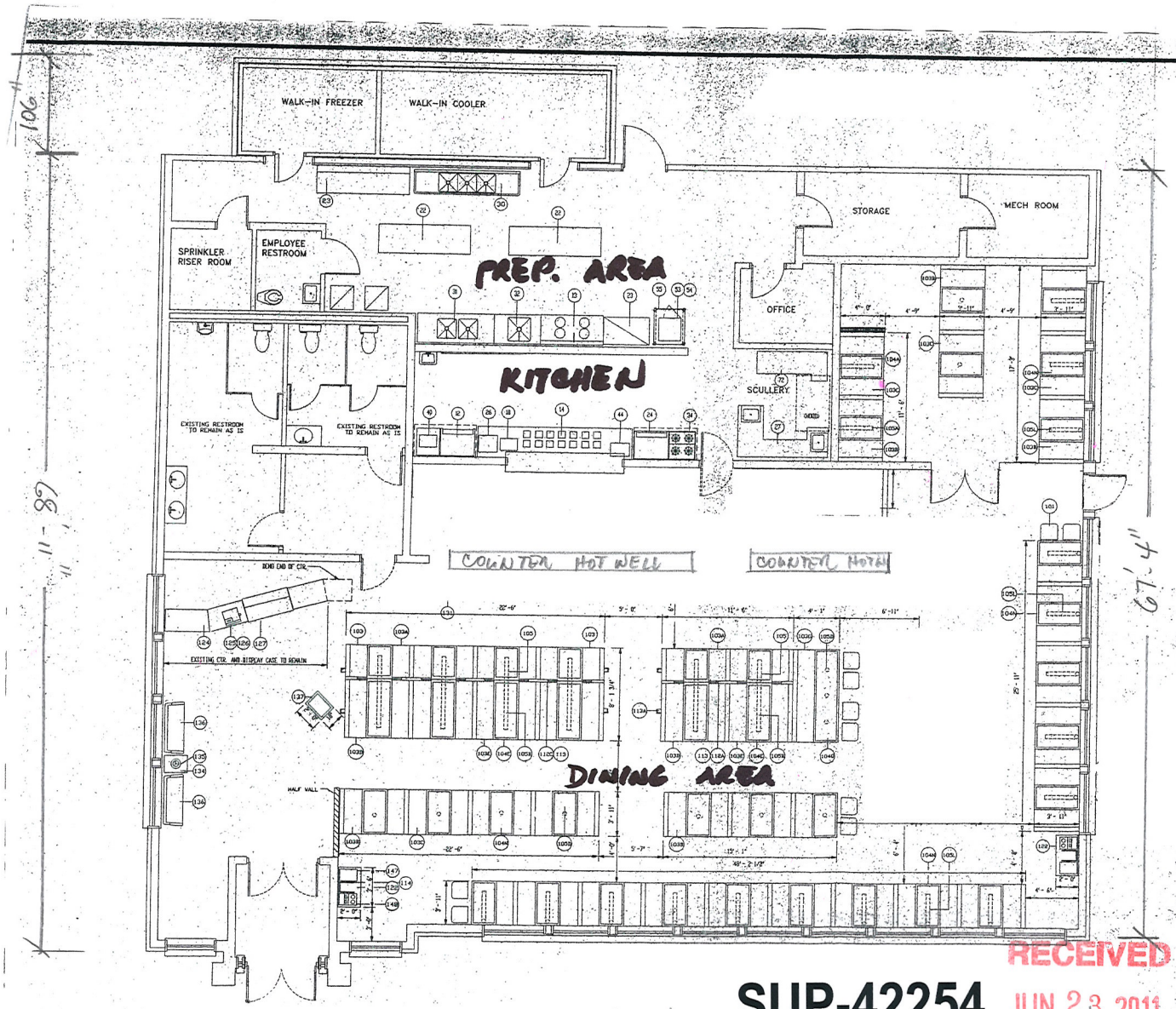
SUP-42254
REVISED




## FURNITURE SCHEDULE

| ITEM # | QTY. | DESCRIPTION | SUPPLIED BY | SET IN PLACE BY |
|---|---|---|---|---|
| 101 | LOT | OWNER: | STAINLESS | OWNER |
| 103 | 4 | 60" SINGLE WIDTH PREMIER | STAINLESS | OWNER |
| 103A | 4 | 120" DOUBLE WIDTH PREMIER | STAINLESS | OWNER |
| 103B | 10 | 48" SINGLE WIDTH PREMIER | STAINLESS | OWNER |
| 103C | 20 | 96" DOUBLE WIDTH PREMIER | STAINLESS | OWNER |
| 103D | 4 | 96" SINGLE WIDTH PREMIER | STAINLESS | OWNER |
| 103E | 4 | 96" DOUBLE WIDTH PREMIER | STAINLESS | OWNER |
| 104 | 1 | 96" SLOTTED PREMIER | STAINLESS | OWNER |
| 104A | 2 | 24"x48" TABLE TOP 3-SIDED W/FIXTURE END | STAINLESS | OWNER |
| 104C | 6 | 24"x30" TABLE TOP 3-SIDED W/FIXTURE END & DIVIDERS | STAINLESS | OWNER |
| 104B | 28 | 24"x48" TABLE TOP 4-SIDED W/FIXTURE END | STAINLESS | OWNER |
| 104D | 1 | 24"x48" TABLE TOP 4-SIDED W/FIXTURE END | STAINLESS | OWNER |
| 105 | 1 | 42" CANTILEVER BRACKET | STAINLESS | OWNER |
| 105A | 2 | 42" CANTILEVER BRACKET | STAINLESS | OWNER |
| 105B | 6 | 60" CANTILEVER BRACKET | STAINLESS | OWNER |
| 105D | 14 | 96"x12" (2) TABLE SHOES (17"x20") | STAINLESS | OWNER |
| 105E | 3 | MOP-HOOK | STAINLESS | OWNER |
| 105A | 17 | 96"x12" (2) TABLE SHOE (W/CANTILEVER FOR 42" TABLES) | STAINLESS | OWNER |
| 112A | 1 | 11'-6" DBL FACE WALL PANEL W/LIFT-OUT DIVIDER | STAINLESS | OWNER |
| 112C | 3 | 20'-2" DBL FACE WALL PANEL W/LIFT-OUT DIVIDER | STAINLESS | OWNER |
| 113 | 4 | 10 3/8" x 82 1/4" STICKY GLASS PANEL | STAINLESS | OWNER |
| 113A | 3 | (2)TY LIFT-OUT DIVIDER HOLDERS | STAINLESS | OWNER |
| 114 | 3 | MENU HOLDER | STAINLESS | OWNER |
| 115C | 1 | 7'-0"HIGH 3" DIA. FIN-SHAPED PANELS SEE PLAN F/SIZE | STAINLESS | OWNER |
| 116H | 1 | 7'-0"HIGH 3" DIA. FIN-SHAPED PANELS SEE PLAN F/SIZE | STAINLESS | OWNER |
| 122 | 3 | WAITRESS SERVICE STATION SEE PLAN F/SIZE | STAINLESS | OWNER |
| 123 | 1 | HOT FOOD BUFFET/SOUP & SALAD BAR | STAINLESS | OWNER |
| 124 | | CASHIER CABINETS EXISTING | OWNER | OWNER |
| 125 | | CASH REGISTER SYSTEM | E.B.R.I. | OWNER |
| 126 | | REFRIGERATION UNITS | E.B.R.I. | OWNER |
| 127 | | BAKERY DISPLAY CASE | EXISTING | OWNER |
| 131 | 1 | CARRY OUT COUNTER | STAINLESS | OWNER |
| 134 | 1 | WAITING AREA TABLES | E.B.R.I. | OWNER |
| 135 | | TABLE CAMPS | E.B.R.I. | G. C. |
| 136 | 2 | SINK SEAT "FASHION SEAL" W.U.B.O. | STAINLESS | OWNER |
| 137 | 1 | HOSTESS STATION SEE PLAN F/SIZE | STAINLESS | OWNER |
| 144 | LOT | WINDOW SILL | G. C. | G. C. |
| 145 | 1 | DECOR PACKAGE | OWNER | OWNER |
| 146 | 1 | GIFT SHOP | STAINLESS | OWNER |
| 147 | | CABLE SYSTEM | E.B.R.I. | OWNER |
| 148 | 3 | SILVERWARE HOLDERS (2 HOT SHOWN) | STAINLESS | OWNER |
| 148A | LOT | MISCELLANEOUS | STAINLESS | OWNER |

## SEATING & TABLE SCHEDULE

| TABLE TOP STYLES | TOP QTY. | SEAT QTY. |
|---|---|---|
| SINGLES | 000 | 000 |
| 2 TOPS | 6 | 12 |
| 3 TOPS | 000 | 000 |
| 4 TOPS | 32 | 128 |
| 5 TOPS | 0 | 0 |
| 6 TOPS | 6 | 36 |
| TOTALS: | 44 | 176 |
| SEATING TO TABLES RATIO | | 0 |

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City of Las Vegas

**SUP-42254**

PANCIT - ADDED FR. 4257.

2131 ROCK SPRINGS RD.
LAS VEGAS, NV.

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




SUP-42254 - APPLICANT: GLORIELL HOLDINGS, LLC - OWNER: CHI HSUAN WU
2131 ROCK SPRINGS DRIVE

06/30/11



SUP-42254 - APPLICANT: GLORIELL HOLDINGS, LLC - OWNER: CHI HSUAN WU
2131 ROCK SPRINGS DRIVE

06/30/11

June 20, 2011

Pancit Adobo Filipino Restaurant
2131 Rock Springs Dr
Las Vegas, NV 89128
(702) 372-3585

Department of Planning
333 Rancho Dr.
Las Vegas, NV

Re: Justification Letter for Special Use Permit

To whom it may concern:

Pancit Adobo Filipino Restaurant seeks a special use permit in efforts of attaining a beer and wine license through the City. Pancit Adobo is an established full service restaurant located on 2131 Rock Springs Dr that has been open since the last week of October, 2010. Currently the hours of operation are from 10:30 am to 9 pm daily serving breakfast, lunch, dinner, desserts and party trays. Patrons have the option of taking out food or dining in with seating approximately amounting to 170 which include additional seating in a private banquet room.

The purpose of on-site sale of beer and wine is to increase daily revenue as well as foot traffic to keep the restaurant afloat during these economic times. There will be some entertainment at night such as singing and karaoke on selected nights and live music on other nights which start at 9:00 pm. All beer and wine /wine coolers will be sold with meals/food. No additional development to the facility is required since the business is already functioning. The anticipated schedule of operation will be daily from 11 am to 3 am. To facilitate the later hours, additional staff will be hired. There are two on-site managers, one of which will always be on the premises at any given time.

Hopefully, you will grant us the required Special Use Permit soon. Should you need more information, please don't hesitate to contact me at (702) 452-3626 or (702) 372-3585.

Sincerely,

Gloria Rosell-Ensler

Manager

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**SUP-42254**

City of Las Vegas Agenda Item No.: **8.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

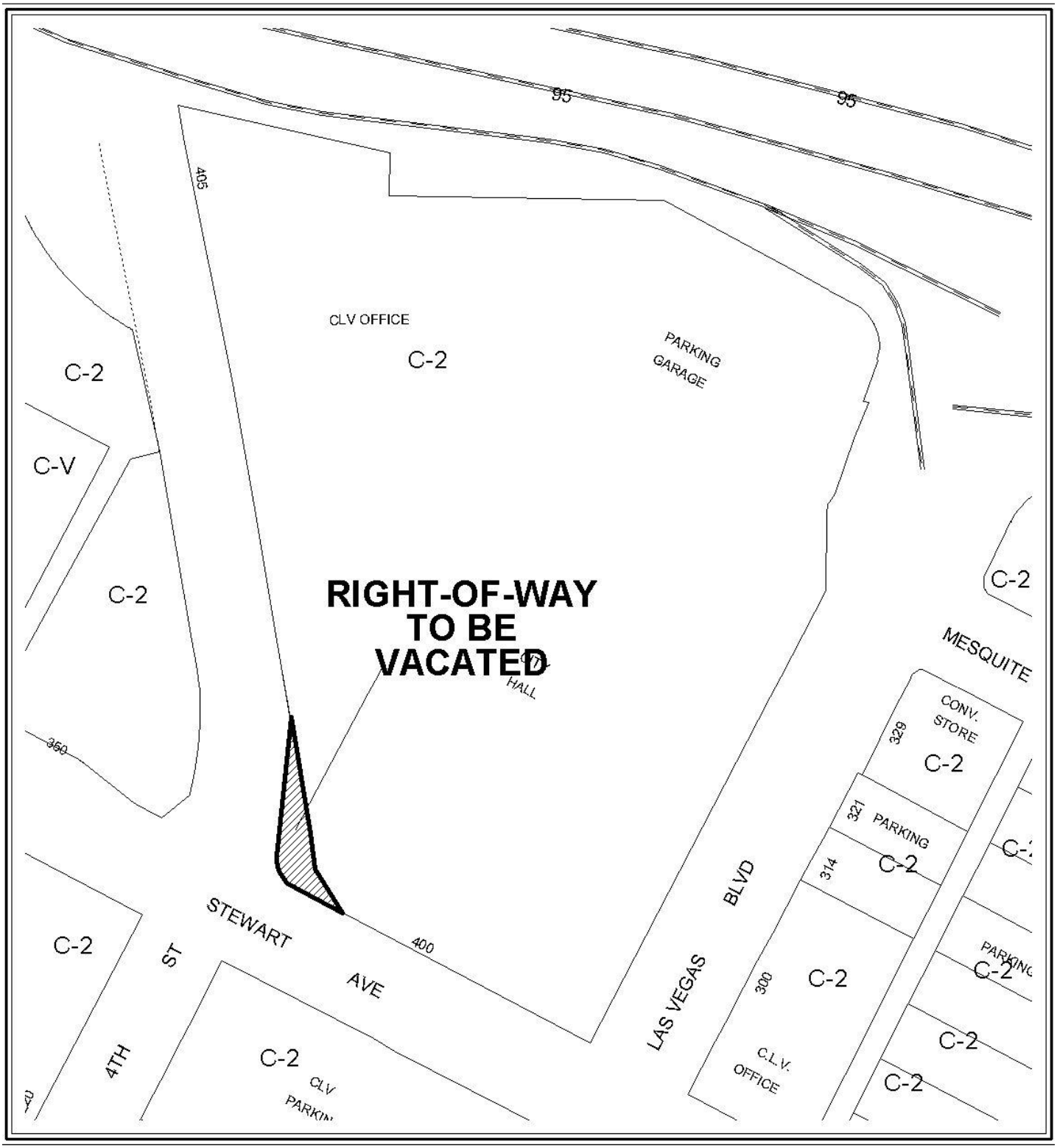
**SUBJECT:**
VAC-42053 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a petition to Vacate a portion of public right-of-way at the northeast corner 4th Street and Stewart Avenue, Ward 5 (Barlow). Staff recommends APPROVAL.

**SET DATE: 08/17/2011**
**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

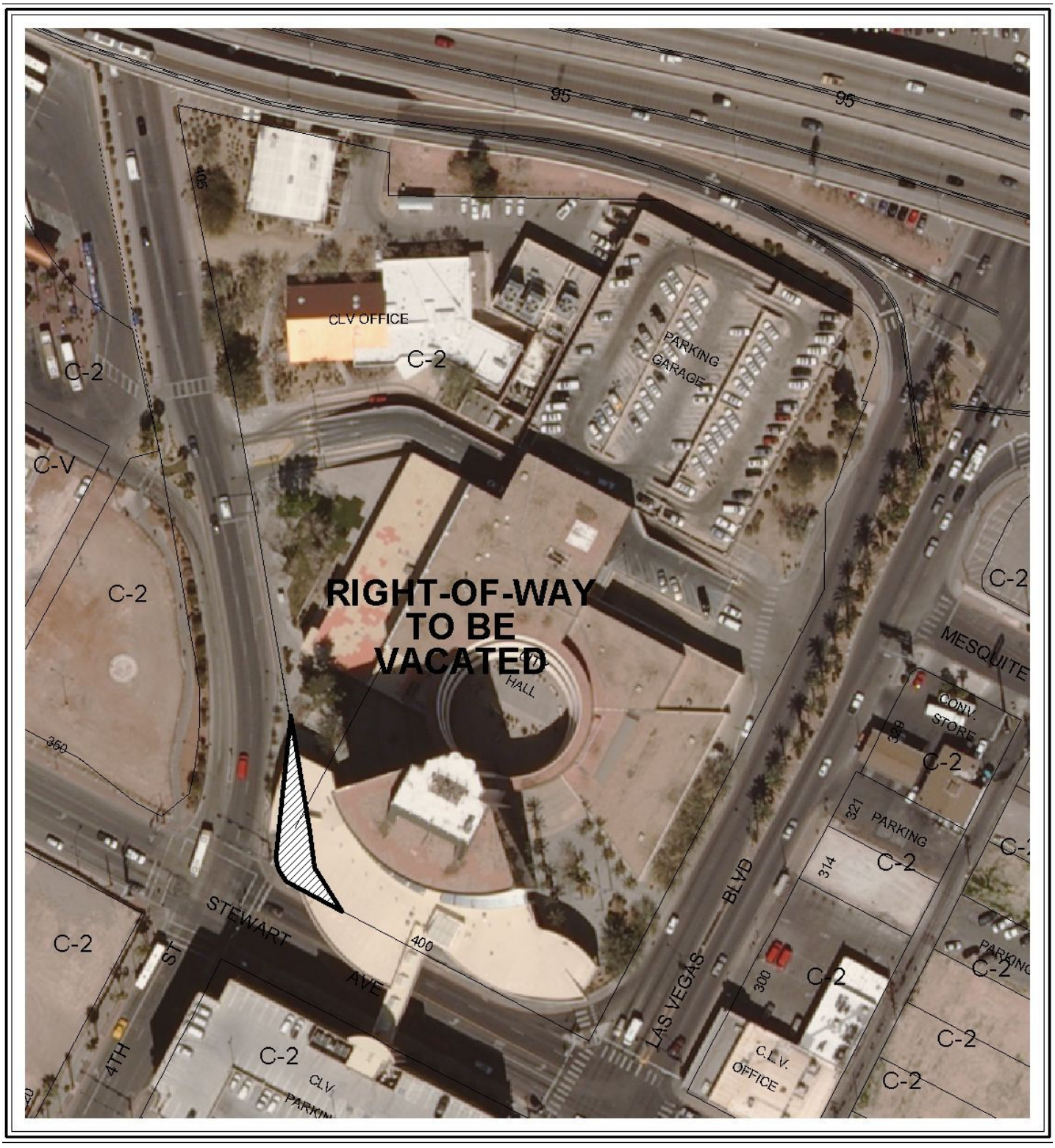
**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter




**CASE:** **VAC-42053**

0 100 200 Feet

N




CASE: **VAC-42053**

0 100 200 Feet

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **VAC-42053** | Staff recommends APPROVAL, subject to conditions: | N/A |

## ** CONDITIONS **

# VAC-42053 CONDITIONS

1. The limits of this Petition of Vacation shall be defined as the northeast corner of Fourth Street and Stewart Avenue as shown on recorded document OR:0104:082945.

2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.

3. All development shall be in conformance with code requirements and design standards of all City Departments.

4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

5. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

RG

6. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a petition to vacate an existing portion of the right-of-way located at the northeast corner of 4th Street and Stewart Avenue. The purpose of the vacation is to clean up the right-of-way boundaries to coincide with the actual roadway improvements, and staff recommends approval.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 06/07/11 | The Department of Planning administratively approved a request for Parcel Map (PMP-41493) for two commercial lots on a property located on the northwest and southwest corners Stewart Avenue and Las Vegas Boulevard. The Final Map has not been recorded. |

| ***Most Recent Change of Ownership*** |
|---|
| No change of ownership can be located for the subject site. |

| ***Related Building Permits/Business Licenses*** |
|---|
| No relevant building permit or licensing history exists pertaining to this request. |

| ***Pre-Application Meeting*** |
|---|
| A pre-application meeting is not required, nor was one held. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting is not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | A site visit by staff noted that the right-of-way contained an existing sidewalk. |

| *Surrounding Property* | *Existing Land Use Per Title 19.12* | *Planned or Special Land Use Designation* | *Existing Zoning District* |
|---|---|---|---|
| Subject Property | 4th Street | Right-of-way | Right-of-way |
| North | Government Facility | MXU (Mixed-Use) | C-2 (General Commercial) |
| South | Parking Garage | C (Commercial) | C-2 (General Commercial) |
| East | Government Facility | MXU (Mixed-Use) | C-2 (General Commercial) |
| West | Vacant | MXU (Mixed-Use) | C-2 (General Commercial) |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | | |
| Downtown Centennial Plan | X | | Y |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| Downtown Centennial Plan Overlay District | X | | Y |
| A-O (Airport Overlay) District | X | | Y |
| Live/Work Overlay District | X | | Y |
| Las Vegas Boulevard Scenic Byway Overlay District | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | X | | Y |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

## LEGAL DESCRIPTION

Those portions of land as described by that certain quitclaim deed recorded February 26, 1971 in Book 104 as Instrument no. 82945, Official Records, Clark County, Nevada, and by that certain "Resolution Approving Occupancy" recorded January 16, 1970 in Book 4 as Instrument no. 2484, Official Records, Clark County, Nevada, situated in Northeast Quarter (NE ¼) of Section 34, Township 20 South, Range 61 East, M.D.M., City of Las Vegas, Clark County, Nevada, being more particularly described as follows: Commencing at the Centerline intersection of "Las Vegas Boulevard" and "Stewart Avenue" as shown by that certain Record of Survey on file in File 104 of Surveys, Page 88, Official Records, Clark County, Nevada; thence along the centerline of said "Stewart Avenue", north 27.55'15" east, 40.00 feet to the northerly right-of-way of said "Stewart Avenue" and the point of beginning of the herein described tract; thence along said northerly right-of-way, north 62.04'45" west, 47.81 feet to the beginning of a 25.00

foot radius curve, concave to the east; thence northerly along said 25.00 foot radius curve to the right through a central angle of 67.29'29" (the long chord of which bears north 28.20'00" west, 27.78 feet) for an arc length of 29.45 feet; thence north 05.24'44" east, 85.36 feet to the beginning of a 210.00 foot radius curve, concave to the east; thence northerly along said long chord of which bears north 08.08'40" east, 20.02 for an arc length of 20.03 feet to the beginning of a 160.00 foot radius reverse curve concave to the west to which a radial line bears south 79.07'24" east; thence northerly along said 160.00 foot radius reverse curve to the left through a central angle of 3.01'10" (the long chord of which bears north 9.22'01" east, 8.43 feet) for an arc length of 8.43 feet; thence south 09.45'19" east, 126.59 feet; thence south 31.40'43" east, 41.35 feet to the point of beginning.

## ANALYSIS

The Vacation is necessary due to excess public right-of-way on 4th Street. Vacating a portion of the right-of-way would coincide with the actual roadway improvements.

As no conflicts with any city requirements and Special Area Plans would be created by the vacation, staff recommends approval of the petition to vacate, with conditions.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way:

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It will result in a uniform right-of-way width which coincides with the actual improvements.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since no street improvements will be affected.*

C. Does it appear that the vacation request involves only excess right-of-way? *Yes.*

D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the recordation of the City Hall Parcel Map.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? *No.*

G. Does the Department of Public Works have an objection to this vacation request? *No.*

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 32

**NOTICES MAILED** 1

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-42053 APN: 139-34-501-003

Name of Property Owner: City of Las Vegas

Name of Applicant: Jorge Cervantes, Director of Public Works

Name of Representative: Barton T. Anderson

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: Barton T Anderson (for Jorge Cervantes)

Print Name: Barton T. Anderson for Jorge Cervantes

Subscribed and sworn before me

This 7th day of June, 2011

Kevin Cerny

Notary Public in and for said County and State

KEVIN CERNY
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 04-90775-1
MY APPT. EXPIRES JULY 29, 2012

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Vacation of Public Right-of-Way

**Project Address (Location)** 4th Street north of Stewart Avenue

**Project Name** _____ **Proposed Use** Redevelopment

**Assessor's Parcel #(s)** 139-34-501-003 **Ward #** 5

**General Plan:** existing _____ proposed _____ **Zoning:** existing _____ proposed _____

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** _____ **Lots/Units** _____ **Density** _____

**Additional Information** Vacate excess right-of-way on 4th Street to conform the right-of-way to the existing roadway improvements preparatory to sale of parcel.

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CITY CLERK

**PROPERTY OWNER** City of Las Vegas **Contact** Jorge Cervantes

**Address** 400 E. Stewart Avenue **Phone:** (702) 229-2198 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89101

**E-mail Address** _____

**APPLICANT** Jorge Cervantes **Contact** Bart Anderson

**Address** 400 E. Stewart Avenue **Phone:** (702) 229-2198 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89101

**E-mail Address** jcervantes@lasvegasnevada.gov

**REPRESENTATIVE** Barton T. Anderson **Contact** Bart Anderson

**Address** 400 E. Stewart Avenue **Phone:** (702) 229-2198 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89101

**E-mail Address** banderson@lasvegasnevada.gov

**Property Owner Signature*** Barton T. Anderson (for Jorge Cervantes)

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

**Print Name** Barton T. Anderson for Jorge Cervantes

Subscribed and sworn before me

This 7th day of June, 20 11.

Kevin Cerny

Notary Public in and for said County and State

KEVIN CERNY
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 04-90775-1
MY APPT. EXPIRES JULY 29, 2012

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | VAC-42053 |
| **Meeting Date:** | 8/9/11 |
| **Total Fee:** | |
| **Date Received:*** | 6-7-11 |
| **Received By:** | |

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JUN 07 2011

*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.

Revised 10/27/08

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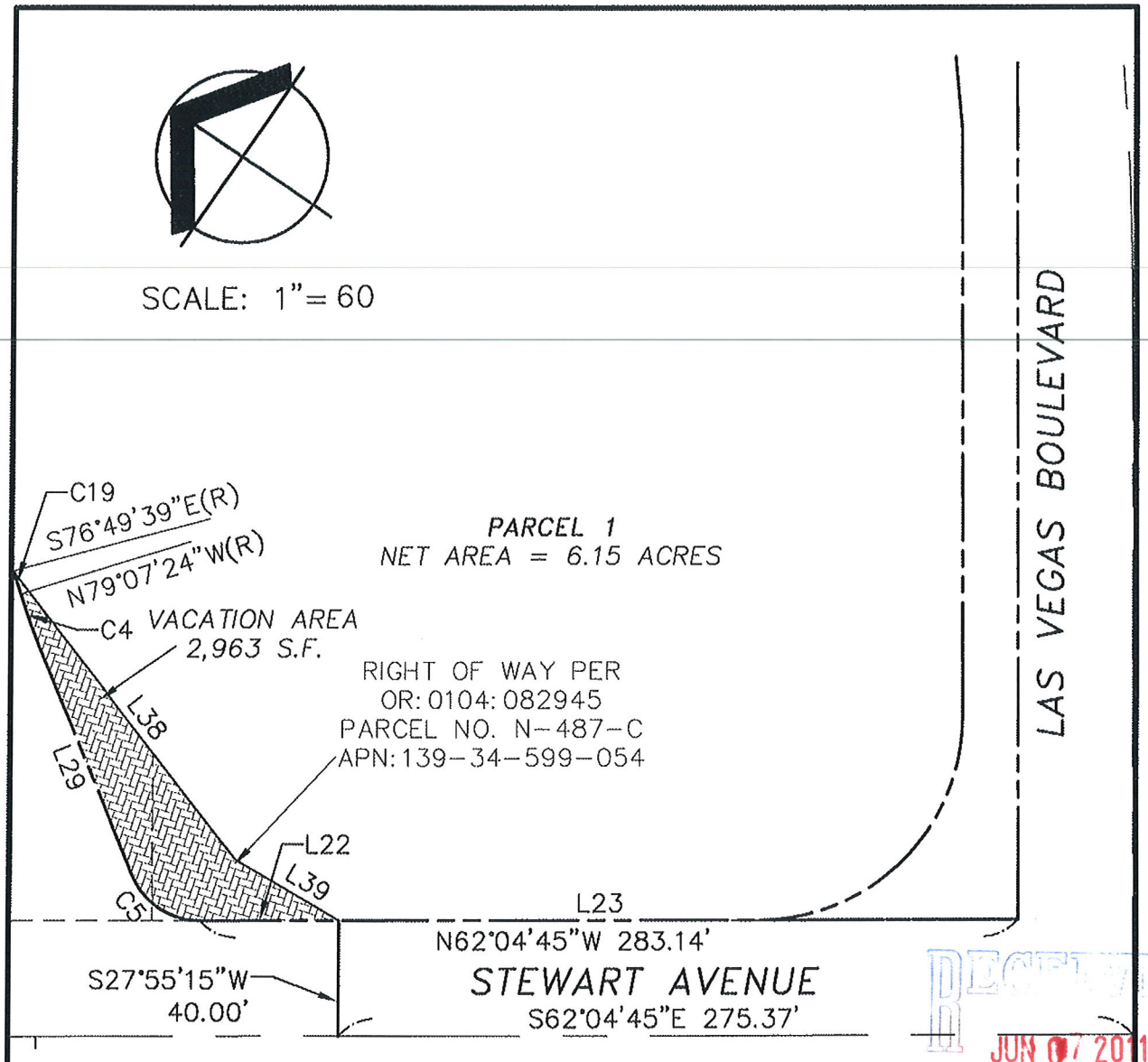


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# BASIS OF BEARINGS

NORTH 62°04'45" WEST, BEING THE CENTERLINE OF A PORTION OF STEWART AVENUE AS SHOWN BY MAP IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 112, PAGE 0041 OF PARCEL MAPS.

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## VACATION EXHIBIT
## 4TH STREET

CITY OF LAS VEGAS - CITY HALL
LAS VEGAS, NEVADA

| | |
|---|---|
| PROJECT NO. | 3119614 |
| DATE: | 5/18/2011 |
| BY: | TJB |
| SCALE: | 1"=50' |
| SHEET NO. | 1 OF 2 |

**VAC-42053**

# COURSE TABLE:

| Line # | Length | Bearing |
|---|---|---|
| L22 | 47.81' | S62° 04' 45"E |
| L23 | 145.80' | S62° 04' 45"E |
| L29 | 85.36' | N5° 24' 44"E |
| L38 | 126.59' | S9° 45' 19"E |
| L39 | 41.35' | N31° 40' 43"W |

# CURVE TABLE:

| CURVE # | LENGTH | RADIUS | DELTA | CHORD | BEARING |
|---|---|---|---|---|---|
| C4 | 20.03 | 210.00' | 5°27'52" | 20.02' | S8°08'40"W |
| C5 | 29.45 | 25.00' | 67°29'29" | 27.78' | S28°20'00"E |
| C19 | 8.43 | 160.00' | 3°01'10" | 8.43' | N9°22'01"E |

# LEGEND:

— EXISTING BOUNDARY LINE

— EXISTING CENTERLINE

— EXISTING RIGHT-OF-WAY LINE

— SECTIONAL LINE



— RIGHT-OF-WAY DEDICATION AREA



— RIGHT-OF-WAY VACATION AREA

APN — ASSESSOR'S PARCEL NUMBER

S.F. — SQUARE FEET

N.A.P.O.T.S. — NOT A PART OF THIS SURVEY

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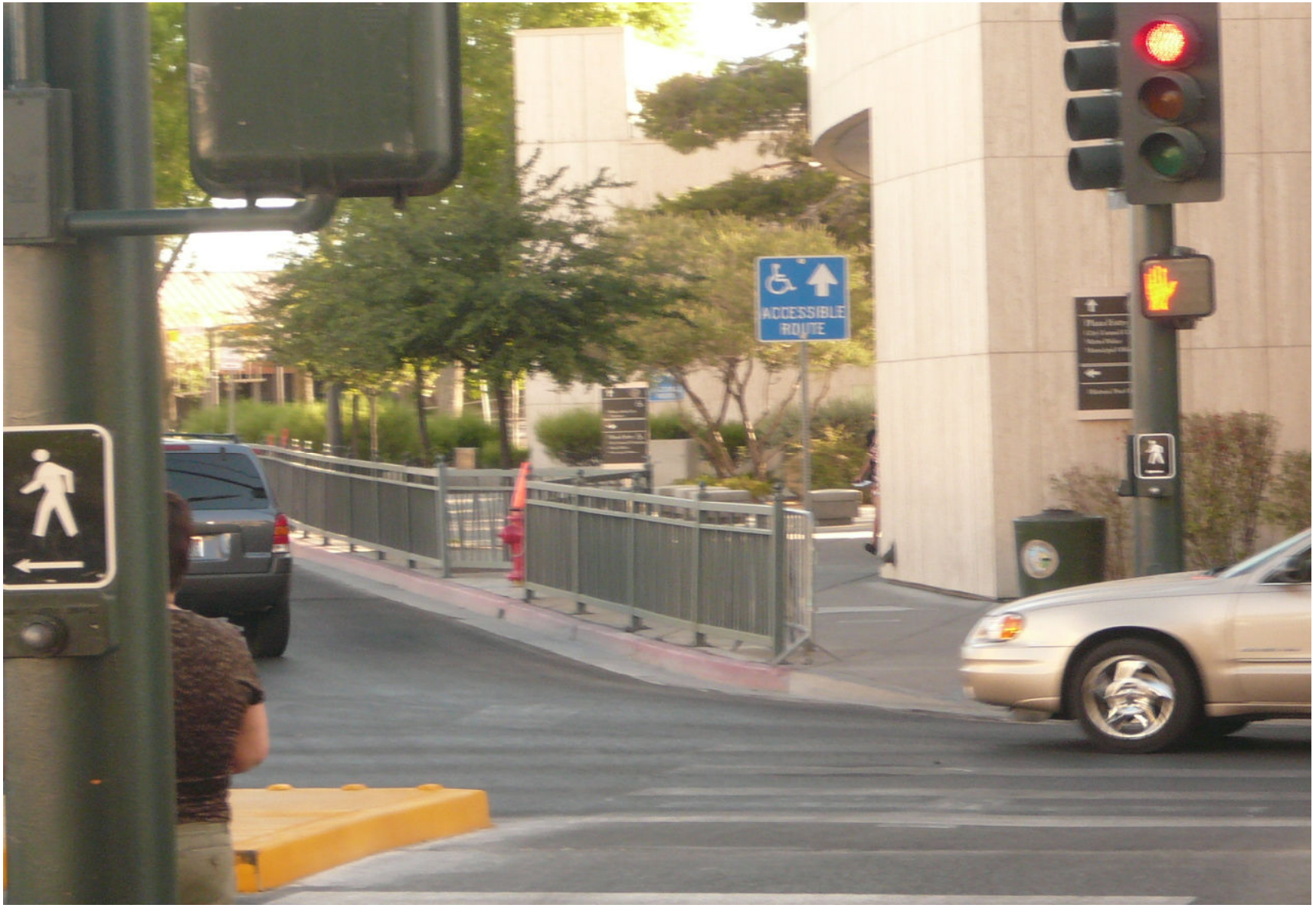
## VACATION EXHIBIT
## 4TH STREET

CITY OF LAS VEGAS - CITY HALL
LAS VEGAS, NEVADA

| | |
|---|---|
| PROJECT NO. | 3119614 |
| DATE: | 5/18/2011 |
| BY: | TJB |
| SCALE: | 1"=50' |
| SHEET NO. | 2 OF 2 |

VAC-42053




VAC-42053- APPLICANT/OWNER: CITY OF LAS VEGAS
NORTHEAST CORNER OF STEWART AVENUE AND FOURTH STREET

06/30/11

To whom it may concern:

The Department of Public Works requests a Petition of Vacation of excess public rights-of-way on 4th Street, north of Stewart Avenue, adjacent to the current City Hall. The City is in the process of transferring ownership of the City Hall parcel to private ownership, and this petition will clean up the right-of-way boundaries to coincide with the actual roadway improvements.

Thank you,

Barton T. Anderson, P.E.
Engineering Project Manager, Development Coordination
City of Las Vegas Department of Public Works

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VAC-42053

City of Las Vegas Agenda Item No.: **9.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

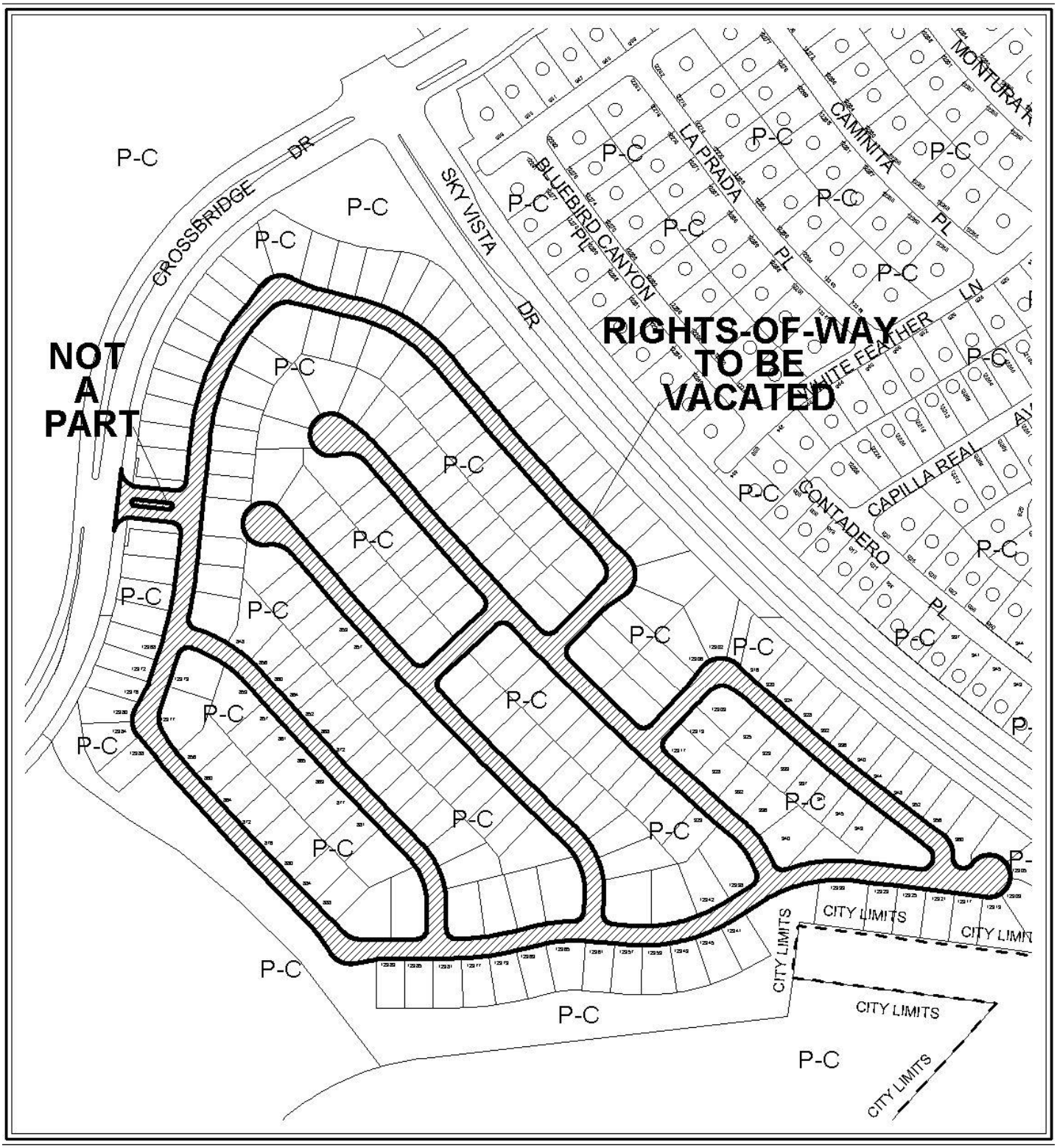
**SUBJECT:**
VAC-42246 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: THE HOWARD HUGHES COMPANY, LLC - For possible action on a petition to Vacate all public street right-of-way within a residential subdivision generally located at the southwest corner of Crossbridge Drive and Sky Vista Drive, Ward 2 (Wolfson). Staff recommends APPROVAL.

**SET DATE: 08/17/2011**
**C.C.: 09/07/2011**

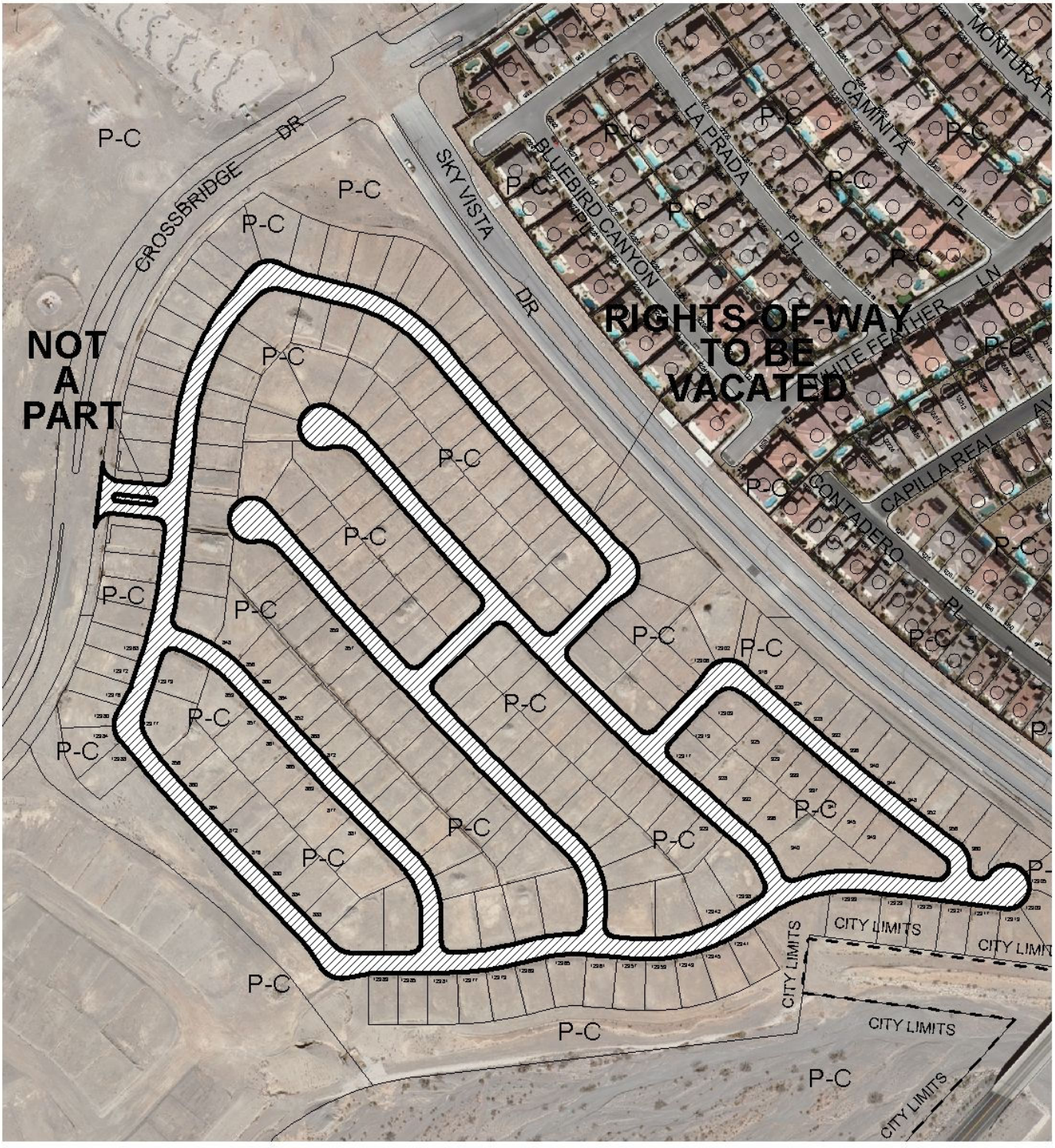
| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




CASE: **VAC-42246**




0 100 200 Feet

CASE: **VAC-42246**

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: THE HOWARD HUGHES COMPANY, LLC**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **VAC-42246** | Staff recommends APPROVAL, subject to conditions: | N/A |

**** CONDITIONS ****

# VAC-42246 CONDITIONS

1. The limits of this Petition of Vacation shall be defined as all the public streets and unused public easements granted with "Summerlin Village 24 Parcel A Silver Creek A common-interest community" recorded as Book 135 Page 71 of Plats.

2. Reserve a Public Sewer Easement across all rights-of-way to be vacated. Alternatively, meet with the Sanitary Sewer Planning Section of the Department of Public Works to determine where public sewer alignments must be reserved.

3. Coordinate with the Land Development Section of the Department of Building and Safety to determine how to close, abandon, or modify all open permits related to this site prior to the mylar submittal of this map. Comply with the recommendations of the Land Development Section.

4. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of this Final Map. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.

5. The Order of Vacation shall record concurrent with the recordation of a Reversionary Map. The recordation of a map such as FMP-42158 may be used to satisfy this condition.

6. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

7. All development shall be in conformance with code requirements and design standards of all City Departments.

8. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

9. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant proposes to vacate 7.24 acres of public street right-of-way within a residential subdivision generally located at the southwest corner of Crossbridge Drive and Sky Vista Drive. This request is required for reversion to acreage of approximately 42.98 acres. Reversion of this subdivision back to acreage would allow future development of the site in conformance to the Summerlin Development Standards Manual. Staff recommends approval, with conditions. If denied, the approved residential subdivision could not be reverted back to acreage and the submitted Final Map (FMP-42158) could not be approved.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 01/27/97 | The City Council approved a request for Annexation [A-0020-96(A)] for 8,318 acres of property located along the west side of the Beltway, between Charleston Boulevard and Lake Mead Boulevard, including the subject site, with an effective date of 02/28/97. The Planning Commission and staff recommended approval. |
| | The City Council approved a Development Agreement (DA-0001-96) for this site as a part of a larger request. The Planning Commission and staff recommended approval. |
| | The City Council approved a request for Rezoning (Z-0119-96) on 8,318 acres of property located along the west side of the Beltway, between Charleston Boulevard and Lake Mead Boulevard, including the subject site, from N-U (Non-Urban) to P-C (Planned Community). The Planning Commission and staff recommended approval. |
| 05/05/04 | The City Council approved a Master Development Review (MDR-3867) to establish land use designations within Summerlin Village 24, comprising 502 acres adjacent to the west side of Sky Vista Drive, between Alta Drive and Charleston Boulevard. The Planning Commission and staff recommended approval. |
| 05/13/04 | The Planning Commission approved a request for a Tentative Map (TMP-4175) for a 20-lot mixed-use subdivision on 502.2 acres adjacent to the west side of Sky Vista Drive, between Alta Drive and Charleston Boulevard (a portion of APN: 137-22-000-010). |
| 05/19/04 | The City Council approved a revision (DIR-3934) to the Summerlin Development Standards Manual, dated February 10, 2004. The Planning Commission and staff recommended approval. |

| | |
|---|---|
| 07/13/06 | The Planning Commission approved a request for a Tentative Map (TMP-13892) for a 246-lot residential development on 40.1 acres at the intersection of Charleston Boulevard and Sky Vista Drive. |
| 01/18/07 | A Final Map (FMP-14224) was submitted for a 237-lot single-family residential subdivision on 42.99 acres at the southwest corner of Crossbridge Drive and Sky Vista Drive. The Final Map was recorded on 02/08/07. |
| 06/22/11 | A Final Map (FMP-42158) was submitted review for reversion to acreage of approximately 42.98 acres at the southwest corner of Crossbridge Drive and Sky Vista Drive. The application is currently in review. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 12/18/97 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| No building permits or business licenses have been issued for this subdivision. |

| ***Pre-Application Meeting*** |
|---|
| A pre-application meeting is not required, nor was one held. |

| ***Neighborhood Meeting*** |
|---|
| A Neighborhood Meeting is not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | A site visit by staff noted an undeveloped residential subdivision that is clean and free of debris. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 7.24 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Undeveloped | SF3 (Single Family Detached) | P-C (Planned Community) |
| North | Undeveloped | SF3 (Single Family Detached) | P-C (Planned Community) |

| | | | |
|---|---|---|---|
| South | Undeveloped | Red Rock Conservation Area | P-C (Planned Community) |
| East | Single Family Residential | SF3 (Single Family Detached) | P-C (Planned Community) |
| West | Undeveloped | COS (Community Open Space) | P-C (Planned Community) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | | |
| Summerlin | X | | Y |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| P-C (Planned Community) District | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

## LEGAL DESCRIPTION

The subject property is legally described as the following:

The street right-of-way as dedicated per that certain Final Map Titled "Summerlin Village 24 Parcel A Silver Creek, a common-interest community", recorded in Book 135, Page 71 of plats on file at the Clark County, Nevada Recorder's Office, described as Desert Bridge Avenue, Middle Creek Street, Elmstone Place, Riverlawn Place, Bruckner Lane, Keyport Lane, Fanwood Lane, Glenhaven Place, Valley Chase Avenue, Cherry Glen Place, Haven Oaks Place and Bluffwood Place.

## ANALYSIS

This is a request to Vacate 7.24 acres of public street right-of-way within a residential subdivision associated with Summerlin Village 24, Parcel A, Silver Creek generally located at the southwest corner of Crossbridge Drive and Sky Vista Drive. The applicant has indicated that the Vacation is necessary to process a Reversionary Final Map (FMP-42158) to convert the mapped lots within Book 135, Page 71 back to acreage.

As no conflicts with any city requirements would be created by vacation, staff recommends approval of the Petition to Vacate, with conditions.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way.

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It will result in the elimination of public streets internal to a subdivision that has requested to revert to acreage the previously subdivided land which created the public streets.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since this is internal to a subdivision.*

C. Does it appear that the vacation request involves only excess right-of-way? *Yes. If the previously recorded subdivision is reverted to acreage all public streets will be considered excess right-of-way.*

D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, a request to revert "Summerlin Village 24 Parcel A Silver Creek" to acreage has been submitted under FMP-42158.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? *No.*

G. Does the Department of Public Works have an objection to this vacation request? *No.*

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**NOTICES MAILED** 1

**APPROVALS** 0

**PROTESTS** 0

COPY

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-42246 APN: see attached

Name of Property Owner: The Howard Hughes Company, LLC, A Delaware LLC

Name of Applicant: Same as Owner

Name of Representative: G. C. Wallace, Inc./Paul Burn, PLS

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: Kevin T. Orrock

Subscribed and sworn before me

This 10th day of May, 2011

Stella Clark

Notary Public in and for said County and State

STELLA CLARK
Notary Public-State of Nevada
APPT. NO. 06-107247-1
My App. Expires June 07, 2014

Revised 11-14-06

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137-34-416-001-83 (83)
164-03-112-84-103 (19)
164-03-112-104-237 (133)
164-03-415-804 (1)
164-03-415-007 (1)

Total 237

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JUN 22 2011

# DEPARTMENT OF PLANNING

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## APPLICATION / PETITION FORM

**Application/Petition For:** Vacation Street Right of Way

**Project Address (Location)** CrossBridge Drive and Sky Vista Drive- Summerlin

**Project Name** Reversionary Parcel Map **Proposed Use** _____

**Assessor's Parcel #(s)** See attached **Ward #** _____

**General Plan:** existing _____ proposed _____ **Zoning:** existing _____ proposed _____

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** 42.98 **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** The Howard Hughes Company LLC **Contact** Glenn Lowrimore

**Address** 10801 West Charleston Blvd. 3RD Floor **Phone:** 791-4600 **Fax:** 791-4660

**City** Las Vegas **State** Nevada **Zip** 89146

**E-mail Address** jlowrimore@howardhughes.com

**APPLICANT** Same as Above **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**REPRESENTATIVE** G.C. Wallace, Inc. **Contact** Paul Burn, PLS

**Address** 1555 South Rainbow Blvd **Phone:** 702-804-2060 **Fax:** 702-804-2299

**City** Las V gas **State** Nevada **Zip** 89135

**E-mail Address** pburn@gcwallace.com

**Property Owner Signature*** [signature]

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

**Print Name** KEVIN T. ORROCK

Subscribed and sworn before me

This 10th day of May, 20 11.

Stella Clark

Notary Public in and for said County and State

STELLA CLARK
Notary Public-State of Nevada
APPT. NO. 06-107247-1
My App. Expires June 07, 2014

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | VAC-42246 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $1,000 |
| Date Received:* | 6/22/11 |
| Received By: | [signature] |

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JUN 22 2011

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f:\depot\Application Packet\Applica... .pdf

Revised 10/27/08



VAC-42246 - APPLICANT/OWNER: THE HOWARD HUGHES COMPANY, LLC
SOUTHWEST CORNER OF CROSSBRIDGE DRIVE AND SKY VISTA DRIVE

06/30/11



VAC-42246 - APPLICANT/OWNER: THE HOWARD HUGHES COMPANY, LLC
SOUTHWEST CORNER OF CROSSBRIDGE DRIVE AND SKY VISTA DRIVE

06/30/11

G. C. WALLACE COMPANIES
ENGINEERS | PLANNERS | SURVEYORS

G. C. WALLACE, INC.

Writer's Contact Information:

62024-810-01

July 6, 2011

Planning Department
City of Las Vegas
333 Rancho Drive
Las Vegas, Nevada
89101

**Re: Justification for Reversionary Map and Vacation of Street Right of Way**
**FMP 42158 and Vac-42246**

To Whom It May Concern:

On behalf of The Howard Hughes Company, Limited Partnership, G. C. Wallace, Inc., (GCW) is submitting a request for a Reversionary Final Map and Vacation of Street Right of Way. We are submitting these applications per the request of the City of Las Vegas.

Please feel free to call me at 804-2126 if you need any additional information or have any questions.

Very truly yours,

G. C. WALLACE, INC.

Cyndee Miller

Cyndee Miller,
Project Coordinator

Enclosures

C: File
Josh Johnson, GCW

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JUL 07 2011
VAC-42246

City of Las Vegas Agenda Item No.: **10.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

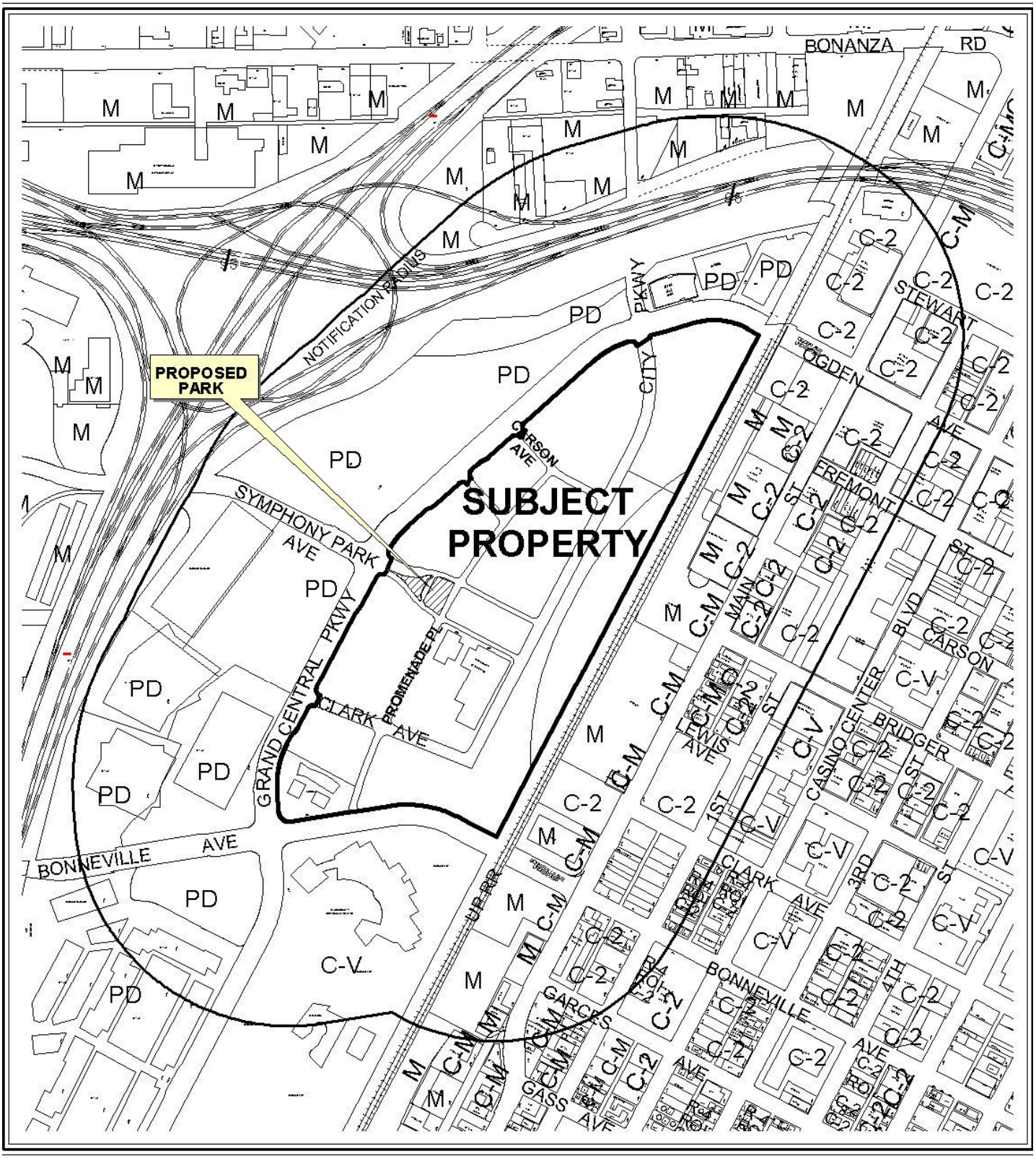
**SUBJECT:**
SDR-42260 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: SYMPHONY PARK MASTER ASSOCIATION, INC. - For possible action on a request for a Site Development Plan Review FOR A PRIVATE PARK on 0.58 acres at the intersection of Symphony Park Avenue and Grand Central Parkway (APNs 139-33-511-009 and 010), PD (Planned Development) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Symphony Park Design Review Committee Approval Letter
6. Justification Letter




**CASE:** **SDR-42260**

**RADIUS:** 1000 FT

0 300 600 Feet

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

N




**CASE:** **SDR-42260**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

0 300 600 Feet

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: SYMPHONY PARK MASTER ASSOCIATION, INC.**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SDR-42260** | Staff recommends APPROVAL, subject to conditions: | |

## ** CONDITIONS **

# SDR-42260 CONDITIONS

***Planning***

1. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-16267) shall be required.

2. Revised plans and other materials shall be submitted to and approved by the Symphony Park Design Review Committee (SP-DRC) as required on the SP-DRC action letter dated 07/12/11. Approved plans shall be submitted to the Department of Planning.

3. 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.

4. All development shall be in conformance with the site plan date stamped 07/07/11 and landscape plan date stamped 07/14/11, except as amended by conditions herein.

5. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 07/14/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

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.

8. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

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

***Public Works***

10. Unless already constructed or guaranteed by the Master Developer, construct all incomplete half street improvements adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with the development of this site.

11. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

12. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

13. Comply with all applicable previous conditions of approval for SDR-16267 and all other site related actions.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The undeveloped subject site is located within the Symphony Park Master Plan area. A 2.16-acre private park flanked on the north and south by Symphony Park Avenue is proposed at this location in conformance with the master plan contained within the Symphony Park Design Standards. This review is for the western 0.58 acres only. This development is intended to complement the performing arts center currently under construction to the south and to provide the central civic open space for the Symphony Park area.

The proposed park consists primarily of thematic landscaping with pedestrian paths located along the east, north and south perimeters. No structures other than entry signage and mechanical units are planned. The proposed park is bisected by a one-way pass-through area for buses and other vehicles. No parking is provided onsite.

The proposed development generally conforms to the Symphony Park Design Standards. It has received approval from the Symphony Park Design Review Committee (SP-DRC) with conditions requiring minor revisions and additional review by the SP-DRC. Staff therefore also recommends approval with conditions.

## ISSUES

- Additional minor revisions to the plans are required by the SP-DRC as noted in its approval letter dated 07/12/11; final SP-DRC approval of the plans is noted as a condition of approval.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 11/23/98 | The City Council approved a Rezoning (Z-0100-97) from M (Industrial) to PD (Planned Development) on approximately 178 acres generally located along the east side of Interstate 15 between Charleston Boulevard and U.S. 95. The Planning Commission and staff recommended approval. |
| 11/15/06 | The City Council approved a request for a Site Development Plan Review (SDR-16267) for a proposed mixed use development on 61.57 acres located at the northeast corner of Grand Central Parkway and Bonneville. The Planning Commission and staff recommended approval. |

| | |
|---|---|
| 01/03/07 | The City Council adopted the Union Park Design Standards through Ordinance #5874. |
| 03/18/09 | The City Council approved a Waiver (WVR-32366) of Section IV(C) of the City of Las Vegas Street Naming and Address Assignment Regulations as adopted by Title 13.28 to allow the suffix "Place" on a northeast/southwest street where only allowed for use on northwest/southeast streets in the Union Park development, located at the northeast intersection of Grand Central Parkway and Bonneville Avenue. Staff recommended approval. |
| 05/20/09 | The City Council approved the change in the name of the Union Park development to Symphony Park. |
| 08/04/10 | The City Council adopted the Symphony Park Design Standards and related design documents through Ordinance #6102. |
| 05/10/11 | The Planning Commission voted to abey a request for a Site Development Plan Review (SDR-41033) for a private park on 1.58 acres east of the subject site to the 06/14/11 Planning Commission meeting at the applicant's request. |
| 06/14/11 | The Planning Commission voted to abey a request for a Site Development Plan Review (SDR-41033) for a private park on 1.58 acres east of the subject site to the 07/12/11 Planning Commission meeting at the applicant's request. |
| 07/12/11 | The Planning Commission approved a request for a Site Development Plan Review (SDR-41033) for a private park on 1.58 acres east of the subject site. Staff recommended approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 10/13/10 | A deed was recorded for a change in ownership on APN 139-33-511-009 and 010. |

| ***Related Building Permits/Business Licenses*** |
|---|
| No building permits or business licenses pertain to the subject site. |

| ***Pre-Application Meeting*** | |
|---|---|
| 02/17/11 | A pre-application meeting was held with the applicant's representative, where requirements for a Site Development Plan Review for a private park were discussed. During the meeting, it was determined that a variance would be necessary to allow a proposed monument sign to encroach into the required setback area for such signs. This sign was later deemed a development entry sign that met Title 19 requirements and as such, a variance would not be necessary. Other items noted included the following: |

| | |
|---|---|
| 02/17/11 | • A signed letter of review from the Symphony Park Design Review Committee (SP-DRC) is required at the time of submittal. The SP-DRC has not yet reviewed the proposal and is scheduled to do so in early March.<br>An encroachment agreement may be sought for landscaping in the western portion of the pass-through area in lieu of a petition of vacation. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting is not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 03/03/11 | A field check was conducted on the site. The proposed park area is being used at this time as a staging area for construction of the approved performing arts center to the south. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.58 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Undeveloped | MXU (Mixed Use) | PD (Planned Development) |
| North | Undeveloped | MXU (Mixed Use) | PD (Planned Development) |
| South | Temporary Parking Lot | MXU (Mixed Use) | PD (Planned Development) |
| East | Undeveloped | MXU (Mixed Use) | PD (Planned Development) |
| West | Right-of-Way | ROW (Right-of-Way) | ROW (Right-of-Way) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | | |
| Downtown Centennial Plan | X | | Y |

| *Special Purpose and Overlay Districts* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Special Purpose and Overlay Districts** | | | |
| PD (Planned Development) District | X | | Y |
| Downtown Centennial Plan Overlay District (Symphony Park) | X | | Y |
| G-O (Gaming Enterprise Overlay) District | X | | N/A |
| A-O (Airport Overlay) District (175 Feet) | X | | Y |
| Downtown Casino Overlay District | X | | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | X | | Y |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

***Pursuant to the Symphony Park Design Standards, the following standards apply:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | N/A | 9,443 SF | N/A |
| Min. Lot Width | N/A | 7 Feet | N/A |
| Mechanical Equipment | Screened | Screened | Y |

***Symphony Park Schematic Streetscape Design***

| *Streetscape Standards* | *Required* | *Provided* | *Compliance* |
|---|---|---|---|
| Symphony Park Forecourt | Per Park Design (65% plantings/20% special paving/15% scored concrete) | Medjool Date Palms (22' BTH)<br>48" box Desert Museum Palo Verde<br>48" box Rio Grande Ash<br>48" box Red Push Pistache | Y |

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Grand Central Parkway | Parkway Arterial | Master Plan of Streets and Highways | 100 | N |
| Symphony Park Avenue (each direction) | N/A | N/A | 23 | N/A |
| Promenade Place | N/A | N/A | 34 | N/A |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Private Park | 0.58 acres net/gross | 2 spaces per gross acre | 2 | | | | |
| **TOTAL SPACES REQUIRED** | | | 2 | | 0 | | N |
| **Regular and Handicap Spaces Required** | | | 1 | 1 | 0 | 0 | N |

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc. Parking will be made available within nearby surface lots and parking structures.

**ANALYSIS**

The subject site is located within a PD (Planned Development) zoning district and the Symphony Park District of the Downtown Centennial Plan Overlay District. Development within this district is subject to the Symphony Park Design Standards Manual. No waivers of the Design Standards have been requested. The proposed development has no impact on the site's location within the Gaming Enterprise Overlay District or Downtown Casino Overlay District. The site is located within the Airport Overlay District with a 175-foot height restriction on structures; no buildings are proposed, and all proposed signage and art pieces are in conformance with the requirements of the Overlay District.

The proposed private park conforms to the requirements of the Downtown Centennial Plan and Symphony Park Design Standards. No parking will be located onsite; instead, parking will be provided in nearby offsite surface lots or in planned parking structures not a part of this review, as permitted by Title 19.10 and the Downtown Centennial Plan. The proposed pass-through and turnaround area, along with Symphony Park Avenue and Promenade Place, will provide adequate circulation through and around the park.

Onsite signage will be subject to approval by the SP-DRC prior to issuance of any sign permits by the City of Las Vegas. The sign type and location indicated by the submitted plans conform to Title 19.08 and Symphony Park Design Standards requirements.

**FINDINGS (SDR-42260)**

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

   The proposed private park development is an integral part of the master design of the Symphony Park planned area and complements the performing arts center currently under construction to the southeast as a civic open space. This development seamlessly connects to the approved park site to the east, forming the primary open space feature within Symphony Park.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed park is congruous with Las Vegas 2020 Master Plan Downtown Reurbanization Policy 1.2.2, which mandates that a major civic square, open space or park be developed in the central business/government district core to serve as a focal point for the city and contribute to the identity, functionality and amenity of the Downtown. The park is generally consistent with the goals and requirements of the Symphony Park Design Standards, which provide for an open space network centered around three primary spaces that connect Symphony Park to Downtown Las Vegas.

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

Access to the perimeter of the proposed park is provided by Grand Central Parkway, Symphony Park Avenue and Promenade Place. Vehicular access to the park interior is not provided.

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

   Structural, paving and landscape materials have been conditionally approved by the SP-DRC and are appropriate for the Symphony Park planned development area.

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

   No buildings are proposed. The landscape design and other aesthetic features create an orderly environment that will be harmonious and compatible with existing and future development within Symphony Park.

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

   Development is subject to permits and inspection, thereby ensuring the public health, safety and general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 22

**NOTICES MAILED** 90

**APPROVALS** 0

**PROTESTS** 0

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-42260 APN: APN-139-33-511-009, APN-139-33-511-010

Name of Property Owner: Symphony Park Master Association, Inc

Name of Applicant: Sam Gladstein - Symphony Park Master Association, Inc.

Name of Representative: Christopher Langham - JW Zunino Landscape Architecture

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: Sam Gladstein

Subscribed and sworn before me

This 23 day of June, 2011

_____

Notary Public in and for said County and State

JILL KLELES
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 07-1668-1
My Appt. Expires Jan. 18, 2015

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JUN 23 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Site Development Review

**Project Address (Location)** Promenade Place @ Symphony Park Avenue & Grand Central Pkwy

**Project Name** Symphony Park **Proposed Use** Park

**Assessor's Parcel #(s)** 139-33-511-009, 139-33-511-010 **Ward #** 5

**General Plan:** existing MXU proposed MXU **Zoning:** existing PD proposed PD

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** .58 **Lots/Units** _____ **Density** _____

**Additional Information** Parcels M1 and M2

**PROPERTY OWNER** Symphony Park Master Assn, Inc **Contact** Sam Gladstein

**Address** 6130 Elton Ave #212 **Phone:** (702) 220-8090 **Fax:** (702) 216-6001

**City** Las Vegas **State** NV **Zip** 89107

**E-mail Address** sgladstein@newlandco.com

**APPLICANT** Symphony Park Master Assn, Inc **Contact** Sam Gladstein

**Address** 6130 Elton Ave #212 **Phone:** (702) 220-8090 **Fax:** (702) 216-6001

**City** Las Vegas **State** NV **Zip** 89107

**E-mail Address** sgladstein@newlandco.com

**REPRESENTATIVE** JW Zunino Landscape Architecture **Contact** Christopher Langham

**Address** 3191 S. Jones Blvd **Phone:** (702) 253-9390 **Fax:** (702) 253-1016

**City** Las Vegas **State** NV **Zip** 89146

**E-mail Address** chris@jwzunino.com

**Property Owner Signature*** _____

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

**Print Name** Sam Gladstein

Subscribed and sworn before me

This 23 day of June, 20 11.

Jill Kleles

Notary Public in and for said County and State

JILL KLELES
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 07-1800-1
My Appt. Expires Jan. 18, 2015

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SDR-42260 |
| **Meeting Date:** | 8-9-11 PC |
| **Total Fee:** | $1,030 |
| **Date Received:*** | 6-23-11 |
| **Received By:** | |

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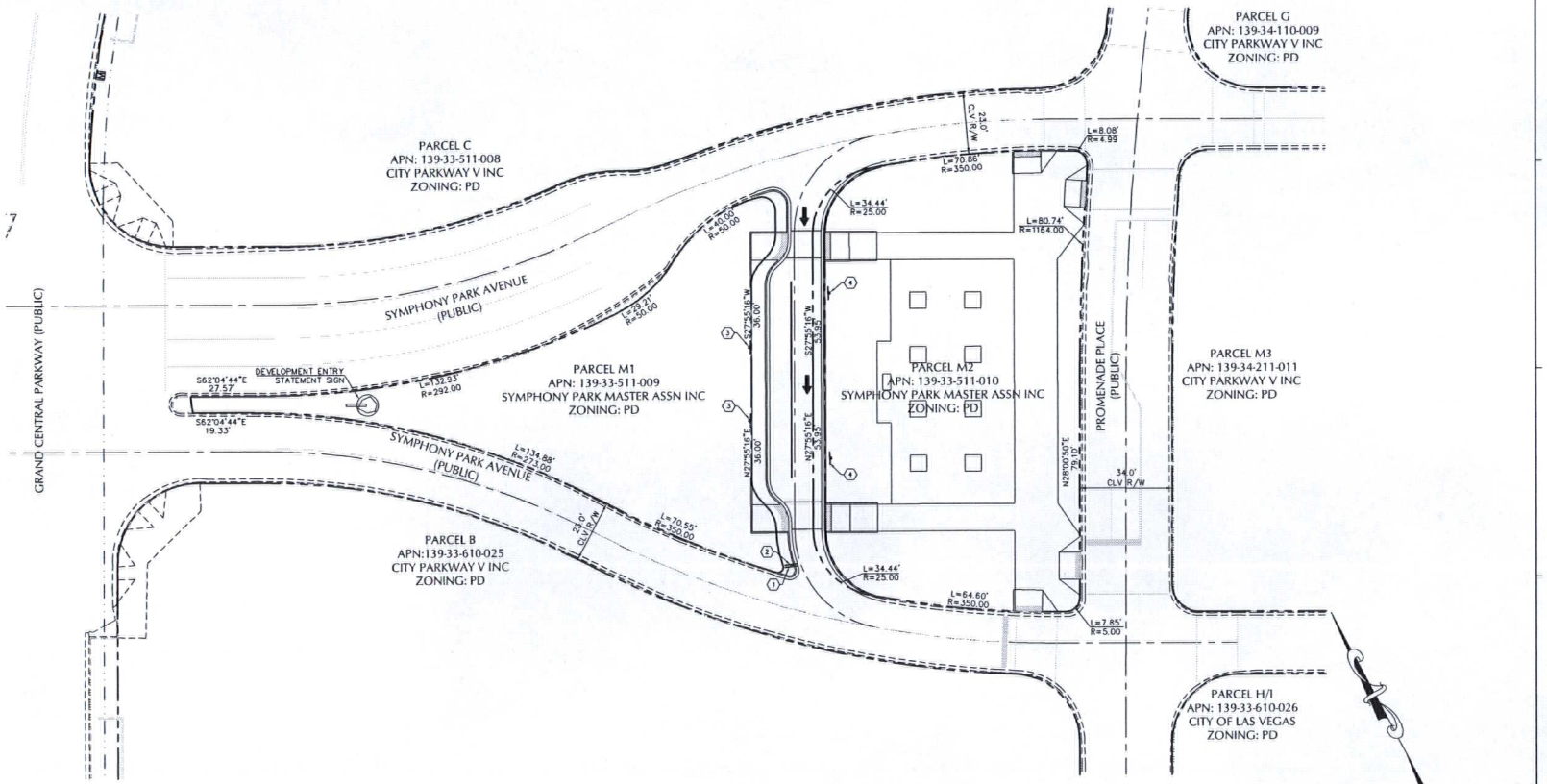
JUN 23 2011

*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.




GRAPHIC SCALE

( IN FEET )
1 INCH = 20 FT

SIGN HEIGHT DETAIL NTS

LEGEND

PROPERTY LINE–ADJACENT
PROPERTY LINE–RIGHT–OF–WAY
EXISTING PROPOSED
18" MODIFIED TYPE 'L' CURB AND GUTTER
6" TYPE 'A' CURB

SIGN DETAILS

STOP R1-1 (30"X30")
DO NOT ENTER R5-1 (30"X30")
NO PARKING LOADING ZONE R7-6 (12"X18")
NO PARKING ANY TIME R7-1 (12"X18")

SITE INFORMATION

SITE ACREAGE:
PARCEL M1: 0.22 AC± (9,443 S.F.)
PARCEL M2: 0.36 AC± (15,861 S.F.)
TOTAL ACREAGE: 0.58 AC± (25,304 S.F.)
ZONING CLASSIFICATION:
PLANNED DEVELOPMENT DISTRICT (PD)

VICINITY MAP NTS



CITY OF LAS VEGAS

THE SMITH CENTER
NEWLAND COMMUNITIES

DESIGNWORKSHOP
Landscape Architecture • Land Planning
Urban Design • Tourism Planning
Asheville - Aspen - Austin - Denver - Salt Lake City - Tahoe
224 South 200 West Suite 150
Salt Lake City, Utah 84101
(801) 359-4771
Facsimile (801) 359-4411
WWW.DESIGNWORKSHOP.COM

# SYMPHONY PARK
## DESIGN DEVELOPMENT
PARCELS M1 & M2

MARTIN & MARTIN CIVIL ENGINEERS
2155 RED ROCK STREET, #103
LAS VEGAS, NV 89146
PHONE (702) 248-8000
FAX (702) 248-8070

ISSUE DATE: JULY 7, 2011

REVISIONS

| # | DATE | DESCRIPTION |
|---|---|---|

PROJECT NUMBER: 3119

SITE PLAN

SHEET NUMBER C1

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SDR-42260
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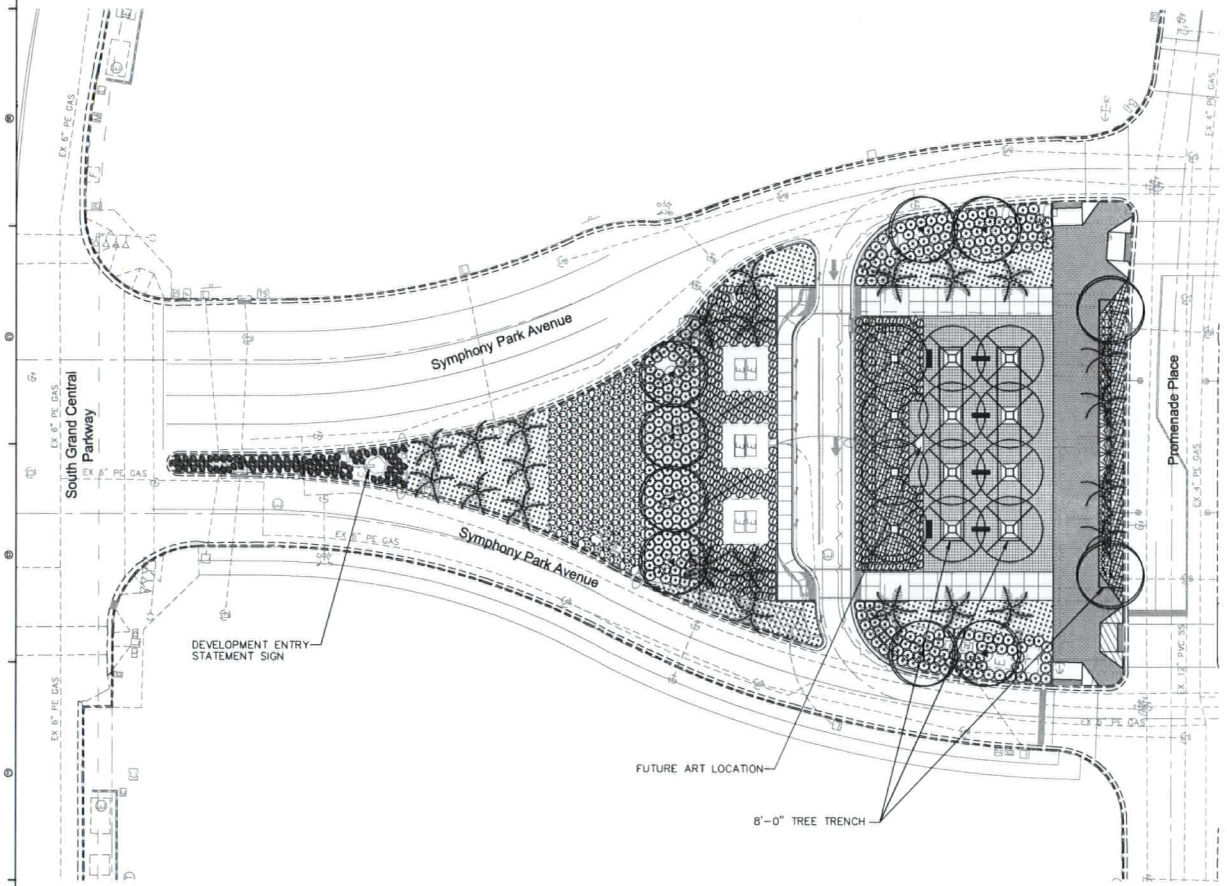


PLANT SCHEDULE (M1–M2)

| SYMBOL | BOTANICAL NAME | COMMON NAME | QTY. | SIZE | REMARKS |
|---|---|---|---|---|---|
| | **PALMS** | | | | |
| | PHOENIX DACTYLIFERA 'MEDJOOL' | MEDJOOL DATE PALM | 23 | BTH | 22' CLEAR TRUNK |
| | **TREES** | | | | |
| | CERCIDIUM 'DESERT MUSEUM' | DESERT MUSEUM PALO VERDE | 3 | 48" BOX | |
| | FRAXINUS VELUTINA 'RIO GRANDE' | FAN-TEX ASH | 8 | 48" BOX | |
| | PISTACIA X 'RED PUSH' | RED PUSH PISTACHE | 12 | 48" BOX | |
| | **SHRUBS** | | | | |
| | HESPERALOE PARVIFLORA | RED YUCCA | 44 | 5 GAL | |
| | LEUCOPHYLLUM CYCLOPHYLLUM 'CIMARRON' | CIMARRON TEXAS RANGER | 463 | 5 GAL | |
| | ROSMARINUS OFFICINALIS 'TUSCAN BLUE' | UPRIGHT ROSEMARY | 398 | 5 GAL | |
| | **ACCENTS** | | | | |
| | AGAVE GEMINIFLORA | TWIN-FLOWERED AGAVE | 83 | 5 GAL | |
| | AGAVE OVATIFOLIA | WHALE'S TONGUE AGAVE | 132 | 15 GAL | |
| | DASYLIRION LONGISSIMUM | DESERT SPOON | 6 | 5 GAL | |
| | **GROUNDCOVERS** | | | | |
| | RHYNCHOSPERMUM (TRACHELOSPERMUM) JASMINOIDES (3,440 SQ. FT.) | STAR JASMINE | 382 | 5 GAL | 36 INCH SPACING |
| | ROSMARINUS OFFICINALIS 'PROSTRATUS' (1,180 SQ. FT.) | DWARF ROSEMARY | 131 | 5 GAL | 36 INCH SPACING |

1. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL PLANT QUANTITIES. THE PLANT SCHEDULE IS INTENDED AS A REFERENCE ONLY.
2. LANDSCAPE ARCHITECT IS TO APPROVE ALL PLANT MATERIAL PRIOR TO INSTALLATION WITH PRIOR NOTICE OF 48 HOURS.
3. PLANT MATERIAL IS TO HAVE IDENTIFICATION TAGS ON 10% OF THE TOTAL QUANTITY OF EACH SPECIES, SHOWING GENUS, SPECIES, VARIETY, ETC.
4. CONTRACTOR TO PROVIDE MATCHING SIZES AND FORMS OF LIKE SHRUB SPECIES AS SHOWN ON DRAWINGS.
5. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE OF FINISH GRADE AWAY FROM ALL STRUCTURES, WALLS, AND ON ALL SIDEWALKS ACCORDING TO ALL CODES, REGULATIONS, AND REQUIREMENTS.
6. ROCK MULCH: SEE SPECIFICATIONS.
7. TREE WELLS AND TREE GRATES SHALL BE PROVIDED FOR ALL TREES LOCATED WITHING HARDSCAPE AREAS.
8. LANDSCAPE CONTRACTOR SHALL TEST ALL PLANTER DRAINS PRIOR TO BACKFILL FOR POSITIVE DRAINAGE.
9. CONTRACTOR SHALL THOROUGHLY MIX ALL SOIL AMENDMENTS AND FERTILIZER PRIOR TO PLACEMENT IN PLANTERS.
10. UNLESS DESIGNATED DIFFERENTLY WITHIN THESE DRAWINGS, STRUCTURAL AND HARDSCAPE IMPROVEMENTS SHALL BE INSTALLED PRIOR TO PLANTING OPERATIONS.
11. ALL WORK ON THE IRRIGATION SYSTEM, INCLUSIVE OF HYDROSTATIC COVERAGE, OPERATIONAL TESTS AND BACKFILLING/COMPACTION OF TRENCHES SHALL BE PERFORMED PRIOR TO PLANTING OPERATIONS.
12. PLANTING HAS BEEN DESIGNED FOR IMMEDIATE AESTHETIC IMPACT AND WILL REQUIRE THINNING AS PLANTING MATURES.

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NORTH
0 10 20
1"=20'-0"

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SDR-42260
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SYMPHONY PARK MASTER ASSOCIATION

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# SYMPHONY PARK
Design Development
PARCELS M1 & M2

LAS VEGAS NV
CARLSBAD CA
J W ZUNINO

ISSUE DATE: July 7, 2011

REVISIONS

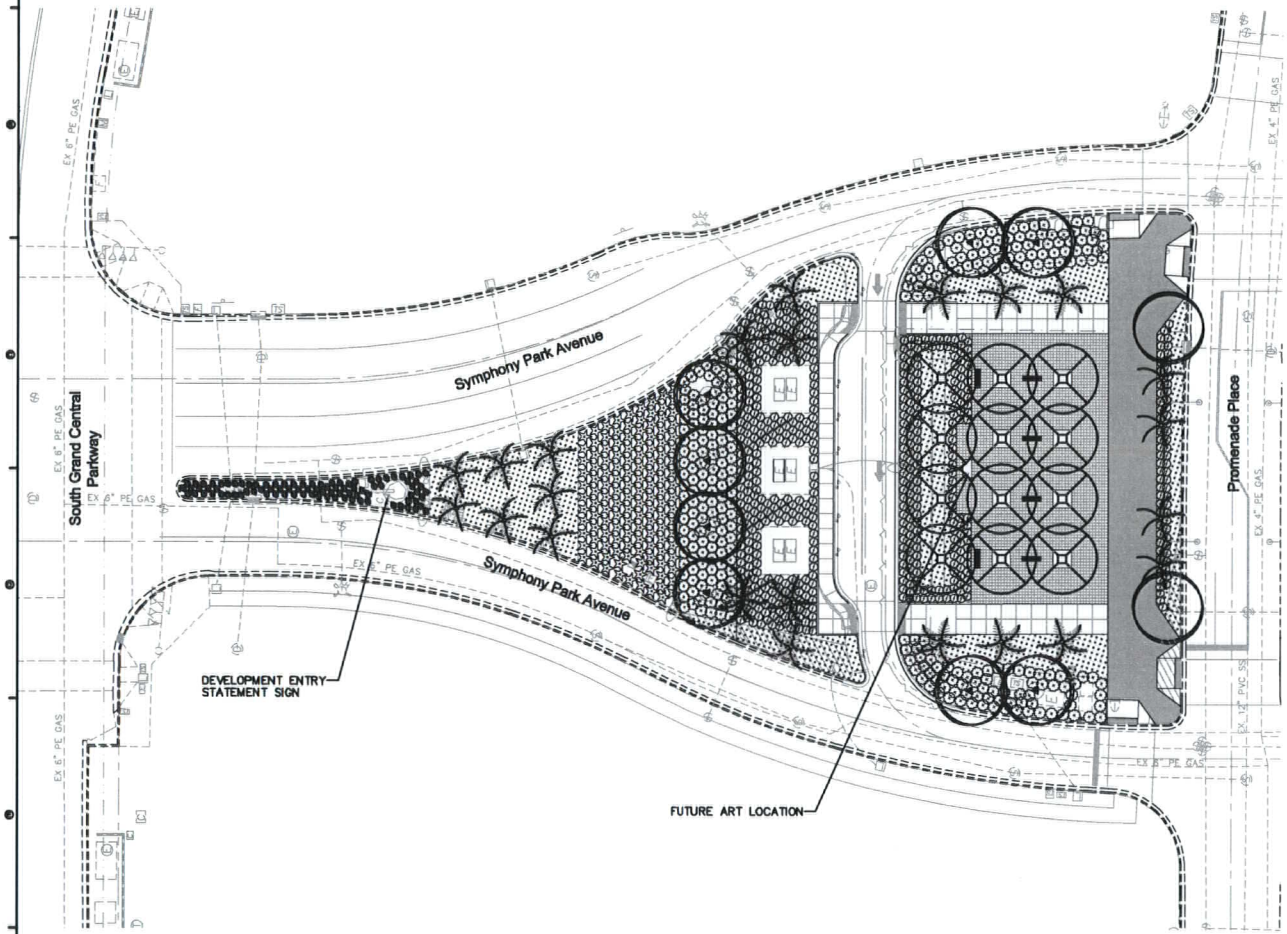
| # | DATE | DESCRIPTION |
|---|---|---|

Design Development

PROJECT NUMBER: 4674

Planting Plan

SHEET NUMBER
L1




## PLANT SCHEDULE (M1–M2)

| KEY | BOTANICAL NAME | COMMON NAME | QTY. | SIZE | REMARKS |
|---|---|---|---|---|---|
| | **PALMS** | | | | |
| | PHOENIX DACTYLIFERA 'MEDJOOL' | MEDJOOL DATE PALM | 33 | 81ft | 22' CLEAR TRUNK |
| | **TREES** | | | | |
| | CERCIDIUM "DESERT MUSEUM" | DESERT MUSEUM PALO VERDE | 2 | 48" BOX | |
| | FRAXINUS VELUTINA 'RIO GRANDE' | FAN-TEX ASH | 8 | 48" BOX | |
| | PISTACIA X 'RED PUSH' | RED PUSH PISTACHE | 12 | 48" BOX | |
| | **SHRUBS** | | | | |
| | RHAPHIOLEPIS INDICA 'BALLERINA' | DWARF INDIAN HAWTHORN | 339 | 5 GAL | |
| | ROSMARINUS OFFICINALIS 'TUSCAN BLUE' | UPRIGHT ROSEMARY | 396 | 5 GAL | |
| | **ACCENTS** | | | | |
| | AGAVE GEMINIFLORA | TWIN-FLOWERED AGAVE | 53 | 5 GAL | |
| | AGAVE OVATIFOLIA | WHALE'S TONGUE AGAVE | 132 | 15 GAL | |
| | **GROUNDCOVERS** | | | | |
| | RHYNCHOSPERMUM (TRACHELOSPERMUM) JASMINOIDES (4,630 SQ. FT.) | STAR JASMINE | 513 | 5 GAL | 36 INCH SPACING |

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**SDR-42260**

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CITY OF LAS VEGAS

THE SMITH CENTER
NEWLAND COMMUNITIES

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# SYMPHONY PARK

Planning + Development Submittal

PARCELS M1 & M2

J W ZUNINO
LAS VEGAS NV
3131 SOUTH BLVD
LAS VEGAS, NV 89146
T 702.253.8350
F 702.253.1016
CARLSBAD CA
2248 FARADAY AVE
CARLSBAD, CA 92008

ISSUE DATE: July 7, 2011

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| # | DATE | DESCRIPTION |
|---|---|---|

Design Development

PROJECT NUMBER: 4674

Planting Plan

SHEET NUMBER

L2

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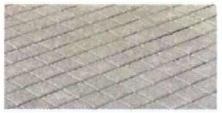


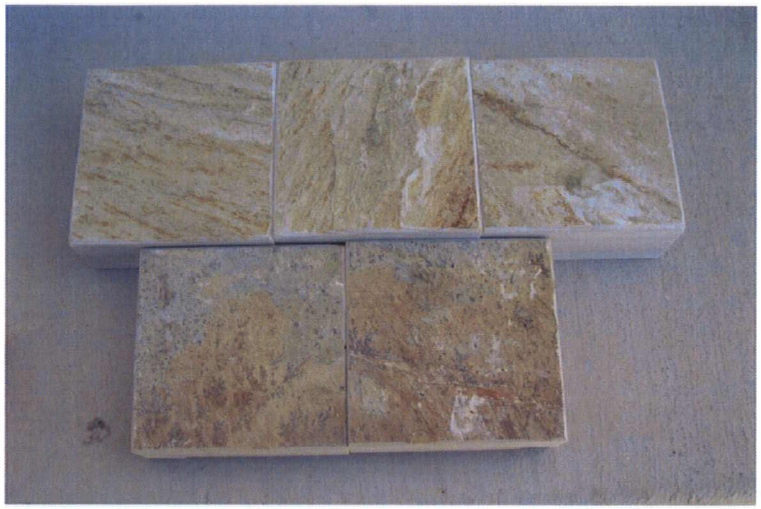
## Colored Concrete Paver

Hanover Architectural Products
Prest Concrete Paver - 12" x 12" x 2"
Tudor Finish
Limestone Grey



## Colored Concrete

Solomon Colors - 306 Canvas



## Stone Paving

As approved by SP DRC for use at
The Smith Center and the M3 Parcel





## Landscape Barrier

Landscape Forms
Robert-Sant & Cole
Stainless Steel





## Benches

Landscape Forms
Arcata
Polysite Seat
Powder Coat Silver





## Trash Receptacle

Landscape Forms
Chase Park
Powder Coat Silver

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**SDR-42260**

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# SYMPHONY PARK

Planning + Development Submittal
PARCELS M1 & M2

ISSUE DATE: July 7, 2011

REVISIONS

| # | DATE | DESCRIPTION |
|---|---|---|

Design Development

PROJECT NUMBER: 4674

Materials Board

SHEET NUMBER
L-3

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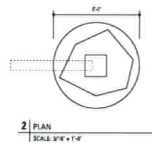
Primary Identification Sign

Davies Associates
Environmental Graphics

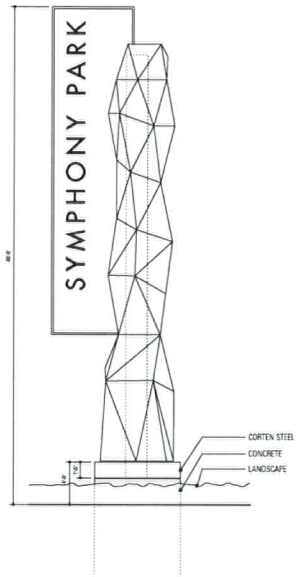



Primary Identification Sign

Davies Associates
Environmental Graphics



2 PLAN
SCALE: 3/16" = 1'-0"




1 ELEVATION
SCALE: 3/16" = 1'-0"

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**REVISED**

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CITY OF LAS VEGAS

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# SYMPHONY PARK

Planning + Development Submittal

PARCELS M1 & M2

ISSUE DATE: July 7, 2011

REVISIONS

| # | DATE | DESCRIPTION |
|---|---|---|
| | | |
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| | | |

Design Development

PROJECT NUMBER: 4674

M1 Signage

SHEET NUMBER
L-4




SDR-42260 - APPLICANT/OWNER: SYMPHONY PARK MASTER ASSOCIATION, INC.
SYMPHONY PARK AVENUE AND GRAND CENTRAL PARKWAY

06/30/11

SYMPHONY PARK℠

July 12, 2011

Todd Johnson, Principal
Design Workshop
1390 Lawrence Street
Denver, CO 80204

(by email)

Re: **Symphony Park Revised Design Development Submission for Parcels M1 and M2,** submitted July 7 and 11, 2011.

Dear Mr. Johnson,

The Symphony Park Design Review Committee (SP-DRC) received your revised Design Development submission for Symphony Park parcels M1and M2 dated July 7, 2011, augmented by a partially revised submission delivered July 11, 2011 and reviewed both submissions on July 11, 2011.

Based on the revised design presented, **the Revised Design Development submission is APPROVED for City of Las Vegas Site Development Plan Review with the following conditions,** which are to be addressed and approved by the SP-DRC prior to finalization of Construction Drawings.

**Landscape and Lighting Conditions:**

1. Sheet L1-01 Site Materials Plan:

   a. It is not clear from the lighting layout that sufficient pedestrian lighting will be provided in the plaza or in the drop off area. Please confirm adequate lighting levels on all pedestrian areas of at least 1.0 fc at grade with a 4:1 uniformity. This may suggest the need for an additional pedestrian light pole and fixture in the plaza or other areas.

   b. Site furniture notes must include a bicycle rack and one must be located somewhere on or near the plaza area.

   c. Symphony Park Design Standards (SPDS) 2.4.1 requires the use of an unconventional seating element for some of the site seating. The SP-DRC recommends this requirement be met with the two benches backing

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**SDR-42260**
**REVISED**

to the west edge of the plaza being specified to be unconventional in some way. See SPDS for suggestions.

d. Stone paver notes should also reference the required stone paver color pattern from the SPDS.

2. Sheet L-3 Materials Board:

a. Materials as noted on the revised submission dated July 11, 2011 are approved with the following exception. The bench with the back is to be modified per condition 1.c above. In addition, the SP-DRC would recommend the addition of a center obstruction bar or arm on all benches to preclude someone from sleeping on the bench, if it is available from the manufacturer.

b. The addition of a bicycle rack is required.

3. Sheet L4-03 Site Construction Details:

a. A detail for the bicycle rack is required as are planting details.

4. Sheet L1 Planting Plan:

a. The specification of the Ash and Pistache trees at 60 inch box size is required or provide the required and proposed tree caliper sizes and a justification as to why an administrative waiver should be granted for the smaller plant material

b. The alignment of the Palm trees on Promenade Place is to be in line with the light poles, more to the center of the planting bed.

c. SPDS 2.1.5 requires 75% of walkways to be shaded at noon on June 21. Please confirm that adequate shading is provided by the current tree layout.

d. The ground cover and shrub plant materials are approved provided they are evergreen materials.

5. Sheet L2 Irrigation Plan:

a. Add additional sleeves under walk areas to reach all planting beds.

b. Please confirm that the planting and irrigation as proposed reduces water consumption by 50% from a LEED base case condition per SPDS 2.2.1.

**SDR-42260**
**REVISED**

**Civil Design Conditions:**

1. Sheet C2.01Demolition Plan:

    a. Commit to a vacation and remapping of the Right of Way for the drop off street so that the future sidewalk does not encroach into it. This will entail an interim encroachment permit for landscape in the current public Right of Way on M1 and a dedication of future Right of Way on M2.

1. Sheet 3.01 Signage, Striping and Horizontal Control:

    a. Incorporate new Symphony Park Regulatory Signage sign support structures into further sign specifications.

    b. Locate an additional "do not enter sign" at the corner of east bound Symphony Park Avenue and Promenade Place or confirm that it is not required.

2. Sheet 4.01 Grading Plan:

    a. Modify the grading to extend the center planter mounding further east and further attempt to add a small amount of mounding on the south side of the plaza, north of site utilities. Keep mounding to two feet in height so that visibility into the plaza is not compromised.

Sincerely,
The Symphony Park Design Review Committee
Scott Carter, Chairman

cc. Sam Gladstein, Newland Co.
Flinn Fagg, Director, City of Las Vegas Planning Department
Terrall Budge, Design Workshop
Troy Cook, Design Workshop

(All by email)

NEWLAND™

**SDR-42260**
**REVISED**

JW ZUNINO
LANDSCAPE ARCHITECTURE

Plan | Design | Grow

June 23, 2011

Department of Planning and Development
Development Service Center
333 N. Rancho Drive
Las Vegas, NV 89106

Attn: City of Las Vegas Planning

**RE: Symphony Park (Parcels M1 & M2) Justification Letter**
**(APN #'s 139-33-511-009 & 139-33-511-010)**

Dear Planning,

The Symphony Park Master Association, Inc. proposes to develop a park within the Symphony Park Development. The site for the park is comprised of two parcels (M1 & M2) located on .58 acres of vacant land between Symphony Park Avenue at the intersections of Promenade Place. These parcels are located northwest of the Smith Center for the Performing Arts, currently under construction. The park will provide an immediate aesthetic complement to the development and is being designed to harmoniously connect with the adjoining M3 parcel.

The Park improvements will include planting, irrigation, decorative hardscape, and opportunities for art and sculpture. No on-site parking or vehicular access is planned other than the designated public right-of-way. In accordance with the Symphony Park Master Plan, parking will be accommodated through existing and proposed structures and surface lots off-site.

This project, being within the Symphony Park Development is part of the USGBC's LEED ND pilot program – which is the only such project in the State of Nevada, and will therefore utilize sustainable elements and design techniques throughout. As part of this effort, the site will reduce storm water runoff from pre-development conditions, and utilize xeriscape design principles for the landscape material, including water efficient plantings. A water efficient irrigation system will be used for landscaping. Provisions will be made for recycling construction waste.

The M1 parcel consists of existing utility infrastructure, proposed Symphony Park development entry statement sign for the master development, and a drop off/pickup zone in the public right-of-way. An encroachment agreement will be required for the proposed private landscaping located at the northeast and southeast corners of the parcel M1 in public right-of-way. The proposed uses conform to the current zoning designation.

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JUN 23 2011



SDR-42260

JW ZUNINO
LANDSCAPE ARCHITECTURE

*Plan | Design | Grow*

The M2 parcel consists of existing utility infrastructure, and landscaping. The proposed uses conform to the current zoning designation.

Per discussions with City staff (Dennis Moyer – Land Development) to expedite the permitting process, CLV will allow civil improvement plans to be reviewed by Land Development after preliminary drainage review and pending approval. No permits shall be issued until Conditions of Approval from the City Council meeting are met.

The project will comply with all conditions and comments from the Symphony Park Design Review Committee.

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SDR-42260

City of Las Vegas Agenda Item No.: **11.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

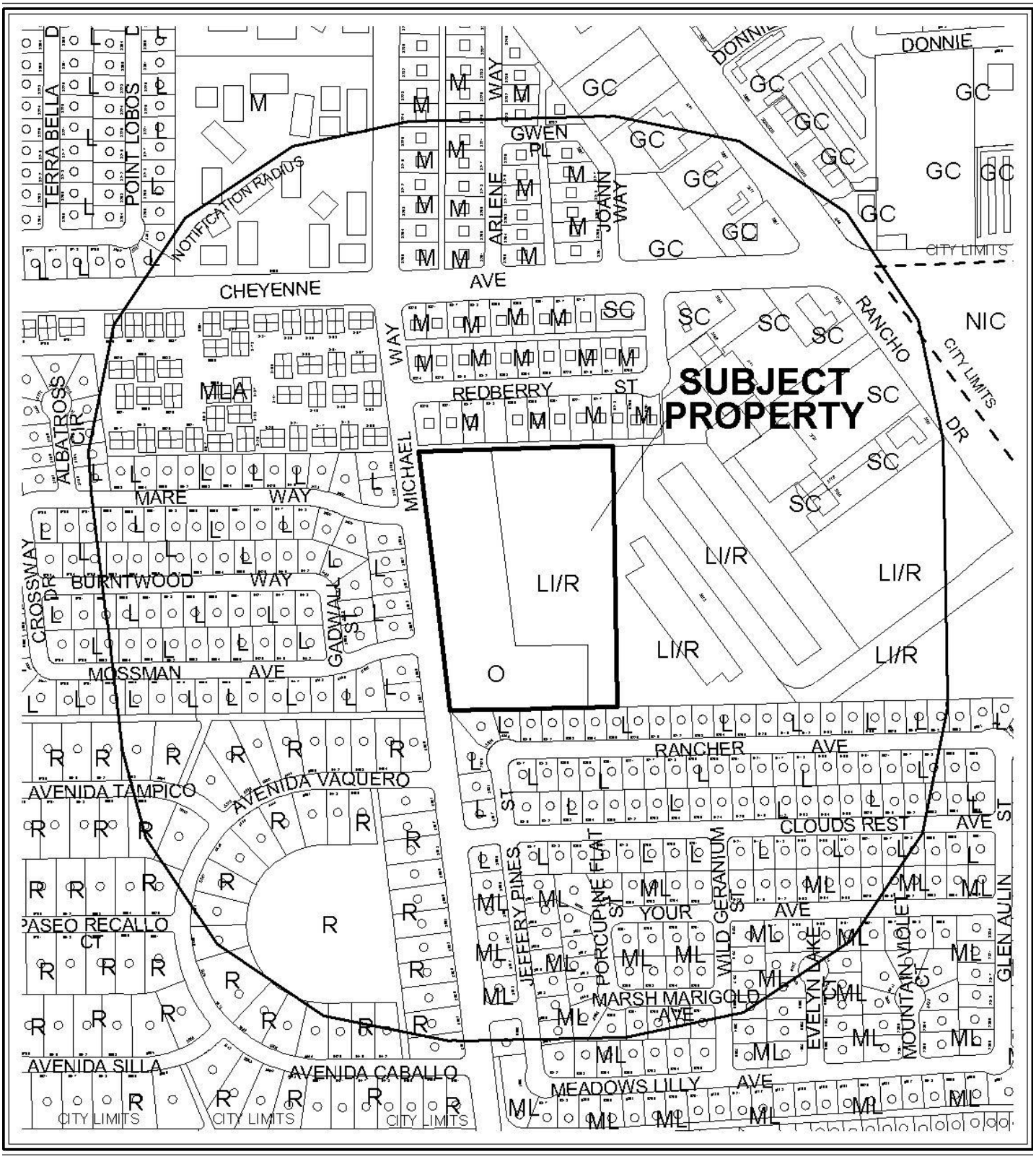
**SUBJECT:**
ABEYANCE - GPA-41777 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: RANCHO PROPERTIES, LLC - For possible action on a request for a General Plan Amendment FROM: O (OFFICE) and LI/R (LIGHT INDUSTRY/RESEARCH) TO: M (MEDIUM DENSITY RESIDENTIAL) on 9.92 acres at 3000 North Michael Way (APN 138-13-512-001), Ward 5 (Barlow). Staff recommends DENIAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **13** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report - GPA-41777, ZON-41778 and SDR-41779
3. Supporting Documentation
4. Photos - GPA-41777, ZON-41778 and SDR-41779
5. Justification Letter - GPA-41777, ZON-41778 and SDR-41779
6. Protest Postcards – GPA-41777 and ZON-41778




0 300 600 Feet

**CASE:** **GPA-41777**

**RADIUS:** 1000 FT

**GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:**

O (OFFICE) AND LI/R (LIGHT INDUSTRY/RESEARCH)

**PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:**

M (MEDIUM DENSITY RESIDENTIAL)

N




0 300 600 Feet

**CASE:** **GPA-41777**

**RADIUS:** 1000 FT

**GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:**

O (OFFICE) AND LI/R (LIGHT INDUSTRY/RESEARCH)

**PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:**

M (MEDIUM DENSITY RESIDENTIAL)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: RANCHO PROPERTIES, LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **GPA-41777** | Staff recommends DENIAL. | |
| **ZON-41778** | Staff recommends DENIAL. | GPA-41777 |
| **SDR-41779** | Staff recommends DENIAL, if approved subject to conditions: | GPA-41777<br>ZON-41778 |

## ** CONDITIONS **

# SDR-41779 CONDITIONS

***Planning***

1. Approval of a General Plan Amendment (GPA-41777) and Rezoning (ZON-41778) shall be required, if approved.

2. 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.

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/12/11, except as amended by conditions herein.

4. A Waiver from Title 19.06.110 is hereby approved, to allow no landscape buffer along portions of the north perimeter where six feet is required.

5. An Exception from Title 19.06.110 is hereby approved, to allow no trees in the parking lot where required due to a sewer easement and to have nine fewer additional parking lot trees than required.

6. An Exception from Title 19.06.110 is hereby approved, to allow 126 total perimeter trees for the project.

7. Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77. No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1) would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations.

8. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 05/12/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

9. Prior to occupancy, 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.

10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

12. Air conditioning units shall not be mounted on rooftops.

13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.08.040.

14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

15. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

***Public Works***

17. Construct all incomplete half-street improvements on Michael Way adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

18. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

19. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

20. No new permanent structures or landscaping taller than 3 feet shall be allowed within the existing 20-foot public sewer easement granted by Plat Book 95 Page 52.

21. 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 or the submittal of any construction drawings for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. 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.

22. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant has requested to change the General Plan and Zoning on 9.92 undeveloped acres in order to construct a 136-unit apartment complex. The property is currently planned for use as LI/R (Light Industry/Research). The location near the end of the primary runway at North Las Vegas Airport and being in the final approach path for aircraft tends to support the current land use designation. The Clark County Department of Aviation has notified staff of its strong opposition to changing the use to allow a residential development. Staff supports the reasoning and recommends denial of the requests. If denied, the property would remain designated for LI/R (Light Industry/Research) development and no residential component could be built.

## ISSUES

- A Waiver is required to allow a zero-foot landscape buffer along a portion of the north perimeter where six feet is required. Staff supports the request as it is adjacent to an alley.
- An Exception is required to allow no parking lot shade trees where required due to an existing sewer easement. Staff supports the request as the design of the project prohibits this requirement from being met.
- An Exception is required to allow 126 perimeter trees where 133 are required. Staff supports the request as the existing sewer easement prohibits this requirement from being met.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 1962 | The City Council approved Annexation (A-0003-62), which included the property located at 3000 North Michael Way. |
| 12/15/76 | The Board of Adjustments approved Variance a(V-0091-76) to allow two horses per lot on property zoned R-D (Residential Development) at 3000 North Michael Way. Staff had no objection to the request. |
| 03/20/91 | The City Council approved Rezoning (Z-0009-91) from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial Industrial) for an office commercial park at 3000 North Michael Way. The Planning Commission and staff recommended approval. The 2-year Resolution of Intent expired without being exercised. |

| | |
|---|---|
| 12/20/95 | The City Council approved Rezoning (Z-0090-95) from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial Industrial) for an office commercial park and mini-storage facility at 3000 North Michael Way. The Planning Commission and staff recommended approval. The 1-year Resolution of Intent and several Extensions Of Time expired without being exercised. |
| 08/11/97 | The City Council approved Rezoning (Z-0036-97) from R-E (Residence Estates) to C-M (Commercial Industrial) for an office park at 3000 North Michael Way. Condition 7 prohibited all but emergency access off of Michael Way. The Planning Commission recommended denial and staff recommended approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 11/18/10 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 11/02/07 | Code Enforcement issued a citation (#59473) for trash and illegal dumping at 3000 North Michael Way. The case was closed on 11/15/07. |
| 07/09/08 | Code Enforcement issued a citation (#67556) for a damaged utility box at 3000 North Michael Way. The case was closed on 07/10/08. |
| 08/13/10 | Code Enforcement issued a citation (#93631) for noise at 3000 North Michael Way. The case was closed on 08/17/10. |
| 11/17/10 | Code Enforcement issued a citation (#96307) for trash at 3000 North Michael Way. The case was closed on 11/18/10. |

| ***Pre-Application Meeting*** | |
|---|---|
| 04/06/11 | Staff met with the applicant and reviewed the requirements for a General Plan Amendment, Rezoning and Site Development Plan Review application for a proposed apartment complex. |

| ***Neighborhood Meeting*** | |
|---|---|
| 06/09/11 | A neighborhood meeting was held. Four members of the public attended and were evenly split, two to two on the project. The two who were not in favor of the project expressed concerns regarding increased crime and traffic that generally come with higher density developments. They also felt that the existing zoning was an appropriate buffer for the area. |

| ***Field Check*** | |
|---|---|
| 06/02/11 | Staff visited the site and found a fenced, clean undeveloped lot. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 9.92 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Undeveloped | LI/R (Light Industrial/Research) | O (Office) |
| | | Proposed: M (Medium Density Residential) | C-M (Commercial/Industrial) |
| | | | Proposed: R-3 (Medium Density Residential) |
| North | Single Family Residential | M (Medium Density Residential) | R-3 (Medium Density Residential) |
| South | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| East | Retail | LI/R (Light Industrial/Research) | C-M (Commercial/Industrial) |
| | Office | | |
| West | Single Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | X | | Y |
| A-O (Airport Overlay) District (35 Feet) | X | | Y |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

## DEVELOPMENT STANDARDS

***Pursuant Title 19.06.110, the following standards apply:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | 6,500 SF | 432,466 SF | Y |
| Dwelling Units per Acre | 13-50 Units Per Acre | 14 Units Per Acre | Y |
| Min. Setbacks | | | |
| • Front | 10 Feet | 23 Feet | Y |
| • Side | 5 Feet | 20 Feet | Y |
| • Rear | 20 Feet | 50 Feet | Y |
| Min. Distance Between Buildings | 10 Feet | 20 Feet | Y |
| Max. Lot Coverage | N/A | N/A | N/A |
| Max. Building Height | 55 Feet | 24 Feet | Y |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | Screened, Gated and roofed | Y |
| Mech. Equipment | Screened | Screened | Y |

| *Residential Adjacency Standards* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| 3:1 proximity slope | 41.65 Feet | 41.65 Feet | Y |
| Adjacent development matching setback | 20 Feet | 41 Feet | Y |
| Trash Enclosure | 50 Feet | 80 Feet | Y |

***Pursuant to Title 19.06.110, the following standards apply:***

| *Landscaping and Open Space Standards* | | | | |
|---|---|---|---|---|
| *Standards* | *Required* | | *Provided* | *Compliance* |
| | *Ratio* | *Trees* | | |
| Buffer Trees: | | | | |
| • North | 1 Tree / 20 Linear Feet | 30 Trees | 26 Trees | N |
| • South | 1 Tree / 20 Linear Feet | 26 Trees | 25 Trees | N |
| • East | 1 Tree / 20 Linear Feet | 40 Trees | 39 Trees | N |
| • West | 1 Tree / 20 Linear Feet | 37 Trees | 36 Trees | N |
| **TOTAL PERIMETER TREES** | | **133 Trees** | **126 Trees** | **N** |
| Parking Area Trees | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces | 38 Trees | 20 Trees | N |

| **LANDSCAPE BUFFER WIDTHS** | | | |
|---|---|---|---|
| Min. Zone Width | | | |
| • North | 6 Feet | 0 Feet | N |
| • South | 6 Feet | 20 Feet | Y |
| • East | 6 Feet | 6 Feet | Y |
| • West | 10 Feet | 15 Feet | Y |
| Wall Height | 6 to 8 Feet Adjacent to Residential | 6 Feet | Y |

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Michael Way | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| 2 Bedroom Apartments | 80 | 1 per 1.75 du | 140 | | | | |
| 3 Bedroom Apartments | 56 | 1 per 2.0 du | 112 | | | | |
| Visitor | 136 | 1 per six units | 23 | | | | |
| **TOTAL SPACES REQUIRED** | | | 275 | | 409 | | Y |
| **Regular and Handicap Spaces Required** | | | 1 | | 1 | | Y |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| To provide a six foot wide landscape buffer along the north perimeter. | To allow no landscape buffer along a portion of the north perimeter. | Approval |

YK

| ***Exceptions*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| To require 1 tree at the end of each parking lot row and 1 tree for each 6 uncovered parking spaces. | To allow no trees in the parking lot where required due to a sewer easement and to have 9 fewer additional parking lot trees. | Approval |
| To have 1 perimeter tree every 20 foot on center for a total of 133 perimeter trees. | To allow 126 total perimeter trees. | Approval |

**ANALYSIS**

The applicant is requesting that the General Plan and Zoning be changed to allow a 136-unit multi-family residential project to be built where the General Plan and current Zoning allow only commercial and light industrial uses to be located. The Clark County Department of Aviation (CCDOA) has expressed concerns with the project and believes that commercial and light industrial uses would be the best suited for the parcel as currently permitted. Specifically, the CCDOA had the following comments:

"Federal Aviation Regulations (Title 14, Part 77) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure greater than 200 feet in height (77.13(a)(1)) or that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway greater than 3,200 feet in length (77.13(a)(2)(i)). Such notification allows the FAA to determine what impact, if any, the proposed development will have upon navigable airspace, and allows the FAA to determine where the development requires obstruction marking or lighting.

The proposed development will exceed the 100:1 notice requirement for the North Las Vegas Airport (VGT). Therefore, as required by 14 CFR Part 77, a condition has been added that the FAA must be notified of the proposed construction or alteration.

The CCDOA is also concerned about the proposed residential nature of the project. The project is located approximately one-half mile from, and directly adjacent to preferred flight patterns for VGT. The subject property is exposed to significant single-event aircraft over-flight noise, and many aircraft are at very low altitudes above it. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade VGT to meet future air traffic demand. CCDOA stresses that the current zoning is appropriate for non-residential uses. The FAA will no longer provide remedial noise mitigation measures for

incompatible development impacted by aircraft operations for projects constructed after October 1, 1998. A commercial project would be more compatible with existing and future airport operations. If the project is approved, CCDOA suggests that the owner provide a stand-alone noise disclosure statement to the renter of each unit, and that the completed and recorded noise disclosure statements be forwarded to the CCDOA office. Staff recommends denial of the project in support of the concerns raised by the CCDOA.

The project requires the approval of a Waiver of the north perimeter landscape buffer. This waiver is for the areas where the trash enclosures are located. Since this perimeter is adjacent to an alley and only a minimum amount of landscaping is involved with the request, staff supports the waiver.

The two Exceptions are needed due to an existing sewer easement that crosses the parcel. Since trees cannot be planted over this easement, staff supports the request.

There is a multi-family development north of the proposal that was constructed in 1983, before the North Las Vegas Airport became busy. That project is just to the north of the primary flight path of aircraft landing at the airport. There are also single family neighborhoods to the west and south of the proposed project. The homes are all single story structures.

The current land use and zoning designations provide an appropriate buffer between the airport and the residential neighborhoods. Low flying aircraft will have less of a negative impact on such uses then a residential project would experience. There have been several aircraft accidents in the past few years that had a direct impact on residential neighborhoods in the area. An additional residential neighborhood would not be prudent land use planning. As such, staff recommends denial of the applications.

**FINDINGS (GPA-41777)**

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

   A residential project is not compatible with the industrial/research land use adjacent along the east perimeter. The fact that low flying aircraft will continue to be present and actually increase with the growth of the airport also makes residential uses incompatible for the site.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

   A residential zoning designation is not compatible with the adjacent industrial use to the east.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

   This is an infill project surrounded by a completely built urban environment. The available infrastructure is adequate to accommodate the project.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

   There are no other applicable plans for this area.

**FINDINGS (ZON-41778)**

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

   This project does not conform to the General Plan and a subsequent General Plan Amendment accompanies this request.

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

   A high density residential project is not compatible with the surrounding land uses, specifically the North Las Vegas Airport.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   There is currently an abundance of vacant residential properties in the community and thus these conditions do not support the request at this time.

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

   The project would be serviced by Michael Way, an 80-foot wide Secondary Collector.

**FINDINGS (SDR-41779)**

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

   A high density residential project is not compatible at this location, due to the low flying aircraft landing at the North Las Vegas Airport. In addition, a residential project is not compatible with adjacent industrial land uses to the east.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is not consistent with Title 19.08 as is evidenced by the required waivers and exceptions.

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

   Michael Way, an 80-foot wide Secondary Collector right-of-way, is adequate to handle the traffic generated by the proposed development.

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

   The proposed drought-resistant landscape plants and building material are appropriate for the area.

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

   The design of the project is aesthetically appropriate for the area and will not be obnoxious in appearance.

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

   The project will require permits and inspections and thus the public health, safety and welfare will be protected. A condition has been added to notify the FAA via a Form 7460-1, which will allow the FAA to make a determination as to whether the proposed development will constitute a hazard to air navigation.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 11

**NOTICES MAILED** 340

**APPROVALS** 0

**PROTESTS** 13

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-41777** APN: 138-13-512-001

Name of Property Owner: Rancho Properties, L.L.C.

Name of Applicant: Rancho Properties, L.L.C.

Name of Representative: Ernest A. Becker, IV

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: Ernest A. Becker, IV

Subscribed and sworn before me

This 11th day of May, 2011

Debra S. Alston

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

RECEIVED
MAY 12 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** GPA: amend from O & L1/R to M

**Project Address (Location)** 3000 N Michael Way, Las Vegas Nevada

**Project Name** Crystal Park Apartment Homes **Proposed Use** apartments

**Assessor's Parcel #(s)** 138-13-512-001 **Ward #** 5-Barlow

**General Plan:** existing O&L1/R proposed M **Zoning:** existing O&L1/R proposed R-3

**Commercial Square Footage** n/a **Floor Area Ratio**

**Gross Acres** 9.92 **Lots/Units** 136 units **Density** 14.2 per acre

**Additional Information**

**PROPERTY OWNER** Rancho Properties, L.L.C. **Contact** Ernest A. Becker, IV

**Address** 8090 S Durango Dr. Ste 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**APPLICANT** Rancho Properties, L.L.C. **Contact** Ernest A. Becker, IV

**Address** 8090 S DURANGO DR. STE 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**REPRESENTATIVE** Rancho Properties, L.L.C. **Contact** Brian T. Becker/Ernest A. Becker IV

**Address** 8090 S Durango Dr., Ste 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**Property Owner Signature*** _____

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

**Print Name** Ernest A. Becker, IV

Subscribed and sworn before me

This 11th day of May, 2011.

_____

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

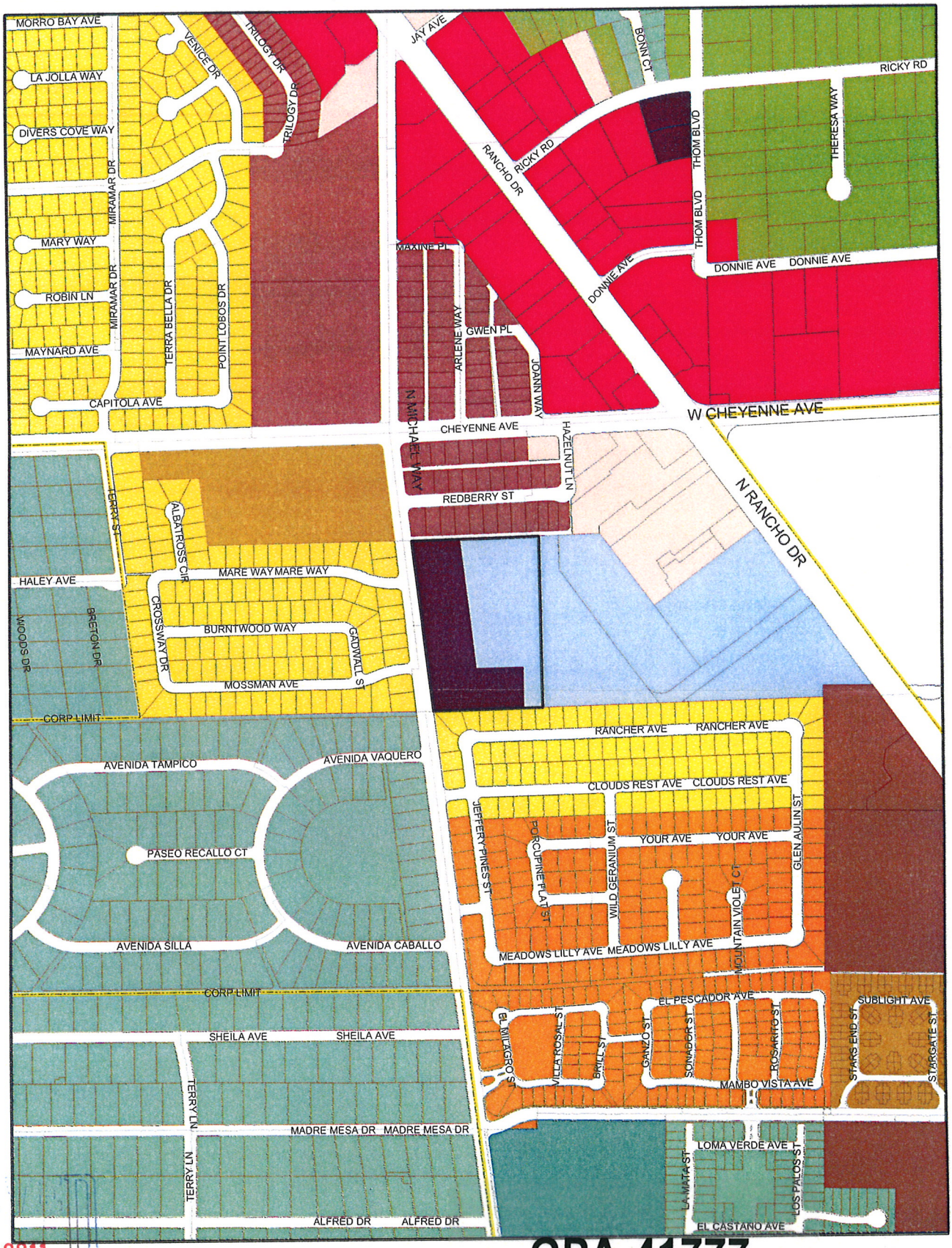
*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | GPA-41777 |
| Meeting Date: | 7-12-11 |
| Total Fee: | $ 2,000.00 |
| Date Received:* | 5-12-11 |
| Received By: | |

*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.

RECEIVED
MAY 12 2011
CITY OF LAS VEGAS
PLANNING DEPARTMENT

# GENERAL PLAN AMENDMENT Parcel: 138-13-512-001

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GENERAL PLAN AMENDMENT

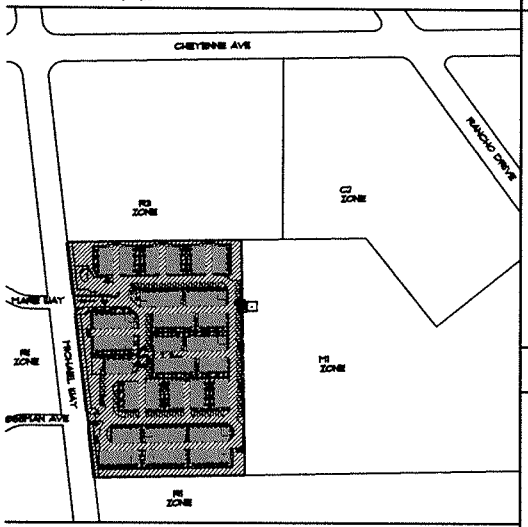
**GPA-41777** FROM LI/R AND O TO M

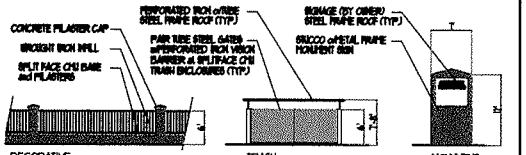
- Rural Neighborhood Preservation
- Rural Estates
- Desert Rural
- Rural
- Low
- Medium - Low
- Medium - Low Attached
- Medium
- High
- Office
- Service Commercial
- General Commercial
- Tourist Commercial
- Las Vegas Medical District
- Light Industrial / Research
- Planned Community Development
- Downtown Redevelopment Area
- Park / Recreation / Open Space
- Public Facility
- Public Facility - School
- Public Facility - Clark County
- Town Center
- Resource Conservation
- Downtown - Commercial
- Downtown - Mixed Use
- Not in City
- Subject Parcel
- City Limits

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only. Geographic Information Systems Planning & Development Dept. 702-229-6301

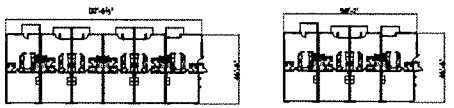
Printed: April 25, 2011

## VICINITY PLAN

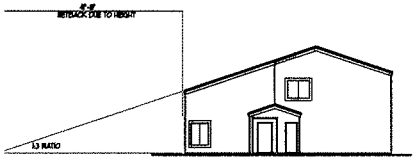



## SITE ELEMENTS




## BUILDING CONFIGURATION




2) R1 ADJACENCY SETBACK

## PROJECT DATA

REQUIRED ZONING: R3

EXISTING ZONING: C2

TOTAL UNITS: 134 UNITS

(36) 2 BED UNITS — 868 SF (INCLUDING GARAGE)
(36) 3 BED UNITS (FRONT) — 1,145 SF (INCLUDING GARAGE)
(36) 3 BED UNITS (BACK) — 1,145 SF (INCLUDING GARAGE)

MANAGER OFFICE — 1,200 SF

PARKING REQUIRED:
(36) 2 BED AT 1.5/UNIT — 168
(36) 3 BED AT 2/UNIT — 72
VISITOR AT 1/4 UNITS — 33
MANAGER OFFICE AT 1/200 — 7
TOTAL — 280

PARKING PROVIDED: 136 OPEN SPACES
272 GARAGE SPACES
408 TOTAL
(INCLUDES 1 VAN ACCESSIBLE SPACE)

(NOTE ONLY ONE ACCESSIBLE SPACE REQUIRED FOR MANAGER OFFICE ONLY - ALL LIVING UNITS ARE 2 STORY and THERE ARE NO ELEVATORS - THEREFORE NO REQUIREMENT FOR AN ACCESSIBLE UNIT ENTRY PER FAIR HOUSING ACT DESIGN MANUAL GUIDELINES)

DENSITY: 4.7 UNITS / SF (NET) ACRE
14.2 UNITS PER ACRE

## PLANT LEGEND

| TREES | SIZE | QUANTITY (perimeter) | QUANTITY (interior) |
|---|---|---|---|
| LAGERSTROEMIA INDICA 'MUSKOGEE' | 24" BOX | 42 | 9 |
| ACACIA BAILEYANA 'PURPUREA' | 24" BOX | 31 | 8 |
| CHITALPA TASHKENTENSIS 'PINK DREAM' | 24" BOX | 12 | 3 |
| ACACIA STENOPHYLLA | 24" BOX | 6 | 9 |
| PISTACHIO CHINENSIS | 8 FT. | 6 | 3 |
| PYRUS CALLERYANA 'CHANTICLEER' | 24" BOX | 15 | 1 |
| PISTACHIO CHINENSIS | 24" BOX | 26 | 12 |
| | TOTAL | 136 (134 REQ'D) | 56 |

NOTE: 2" CALIPER TREES SHALL BE PROVIDED AT A RATE OF 1 TREE PER 40 LINEAR FEET OF STREET FRONTAGE (EXCLUDING DRIVE AISLE OPENINGS) OR EQUIVALENT AS APPROVED BY PLANNING DIRECTOR

| SHRUBS and GROUND COVER | | | |
|---|---|---|---|
| MYOPORUM PARVIFOLIUM 'PUTAH CREEK' | 30 GAL | 1 | 3 |
| LEUCOPHYLLUM FRUTESCENS | 5 GAL | 29 | 22 |
| LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD' | 5 GAL | 36 | 63 |
| RUSSELIA EQUISETIFORMIS | 5 GAL | 28 | 36 |
| ROSMARINUS OFFICINALIS 'PROSTRATUS' | 5 GAL | 31 | 41 |
| ROSMARINUS OFFICINALIS | 5 GAL | 30 | 21 |
| LAVANDULA STOECHAS 'OTTO QUAST' | 5 GAL | 4 | 12 |
| LEUCOPHYLLUM LANGMANIAE | 5 GAL | 15 | 46 |
| MUHLENBERGIA RIGENS | 5 GAL | 127 | 12 |
| PENNISETUM PENICILLATA 'FAIRY TAILS' | 5 GAL | 126 | 109 |
| | TOTAL | 546 (536 REQ'D) | 369 |

NOTE: 1 SHRUB/GROUND COVER SHALL BE PROVIDED AT A RATE OF 4 SHRUBS FOR EVERY REQUIRED TREE

| | | | |
|---|---|---|---|
| TRACHELOSPERMUM JASMINOIDES | 1 GAL | 62 | 46 |

DECORATIVE LANDSCAPE BOULDERS

NOTE: ALL INTERIOR LANDSCAPE AREAS SHALL BE PROVIDED WITH AN AUTOMATIC IRRIGATION SYSTEM. FINAL COLOR SELECTION TO BE APPROVED BY PLANNING DIRECTOR

### IRRIGATION

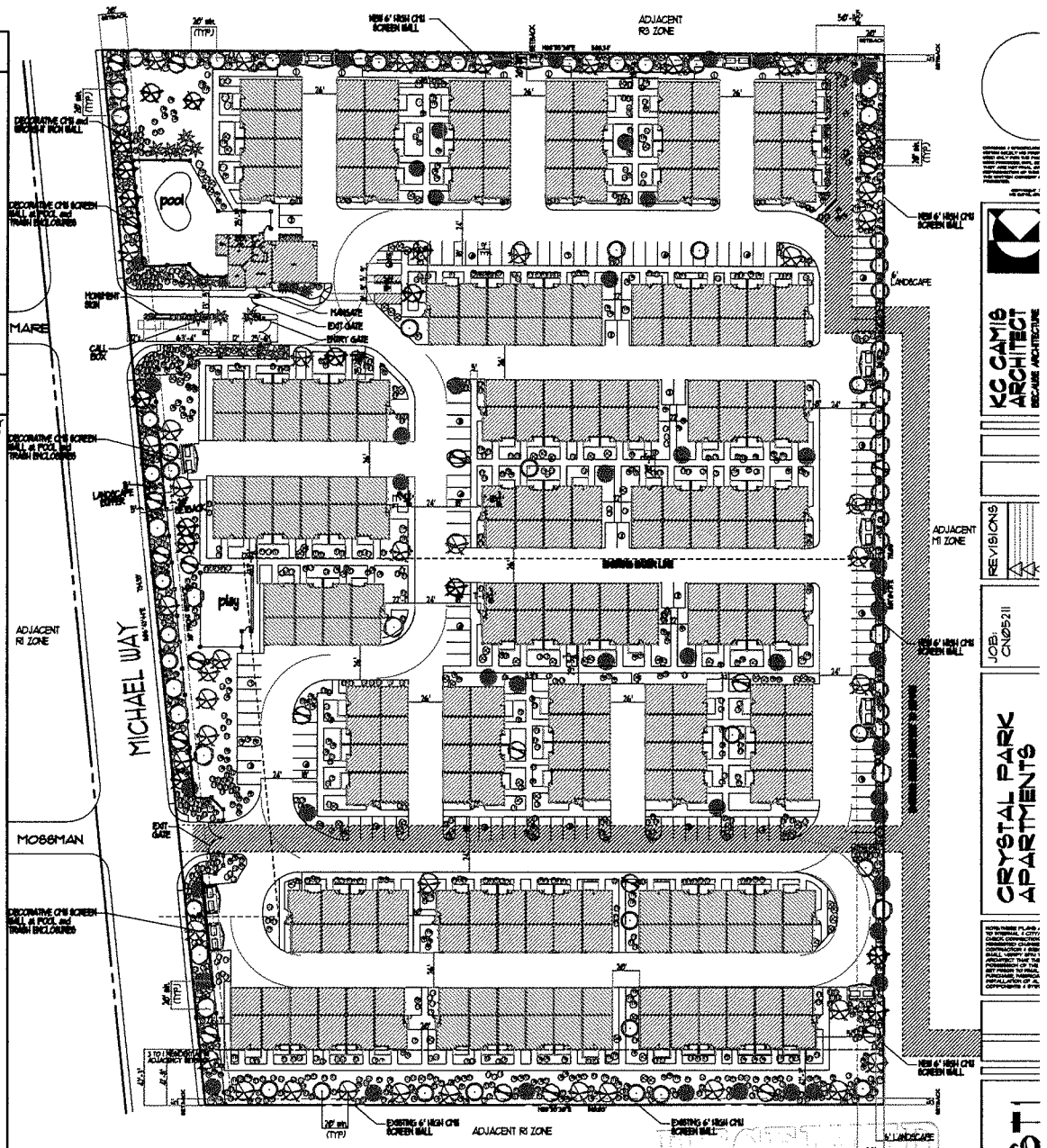
EMITTERS:

TREES - (3) RAINBIRD TURBO-XC (GPH-6M) PER TREE

SHRUBS - (2) RAINBIRD TURBO-XC (GPH-6M) PER SHRUB

NOTES:

1. ALL 24-VOLT WIRING SHALL BE 14 IP DIRECT BURIAL SOLID COPPER.
2. ALL SPLICE AND DIRECT BURIAL WIRING UNDER PAVEMENT SHALL BE SLEEVED IN SCHEDULE 40 PVC SLEEVES. SLEEVES SHALL BE TWICE THE DIAMETER OF PIPE SLEEVED.
3. CONTRACTOR SHALL INSTALL ALL 24-VOLT WIRING FROM CONTROLLERS TO ALL VALVES IN MAIN LINE TRENCH. IF WIRING LEAVES MAIN LINE TRENCH, ENCLOSED IN 3/4" CLASS 315 PVC PIPE.
4. INDIVIDUAL EMITTERS ARE NOT SHOWN ON DRAWINGS FOR CLARITY. SEE SCHEDULE FOR NUMBER OF EMITTERS PER PLANT AND COORDINATE WITH LANDSCAPE INSTALLER TO DETERMINE TOTAL QUANTITY OF EMITTERS.
5. DISTRIBUTION PIPE FOR DRIP (EMITTER) SYSTEM SHALL BE 3/4" CLASS 315 PVC (MIN.)




1) SITE PLAN (SHOWING LANDSCAPE)
SCALE: 1" = 40'-0"

**GPA-41777 ZON-41778**
**SDR-41779**

MAY 12 2011

KC CAMIS ARCHITECT
REVISIONS
JOB: CN05211
CRYSTAL PARK APARTMENTS
ST1

## PLANT LEGEND

| TREES | SIZE | QUANTITY (perimeter) | QUANTITY (interior) |
|---|---|---|---|
| MYRTLE BLUEBERRY *EUCALYPTUS compta* | 24" BOX | 49 | 1 |
| BLUEBERRY ACACIA *ACACIA stenophylla* | 24" BOX | 31 | 8 |
| REDBUD ASH *FRAXINUS Velutina* | 24" BOX | 12 | 3 |
| SWEET ACACIA *ACACIA farnesiana* | 24" BOX | 6 | 5 |
| MEXICAN FAN PALM *WASHINGTONIA robusta* | 8 FT. | 6 | 3 |
| PURPLE LEAF PLUM *PRUNUS cerasifera* | 24" BOX | 8 | 7 |
| MEXICAN PALO VERDE *PARKINSONIA aculeata* | 24" BOX | 26 | 8 |
| | TOTAL | 136 (84 REQ'D) | 35 |

NOTE: 2" CALIPER TREES SHALL BE PROVIDED AT A RATE OF 1 TREE PER 40 LINEAR FEET OF PERIMETER LANDSCAPE AREA. TREES SHALL BE PLANTED TO MAINTAIN AVERAGE AT LOCATIONS WHERE TREE PLACEMENT IS CONSTRAINED.

| SHRUBS and GROUND COVER | | | |
|---|---|---|---|
| SAGO PALM *CYCAS revoluta* | 15 GAL | 1 | 3 |
| TEXAS RANGER *LEUCOPHYLLUM frutescens* | 5 GAL | 65 | 22 |
| TEXAS RANGER (GREEN CLOUD) *LEUCOPHYLLUM frutescens* | 5 GAL | 36 | 6 |
| FOUNTAIN GRASS *PENNISETUM setaceum* | 5 GAL | 28 | 16 |
| DESERT SPOON *DASYLIRION wheeleri* | 5 GAL | 11 | 6 |
| ROSEMARY *ROSMARINUS officinalis* | 5 GAL | 30 | 21 |
| DESERT SPOON *DASYLIRION wheeleri* | 5 GAL | 4 | 12 |
| TEXAS PRIVET *FORESTIERA pubescens* | 5 GAL | 15 | 65 |
| RED YUCCA *HESPERALOE parviflora* | 5 GAL | 51 | 12 |
| AGAVE VICTORIA *AGAVE victoriae-reginae* | 5 GAL | 26 | 26 |
| | TOTAL | 346 (336 REQ'D) | 109 |

NOTE: 1 SHRUB/GROUND COVER SHALL BE PROVIDED AT A RATE OF 4 SHRUBS FOR EVERY REQUIRED TREE

| | | | |
|---|---|---|---|
| TEXAS RED LANTANA *LANTANA horrida/camara* | 1 GAL | 83 | 83 |

DECORATIVE LANDSCAPE BOULDERS

NOTE: ALL SHRUB AND GROUND COVER TO BE "LOW WATER USE" PLANT MATERIAL AS DESIGNATED BY CITY OF MESA.

### IRRIGATION

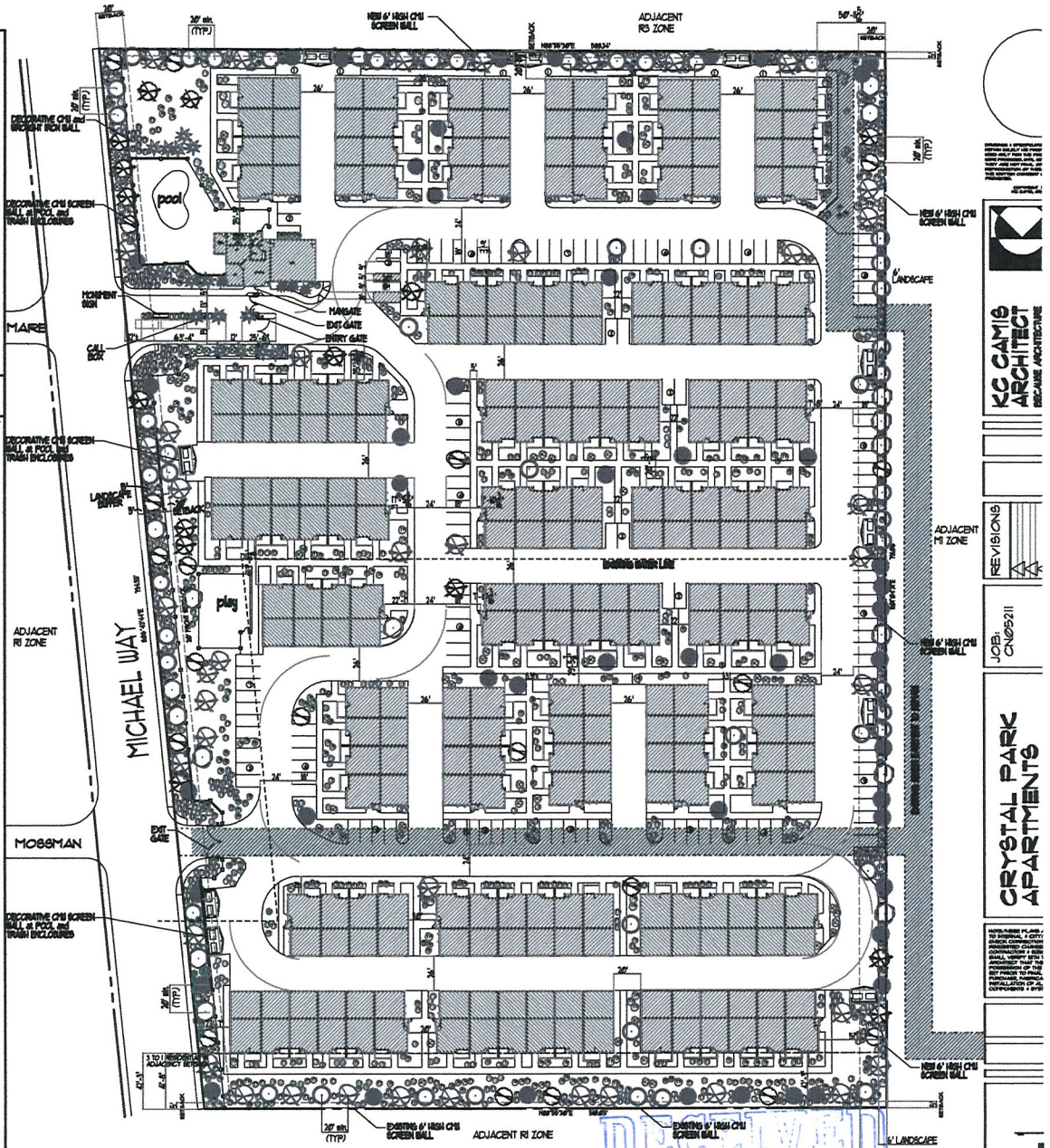
EMITTERS

TREES - (3) HARDIE TURBO-4C (DPU-68) PER TREE

SHRUBS - (1) HARDIE TURBO-4C (DPU-68) PER SHRUB

NOTES:

1. ALL 24-VOLT WIRING SHALL BE #14 UF DIRECT BURIAL, SOLID COPPER.
2. ALL PIPING AND DIRECT BURIAL WIRING UNDER PAVEMENT SHALL BE SLEEVED IN SCHEDULE 40 PVC SLEEVES. SLEEVE SHALL BE TWICE THE DIAMETER OF PIPE BEING SLEEVED.
3. CONTRACTOR SHALL INSTALL ALL 24-VOLT WIRING FROM CONTROLLERS TO ALL VALVES IN MAIN LINE TRENCH. IF WIRING LEAVES TUBELINE TRENCH, ENCLOSED IN 3/4" CLASS 200 PVC PIPE.
4. INDIVIDUAL EMITTERS ARE NOT SHOWN ON DRAWINGS FOR CLARITY. SEE SCHEDULE FOR NUMBER OF EMITTERS PER PLANT AND COORDINATE WITH LANDSCAPE INSTALLER TO DETERMINE TOTAL QUANTITY OF EMITTERS.
5. DISTRIBUTION PIPE FOR DRIP EMITTERS SYSTEM SHALL BE ¾" CLASS 200 PVC (MIN.)




1 LANDSCAPE PLAN
SCALE: 1" = 40'-0"

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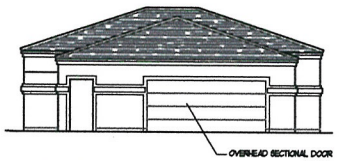
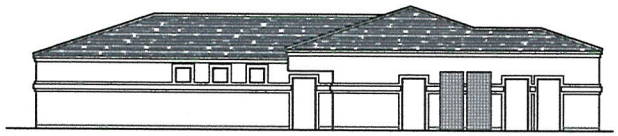
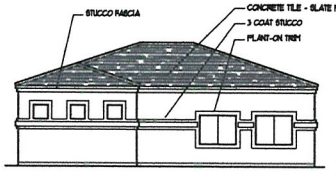
REVISIONS
JOB: CM0511
CRYSTAL PARK APARTMENTS
L1



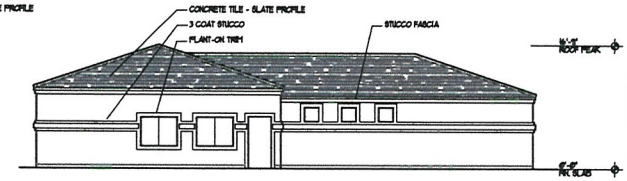

SIDE ELEVATION (MGR)
SCALE: 1/8" = 1'-0"



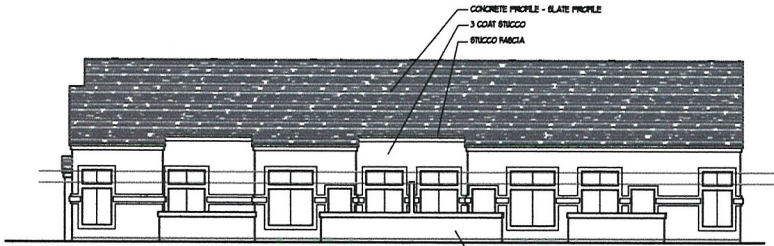
BACK ELEVATION (MGR)
SCALE: 1/8" = 1'-0"



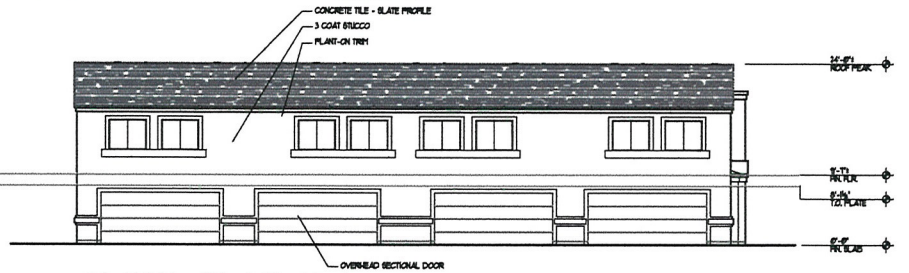

SIDE ELEVATION (MGR)
SCALE: 1/8" = 1'-0"




FRONT ELEVATION (MGR)
SCALE: 1/8" = 1'-0"




FRONT ELEVATION (4 PLEX)
SCALE: 1/8" = 1'-0"




BACK ELEVATION (4 PLEX)
SCALE: 1/8" = 1'-0"

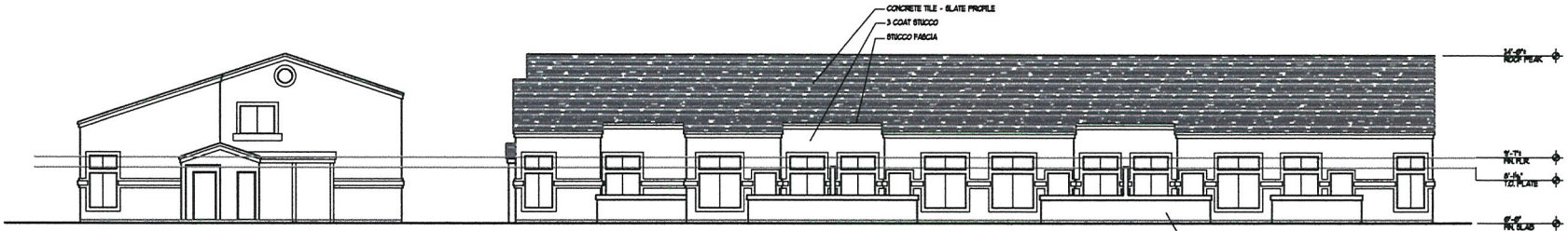
COLOR/MATERIAL

STUCCO FIELD
FRAZEE CL7164D <SAHARA>

TRIM/FASCIA/DOORS
FRAZEE CL7136N <ALMOST OCHRE>

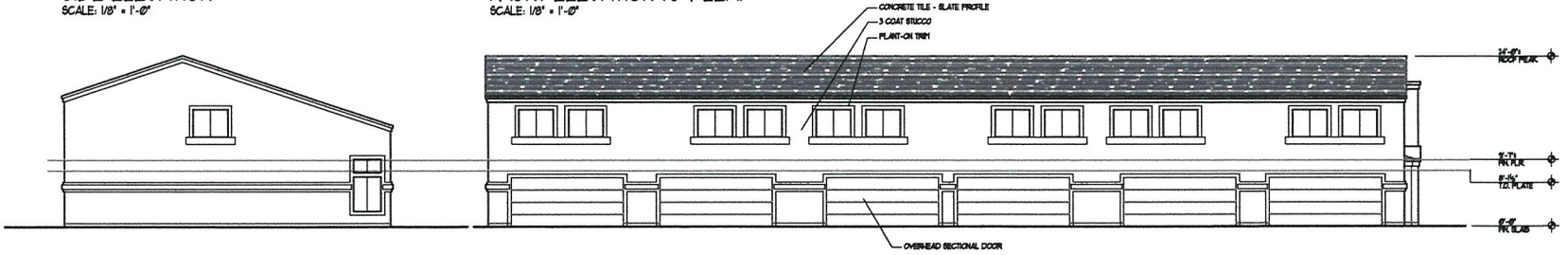
ROOF
CONCRETE TILE - SLATE PROFILE
DESERT TAN

WINDOWS
VINYL CLAD - WHITE




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

FRONT ELEVATION (6 PLEX)
SCALE: 1/8" = 1'-0"




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

BACK ELEVATION (6 PLEX)
SCALE: 1/8" = 1'-0"

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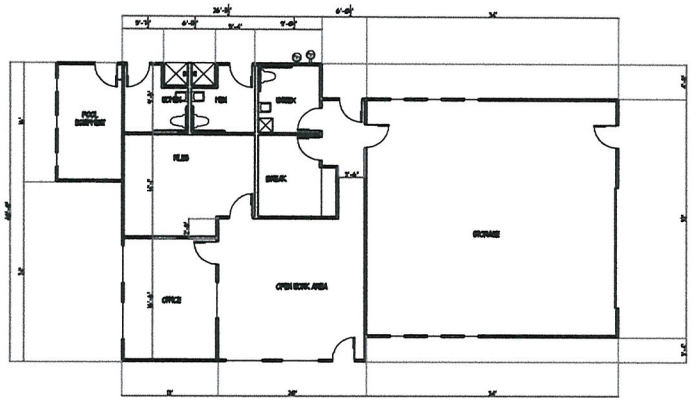
JOB:

CRYSTAL PARK APARTMENTS

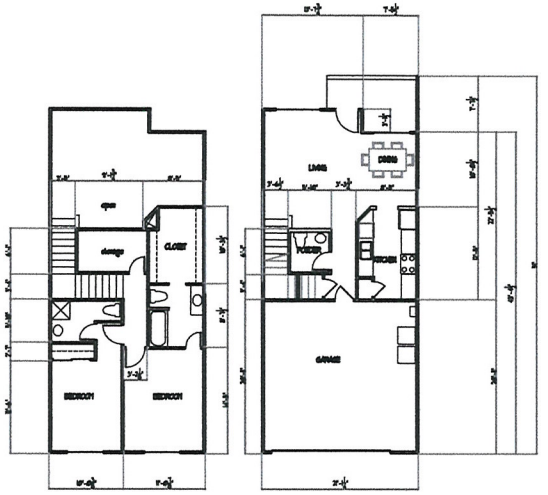
A1

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

BACK ELEVATION (6 PLEX)
SCALE: 1/8" = 1'-0"

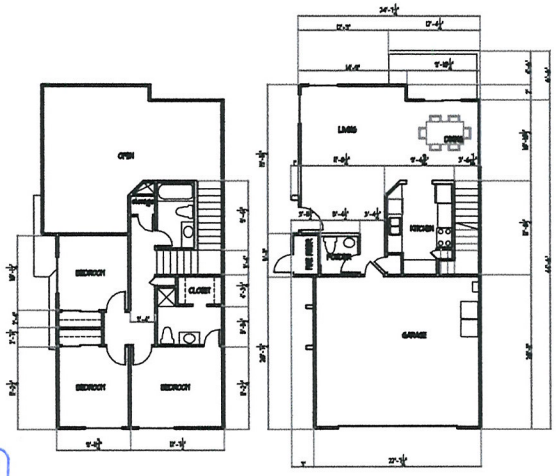


MANAGERS OFFICE



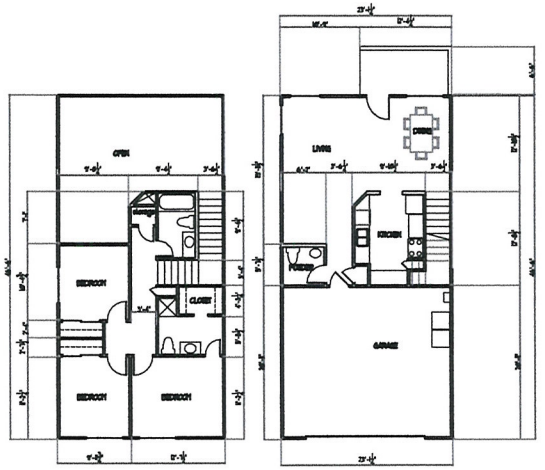
2nd FLOOR

1st FLOOR
TYP. INTERIOR UNIT
(2 BEDROOM)



2nd FLOOR

1st FLOOR
FRONT END UNIT
(3 BEDROOM)



2nd FLOOR

1st FLOOR
BACK END UNIT
(3 BEDROOM)

FLOOR PLAN (BACK END UNIT)
SCALE: 1/8" = 1'-0"

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4

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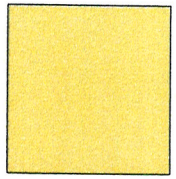
JOB:

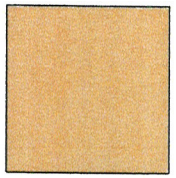
CRYSTAL PARK APARTMENTS

A2

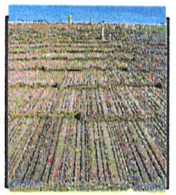
# COLOR/MATERIALS BOARD



(A) STUCCO FIELD
FRAZEE CL2764D 'SAHARA'

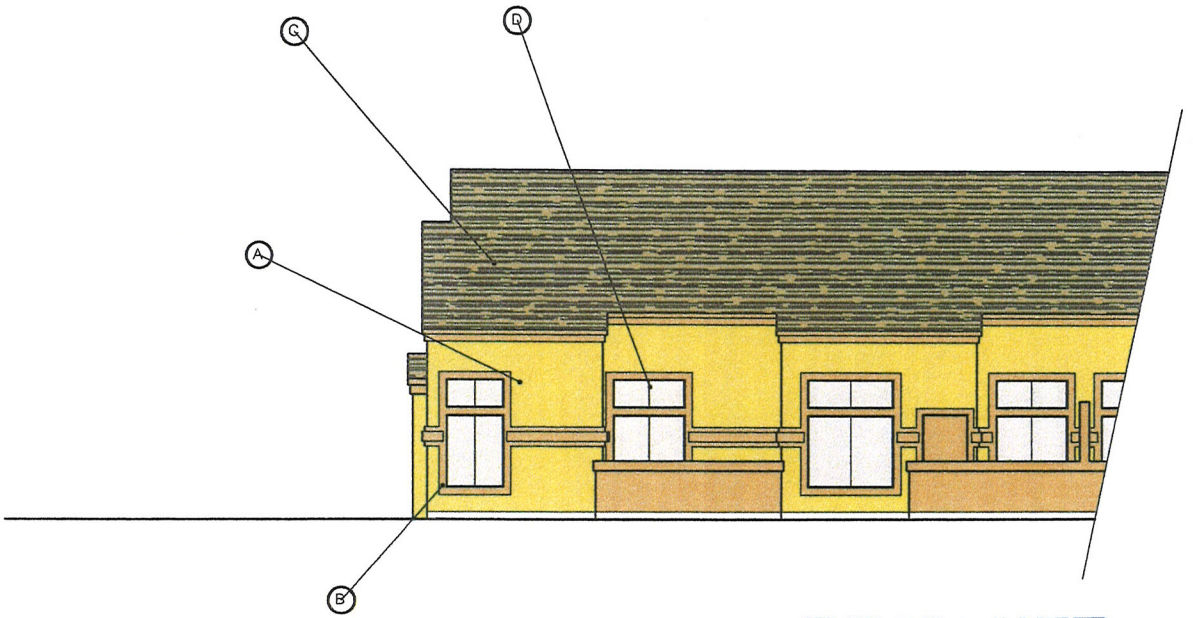


(B) TRIM
FRAZEE CL2736N 'ALMOST OCHRE'



(C) ROOF
SLATE PROFILE CONCRETE TILE
DESERT TAN

(D) GLAZING
CLEAR DUO PANE GLAZING

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REVISIONS

JOB:

DATE:

CRYSTAL PARK APARTMENTS

Entrance to Development with electronic gate



Submitted at Planning Commission

Date 7/12/2011 Item 20-22

Rear of Apartment Homes showing garage entrance



END Elevation of Building and built in 2 car garage



Front of Apartment Homes with walkway, landscaping and front entrance



Swimming pool area with Jacuzzi





GPA-41777, ZON-41778 & SDR-41779 - APPLICANT/OWNER: RANCHO PROPERTIES, LLC
3000 NORTH MICHAEL WAY

06/02/11



GPA-41777, ZON-41778 & SDR-41779 - APPLICANT/OWNER: RANCHO PROPERTIES, LLC
3000 NORTH MICHAEL WAY

06/02/11

BEKS GROUP LLC

May 6, 2011

City of Las Vegas
Department of Planning
333 N Rancho Drive
Las Vegas NV 89106

Re: Justification Letter
Department of Planning applications
ZON, GPA, and SDR

Subject: Crystal Park Apartment Homes
3000 N Michael Way
APN 138-13-512-001

Dear Sir or Madame;

In conjunction with the above referenced applications, please let this letter serve as the required Justification Letter to the applications.

**Issue, Information, and Findings.** We are proposing to develop two-story apartment homes on the subject 9.92 vacant land parcel noted above consisting of 80 two-bedroom units and 56 three-bedroom units with two-car garages (136 total units).

The land is currently designated as O (office) and L1/R (light industrial/research) and would need to be re-designated for Medium Density Residential and Apartment (R-3). The subject land is mostly surrounded by residential areas (R-3 to the north, R-1 to the south, and R-1 to the west) and we feel apartment homes would be better suited for this parcel and more compatible with the surrounding properties than the business park we would otherwise propose. An apartment home project would generate substantially fewer people present on the property at a given time, which would mean far less traffic and therefore less noise, and other traffic related problems for the surrounding residents than a business park.

Tables noting the number of people present on a given day, the number of open and/or garaged parking spaces, and the amount of traffic (i.e., number of trips) the proposed apartment homes as differentiated from an otherwise proposed business park on the same parcel are stated below:

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SDR-41779

8090 S. Durango Drive, Suite 115 | Las Vegas, Nevada 89113 | *phone* 702.395.9244 | [illegible] | www.beksgroup.com

| *Residents/Employees/Service Personnel* | *Proposed Apartment Homes* | *Current proposed Light Industrial/Office project ("Business Park")* |
|---|---|---|
| Estimated Number of Residents/Employees/Service Personnel on a given day | 520 | 1,360 |

| *Parking Spaces* | *Proposed Apartment Homes* | *Current proposed Light Industrial/Office project ("Business Park")* |
|---|---|---|
| Number of regular open parking spaces | 135 | *506 |
| Number of parking spaces enclosed in garages | 272 | 0 |

* based on current proposed twelve 2-story office buildings with 16 offices per building for a total of 192 offices

| **Traffic: number of trips* | *Proposed Apartment Homes* | *Current proposed Light Industrial/Office project ("Business Park")* |
|---|---|---|
| Average Day, number of trips | 948 | 2,145 |
| AM Peak Hours, number of trips | 71 | 185 |
| PM Peak Hours, number of trips | 93 | 193 |

*See Traffic Generation report attached

The ingress and egress at the north end of the apartment homes project and a second egress would be quite a distance away from the existing residential houses on the south side of the project. Our proposed apartment home plan would keep the majority of the parking away from those houses and there would be less traffic and less traffic noise than would occur from the allowed 192 offices.

These apartment home units will be an asset to the neighborhood and will provide large units with 2-car garages. Large units of this nature are lacking in this area. We estimate the rent to be in the approximate range from $975 to $1,200 per month. We anticipate this project will introduce a higher living environment much more compatible with the single family homes in the area than a business park.

The leasing/management office for the project would be located at the northwest area of the property far away from the residential homes along the south and west property line adjacent to Michael Way, 80' from a right-of-way and a 20' from a

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**GPA-41777 ZON-41778 SDR-41779**

dedicated alley. Office hours for the on-site office would be Monday through Friday 8:00 a.m. to 5:00 p.m. plus Saturdays 10:00 a.m. to 2:00 p.m.

**Number of employees/residents.** The number of residents would be 239.36 persons, based on the U. S Census Bureau 1990 results as provided by the City of Las Vegas Environmental Impact Assessment, 1.76 persons multiplied by 136 units.

**Hours of operation.** Office hours for the on-site office would be Monday through Friday 8:00 a.m. to 5:00 p.m. plus Saturdays 10:00 a.m. to 2:00 p.m.

**Existing similar uses owned or operated.** In addition to other residential and commercial properties in the Las Vegas area, we currently own and operate a similar apartment project with attached garages named the Hidden Canyon Village Apartments at 3940 Scott Robinson Boulevard in North Las Vegas Nevada.

**Specific state licenses.** No specific state licenses are required to operate an apartment home project.

**Green Building Program.** This project will not participate in the Las Vegas Green Building Program.

**LEED construction.** This project will not be constructed to LEED or other equivalent standards.

**Alternative energy sources or water savings measures**. Although this project will not utilize any alternative energy sources, we do plan the following energy saving/water saving measures:

Energy-saving light bulbs will be used, and we will look into and consider other feasible energy saving measures as we become aware of them.

Desert landscaping is planned in order to save water plus water saving fixtures and faucets.

**Connectivity to adjacent parcels.** This project will not be connected to any other parcel.

**Walkable community.** This project qualifies as a walkable community in that it is within ½ mile of more than one commercial property containing restaurants, grocery stores, and other amenities.

**Sustainable construction.** The other means of sustainable construction for this project include the positioning of the buildings, light color paint, and the use of energy-saving lights.

**Urban Forestry Initiative**. Currently there are no trees on the vacant land however some trees will be planted to provide shade.

**Bicycle parking.** We plan to provide some bicycle parking at the project.

**Electric vehicle recharging stations.** No charging stations are planned at this time

GPA-41777 ZON-41778
SDR-41779
MAY 12 2011

We appreciate your consideration in this matter. Please feel free to contact me at (702) 395-9244 extension 413 if you have any questions or concerns regarding this matter.

Yours truly,
Rancho Properties, L.L.C.

Ernest A. Becker, Jr.
Manager

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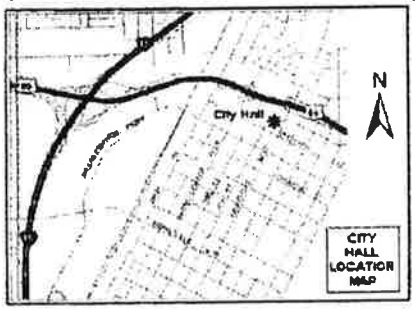
GPA-41777 ZON-41778
SDR-41779

/ of Las Vegas
partment of Planning
velopment Services Center
North Rancho Drive, 3rd Floor
Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

**Return Service Requested**
**Official Notice of Public Hearing**




They have already approved a church at Michael Way and ~~Smoke Ranch~~ Madre Mesa that will increase traffic along Michael Way. another set of apartments would increase the traffic even more. This is supposed to be a residential area - the street has already become a short cut for many drivers + ~~to~~ drivers do not adhere to the 25mph speed zone.

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the artment of Planning, Case Planning Division at the address listed above or this side of this card to (702) 385-7268. If you would like to contact your ncil Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

ase use available blank space on card for your comments.

'A-41777 & ZON-41778

nning Commission Meeting of 7/12/2011

Case: GPA-41777
13813212024
SHRINER NATASHA L
2825 MICHAEL WY
LAS VEGAS NV 89108-4171

24 DRDFN11 89108

07/02/2011 13:08 7023967107 ROGER MORLEY PAGE 01/01

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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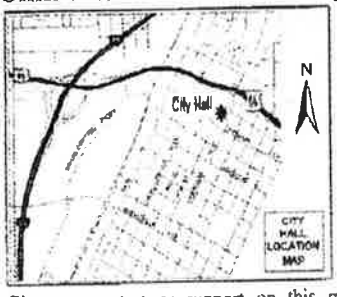


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**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

Case: GPA-41777
13813610037
MORLEY ROGER S & DEBBIE L
5124 CLOUDS REST AVE
LAS VEGAS NV 89108-4039

24 DRDFN11 89108

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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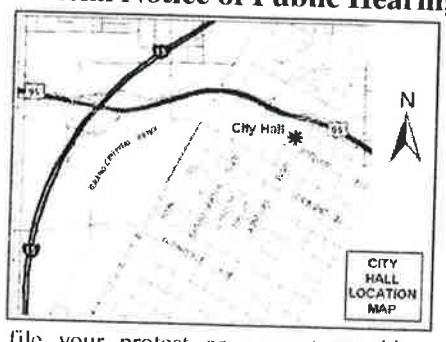


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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

13813610036 Case: GPA-41777
SMITH DUANE F REVOCABLE LIV TR
9861 WHITE LILAC ST
LAS VEGAS NV 89178-7583

20-21 P

54 DRDFN11 89178

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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MAILED FROM ZIP CODE 89101

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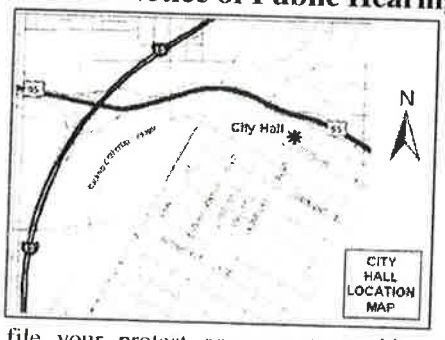
**Official Notice of Public Hearing**

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CITY OF LAS VEGAS
PLANNING

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

13813113042 Case: GPA-41777
BATTAGLIA JOSEPH P & LEAH M
5412 MOSSMAN AVE
LAS VEGAS NV 89108-4167

20-21 P

24 DRDFN11 89108

Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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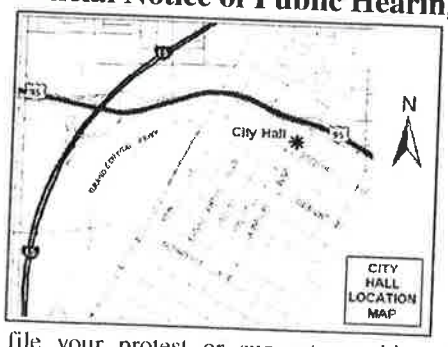
MAILED FROM ZIPCODE 89101

**Return Service Requested**
**Official Notice of Public Hearing**




I WOULD NOT OPPOSE THIS PROJECT IF THERE WERE LESS APARTMENT / CONDO COMPLEXES ALREADY AT THE INTERSECTION OF MICHAEL + CHEYENNE.

THANKS

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

13813113011 Case: GPA-41777
COMPSON DAVID W
5509 MARE WY
LAS VEGAS NV 89108-4135

RECEIVED
JUL - 6 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

20-21 P

24 DRDFN11 89108

fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request STRONGLY

Please use available blank space on card for your comments.
**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

13813201001 Case: GPA-41777
K O'S TRUST
5512 AVENIDA CABALLO
LAS VEGAS NV 89108-4103

20-21 P

24 DRDFN11 89108

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

13813211002 Case: GPA-41777
PATTERSON CAROLYN F & JEFFREY A
5604 AVENIDA TAMPICO
LAS VEGAS NV 89108-4183

20-21 P

24 DRDFN11 89108

Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

DIPONZIO PATRICIA M
5308 CLOUDS REST AVE
LAS VEGAS NV 89108-4036

20-21 P

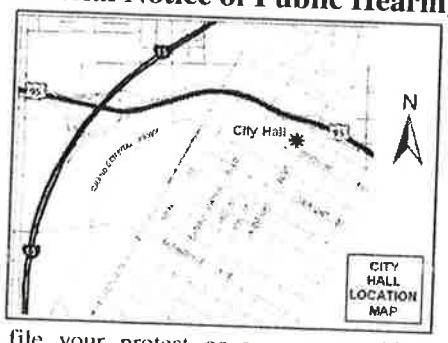
24 DRDFN11 89108

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M 0004279218 $ 00.41⁴ JUN 30 2011
MAILED FROM ZIP CODE 89101

**Return Service Requested**
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

RECEIVED
JUL 11 2011

13813212004 Case: GPA-41777
RAMAGE KENNETH R & PAMELA M
5412 AVENIDA VAQUERO
LAS VEGAS NV 89108-4151

20-21 P

24 DRDFN11 89106

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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UNITED STATES POSTAGE PITNEY BOWES
02 1M 0004279218 $ 00.41⁴ JUN 30 2011
MAILED FROM ZIP CODE 89101

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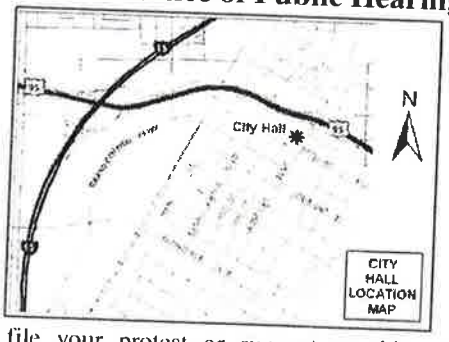
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41777 & ZON-41778**
Planning Commission Meeting of 7/12/2011

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

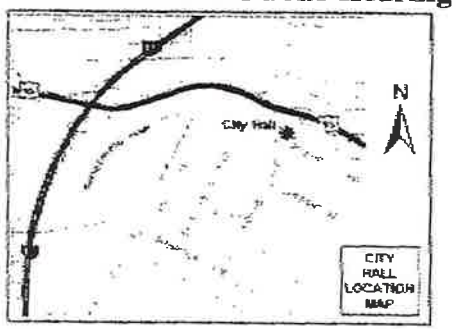
13813111035 Case GPA-41777
BUZZARD ERIC E
5601 BURNTWOOD WY
LAS VEGAS NV 89108-4134

20-21 P

24 DRDFN11 89106

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA41777 & ZON-41778**

Planing Commission Meeting of 7/12/2011

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

$ 00.41⁴

MAILED FROM ZIP CODE

Case: GPA-41777

13813211038
MCCLENACHAN SUZANNE REV TR
5521 AVENIDA VAQUERO
LAS VEGAS NV 89108-4106

24 DRDFN11 89108

RECEIVED
JUL 11 2011

20-21
P

Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

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0004279218
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JUN 30 2011
MAILED FROM ZIP CODE 89101

**Return Service Requested**

**Official Notice of Public Hearing**




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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41777 & ZON-41778**

Planning Commission Meeting of 7/12/2011

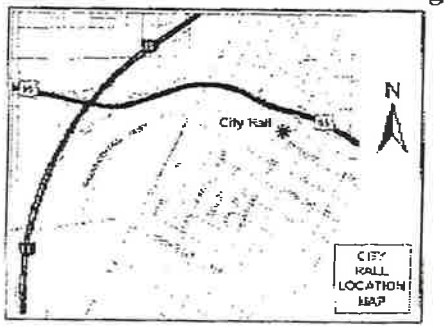
13813610010 Case: GPA-41777
ARANDA ANA G
5300 RANCHER AVE
LAS VEGAS NV 89108-4031

RECEIVED
JUL 12 2011

20-21 P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41777 & ZON-41778**

Planning Commission Meeting of 7/12/2011

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0004279218 JUN 30 2011
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JUL - 6 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: GPA-41777
13813610042
SCHMIDT BRIAN M & JENNIFER L
5209 CLOUDS REST AVE
LAS VEGAS NV 89108-4035

24 DRDFN11 89108

20-21 p

City of Las Vegas Agenda Item No.: **12.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
ABEYANCE - ZON-41778 - REZONING RELATED TO GPA-41777 - PUBLIC HEARING - APPLICANT/OWNER: RANCHO PROPERTIES, LLC - For possible action on a request for a Rezoning FROM: O (OFFICE) AND C-M (COMMERCIAL/INDUSTRIAL) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 9.92 acres at 3000 North Michael Way (APN 138-13-512-001), Ward 5 (Barlow). Staff recommends DENIAL.

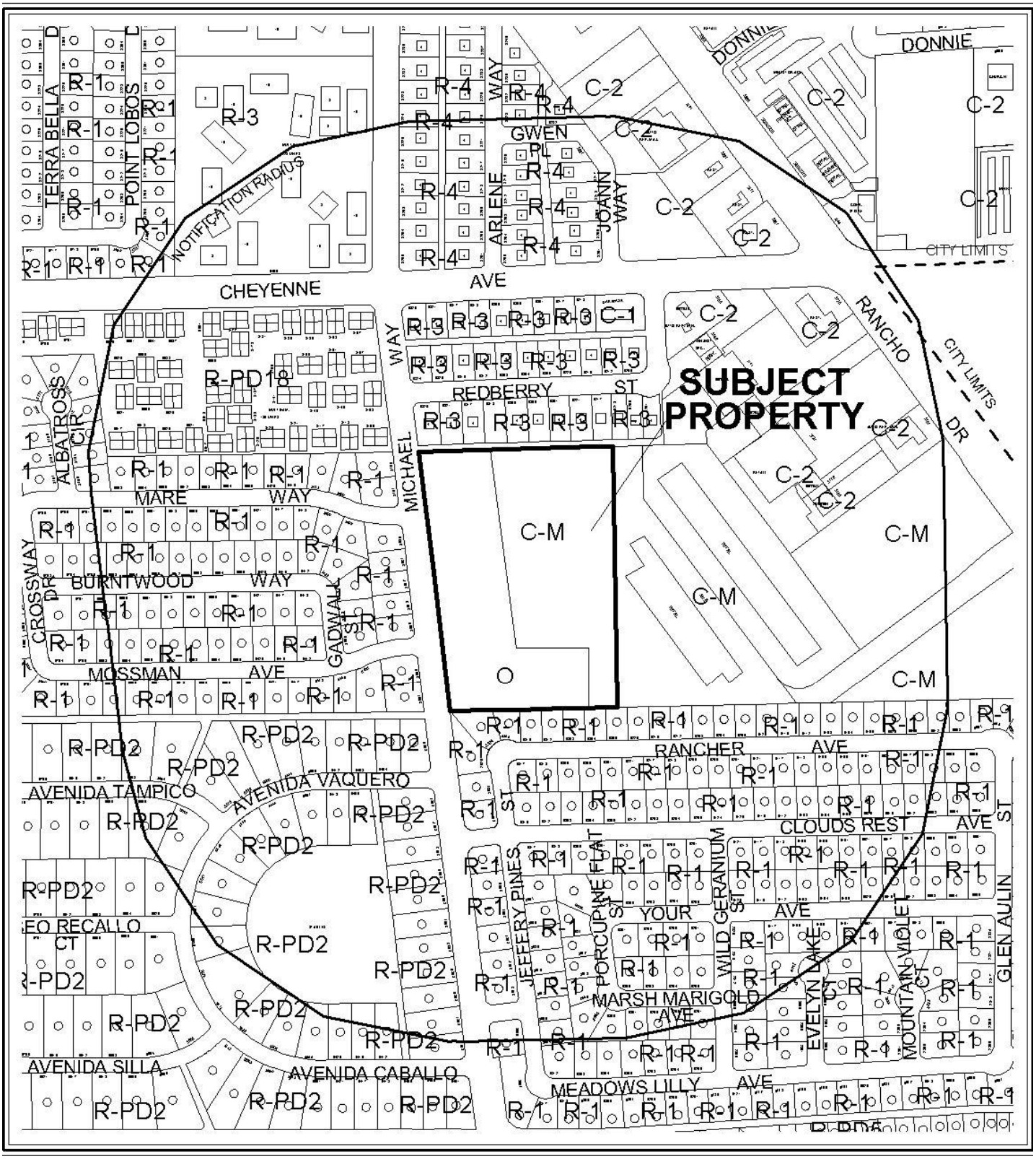
**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **13** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Location and Aerial Maps - ZON-41778 and SDR-41779
3. Supporting Documentation

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**




0 300 600 Feet

**CASE:** **ZON-41778 AND SDR-41779**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** O (OFFICE) AND C-M (COMMERCIAL/INDUSTRIAL)

**PROPOSED ZONING OF SUBJECT PROPERTY:** R-3 (MEDIUM DENSITY RESIDENTIAL)

N




0 300 600 Feet

**CASE:** **ZON-41778 AND SDR-41779**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** O (OFFICE) AND C-M (COMMERCIAL/INDUSTRIAL)

**PROPOSED ZONING OF SUBJECT PROPERTY:** R-3 (MEDIUM DENSITY RESIDENTIAL)

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-41778** APN: 138-13-512-001

Name of Property Owner: Rancho Properties, L.L.C.

Name of Applicant: Rancho Properties, L.L.C.

Name of Representative: Ernest A. Becker, IV

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: Ernest A. Becker, IV

Subscribed and sworn before me

This 11th day of May, 2011

Debra S. Alston

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

RECEIVED
MAY 12 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** ZON: zone change from O & L1/R to R-3

**Project Address (Location)** 3000 N Michael Way, Las Vegas Nevada

**Project Name** Crystal Park Apartment Homes **Proposed Use** apartments

**Assessor's Parcel #(s)** 138-13-512-001 **Ward #** 5-Barlow

**General Plan:** existing O&L1/R proposed M **Zoning:** existing O&L1/R proposed R-3

**Commercial Square Footage** n/a **Floor Area Ratio**

**Gross Acres** 9.92 **Lots/Units** 136 units **Density** 14.2 per acre

**Additional Information**

**PROPERTY OWNER** Rancho Properties, L.L.C. **Contact** Ernest A. Becker, IV

**Address** 8090 S Durango Dr. Ste 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**APPLICANT** Rancho Properties, L.L.C. **Contact** Ernest A. Becker, IV

**Address** 8090 S DURANGO DR. STE 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**REPRESENTATIVE** Rancho Properties, L.L.C. **Contact** Brian T. Becker/Ernest A. Becker IV

**Address** 8090 S Durango Dr., Ste 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**Property Owner Signature*** _____

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

**Print Name** Ernest A. Becker, IV

Subscribed and sworn before me

This 11th day of May, 2011.

_____

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | ZON-41778 |
| Meeting Date: | 7-12-11 |
| Total Fee: | $1200.00 |
| Date Received:* | 5-12-11 |
| Received By: | JF mail |

*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.

MAY 12 2011

Revised 10/27/08

# REZONING Parcel: 138-13-512-001




RECEIVED
MAY 12 2011

**ZON-41778**

ZONING

| | | | | | |
|---|---|---|---|---|---|
| C-V | U | R-MH | R-MHP | PD | Subject Parcel |
| C-PB | R-A | R-CL | P-R | T-D | City Limits |
| P-C | R-E | R-2 | N-S | TC | ROI Zoning |
| | R-D | R-3 | O | C-2 | |
| | R-PD | R-4 | C-D | C-M | |
| | R-1 | R-5 | C-1 | M | |

## FROM C-M AND O TO R-3

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Printed: April 25, 2011

City of Las Vegas Agenda Item No.: **13.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
ABEYANCE - SDR-41779 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-41777 AND ZON-41778 - PUBLIC HEARING - APPLICANT/OWNER: RANCHO PROPERTIES, LLC - For possible action on a request for a Site Development Plan Review FOR A 136-UNIT APARTMENT COMPLEX WITH A WAIVER TO ALLOW NO LANDSCAPE BUFFER ALONG PORTIONS OF THE NORTH PERIMETER WHERE SIX FEET IS REQUIRED on 9.92 acres at 3000 North Michael Way (APN 138-13-512-001), O (Office) and C-M (Commercial/Industrial) Zones [PROPOSED: R-3 (Medium Density Residential)], Ward 5 (Barlow). Staff recommends DENIAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **13** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Supporting Documentation
3. Protest Postcards

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-41779** APN: 138-13-512-001

Name of Property Owner: Rancho Properties, L.L.C.

Name of Applicant: Rancho Properties, L.L.C.

Name of Representative: Ernest A. Becker, IV

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: Ernest A. Becker, IV

Subscribed and sworn before me

This 11th day of May, 2011

Debra S. Alston

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

RECEIVED
MAY 12 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** SDR - Site development plan review

**Project Address (Location)** 3000 N Michael Way, Las Vegas Nevada

**Project Name** Crystal Park Apartment Homes **Proposed Use** apartments

**Assessor's Parcel #(s)** 138-13-512-001 **Ward #** 5-Barlow

**General Plan:** existing O&L1/R proposed M **Zoning:** existing O&L1/R proposed R-3

**Commercial Square Footage** n/a **Floor Area Ratio**

**Gross Acres** 9.92 **Lots/Units** 136 units **Density** 14.2 per acre

**Additional Information**

**PROPERTY OWNER** Rancho Properties, L.L.C. **Contact** Ernest A. Becker, IV

**Address** 8090 S Durango Dr. Ste 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**APPLICANT** Rancho Properties, L.L.C. **Contact** Ernest A. Becker, IV

**Address** 8090 S DURANGO DR. STE 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**REPRESENTATIVE** Rancho Properties, L.L.C. **Contact** Brian T. Becker/Ernest A. Becker IV

**Address** 8090 S Durango Dr., Ste 115 **Phone:** (702) 395-9244 **Fax:** (702) 395-4155

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** eabj@beksgroup.com

**Property Owner Signature*** _____

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

**Print Name** Ernest A. Becker, IV

Subscribed and sworn before me

This 11th day of May, 2011.

_____

Notary Public in and for said County and State

DEBRA S. ALSTON
Notary Public State of Nevada
No. 03-84766-1
My appt. exp. Oct. 10, 2011

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SDR-41779 |
| Meeting Date: | 7-12-11 |
| Total Fee: | $1030.00 |
| Date Received:* | 5-12-11 |
| Received By: | J Fraumeni |

*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.

MAY 12 2011

Revised 10/27/08

**SDR 41779**
**Rancho Properties, LLC**

# 3000 N. Michael Way

Proposed 136 unit apartment complex.

**Traffic produced by proposed development:**

| Proposed Use | DESCRIPTION | #UNIT | RATE/# UNIT | TOTAL |
|---|---|---|---|---|
| Average Daily Traffic (ADT) | APARTMENT [DWELL] | 136 | 6.72 | 914 |
| AM Peak Hour | | | 0.51 | 69 |
| PM Peak Hour | | | 0.62 | 84 |

*(heaviest 60 minutes)*

**Existing traffic on all nearby streets:**

**Michael Way**

| | |
|---|---|
| Average Daily Traffic (ADT) | 2,838 |
| PM Peak Hour | 227 |

*(heaviest 60 minutes)*

**Cheyenne Avenue**

| | |
|---|---|
| Average Daily Traffic (ADT) | 38,700 |
| PM Peak Hour | 3,096 |

*(heaviest 60 minutes)*

**Traffic Capacity of adjacent streets:**

| | Existing Street Capacity |
|---|---|
| Michael Way | 16,300 |
| Cheyenne Avenue | 51,800 |

This project will add approximately 914 trips per day on Michael Way and Cheyenne Ave. Michael is currently at about 17 percent of capacity and Cheyenne is at about 75 pecent of capacity. After this project is added, Michael is expected to be at about 23 perenct of capacity and Cheyenne to be at about 76 pecent of capacity.

Based on Peak Hour use, this development will add roughly 84 additional cars into the area, which works out to about three every two minutes.

Note that this report assumes all traffic from this development uses all named streets.

City of Las Vegas
Department of Planning
Development Services Center

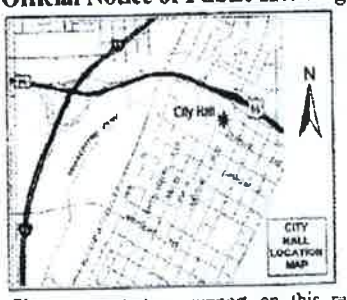
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

RECEIVED
JUL 07 2011

**Return Service Requested**
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

Case: SDR-41779
13813610037
MORLEY ROGER S & DEBBIE L
5124 CLOUDS REST AVE
LAS VEGAS NV 89108-4039

SDR-41779
Planning Commission Meeting of 7/12/2011

P-22

24 DRDFN11 89108

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y of Las Vegas
partment of Planning
velopment Services Center
North Rancho Drive, 3rd Floor
Vegas, Nevada 89106

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UNITED STATES POSTAGE PITNEY BOWES $ 00.41⁴
02 1M 0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

**Return Service Requested**
**Official Notice of Public Hearing**




also, in regard to the apt. complex request: There is already an excess of apts. ~~of~~ in this vicinity of questionable value apts. on Cheyenne that endanger the value of the housing tracts.

you wish to file your protest or support on this request, check the ropriate box below and return this card in an envelope with postage to the partment of Planning, Case Planning Division at the address listed above or this side of this card to (702) 385-7268. If you would like to contact your ncil Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

ase use available blank space on card for your comments.

Case: SDR-41779
13813212024
SHRINER NATASHA L
2825 MICHAEL WY
LAS VEGAS NV 89108-417

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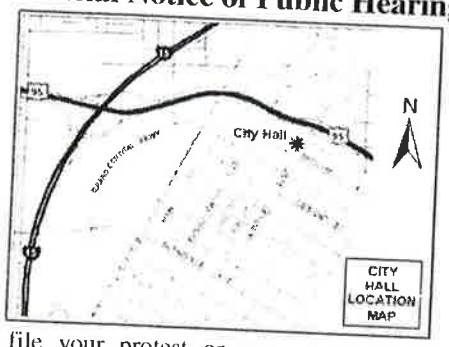
JUL 07 2011

**R-41779**
nning Commission Meeting of 7/12/2011

P-22

24 DRDFN11 89108

**Official Notice of Public Hearing**

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**SDR-41779**

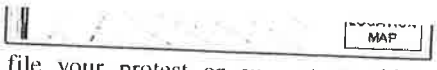
Planning Commission Meeting of 7/12/2011

RECEIVED
JUL 11 2011

13813212004 Case: SDR-41779
RAMAGE KENNETH R & PAMELA M
5412 AVENIDA VAQUERO
LAS VEGAS NV 89108-4151

22P

24 DRDFN11 89108

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**SDR-41779**

Planning Commission Meeting of 7/12/2011

13813610030 Case: SDR-41779
DIPONZIO PATRICIA M
5308 CLOUDS REST AVE
LAS VEGAS NV 89108-4036

22P

24 DRDFN11 89108




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**SDR-41779**

Planning Commission Meeting of 7/12/2011

RECEIVED
JUL 11 2011

13813610036 Case: SDR-41779
SMITH DUANE F REVOCABLE LIV TR
9861 WHITE LILAC ST
LAS VEGAS NV 89178-7583

22P

54 DRDFN11 89178

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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02 1M $ 00.41⁴
0004279218 JUN 30 2011
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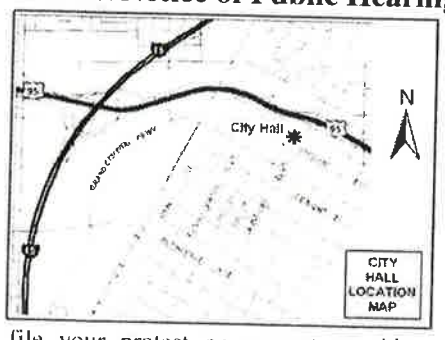


TOO MANY APPARTMENT COMPLEXES NEARBY ALREADY. MY NEIGHBORHOOD HAS A HIGH CRIME RATE WITHOUT THIS "NEW" COMPLEX ALREADY.

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**SDR-41779**
Planning Commission Meeting of 7/12/2011

13813113011 Case: SDR-41779
COMPSON DAVID W
5509 MARE WY
LAS VEGAS NV 89108-4135

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

22P

24 DRDFN11 89106

Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

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**SDR-41779**
Planning Commission Meeting of 7/12/2011

13813111035 Case: SDR-41779
BUZZARD ERIC E
5601 BURNTWOOD WY
LAS VEGAS NV 89108-4134

22P

24 DRDFN11 89106

JUL 12 2011




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**SDR-41779**
Planning Commission Meeting of 7/12/2011

13813211002 Case: SDR-41779
PATTERSON CAROLYN F & JEFFREY A
5604 AVENIDA TAMPICO
LAS VEGAS NV 89108-4183

22P

24 DRDFN11 89106

City of Las Vegas
Department of Planning
Development Services Center
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Las Vegas, Nevada 89106

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PLANNING & DEVELOPMENT

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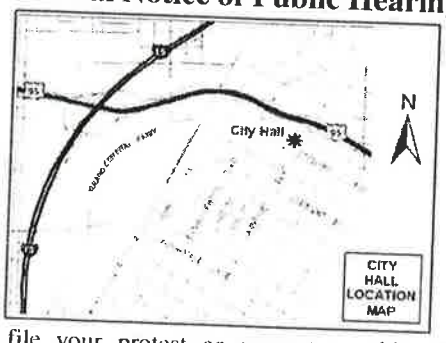


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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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**SDR-41779**

Planning Commission Meeting of 7/12/2011

13813113042 Case: SDR-41779
BATTAGLIA JOSEPH P & LEAH M
5412 MOSSMAN AVE
LAS VEGAS NV 89108-4167

22P

24 ORDFM11 89106

13813211038
MCCLENACHAN SUZANNE REV TR
5521 AVENIDA VAQUERO
LAS VEGAS NV 89108-4106

Case: SDR-41779

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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☒ I OPPOSE this Request

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**SDR-41779**
**Planning Commission Meeting of 7/12/2011**

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Development Services Center
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Las Vegas, Nevada 89106

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**SDR-41779**

Planning Commission Meeting of 7/12/2011

13813610010 Case: SDR-41779
ARANDA ANA G
5300 RANCHER AVE
LAS VEGAS NV 89108-4031

24 ORDFN11 89108

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Department of Planning
Development Services Center
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Las Vegas, Nevada 89106

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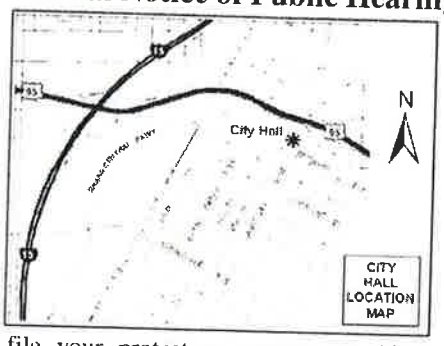
## Official Notice of Public Hearing

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CITY OF LAS VEGAS
PLANNING & DEV

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Please use available blank space on card for your comments.

**SDR-41779**

Planning Commission Meeting of 7/12/2011

Case: SDR-41779

13813614039
ROBINSON FAMILY TRUST
%O & P ROBINSON
5201 YOUR AVE
LAS VEGAS NV 89108-4085

24 DRDFN11 89108

## Application Information

**SDR-41779 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-41777 AND ZON-41778 - PUBLIC HEARING - APPLICANT/OWNER: RANCHO PROPERTIES, LLC** - For possible action on a request for a Site Development Plan Review FOR A 136-UNIT APARTMENT COMPLEX WITH A WAIVER TO ALLOW NO LANDSCAPE BUFFER ALONG PORTIONS OF THE NORTH PERIMETER WHERE SIX FEET IS REQUIRED on 9.92 acres at 3000 North Michael Way (APN 138-13-512-001), O (Office) and C-M (Commercial/Industrial) Zones [PROPOSED: R-3 (Medium Density Residential)], Ward 5 (Barlow).

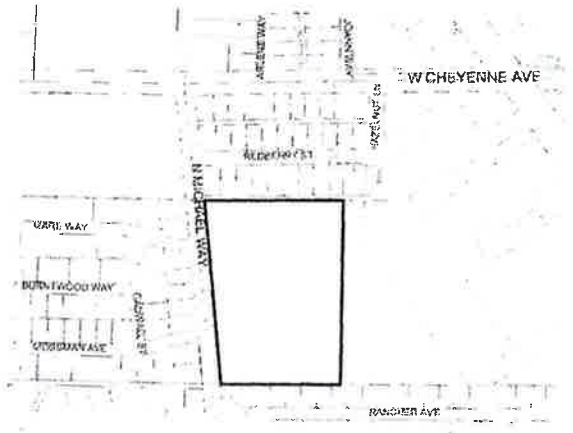
WE DO NOT NEED MORE APARTMENTS AROUND US. TOO MANY NOW. TWO QUESTIONS, "WHY BUILD MORE APARTMENTS WHEN WE HAVE EMPTY ONES ALL OVER TOWN? WHOSE DUMB, THOUGHTLESS IDEA WAS THIS? SHAME ON THEM!

IF THIS HAPPENS, I PRAY IT DOES NOT, CRIME WILL INCREASE WHICH IS BAD NOW.

PLEASE DO NOT APPROVE THIS PLAN. THANK YOU

P. Robinson

## Application Location




The proposed project may not pertain to the entire highlighted project site.

## Public Hearing Information

| | |
|---|---|
| **Meeting:** | Planning Commission |
| **Date:** | *July 12, 2011* |
| **Time:** | 6:00 P.M. |
| **Location:** | City Council Chambers<br>400 Stewart Avenue<br>Las Vegas, Nevada |

22P

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Department of Planning, Case Planning Division, Development Services Center, 333 North Rancho Drive, 3rd Floor, Las Vegas, Nevada 89106. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

## Application Information

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THIS AREA USED TO BE A NICE MIDDLE CLASS PLACE TO LIVE. THE ONLY NEW BUILDING HAS BEEN LOW INCOME AFFECTING THE SCHOOL & CRIME RATE (JUST WE SOMEHOW ELEVATE. INSTEAD OF LOWER)

## Application Location




The proposed project may not pertain to the entire highlight project site.

## Public Hearing Information

**Meeting:** Planning Commission
**Date:** *July 12, 2011*
**Time:** 6:00 P.M.
**Location:** City Council Chambers
400 Stewart Avenue
Las Vegas, Nevada

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City of Las Vegas
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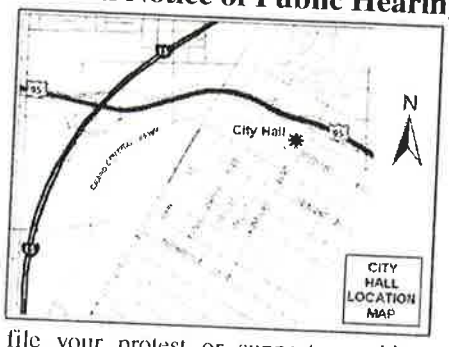


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☐ I SUPPORT this Request
☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**SDR-41779**
Planning Commission Meeting of 7/12/2011

13813201001
K O'S TRUST
5512 AVENIDA CABALLO
LAS VEGAS NV 89108-4103

Case: SDR-41779

22
P

24 ORDFN11 89106

City of Las Vegas Agenda Item No.: **14.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

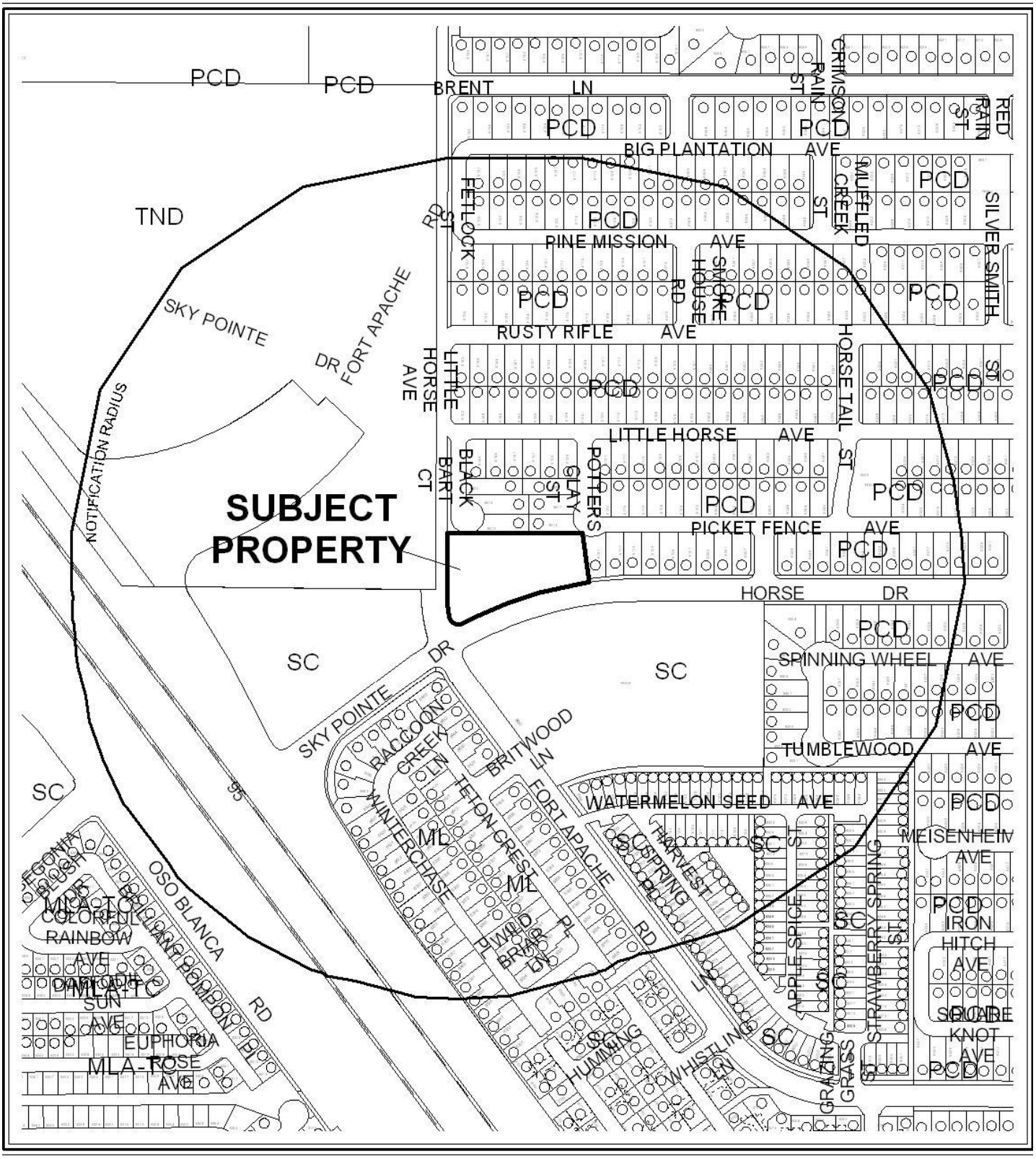
**SUBJECT:**
ABEYANCE - GPA-41934 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: ROYAL VIEW, LLC - For possible action on a request for General Plan Amendment FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: SC (SERVICE COMMERCIAL) on 1.54 acres at the northeast corner of Sky Pointe Drive and Horse Drive (APN 125-08-210-002), Ward 6 (Ross). Staff recommends DENIAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **8** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Staff Report - GPA-41934 and ZON-41933
3. Supporting Documentation
4. Photos - GPA-41934 and ZON-41933
5. Justification Letter - GPA-41934 and ZON-41933
6. Protest Postcards – GPA-41934 and ZON-41933




**CASE:** **GPA-41934**

**RADIUS:** 1000 FEET

**GENERAL LAND USE OF SUBJECT PROPERTY:**
PCD (PLANNED COMMUNITY DEVELOPMENT)

**PROPOSED GENERAL LAND USE OF SUBJECT PROPERTY:**
S-C (SERVICE COMMERCIAL)




**CASE:** **GPA-41934**

**RADIUS:** 1000 FEET

**GENERAL LAND USE OF SUBJECT PROPERTY:**
PCD (PLANNED COMMUNITY DEVELOPMENT)

**PROPOSED GENERAL LAND USE OF SUBJECT PROPERTY:**
S-C (SERVICE COMMERCIAL)

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: ROYAL VIEW, LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **GPA-41934** | Staff recommends DENIAL. | |
| **ZON-41933** | Staff recommends DENIAL. | GPA-41934 |

YK

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is requesting to change the land use designation and zoning on 1.54 acres of undeveloped land on the northeast corner of Sky Pointe Drive and Horse Drive. The property is currently designated for residential development, but the applicant believes the site would be better suited for commercial development. Staff recommends denial as the proposal would not be compatible with the surrounding area. If denied, the property could only be developed as residential, as is currently designated.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 02/02/94 | The City Council approved Rezoning (Z-132-93) for reclassification of property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road, from: C-2 (General Commercial) and R-E (Residence Estates), to: R-PD3 (Residential Planned Development), R-PD6 (Residential Planned Development), R-PD12 (Residential Planned Development) and C-1 (General Commercial) for single family dwellings, townhomes, apartment complexes and business park. The Planning Commission and staff recommended approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 05/31/07 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| No activity is on file for this site. |

| ***Pre-Application Meeting*** | |
|---|---|
| 05/17/11 | Staff met with the applicant and reviewed the requirements for a General Plan Amendment and Rezoning application submittal. Staff recommended the applicant pursue an O (Office) land use designation and corresponding P-O (Professional Office) district, as that would be more appropriate for the site. |

| ***Neighborhood Meeting*** | |
|---|---|
| 06/23/11 | A neighborhood meeting was held on 06/23/11 from 6:10 to 6:45 pm in the Community Resources Room at the Centennial Hills Community Center YMCA, 6601 N. Buffalo Drive. In attendance were nine members of the public, two members of the development team, one member of the Planning Commission, one member of the Council Office, one member of the Planning Department. Concerns included the following:<br>• Off-sale Alcohol<br>• Gaming<br>• Massage uses<br>• Future site development<br>• Concerns with wall heights, hours of delivery, and play areas for childcare uses<br>Overall most in attendance supported the request; however, one opposed. |

| ***Field Check*** | |
|---|---|
| 06/02/11 | Staff visited the site and found it to be undeveloped and free of trash, debris and weeds. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 1.54 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Undeveloped | PCD (Planned Community Development) | R-E (Residence Estates) |
| | | Proposed: SC (Service Commercial) | Proposed: C-1 (Limited Commercial) |
| North | Single Family Residential | PCD (Planned Community Development) | R-PD6 [Residential Planned Development (Six Units Per Acre)] |
| South | Park | SC (Service Commercial) | R-PD12 [Residential Planned Development (Twelve Units Per Acre)] |

| | | | |
|---|---|---|---|
| East | Single Family Residential | PCD (Planned Community Development) | R-PD6 [Residential Planned Development (Six Units Per Acre)] |
| West | Undeveloped | TND (Traditional Neighborhood Development) | T-D (Traditional Development) |
| | | SC (Service Commercial) | C-1 (Limited Commercial) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | X | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Sky Pointe Drive | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |
| Horse Drive | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |

**ANALYSIS**

This project is part of the Spring Mountain Ranch Master Development Plan. However, no design or development standards were included in the plan. Given the small size of the parcel and the fact it is surrounded on two sides by single family residential neighborhoods, the proposed designations would be too intense for the site.

The applicant was advised by staff that a General Plan Amendment designation of O (Office) and a corresponding Zoning designation of P-O (Professional Office) would be better suited for the site. These designations would allow for offices which would provide a more appropriate buffer between the single family residential uses to the north and east and the commercial uses across the street to the west.

If the proposed designations are approved, any use permitted in C-1 (Limited Commercial) would be allowed, including office, retail and various alcohol-related businesses with an approved Special Use Permit. For these reasons, staff recommends denial of both applications as being an inappropriate land use and zoning designation for the location.

**FINDINGS (GPA-41934)**

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. **The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

   The proposed commercial land use designation is not compatible with the adjacent single family residential neighborhood.

2. **The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

   A C-1 (Limited Commercial) zoning designation on this small parcel would not be an appropriate land use. A less intense zoning such as an office district would be a more compatible buffer with the adjacent residential uses.

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

   The existing infrastructure is adequate to support the proposed land use and zoning designations.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

   This parcel is part of the Spring Mountain Ranch Master Development Plan, which designates this parcel for single family residential development. The proposal does not conform to this plan.

**FINDINGS (ZON-41933)**

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

   The proposed C-1 (Limited Commercial) zoning district conforms to the proposed SC (Service Commercial) General Plan designation.

2. **The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.**

   The proposed C-1 (Limited Commercial) designation would allow uses that are too intense, and would be incompatible with the surrounding residential neighborhoods.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

   There is currently undeveloped commercial property to the west of the site and vacant commercial developments throughout the general area that are more appropriate for the proposed uses than the subject site.

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.**

   Sky Pointe and Horse Drives are both adequate for the proposed land use and zoning designations.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 28

**NOTICES MAILED** 380

**APPROVALS** 0

**PROTESTS** 8

YK

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-41934** APN: 125-08-210-002

Name of Property Owner: Royal View, LLC.

Name of Applicant: Royal View, LLC.

Name of Representative: Michael Bash (President)

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: Michael Bash

Print Name: MICHAEL BASH

Subscribed and sworn before me

This 23 day of May, 2011

Notary Public in and for said County and State

BENJAMIN DOWLING
Notary Public, State of Nevada
Appointment No. 10-2316-1
My Appt. Expires May 6, 2014

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** General Plan Amendment

**Project Address (Location)** Ft. Apache & Horse

**Project Name** Commercial @ Ft. Apache + Horse **Proposed Use** Commercial

**Assessor's Parcel #(s)** 125-08-210-002 **Ward #** 6

**General Plan:** existing PCD proposed SC **Zoning:** existing R-E proposed C-1

**Commercial Square Footage** N/A **Floor Area Ratio** N/A

**Gross Acres** 1.54 +/- **Lots/Units** 1 **Density**

**Additional Information**

**PROPERTY OWNER** Royal View LLC **Contact** Michael Bash

**Address** 9075 W. Diablo Dr, 3rd Floor, #119 **Phone:** 876.6010 **Fax:** 876.6023

**City** Las Vegas **State** NV **Zip** 89148

**E-mail Address** michael.bash1@gmail.com

**APPLICANT** Royal View LLC **Contact** Michael Bash

**Address** 9075 W. Diablo Dr, 3rd Floor, #119 **Phone:** 876.6010 **Fax:** 876.6023

**City** Las Vegas **State** NV **Zip** 89148

**E-mail Address** michael.bash1@gmail.com

**REPRESENTATIVE** G.C. Garcia, Inc. **Contact** George Garcia

**Address** 1711 Whitney Mesa Dr., Suite 110 **Phone:** (702) 435-9909 **Fax:** (702) 435-0457

**City** Henderson **State** NV **Zip** 89014

**E-mail Address** acole@gcgarciainc.com

**Property Owner Signature*** Michael Bash

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

**Print Name** Michael Bash

Subscribed and sworn before me

This 23 day of May, 20 11.

Notary Public in and for said County and State

BENJAMIN DOWLING
Notary Public, State of Nevada
Appointment No. 10-2316-1
My Appt. Expires May 6, 2014

***FOR DEPARTMENT USE ONLY***

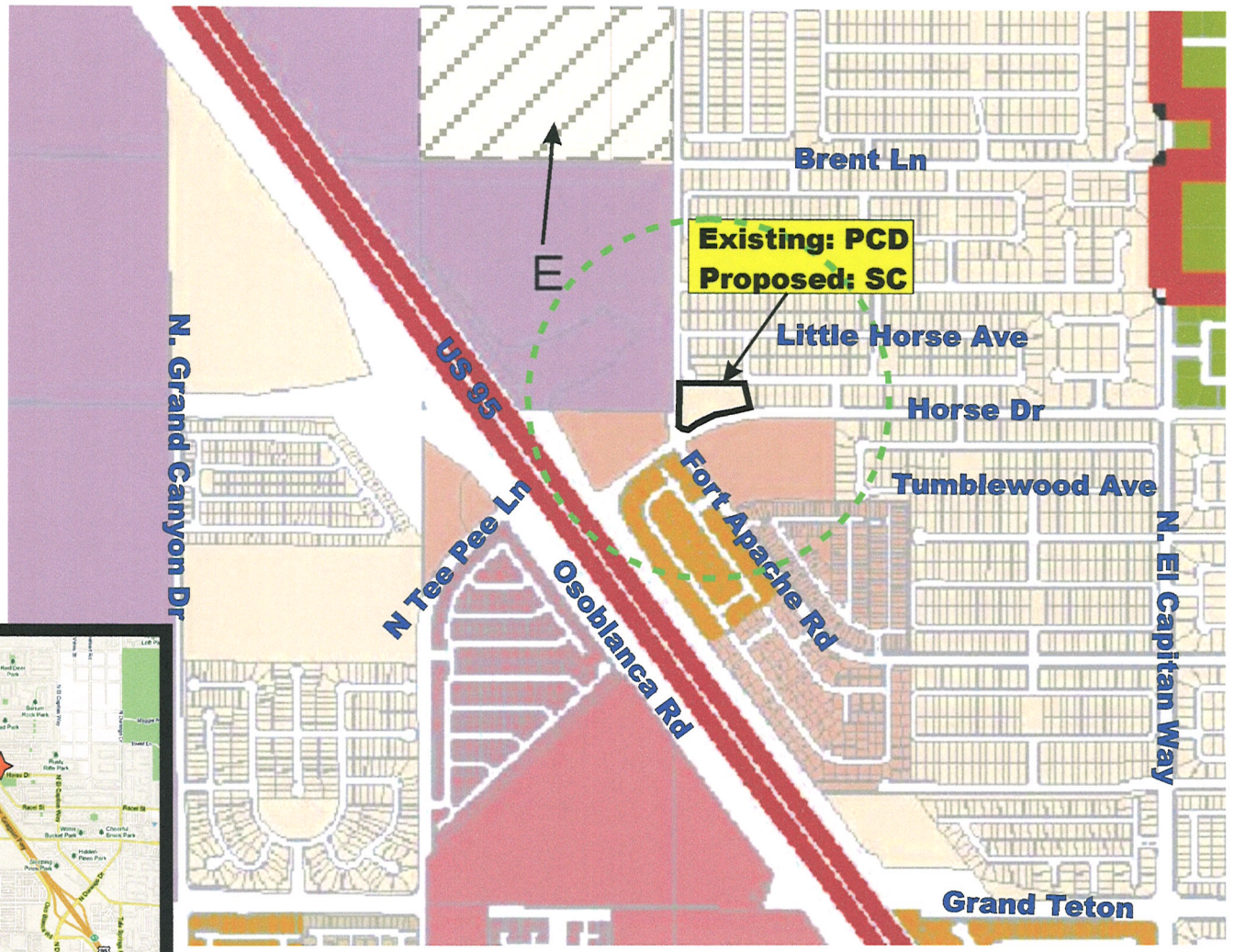
| | |
|---|---|
| **Case #** | GPA-41934 |
| **Meeting Date:** | 7-12-11 |
| **Total Fee:** | 1500.00 |
| **Date Received:*** | 5-26-11 |
| **Received By:** | JFmund |

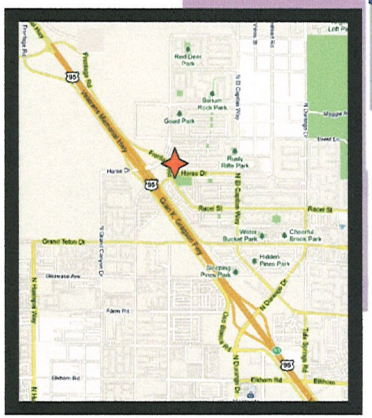
*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

# Fort Apache & Horse
# Existing & Proposed Land Use Exhibit

GCGARCIA
A Planning & Development Services Corporation
May 2011

**James H Bilbray Elementary & William & Mary Scherkenbach Elementary Located within these parcels**



= Project Site = 1'000 ft radius

RECEIVED
MAY 26 2011

## CENTENNIAL HILLS
### Interlocal Land Use Plan

#### City Land Use Categories

- Rural Neighborhood Preservation - up to 2 du/ac
- Desert Rural - up to 2.49 du/ac
- Rural - up to 3.59 du/ac
- Low - up to 5.49 du/ac
- Medium - Low - up to 8.49 du/ac
- Medium - Low Attached - up to 12.49 du/ac
- Medium - up to 25.49 du/ac
- High - 25+ du/ac
- Office
- Service Commercial
- General Commercial
- Park / Recreation / Open Space
- Public Facility
- Resource Conservation
- Light Industrial / Research
- Planned Community Development
- Traditional Neighborhood Development
- Town Center
- E Elementary School
- Corporate Limits
- BLM Disposal Boundary
- Red Rock Canyon National Conservation Area

#### County Land Use Categories

- Rural Neighborhood Preservation - up to 2 du/ac
- Rural Estates - up to 2.5 du/ac
- Rural Density Residential - up to 3.5 du/ac
- Public Facilities
- Public Lands Management Area
- Planned Community Development

SOURCE: City of Las Vegas , Planning and Development Department

Adopted February 19, 2003 GPA-1392

PLANNING & DEVELOPMENT

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
**Geographic Information System**
Planning & Development Dept.
702-229-6301
Printed: November 02, 2010

**GPA-41934**



GPA-41934 AND ZON-41933 - APPLICANT/OWNER: ROYAL VIEW, LLC
NORTHEAST CORNER OF SKY POINTE DRIVE AND HORSE DRIVE

06/2/11




GPA-41934 AND ZON-41933 - APPLICANT/OWNER: ROYAL VIEW, LLC
NORTHEAST CORNER OF SKY POINTE DRIVE AND HORSE DRIVE

06/2/11

May 26, 2011

Flinn Flagg, Director
Planning and Development Department
City of Las Vegas
333 N. Rancho Drive
Las Vegas, NV 89106

RE: Justification Letter for Fort Apache & Horse, NEC
Request: A GPA & ZON for Service Commercial and C-1
APN: 125-08-210-002

Dear Mr. Flagg:

Please accept this justification letter for a General Plan Amendment to the Centennial Hills Sector Plan and a companion item for a Zone Change. This application is located on a 1.54 +/- acre parcel located at the northeast corner of Fort Apache and Horse.

The request is to change the General Plan land use category to Service Commercial (SC) and the Zoning classification to the Limited Commercial District (C-1) to allow a neighborhood commercial center. These changes would be consistent with the zoning on site on the opposite corner to the west. Although the applicant clearly understands that this parcels proximity to residential will require greater consideration and sensitivity to the design and appropriate uses.

The purposes of the proposed GPA & ZON amendments are to enable convenient neighborhood commercial center with goods and services in a setting that is functionally and aesthetically compatible with the existing adjacent land uses and zoning. The intent is for one story buildings with intense landscape buffers abutting the residential.

The Centennial Hills Sector Plan currently depicts the property as Planned Community Development (PCD). The existing Zoning is Residential Estates (R-E). The parcel is part of the Spring Mountain Ranch Overall plan but no future details were provided as to it affects on this location.

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**Approval Criteria for a GPA LVMC 19.18.030.(I)**

***(1)*** *The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;*

GCGARCIA

**GPA-41934**
**ZON-41933**

*A Planning & Development Services Corporation*
1711 Whitney Mesa Drive, Suite 110, Henderson, Nevada 89014-2158
Telephone: 702 435 9909 Facsimile: 702 435 0457 E-Mail: ggarcia@gcgarciainc.com

The proposed land use designation of SC is compatible with existing land use designations in light of the appropriateness for SC on the opposite corner; proximity to the interchange; busy signalized intersection; size, shape and configuration of the property; and the inconsistency of the existing R-E zoning with the surrounding land uses.

***(2)****The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;*

The current R-E zoning is completely inconsistent with the General Plan and surrounding land use designations. The proposed C-1 zoning is consistent with the proposed S-C land use designation. The SC and C-1 match the opposing corner that is C-1. The C-1 with permitted lower intensity uses and SUPs for more intense uses coupled with good design sensitive to the abutting residential will be more compatible, marketable and sustainable than the existing designations.

***(3)****There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan designation; and*

This site has all necessary infrastructures to facilitate development under the SC land use. The abutting roadways are an arterial and a major collector. The streets as well as the street landscaping and corner entry feature are built. The surrounding developments have brought in the necessary utilities sufficient to serve the property.

***(4)****The proposed amendment conforms to other applicable adopted plans and policies.*

The proposed SC does not conflict with other plans and policies. In fact, to develop the property as currently zoned would create an inconsistency. The proposed GPA will be in conformance to the City's and Centennial Hills goals, objectives and policies.

**Centennial Hills Sector Plan Goal & Objectives 2.8**
This site will help create a balance and appropriate mix of land uses that will be fully supported by the existing circulation, infrastructure and public and private services. It will help bring in essential goods and services that can conveniently serve the neighborhood. The development design will be done to assure compatibility with existing development and in particular the abutting residential.

**Policy A1.1 – *Participate in Public Facilities***
The property has contributed with the land and improvements for Horse & Fort Apache as well as sidewalks, landscaping, and landscape entry feature.

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MAY 26 2011

**Policy A2 – *Encourage the use of Vacant Land Adjacent to Develop Land***
The property is essentially an infill location that can help promote the efficient and orderly development of land. The current land use and zoning are preventing the appropriate and timely development of this site.

**Objective B - *Achieve a compatible balance of land uses***
The addition of some convenient good and services for the neighborhood will help achieve a balance of uses and the nature of the commercial use as SC and C-1 will be compatible in use and design.

**Program B3.3 - *Buffering adjacent single family***
The property will provide an intense buffer according to the City's wall and buffer guidelines.

**Policy B4 – *Provide for balance of uses***
The commercial will help serve the immediate neighborhood and reduce VMT contributions to congestion and air quality. The proposed use will make the neighborhood more walkable.

**Program B5.5 - *Provide for appropriate small scale neighborhood centers at major roadway intersections adjacent to residential areas.***
The site is at an intersection with major roadways and adjacent to residential.

**SUMMARY JUSTIFICATION**
In summary, we believe this overall development advances the overall objectives of the Centennial Hills Sector Plan and will be an attractive addition to this neighborhood and provide for a mix of land uses that work together in an appropriate and compatible manner.

We respectfully request you favorable consideration of this request. Please contact me if you have any questions or need additional information.

Sincerely,

George Garcia,
President

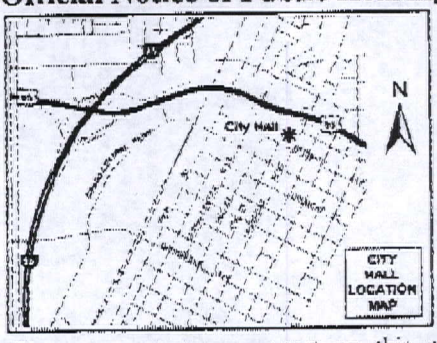
RECEIVED
MAY 26 2011

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

**Return Service Requested**
**Official Notice of Public Hearing**




If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41934 & ZON-41933**
Planning Commission Meeting of 7/12/2011

Case: GPA-41934
12508327054
ROCHE JOAN RAE
1750 N COMMUNITY DR #102
ANAHEIM CA 92806-1043

104 ORDFN11 92806

TOTAL P.001

RECEIVED
JUL 07 2011

27-28 P

Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAL SERVICE PITNEY BOWES
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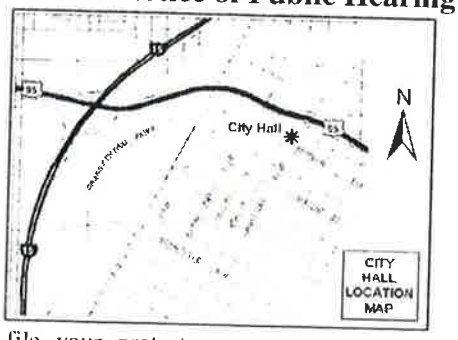
## Return Service Requested
## Official Notice of Public Hearing

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JUL 12 2011

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**GPA-41934 & ZON-41933**
Planning Commission Meeting of 7/12/2011

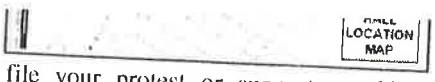
THE AREA should be RESIDENCIAL ONLY - the area already looks worse due to the horrible lights on the overpass.

12508230008 Case: GPA-41934
BASSETT JENNIFER
9137 RUSTY RIFLE AVE
LAS VEGAS NV 89143-1167

Also the LOWES PLAZA near by is not even full! why build more?

27-28 P

10 DRDFN11 89143

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**GPA-41934 & ZON-41933**
Planning Commission Meeting of 7/12/2011

12507714019 Case: GPA-41934
PODOLSKY DOUGLAS
P O BOX 750811
LAS VEGAS NV 89136-0811

27-29 P

79 DRDFN11 89136




JUL 12 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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Please use available blank space on card for your comments.
**GPA-41934 & ZON-41933**
Planning Commission Meeting of 7/12/2011

12508327025 Case: GPA-41934
TIEMAN JOSEPH M & MELODY T
8325 WINTERCHASE PL
LAS VEGAS NV 89143-6414

27-28 P

10 DRDFN11 89143

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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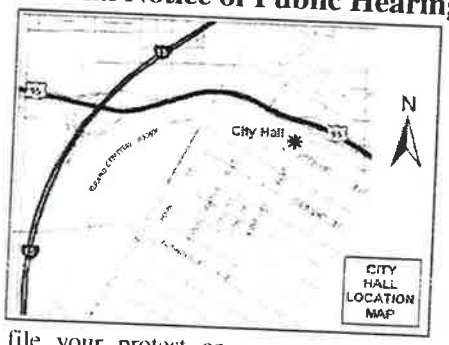
MAILED FROM ZIPCODE 89101

**Return Service Requested**
**Official Notice of Public Hearing**

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Please use available blank space on card for your comments.
**GPA-41934 & ZON-41933**
Planning Commission Meeting of 7/12/2011

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PLANNING & DEVELOPMENT

12508223005 Case: GPA-41934
ARNESON TROY & JULIE
9120 RUSTY RIFLE AVE
LAS VEGAS NV 89143-1166

27-28 P

10 ORDFN11 89143

appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
**GPA-41934 & ZON-41933**
Planning Commission Meeting of 7/12/2011

12508327043 Case: GPA-41934
WOTTON DAVID R & CHARLOTTE M
5590 PEBBLE RIDGE CT
ANN ARBOR MI 48108-9770

RECEIVED
JUL 11 2011

27-28 P

124 ORDFN11 48108

Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

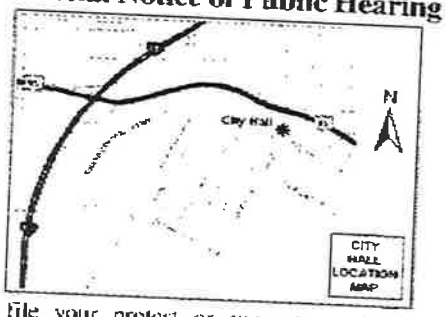
☐ I SUPPORT ☒ I OPPOSE

12508226019 Case: GPA-41934
BREEN FAMILY TRUST
5425 IRELAND ST
LAS VEGAS NV 89149-2020

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**

**Official Notice of Public Hearing**

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**GPA-41934 & ZON-41933**

Planning Commission Meeting of 7/12/2011

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JUL 11 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12508231002
SAHAKIAN FARRAH
8516 BLACK BART
LAS VEGAS NV 89143-5455

Case: GPA-41934

27-28

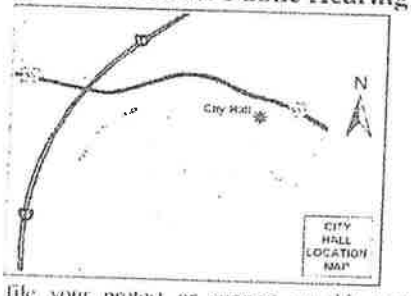
2011-07-07 21:00

7026585410 >>

P 1/1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41934 & ZON-41933**

Planning Commission Meeting of 7/12/2011

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12508230021 Case GPA-41934
LEMONDS CAROL
9120 LITTLE HORSE AVE
LAS VEGAS NV 89143-5425

27-28
P

Jul 07 11 04:37p ROBERT RICHARDSON 702-647-3424 p.1

City of Las Vegas Agenda Item No.: **15.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
ABEYANCE - ZON-41933 - REZONING RELATED TO GPA-41934 - PUBLIC HEARING - APPLICANT/OWNER: ROYAL VIEW, LLC - For possible action on a request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.54 acres at the northeast corner of Sky Pointe Drive and Horse Drive (APN 125-08-210-002), Ward 6 (Ross). Staff recommends DENIAL.

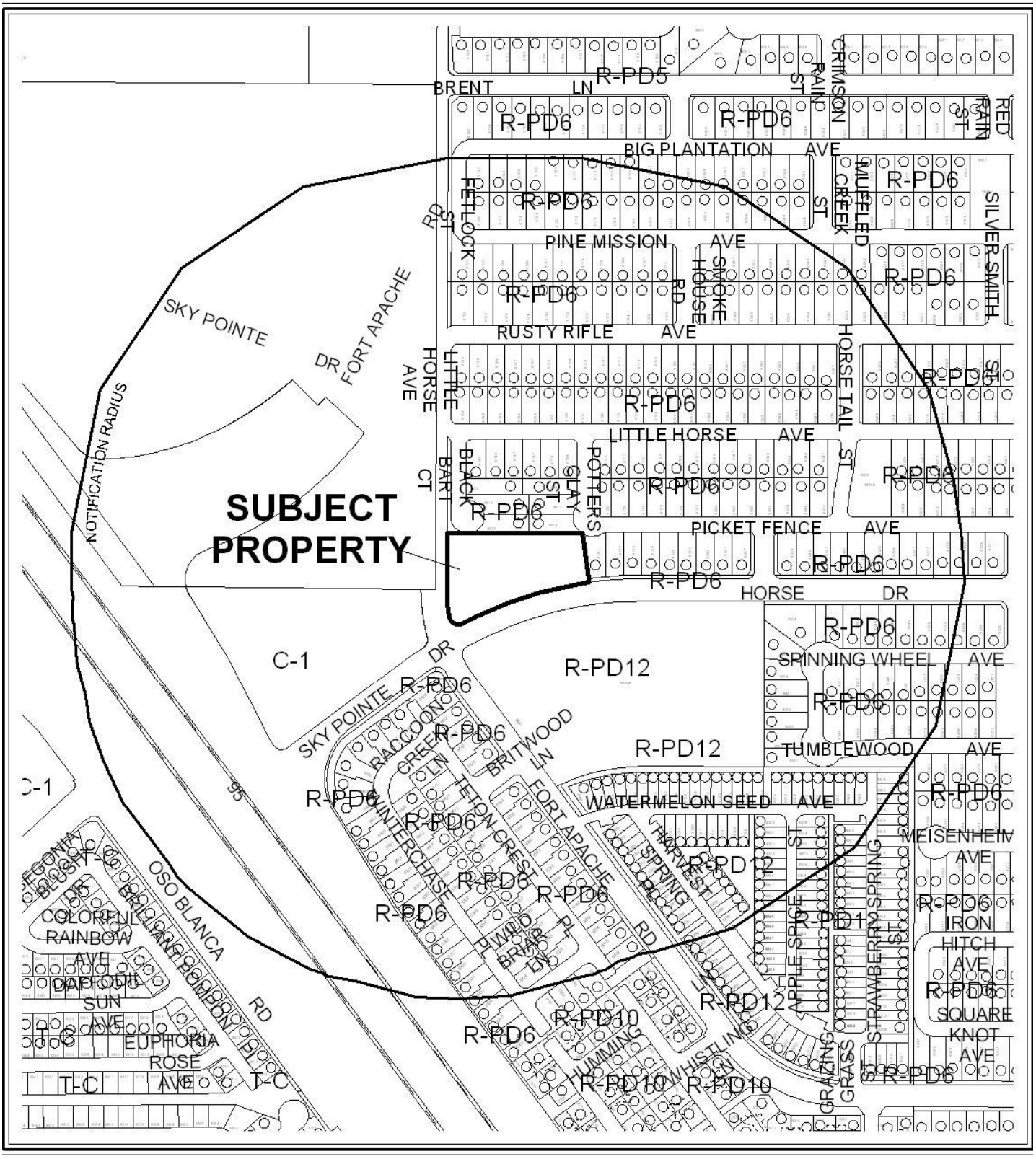
**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **8** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Location and Aerial Maps
3. Supporting Documentation

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**




0 300 600 Feet

**CASE:** **ZON-41933**

**RADIUS:** 1000 FEET

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

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

N




**CASE:** **ZON-41933**

**RADIUS:** 1000 FEET

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

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

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-41933** APN: 125-08-210-002

Name of Property Owner: Royal View, LLC.

Name of Applicant: Royal View, LLC.

Name of Representative: Michael Bash (President)

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: _____

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MAY 26 2011

Signature of Property Owner: Michael Bash

Print Name: MICHAEL BASH

Subscribed and sworn before me

This 23 day of May, 2011

Notary Public in and for said County and State

BENJAMIN DOWLING
Notary Public, State of Nevada
Appointment No. 10-2316-1
My Appt. Expires May 6, 2014

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Rezoning

**Project Address (Location)** Ft. Apache & Horse

**Project Name** Commercial @ Ft. Apache & Horse **Proposed Use** Commercial

**Assessor's Parcel #(s)** 125-08-210-002 **Ward #** 6

**General Plan:** existing PCD proposed SC **Zoning:** existing R-E proposed C-1

**Commercial Square Footage** N/A **Floor Area Ratio** N/A

**Gross Acres** 1.54 +/- **Lots/Units** 1 **Density**

**Additional Information**

**PROPERTY OWNER** Royal View LLC **Contact** Michael Bash

**Address** 9075 W. Diablo Dr, 3rd Floor, #119 **Phone:** 876.6010 **Fax:** 876.6023

**City** Las Vegas **State** NV **Zip** 89148

**E-mail Address** michael.bash1@gmail.com

**APPLICANT** Royal View LLC **Contact** Michael Bash

**Address** 9075 W. Diablo Dr, 3rd Floor, #119 **Phone:** 702.876.6010 **Fax:** 876.6023

**City** Las Vegas **State** NV **Zip** 89148

**E-mail Address** michael.bash1@gmail.com

**REPRESENTATIVE** G.C. Garcia, Inc. **Contact** George Garcia

**Address** 1711 Whitney Mesa Dr., Suite 110 **Phone:** (702) 435-9909 **Fax:** (702) 435-0457

**City** Henderson **State** NV **Zip** 89014

**E-mail Address** acole@gcgarciainc.com

**Property Owner Signature*** Michael Bash

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

**Print Name** Michael Bash

Subscribed and sworn before me

This 23 day of May, 20 11.

Notary Public in and for said County and State

BENJAMIN DOWLING
Notary Public, State of Nevada
Appointment No. 10-2316-1
My Appt. Expires May 6, 2014

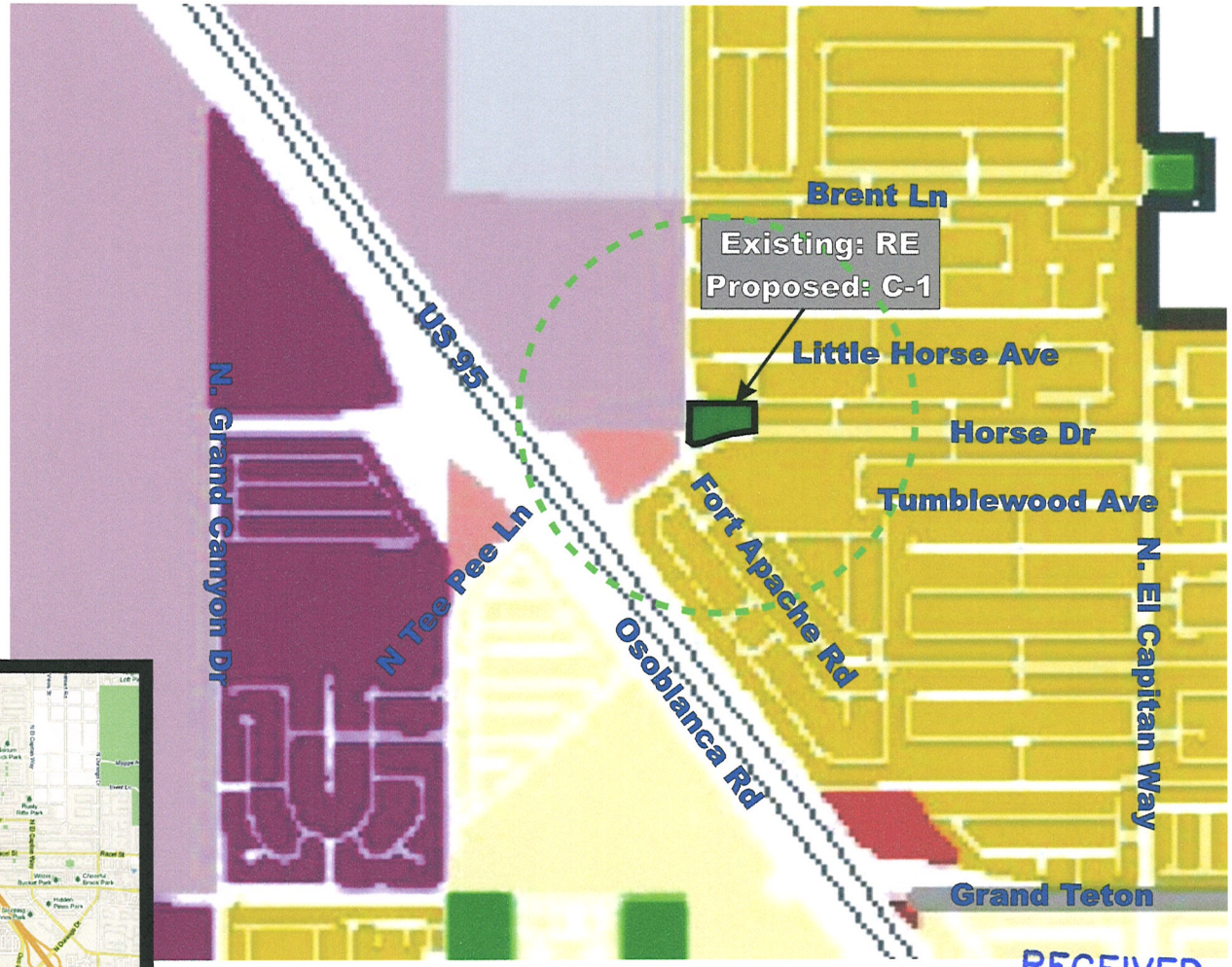
*FOR DEPARTMENT USE ONLY*

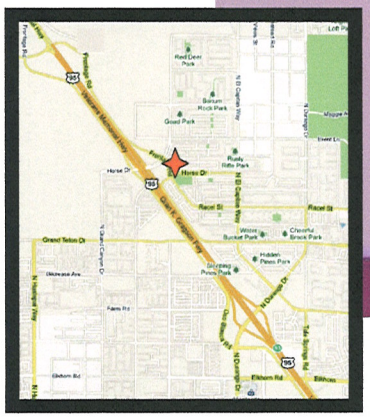
| | |
|---|---|
| Case # | ZON-41933 |
| Meeting Date: | 7-12-11 |
| Total Fee: | 1200.00 |
| Date Received:* | 5-26-11 |
| Received By: | JFmd |

*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.

# Fort Apache & Horse
# Existing & Proposed Zoning Exhibit

GCGARCIA
A Planning & Development Services Corporation
May 2011



= Project Site

= 1'000 ft radius

## Zoning Legend

- U - Undeveloped (GPA Designation)
- R-E - Residence Estates
- R-PD - Residential Planned Development
- R-1 - Single Family Residential
- R-MH - Mobile/Manufactured Home Residence
- R-CL - Single-Family Compact Lot
- R-2 - Medium-Low Density Residential
- R-3 - Medium Density Residential
- R-4 - High Density Residential
- R-TH - Townhouse
- P-O - Profesional Office
- O - Office
- C-1 - Limited Commercial
- C-2 - General Commercial
- C-M - Commercial Industrial
- M - Industrial
- C-V - Civic
- P-C - Planned Community
- PD - Planned Development
- T-D - Traditional Development
- TC - Town Center
- ROI Zoning

RECEIVED
MAY 26 2011

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.

Geographic Information System
Planning & Development Dept.
702-229-6301

Printed: March 21, 2011

ZON-41933

City of Las Vegas Agenda Item No.: **16.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

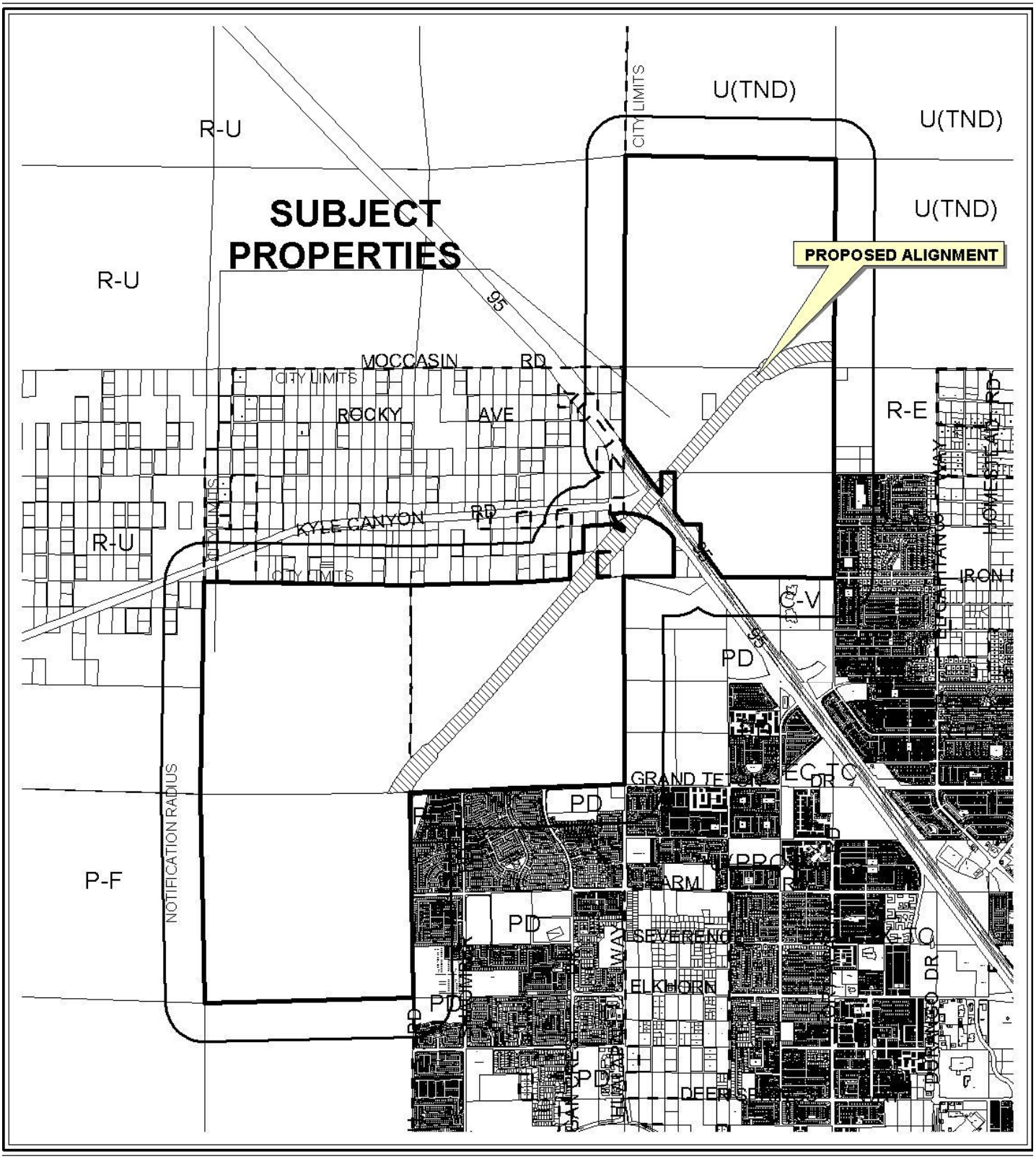
**SUBJECT:**
ABEYANCE - GPA-41958 - MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request to Amend the Master Plan of Streets and Highways TO REALIGN SHEEP MOUNTAIN PARKWAY BETWEEN GRAND TETON DRIVE AND FORT APACHE ROAD AND DELETE MASTER PLANNED ROADWAYS WITHIN THE KYLE CANYON MASTER PLAN AREA, Ward 6 (Ross). Staff recommends APPROVAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **3** | **Planning Commission Mtg.** | **1** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL.

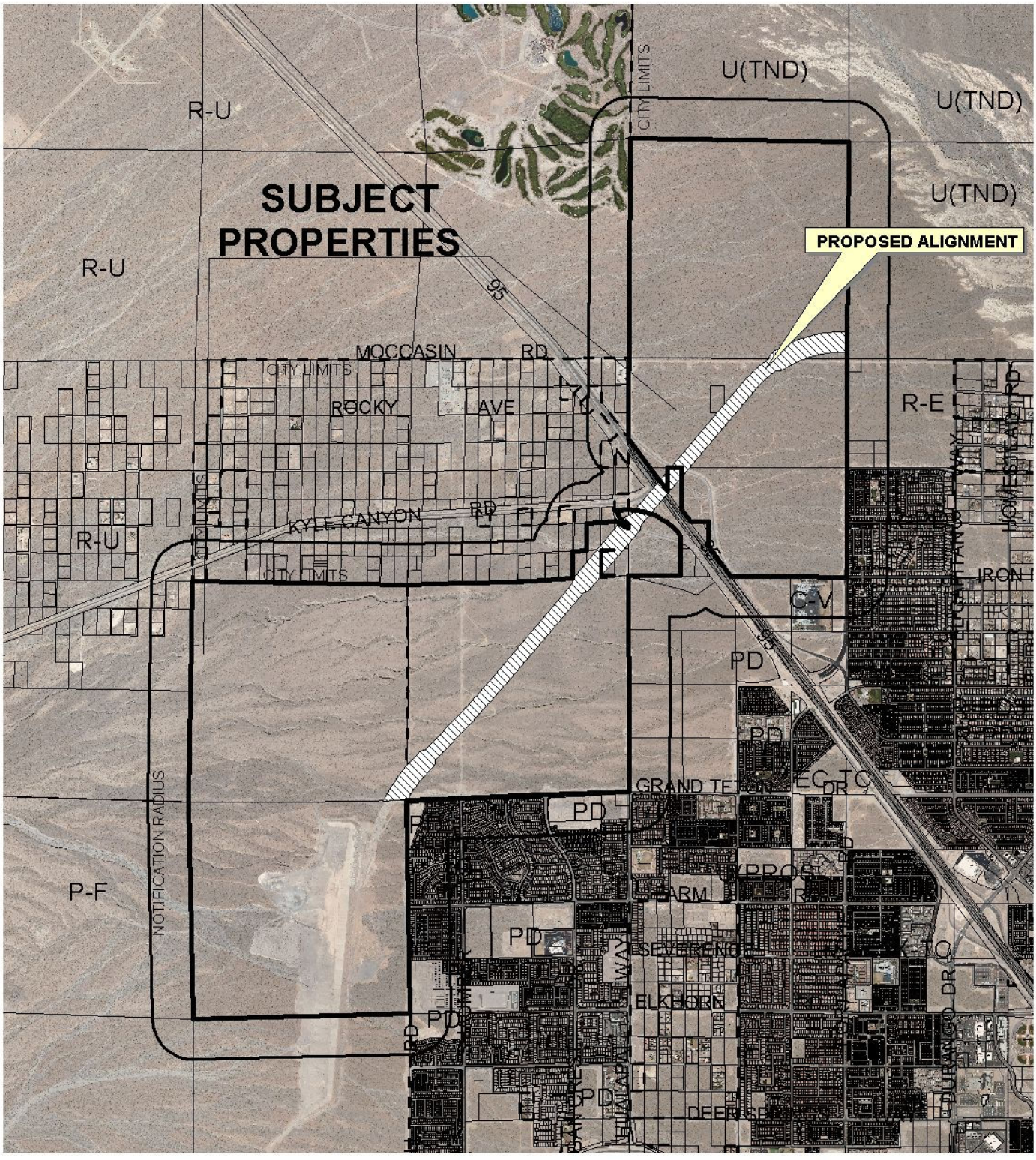
**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards and Support Letter




**CASE:** **GPA-41958**

**RADIUS:** 1000 FT

0 3000 6000 Feet




**CASE:** **GPA-41958**

**RADIUS:** 1000 FT

0 3000 6000 Feet

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **GPA-41958** | Staff recommends APPROVAL. | |

SS

**Staff Report Page One**
**August 9, 2011 - Planning Commission Meeting**

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The Kyle Canyon Master Plan area consists of approximately 1,712 acres located at the southwest corner of Fort Apache Road and Moccasin Road. The site is undeveloped. When the current development agreement between the city and the developer was approved, the City Council approved the realignment of Sheep Mountain Parkway to a site north and west of the development. Subsequently, the property was foreclosed upon and the new owner was unable to acquire the properties necessary per the development agreement to provide for this alignment. The applicant requests to abandon the existing northern alignment of Sheep Mountain Parkway and return it to its original southern alignment, which will bisect the Kyle Canyon Master Plan area. A modified development agreement between the city and the current owners of the property will be based on the southern alignment of Sheep Mountain Parkway.

In addition, those streets that were added to the Master Plan of Streets and Highways throughout the Kyle Canyon Master Plan area are requested to be removed. New master planned streets will be added in this area once a new development agreement is recorded.

As the existing Sheep Mountain Parkway alignment is not feasible in its present alignment and any new land use plan for the Kyle Canyon Master Plan area will contain modified alignments of current master planned streets, staff recommends approval. If denied, the proposed changes could not be made to the Master Plan of Streets and Highways and the Las Vegas 2020 Master Plan, and the approved Sheep Mountain Parkway and master planned streets would remain in their current alignments.

## ISSUES

- An amendment of the Master Plan of Streets and Highways and Map 2C of the Transportation and Streets and Highways Element of the Las Vegas 2020 Master Plan is necessary to realign Sheep Mountain Parkway to the south and to remove previously approved master planned streets from the Kyle Canyon Master Plan area.
- Right-of-way already exists for the Sheep Mountain Parkway Southern Alignment.
- The new alignment will bisect the Kyle Canyon Master Plan area.

## BACKGROUND INFORMATION

| *Related Relevant City Actions by P&D, Fire, Bldg., etc* | |
|---|---|
| 12/01/04 | The City Council approved a Resolution (R-176-2004) adopting guidelines for development within the Kyle Canyon Gateway area. |
| 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. |
| | 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. |
| | 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 Office of the County Recorder. 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. |
| 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 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 would be required prior to issuance of the first residential permit in the Community. The Planning Commission and staff recommended approval. |
| | 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 was the original alignment of Sheep Mountain Parkway. 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 Development Agreement. |
| 09/17/08 | The owner of property within the Kyle Canyon Master Plan area became noncompliant with the terms of the Kyle Canyon Development Agreement for failure to commence construction of Indian Hills Park prior to 09/13/08. |
| 09/23/08 | Wachovia Bank, National Association, acting as the managing creditor of 41 distinct creditors, foreclosed on the Kyle Canyon property. A new entity called KAG Property, LLC was formed to assume ownership of the Kyle Canyon property. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 09/25/08 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| There are no building permits or business licenses related to this request. |

| ***Pre-Application Meeting*** |
|---|
| A pre-application meeting was not required for this request, nor was one held. |

| ***Neighborhood Meeting*** | |
|---|---|
| 06/13/11 | A neighborhood meeting was held at 5:30 p.m. in the Centennial Hills Community Center YMCA, located at 6601 North Buffalo Drive. Thirteen members of the public, one member of the Planning Commission, one member of the Council Office, two members of the Department of Public Works and one member of the Department of Planning were in attendance. The public's concerns included the following:<br>• When will Kyle Canyon Master Plan be built?<br>• When will the interchange be built?<br>• Others indicated they would comment by e-mail or fax |

| ***Field Check*** | |
|---|---|
| 06/02/11 | The subject site is undeveloped and free of trash and debris. A sign is posted near the intersection of Kyle Canyon Road and Oso Blanca Road informing passersby that the site is zoned for a hotel and casino. |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | | |
| Kyle Canyon Master Plan | X | | Y |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| G-O (Gaming Enterprise Overlay) District | X | | N/A |
| T-D (Traditional Development) District | X | | N/A |
| **Trails** | X | | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**ANALYSIS**

Right-of-way still exists from the original alignment of Sheep Mountain Parkway prior to approval of the northern alignment through the Kyle Canyon Development Agreement. A Petition to Vacate this right-of-way was never approved, as the dedications necessary to provide for the northern alignment were never executed. This amendment considers only the realignment of Sheep Mountain Parkway and does not affect the classification, size or amenities of the roadway. Staff recommends approval, as it is not feasible to obtain the right-of-way necessary for construction of the northern alignment of Sheep Mountain Parkway as required by the current Kyle Canyon Development Agreement.

SS

The nine other master planned streets to be removed are not needed in their current alignments, as they will be altered by both the southern alignment of Sheep Mountain Parkway and the new master land use plan for Kyle Canyon Gateway. Staff therefore recommends their removal.

The following table summarizes the proposed changes to the Master Plan of Streets and Highways:

| Street to be Removed | Classification | From | To |
|---|---|---|---|
| Sheep Mountain Parkway (Northern Alignment) | Freeway/Expressway | Grand Teton Drive | Fort Apache Road |
| Iron Mountain Road | Primary Arterial | Kyle Canyon Road | Egan Crest Drive |
| Hualapai Way | Primary Arterial | Grand Teton Drive | Horse Drive |
| Horse Drive | Primary Arterial | Hualapai Way | Grand Canyon Drive |
| Shaumber Road | Secondary Collector | Grand Teton Drive | Iron Mountain Road |
| Egan Crest Drive | Secondary Collector | Grand Teton Drive | Kyle Canyon Road |
| Hualapai Way | Secondary Collector | Horse Drive | Brighton Peak Lane |
| Kyle Village Avenue | Secondary Collector | Sky Pointe Drive | Tee Pee Lane |
| Log Cabin Way | Secondary Collector | Tee Pee Lane | Fort Apache Road |
| Tee Pee Lane | Secondary Collector | Iron Mountain Road | Brighton Peak Lane |

| Street to be Added | Classification | From | To |
|---|---|---|---|
| Sheep Mountain Parkway (Southern Alignment) | Freeway/Expressway | Grand Teton Drive | Fort Apache Road |

**NOTICES MAILED** 1,665

**APPROVALS** 1

**PROTESTS** 3

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-41958 APN: _____

Name of Property Owner: Various

Name of Applicant: City of Las Vegas, Jorge Cervantes

Name of Representative: City of Las Vegas, Randy Fultz

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: Jorge Cervantes

Print Name: Jorge Cervantes

Subscribed and sworn before me

This 26th day of May, 2011

Rosana G. Cogle

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROSANA G. COGLE
Appt. No. 99-27148-1
My Appt. Expires May 16, 2014

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City of Las Vegas

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Master Plan of Streets & Highways Amendment

**Project Address (Location)** Northwest Las Vegas (North of Grand Teton & West of Fort Apache)

**Project Name** Sheep Mountain Parkway Realignment **Proposed Use** MSH

**Assessor's Parcel #(s)** Various **Ward #** 6

**General Plan:** existing N/A proposed N/A **Zoning:** existing N/A proposed N/A

**Commercial Square Footage** N/A **Floor Area Ratio** N/A

**Gross Acres** N/A **Lots/Units** N/A **Density** N/A

**Additional Information** Realign Sheep Mountain Parkway between Grand Teton & Fort Apache and delete Master Planned Roadways within Kyle Canyon Development, see attached.

**PROPERTY OWNER** Various **Contact**

**Address** **Phone:** **Fax:**

**City** **State** **Zip**

**E-mail Address**

**APPLICANT** City of Las Vegas **Contact** Jorge Cervantes

**Address** 333 N. Rancho Drive **Phone:** (702) 229-6276 **Fax:** (702) 382-0848

**City** Las Vegas **State** NV **Zip** 89106

**E-mail Address** jcervantes@lasvegasnevada.gov

**REPRESENTATIVE** City of Las Vegas **Contact** Randy Fultz

**Address** 333 N. Rancho Drive **Phone:** (702) 229-2176 **Fax:** (702) 382-8551

**City** Las Vegas **State** NV **Zip** 89106

**E-mail Address** rfultz@lasvegasnevada.gov

**Property Owner Signature*** Jorge Cervantes

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

**Print Name** Jorge Cervantes

Subscribed and sworn before me

This 26th day of May, 2011.

Rosana G. Cogle

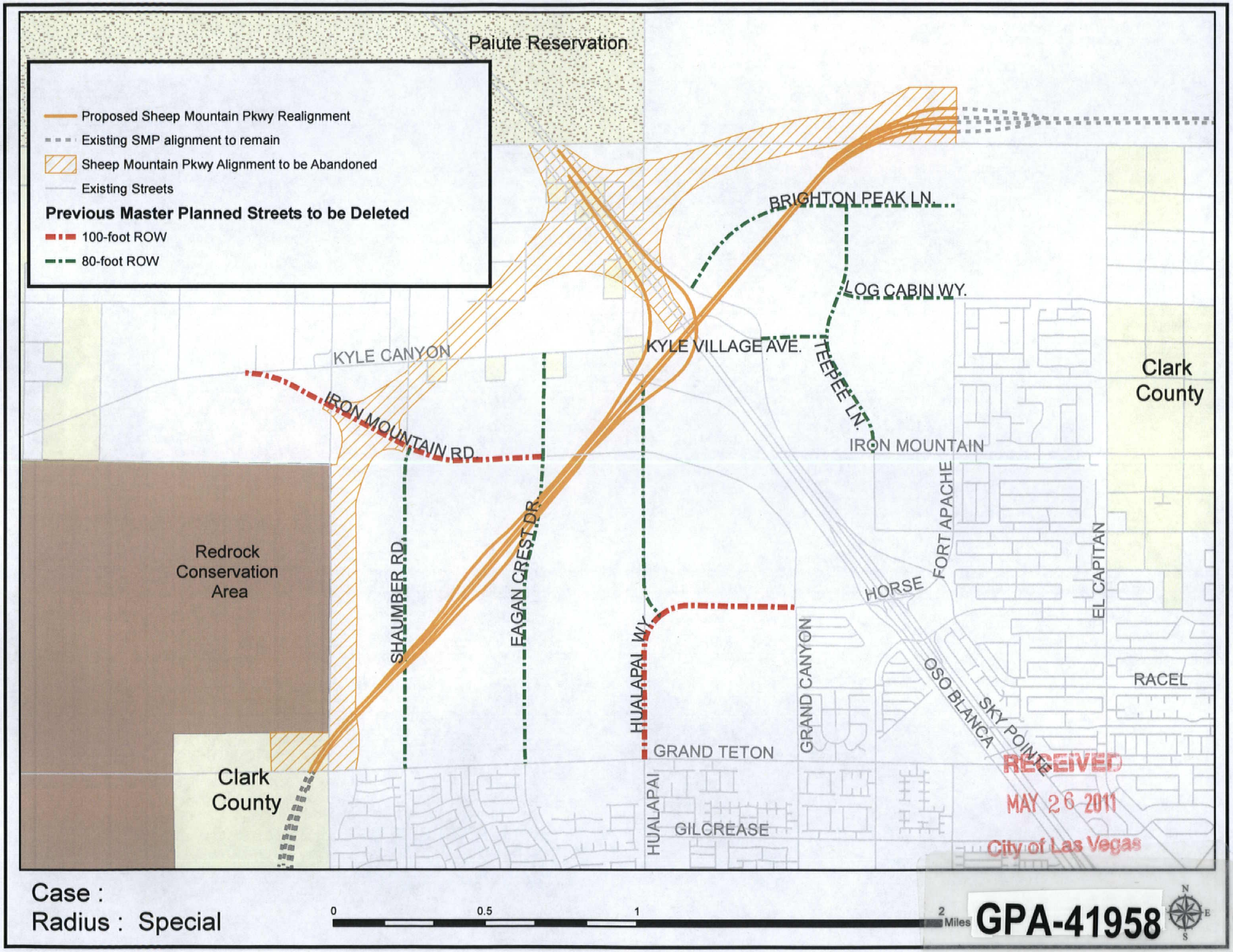
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROSANA G. COGLE
Appt. No. 99-27148-1
My Appt. Expires May 16, 2014

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | GPA-7-A-1958 MSHA-11915 |
| **Meeting Date:** | 7-12-11 |
| **Total Fee:** | |
| **Date Received:*** | 5-26-11 |
| **Received By:** | JS. |

*This 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.


Paiute Reservation
Proposed Sheep Mountain Pkwy Realignment
Existing SMP alignment to remain
Sheep Mountain Pkwy Alignment to be Abandoned
Existing Streets
Previous Master Planned Streets to be Deleted
100-foot ROW
80-foot ROW
BRIGHTON PEAK LN.
LOG CABIN WY.
KYLE VILLAGE AVE.
TEEPEE LN.
KYLE CANYON
IRON MOUNTAIN RD.
IRON MOUNTAIN
Clark County
Redrock Conservation Area
SHAUMBER RD.
FAGAN CREST DR.
HUALAPAI WY.
FORT APACHE
EL CAPITAN
HORSE
GRAND CANYON
OSO BLANCA
SKY POINTE
RACEL
GRAND TETON
HUALAPAI
GILCREASE
Clark County
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MAY 26 2011
City of Las Vegas
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GPA-41958
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GPA-41958 - APPLICANT/OWNER: CITY OF LAS VEGAS
SHEEP MOUNTAIN PARKWAY BETWEEN GRAND TETON DRIVE AND FORT APACHE ROAD

06/2/11



GPA-41958 - APPLICANT/OWNER: CITY OF LAS VEGAS
SHEEP MOUNTAIN PARKWAY BETWEEN GRAND TETON DRIVE AND FORT APACHE ROAD

06/2/11

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

May 25, 2011

Doug Rankin
Manager, Current Planning
Planning and Development
333 N. Rancho Drive
3rd Floor
Las Vegas, NV 89106

RE: MASTER PLAN OF STREETS & HIGHWAYS AMENDMENT – SHEEP MOUNTAIN PARKWAY

Dear Mr. Rankin:

Please accept this letter as justification to amend the City's Master Plan of Streets & Highways for the realignment of Sheep Mountain Parkway between Grand Teton Drive and Fort Apache Road as well as the removal of the prior roadway network in Kyle Canyon Gateway. The modification is needed to move the Sheep Mountain Parkway alignment back to the original southern alignment where right-of-way already exists. This change is due to the insolvency of the Kyle Canyon Gateway project which modified the alignment to the north. The current owner of the Kyle Canyon Development is not able to acquire the extra private property to provide for the North Alignment of Sheep Mountain Parkway. This amendment will also delete adopted Master Planned roadways that were within the previous Kyle Canyon Gateway project. This realignment of Sheep Mountain Parkway and the deletion of the prior roadway network has been coordinated with the owner of the Kyle Canyon Master Planned Community. Once the new development agreement has been approved, a new roadway network will be added to the Master Plan of Streets & Highways.

Please feel free to contact me at 229-6541 should you have any questions regarding our request.

Respectfully,

Randy L. Fultz, P.E., C.F.M.
Acting City Engineer
Public Works

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MAY 26 2011
City of Las Vegas

cc:
Jorge Cervantes, P.E. – Director, Public Works
Bart Anderson, P.E. – Project Manager, Public Works
Greg McDermott, P.E. - Project Manager, Public Works

GPA-41958

f:\#depot\engineering_planning\pavement management\master plans\master plan of streets & highways\northwest mpsh may 2011.docx

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

Printed with environmentally friendly soy ink.

Descriptions:

1. Realign Sheep Mountain Parkway from Grand Teton Drive to Fort Apache Road. See map.
2. Delete Brighton Peak Lane from Sky Point Drive to Fort Apache Road.
3. Delete Teepee Lane from Iron Mountain Road to Brighton Peak Lane.
4. Delete Kyle Village Lane from Sky Point Drive to Teepee Lane.
5. Delete Iron Mountain Road from Kyle Canyon Road to Egan Crest Drive.
6. Delete Log Cabin Way from Teepee Lane to Fort Apache Road.
7. Delete Shaumber Road from Grand Teton Drive to Iron Mountain Road.
8. Delete Egan Crest Drive from Grand Teton Drive to Kyle Canyon Road.
9. Delete Hualapai Way from Grand Teton Drive to Oso Blanca Road.
10. Delete Kyle Heights Parkway from Hualapai Way to Grand Canyon Drive.

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MAY 26 2011
City of Las Vegas

GPA-41958

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

**Return Service Requested**
**Official Notice of Public Hearing**




OUR FAMILY MOVED TO THIS AREA TO GET AWAY FROM TRAFFIC!

J M S

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41958**

Planning Commission Meeting of 7/12/2011

12508124013 Case: GPA-41958
SHULTZ JAN M & GLENDA F
9025 RENDON ST
LAS VEGAS NV 89143-5447

RECEIVED
JUL 12 2011

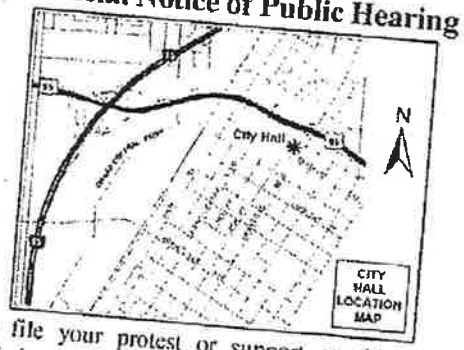
29P

10 ORDFN11 89143

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**

**Official Notice of Public Hearing**

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41958**

Planning Commission Meeting of 7/12/2011

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12504111043 Case: GPA-41958
MCCORMACK CHARLES D & CHRISTINA
10419 ERICAS EDEN ST
LAS VEGAS NV 89131-1507

(702)719-2475 p.1
Jul 10 11 11:05a Christina

29P
182

2 of 2 pages

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JUL 11 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

## Application Information

**GPA-41958 - MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - For possible action on a request to Amend the Master Plan of Streets and Highways TO REALIGN SHEEP MOUNTAIN PARKWAY BETWEEN GRAND TETON DRIVE AND FORT APACHE ROAD AND DELETE MASTER PLANNED ROADWAYS WITHIN THE KYLE CANYON MASTER PLAN AREA, Ward 6 (Ross).

We attended the last meeting. We are more concerned about the area of Durango + Maryasin, which we were told was in the future. The problems we found with that are:
① Economy ② People in the area that have horses will not be able to ride out that way.
③ Mammoth bones found ④ The airforce uses that area to pass the value of our homes even more. ⑤ It will depreciate ⑥ Noise

## Application Location




The proposed project may not pertain to the entire highlighted project site.

## Public Hearing Information

**Meeting:** Planning Commission
**Date:** July 12, 2011
**Time:** 6:00 P.M.
**Location:** City Council Chambers
400 Stewart Avenue
Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Department of Planning. Case Planning Division, Development Services Center, 333 North Rancho Drive, 3rd Floor, Las Vegas, Nevada 89106. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

282

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**

**Official Notice of Public Hearing**




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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41958**

Planning Commission Meeting of 7/12/2011

12624212034 Case: GPA-41958
BOWLAND RUTHANN
6859 PIPIL ST
LAS VEGAS NV 89166-7011

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JUL 12 2011

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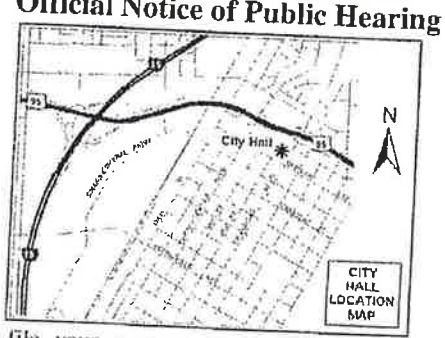
Jul. 12. 2011 12:44PM No. 4304 P. 1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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Yes I SUPPORT this Request

I OPPOSE this Request

Please use available blank space on card for your comments.

**GPA-41958**

Planning Commission Meeting of 7/12/2011

PRESORTED FIRST CLASS

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12505314046 Case: GPA-41958
MAIDA MARIA ANNA & MICHAEL
9824 FAST ELK ST
LAS VEGAS NV 89143-1163

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07/12/2011 13:07 postnet (FAX)702 655 1356 P.001/001

CARWIN
ADVISORS

May 26, 2011

Bart Anderson, PE
Engineering Project Manager, Development Coordination
City of Las Vegas Department of Public Works
333 N. Rancho Drive, 7th Floor
Las Vegas, NV 89106

Subject: KAG Properties review of the proposed revision to the Masterplan of Streets and Highways

Gentlemen,

Carwin Advisors, as agent for KAG Properties, LLC and Wachovia Bank, has reviewed the proposed revision to the City's Masterplan of Streets and Highways dated May 26, 2011. This revision shows the proposed Sheep Mountain Parkway transversing the KAG property in a southwest to northeast manner. This alignment is consistent with our discussions with the City concerning revisions to the Development Agreement for this property. It is our understanding that the streets, internal to the KAG Properties Kyle Canyon masterplan, have been omitted from this revision until such time as we have completed our Traffic studies and the streets exact geometry and widths are known.

We are in concurrence with the proposed changes and have no objections to this revision to the Master Plan of Streets and Highways. Thank you for your continued cooperation in the re-entitlement of the Kyle Canyon masterplan.

Sincerely,

Michael D. Ross PE
Senior Director

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MAY 26 2011
City of Las Vegas

GPA-41958

City of Las Vegas Agenda Item No.: **17.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

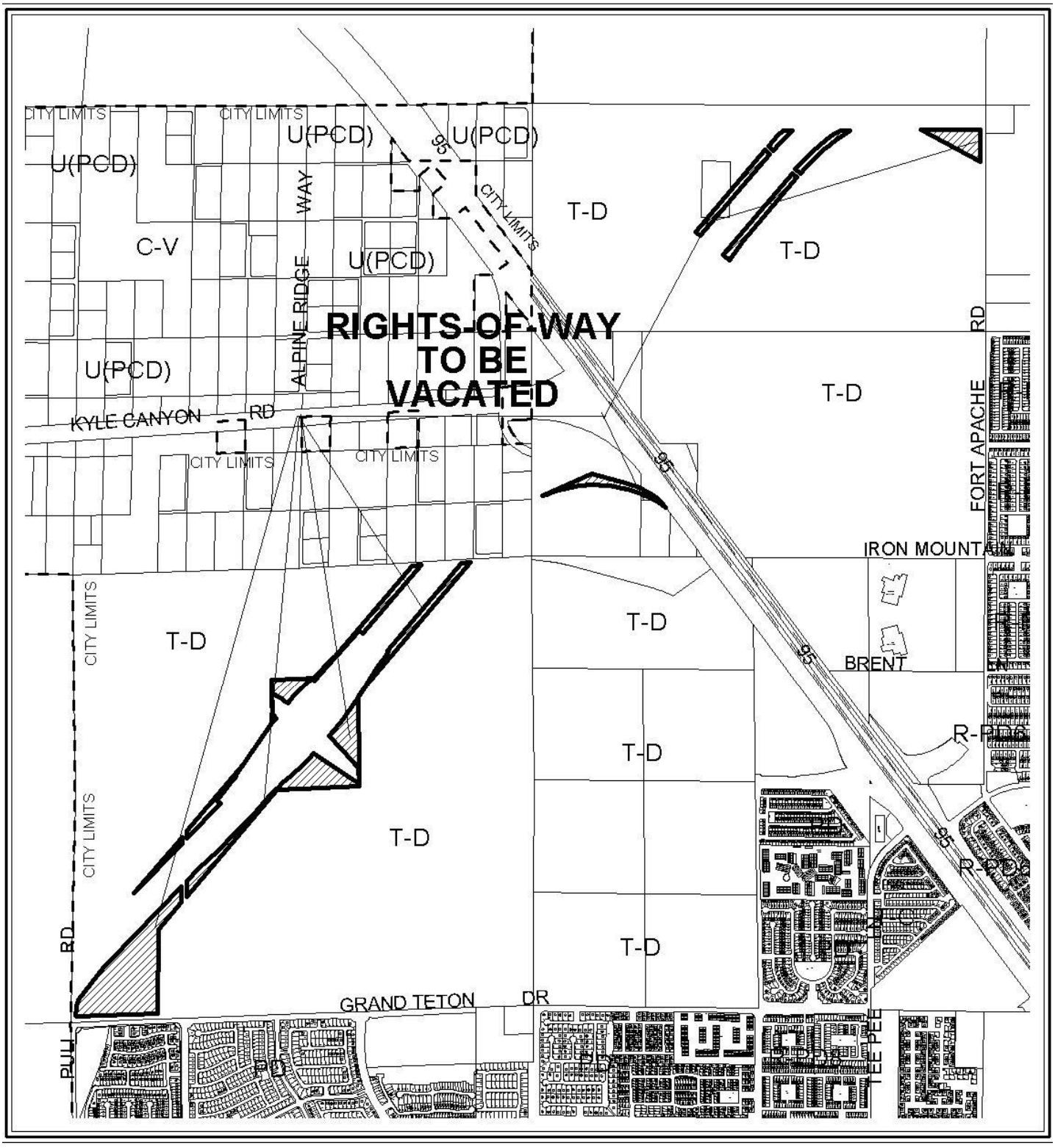
**SUBJECT:**
VAC-42250 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request for a Petition to Vacate portions of the Sheep Mountain Parkway right-of-way grant, Ward 6 (Ross). Staff recommends APPROVAL.

**SETD ATE: 08/17/2011**
**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

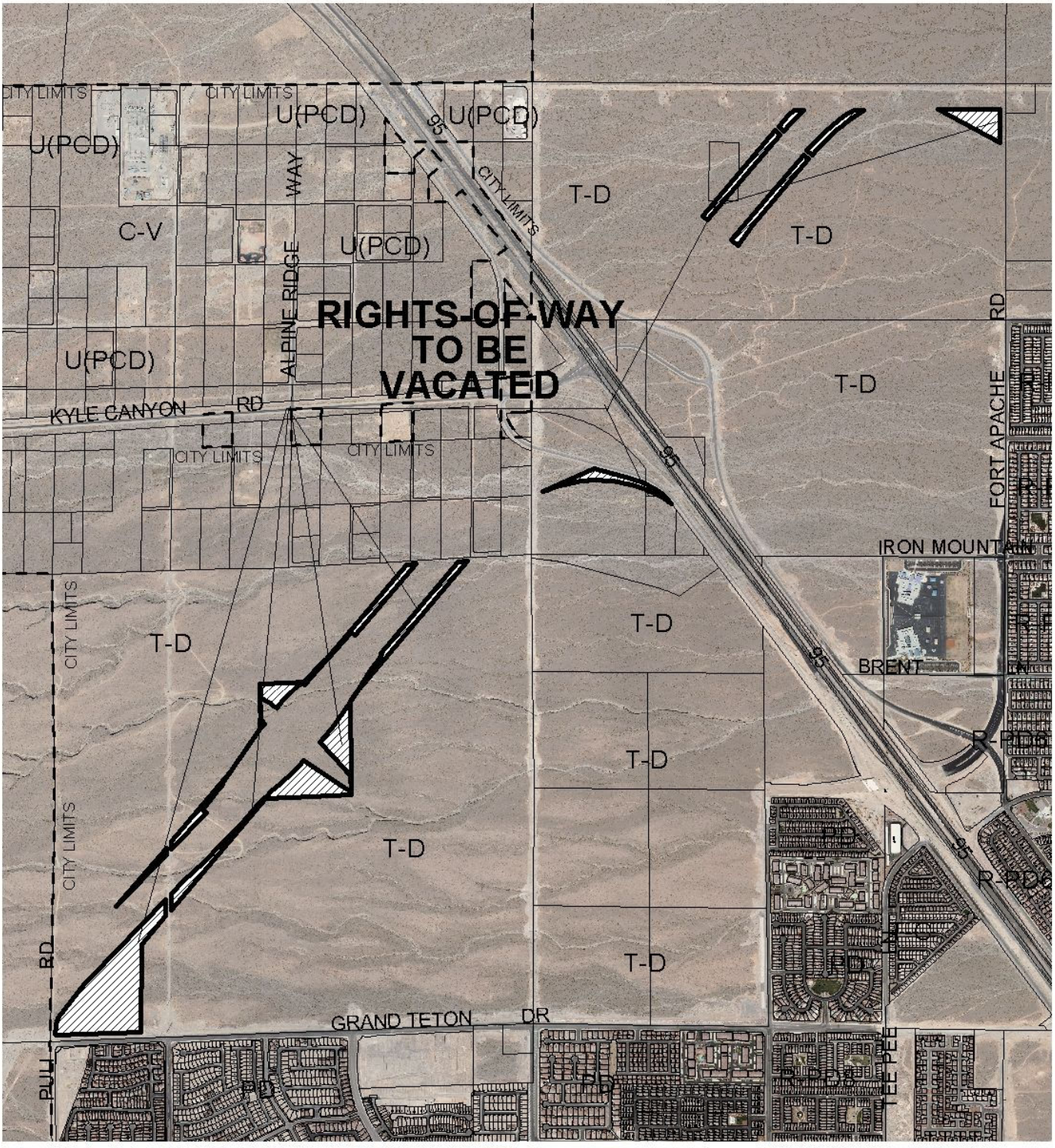
**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter




CASE: **VAC-42250**

0 3000 6000 Feet

N




CASE: **VAC-42250**

0 3000 6000 Feet

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **VAC-42250** | Staff recommends APPROVAL, subject to conditions: | N/A |

**** CONDITIONS ****

# VAC-42250 CONDITIONS

1. The limits of this Petition of Vacation shall be defined as those portions of Bureau of Land Management (BLM) right-of-way grant serial number N-77772 running generally northeasterly/southwesterly lying between Grand Teton Drive and Moccasin Road that are outside of the rights-of-way to be granted with the Kyle Canyon Development Parent Final Map.

2. This Order of Vacation shall not record until after the Kyle Canyon Development Agreement Parent Final Map has recorded.

3. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Relinquishment.

4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.

5. All development shall be in conformance with code requirements and design standards of all City Departments.

6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as

long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

7. If the Order of Vacation is not recorded within ten (10) years after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant proposes to vacate 50.13 acres of the Sheep Mountain Parkway right-of-way grant located between Grand Teton Drive and Fort Apache Road. These portions of the right-of-way grant are not needed under the proposed modifications to the Kyle Canyon Development Agreement. Staff recommends approval, as the proposed amended Development Agreement will stipulate conditions that the applicant must meet prior to the recordation of an Order of Vacation. If denied, the southern alignment of the Sheep Mountain Parkway would remain in its current configuration.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 12/01/04 | The City Council approved a Resolution (R-176-2004) adopting guidelines for development within the Kyle Canyon Gateway area. |
| 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. |
| | 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 Office of the County Recorder. 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. |
| 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 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 would 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 was the original alignment of Sheep Mountain Parkway. 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 Development Agreement. |
| 09/17/08 | The owner of property within the Kyle Canyon Master Plan area became noncompliant with the terms of the Kyle Canyon Development Agreement for failure to commence construction of Indian Hills Park prior to 09/13/08. |
| 09/23/08 | Wachovia Bank, National Association, acting as the managing creditor of 41 distinct creditors, foreclosed on the Kyle Canyon property. A new entity called KAG Property, LLC was formed to assume ownership of the Kyle Canyon property. |
| 07/12/11 | The Planning Commission abeyed a request for a General Plan Amendment (GPA-41958) to Amend the Master Plan of Streets and Highways to realign Sheep Mountain Parkway between Grand Drive and Fort Apache Road and delete master planned roadways within the Kyle Canyon Master Plan Area to the 08/09/11 Planning Commission meeting at the applicant's request. |
| 08/09/11 | The Planning Commission will hear a request for Director's Business (DIR-42266) regarding the amendment of the Development Agreement for the Kyle Canyon Development on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 09/25/08 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| There are no building permits or business licenses related to this request. |

| ***Pre-Application Meeting*** |
|---|
| A pre-application meeting is not required, nor was one held. |

| ***Neighborhood Meeting*** |
|---|
| A Neighborhood Meeting is not required, nor was one held. |

| *Field Check* | |
|---|---|
| 06/30/11 | During a field check staff observed multiple undeveloped parcels. |

| *Details of Application Request* | |
|---|---|
| *Site Area* | |
| Gross Acres | 50.13 |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | | |
| Kyle Canyon Master Plan | X | | Y |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| G-O (Gaming Enterprise Overlay) District | X | | Y |
| T-D (Traditional Development) District | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**LEGAL DESCRIPTION**

The subject property is legally described as the following:

This land describes a portion of a BLM right-of-way grant running generally northeasterly / southwesterly lying between Grand Teton Drive and Moccasin Road for Vacation purposes.
Vacations of portions of BLM right-of-way grant serial number 77772
Being those portions of BLM right-of-way grant N-77772 recorded August 9,2005 in Book 20050809 Instrument number 0004146 of Clark County, Nevada official records, lying within Section 12, Township 19 South, Range 59 East, and Section 6, Township 19 South, Range 60 East, M.D.M., City of Las Vegas, Clark County Nevada;
Excepting there from those areas of public right-of-way dedication as shown on the "Sheep Mountain Parkway Draft right-of-way exhibit" dated March 16, 2011, being more particularly delineated and offered for dedication on that subdivision plat on file in the Office of the County Recorder, Clark County Nevada in Book____ of plats, at Page____.
Further excepting therefrom any and all areas formerly offered for dedication as public right-of-way by separate document.

Note: Only those portions of BLM right-of-way grant serial number N 77772 described herein are to be vacated. No portion of public right-of-way coincident with said BLM right-of-way grant which has been formally offered for dedication and accepted by the governing body either by parcel map, plat book or separate document is included.

A draft right-of-way exhibit is based on the "Sheep Mountain Parkway draft right-of-way exhibit" dated March 16, 2011, incorporated as exhibit____of the first amendment and restatement to the development agreement between the City of Las Vegas and KAG Properties, LLC (Kyle Canyon Development Agreement), depicting a nominal minimum dedication width of 350 feet and additional dedication area at interchanges. The final planned areas to be vacated are subject to minor adjustment based on the final Sheep Mountain Parkway design; however the areas to be vacated in this vacation shall remain in substantial conformance with said draft right-of-way exhibit.

## ANALYSIS

Portions of the right-of-way grant for Sheep Mountain Parkway will not be needed under the proposed Kyle Canyon Development Agreement. This request, if approved, would vacate those unused portions. Staff recommends approval, as the proposed Development Agreement will stipulate conditions that the applicant must meet prior to recordation.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way.

A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It will result in a uniform right-of-way width.*

B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the Sheep Mountain Parkway does not currently exist.*

C. Does it appear that the vacation request involves only excess right-of-way? *No. It has been determined that the existing footprint of the Sheep Mountain Parkway could be modified provided KAG Properties commit to certain obligations prior to recordation of this Petition of Vacation.*

D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the Kyle Canyon Development Agreement.*

E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

F. Does this vacation request result in a conflict with any existing City requirements? No.

G. Does the Department of Public Works have an objection to this vacation request? *No.*

**NOTICES MAILED** 3

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-42250** APN: Various (BLM Grant # N-77772)

Name of Property Owner: City of Las Vegas

Name of Applicant: City of Las Vegas, Jorge Cervantes

Name of Representative: City of Las Vegas, Randy Fultz

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: Jorge Cervantes

Print Name: Jorge Cervantes

Subscribed and sworn before me

This 22nd day of June, 2011

Rosana G. Cogle

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROSANA G. COGLE
Appt. No. 99-27148-1
My Appt. Expires May 16, 2014

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JUN 23 2011
City of Las Vegas

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Vacation of portions of Sheep Mountain Parkway ROW grant

**Project Address (Location)** Northwest Las Vegas (North of Grand Teton & West of Fort Apache)

**Project Name** _____ **Proposed Use** same

**Assessor's Parcel #(s)** Various (BLM Grant # N-77772) **Ward #** 6

**General Plan:** existing _____ proposed _____ **Zoning:** existing _____ proposed _____

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** _____ **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** City of Las Vegas **Contact** Jorge Cervantes

**Address** 333 N. Rancho Dr. **Phone:** 229-2176 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89106

**E-mail Address** jcervantes@lasvegasnevada.gov

**APPLICANT** Jorge Cervantes **Contact** Randy Fultz

**Address** 333 N. Rancho Dr. **Phone:** 229-2176 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89106

**E-mail Address** jcervantes@lasvegasnevada.gov

**REPRESENTATIVE** Randy Fultz **Contact** Randy Fultz

**Address** 333 N. Rancho Dr **Phone:** 229-2176 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89106

**E-mail Address** rfultz@lasvegasnevada.gov

**Property Owner Signature*** Jorge Cervantes

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

**Print Name** JORGE CERVANTES

Subscribed and sworn before me

This 22nd day of June, 20 11.

Rosana G. Cogle

Notary Public in and for said County and State

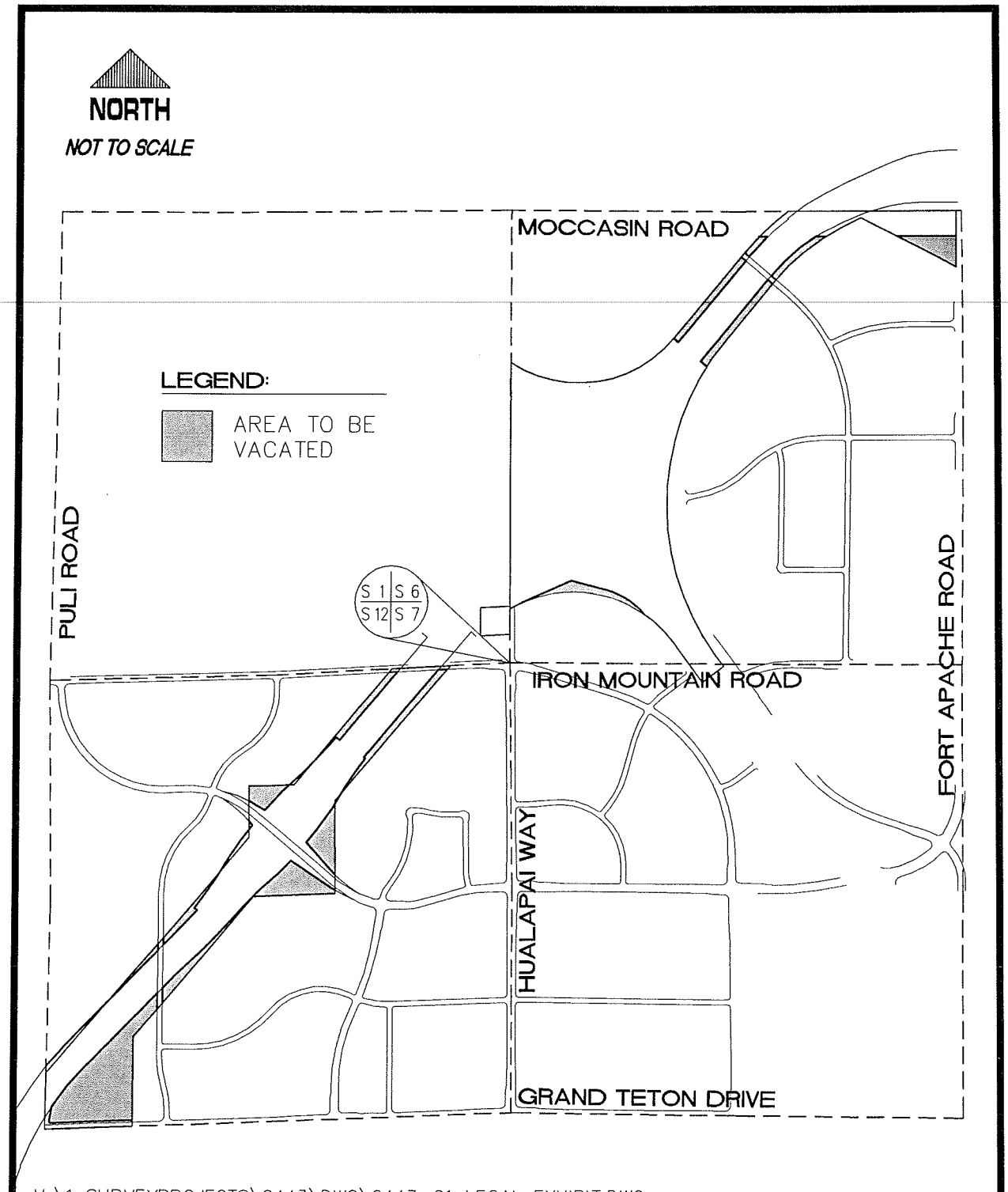
NOTARY PUBLIC
STATE OF NEVADA
County of Clark
ROSANA G. COGLE
Appt. No. 96-27148-1
My Appt. Expires May 16, 2014

RECEIVED
JUN 23 2011
City of Las Vegas

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | VAC-42250 |
| **Meeting Date:** | 8/9/11 |
| **Total Fee:** | |
| **Date Received:*** | 6/23/11 |
| **Received By:** | |

*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.




V:\1 SURVEYPROJECTS\0443\DWG\0443-01 LEGAL EXHIBIT.DWG

| DEPARTMENT OF PUBLIC WORKS<br>SURVEY SECTION | BLM RIGHT-OF-WAY GRANT N-77772<br>VACATION |
|---|---|
| DATE: 06/22/2011 DRAWN BY: MK<br>SHEET: 1 OF 1 | EXHIBIT TO ACCOMPANY<br>LEGAL DESCRIPTION |

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JUN 23 2011
City of Las Vegas

**VAC-42250**



VAC-42250 - APPLICANT/OWNER: CITY OF LAS VEGAS
SHEEP MOUNTAIN PARKWAY

06/30/11

To whom it may concern:

The Department of Public Works requests a Petition of Vacation of portions of the Sheep Mountain Parkway right-of-way grant that it currently possesses. Through negotiations between the City and KAG Properties, LLC it has been determined that portions of the City's BLM grant N-77772 may be relinquished contingent upon KAG Properties, LLC performing certain obligations outlined in their Development Agreement. If approved, the City will only vacate its interest that are outside the future boundaries of the revised Sheep Mountain Parkway footprint and will only do so after the exact right-of-way footprint is dedicated to the City by KAG Properties, LLC and is recorded on their Final Map.

Thank you,

Randy Fultz
Assistant City Engineer, Engineering Planning
City of Las Vegas Department of Public Works

**VAC-42250**

RECEIVED
JUN 23 2011
City of Las Vegas

City of Las Vegas Agenda Item No.: **18.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

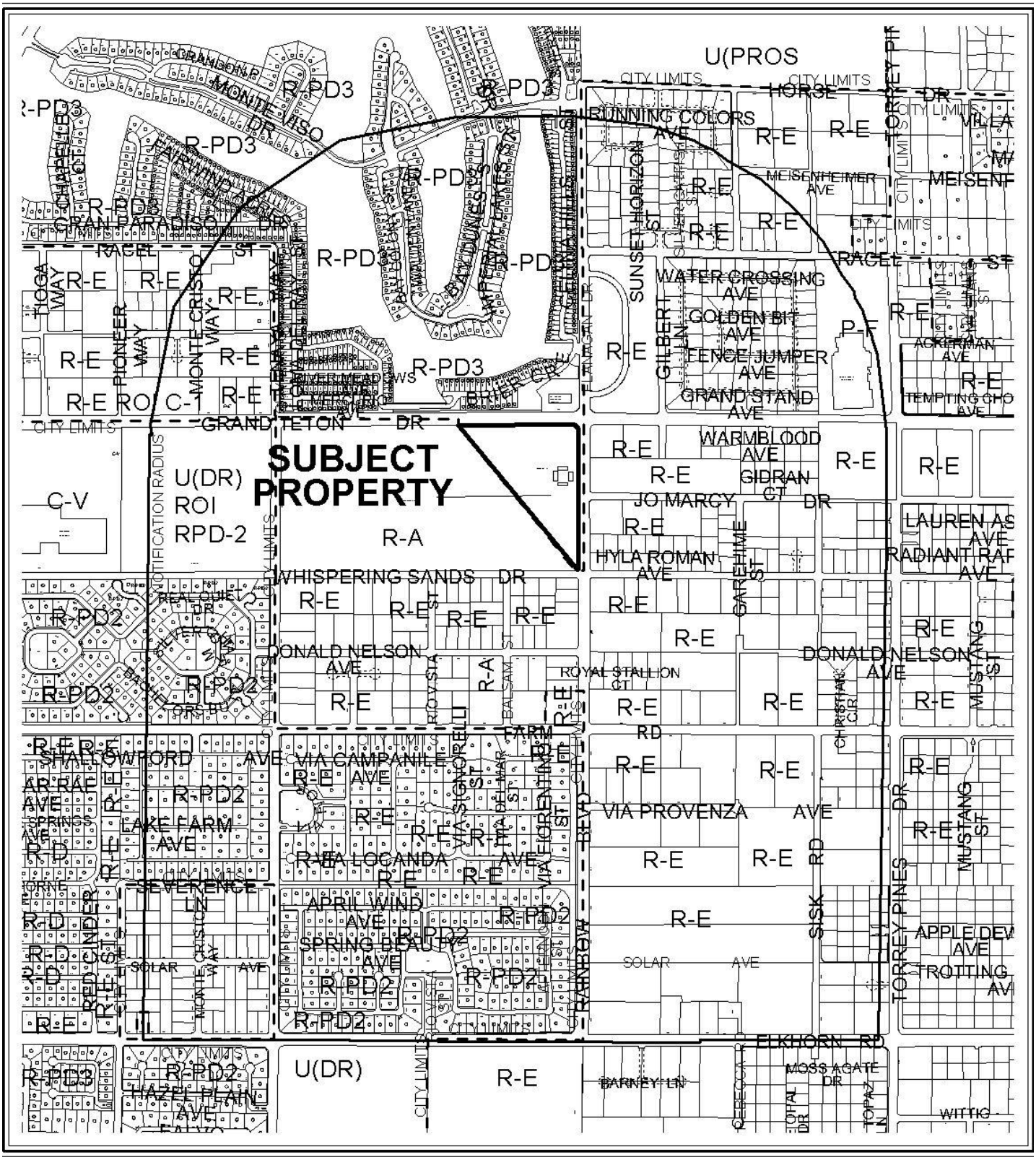
**SUBJECT:**
ABEYANCE - MOD-41437 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT/OWNER: NEW VISTA RANCH, INC. - For possible action on a request for a Major Modification of a previously approved Rezoning (ZON-16580) TO AMEND THE MASTER DEVELOPMENT PLAN AND DEVELOPMENT STANDARDS on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **6** | **Planning Commission Mtg.** | **9** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps - MOD-41437, ROC-40981 and SDR-40980
2. Conditions and Staff Report - MOD-41437, ROC-40981 and SDR-40980
3. Supporting Documentation - MOD-41437, ROC-40981 and SDR-40980
4. Photos
5. New Vista Community Master Development Plan and Development Standards
6. Justification Letter – MOD-41437, ROC-40981 and SDR-40980
7. Protest/Support Postcards



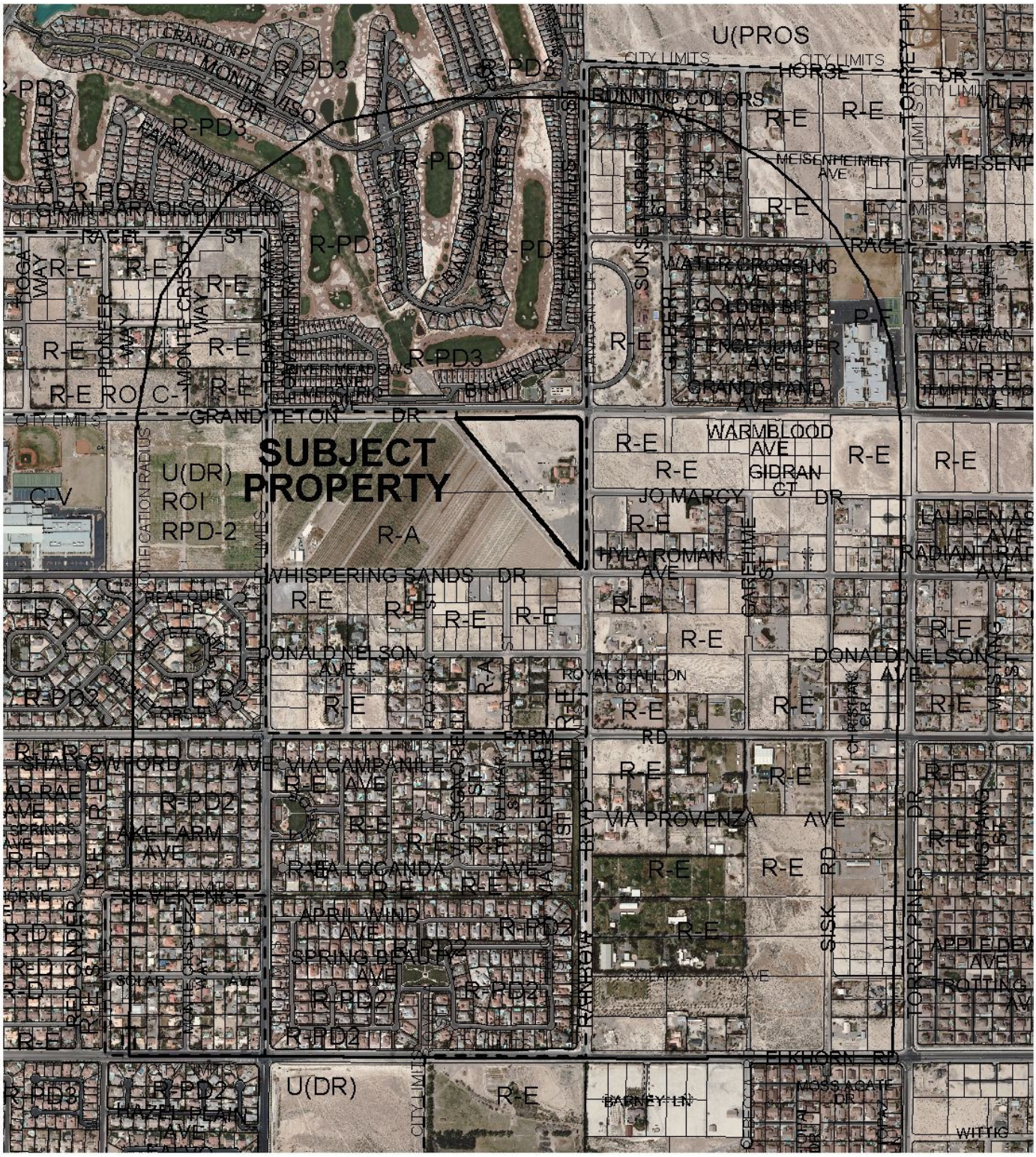

**CASE:** **MOD-41437; ROC-40981; SDR-40980**

**RADIUS:** 2640 FT + SPECIAL

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

0 1000 2000 Feet

N




**CASE:** **MOD-41437; ROC-40981; SDR-40980**

0 1000 2000 Feet

**RADIUS:** 2640 FT + SPECIAL

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: NEW VISTA RANCH, INC.**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **MOD-41437** | Staff recommends APPROVAL | |
| **ROC-40981** | Staff recommends APPROVAL | |
| **SDR-40980** | Staff recommends APPROVAL, subject to conditions: | MOD-41437 |

## ** CONDITIONS **

# ROC-40981 CONDITIONS

***Department of Planning***

1. Conditions of Approval Numbers 5, 7 and 9 are deleted.

# SDR-40980 CONDITIONS

***Department of Planning***

1. Conformance to the Conditions of Rezoning (ZON-16580) except as amended herein, and approval of Major Modification (MOD-41437) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.

YK

3. All development shall be in conformance with the building elevations, date stamped 05/25/11, the site plan date stamped 05/25/11 and landscape plans date stamped 06/13/11, except as amended by conditions herein.

4. All development will be in conformance with the Phase Plan, date stamped 06/20/11, except as amended by conditions herein.

5. The Multi-Use Trail along both Grand Teton Drive and Rainbow Boulevard shall be completed to conform to the 2020 Master Plan Transportation Trails Element as part of Phase 6 of the Phase Plan, date stamped 06/20/11.

6. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 06/13/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

7. Prior to occupancy, 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.

8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

15. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

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

***Public Works***

17. Dedicate an additional 10 feet of right-of-way for a total half-street width of 60 feet on Grand Teton Drive, an additional 10 feet for an right turn lane, and grant a traffic cord easement necessary to maintain any traffic appurtenances at the southwest corner of Grand Teton Drive and Rainbow Boulevard adjacent to this site prior to the issuance of any permits. Grant a Multi-use Trail easement for all portions of the multi-use trail that are outside of the public right-of-way. In addition, dedicate all rights-of-way required for a bus turnout on Rainbow Boulevard prior to the issuance of any permits unless otherwise allowed by the City Traffic Engineer.

18. Construct all incomplete half-street improvements, including appropriate transition paving and overpaving, on Grand Teton Drive and Rainbow Boulevard adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Installation of streetlights may be deferred provided that exterior street lighting shall be stubbed out for later use, including all necessary underground conduit and pull boxes at each streetlight location and the developer provide to the City such streetlights for the future installation. Alternatively, monies in lieu of such deferred streetlights, including bases, may be contributed to the City if allowed by the Department of Public Works. Coordinate with the Traffic Engineering Section of the Department of

Public Works regarding street lighting requirements prior to submittal of construction drawings. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). The required improvements may be constructed in phases in accordance with the submitted phasing plan within the "New Vista Community Master Development Plan and Development Standards" as amended and summarized below:

Phase I: Build one new residential home and onsite medical office.

a. Utilize existing access to Rainbow Boulevard. No offsite improvements to Rainbow Boulevard except as noted in detail 2/A1a.
b. Construct underground utility connections to adjacent public utilities in Rainbow Boulevard.
c. Construct a non-standard multi-use trail on Rainbow Boulevard street frontage consisting of rough graded frontage for a depth of 25 feet, desert landscaping for a depth of 25 feet, and construct a 10 foot wide decomposed granite pathway per detail 2/A1a.

Phase II: Build four more residential homes.

a. Construct non-standard multi-use trail on Grand Teton Drive as noted in detail 2/A1a

Phase III: Build two more residential homes.

a. Construct Grand Teton Drive improvements per City of Las Vegas Standards except for sidewalk.
b. Construct onsite roadways to direct onsite vehicle circulation to the Grand Teton Drive access point.
c. Construct the fire truck access gate on Rainbow Boulevard to restrict access.

Phase IV: Build the two remaining residential homes.

Phase V: Construct the education and employment center building

a. Construct full off-sites on Rainbow Boulevard as per approvals obtained at that point in time.

Phase VI: Construction of the recreation center.

a. Construct Multi-Use Trail on all street frontages as per City of Las Vegas Standards.

Notwithstanding the above, pavement edge protection (i.e. curb and gutter) may be required to be constructed in advance of the phased schedule if so recommended in the approved Drainage Study.

19. Coordinate the construction of the median opening and any modification to the existing landscaping with Homeowner's Association of the property on the north side of Grand Teton who are responsible for the median landscaping maintenance per encroachment agreement L-ENCR #18787.

20. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Las Vegas Middle Branch – Grand Teton Strom Drain project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

21. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

22. Site development to comply with all applicable conditions of approval for MOD-41437 and all other site-related actions.

**Staff Report Page One**
**August 9, 2011 - Planning Commission Meeting**

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This proposal reduces the scale of the previously approved project by 18,175 square feet, breaks the one large building into ten smaller structures and moves the primary two-story community center building closer to the Grand Teton Drive frontage. The project now has a campus-like environment rather than a commercial environment as previously designed. The uses will remain the same as previously approved. To accomplish these objectives, a Site Development Plan Review and a Modification application are required. Since the proposed plan reduces the overall impact the project will have on this rural residential area, staff supports these applications.

The applicant has also applied to have Conditions of Approval Numbers 5, 7, and 9 of Rezoning (ZON-16580) removed. Since all of staff's concerns can be addressed with the Site Development Plan Review application, staff supports the request. For these reasons, staff recommends approval of all three applications.

## ISSUES

- The previously approved New Vista Development Standards document must be modified in order to allow the revised site plan to be considered.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 11/21/01 | The City Council approved Annexation (A-0004-01(A) for 17,759 acres generally located southwest of Rainbow Boulevard and Grand Teton Drive. The Planning Commission and staff recommended approval. |
| 02/07/2007 | The City Council approved General Plan Amendment (GPA-16578), Rezoning (ZON-16580) and Site Development Plan Review (SDR-16581) for an assisted living facility on 15.05 acres at 7875 North Rainbow Boulevard. The Planning Commission recommended approval and staff recommended denial for all three applications. |
| 03/04/09 | The City Council approved an Extension of Time (EOT-32991) for Site Development Plan (SDR-16581) for a proposed two-story, 56-unit assisted living apartment development with a 43,283 square-foot commercial amusement/recreation (indoor) facility, 3,024 square feet of medical office space, and 1,382 square feet of retail space on 15.05 acres at 7875 North Rainbow Boulevard. Staff recommended approval. |

YK

| ***Most Recent Change of Ownership*** | |
|---|---|
| 09/02/09 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| No pertinent building permits or business licenses are on file. Existing structures were present when the property was annexed into the City of Las Vegas. |

| ***Pre-Application Meeting*** | |
|---|---|
| 12/06/10 | Staff reviewed the proposal and determined that a Major Modification, Review of Conditions and a Site Development Plan Review (Major) application are required. Specifically discussed:<br>• A phasing plan is required;<br>• A revised Master Development Plan is required;<br>• A Multi-use trail is required along both Grand Teton and Rainbow; |

| ***Neighborhood Meeting*** | |
|---|---|
| 07/07/11 | The applicant held a voluntary neighborhood meeting with the following in attendance:<br>Nine members of the public,<br>five members of the development team,<br>one member of the Council Office, one member of Planning<br><br>Concerns raised were:<br>Height of the community center<br>Location of the community center….request it be moved from Grand Teton to interior of site<br>Roll up doors on the training facility are too commercial<br>All construction traffic needs to use Grand Teton<br>Finished grades of the pads might have a negative impact |

| ***Field Check*** | |
|---|---|
| 03/03/2011 | Staff visited the site and found several buildings along Rainbow Boulevard being used as an assisted living facility. The remaining property was undeveloped. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Gross Acres | 15.05 |
| Net Acres | 14.80 |

| *Surrounding Property* | *Existing Land Use* | *Planned Land Use* | *Existing Zoning* |
|---|---|---|---|
| Subject Property | Undeveloped | DR (Desert Rural Density Residential) | U (Undeveloped) |
| | Assisted Living Facility | | |
| North | Single-Family Residential | PCD (Planned Community Development) | R-PD3 (Residential Planned Development – 3 Units Per Acre) |
| South | Undeveloped | Clark County (RNP) | Clark County |
| East | Undeveloped | Clark County (RE) and (RNP) | Clark County |
| West | Orchard | Clark County (RE) | Clark County |

| *Special Districts/Zones* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Special Area Plan** | | X | |
| *Special Districts/Zones* | *Yes* | *No* | *Compliance* |
| **Special Purpose and Overlay Districts** | X | | |
| PD Planned Development District | X | | Y |
| **Trails** | X | | Y |
| **Rural Preservation Overlay District** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

*Per City Council adopted New Vista Community Master Development Plan and Development Standards February 7, 2007 except as modified below.*

| Section | Approved Development Standards | Proposed 2011 Development Standards |
|---|---|---|
| 3.6 | Any change will be subject to a SDR review by City Council. | Any significant revision of the plans as initially approved shall be subject to a SDR review by City Council. |

| | | |
|---|---|---|
| 4.1 | Building height limits detailed.<br><br>Community Building Setbacks will be a minimum:<br><br>Grand Teton Drive: 140'<br>Rainbow Boulevard: 70'<br>Gilcrease Orchard: 90'<br><br>Craft Studio Setbacks will be a minimum:<br><br>Grand Teton Drive: 20'<br>Rainbow Boulevard: 70'<br>Gilcrease Orchard: 60' | Building heights removed from this section and placed in Section 5.3<br><br>Community Building Setbacks will be a minimum:<br><br>Grand Teton Drive: 100'<br>Rainbow Boulevard: 200'<br>Gilcrease Orchard: 150'<br><br>Education/Employment Center Setbacks will be a minimum:<br><br>Grand Teton Drive: 20'<br>Rainbow Boulevard: 600'<br>Gilcrease Orchard: 70' |
| 4.1 | | Medical & Assisted Living Buildings:<br><br>Grand Teton Drive: 300'<br>Rainbow Boulevard: 50'<br>Gilcrease Orchard: 70'<br><br>All buildings to maintain a 15' separation from each other. |
| 4.4 | 343 Parking Spaces will be provided<br><br>Access off Rainbow will be gated and limited to emergency vehicles, existing ranch houses and for special events. | Per CC approved ZON-16580, 100 parking spaces will be provided.<br><br>Access will be off of Rainbow during Phases I & II. Phase III all access will be off of Grand Teton. Rainbow will be gated and only used as crash gate for emergencies. |
| 4.5 | Signs shall have backlit illumination only | Signs, if illuminated shall not have exposed neon. |
| 4.8 | ZON-16580 Condition 9: Construct all incomplete half street improvements on Grand Teton Drive and Rainbow Boulevard adjacent to this site concurrent with development of site. | 1. Grand Teton Street frontage to be as per Exhibit 6.j "Multi-use Transportation Trail"<br>2. Rainbow Boulevard street frontage to be as per Exhibit 6.j. "Multi-use Transportation Trail" |
| 4.9 | New Vista shall participate in any future SID as shall be required by the City of Las Vegas Public Works. | New Vista has agreed that it will participate in future warranted offsite improvements if required by the City of Las Vegas Public Works. |

YK

| | | |
|---|---|---|
| 4.10 | Proposes a 400' phasing line and a drainage structure on the west side of the site be constructed. | The drainage structure on the west side of the site has been completed and New Vista is proposing to tie on and off-site drainage into this storm water system subject to CLV and CCRFCD approvals. |
| 5.3 | Maximum building height shall be 35 feet.<br>Maximum building height for buildings along Rainbow shall be 29 feet. | Maximum building height shall be 42 feet.<br><br>Maximum building height for buildings along Rainbow shall be 24 feet. |

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Rainbow Boulevard | N/A | N/A | 80 | N/A |
| Grand Teton Drive | Parkway Arterial | Master Plan of Streets and Highways | 120 | Y |

| ***Landscaping and Open Space Standards*** | | |
|---|---|---|
| ***Standards*** | ***Required per SDR-16581*** | ***Proposed*** |
| Buffer Trees: | | |
| • North | 25 Trees | 18 Trees |
| • South | 0 Trees | 0 Trees |
| • East | 38 Trees | 51 Trees |
| • West | 54 Trees | 74 Trees |
| **TOTAL PERIMETER TREES** | **117 Trees** | **143 Trees** |
| **LANDSCAPE BUFFER WIDTHS** | | |
| Min. Zone Width | | |
| • North | 5 Feet | 5 Feet |
| • South | 0 Feet | 0 Feet |
| • East | 5 Feet | 4 Feet |
| • West | 0 Feet | 8 Feet |

## ANALYSIS

The applicant is requesting to modify a previously approved Master Development Plan Standards and Site Development Plan Review for the New Vista Assisted Care Campus at the southwest corner of Grand Teton Drive and Rainbow Boulevard. In order for these to be considered, Conditions of Approval Numbers 5, 7, and 9 from Site Development Plan Review (SDR-16580) must be removed. Since staff will have the opportunity to readdress these issues with the proposed Site Development Plan Review and Modification applications, staff supports the Review of Condition (ROC-40981) application request. The proposed modifications to the Development Standards document are outlined earlier in the report. Staff supports all the requested changes, as they will allow for a better project for the site.

The project will be reduced in scale by over 18,000 square feet. The approved large primary structure will be reduced in size by removing the residential component and replacing it with nine single-story structures, creating a campus environment. This design will allow the project to have a residential feel and look, thus blending better with the surrounding neighborhoods. The primary access to the project will remain off Grand Teton Drive.

One of the major changes proposed is building the project in six phases as opposed to all at once. These phases will start with the residential structures and end with the construction of the community center building. A medical building will also be constructed during Phase 1. The Education/Employment Center will be built in Phase 5 after all the residences have been constructed. No specific timeline has been provided for the overall development.

All of the proposed structures will be designed in the same Colorado Rockies style as previously approved. Each of the structures will also maintain a general residential character. Although the height of the proposed community center has increased, the overall impact will be less, since the scale of the building has been greatly reduced. The increased height will allow for a sloped roof line to keep the structure residential-like in appearance and to allow all the activities to take place as proposed. No new land uses are being proposed with these applications.

The new design will provide for enhanced landscaping in the form of 17 additional perimeter landscape trees. Each of the new buildings will have foundation landscaping and trees creating a lush desert environment for the residents and guests to enjoy. The landscape buffers have been increased overall from the previous approval. The north perimeter will have 5 - 15 foot wide landscape buffers and the east perimeter will have 4 - 24 foot wide buffers. The original design only had these perimeters with five foot landscape buffers. The western perimeter didn't have a specific landscape buffer width with the original plan. The proposed plan calls for a uniform eight-foot wide perimeter landscape buffer along the western perimeter adjacent to the recently completed flood control canal.

Parking was identified as an issue during the original approval process, with 343 spaces proposed. City Council placed a condition on the original site plan to limit the number of parking spaces to 100 for the entire project. The new proposal adheres to this requirement, but also provides an undeveloped parking area on the south end of the project for future spaces should parking become constrained as each phase is completed.

The Multi Use Transportation Trail will be installed along Rainbow Boulevard during Phase I and along Grand Teton Drive during Phase II with decomposed granite. During Phase 6, the entire length of the Multi Use Transportation Trail fronting the project will be completed to the 2020 Master Plan Transportation Trail Element standards.

Overall, the project is an improvement over the previously approved site plan. All of the community's original concerns are now addressed, additional landscaping is being provided and the scale of the project has been reduced to better reflect the character of the area. For these reasons, staff recommends approval of all three applications.

**FINDINGS (SDR-40980)**

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

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

   The nine, one-story residential buildings on a campus-like setting is a compatible fit for the area. The two-story multi-purpose community center has been moved closer to the Grand Teton frontage with a new one-story educational/employment center anchoring the northwest portion of the parcel. A small medical building is located among the residential structures. The overall project has been reduced by 18,175 square feet and is compatible with development in the area.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The project is consistent with the New Vista Community Master Development Plan and Development Standards as modified.

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

The site gains primary access from Grand Teton Drive, a 120-foot Parkway Arterial, after completion of Phase 6. This street will provide adequate access to and from the proposed development. A second point of ingress/egress is provided from Rainbow Boulevard up until Phase 5, after which this driveway will be for emergency access only.

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

   Building materials will include stucco and stone. These materials are appropriate for the area and the City of Las Vegas. Landscape materials will include trees and shrubs that meet City of Las Vegas requirements.

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

   Building elevations show the one-story structures with a maximum height of 24 feet with the community center being 42 feet high. The architectural design is intended to be reminiscent of the "Colorado Rockies" area. The design of the project will be aesthetically pleasing for the area.

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

   The proposed development would not endanger the public health or the general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 13

**NOTICES MAILED** 1,241

**APPROVALS** 6

**PROTESTS** 9

YK

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: MOD-41437 APN: 125-15-501-002

Name of Property Owner: NEW VISTA RANCH INC.

Name of Applicant: NEW VISTA RANCH INC.

Name of Representative: CHRIS KAEMPFER

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: X _____

Print Name: KELLY DEGUZMAN, CEO

Subscribed and sworn before me

This 23rd day of March, 2011

_____

Notary Public in and for said County and State

ALEVA L. H. WALKER
Notary Public State of Nevada
No. 06-107463-1
My Appt. Exp. July 5, 2014



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APR 13 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** NEW VISTA COMMUNITY

**Project Address (Location)** 7875 N. RAINBOW BLVD.

**Project Name** NEW VISTA COMM-ASST'D LIVING/CMM & REC CTR/EDU & EMPLO **Proposed Use** HOUSING & SUPPORT FACILITY MR/DD POP.

**Assessor's Parcel #(s)** 125-15-501-002 **Ward #**

**General Plan:** existing PCD proposed PCD **Zoning:** existing PD proposed PD

**Commercial Square Footage** 123,850 S.F. **Floor Area Ratio** 16.0%

**Gross Acres** 15.0 **Lots/Units** 78 **Density** 5.2/ACRE

**Additional Information** SEE JUSTIFICATION LETTER FOR MAJOR MODIFICATION

**PROPERTY OWNER** NEW VISTA RANCH INC. **Contact** KELLY DEGUZMAN, CEO

**Address** P.O. BOX 80025 **Phone:** (702) 457-4577 **Fax:** (702) 457-1422

**City** LAS VEGAS **State** NV **Zip** 89180

**E-mail Address** KELLYDEGUZMAN@NEWVISTACOMMUNITY.ORG

**APPLICANT** NEW VISTA RANCH INC. **Contact** KELLY DEGUZMAN, CEO

**Address** P.O. BOX 80025 **Phone:** (702) 457-4577 **Fax:** (702) 457-1422

**City** LAS VEGAS **State** NV **Zip** 89180

**E-mail Address** KELLYDEGUZMAN@NEWVISTACOMMUNITY.ORG

**REPRESENTATIVE** CHRIS KAEMPFER/JOHN BURKE **Contact** KCRG&F/JOHN BURKE ARCHITECT

**Address** 8345 W. SUNSET RD. #250/3471 W. OQUENDO RD. #301 **Phone:** 792-7000 876-4863 **Fax:** 796-7181 876-9355

**City** LAS VEGAS **State** NV **Zip** 89113/89118

**E-mail Address** INFO@KCNVLAW.COM/JBURKE@JBURKEARCHITECT.COM

**Property Owner Signature*** Kelly DeGuzman

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

**Print Name** KELLY DEGUZMAN, CEO

Subscribed and sworn before me

This 23rd day of March, 20 11.

Aleva L. H. Walker

Notary Public in and for said County and State

ALEVA L. H. WALKER
Notary Public State of Nevada
No. 06-107463-1
My Appt. Exp. July 5, 2014

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| Case # | MOD-41437 |
| Meeting Date: | 5/19/11 |
| Total Fee: | $1,000 |
| Date Received:* | 4/13/11 |
| Received By: | Bus |

*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.

f:\depot\Application Packet\Application Form.pdf

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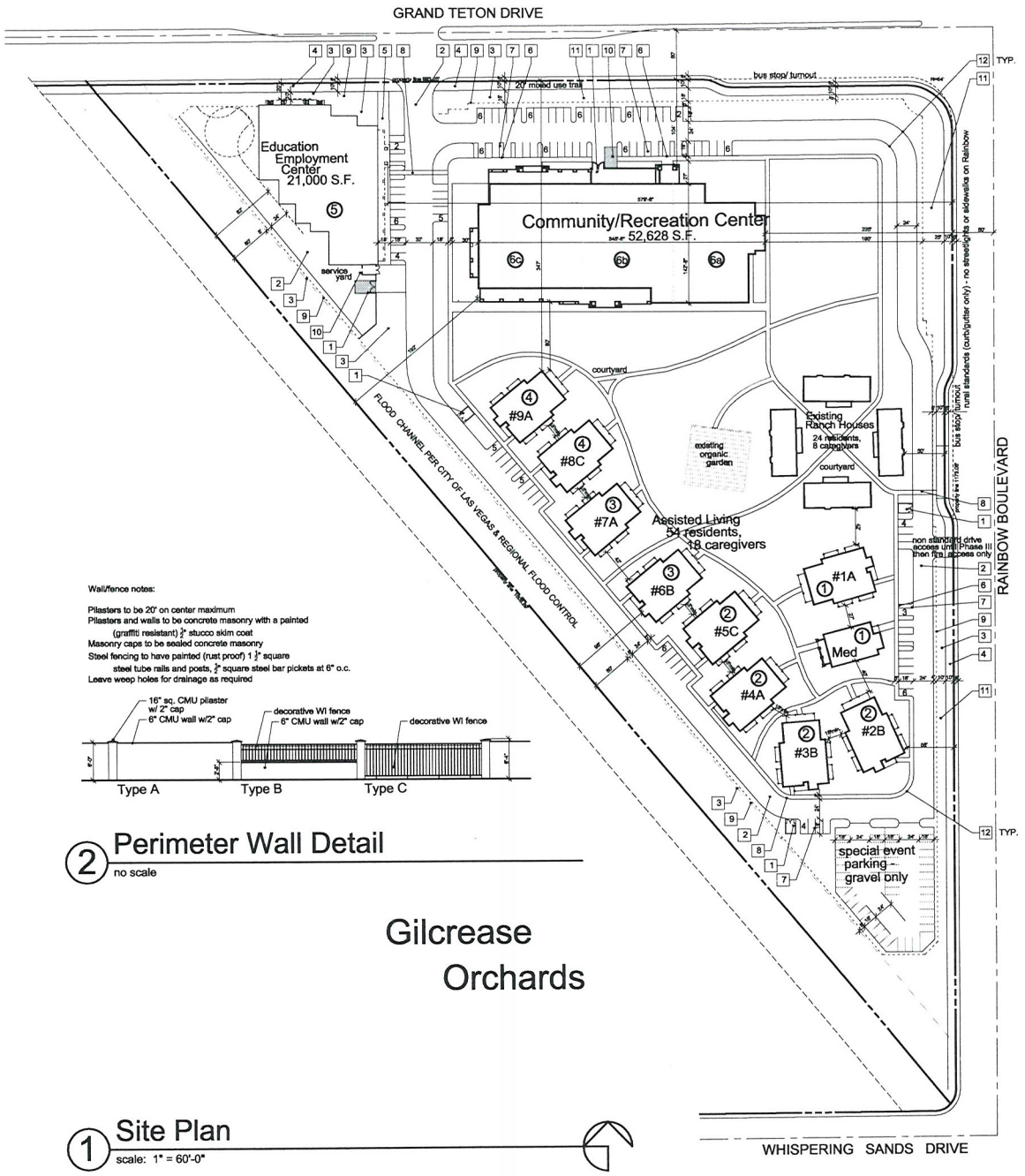
APR 13 2011




Wall/fence notes:

Pilasters to be 20' on center maximum
Pilasters and walls to be concrete masonry with a painted (graffiti resistant) ½" stucco skim coat
Masonry caps to be sealed concrete masonry
Steel fencing to have painted (rust proof) 1 ½" square steel tube rails and posts, ½" square steel bar pickets at 6" o.c.
Leave weep holes for drainage as required




## 2 Perimeter Wall Detail
no scale

## 1 Site Plan
scale: 1" = 60'-0"

# project data

| | |
|---|---|
| EXISTING ZONING: | GP-L/PD ZONING |
| REQUIRED ZONING: | GP-L/PD ZONING |
| EXISTING USE: | RESIDENTIAL HOUSING |
| PROPOSED USE: | ASSISTED LIVING/ COMMUNITY RECREATIONAL CENTER EDUCATIONAL EMPLOYMENT CENTER |

AREA SUMMARY:

| | AREA |
|---|---|
| ASSITED LIVING APARTMENTS: | 36,630 S.F. |
| MEDICAL FACILITY: | |
| EXISTING RESIDENTIAL HOUSING: | |
| COMMUNITY REC. CENTER: | 52,628 S.F. |
| EDUCATION EMPLOYMENT CENTER | 21,000 S.F. |
| TOTAL BUILDING AREA: | 122,557 S.F. |

PARKING SUMMARY:

| | FACTOR | PKG. REQ. |
|---|---|---|
| ASSITED LIVING APARTMENTS: | 1/UNIT+1 GUEST/5 UNITS | 11 |
| EXISTING RESIDENTIAL HOUSING: | 2/UNIT | 8 |
| COMMUNITY REC. CENTER: | 1/200 GFA | 264 |
| EDUCATION EMPLOYMENT CENTER | 1/250 GFA | 84 |
| TOTAL PARKING REQUIRED: | | 367 |

| | |
|---|---|
| PARKING PROVIDED: | 100 STANDARD SPACES (PER CITY OF LAS VEGAS CONDITIONS OF APPROVAL) |
| TOTAL SITE AREA: | 655,314 S.F. (15.05 A.C.) - net<br>775,989 S.F. (17.81 A.C.) - gross |
| F.A.R. (FLOOR AREA RATIO): | 15.8 % |
| DENSITY: | 5.2 RESIDENTS/ACRE<br>0.87 UNITS/ACRE |

APN#: 125-155-01-002

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MAY 25 2011

# keynotes

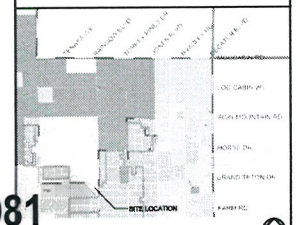
| # | description |
|---|---|
| 1 | 6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE w/ PAIR OF STEEL TUBE GATES w/ STAMPED METAL BACKING & LIFT PIN LOCK/LATCH |
| 2 | 2" A.C. PAVING |
| 3 | LANDSCAPED AREA |
| 4 | MULTIUSE TRANSPORTATION TRAIL |
| 5 | 4" CONCRETE SIDEWALK W/ROCKSALT FINISH |
| 6 | FLUSH OUT SIDEWALK WITH PAVING FOR HANDICAP ACCESS |
| 7 | HANDICAP ACCESS AISLE |
| 8 | HANDICAP ACCESSIBLE ROUTE |
| 9 | DECO 6' CMU/METAL FENCE/WALL - SEE 2/A1 |
| 10 | 15' x 25' LOADING ZONE |
| 11 | INTENSE LANDSCAPE BUFFER |
| 12 | 28' INSIDE, 52' OUTSIDE DRIVE RADII |

City of Las Vegas

CENTENNIAL HILLS
Interlocal Land Use Plan

City Land Use Categories

County Land Use Categories




MOD-41437 ROC-40981
SDR-40980 REVISED

drawings & specifications of this architect remain solely his property. They are to be used only for the project for which they used were produced until sealed, signed, & dated, they are not fine or valid. Any use or reproduction of these documents without the written consent of the architect is prohibited.

copyright©2011
John David Burke, Architect

revisions

| date | description |
|---|---|

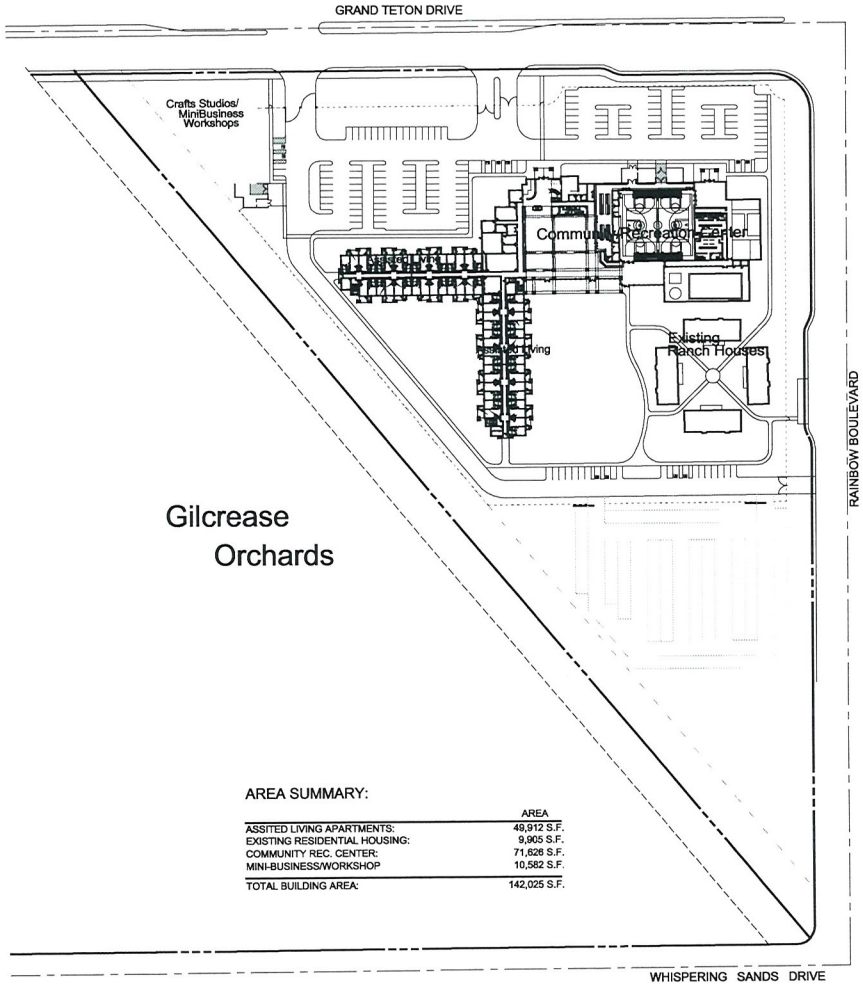
jdB architect

John David Burke, Architect, 5471 West Oquendo Road, #301, Las Vegas, NV 89118 (702)878-4883, jburke@jdbarchitect.com

New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 5/24/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

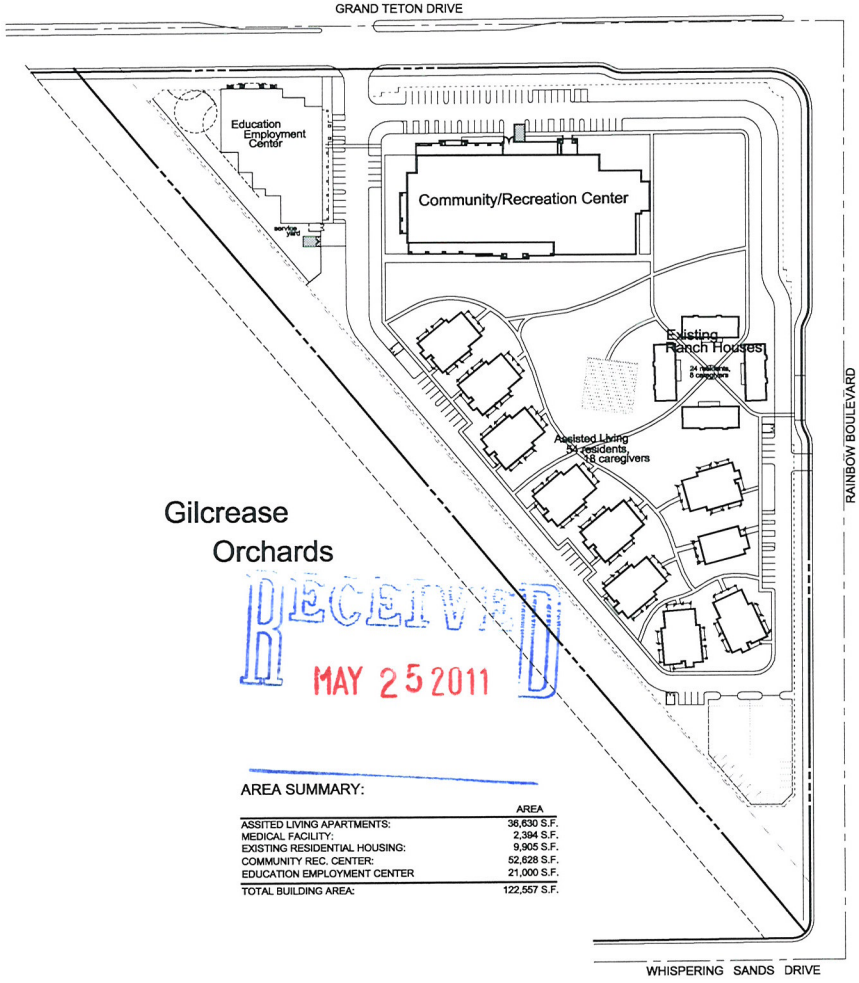
sheet no. A1




AREA SUMMARY:

| | AREA |
|---|---|
| ASSITED LIVING APARTMENTS: | 49,912 S.F. |
| EXISTING RESIDENTIAL HOUSING: | 9,905 S.F. |
| COMMUNITY REC. CENTER: | 71,626 S.F. |
| MINI-BUSINESS/WORKSHOP | 10,582 S.F. |
| TOTAL BUILDING AREA: | 142,025 S.F. |

2 Site Plan (previously approved)
no scale

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MAY 25 2011

AREA SUMMARY:

| | AREA |
|---|---|
| ASSITED LIVING APARTMENTS: | 36,630 S.F. |
| MEDICAL FACILITY: | 2,394 S.F. |
| EXISTING RESIDENTIAL HOUSING: | 9,905 S.F. |
| COMMUNITY REC. CENTER: | 52,628 S.F. |
| EDUCATION EMPLOYMENT CENTER | 21,000 S.F. |
| TOTAL BUILDING AREA: | 122,557 S.F. |

1 Site Plan (proposed)
no scale

MOD-41437 ROC-40981
SDR-40980 REVISED

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John David Burke, Architect

revisions
date description

jdB architect
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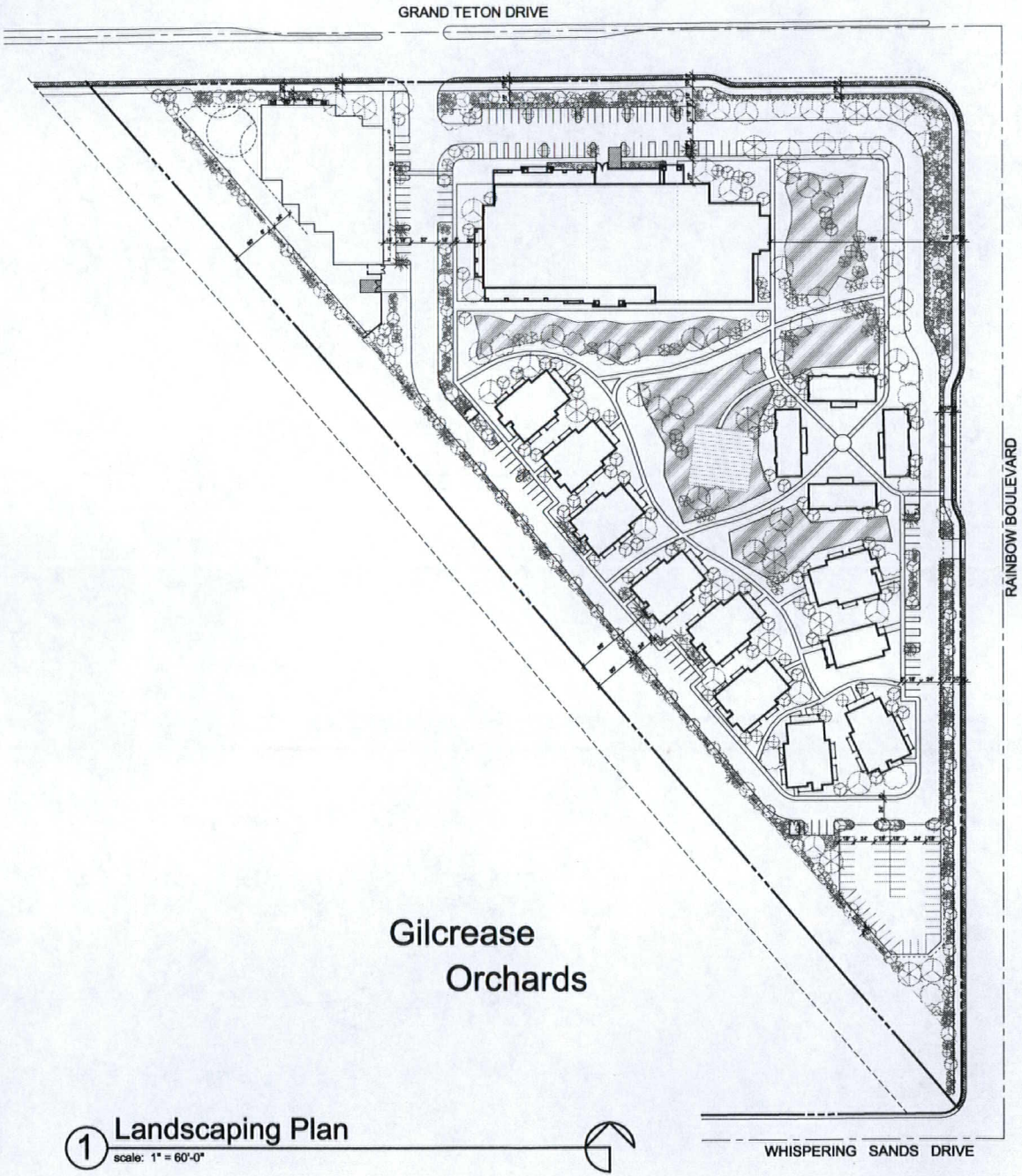
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 5/24/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A1b




1 Landscaping Plan
scale: 1" = 60'-0"

## landscape legend

| SYMBOL | LARGE TREES | TYPE | SIZE |
|---|---|---|---|
| | SHADEMASTER HONEY LOCUST<br>Gleditsia | LARGE DECIDUOUS | 24" box |
| | MEXICAN PALO VERDE<br>Parkinsonia | MEDIUM EVERGREEN | 15 gallon |
| | CHITALPA | LARGE DECIDUOUS | 24" box |
| | MESQUITE<br>Prosopis | LARGE EVERGREEN | 24" box |
| | CALIFORNIA PEPPER<br>Schinus | MEDIUM EVERGREEN | 15 gallon |
| | BLUE PALO VERDE<br>Cercidium floridum | MEDIUM EVERGREEN | 24" box |
| | SWEET ACACIA<br>Acacia smalii | MEDIUM EVERGREEN | 24" box |
| | SHOESTRING ACACIA<br>Acacia Stenophylla | MEDIUM EVERGREEN | 15 gallon |
| | CHASTE TREE<br>Vitex | MEDIUM EVERGREEN | 15 gallon |
| | AFRICAN SUMAC<br>Rhus lancea | MEDIUM EVERGREEN | 24" BOX |

| SYMBOL | SHRUBS | SIZE |
|---|---|---|
| | EVERGREEN EUONYMOUS<br>Euonymous japonica | 5 GAL |
| | COMMON WINTER CREEPER<br>Euonymous fortunei | 5 GAL |
| | TEXAS RANGER<br>Leucophyllum Frutescens | 5 GAL |
| | FEATHERY CASSIAS<br>Cassia artemisioides | 5 GAL |

| SYMBOL | GROUND COVER | |
|---|---|---|
| | MEXICAN PRIMROSE<br>Oenothera berlandieri | 1 GAL @ 18" o.c.a.w. |
| | HYBRID GAZANIA<br>Gazania hybridus | 1 GAL @ 18" o.c.a.w. |
| | DWARF COYOTE BRUSH<br>Baccharis pilularis 'Centennial' | 1 GAL @ 18" o.c.a.w. |
| | Native Desertscape | |

NOTE: ALL INORGANIC LANDSCAPE GROUND COVER TO BE MATCH THE LANDSCAPE GRAVEL OF THE ADJACENT LOT

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date description

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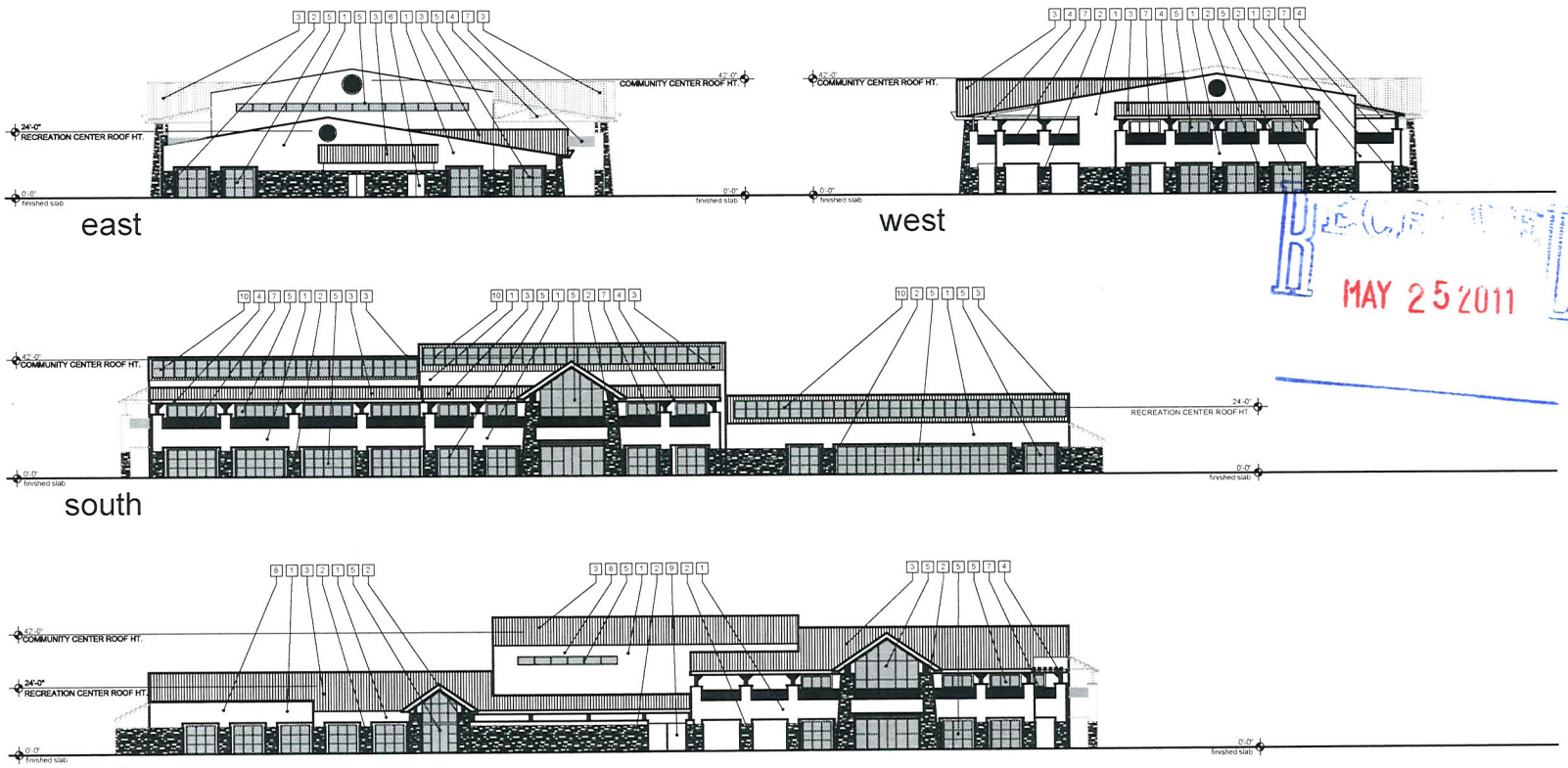
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 06/11 |
| proj. no. | 2010-48 |
| drwn. by | |
| chkd. by | |
| sheet no. | A1L |

## keynotes

| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | STANDING SEAM METAL ROOF |
| 4 | TIMBER TRUSS |
| 5 | ALUMINUM STOREFRONT |
| 6 | HOLLOW METAL DOOR |
| 7 | WOOD RAILING |
| 8 | SIGNAGE - BY OTHERS |
| 9 | PAIR OF STEEL TUBE GATES WITH STAMPED METAL BACKING AND LIFT PIN LOCK/LATCH |
| 10 | PHOTOVOLTAIC ARRAY |




east

west

south

north

1 conceptual elevations

SCALE: 1" = 20'-0"

Community/Recreation Center

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| # | date | description |
|---|---|---|

jdB architect

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New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 5/24/11 |
| proj. no. | 2010-48 |
| drwn. by | |
| chkd. by | |

sheet no. A4

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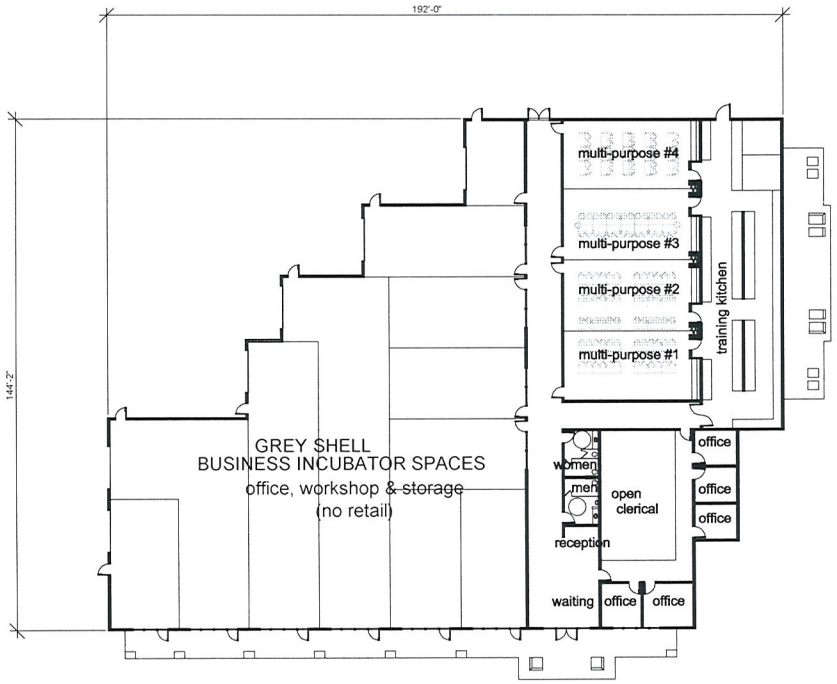
SDR-40980 REVISED

## keynotes

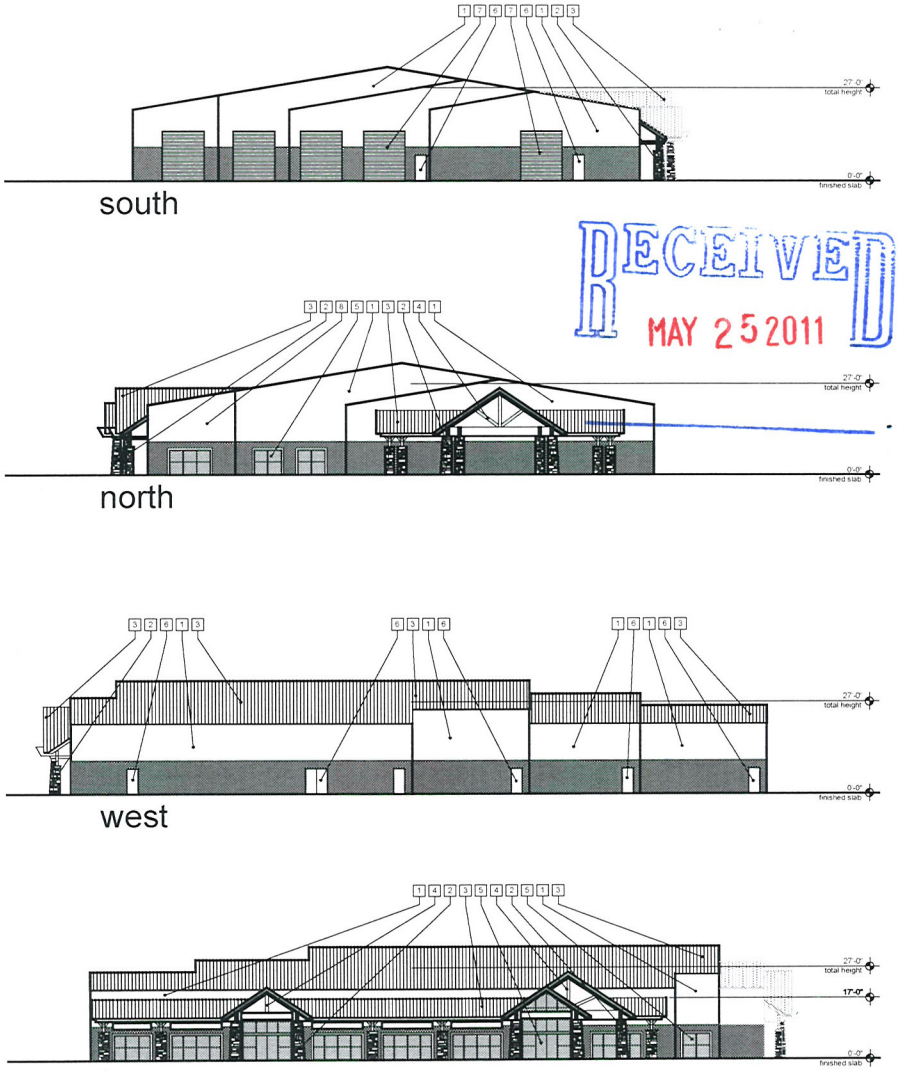
| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | STANDING SEAM METAL ROOF |
| 4 | TIMBER TRUSS |
| 5 | ALUMINUM STOREFRONT |
| 6 | HOLLOW METAL DOOR |
| 7 | ROLL-UP DOOR |
| 8 | SIGNAGE - BY OTHERS |




2 floor plan employment & educational Center

SCALE: 1/16" = 1'-0"

21,000 s.f.




1 elevations

SCALE: 1/16" = 1'-0"

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jdB architect

New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| date | 5/24/11 |
|---|---|
| proj no | 2010-49 |
| drwn by | |
| chkd by | |

A6

**MOD-41437 ROC-40981**
**SDR-40980 REVISED**

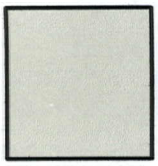
# COLOR/MATERIALS BOARD



(A) stucco dark field:
Frazee - CL 2676A 'Tia Maria'



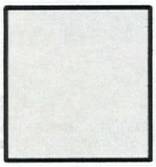
(F) storefront framing:
ab-4 medium bronze



(B) stucco medium field:
Frazee - CL 2674M 'Storm Bay'



(G) glazing:
PPG - 'Solarcool' bronze reflective



(C) stucco light field:
Frazee - CL 2622W 'Stones Throw'



(H) cultured stone veneer:
Eldorado Stone - Mountain Ledge
'Bitteroot'



(D) trim:
Frazee - CL 2677N 'Espresso'



(J) roof tile:
MonierLifetile - 1MDCL5001
'Mountainwood'



(E) sconces & signage:
Frazee - CL 3004M 'Bonjour'



(K) standing seam metal roof:
Berridge - Zee-Lock
'Aged Bronze'

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**New Vista Community**

Assited Living Residential Units
Community & Recreational Center
Education & Employment Center

City of Las Vegas Nevada

**MOD-41437 ROC-40981**
**SDR-40980 REVISED**

jdB architect

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MOD-41437 - APPLICANT/OWNER: NEW VISTA RANCH INC.
7875 NORTH RAINBOW BOULEVARD

06/2/11



MOD-41437 - APPLICANT/OWNER: NEW VISTA RANCH INC.
7875 NORTH RAINBOW BOULEVARD

06/2/11

# New Vista Community Master Development Plan And Developments Standards

May 24, 2011

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MAY 25 2011

**MOD-41437 ROC-40981**
**SDR-40980 REVISED**

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E. Preliminary Traffic Analysis
F. Preliminary Drainage Analysis
G. Color & Material Board

## 1.0 Overview

### 1.1 Purpose

The purpose of the Master Development Plan and Development Standards along with the Guidelines for this PD plan is to provide the parameters of development for the New Vista Community Project. The project is located on 15.05 net acres located at the Southwest Corner of Grand Teton and Rainbow Boulevard in the City of Las Vegas. In 2007, New Vista submitted a development plan that reflected its desire to develop the charities property. At the time, the property was zoned U (Undeveloped) with a General Plan designation of DR (Desert Rural). Based upon the proposed plan, the City of Las Vegas approved a General Plan Amendment, GPA-16578, a Zone Change ZON-16580, and a Site Development Review, SDR-16581 with the zoning approved to PD (Planned Development) and a General Plan Amendment to PCD.

## 2.0 PD District

### 2.1 Intent of PD District

The Intent of the Planned Development District (PD) is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment, or to provide a single purpose or multi-use planned development. The rezoning of property to the PD District may be deemed appropriate if the development proposed for the District can accomplish one or more of the following goals:

1. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

2. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

3. Providing for flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in zoning districts.

4. Providing for cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design.

5. Providing for the redevelopment of areas where depreciation of any type has occurred.

6. Providing for the revitalization of designated areas.

7. Promoting or allowing development to occur in accordance with a uniform set of standards, which reflect the specific circumstances of the site.

8. Avoiding premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities.

9. Encouraging area sensitive site planning and design.

10. Contributing to the health, safety and general welfare of the community and providing development, which is compatible with the City's goals and objectives.

2.2 Minimum Site Area

The minimum site area for Planned Development District is five acres, except that the City Council may waive this requirement when the proper planning justification is shown. The boundary of the New Vista Community Project is 15.05 net acres.

3.0 New Vista Community Planned Development (PD)

3.1 History and Background

The New Vista Community was started back in the mid-eighties to provide for the needs of the adult intellectually challenged. The concept was to provide facilities and residential opportunities for its beneficiaries (hereinafter referred to as residents) to live and work independently and be a part of the general community. In the late eighties, New Vista was - donated 15 acres by the Gilcrease family in what was then Clark County. To date, with volunteer work and donations, four "ranch houses" have been built on this property. Each "ranch house" provides six adult residents with room and board and the supervision -by a non-handicapped caretaker couple. New Vista Community has evolved over the past twenty years, to the point where the concept is now to also take care of the more senior segment of the intellectually challenged population by providing opportunities and support so they may experience life to the fullest..

3.2 Proposed Project Designation

Initially, the New Vista parcel was zoned RE with the proper use permits in unincorporated Clark County. Now that the land has been annexed into the City of Las Vegas, the property has been rezoned as a Planned Development with an approved Site Development Review. -. To achieve the goals and uses that are hereby proposed, a review of conditions for the approved SDR and Zoning Conditions is being requested.

3.3 Site Boundary

The boundaries of the New Vista Community, for which these guidelines are written, are described in Exhibit 8.A.

3.4 Permitted Uses and Standards

As defined in Chapter 19.06.050 Special Purpose and Overlay Districts PD Planned Development District. Any combination of residential, commercial, industrial or public uses may be permitted within a specific Planned Development Plan for that district. The uses to be permitted within the district must be specified in the adopted Master Development Plan for the district.

Planned Uses:

In the development of these facilities, New Vista Community's goal is to provide a portion of the adult intellectually challenged population a place to live and enjoy a positive lifestyle which to the fullest extent possible
" ...assure(s) equality of opportunity, full participation, independent living and economic self-sufficiency..."[1]. These facilities must provide an array of activities and services that will promote:

1. More independent functioning of the residents within a professionally supervised setting
2. More opportunity for the residents to enjoy interaction with other residents within the New Vista community.
3. "...cultural, civic, educational, medical....recreational..." fulfillment of the New Vista residents.

To achieve these goals, the following uses are proposed:

1. Allow existing residential facilities that provide living quarters for adult intellectually challenged residents and their supervising caregivers.
2. Allow new assisted living apartments for senior intellectually challenged residents
3. Allow offices for the administration of the New Vista community
4. Allow offices for professional medical care limited to:
    a. Monitoring of the health and welfare of the residents
    b. Minor medical care of the residents

c. Provide Occupational and Physical Therapy for the residents
d. Administration of the medical care facilities.

[1] Public Law 101-336, The Americans with Disabilities Act of 1990 (As Amended July 26, 1990), Section 2. Findings and Purposes, item 8.

5. Allow workshops to promote the training of the residents of New Vista in skills including, but not limited to:
   a. Arts and crafts
   b. Painting
   c. Woodworking
   d. Ceramics
   e. Sculpture
   f. Stained Glass
   g. Jewelry
6. Allow central dining/banquet facilities
7. Allow recreational facilities including, but not limited to:
   a. Community Center
   b. Gymnasium
   c. Pool and spa
   d. Fitness/aerobics

The new facilities are for the use of New Vista Community, its members [2] and its residents and are not open to the general public. The new facility shall not have retail sales and the intention of the ***"Education/Employment Center"*** is to encourage the development of the residents' skills so that they might start businesses in other office locations. Any products produced by such "businesses" would be offered for sale at an appropriate offsite commercial location (e.g., the New Vista thrift store at *5220 West Charleston Boulevard*).

## 3.5 Special Events

New Vista Community, pursuant to their fundraising and/or social activities for their non-profit organization, may, with appropriate city approvals, hold up to sixteen (16) special events on site per year. Examples of these events include, but are not limited to the following:

1. Bachelor and bachelorette celebrity auction
2. Wine tasting gala and auction/silent auction
3. Masquerade ball and auction/silent auction
4. Special Olympics competitions
5. Golf Tournament (held off-site)

[2] members are those intellectually challenged individuals living in southern Nevada and their immediate families and guardians

### 3.6 Future Expansions or Alterations

Any significant revision of the plans as initially approved shall be subject to a Site Plan Development Review by the City Council at a Public Hearing. This public hearing shall require notice to all property owners within a one half mile radius of the Property, except that written notice of such public hearing shall extend south to Elkhorn Avenue. All future expansions and/or alterations shall be harmonious and compatible with the approved design.

## 4.0 Site Design Criteria

### 4.1 Building Setbacks *and Height*

| | *Grand Teton* | *Rainbow* | *Gilcrease Orchard* |
|---|---|---|---|
| *Community/ Rec Building* | *100 ft.min.* | *200 ft min..* | *150 ft. min.* |
| *Education/Employment Ctr.* | *20 ft.min.* | *600 ft. min* | *70 ft. min..* |
| *Assisted Living Buildings* | *300 ft.min.* | *50 ft. min.* | *70 ft. min.* |
| *Medical Building* | *300 ft.min.* | *50 ft. min.* | *70 ft. min.* |

*Minimum separation between buildings to be 15 feet*

*Existing Ranch House Buildings to remain as built*

### 4.2 Building Setback Exceptions

1. Underground Utilities
2. Roof Overhangs
3. Steps and sidewalks
4. Landscaping and related irrigation

5. Planter and related irrigation
6. Driveways and curb cuts

4.3 Service and Loading Areas

Service and loading area yards shall be screened from adjacent streets pursuant to Title 19.

4.4 Parking, Driveways and Circulation

*1. Parking required*

*There shall be 100 parking spaces as stated in the Conditions of Approval for ZON-16580.*

2. Handicapped Parking

The appropriate handicapped spaces shall be provided in accordance with the requirements as outlined in the City of Las Vegas Zoning Code Title 19.

*3. Driveways*

*The existing driveway on Rainbow Boulevard shall provide access to the site in Phases I and II. In Phase III, all public access shall be from the newly constructed driveway on Grand Teton. In Phase III, the Rainbow driveway shall be crash gated and limited to fire truck emergency access only.*

4.5 Signage

1. Temporary Signage

Temporary construction signs naming Builder, architect, etc, are allowed subject to the time limits of constructions and shall not exceed 32 square feet.

2. Site Signage

Monument signage naming the Project shall be provided in accordance with the requirements as outlined in the City of Las Vegas Zoning Code Title 19. The monument signs [4] will be located at the two entrances and corner of property.

[3] Landscape gravel shall be as approved by the City of Las Vegas planning staff.

[4] Monument signs are to be one hundred twenty square feet in area maximum, 6 feet high maximum, and if illuminated shall not have exposed neon.

4.6 Landscaping

All landscaping shall be in accordance with the requirements of Title 19.

4.7 Fences and Walls

All fences and walls shall be in accordance with the Title 19 and the Landscape Wall Caps and Buffer Guidelines.

4.8 Streetscape

1. *Grand Teton street frontage to be as per Exhibit 6.j. "Multi-use Transportation Trail"*
2. *Rainbow Boulevard street frontage to be as per Exhibit 6.j. "Multi-use Transportation Trail"*

4.9 Transportation Plan and Traffic Impact Analysis

Pursuant to Title 19.06.050B.(1), the site plan depicts the transportation plan. The site is located on the southwest corner of the intersection between two major streets. See Exhibit 6h for the Traffic Impact Analysis. Due to the fact that the residents of the property do not own or drive vehicles, the conclusions of the traffic study that the development of the site will not generate a significant amount to traffic to the surrounding roadways are reasonable. New Vista has agreed that it will participate in future warranted offsite improvements if required by the City of Las Vegas Public Works.

4.10 Preliminary Drainage Analysis

With the assistance of New Vista, the City of Las Vegas and the Clark County Regional Flood Control District, these agencies have just completed the constructed a new drainage structure on the west side of the New Vista site. This structure collects and conveys floodwaters from Grand Teton and ties into a recently constructed storm water system for Rainbow Boulevard at its south

terminus. New Vista's Civil engineers are proposing to tie the on-site and offsite drainage into this storm water system subject to City of Las Vegas and the Clark County Regional Flood Control District approvals.

## 5.0 Architectural Design Criteria

### 5.1 Purpose

The design objective of the architectural criteria is to establish the parameters and theme for creating a uniform Architectural character comparable with the surrounding planned communities. To this end, all building elevations shall be residential in character.

### 5.2 Style

The architectural character of the New Vista Community project is intended to be "Western" in design with architectural detail reminiscent of the Colorado Rockies and appropriate to a planned community development.

### 5.3 Building Height

The building heights shall be:

1. The maximum height for any building on the site shall not exceed 42 feet
2. The maximum height for those buildings fronting Rainbow Boulevard shall not exceed 24 feet
3. The maximum height of the Education Employment Center shall not exceed 27 feet.
4. The maximum height of the Assisted Living Units not exceed 24 feet.
5. The maximum height of the Medical Building shall not exceed 24 feet.

### 5.4 Mechanical Equipment / Trash Area Screening

Exterior mechanical equipment, whether roof or ground mounted, shall be screened on all sides in a manner aesthetically compatible with the architectural design of the buildings. Trash enclosures shall be aesthetically compatible with the architectural design of the buildings.

### 5.5 Building Materials and Finishes

| | | |
|---|---|---|
| 1. | Exterior Walls: | Stucco/*EIFS*, Stone veneer, Painted concrete tilt-up walls, Split face masonry |
| 2. | Glazing: | *R*eflective (22% max. reflectivity) *or* tinted glass |
| 3. | Roofing: | Existing sloped roof s are to remain as is<br>New *low rise* sloped roofs to be concrete tile |

*EEC and Community/Rec Building sloped roofs are to be architectural grade standing seam metal. New flat roofs are to be built-up roofing*

5.6 Exterior Lighting

1. The design objective for the lighting criteria is to provide safe, functional lighting in an aesthetically pleasing manner.
2. Area Illumination is to provide for entry areas and other people-gathering places. On-site lighting not permitted to shine offsite
3. Street lighting on Grand Teton only (if permitted by the City of Las Vegas)
4. Area illumination for the parking lot to be 20 feet maximum and shall be downcasting shoe box fixtures mounted on pole standards.
5. Service area lighting shall be contained within the service yard boundaries.
6. Landscape lighting shall be integrated into the overall project lighting design. Proper shrubs [5] shall be incorporated into the design so as to eliminate any light pollution that might reach on the north side of Grand Teton or on the east side of Rainbow Boulevard

5.7 Exterior Colors

The intent of the exterior colors is to create a desert responsive color palette, of warm earth tones with primary color accents which shall be considerate of the adjacent residential areas. See the color and materials board, Exhibit 8.G.

5.8 Landscape Plan

All landscaping shall be installed in accordance with a landscape plan as submitted to and approved by the City of Las Vegas planning staff prior to the issuance of building permits.

6.0 Transfer Not To Relieve New Vista of its Obligations/Rights of Assignees and Transferees

Except as expressly provided herein, no assignment or transfer of all or any portion of the Property shall relieve New Vista of its obligation hereunder and such assignment or transfer shall be subject to all the terms and conditions of this document provided further that no such assignee or transferee shall be entitled to any rights or privileges under this document or otherwise with regard to the Property or the use thereof unless such assignee or transferee assumes in writing and in full all obligations and duties of New Vista under this document and as required by the conditions of zoning approval related to and imposed with regard to GPA-16578, SDR-40980, ROC-40981 and MOD-41437.

## 7.0 Modification of Master Development Plan and Standards

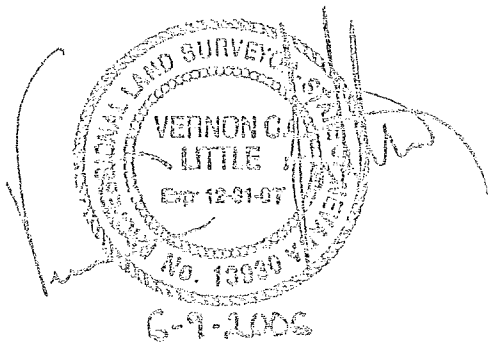
This document may be modified only in accordance with the provisions of the Las Vegas Municipal Code 19.060.050(G) and Title 19 shall govern any matter not specifically provided for in this Master Development Plan.

## 8.0 Exhibits

A. Legal Description
B. Land Use Map
C. *A1 – Site/Landscaping Plan*
   *A1a – Phasing Plan*
   *A2 - Exterior Elevation – Assisted Living Buildings*
   *A3 – Floor Plans – Assisted Living and Medical Buildings*
   *Exterior elevations – Medical Building*
   *A4 – Exterior Elevations – Community/Recreation Center*
   *A5 - Floor Plans – Community/Recreation Center*
   *A6 – Floor Plans & Ext. Elev.'s – Education & Employment Center*
D. *Multi-Use Transportation Trail Street Sections*
E. Preliminary Traffic Analysis
F. Preliminary Drainage Analysis
G. Color & Material Board

# EXHIBIT A

CONSULTING ENGINEERS ◎ PLANNERS ◎ SURVEYORS
2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148




W O 6730
JUNE 9, 2006
BY SP
P R BY VCL


EXPLANATION: THIS LEGAL DESCRIBES A PARCEL OF LAND GENERALLY LOCATED SOUTHWESTERLY OF GRAND TETON DRIVE AND RAINBOW BOULEVARD, FOR ZONING PURPOSES

LEGAL DESCRIPTION
ZONING

BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M D M , CITY OF LAS VEGAS, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 15, SAME BEING THE CENTERLINE INTERSECTION OF RAINBOW BOULEVARD AND GRAND TETON DRIVE, THENCE SOUTH 00°17'29" WEST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), SAME BEING THE CENTERLINE OF RAINBOW BOULEVARD, 1302 32 FEET, THENCE SOUTH 89°55'38" WEST, DEPARTING SAID EAST LINE, 50 00 FEET, THENCE NORTH 39°50'02" WEST, 1664 71 FEET; THENCE NORTH 00°12'31" WEST, 50.00 FEET, THENCE NORTH 89°47'29" EAST, 1098.16 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF

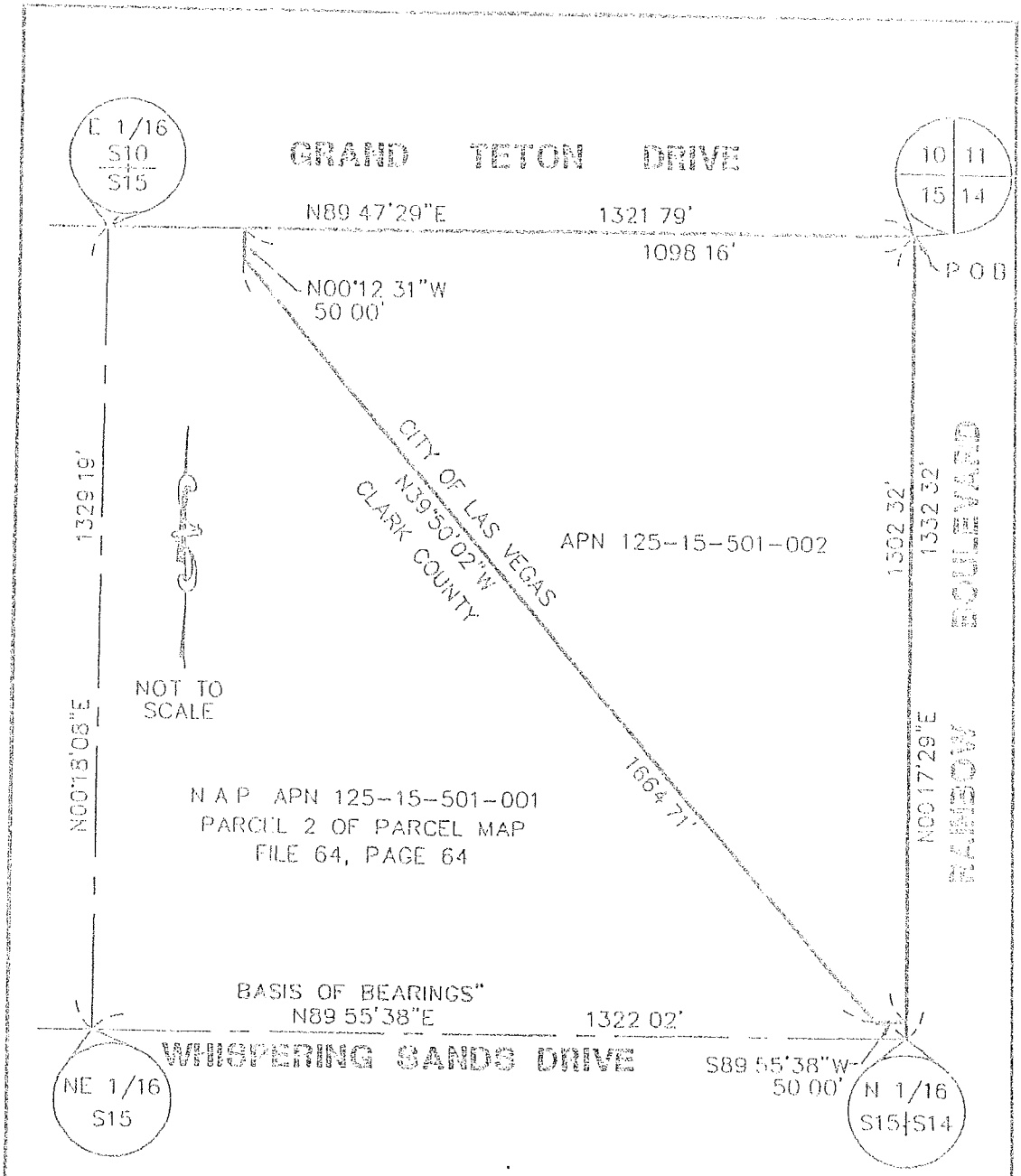
CONTAINING 17 76 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS

BASIS OF BEARINGS
NORTH 89°55'38" EAST, BEING THE BEARING OF THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 15, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THAT CERTAIN PARCEL MAP ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN FILE 64, OF SURVEYS, PAGE 64.

NOTE: THIS LEGAL IS PROVIDED AS A CONVENIENCE AND IS NOT INTENDED FOR SUBDIVIDING LAND NOT IN CONFORMANCE WITH NEVADA REVISED STATUTES

END OF DESCRIPTION

G \6730\LEGAL\LGL-ZONE doc
REF G \6730\LEGALS\6730LGL dwg (LGL-ZONE)




G:\6720\LEGAL\6720LG.DWG (LGL-ZONE)

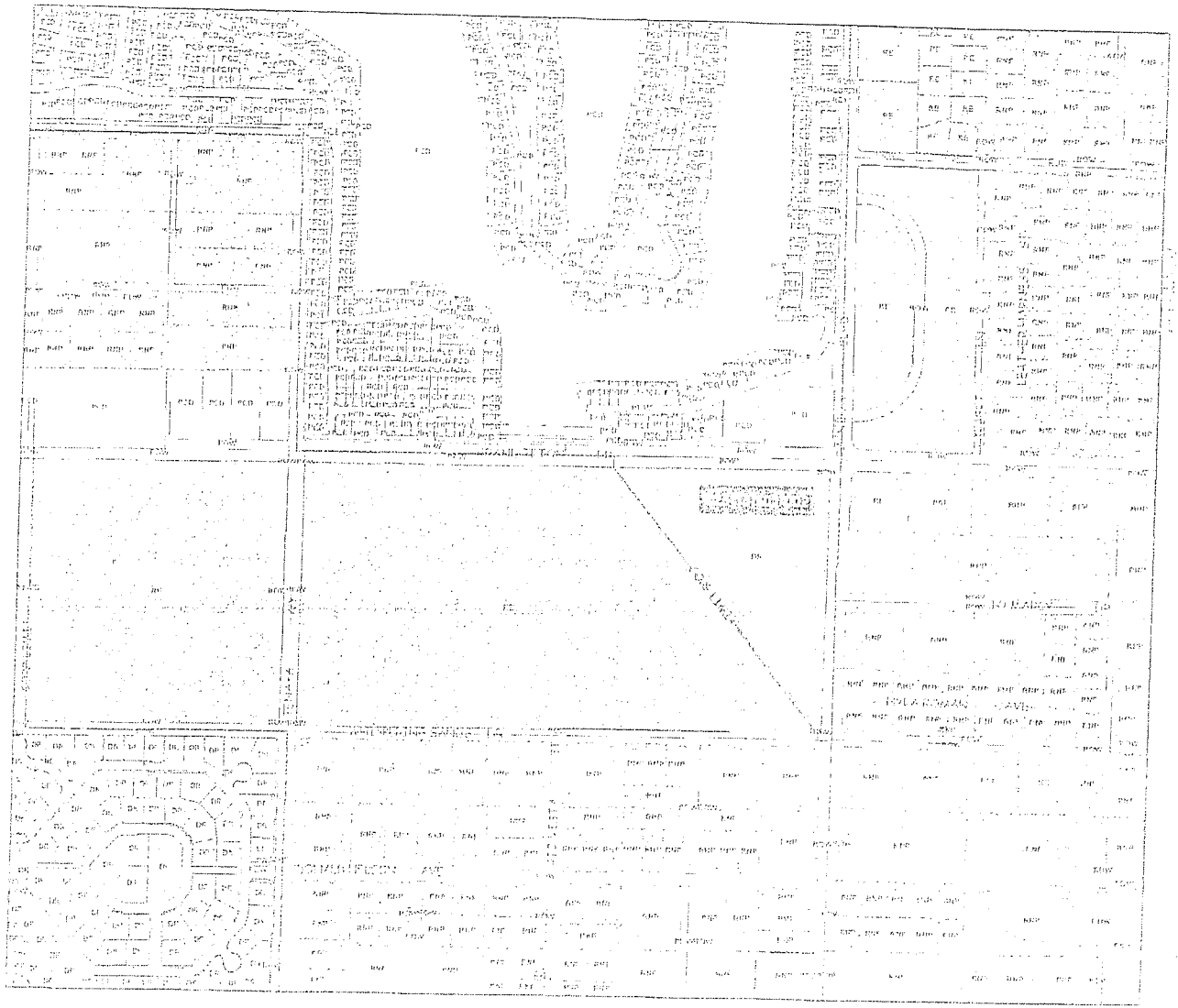

nevada
2727 S RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148


EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

ZONE LEGAL

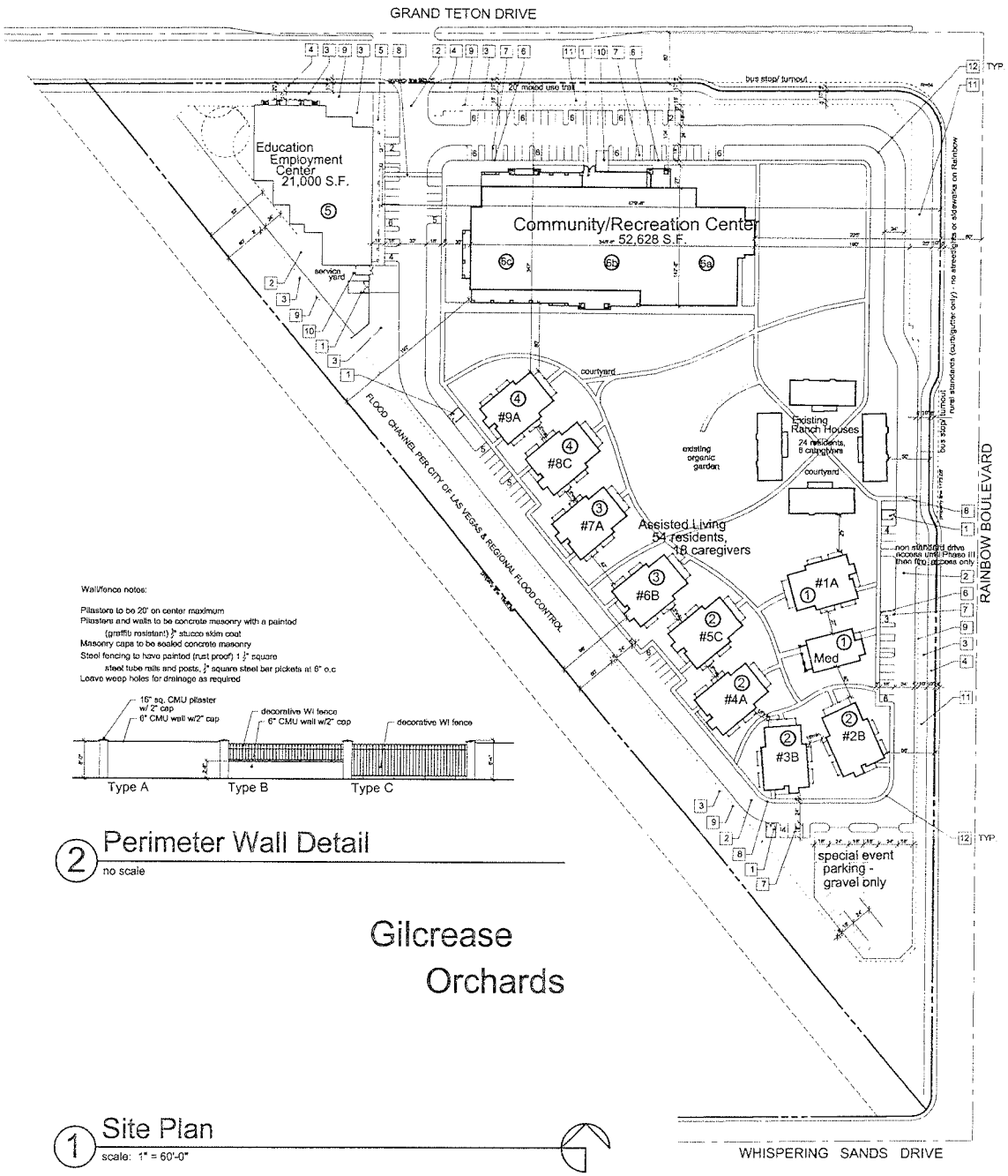
| | |
|---|---|
| SCALE | HORZ 1"=250' |
| | VERT NA |
| W O NO | 6720 |
| DRAWN BY | SP |
| DATE | 08/09/04 |
| SHEET | 3 OF 3 |

# EXHIBIT B



Future Land Use Map

# EXHIBIT C




Wall/fence notes:

Pilasters to be 20' on center maximum
Pilasters and walls to be concrete masonry with a painted (graffiti resistant) $\frac{1}{8}$" stucco skim coat
Masonry caps to be sealed concrete masonry
Steel fencing to have painted (rust proof) 1 $\frac{1}{2}$" square steel tube rails and posts, $\frac{3}{4}$" square steel bar pickets at 6" o.c
Leave weep holes for drainage as required




## 2 Perimeter Wall Detail

no scale

## 1 Site Plan

scale: 1" = 60'-0"

Gilcrease Orchards

# project data

| | |
|---|---|
| EXISTING ZONING | GP-L/PD ZONING |
| REQUIRED ZONING: | GP-L/PD ZONING |
| EXISTING USE | RESIDENTIAL HOUSING |
| PROPOSED USE. | ASSISTED LIVING/ COMMUNITY RECREATIONAL CENTER EDUCATIONAL EMPLOYMENT CENTER |

AREA SUMMARY:

| | AREA |
|---|---|
| ASSITED LIVING APARTMENTS: | 36,630 S.F. |
| MEDICAL FACILITY: | |
| EXISTING RESIDENTIAL HOUSING: | |
| COMMUNITY REC. CENTER: | 52,628 S.F. |
| EDUCATION EMPLOYMENT CENTER | 21,000 S.F. |
| TOTAL BUILDING AREA: | 122,557 S.F. |

PARKING SUMMARY:

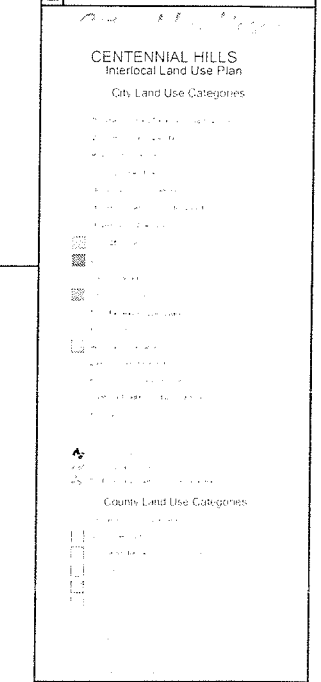
| | FACTOR | PKG. REQ. |
|---|---|---|
| ASSITED LIVING APARTMENTS: | 1/UNIT+1 GUEST/6 UNITS | 11 |
| EXISTING RESIDENTIAL HOUSING: | 2/UNIT | 8 |
| COMMUNITY REC. CENTER: | 1/200 GFA | 264 |
| EDUCATION EMPLOYMENT CENTER | 1/250 GFA | 84 |
| TOTAL PARKING REQUIRED: | | 367 |

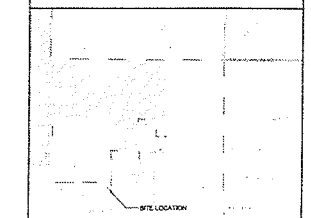
| | |
|---|---|
| PARKING PROVIDED | 190 STANDARD SPACES (PER CITY OF LAS VEGAS CONDITIONS OF APPROVAL) |
| TOTAL SITE AREA: | 866,314 S.F. (15.06 A.C.) - net<br>775,989 S.F. (17.81 A.C.) - gross |
| F.A.R. (FLOOR AREA RATIO): | 15.8 % |
| DENSITY: | 5.2 RESIDENTS/ACRE<br>0.87 UNITS/ACRE |

APN#: 125-155-01-002

# keynotes

| # | description |
|---|---|
| 1 | 6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE w/ PAIR OF STEEL TUBE GATES w/ STAMPED METAL BACKING & LIFT PIN LOCK&LATCH |
| 2 | 3" A.C. PAVING |
| 3 | LANDSCAPED AREA - BY OTHERS |
| 4 | MULTIUSE TRANSPORTATION TRAIL |
| 5 | 4" CONCRETE SIDEWALK W/ROCKSALT FINISH |
| 6 | FLUSH CUT SIDEWALK WITH PAVING FOR HANDICAP ACCESS |
| 7 | HANDICAP ACCESS AISLE |
| 8 | HANDICAP ACCESSIBLE ROUTE |
| 9 | DECO 6' CMU/METAL FENCE/WALL - SEE 2/A1 |
| 10 | 16' x 25' LOADING ZONE |
| 11 | INTENSE LANDSCAPE BUFFER |
| 12 | 28' INSIDE, 52' OUTSIDE DRIVE RADII |

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| revisions | |
|---|---|
| date | description |

jpa architect
John David Burns, AIA/Architect, 3317 West Sahara Road, #201, Las Vegas, NV 89102 (702)878-4561, jpa-arch@centurylink.com

# New Vista Community

Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 5/24/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A1




1 Phasing Plan
scale: 1" = 60'-0"

## New Vista Ranch Phasing Plan:

I

1. Phase One - Build One New Residential Home and Onsite Medical Office
   a. Utilize existing access to Rainbow Boulevard. No offsite improvements to Rainbow Blvd. or Grand Teton except as noted in detail 2/A1a
   b. Construct underground utility connections to adjacent public utilities in Rainbow Boulevard.
   c. Construct non-standard multi-use trail on Rainbowl street frontage consisting of:
      -rough graded frontage for a depth of 25'
      -desert landscaping for a depth of 25' except as noted
      -construct 10' wide decomposed granite pathway per detail 2/A1a

II

2. Phase Two - Build Four (4) More Residential Homes
   a. Construct non-standard multi-use trail on Grand Tetonl street frontage

III

3. Phase Three - Build Two (2) Additional Residential Homes
   a. Construct Grand Teton improvements as indicated on the Phasing Plan.
   b. Construct onsite roadways to direct onsite vehicle circulation to the Grand Teton access point.
   c. Construct fire truck crash gate on Rainbow to restrict access

IV

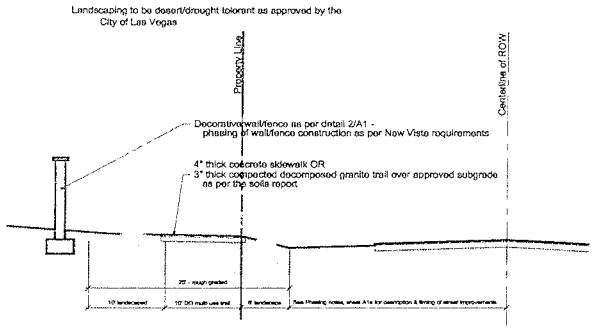
4. Phase Four - Build Two (2) Remaining Residential Homes

V

5. Phase Five - Construction of the Education & Employment Center Building
   a. Construct full offsites on Rainbow Boulevard as per approvals obtained at that point in time.

VI

6. Phase Six - Construction of the Recreation Center




2 Non-standard rural multi-use trail
no scale

jdB architect

New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 5/24/11 |
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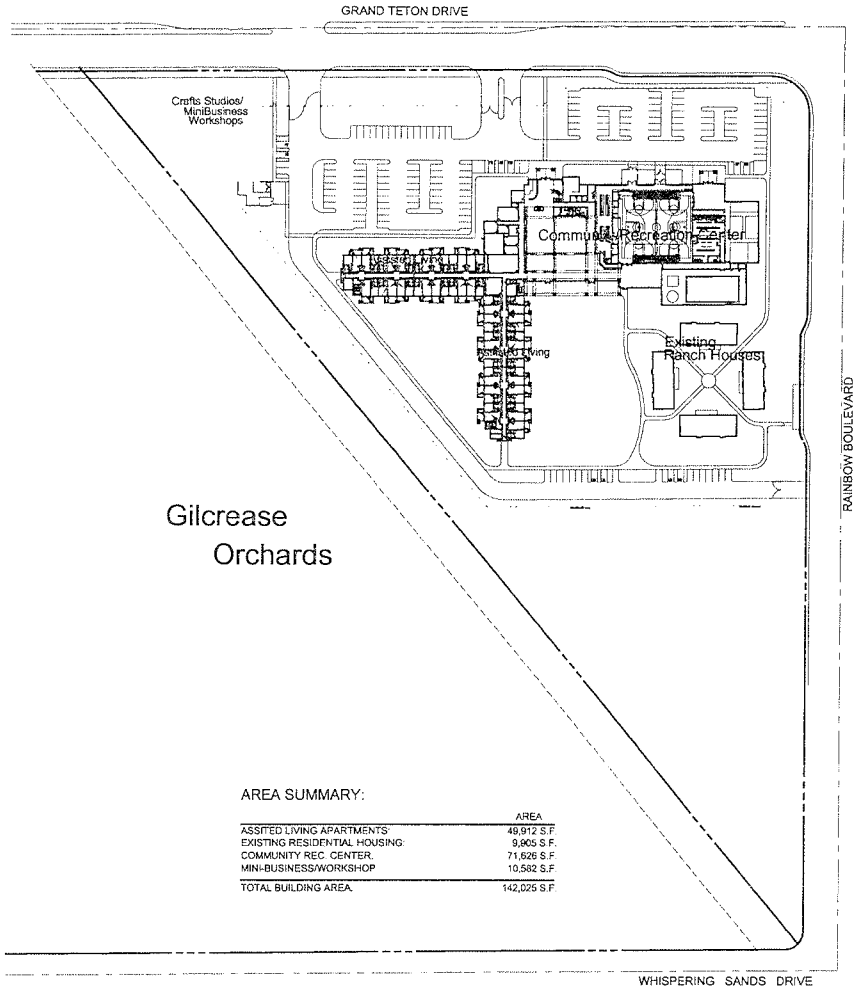
| drwn. by | |
| chkd. by | |

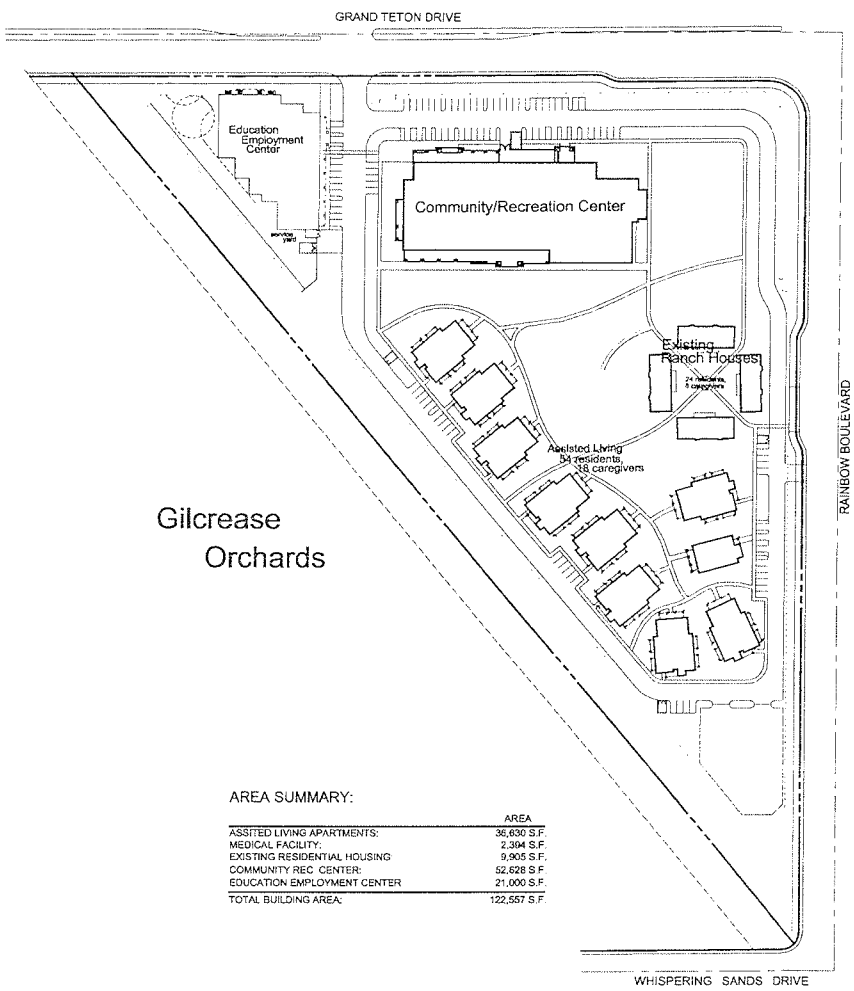
sheet no. A1a




AREA SUMMARY:

| | AREA |
|---|---|
| ASSITED LIVING APARTMENTS: | 49,912 S.F. |
| EXISTING RESIDENTIAL HOUSING: | 9,905 S.F. |
| COMMUNITY REC. CENTER. | 71,626 S.F. |
| MINI-BUSINESS/WORKSHOP | 10,582 S.F. |
| TOTAL BUILDING AREA: | 142,025 S.F. |

2 Site Plan (previously approved)
no scale




AREA SUMMARY:

| | AREA |
|---|---|
| ASSITED LIVING APARTMENTS: | 36,630 S.F. |
| MEDICAL FACILITY: | 2,394 S.F. |
| EXISTING RESIDENTIAL HOUSING | 9,905 S.F. |
| COMMUNITY REC. CENTER: | 52,628 S.F. |
| EDUCATION EMPLOYMENT CENTER | 21,000 S.F. |
| TOTAL BUILDING AREA: | 122,557 S.F. |

1 Site Plan (proposed)
no scale

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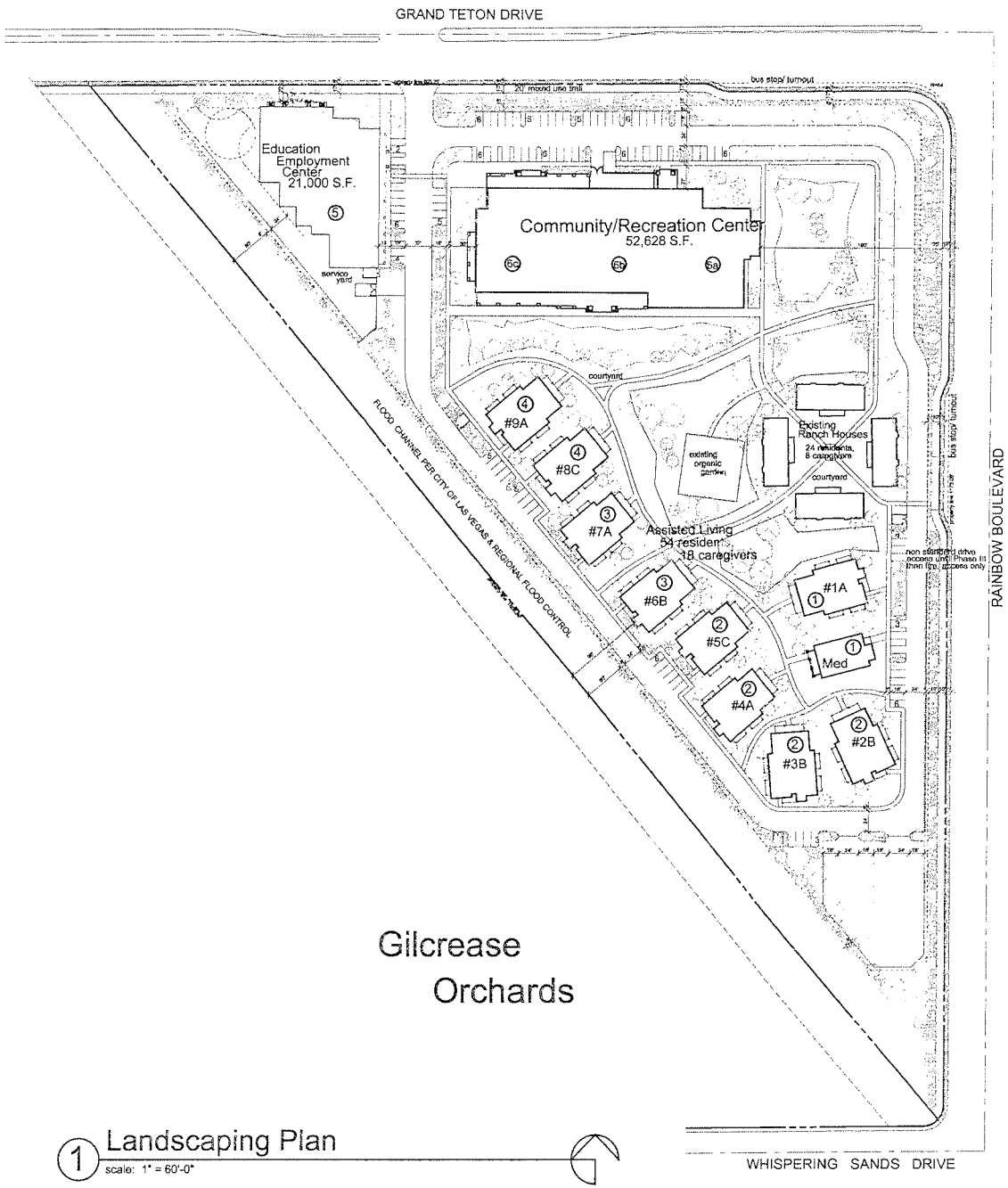
| revisions | date |
|---|---|
| Section | |

jdb architect
John David Burke, Architect, 3417 West Oquendo Road #201, Las Vegas, NV 89118 (702) 873-4383, jburke@jdbarchitect.com

# New Vista Community
Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 3/24/11 |
| proj. no | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no A1b




1 Landscaping Plan
scale: 1" = 60'-0"

## landscape legend

| SYMBOL | LARGE TREES | TYPE | SIZE |
|---|---|---|---|
| | SHADEMASTER HONEY LOCUST<br>Gleditsia | LARGE DECIDUOUS | 24" box |
| | MEXICAN PALO VERDE<br>Parkinsonia | MEDIUM EVERGREEN | 15 gallon |
| | CHITALPA | LARGE DECIDUOUS | 24" box |
| | MESQUITE<br>Prosopis | LARGE EVERGREEN | 24" box |
| | CALIFORNIA PEPPER<br>Schinus | MEDIUM EVERGREEN | 15 gallon |
| | SHOESTRING ACACIA<br>Acacaia Stenophylla | MEDIUM EVERGREEN | 15 gallon |
| | CHASTE TREE<br>Vitex | MEDIUM EVERGREEN | 15 gallon |
| | AFRICAN SUMAC<br>Rhus lancea | LARGE EVERGREEN | 24" BOX |
| SYMBOL | SHRUBS | | SIZE |
| | EVERGREEN EUONYMOUS<br>Euonymous japonica | | 5 GAL |
| | COMMON WINTER CREEPER<br>Euonymous fortunei | | 5 GAL |
| | TEXAS RANGER<br>Leucophyllum Frutescens | | 5 GAL |
| | FEATHERY CASSIAS<br>Cassia artemisioides | | 5 GAL |
| SYMBOL | GROUND COVER | | |
| | MEXICAN PRIMROSE<br>Oenothera berlandieri | | 1 GAL @ 18" o.c.e.w. |
| | HYBRID GAZANIA<br>Gazania hybridus | | 1 GAL @ 18" o.c.e.w. |
| | DWARF COYOTE BRUSH<br>Baccharis pilularis "Centennial" | | 1 GAL @ 18" o.c.e.w |
| | Native Desertscape | | |

NOTE: ALL INORGANIC LANDSCAPE GROUND COVER TO BE MATCH THE LANDSCAPE GRAVEL OF THE ADJACENT LOT

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revisions
date

ja architect
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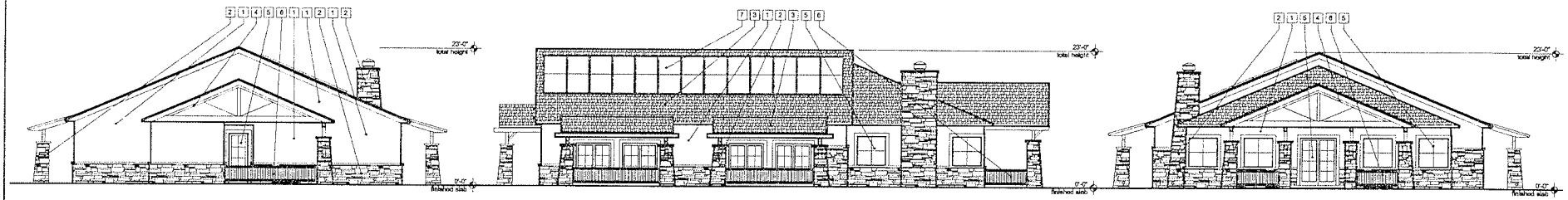
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 5/26/11 |
| proj. no. | 2010-03 |
| drwn. by | |
| chkd. by | |

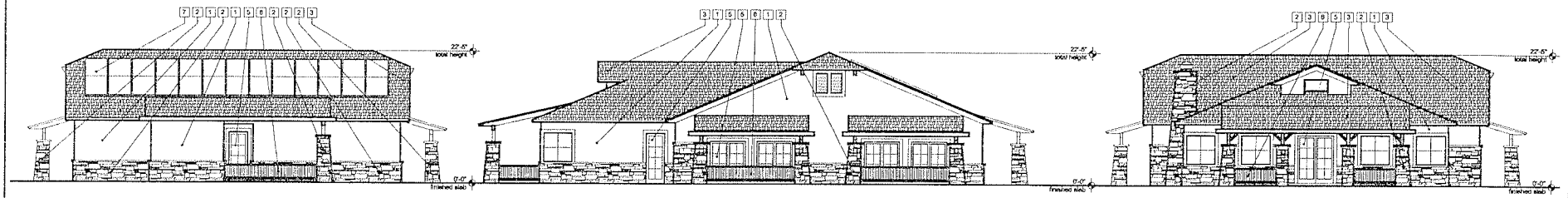
sheet no. A1L

| keynotes | | | |
|---|---|---|---|
| # | description | | |
| 1 | STUCCO FINISH | 5 | PELLA DOORS/WINDOWS |
| 2 | STONE VENEER | 6 | WOOD RAILING |
| 3 | CONCRETE ROOF TILE | 7 | PHOTOVOLTAIC ARRAY |
| 4 | TIMBER TRUSS | | |



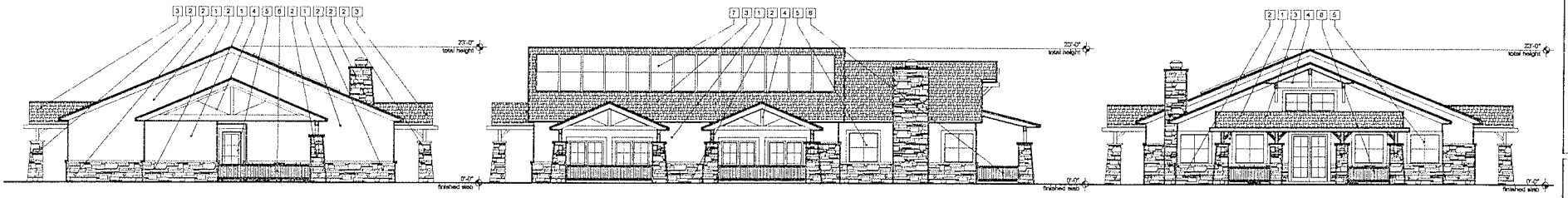
typical rear | side | front

Type C



typical rear | side | front

Type B



typical rear | side | front

Type A

1 Exterior Elevations — Assisted Living Module

revisions

| no. | description | date |
|---|---|---|

jd architect

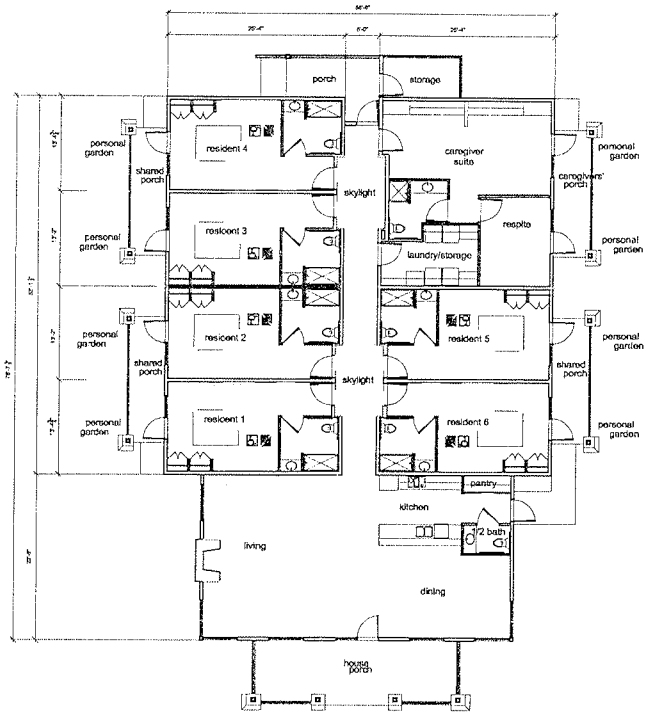
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 3/23/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A2

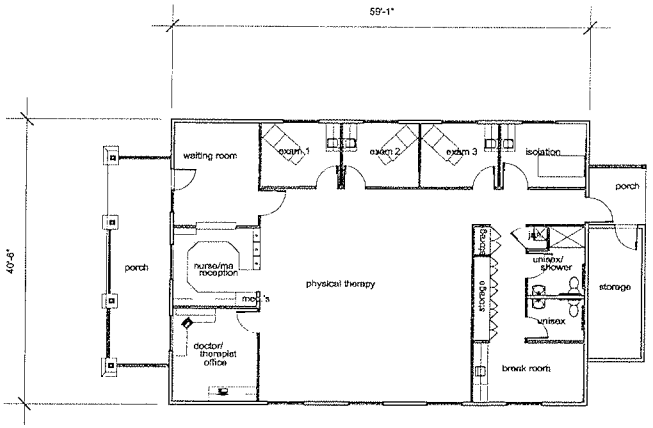
## keynotes

| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | CONCRETE ROOF TILE |
| 4 | TIMBER TRUSS |
| 5 | PELLA DOORS/WINDOWS |
| 6 | WOOD RAILING |
| 7 | PHOTOVOLTAIC ARRAY |



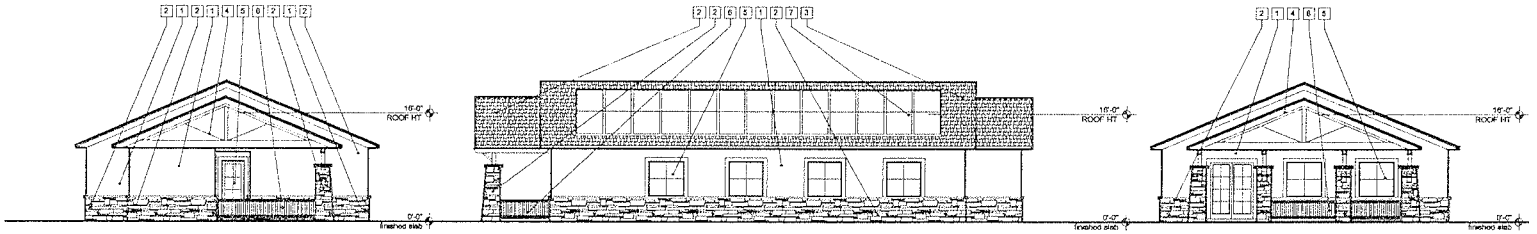

3 Floor Plan Assisted Living Module

NET BUILDING AREA: 4,070 S.F.




2 Floor Plan Medical/Therapy Office

NET BUILDING AREA: 2,394 S.F.




typical rear typical side front

1 Exterior Elevations Medical/Therapy Office

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revisions

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|---|---|---|

jd architect
John David Burns, Architect, 3211 West Oquendo Road, #201, Las Vegas, NV 89118 (702)579-4363, burnsjd@unlv.nevada.edu

# New Vista Community

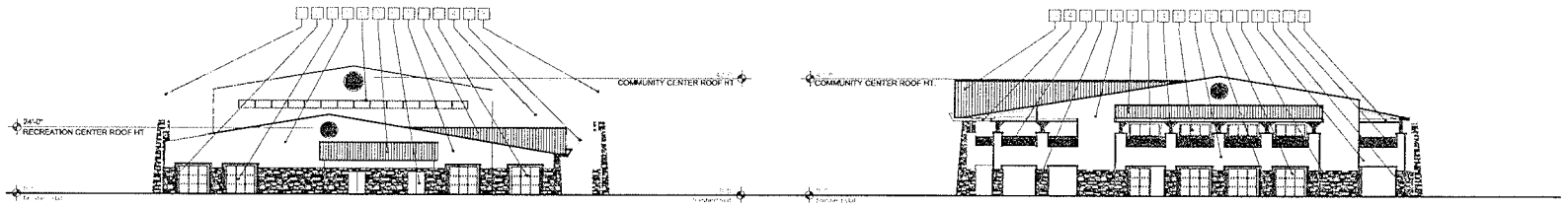
Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 3/23/11 |
| proj. no. | 201049 |
| drwn. by | |
| chkd. by | |

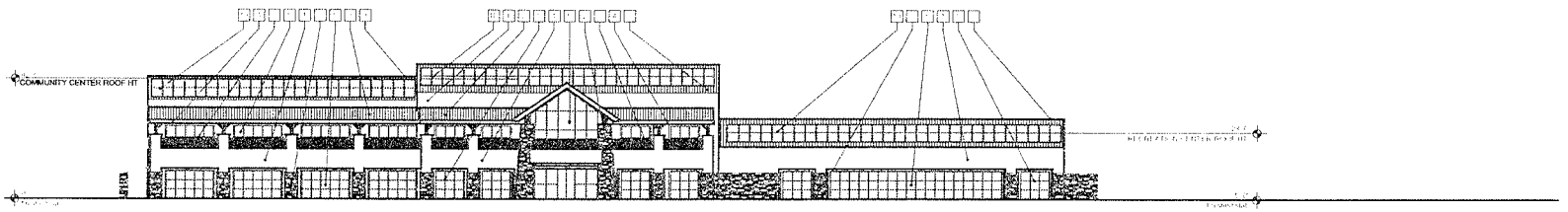
sheet no. A3

## keynotes

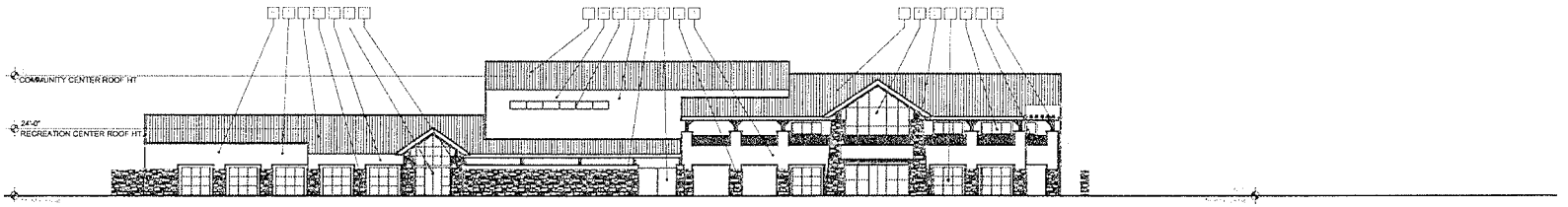
| # | description |
|---|---|




east west




south




north

1 conceptual elevations

SCALE 1" = 20'-0"

Community/Recreation Center

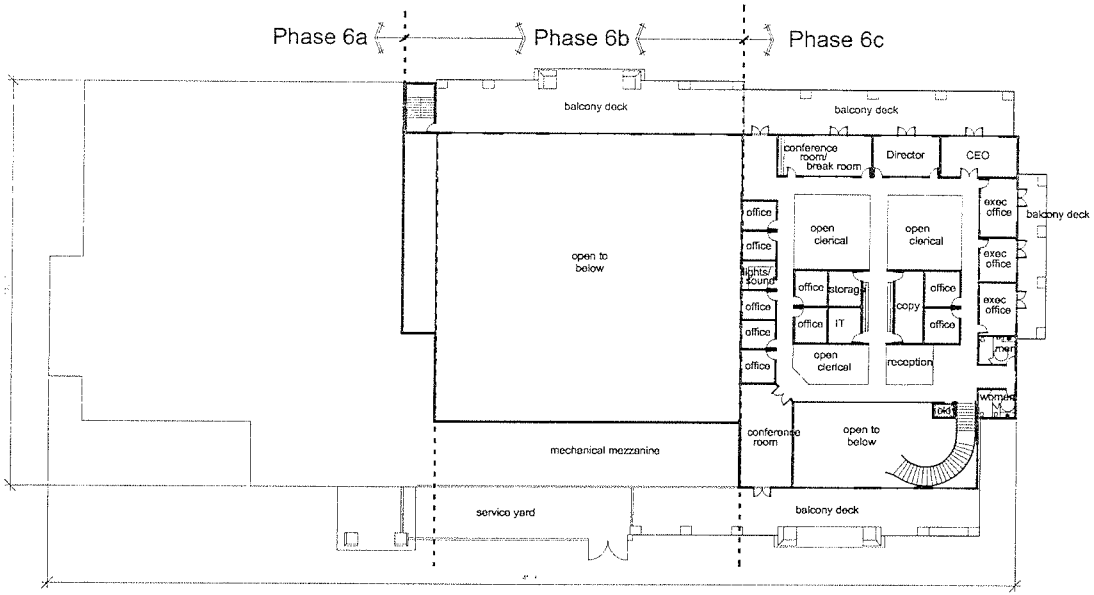
revisions

jd architect

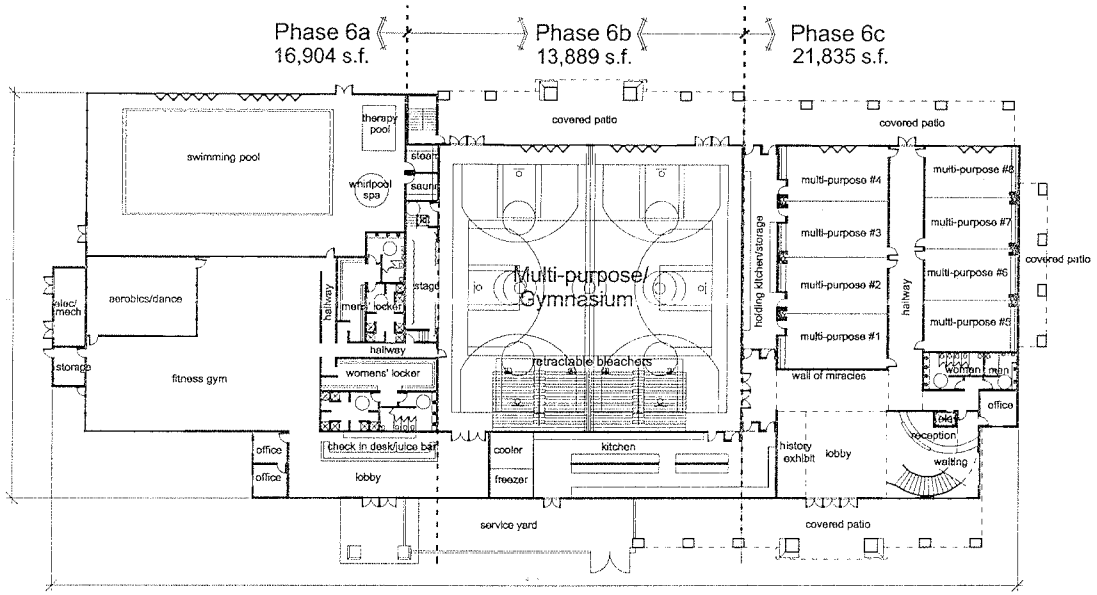
New Vista Community
Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | |
| proj. no. | |
| drwn. by | |
| chkd. by | |

sheet no. A4




Second Floor




First Floor

1 floor plans

SCALE 1" = 20'-0"

# New Vista Community

## Community & Recreational Center

## Area Summary

| | | |
|---|---|---|
| **Phase 6a** | | |
| A | POOL/FITNESS/LOCKER ROOMS SNACK BAR/LOBBIES | 16 904 S F |
| **Phase 6b** | | |
| B | MULTI-PURPOSE GYMNASIUM | 11 749 S F |
| C | KITCHEN | 2 140 S F |
| | SUBTOTAL | 13 889 S F |
| **Phase 6c** | | |
| D | LOBBY/RECEPTION/RESTROOMS/ MULTI-PURPOSE ROOMS/ HOLDING KITCHEN/STORAGE | 11 910 S F |
| E | CORPORATE OFFICES | 9 925 S F |
| | SUBTOTAL | 21 835 S F |
| | COMMUNITY/REC CENTER BLDG TOTAL | 52 628 S F |

NOTE NO RETAIL USES ARE SHOWN

jdB architect

New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

sheet no. A5
date
proj. no.
drwn. by
chkd. by

## keynotes

| # | description |
|---|---|
| | |
| | |
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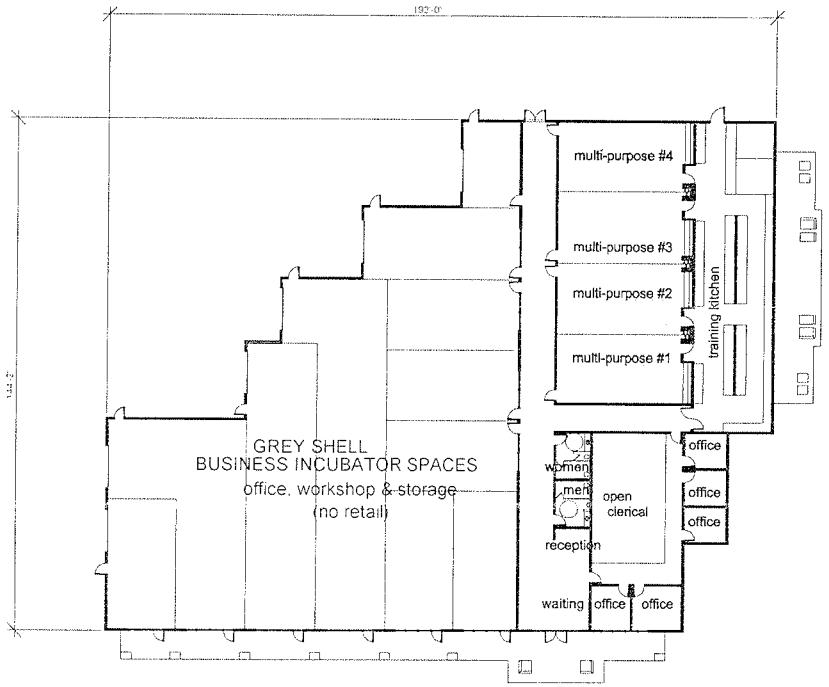
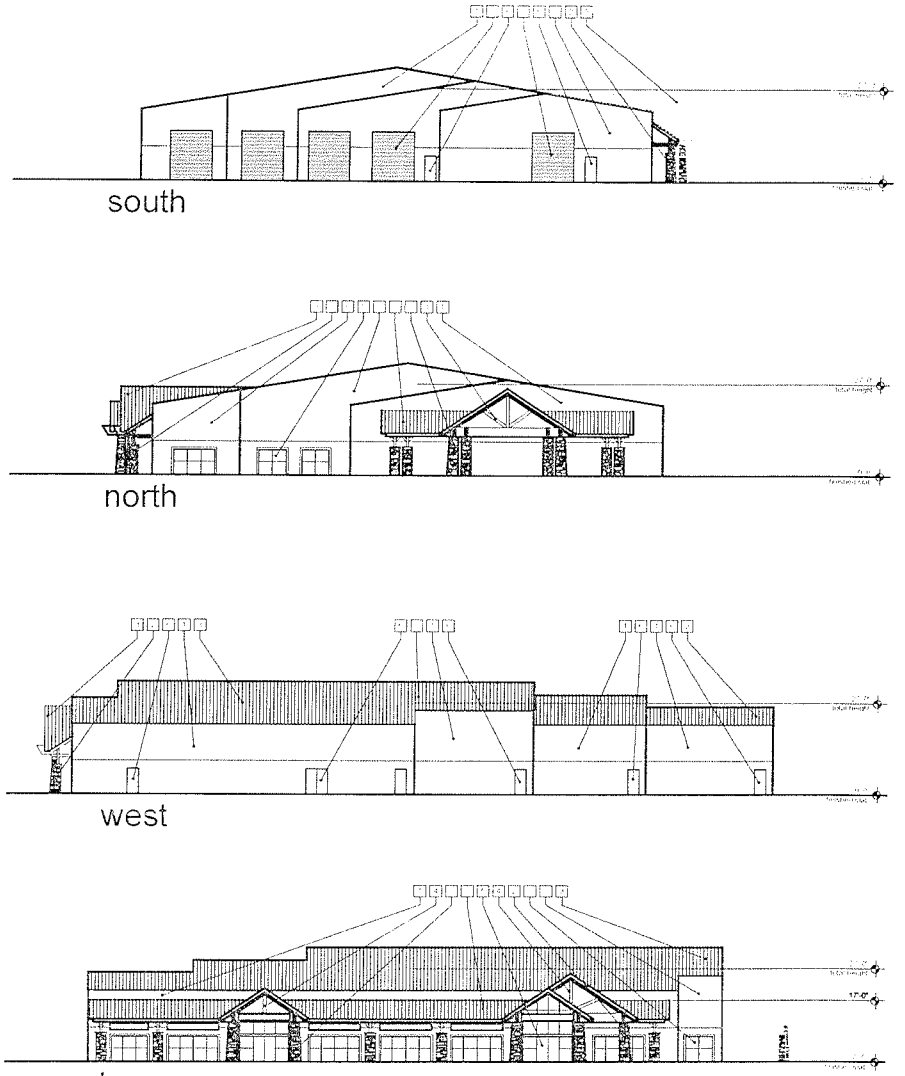



2 **floor plan** employment & educational Center

SCALE 1/16" = 1'-0"

21,000 s.f.




1 **elevations**

SCALE 1/16" = 1'-0"

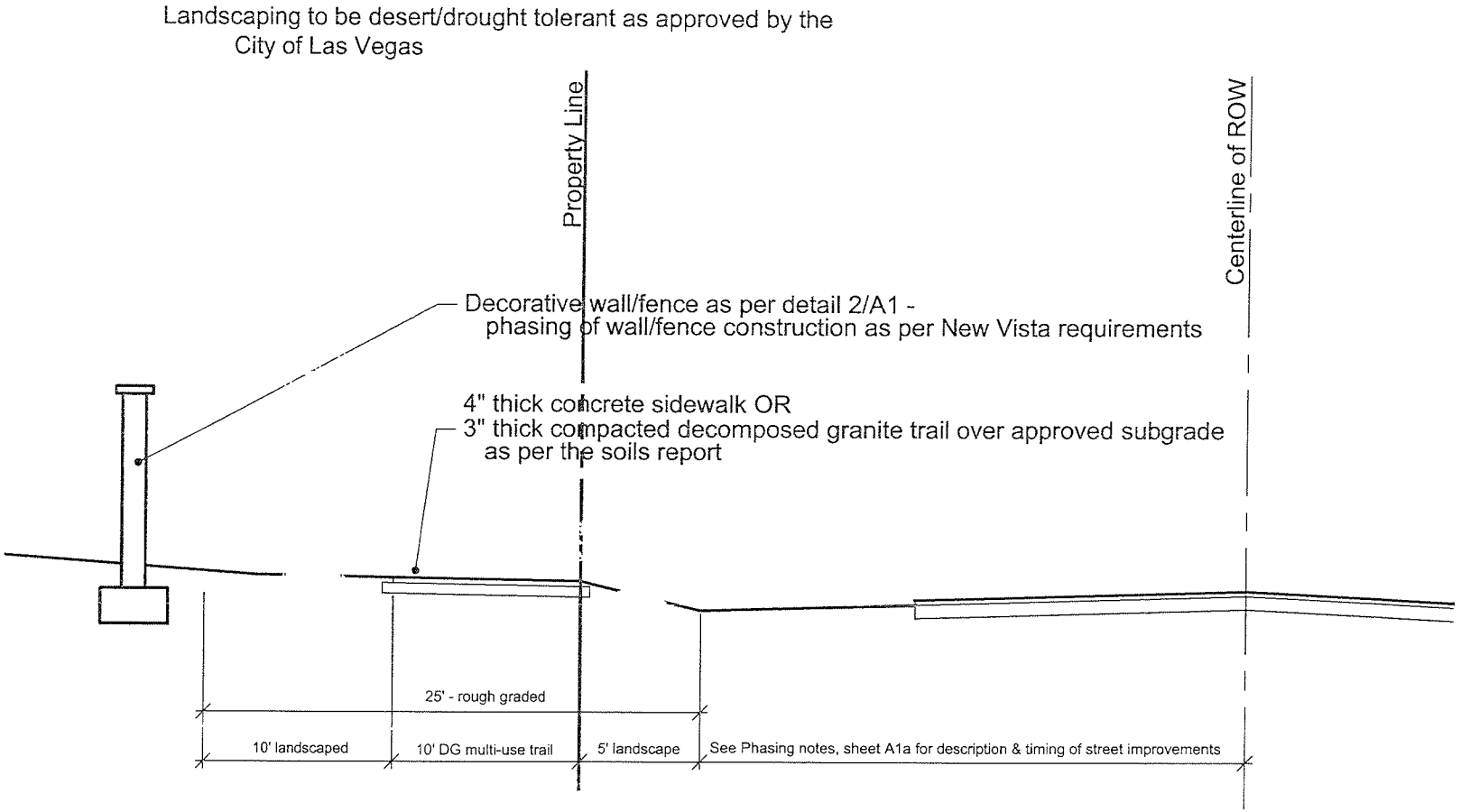
jd architect

New Vista Community
Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| date | |
|---|---|
| proj. no. | |
| drawn by | |
| check by | |

A6

# EXHIBIT D




# 2 Non-standard rural multi-use trail

no scale

PERMANENT TRAIL

REFER TO MULTI-USE TRANSPORTATION TRAIL
ADOPTED JANUARY 16, 2002

# EXHIBIT E

New Vista Ranch Traffic Summary

- The 56 additional units are anticipated to generate approximately 557 trips per day of which 10 trips are during the AM peak hour and 16 are during the PM peak hour based on the trip rates provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual

- The Community Center/Recreation Center is anticipated to generate a maximum of 813 trips per day of which 17 trips are during the AM peak hour and 52 are during the PM peak hour based on the trip rates provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual

- The site is not expected to generate a significant amount of traffic to the surrounding roadways

- The site is served by two arterials which should have adequate capacity to handle the low volume of traffic generated by this development

- The two driveways are located away from the Rainbow/Grand Teton intersection and should provide adequate access and circulation for the development

- The City may require a traffic impact study to analyze the traffic impacts from this development

- The City may impose a traffic signal impact fee Based on the number of units and square footage proposed this could be on the order of $25 000

The preliminary traffic analysis provides an evaluation of the of the traffic conditions and impacts for a proposed expansion to the New Vista Ranch located on the southwest corner of Rainbow Boulevard and Grand Teton Drive. The proposed expansion includes 56 additional assisted living housing units and a 140,000± square foot Community/Recreation Center.

The average daily traffic volume and the AM and PM peak hour volumes generated by the additional assisted living units and community/recreation center have been estimated based on the trip rates for "Assisted Living Units (ITE Code 254) and Multi-Purpose Recreation Facility (ITE Code 435) provided in the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition. The proposed expansion is estimated to generate 27 morning peak hour trips and 68 evening peak hour trips as summarized in the following table.

TRIP GENERATION

| Land Use | Size | 24 Hour Volume | AM | | PM | |
|---|---|---|---|---|---|---|
| | | | Enter | Exit | Enter | Exit |
| Assisted Living (ITE Code 254) | 56 Occupied Beds | 153 | 7 | 3 | 8 | 8 |
| Multi-Purpose Recreation Facility (ITE Code 435) | 9 Acres | 813 | 0 | 3 | 26 | 26 |

As shown in the above table, this expansion is expected to generate very little traffic. The residents of the assisted living units do not drive and many of the community/recreation center users are on-site. The following conclusions and recommendations are provided based on this preliminary analysis.

- The expansion is not expected to generate a significant amount of traffic to the surrounding roadways.
- The site is served by two arterials which should have adequate capacity to handle the low volume of traffic generated by this development.
- Two driveways are proposed to be located on Grand Teton Drive and should provide adequate access and circulation for the development.
- The City may require a traffic impact study to analyze the traffic impacts from this development.
- The City may impose a traffic signal impact fee. Based on the number of units and square footage proposed, this could be on the order of $25,000.

REFER TO CITY OF LAS VEGAS MASTER PLAN OF STREETS AND HIGHWAYS

Last Revised October 04, 2006 MSH-13509

# EXHIBIT F

December 18, 2006
W O # 6730

Mr John Burke
John David Burke Architect
3471 West Oquendo Road, Suite 307
Las Vegas, Nevada 89118

RE NEW VISTA RANCH (GRAND TETON / RAINBOW) DRAINAGE

Mr Burke

On December 12, 2006 I met with the City of Las Vegas Flood Control Current Planning and Development Coordination staff to discuss this project The purpose of the meeting was to discuss the existing drainage conditions for this site and adjacent properties and the impact this proposed project would have on the existing conditions

The City of Las Vegas staff emphasized that the development of this site would need to be done in such a manner that downstream properties would not be negatively impacted by this project The following discussion summarizes those existing conditions and develops the concept of the design which achieves that objective It outlines how this site can be developed at this time and return flows to historic conditions downstream of this site

Sincerely,

VTN Nevada

James L Fitzpatrick P E
Senior Associate

cc Jim Thomas / VTN Nevada

# NEW VISTA RANCH DRAINAGE ANALYSIS

## EXISTING CONDITIONS

The City of Las Vegas Northwest Neighborhood Study Phase 2 determines the existing and future 100 year flows which impact this site Figures E-13 and F-13 from that report are attached They show that 1316 cfs and 669 cfs will be carried by Grand Teton and Rainbow in the existing condition This will necessitate that all buildings or floodwalls adjacent to Grand Teton be constructed approximately 3 6 (1 5' freeboard plus 2 1' depth of flow) above the flow line Similarly, all buildings or flood walls adjacent to Rainbow will need to be constructed 3 1 (1 5' freeboard plus 1 6 depth flow) above the flow line This is the standard required by the City of Las Vegas

There is an existing channel / flow path along the westerly property line of this site which routes 3070 cfs in the existing condition from Grand Teton to the Whispering Sands / Rainbow intersection In the future a CCRFCD facility will be constructed at this location to carry 3891 cfs

For analysis purposes, the existing condition 3070 cfs will be utilized to determine the existing limits of this flow path The existing condition peak flow was utilized since the City of Las Vegas Northwest Neighborhood Study uses developed condition flow rates for this case The future flow rate will only occur once all upstream CCRFCD improvements are in place which routes additional flows to this channel Those improvements can t be constructed until the CCRFCD facilities are constructed adjacent to and extended downstream from this site Therefore, the 3020 cfs flow was utilized to determine the width of the current flow path along the west property line of this site

The results of the existing condition analysis are shown on the attached Exhibit ECFP The width of the flow path varies from 200 to 1200' It is noted that the flow path crosses into the Whispering Sands R O W approximately 1350 west of the center line at Rainbow and into the Rainbow R O W approximately 200 north of the centerline at Whispering Sands

As Exhibit ECFP demonstrates this flow path has a width of over 1000' at the downstream end of this project. The existing properties south of Whispering Sands and along Rainbow Boulevard currently are significantly impacted by this approximately 3000 cfs of flow prior to the construction of this site

## PROPOSED CONDITIONS

As previously discussed, the proposed structures adjacent to Grand Teton and Rainbow will need to be elevated or protected by floodwalls up to 1 5' above the calculated water surface in those streets

The design of conveyance facilities along the west property line of this project will need to maintain the existing conditions outlined above This will be accomplished by widening the bottom width of the existing earthen channel adjacent to the northwestern portion of this site and spreading out the flow adjacent to the southwestern portion to match existing conditions as it crosses into Whispering Sands and Rainbow R O W

One issue needs to be understood upfront it is not possible to construct the adjacent future CCRFCD facility at this time since it would have no downstream discharge In addition these interim facilities will have to return the flow to existing ground elevation at the perimeter of this site

This project is being divided into phases for the purpose of this analysis The northern 2/3 of the site will be developed at this time The southern 1/3rd of the site will be utilized for "overflow event" parking and to distribute the flow to maintain historic conditions After construction of CCRFCD facilities the southern 1/3 of the site can be completely developed

In order to maintain historic conditions it will be necessary to widen the bottom width of the existing channel in the existing 100' easement for the future CCRFCD facility This widening of the bottom of the channel will compensate for the filling of the portion of the existing flow path located within this site A typical section of this interim channel facility, Exhibit ICF is attached This channel section was added to the existing cross section to determine the width of the flow path after construction of this project shown on Exhibit FCFP

It should be noted that the interim channel will remain earthen except for the armoring of the east bank to prevent potential damage to the proposed buildings It was decided to leave the rest of the channel / flow path as existing or earthen condition If it were to be improved, that would result in potentially increasing the velocity of discharge on the existing downstream residences It should be noted that the discharge velocity in both the existing and proposed condition analysis is less than 5 fps which is considered nonerosive

An interim berm will be utilized in the southern portion to provide an eastern limit in the proposed condition to expand the flow back to historic discharge locations and conditions In addition this berm will provide protection for the interim "event overflow" parking area in the southern portion of this site If the interim berm is damaged during any storm event, the property owner will need to restore it to maintain protection for this interim parking area

ONSITE DETENTION

At previous public meetings for this project it was suggested that some form of a detention basin be constructed in the southern portion of this site As discussed at recent meetings with the City of Las Vegas staff members, due to the size of land available and

since no downstream underground drainage system exists, this onsite detention would probably result in no effective reduction of the existing flow impacting downstream property

It is acknowledged that an onsite basin could be incorporated into the "event overflow parking lot However, this basin would have an `at grade outlet structure These type of small "at grade" detention facilities have a potential of becoming a public nuisance It would be similar to in design to the detention basin which was constructed in the Los Prados subdivision just west of Decatur The City of Las Vegas received numerous complaints about that facility for years It is suggested to allow the City of Las Vegas Flood Control staff to determine if an onsite detention facility is necessary at the time a technical drainage study is prepared that determination to be based on impact of development of this site has on the entire basin drainage system

REFER TO CITY OF LAS VEGAS NORTHWEST NEIGHBORHOOD STUDY PHASE 2

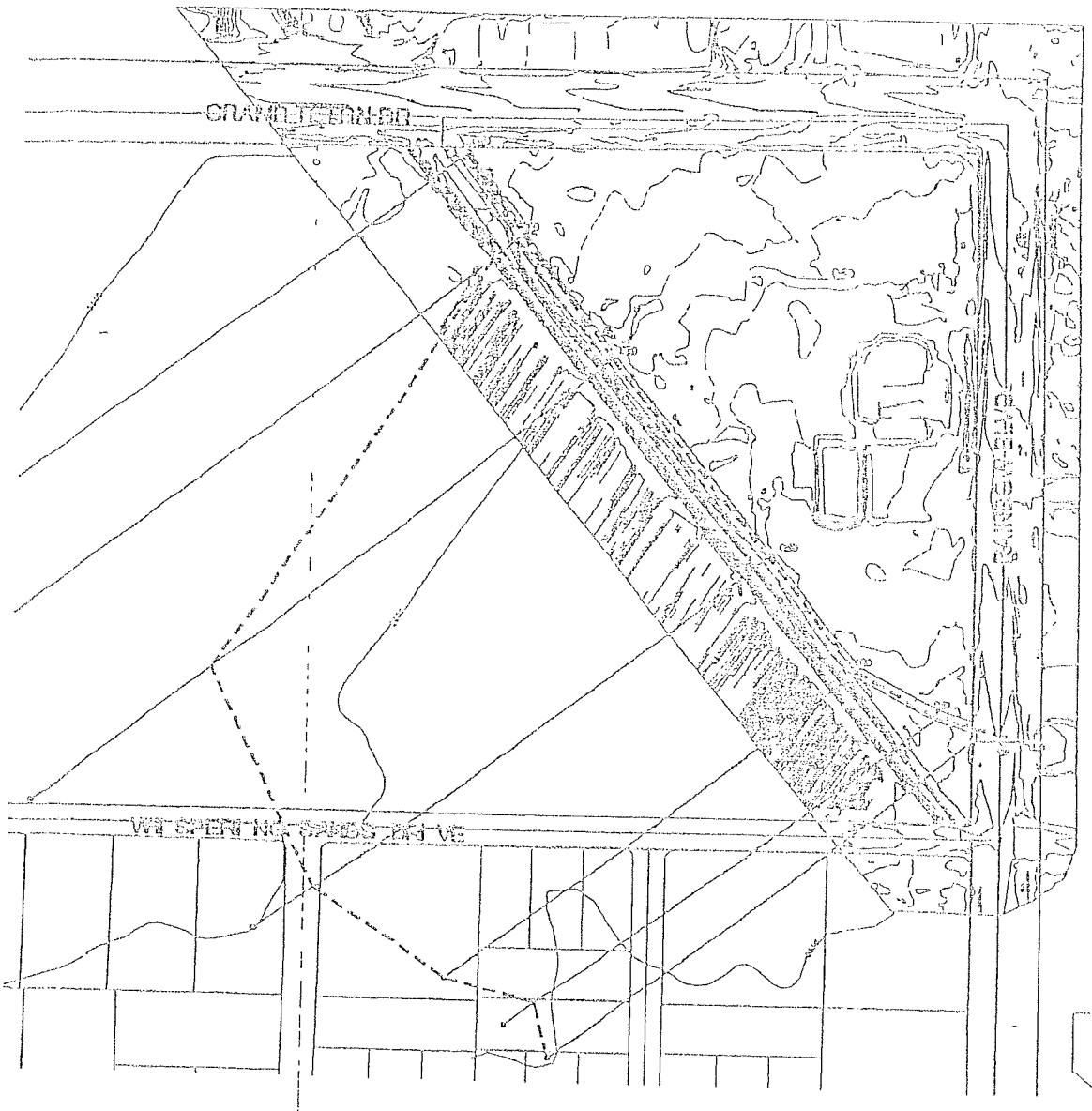
EXISTING DRAINAGE CONDITIONS

PHOTO DATE SEPTEMBER 1998

REFER TO CITY OF LAS VEGAS NORTHWEST NEIGHBORHOOD STUDY PHASE 2

FIGURE F13

FUTURE DRAINAGE CONDITIONS



GRAPHIC SCALE

300 0 150 300 600

1" = 300'

NORTH

vtn nevada

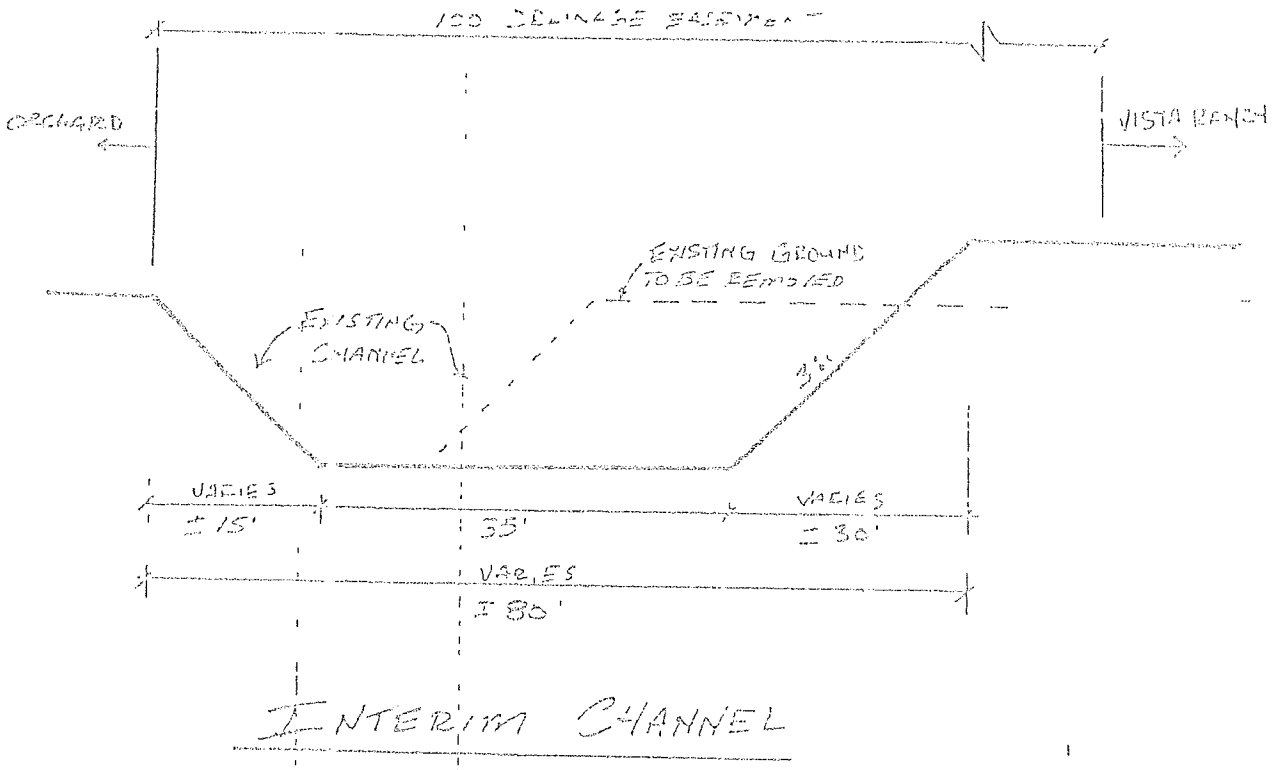
2727 S RAINBOW BOULEVARD
LAS VEGAS NEVADA 89146-5148

NEW VISTA RANCH

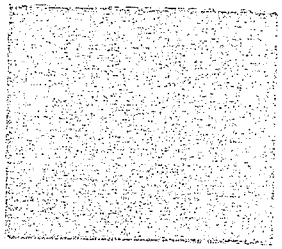
EXHIBIT FCFP

| | |
|---|---|
| SCALE | HORZ 1"=300' |
| | VERT N/A |
| W O NO | 6730 |
| DRAWN BY | MDH |
| DATE | DEC 2006 |
| SHEET | OF |

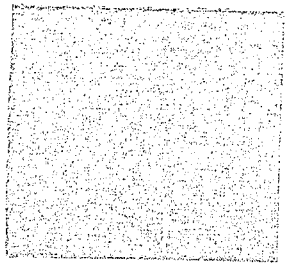
EXHIBIT "F" NEW VISTA RANCH W.O.# 6730



# EXHIBIT G



Barridge Standing Metal Seam Roof
Color: Hemlock Green



Paint Color:
'Frazee' Paint "8385D Brick Rose"



Split Faced CMU : Cultured Stone
Shale Pro-Ft Ledgesone (PF-8016)

Storefront: White Kynar

Stucco Finish

Accents / Plant-ons
'Frazee' Crystal Ball - 6780W

Accents
'Frazee' - Custard

Glass: Evergreen Tint



NEW VISTA COMMUNITY

GPA-16578 ZON-16580
SDR-16581 REVISED
10/19/06 PC

**Revisions to the PD Document:**

**Section 3.4** Revise the title of the "Micro Business Center" to read "Education Employment Center". Though the uses are the same – the name changes is more explanatory of the purpose of the building.

**Section 4.1** The Building Setback section has been revised to match the newly submitted plans. Note that the Community Center/Recreation Building has been pushed farther to the west away from Rainbow Boulevard.

**Section 4.4** This section has been revised to show the driveway requirements to match the new phasing plan.

**Section 4.8** This section has been revised to match the new phasing plan.

**Section 4.9** This section has been updated to match current site conditions.

**Section 4.10** This section has been revised to match current site conditions.

**Section 5.3** This section has been revised to increase the height limits of the Community Center/Recreation Building and the Education/Employment Center. Regarding the added height of the Community/Recreation Center, this height is needed for the sports function (basketball clear height of 28') and to allow the sloped residential style rooflines. The Community Center/Recreation Building has been pushed farther to the west away from Rainbow Boulevard to reduce it's impact on the Rainbow frontage and the neighbors to the east. Similarly, the height of the Education/ Employment Center has been increased to accommodate the sloped residential style roof lines. Note that the Assisted Living Units and the Medical Building have been drastically reduced in height as these buildings are those sited adjacent to Rainbow Boulevard.

**Section 5.4** This section has been revised to match the newly submitted plans.

**Section 8.0** The exhibits have been updated to match the newly submitted plans and incorporate the previous approvals

RECEIVED

MAY 25 2011

MOD-41437 ROC-40981
SDR-40980 REVISED

John David Burke, Architect
a Professional Corporation

May 24, 2011

**CITY OF LAS VEGAS**
**DEPARTMENT OF PLANNING & DEVELOPMENT**
731 South Fourth Street
Las Vegas, Nevada 89101

**Re: Justification Letter – Major Modification**
**Revision to the PD New Vista Master Development Plan and Development Standards Document, dated February 7, 2007**
**GPA-16578, ZON-16580**
**New Vista Community**
**Assisted Living Apartments**
**Community and Recreation Center**
**SW corner Rainbow and Grand Teton**
**Tax Assessor's Parcel No.: 125-15-501-002**

RECEIVED
MAY 24 2011

**Overview**

This revision to the New Vista Master Development Plan and Development Standards Document we are submitting today is a revision to previously approved MDPDS document approved in conjunction with GPA-16578, ZON-16580 and SPR-16581. The project involves a 15.05 net acre, 17.81 gross acre site on the southwest corner of Rainbow Boulevard and Grand Teton Drive in the City of Las Vegas. This revision is a companion item to the newly submitted plans for SDR-40980 and ROC-40981. The new revised plans depict essentially the same uses as previously approved but in a different configuration. The MDPDS document revisions bring this document in line with the new submittals.The uses proposed were previously housed in two large buildings. The new plan proposes to separate these uses into smaller buildings to reduce the scale and appearance of the project. Also, the overall building area of the project is being reduced by approximately 20,000 s.f. – a 14% reduction. While the goal of this redesign is provide a more residential scale and character for the project in a campus like setting, it is also making the project more affordable and easier to finance from a construction and fundraising viewpoint. Central to this concept is to allow the project to be built in phases with each phase giving the appearance of a residential neighborhood growing over time.

MOD-41437 ROC-40981
SDR-40980 REVISED

Otherwise, this Major Modification is consistent with the master plan and with the requirements of City of Las Vegas Zoning Code.

We respectfully request your consideration in this matter. If you have any questions or comments, please call.

**Sincerely,**

**JOHN DAVID BURKE, ARCHITECT**

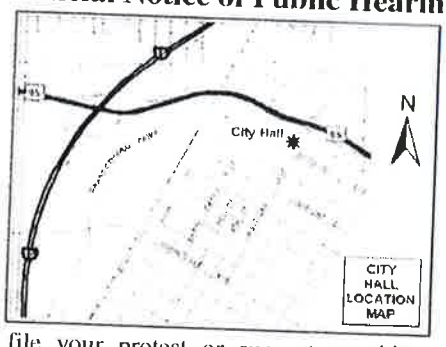
RECEIVED

MAY 25 2011

**MOD-41437 ROC-40981**
**SDR-40980 REVISED**

3471 West Oquendo Rd., Suite 301, Las Vegas, Nevada 89118, (702)876-4863, fax (702)876-9355, jburke@jburkearchitect.com

## Official Notice of Public Hearing

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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12510812116 Case: MOD-41437
KAWAKAMI CHRISTOPHER T & PAUL M
7140 RIVER MEADOWS AVE
LAS VEGAS NV 89131-4315

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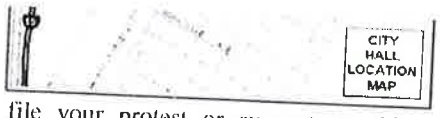
89 DRDFM11 89131

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12515712002 Case: MOD-41437
VARGAS JOSE G
6813 VIA LOCANDA AVE
LAS VEGAS NV 89131-0127

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89 DRDFM11 89131




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12515711007 Case: MOD-41437
MAGUINESS THOMAS S & ELIZABETH
7504 VIA SIGNORELLI
LAS VEGAS NV 89131-0125

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Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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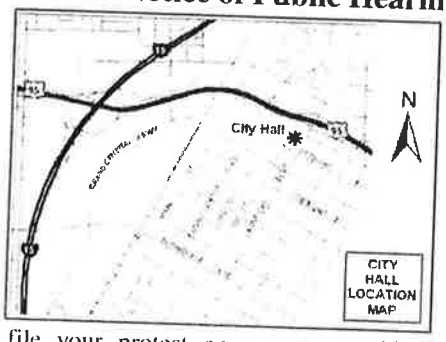


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12515212026 Case: MOD-41437
GOURLEY R VAUGHN & KAROL
7331 REAL QUIET DR
LAS VEGAS NV 89131-4133

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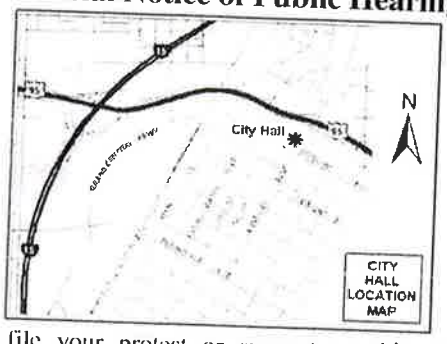


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12514105012 Case: MOD-41437
VICCHIULLO MARIO A JR & DONNA M
6580 WHISPERING SANDS DR
LAS VEGAS NV 89131-2220

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Development Services Center
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Las Vegas, Nevada 89106

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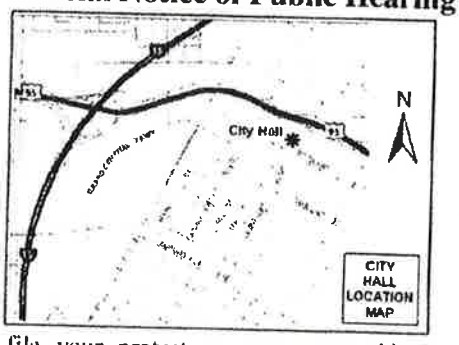


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12510814028 Case: MOD-41437
CHAO-WANG TRUST
33798 TRAILSIDE WY
UNION CITY CA 94587-4368

93 DRDFN11 94587

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City of Las Vegas
Department of Planning
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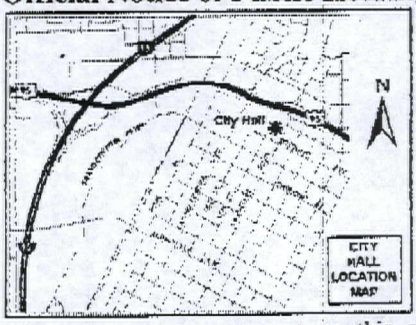


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12514202007
BAJA 102 TRUST
6575 WHISPERING SANDS DR
LAS VEGAS NV 89131-2221

89 DRDFM11 89131

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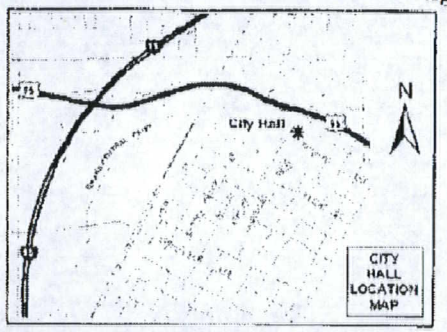


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12515712023
DURELL WILLIAM & JANET FAM TR
7509 VIA FIORENTINO ST
LAS VEGAS NV 89131-0129

65 DROPM11 89131

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702-655-3714

Durell Laboratories

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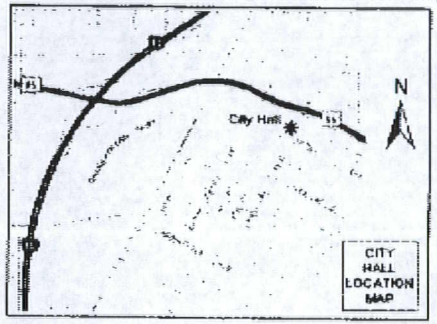


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☒ I SUPPORT this Request

☐ I OPPOSE this Request

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12515402005
MCCALLA ROBERT D & TAMARA M
7355 SEVERANCE LN
LAS VEGAS NV 89131-3326

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JUL 07 2011

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Las Vegas, Nevada 89106

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If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**MOD-41437**

Planning Commission Meeting of 7/12/2011

12510714014 Case: MOD-41437
HUFFMAN KURT TRUST
P O BOX 751450
LAS VEGAS NV 89136-1450

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20A

Jul 11 2011 10:22 RESULTS TECH 1 913-928-8200 p.2

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106




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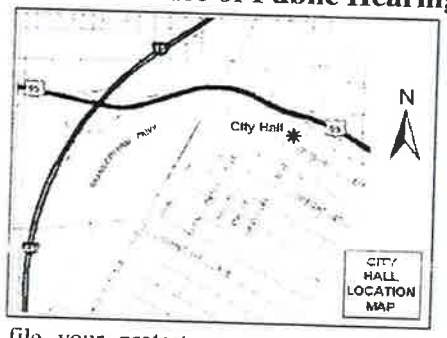


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Please use available blank space on card for your comments.
**MOD-41437**
Planning Commission Meeting of 7/12/2011

12515810050 Case: MOD-41437
CARDWELL-LUETKEMEYER LIVING TR
6896 KELP LEDGE CT
LAS VEGAS NV 89131-0122

30A

66 DRDFN11 89131

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**MOD-41437**
Planning Commission Meeting of 7/12/2011

PLANNING & DEVELOPMENT

12510818008 Case: MOD-41437
MOWAT CHARLES W & SUZANNE J
8113 BAY COLONY ST
LAS VEGAS NV 89131-6707

30A

66 DRDFN11 89131

DEVELOPMENT

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or

Jul 05 11 12:26p James R. Tripp (702) 396-2330 p.1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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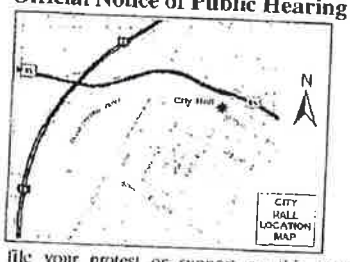


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**MOD-41437**

Planning Commission Meeting of 7/12/2011

12515211022 Case: MOD-41437
TRIPP JAMES R & CONNIE J
7222 SILVER CHARM CT
LAS VEGAS NV 89131-4129

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**MOD-41437**

Planning Commission Meeting of 7/12/2011

Case: MOD-41437

12514110007
EAGLE RANCH 3 L L C
801 S RANCHO DR #E-4
LAS VEGAS NV 89106-3812

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106




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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**MOD-41437**

Planning Commission Meeting of 7/12/2011

Case: MOD-41437

12515405016
SMITH PAMELA T
7240 N MONTE CRISTO WY
LAS VEGAS NV 89131-3334

89 DRDFM1 89131

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City of Las Vegas Agenda Item No.: **19.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
ABEYANCE - ROC-40981 - REVIEW OF CONDITION RELATED TO MOD-41437 - PUBLIC HEARING - APPLICANT/OWNER: NEW VISTA RANCH, INC. - For possible action on a request for a Review of Condition of a previously approved Rezoning (ZON-16580) TO ELIMINATE CONDITIONS 5, 7 and 9 on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

**C.C. 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **8** | **Planning Commission Mtg.** | **9** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Supporting Documentation
3. Photos – ROC-40981 and SDR-40982
4. City Council Approval Letter for ZON-16580
5. City Council Approval Letter for SDR-16581
6. Protest/Support Postcards - ROC-40981 and SDR-40982

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **ROC-40981** APN: 125-15-501-002

Name of Property Owner: NEW VISTA RANCH INC

Name of Applicant: " " "

Name of Representative: CHRIS KAEMPFER

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: X Kelly D Guzman

Print Name: KELLY DEGUZMAN, CEO

Subscribed and sworn before me

This 15 day of February, 2011

Sally Marcus

Notary Public in and for said County and State

SALLY MARCUS
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 05-05-2013
Certificate No: 97-1845-1

Revised 11-14-06

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

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** NEW VISTA COMMUNITY

**Project Address (Location)** 7875 N. RAINBOW BLVD.

**Project Name** NEW VISTA COMM-ASST'D LIVING/CMM & REC CTR/EDU & EMPLO **Proposed Use** HOUSING & SUPPORT FACILITY MR/DD POP.

**Assessor's Parcel #(s)** 125-15-501-002 **Ward #** _____

**General Plan:** existing PCD proposed PCD **Zoning:** existing PD proposed PD

**Commercial Square Footage** 123,850 S.F. **Floor Area Ratio** 16.0%

**Gross Acres** 15.0 **Lots/Units** 78 **Density** 5.2/ACRE

**Additional Information** SEE JUSTIFICATION LETTER FOR WAIVER OF CONDITION

**PROPERTY OWNER** NEW VISTA RANCH INC. **Contact** KELLY DEGUZMAN, CEO

**Address** P.O. BOX 80025 **Phone:** (702) 457-4577 **Fax:** (702) 457-1422

**City** LAS VEGAS **State** NV **Zip** 89180

**E-mail Address** KELLYDEGUZMAN@NEWVISTACOMMUNITY.ORG

**APPLICANT** NEW VISTA RANCH INC. **Contact** KELLY DEGUZMAN, CEO

**Address** P.O. BOX 80025 **Phone:** (702) 457-4577 **Fax:** (702) 457-1422

**City** LAS VEGAS **State** NV **Zip** 89180

**E-mail Address** KELLYDEGUZMAN@NEWVISTACOMMUNITY.ORG

**REPRESENTATIVE** CHRIS KAEMPFER/JOHN BURKE **Contact** KCRG&F/JOHN BURKE ARCHITECT

**Address** 8345 W. SUNSET RD. #250/3471 W. OQUENDO RD. #301 **Phone:** 876-4863 (792-7000) **Fax:** 876-9355 (796-7181)

**City** LAS VEGAS **State** NV **Zip** 89113/89118

**E-mail Address** INFO@KCNVLAW.COM/JBURKE@JBURKEARCHITECT.COM

**Property Owner Signature*** X Kelly DeGuzman

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

**Print Name** KELLY DEGUZMAN, CEO

Subscribed and sworn before me

This 23rd day of March, 20 11.

Aleva L. H. Walker

Notary Public in and for said County and State

ALEVA L. H. WALKER
Notary Public State of Nevada
No. 06-107463-1
My Appt. Exp. July 5, 2014

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | ROC - 70981 |
| **Meeting Date:** | |
| **Total Fee:** | |
| **Date Received:*** | |
| **Received By:** | |

*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.

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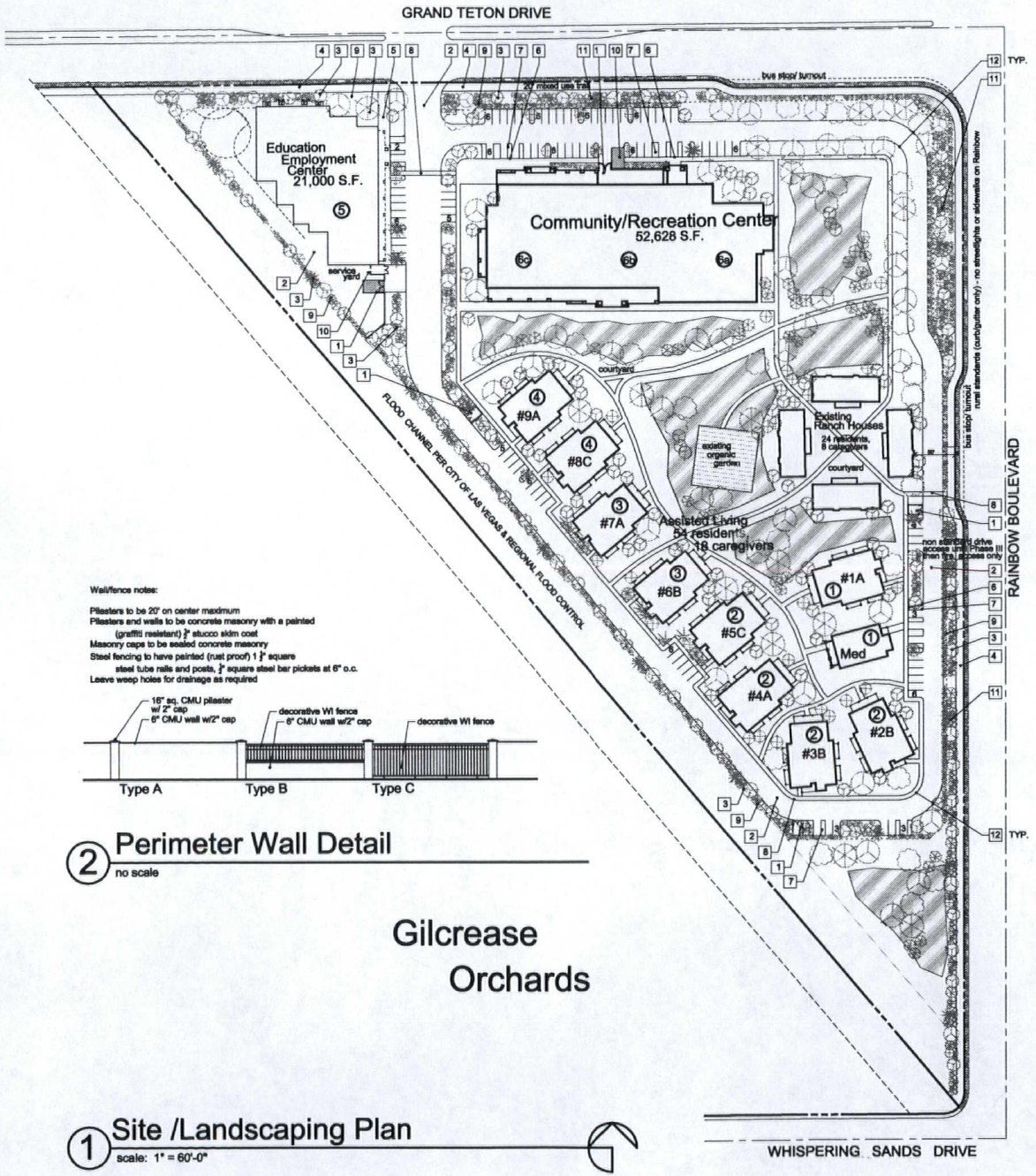



Wall/fence notes:

Pilasters to be 20' on center maximum
Pilasters and walls to be concrete masonry with a painted (graffiti resistant) $\frac{1}{2}$" stucco skim coat
Masonry caps to be sealed concrete masonry
Steel fencing to have painted (rust proof) 1 $\frac{1}{4}$" square steel tube rails and posts, $\frac{3}{4}$" square steel bar pickets at 6" o.c.
Leave weep holes for drainage as required




## 2 Perimeter Wall Detail
no scale

## Gilcrease Orchards

## 1 Site /Landscaping Plan
scale: 1" = 60'-0"

# project data

| | |
|---|---|
| EXISTING ZONING: | GP-L/PD ZONING |
| REQUIRED ZONING: | GP-L/PD ZONING |
| EXISTING USE: | RESIDENTIAL HOUSING |
| PROPOSED USE: | ASSISTED LIVING/ COMMUNITY RECREATIONAL CENTER EDUCATIONAL EMPLOYMENT CENTER |

AREA SUMMARY:

| | AREA |
|---|---|
| ASSITED LIVING APARTMENTS: | 36,830 S.F. |
| MEDICAL FACILITY: | |
| EXISTING RESIDENTIAL HOUSING: | |
| COMMUNITY REC. CENTER: | 52,628 S.F. |
| EDUCATION EMPLOYMENT CENTER | 21,000 S.F. |
| TOTAL BUILDING AREA: | 122,557 S.F. |

PARKING SUMMARY:

| | FACTOR | PKG. REQ. |
|---|---|---|
| ASSITED LIVING APARTMENTS: | 1/UNIT+1 GUEST/5 UNITS | 11 |
| EXISTING RESIDENTIAL HOUSING: | 2/UNIT | 8 |
| COMMUNITY REC. CENTER: | 1/200 GFA | 264 |
| EDUCATION EMPLOYMENT CENTER | 1/250 GFA | 84 |
| TOTAL PARKING REQUIRED: | | 367 |

| | |
|---|---|
| PARKING PROVIDED: | 100 STANDARD SPACES (PER CITY OF LAS VEGAS CONDITIONS OF APPROVAL) |
| TOTAL SITE AREA: | 855,314 S.F. (15.05 A.C.) - net<br>775,989 S.F. (17.81 A.C.) - gross |
| BUILDING COVERAGE: | 16.0 % |
| APN#: 125-155-01-002 | |

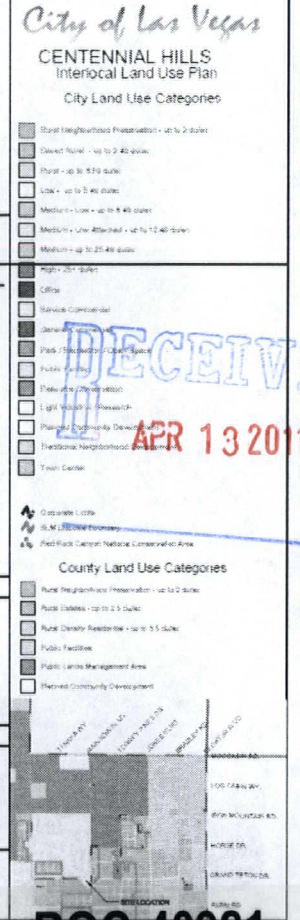
# landscape legend

| SYMBOL | LARGE TREES | TYPE | SIZE |
|---|---|---|---|
| | SHADEMASTER HONEY LOCUST Gleditsia | LARGE DECIDUOUS | 24" box |
| | MEXICAN PALO VERDE Parkinsonia | MEDIUM EVERGREEN | 15 gallon |
| | CHITALPA xxxxxxxxxxxxx | LARGE DECIDUOUS | 24" box |
| | MESQUITE Prosopis | LARGE EVERGREEN | 24" box |
| | CALIFORNIA PEPPER Schinus | MEDIUM EVERGREEN | 15 gallon |
| | SHOESTRING ACACIA Acacia Stenophylla | MEDIUM EVERGREEN | 15 gallon |
| | CHASTE TREE Vitex | MEDIUM EVERGREEN | 15 gallon |
| | AFRICAN SUMAC Rhus lances | LARGE EVERGREEN | 24" BOX |
| SYMBOL | SHRUBS | | SIZE |
| | EVERGREEN EUONYMOUS Euonymous japonica | | 5 GAL |
| | COMMON WINTER CREEPER Euonymous fortunei | | 5 GAL |
| | TEXAS RANGER Leucophyllum Frutescens | | 5 GAL |
| | FEATHERY CASSIAS Cassia artemisioides | | 5 GAL |
| SYMBOL | GROUND COVER | | |
| | MEXICAN PRIMROSE Oenothera berlandieri | | 1 GAL @ 18" O.C.&.W. |
| | HYBRID GAZANIA Gazania hybridus | | 1 GAL @ 18" O.C.&.W. |
| | DWARF COYOTE BRUSH Baccharis pilularis 'Centennial' | | 1 GAL @ 18" O.C.&.W. |
| | Native Desertscape | | |

NOTE: ALL INORGANIC LANDSCAPE GROUND COVER TO BE MATCH THE LANDSCAPE GRAVEL OF THE ADJACENT LOT

# keynotes

| # | description |
|---|---|
| 1 | 6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE w/ PAIR OF STEEL TUBE GATES w/ STAMPED METAL BACKING & LIFT PIN LOCK/LATCH |
| 2 | 2" A.C. PAVING |
| 3 | LANDSCAPED AREA - BY OTHERS |
| 4 | MULTIUSE TRANSPORTATION TRAIL |
| 5 | 4" CONCRETE SIDEWALK W/ROCK/SALT FINISH |
| 6 | FLUSH OUT SIDEWALK WITH PAVING FOR HANDICAP ACCESS |
| 7 | HANDICAP ACCESS AISLE |
| 8 | HANDICAP ACCESSIBLE ROUTE |
| 9 | DECO 6' CMU/METAL FENCE/WALL - SEE 2/A1 |
| 10 | 15' x 25' LOADING ZONE |
| 11 | INTENSE LANDSCAPE BUFFER |
| 12 | 28' INSIDE, 52' OUTSIDE DRIVE RADII |

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jdB architect
John David Burke, Architect, 6971 West Oquendo Road, #301, Las Vegas, NV 89118 (702)375-4053, jburke@jdbarchitect.com

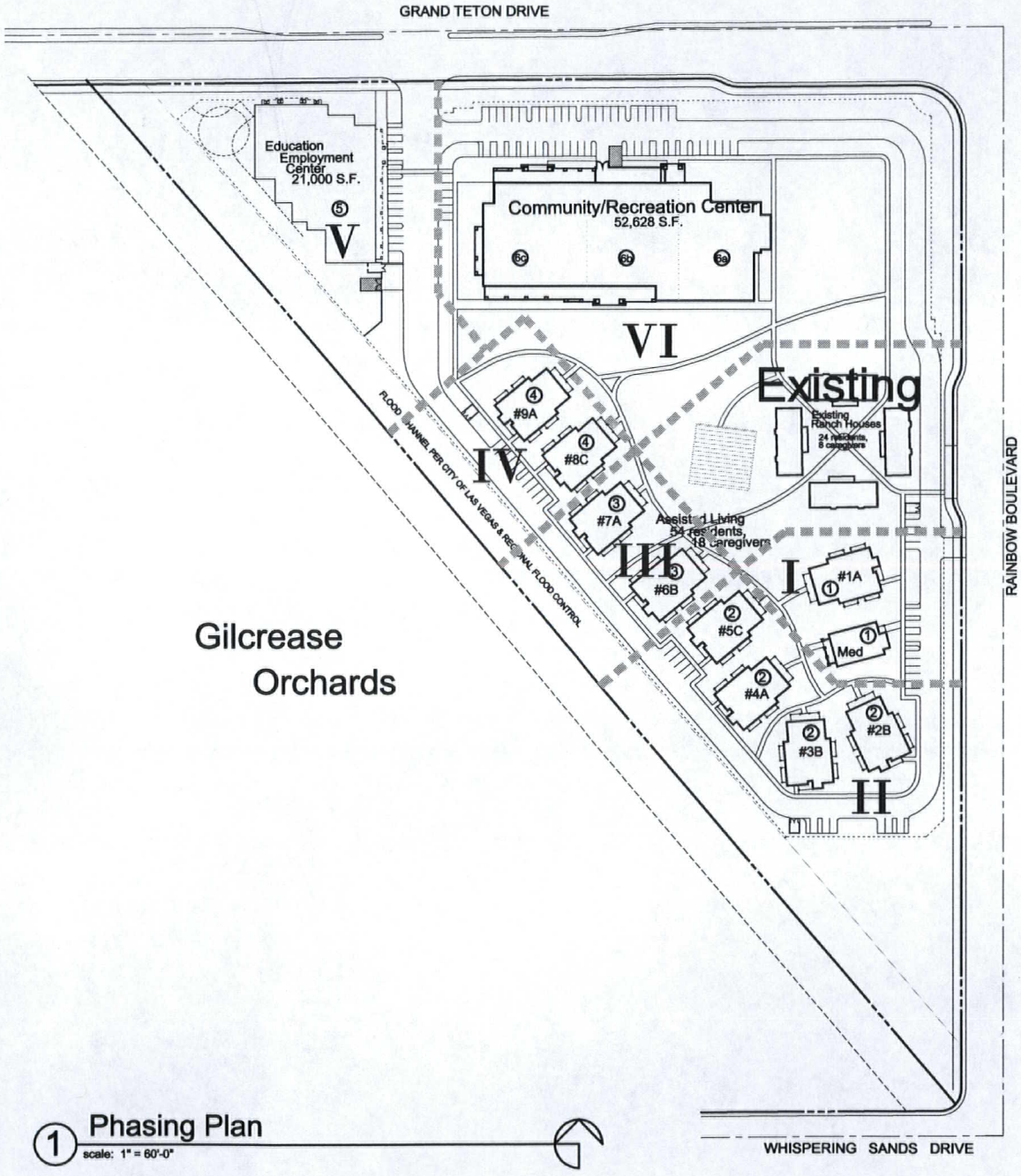
revisions
no. description date

**New Vista Community**
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| date | 2/10/11 |
|---|---|
| proj. no. | 2010-48 |
| drwn. by | |
| chkd. by | |

sheet no. A1

**ROC-40981**
**SDR-40980**
**REVISED**




1 Phasing Plan
scale: 1" = 60'-0"

## New Vista Ranch Phasing Plan:

I
1. Phase One - Build One New Residential Home and Onsite Medical Office
   a. Utilize existing access to Rainbow Boulevard. No offsite improvements to Rainbow Blvd. or Grand Teton except as noted in detail 2/A1a
   b. Construct underground utility connections to adjacent public utilities in Rainbow Boulevard.
   c. Construct non-standard multi-use trail on full street frontages consisting of:
      -rough graded frontage for a depth of 25'
      -desert landscaping for a depth of 25' except as noted
      -construct 10' wide decomposed granite pathway per detail 2/A1a
   d. Apply for GPA to amend Master Plan of Streets and Highways to revise designation of Rainbow Boulevard from Grand Teton south to 215 as a rural street

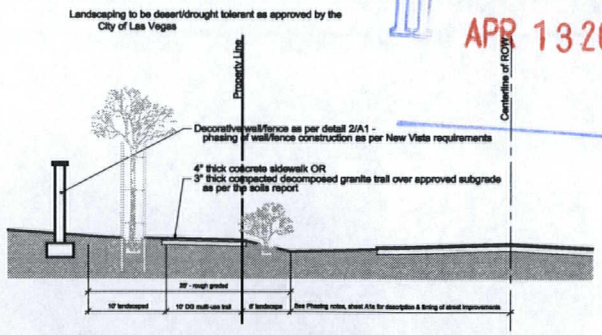
II
2. Phase Two - Build Four (4) More Residential Homes

III
3. Phase Three - Build Two (2) Additional Residential Homes
   a. Construct Grand Teton improvements as indicated on the Phasing Plan.
   b. Construct onsite roadways to direct onsite vehicle circulation to the Grand Teton access point.
   c. Construct fire truck crash gate on Rainbow to restrict access

IV
4. Phase Four - Build Two (2) Remaining Residential Homes

V
5. Phase Five - Construction of the Education & Employment Center Building
   a. Construct full offsites on Rainbow Boulevard as per approvals obtained at that point in time.

VI
6. Phase Six - Construction of the Recreation Center




Grand Teton - Phases I and II*
Rainbow - Phases I, II, III and IV**
2 Non-standard rural multi-use trail
no scale

* Install CLV Std. Multi-Use Transportation Trail in Phase III on Grand Teton
** Install CLV Std. (except for no streetlights) Multi-Use Transportation Trail in Phase V on Rainbow

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jdB architect

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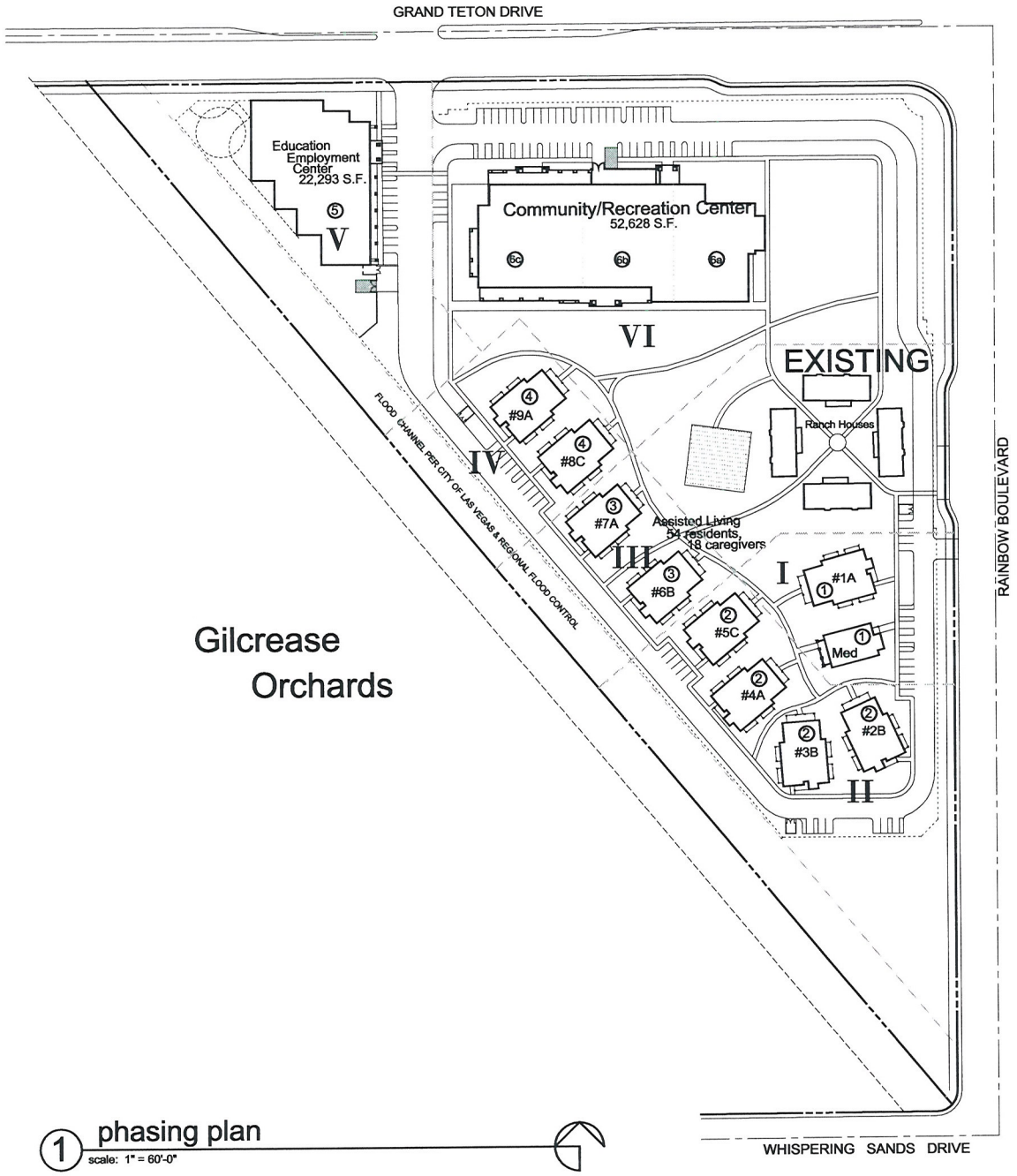
New Vista Community
Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| date | proj. no. | drwn. by | chkd. by |
|---|---|---|---|
| 4/12/11 | 2010-48 | | |

sheet no. A1a

ROC-40981
SDR-40980
REVISED




1 phasing plan
scale: 1" = 60'-0"

## New Vista Ranch Phasing Plan:

1. Phase One - Build One New Residential Home and Onsite Medical Office
   a. Utilize existing access to Rainbow Boulevard. No offsite improvements to Rainbow Blvd. or Grand Teton.
   b. Construct underground utility connections to adjacent public utilities in Rainbow Boulevard.

2. Phase Two - Build Four (4) More Residential Homes
   a. Build only onsite infrastructure to support four more homes.

3. Phase Three - Build Two (2) Additional Residential Homes
   a. Construct offsite improvements to Grand Teton by developing a median opening within the existing half constructed median to allow both in and out circulation from the property to the north.
   b. Construct onsite roadways to direct onsite vehicle circulation to the Grand Teton access point.

4. Phase Four - Build Two (2) Remaining Residential Homes
   a. During this phase of development, and prior to receiving the occupancy permit for the first building in this Phase, commence construction of the offsite improvements to Rainbow Boulevard. The improvements to Rainbow Boulevard must commence and be completed within 180 days.
   b. Full offsite improvements to Grand Teton once 1) the construction of the either the mini business workshop building or the recreation center is commenced; 2) adjacent properties have constructed Grand Teton to the New Vista's property or 3) when requested by the City of Las Vegas Public Works Department based upon need for improved traffic circulation.

5. Phase Five - Construction of the Mini Business Workshop Building

6. Phase Six - Construction of the Recreation Center

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date description

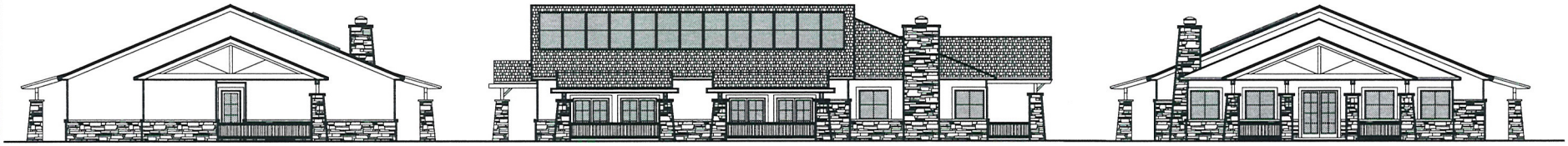
jdB architect
John David Burke, Architect, 2471 West Oquendo Road, #201, Las Vegas, NV 89118 (702)278-4583, jburke@purdueandfield.com

New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 2/10/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A1b

**ROC-40981**
**SDR-40980**



typical rear side front

Type C



typical rear side front

Type B



typical rear side front

Type A

1 EXTERIOR ELEVATIONS Assisted Living Module

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ROC-40981
SDR-40980

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John David Burke, Architect

revisions

| date | description |
|---|---|
| | |

jdB architect
John David Burke, Architect, 5471 West Oquendo Road, #301, Las Vegas, NV 89118 (702)878-4883, jburke@jdbarchitect.com

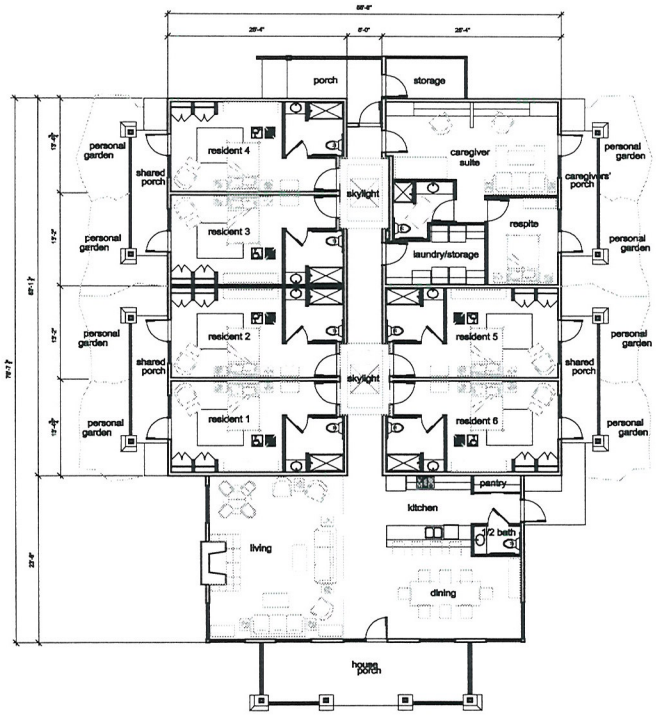
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 2/10/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A2

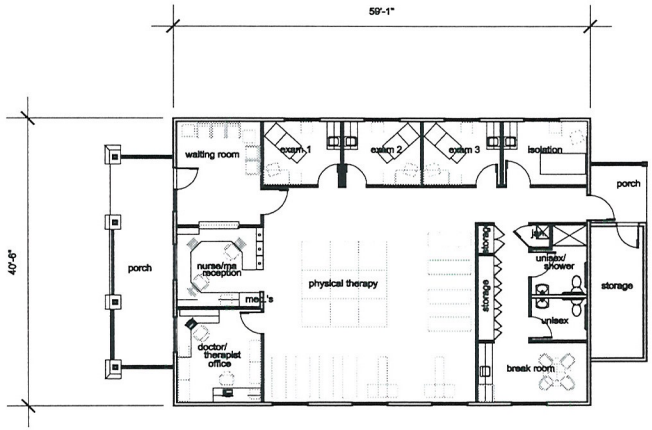
## keynotes

| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | CONCRETE ROOF TILE |
| 4 | TIMBER TRUSS |
| 5 | PELLA DOORS/WINDOWS |
| 6 | WOOD RAILING |
| 7 | PHOTOVOLTAIC ARRAY |



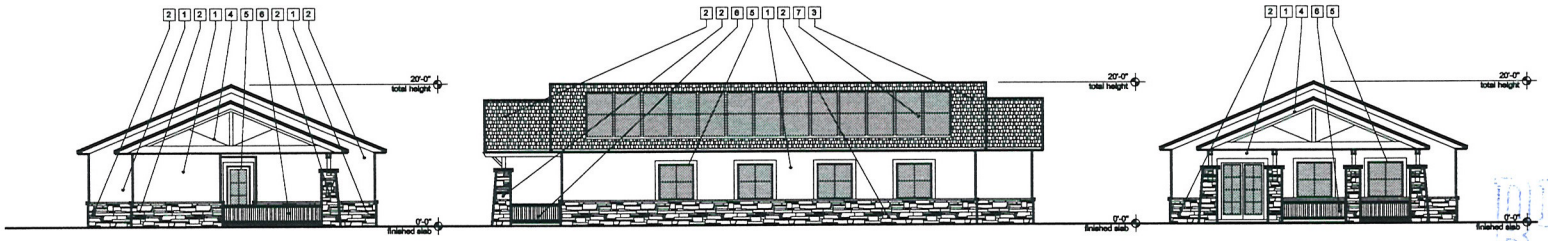

3 **floor plan** Assisted Living Module

NET BUILDING AREA: 4,070 S.F.




2 **floor plan** Medical/Therapy Office

NET BUILDING AREA: 2,394 S.F.




typical rear | typical side | front

1 **exterior elevations** Medical/Therapy Office

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**ROC-40981**

**SDR-40980**

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John David Burke, Architect

revisions
date | description

jdB architect
John David Burke, Architect, 8471 West Oquendo Road, #101, Las Vegas, NV 89113 (702)871-4363, jburke@nullworld.com

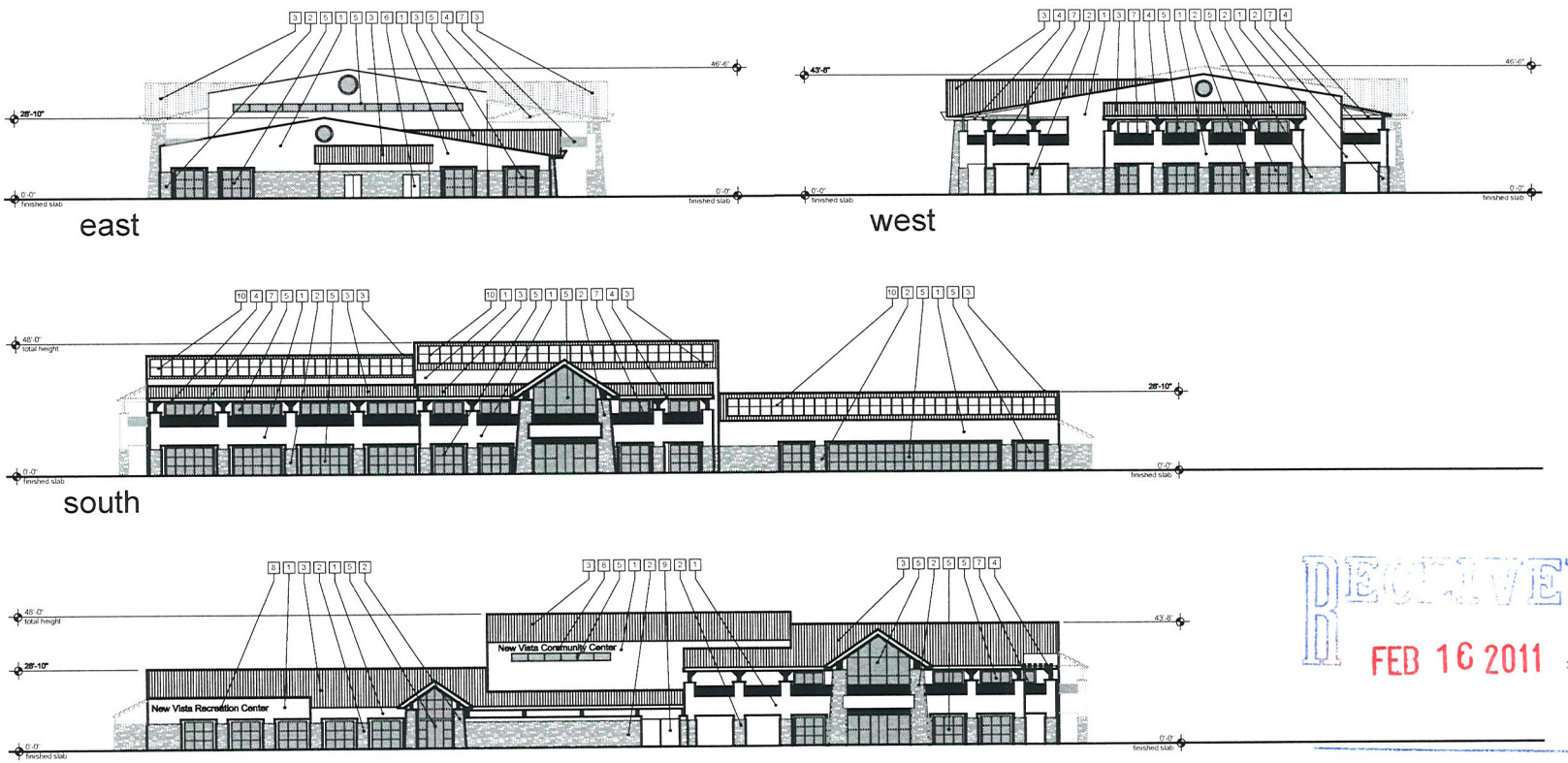
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| date | proj. no. | drwn. by | chkd. by |
|---|---|---|---|
| 2/10/11 | 2010-48 | | |

sheet no. A3

## keynotes

| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | STANDING SEAM METAL ROOF |
| 4 | TIMBER TRUSS |
| 5 | ALUMINUM STOREFRONT |
| 6 | HOLLOW METAL DOOR |
| 7 | WOOD RAILING |
| 8 | SIGNAGE - BY OTHERS |
| 9 | PAIR OF STEEL TUBE GATES WITH STAMPED METAL BACKING AND LIFT PIN LOCK/LATCH |
| 10 | PHOTOVOLTAIC ARRAY |




1 conceptual elevations

SCALE: 1" = 20'-0"

Community/Recreation Center

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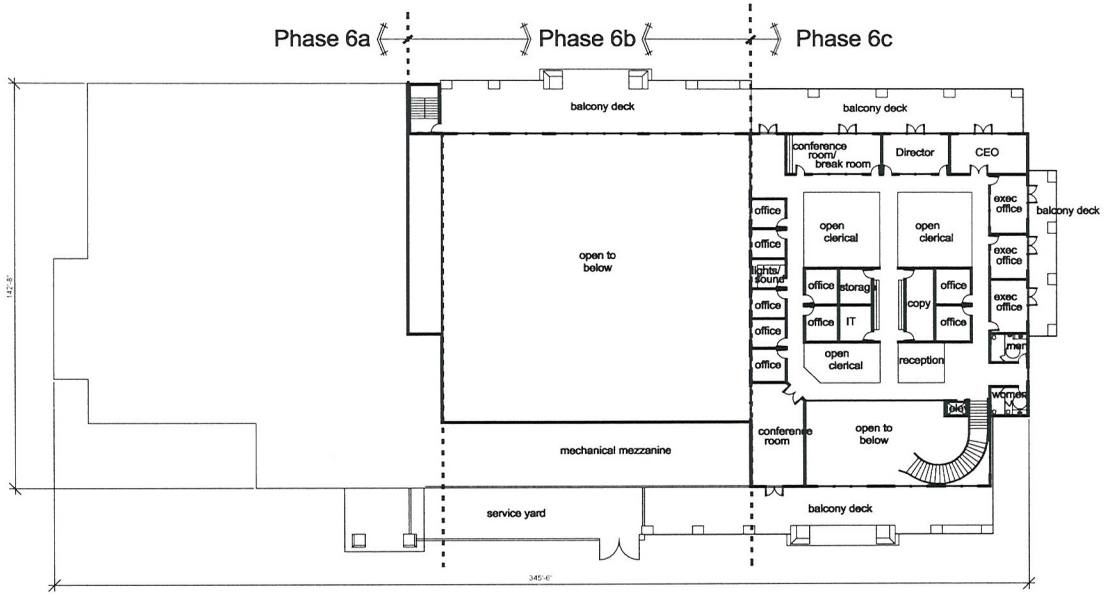
jdB architect

New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

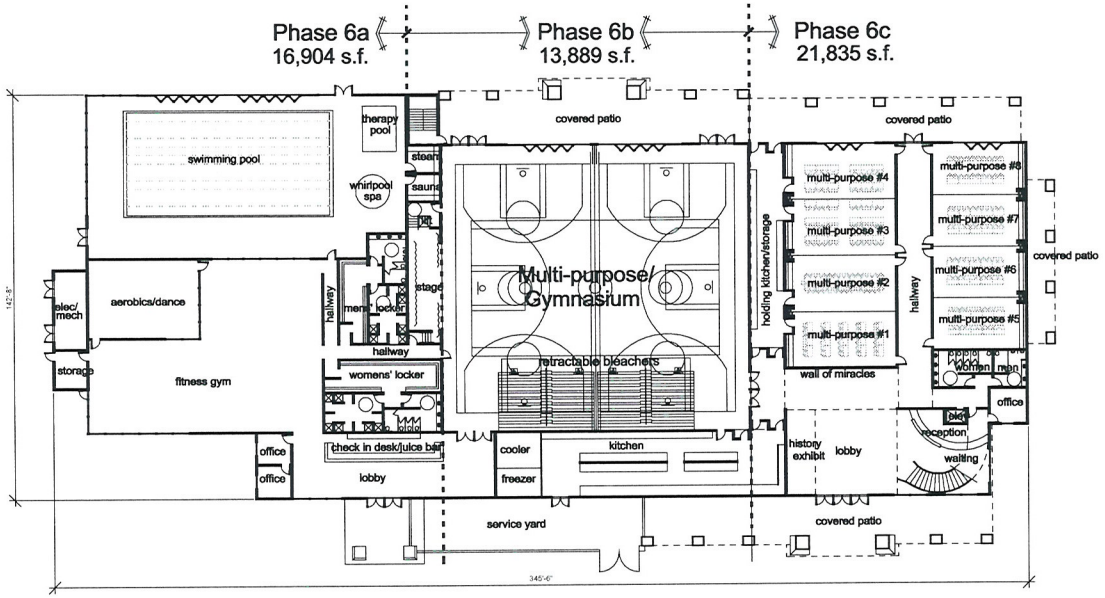
| | |
|---|---|
| date | 2/10/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A4

ROC-40981
SDR-40980




Second Floor




First Floor

1 floor plans

SCALE: 1" = 20'-0"

# New Vista Community

## Community & Recreational Center

## Area Summary

| | | |
|---|---|---|
| **Phase 6a** | | |
| A: | POOL/FITNESS/LOCKER ROOMS SNACK BAR/LOBBIES | 16,904 S.F. |
| **Phase 6b** | | |
| B: | MULTI-PURPOSE GYMNASIUM | 11,749 S.F. |
| C: | KITCHEN | 2,140 S.F. |
| | SUBTOTAL: | 13,889 S.F. |
| **Phase 6c** | | |
| D: | LOBBY/RECEPTION/RESTROOMS/ MULTI-PURPOSE ROOMS/ HOLDING KITCHEN/STORAGE | 11,910 S.F. |
| E: | CORPORATE OFFICES | 9,925 S.F. |
| | SUBTOTAL: | 21,835 S.F. |
| | COMMUNITY/REC CENTER BLDG. TOTAL: | 52,628 S.F. |

NOTE: NO RETAIL USES ARE SHOWN

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date
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New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

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proj. no. 2010-49
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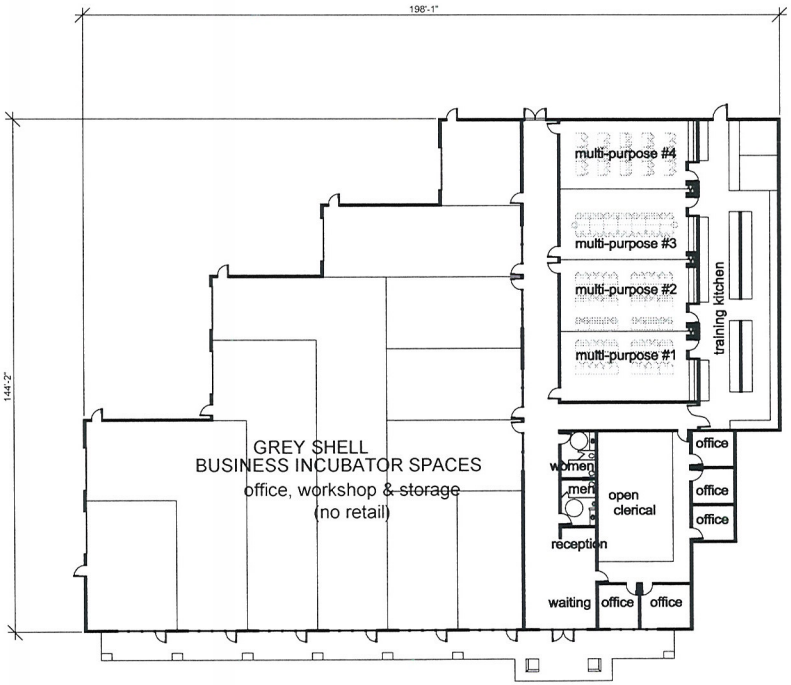
sheet no. A5

## keynotes

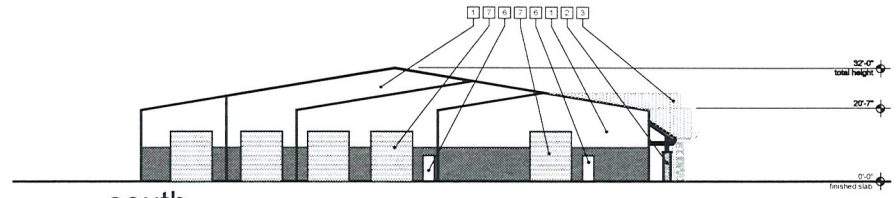
| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | STANDING SEAM METAL ROOF |
| 4 | TIMBER TRUSS |
| 5 | ALUMINUM STOREFRONT |
| 6 | HOLLOW METAL DOOR |
| 7 | ROLL-UP DOOR |
| 8 | SIGNAGE - BY OTHERS |



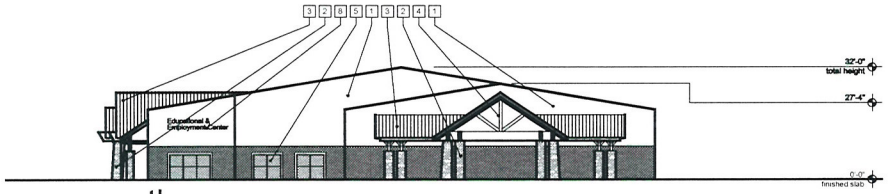

2 floor plan employment & educational Center

SCALE: 1/16" = 1'-0"

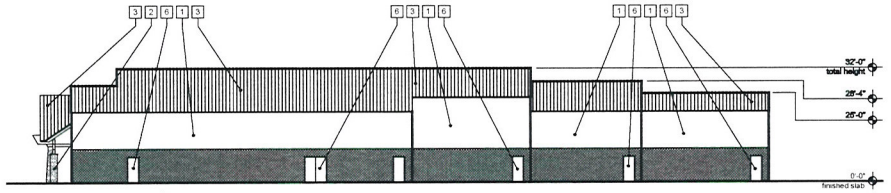
22,293 s.f.



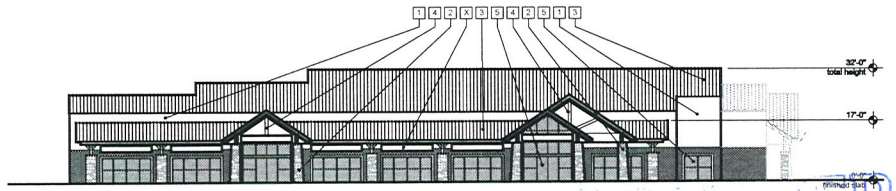

south




north




west




east

1 elevations

SCALE: 1/16" = 1'-0"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revisions

| date | description |
|---|---|
| | |


jdB architect

John David Burke, Architect, 3471 West Oquendo Road #301, Las Vegas, NV 89118 (702)876-4853, jburke@burkearchitect.com


New Vista Community

Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

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| chkd. by | |

A6


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# COLOR/MATERIALS BOARD

Ⓐ stucco dark field:
Frazee - CL 2676A 'Tia Maria'

Ⓑ stucco medium field:
Frazee - CL 2674M 'Storm Bay'

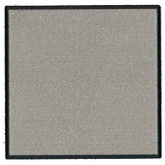
Ⓒ stucco light field:
Frazee - CL 2622W 'Stones Throw'

Ⓓ trim:
Frazee - CL 2677N 'Espresso'

Ⓔ sconces & signage:
Frazee - CL 3004M 'Bonjour'



Ⓕ storefront framing:
ab-4 medium bronze



Ⓖ glazing:
PPG - 'Solarcool' bronze reflective



Ⓗ cultured stone veneer:
Eldorado Stone - Mountain Ledge
'Bitteroot'



Ⓙ roof tile:
MonierLifetile - 1MDCL5001
'Mountainwood'



Ⓚ standing seam metal roof:
Berridge - Zee-Lock
'Aged Bronze'

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**New Vista Community**
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

**ROC-40981**
**SDR-40980**

jdB architect

John David Burke, Architect, 3471 West Oquendo Road, #301, Las Vegas, NV 89118 (702)876-4863, jburke@jburkearchitect.com



ROC-40981 AND SDR-40980 - APPLICANT/OWNER: NEW VISTA RANCH, INC.
7875 NORTH RAINBOW BOULEVARD

03/31/11



ROC-40981 AND SDR-40980 - APPLICANT/OWNER: NEW VISTA RANCH, INC.
7875 NORTH RAINBOW BOULEVARD

03/31/11




LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

March 1, 2007

Ms. Kelly Deguzman
New Vista Ranch, Inc.
3085 South Valley View Boulevard
Las Vegas, Nevada 89102

RE: ZON-16580 - REZONING
CITY COUNCIL MEETING OF FEBRUARY 7, 2007
RELATED TO GPA-16578 AND SDR-16581

Dear Ms. Deguzman:

The City Council at a regular meeting held February 7, 2007 APPROVED the request for a Rezoning FROM: U (UNDEVELOPED) [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: PD (PLANNED DEVELOPMENT) on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002). NOTE: NEW VISTA RANCH, INC. IS THE APPLICANT/OWNER. The Notice of Final Action was filed with the Las Vegas City Clerk on February 8, 2007. This approval is subject to:

Added Conditions:

A. The approved Master Development Plan and Development Standard shall be recorded with the County Recorder and a filed-stamped copy provided to the City of Las Vegas Planning and Development Department.

B. Amending Section 4.3 of the Master Development Plan to state that Service and Loading Area yard shall be screened from adjacent streets pursuant to Title 19.

C. Amending Section 7.0 of the Master Development Plan to add the language that Title 19 shall govern any subject matter not specifically addressed by this Master Development Plan.

Planning and Development

1. A General Plan Amendment (GPA-16578) to PCD (Planned Community Development) land use designation approved by the City Council.

2. A Site Development Plan Review (SDR-16581) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

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ROC-40981
SDR-40980

3. The parking that is specified for the site be restricted to 100 spaces for daily use and the applicant must submit a design of the site plan that incorporates that.

4. The height of the parking lot lighting shall be restricted to 20 feet and that proper shrubs be incorporated into the design so as to eliminate any light pollution that might reach on the north side of Grand Teton Drive or on the east side of Rainbow Boulevard.

5. A revised landscape plan shall be submitted prior to the time application is made for a building permit depicting a 20-foot multi-use transportation trail consisting of a five foot landscaped corridor, a 10-foot sidewalk, and a 5-foot transition strip along Rainbow Boulevard and Grand Teton Drive.

6. There will be no retail uses on this site.

7. The project shall be in compliance with the Master Development Plan submitted 2/7/2007, except as amended herein.

Public Works

8. Dedicate an additional 10 feet of right-of-way for a total half-street width of 60 feet on Grand Teton Drive and the additional right-of-way necessary to maintain a 54-foot radius at the southwest corner of Grand Teton Drive and Rainbow Boulevard adjacent to this site prior to the issuance of any permits. In addition, dedicate all additional rights-of-way required for a bus turnout on Rainbow Boulevard prior to the issuance of any permits unless otherwise allowed by the City Traffic Engineer.

9. Construct all incomplete half-street improvements, including appropriate transition paving and overpaving (if legally able), on Grand Teton Drive and Rainbow Boulevard adjacent to this site concurrent with development of this site. Sidewalk improvements may be deferred at this time on Rainbow Boulevard, provided a Covenant Running with Land Agreement is recorded for all such improvements deferred. Streetlights on Rainbow Boulevard may also be deferred, provided the applicant provides such streetlights to the City for future installation, and constructs all needed underground infrastructure necessary for such future installation. Alternatively, monies in lieu of such streetlights may be contributed to the City if allowed by the City Engineer. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

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**ROC-40981**
**SDR-40980**

10. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

11. All discussion regarding Summerlin style lighting refers to internal lighting only; not exterior street lighting. Lighting on Grand Teton Drive would match the City's current plan.

Sincerely,

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, Acting City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

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

Mr. John Burke
3471 West Oquendo Road, Suite #301
Las Vegas, Nevada 89118

Ms. Tabitha Keach
KKBR&F
3800 Howard Hughes Parkway, 7th Floor
Las Vegas, Nevada 89109




LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

February 8, 2007

Ms. Kelly Deguzman
New Vista Ranch, Inc.
3085 South Valley View Boulevard
Las Vegas, Nevada 89102

RE: SDR-16581 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF FEBRUARY 7, 2007
RELATED TO GPA-16578 AND ZON-16580

Dear Ms. Deguzman:

The City Council at a regular meeting held February 7, 2007 APPROVED the request for a Site Development Review FOR A PROPOSED TWO-STORY, 56-UNIT ASSISTED LIVING APARTMENT DEVELOPMENT WITH A 43,283 SQUARE-FOOT COMMERCIAL AMUSEMENT/RECREATION (INDOOR) FACILITY, 3,024 SQUARE FEET OF MEDICAL OFFICE SPACE, AND 1,382 SQUARE FEET OF RETAIL SPACE on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), U (Undeveloped) Zone [DR (Desert Rural Density Residential) Master Plan Designation] [PROPOSED: PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development) Zone]. NOTE: NEW VISTA RANCH, INC. IS THE APPLICANT/OWNER. The Notice of Final Action was filed with the Las Vegas City Clerk on February 8, 2007. This approval is subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-16578) and Rezoning (ZON-16580) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/30/06, except as amended by conditions herein.

4. The Site Plan must incorporate the amended design standards set forth in the zoning

5. The site plan shall be revised in accordance with the master development and standards agreement as approved.

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

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SDR-40980

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: The applicant shall provide an additional 47 trees in the parking lot area; an additional 50 trees in the perimeter landscape buffer along the right-of-way; and an additional 54 trees in an eight-foot wide landscape buffer along the eastern edge of the flood control channel.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

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

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Public Works

15. Gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.

16. Landscape and maintain all unimproved rights-of-way, if any, on Grand Teton Drive and Rainbow Boulevard adjacent to this site.

17. Submit an Encroachment Agreement for all landscaping, if any, located in the Grand Teton Drive and Rainbow Boulevard public rights-of-way adjacent to this site prior to occupancy of this site.

18. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

19. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.

20. Site development to comply with all applicable conditions of approval for ZON-16580 and all other applicable site-related actions.

21. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

Sincerely,

Lean Coleman

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, Acting City Clerk

cc: See Attached Llist

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**SDR-40980**

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

Mr. John Burke
3471 West Oquendo Road, Suite #301
Las Vegas, Nevada 89118

Ms. Tabitha Keach
KKBR&F
3800 Howard Hughes Parkway, 7th Floor
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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106




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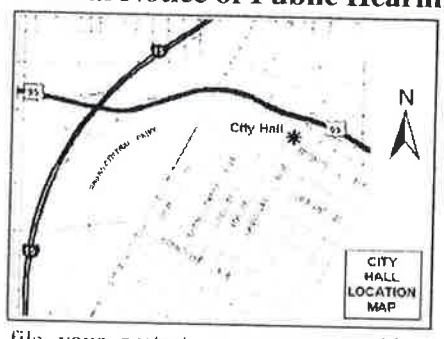
**Official Notice of Public Hearing**




If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

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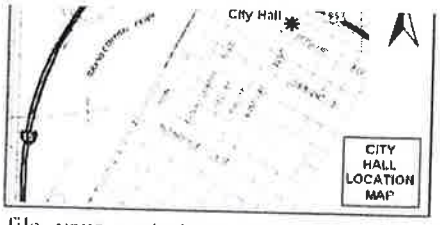
12515711007 Case: ROC-40981
MAGUINESS THOMAS S & ELIZABETH
7504 VIA SIGNORELLI
LAS VEGAS NV 89131-0125

31-32 P

89131







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Planning Commission Meeting of 7/12/2011

12515212026 Case: ROC-40981
GOURLEY R VAUGHN & KAROL
7331 REAL QUIET DR
LAS VEGAS NV 89131-4133

31-32 P

89131




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Planning Commission Meeting of 7/12/2011

12514110024 Case: ROC-40981
HOBBS DARRELL R & DIANA R
7868 GARDEN STREAM CT
LAS VEGAS NV 89131-2245

31-32

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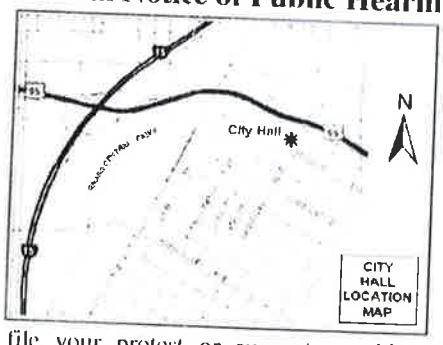


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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

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0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

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JUL 12 2011

12510812116 Case: ROC-40981
KAWAKAMI CHRISTOPHER T & PAUL M
7140 RIVER MEADOWS AVE
LAS VEGAS NV 89131-4315

31-32 P

89 DRDFM11 89131




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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

JUL 12 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12515712002 Case: ROC-40981
VARGAS JOSE G
6813 VIA LOCANDA AVE
LAS VEGAS NV 89131-0127

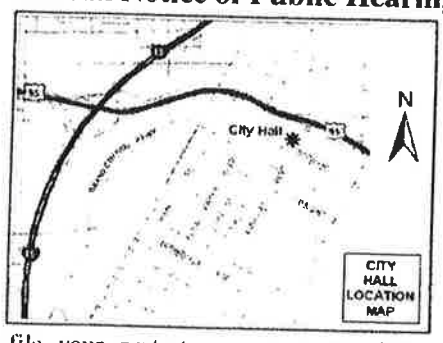
31-32 P

89 DRDFM11 89131

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106




**Return Service Requested**
**Official Notice of Public Hearing**







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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

Case: ROC-40981

12510814028
CHAO-WANG TRUST
33798 TRAILSIDE WY
UNION CITY CA 94587-4368

93 DROFN1 1 94587



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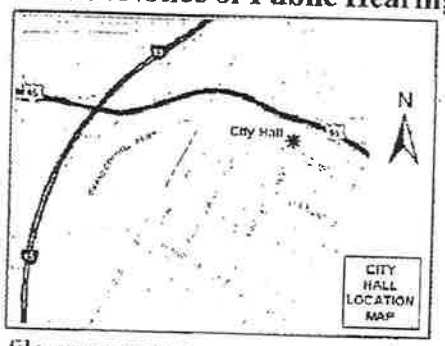
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

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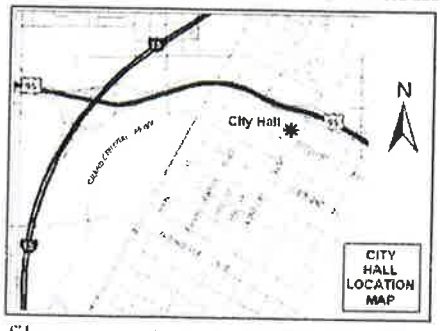
JUL 06 2011

12515712015 Case: ROC-40981
MARTINEZ NORMA J & RICARDO A JR
6804 VIA COSTA BELLA AVE
LAS VEGAS NV 89131-0130

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

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JUN 30 2011
MAILED FROM ZIP CODE 89101

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JUL - 6 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: ROC-40981
12514105012
VICCHIULLO MARIO A JR & DONNA M
6580 WHISPERING SANDS DR
LAS VEGAS NV 89131-2220

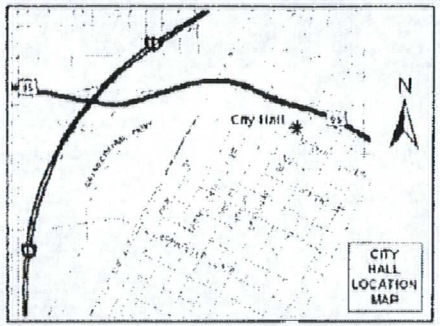
31-32 P

89 DRDFN1 89131

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**

**Official Notice of Public Hearing**

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[X] I SUPPORT this Request  [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

Case: ROC-40981

12515712023
DURELL WILLIAM & JANET FAM TR
7509 VIA FIORENTINO ST
LAS VEGAS NV 89131-0129

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702-655-3714

Durell Laboratories

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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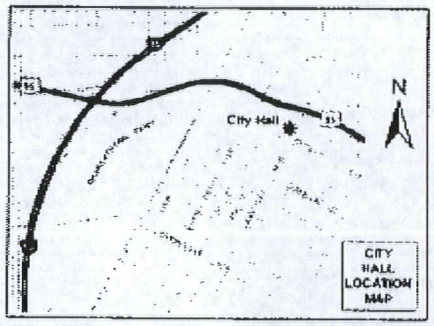
**Return Service Requested**
**Official Notice of Public Hearing**

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**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

Case: ROC-40981
12515402005
MCCALLA ROBERT D & TAMARA M
7355 SEVERANCE LN
LAS VEGAS NV 89131-3326

66 DRDFN11 89131

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JUL 07 2011

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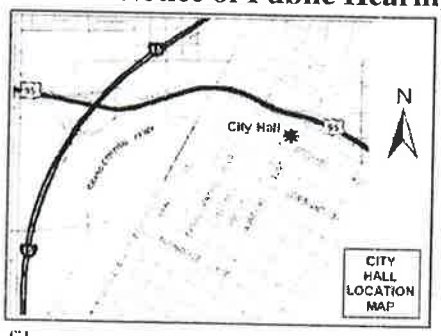
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

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JUL - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: ROC-40981

12515212005
GROVES JOHN G & JANE L
7740 TAMWORTH CT
LAS VEGAS NV 89131-4127

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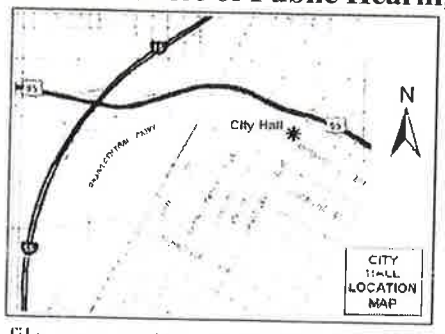
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

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JUL 12 2011

Case: ROC-40981

12515810050
CARDWELL-LUETKEMEYER LIVING TR
6896 KELP LEDGE CT
LAS VEGAS NV 89131-0122

31-32
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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106




**Return Service Requested**
**Official Notice of Public Hearing**







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Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

Case: ROC-40981

12514110007
EAGLE RANCH 3 L L C
801 S RANCHO DR #E-4
LAS VEGAS NV 89106-3912

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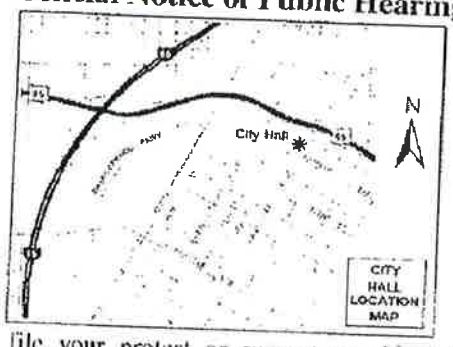
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

12515211022 Case: ROC-40981
TRIPP JAMES R & CONNIE J
7222 SILVER CHARM CT
LAS VEGAS NV 89131-4129

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JUL 06 2011

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**




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[X] I SUPPORT this Request

[ ] I OPPOSE this Request

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**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

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MAILED FROM ZIP CODE 89101

12510714014 Case. ROC-40981
HUFFMAN KURT TRUST
P O BOX 751450
LAS VEGAS NV 89136-1450

79 DRDFN11 89136

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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**Official Notice of Public Hearing**




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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

Case: ROC-40981

12515405016
SMITH PAMELA T
7240 N MONTE CRISTO WY
LAS VEGAS NV 89131-3334

65 DROFN11 89131

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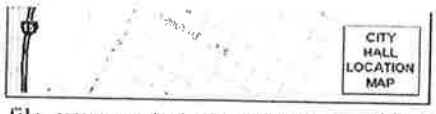


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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

JUL 12 2011

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: ROC-40981

12510818008
MOWAT CHARLES W & SUZANNE J
8113 BAY COLONY ST
LAS VEGAS NV 89131-6707

31-32 A

66 DRDFN11 89131

City of Las Vegas Agenda Item No.: **20.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
ABEYANCE - SDR-40980 - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-41437 AND ROC-40981 - PUBLIC HEARING - APPLICANT/OWNER: NEW VISTA RANCH, INC. - For possible action on a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-16581) TO DIVIDE TWO LARGE BUILDINGS INTO NINE SMALLER BUILDINGS FOR A 78-UNIT ASSISTED LIVING COMMUNITY on 15.05 acres at 7875 North Rainbow Boulevard (APN 125-15-501-002), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

**C.C. 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **8** | **Planning Commission Mtg.** | **9** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Supporting Documentation

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-40980** APN: 125-15-501-002

Name of Property Owner: NEW VISTA RANCH INC.

Name of Applicant: " " "

Name of Representative: CHRIS KAEMPFER

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: X Kelly DeGuzman

Print Name: KELLY DEGUZMAN, CEO

Subscribed and sworn before me

This 15 day of February, 2011

Notary Public in and for said County and State

SALLY MARCUS
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 05-05-2013
Certificate No: 97-1845-1



RECEIVED
FEB 16 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** NEW VISTA COMMUNITY

**Project Address (Location)** 7875 N. RAINBOW BLVD.

**Project Name** NEW VISTA COMM-ASST'D LIVING/CMM & REC CTR/EDU & EMPLO **Proposed Use** HOUSING & SUPPORT FACILITY MR/DD POP.

**Assessor's Parcel #(s)** 125-15-501-002 **Ward #**

**General Plan:** existing PCD proposed PCD **Zoning:** existing PD proposed PD

**Commercial Square Footage** 123,850 S.F. **Floor Area Ratio** 16.0%

**Gross Acres** 15.0 **Lots/Units** 78 **Density** 5.2/ACRE

**Additional Information** SEE JUSTIFICATION LETTER FOR SITE PLAN DEVELOPMENT REVIEW

**PROPERTY OWNER** NEW VISTA RANCH, INC. **Contact** KELLY DEGUZMAN, CEO

**Address** P.O. BOX 80025 **Phone:** (702) 457-4677 **Fax:** (702) 457-1422

**City** LAS VEGAS **State** NV **Zip** 89180-0025

**E-mail Address** KELLYDEGUZMAN@NEWVISTACOMMUNITY.ORG

**APPLICANT** NEW VISTA RANCH, INC. **Contact** KELLY DEGUZMAN, CEO

**Address** P.O. BOX 80025 **Phone:** (702) 457-4677 **Fax:** (702) 457-1422

**City** LAS VEGAS **State** NV **Zip** 89180-0025

**E-mail Address** KELLYDEGUZMAN@NEWVISTACOMMUNITY.ORG

**REPRESENTATIVE** CHRIS KAEMPFER/JOHN BURKE **Contact** KCRG&F/JOHN BURKE

**Address** 8345 W. SUNSET RD. #250/3471 W. OQUENDO RD. #301 **Phone** 792-7000 / 876-4863 **Fax** 796-7181 / 876-9355

**City** LAS VEGAS **State** NV **Zip** 89113/89118

**E-mail Address** INFO@KCNVLAW.COM/JBURKE@JBURKEARCHITECT.COM

**Property Owner Signature*** Kelly DeGuzman

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

**Print Name** Kelly Deguzman, CEO

Subscribed and sworn before me

This 1st day of March, 20 11.

Aleva L. H. Walker

Notary Public in and for said County and State

Clark, NV

ALEVA L. H. WALKER
Notary Public State of Nevada
No. 06-107463-1
My Appt. Exp. July 5, 2014

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| **Case #** | SDR-40980 |
| **Meeting Date:** | |
| **Total Fee:** | |
| **Date Received:*** | |
| **Received By:** | |

*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.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

City of Las Vegas Agenda Item No.: **21.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

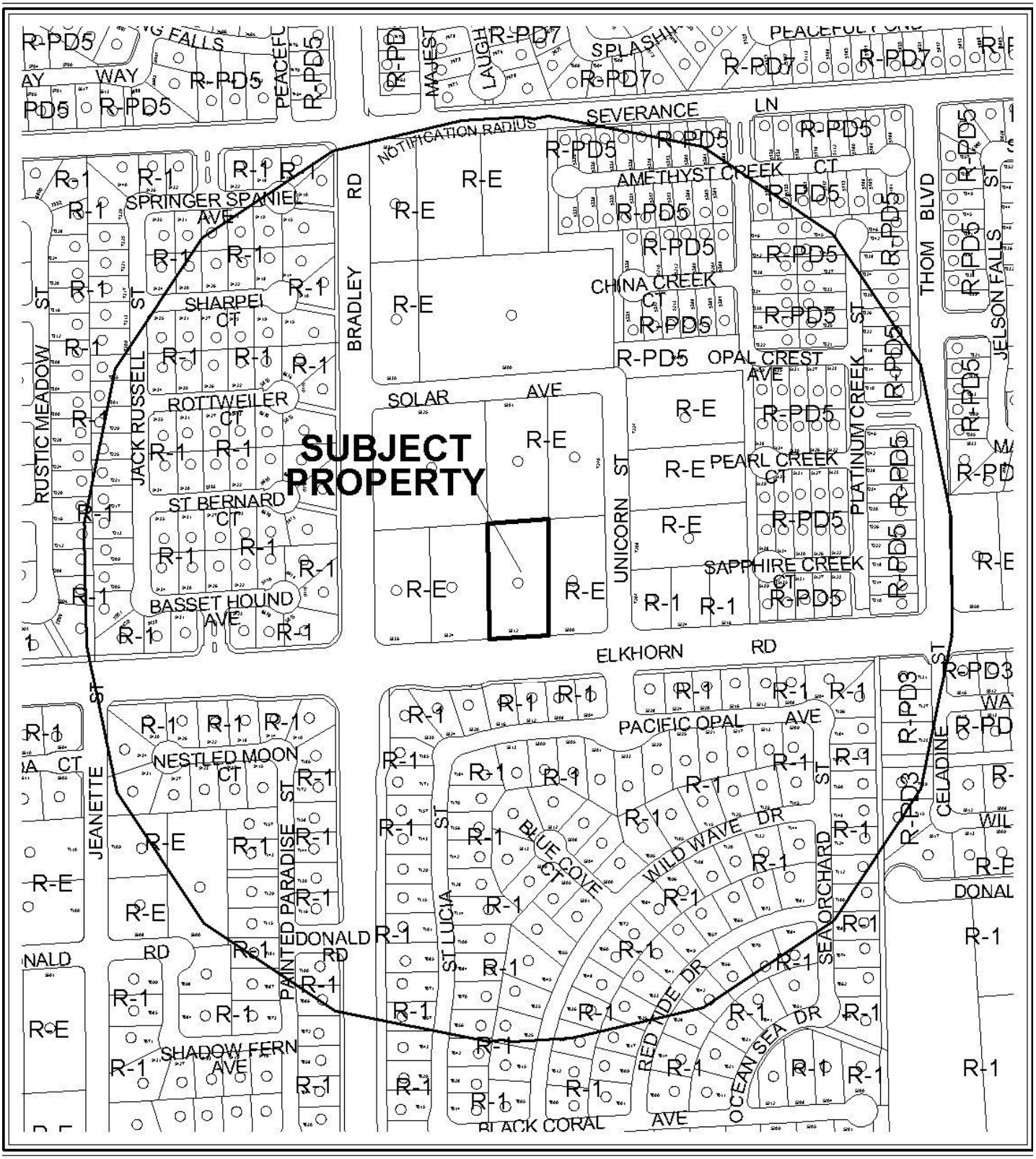
**SUBJECT:**
ABEYANCE - VAR-41882 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: DONALD E. NEWBY - For possible action on a request for a Variance TO ALLOW A FRONT YARD SETBACK OF 45 FEET WHERE 50 FEET IS REQUIRED FOR AN EXISTING PORCH ON THE MAIN DWELLING AND TO ALLOW AN EXISTING ACCESSORY STRUCTURE (CLASS II) THAT IS NOT AESTHETICALLY COMPATIBLE (METAL) WITH THE MAIN DWELLING (STUCCO) TO BE 14 FEET IN HEIGHT WHERE TEN FEET SIX INCHES IS ALLOWED, TO BE LOCATED FOUR FEET FROM THE MAIN DWELLING WHERE SIX FEET IS REQUIRED, AND FOR THE TOTAL BUILDING AREA OF ALL ACCESSORY STRUCTURES TO BE 2,256 SQUARE FEET WHERE 854 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.98 acres at 5312 Elkhorn Road (APN 125-13-802-006), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **12** | **Planning Commission Mtg.** | **13** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Abeyance Request Submitted by Don and Shirley Newby
3. Conditions and Staff Report
4. Supporting Documentation
5. Photos
6. Justification Letter
7. Protest/Support Postcards and Protest/Support Letters




0 300 600 Feet

**CASE:** **VAR-41882**

**RADIUS:** 1000 FT

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

N




0 300 600 Feet

**CASE:** VAR-41882

**RADIUS:** 1000 FT

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

N

**Steve Gebeke**

**From:** Don Newby [gohuntbirds@yahoo.com]
**Sent:** Tuesday, July 19, 2011 2:57 PM
**To:** Michelle Thackston
**Cc:** Steve Gebeke; bigrack64@gmail.com; Yorgo Kagafas
**Subject:** 5312 Elkhorn Rd. 89131

To All,

Hello my name is Don Newby and I reside at 5312 Elkhorn Rd. Las Vegas, most of you are familiar with the recent activity concerning our home. I am sending you this email as I am working in Arizona due to the current job market in construction, 2 hours south of Tuscon and we are asking that the Aug. 9 city council meeting be abeyed until the Sept. 13 city council meeting this will allow time for me to fly in for both the neighborhood meeting as well as have time to book another fight for the day of the city council meeting. I don't have enough time to do all in such a short period of time before the Aug. 9th meeting as I am on the Air Force base at Ft. Hauchuca Arizona and am in the being stages of an aircraft hanger and can't leave the job.

My wife and I will coordinate the neighborhood meeting in the mean time and this will allow for me to be there for both meeting's as my wife can't handle this on her own. Please let us know ASAP.

Thank you,

Don & Shirley Newby

VAR-41882

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: DONALD E. NEWBY**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **VAR-41882** | Staff recommends DENIAL, if approved subject to conditions: | |

**** CONDITIONS ****

# VAR-41882 CONDITIONS

***Planning***

1. 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.

2. All necessary building permits shall be obtained and final inspections shall be completed for all structures on the lot in compliance with Title 19 and all codes as required by the Department of Building and Safety.

3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

***Public Works***

5. Contact the Southern Nevada Health District (SNHD), Environmental Health Division, to obtain written approval showing compliance with a temporary permit for an individual sewage disposal system (ISDS or septic tank system), prior to the issuance of any building permits. Alternatively, connect to public sewer and abandon the ISDS according to SNHD regulations.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is requesting approval of a Variance to address a citation issued by Code Enforcement for setback violations, excessive accessory structure building area and height, as well as accessory structures not aesthetically compatible with the primary residence. This is a property that is located on a primary arterial street and faces the rear of a walled community. There are two setback violations: first, the front porch extends five feet into the required 50-foot front yard setback; second, the newly constructed accessory structure is only four feet from the west side of the primary structure where six feet is required and was installed without building permits. Additional aspects of this request include the height, the materials used and total building area of the newly constructed shade structure. Staff recommends denial, as the applicant has presented no evidence of unique or extraordinary circumstances pursuant to Title 19.16.140 that would justify the request.

## ISSUES

- A Code Enforcement case is active on this property for an accessory structure and front porch being installed without obtaining the proper building permits and not adhering to setback requirements.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 05/30/07 | Code Enforcement issued a citation (#53838) for an illegal home business at 5312 Elkhorn Road. The case was closed resolved on 06/28/07. |
| 04/11/11 | Code Enforcement issued a citation (#100364) for building without the proper permits at 5312 Elkhorn Road. The case is still active. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 12/27/02 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| No building permits on file. The house was constructed in 1979. |

| ***Pre-Application Meeting*** | |
|---|---|
| 05/10/11 | Staff met with the applicant and reviewed the application requirements for a Variance. Staff advised the applicant to discuss the request with his neighbors and see if they would support his application, as they would be notified of the application. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/02/11 | Staff visited the site and found a large carport-like structure on the west side of the property being used to store a recreation vehicle. A porch extended five feet into the front yard setback. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.98 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Single Family, Detached | ML (Medium Low Density Residential) | R-E (Residence Estates) |
| North | Single Family, Detached | ML (Medium Low Density Residential) | R-E (Residence Estates) |
| South | Single Family, Detached | ML (Medium Low Density Residential) | R-1 (Single Family Residential) |
| East | Single Family, Detached | ML (Medium Low Density Residential) | R-E (Residence Estates) |
| West | Single Family, Detached | ML (Medium Low Density Residential) | R-E (Residence Estates) |

| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Special Purpose and Overlay Districts** | | X | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

YK

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.06.060, the following standards apply:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | 20,000 SF | 42,798 SF | Y |
| Min. Lot Width | 100 Feet | 148 Feet | Y |
| Min. Setbacks | | | |
| • Front | 50 Feet | 45 Feet | N |
| • Side | 10 Feet | 16 Feet | Y |
| • Corner | 15 Feet | N/A | N/A |
| • Rear | 35 Feet | 211 Feet | Y |
| Min. Distance Between Buildings | 6 Feet | 4 Feet | N |
| Max. Lot Coverage | N/A | N/A | N/A |
| Max. Building Height | 35 Feet | 14 Feet | Y |

| *Street Name* | *Functional Classification of Street(s)* | *Governing Document* | *Actual Street Width (Feet)* | *Compliance with Street Section* |
|---|---|---|---|---|
| Elkhorn Road | Primary Arterial | Master Plan of Streets and Highways | 100 | Y |

## ANALYSIS

This request is for a porch addition to the front of the residence, as well as a carport structure for a recreational vehicle and other existing accessory structures for the care of horses on the property. The front porch, which was constructed without first obtaining the required permits, extends five feet into the required 50 foot front yard setback. The applicant states that the space is used to host his neighbors and to watch the neighborhood for any suspicious activity. The porch roof is of metal construction and does not match the existing shingle roof of the residence.

The applicant has several horses and the rear of the property is used to support them, with a large corral area, horse stables, and three accessory structures used to store feed and equipment. The applicant states that he recently purchased a large recreational vehicle and needs a facility to protect it from the elements. A large metal carport structure was erected without first obtaining permits in the side yard on the west side of the residence, and is not aesthetically compatible as the main residence is finished in stucco. The structure is 14 feet in height and exceeds the height of the residence by 3.5 feet. It is also located only four feet from the residence where six feet is required. With the addition of the structure, the total building area of all the accessory structures is 1,596 square feet greater than Title 19 allows. Properties that are zoned R-E (Residential Estates) are usually larger properties that may accommodate horses or other animals. The requirements for care of the animals often dictates that accessory structures exceeding the maximum allowances of Title 19 be provided for shelter, feed and other equipment storage.

YK

However, the accessory structure is intended to provide shade for an RV, is located where it can be clearly seen from the public right-of-way, and is not compatible with the surrounding development. In addition, the applicant has presented no evidence of unique or extraordinary circumstances pursuant to Title 19.16.140 that would justify the request

**FINDINGS (VAR-41882)**

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, and a self-imposed hardship has been created by constructing the porch and accessory structure without first obtaining the required entitlements and building permits. Alternative design of the structure would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 18

**NOTICES MAILED** 316

**APPROVALS** 13

**PROTESTS** 12

YK

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-41882** APN: _____

Name of Property Owner: DONALD E. NEWBY

Name of Applicant: DONALD E. NEWBY

Name of Representative: _____

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: DONALD E. NEWBY

Subscribed and sworn before me

This 18 day of MAY, 20 11

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
THOMAS C. ENGLUND
No: 00-39982-1
My Appointment Expires April 8, 2012

RECEIVED
MAY 24 2011

Revised 11-14-06

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** DONALD E. NEWBY

**Project Address (Location)** 5312 ELKHORN RD.

**Project Name** N/A **Proposed Use**

**Assessor's Parcel #(s)** 125-13-802-006 **Ward #** 6

**General Plan:** existing X proposed **Zoning:** existing proposed

**Commercial Square Footage** N/A **Floor Area Ratio**

**Gross Acres** .98 **Lots/Units** **Density**

**Additional Information**

**PROPERTY OWNER** DONALD E. NEWBY **Contact** DONALD E. NEWBY

**Address** 5312 ELKHORN RD **Phone:** 374-4201 **Fax:** -0-

**City** LAS VEGAS **State** NEVADA **Zip** 89131

**E-mail Address** gohuntbirds@YAHOO.COM

**APPLICANT** SAME AS ABOVE **Contact**

**Address** **Phone:** **Fax:**

**City** **State** **Zip**

**E-mail Address**

**REPRESENTATIVE** **Contact**

**Address** **Phone:** **Fax:**

**City** **State** **Zip**

**E-mail Address**

**Property Owner Signature*** Donald E. Newby

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

**Print Name** DONALD E. NEWBY

Subscribed and sworn before me

This 16 day of MAY, 20 11.

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
THOMAS C. ENGLUND
No: 00-39982-1
My Appointment Expires April 8, 2012

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | VAR-41882 |
| Meeting Date: | 7/12/11 PC |
| Total Fee: | $830 |
| Date Accepted: | 5-24-11 |
| Accepted By: | |

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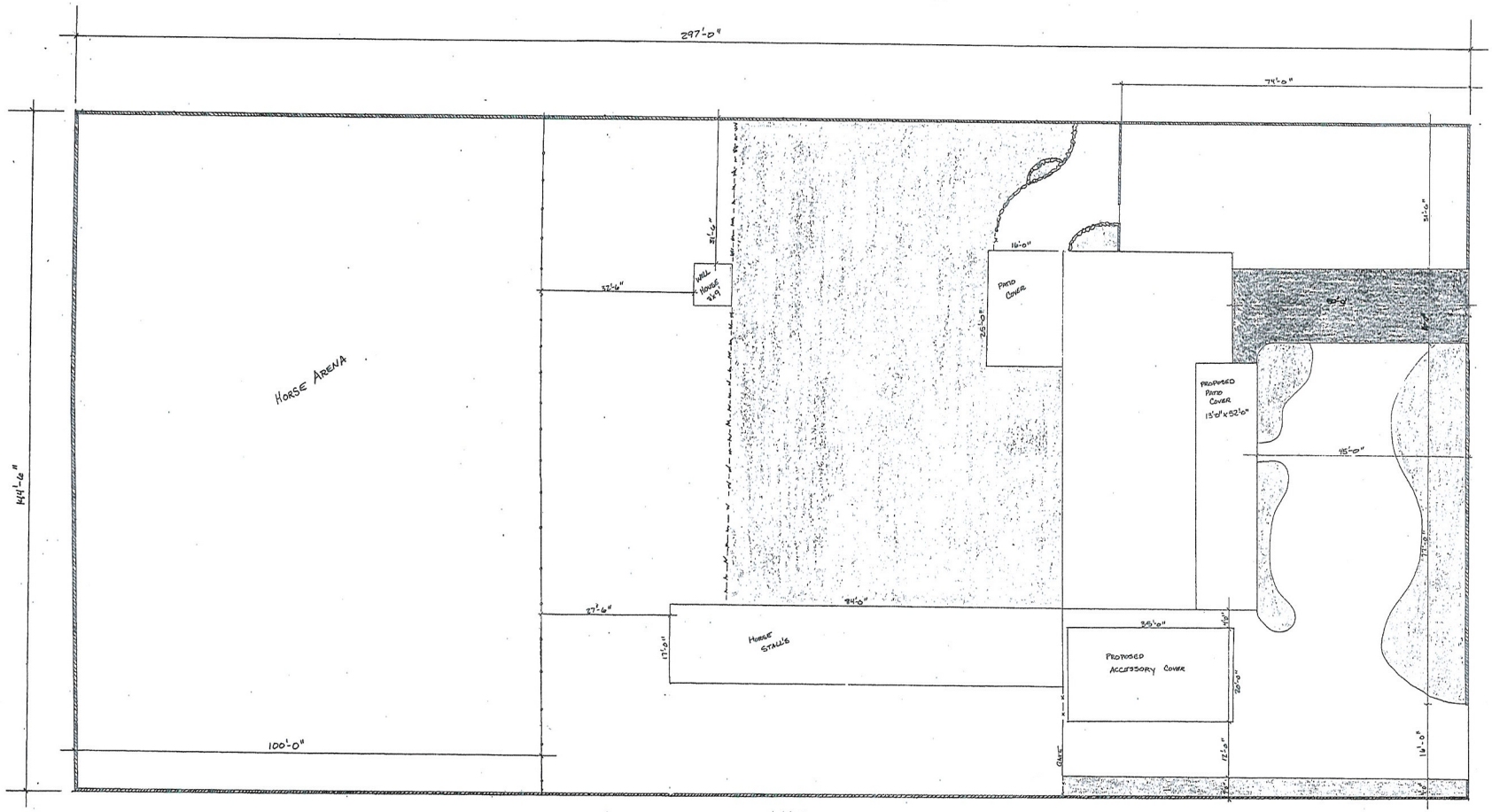
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

R-E

R-E

R-E




SITE PLAN

SCALE - 1/16" = 1'-0" | PARCEL # 128-13-902-0016

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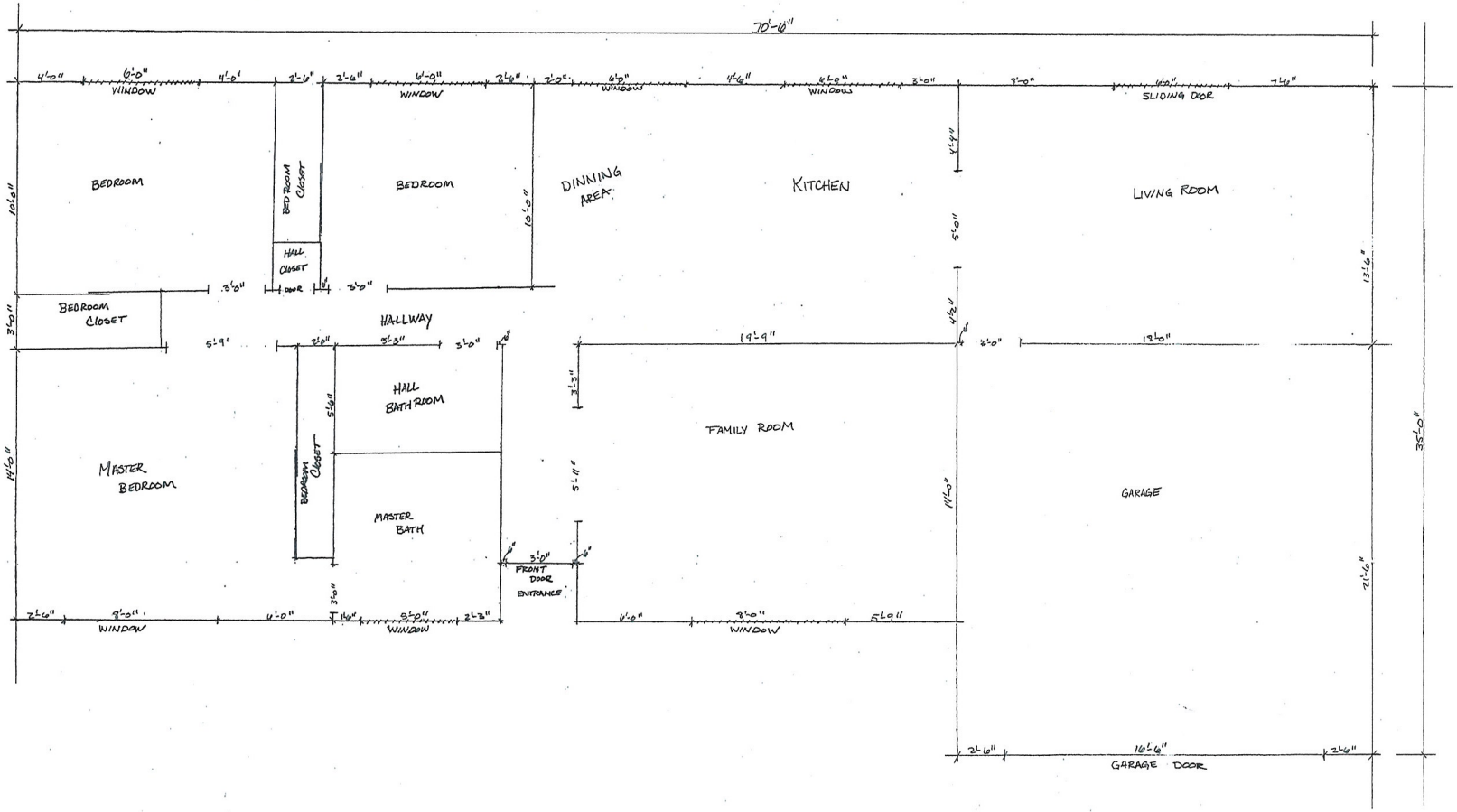
VAR-41882




FLOOR PLAN

SCALE - 3/8" = 1'-0"

N

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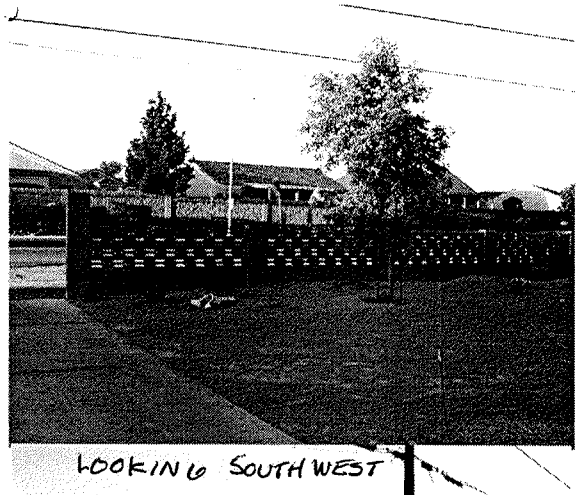
VAR-41882



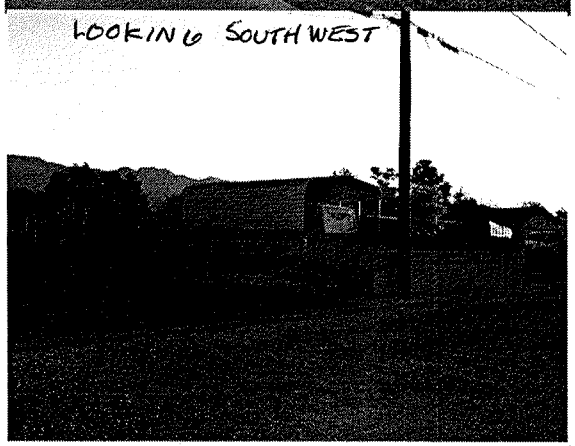
LOOKING WEST



LOOKING SOUTH WEST



LOOKING SOUTH EAST



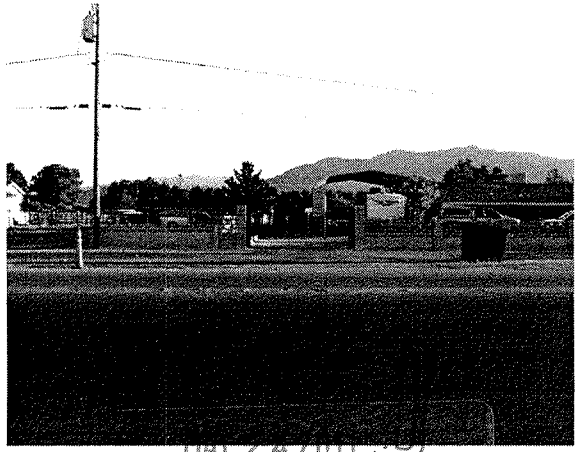
LOOKING NORTH EAST



LOOKING NORTH

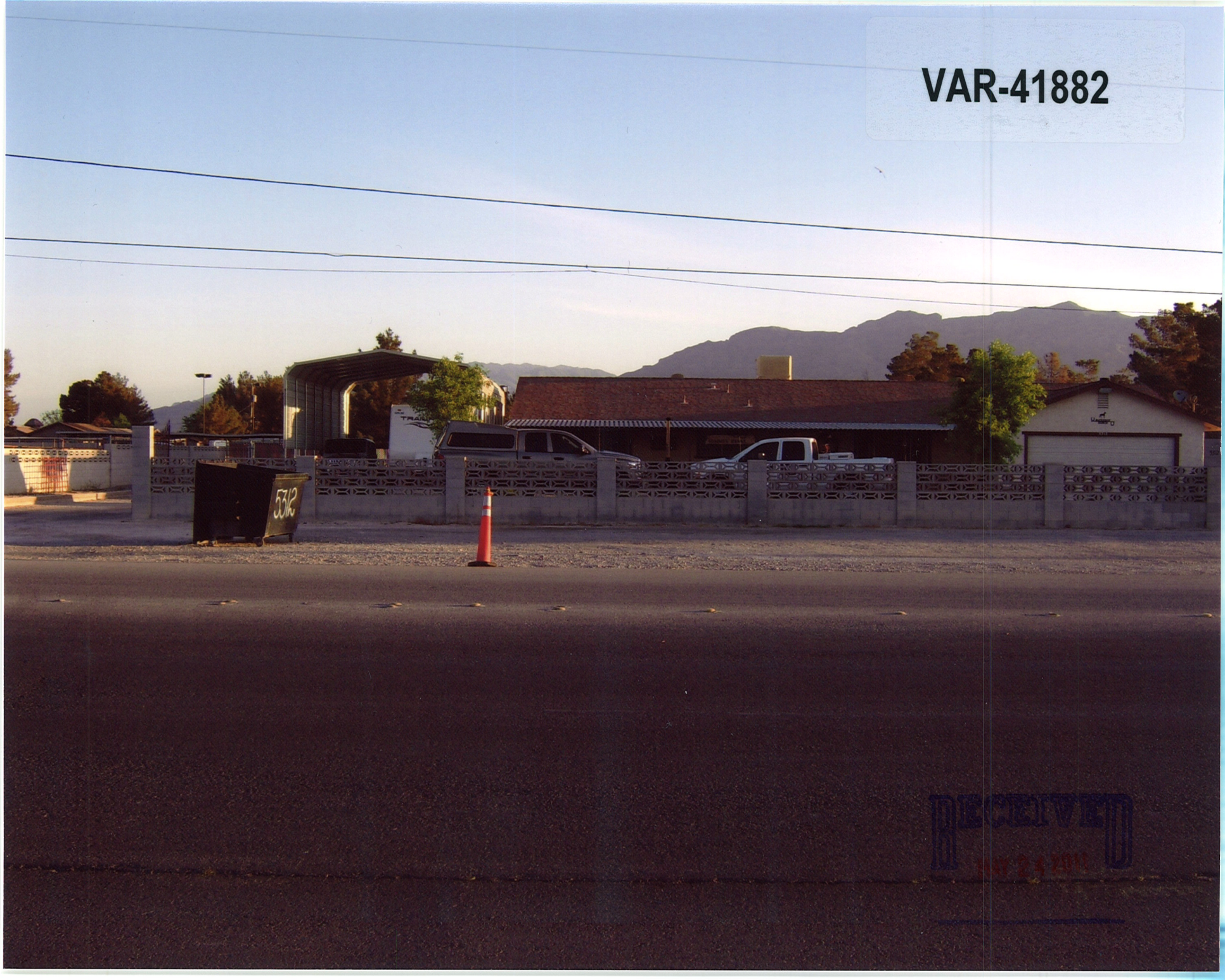


LOOKING NORTH WEST



LOOKING NORTH

VAR-41882


VAR-41882
5312
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JUL 24 2018

VAR-41882




VAR-41882
SUMMER RANGE
Making Our Foundation a Part of Yours
RECEIVED
NOV 24 2014




**VAR-41882 - APPLICANT/OWNER: DONALD E. NEWBY**
**5312 ELKHORN ROAD**

06/2/11




**VAR-41882 - APPLICANT/OWNER: DONALD E. NEWBY**
**5312 ELKHORN ROAD**

06/2/11

May 20, 2011

The City of Las Vegas
Planning and Building Safety

**Re: 5312 Elkhorn Road, Las Vegas, NV 89131**

Dear Sirs:

I am writing this letter to provide you with information regarding a Citation I received from the Code Enforcement with regard to the above-referenced address. I have addressed your concerns as follows:

1. **Height of Shade Structure (on west side of house)**. The camping trailer I purchased is almost the same height as our house. With such a financial investment of that size, we wanted only to protect it from the elements as we all know how damaging the sun can be here in the Valley. In order to provide the shade we needed and still have the ability to park. The shade structure is slightly higher than the house but lower than the swamp cooler (which technically is the highest point of the house).

2. **Shade Structure; Off-set from House**. I was not aware of the set-back requirements. Attached are pictures showing the shade structure. It was our intent to be able to also park my personal truck for the protection as well. From the side of the house I have gone 4'0" (City requires 6'0") and then 20'0", allowing for access for hay delivery for the horses as well as being able to allow access to our well and other miscellaneous items.

3. **Material of Shade Structure**. The shade structure is composed of steel posts with an enhanced aluminum cover. This was the most economical way to protect our trailer from the elements, although still costly. We personally feel that the structure is aesthetically pleasing and adds significant value to our property. As with many of our neighbors, we bought this house for the land/acreage it provided for us to maintain our horses and keep our trailer on-site (our property) with us.

4. **Patio Cover Set-Back**. As you can see from both the hand sketch and pictures, I built the patio cover 5'0" past the edge of the house to provide as much shade as possible and covering the walk to the front door. My family and I enjoy spending time outside and the front patio provides a great gathering place for us. We are also able to see what is happening in our area as well as spend time together as a family.

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VAR-41882

Please note that I have provided pictures of the house just east of us as well as a couple of others within walking distance on Elkhorn Road, only to show that we feel as though we have been singled out due to the other various violations.

We are asking the City to reconsider it's position. My wife and I want only to provide a house that our family and friends can enjoy as much as we do. We look forward to working with the City to resolve this Citation and be in compliance.

Please contact me should you need any further documentation or pictures.

Sincerely,

Don Newby

DN/hds
Encls. a/s

RECEIVED
MAY 24 2011
VAR-41882

*City of Las Vegas*
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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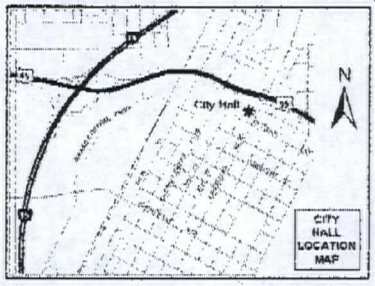
**Official Notice of Public Hearing**




If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

**VAR-41882**

Planning Commission Meeting of 7/12/2011

UNITED STATES POSTAL
02 1M $ 00.41⁴
0004279218 JUL 30 2011
MAILED FROM ZIPCODE 89101

Case: VAR-41882
12524511031
CROCKER RAYMOND L & TERRI LYNN
7070 ST LUCIA ST
LAS VEGAS NV 89131-1008

66 DRDFN11 89131

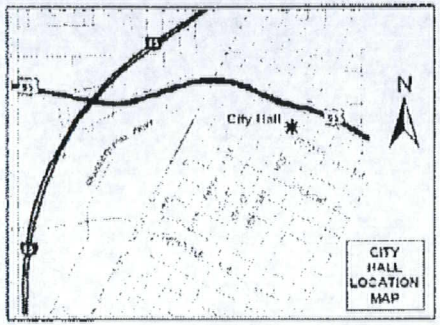
RECEIVED
JUL 07 2011

39P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**

**Official Notice of Public Hearing**

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☐ I SUPPORT this Request

■ I OPPOSE this Request

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**VAR-41882**

Planning Commission Meeting of 7/12/2011

Case: VAR-41882
12524511033
YOUNG JOSEPH D & NANCY A
7042 SAINT LUCIA ST
LAS VEGAS NV 89131-1008

66 ORDFM11 89131

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Jul 04 11 09:52a Joseph 702-395-1284 p.1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

UNITED STATES POSTAGE
PITNEY BOWES
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Planning Commission Meeting of 7/12/2011

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12524511016 Case: VAR-41882
KAMINAGA ROBERT S & CHARLOTTE
7143 ST LUCIA ST
LAS VEGAS NV 89131-1005

39P

66 DRDFN11 89131

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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0004279218
$ 00.41⁴
JUN 30 2011
MAILED FROM ZIPCODE 89101

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## Official Notice of Public Hearing




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**VAR-41882**

Planning Commission Meeting of 7/12/2011

This will be an eyesore on a Major street leading to many homes.

12524511055 Case: VAR-41882
DODRILL COLT B & SHERRY L
7036 WILD WAVE DR
LAS VEGAS NV 89131-1009

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JUL 12 2011

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66 DRDFN11 89131

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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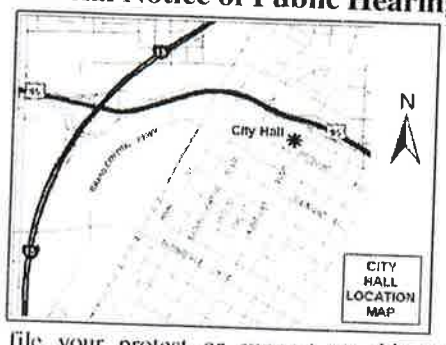


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**VAR-41882**

Planning Commission Meeting of 7/12/2011

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0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

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JUL - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12524510070 Case: VAR-41882
WHITFIELD JAMES B & ANN A
7160 SEA ORCHARD ST
LAS VEGAS NV 89131-1007

39P

66 DRDFN11 89131

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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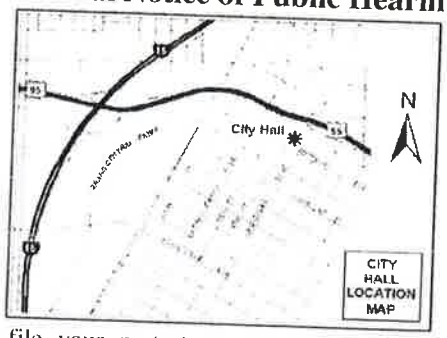


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**VAR-41882**

Planning Commission Meeting of 7/12/2011

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MAILED FROM ZIP CODE 89101

RECEIVED
JUL 12 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12524510067 Case: VAR-41882
ISHIKAWA WALTER T & FRANCES K
4025 KOKO DR
HONOLULU HI 96816-4308

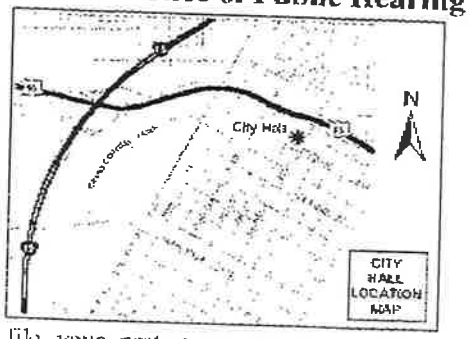
39P

83 DRDFN11 96816

Jul. 07 2011 12:56PM P1
FAX NO. ..
FROM :

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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**VAR-41882**

Planning Commission Meeting of 7/12/2011

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JUL 07 2011
398

UNITED STATES POSTAGE
02 1M $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIPCODE 89101

Case: VAR-41882
12513411031
AQUI TRUST CREDIT TRUST
4974 NATURE QUEST CT
LAS VEGAS NV 89149-5257

DROPPED 89145

Jul 05 2011 2:15PM EDC 7024927026 p.1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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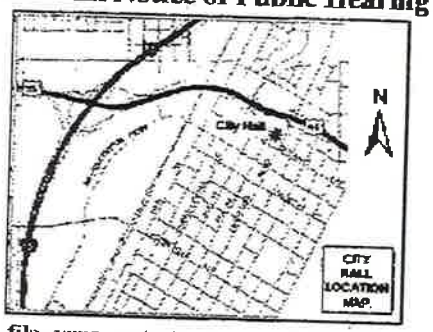
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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**VAR-41882**

Planning Commission Meeting of 7/12/2011

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

12513411049 Case: VAR-41882
SYLVESTER MICHAEL C & RAE LYNN
5431 BASSET HOUND AVE
LAS VEGAS NV 89131-2746

66 DRDFN11 89131

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JUL 06 2011

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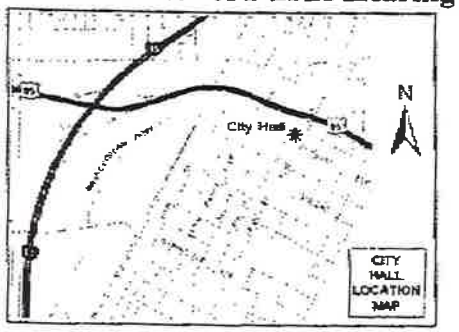
☑001

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**




If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

**VAR-41882**

Planning Commission Meeting of 7/12/2011

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07/05/2011 13:41 FAX

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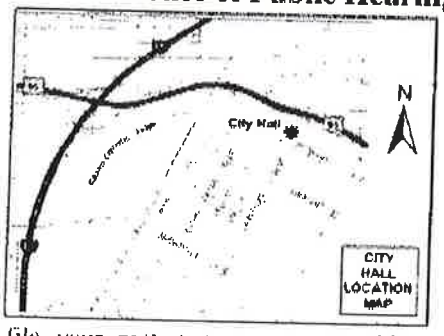
0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

Case: VAR-41882

12524510034
WITKOWSKI ED & KAREN
7025 RED TIDE DR
LAS VEGAS NV 89131-1018

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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Planning Commission Meeting of 7/12/2011

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MAILED FROM ZIP CODE 89101

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JUL - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

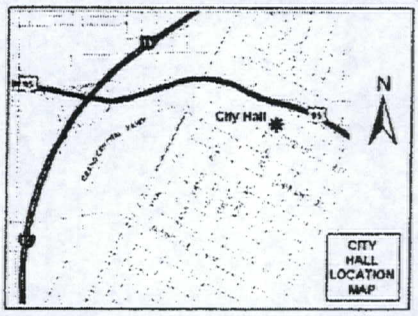
Case: VAR-41882

12524511044
SAGUI EDWARD R & JOAN T
5309 BLUE COVE CT
LAS VEGAS NV 89131-1011

39P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**VAR-41882**
Planning Commission Meeting of 7/12/2011

Case: VAR-41882
12524110004
WILLARD MICHAEL L & DAWN REV TR
7158 PAINTED PARADISE ST
LAS VEGAS NV 89131-2851

66 DRDPN11 89131

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JUL 07 2011

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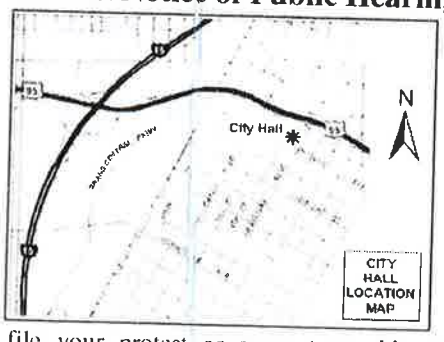
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**VAR-41882**

Planning Commission Meeting of 7/12/2011

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

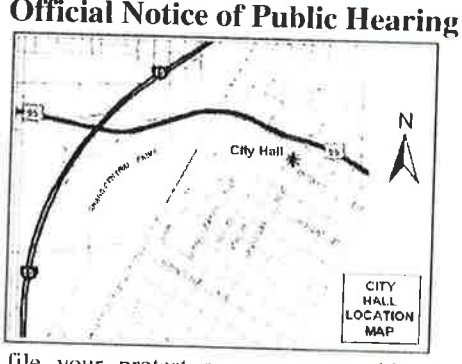
12524510024 Case: VAR-41882
CRUMPTON BRADLEY W
7120 WILD WAVE DR
LAS VEGAS NV 89131-1010

39A

66 DRDFN11 89131

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**
**Official Notice of Public Hearing**

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**VAR-41882**

Planning Commission Meeting of 7/12/2011

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12524511014 Case: VAR-41882
MCMURRY KIMBERLY S & RODNEY C
7115 ST LUCIA ST
LAS VEGAS NV 89131-1005

39A

66 DRDFN11 89131

James & Elaine Kosbie
7184 Saint Lucia Street
Las Vegas, NV 89131-1005
(702) 818-3992
jkosbie@cox.net

July 7, 2011

City of Las Vegas,
Department of Planning
Case Planning Devision (VAR-41882)
333 North Rancho Drive 3rd Floor
Las Vegas, Nevada 89106

RECEIVED
JUL 11 2011

REF: VAR-41882

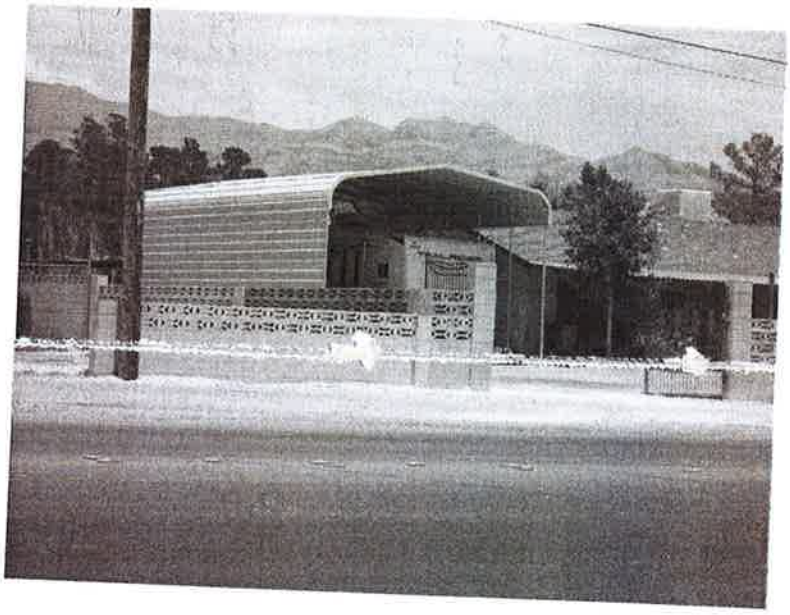
Gentlemen:

I am unable to attend the planning commission meeting of 7/12/2011. I would like to voice my **strong opposition to VAR-41882**.

Unfortunately, our Home Owners Association has it annual meeting scheduled at the same time and as a director of Paradise Meadows Home Owners Association I am required to attend. This conflict affects the ability of all of the home owners in our HOA to attend this hearing.

**The request to allow the huge metal structure should be denied!**

The structure is way too large. It is too close to the street. It is constructed using non conforming design and materials. All of these combine to make the structure aesthetically unacceptable.



In addition to the unacceptable visual impact the structure has on the entire block, it does not conform to several code requirements. It is too large, too high, too close to the house, too close to the street, constructed with inappropriate materials. The structure was installed without the required permits and violates existing setbacks.

This structure is very close to the entrance to our development and granting the several variances that are required to keep this huge illegal structure would lower the value of my home and each of the 138 homes located in the Paradise Meadows Home Owners Association.

Please require the removal of this structure.

Yours truly,
James L. Kosbie

39P

*Paradise Meadows Homeowners Association*
C/O Community Management Group
3360 West Sahara Avenue Suite 200, Las Vegas, Nevada 89102
Telephone (702) 942-2500 Facsimile (702)942-2510

July 7, 2011

Department of Planning, Case Planning Division
333 N Rancho Drive, 3rd Floor
Las Vegas, NV 89106

Re: Variance Request Response
VAR41882

Dear Planning Division Board:

This letter comes to you on behalf of the Paradise Meadows Homeowners Association Board of Directors. Please consider this letter and the reasons contained within it while making your decision on this proposed zone variance. While the Board as well as some homeowners would like to be in attendance on the night of the meeting, we have our annual and regular HOA meetings scheduled for the same date and time so we are unable to attend.

As you already are aware, we are an HOA, and like any other HOA, we have guidelines in place that govern the overall appearance and maintenance obligations of the community. One of the main reasons HOA's have these kinds of rules is to maintain and enhance the appearance of the properties as well as those properties' values. These aesthetic features that we value on the inside of the property extend to the perimeter of our property as well. The exterior landscape of our community looks just as clean and attractive as any front lawn in the community if not better. This helps keep our values up and also brings curb appeal to the entire area that we share with other homes and communities.

There are many HOA's along the streets we share that are in close proximity to the address requesting the zone variance for the metal shed that you are reviewing. Together, all of the HOAs work to keep the outsides of their communities attractive, upkeep the bridal paths, and work together as a team to accomplish a common goal of making the neighborhood in general as attractive and desirable as possible.

While it is understood that the home asking for the zone variance is not in an HOA and, thus, is not governed by those same rules, it is our hope that you will take into consideration that regardless how many HOAs and proud homeowners that aren't in HOAs take care of their property well, it only takes one area not being held to that same standard to really detract from the entire neighborhood in general.

In reviewing the zone variance request, it is clear that the square footage of this structure is not even close to what the current maximum is. The sheer massive size of this structure and the materials in which it is constructed can turn what is zoned a residential area into what appears to be a U-Haul or storage lot for lack of a better term.

Again, it is our request that this variance be denied for all of the reasons listed above. As neighbors, a community has to stick together and take care of each other, and sometimes that requires tough decisions such as this. We ask that you please take these thoughts into consideration in your decision.

Thank you for your time,

Paradise Meadows Homeowners Association
Board of Directors

RECEIVED
JUL 12 2011

COMMUNITY MANAGEMENT GROUP
**COMMUNITY MANAGEMENT GROUP**
3360 W. Sahara Ave. Suite 200 Las Vegas, NV 89102
Telephone: 702.942.2500 | Facsimile: 702.942.2510
www.cmg-hoa.com | info@cmg-hoa.com

391

I BRENT CONRAD am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5336 ELKHORN
LAS VEGAS, NV

(Owner) Signature _____ Date 5/17/11

(Print Name) BRENT CONRAD

RECEIVED
MAY 24 2011
VAR-41882
A

I Brandon Conrad am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5325 Solar Ave.
Las Vegas, NV 89131

(Owner) Signature _____ Date 5 / 17 / 11

(Print Name) Brandon Conrad

RECEIVED
MAY 24 2011
VAR-41882
A

I Sharon M. Carder am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5324 Elkhorn Rd.
LV, NV. 89131

(Owner)
Signature Sharon M. Carder Date 5/17/11

(Print Name) SHARON M. CARDER

RECEIVED
MAY 24 2011

VAR-41882
A

I Scott Fulde am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5304 Pacific opal Ave
Las Vegas NV 89131

(Owner) Signature _____ Date 5/17/2011

(Print Name) Scott Fulde

RECEIVED
MAY 24 2011

VAR-41882
A

I Barbara Solomon am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5308 Pacific Opal Ave
Las Vegas, NV

(Owner)
Signature Barbara Solomon Date 05/17/11

(Print Name) Barbara Solomon

VAR-41882
A

RECEIVED
MAY 24 2011

I Marlon D. Gell am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5316 Pacific Coast
L.V. NV. 89131

(Owner) Signature Marlon Gell Date ___/___/___

(Print Name) MARLON

RECEIVED
MAY 24 2011

VAR-41882
A

I Jorge M Torres am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 7240 Unicorn St
Las Vegas

(Owner)
Signature _____ Date 5/17/11

(Print Name) Jorge M Torres

VAR-41882
A

RECEIVED
MAY 24 2011

I Thomas E Rose am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5301 Solar Ave

(Owner) Signature Thomas Date 5/17/11

(Print Name) THOMAS E ROSE

RECEIVED
MAY 24 2011

VAR-41882
A

I Richards LTd. am a neighbor of Donald Newby and have no problem with the shade structure that he has built for his R.V. or the patio cover in the front of his house.

Address 5300 W. Elkhorn
Las Vegas, NV. 89131

(Owner)
Signature Kim Vargas Date 5/18/11

(Print Name) Kim Vargas
OFFICE MANAGER - Richards Ltd.

RECEIVED
MAY 24 2011

VAR-41882
A

# CHARLESTON NEIGHBORHOOD PRESERVATION

"Doing things today that will improve tomorrow"

Phone/Fax: 702-877-2438

TO: CLV Planning Commission Chair EVANS, Vice-Chair TROWBRIDGE, GOYNES, TRUESDELL, QUINN, FLANGAS, MOODY!

FROM: CNP
DATE: 7/12/2011
RE: Selected Agenda Items

#11. Please remove this item from this portion of the agenda.
SUP-41908-in 3 ways defies the law which protects constituents from harm: In another tavern- 0'
In a religious facility-500' and
In a school-160'.

Adamantly, we as public representatives of resident constituents of all ages to those yet unborn who will be grievously affected by the 3 irresponsible, greedy, lustful zoning waivers here recommended for approval, to be denied.

These 3 requested waivers deny each of the 3 businesses the opportunity offered in the original standards to flourish and provide a living for the investors.

We expect our elected representatives and their chosen planning commissioners to protect practices which are here in item SUP-41908, displayed as irrelevant trash, with an approval recommendation.

Approving 0 ft/1,500, 500 ft/1,500, and 160 ft/1,500 is dishonorable and malicious.

Approving any one of these 3 in the waivered space requests, destroys residential standards of protection and choice.

Only denial of all 3 requested waivers can make whole an honest livelihood for the entrepreneurs as well as t the current established freedom of choice of varied services within an area.

# 15. 16. 17. We suggest approval.

#18. Constituents cannot afford the number of staff needed to monitor these businesses, etc!

#19. Will ground contaminants be cleaned prior to plants, etc.?

#37. Var-41303-CNP requests Approval of this sign at this location.

#39., 40., 41., We request Approval of these 3, understanding that such private concerns are not government business.

#45. a pro business decision is to allow the display.

#49. CNP agrees w/ denial.

#51. CNP requests APPROVAL of this place of worship expansion. The beauty of what happens here precludes petunias—at least at least until (what is that date when taxes are going to be cut 30%) ? ?

We do SO appreciate your diligence. Everything you do in this position has reverberating effects!

June Ingram, President and BOARD

June Ingram

Submitted at Planning Commission
Date 7/12/2011 Item 11,15-17, 18-19, 39-41, 45, 49 & 51

BOARD & ADVISORY MEMBERS
Dennis Ardine-Vicki Arnold-Dick Bratton-Erna Clark-Juanita Clark-Miriam Een- Danielle Hanslip-Rose Honrath-June Ingram-Rick Johnson-Jolanta Krol-Rod &Betty Larsen- Geno &Pearl Lonardo-Flo Montalvo-Dorothy Orr-Jim Seward-Pamela Stancliffe-Tim Volz-Marcus Gobel-Ginger Norton, Denise Reitz, Layne Rushforth, Jeanine Sweeny, Julie Wheun, Jean Withers, Others

City of Las Vegas Agenda Item No.: **22.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

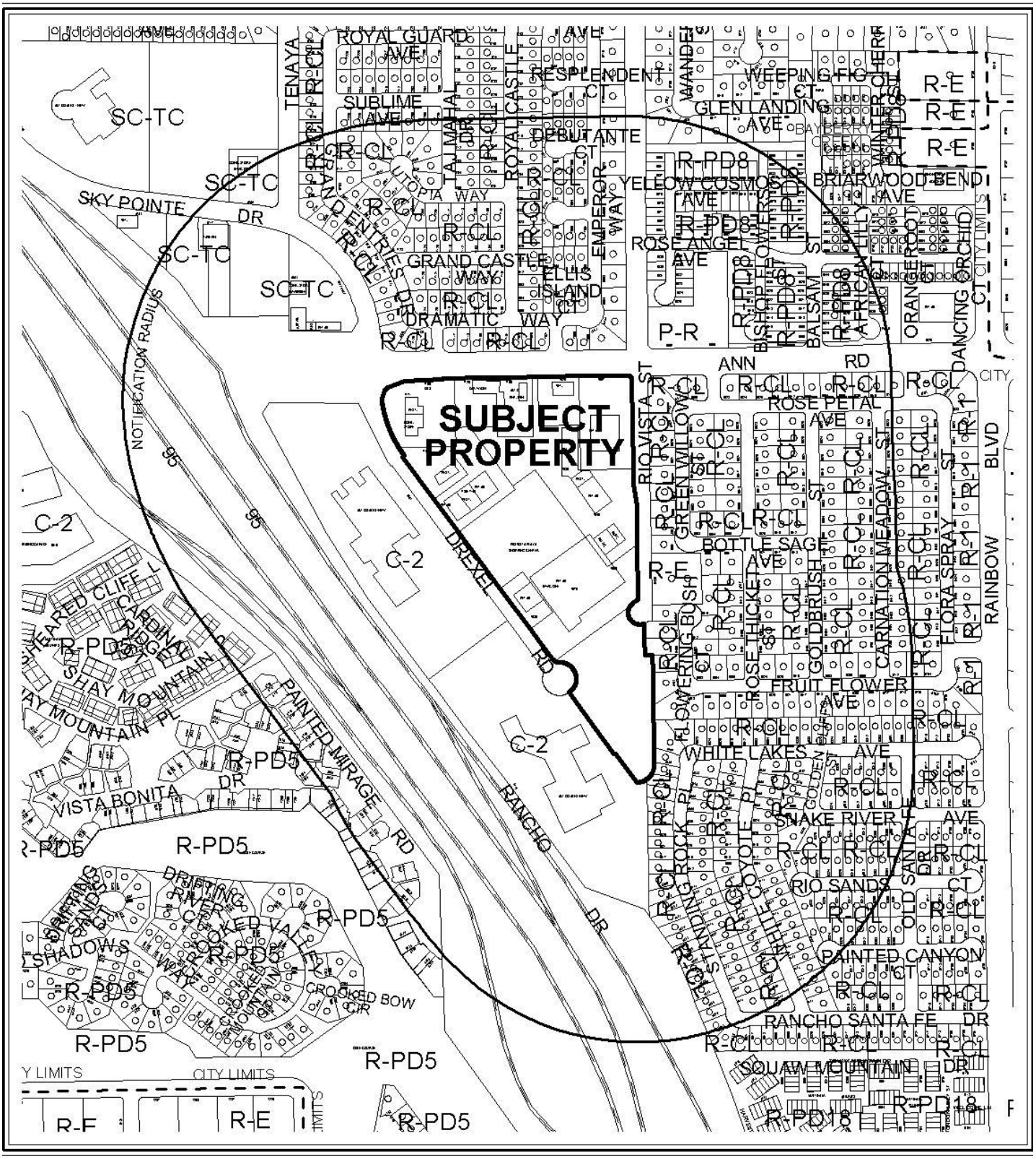
**SUBJECT:**
MOD-42261 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: RIO VISTA PLAZA, LLC, ET AL - For possible action on a request for a Major Modification of a previously approved Rezoning (Z-0074-97) TO AMEND THE MASTER DEVELOPMENT PLAN TO ADD GENERAL PERSONAL SERVICE AND MASSAGE, ACCESSORY USES AS PERMITTED USES AND THE MASSAGE ESTABLISHMENT USE AS A PERMITTED USE WITH AN APPROVED SPECIAL USE PERMIT on 18.6 acres at 7007-7171 West Ann Road (APNs Multiple), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Justification Letter



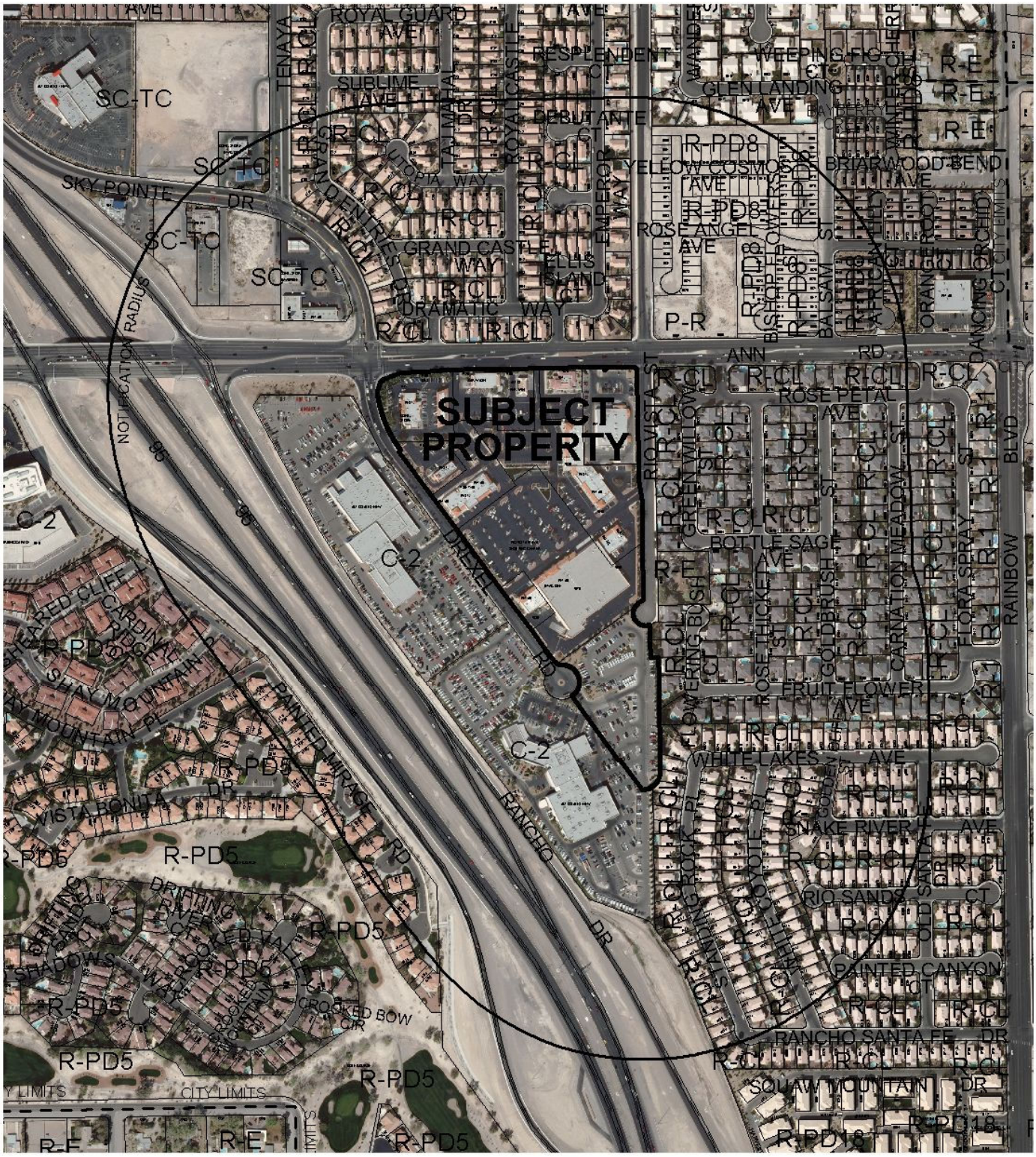

0 300 600 Feet

**CASE:** **MOD-42261**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

N




**CASE:** **MOD-42261**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **MOD-42261** | Staff recommends APPROVAL. | |

YK

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is requesting that the Rio Vista Plaza Master Development Plan be amended to allow the following uses: General Personal Services; Massage, Accessory; and Massage Establishment. The General Personal Service and Massage, Accessory uses will be permitted by right, whereas the Massage Establishment use shall be permitted only with the approval of a Special Use Permit in accordance with Title 19.16.110. Staff supports the amendment, as the proposed uses are permitted in the C-1 (Limited Commercial) district and are consistent with other uses allowed within the existing Planned Development. If the application is denied, General Personal Services and Massage Establishment Uses would continue to be prohibited at this location.

## ISSUES

- The Massage Establishment Use will require approval of a Special Use Permit.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 12/08/97 | The City Council approved Rezoning (Z-0074-97) from: U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] to: PD (Planned Development) on the southwest corner of Ann Road and Rio Vista Street. Staff recommended approval and the Planning Commission recommended denial. |
| 01/25/99 | The City Council approved a request for a Site Development Plan Review [Z-0074-97(3)] for a proposed 15,056 square foot Drug Store and Review of Condition of Approval Number 4, to allow the use of an outside microphone for the pharmacy drive-through where such use is prohibited on property located on the southwest corner of Ann Road and Rio Vista Street. The Planning Commission recommended approval. |
| 01/25/99 | The City Council approved a Modification [Z-0074-97(4)] to the Rio Vista Plaza Master Plan to allow modifications to the approved locations and sizes of the proposed buildings and signage. The Planning Commission recommended approval. |
| 07/05/01 | The City Council approved a Site Development Plan Review [Z-0074-97(10)] for a proposed 5,099 square foot Full Service Car Wash and a 1,468 square foot Minor Auto Repair Garage on 1.50 acres at the southeast corner of the intersection of Ann Road and Drexel Road. The Planning Commission |

| | |
|---|---|
| | recommended approval. |



| | |
|---|---|
| 07/05/01 | The City Council approved a Major Modification [Z-0074-97(11)] to the Rio Vista Plaza Development Plan to add Carwash and Mini-Lube Facilities to the permitted uses table. The Planning Commission recommended approval. |
| 08/09/11 | The Planning Commission will hear a request for possible action on a request for a Special Use Permit (SUP-42265) for a proposed 260 square-foot Massage Establishment in conjunction with a 1,500 square-foot day spa with a waiver to allow a distance separation of 50 feet from a residential use where 400 feet is required at 7045 West Ann Road, Suite #130. Staff recommends approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 08/02/99 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 01/03/01 | Business licenses (B05-02789-6-122017, B08-00706-6-122017 and M03-00152-2-122017) were issued for a Day Spa at 7045 West Ann Road, Suite 130. These licenses were closed as Out-of-Business on 01/25/10. |
| 05/06/03 | A Building Permit (#4781) for a Certificate of Occupancy was issued for a Day Spa at 7045 West Ann Road, Suite 130. |
| 01/30/07 | Code Enforcement issued a citation (#49879) for illegal banners at 7045 West Ann Road, Suite 130. The case was closed on 03/13/07. |
| 12/04/07 | The Building Department conducted a requested inspection (#103268) for a hazardous situation at 7045 West Ann Road, Suite 130. There was no hazard found at the site and no action was taken. The case was closed on 12/10/07. |

| ***Pre-Application Meeting*** | |
|---|---|
| 05/23/11 | Staff reviewed requirements to modify an existing Master Development Plan to add General Personal Services and Massage as permitted uses in the Rio Vista Shopping Plaza. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 07/05/11 | Staff conducted a field check of the site and found a well maintained commercial shopping center. |

| ***Details of Application Request*** |
|---|

| *Site Area* | |
|---|---|
| Net Acres | 18.6 |



| *Surrounding Property* | *Existing Land Use Per Title 19.12* | *Planned or Special Land Use Designation* | *Existing Zoning District* |
|---|---|---|---|
| Subject Property | Shopping Center | SC (Service Commercial) | PD (Planned Development) |
| North | Single Family Detached | ML (Medium/Low Density Residential) | R-CL (Single Family Compact-Lot) |
| | | L (Low Density Residential) | R-1 (Single Family Residential) |
| South | Motor Vehicle Sales (New) | GC (General Commercial) | C-2 (General Commercial) |
| East | Single Family Detached | ML (Medium/Low Density Residential) | R-CL (Single Family Compact-Lot) |
| West | Motor Vehicle Sales (New) | GC (General Commercial) | C-2 (General Commercial) |

| *Special Purpose and Overlay Districts* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| PD (Planned Development) District | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**ANALYSIS**

Per Title 19, the PD (Planned Development) district may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The uses permitted at the subject site are similar to those permitted in the C-1 (Limited Commercial) district. The Title 19 use requirements apply as stated in the Rio Vista Plaza Master Development Plan; therefore, the proposed uses to be added to the Rio Vista Master Plan are described below:

*General Personal Service:* A facility for the sale of personal services. Typical personal services include barber/beauty shop, tanning salon, nail salon, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe deposit boxes, house cleaning service, weight reduction center, day spa, florist (excluding greenhouses), and permanent makeup establishment.

*Massage, Accessory:* The performing of massage therapy or therapeutic massage that:

1. Is accessory to a principal permitted use that is one of the following:
    a. A medical office or physical rehabilitation clinic;
    b. A fitness and health center;
    c. A country club or golf course clubhouse;
    d. A hotel with more than one hundred rooms; or
    e. A facility similar in nature to any of the facilities listed above;
2. Does not occupy more than 150 square feet of space; and
3. Is not advertised on any exterior signage.

*Massage Establishment:* A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52. This use does not include the "accessory massage," as defined by Title 19.12.

Minimum Special Use Permit Requirements:
1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The use must be located on a secondary thoroughfare or larger.
3. The use may not be located within 400 feet of any church, synagogue, school, City park, child care facility, or any parcel zoned for residential use.
4. The use may not be located within 1000 feet of any other massage establishment.
5. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further limited by the City Council on a case-by-case basis.

The addition of the General Personal Service and Massage, Accessory uses as permitted uses, and the Massage Establishment use as a permitted use with the approval of a Special Use Permit, will be consistent with uses allowed in the C-1 (Limited Commercial) zoning district, and will not negatively impact the existing uses at the site or in the surrounding area. The proposed uses will not affect parking requirements, since the required spaces are calculated as a Shopping Center at one space per 250 square feet, based upon the gross floor area. Therefore, staff supports the request to modify the Rio Vista Master Development Plan to allow the proposed uses.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**NOTICES MAILED** 687

**APPROVALS** 0

**PROTESTS** 0

YK

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Major Modification to the Rio Vista Plaza Planned Development

**Project Address (Location)** 7007 to 7171 W. Ann Road

**Project Name** Rio Vista Plaza PD addition of land uses **Proposed Use** Shopping Center

**Assessor's Parcel #(s)** 125-34-515-001 to 010, -516-001, 502-~~00~~ -501-008, -006 **Ward #** 6

**General Plan:** existing ~~POD~~ SC proposed _____ **Zoning:** existing PD proposed _____

**Commercial Square Footage** N/A **Floor Area Ratio** N/A

**Gross Acres** _____ **Lots/Units** N/A **Density** N/A

**Additional Information** _____

**PROPERTY OWNER** Rio Vista Plaza, LLC et al **Contact** _____

**Address** PO Box 11568 **Phone:** (949) 250-8651 **Fax:** (949) 250-1320

**City** New Port Beach **State** CA **Zip** 92658

**E-mail Address** _____

**APPLICANT** City of Las Vegas **Contact** Doug Rankin

**Address** 333 N. Rancho **Phone:** 229-6301 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89106

**E-mail Address** drankin@lasvegasnevada.gov

**REPRESENTATIVE** _____ **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

~~Property Owner~~ Authorized Signature* DJ Rankin

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

**Print Name** Doug Rankin

Subscribed and sworn before me

This _____ day of _____, 20 _____.

_____

Notary Public in and for said County and State

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | MOD-42261 |
| **Meeting Date:** | 8-9-11 |
| **Total Fee:** | ∅ |
| **Date Received:*** | 6-23-11 |
| **Received By:** | DJR |

*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.

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LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
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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

Flinn Fagg, Director
Department of Planning
333 N. Rancho Drive, 3rd Floor
Las Vegas, NV 89106

June 22, 2011

Dear Mr. Fagg:

Per Title 19.10.040.G Modification of Master Development Plan and Development Standards, a Planned Development may be modified by the City of Las Vegas. This request is to modify the Rio Vista Planned Development to add the following uses; General Personal Service and Accessory Massage (150 sf. or less) as permitted uses and to add Massage Establishment as a use permitted with the approval of a Special Use Permit. Past approvals have been made at this location which allowed for a Massage Use that was accessory to other principal uses, in this case a Health Club. Adoption of a specific land use for Accessory Massage no longer permitted this use to be a customary accessory use. As such the Rio Vista Planned Development needs to be amended to permit the previously approved Health Club with massage. Staff has also found that past and current approvals at this location permitted General Personal Service uses. The General Personal Service is comparable in intensity to those permitted in the Rio Vista Planned Development.

The Uses stated above are defined by Title 19.18 as follows:

**General Personal Service.** A facility for the sale of personal services. Typical personal services include barber/ beauty shop, tanning salon, nail salon, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe deposit boxes, house cleaning service, weight reduction center, day spa, florist (excluding greenhouses) and permanent makeup establishment.

**Massage, Accessory.** The performing of massage therapy or therapeutic massage that:

1. Is accessory to a principal permitted use that is one of the following:
   a. A medical office or physical rehabilitation clinic;
   b. A fitness and health center;
   c. A country club or golf course clubhouse;
   d. A hotel with more than one hundred rooms; or
   e. A facility similar in nature to any of the facilities listed above

-continued-

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MOD-42261

2. Does not occupy more than 150 square feet of space; and

3. Is not advertised on any exterior signage.

**Massage Establishment.** A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Chapter 6.52.. The term does not include the use "accessory massage," as defined in this Title.

Sincerely,

Doug Rankin, AICP
Planning Manager

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MOD-42261

City of Las Vegas Agenda Item No.: **23.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

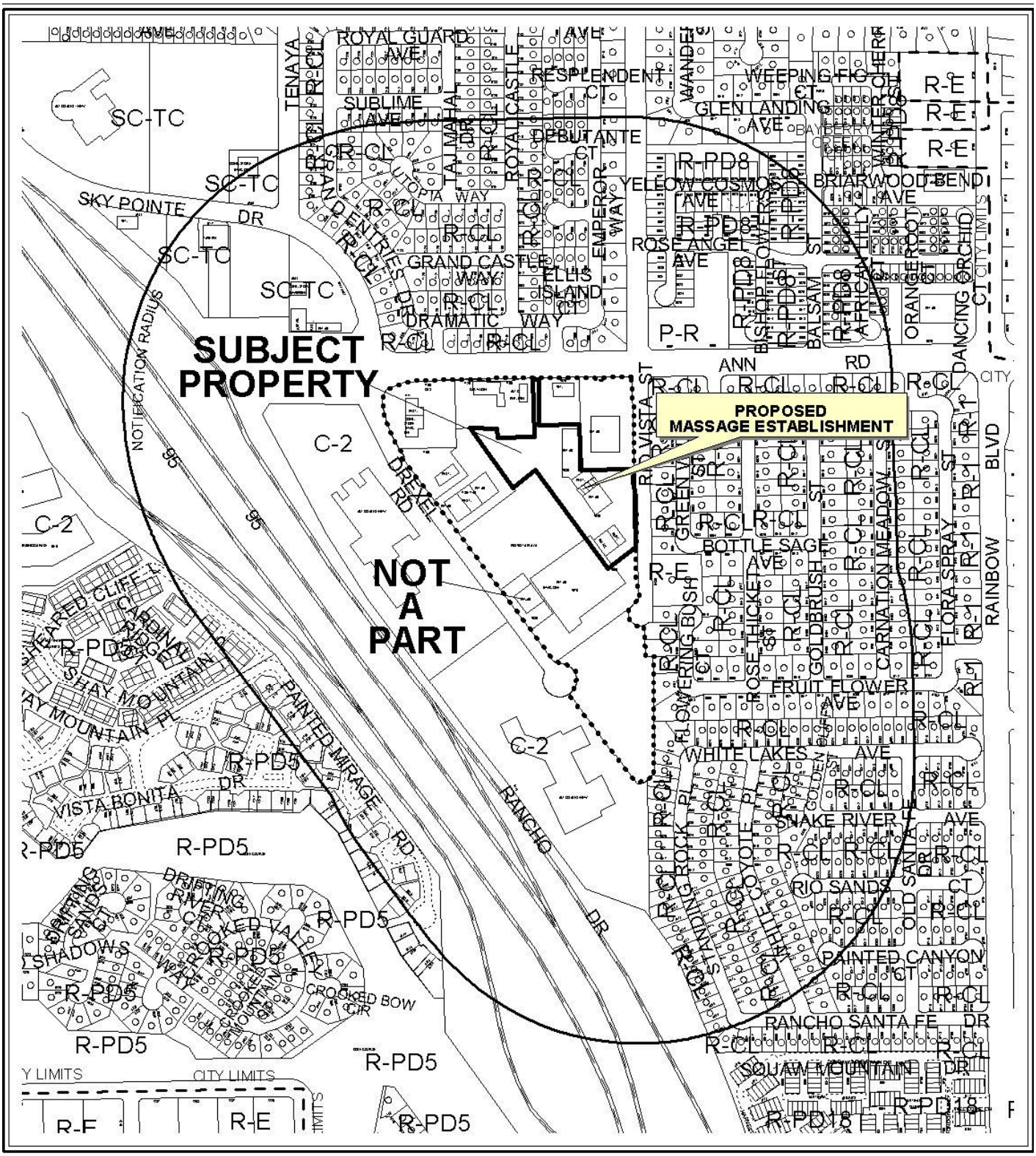
**SUBJECT:**
SUP-42265 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: RIO VISTA PLAZA, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 260 SQUARE-FOOT MASSAGE ESTABLISHMENT IN CONJUNCTION WITH A 1,500 SQUARE-FOOT DAY SPA WITH A WAIVER TO ALLOW A DISTANCE SEPARATION OF 50 FEET FROM A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED at 7045 West Ann Road, Suite #130 (APN 125-34-515-003), PD (Planned Development) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



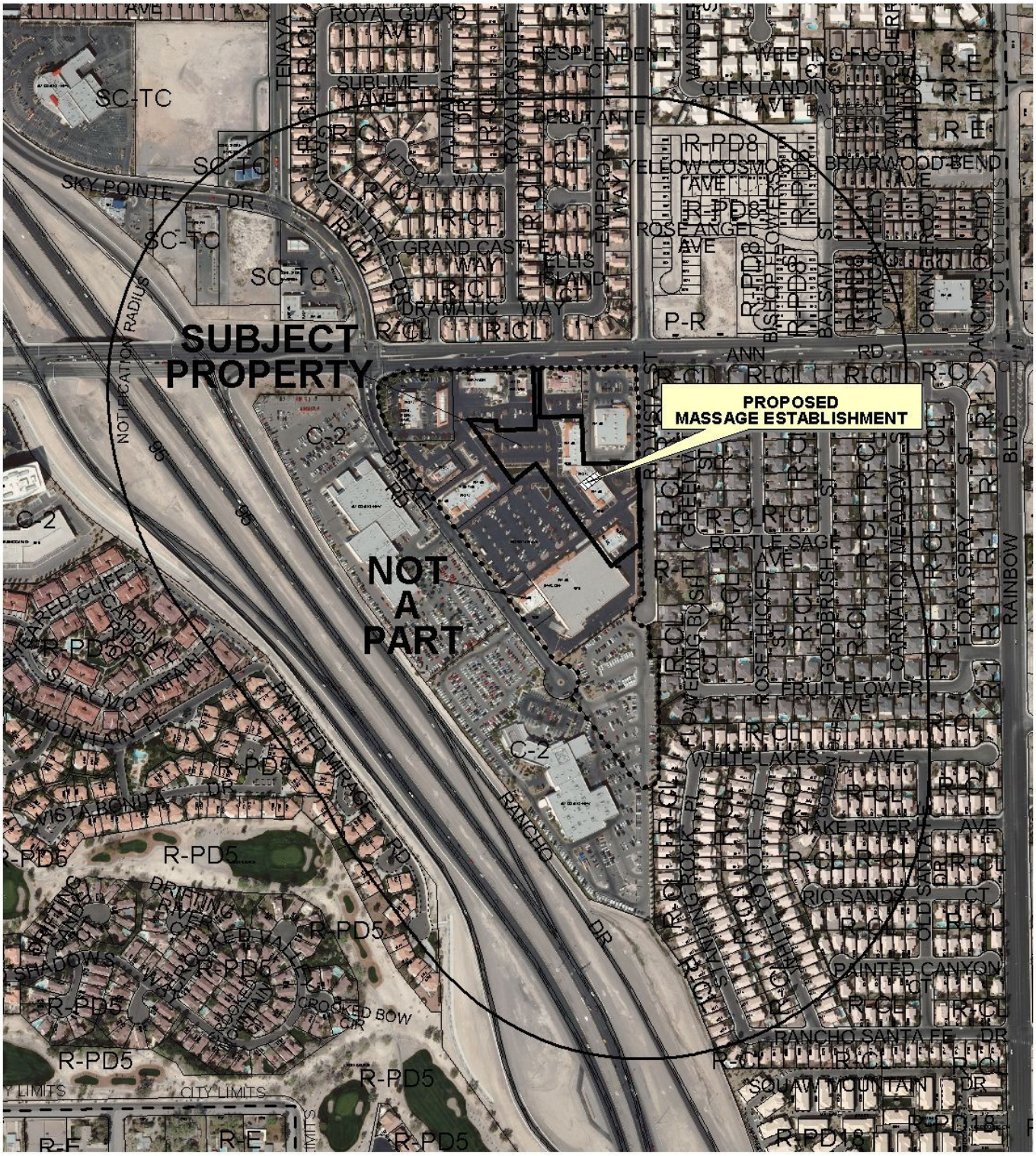

0 300 600 Feet

**CASE:** **SUP-42265**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

N

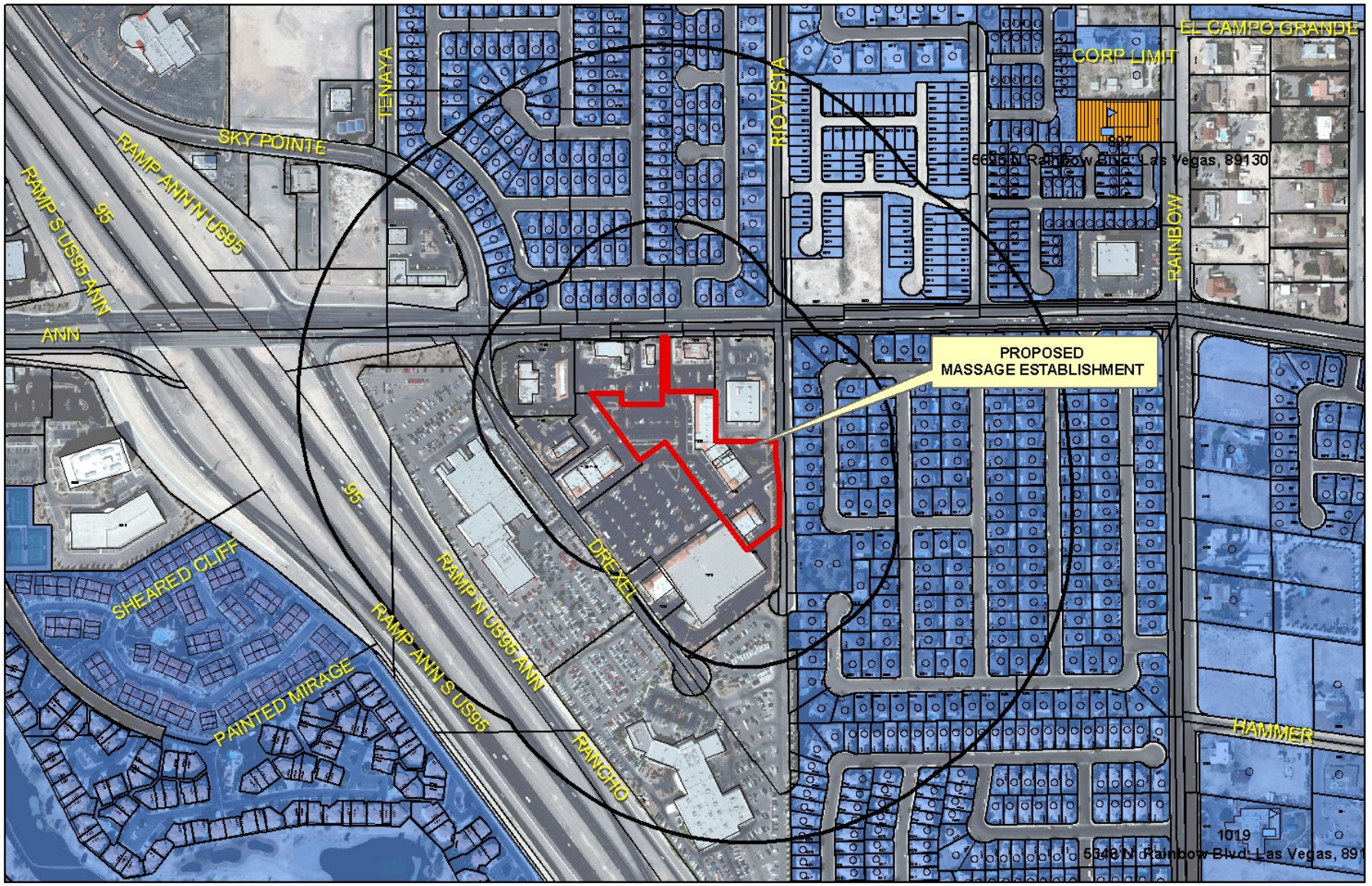



0 300 600 Feet

**CASE:** **SUP-42265**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)




**SUP-42265**
**Massage Establishment**

**Business Licenses**

- Massage Establishment
- Child Care/ Children Facility

**Protected Landuses**

- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- Residential Property
- 400' & 1000' Buffer

0 280 560 1,120 Feet

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: CITY OF LAS VEGAS - OWNER: RIO VISTA PLAZA, LLC, ET AL**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-42265** | Staff recommends APPROVAL, subject to conditions: | MOD-42261 |

## ** CONDITIONS **

# SUP-42265 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Massage Establishment use.

2. Approval of Major Modification (MOD-42261) shall be required.

3. 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.

4. A Waiver to allow for a 50 foot distance separation from a residentially zoned property where a minimum of 400 feet distance separation is required is approved.

5. Prior to occupancy, 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.

6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.

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

YK

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is requesting a Special Use Permit for a Massage Establishment within a proposed Day Spa with a Waiver of the distance separation requirement from a residentially zoned property. The Special Use Permit for a Massage Establishment is required as the floor area is greater than the maximum allowed 150 square feet for a Massage Accessory Use. The proposed massage space is 260 square feet. The proposed use is in a commercial shopping center, will only employ two massage therapists, and is not directly accessible to the residential neighborhood to the east. For these reasons, staff supports the request. If the applications are denied, the Massage Establishment Use would not be permitted at this location.

## ISSUES

- The Rio Vista Plaza Master Development Plan must be amended (MOD-42261) to allow General Personal Services; Massage, Accessory; and Massage Establishment as permitted uses prior to approval of a Special Use Permit for a Massage Establishment Use. Staff supports this request, since all are permitted uses in similar zoning districts throughout the city.
- A Massage Establishment greater than 150 square feet is a permitted use with an approved Special Use Permit, per Major Modification (MOD-42261).
- A Waiver is required to allow a Massage Establishment use to be located 50 feet from a residentially zoned property where the minimum distance separation allowed is 400 feet. Staff supports this request, as the establishment is located in a shopping center across the street from the residential neighborhood and there is no direct access between the two districts. Additionally, the Massage Establishment will be operated in conjunction with a day spa.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 12/08/97 | The City Council approved Rezoning (Z-0074-97) from: U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] to: PD (Planned Development) on the southwest corner of Ann Road and Rio Vista Street. Staff recommended approval and the Planning Commission recommended denial. |
| 08/09/11 | The Planning Commission will hear a request for possible action on a request for a Major Modification (MOD-42261) to amend the Rio Vista Plaza Master Development Plan to add General Personal Service and Massage, Accessory uses as permitted uses and the Massage Establishment use as a permitted use with an approved Special Use Permit on 18.6 acres at 7007-7171 West Ann Road. Staff recommends approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 08/02/99 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 01/03/01 | Business licenses (B05-02789-6-122017, B08-00706-6-122017 and M03-00152-2-122017) were issued for a Day Spa at 7045 West Ann Road, Suite 130. These licenses were closed as Out-of-Business on 01/25/10. |
| 05/06/03 | A Building Permit (#4781) for a Certificate of Occupancy was issued for a Day Spa at 7045 West Ann Road, Suite 130. |
| 01/30/07 | Code Enforcement issued a citation (#49879) for illegal banners at 7045 West Ann Road, Suite 130. The case was closed on 03/13/07. |
| 12/04/07 | The Building Department conducted a requested inspection (#103268) for a hazardous situation at 7045 West Ann Road, Suite 130. There was no hazard found at the site and no action was taken. The case was closed on 12/10/07. |

| ***Pre-Application Meeting*** | |
|---|---|
| 05/23/11 | Staff reviewed for submittal of a Special Use Permit for a Massage Establishment. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 07/05/11 | Staff conducted a field check of the site and found a well maintained commercial shopping center. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 18.6 |

| *Surrounding Property* | *Existing Land Use Per Title 19.12* | *Planned or Special Land Use Designation* | *Existing Zoning District* |
|---|---|---|---|
| Subject Property | Shopping Center | SC (Service Commercial) | PD (Planned Development) |
| North | Single Family Detached | ML (Medium/Low Density Residential) | R-CL (Single Family Compact-Lot) |
| | | L (Low Density Residential) | R-1 (Single Family Residential) |
| South | Motor Vehicle Sales (New) | GC (General Commercial) | C-2 (General Commercial) |
| East | Single Family Detached | ML (Medium/Low Density Residential) | R-CL (Single Family Compact-Lot) |
| West | Motor Vehicle Sales (New) | GC (General Commercial) | C-2 (General Commercial) |

| *Special Purpose and Overlay Districts* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| PD (Planned Development) District | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

| *Street Name* | *Functional Classification of Street(s)* | *Governing Document* | *Actual Street Width (Feet)* | *Compliance with Street Section* |
|---|---|---|---|---|
| Ann Road | Primary Arterial | Master Plan of Streets and Highways | 100 | Y |
| Rio Vista Street | N/A | N/A | 50 | N/A |
| Drexel Road | N/A | N/A | 50 | N/A |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Shopping Center | 169,084 SF | 1 space per 250 SF | 677 | | | | |
| **TOTAL SPACES REQUIRED** | | | 677 | | 806 | | Y |
| **Regular and Handicap Spaces Required** | | | 663 | 14 | 782 | 24 | Y |
| Loading Spaces | 169,084 | 3 for first 50,000 SF then 1 for each 100,00 SF | 5 | | 3 | | N |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| Massage Establishment use may not be located within 400 feet of any parcel zoned for residential use. | To allow a Massage Establishment use to be located 50 feet from a residentially zoned parcel. | Approval |

**ANALYSIS**

The site was developed as a commercial shopping center under the PD (Planned Development) district. Parcels were sold individually and developed separately. Each use was parked individually as well and up until 2008 required a parking variance if the use did not meet Title 19 minimum parking standards. When the Shopping Center category was adopted at one space per 250 square feet of building area, the site became current with the required number of parking spaces as a shopping center. However, the site is considered loading space impaired as the center has two fewer loading spaces then the current code requires.

The applicant is seeking a Special Use Permit for a Massage Establishment use. A Waiver of the 400-foot distance separation requirement from a residentially zoned parcel is required. The applicant is proposing to use two massage therapists in two rooms totaling 260 square feet located within a day spa. The use will be in the rear of the day spa within a larger shopping center. Staff supports the requested Waiver, since the use will be operated in conjunction with a day spa, and the shopping center does not have direct access to the adjacent residential community to the east. Therefore, there will be no impact from the proposed use on the surrounding community. All other minimum

requirements are being met. Staff supports this request, as it can be conducted in a safe, clean manner without harm to the community.



**FINDINGS (SUP-42265)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The General Plan Service Commercial Land Use category allows low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. The proposed use can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and with future surrounding land use.

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

   The site is physically suitable for this type of use and the intensity is appropriate in this area of the City. Ample site access is provided and adequate parking is being provided for this shopping center.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   The subject site is accessed by Ann Road, Drexel Road and Rio Vista Street. All streets are sufficient to accommodate the number of vehicular trips associated with the proposed use.

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

   Approval of the Special Use Permit is consistent with the General Plan Land Use designation of SC (Service Commercial) and will not compromise the public health, safety, or welfare.

5. **The use meets all of the applicable conditions per Title 19.12.**

   Pursuant to Title 19.12, the Minimum Special Use Permit Requirements for a Massage Establishment use mandates that the use not be located within 400 feet of a residentially zoned parcel. Staff supports the requested Waiver, as the use will be operated in conjunction with a day spa and will not have direct access to the adjacent residential neighborhood.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**NOTICES MAILED** 687

**APPROVALS** 0

**PROTESTS** 0

YK

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42265** APN: 125-34-515-001, 003, 004

Name of Property Owner: RIO VISTA PLAZA LLC

Name of Applicant: DON BENEDICT

Name of Representative: ~~DON~~ CHRIS KAEMPFER

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: Donald K Benedict

Print Name: DONALD K. BENEDICT

MANAGER, RIO VISTA PLAZA LLC

Subscribed and sworn before me

This _____day of _____, 20_____

_____

Notary Public in and for said County and State

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JUN 23 2011

# CALIFORNIA JURAT WITH AFFIANT STATEMENT

☒ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on this

22nd (Date) day of June (Month), 2011 (Year), by

(1) Donald K. Benedict. (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me.) (,)

(and

(2) _____ (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature _____ (Signature of Notary Public)

IENNEKE SUWITO
COMM. # 1903390
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
COMM. EXPIRES OCT. 4, 2014

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Further Description of Any Attached Document**

Title or Type of Document: Statement of financial interest

Document Date: _____ Number of Pages: 1

Signer(s) Other Than Named Above: _____

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|---|---|
| Top of thumb here | Top of thumb here |

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** SPECIAL USE PERMIT

**Project Address (Location)** 7035, 7045, 7065, 7085, 7135 and 7145 W. ANN RD.

**Project Name** RIO VISTA PLAZA **Proposed Use** MASSAGE ESTABLISHMENT

**Assessor's Parcel #(s)** 125-34-515-001, 003, 004 **Ward #** _____

**General Plan:** existing PD proposed _____ **Zoning:** existing PD proposed PD

**Commercial Square Footage** 40,200 **Floor Area Ratio** 1:5.8

**Gross Acres** 5.36 **Lots/Units** — **Density** _____

**Additional Information** PROPERTY IS SHOWN AS PARCEL 1, PARCEL 3 AND PARCEL 4 ON THE SUBMITTED SITE PLAN

**PROPERTY OWNER** RIO VISTA PLAZA LLC **Contact** DON BENEDICT

**Address** 1300 BRISTOL ST. NORTH, SUITE 218 **Phone:** 9492508651 **Fax:** 9492501320

**City** NEWPORT BEACH, CA. **State** CA. **Zip** 92660

**E-mail Address** interprop@sbcglobal.net

**APPLICANT** SAME AS ABOVE **Contact** _____

**Address** " **Phone:** _____ **Fax:** _____

**City** " **State** _____ **Zip** _____

**E-mail Address** "

**REPRESENTATIVE** CHRIS KAEMPFER **Contact** _____

**Address** 8345 W. SUNSET RD., Suite 250 **Phone:** 7027927000 **Fax:** 7027967181

**City** LAS VEGAS **State** NV. **Zip** 89113

**E-mail Address** _____

**Property Owner Signature*** Donald K Benedict

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

**Print Name** DONALD K. BENEDICT
MANAGER, RIO VISTA PLAZA LLC

Subscribed and sworn before me

This _____ day of _____, 20 _____.

_____

Notary Public in and for said County and State

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| **Case #** | SUP-42265 |
| **Meeting Date:** | 8-9-11 PC |
| **Total Fee:** | $1,030 |
| **Date Received:*** | 6-23-11 |
| **Received By:** | |

RECEIVED JUN 23 2011

*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.

Revised 10/27/08

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# CALIFORNIA JURAT WITH AFFIANT STATEMENT

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☐ See Statement Below (Lines 1–5 to be completed only by document signer[s], *not* Notary)

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Signature of Document Signer No. 2 (if any)

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County of Orange

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22nd (Date) day of June (Month), 2011 (Year), by

(1) Donald K. Benedict (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me.) (,)

(and

(2) _____ (Name of Signer),

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature _____ (Signature of Notary Public)

IENNEKE SUWITO
COMM. # 1903390
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
COMM. EXPIRES OCT. 4, 2014

Place Notary Seal Above

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*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Further Description of Any Attached Document**

Title or Type of Document: Application / Petition Form

Document Date: _____ Number of Pages: 1

Signer(s) Other Than Named Above: _____

| RIGHT THUMBPRINT OF SIGNER #1 | RIGHT THUMBPRINT OF SIGNER #2 |
|---|---|
| Top of thumb here | Top of thumb here |

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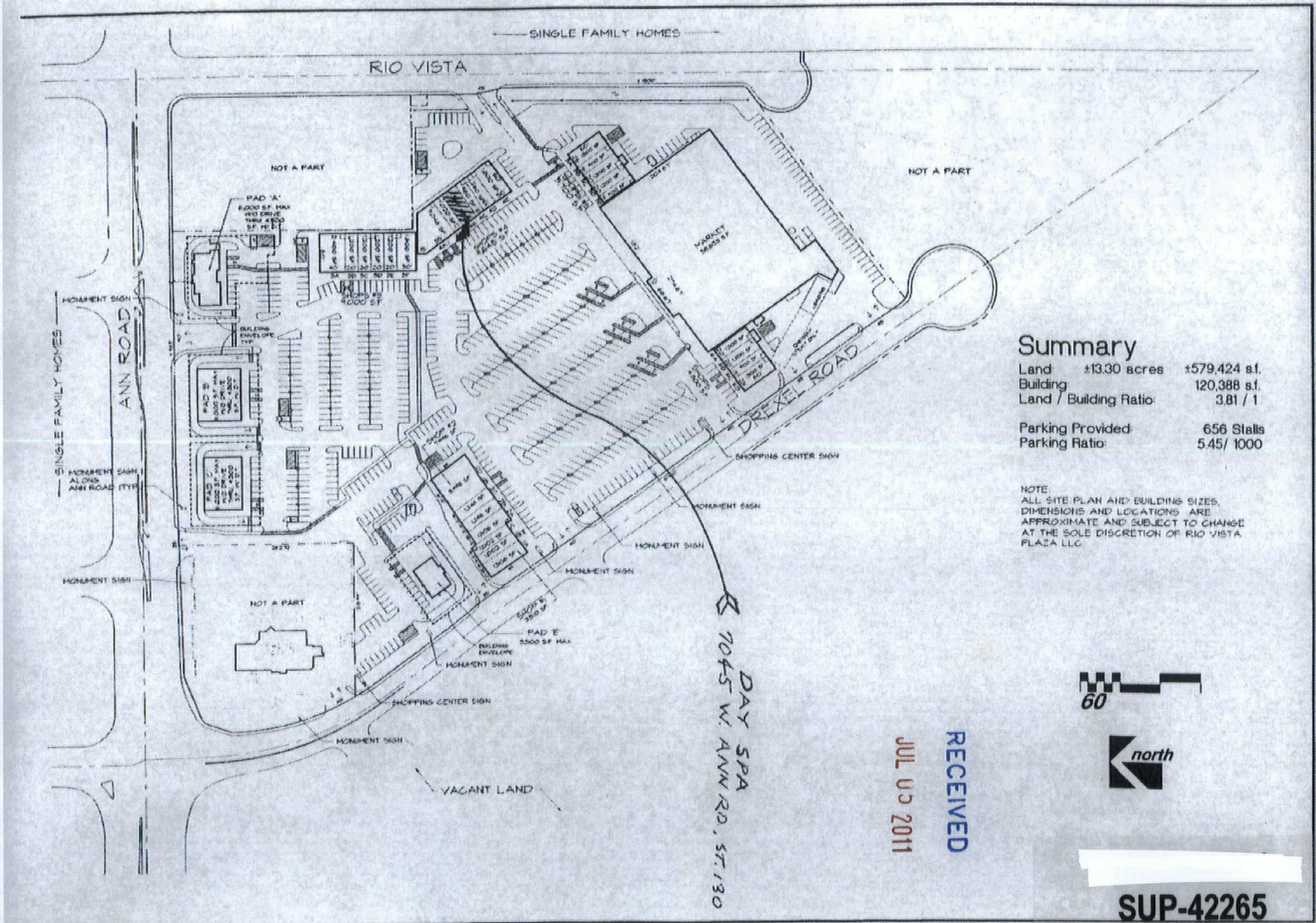


## Summary

| | | |
|---|---|---|
| Land | ±13.30 acres | ±579,424 s.f. |
| Building | | 120,388 s.f. |
| Land / Building Ratio | | 3.81 / 1 |
| Parking Provided | | 656 Stalls |
| Parking Ratio | | 5.45/ 1000 |

NOTE:
ALL SITE PLAN AND BUILDING SIZES, DIMENSIONS AND LOCATIONS ARE APPROXIMATE AND SUBJECT TO CHANGE AT THE SOLE DISCRETION OF RIO VISTA PLAZA LLC

60

north

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SUP-42265
REVISED


Nadel
Architecture
Planning
Interiors
Registered Architect
Herbert Nadel AIA
3080 Bristol Street
Suite 520
Costa Mesa
California 92626
714 541-5907

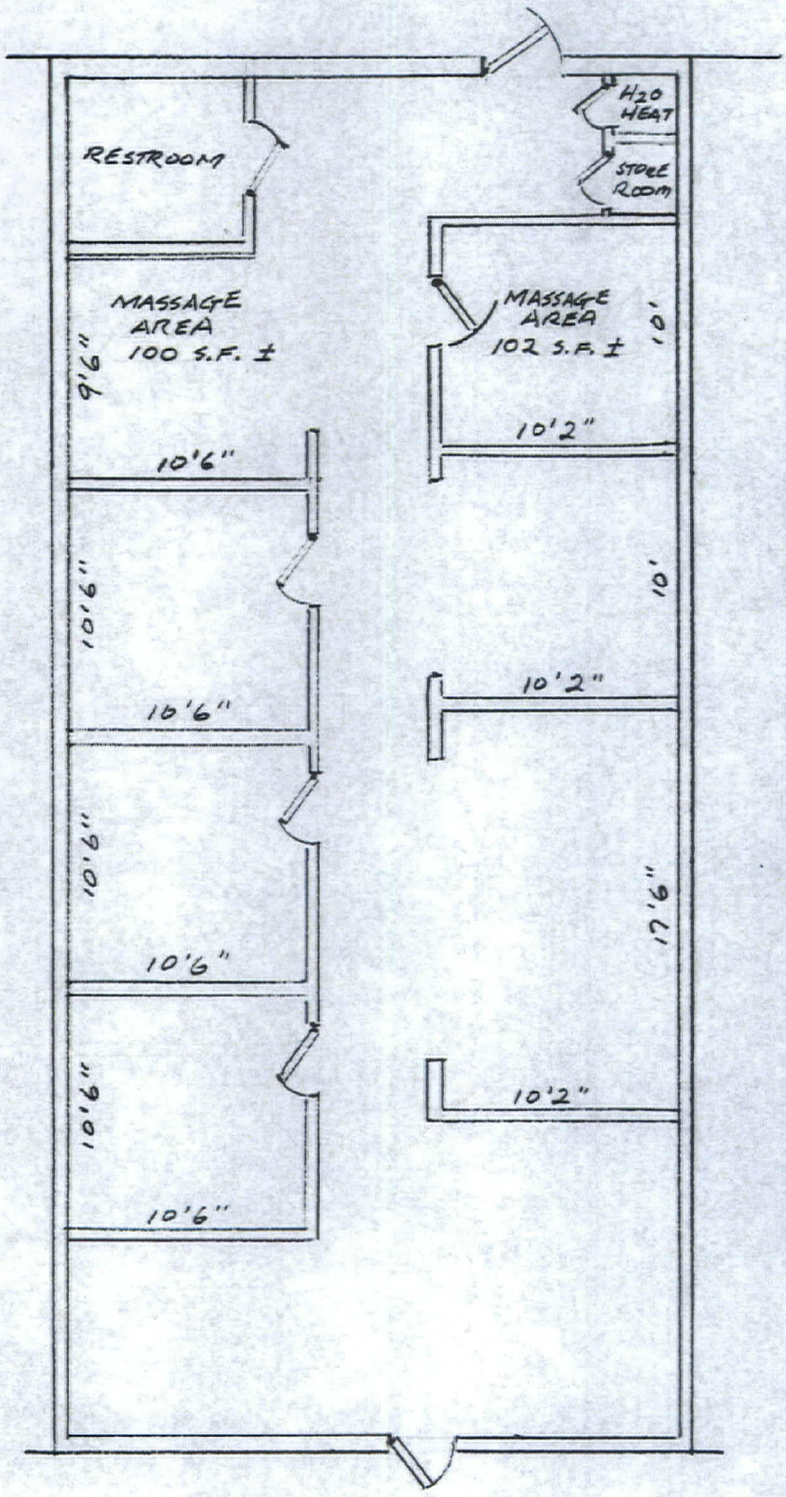

REVISIONS

FOR:
INTERSTATE PROPERTIES
1000 QUAIL STREET, SUITE #190
NEWPORT BEACH, CA. 92660

RIO VISTA PLAZA
LAS VEGAS, NEVADA

DRAWING TITLE
LEASING PLAN

DATE
JOB NO
SHEET




DAY SPA

7045 W. ANN RD. SUITE 130

RECEIVED
JUL 05 2011

SUP-42265
REVISED




**SUP-42265 – APPLICANT/OWNER: RIO VISTA PLAZA, LLC**
**7045 WEST ANN ROAD, SUITE #130**

06/30/11

# JUSTIFICATION LETTER

Massage use over 150 square feet as an incidental use is requested as the additional space needed to have 2 massage therapists working within the proposed day spa which is a total of approximately 1,500 square feet. Total massage space within the day spa would be approximately 260 square feet.

The day spa will have approximately employees/independent contractors of which one or two will be massage therapists.

The hours of operation are proposed to be:

| | |
|---|---|
| Monday-Thursday | 8:00 am to 7:00 pm |
| Friday-Saturday | 8:00 am to 9:00 pm |
| Sunday | 8:00 am to 3:00 pm |

The business model will consist of providing professional spa services including massage therapy. Retail sales of green products will support healthy living along with affordable pricing. There will be monthly essential oil education classes for small groups. Discounts will be given to Clark County School District employees.

Licenses required within the day spa include Cosmetology State License, Massage Administration License and Massage Establishment License.

Answers to "Sustainability" are all NO.

The location of the proposed massage use is suitable for the use proposed. There is adequate street access and parking. The proposed use will not be inconsistent with or compromise the public health, safety and welfare of the overall objective of the General Plan.

RECEIVED
JUN 23 2011
SUP-42265

City of Las Vegas Agenda Item No.: **24.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

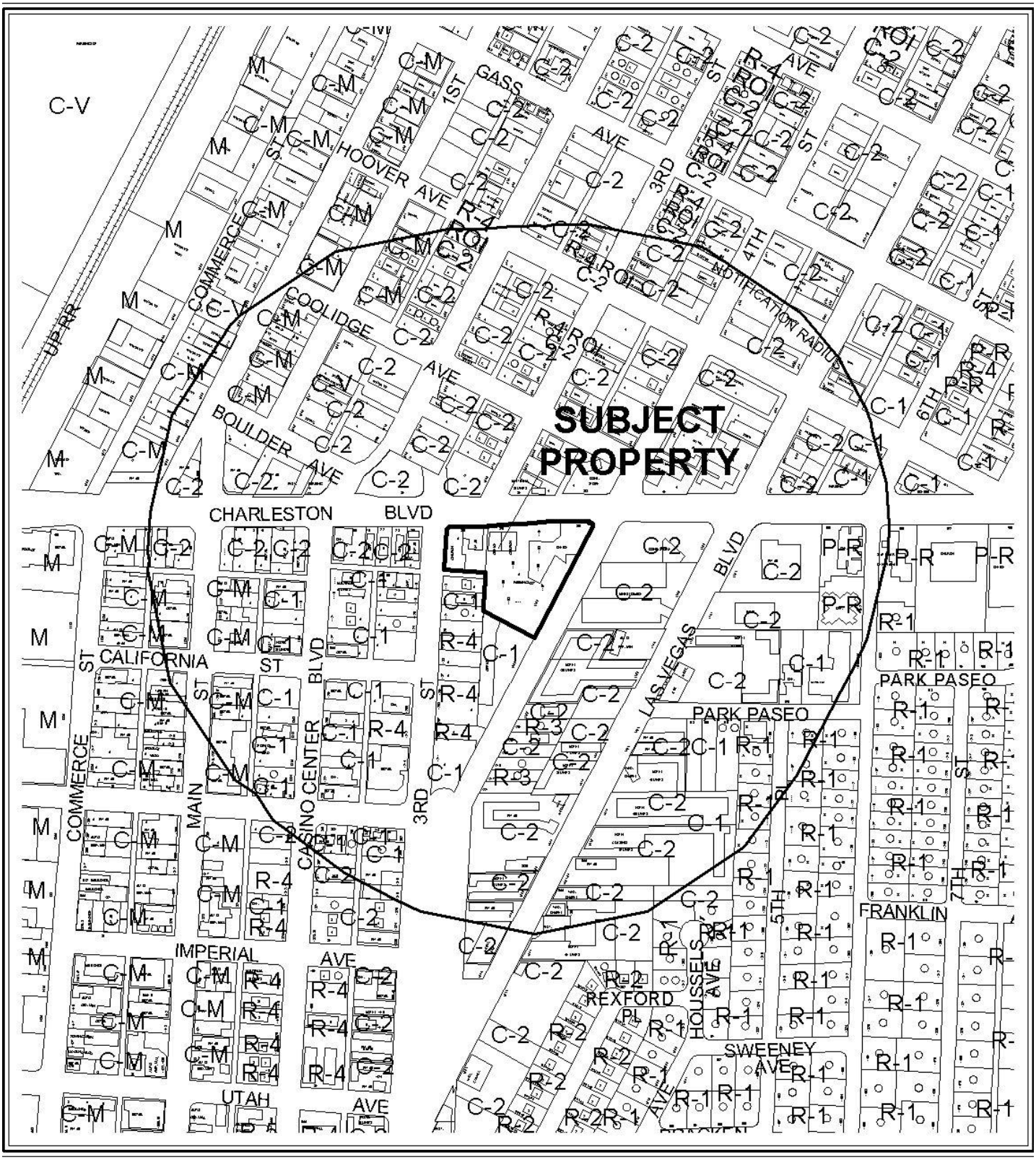
**SUBJECT:**
SUP-42182 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC - For possible action on a request for a Major Amendment of a previously approved Special Use Permit (SUP-20519) FOR A PROPOSED 24-STORY MIXED-USE DEVELOPMENT CONSISTING OF 33,000 SQUARE FEET OF COMMERCIAL SPACE, 1,150 RESIDENTIAL UNITS AND A 135-FOOT TALL PARKING STRUCTURE on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps - SUP-42182 and SDR-41600
2. Conditions and Staff Report - SUP-42182 and SDR-41600
3. Supporting Documentation
4. Photos - SUP-42182 and SDR-41600
5. Justification Letter




0 300 600 Feet

**CASE:** **SUP-42182 AND SDR-41600**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-1 (Limited Commercial)

N




0 300 600 Feet

**CASE:** **SUP-42182 AND SDR-41600**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-1 (Limited Commercial)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-42182** | Staff recommends APPROVAL, subject to conditions: | |
| **SDR-41600** | Staff recommends APPROVAL, subject to conditions: | SUP-42182 |

## ** CONDITIONS **

# SUP-42182 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mixed-Use use.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-41600) shall be required.

3. 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.

4. Prior to occupancy, 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.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

# SDR-41600 CONDITIONS

***Planning***

1. Approval of and conformance to the conditions of approval for Special Use Permit (SUP-42182) shall be required, if approved.

2. Conformance to the approved conditions for Site Development Plan Review (SDR-20502) and the Downtown Centennial Plan, except as amended herein.

3. 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.

4. Filing of Federal Aviation Administration Form 7460-1, "Notice of Proposed Construction or Alteration," shall be required, pursuant to 14 CFR Part 77.

5. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/16/11, except as amended by conditions herein.

6. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 06/16/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

7. Prior to occupancy, 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.

8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

9. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

10. A revised site plan shall be submitted to and approved by the Department of Planning Department, prior to the time application is made for a building permit, depicting a handicap accessible route in accordance with Building and Safety Department requirements and Title 19.08.040 and 19.08.110.

11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include 36-inch box shades trees along Charleston Boulevard as required by the Downtown Centennial Plan.

12. Revised elevations in accordance with Downtown Centennial Plan requirements shall be submitted to and approved by the Department of Planning Department prior to the time application is made for a building permit.

13. All utilities shall comply with the provisions of the Las Vegas Downtown Centennial Plan.

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

***Public Works***

15. A Petition of Vacation, such as VAC-29235, to eliminate all right-of-way and public access and/or utility easements in conflict with this site plan shall record prior to the issuance of any building permits or the recordation of a Final Map for this site, whichever may occur first.

16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval related to this project.

17. Prior to the submittal of a Tentative Map or civil construction drawings for this site, a sewer relocation and abandonment plan for all public sewers in conflict with this site shall be submitted and approved by the Sanitary Sewer Planning Section of the Department of Public Works. All existing public sewer easements in conflict with this site shall be vacated prior to the recordation of a Final Map for this site and new public sewer easements granted as necessary. Sewer service to existing upstream parcels shall be maintained during relocation.

18. Landscape and maintain all unimproved rights-of-way, if any, on 3rd Street, 4th Street and Charleston Boulevard adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

19. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the 3rd Street, 4th Street, and Charleston Boulevard public rights-of-way prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

20. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the East Charleston Boulevard public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.

21. Prior to the submittal of construction drawings for this site, meet with the Clark County School District to discuss the impact this site plan has on the district's schools and to identify possible methods to mitigate the impacts.

22. 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. 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.

23. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility

improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The subject site is completely developed with three existing buildings containing office, general retail and church uses along Charleston Boulevard and parking in the rear. An alley and access easement that has been approved for vacation currently provides access to the interior from Charleston Boulevard and Third Street. There are two additional existing driveways from Fourth Street. An existing Off-Premise Sign is located adjacent to the building at 330 East Charleston Boulevard. The site is currently entitled for a proposed 12-story Mixed Use Development with 1,100 residential units and 58,000 square feet of ground floor retail uses. The applicant proposes to increase the planned building's height to 24 stories, add 50 more for-rent units and decrease the commercial floor area to 33,000 square feet. In order to address parking, which originally had been planned to be located within a structure at the northeast corner of Casino Center Boulevard and Coolidge Avenue but is now proposed to be decreased and serve a proposed mixed-use development on that site, the applicant now proposes a similar 14-level structure containing 1,232 stalls and ground level commercial uses to be located on the subject site along Fourth Street. Access to the structure would be from within the development. The pedestrian plaza space on the interior will be retained. Streetscape and undergrounding of utilities will continue to be provided. As the site generally complies with the Downtown Centennial Plan and Title 19, staff recommends approval with conditions. If denied, the existing entitlements will still apply as long as they remain active.

## ISSUES

- Mixed Use Developments within 18b The Las Vegas Arts District are permitted with approval of a Special Use Permit. A Major Amendment of the previously approved Special Use Permit (SUP-20519) for the Mixed Use Development at Fourth Street and Charleston Boulevard is required, based on the increased height and number of units and increase in total gross floor area compared to the previous approval.
- A Major Amendment of the previously approved Site Development Plan Review (SDR-20502) is required, based on the increased height, total gross floor area, residential density and material change in elevation drawings compared to the previous approval.
- Conditions have been added requiring revisions of the site plan, landscape plan and elevations in accordance with Title 19 and Downtown Centennial Plan requirements.
- The applicant must contact the Federal Aviation Administration (FAA) concerning construction of the proposed 24-story building, as it exceeds the federal threshold for notification of impacts to navigable airspace. A valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration," must be filed to the FAA pursuant to 14 CFR Part 77.
- A mapping action will be necessary to consolidate the lots within the existing commercial subdivision prior to issuance of building permits

## BACKGROUND INFORMATION

| *Related Relevant City Actions by P&D, Fire, Bldg., etc* | |
|---|---|
| 12/16/64 | The City Council approved a Rezoning (Z-0100-64) of approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road to the north, Las Vegas Boulevard to the east and Charleston Boulevard to the south, from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial). |
| 11/02/94 | The City Council approved a Petition to Vacate (VAC-0040-94) Third Place south of Charleston Boulevard, west of Fourth Street. An Extension of Time [VAC-0040-94(1)] was approved 11/30/95 by the Planning Commission. The Order of Vacation was recorded 07/05/96. |
| 05/18/95 | The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on property generally located east of Third Place, south of Charleston Boulevard. The Planning Commission and staff recommended approval. |
| 12/20/95 | The City Council approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on property generally located west of Third Place, south of Charleston Boulevard. The Planning Commission and staff recommended approval. |
| 04/03/96 | The City Council granted the appeal of a Board of Zoning Adjustment denial, thereby approving a Special Use Permit (U-0008-96) for a 14-foot by 48-foot Off-Premise Sign on the subject property, reduced to 14 feet by 24 feet by condition, with a five year review. Staff recommended approval. |
| 01/04/99 | A two-lot commercial subdivision (Aquarius Plaza) was recorded on the subject site. |
| 10/01/03 | The City Council approved a Site Development Plan Review (SDR-2784) for a 12,103 square-foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and 4th Street. The Planning Commission and staff recommended approval. |
| 04/19/06 | The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-11632) to include the Casino Center Boulevard/Third Street Connector as an 80-foot Secondary Collector. The Planning Commission and staff recommended approval. |
| 05/16/07 | The City Council approved a Rezoning (ZON-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial) and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval. |
| | The City Council approved a Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff |

| | |
|---|---|
| | recommended approval. |

**Staff Report Page Three**
**August 9, 2011 - Planning Commission Meeting**

| | |
|---|---|
| 05/16/07 | The City Council approved a Petition to Vacate (VAC-20522) a 20-foot service alley and access easement generally located east of Third Street, commencing approximately 137 feet south of the southeast corner of Charleston Boulevard and Third Street. The Planning Commission and staff recommended approval. The approval expired 05/16/08. |
| | The City Council approved a Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. The Planning Commission and staff recommended approval. |
| | The City Council approved a Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval. |
| 11/05/08 | The City Council approved a Petition to Vacate (VAC-29235) a 20-foot wide public alley and access easement generally located east of 3rd Street, commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard. The Planning Commission and staff recommended approval. |
| 04/15/09 | The City Council approved an Extension of Time (EOT-33725) of a previously approved Rezoning (SDR-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial) and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-33724) of a previously approved Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-33723) of a previously approved Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-33726) of a previously approved Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| 05/20/09 | The City Council approved a Required Review (RQR-32942) of an approved Special Use Permit (U-0008-96) for a 14-foot by 24-foot Off-Premise Sign on |

| | |
|---|---|
| | the subject property. Planning Commission recommended approval. Staff recommended denial. |



| | |
|---|---|
| 05/28/09 | Department of Planning staff approved a Minor Amendment (SDR-34113) of a previously approved Site Development Plan Review (SDR-20502) to relocate service access and reduce the floor area of the storage and mechanical building on property located at the southwest corner of Charleston Boulevard and Fourth Street. |
| 07/01/09 | The City Council approved a Special Use Permit (SUP-33590) for a Mixed Use Development on the east side of Third Street, approximately 160 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval. |
| | The City Council approved a Site Development Plan Review (SDR-33587) for a proposed 16-story, 238-unit Mixed Use Development with 22,500 square feet of commercial space on 0.55 acres on the east side of Third Street, approximately 160 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval. |
| 12/11/09 | The Department of Planning approved an Extension of Time (EOT-36621) of a previously approved Petition to Vacate (VAC-29235) a 20-foot wide public alley and access easement generally located east of 3rd Street, commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard. |
| 04/07/10 | The City Council approved a Required Review (RQR-37490) of an approved Special Use Permit (U-0008-96) for a 14-foot by 24-foot Off-Premise Sign on the subject property. Staff recommended denial. |
| 12/07/10 | The Department of Planning approved a two-year Extension of Time (EOT-40171) of a previously approved Petition to Vacate (VAC-29235) a 20-foot wide public alley and access easement generally located east of 3rd Street, commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard. |
| 04/06/11 | The City Council approved a Required Review (RQR-40946) of an approved Special Use Permit (U-0008-96) for a 14-foot by 24-foot Off-Premise Sign on the subject property. Staff recommended approval. |
| 07/20/11 | The City Council approved an Extension of Time (EOT-41596) of a previously approved Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-41597) of a previously approved Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-41595) of a previously approved Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor |

| | |
|---|---|
| | commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval. |

| *Most Recent Change of Ownership* | |
|---|---|
| 05/02/07 | A deed was recorded for a change in ownership. |

| *Related Building Permits/Business Licenses* | |
|---|---|
| c. 1953 | The existing building at 300 East Charleston Boulevard was constructed. |
| c. 1963 | The existing building at 320 East Charleston Boulevard was constructed. |
| 09/12/94 | A building permit (#94350457) was issued for a building addition (shell only) at 330 East Charleston Boulevard. A final inspection was completed on 06/15/95. |
| 06/26/95 | A building permit (#95874137) was issued for a 138 square-foot on-premise freestanding sign at 310 East Charleston Boulevard. The permit expired 12/23/95 but was renewed 07/09/96 as Permit #96013641 at 330 East Charleston Boulevard. A final inspection was completed on 09/17/96. |
| 08/06/96 | A building permit (#96015843) was issued for a 336 square-foot (14-foot by 24-foot) off-premise sign at 330 East Charleston Boulevard. There is no record of a final inspection. |
| 01/17/97 | A building permit (97001330) was issued for an exterior remodel at 300 East Charleston Boulevard. A final inspection was completed on 03/24/98. |
| 02/26/98 | A building permit (98004038) was issued for tenant improvements at 330 East Charleston Boulevard. A final inspection was completed on 03/20/98. |
| 09/02/05 | A business license (Q13-00290) was issued for a law firm at 300 East Charleston Boulevard, Suite #105. The license is still active. |
| 05/05/10 | A building permit (160080) was issued for eight existing non-illuminated on-premise signs at 330 East Charleston Boulevard. A final inspection was approved on 06/09/10. |
| 05/03/11 | A business license (Q13-01401) was issued for a law firm at 300 East Charleston Boulevard, Suite #105. The license is still active. |

| *Pre-Application Meeting* | |
|---|---|
| 04/21/11 | A pre-application meeting was held with the applicant, in which items needed for submittal of a Special Use Permit and Site Development Plan Review were discussed. The major issues discussed included the following:<br>• The two applications would be major amendments of the previously approved mixed use development at the southwest corner of Fourth Street and Charleston Boulevard, to which parking at the Casino Center site is tied.<br>• The applicant plans to apply for extensions of time on the previous entitlements on both sites.<br>• No changes are planned to be made to the Aquarius site at Fourth |

| | |
|---|---|
| | Street and Charleston Boulevard. |



| | |
|---|---|
| 04/21/11 | • A mapping action will be necessary to consolidate the legal lots underlying the Casino Center site prior to issuance of building permits.<br>• Location(s) where loading/unloading of merchandise would occur<br>• A traffic impact analysis will be required.<br>• Right-of-way encroachments may be requested as part of the Site Development Plan Review.<br>A DINA is required for the combined sites. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting is not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 05/05/11 | A field check was conducted at the subject site. The following items were noted:<br>• The site is fully developed with buildings, surface parking and an off-premise sign.<br>• The site is well-maintained, although the monument sign facing Fourth Street contains some graffiti. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 2.67 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Offices<br>General Retail Store<br>Church (2) | C (Commercial) | C-1 (Limited Commercial) |
| North | Undeveloped<br>Multi-Family Residential (Apartments)<br>General Retail Store | C (Commercial) | C-2 (General Commercial) |
| South | Office<br>Multi-Family Residential (Apartments) | C (Commercial)<br>MXU (Mixed Use) | C-1 (Limited Commercial) |

| | | | |
|---|---|---|---|
| East | Motel | C (Commercial) | C-2 (General Commercial) |
| | General Retail Store | | |
| | Mini-Storage Facility | | |
| West | Restaurant | C (Commercial) | C-2 (General Commercial) |
| | General Retail Store | | C-2 (General Commercial) |
| | Multi-Family Residential (Apartments) | MXU (Mixed Use) | C-1 (Limited Commercial) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | | |
| Downtown Centennial Plan | X | | N |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| Downtown Centennial Plan Overlay District (18b The Las Vegas Arts District) | X | | N |
| Live/Work Overlay District | X | | N/A |
| **Trails** (Tortoise Trail) | X | | Y |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | X | | Y |
| **Development Impact Notification Assessment** | X | | Y |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

***Pursuant to 19.08 and the Downtown Centennial Plan, the following standards apply to the proposal:***

| ***Standard*** | ***Required/Allowed*** | ***Provided*** | ***Compliance*** |
|---|---|---|---|
| Min. Lot Size | N/A | 21,160 SF | N/A |
| Min. Lot Width | N/A | 140 Feet | N/A |
| Min. Setbacks | | | |
| • Front (3rd Street) | N/A | 0 Feet | N/A |
| • Side | N/A | 21 Feet | N/A |
| • Corner | N/A | 0 Feet | N/A |
| • Rear | N/A | 0 Feet | N/A |
| Max. Lot Coverage | N/A | 56 % | N/A |

| | | | |
|---|---|---|---|
| Max. Building Height | N/A | 270 Feet | N/A |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | Screened, gated, roofed | Y |
| Mech. Equipment | Screened | Screened | Y |

| ***Standard*** | ***Approved SDR-20502*** | ***Proposed SDR-41600*** | ***Change*** |
|---|---|---|---|
| Min. Setbacks | | | |
| • Front | 0 Feet | 0 Feet | None |
| • Side | 5.8 Feet | 21 Feet | 262% |
| • Corner | 5.5 Feet | 0 Feet | -100% |
| • Rear | 0 Feet | 0 Feet | None |
| Max. Lot Coverage | 70% | 56% | -14% |
| Max. Building Height | 160 Feet | 270 Feet | 69% |
| Number of Stories | 12 | 24 | 100% |
| Residential Units | 1,100 | 1,150 | 4.5% |
| Commercial Floor Area | 58,000 SF | 33,000 SF | -43% |

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Charleston Boulevard | Primary Arterial | Master Plan of Streets and Highways | 90-100 | N |
| Third Street | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |
| Fourth Street | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |

| ***Streetscape Standards*** | ***Required*** | ***Provided*** | ***Compliance*** |
|---|---|---|---|
| Minimum sidewalk width | 10 feet | 10 feet | Y |
| Minimum amenity zone width | 5 feet | 5 feet | Y |
| Sidewalks | Corner ramps with patterned concrete | Corner ramps with patterned concrete | Y |
| Right-of-Way Improvements | Light fixtures, trash receptacles, benches, tree wells | Light fixtures, trash receptacles, benches, tree wells | Y |
| North-South Streets (Major) | Deglet-Noor Date Palms or similar, 25’ BTH at 30’ intervals | Deglet-Noor Date Palms, 25’ BTH at 30’ intervals | Y |

| | | | |
|---|---|---|---|
| East-West Streets | 36" box drought-tolerant shade trees at 15-20' intervals | Alternating 24" box Honey Locust and Shoestring Acacia at 20' intervals | N |

| ***Parking Requirement - Downtown*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Base Parking Requirement*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| General Retail Store, Other Than Listed | 33,000 SF | 1 space/ 250 SF GFA | 132 | | | | |
| Multi-Family Residential – Studio and 1 Bedroom | 1,150 units | 1.25 spaces/ unit | 1,438 | | | | |
| Multi-Family Residential – Guest spaces | 1,150 units | 1 space/ 6 units | 192 | | | | |
| **TOTAL SPACES REQUIRED** | | | **1,762** | | **1,235** | | N |
| **Regular and Handicap Spaces Required** | | | 1,757 | 5 | 1,234 | 1 | N |

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. Parking is proposed to be located primarily within an onsite automated parking garage. The site is near a major bus rapid transit route and is an area that is favorable for pedestrians. This project is subject to the handicapped parking requirements of the Downtown Centennial Plan, which references Title 19 handicapped parking requirements. However, the parking facilities are automated, eliminating the need for multiple physical handicap spaces at ground level.

## ANALYSIS

The proposed development is subject to Downtown Centennial Plan standards, and pursuant to Section VIII.A of the Plan, qualifies as a New Development. The proposed mixed-use development occupies more than 50 percent of the block and is subject to full streetscape and utility requirements. This site is located within the Live/Work Overlay district. The proposed development will offer employment and housing options onsite, but no live/work units as described by UDC 19.10.170 are provided. The site is also within the boundaries of the Las Vegas Redevelopment Area; the proposed uses are in conformance with Redevelopment Plan

policies that encourage innovative, mixed use projects in this area. As part of 18b The Las Vegas Arts District, a Mixed-Use development is a permitted use with approval of a Special Use Permit. Although not included within the Airport Overlay District, the project includes a structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of a runway at the North Las Vegas Airport. Pursuant to 14 CFR Part 77, the Federal Aviation Administration must be notified of the proposed construction to determine what impact, if any, the proposal would have upon navigable airspace and whether the development requires any obstruction marking or lighting. A condition of approval addresses the notification requirement.

The site as proposed is generally in conformance with Downtown Centennial Plan and Title 19 requirements, with some exceptions. The site plan does not indicate a handicap accessible route from the public sidewalk to a primary entrance as required by Title 19.08 and must be revised to show this route. The landscape plan shows alternating 24-inch box shade trees along Charleston Boulevard where 36-inch box trees are required by the Arts District standards contained within the Downtown Centennial Plan. The elevations do not indicate any articulation or variation at the ground level, nor do they allow for usable space for residents at the balconies. Furthermore, the architectural design is not carried on all sides of the building as prescribed by the Arts District design standards. Conditions have been added requiring revisions to the plans prior to or at the time of submittal for building permits.

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, parking should be provided relative to the intensity of the uses on the site. The proposal would provide one space per residential unit and approximately 2.6 spaces per 1,000 square feet of commercial floor area, which is consistent with existing Downtown projects. Although the increase in residential units would require about 50 additional spaces, the reduction in commercial area compared to the approved plan would reduce typical parking demand by about 75 spaces, assuming a requirement of three spaces per 1,000 square feet. The mixed-use nature of the project should contribute to some reduction in automobile usage compared to a standalone commercial site, and the site is located in proximity to public transportation. Approval of this amended Site Development Plan Review would allow this site to be parked independently of the proposed development at Casino Center Boulevard and Coolidge Avenue.

The Downtown Centennial Plan does not exempt applicants from providing handicap accessible parking for commercial uses. No handicap-accessible spaces are provided on the site because the automated garage eliminates this need; a lane is provided in front of the structure to allow handicapped patrons to be assisted in and out of their vehicles. One van accessible space is provided at grade.

Because the proposed primary building will cross an existing property line, a condition of approval will require remapping of the site as appropriate.

Signage was not indicated on the submitted elevations. All proposed signage will be subject to review at the time of submittal of applications for sign permits.

**FINDINGS (SUP-41599)**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The amended Mixed Use use as proposed can be conducted in a manner that is harmonious and compatible with surrounding land uses, as the site can accommodate the additional units and building space, and the surrounding area primarily consists of commercial and multi-family apartment uses.

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

   The proposed site can accommodate the increased density proposed by this amendment. The proposed decrease in commercial floor area will decrease the demand for parking.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Third Street and Fourth Street, both existing secondary collectors, are adequate in size to meet the requirements of the amended Mixed-Use use proposed for the site.

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

   Approval of a Special Use Permit for a Mixed-Use development is consistent with the Las Vegas 2020 Master Plan Policy 1.1.3, which encourages new market rate, multi-unit mixed-use residential development on vacant or underutilized sites, with ground floor commercial components included where appropriate. The public health, safety and welfare will be protected through permitting and inspection processes.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The amended Mixed-Use development proposal complies with all Title 19.12 minimum Special Use Permit requirements.

**FINDINGS (SDR-41600)**

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

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

   With implementation of the proposed conditions, the development as amended would be compatible with the adjacent uses.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The site as proposed generally conforms to the Downtown Centennial Plan and Title 19. Revisions to the site plan, technical landscape plan and elevations are required as conditions of approval. The Las Vegas 2020 Master Plan calls for mixed-use residential and commercial development in areas such as this downtown site.

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

   The proposed access points from Third Street and Fourth Street are adequate for the intensity of the uses on the site and will not negatively impact traffic in this portion of Downtown.

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

   The metal and painted cement exteriors with stone trim are acceptable for the Downtown area. Tree size along Charleston Boulevard is not compatible with the streetscape pattern designated by the Downtown Centennial Plan and must be increased.

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

   The elevations shall be revised to comply with Downtown Centennial Plan design standards within the Arts District so that they may be compatible with other Downtown development. The proposed garage will have characteristics similar to the primary building on the site.

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

   Development is subject to permitting and inspections, thereby securing the public health, safety and welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 25

**NOTICES MAILED** 448

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-42182 APN: 162-03-115-001 and 002

Name of Property Owner: 305 Las Vegas LLC

Name of Applicant: Barnet Liberman

Name of Representative: APTUS

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: Barnet L. Liberman

Subscribed and sworn before me

This 16th day of June, 20 11

_____

Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 2015

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Major Amendment to SUP-20519

**Project Address (Location)** 330 E. Charleston Boulevard

**Project Name** Aquarius Apartments **Proposed Use** Mixed Use

**Assessor's Parcel #(s)** 162-03-115-001 and 002 **Ward #** 3-Reese

**General Plan:** existing MXU proposed n/a **Zoning:** existing C-2 proposed n/a

**Commercial Square Footage** 58,000 **Floor Area Ratio**

**Gross Acres** 2.67 **Lots/Units** 1,100 **Density**

**Additional Information**

**PROPERTY OWNER** 305 Las Vegas LLC **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**APPLICANT** Barnet Liberman **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**REPRESENTATIVE** APTUS **Contact** Kristen Neuman

**Address** 1200 S. 4th Street **Phone:** (702) 839-1200 **Fax:** (702) 839-1213

**City** Las Vegas **State** Nevada **Zip** 89104

**E-mail Address** kristen@aptusgroup.com

**Property Owner Signature*** [signature]

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

**Print Name** Barnet L. Liberman

Subscribed and sworn before me

This 16TH day of JUNE, 20 11.

[signature]

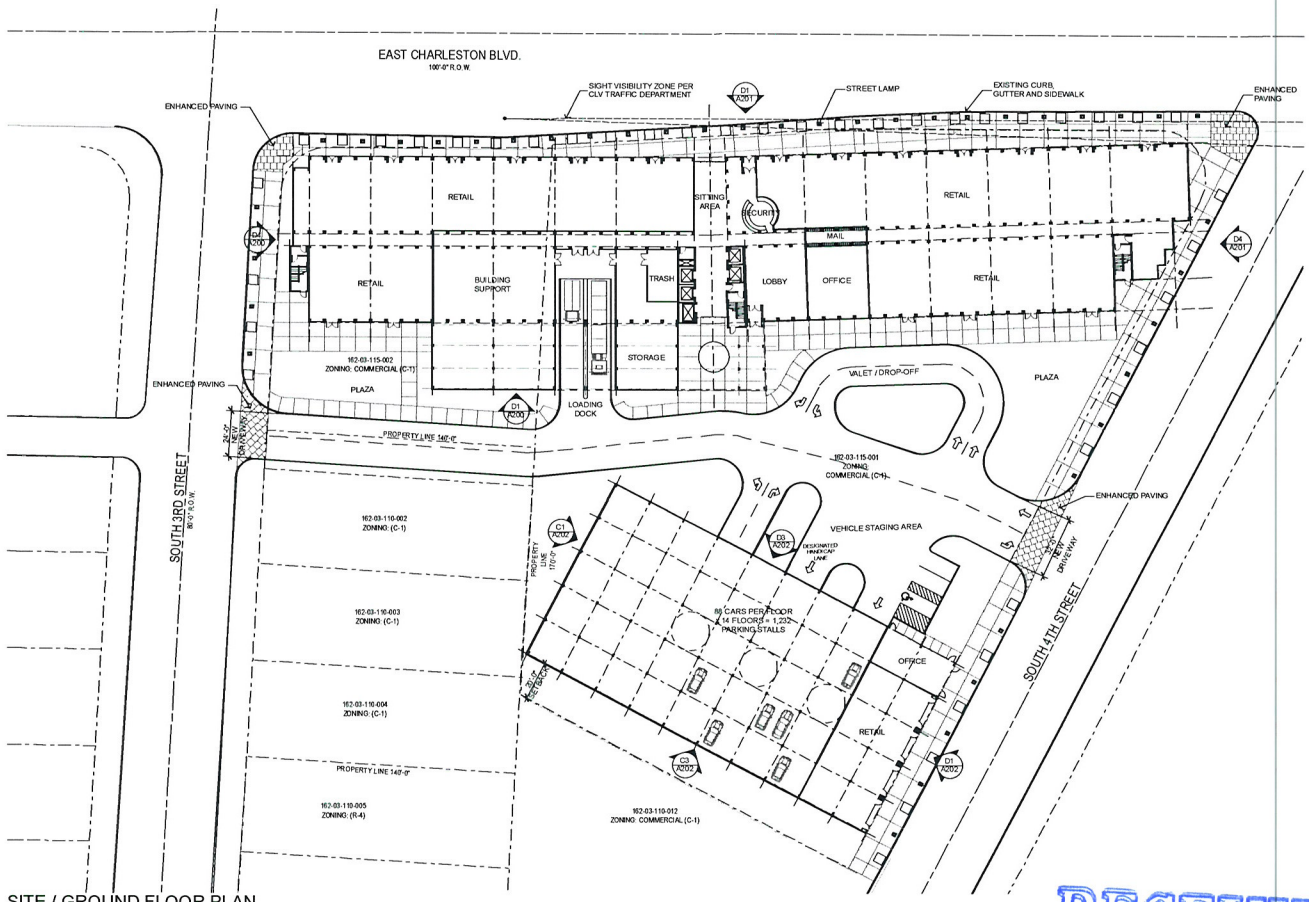
Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 2015

*FOR DEPARTMENT USE ONLY*

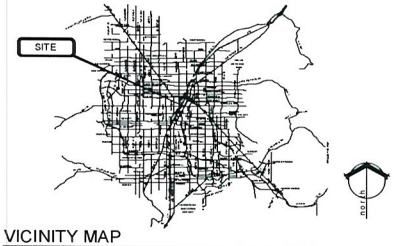
| | |
|---|---|
| Case # | SUP-42182 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $1030.00 |
| Date Received:* | 6/20/11 |
| Received By: | [signature] |

*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.




SITE / GROUND FLOOR PLAN

1" = 30'




VICINITY MAP

N.T.S.




LOCATION MAP

N.T.S.

## Site and Project Information

### SITE DATA

| | |
|---|---|
| PARCEL NUMBER | 162-03-115-001<br>162-03-115-002 |
| JURISDICTION | CITY OF LAS VEGAS - 89104 |
| EXISTING ZONING | C-1 |
| PROPOSED ZONING | C-1 |
| PROPOSED USE | MIXED USE (RETAIL, COMMERCIAL, AND RESIDENTIAL) |
| SITE AREA | 116,305 NSF<br>2.67 NET ACRES |

BUILDING SETBACKS (19.08.050 Table 1-Note 4, 6)

| | REQUIRED | PROVIDED |
|---|---|---|
| FRONT | 0'-0" | 0'-0" |
| INTERIOR SIDE | 0'-0" | 0'-0" |
| SIDE STREET | 0'-0" | 0'-0" |
| REAR | 0'-0" | 20'-0" |

| | |
|---|---|
| MAX HEIGHT | NA |
| ACTUAL HEIGHT | 270'-0" |
| LOT COVERAGE ALLOWED | NA |
| ACTUAL LOT COVERAGE | 50% |

### COMMERCIAL AREA

| | |
|---|---|
| TOTAL SQUARE FOOTAGE | 33,000 SF |

### UNITS

| | |
|---|---|
| STUDIO | 483 |
| 1 BEDROOM | 667 |
| TOTAL | 1,150 UNITS |

### PARKING AREA

| | REQUIRED PARKING | PROVIDED |
|---|---|---|
| BUILDING AREA | | |
| COMMERCIAL | N/A | N/A |
| RESIDENTIAL | N/A | N/A |
| STANDARD PARKING SPACES | | 1,232 STANDARD PARKING STALLS IN AUTOMATED GARAGE<br>2 STANDARD, 1 H.C. ON GRADE<br>1,235 PARKING STALLS PROVIDED<br>*NOTE: AUTOMATED PARKING GARAGE ACCOMODATES H.C. PARKING |

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0 15' 30' 60'

N

# LV Land Partners - Aquarius Residences

## Site Development Review

3rd Street and Charleston Boulevard
Las Vegas, Nevada 89104

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SITE PLAN

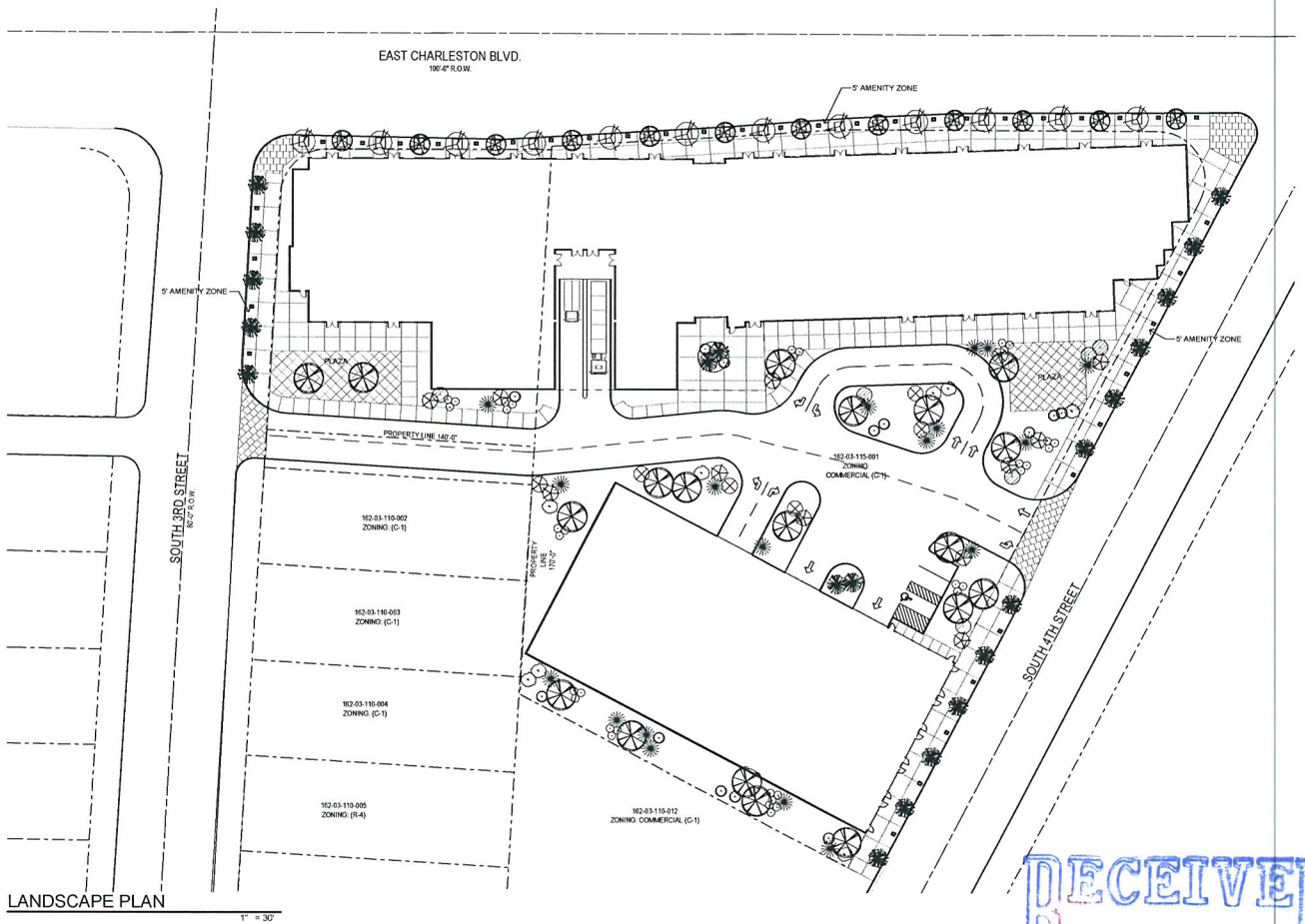
AS100

SUP-42182

SDR-41600



aquarius_sdr_site plan.pln 6/10/2011 11:44:44 AM LV Land Partners-Aquarius Apartments




LANDSCAPE PLAN

1" = 30'

## LANDSCAPE SCHEDULE

| SYMBOL | COMMON NAME | BOTANICAL NAME | SIZE |
|---|---|---|---|
| TREES | | | |
| | HONEY LOCUST | prosopis | 24" Box |
| | SHOESTRING ACACIA | acacia stenophylla | 24" Box |
| | DEGLET-NOOR DATE PALM | - | 24" Box |
| SHRUBS | | | |
| | TEXAS RANGER | leucophyllum frutescens 'Green Cloud' | 5 gal |
| | GERMANDER | - | 5 gal |
| | SALVIA | salvia greggii | 5 gal |
| | CREPE MYRTLE | - | 15 gal |
| | MEXICAN SAGE | salvia leucantha | 5 gal |
| GROUND COVER | | | |
| | DESERT CARPET | myoporum parvifolium | 5 gal |
| | LANTANA | lantana | 3 gal |
| | REGAL MIST FOUNTAIN GRASS | muhlenbergia capillaris 'regal mist' | 5 gal |
| ROCK MULCH | SIZE | COLOR | DEPTH |
| | 3/8" CRUSHED GRANITE | TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS | MIN. 2" DEEP |
| | 1/4" MINUS GRANITE | TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD COLORS | MIN. 2" DEEP |

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north

LANDSCAPE PLAN

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L100

177.9 LV Land Partners - Aquarius Residences

SUP-42182
SDR-41600

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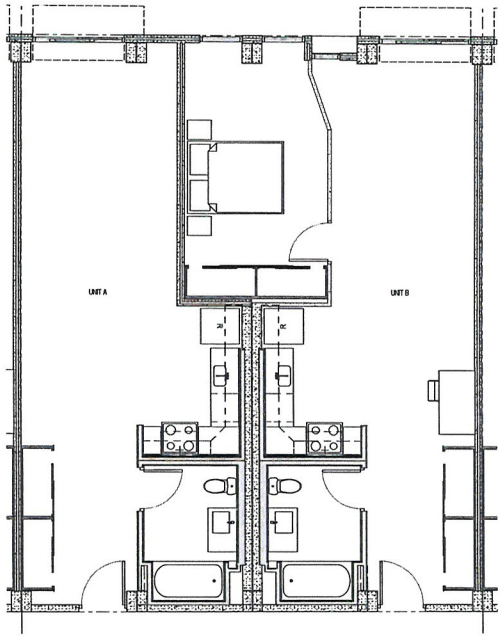
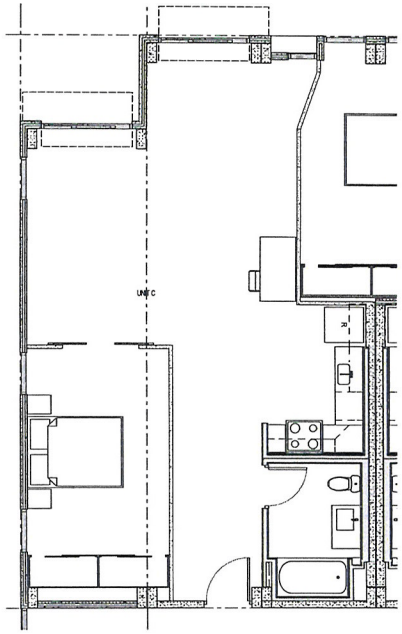
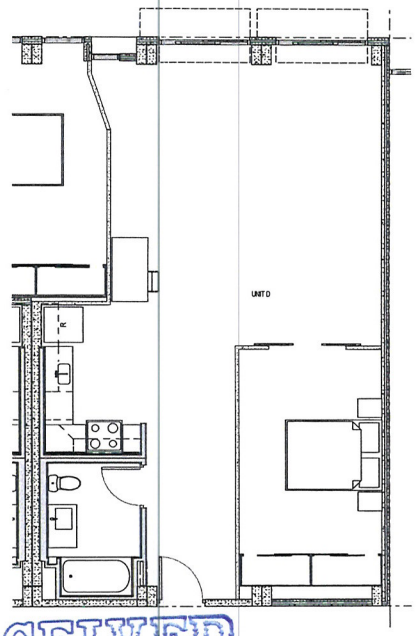



UNIT A-STUDIO & UNIT B-1 B.R.
1/4" = 1'-0"




UNIT C - 1 B.R.
1/4" = 1'-0"




UNIT D - 1 B.R.
1/4" = 1'-0"

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0' 2' 4' 8'

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UNIT PLANS

A101



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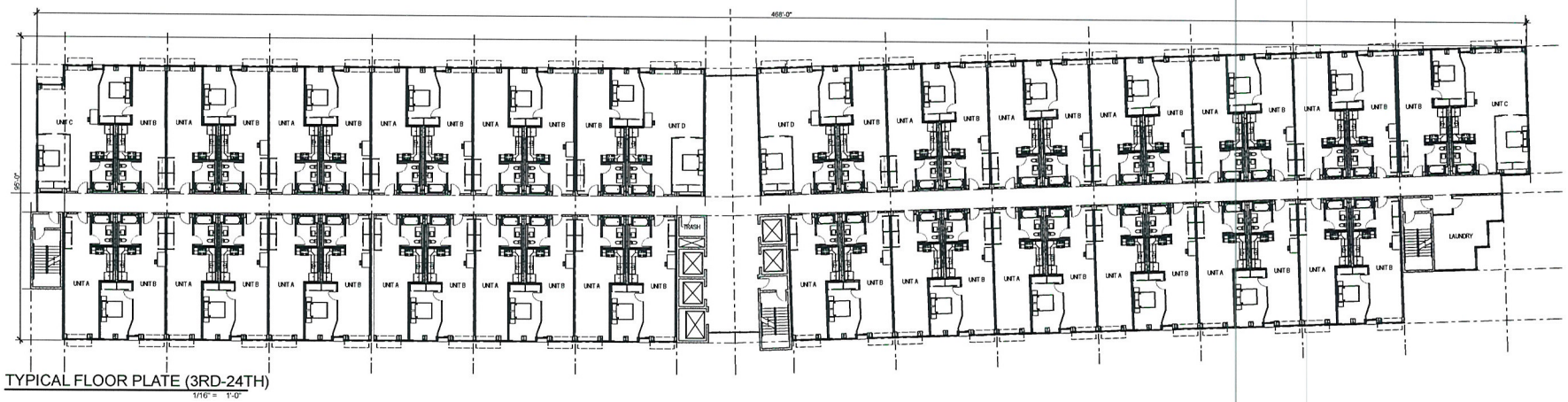
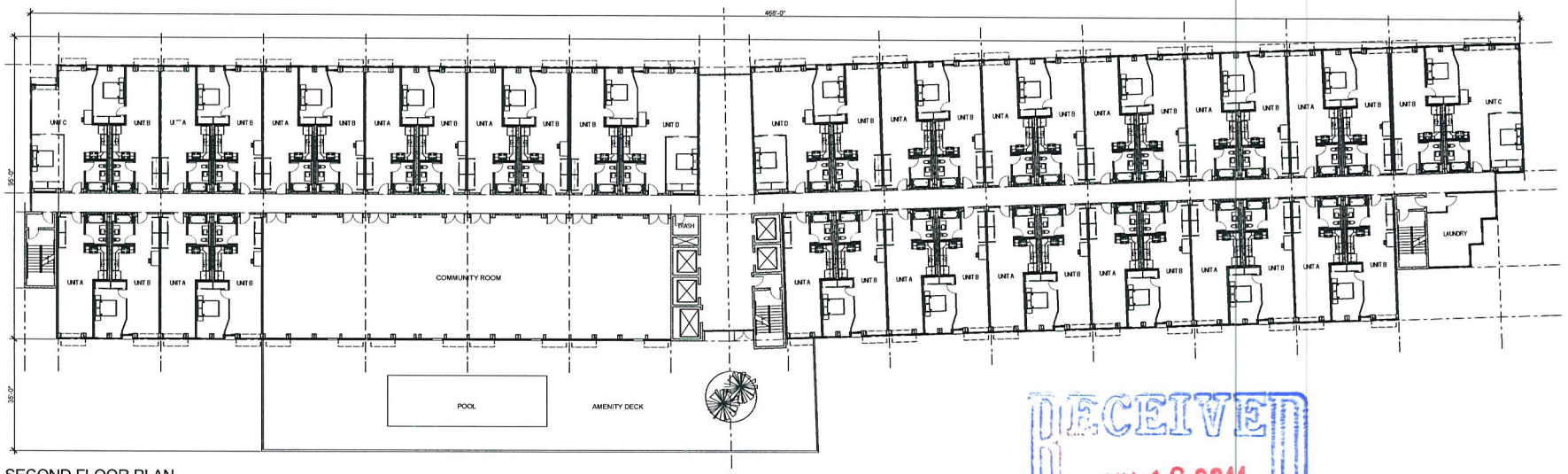



TYPICAL FLOOR PLATE (3RD-24TH)
1/16" = 1'-0"




SECOND FLOOR PLAN
1/16" = 1'-0"

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SECOND FLOOR PLAN & TYPICAL FLOOR PLATE

A100

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SDR-41600

06.17.9 LV Land Partners - Aquarius Residences

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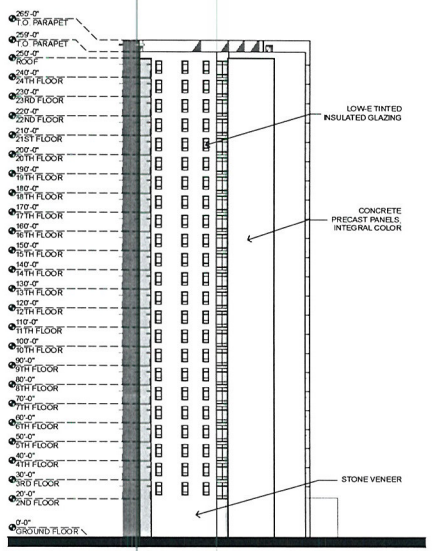
SOUTH ELEVATION

1" = 30'




WEST ELEVATION

1" = 30'

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ELEVATIONS

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0 15' 30' 60'



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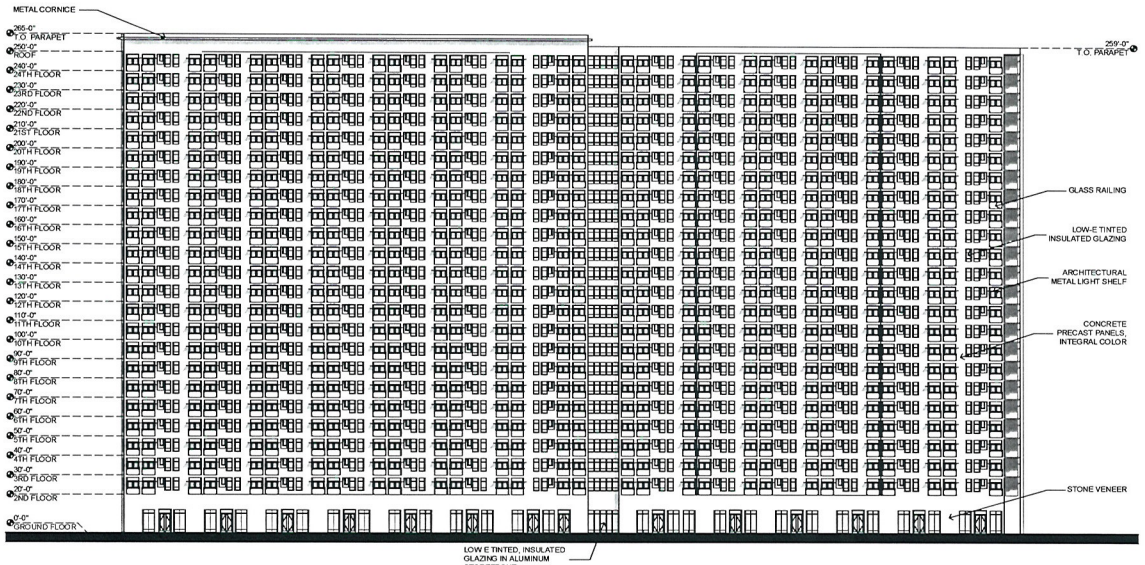
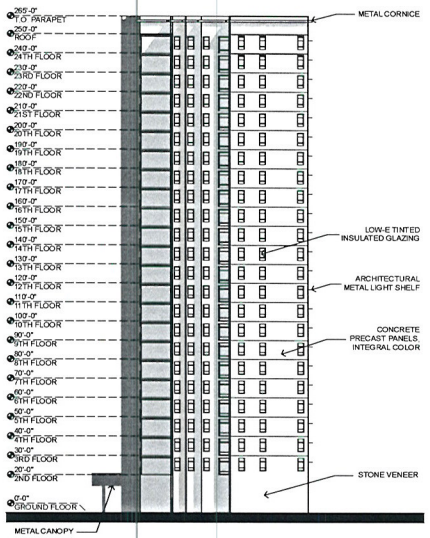



NORTH ELEVATION

1" = 30'




EAST ELEVATION

1" = 30'

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ELEVATIONS

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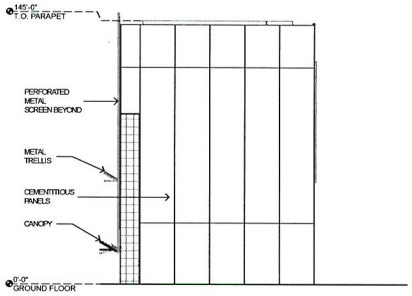
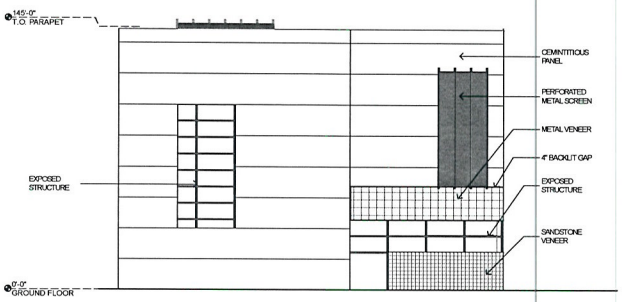


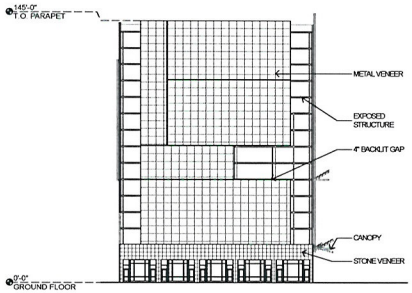

WEST ELEVATION

1" = 30'



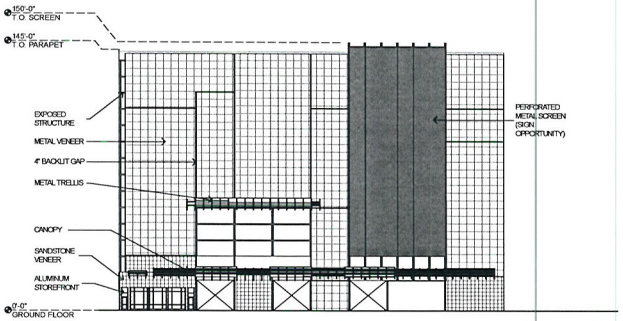

SOUTH ELEVATION

1" = 30'




EAST ELEVATION

1" = 30'




NORTH ELEVATION

1" = 30'

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0' 15' 30' 60'

# LV Land Partners - Aquarius Residences

## Site Development Review

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GARAGE ELEVATIONS

A202

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SDR-41600




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SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET

06/02/11




SUP-42182 & SDR-41600 – APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET

06/02/11




SUP-42182 & SDR-41600 – APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET

06/02/11




SUP-42182 & SDR-41600 – APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC
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SUP-42182 & SDR-41600 – APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET

06/02/11

APTUS

June 16, 2011

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

**APN: 162-03-115-001 and 002**

Re:

a. Special Use Permit

To Whom It May Concern:

We respectfully submit this application for a Special Use Permit for the project "Aquarius Residences" at 4th Street and Charleston. This is a mixed use project containing ground floor commercial and "for-rent" residences above the ground floor. These parcels are currently zoned C-2 and are in the Downtown Centennial Plan, as well as the Arts District

This project proposes to have 1,150 apartments and 33,000 sf of commercial and an automated parking structure which has 1232 parking spaces with 3 on grades spaces.

Access to the automated parking structure will be off of the driveway that crosses the site from 4th Street to 3rd Street. All commercial tenants will be serviced from the front doors. There is no rear service access for the commercial tenants.

Downtown Centennial Plan standards are being met by way of landscaping and required amenity zone and wide pedestrian sidewalks, as well as alley and street corner paving and upgrades.

We are also requesting a waiver to allow the use of Mediterranean Fan Palms where Date Palms are required. The height of the palm trees will be per code at 25' and spaced at 30'-0" o.c.

With this application we are requesting an encroachment permit to allow for the awnings and trellises which compliment the façade and shelter storefront entrances to project out over the Right of way line.

The owners of this project will encourage all of its tenants to utilize and incorporate Green building strategies. For this project we will attempt to incorporate water and energy saving measures such as the utilization of occupancy sensors, drought tolerant landscaping, insulated windows, light colored paint and appropriately sized mechanical units. Also, the downtown location of this project encourages pedestrian usage which is enhanced by the proximity of the bus routes.

Architecture
Engineering
Planning
Interiors
Landscape

Las Vegas
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Riverside
3750 Sante Fe Avenue
Suite 106
Riverside, California 92507
P 951.823.0555
F 951.823.0550

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**SUP-42182**

The owner desires to provide much needed attainable rental housing within the downtown area of the city. To compliment the residential units will be ground floor commercial space. This residential and commercial development will be an asset to the city by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. Please join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,

Kristen G. Neuman, AIA
APTUS

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**SUP-42182**

City of Las Vegas Agenda Item No.: **25.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
SDR-41600 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-42182 - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: 305 LAS VEGAS, LLC - For possible action on a request for a Major Amendment of a previously approved Site Development Plan Review (SDR-20502) FOR A PROPOSED 24-STORY MIXED-USE DEVELOPMENT, INCLUDING 33,000 SQUARE FEET OF COMMERCIAL SPACE, 1,150 RESIDENTIAL UNITS, AND A 135-FOOT TALL PARKING STRUCTURE on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Supporting Documentation
3. City Council Approval Letter for SDR-20502
4. City Council Approval Letter for SUP-20519
5. City Council Approval Letter for SDR-20492
6. Justification Letter

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-41600** APN: 162-03-115-001 and 002

Name of Property Owner: 305 Las Vegas LLC

Name of Applicant: Barnet Liberman

Name of Representative: APTUS

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: BARNET L LIBERMAN

Subscribed and sworn before me

This 28TH day of APRIL, 20 11

_____

Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 20 11

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Major Amendment to SDR-20502

**Project Address (Location)** 330 E. Charleston Boulevard

**Project Name** Aquarius Apartments **Proposed Use** Mixed use

**Assessor's Parcel #(s)** 162-03-115-001 and 002 **Ward #** 3- Reese

**General Plan:** existing MXU proposed n/a **Zoning:** existing C-2 proposed n/a

**Commercial Square Footage** 58,000 sf **Floor Area Ratio**

**Gross Acres** 2.67 **Lots/Units** 1,100 **Density**

**Additional Information**

**PROPERTY OWNER** 305 Las Vegas LLC **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**APPLICANT** Barnet Liberman **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**REPRESENTATIVE** APTUS **Contact** Kristen Neuman

**Address** 1200 S. 4th Street, Suite 206 **Phone:** (702) 839-1200 **Fax:** (702) 839-1212

**City** Las Vegas **State** NV **Zip** 89104

**E-mail Address**

**Property Owner Signature*** _____

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

**Print Name** BARNET L LIBERMAN

Subscribed and sworn before me

This 28TH day of APRIL, 20 11.

_____

Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 20 14

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| **Case #** | SDR-41600 |
| **Meeting Date:** | 6.14.11 PC |
| **Total Fee:** | $1,030.00 |
| **Date Received:*** | 4/28/11 |
| **Received By:** | |

*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.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
BRENDA J. WILLIAMS
INTERIM

DOUGLAS A. SELBY
CITY MANAGER

May 18, 2007

Mr. David Mitchell
Live Work, LLC
41 East 60th Street, 6th Floor
New York, New York 10022

RE: SDR-20502 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF MAY 16, 2007
RELATED TO ZON-20507, SUP-20519, VAC-20522 AND SDR-20492

Dear Mr. Mitchell:

The City Council at a regular meeting held May 16, 2007 APPROVED the request for a Site Development Plan Review FOR A 12-STORY MIXED-USE DEVELOPMENT INCLUDING 58,000 SQUARE FEET OF COMMERCIAL SPACE AND 1,100 RESIDENTIAL CONDOMINIUM UNITS on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), P-R (Professional Office And Parking), C-1 (Limited Commercial) and C-2 (General Commercial) Zones [PROPOSED: C-1 (Limited Commercial)]. The Notice of Final Action was filed with the Las Vegas City Clerk on May 17, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20507), Special Use Permit (SUP-20519), and Vacation (VAC-20522) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, date stamped 04/06/07, and the landscape plan and building elevations, date stamped 03/13/07, except as amended by conditions herein.

4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include

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400 STEWART AVENUE
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SDR-41600

the following changes from the conceptual landscape plan: add two palm trees to the south of the South 4th Street entry drive to bring the number and maximum distance into compliance with the Downtown Centennial plan. Further, tabulate all tree heights along with the quantities and sizes.

5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

11. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

12. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.

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13. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

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

Public Works

15. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Casino Center/3rd Street Realignment Project, Casino Center Bus Rapid Transit Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

16. Submit a Petition of Vacation for all right-of-way and public access and/or utility easements in conflict with this site plan. The Order of Vacation must record prior to recordation of a Final Map for this site.

17. Prior to the submittal of a Tentative Map or civil construction drawings for this site, whichever occurs first, a sewer relocation and abandonment plan for all public sewers in conflict with this site shall be submitted and approved by the Collection Systems Section of the Department of Public Works. All existing public sewer easements in conflict with this site shall be vacated prior to the recordation of a Final Map for this site and new public sewer easements granted as necessary. Sewer service to existing downstream parcels shall be maintained during relocation.

18. Landscape and maintain all unimproved rights-of-way, if any, on 3rd Street, 4th Street and Charleston Boulevard adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

19. Submit an Encroachment Agreement for all landscaping, if any, located in the 3rd Street, 4th Street and Charleston Boulevard public right-of-way adjacent to this site prior to occupancy of this site.

20. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site.

21. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from 3rd and 4th Streets.

22. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.

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SDR-41600

23. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-20507 and all other applicable site-related actions.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, Acting City Clerk

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

Mr. Barnett Liberman
Live Work, LLC
421 Hudson Street
New York, New York 10014

Ms. Kristen Neuman
Aptus Architecture
1200 South 4th Street, Suite #206
Las Vegas, Nevada 89104

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LAS VEGAS CITY COUNCIL

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LOIS TARKANIAN
STEVEN D. ROSS
BRENDA J. WILLIAMS
INTERIM

DOUGLAS A. SELBY
CITY MANAGER

May 18, 2007

Mr. David Mitchell
Live Work, LLC
41 East 60th Street, 6th Floor
New York, New York 10022

RE: SUP-20519 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF MAY 16, 2007
RELATED TO ZON-20507, VAC-20522, SDR-20502 AND SDR-20492

Dear Mr. Mitchell:

The City Council at a regular meeting held May 16, 2007 APPROVED the request for a Special Use Permit FOR A 12-STORY MIXED-USE DEVELOPMENT INCLUDING 58,000 SQUARE FEET OF COMMERCIAL SPACE AND 1,100 RESIDENTIAL CONDOMINIUM UNITS at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) Zones [PROPOSED: C-1 (Limited Commercial)]. The Notice of Final Action was filed with the Las Vegas City Clerk on May 17, 2007. This approval is subject to:

Planning & Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20507), Vacation (VAC-20522) and Site Development Plan Review (SDR-20502) shall be required.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

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

Sincerely,

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, Acting City Clerk

cc: See Attached List

CITY OF LAS VEGAS
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SDR-41600

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

Mr. Barnett Liberman
Live Work, LLC
421 Hudson Street
New York, New York 10014

Ms. Kristen Neuman
Aptus Architecture
1200 South 4th Street, Suite #206
Las Vegas, Nevada 89104

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APR 28 2011

SDR-41600

LAS VEGAS CITY COUNCIL

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LARRY BROWN
STEVE WOLFSON
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BRENDA J. WILLIAMS
INTERIM

DOUGLAS A. SELBY
CITY MANAGER

May 18, 2007

Mr. David Mitchell
Live Work, LLC
41 East 60th Street, 6th Floor
New York, New York 10022

RE: SDR-20492 – SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF MAY 16, 2007
RELATED TO ZON-20507, SUP-20519, VAC-20522 AND SDR-20502

Dear Mr. Mitchell:

The City Council at a regular meeting held May 16, 2007 APPROVED the request for a Site Development Plan Review FOR A 120-FOOT HIGH 1,500 SPACE PARKING STRUCTURE WITH 12,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue (APNs 139-34-410-056, 057, 058 and 059), C-2 (General Commercial) Zone and R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on May 17, 2007. This approval is subject to:

Planning & Development

1. Conformance to the Conditions of Approval for Rezoning (Z-0100-64) shall be required, if approved.

2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All development shall be in conformance with the site plan, date stamped 04/06/07, and the landscape plan and building elevations, date stamped 03/13/07, except as amended by conditions herein.

4. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.

5. All proposed signage locations as depicted on the building elevations, date stamped 03/13/07, must be for on-premise advertising only. Off-premise advertising signs will require separate approval through the Special Use Permit application process. All signage must meet the applicable requirements of the Downtown Centennial Plan and Title 19. All signage requires the issuance of a building permit.

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APR 28 2011

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6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: all tree heights are to be included in the landscape legend to ensure compliance with the Downtown Centennial Plan's minimum streetscape standards.

7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.

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SDR-41600

15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

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

Public Works

17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Casino Center/3rd Street Realignment Project, Casino Center Bus Rapid Transit Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval herein.

19. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.

20. Landscape and maintain all unimproved rights-of-way, if any, on Casino Center Boulevard and Coolidge Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

21. Submit an Encroachment Agreement for all landscaping, if any, located in the Casino Center Boulevard and Coolidge Avenue public right-of-way adjacent to this site prior to occupancy of this site.

22. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from Coolidge Avenue. Revise the on-site circulation pattern to ingress from the alley and egress onto Coolidge Avenue.

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23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Beverly K. Bridges, CMC, Acting City Clerk

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

Mr. Barnett Liberman
Live Work, LLC
421 Hudson Street
New York, New York 10014

Ms. Kristen Neuman
Aptus Architecture
1200 South 4th Street, Suite #206
Las Vegas, Nevada 89104

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APR 26 2011

APTUS

June 16, 2011

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

**APN: 162-03-115-001 and 002**

Re:

a. Special Use Permit

Architecture
Engineering
Planning
Interiors
Landscape

To Whom It May Concern:

We respectfully submit this application for a Special Use Permit for the project "Aquarius Residences" at 4th Street and Charleston. This is a mixed use project containing ground floor commercial and "for-rent" residences above the ground floor. These parcels are currently zoned C-2 and are in the Downtown Centennial Plan, as well as the Arts District

This project proposes to have 1,150 apartments and 33,000 sf of commercial and an automated parking structure which has 1232 parking spaces with 3 on grades spaces.

Access to the automated parking structure will be off of the driveway that crosses the site from 4th Street to 3rd Street. All commercial tenants will be serviced from the front doors. There is no rear service access for the commercial tenants.

Downtown Centennial Plan standards are being met by way of landscaping and required amenity zone and wide pedestrian sidewalks, as well as alley and street corner paving and upgrades.

We are also requesting a waiver to allow the use of Mediterranean Fan Palms where Date Palms are required. The height of the palm trees will be per code at 25' and spaced at 30'-0" o.c.

With this application we are requesting an encroachment permit to allow for the awnings and trellises which compliment the façade and shelter storefront entrances to project out over the Right of way line.

The owners of this project will encourage all of its tenants to utilize and incorporate Green building strategies. For this project we will attempt to incorporate water and energy saving measures such as the utilization of occupancy sensors, drought tolerant landscaping, insulated windows, light colored paint and appropriately sized mechanical units. Also, the downtown location of this project encourages pedestrian usage which is enhanced by the proximity of the bus routes.

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F 951.823.0550

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JUN 16 2011

**SDR-41600**
**REVISED**

The owner desires to provide much needed attainable rental housing within the downtown area of the city. To compliment the residential units will be ground floor commercial space. This residential and commercial development will be an asset to the city by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. Please join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,

Kristen G. Neuman, AIA
APTUS

**SDR-41600**
**REVISED**

City of Las Vegas Agenda Item No.: **26.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

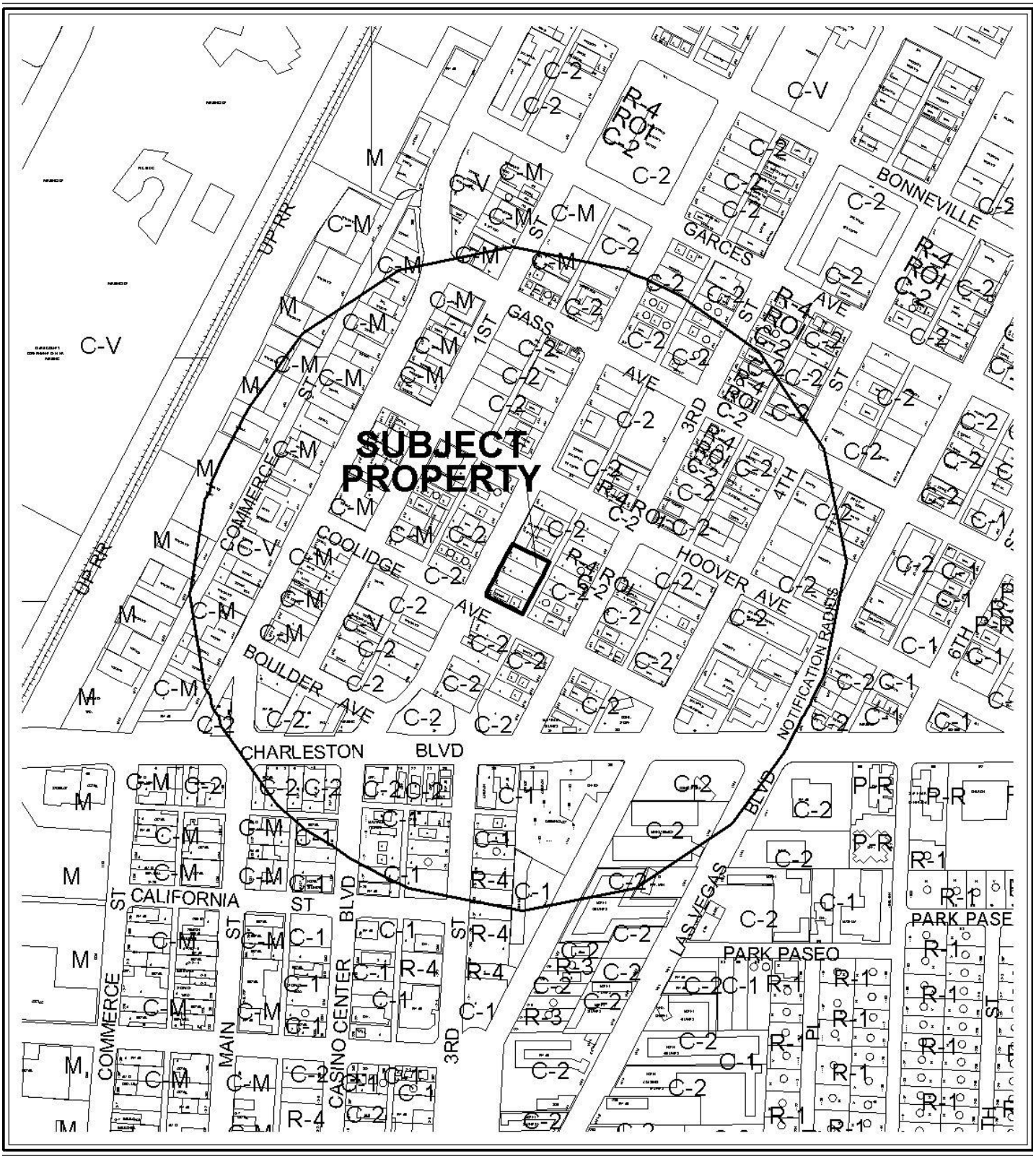
**SUBJECT:**
SUP-41599 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT on 0.64 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue (APNs 139-34-410-056 through 059), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps - SUP-41599 and SDR-41829
2. Conditions and Staff Report - SUP-41599 and SDR-41829
3. Supporting Documentation
4. Photos - SUP-41599 and SDR-41829
5. Justification Letter - SUP-41599 and SDR-41829




0 300 600 Feet

**CASE:** **SUP-41599 AND SDR-41829**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (GENERALCOMMERCIAL)

N




0 300 600 Feet

**CASE:** **SUP-41599 AND SDR-41829**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (GENERALCOMMERCIAL)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC, ET AL**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-41599** | Staff recommends DENIAL, if approved subject to conditions: | |
| **SDR-41829** | Staff recommends DENIAL, if approved subject to conditions: | SUP-41599 |

## ** CONDITIONS **

# SUP-41599 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Mixed-Use use.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-41829) shall be required.

3. 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.

4. Prior to occupancy, 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.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

# SDR-41829 CONDITIONS

***Planning***

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-41599) shall be required, if approved.

2. Site Development Plan Review (SDR-20492) shall be expunged upon final approval.

3. 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.

4. All development shall be in conformance with the site plan and landscape plan, date stamped 04/28/11 and building elevations, date stamped 05/16/11, except as amended by conditions herein.

5. A Waiver from Downtown Centennial Plan Section VII.D is hereby approved, to allow Mediterranean Fan Palms at 20-foot intervals along Casino Center Boulevard where Deglet-Noor Date Palms at 30-foot intervals are required.

6. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 04/28/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

7. Prior to occupancy, 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.

8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

9. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

10. All utilities shall comply with the provisions of the Las Vegas Downtown Centennial Plan.

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

***Public Works***

12. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval herein.

13. Landscape and maintain all unimproved rights-of-way, if any, on Casino Center Boulevard and Coolidge Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

14. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the Coolidge Avenue and Casino Center Boulevard public rights-of-way prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

15. Prior to the approval of Construction drawings for this site, sign a Covenant Running with Land agreement for the possible future undergrounding of all existing overhead utility lines adjacent to this site not placed underground per requirements of the Downtown Centennial Plan. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the issuance of building permits for this site.

16. This site shall connect to the public sewer line located in Coolidge Avenue.

17. Prior to the submittal of construction drawings for this site, meet with the Clark County School District to discuss the impact this site plan has on the district’s schools and to identify possible methods to mitigate the impacts.

18. 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. 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.

19. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The subject site is currently vacant with the exception of a licensed retail establishment and multi-family dwelling at the southern end. The site is entitled for a proposed 120-foot tall, 1,500-space automated parking garage with 12,000 gross square feet of ground floor commercial space. This entitlement has not yet been exercised; instead, the applicant proposes to construct a 16-story Mixed-Use development on the site with 330 for-rent multi-family residential units and 16,000 square feet of ground floor commercial space. Attached to this development will be an 89-foot tall, 336-space automated parking garage. Streetscape will be provided, but not in compliance with Downtown Centennial Plan requirements. The site as designed is unsuitable to accommodate the uses proposed, due to the significant reduction in parking capacity coupled with the increase in commercial space and residential units. The proposed design also does not allow for loading of vehicles away from street frontages. For these reasons, this project is not compatible with the surrounding development and staff recommends denial. If denied, the existing entitlements will still apply as long as they remain active.

## ISSUES

- Mixed-Use developments within 18b The Las Vegas Arts District are permitted with approval of a Special Use Permit. A Special Use Permit is therefore required for the subject site.
- A Waiver of Downtown Centennial Plan Streetscape Standards is required to allow the use of Mediterranean Fan Palms at 20-foot intervals where Deglet-Noor Date Palms at 30-foot intervals are required along Casino Center Boulevard. Staff does not support this waiver.
- If approved, the previously approved Site Development Plan Review (SDR-20492) on the subject site will be expunged as a condition of approval.
- A mapping action will be necessary to consolidate the existing legal lots underlying the subject site prior to issuance of building permits.
- Approval of an encroachment agreement is required that would allow storefront awnings and trellises to project into the right-of-way.
- Loading/unloading for the commercial development is proposed to occur from the adjacent right-of-way. Although the Downtown Centennial Plan does not require onsite loading spaces, staff does not support loading from the street, as adequate loading could be provided from the rear alley but is not accommodated in the project design.

- The approved parking garage was planned to accommodate 1,500 vehicles in connection with this site and the site at Fourth Street and Charleston Boulevard approved through SDR-20502. By this proposal, capacity has been reduced to 336 vehicles. If proposed changes to SDR-20502 (through Site Development Plan Review SDR-41600) are not made that would increase parking capacity on that site, the number of residential units the garage would service would increase from 1,100 to 1,430 and the commercial floor area would increase from 70,000 square feet to 74,000 square feet while maintaining only 336 parking spaces.
- Signage for developments within the Arts District is to be reviewed by Department of Planning staff as part of the Site Development Plan Review pursuant to the Downtown Centennial Plan. Signage locations and dimensions are included on the submitted elevations.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 12/16/64 | The City Council approved a Rezoning (Z-0100-64) of approximately 230 acres generally located on property bounded by Main Street to the west, Bonanza Road to the north, Las Vegas Boulevard to the east and Charleston Boulevard to the south, from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial). |
| 09/23/04 | The Planning Commission approved a Site Development Plan Review (SDR-4999) for a proposed five-story Mixed Use Development with 86 residential units and 22,100 square feet of commercial floor area adjacent to the north side of Coolidge Avenue between Casino Center Boulevard and Third Street. Staff recommended approval. The approval expired 09/23/06. |
| 04/19/06 | The City Council approved an amendment to the Master Plan of Streets and Highways (MSH-11632) to include the Casino Center Boulevard/Third Street Connector as an 80-foot Secondary Collector. The Planning Commission and staff recommended approval. |
| 05/16/07 | The City Council approved a Rezoning (ZON-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial) and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval. |
| | The City Council approved a Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval. |
| | The City Council approved a Petition to Vacate (VAC-20522) a 20-foot service alley and access easement generally located east of Third Street, commencing approximately 137 feet south of the southeast corner of Charleston Boulevard and Third Street. The Planning Commission and staff |

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|---|---|
| | recommended approval. The approval expired 05/16/08. |



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|---|---|
| 05/16/07 | The City Council approved a Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. The Planning Commission and staff recommended approval. |
| | The City Council approved a Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval. |
| 06/20/07 | A Code Enforcement case (54633) was processed for a vacant lot that was being used as a parking lot at 927 South Casino Center Boulevard. The case was closed by Code Enforcement on 07/10/07. |
| 03/24/09 | Code Enforcement processed a case (76026) for a Dangerous Building at 931 South Casino Center Boulevard. The case was closed by Code Enforcement on 06/30/09. |
| 04/15/09 | The City Council approved an Extension of Time (EOT-33725) of a previously approved Rezoning (SDR-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial) and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-33724) of a previously approved Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-33723) of a previously approved Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-33726) of a previously approved Site Development Plan Review (SDR-20502) for a 12-story Mixed-Use development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| 05/28/09 | Department of Planning staff approved a Minor Amendment (SDR-34113) of a previously approved Site Development Plan Review (SDR-20502) to relocate service access and reduce the floor area of the storage and mechanical building on property located at the southwest corner of Charleston Boulevard and Fourth Street. |

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|---|---|
| 07/01/09 | The City Council approved a Special Use Permit (SUP-33590) for a Mixed Use Development on the east side of Third Street, approximately 160 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval. The approval expired 07/01/11. |
| | The City Council approved a Site Development Plan Review (SDR-33587) for a proposed 16-story, 238-unit Mixed Use Development with 22,500 square feet of commercial space on 0.55 acres on the east side of Third Street, approximately 160 feet south of Charleston Boulevard. The Planning Commission and staff recommended approval. The approval expired 07/01/11. |
| 04/21/11 | Code Enforcement processed a case (100895) concerning the accumulation of trash and debris on a vacant lot and fence at 923 South Casino Center Boulevard. The case was closed by Code Enforcement on 04/26/11. |
| 07/20/11 | The City Council approved an Extension of Time (EOT-41596) of a previously approved Special Use Permit (SUP-20519) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-41597) of a previously approved Site Development Plan Review (SDR-20502) for a 12-story Mixed Use Development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Staff recommended approval. |
| | The City Council approved an Extension of Time (EOT-41595) of a previously approved Site Development Plan Review (SDR-20492) for a 120-foot-high, 1,500-space parking structure with 12,000 square feet of ground floor commercial space on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. Staff recommended approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 11/07/06 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 11/04/83 | A business license (G04-01039) was issued for Porcelain Doll Sales at 931 South Casino Center Boulevard. The license is still active. |
| 01/04/96 | A building permit (#96000299) was issued for demolition of a building at 927 South Casino Center Boulevard. A final inspection was not completed and the permit expired 07/06/96. |

| | |
|---|---|
| 05/13/99 | A building permit (#99009154) was issued for demolition of a shed/building at 923 South Casino Center Boulevard. A final inspection was not completed and the permit expired on 11/13/99. |
| 01/23/04 | A building permit (#04001651) was issued for demolition of a building at 919 South Casino Center Boulevard. A final inspection was not completed and the permit expired on 07/24/04. |
| 01/23/04 | A building permit (#04001649) was issued for demolition of a building at 923 South Casino Center Boulevard. A final inspection was not completed and the permit expired on 07/24/04. |
| 01/23/04 | A building permit (#04001650) was issued for demolition of a building at 927 South Casino Center Boulevard. A final inspection was not completed and the permit expired on 07/24/04. |

| ***Pre-Application Meeting*** | |
|---|---|
| 04/21/11 | A pre-application meeting was held with the applicant, in which items needed for submittal of a Special Use Permit and Site Development Plan Review were discussed. The major issues discussed included the following:<br>• The two applications would be major amendments of the previously approved mixed use development at the southwest corner of Fourth Street and Charleston Boulevard, to which parking at the Casino Center site is tied. It was later decided to amend only Site B to allow for a reduction in onsite parking.<br>• The applicant plans to apply for extensions of time on the previous entitlements on both sites.<br>• No changes were planned to be made to the Aquarius site at Fourth Street and Charleston Boulevard.<br>• A mapping action will be necessary to consolidate the legal lots underlying the Casino Center site prior to issuance of building permits.<br>• Location(s) where loading/unloading of merchandise would occur<br>• A traffic impact analysis will be required.<br>• Right-of-way encroachments may be requested as part of the Site Development Plan Review.<br>• A DINA is required for the combined sites. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting is not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/02/11 | A field check was conducted at the subject site. The following items were noted:<br>• The existing structures on the site are enclosed by temporary chain link fencing.<br>• The undeveloped portion of the site is free of trash and debris, and contains some weeds that have been controlled. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.64 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | General Retail Store<br>Undeveloped | MXU (Mixed Use) | C-2 (General Commercial) |
| North | Multi-Family Residential (Apartments) | MXU (Mixed Use) | C-2 (General Commercial) |
| South | Undeveloped | MXU (Mixed Use) | C-2 (General Commercial) |
| East | Undeveloped | MXU (Mixed Use) | C-2 (General Commercial) |
| | Office | MXU (Mixed Use) | C-2 (General Commercial) |
| | Multi-Family Residential (Apartments) | MXU (Mixed Use) | R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial) |
| West | Undeveloped | MXU (Mixed Use) | C-2 (General Commercial) |
| | Office | MXU (Mixed Use) | C-2 (General Commercial) |
| | Multi-Family Residential (Apartments) | MXU (Mixed Use) | R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial) |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | | |
| Downtown Centennial Plan | X | | N |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| Downtown Centennial Plan Overlay District (18b The Las Vegas Arts District) | X | | N |
| Live/Work Overlay District | X | | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | X | | Y |
| **Development Impact Notification Assessment** | X | | Y |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

***Pursuant to 19.06 and the Downtown Centennial Plan, the following standards apply to the proposal:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | N/A | 28,000 SF | N/A |
| Min. Lot Width | N/A | 140 Feet | N/A |
| Min. Setbacks | | | |
| • Front | N/A | 0 Feet | N/A |
| • Side | N/A | 0 Feet | N/A |
| • Corner | N/A | 0 Feet | N/A |
| • Rear | N/A | 0 Feet | N/A |
| Max. Lot Coverage | N/A | 73 % | N/A |
| Max. Building Height | N/A | 185 Feet | N/A |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | Interior to building | Y |
| Mech. Equipment | Screened | Screened | Y |

| *Street Name* | *Functional Classification of Street(s)* | *Governing Document* | *Street Width (Feet)* | *Compliance with Street Section* |
|---|---|---|---|---|
| Casino Center Boulevard | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |
| Coolidge Avenue | N/A | N/A | 80 | N/A |

| ***Streetscape Standards*** | ***Required*** | ***Provided*** | ***Compliance*** |
|---|---|---|---|
| Minimum sidewalk width | 10 feet | 10 feet | Y |
| Minimum amenity zone width | 5 feet | 5 feet | Y |
| Sidewalks | Corner ramps with patterned concrete | Corner ramps with patterned concrete | Y |
| Alleys | Stamped colored concrete at driveway | Stamped colored concrete at driveway | Y |
| Right-of-Way Improvements | Light fixtures, trash receptacles, benches, tree wells | Light fixtures, trash receptacles, benches, tree wells | Y |
| North-South Streets (Major) | Deglet-Noor Date Palms or similar (25' BTH) at 30' intervals | Mediterranean Fan Palms (25' BTH) at 20' intervals | N |
| East-West Streets | 36" box drought-tolerant shade trees at 15-20' intervals | 36" box Southern Live Oak at 20' intervals | Y |

| ***Parking Requirement - Downtown*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Base Parking Requirement*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| General Retail Store, Other Than Listed | 16,000 SF | 1 space/ 175 SF GFA | 92 | | | | |
| Multi-Family Residential – Studio and 1 BR | 315 units | 1.25 spaces/ unit | 394 | | | | |
| Multi-Family Residential – 2 BR | 15 units | 1.75 spaces/ unit | 27 | | | | |
| Multi-Family Residential – Guest spaces | 330 units | 1 space/ 6 units | 55 | | | | |
| **TOTAL SPACES REQUIRED** | | | **568** | | **336** | | N |
| **Regular and Handicap Spaces Required** | | | 564 | 4 | 336 | 0 | N |

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The project is adjacent to a bus rapid transit stop, and the applicant expects that this will reduce the number of vehicle trips to and from the site. This project is subject to the handicapped parking requirements of the Downtown Centennial Plan, which references Title 19 handicapped parking requirements. However, the parking facilities are automated, eliminating the need for physical handicap spaces at ground level.

| ***Sign Type*** | ***Provided*** |
|---|---|
| Canopy:<br>• Number<br>• Area<br>• Illumination | <br>(1) sign on east elevation<br>Maximum 24 SF<br>Internal |
| Wall<br>• Number<br>• Area<br>• Height<br>• Illumination | <br>(4) signs on south elevation, (4) signs on west elevation<br>Maximum 72 SF<br>Maximum 3 feet, attached to building at all points<br>Internal |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| Deglet-Noor Date Palms on major north-south streets at 30-foot intervals | To allow Mediterranean Fan Palms along Casino Center Blvd at 20-foot intervals | Denial |

**ANALYSIS**

The proposed development is subject to Downtown Centennial Plan standards, and pursuant to Section VIII.A of the Plan, qualifies as a New Development. The proposed Mixed-Use development occupies exactly 50 percent of the block and is therefore not subject to full streetscape and utility requirements at this time; however, streetscape improvements have been proposed for the site. This site is located within the Live/Work Overlay district. The proposed development will offer employment and housing options onsite, but no live/work units as described by Title 19.10.170 are provided. The site is also within the boundaries of the Las Vegas Redevelopment Area; the proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area. As part of 18b The Las Vegas Arts District, a Mixed-Use development is a permitted use with approval of a Special Use

Permit. Signage for development within the Arts District is subject to staff review as part of the Site Development Plan Review process.



The site as proposed is in compliance with Downtown Centennial Plan standards with the exception of streetscape along Casino Center Boulevard. The proposed Mediterranean Fan Palms are not an acceptable substitute for the Deglet-Noor Date Palms required along this street, and staff cannot support the waiver request to allow them. Although they are planned to be the required height, they do not have the same appearance and would alter the existing specific streetscape pattern intended for Casino Center Boulevard.

The applicant indicates that no loading spaces will be provided for the commercial space, with the loading and unloading of service vehicles to occur on the street frontages. The existing alley access would provide a way to service the proposed building without impeding the primary rights-of-way; however, the proposed design does not accommodate loading and unloading from the rear.

The currently entitled 1,500-space garage on this site is intended to provide parking facilities for two approved Mixed-Use developments, both of which are located one block south at the southwest corner of Charleston Boulevard and Fourth Street. One set of entitlements has expired and therefore would reduce some demand for parking at this garage. The other set of entitlements has not been exercised, but an Extension of Time for that project was approved for two years by the City Council on 07/20/11. An amended Site Development Plan Review (SDR-41600) is also proposed for this secondary site (Site B in the table below) that will increase onsite parking. The following table summarizes development on the subject site (Site A) if approved and SDR-41600 is NOT approved:

| | ***Residential Units*** | ***Gross Retail Floor Area*** | ***Parking Spaces Provided*** |
|---|---|---|---|
| Approved SDR-20492 **(Site A)** | Zero | 12,000 SF | 1,500 |
| Approved SDR-20502 **(Site B)** | 1,100 | 58,000 SF | 22 |
| **Proposed SDR-41829 (Site A)** | 330 | 16,000 SF | 336 |
| **TOTAL** | **1,430** | **74,000 SF** | **358** |
| **Change in Site A** | **+330 (30%)** | **+4,000 SF (5.7%)** | **-1,164 (75%)** |

The result of a SDR-41600 denial would be that Site B would remain dependent on Site A for parking facilities, and that parking would be greatly reduced from what was previously approved, despite a significant increase in combined residential units and modest increase in commercial space. Approval of Site A and the amended Site B would allow both sites to be independently parked.

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the proposal would allow just six parking spaces for 16,000 square feet of commercial space, assuming one space per residential unit. A minimum of three spaces per 1,000 square feet of commercial floor area should be provided to maintain consistency with other downtown projects. Using this rule, the site is deficient by 42 spaces [(16,000/1,000)*3 – 6]. Even considering the opportunities for nearby public transportation (bus rapid transit) and onsite commercial services, additional parking should be provided. Alternate parking requirements for Mixed-Use developments, which are found in Title 19.18.030, were not implemented or used as justification for the number of spaces provided. The Downtown Centennial Plan does not exempt applicants from providing handicap accessible parking for commercial uses. No handicap-accessible spaces are provided on the site because the automated garage eliminates this need; a lane is provided in front of the structure to allow handicapped patrons to be assisted in and out of their vehicles. Access to the proposed garage is from a two-way, 20-foot wide alley at midblock between Casino Center Boulevard and Third Street. Large vehicles could encounter difficulty navigating the alley if traffic develops, due to existing power poles located along the west side of the alley. Although integrated into the design of the overall development, the garage does not have frontage on any street.

Signage is designed as an integral element of the façade and is at an appropriate scale for pedestrians to identify individual storefronts along Casino Center Boulevard and Coolidge Avenue. A three-dimensional sign on a trellis in the alleyway identifies the parking structure, in keeping with the Arts District environment. All signs will be illuminated, but should have minimal impact on adjacent uses. Signage will be reviewed for consistency with applicable codes at the time of sign permit submittal.

Staff supports the mixed-use concept in this location at the proposed height and commercial intensity; however, it cannot support the streetscape waiver, reduced parking and failure to accommodate off-street loading areas that accompany the proposed design. Therefore, denial is recommended of both the Special Use Permit and the Site Development Plan Review.

**FINDINGS (SUP-41599)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The Mixed Use use as proposed cannot be conducted in a manner that is harmonious and compatible with surrounding land uses, since the proposed parking and loading facilities

are inadequate, and the proposed streetscape does not conform to the established pattern set forth by the Downtown Centennial Plan and existing nearby properties.



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

   The proposed site is ideal for a Mixed Use development; however, the intensity of the proposed project is too great to accommodate parking demand and commercial service vehicles.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   The two frontage streets are adequate in size for a mixed-use development; however, they are not appropriate for loading through the storefronts of the proposed commercial area. Existing utility poles narrow the available width of the existing alley.

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

   Approval of a Special Use Permit for a Mixed-Use development is consistent with the Las Vegas 2020 Master Plan Policy 1.1.3, which encourages new market rate, multi-unit mixed-use residential development on vacant or underutilized sites, with ground floor commercial components included where appropriate. The public health, safety and welfare will be protected through permitting and inspection processes.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The proposed Mixed-Use Development complies with all Title 19.12 minimum Special Use Permit requirements.

**FINDINGS (SDR-41829)**

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

   The proposed Mixed-Use development is not compatible with adjacent and nearby development. It is underparked based on similar Downtown projects, may create traffic conflicts along frontages and includes a streetscape design that does not match the established pattern along Casino Center Boulevard.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The proposed development is not in conformance with the Downtown Centennial Plan, as it requires a waiver of streetscape standards.

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

   Traffic could be impeded by service vehicles loading the commercial storefronts on Casino Center Boulevard (a bus rapid transit route) and Coolidge Avenue. In addition, large vehicles could encounter difficulty navigating two-way traffic in the alley if traffic develops, due to power poles located along the west side of the alley.

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

   Building materials are appropriate for the Downtown area. The Mediterranean Fan Palms and spacing proposed, in lieu of Date Palms, are inappropriate for placement in the major north-south streets within the Arts District.

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

   The proposed building elevations and design characteristics are compatible with development in the Downtown area.

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

   Development is subject to permitting and inspections, thereby securing the public health, safety and welfare.

**NOTICES MAILED** 427

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-41599** APN: 139-34-410-056, 057 ,058 ,059

Name of Property Owner: Leah Properties, LLC

Name of Applicant: Barnet Liberman

Name of Representative: APTUS

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: BARNET L LIBERMAN

Subscribed and sworn before me

This 28TH day of APRIL, 20 11

_____

Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 20 11

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** ~~SITE DEVELOPMENT REVIEW~~ / SPECIAL USE PERMIT

**Project Address (Location)** 919 to 931 Casino Center Blvd.

**Project Name** The Royale at Casino Center **Proposed Use** Mixed use

**Assessor's Parcel #(s)** 139-34-410-056, 057, 058, 059 **Ward #** 3- Reese

**General Plan:** existing MXU proposed n/a **Zoning:** existing C-2 proposed n/a

**Commercial Square Footage** 16,000 **Floor Area Ratio**

**Gross Acres** 064 **Lots/Units** 330 **Density**

**Additional Information**

**PROPERTY OWNER** Leah Property LLC **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**APPLICANT** Barnet Liberman **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**REPRESENTATIVE** APTUS **Contact** Kristen Neuman

**Address** 1200 S. 4th Street, Suite 206 **Phone:** (702) 839-1200 **Fax:** (702) 839-1212

**City** Las Vegas **State** NV **Zip** 89104

**E-mail Address**

**Property Owner Signature*** [signature]

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

**Print Name** BARNET G LIBERMAN

Subscribed and sworn before me

This 28TH day of APRIL, 20 11.

[signature]

Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 20 11

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SUP-41599 |
| Meeting Date: | 6/14/11 PC |
| Total Fee: | $1,030.00 |
| Date Received:* | 4/28/11 |
| Received By: | |

*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.

Revised 10/27/08

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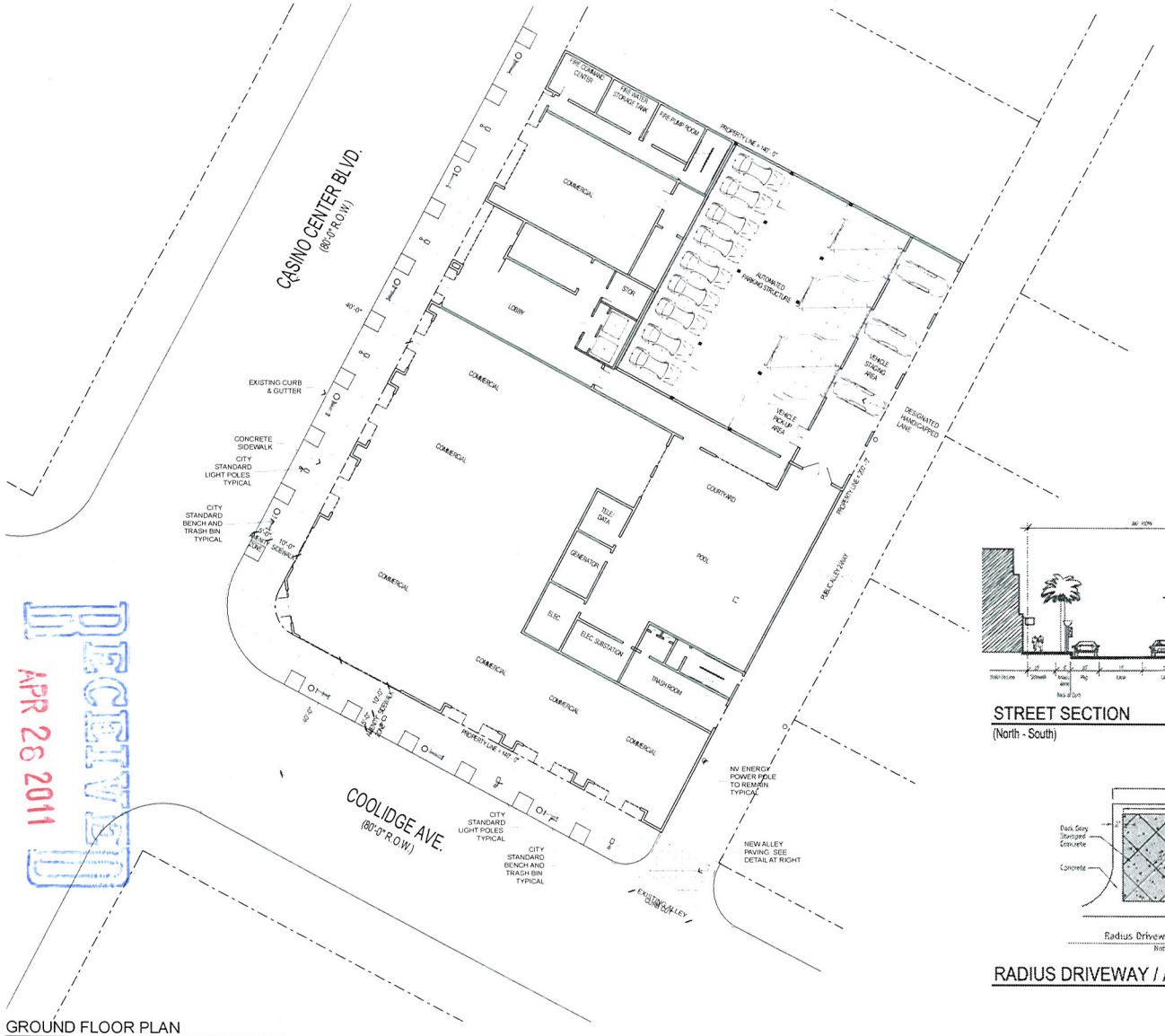
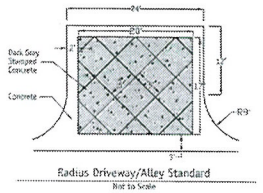



GROUND FLOOR PLAN




RADIUS DRIVEWAY / ALLEY STANDARD
N.T.S.







VICINITY & LOCATION MAPS

## Site Zoning & Data

SITE DATA

| | |
|---|---|
| PARCEL NUMBER | 139-34-410-056<br>139-34-410-057<br>139-34-410-058<br>139-34-410-059 |
| JURISDICTION | CITY OF LAS VEGAS - 89101 |
| EXISTING GENERAL PLAN<br>OVERLAY ZONES | MXU<br>CENTENNIAL PLAN / ARTS DISTRICT |
| EXISTING ZONING | C-2 |
| SITE AREA | 28,000 NSF<br>64 NET ACRES |

SETBACKS (BUILDING)

| | REQ'D | PROVIDED |
|---|---|---|
| FRONT | 0'-0" | 0'-0" |
| INTERIOR SIDE | 0'-0" | 0'-0" |
| SIDE STREET | 0'-0" | 0'-0" |
| REAR | 0'-0" | 0'-0" |

| | |
|---|---|
| COMMERCIAL SPACE | 16,000 SF |
| PARKING SPACES | 336 |

RESIDENTIAL UNIT DATA

| | |
|---|---|
| STUDIO | 180 |
| ONE BEDROOM | 135 |
| TWO BEDROOM | 15 |
| TOTAL | 330 |

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0' 8' 16' 32'

# The Royale at Casino Center
## Site Development Review
919-931 Casino Center Boulevard
Las Vegas, Nevada 89101

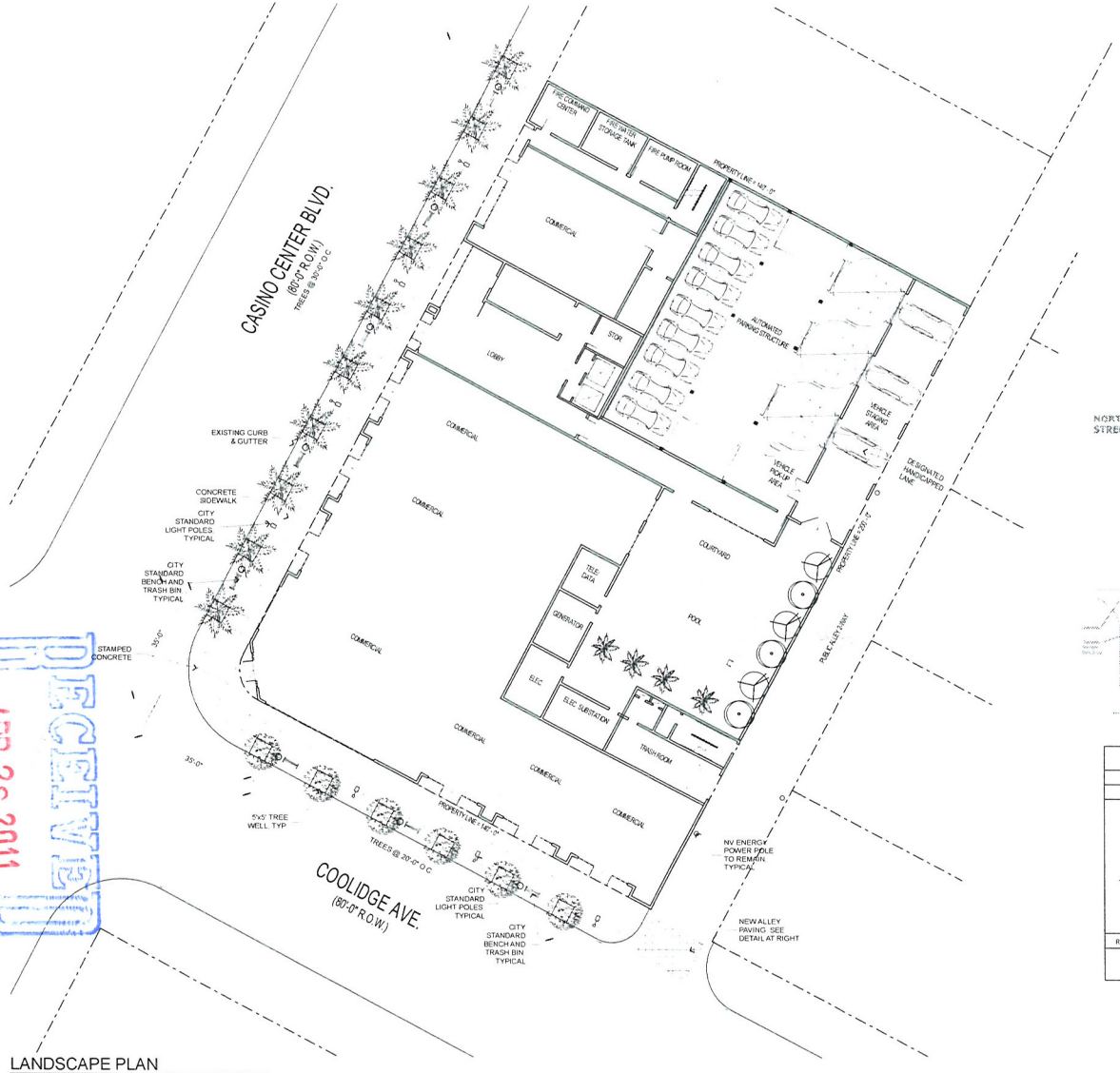
City of Las Vegas SDR SUP Submittal 04.28.11

SITE / GROUND FLOOR PLAN

AS100

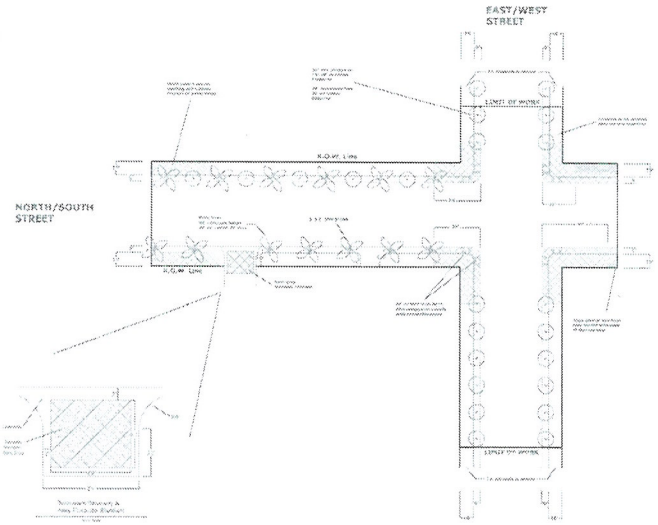
06.177.7 The Royale at Casino Center

# SUP-41599
# SDR-41829




LANDSCAPE PLAN

1/16" = 1'-0"




LANDSCAPE SCHEDULE

TREES

| SYMBOL | COMMON NAME | BOTANICAL NAME | SIZE |
|---|---|---|---|
| | HONEY LOCUST | prosopis | 24" Box |
| | SHOESTRING ACACIA | acacia stenophylla | 24" Box |
| | MEDITERRANEAN FAN PALM | | 25' High |
| | SOUTHERN LIVE OAK | acaa stenophylla | 36" Box |

| ROCK MULCH | SIZE | COLOR | DEPTH |
|---|---|---|---|
| | 3/8" CRUSHED GRANITE | TO BE SELECTED BY ARCHITECT FROM MANUFACTURERS STD | MIN. 2" DEEP |

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0' 8' 16' 32'

# The Royale at Casino Center
## Site Development Review
919-931 Casino Center Boulevard
Las Vegas, Nevada 89101

City of Las Vegas SDR SUP Submittal 04.28.11

LANDSCAPE PLAN

AS101

06.177.7 The Royale at Casino Center

**SUP-41599**
**SDR-41829**

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TYPICAL FLOOR PLAN W/GARAGE

1/16" = 1'-0"




TYPICAL FLOOR PLAN ABOVE GARAGE

1/16" = 1'-0"

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# The Royale at Casino Center

## Site Development Review

919-931 Casino Center Boulevard
Las Vegas, Nevada 89101

City of Las Vegas SDR, SUP Submittal 04.28.11

TYPICAL FLOOR PLANS

A100

© The Royale at Casino Center

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**SDR-41829**

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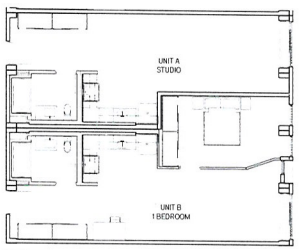
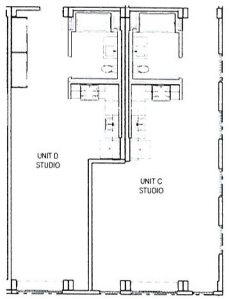
PLANNING



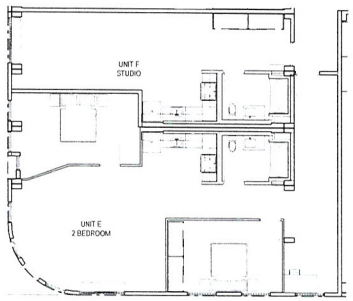

TYPICAL UNIT PLAN A/B

1/8" = 1'-0"



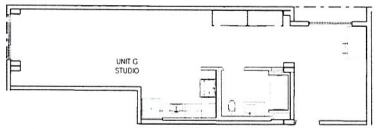

TYPICAL UNIT PLAN C/D

1/8" = 1'-0"



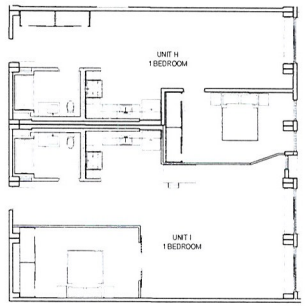

TYPICAL UNIT PLAN E/F

1/8" = 1'-0"




TYPICAL UNIT PLAN G

1/8" = 1'-0"




TYPICAL UNIT PLAN H/I

1/8" = 1'-0"

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# The Royale at Casino Center

## Site Development Review

919-931 Casino Center Boulevard
Las Vegas, Nevada 89101

City of Las Vegas SDR SUP Submittal 04.28.11

TYPICAL UNIT PLANS

A101

06.177.7 The Royale at Casino Center

**SUP-41599**

**SDR-41829**

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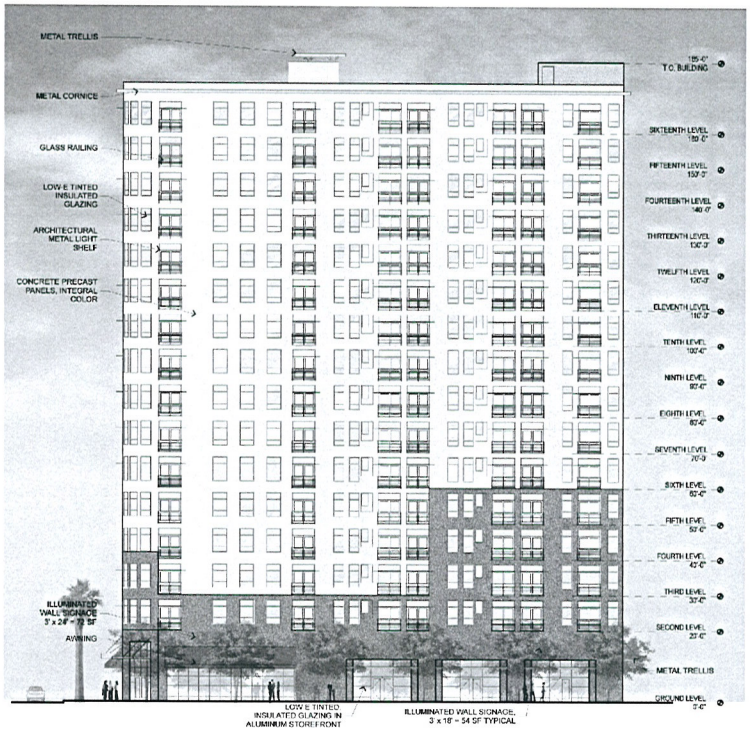


SOUTH ELEVATION

1/16" = 1'-0"




WEST ELEVATION

1/16" = 1'-0"

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# The Royale at Casino Center

Site Development Review

919-931 Casino Center Boulevard

Las Vegas, Nevada 89101

**SUP-41599**

**SDR-41829**

BUILDING ELEVATIONS

A200

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City of Las Vegas SDR, SUP Submittal 04.28.11

City of Las Vegas SDR, SUP Submittal (REV) 05.12.11

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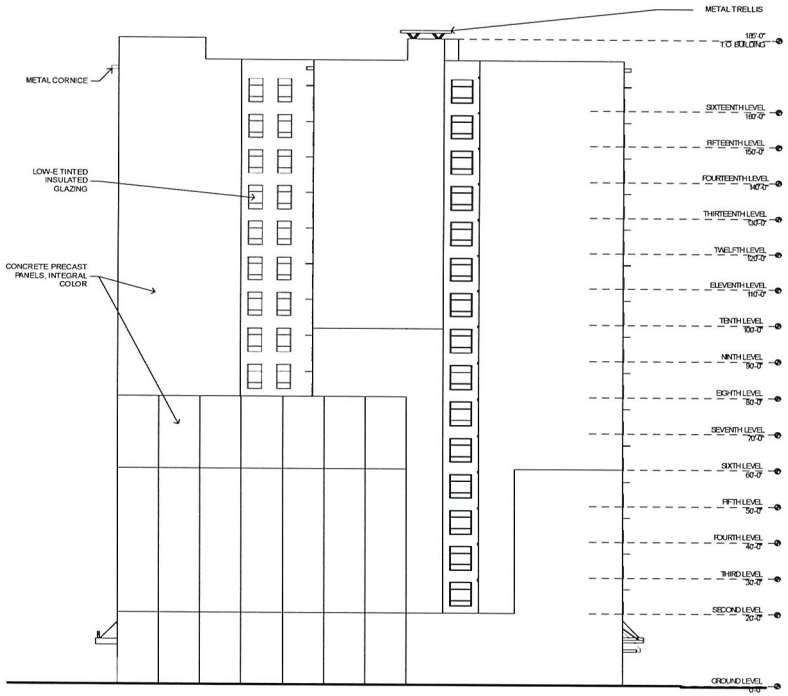
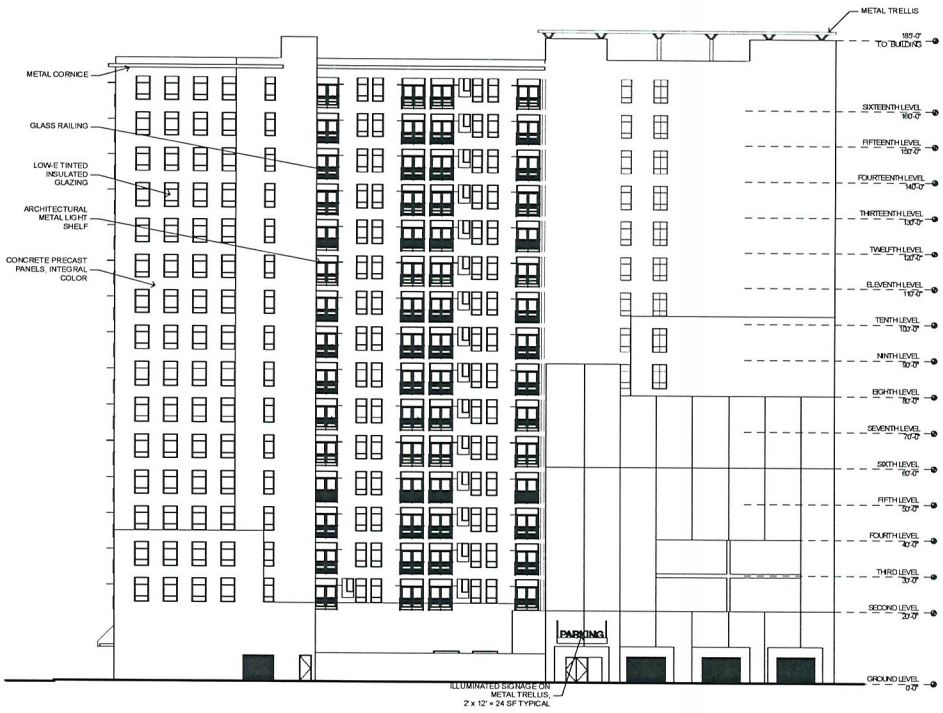



NORTH ELEVATION

1/16" = 1'-0"




EAST ELEVATION

1/16" = 1'-0"

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# The Royale at Casino Center

## Site Development Review

919-931 Casino Center Boulevard
Las Vegas, Nevada 89101

City of Las Vegas SDR, SUP Submittal 04.28.11
City of Las Vegas SDR, SUP Submittal (REV) 05.12.11

BUILDING ELEVATIONS

A201

06.177 The Royale at Casino Center

SUP-41599
SDR-41829

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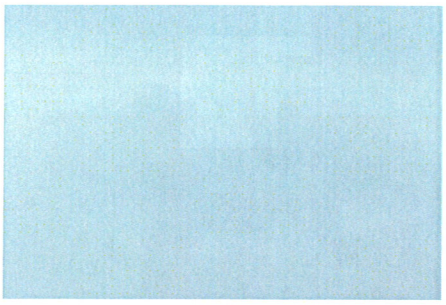
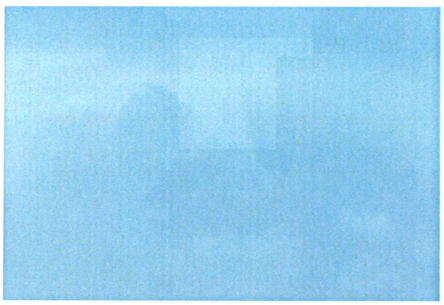
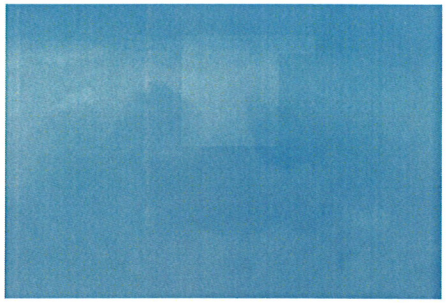


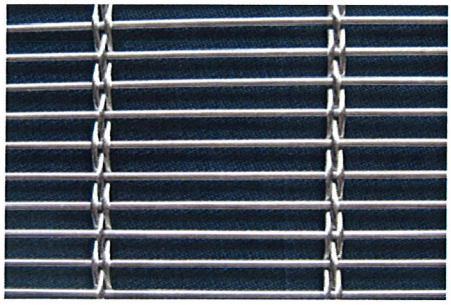
Colored Glass 1



Colored Glass 2



Colored Glass 3



Metal Mesh



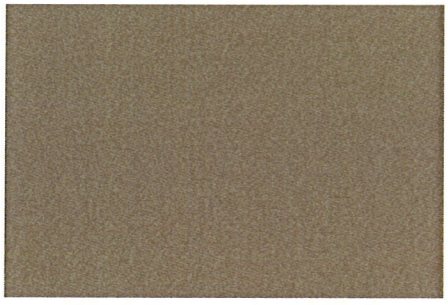
Aggregate 1



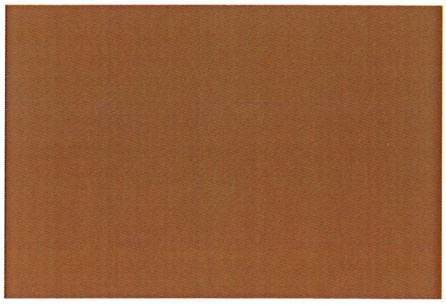
Aggregate 2



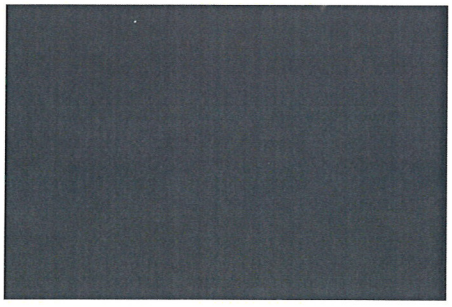
Aggregate 3



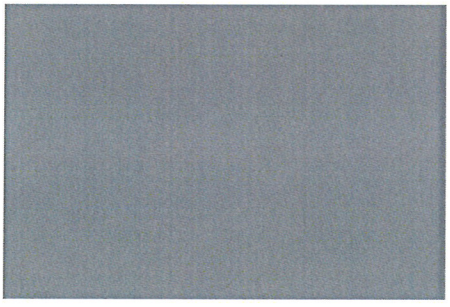
Aggregate 4



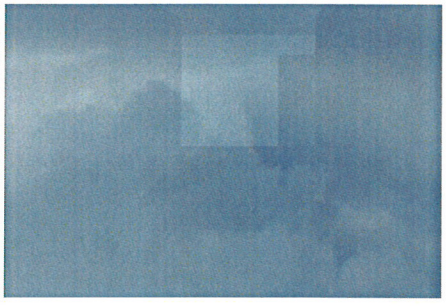
Fabric Awning



Metal



Aluminum Storefront Framing



Glazing

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info@aptusarchitecture.com

# The Royale at Casino Center

4.28.11

## Site Development Review

919-931 Casino Center Boulevard
Las Vegas, Nevada 89101

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APR 26 2011

**SUP-41599**

**SDR-41829**



SUP-41599 & SDR-41829 – APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC
NORTHEAST CORNER OF CASINO CENTER BOULEVARD AND COOLIDGE AVENUE

06/02/11




SUP-41599 & SDR-41829 – APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC
NORTHEAST CORNER OF CASINO CENTER BOULEVARD AND COOLIDGE AVENUE

06/02/11



SUP-41599 & SDR-41829 – APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC
NORTHEAST CORNER OF CASINO CENTER BOULEVARD AND COOLIDGE AVENUE

06/02/11



SUP-41599 & SDR-41829 – APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC
NORTHEAST CORNER OF CASINO CENTER BOULEVARD AND COOLIDGE AVENUE

06/02/11



SUP-41599 & SDR-41829 – APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC
NORTHEAST CORNER OF CASINO CENTER BOULEVARD AND COOLIDGE AVENUE

06/02/11

APTUS

May 18, 2011

City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101

**APN: 139-34-410-056, 057, 058, 059**

Re:

a. Site Development Review
b. Special Use Permit

Architecture
Engineering
Planning
Interiors
Landscape

To Whom It May Concern:

We respectfully submit this application for a Site Development Review and Special Use Permit for the project "The Royale at Casino Center" at Coolidge and Casino Center. This is a mixed use project containing ground floor commercial and "for-rent" residences above the ground floor. These parcels are currently zoned C-2 and are in the Downtown Centennial Plan, as well as the Arts District

This project proposes to have 330 apartments and 16,000 sf of commercial and an automated parking structure which has 336 parking spaces.

Access to the automated parking structure will be off of the alley from Coolidge to Hoover. All commercial tenants will be serviced from the front doors. There is no rear service access for the commercial tenants.

Downtown Centennial Plan standards are being met by way of landscaping and required amenity zone and wide pedestrian sidewalks, as well as alley and street corner paving and upgrades. However, the owner will defer the underground installation of the power poles until the remainder of the block is developed.

We are also requesting a waiver to allow the use of Mediterranean Fan Palms where Date Palms are required. The height of the palm trees will be per code at 25' and spaced at 30'-0" o.c.

With this application we are requesting an encroachment permit to allow for the awnings and trellises which compliment the façade and shelter storefront entrances to project out over the Right of way line.

Illuminated wall mounted signage is shown on the elevations, along with corresponding sizes and square footages.

The owners of this project will encourage all of its tenants to utilize and incorporate Green building strategies. For this project we will attempt to incorporate water and energy saving measures such as the utilization of occupancy sensors, drought tolerant landscaping, insulated windows, light colored paint and appropriately sized mechanical units. Also, the downtown location of this project encourages pedestrian usage which is enhanced by the proximity of the bus routes.

Las Vegas
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.839.1200
F 702.839.1213

Riverside
3750 Sante Fe Avenue
Suite 106
Riverside, California 92507
P 951.823.0555
F 951.823.0550

aptusgroup.com

RECEIVED
MAY 20 2011
City of Las Vegas

**SUP-41599**
**SDR-41829**

The owner desires to provide much needed attainable rental housing within the downtown area of the city. To compliment the residential units will be ground floor commercial space. This residential and commercial development will be an asset to the city by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. Please join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,

Kristen G. Neuman, AIA
APTUS

**SUP-41599**
**SDR-41829**

City of Las Vegas Agenda Item No.: **27.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
SDR-41829 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-41599 - PUBLIC HEARING - APPLICANT: BARNET LIBERMAN - OWNER: LEAH PROPERTY, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 16-STORY MIXED-USE DEVELOPMENT, INCLUDING 16,000 SQUARE FEET OF COMMERCIAL SPACE AND 330 MULTI-FAMILY RESIDENTIAL UNITS AND A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN STREETSCAPE STANDARDS on 0.64 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue (APNs 139-34-410-056 through 059), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Supporting Documentation

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-41829** APN: 139-34-410-056, 057 ,058 ,059

Name of Property Owner: Leah Properties, LLC

Name of Applicant: Barnet Liberman

Name of Representative: APTUS

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: BARNET L LIBERMAN

Subscribed and sworn before me

This 28TH day of APRIL 20 11

_____

Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 20 11

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Major Amendment to SDR-20502

**Project Address (Location)** 919 to 931 Casino Center Blvd.

**Project Name** The Royale at Casino Center **Proposed Use** Mixed use

**Assessor's Parcel #(s)** 139-34-410-056, 057, 058, 059 **Ward #** 3- Reese

**General Plan:** existing MXU proposed n/a **Zoning:** existing C-2 proposed n/a

**Commercial Square Footage** 16,000 **Floor Area Ratio**

**Gross Acres** 064 **Lots/Units** 330 **Density**

**Additional Information**

**PROPERTY OWNER** Leah Property LLC **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**APPLICANT** Barnet Liberman **Contact** Barnet Liberman

**Address** 421 Hudson Street **Phone:** (212) 243-1320 **Fax:** (212) 243-7305

**City** New York **State** NY **Zip** 10014

**E-mail Address** barnetlib@aol.com

**REPRESENTATIVE** APTUS **Contact** Kristen Neuman

**Address** 1200 S. 4th Street, Suite 206 **Phone:** (702) 839-1200 **Fax:** (702) 839-1212

**City** Las Vegas **State** NV **Zip** 89104

**E-mail Address**

**Property Owner Signature*** [signature]

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

**Print Name** BARNET L LIBERMAN

Subscribed and sworn before me

This 28TH day of APRIL, 20 11.

[signature]

Notary Public in and for said County and State

JANET GRONIERI
Notary Public, State of New York
No. 31-4501747
Qualified in New York County
Commission Expires May 31, 20 11

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SDR 41829 |
| Meeting Date: | 6/14/PC |
| Total Fee: | $ 1030 00 |
| Date Received | 5/20/11 |
| Received By: | F-S |

*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 Agenda Item No.: **28.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

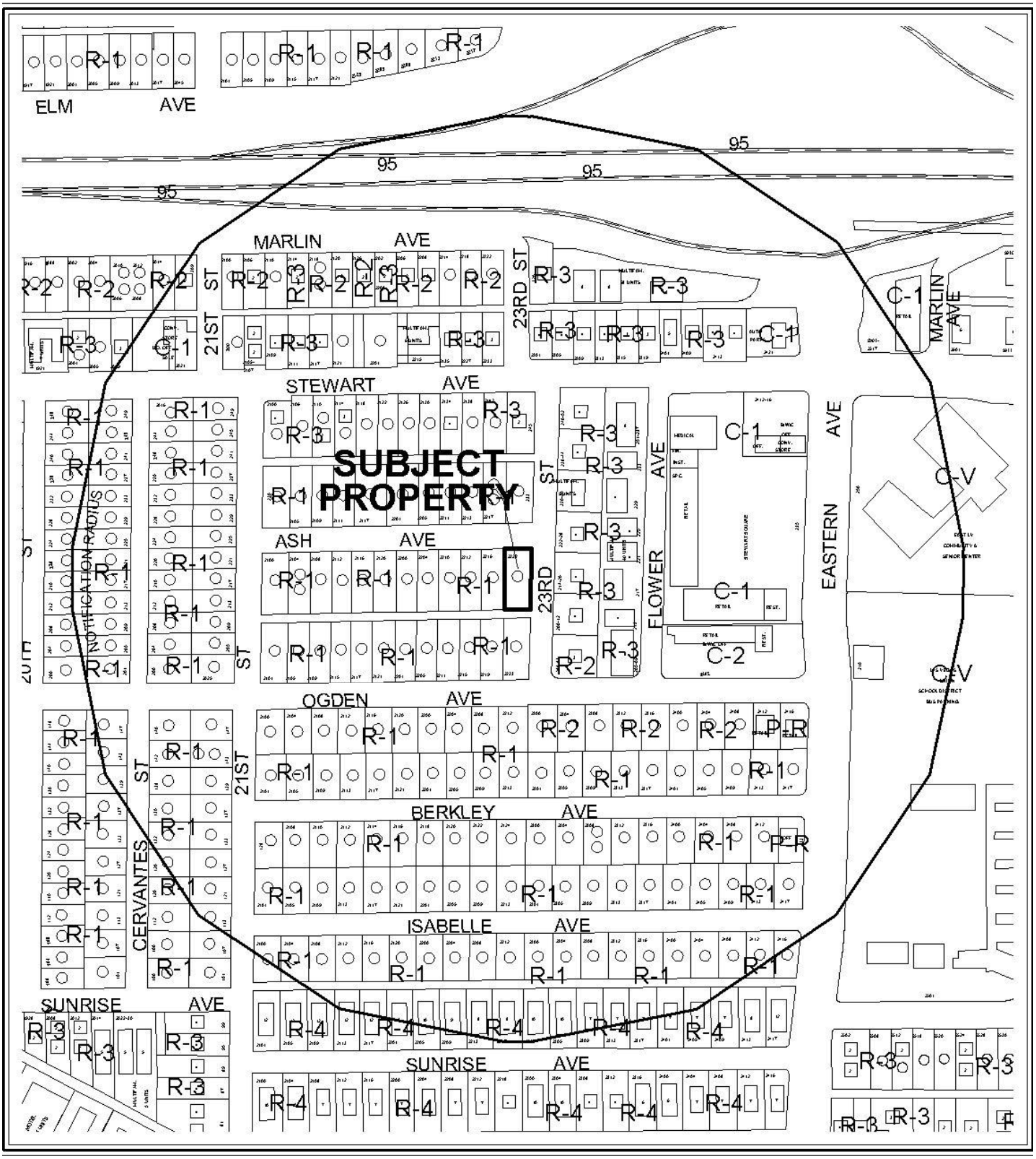
**SUBJECT:**
VAR-42175 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SHIRLEY RITZ TRUST - For possible action on a request for a Variance TO ALLOW A FOUR-FOOT REAR YARD SETBACK FOR A PRIMARY STRUCTURE WHERE 15 FEET IS REQUIRED, TO ALLOW AN ACCESSORY STRUCTURE (CLASS II) TO BE LOCATED IN THE FRONT YARD AREA WHERE SUCH IS NOT PERMITTED AND TO ALLOW A THREE-FOOT, SIX-INCH HIGH SOLID WALL WITH A THREE-FOOT, SIX-INCH WROUGHT IRON TOP WHERE FIVE FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE FRONT YARD on 0.20 acres at 2222 Ash Avenue (APN 139-35-713-035), R-1 (Single Family Residential) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



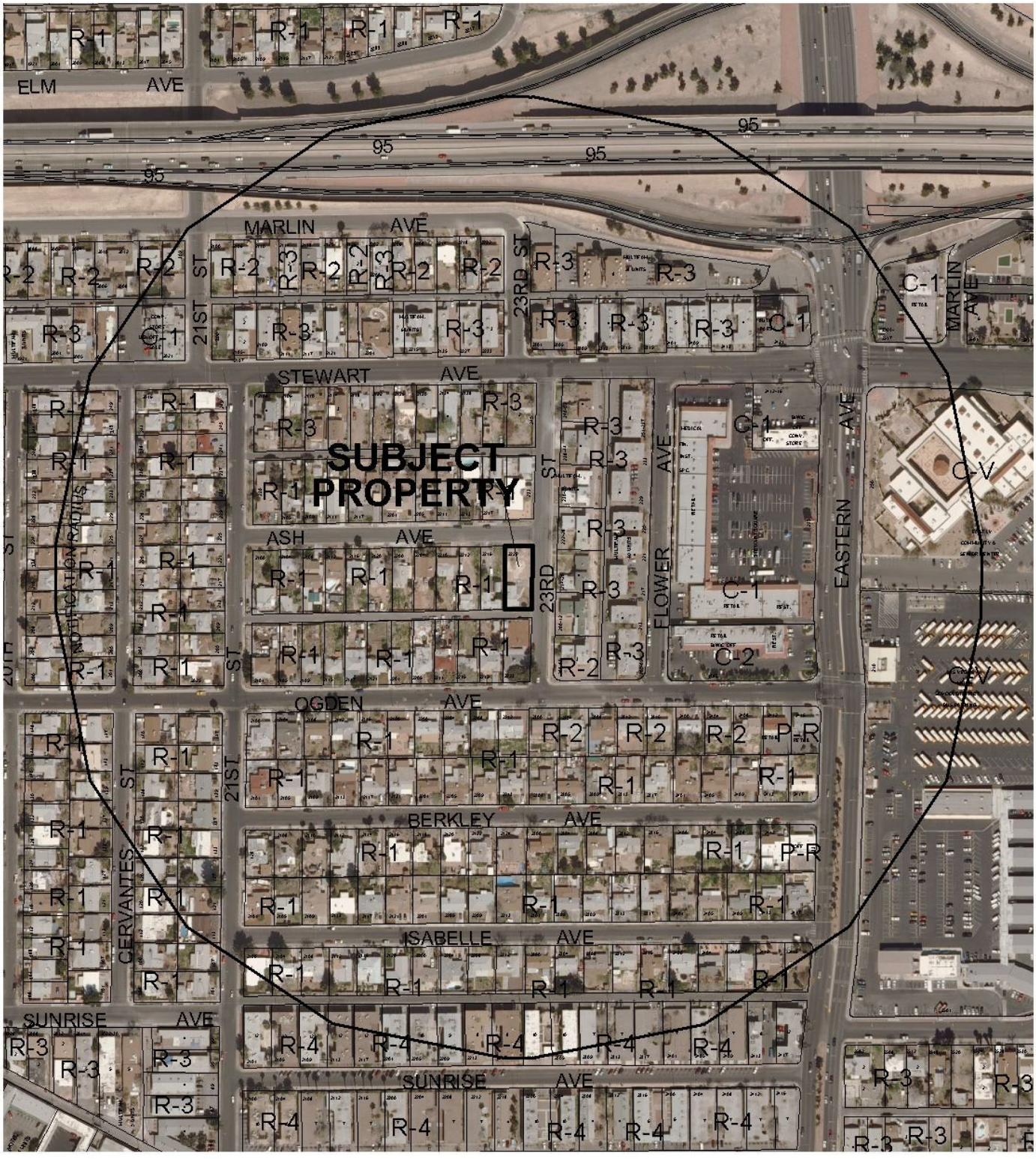

0 300 600 Feet

**CASE:** **VAR-42175**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** R-1 (SINGLE FAMILY RESIDENTIAL)

N




0 300 600 Feet

**CASE:** **VAR-42175**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** R-1 (SINGLE FAMILY RESIDENTIAL)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: SHIRLEY RITZ TRUST**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **VAR-42175** | Staff recommends DENIAL, if approved subject to conditions: | N/A |

**** CONDITIONS ****

# VAR-42175 CONDITIONS

***Planning***

1. 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.

2. 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.

3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

***Public Works***

5. Submit an Encroachment Agreement for the portions of the existing wall in the Ash Avenue public right-of-way prior to this issuance of a permit for this wall. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The property at 2222 Ash Avenue contains an existing Single Family, Detached dwelling. There are additions to the property that were built without permits and the Variance request is to allow these structures to remain on the property. Because the additions to the property were placed without permits, which are not in compliance with Title 19.06 requirements, the applicant has created a self-imposed hardship; therefore, staff recommends denial. If this application is denied, the existing room addition at the rear of the dwelling, the existing Accessory Structure (Class II) and the existing wall shall be removed from the property.

## ISSUES

- A Variance is required to allow a four-foot rear yard setback for the primary dwelling where 15 feet is required.
- A Variance is required to allow an existing Accessory Structure (Class II) was built within the front yard area where such is not allowed.
- A Variance is required to allow an existing 3.5-foot high solid wall with a 3.5-foot wrought iron top within the front yard setback, where five feet is the maximum height.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** |
|---|
| There are no relevant cases found for this property. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 02/26/98 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| c.1948 | The existing Single Family, Detached was constructed. |
| 08/27/51 | A building permit (#11940) was issued for a 459 square-foot room addition to an existing single family dwelling at 2222 Ash Street (now Avenue). No final inspection could be located. |

| | |
|---|---|
| 03/31/11 | A Code Enforcement case (#99839) was processed for a four-foot block wall and four-foot tall wrought iron fence around the perimeter on the south, east and north property lines, and a detached accessory structure and room addition to the existing house without permits at 2222 Ash Avenue. The case was closed on 04/19/11. |

| ***Pre-Application Meeting*** | |
|---|---|
| 05/11/11 | A pre-application meeting was held with the applicant, where the submittal requirements for a Variance were discussed. Topics included:<br>• The existing perimeter wall, addition to the rear of the house and Accessory Structure (Class II) were built without permits.<br>• The front yard wall/fence is greater than five feet per Title 19 standards. Variance is required for a wall/fence to allow greater than five feet in height.<br>• The front yard wall/fence is located within the Ash Avenue right-of-way. Prior to a building permit, an encroachment permit from Department of Public Works will be required if approved.<br>• Rear setback is 15 feet and the room addition located at the rear of the property is four feet from the rear property line. A Variance is required to allow a four-foot rear setback.<br>• An existing Accessory Structure (Class II) was constructed within the north side of the existing house. An approval of a Variance is required to allow the existing Accessory Structure (Class II) to be within the front yard of the property, where no accessory structure is permitted in front of the primary structure. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | A site check by staff noted that the subject site is a well maintained single family dwelling. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.20 |

| *Surrounding Property* | *Existing Land Use Per Title 19.12* | *Planned or Special Land Use Designation* | *Existing Zoning District* |
|---|---|---|---|
| Subject Property | Single Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |
| North | Single Family, Detached | M (Medium Density Residential) | R-1 (Single Family Residential) |
| South | Single Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |
| East | Multi-Family Residential | M (Medium Density Residential) | R-3 (Medium Density Residential) |
| West | Single Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | X | N/A |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | X | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

***Pursuant to Title 19.06.070, the following standards apply:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | 6,500 SF | 8,748 SF | Y |
| Min. Lot Width | 65 Feet | 63 Feet | N* |
| Principal Dwelling unit<br>Min. Setbacks | | | |
| • Front | 20 Feet | 94 Feet | Y |
| • Side | 5 Feet | 5 Feet | Y |
| • Corner | 15 Feet | 26.5 Feet | Y |
| • Rear | 15 Feet | 4 Feet | N |
| Min. Distance Between Buildings | 6 Feet | 23 Feet | Y |
| Max. Lot Coverage | 50 % | 11 % | Y |

| | | | |
|---|---|---|---|
| Accessory Structure<br>Min. Setbacks | | | |
| • Front | Not Permitted | 52 Feet | N |
| • Side | 3 Feet | 12 Feet | Y |
| • Corner | 15 Feet | 40 Feet | Y |
| • Rear | 3 Feet | 74 Feet | Y |
| Max. Building Height | 35 Feet | 15 Feet | Y |
| Accessory Structure Size | 15 Feet | 10 Feet | Y |
| Front Yard Wall/Fence | 5 Feet | 7 Feet | N |

*The subject site is legally nonconforming for the lot width.

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Ash Avenue | N/A | N/A | 60 | N/A |
| 23rd Street | N/A | N/A | 50 | N/A |

**ANALYSIS**

The property contains an existing dwelling with a room addition located on the south side of the dwelling and an existing Accessory Structure (Class II) in the front yard.

The existing dwelling was constructed in 1948, and a building permit (#11940) was issued for a room addition at the north side of the existing dwelling in 1951. The site plan submitted depicts the existing dwelling with a front yard setback of 94 feet from the front property line to the north along Ash Avenue. A laundry room is located on the south side of the existing dwelling, which was added without a building permit. In the R-1 (Single Family Residential) zoning district per Title 19.06.070, the rear setback requirement is 15 feet.

The applicant is requesting that an existing Accessory Structure (Class II) that was constructed without building permits be allowed to remain within the front yard area where such is not permitted pursuant to Title 19.06.040(C)(2). The site plan depicts the existing Accessory Structure (Class II), in front of the main dwelling and meeting the side yard setback, as well as the separation distance between the main dwelling and existing Accessory Structure (Class II). The height of the existing Accessory Structure (Class II) is 10 feet and the height of the main dwelling is 15 feet. Photographs submitted with this application indicate that the existing Accessory Structure (Class II) is aesthetically compatible with the main dwelling.

Pursuant to Title 19.06.070, in the R-1 (Single Family Residential) Zoning District, the front yard wall and fence shall consist of a maximum solid wall base height of two feet and the maximum wall height shall be five feet. The applicant is requesting to allow a seven-foot tall wall, with a 3.5-foot solid base, and a 3.5-foot wrought iron top. The portion of the front yard wall along Ash Avenue is located within the public right-of-way. The Department of Public Works has a added condition requiring the applicant to obtain an encroachment agreement prior to securing a building permit.

All of the above additions to the property were placed without permits, which iarenot in compliance with Title 19.06 requirements, and the applicant has created a self-imposed hardship; therefore, staff recommends denial.

**FINDINGS (VAR-42175)**

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by building a laundry room addition to the existing dwelling within the required building setback, building an Accessory Structure (Class II) within the front yard area, and building front yard wall and fence above the specified height requirement of five feet. The alternative is to relocate the laundry addition elsewhere in the existing building, to relocate the existing Accessory Structure (Class II) within the side yard and to reconstruct the existing wall with a height of five feet with a solid base no greater than two feet in height., which would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 42

**NOTICES MAILED** 276

**APPROVALS** 0

**PROTESTS** 0

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-42175** APN: 139-35-713-035

Name of Property Owner: Shirley Ritz Trust

Name of Applicant: Shirley Ritz Trust

Name of Representative: Stephanie Allen KAEMPFER CROWELL RONSHAN & VANDER & FIORENTINO

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 ___X___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: Shirley Ritz

Print Name: Shirley Ritz

Subscribed and sworn before me

This 26 day of May, 2011

Sara Garcia Clark, Nevada
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SARA GARCIA
Appt. No. 09-10823-1
My Appt. Expires July 5, 2011

Appt No. 09-10823-1

Revised 11-14-06

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1005925.1

AMD

RECEIVED
JUN 10 2011

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** Variance for front wall/fence and rear yard setback

**Project Address (Location)** 2222 Ash Avenue

**Project Name** n/a **Proposed Use** Wall

**Assessor's Parcel #(s)** 139-35-713-038 **Ward #** 3

**General Plan:** existing L proposed n/a **Zoning:** existing R-1 proposed n/a

**Commercial Square Footage** n/a **Floor Area Ratio** n/a

**Gross Acres** _____ **Lots/Units** 1 **Density** n/a

**Additional Information** _____

**PROPERTY OWNER** Shirley Ritz Trust **Contact** Shirley Ritz

**Address** 3510 Katmai **Phone:** 547-6819 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89122

**E-mail Address** n/a

**APPLICANT** Shirley Ritz Trust **Contact** Shirley Ritz

**Address** 3510 Katmai **Phone:** 547-6819 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89122

**E-mail Address** n/a

**REPRESENTATIVE** Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Stephanie Allen

**Address** 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

**City** Las Vegas **State** NV **Zip** 89113

**E-mail Address** sha@kcnvlaw.com

**Property Owner Signature*** Shirley Ritz

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

**Print Name** Shirley Ritz

Subscribed and sworn before me

This 26 day of May, 20 11.

Sara Garcia Clark Nevada

Notary Public in and for said County and State

NOTARY PUBLIC STATE OF NEVADA County of Clark SARA GARCIA Appt. No. 08-10823-1 My Appt. Expires July 5, 2011

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | VAR-42175 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $30.00 |
| Date Received:* | 6/16/11 |
| Received By: | |

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

Revised 10/27/08

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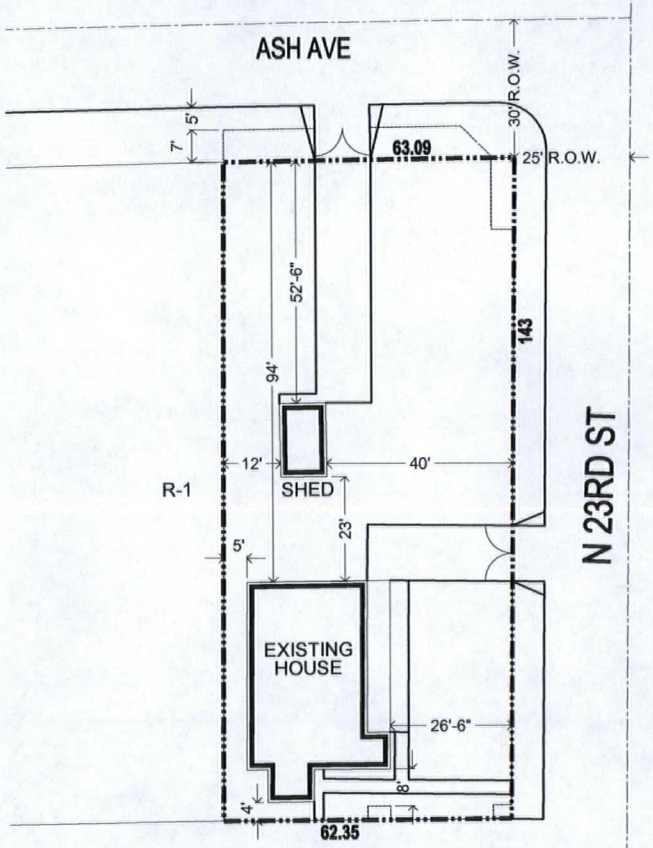
AMP

16311.1

RECEIVED JUN 16 2011




1 **SITE PLAN**
SCALE: 1" = 10'

## SITE INFORMATION

**ZONING- City of Las Vegas, NV**

APN#: 139-35-713-035
Zoning- R-1

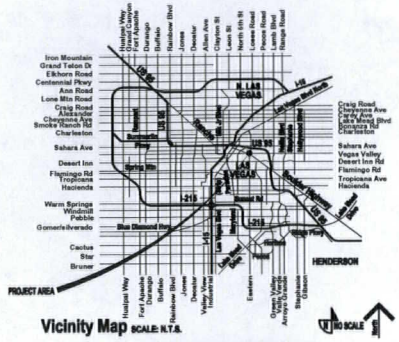
**AREA (Approximate, to be verified)**

| | | |
|---|---|---|
| Gross Area | 15,454 Sq.Ft. | 0.35 - Acres |
| Net Area | 9,021 Sq. Ft. | 0.20 - Acres |
| Lot Coverage | | 11 % |

| SETBACKS | REQUIRED | PROVIDED |
|---|---|---|
| Front: | 20 ft | 52 ft Existing |
| Side: | 5 ft | 5 ft Existing |
| Corner Side: | 15 ft | 26 ft Existing |
| Rear: | 15 ft | 4 ft Existing |

**BUILDING HEIGHT**

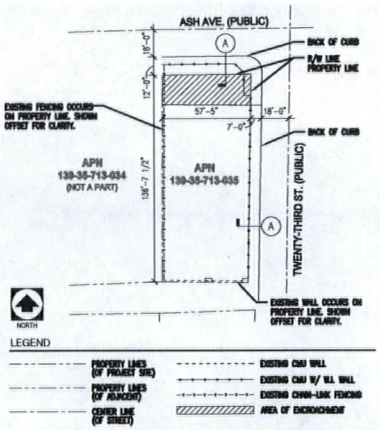
| | |
|---|---|
| Allowed: | 35 ft |
| Provided: | |
| House: | 15 ft (to mid-point of roof) |
| Shed: | 10 ft (to mid-point of roof) |
| House Area: | 1,200 Sq. Ft. |
| Shed Area: | 160 Sq. Ft. |




Vicinity Map SCALE: N.T.S.




Location Map




1 ENCROACHMENT PLAN
1" = 40'-0"

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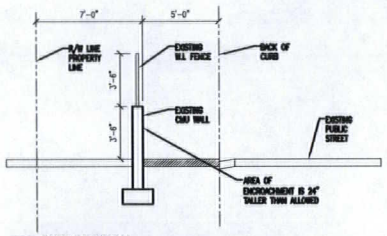



A SITE SECTION

NORTH
Scale: 1 : 10
0 10 20

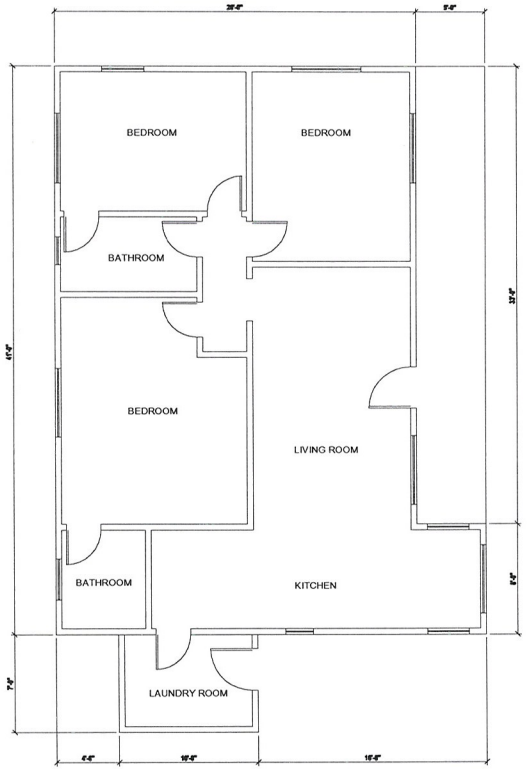
Conceptual Site Plan : Sheet Title
11-054 : Project Number
07/11/11 : Date

FRONTLINE group MOSER architecture studio

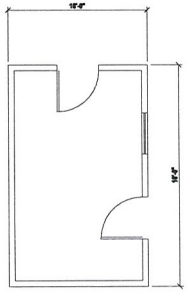
# Shirley Ritz Residence

## 2222 Ash Avenue, City of Las Vegas, NV

**VAR-42175**
**REVISED**




1 **FLOOR PLAN**
SCALE: 1/4" = 1'-0"



2 **FLOOR PLAN - SHED**
SCALE: 1/4" = 1'-0"

NORTH
Scale:

Floor Plan : Sheet Title
11-054 : Project Number
06/01/11 : Date

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# Shirley Ritz Residence

## 2222 Ash Avenue, City of Las Vegas, NV

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**VAR-42175**

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North Elevation



South Elevation



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VAR-42175

5975 Edmond Street, Suite 115 Las Vegas, NV 89118 Phone: 702.322.1177 Fax: 702.322.1188

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West Elevation



East Elevation




VAR-42175

5975 Edmond Street, Suite 115 Las Vegas, NV 89118 Phone: 702.322.1177 Fax: 702.322.1188

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Laundry Room Addition



Electrical Meter at Laundry Room Addition



VAR-42175

5975 Edmond Street, Suite 115 Las Vegas, NV 89118 Phone: 702.322.1177 Fax: 702.322.1188

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Perimeter Fence




Perimeter Fence



**VAR-42175**

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Perimeter Fence




Perimeter Fence



**VAR-42175**

5975 Edmond Street, Suite 115 Las Vegas, NV 89118 Phone: 702.322.1177 Fax: 702.322.1188

MOSER architecture studio

Neighborhood Fencing



Neighborhood Fencing



VAR-42175

5975 Edmond Street, Suite 115 Las Vegas, NV 89118 Phone: 702.322.1177 Fax: 702.322.1188

Neighborhood Fencing




Neighborhood Fencing



**VAR-42175**

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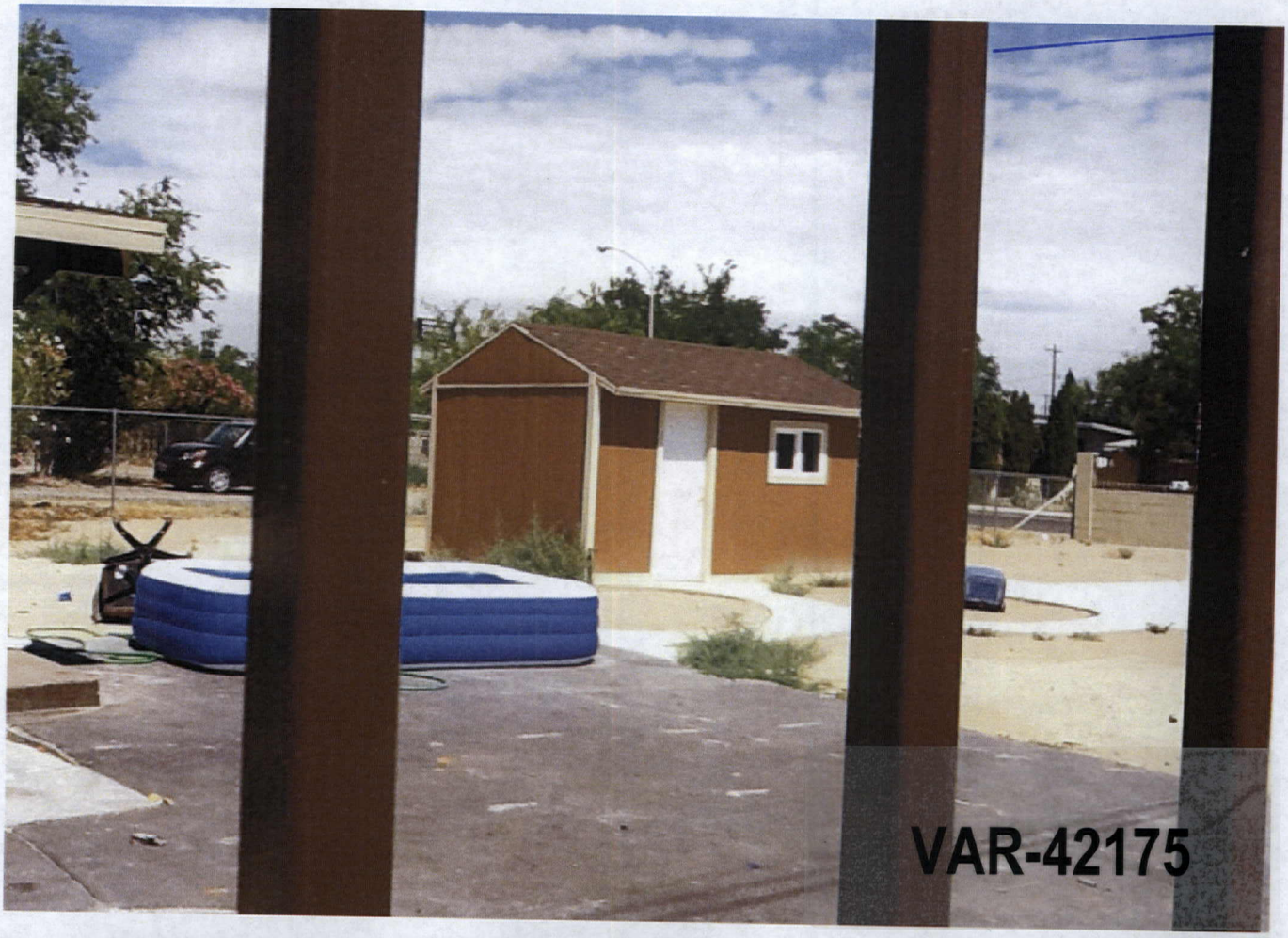
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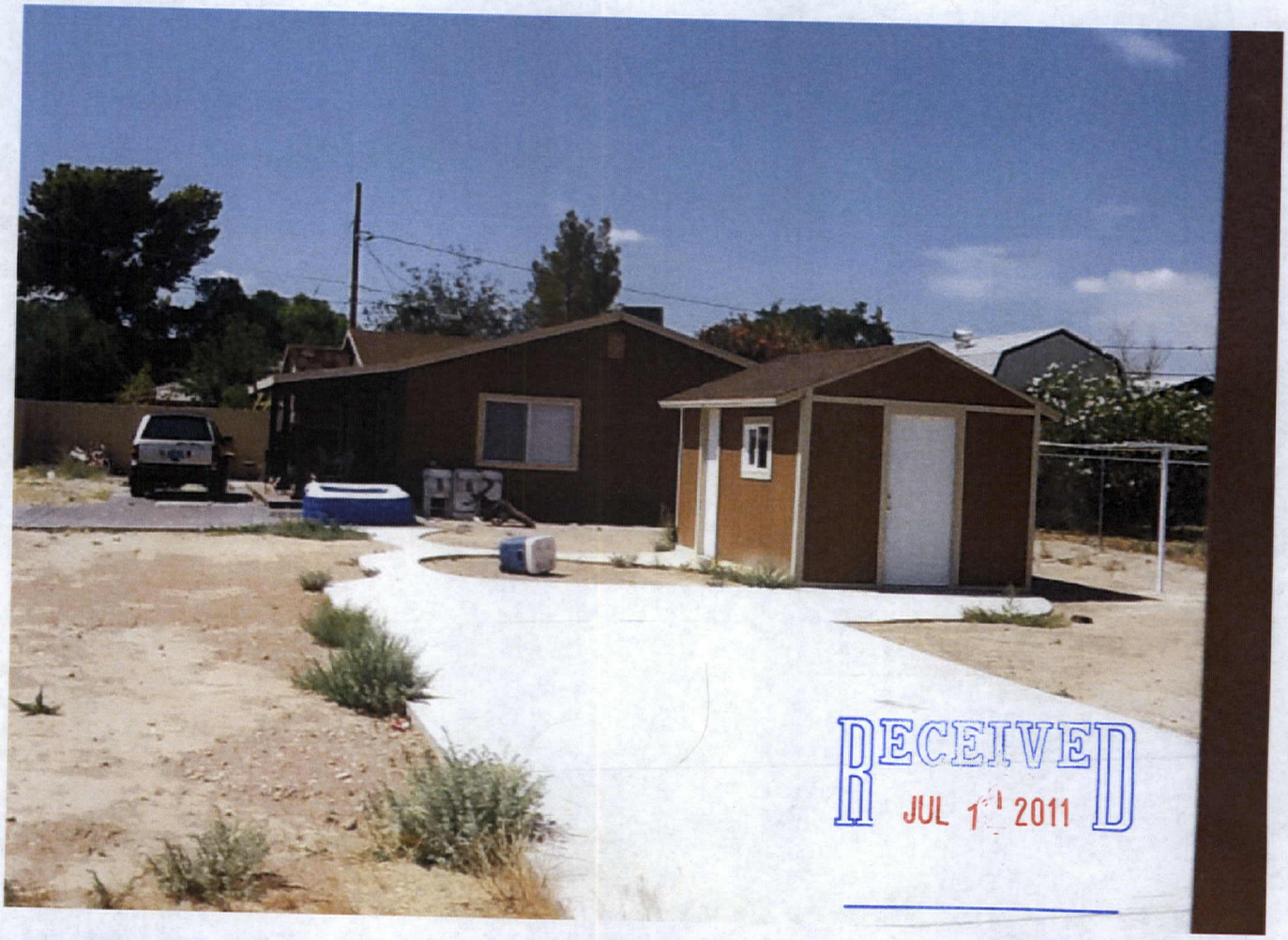

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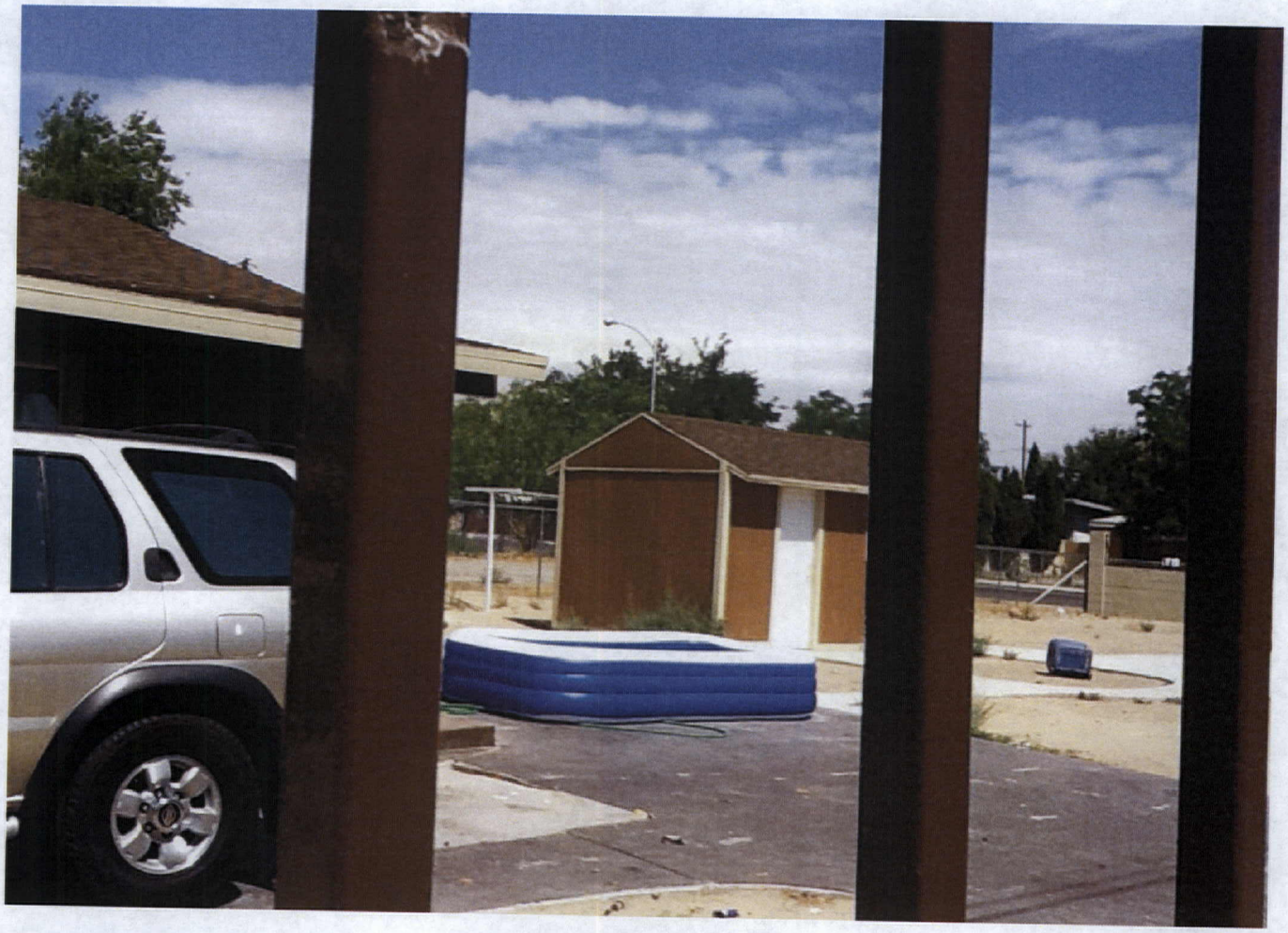



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VAR-42175




**VAR-42175 – APPLICANT/OWNER: SHIRLEY RITZ TRUST**
**2222 ASH AVENUE**

06/30/11




**VAR-42175 – APPLICANT/OWNER: SHIRLEY RITZ TRUST**
**2222 ASH AVENUE**

06/30/11




**VAR-42175 – APPLICANT/OWNER: SHIRLEY RITZ TRUST**
**2222 ASH AVENUE**

06/30/11



VAR-42175 – APPLICANT/OWNER: SHIRLEY RITZ TRUST
2222 ASH AVENUE

06/30/11

KAEMPFER CROWELL

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

ATTORNEYS AT LAW

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Suite 140
Reno, NV 89511
Tel: 775.852.3900
Fax: 775.862.0257

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.884.8300
Fax: 775.882.0257

July 1, 2011

**VIA HAND DELIVERY**

City of Las Vegas
Planning & Development Dept.
731 So. Fourth Street
Las Vegas, NV 89101

***Re: REVISED -- Justification Letter for Variance at 2222 Ash Street***
***APN # 139-35-713-035***

To Whom It May Concern:

Please be advised our office represents the applicant on the above-referenced matter. The property is located at 2222 Ash Avenue, more specifically known as assessor's parcel number 139-35-713-035 ("Property"). The applicant is requesting a variance 1) to allow a 7 foot wall (3 foot, 6 inches of CMU block wall with 3 foot, 6 inches of rod iron on top) around the Property; 2) to allow a 4 foot rear yard setback where 15 feet is required and 3) to allow a shed in front of a primary residence.

The applicant was recently cited by Code Enforcement for not having permits for the block wall that was erected around the Property and for the laundry room addition to the house. The property owner hired a contractor to erect the 7 foot wall around the Property to prevent recurrent break-ins and vandalism that was occurring on the Property. The wall consists of 3 feet, 6 inches of CMU block wall with 3 feet, 6 inches of rod iron on top. The property owner was not aware that a variance was needed to exceed 5 feet in height and did not know that a permit was not pulled for the construction of the wall. The property owner relied on the contractor's expertise and paid the contractor for the construction of the wall. The wall is aesthetically pleasing and the rod iron on top allows for site visibility. Moreover, the wall has served it purpose by prevented further break-ins and vandalism on the Property.

The property owner believes the laundry room addition was constructed decades ago. According to the Clark County Assessor's records, the home was built back in 1948. There is a building permit number 27942 that was issued in 1964 for a remodel of the front of the home. This may have been the permit for the laundry room addition. Attached for your reference are all of the permits that were available from the City's Building Department. The construction of the laundry room should be grandfathered in considering it occurred decades ago. However, if needed, the property owner respectfully requests that the setback variance be granted to bring the Property into compliance.

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**VAR-42175**
**REVISED**

KAEMPFER
CROWELL



Additionally, the property owner is requesting a variance to allow a shed on the property. The shed is set back approximately 52' from the Ash Avenue right of way. The primary and practical entrance to the existing house is off of N. 23rd Street. However, technically the address of the property is 2222 Ash Avenue. As a result, the practical use of the property and the primary front entrance of the property is off of N 23rd Street.

If you have any questions, please do not hesitate to contact me at (702) 792-7045. Thank you for your consideration.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Stephanie H. Allen

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VAR-42175
REVISED

City of Las Vegas Agenda Item No.: **29.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

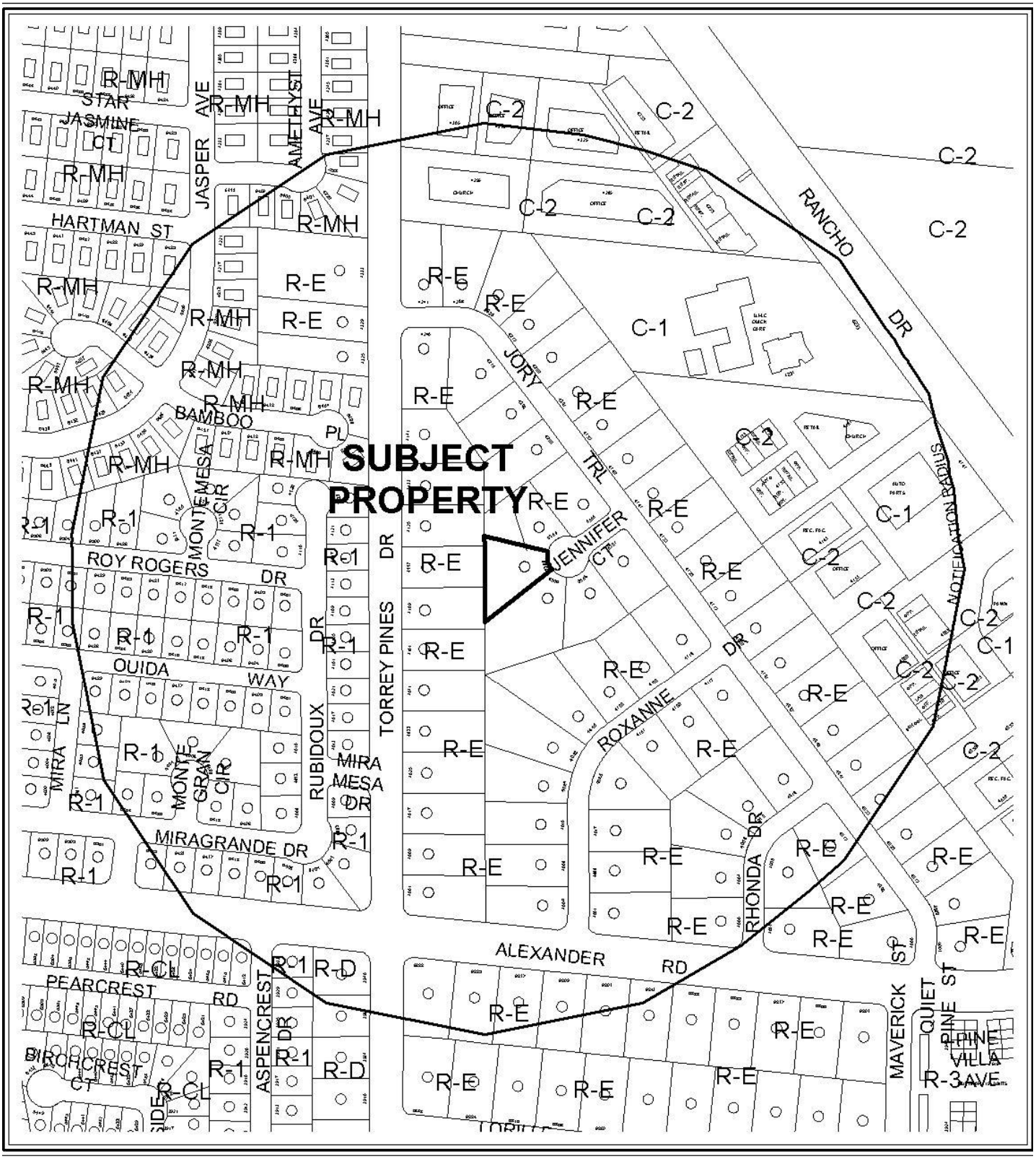
**SUBJECT:**
VAR-42432 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: CONAN AND JESSICA TURNER - For possible action on a request for a Variance TO ALLOW A THREE-FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED on 0.45 acres at 6308 Jennifer Court (APN 138-02-811-030), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




0 300 600 Feet

**CASE:** **VAR-42432**

**RADIUS:** 1000 FT

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

N




**CASE:** **VAR-42432**

**RADIUS:** 1000 FT

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

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: CONAN AND JESSICA TURNER**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **VAR-42432** | Staff recommends DENIAL, if approved subject to conditions: | |

**** CONDITIONS ****

# VAR-42432 CONDITIONS

***Planning***

1. 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.

2. Prior to occupancy, 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.

3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

***Public Works***

5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

YK

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is proposing to construct a 3,010 square-foot addition to an existing 1,618 square-foot single family dwelling on an R-E (Residence Estates) zoned property. The addition will extend to within three feet of the rear property line where a minimum setback of 35 feet is required. This is a self-imposed hardship, since there is room to construct the addition and meet all setback requirements; therefore, staff recommends denial. If denied, the applicant could not construct the addition as proposed.

## ISSUES

- A Variance is required to allow a three foot rear yard setback where a minimum 35 feet is required.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 03/21/73 | The Board of City Commissioners approved a Rezoning (Z-0016-73) on this site from C-2 (General Commercial) to R-E (Residence Estates) as part of a larger request. The Planning Commission and staff recommended approval. |
| 03/22/73 | The Board of Zoning Adjustment approved a Variance (V-0012-73) to allow a 30-foot front yard building setback where 50 feet is required on 68 proposed lots on property located on the north side of Alexander Road, between Torrey Pines Drive and Tonopah Highway. |
| 02/08/11 | The Planning Commission voted (7-0) to recommend DENIAL on companion items VAR-40579 and SUP-40577 (PC Agenda Items 21-22). Staff recommended denial. |
| 03/16/11 | The City Council voted to hold companion items VAR-40579 and SUP-40577 in abeyance to the April 6, 2011 City Council Meeting. |
| 04/06/11 | The City Council voted to hold companion items VAR-40579 and SUP-40577 in abeyance to the June 1, 2011 City Council Meeting. |
| 06/01/11 | The City Council voted to hold companion items VAR-40579 and SUP-40577 in abeyance to the July 6, 2011 City Council Meeting. |
| 07/06/11 | The City Council voted to Withdraw Without Prejudice companion items VAR-40579 and SUP-40577. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 05/26/09 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| c.1978 | A single family dwelling was constructed on the site. |

| ***Pre-Application Meeting*** | |
|---|---|
| 07/05/11 | Staff met with the applicant and reviewed the application requirements for a rear yard setback Variance for a home addition. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 01/13/11 | A site field check by staff noted a well maintained single family dwelling. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.45 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Single Family, Detached | DR (Desert Rural Density Residential) | R-E (Residence Estates) |
| North | Single Family, Detached | DR (Desert Rural Density Residential) | R-E (Residence Estates) |
| South | Single Family, Detached | DR (Desert Rural Density Residential) | R-E (Residence Estates) |
| East | Single Family, Detached | DR (Desert Rural Density Residential) | R-E (Residence Estates) |
| West | Single Family, Detached | DR (Desert Rural Density Residential) | R-E (Residence Estates) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | X | |

| *Special Purpose and Overlay Districts* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Special Purpose and Overlay Districts** | | | |
| A-O (Airport Overlay) District (140 Feet) | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | X | | Y |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

***Pursuant to 19.08.040, the following standards apply:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | 20,000 SF | 19,889 SF | N* |
| Min. Setbacks | | | |
| • Front | 50 Feet | 45 Feet | Y** |
| • Side | 10 Feet | 11 Feet | Y |
| • Corner | 15 Feet | N/A | N/A |
| • Rear | 35 Feet | 3 Feet | N |
| Min. Distance Between Buildings | N/A | N/A | N/A |
| Max. Building Height | 35 Feet | 15 Feet | Y |
| Mech. Equipment | Screened and located in rear or side yards | Not Indicated | N/A |

*The subject site is a legally non-conforming lot.

** Variance (V-0012-73) allowed the front yard setback to be 30 feet.

| *Street Name* | *Functional Classification of Street(s)* | *Governing Document* | *Actual Street Width (Feet)* | *Compliance with Street Section* |
|---|---|---|---|---|
| Jennifer Court | N/A | N/A | 51 | N/A |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Single Family Residence | 2 spaces per dwelling unit | 2 | 2 | | | | |
| **TOTAL SPACES REQUIRED** | | | 2 | | 3 | | Y |
| **Regular and Handicap Spaces Required** | | | 2 | 0 | 3 | 0 | Y |

**ANALYSIS**

The applicant proposes to construct a 3,010 square-foot, single-story addition to a 1,618 square-foot single family dwelling within three feet of the rear property line where a 35 foot setback is required. The proposed addition is located on an irregularly pie-shaped lot within the R-E (Residence Estates) zoning district; however, the lot is large enough to accommodate the proposed construction and Title 19 setback requirements if the addition were redesigned. The intent of the R-E (Residence Estates) zoning district is to provide for low density residential units located on large lots and conveying a rural environment. The proposed addition is inconsistent with the intent of the district and the request is a self-imposed hardship. The applicant provides no justification of the request for staff to consider; therefore, staff recommends denial.

**FINDINGS (VAR-42432)**

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources

and without substantially impairing the intent and purpose of any ordinance or resolution."



No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing a home addition that does not meet the minimum rear yard setback requirements. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**NOTICES MAILED** 199

**APPROVALS** 0

**PROTESTS** 0

YK

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-42432** APN: 138·02·811·030

Name of Property Owner: Conan Turner

Name of Applicant: Same

Name of Representative: Same

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: Conan Turner

Subscribed and sworn before me

This 7th day of July, 2011

Nora Lares

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
NORA LARES
No. 06-103908-1 My Appointment Expires Nov. 9, 2013

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City of Las Vegas

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Variance

**Project Address (Location)** 6308 Jennifer Court

**Project Name** _____ **Proposed Use** _____

**Assessor's Parcel #(s)** 138-02-811-030 **Ward #** 6

**General Plan:** existing _____ proposed _____ **Zoning:** existing _____ proposed _____

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** _____ **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** Conan Turner **Contact** Same

**Address** 6308 Jennifer Court **Phone:** 858-7663 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89108

**E-mail Address** AILS@SCPPOOL.COM

**APPLICANT** _____ **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**REPRESENTATIVE** _____ **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**Property Owner Signature*** _____

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

**Print Name** Conan Turner

Subscribed and sworn before me

This 7th day of July, 20 11.

Nora Lares

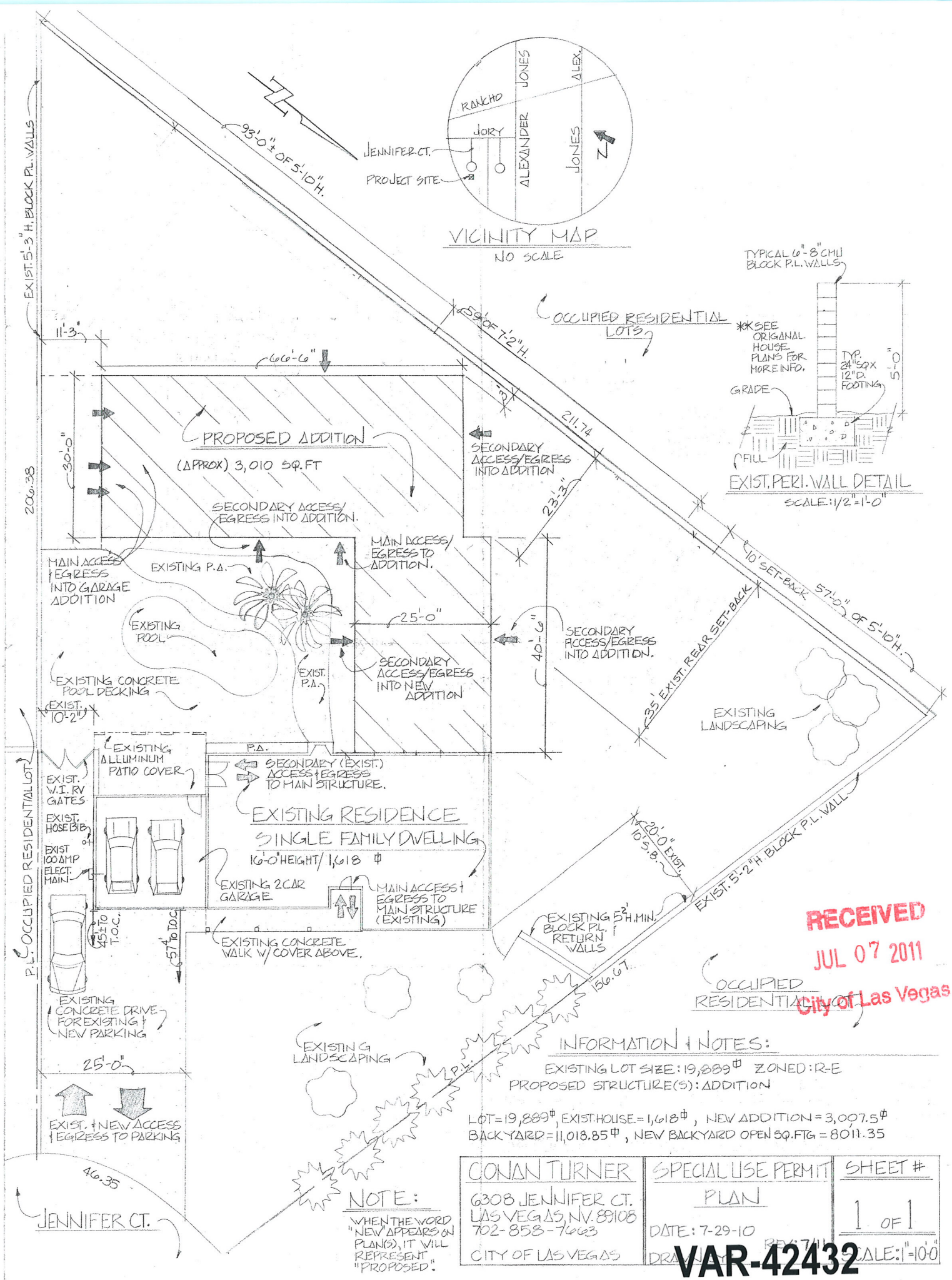
Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
NORA LARES
No. 06-103908-1 My Appointment Expires Nov. 9, 2013

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| Case # | VAR-42432 |
| Meeting Date: | 8-9-11 |
| Total Fee: | 830 |
| Date Accepted: | 7-7-11 |
| Accepted By: | FS |

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

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## INFORMATION & NOTES:

EXISTING LOT SIZE: 19,889☐ ZONED: R-E
PROPOSED STRUCTURE(S): ADDITION

LOT=19,889☐, EXIST. HOUSE=1,618☐, NEW ADDITION=3,007.5☐
BACKYARD=11,018.85☐, NEW BACKYARD OPEN SQ.FTG=8011.35

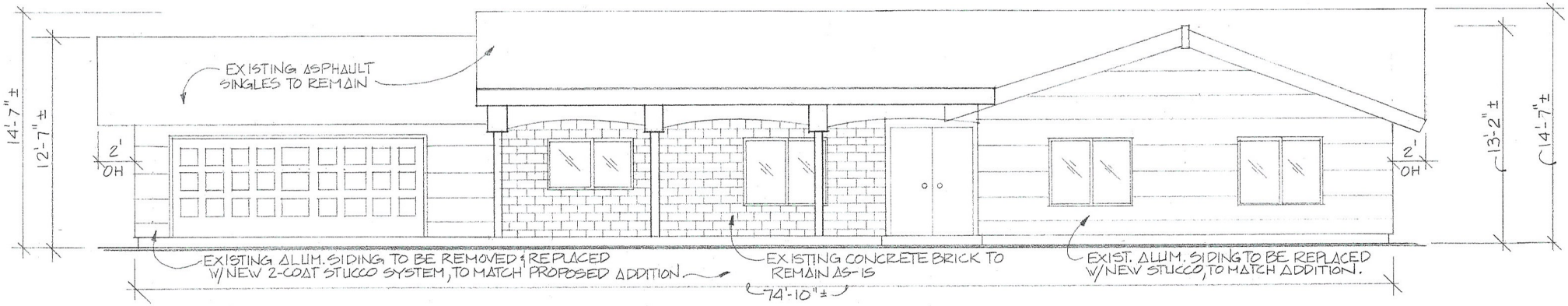
**NOTE:**
WHEN THE WORD "NEW" APPEARS ON PLAN(S), IT WILL REPRESENT "PROPOSED".

| CONAN TURNER | SPECIAL USE PERMIT PLAN | SHEET # |
|---|---|---|
| 6308 JENNIFER CT.<br>LAS VEGAS, NV. 89108<br>702-858-7663<br>CITY OF LAS VEGAS | DATE: 7-29-10<br>DRA... REV: 7/11 | 1 OF 1<br>SCALE: 1"=10'-0" |

VAR-42432

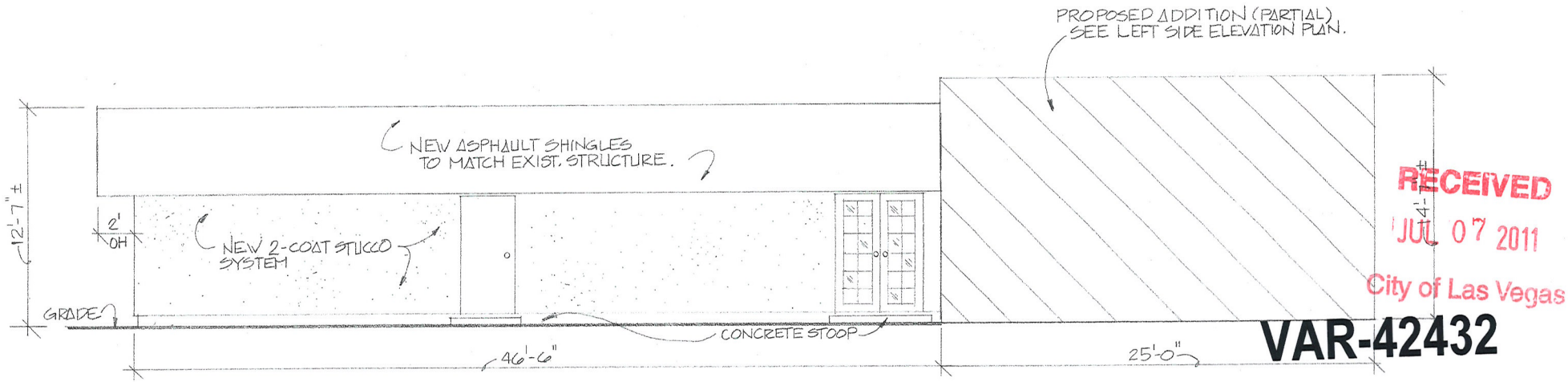
## EXISTING & PROPOSED FRONT ELEVATION OF MAIN STRUCTURE

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




## FRONT ELEVATION TO PROPOSED ADDITION

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

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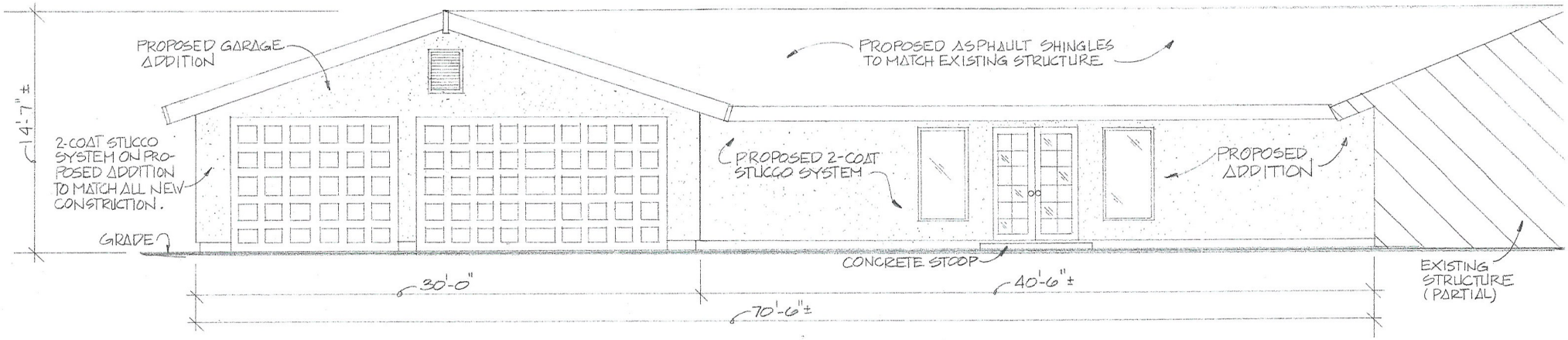
City of Las Vegas
VAR-42432

# PROPOSED ADDITION LEFT SIDE ELEVATION

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

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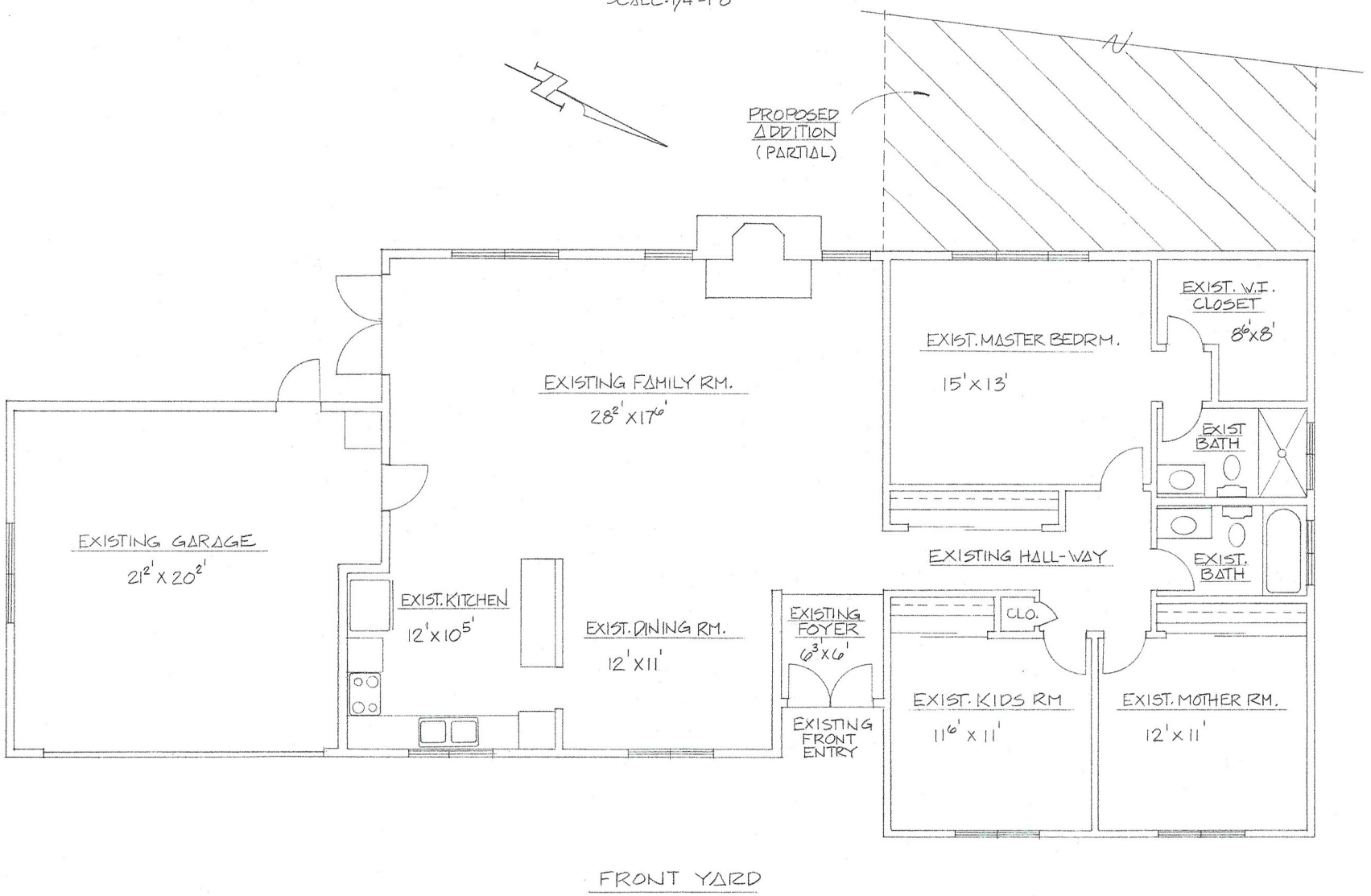
JUL 07 2011
City of Lee

**VAR-42432**

# EXISTING FLOOR PLAN OF MAIN STRUCTURE

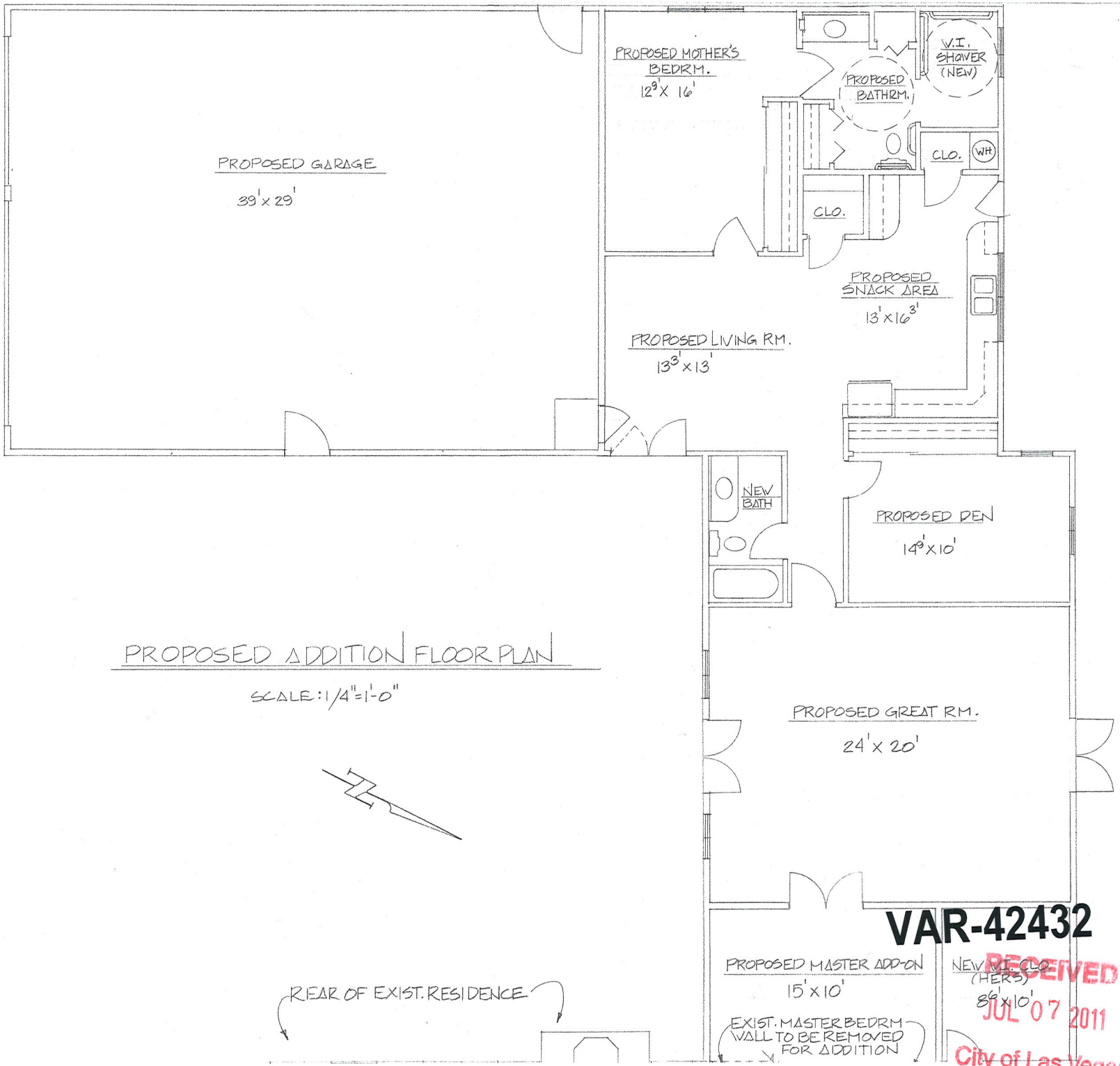
SCALE: 1/4"=1'-0"




FRONT YARD

RECEIVED
JUL 07 2011
City of Las Vegas

**VAR-42432**




PROPOSED ADDITION FLOOR PLAN

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

VAR-42432

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City of Las Vegas



**VAR-42432 – APPLICANT/OWNER: CONAN AND JESSICA TURNER**
**6308 JENNIFER COURT**

07/26/11




**VAR-42432 – APPLICANT/OWNER: CONAN AND JESSICA TURNER**
**6308 JENNIFER COURT**

07/26/11

07/07/2010

TO WHOM IT MAY CONCERN,

I CONAN TURNER, I AM REVISING MY JUSTICATION LETTER, INSTEAD OF DOING TWO ACCESSORY STRUCTURES, I AM DOING AN ADDITION INSTEAD. ALSO, SPECIAL CONDITION THAT THE 35 FT. SET-BACK CAN NOT BE MAINTAINED THAT A SMALL PORTION OF THE PROPOSED STRUCTURED WE NEED TO BE 3 FT. SET-BACK, BUT THE REST OF THE YARD TO RAMAIN OPENS W/LOTS OF FREE SPACE.

FOR ANY OTHER QUESTIONS PLEASE CALL ME AT :702-858-7663

SINCERELEY,

CONAN TURNER

**VAR-42432**

City of Las Vegas Agenda Item No.: **30.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

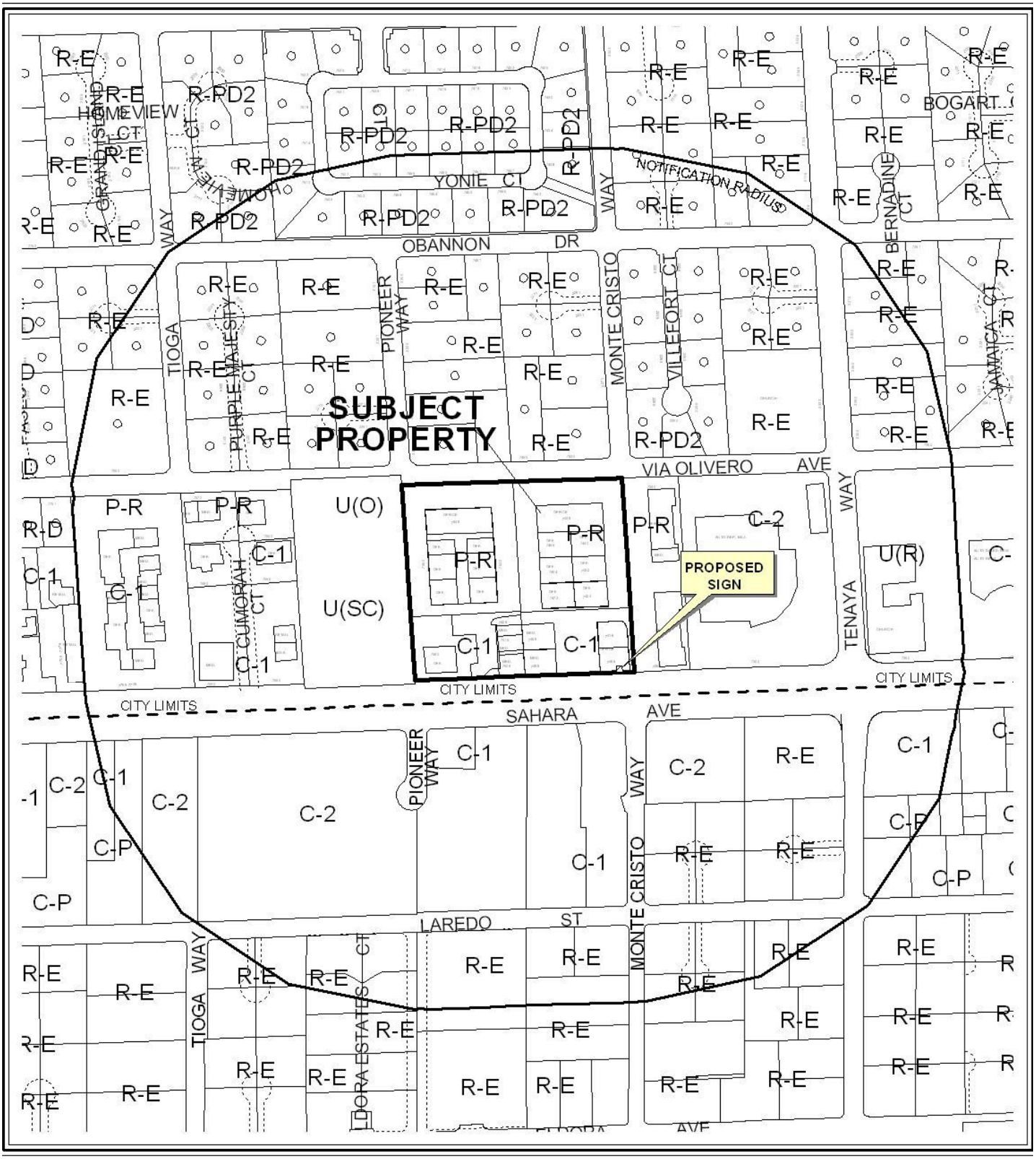
**SUBJECT:**
ROC-42233 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: STERLING PARK OWNERS ASSOCIATION - For possible action on a request for a Review Condition to delete Condition Number 2 of an approved Plot Plan and Building Elevation Review [Z-0050-90(5)] WHICH REQUIRED THE SUBMITTAL OF A MASTER SIGN PLAN TO THE DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR ANY INDIVIDUAL ON-PREMISE SIGNS on 4.50 acres at 7400-7580 West Sahara Avenue (APNs 163-03-411-003; 005; 007; 009 through 016), C-1 (Limited Commercial) and P-R (Professional Office and Parking) Zones, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report – ROC-42233 and VAR-42234
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for Z-50-90
6. Justification Letter




0 300 600 Feet

**CASE:** **ROC-42233**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-1 (LIMITED COMMERCIAL)
P-R (PROFESSIONAL OFFICE AND PARKING DISTRICT)

N




0 300 600 Feet

**CASE:** **ROC-42233**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-1 (LIMITED COMMERCIAL)
P-R (PROFESSIONAL OFFICE AND PARKING DISTRICT)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: STERLING PARK OWNERS ASSOCIATION**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **ROC-42233** | Staff recommends APPROVAL. | |
| **VAR-42234** | Staff recommends DENIAL, if approved subject to conditions: | ROC-42233 |

**** CONDITIONS ****

# VAR-42234 CONDITIONS

***Planning***

1. Approval of and conformance to the Review of Condition (ROC-42233) shall be required, if approved.

2. 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.

3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

***Public Works***

5. The supporting structures for the proposed sign shall not be located within the 20-foot public sewer easement granted by Plat Book 58 Page 2.

YK

6. Submit an Encroachment Agreement for the portions of the proposed sign in the public right-of-way adjacent to this site prior to this issuance of a permit for this sign. The adjacent property must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all existing landscaping and new signage in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement. Encroachment application L-ENCR #41730 may satisfy this condition provided that it contains all information required by the Building and Safety Department.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is proposing to remove a six-foot tall monument sign and replace it with a 25-foot tall, 165 square-foot freestanding sign with a zero-foot setback along Sahara Avenue for an existing law office. The two-sided sign features a 60 square-foot internally illuminated panel at the top with a 75 square-foot multi-colored LED electronic message unit (EMU) placed below that faces the east and west traffic along Sahara Avenue.

## ISSUES

- A Review of Conditions (ROC) for Rezoning (Z-0050-90) to remove Condition of Approval Number Two has been requested in conjunction with the requested Variance. Condition of Approval Number Two requires that a Master Sign Plan be approved prior to the issuance of any sign permits. Staff supports the requested Review of Conditions, as the project does not meet the Title 19 conditions that would require approval of a Master Sign Plan.

- A Variance is required to allow a freestanding sign to have a zero-foot setback where a five-foot setback is the minimum allowed for the C-1 (Limited Commercial) zoning district. Staff does not support this request as alternative designs that meet the minimum Title 19 standards could be used.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 02/05/86 | The City Council approved Annexation (A-0009-85) of approximately one thousand four hundred seventy acres, generally located south of Charleston Boulevard, north of Sahara Avenue, between Torrey Pines Drive and Fort Apache Road. The Planning Commission and staff recommended approval. |
| 09/23/93 | The Planning Commission approved Rezoning (Z-0050-90) for a Plot Plan and Building Elevation Review on the north side of Sahara Avenue, approximately 660 feet west of Tenaya Way. Staff recommended approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 05/06/04 | A deed was recorded for a change in ownership of 163-03-412-006. |
| 11/02/04 | A deed was recorded for a change in ownership of 163-03-412-007. |
| 04/02/99 | A deed was recorded for a change in ownership of 163-03-412-009. |
| 06/17/09 | A deed was recorded for a change in ownership of 163-03-412-010. |
| 07/16/10 | A deed was recorded for a change in ownership of 163-03-412-011. |
| 03/11/05 | A deed was recorded for a change in ownership of 163-03-412-012. |
| 09/24/10 | A deed was recorded for a change in ownership of 163-03-412-013. |
| 05/06/04 | A deed was recorded for a change in ownership of 163-03-411-003. |
| 11/15/95 | A deed was recorded for a change in ownership of 163-03-411-005. |
| 11/07/96 | A deed was recorded for a change in ownership of 163-03-411-007. |
| 10/08/96 | A deed was recorded for a change in ownership of 163-03-411-009. |
| 11/18/02 | A deed was recorded for a change in ownership of 163-03-411-010. |
| 08/16/96 | A deed was recorded for a change in ownership of 163-03-411-011. |
| 04/22/98 | A deed was recorded for a change in ownership of 163-03-411-012. |
| 10/22/01 | A deed was recorded for a change in ownership of 163-03-411-013. |
| 07/18/96 | A deed was recorded for a change in ownership of 163-03-411-014. |
| 12/14/04 | A deed was recorded for a change in ownership of 163-03-411-015. |
| 05/18/11 | A deed was recorded for a change in ownership of 163-03-411-016. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 06/24/10 | A Sign Permit (#165908) was issued for a monument sign at 7408 West Sahara Avenue. The sign did not receive final inspection. |
| 07/01/10 | A Demolition Permit (#166437) was issued to remove a monument sign at 7408 West Sahara Avenue. The sign has not be removed as of 6/30/11. |

| ***Pre-Application Meeting*** | |
|---|---|
| 04/27/11 | Staff reviewed the application requirements for a Review of Condition (ROC) and a Variance (VAR) request. The ROC of Condition Number Two of Z-0050-90 to delete the Master Sign Plan requirement will have to be approved before a Variance can be considered for an individual sign. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was on held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | Staff conducted a field check of the site and found a well maintained office complex with two existing monument signs; one located at the southeast corner of the property and the other (to be removed) centrally located at the front of the property. The monument sign that is to be removed has an approximate five-foot setback from the edge of the sidewalk with a zero-foot setback from the property line. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 4.52 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Office, Medical or Dental and Office, Other than Listed | SC (Service Commercial) | C-1 (Limited Commercial)<br>P-R (Professional Office and Parking) |
| North | Single Family Detached<br>Undeveloped | DR (Desert Rural Density Residential) | R-E (Residence Estates) |
| South | Industrial Mini-Warehouses | Clark County | Clark County |
| East | Office, Medical or Dental and Office, Other than Listed | SC (Service Commercial) | P-R (Professional Office and Parking) |
| West | Undeveloped | SC (Service Commercial) | U (Undeveloped) |

| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Special Purpose and Overlay Districts** | | X | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

## DEVELOPMENT STANDARDS

***Pursuant to 19.08.120(F)(16), the following standards apply:***

| ***Freestanding Signs:*** | | | |
|---|---|---|---|
| ***Standards*** | ***Allowed*** | ***Provided*** | ***Compliance*** |
| Maximum Number | 1 per each two hundred lineal feet of street frontage<br>2 total | 1 per each two hundred lineal feet of street frontage<br>1 total | Y |
| Maximum Area | 666 SF. | 171 SF. | Y |
| Maximum Height | 40 Feet | 25 Feet | Y |
| Minimum Setback | 5 Feet | Zero Feet | N |
| Illumination | Internal and/or External | Internal with Electronic Message Unit | Y |

## ANALYSIS

When this project was originally approved in 1993, a condition was added that required a Master Sign Plan be submitted and approved by the Planning Department before an individual sign permit could be issued. This was never completed and several sign permits have been issued for the site over the past 18 years. Since the project was built, the minimum standards for a Master Sign Permit have been revised and this site no longer requires approval of a Master Sign Plan. Staff supports the applicant's request to eliminate Condition Number Two of Rezoning (Z-0050-90).

The applicant is also requesting a Variance to install a 25-foot tall freestanding sign with a zero-foot setback where a five-foot setback is the minimum required. No compelling reasons have been offered to justify the request. A smaller sign could be designed to meet all Title 19 minimum standards. The proposed sign will also require approval of an encroachment agreement. For these reasons, staff does not support the requested Variance and recommends denial. If denied, all signage would be required to meet the minimum requirements of Title 19.

## FINDINGS (VAR-42234)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a freestanding sign within the required setback. An alternative location on the site and/or a smaller sign would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 9

**NOTICES MAILED** 134

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **ROC-42233** APN: 16303412-006,007,009,010 thru 013

Name of Property Owner: Sterling Park West Owners Association

Name of Applicant: Young Electric Sign Comapny

Name of Representative: Rich Hinshaw

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: Ronald L. Greenwald M Esq

Print Name: Ronald L. Greenwald Mesq

Subscribed and sworn before me

This 17th day of June, 20 11

Lucille Larosee

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
LUCILLE LAROSEE
No. 92-1470-1 My Appointment Expires Oct. 10, 2012

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JUN 22 2011

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **ROC-42233** APN: 16303411-003,005,007,009 thru 016

Name of Property Owner: Sterling Park Owners Association

Name of Applicant: Young Electric Sign Comapny

Name of Representative: Rich Hinshaw

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: Roger P. Young

Print Name: Rachel L. Freeman

Subscribed and sworn before me

This 17 day of June, 2011

Melissa Wilhelm

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
MELISSA WILHELM
No. 93-1465-1 My Appointment Expires March 4, 2013

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Review of Conditions

**Project Address (Location)** 7400-7488 West Sahara

**Project Name** 7400-7488 Signage **Proposed Use** Buisness Park

**Assessor's Parcel #(s)** 16303411-003,005,007,009 thru 016 **Ward #** 1

**General Plan:** existing C-1 proposed _____ **Zoning:** existing C-1 proposed _____

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** 4.50 **Lots/Units** _____ **Density** _____

**Additional Information** Review of Conditions- to remove item #2 for a MSP from RE: Z-50-90 Plot Plan and Building review

**PROPERTY OWNER** Sterling Park Owners Assoc. **Contact** Roger Freeman

**Address** 7464 W. Sahara **Phone:** (702) 363-2245 **Fax:** _____

**City** Las Vegas **State** Nv. **Zip** 89117

**E-mail Address** superior-engineering@earthlink.net

**APPLICANT** Young Electric Sign Company **Contact** Rich Hinshaw

**Address** 5119 S. Cameron St **Phone:** (702) 497-5285 **Fax:** (702) 944-4500

**City** Las Vegas **State** Nv. **Zip** 89118

**E-mail Address** rhinshaw@yesco.com

**REPRESENTATIVE** Young Electric Sign Company **Contact** Rich Hinshaw

**Address** 5119 S. Cameron St **Phone:** (702) 497-5285 **Fax:** (702) 944-4500

**City** Las Vegas **State** Nv. **Zip** 89118

**E-mail Address** rhinshaw@yesco.com

**Property Owner Signature*** [signature]

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

**Print Name** Roger L. Freeman

Subscribed and sworn before me

This 17 day of June, 20 11.

Melissa Wilhelm

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
MELISSA WILHELM
No. 93-1465-1 My Appointment Expires March 4, 2013

RECEIVED
JUN 22 2011

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | LOC-42233 |
| **Meeting Date:** | 8/9/11 |
| **Total Fee:** | 8530 |
| **Date Received:*** | 6/22/11 |
| **Received By:** | [signature] |

*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.

Revised 10/27/08

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Review of Conditions

**Project Address (Location)** 7548-7580 West Sahara

**Project Name** 7548-7580 Signage **Proposed Use** Buisness Park

**Assessor's Parcel #(s)** 16303412-006,007,009,010,011,012,013 **Ward #** 1

**General Plan:** existing C-1 proposed ____ **Zoning:** existing C-1 proposed ____

**Commercial Square Footage** ____ **Floor Area Ratio** ____

**Gross Acres** 4.52 **Lots/Units** ____ **Density** ____

**Additional Information** Review of Conditions- to remove item #2 for a MSP from RE: Z-50-90 Plot Plan and Building review

**PROPERTY OWNER** Sterling Park W. Owners Assoc. **Contact** Ronald Greenawalt

**Address** 7500 W. Sahara **Phone:** 368-8984 **Fax:** 363-3573

**City** Las Vegas **State** Nv. **Zip** 89117

**E-mail Address** greenawalt.chiropractic@gmail.com

**APPLICANT** Young Electric Sign Company **Contact** Rich Hinshaw

**Address** 5119 S. Cameron St **Phone:** (702) 497-5285 **Fax:** (702) 944-4500

**City** Las Vegas **State** Nv. **Zip** 89118

**E-mail Address** rhinshaw@yesco.com

**REPRESENTATIVE** Young Electric Sign Company **Contact** Rich Hinshaw

**Address** 5119 S. Cameron St **Phone:** (702) 497-5285 **Fax:** (702) 944-4500

**City** Las Vegas **State** Nv. **Zip** 89118

**E-mail Address** rhinshaw@yesco.com

**Property Owner Signature*** Ronald L. Greenawalt DC, FIAO

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

**Print Name** Ronald L. Greenawalt DC, FIAO

Subscribed and sworn before me

This 17th day of June, 20 11.

Lucille LaRosee

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
LUCILLE LAROSEE
No. 92-1470-1 My Appointment Expires Oct. 10, 2012

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | ZOC-12233 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $830 |
| Date Received:* | 6/22/11 |
| Received By: | |

*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.

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Revised 10/27/08

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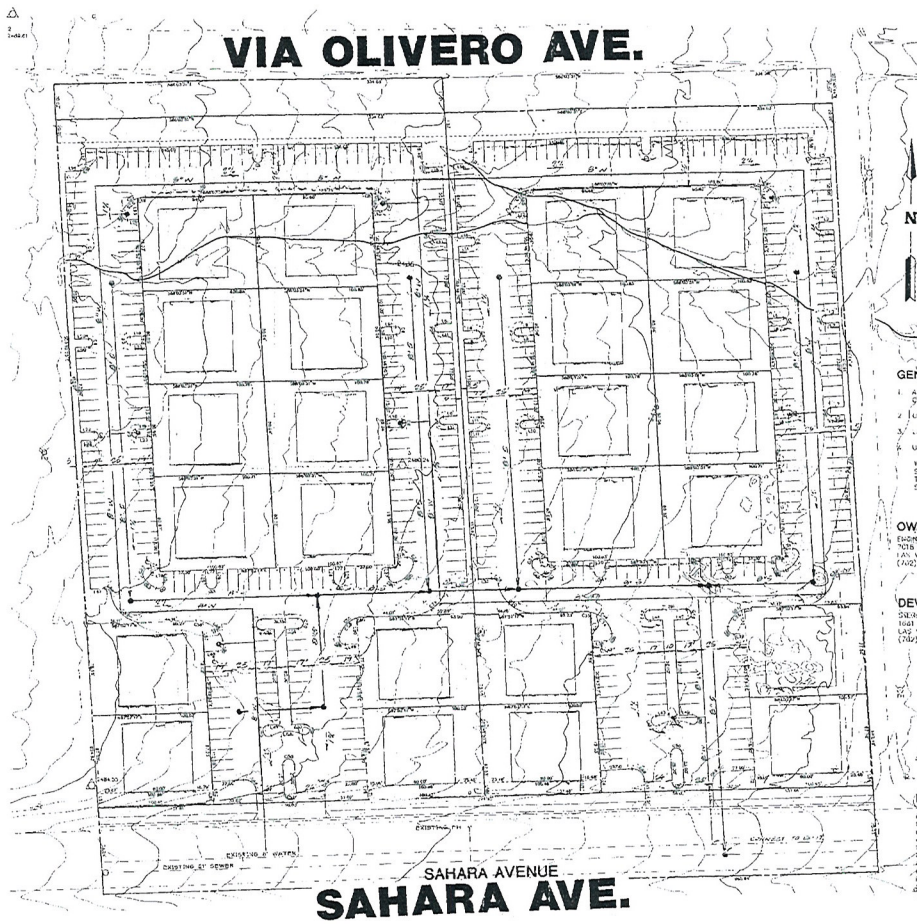
LINE DATA

CURVE DATA







VICINITY MAP

## GENERAL NOTES

1. ALL IMPROVEMENTS TO CONFORM TO THE UNIFORM STANDARD SPECIFICATIONS OF CITY OF LAS VEGAS
2. UTILITY EASEMENTS TO BE DEDICATED TO THEIR RESPECTIVE AGENCIES.
3. LANDSCAPED AREAS TO BE COMMON AREAS AND MAINTAINED BY OWNERS ASSOCIATION
4. UTILITY SERVICES TO BE PROVIDED BY:

| | |
|---|---|
| WATER | LAS VEGAS VALLEY WATER DISTRICT |
| SEWER | CITY OF LAS VEGAS |
| TELEPHONE | CENTRAL TELEPHONE |
| SOLID WASTE | SILVER STATE DISPOSAL |

## OWNER

EMERALDA'S & SURVEYOR'S INC.
7018 W CHARLESTON BLVD
LAS VEGAS, NEVADA 89117
(702) 363-6415

## DEVELOPER

SHERLING PARTNERS
1661 E FLAMINGO AVE SUITE 5A
LAS VEGAS, NEVADA 89119
(702) 383-3383

## LEGEND

- PROPOSED SEWER MAIN
- PROPOSED WATER MAIN
- PROPOSED FIRE HYDRANT
- RATE OF GRADE & DIRECTION OF FLOW
- CONTOUR LINE

## ZONING / DENSITY

PRESENT - PR
PROPOSED - PR
PARKING SPACES PROVIDED - 458
PARKING SPACES PER BUILDING - 15
PARKING SPACES PER 400 SQUARE FT - REQ/1
AVAILABLE/ 2.12 REQ/1

NUMBER OF BUILDINGS - 24
AREA OF BUILDING - 3,600 SQ FT EA
GROSS ACREAGE - 10.60±

## LEGAL DESCRIPTION

BEING A PORTION OF THE SE 1/4 OF THE SW 1/4 OF SECTION 3, T 21 R 60 E, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE S 1/4 CORNER OF SECTION 3, ALSO BEING THE INTERSECTION OF SAHARA AVENUE AND THIVAYA DRIVE, THENCE SOUTH 87°52'17" WEST, 665.64 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING SOUTH 87°52'17" WEST, 665.64 FEET, THENCE NORTH 03°52'55" WEST, 694.82 FEET, THENCE NORTH 88°03'51" EAST, 334.08 FEET, THENCE SOUTH 03°46'50" EAST, 30.22 FEET, THENCE NORTH 88°31'51" EAST, 334.03, THENCE SOUTH 03°40'44" EAST, 662.46 FEET TO THE POINT OF BEGINNING.

ESI ENGINEERS & SURVEYORS, INC.
SUBMITTED BY

TENTATIVE MAP

PROJECT
SAHARA PROFESSIONAL PARK
(A COMMERCIAL SUBDIVISION)

742-9617
BCB
NOV 90
1" = 40'

RECEIVED
JUN 22 2011

VAR-42234 ROC-42233

# BENSON BERTOLDO BAKER & CARTER

REVISION 6



NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL.

YESCO LLC
LAS VEGAS DIVISION
5119 SO. CAMERON ST.
LAS VEGAS, NV 89118
PHONE: (702) 876-8080
WWW.YESCO.COM
NV CONTRACTOR LICENSE: #0074229 & #0074290

YESCO

Client Name & Address:
BENSON, BERTOLDO, BAKER & CARTER
7408 W. SAHARA
LAS VEGAS, NEVADA

Project Tracking Number:
**416705**

Project Name:
BENSON, BERTOLDO, BAKER & CARTER

Account Executive:
RICH HINSHAW

Designer:
RICHARD BALDWIN

**Design Approvals**

Checked by:

Creative Director:

Estimating:

Account Executive:

Client:

**Rev. / Date / Designer**

ORIG. 02/25/11 R. B.
1. 03/24/11 - R. B.
2. 03/29/11 - R. B.
3. 03/30/11 - R. B.
4. 05/17/11 - R. B.
5. 05/23/11 - R. B.
6. 06/21/11 - J. P.

Description:
COVER SHEET

Classification:
**CV-1**

Reference Design:

O.R.M. Serial:

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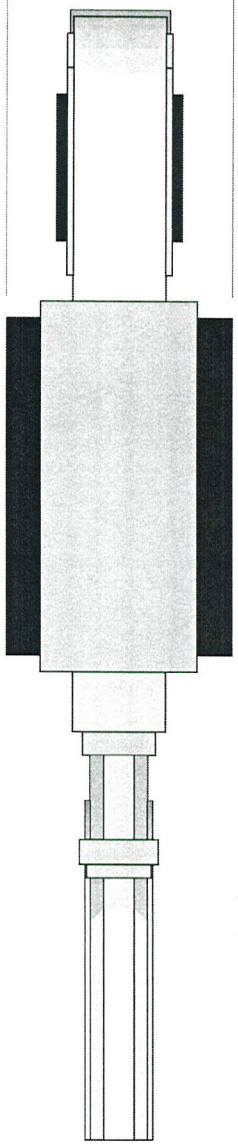
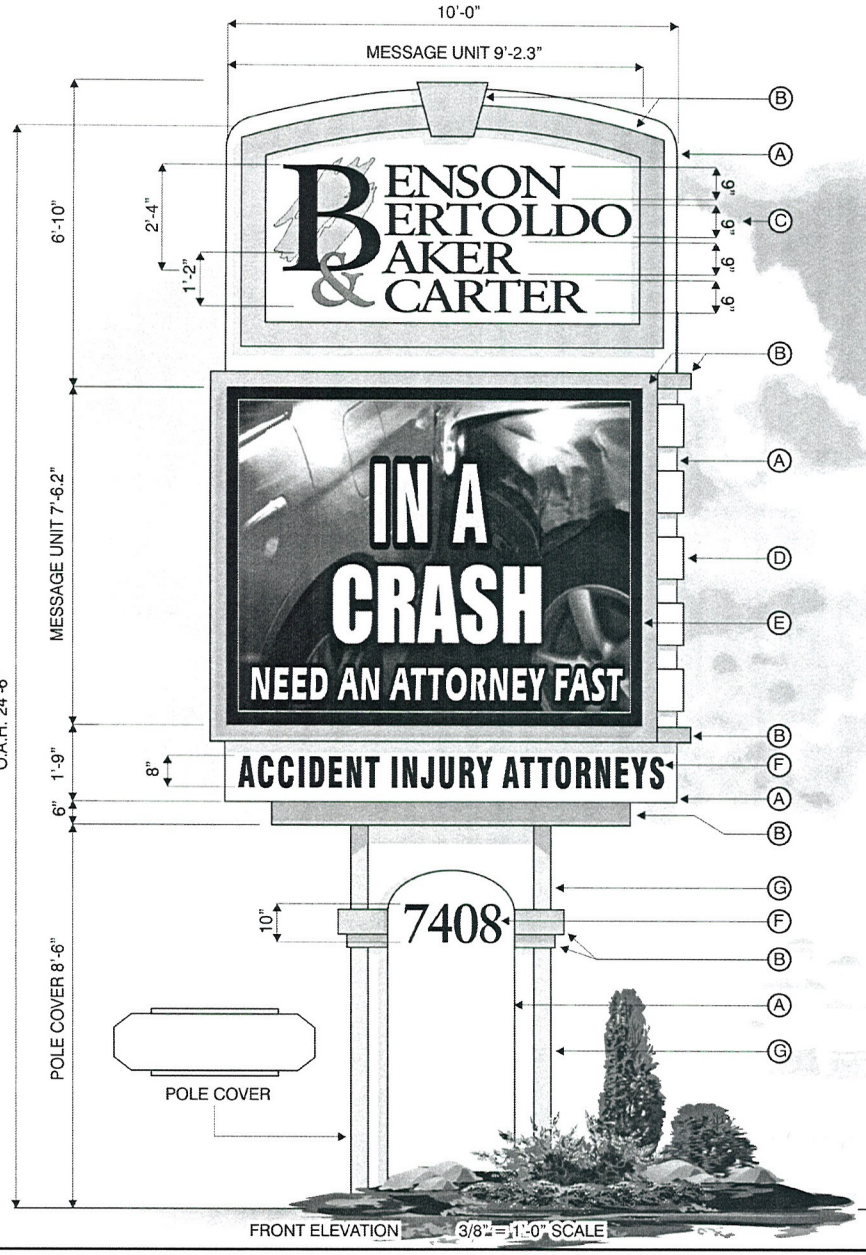
JUN 22 2011

ROC-42233

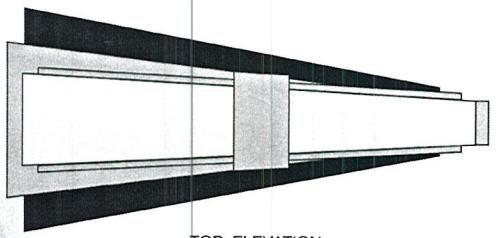
VAR-42234




LEFT SIDE ELEVATION




FRONT ELEVATION 3/8" = 1'-0" SCALE



TOP ELEVATION

## SCOPE OF WORK

REMOVE ONE (1) EXISTING D/F MONUMENT SIGN & DISCARD

MFG. & INSTALL ONE (1) D/F PYLON SIGN

A
D/F CABINET
TO BE TEX-COTED & PAINTED TO MATCH EXISTING BUILDING COLOR

B
EMBELLISHMENT
TO BE TEX-COTED & PAINTED EXISTING BUILDING COLOR WITH 15% BLACK ADDED

C
BENSON, BERTOLDO, BAKER & CARTER
(CUSTOMER TO PROVIDE VECTOR ARTWORK)

### OPTION 1

REVERSE PAN CHANNEL PAINTED (COLOR T.B.D.)
WHITE LED HALO ILLUMINATION (STEADY BURN)

### OPTION 2

LOGO TO BE ROUTED OUT BACKED WITH WHITE ACRYLIC WITH PERF. BLACK VINYL
FLUORESCENT ILLUMINATION

D
EMBELLISHMENT
NO TEX-COTE TO BE PAINTED WHITE

E
FULL COLOR MESSAGE UNIT

### OPTION 1

16mm / MATRIX 128 X 160 / V.O. 6'-11.2" X 8'-8"

### OPTION 2

20mm / MATRIX 112 X 128 / V.O. 7'-7" X 8'-8"

F
ACCIDENT INJURY ATTORNEYS & ADDRESS
TO BE ROUTED OUT BACKED WITH WHITE ACRYLIC & PERF. BLACK VINYL
FLUORESCENT ILLUMINATION

G
POLE COVER
TO BE TEX-COTED & PAINTED TO MATCH EXISTING BUILDING COLOR

NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL.

4 05/17/11 - R. BALDWIN - ENCROACHMENT ARTWORK
3 03/30/11 - R. BALDWIN - NO CHANGES TO THIS SHEET
2 03/29/11 - R. BALDWIN - NO CHANGES TO THIS SHEET
1 03/24/11 - R. BALDWIN - ADD OPTION TO MESSAGE UNIT
5 05/23/11 - R. BALDWIN - INCREASE POLE COVER & O.A.H. FROM 24'-0" TO 24'-6"

YESCO
YESCO LLC
LAS VEGAS DIVISION
5119 SO. CAMERON ST.
LAS VEGAS, NV 89118
PHONE: (702) 876-8080
WWW.YESCO.COM
NV CONTRACTOR LICENSE: #0074209 & #0074290

Client Name & Address:
BENSON, BERTOLDO, BAKER & CARTER
7408 W. SAHARA
LAS VEGAS, NEVADA

Project Tracking Number: 416705

Project Name: BENSON, BERTOLDO, BAKER & CARTER

Account Executive: RICH HINSHAW

Designer: RICHARD BALDWIN

Design Approvals
Checked by:
Creative Director:
Estimating:
Account Executive:
Client:

Rev. / Date / Designer
ORIG. 02/25/11 R. B
1 03/24/11 - R. B.
2 03/29/11 - R. B.
3 03/30/11 - R. B.
4 05/17/11 - R. B.
5 05/23/11 - R. B.

Description: D/F PYLON SIGN

Classification: PY-1

Reference Design:

O.E.M Serial:

Sheet: 01

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EAST BOUND TRAVEL ON SAHARA AVE.

5'-0" SET BACK FROM BACK OF SIDE WALK / 0'-0" SET BACK FROM PROPERTY LINE / RIGHT of WAY




WEST BOUND TRAVEL ON SAHARA AVE.

5'-0" SET BACK FROM BACK OF SIDE WALK / 0'-0" SET BACK FROM PROPERTY LINE / RIGHT of WAY

03/30/11 - R. BALDWIN - ADD NOTE INFO. ABOUT SHEET 5 ON BOTTOM PHOTO
05/17/11 - R. BALDWIN - ENCROACHMENT ARTWORK

03/29/11 - R. BALDWIN - NO CHANGES TO THIS SHEET
03/24/11 - R. BALDWIN - ADD PALM TREE NOTES / ADD SET BACK NOTES
05/23/11 - R. BALDWIN - INC

NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL.

YESCO LLC
5115 SOUTH VALLEY VIEW BLVD.
LAS VEGAS, NEVADA 89118
PHONE (702) 876-8080
WWW.YESCO.COM

YESCO

Client Name & Address:
BENSON, BERTOLDO, BAKER & CARTER
7408 W. SAHARA
LAS VEGAS, NEVADA

Project Tracking Number:
416705

Project Name:
BENSON, BERTOLDO, BAKER & CARTER

Account Executive:
RICH HINSHAW

Designer:
RICHARD BALDWIN

Design Approvals
Checked by:
Creative Director:
Estimating:
Account Executive:
Client:

Rev. / Date / Designer
ORIG. 02/25/11 R. B.
1 03/24/11 - R. B.
2 03/29/11 - R. B.
3 03/30/11 - R. B.
4 05/17/11 - R. B.
5 05/23/11 - R. B.

Description:
D/F PYLON SIGN

Classification:
PY-1

Reference Design:

O.R.M Script:

Sheet:
02

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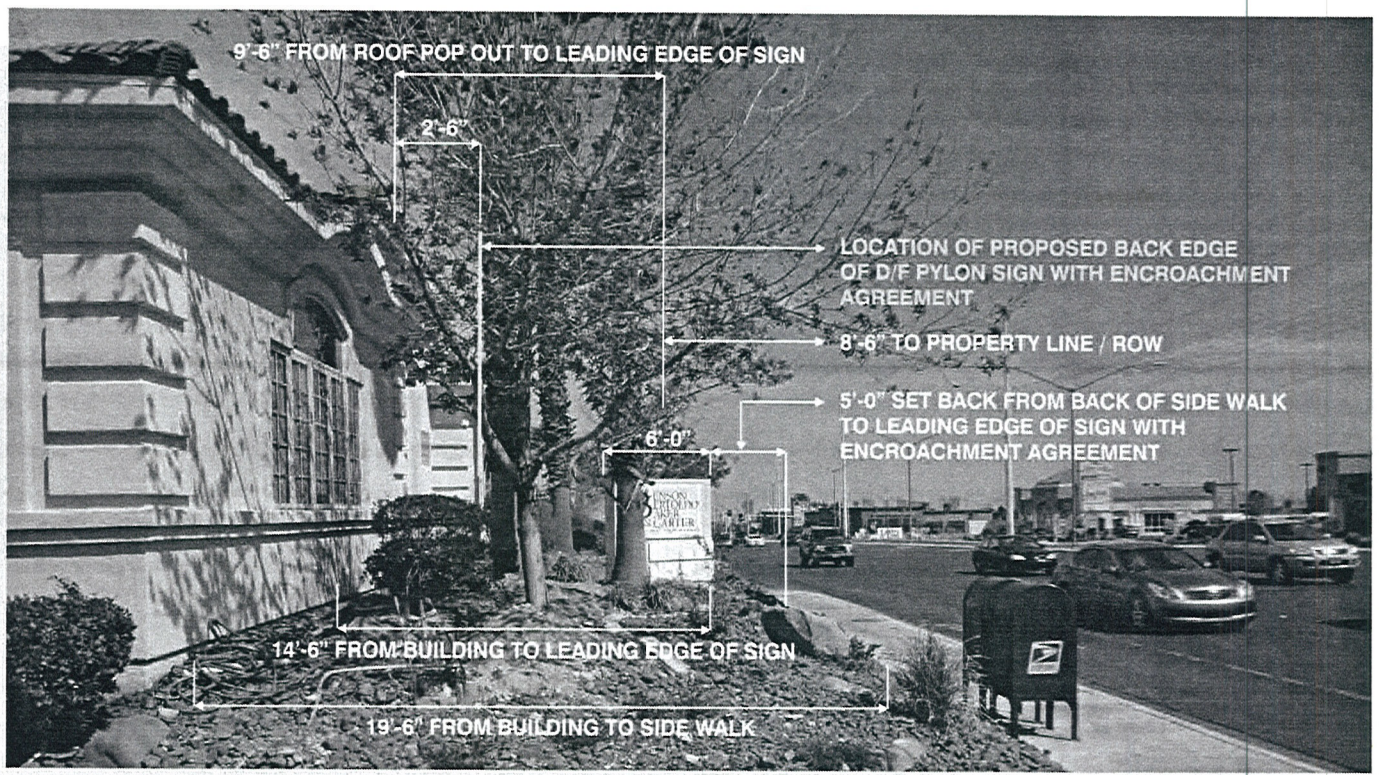
ROC-42233
VAR-42234




EAST BOUND ON SAHARA AVE.

FIELD SURVEY WITH EXISTING SIGN FOR REFERENCE


EXISTING D/F MONUMENT SIGN
WEST VIEW


EXISTING D/F MONUMENT SIGN
SOUTH VIEW


EXISTING D/F MONUMENT SIGN
EAST VIEW

03/29/11 - R. BALDWIN - ADD THIS SHEET 03/30/11 - R. BALDWIN - NO CHANGES TO THIS SHEET 05/17/11 - R. BALDWIN - ENCROACHMENT ARTWORK 05/23/11 - R. BALDWIN - INCREASE POLE COVER & O.A.H. FROM 24'-0" TO 24'-6"
NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL. 06/21/11 - J. PETERSON - REVISED DIMENSIONS

YESCO LLC
LAS VEGAS DIVISION
5119 SO. CAMERON ST.
LAS VEGAS, NV 89118
PHONE: (702) 876-8080
WWW.YESCO.COM
NV CONTRACTOR LICENSE #0001229 & #0074290

YESCO

Client Name & Address:
BENSON, BERTOLDO, BAKER & CARTER
7408 W. SAHARA
LAS VEGAS, NEVADA

Project Tracking Number:
416705

Project Name:
BENSON, BERTOLDO, BAKER & CARTER

Account Executive:
RICH HINSHAW

Designer:
RICHARD BALDWIN

Design Approvals
Checked by:
Creative Director:
Estimating:
Account Executive:
Client:

Rev. / Date / Designer
ORIG. 02/25/11 R. B.
1. 03/24/11 - R. B.
2. 03/29/11 - R. B.
3. 03/30/11 - R. B.
4. 05/17/11 - R. B.
5. 05/23/11 - R. B.
6. 06/21/11 - J. P.

Description:
D/F PYLON SIGN

Classification:
PY-1

Reference Design:

O.E.M. Serial:

Sheet:
03

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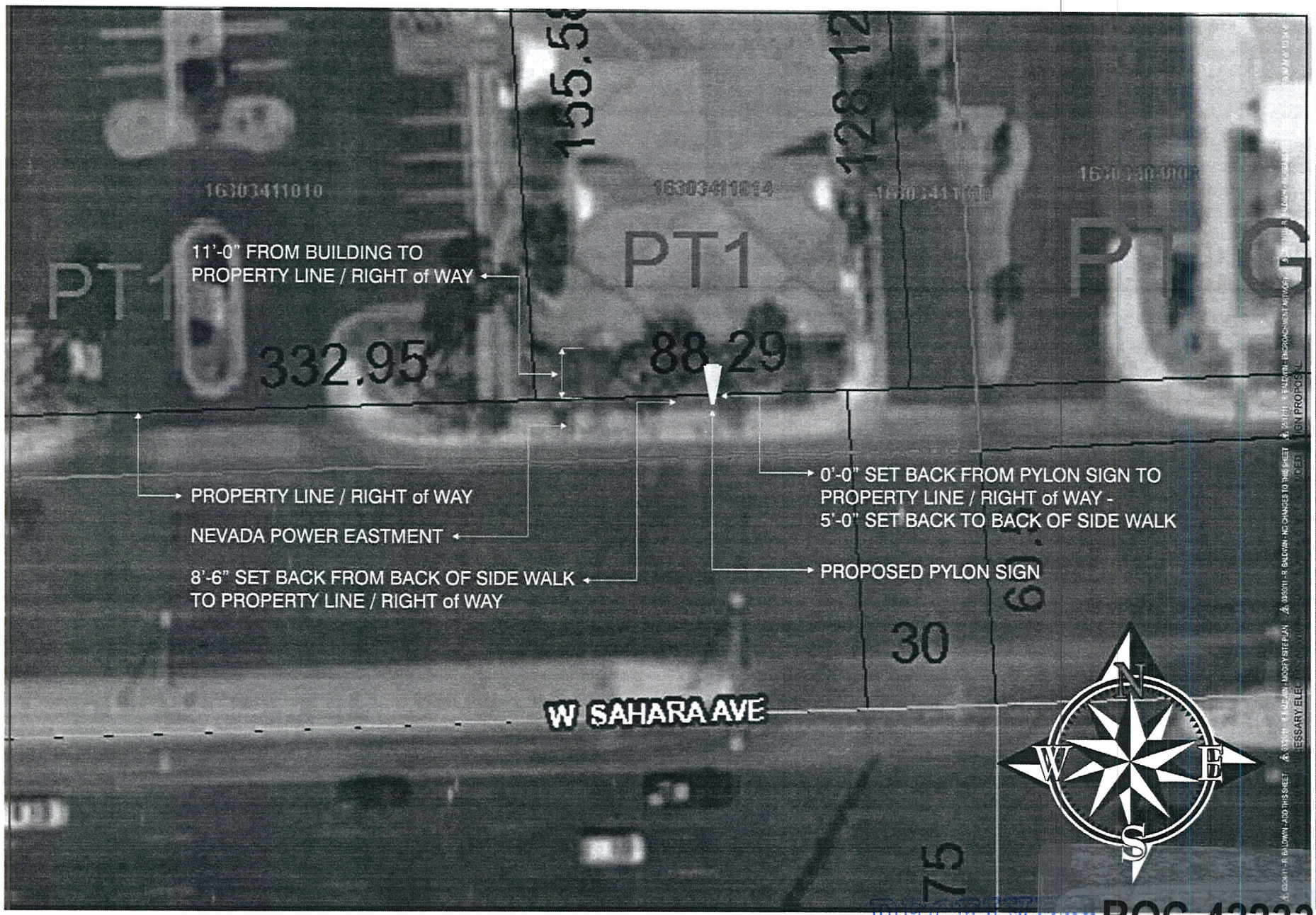
VAR-42234




YESCO LLC
LAS VEGAS DIVISION
5119 SO. CAMERON ST.
LAS VEGAS, NV 89118
PHONE (702) 876-8080
WWW.YESCO.COM
NV CONTRACTOR LICENSE #WR42295 & #0074290

YESCO

Client Name & Address:
BENSON, BERTOLDO, BAKER & CARTER
7408 W. SAHARA
LAS VEGAS, NEVADA

Project Tracking Number:
**416705**

Project Name:
BENSON, BERTOLDO, BAKER & CARTER

Account Executive:
RICH HINSHAW

Designer:
RICHARD BALDWIN

**Design Approvals**

Checked by:

Creative Director:

Estimating:

Account Executive:

Client:

**Rev. / Date / Designer**

ORIG. 02/25/11 R. B.
1. 03/24/11 - R. B.
2. 03/29/11 - R. B.
3. 03/30/11 - R. B.
4. 05/17/11 - R. B.
5. 05/23/11 - R. B.

Description:
SITE PLAN

Classification:
**SP-1**

Reference Design:

O.E.M. Serial:

Sheet:
**04**

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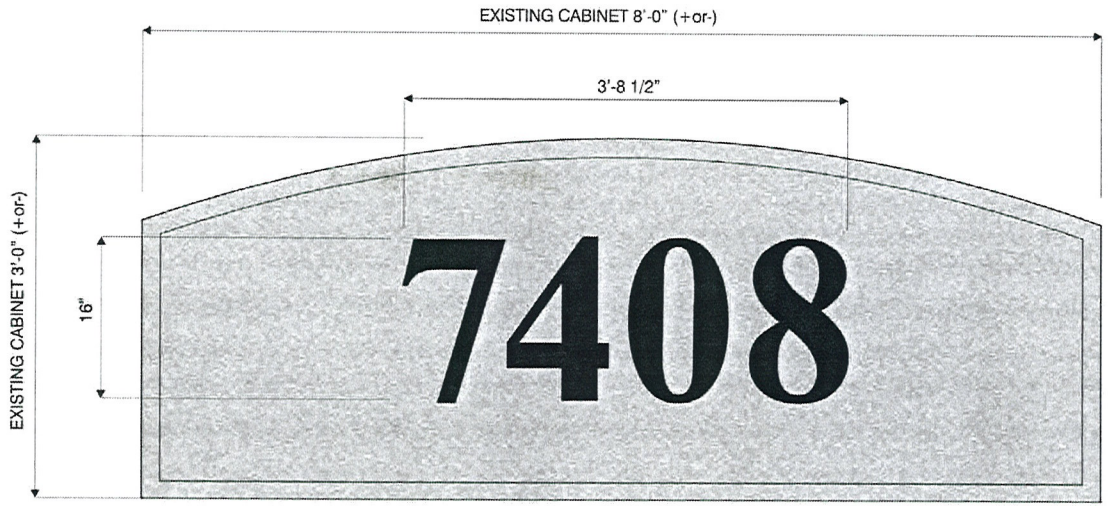
**ROC-42233**
**VAR-42234**




FRONT ELEVATION 1" = 1'-0" SCALE

## SCOPE OF WORK

REMOVE & DISCARD ONE (1) FACE FROM S/F WALL SIGN

MFG. & INSTALL ONE (1) FACE

BACK GROUND
TO BE METAL TEX-COTED & PAINTED TO MATCH EXISTING COLOR

ADDRESS TO BE ROUTED OUT OF BACK GROUND
BACKED WITH WHITE LEXAN & PERFORATED BLACK VINYL

**NOTE:**
FIELD SURVEY REQUIRED BEFORE PRODUCTION




EXISTING S/F WALL SIGN AS IS




EXISTING S/F WALL SIGN WITH PROPOSED FACE CHANGE

NOTE: COST FOR PROVIDING NECESSARY ELECTRICAL WIRING TO SIGN AREA IS NOT INCLUDED IN SIGN PROPOSAL.

03/30/11 - R. BALDWIN - ADD THIS SHEET 05/17/11 - R. BALDWIN - ENCROACHMENT ARTWORK 05/23/11 - R. BALDWIN - NO CHANGE TO THIS SHEET

YESCO LLC
LAS VEGAS DIVISION
5119 SO. CAMERON ST.
LAS VEGAS, NV 89118
PHONE: (702) 876-8080
WWW.YESCO.COM
NV CONTRACTOR LICENSE #0074229 & #0074290

YESCO

Client Name & Address:
BENSON, BERTOLDO, BAKER & CARTER
7408 W. SAHARA
LAS VEGAS, NEVADA

Project Tracking Number:
416705

Project Name:
BENSON, BERTOLDO, BAKER & CARTER

Account Executive:
RICH HINSHAW

Designer:
RICHARD BALDWIN

Design Approvals
Checked by:
Creative Director:
Estimating:
Account Executive:
Client:

Rev. / Date / Designer
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3 03/30/11 - R. B.
4 05/17/11 - R. B.
5 05/23/11 - R. B.

Description:
REFACE EXISTING S/F WALL SIGN

Classification:
RF-1

Reference Design:

O.R.M. Sheet:

Sheet:
05

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ROC-42233
VAR-42234

MAYOR
JAN LAVERTY JONES

COUNCILMEN
BOB NOLEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR.



# CITY of LAS VEGAS

September 28, 1993

Sterling Limited Partnership II
2300 Paseo Del Prado, B-310
Las Vegas, Nevada 89102

RE: Z-50-90 - PLOT PLAN AND BUILDING ELEVATION REVIEW

Gentlemen:

Your request for a Plot Plan and Building Elevation Review on property located on the north side of Sahara Avenue, approximately 660 feet west of Tenaya Way, N-U Zone (under Resolution of Intent to P-R), was considered by the Planning Commission on September 23, 1993.

The Planning Commission unanimously voted to APPROVE your request, subject to the following:

1. Conformance to all applicable original Conditions of Approval and all applicable subsequent Conditions of Approval for this project.

2. Submit a Master Sign Plan to the Department of Community Planning and Development for review and approval prior to the issuance of building permits for any individual on-premise signs.

3. Record a Joint Access Agreement across the parcels to ensure vehicular access is provided to the north portion of the Phase II site concurrent with the construction of Building No. 2 unless a Commercial Subdivision Map is recorded for the Building No. 2 site as required by the Department of Community Planning and Development. The agreement shall remain in force until such time as direct access is provided to Sahara Avenue for the remainder of the Phase II site.

4. The full width of the driveway on the east edge of this property shall be constructed concurrent with Phase I of this site as required by the Department of Public Works.

5. Driveways shall be designed and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

6. Conformance to the plot plan and building elevations.

- Continued -

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ROC-42233

This action by the Planning Commission is final.

Sincerely,

DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT
NORMAN R. STANDERFER, DIRECTOR

ROBERT S. GENZER
PRINCIPAL PLANNER

NRS:RSG:rlr

cc Engineers & Surveyors, Inc.
7018 West Charleston Boulevard
Las Vegas, Nevada 89117

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ROC-42233




**ROC-42233 – APPLICANT/OWNER: STERLING PARK OWNERS ASSOCIATION**
**7400-7580 WEST SAHARA AVENUE**

06/30/11




ROC-42233 – APPLICANT/OWNER: STERLING PARK OWNERS ASSOCIATION
7400-7580 WEST SAHARA AVENUE

06/30/11

YESCO

**Las Vegas Division**

5119 South Cameron Street
Las Vegas, Nevada 89118

702-876-8080 Telephone
702-944-4500 Fax

Review of Conditions
Justification Letter

As the representative for the Sterling Park Owners Association and the Sterling Park West Owners Association, we would like to have the Removal of Conditions considered for Item #2 on Z-50-90-Plot Plan and Building Elevation Review.

The request is for the removal of the Master Sign Plan submittal. There was never a Master Sign Plan submittal executed for the project, even though signs have been permitted for the site. Any future signage will have to conform to Chapter 19.14 Sign Standards. The property today would not require a Master Sign Plan.

Please consider our request to remove this condition.

Sincerely,

Rich Hinshaw

Rich Hinshaw

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ROC-42233

YESCO

Las Vegas Division

5119 South Cameron Street
Las Vegas, Nevada 89118

702-876-8080 Telephone
702-944-4500 Fax

Justification Letter

As the representative for the owner, Benson, Bertoldo, Baker and Carter, the following variance would like to be considered:

Code Section 19.14.060 (F)(5)(d) – 5'-0" set back from property line.

**Variance Request:** Zero foot set back from property line.

Please consider the requested variance based on Code Section 19.18.070 (L)(2).

Determinations

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties, to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

The parcel related to this application would be considered narrow and shallow for the purposes of a moderate size freestanding sign that would have visibility from both eastbound and westbound Sahara Avenue based on the following conditions (refer to YESCO drawing #416705 Sheet 03 and 04):

1. Restrictive property lines to the east and west will only allow a sign to be placed in the landscaped area between the property line/right of way and the building structure.

2. There is a Nevada Power easement that encroaches 8'-6" behind the back of the sidewalk into the landscaped area where the sign can only be placed. If you refer to the YESCO drawings, you can see the impact that this has on the property and the sign.

   A. If granted the variance for the zero foot set back, the measurements would be:
      i. Back of sidewalk to the leading edge of the sign will be 5'-0".
      ii. Back of sidewalk to property line/right of way would be 8'-6". Sign will be located 3'-6" into the easement.
      iii Back a sidewalk to back edge of sign would be 15'-0".
      iv Clearance from the back edge of sign to roof pop-out would be 2'-6".

   B. If not granted the variance for the zero foot set back, the measurements would be:
      i. Back of sidewalk to property line/right of way is 8'-6" plus the required 5'-0" set back would place the leading edge of the sign 13'-6" from the back of the sidewalk.

VAR-42234
www.yesco.com
ROC-42233

ii. The distance from the 13'-6" set back to the roof pop-out would be 4'-0". If you allow a clearance of 2'-6" to the pop-out, the sign could only be 1'-6" wide and would be useless.

Please consider the requested variance based on Code Section 19.18.070 (H).

Precedents

The fact that a Variance for the same or similar use has been granted previously for the subject property or nearby property is a factor to be considered, but is not determinative.

In the Planning Commission meeting held on January 22, 2004, item #18, MSP-3493 for Coronado Bay Sahara LLC., located at 7936 W. Sahara Avenue, I represented the client with similar circumstances. The property was zoned C-1 and at the time we requested a Special Conditions Request with the Master Sign Plan application for a zero foot set back, along with an encroachment agreement and we were granted the request. That particular sign was 40'-0" tall and 16'-0" wide. Though this does not make our request determinative, I feel it is worth noting a request for a zero foot set back has been granted in the past.

Other additional points to consider would be:

1. Since the sign will be set back 5'-0" from the back of sidewalk, it will still have the appearance of meeting the set back. In most cases, the property line starts at the back of the sidewalk in the City.

2. If the variance is granted along with an encroachment agreement executed, the current, or any future property owner has the understanding that if Sahara Avenue is widened in the future, then the sign will have to be removed at the owner's expense.

3. There are some landscape issues as you can see when reviewing YESCO drawings #416705 sheet 03. Once the existing sign and footing are removed, the plan is for YESCO to dig the footing for the new sign, set the pipe and have the area back filled back to the original grade.

   A. If granted the variance for the zero foot set back, and the executed encroachment agreement, there may be a couple palm trees that might block some visibility of the sign. The degree of impact will not be able to be determined until the sign is installed and a vehicular drive by survey eastbound and westbound is done. There is a good possibility that none of the mature trees will need to be relocated. If one or two of the palm trees needed to be removed and relocated, the property owner agrees to do that within the same planter area.

   B. Due to the conditions of this parcel, there is a hardship that basically makes it impossible to install a freestanding sign without the granted variance and executed encroachment agreement.

Please consider our request for the variance with the information that has been provided.

Sincerely,

Rich Hinshaw

Rich Hinshaw

**VAR-42234**

**ROC-42233**

City of Las Vegas Agenda Item No.: **31.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
VAR-42234 - VARIANCE RELATED TO ROC-42233 - PUBLIC HEARING – APPLICANT/OWNER: BENSON & BERTOLDO, LLC - For possible action on a request for a Variance TO ALLOW A 25-FOOT TALL FREESTANDING SIGN TO HAVE A ZERO-FOOT SETBACK WHERE FIVE FEET IS REQUIRED on 0.32 acres at 7408 West Sahara Avenue (APN 163-03-411-014), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

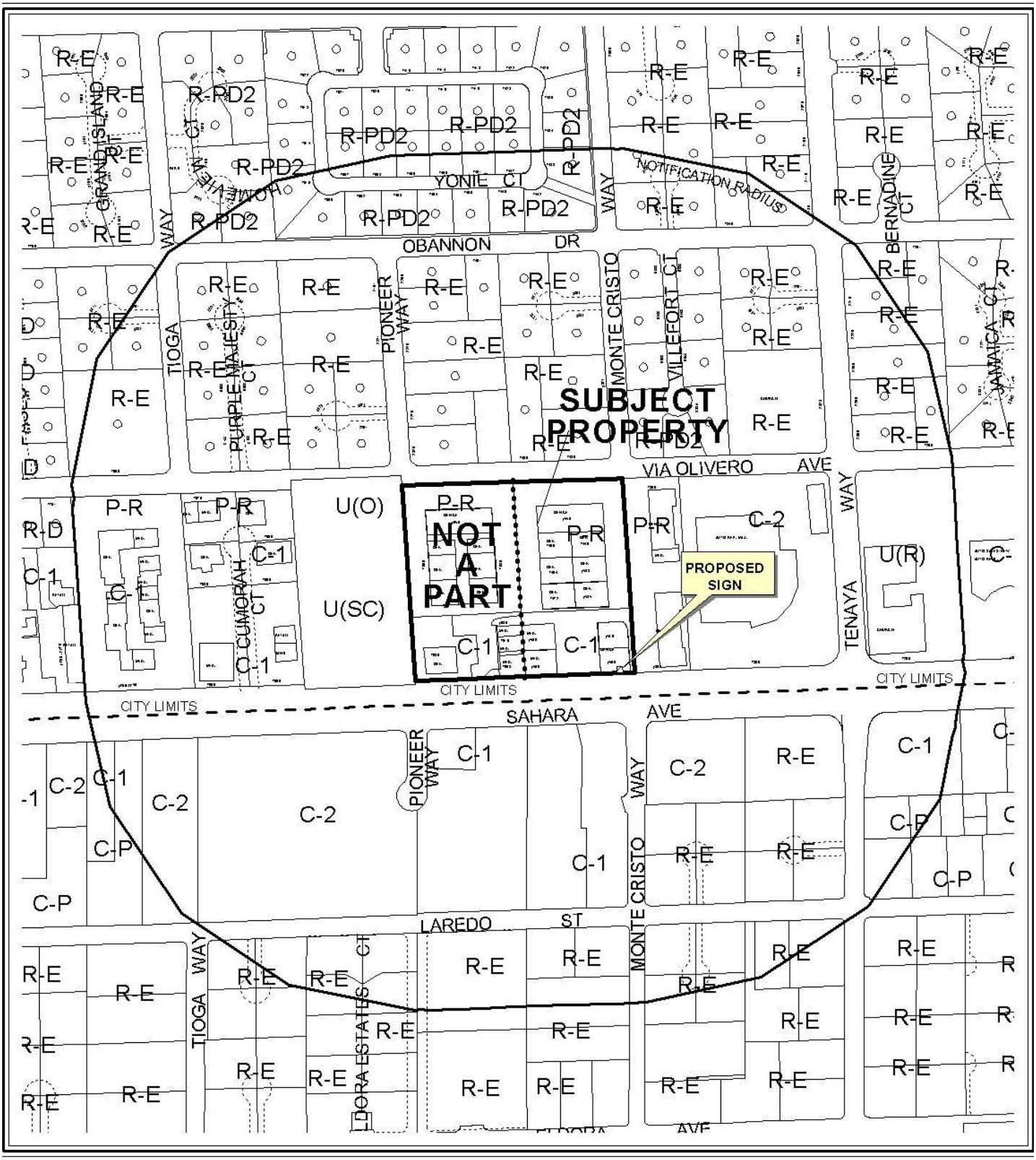
**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Location and Aerial Maps
3. Supporting Documentation
4. Photos
5. Justification Letters

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**




0 300 600 Feet

**CASE:** **VAR-42234**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-1 (LIMITED COMMERCIAL)
P-R (PROFESSIONAL OFFICE AND PARKING DISTRICT)

N




0 300 600 Feet

**CASE:** **VAR-42234**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-1 (LIMITED COMMERCIAL)
P-R (PROFESSIONAL OFFICE AND PARKING DISTRICT)

N

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-42234** APN: 16303411014

Name of Property Owner: Benson & Bertoldo LLC

Name of Applicant: Young Electric Sign Company

Name of Representative: Young Electric Sign Company

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: J. L. Benson, SR.

Print Name: Joseph L. BENSON, SR

Subscribed and sworn before me

This 5 day of APRIL, 20 11

Melissa Wilhelm

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MELISSA WILHELM
No: 93-1465-1
My Appointment Expires Mar. 4, 2013

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Variance

**Project Address (Location)** 7408 West Sahara

**Project Name** Benson & Bertoldo LLC **Proposed Use**

**Assessor's Parcel #(s)** 16303411014 **Ward #** 1

**General Plan:** existing C-1 proposed **Zoning:** existing C-1 proposed

**Commercial Square Footage** **Floor Area Ratio**

**Gross Acres** .32 **Lots/Units** 1 **Density**

**Additional Information** Building is located within the Sahara Professional Park

**PROPERTY OWNER** Benson & Bertoldo LLC **Contact** Mary Riggs

**Address** 7408 West Sahara **Phone:** (702) 228-2600 **Fax:** (702) 657-1107

**City** Las Vegas **State** Nevada **Zip** 89117

**E-mail Address** mriggs@bensonlawyers.com

**APPLICANT** Young Electric Sign Company **Contact** Rich Hinshaw

**Address** 5119 S. Cameron St. **Phone:** (702) 497-5285 **Fax:** (702) 944-4500

**City** Las Vegas **State** Nevada **Zip** 89118

**E-mail Address** rhinshaw@yesco.com

**REPRESENTATIVE** Young Electric sign Company **Contact** Rich Hinshaw

**Address** 5119 S. Cameron St. **Phone:** (702) 497-5285 **Fax:** (702) 944-4500

**City** Las Vegas **State** Nevada **Zip** 89118

**E-mail Address**

**Property Owner Signature*** J. L. Benson

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

**Print Name** JOSEPH L. BENSON

Subscribed and sworn before me

This 5th day of APRIL, 20 11.

Melissa Wilhelm

Notary Public in and for said County and State

STATE OF NEVADA
COUNTY OF CLARK

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MELISSA WILHELM
No: 93-1465-1
My Appointment Expires Mar. 4, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | VAR-42234 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $830 |
| Date Received:* | 6/22/11 |
| Received By: | Bn S |

*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.

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Revised 10/27/08




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VAR-42234




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JUN 22 2011

ROC-42233 VAR-42234




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JUN 22 2011
VAR-42234




**VAR-42234 – APPLICANT/OWNER: BENSEON & BERTOLDO, LLC**
**7408 WEST SAHARA AVENUE**

06/30/11




**VAR-42234 – APPLICANT/OWNER: BENSEON & BERTOLDO, LLC**
**7408 WEST SAHARA AVENUE**

06/30/11

YESCO

Las Vegas Division

5119 South Cameron Street
Las Vegas, Nevada 89118

702-876-8080 Telephone
702-944-4500 Fax

# Freestanding Sign
## Calculations

Address: 7400 – 7488 West Sahara Avenue
Las Vegas, Nevada 89117

Zoning: C-1

Frontage: 332.95 feet

Number of Freestanding Signs Allowed: Two – One per 200 lineal feet of street frontage

Existing Number of Signs: One

Proposed Number of Signs: One

Total Square Footage Allowed: 665.90

Existing Square Footage: 150

Proposed Square Footage: 170.19

Approved Height: 40'-0"

Proposed Height: 24'-6"

Separation Requirement: 100'-0"

Proposed Separation: 120'-0"

Electronic Message Unit: Permit Allowed

Minimum Setback: 5'-0"

Proposed Setback: Zero feet

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VAR-42234
ROC-42233

YESCO

**Las Vegas Division**

5119 South Cameron Street
Las Vegas, Nevada 89118

702-876-8080 Telephone
702-944-4500 Fax

Project Overview

The property owner, Benson, Bertoldo, Baker and Carter, has purchased a sign from Signs West, who has since gone out of business. The sign was approximately 50% completed and currently remains in that status.

I went down to the City to verify the status of Signs West permit #165908 and found out no inspections have been performed under that permit number. The property owner has gone through the expense of removing landscaping and providing a 50% deposit for the existing sign.

There are three things that I noticed as I surveyed this project. First, the leading edge of the sign is located in the right of way and research showed no variance or encroachment agreement was ever executed. Secondly, the sign is too small to adequately serve its purpose for westbound and eastbound visibility on Sahara Ave. Lastly, the sign company left the landscaping in very poor condition. Photos of the current conditions are attached for your review.

The property owner's resolution to the current conditions would be to remove the existing non-conforming sign, request a variance for a zero foot back from the property line/right of way, enter an encroachment agreement with the City, manufacture and install a new sign that will provide the adequate visibility and bring the existing landscape back to its original grade.

Sincerely,

Rich Hinshaw

Rich Hinshaw

RECEIVED
JUN 22 2011

**VAR-42234**

City of Las Vegas Agenda Item No.: **32.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

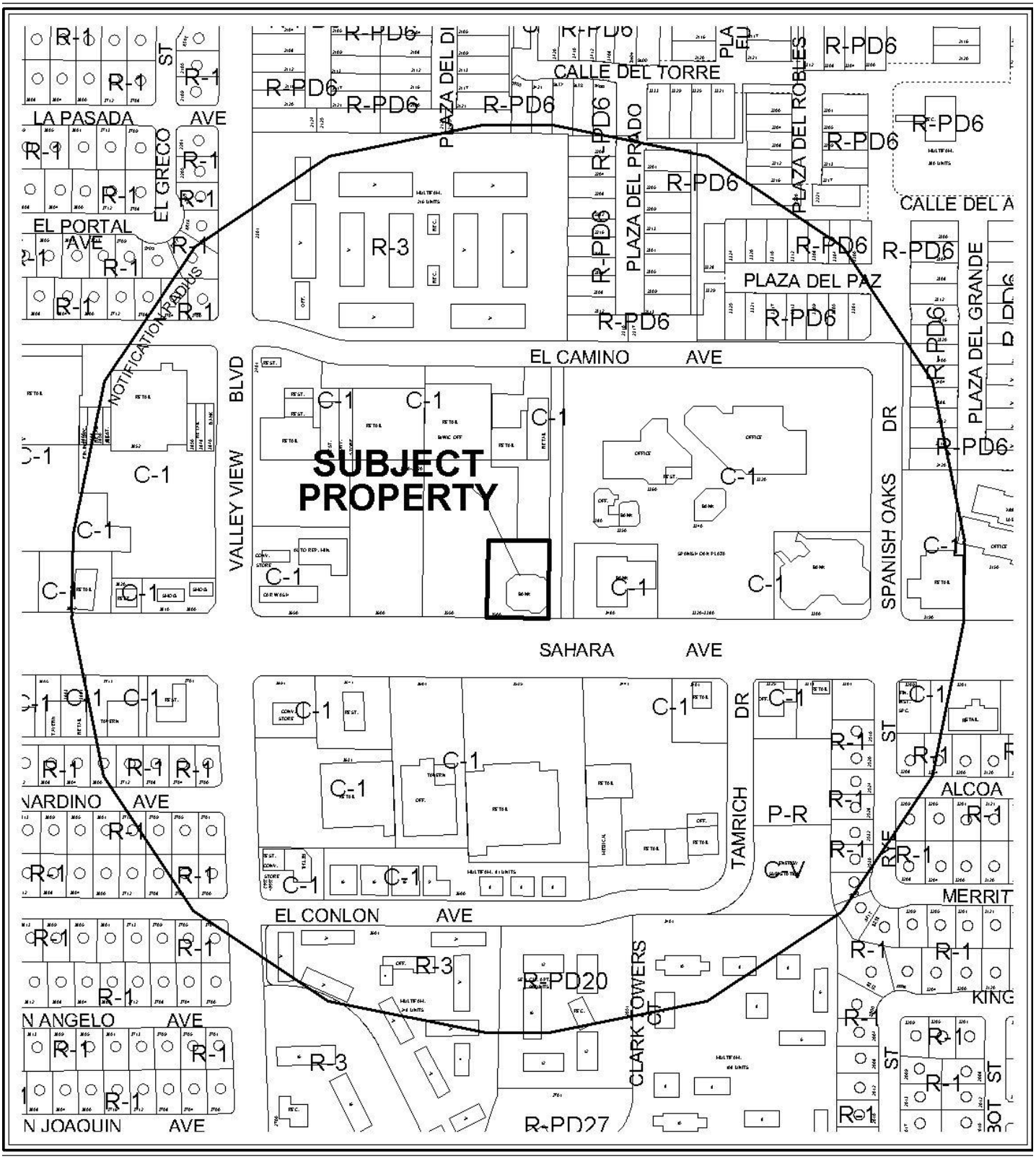
**SUBJECT:**
SUP-42225 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: I RENT B & E, LLC - For possible action on request for a Special Use Permit FOR A PROPOSED PAWN SHOP USE WITHIN AN EXISTING 6,039 SQUARE-FOOT COMMERCIAL BUILDING WITH WAIVERS TO ALLOW A 657-FOOT DISTANCE SEPARATION FROM A FINANCIAL INSTITUTION, SPECIFIED WHERE 1,000 FEET IS REQUIRED at 3500 West Sahara Avenue (APN 162-05-402-007), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




**CASE:** **SUP-42225**

**RADIUS:** 1000 FT

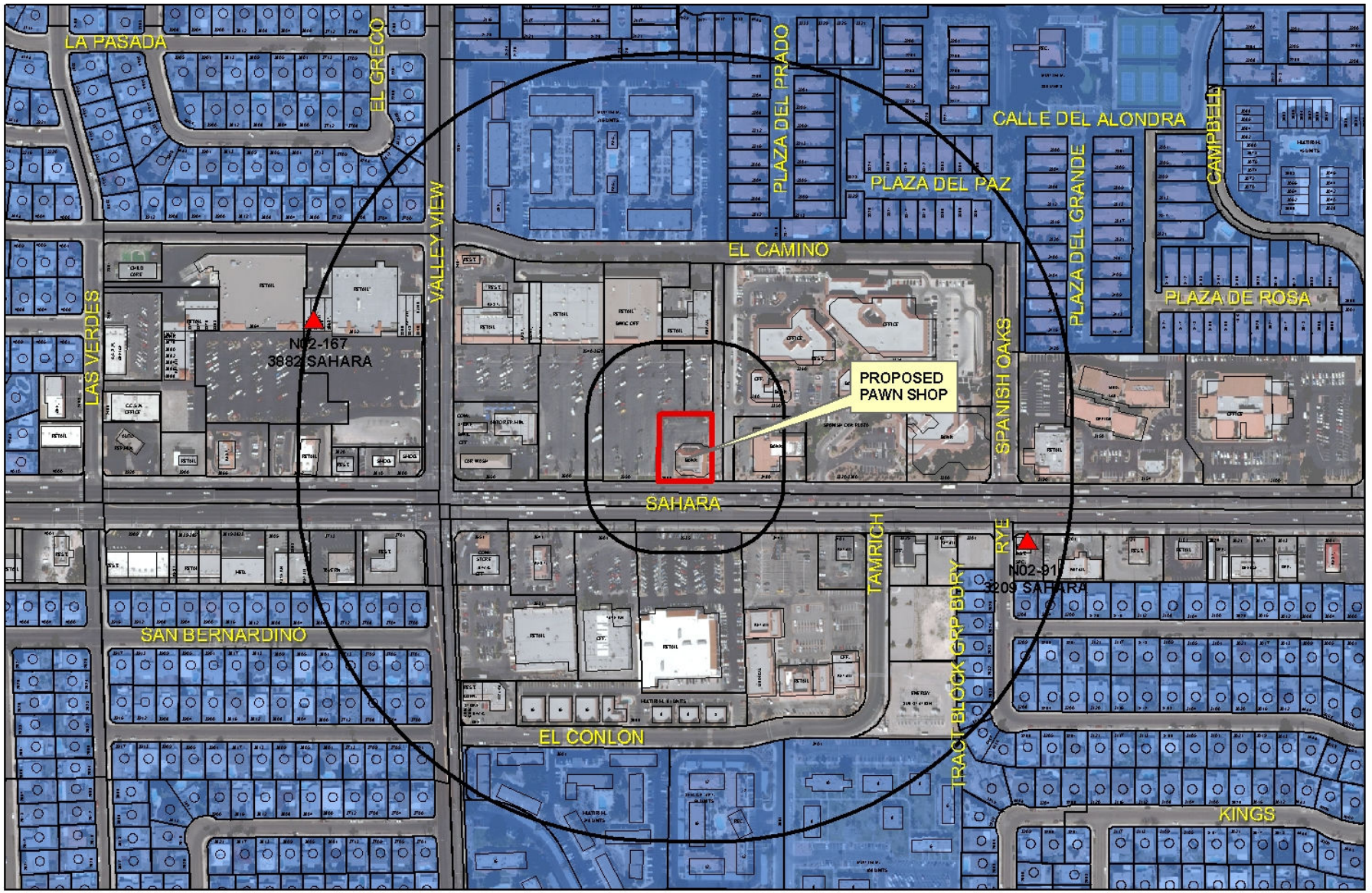
**ZONING OF SUBJECT PROPERTY:** C-1 (LIMITED COMMERCIAL)




**CASE:** **SUP-42225**

**RADIUS:** 1000 FT

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




**SUP-42225**

Pawn Shop

**Financial Business Locations**

- Financial Institution, Specified
- Pawnshops
- Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

N

0 225 450 900 Feet

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: I RENT B & E, LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-42225** | Staff recommends DENIAL, if approved subject to conditions: | N/A |

## ** CONDITIONS **

# SUP-42225 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Pawn Shop use.

2. Conformance to the approved conditions for Rezoning (Z-0066-73) and Plot Plan Review (Z-0066-73).

3. 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.

4. Prior to occupancy, 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.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

**Staff Report Page One**
**August 9, 2011 - Planning Commission Meeting**

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a proposed Pawn Shop use within an existing 6,039 square-foot building located at 3500 West Sahara Avenue. The existing building is currently vacant, but was previously used as a Financial Institution, General (without Drive-Through). Staff recommends denial of the Special Use Permit request, because the proposed use does not conform to the requirements of Title 19.12, and cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses due to the waiver request. If this request is denied, the proposed use cannot be located on the site, nor can a business license be issued.

## ISSUES

- A Pawn Shop use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A request for a Waiver is required to allow a 657-foot distance separation from a Financial Institution, Specified where 1,000 feet is required.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 09/26/73 | The Board of City Commissioners approved a request for Rezoning (Z-0066-73) from R-1 (Single Family Residential) and R-3 (Medium Density Residential) to R-PD6 (Residential Planned Development – 6 Units per Acre), R-4 (High Density Residential) and C-1 (Limited Commercial) as part of a larger request of a property generally located between West Oakey Boulevard on the west, and Richfield Boulevard on the east, south of Westwood Village Tract and west of Springhurst Townhouses. The Planning Commission recommended approval. |
| 09/15/76 | The Board of City Commissioners approved a request for a Plot Plan Review (Z-0066-73) for Nevada State Bank and Nevada Savings and Loan Association generally located on the north side of Sahara Avenue between Spanish Oaks Drive and Valley View Boulevard. The Planning Commission recommended approval. |

| *Most Recent Change of Ownership* | |
|---|---|
| 06/11/10 | A deed was recorded for a change in ownership. |

| *Related Building Permits/Business Licenses* | |
|---|---|
| 09/22/76 | A building permit (#4753) was issued for an Office Building at 3500 West Sahara Avenue. The permit was finalized on 02/24/77. |
| 05/02/86 | A building permit (#7052-1) was issued for an addition of an existing office building at 3500 West Sahara Avenue. The permit was finalized on 08/29/86. |
| 08/12/02 | A building permit (#02014640) was issued for Tenant Improvement remodel of an existing building at 3500 West Sahara Avenue. The permit was finalized on 10/09/02. |
| 10/15/02 | A business license (B03-00153) was issued for a Financial Institution, General (without Drive-Through) at 3500 West Sahara Avenue. The license was marked out of business on 11/09/10. |
| 06/01/11 | A business license (F02-92813) was processed for a Finance Company for installment loans at 3500 West Sahara Avenue. The Planning Department denied the review of the business license requiring a Special Use Permit on 06/08/11. |

| *Pre-Application Meeting* | |
|---|---|
| 06/14/11 | A pre-application meeting was held with the applicant, where elements of submitting a Special Use Permit for a proposed Pawn Shop use were discussed. The topics included:<br>• The proposed use will not require a Variance for parking, since the previous use was Financial Institution, General (without Drive-Through). The parking requirement was one space for each 200 square feet and the proposed Pawn Shop use parking requirement is one space for each 250 square feet of the gross floor area.<br>• After the application was submitted for the Special Use Permit, the applicant was informed that the request for the Special Use Permit would require a waiver of the distance separation from a Financial Institution, Specified. |

| *Neighborhood Meeting* | |
|---|---|
| 08/04/11 | A neighborhood meeting will be held at the Bill and Lillie Heinrich YMCA at 4141 Meadows Lane, Las Vegas, Nevada 89107 beginning at 6:00 p.m. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | A site visit was conducted by staff and it was noted that the subject site is a well maintained commercial property. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.62 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Vacant | SC (Service Commercial) | C-1 (Limited Commercial) |
| North | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| South | General Retail Store | SC (Service Commercial) | C-1 (Limited Commercial) |
| East | Financial Institution, General (with Drive-Through) | SC (Service Commercial) | C-1 (Limited Commercial) |
| West | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | X | N/A |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| A-O (Airport Overlay) District (200 feet) | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

## DEVELOPMENT STANDARDS

| *Street Name* | *Functional Classification of Street(s)* | *Governing Document* | *Actual Street Width (Feet)* | *Compliance with Street Section* |
|---|---|---|---|---|
| Sahara Avenue | Primary Arterial | Master Plan of Streets and Highways | 150 | Y* |

*Per Master Plan of Streets and Highways the street width is 100 feet.

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Financial Institution, General (without Drive-Through) | -6,039 SF | 1/200 SF | 31 | | | | |
| Pawn Shop (Proposed) | 6,039 SF | 1/250 SF | 25 | | | | |
| **TOTAL SPACES REQUIRED** | | | 25 | | 23 | | Y* |
| **Regular and Handicap Spaces Required** | | | 24 | 1 | 22 | 1 | Y* |

*Per Title 19.18.030 (D), the subject property is a Parking-Impaired Development.

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| 1,000-foot distance separation from a Financial Institution, Specified. | 657 feet | Denial |

## ANALYSIS

A Pawn Shop use is defined per Title 19.18.020, as "a facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time." The building was previously used as a Financial Institution, General (without Drive-Through). The subject site is located within the Airport Overlay District with 200 feet height restrictions. The proposed use will not modify the physical characteristic of the building; therefore, it will not affect the request for a Special Use Permit.

The site plan submitted for this request depicts 23 parking spaces. The previous use had a parking requirement of one space for each 200 square feet of the gross floor area for 31 parking spaces required. However, the proposed Pawn Shop use has a parking requirement of one space for each 250 square feet of the gross floor area for 25 parking spaces required. The proposed use parking requirement is less than the previous use; therefore, a parking Variance is not necessary. The subject property is a Parking-Impaired Development pursuant to Title 19.18.030.

The minimum Special Use Permit requirement is that no Pawn Shop use may be located closer than 1,000 feet from any other pawn shop use or specified financial institution use. The distance separation is measured in a straight line from property line to property line, without regard to intervening obstacles. The nearest Financial Institution, Specified is approximately 657 feet of the subject site; therefore, the applicant is requesting a waiver as part of this request. The proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as evidenced by the requested waiver; therefore, staff recommends denial.

**FINDINGS (SUP-42225)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed Pawn Shop use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as evidenced by the requested waiver of the distance separation requirement of 1,000 feet of a Financial Institution, Specified.

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

   The subject site is not physically suitable for the type and intensity of the proposed use, as is evidenced by the requested waiver.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   The site is accessed by Sahara Avenue. This street is sufficient to accommodate the needs of the proposed Pawn Shop use.

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

If approved, the proposed use will not compromise the public health, safety, and welfare, as the use will be subject to regular inspections.

**5. The use meets all of the applicable conditions per Title 19.12.**

Per Title 19.12, the Minimum Special Use Permit Requirements for a Pawn Shop use mandate that the use not be located within 1,000 feet of a Financial Institution, Specified use. Denial of this application is based upon the need for the accompanying waiver of these requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 28

**NOTICES MAILED** 120

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42225** APN: 162-05-402-007

Name of Property Owner: I Rent B & E, LLC

Name of Applicant: Bill Drobkin

Name of Representative: Winston Henderson (Winston Henderson Architects)

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: Bill Drobkin

Print Name: Bill Drobkin

Subscribed and sworn before me

This 21 day of June, 2011

R. Irene Charles

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
R. IRENE CHARLES
No: 93-4966-1
My Appointment Expires Nov. 8, 2013

RECEIVED
JUN 21 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Special Use Permit

**Project Address (Location)** 3500 W. Sahara

**Project Name** Pioneer Buy & Sell **Proposed Use** Pawn Shop

**Assessor's Parcel #(s)** 162-05-402-007 **Ward #** 1-Tarkanian

**General Plan:** existing SC proposed N/C **Zoning:** existing C-1 proposed N/C

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** .63 **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** I Rent B & E, LLC **Contact** Bill Drobkin

**Address** 2040 Edgewood Ave **Phone:** _____ **Fax:** _____

**City** Las Vegas **State** NV **Zip** _____

**E-mail Address** bill@pioneerloan.com

**APPLICANT** Same as above **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**REPRESENTATIVE** Winston Henderson Architects **Contact** Winston Henderson

**Address** 1555 East Flamingo **Phone:** 893-9700 **Fax:** 893-9797

**City** Las Vegas **State** NV **Zip** 89119

**E-mail Address** winstonh@whalv.com

**Property Owner Signature*** Bill Drobkin

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

**Print Name** Bill Drobkin

Subscribed and sworn before me

This 21 day of June, 20 11.

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
R. IRENE CHARLES
No: 93-4966-1
My Appointment Expires Nov. 8, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SUP-42225 |
| Meeting Date: | 8-9-11 |
| Total Fee: | 1030.00 |
| Date Received:* | 6-21-11 |
| Received By: | JFmc |

*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.

JUN 21 2011

Revised 10/27/08

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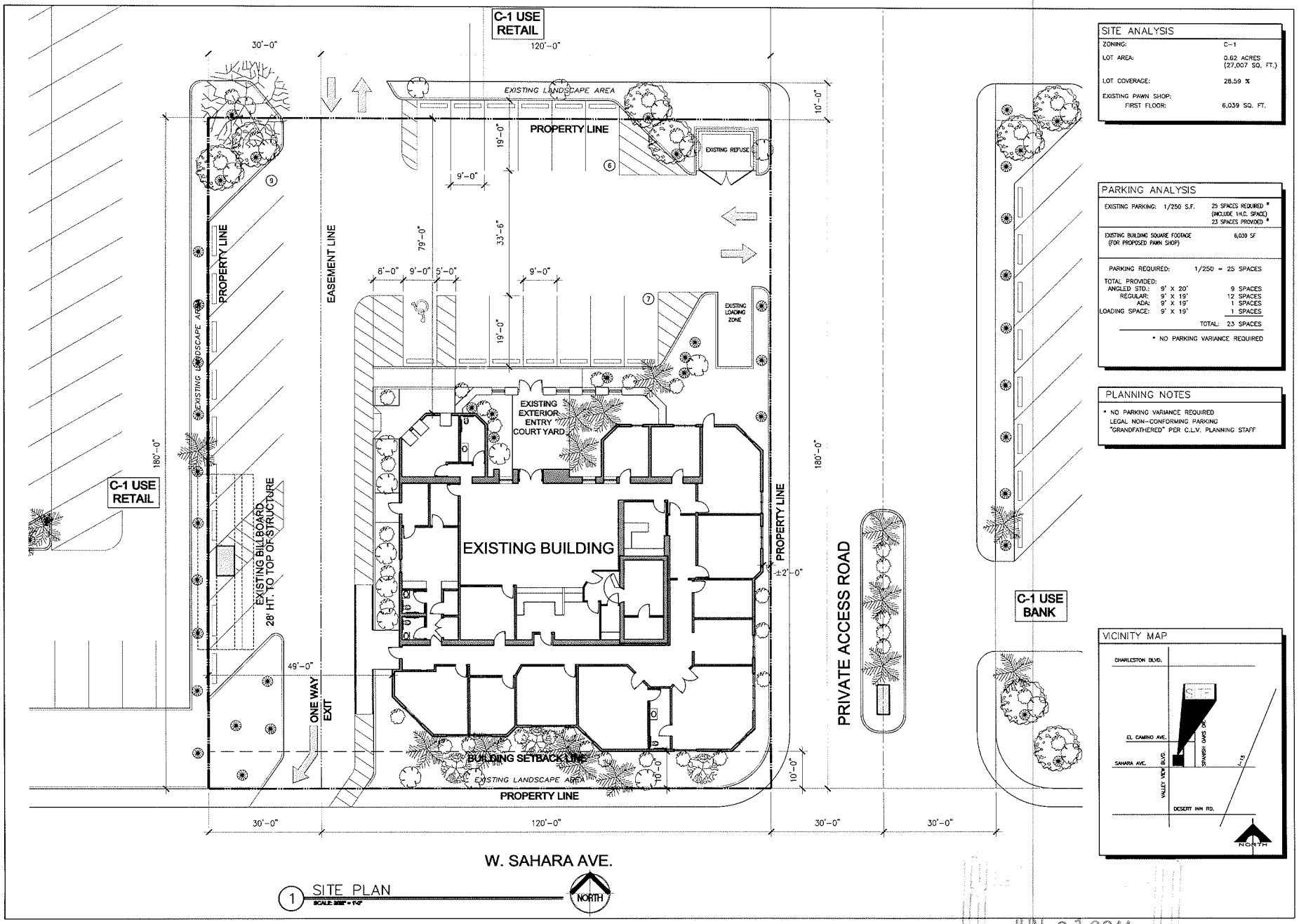



1 SITE PLAN
SCALE: 1/16" = 1'-0"

NORTH

| SITE ANALYSIS | |
|---|---|
| ZONING: | C-1 |
| LOT AREA: | 0.62 ACRES (27,007 SQ. FT.) |
| LOT COVERAGE: | 28.59 % |
| EXISTING PAWN SHOP: | |
| FIRST FLOOR: | 6,039 SQ. FT. |

| PARKING ANALYSIS | | |
|---|---|---|
| EXISTING PARKING: 1/250 S.F. | | 25 SPACES REQUIRED * (INCLUDE H.C. SPACE) 23 SPACES PROVIDED |
| EXISTING BUILDING SQUARE FOOTAGE (FOR PROPOSED PAWN SHOP) | | 6,039 SF |
| PARKING REQUIRED: | 1/250 = 25 SPACES | |
| TOTAL PROVIDED: | | |
| ANGLED STD.: | 9' X 20' | 9 SPACES |
| REGULAR: | 9' X 19' | 12 SPACES |
| ADA: | 9' X 19' | 1 SPACES |
| LOADING SPACE: | 9' X 19' | 1 SPACES |
| | TOTAL: | 23 SPACES |

* NO PARKING VARIANCE REQUIRED

**PLANNING NOTES**

* NO PARKING VARIANCE REQUIRED
LEGAL NON-CONFORMING PARKING
"GRANDFATHERED" PER C.L.V. PLANNING STAFF

VICINITY MAP




WINSTON H. HENDERSON
ARCHITECTS
1555 EAST FLAMINGO ROAD STE. #350, LAS VEGAS, NV 89119
OFFICE (702) 893-9700 FAX (702) 893-9797

DROBKIN PAWN SHOP
TENANT IMPROVEMENT
3500 WEST SAHARA, LAS VEGAS, NEVADA 89102
APN:162054020007

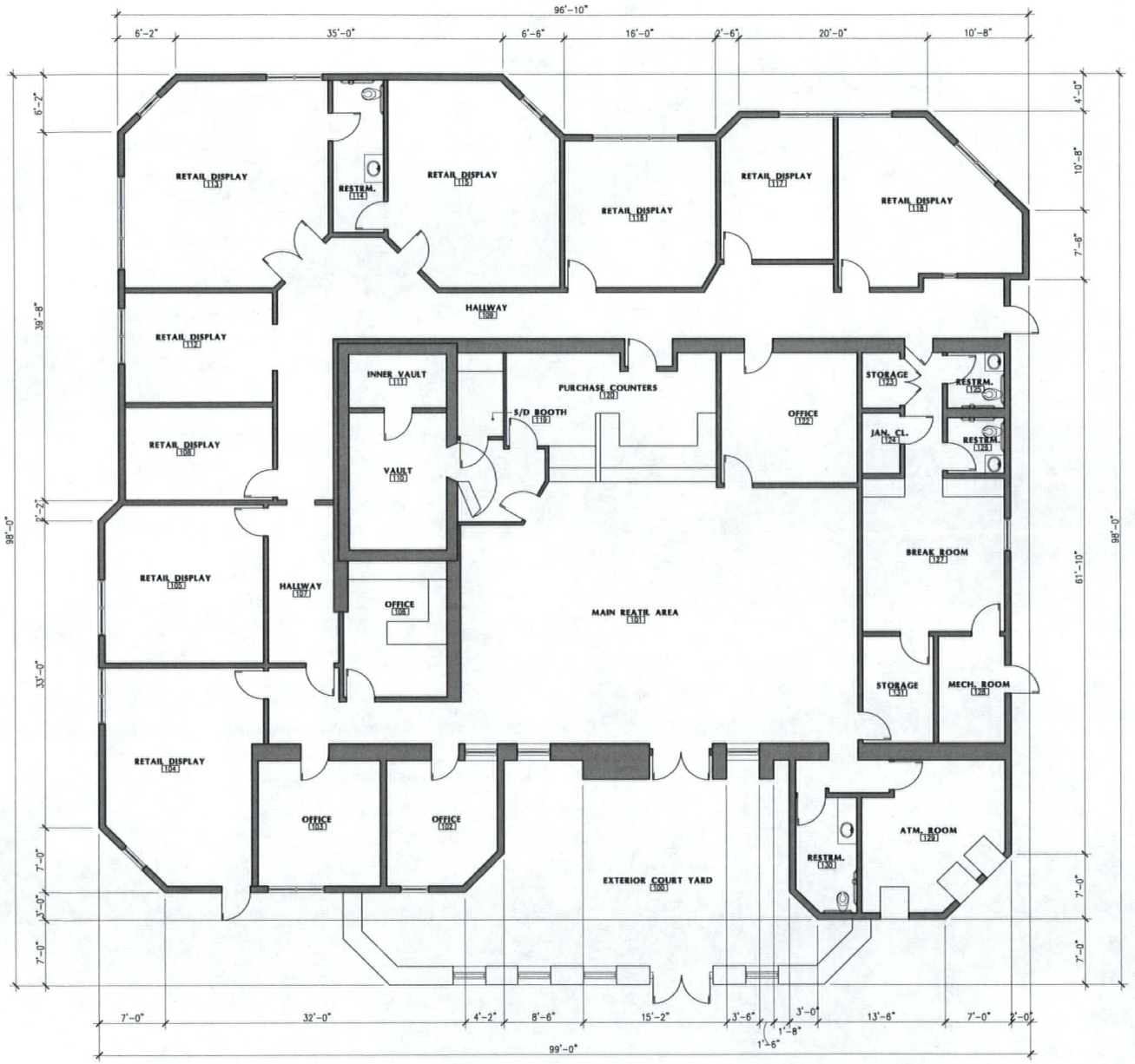
SITE PLAN

Date: 05-17-2011
Job No.: 11230
Designed: WHH
Drawn:
Update:
Checked: WHH

Sheet
AS1.0

JUN 21 2011

SUP-42225




1 EXISTING FLOOR PLAN
SCALE: 3/16" = 1'-0"

NORTH

RECEIVED
JUL 05 2011

**SUP-42225**
**REVISED**

WINSTON H. HENDERSON ARCHITECTS
1555 EAST FLAMINGO ROAD STE. #350, LAS VEGAS, NV 89119
OFFICE (702) 893-9700 FAX (702) 893-9797

DROBKIN PAWN SHOP
TENANT IMPROVEMENT
3500 WEST SAHARA, LAS VEGAS, NEVADA 89102
APN:16205402007

EXISTING FLOOR PLAN

Date: 05-17-2011
Job No.: 11230
Designed: WHH
Drawn:
Update:
Checked: WHH

Sheet
A1.0

© 2008 WINSTON HENDERSON ARCHITECTS



SUP-42225 - APPLICANT/OWNER: I RENT B & E, LLC
3500 WEST SAHARA AVENUE

06/30/11




SUP-42225 - APPLICANT/OWNER: I RENT B & E, LLC
3500 WEST SAHARA AVENUE

06/30/11

**I RENT B & E, LLC dba:**
**PIONEER BUY & SELL**
3500 W. SAHARA, LAS VEGAS, NEVADA
APN: 163-05-402-9700

**JUSTIFICTION LETTER**

This request is for the approval of a Special Use Permit for the designation & operation of a "Loan Center & Pawn Shop" in a C-1 Zone area as allowed under City of Las Vegas Title 19 / UDC 19.12.010 in an existing building formally operated as a Bank under the use of "Financial Institution w/o a Drive Thru", also per UDC 19.12.010. The building will also contain a secondary business of the same nature.

We are requesting a waiver to allow distance separation of approximately 657 feet from a Financial Institution specified where 1000 Feet is required.

Per City of Las Vegas Planning Staff, the existing legal Non-Conforming parking designation shall remain in place.

The pawn shop proposes to upgrade the exterior appearance of the building with new paint, signage and non-structural fascia repairs. The existing landscape and parking lot will remain unchanged.

W Henderson

Winston Henderson
Representative

RECEIVED
JUL 11 2011

**SUP-42225**
**REVISED**

City of Las Vegas Agenda Item No.: **33.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

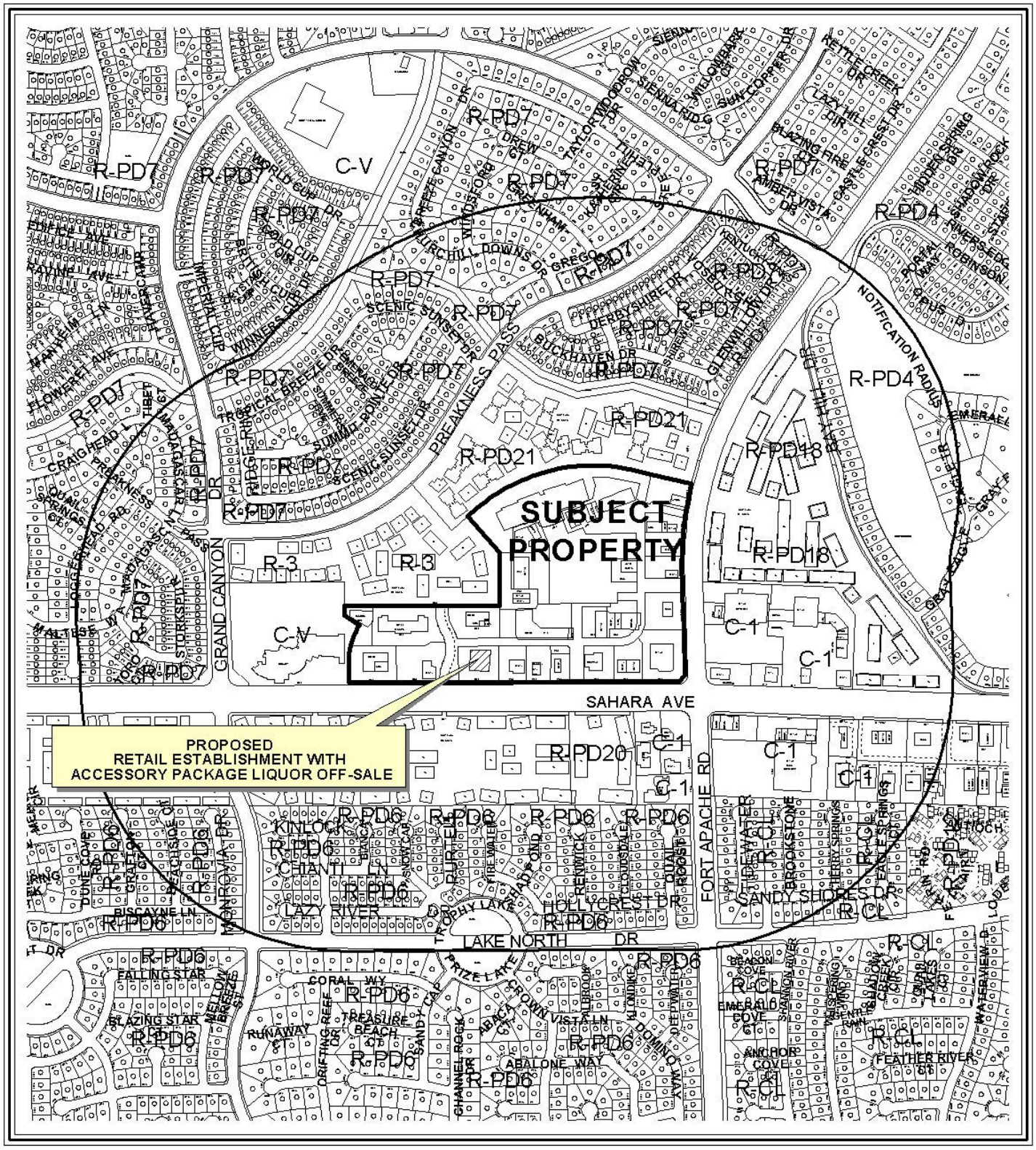
**SUBJECT:**
SUP-42252 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOG BITES BACK, LLC - OWNER: WINNER PROPERTIES, LLC - For possible action on a request for a Special Use Permit FOR A 98 SQUARE-FOOT RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITH A WAIVER TO ALLOW A ZERO-FOOT DISTANCE SEPARATION FROM A RELIGIOUS FACILITY WHERE 400 FEET IS REQUIRED at 9500 West Sahara Avenue (APN 163-06-816-015), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo
5. Justification Letter




**CASE:** **SUP-42252**

**RADIUS:** 1500 FT

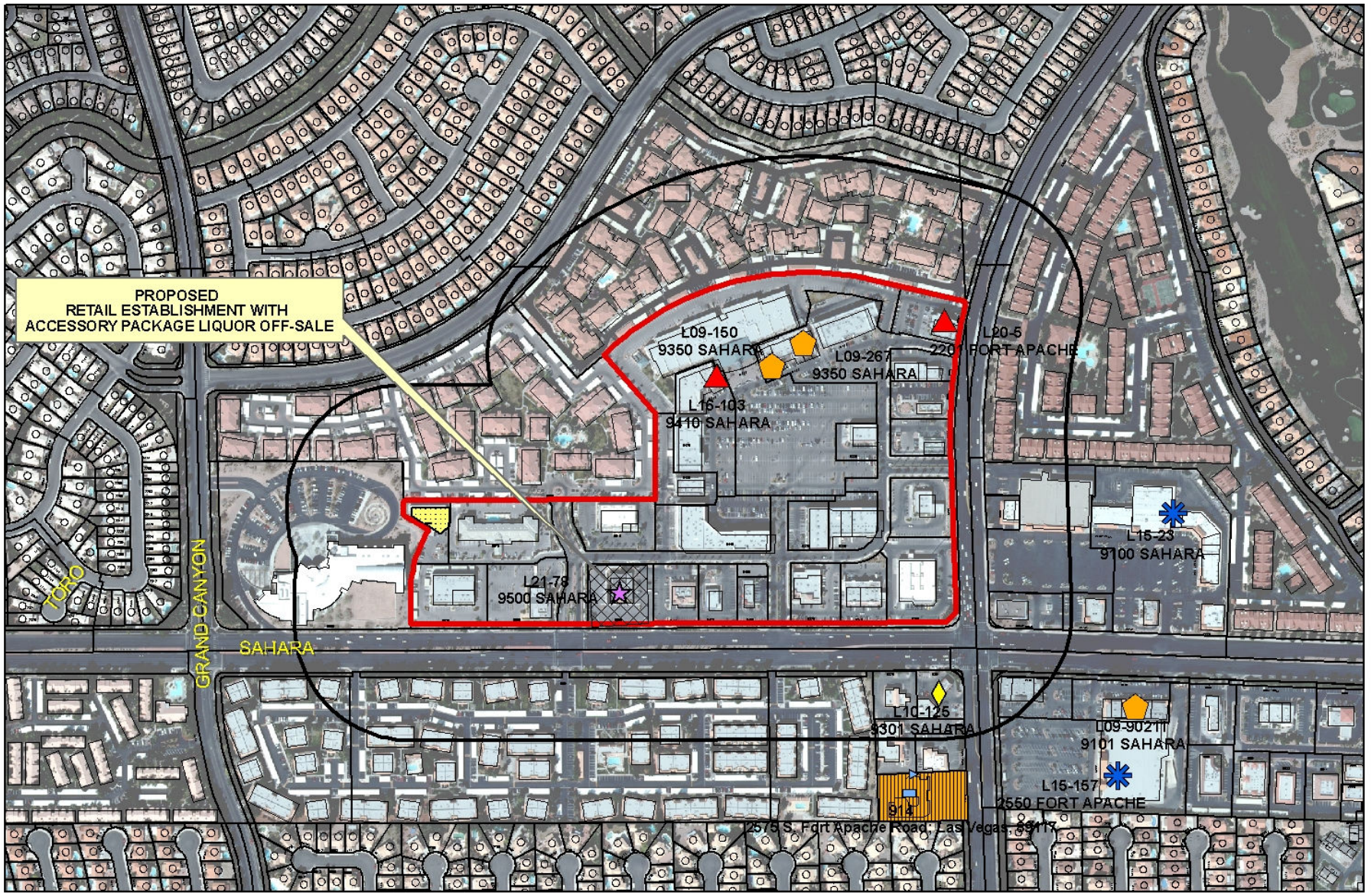
**ZONING OF SUBJECT PROPERTY:** C-1 (LIMITED COMMERCIAL)




**CASE:** **SUP-42252**

**RADIUS:** 1500 FT

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




**SUP-42252**

**Package Liquor Sales**

**Business Licenses**

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer
- N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: DOG BITES BACK, LLC - OWNER: WINNER PROPERTIES, LLC**

**** STAFF RECOMMENDATION(S) ****

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-42252** | Staff recommends DENIAL, if approved subject to conditions: | N/A |

**** CONDITIONS ****

# SUP-42252 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment with Accessory Package Liquor Off-Sale use.

2. Conformance to the approved conditions for Variance (VAR-37295), Special Use Permit (SUP-36961) and Site Development Plan Review (SDR-36962).

3. 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

4. Prior to occupancy, 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.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

**Conditions Page Two**
**August 9, 2011 - Planning Commission Meeting**

7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for resale.

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

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 98 square-foot Retail Establishment with Accessory Package Liquor Off-Sale use, in conjunction with an existing 1,428 square-foot Deli located at 9500 West Sahara Avenue. The proposed use does not comply with all Title 19.12 requirements and cannot be conducted in a manner that is harmonious and compatible with the existing surrounding development and land uses; therefore, staff recommends denial of this Special Use Permit. If this application is denied, the proposed Retail Establishment with Accessory Package Liquor Off-Sale use cannot be conducted at this location, nor can a business license be issued.

## ISSUES

- A Retail Establishment with Accessory Package Liquor Off-Sale use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver is required to allow no distance separation from a religious facility where 400 feet is the minimum distance requirement.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 12/22/80 | The City Council approved a request for Annexation (A-0018-80) of a parcel of land generally bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east, containing approximately 2,246 acres of land. Planning Commission and staff recommended approval. |
| 02/15/89 | The City Council approved a Rezoning (Z-0139-88) application for the reclassification of property from N-U (Non Urban) under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic), to R-PD7 (Residential Planned Development- 7 Units Per Acre), R-3 (Medium Density Residence), and C-1 (Limited Commercial) for property generally located on the west side of Fort Apache Road, between Sahara Avenue and Charleston Boulevard. The Planning Commission and staff recommended approval. |

| | |
|---|---|
| 07/14/97 | The City Council approved a request for a Special Use Permit (U-0049-97) for a proposed Tavern in conjunction with restaurant on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission and staff recommended approval. |
| | The City Council approved a request for a Special Use Permit (U-0050-97) for a proposed Tavern with a Waiver of the 1,500-foot distance separation requirement from an existing and proposed tavern on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission and staff recommended approval. |
| 10/27/97 | The City Council approved a request for a Site Development Plan Review [Z-0139-88(19)] for a proposed 8,400 square-foot one story retail building located at 9310 West Sahara Avenue. The Planning Commission recommended approval of the request. |
| 11/24/97 | The City Council approved a request for a Site Development Plan Review [Z-0139-88(21)] for a proposed 16,708 square-foot one story drugstore with drive-through located on the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval of the request. |
| 01/26/98 | The City Council approved a request for a Special Use Permit (U-0128-97) for the sale of Packaged Liquor in conjunction with a proposed 16,708 square-foot drugstore on property located on the northwest corner of Sahara Avenue and Fort Apache Road. Planning Commission recommended approval. |
| 03/23/98 | The City Council approved a request for a Site Development Plan Review [Z-0139-88(23)] for a proposed 4,716 square-foot restaurant located on the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval of the request. |
| 04/27/98 | The City Council approved a request for a Special Use Permit (U-0146-97) for a proposed three-story, non-gaming residence hotel, consisting of seventy-three one-bedroom units on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission recommended approval. |
| | The City Council approved a request for a Special Use Permit (U-0020-98) for a Restaurant Service Bar in conjunction with a proposed 3,784 square-foot restaurant located at 9350 West Sahara Avenue. Planning Commission recommended approval. |
| 05/11/98 | The City Council approved a request for a Special Use Permit (U-0031-98) for the On-Premise sale of Beer and Wine in conjunction with a proposed restaurant located at 9350 West Sahara Avenue. Planning Commission recommended approval. |

| | |
|---|---|
| 06/08/98 | The City Council approved a request for a Special Use Permit (U-0038-98) for a proposed Supper Club in conjunction with a proposed 6,648 square-foot restaurant on property located on the north side of Sahara Avenue, west of Fort Apache Road. Planning Commission recommended approval. |
| | The City Council approved a request for a Site Development Plan Review [Z-0139-88(24)] for a proposed 27,418 square-foot two-story retail and office building and a 33,207 square-foot two-story retail and office building located on the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval of the request. |
| 09/29/98 | The City Council approved a request for a Special Use Permit (U-0080-98) for the On-Premise sale of Beer and Wine in conjunction with a proposed 2,160 square-foot restaurant located on the northwest corner of Fort Apache Road and Sahara Avenue. Planning Commission recommended approval. |
| | The City Council approved a request for a Site Development Plan Review [Z-0139-88(27)] for a proposed 4,212 square-foot commercial retail building located on the northwest corner of Sahara Avenue and Fort Apache Road. The Planning Commission recommended approval of the request. |
| 10/12/98 | The City Council approved a request for a Special Use Permit (U-0090-98) for a proposed Supper Club in conjunction with a proposed 6,990 square-foot restaurant on property located on the north side of Sahara Avenue approximately 1,400 feet west of Fort Apache Road. |
| 10/16/98 | The City Council approved a request for a Site Development Plan Review [Z-0139-88(29)] for a proposed 3,190 square-foot restaurant located on the north side of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval of the request. |
| 11/09/98 | The City Council approved a request for a Special Use Permit (U-0115-98) for a proposed Supper Club in conjunction with a proposed 8,802 square-foot restaurant on property located on the north side of Sahara Avenue, west of Fort Apache Road. |
| 07/12/06 | The City Council approved a Variance (VAR-12102) to allow 2,404 parking spaces where 2,440 is the minimum number of spaces required in conjunction with the addition of a 1,200 square-foot restaurant within the existing shopping center. The Planning Commission recommended approval and staff recommended denial. |
| 01/22/10 | The Planning and Development Department administratively approved a Minor Amendment (SUP-37062) to a previously approved Special Use Permit (U-0038-98) to allow alcohol service into an additional 617 square-feet of existing outdoor seating at an existing 6,648 square foot Supper Club at 9500 West Sahara Avenue. |

| | |
|---|---|
| 04/07/10 | The City Council approved a request for a Variance (VAR-37295) to allow no additional parking spaces where 36 additional spaces are required on 36.8 acres at the northwest corner of Fort Apache Road and Sahara Avenue. The Planning Commission recommended approval and staff recommended denial. |
| | The City Council approved a request for a Major Amendment to an approved Special Use Permit (U-0038-98) to add 2,820 square feet of building area and outside seating area to an existing 7,265 square-foot Supper Club at 9500 West Sahara Avenue. The Planning Commission recommended approval and staff recommended denial. |
| | The City Council approved a request for a Major Amendment to a previously approved Rezoning and Plot Plan Review (Z-0139-88) for a proposed 2,036 square-foot addition to an existing 6,648 square-foot commercial building at 9500 West Sahara Avenue. The Planning Commission recommended approval and staff recommended denial. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 12/07/09 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 07/15/98 | A building permit (#98014454) was issued for a new restaurant Certificate of Occupancy at 9500 West Sahara Avenue. The building permit was finalized on 02/02/99. |
| | A building permit (#98014455) was issued for on-site improvements and hardscapes at 9500 West Sahara Avenue. The building permit was expired on 04/01/00. |
| 09/02/98 | A building permit (#98017819) was issued for on-site fire and water at 9500 West Sahara Avenue. The building permit was expired on 04/01/00. |
| 11/09/98 | A building permit (#98022139) was issued for patio addition for a restaurant at 9500 West Sahara Avenue. The building permit was expired on 04/05/99. |
| 11/18/98 | A building permit (#98022669) was issued for a sign at 9500 West Sahara Avenue. The building permit was finalized on 02/02/99. |
| 12/17/98 | A business license (#L21-00012) was issued for a Supper Club at 9500 West Sahara Avenue. The license was marked out on 12/08/09. |
| 09/02/99 | A building permit (#99017403) was issued for two illuminated wall signs at 9500 West Sahara Avenue. The building permit was finalized on 09/16/99. |
| 11/13/09 | A building permit (#151159) was issued for an illuminated wall sign at 9500 West Sahara Avenue. The building permit has not been finalized. |
| 12/08/09 | A business license (#R09-00907) was issued for a Restaurant seating 45 people or more at 9500 West Sahara Avenue. The license is still active. |
| 03/09/10 | A building permit (#158131) was issued for a Tenant Improvement at 9500 West Sahara Avenue. The building permit was finalized on 05/24/10. |

| | |
|---|---|
| 06/30/10 | A business license (#L21-00078) was issued for a Supper Club at 9500 West Sahara Avenue. The license is still active. |
| 03/01/11 | A building permit (#180059) was issued for a Patio Cover at 9500 West Sahara Avenue. The building permit was finalized on 04/28/11. |
| 03/21/11 | A business license (#R10-00133) was issued for a Food Caterer at 9500 West Sahara Avenue. The license is still active. |

| ***Pre-Application Meeting*** | |
|---|---|
| 06/14/11 | A pre-application meeting was held where submittal requirements for a Special Use Permit were discussed. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | Staff conducted a field check and noted a Shopping Center that is well maintained. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 36.8 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Shopping Center | SC (Service Commercial) | C-1 (Limited Commercial) |
| North | Apartments | M (Medium Density Residential) | R-PD21 (Residential Planned Development – 21 Units Per Acre), R-3 (Medium Density Residential) |
| South | Bank, Apartments | SC (Service Commercial) | C-1 (Limited Commercial) |
| | | M (Medium Density Residential) | R-PD20 (Residential Planned Development – 20 Units Per Acre) |

| | | | |
|---|---|---|---|
| East | Commercial Shopping Center | M (Medium Density Residential) | R-PD18 (Residential Planned Development – 18 Units Per Acre) |
| | | SC (Service Commercial) | C-1 (Limited Commercial) |
| West | Library, Church, Apartments | PF (Public Facilities) | C-V (Civic) |
| | | SC (Service Commercial) | C-1 (Limited Commercial) |
| | | M (Medium Density Residential) | R-3 (Medium Density Residential) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | | |
| Peccole Ranch | X | | Y |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | X | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Sahara Avenue | Primary Arterial | Master Plan of Streets and Highways | 150 | Y* |
| Fort Apache Road | Primary Arterial | Master Plan of Streets and Highways | 100 | Y |

*Per the Master Plan of Streets and Highways, Sahara Avenue is listed as a 100-foot Primary arterial.

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Shopping Center | 425,720 S.F. | 1/250 S.F. | 1,703 | | | | |
| **TOTAL SPACES REQUIRED** | | | 1,703 | | 2,112 | | Y |
| **Regular and Handicap Spaces Required** | | | 1,667 | 36 | 2,032 | 80 | Y |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| 400-foot distance separation from a religious facility. | To allow no distance separation from a religious facility. | Denial |

**ANALYSIS**

A Retail Establishment with Accessory Package Liquor Off-Sale use is defined by Title 19.20.020 as "a retail establishment:

**(1)** Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and
**(2)** In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than ten percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

The term includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location."

A Waiver is required and has been requested to allow no distance separation from a religious facility where 400 feet is the minimum distance requirement. The subject site is located within the Peccole Ranch Master Plan Area and the proposed use will not have a negative impact to the master plan. Staff is recommending denial of this application because the proposed use cannot be conducted in a manner this is compatible with the surrounding land uses, as is evidenced by the requested Waiver of the minimum distance separation. The applicant has not provided sufficient evidence that would warrant the granting of the Waiver to allow no distance separation from a religious facility.

**FINDINGS (SUP-42252)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed use cannot be conducted in a manner that is harmonious and compatible with the uses on the existing site and with the commercial uses on adjacent properties, due to the Waiver to allow no distance separation from a religious facility.

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

   The subject site is physically suitable for the type and intensity of the proposed use. There is no additional parking requirement for a Retail Establishment with Accessory Package Liquor Off-Sale use other than that which is required for the principal use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   The site is accessed by Sahara Avenue and Fort Apache Road. These streets are of sufficient size to accommodate the needs of the proposed Retail Establishment with Accessory Package Liquor Off-Sale use.

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

   Approval of the proposed Special Use Permit will not compromise the public health, safety and general welfare, as the use will be subject to regular inspections for business licensing.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The proposed use does not meet all Minimum Special Use Permit Requirements pursuant to Title 19.12. A Waiver is required to allow no distance separation from a religious facility where 400 feet is the minimum distance requirement.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 8

**NOTICES MAILED** 1,505

**APPROVALS** 0

**PROTESTS** 0

JG

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-42252 APN: 163-06-816-015

Name of Property Owner: Winner Properties L L C

Name of Applicant: Dog Bites Back, LLC

Name of Representative: Antonio Accornero

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: ANTONIO ACCORNERO

Subscribed and sworn before me

This 17th day of May, 2011

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JACQUELINE M. RODRIGUEZ
My Appointment Expires
January 13, 2014
No: 10-1244-1

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JUN 23 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Retail with accessory package liquor off sale

**Project Address (Location)** 9500 W. Sahara Avenue

**Project Name** Siena Deli and Restaurant **Proposed Use** Package Liquor

**Assessor's Parcel #(s)** 163-06-816-015 **Ward #** 2

**General Plan:** existing _____ proposed _____ **Zoning:** existing C-1 proposed C-1

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** 1.06 **Lots/Units** _____ **Density** _____

**Additional Information** WAIVER FROM RELIGIOUS INSTITUTION LOCATED ON PARCEL 163-06-810-024

**PROPERTY OWNER** Winner Properties L L C **Contact** JOY BUSTAMANTE

**Address** 9601 ORIENT EXPRESS CT **Phone:** 213-760-9379 **Fax:** _____

**City** LAS VEGAS **State** NV **Zip** 89145

**E-mail Address** joy@winnerpropertiesllc.com

**APPLICANT** Dog Bites Back, LLC **Contact** Antonio Accornero

**Address** 9500 W. Sahara Avenue **Phone:** (702) 360-3358 **Fax:** (702) 360-3355

**City** Las Vegas **State** NV **Zip** 89117

**E-mail Address** cpipgaa@aol.com

**REPRESENTATIVE** Law office of Jay Brown **Contact** Lora Dreja

**Address** 520 S. Fourth Street **Phone:** (702) 384-5563 **Fax:** (702) 385-1023

**City** Las Vegas **State** NV **Zip** 89101

**E-mail Address** lora@brownlawlv.com

**Property Owner Signature*** _____

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

**Print Name** ANTONIO ACCORNERO

Subscribed and sworn before me

This 17th day of May, 20 11.

_____

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JACQUELINE M. RODRIGUEZ
My Appointment Expires
January 13, 2014
No: 10-1244-1

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SUP-42252 |
| **Meeting Date:** | 8/9/11 PC |
| **Total Fee:** | $1280 |
| **Date Received:*** | 6/23/11 |
| **Received By:** | |

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JUN 23 2011

*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.

f:\depot\Application Packet\Application Form.pdf

USE PERMIT RETAIL ESTABLISHMENT WITH ACCESSORY OFFSALE PACKAGE LIQUOR

## MASTERPLAN PARKING DATA

APN NO. 163-06-810-015

PROPERTY SIZE: 1.06 ACRES (46,174 SQUARE FEET)

EXISTING FLOOR AREA: 6,648 SF + 1,108 (PATIO) = 7,755 SF
F.A.R. (FLOOR AREA RATIO): 7,755 S.F./ 46,174 S.F. = 0.17%

PROPOSED FLOOR AREA: 608 SF (DINING) + 1,428 (DELI) + 293 SF (PATIO) = 2,329 SF
COMBINED/TOTAL F.A.R. 7,756 + 2,329; 46,174 SF = 21%

DENSITY: N/A

PARKING ANALYSIS (TITLE 19 ZONING CODE, SECTION 19.04)
One space for each 50 S.F. of public seating and waiting area, including outdoor areas for seating and waiting, plus one space for each 200 s.f. of the total remaining gross floor area, with a minimum of 10 spaces required

REQUIRED PARKING (ALL SPACES ARE 9'-0" X 19'-0")

NEW WEST DINING: 608 SF (/50 = 13 SPACES)
NEW EAST DELI 1428 SF (/200 = 6 SPACES)
NEW PATIO: 293 SF (/50 = 6 SPACES)

TOTAL PARKING REQUIRED FOR NEW ADDITION: 27 SPACES

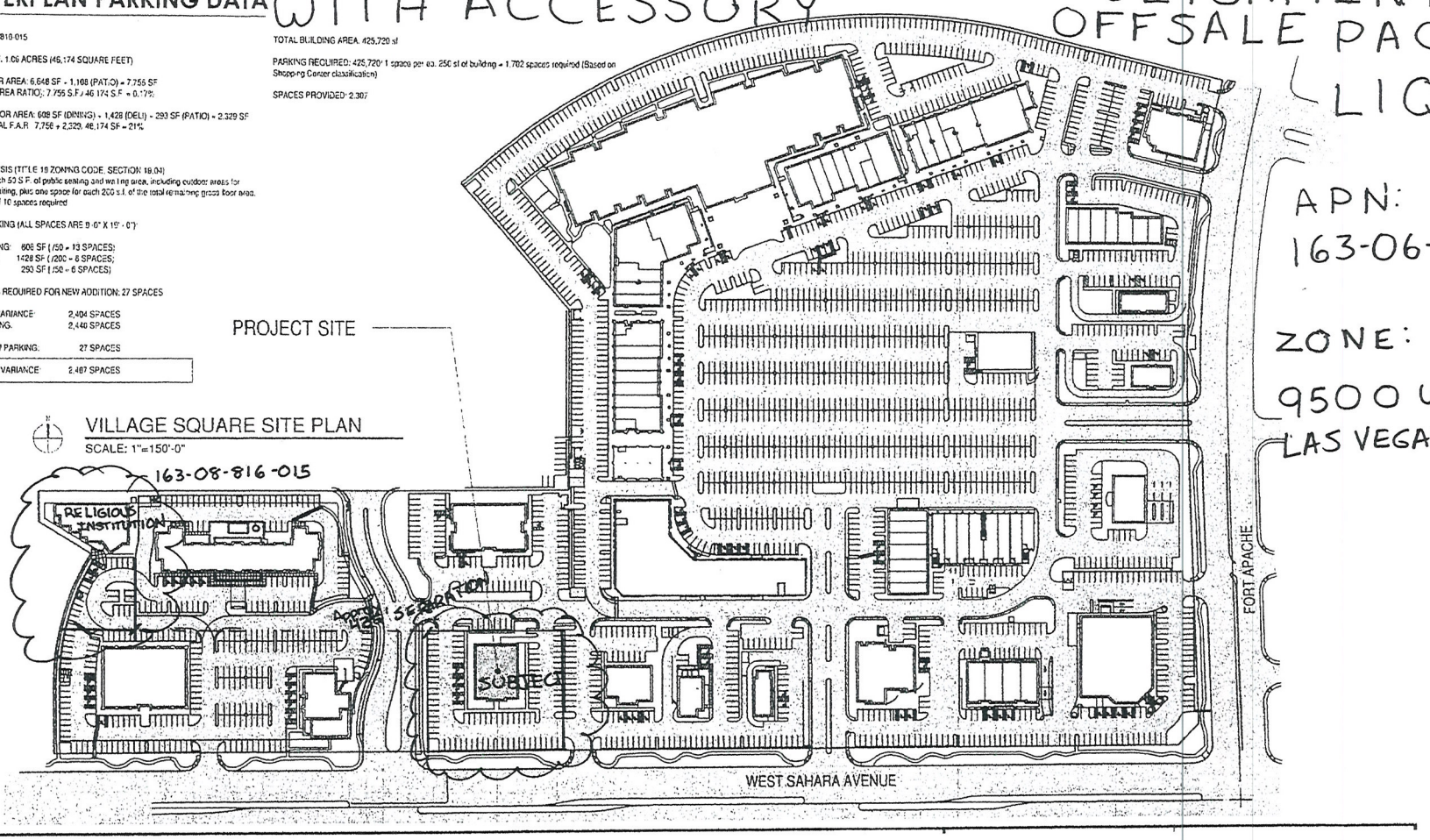
| | |
|---|---|
| EXISTING 2005 VARIANCE: | 2,404 SPACES |
| EXISTING PARKING: | 2,440 SPACES |
| PROPOSED NEW PARKING: | 27 SPACES |
| REQUIRED NEW VARIANCE: | 2,467 SPACES |

TOTAL BUILDING AREA: 425,720 sf

PARKING REQUIRED: 425,720 / 1 space per ea. 250 sf of building = 1,702 spaces required (Based on Shopping Center classification)

SPACES PROVIDED: 2,307

PROJECT SITE




VILLAGE SQUARE SITE PLAN
SCALE: 1"=150'-0"

APN:
163-06-816-015

ZONE: C-1

9500 W. SAHARA
LAS VEGAS, NV, 89117

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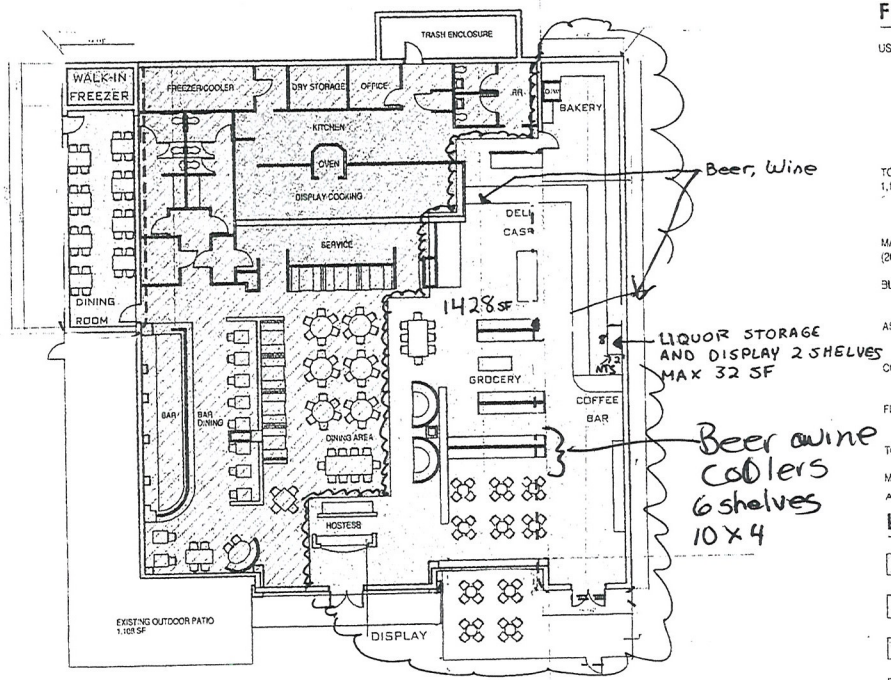
SUP-42252




FLOOR PLAN
SCALE: 1/16"=1'-0"

## FLOOR PLAN DATA

USE AND OCCUPANCY CLASSIFICATION PER 2006 IBC SECTION 302
GROUP A-2: ASSEMBLY USES INTENDED FOR FOOD AND/OR DRINK CONSUMPTION INCLUDING BUT NOT LIMITED TO:
BANQUET HALLS
NIGHT CLUBS
RESTAURANTS
TAVERNS AND BARS

TOTAL SQUARE FOOTAGE OF EXISTING AND PROPOSED = 6,548 + 1,108 (EXISTING PATIO) + 608 (NEW DINING) + 1,428 DELI + 293 PATIO = 10,085 SF

MAXIMUM ALLOWABLE FLOOR AREA ALLOWANCES PER OCCUPANT (2006 IBC - TABLE 1004.1.1)

BUSINESS AREAS (100 GSF Floor Area Per Occupant)
4261 GSF/ 100 = 43 OCCUPANTS

ASSEMBLY WITHOUT FIXED SEATS (15 Net SF - Unconcentrated
2189 NSF/ 15 = 146 OCCUPANTS

COMMERCIAL KITCHEN (200 GSF Floor Area Per Occupant)
1071 GSF/ 200 = 6 OCCUPANTS

FIXED BOOTH (PER SECTION 1004.7 - 1 Occupant per 24")
1032" TOTAL SEAT LENGTH/ 24" = 43 OCCUPANTS

TOTAL OCCUPANTS: 238

MAXIMUM DINING CAPACITY: 189 OCCUPANTS
ACTUAL DINING: 183 OCCUPANTS

## LEGEND

- BUSINESS AREAS
- ASSEMBLY AREAS (WITHOUT FIXED SEATS)
- COMMERCIAL KITCHEN
- FIXED BOOTH

USE PERMIT FOR RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE
SIENNA DELI AND RESTAURANT
9500 W. SAHARA AVE.
PARCEL: 163-06-816-015

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JUN 23 2011
SUP-42252




SUP-42252 – APPLICANT: DOG BITES BACK, LLC - OWNER: WINNER PROPERTIES, LLC
9500 WEST SAHARA AVENUE

06/30/11

LAW OFFICE

Brown, Brown & Premsrirut

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6520

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
EMAIL: jbrown@brownlawlv.com

June 22, 2011

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

RE: Special Use Permit for Retail establishment with Accessory Off-sale packaged liquor, beer and wine.

Dear Sir/Madam;

Please consider this request to allow off-sale packaged liquor, and beer and wine from the existing Sienna Deli and Restaurant business. Currently a single building located at 9500 West Sahara Avenue operates as a supperclub and a 1428 SF ethnic specialty merchandise store.

The ethnic market sells deli and bakery items as well as dry goods. The applicant wishes to offer Italian wines, beers and liquors within the retail store for consumption off premises. The beer and wine will be located on the shelves facing the breakfast tables within the deli. The total area on this shelf devoted to beer and wine is 10'wide X 4'deep X 6 shelves high. Up to six square feet will be within the deli coolers for items that need a chilled storage environment. With reference to Liquor, up to 32 SF is of shelf space is proposed. The liquor shelving is located behind the bakery such that it is accessible only to employees.

The subject building is located on a parcel within the Village Square commercial subdivision. Technically, 27 parcels are located on one property within this commercial subdivision. As a result a waiver of distance separation is required from the nearest religious institution. While there is approximately 435 feet between the parcel boundary of the subject lot and the parcel line of the religious institution, the two uses are technically on the same property. A library is located approximately 600 feet to the west of the property. As such, this use meets the minimum distance separation required by Title 19.

Very truly yours,

Lora Dreja
Land Entitlements
Law Offices of Jay Brown
(702) 598-1408

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JUN 23 2011
SUP-42252

City of Las Vegas Agenda Item No.: **34.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

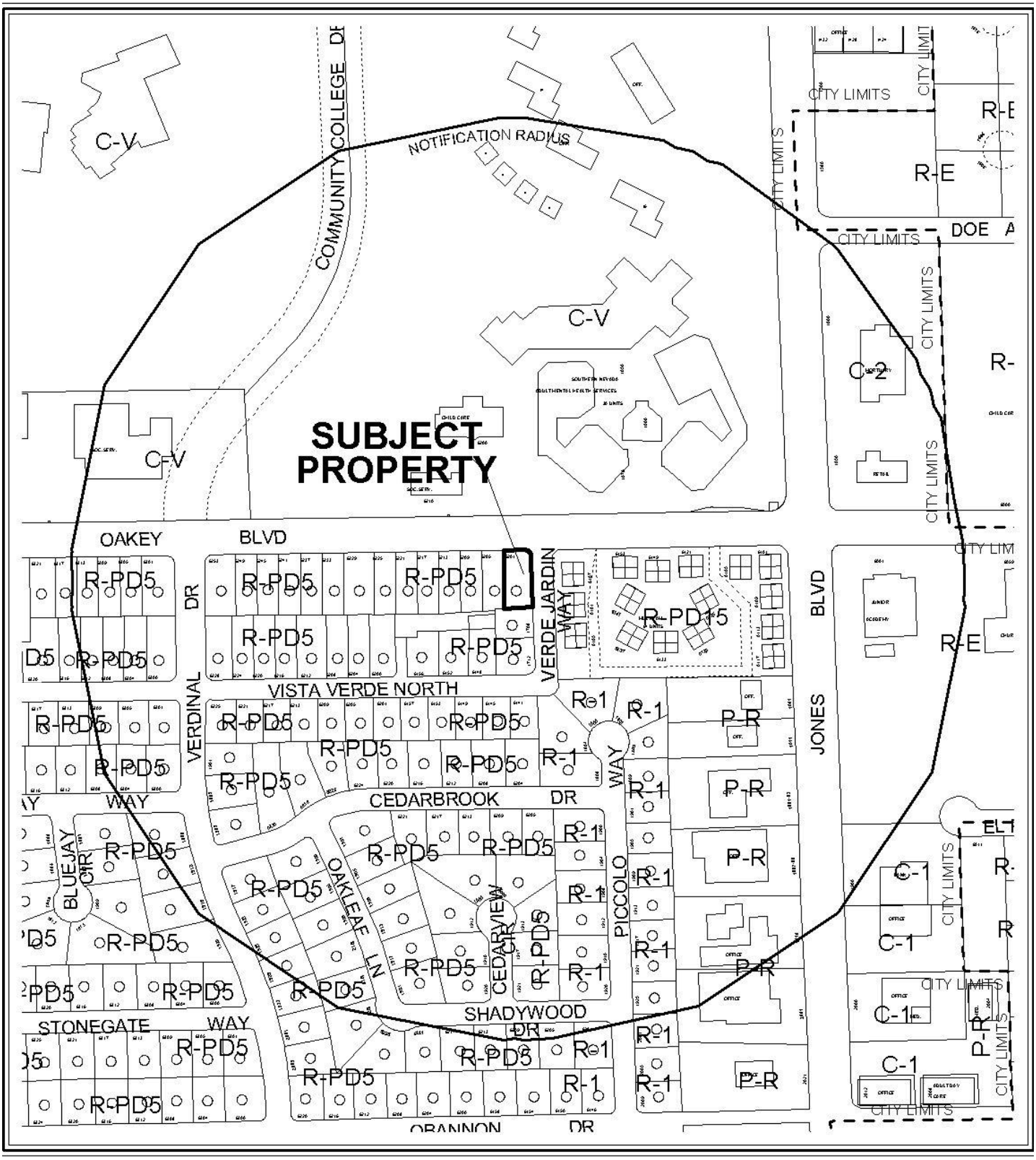
**SUBJECT:**
SUP-42258 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KID"S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE - For possible action on a request for a Special Use Permit FOR A PROPOSED CHILD CARE - GROUP HOME (7-12 CHILDREN) WITH A WAIVER TO ALLOW ACCESS TO THE FACILITY BY MEANS OF A RIGHT-OF-WAY (OAKEY BOULEVARD) WITH A WIDTH OF GREATER THAN 60 FEET at 6201 West Oakey Boulevard (APN 163-02-712-024), R-PD5 (Residential Planned Development - 5 Units Per Acre) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




0 300 600 Feet

**CASE:** **SUP-42258**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** R-PD5 (Residential Planned Development - 5 Units Per Acre)

N




**CASE:** **SUP-42258**

**RADIUS:** 1000 FT

0 300 600 Feet

**ZONING OF SUBJECT PROPERTY:** R-PD5 (Residential Planned Development - 5 Units Per Acre)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-42258** | Staff recommends DENIAL, if approved subject to conditions: | N/A |

## ** CONDITIONS **

# SUP-42258 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Child Care – Group Home use.

2. 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.

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

RG

**Staff Report Page One**
**August 9, 2011 - Planning Commission Meeting**

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Child Care – Group Home use (7-12 Children) within a single family residence at 6201 West Oakey Boulevard. The residence is currently used to operate a Child Care – Family Home use for six children. A business license for a Family Child Care – Family Home use (maximum of six children) is current and was originally issued on October 1, 2010 at this location.

Per Special Use Permit Requirement #5, access to a Child Care – Group Home use (7-12 Children) shall be by means of a right-of-way with a width of 60 feet or less. The location of the proposed Child Care – Group Home is on Oakey Boulevard, which is an 80-foot wide right-of-way and Verde Jardin Way, a 50-foot right of way. The applicant proposes to allow pick up and drop off of children at driveways from both streets. Staff recommends denial of the proposed use, as it cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses. If this request is denied, the existing Child Care – Family Home would remain as is.

## ISSUES

- A Child Care – Group Home use is permitted in the R-PD5 (Residential Planned Development – 5 Units per Acre) zoning district with the approval of a Special Use Permit.
- A Waiver is required to allow a child care facility access from a right-of-way width of greater than 60 feet, where 60 feet or less is required.
- The loading and unloading of passengers as proposed on site is awkward, and is not adequate for the proposed use.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 09/06/72 | The Board of City Commissioners approved a request for Rezoning (Z-0067-72) from R-E (Residence Estates) to R-PD5 (Residential Planned Development – 5 Units per Acre) of property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval. |
| 02/20/74 | The Board of City Commissioners approved a request for a Plot Plan Review (Z-0067-72) for property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning |

| | |
|---|---|
| | Commission recommended approval. |



| | |
|---|---|
| 03/19/75 | The Board of City Commissioners approved a request for a Revised Plot Plan Review (Z-0067-72) for property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval. |
| 11/05/75 | The Board of City Commissioners approved a request for a Revised Plot Plan Review (Z-0067-72) to incorporate the common area into the abutting lots on property generally located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval. |
| 01/07/76 | The Board of City Commissioners approved a request for a Plot Plan Review (Z-0067-72) for property located on the south side of Oakey Boulevard between Torrey Pines Drive and Jones Boulevard. The Planning Commission recommended approval. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 09/27/04 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 01/16/73 | A building permit (#8830) was issued for a Single Family Dwelling at 6201 West Oakey Boulevard. The permit was finalized on 05/17/73. |
| 10/13/05 | A business license (N08-00419) was issued for a Family Home Child Care use for up to six children at 6201 West Oakey Boulevard. The license was marked out business on 05/15/09, as Child Care licensing was surrendered to the State of Nevada on 05/07/09 |
| 10/01/10 | A business license (#970-10) was issued by the State of Nevada Bureau of Services for a Child Care for Family Care Home use at 6201 West Oakey Boulevard. The license is currently active. |

| ***Pre-Application Meeting*** | |
|---|---|
| 06/15/11 | The minimum Special Use Permit requirements for a proposed Child Care – Group Home use were discussed. The applicant was informed of the minimum Special Use Permit requirements for the proposed use. The topics included:<br>• The subject property currently has a driveway fronting Oakey Boulevard. The minimum Special Use Requirement Number 5 could not be met due to the existing driveway, with a proposed use will run-on utilize the driveway as parking spaces for the proposed use, in addition to the three additional parking at the rear of the property with an access from Verde Jardin Way. |

| | |
|---|---|
| 06/15/11 | • A waiver to allow access to the facility by means of a right-of-way greater than 60 feet is required.<br>• The loading and unloading of passengers as proposed on site is not adequate for the property and Condition Number 2 cannot be waived. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | A site check by staff noted that the subject site had graffiti on the existing block wall located on Verde Jardin Way. The landscaping area on the side and front yard contains weeds. Trash was found on the side yard landscaping area along Verde Jardin Way. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.19 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Single Family, Attached | ML (Medium Low Density Residential) | R-PD5 (Residential Planned Development – 5 Units Per Acre) |
| North | Social Service Provider | PF (Public Facilities) | C-V (Civic) |
| South | Single Family, Detached | ML (Medium Low Density Residential) | R-PD5 (Residential Planned Development – 5 Units Per Acre) |
| East | Multi-Family Residential | M (Medium Density Residential) | R-PD15 (Residential Planned Development – 15 Units Per Acre) |
| West | Single Family, Attached | ML (Medium Low Density Residential) | R-PD5 (Residential Planned Development – 5 Units Per Acre) |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | X | N/A |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | X | N/A |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Oakey Boulevard | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |
| Verde Jardin Way | N/A | N/A | 50 | N/A |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Child Care – Group Home | 1,313 SF | One space for each staff member | 2 | | | | |
| | | One space for each six children | 2 | | | | |
| **TOTAL SPACES REQUIRED** | | | 4 | | 5 | | Y |
| **Regular and Handicap Spaces Required** | | | 3 | 1 | 4 | 1 | Y |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| Access to the facility shall be by means of a right-of-way with a width of 60 feet or less. | To allow access to the facility by means of a right-of-way greater than 60 feet. | Denial |

## ANALYSIS

A Child Care – Group Home use is defined per Title 19.18.020, as "a residential dwelling used primarily as a residence which also provides day or overnight care for a minimum of seven to a maximum of 12 children for compensation. Such a use is subject to the child care regulations and standards of the State of Nevada." The applicant is currently operating as a Child Care – Family Home with a maximum of six children with a State of Nevada license. The applicant is proposing to increase the number of children at the current location up to 12 children, changing the classification of the land use to Child Care – Group Home.

The applicant is proposing to add three additional parking spaces in the rear yard of the property, with street access to Verde Jardin Way. One parking space will be reserved for van accessible handicap parking. The applicant is requesting a waiver to allow access to the facility from Oakey Boulevard, a street greater than 60 feet in width, to allow the proposed Child Care – Group Home to provide for loading and unloading of passengers on site from either the front driveway or the parking lot located at the rear of the property simultaneously as part of the minimum Special Use Permit Requirement number 2. However, the configuration is awkward for the number of children to be loaded and unloaded, and will most likely result in this activity occurring in the public right-of-way.

There are five parking spaces shown on the submitted site plan, one being van accessible space, and parking has been designed to allow parked cars to ender Verde Jardin Way in a forward direction, rather than backing out. The proposed use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as evidence by a waiver request; therefore, staff recommends denial.

## FINDINGS (SUP-42258)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Child Care – Family Home use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, as evidence by a waiver request to allow access to the facility by means of a right-of-way greater than 60 feet wide.

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

The lot and existing building will provide sufficient play area and building facility to accommodate the child and staff. An area of concern is an appropriate loading and unloading zone. There are five parking spaces shown on the submitted site plan, one being a van accessible space, and parking has been designed to allow parked cars to enter Verde Jardin Way in a forward direction, rather than backing out. However, parked cars on the existing driveway along Oakey Boulevard will be backing out into the right-of-way. The site as proposed is lacking an appropriate loading and unloading zone and staff cannot support this request.

**3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided from Oakey Boulevard, designated as a Secondary Collector in the Master Plan of Streets and Highways, and Verde Jardin Way, a local street. Although adequate in size to accommodate traffic entering and leaving the site, it is intense for the location of a child care facility.

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

A requirement for this use is that it be located on a right-of-way with a width of 60 feet or less. The proposed Child Care – Group Home use is unsafe at this location on Oakey Bouleverd, as it is an 80-foot wide right-of-way. Oakey Boulevard is a busy east-west street with a daily high traffic count and is unsuitable for the location of a Child Care use.

**5. The use meets all of the applicable conditions per Title 19.12.**

The use meets all but one of the seven requirements for a Child Care – Group Home (7-12 Children). Condition Number 5 requires access to the facility shall be by means of a right-of-way with a width of 60 feet or less. The proposed use is located on Oakey Boulevard, an 80-foot right-of-way; staff recommends denial of the request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 8

**NOTICES MAILED** 182

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42258** APN: 163-02-712-024

Name of Property Owner: Shantha D. Wijekularatne

Name of Applicant: Kid's Happy Days ~~Child Care~~ Child Care

Name of Representative: Sudarshini Wijekularatne

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: P.L. Shantha

Print Name: Shantha D. Wijekularatne

Subscribed and sworn before me

This 21st day of June, 20 11.

Notary Public in and for said County and State

JENNY MAGANA
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 7-2-2012
Certificate No: 04-90879-1

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JUN 23 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Kid's Happy Days Child Care

**Project Address (Location)** 6201, West Oakey Blvd, Las Vegas, NV 89146

**Project Name** Kid's Happy Days Child Care **Proposed Use** 7-12 children Group Home Care

**Assessor's Parcel #(s)** 163-02-712-024 **Ward #** 1-Tarkanian

**General Plan:** existing ML proposed no change **Zoning:** existing R-PD5 proposed No

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** _____ **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** Shantha Wijekularatne **Contact** (702) 871 4576

**Address** 6201, West Oakey Blvd, **Phone:** 871 4576 **Fax:** 702 871 4576

**City** Las Vegas **State** NV **Zip** 89146

**E-mail Address** shan_w3@yahoo.com

**APPLICANT** ~~Kid's Happy Days Child Care~~ Sudarshini Wijekularatne **Contact** 871 4576

**Address** 6201, West Oakey Blvd, **Phone:** 871 4576 **Fax:** 871 4576

**City** Las Vegas **State** NV **Zip** 89146

**E-mail Address** shan_w3@yahoo.com

**REPRESENTATIVE** Same as above. **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**Property Owner Signature*** P.C. Shantha

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

**Print Name** SHANTHA WIJEKULARATNE

Subscribed and sworn before me

This 22nd day of June, 20 11.

Notary Public in and for said County and State

JENNY MAGANA
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 7-2-2012
Certificate No: 04-90879-1

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SUP-42258 |
| **Meeting Date:** | 8/9/11 |
| **Total Fee:** | $1030 |
| **Date Accepted:** | 6/28/11 |
| **Accepted By:** | Romeo |

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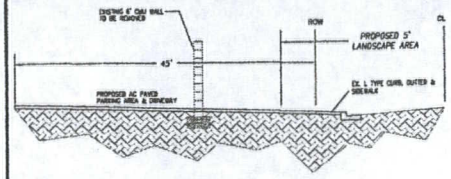
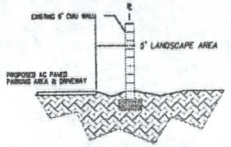
JUN 28 2011

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

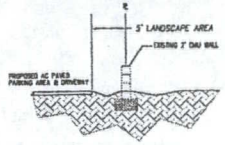
## SECTION A - EAST PL




## SECTION B - SOUTH PL



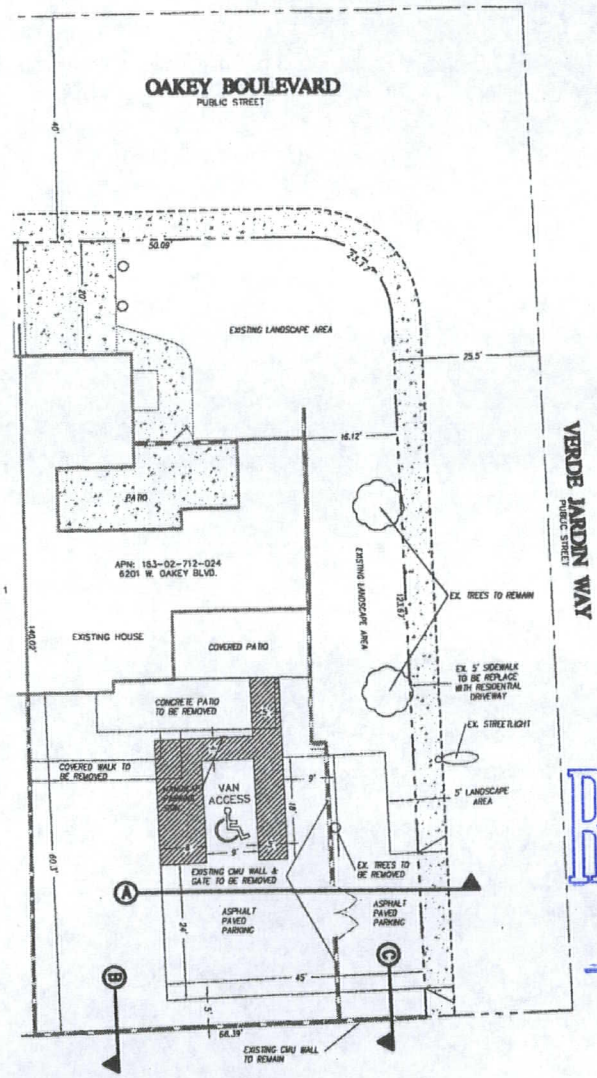

## SECTION C - SOUTH PL




LOT 3 OF PARCEL MAP
FILE 67, PAGE 37
EXISTING ZONING: C-V

NORTH
SCALE: 1"=10'

OAKEY BOULEVARD
PUBLIC STREET




VERDE JARDIN WAY
PUBLIC STREET

LOT 13, BLOCK 1 OF
VILLA TIERRA VERDE SUBDIVISION UNIT 1
BOOK 15, PAGE 25
OF PLATS
EXISTING ZONING: R-PD5

NEWPORT COVE 7
AMENDED PER BOOK 40, PAGE 84
OF PLATS
EXISTING ZONING: R-PD15

LOT 32, BLOCK 1 OF
SAHARA UNIT #1 LEWIS HOMES
BOOK 18, PAGE 39
OF PLATS
EXISTING ZONING: R-PD5

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JUL 06 2011

## SCALE

GRAPHIC SCALE
10' 0' 5' 10' 20' 40'
( IN FEET )
1"=10'

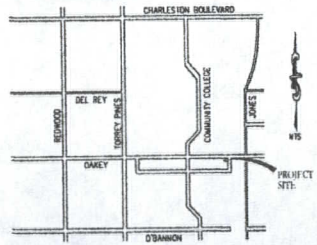
## LEGAL DESCRIPTION

LOT 14 IN BLOCK 1 OF VILLA TIERRA VERDE SUBDIVISION UNIT 1 AS SHOWN IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 15, PAGE 25 OF PLATS & LOT 14A OF THE RESUBDIVISION OF A PORTION OF VILLA TIERRA VERDE UNIT 1 AS SHOWN IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 20, PAGE 23 OF PLATS.

## BASIS OF BEARINGS

SOUTH 88°-26'-00" WEST BEING THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 2, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M., AS SHOWN BY A MAP IN FILE 18, PAGE 9 OF CLARK COUNTY, NEVADA, OFFICIAL RECORDS.

## VICINITY MAP




## SITE DATA

APN 163-02-712-024
EXISTING ZONING: R-PD5
LOT SQ. FT.: 9,209
HOUSE LIVABLE SQ. FT.: 1,313

## LEGEND

CENTERLINE
ROW/PROPERTY LINE
EXISTING CURB
EXISTING CMU WALL
EXISTING CONCRETE/SIDEWALK
PROPOSED ADA ACCESS PATH

## ABBREVIATIONS

| | | | |
|---|---|---|---|
| AC | ASPHALTIC CONCRETE | NTS | NOT TO SCALE |
| BC | BACK OF CURB | OC | ON CENTER |
| BCR | BACK OF CURB RADIUS | PAR | PAVED AREA RAMP |
| BW | BACK OF WALK | PC | POINT OF CURVE |
| BVC | BEGIN VERTICAL CURVE | PCC | POINT OF COMPOUND CURVE |
| BW | BOTTOM OF WALL | PI | POINT OF INTERSECTION |
| CATV | CABLE TELEVISION | PL | PROPERTY LINE |
| CL | CENTER LINE | PP | POWER POLE |
| CJ | CONST. JOINT | PRC | POINT OF REVERSE CURVE |
| CY | CLEAR YARD | PT | POINT OF TANGENCY |
| CG | CUT/FILL GRADE | R | RADIUS |
| DW | DROP INLET | RCP | REINFORCED CONCRETE PIPE |
| EC | END OF CURVE | ROW | RIGHT-OF-WAY |
| EP | EDGE OF PAVEMENT | RT | RIGHT |
| EVC | END VERTICAL CURVE | SD | STORM DRAIN |
| EX | EXISTING | SL | STREETLIGHT |
| FF | FINISH FLOOR ELEVATION | SS | SANITARY SEWER |
| FG | FINISH GRADE | STA | STATION |
| FH | FIRE HYDRANT | STD | STANDARD |
| FL | FLOW LINE | SVA | SIGHT VISIBILITY ZONE |
| FT | FEET | SW | SIDEWALK |
| GB | GRADE BREAK | TC | TOP OF CURB |
| HP | HIGH POINT | TF | TOP OF FOOTING |
| INV | INVERT | TW | TOP OF RETAINING WALL |
| LF | LINEAR FEET | TYP | TYPICAL |
| LFF | LOWEST FINISH FLOOR ELEVATION | VC | VERTICAL CURVE |
| MAX | MAXIMUM | VCP | VITRIFIED CLAY PIPE |
| MIN | MINIMUM | VG | VALLEY GUTTER |
| MW | MANHOLE | W | WATER |

SUDARSHINI WHEKLARAYNE
6210 W OAKEY BLVD
LAS VEGAS, NV 89146
702-871-1475 FAX: 702-871-1475

TANEY ENGINEERING
2620 S. MARYLAND PKWY. #244
LAS VEGAS, NEVADA 89109
702-735-8040 FAX: 702-735-8337

| NO. | DESCRIPTION | BY | DATE | APPR. |
|---|---|---|---|---|

SITE PLAN FOR PARKING ADDITION

6210 W. OAKEY BLVD.

ROBERT O. CUNNINGHAM
Exp. 12-31-12
CIVIL
No. 15778
ENGINEER'S SEAL

| | |
|---|---|
| DATE: | 05.17.11 |
| SCALE: | 1"=10' |
| JOB NO: | WJK-11-001 |
| DESIGNED BY: | SD |
| CHECKED BY: | RC |
| SHEET NAME: | SP |
| SHEET: | 1 OF 1 |

FILE NAME: SITE PLAN.DWG

SUP-42258
REVISED

# Floor Plan.

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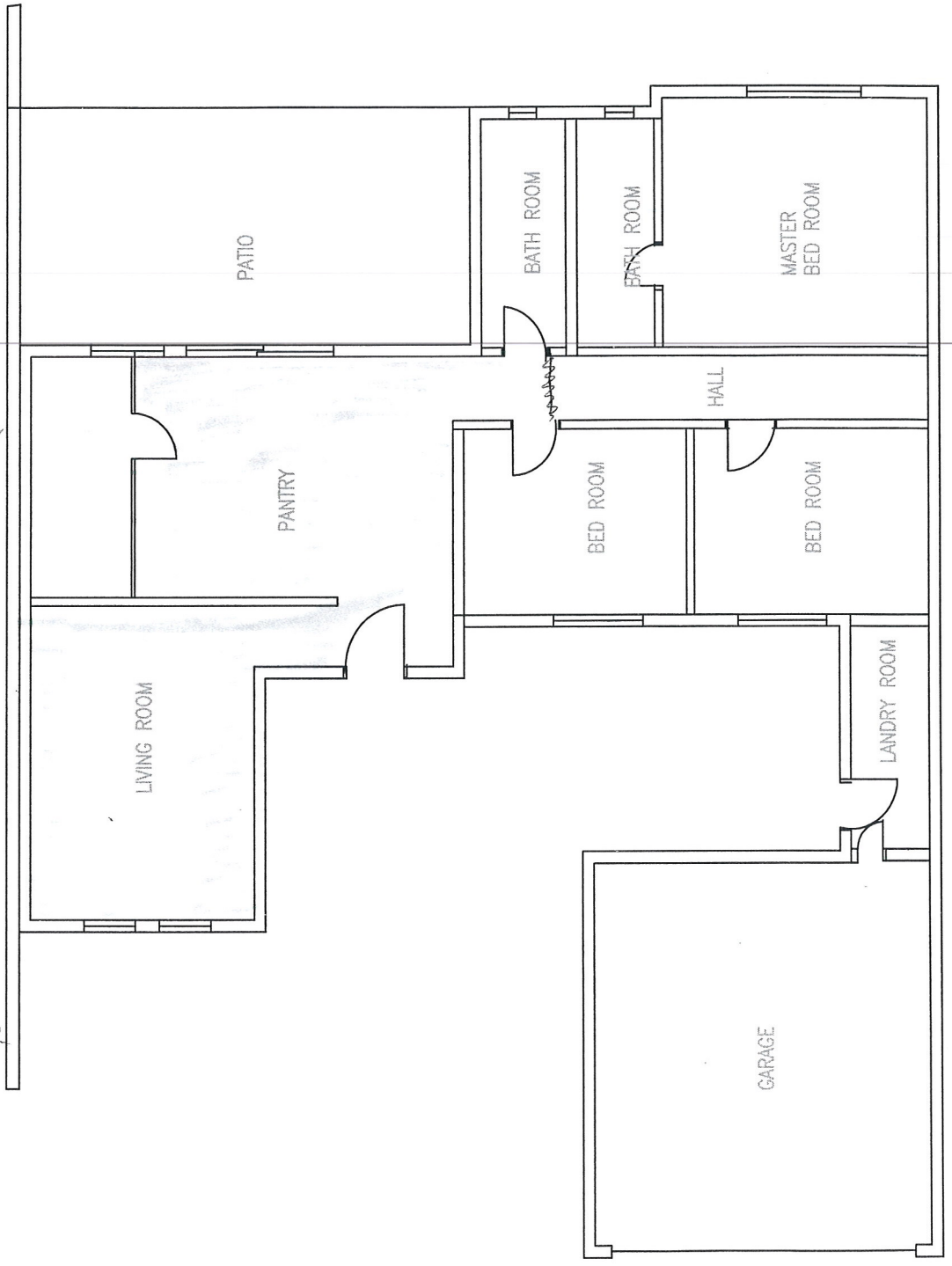
JUN 23 2011

child care area.




Sudarshini Wijekularatne
6201 W. Oakey Blvd.
Las Vegas NV 89146
702 871 4576

N

OAKEY BL

**SUP-42258**



SUP-42258 – APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE
6201 WEST OAKEY BOULEVARD

06/30/11




SUP-42258 – APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE
6201 WEST OAKEY BOULEVARD

06/30/11



SUP-42258 – APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE
6201 WEST OAKEY BOULEVARD

06/30/11



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6201 WEST OAKEY BOULEVARD

06/30/11



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6201 WEST OAKEY BOULEVARD

06/30/11



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6201 WEST OAKEY BOULEVARD

06/30/11



6201 WEST OAKEY BOULEVARD

06/30/11



SUP-42258 – APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE
6201 WEST OAKEY BOULEVARD

06/30/11



SUP-42258 – APPLICANT: KID'S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE
6201 WEST OAKEY BOULEVARD

06/30/11

Sudarshini Wijekularatne,
Kid's Happy Days Child Care,
6201, West Oakey Blvd.,
Las Vegas,
Nevada - 89146 -1119
Tel: (702) 871-4576
June 20, 2011

Planning & Development Department,
City of Las Vegas,

Justification Letter.

I am happy to inform you that I, Sudarshini Wijekularatne, am currently having a state licensed family home day care at 6201, West Oakey Blvd., Las Vegas, Nevada - 89146.

Since I am successfully operating my day care for family home(for six children) for five years, I wish to apply for a special use permit for group home day care (for 7-12 children) and will be opened all the seven days of the week and 24 hours.

Further more, there will be two people working at the day care including me. Only my family is living in this home.

With reference to the Pre Application Conference on June 15, 2011 at the meeting committee agreed to give access to the facility from Verde Jardin way.

Since I have a two-car driveway and a garage, I can park my vehicle in the garage while the parents can drop-off the children at the front driveway or the back parking area according to their convenience.

I request for a waiver for the driveway fronting Oakey Boulevard.

Thank You,
Yours Faithfully,

.....
Sudarshini Wijekularatne.

RECEIVED
JUL 18 2011

**SUP-42258**
**REVISED**

City of Las Vegas Agenda Item No.: **35.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

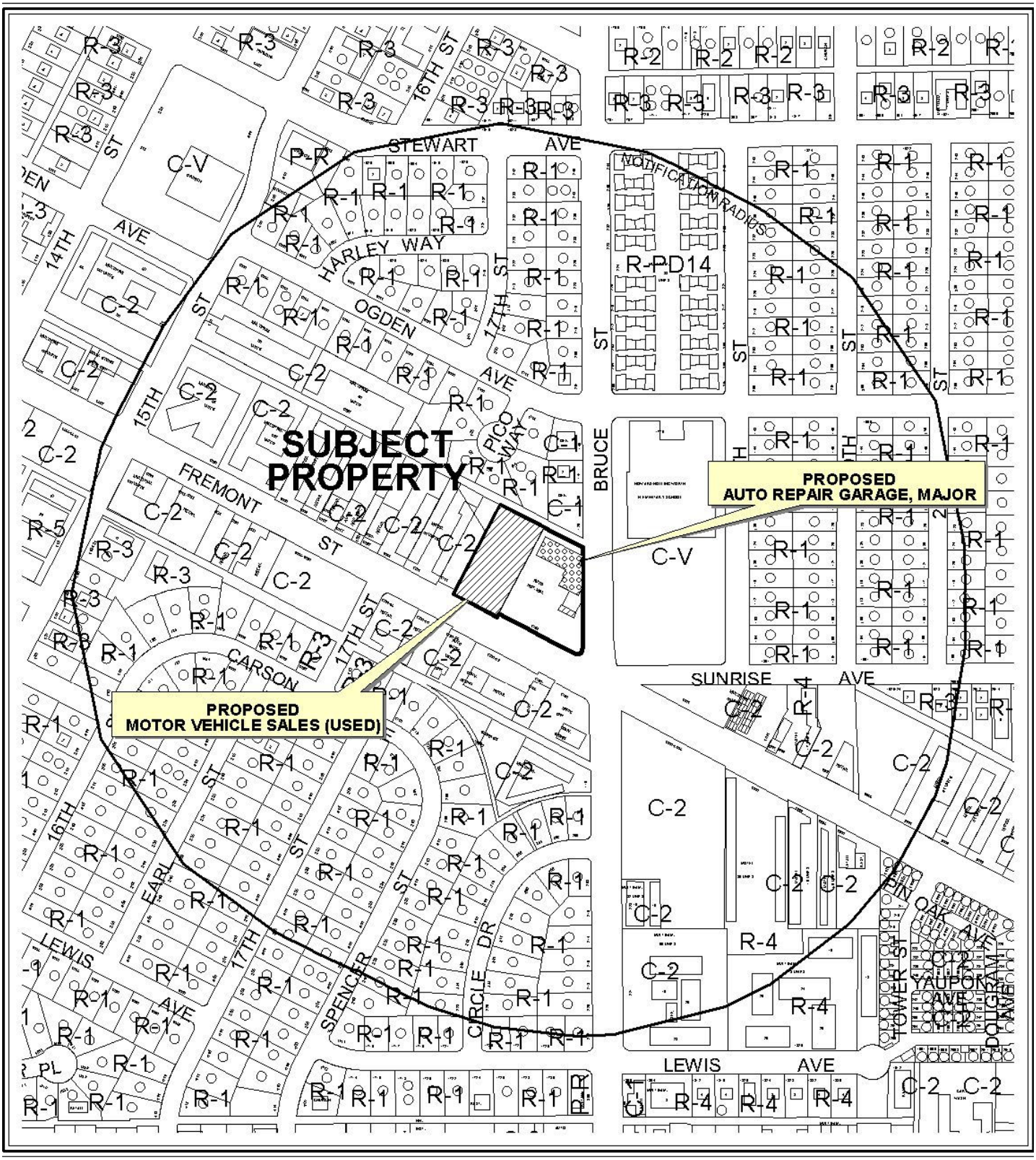
**SUBJECT:**
SUP-42262 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: BEL AIR RG, LLC, ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED 15,263 SQUARE-FOOT MOTOR VEHICLE SALES (USED) USE at 1715 Fremont Street and 1735 Fremont Street (APNs 139-35-315-006 and 007), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps - SUP-42262 and SUP-42264
2. Conditions and Staff Report - SUP-42262 and SUP-42264
3. Supporting Documentation
4. Photos - SUP-42262 and SUP-42264
5. Justification Letter - SUP-42262 and SUP-42264




0 300 600 Feet

**CASE:** **SUP-42262 AND SUP-42264**

**RADIUS:** 1000 FT

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

N




0 300 600 Feet

**CASE:** **SUP-42262 AND SUP-42264**

**RADIUS:** 1000 FT

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

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: BEL AIR RG, LLC, ET AL**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SUP-42262** | Staff recommends DENIAL, if approved subject to conditions: | SUP-42264 |
| **SUP-42264** | Staff recommends DENIAL, if approved subject to conditions: | N/A |

## ** CONDITIONS **

# SUP-42262 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Motor Vehicle Sales (Used) use.

2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-42264) shall be required.

3. 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.

4. All development shall be in conformance with the landscape plan date stamped 06/28/11, except as amended by conditions herein.

5. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed prior to the issuance of a business license.

6. All necessary building permits shall be obtained for all unpermitted existing signage within 60 days of final approval, or the signage shall be removed.

7. All razor wire and barbed wire shall be removed within 60 days of final approval.

8. All abandoned signage, signage encroaching into the public rights-of-way, and graffiti shall be removed from the subject sites within 60 days of final approval.

9. Pursuant to Title 19.12.130, a Test Driving Route Plan shall be submitted for approval to the City of Las Vegas Department of Planning prior to the issuance of a business license.

10. Prior to occupancy, 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.

11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

12. Submit an Encroachment Agreement for landscaping, if any, in the public right-of-way prior to this issuance of a permit for this wall. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

13. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.

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

# SUP-42264 CONDITIONS

***Planning***

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Auto Repair Garage, Major use.

2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-42262) shall be required.

3. 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.

4. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed prior to the issuance of a business license.

5. The 12 parking spaces dedicated to the storage of disable vehicles shall be screened from Fremont Street to the south and from the alley to the north.

6. All necessary building permits shall be obtained for all unpermitted existing signage within 60 days of final approval, or the signage shall be removed.

7. All razor wire and barbed wire shall be removed within 60 days of final approval.

8. All abandoned signage, signage encroaching into the public rights-of-way, and graffiti shall be removed from the subject sites within 60 days of final approval.

9. Prior to occupancy, 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.

10. Submit an Encroachment Agreement for landscaping, if any, in the public right-of-way prior to this issuance of a permit for this wall. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

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

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a request for approval of Special Use Permits for a proposed 15,263 square-foot Motor Vehicle Sales (Used) use and for a proposed 7,572 square-foot Auto Repair Garage, Major use within existing commercial buildings located at 1715 Fremont Street and 1735 Fremont Street. The subject property also contains an existing 1,500 square-foot Auto Repair Garage, Minor at 1735 Fremont Street, Suite #170. The proposed uses are not compatible with each other, or with the existing and approved use, and will negatively impact the surrounding land uses; therefore, staff recommends denial of this request. If these applications are denied, the proposed Motor Vehicle Sales (Used) use and Auto Repair Garage, Major use cannot be conducted at this location, nor can a business license be issued.

## ISSUES

- A Motor Vehicle Sales (Used) use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- An Auto Repair Garage, Major use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- A Waiver is required to allow the service bays to face public rights-of-way for approval of a Special Use Permit for an Auto Repair Garage, Major use.
- A Waiver is required to allow vehicles to be parked on the premises for the purposes of offering the vehicles for sale where such is not permitted for an Auto Repair Garage, Major use. Approval of this waiver does not permit Motor Vehicles Sales as an ancillary use to the proposed or existing Auto Repair Garage uses.
- The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to consolidate the existing lots.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 11/18/82 | The Board of Zoning Adjustment approved a request for a Variance (V-0035-82) to allow an automobile repair garage, an auto body shop and a machine shop with more than 2 employees in an existing auto parts store located at 1715 Fremont Street. The Department of Planning staff recommended approval. |

| | |
|---|---|
| 11/21/02 | The Planning Commission denied a request for a Special Use Permit (SUP-1101) for a Towing Service, with no storage at 1731 Fremont Street. The Department of Planning staff recommended approval. |
| 12/16/10 | The Planning Commission accepted the applicant's request to withdraw without prejudice an application for a Special Use Permit (SUP-39886) for an Auto Repair Garage, Major use at 1715 and 1735 Fremont Street. |
| 06/14/11 | An application for a Special use Permit (SUP-41024) for an Auto Repair Garage, Major use at 1715 Fremont Street was withdrawn at the applicant's request. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 07/30/07 | A deed was recorded for a change in ownership for Assessor's Parcel Numbers (139-35-315-006 and 007) |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| C.1947 | The commercial building at 1715 Fremont Street was constructed. |
| C.1963 | The commercial building at 1735 Fremont Street was constructed. |
| 12/13/90 | A business license (G03-01591) was issued for an Auto Repair Garage, Major at 1731 Fremont Street. The license was marked out of business on 05/04/08. |
| 10/06/93 | A building permit (93203892) was issued for fire restoration at 1715 Fremont Street. The permit was finaled on 02/22/94. |
| 05/31/02 | A business license (A16-01238) was issued for Auto Sales at 1717 Fremont Street. The license was marked out of business on 06/21/10. |
| 05/26/04 | A business license (C41-00072) was issued for a Construction Cleanup Service at 1717 Fremont Street. The license was marked out of business on 04/03/08. |
| 11/29/05 | A business license (G02-00740) was issued for an Auto Repair Garage, Minor at 1717 Fremont Street. The license was marked out of business on 03/24/08. |
| 12/08/05 | A business license (E03-00471) was issued for a Delivery Service at 1717 Fremont Street. The license was marked out of business on 09/20/10. |
| 11/06/06 | A business license (C41-00129) was issued for a Construction Cleanup Service at 1717 Fremont Street. The license was marked out of business on 12/01/09. |
| 10/02/07 | A business license (A16-01283) was issued for an Auto Sales at 1715 Fremont Street. The license was marked out of business on 10/06/09. |
| 08/16/07 | A business license (G03-01591) was issued for an Auto Repair Garage, Major at 1717 Fremont Street. The license was marked out of business on 02/13/09. |
| 05/07/09 | A business license (R05-00634) was issued for a Take-out Restaurant at 1717 Fremont Street. The license was marked out of business on 01/27/10. |

| | |
|---|---|
| 05/07/10 | A business license (G03-94209) for Body Repair was denied at 1715 Fremont Street, Suite 100. A Special Use Permit is required. |
| 08/04/10 | A building permit (169153) was issued for a 1,500 square-foot Non-work Certificate of Occupancy at 1735 Fremont Street, Suite #170. The permit was finaled on 08/13/11. |
| 08/20/10 | A business license (G02-00937) was issued for an Auto Repair Garage, Minor at 1735 Fremont Street, Suite #170. The license is presently active. |

| ***Pre-Application Meeting*** | |
|---|---|
| 06/14/11 | A pre-application meeting was held with the applicant where the submittal requirements for a Special Use Permit were discussed. Topics included:<br>• A Waiver is required to allow service bays to face the right-of-way.<br>• A Waiver is required to allow that vehicles may be parked on the premises for the purpose of offering the vehicle for sale in conjunction with an Auto Repair Garage, Major use. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting is not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | During a site visit, staff noted two parcels with one tenant for an Auto Repair Garage, Minor. Chain link fencing, razor wire, broken glass, broken windows and graffiti were present on property. Various signs from businesses no longer in operation, and multiple vehicle display units were present and the parking lot was not striped. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 1.84 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Retail and Auto Repair, Minor | C (Commercial) | C-2 (General Commercial) |
| North | Vacant | MXU (Mixed Use) | C-1 (Limited Commercial) |
| | Single Family Residential | MXU (Mixed Use) | R-1 (Single Family Residential) |

| | | | |
|---|---|---|---|
| South | General Retail | MXU (Mixed Use) | C-2 (General Commercial) |
| East | Elementary School | PF (Public Facility) | C-V (Civic) |
| West | Motel | C (Commercial) | C-2 (General Commercial) |

| ***Master Plan Areas*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Master Plan Area** | | | |
| Downtown Centennial Plan (East Village) | X | | N |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| Downtown Centennial Plan Overlay District | X | | N |
| Live/Work Overlay District | X | | N |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | X | | N |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

**DEVELOPMENT STANDARDS**

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| ***Fremont Street*** | Primary Arterial | Master Plan of Streets and Highways | 100 | Y |
| ***Bruce Street*** | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |

| ***Parking Requirement - Downtown*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Base Parking Requirement*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Motor Vehicle Sales (Used) (Proposed) | 15,263 S.F. | 1/500 SF | 31 | | | | |
| Auto Repair Garage, Major | 7,572 S.F. | 5 spaces, plus 1/200 | 43 | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| (Proposed) | | SF | | | | | |



| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Office (Proposed) | 2,219 SF | 1/200 SF | 11 | | | | |
| Auto Repair Garage, Minor (Existing) | 1,537 S.F. | 5 spaces, plus 1/200 SF | 13 | | | | |
| **TOTAL SPACES REQUIRED** | | | 98 | | 37 | | N |
| **Regular and Handicap Spaces Required** | | | 94 | 4 | 34 | 3 | N |
| Vehicle Storage | | | | | 12 | N/A | N/A |
| Parking for display vehicles | | | | | 20 | N/A | N/A |

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City. The analysis should take a number of factors into consideration when discussing parking availability, including pedestrian access, nearby parking structures, on-street parking, etc.

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| Opening in service bays shall not face public rights-of-way. | Opening in service bays face public rights-of-way. | Approval |
| No vehicle may be parked on the premises for the purpose of offering the vehicle for sale. | To allow vehicles to be parked on the premises for the purpose of offering the vehicle for sale in conjunction with an Auto Repair Garage, Major use | Denial |

**ANALYSIS**

The uses proposed by the applicant are both intense uses that require vehicular display and/or storage in addition to the parking required for customers and staff. Although sites located in the Downtown Centennial Plan area do not have the parking requirements of Title 19 automatically applied, the subject site is substantially deficient in parking, providing only 37 spaces where 98 would normally be required. These parking spaces are independent of the spaces provided for display of vehicles for sale, as well as storage of vehicles to be repaired. In addition, the approval of the Special Use Permit for Motor Vehicle Sales (Used) use would circumvent Minimum Special Use Permit Requirement #7 of the Auto Repair Garage, Major use, which prohibits the display and sale of vehicles at a site used for an Auto Repair Garage, Major use. Staff does not support the requested waiver. If approved, it should be noted that this waiver does

not permit Motor Vehicle Sales as an ancillary use to the Auto Repair Garage, but merely allows the display of vehicles for sale on the same property.



A second waiver request to allow service bays to face the public right-of-way can be supported as the buildings already exist.

The applicant is proposing to add landscaping consisting of 24-inch box trees and five-gallon shrubs along Fremont Street and to the interior of the subject site. The landscape plan depicts additional 24-inch box trees along Bruce Street and along a portion of the alley. The proposed landscaping does not meet the requirements of Title 19, but will substantially improve a site that is fully developed. Staff supports the addition of the landscape.

The subject site is located in the Downtown Centennial Plan (East Village), Live/Work Overlay District and the Las Vegas Redevelopment Plan Area. The proposed uses are permitted at the site, but the combination of the proposed and existing uses is too intense and would have a negative impact on the surrounding area. Therefore, staff recommends denial of both requests.

**FINDINGS (SUP-42262)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed land use cannot be conducted in a manner that is harmonious and compatible with the existing and surrounding land uses, as the proposed Motor Vehicle Sales (Used) use would circumvent a Minimum Special Use Permit Requirement of the Auto Repair Garage, Major use, which prohibits the display and sale of vehicles at a site used for an Auto Repair Garage, Major use.

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

   The subject site is physically suitable for the type and intensity of land use proposed individually, but is not suitable for the combination of existing and proposed uses.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   The site is accessed by Fremont Street and Bruce Street. These streets are of sufficient size to accommodate the needs of the proposed Motor Vehicle Sales (Used) use.

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

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The proposed use meets all of the applicable conditions per Title 19.12; however, the request would allow vehicle sales in conjunction with an Auto Repair Garage, Major use, which is a companion Special Use Permit application (SUP-42264). This would circumvent a Minimum Special Use Permit Requirement of that use that prohibits the display and sale of vehicles at an Auto Repair Garage, Major site.

**FINDINGS (SUP-42264)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed Auto Repair Garage, Major use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding commercial and residential uses, as evidenced by the requested Waivers.

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

   The subject site is physically suitable for the type and intensity of land use proposed individually, but is not suitable for the combination of existing and proposed uses.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   The site is accessed by Fremont Street and Bruce Street. These streets are of sufficient size to accommodate the needs of the proposed Auto Repair Garage, Major use.

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

   The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The proposed use does not meet all Minimum Special Use Permit Requirements pursuant to Title 19.12. Waivers are required to allow service bays to face the right-of-way and to allow vehicles to be parked on the premises for selling purposes where such in not allowed at 1715 Fremont Street and 1735 Fremont Street.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 43

**NOTICES MAILED** 400

**APPROVALS** 0

**PROTESTS** 0

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42262** APN: 139-35-315-006, 007

Name of Property Owner: RAY GOLBARI

Name of Applicant: Bel AIR RG, LLC

Name of Representative: Brown, Brown & Premsrirut, contact: Lora Dresia

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: RAY GOLBARI

Subscribed and sworn before me

This 20th day of June, 2011

_____

Notary Public in and for said County and State California.

RECEIVED
JUN 23 2011
City of Las Vegas

CLAUDIA E. VELASQUEZ
COMM. # 1862571
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
COMM. EXPIRES AUG. 30, 2013

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** Use Permit -Motor Vehicle Sales (used)

**Project Address (Location)** NWC Fremont Street at Bruce

**Project Name** 1715 Fremont Street **Proposed Use**

**Assessor's Parcel #(s)** 139-35-315-006,007 **Ward #** 3

**General Plan:** existing Cent proposed **Zoning:** existing C-2 proposed C-2

**Commercial Square Footage** 11,745 **Floor Area Ratio**

**Gross Acres** **Lots/Units** **Density**

**Additional Information** concurrent application for auto repair major 1715 Fremont Street

**PROPERTY OWNER** Bel Air RG, LLC **Contact** Ray Golbari

**Address** 1300 W Olympic Blvd #500 **Phone:** (213) 927-2700 **Fax:** (213) 927-5200

**City** Los Angeles **State** CA **Zip** 90015

**APPLICANT** Bel Aire RG LLC **Contact** Ray Golbari

**Address** 1300 W Olympic Blvd #500 **Phone:** (213) 927-2700 **Fax:** (213) 927-5200

**City** Los Angeles **State** CA **Zip** 90015

**REPRESENTATIVE** Brown, Brown & Premsrirut **Contact** Lora Dreja

**Address** 520 South 4th St **Phone:** (702) 384-5563 **Fax:** (702) 385-1023

**City** Las Vegas **State** NV **Zip** 89101

**Property Owner Signature*** [signature]

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

**Print Name** RAY GOLBARI

Subscribed and sworn before me

This 20th day of June, 20 11.

Claudia E. Velasquez

Notary Public in and for said County and State California

CLAUDIA E. VELASQUEZ
COMM. # 1862571
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
COMM. EXPIRES AUG. 30, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SUP-42262 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $1,030 |
| Date Received:* | 6/23/11 |
| Received By: | BJS |

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

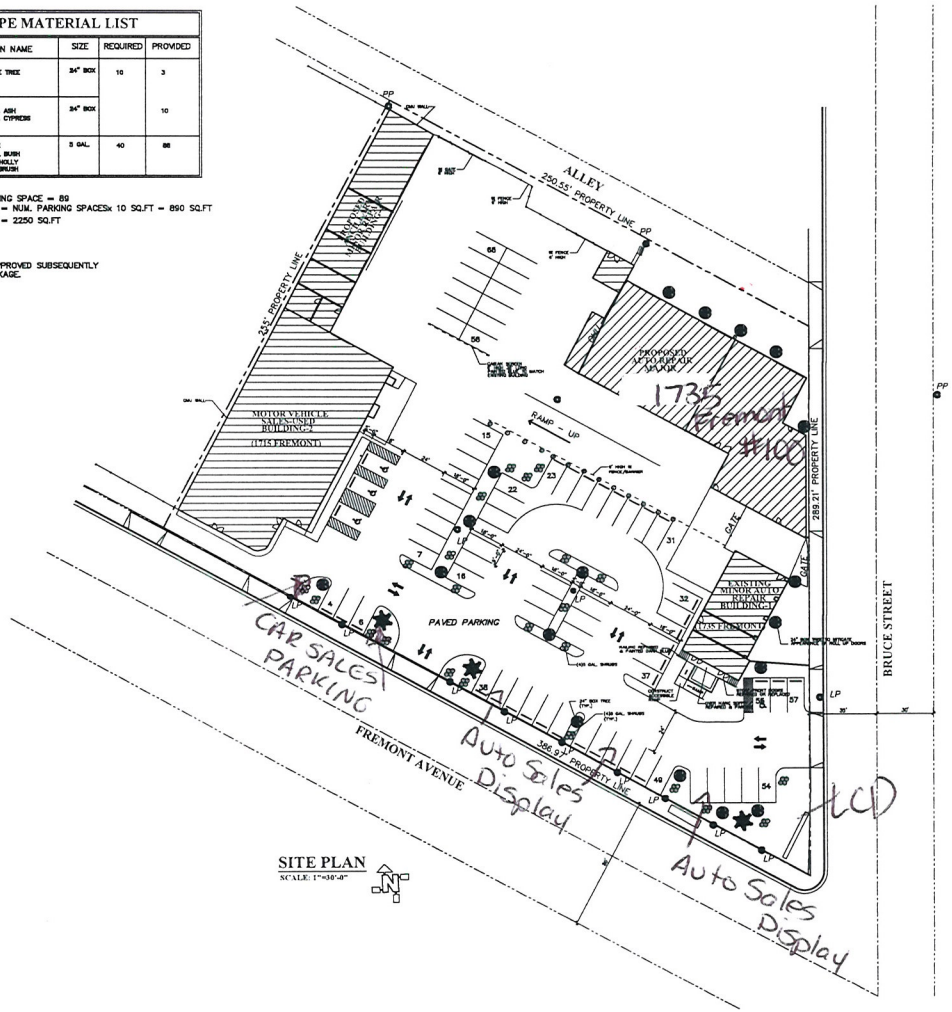
RECEIVED
JUN 23 2011
City of Las Vegas

# MOTOR VEHICLE SALES-USED & REPAIR SHOPS
# @ FREMONT AND BRUCE

| LANDSCAPE MATERIAL LIST | | | | |
|---|---|---|---|---|
| SYMBOL | COMMON NAME | SIZE | REQUIRED | PROVIDED |
| ✱ | PINE TREE | 24" BOX | 10 | 3 |
| ✱ | ARIZONA ASH<br>ARIZONA CYPRESS | 24" BOX | | 10 |
| ⊙ | JUNIPER<br>FLANNEL BUSH<br>DESERT HOLLY<br>BOTTLE BRUSH | 5 GAL. | 40 | 88 |

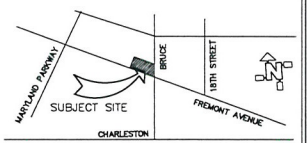
TOTAL NUM. OF PARKING SPACE = 89
AREA OF LANDSCAPE = NUM. PARKING SPACES x 10 SQ.FT = 890 SQ.FT
AREA OF LANDSCAPE = 2250 SQ.FT

NOTE:
1) AWNINGS TO BE APPROVED SUBSEQUENTLY WITH SIGNAGE PACKAGE.




SITE PLAN
SCALE: 1"=30'-0"

## VICINITY MAP




## PROJECT/PROPERTY INFORMATION:

APN: 139-36-315-006,007

BUILDING -1
MOTOR VEHICLE SALES-USED
BUILDING -2
EXISTING MINOR AUTO REPAIR
BUILDING -3
PROPOSED AUTO REPAIR MAJOR
BUILDING -4
PROPOSED ANCILLARY MINOR REPAIR

RECEIVED
JUN 28 2011

Nevada Licensed Contractor. Lic. # 0039261A

Authorized Signature:

Architectural drawings have been signed by a licensed Nevada Contractor as allowed per NRS 3623.330 paragraph 1 (sub paragraph d) and under the provisions of chapter 624 of NRS who provides his own drawings for his own construction activities.

| | | | |
|---|---|---|---|
| MOTOR VEHICLES SALES-USED & REPAIR SHOPS @ FREMONT AND BRUCE | | | |
| CONTRACTOR: M.O.CONSTRUCTION LLC | | | |
| JOB # 71494 | TEL: (702) 286-5700 | DATE: 04/21/11 | |
| DRAWING NAME: LANDSCAPE PLAN | | | |
| DRAWN BY: RVN | TEL: (702) 245-8690 | DRAWING SHEET: L1 | |

SUP-42262
SUP-42264
REVISED

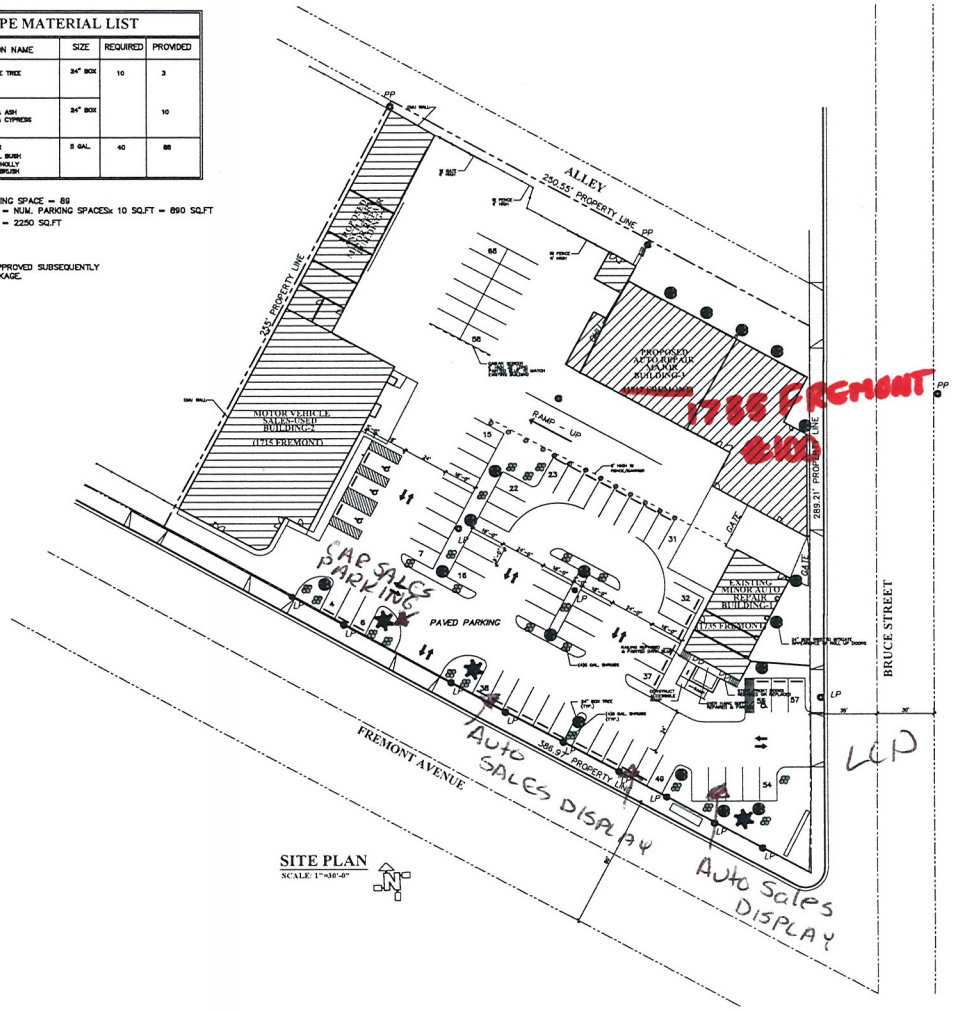
# MOTOR VEHICLE SALES-USED & REPAIR SHOPS
# @ FREMONT AND BRUCE

## LANDSCAPE MATERIAL LIST

| SYMBOL | COMMON NAME | SIZE | REQUIRED | PROVIDED |
|---|---|---|---|---|
| | PINE TREE | 24" BOX | 10 | 3 |
| | ARIZONA ASH<br>ARIZONA CYPRESS | 24" BOX | | 10 |
| | JUNIPER<br>FLANNEL BUSH<br>DESERT HOLLY<br>BOTTLE BRUSH | 5 GAL. | 40 | 88 |

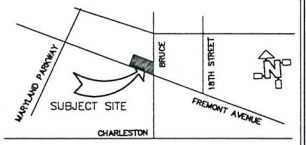
TOTAL NUM. OF PARKING SPACE = 89
AREA OF LANDSCAPE = NUM. PARKING SPACESx 10 SQ.FT = 890 SQ.FT
AREA OF LANDSCAPE = 2250 SQ.FT

NOTE:
1) AWNINGS TO BE APPROVED SUBSEQUENTLY WITH SIGNAGE PACKAGE.




SITE PLAN
SCALE: 1"=30'-0"

## VICINITY MAP




## SHEET INDEX

ARCHITECTURAL

| | |
|---|---|
| A0 | COVER SHEET & SITE PLAN |
| A1 | BUILDING 1735/ FLOOR PLAN & ELEVATIONS (Bldg.-1) |
| A2a | BUILDING 1715/ FLOOR PLAN (Bldg.-2) |
| A2b | BUILDING 1715/ BUILDING ELEVATIONS (Bldg.-2) |
| A3a | BUILDING 1717/ FLOOR PLAN (Bldg.-3) |
| A3b | BUILDING 1717/ BUILDING ELEVATIONS (Bldg.-3) |
| A4 | BUILDING 1715/ FLOOR PLAN & ELEVATIONS (Bldg.-4) |

## PROJECT/PROPERTY INFORMATION:

PROPERTY ADDRESS:
APN# 139-35-315-006 ,007
API

BUILDING -1
MOTOR VEHICLE SALES-USED
BUILDING -2
EXISTING MINOR AUTO REPAIR
BUILDING -3
PROPOSED AUTO REPAIR MAJOR
BUILDING -4
PROPOSED ANCILLARY MINOR REPAIR

RECEIVED
JUN 28 2011

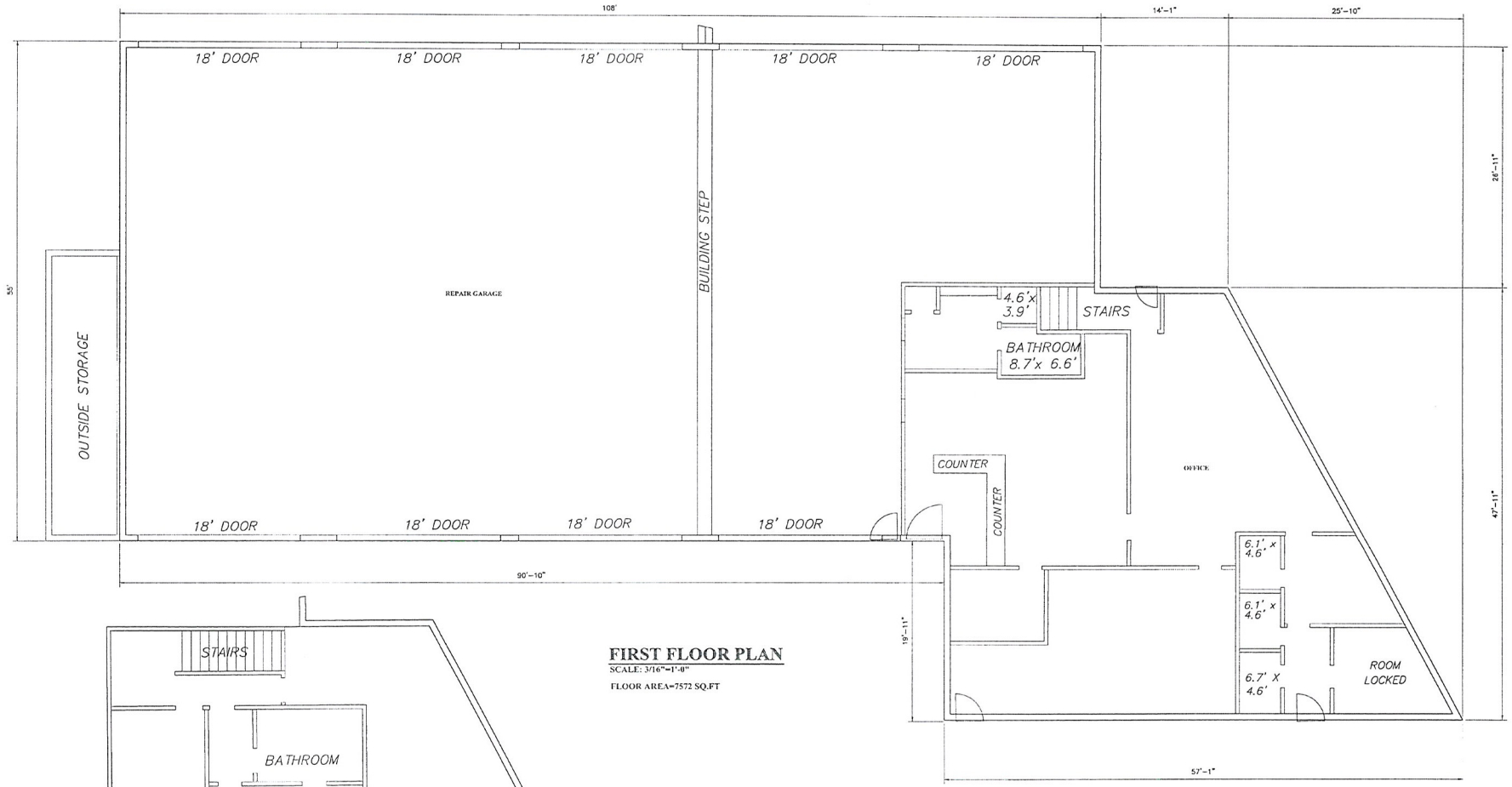
Nevada Licensed Contractor. Lic. # 0039261A

Authorized Signature:

Architectural drawings have been signed by a licensed Nevada Contractor as allowed per NRS 3623.330 paragraph 1 (sub paragraph d) and under the provisions of chapter 624 of NRS who provides his own drawings for his own construction activities.

| | | | |
|---|---|---|---|
| MOTOR VEHICLES SALES-USED & REPAIR SHOPS @ FREMONT AND BRUCE | | | |
| CONTRACTOR: M.O.CONSTRUCTION LLC | | | |
| JCL# 71494 | TEL (702) 286-5700 | DATE 06/21/11 | |
| DRAWING NAME: COVER SHEET & SITE PLAN | | | |
| DRAWN BY: RVN | TEL: (702) 245-8690 | DRAWING NUM. A0 | |

SUP-42262
SUP-42264
REVISED




## FIRST FLOOR PLAN

SCALE: 3/16"=1'-0"

FLOOR AREA=7572 SQ.FT

## SECOND FLOOR PLAN

SCALE: 3/16"=1'-0"

FLOOR AREA=2219 SQ.FT

JUN 28 2011

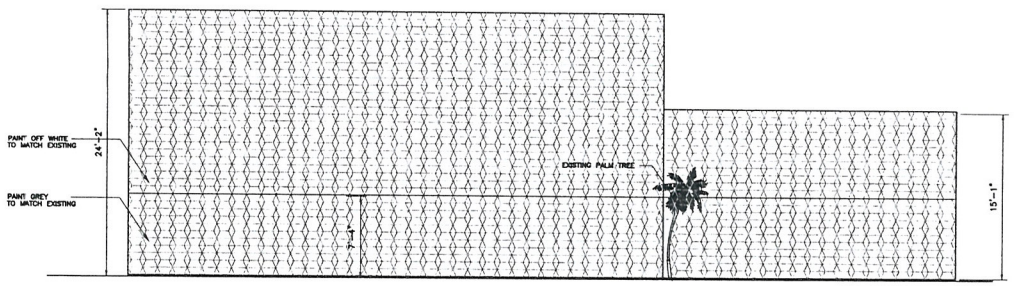
ADDRESS:
PROPOSED AUTO REPAIR MAJOR
~~1735~~ FREMONT AVENUE #100
LAS VEGAS NV 89

| | | | |
|---|---|---|---|
| MOTOR VEHICLE SALES-USED & REPAIR SHOPS @ FREMONT AND BRUCE | | | |
| CONTRACTOR: M.O.CONSTRUCTION LLC | | | |
| SCALE: 3/16" | TEL: (702) 286-5700 | DATE: 06/21/11 | |
| DRAWING NAME: BUILDING FLOOR PLAN | SUP-42262 | | |
| DRAWN BY: RVN | TEL: (702) 245-8600 | SUP-42264 3a | |

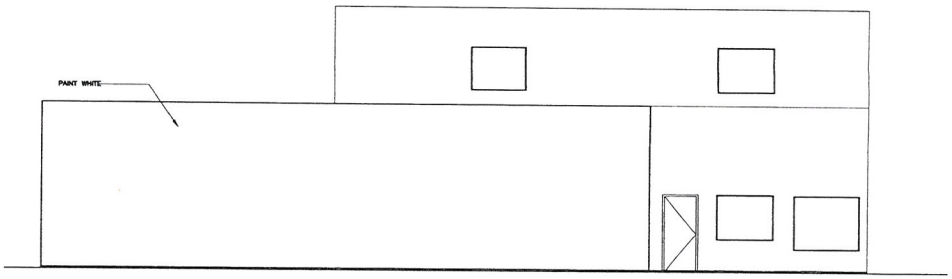
SUP-42262

SUP-42264

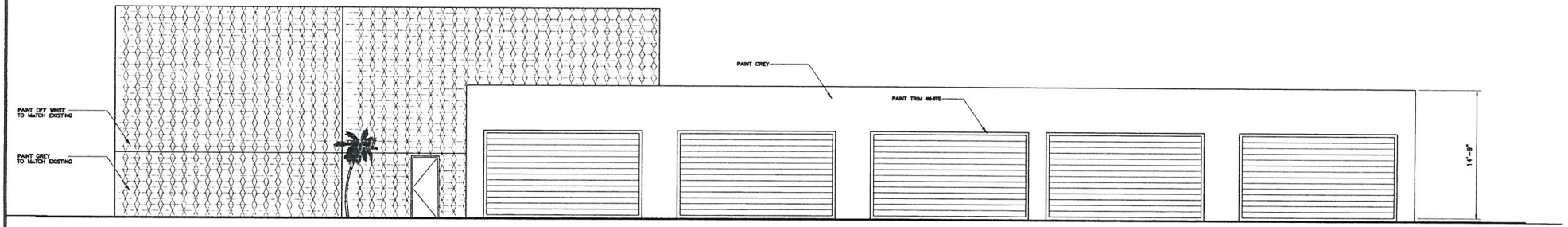
REVISED



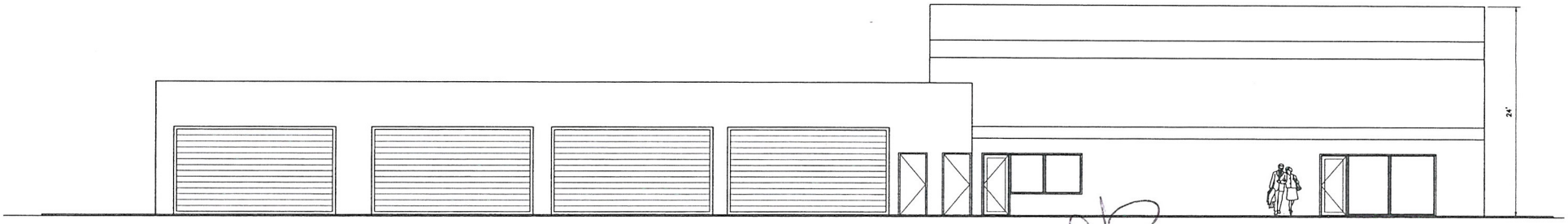

**EAST ELEVATION**
SCALE: 3/16"=1'-0"




**WEST ELEVATION**
SCALE: 3/16"=1'-0"




**NORTH ELEVATION**
SCALE: 3/16"=1'-0"




**SOUTH ELEVATION**
SCALE: 3/16"=1'-0"

RECEIVED
JUN 23 2011
City of Las Vegas

ADDRESS:
PROPOSED AUTO REPAIR MAJOR
~~1735~~ FREMONT AVENUE
LAS VEGAS NV 89

MOTOR VEHICLE SALES-USED & REPAIR SHOPS
@ FREMONT AND BRUCE

CONTRACTOR: M.O.CONSTRUCTION LLC
SCLA: 71494 TEL: (702) 286-5700 DATE: 06/21/11
BUILDING ~~AND~~ / ELEVATIONS
RVN TEL: (702) 245-8690 DRAWING NUM.: A3b

SUP-42262
SUP-42264

Valley Blueprint 06/23/2011



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11




SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11

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06/30/11




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1715 & 1735 FREMONT STREET

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
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06/30/11




SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11




SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11




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06/30/11




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1715 & 1735 FREMONT STREET

06/30/11




SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11




SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11




SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11




**SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL**
**1715 & 1735 FREMONT STREET**

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11



SUP-42262 & SUP-42264 – APPLICANT/OWNER: BEL AIR RG, LLC, ET AL
1715 & 1735 FREMONT STREET

06/30/11

LAW OFFICE

Brown, Brown & Premsrirut

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6520

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
EMAIL: jbrown@brownlawlv.com

July 5, 2011

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

Revised: SUP-42262 and SUP-42264Special Use Permit Auto Repair (major) and Motor Vehicle Sales (used) on site located at 1735 and 1715 Fremont Street

Dear Sir/Madam;

Please consider concurrent requests for use permits for on parcels 139-35-315-006 and 007. The combined parcels total 1.87 acres located at the north west corner of Fremont Street at Bruce Street. These two parcels with three buildings functioned as a singled destination for auto related businesses. Currently one of the three on-site buildings operates as a minor auto repair facility. Approval of this request will enable the revival of a cohesive site with shared parking and shared entrances. Following approval of these permits the parcels will be merged. The internal fencing that bifurcates the site will be removed to facilitate internal circulation.

Since the previous businesses began operations on the site, the adoption of the Downtown Centennial Plan has implemented new design standards on the site. The applicant has redesigned the on-site parking to accommodate parking lot landscaping, reserved room for large trees within the site and will replace chain link perimeter fencing with fencing allowable by Title 19. Decorative shrubs and trash bins will be placed along the street-side fencing. Internally, an iron fence separating the parking area to a sub-grade ramp will replace the existing chain link fence. This renovation will mitigate the appearance of the service bays that face Fremont Street. Trash bins will also be screened from public streets.

The applicant wishes to defer any major changes to landscaping and fencing along Fremont Street until the roadway expansion and any needed RTC dedications are underway. Also, the applicant wishes to have one year to from the time of occupancy to install the internal landscaping.

Minor changes will be made to the buildings and site to update the appearance and conform to the Centennial Plan. At this time, the proposed changes include, removing weathered canopies, replacing perimeter fencing with block wall and gate, replacing internal chain link fence with three foot wrought iron fencing adjacent to the downward ramp and replacing worn step rails. Tenants will submit designs for canopies over the bay doors as part of a subsequent master sign submittal. If possible, these canopies will screen the HVAC equipment. All temporary structures not in compliance with code will be removed.

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JUL 06 2011

SUP-42262
SUP-42264
REVISED

LAW OFFICE
*Brown, Brown & Premsrirut*
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

The anticipated uses include auto repair (major), auto repair (minor) and motor vehicle sales (used). Standard title 19 guidelines require 92 on-site spaces for the combined uses in addition to those needed to accommodate car sales. As this site is in the East Village District, Title 19 standards do not apply. Once landscaping is designed into this site, 57 spaces are available for parking. 12 additional spaces located in the rear portion of the site will be allocated to storage of disabled vehicles. This parking aisle will be screened by 6' gabions painted blue to match the auto sales building. The motor vehicle sales will have priority for the 19 streetside spaces.

At this time the following use permits are requested:

**Motor Vehicle Sales (used):** This use is requested 1715 Fremont Street. The building meets the Special Use requirements listed in Title 19 in that 1) a minimum 25,000 square feet is designated to this use (11,740 indoor). 2) No outside address system is proposed 3) While outdoor lighting is shared with the companion parcel it does not affect neighboring property owners 4) The property has sufficient indoor area to house automotive parts. 5) The automobile service bay doors are setback from the show-room building restricting visibility from Fremont Street. The service bays are not visible from Bruce Street due to the placement of a building on the companion parcel.

**Auto Repair Garage, Major:** The northernmost building (1735 Fremont suite 100) is proposed for major auto repair. This building was chosen because it is set back furthest from the right of way and has service bays that are oriented away from residential, schools or third party businesses. Any noise generated by this use is cushioned by the companion buildings. Major auto repair on this site can meet minimum special use requirements with the exception of:

1) **Waiver:** The opening of the service bays face public right-of-way. This building was constructed prior to this provision in code. The visual impact of these bays is somewhat alleviated by the 180 setback from the curb and the location of the entry which is approximately five feet below grade. The ramp leading to the entry mandates a safety fence which will be decorated with plant material.
2) **Waiver:** Vehicles parked on premises for the purpose of sale. As previously mentioned this building was designed as a companion to two other buildings. With the concurrent proposal for used auto sales in a separate on-site building, the two buildings will have shared access and shared parking. Following a parcel merger all three businesses will be located on the same property. Thus, this requirement cannot be met. The land lord will allocate streetside parking spaces to the auto sales business per a rental agreement. It is important to note that the auto-sales operation is a different business entity than the auto repair. The auto repair business will not park cars on this lot for the purposes of auto sales.

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JUL 06 2011

SUP-42262
SUP-42264
REVISED

LAW OFFICE
*Brown, Brown & Premsrirut*
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

Please phone me at 598-1408 if you have considerations or suggestions.

Very truly yours,

Lora Dreja
Land Entitlements
Law Offices of Jay Brown

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JUL 06 2011

**SUP-42262**
**SUP-42264**
**REVISED**

City of Las Vegas Agenda Item No.: **36.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
SUP-42264 - SPECIAL USE PERMIT RELATED TO SUP-42262 - PUBLIC HEARING - APPLICANT/OWNER: BEL AIR RG, LLC, ET AL - For possible action on a request for a Special Use Permit FOR A PROPOSED 7,572 SQUARE-FOOT AUTO REPAIR GARAGE, MAJOR WITH WAIVERS TO ALLOW SERVICE BAYS TO FACE THE RIGHT-OF-WAY AND TO ALLOW VEHICLES TO BE PARKED ON THE PREMISES FOR THE PURPOSE OF OFFERING THE VEHICLES FOR SALE WHERE SUCH IS NOT ALLOWED at 1715 Fremont Street and 1735 Fremont Street (APNs 139-35-315-006 and 007), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Consolidated Backup
2. Supporting Documentation

**Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.**

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42264** APN: 139-35-315-006, 007

Name of Property Owner: RAY GOLBARI

Name of Applicant: Bel AIR RG, LLC

Name of Representative: Brown, Brown & Premsrirut, contact: Lord Dreyfa

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: RAY GOLBARI

Subscribed and sworn before me

This 20th day of June, 2011

_____

Notary Public in and for said County and State California.

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JUN 23 2011
City of Las Vegas

CLAUDIA E. VELASQUEZ
COMM. # 1862571
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
COMM. EXPIRES AUG. 30, 2013

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** Use Permit - Auto Repair, Major - waiver to allow service bays to ROW

**Project Address (Location)** NWC Fremont Street at Bruce

**Project Name** 1735 Fremont Street #100 LLC. **Proposed Use**

**Assessor's Parcel #(s)** 139-35-315-006,007 **Ward #** 3

**General Plan:** existing Cent proposed **Zoning:** existing C-2 proposed C-2

**Commercial Square Footage** 7572 **Floor Area Ratio**

**Gross Acres** **Lots/Units** **Density**

**Additional Information** concurrent application with auto sales 1715 Fremont Street

**PROPERTY OWNER** Bel Air RG, LLC **Contact** Ray Golbari
**Address** 1300 W Olympic Blvd #500 **Phone:** (213) 927-2700 **Fax:** (213) 927-5200
**City** Los Angeles **State** CA **Zip** 90015

**APPLICANT** Bel Aire RG LLC **Contact** Ray Golbari
**Address** 1300 W Olympic Blvd #500 **Phone:** (213) 927-2700 **Fax:** (213) 927-5200
**City** Los Angeles **State** CA **Zip** 90015

**REPRESENTATIVE** Brown, Brown & Premsrirut **Contact** Lora Dreja
**Address** 520 South 4th St **Phone:** (702) 384-5563 **Fax:** (702) 385-1023
**City** Las Vegas **State** NV **Zip** 89101

**Property Owner Signature*** [signature]

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

**Print Name** RAY GOLBARI

Subscribed and sworn before me

This 20th day of June, 20 11.

[signature]

Notary Public in and for said County and State California

CLAUDIA E. VELASQUEZ
COMM. # 1862571
NOTARY PUBLIC - CALIFORNIA
LOS ANGELES COUNTY
COMM. EXPIRES AUG. 30, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SUP-42264 |
| Meeting Date: | 8/9/11 |
| Total Fee: | $1,030 |
| Date Received:* | 6/23/11 |
| Received By: | BS |

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

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JUN 23 2011
City of Las Vegas

Revised 04/26/05

City of Las Vegas Agenda Item No.: **37.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

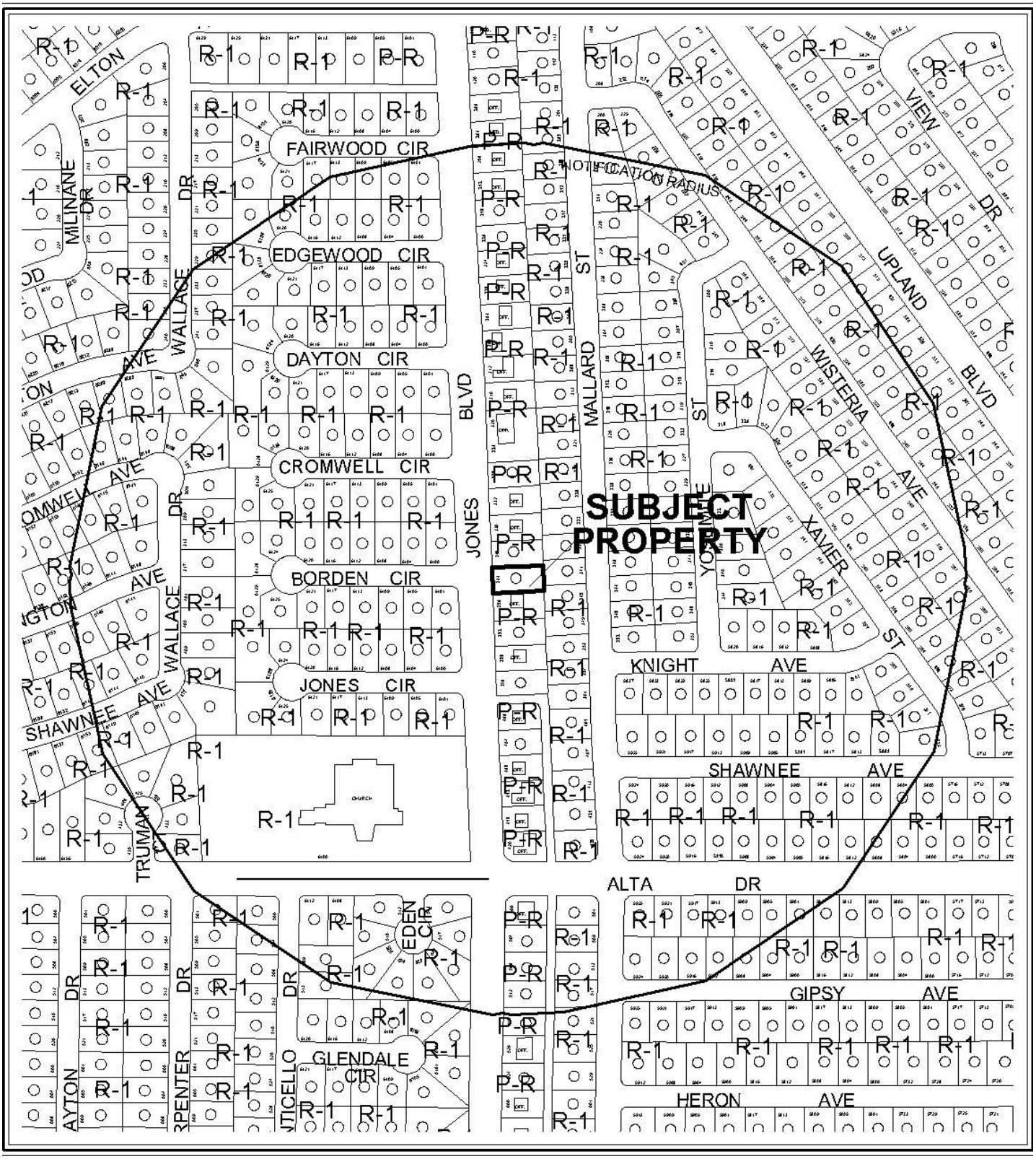
**SUBJECT:**
SDR-41770 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC - For possible action on a request for a Site Development Plan Review FOR THE CONVERSION OF A SINGLE FAMILY RESIDENCE TO A 1,488 SQUARE-FOOT OFFICE BUILDING WITH WAIVERS TO ALLOW LANDSCAPE BUFFER WIDTHS OF FIVE FEET ALONG THE WEST PERIMETER WHERE 15 FEET IS REQUIRED, THREE FEET ALONG THE NORTH PERIMETER WHERE FIVE FEET IS REQUIRED AND ZERO FEET ALONG A PORTION OF THE SOUTH PERIMETER WHERE FIVE FEET IS REQUIRED on 0.16 acres at 344 South Jones Boulevard (APN 138-36-210-011), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter

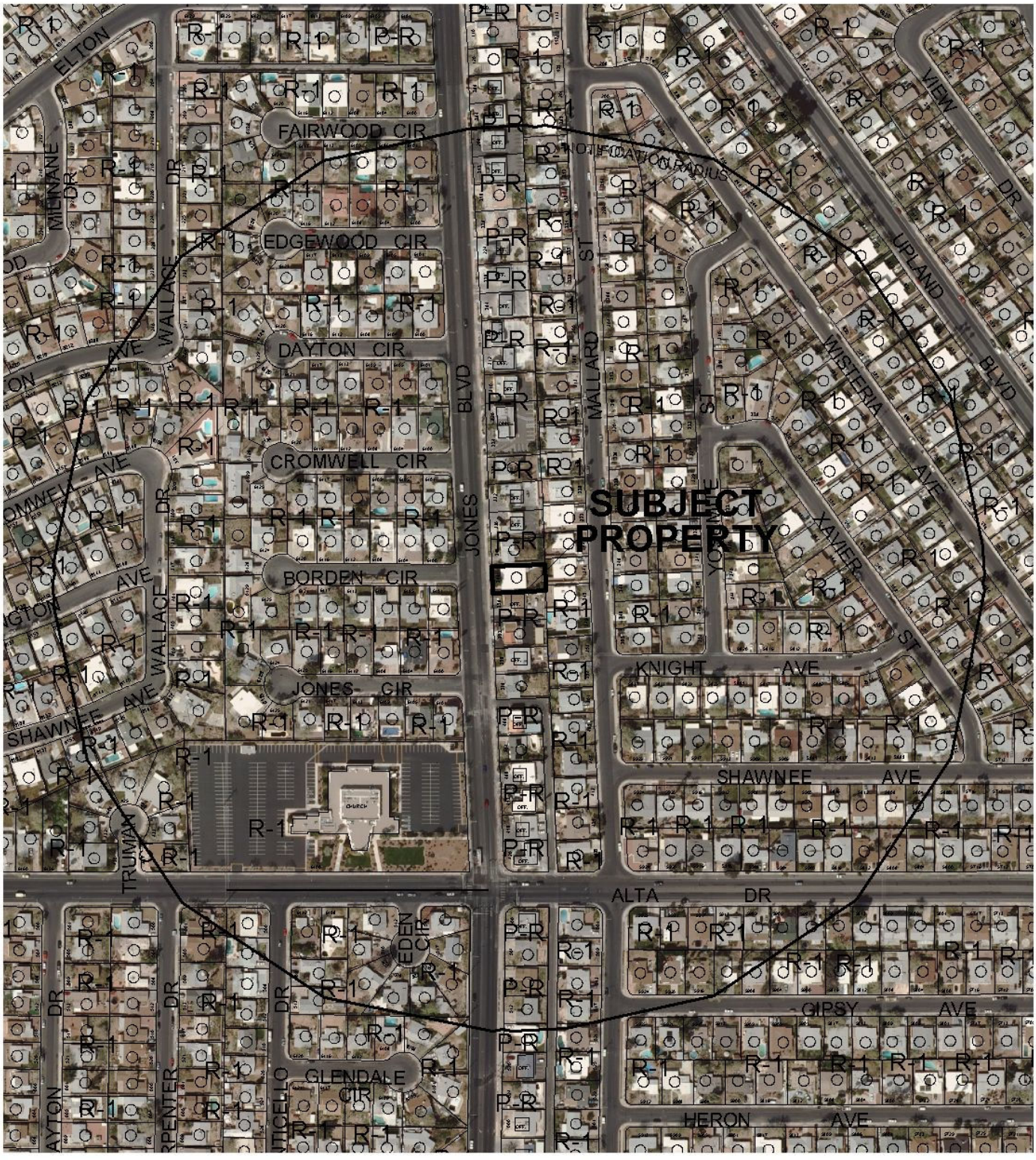



**CASE:** **SDR-41770**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** P-R (PROFESSIONAL OFFICE AND PARKING)

N




0 300 600 Feet

**CASE:** **SDR-41770**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B. LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SDR-41770** | Staff recommends APPROVAL, subject to conditions: | N/A |

## ** CONDITIONS **

# SDR-41770 CONDITIONS

***Planning***

1. 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.

2. The parking lot shall be striped within 90 days of final approval.

3. Prior to issuance of a building permit, the applicant shall provide a letter from the service provider that approves the continuation of curb side trash pickup once the subject site is converted to commercial use.

4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/21/11, except as amended by conditions herein.

5. A Waiver from 19.08.050 is hereby approved, to allow landscape buffer widths of five feet along the west perimeter where 15 feet is required, three feet along the north perimeter where five feet is required and zero feet along a portion of the south perimeter where five feet is required.

6. An Exception from 19.08.110 is hereby approved, to allow 12 perimeter landscape trees where 13 perimeter landscape trees are required.

7. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 06/21/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

8. Prior to occupancy, 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.

9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

10. A revised site plan shall be submitted to and approved by the Department of Planning Department, prior to the time application is made for a building permit, to provide an ADA accessible path without passing behind a parked vehicle.

11. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan. All required trees shall be a minimum 24-inch box size, and four 5-gallon shrubs shall be provided for each required 24-inch box tree.

12. Revised elevations shall be submitted to and approved by the Department of Planning Department prior to the time application is made for a building permit to reflect the removal of the existing carport.

13. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.08.040.

16. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

17. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

***Public Works***

19. Remove all substandard improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The existing "pan" style driveway may remain.

20. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

21. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements, if any, in the Jones Boulevard public right-of-way adjacent to this site.

22. Contact the Capital Project Management Section of the Department of Public Works at 229-6272 to coordinate the development of this project with the Jones and Valley View Corridor Improvements" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is proposing to convert an existing 1,488 square-foot single family, detached residence to a commercial office building. The site is already zoned P-R (Professional Office and Parking) and has a consistent land use designation of O (Office), which allows the proposed use.

The proposed development is compatible and harmonious with the adjacent P-R (Professional Office and Parking) zoned properties located south of the site. Furthermore, the requested Waivers and Exception can be supported, as the building will maintain the appearance of a single-family residence and is harmonious with the adjacent single-family residences to the north, east and west. Therefore, staff is recommending approval of this request. If this application is denied, the site will remain as a single-family residence.

## ISSUES

- A waiver is required to allow landscape buffer widths of five feet along the west perimeter where 15 feet is required, three feet along the north perimeter where five feet is required and zero feet along a portion of the south perimeter where five feet is required.
- An exception is required to allow 12 perimeter landscape trees where 13 perimeter landscape trees are required
- A condition of approval has been added requiring that the parking lot be striped within 90 days of final approval.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 05/01/91 | The City Council approved a request for Rezoning (Z-0026-91) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at 344 South Jones Boulevard as part of a larger request. The Planning Commission and staff recommended denial. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 02/18/11 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| C.1961 | The single family residence at 344 South Jones Boulevard was constructed. |
| 07/19/99 | A building permit (99014043) was issued for a patio cover at 344 South Jones Boulevard. The permit was finaled on 11/17/99. |

| ***Pre-Application Meeting*** | |
|---|---|
| 04/26/11 | A pre-application meeting was held with the applicant, where the submittal requirements for a Site Development Plan Review were discussed. Site work for the conversion was underway, but no building permits have been issued. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting is not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | During a site check by staff, it was noted that the existing residence is currently vacant. It was noted that there was some work being done at the site, with a large industrial trash dumpster located in the driveway. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.17 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Single Family, Detached | O (Office) | P-R (Professional Office and Parking) |
| North | Single Family, Detached | O (Office) | P-R (Professional Office and Parking) |
| South | Office | O (Office) | P-R (Professional Office and Parking) |
| East | Single Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Single Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | X | N/A |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| A-O (Airport Overlay) District (175 feet) | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.08, the following standards apply:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | N/A | 7,411 SF | Y |
| Min. Lot Width | 60 Feet | 61 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 26 Feet | Y |
| • Side (North) | 5 Feet | 6 Feet | Y |
| • Side (South) | 5 Feet | 6 Feet | Y |
| • Rear | 15 Feet | 34 Feet | Y |
| Max. Lot Coverage | 50 % | 25 % | Y |
| Max. Building Height (measured from midpoint) | 35 Feet | 10 Feet | Y |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | N/A | Conditioned |
| Mech. Equipment | Screened | N/A | Conditioned |

***Pursuant to Title 19.08, the following standards apply:***

| ***Landscaping and Open Space Standards*** | | | | |
|---|---|---|---|---|
| ***Standards*** | ***Required*** | | ***Provided*** | ***Compliance*** |
| | ***Ratio*** | ***Trees*** | | |
| Buffer Trees: | | | | |
| • North | 1 Tree / 20 Linear Feet | 6 Trees | 5 Trees | N |
| • South | 1 Tree / 30 Linear Feet | 2 Trees | 2 Trees | Y |
| • East | 1 Tree / 20 Linear Feet | 3 Trees | 2 Trees | N |
| • West | 1 Tree / 30 Linear Feet | 2 Trees | 3 Trees | Y |
| **TOTAL PERIMETER TREES** | | **13 Trees** | **12 Trees** | **N** |

| **LANDSCAPE BUFFER WIDTHS** | | | |
|---|---|---|---|
| Min. Zone Width | | | |
| • North | 5 Feet | 3 Feet | N |
| • South | 5 Feet | 0 Feet | N |
| • East | 8 Feet | 8 Feet | Y |
| • West | 15 Feet | 5 Feet | N |
| Wall Height | 6 to 8 Feet Adjacent to Residential | 6 feet | Y |

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Jones Boulevard | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Office, Other than Listed | 1,488 SF | 1/300 SF | 5 | | | | |
| **TOTAL SPACES REQUIRED** | | | 5 | | 5 | | Y |
| **Regular and Handicap Spaces Required** | | | 4 | 1 | 4 | 1 | Y |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| 15-Foot Perimeter Landscape Buffer | To allow a landscape buffer width of five feet along the west perimeter. | Approval |
| Five-Foot Perimeter Landscape Buffer | To allow three feet along the north perimeter. | Approval |
| Five-Foot Perimeter Landscape Buffer | To allow zero feet along a portion of the south perimeter. | Approval |

| *Exceptions* | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| 13 perimeter landscape trees | To allow 12 perimeter landscape trees | Approval |

## ANALYSIS

The site complies with all Title 19 requirements with the exception of required landscaping. Per Title 19.08, a perimeter landscape buffer of 15 feet must be provided along the public right-of-way and a landscape buffer of five feet shall be provided on interior property lines where building setbacks prevail. The site plan depicts a five-foot landscape buffer along a street right-of-way, which is a 10-foot deviation from the standard, a zero foot landscape buffer along a portion of the south property line, which is a five-foot deviation from the standard and a three-foot landscape buffer along the north property line, which is a two-foot deviation from the standard. The applicant is also requesting an Exception to allow 12 perimeter landscape trees in the perimeter landscape buffer. Staff can support the Waiver and Exception requests, as they are consistent with other similar conversions, and the development will be compatible with existing P-R (Professional Office and Parking) zoned properties to the north. Furthermore, the building will maintain the appearance of a single family residence and will be compatible with the existing adjacent residential properties to the north, east, and west.

Staff recommends approval of this request with conditions.

## FINDINGS (SDR-41770)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

   The proposed development will be compatible with existing P-R zoned office developments to the south. As the building will maintain the appearance of a single family detached dwelling, the site will be compatible with existing adjacent single-family residential properties to the north, east and west.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The development of professional offices on this site is encouraged, as the property has been zoned for such use and is consistent with its O (Office) General Plan designation. The proposed development does not meet the perimeter landscape buffer requirements for the north, south and west perimeters. The applicant has requested waivers and an exception for these conditions, which are consistent with other converted offices along Jones Boulevard.

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

   The site will have access to Jones Boulevard, an 80-foot Secondary Collector on the Master Plan of Streets and Highways, which is adequate to provide access to serve the proposed use. The site access and on-site circulation will not negatively impact adjacent roadways or neighborhood traffic.

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

   Building and landscape materials are appropriate for the area and the City of Las Vegas.

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

   The elevations and design characteristics are consistent with the single-family residences in the area.

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

   The site will be subject to inspection by the City and will not compromise the health, safety, and welfare of the general public.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 31

**NOTICES MAILED** 391

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-41770** APN: 138-36-210-011

Name of Property Owner: JWB NV Invest Series B LLC

Name of Applicant: Gok S. Lim

Name of Representative: _____

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: JIN WEON BANG (MANAGER)

Subscribed and sworn before me

This 11 day of MAY, 2011

Becky A. Lehrke

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BECKY A. LEHRKE
No: 09-9949-1
My Appointment Expires May 8, 2013

RECEIVED
MAY 12 2011
City of Las Vegas

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** SDR

**Project Address (Location)** 344 Jones

**Project Name** office. **Proposed Use**

**Assessor's Parcel #(s)** 138 36 210 011 **Ward #**

**General Plan:** existing proposed **Zoning:** existing proposed

**Commercial Square Footage** **Floor Area Ratio**

**Gross Acres** **Lots/Units** **Density**

**Additional Information**

**PROPERTY OWNER** JWB NV Invest Service B LLC **Contact**

**Address** 1823 Belcastro St **Phone:** **Fax:**

**City** Las Vegas **State** NV **Zip** 89117

**E-mail Address**

**APPLICANT** GOK J. LIM **Contact**

**Address** 44 Gulf Creek Ct **Phone:** 702-406-1867 **Fax:**

**City** Las Vegas **State** NV **Zip** 89148

**E-mail Address**

**REPRESENTATIVE** **Contact**

**Address** **Phone:** **Fax:**

**City** **State** **Zip**

**E-mail Address**

**Property Owner Signature*** [signature]

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

**Print Name** JIN WEON BANG (MANAGER)

Subscribed and sworn before me

This 11 day of MAY, 20 11.

Becky A. Lehrke

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BECKY A. LEHRKE
No: 09-9949-1
My Appointment Expires May 8, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SDR-B 41770 |
| Meeting Date: | 7-12-11 |
| Total Fee: | 1030 |
| Date Received:* | 5-12-11 |
| Received By: | FS |

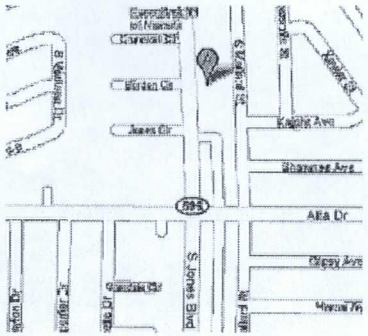
*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

# OFFICE

## 344 S. JONES BLVD
## LAS VEGAS, NV 89107

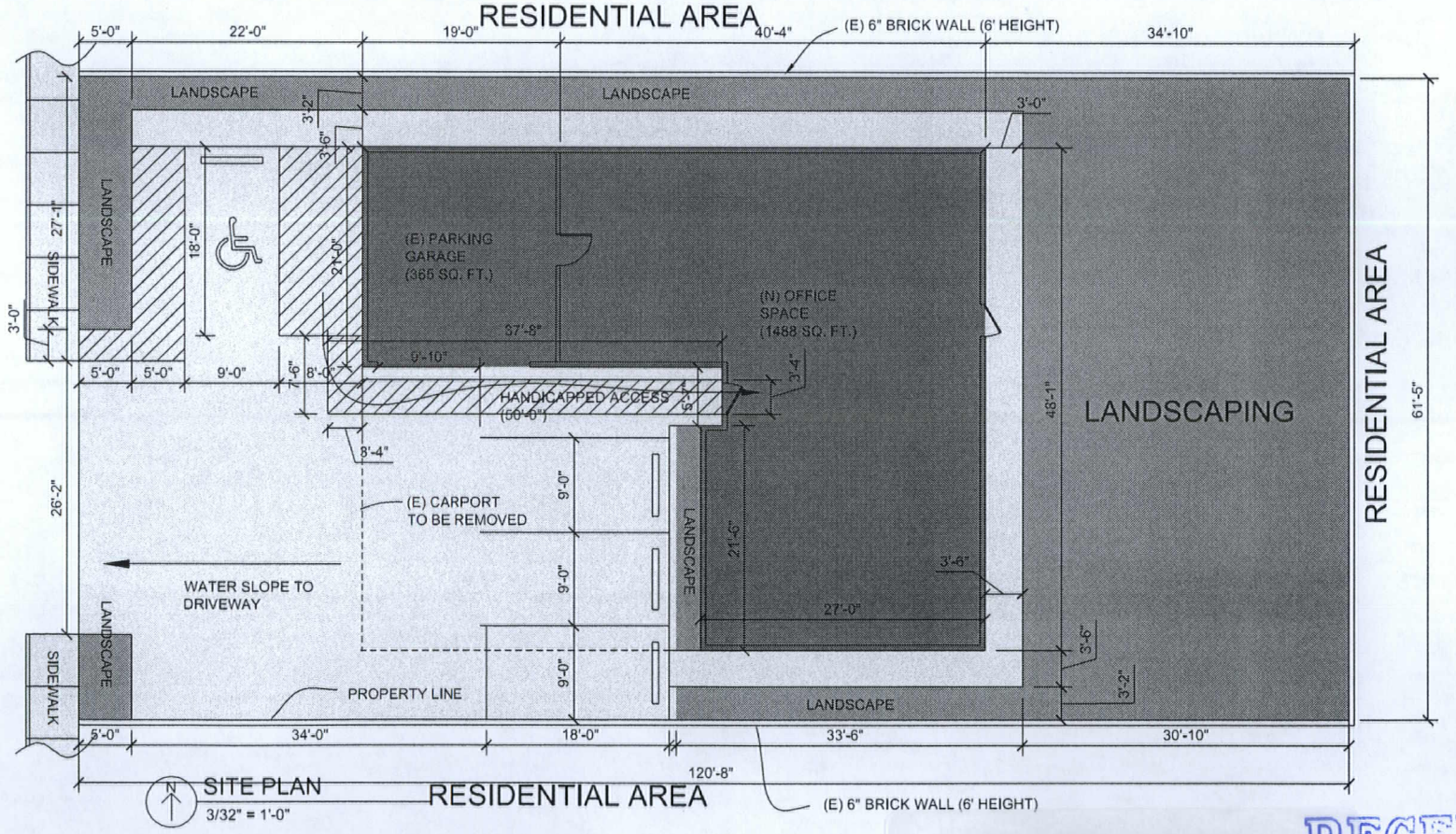


VINCITY MAP
N.T.S

PROPERTY AREA
= 7411 SQ. FT.
BUILDING AREA (W/O GARAGE)
= 1488 SQ. FT.
GARAGE AREA
= 365 SQ. FT.

### PARKING SUMMARY

- OFFICE PARKING HAS FACTOR OF 1/300. SO, 5 PARKING SPACES ARE RQUIRED
- 5 PARKING SPACE ARE PROVIDED




SITE PLAN
3/32" = 1'-0"

**SDR-41770**
**REVISED**

RECEIVED
JUN 2 1 2011

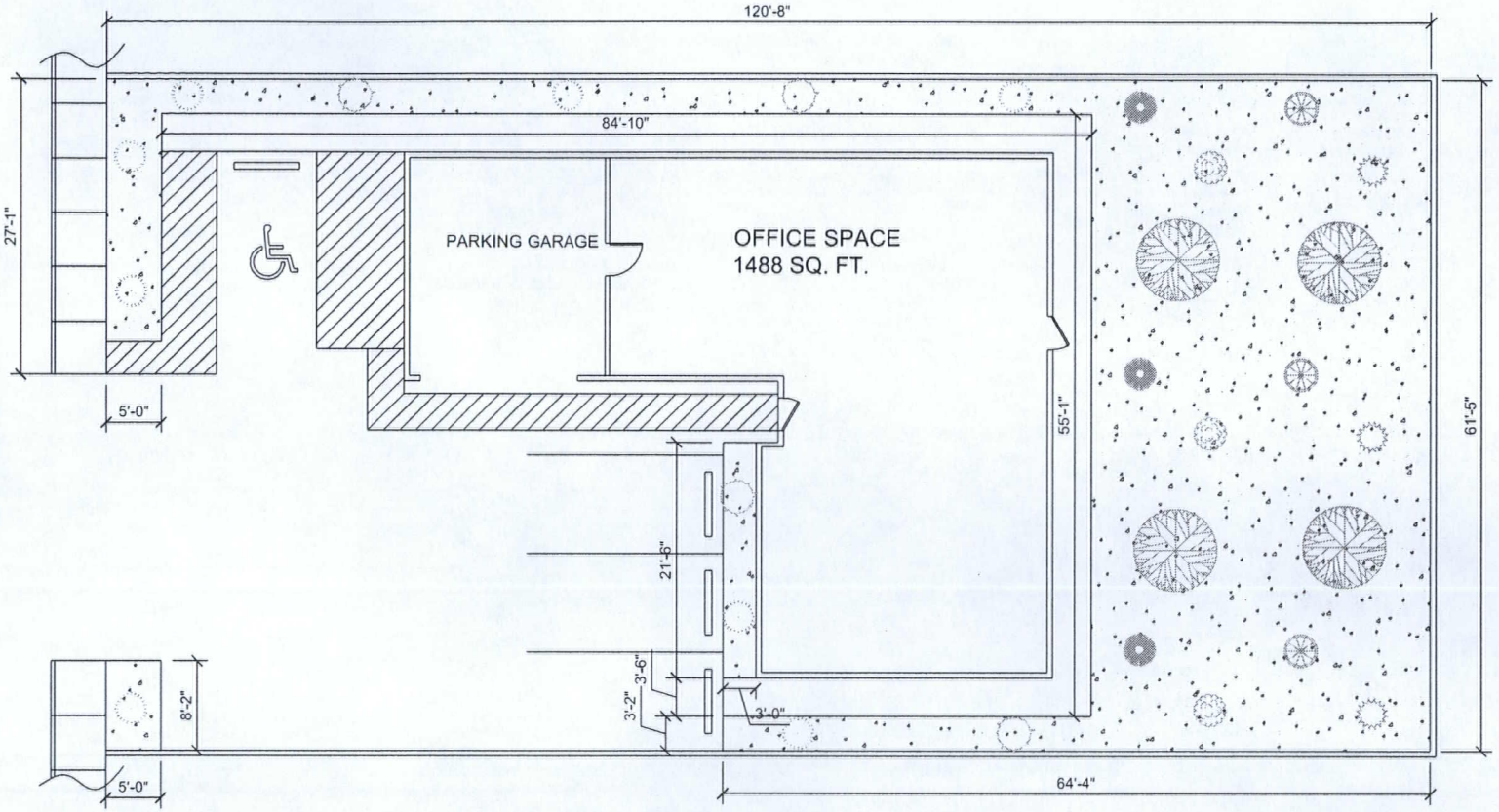
| REVISIONS | BY |
|---|---|
| | |

K-1 CONSTRUCTIO INC.
LIC # 0066560
PH # (702) 406-1867
E-mail: K1constructions@yahoo.com

TITLE: SITE PLAN
PROJECT: OFFICE
ADDRESS: 344 S. JONES BLVD LAS VEGAS, NV 89107

DRAWN
CHECKED
DATE
SCALE: AS SHOWN
JOB NO.
SHEET: A-1

JONES BLVD




(N) LANDSCAPING PLAN
3/32" = 1'-0"

## TOTAL PLANTS

- 16 TREES
- 9 SHRUBS

| (N) 24" BOX TREES | | | | |
|---|---|---|---|---|
| SYMBOL | NAME | PLANT TYPE | PLANT HEIGHT (FT.) | QTY. |
| | ARCACIA 'CAT CLAW' | DECIDUOUS TREE | 15-20 | 8 |
| | ACACIA 'SHOESTRING' | EVERGREEN TREE | 20-25 | 4 |
| | ARIZONA ROSEWOOD | EVERGREEN TREE | 15-30 | 4 |
| | 3/4" ROCK | | | |

| (N) 15 GALLON SHRUBS | | | | |
|---|---|---|---|---|
| SYMBOL | NAME | PLANT TYPE | PLANT HEIGHT (FT.) | QTY. |
| | BUTTERFLY BUSH | SHRUB | 6-12 | 3 |
| | DESERT SPOON | SHRUB | 3 | 3 |
| | FAIRY DUSTER | SHRUB | 3 | 3 |
| | CAPE PLUMBAGO 'WHITE' | SHRUB | 4-6 | 3 |

**SDR-41770**
**REVISED**

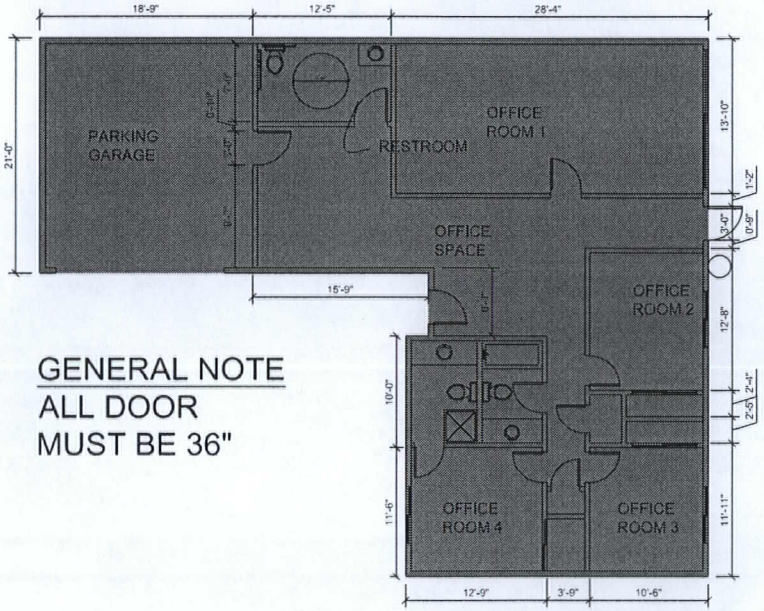
RECEIVED
JUN 21 2011

REVISIONS | BY

K-1 CONSTRUCTIO INC.
LIC # 0066560
PH # (702) 406-1867
E-mail: K1constructions@yahoo.com

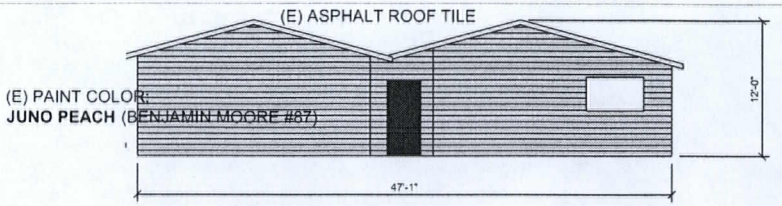
TITLE: LANDSCAPING PLAN
PROJECT: OFFICE
ADDRESS: 344 S. JONES BLVD LAS VEGAS, NV 89107

DRAWN
CHECKED
DATE
SCALE AS SHOWN
JOB NO.
SHEET A-2

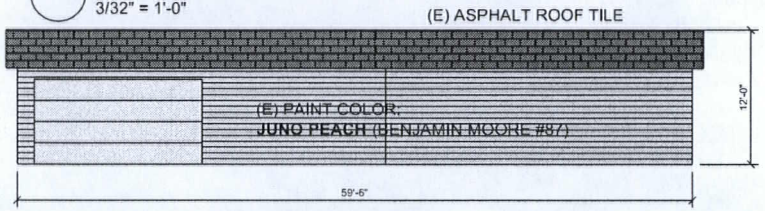



GENERAL NOTE
ALL DOOR
MUST BE 36"

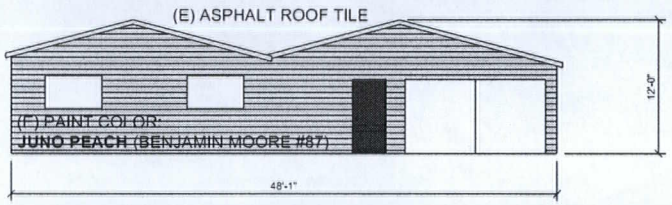
## (E) FLOOR & SITE PLAN
3/32" = 1'-0"



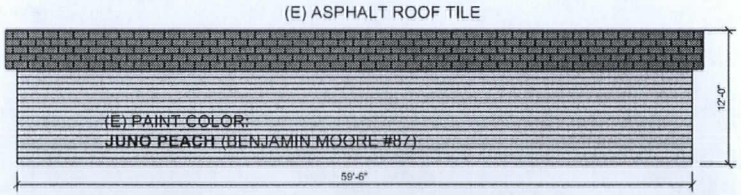

## (E)FRONT VIEW (WEST)
3/32" = 1'-0"




## (E)SIDE VIEW (SOUTH)
3/32" = 1'-0"




## (E)BACK VIEW (EAST)
3/32" = 1'-0"




## (E)SIDE VIEW (NORTH)
3/32" = 1'-0"

RECEIVED
JUN 21 2011

**SDR-41770**
**REVISED**

| REVISIONS | BY |
|---|---|
| | |

K-1 CONSTRUCTIO INC.
LIC # 0066560
PH # (702) 406-1867
E-mail: K1construction5@yahoo.com

TITLE: FLOOR PLAN/ARCHITECTURAL PLAN
PROJECT: OFFICE
ADDRESS: 344 S. JONES BLVD LAS VEGAS, NV 89107

DRAWN
CHECKED
DATE
SCALE AS SHOWN
JOB NO.
SHEET A-3

**SDR 41770**
**JWB Nevada Investment Series B, LLC**

# 344 S. Jones Boulevard

Proposed 1.488 square foot conversion of an existing house to an office.

**Traffic produced by proposed development:**

| **Existing Use** | DESCRIPTION | #UNIT | RATE/# UNIT | TOTAL |
|---|---|---|---|---|
| Average Daily Traffic (ADT) | SINGLE FAMILY DETACHED [DWELL] | 1 | 9.57 | 10 |
| AM Peak Hour | | | 0.75 | 1 |
| PM Peak Hour | | | 1.01 | 1 |

| **Proposed Change** | DESCRIPTION | #UNIT | RATE/# UNIT | TOTAL |
|---|---|---|---|---|
| Average Daily Traffic (ADT) | GENERAL OFFICE BUILDING [1000 SF] | 1.488 | 11.01 | 16 |
| AM Peak Hour | | | 1.55 | 2 |
| PM Peak Hour | | | 1.49 | 2 |

| **Net Change** | DESCRIPTION | #UNIT | RATE/# UNIT | TOTAL |
|---|---|---|---|---|
| Average Daily Traffic (ADT) | GENERAL OFFICE BUILDING [1000 SF] | 1.488 | 11.01 | 6 |
| AM Peak Hour | | | 1.55 | 1 |
| PM Peak Hour | | | 1.49 | 1 |

**Existing traffic on all nearby streets:**

| **Jones Boulevard** | |
|---|---|
| Average Daily Traffic (ADT) | 31,500 |
| PM Peak Hour (heaviest 60 minutes) | 2520 |

| **Alta Drive** | |
|---|---|
| Average Daily Traffic (ADT) | 10,413 |
| PM Peak Hour (heaviest 60 minutes) | 833 |

**Traffic Capacity of adjacent streets:**

| | Adjacent Street ADT Capacity |
|---|---|
| Jones Boulevard | 34,500 |
| Alta Drive | 16,300 |

This conversion is expected to add 6 additional trips per day on Jones Blvd. and Alta Dr. Currently, Jones is at about 91 percent of capacity and Alta is at about 64 percent of capacity. This project is not expected to significantly change these capacities.

Based on Peak Hour use, this conversion will add 1 additonal car into the area in the peak hour, or about one every sixty minutes.

Note that this report assumes all traffic from this development uses all named streets.



SDR-41770 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
344 SOUTH JONES BOULEVARD

06/06/11



SDR-41770 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
344 SOUTH JONES BOULEVARD

06/06/11



SDR-41770 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
344 SOUTH JONES BOULEVARD

06/06/11



SDR-41770 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
344 SOUTH JONES BOULEVARD

06/06/11

Office
344 South Jones Blvd.
Las Vegas, NV 89107

Development Service Center
33 North Rancho Drive, 3rd Floor
Las Vegas, NV 89106

June 16, 2011
Re: Office

To Whom It May Concern:

I am writing to you in reference to the correction file of the Office date March 13, 2011. Due to the limited amount of land available, we are unable to meet the required landscape requirements, for this reason, we are requesting the following:

1. Waive the 15' requirement of landscape to 5' along the front.
2. Waive the 8' requirement of landscape to 3' along sides.
3. Waive required of trees in landscape behind parking lot.

In addition, we are also noting that all landscaping is noted on the plans but is also include in the backyard. The required 5 parking lots have also been constructing from the available 1488'. A trashcan with wheel swill be stored in the garage and picked up on the specified days by the appropriate service provider. Thank you for your time in this matter.

Sincerely

Signature

Jin Weon Bang

Printed Name.
Principal JWB Language School.

SDR-41770
REVISED

RECEIVED
JUN 21 2011

City of Las Vegas Agenda Item No.: **38.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

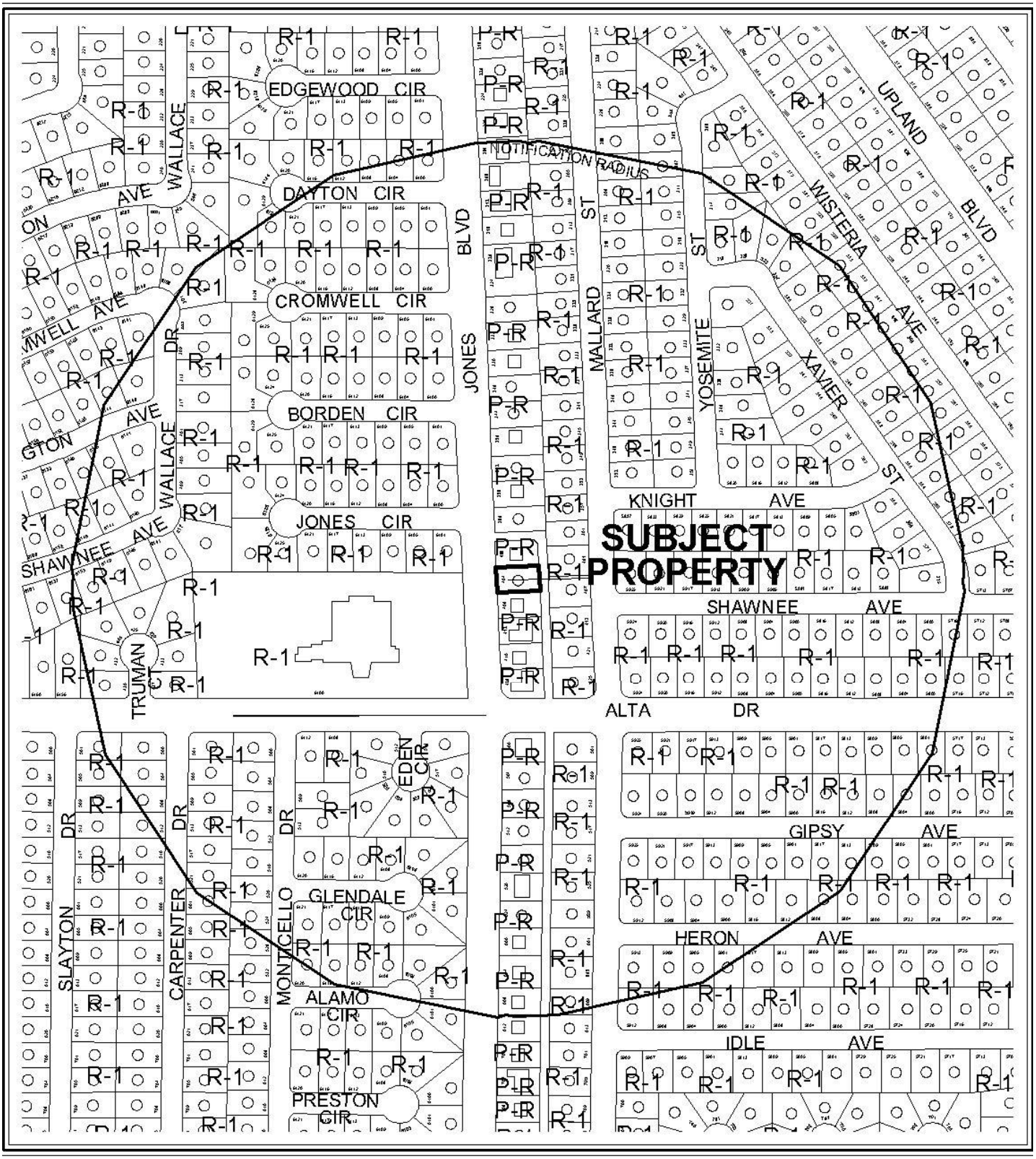
**SUBJECT:**
SDR-41771 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES C, LLC - For possible action on a request for a Site Development Plan Review FOR THE CONVERSION OF A SINGLE FAMILY RESIDENCE TO A 1,492 SQUARE-FOOT TUTORING CENTER, WITH WAIVERS TO ALLOW LANDSCAPE BUFFER WIDTHS OF ZERO FEET ALONG A PORTION OF THE NORTH AND SOUTH PERIMETERS WHERE FIVE FEET IS REQUIRED, AND SEVEN FEET ALONG THE WEST PERIMETER WHERE 15 FEET IS REQUIRED on 0.13 acres at 404 South Jones Boulevard (APN 138-36-210-017), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter



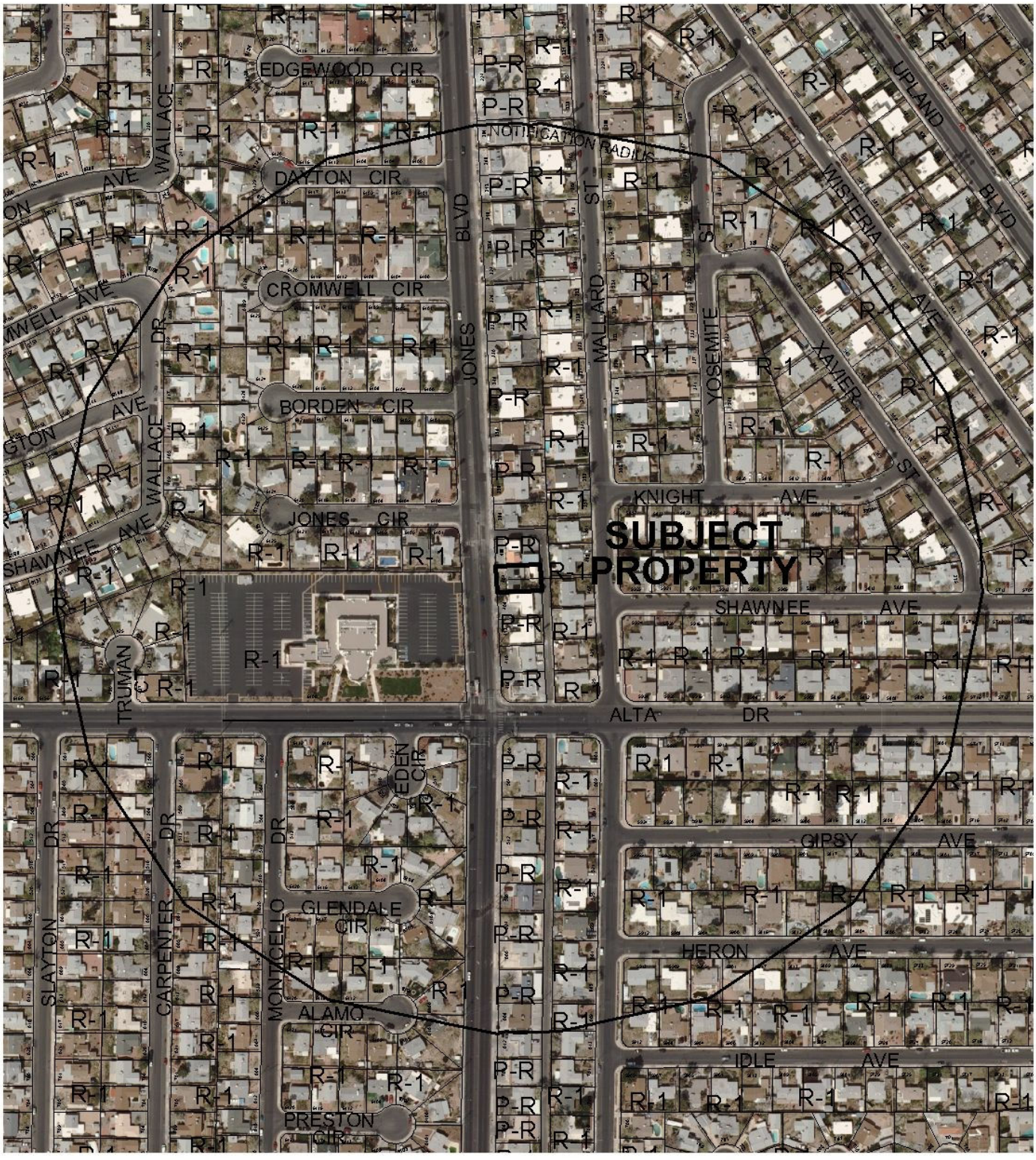

0 300 600 Feet

**CASE:** **SDR-41771**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** P-R (PROFESSIONAL OFFICE AND PARKING)

N




0 300 600 Feet

**CASE:** **SDR-41771**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES C, LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SDR-41771** | Staff recommends APPROVAL, subject to conditions: | N/A |

## ** CONDITIONS **

# SDR-41771 CONDITIONS

***Planning***

1. 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.

2. Prior to issuance of a building permit, the applicant shall provide a letter from the service provider that approves the continuation of curb side trash pickup once the subject site is converted to commercial use.

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/21/11, except as amended by conditions herein.

4. A Waiver from 19.08.050 is hereby approved, to allow landscape buffer widths of seven feet along the west perimeter where 15 feet is required and zero feet along a portion of the north and south perimeter where five feet is required.

5. Prior to occupancy, 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.

6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan: add four 5-gallon sized shrubs for each required tree in the landscape planters.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.08.040.

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

***Public Works***

12. Remove all substandard improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The existing "pan" style driveway may remain.

13. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

14. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements, if any, in the Jones Boulevard public right-of-way adjacent to this site.

15. Contact the Capital Project Management Section of the Department of Public Works at 229-6272 to coordinate the development of this project with the Jones and Valley View Corridor Improvements" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**Staff Report Page One**
**August 9, 2011 - Planning Commission Meeting**

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The property at 404 South Jones Boulevard contains a vacant Single Family, Detached dwelling. The request is to convert the existing Single Family, Detached dwelling to a Tutoring Center. The proposed development is compatible and harmonious with the adjacent P-R (Professional Office and Parking) Zoned properties located at the north and south of the site. The requested Waivers can be supported by staff, as the building will maintain the appearance of a single-family residence and is harmonious with the adjacent single-family residence to the east and west. Therefore, staff recommends approval of this request. If this application is denied, the property will remain as a single-family residence.

## ISSUES

- A Site Development Plan Review approval is necessary to convert the existing property from Single Family Residential use to Commercial use.

- Waivers of the perimeter landscape buffer are requested by the applicant, as part of this review, to allow a seven-foot perimeter landscape buffer to the west where 15 feet is required and to allow zero-foot perimeter landscape buffer on a portion of the north and south perimeter landscape buffers where five feet is required.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 05/01/91 | The City Council approved a request for Rezoning (Z-0026-91) from R-1 (Single Family Residential) to P-R (Professional Offices and Parking at 344 South Jones Boulevard as part of a larger request. The Planning Commission and staff recommended denial. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 04/29/11 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** | |
|---|---|
| 05/09/61 | A building permit (#4385) was issued for a Single Family Dwelling at 404 South Jones Boulevard. The permit was finalized on 07/05/61. |

| ***Pre-Application Meeting*** | |
|---|---|
| 04/26/11 | A pre-application meeting was held with the applicant to discuss the submittal requirements for a Site Development Plan Review for a Residential Conversion to a Tutoring Center use. The topics included:<br>• Tutoring Center use conditional use regulation number 3 requires instructional services must be provided with a pupil/instructor ratio no greater than 2 to 1. If this condition could not be met a Special Use Permit is required for approval if the pupil/instructor ratio is greater than 2 to 1. A possible application for parking variance is needed since the pupil/instructor would be greater than 2 to 1.<br>• Waivers are required for the perimeter landscape buffer widths. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not held, nor was one required. |

| ***Field Check*** | |
|---|---|
| 06/07/11 | A site visit by staff noted that the existing residence is currently vacant. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Net Acres | 0.13 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Single Family, Detached | O (Office) | P-R (Professional Office and Parking) |
| North | Office | O (Office) | P-R (Professional Office and Parking) |
| South | Office | O (Office) | P-R (Professional Office and Parking) |
| East | Single Family, Detached | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Church/House of Worship | L (Low Density Residential) | R-1 (Single Family Residential) |

| *Master Plan Areas* | *Yes* | *No* | *Compliance* |
|---|---|---|---|
| **Master Plan Area** | | X | N/A |
| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
| **Special Purpose and Overlay Districts** | | | |
| A-O (Airport Overlay) District (175 feet) | X | | Y |
| **Trails** | | X | N/A |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |
| **Project of Regional Significance** | | X | N/A |

## DEVELOPMENT STANDARDS

***Pursuant to Title 19.08, the following standards apply:***

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | N/A | 7,411 SF | Y |
| Min. Lot Width | 60 Feet | 61 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 30 Feet | Y |
| • Side (North) | 7 Feet | 7 Feet | Y |
| • Side (South) | 7 Feet | 7 Feet | Y |
| • Rear | 15 Feet | 52 Feet | Y |
| Max. Lot Coverage | 50 % | 23 % | Y |
| Max. Building Height (measured from midpoint) | 35 Feet | 13 Feet | Y |
| Trash Enclosure | Screened | Curb side pickup | Y |
| Mech. Equipment | Screened | None | N* |

*Pursuant to Title 19.14.030 (B) the existing structure is non-conforming.

***Pursuant to Title 19.08, the following standards apply:***

| ***Landscaping and Open Space Standards*** | | | | |
|---|---|---|---|---|
| ***Standards*** | ***Required*** | | ***Provided*** | ***Compliance*** |
| | ***Ratio*** | ***Trees*** | | |
| Buffer Trees: | | | | |
| • North | 1 Tree / 30 Linear Feet | 1 Trees | 1 Trees | Y |
| • South | 1 Tree / 30 Linear Feet | 2 Trees | 2 Trees | Y |
| • West | 1 Tree / 20 Linear Feet | 1 Trees | 1 Trees | Y |
| **TOTAL PERIMETER TREES** | | **4 Trees** | **4 Trees** | **Y** |
| Parking Area Trees | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the | 2 Trees | 4 Trees | Y |

| | | | | |
|---|---|---|---|---|
| | end of each row of spaces | | | |



| **LANDSCAPE BUFFER WIDTHS** | | | |
|---|---|---|---|
| Min. Zone Width | | | |
| • North | 5 Feet | Zero Feet | N |
| • South | 5 Feet | Zero Feet | N |
| • West | 15 Feet | 7 Feet | N |

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Jones Boulevard | Secondary Collector | Master Plan of Streets and Highways | 80 | Y |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Tutoring Center | Four Staff | One space per staff | 4 | | | | |
| | Eight Students | One space for every five students | 2 | | | | |
| **TOTAL SPACES REQUIRED** | | | 6 | | 8 | | Y |
| **Regular and Handicap Spaces Required** | | | 5 | 1 | 7 | 1 | Y |

| ***Waivers*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| Five-foot landscape buffer along the north and south perimeter buffer. | Zero feet | Approval |
| 15-foot landscape buffer adjacent to right-of-way. | Seven feet | Approval |

## ANALYSIS

The request is to convert the existing Single Family, Detached residence to a Tutoring Center. The property is located within the A-O (Airport Overlay) District with a 175-foot height restriction. The proposed conversion will not affect the overlay district, as the building height would remain the same.

The subject property complies with all Title 19 requirements, with the exception of required landscaping. Pursuant to Title 19.08.050, within the P-O (Professional Office) zoning district, the perimeter landscape buffer of 15 feet must be provided along the public right-of-way and a landscape buffer of five feet shall be provided on interior property lines where building setbacks prevail. The site plan depicts a seven-foot landscape buffer along Jones Boulevard, which is an eight-foot deviation from the standard, a zero-foot landscape buffer along a portion of the south property line, which is a five-foot deviation from the standard and a zero-foot landscape buffer along the north property line, which is a five-foot deviation from the standard. Staff can support the requested Waivers, as the development will be compatible with existing P-R (Professional Office and Parking) Zoned properties to the north and south. The submitted landscape plan indicates only 16 shrubs provided for this project. A condition has been added to revise the landscaping plan upon the submittal for a building permit to require four shrubs for every required tree in the landscape planter.

The existing residence contains a one-car garage and the garage will be converted as part of the proposed Tutoring Center. Furthermore, the building will maintain the appearance of a single family residence and will be compatible with the existing adjacent residential properties to the east and west. Staff recommends approval of this request with conditions.

## FINDINGS (SDR-41771)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

   The proposed development will be compatible with existing P-R Zoned properties to the north and south. As the building will maintain the appearance of a single family detached dwelling, the site will be compatible with the existing adjacent single-family residential properties to the east and west.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The development of professional offices on this site is encouraged, as the property has been zoned for such use and is consistent with its O (Office) General Plan designation. The proposed development does not meet the perimeter landscape buffer requirements for the north, south and west perimeters. The applicant has requested waivers of these requirements, which are consistent with other converted properties along Jones Boulevard.

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

   The site will have access to Jones Boulevard, an 80-foot Secondary Collector on the Master Plan of Streets and Highways, which is adequate to provide access to serve the proposed use. The site access and on-site circulation will not negatively impact adjacent roadways or neighborhood traffic. The rear parking lot can be accessed an alley located north of the subject property. The same alley can be accessed from Alta Drive from the south.

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

   Building and landscape materials are appropriate for the area and the City of Las Vegas.

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

   The building elevations and design characteristics are consistent with the single-family residences in the area and are harmonious and compatible with development in the area.

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

   The site will be subject to inspection by the City and will not compromise the health, safety, and welfare of the general public.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 30

**NOTICES MAILED** 381

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-41771** APN: 138362100 17

Name of Property Owner: JWB NV Invest Series B LLC

Name of Applicant: SOK J. LIM

Name of Representative: _____

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: _____

RECEIVED
MAY 12 2011
City of Las Vegas

Signature of Property Owner: _____

Print Name: JIN WEONBANG (MANAGER)

Subscribed and sworn before me

This 11 day of MAY, 20 11

Becky A. Lehrke

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BECKY A. LEHRKE
No: 09-9949-1
My Appointment Expires May 8, 2013

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** 404 JONES BLVD

**Project Address (Location)** _____

**Project Name** JWB Language School **Proposed Use** _____

**Assessor's Parcel #(s)** 13936210017 **Ward #** _____

**General Plan:** existing _____ proposed _____ **Zoning:** existing _____ proposed _____

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** _____ **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** JWB NV Invest Series B LLC **Contact** _____

**Address** 1823 Relentless st **Phone:** _____ **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89117

**E-mail Address** _____

**APPLICANT** Gok Ji Lim **Contact** _____

**Address** 44 Gulf Creek ct **Phone:** 702-406-1863 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89148

**E-mail Address** _____

**REPRESENTATIVE** _____ **Contact** _____

**Address** _____ **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**Property Owner Signature*** _____

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

**Print Name** JIN WEON BANG (MANAGER)

Subscribed and sworn before me

This 11 day of MAY, 20 11.

Becky A. Lehrke

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BECKY A. LEHRKE
No: 09-9949-1
My Appointment Expires May 8, 2013

*FOR DEPARTMENT USE ONLY*

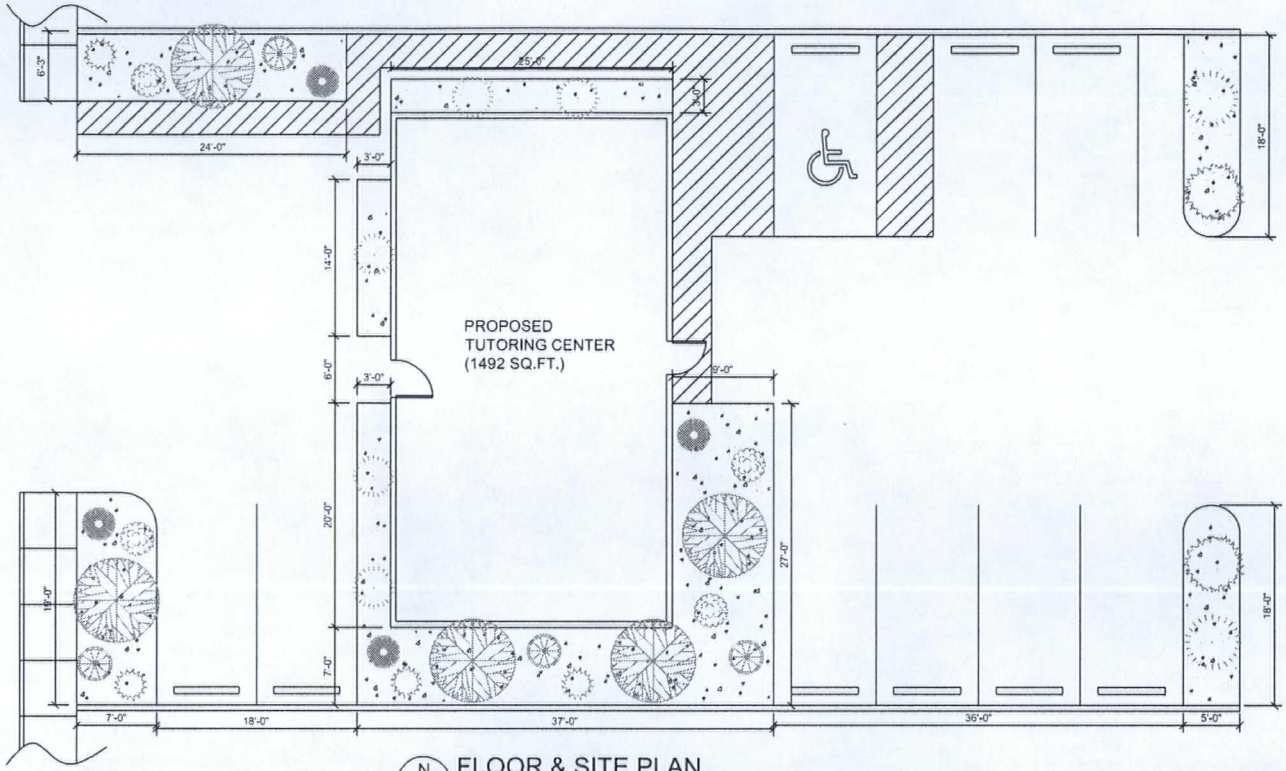
| | |
|---|---|
| **Case #** | SDR-4171 |
| **Meeting Date:** | ~~5-26-11~~ 7-12-11 |
| **Total Fee:** | 1030 |
| **Date Received:*** | 5-12-11 |
| **Received By:** | KS |

*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.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf

JONES BLVD




FLOOR & SITE PLAN
3/32" = 1'-0"

## TOTAL PLANTS

- 16 TREES
- 16 SHRUBS

(N) 24" BOX TREES

| SYMBOL | NAME | PLANT TYPE | PLANT HEIGHT (FT.) | QTY. |
|---|---|---|---|---|
| | ARCACIA 'CAT CLAW' | DECIDUOUS TREE | 15-20 | 8 |
| | ACACIA 'SHOESTRING' | EVERGREEN TREE | 20-25 | 4 |
| | ARIZONA ROSEWOOD | EVERGREEN TREE | 15-30 | 4 |
| | 3/4" ROCK | | | |

(N) 15 GALLON SHRUBS

| SYMBOL | NAME | PLANT TYPE | PLANT HEIGHT (FT.) | QTY. |
|---|---|---|---|---|
| | BUTTERFLY BUSH | SHRUB | 6-12 | 4 |
| | DESERT SPOON | SHRUB | 3 | 4 |
| | FAIRY DUSTER | SHRUB | 3 | 4 |
| | CAPE PLUMBAGO 'WHITE' | SHRUB | 4-6 | 4 |

RECEIVED
JUN 21 2011

SDR-41771
REVISED

| REVISIONS | BY: |
|---|---|
| | |

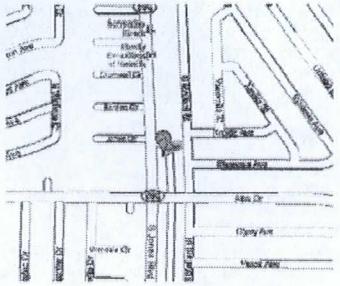
K-1 CONSTRUCTIO INC.
LIC # 0066560
PH # (702) 406-1867
E-mail: K1constructions@yahoo.com

Drawings as instruments of service are and shall remain the property of the architect, and are not to be used in whole or part for any extension of this project or for completion by others without the written consent of the architect. Visual contact with these drawings shall constitute prima facie evidence of the acceptance of these restrictions. Reproduction of these drawings for any purpose whatsoever without the express written permission of the architect is prohibited by law and will be subject to legal action. The architect shall not be held responsible for changes made to these drawings by others after the issuance for construction.

TITLE: LANDSCAPING PLAN
PROJECT: JVB LANGUAGE SCHOOL
ADDRESS: 404 S. JONES BLVD LAS VEGAS, NV 89107
DRAWN
CHECKED
DATE
SCALE: AS SHOWN
JOB NO
SHEET: A-2

# JWB SCHOOL

404 S. JONES BLVD
LAS VEGAS, NV 89107

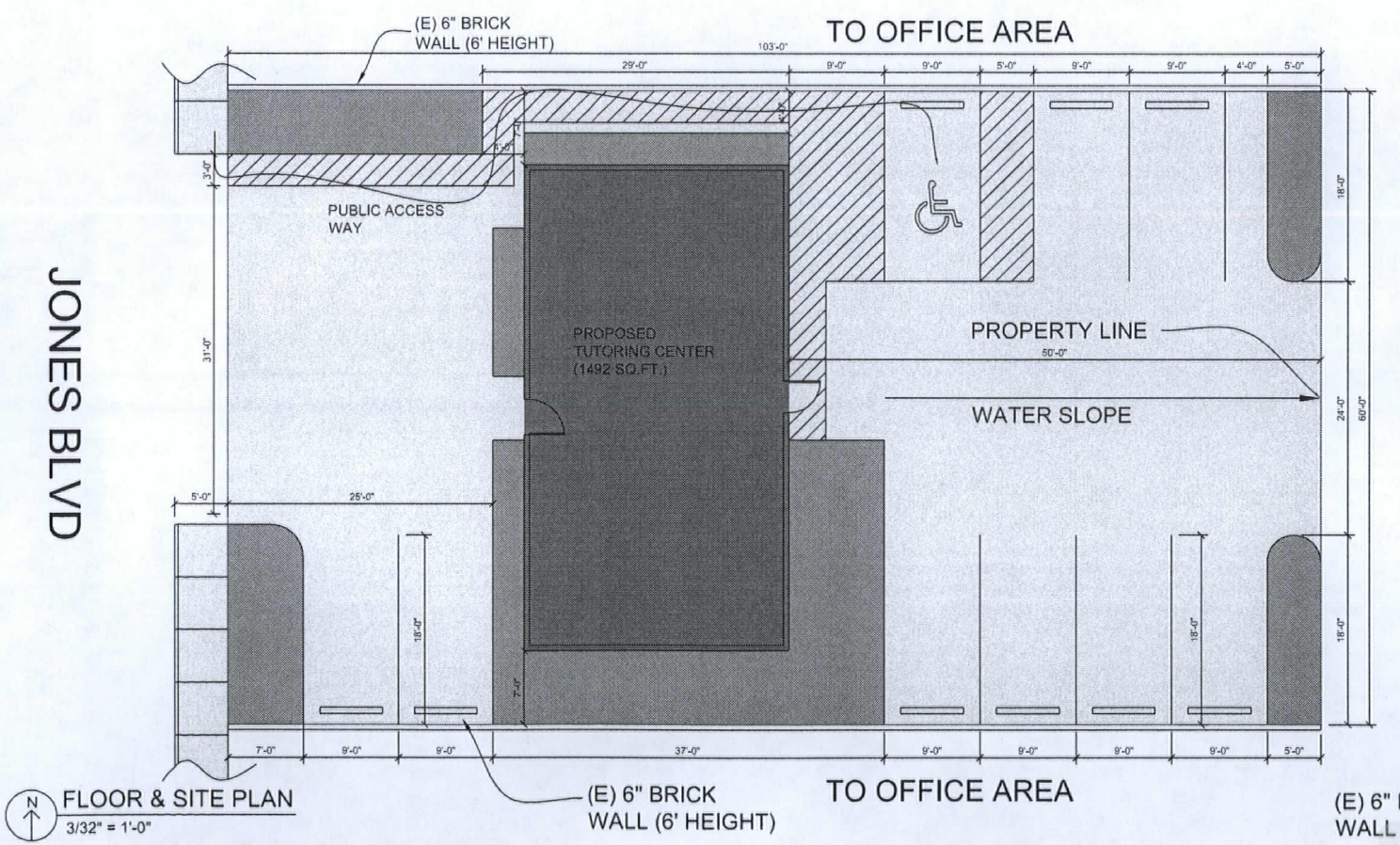


VINCITY MAP
N.T.S

PROPERTY AREA
= 6180 SQ. FT.
BUILDING AREA
= 1492 SQ. FT.

## PARKING SUMMARY

- ONE SPACE EACH STAFF MEMBER, PLUS ONE SPACE FOR EVERY 5 STUDENTS IN CLASS WHEN THE CENTER IS AT MAXIMUM CAPACITY
- SCHOOL HAS 4 STAFFS AND 8 STUDENTS. SO, 6 PARKING SPACES ARE REQUIRED.
- 8 PARKING SPACE ARE PROVIDED




FLOOR & SITE PLAN
3/32" = 1'-0"

RECEIVED
JUN 21 2011

SDR-41771
REVISED

| REVISIONS | BY |
|---|---|
| | |

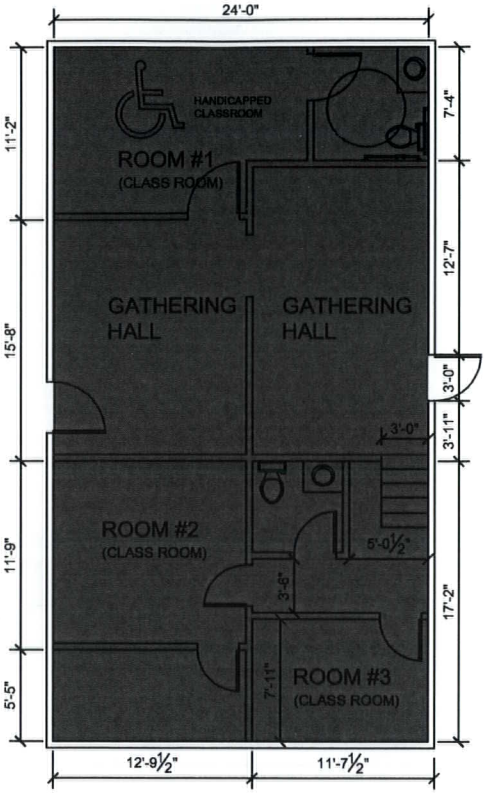

K-1 CONSTRUCTIO INC.
LIC # 0066560
PH # (702) 406-1867
E-mail: K1constructions@yahoo.com



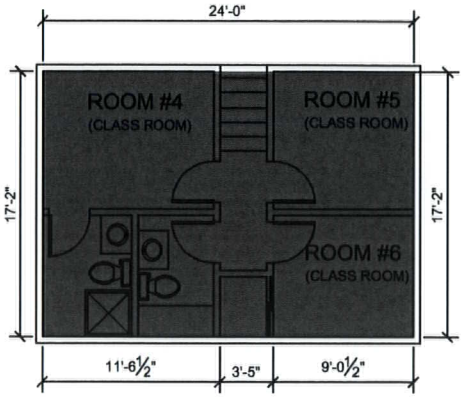
Any use or reproduction in whole or part without the written permission of the architect is prohibited. Drawing is property of the architect and shall be returned upon request. Contractor shall verify and be responsible for all dimensions and conditions on the job. Any discrepancies shall be reported to the architect before proceeding with the work.


TITLE: SITE PLANN
PROJECT: JWB LANGUAGE SCHOOL
ADDRESS: 404 S. JONES BLVD LAS VEGAS, NV 89107

DRAWN
CHECKED
DATE
SCALE AS SHOWN
JOB NO.
SHEET A-1



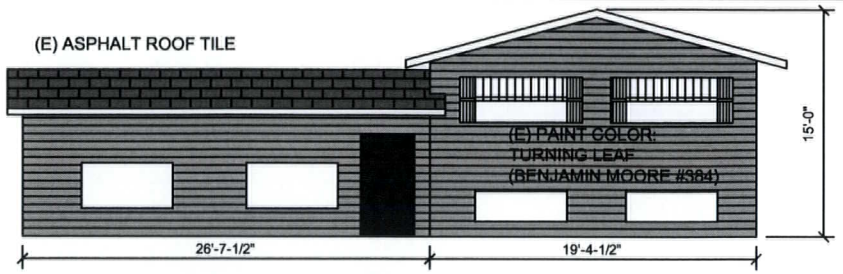

1ST FLOOR



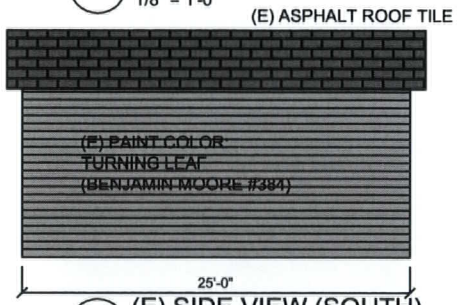

2ND FLOOR

## GENERAL NOTE

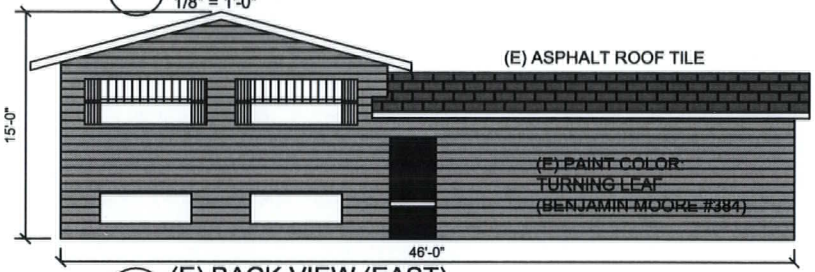
1. ALL DOOR MUST BE 36"




(E) FRONT VIEW (WEST)
1/8" = 1'-0"




(E) SIDE VIEW (SOUTH)
1/8" = 1'-0"




(E) BACK VIEW (EAST)
1/8" = 1'-0"




(E) SIDE VIEW (NORTH)
1/8" = 1'-0"

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N

## FLOOR & SITE PLAN

1/8" = 1'-0"

**SDR-41771**

**REVISED**

| REVISIONS | BY |
|---|---|
| | |

K-1 CONSTRUCTIO INC.
LIC # 0066560
PH # (702) 406-1867
E-mail: K1construction5@yahoo.com

TITLE: FLOOR PLAN/ARCHITECTURAL PLAN
PROJECT: JVS LANGUAGE SCHOOL
ADDRESS: 404 S. JONES BLVD LAS VEGAS, NV 89107

DRAWN
CHECKED
DATE
SCALE AS SHOWN
JOB NO.
SHEET A-3

**SDR 41771**
**JWB Nevada Investment Series C, LLC**

# 404 S. Jones Boulevard

Proposed 1.492 square foot conversion of an existing house to an office.

**Traffic produced by proposed development:**

| **Existing Use** | DESCRIPTION | #UNIT | RATE/# UNIT | TOTAL |
|---|---|---|---|---|
| Average Daily Traffic (ADT) | SINGLE FAMILY DETACHED [DWELL] | 1 | 9.57 | 10 |
| AM Peak Hour | | | 0.75 | 1 |
| PM Peak Hour | | | 1.01 | 1 |

| **Proposed Change** | DESCRIPTION | #UNIT | RATE/# UNIT | TOTAL |
|---|---|---|---|---|
| Average Daily Traffic (ADT) | GENERAL OFFICE BUILDING [1000 SF] | 1.492 | 11.01 | 16 |
| AM Peak Hour | | | 1.55 | 2 |
| PM Peak Hour | | | 1.49 | 2 |

| **Net Change** | DESCRIPTION | #UNIT | RATE/# UNIT | TOTAL |
|---|---|---|---|---|
| Average Daily Traffic (ADT) | GENERAL OFFICE BUILDING [1000 SF] | 1.492 | 11.01 | 6 |
| AM Peak Hour | | | 1.55 | 1 |
| PM Peak Hour | | | 1.49 | 1 |

**Existing traffic on all nearby streets:**

| **Jones Boulevard** | |
|---|---|
| Average Daily Traffic (ADT) | 31,500 |
| PM Peak Hour (heaviest 60 minutes) | 2520 |

| **Alta Drive** | |
|---|---|
| Average Daily Traffic (ADT) | 10,413 |
| PM Peak Hour (heaviest 60 minutes) | 833 |

**Traffic Capacity of adjacent streets:**

| | Adjacent Street ADT Capacity |
|---|---|
| Jones Boulevard | 34,500 |
| Alta Drive | 16,300 |

This conversion is expected to add 6 additional trips per day on Jones Blvd. and Alta Dr. Currently, Jones is at about 91 percent of capacity and Alta is at about 64 percent of capacity. This project is not expected to significantly change these capacities.

Based on Peak Hour use, this conversion will add 1 additonal cars into the area in the peak hour, or about one every sixty minutes.

Note that this report assumes all traffic from this development uses all named streets.



SDR-41771 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
404 SOUTH JONES BOULEVARD

06/30/11




**SDR-41771 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC**
**404 SOUTH JONES BOULEVARD**

06/30/11




SDR-41771 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
404 SOUTH JONES BOULEVARD

06/30/11




**SDR-41771 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC**
**404 SOUTH JONES BOULEVARD**

06/30/11



SDR-41771 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
404 SOUTH JONES BOULEVARD

06/30/11



SDR-41771 - APPLICANT: SOK J. LIM - OWNER: JWB NEVADA INVESTMENT SERIES B, LLC
404 SOUTH JONES BOULEVARD

06/30/11

JWB Language School
404 South Jones Blvd.
Las Vegas, NV 89107

City of Las Vegas Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, NV 89106

April 28, 2011

Re: JWB School

To Whom It May Concern:

I am writing to you in reference to the correction file for the JWB Office dated March 13, 2011. This school is going to be for students in high school or college who are having trouble with their English. Since it is primarily going to only be for this purpose, there is not going to be any levels or difference in classes taught. For this reason, there will be no need to have more than one room that is handicap accessible. In addition, there is currently landscape planned on all sides of the building as well as the parking lot. Unfortunately, there is not enough room to meet the required measurements. Due to the before mentioned reasons, we are requesting the following:

1. Require only one room to be handicap accessible.
2. Waive the 8' requirement of landscape to 6' along rear.
3. Waive the 15' requirement of landscape to 9' along the front.
4. Waive the 8' requirement of landscape to 0' along sides.
5. Require only 3 trees in the parking lot landscape instead of 4.

In addition, we are addressing that a trashcan with wheels will be stored in the garage. It will be put on the sidewalk two times a week to be picked up by the appropriate service provider. We have also decided to acknowledge regulation number 3 under Table 2 in the Land Use Table stating that there should be a 2:1 student to teacher ratio; therefore there will not be more than 10 students at one time. Thank you for your time in this matter.

Sincerely,

Principal
JWB Language School

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MAY 12 2011
City of Las Vegas

SDR-41771

City of Las Vegas Agenda Item No.: **39.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

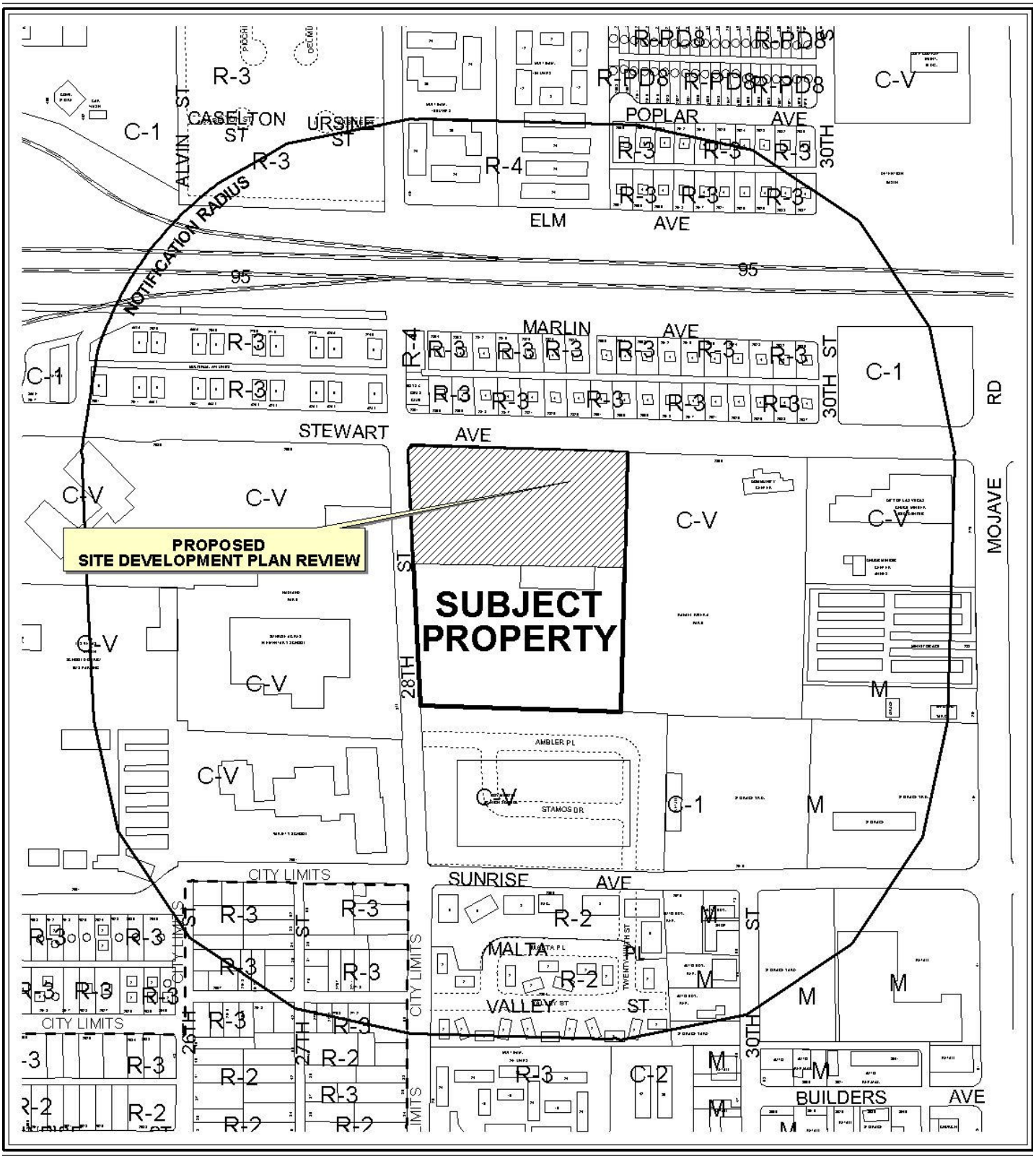
**SUBJECT:**
SDR-42251 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: SCHOOL BOARD OF TRUSTEES - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 79,513 SQUARE-FOOT PUBLIC SCHOOL (K-12) on 11.7 acres at 2800 Stewart Avenue (APN 139-36-303-001), C-V (Civic) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 09/07/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




0 300 600 Feet

**CASE:** **SDR-42251**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-V (CIVIC)

N




0 300 600 Feet

**CASE:** **SDR-42251**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-V (CIVIC)

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: SCHOOL BOARD OF TRUSTEES**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **SDR-42251** | Staff recommends APPROVAL, subject to conditions: | |

## ** CONDITIONS **

# SDR-42251 CONDITIONS

***Planning***

1. 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.

2. All development shall be in conformance with the site plan and landscape plan date stamped 07/19/11, and floor plans and building elevations date stamped 06/23/11, except as amended by conditions herein.

3. An Exception from Title 19.08.070 is hereby approved, to allow 13 trees where 15 trees are required along the west perimeter.

4. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 06/23/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

5. Prior to occupancy, 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.

YK

6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.08.040.

10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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

***Public Works***

13. Dedicate the remaining right-of-way to complete the 25 foot radius on the southeast corner of Stewart Avenue and 28th Street prior to the issuance of any permits. Additionally, grant a Traffic Signal Chord Easement at the same location. The applicant shall grant Pedestrian Access Easements for all public sidewalks that are outside the public right-of-way.

14. Remove all substandard sidewalk improvements and unused driveways adjacent to this site and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

15. Meet with the Sanitary Sewer Planning Section of the Department of Public Works to determine an acceptable method of resolving the fact that the parcel for this site contains a private sewer line serving APN#139-36-303-003 (southerly adjacent parcel).

16. The applicant shall install school zone flashers and required appurtenances on Stewart Avenue prior to occupying the building for school purposes.

17. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

18. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the Steward Avenue public right-of-way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

19. An update to the previously approved Drainage Plan and Technical Drainage Study (CCSD Sunrise Acres Elementary School) must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

The applicant is proposing to construct a 79,513 square-foot Public School, Primary building with 32 classrooms on the subject site. The school will replace the existing school currently located on the site since the late 1950's. The school designed to be compatible with the neighborhood and is consistent with the General Plan Land Use designation. For these reasons, staff recommends approval of the application.

## ISSUES

- An Exception is needed to allow 13 perimeter landscape trees where 15 is the minimum required along the west perimeter. Staff supports this request, since an additional 63 shade trees are being provided throughout the site.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 09/06/06 | The City Council approved a request for a Site Development Plan Review (SDR-14380) for a proposed 192,000 square-foot Public School, Secondary at the northeast corner of 28th Street and Sunrise Avenue. The Planning Commission and staff recommended approval. |
| 09/11/08 | Staff approved an Administrative Site Development Plan Review (SDR-29124) for the retention of existing buildings that were previously proposed to be demolished on 11.73 acres at 2800 East Stewart Avenue. |

| ***Most Recent Change of Ownership*** | |
|---|---|
| 01/08/59 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| There are no relevant permits or licenses for this property. |

| ***Pre-Application Meeting*** | |
|---|---|
| 06/21/11 | Staff reviewed the requirements for a Site Development Plan Review for a school at 2800 Stewart Avenue. The parking requirement of three spaces per classroom was discussed. |

| ***Neighborhood Meeting*** |
|---|
| A neighborhood meeting was not required, nor was one held. |

| ***Field Check*** | |
|---|---|
| 06/30/11 | A field check was conducted and found a secured vacant school building. The site was clean and free of graffiti. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Gross Acres | 11.73 |
| Net Acres | 5.46 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.12*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Government Facility | PF (Public Facility) | C-V (Civic) |
| North | Multi-Family Residential | M (Medium Density Residential) | C-1 (Limited Commercial) |
| | | | R-3 (Medium Density Residential) |
| South | Government Facility | PF (Public Facilities) | C-V (Civic) |
| East | Public Park or Playground | PF (Public Facilities) | C-V (Civic) |
| West | Public Park or Playground | PF (Public Facilities) | C-V (Civic) |
| | Government Facility | | |

| ***Special Purpose and Overlay Districts*** | ***Yes*** | ***No*** | ***Compliance*** |
|---|---|---|---|
| **Special Purpose and Overlay Districts** | | X | N/A |
| C-V (Civic) District | X | | Y |
| **Trails** | X | | Y |
| **Rural Preservation Overlay District** | | X | N/A |
| **Las Vegas Redevelopment Plan Area** | | X | N/A |
| **Development Impact Notification Assessment** | | X | N/A |

YK

| | | | |
|---|---|---|---|
| **Project of Regional Significance** | | X | N/A |



## DEVELOPMENT STANDARDS

| *Standard* | *Required/Allowed* | *Provided* | *Compliance* |
|---|---|---|---|
| Min. Lot Size | N/A | N/A | N/A |
| Min. Lot Width | 236 Feet | 237 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 21 Feet | Y |
| • Side | 111 Feet | 111 Feet | Y |
| • Corner | 15 Feet | 15 Feet | Y |
| • Rear | 77 Feet | 77 Feet | Y |
| Max. Lot Coverage | 33 % | 34 % | Y |
| Max. Building Height | 35 Feet | 35 Feet | Y |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | Screened, Gated, w/ a Roof or Trellis | Y |
| Mech. Equipment | Screened | Screened | Y |

***Pursuant to Title 19.08.070 the following standards apply:***

| *Landscaping and Open Space Standards* | | | | |
|---|---|---|---|---|
| *Standards* | *Required* | | *Provided* | *Compliance* |
| | *Ratio* | *Trees* | | |
| Buffer Trees: | | | | |
| • North | 1 Tree / 20 Linear Feet | 32 Trees | 32 Trees | Y |
| • South | N/A | N/A | 20 Trees | N/A |
| • East | N/A | N/A | 17 Trees | N/A |
| • West | 1 Tree / 20 Linear Feet | 15 Trees | 13 Trees | N |
| **TOTAL PERIMETER TREES** | | **49 Trees** | **82 Trees** | **N** |
| Parking Area Trees | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces | 26 Trees | 26 Trees | Y |
| **LANDSCAPE BUFFER WIDTHS** | | | | |
| Min. Zone Width | | | | |
| • North | 10 Feet | | 10 Feet | Y |
| • South | 8 Feet | | 8 Feet | Y |
| • East | 8 Feet | | 8 Feet | Y |
| • West | 15 Feet | | 20 Feet | Y |

| ***Street Name*** | ***Functional Classification of Street(s)*** | ***Governing Document*** | ***Actual Street Width (Feet)*** | ***Compliance with Street Section*** |
|---|---|---|---|---|
| Stewart Avenue | Primary Arterial | Master Plan of Streets and Highways | 100 | Y |
| 28th Street | N/A | N/A | 60 | N/A |

***Pursuant to Title 19.08 and 19.12, the following parking standards apply:***

| ***Parking Requirement*** | | | | | | | |
|---|---|---|---|---|---|---|---|
| ***Use*** | ***Gross Floor Area or Number of Units*** | ***Required*** | | | ***Provided*** | | ***Compliance*** |
| | | ***Parking Ratio*** | *Parking* | | *Parking* | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Public or Private School, Primary | 32 classrooms | 3 spaces per classroom | 96 | | | | |
| **TOTAL SPACES REQUIRED** | | | 96 | | 130 | | Y |
| **Regular and Handicap Spaces Required** | | | 92 | 4 | 125 | 5 | Y |

| ***Exceptions*** | | |
|---|---|---|
| ***Requirement*** | ***Request*** | ***Staff Recommendation*** |
| To provide 15 landscape buffer trees along the west perimeter. | To provide 13 landscape buffer trees along the west perimeter. | Approval |

**ANALYSIS**

This project is located within the C-V (Civic) zoning district and is portion of a larger Clark County School District site containing existing playgrounds, courts, and athletic fields. There is a Multi-Use Transportation Trail along the north side of Stewart Avenue. The Clark County School District is providing an enhanced seven-foot wide sidewalk with a five foot wide amenity zone containing shade trees at the back of curb. These enhanced streetscape treatments are a welcome addition to the project.

The building is a modern one-level 79,513 square-foot building that will serve special needs students in the Clark County School District.

There is ample landscaping provided for the project; however, due to the distribution of the trees exceptions are required. The applicant has requested an Exception to allow 13 trees along the west perimeter where 15 trees are required; however, there are 63 additional trees located throughout the property that offset this request. Therefore staff supports the request.

The proposed site pan is well designed plan and it is an appropriate use for the site. Therefore staff recommends approval..

## FINDINGS (SDR-42251)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

   This project will replace an existing school that has been on the site since the late 1950's. The new school building will be compatible with the area.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The General Plan designation for the site is PF (Public Facilities). The existing site has a Public School use and is located within a C-V (Civic) zoning district, where such uses are permitted. The proposal meets most Title 19 development standards. The requested Exception is offset by the additional shade trees placed throughout the project.

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

   Access to the parking lot is provided from both Stewart Avenue and 28th Street. A one-way loading drive for the school buses is located on the site along the south side of the building. The design of the parking lot and loading drive will not have a negative impact on the adjacent streets or neighborhood.

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

   The proposed building and landscaping materials are appropriate for the area and for the City.

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

   The architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area.

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

   The proposed structure will be subject to inspection and will therefore not compromise the public health, safety and general welfare.

**NOTICES MAILED** 93

**APPROVALS** 0

**PROTESTS** 0

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-42251 APN: 139-36-303-001

Name of Property Owner: School Board of Trustees

Name of Applicant: Clark County School District

Name of Representative: Craig Forrest

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: Linda Perri

Subscribed and sworn before me

This 20th day of June, 2011

_____

Notary Public in and for said County and State

PATRICIA A. O'GARA
Notary Public State of Nevada
No. 07-2982-1
My appt. exp. May 4, 2015

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Site Development Plan Review

**Project Address (Location)** 2800 Stewart Avenue, SE corner of Stewart and 28th Street

**Project Name** Variety Replacement School **Proposed Use** School

**Assessor's Parcel #(s)** 139-36-303-001 **Ward #** 3

**General Plan:** existing PF proposed PF **Zoning:** existing C-V proposed C-V

**Commercial Square Footage** _____ **Floor Area Ratio** _____

**Gross Acres** _____ **Lots/Units** n/a **Density** n/a

**Additional Information** _____

**PROPERTY OWNER** School Board of Trustees **Contact** Linda Perri

**Address** 4190 McLeod Drive, 2nd Floor **Phone:** (702) 799-5214 **Fax:** (702) 799-5436

**City** Las Vegas **State** NV **Zip** 89121

**E-mail Address** lkperri@interact.ccsd.net

**APPLICANT** Clark County School District **Contact** Linda Perri

**Address** same **Phone:** _____ **Fax:** _____

**City** _____ **State** _____ **Zip** _____

**E-mail Address** _____

**REPRESENTATIVE** KGA Architecture **Contact** Craig Forrest

**Address** 9075 West Diablo Drive, 3rd Floor **Phone:** (702) 367-6900 **Fax:** (702) 367-2043

**City** Las Vegas **State** NV **Zip** 89148

**E-mail Address** Craig@KGAarchitecture.com

**Property Owner Signature*** _____

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

**Print Name** Linda Perri

Subscribed and sworn before me

This 22nd day of June, 20 11.

_____

Notary Public in and for said County and State

PATRICIA A. O'GARA
Notary Public State of Nevada
No. 07-2982-1
My appt. exp. May 4, 2015

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SDR-42251 |
| Meeting Date: | 8-9-11 PC |
| Total Fee: | |
| Date Received:* | 6/23/11 |
| Received By: | |

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JUN 23 2011
PLANNING & DEVELOPMENT

*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.

Revised 10/27/08

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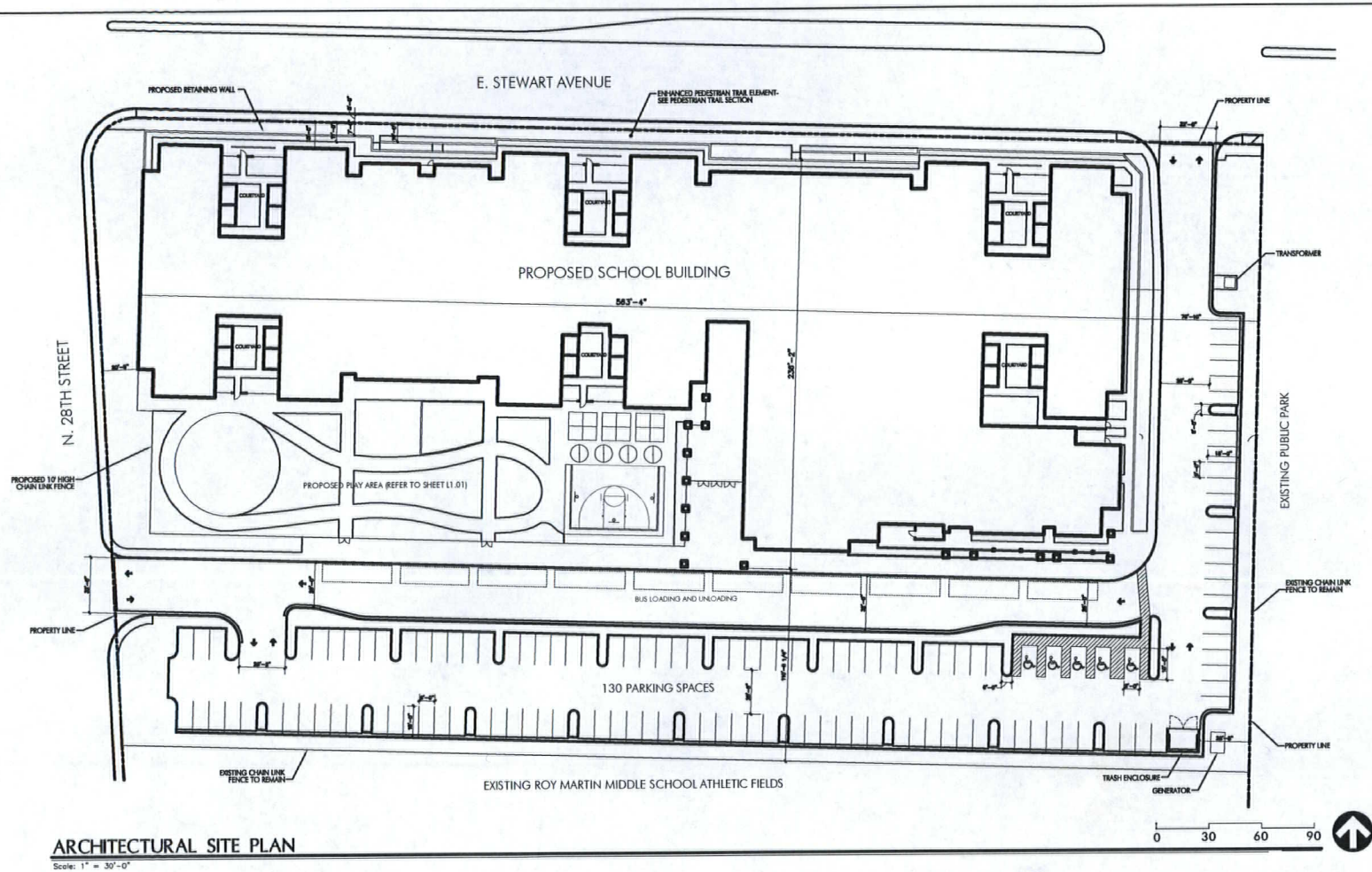


## ARCHITECTURAL SITE PLAN

Scale: 1" = 30'-0"

### OPERTY OWNER

IOOL BOARD OF TRUSTEES
0 MCLEOD DRIVE
VEGAS, NV 89121

### ONTACT

\ ARCHITECTURE
5 WEST DIABLO DRIVE, THIRD FLOOR
VEGAS, NV 89148

### E ANALYSIS

| | |
|---|---|
| I # : | (A PORTION OF)139-36-303-001 |
| RRENT ZONING : | C-V |
| POSED ZONING : | C-V |
| AREA (GROSS) : | 11.70 ACRES (509,652 SQ. FT.) |
| AREA (NET) : | 5.46 ACRES (237,838 SQ.FT.) |
| COVERAGE (NET) : | 33.4% |
| OR AREA RATIO (NET) : | 1 : 2.99 |

### BUILDING ANALYSIS

| | |
|---|---|
| PROPOSED SPECIAL EDUCATION SCHOOL : | 79,513 |
| TOTAL SQUARE FOOTAGE : | 79,513 |

### PARKING ANALYSIS

CITY OF LAS VEGAS PARKING REQUIREMENTS :
PUBLIC OR PRIVATE SCHOOL, PRIMARY :

| | |
|---|---|
| 3 SPACES PER CLASSROOM | 96 SPACES |
| TOTAL REQUIRED PARKING : | 96 SPACES |

PARKING PROVIDED :

| | |
|---|---|
| TOTAL PARKING PROVIDED : | 130 SPACES |

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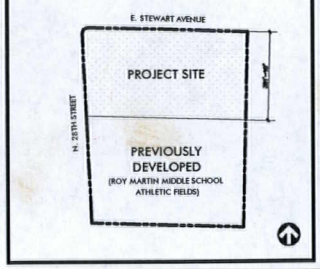
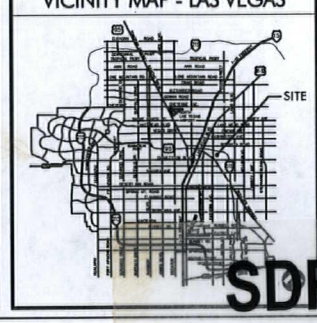
JUL 19 2011

### PARCEL KEY PLAN

PARCEL #139-36-303-001:




### VICINITY MAP - LAS VEGAS

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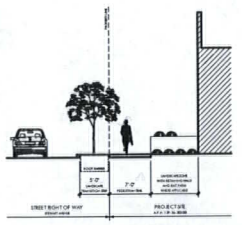


## PEDESTRIAN TRAIL SECTION

N.T.S.

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COD REVIEW
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4170 McLEOD DRIVE
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PROJECT
VARIETY SCHOOL

DRAWING TITLE
ARCHITECTURAL SITE PLAN

SHEET NO.
AS1.01

SDR-42251
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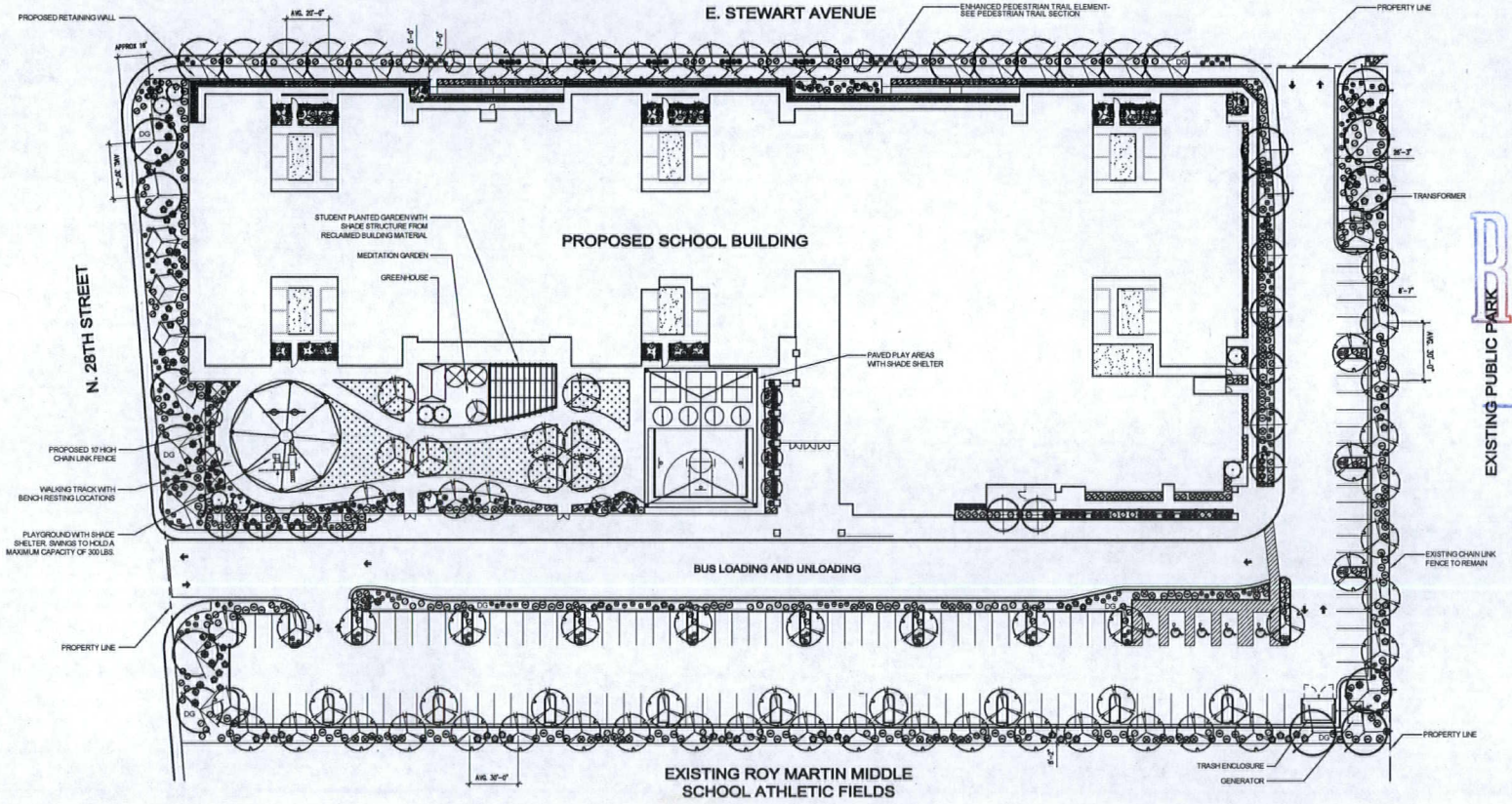


## PLANTING LEGEND

### TREES

| SYMBOL | BOTANICAL NAME / COMMON NAME | QTY. | CALIPER MINIMUM SIZE |
|---|---|---|---|
| | ACACIA STENOPHYLLA<br>SHOESTRING ACACIA | 11 | 1 1/2"<br>24" BOX |
| | BRACHYCHITON POPULNEUS<br>BOTTLE TREE | 12 | 2 1/2"<br>24" BOX |
| | CHITALPA X TASHKENTENSIS<br>CHITALPA TREE | 16 | 1 1/4"<br>24" BOX |
| | ELAEOCARPUS DECIPIENS<br>JAPANESE BLUEBERRY | 16 | 1 1/4"<br>24" BOX |
| | FRAXINUS ANGUSTIFOLIA 'RAYWOOD'<br>RAYWOOD ASH | 73 | 1 1/2"<br>24" BOX |
| | PARKINSONIA 'DESERT MUSEUM'<br>HYBRID PALO VERDE | 3 | 1 1/2"<br>24" BOX |
| | PROSOPIS CHILENSIS<br>CHILEAN MESQUITE | 10 | 1 1/2"<br>24" BOX |
| | VITEX AGNUS-CASTUS<br>CHASTE TREE<br>MULTI TRUNK- 1 1/4" CLPR. PER TRUNK | 16 | 1 1/4"<br>24" BOX |

### SHRUBS

| SYMBOL | BOTANICAL NAME / COMMON NAME | QTY. | MINIMUM SIZE |
|---|---|---|---|
| | CALLISTEMON VIMINALIS 'LITTLE JOHN'<br>DWARF BOTTLEBRUSH | 67 | 5 GALLON |
| | DASYLIRION WHEELERI<br>DESERT SPOON | 32 | 5 GALLON |
| | DIETES BICOLOR<br>EVERGREEN IRIS | 88 | 5 GALLON |
| | HESPERALOE PARVIFLORA 'RED'<br>RED YUCCA | 92 | 5 GALLON |
| | LANTANA SP. 'NEW GOLD'<br>GOLDEN LANTANA | 171 | 5 GALLON |
| | LANTANA MONTEVIDENSIS<br>PURPLE LANTANA | 48 | 5 GALLON |
| | LEUCOPHYLLUM LANGMANIAE 'RIO BRAVO'<br>TEXAS RANGER | 129 | 5 GALLON |
| | MYRTUS COMMUNIS 'COMPACTA'<br>SWEET MYRTLE | 210 | 5 GALLON |
| | PITTOSPORUM TOBIRA 'WHEELERS'<br>WHEELER'S DWARF MOCK ORANGE | 34 | 5 GALLON |
| | RHAPHIOLEPIS INDICA 'BALLERINA'<br>DWARF INDIA HAWTHORN | 60 | 5 GALLON |
| | SALVIA GREGGII<br>AUTUMN SAGE | 44 | 5 GALLON |
| | SENNA ARTEMISIOIDES<br>FEATHERY CASSIA | 48 | 5 GALLON |
| | TEUCRIUM CHAMAEDRYS 'PROSTRATUM'<br>PROSTRATE GERMANDER | 254 | 5 GALLON |
| | XYLOSMA CONGESTUM 'COMPACTA'<br>COMPACT SHINY XYLOSMA | 172 | 5 GALLON |

### LANDSCAPE ELEMENTS

| SYMBOL | DESCRIPTION | QTY. | DETAIL |
|---|---|---|---|
| DG | DECOMPOSED GRANITE. COLOR TO BE GOLD. 2" MINIMUM DEPTH. SEE NOTE #2. | 38,330 S.F. | |
| | SODDED TURF | 4,725 S.F. | |
| | SYNTHETIC TURF | 2,542 S.F. | |
| | LANDSCAPE GRANITE BOULDERS IN VARIOUS SIZES -SEE CHART BELOW. COLOR TO MATCH DECOMPOSED GRANITE. | | |

BOULDER SCHEDULE

| SYMBOL | SIZE | QUANTITY |
|---|---|---|
| A | 3'X3'X2' | 9 |
| B | 3'X2'X2' | 18 |
| C | 2'X2'X2' | 11 |
| D | 2'X2'X1' | 4 |
| E | 1'X1'X1' | 14 |

## PLANTING NOTES

1. ALL DIOECIOUS PLANT MATERIAL TO BE FEMALE IN ORDER TO REDUCE AIRBORN ALLERGENS AND POLLEN COUNT ON THE SITE. A REGISTERED HORTICULTURIST AND/OR ARBORIST SHALL BE CONSULTED TO VERIFY SEX OF PLANT MATERIAL THAT IS TO BE SECURED FOR INSTALL.
2. ALL MONOECIOUS PLANT MATERIAL HAS BEEN CAREFULLY SELECTED FOR ITS LOW ALLERGY QUALITIES. ANY PLANT SUBSTITUTIONS SUGGESTED BY THE CONTRACTOR MUST HAVE A LOW RATING ON THE OGREN PLANT ALLERGY SCALE (OPALS CHART).
3. DECOMPOSED GRANITE (DG) - INSTALL THE MINIMUM LAYER OF DECOMPOSED GRANITE/ROCK ALL LANDSCAPE AREAS WITHIN LANDSCAPE LIMIT OF WORK EXCEPT WHERE NOTED OTHERWISE. CONTRACTOR TO PROVIDE SAMPLES OF DECOMPOSED GRANITE/ROCK FOR APPROVAL, BEFORE PLACING GRANITE. COMPACT SUB-GRADE TO 85% AND APPLY A PRE-EMERGENT HERBICIDE TO SOIL. AFTER PLACING GRANITE: RAKE SMOOTH, WET TO ENTIRE DEPTH, ALLOW TO DRY, THEN LIGHTLY SCARIFY SURFACE WITH A LEAF RAKE. APPLY A SECONDARY APPLICATION OF PRE-EMERGENT HERBICIDE TO TOP OF GRANITE. KEEP TOP OF GRANITE 2" BELOW TREE GRATE. DO NOT ALLOW GRANITE TO TOUCH THE TRUNK OF ANY TREE. INSTALL AFTER INSTALLATION OF PLANT MATERIAL.
4. ALL MULTI-TRUNK TREES ARE TO HAVE 3 TO 4 TRUNKS.
5. ANY TREE PLANTED WITHIN 5 FEET OF A SIDEWALK OR WALL SHALL BE PLANTED WITH A ROOT GUARD DESIGNED TO DIRECT ROOT GROWTH DOWNWARD.

## SITE ANALYSIS:

| | |
|---|---|
| TOTAL LANDSCAPE AREA: | 46,597 SF |
| TOTAL OPEN SPACE AREA: | 430,139 SF |
| TOTAL AREA: | 509,652 SF |

SCALE: 1" = 30'

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PROJECT: VARIETY SCHOOL

DRAWING TITLE: PLANTING PLAN

SHEET NO. L1.01

SDR-42251
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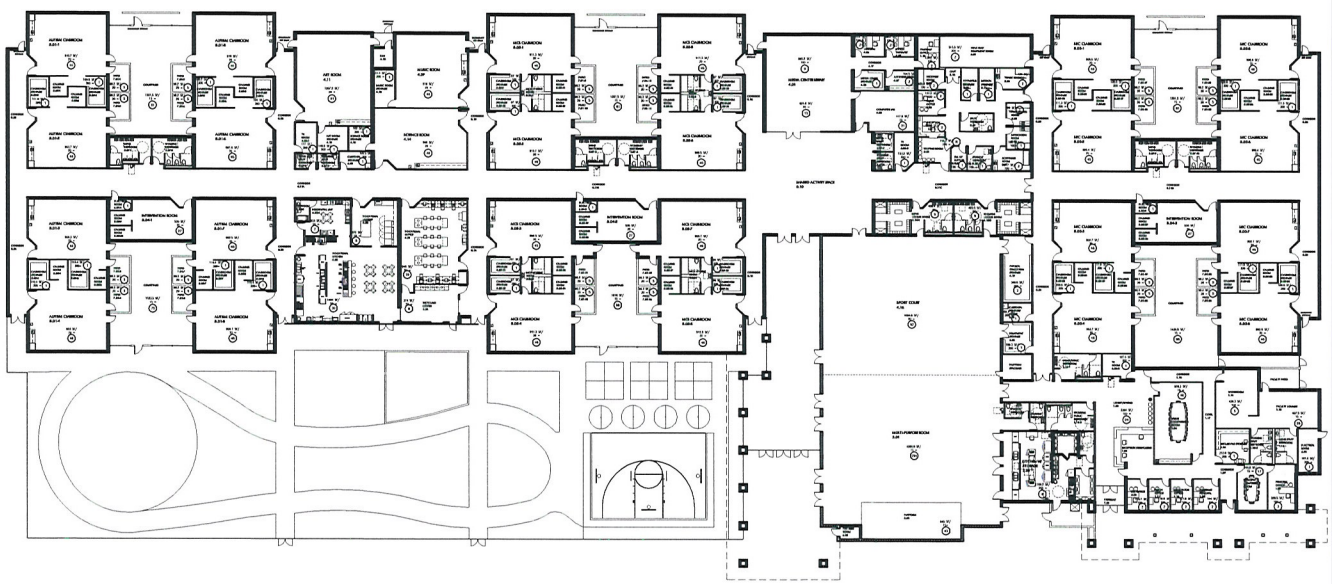

## FLOOR PLAN

Scale: 3/64" = 1'-0"

| 2795 SF/ 7 = 399 | ROOM AREA (SQUARE FEET)/ AREA PER OCCUPANT (PER I.B.C.) = ROOM OCCUPANT LOAD PER I.B.C. | TOTAL BUILDING OCCUPANCY PER I.B.C. 2,711 OCCUPANTS |
|---|---|---|

0 30 60 90

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|---|---|---|---|

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CODE PROJECT NO. 00000
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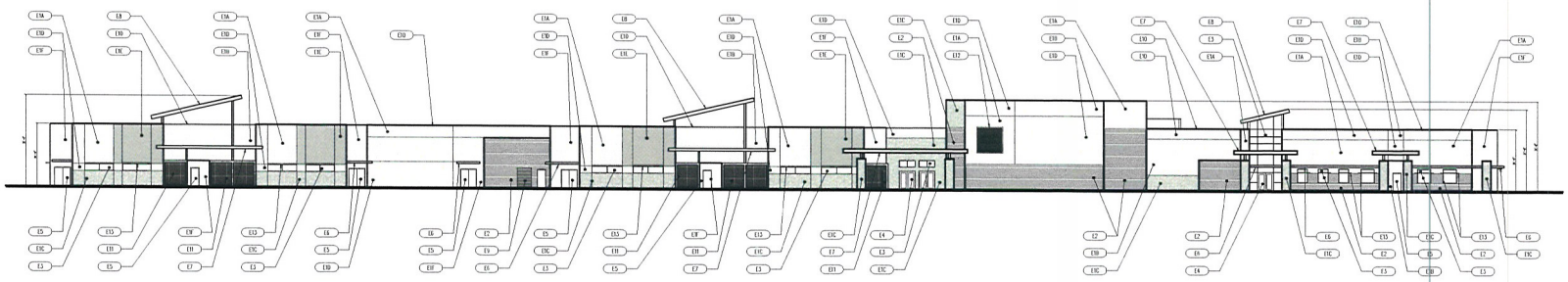
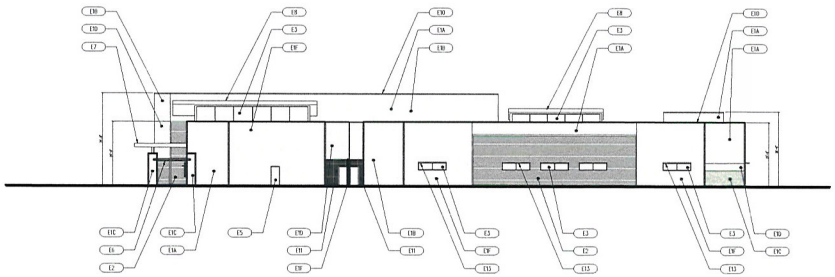


## SOUTH ELEVATION

Scale: 3/64" = 1'-0"



## EAST ELEVATION

Scale: 3/64" = 1'-0"

## ELEVATION NOTES

| # | DESCRIPTION |
|---|---|
| E1A | CONCRETE MASONRY UNITS<br>COLOR: ORANGE<br>FINISH: SMOOTH FACE |
| E1B | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SMOOTH FACE |
| E1C | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SPLIT FACE |
| E1D | CONCRETE MASONRY UNITS<br>COLOR: WHITE<br>FINISH: SMOOTH FACE |
| E1E | CONCRETE MASONRY UNITS<br>COLOR: WHITE<br>FINISH: COMBED FACE |
| E1F | CONCRETE MASONRY UNITS<br>COLOR: GRAY<br>FINISH: HONED FACE |

| # | DESCRIPTION |
|---|---|
| E2 | METAL WALL PANELS W/ METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E3 | DUAL-PANE LOW-E WINDOW GLAZING<br>COLOR: AZURIA |
| E4 | ALUMINUM STOREFRONT SYSTEM<br>COLOR: SILVER GRAY |
| E5 | PAINTED METAL DOOR AND FRAME WITH GLAZING AS SCHEDULED<br>COLOR: MEDIUM GRAY |
| E6 | PAINTED METAL CANOPY - TUBE STEEL FRAME WITH METAL DECK INFILL<br>COLOR: MEDIUM GRAY |
| E7 | PAINTED METAL CANOPY - TUBE STEEL FRAME WITH PERFORATED METAL INFILL<br>COLOR: CHARCOAL GRAY |

| # | DESCRIPTION |
|---|---|
| E8 | STANDING SEAM METAL ROOF - METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E9 | METAL ROLL-UP DOOR<br>COLOR: MEDIUM GRAY |
| E10 | METAL CAP FLASHING<br>COLOR: MEDIUM GRAY |
| E11 | PAINTED METAL FENCE - TUBE STEEL FRAME WITH PERFORATED METAL INFILL FRAME COLOR: SILVER GRAY<br>INFILL COLOR: CHARCOAL GRAY |
| E12 | DECORATIVE SIGNAGE - TUBE STEEL FRAME WITH METAL MESH INFILL AND 14" LETTERS |
| E13 | DECORATIVE PERFORATED METAL SUN SHADE<br>COLOR: SILVER GRAY |

REVISIONS

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CCSD REVIEW
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DATE

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A/E PROJECT NO. 11905.00


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PROJECT VARIETY SCHOOL

DRAWING TITLE EXTERIOR ELEVATIONS

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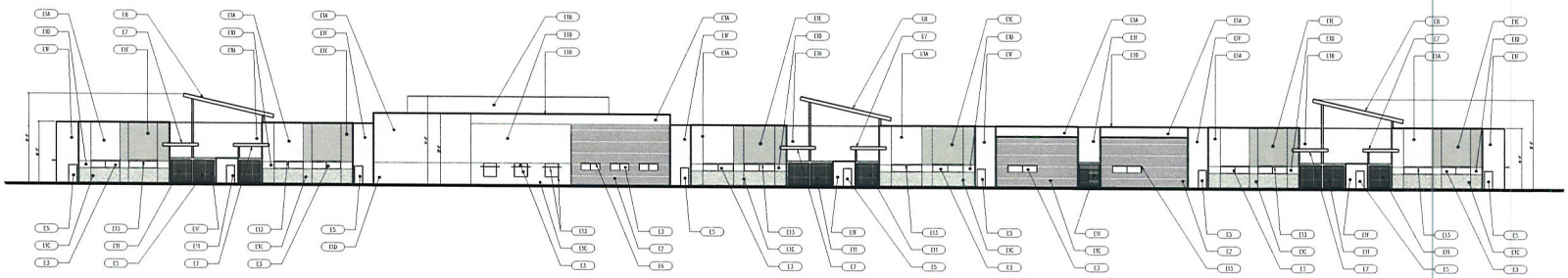
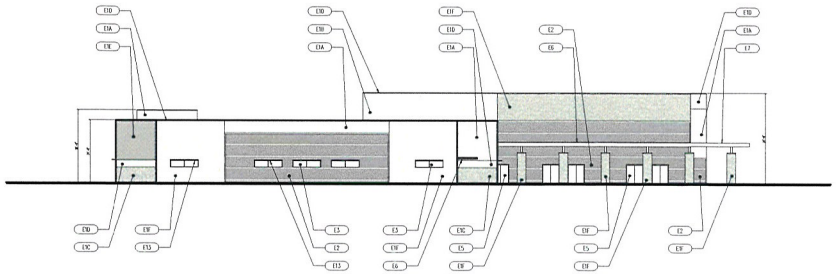


## NORTH ELEVATION

Scale: 3/64" = 1'-0"



## WEST ELEVATION

Scale: 3/64" = 1'-0"

## ELEVATION NOTES

| # | DESCRIPTION |
|---|---|
| E1A | CONCRETE MASONRY UNITS<br>COLOR: ORANGE<br>FINISH: SMOOTH FACE |
| E1B | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SMOOTH FACE |
| E1C | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SPLIT FACE |
| E1D | CONCRETE MASONRY UNITS<br>COLOR: WHITE<br>FINISH: SMOOTH FACE |
| E1E | CONCRETE MASONRY UNITS<br>COLOR: WHITE<br>FINISH: COMBED FACE |
| E1F | CONCRETE MASONRY UNITS<br>COLOR: GRAY<br>FINISH: HONED FACE |

| # | DESCRIPTION |
|---|---|
| E2 | METAL WALL PANELS W/ METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E3 | DUAL-PANE LOW-E WINDOW GLAZING<br>COLOR: AZURIA |
| E4 | ALUMINUM STOREFRONT SYSTEM<br>COLOR: SILVER GRAY |
| E5 | PAINTED METAL DOOR AND FRAME WITH GLAZING AS SCHEDULED<br>COLOR: MEDIUM GRAY |
| E6 | PAINTED METAL CANOPY – TUBE STEEL FRAME WITH METAL DECK INFILL<br>COLOR: MEDIUM GRAY |
| E7 | PAINTED METAL CANOPY – TUBE STEEL FRAME WITH PERFORATED METAL INFILL<br>COLOR: CHARCOAL GRAY |

| # | DESCRIPTION |
|---|---|
| E8 | STANDING SEAM METAL ROOF – METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E9 | METAL ROLL-UP DOOR<br>COLOR: MEDIUM GRAY |
| E10 | METAL CAP FLASHING<br>COLOR: MEDIUM GRAY |
| E11 | PAINTED METAL FENCE – TUBE STEEL FRAME WITH PERFORATED METAL INFILL<br>FRAME COLOR: SILVER GRAY<br>INFILL COLOR: CHARCOAL GRAY |
| E12 | DECORATIVE SIGNAGE – TUBE STEEL FRAME WITH METAL MESH INFILL AND 14" LETTERS |
| E13 | DECORATIVE PERFORATED METAL SUN SHADE<br>COLOR: SILVER GRAY |

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PROJECT
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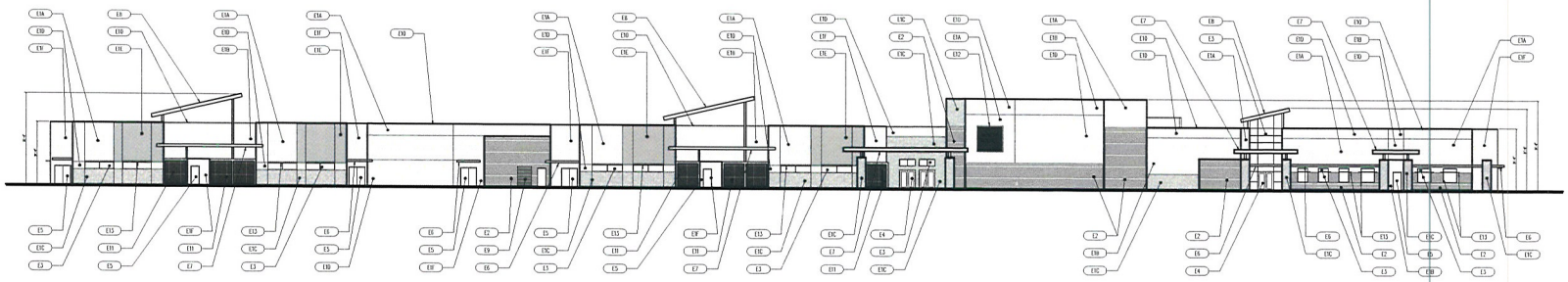
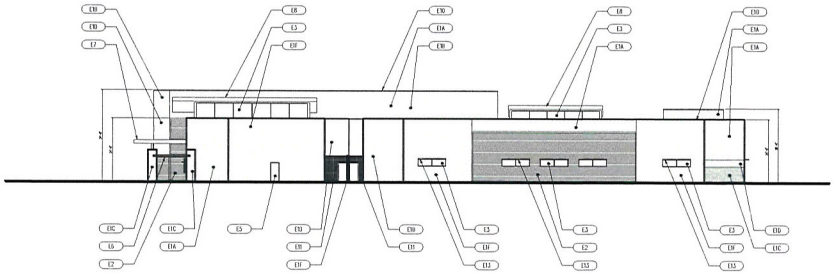


## SOUTH ELEVATION

Scale: 3/64" = 1'-0"



## EAST ELEVATION

Scale: 3/64" = 1'-0"

## ELEVATION NOTES

| | |
|---|---|
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| E1B | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SMOOTH FACE |
| E1C | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SPLIT FACE |
| E1D | CONCRETE MASONRY UNITS<br>COLOR: WHITE<br>FINISH: SMOOTH FACE |
| E1E | CONCRETE MASONRY UNITS<br>COLOR: WHITE<br>FINISH: COMBED FACE |
| E1F | CONCRETE MASONRY UNITS<br>COLOR: GRAY<br>FINISH: HONED FACE |
| E2 | METAL WALL PANELS W/ METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E3 | DUAL-PANE LOW-E WINDOW GLAZING<br>COLOR: AZURIA |
| E4 | ALUMINUM STOREFRONT SYSTEM<br>COLOR: SILVER GRAY |
| E5 | PAINTED METAL DOOR AND FRAME WITH GLAZING AS SCHEDULED<br>COLOR: MEDIUM GRAY |
| E6 | PAINTED METAL CANOPY - TUBE STEEL FRAME WITH METAL DECK INFILL<br>COLOR: MEDIUM GRAY |
| E7 | PAINTED METAL CANOPY - TUBE STEEL FRAME WITH PERFORATED METAL INFILL<br>COLOR: CHARCOAL GRAY |
| E8 | STANDING SEAM METAL ROOF - METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E9 | METAL ROLL-UP DOOR<br>COLOR: MEDIUM GRAY |
| E10 | METAL CAP FLASHING<br>COLOR: MEDIUM GRAY |
| E11 | PAINTED METAL FENCE - TUBE STEEL FRAME WITH PERFORATED METAL INFILL<br>FRAME COLOR: SILVER GRAY<br>INFILL COLOR: CHARCOAL GRAY |
| E12 | DECORATIVE SIGNAGE - TUBE STEEL FRAME WITH METAL MESH INFILL AND 14" LETTERS |
| E13 | DECORATIVE PERFORATED METAL SUN SHADE<br>COLOR: SILVER GRAY |

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10-0000

CDD REVIEW

APPROVED BY

DATE

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TI: PACKAGE: 1190500


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PROJECT: VARIETY SCHOOL

DRAWING TITLE: EXTERIOR ELEVATIONS

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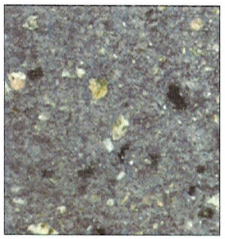
E1A - C.M.U.
COLOR: ORANGE
FINISH: SMOOTH FACE



E1B - C.M.U.
COLOR: BLACK
FINISH: SMOOTH FACE



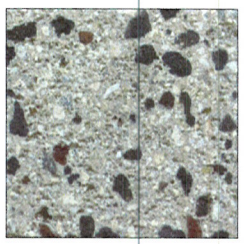
E1C - C.M.U.
COLOR: BLACK
FINISH: SPLIT FACE



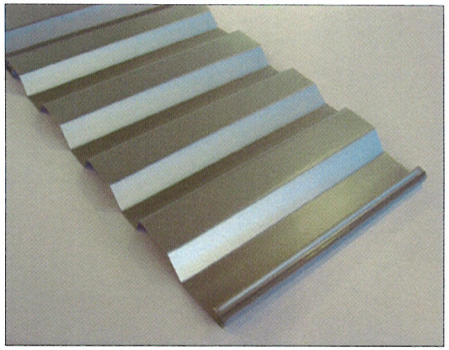
E1D - C.M.U.
COLOR: WHITE
FINISH: SMOOTH FACE



E1E - C.M.U.
COLOR: WHITE
FINISH: COMBED FACE



E1F - C.M.U.
COLOR: GRAY
FINISH: HONED FACE



E2 - METAL PANELS
MATERIAL SAMPLE



E2 - METAL PANELS
SAMPLE INSTALLATION



E3 - GLAZING



E8 - STANDING SEAM METAL ROOF

## ELEVATION NOTES

| ⓘ | DESCRIPTION |
|---|---|
| E1A | CONCRETE MASONRY UNITS<br>COLOR: ORANGE<br>FINISH: SMOOTH FACE |
| E1B | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SMOOTH FACE |
| E1C | CONCRETE MASONRY UNITS<br>COLOR: BLACK<br>FINISH: SPLIT FACE |
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| E1F | CONCRETE MASONRY UNITS<br>COLOR: GRAY<br>FINISH: HONED FACE |

| ⓘ | DESCRIPTION |
|---|---|
| E2 | METAL WALL PANELS W/ METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E3 | DUAL-PANE LOW-E WINDOW GLAZING<br>COLOR: AZURIA |
| E4 | ALUMINUM STOREFRONT SYSTEM<br>COLOR: SILVER GRAY |
| E5 | PAINTED METAL DOOR AND FRAME WITH GLAZING AS SCHEDULED<br>COLOR: MEDIUM GRAY |
| E6 | PAINTED METAL CANOPY - TUBE STEEL FRAME WITH METAL DECK INFILL<br>COLOR: MEDIUM GRAY |
| E7 | PAINTED METAL CANOPY - TUBE STEEL FRAME WITH PERFORATED METAL INFILL<br>COLOR: CHARCOAL GRAY |

| ⓘ | DESCRIPTION |
|---|---|
| E8 | STANDING SEAM METAL ROOF - METALLIC FINISH<br>COLOR: CHAMPAGNE GOLD |
| E9 | METAL ROLL-UP DOOR<br>COLOR: MEDIUM GRAY |
| E10 | METAL CAP FLASHING<br>COLOR: MEDIUM GRAY |
| E11 | PAINTED METAL FENCE - TUBE STEEL FRAME WITH PERFORATED METAL INFILL FRAME COLOR: SILVER GRAY<br>INFILL COLOR: CHARCOAL GRAY |
| E12 | DECORATIVE SIGNAGE - TUBE STEEL FRAME WITH METAL MESH INFILL AND 14" LETTERS |
| E13 | DECORATIVE PERFORATED METAL SUN SHADE<br>COLOR: SILVER GRAY |

PAINTED METAL SURFACES:

SILVER GRAY

MEDIUM GRAY

CHARCOAL GRAY

REVISIONS

| REV | DESCRIPTION | DATE | BY |
|---|---|---|---|

SEAL

CCDD PROJECT NO. 00000
CCDD REVIEW
APPROVED BY
DATE

DATE JUNE 21, 2011
DRAWN BY
CHECKED BY
SUBMITTAL SCHEMATIC DESIGN
A/E PROJECT NO. 11905.00


KGA ARCHITECTURE
9075 West Diablo Drive, Third Floor
Las Vegas, Nevada 89148
702.367.6900
1701 Directors Boulevard, Suite 770
Austin, Texas 78744
512.441.8200
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LAS VEGAS
AUSTIN


CLARK COUNTY SCHOOL DISTRICT
DESIGN MANAGEMENT / PLANNING AND DESIGN
4170 McLEOD DRIVE
LAS VEGAS, NEVADA 89121

PROJECT
VARIETY SCHOOL

DRAWING TITLE
COLOR AND MATERIALS

SHEET NO.
A6.03


RECEIVED
JUN 23 2011
SDR-42251



SDR-42251 - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: SCHOOL BOARD OF TRUSTEES
2800 STEWART AVENUE

06/30/11



SDR-42251 - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: SCHOOL BOARD OF TRUSTEES
2800 STEWART AVENUE

06/30/11



SDR-42251 - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: SCHOOL BOARD OF TRUSTEES
2800 STEWART AVENUE

06/30/11

FINANCE & OPERATIONS *REAL PROPERTY MANAGEMENT*

4190 MCLEOD DRIVE • LAS VEGAS, NV 89121 • (702) 799-5214 • FAX (702) 799-5436

CCSD
CLARK COUNTY
SCHOOL DISTRICT

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June 22, 2011

City of Las Vegas
Planning Department
333 N. Rancho Drive
Las Vegas, NV 89106

Attn: Steve Gebeke

RE: Site Development Plan Review - Variety School Justification Letter
2800 Stewart Avenue (APN# 139-36-303-001)

Dear Mr. Gebeke:

Please consider this letter a request by the Clark County School District (District) for approval of a Site Development Plan Review (SDPR) for the above referenced property located at 2800 Stewart Avenue, Las Vegas, Nevada, also known as APN# 139-36-303-001. Currently located at 2601 Sunrise Avenue, the Variety School (Variety) was constructed in 1952 and is a special education school for students in grades K-12.

The District is in the process of a rehabilitation and modernization program, which allows for both on-site and off-site improvements and modernization of various schools and facilities. Variety School was chosen as a school in high need of replacement. Modernization of Variety will consist of constructing a new campus, north of the existing Martin Middle School site, at the southeast corner of Stewart Avenue and North 28th Street. The old Martin Middle School will be demolished to make room for the new school.

The subject parcel for the new school is currently zoned Civic District (C-V). Construction of the school is planned to provide a more functional and modern campus to better serve the needs of the students attending Variety. The campus will consist of approximately 58,000 +- square feet of building areas, with two ingress/egress points, one off of Stewart Avenue and the other off of 28th Street. Parking for staff and visitors will be along the east and south sides of the site. Busses will enter the campus from Stewart Avenue and drop off students at the south side of the building. The busses have a separate loading area as to not conflict with the vehicular traffic.

Landscaping has been provided in and around the site. There is an existing chain link fence along the east and south property lines. The building will serve as the fencing along Stewart Avenue with partial chain link fencing along 28th Street. The District is requesting that the chain link fencing along 28th Street be considered as part of this SDPR as it is a requirement of the type of school being placed on the site.

We believe this plan will meet those needs while providing a much needed replacement school in the vicinity of the existing campus, and thank you for your consideration. Please do not hesitate to contact Tracy Murphy at (702) 799-5214 ext. 5417 with any questions.

Kind Regards,

Linda Perri

Linda K. Perri
Director, CCSD Real Property Management

Cc: file

RECEIVED
JUN 23 2011
SDR-42251

City of Las Vegas Agenda Item No.: **40.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
DIR-41972 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request regarding the adoption of the Sahara West Walkable Community Plan. Staff recommends APPROVAL.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**
1. Request for Abeyance Email
2. Staff Report

**From:** Dave Cornoyer
**To:** Carman Burney
**Cc:** Courtney Mooney; Flinn Fagg; Steve Gebeke
**Subject:** DIR-41972 08/09 PC
**Date:** Tuesday, July 26, 2011 3:33:20 PM

---

Carman,

Please abey DIR-41972 from the 08/09 PC meeting agenda. We would like to hold item until the month of September, in order to allow for additional time to hold a second neighborhood meeting.

**Dave Cornoyer**
Planner I
City of Las Vegas
Department of Planning
(702) 229-6051

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **DIR-41972** | Staff has NO RECOMMENDATION | |

DC

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a presentation of the Sahara West Walkable Community Plan final draft. Policies within the Las Vegas 2020 Master Plan direct the city to review existing neighborhoods for opportunities to include design elements such as street furniture, landscaping, and pavement treatments to promote walkability. The Department of Planning has completed the Sahara West Walkable Community Plan final draft, which focuses on the neighborhood within a half-mile radius of the intersection of Sahara Avenue and Fort Apache Road.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 03/23/09 | At the Joint City Council and Planning Commission Workshop, walkable community plans were discussed as contributing to the implementation of the Las Vegas 2020 Master Plan, and also assist with sustainability goals and improving the quality of life of residents. |
| 07/23/09 | The Department of Planning provided an update (DIR-35033) on the development of walkable community plans, outlining the six areas of the city to be targeted for such plans. |
| 10/22/09 | The Department of Planning provided an update (DIR-35929) regarding the development of walkable community and corridor plans, including a summary of the initial public meeting. |

| ***Neighborhood Meeting*** | |
|---|---|
| 08/20/09 | A neighborhood meeting discussing the Sahara West Walkable Community Plan was held at the M.J. Christensen Elementary School, 9001 Mariner Cove Drive. |
| 03/06/10 | The Department of Planning hosted an informational table to discuss the Sahara West Walkable Community Plan at the Regional Transportation Commission's Transportation Fair at the Meadows Mall, 4701 Meadows Lane. |
| 04/08/10 | The Department of Planning attended the Peccole Ranch Community Association meeting to discuss the Sahara West Walkable Community Plan, 9501 Red Hills Road. |
| 04/09/10 | The Department of Planning hosted an information table to discuss the Sahara West Walkable Community Plan at the entry to the Albertsons Grocery Store, 2550 South Fort Apache Road. |

| | |
|---|---|
| 04/21/10 | The Department of Planning attended the Canyon Gate Home Owners Association meeting to discuss the Sahara West Walkable Community Plan, 8831 West Sahara Avenue. |
| 04/21/10 | The Department of Planning attended the Section 7 Community Association meeting to discuss the Sahara West Walkable Community Plan, 2001 Canyon Gate Drive. |
| 04/23/10 | The Department of Planning hosted an information table to discuss the Sahara West Walkable Community Plan at the entry to the Sahara West Public Library, 9600 West Sahara Avenue. |
| 04/27/10 | The Department of Planning attended the West Sahara Community Association meeting to discuss the Sahara West Walkable Community Plan, 8685 West Sahara Avenue, Suite 280. |
| 05/13/10 | The Department of Planning attended the Residence at Canyon Gate Home Owners Association meeting to discuss the Sahara West Walkable Community Plan, 2200 South Fort Apache Road. |
| 07/06/10 | The Department of Planning attended the Baycliff Creeks Home Owners Association meeting to discuss the Sahara West Walkable Community Plan, 9600 West Sahara Avenue. |
| 09/09/10 | The Department of Planning attended the Residence at Canyon Gate Home Owners Association meeting to discuss the Sahara West Walkable Community Plan, 2200 South Fort Apache Road. |
| 10/16/10 | The Department of Planning attended the Peccole Ranch Community Association meeting to discuss the Sahara West Walkable Community Plan, 9501 Red Hills Road. |
| 11/03/10 | The Department of Planning attended the Baycliff Creeks Home Owners Association meeting to discuss the Sahara West Walkable Community Plan, 9600 West Sahara Avenue. |
| 11/23/10 | The Department of Planning attended the West Sahara Community Association meeting to discuss the Sahara West Walkable Community Plan, 8685 West Sahara Avenue, Suite 280. |
| 12/11/10 | The Department of Planning hosted an informational table to discuss the Sahara West Walkable Community Plan at The Lakes Festival of Lights event, located at the intersection of Lake East and Lake Sahara Drives. |
| 07/26/11 | A neighborhood meeting to present the Sahara West Walkable Community Plan final draft was held at the Peccole Ranch Community Center, 9501 Red Hills Road. |

**ANALYSIS**

The city of Las Vegas has recognized the needs for Walkable Communities and has been taking the appropriate steps to foster their development. Several policies within the Las Vegas 2020 Master Plan

**NOTICES MAILED** NEWSPAPER ONLY

**APPROVALS** 0

**PROTESTS** 0

DC

City of Las Vegas Agenda Item No.: **41.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
DIR-42266 - DIRECTOR"S BUSINESS - PUBLIC HEARING - APPLICANT: CARWIN ADVISORS, LLC - OWNER: KAG PROPERTY, LLC - For possible action on a request regarding the amending of the Development Agreement for the Kyle Canyon Development on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road (APNs 125-06-101-001; 125-06-301-001 and 002; 125-06-401-001 and 005; 125-06-501-001; 125-06-701-001; 125-07-101-004, 005 and 006; 125-07-201-001 and 002; 125-07-301-001 and 002; 125-07-401-001 and 002; 125-07-501-005; 125-07-602-001, 003, 004 and 005; 126-12-000-001), Ward 6 (Ross). Staff has NO RECOMMENDATION.

**C.C.: 09/07/2011**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff has NO RECOMMENDATION.

**BACKUP DOCUMENTATION:**
1. Staff Report
2. Supporting Documentation
3. Development Agreement for the Kyle Canyon Development
4. Justification Letter

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT: CARWIN ADVISORS, LLC - OWNER: KAG PROPERTY, LLC**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **DIR-42266** | Staff recommends APPROVAL. | N/A |

# ** STAFF REPORT **

## EXECUTIVE SUMMARY

The applicant is requesting to amend the approved Kyle Canyon Development Agreement and its associated exhibits. No development has occurred within the approved Kyle Canyon Master Planned Community since its adoption in 2007. The Kyle Acquisition Group, LLC "Master Developer" is in a non-compliance status with certain requirements set forth by the adopted Development Agreement. The Master Developer's proposal to amend the effective Development Agreement reflects the changes in growth and development conditions, as well as changes in certain infrastructure projects that have either been completed or revised in their scope.

These amendments include the following major changes to the previously approved Development Agreement:

- The maximum number of residential dwelling units has been reduced from 16,000 units to 9,000 units.
- The alignment of the future Sheep Mountain Parkway has been modified. This resulted in the elimination of temporary detention basins along the right-of-way and the installation of permanent detention basins in the western portion of the community. In turn the Master Developer will receive approximately 50 acres of land that was previously slated for right-of-way. Equivalent value (approximately $7 million) has been demonstrated for the flood control improvements versus the relinquishment of right-of-way.
- The Master Developer will contribute $4.1 million for the fire station and $2 million Kyle Canyon Interchange improvements.
- The Parks Agreement has been revised to reflect new construction thresholds for the development of parks within designated park areas. Parks within their respective areas will now be constructed at approximately the 50% build out point, with the exception of the Iron Mountain and Indian Hills Parks. Iron Mountain Park will be constructed prior to the 4,000$^{th}$ dwelling unit permit for Kyle Canyon being issued and the Indian Hills Park will be constructed prior to the 500$^{th}$ dwelling unit permit within Kyle Canyon located on the east side of the US95 or prior to the 2,000$^{th}$ dwelling unit permit within all of Kyle Canyon being issued.
- The Development Standards Manual has been revised to include six different residential standards (Kyle R-1, Kyle R-TH, etc.) and a blended land use district's standards. Residential standards allow for the developer to have flexibility in the design of the site and the structure. The Blended Land Use district furthers that goal by focusing on creating an urban streetscape through building placement. All other commercial districts' development standards defer to the C-2 (General Commercial) zoning district development standards as found within the Unified Development Code (UDC).

The proposed revisions are in conformance with Goal #3 of the Las Vegas 2020 Master Plan and subsequent Objectives 3.1, 3.5 and 3.6. The Development Standards have been reviewed by the city of Las Vegas Office of Sustainability and have been found to be in general compliance with Resolution R-176-2004. The Development Standards also either meet or exceed the requirements of the UDC pertaining to streetscape design and connectivity. The development generally meets the intent of the Traditional Neighborhood Development (TND) General Plan designation by providing for a mix of housing types, commercial and civic uses within the community.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 12/01/04 | The City Council approved a Resolution (R-176-2004) adopting guidelines for development within the Kyle Canyon Gateway area. |
| 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. |

| *Related Relevant City Actions by P&D, Fire, Bldg., etc* | |
|---|---|
| 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 Office of the County Recorder. 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. |

| *Related Relevant City Actions by P&D, Fire, Bldg., etc* | |
|---|---|
| 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 Development 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 07/06/09, 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 was the original alignment of Sheep Mountain Parkway. 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 Development Agreement. |
| 08/06/08 | The City Council approved a required review (DIR-28767) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval. A condition of approval required a follow-up review on 10/01/08. |

| *Related Relevant City Actions by P&D, Fire, Bldg., etc* | |
|---|---|
| 09/23/08 | Wachovia Bank, National Association, acting as the managing creditor of 41 creditors, foreclosed on the Kyle Canyon property. A new entity called KAG Property, LLC was formed to assume ownership of the Kyle Canyon property. |
| 12/03/08 | The City Council approved a follow-up required review (DIR-29916) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC (abeyed from 10/01/08). Staff recommended approval. |
| 02/02/09 | Notice of Noncompliance and Opportunity to Cure was sent to KAG Property, LLC for failure to commence construction of Indian Hills Park prior to 09/13/08. |
| 08/05/09 | The City Council approved the required review (DIR-34955) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval. |
| 09/02/09 | The City Council approved an Extension of Time (EOT-35315) of a previously approved Special Use Permit (SUP-20478) for a proposed Non-Restricted Gaming Facility at the southwest corner of Oso Blanca Road and Hualapai Way alignment. Staff recommended approval. |
| 10/02/09 | The Master Developer presented to the city a summary report from Hart Howerton Strategic Planning Consultants outlining a strategic plan and recommendations for development of the Kyle Canyon property. |
| 08/04/10 | The City Council approved a required review (DIR-38680) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval. |
| 08/09/11 | The Planning Commission will consider a request for possible action on a request to Amend the Master Plan of Streets and Highways (GPA-41958) to realign Sheep Mountain Parkway between Grand Teton Drive and Fort Apache Road and delete master planned roadways within the Kyle Canyon master plan area. Staff is recommending approval. |
| 08/09/11 | The Planning Commission will consider a request for possible action on a request for a Petition to Vacate (VAC-42250) portions of the Sheep Mountain Parkway right-of-way grant. Staff is recommending approval. |
| 08/17/11 | The City Council will consider a request or possible action on a request for required review (DIR-42369) 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. Staff is recommending approval. |

| *Most Recent Change of Ownership* | |
|---|---|
| 09/25/08 | A deed was recorded for a change in ownership. |

| ***Related Building Permits/Business Licenses*** |
|---|
| No building permits or business licenses pertain to this site. |

| ***Pre-Application Meeting*** | |
|---|---|
| 05/26/11 | A pre-application conference was held and consisted of detailing the submittal requirements for the application. |

| ***Neighborhood Meeting*** |
|---|
| No neighborhood meeting is required, nor was one held. |

| ***Details of Application Request*** | |
|---|---|
| ***Site Area*** | |
| Gross Acres | 1661.8 |

| ***Surrounding Property*** | ***Existing Land Use Per Title 19.04*** | ***Planned or Special Land Use Designation*** | ***Existing Zoning District*** |
|---|---|---|---|
| Subject Property | Undeveloped | TND (Traditional Neighborhood Development) | T-D (Traditional Development) |
| North | Undeveloped | PCD (Planned Community Development) & TND (Traditional Neighborhood Development) | U (Undeveloped) |
| South | Residential & Undeveloped | PCD (Planned Community Development) & SC (Service Commercial) | PD (Planned Development) & SC (Service Commercial) |
| East | Residential | PCD (Planned Community Development) | PD (Planned Development), R-E (Residence Estates) & R-PD6 (Residential Planned Development – 6 Units per Acre) |

| *Surrounding Property* | *Existing Land Use Per Title 19.04* | *Planned or Special Land Use Designation* | *Existing Zoning District* |
|---|---|---|---|
| West | Undeveloped | PF (Schools, Churches, Public Facilities – Clark County), PCD (Planned Community Development) & SC (Service Commercial) | R-U (Rural Open Land – Clark County) U (Undeveloped) & C-1 (Limited Commercial) |

## DEVELOPMENT AGREEMENT MODIFICATIONS

The information below reflects the proposed revisions to the approved Development Agreement recorded August 8th, 2007. The information has been broken up into sections and placed into table format. The tables below are organized into the following categories:

Table 1: Development Agreement
Table 1a: Development Agreement Exhibits
Table 2: Parks Agreement
Table 2a: Parks Agreement Exhibits
Table 3: Development Standards Manual

| **Table 1: Development Agreement (DA)** | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA – Recitals (B), (C) & (D) | None | Chronology of events pertaining to the Development Agreement and the acquisition of the subject property, as well as statement related to the shared mindset of the City and the Master Developer to change modify the Original Agreement. | Approval |
| DA 1 – Definitions "Alcohol Related Uses" | None | Any alcohol uses as defined by the Unified Development Code (UDC) | Approval |
| DA 1 – Definitions "Building Codes" | Referenced 2006 codes | References the 2009 International Building, Residential and Conservation Codes. | Approval |
| DA 1 – Definitions "City Manager" | None | Person holding the position of City Manager or designee. | Approval |
| DA 1 – Definitions "Final Building Inspection" | None | Date of approved final inspection for a residential home to be occupied. | Approval |
| DA 1 – Definitions "Grading Plan, Master Rough" | N/A | Added: Director of Public Works may require an update to the Master Drainage Study to address impacts. | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 1 – Definitions "Investment Firm" | None | An entity whose main purpose is holding securities of other companies, financial instruments or property purely for investment purposes. | Approval |
| DA 1 – Definitions "Master Drainage Study" | N/A | Added: "with an amendment to conditionally approved by the Director of Public Works on _____..." | Approval |
| DA 1 – Definitions "Master Sanitary Sewer Study" | "…conditionally approved by the Director of Public Works on May 8, 2007 and incorporated in its entirety…." | …to be approved by the Director of Public Works prior to the recordation of the Parent Final Map." | Approval |
| DA 1 – Definitions "Master Traffic Study" | N/A | Added: "with an amendment to conditionally approved by the Director of Public Works on _____..." | Approval |
| DA 3.01(a) – Maximum Units Permitted | 16,000 | 9,000 | Approval |
| DA 3.01(f)(i) – Proximity Restrictions | None | "Alcohol Related Uses" are permitted by right within designated parcels and require no Special Use Permit. All other areas may submit a Special Use Permit and waiver. | Modification<br>Staff Recommends that all 'Alcohol Related Uses" require a Special Use Permit and the distance separation between similar and protected uses shall not apply. |
| DA 3.02(a) – Phasing Construction – *Generally* | "….within the period of time set forth in this Section 3.02 and in the Parks Agreement." | "…in coordination with development milestones set forth in this Section 3.02 and in the Parks Agreement." | Approval |
| DA 3.02(a) – Phasing Construction – *Phasing Map* | Draft phasing schedule to be submitted to the City prior to the effective date. | Added: Phases may be revised as necessary to address the residential market demands.<br>Revised: Draft phasing schedule to be submitted to the City prior to the submittal of the Parent Final Map. | Approval |
| DA 3.02(a) – Phasing Construction – *Phasing Schedule* | All adjacent Village Streets are to be substantially complete as determined by the Director of Public Works within 24 months of the commencement of construction. | Added: or as amended with the traffic study phasing plan. | Approval |
| DA 3.02(a) – Phasing Construction – *Site Grading* | N/A | Added: Parent Final Map to be recorded prior to grading. | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 3.03(d)(i) & (iii) – Major Modifications | Application for Major Modifications shall be heard by the Planning Commission within forty five (45) days. All actions from the Planning Commission on Major Modifications shall be heard by the City Council within thirty (30) days. | N/A | Modification<br>Language should read: "shall be scheduled for a hearing before …. within XX days." |
| DA 3.04(a)(ii)(3) & (4) – Minor Deviation – *Submittal, Review and Appeal* | The Planning Commission shall hear such appeal within thirty (30) days. The City Council shall hear such appeal within thirty (30) days. | N/A | Modification<br>Language should read: "shall be scheduled for a hearing before …. within XX days." |
| DA 3.04(b)(ii)(1) – Major Deviation – *Submittal, Review and Appeal* | …shall be heard by the Planning Commission within forty five (45) days… | N/A | Modification<br>Language should read: "shall be scheduled for a hearing before …. within XX days." |
| DA 3.05(c)(ii) – Parent Final Subdivision Map | Parent Final Map requires approval of a Special Improvement District or a posting of a bond for offsite roadway improvements. Parent Final Subdivision Map Processing Schedule. | Parent Final Map shall not require any improvement bonds. Subsequent subdivision maps including residential lots shall be bonded. Elimination of the Parent Final Subdivision Map Processing Schedule. | Approval |
| DA 3.05(c)(iii) – Tentative Subdivision Map | Master Developer or Designated Builder may submit a tentative subdivision map concurrent with the City's second review of the Parent Final Map. | Eliminated | Approval |
| DA 3.05(c)(iv) – Site Development Plan Review | Submittal of a Site Development Plan Review for a non-restricted gaming establishment prior to the recordation of the Parent Final Map. | Eliminated | Approval |
| DA 3.05(c)(iv)(2) – Site Development Plan Review | Appeal of an adverse decision from City Staff can be appealed directly to City Council. | None | Modification<br>Language should read: "…shall be scheduled to be heard before the Planning Commission…" |
| DA 3.05(c)(v) – Special Use Permit | Submittal of a Special Use Permit for a non-restricted gaming establishment prior to the recordation of the Parent Final Map. | Eliminated | Approval |
| DA 3.05(c)(vi) – Gaming Enterprise District – Hotel/Casino | Acknowledgement of the Master Developer having to apply for the Gaming Enterprise District before a non-restricted gaming establishment can be constructed and operated. | Eliminated | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 3.06~~(b)~~, ~~(c)~~, ~~(d)~~ & ~~(e)~~ – Dedicated Staff | Designation of staff from each City department or division; staffing of meeting; processing times; and dedicated inspectors. | Eliminated | Approval |
| DA 3.06(~~h~~) – Separation of Improvement Plans | Master Developer may choose to separate plans for review….in separate plan sets." | Eliminated | Approval |
| DA 3.12 – Streetlights and Banners | Provisions for non-standard streetlight and pole heights. | Master Developer to install City standard streetlights applicable at the time of construction.<br>Elimination: Non-standard streetlight and pole height provisions.<br>Addition: Language limiting banner usage to certain activities. | Approval |
| DA 3.17(c) – Anti-Moratorium | N/A | Addition: City shall make all reasonable best effort to insure water facilities are adequately sized and of the proper technology so as to avoid a moratorium. | Approval |
| DA ~~3.18~~ – Additional Property Not Included Within Agreement | The Agreement does not authorize the development of additional properties without the amendment of this Agreement. | Eliminated | Approval |
| DA ~~3.21~~ 3.20– Development in Town Center and Urban Mixed-Use | Requirement for the submittal of the development standards governing development within the Town Center and Mixed-Use land use categories. Maximum building heights within said land use categories. | Eliminated: All previous language.<br>Added: All commercial development within the community shall be subject to commercial development standards and design guidelines pursuant to the C-2 zoning district of the UDC. Permissible uses shall refer to the zoning districts described in the table 2 of the Kyle Canyon Development Standards. | Approval |
| DA 4.01(a) – Master Community HOA | Master HOA to be created at the time of recordation of the Parent Final Map. | Master HOA to be formed at the time of recordation of the first residential subdivision map, not including the Parent Final Map. | Approval |
| DA 4.04 – City Maintenance Obligation Agreement | Contribution amounts for reimbursement of the City for the construction of temporary detention basins. | City to work with the Master Developer in obtaining acceptance of all permanent detention basins by the Clark County Regional Flood Control District (CCRFCD). | Approval |
| DA 5.01 – Elementary, Middle and High School Acreage | Master Developer to dedicate 72 acres for school sites. | Mater Developer to dedicate 74.34 acres for school sites. | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 5.02(a) – Payment towards Construction of Fire Station | Within 18 months of the Effective Date, the Master Developer shall pay the City $1,000,000 towards the construction of a Fire Station. | Master Developer to contribute $4,100,000 towards the construction of a fire station by the earlier of June 30, 2017 or the final inspection of the 4,500 residential dwelling unit. If fewer than 2,100 residential units have received final inspection by June 30, 2017 the City and the Master Developer will renegotiate the contribution date. If zero final inspections for residential dwelling units have been approved then the City and the Master Developer will renegotiate the contribution date. The Master Developer will provide wet and dry utilities to the fire station site within 24 months of the fire station contribution. | Approval |
| DA 5.02(~~b~~), (~~c~~) & (~~d~~) – Mandatory Fire Suppression Systems; Waiver of Permit, Inspection Fees; Establishment of Fire Safe Community Program | Every residential dwelling within the community shall be constructed with a automatic fire suppression system; Master Developer and Design Builders shall not be required to pay for any cost or fee associated with the inspection of a fire suppression system in a residential dwelling; Master Developer to contribute $50,000 to the City towards the Fire Safe Community Program. | Eliminated | Approval |
| DA 5.04 – Police Services | Designated Builders shall pay City $218 per residential unit for use in the construction of a Metro substation to serve the Community and surrounding area. | Added: City and Metro agree that all fees collected shall be used for the construction of a Metro substation that is no more than one mile from the Community and shall be constructed and operating within one year of the completion of the Community. | Approval |
| DA 7.04 – Sanitary Sewer | None | The Master Developer shall design and construct all sanitary sewer main facilities that are identified as Master Developer's responsibilities within the Master Sanitary Sewer Study; Master Developer to install offsite sewer pipelines as indicated in the letter report from Slater Hanifan Group dated May 23, 2011. (Exhibit "H") | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 7.~~04~~05(d) – Construction Phasing | Master Developer to submit a phasing plan for all On-Property and Off-Property street improvements as part of the Master Traffic Study. | Added: City and Master Developer agree the phasing plan is fluid and is dictated by development. Accordingly, the phasing plan may be modified based on proposed development in the Community. | Approval |
| DA 7.~~04~~05(f)(iv) – Timing of Subdivision Improvements | Civil improvement plans for construction upon a Designated Builder Parcel may be submitted after the following have occurred…..for second review of the civil improvement plans for the surrounding master infrastructure; Civil improvement plans for surrounding master infrastructure must be approved prior to that of civil improvement plans for the designated Builder Parcel. | Civil improvement plans for construction upon a Designated Builder Parcel may be submitted after the following have occurred…..for first review of the civil improvement plans for the surrounding master infrastructure; Civil improvement plans for surrounding master infrastructure that provide direct service to the builder parcel must be approved prior to or concurrent with the civil improvement plans for the Designated Builder Parcel. Infrastructure adjacent to but not utilized by the builder parcel will not be required to be constructed and will be required in compliance with Section 3.02(c). | Approval |
| DA 7.~~05~~06 – ~~Northern Beltway~~ Sheep Mountain Parkway | The parties have agreed to a realignment of the proposed Northern Beltway and for the means by which the City will acquire certain of the necessary rights-of-way. | The city has planned the future Sheep Mountain Parkway that will allow the right-of-way to be modified approximately 50.1 acres. In exchange for this reduction in right-of-way the Developer shall construct a permanent detention basin. In addition, the City agrees to the Vacation of existing right-of-way for an additional 4.3 acres not to record until such time as the Parent Final Map records. | Approval |
| DA 7.~~05~~06(~~a~~) & (~~b~~) – ~~Northern Beltway~~ Sheep Mountain Parkway | The agreement of the parties concerning the Northern Beltway, as well as the dedication of land alternatives. | Eliminated | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 7.~~06~~07(a) – Kyle Canyon Interchange | The City shall complete construction interchange with a design acceptable to both parties. The City shall use its best efforts to complete such construction within 48 months of the parties agreeing on a design. The Master Developer shall pay the City $10 million dollars for the construction of the interchange within 60 days of notification from the City that the design is complete in a manner sufficient to bid the project. | Master Developer will contribute $1,000,000 to the City for the design, construction or reimbursement of the Kyle Canyon Interchange. The Master Developer will make a second contribution of $1,000,000 one year after the first contribution. However if 1,000 residential units have not been constructed within the first three years of the first residential home final inspection approval, the City and the Master Developer mutually agree upon an extension of the first contribution. At the City's discretion, the City may use the funds for eight identified projects that will benefit the immediate community. | Approval |
| DA 7.~~06~~07(~~b~~) – Horse Drive Interchange | City shall use its best efforts to complete construction of the Horse Drive/US-95 interchange within 30 months of the Effective Date. | Eliminated | Approval |
| DA 7.~~06~~07(~~c~~b) – Hualapai Interchange | Parties will cooperate in requesting Clark County prioritize construction of appropriate improvements to the Hualapai/215 interchange; and the obtaining of any available Federal, State RTC or Clark County funding for such construction. | City and Master Developer agree to cooperate to request that Clark County and RTC prioritized construction of appropriate improvements to the Hualapai/215 interchange and obtain any available Federal, State RTC or Clark County funding for such construction. | Approval |
| DA 7.~~06~~07(~~d~~) – Hualapai/Horse Connector | Master Developer shall dedicate with the Parent Final Map the right-of-way and shall construct the improvements depicted in the Design Guidelines…" | Eliminated | Approval |
| DA 7.~~07~~08(c) – Flood Control - *Updates* | N/A | Added: The Director of Public Works may require an update to the Master Drainage Study or the Master Technical Study as a condition of approval to land use application (listed)…. if those applications are not insubstantial conformance with approved Master Land Use Plan or Master Drainage Study. | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 7.~~07~~08(d) – Flood Control – *Regional Flood Control Facility Construction by Master Developer* | Master Developer to design and substantially complete the Clark County Regional Flood Control District facilities as defined within the Master Drainage Study pursuant to the Regional Flood Control District 2002 Master Plan Update….<br>Interim drainage facilities in lieu of permanent regional facilities could be considered acceptable for the Las Vegas Wash. | Master Developer to design and substantially complete the Clark County Regional Flood Control District facilities as defined within the Master Drainage Study pursuant to an amendment to the Regional Flood Control District 2008 Master Plan Update….<br>Eliminated: Interim drainage facility paragraph. | Approval |
| DA 8.01 – Special Improvement District | N/A | Added: City shall cooperate with the Master Developer to include all eligible projects for a special improvement district. | Approval |
| DA 9.01 – Frequency of Reviews | First review not to occur until eleven (11) months after the Effective Date of this Agreement and again at least annually on the anniversary of that first review thereafter…. | First review not to occur until twenty-four (24) months after the Effective Date of this Agreement and again every twenty-four (24) months on the anniversary of that first review thereafter | Approval |
| DA 11.02(a) – Assignment – ~~*To A Third Party*~~ | The Master Developer shall not sell or transfer any or all of its rights or obligations under this Agreement to a third person other than provided herein without approval of the City Council... Any cumulative swap, trade, sale or other transfer of more than thirty-three percent (33%) to a third person not otherwise contemplated by this Agreement requires City Council approval. | The Master Developer shall give written notice to the City of the intent to Transfer. The notice shall include information that the Transferee, its employees, consultants and agents have the financial resources to develop the Community; or the experience and expertise in developing projects similar in scope. The City Council shall consider the request for transfer for approval or denial within 45 days of receiving the Master Developer's written request. | Approval |
| DA 11.02(b) – Pre-Approved Transferees ~~*To an Affiliate of Master Developer*~~ | Except as otherwise provided by Section 11.02(c), below, the rights of the Master Developer under this Agreement may be freely transferred or assigned to an Affiliate of the Master Developer provided that such entity shall assume in writing all obligations of the Master Developer hereunder. | Eliminated: Entire section.<br>Added: Notwithstanding anything in this Agreement to the contrary the following Transferees constitute "Pre-Approved Transferees," for which no City consent shall be required provided that the Pre-Approved Transferee shall assume in writing all obligations of the Master Developer:<br>An entity owned or controlled by Master Developer.<br>An Investment Firm that does not plan to develop the project. | Approval |

| Table 1: Development Agreement (DA) | | | |
|---|---|---|---|
| **Section** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA 11.02(b) – Pre-Approved Transferees ~~*To an Affiliate of Master Developer*~~ | Except as otherwise provided by Section 11.02(c), below, the rights of the Master Developer under this Agreement may be freely transferred or assigned to an Affiliate of the Master Developer provided that such entity shall assume in writing all obligations of the Master Developer hereunder. | If the Investment Firm desires to develop the Property or transfer the property to a subsequent Transferee, the Investment Firm shall obtain written consent from the City after providing information that the Transferee, its employees, consultants and agents have the financial resources to develop the Community; or the experience and expertise in developing projects similar in scope. The City Council shall consider the request for transfer for approval or denial within 45 days of receiving the Master Developer's written request. | Approval |
| DA 11.~~03~~04 – Indemnity; Hold Harmless | N/A | Added: The Master Developer and the City agree to equally pay all costs and attorney's fees for a defense in any legal action filed in court of competent jurisdiction by a third party alleging any such claim or challenging the validity of the Agreement, except for a defense in any legal action related to waiver of proximity restrictions specified in the UDC between Alcohol Related Uses and other Alcohol Related Uses and Alcohol Related Uses and parks and/or schools. | Approval |

## DEVELOPMENT AGREEMENT ANALYSIS

The Development Agreement sets forth the terms and conditions of development. These terms and conditions denote the responsibilities of all the parties involved. The proposed revisions to effective Development Agreement constitute the end of an 18-month negotiation period between the city of Las Vegas and the Master Developer. During this time, not only has the ownership of the property and the economic state of affairs changed but also certain infrastructure projects have been either completed or revised in their scope, thereby precipitating significant changes to the effective Development Agreement. Below are the more substantial changes and their potential impact on the Community:

- As a result of the proposed change to the definition "Building Codes" [Section 1] from the 2006 International Residential, Building and Conservation Codes to that of the 2009 Codes, the proposed Community no longer has a requirement [Section 5.02(b)] to have all residential dwelling units include a mandatory fire suppression system. This is

acceptable, as the 2009 Codes delineate when, where and under what circumstances residential dwelling units will be required to have a fire suppression system.

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**August 9, 2011 - Planning Commission Meeting**

- The maximum number of dwelling units permitted within the Community has been revised from 16,000 units to 9,000 units [Section 3.01(a)]. The Master Developer is proposing a variety of special land use designations that allow for a range of densities from 15 to 50 dwelling units per acre (DUA) and an average density range of 5.49 to 15 DUA [DA Exhibit "F"]. The density ranges throughout the Community coupled with the flexibility of housing types by developers makes this revision acceptable.
- The Master Developer is proposing that "Alcohol Related Uses" be permitted by right within all commercial and blended land use districts within the Community [Section 3.01(f)(i)]. This means that all alcohol related uses as described within the Unified Development Code (UDC), including Liquor Establishment (Tavern), would be permitted without the approval of a Special Use Permit and not be subject to any minimum distance separation requirements. Furthermore, it is proposed that the City will agree to allow any other parcel not listed in the section be able to apply for the Special Use Permit and waiver, regardless if they meet the requirements of the UDC or not. The City is in agreement with the philosophy of clustering similar uses to create synergy, as well as a sense of place. However the City is not in support of the proposed language. It is staff's recommendation that the language read as follows:
  *Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the Kyle Canyon Master Plan Community are best promoted and protected by requiring that a Special Use Permit be obtained for all "Alcohol Related Uses." Uses defined by "Alcohol Related Uses" shall have no specified spacing requirements between similar and protected uses.*
  The Master Developer is in agreement with the proposed modification to this section and a revised Development Agreement is to be submitted prior to City Council final action.
- The effective Development Agreement has language within Major Modification [Section 3.03(d)(i) & (iii)], Minor Deviation [Section 3.04(a)(ii)(3) & (4)] and Major Deviation [Section 3.04(b)(ii)(1)] sections that require the hearing of an item either 30 or 45 days after being received by the City. Since the adoption of the effective Development Agreement in 2007 the City has reduced the number of Planning Commission meetings that are held within a month's time frame. Since February of 2010 only one Planning Commission meeting per month is held. As such, if an item was to be submitted to the City to be heard at an August 9, 2011 Planning Commission meeting the day of the application closing deadline (June 23, 2011) the item would not be heard before the Planning Commission until 48 days later. This would result in the City non-compliance with the Development Agreement. Therefore, staff can no longer support the existing language and is proposing that this language be modified as follows:
  *All applications for …. shall be scheduled for hearing before the…..within XX days.*

The Master Developer is in agreement with the proposed modification to these sections and a revised Development Agreement is to be submitted prior to City Council final action.



- The effective Development Agreement states that *any* application for a Site Development Plan shall be considered and a decision made within 30 days by City staff, as well as that any adverse decision shall be scheduled for hearing before the City Council [Section 3.05(c)(iv)(1) & (2)]. The current language eliminates any review by the Planning Commission. This is no longer acceptable to the City staff and the revising of the language to denote the Planning Commission is recommended.
  The Master Developer is in agreement with the proposed modification to this section and a revised Development Agreement is to be submitted prior to City Council final action.
- The Master Developer is proposing to eliminate the dedicated staff, meetings, processing and dedicated inspectors sections [Section 3.06(b), (c), (d) & (e)] of the effective Development Agreement. These sections require a member of City staff from a number of departments to be knowledgeable and available for the processing of materials related to this Community. It also requires the Master developer to provide a master schedule for the submission of applications for the Community and the time frame by which the City had to process the applications. Staff is in support of the elimination of this section.
- The reworking of the Master Land Use Plan (DA Exhibit "F") to no longer include Town Center and Urban Mixed-Use special land use district within it, but instead utilized General Commercial and Blended Land Use special land use districts precipitated the need to revise the "Development in Town Center and Urban Mixed-Use" section [Section 3.~~21~~20]. The development standards for the previous special land use districts were to be submitted after certain time period elapsed and/or construction trigger was met. The Master Developer is now proposing to utilize the C-2 (General Commercial) zoning district development standards for commercial development within both the General Commercial and Blended Land Use districts. Furthermore, the permissible uses allowed in said special land use districts are to be limited to the uses allowable within the zoning districts prescribed in Table 2 of the proposed Development Standards Manual. Staff is in acceptance of the Master Developer's utilization of the C-2 (General Commercial) development standards as found within the UDC, as well as the listed zoning districts within Table 2 of the proposed Development Standards Manual, as all improvements within the Community will be subject to review.
- The "Payment Towards Construction of Fire Station" [Section 5.02(a)] section has been revised to a new monetary amount, as well as construction triggers for contribution timing. The City will now receive a total of $4.1 million, as well as the stubbing of all wet and dry utility lines to the fire station site prior to the date of the fire station contribution, as opposed to the previously agreed upon $1 million. The proposed revisions to the "Payment Towards Construction of Fire Station" [Section 5.02(a)] are

supported by the Department of Fire & Rescue, as it achieves the City's goal for the creation of a new fire station.

- The proposed realignment of the Sheep Mountain Parkway results in a reduction of right-of-way (ROW) of approximately 50.1 acres that would be returned to the Community; and in return for that land, permanent retention basins are to be constructed along the western edge of the Community [Section 7.~~05~~06]. The City further agrees to vacate an additional 4.3 acres of land once the Parent Final Map is recorded. In return the City will receive a cost benefit of approximately $7 million from future construction costs through the construction of the permanent detention basins. Staff supports the additional language, as it clarifies and memorializes the negotiations between the City and Kyle Acquisition Group (KAG) regarding the modification of the Sheep Mountain Parkway alignment. Deletion of the previous language is supported, as KAG has no interest in pursuing the northern alignment.
- The Kyle Canyon Interchange contribution amount has been reduced to a total amount of $2 million and the timing of the contribution is held to construction triggers rather than to a design completion date. Staff supports the additional language, as it ties developer contributions to occupied residential units and infrastructure is not required until the development meets certain residential units. This also gives the City the flexibility of use the developer contribution on eight different projects that will support the Kyle Canyon Site.
- The Master Developer previously had the right to assign or transfer its rights and obligations under the Agreement with the approval of the City Council. In the current Development Agreement, prior to approval of any transfer to a successor Master Developer, other than to an entity owner or controlled by Master Developer, the successor Master Developer shall provide information that the successor Master Developer has:

  > *i) the financial resources necessary to develop or complete development of the Community, in accordance with the terms and conditions of this Agreement, or (ii) experience and expertise in developing projects similar in size and scope to the Community.*

  This information will ensure that the successor Master Developer has either the financial wherewithal or the experience to develop the Property. Staff has no objection to these changes.

Staff is in acceptance with the proposed revisions as modified and is recommending approval of the Development Agreement.

| Table 1a: Development Agreement (DA) Exhibits | | | |
|---|---|---|---|
| **Exhibit** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA Exhibit "B" – ~~Development Phase~~ Phasing Map | Community split into an East and West Section. First and second phase of the Western Section to occur adjacent to both sides of the Egan Crest Way right-of-way alignment. First phase of the Eastern portion to occur adjacent to the Sky Pointe Drive frontage road alignment. | Community developed as a whole. The first and second phases are slated to occur north of Grand Teton Drive and south of Horse Drive the entire length of the development. | Approval |
| DA Exhibit "C" – Impact Statement | Predicated upon a total site acreage of 1,712 acres and 16,000 residential units. | Predicated upon a total site acreage of 1,661.8 acres and 9,000 residential units. The Hydrology section and the Utilities and Service System section have been update with current study information. | Approval |
| DA Exhibit "D" – Parks Agreement | Discussed in Table 2 | | |
| DA Exhibit "F" – Residential Land Use Table and ~~Planning Area Map~~ Master Land Use Plan | Indicated Planning Areas and the associated total number of residential units within that area. In addition, each area had the maximum percentage of total residential unit types indicated. | Depicts the special area land use designations for each of the proposed parcels within the development. Additionally, the net and gross acreage is indicated within each proposed parcel. The plan illustrates proposed streets, power easements, open space, arroyos and parks. The plan denotes net and gross acreages for each of the special land use designations and community variables (streets, parks, flood control, etc.). Additionally, the plan indicates the maximum and average density for the residential and blended land use designations. The plan illustrates the location of the proposed RTC transit center. | Approval |
| DA Exhibit "H" – ~~Northern Beltway Section 1 Land~~ Offsite Sewer Capacity Letter | Exhibit depicted the Northern Beltway alignment and the impacted properties, as well as which properties were owned by Focus. | Eliminated: The entire exhibit as the previous alignment is no longer accurate. Added: A letter providing updated information regarding the impacts of the proposed Kyle Canyon Gateway Development upon the city of Las Vegas sewer system. | Approval |

| Table 1a: Development Agreement (DA) Exhibits | | | |
|---|---|---|---|
| **Exhibit** | **2007 DA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| DA Exhibit "I" – ~~Northern Beltway Providence Land~~ BLM Right-of-Way Grant | Exhibit depicted the Northern Beltway alignment's impact upon the Providence Master Plan Community. | Eliminated: The entire exhibit as the previous alignment is no longer accurate. Added: The Northern Beltway Right-of-way exhibit depicting existing rights-of-way dedicated for the Northern Beltway. | Approval |
| DA Exhibit "J" ~~Northern Beltway Property on Land~~ Sheep Mountain Parkway Right-of-Way Reduction | Exhibit depicted the Northern Beltway alignment's impact upon the Kyle Canyon Master Planned Community. | Eliminated: The entire exhibit as the previous alignment is no longer accurate. Added: Existing Sheep Mountain Parkway right-of-way exhibit which delineates possible 50.1 acres of possible right-of-way to be vacated and an additional 4.34 acres to be required. | Approval |
| Exhibit "K" ~~Northern Beltway ROW~~ Memorandum Cost Between Interim and Permanent Detention Basins | The Northern Beltway Right-of-way exhibit depicting existing rights-of-way dedicated for the Northern Beltway. | Eliminated: Relocated the exhibit to the new DA Exhibit "I." Added: A letter detailing conceptual comparative estimates of probable costs for drainage infrastructure directly related to the removing of interim detention basins located within the Sheep Mountain Parkway right-of-way and relocating permanent detention basin(s) along the Puli Road alignment. | Approval |
| DA Exhibit "L" – Village Street and Trail Section | None | Added: Comprehensive map depicting the locations of all proposed trails within the Community, as well as cross section indicators for streetscape cross sections supplied on the second page of the exhibit. | Approval |
| DA Exhibit "M" – Kyle Canyon Design Guideline and Architectural Design Guidelines | Discussed in Table 3 | | |

## DEVELOPMENT AGREEMENT EXHIBITS ANALYSIS

The Development Agreement Exhibits put forth supporting materials for the requirements and obligations expressed within the Development Agreement. The revised exhibits demonstrate both the Master Developer's desired changes to the Community, as well as the changing right-of-way alignment conditions and their impact other variables throughout the Community. Most notable of the revised exhibits is the revised Master Land Use Plan. The proposed Master Land Use Plan differs slightly from that of the effective Kyle Canyon Land Use Plan in the following ways:

- The previously depicted community facilities/schools have been relocated within the same general areas and have increased in size;
- Commercial uses have been consolidated into two distinct areas and no longer front onto Grand Teton Drive, as well as a small commercial pocket has been created at the interchange of Horse Drive and the proposed Sheep Mountain Parkway; and
- Permanent flood control detention basins are now illustrated along the western border of the Community.

As the proposed revisions maintain the distribution of residential, mixed-use and commercial uses within the Community, continuing to allow the Community the ability to offer a diverse range of housing types; and as they increase the acreage of community facilities/schools while maintaining their relative locations throughout the Community, staff is recommending approval of the revised Master Land Use Plan. The Parks Agreement and the Development Standards and Architectural Design Guidelines will be discussed in a separate section and will have their respective staff recommendations. Having stated such, staff is recommending approval of all other exhibits.

| **Table 2: Parks Agreement (PA)** | | | |
|---|---|---|---|
| **Section** | **2007 PA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| PA Entire Agreement | N/A | Eliminated: References to Moccasin Park as this park is no longer proposed as part of this development. | Approval |
| PA – Recitals (C) | Developer has conveyed or has agreed to convey its real property (other than public sites and community facilities) to the builders which are its members…..for the purpose of constructing and selling residential dwelling units and commercial uses thereon. | None | Approvals |
| PA Section1 – Designation of Park Acreage | Developer agrees to design and construct, at Developer's sole cost and expense, all of those parks, trails open spaces and other recreational areas depicted on Exhibit B attached hereto. (Moccasin, Iron Mountain and Indian Hills park) Parks with community swimming pools are not deemed to be Qualified Parks. | Eliminated: Language pertaining to parks with community pools not being considered Qualified Parks for the purposes of this agreement. | Approval |
| PA Section 3 – Design of Parks | N/A | Added: However, approval of a conceptual plan that conforms to the layouts in Exhibit C shall not be unreasonably withheld by the City. | Approval |

| Table 2: Parks Agreement (PA) | | | |
|---|---|---|---|
| **Section** | **2007 PA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| PA Section 5(B) – Completion Schedule | Developer shall submit to the City for its review a conceptual plan of all parks located within a Park Area prior to the issuance of the 500th permit for the construction of dwelling units within the park area. The City shall notify the Master Developer when the 400th permit has been pulled. | Added: Developer shall submit to the City for its review a conceptual plan of all parks located within a Park Area prior to the issuance of the first (1st) permit for the construction of dwelling units within such Park Area that exceeds the Park Construction Trigger shown on Exhibit D. City will notify the Master Developer when seventy-five percent (75%) of the Park Construction Trigger permits have been issued in each Park Area. | Approval |
| PA Section 5(E) – Completion Schedule | Developer shall commence construction of the Indian Hills Park within 180 calendar days of receiving notification from the City, which contains adequate plans and adequate flood control facilities to protect the park. The developer shall complete the park within 18 months of commencement. | Eliminated: Original language.<br>Added:<br>Developer to commence the Indian Hills Park prior to the issuance of the 500th permit for construction of dwelling units within the Kyle Canyon located on the east side if US95 or prior to the issuance of the 2,000th permit for construction of dwelling units within all of the Kyle Canyon Development. City to update the conceptual plans within 120 days and the developer will complete construction within 24 months of commencement. | Approval |
| PA Section 5(F) – Completion Schedule | Developer shall commence design of the Iron Mountain Park within 180 calendar days of receiving notice from the City that notifies Developer of the issuance of the 7,000th permit for the construction of dwelling unit within Kyle Canyon…. | Revised the permit threshold to 4,000th permit issuance for the construction of dwelling unit. | Approval |
| PA Section 7 – Maintenance Obligations | N/A | Added: The City shall maintain Indian Hills Park and Iron Mountain Park to similar maintenance standards that the City establishes for all parks. | Approval |
| PA Section 10 – Damage and Restoration | N/A | Added: …in the event of damage to or destruction of Indian Hills Park and Iron Mountain Park, per City policy the City shall, as soon as reasonably possible, restore and reconstruct the damaged or destroyed areas to at least as good a condition as they were immediately prior to such damage or destruction. | Approval |

| Table 2: Parks Agreement (PA) | | | |
|---|---|---|---|
| **Section** | **2007 PA Language** | **Changes Proposed by Developer** | **Staff Recommendation** |
| PA Section 14(b) – Enforcement Remedies – *Withholding of Residential Permits* | City shall provide Master Developer written notice at least forty-five (45) days prior to such hearing. | City shall provide Master Developer written notice at least fifteen (15) days prior to such hearing. | Approval |
| PA Section 15(a) – Miscellaneous – *Assignment* | The Master HOA cannot assign any of its rights or obligations under this Parks Agreement without prior written approval from the City. If done so then a performance bond will be required for surety. | Eliminated: Prior language. Added: Master Developer can pass its rights and obligations to another Master Developer without posting a bond. If the Master developer desires to assign part of its rights and obligations to anyone other than a Successor Master Developer, the Parks Agreement Assignee shall post a performance bond for the security of their performance. The Master HOA may not assign any of its rights or obligations without the written approval of the City. | Approval |

## PARKS AGREEMENT ANALYSIS

The Parks Agreement identifies the rights, duties and obligations of the Master Developer and the City as to the design, construction and maintenance of public open space, parks, trails and other recreational amenities to be developed within the Community. The major changes to the effective Parks Agreement are as follows:

- The Master Developer is proposing to amend the construction triggers [PA Section 5(B)] for the submitting of conceptual plans and construction of parks for the respective park area. Whereas previously the Master Developer was to submit plans prior to the issuance of the 500$^{th}$ permit for the construction of dwelling units within the park area, it is now proposing to conform to the construction triggers levels as denoted within Parks Agreement Exhibit D. The construction triggers listed within Exhibit D range from 42% to 50.1% build out of each park area. These thresholds are acceptable and staff is recommending approval.
- The completion schedule for the Indian Hills Park [PA Section 5(E)] has been revised so as to have the Master Developer commence construction prior to the issuance of the 500$^{th}$ permit for construction of dwelling units within Kyle Canyon located on the east side of US95 or prior to the issuance of the 2,000$^{th}$ permit for construction of dwelling units within all of the Kyle Canyon development. These thresholds are acceptable and staff is recommending approval.

- The assignment of rights, responsibilities and obligations [PA Section 15(a)] has been revised to delineate the terms by which a performance bond will be required for the transferring of right and obligations to another. Specifically, a performance bond will be required of anyone other than a Successor Master Developer who is assigned all or a portion of the Master Developer's rights and obligations. This provision combined with the requirement of the Master Developer to obtain written approval from the City prior to the assigning any of its rights or obligations is acceptable to staff and therefore, staff is recommending approval.

The revised Parks Agreement maintains the integrity of the previous agreement; therefore, staff recommends approval. The revisions to the Parks Agreement Exhibits will be discussed in the next section of the report.

**Table 2a: Parks Agreement (PA) Exhibits**

| Exhibit | 2007 PA Language | Changes Proposed by Developer | Staff Recommendation |
|---|---|---|---|
| PA Exhibit "B" – Trails, Park and Open Space Map | Exhibit depicted five (5) Community Centers within parks; illustrated a park area to be constructed north of Log Cabin Road; and park locations more dispersed within the community. Indicated a total park and open space area of 127.8 net acres. Trails and paseos network identified. | Depicts centrally located parks and open space in the western and eastern halves of the community. The map lists 41.09 net acres of parks, 27.12 net acres of arroyos and 4.17 net acres of open space for a total of 72.8 net acres. The trails system is similar to that of the original with the exception that no paseos are identified. | Approval |
| PA Exhibit "C" – Required Facilities and Conceptual Layouts for Parks | The required facilities table indicated 14 parks, two arroyos and six paseos. Conceptual designs depict the utilization of more facilities such as community centers, basketball courts, tennis courts and tot lots. Trail cross sections are provided. | The facilities table indicates a total eight parks, two arroyos and zero paseos. Zero community centers and/or basketball courts are proposed within any of the parks. Tail cross sections are found with the Development Standards Manual. | Approval |
| PA Exhibit "D" – Park Areas | Broke the community into East and West and dissected the Community in to designated park areas. | Illustrates park areas throughout the entire Community. Lists the park area and the corresponding parks within each area. Denotes the residential dwelling unit permit construction trigger for the construction of the parks within a park area. | Approval |

## PARKS AGREEMENT EXHIBIT ANALYSIS

The Parks Development Agreement Exhibits put forth supporting materials for the requirements and obligations expressed within the Parks Development Agreement. The Trails and Park Exhibit [Exhibit "B"] illustrates eight parks (including Iron Mountain and Indian Hills Park) and a northern and southern arroyo. Each one of these parks qualifies as a neighborhood park as defined by the Las Vegas 2020 Master Plan Parks & Recreation Element. The identified parks are within a half mile (as the bird flies) of all developable parcels as currently shown and therefore are in conformance with the City's neighborhood park service area requirement. Based upon the 2009 American Community Survey (ACS) population estimate for the City of Las Vegas, 2.75 people reside in each residence. Using this data to extrapolate, the number of projected residents within the Kyle Canyon Community yields a total of 24,750 residents. Pursuant to the priorities of the Las Vegas 2020 Master Plan Parks & Recreation Element a standard of 2.5 acres of park lands per 1,000 residents is to be achieved. For the Community to achieve this standard a total of 61.88 acres of park land are to be provided.

The Trail and Parks Exhibit establishes that the Community consists of 41.09 net acres of parks, 27.12 net acres of arroyos and 4.17 net acres of open space, which combined exceeds the Las Vegas 2020 Master Plan Parks & Recreation Element's priority of 2.5 acres of park space for every 1,000 residents. The trail system illustrated within Exhibit "B" depicts the continuation of trails established by the Las Vegas 2020 Master Plan Recreation Trails Element, as well as the intent to building linkages between Community trails and regional trails. Trails are laid out so as to connect all proposed parks with the rest of the community. The Community utilizes a major power utility corridor to continue a trail along Shaumber Road through the entire Community and connecting to a regional trail to the north. The trails shown within the Exhibit "B" of the Parks Agreement and the bike lanes depicted within the street cross sections illustrated within Exhibit "L" of the Development Agreement substantiate an abundance of multi-modal transportation opportunities for the future residences of the Community.

Overall the proposed parks and trails system either meets or exceeds the expectations of the Las Vegas 2020 Master Plan goals for park land and trails; therefore, staff is recommending approval of the Parks Agreement Exhibits.

**Table 3: Development Standards Manual**

| *Standard* | *Estate Lot*<br>*Standard Lot* | *Kyle R-1* | *UDC R-1* |
|---|---|---|---|
| Min. Lot Size | **Estate**<br>6,000 SF<br>**Standard**<br>4,000 SF | 4,500 SF | 6,500 SF |
| Min. Lot Width | **Estate**<br>60 Feet<br>**Standard**<br>45 Feet | 40 Feet (30 Feet at cul-de-sac) | 65 Feet (30 Feet at cul-de-sac) |

| **Table 3: Development Standards Manual** | | | |
|---|---|---|---|
| ***Standard*** | ***Estate Lot<br>Standard Lot*** | ***Kyle R-1*** | ***UDC R-1*** |
| Min. Setbacks<br>• Front<br><br><br>• Side<br>• Corner<br><br>• Rear | <br>10 Feet<br><br><br>5 Feet<br>10 Feet<br><br>15 Feet | <br>10 Feet to living, Porch or attached side entry garage<br>18 Feet to front entry garage<br><br>5 Feet<br>5 Feet to porch<br>10 Feet to living<br>10 Feet | <br>20 Feet<br><br><br>5 Feet<br>15 Feet<br><br>15 Feet |
| Max. Lot Coverage | 70% | 60% | 50% |
| Max. Building Height | 3 stories | 35 Feet (2 stories max) | 35 Feet (2 stories max) |
| ***Standard*** | ***Compact Lot*** | ***Kyle R-CL*** | ***UDC R-CL*** |
| Min. Lot Size | 2,500 SF | Conventional 2,000 SF<br>Cluster 2,000 SF | 3,000 SF |
| Min. Lot Width | 30 to 44 Feet | Conventional 26 Feet<br>Cluster 26 Feet | 35 Feet |
| Min. Setbacks<br>• Front<br><br><br>

| Table 3: Development Standards Manual | | | |
|---|---|---|---|
| ***Standard*** | ***Townhome*** | ***Kyle R-TH*** | ***UDC R-TH*** |
| Min. Lot Size | **Narrow Lot**<br>750 SF<br>**Standard Lot**<br>1,200 SF | 1,280 SF | 1,600 SF |
| Min. Lot Width | **Narrow Lot**<br>15 Feet<br>**Standard Lot**<br>20 Feet | 16 Feet | 20 Feet |
| Min. Setbacks<br>• Front | 10 Feet | **From Interior Streets**<br>3 Feet to second story living over garage<br>5 Feet to porch<br>8 Feet to single story living<br>12 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door<br>**From Court Street or Drive Aisle**<br>3 Feet to second story living over garage<br>3 Feet to porch<br>5 Feet to single story living<br>5 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door<br>**From Paseo or Common Open Space**<br>0 Feet to porch<br>0 Feet to single story living<br>0 Feet to second story living | 10 Feet to house<br>5 Feet to porch |
| • Side | 0 Feet | 0 Feet at common wall<br>3 Feet at building end wall | N/A |
| • Corner | 0 Feet | 5 Feet | 10 Feet |
| • Rear | **Detached Garage**<br>31 Feet<br>**Attached Garage**<br>5 Feet min with 2-Foot offset from garage | **Rear (no alley)**<br>5 Feet<br>**Rear (with alley)**<br>3 Feet to second story living over garage<br>3 Feet to porch<br>5 Feet to single story living<br>5 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door | 5 Feet |
| Max. Lot Coverage | N/A | 95% | 95% |
| Max. Building Height | **Neighborhood Residential and Urban Mixed-Use**<br>4 stories<br>**Town Center Mixed-Use**<br>5 stories | 45 Feet (3 stories max) | 45 Feet (3 stories max) |

| ***Standard*** | ***Green Court<br>Paseo Court<br>Cluster Single Family*** | ***Kyle R-2*** | ***UDC R-2*** |
|---|---|---|---|
| Min. Lot Size | 1,800 SF | Conventional 2,000 SF<br>Cluster or Alley 2,000 SF | 6,500 SF |
| Min. Lot Width | 30 Feet (40 Feet at corner lots) | N/A (6-12 Dwelling Units per Acre) | N/A (6-12 Dwelling Units per Acre) |
| Min. Setbacks<br>• Front | **Green Court**<br>8 Feet to green, 10 Feet from street<br>**Paseo Court**<br>10 Feet from street<br>**Cluster Single Family**<br>8 Feet from neighborhood street<br>3 Feet from court street | **From Interior Streets**<br>3 Feet to second story living over garage<br>5 Feet to porch<br>10 Feet to single story living<br>14 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door<br>**From Court Street or Drive Aisle**<br>3 Feet to second story living over garage<br>3 Feet to porch<br>5 Feet to single story living<br>5 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door<br>**From Paseo or Common Open Space**<br>0 Feet to porch<br>0 Feet to single story living<br>0 Feet to second story living | 20 Feet |
| • Side | 3 Feet | 0 Feet at common wall<br>3 Feet a building end wall | 5 Feet |
| • Corner | 10 Feet | 5 Feet | 5 Feet |
| • Rear | **Green & Paseo Court**<br>4 Feet<br>**Cluster Single Family**<br>3 Feet (10 Feet at parcel property line) | **Rear (no alley)**<br>5 Feet<br>**Rear (with alley)**<br>3 Feet to second story living over garage<br>3 Feet to porch<br>5 Feet to single story living<br>5 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door | 20 Feet |
| Max. Lot Coverage | 70% | N/A | N/A |
| Max. Building Height | 3 stories | 38 Feet (3 stories max) | 35 Feet (2 stories max) |
| ***Standard*** | ***Green Court<br>Paseo Court<br>Cluster Single Family<br>Multi-Family*** | ***Kyle R-3*** | ***UDC R-3*** |
| Min. Lot Size | **Courts & Cluster**<br>1,800 SF<br>**Multi-Family**<br>Variable | **Duplex and Townhome Units**<br>Conventional 1,800 SF<br>Cluster or Alley 1,800 SF<br>**Medium Density Apartments**<br>No Minimum | 6,500 SF |
| Min. Lot Width | **Courts & Cluster**<br>30 Feet (40 Feet at corner lots)<br>**Multi-Family**<br>Variable | N/A (13-50 Dwelling Units per Acre) | N/A (13-50 Dwelling Units per Acre) |

| *Standard* | *Green Court*<br>*Paseo Court*<br>*Cluster Single Family*<br>*Multi-Family* | *Kyle R-3* | *UDC R-3* |
|---|---|---|---|
| Min. Setbacks<br>• Front | **Green Court**<br>8 Feet to green, 10 Feet from street<br>**Paseo Court**<br>10 Feet from street<br>**Cluster Single Family**<br>8 Feet from neighborhood street<br>3 Feet from court street<br>**Multi-Family**<br>10 Feet | **Duplex and Townhome Units**<br>**From Interior Streets**<br>3 Feet to second story living over garage<br>5 Feet to porch<br>8 Feet to single story living<br>10 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door<br>**From Court Street or Drive Aisle**<br>3 Feet to second story living over garage<br>3 Feet to porch<br>5 Feet to single story living<br>5 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door<br>**From Paseo or Common Open Space**<br>0 Feet to porch<br>0 Feet to single story living<br>0 Feet to second story living<br>**Medium Density Apartments**<br>10 Feet | 20 Feet |
| • Side | **Courts & Cluster**<br>3 Feet<br>**Multi-Family**<br>10 Feet | **Duplex and Townhome Units**<br>0 Feet at common wall<br>3 Feet a building end wall<br>**Medium Density Apartments**<br>5 Feet | 5 Feet |
| • Corner | **Courts & Cluster**<br>10 Feet | **Duplex and Townhome Units**<br>5 Feet<br>**Medium Density Apartments**<br>5 Feet | 5 Feet |
| • Rear | **Green & Paseo Court**<br>4 Feet<br>**Cluster Single Family**<br>3 Feet (10 Feet at parcel property line)<br>**Multi-Family**<br>4-8 Feet or 20 Feet + | **Duplex and Townhome Units**<br>**Rear (no alley)**<br>5 Feet<br>**Rear (from alley)**<br>3 Feet to second story living over garage<br>3 Feet to porch<br>5 Feet to single story living<br>5 Feet to second story living<br><5 Feet or 18 Feet + to face of garage door<br>**Medium Density Apartments**<br>**From Property Line between two Adjacent Parcels**<br>10 Feet to porch<br>10Feet to living<br>**From Property Line adjacent to Community Open Space**<br>10 Feet to porch<br>10 Feet to living | 20 Feet |
| Max. Lot Coverage | **Courts & Cluster**<br>70%<br>**Multi-Family**<br>75% | N/A | N/A (13-50 Dwelling Units per Acre) |
| Max. Building Height | **Courts & Cluster**<br>3 stories<br>**Multi-Family**<br>4 stories or 5 stories if adjacent to or directly accessible from a | 60 Feet (5 stories max) | 55 Feet (5 stories max) |

| | | | |
|---|---|---|---|
| | Village Street | | |



| ***Standard*** | ***Green Court<br>Paseo Court<br>Cluster Single Family<br>Multi-Family*** | ***Kyle R-4*** | ***UDC R-4*** |
|---|---|---|---|
| Min. Lot Size | **Courts & Cluster**<br>1,800 SF<br>**Multi-Family**<br>Variable | **High Density Apartments**<br>No Minimum | 6,500 SF |
| Min. Lot Width | **Courts & Cluster**<br>30 Feet (40 Feet at corner lots)<br>**Multi-Family**<br>Variable | N/A | N/A |
| Min. Setbacks<br>• Front | **Green Court**<br>8 Feet to green, 10 Feet from street<br>**Paseo Court**<br>10 Feet from street<br>**Cluster Single Family**<br>8 Feet from neighborhood street<br>3 Feet from court street<br>**Multi-Family**<br>10 Feet | 10 Feet | 10 Feet |
| • Side | **Courts & Cluster**<br>3 Feet<br>**Multi-Family**<br>10 Feet | 5 Feet | 5 Feet |
| • Corner | **Courts & Cluster**<br>10 Feet | 5 Feet | 5 Feet |
| • Rear | **Green & Paseo Court**<br>4 Feet<br>**Cluster Single Family**<br>3 Feet (10 Feet at parcel property line)<br>**Multi-Family**<br>4-8 Feet or 20 Feet + | **From Common Property Line between two Adjacent Parcels**<br>10 Feet to porch<br>10Feet to living<br>**From Property Line adjacent to Community Open Space**<br>10 Feet to porch<br>10 Feet to living | 20 Feet |
| Max. Lot Coverage | **Courts & Cluster**<br>70%<br>**Multi-Family**<br>75% | N/A (unlimited Dwelling Units per Acre) | N/A (Unlimited Dwelling Units per Acre) |
| Max. Building Height | **Courts & Cluster**<br>3 stories<br>**Multi-Family**<br>4 stories or 5 stories if adjacent to or directly accessible from a Village Street | 60 Feet | 55 Feet |

| *Standard* | **Town Center Urban Mixed-Use** | *Kyle BLU* | *UDC C-2* |
|---|---|---|---|
| Min. Lot Size | None | None | None |
| Min. Lot Width | None | None | 100 Feet |
| Min. Setbacks<br>• Front<br><br><br><br>• Side<br>• Corner<br>• Rear | None | **Primary Frontage**<br>15 Feet<br>**Secondary Frontage**<br>0 Feet<br>0 Feet<br>0 Feet<br>0 Feet | 20 Feet<br><br><br><br>10 Feet<br>15 Feet<br>20 Feet |
| Max. Lot Coverage | None | 75% | 50% |
| Max. Building Height | None | 60 Feet (5 stories max) | N/A |

## DEVELOPMENT STANDARDS MANUAL ANALYSIS

The proposed Development Standards Manual is in essence a modified version of the Unified Development Code (UDC). Where specific development standards are not called out the UDC shall govern development within the Community. If adopted, the version of the UDC in effect at that time will become the permanent version for the community. The exception listed within the Development Standards Manual have been illustrated within a strike-through version of the UDC as part of this application. The development standards set forth each of the Kyle Canyon residential special land use designations (Kyle R-1, Kyle R-CL, etc.) are less restrictive than that of the UDC and are sometimes slightly more or less restrictive than the development standards of the effective Development Agreement and associated Development Standards Manual. The proposed development standards allow for perspective parcel builders to have flexibility in the design of the site and the structure. This in turn allows the Community as a whole to provide a variety of housing types that will promote diverse and cohesive neighborhoods, in general compliance with the "Resolution Adopted for Development within Kyle Canyon Gateway Area" (R-176-2004). The proposed Development Standards Manual also meets the intent of the Conservation/Sustainable Community Guidelines of the resolution by incorporating an environmental chapter that details conservation requirements for both the builders and the Master Developer.

Commercial development standards for the General Commercial special land use designation defer to the C-2 (General Commercial) zoning district development standards as set forth by the UDC. The Blended Land Use special land use designation was created with the intent to encourage the mix of residential and non-residential uses on the same site or within the same building. This district is intended to have a strong pedestrian realm to it by encouraging high connectivity among the various uses on site and the adjacent neighborhood, as well as providing for public spaces for the enjoyment of the residents and visitors. The development standards set forth for the non-residential uses within this district are designed to encourage buildings along the street frontage to create an urban center. Though the blending of uses on a site is encouraged, it does not restrict a builder from establishing a singular use on a site. Staff is in support of the Blended Land Use special land use district's goal and design standards to achieve those ends.

The street cross sections found within the proposed Development Standards Manual closely align themselves with the standards set forth by the Complete Streets Standards of the UDC (Title 19.04). All of the proposed street cross sections utilize detached sidewalks and most include bike lanes on either side of the road. The proposed street cross sections depict adjacent common lots that range in width from 14 to 25 feet. As compared to the effective Agreement the widths of the common lots have decreased slightly, but in comparison to the UDC they exceed the requirements. Streetscape landscape exhibits within the proposed Development Standards Manual illustrate street tree and shrub planting that either meets or exceeds the requirement of the UDC. In addition, the proposed Development Standards Manual includes a plant list that is identical to the recently adopted Southern Nevada Regional Planning Coalition (SNRPC) plant list. In light of the before mentioned, staff is recommending approval of the proposed Development Standards Manual.

## ARCHITECTURAL DESIGN GUIDELINES ANALYSIS

The Architectural Design Guidelines were created to ensure a cohesive community identity is established, achieved and maintained throughout the project. The standards set forth are looked upon as guiding principles in order to allow for design flexibility as market trends change over the course of the build out of the project. Both single family residential and multi-family residential neighborhood architectural guidelines addressed issues pertaining to building form, building materials and color, roof form and slope, roof materials, garages, porches and window treatments to name a few. The Architectural Design Guidelines include the procedure and submittal requirements for the Design Review Committee (administered by the Master Developer) by which all development proposals will require approval from prior to the submission to any public agency. The Architectural Design Guidelines speaks to some of the design concerns found within the Unified Development Code (UDC), such as not allowing roof mounted mechanical equipment, the screening of mechanical equipment and the prohibiting of the use of reflective glazing. As such, staff has no objection to the proposed Architectural Design Guidelines, as they address design goals that are in line with those of the UDC.

**FINDINGS (DIR-42266)**

In order to approve an application for a Development Agreement, pursuant to Title 19.16.150, the Planning Commission or City Council must affirm the following:

**1. The proposal conforms to the General Plan.**

The proposed Development Agreement is in conformance with Nevada Revised Statutes (NRS) 278.0201 through 278.0207, as it achieves the numerous goals set forth by the Las Vegas 2020 Master Plan. The Development Agreement addresses Goal #3 of the Las Vegas 2020 Master Plan,

> *"Newly developing areas of the city will contain adequate educational facilities and recreational and open space and be linked to major employment centers by mass transit, including buses, and by trails."*

More specifically, the Development Agreement generally meets the intent of several of the objectives put forth by Goal #3 such as,

> *"Objective 3.1: To ensure that new residential subdivisions, with the exception of areas currently designated as rural preservation neighborhoods by Nevada statute, are developed into walkable communities, where reliance on auto trips for convenience shopping and access to education and recreation is minimized, and where development densities support transit."*
>
> *"Objective 3.5: To enhance the visual quality of new development within the city."*
>
> *"Objective 3.6: To ensure that adequate amounts of park space and trail systems are designated and developed to meet or exceed national standards and standards established in the Master Plan Parks Element."*

Furthermore, the proposed Development Agreement generally meets the intent of the Traditional Neighborhood Development (TND) General Plan designation by providing for a mix of housing types, commercial and civic uses within the community. In addition, the resulting community will incorporate natural features, such as the arroyos, as organizational and recreational elements of the community.

2. **The uses which would be allowed on the subject property by approving the Development Agreement will be compatible with the surrounding land uses and zoning districts.**

The uses allowed by the proposed Development Agreement are those allowed by that of the Unified Development Code (UDC). The Master Land Use Plan contained within the proposed Development Agreement illustrates appropriate transitioning of land use from the proposed community and that of the surrounding area by utilizing primarily "Low" and "Medium Low" special land use designations adjacent to areas with similar average densities.

3. **Growth and development factors in the community indicate the need for or appropriateness of the Development Agreement.**

The release of 1,700 acres of land, referred to as the Kyle Canyon Gateway, from the Bureau of Land Management (BLM) at the February 2005 BLM Land Auction, offered the City a unique opportunity to set forth expectations for sustainable development within the area by way of adopted resolution R-176-2004. The current effective Development Agreement, adopted in 2007, created a Master Plan Community that was in general conformance with the intent of resolution R-176-2004 and the Traditional Neighborhood Development General Plan designation. Since its adoption not only has the ownership of the property and the economic state of affairs changed, but certain infrastructure projects have been either completed or revised in their scope. Consequently, the proposed Development Agreement has been revised to reflect the current growth and development conditions. The proposed revisions to the effective Development Agreement are appropriate, as the desire to achieve a sustainable Master Planned Community within the city is high.

4. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed Master Planned Community.**

The existing and proposed street and highway facilities are adequate in size to meet the requirements of the proposed Master Plan Community. Specific details are described within the approved Master Traffic Study.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 37

**NOTICES MAILED** NEWSPAPER ONLY

**APPROVALS** 0

**PROTESTS** 0

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: DIR-42266 APN: See attached

Name of Property Owner: KAG Property, LLC

Name of Applicant: Carwin Advisors, LLC

Name of Representative: Bob Gronauer - Kaempfer Crowell Renshaw Groanuer & Fiorentino

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 __X__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: DAVID L. ASH

Subscribed and sworn before me

This 20 day of June, 2011

Corinne Smit-Ysmael

Notary Public in and for said County and State

CORINNE SMIT YSMAEL
Commission # 1844412
Notary Public - California
San Francisco County
My Comm. Expires Apr 13, 2013

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** Development Agreement

**Project Address (Location)** US 95 and Kyle Canyon Road

**Project Name** Kyle Canyon **Proposed Use** Master Planned Community

**Assessor's Parcel #(s)** See attached **Ward #** 6

**General Plan:** existing n/a proposed n/a **Zoning:** existing n/a proposed n/a

**Commercial Square Footage** n/a **Floor Area Ratio** n/a

**Gross Acres** 1,662 ± **Lots/Units** n/a **Density** n/a

**Additional Information** n/a

**PROPERTY OWNER** KAG Property, LLC **Contact** n/a

**Address** 301 S. College Street **Phone:** n/a **Fax:** n/a

**City** Charlotte **State** North Carolina **Zip** 26288

**E-mail Address** n/a

**APPLICANT** Carwin Advisors, LLC **Contact** Michael Ross

**Address** 8379 W. Sunset Road, Suite 150 **Phone:** 269-0043 **Fax:** 743-3927

**City** Las Vegas **State** Nevada **Zip** 89113

**E-mail Address** michael.ross@carwinadvisors.com

**REPRESENTATIVE** Kaempfer Crowell Renshaw Gronauer & Fiorentino **Contact** Bob Gronauer

**Address** 8345 W. Sunset Road, Suite 250 **Phone:** 792-7000 **Fax:** 796-7181

**City** Las Vegas **State** Nevada **Zip** 89113

**E-mail Address** rjg@kcnvlaw.com

**Property Owner Signature*** _____

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

**Print Name** DAVID L. ASH

Subscribed and sworn before me

This 20th day of June, 20 11.

Corinne Smit-Ysmael

Notary Public in and for said County and State

CORINNE SMIT YSMAEL
Commission # 1844412
Notary Public - California
San Francisco County
My Comm. Expires Apr 13, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | DIR-42266 |
| Meeting Date: | 8-9-11 |
| Total Fee: | 1200 |
| Date Received:* | 6-23-11 |
| Received By: | F.S |

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

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Revised 10/27/08

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CARWIN
ADVISORS

**FIRST AMENDMENT AND RESTATEMENT TO THE**

**DEVELOPMENT AGREEMENT**

**BETWEEN**

**CITY OF LAS VEGAS**

**AND**

**KAG PROPERTY, LLC**

June 2011

**THIS FIRST AMENDMENT AND RESTATEMENT TO THE DEVELOPMENT AGREEMENT** is made and entered into this _____ day of _____, 2011 by and between the **CITY OF LAS VEGAS**, a municipal corporation of the State of Nevada ("City") and **KAG Property, LLC**, a Nevada limited liability company ("Master Developer").

**RECITALS**

A. City has authority, pursuant to NRS Chapter 278 and Title 19 of the Code, to enter into development agreements such as this Agreement, with persons having a legal or equitable interest in real property to establish long-range plans for the development of such property.

B. City and Kyle Acquisition Group, LLC entered into a development agreement which became effective on August 8, 2007 ("Original Agreement").

C. Wachovia Bank, acting as the managing creditor of 41 total creditors, foreclosed on the Property on September 23, 2008. A new entity was formed called KAG Property, LLC.

D. Master Developer and City desire to amend, incorporate, restate and supersede the Original Agreement.

E. Master Developer acknowledges that it is the legal owner of the Property described on Exhibit "A" attached hereto. Master Developer and City desire to enter into this Agreement in conformance with the requirements of NRS Chapter 278, and as otherwise permitted by law.

F. The parties acknowledge that this Agreement will further the goals and values of City as provided by (i) Resolution R-176-2004 adopted by the City Council, (ii) City's Centennial Hills Sector Plan and (iii) the Las Vegas 2020 Master Plan.

G. The parties further acknowledge that this Agreement will (i) provide for public services, public uses and urban infrastructure, (ii) promote the health, safety and general welfare of City and its inhabitants, (iii) minimize uncertainty in planning for and securing orderly development of the Property and surrounding areas, (iv) insure attainment of the maximum efficient utilization of resources within City at the least economic cost to its citizens, and (v) otherwise achieve the goals and purposes for which the laws governing development agreements were enacted.

H. As a result of the development of the Property, City will receive needed jobs, sales and

other tax revenues, significant increases to its real property tax base and substantial improvements to the public infrastructure. City will additionally receive a greater degree of certainty with respect to the phasing, timing and orderly development of City infrastructure by a developer with significant economic resources and experience in the development process.

I. Master Developer understands and acknowledges that there are insufficient public services available in order to properly construct and populate the Community. Subject to the terms and conditions of this Agreement, Master Developer agrees to provide those necessary public services, facilities and infrastructure improvements on the Property and outside the Property as specifically provided for herein.

J. Master Developer desires to obtain reasonable assurances that it may develop the Community in accordance with the terms, conditions and intent of this Agreement. Master Developer's decision to enter into this Agreement and commence development of the Community is based on expectations of proceeding and the right to proceed with the Community in accordance with this Agreement and the Applicable Rules.

K. Master Developer further acknowledges that this Agreement was made a part of the record at the time of its approval by the City Council and that Master Developer agrees without protest to the requirements, limitations, and conditions imposed by this Agreement.

L. The City Council, having determined that this Agreement is in conformance with Resolution R-176-2004, the Centennial Hills Sector Plan and the Las Vegas 2020 Master Plan, and that all other substantive and procedural requirements for approval of this Agreement have been satisfied, and after giving notice as required by the relevant law, and after introducing this Agreement by ordinance at a public hearing on _____, and after a subsequent public hearing to consider the substance of this Agreement on _____, the City Council found this Agreement to be in the public interest and lawful in all respects, and approved the execution of this Agreement by the Mayor of the City of Las Vegas.

NOW, THEREFORE, in consideration of the foregoing recitals, the promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

## SECTION ONE

## DEFINITIONS

For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the following meanings:

“Affiliate” of any person means (a) any other Person directly or indirectly controlling or controlled by or under direct or indirect common control with such Person and (b) any other Person that beneficially owns at least fifty percent (50%) of the voting common stock or partnership interest or limited liability company interest, as applicable, of such Person. For the purposes of this definition, “control” when used with respect to any Person, means the power to direct the management and policies of such Person, directly or indirectly, whether through the ownership of voting securities, partnership interests, by contract or otherwise; and the terms “controlling” or “controlled” have meanings correlative to the foregoing.

"Agreement" means this first amendment and restatement to the development agreement and at any given time includes all addenda and exhibits incorporated by reference and all amendments which hereafter are duly entered into in accordance with the terms of this Agreement.

“Alcohol Related Uses” means any alcohol uses as defined in the UDC.

“Applicable Rules” means and refers to:

(a) The provisions of the Code and all other uniformly-applied City rules, policies, regulations, ordinances, laws, general or specific, which were in effect on the Effective Date;

(b) This Agreement;

(c) The Design Guidelines; and

(d) The term “Applicable Rules” does not include:

(i) Any ordinances, laws, policies, regulations or procedures adopted by a governmental entity other than City;

(ii) Any fee or monetary payment prescribed by City ordinance which is uniformly applied to all development and construction subject to the City’s jurisdiction; or

(iii) Any applicable state or federal law or regulation.

“BLM” means the Bureau of Land Management.

“Building Codes” means the following codes: 2009 International Residential Code; 2009

International Building Code; 1997 Uniform Administrative Code; 2006 Pool Code; 2006 Uniform Plumbing Code; 2005 National Electric Code; 2006 Uniform Mechanical Code; 2009 International Conservation Code; and National Fire Protection Agency 1, to the extent adopted by the City and subject to any modifications that are adopted by the City.

"CCRFCD" means the Clark County Regional Flood Control District.

“CCSD” means the Clark County School District.

“City” means the City of Las Vegas, together with its successors and assigns.

“City Council” means the Las Vegas City Council.

“City Infrastructure Improvement Standards” means in their most recent editions and with the most recent amendments adopted by the City, the Standard Drawings for Public Works Construction Off-site Improvements, Clark County, Nevada; Uniform Standard Specifications for Public Works Construction Off-site Improvements, Clark County, Nevada; Uniform Regulations for the Control of Drainage and Hydrologic Criteria and Drainage Design Manual, Clark County Regional Flood Control District; Design and Construction Standards for Wastewater Collection Systems of Southern Nevada; and any other engineering, development or design standards and specifications adopted by the City Council. The term includes standards for public improvements and standards for private improvements required under the UDC. The term does not include the Kyle Canyon engineered drawings contained in the Design Guidelines.

“City Manager” means the person holding the position of City Manager at any time or their designee. “Code” means the Las Vegas Municipal Code, including all ordinances, rules, regulations, standards, criteria, manuals and other references adopted therein.

“Community” means the Property and any and all improvements provided for or constructed thereupon.

“Designated Builder” means any legal entity that owns any parcel of real property within the Community, provided that such entity is designated as such by Master Developer to City Manager in writing. For purposes of the Applicable Rules, the term "Designated Builder" is intended to differentiate between the Master Developer and any other entity, including an Affiliate, partner or corporation related to Master Developer except to the extent that Master Developer engages in the development of a structure or other improvements on a Development Parcel within the Community, in which case Master Developer

shall so notify the City Manager in writing.

“Designated Builder Parcel” means any real property within the Community owned by a Designated Builder.

“Design Guidelines” means the document prepared by Master Developer and reviewed and approved by City as a part of this Agreement, which is fully incorporated herein.

"Development Parcels" means legally subdivided parcels of land within the Community that are intended to be developed or further subdivided.

"Development Phase" means each of those portions of the Property described on Exhibit "B" hereto.

“Director of Planning” means the Director of the City’s Department of Planning or their designee.

“Director of Public Works” means the Director of the City’s Department of Public Works or their designee.

“DWR” means the State of Nevada Division of Water Resources.

“Effective Date” means the date, on or after the adoption by City of an ordinance approving the execution of this Agreement, and the subsequent execution of this Agreement by the Parties, on which this Agreement is recorded in the Office of the County Recorder of Clark County. Each party agrees to cooperate as requested by the other party to cause the recordation of this Agreement without delay.

“Entitlement Request” means a request by Master Developer or a Designated Builder for any land use approval including, without limitation, a tentative or final subdivision map.

“Final Inspection” means date of approved final inspection for a residential home to be occupied.

“Fire Station” means a building used for fire personnel and equipment.

“Fire Station Site” means property owned or controlled by the City at the southwest corner of Grand Teton and Hualapai.

“Grading Plan, Master Rough” means a plan or plans prepared by a Nevada-licensed professional engineer, to:

(a) Specify areas of less than two hundred (200) acres in size where the Master Developer intends to perform rough grading operations;

(b) Identify existing elevations and features that are to be preserved within the Community and do so at a drawing scale not to exceed one hundred feet (100’) per inch;

(c) Identify approximate future elevations and slopes of roadways, paseos, Development Parcels, open space, and drainage areas;

(d) Identify rough design elevations on a two hundred foot (200') grid, and at street intersections, at pod boundaries and at drainage basin boundaries, or more frequently;

(e) Identify locations and heights of potential stock piles; and

(f) Prior to issuance of any rough grading permit, the Director of Public Works may require an update to the Master Drainage Study to address the impacts of phasing or diverted flows if the Master Drainage Study does not contain sufficient detail for that permit.

The Master Rough Grading Plan shall be reviewed by the Director of Public Works for conformance to the grading and drainage aspects of the approved Master Drainage Study and the Director of Planning shall consider the plan for the aesthetic aspects of the plan. The intent of the document is to establish rough grade elevations for both roadways and Development Parcels such that significant unanticipated grade and earthwork differences do not occur at the time of development of individual subdivisions.

"Grading Plan Specific", which accompanies the Technical Drainage Study, means a detailed grading plan for a development site within the Community to further define the grading within residential or commercial subdivision sites as identified in the Master Rough Grading Plan to a level of detail sufficient to support construction drawings, in accordance with the CCRFCD Hydrologic Criteria and Drainage Design Manual.

"Investment Firm" means an entity whose main business is holding securities of other companies, financial instruments or property purely for investment purposes, and includes by way of example, and not limitation, Venture Capital Firms, Hedge Funds, and Real Estate Investment Trusts. "LVVWD" means the Las Vegas Valley Water District.

"Master Developer" means KAG Property, LLC, a Nevada limited liability company, and its successors and assigns as permitted by the terms of this Agreement.

"Master Drainage Study" means the comprehensive hydrologic and hydraulic study conditionally approved by the Director of Public Works on January 22, 2007 with an amendment conditionally approved by the Director of Public Works on _____ and incorporated in its entirety herein as Exhibit "G".

"Master HOA" means a unit-owners' association organized pursuant to NRS 116.3101, that is comprised of owners of residential dwelling units in the Community.

"Master Land Use Plan" means the approved site plan for the Community, which is Exhibit "F".

"Master Sanitary Sewer Study" means the comprehensive study to be approved by the Director of Public Works prior to the recordation of Parent Final Map.

"Master Studies" means the Master Traffic Study, the Master Drainage Study, and the Master Sanitary Sewer Study.

"Master Traffic Study" means the comprehensive study conditionally approved by the Director of Public Works on May 8, 2007 with an amendment conditionally approved by the Director of Public Works on _____ and incorporated in its entirety herein as Exhibit "G".

"Master Utility Improvements" means those water, sanitary sewer, storm water drainage, power, street light and natural gas improvements within and directly adjacent to the Property necessary to serve the proposed development of the Community other than those utility improvements to be located within individual Development Parcels. All public sewer and public drainage easements located outside of public right-of-way must be within common lots of the Master Developer or of the Designated Builder Parcels.

"Master Utility Plan" means a conceptual depiction of all existing and proposed utility alignments, easements or otherwise, within and directly adjacent to the Property necessary to serve the proposed development of the Community, other than those utility improvements to be located within individual Development Parcels. The Master Developer shall align all proposed utilities within proposed public rights-of-way when reasonable and will dedicate such rights-of-way to the City before granting utility easements to specific utility companies, except easements for existing NV Energy facilities constructed pursuant to BLM grants, and easements necessary for existing and future LVVWD water transmission mains.

"Metro" means the Las Vegas Metropolitan Police Department.

"NRS" means the Nevada Revised Statutes, as amended from time to time.

"Off-Property" means outside of the physical boundaries of the Property.

"Off-Property Improvements," as this definition relates to the Master Studies, means infrastructure improvements located outside the Property boundaries required by the Master Studies or other governmental entities to be completed by the Master Developer due to the development of the

Community.

“On-Property” means within the physical boundaries of the Property.

“On-Property Improvements,” as this definition relates to the Master Studies, means infrastructure improvements located within the Property boundaries required by the Master Studies or other governmental entities to be completed by the Master Developer due to the development of the Community.

“Off-Site Improvements” means any and all improvements necessary for a discrete parcel of property as required by the Applicable Rules.

“Parent Map, Tentative” means a preliminary subdivision map of the Property that is the first discretionary request by the Master Developer to legally subdivide the Property pursuant to the provisions of NRS 278 and the UDC. Such map shall delineate all areas to be subdivided, including roadways and related necessary rights-of-way, easements and common areas. Furthermore, such map shall not include any individual residential lots.

“Parent Map, Final” means a final subdivision map of the Property prepared in accordance with any and all conditions of the approved Tentative Parent Map, NRS 278 and the UDC that acts to legally subdivide the Property.

“Parks Agreement” means that agreement between Master Developer and City identifying the rights, duties and obligations of Master Developer and City as to the design, construction and maintenance of public open space, parks, trails and other recreation amenities to be developed within the Community.

"Party," when used in the singular form, means either Master Developer or City and in the plural form of "Parties" means both Master Developer and City.

“Planning Commission” means the City of Las Vegas Planning Commission.

“Planning Department” means the Department of Planning of the City of Las Vegas.

“Property” means that certain 1661.8 gross acres of unimproved real property which is the subject of this Agreement. The legal description of the Property is set forth at Exhibit “A”.

“RTC” means the Regional Transportation Commission of Southern Nevada.

“SNHD” means the Southern Nevada Health District.

“Standard Improvements” as this definition relates to Section Five, herein, means any and all Off-

Site Improvements including, but not limited to, streets, sewers, sidewalks, curbs, gutters, storm drains streetlights and trails required in the Parks Agreement.

“Subdivision Map” means any instrument under NRS and the UDC which legally subdivides property or gives the right to legally subdivide property, including, without limitation, parcel maps, division of land into large parcels, Tentative and Final Parent maps, tentative commercial subdivision maps, final commercial subdivision maps, reversionary maps, condominium subdivision maps, or tentative or final residential subdivision maps, for all or a portion of the Community.

"Sub-HOA" means a unit-owners’ association organized pursuant to NRS 116.3101, that is comprised of owners of residential dwelling units in the Community and is subordinate to the Master HOA.

“Technical Drainage Study” means: a comprehensive hydrologic study prepared under the direction of and stamped by a Nevada-licensed professional engineer, to:

(a) Estimate the impact of storm water run-off affecting a Development Parcel from on-property and off-property sources;

(b) Estimate the impact of any storm water run-off that will affect down-stream off-property real property;

(c) Identify the impacts of any storm water run-off that will affect the Development Parcel; the on-property proposed drainage facilities and patterns and any off-property drainage facilities and patterns;

(d) Identify the means and methods necessary to mitigate such impact, including a commitment to implement, or pay for such mitigating improvements within a specified time frame; and

(e) Identify the future elevations of roadways.

The Technical Drainage Study shall be approved by the Director of Public Works.

“Telecommunication Facility” means a wireless tower or antenna.

“Term” means the term of this Agreement.

“UDC” means the Unified Development Code.

"Village Street" means any of those roadways identified as Village Streets that is depicted on Exhibit “L” and which Master Developer is obligated to construct pursuant to the Master Traffic Study, together with associated curb, gutter, underground utility improvements including fiber optic interconnect, streetlights, traffic control signs and signals other than those for which a fee was paid pursuant to

Ordinance 5644, sidewalk or trail and landscaping as indicated on the appropriate cross section in the Design Guidelines. Prior to installation of the final lift of asphalt, Designated Builders may have access for Designated Builder Parcel underground utility connections.

**SECTION TWO**

**APPLICABLE RULES AND CONFLICTING LAWS**

2.01 Reliance on the Applicable Rules. City and Master Developer agree that Master Developer will be permitted to carry out and complete the development of the Community in accordance with the terms of this Agreement and the Applicable Rules. The terms of this Agreement shall supersede any conflicting provision of the City Code except as provided in Section 2.02 below.

2.02. Application of Subsequently Enacted Rules by the City. The City shall not amend, alter or change any Applicable Rule as applied to the development of the Community, or apply a new fee, rule regulation, resolution, policy or ordinance to the development of the Community, except as follows:

(a) The development of the Community shall be subject to the Building Codes in effect at the time of issuance of the permit for the particular development activity.

(b) The application of a new uniformly-applied rule, regulation, resolution, policy or ordinance to the development of the Community is permitted, provided that such action is necessary to protect the health, safety and welfare of City residents, and provided that City gives Master Developer written notice 30 days prior to implementing a new policy.

(c) Nothing in this Agreement shall preclude the application to the Community of new or changed rules, regulations, policies, resolutions or ordinances specifically mandated and required by changes in state or federal laws or regulations. In such event, the provisions of Section 2.04 to 2.06 of this Agreement are applicable.

(d) Should the City adopt or amend rules, regulations, policies, resolutions or ordinances and apply such rules to the development of the Community, other than pursuant to one of the above Sections 2.02(a), 2.02(b) or 2.02(c), the Master Developer shall have the option, in its sole discretion, of accepting such new or amended rules by giving written notice of such acceptance. City and the Master Developer shall subsequently execute an amendment to this Agreement evidencing the Master Developer's acceptance of the new or amended ordinance, rule, regulation or policy within a reasonable time.

2.03. Application of New Fees. Notwithstanding Section 2.02 above, City may increase fees

imposed by Ordinance 5644, cost-based processing fees, entitlement processing fees, inspection fees, plan review fees, facility fees, water connection fees or sewer connection fees that uniformly apply to all development in City.

2.04 Conflicting Federal or State Rules. In the event that any federal or state laws or regulations prevent or preclude compliance by City or Master Developer with one or more provisions of this Agreement or require changes to any approval given by City, this Agreement shall remain in full force and effect as to those provisions not affected, and:

(a) Notice of Conflict. Either Party, upon learning of any such matter, will provide the other party with written notice thereof and provide a copy of any such law, rule, regulation or policy together with a statement of how any such matter conflicts with the provisions of this Agreement; and

(b) Modification Conferences. The Parties shall, within thirty (30) calendar days of the notice referred to in the preceding subsection, meet and confer in good faith and attempt to modify this Agreement to bring it into compliance with any such federal or state law, rule, regulation or policy.

2.05 City Council Hearings. In the event either Party believes that an amendment to this Agreement is necessary due to the effect of any federal or state law, rule, regulation or policy, the proposed amendment shall be scheduled for hearing before the City Council. The City Council shall determine the exact nature of the amendment necessitated by such federal or state law or regulation. Master Developer shall have the right to offer oral and written testimony at the hearing. Any amendment ordered by the City Council pursuant to a hearing contemplated by this Section 2.05 is subject to judicial review, but such review shall be filed within twenty-five (25) calendar days from the date of the hearing. The Parties agree that any matter submitted for judicial review shall be subject to expedited review in accordance with Rule 2.15 of the Eighth Judicial District Court of the State of Nevada.

2.06 City Cooperation. City shall cooperate with Master Developer in securing any City permits, licenses or other authorizations that may be required as a result of any amendment resulting from actions initiated under Section 2.05. As required by the Applicable Rules, Master Developer shall be responsible to pay all applicable fees in connection with securing of such permits, licenses or other authorizations.

## SECTION THREE

## PLANNING AND DEVELOPMENT OF THE COMMUNITY

3.01. Permitted Uses, Density, Height and Size of Structures. Pursuant to NRS Chapter 278, this Agreement must set forth the maximum height and size of structures to be constructed in the Community, the density of uses and the permitted uses of the land for each parcel within the Community.

(a) Maximum Units Permitted. The number of dwelling units within the Community shall not exceed nine thousand ( 9,000).

(b) Permitted Unit Types. The types of buildings and dwelling units permitted in the Community are as set forth in the Design Guidelines.

(c) Density. The maximum density permitted on the Property shall be as set forth in the Kyle Canyon Residential Land Use Table and the related Master Land Use Plan, both of which are attached as Exhibit "F" to this Agreement and incorporated fully herein. Master Developer shall have the right to determine the number of residential dwelling units to be developed on any Development Parcel so long as all the terms and conditions of the Design Guidelines that relate to product density and product type are adhered to.

(d) Maximum Height and Size of Structures. The maximum height and size of structures within the Community is as set forth in the Design Guidelines.

(e) Land Uses. City acknowledges and agrees that the land use categories allowed within the Community are designated on the Master Land Use Plan and the uses permitted within each category are as described in this Agreement and the Design Guidelines. The Kyle Canyon Development Standards and Architectural Design Guidelines are attached as Exhibit "M".

(f) **Permitted Uses and Proximity Restrictions**. The Master Developer is providing the City with a well-integrated, quality Community with an appropriate and harmonious mix of residential, commercial, open space, recreational and public uses.

(i) Permitted Uses. There are certain uses that the Master Developer proposes to be placed in general commercial and blended use parcels that would otherwise require a special use permit and waiver of the proximity restrictions between Alcohol Related Uses and other Alcohol Related Uses and between Alcohol Related Uses and parks and/or schools. Because a Community requires a mixture of uses to serve the Community, the City and Developer agree that such certain uses should be permitted. The list of permitted uses as set forth below does not preclude

the Master Developer from applying for other special use permits as set forth in the UDC. Furthermore, Master Developer and City agree that other parcels not listed below may submit a special use permit and waiver, however; the other parcels not listed below must comply with the entitlement process outlined in the UDC. Master Developer agrees that the permitted uses set forth below are subject to the Development Standards and Design Guidelines and site development plan review process.

| *Parcel | Permitted Uses |
|---|---|
| B-7<br>General Commercial.<br>Generally located at Sheep Mountain Parkway and Horse Drive (5.3 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| B-9<br>Blended Use.<br>Generally located at Hualapai Way and Horse Drive. (22.89 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| B-10<br>Blended Use.<br>Generally located at Grand Canyon Drive and Horse Drive (45.99 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| C-11<br>Blended Use.<br>Generally located at Hualapai Way and Grand Canyon Drive (42.32 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Package liquor off-sale establishment; |
| C-12<br>Blended Use.<br>Generally located between US95 and Grand Canyon Drive (11.99 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| E-21 | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry- |

| | |
|---|---|
| Three parcels adjacent to Sky Pointe Drive (approximately 26 acres) | Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |

*The Blended Use Zone and General Commercial Zone parcels are depicted on Exhibit "F".

3.02 Phasing of Construction.

(a) Generally. While Master Developer has the sole discretion to decide upon the date that it commences development of the Community and any improvements therein, Master Developer agrees to construct certain improvements that are a direct public benefit in coordination with the development milestones set forth in this Section 3.02 and in the Parks Agreement.

(b) Phasing Map. Attached hereto as Exhibit "B" is a map of the Community that generally describes the phases of construction of the Community. The phases may be revised by Master Developer as necessary to address the residential market demands. Revisions shall be coordinated with the Director of the City's Department of Planning and the Director of Public Works. Prior to the submittal of the Parent Final Map, Master Developer will submit a draft phasing schedule to City.

(c) Phasing Schedule. Master Developer shall complete the construction of all Village Streets within a development phase as follows:

A minimum of two lanes of asphalt pavement on the Village Street providing the main access to a particular Designated Builder Parcel, and a working sanitary sewer connection shall be in place prior to final inspection of any dwelling units within that Designated Builder Parcel. Permanent improvements on all major access Village Streets shall be substantially constructed as determined by the Director of Public Works prior to issuance of any building permits beyond 50% of all units within that Designated Builder Parcel. In addition, a roadway network to the boundary of this Designated Builder Parcel must be completed such that both vehicular and pedestrian access is provided.

All off-site improvements adjacent to that Designated Builder Parcel which will reasonably be used by residents of that parcel, shall be substantially constructed as determined by the Director of Public Works, prior to issuance of building permits beyond 75% of all units within that Designated Builder Parcel. The above thresholds notwithstanding, all adjacent Village Streets shall be substantially complete as

determined by the Director of Public Works within 24 months of the commencement of construction of such adjacent Village Streets or as amended with the traffic study phasing plan. All required landscaping along streets adjacent to the Designated Builder Parcel will be complete within 2 months of the final inspection of the final unit in that Designated Builder Parcel.

(d) Site Grading. Master Developer and any Designated Builder may grade portions of the Property in conformance with the approved Master Drainage Study and applicable Development Parcel Technical Drainage Studies prior to approval of any additional drainage studies provided the Master Traffic Study has been approved, a Master Rough Grading Plan(s) has been approved for the area to be graded, the Parent Final Map is recorded and a completion bond has been posted with the City for the cost of the proposed grading. The completion bond will not exceed one million dollars ($1,000,000.00) for each Master Rough Grading Plan (i.e. 200 acre area). This bond(s) will be released by the City after the work is substantially complete or after Technical Drainage Studies that address the same area of the Property have been approved, whichever occurs first.

(e) Parks. Master Developer shall commence the design and construction of all parks and trails in the Community in accordance with the terms of the Parks Agreement.

(f) Assumption of Responsibility by Multiple Contractors. Permits that are awarded by City for each approved plan set will be based on work to be performed by each contractor. If a plan set includes multiple facets or phases of construction, separate contractors can pull permits. In the event of multiple permits and separate contractors per approved plan, Master Developer will provide City with regular updates identifying the approved permits that have been awarded for each plan.

3.03. Modifications of Design Guidelines**.** Modifications are changes to the Design Guidelines that apply permanently to all development in the Community. The Parties agree that modifications of the Design Guidelines are generally not in the best interests of the effective and consistent development of the community, as the Parties spent a considerable amount of time and effort negotiating at arms-length to provide for the community as provided by the Design Guidelines. However, the Parties do acknowledge that there are special circumstances which may necessitate the modification of certain provisions of the Design Guidelines to accommodate unique situations which are presented to the Master Developer upon the actual development of the community. Further, the Parties agree that modifications of the Design Guidelines can change the look, feel and construction of the community in such a way that

the original intent of the Parties is not demonstrated by the developed product. To that end, the Parties also agree that the only proper entity to request a modification of the Design Guidelines is the Master Developer entity itself, and not a Designated Builder or any other purchaser of real property within the community.

(a) Applicant. Requests for all modifications of the Design Guidelines may be made only by Master Developer.

(b) Minor Modifications. Minor Modifications are changes to the Design Guidelines that include:

(i) changes in architectural styles, color palettes and detail elements.

(ii) the addition of similar and complementary residential or commercial uses and architectural styles, color palettes and detail elements.

(iii) changes in building materials.

(iv) changes in landscaping materials, plant palettes, and landscaping detail elements.

(c) Submittal, Review, Decision, and Appeal.

(i) An application for Minor Modification of the Design Guidelines may be made to the Director of Planning for their consideration. The Director of the Department of Planning shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(ii) The Director of the Department of Planning may, in their discretion, approve a Minor Modification or impose any reasonable condition upon such approval. The Director of Planning shall issue a written decision within 30 business days of receipt of the application. The decision is final unless it is appealed by the Master Developer pursuant to Section (iii) below. Applications for which no written decision is issued within 30 business days shall be deemed approved. If the Director of the Department of Planning rejects a request for a Minor Modification, the request shall automatically be deemed a Major Modification, and at the option of the Master Developer, the decision of the Director of the Department of Planning may be appealed to the Planning Commission.

(iii) Master Developer may appeal any decision of the Director of the Department of Planning to the Planning Commission by providing a written request for an appeal within 10 business

days of receiving notice of the decision. The Planning Commission shall hear such appeal within thirty (30) days.

(iv) Master Developer may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the Planning Commission action. The City Council shall hear such appeal within thirty (30) days.

(d) Major Modifications.

(i) Any application for a modification to the Design Guidelines that does not qualify as a Minor Modification is a Major Modification. All applications for Major Modifications shall be heard by the Planning Commission within forty five (45) days of either the City's receipt of the application or its receipt of the appeal provided for in Section (c) above, whichever is applicable.

(ii) Prior to Planning Commission consideration of a Major Modification that increases density in the Community the Master Developer shall meet and confer with the Director of Public Works or his designee as to whether an update to the Master Studies is required. If the Director of Public Works or his designee requires an update to one or more of the Master Studies, such update shall be prepared by Master Developer and submitted to the Department of Public Works no later than fifteen (15) business days prior to the Planning Commission hearing

(iii) All actions by the Planning Commission on Major Modifications shall be heard by the City Council within thirty (30) days of such action.

3.04 Deviation to Design Guidelines. A deviation is an adjustment to a particular requirement of the Design Guidelines for a particular Designated Builder Parcel or lot.

(a) Minor Deviation. A Minor Deviation must not have a material and adverse impact on the overall development of the Community and may not exceed ten percent (10%) of a particular requirement delineated by the Design Guidelines. An application for a Minor Deviation may only be made under the following circumstances:

1) A request for deviation from any particular requirement delineated by the Design Guidelines on ten percent (10%) or less of the lots in a Designated Builder Parcel; or

2) A request for deviation from the following particular requirements on greater than 10% of the lots in a Designated Builder Parcel or on an entire Designated Builder Parcel:

a) Changes in architectural styles, color palettes and detail elements.

b) The addition of similar and complementary residential or commercial uses and architectural styles, color palettes and detail elements.

c) Changes in building materials.

d) Changes in landscaping materials, plant palettes, and landscaping detail elements.

e) Setback encroachments for courtyards, porches, miradors, casitas, architectural projections as defined by the Design Guidelines, garages and carriage units.

f) Height of courtyard walls.

(i) Administrative Review Permitted. An application for a Minor Deviation may be filed by the Master Developer or a Designated Builder as provided herein. Any application by a Designated Builder must include a written statement from the Master Developer that it either approves or has no objection to the request.

(ii) Submittal, Review and Appeal

(1) An application for a Minor Deviation from the Design Guidelines may be made to the Director of the Department of Planning for their consideration. The Director of the Department of Planning shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(2) The Director of the Department of Planning may, in their discretion, approve a Minor Deviation or impose any reasonable condition upon such approval. The Director of the Department of Planning shall issue a written decision within thirty (30) business days of receipt of the application. The decision is final unless it is appealed by the Master Developer pursuant to Section (3) below. Applications for which no written decision is issued within 30 days shall be deemed approved.

(3) Master Developer or Designated Builder may appeal any decision of the Director of the Department of Planning to the Planning Commission by providing a written request for an appeal within 10 business days of receiving notice of the decision. The Planning Commission shall hear such appeal within thirty (30) days.

(4) Master Developer or Designated Builder may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the Planning Commission action. The City Council shall hear such appeal within thirty (30) days.

(b) Major Deviation. A Major Deviation must not have a material and adverse impact on the overall development of the Community, may exceed ten percent (10%) of any particular requirement delineated by the Design Guidelines but may not exceed ten percent (10%) of the lots in a Designated Builder Parcel.

(i) City Council Approval Required. An application for a Major Deviation may be filed by the Master Developer or a Designated Builder as provided herein. Any application by a Designated Builder must include a written statement from the Master Developer that it either approves or has no objection to the request.

(ii) Submittal, Review and Approval.

(1) All applications for Major Deviations shall be heard by the Planning Commission within forty five (45) days of the City's receipt of the application.

(2) All actions by the Planning Commission on Major Deviations shall be scheduled for a hearing by the City Council within thirty (30) days of such action.

(c) If Master Developer or Designated Builder requests a deviation from adopted City Infrastructure Improvement Standards or the Kyle Canyon Engineered Details, an application for said deviation shall be submitted to the Land Development Section of the Department of Building and Safety and related fees paid for consideration by the City Engineer pursuant to the Applicable Rules.

(d) Any request for deviation other than those specifically provided shall be processed pursuant to Section 3.03 (Modifications of Design Guidelines).

3.05. Entitlement Requests.

(a) Generally. City agrees to cooperate reasonably with Master Developer to:

(i) Expeditiously process all Entitlement Requests in connection with the Property that are in compliance with the Applicable Rules and Master Studies; and

(ii) Subject to reasonable conditions not otherwise in conflict with the Applicable Rules or the Master Studies, promptly consider the approval of Entitlement Requests.

(b) Required Zoning Entitlement for Property. The Parties acknowledge and agree that the proper means to legally entitle the Property for eventual development is by way of the Master Developer's application and for a Traditional Development (T-D) Zoning Classification and an approved Traditional Development Community Program for the Property in accordance with the UDC.

The City Council finds that this Agreement, together with the exhibits and attachments, which include the Master Land Use Plan, the Design Guidelines, and the Master Studies fulfill and accomplish the required submittals pursuant to the T-D zoning district and shall be the basis of any approvals granted to the Master Developer under a T-D zoning district application.

(c) Other Entitlement Requests. Except as provided herein including the requirements of Section 7.05, all other Entitlement Request applications shall be processed by City according to the Applicable Rules. The Parties acknowledge that the procedures for processing such Entitlement Request applications are governed by the Code. In addition, any additional application requirements delineated herein shall be supplemental and in addition to such Code requirements.

(i) Parent Tentative Map. Master Developer shall satisfy all Code requirements and the following conditions precedent before filing an application for consideration of a Parent Tentative Map:

(1) Conditional approval of all Master Studies;

(2) Submittal of an exhibit acknowledging that all parcels within the Property, including those parcels “Not a Part” have, or will be provided legal access; and

(3) Submittal of a Master Utility Plan.

(4) The Parent Tentative Map shall show all additional right-of-way for turn lanes and bus turnouts required by the Master Traffic Study, and such additional rights-of-way shall be dedicated on the Parent Final Map unless an update to the approved Master Traffic Study is submitted to and approved by the Department of Public Works that shows that specific additional rights-of-way are not required. Comply with the recommendations of the approved Master Traffic Study update prior to occupancy of the site. If additional rights-of-way are not required and Traffic Control devices are or may be proposed within or adjacent to this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted on the Parent Final Map. Phased compliance will be allowed if recommended by the approved Master Traffic Study. No recommendation of the approved Master Traffic Study, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commissioner or the City Council on the development of this site.

(ii) Parent Final Subdivision Map. Master Developer shall satisfy all Code requirements before filing an application for consideration of a Parent Final Subdivision Map; provided

that the Parent Final Map shall not contain any individual residential lots and the Parent Final Map shall not require any improvement bonds and the requirement of the UDC shall be deemed to be satisfied. However, any subsequent subdivided maps including residential lots shall be bonded pursuant to the requirements of the UDC.

1) The City will accept submittals of tentative subdivision maps for Designated Builder Parcels for review and approval upon the concurrent submittal of the Parent Final Map(s) in response to the comments provided as a result of the City Blueline Technical Review.

(iii) Tentative Subdivision Map. Master Developer and/or Designated Builders shall satisfy all Code requirements for filing of an application for consideration of a tentative subdivision map.

(iv) Site Development Plan Review. Master Developer and/or Designated Builders shall satisfy all Code requirements for the filing of an application for a site development plan review. The Parties further agree that:

(1) City staff shall consider and make a decision with respect to any application for a Site Development Plan within thirty (30) days of receipt of the application.

(2) Any appeal of an adverse decision on a site development plan review shall be scheduled for a hearing before the City Council within forty-five (45) days of City's receipt of the application for appeal.

(v) Special Use Permits. Master Developer and/or Designated Builders shall satisfy all Code requirements for the filing of an application for a special use permit. The Parties further agree that:

(1) Except as otherwise provided in this Agreement and the Design Guidelines, special use permit applications shall be processed in accordance with the UDC.

(2) City shall not accept any special use permit application without written verification that the Master Developer either approves of the application or has no objection thereto.

(vi) Gaming Enterprise District—Hotel/Casino. A Gaming Enterprise District and an establishment offering non-restricted gaming is approved within the Community. City recognizes that non-restricted gaming establishments have been appropriately included and developed in other master-planned communities throughout the City and Clark County, and City acknowledges that the Community is an appropriate location for a non-restricted gaming establishment as well. A hotel or appurtenant

structure associated with a non-restricted gaming establishment shall be no greater than 160 feet in height.

3.06. Dedicated Staff and the Processing of Applications.

(a) Processing Fees, Generally. All Entitlement Requests, Minor or Major Modification Requests and all other requests related to the development of the Community shall pay the fees as provided by the UDC.

(b) Designated Builders will be permitted to submit Applications for building permits for model homes earlier than would otherwise be required under the Applicable Rules upon compliance with the same requirements that City has traditionally imposed on developers for model homes building permits as of the Effective Date.

(c) Inspection Fees. Construction documents and plans that are prepared on behalf of Master Developer for water facilities such as water pumping stations, water reservoirs, water transmission mains, and water distribution mains, that are reviewed by City for approval, shall not require payment of inspection fees to City unless the water service provider agrees not provide those inspection services.

3.07. Impact Statement as Required by Chapter 481, Statutes of Nevada 1999. The Impact Statement for Projects of Significant Impact within the Las Vegas Urban Growth Zone was timely submitted to City. City received and reviewed the Impact Statement and finds that it satisfies the statutory requirements. The Impact Statement is set forth herein at Exhibit "C."

3.08. Common Name for the Community. Master Developer shall establish a common name for the Community and shall disclose such proposed name to City by written letter to City Manager. City acknowledges that Master Developer will devote substantial resources to promote such common name and protect its value as a unique intellectual property right, which may include filing state and federal registrations for such name. The Parties therefore agree that Master Developer shall have the exclusive right to own, control and license the name. City shall have no obligation to police the use, wrongful or otherwise, of the name by third parties.

3.09. "Saw-tooth Street" Mitigation Required. Where "Not a Part" parcels exist within or adjacent to the Property, that are or will be developed outside of the Community framework, but are bounded on two (or more) sides by developments within the Community, and that result in a "saw-tooth

street improvement" (as generally and customarily defined in the Las Vegas Valley) or a non-continuous roadway, Master Developer shall construct such improvements necessary to tie the roadways and any applicable sidewalks or trails together or eliminate the saw-tooth, whichever is necessary. If such construction is restricted due to a lack of available rights-of-way, City agrees to either obtain the necessary rights-of-way at no cost to Developer or relieve Master Developer of the requirement to construct such facilities.

3.10. Identity Monuments. Prior to the construction of any identity monuments on the Property, Master Developer shall submit for approval a plan which includes the design and placement of the identity monuments. Such plan shall be reviewed and acted upon by City within thirty (30) days of receipt by City. If the City does act within thirty (30) days, City shall be conclusively deemed to have approved the design and location of the monuments. Sign permits for such Identity Monuments may be issued at any time after approval. Any appeal by the applicant of an adverse decision shall be scheduled for a hearing before the City Council within forty-five (45) days of the City's receipt of the application for appeal.

3.11. Common Area Landscaping. All common area landscaping shall be designed and constructed in accordance with the Design Guidelines. Sidewalks, landscaping and other appurtenances within common areas shall be maintained by the Master HOA or a Sub-HOA, at Master Developer's option. Unless provided for in the Parks Agreement, all landscaping that is not the responsibility of a lot owner to maintain shall be maintained by the Master HOA or a Sub-HOA. City and Master Developer, Master HOA and/or Sub HOA shall enter into appropriate encroachment agreements to the City for the installation and maintenance of landscaping at no cost to the City. The parties agree that such right of encroachment is for the mutual benefit of the City, Master Developer and the Master HOA and any Sub-HOA. Master Developer shall have the right to assign such encroachment rights to the Master HOA and any Sub-HOA.

3.12. Streetlight and Banners. The Master Developer shall install an approved City standard streetlight applicable at the time of the construction.

At the Master Developer's option, and with written approval from the City, hanging brackets may be installed on the standard streetlight poles that would support the placement of banners. Banners may only be used for community identification, special events or seasonal identification. If installed, repairs to the poles or brackets as a result of bracket installation, or damage from banners, etc. will be performed by

the Master HOA. Prior to installation of banners, the banner mounting hardware must be approved by the City's Traffic Engineering Maintenance Section, in addition to certification and approval from the pole manufacturer as to the type of brackets, materials, mounting methods, size of banner and wind loading is required to maintain structural integrity of the poles and maintain any and all pole warranties and certifications. A certification letter stamped and signed by a registered Professional Engineer must be submitted to the Traffic Engineering Maintenance Section prior to approval for the banners.

3.13. Telecommunications Facilities. The Parties acknowledge that temporary and permanent Telecommunication Facilities are a necessary component to effective communication and will be necessary on the Property. The Parties agree that determining the appropriate location(s), number, and general appearance of Telecommunication Facilities as part of this Agreement will permit both the Master Developer and the City to appropriately plan the Community and will help minimize any potential conflicts or disputes that might arise in regard to permits for such facilities in the future. Therefore, the Parties agree that Telecommunication Facilities on the Property shall be subject to the following conditions:

(a) The Telecommunication Facilities must comply with Federal Communication Commission standards;

(b) Within six months of the recordation of the Final Parent Map, Master Developer shall submit a Telecommunications Facilities Map for consideration and approval by the Planning Commission and City Council to indicate the location of Telecommunication Facilities.

The Telecommunication Facilities shall be located on the property identified by the Telecommunication Facilities Map, subject to administrative review pursuant to the Code, unless otherwise indicated by the Design Guidelines, and in the case of facilities located on City-owned property, approval of lease from the City is required;

(c) The Telecommunications Facilities shall be architecturally compatible with the Design Guidelines and incorporate reasonable camouflaging/stealth techniques such as architecturally screened roof-mounted antennas or incorporation into flagpoles and the like;

(d) Master Developer shall use all reasonable efforts to ensure co-location of Telecommunication Facilities;

(e) Telecommunication Facilities shall not obstruct public safety communications and the usual and customary transmission of other communication services enjoyed by adjacent property owners;

and

(f) Freestanding (stand alone) Telecommunications Facilities not located on City-owned property shall not be in excess of seventy (70) feet in height and shall not be located within one hundred (100) feet of any residential lot.

3.14 Right-Of-Way Agreements For Optical Fiber. City shall permit the installation of optical fiber conduit and optical fiber, together with all necessary appurtenances in all City rights-of-way within the Property upon the proper execution of Right-Of-Way Agreement between the Master Developer, or its designee, and the City.

Such Right-Of-Way Agreement shall include, at a minimum, the following provisions: a phasing plan for such improvements; any such improvements to be constructed within the City's right-of-way shall be indicated and approved on civil improvement plans; any such improvements shall not exceed 120 feet in length within the public right-of-way, unless otherwise approved by the Director of Public Works; payment by the Master Developer or its designee of an initial fee of $10,000.00 and a continuing annual fee of $5,000.00, payment of which is to commence upon the installation of the first instance of optical fiber within the optical fiber conduit, and on every anniversary of the first installation thereafter; Master Developer to notify the Director of Public Works in writing of the first instance of installation of optical fiber; and an annual payment by the Master Developer of $1.33 for each linear foot of conduit within the City's right-of-way, subject to annual adjustment based upon the Consumer Price Index, All Urban Consumers (CPI-U).

3.15. Blasting. Master Developer agrees to comply with all Code and City written policies as related to blasting.

3.16. Property Dedications to City. Except as provided in Section 7.05, any real property (and fixtures thereupon) transferred or dedicated to City or any other public entity shall be free and clear of any mortgages, deeds of trust, liens or encumbrances (except for any encumbrances that existed on the patent at the time it was delivered to Master Developer from the United States of America).

3.17. Anti-Moratorium. The Parties agree that no moratorium or future ordinance, resolution or other land use rule or regulation imposing a limitation on the construction, rate, timing or sequencing of the development of property including those that affect parcel or subdivision maps, building permits, occupancy permits or other entitlements to use land that are issued or granted by City shall apply to the

development of the Community or portion thereof. Notwithstanding the foregoing, City may adopt ordinances, resolutions or rules or regulations that are necessary to:

(a) comply with any state or federal laws or regulations as provided by Section 2.04, above;

(b) alleviate or otherwise contain a legitimate, bona fide harmful and/or noxious use of the Property, in which event the ordinance shall contain the most minimal and least intrusive alternative possible, and shall not, in any event, be imposed arbitrarily; or

(c) maintain City's compliance with non-City and state sewerage, water system and utility regulations. However, the City as the provider of wastewater collection and treatment for this development shall make all reasonable best efforts to insure that the wastewater facilities are adequately sized and of the proper technology so as to avoid any sewage caused moratorium.

In the event of any such moratorium, future ordinance, resolution, rule or regulation, unless taken pursuant to the three exceptions contained above, Master Developer shall continue to be entitled to apply for and receive consideration of Entitlement Requests and other applications contemplated in Section 3 in accordance with the Applicable Rules.

3.18. Cooperation in Financing. City will execute and deliver within thirty (30) days of a written request from Master Developer, such documents as may be reasonably necessary to acknowledge that:

(a) City has no lien on the Property as a direct result of this Agreement, or disclosure of any City liens that exist; and

(b) City is not aware of a default of this Agreement by Master Developer or if it is in default of this Agreement, the specific ground(s) of default. Nothing herein shall be deemed to relieve Master Developer of its obligations under this Agreement or its liability for failure to perform its obligations under this Agreement.

3.19. Franchise Agreements. City warrants that it has entered into franchise agreements with all of the public utility companies that provide adequate utility services to the Property, specifically, NV Energy, Century Link, Southwest Gas Corporation, and Cox Communications.

3.20. Commercial Development Standards and Design Guidelines. All commercial development within the community shall be subject to the commercial development standards and design guidelines pursuant to the C-2 zoning district of the UDC. All permissible uses shall refer to the zoning districts described in the table on page 2 of the Kyle Canyon Development Standards.

## SECTION FOUR

## MAINTENANCE OF THE COMMUNITY

4.01 Maintenance of Public and Common Areas.

(a) Master Community HOA. Master Developer agrees to organize a Master HOA to manage and maintain sidewalk, common landscape areas, any landscaping within the street rights-of-way including median islands, private drainage facilities located within common elements, including but not limited to, rip-rap lined channels and natural arroyos as determined by the Master Drainage Study or applicable Technical Drainage Studies, but excluding City dedicated public streets, curbs, gutters, streetlights upon City-dedicated public streets, City owned traffic control devices and traffic control signage and permanent flood control facilities as identified on the Regional Flood Control District Master Plan Update that are eligible for maintenance funding. The Master HOA shall be formed at the time of recordation of the first residential subdivision map, not including the Final Parent Map.

(b) Maintenance Obligations of the Master HOA and Sub-HOAs. Except as provided in the Parks Agreement, the Master HOA and the Sub-HOAs (which hereinafter may be referred to collectively as the "HOAs") shall be responsible to maintain in good condition and repair all common areas that are transferred to them for repair and maintenance (the "Maintained Facilities"), including, but not limited to all developed and undeveloped sidewalks, private streets, private alleys, private drives, landscaped areas, parks and park facilities, trails, amenity zones, drainage facilities within Common Elements, sight visibility zones, and any landscaping in, on and around medians and public rights-of-way.

Master Developer acknowledges and agrees that common-interest communities will be created and governed by Declarations as such term is defined in NRS 116.037. Such Declarations will be recorded by Master Developer or Designated Builders as an encumbrance against the property to be governed by the appropriate HOA. In each case, the HOA shall have the power to assess the encumbered property to pay the cost of such maintenance and repair and to create and enforce liens in the event of the nonpayment of such assessments. Master Developer further agrees that such Declarations will contain a covenant running to the benefit of City, and enforceable by City, that such facilities will be maintained in good condition and repair. Such HOAs will be Nevada not-for-profit corporations with a board of directors elected by the subject owners, provided, however, that Master Developer may control the board of directors of such HOA for as long as permitted by applicable law.

(c) Such Declarations must be executed and recorded with the office of the Clark County Recorder, and shall include the following provisions, the form of which provisions is to be approved by the City:

(i) that the governing board of the HOA must have the power to maintain the Maintained Facilities;

(ii) that the plan described in Section 4.02 can only be materially amended by the HOA board with the written consent of City;

(iii) that the powers under the Declaration cannot be exercised in a manner that would defeat or materially and adversely affect the implementation of the Maintenance Plan; and

(iv) that in the event the HOA fails to maintain the Maintained Facilities in accordance with the provisions of the plan described in Section 4.02, City may exercise its rights under the Declaration, including the right of City to levy assessments on the property owners for costs incurred by City in maintaining the Maintained Facilities, which assessments shall constitute liens against the land and the individual lots within the subdivision which may be executed upon. City shall have the right to review the Declaration for the sole purpose of determining its compliance with the provisions of this Section 4.

4.02 Maintenance Plan. For park and common areas, maintained by an HOA the Declaration pursuant to this Section 4 shall provide for a plan of maintenance that contains provisions that substantially conform to those set forth in Exhibit "F" of the Parks Agreement.

4.03 Release of Master Developer. Following Master Developer's creation of HOAs to maintain the Maintained Facilities, and approval of the maintenance plan with respect to each HOA, City will hold each HOA responsible for the maintenance of the Maintained Facilities in each particular development covered by each Declaration and Master Developer shall have no further liability in connection with the maintenance and operation of such particular Maintained Facilities. Notwithstanding the preceding sentence, Master Developer shall be responsible for the plants, trees, grass, irrigation systems, and any other botanicals or mechanical appurtenances related in any way to the Maintained Facilities pursuant to any and all express or implied warranties provided by Master Developer to the HOA under NRS Chapter 116.

4.04 City Maintenance Obligation Acknowledged. City acknowledges and agrees that all

permanent flood control facilities as identified on the Regional Flood Control District Master Plan Update and eligible for maintenance funding and all City dedicated public streets (excluding any landscape within the right-of-way), associated curbs, gutters, City-owned traffic control devices, signage, those improvements identified with Drainage Studies for public maintenance, and streetlights upon City-dedicated public streets within the Community and accepted by the City will be maintained by City in good condition and repair at the City's sole cost and expense. Master Developer or Master HOA will maintain all temporary detention basins identified in the Master Drainage Study. The City agrees to cooperate with the Master Developer and will diligently work with the CCRFCD to obtain acceptance of all permanent drainage facilities.

**SECTION FIVE**

**PUBLIC FACILITIES**

5.01. Elementary, Middle and High School Acreage. Master Developer shall dedicate, at no cost to City or the CCSD, up to 74.34 acres total for the school sites shown on the Master Land Use Plan. Master Developer further agrees to construct Standard Improvements adjacent to the school parcels contemporaneous with the construction of adjacent Village Streets. Such improvements for each dedicated parcel shall be constructed by Master Developer on such schedule as agreed between Master Developer and the CCSD. City agrees that Master Developer has met its obligation in this section if it offers the dedication to the CCSD with restrictions requiring

(a) conformance with the Design Guidelines; and

(b) replacement of any Standard Improvements or facilities installed by Master Developer damaged or removed by CCSD.

5.02. Fire Protection.

(a) Payment Towards Construction of Fire Station. Master Developer will contribute $4,100,000 to the City for the sole purpose of construction of a Fire Station at the Fire Station Site by the earlier of June 30, 2017 or the Final Inspection of the 4,500 residential dwelling unit in the Community. However, if by June 30, 2017 fewer than 2,100 residential dwelling units have received the Final Inspection, the Fire Station Contribution will be delayed and at that time, the City and Master Developer will mutually agree on a future Fire Station Contribution date.

If the Final Inspection has not been issued for any residential dwelling unit prior to June 30, 2017,

The Master Developer will have no obligation to make the Fire Station Contribution at that time. Upon the issuance of the first Final Inspection after June 30, 2017, the City and Master Developer will mutually agree on a future Fire Station Contribution date.

In any instance, if the City and Master Developer are unable to mutually agree to a future Fire Station Contribution date, the City Council may, after a hearing, withhold the issuance of residential dwelling unit or commercial building permits within the Community. City shall provide Master Developer written notice at least fifteen(15) days prior to such hearing.

Master Developer agrees to provide all wet and dry utility services to the Fire Station Site prior to the date of the Fire Station Contribution. The City agrees to construct and operate the Fire Station within 24-months after the date of the Fire Station Contribution.

5.03. Regional Transportation Center.

(a) Dedication of a Transit Center Site. Master Developer shall, at no cost to City or the RTC, dedicate up to two and one-half (2.5) gross acres of land to serve as a transit hub and transfer point for various bus routes. Such dedication shall be subject to a restriction that requires the RTC to allow, at no cost, at least one-half (1/2) acre of the RTC parcel to be used for parking facilities that serve both the RTC parcel and the Property. Master Developer shall construct Standard Improvements adjacent to the RTC parcel contemporaneous with the construction of adjacent Village Streets. The Transit Center shall be in the location shown on the Master Land Use Plan or in such alternate location approved by Master Developer, City and the RTC. So long as the alternative location is within the Blended Land Use district, an amendment to the Master Land Use Plan shall not be required. Master Developer is under no obligation to dedicate any land to the RTC other than as required herein.

(b) Design of the Regional Transportation Center. RTC shall design the Transit Center in accordance with the Design Guidelines, subject to the approval of Master Developer and City.

5.04 Police Services. Designated Builders shall pay City $218 per residential unit for use in the construction of a Metro substation to serve the Community and the surrounding area. Such payment shall be made concurrent with the building permit issued for each residential unit. City and Metro agree that all residential unit fees collected from development in the Community for a Metro substation shall be used the for construction of a Metro substation that is no more than one mile from the Community and shall be constructed and operating within one year from the completion of the Community.

## SECTION SIX

## OPEN SPACE, PARKS, TRAILS AND RECREATION FACILITIES

6.01. Parks Agreement. There exists a Parks Agreement describing the Parties' responsibilities regarding the design, construction, ownership and maintenance responsibilities for the open space, parks, trails and other recreation amenities to be provided by Master Developer. Such agreement is attached hereto as Exhibit "D" and incorporated fully herein. The parties acknowledge that the Parks Agreement is a vital and integral part of this Agreement, and this Agreement would not have otherwise been approved and executed without the prior approval of the Parks Agreement by the City Council.

## SECTION SEVEN

## PROJECT INFRASTRUCTURE IMPROVEMENTS

7.01. Conformance to Master Studies. Master Developer agrees to construct and dedicate to City or other governmental or quasi-governmental entity or appropriate utility company, all infrastructure necessary for the development of the Community as required by the Master Studies and this Agreement.

7.02. Acquisition of Rights-of-Way and Easements. City acknowledges that certain rights-of-way and easements outside the boundaries of the Property may be necessary for the construction of the necessary infrastructure improvements. City shall assist the Master Developer in obtaining the necessary rights-of-way, easements or other interests not owned by Master Developer necessary to construct the necessary infrastructure improvements. With regard to any necessary roadways and/or necessary drainage corridors that are proposed to abut or cross BLM lands, Master Developer shall submit all required documentation to City to enable City to acquire the necessary rights from the BLM. City will accept and initiate processing these applications through the BLM upon submittal of the Master Studies and will diligently pursue approval of the applications in a timely manner. In the event any required rights-of-way, easements or other interests can not be obtained, City may allow a modification of the appropriate approved Master Study to permit development of the Community without such right-of-way, easements or other interest.

7.03. Water Supply. The Parties acknowledge that City currently has no role in the allocation of water to customers of the Las Vegas Valley Water District. If, however, City assumes any role in water allocation during the term of this Agreement, City agrees it will endeavor to allocate or cause to be allocated to the Community water in order that the development of the Community will continue

uninterrupted. City and Master Developer will cooperate with the Las Vegas Valley Water District in granting over their respective properties reasonable easements or right-of-ways either On-Property or Off-Property necessary for the installation of water facilities to serve the development. Master Developer agrees to execute all Affidavits of Waiver and Consent forms required by City in order for water laterals and mains to be a part of any proposed special improvement districts.

7.04 Sanitary Sewer.

(a) Design and Construction of Sanitary Sewer Facilities Shall Conform to the Master Sanitary Sewer Study. Master Developer shall design and construct all sanitary sewer main facilities that are identified as Master Developer's responsibility in the Master Sanitary Sewer Study. Master Developer acknowledges and agrees that this obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Off-Site Sewer Capacity. The Master Developer and the City have analyzed the effect of the buildout of the Community on offsite sewer pipelines. The Master Developer agrees to install parallel sewer lines as indicated in the letter report by Slater Hanifan Group dated May 23, 2011 and included in Exhibit "H". The construction of offsite sewer pipelines will be performed at the percentage buildout shown in this analysis. Master Developer and the City agree that the analysis may need to be revised as exact development patterns in the Community become known. All future offsite sewer analysis for the Community will be performed using a full pipe capacity, d/D ratio of 0.90.

7.05 Traffic Improvements.

(a) Obligation to Construct Village Streets solely on Master Developer. Master Developer is obligated to, and shall design and construct all Village Streets subject to Section 7.04 (b), as indicated in the Master Traffic Study. Master Developer acknowledges and agrees that this obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Traffic Signal Improvements. Master Developer or Designated Builders shall comply with Ordinance 5644 (Bill 2003-94), as amended from time to time by the City. The City, pursuant to Ordinance 5644, will construct the traffic signals identified in the Master Traffic Study.

(c) Updates. If required by the Director of Public Works, Master Developer or a Designated Builder shall submit and receive conditional approval of an update of the Master Traffic Study or a Designated Builder site specific traffic impact analysis prior to the approval of the following land use

applications: tentative map (residential or commercial); site development plan review (multi-family or commercial); parcel map; or special use permit, but only if the applications propose land use, density, or entrances that substantially deviate from the approved Master Study or the development differs substantially in the opinion of the City Traffic Engineer from the assumptions of the approved Master Traffic Study . Additional public right-of-way may be required to accommodate such changes.

(d) Construction Phasing. Master Developer shall submit a phasing plan and estimated sequence for all required On-Property and Off-Property street improvements as a part of the Master Traffic Study. City and Master Developer agree the phasing plan is fluid and is dictated by development. Accordingly, the phasing plan may be modified based on the proposed development in the Community.

(e) Kyle Canyon Engineered Details. Design Guidelines shall include engineered details for each public street type, private street type, alley type, trail type, sidewalk type, path type or other roadways or pedestrian travel paths that differ from the City's Standard Drawings for the City's review and approval.

(f) Timing of Subdivision Improvements. Civil improvement plans for construction upon a Designated Builder Parcel may be submitted to Public Works after all of the following have occurred:

(i) conditional approval or concurrent with second submittal of a Technical Drainage Study for a Designated Builder Parcel;

(ii) if required by the Public Works Director, approval or concurrent with second submittal of a traffic study for a Designated Builder Parcel;

(iii) approval of a tentative map or site development plan review for the Designated Builder Parcel, as applicable; and

(iv) submittal upon receipt of first review for the master infrastructure of the civil improvement plans to the City for the surrounding master infrastructure.

Surrounding master infrastructure civil improvement plans for infrastructure that required to provide service to the builder parcel must be approved prior to or concurrent with approval of civil improvement plans for the Designated Builder Parcel. Infrastructure that is adjacent to but not utilized by the builder parcel will not be required to be constructed but shall be required in compliance with Section 3.02(c).

7.06 Sheep Mountain Parkway. Currently, the Property is encumbered by an irrevocable BLM

Right-of-Way grant in favor of the City for the proposed Sheep Mountain Parkway as depicted on Exhibit "I" (the "Existing ROW"). The City has planned the future Sheep Mountain Parkway that will allow the right-of-way to be modified approximately 50.1 acres as depicted on Exhibit "J". In exchange for this reduction of right-of-way, the Master Developer shall construct a permanent detention basin in the area depicted on the Master Land Use Plan. The Master Developer agrees to remove interim detention basins located within Sheep Mountain Parkway right-of-way and to locate permanent detention basin(s) along the Puli Road alignment. The City will receive a cost benefit of approximately $7,000,000 of future construction costs through the construction of a permanent detention basin upstream of the Sheep Mountain Parkway Flood Control Facilities. Attached as Exhibit "L" is a memorandum for the estimate of probable cost between interim detention basin removal and permanent detention basins. The City further agrees to submit and approve a vacation of the existing right-of-way. However, the vacation will not be recorded until the Master Developer records the Parent Final Map which includes a requirement for KAG Property, LLC to dedicate an additional 4.3 acres in conformance with Exhibit "J" that is not encumbered by the City's BLM grant N-77772. The City will follow the Applicable Rules if any property proposed for Sheep Mountain Parkway is to be vacated.

7.07 Other Roadway Improvements.

(a) Kyle Canyon Interchange. Master Developer will contribute $1,000,000 to the City for the design, construction or reimbursement to City (if the interchange is constructed) of the Kyle Canyon Road – US 95 interchange three years after the issuance of the first Final Inspection for a residential home within the Community. Master Developer will make a second $1,000,000 contribution to the City one year after the first contribution. However, if 1000 residential units have not been constructed within three years of the first residential home Final Inspection approval, the Master Developer and the City shall mutually agree on an extension of the first contribution. At the City's discretion, the City may use the Developer contribution for design of Kyle Canyon Road/US 95 Interchange for the design, right-of-way acquisition or construction of the following projects:

1) Kyle Canyon Interchange at US95.

2) Shaumber Road – Centennial to Ann.

3) Puli Road – Grand Teton to Ann.

4) Oso Blanca Road – Kyle Canyon Road to Tee Pee.

5) Skypoint Road – Hualapai to Log Cabin.

6) Alpine Ridge – Iron Mountain to Kyle Canyon.

7) Hualapai – Oso Blanca to G.E.D. site boundary.

8) Hualapai – Centennial to Grand Teton.

City shall petition the Regional Transportation Commission to place the Kyle Canyon Road Interchange on the capital projects list for the year 2026. (b) Hualapai Interchange.

City and Master Developer agree to cooperate and work in good faith to request that Clark County and RTC prioritize construction of appropriate improvements to the Hualapai/215 interchange and obtain any available Federal, State, RTC or Clark County funding for such construction.

7.08 Flood Control.

(a) Obligation to Construct Flood Control Facilities solely on Master Developer. Master Developer shall design and construct flood control facilities that are identified as Master Developer's responsibility in the Master Drainage Study. Master Developer acknowledges and agrees that this obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Other Governmental Approvals. The Clark County Regional Flood Control District, the Nevada Department of Transportation and any other state or federal agencies, as required, shall approve the Master Drainage Study prior to final approval from City. Clark County Department of Public Works shall receive a copy of the Master Drainage Study and shall have the opportunity to comment.

(c) Updates. The Director of Public Works may require an update to the Master Drainage Study or Master Technical Study as a condition of approval of the following land use applications: tentative map, residential or commercial; site development plan review, multifamily or commercial; or parcel map if those applications are not in substantial conformance with the approved Master Land Use Plan or Master Drainage Study. The update must be approved prior to the approval of any construction drawings and the issuance of any final grading permits. An update to the exhibit in the approved Master Drainage Study depicting proposed development phasing in accordance with the Development Agreement shall be submitted for approval by the Flood Control Section.

(d) Regional Flood Control Facility Construction by Master Developer. The Master Developer agrees to design and substantially complete the County Regional Flood Control District facilities as defined in the Master Drainage Study pursuant to an amendment to the Regional Flood

Control District 2008 Master Plan Update prior to the final inspection of the first unit within each area protected by the appropriate drainage facility.

If required by the Master Drainage Study or technical drainage studies, the above facilities or portions thereof shall be constructed prior to issuance of any building permits for affected downstream units or alternate flood protection or mitigation acceptable to City must be provided.

(e) Construction Phasing. Master Developer shall submit a phasing and sequencing plan for all drainage improvements within the Community as a part of the Master Drainage Study. The phasing plan and schedule must clearly identify drainage facilities (interim or permanent) necessary prior to permitting any downstream units for construction.

**SECTION EIGHT**

**SPECIAL IMPROVEMENT DISTRICT**

8.01 City agrees to consider and, if appropriate, process and facilitate, with due diligence, any applications made by Master Developer for the creation of a special improvement district. If a request to create a special improvement district is made by Master Developer, the Parties agree to utilize the City's Master Developer Special Improvement District Guidelines, which are attached hereto at Exhibit “E.” City shall cooperate with the Master Developer to include all eligible projects for a special improvement district. The Parties agree that nothing contained in this Section or elsewhere in this Agreement constitutes in any way a pre-approval or authorization of any such special improvement district and any special improvement district must be processed and approved pursuant to State law and the Applicable Rules.

**SECTION NINE**

**REVIEW OF DEVELOPMENT**

9.01 Frequency of Reviews. As provided by NRS Chapter 278, Master Developer shall appear before the City Council to review the development of the Community. The Parties agree that the first review occur no later than twenty-four (24) months after the Effective Date of this Agreement, and again every twenty-four (24) months on the anniversary date of that first review thereafter, or as otherwise requested by City upon fourteen (14) days written notice to Master Developer. For any such review, Master Developer shall provide, and City shall review, a report submitted by Master Developer

documenting the extent of Master Developer's and City's material compliance with the terms of this Agreement during the preceding period.

The report shall contain information regarding the progress of development within the Community, including, without limitation:

(a) data showing the total number of residential units built and approved on the date of the report;

(b) specific densities within each subdivision and within the Community as a whole; and

(c) the status of development within the Community and the anticipated phases of development for the next calendar year.

In the event Master Developer fails to submit such a report within thirty (30) days following written notice from City that the deadline for such a report has passed, Master Developer shall be in default of this provision and City shall prepare such a report and conduct the required review in such form and manner as City may determine in its sole discretion. City shall charge Master Developer for its reasonable expenses, fees and costs incurred in conducting such review and preparing such report. If at the time of review an issue not previously identified in writing is required to be addressed, the review at the request of either party may be continued to afford reasonable time for response

9.02 Opportunity to be heard. The report required by this Section shall be considered solely by the City Council. Master Developer shall be permitted an opportunity to be heard orally and in writing before the City Council regarding performance of the parties under this Agreement. The Director of the Department of Planning may, in their discretion, provide copies of the report to members of City's Planning Commission for their information and use.

9.03 Action by the City Council. At the conclusion of the public hearing on the review, the City Council may take any action permitted by NRS 278.0205 and/or this Agreement.

**SECTION TEN**

**DEFAULT**

10.01 Opportunity to Cure; Default. In the event of any noncompliance with any provision of this Agreement, the Party alleging such noncompliance shall deliver to the other by certified mail a ten (10) day notice of default and opportunity to cure. The time of notice shall be measured from the date of receipt of the certified mailing. The notice of noncompliance shall specify the nature of the alleged

noncompliance and the manner in which it may be satisfactorily corrected, during which ten (10) day period the party alleged to be in noncompliance shall not be considered in default for the purposes of termination or institution of legal proceedings.

If the noncompliance cannot reasonably be cured within the ten (10) day cure period, the non-compliant Party may timely cure the noncompliance for purposes of this Section 10 if it commences the appropriate remedial action with the ten (10) day cure period and thereafter diligently prosecutes such action to completion within a period of time acceptable to the non-breaching Party. If no agreement between the Parties is reached regarding the appropriate timeframe for remedial action, the cure period shall not be longer than thirty (30) days from the date the ten (10) day notice of noncompliance and opportunity to cure was mailed to the non-compliant Party.

If the noncompliance is corrected, then no default shall exist and the noticing party shall take no further action. If the noncompliance is not corrected within the relevant cure period, the non-complaint party is in default, and the party alleging non-compliance may declare the breaching party in default and elect any one or more of the following courses.

(a) Option to Terminate. After proper notice and the expiration of the above-referenced period for correcting the alleged noncompliance, the party alleging the default may give notice of intent to amend or terminate this Agreement as authorized by NRS Chapter 278. Following any such notice of intent to amend or terminate, the matter shall be scheduled and noticed as required by law for consideration and review solely by the City Council.

(b) Amendment or Termination by City. Following consideration of the evidence presented before the City Council and a finding that a default has occurred by Master Developer and remains uncorrected, City may amend or terminate this Agreement. Termination shall not in any manner rescind, modify, or terminate any vested right in favor of Master Developer, as determined under the Applicable Rules, existing or received as of the date of the termination. Master Developer shall have twenty-five (25) days after receipt of written notice of termination to institute legal action pursuant to this Section to determine whether a default existed and whether City was entitled to terminate this Agreement.

(c) Termination by Master Developer. In the event City substantially defaults under this Agreement, Master Developer shall have the right to terminate this Agreement after the hearing set forth in this Section. Master Developer shall have the option, in its discretion, to maintain this Agreement in

effect, and seek to enforce all of City's obligations by pursuing an action pursuant to Section 10.03.

10.02. Unavoidable Delay; Extension of Time. Neither party hereunder shall be deemed to be in default, and performance shall be excused, where delays or defaults are caused by war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, or acts of God. If written notice of any such delay is given to one party or the other within thirty (30) days after the commencement thereof, an automatic extension of time, unless otherwise objected to by the party in receipt of the notice within thirty (30) days of such written notice, shall be granted coextensive with the period of the enforced delay, or longer as may be required by circumstances or as may be subsequently agreed to between City and Master Developer. Any such extensions of time shall have no effect upon the timing of and the conclusions reached in the reviews to be conducted pursuant to Section 9 above.

10.03. Limitation on Monetary Damages. City and the Master Developer agree that they would not have entered into this Agreement if either were to be liable for monetary damages based upon a breach of this Agreement or any other allegation or cause of action based upon or with respect to this Agreement. Accordingly, City and Master Developer may pursue any course of action at law or in equity available for breach of contract, except that neither Party shall be liable to the other or to any other person for any monetary damages based upon a breach of this Agreement or any other allegation or cause of action based upon or with respect to this Agreement.

10.04. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eight Judicial District Court, County of Clark, State of Nevada or the United States District Court, District of Nevada.

10.05. Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

10.06. Applicable Laws; Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Each party shall bear its own attorneys' fees and court costs in connection with any legal proceeding hereunder.

## SECTION ELEVEN

## GENERAL PROVISIONS

11.01. Duration of Agreement. The Term of this Agreement shall commence upon the Effective Date and shall expire on the twentieth (20th) anniversary of the Effective Date, unless terminated earlier pursuant to the terms hereof. City agrees that the Master Developer shall have the right to request extension of the Term of this Agreement for an additional five (5) years upon the following conditions:

(a) Master Developer provides written notice of such extension to City at least one hundred-eighty (180) days prior to the expiration of the original Term of this Agreement;

(b) Master Developer is not in default of this Agreement; and

(c) Master Developer and City enter into an amendment to this Agreement memorializing the extension of the Term.

11.02. Assignment.

The parties acknowledge that the intent of this Agreement is that there is a Master Developer responsible for all of the obligations in this Agreement throughout the Term of this Agreement.

(a) At any time during the Term, Master Developer and its successors-in-interest shall have the right to sell, assign or transfer all of its rights, title and interests to this Agreement (a "Transfer") to any person or entity (a "Transferee"). Except in regard to Transfers to Pre-Approved Transferees (which does not require any consent by the City as provided in Section 11.02(b) below), prior to consummating any Transfer, Master Developer shall obtain from the City written consent to the Transfer as provided for in this Section 11, which consent shall not be unreasonably withheld, delayed or conditioned. Master Developer's written request shall provide reasonably sufficient detail and any non-confidential, non-proprietary supporting evidence necessary for the City to consider and respond to Master Developer's request. Master Developer shall provide information to the City that Transferee, its employees, consultants and agents (collectively "Transferee Team") has i) the financial resources necessary to develop the Community, in accordance with the terms and conditions of this Agreement, or (ii) experience and expertise in developing projects similar in scope to the Community. The Master Developer's request, including approval of the Assignment and Assumption Agreement reasonably acceptable to the City, shall be promptly considered by the City Council for their approval or denial within forty-five (45) days from the date the City receives Master Developer's written request. Upon City's

approval and the full execution of an Assignment and Assumption Agreement by City, Master Developer and Transferee, the Transferee shall thenceforth be deemed to be the Master Developer and responsible for all of the obligations in this Agreement.

(b) Pre-Approved Transferees. Notwithstanding anything in this Agreement to the contrary, the following Transferees constitute "Pre-Approved Transferees," for which no City consent shall be required provided that such Pre-Approved Transferees shall assume in writing all obligations of the Master Developer hereunder by way of an Assignment and Assumption Agreement. The Assignment and Assumption Agreement shall be approved by the City Manager, whose approval shall not be unreasonably withheld, delayed or conditioned. The Assignment and Assumption Agreement shall be executed by the Master Developer and Pre-Approved Transferee and acknowledged by the City Manager. The Pre-Approved Transferee shall thenceforth be deemed to be the Master Developer and be responsible for all of the obligations in this Agreement.

1) An entity owned or controlled by Master Developer;

2) Any Investment Firm that does not plan to develop the Property. If Investment Firm desires to i) develop the Property or ii) Transfer the Property to a subsequent Transferee that intends to develop the Property, the Investment Firm shall obtain from the City written consent to i) commence development or ii) Transfer the Property to a subsequent Transferee that intends to develop the Property, which consent shall not be unreasonably withheld, delayed or conditioned. Investment Firm's written request shall provide reasonably sufficient detail and any non-confidential, non-proprietary supporting evidence necessary for the City Council consider. Investment Firm shall provide information to the City that Investment Firm or Transferee and their employees, consultants and agents (collectively "Investment Firm Team" and "Transferee Team", respectively) that intends to develop the Property has i) the financial resources necessary to develop the Community, in accordance with the terms and conditions of this Agreement, or (ii) experience and expertise in developing projects similar in scope to the Community. The Investment Firm's request, including approval of the Assignment and Assumption Agreement reasonably acceptable to the City, shall be promptly considered by the City Council for their approval or denial within forty-five (45) days from the date the City receives Master Developer's written request. Upon City's approval and full execution of an Assignment and Assumption Agreement by City, Investment Firm

and Transferee, the Transferee shall thenceforth be deemed to be the Master Developer and responsible for the all of the obligations in this Agreement.

(c) In Connection with Financing Transactions. Master Developer has full and sole discretion and authority to encumber the Property or portions thereof, or any improvements thereon, in connection with financing transactions, without limitation to the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement.

11.03. Sale or Other Transfer Not to Relieve the Master Developer of its Obligation. Except as expressly provided herein in this Section 11, no sale or other transfer of the Property or any subdivided development parcel shall relieve Master Developer of its obligations hereunder, and such assignment or transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such purchaser shall be deemed to be the Master Developer hereunder. This Section shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

11.04 Indemnity; Hold Harmless. Except as expressly provided in this Agreement, the Master Developer shall hold City, its officers, agents, employees, and representatives harmless from liability for damage or claims for damage for personal injury, including death and claims for property damage which may arise from the direct or indirect operations of Master Developer or those of its contractors, subcontractors, agents, employees, or other persons acting on Master Developer's behalf which relate to the development of the Community. Master Developer agrees to and shall defend City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of Master Developer's activities in connection with the development of the Community. Master Developer and City agree to equally pay all costs and attorneys fees for a defense in any legal action filed in a court of competent jurisdiction by a third party alleging any such claims or challenging the validity of this Agreement, except for a defense in any legal action related to waiver of proximity restrictions specified in the UDC between Alcohol Related Uses and other Alcohol Related Uses and between Alcohol Related Uses and parks and/or schools. The provisions of this Section shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City,

its officers, agent, employees, or representatives. This section shall survive any termination of this Agreement.

11.05. Binding Effect of Agreement. Subject to Section 11.02, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the Parties' respective assigns and successors-in-interest and the property which is the subject of this Agreement.

11.06 Relationship of Parties. It is understood that the contractual relationship between City and Master Developer is such that Master Developer is not an agent of City for any purpose and City is not an agent of Master Developer for any capacity.

11.07 Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

| | |
|---|---|
| To City: | City of Las Vegas<br>400 Stewart Avenue<br>Las Vegas, Nevada 89101<br>Attention: City Manager<br>Attention: Director of the Department of Planning |
| To Owner: | KAG Property, LLC c/o David L. Ash<br>Wells Fargo<br>Special Situations Group-ORE<br>600 California St., 19th Floor<br>San Francisco, CA 94108 |

Either Party may change its address by giving notice in writing to the other and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

11.08 Entire Agreement. This Agreement constitutes the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the Parties with respect to all of any part of the subject matter hereof.

11.09 Waivers. All waivers of the provisions of this Agreement shall be in writing and signed by

the appropriate officers of Master Developer or approved by the City Council, as the case may be.

11.010 Recording; Amendments. Promptly after execution hereof, an executed original of this Agreement shall be recorded in the Official Records of Clark County, Nevada. All amendments hereto must be in writing signed by the appropriate officers of City and Master Developer in a form suitable for recordation in the Official Records of Clark County, Nevada. Upon completion of the performance of this Agreement, a statement evidencing said completion, shall be signed by the appropriate officers of the City and Master Developer and shall be recorded in the Official Records of Clark County, Nevada. A revocation or termination shall be signed by the appropriate officers of the City or Master Developer and shall be recorded in the Official Records of Clark County, Nevada.

11.11 Headings; Exhibits; Cross References. The recitals, headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement are incorporated herein by the references contained herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

11.12 Release. Each residential lot shown on a recorded Subdivision Map within the Community shall be automatically released from the encumbrance of this Agreement without the necessity of executing or recording any instrument of release upon the issuance of a building permit for the construction of a residence thereon.

11.13 Severability of Terms. If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such terms does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to affect the original intention of the Parties.

11.14 Exercise of Discretion. Wherever a Party to this Agreement has discretion to make a decision, it shall be required that such discretion be exercised reasonably unless otherwise explicitly provided in the particular instance that such decision may be made in the Party's "sole" or "absolute"

discretion or where otherwise allowed by applicable law..

11.15 No Third Party Beneficiary. This Agreement is intended to be for the exclusive benefit of the parties hereto and their permitted assignees. No third party beneficiary to this Agreement is contemplated and none shall be construed or inferred from the terms hereof. In particular, no person purchasing or acquiring title to land within the Community or residing in the Community shall, as a result of such purchase, acquisition or residence, have any right to enforce any obligation of Master Developer or City nor any right or cause of action for any alleged breach of any obligation hereunder by either party hereto.

11.16 Gender Neutral. In this Development Agreement (unless the context requires otherwise), the masculine, feminine and neutral genders and the singular and the plural include one another.

**In Witness Whereof, this Agreement has been executed by the parties on the day and year first above written.**

**CITY:**

**CITY COUNCIL, CITY OF LAS VEGAS**

By: _____
Mayor

Approved as to Form:

_____
Deputy City Attorney

Attest:

City Clerk

By: _____
Beverly Bridges, City Clerk

**OWNER:**

**KAG PROPERTY, LLC**

By: _____

Name: _____

Title: _____

SUBSCRIBED AND SWORN TO before me on this _____ day of _____, 2011.

_____
Notary Public in and for said County and State

# REDLINE

# OF

# FIRST AMENDMENT AND RESTATEMENT TO THE

# DEVELOPMENT AGREEMENT

# BETWEEN

# CITY OF LAS VEGAS

# AND

# KAG PROPERTY, LLC

Kaempfer Crowell Renshaw
Gronauer & Fiorentino

DRAFT

7/13/2011 11:13 AM

# FIRST AMENDMENT AND RESTATEMENT TO THE

# DEVELOPMENT AGREEMENT

# BETWEEN

# CITY OF LAS VEGAS

# AND

# ~~KYLE ACQUISITION GROUP, LLC~~KAG PROPERTY, LLC

June~~April~~ 2011

**THIS FIRST AMENDMENT AND RESTATEMENT TO THE DEVELOPMENT AGREEMENT** is made and entered into this _____ day of _____, ~~2010~~7~~2~~011 by and between the **CITY OF LAS VEGAS**, a municipal corporation of the State of Nevada ("City") and ~~**KYLE ACQUISITION GROUP, LLC**~~**KAG Property, LLC**, a Nevada limited liability company ("Master Developer").

**RECITALS**

A. City has authority, pursuant to NRS Chapter 278 and Title 19 of the Code, to enter into development agreements such as this Agreement, with persons having a legal or equitable interest in real property to establish long-range plans for the development of such property.

B. City and Kyle Acquisition Group, LLC entered into a development agreement which became effective on August 8, 2007 ("Original Agreement").

C. Wachovia Bank, acting as the managing creditor of 41 total creditors, foreclosed on the Property on September 23, 2008. A new entity was formed called KAG Property, LLC.

D. Master Developer and City desire to amend, incorporate, restate and supersede the Original Agreement.

E. Master Developer acknowledges that it is the legal owner of the Property described on Exhibit "A" attached hereto. Master Developer and City desire to enter into this Agreement in conformance with the requirements of NRS Chapter 278, and as otherwise permitted by law.

F. The parties acknowledge that this Agreement will further the goals and values of City as provided by (i) Resolution R-176-2004 adopted by the City Council, (ii) City's Centennial Hills Sector Plan and (iii) the Las Vegas 2020 Master Plan.

G. The parties further acknowledge that this Agreement will (i) provide for public services, public uses and urban infrastructure, (ii) promote the health, safety and general welfare of City and its inhabitants, (iii) minimize uncertainty in planning for and securing orderly development of the Property and surrounding areas, (iv) insure attainment of the maximum efficient utilization of resources within City at the least economic cost to its citizens, and (v) otherwise achieve the goals and purposes for which the

laws governing development agreements were enacted.

H. As a result of the development of the Property, City will receive needed jobs, sales and other tax revenues, significant increases to its real property tax base and substantial improvements to the public infrastructure. City will additionally receive a greater degree of certainty with respect to the phasing, timing and orderly development of City infrastructure by a developer with significant economic resources and experience in the development process.

I. Master Developer understands and acknowledges that there are insufficient public services available in order to properly construct and populate the Community. Subject to the terms and conditions of this Agreement, Master Developer agrees to provide those necessary public services, facilities and infrastructure improvements on the Property and outside the Property as specifically provided for herein.

J. Master Developer desires to obtain reasonable assurances that it may develop the Community in accordance with the terms, conditions and intent of this Agreement. Master Developer's decision to enter into this Agreement and commence development of the Community is based on expectations of proceeding and the right to proceed with the Community in accordance with this Agreement and the Applicable Rules.

K. Master Developer further acknowledges that this Agreement was made a part of the record at the time of its approval by the City Council and that Master Developer agrees without protest to the requirements, limitations, and conditions imposed by this Agreement.

L. The City Council, having determined that this Agreement is in conformance with Resolution R-176-2004, the Centennial Hills Sector Plan and the Las Vegas 2020 Master Plan, and that all other substantive and procedural requirements for approval of this Agreement have been satisfied, and after giving notice as required by the relevant law, and after introducing this Agreement by ordinance at a public hearing on _____, and after a subsequent public hearing to consider the

substance of this Agreement on _____, the City Council found this Agreement to be in the public interest and lawful in all respects, and approved the execution of this Agreement by the Mayor of the City of Las Vegas.

NOW, THEREFORE, in consideration of the foregoing recitals, the promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

## SECTION ONE

## DEFINITIONS

For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the following meanings:

“Affiliate” of any person means (a) any other Person directly or indirectly controlling or controlled by or under direct or indirect common control with such Person and (b) any other Person that beneficially owns at least fifty percent (50%) of the voting common stock or partnership interest or limited liability company interest, as applicable, of such Person. For the purposes of this definition, “control” when used with respect to any Person, means the power to direct the management and policies of such Person, directly or indirectly, whether through the ownership of voting securities, partnership interests, by contract or otherwise; and the terms “controlling” or “controlled” have meanings correlative to the foregoing.

"Agreement" means this first amendment and restatement to the development agreement and at any given time includes all addenda and exhibits incorporated by reference and all amendments which hereafter are duly entered into in accordance with the terms of this Agreement.

“Alcohol Related Uses” means any alcohol uses as defined in the UDC.

“Applicable Rules” means and refers to:

(a) The provisions of the Code and all other uniformly-applied City rules, policies, regulations, ordinances, laws, general or specific, which were in effect on the Effective Date;

(b) This Agreement;

(c) The Design Guidelines; and

(d) The term “Applicable Rules” does not include:

(i) Any ordinances, laws, policies, regulations or procedures adopted by a governmental entity other than City;

(ii) Any fee or monetary payment prescribed by City ordinance which is uniformly applied to all development and construction subject to the City’s jurisdiction; or

(iii) Any applicable state or federal law or regulation.

“BLM” means the Bureau of Land Management.

-“Building Codes” means the following codes: ~~2006~~ 2009 International Residential Code; ~~2006~~ 2009 International Building Code; 1997 Uniform Administrative Code; 2006 Pool Code; 2006 Uniform Plumbing Code; 2005 National Electric Code; 2006 Uniform Mechanical Code; ~~2006~~ 2009 International Conservation Code; and National Fire Protection Agency 1, to the extent adopted by the City and subject to any modifications that are adopted by the City.

"CCRFCD" means the Clark County Regional Flood Control District.

“CCSD” means the Clark County School District.

“City” means the City of Las Vegas, together with its successors and assigns.

“City Council” means the Las Vegas City Council.

“City Infrastructure Improvement Standards” means in their most recent editions and with the most recent amendments adopted by the City, the Standard Drawings for Public Works Construction Off-site Improvements, Clark County, Nevada; Uniform Standard Specifications for Public Works Construction

Off-site Improvements, Clark County, Nevada; Uniform Regulations for the Control of Drainage and Hydrologic Criteria and Drainage Design Manual, Clark County Regional Flood Control District; Design and Construction Standards for Wastewater Collection Systems of Southern Nevada; and any other engineering, development or design standards and specifications adopted by the City Council. The term includes standards for public improvements and standards for private improvements required under ~~Title 18~~the UDC. The term does not include the Kyle Canyon engineered drawings contained in the Design Guidelines.

"City Manager" means the person holding the position of City Manager at any time or their designee.

"Code" means the Las Vegas Municipal Code, including all ordinances, rules, regulations, standards, criteria, manuals and other references adopted therein.

"Community" means the Property and any and all improvements provided for or constructed thereupon.

~~"Dedicated Staff" means all of the individuals identified in Section 3.06(b).~~

"Designated Builder" means any legal entity that owns any parcel of real property within the Community, provided that such entity is designated as such by Master Developer to City Manager in writing. For purposes of the Applicable Rules, the term "Designated Builder" is intended to differentiate between the Master Developer and any other entity, including an Affiliate, partner or corporation related to Master Developer except to the extent that Master Developer engages in the development of a structure or other improvements on a Development Parcel within the Community, in which case Master Developer shall so notify the City Manager in writing.

"Designated Builder Parcel" means any real property within the Community owned by a Designated Builder.

"Design Guidelines" means the document prepared by Master Developer and reviewed and

approved by City as a part of this Agreement, which is fully incorporated herein.

"Development Parcels" means legally subdivided parcels of land within the Community that are intended to be developed or further subdivided.

"Development Phase" means each of those portions of the Property described on Exhibit "B" hereto.

“Director of Planning” means the Director of the City’s Department of Planning ~~and Development Department~~ or ~~her~~ their designee.

“Director of Public Works” means the Director of the City’s Department of Public Works or ~~his~~ their designee.

“DWR” means the State of Nevada Division of Water Resources.

“Effective Date” means the date, on or after the adoption by City of an ordinance approving the execution of this Agreement, and the subsequent execution of this Agreement by the Parties, on which this Agreement is recorded in the Office of the County Recorder of Clark County. Each party agrees to cooperate as requested by the other party to cause the recordation of this Agreement without delay.

“Entitlement Request” means a request by Master Developer or a Designated Builder for any land use approval including, without limitation, a tentative or final subdivision map.

“Final Inspection” means date of approved final inspection for a residential home to be occupied.

“Fire Station” means a building used for fire personnel and equipment.

“Fire Station Site” means property owned or controlled by the City at the southwest corner of Grand Teton and Hualapai.

"Grading Plan, Master Rough" means a plan or plans prepared by a Nevada-licensed professional engineer, to:

(a) Specify areas of less than two hundred (200) acres in size where the Master Developer intends to perform rough grading operations;

(b) Identify existing elevations and features that are to be preserved within the Community and do so at a drawing scale not to exceed one hundred feet (100') per inch;

(c) Identify approximate future elevations and slopes of roadways, paseos, Development Parcels, open space, and drainage areas;

(d) Identify rough design elevations on a two hundred foot (200') grid, and at street intersections, at pod boundaries and at drainage basin boundaries, or more frequently; ~~and~~

(e) Identify locations and heights of potential stock piles; and~~.~~

(f) Prior to issuance of any rough grading permit, the Director of Public Works may require an update to the Master Drainage Study to address the impacts of phasing or diverted flows if the Master Drainage Study does not contain sufficient detail for that permit.

The Master Rough Grading Plan shall be reviewed by the Director of Public Works for conformance to the grading and drainage aspects of the approved Master Drainage Study and the Director of Planning ~~and Development~~ shall consider the plan for the aesthetic aspects of the plan. The intent of the document is to establish rough grade elevations for both roadways and Development Parcels such that significant unanticipated grade and earthwork differences do not occur at the time of development of individual subdivisions.

"Grading Plan Specific", which accompanies the Technical Drainage Study, means a detailed grading plan for a development site within the Community to further define the grading within residential or commercial subdivision sites as identified in the Master Rough Grading Plan to a level of detail sufficient to support construction drawings, in accordance with the CCRFCD Hydrologic Criteria and

Drainage Design Manual.

"Investment Firm" means an entity whose main business is holding securities of other companies, financial instruments or property purely for investment purposes, and includes by way of example, and not limitation, Venture Capital Firms, Hedge Funds, and Real Estate Investment Trusts.

"LVVWD" means the Las Vegas Valley Water District.

"Master Developer" means ~~KYLE ACQUISITION GROUP, LLC~~ KAG Property, LLC, a Nevada limited liability company, and its successors and assigns as permitted by the terms of this Agreement.

"Master Drainage Study" means the comprehensive hydrologic and hydraulic study conditionally approved by the Director of Public Works on January 22, 2007 with an amendment conditionally approved by the Director of Public Works on _____ and incorporated in its entirety herein as Exhibit "G".

"Master HOA" means a unit-owners' association organized pursuant to NRS 116.3101, that is comprised of owners of residential dwelling units in the Community.

"Master Land Use Plan" means the approved site plan for the Community, which is ~~Figure 2-1 of the Design Guidelines~~Exhibit "F".

"Master Sanitary Sewer Study" means the comprehensive study ~~conditionally~~ to be approved by the Director of Public Works ~~on May 8, 2007 and incorporated in its entirety herein as Exhibit "G"~~prior to the recordation of Parent Final Map.

"Master Studies" means the Master Traffic Study, the Master Drainage Study, and the Master Sanitary Sewer Study.

"Master Traffic Study" means the comprehensive study conditionally approved by the Director of Public Works on May 8, 2007 with an amendment conditionally approved by the Director of Public Works

on _____ and incorporated in its entirety herein as Exhibit “G”.

"Master Utility Improvements" means those water, sanitary sewer, storm water drainage, power, street light and natural gas improvements within and directly adjacent to the Property necessary to serve the proposed development of the Community other than those utility improvements to be located within individual Development Parcels. All public sewer and public drainage easements located outside of public right-of-way must be within common lots of the Master Developer or of the Designated Builder Parcels.

“Master Utility Plan” means a conceptual depiction of all existing and proposed utility alignments, easements or otherwise, within and directly adjacent to the Property necessary to serve the proposed development of the Community, other than those utility improvements to be located within individual Development Parcels. The Master Developer shall align all proposed utilities within proposed public rights-of-way when reasonable and will dedicate such rights-of-way to the City before granting utility easements to specific utility companies, except easements for existing ~~Nevada Power~~NV Energy facilities constructed pursuant to BLM grants, and easements necessary for existing and future LVVWD water transmission mains.

“Metro” means the Las Vegas Metropolitan Police Department.

“NRS” means the Nevada Revised Statutes, as amended from time to time.

“Off-Property” means outside of the physical boundaries of the Property.

“Off-Property Improvements,” as this definition relates to the Master Studies, means infrastructure improvements located outside the Property boundaries required by the Master Studies or other governmental entities to be completed by the Master Developer due to the development of the Community.

“On-Property” means within the physical boundaries of the Property.

"On-Property Improvements," as this definition relates to the Master Studies, means infrastructure improvements located within the Property boundaries required by the Master Studies or other governmental entities to be completed by the Master Developer due to the development of the Community.

"Off-Site Improvements" means any and all improvements necessary for a discrete parcel of property as required by the Applicable Rules.

"Parent Map, Tentative" means a preliminary subdivision map of the Property that is the first discretionary request by the Master Developer to legally subdivide the Property pursuant to the provisions of NRS 278 and ~~Title 18 of the Code~~the UDC. Such map shall delineate all areas to be subdivided, including roadways and related necessary rights-of-way, easements and common areas. Furthermore, such map shall not include any individual residential lots.

"Parent Map, Final" means a final subdivision map of the Property prepared in accordance with any and all conditions of the approved Tentative Parent Map, NRS 278 and ~~Title 18 of the Code~~the UDC that acts to legally subdivide the Property.

"Parks Agreement" means that agreement between Master Developer and City identifying the rights, duties and obligations of Master Developer and City as to the design, construction and maintenance of public open space, parks, trails and other recreation amenities to be developed within the Community. ~~The Parks Agreement was approved by the City Council on _____, 200__, and is fully incorporated herein.~~

"Party," when used in the singular form, means either Master Developer or City and in the plural form of "Parties" means both Master Developer and City.

"Planning Commission" means the City of Las Vegas Planning Commission.

"Planning Department" means the ~~Planning and Development Department~~Department of Planning of the City of Las Vegas.

"Property" means that certain ~~1,712±~~1661.8 gross acres of unimproved real property which is the subject of this Agreement. The legal description of the Property is set forth at Exhibit "A".

"RTC" means the Regional Transportation Commission of Southern Nevada.

"SNHD" means the Southern Nevada Health District.

"Standard Improvements" as this definition relates to Section Five, herein, means any and all Off-Site Improvements including, but not limited to, streets, sewers, sidewalks, curbs, gutters, storm drains streetlights and trails required in the Parks Agreement.

"Subdivision Map" means any instrument under NRS and ~~Title 18 of the Code~~the UDC which legally subdivides property or gives the right to legally subdivide property, including, without limitation, parcel maps, division of land into large parcels, Tentative and Final Parent maps, tentative commercial subdivision maps, final commercial subdivision maps, reversionary maps, condominium subdivision maps, or tentative or final residential subdivision maps, for all or a portion of the Community.

"Sub-HOA" means a unit-owners' association organized pursuant to NRS 116.3101, that is comprised of owners of residential dwelling units in the Community and is subordinate to the Master HOA.

"Technical Drainage Study" means: a comprehensive hydrologic study prepared under the direction of and stamped by a Nevada-licensed professional engineer, to:

(a) Estimate the impact of storm water run-off affecting a Development Parcel from on-property and off-property sources;

(b) Estimate the impact of any storm water run-off that will affect down-stream off-property real property;

(c) Identify the impacts of any storm water run-off that will affect the Development Parcel; the on-property proposed drainage facilities and patterns and any off-property drainage facilities and patterns;

(d) Identify the means and methods necessary to mitigate such impact, including a commitment to implement, or pay for such mitigating improvements within a specified time frame; and

(e) Identify the future elevations of roadways.

The Technical Drainage Study shall be approved by the Director of Public Works.

“Telecommunication Facility” means a wireless tower or antenna.

“Term” means the term of this Agreement.

“UDC” means the Unified Development Code.

"Village Street" means any of those roadways identified as Village Streets that is depicted on Exhibit “L” and which Master Developer is obligated to construct pursuant to the Master Traffic Study, together with associated curb, gutter, underground utility improvements including fiber optic interconnect, streetlights, traffic control signs and signals other than those for which a fee was paid pursuant to Ordinance 5644, sidewalk or trail and landscaping as indicated on the appropriate cross section in the Design Guidelines. Prior to installation of the final lift of asphalt, Designated Builders may have access for Designated Builder Parcel underground utility connections.

**SECTION TWO**

**APPLICABLE RULES AND CONFLICTING LAWS**

2.01 Reliance on the Applicable Rules. City and Master Developer agree that Master Developer will be permitted to carry out and complete the development of the Community in accordance with the terms of this Agreement and the Applicable Rules. The terms of this Agreement shall supersede any conflicting provision of the City Code except as provided in Section 2.02 below.

2.02. Application of Subsequently Enacted Rules by the City. The City shall not amend, alter or change any Applicable Rule as applied to the development of the Community, or apply a new fee, rule regulation, resolution, policy or ordinance to the development of the Community, except as follows:

(a) The development of the Community shall be subject to the Building Codes in effect at the time of issuance of the permit for the particular development activity.

(b) The application of a new uniformly-applied rule, regulation, resolution, policy or ordinance to the development of the Community is permitted, provided that such action is necessary to protect the health, safety and welfare of City residents, and provided that City gives Master Developer written notice 30 days prior to implementing a new policy.

(c) Nothing in this Agreement shall preclude the application to the Community of new or changed rules, regulations, policies, resolutions or ordinances specifically mandated and required by changes in state or federal laws or regulations. In such event, the provisions of Section 2.04 to 2.06 of this Agreement are applicable.

(d) Should the City adopt or amend rules, regulations, policies, resolutions or ordinances and apply such rules to the development of the Community, other than pursuant to one of the above Sections 2.02(a), 2.02(b) or 2.02(c), the Master Developer shall have the option, in its sole discretion, of accepting such new or amended rules by giving written notice of such acceptance. City and the Master Developer shall subsequently execute an amendment to this Agreement evidencing the Master Developer's acceptance of the new or amended ordinance, rule, regulation or policy within a reasonable time.

2.03. Application of New Fees. Notwithstanding Section 2.02 above, City may increase fees imposed by Ordinance 5644, cost-based processing fees, entitlement processing fees, inspection fees, plan review fees, facility fees, water connection fees or sewer connection fees that uniformly apply to all development in City.

2.04 Conflicting Federal or State Rules. In the event that any federal or state laws or regulations prevent or preclude compliance by City or Master Developer with one or more provisions of this Agreement or require changes to any approval given by City, this Agreement shall remain in full force and effect as to those provisions not affected, and:

(a) Notice of Conflict. Either Party, upon learning of any such matter, will provide the other party with written notice thereof and provide a copy of any such law, rule, regulation or policy together with a statement of how any such matter conflicts with the provisions of this Agreement; and

(b) Modification Conferences. The Parties shall, within thirty (30) calendar days of the notice referred to in the preceding subsection, meet and confer in good faith and attempt to modify this Agreement to bring it into compliance with any such federal or state law, rule, regulation or policy.

2.05 City Council Hearings. In the event either Party believes that an amendment to this Agreement is necessary due to the effect of any federal or state law, rule, regulation or policy, the proposed amendment shall be scheduled for hearing before the City Council. The City Council shall determine the exact nature of the amendment necessitated by such federal or state law or regulation. Master Developer shall have the right to offer oral and written testimony at the hearing. Any amendment ordered by the City Council pursuant to a hearing contemplated by this Section 2.05 is subject to judicial review, but such review shall be filed within twenty-five (25) calendar days from the date of the hearing. The Parties agree that any matter submitted for judicial review shall be subject to expedited review in accordance with Rule 2.15 of the Eighth Judicial District Court of the State of Nevada.

2.06 City Cooperation. City shall cooperate with Master Developer in securing any City

permits, licenses or other authorizations that may be required as a result of any amendment resulting from actions initiated under Section 2.05. As required by the Applicable Rules, Master Developer shall be responsible to pay all applicable fees in connection with securing of such permits, licenses or other authorizations.

## SECTION THREE

## PLANNING AND DEVELOPMENT OF THE COMMUNITY

3.01. Permitted Uses, Density, Height and Size of Structures. Pursuant to NRS Chapter 278, this Agreement must set forth the maximum height and size of structures to be constructed in the Community, the density of uses and the permitted uses of the land for each parcel within the Community.

(a) Maximum Units Permitted. The number of dwelling units within the Community shall not exceed ~~sixteen~~ nine thousand (~~16~~ 9,000).

(b) Permitted Unit Types. The types of buildings and dwelling units permitted in the Community are as set forth in the Design Guidelines.

(c) Density. The maximum density permitted on the Property shall be as set forth in the Kyle Canyon Residential Land Use Table and the related ~~Planning Area Map~~Master Land Use Plan, both of which are attached as Exhibit "F" to this Agreement and incorporated fully herein. Master Developer shall have the right to determine the number of residential dwelling units to be developed on any Development Parcel so long as all the terms and conditions of the Design Guidelines that relate to product density and product type are adhered to.

(d) Maximum Height and Size of Structures. ~~Except as provided in Section 3.21, t~~The maximum height and size of structures within the Community is as set forth in the Design Guidelines.

(e) Land Uses. City acknowledges and agrees that the land use categories allowed within the Community are designated on the Master Land Use Plan and the uses permitted within each category are as described in this Agreement and the Design Guidelines. ~~The Design Guidelines specifically delineate permitted uses, conditional uses and special uses within the Community.~~ The Kyle Canyon Development Standards and Architectural Design Guidelines are attached as Exhibit "M".

(f) **Permitted Uses and Proximity Restrictions**. The Master Developer is providing the City with a well-integrated, quality Community with an appropriate and harmonious mix of residential, commercial, open space, recreational and public uses.

(i) Permitted Uses. There are certain uses that the Master Developer proposes to be placed in general commercial and blended use parcels that would otherwise require a special use permit and waiver of the proximity restrictions between Alcohol Related Uses and other Alcohol Related Uses and between Alcohol Related Uses and parks and/or schools. Because a Community requires a mixture of uses to serve the Community, the City and Developer agree that such certain uses should be permitted. The list of permitted uses as set forth below does not preclude the Master Developer from applying for other special use permits as set forth in the UDC. Furthermore, Master Developer and City agree that other parcels not listed below may submit a special use permit and waiver, however; the other parcels not listed below must comply with the entitlement process outlined in the UDC. Master Developer agrees that the permitted uses set forth below are subject to the Development Standards and Design Guidelines and site development plan review process.

| *Parcel | Permitted Uses |
|---|---|
| B-7<br>General Commercial.<br>Generally located at Sheep Mountain Parkway and Horse Drive (5.3 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| B-9 | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package |

| | |
|---|---|
| Blended Use.<br>Generally located at Hualapai Way and Horse Drive. (22.89 acres) | Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| B-10<br>Blended Use.<br>Generally located at Grand Canyon Drive and Horse Drive (45.99 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| C-11<br>Blended Use.<br>Generally located at Hualapai Way and Grand Canyon Drive (42.32 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Package liquor off-sale establishment; |
| C-12<br>Blended Use.<br>Generally located between US95 and Grand Canyon Drive (11.99 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |
| E-21<br>Three parcels adjacent to Sky Pointe Drive (approximately 26 acres) | Grocery Store; Convenience Store; Restaurant; Restaurant, Carry-Out; Restaurant with Service Bar; Retail Establishment with Package Liquor Off-Sale; Banquet Facility; Beer/Wine/ Cooler Cultural Establishment; Beer/Wine/Cooler Off-Sale Establishment; Beer/Wine/Cooler On-Sale Establishment; Beer/Wine/Cooler On- and Off-Sale Establishment; Supper Club; Liquor Establishment (Tavern); Package liquor off-sale establishment; |

*The Blended Use Zone and General Commercial Zone parcels are depicted on Exhibit "F".

~~Proximity Restrictions. All proximity restrictions specified in the UDC between Alcohol Related Uses and other Alcohol Related Uses and between Alcohol Related Uses and parks and/or schools are waived.~~

3.02 Phasing of Construction.

(a) Generally. While Master Developer has the sole discretion to decide upon the date that it commences development of the Community and any improvements therein, Master Developer agrees to construct certain improvements that are a direct public benefit ~~within the periods of time~~ in coordination

with the development milestones set forth in this Section 3.02 and in the Parks Agreement.

(b) Phasing Map. Attached hereto as Exhibit "B" is a map of the Community that generally describes the phases of construction of the Community. The phases may be revised by Master Developer as necessary to address the residential market demands. ~~if these~~ Rrevisions ~~are~~ shall be coordinated with the Director of ~~Planning and Development~~the City's Department of Planning and the Director of Public Works. Prior to the ~~Effective Date~~submittal of the Parent Final Map, Master Developer will submit a draft phasing schedule to City.

(c) Phasing Schedule. Master Developer shall complete the construction of all Village Streets within a development phase as follows:

A minimum of two lanes of asphalt pavement on the Village Street providing the main access to a particular Designated Builder Parcel, and a working sanitary sewer connection shall be in place prior to final inspection of any dwelling units within that Designated Builder Parcel. Permanent improvements on all major access Village Streets shall be substantially constructed as determined by the Director of Public Works prior to issuance of any building permits beyond 50% of all units within that Designated Builder Parcel. In addition, a roadway network to the boundary of this Designated Builder Parcel must be completed such that both vehicular and pedestrian access is provided.

All off-site improvements adjacent to that Designated Builder Parcel which will reasonably be used by residents of that parcel, shall be substantially constructed as determined by the Director of Public Works, prior to issuance of building permits beyond 75% of all units within that Designated Builder Parcel. The above thresholds notwithstanding, all adjacent Village Streets shall be substantially complete as determined by the Director of Public Works within 24 months of the commencement of construction of such adjacent Village Streets or as amended with the traffic study phasing plan. All required landscaping along streets adjacent to the Designated Builder Parcel will be complete within 2 months of the final inspection of the final unit in that Designated Builder Parcel.

(d) Site Grading. Master Developer and any Designated Builder may grade portions of the Property in conformance with the approved Master Drainage Study and applicable Development Parcel Technical Drainage Studies prior to approval of any additional drainage studies provided the Master Traffic Study has been approved, a Master Rough Grading Plan(s) has been approved for the area to be graded, the Parent Final Map is recorded and a completion bond has been posted with the City for the cost of the proposed grading. The completion bond will not exceed one million dollars ($1,000,000.00) for each Master Rough Grading Plan (i.e. 200 acre area). This bond(s) will be released by the City after the work is substantially complete or after Technical Drainage Studies that address the same area of the Property have been approved, whichever occurs first.

(e) Parks. Master Developer shall commence the design and construction of all parks and trails in the Community in accordance with the terms of the Parks Agreement.

(f) Assumption of Responsibility by Multiple Contractors. Permits that are awarded by City for each approved plan set will be based on work to be performed by each contractor. If a plan set includes multiple facets or phases of construction, separate contractors can pull permits. In the event of multiple permits and separate contractors per approved plan, Master Developer will provide City with regular updates identifying the approved permits that have been awarded for each plan.

3.03. Modifications of Design Guidelines**.** Modifications are changes to the Design Guidelines that apply permanently to all development in the Community. The Parties agree that modifications of the Design Guidelines are generally not in the best interests of the effective and consistent development of the community, as the Parties spent a considerable amount of time and effort negotiating at arms-length to provide for the community as provided by the Design Guidelines. However, the Parties do acknowledge that there are special circumstances which may necessitate the modification of certain provisions of the Design Guidelines to accommodate unique situations which are presented to the Master Developer upon the actual development of the community. Further, the Parties agree that modifications of the Design Guidelines can change the look, feel and construction of the community in such a way that the original intent of the Parties is not demonstrated by the developed product. To that end, the Parties

also agree that the only proper entity to request a modification of the Design Guidelines is the Master Developer entity itself, and not a Designated Builder or any other purchaser of real property within the community.

(a) Applicant. Requests for all modifications of the Design Guidelines may be made only by Master Developer.

(b) Minor Modifications. Minor Modifications are changes to the Design Guidelines that include:

(i) changes in architectural styles, color palettes and detail elements.

(ii) the addition of similar and complementary residential or commercial uses and architectural styles, color palettes and detail elements.

(iii) changes in building materials.

(iv) changes in landscaping materials, plant palettes, and landscaping detail elements.

(c) Submittal, Review, Decision, and Appeal.

(i) An application for Minor Modification of the Design Guidelines may be made to the Director of Planning for ~~her~~ their consideration. The Director of the Department of Planning shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(ii) The Director of the Department of Planning may, in ~~her~~ their discretion, approve a Minor Modification or impose any reasonable condition upon such approval. The Director of Planning

shall issue a written decision within 30 business days of receipt of the application. ~~Her~~ The decision is final unless it is appealed by the Master Developer pursuant to Section (iii) below. Applications for which no written decision is issued within 30 business days shall be deemed approved. If the Director of the Department of Planning rejects a request for a Minor Modification, the request shall automatically be deemed a Major Modification, and at the option of the Master Developer, the decision of the Director of the Department of Planning may be appealed to the Planning Commission.

(iii) Master Developer may appeal any decision of the Director of the Department of Planning to the Planning Commission by providing a written request for an appeal within 10 business days of receiving notice of the decision. The Planning Commission shall hear such appeal within thirty (30) days.

(iv) Master Developer may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the Planning Commission action. The City Council shall hear such appeal within thirty (30) days.

(d) Major Modifications.

(i) Any application for a modification to the Design Guidelines that does not qualify as a Minor Modification is a Major Modification. All applications for Major Modifications shall be heard by the Planning Commission within forty five (45) days of either the City's receipt of the application or its receipt of the appeal provided for in Section (c) above, whichever is applicable.

(ii) Prior to Planning Commission consideration of a Major Modification that increases density in the Community the Master Developer shall meet and confer with the Director of Public Works or his designee as to whether an update to the Master Studies is required. If the Director of Public Works or his designee requires an update to one or more of the Master Studies, such update shall be prepared by Master Developer and submitted to the Department of Public Works no later than fifteen (15) business days prior to the Planning Commission hearing

(iii) All actions by the Planning Commission on Major Modifications shall be heard by the City Council within thirty (30) days of such action.

3.04 Deviation to Design Guidelines. A deviation is an adjustment to a particular requirement of the Design Guidelines for a particular Designated Builder Parcel or lot.

(a) Minor Deviation. A Minor Deviation must not have a material and adverse impact on the overall development of the Community and may not exceed ten percent (10%) of a particular requirement delineated by the Design Guidelines. An application for a Minor Deviation may only be made under the following circumstances:

1) A request for deviation from any particular requirement delineated by the Design Guidelines on ten percent (10%) or less of the lots in a Designated Builder Parcel; or

2) A request for deviation from the following particular requirements on greater than 10% of the lots in a Designated Builder Parcel or on an entire Designated Builder Parcel:

a) Changes in architectural styles, color palettes and detail elements.

b) The addition of similar and complementary residential or commercial uses and architectural styles, color palettes and detail elements.

c) Changes in building materials.

d) Changes in landscaping materials, plant palettes, and landscaping detail elements.

e) Setback encroachments for courtyards, porches, miradors, casitas,

architectural projections as defined by ~~3.5 of~~ the Design Guidelines, garages and carriage units.

f) Height of courtyard walls.

(i) Administrative Review Permitted. An application for a Minor Deviation may be filed by the Master Developer or a Designated Builder as provided herein. Any application by a Designated Builder must include a written statement from the Master Developer that it either approves or has no objection to the request.

(ii) Submittal, Review and Appeal

(1) An application for a Minor Deviation from the Design Guidelines may be made to the Director of the Department of Planning for their consideration. The Director of the Department of Planning shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(2) The Director of the Department of Planning may, in ~~her~~ their discretion, approve a Minor Deviation or impose any reasonable condition upon such approval. The Director of the Department of Planning shall issue a written decision within thirty (30) business days of receipt of the application. ~~Her~~ The decision is final unless it is appealed by the Master Developer pursuant to Section (3) below. Applications for which no written decision is issued within 30 days shall be deemed approved.

(3) Master Developer or Designated Builder may appeal any decision of the Director of the Department of Planning to the Planning Commission by providing a written request for an appeal within 10 business days of receiving notice of the decision. The Planning Commission shall hear such appeal within thirty (30) days.

(4) Master Developer or Designated Builder may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the

Planning Commission action. The City Council shall hear such appeal within thirty (30) days.

(b) Major Deviation. A Major Deviation must not have a material and adverse impact on the overall development of the Community, may exceed ten percent (10%) of any particular requirement delineated by the Design Guidelines but may not exceed ten percent (10%) of the lots in a Designated Builder Parcel.

(i) City Council Approval Required. An application for a Major Deviation may be filed by the Master Developer or a Designated Builder as provided herein. Any application by a Designated Builder must include a written statement from the Master Developer that it either approves or has no objection to the request.

(ii) Submittal, Review and Approval.

(1) All applications for Major Deviations shall be heard by the Planning Commission within forty five (45) days of the City's receipt of the application.

(2) All actions by the Planning Commission on Major Deviations shall be scheduled for a hearing by the City Council within thirty (30) days of such action.

(c) If Master Developer or Designated Builder requests a deviation from adopted City Infrastructure Improvement Standards or the Kyle Canyon Engineered Details, an application for said deviation shall be submitted to the Land Development Section of the Department of ~~Public Works~~Building and Safety and related fees paid for consideration by the City Engineer pursuant to the Applicable Rules.

(d) Any request for deviation other than those specifically provided shall be processed pursuant to Section 3.03 (Modifications of Design Guidelines).

3.05. Entitlement Requests.

(a) Generally. City agrees to cooperate reasonably with Master Developer to:

(i) Expeditiously process all Entitlement Requests in connection with the Property that are in compliance with the Applicable Rules and Master Studies; and

(ii) Subject to reasonable conditions not otherwise in conflict with the Applicable Rules or the Master Studies, promptly consider the approval of Entitlement Requests.

(b) Required Zoning Entitlement for Property. The Parties acknowledge and agree that the proper means to legally entitle the Property for eventual development is by way of the Master Developer's application and for a Traditional Development (T-D) Zoning Classification and an approved Traditional Development Community Program for the Property in accordance with ~~Title 19.06.160 of the Code~~the UDC.

The City Council finds that this Agreement, together with the exhibits and attachments, which include the Master Land Use Plan, the Design Guidelines, and the Master Studies fulfill and accomplish the required submittals pursuant to the T-D zoning district and shall be the basis of any approvals granted to the Master Developer under a T-D zoning district application.

(c) Other Entitlement Requests. Except as provided herein including the requirements of Section 7.05, all other Entitlement Request applications shall be processed by City according to the Applicable Rules. The Parties acknowledge that the procedures for processing such Entitlement Request applications are governed by the Code. In addition, any additional application requirements delineated herein shall be supplemental and in addition to such Code requirements.

(i) Parent Tentative Map. Master Developer shall satisfy all Code requirements and the following conditions precedent before filing an application for consideration of a Parent Tentative Map:

(1) Conditional approval of all Master Studies;

(2) Submittal of an exhibit acknowledging that all parcels within the Property, including those parcels "Not a Part" have, or will be provided legal access; and

(3) Submittal of a Master Utility Plan.

(4) The Parent Tentative Map shall show all additional right-of-way for turn lanes and bus turnouts required by the Master Traffic Study, and such additional rights-of-way shall be dedicated on the Parent Final Map unless an update to the approved Master Traffic Study is submitted to and approved by the Department of Public Works that shows that specific additional rights-of-way are not required. Comply with the recommendations of the approved Master Traffic Study update prior to occupancy of the site. If additional rights-of-way are not required and Traffic Control devices are or may be proposed within or adjacent to this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted on the Parent Final Map. Phased compliance will be allowed if recommended by the approved Master Traffic Study. No recommendation of the approved Master Traffic Study, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commissioner or the City Council on the development of this site.

(ii) Parent Final Subdivision Map. Master Developer shall satisfy all Code requirements before filing an application for consideration of a Parent Final Subdivision Map; provided ~~that upon City approval of a Special Improvement District /or or upon posting of a bond for offsite roadway improvements that are adjacent to the Property, the requirements of Chapter 18.26.010 and Chapter 18.26.020~~that the Parent Final Map shall not contain any individual residential lots and the Parent Final Map shall not require any improvement bonds and the requirement of the UDC shall be deemed to be satisfied. However, any subsequent subdivided maps including residential lots shall be bonded pursuant to the requirements of the UDC. ~~The above noted bond will be relinquished by the City upon funding of a Special Improvement District. Prior to complete allocation of the funds available from the Special~~

Improvement District, the Master Developer will be required to bond for the improvements that remain to be completed in accordance with the terms of the Special Improvement District Agreement.

City agrees that the Parent Final Subdivision Map for the entire Property shall be processed and recorded pursuant to the following schedule:

Parent Final Subdivision Map Processing Schedule

| | Duration |
|---|---|
| Submittal of Parent Final Maps (East and West) to City | 0 Weeks |
| City Blueline Technical Review | 5.5 Weeks |
| (Workshop and Public Hearing - See Note 1) | |
| Address City Comments | 4 Weeks |
| City Second Review (in response to Blueline Comments) | 3 Weeks |
| (Builder Tentative Subdivision Map Submittal - See Note 2) | |
| Address City Comments | 2.5 Weeks |
| Obtain LVVWD, SNHD, & DWR Signatures | 2 Weeks |
| Submit Mylars to City | 0 Weeks |
| City Signatures | 2 Weeks |
| County Recorder Review & Recordation | 1 Week |
| TOTAL DURATION | 20 Weeks(See Note 3) |

Notes:

1) Upon completion of the Blueline Technical Review, the City of Las Vegas will provide a summary of comments and immediately schedule a workshop with the builder ("Workshop") that will be held within ten (10) days of completion of the City Blueline Technical Review and will be

~~attended by the City staff members that are responsible for the comments provided to the Master Developer. The City will also schedule a hearing by the City Council within thirty (30) days of the Blueline Technical Review. The Master Developer may elect to forego the hearing if the Master Developer agrees to the conditions of approval recommended by the City.~~

~~2)~~1) ~~-~~The City will accept submittals of tentative subdivision maps for Designated Builder Parcels for review and approval upon the concurrent submittal of the Parent Final Map(s)~~.~~ in response to the comments provided as a result of the City Blueline Technical Review.

~~3) The Master Developer and City recognize that the Total Duration shown may change if the Master Developer elects to pursue the hearing as discussed in Note 1.~~

(iii) Tentative Subdivision Map. Master Developer and/or Designated Builders shall satisfy all Code requirements for filing of an application for consideration of a tentative subdivision map~~, except that, notwithstanding any Code requirements to the contrary, Master Developer and/or Designated Builders may submit tentative subdivision maps concurrent with the submittal for the City's second review of the Parent Final Map as described in Section 3.06~~.

(iv) Site Development Plan Review. Master Developer and/or Designated Builders shall satisfy all Code requirements for the filing of an application for a site development plan review~~, except that, notwithstanding any Code requirements to the contrary, Master Developer and/or Designated Builders may submit an application for site development plan review for an establishment offering non-restricted gaming, a Gaming Enterprise District and public infrastructure facilities such as power substations prior to recordation of a Parent Final Subdivision Map.~~ The Parties further agree that:

(1) City staff shall consider and make a decision with respect to any application for a Site Development Plan within thirty (30) days of receipt of the application.

(2) Any appeal of an adverse decision on a site development plan review

shall be scheduled for a hearing before the City Council within forty-five (45) days of City's receipt of the application for appeal.

(v) Special Use Permits. Master Developer and/or Designated Builders shall satisfy all Code requirements for the filing of an application for a special use permit. ~~except that, notwithstanding any Code requirements to the contrary, Master Developer and/or Designated Builders may submit an application for special use permits for an establishment offering non-restricted gaming, a Gaming Enterprise District and public infrastructure facilities such as power substations prior to recordation of a Parent Final Subdivision Map.~~ The Parties further agree that:

(1) Except as otherwise provided in this Agreement and the Design Guidelines, special use permit applications shall be processed in accordance with ~~Section 19.18.060 of the Code~~the UDC.

(2) City shall not accept any special use permit application without written verification that the Master Developer either approves of the application or has no objection thereto.

~~(3) City may approve any application required by the Code for an establishment offering non-restricted gaming or for a Gaming Enterprise District prior to the recordation of the Parent Final Map.~~

(vi) Gaming Enterprise District—Hotel/Casino. ~~Master Developer acknowledges that there are certain Entitlement Request applications that must be considered by the City Council before an establishment offering non-restricted gaming may be constructed and operated within the Community. City acknowledges that Master Developer may apply for a Gaming Enterprise District designation in accordance with NRS 463.3086 and the Code to allow a non-restricted gaming establishment within the Community.~~ A Gaming Enterprise District and an establishment offering non-restricted gaming is approved within the Community. City recognizes that non-restricted gaming establishments have been appropriately included and developed in other master-planned communities throughout the City and Clark County, and City acknowledges that the Community is~~may be~~ an appropriate location for a non-restricted

gaming establishment as well. A hotel or appurtenant structure associated with a non-restricted gaming establishment shall be no greater than 160 feet in height.

3.06. Dedicated Staff and the Processing of Applications.

(a) Processing Fees, Generally. All Entitlement Requests, Minor or Major Modification Requests and all other requests related to the development of the Community shall pay the fees as provided by the UDC~~Code~~.

~~(b) Dedicated Staff. City will designate at least one person in the various City departments to be knowledgeable and available for processing matters related to the Community. Such person will be familiar with the Community, including without limitation, the Applicable Rules. The following City departments and divisions will have such a person so designated:~~

~~(i) Department of Planning and Development;~~

~~(ii) Building and Safety Department;~~

~~(iii) Public Works Department;~~

~~(iv) Right-of-Way Section of the Department of Public Works;~~

~~(v) Traffic Division of the Department of Public Works;~~

~~(vi) Flood Control Section of the Department of Public Works;~~

~~(vii) Collection System Planning Section of the Department of Public Works;~~

~~(viii) Such other City Departments, divisions or agencies as may be necessary to~~

process applications related to the Community; and

(ix) Surveying Section of the Department of Public Works; and

(x) The Coordinator (defined below).

(c) Meetings. The Dedicated Staff will be available for individual construction document and construction progress meetings with Master Developer as requested by Master Developer.

(d) Processing.

(i) The City acknowledges the Master Developer's need to have expeditious reviews of all studies, maps, plans, applications for permits and other authorizations for development of and within the Community (collectively, the "Applications").

(ii) The Master Developer agrees to provide the City with a master Schedule (as defined herein) setting forth expected dates of submission for Applications for the Community. The master Schedule shall be complete for all anticipated Applications, and may be used by the City to plan and adjust its staffing capacity accordingly. The Master Developer shall provide the City with periodic, but not less than quarterly, updates of the master Schedule providing additional Applications, changed submission dates, and reflecting Applications already submitted to City, throughout the development of the Community.

(iii) The City and Master Developer agree that the schedule ("Schedule") set forth below is a reasonable estimate of time for the City to process Applications, and shall constitute the targeted time for City to review Applications of the type listed. The Schedule is expressed in Business Days (bd) from the date of submittal:

| | Category | 1st Review | 2nd Review | 3rd Review * | Mylar/Map Signature |
|---|---|---|---|---|---|
| 1. | Master Drainage Study updates, Master Rough Grading Plans and Technical Drainage Studies | 10 bd | 10 bd | 5 bd | N/A |
| 2. | Traffic Studies | 20 bd | 15 bd | 5 bd | N/A |
| 3. | Civil Improvement Plans ** | 20 bd | 15 bd | 5 bd | 10 bd |
| 4. | Final Maps | 20 bd | 10 bd | 5 | 10 bd |
| 5. | Parcel Maps | 20 bd | 10 bd | N/A | 10 bd |
| 6. | Boundary Line Adjustments | 20 bd | 10 bd | N/A | 10 bd |
| 7. | Reversionary Maps | 20 bd | 10 bd | N/A | 10 bd |
| 8. | Single Family-Standard Plans | 10 bd | 10 bd | 5 bd | |
| 9. | Single Family - Production Homes | 10 bd | 5 bd | 10 bd | |
| 10. | Single Family – Custom | 10 bd | 10 bd | 10 bd | |
| 11. | Apartments – Model Plans | 10 bd | 10 bd | 10 bd | |
| 12. | Apartments – Production Plans | 10 bd | 10 bd | 10 bd | |
| 13. | Condo-Standard Plans | 10 bd | 10 bd | 10 bd | |
| 14. | Condo – Model Plans | 10 bd | 10 bd | 10 bd | |
| 15. | Condo – Production Plans | 10 bd | 10 bd | 10 bd | |
| 16. | New Commercial (< 2.5k sf) | 10 bd | 10 bd | 10 bd | |
| 17. | Assembly - Restaurants | 10 bd | 10 bd | 10 bd | |
| | Category | 1st Review | 2nd Review | 3rd Review * | Mylar/Map Signature |

| | | | | | |
|---|---|---|---|---|---|
| 18. | Assembly - Restaurants | 10 bd | 10 bd | 10 bd | |
| 19. | Commercial Shell Building | 10 bd | 10 bd | 10 bd | |
| 20. | Tenant Improvement (<2.5k sf) | 10 bd | 10 bd | 10bd | |
| 21. | Tenant Improvement (>2.5k sf) | 10bd | 10 bd | 10 bd | |
| 22. | Fire Sprinkler System | 10 bd | 5 bd | 5 bd | |
| 23. | Fire Alarm System | 10 bd | 5 bd | 5 bd | |

- *If 3rd or subsequent review is required
- ** Civil Improvement Plans, including plans for dry utilities, can be submitted concurrent with the application for second review of the technical drainage studies and traffic studies (if such studies are required).

(iv) The City reserves the right to extend the Schedule for unusually large or complex Applications (i.e., pump stations, reservoirs, flood control facilities, mixed use projects, condominiums, and townhouses, etc.) subject to written or electronic (e-mail) notification within four (4) Business Days of the submittal and the provision of a target date for the completion of the review. Applications not listed in the Schedule shall be reviewed within a reasonable time frame as is agreed upon between the Parties.

(v) Master Developer acknowledges that submission of Applications in other than the proper sequence may delay the consideration of many related Applications. For backbone infrastructure, or for other processing as determined necessary by the Parties, the Parties will determine the proper sequence of submittals (as agreed upon, the "Alternative Schedule"). The City agrees to the review of Applications in accordance with the Schedule or the Alternative Schedule only if the Applications are submitted in the proper sequence. Proper sequence as used in this Section for submitting Applications:

(1) in accordance with the Schedule, is the order of submission of similar type

applications as required by City as of the Effective Date; and

(2) in accordance with the Alternative Schedule, is the order as provided in the Alternative Schedule. Therefore, Master Developer agrees that Applications will be submitted in the proper sequence in order to avoid coordination problems with reviews.

(vi) City shall advise through the Coordinator the applicant's designee, whose name and standard and electronic (e-mail) address shall be provided to City with each Application, in writing or electronically within four (4) Business Days of a submittal if City is unable to complete processing the Application in the time required by the Schedule and Alternative Schedule; and City shall advise the applicant's designee of the Business Day when City reasonably believes it will complete processing of the Application. If the City projected completion date is more than five (5) Business Days later than the date required under the Schedule or the Alternative Schedule, the applicant shall have the option to either:

(1) accept the alternative timeframe projected by City; or

(2) request City to utilize the process described in Section (viii), below.

(vii) City shall assign one full time staff member to act as a central point of contact ("Coordinator") for all coordination and communication between the City and the Master Developer as to Applications. The Coordinator will be responsible for facilitating communications, providing Master Developer with notice of new uniformly applied policies in accordance with Section 2.02(b), advising applicants in accordance with sub-section (vi) above, and providing the Master Developer with periodic updates regarding the Schedule and issues that need to be resolved for the Community to stay on the Schedule. Master Developer agrees to compensate City for the Coordinator's services pursuant to a separate dedicated coordinator reimbursement agreement with the City. If requested in writing by Master Developer, the City Manager shall designate a second Coordinator ("2nd Coordinator) within fourteen (14) Business Days of receipt of Master Developer's written request. Delivery of the written request by Master Developer to City shall constitute Master Developer's agreement to compensate City for the

2ndCoordinator's services as set forth in a second coordinator reimbursement agreement with the City. The 2nd Coordinator shall not commence work as 2nd Coordinator until the second coordinator reimbursement agreement is fully executed.

(viii) If City is unable to complete processing of an Application for which the Applicable Rules identify an express process in the time required by the Schedule, or an Alternative Schedule, the applicant may request review of the Application pursuant to the express civil plan check process in accordance with the Applicable Rules, except that the applicant may request a plan check to be scheduled concurrent with the application for second review of the technical drainage studies and traffic studies (if such studies are required).

(c) Dedicated Inspectors. City shall designate one full time construction inspector from the Offsite Inspection Testing division of the Department of Public Works that is dedicated exclusively to the Property once commencement of construction begins. The Master Developer shall annually reimburse City an amount equal to the difference, if any, between the inspection fees paid in connection with construction of infrastructure improvements on the Property and the full-time equivalent compensation package of the full-time inspector over the duration of the project.

If such inspector approves a portion of the project that also requires a utility company approval, final approval from Department of Public Works Offsite Inspection Testing to the Special Improvement District section for funding release will not be given until Master Developer provides a letter to Offsite Inspection Testing with a copy of the inspection approval memo from the said utility company. At the time proof of the utility company approved inspection is received, Offside Inspection Testing shall have 10 business days to verify the work is completed and issue final approval notice to the Special Improvement District section. If an outside utility company inspection is not required, Offsite Inspection Testing shall have 10 business days to verify the work is completed and issue final approval notice to the Special Improvement District section. If it is determined that the work is not complete, Offsite Inspection Testing shall have 10 business days after being re-notified that the work is complete to issue final approval notice to the Special Improvement District Section.

(~~d~~fb) Designated Builders will be permitted to submit Applications for building permits for model homes earlier than would otherwise be required under the Applicable Rules upon compliance with the same requirements that City has traditionally imposed on developers for model homes building permits as of the Effective Date.

(~~f~~gc) Inspection Fees. Construction documents and plans that are prepared on behalf of Master Developer for water facilities such as water pumping stations, water reservoirs, water transmission mains, and water distribution mains, that are reviewed by City for approval, shall not require payment of inspection fees to City unless the water service provider agrees not provide those inspection services.

~~(ghd) Separation of Improvement Plans. The City recognizes that the Master Developer may choose to separate plans for review and approval by the City within a particular alignment into separate plans sets. This may include separate plans for sanitary sewer, potable water, streets and storm drain. The individual plan sets shall show all existing and proposed utility alignments.~~

3.07. Impact Statement as Required by Chapter 481, Statutes of Nevada 1999. The Impact Statement for Projects of Significant Impact within the Las Vegas Urban Growth Zone was timely submitted to City. City received and reviewed the Impact Statement and finds that it satisfies the statutory requirements. The Impact Statement is set forth herein at Exhibit "C."

3.08. Common Name for the Community. Master Developer shall establish a common name for the Community and shall disclose such proposed name to City~~,~~ by written letter to City Manager. City acknowledges that Master Developer will devote substantial resources to promote such common name and protect its value as a unique intellectual property right, which may include filing state and federal registrations for such name. The Parties therefore agree that Master Developer shall have the exclusive right to own, control and license the name. City shall have no obligation to police the use, wrongful or otherwise, of the name by third parties.

3.09. "Saw-tooth Street" Mitigation Required. Where "Not a Part" parcels exist within or adjacent to the Property, that are or will be developed outside of the Community framework, but are bounded on two (or more) sides by developments within the Community, and that result in a "saw-tooth street improvement" (as generally and customarily defined in the Las Vegas Valley) or a non-continuous roadway, Master Developer shall construct such improvements necessary to tie the roadways and any applicable sidewalks or trails together or eliminate the saw-tooth, whichever is necessary. If such construction is restricted due to a lack of available rights-of-way, City agrees to either obtain the necessary rights-of-way at no cost to Developer or relieve Master Developer of the requirement to construct such facilities.

3.10. Identity Monuments. Prior to the construction of any identity monuments on the Property, Master Developer shall submit for approval a plan which includes the design and placement of the identity monuments. Such plan shall be reviewed and acted upon by City within thirty (30) days of receipt by City. If the City does act within thirty (30) days, City shall be conclusively deemed to have approved the design and location of the monuments. Sign permits for such Identity Monuments may be issued at any time after approval. Any appeal by the applicant of an adverse decision shall be scheduled for a hearing before the City Council within forty-five (45) days of the City's receipt of the application for appeal.

3.11. Common Area Landscaping. All common area landscaping shall be designed and constructed in accordance with the Design Guidelines. Sidewalks, landscaping and other appurtenances within common areas shall be maintained by the Master HOA or a Sub-HOA, at Master Developer's option. Unless provided for in the Parks Agreement, all landscaping that is not the responsibility of a lot owner to maintain shall be maintained by the Master HOA or a Sub-HOA. City and Master Developer, Master HOA and/or Sub HOA shall enter into appropriate encroachment agreements to the City for the installation and maintenance of landscaping at no cost to the City. The parties agree that such right of encroachment is for the mutual benefit of the City, Master Developer and the Master HOA and any Sub-HOA. Master Developer shall have the right to assign such encroachment rights to the Master HOA and any Sub-HOA.

3.12. Streetlights and Banners. The Master Developer shall install an approved City standard streetlight applicable at the time of the construction. If the terrain and final grading within the Kyle Canyon development is such that pole height is required to vary from approved standards and is not stocked by the City, the Master Developer shall initially provide the following items to the City at no cost:

(a) a fully functional constructed storage yard in the Kyle Canyon area, of a size and location acceptable to the City Traffic Engineer, and

(b) provide replacement poles consisting of the various required heights equal to 3% of the number installed, replenished as needed annually for 10 years.

If the Master Developer proposes the use of non-standard streetlights that are acceptable to the City, the Master Developer shall enter into an agreement with the City in which the Master Developer agrees to participate in acquiring and supplying said streetlights and any associated specialized equipment. In the event a non-standard streetlight is approved, and is requested to be maintained by the City, the Master Developer shall initially provide the following items to the City at no cost:

(i) a fully functionally constructed storage yard in the Kyle Canyon area, of a size and location acceptable to the City Traffic Engineer, and

(ii) stock parts and poles for replacement of non-standard streetlight equipment equal to 3% of the number installed, replenished as needed annually for 10 years, and

(iii) any specialized equipment and vehicles required for the maintenance of the non-standard streetlights not already within the City's fleet of vehicles.

At the Master Developer's option, and with written approval from the City, hanging brackets may be installed on the standard streetlight poles that would support the placement of banners. Banners may only be used for community identification, special events or seasonal identification. If installed, repairs to

the poles or brackets as a result of bracket installation, or damage from banners, etc. will be performed by the Master HOA. Prior to installation of banners, the banner mounting hardware must be approved by the City's Traffic Engineering Maintenance Section, in addition to certification and approval from the pole manufacturer as to the type of brackets, materials, mounting methods, size of banner and wind loading is required to maintain structural integrity of the poles and maintain any and all pole warranties and certifications. A certification letter stamped and signed by a registered Professional Engineer must be submitted to the Traffic Engineering Maintenance Section prior to approval for the banners.

~~For all public streetlights that are required to have varied pole height or length due to terrain and final grading the Master Developer shall submit an "illumination study" to be approved by the Traffic/Electrical Field Operation Section that identifies streetlight spacing for lengths that include those affected streetlights. For non-standard streetlights, the Master Developer shall submit a comprehensive "illumination study" to be approved by the Traffic/Electrical Field Operation Section that identifies all streetlight equipment specifications and spacing. In addition to the Code requirements, each and every streetlight over seven feet from grade to its highest point (either on a light pole or attached to a structure), on City-dedicated public streets, on Homeowner Association-maintained private streets and any parking lots or parking structures shall be installed with "full cut-offs" to prevent illumination from spilling beyond the sidewalk and road areas to protect the view of the night sky.~~

3.13. Telecommunications Facilities. The Parties acknowledge that temporary and permanent Telecommunication Facilities are a necessary component to effective communication and will be necessary on the Property. The Parties agree that determining the appropriate location(s), number, and general appearance of Telecommunication Facilities as part of this Agreement will permit both the Master Developer and the City to appropriately plan the Community and will help minimize any potential conflicts or disputes that might arise in regard to permits for such facilities in the future. Therefore, the Parties agree that Telecommunication Facilities on the Property shall be subject to the following conditions:

(a) The Telecommunication Facilities must comply with Federal Communication Commission standards;

(b) Within six months of the recordation of the Final Parent Map, Master Developer shall submit a Telecommunications Facilities Map for consideration and approval by the Planning Commission and City Council to indicate the location of Telecommunication Facilities.

The Telecommunication Facilities shall be located on the property identified by the Telecommunication Facilities Map, subject to administrative review pursuant to the Code, unless otherwise indicated by the Design Guidelines, and in the case of facilities located on City-owned property, approval of lease from the City is required;

(c) The Telecommunications Facilities shall be architecturally compatible with the Design Guidelines and incorporate reasonable camouflaging/stealth techniques such as architecturally screened roof-mounted antennas or incorporation into flagpoles and the like;

(d) Master Developer shall use all reasonable efforts to ensure co-location of Telecommunication Facilities;

(e) Telecommunication Facilities shall not obstruct public safety communications and the usual and customary transmission of other communication services enjoyed by adjacent property owners; and

(f) Freestanding (stand alone) Telecommunications Facilities not located on City-owned property shall not be in excess of seventy (70) feet in height and shall not be located within one hundred (100) feet of any residential lot.

3.14 Right-Of-Way Agreements For Optical Fiber. City shall permit the installation of optical fiber conduit and optical fiber, together with all necessary appurtenances in all City rights-of-way within the Property upon the proper execution of Right-Of-Way Agreement between the Master Developer, or its designee, and the City.

Such Right-Of-Way Agreement shall include, at a minimum, the following provisions: a phasing plan for such improvements; any such improvements to be constructed within the City's right-of-way shall be indicated and approved on civil improvement plans; any such improvements shall not exceed 120 feet in length within the public right-of-way, unless otherwise approved by the Director of Public Works; payment by the Master Developer or its designee of an initial fee of $10,000.00 and a continuing annual fee of $5,000.00, payment of which is to commence upon the installation of the first instance of optical fiber within the optical fiber conduit, and on every anniversary of the first installation thereafter; Master Developer to notify the Director of Public Works in writing of the first instance of installation of optical fiber; and an annual payment by the Master Developer of $1.33 for each linear foot of conduit within the City's right-of-way, subject to annual adjustment based upon the Consumer Price Index, All Urban Consumers (CPI-U).

3.15. Blasting. Master Developer agrees to comply with all Code and City written policies as related to blasting.

3.16. Property Dedications to City. Except as provided in Section 7.05, any real property (and fixtures thereupon) transferred or dedicated to City or any other public entity shall be free and clear of any mortgages, deeds of trust, liens or encumbrances (except for any encumbrances that existed on the patent at the time it was delivered to Master Developer from the United States of America).

3.17. Anti-Moratorium. The Parties agree that no moratorium or future ordinance, resolution or other land use rule or regulation imposing a limitation on the construction, rate, timing or sequencing of the development of property including those that affect parcel or subdivision maps, building permits, occupancy permits or other entitlements to use land that are issued or granted by City shall apply to the development of the Community or portion thereof. Notwithstanding the foregoing, City may adopt ordinances, resolutions or rules or regulations that are necessary to:

(a) comply with any state or federal laws or regulations as provided by Section 2.04, above;

(b) alleviate or otherwise contain a legitimate, bona fide harmful and/or noxious use of the Property, in which event the ordinance shall contain the most minimal and least intrusive alternative possible, and shall not, in any event, be imposed arbitrarily; or

(c) maintain City's compliance with non-City and state sewerage, water system and utility regulations. However, the City as the provider of wastewater collection and treatment for this development shall make all reasonable best efforts to insure that the wastewater facilities are adequately sized and of the proper technology so as to avoid any sewage caused moratorium.

In the event of any such moratorium, future ordinance, resolution, rule or regulation, unless taken pursuant to the three exceptions contained above, Master Developer shall continue to be entitled to apply for and receive consideration of Entitlement Requests and other applications contemplated in Section 3 in accordance with the Applicable Rules.

~~3.18. Additional Property Not Included Within Agreement. This Agreement does not authorize the development by Master Developer of additional property outside the boundaries of the Property (other than the addition of APN's 125-06-002-006, 125-06-002-005 and 125-06-002-007 and except to the extent that certain public facilities are explicitly referred to herein such as school sites, water facilities and fire stations) without an amendment to this Agreement.~~

3.18~~9~~. Cooperation in Financing. City will execute and deliver within thirty (30) days of a written request from Master Developer, such documents as may be reasonably necessary to acknowledge that:

(a) City has no lien on the Property as a direct result of this Agreement, or disclosure of any City liens that exist; and

(b) City is not aware of a default of this Agreement by Master Developer or if it is in default of this Agreement, the specific ground(s) of default. Nothing herein shall be deemed to relieve Master

Developer of its obligations under this Agreement or its liability for failure to perform its obligations under this Agreement.

3.1920. Franchise Agreements. City warrants that it has entered into franchise agreements with all of the public utility companies that provide adequate utility services to the Property, specifically, NevadaNV Power CompanyEnergy, Embarq (aka, Sprint Central Telephone Nevada)Century Link, Southwest Gas Corporation, and Cox Communications.

3.20.

3.21. Development in Town Center and Urban Mixed Use.Commercial Development Standards and Design Guidelines. All commercial development within the community shall be subject to the commercial development standards and design guidelines pursuant to the C-2 zoning district of the UDC. All permissible uses shall refer to the zoning districts described in the table on page 2 of the Kyle Canyon Development Standards.

(a) Master Developer shall submit to City for approval by the Planning Commission and City Council a set of design guidelines and development standards governing development in the Town Center and Urban Mix-Use land use categories ("The Town Center Standards"). The Town Center Standards shall include a requirement for commercial uses and be submitted prior to the earlier of:

(i) 18 months from the Effective Date; or

(ii) the issuance of the 3500th residential building permit.

(b) The City may withhold building permits for any permanent habitable structure within the Town Center and Urban Mixed-Use areas until The Town Center Standards have been approved by the City Council.

(c) Buildings in the Town Center area shall not exceed 160 feet in height, and buildings in the Urban Mixed-Use area shall not exceed 80 feet in height.

~~(d) Master Developer shall not apply to reduce the boundaries of, or to add single family detached housing as a permitted use in, the Town Center Mixed Use District for a period of five (5) years from the day the Town Center Standards are approved.~~

**SECTION FOUR**

**MAINTENANCE OF THE COMMUNITY**

4.01 Maintenance of Public and Common Areas.

(a) Master Community HOA. Master Developer agrees to organize a Master HOA to manage and maintain sidewalk, common landscape areas, any landscaping within the street rights-of-way including median islands, private drainage facilities located within common elements, including but not limited to, rip-rap lined channels and natural arroyos as determined by the Master Drainage Study or applicable Technical Drainage Studies, but excluding City dedicated public streets, curbs, gutters, streetlights upon City-dedicated public streets, City owned traffic control devices and traffic control signage ~~, all temporary detention basins identified in the Master Drainage Study~~ and permanent flood control facilities as identified on the Regional Flood Control District Master Plan Update that are eligible for maintenance funding. The Master HOA shall be formed at the time of recordation of the first residential subdivision map, not including the Final Parent Map.

(b) Maintenance Obligations of the Master HOA and Sub-HOAs. Except as provided in the Parks Agreement, the Master HOA and the Sub-HOAs (which hereinafter may be referred to collectively as the "HOAs") shall be responsible to maintain in good condition and repair all common areas that are transferred to them for repair and maintenance (the "Maintained Facilities"), including, but not limited to all developed and undeveloped sidewalks, private streets, private alleys, private drives, landscaped areas, parks and park facilities, trails, amenity zones, drainage facilities within Common Elements, sight visibility zones, and any landscaping in, on and around medians and public rights-of-way.

Master Developer acknowledges and agrees that common-interest communities will be created and governed by Declarations as such term is defined in NRS 116.037. Such Declarations will be recorded by Master Developer or Designated Builders as an encumbrance against the property to be governed by the appropriate HOA. In each case, the HOA shall have the power to assess the encumbered property to pay the cost of such maintenance and repair and to create and enforce liens in the event of the nonpayment of such assessments. Master Developer further agrees that such Declarations will contain a covenant running to the benefit of City, and enforceable by City, that such facilities will be maintained in good condition and repair. Such HOAs will be Nevada not-for-profit corporations with a board of directors elected by the subject owners, provided, however, that Master Developer may control the board of directors of such HOA for as long as permitted by applicable law.

(c) Such Declarations must be executed and recorded with the office of the Clark County Recorder, and shall include the following provisions, the form of which provisions is to be approved by the City:

(i) that the governing board of the HOA must have the power to maintain the Maintained Facilities;

(ii) that the plan described in Section 4.02 can only be materially amended by the HOA board with the written consent of City;

(iii) that the powers under the Declaration cannot be exercised in a manner that would defeat or materially and adversely affect the implementation of the Maintenance Plan; and

(iv) that in the event the HOA fails to maintain the Maintained Facilities in accordance with the provisions of the plan described in Section 4.02, City may exercise its rights under the Declaration, including the right of City to levy assessments on the property owners for costs incurred by City in maintaining the Maintained Facilities, which assessments shall constitute liens against the land and the individual lots within the subdivision which may be executed upon. City shall have the right to

review the Declaration for the sole purpose of determining its compliance with the provisions of this Section 4.

4.02 Maintenance Plan. For park and common areas, maintained by an HOA the Declaration pursuant to this Section 4 shall provide for a plan of maintenance that contains provisions that substantially conform to those set forth in Exhibit "F" of the Parks Agreement.

4.03 Release of Master Developer. Following Master Developer's creation of HOAs to maintain the Maintained Facilities, and approval of the maintenance plan with respect to each HOA, City will hold each HOA responsible for the maintenance of the Maintained Facilities in each particular development covered by each Declaration and Master Developer shall have no further liability in connection with the maintenance and operation of such particular Maintained Facilities. Notwithstanding the preceding sentence, Master Developer shall be responsible for the plants, trees, grass, irrigation systems, and any other botanicals or mechanical appurtenances related in any way to the Maintained Facilities pursuant to any and all express or implied warranties provided by Master Developer to the HOA under NRS Chapter 116.

4.04 City Maintenance Obligation Acknowledged. City acknowledges and agrees that all permanent flood control facilities as identified on the Regional Flood Control District Master Plan Update and eligible for maintenance funding and all City dedicated public streets (excluding any landscape within the right-of-way), associated curbs, gutters, City-owned traffic control devices, signage, those improvements identified with Drainage Studies for public maintenance, and streetlights upon City-dedicated public streets within the Community and accepted by the City will be maintained by City in good condition and repair at the City's sole cost and expense. ~~City~~ Master Developer or Master HOA will maintain all temporary detention basins identified in the Master Drainage Study. The City agrees to cooperate with the Master Developer and will diligently work with the CCRFCD to obtain acceptance of all permanent drainage facilities. ~~Within 60 days of completion of the first temporary basin, Master Developer shall deposit into a special account $100,000 to reimburse City for City's costs to maintain the basins. Master Developer shall annually thereafter deposit an amount necessary to restore the balance~~

~~of the account to $100,000.~~

## SECTION FIVE

## PUBLIC FACILITIES

5.01. Elementary, Middle and High School Acreage. Master Developer shall dedicate, at no cost to City or the CCSD, up to ~~72~~ 74.34 acres total for the school sites shown on the Master Land Use Plan. Master Developer further agrees to construct Standard Improvements adjacent to the school parcels contemporaneous with the construction of adjacent Village Streets. Such improvements for each dedicated parcel shall be constructed by Master Developer on such schedule as agreed between Master Developer and the CCSD. City agrees that Master Developer has met its obligation in this section if it offers the dedication to the CCSD with restrictions requiring

(a) conformance with the Design Guidelines; and

(b) replacement of any Standard Improvements or facilities installed by Master Developer damaged or removed by CCSD.

5.02. Fire Protection.

(a) Payment Towards Construction of Fire Station. Master Developer will contribute $4,100,000 to the City for the sole purpose of construction of a Fire Station at the Fire Station Site by the earlier of June 30, 2017 or the Final Inspection of the 4,500 residential dwelling unit in the Community. However, if by June 30, 2017 fewer than 2,100 residential dwelling units have received the Final Inspection, the Fire Station Contribution will be delayed and at that time, the City and Master Developer will mutually agree on a future Fire Station Contribution date.

If the Final Inspection has not been issued for any residential dwelling unit prior to June 30, 2017, The Master Developer will have no obligation to make the Fire Station Contribution at that time. Upon the issuance of the first Final Inspection after June 30, 2017, the City and Master Developer will mutually agree on a future Fire Station Contribution date.

In any instance, if the City and Master Developer are unable to mutually agree to a future Fire Station Contribution date, the City Council may, after a hearing, withhold the issuance of residential dwelling unit or commercial building permits within the Community. City shall provide Master Developer written notice at least fifteen(15) days prior to such hearing.

Master Developer agrees to provide all wet and dry utility services to the Fire Station Site prior to the date of the Fire Station Contribution. The City agrees to construct and operate the Fire Station within 24-months after the date of the Fire Station Contribution. ~~Within 18 months of the Effective Date, Master Developer shall pay to City $1,000,000 towards the construction of a Fire Station at the Fire Station Site.~~

~~(b) Mandatory Fire Suppression Systems. Anything in the Applicable Rules to the contrary notwithstanding, every residential dwelling unit constructed in the Community shall be constructed with an automatic fire suppression system pursuant to specifications set forth in the Building Codes. Individual pressure booster pumps may be used to comply with water pressure requirements only where:~~

~~(i) requiring an increase in diameter of the sprinkler pipes inside a dwelling unit would increase the construction costs of such dwelling unit by more than Five Hundred ($500.00) Dollars, adjusted for inflation; or~~

~~(ii) hydraulic calculations demonstrate that the required water pressure cannot be provided without use of a pump; or~~

~~(iii) a builder would otherwise be required to modify the architectural plans for a dwelling unit. Nothing in this Section 5.02 is intended to relieve Master Developer or a Designated Builder from any obligation to install automatic fire suppression systems in non-residential structures, which shall be provided as required by the Applicable Rules.~~

~~(c) Waiver of Permit, Inspection Fees. Master Developer and Designated Builders shall not be required to pay any cost or fee associated with the inspection of a fire suppression system required in Section (b) above. City shall use its best efforts to cause the LVVWD to waive any costs or fees~~

~~associated with Master Developer and Designated Builders compliance with Section 5.02 (b), above.~~

~~(d) Establishment of a Fire Safe Community Program.~~

~~(i) Within 90 days of the Effective Date, City shall establish a Fire Safe Community Program (the "FSCP") similar to City's Green Building Program.~~

~~(ii) City shall promote the FSCP, and the fact that Master Developer and Designated Builders comply with the FSCP:~~

~~(1) on all official City websites; and~~

~~(2) in written materials that are available in all offices of the City that are open to the general public during normal business hours.~~

~~(iii) All websites and written material described in Section (ii) above shall contain a reference to a website provided by Master Developer where people can obtain information about the Community, the Master Developer and Designated Builders.~~

~~(iv) Within 90 days of City sending written notice to Master Developer that City has established the FSCP, Master Developer shall pay City $50,000 towards the cost of City's obligations set forth in this Subsection(d).~~

~~5.03.~~ Regional Transportation Center.

(a) Dedication of a Transit Center Site. Master Developer shall, at no cost to City or the RTC, dedicate up to two and one-half (2.5) gross acres of land to serve as a transit hub and transfer point for various bus routes. Such dedication shall be subject to a restriction that requires the RTC to allow, at no

cost, at least one-half (1/2) acre of the RTC parcel to be used for parking facilities that serve both the RTC parcel and the Property. Master Developer shall construct Standard Improvements adjacent to the RTC parcel contemporaneous with the construction of adjacent Village Streets. The Transit Center shall be in the location shown on the Master Land Use Plan or in such alternate location approved by Master Developer, City and the RTC. So long as the alternative location is within the ~~Town Center Mixed Use~~Blended Land Use district, an amendment to the Master Land Use Plan shall not be required. Master Developer is under no obligation to dedicate any land to the RTC other than as required herein.

(b) Design of the Regional Transportation Center. RTC shall design the Transit Center in accordance with the Design Guidelines, subject to the approval of Master Developer and City.

5.04 Police Services. Designated Builders shall pay City $218 per residential unit for use in the construction of a Metro substation to serve the Community and the surrounding area. Such payment shall be made concurrent with the building permit issued for each residential unit. City and Metro agree that all residential unit fees collected from development in the Community for a Metro substation shall be used the for construction of a Metro substation that is no more than one mile from the Community and shall be constructed and operating within one year from the completion of the Community.

## SECTION SIX

## OPEN SPACE, PARKS, TRAILS AND RECREATION FACILITIES

6.01. Parks Agreement. There exists a Parks Agreement describing the Parties' responsibilities regarding the design, construction, ownership and maintenance responsibilities for the open space, parks, trails and other recreation amenities to be provided by Master Developer. Such agreement is attached hereto as Exhibit "D" and incorporated fully herein. The parties acknowledge that the Parks Agreement is a vital and integral part of this Agreement, and this Agreement would not have otherwise been approved and executed without the prior approval of the Parks Agreement by the City Council.

## SECTION SEVEN

## PROJECT INFRASTRUCTURE IMPROVEMENTS

7.01. Conformance to Master Studies. Master Developer agrees to construct and dedicate to City or other governmental or quasi-governmental entity or appropriate utility company, all infrastructure necessary for the development of the Community as required by the Master Studies and this Agreement.

7.02. Acquisition of Rights-of-Way and Easements. City acknowledges that certain rights-of-way and easements outside the boundaries of the Property may be necessary for the construction of the necessary infrastructure improvements. City shall assist the Master Developer in obtaining the necessary rights-of-way, easements or other interests not owned by Master Developer necessary to construct the necessary infrastructure improvements. With regard to any necessary roadways and/or necessary drainage corridors that are proposed to abut or cross BLM lands, Master Developer shall submit all required documentation to City to enable City to acquire the necessary rights from the BLM. City will accept and initiate processing these applications through the BLM upon submittal of the Master Studies and will diligently pursue approval of the applications in a timely manner. In the event any required rights-of-way, easements or other interests can not be obtained, City may allow a modification of the appropriate approved Master Study to permit development of the Community without such right-of-way, easements or other interest.

7.03. Water Supply. The Parties acknowledge that City currently has no role in the allocation of water to customers of the Las Vegas Valley Water District. If, however, City assumes any role in water allocation during the term of this Agreement, City agrees it will endeavor to allocate or cause to be allocated to the Community water in order that the development of the Community will continue uninterrupted. City and Master Developer will cooperate with the Las Vegas Valley Water District in granting over their respective properties reasonable easements or right-of-ways either On-Property or Off-Property necessary for the installation of water facilities to serve the development. Master Developer agrees to execute all Affidavits of Waiver and Consent forms required by City in order for water laterals and mains to be a part of any proposed special improvement districts.

7.04 ~~Off-Site~~Sanitary Sewer ~~Capacity~~.

(a) Design and Construction of Sanitary Sewer Facilities Shall Conform to the Master Sanitary Sewer Study. Master Developer shall design and construct all sanitary sewer main facilities that are identified as Master Developer's responsibility in the Master Sanitary Sewer Study. Master Developer acknowledges and agrees that this obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Off-Site Sewer Capacity. The Master Developer and the City have analyzed the effect of the buildout of the Community on offsite sewer pipelines. The Master Developer agrees to install parallel sewer lines as indicated in the letter report by Slater Hanifan Group dated May 23, 2011 and included in Exhibit "H". The construction of offsite sewer pipelines will be performed at the percentage buildout shown in this analysis. Master Developer and the City agree that the analysis may need to be revised as exact development patterns in the Community become known. All future offsite sewer analysis for the Community will be performed using a full pipe capacity, d/D ratio of 0.90.

7.~~04~~05 Traffic Improvements.

(a) Obligation to Construct Village Streets solely on Master Developer. Master Developer is obligated to, and shall design and construct all Village Streets subject to Section 7.04 (b), as indicated in the Master Traffic Study. Master Developer acknowledges and agrees that this obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Traffic Signal Improvements. Master Developer or Designated Builders shall comply with Ordinance 5644 (Bill 2003-94), as amended from time to time by the City. The City, pursuant to Ordinance 5644, will construct the traffic signals identified in the Master Traffic Study.

(c) Updates. If required by the Director of Public Works, Master Developer or a Designated Builder shall submit and receive conditional approval of an update of the Master Traffic Study or a Designated Builder site specific traffic impact analysis prior to the approval of the following land use applications: tentative map (residential or commercial); site development plan review (multi-family or

commercial); parcel map; or special use permit, but only if the applications propose land use, density, or entrances that substantially deviate from the approved Master Study or the development differs substantially in the opinion of the City Traffic Engineer from the assumptions of the approved Master Traffic Study . Additional public right-of-way may be required to accommodate such changes.

(d) Construction Phasing. Master Developer shall submit a phasing plan and estimated sequence for all required On-Property and Off-Property street improvements as a part of the Master Traffic Study. City and Master Developer agree the phasing plan is fluid and is dictated by development. Accordingly, the phasing plan may be modified based on the proposed development in the Community.

(e) Kyle Canyon Engineered Details. Design Guidelines shall include engineered details for each public street type, private street type, alley type, trail type, sidewalk type, path type or other roadways or pedestrian travel paths that differ from the City's Standard Drawings for the City's review and approval.

(f) Timing of Subdivision Improvements. Civil improvement plans for construction upon a Designated Builder Parcel may be submitted to Public Works after all of the following have occurred:

(i) conditional approval or concurrent with second submittal of a Technical Drainage Study for a Designated Builder Parcel;

(ii) if required by the Public Works Director, approval or concurrent with second submittal of a traffic study for a Designated Builder Parcel;

(iii) approval of a tentative map or site development plan review for the Designated Builder Parcel, as applicable; and

(iv) submittal upon receipt of first review for the master infrastructure ~~for second review~~ of the civil improvement plans to the City for the surrounding master infrastructure.

Surrounding master infrastructure civil improvement plans for infrastructure that required to provide service to the builder parcel ~~.~~ must be approved prior to or concurrent with approval of civil improvement plans for the Designated Builder Parcel. Infrastructure that is adjacent to but not utilized by the builder parcel will not be required to be constructed but shall be required in compliance with ~~s~~Section ~~3.01.c~~3.02(c).

7.~~05~~06 ~~Northern Beltway~~Sheep Mountain Parkway. Currently, the Property is encumbered by an irrevocable BLM Right-of-Way grant in favor of the City for the proposed ~~Northern Beltway~~Sheep Mountain Parkway as depicted on Exhibit "I" (the "Existing ROW"). The City has planned the future Sheep Mountain Parkway that will allow the right-of-way to be modified approximately 50.1 acres as depicted on Exhibit "J". In exchange for this reduction of right-of-way, the Master Developer shall construct a permanent detention basin in the area depicted on the Master Land Use Plan. The Master Developer agrees to remove interim detention basins located within Sheep Mountain Parkway right-of-way and to locate permanent detention basin(s) along the Puli Road alignment. The City will receive a cost benefit of approximately $7,000,000 of future construction costs through the construction of a permanent detention basin upstream of the Sheep Mountain Parkway Flood Control Facilities. Attached as Exhibit "L" is a memorandum for the estimate of probable cost between interim detention basin removal and permanent detention basins. The City further agrees to submit and approve a vacation of the existing right-of-way. However, the vacation will not be recorded until the Master Developer records the Parent Final Map which includes a requirement for KAG Property, LLC to dedicate an additional 4.3 acres in conformance with Exhibit "J" that is not encumbered by the City's BLM grant N-77772. ~~The Parties have agreed to a realignment of the proposed Northern Beltway (the "Northern ROW") and for the means by which the City shall acquire certain of the necessary rights-of-way for the Northern Beltway both within and outside the boundaries of the Property and for the abandonment by the City of the Existing ROW. Except as required by the Applicable Rules and the Master Studies, City shall not require the dedication of any easement, right-of-way or other interest for the Northern ROW.~~ The City will follow the Applicable Rules if any property proposed for Sheep Mountain Parkway is to be vacated.

~~(a) The agreement of the parties as to the Northern ROW is as follows:~~

~~(i) Prior to the recordation of the Parent Final Map, certain real property necessary to construct the Northern ROW within Section 1 as depicted graphically, and identified by legal description by Exhibit "H" (the "Section 1 Land"), shall be dedicated to the City pursuant to one of two alternatives identified herein at Section 7.05 (b).~~

~~(ii) Prior to the recordation of the Parent Final Map, certain parcels currently within the Providence Master Planned Community as depicted graphically, and identified by legal description by Exhibit "I" (the "Providence Land"), shall be dedicated to the City. The Providence Land will be dedicated free of any debt encumbrances, and subject only to standard title exceptions acceptable to the City.~~

~~(iii) The Parties acknowledge that on the Parent Tentative Map, the Master Developer will identify for dedication to the City all real property necessary to construct the Northern ROW within the boundaries of the Property as depicted graphically, and identified by legal description by Exhibit "J" (the "On-Property Land").~~

~~(iv) Within thirty (30) days after the Effective Date, the City shall file an action to vacate the Existing ROW. Such vacation shall not record until such time as the dedication of the Section 1 Land and the Providence Land to the City, and the recordation of the Parent Final Map conveying the On-Property Land to the City, are complete.~~

~~(v) In any event the Existing ROW shall not be vacated until the Section 1 Land, the Providence Land and the On-Property Land are dedicated to the City as set forth herein. In the unforeseen event that the Section 1 Land, the Providence Land and the On-Property Land are ultimately not dedicated to the City for any reason, the parties acknowledge the necessity to amend the Agreement to accomplish an amendment of the Master Land Use Plan to properly include the Existing ROW within the Property.~~

(vi) The Master Developer acknowledges, for itself, and on behalf of any Designated Builders, that the City will process, but will abey consideration of, any Tentative Subdivision Map, Site Development Plan Review or other approval that could result in the issuance of a building permit for parcels that lie within the Existing ROW until such time as the Section 1 Land, the Providence Land and the On-Property Land are dedicated to the City.

(vii) The City shall not bear any escrow fees, title insurance premiums or other costs related to the dedication of the Section 1 Land, the Providence Land or the On-Property Land.

(b) With regard to the dedication of the Section 1 Land, there are two alternatives:

(i) Alternate 1. As to the dedication of the Section 1 Land, the land will be dedicated free of any debt encumbrances, and subject only to standard title exceptions acceptable to the City.

(ii) Alternate 2. Alternatively, the Section 1 Land may be dedicated subject only to standard title exceptions acceptable to the City and to encumbrances for debt existing as of the Effective Date ("Debt Encumbrances"), and such dedication shall be accepted by the City only upon the following terms:

(1) Along with the dedication, an Irrevocable Letter of Credit in favor of the City and the Debt lien holders will be provided to the City, issued by a commercial bank acceptable to the City (the "LOC");

(2) The LOC will be in the amount of the Debt Encumbrances, plus related expenses in an amount acceptable to the City. If the debt lien holders acknowledge by agreement that the amount of the LOC will satisfy all amounts due and owing for the Section 1 Land, the City shall accept the amount of the LOC offered. The LOC will allow the City or the Debt lien holders to draw upon the LOC to extinguish the Debt Encumbrances, should there be an uncured default under the loan agreements that underlie the Debt Encumbrances, or an uncured default in the terms of this Section;

~~(3) An agreement the terms and provisions of which are acceptable to the City, will be provided to the City, which will be executed by the Debt lien holders and the Section 1 land owners, which acknowledges the dedication and the terms under which the City is accepting the dedication subject to the Debt Encumbrances. The lender agreement will provide that all notices sent by the Debt lien holders to the debtors related to the Section 1 Land will be copied to the City, and that the loan agreements cannot and shall not be amended or modified without the prior, express approval of the City Council. The lender agreement will further provide that, upon receipt of the full payment in an amount equal to the LOC, the Debt Encumbrances will be fully released regardless of whether the amount of the LOC is sufficient to cover all the debt, expenses and/or other obligations of the Section 1 Land owners to the lenders, and it will provide that the Debt lien holders acknowledge and accept that the City may construct public infrastructure improvements upon the Section 1 Land prior to the full satisfaction of the Debt Encumbrances; and~~

~~(4) The loans underlying the Debt Encumbrances will be fully paid within five (5) years of the date of the dedication, resulting in a full extinguishment of the Debt Encumbrances.~~

7.~~06~~07 Other Roadway Improvements.

(a) Kyle Canyon Interchange. Master Developer will contribute $1,000,000 to the City for the design, construction or reimbursement to City (if the interchange is constructed) of the Kyle Canyon Road – US 95 interchange three years after the issuance of the first Final Inspection for a residential home within the Community. Master Developer will make a second $1,000,000 contribution to the City one year after the first contribution. However, if 1000 residential units have not been constructed within three years of the first residential home Final Inspection approval, the Master Developer and the City shall mutually agree on an extension of the first contribution. At the City's discretion, the City may use the Developer contribution for design of Kyle Canyon Road/US 95 Interchange for the design, right-of-way acquisition or construction of the following projects:

1) Kyle Canyon Interchange at US95.

2) Shaumber Road – Centennial to Ann.

3) Puli Road – Grand Teton to Ann.

4) Oso Blanca Road – Kyle Canyon Road to Tee Pee.

5) Skypoint Road – Hualapai to Log Cabin.

6) Alpine Ridge – Iron Mountain to Kyle Canyon.

7) Hualapai – Oso Blanca to G.E.D. site boundary.

8) Hualapai – Centennial to Grand Teton.

City shall petition the Regional Transportation Commission to place the Kyle Canyon Road Interchange on the capital projects list for the year 2026. ~~City shall complete construction of the Kyle Canyon/US-95 interchange in substantial conformance with a design acceptable to the Parties. City shall use its best efforts to complete such construction within 48 months of the Parties agreeing on a design. Master Developer shall pay City $10 million dollars for the construction of the interchange within 60 days of notification from the City that the design is complete in a manner sufficient to bid the project.~~

~~(b) Horse Drive Interchange. City shall use its best efforts to complete construction of the Horse Drive/US-95 interchange within 30 months of the Effective Date.~~

(~~c~~b) Hualapai Interchange. ~~Parties will cooperate in:~~

~~(i) requesting that Clark County prioritize construction of appropriate improvements to the Hualapai/215 interchange; and~~

~~(ii) obtaining~~ any available federal, state, RTC or Clark County funding for such construction.City and Master Developer agree to cooperate and work in good faith to request that Clark County and RTC prioritize construction of appropriate improvements to the Hualapai/215 interchange and obtain any available Federal, State, RTC or Clark County funding for such construction.

~~(d) Hualapai/Horse Connector. Master Developer shall dedicate with the Parent Final Map~~

~~the right-of-way for, and shall construct the improvements depicted in, the Design Guidelines as DG-S-A1 and DG-S-A2.~~

7.~~07~~08 Flood Control.

(a) Obligation to Construct Flood Control Facilities solely on Master Developer. Master Developer shall design and construct flood control facilities that are identified as Master Developer's responsibility in the Master Drainage Study. Master Developer acknowledges and agrees that this obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Other Governmental Approvals. The Clark County Regional Flood Control District, the Nevada Department of Transportation and any other state or federal agencies, as required, shall approve the Master Drainage Study prior to final approval from City. Clark County Department of ~~Development Services~~Public Works shall receive a copy of the Master Drainage Study and shall have the opportunity to comment.

(c) Updates. The Director of Public Works may require an update to the Master Drainage Study or Master Technical Study as a condition of approval of the following land use applications: tentative map, residential or commercial; site development plan review, multifamily or commercial; or parcel map if those applications are not in substantial conformance with the approved Master Land Use Plan or Master Drainage Study. The update must be approved prior to the approval of any construction drawings and the issuance of any final grading permits. An update to the exhibit in the approved Master Drainage Study depicting proposed development phasing in accordance with the Development Agreement shall be submitted for approval by the Flood Control Section.

(d) Regional Flood Control Facility Construction by Master Developer. The Master Developer agrees to design and substantially complete the County Regional Flood Control District facilities as defined in the Master Drainage Study pursuant to an amendment to the Regional Flood Control District 2008~~2~~ Master Plan Update prior to the final inspection of the first unit within each area

protected by the appropriate drainage facility.

~~An interim drainage facility in lieu of the permanent regional facility could be considered acceptable for the Las Vegas Wash – Moccasin (LVMO 0000) facility. Additionally, those facilities that will be in the Mountain Edge Parkway alignment (right-of-way) will be interim drainage facilities. Interim drainage facilities shall be maintained in accordance with Sections 4.01 and 4.04 of this Agreement.~~

If required by the Master Drainage Study or technical drainage studies, the above facilities or portions thereof shall be constructed prior to issuance of any building permits for affected downstream units or alternate flood protection or mitigation acceptable to City must be provided.

(e) Construction Phasing. Master Developer shall submit a phasing and sequencing plan for all drainage improvements within the Community as a part of the Master Drainage ~~Plan~~Study. The phasing plan and schedule must clearly identify drainage facilities (interim or permanent) necessary prior to permitting any downstream units for construction.

**SECTION EIGHT**

**SPECIAL IMPROVEMENT DISTRICT**

8.01 City agrees to consider and, if appropriate, process and facilitate, with due diligence, any applications made by Master Developer for the creation of a special improvement district. If a request to create a special improvement district is made by Master Developer, the Parties agree to utilize the City's Master Developer Special Improvement District Guidelines, which are attached hereto at Exhibit "E." City shall cooperate with the Master Developer to include all eligible projects for a special improvement district. The Parties agree that nothing contained in this Section or elsewhere in this Agreement constitutes in any way a pre-approval or authorization of any such special improvement district and any special improvement district must be processed and approved pursuant to State law and the Applicable Rules.

## SECTION NINE

## REVIEW OF DEVELOPMENT

9.01 Frequency of Reviews. As provided by NRS Chapter 278, Master Developer shall appear before the City Council to review the development of the Community. The Parties agree that the first review occur no later than ~~eleven (11)~~twenty-four (24) months after the Effective Date of this Agreement, and again ~~at least annually~~every twenty-four (24) months on the anniversary date of that first review thereafter, or as otherwise requested by City upon fourteen (14) days written notice to Master Developer. For any such review, Master Developer shall provide, and City shall review, a report submitted by Master Developer documenting the extent of Master Developer's and City's material compliance with the terms of this Agreement during the preceding period.

The report shall contain information regarding the progress of development within the Community, including, without limitation:

(a) data showing the total number of residential units built and approved on the date of the report;

(b) specific densities within each subdivision and within the Community as a whole; and

(c) the status of development within the Community and the anticipated phases of development for the next calendar year.

In the event Master Developer fails to submit such a report within thirty (30) days following written notice from City that the deadline for such a report has passed, Master Developer shall be in default of this provision and City shall prepare such a report and conduct the required review in such form and manner as City may determine in its sole discretion. City shall charge Master Developer for its reasonable expenses, fees and costs incurred in conducting such review and preparing such report. If at the time of review an issue not previously identified in writing is required to be addressed, the review at the request

of either party may be continued to afford reasonable time for response

9.02 Opportunity to be heard. The report required by this Section shall be considered solely by the City Council. Master Developer shall be permitted an opportunity to be heard orally and in writing before the City Council regarding performance of the parties under this Agreement. The Director of the Department of Planning may, in ~~her~~ their discretion, provide copies of the report to members of City's Planning Commission for their information and use.

9.03 Action by the City Council. At the conclusion of the public hearing on the review, the City Council may take any action permitted by NRS 278.0205 and/or this Agreement.

**SECTION TEN**

**DEFAULT**

10.01 Opportunity to Cure; Default. In the event of any noncompliance with any provision of this Agreement, the Party alleging such noncompliance shall deliver to the other by certified mail a ten (10) day notice of default and opportunity to cure. The time of notice shall be measured from the date of receipt of the certified mailing. The notice of noncompliance shall specify the nature of the alleged noncompliance and the manner in which it may be satisfactorily corrected, during which ten (10) day period the party alleged to be in noncompliance shall not be considered in default for the purposes of termination or institution of legal proceedings.

If the noncompliance cannot reasonably be cured within the ten (10) day cure period, the non-compliant Party may timely cure the noncompliance for purposes of this Section 10 if it commences the appropriate remedial action with the ten (10) day cure period and thereafter diligently prosecutes such action to completion within a period of time acceptable to the non-breaching Party. If no agreement between the Parties is reached regarding the appropriate timeframe for remedial action, the cure period shall not be longer than thirty (30) days from the date the ten (10) day notice of noncompliance and

opportunity to cure was mailed to the non-compliant Party.

If the noncompliance is corrected, then no default shall exist and the noticing party shall take no further action. If the noncompliance is not corrected within the relevant cure period, the non-complaint party is in default, and the party alleging non-compliance may declare the breaching party in default and elect any one or more of the following courses.

(a) Option to Terminate. After proper notice and the expiration of the above-referenced period for correcting the alleged noncompliance, the party alleging the default may give notice of intent to amend or terminate this Agreement as authorized by NRS Chapter 278. Following any such notice of intent to amend or terminate, the matter shall be scheduled and noticed as required by law for consideration and review solely by the City Council.

(b) Amendment or Termination by City. Following consideration of the evidence presented before the City Council and a finding that a default has occurred by Master Developer and remains uncorrected, City may amend or terminate this Agreement. Termination shall not in any manner rescind, modify, or terminate any vested right in favor of Master Developer, as determined under the Applicable Rules, existing or received as of the date of the termination. Master Developer shall have twenty-five (25) days after receipt of written notice of termination to institute legal action pursuant to this Section to determine whether a default existed and whether City was entitled to terminate this Agreement.

(c) Termination by Master Developer. In the event City substantially defaults under this Agreement, Master Developer shall have the right to terminate this Agreement after the hearing set forth in this Section. Master Developer shall have the option, in its discretion, to maintain this Agreement in effect, and seek to enforce all of City's obligations by pursuing an action pursuant to Section 10.03.

10.02. Unavoidable Delay; Extension of Time. Neither party hereunder shall be deemed to be in default, and performance shall be excused, where delays or defaults are caused by war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, or acts of God. If written notice of any such

delay is given to one party or the other within thirty (30) days after the commencement thereof, an automatic extension of time, unless otherwise objected to by the party in receipt of the notice within thirty (30) days of such written notice, shall be granted coextensive with the period of the enforced delay, or longer as may be required by circumstances or as may be subsequently agreed to between City and Master Developer. Any such extensions of time shall have no effect upon the timing of and the conclusions reached in the reviews to be conducted pursuant to Section 9 above.

10.03. Limitation on Monetary Damages. City and the Master Developer agree that they would not have entered into this Agreement if either were to be liable for monetary damages based upon a breach of this Agreement or any other allegation or cause of action based upon or with respect to this Agreement. Accordingly, City and Master Developer may pursue any course of action at law or in equity available for breach of contract, except that neither Party shall be liable to the other or to any other person for any monetary damages based upon a breach of this Agreement or any other allegation or cause of action based upon or with respect to this Agreement.

10.04. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eight Judicial District Court, County of Clark, State of Nevada or the United States District Court, District of Nevada.

10.05. Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

10.06. Applicable Laws; Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Each party shall bear its own attorneys' fees and court costs in connection with any legal proceeding hereunder.

## SECTION ELEVEN

## GENERAL PROVISIONS

11.01. Duration of Agreement. The Term of this Agreement shall commence upon the Effective Date and shall expire on the twentieth (20th) anniversary of the Effective Date, unless terminated earlier pursuant to the terms hereof. City agrees that the Master Developer shall have the right to request extension of the Term of this Agreement for an additional five (5) years upon the following conditions:

(a) Master Developer provides written notice of such extension to City at least one hundred-eighty (180) days prior to the expiration of the original Term of this Agreement;

(b) Master Developer is not in default of this Agreement; and

(c) Master Developer and City enter into an amendment to this Agreement memorializing the extension of the Term.

11.02. Assignment.

The parties acknowledge that the intent of this Agreement is that there is a Master Developer responsible for all of the obligations in this Agreement throughout the Term of this Agreement.

(a) At any time during the Term, Master Developer and its successors-in-interest shall have the right to sell, assign or transfer all of its rights, title and interests to this Agreement (a "Transfer") to any person or entity (a "Transferee"). Except in regard to Transfers to Pre-Approved Transferees (which does not require any consent by the City as provided in Section 11.02(b) below), prior to consummating any Transfer, Master Developer shall obtain from the City written consent to the Transfer as provided for in this Section 11, which consent shall not be unreasonably withheld, delayed or conditioned. Master Developer's written request shall provide reasonably sufficient detail and any non-confidential, non-proprietary supporting evidence necessary for the City to consider and respond to Master Developer's

request. Master Developer shall provide information to the City that Transferee, its employees, consultants and agents (collectively "Transferee Team") has i) the financial resources necessary to develop the Community, in accordance with the terms and conditions of this Agreement, or (ii) experience and expertise in developing projects similar in scope to the Community. The Master Developer's request, including approval of the Assignment and Assumption Agreement reasonably acceptable to the City, shall be promptly considered by the City Council for their approval or denial within forty-five (45) days from the date the City receives Master Developer's written request. Upon City's approval and the full execution of an Assignment and Assumption Agreement by City, Master Developer and Transferee, the Transferee shall thenceforth be deemed to be the Master Developer and responsible for all of the obligations in this Agreement.

(b) Pre-Approved Transferees. Notwithstanding anything in this Agreement to the contrary, the following Transferees constitute "Pre-Approved Transferees," for which no City consent shall be required provided that such Pre-Approved Transferees shall assume in writing all obligations of the Master Developer hereunder by way of an Assignment and Assumption Agreement. The Assignment and Assumption Agreement shall be approved by the City Manager, whose approval shall not be unreasonably withheld, delayed or conditioned. The Assignment and Assumption Agreement shall be executed by the Master Developer and Pre-Approved Transferee and acknowledged by the City Manager. The Pre-Approved Transferee shall thenceforth be deemed to be the Master Developer and be responsible for all of the obligations in this Agreement.

1) An entity owned or controlled by Master Developer;

2) Any Investment Firm that does not plan to develop the Property. If Investment Firm desires to i) develop the Property or ii) Transfer the Property to a subsequent Transferee that intends to develop the Property, the Investment Firm shall obtain from the City written consent to i) commence development or ii) Transfer the Property to a subsequent Transferee that intends to develop the Property, which consent shall not be unreasonably withheld, delayed or conditioned. Investment Firm's written request shall provide reasonably sufficient detail and any non-confidential, non-proprietary supporting evidence necessary for the City Council consider. Investment Firm shall provide information to the City that Investment Firm or Transferee and their employees, consultants and agents (collectively "Investment Firm Team" and "Transferee Team", respectively) that intends to develop the Property has i) the financial

resources necessary to develop the Community, in accordance with the terms and conditions of this Agreement, or (ii) experience and expertise in developing projects similar in scope to the Community. The Investment Firm's request, including approval of the Assignment and Assumption Agreement reasonably acceptable to the City, shall be promptly considered by the City Council for their approval or denial within forty-five (45) days from the date the City receives Master Developer's written request. Upon City's approval and full execution of an Assignment and Assumption Agreement by City, Investment Firm and Transferee, the Transferee shall thenceforth be deemed to be the Master Developer and responsible for the all of the obligations in this Agreement.

(c) In Connection with Financing Transactions. Master Developer has full and sole discretion and authority to encumber the Property or portions thereof, or any improvements thereon, in connection with financing transactions, without limitation to the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement.

11.03. Sale or Other Transfer Not to Relieve the Master Developer of its Obligation. Except as expressly provided herein in this Section 11, no sale or other transfer of the Property or any subdivided development parcel shall relieve Master Developer of its obligations hereunder, and such assignment or transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such purchaser shall be deemed to be the Master Developer hereunder. This Section shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

11.04 Indemnity; Hold Harmless. Except as expressly provided in this Agreement, the Master Developer shall hold City, its officers, agents, employees, and representatives harmless from liability for damage or claims for damage for personal injury, including death and claims for property damage which may arise from the direct or indirect operations of Master Developer or those of its contractors, subcontractors, agents, employees, or other persons acting on Master Developer's behalf which relate to the development of the Community. Master Developer agrees to and shall defend City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of Master Developer's activities in connection with the development of the Community.

Master Developer and City agree to equally pay all costs and attorneys fees for a defense in any legal action filed in a court of competent jurisdiction by a third party alleging any such claims or challenging the validity of this Agreement, except for a defense in any legal action related to waiver of proximity restrictions specified in the UDC between Alcohol Related Uses and other Alcohol Related Uses and between Alcohol Related Uses and parks and/or schools. The provisions of this Section shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City, its officers, agent, employees, or representatives. This section shall survive any termination of this Agreement.

~~To a Third Party. Assignment or a transfer of rights or obligations under this Agreement to a third person other than as provided herein is not a contemplated transaction under this Agreement. Master Developer shall not sell or transfer any or all or its rights or obligations under this Agreement to a third person other than as provided herein without the approval of the City Council and any such transfer is an immediate default of this Agreement notwithstanding the cure provisions of Section Ten. Any cumulative swap, trade, sale or other transfer of more than thirty three percent (33%) of the ownership interests of Master Developer entity to a third person not otherwise contemplated by this Agreement, shall be considered a transfer of rights or obligations under this Agreement that requires City Council approval as provided above.~~

~~(b) To an Affiliate of Master Developer. Except as otherwise provided by Section 11.02(c), below, the rights of the Master Developer under this Agreement may be freely transferred or assigned to an Affiliate of the Master Developer provided that such entity shall assume in writing all obligations of the Master Developer hereunder.~~

~~(c) Transfer Not to Relieve the Master Developer of its Obligation. Except as expressly provided herein, no assignment or transfer of any portion of the Property shall relieve Master Developer of its obligations hereunder, and such assignment or transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such transferee shall be deemed to be the Master Developer hereunder. This Section shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.~~

~~(cd) In Connection with Financing Transactions. Master Developer has full and sole~~

~~discretion and authority to encumber the Property or portions thereof, or any improvements thereon, in connection with financing transactions, without limitation to the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement.~~

~~11.03 Indemnity; Hold Harmless. Except as expressly provided in this Agreement, the Master Developer shall hold City, its officers, agents, employees, and representatives harmless from liability for damage or claims for damage for personal injury, including death and claims for property damage which may arise from the direct or indirect operations of Master Developer or those of its contractors, subcontractors, agents, employees, or other persons acting on Master Developer's behalf which relate to the development of the Community. Master Developer agrees to and shall defend City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of Master Developer's activities in connection with the development of the Community. Master Developer agrees to indemnify, hold harmless, and provide and pay all costs and attorneys fees for a defense for City in any legal action filed in a court of competent jurisdiction by a third party alleging any such claims or challenging the validity of this Agreement. The provisions of this Section shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City, its officers, agent, employees, or representatives. This section shall survive any termination of this Agreement.~~

11.~~04~~05. Binding Effect of Agreement. Subject to Section 11.02, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the Parties' respective assigns and successors-in-interest and the property which is the subject of this Agreement.

11.~~05~~06 Relationship of Parties. It is understood that the contractual relationship between City and Master Developer is such that Master Developer is not an agent of City for any purpose and City is not an agent of Master Developer for any capacity.

11.~~06~~07 Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

| | |
|---|---|
| To City: | City of Las Vegas<br>400 Stewart Avenue<br>Las Vegas, Nevada 89101<br>Attention: City Manager<br>Attention: Director of the Department of Planning |
| To Owner: | ~~Kyle Acquistion Group, LLC~~KAG Property, LLC c/o David L. Ash<br>Wells Fargo<br>Special Situations Group-ORE<br>600 California St., 19th Floor<br>San Francisco, CA 94108~~3455 Cliff Shadows Parkway~~<br>~~Suite 220~~<br>~~Las Vegas, Nevada 89129~~<br>~~Attention: Chief Operating Officer~~ |

Either Party may change its address by giving notice in writing to the other and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

11.~~07~~08 Entire Agreement. This Agreement constitutes the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the Parties with respect to all of any part of the subject matter hereof.

11.~~08~~09 Waivers. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate officers of Master Developer or approved by the City Council, as the case may

be.

11.~~09~~010 Recording; Amendments. Promptly after execution hereof, an executed original of this Agreement shall be recorded in the Official Records of Clark County, Nevada. All amendments hereto must be in writing signed by the appropriate officers of City and Master Developer in a form suitable for recordation in the Official Records of Clark County, Nevada. Upon completion of the performance of this Agreement, a statement evidencing said completion, shall be signed by the appropriate officers of the City and Master Developer and shall be recorded in the Official Records of Clark County, Nevada. A revocation or termination shall be signed by the appropriate officers of the City or Master Developer and shall be recorded in the Official Records of Clark County, Nevada.

11.~~10~~11 Headings; Exhibits; Cross References. The recitals, headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement are incorporated herein by the references contained herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

11.~~11~~12 Release. Each residential lot shown on a recorded Subdivision Map within the Community shall be automatically released from the encumbrance of this Agreement without the necessity of executing or recording any instrument of release upon the issuance of a building permit for the construction of a residence thereon.

11.~~12~~13 Severability of Terms. If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such terms does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or

incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to affect the original intention of the Parties.

11.~~13~~14 Exercise of Discretion. Wherever a Party to this Agreement has discretion to make a decision, it shall be required that such discretion be exercised reasonably unless otherwise explicitly provided in the particular instance that such decision may be made in the Party's "sole" or "absolute" discretion or where otherwise allowed by applicable law..

11.~~14~~15 No Third Party Beneficiary. This Agreement is intended to be for the exclusive benefit of the parties hereto and their permitted assignees. No third party beneficiary to this Agreement is contemplated and none shall be construed or inferred from the terms hereof. In particular, no person purchasing or acquiring title to land within the Community or residing in the Community shall, as a result of such purchase, acquisition or residence, have any right to enforce any obligation of Master Developer or City nor any right or cause of action for any alleged breach of any obligation hereunder by either party hereto.

11.~~15~~16 Gender Neutral. In this Development Agreement (unless the context requires otherwise), the masculine, feminine and neutral genders and the singular and the plural include one another.

**In Witness Whereof, this Agreement has been executed by the parties on the day and year first above written.**

**CITY:**

**CITY COUNCIL, CITY OF LAS VEGAS**

By: _____

~~Oscar B. Goodman,~~ Mayor

Approved as to Form:

_____

Deputy City Attorney

Attest:

City Clerk

By: _____

Beverly Bridges, ~~Acting~~ City Clerk

**OWNER:**

~~**KYLE ACQUISITION GROUP, LLC**~~ **KAG PROPERTY, LLC**

By: _____

Name: _____

Title: _____

SUBSCRIBED AND SWORN TO before me on this _____ day of _____, 20110~~__~~.

_____

Notary Public in and for said County and State

# KYLE CANYON DEVELOPMENT AGREEMENT

## EXHIBITS

Exhibit A Property Description

Exhibit B Phasing Map

Exhibit C Impact Statement

Exhibit D Parks Agreement

Exhibit E Developer Special Improvement Guideline s

Exhibit F Residential Land Use Table and Master L and Use Plan

Exhibit G Master Drainage and Traffic Studies (on disk)

Exhibit H Offsite Sewer Capacity Letter

Exhibit I BLM Right-of-Way Grant

Exhibit J Sheep Mountain Parkway Right-of-Way Red uction

Exhibit K Memorandum Cost between Interim and Perm anent Detention Basins

Exhibit L Village Street and Trail Section

Exhibit M Kyle Canyon Development Standards and A rchitectural Design Guidelines

DEVELOPMENT AGREEMENT

EXHIBIT A

PROPERTY DESCRIPTION

# EXHIBIT A

## TO THE AMENDED AND RESTATED KYLE CANYON DEVELOPMENT

## AGREEMENT

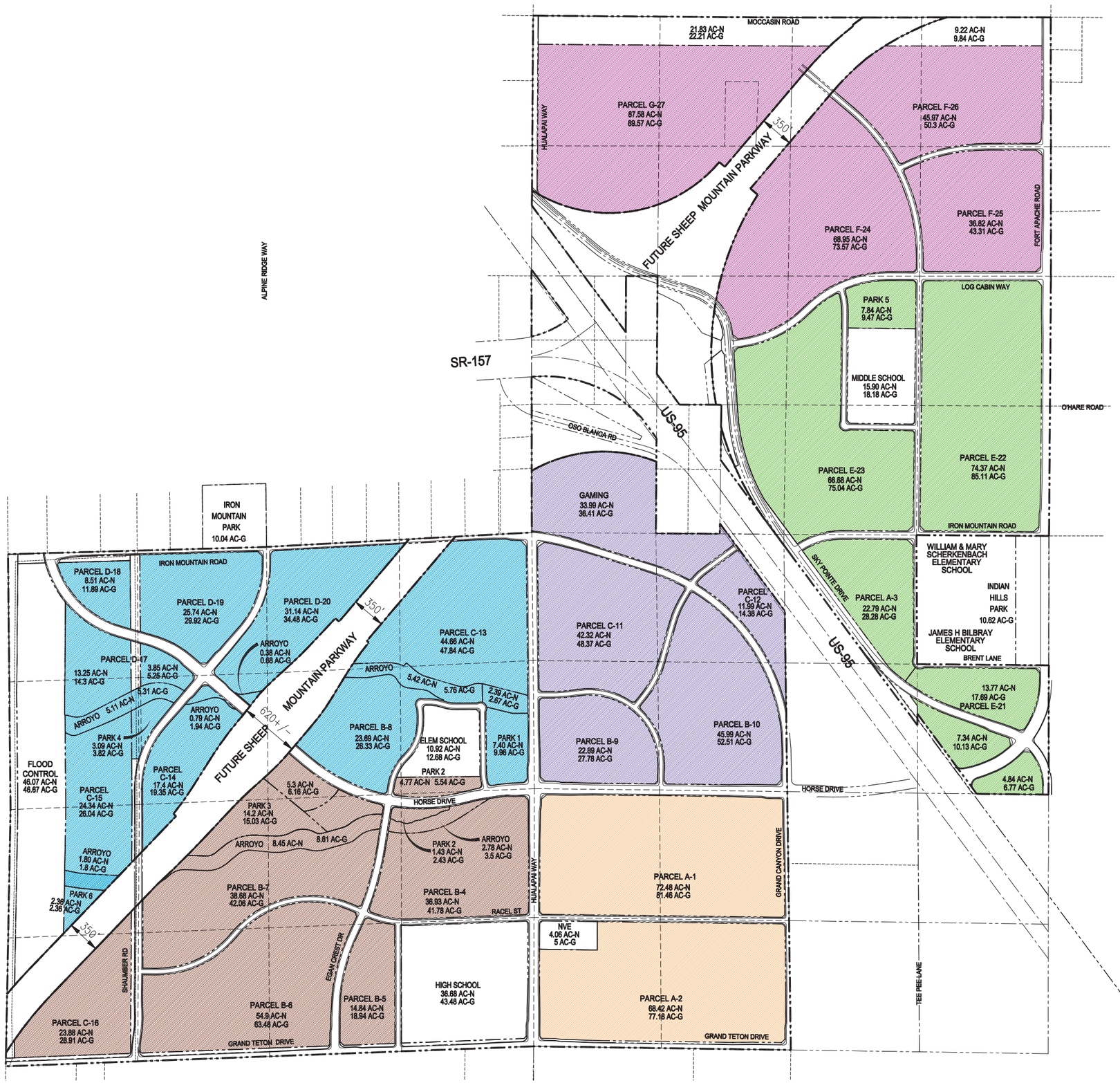
## PROPERTY DESCRIPTION

| Assessors Parcel Number | Acres |
|---|---|
| 125-06-501-001 | 310.95 |
| 125-06-101-001 | 5.00 |
| 125-06-301-001 | 3.24 |
| 125-06-301-002 | 3.12 |
| 125-06-401-001 | 42.77 |
| 125-06-401-005 | 0.06 |
| 125-06-701-001 | 238.14 |
| 125-07-101-004 | 0.13 |
| 125-07-101-005 | 11.57 |
| 125-07-101-006 | 63.66 |
| 125-07-201-001 | 39.73 |
| 125-07-201-002 | 40.63 |
| 125-07-301-001 | 40.31 |
| 125-07-301-002 | 41.14 |
| 125-07-401-001 | 40.70 |
| 125-07-401-002 | 41.39 |
| 125-07-501-005 | 29.78 |
| 125-07-602-001 | 3.19 |
| 125-07-602-003 | 1.55 |
| 125-07-602-004 | 5.02 |
| 125-07-602-005 | 31.12 |
| 126-12-000-001 | 668.90 |
| **TOTAL:** | **1,662.10** |

DEVELOPMENT AGREEMENT

EXHIBIT B

PHASING MAP




# DEVELOPMENT PHASING EXHIBIT

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
PHONE (702) 284-5300 FAX (702) 284-5399

CARWIN ADVISORS

DEVELOPMENT AGREEMENT

EXHIBIT C

IMPACT STATEMENT

CITY OF LAS VEGAS
DEPARTMENT OF PLANNING

# ENVIRONMENTAL IMPACT ASSESSMENT

Pursuant to Las Vegas Municipal Code (LVMC) Section 19.18.010(E) and Ordinance No. 5477 (May 1, 2002), the City of Las Vegas has determined that your project is subject to a Development Impact Notice and Assessment (DINA) and/or meets the criteria for a Project of Regional Significance as established by the Southern Nevada Regional Policy Plan.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. The Environmental Impact Assessment forms attached herein must be prepared for each factor∗ and submitted for evaluation.

| | | |
|---|---|---|
| √ | **1** | **Project Description** |
| √ | **2** | **Transportation and Traffic** |
| √ | **3** | **Schools** |
| √ | **4** | **Emergency Services** |
| √ | **5** | **Housing** |
| √ | **6** | **Mass Transit** |
| √ | **7** | **Open Space and Recreation** |
| √ | **8** | **Hydrology** |
| √ | **9** | **Water Quality** |
| √ | **10** | **Utilities and Service System** |

∗ Bold question numbers denote minimum NRS requirements

## Applicant Information

The following Environmental Impact Assessment is being submitted for consideration for the proposed project known as Kyle Canyon Master Plan, located at Moccasin Road and Grand Teton Drive and North Fort Apache Road and Puli Road.

This document is being prepared by:

Company Name: Carwin Advisors
Address: 8379 W. Sunset Road
Suite 150
Las Vegas, NV 89113

Contact Person:
Name: Michael D. Ross, PE, LEED AP
Title: Senior Advisor
Telephone: (702) 269-0043
Fax:
E-mail: michael.ross@carwinadvisors.com

I certify that the statements made by me on this Environmental Impact Assessment represent my best professional judgment and are, to the best of my knowledge, true and complete and correct. I understand that any misrepresentation or material omission of fact on this document may be considered as constituting grounds for an incomplete application and may uphold processing of the application until complete information is provided.

Signature: _____ Date: 21 JUNE 2011

Name: Michael D. Ross, PE, LEED AP
Title: Senior Advisor

# 1 Project Description

| | | |
|---|---|---|
| 1.a | Project title: | Kyle Canyon Master Plan |
| 1.b | Application #: | |
| 1.c | Project location: | Bordered by: Moccasin Road to the north, Grand Teton Drive to the south, N. Fort Apache Road on the east and Puli Road on the west. |
| 1.d | Project sponsor | |
| | Name: | KAG Properties, LLC<br>C/O Carwin Advisors |
| | Address: | 8379 W. Sunset Road<br>Suite 150<br>Las Vegas, NV 89113 |
| | Telephone: | (702) 269-0043 |
| 1.e | G. P. designation: | Traditional Neighborhood Development |
| 1.f | Zoning: | Traditional Development (TD) |
| 1.g | Project description: | |
| | Total site acreage: | 1,661.8 |
| | i) Residential | |
| | Total units: | 9,000 maximum |
| | FAR per Lot: | Varies |
| | Lot Coverage per Lot: | Varies |
| | ii) Hospitality | |
| | Total rooms: | 36.41 acres designated for Casino Complex |
| | Total entertainment: | 155,000 SF |
| | iii) Commercial | |
| | Total S.F.: | 55.21 acres General Commercial<br>128.66 acres blended use up to 10% commercial use |
| | Total FAR: | Varies |
| | Total Lot Coverage: | Varies |
| 1.h | Briefly describe the project's surrounding land use and setting: | |
| | North: | (PD) Undeveloped |
| | East: | (R-PD) Single Family Residential |
| | South: | (PD) Partially Developed Residential |
| | West: | (RC) Red Rock Conservation Area |

1.i Project narrative (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach exhibits if necessary):

Narrative: The Kyle Canyon Master Development Plan comprises approximately 1,661.8 acres of land. The project is planned for a range of single, cluster, and multi-family residential uses, as well as mixed use urban centers and commercial, resort casino uses. The Master Development Plan also contains sites designated for parks, trails, transit center, schools, and other public facility uses.

## 2 Transportation and Traffic

2.a Would the project include adequate emergency access pursuant to LVMC Fire and emergency response requirements?

Explain: Yes. The development agreement provides for funding to construct a City fire station.

---

2.b Would the project provide adequate parking pursuant to LVMC parking requirements?

Explain: Yes. The project shall provide adequate parking for the proposed development.

---

2.c Would the project potentially increase hazards due to a design feature (e.g., sharp curves, dangerous intersection) or incompatible uses (e.g., commercial heavy equipment)?

Explain: No. The project will not increase hazards due to design features or incompatible uses.

---

2.d Would the site have sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed project?

Explain: Yes. The site shall have access to Horse Drive, US-95, Hualapai Way, Shaumber Road, Grand Canyon Drive, Oso Blanco Drive, and Fort Apache Road. When fully improved, these roadways shall have the capacity for the traffic generated by the project.

---

**2.e** Insert a Table (attach additional sheets if necessary), indicating the number of vehicle trips that the proposal will generate, estimated by applying to the proposal the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (or its successor).

Table: See Attached Table

| TRIP GENERATION<br>ITE CODE 820<br>Shopping Center<br>481,000 SF | | |
|---|---|---|
| AM Peak Hour | 623 | Trips |
| PM Peak Hour | 2,636 | Trips |
| Weekday | 24,302 | Trips |

| TRIP GENERATION<br>ITE CODE 210<br>Single Family Detached Housing<br>5,306 Dwelling Units | | |
|---|---|---|
| AM Peak Hour | 3,077 | Trips |
| PM Peak Hour | 3,396 | Trips |
| Weekday | 45,914 | Trips |

| TRIP GENERATION<br>ITE CODE 230<br>Residential Condominium/Townhouse<br>3,413 Dwelling Units | | |
|---|---|---|
| AM Peak Hour | 1,161 | Trips |
| PM Peak Hour | 1,331 | Trips |
| Weekday | 14,338 | Trips |

| TRIP GENERATION<br>Resort Corridor Hotel/Casino<br><br>80,000 SF Casino | | |
|---|---|---|
| AM Peak Hour | 850 | Trips |
| PM Peak Hour | 1,629 | Trips |
| Weekday | 17,854 | Trips |

| TRIP GENERATION<br>Total Trips | | |
|---|---|---|
| AM Peak Hour Entering | 3,180 | Trips |
| AM Peak Hour Exiting | 4,729 | Trips |
| PM Peak Hour Entering | 5,485 | Trips |
| PM Peak Hour Exiting | 4,140 | Trips |
| Weekday | 110,082 | Trips |

# 3 Schools

3.a What is the total number of proposed residential units?

| | |
|---|---|
| Conventional units: | 9,000 maximum |
| Age-restricted units: | Unknown (assume 0) |

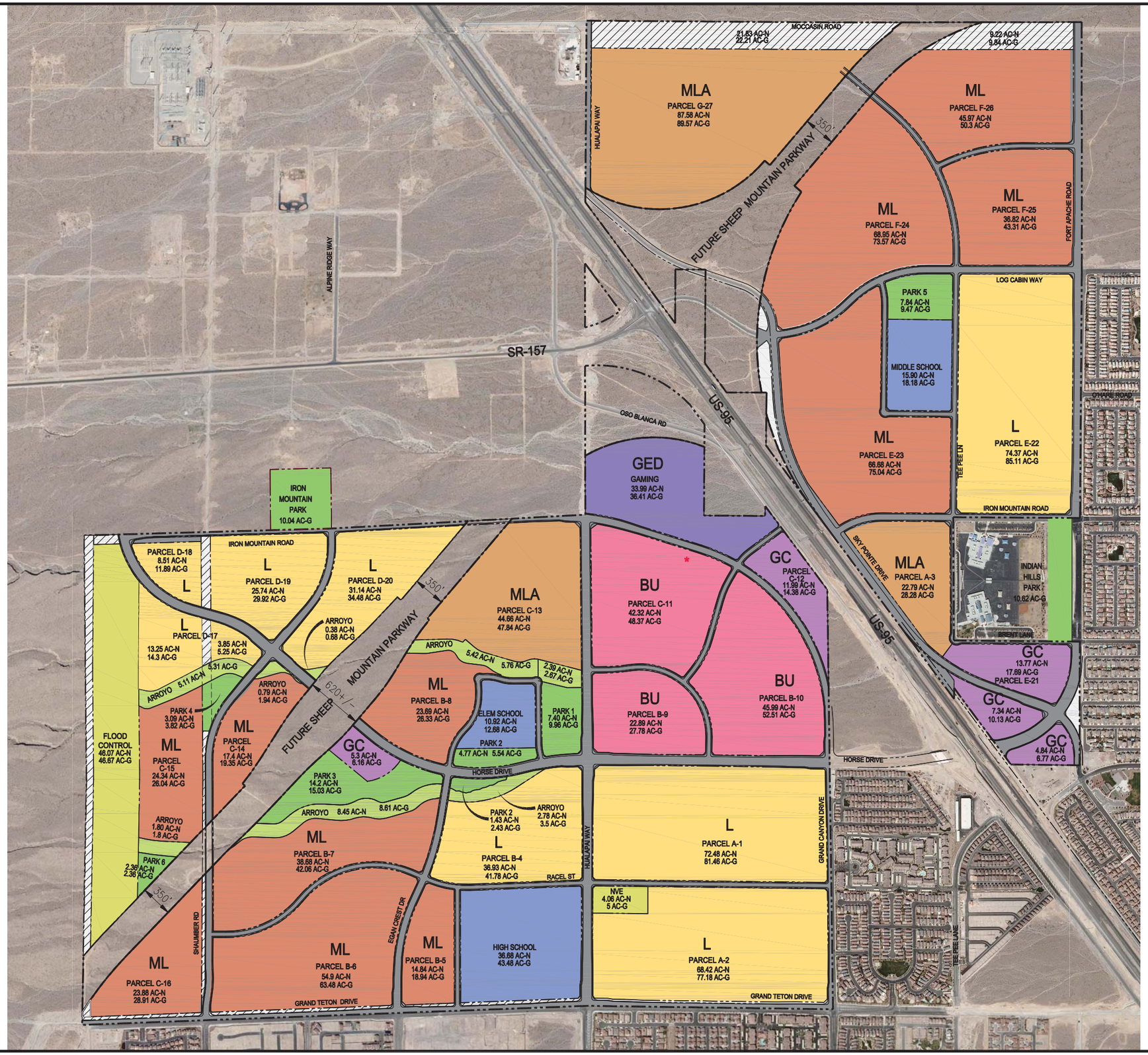
**3.b** Based upon the student generation factors utilized by Clark County School District[1] what is the estimated number of pupils generated by the proposal which will be added to the enrollment of each of the following:

| Elementary School | |
|---|---|
| School name: | Proposed New School (see Land Use Plan) |
| Distance from site[2]: | N/A |
| Number of pupils: | 1,910 |

| Junior High/Middle School | |
|---|---|
| School name: | Proposed New School (see Land Use Plan) |
| Distance from site[2]: | N/A |
| Number of pupils: | 902 |

| High School | |
|---|---|
| School name: | Proposed New School (see Land Use Plan) |
| Distance from site[2]: | N/A |
| Number of pupils: | 935 |

1 See Exhibit 1
2 Attach a map indicating the primary route/distance from the proposed project main entry point to the school main access point.




N

0 500 1000

SCALE – 1"=500' FEET

## LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE (ESMT)
- EXISTING TRANSMISSION POLE
- PROPOSED STREET
- FLOOD CONTROL / UTILITY
- OPEN SPACE
- POWER EASEMENTS
- ARROYOS
- PARKS
- SCHOOLS
- L — RESIDENTIAL "LOW"
- ML — RESIDENTIAL "MEDIUM LOW"
- MLA — RESIDENTIAL "MEDIUM LOW–ATTACHED"
- BU — BLENDED USE ZONE
- GC — GENERAL COMMERCIAL
- GED — GAMING
- * 2.5 ACRES RESERVED FOR RTC TRANSIT CENTER
- AC–N NET ACRES
- AC–G GROSS ACRES

| LAND USE | NET ACREAGE | GROSS ACREAGE | MAX DENSITY | AVERAGE DENSITY |
|---|---|---|---|---|
| RESIDENTIAL "LOW" | 334.69 | 381.37 | 15.00 | 5.49 |
| RESIDENTIAL "MEDIUM LOW" | 415.63 | 467.20 | 15.00 | 8.49 |
| RESIDENTIAL "MEDIUM LOW-ATTACHED" | 155.03 | 165.70 | 25.00 | 12.49 |
| BLENDED USE | 111.20 | 128.66 | 50.00 | 15.00 |
| GENERAL COMMERCIAL | 43.24 | 55.21 | | |
| GAMING | 33.99 | 36.41 | | |
| SUBTOTAL | 1093.78 | 1234.55 | | |
| SHEEP MOUNTAIN PARKWAY | 164.74 | 164.74 | | |
| FLOOD CONTROL | 46.07 | 46.67 | | |
| PARKS | 41.09 | 48.59 | | |
| ARROYOS | 27.12 | 30.39 | | |
| OPEN SPACE | 4.17 | 7.57 | | |
| SCHOOLS | 63.50 | 74.34 | | |
| HUALAPAI SUBSTATION | 4.06 | 5.00 | | |
| POWER EASEMENTS | 51.07 | 44.92 | | |
| ROADS AND STREETSCAPE | 166.22 | 5.05 | | |
| SUBTOTAL | 568.04 | 427.27 | | |
| TOTAL | 1661.82 | 1661.82 | | |

**MAX RESIDENTIAL UNITS 9,000**

# MASTER LAND USE PLAN

## KYLE CANYON

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
PHONE (702) 284-5300 FAX (702) 284-5399

CARWIN ADVISORS

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# 4 Emergency Services

**4.a** Provide the distance from the site of the proposal to the nearest facilities from which firefighting, police and emergency services will be provided, including without limitation, facilities of a local government that are planned but not yet constructed, and facilities that have been included in a local government's plan for capital improvements prepared pursuant to NRS 278.0226.

| Fire | | |
|---|---|---|
| Name of the facility: | Fire Station 48 | Future Fire Station |
| Existing/proposed: | Existing | Proposed w/ construction funding |
| Distance from site[3]: | 1.5 miles | 100 feet |

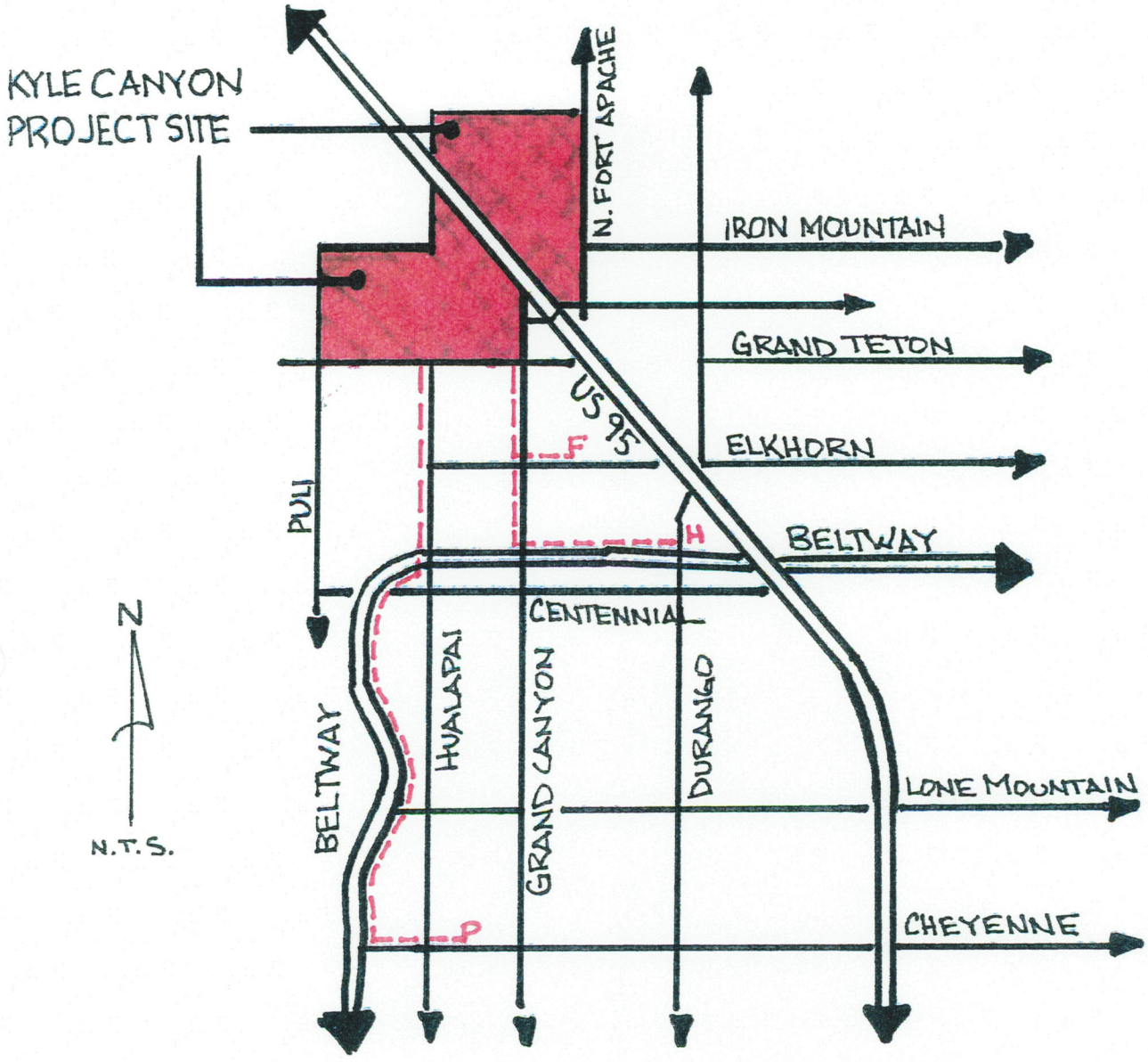
| Police | |
|---|---|
| Name of the facility: | Northwest Area Command |
| Existing/proposed: | Existing |
| Distance from site[3]: | 12.14 miles |

| Emergency Services | |
|---|---|
| Name of the facility: | Centennial Hills Hospital |
| Existing/proposed: | Existing |
| Distance from site[3]: | 2.5 miles |

4.b Would the project result in increase for emergency services in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Explain: The project will not provide demand for additional emergency services during the initial development stages. Over time, additional fire services may be needed and the development agreement provides developer funding for the construction of a new fire station to be constructed at Grand Teton Drive and Grand Canyon Drive. Police services will come from the Northwest Area Command. The development agreement provides partial funding for construction of a future Metro command center closer to the site. Emergency services will be provided by Centennial Hills Hospital.

3 Attach a map indicating the primary route/distance from the proposed project main entry point to the firefighting, police, and emergency services main access point.




F: Fire Station #48

H: Centennial Hills Hospital

P: Northwest Area Command

# 5 Housing

5.a Would the proposed project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, rural preservation area, or zoning ordinance)?

Explain: No. The current Land Use Plan and zoning is consistent with the proposed project. The site currently has existing planned developments on the East and South borders. This proposed master plan reduces the number of residents on this site from 16,000 to 9,000 units.

5.b Would the project displace or eliminate existing housing?

Explain: The site is currently undeveloped and will not displace any housing.

5.c What are the project characteristics, in terms of:

Density: Varies

Height: Varies

Gated community: Can be partially

Housing Type: All types

Home ownership: Partially

**5.d** Provide a brief statement setting forth the anticipated effects of the proposal on housing.

Explain: This proposal will not affect the housing surrounding the site. It will provide living units for many people looking for housing options in an innovative and comprehensive community.

# 6 Mass Transit

6.a Provide the distance from the site of the proposal to the nearest mass transit loading point.

Line number/name: Centennial Express (CX)

Location: Centennial Hills Transit Center

Distance from site[4]: 1.9 miles

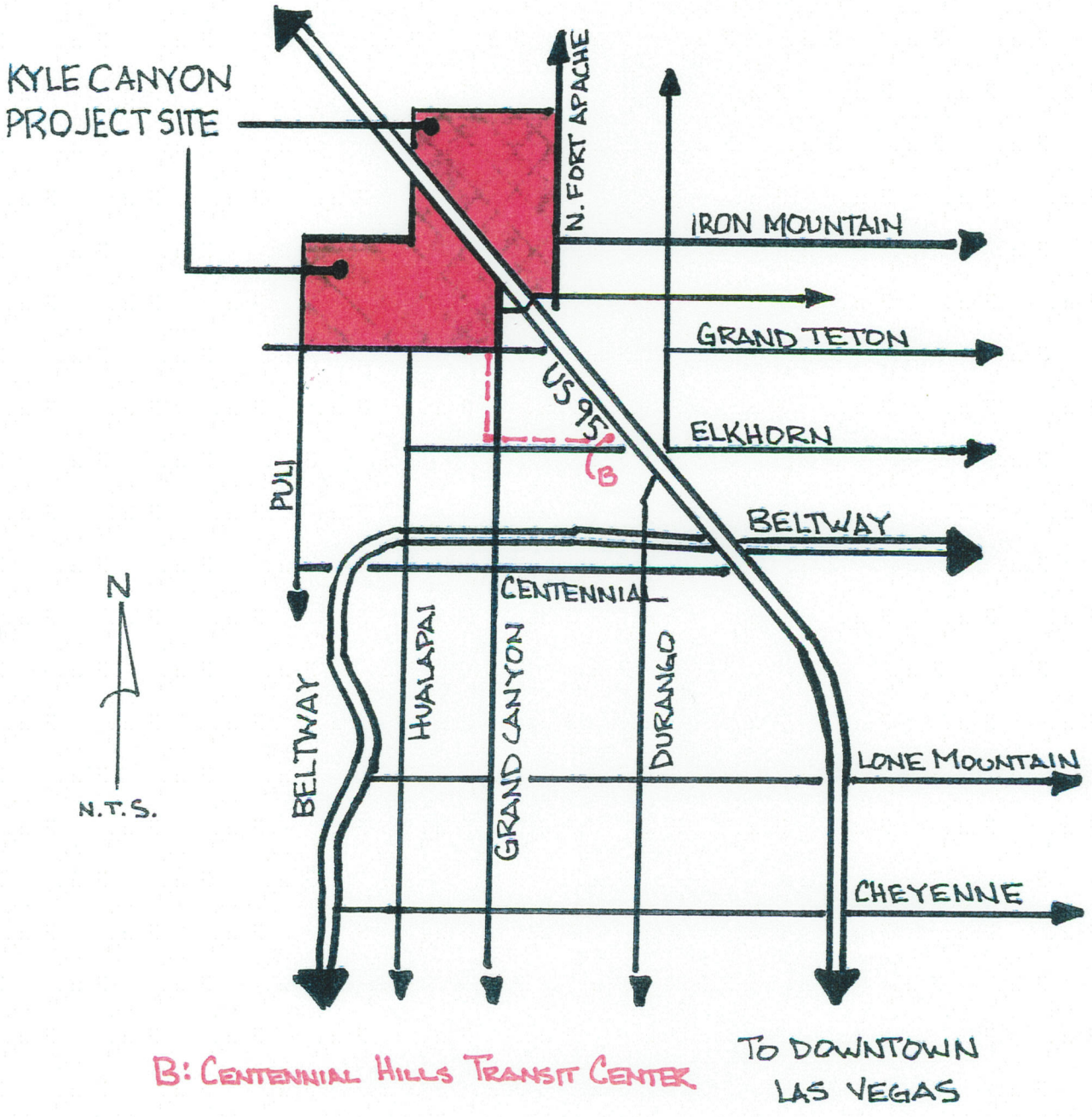
6.b Would the project result in change to the existing mass transit route, creation of a new line, or new loading points?

Explain: Yes. The development agreement provides for the dedication of a mass transit center in the heart of the proposed community as is shown on the proposed land plan.

**6.c** Provide a brief statement setting forth the anticipated effects of the proposal on mass transit.

Explain: In the initial stages of development this site is not expected to have an effect on the bus system since service is not currently provided to this area. As the site is developed, bus loading areas and a proposed transit center will provide for the mass transit needs of the community and the surrounding neighborhoods.

4 Attach a map indicating the primary pedestrian route/distance from the proposed project main entry point to the nearest mass transit.


KYLE CANYON
PROJECT SITE
N. FORT APACHE
IRON MOUNTAIN
GRAND TETON
US 95
B
ELKHORN
PULI
BELTWAY
CENTENNIAL
N
N.T.S.
BELTWAY
HUALAPAI
GRAND CANYON
DURANGO
LONE MOUNTAIN
CHEYENNE
B: CENTENNIAL HILLS TRANSIT CENTER
TO DOWNTOWN
LAS VEGAS

# 7 Open Space and Recreation

7.a Provide the distance from the site of the proposal to the nearest existing[5] or planned[6] (as identified by the City of Las Vegas Master Plan – Parks Element, 2000) recreation area as follows:

Neighborhood Park

Park name: Various internal parks

Location: see Land Use Map

Distance from site[7]: N/A

Community Park

Park name: Proposed Jones/Iron Mountain Park

Location: Jones and Iron Mountain

Distance from site[7]: 8 miles

Regional Park

Park name: Proposed Jones/Iron Mountain Park

Location: Jones and Iron Mountain

Distance from site[7]: 8 miles

7.b Based upon 1990 US Census population table[8], what would be the total population generated by the proposed project?

Explain: The exact breakdown of single family and multi-family homes has not been determined. The development has a maximum of 9,000 units that could create a maximum population of 20,520.

7.c How much public parkland would be included in the proposed project?

Explain: 70 acres. Including two parks to be developed on City land. An ample amount of parkland has been planned and included in the master plan.

**7.d** Provide a brief statement setting forth the anticipated effects of the proposal on open space and recreation.

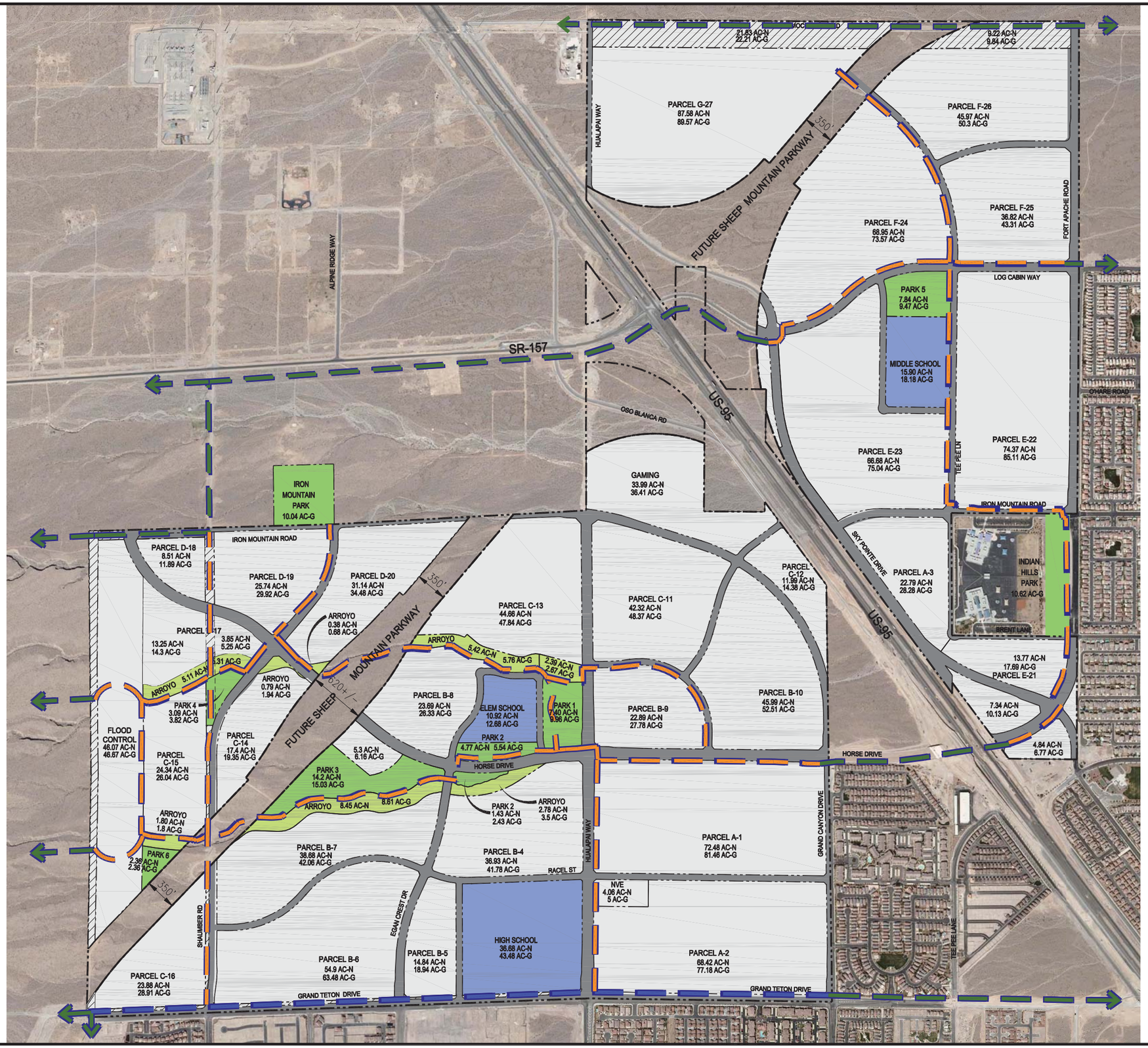
Explain: The site will be providing trails, open space, and recreation fields for the community. The existing parks should receive minimal impact due to the large amount fo park space included in the plan.

5 See Exhibit 2

6 See Exhibit 3

7 Attach a map indicating the straight distance from the project property line to the park property line.

8 See Exhibit 4




## LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE (ESMT)
- EXISTING TRANSMISSION POLE
- PROPOSED STREET
- ARROYOS
- PARKS
- SCHOOLS
- PROPOSED TRAILS
- PROPOSED EQUESTRIAN TRAIL
- PROPOSED TRAILS BY OTHERS

| LAND USE | NET ACREAGE | GROSS ACREAGE | MAX DENSITY | AVERAGE DENSITY |
|---|---|---|---|---|
| RESIDENTIAL "LOW" | 334.69 | 381.37 | 15.00 | 5.49 |
| RESIDENTIAL "MEDIUM LOW" | 415.63 | 467.20 | 15.00 | 8.49 |
| RESIDENTIAL "MEDIUM LOW-ATTACHED" | 155.03 | 165.70 | 25.00 | 12.49 |
| BLENDED USE | 111.20 | 128.66 | 50.00 | 15.00 |
| GENERAL COMMERCIAL | 43.24 | 55.21 | | |
| GAMING | 33.99 | 36.41 | | |
| SUBTOTAL | 1093.78 | 1234.55 | | |
| | | | | |
| SHEEP MOUNTAIN PARKWAY | 164.74 | 164.74 | | |
| FLOOD CONTROL | 46.07 | 46.67 | | |
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| SUBTOTAL | 568.04 | 427.27 | | |
| | | | | |
| TOTAL | 1661.82 | 1661.82 | | |

**MAX RESIDENTIAL UNITS 9,000**

# TRAIL AND PARK EXHIBIT

## KYLE CANYON

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CONSULTING ENGINEERS & PLANNERS
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CARWIN ADVISORS

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# 8 Hydrology

8.a Would the proposed project alter the existing drainage pattern of the site area?

Explain: Yes. The project will alter the existing drainage patter of the area. However, this will be addressed in the master drainage plan. The master drainage plan for the proposed 1,661.8 acres in this plan shall be submitted to and approved by the City of Las Vegas Department of Public Works prior to the issuance of any permits or recordation of any final maps.

---

**8.b** What is the quantity of the increase in storm water runoff generated by the proposed project, estimated by using standards hydrologic method?

Explain: The existing condition curve number for the Kyle Canyon property ranges from 77.4 to 86.9. The developed condition curve number for the Kyle Canyon property primarily ranges between 82 to 95. The average increase in the curve number will create an increased storm runoff. The master drainage plan discusses mitigation of the increase in runoff and its impacts on downstream property where flows are increased from the existing condition.

---

**8.c** Would the total quantity of water runoff after construction exceed the capacity of existing or planned storm water drainage system?

Explain: No. The total quantity of runoff after construction will be handled by the existing and/or planned facilities as indicated in the Master Drainage Plan for the project.

---

8.d Would the proposed project result in the construction of a new storm water drainage facility or the expansion of existing facilities? Is the storm water facility identified in the Neighborhood, City Wide or the Regional Master Plans?

Explain: Yes. The project will result in the construction of new storm drain facitilites. The Master Drainage Plan addresses facilities that will be necessary to convey storm water. These facilities will also be identified in the Regional Master Plan.

---

8.e Would the proposed project place housing within a 100-year special flood hazard area as mapped on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)?

Explain: No. Peak flows are being detained in a detention basin. Please see Master Drainage Study.

---

8.f Would the proposed project require drainage mitigation to protect the development from interim flows?

Explain: Yes. The project will require drainage mitigation to protect the development from interim flows. The interim flows are going to be consistent with previous studies and the Northwest Neighborhood Study Phase 2.

8.g Would the proposed project development meet the Clark County Regional Flood Control District – Hydrologic Criteria and Drainage Design Manual requirements for street flow and dry lane criteria for both the existing and the ultimate flow conditions?

Explain: Yes. All streets will be designed to meet criteria for street flow and dry lane.

# 9 Water Quality

9.a Would water service provided to the proposed project by an existing or planned facility?

Explain: Both. The LVVWD currently provides or has proposed plans to provide water in the 2860, 2975, 3090 and 3205 pressure zones.

**9.b** Would the proposed project result in the construction of a new water treatment facility or expansion of existing facilities?

Explain: No. All required system modifications are already complete.

**9.c** What is the quantity of water that the project will demand during and after completion of the project, estimated by applying a demand factor established by the provider of water service or an equivalent calculation to the number of units that will be created by and the gross acreage that will be occupied by the project?

Explain: During construction the site will be developed in phases and within each phase lots will be constructed at different times. The water used during construction will be used for dust control and other various construction needs.

After completion:

Total Gross Acres = 1,661.8

Commercial Demand Flow Rate (max day) = 3.0 gpm/ac

Residential Demand Flow Rate (max day) = 5.2 gpm/ac

Therefore:

Commercial = 80 acres x 3.0 gpm/ac = 240 gpm

Residential = 1,020 acres x 5.2 gpm/ac = 5,304 gpm

Total = 240 gpm + 5,304 gpm = 5,544 gpm

# 10 Utilities and Service System

10.a Would the proposed project connect to an existing or planned sewer system?

Explain: Sewer service to the Master Development Plan area can be provided by extension of several City of Las Vegas sewer lines that border the project.

**10.b** What is the quantity of sewage affluent generated by the proposed project, estimated by applying a sewage generation factor established by the provider of sewer service or an equivalent calculation to the number of units or area of indoor floor space that would be created by the project?

Explain: Average Flow = 2.5 MGD, Peak Flow = 6.7 MGD

**10.c** Would the total quantity of sewage effluent generated by the proposed project exceed the capacity of existing or planned sewer system and wastewater treatment facility?

Explain: Yes. The City of Las Vegas provided model results to Slater Hanifan Group indicating that offsite sewer improvements are needed.

10.d Would the proposed project generate any industrial waste?

Explain: No. The entire project will consist of commercial, retail, and residential land uses and will not generate any industrial waste.

# EXHIBIT 1

Clark County School District
April 9, 2002

2001-2001 Valley-wide Student Yields

| Grade | Student Yield | |
|---|---|---|
| | Single-Family | Multi-Family |
| K-5 | 0.245 | 0.163 |
| 6-8 | 0.123 | 0.066 |
| 9-12 | 0.137 | 0.062 |
| P & 13 | 0.004 | 0.002 |

Single-Family units include mobile homes and townhouse.
Multi-Family units include a combination of apartments, plexes, and condominiums.
P & 13: Pre-school and Sunset School.

# EXHIBIT 2

City of Las Vegas
Master Plan – Parks Element
March 15, 2000

Existing City Parks
(Map 1, pp. 11)

| Parks Name | Classification | | | Acres |
|---|---|---|---|---|
| | N | C | R | |
| Aloha Shores Park | X | | | 4.03 |
| Angel Park | X | | | 6.11 |
| AnSan Sister City Park | X | | | 7.83 |
| Baker Park | X | | | 6.78 |
| Bob Baskin Park | X | | | 6.18 |
| Bruce Trent Park | X | | | 10.00 |
| Buckskin Basin | X | X | | 39.17 |
| Charleston Heights Park | X | | | 3.90 |
| Charleston Heights | X | | | 7.12 |
| Chester A. Stupak Park | X | | | 1.23 |
| Children's Mem. Park | X | X | | 29.82 |
| Coleman Park | X | | | 4.00 |
| Cragin Park | X | | | 3.27 |
| Dexter Park | X | | | 4.70 |
| Doolittle Park | X | | | 15.28 |
| Ed Fountain Park | X | X | | 29.82 |
| Ethel Pearson Park | X | | | 2.59 |
| Fitzgerald Tot Lot | X | | | 0.70 |
| Freedom Park | X | X | X | 68.08 |
| Hadland Park | X | | | 13.64 |

| Parks Name | Classification | | | Acres |
|---|---|---|---|---|
| | N | C | R | |
| Heers Park | X | | | 7.07 |
| Hills Park | X | | | 13.50 |
| Huntridge Circle Park | X | | | 3.14 |
| James Gay III Park | X | | | 7.18 |
| Jaycee Park | X | | | 18.40 |
| Lorenzi Park | X | X | X | 59.37 |
| Lubertha Johnson Park | X | | | 1.60 |
| Mary Dutton Park | X | | | 0.20 |
| Mirabelli Park | X | | | 1.41 |
| Pueblo Park(s) | X | | | 5.09 |
| Rafael Rivera Park | X | | | 9.28 |
| Rainbow Family Park | X | X | | 26.48 |
| Elkhorn/Durango Fields | X | X | | |
| Rotary Park | X | | | 3.34 |
| Stewart Place Park | X | | | 3.45 |
| Wayne Bunker Family Pk | X | | | 13.75 |
| W. Charleston Lions Park | X | | | 4.50 |
| Wildwood Park | X | | | 1.24 |
| Woofter Family Park | X | | | 9.22 |
| Clarence Ray Park | X | | | 0.10 |

**N**: Neighborhood Park **C**: Community Park **R**: Regional Park

# EXHIBIT 3

City of Las Vegas
Master Plan – Parks Element
March 15, 2000

Planned City Parks
(Map 12, pp. 49)

| Parks Name | Classification | | | Acres |
|---|---|---|---|---|
| | N | C | R | |
| Fort Apache/Log Cabin Park | X | | | TBD |
| Jones/Iron Mountain Park | X | X | X | TBD |
| Grand Canyon/Bardley Park | X | X | | 40.0/34.0 |
| Fort Apache/Elkhorn Park | X | | | TBD |
| Elkhorn/Durango Ballfields | X | X | | TBD |
| Deer Springs Park | X | X | | 110.0/40.0 |
| Deer Springs/Thom Park | X | X | | TBD |
| Regional Sports Park | X | X | | 60.00 |
| Ann/Cimmaron Park | X | | | 2.50 |
| Cheyenne/Jensen | X | X | | 20.00 |
| Metro Park | X | | | 17.00 |
| Alexander/Diamond Ridge Park | X | | | TBD |
| Cheyenne/Durango Park | X | X | X | 5.0/61.5 |
| Northwest Soccer Park | X | X | | TBD |
| Summerlin Sports Park | X | | | TBD |
| Pioneer/Silver Ridge Park | X | | | TBD |
| AnSan Sister City Park | X | | | TBD |
| Buffalo/Oakey Park | X | X | | 42.5/30.0 |
| Pioneer/O'Bannon Park | X | | | TBD |
| Oakey/Redwood Park | X | X | | 28.00 |
| Heritage Park | X | | | TBD |
| Dog Fanciers Park | X | | | 0.5/6.0 |
| Bonanza/Honolulu Park | X | | | TBD |

**N**: Neighborhood Park **C**: Community Park **R**: Regional Park

# EXHIBIT 4

US Census Bureau
2000

Persons per Units by Units in Structure by Owner and Renter Occupied
(City of Las Vegas, US Census Bureau, 2000 SF3)

| **Owner Occupied** | **Persons per Unit** |
|---|---|
| Single Family Detached | 2.91 |
| Single Family Attached (Townhouse) | 2.15 |
| Condominiums | |
| 2 to 19 units | 1.97 |
| 20 to 49 units | 1.66 |
| 50 or more units | 1.64 |
| Mobile Home or Trailer | 2.28 |

| **Renter Occupied** | **Persons per Unit** |
|---|---|
| Single Family Detached | 3.28 |
| Single Family Attached (Townhouse) | 2.78 |
| Apartments | |
| 2 to 19 units | 2.40 |
| 20 to 49 units | 2.08 |
| 50 or more units | 1.95 |
| Mobile Home or Trailer | 2.29 |

DEVELOPMENT AGREEMENT

EXHIBIT D

PARKS AGREEMENT

**KYLE CANYON PARKS AGREEMENT**

THIS KYLE CANYON PARKS AGREEMENT (the "Parks Agreement") is made this _____ day of _____ 2011, by the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (the "City") and KAG Properties, LLC, a Nevada limited liability company ("Developer"). All of the foregoing entities are sometimes referred to herein individually as a “Party" and collectively as the "Parties."

RECITALS

A. Developer is the owner and master developer of certain land described in Exhibit A attached hereto ("Kyle Canyon") within the corporate boundaries of the City. Developer has, concurrently with the execution of this Parks Agreement, entered into a Development Agreement with the City, which governs the future planning and development of Kyle Canyon ("Development Agreement").

B. The Development Agreement contemplates that Developer will construct parks and other recreational amenities within Kyle Canyon as a condition to the City's approval of the development project.

C. Pursuant to Chapter 4.24 of the Municipal Code of the City (the "Code"), a residential construction tax is payable prior to the issuance of a building permit for the construction of a residential dwelling unit.

D. Pursuant to Section 4.24.140 of the Code, the residential construction tax may be waived for a project upon the developer's execution of an agreement with the City requiring the developer to construct park facilities ("Qualified Parks") in lieu of paying the tax.

E. Pursuant to Section 4.24.100(A) of the Code, a developer may establish an association for the common ownership and maintenance of a developed park site that is designed for, and dedicated exclusively to recreation in such development. Pursuant to Section 4 of the Development Agreement, Developer has agreed to organize a Master Homeowners Association (the "Master HOA') that will maintain certain parks and common areas.

F. The Parties wish to enter into this Parks Agreement to: (i) establish the amount and nature of the parks and recreational facilities to be constructed by Developer as part of its obligations with respect to the development of Kyle Canyon, (ii) waive the residential construction tax, (iii) set forth the ownership and maintenance of the Qualified Parks by the City and Master HOA, (iv) establish the procedure by which the right is reserved or granted to the public for use of the Qualified Parks, and (v) for other purposes as set forth below. The parties intend that this Parks Agreement be a covenant running with the land with respect to any Qualified Parks.

NOW, THEREFORE, in consideration of the above recitals and of other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following plan for the construction, protection and benefit of the Qualified Parks. This Parks Agreement shall run with, and shall be binding upon and pass with the ownership interest in the Qualified Parks and shall inure to the benefit of and apply to and bind the Parties and their respective successors in interest.

1. Designation of Park Acreage. Developer agrees to design and construct, at Developer's sole cost and expense, all of those parks, trails open spaces and other recreational areas depicted on Exhibit B attached hereto. Each of the park areas is hereinafter referred to by the name designation indicated on Exhibit B. All recreational amenities for Indian Hills Park and Iron Mountain Park shall be dedicated to

the City. All other parks and their recreational amenities shall be dedicated to the Master HOA.

2. Required Facilities of Parks. Developer agrees that each of the Qualified Parks shall, as a minimum, contain those amenities and features described in Exhibit C hereto (the "Required Facilities"). City agrees that Developer shall have discretion with respect to any other amenities or features that are to be placed within the parks in addition to the Required Facilities and that City shall not unreasonably withhold or delay its approval of any conceptual plan for a park that contains all of the Required Facilities.

3. Design of Parks. Prior to construction of each park, Developer shall meet with the City staff to discuss park amenity programming and shall submit to the City a conceptual plan for such park showing the Required Facilities and any additional proposed amenities and features of the park in plan view for City's review. The conceptual plans may vary from the conceptual layouts included in Exhibit C. However, approval of a conceptual plan that conforms to the layouts in Exhibit C shall not be unreasonably withheld by the City. Following acceptance by the City of the conceptual plan, Developer shall proceed to design the park in accordance with the standards set forth in the Kyle Canyon Design Guidelines. Where the design of a Required Facility is not contained in the standards of the Kyle Canyon Design Guidelines, the Required Facility shall be designed in accordance with Parks Standards Office of Architectural Services City of Las Vegas Department of Public Works dated March 8, 2007 (Exhibit E). City agrees that its final approval of the drawings and specifications for the park shall be limited to adherence with the approved conceptual plan, the Kyle Canyon Design Guidelines, the Exhibit E, this Parks Agreement and the provisions of the Building Codes relating generally to construction of improvements within the City.

4. Construction of Parks. Following approval of the drawings and specifications for each park Master Developer shall promptly proceed with construction thereof and diligently pursue completion of each park in accordance with the schedule set forth in Section 5.

5. Completion Schedule. Developer agrees that it will adhere to the following schedule for design and construction of Parks.

   A) For purposes of this Parks Agreement, Kyle Canyon comprises several "Park Areas," each of which has associated parks and other amenities within its boundaries. The Park Areas are described on Exhibit D hereto.

   B) Developer shall submit to the City for its review a conceptual plan of all parks located within a Park Area prior to the issuance of the first ($1^{st}$) permit for the construction of dwelling units within such Park Area that exceeds the Park Construction Trigger shown on Exhibit D. City will notify the Master Developer when seventy-five percent (75%) of the Park Construction Trigger permits have been issued in each Park Area.

   C) Developer shall prepare 90 percent construction drawings and specifications for all parks and submit them to the City for its review within one hundred eighty (180) calendar days following the City's approval of the conceptual plans for such park. Developer shall subsequently submit 100 percent construction drawings and specifications within 90 days of completion of the City's review of the 90 percent construction drawings and specifications.

   D) Developer shall commence construction of each park within ninety (90) days following the City's final approval of the construction drawings and specifications for such park and shall complete each such park within 18 months of the start of construction.

   E) Developer shall commence construction of the Indian Hills Park in conformance with the approved construction drawings prepared for the Indian Hills Park prior to the issuance of the five hundredth ($500^{th}$) permit for the construction of dwelling units within Kyle Canyon located on the east side of US95 or prior to the issuance of the two thousandth ($2000^{th}$) permit for construction of dwelling units within all of the

Kyle Canyon development. The City shall, at City expense, cause the existing construction drawings entitled, "Indian Hills Park Las Vegas Nevada Project Number 05.15341.04", and dated March 14th 2008 to be reviewed for code compliance and updated as necessary. The design drawings shall then be approved by the City. The City shall complete this code compliance and approval process no later than 120 days prior to the Developer's commencement of construction. Developer will complete construction within 24 months of commencement.

F) Developer will design and construct the Iron Mountain Park on APN 126-01-401-013. The park will contain the amenities and structures depicted in the conceptual design described in Exhibit C and conform to the standards set forth in Exhibit E. Developer shall commence design within 180 calendar days of receiving notice from the City that: a) notifies Developer of the issuance of the four thousandth (4000th) permit for the construction of dwelling units within Kyle Canyon; and b) contains confirmation that adequate flood control facilities are in place to protect the park. Developer will prepare construction drawings and will commence and complete construction in accordance with subsections 5C and 5D above.

6. Public's Right to Use of Qualified Parks. Developer agrees that the Qualified Parks will be available for use by the general public on a non-discriminatory basis. Developer shall ensure that a land use restriction creating nondiscriminatory access and use rights for the public to and over such Qualified Park is recorded against the park parcel in the Official Records of Clark County, and shall provide a verified copy thereof (with the recording information set forth thereon) to the City. In the event of any failure to record such restriction, the Master HOA shall record such restriction and provide such copy to the City upon receiving such Qualified Park from Developer. Except for Indian Hills Park and Iron Mountain Park, which shall be dedicated to the City, each Qualified Park shall be conveyed by Developer to the Master HOA within 60 days of final completion and accepted as a "Park" to be maintained by the Master HOA pursuant to a declaration that meets the requirements of NRS Chapter 116.

7. Maintenance Obligations. The Master HOA will assume and accept the Master HOA's duty pursuant to the Declaration to maintain the Qualified Parks (the "HOA Parks"), except for Indian Hills Park and Iron Mountain Park, which shall be maintained by the City, within 30 days of completion. City will commence maintenance of Indian Hills Park and Iron Mountain Park -within 30 days of completion of construction and acceptance of such parks by City. The City shall maintain Indian Hills Park and Iron Mountain Park to similar maintenance standards that the City establishes for all parks. The Master HOA shall maintain the Qualified Parks it has accepted in good condition and repair in compliance with the Declaration except as otherwise set forth herein. This Parks Agreement, along with the Maintenance Plan attached hereto as Exhibit F takes the place of and satisfies the requirements of the maintenance plan with the Master HOA required by the City with respect to the Qualified Parks pursuant to NRS 278.4789.

8. Rules and Regulations. The Master HOA shall have the right to establish rules and regulations for use of the HOA Parks that it has accepted. However, all rules and regulations must apply equally to members of the Master HOA and the public. The rules and regulations cannot discriminate against members of the public in favor of members of the Master HOA. The Parties acknowledge and agree that portions of certain HOA Parks may be reserved for the private use of Members of the Master HOA and guests of the Master HOA.

9. Amendment of the Declaration. Neither Developer nor the Master HOA shall (i) amend any provision of the Declaration affecting the Qualified Parks in a manner that violates any term or provision of this Parks Agreement, without obtaining the prior written consent of the City, or (ii) take any action pursuant to any provision of the Declaration or otherwise to change an active recreational area or facility to a use or character that does not permit active recreational use.

10. Damage and Restoration. In the event of damage to or destruction of the HOA Parks, the Master HOA shall, as soon as reasonably possible, restore and reconstruct the damaged or destroyed areas to at least as good a condition as they were in immediately prior to such damage or destruction. Likewise, in the event of

damage to or destruction of Indian Hills Park and Iron Mountain Park, per City policy the City shall, as soon as reasonably possible, restore and reconstruct the damaged or destroyed areas to at least as good a condition as they were immediately prior to such damage or destruction. All work shall be performed in a good and workmanlike manner and shall conform to all applicable governmental requirements, the Declaration and this Parks Agreement.

11. Construction of Qualified Parks. Developer shall, at Developer's expense, obtain all necessary permits and licenses for the construction and installation of the improvements in the Qualified Parks, give all necessary notices and pay all fees and taxes required by law.

12. Waiver of Residential Construction Tax. In consideration of Developer's agreement to construct all of the Qualified Parks identified in this Agreement, City hereby waives the residential construction tax for the all residences constructed in Kyle Canyon up to the maximum number of residential units permitted by the Development Agreement and further waives the requirement for security for the estimated cost of construction.

13. Use of Flood Control Facilities. City will allow Master Developer to construct open space, parks, trails and other recreational amenities within drainage corridors, drainage channels, and flood plains (for purposes of this Section only these terms may otherwise be defined as "Flood Facilities") so long as the Flood Facilities meet the minimum design and construction standards of City and the Clark County Regional Flood Control District. Master Developer shall be responsible for the replacement and/or repair of the open space, parks, trails and other recreation amenities within such Flood Facilities, if and when damaged or destroyed by water until such time as Master Developer shall convey the facilities to the Master HOA. This provision shall survive any termination or expiration of this Agreement.

14. Enforcement and Remedies.

(a) General. If any Party defaults in the performance of any obligation under this Parks Agreement, and if such default remains uncured thirty (30) days after written notice from the other Party ('Nondefaulting Party"), stating with particularity the nature and extent of such default, then Nondefaulting Party shall have the right to (i) perform such obligation on behalf of such defaulting Party and (ii) be reimbursed by such defaulting Party, within 10 days of written demand, for the cost thereof The failure of the Nondefaulting Party to insist, in any one or more cases, upon the strict performance of any provision of this Parks Agreement shall not be construed as a waiver of the future breach of such provision or any other provision of this Parks Agreement.

(b) Withholding of Residential Permits. If Master Developer fails to cure any default of its obligations described in Section 5, the City Council may, after a hearing, withhold the issuance of residential dwelling unit permits within Kyle Canyon. City shall provide Master Developer written notice at least fifteen (15) days prior to such hearing.

(c) Remedies Cumulative. Each Party to this Parks Agreement may prosecute any proceeding at law or in equity against any person or entity violating or attempting to violate any of the covenants or provisions contained herein to prevent such person or entity from so doing and to recover damages for any such violation. All remedies provided in this Parks Agreement are cumulative. Therefore, notwithstanding the exercise by a Party of any remedy hereunder, such Party shall have recourse to all other remedies as may be available at law or in equity.

15. Miscellaneous.

(a) Assignment. Developer may assign all of its rights and obligations under this Parks Agreement in conjunction with an assignment to a Successor Master Developer contemplated under Section 11 of the Development Agreement. Posting of a performance

bond by a Successor Master Developer shall not be required by the City so long as Successor Master Developer assumes all Master Developer obligations in the Development Agreement, including the obligations in this Parks Agreement.

If Developer (or Successor Master Developer) desires to assign all or part of its rights and obligations under this Parks Agreement to anyone other than a Successor Master Developer (or new Successor Master Developer), the Parks Agreement Assignee shall assume the assigned rights and obligations, and the City shall not unreasonably withhold approval of such assignment. However, prior to the City's approval of such assignment to a Parks Agreement Assignee, Parks Agreement Assignee's performance shall be secured by a performance bond in the amount and form, and from a surety, agreed to by the City. The performance bond shall name the City and Master HOA as joint Obligees until such time that all outstanding obligations assumed by the Parks Agreement Assignee are complete and the parks are conveyed to the Master HOA.

The Master HOA may not assign any of its rights or obligations under this Parks Agreement without prior written approval from the City, which shall not be unreasonably withheld.

(b) Notices. Except as otherwise provided in this Parks Agreement, notice to be given to a Party must be in writing and may be delivered to the Party personally or by any system or technology designed to record and communicate messages, telegraph, facsimile, electronic mail, or other electronic means. Alternatively, notice may be delivered by regular United States mail, postage prepaid, addressed to the Party at the most recent address furnished by such Party to the other Party. Such notice is deemed delivered three (3) business days after the time of such mailing. Notices are to be delivered to both the Party and to the Party' s attorneys.

(c) Interpretation. The captions of the various provisions of this Parks Agreement are for convenience and identification only and shall not be deemed to limit or define the contents thereof. This Parks Agreement shall be construed in accordance with the laws of the State of Nevada. This Parks Agreement supersedes all prior written or verbal representations or declarations of the Parties with respect to the subject matter hereof. If any clause, sentence, or other portion of this Parks Agreement shall become illegal, null or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions thereof shall remain in full force and effect.

(d) Binding Effect; Covenants Running With Land. By acceptance of a deed, lease or document of conveyance, or acquiring any ownership or leasehold interest in any of the real property constituting a Qualified Park, each person binds such person and such person's heirs, personal representatives, successors, transferees and assigns to all of the provisions, restrictions, covenants, conditions, rules and regulations now or hereafter imposed by this Parks Agreement and any amendment hereto. In addition, each such person by so doing hereby acknowledges that this Parks Agreement sets forth a general scheme for the improvement and development of the real property covered hereby and evidences such person's intent that all the provisions contained in this Parks Agreement, as amended, shall run with the land and be binding on all subsequent and future owners, lessees, grantees, purchasers, assignees and transferees of property subject to this Parks Agreement. Each such person fully understands and acknowledges that this Parks Agreement shall be mutually beneficial and enforceable as provided herein by the various subsequent and future Owners, as well as by the parties hereto.

(e) Recordation. This Parks Agreement shall be recorded in the Official Records of Clark County, Nevada, and shall be effective upon such recordation.

(f) Duration and Amendment. This Parks Agreement shall continue in full force unless a

Declaration of Termination satisfying the requirements of an amendment to this Parks Agreement is recorded. This Parks Agreement may be amended at any time by recording an amendment executed by Developer, the City, and the Master HOA.

(g) No Third Party Beneficiaries. This Parks Agreement is intended for the exclusive benefit of the Parties hereto and their respective permitted assigns and the general public and is not intended and shall not be construed as conferring any benefit or right on any third parties, including any Designated Builders within Kyle Canyon.

[SIGNATURES ON FOLLOWING PAGES]

SIGNATURE PAGE TO THE KYLE CANYON PARKS AGREEMENT

KAG Properties, LLC

By: _____

Print Name: _____

Title: _____

STATE OF NEVADA )
) ss.
COUNTY OF CLARK )

On the ____ day of _____, 2011, before me, the undersigned, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument to be the person, or the entity upon which the person acted, executed the instrument.

WITNESS my hand and official seal.

_____
Notary Public in and for said State

CITY OF LAS VEGAS, NEVADA

By: _____

Print Name: Carolyn G. Goodman

Title: Mayor

ATTEST:

_____
Beverly K. Bridges, City Clerk

Approved as to Form:

_____
Deputy City Attorney

# EXHIBIT A

# TO THE KYLE CANYON PARKS AGREEMENT

# DESCRIPTION OF PROPERTY

# EXHIBIT A

## TO THE AMENDED KYLE CANYON PARKS AGREEMENT

## DESCRIPTION OF PROPERTY

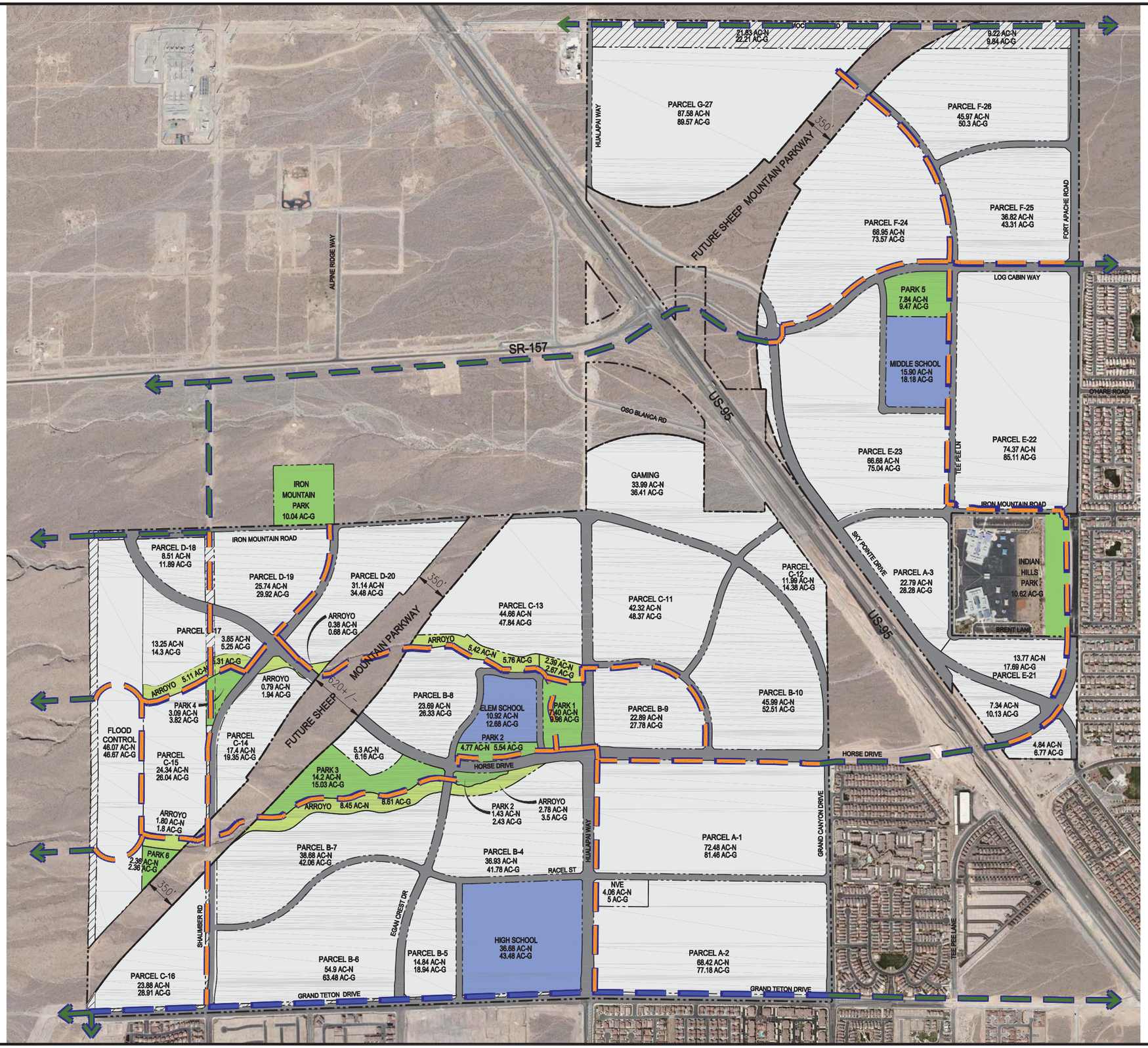
| Assessors Parcel Number | Acres |
|---|---|
| 125-06-501-001 | 310.95 |
| 125-06-101-001 | 5.00 |
| 125-06-301-001 | 3.24 |
| 125-06-301-002 | 3.12 |
| 125-06-401-001 | 42.77 |
| 125-06-401-005 | 0.06 |
| 125-06-701-001 | 238.14 |
| 125-07-101-004 | 0.13 |
| 125-07-101-005 | 11.57 |
| 125-07-101-006 | 63.66 |
| 125-07-201-001 | 39.73 |
| 125-07-201-002 | 40.63 |
| 125-07-301-001 | 40.31 |
| 125-07-301-002 | 41.14 |
| 125-07-401-001 | 40.70 |
| 125-07-401-002 | 41.39 |
| 125-07-501-005 | 29.78 |
| 125-07-602-001 | 3.19 |
| 125-07-602-003 | 1.55 |
| 125-07-602-004 | 5.02 |
| 125-07-602-005 | 31.12 |
| 126-12-000-001 | 668.90 |
| **TOTAL:** | **1,662.10** |

EXHIBIT B

TO THE KYLE CANYON PARKS AGREEMENT

PARKS, TRAILS AND OPEN SPACE MAP

[MAP FOLLOWS THIS PAGE]




## LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE (ESMT)
- EXISTING TRANSMISSION POLE
- PROPOSED STREET
- ARROYOS
- PARKS
- SCHOOLS
- PROPOSED TRAILS
- PROPOSED EQUESTRIAN TRAIL
- PROPOSED TRAILS BY OTHERS

| LAND USE | NET ACREAGE | GROSS ACREAGE | MAX DENSITY | AVERAGE DENSITY |
|---|---|---|---|---|
| RESIDENTIAL "LOW" | 334.69 | 381.37 | 15.00 | 5.49 |
| RESIDENTIAL "MEDIUM LOW" | 415.63 | 467.20 | 15.00 | 8.49 |
| RESIDENTIAL "MEDIUM LOW-ATTACHED" | 155.03 | 165.70 | 25.00 | 12.49 |
| BLENDED USE | 111.20 | 128.66 | 50.00 | 15.00 |
| GENERAL COMMERCIAL | 43.24 | 55.21 | | |
| GAMING | 33.99 | 36.41 | | |
| SUBTOTAL | 1093.78 | 1234.55 | | |
| | | | | |
| SHEEP MOUNTAIN PARKWAY | 164.74 | 164.74 | | |
| FLOOD CONTROL | 46.07 | 46.67 | | |
| PARKS | 41.09 | 48.59 | | |
| ARROYOS | 27.12 | 30.39 | | |
| OPEN SPACE | 4.17 | 7.57 | | |
| SCHOOLS | 63.50 | 74.34 | | |
| HUALAPAI SUBSTATION | 4.06 | 5.00 | | |
| POWER EASEMENTS | 51.07 | 44.92 | | |
| ROADS AND STREETSCAPE | 166.22 | 5.05 | | |
| SUBTOTAL | 568.04 | 427.27 | | |
| | | | | |
| TOTAL | 1661.82 | 1661.82 | | |

**MAX RESIDENTIAL UNITS 9,000**

# TRAIL AND PARK EXHIBIT

## KYLE CANYON

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
PHONE (702) 284-5300 FAX (702) 284-5399

CARWIN ADVISORS

J:\scs0902-000 kyle canyon\dwg\figures\110520 scp0902-000 parks and trails.dwg 7/5/2011 9:17 AM Ben Morris

EXHIBIT C

TO THE KYLE CANYON PARKS AGREEMENT

REQUIRED FACILITIES

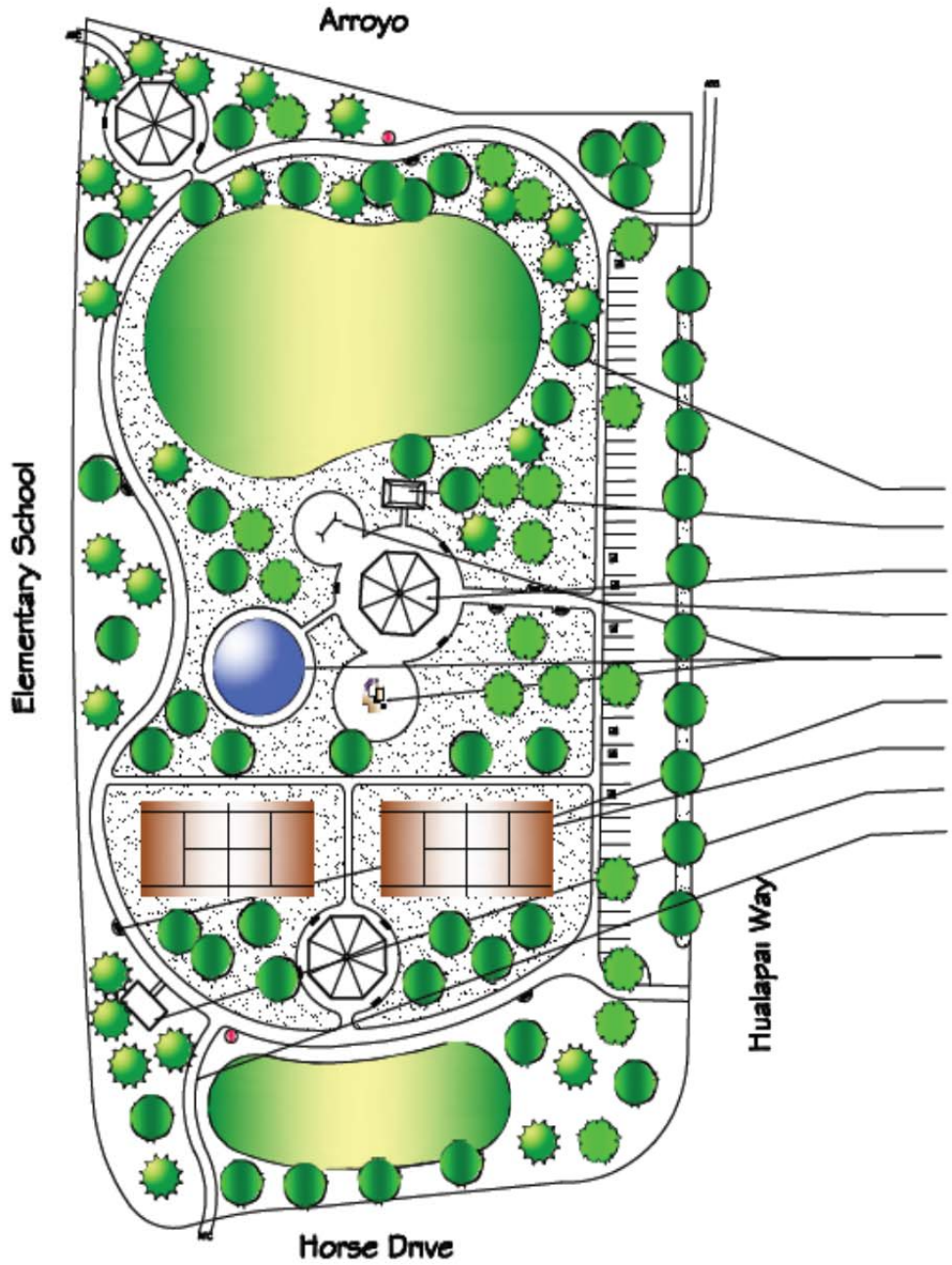
[LIST FOLLOWS THIS PAGE]

AND CONCEPTUAL LAYOUTS FOR PARKS

PARKS AGREEMENT
EXHIBIT C REQUIRED FACILITIES
KYLE CANYON PARK, ARROYOS & PASEOS

Structures and Site Amenity Programming

| Park | Gross Acres | Improved Acres | Restroom | Tennis Court | Basketball Court | Tot Lot | Tot Play Area | Parking Spaces | Picnic Areas | Shade Structures | Turf Play Areas Acres | Splash Pad | Multi Use Field | Baseball Softball Field | Sports Field Lighted | Walk Jog Path | Dog Park (acres) | Fitness Station |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 9.96 | 7.4 | 1 | 2 | | 2 | | 38 | 4 | 3 | 1.23 | 1 | | | | X | | X |
| 2 | 5.54 | 4.77 | 1 | | | | | 13 | 3 | 3 | 1.25 | | | | | X | | |
| 3 | 15.03 | 14.2 | 1 | | | 1 | 1 | 38 | 2 | 2 | 1.64 | | | | | X | | |
| 4 | 3.82 | 3.09 | 1 | | | | | 16 | 1 | 1 | 0.1 | | | | | X | | |
| 5 | 9.47 | 7.84 | 2 | | | 1 | | 31 | 2 | 2 | 5 | | 2 | | X | X | | |
| 6 | 2.36 | 2.36 | 1 | | | 1 | | 0 | 2 | 2 | 0.15 | 1 | | | | X | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| Iron Mountain | | 10 | 1 | | | 1 | | 99 | 2 | 2 | | X | | 4 | X | X | 1 | |
| | | | | | | | | | | | | | | | | | | |
| Indian Hills | | 11 | 1 | | | 1 | | 99 | 2 | 2 | | X | 2 | | X | X | | |
| | | | | | | | | | | | | | | | | | | |
| North Arroyo | | | | | | | | | | | | | | | | X | | |
| | | | | | | | | | | | | | | | | | | |
| South Arroyo | | | | | | | | | | | | | | | | X | | |




## KYLE CANYON PARK CONCEPTS

N.T.S.

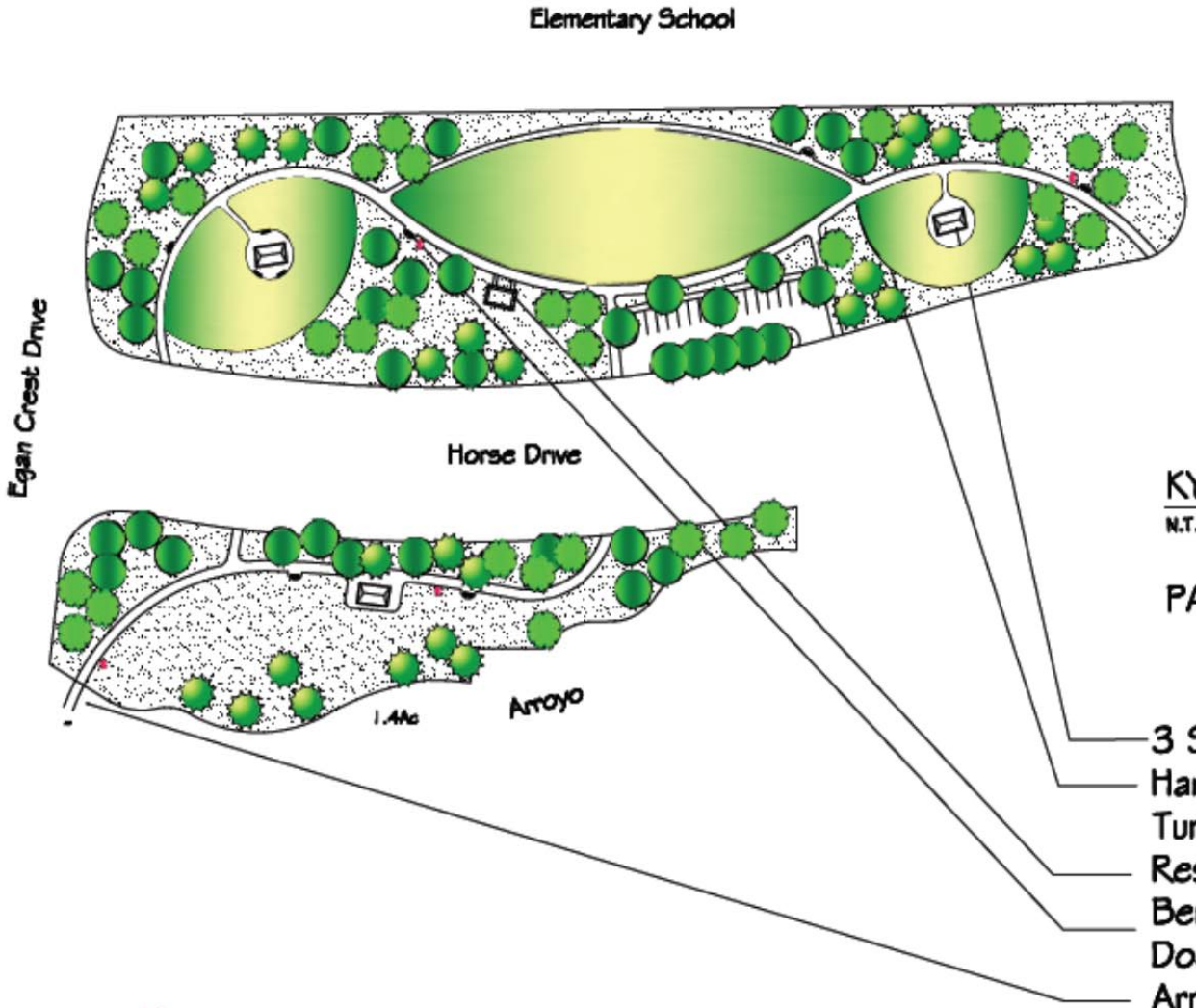
## PARK #1 - 7.4 acres (+/-)

- Lawn / Play Areas - 53755 sf
- Restrooms (2)
- Picnic / Shade Gazebo (3)
- Walk
- Tot Lots / Splash Pad
- Tennis Courts
- Benches / Doggy Stations
- Fitness / Stretch Station
- Arroyo Trail Connector (ATC)

N

SUN CITY LANDSCAPES, INC.

"More Than Just Landscapes"




## KYLE CANYON PARK CONCEPTS

N.T.S.

PARK #2 - 6.2 acres (+/-)

- 3 Shade Gazebos
- Hard Surface Trails
- Turf Areas - 54300 sf
- Restrooms
- Benches / Tables / Trash Receptacles
- Doggie Stations
- Arroyo Trails Connectors

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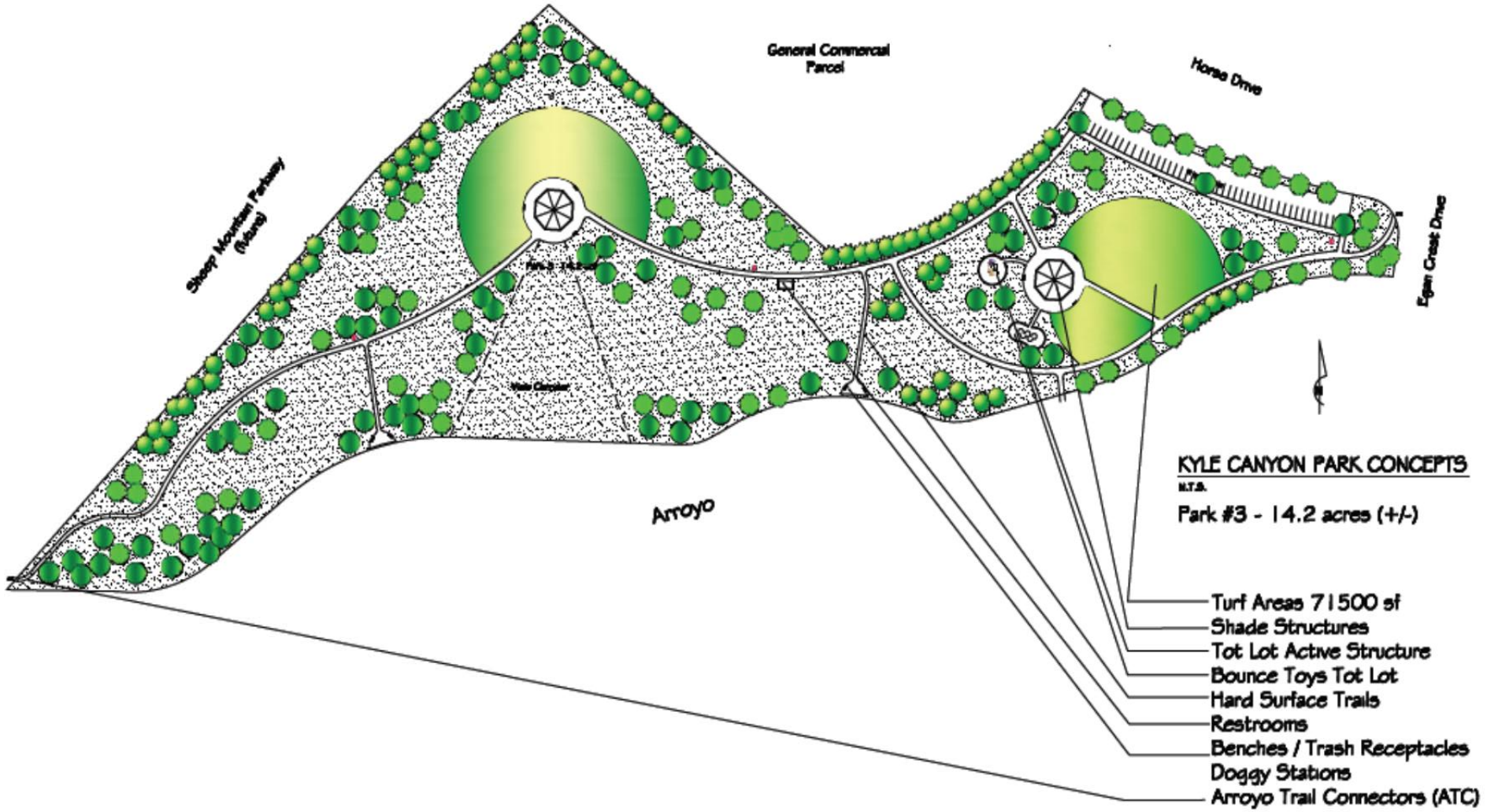


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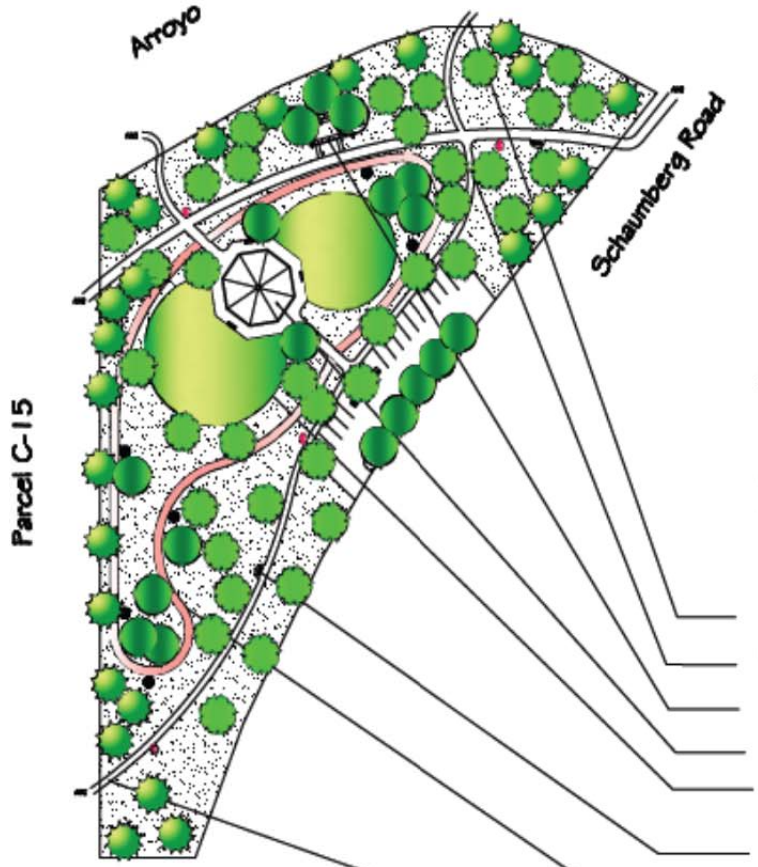


# KYLE CANYON PARK CONCEPTS

N.T.S.

## PARK #4 - 3.1 acres (+/-)

- Connection to Arroyo Trails (ATC)
- Hard Surface Trails
- Restrooms
- Gazebo / Picnic Shelter
- Turf Areas - 4200 sf
- Benches / Tables / Trash Receptacles
- Doggie Stations
- Fitness Trail / 6 Station Exercise
- Connections to Residential

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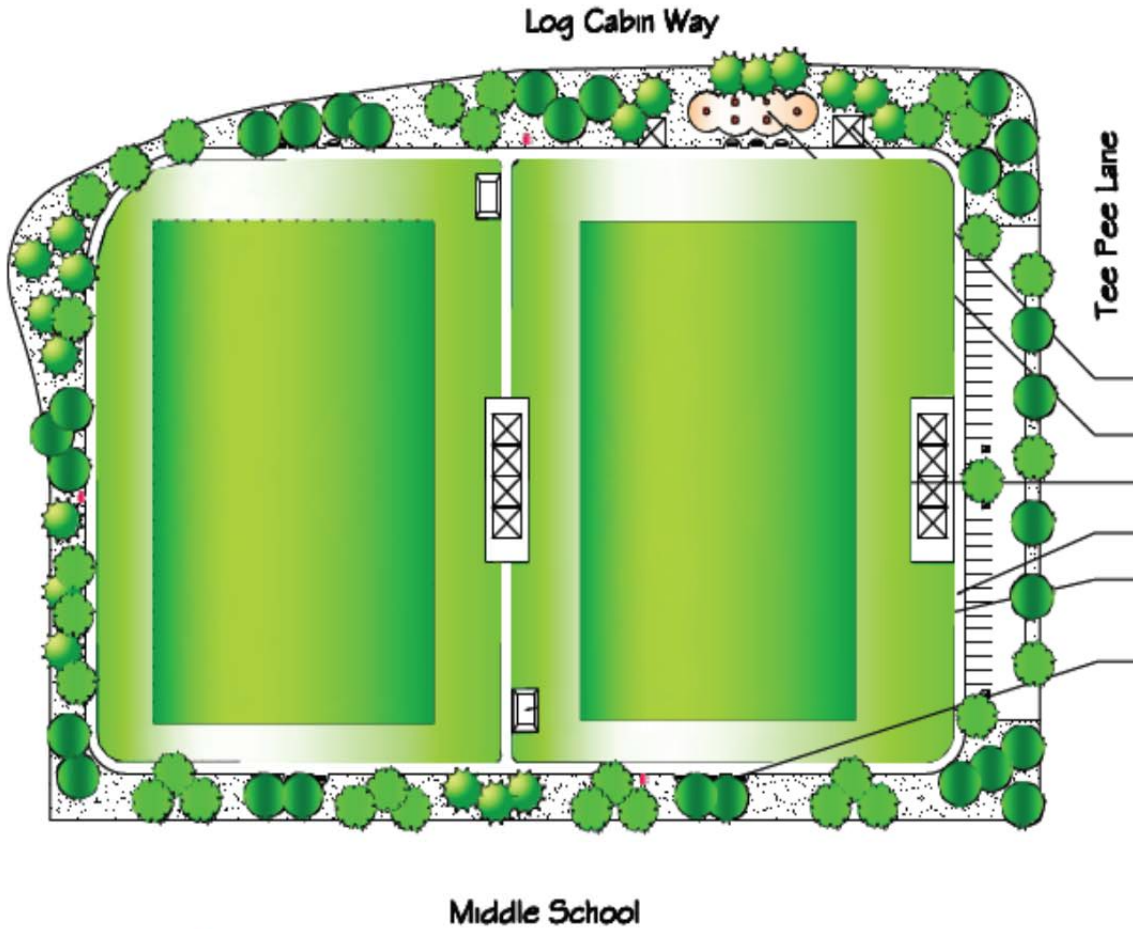


# KYLE CANYON PARK CONCEPTS

N.T.S.

PARK #5 - 7.84 acre (+/-)

- Shade Structures
- Bounce Toys Tot Lot
- Multi-Use Sports Fields
- Hard Surface Trails
- Restrooms (2)
- Benches / Trash Receptacles
- Doggy Stations

N

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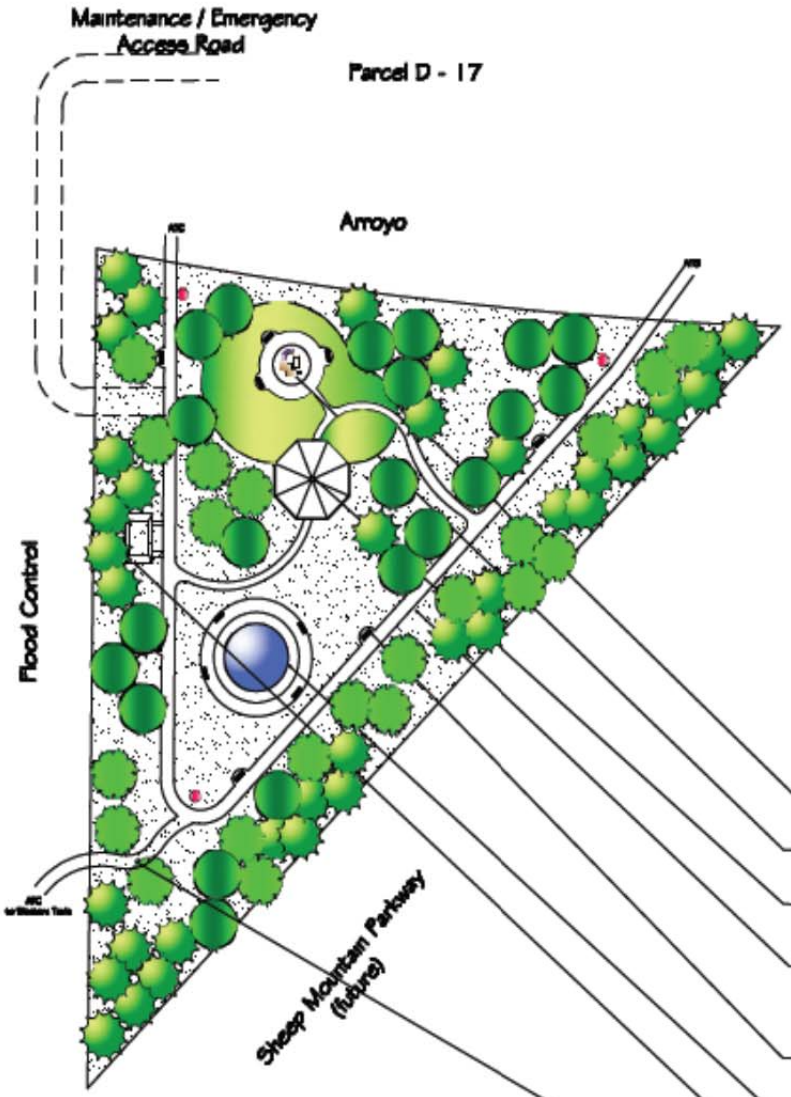


# KYLE CANYON PARK CONCEPTS

N.T.S.

## PARK #6 - 2.36 acres (+/-)

- Turf Area
- Tot Lot
- Gazebo
- Hard Surface Trails
- Benches / Trash Receptacles
- Doggy Stations
- Splash Pad / Water Play
- Restrooms
- Arroyo Trails Connection (ATC)

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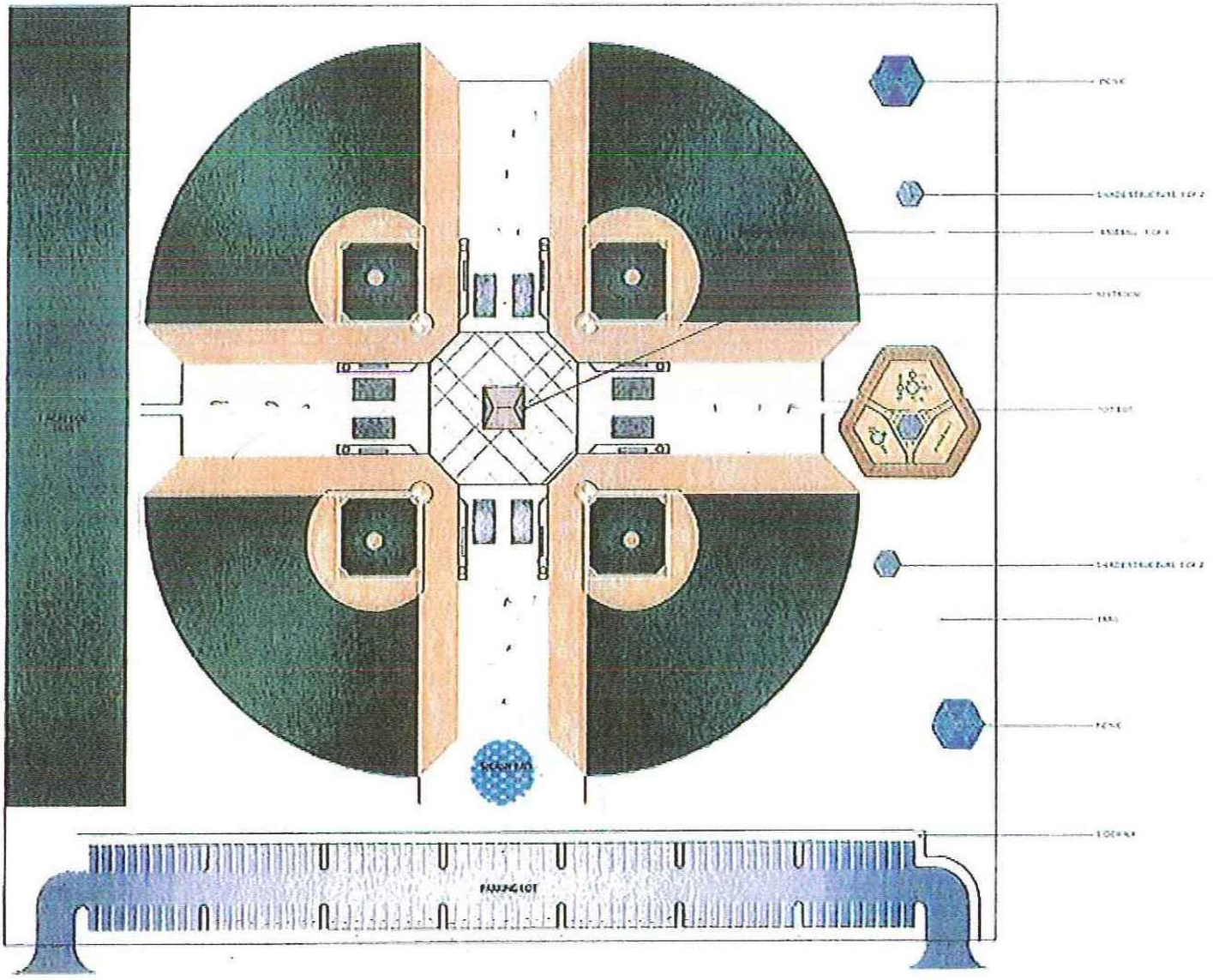


## CONCEPTUAL FIT ANALYSIS FOR IRON MOUNTAIN PARK - 10 ACRES (+/-)

1" = 30'

J:\PROJECTS\KYLE CANYON\00-linework\00-final exhibits\10 acre.dwg, \\fpg00\290_Dell_Color

EXHIBIT D

TO THE KYLE CANYON PARKS AGREEMENT

PARK AREAS

[MAP FOLLOWS THIS PAGE]




## PARK AREAS

| PARK AREA | PARKS | PROBABLE DWELLING UNITS | PARK CONSTRUCTION TRIGGER |
|---|---|---|---|
| A | PARK 1 | 777 | 388 |
| B | PARK 2 | 353 | 177 |
| C | PARK 3 PH1 | 833 | 416 |
| D | PARK 3 PH2 | 2,377 | 1,000 |
| E | PARK 4 & 6 | 1,130 | 565 |
| F | PARK 5 | 3,530 | 1,700 |

# EXHIBIT D

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
PHONE (702) 284-5300 FAX (702) 284-5399

CARWIN ADVISORS

EXHIBIT E

TO THE KYLE CANYON PARKS AGREEMENT

PARK STANDARDS

(Contained in a Separate Volume)

EXHIBIT F

TO THE KYLE CANYON PARKS AGREEMENT

MAINTENANCE PLAN

EXHIBIT F

MAINTENANCE PLAN FOR ALL PRIVATELY MAINTAINED PARKS, FACILITIES AND OTHER COMMON AREAS

1. The Plan for Maintenance of Public and Common Areas (the "Plan") must be approved by the City and must contain provisions that outline the proposed standards and level of maintenance and/or frequency of maintenance to be provided with respect to:

    a) Common area landscaping and sidewalks;

    b) Parks, trails, paseos, open spaces, and other recreational areas and the related Required Facilities described in the Park Agreement;

    c) Temporary and/or interim drainage facilities including riprap lined channels and natural arroyos as determined by the approved Master Drainage Study, but excluding all temporary detention basins identified in the Master Drainage Study;

    d) All landscaping and landscaping appurtenances located within City- dedicated public rights-of-way.

2. The Plan will include provisions for maintenance of common area lighting and for walls and fences located within common areas, but excluding any walls or fences located on an individual unit or lot.

3. The Plan will include provisions for periodic inspection, maintenance and repair of the improvements in such a manner and with such frequencies so as to maintain the improvements to prevent deterioration, to avoid unsightliness, and maintain the aesthetic appearance, the function, the safety and look of the improvements as originally intended. Any significant deviation from those standards may be implemented only after consultation with and the approval of the City. The required levels of maintenance and repair shall be defined for the following components, including, without limitation:

    a) Requirements for maintenance of all the following items in a healthy, safe and aesthetically acceptable condition:

        - Non-Sports Field Turf (All allowable types)
        - Sports Field Turf (All allowable types)
        - Landscape and planting components, trees, shrubs, groundcover, etc. (All allowable types)
        - Color plantings (All allowable types)

    b) Requirements for maintenance of all the following items in an operable, healthy, safe and aesthetically acceptable condition:

        - Irrigation and all associated components
        - Playground equipment
        - Exercise or Par-Course equipment
        - Picnic Areas, including all appurtenances in the area
        - Shade Structures
        - Water features, including all splash pads, fountains, drinking fountains
        - Skate park areas, including all appurtenances
        - Restroom facilities
        - Dog park areas, including all appurtenances

- Lighting (All allowable types)
- Sports Courts (All allowable types)
- Walkways, pathways and roadways, with or without hardscape improvements
- Fencing, walls and gates (All allowable types)
- Signage (All allowable types)
- Amenities, including all benches, trash receptacles, trash dumpsters and picnic tables
- All parking lot or other paved areas

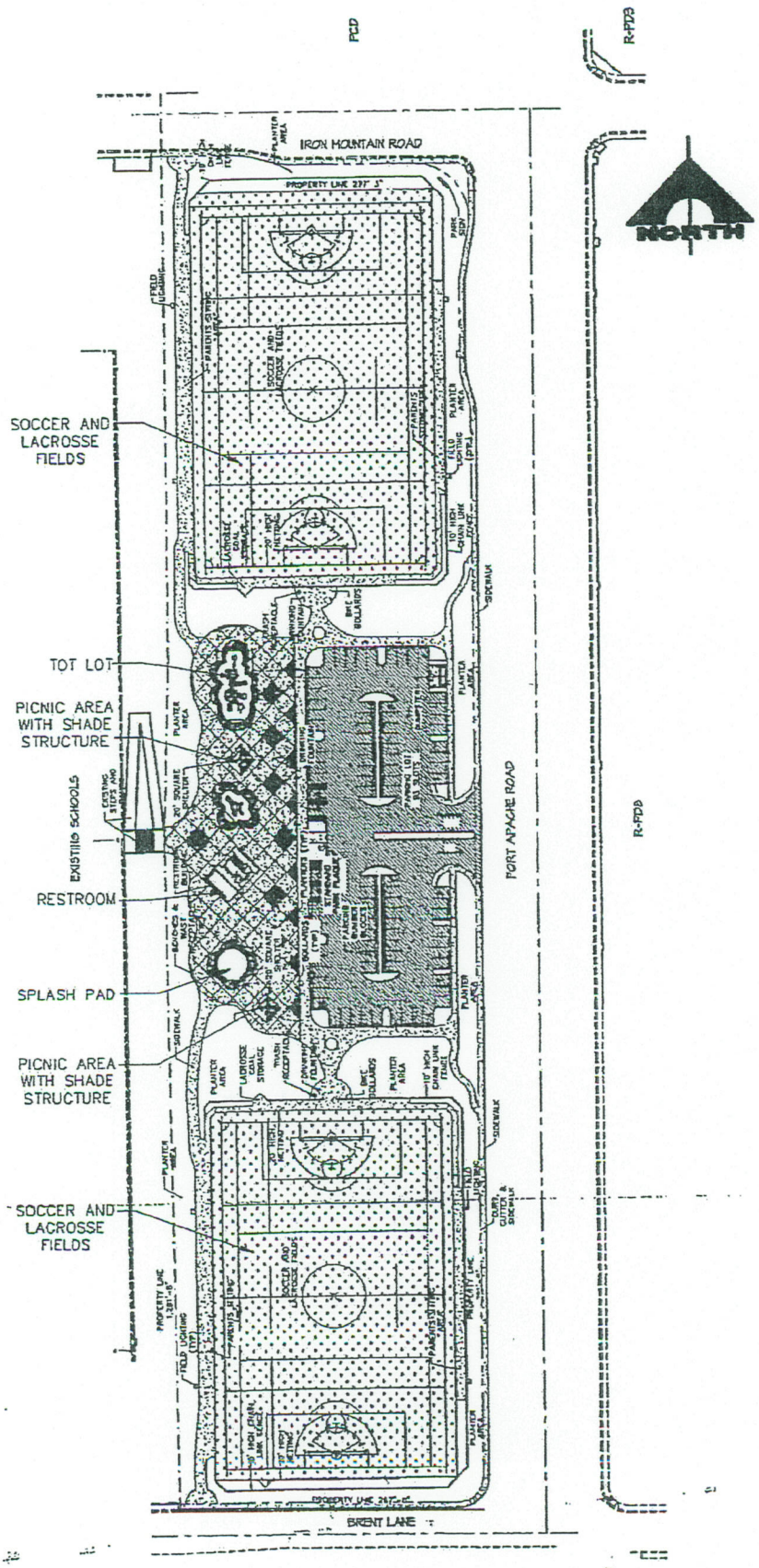
4. The Plan will include a provision that the Plan can be amended by the governing board of the Master Home Owners Association ("HOA") but only with the written consent of the City.

5. The Plan will include a provision that, in the event the Master HOA fails to maintain any or all of the improvements in accordance with the provisions of the Plan, the City may exercise its rights under the declaration, including the right of the City to make assessments for costs incurred by the City in maintaining the improvements, which assessments shall constitute liens against the Property and individual lots within subdivisions which may be executed upon and which shall have the same priority as liens for real estate taxes.

EXHIBIT G

TO THE KYLE CANYON PARKS AGREEMENT

CONCEPTUAL LAYOUT FOR INDIAN HILLS PARK DESIGN




CONCEPTUAL LAYOUT FOR INDIAN HILLS PARK 11 ACRES(±)

NTS

DEVELOPMENT AGREEMENT

EXHIBIT E

DEVELOPER SPECIAL IMPROVEMENT GUIDELINES

# CITY OF LAS VEGAS

## DEVELOPER SPECIAL IMPROVEMENT DISTRICT GUIDELINES

December 2, 1992

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| Application | 7 |
| Council Approval | |
| Security for Costs | |

# CITY OF LAS VEGAS
## Developer Special Improvement District Guidelines

Under chapter 271 of Nevada Revised Statutes (NRS), the City is authorized to acquire street, sidewalk, water, sewer, curb, gutter, flood control and other publicly-owned "infrastructure" improvements that benefit new development by the creation of a special improvement district as specified in NRS 271.265. The purpose of these guidelines is to outline the circumstances under which the city will consider this type of financing for new developments involving one or a small number of private property owners who intend on developing their property for residential, commercial, industrial, or other beneficial use.

These guidelines apply to all assessment districts financed under NRS 271.710 through 271.730 and to all other assessment districts which both involve 15 or fewer property owners and involve properties 80% or more of which are unimproved, unless 50% or more of the cost of the project proposed to be funded is being funded from a governmental source other than special assessments or the proceeds of special assessment bonds (e.g., RTC).

The City Council reserves the right, on a case by case basis, to impose additional requirements or waive specific requirements listed herein. Such waived requirements shall be noted in the approval of any petition together with a finding that the deviation from this policy is in the best interest of the City. Additional requirements shall be noted in the approval.

A. Eligible Improvements.

1. Regional Improvements. The City will consider financing only regional infrastructure improvements i.e., regional improvements are those streets, storm drains, water systems, sewer and other utilities, which will provide benefit to the entire project. Such projects are those with respect to which the City Council has made a finding of regional benefit which benefit the general area in which the development is located as opposed to improvements which exclusively benefit a particular subdivision. (Only the portion of the total cost that benefits the special improvement district will be assessed.) Thus, an arterial street or highway or major sewers, storm drains and water lines which provide benefit to the entire project and are found to be of general or regional benefit by the council, would be considered for financing.

2. Public Ownership Requirements. Only publicly owned infrastructure is eligible for financing. Privately-owned improvements such as electric, gas, and cable television improvements, streets or roads which are not dedicated to the City, and private portions of other improvements, such as water and sewer service lines from the property lines to the home or other structure are not eligible for financing.

3. Benefit. The improvements proposed to be constructed must benefit the property assessed by an amount at least equal to the amount of the assessment.

4. Subdivision Improvements. The City will not consider financing "subdivision" or "in-tract" improvements, that is, improvements within a subdivision that benefit only the land within a subdivision such as neighborhood streets.

5. Size. Generally, the City will not consider stand alone assessment districts which involve less than $2,500,000.

B. Environmental Matters.

1. A Phase 1 environmental assessment (hazardous waste assessment) on the property to be assessed, property on which the improvements are to be located and on any property dedicated to the City, must be provided by the property owner prior to the bonds being issued by the City. The property owner must also provide the City with an indemnification agreement in a form acceptable by and provided by the City, promising to indemnify the City against any and all liability and/or costs associated with any environmental hazards located on property assessed. With respect to abating environmental hazards that are located on property on which improvements financed with the assessment district are proposed to be located or on any property dedicated to the City, the City and the property owner will reach an accord before the bonds are issued. Where the Phase 1 assessment indicates that there may be an environmental hazard on any of the assessed property, the property owner will be required to abate the problem or to post security for environmental clean up costs prior to the City proceeding with the district. The environmental assessment shall be performed by an environmental engineer acceptable to the City.

2. The developer must undertake all steps required by the "Habitat Conservation Plan Compliance Report" or other future federal requirements in the project area and other areas owned by the same developer which are used in connection with the project.

C. Development.

1. Property Owner Experience. The property owner must demonstrate to the City that it has the expertise to develop the property involved in the assessment district. In order to demonstrate its ability to develop, the property owner should furnish the City with the following: (a) its last three years prior audited financial statements, (b) a list of prior development of similar or larger size which the property owner has completed, and (c) a list of references consisting of the names of officials of other political subdivisions in which the property owner has completed similar or larger size developments. The City will accept, in place of financial statements stated in (a) above, a comfort letter from a mutually acceptable CPA firm indicating for the past three

(3) years: (1) that a minimum level of net worth, acceptable to the City, has been maintained; (2) whether or not there have been any material adverse changes in operations; and (3) whether or not there have been any exceptions in the accountant's opinion letter on the property owner's financial statements. If this alternative is utilized, the property owner shall also provide such other financial information as the City and it consultants request.

2. Financing Completion; Equity. The property owner must provide the City with its plan for financing the development to completion and advise the City of the amount of equity it has invested in the development.

3. Land Use. The proposed development must be consistent with the City's General Plan. The property owner must demonstrate that it reasonably expects to obtain the required discretionary development permits (e.g. subdivision) in sufficient time to proceed with the development to completion as proposed. Proper zoning must have been obtained for the development.

4. Water, Sewer, and Other Utilities. The property owner must provide "will serve" or similar letters from the entities providing water, sewer and other utility (e.g., electricity, gas, telephone) services to the development stating that capacity is then in existence and reserved (otherwise to be made available) for the development in a sufficient quantity for the development to proceed to completion as proposed.

5. Other Permits. The property owner must demonstrate that there are no significant permitting requirements (i.e. permitting requirements which could result in substantial delay or alteration in the project as proposed, e.g., wetlands permits, archeological permits, etc.) applicable to the project or other governmental impediments to development which have not yet been satisfied and which are required to be satisfied for the development to proceed to completion as proposed.

D. Assessment Bonds and Bond Security.

1. Primary Security. The primary security for bonds will be the assessment lien on the land proposed to be assessed. A preliminary title report indicating that the petitioners are the owners of all of the assessed property must accompany the petition. The City may also require title insurance on a case by case basis.

2. Reserve Fund. A reserve fund in an amount equal to the lesser of one year's principle and interest on the bonds or 10% of the proceeds of the bonds must be funded at the time bonds are issued.

3. Appraisal Valuation. The property owner must obtain and provide to the City an appraisal of the property which will be assessed which in the case of the appraised value of the property "as is" (prior to further subdivision and without considering the installation of the improvements) is at least equal to the amount of bonds proposed to be issued, and that the value of the property after the improvements financed with the assessment bonds are installed is at least three (3) times the amount of the bonds proposed to be issued. The appraiser must be acceptable to the City.

4. Additional Security. The property owner must demonstrate to the City that there is not significant financial risk to the City in issuing the bonds. If the City determines that it is not adequately protected by the security that is described in section D.1, 2, and 3 above, the City can require additional security. This additional security can be satisfied in one or a combination of the following ways:

(a) Providing a source of security that is acceptable to the City Council and the property owner. The determination of the acceptability of the security shall be discussed with the property owner on a case by case basis.

(b) Providing an irrevocable letter of credit drawn on an acceptable bank in a form and an amount and with a term acceptable to the City.

(c) Pledging marketable securities in which form the City is permitted to invest City funds pursuant to Chapters 355 and 356 of NRS and which are acceptable to the City (e.g., U.S. Treasury obligations) and in an amount that is acceptable to the City. The City must obtain the sole first priority security interest in the pledged securities, and those securities must be held by the City or a City Agent. Interest paid on the pledged securities, if there is not default in paying the assessment, will be paid to the owner of the securities.

A pro-rata portion of the foregoing additional security will be released with respect to any parcel assessed (1) which has been improved in any manner if the appraised value (as determined by an appraiser acceptable to the City) of the parcel is 5.0 or more times the amount of the unpaid assessment on such parcel or (2) on which a substantial improvement (e.g., a home or commercial building) has been competed if the parcel has a size of one acre or less or (3) to the extent that property is conveyed to one or more third-party property owners, then a proportionate amount of the foregoing additional security shall be released with respect to such conveyed property so long as such conveyed property does not exceed, in the aggregate, thirty percent (30%) of the entire property included within the district; provided, however, that any individual parcel conveyed to each such third-party property owner shall have a minimum value-to-lien ration of 3:1.

5. Payment of Assessments; Capitalized Interest. The assessments shall be payable over not more than 20 years in substantially equal semiannual installments (excluding variable rate bonds with regards to equal payments) commencing within one year of the levy of assessments. The City will allow not more than two years of interest or the maximum permitted under federal tax laws, whichever is less, to be capitalized.

6. Absorption Study. The property owner must provide the City with funds with which to have an expert to prepare an absorption study. The City and property owners shall mutually agree upon the expert who is to prepare this study illustrating the economic feasibility of the project based upon supply and demand trends and estimated conditions in the market area for the proposed product mix. Provided, however, that if the appraiser of the real property for the project conducts his or her own absorption analysis, such absorption study may be accepted in lieu of this requirement.

7. Floating Rate Bonds. The City will consider applications for floating rate assessment bonds only if those bonds and the assessments underlying those bonds automatically convert to a fixed interest rate at or before the time the initial property owner sells property, regardless of whether the sale is wholesale sale to a merchant builder or a developer or a sale to a potential homeowner. Floating rate bonds must be secured by a letter of credit issued by a bank acceptable to the City.

8. No Pledge of General Fund or Taxing Power. The City will not pledge its general fund or taxing power to bonds.

9. Bond Underwriting Commitment. The property owner must demonstrate to the City and its financial advisor that bonds proposed to be issued for the financing are saleable. Prior to the time the City commences work on the assessment district, the property owner must provide the City with a letter from a reputable underwriter or bond buyer, acceptable to the City, which states that the underwriter has completed a due diligence review of the project and the property owner and believes that the bonds are marketable at an interest rate acceptable to the property owner based on then prevailing market conditions and that is willing, subject to reasonable conditions precedent, to contract with the City to underwrite the bonds on a best efforts basis, or that the bond buyer has completed a due diligence review of the project and the property owner and intend to acquire the bonds at an interest rate which the bond buyer and property owner agree is acceptable and that it is willing, to contract with the City to so acquire the bonds.

E. Consultants. The City will permit the property owner to choose the consulting engineers and underwriter provided that the entities chosen are acceptable to the City. The City will select the assessment engineer, project management engineer, its financial consultants, bond counsel and bond trustee. The payment of all fees and expenses of these consultants (selected by the City) shall be the responsibility of the property owner; however, these consultants will be responsible to, and will act as consultants to, the City in connection with the district.

F. Expenses. The property owner will be required to pay out of its own pocket all of costs of the project prior to the time bonds are issued, including the costs of consulting engineers, assessment engineers, project management engineers, underwriters, the City's financial consultants, the City's bonds counsel, the cost of preparing the appraisals, absorption study, environmental review and other matters listed above. These items will be eligible for reimbursement from bond proceeds if the bonds are ultimately issued; however, the property owner must agree to pay these costs even if bonds are not issued. At the time of application, the City will provide an estimate for these expenses in order to enable the developer to more precisely anticipate costs associated with the process.

G. Project Acquisition. The City will acquire completed projects after final inspection by the City, an audit by the City assessment engineer and City staff, and acceptance by the City. Alternatively, the City will expend bond proceeds through a City-established progress payment system on uncompleted projects utilizing a construction payment management system. If this alternative is used, performance and payment bonds from a bonding company acceptable to the city, each in an amount at least equal to 100% of the cost of the project, and otherwise in such form as is approved by the Department of Public Works and the City Attorney must be provided to the City and must each indicate that the City is a beneficiary of those bonds. Additional construction security, as determined appropriate by the Department of Public Works and City Attorney, may be required.

H. Cost Overruns. The property owner must agree to fund all project costs which exceed the amount available from the proceeds of the bonds issued for the project. The City will not commit to issue additional bonds or otherwise provide funding for any such cost overruns.

I. Procedure.

1. Pre-Application Meeting. Initially, the property owner shall schedule a meeting with such representatives of the City as are designated by the City Manager to review the proposed development to discuss whether the development is one which may be eligible for financing under these guidelines.

2. Application. If the property owner decides to proceed after the initial meeting, all owners of record of property in the proposed district must sign a petition for the district and file the petition and an application which contains sufficient information and exhibits to demonstrate that the proposed district will comply with parts A-H of these guidelines. Copies of the petition and application must be filed with the office of the Director of Finance and the office of the Director of Public Works.

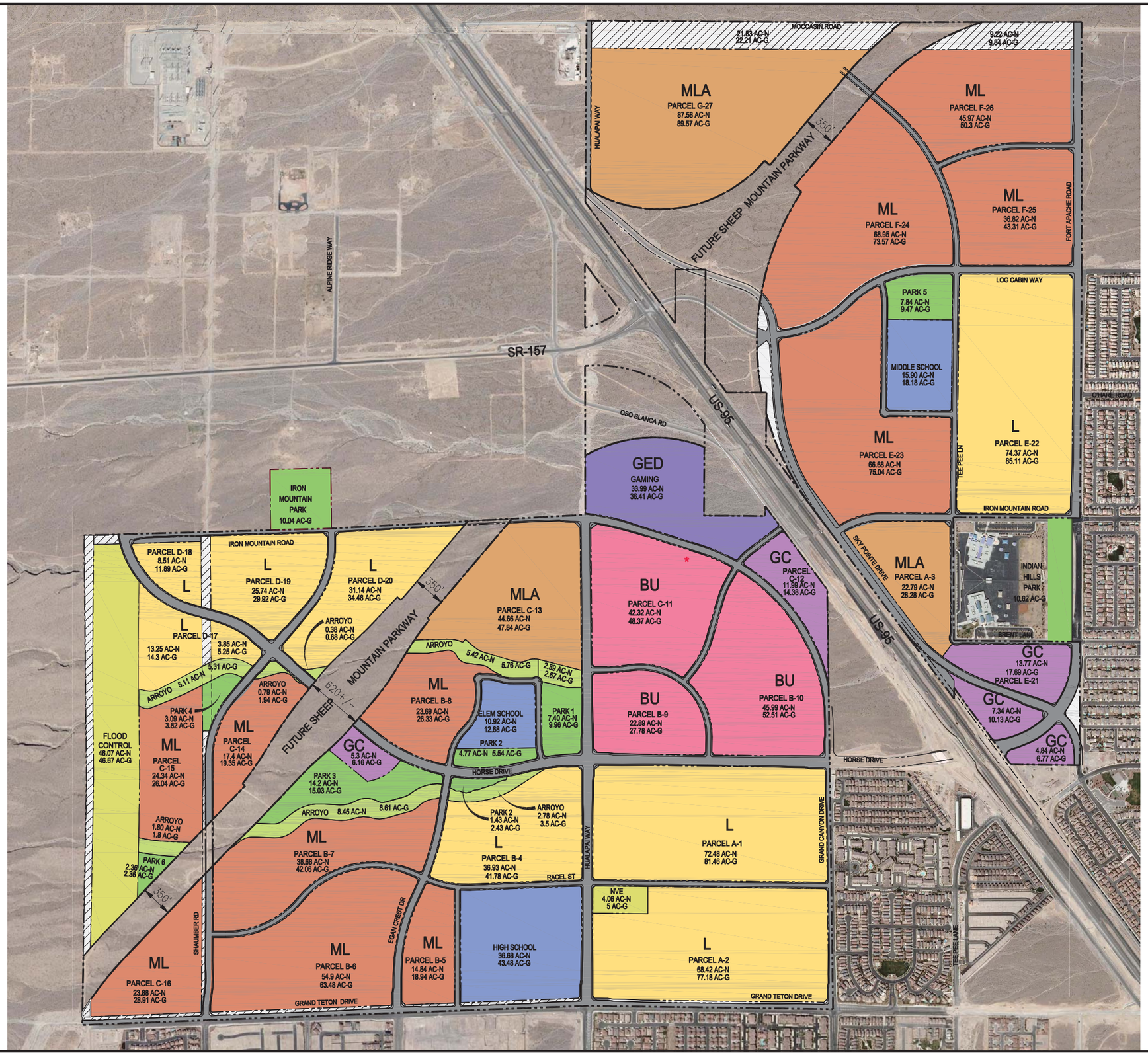
3. Council Approval. If after an initial review, the City staff believes the application satisfies parts A-H hereof, an item will be placed on the Council's agenda authorizing negotiations with respect to the proposed project. If this item is approved by the Council, it is anticipated that staff will be authorized to begin negotiating the particulars of the financing with the property owner and other appropriate parties.

4. Security for Costs. Prior to entering negotiations, the property owner must post a letter of credit, surety bonds, cash or other acceptable form of security for payments of the costs described in F above in an amount determined by the Director of Finance. The interest on the security will be paid to the developer. The City shall invest such security according to NRS 355 and 356.

DEVELOPMENT AGREEMENT

EXHIBIT F

RESIDENTIAL LAND USE TABLE AND MASTER LAND USE PLAN




N

0 500 1000

SCALE – 1"=500' FEET

## LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE (ESMT)
- EXISTING TRANSMISSION POLE
- PROPOSED STREET
- FLOOD CONTROL / UTILITY
- OPEN SPACE
- POWER EASEMENTS
- ARROYOS
- PARKS
- SCHOOLS
- L — RESIDENTIAL "LOW"
- ML — RESIDENTIAL "MEDIUM LOW"
- MLA — RESIDENTIAL "MEDIUM LOW–ATTACHED"
- BU — BLENDED USE ZONE
- GC — GENERAL COMMERCIAL
- GED — GAMING
- * 2.5 ACRES RESERVED FOR RTC TRANSIT CENTER
- AC–N NET ACRES
- AC–G GROSS ACRES

| LAND USE | NET ACREAGE | GROSS ACREAGE | MAX DENSITY | AVERAGE DENSITY |
|---|---|---|---|---|
| RESIDENTIAL "LOW" | 334.69 | 381.37 | 15.00 | 5.49 |
| RESIDENTIAL "MEDIUM LOW" | 415.63 | 467.20 | 15.00 | 8.49 |
| RESIDENTIAL "MEDIUM LOW-ATTACHED" | 155.03 | 165.70 | 25.00 | 12.49 |
| BLENDED USE | 111.20 | 128.66 | 50.00 | 15.00 |
| GENERAL COMMERCIAL | 43.24 | 55.21 | | |
| GAMING | 33.99 | 36.41 | | |
| SUBTOTAL | 1093.78 | 1234.55 | | |
| SHEEP MOUNTAIN PARKWAY | 164.74 | 164.74 | | |
| FLOOD CONTROL | 46.07 | 46.67 | | |
| PARKS | 41.09 | 48.59 | | |
| ARROYOS | 27.12 | 30.39 | | |
| OPEN SPACE | 4.17 | 7.57 | | |
| SCHOOLS | 63.50 | 74.34 | | |
| HUALAPAI SUBSTATION | 4.06 | 5.00 | | |
| POWER EASEMENTS | 51.07 | 44.92 | | |
| ROADS AND STREETSCAPE | 166.22 | 5.05 | | |
| SUBTOTAL | 568.04 | 427.27 | | |
| TOTAL | 1661.82 | 1661.82 | | |

**MAX RESIDENTIAL UNITS 9,000**

# MASTER LAND USE PLAN

## KYLE CANYON

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118
PHONE (702) 284-5300 FAX (702) 284-5399

CARWIN ADVISORS

J:\wcs0902-000 kyle canyon\dwg\figures\110620 wcs0902-000 land plan.dwg 7/5/2011 9:01 AM Ben Morris

DEVELOPMENT AGREEMENT

EXHIBIT G

MASTER DRAINAGE AND TRAFFIC STUDIES (ON DISK)

DEVELOPMENT AGREEMENT

EXHIBIT H

OFFSITE SEWER CAPACITY LETTER

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

May 23, 2011

Mike Ross, P.E.
Carwin Advisors
8379 West Sunset Road, Suite 150
Las Vegas, NV 89113

RE: Kyle Canyon Offsite Sewer Impacts

Dear Mike,

The following letter provides an update to the impacts on the existing City of Las Vegas sewer system due to the Kyle Canyon Gateway Development. This update of information comes as a result of changes in the project landplan and housing densities in 2010, and also from the City's new sewer system modeling software.

As the first step in reviewing these offsite impacts, SHG met with City of Las Vegas Sewer Planning staff on March 23rd, 2011, to review their hydraulic modeling analysis of the impact on the existing sewer system. At this meeting, over 14,000 LF of offsite sewer improvements were indicated in various locations, and it was unclear as to what amount of Kyle Canyon development phasing was triggering needed improvements, or in what order they were triggered. SHG requested that the City re-perform the analysis by breaking down the submitted flow rates at each connection point into 20%, 40%, 60%, 80%, and then 100% ultimate build-out flows, to analyze where and when offsite sewer improvements were triggered. This was requested for the 9,000 unit build-out of Kyle Canyon, with no other offsite development to the west or north.

After this further analysis was completed by the City, SHG met with City of Las Vegas staff again on May 9th, 2011 to review the data. The City provided a series of maps to exhibit the impacts at each increase of flow (attached). The following explains each exhibit in more detail, along with the discussion with the City generated by each exhibit:

Page 1) This exhibit simply shows the studied pipelines offsite to Kyle Canyon for reference against later exhibits showing impacts.

Page 2) The City provided this exhibit as a reminder of the previously indicated and approved offsite improvements from the 2006 Wastewater Master Plan, associated with 16,000 units. The exhibit includes a reminder that the Brent Lane outfall was revised to Rusty Rifle Avenue. These indicated improvements are replaced by the following exhibits, associated with new land planning and city modeling.

Page 3) The 40% flow exhibit shows that there are no impacts to the offsite system for the 20% and 40% build-out phasing scenarios analyzed.

Page 4) This 60% build-out flow exhibit indicates that a short segment (300 feet) of pipe in Durango has been effected by the associated flows from the "East" side of

Kyle Canyon as delineated by the US 95. However, as discussed with the City, the reader should be aware that the 60% buildout flow is an arbitrary flow rate associated approximately with 60% of the Kyle Canyon "East" units being built – as per the current land plan. SHG and the City agreed that a future revised land plan and future Wastewater Master Plan for Kyle Canyon could eliminate the need for any offsite improvements at 60% buildout by either reducing density on the East side very slightly, or by relocating a proportionate amount of East side units to the West side, which was studied by the City to have less impact on the offsite sewer system.

Page 5) The 80% build-out flow exhibit indicates that the East side of Kyle Canyon Gateway has now fully impacted the segment of Durango from Iron Mountain to Grand Teton, requiring an offsite project to provide a parallel relief sewer. City staff clarified that once this sewer improvement is built, other sewer improvements previously indicated in the March 23rd meeting are alleviated by this roughly 5,000 LF parallel sewer project. In order to achieve the 80% and 100% flows for Kyle Canyon on the east side of US 95, only this improvement is required. The exhibit defines the parallel sewer required as a minimum 15-inch diameter.

Page 6) As Kyle Canyon is built out to 100% of the 9,000 unit scenario, this exhibit shows that there are no further offsite impacts from the east side of the project (per US 95). However, the west side of the project has now impacted the existing sewer in Fort Apache from Grand Teton to Severance. Similar to the previous discussion – the City indicated that this roughly 3,400 LF 18-inch diameter parallel sewer project in Fort Apache would also alleviate other backwater conditions in the system, and some improvements indicated in the March 23rd meeting were avoided. The exhibit confirms that in order to reach 100% build-out of Kyle Canyon in the 9,000 unit scenario, with the current balance of housing units between east and west, then these two projects will be required, totaling 8,296 LF of parallel sewers in the offsite system.

After discussion on the modeling exhibits, SHG and the City discussed how to interpret and summarize the offsite sewer impacts. The group agreed that, with relatively minor changes to reduce density on the east side of the project (with these units moved into the west side of the project if desired), a future wastewater master plan could likely be approved that could defer (but still require) the two parallel sewer projects at 80% build-out of 9,000 units. Or, offsite sewer projects could be avoided altogether if the total units developed in Kyle Canyon did not approach the approximately 80% build-out sewage generation figures studied.

In conclusion, SHG recommends that you assume that the two indicated offsite sewer projects will be required in order to reach 80% buildout, but that in furtherance of this, the revised Wastewater Master Plan will need to show that a small portion of the flows generated on the east side will either be reduced or moved into the west side of the project.

Best Regards,

Nicholas G. Golz, P.E.
Director of Water Resources

Attachments:

CLV Kyle Canyon Development Existing Sewer Impact (6 pages)

Sanitary Sewers d/D => .90

Existing Sewer => 10" dia.

FORT APACHE

IRON MOUNTAIN

300 Linear Feet
15" Parallel Pipe
(Minimum Required)

*Existing 18" SS*

EL CAPITAN

DURANGO

MEISENHEIMER

*The existing 18" sewer line exceeds flow capacity with the Kyle Canyon 60% development buildout. Peak flows conveyed through these sewer lines from Kyle Canyon reach 2 million gallons a day (mgd) at 60% build-out. A minimum 15" diameter parallel sewer is required to provide adequate capacity for the 100% build-out of the Kyle Canyon Development at the existing conditions.*

95 RAMP HORSE N US 95

HORSE

RAMP HORSE S US 95

95 OSO BLANCA

95 SKY POINTE

RACEL

Existing .80 mgd peak
w/Kyle Canyon 60%
up to 2.8 mgd peak

GRAND TETON

GRAND TETON

GILCREASE

GRAND CANYON

FORT APACHE

FARM

RAMP S US95 DRNGO

RAMP DRNGO S US95

CIMARRON

BUFFALO

FARM

SEVERENCE

SUNNY SPRINGS

CITY OF LAS VEGAS NEVADA

Public Works

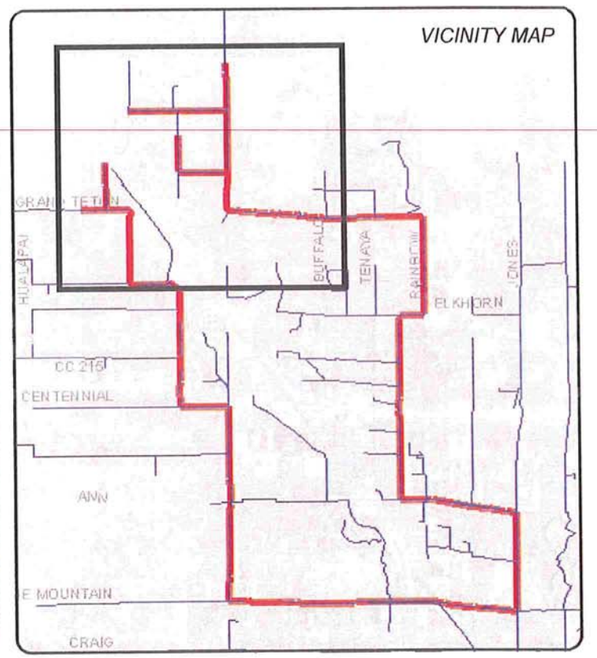
*Sewer System Planning*

Kyle Canyon Development

60% BUILDOUT
IMPACTED SEWER
LINE SEGMENTS

***Kyle Canyon Downstream Sewer Study Area***

*VICINITY MAP*



Sanitary Sewers d/D => .90

Existing Sewer => 10" dia.

FORT APACHE

IRON MOUNTAIN

95 RAMP HORSE N US 95

HORSE

RAMP HORSE S US 95

95 OSO BLANCA

95 SKY POINTE

EL CAPITAN

MEISENHEIMER

4,941 Linear Feet
15" Parallel Pipe
(Minimum Required)

Existing 18" SS

DURANGO

Existing 21" SS

*The existing 18" & 21" sewer lines exceed flow capacity with the Kyle Canyon 80% development buildout. Peak flows conveyed through these sewer lines from Kyle Canyon reach 3.7 million gallons a day (mgd) at 80% build-out. A minimum 15" diameter parallel sewer is required to provide adequate capacity for the 100% build-out of the Kyle Canyon Development at the existing conditions.*

RACEL

Existing .80 mgd peak
w/Kyle Canyon 80%
up to 4.5 mgd peak

GRAND TETON

GRAND TETON

GILCREASE

GRAND CANYON

FORT APACHE

FARM

RAMP S US95 DRNGO

RAMP DRNGO S US95

SEVERENCE

CIMARRON

BUFFALO

FARM

SUNNY SPRINGS

Flow capacity for existing sewer pipe is measured at 90% full pipe for this develoopment. Proposed parallel pipe diameter is calculated at 60% full pipe.

CITY OF LAS VEGAS NEVADA

Public Works

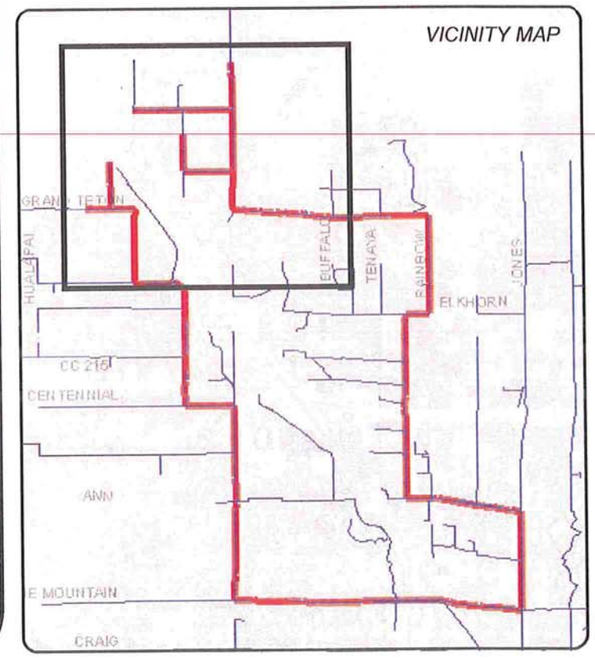
*Sewer System Planning*

Kyle Canyon Development

80% BUILDOUT
IMPACTED SEWER
LINE SEGMENTS

***Kyle Canyon Downstream Sewer Study Area***

*VICINITY MAP*



Sanitary Sewers d/D => .90

Existing Sewer => 10" dia.

FORT APACHE

IRON MOUNTAIN

95 RAMP HORSE N US 95

HORSE RAMP HORSE S US 95

OSO BLANCA

95 SKY POINTE

8,296 Total Linear Feet of Sewer Improvements Required @ 100% Build-out

EL CAPITAN

4,941 Linear Feet 15" Parallel Pipe (Minimum Required)

Existing 18" SS

DURANGO

MEISENHEIMER

Existing 21" SS

*The existing 18" & 21" sewer lines exceed flow capacity with the Kyle Canyon 100% development buildout. Peak flows conveyed through these sewer lines from Kyle Canyon reach 3.9 million gallons a day (mgd) at 100% build-out. A minimum 15" diameter parallel sewer is required to provide adequate capacity for the 100% build-out of the Kyle Canyon Development at the existing conditions.*

RACEL

Existing .80 mgd peak w/Kyle Canyon 100% up to 4.7 mgd peak

GRAND TETON

GRAND TETON

GILCREASE

GRAND CANYON

3,355 Linear Feet 18" Parallel Sewer (Minimum Required)

Existing 24" SS

FORT APACHE

*The existing 24" sewer line exceeds flow capacity with the Kyle Canyon 100% development buildout. Peak flows conveyed through these sewer lines from Kyle Canyon reach 8.7 million gallons a day (mgd) at 100% build-out. A minimum 18" diameter parallel sewer is required to provide adequate capacity for the 100% build-out of the Kyle Canyon Development at the existing conditions.*

FARM

CIMARRON

BUFFALO

FARM

Existing .82 mgd peak w/Kyle Canyon 100% up to 9.5 mgd peak

RAMP DRNGO S US95

SEVERENCE

SUNNY SPRINGS

Flow capacity for existing sewer pipe is measured at 90% full pipe for this developoment. Proposed parallel pipe diameter is calculated at 60% full pipe.

CITY OF LAS VEGAS NEVADA

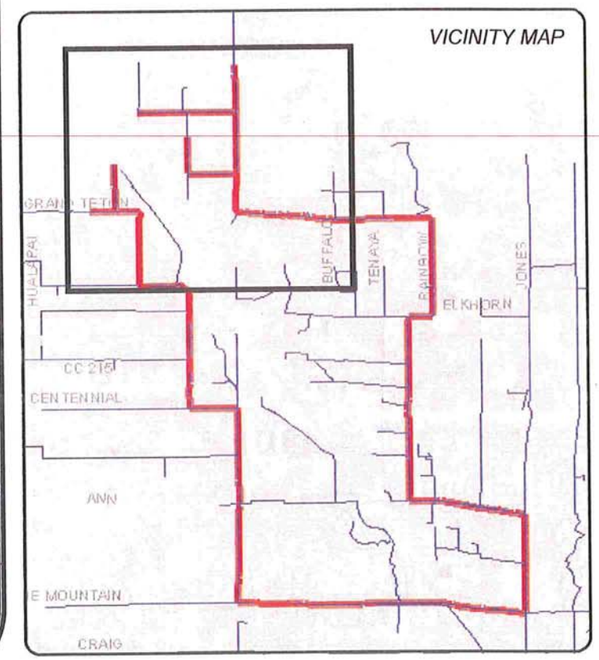
Public Works

*Sewer System Planning*

# Kyle Canyon Development

## 100% BUILDOUT IMPACTED SEWER LINE SEGMENTS

***Kyle Canyon Downstream Sewer Study Area***



DEVELOPMENT AGREEMENT

EXHIBIT I

BLM RIGHT-OF-WAY GRANT

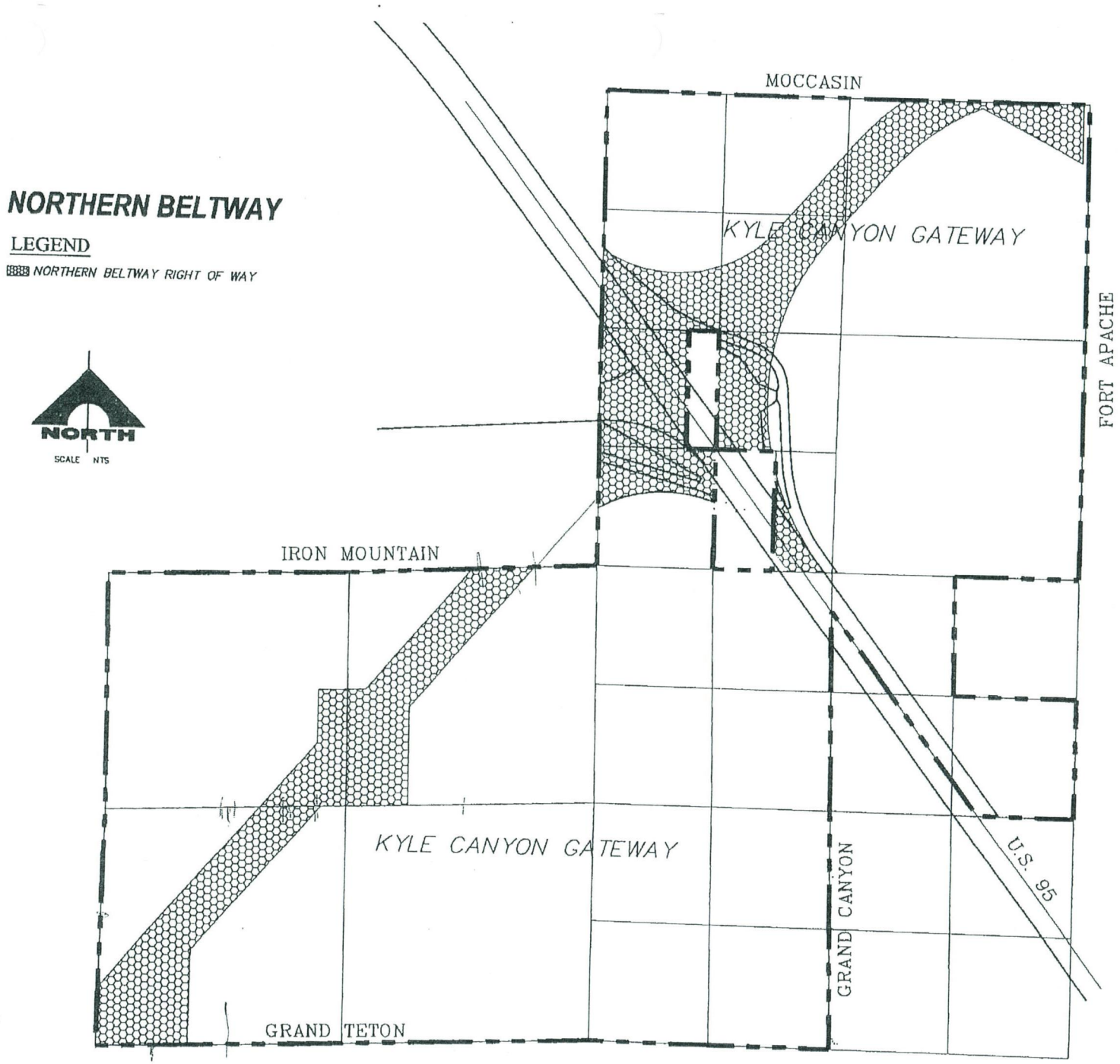



EXHIBIT I - EXISTING ROW

DEVELOPMENT AGREEMENT

EXHIBIT J

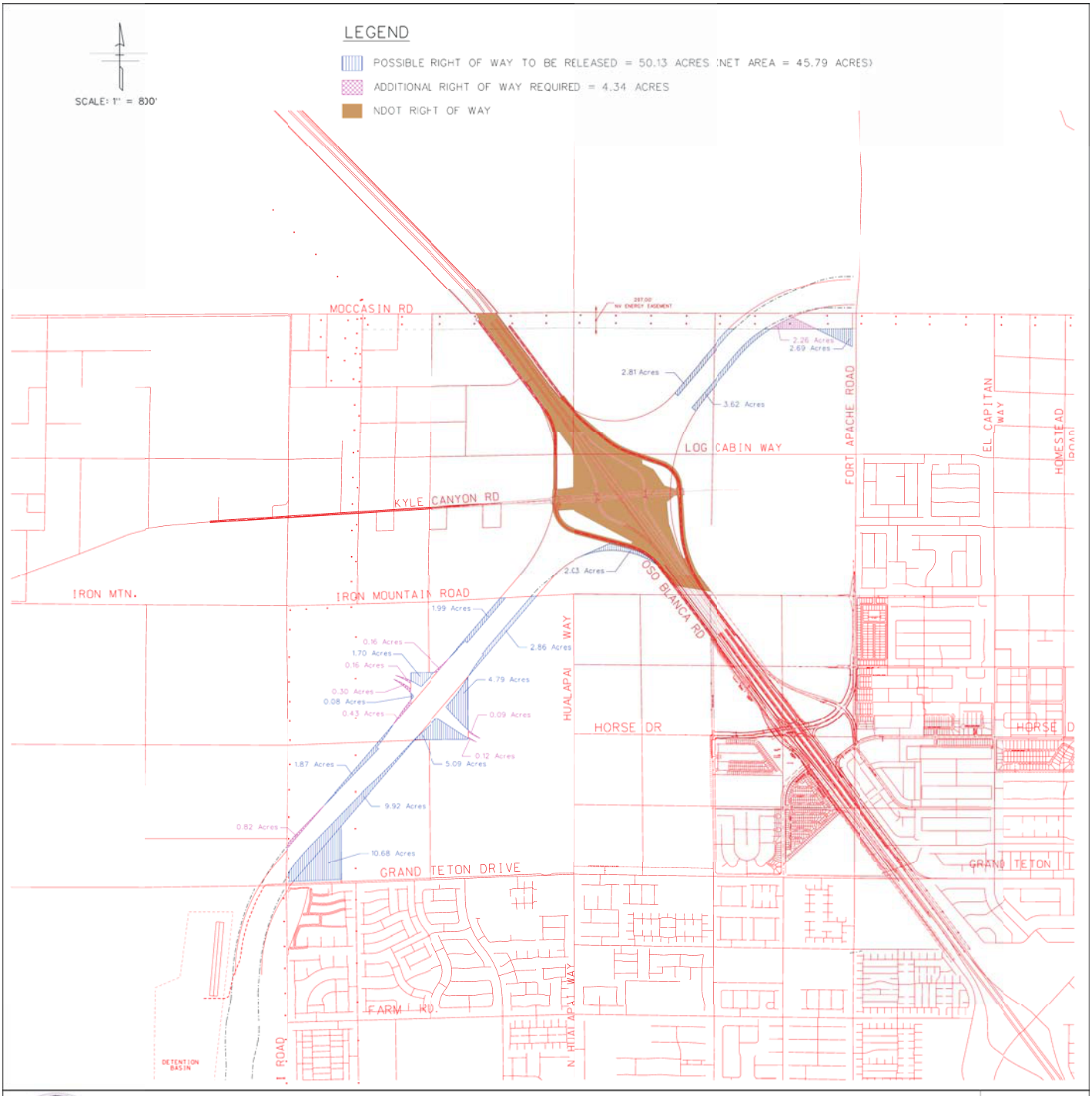
SHEEP MOUNTAIN PARKWAY RIGHT-OF-WAY REDUCTION

# DEVELOPMENT AGREEMENT

# EXHIBIT K

# MEMORANDUM COST BETWEEN INTERIM

# AND PERMANENT DETENTION BASINS




# RIGHT OF WAY EXHIBIT

JUNE 28, 2011

SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

Job No.: WCP0902.000

**M E M O R A N D U M**

TO: Mike Ross, P.E., Carwin Advisors

FROM: Mark J. Failla, P.E., CFM SHG

CC: Jerry Slater, P.E., SHG
Todd Steadham, P.E., SHG

DATE: 1/7/11

RE: Kyle Canyon Master Planned Community
Drainage Infrastructure Comparative Estimate of Probable Cost between
Interim Detention Basins Removal & Permanent Detention Basins

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The following provides a conceptual comparative estimate of probable costs for drainage infrastructure directly related to removing interim detention basins located within the Sheep Mountain Parkway right-of-way and locating permanent detention basin(s) along the Puli Road alignment. The primary purpose of the assessment is to provide insight to the degree of cost difference between the two alternatives and not to provide an accurate cost accounting for construction. The cost comparison is limited to the receiving drainage facilities located downstream of the detention basin discharge locations. The cost assessment for the Interim Detention Basins Alternative assumes that the basins are removed and the downstream drainage facilities are designed for full 100-year storm flow conveyance. The Permanent Detention Basin Alternative assumes that the downstream drainage facilities are sized for the reduced detained 100-year storm flow. The design flows, facilities, quantities and costs identified in this memorandum are based on conceptual assessment of the site.

The following table provides a summary of design flows used for sizing each relevant drainage facility downstream of the detention basin(s) for each alternative.

| **Summary of Peak 100-Year Design Discharge** | | |
|---|---|---|
| Facility ID | Interim DB Removal Alternative (cfs) | Permanent DB Alternative (cfs) |
| 1 | 1,175<br>P34W (190 cfs) + DB1 undetained (985 cfs) | 153<br>DB outlet#1 (53cfs)+37.1ac@2.7cfs/ac |
| 2 | 1,418<br>P40W (433 cfs) + DB1 undetained (985 cfs) | 374<br>Fac.1 (153cfs)+81.8ac@2.7cfs/ac |
| 3 | 2,271<br>PO1-PO8 (1,603 cfs)+230ac@2.7cfs/ac (621cfs)+P45W (47cfs) | 834<br>DB outlet#1&2 (53cfs+113cfs)+230ac@2.7cfs/ac (621cfs) + P45W (47cfs) |
| 4 | 3,618<br>Fac.3 (2271cfs)+P47W (1317cfs)+P49W (30cfs) | 2,181<br>Fac.3 (834cfs)+P47W (1317cfs)+P49W (30cfs) |
| 5 | 4,525<br>P51W-Ultimate (4525 cfs) | 3,088<br>P51W-Ultimate (4525 cfs)-DB detained (1,437cfs) |
| 6 | 4,579<br>F-10-Ultimate (4579 cfs) | 3,142<br>F-10-Ultimate (4579 cfs)-DB detained (1,437cfs) |
| 7 | 4,760<br>F-11-Ultimate (4760 cfs) | 3,323<br>F-11-Ultimate (4760 cfs)-DB detained (1,437cfs) |
| 8 | 10,897<br>F-5-Ultimate (10897 cfs) | 9,460<br>F-5-Ultimate (10897 cfs)-DB detained (1,437cfs) |

The following table presents an estimate of probable cost for drainage facility infrastructure improvements associated with the Permanent Detention Basin Alternative.

| Permanent DB Alternative - Associated Drainage Infrastructure Costs with Sheep Mountain Parkway | | | | | |
|---|---|---|---|---|---|
| Facility ID | Facility Description | Unit | Quantity | Unit Price | Cost |
| 1 | 42-in RCP @3.0% | LF | 2,185 | $136 | $297,160 |
| 2 | 66-in RCP @3.0% | LF | 2,595 | $325 | $843,375 |
| 3 | 7'x5' RCB @3.0% | LF | 1,070 | $590 | $631,300 |
| 4 | 12'x7' RCB @3.0% | LF | 1,183 | $1,000 | $1,183,000 |
| 5 | 12'x7' RCB @3.5% | LF | 1,492 | $1,000 | $1,492,000 |
| 6 | Concrete Rect. Channel, 6.0'D, 22'BW, 0:1SS @2.7% | LF | 2,752 | $1,105 | $3,040,960 |
| 7 | Concrete Rect. Channel, 6.0'D, 22'BW, 0:1SS @2.7% | LF | 793 | $1,105 | $876,265 |
| 8 | Concrete Rect. Channel, 9.0'D, 25'BW, 0:1SS @3.1% | LF | 1,928 | $1,515 | $2,920,920 |
| | | | | Subtotal | $11,284,980 |
| | | | | 20% Contingency | $2,256,996 |
| | | | | Total | $13,541,976 |

The following table presents an estimate of probable cost for drainage facility infrastructure improvements associated with the Interim Detention Basin Removal Alternative once the Sheep Mountain Parkway is designed/constructed.

| Interim DB Removal Alternative - Associated Drainage Infrastructure Costs with Sheep Mountain Parkway | | | | | |
|---|---|---|---|---|---|
| Facility ID | Facility Description | Unit | Quantity | Unit Price | Cost |
| 1 | Concrete Rect. Channel, 5.0'D, 10'BW, 0:1SS @3.0% | LF | 2,185 | $700 | $1,529,500 |
| 2 | Concrete Rect. Channel, 5.0'D, 12'BW, 0:1SS @3.0% | LF | 2,595 | $800 | $2,076,000 |
| 3 | 12'x7' RCB @3.0% | LF | 1,070 | $1,000 | $1,070,000 |
| 4 | 18'x7' RCB @3.0% | LF | 1,183 | $1,390 | $1,644,370 |
| 5 | 18'x7' RCB @3.5% | LF | 1,492 | $1,390 | $2,073,880 |
| 6 | Concrete Rect. Channel, 6.0'D, 28'BW, 0:1SS @2.7% | LF | 2,752 | $1,550 | $4,265,600 |
| 7 | Concrete Rect. Channel, 6.0'D, 28'BW, 0:1SS @2.7% | LF | 793 | $1,550 | $1,229,150 |
| 8 | Concrete Rect. Channel, 9.0'D, 28'BW, 0:1SS @3.1% | LF | 1,928 | $1,680 | $3,239,040 |
| | Decommission Detention Basin | LS | 2 | $250,000 | $500,000 |
| | | | | Subtotal | $17,627,540 |
| | | | | 20% Contingency | $3,525,508 |
| | | | | Total | $21,153,048 |

**Review of the tables above indicates a potential $7,611,072 ($21,153,048-$13,541,976) cost benefit in providing a permanent detention basin upstream of the Sheep Mountain Parkway flood control facilities.** It is noted that the cost assessment did not extend beyond Ft. Apache Road, however it should be expected that additional cost benefit would be realized for the extension of the facility to the east based on the reduced flow resulting from a permanent detention basin.

MOCCASIN ROAD

HUALAPAI WAY

FORT APACHE ROAD

LOG CABIN WAY

O'HARE ROAD

SR-157

OSO BLANCA RD

US-95

PULI ROAD

IRON MOUNTAIN ROAD

SKY POINTE DRIVE

BRENT LANE

HORSE DRIVE

GRAND CANYON DRIVE

TEE PEE LANE

RACEL ST

EGAN CREST DR

GRAND TETON DRIVE

1

2

3

4

5

6

7

8

**DETENTION**
$Q_{IN}$ = 1603 CFS
$Q_{OUT}$ = 166 CFS
$Q_{DIFF}$ = 1437 CFS

113 CFS

53 CFS

N

0 500 1000

SCALE – 1"=500' FEET

## LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE (ESMT)
- PROPOSED DRAINAGE FACILITY
- 1 DRAINAGE FACILITY ID
- FLOW DIRECTION

# PERMANENT DETENTION ALTERNATIVE

## *SHEEP MOUNTAIN PARKWAY DRAINAGE FACILITIES*

## KYLE CANYON


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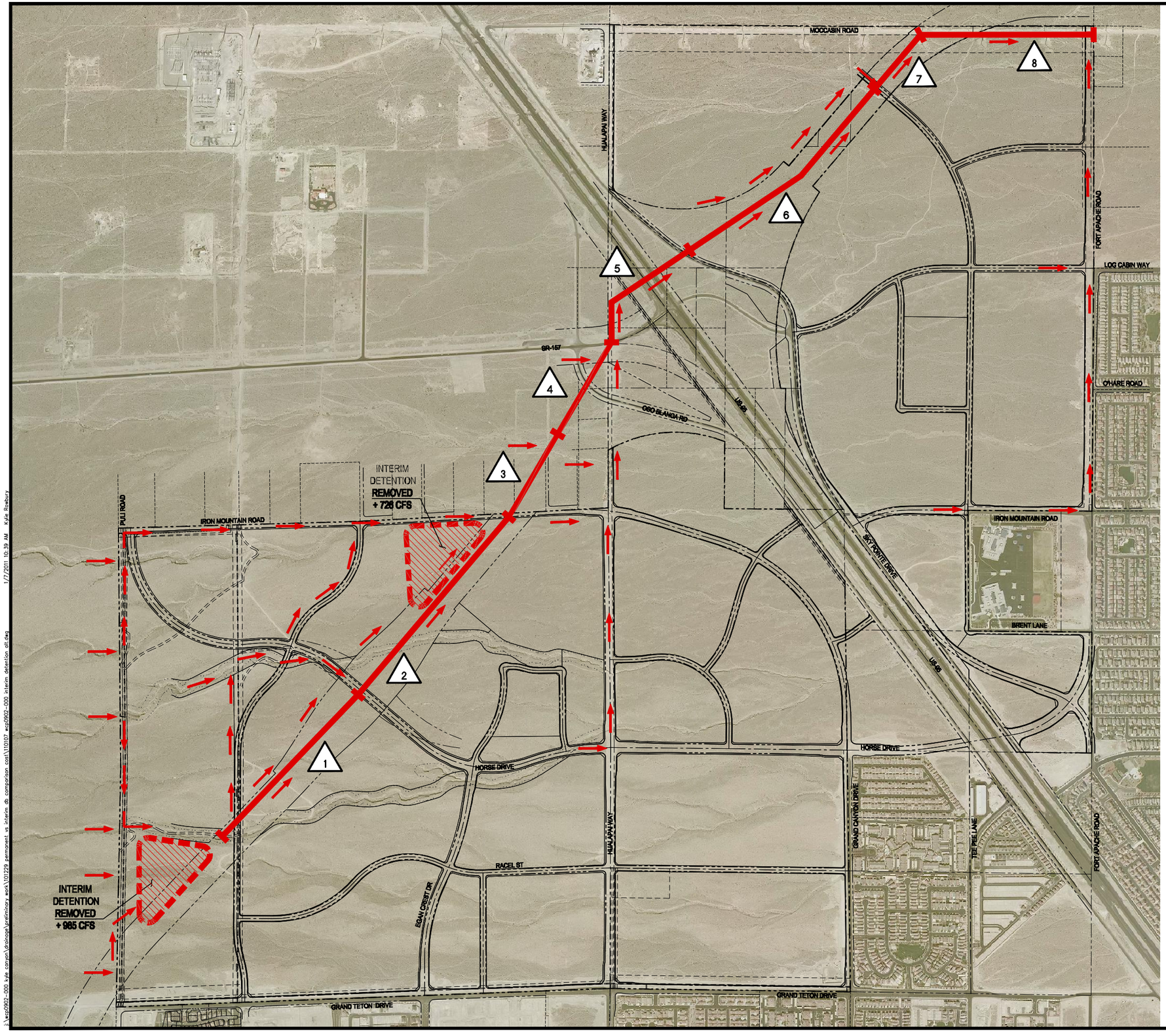
PHONE (702) 284-5300 FAX (702) 284-5399

CARWIN ADVISORS



J:\eco0902-000 kyle canyon\drainage\preliminary work\101229 permanent vs interim db comparison cost\101107 eco0902-000 permanent detention alt.dwg 1/7/2011 9:23 AM Kyle Roebury




N

0 500 1000
SCALE – 1"=500' FEET

**LEGEND**

- PROJECT BOUNDARY
- EASEMENT LINE (ESMT)
- PROPOSED DRAINAGE FACILITY
- INTERIM DRAINAGE FACILITY
- DRAINAGE FACILITY ID
- FLOW DIRECTION

**INTERIM DETENTION REMOVAL ALTERNATIVE**

***SHEEP MOUNTAIN PARKWAY DRAINAGE FACILITIES***

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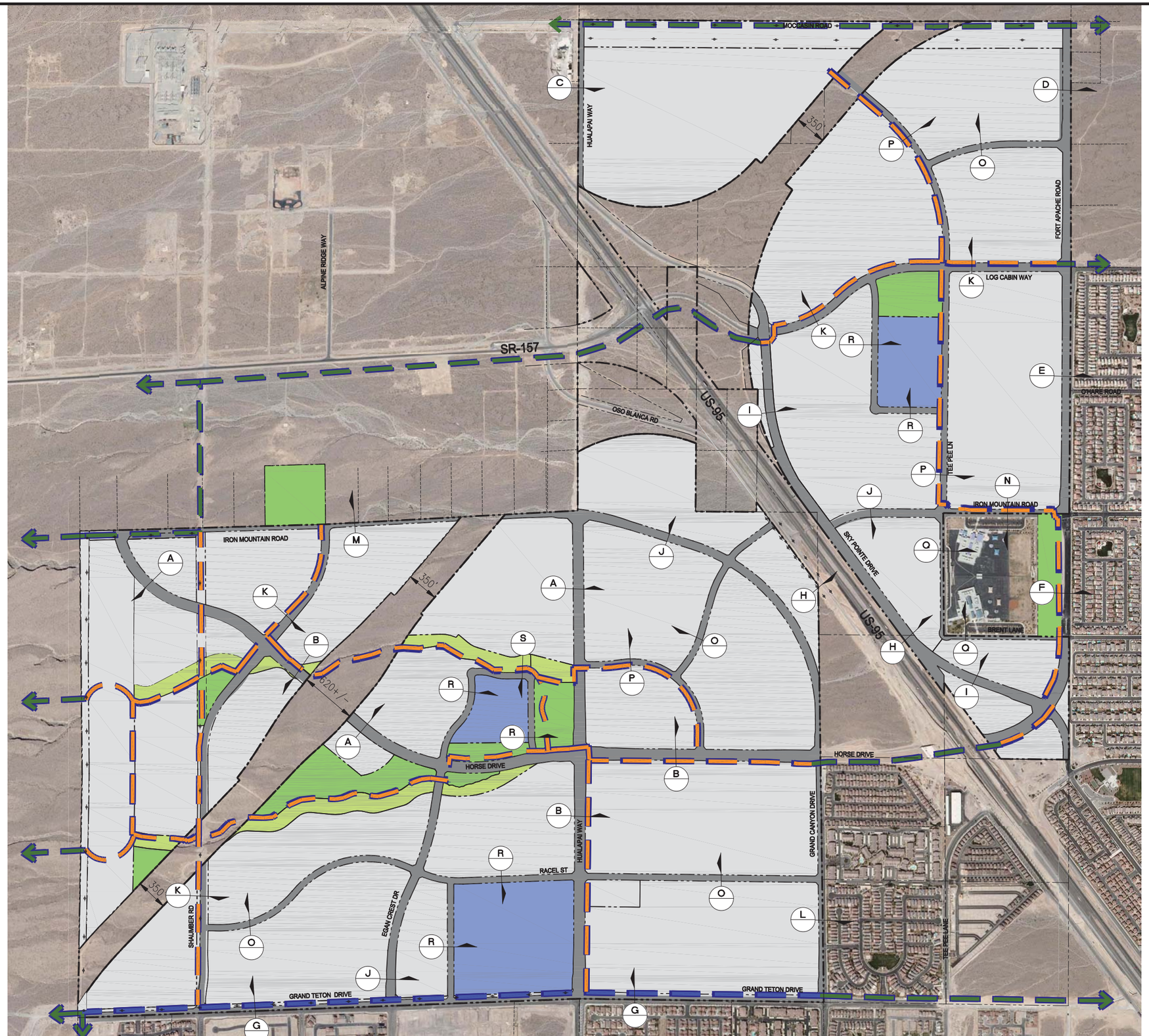
DEVELOPMENT AGREEMENT

EXHIBIT L

VILLAGE STREET AND TRAIL SECTION




## LEGEND

- PROJECT BOUNDARY
- EASEMENT LINE (ESMT)
- EXISTING TRANSMISSION POLE
- PROPOSED VILLAGE STREET
- ARROYOS
- PARKS
- SCHOOLS
- PROPOSED TRAILS
- PROPOSED EQUESTRIAN TRAIL
- PROPOSED TRAILS BY OTHERS
- PROPOSED TRAILS BY OTHERS

N

0 500 1000

SCALE - 1"=500' FEET

NOTES:

1. NOT USED FOR DIRECT RESIDENTIAL DRIVEWAY ACCESS
2. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
3. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE
4. MEDIAN OPTIONAL
5. PERIMETER STREETS WILL BE HALF STREET SECTIONS

# VILLAGE STREET / TRAIL SECTION EXHIBIT

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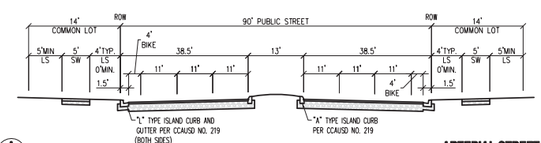
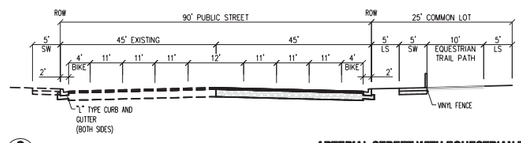
J:\wcp0902-000 kyle canyon\dwg\figures\110520 wcp0902-000 land plan--with sections.dwg 7/5/2011 8:47 AM Ben Morris




**A** ARTERIAL STREET
NTS




**G** ARTERIAL STREET WITH EQUESTRIAN TRAIL
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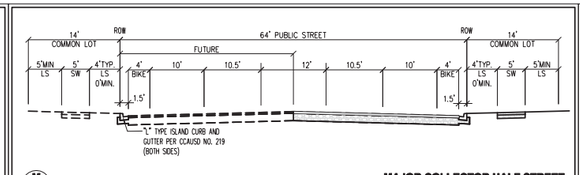


**M** MAJOR COLLECTOR HALF STREET
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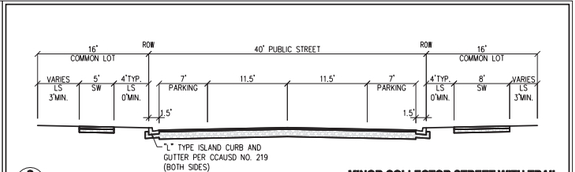


**S** MINOR COLLECTOR STREET WITH TRAIL
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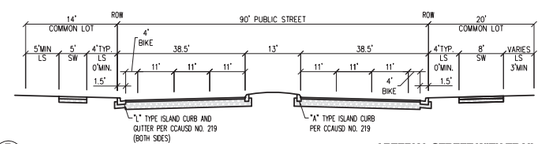


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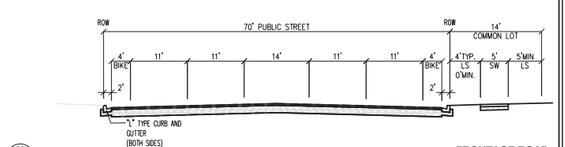


**H** FRONTAGE ROAD
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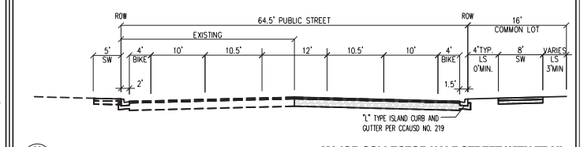


**N** MAJOR COLLECTOR HALF STREET WITH TRAIL
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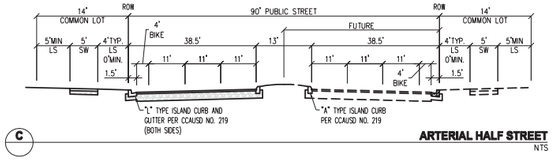


**C** ARTERIAL HALF STREET
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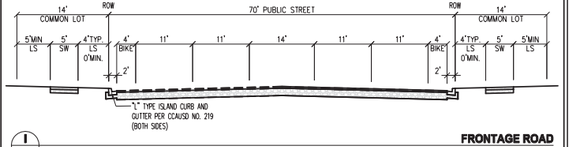


**I** FRONTAGE ROAD
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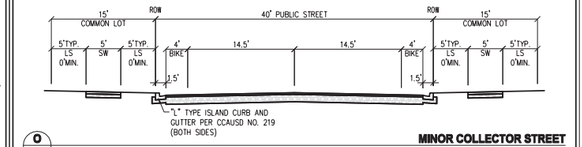


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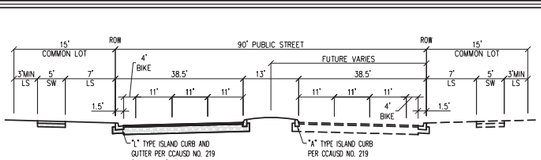


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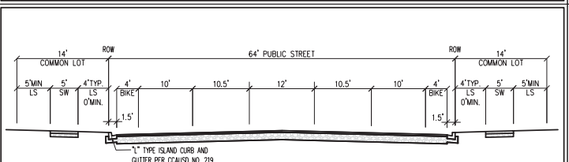


**J** MAJOR COLLECTOR STREET
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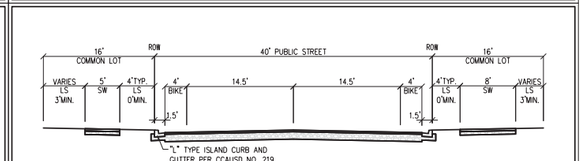


**P** MINOR COLLECTOR STREET WITH TRAIL
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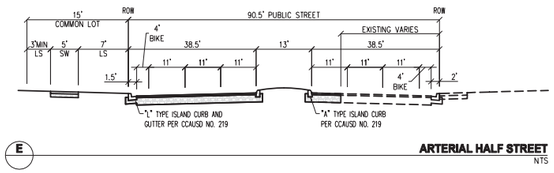


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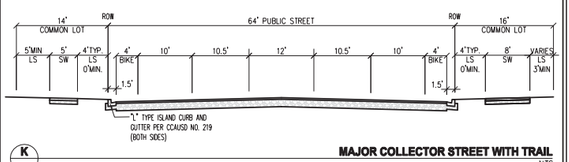


**K** MAJOR COLLECTOR STREET WITH TRAIL
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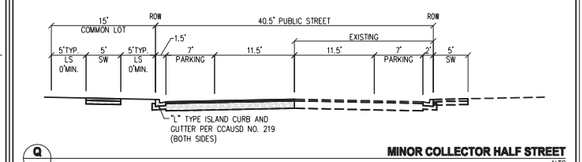


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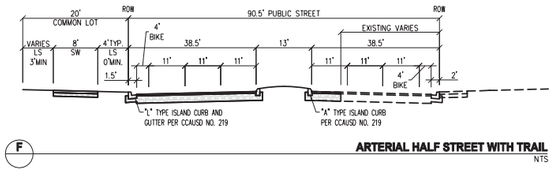


**F** ARTERIAL HALF STREET WITH TRAIL
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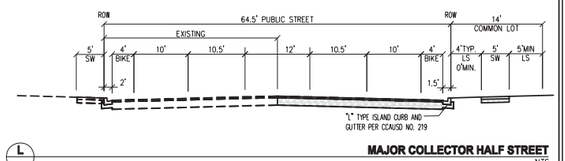


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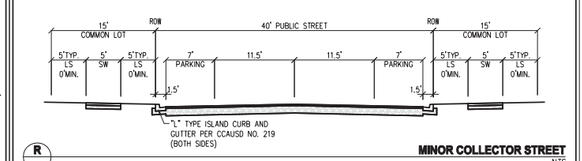


**R** MINOR COLLECTOR STREET
NTS

# VILLAGE STREET / TRAIL SECTION EXHIBIT

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CARWIN ADVISORS

J:\ec\0902-000 kyle canyon\dwg\figures\110630 exp0902-000 land plan-with sections.dwg 7/5/2011 8:48 AM Ben Morris

# DEVELOPMENT AGREEMENT

# EXHIBIT M

# KYLE CANYON DEVELOPMENT STANDARDS

# AND

# ARCHITECTURAL DESIGN GUIDELINES

Development Standards

06.21.2011

# KYLE CANYON

City of Las Vegas, Nevada
Planning & Development Department

Prepared For: CARWIN ADVISORS

Prepared By: SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

ktgy
Architecture+Planning

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June 21, 2011

## Introduction

Kyle Canyon is a master planned community consisting of approximately 1,650 acres in the northwest region of Las Vegas. It is located on either side of US 95 with the primary access from Horse Drive. The community, zoned for up to 9,000 dwelling units (maximum) features a variety of land uses and infrastructure improvements that enhance and protect the quality of life for residents and visitors alike.

## Kyle Canyon Master Plan Land Use Categories

- *Residential Low (maximum 15 du/ac; average 5.49 du/ac)*
  The purpose of the Residential Low Category is to provide for the development of single-family detached dwellings, duplex units and other customary residential uses with an average density not to exceed 5.49 du/ac.
  .
- *Residential Medium Low (maximum 15 du/ac; average 8.49 du/ac)*
  The purpose of the Residential Medium Low Category is to provide for the development of single-family detached dwellings, duplex units and other customary residential uses on a smaller lot size with an average density not to exceed 8.49 du/ac.

- *Residential Medium Low – Attached (maximum 25 du/ac; average 12.49 du/ac)*
  The purpose of the Residential Medium Low - Attached Category is to provide for the development of single-family detached dwellings on smaller lots, as well as single-family attached units and medium density apartments with an average density not to exceed 12.49 du/ac.

- *Blended Land Uses (maximum 50 du/ac; average 15 du/ac)*
  The Blended Land Use category is established to encourage the creation of dynamic neighborhoods that allow for a mix of residential and/or non-residential uses on the same site or within the same building with an average density not to exceed 15 du/ac.

- *General Commercial*
  The General Commercial land use category is intended to provide a broad range of retail shopping, personal services for both the general and travelling public. This category allows retail, service, automotive, wholesale, office and other general business uses.

- *Gaming*
  The intent of the Gaming land use category is to reflect the implementation of the provisions of LVMC Chapter 6.5 and State law that pertain to gaming enterprise districts.

- *Schools*
  The purpose of the Schools land use category is to provide for the development of new school sites to serve residents of Kyle Canyon and the surrounding areas.

- *Parks and Open Space*
  The purpose of the Parks and Open Space land use category is to provide for active and passive recreational amenities, including natural open space, serving residents of Kyle Canyon and the surrounding areas.

- *Infrastructure including roadways, public facilities, detention basins, electrical sub-stations, utility easements, etc.*
  Within all Kyle Canyon land use categories, public facilities shall be in accordance with the Civic (C-V) category of the City of Las Vegas Unified Development Code.

## Zoning

The Kyle Canyon Development Standards contained herein provide the Zoning criteria for the implementation of the residential land uses within the Kyle Canyon Master Plan. Where the Modified Standards are silent on a specific issue, the provisions of the City of Las Vegas Unified Development Code, Title 19, in effect at the time of adoption of the Kyle Canyon Development Standards shall apply and are so attached for reference. The following chart identifies the Kyle Canyon Land Use categories and the corresponding Kyle Canyon Development Standard categories that apply:

| Kyle Canyon Land Use Category | | Kyle Canyon Development Standard |
|---|---|---|
| L | Residential Low<br>*(maximum 15 du/ac; average 5.49 du/ac)* | Kyle R-1, Kyle R-CL, Kyle R-2 |
| ML | Residential Medium Low<br>*(maximum 15 du/ac; average 8.49 du/ac)* | Kyle R-1, Kyle R-CL, Kyle R-2 |
| ML-A | Residential Medium Low – Attached<br>*(maximum 25 du/ac; average 12.49 du/ac)* | Kyle R-CL, Kyle R-TH, Kyle R-2, Kyle R-3 |
| BLU | Blended Land Uses<br>*(maximum 50 du/ac; average 15 du/ac)* | Kyle R-CL, Kyle R-TH, Kyle R-2, Kyle R-3, Kyle R-4, C-1, C-2, P-O, O |
| GC | General Commercial | C-1, C-2, O |
| Gaming | Gaming | C-1, C-2, P-O, O |

The following provisions are the specific modifications to the City of Las Vegas Unified Development Code, Title 19, which upon their adoption will be the governing standards for development within the Kyle Canyon Master Plan. The chapter number and descriptive titles refer to the Unified Development Code, Title 19, adopted March 16, 2011, which became effective May 1, 2011.

## Design Review

All builder submittals to the City of Las Vegas for design review, modifications, or deviations shall be in accordance with Section 3 of the Kyle Canyon Development Agreement. In addition, all designated Builder

submittals shall be reviewed and approved by the Master Developer's Design Review Committee prior to submittal to the City.

## 19.06.040
## Residential Districts Development Standards

### B. Building Placement

#### 1. Projections into Setback Area

##### a. Architectural Features

- Change… "roof eaves" to "roof overhangs"
- add…"media niches, stairwell landings, wing walls, window and door pop-out surrounds, pot shelves, trim, shutters, and material veneers"
- add…"Such architectural features may or may not be supported by a foundation, as long as it does not increase living space."

### C. Accessory Structures

#### 2. (No Heading)

- delete…"No accessory structure is permitted in front of the primary structure unless the structure is side-loaded garage which is used strictly as an ancillary use and does not encroach into the front setback area."
- add…"Setbacks for front detached accessory structures, including casitas and side-loaded garages, shall be as described in the Modified Standards Tables. Casitas may include a kitchenette in which no oven and cook-top are provided."

### E. Patio Covers

#### 2. (No Heading)

- delete…"The height of the patio cover shall not exceed twelve feet."
- add the following:
  - "Single-story patio covers shall not exceed 16' in height, unless the patio is located within the overall building form of the primary structure, in which case the maximum height shall be the same as the primary structure."
  - "Covered sundecks shall not exceed the maximum height of the primary structure."

### G. Parking

#### 2. (No Heading)

- delete…"Parking on the public right of way may not be counted towards satisfying the requirement for on-site parking."

- add…"On streets having a 60' right-of-way or less, parking on the public right-of-way within a development parcel may be counted toward multi-family guest parking requirements only."

- Add… "In multi-family development, parking shall conform to federal ADA standards."

## H. Fences and Walls

### 1. Front Yard Screen Wall Prohibition

- Delete: "No screen wall shall be built in the front yard of a residential property"

- Add: "Front Screen Walls, when provided, shall have the same minimum setback requirement as the main building."

### 3. Fences, Walls and Architectural Character

#### a. Perimeter Walls

- change sentence near end of first paragraph to read… "Pilasters, if used, shall have a maximum spacing of 100' on center."

### 4. (Prohibited) Materials

#### c. Corrugated metal:

- Add …"unless used in a decorative manner consistent with the architecture of the project."

#### e. Untextured or unfinished concrete or block (CMU) walls:

- Add… "unless used in a decorative manner consistent with the architecture of the project."

# Kyle R-1 Single Family Residential District

| STANDARD | Kyle R – 1 STANDARDS |
|---|---|
| Housing Types | Single Family Detached |
| Kyle Canyon Land Use Category | L, ML |
| Minimum Lot Size s.f. | 4,500 |
| Dwelling Units per Lot | 1 |
| Min. Lot Width | 40’ (30’ at cul-de-sac or knuckle) |
| **MINIMUM SETBACKS**<br>***Refer to Exhibit 1 for Conventional Plotting Setback Diagrams.*** *All setbacks measured from property line. Corner side setbacks are subject to City of Las Vegas site visibility requirements.* | |
| **Main Building** | |
| • Front | 10’ to Living, Porch, or Attached Side Entry Garage<br>18’ to face of Front Entry Garage Door |
| • Side | 5’ |
| • Corner Side | 5’ to Porch<br>10’ to Living |
| • Rear | 10’ to Living |
| **Detached Accessory Structure**<br>*(including Casita* & Detached Side-Entry Garages)* | |
| • Front | 10’ |
| • Side | 3’ |
| • Corner Side | 10’ |
| • Rear | 3’ |
| • Min. Separation to Main Bldg. | 6’ |
| • Size and Coverage | Not to exceed 50% of the floor area of the principal dwelling unit |
| **Rear Patio Cover, Sundeck, Balcony**<br>*A Patio Cover is an attached or detached accessory structure which is not enclosed and provides sheltered outdoor space. It is generally supported by posts extending to the ground.*<br>*A Balcony is a projecting non-enclosed portion of the house located 3’ or more above the ground. It is generally cantilevered from the adjacent wall plane with no support posts extending to the ground.*<br>*A Sundeck is an attached unenclosed portion of the house located 3’ or more above the ground. It may or may not have support posts extending to the ground.* | |
| • Rear | 5’ to post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Side | 5’ to post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Corner Side | 10’ to post or edge of sundeck or balcony<br>8’ to roof overhang |
| **Courtyard Walls** | |
| • Front | 5’ |
| • Side | 0’ |
| • Corner Side | 5’ |
| **Max. Lot Coverage**<br>*The percentage of lot area covered by all buildings and structures after the area required for dedicated public roadway (not including utility easements) is subtracted.* | 60% |

| **STANDARD** | **Kyle R – 1 STANDARDS** |
|---|---|
| Housing Types | Single Family Detached |
| **Max. Building Height**<br>*(Vertical distance between the building's finished floor elevation and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.)* | **Main Building**<br>• 2 Stories max.<br>• 35' max. height<br>**Accessory Structure**<br>Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less |
| **Parking** | 2 unimpeded spaces per unit |
| **Landscape Buffers and Turf Limitations** | |
| • Minimum Zone Depths | • Adjacent to Right-of-Way: 6' or building setback, whichever is less<br>• Interior Lot Lines: 0' |
| • Front Yard Area Turf Coverage | 0% |
| **WALLS AND FENCES** | |
| **Front Yard Wall/Fence** | |
| • Max. primary wall height | 5' |
| • Max. solid wall base height | 2' |
| • Max. Pilaster height | 18" |
| • Max. on-center distance between pilasters | Pilasters not required;<br>When provided, maximum spacing of 100' |
| • Decorative Cap feature | 5" |
| **Front Yard Wall/Fence with Standard Stepback** | |
| • Max. secondary wall height | 2' |
| • Minimum spacing between wall sections – Outside Dimensions | 5' |
| **Perimeter and Retaining Walls with Slopes ≤2%** | |
| • Max. Overall Height | 10' |
| • Max. Perimeter Wall Height | 6' – 8' |
| • Max. Retaining Wall Height | 4' |
| • Max. Pilaster Height | 18" |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls with Slopes > 2%** | |
| • Max. Overall Height | 12' |
| • Max. Perimeter Wall Height | 6 – 8' |
| • Max. Retaining Wall Height | 6' |
| • Max. Pilaster Height | 18" |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls Standard Stepback** | |
| • Max. Primary Wall Height | 6 – 8' |
| • Max. Secondary Wall Height | 4' |

| **STANDARD** | **Kyle R – 1 STANDARDS** |
|---|---|
| Housing Types | Single Family Detached |
| • Min. spacing between wall sections – Inside Dimensions | 4’ |
| • Max. Pilaster Height | 18” |
| • Min. spacing between wall sections – Outside Dimensions | 5’ |

*Casita may include a kitchenette in which no oven and cook-top are provided.

# Kyle R-CL Single Family Compact Lot District

| STANDARD | Kyle R – CL STANDARDS |
|---|---|
| Housing Types | Single Family Detached (Conventional, Cluster or Alley Configurations) |
| Kyle Canyon Land Use Category | L, ML, ML-A, BLU |
| Minimum Lot Size s.f. | Conventional: 2,000<br>Cluster or Alley: 2,000 |
| Dwelling Units per Lot | Conventional: 1<br>Cluster or Alley: 1 |
| Min. Lot Width | Conventional: 26'<br>Cluster or Alley: 26' |
| **MINIMUM SETBACKS**<br>***Refer to Exhibit 1 for Conventional Plotting Setback Diagrams & Exhibit 2 for Cluster Plotting Diagrams.*** *All setbacks measured from property line. Corner side setbacks are subject to City of Las Vegas site visibility requirements.* | |
| **Main Building** | |
| • Front | **From Interior Street**<br>3' to Second Story Living over Garage<br>5' to Porch<br>10' to Single Story Living<br>14' to Second Story Living<br><5' or 18'+ to face of Garage Door [1]<br>**From Court Street or Drive Aisle**<br>3' to Second Story Living over Garage<br>3' to Porch<br>5' to Single Story Living<br>5' to Second Story Living<br><5' or18'+ to face of Garage Door [1]<br>**From Paseo or Common Open Space**<br>0' to Porch<br>0' to Single Story Living<br>0' to Second Story Living |
| • Side | 6' (combined both sides)<br>The side yard setbacks may be configured in any manner that conforms to the International Building Code and results in maintaining the total side yard setback width required on each lot.<br>Reciprocal Use and Maintenance Easements are permitted where a portion of one lot is used for the exclusive use and enjoyment of an adjoining lot. In such cases the minimum distance between structures shall be 6'. When Reciprocal Use Easements are used, an Optional HOA Easement may be established for front and side yard areas. Any improvements within the HOA Easement area must be approved by the HOA. Structural elements such as patio covers, balconies, decks, trellises, outdoor fireplaces or other similar elements shall not encroach beyond the Property Line of the unit it serves. Refer to Exhibit 3. |
| • Corner Side | 5' to Porch, Portico or similar element<br>10' to Living |
| • Rear (with No Alley) | 5' |
| • Rear (with Alley) | 3' to Second Story Living over Garage<br>3' to Porch<br>5' to Single Story Living<br>5' to Second Story Living<br><5' or 18'+ to face of Garage Door [1] |

| **STANDARD** | **Kyle R – CL STANDARDS** |
|---|---|
| Housing Types | Single Family Detached (Conventional, Cluster or Alley Configurations) |
| **Detached Accessory Structures**<br>(Detached Accessory Structures are allowed on lots 3,500 square feet and larger only) | |
| • Front | Same as Main Building |
| • Side | 3’ |
| • Corner Side | 10’ |
| • Rear | 3’ |
| • Min. Separation to Main Bldg. | 6’ |
| • Size and Coverage | Not to exceed 50% of the floor area of the principal dwelling unit |
| **Rear Patio Cover, Sundeck, Balcony**<br>*A Patio Cover is an attached or detached accessory structure which is not enclosed and provides sheltered outdoor space. It is generally supported by posts extending to the ground.*<br>*A Balcony is a projecting non-enclosed portion of the house located 3’ or more above the ground. It is generally cantilevered from the adjacent wall plane with no support posts extending to the ground.*<br>*A Sundeck is an attached unenclosed portion of the house located 3’ or more above the ground. It may or may not have support posts extending to the ground.* | |
| • Rear | 5’ to post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Side | 5’ to post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Corner Side | 5’ to post or edge of sundeck or balcony<br>3’ to roof overhang |
| **Courtyard Walls** | |
| • From Interior Street | 2’ |
| • From Court Street, Drive Aisle or Alley | 2’ |
| • From Paseo or Common Open Space | 0’ |
| Min. Distance Between Buildings | 6’ between principal structures |
| Max. Lot Coverage<br>*The percentage of lot area covered by all buildings and structures after the area required for dedicated public roadway (not including utility easements) is subtracted.* | 70% |
| Max. Building Height (ft)<br>*(Vertical distance between the building’s finished floor elevation and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.)* | **Main Building**<br>3 Stories max.;<br>38’ max.<br><br>**Accessory Structure**<br>Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less |
| Parking | 2 unimpeded spaces per unit with at least one space in an enclosed garage |
| **Landscape Buffers and Turf Limitations** | |
| • Minimum Zone Depths | • Adjacent to Right-of-Way: 6’ or building setback, whichever is less<br>• Interior Lot Lines: 0’ |
| • Front Yard Area Turf Coverage | 0% |

| STANDARD | Kyle R – CL STANDARDS |
|---|---|
| Housing Types | Single Family Detached (Conventional, Cluster or Alley Configurations) |
| **WALLS AND FENCES** | |
| **Front Yard Wall/Fence** | |
| • Max. primary wall height | 5’ |
| • Max. solid wall base height | 2’ |
| • Max. Pilaster height | 18” |
| • Max. on-center distance between pilasters | Pilasters not required;<br>When provided, maximum spacing of 100’ |
| • Decorative Cap feature | 5” |
| **Front Yard Wall/Fence with Standard Stepback** | |
| • Max. secondary wall height | 2’ |
| • Minimum spacing between wall sections – Outside Dimensions | 5’ |
| **Perimeter and Retaining Walls with Slopes ≤2%** | |
| • Max. Overall Height | 10’ |
| • Max. Perimeter Wall Height | 6 – 8’ |
| • Max. Retaining Wall Height | 4’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls with Slopes > 2%** | |
| • Max. Overall Height | 12’ |
| • Max. Perimeter Wall Height | 6 – 8’ |
| • Max. Retaining Wall Height | 6’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls Standard Stepback** | |
| • Max. Primary Wall Height | 6 – 8’ |
| • Max. Secondary Wall Height | 4’ |
| • Min. spacing between wall sections – Inside Dimensions | 4’ |
| • Max. Pilaster Height | 18” |
| • Min. spacing between wall sections – Outside Dimensions | 5’ |

[1] 12% maximum driveway slopes. No inverted crown streets will be permitted. Front driveway length to be measured from back of sidewalk or back of curb where sidewalk does not exist.

# Kyle R-TH Single Family Attached District

| STANDARD | Kyle R – TH STANDARDS |
|---|---|
| Housing Types | Single Family Attached Residences |
| Kyle Canyon Land Use Category | ML-A, BLU |
| Min. Lot Size s.f. | 1,280 |
| DU's per Lot | 1 |
| Min. Lot Width (ft) | 16' |
| **MINIMUM SETBACKS**<br>***Refer to Exhibit 1 for Conventional Plotting Setback Diagrams and Exhibit 2 for Cluster Plotting Setback Diagrams.*** *All setbacks measured from property line. Corner side setbacks are subject to City of Las Vegas site visibility requirements. All setbacks are subject to the Residential Adjacency Standards described in the City of Las Vegas Unified Development Code, Section 19.06.040, Sub-section I.* | |
| **Main Buildings** | |
| • Front | • <u>From Interior Street</u><br>3' to Second Story Living over Garage<br>5' to Porch<br>8' to Single Story Living<br>12' to Second Story Living<br><5' or 18'+ to face of Garage Door [1]<br>• <u>From Court St. or Drive Aisle</u><br>3' to Second Story Living over Garage<br>3' to Porch<br>5' to Single Story Living<br>5' to Second Story Living<br><5' or18'+ to face of Garage Door [1]<br>• <u>From Paseo or Common Open Space</u><br>0' to Porch<br>0' to Single Story Living<br>0' to Second Story Living |
| • Side | 0' at common wall<br>3' at building end wall |
| • Corner Side | 5' |
| • Rear | • <u>Rear Yard with No Alley</u><br>5'<br>• <u>Rear Yard from Alley</u><br>3' to Second Story Living over Garage (cantilevered)<br>3' to Porch, Portico, Courtyard Wall or similar element<br>5' to Single Story Living<br>5' to Second Story Living<br><5' or 18'+ to face of Garage Door [1] |
| **Detached Accessory Structures** | |
| • Min. Separation to Main Bldg. | 6' |
| • Size and Coverage | Not to exceed 50% of the floor area of the principal dwelling unit |
| **Rear Patio Cover, Sundeck, Balcony**<br>*A Patio Cover is an attached or detached accessory structure which is not enclosed and provides sheltered outdoor space. It is generally supported by posts extending to the ground.*<br>*A Balcony is a projecting non-enclosed portion of the house located 3' or more above the ground. It is generally cantilevered from the adjacent wall plane with no support posts extending to the ground.*<br>*A Sundeck is an attached unenclosed portion of the house located 3' or more above the ground. It may or may not have support posts extending to the ground.* | |

| **STANDARD** | **Kyle R – TH STANDARDS** |
|---|---|
| Housing Types | Single Family Attached Residences |
| • Rear | 5' to post or edge of sundeck or balcony<br>3' to roof overhang |
| • Side | 5' to post or edge of sundeck or balcony<br>3' to roof overhang |
| • Corner Side | 5' to post or edge of sundeck or balcony<br>3' to roof overhang |
| **Courtyard Walls** | |
| • From Interior Street | 2' |
| • From Court Street, Drive Aisle or Parking | 2' |
| • From Paseo or Common Open Space | 0' |
| • From Parcel Boundary Adjacent to Perimeter Street | 10' |
| • From Adjacent Parcel PL | 10' |
| Min. Distance Between Buildings<br>*(Primary Walls are those walls which contain the primary glazing and/or private outdoor space per unit. All other elevations are considered Secondary Walls.)* | 6' |
| Max. Lot Coverage<br>*The percentage of lot area covered by all buildings and structures after the area required for dedicated public roadway (not including utility easements) is subtracted.* | 95% |
| Max. Building Height<br>*(Vertical distance between the building's finished floor elevation and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.)* | **Main Building**<br>3 stories max.;<br>45 feet max.<br>**Accessory Structure**<br>Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less |
| Parking | 1 unimpeded space per dwelling unit, plus 1 guest parking space per 6 units |
| **Landscape Buffers and Turf Limitations** | |
| • Minimum Zone Depths | • Adjacent to Right-of-Way: 6' or building setback, whichever is less<br>• Interior Lot Lines: 0' |
| • Parking Lot Screening | Screening from adjacent roadways shall be provided |
| • Turf Coverage | 0% |
| **WALLS AND FENCES** | |
| **Front Yard Wall/Fence** | |
| • Max. primary wall height | 5' |
| • Max. solid wall base height | 2' |
| • Max. Pilaster height | 18" |
| • Max. on-center distance between pilasters | Pilasters not required;<br>When provided, maximum spacing of 100' |
| • Decorative Cap feature | 5" |

| **STANDARD** | **Kyle R – TH STANDARDS** |
|---|---|
| Housing Types | Single Family Attached Residences |
| **Front Yard Wall/Fence with Standard Stepback** | |
| • Max. secondary wall height | 2’ |
| • Minimum spacing between wall sections – Outside Dimensions | 5’ |
| **Perimeter and Retaining Walls with Slopes ≤2%** | |
| • Max. Overall Height | 10’ |
| • Max. Perimeter Wall Height | 6 – 8’ |
| • Max. Retaining Wall Height | 4’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls with Slopes > 2%** | |
| • Max. Overall Height | 12’ |
| • Max. Perimeter Wall Height | 6 – 8’ |
| • Max. Retaining Wall Height | 6’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls Standard Stepback** | |
| • Max. Primary Wall Height | 6 – 8’ |
| • Max. Secondary Wall Height | 4’ |
| • Min. spacing between wall sections – Inside Dimensions | 4’ |
| • Max. Pilaster Height | 18” |
| • Min. spacing between wall sections – Outside Dimensions | 5’ |

[1] 12% maximum driveway slopes. No inverted crown streets will be permitted. Front driveway length to be measured from back of sidewalk or back of curb where sidewalk does not exist.

# Kyle R-2 Medium-Low Density Residential District

| STANDARD | Kyle R - 2 STANDARDS |
|---|---|
| Housing Types | Single Family Detached, Duplex & Townhome Units<br>(Conventional, Cluster or Alley configurations) |
| Kyle Canyon Land Use Category | L, ML, ML-A, BLU |
| Minimum Lot Size s.f. | Conventional: 2,000<br>Cluster or Alley: 2,000 |
| Units per Gross Acre | 6-12 |
| Min. Lot Width | NA |
| **MINIMUM SETBACKS**<br>***Refer to Exhibit 1 for Conventional Plotting Setback Diagrams & Exhibit 2 for Cluster Plotting Diagrams.***<br>*All setbacks measured from property line. Corner side setbacks are subject to City of Las Vegas site visibility requirements.* | |
| **Main Building** | |
| • Front | **From Interior Street**<br>3' to Second Story Living over Garage<br>5' to Porch<br>10' to Single Story Living<br>14' to Second Story Living<br><5' or 18'+ to face of Garage Door [1]<br><br>**From Court Street or Drive Aisle**<br>3' to Second Story Living over Garage<br>3' to Porch<br>5' to Single Story Living<br>5' to Second Story Living<br><5' or18'+ to face of Garage Door [1]<br><br>**From Paseo or Common Open Space**<br>0' to Porch<br>0' to Single Story Living<br>0' to Second Story Living |
| • Side | 0' at common wall<br>3' at building end wall |
| • Corner Side | 5' |
| • Rear | **Rear Yard with No Alley**<br>5'<br><br>**Rear Yard with Alley**<br>3' to Second Story Living over Garage (cantilevered)<br>3' to Porch<br>5' to Single Story Living<br>5' to Second Story Living<br><5' or 18'+ to face of Garage Door [1] |
| **Detached Accessory Structures** | |
| • Front | Same as Main Building |
| • Side | 3' |
| • Corner Side | 5' |
| • Rear | 3' |
| • Min. Separation to Main Bldg. | 6' |
| • Size and Coverage | Not to exceed 50% of the floor area of the principal dwelling unit |

| STANDARD | Kyle R - 2 STANDARDS |
|---|---|
| Housing Types | Single Family Detached, Duplex & Townhome Units<br>(Conventional, Cluster or Alley configurations) |
| **Rear Patio Cover, Sundeck, Balcony**<br>*A Patio Cover is an attached or detached accessory structure which is not enclosed and provides sheltered outdoor space. It is generally supported by posts extending to the ground.*<br>*A Balcony is a projecting non-enclosed portion of the house located 3' or more above the ground. It is generally cantilevered from the adjacent wall plane with no support posts extending to the ground.*<br>*A Sundeck is an attached unenclosed portion of the house located 3' or more above the ground. It may or may not have support posts extending to the ground.* | |
| • Rear | 5' to post or edge of sundeck or balcony<br>3' to roof overhang |
| • Side | 5' to post or edge of sundeck or balcony<br>3' to roof overhang |
| • Corner Side | 5' to post or edge of sundeck or balcony<br>3' to roof overhang |
| **Courtyard Walls** | |
| • From Interior Street | 2' |
| • From Court Street, Drive Aisle or Alley | 2' |
| • From Paseo or Common Open Space | 0' |
| • Corner Side | 2' |
| Min. Distance Between Buildings | 6' |
| Max. Lot Coverage<br>*The percentage of lot area covered by all buildings and structures after the area required for dedicated public roadway (not including utility easements) is subtracted.* | NA |
| Max. Building Height<br>*(Vertical distance between the building's finished floor elevation and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.)* | **Main Building**<br>3 Stories max.;<br>38' max.<br>**Accessory Structure**<br>Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less |
| **Parking** | 2 unimpeded spaces per unit with at least one space in an enclosed garage |
| **Landscape Buffers and Turf Limitations** | |
| • Minimum Zone Depths | • Adjacent to Right-of-Way: 6' or building setback whichever is less<br>• Interior Lot Lines: 0' |
| • Front Yard Area Turf Coverage | 0% |
| **WALLS AND FENCES** | |
| **Front Yard Wall/Fence** | |
| • Max. primary wall height | 5' |
| • Max. solid wall base height | 2' |
| • Max. Pilaster height | 18" |
| • Max. on-center distance between pilasters | Pilasters not required;<br>When provided, maximum spacing of 100' |
| • Decorative Cap feature | 5" |

| STANDARD | Kyle R - 2 STANDARDS |
|---|---|
| Housing Types | Single Family Detached, Duplex & Townhome Units (Conventional, Cluster or Alley configurations) |
| **Front Yard Wall/Fence with Standard Stepback** | |
| • Max. secondary wall height | 2’ |
| • Minimum spacing between wall sections – Outside Dimensions | 5’ |
| **Perimeter and Retaining Walls with Slopes ≤2%** | |
| • Max. Overall Height | 10’ |
| • Max. Perimeter Wall Height | 6 – 8’ |
| • Max. Retaining Wall Height | 4’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls with Slopes > 2%** | |
| • Max. Overall Height | 12’ |
| • Max. Perimeter Wall Height | 6 – 8’ |
| • Max. Retaining Wall Height | 6’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls Standard Stepback** | |
| • Max. Primary Wall Height | 6 – 8’ |
| • Max. Secondary Wall Height | 4’ |
| • Min. spacing between wall sections – Inside Dimensions | 4’ |
| • Max. Pilaster Height | 18” |
| • Min. spacing between wall sections – Outside Dimensions | 5’ |
| | |

[1]12% maximum driveway slopes. No inverted crown streets will be permitted. Front driveway length to be measured from back of sidewalk or back of curb where sidewalk does not exist.

# Kyle R-3 Medium Density Residential

| STANDARD | Kyle R – 3 STANDARDS |
|---|---|
| Housing Types | Duplex And Townhome Units (Conventional, Cluster or Alley configurations)<br>And Medium Density Apartments |
| Kyle Canyon Land Use Category | ML-A, BLU |
| Min. Lot Size s.f. | **Duplex and Townhome Units**<br>Conventional: 1,800<br>Cluster or Alley: 1,800<br><br>**Medium Density Apartments**<br>No Minimum |
| DU's per Gross Ac. | 13-50 |
| Min. Lot Width (ft) | NA |
| **MINIMUM SETBACKS**<br>***Refer to Exhibit 1 for Conventional Plotting Setback Diagrams, Exhibit 2 for Cluster Plotting Setback Diagrams and Exhibit 4 for Medium Density Apartment Setback Diagram.*** *All setbacks measured from property line. Corner side setbacks are subject to City of Las Vegas site visibility requirements. All setbacks are subject to the City of Las Vegas Unified Development Code Residential Adjacency Standards described in Section 19.06.040, Sub-section I.* | |
| **Main Buildings** | |
| • Front | **Duplex and Townhome Units**<br><br>• <u>From Interior Street</u><br>3' to Second Story Living over Garage<br>5' to Porch<br>8' to Single Story Living<br>10' to Second Story Living<br><5' or 18'+ to face of Garage Door [1]<br><br>• <u>From Court St. or Drive Aisle</u><br>3' to Second Story Living over Garage<br>3' to Porch<br>5' to Single Story Living<br>5' to Second Story Living<br><5' or18'+ to face of Garage Door [1]<br><br>• <u>From Interior Paseo or Interior Common Open Space</u><br>0' to Porch<br>0' to Single Story Living<br>0' to Second Story Living<br><br>**Medium Density Apartments**<br><br>10' |
| • Side | **Duplex and Townhome Units**<br>0' at common wall<br>3' at building end wall<br><br>**Medium Density Apartments**<br>5' |
| • Corner Side | **Duplex and Townhome Units**<br>5'<br><br>**Medium Density Apartments**<br>5' |

| **STANDARD** | **Kyle R – 3 STANDARDS** |
|---|---|
| Housing Types | Duplex And Townhome Units (Conventional, Cluster or Alley configurations)<br>And Medium Density Apartments |
| • Rear | **Duplex and Townhome Units**<br>• Rear Yard with No Alley<br>5’<br>• Rear Yard from Alley<br>3’ to Second Story Living over Garage (cantilevered)<br>3’ to Porch, Portico, Courtyard Wall or similar element<br>5’ to Single Story Living<br>5’ to Second Story Living<br><5’ or 18’+ to face of Garage Door [1]<br>**Medium Density Apartments**<br>• From common Property Line between two adjacent parcels:<br>10’ to Porch<br>10’ to Living<br>• From Property Line adjacent to Community Open Space<br>10’ to Porch<br>10’ to Living |
| **Accessory Structures**<br>*Accessory structures for R-3 Medium Density Apartment housing types may include but are not limited to leasing offices, pool buildings and cabanas, pool equipment buildings, clubhouse and recreation buildings, detached garages and storage buildings, and other similar structures that are customary for R-3 Medium Density housing types. Kitchen facilities for catering purposes only are allowed.* | |
| • Front | Same as Main Building |
| • Side | 3’ |
| • Corner Side | 5’ |
| • Rear | 3’ |
| • Min. Separation to Main Bldg. | 6’ |
| • Size and Coverage | NA |
| **Rear Patio Cover, Sundeck, Balcony**<br>*A Patio Cover is an attached or detached accessory structure which is not enclosed and provides sheltered outdoor space. It is generally supported by posts extending to the ground.*<br>*A Balcony is a projecting non-enclosed portion of the house located 3’ or more above the ground. It is generally cantilevered from the adjacent wall plane with no support posts extending to the ground.*<br>*A Sundeck is an attached unenclosed portion of the house located 3’ or more above the ground. It may or may not have support posts extending to the ground.* | |
| • Rear | **Duplex and Townhome Units**<br>5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Side | 5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Corner Side | 5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Rear | **Medium Density Apartments**<br>5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Side | 5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |

| STANDARD | Kyle R – 3 STANDARDS |
|---|---|
| Housing Types | Duplex And Townhome Units (Conventional, Cluster or Alley configurations)<br>And Medium Density Apartments |
| • Corner Side | 5' to patio cover post or edge of sundeck or balcony<br>3' to roof overhang |
| **Courtyard Walls** | |
| • From Interior Street | 2' |
| • From Court Street, Drive Aisle or Parking | 2' |
| • From Paseo or Common Open Space | 0' |
| • From Parcel Boundary Adjacent to Perimeter Street in Med. Density Apartment sites.) | 10' |
| • From Adjacent Parcel PL in Med. Density Apartment sites | 10' |
| Min. Distance Between Buildings | **Duplex and Townhome Units**<br>6'<br>**Medium Density Apartments**<br>10' |
| Max. Lot Coverage<br>*The percentage of lot area covered by all buildings and structures after the area required for dedicated public roadway (not including utility easements) is subtracted.* | NA |
| Max. Building Height<br>*(Vertical distance between the building's finished floor elevation and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.)* | **Main Building**<br>5 Stories max.;<br>60' max.<br><br>**Accessory Structure**<br>Not to exceed 3 stories, 38 feet in height or the height of the principal dwelling unit, whichever is less |
| Parking | **Duplex and Townhome Units**<br>2 unimpeded spaces per unit with at least one space in an enclosed garage, plus 1 guest space for every 6 units.<br><br>Project on-street parking can be counted toward guest parking requirement.<br><br>**Medium Density Apartments**<br>SR Apt: .75/unit<br><br>All others:<br><br>1 guest space for every 6 units,<br><br>*plus*<br><br>Studio & 1 BR 1.25/unit<br>2 BR 1.75/unit<br>3 BR & Above 2/unit<br><br>Project on-street parallel parking, if any, shall conform to UDC requirements and can be counted toward guest parking requirement. Adopted City of Las Vegas parallel parking space standards apply. |

| STANDARD | Kyle R – 3 STANDARDS |
|---|---|
| Housing Types | Duplex And Townhome Units (Conventional, Cluster or Alley configurations)<br>And Medium Density Apartments |
| **Landscape Buffers and Turf Limitations** | |
| • Minimum Zone Depths | • Adjacent to Right-of-Way : 10' or building setback, whichever is less<br>• Interior Lot Lines: 6' |
| • Turf Coverage | Max. 30% of landscapable area |
| **WALLS AND FENCES** | |
| **Front Yard Wall/Fence** | |
| • Max. primary wall height | 5' |
| • Max. solid wall base height | 2' |
| • Max. Pilaster height | 18" |
| • Max. on-center distance between pilasters | Pilasters not required;<br>When provided, maximum spacing of 100' |
| • Decorative Cap feature | 5" |
| **Front Yard Wall/Fence with Standard Stepback** | |
| • Max. secondary wall height | 2' |
| • Minimum spacing between wall sections – Outside Dimensions | 5' |
| **Perimeter and Retaining Walls with Slopes ≤2%** | |
| • Max. Overall Height | 10' |
| • Max. Perimeter Wall Height | 6 – 8' |
| • Max. Retaining Wall Height | 4' |
| • Max. Pilaster Height | 18" |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls with Slopes > 2%** | |
| • Max. Overall Height | 12' |
| • Max. Perimeter Wall Height | 6 – 8' |
| • Max. Retaining Wall Height | 6' |
| • Max. Pilaster Height | 18" |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls Standard Stepback** | |
| • Max. Primary Wall Height | 6 – 8' |
| • Max. Secondary Wall Height | 4' |
| • Min. spacing between wall sections – Inside Dimensions | 4' |
| • Max. Pilaster Height | 18" |
| • Min. spacing between wall sections – Outside Dimensions | 5' |

[1] 12% maximum driveway slopes. No inverted crown streets will be permitted. Front driveway length to be measured from back of sidewalk or back of curb where sidewalk does not exist.

# Kyle R-4 High Density Residential District

| STANDARD | Kyle R-4 STANDARDS |
|---|---|
| Housing Types | High density apartments units |
| Kyle Canyon Land Use Category | BLU |
| Minimum Lot Size s.f. | No minimum |
| Dwelling Units per Gross Acre | Unlimited |
| Min. Lot Width | NA |
| **MINIMUM SETBACKS**<br>***Refer to Exhibit 4 for High Density Apartment Setback Diagram.*** *All setbacks measured from property line. Corner side setbacks are subject to City of Las Vegas site visibility requirements. All setbacks are subject to the City of Las Vegas Unified Development Code Residential Adjacency Standards described in Section 19.06.040, Sub-section I.* | |
| **Main Buildings** | |
| • Front | 10‘ |
| • Side | 5’ |
| • Corner Side | 5’ |
| • Rear | • <u>From common Property Line between two adjacent parcels</u><br>10’ to Porch<br>10’ to Living<br>• <u>From Property Line adjacent to Community Open Space</u><br>10’ to Porch<br>10’ to Living |
| **Accessory Structures**<br>*Accessory structures in R-4 categories may include but are not limited to leasing offices, pool buildings and cabanas, pool equipment buildings, clubhouse and recreation buildings, detached garages and storage buildings, and other similar structures that are customary for R-4 housing types. Kitchen facilities for catering purposes only are allowed.* | |
| • Front | Same as Main Building |
| • Side | 3’ |
| • Corner Side | 5’ |
| • Rear | 3’ |
| • Min. Separation to Main Bldg. | 6’ |
| • Size and Coverage | NA |
| **Rear Patio Cover, Sundeck or Balcony**<br>*A Patio Cover is an attached or detached accessory structure which is not enclosed and provides sheltered outdoor space. It is generally supported by posts extending to the ground.*<br>*A Balcony is a projecting non-enclosed portion of the house located 3’ or more above the ground. It is generally cantilevered from the adjacent wall plane with no support posts extending to the ground.*<br>*A Sundeck is an attached unenclosed portion of the house located 3’ or more above the ground. It may or may not have support posts extending to the ground.* | |
| • Rear | 5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Side | 5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |
| • Corner Side | 5’ to patio cover post or edge of sundeck or balcony<br>3’ to roof overhang |

| STANDARD | Kyle R-4 STANDARDS |
|---|---|
| Housing Types | High density apartments units |
| **Courtyard Walls** | |
| • From Parcel Boundary Adjacent to Perimeter Street | 10’ |
| • From Adjacent Parcel PL | 10’ |
| • From Interior Street | 2’ |
| • From Court Street, Drive Aisle or Parking | 2’ |
| • From Paseo or Common Open Space | 0’ |
| Min. Distance Between Buildings | Unlimited |
| Max. Lot Coverage<br>*The percentage of lot area covered by all buildings and structures after the area required for dedicated public roadway (not including utility easements) is subtracted.* | NA |
| Max. Building Height<br>*(Vertical distance between the building’s finished floor elevation and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.)* | **Main Building**<br>Stories - NA<br>60 feet max.<br>**Accessory Structure**<br>Not to exceed 3 stories, 38 feet in height or the height of the main buildings, whichever is less. |
| Parking | SR Apt: .75/unit<br>All others:<br>1 guest space for every 6 units<br>***plus***<br>Studio & 1 BR 1.25/unit<br>2 BR 1.75/unit<br>3 BR & Above 2/unit<br>Project on-street parallel parking, if any, shall conform to UDC requirements and can be counted toward guest parking requirement. Adopted City of Las Vegas parallel parking space standards apply. |
| **Landscape Buffers and Turf Limitations** | |
| • Minimum Zone Depths | • Adjacent to Right-of-Way: 10’ or building setback, whichever is less<br>• Interior Lot Lines: 6’ |
| • Turf Coverage | Max. 30% of landscapable area |
| **WALLS AND FENCES** | |
| **Front Yard Wall/Fence** | |
| • Max. primary wall height | 5’ |
| • Max. solid wall base ht. | 2’ |
| • Max. Pilaster ht. | 18” |

| **STANDARD** | **Kyle R-4 STANDARDS** |
|---|---|
| Housing Types | High density apartments units |
| | |
| • Max. on-center distance between pilasters | Pilasters not required;<br>When provided, maximum spacing of 100’ |
| • Decorative Cap feature | 5” |
| **Front Yard Wall/Fence with Standard Stepback** | |
| • Max. secondary wall ht. | 2’ |
| • Minimum spacing between wall sections – Outside Dimensions | 5’ |
| **Perimeter and Retaining Walls with Slopes ≤2%** | |
| • Max. Overall Ht. | 10’ |
| • Max. Perimeter Wall Ht. | 6 – 8’ |
| • Max. Retaining Wall Ht. | 4’ |
| • Max. Pilaster Ht. | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls with Slopes > 2%** | |
| • Max. Overall Ht. | 12’ |
| • Max. Perimeter Wall Ht. | 6 – 8’ |
| • Max. Retaining Wall Ht. | 6’ |
| • Max. Pilaster Ht. | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls Standard Stepback** | |
| • Max. Primary Wall Ht. | 6 – 8’ |
| • Max. Secondary Wall Ht. | 4’ |
| • Min. spacing between wall sections – Inside Dimensions | 4’ |
| • Max. Pilaster Ht. | 18” |
| • Min. spacing between wall sections – Outside Dimensions | 5’ |

# 19.19
# Blended Land Use District

## 19.19.010 Purpose / Intent

The Blended Land Use category is established to encourage the creation of dynamic neighborhoods that allow for a mix of residential and/or non-residential uses on the same site or within the same building. A successful blended neighborhood emphasizes a strong pedestrian realm as an integral component of the site design concept. The pedestrian realm is achieved through a high connectivity among the various uses on the site and adjacent neighborhoods, as well as the provision of public spaces such as plazas, courtyards, greens or other such spaces that serve as gathering places for residents and visitors to enjoy.

The Blended Land Use category offers many community benefits including:

- The provision of a strong sense of place by establishing a unique identity for the community as a whole.
- A decrease in automobile dependency by locating complementary uses within close proximity of one another, thereby encouraging walking and bicycling as alternative modes of transportation.
- The creation of vibrant, pedestrian friendly neighborhoods with an emphasis on convenience, interconnectivity, and accessibility for the benefit of residents, workers and visitors.
- Promoting innovative urban design and architecture.
- Providing alternate housing choices for consumers based upon their lifestyle needs.

## 19.19.020 Description of Blended Land Use

The types of land uses that may be developed within Blended Land Use category include:

- Any Kyle Canyon Residential Land Use, except Kyle R-1
- Limited Commercial (C-1)
- General Commercial (C-2)
- Professional Office (P-O)
- Office (O)

The Blended Land Uses may integrate multiple land uses on the same parcel, within the same building, or both.

The Blended Land Use category allows for uses to be mixed on the site, however, it is not a requirement. A parcel designated as Blended Land Use may be developed with only one land use at the discretion of the property owner.

## 19.19.030 Kyle BLU Development Standards

| STANDARD | Kyle BLU STANDARDS |
|---|---|
| Permitted Uses | Residential (all Kyle Canyon categories except Kyle R-1)<br>Limited Commercial<br>General Commercial<br>Professional Office<br>Office |
| Maximum Density | 50 Du/Ac |
| Mix of Uses | Development within the BLU category may consist of one or more land use types described above. Development plans must conform to the Kyle Canyon Master Traffic Plan. |
| **RESIDENTIAL DEVELOPMENT STANDARDS** | |
| | Refer to Kyle Canyon Development Standards Sections 19.06.070 thru 19.06.120. |
| **NON-RESIDENTIAL & VERTICAL BLENDED USES** | |
| | The following standards apply to Non-residential and vertical blended uses (including residential) |
| **MINIMUM SETBACKS**<br>*All setbacks measured from property line and are subject to City of Las Vegas Residential Adjacency Standards, Unified Development Code, Chapter 19.06.040, Sub-section I. Corner side setbacks are subject to City of Las Vegas site visibility requirements.* | |
| **Main Building** | |
| • Primary Frontage | 15’ |
| • Secondary Frontage | 0’ |
| • Interior Lot Lines (Rear or Side) | 0’ |
| • Designated Open Space | 0’ |
| • Minimum Building Separation | 0’ or 10’+ |
| • Projections | Architectural features such as roof overhangs, balconies, window and doors trims, fenestrations, canopies, awnings, loggias, building mounted signage, and other similar architectural elements, may encroach into setback areas or public R.O.W.’s so long as the encroachment is a minimum of 2’ from front of sidewalk or back of tree grate. All projections shall be clearly noted on the Site Development Plan. |
| **Detached Accessory Structure** | |
| • Primary Frontage | 15’ |
| • Secondary Frontage | 0’ |
| • Interior Lot Lines (Rear or Side) | 0’ |
| • Designated Open Space | 0’ |
| • Min. Separation to Main Bldg. | 10’ |
| • Size and Coverage | Not to exceed the aggregate floor area of the principal structure. The aggregate total of the ground floor area of all structures (excluding carports and detached trash enclosures) shall not exceed the percentage of lot coverage permitted. |
| **Surface Parking Setbacks** | |
| • Primary Frontage | 10’ |
| • Secondary Frontage | 10’ |
| • Interior Lot Lines (Rear or Side) | 5’ |
| • Designated Open Space | 5’ |
| **Parking Structure Setbacks** | |
| • Primary Frontage | 15’ |
| • Secondary Frontage | 10’ |
| • Interior Lot Lines (Rear or Side) | 10’ |
| • Designated Open Space | 10’ |

| STANDARD | Kyle BLU STANDARDS |
|---|---|
| **Courtyard Walls** | |
| • Primary Frontage | 10’ |
| • Secondary Frontage | 5’ |
| • From Interior Lot Lines | 0’ |
| • From Designated Open Space | 0’ |
| **Max. Lot Coverage**<br>*The percentage of lot area covered by all buildings and structures after the area required for dedicated public roadway (not including utility easements) is subtracted.* | 75% |
| **Max. Building Height**<br>*(Vertical distance between the building’s finished floor elevation and either 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.)* | **Main Building**<br>• 5 Stories max.<br>• 60’ max. height<br>**Accessory Structure**<br>Not to exceed height of main building<br>**Structured Parking**<br>No maximum height, except that the top level of the parking structure, including railings and roof element (if any) shall not exceed the building height of the building being served.<br>**Projections**<br>Architectural elements such as towers, cupolas, or other similar feature elements may exceed the main building height by a maximum of 15’. |
| **Parking** | |
| Parcels developed with one land use type<br><br>Parcels developed with two or more blended land uses | Parking and loading requirements shall be as proscribed in the Unified Development Code for that use.<br><br>Refer to Unified Development Code, Section 19.18.030(4)(c) & (d) |
| **Landscape Buffers and Turf Limitations** | |
| • Minimum Zone Depths | • Adjacent to Right-of-Way: 15’ or building setback, whichever is less<br>• Interior Lot Lines: 0’ |
| • Front Yard Area Turf Coverage | 0% of landscapable area |
| • Impermeable Surfaces | Should be minimized to reduce stormwater quality management impacts. |
| **WALLS AND FENCES** | |
| **Front Yard Wall/Fence** | |
| • Max. primary wall height | 5’ |
| • Max. solid wall base height | 2’ |
| • Max. Pilaster height | 18” |
| • Decorative Cap feature | 5” |
| **Front Yard Wall/Fence with Standard Stepback** | |
| • Max. secondary wall height | 2’ |
| • Minimum spacing between wall sections – Outside Dimensions | 5’ |
| **Perimeter and Retaining Walls with** | |

| STANDARD | Kyle BLU STANDARDS |
|---|---|
| **Slopes ≤2%** | |
| • Max. Overall Height | 10’ |
| • Max. Perimeter Wall Height | 6’ -8’ |
| • Max. Retaining Wall Height | 4’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls with Slopes > 2%** | |
| • Max. Overall Height | 12’ |
| • Max. Perimeter Wall Height | 6’ – 8’ |
| • Max. Retaining Wall Height | 6’ |
| • Max. Pilaster Height | 18” |
| • Contrasting Material | 20% |
| **Perimeter and Retaining Walls Standard Stepback** | |
| • Max. Primary Wall Height | 6’ – 8’ |
| • Max. Secondary Wall Height | 4’ |
| • Min. spacing between wall sections – Inside Dimensions | 4’ |
| • Max. Pilaster Height | 18” |
| • Min. spacing between wall sections – Outside Dimensions | 5’ |

# 19.19.040 Blended Land Use Design Guidelines

## A. Site Design Review

The Blended Land Use standards allow for considerable flexibility in the design of mixed use communities and residential neighborhoods. In allowing this flexibility, the City of Las Vegas intends to utilize the Site Development Plan review process as a tool in refining the application of these Blended Use Standards and applying them to the actual designs submitted. All submittals within the Blended Land Use area shall be subject to the Site Development Plan process as presented in section 19.16.100 of the UDC. The Master Developer Architectural Review committee shall strive to achieve consistent design details and architectural styles throughout the Blended Use areas.

Should urban style "Identity Streets" be utilized within the Blended Use Area, the Master Developer shall prepare design standards for these streets including landscape and signage standards. The proposed urban street standards shall be submitted to the City for review and approval prior to the submittal of Site Design Reviews or other submittals utilizing the urban streets. The Master Developer shall enforce uniformity of street designs within the Blended Use area.

## B. Site Design Philosophy

The overall design concept within Blended Use parcels shall ensure that a cohesive integration of uses is provided with an emphasis on the pedestrian realm and connectivity among uses and adjacent neighborhoods. Generally, Blended Use Parcels feature a relatively formal arrangement of buildings that form a strong sense of place for residents and visitors to gather. The following are key considerations that shall be considered in the design of Blended Use Parcels.

### 1. Vehicular Circulation

Blended Use parcels shall provide a well-defined entry sequence for vehicular traffic from perimeter streets to the buildings within the parcel. The entry sequence shall incorporate landscape, architectural, and signage elements.

The on-site circulations system shall promote the efficient movement of vehicles in a clear and well-defined manner that minimizes conflicts with pedestrians and bicycles.

Transit stops, bus turn-outs and shelters shall be provided as necessary and shall be fully integrated into the site design by locating them with pedestrian oriented amenities such as pocket parks, courtyards, plazas, etc.

Street layouts shall be designed to highlight focal elements such as plazas, town green, community building, fountains, sculptural elements, or other similar features.

"Identity" streets that capture the essence of urban living are encouraged to incorporate on-street angled or parallel parking, wide pedestrian friendly sidewalks, formal tree patterns and tree grates, overhead awnings or arcades to provide shaded passage for pedestrians. Larger parking fields shall be located behind the "identity" street buildings to screen them from view.

Loading and service areas shall be independent from the general circulation system to the greatest extent feasible. Such areas shall not face a primary or secondary street and shall be screened from view.

Traffic calming devices such as neck-downs, raised crosswalks, traffic circles, round-abouts and other similar devices that reduce traffic speeds shall be incorporated into site design to the extent feasible..

**2. Pedestrian Realm**

Attractive pedestrian space is an essential element of vibrant Blended Use development. The following principles that emphasize the creation of pedestrian friendly environments shall be considered in the design of Blended Use neighborhoods:

**a. Sidewalks**

- Sidewalks shall be of sufficient width to promote pedestrian friendly amenities such as street furniture, kiosks and other site furnishings as well as to encourage leisurely window shopping, outdoor dining, and other pedestrian activity in commercial areas.
- Street trees with tree grates embedded in sidewalks are encouraged to accentuate the urban form, provide shade for pedestrians, and buffer pedestrians from adjacent traffic.
- Pedestrian scale lighting shall be provided along sidewalks and pathways.
- Pedestrian oriented signage shall be provided.
- Pedestrian walkways shall avoid passing through service areas of the site (i.e., delivery areas, trash collections areas, etc.)

**b. Connectivity**

- Strong pedestrian connections shall link on-site uses, buildings and amenities such as a town green, landscaped courtyards and plazas and other similar elements.
- Likewise, strong external connections to adjacent parcels, open space and/or roadway systems shall be provided.
- Clear pedestrian circulation shall be provided from parking areas to building entrances.

**c. Vehicular / Pedestrian Interface**

- Minimum street widths shall be used to reduce design speeds and reduce pedestrian crossing distances.
- Mid-block crosswalks shall be used at strategic locations to reduce pedestrian travel distances.
- Traffic calming devices such as neck-downs, raised crosswalks, traffic circles, round-abouts and other similar devices that reduce traffic speeds shall be incorporated into site design.

- Minimum curb return radii shall be used at intersections to minimize crossing distances and reduce vehicular speed at corners.

- Clear pedestrian circulation from parking areas to building entrances shall be provided.

- Parking areas shall feature landscaping to provide shade cover for vehicles and pedestrians.

**3. Building and Site Elements**

Buildings shall be plotted as far forward on the lot as possible to reinforce the urban character of the Mixed-Use parcels.

The use of loggias, awnings or other overhead elements that provide shade and weather protection shall be provided for an enhanced pedestrian experience.

**4. Parking**

All required parking shall be provided on-site.

Angled or parallel parking is encouraged on “Identity” streets. Larger parking fields serving “Identity” street uses shall be located behind the buildings. Clearly identified pedestrian connections between the parking fields and the buildings served by the parking areas are required.

On parcels developed with two or more blended land uses, please refer to Unified Development Code, Section 19.18.030(4)(c) & (d)

Surface parking shall be accommodated in groups of small parking clusters to the extent feasible, to minimize the visual impact of parking areas. Long, unbroken rows of surface parking stalls shall be avoided.

Parking areas shall be screened from view to the extent feasible through the use of plant material or low walls that are compatible with the building architecture.

Landscape treatments shall be used within and adjacent to parking fields to visually minimize the impact of parking areas, as well as to provide shade cover for automobiles and pedestrian pathways.

Subterranean and structured parking is allowed. Such parking areas shall be well integrated into the design of the parcel through appropriate architectural and/or landscape treatments.

Multi-story parking structures shall be wrapped by building architecture that is equal to or greater than the height of the parking structure so that the structure is effectively screened from public street views.

Alternatively, parking structures adjacent to public streets are allowed in cases where the perimeter edge of the ground floor is devoted to commercial or office uses and parking above. Such ground level retail/office uses shall be designed with appropriate pedestrian scaled architectural detailing.

Carports are allowed in parking fields. Carports are not allowed on "Identity" streets. The design of carports shall complement the buildings within the parcel. A minimum 6" wide fascia element is required on all four sides of a carport roof.

Surface parking lots are prohibited at external street corners and shall be screened by buildings and/or landscaping at internal street corners.

**5. Loading Areas**

Loading areas shall be designed to accommodate maneuvering on-site, not from a public street.

All loading and service areas shall be clearly signed.

Loading areas shall be clearly denoted on the pavement and when occupied shall not unduly hinder on-site vehicular or pedestrian circulation.

Loading areas (except short term delivery small parcel pick-up or deliveries near building entries) shall be screened from view through the use of walls and/or landscaping.

Loading areas shall not face onto primary and secondary streets and shall adhere to all other parking setback requirements.

**6. Architectural Guidelines**

**a. Building Orientation**

Within Blended Land Use parcels, buildings shall be oriented to the street with inviting and detailed elevations to strengthen the desired image for the neighborhood. Only active building elevations and public access shall face the street.

The placement and orientation of buildings along a frontage shall create interesting and significant public spaces and help establish a design theme for the streetscape.

Commercial and vertical blended use buildings shall be sited and designed to attract and engage the pedestrian user by incorporating elements such as:

- Orienting the front doors of all businesses to streets or pedestrian features
- Providing a primary building entrance for ground floor uses along each building façade
- If a building has frontage on more than one public street, providing a single building entrance on the corner
- Using the area between the right-of-way and building to create a pedestrian amenity.
- Avoiding excessive setbacks that create gaps between the street and building interface.

- Providing building frontages with pedestrian-oriented architectural elements such as arcades, awnings, porches or other similar elements along the ground plane.

**b. Building Elevations**

The building massing shall consist of a mix of building heights to provide visual interest to the mixed-use area. Tower elements or other prominent building features shall be used to accentuate key elements such as building entries, and pedestrian nodes, plazas or courtyards.

Stepping back of upper stories is encouraged to enhance the buildings visual appearance as well as provide the opportunity for upper level terraces.

Offset wall planes shall be used where appropriate as an integral part of the building design to provide visual articulation.

Moreover, building offsets or recesses shall be used, where appropriate, to accentuate building entries and form pedestrian nodes.

Notched or angled building corners shall be used, where appropriate, to provide subtle articulation to building forms.

Projections, overhangs and recesses shall be used to provide shadow, articulation, and scale to building elevations.

Blended use development shall incorporate building height transitions from the maximum building height to a lower height to achieve compatibility with adjacent properties. All buildings are subject to the Residential Adjacency Standards of the Unified Development Code.

All sides of a building shall be coherently designed and treated. A consistent level of detailing and finish is required for all sides of a building, unless the building or portion thereof, is not visible form public view.

Blended use buildings shall incorporate patterns, changes in color and materials, and/or relief such as belt-lines, pilasters, pop-outs, etc. for visual interest.

**c. Building Materials**

In order to achieve variety in the architectural expression of blended use development parcels, no single building material or color shall predominate. Rather a variety of materials and colors shall be used.

Buildings shall be designed using materials that are consistent with its architectural style. Permitted materials include:

- Stucco
- Simulated wood siding or shingles
- Brick
- Stone
- Textured CMU

- Untextured CMU used in a decorative manner consistent with the project architecture
- Corrugated Metal used in a decorative manner consistent with the project architecture

All surface treatments or materials shall be designed to appear as an integral part of the design, and not merely applied. All materials shall wrap building elements in their entirety.

Material changes shall occur at inside corners. Materials applied to any visible elevation shall turn the outside corner of the building before terminating at a logical point.

All building colors shall be compatible with the architectural style of the building and are subject to approval during the design review process.

**d. Roofs**

Variety in roof forms, ridge heights, and direction of gables is required to avoid a monotonous roofscape as viewed from community streets, open space, or any other public space.

Roof pitch shall be consistent with the architectural style of the building. Flat roofs are permitted if consistent with the building's architectural style. When used, flat roofs must have a cornice or parapet wall.

Roof materials shall consist of flat, barrel, or S-tiles. Metal roofs are permitted on a limited basis on feature elements of the building.

Fascia elements shall be consistent with the architectural style of the building.

**e. Architectural Features and Accents**

- Exterior Stairs

  Exterior stairways, when used, shall be simple bold projections that complement the architectural massing and form of the building.

- Columns, Archways & Arcades

  The use of columns, archways and arcades, when used, shall be compatible with the architecture of the building, and designed as an integral component of the building's appearance.

  When used, such elements shall define or enframe space, such as building entries, plazas and courtyards.

- Trellises and Arbors

  Trellises and arbors are encouraged to enhance the architectural character of the building's design and to reinforce the pedestrian atmosphere of the mixed-use area.

- Accessory Structures

  Accessory structures, when provided, shall be designed to be consistent with the architecture of adjacent buildings

- Architectural Detail Elements

  Detail elements such as shutters, exposed rafter tails or cross beams, decorative grille work, decorative stucco or clay pipe vents, decorative ceramic tile and / or other similar features shall be used to provide visual interest to building, consistent with its architectural style.

- Walls and Fences

  Walls and fences shall be compatible in material, color, and design with adjacent architectural elements.

- Exterior Lighting

  Exterior lighting fixtures shall be compatible with the architectural style of the building.

  Please refer to Unified Development code Section 19.08.040 for additional exterior lighting requirements.

- Mechanical Equipment

  Ground mounted mechanical equipment shall be screened from view by walls or fences compatible with the building architecture.

  Roof mounted mechanical equipment shall be screened from view through the use of parapet walls similar in design to the building architecture.

  All utility meters shall be screened from view.

  All flashing, sheet metal, and vents shall be painted or screened from view in a manner that is compatible with the building architecture.

- Service Elements

  Trash enclosures and other service elements shall be screened from view through the use of solid walls or fences compatible with the building architecture, and enclosed with opaque metal gates.

  Trash enclosures shall be covered with a roof or trellis element.

# Chapter 3.16
# Environmental Standards

All residential product builders within Kyle Canyon Gateway shall meet the following requirements for all residential products.

## A. Water Conservation

1. Front yards shall be landscaped with trees, shrubs and ground cover. No living lawns are permitted. Artificial turf is allowed. Non-turf areas will include a minimum 2-inch layer of mulching material. If weed barrier fabric is used, it shall be permeable to air and water.

2. If rear yard landscaping is provided by builder, the lawn area shall be less than 50% of total landscape-able area of backyard, but not to exceed 1,000 square feet.

3. No builder installed ornamental water features at homes or in common areas are permitted

4. All irrigation systems, if properly operated and maintained, can sustain the landscape without creating flow or spray that leaves the property.

5. Builder installed irrigation systems shall have separate control zones (valves) for different plant and irrigation types.

6. Builder installed sprinkler heads in turf areas must extend 4” or higher. Only turf areas may use spray irrigation. Drip irrigation is required for planter beds.

7. Builder installed drip irrigation systems shall be equipped with pressure regulator, filter and flush end assembly.

8. Builder provided , irrigation controllers shall have the following minimum features: two or more programs, three or more start times, one minute incremental watering times, even/odd day scheduling, day interval scheduling, and be capable of accepting external soil moisture and/or rain sensors. An owner’s manual for all irrigation controllers and other irrigation components posted adjacent to the irrigation controller will be required. An SNWA seasonal watering schedule for each zone posted at the controller will be required.

9. Even if no pool or spa is installed by the builder, all homes must be equipped to facilitate the draining of pool and spa water to the sanitary sewer. Each dwelling shall have an exterior sewer cleanout downstream of all other sewer connections for the structure and located inside an enclosure. Enclosures must be adequately sized and shaped to allow reasonable access to use tools to remove the cap from the pipe. The enclosure lid must be clearly and permanently marked “SEWER” and “POOL DRAIN”.

10. Pool and spa water surface areas will be deducted from the maximum allowable turf area described above.

11. Pools may not feature decorative water features that drop or propel water more than 24 inches above the main water surface.

12. Builders shall install only high efficiency plumbing fixtures including 1.28 gallon flush toilets, 2.2 gpm kitchen faucets, 1.5 gpm bathroom faucets, 2.5 gpm shower heads

13. Builder installed dishwashers shall be high efficiency dishwashers at 6.0 gal or less per normal cycle if provided.

14. Builder installed washing machines shall be high efficiency washing machine with Water Factor (WF) of 6.0 or less if provided.

## B. Energy Conservation

The Developer shall provide for third party inspection of residential home insulation and HVAC duct installation according to the provisions of this section. The third party inspectors shall randomly inspect 10% of all homes constructed each year by all builders within Kyle Canyon Gateway. At a minimum the homes shall be inspected for proper installation of insulation and that ducts are sealed. The inspectors shall provide written inspection reports to the Developer, Builder and the City. The Developer shall provide to the City and Builders the insulation and HVAC duct sealing standards for Kyle Canyon and the details of the inspection program prior to commencing residential construction. At a minimum, the standards shall meet or exceed current Building Code standards. Any Builder product that is Energy Star certified shall be exempt from these inspection requirements.

## C. Solid Waste Disposal

The Developer will meet with Republic Services or the City's contractor for solid waste removal at that time, and arrange a program for all of Kyle Canyon Gateway to have trash removal on a once a week basis and recycling pick up on a separate once a week basis. The Developer shall create a program to inform all Kyle Canyon Gateway home buyers of this solid waste and recyclables program.

## D. Required Homebuyers Options

The Developer shall require and the residential Builders shall provide all homebuyers the option of purchasing any or all of the following on all single family detached homes and where possible on attached residential product;

1. Energy Star Certified Homes

2. Solar water heaters

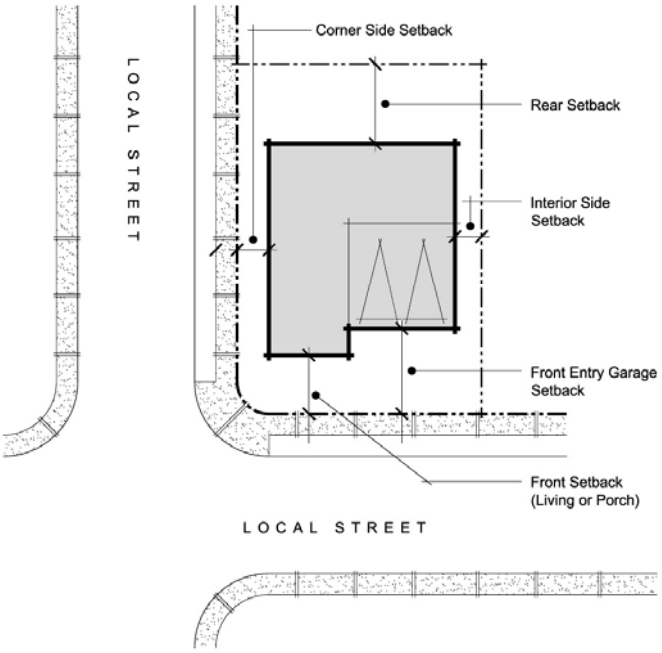
3. Compact fluorescent lighting

4. Indoor motion sensing lighting

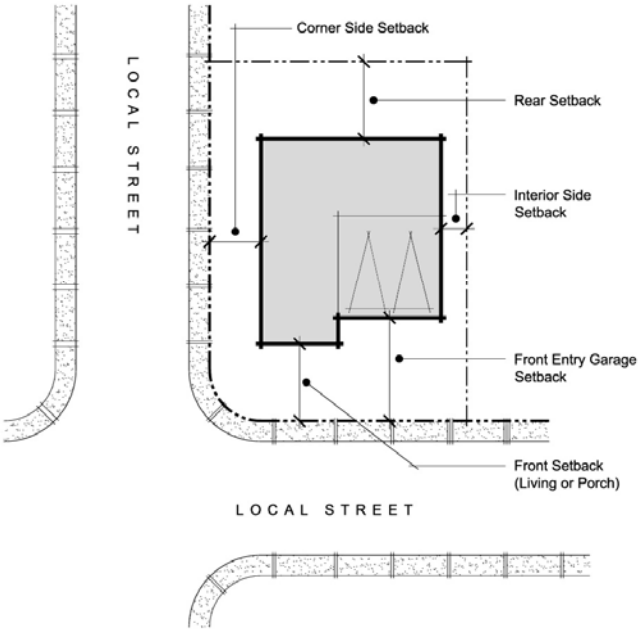
5. Photovoltaic solar panels and net metering systems

6. Energy Star appliances

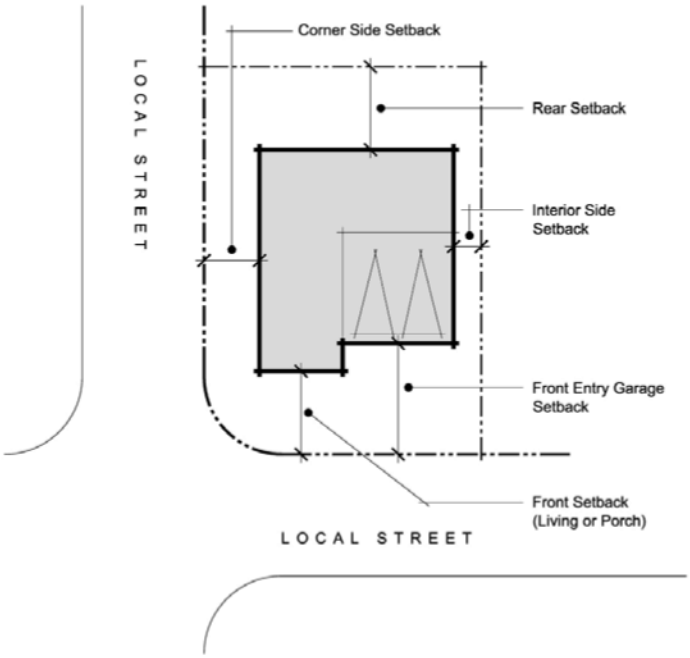
SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
Detached Sidewalk



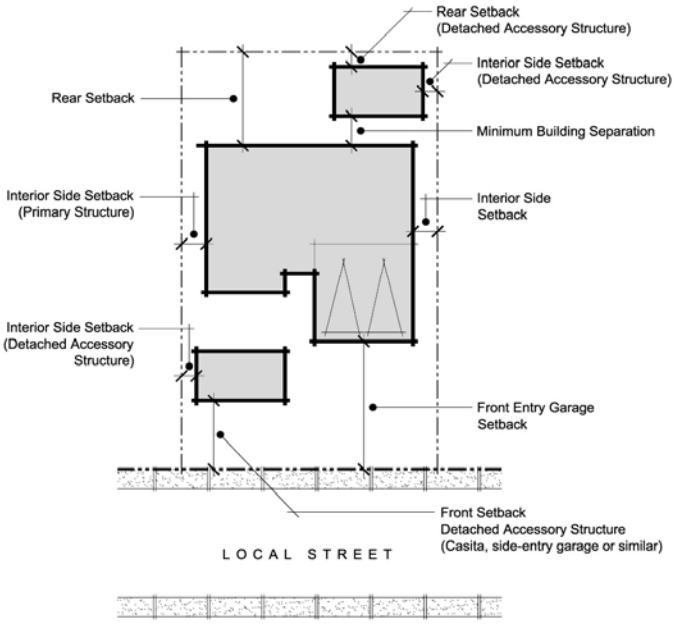

SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
Attached Sidewalk




SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
No Sidewalk




SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
Detached Accessory Structure

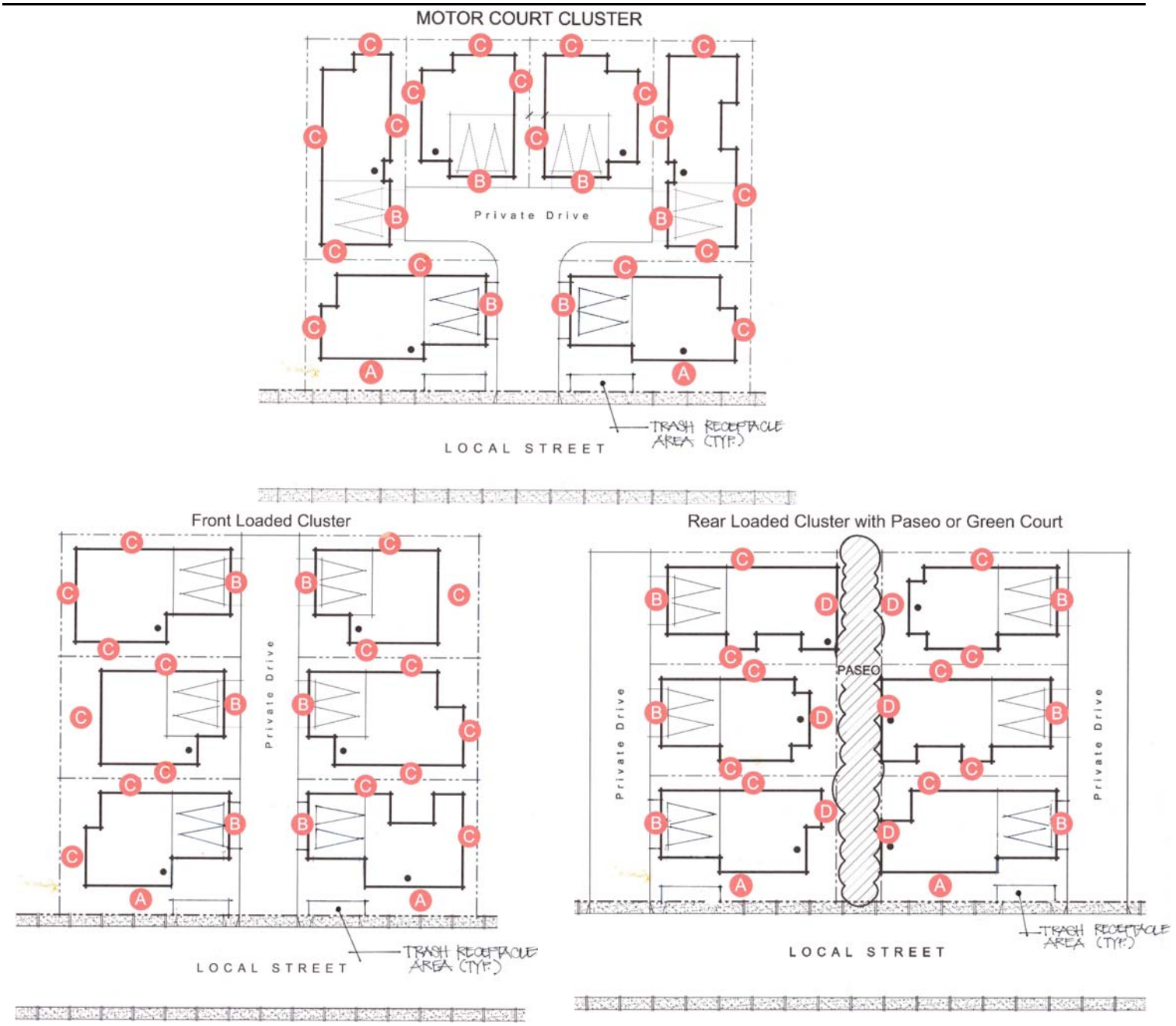



NOTES:

- Refer to Modified Standards Table for specific dimensions.
- Diagram is conceptual and shown for reference purposes only. Final building footprints and layout will vary.
- If any discrepancy occurs between diagram and Modified Standards Table, then Modified Standards Table shall prevail.
- All setbacks measured from property line unless otherwise noted.

Exhibit 1

**SETBACK DIAGRAM**




Legend:

A. Setback from street regardless of unit entry or garage location.
B. Setback from private drive regardless of unit entry or garage location.
C. Side or Rear Setback. (Each unit shall have at least one rear setback.)
D. Setback from paseo, green court or other common open space.

Notes:

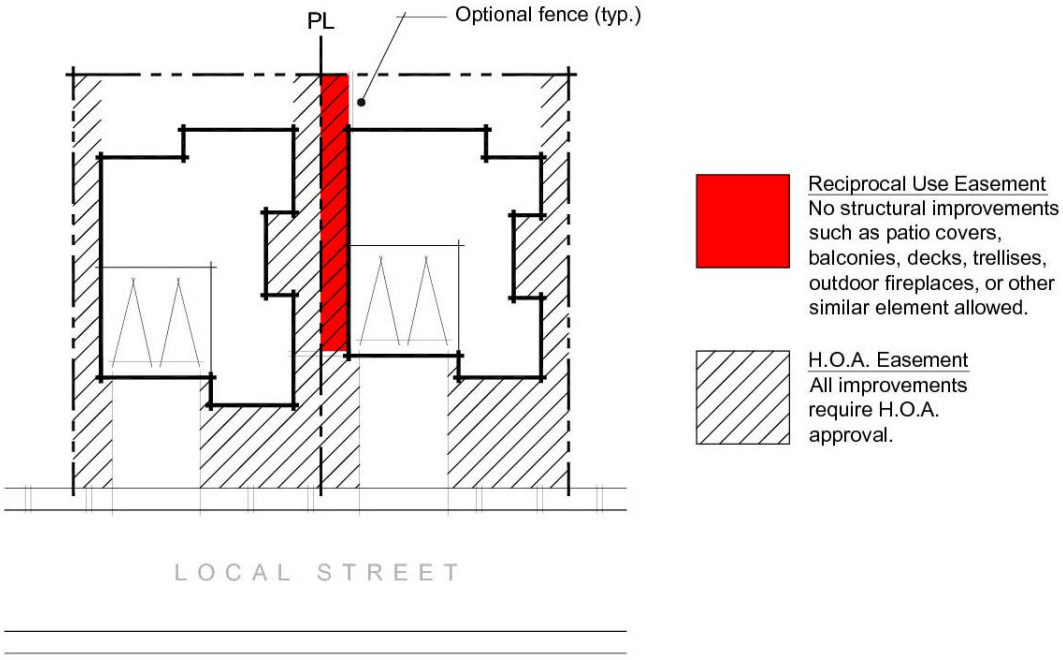
- Refer to Modified Standards Table for specific dimensions.
- Diagram is conceptual and shown for reference purposes only. Final building footprints and layout will vary.
- If any discrepancy occurs between diagram and the Modified Standards Table, then the Modified Standards Table shall prevail.
- All setbacks measured from property line unless otherwise noted.
- A maximum of 6 units allowed per cluster.
- **Motor Court Cluster houses must be sprinklered.**



Exhibit 2

**CLUSTER SETBACK DIAGRAM**

## Reciprocal Use Easement Diagram




## Fee Simple Duplex w/ Optional H.O.A. Easement

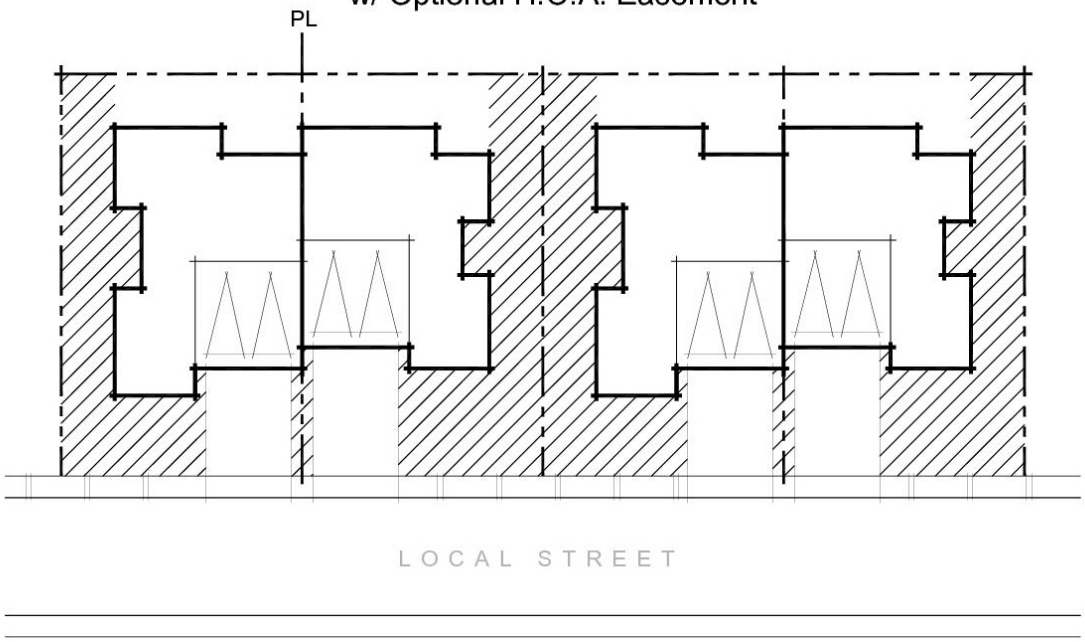
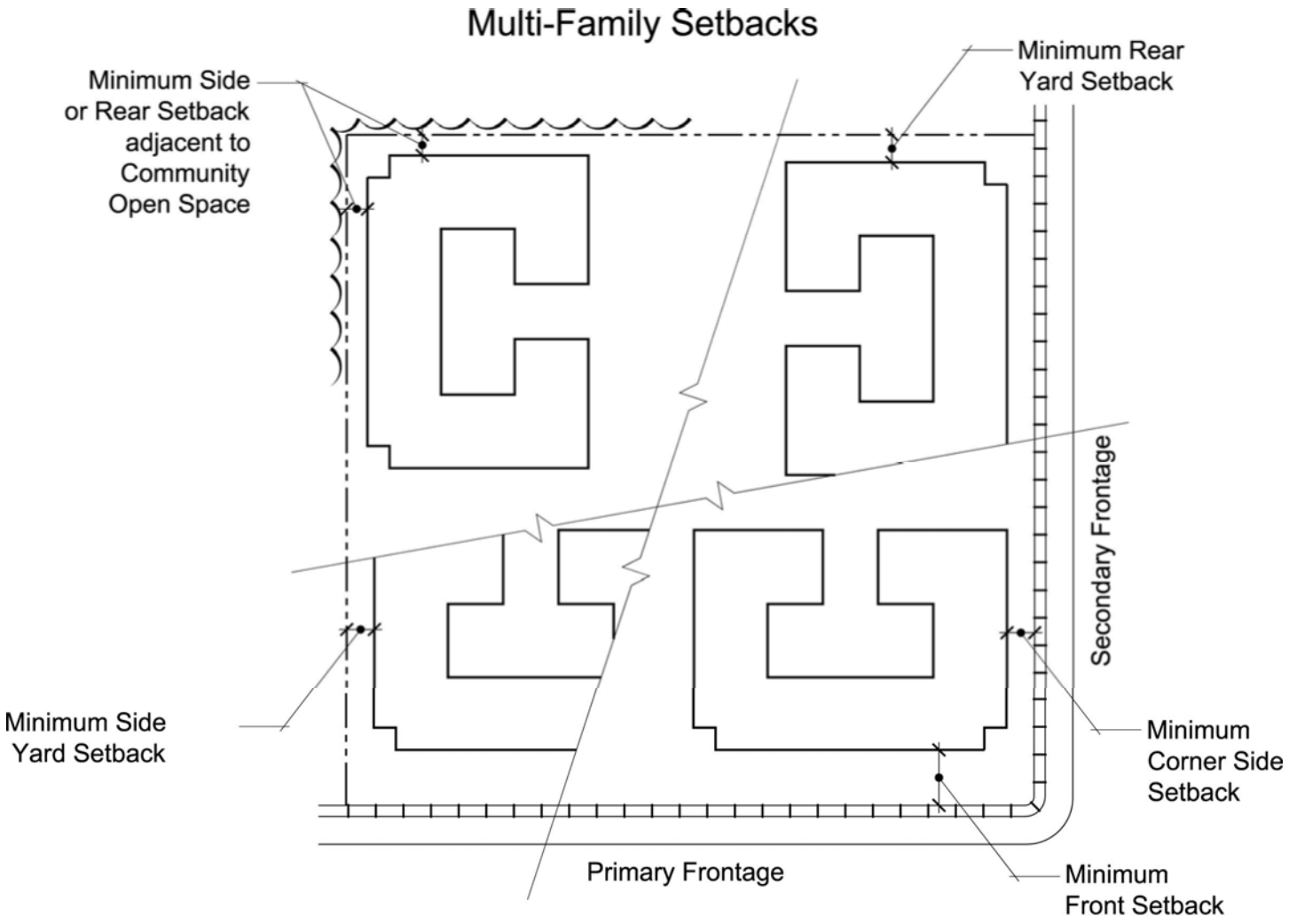



Exhibit 3
**EASEMENT DIAGRAM**

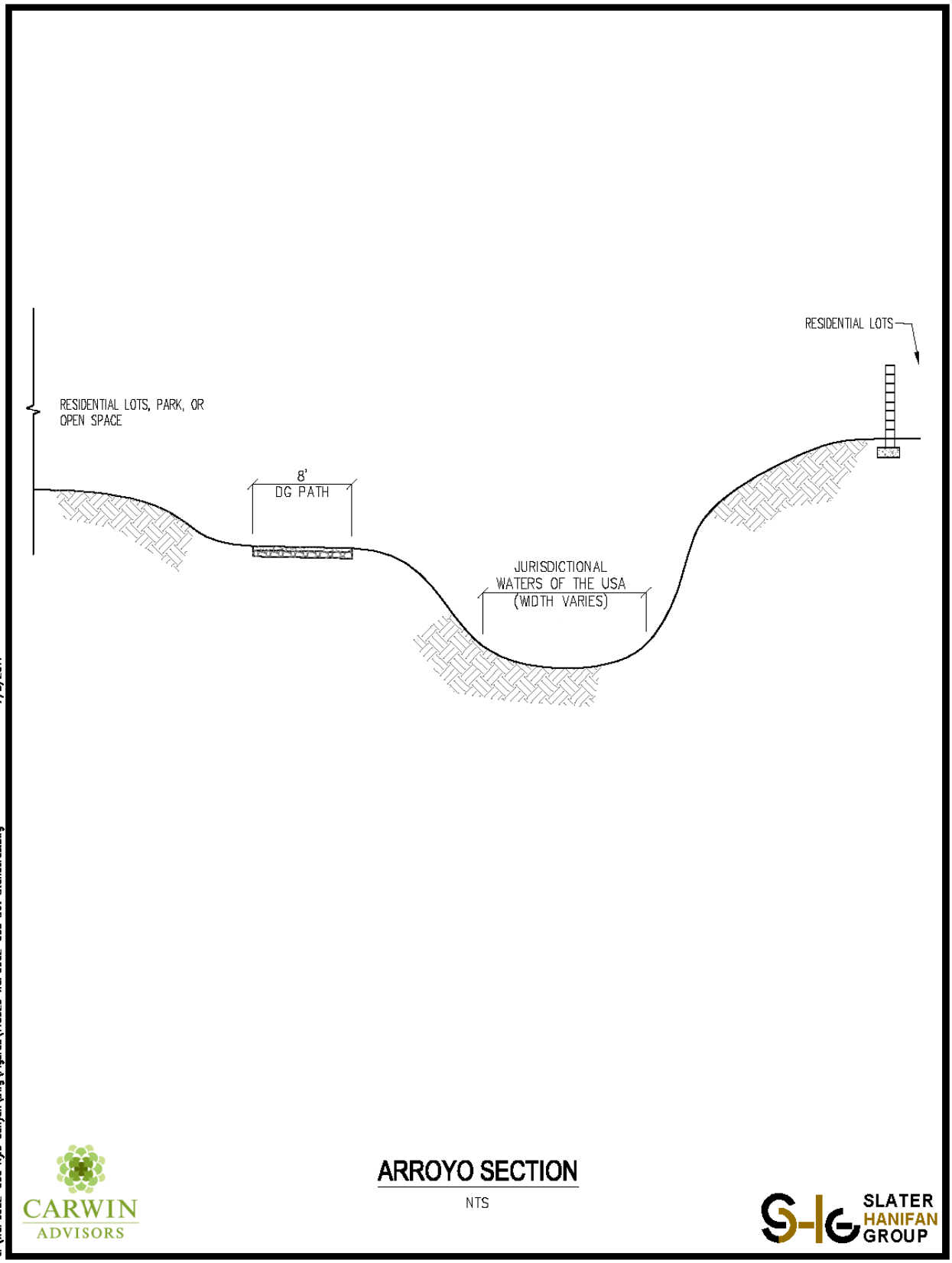



NOTES:

- Refer to Modified Standards Table for specific dimensions.
- Diagram is conceptual and shown for reference purposes only. Final building footprints and layout will vary.
- If any discrepancy occurs between diagram and Modified Standards Table, then Modified Standards Table shall prevail.
- All setbacks measured from PL unless otherwise noted.

Exhibit 4

**MEDIUM AND HIGH DENSITY APARTMENT SETBACK DIAGRAM**


RESIDENTIAL LOTS
RESIDENTIAL LOTS, PARK, OR
OPEN SPACE
8'
DG PATH
JURISDICTIONAL
WATERS OF THE USA
(WIDTH VARIES)
7/5/2011
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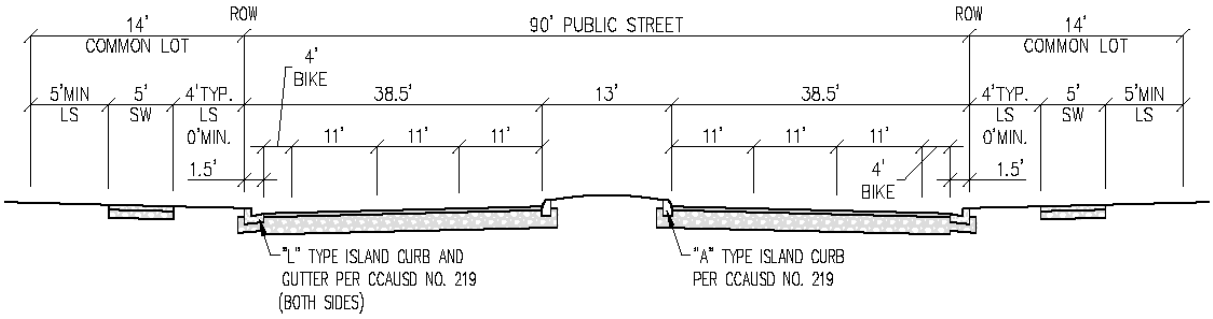
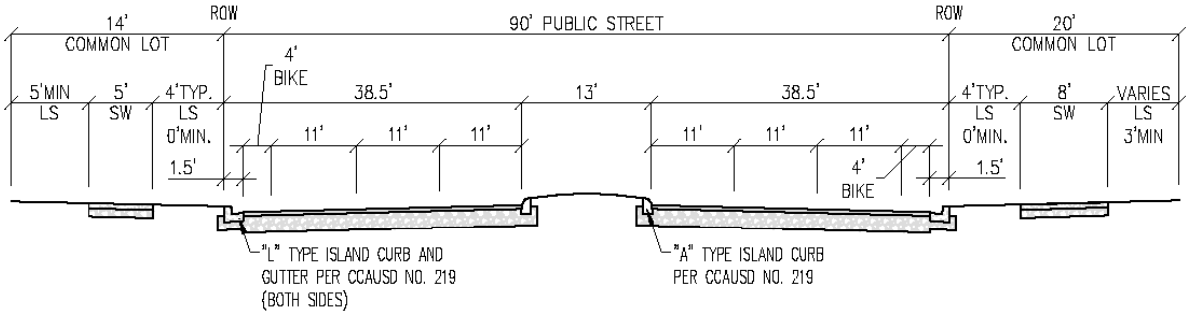
CARWIN
ADVISORS
ARROYO SECTION
NTS
SLATER
HANIFAN
GROUP




## A. ARTERIAL STREET

NTS HORSE DR & HUALAPAI WAY




## B. ARTERIAL STREET WITH TRAIL

NTS HORSE DR & HUALAPAI WAY

NOTES:
1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE

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SLATER HANIFAN GROUP

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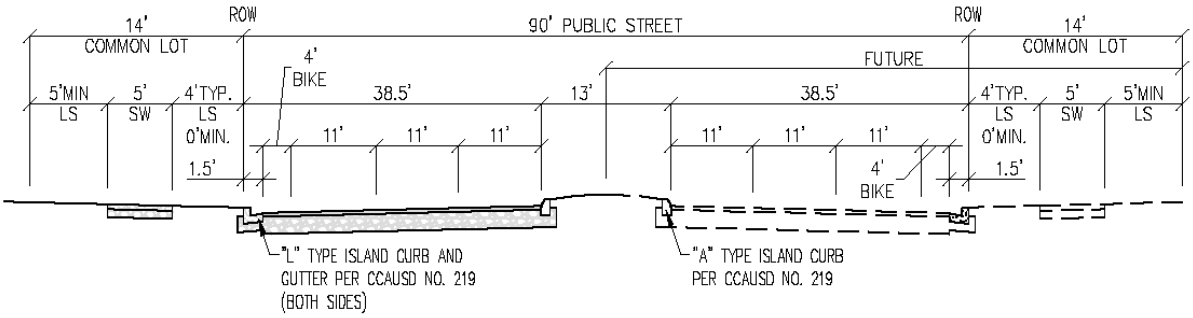


## C. ARTERIAL HALF STREET

NTS

HUALAPAI WAY

NOTES:

1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE

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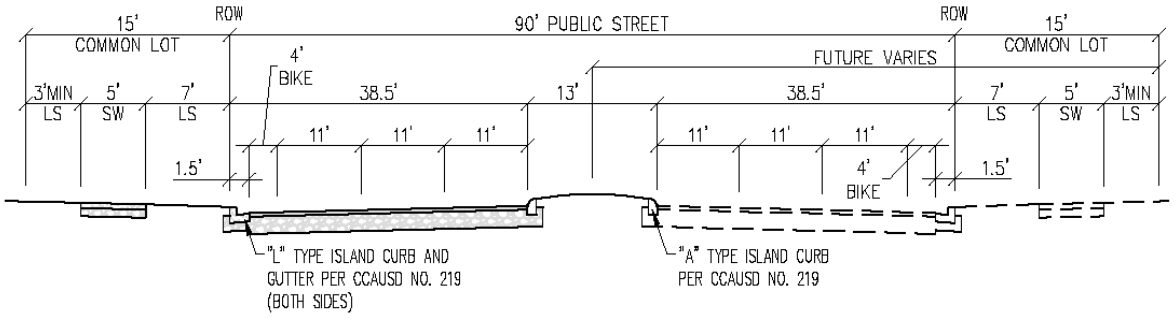
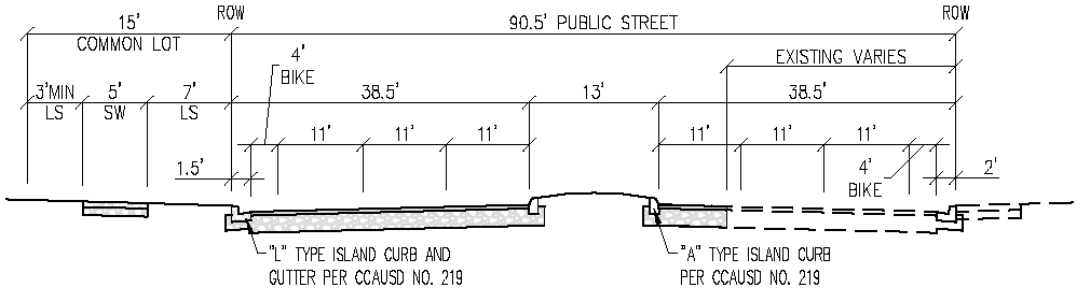


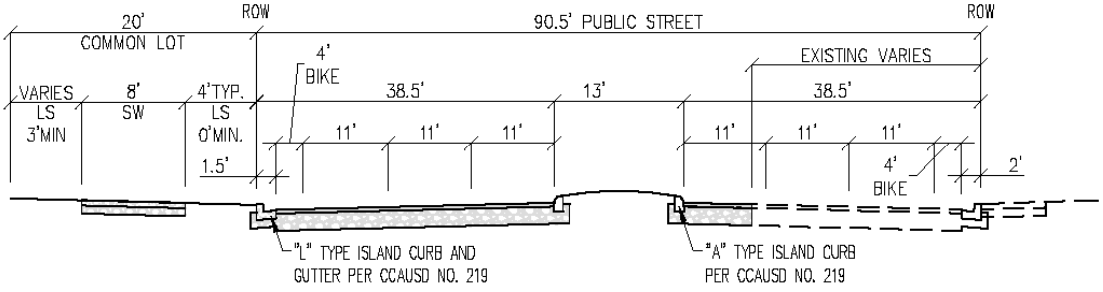

## D. ARTERIAL HALF STREET

NTS FORT APACHE RD




## E. ARTERIAL HALF STREET

NTS FORT APACHE RD




## F. ARTERIAL HALF STREET WITH TRAIL

NTS FORT APACHE RD

NOTES:
1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE

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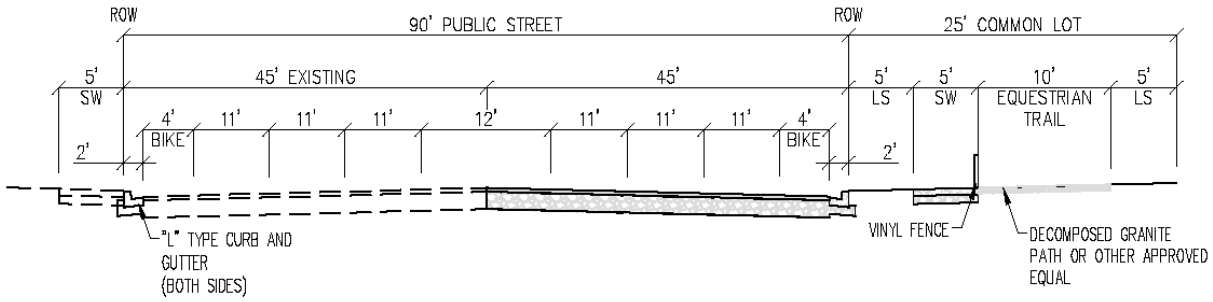


## G. ARTERIAL STREET WITH EQUESTRIAN TRAIL

NTS

GRAND TETON DR

NOTES:

1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE
3. CITY TO MAINTAIN EQUESTRIAN TRAIL
4. MEDIAN OPTIONAL

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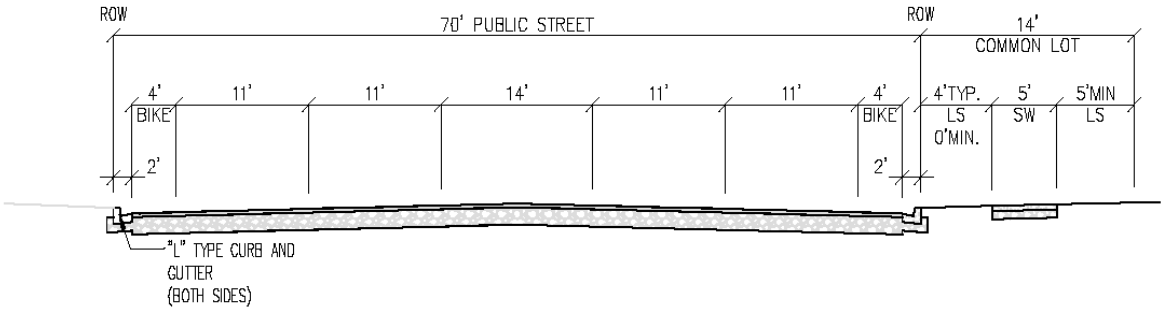
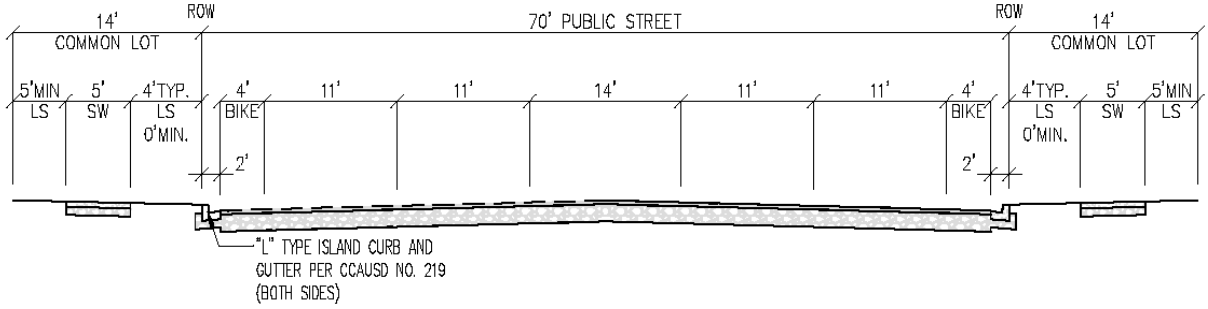



## H. FRONTAGE ROAD

NTS

SKY POINTE DR & OSO BLANCA RD




## I. FRONTAGE ROAD

NTS

SKY POINTE DR

NOTES:

1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE
3. MEDIAN OPTIONAL

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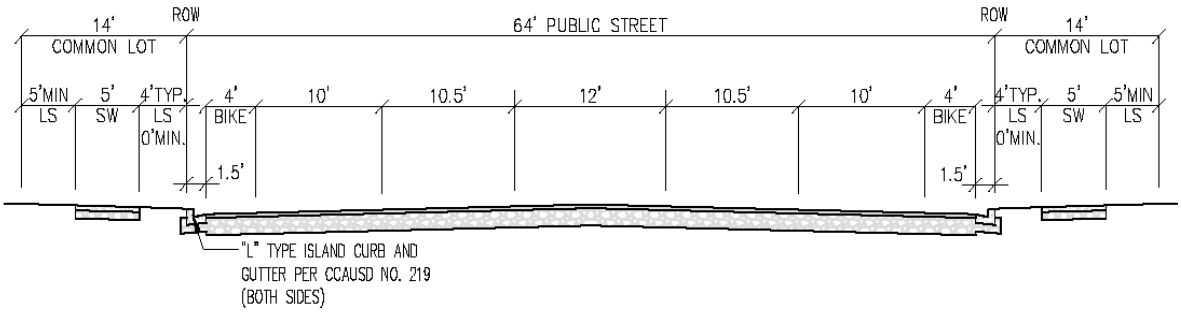
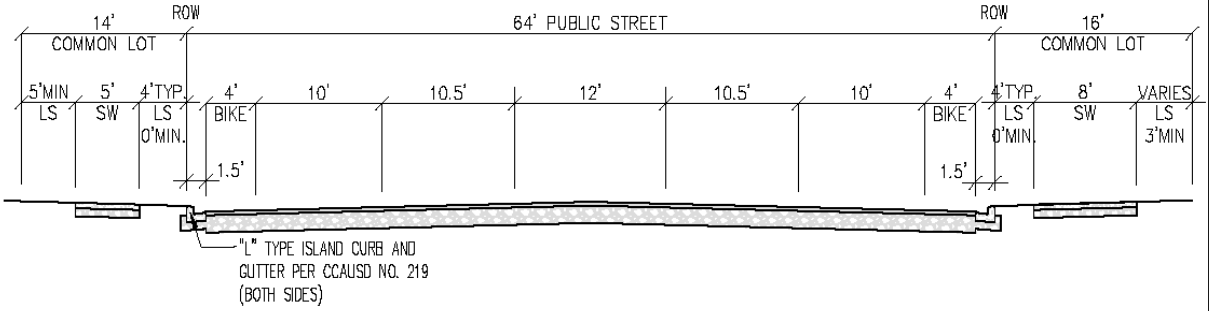



## J. MAJOR COLLECTOR STREET

NTS

EGAN CREST DR, GRAND CANYON DR, IRON MOUNTAIN RD




## K. MAJOR COLLECTOR STREET WITH TRAIL

NTS

SHAUMBER RD & LOG CABIN WAY

NOTES:

1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE
3. MEDIAN OPTIONAL

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SLATER HANIFAN GROUP

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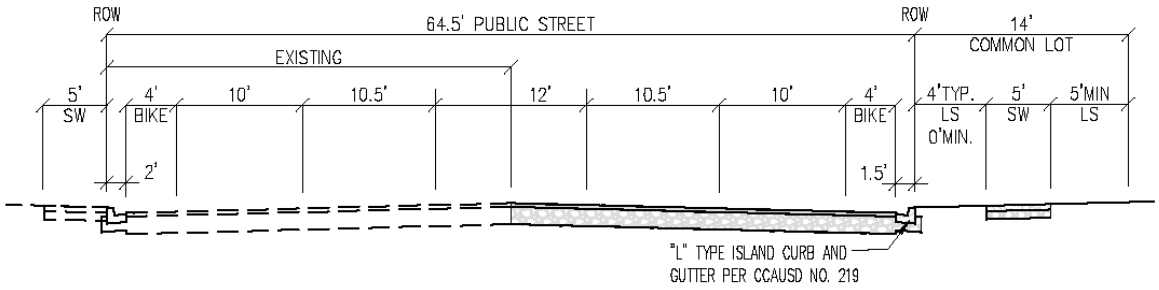
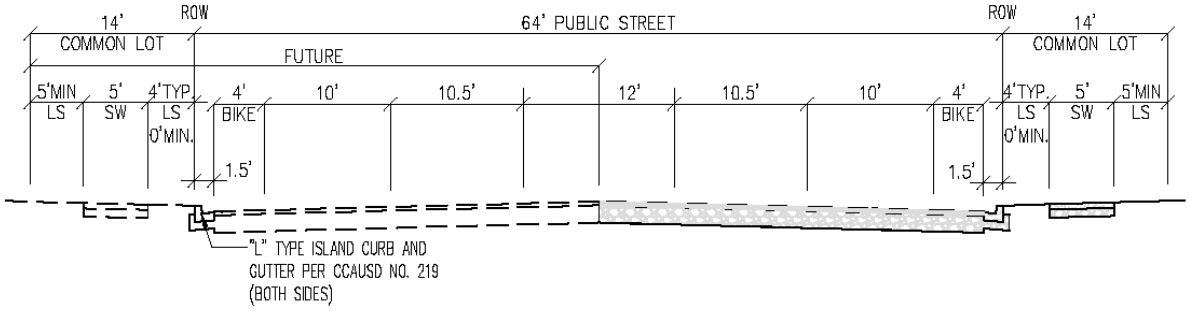


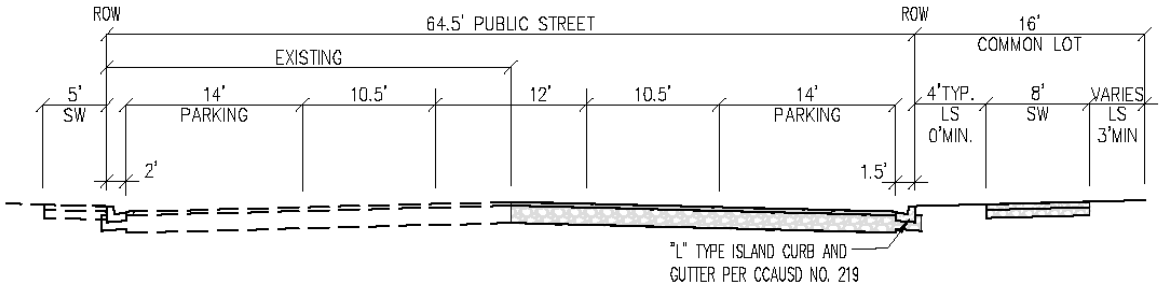

## L. MAJOR COLLECTOR HALF STREET

NTS GRAND CANYON DR




## M. MAJOR COLLECTOR HALF STREET

NTS IRON MOUNTAIN RD




## N. MAJOR COLLECTOR HALF STREET WITH TRAIL

NTS IRON MOUNTAIN RD

NOTES:

1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE
3. MEDIAN OPTIONAL

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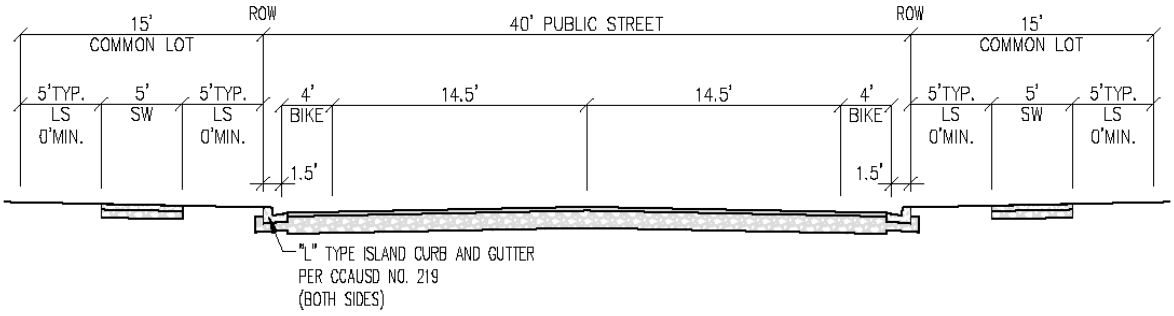
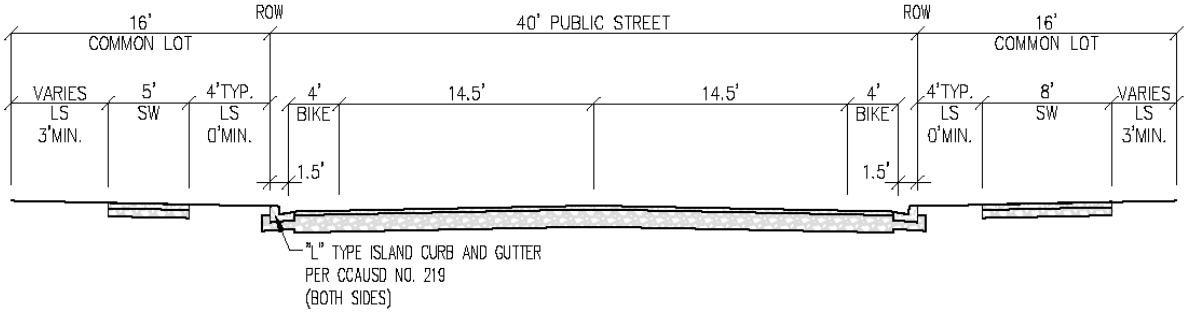



## O. MINOR COLLECTOR STREET

NTS

RACEL ST & INTERNAL COLLECTORS




## P. MINOR COLLECTOR STREET WITH TRAIL

NTS

TEE PEE LN & INTERNAL COLLECTORS

NOTES:

1. NOT USED FOR DIRECT RESIDENTIAL DRIVEWAY ACCESS
2. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
3. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE

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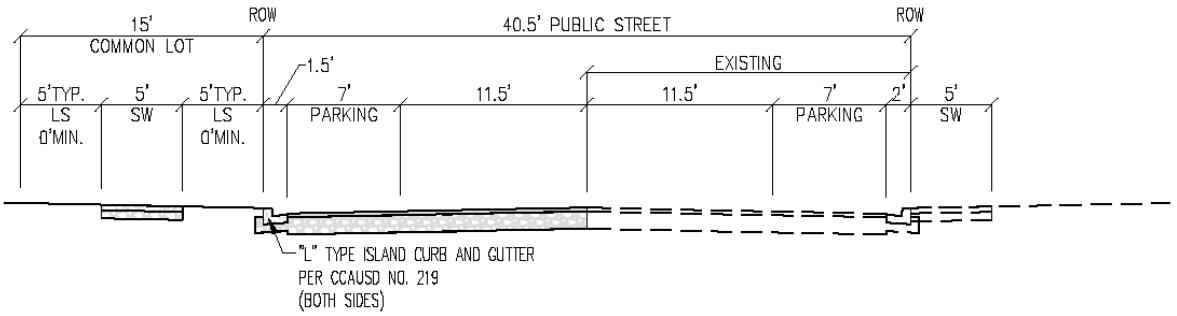
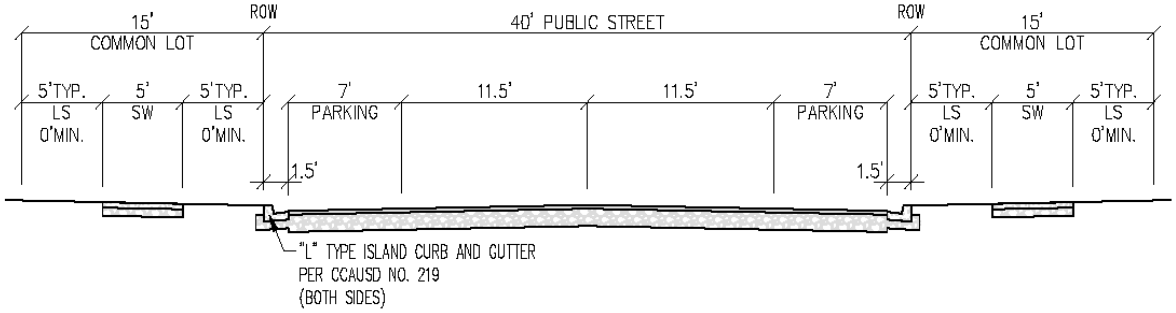



## Q. MINOR COLLECTOR HALF STREET

NTS

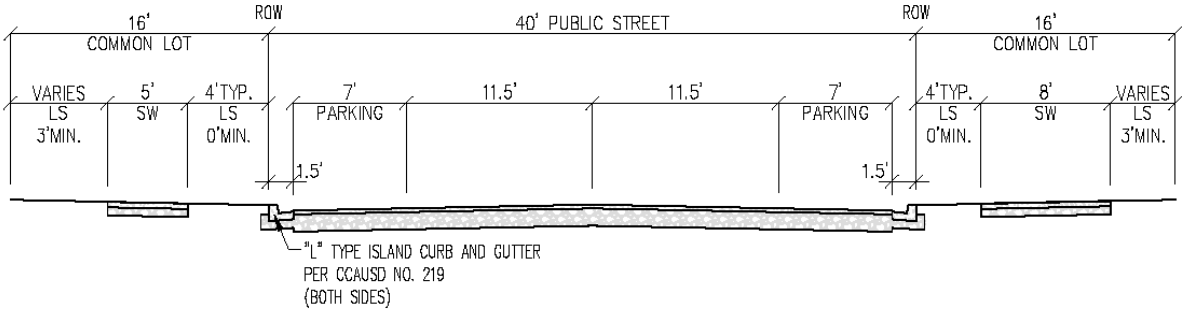
BRENT RD & TEE PEE LN




## R. MINOR COLLECTOR STREET

NTS

EGAN CREST DR, RACEL ST & INTERNAL COLLECTORS




## S. MINOR COLLECTOR STREET WITH TRAIL

NTS

EGAN CREST DR

NOTES:

1. NOT USED FOR DIRECT RESIDENTIAL DRIVEWAY ACCESS
2. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
3. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE

CARWIN ADVISORS

SLATER HANIFAN GROUP

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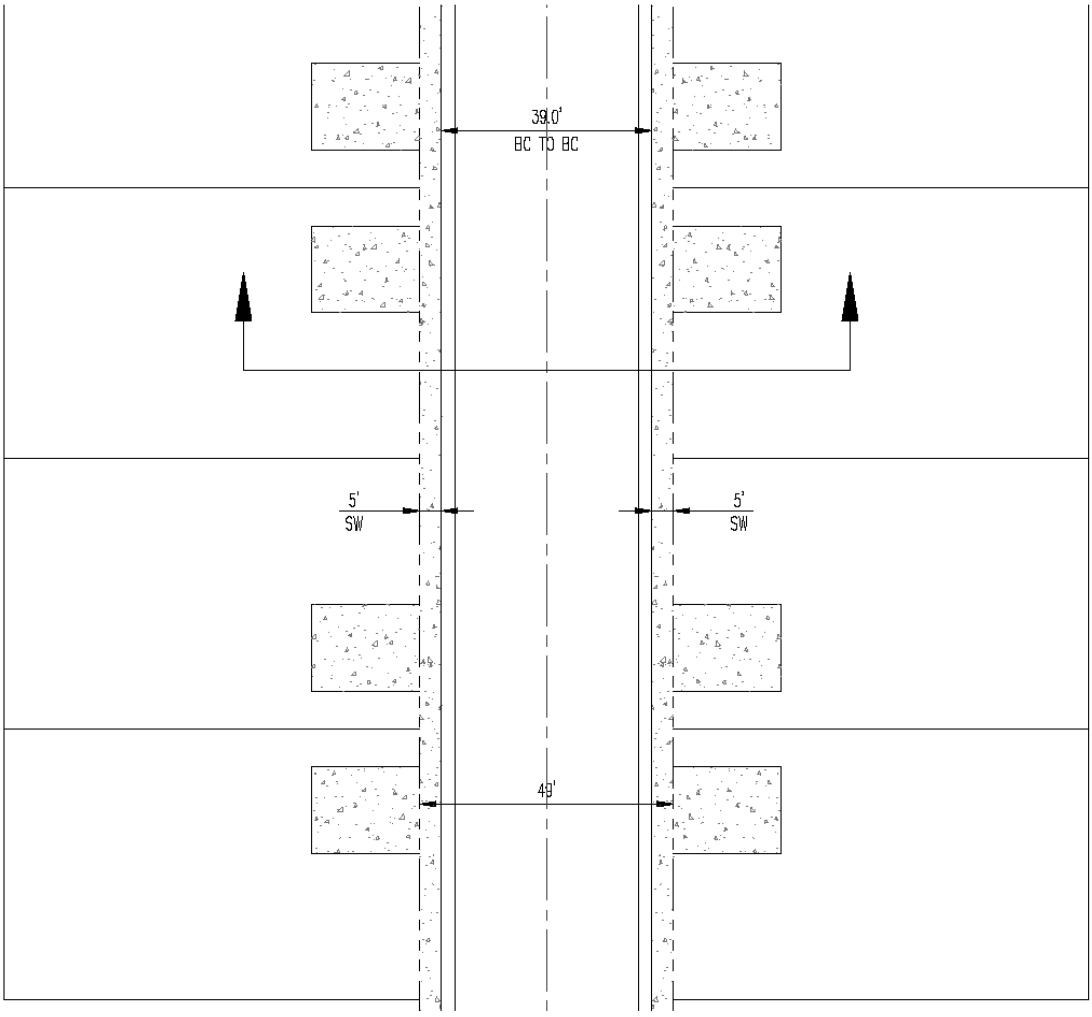


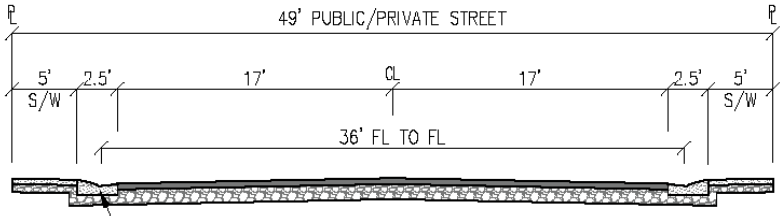


30" WEDGE TYPE, "L" TYPE (PER CCAUSD NO. 216), 30" ROLL (PER CCAUSD NO. 217A), OR 18" "L" TYPE (PER CCAUSD NO. 219) CURB AND GUTTER (BOTH SIDES)

NOTES:
1. PARKING ALLOWED ON BOTH SIDES OF THE STREET

## 49' PUBLIC/PRIVATE STREET SECTION

NTS

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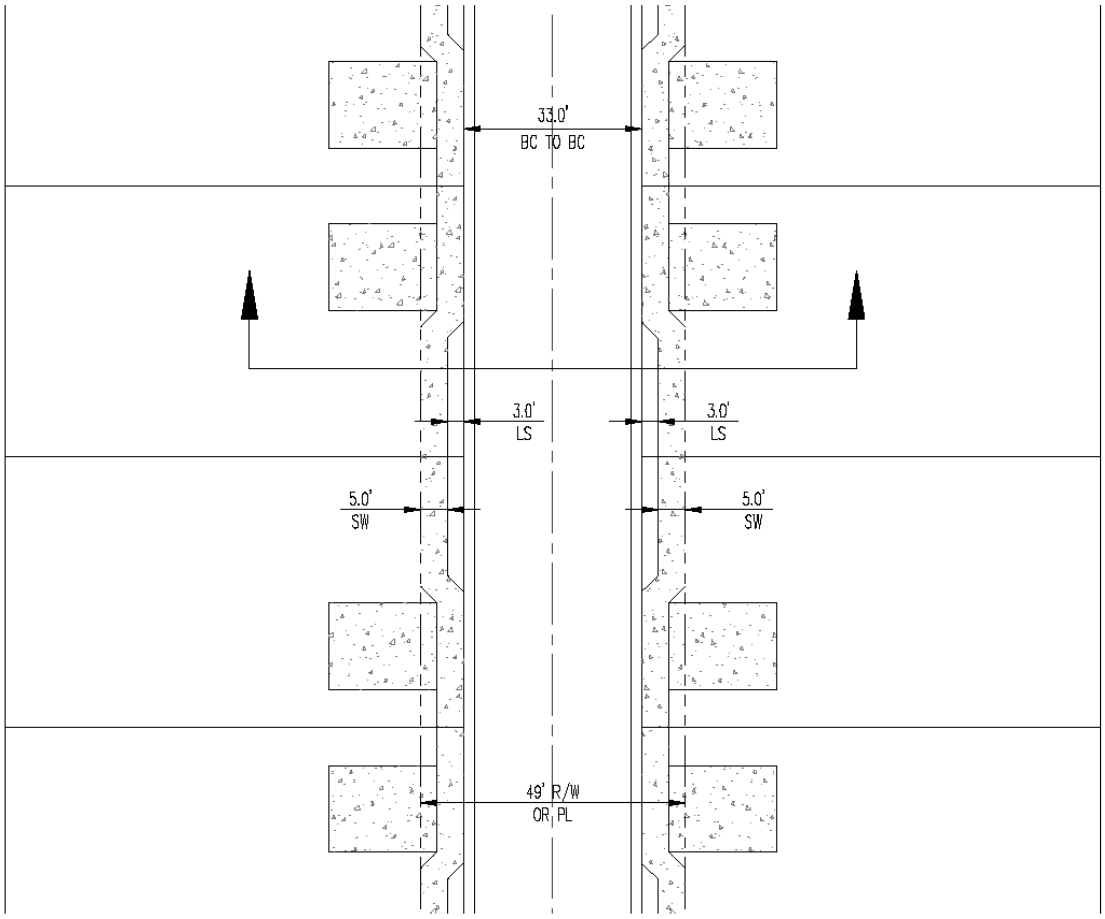


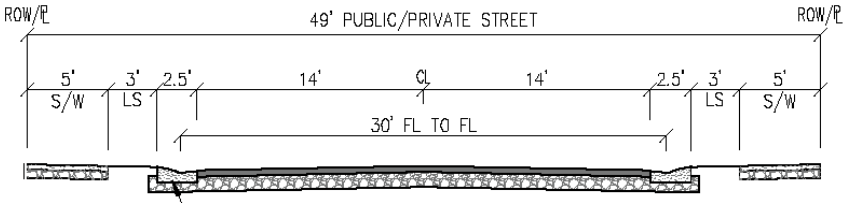


30" WEDGE TYPE, "L" TYPE (PER CCAUSD NO. 216), 30" ROLL (PER CCAUSD NO. 217A), OR 18" "L" TYPE (PER CCAUSD NO. 219) CURB AND GUTTER (BOTH SIDES)

NOTES:
1. PARKING ALLOWED ON BOTH SIDES OF THE STREET
2. HOUSES MUST BE SPRINKLED

## 49' PUBLIC/PRIVATE STREET SECTION (ALT 1)

NTS

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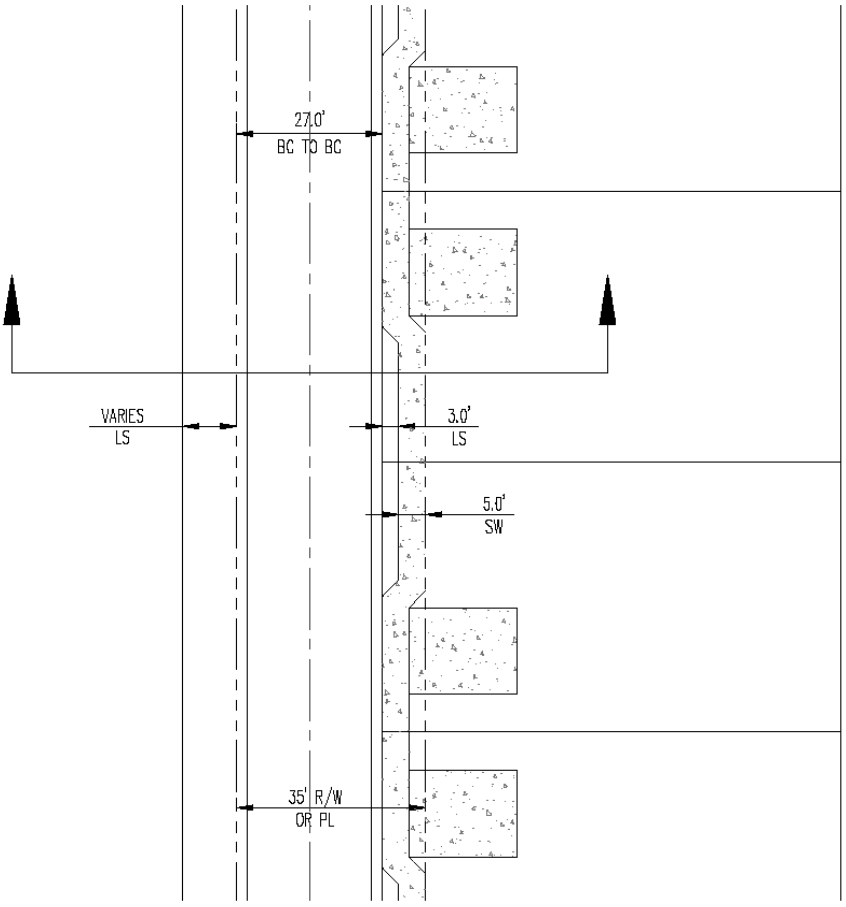


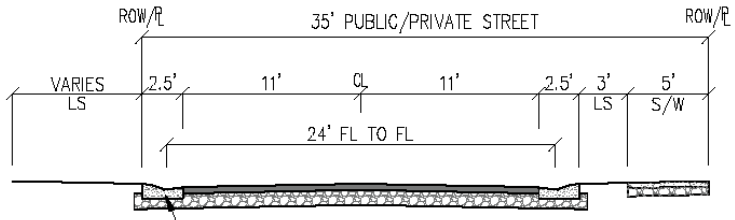


30" WEDGE TYPE, "L" TYPE (PER CCAUSD NO. 216), 30" ROLL (PER CCAUSD NO. 217A), OR 18" "L" TYPE (PER CCAUSD NO. 219) CURB AND GUTTER (BOTH SIDES)

NOTES:
1. PARKING ALLOWED ON RESIDENTIAL SIDE OF THE STREET ONLY
2. HOUSES MUST BE SPRINKLED

## 35' PUBLIC/PRIVATE SINGLE-LOADED STREET SECTION

NTS

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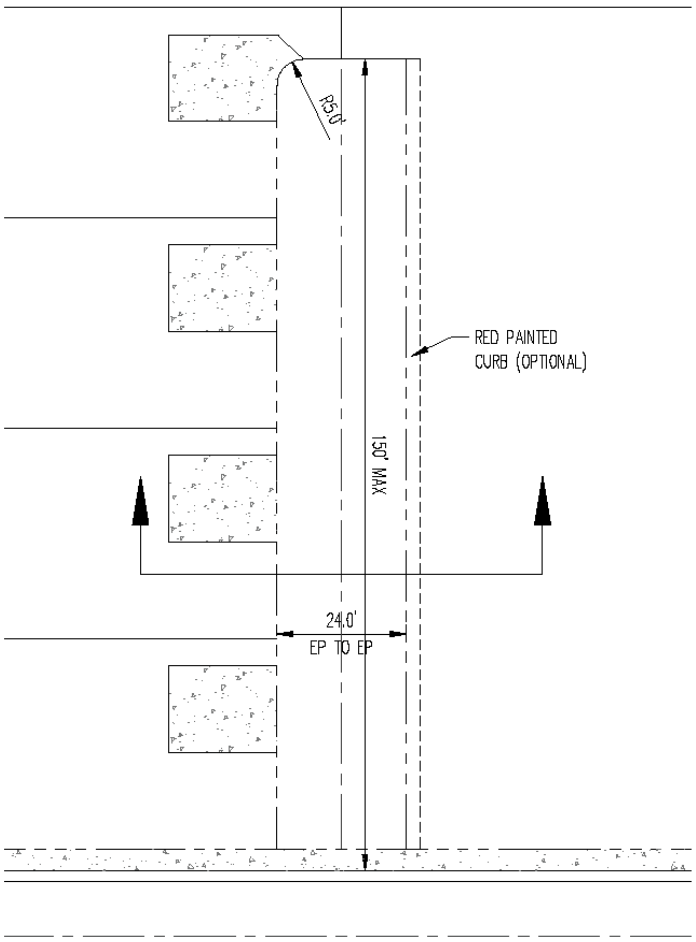


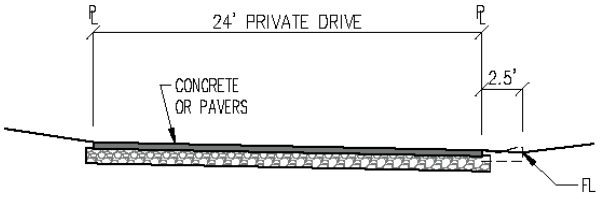


NOTES:

1. 150' MAXIMUM LENGTH FROM BACK OF CURB
2. MAXIMUM OF FOUR LOTS FRONTING PRIVATE DRIVE
3. ALLOWS PARKING ON ONE SIDE
4. OPTIONAL CURB AND GUTTER ONE SIDE
5. OPTIONAL PAN DRIVEWAY WITH INVERTED CROWN

## 24' SHARED PRIVATE DRIVE DETAIL

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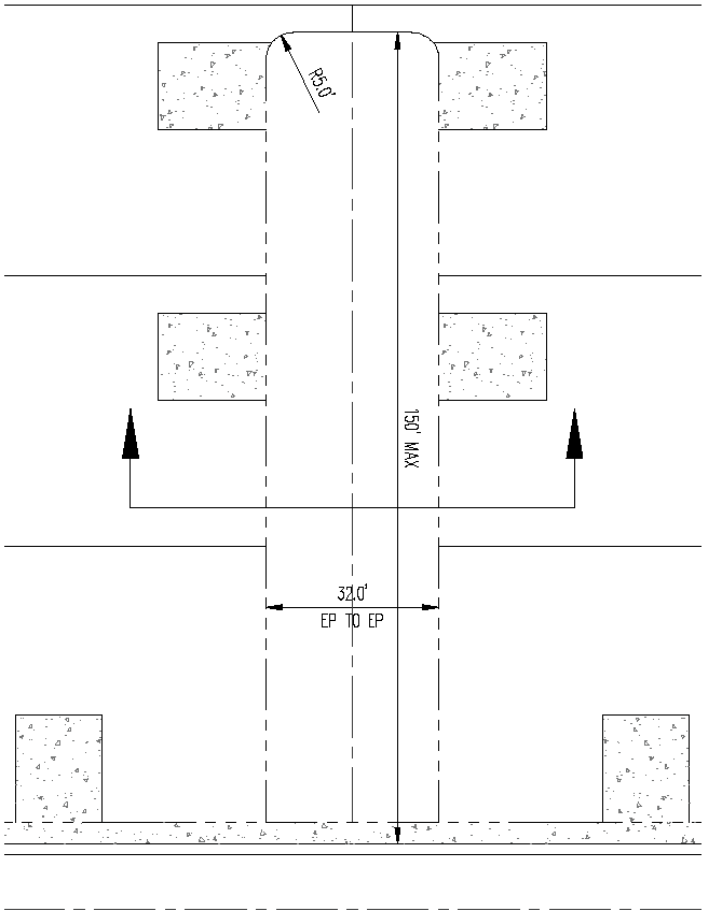


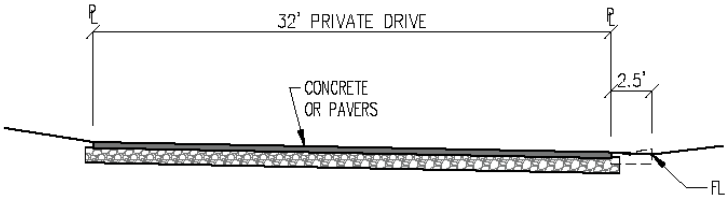


NOTES:

1. 150' MAXIMUM LENGTH FROM BACK OF CURB
2. MAXIMUM OF FOUR LOTS FRONTING PRIVATE DRIVE
3. ALLOWS PARKING ON BOTH SIDES
4. OPTIONAL CURB AND GUTTER ONE SIDE
5. OPTIONAL PAN DRIVEWAY WITH INVERTED CROWN

## 32' SHARED PRIVATE DRIVE DETAIL

NTS

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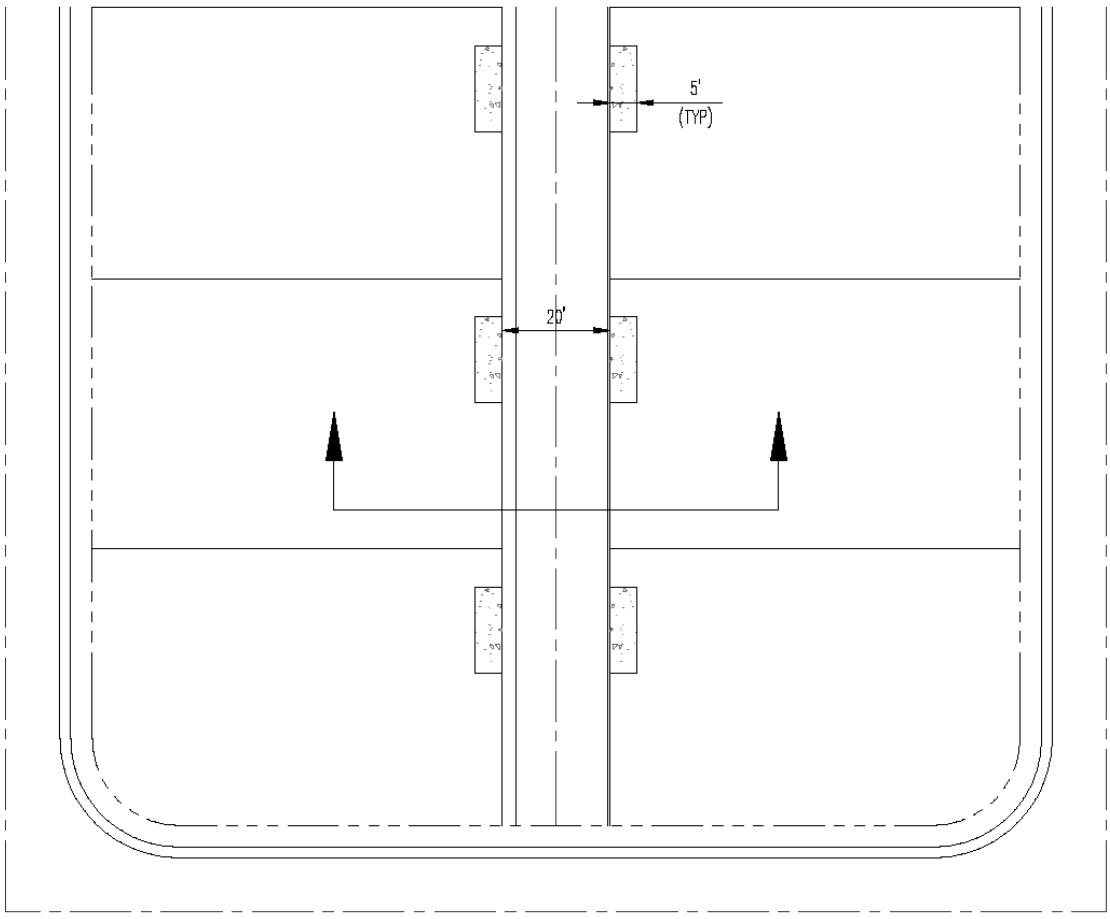


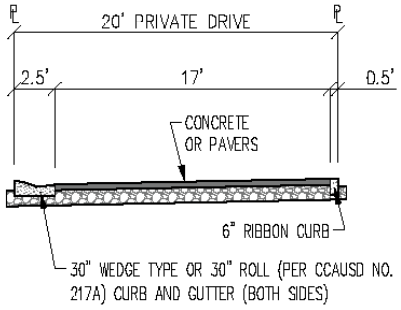


## 20' PRIVATE ALLEY DRIVE DETAIL

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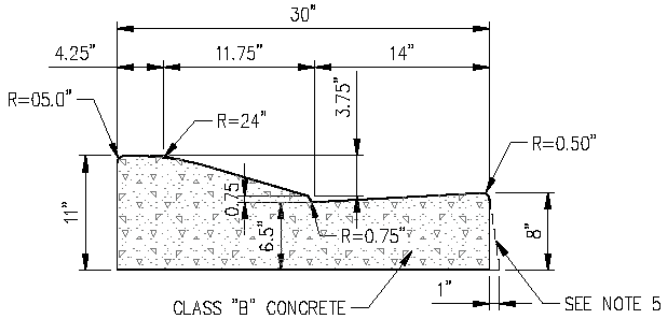
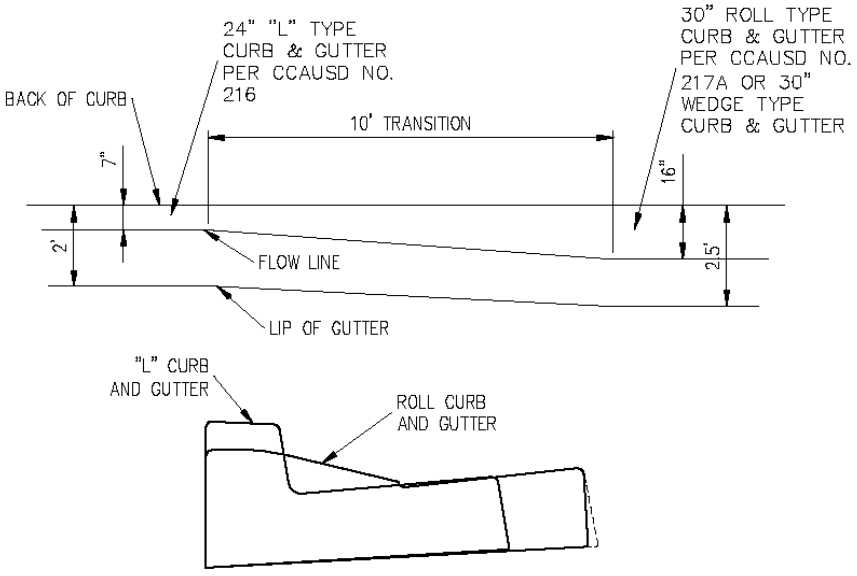



NOTES:
1. MODIFIED CCAUSD NO. 217A
2. ALL CURB FLOW LINES SHALL BE WATER TESTED. ANY CURB THAT DOES NOT FLOW SHALL BE REMOVED AND REPLACED AS DIRECTED BY CLARK COUNTY AT THE SOLE EXPENSE OF THE CONTRACTOR.

## 30" WEDGE TYPE CURB AND GUTTER

NTS




## 10' TRANSITION FROM 'L' CURB TO ROLL CURB

NTS

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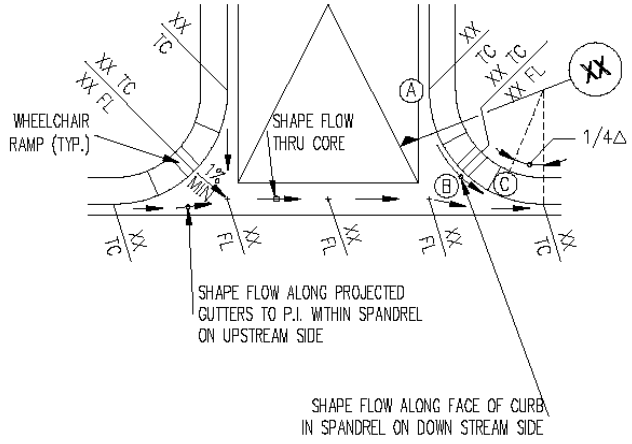
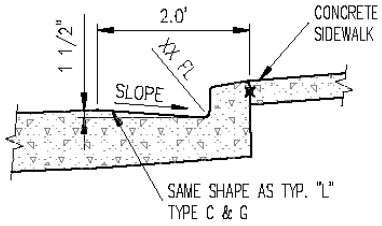
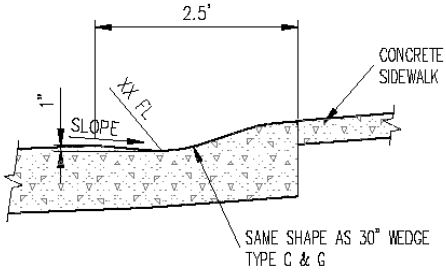



**CASE I SECTION** XX
SEE CCAUSD 228




**CASE II SECTION** XX
SEE 30" WEDGE CURB DETAIL

NOTES:
1. MODIFIED CCAUSD NO. 228
2. CROSS GUTTERS TO FLOW AT GRADES SHOWN ON DRAWINGS.
3. CONSTRUCTION STAKING TO BE PROVIDED AT ALL POINTS DESIGNATED BY XX SHOWN ON DETAIL ABOVE.
4. MAINTAIN SECTION "X" FROM POINT A TO POINT B, TRANSITION AREA FROM POINT B TO POINT C.

# TYPICAL CROSS GUTTER W/ 30" ROLL TYPE CURB AND GUTTER DETAIL

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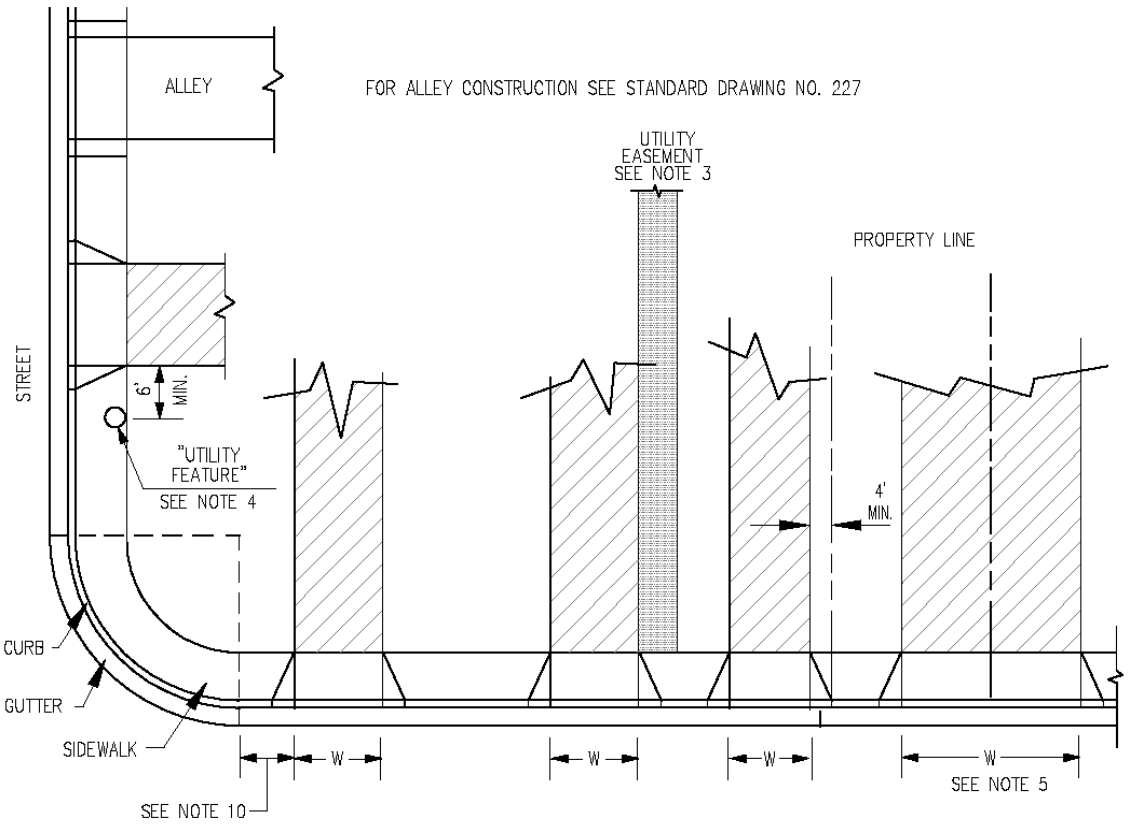


W = WIDTH OF DRIVEWAY = 16' MAX. FOR 1 OR 2 CAR GARAGE, OR 28' MAX. FOR 3+ GARAGE

NOTES:

1. ALL RESIDENTIAL PROPERTIES MAY HAVE ONLY ONE CURB CUT EXCEPT CIRCULAR DRIVEWAYS AS SHOWN.
2. NO DRIVEWAY SHALL BE LOCATED WHOLLY OR PARTIALLY, ON OR OVER A UTILITY EASEMENT WHICH RUNS PERPENDICULAR TO THE CURB LINE.
3. NO DRIVEWAY SHALL BE LOCATED WITHIN 6 FEET OF A LIGHT POLE (UNLESS ACCEPTED BY THE ENTITY TRAFFIC ENGINEER), FIRE HYDRANT, MAIL BOX, ABOVE-GROUND ELECTRICAL TRANSFER BOX OR BLOCK WALL HIGHER THAN 2 FEET.
4. COMMON DRIVEWAY CONSTRUCTION MAY BE PERMITTED AT ANY TWO RESIDENTIAL PROPERTIES OF 60 FEET IN WIDTH OR LESS. THE WIDTH OF THE JOINT DRIVEWAY SHALL BE A MAXIMUM OF 24 FEET. A JOINT DRIVEWAY AGREEMENT SHALL BE REQUIRED.
5. GEOMETRICS APPLY TO NEW CONSTRUCTION ONLY, AND MAY VARY IN EXISTING SUBDIVISIONS SUBJECT TO APPROVAL OF THE ENGINEER.
6. MULTI-FAMILY RESIDENTIAL AND ALL NON-RESIDENTIAL DRIVEWAYS SHALL CONFORM TO THE COMMERCIAL DRIVEWAY STANDARDS.
7. ALL DRIVEWAY LOCATIONS SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE ENGINEER.
8. FOR CURB DEPRESSION AND DRIVEWAY APRON DETAIL, SEE CCAUSD NO. 223.
9. 2.0' MINIMUM AT INTERNAL SUBDIVISION INTERSECTIONS FOR LOTS 40' WIDE OR LESS AND 6.0' MINIMUM AT SUBDIVISION ENTRANCE.
10. THE 4.0' DISTANCE FROM DRIVEWAY TO SIDE PROPERTY LINE SHOULD BE FOR LOTS 40' WIDE OR LESS AND ALL WIDER LOT PRODUCTS SHOULD HAVE THE STANDARD 6.0'.

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## MODIFIED RESIDENTIAL DRIVEWAY GEOMETRICS

MODIFIED CCAUSD NO. 222 (INTERIOR STREETS ONLY)
NTS

SLATER HANIFAN GROUP

7/5/2011

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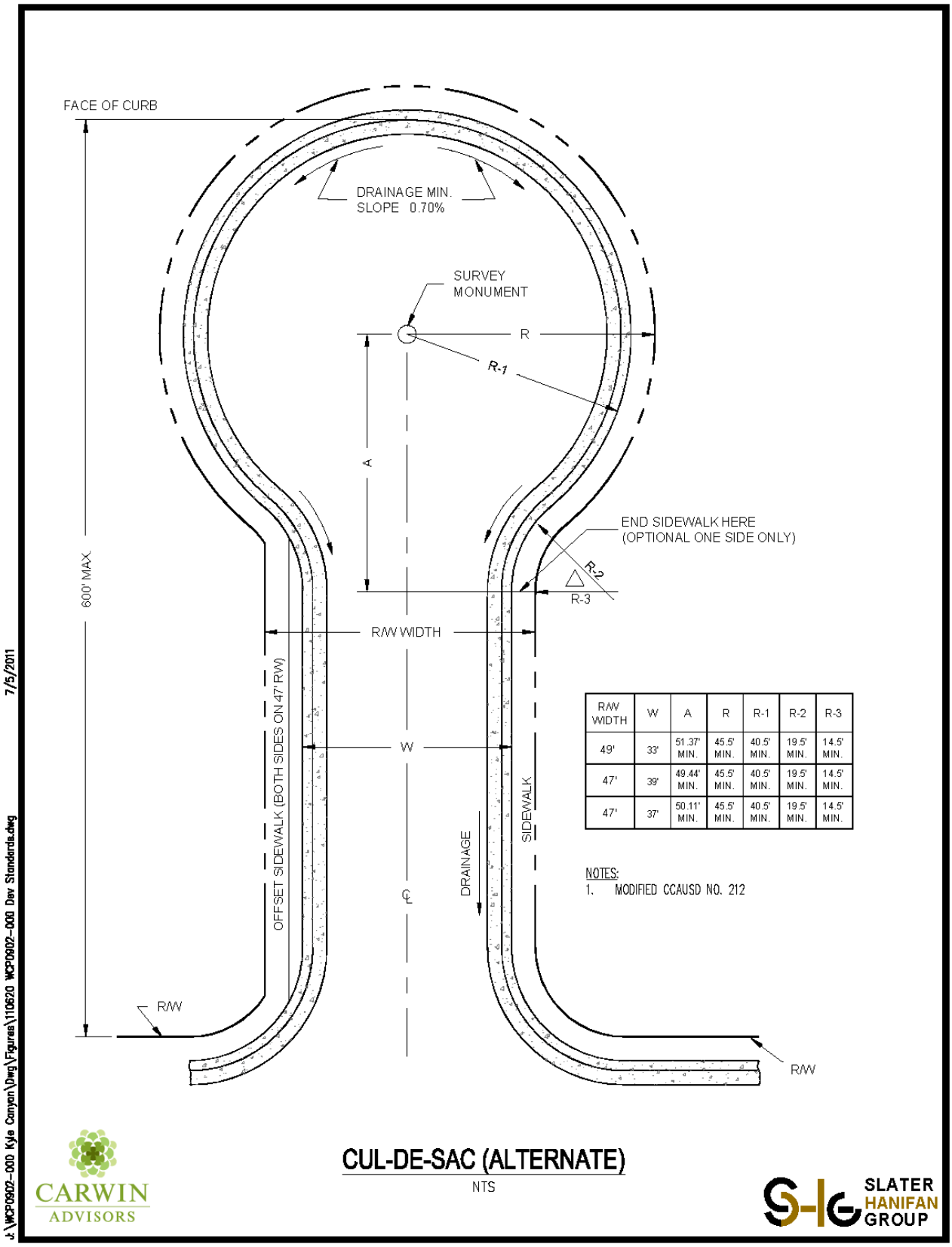


| R/W WIDTH | W | A | R | R-1 | R-2 | R-3 |
|---|---|---|---|---|---|---|
| 49' | 33' | 51.37' MIN. | 45.5' MIN. | 40.5' MIN. | 19.5' MIN. | 14.5' MIN. |
| 47' | 39' | 49.44' MIN. | 45.5' MIN. | 40.5' MIN. | 19.5' MIN. | 14.5' MIN. |
| 47' | 37' | 50.11' MIN. | 45.5' MIN. | 40.5' MIN. | 19.5' MIN. | 14.5' MIN. |

NOTES:
1. MODIFIED CCAUSD NO. 212

**CUL-DE-SAC (ALTERNATE)**
NTS

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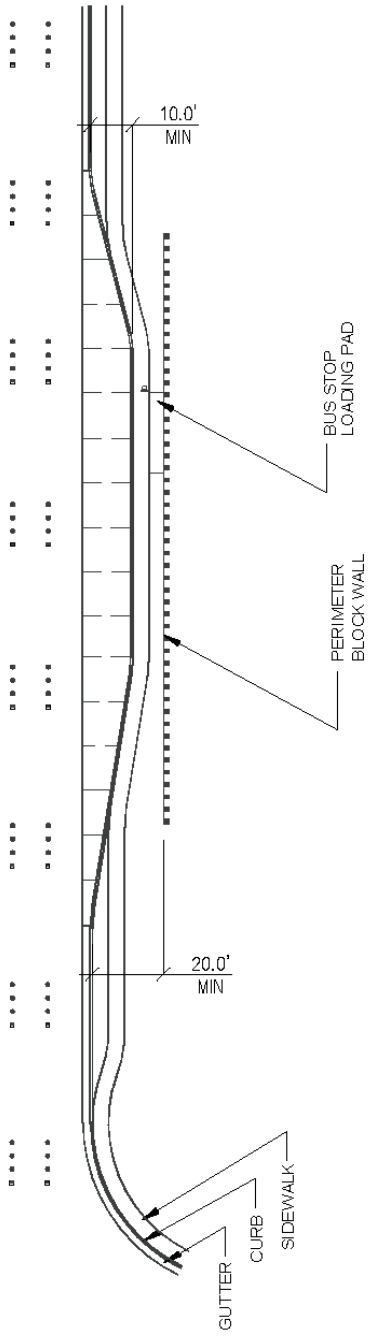


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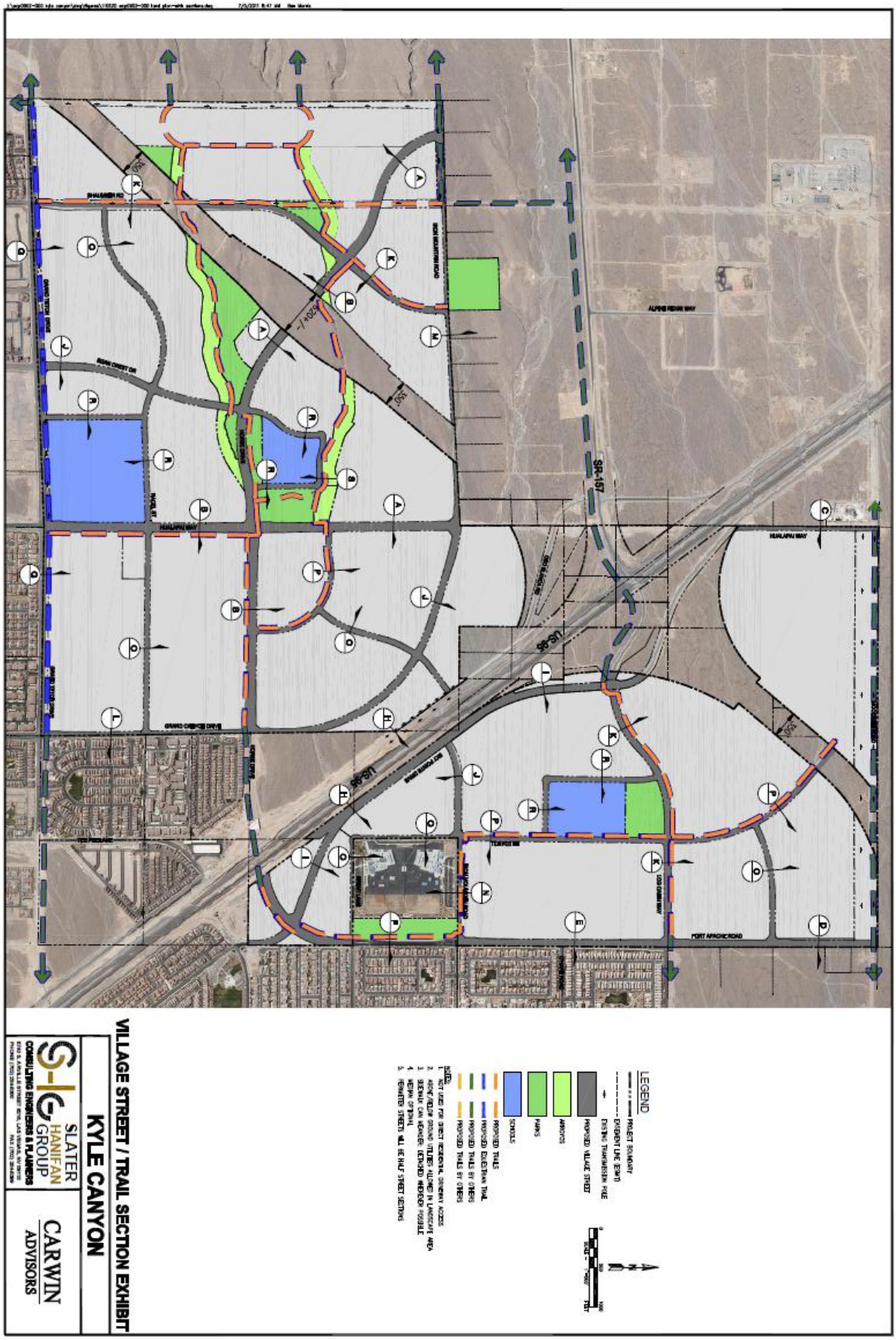
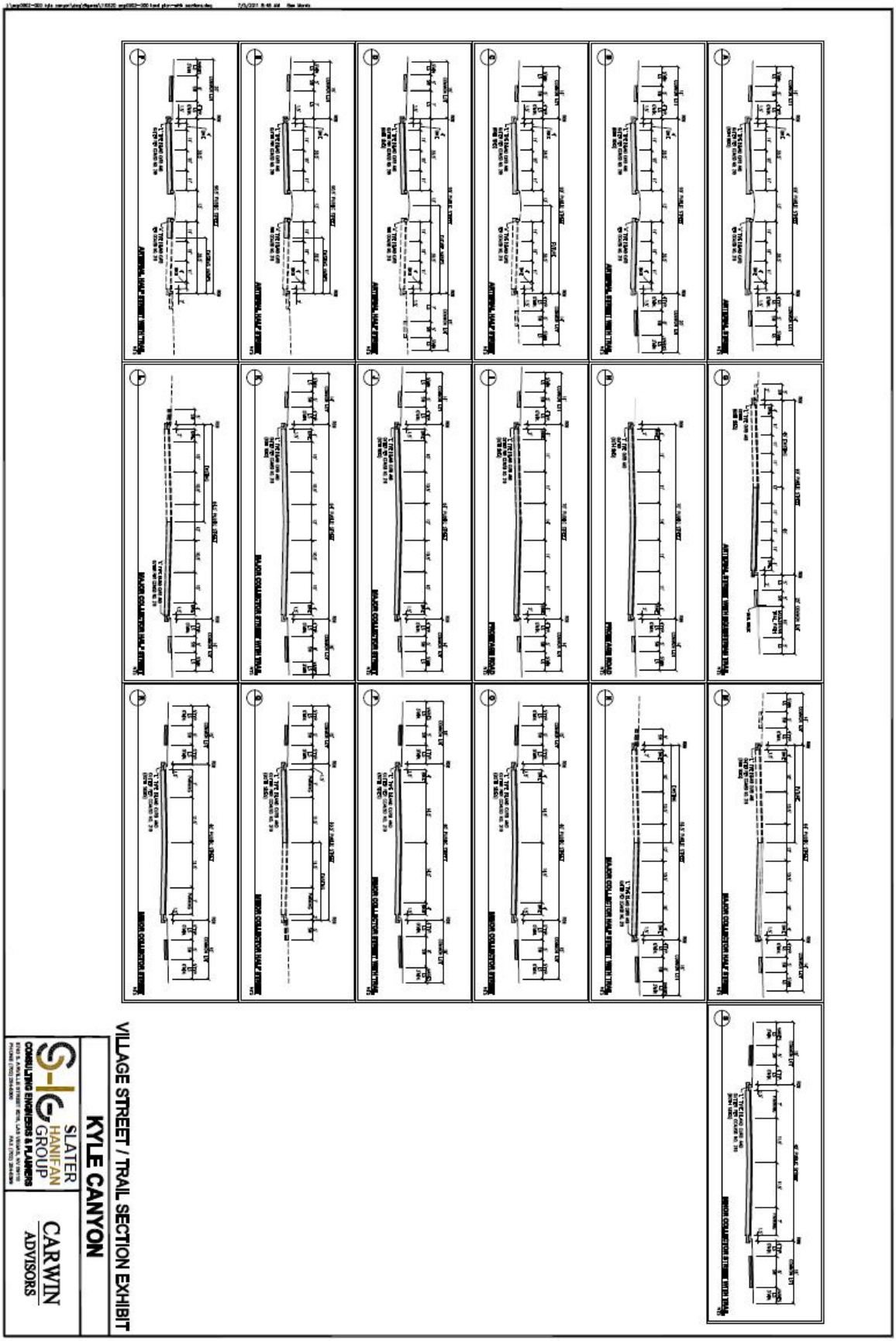
## LANDSCAPE BUFFER ALONG BUS TURN-OUT

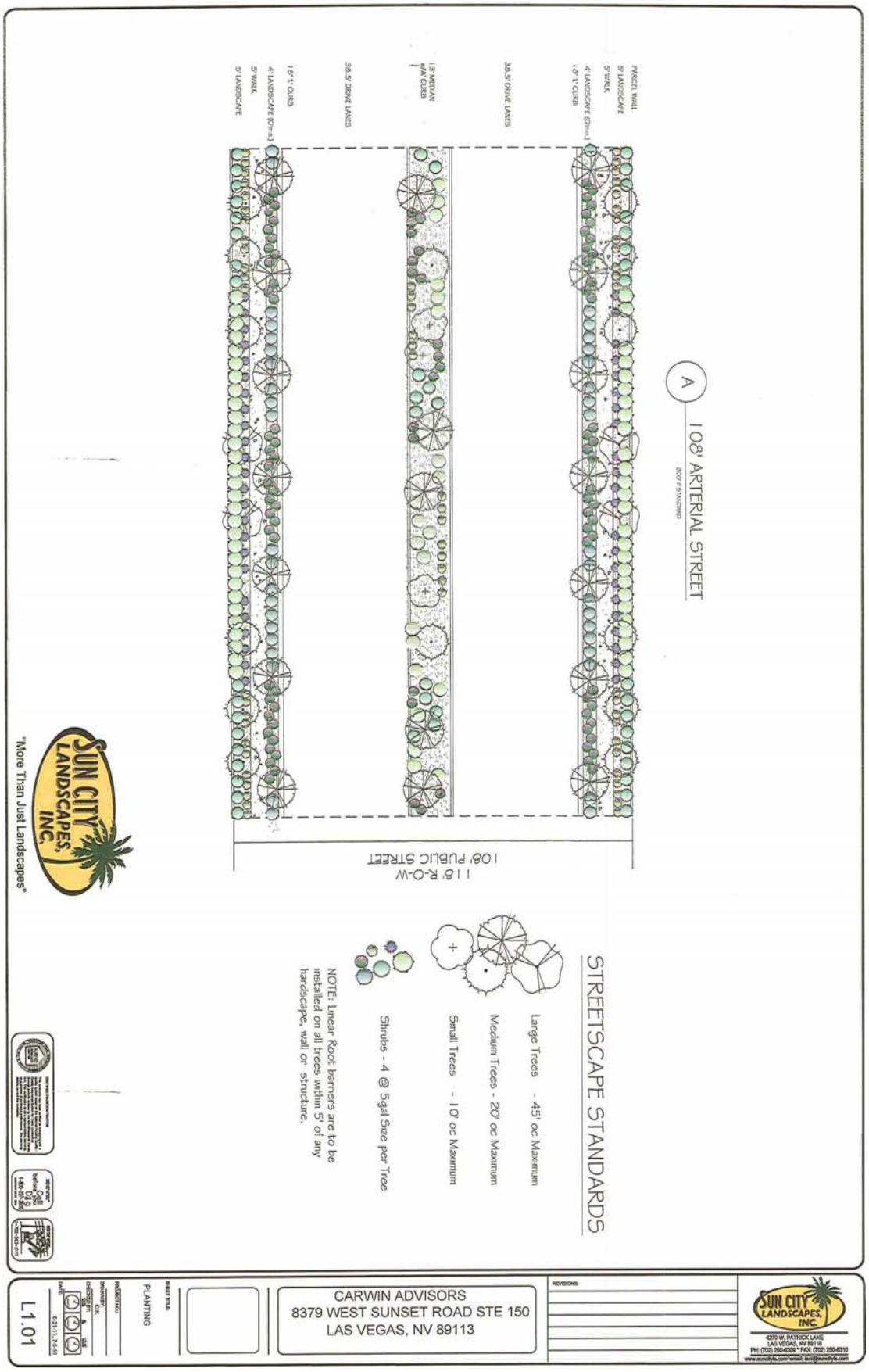
MODIFIED CCAUSD NO. 234.1

NTS

SLATER HANIFAN GROUP


VILLAGE STREET / TRAIL SECTION EXHIBIT
KYLE CANYON
SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
CARWIN ADVISORS
LEGEND
PROJECT BOUNDARY
EXISTING LINE (EW)
EXISTING TRANSMISSION POLE
PROPOSED VILLAGE STREET
ARTERIALS
PARKS
SCHOOLS
PROPOSED TRAILS
PROPOSED EQUESTRIAN TRAIL
PROPOSED TRAILS BY OTHERS
PROPOSED TRAILS BY OTHERS
NOTES:
1. NOT USED FOR DIRECT RESIDENTIAL DRIVEWAY ACCESS
2. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
3. SIDEWALK CAN MEANDER; DETACHED WHERE/IF POSSIBLE
4. MEDIAN OPTIONAL
5. PERIMETER STREETS WILL BE HALF STREET SECTIONS
SR-157
US-95
SR-541
HUALAPAI WAY
GRAND CANYON DRIVE
FORT APACHE ROAD


VILLAGE STREET / TRAIL SECTION EXHIBIT
KYLE CANYON
SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS
CARWIN ADVISORS


A
108' ARTERIAL STREET
PARCEL WALL
5' LANDSCAPE
5' WALK
4' LANDSCAPE (Ohm.)
1.8' 1' CURB
38.5' DRIVE LANES
13' MEDIAN w/4' CURB
38.5' DRIVE LANES
1.8' 1' CURB
4' LANDSCAPE (Ohm.)
5' WALK
5' LANDSCAPE
118' R-O-W
108' PUBLIC STREET
STREETSCAPE STANDARDS
Large Trees - 45' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
SUN CITY LANDSCAPES, INC.
"More Than Just Landscapes"
CARWIN ADVISORS
8379 WEST SUNSET ROAD STE 150
LAS VEGAS, NV 89113
PLANTING
L1.01

B
ARTERIAL STREET with TRAIL
PARCEL WALL
5' LANDSCAPE
5' WALK
4' LANDSCAPE
1.6' 1' CURB
15' MEDIAN
w/A CURB
39.5' DRIVE LANES
1.6' 1' CURB
4' LANDSCAPE (Min.)
6' WALK
5' MIN. LANDSCAPE
124' R-O-W
114' PUBLIC STREET
STREETSCAPE STANDARDS
Large Trees - 30' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
"More Than Just Landscapes"
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CARWIN ADVISORS
8379 WEST SUNSET ROAD STE 150
LAS VEGAS, NV 89113
REVISIONS:
SUN CITY LANDSCAPES, INC.
4270 W. PATRICK LANE
LAS VEGAS, NV 89118
PH: (702) 260-4309 * FAX: (702) 260-4310
www.suncityla.com * email: lani@suncityla.com
PROJECT NO:
DRAWN BY: E.K.
CHECKED BY:
DATE: 6.21.11
SHEET TITLE: PLANTING
L1.02

D
ARTERIAL STREET - 120' PUBLIC
13' MEDIAN W/A CURB
37' DRIVE LANES
16' 'L' CURB
7' LANDSCAPE
5' WALK
3' LANDSCAPE (min)
37' DRIVE LANES - FUTURE
120' R-O-W
STREETSCAPE STANDARDS
Large Trees - 45' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
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LAS VEGAS, NV 89113
REVISIONS:
SUN CITY LANDSCAPES, INC.
4270 W. PATRICK LANE
LAS VEGAS, NV 89118
PH: (702) 260-8309 * FAX: (702) 260-8310
www.suncityla.com * email: lani@suncityla.com
PLANTING
L1.03

G
ARTERIAL STREET w/EQUESTRIAN TRAIL
FENCE WALL
5' WALK
24' C. CURB
4' BIKE LANE
39' DRIVE LANES
39' DRIVE LANES
4' BIKE LANE
24' C. CURB
5' LANDSCAPE
5' WALK
5' PVC FENCE
10 EQUESTRIAN TRAIL
5' LANDSCAPE
90' PUBLIC STREET
25' COMMON LOT
STREETSCAPE STANDARDS
Large Trees - 45' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
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LAS VEGAS, NV 89113
SUN CITY LANDSCAPES, INC.
4270 W. PATRICK LANE
LAS VEGAS, NV 89118
PH: (702) 260-8309 * FAX: (702) 260-8310
PLANTING
L1.04

J
MAJOR COLLECTOR STREET - 92' r/w
PARCEL WALL
5' LANDSCAPE
5' WALK
4' LANDSCAPE (Min.)
1.5' "L" CURB
64' PAVEMENT WIDTH
92' R-O-W
82' PUBLIC STREET
STREETSCAPE STANDARDS
Large Trees - 30' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
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LAS VEGAS, NV 89113
REVISIONS:
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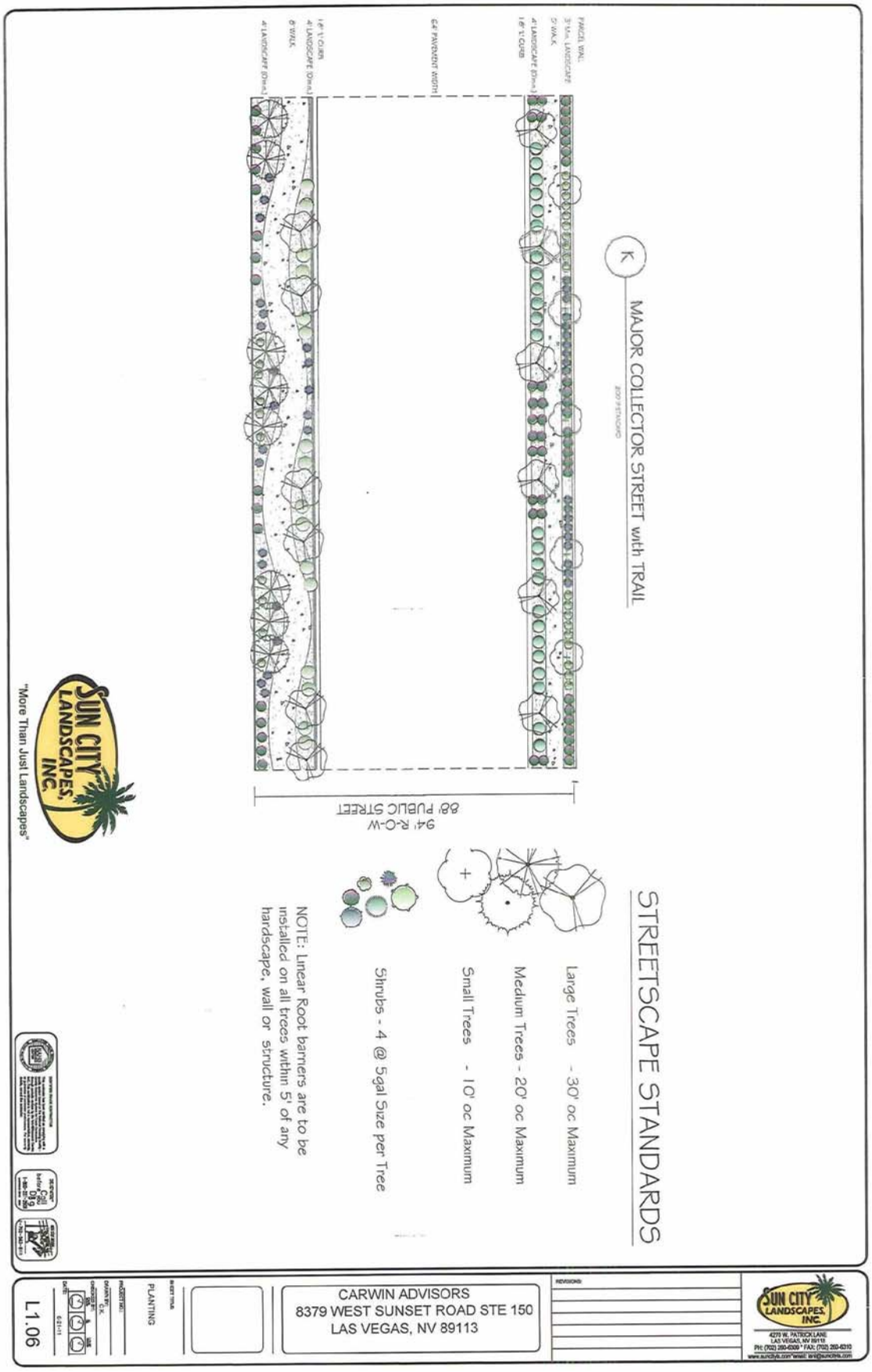
4205 W. PATRICK LANE
LAS VEGAS, NV 89118
PH: (702) 260-6309 * FAX: (702) 260-0313
PLANTING
L1.05


MAJOR COLLECTOR STREET with TRAIL
94' R-O-W
88' PUBLIC STREET
STREETSCAPE STANDARDS
Large Trees - 30' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
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PLANTING
L1.06

MINOR COLLECTOR STREET
PARCEL WALL
5' LANDSCAPE
5' WALK
5' LANDSCAPE
1.5' 1' CURB
40' PAVEMENT WIDTH
1.5' 1' CURB
5' LANDSCAPE
5' WALK
5' LANDSCAPE
70' R-O-W
60' PUBLIC STREET
STREETSCAPE STANDARDS
Large Trees - 30' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
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SUN CITY LANDSCAPES, INC.
4220 W. PATRICK LANE
LAS VEGAS, NV 89118
PLANTING
L1.07

P
MINOR COLLECTOR STREET w/TRAIL
72' R-O-W
60' PUBLIC STREET
STREETSCAPE STANDARDS
Large Trees - 30' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
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CARWIN ADVISORS
8379 WEST SUNSET ROAD STE 150
LAS VEGAS, NV 89113
SUN CITY LANDSCAPES, INC.
L1.08

UTILITY CONSIDERATIONS
STREETSCAPE STANDARDS
Large Trees - 30' oc Maximum
Medium Trees - 20' oc Maximum
Small Trees - 10' oc Maximum
Shrubs - 4 @ 5gal Size per Tree
NOTE: Linear Root barriers are to be installed on all trees within 5' of any hardscape, wall or structure.
92' R.O.W
82' PUBLIC STREET
SUN CITY LANDSCAPES, INC.
"More Than Just Landscapes"
CARWIN ADVISORS
8379 WEST SUNSET ROAD STE 150
LAS VEGAS, NV 89113
PLANTING
L1.09

## Appendix A – Plant List

| Botanical Name | Common Name |
|---|---|
| **Trees** | |
| *Acacia aneura* | Mulga Acacia |
| *Acacia constricta* | White Thorn Acacia |
| *Acacia farnesiana (=A. smallii)* | Sweet Acacia |
| *Acacia greggii* | Cat's Claw Acacia |
| *Acacia pendula* | Weeping Acacia |
| *Acacia salicina* | Willow Acacia |
| *Acacia schaffneri* | Twisted Acacia |
| *Acacia stenophylla* | Shoestring Acacia |
| *Arbutus unedo* | Strawberry Tree |
| *Bismarckia nobilis* | Bismarck Palm |
| *Brachychiton populneus* | Bottle Tree |
| *Brahea armata* | Mexican Blue Palm |
| *Butia capitata* | Pindo Palm |
| *Cedrus atlantica 'glauca'* | Blue Atlas Cedar |
| *Cedrus deodora* | Deodar Cedar |
| *Celtis occidentalis* | Common Hackberry |
| *Celtis reticulata* | Netleaf Hackberry |
| *Ceratonia siliqua* | Carob Tree |
| *Cercis canadensis* | Eastern Redbud |
| *Cercis occidentalis* | Western Redbud |
| *Chamaerops humilis* | Mediterranean Fan Palm |
| *Chilopsis linearis + hybrids* | Desert Willow |
| *x Chitalpa tashkentensis* | Chitalpa |
| *Cordia boissieri* | Texas Olive |
| *Cotinus coggygria* | Smoke Tree |
| *Cupressus glabra* | Arizona Cypress |
| *Cupressus sempervirens* | Italian Cypress |
| *Ebenopsis ebano (=Pithecellobium)* | Texas Ebony |
| *Elaeocarpus decipiens* | Japanese Blueberry |
| *Eriobotrya japonica* | Loquat |
| *Eucalyptus microtheca* | Coolibah Tree |
| *Eucalyptus polyanthemos* | Silver Dollar Gum |
| *Eucalyptus* species | Eucalyptus/Gum Tree |
| *Eysenhardtia orthocarpa* | Kidneywood |
| *Fraxinus greggii* | Littleleaf Ash |
| *Fraxinus oxycarpa* 'Raywood' | Raywood Ash |
| *Fraxinus velutina* | Arizona Ash |
| *F. v. glabra* | Modesto Ash |
| *F. v.* 'Rio Grande,' 'Fan-Tex' | Fan-Tex/Rio Grande Ash |
| *Geijera parviflora* | Australian Willow |
| *Gleditsia triacanthos* cultivars | Honey Locust |
| *Koelreuteria bipinnata* | Chinese Flame Tree |

| Botanical Name | Common Name |
|---|---|
| **Trees** | |
| *Koelreuteria paniculata* | Goldenrain Tree |
| *Lagerstroemia indica* | Crape Myrtle |
| *Laurus nobilis* | Bay Laurel |
| *Leucaena retusa* | Golden Ball Lead Tree |
| *Olea europaea* 'Swan Hill,' 'Wilson' | Swan Hill or Wilson Olive |
| *Parkinsonia aculeata* | Mexican Palo Verde |
| *Parkinsonia florida* | Blue Palo Verde |
| *Parkinsonia microphylla* | Foothills Palo Verde |
| *Parkinsonia x 'Desert Museum'* | Desert Museum Palo Verde |
| *Parkinsonia x 'Sonoran Emerald'* | Sonoran Emerald Palo Verde |
| *Phoenix canariensis* | Canary Island Date Palm |
| *Phoenix dactylifera* | Date Palm |
| *Pinus eldarica* | Mondell/Afghan Pine |
| *Pinus halepensis* | Aleppo Pine |
| *Pinus pinea* | Stone Pine |
| *Pinus roxburghii* | Chir Pine |
| *Pistachia chinensis* | Chinese Pistache |
| *Pistachia chinensis 'Red Push'* | Red Push Pistache |
| *Pistachia lentiscus* | Mastic Tree |
| *Pittoposrum angustifolium (=P. phylliraeoides)* | Willow Pittosporum |
| *Platanus acerifolia* | London Plane Tree, Sycamore |
| *Platanus mexicanum* | Mexican Sycamore |
| *Platanus wrightii* | Arizona Sycamore |
| *Podocarpus macrophyllus* | Yew Pine |
| *Prosopis alba* | Argentine Mesquite |
| var. 'Colorado' | Colorado Mesquite |
| var. 'Cooperi' | Thornless Argentine Mesquite |
| *Prosopis chilensis* | Chilean Mesquite |
| var. 'Thornless' or 'Arizona' | Thornless Chilean Mesquite |
| *Prosopis glandulosa glandulosa* | Texas Honey Mesquite |
| var. 'Maverick' | Thornless Honey Mesquite |
| *Prosopis glandulosa torreyana* | Western Honey Mesquite |
| *Prosopis pubescens* | Screwbean Mesquite |
| *Prosopis velutina (= juliflora)* | Native/Velvet Mesquite |
| *Prosopis x '*Phoenix' | Thornless Hybrid Mesquite |
| *Prosopis x* 'Rio Salado' | Thornless Hybrid Mesquite |
| *Pyrus calleryana* | Ornamental Pear |
| *Pyrus calleryana* 'Bradford' | Bradford Pear |
| *Quercus buckleyi* | Texas Red Oak |
| *Quercus buckleyi* 'Red Rock' | Red Rock Oak |
| *Quercus fusiformis* | Escarpment Oak |
| *Quercus ilex* | Holly Oak |
| *Quercus lobata* | Valley Oak |
| *Quercus macrocarpa* | Bur Oak |
| *Quercus muhlenbergia* | Chinquapin Oak |

| Botanical Name | Common Name |
|---|---|
| **Trees** | |
| *Quercus shumardii* | Shumard Oak |
| *Quercus suber* | Cork Oak |
| *Quercus virginiana* | Southern Live Oak |
| *Q. v.* 'Cathedral' | Cathedral Live Oak |
| *Q. v.* 'Heritage' | Heritage Live Oak |
| *Q. v.* 'High Rise' | High Rise Live Oak |
| *Rhus lancea* | African Sumac |
| *Rhus lanceolata* | Prairie/Flameleaf Sumac |
| *Robinia pseudoacacia* | Black Locust |
| *Robinia x ambigua* | Idaho Locust |
| *Robinia x ambigua* 'Purple Robe' | Purple Robe Locust |
| *Sambucus nigra* ssp. *cerulea* | Blue Elderberry |
| *Schinus molle* | California Pepper Tree |
| *Sophora japonica* | Japanese Pagoda Tree |
| *Sophora secundiflora* | Texas Mountain Laurel |
| *S.s.* v. 'Silver Peso' & 'Sierra Silver' | Silver Mountain Laurel |
| *Trachycarpus fortunei* | Windmill Palm |
| *Ulmus parvifolia* | Lacebark Elm |
| *Ungnadia speciosa* | Mexican Buckeye |
| *Vitex agnus-castus* | Chaste Tree |
| *Washingtonia filifera* | California Fan Palm |
| *Washingtonia robusta* | Mexican Fan Palm |
| *Xylosma congestum* | Xylosma |
| *Zelkova serrata* | Japanese/Sawleaf Zelkova |
| *Ziziphus jujuba* | Chinese Date/Jujube |
| **LIMITED USE AND FRUIT TREES (NOT APPROPRIATE IN ALL LOCATIONS)** | |
| *Albizia julibrissin* | Mimosa/Silk Tree |
| *Cinnamomum camphora* | Camphor Tree |
| *Citrus* sp. | Citrus Tree |
| *Ficus carica* | Fig Tree |
| *Ligustrum japonicum* | Waxleaf/Japanese Privet |
| *Ligustrum lucidum* | Glossy Privet |
| *Lysiloma watsonii* | Fern of the Desert |
| *Magnolia grandiflora* 'Little Gem' | Southern/Little Gem Magnolia |
| *Malus* sp. | Apple Tree |
| *Paulownia tomentosa* | Sapphire Dragon Tree |
| *Pinus thunbergiana* | Japanese Black Pine |
| *Prunus* sp. (dwarf) | Dwarf Fruit Trees |
| *Prunus caroliniana* | Carolina Laurel Cherry |
| *Prunus cerasifera* | Purple Leaf Plum |
| *Prunus dulcis* | Almond Tree |
| *Prunus mume* | Japanese Flowering Apricot |
| *Punica* sp. | Pomegranate |

| Botanical Name | Common Name |
|---|---|
| **Shrubs** | |
| *Abelia* x *grandiflora* | Glossy Abelia |
| *Abutilon palmeri* | Velvet-leaf Mallow, Superstition Mallow |
| *Acacia berlandieri* | Berlandier Acacia, Guajillo |
| *Acacia craspedocarpa* | Leatherleaf Acacia, Waxleaf A. |
| *Acacia cultriformis* | Knifeleaf Acacia, Knife Acacia |
| *Acacia redolens* | Creeping Acacia, Prostrate Acacia |
| *Acacia rigidula* | Blackbrush Acacia |
| *Alyogne huegelii* | Blue Hibiscus |
| *Ambrosia dumosa* | White Bursage, Burrobush |
| *Ambrosia eriocentra* | Wooly Bursage |
| *Anisacanthus quadrifidus-wrightii 'Mexican Flame'* | Mexican Flame |
| *Anisodontea hypomandarum* | Pink Desert Hibiscus, African Mallow |
| *Artemisia filifolia* | Sand Sage |
| *Artemisia tridentata* | Big Sage Brush |
| *Asclepias subulata* | Desert Milkweed |
| *Atriplex canescens* | Four-Wing Saltbush |
| *Atriplex confertifolia* | Shadscale |
| *Atriplex hymenelytra* | Saltbush, Desert Holly |
| *Atriplex lentiformis* | Quailbush, Big Saltbush |
| *Atriplex lentiformis breweri* | Brewer's Saltbush, Quail Bush |
| *Atriplex polycarpa* | Desert Saltbush |
| *Baccharis sarothroides* | Desert Broom, Coyote Bush |
| *Baccharis x* 'Centennial' (female hybrid) | Centennial Broom |
| *Baccharis x* 'Starn' (male hybrid) | Thompson Broom |
| *Bebbia juncea* | Sweet Bush |
| *Berberis fremontii* | Fremont's Barberry |
| *Berberis thunbergii* | Japanese Barberry |
| *Buddleja davidii* | Butterfly Bush |
| *Buddleja marrubifolia* | Wooly Butterfly Bush |
| *Buddleja utahensis* | Utah Butterfly Bush |
| *Buxus microphylla* 'Japonica' | Japanese Boxwood |
| *Caesalpinia gilliesii* | Yellow Bird of Paradise |
| *Caesalpinia mexicana* | Mexican Bird of Paradise |
| *Caesalpinia pulcherrima* | Red Bird of Paradise |
| *Calliandra californica* | Baja Fairy Duster |
| *Calliandra eriophylla* | Pink Fairy Duster |
| *Callistemon citrinus* | Bottlebrush, Lemon Bottlebrush |
| *Callistemon citrinus 'Nana'* | Dwarf Bottlebrush |
| *Caryopteris x clandonensis 'Dark Knight'* | Blue Mist Spirea |
| *Chamaebatiaria millefolium* | Fern Bush, Desert Sweet |
| *Chrysactinia mexicana* | Damianta |

| Botanical Name | Common Name |
|---|---|
| **Shrubs** | |
| *Chrysothamnus viscidiflorus* | Yellow Rabbit Brush, Green Rabbit Brush |
| *Cistus hybridus* | White Rockrose |
| *Cistus purpureus* | Purple Rock Rose, Orchid Rockrose |
| *Coleogyne ramosissima* | Blackbrush |
| *Cordia parvifolia* | Little Leaf Cordia |
| *Cotoneaster congestus* | Pyrenees Cotoneaster |
| *Cotoneaster glaucophyllus* | Gray-Leaf Cotoneaster |
| *Cotoneaster lacteus* | Red Clusterberry |
| *Cotoneaster microphyllus* | Rockspray |
| *Dalea bicolor 'argyraea'* | Silver Dalea |
| *Dalea frutescens* | Black Dalea |
| *Dalea pulchra* | Pink Indigo Bush |
| *Dodonaea viscosa* | Purple Hopseed Bush |
| *Duranta erecta 'Sweet Memory'* | Golden Dewdrop, Sky Flower |
| *Elaeagnus pungens* | Silverberry |
| *Elaeagnus x ebbingei* | Ebbing's Silverberry |
| *Encelia farinosa* | Brittlebush |
| *Encelia virginensis* | Virgin River Brittlebush |
| *Ephedra nevadensis* | Nevada Jointfir, Nevada Mormon Tea |
| *Ephedera viridis* | Mormon Tea |
| *Eremophila decipiens* | Slender Fuchsia |
| *Eremophila laanii* 'Pink Beauty' | Pink Beauty Emu Bush |
| *Eremophila glabra* 'Murchinson River' | Fire and Ice Emu Bush |
| *Eremophila maculata* | Spotted Emu Bush |
| *Eremophila maculata* 'Valentine' | Valentine Emu Bush |
| *Eremophlila maculata* 'Winter Gold' | Winter Gold Emu Bush |
| *Eremophila racemosa* | Easter Egg Eremophila |
| *Eremophila x* 'Summertime Blue' *(polyclada x divaricata)* | Summertime Blue Emu Bush |
| *Eremophila* sp. | Eremophila, Emu Bush |
| *Ericameria cuneata* | Cliff Goldenbush |
| *Ericameria laricifolia* | Turpentine Bush |
| *Eriodictyon angustifolium* | Yerba Santa |
| *Eriogonum corymbosum* var. *nilesii* | Las Vegas Valley Buckwheat |
| *Eriogonum fasciculatum* | Wild Buckwheat, California Buckwheat |
| *Eriogonum* sp. | Buckwheat |
| *Euonymus japonica* | Evergreen Euonymus |
| *Euonymus japonica 'Aureo-Variegata'* | Gold Spot Euonymus |
| *Euonymus japonica 'Microphylla'* | Box-leaf Euonymus |
| *Euonymus japonica* 'Silver King' | Silver King Euonymus |
| *Fallugia paradoxa* | Apache Plume |

| Botanical Name | Common Name |
|---|---|
| **Shrubs** | |
| *Feijoa sellowiana* | Pineapple Guava |
| *Forestiera pubescens (neomexicana)* | Desert Olive, New Mexico Privet |
| *Fraxinus greggii* | Little Leaf Ash |
| *Genista tinctoria* | Dyer's Greenwood |
| *Gutierrezia sarothrae* | Snakeweed |
| *Juniperus chinensis* 'Blue Point' | Blue Point Juniper |
| *Juniperus chinensis* 'Spartan' | Spartan Chinese Juniper |
| *Juniperus chinensis* 'Sea Green' | Sea Green Juniper |
| *Juniperus chinensis* 'Torulosa' | Hollywood Twisted Juniper |
| *Juniperus sabina 'Tamariscifolia'* | Tam Juniper |
| *Juniperus scopulorum* 'Gray Gleam' | Gray Gleam Juniper |
| *Juniperus* sp. | Juniper |
| *Justicia californica* | California Justicia, Chuparosa |
| *Justicia candicans* | Red Justicia |
| *Justicia spicigera* | Mexican Honeysuckle |
| *Keckellia antirrhinoides* | Yellow Snapdragon Bush |
| *Krascheninnikovia lanata* | Winterfat |
| *Lantana camara* | Bush Lantana |
| *Lantana camara* 'Radiation' | Radiation Lantana |
| *Larrea tridentata* | Creosote Bush |
| *Leucophyllum candidum* 'Silver Cloud' | Silver Cloud Texas Ranger |
| *Leucophyllum candidum* 'Thunder Cloud' | Thunder Cloud Texas Ranger |
| *Leucophyllum frutescens* | Texas Ranger, Texas Sage, Cenizo |
| *Leucophyllum frutescens 'Compacta'* | Compact Texas Ranger |
| *Leucophyllum frutescens* 'Green Cloud' | Green Cloud Texas Ranger |
| *Leucophyllum frutescens* 'White Cloud' | White Cloud Texas Ranger |
| *Leucophyllum langmaniae* 'Lynn's Legacy' | Lynn's Legacy Texas Ranger |
| *Leucophyllum langamaniae* 'Rio Bravo' | Rio Bravo Texas Ranger |
| *Leucophyllum laevigatum* | Chihuahuan Sage |
| *Leucophyllum pruinsum* 'Sierra Bouquet' | Sierra Bouquet Texas Ranger |
| *Leucophyllum revolutum* 'Houdini' | Houdini Texas Ranger |
| *Leucophyllum zygophyllum* 'Cimarron' | Blue Texas Ranger, Cimarron Ranger |
| *Leucophyllum* x 'Rain Cloud' | Rain Cloud Texas Ranger |
| *Lycium andersonii* | Wolf Berry |
| *Lycium cooperi* | Cooper's Wolfberry |
| *Lycium pallidum* var. *oliogospermum* | Pale Wolfberry |
| *Malpighia glabra 'Mariquita'* | Barbados Cherry |
| *Myrtus communis* | Classic Myrtle |
| *Myrtus communis boetica* | Twisted Myrtle |
| *Myrtus communis 'Compacta'* | Compact Myrtle |
| *Nerium oleander* | Oleander |

| Botanical Name | Common Name |
|---|---|
| **Shrubs** | |
| *Nerium oleander* 'Petite' | Dwarf Oleander |
| *Phlomis fruiticosa* | Shrubby Jerusalem Sage |
| *Phlomis lanata* | Jerusalem Sage |
| *Plumbago auriculata* | Cape Plumbago |
| *Poliomintha maderensis* | Lavender Spice, Mexican Oregano |
| *Prunus fasciculata* | Desert Almond |
| *Psorothamnus fremontii* | Indigo Bush |
| *Psorothamnus polydenius* | Nevada Smokebush |
| *Punica granatum 'Nana'* | Dwarf Pomegranate |
| *Purshia mexicana* | Mexican Cliffrose |
| *Purshia stansburiana (=Cowania)* | Cliff Rose |
| *Pyracantha sp.* | Pyracantha, Firethorn |
| *Quercus turbinella* | Scrub Live Oak |
| *Rhus microphylla* | Littleleaf Sumac |
| *Rhus ovata* | Sugar Bush |
| *Rhus trilobata* | Squaw Bush / Skunk Bush |
| *Rhus virens* | Evergreen Sumac |
| *Romneya coulteri* | Matilija Poppy, Fried Egg Poppy |
| *Rosa* sp. | Rose |
| *Rosa woodsii* | Woods' Rose |
| *Rosmarinus officinalis* | Rosemary |
| *Ruellia peninsularis* | Desert Ruellia |
| *Russelia equisetiformis* | Coral Fountain |
| *Salazaria mexicana* | Bladdersage |
| *Salvia chamaedryoides* | Mexican Blue Sage |
| *Salvia clevelandii* | Chaparral Sage |
| *Salvia coccinea* | Scarlet Sage |
| *Salvia dorrii* | Purple Sage, Desert Sage |
| *Salvia greggii* | Autumn Sage |
| *Salvia leucantha* | Mexican Bush Sage |
| *Salvia microphylla 'Sierra Madre'* | Sierra Madre Sage |
| *Salvia mohavensis* | Mojave Sage |
| *Salvia* sp. | Sage |
| *Sambucus mexicana* | Mexican Elderberry |
| *Santolina chamaecyparissus* | Lavender Cotton, Gray Santolina |
| *Santolina rosmarinifolia (=S. virens)* | Green Lavender Cotton, Green Santolina |
| *Senna armata (=Cassia)* | Spiny Senna |
| *Senna artemisioides (=Cassia)* | Feathery Senna, Feathery Cassia |
| *Senna lindheimeriana (=Cassia)* | Velvet-leaf Senna |
| *Senna nemophila (=Cassia)* | Desert Senna, Desert Cassia |
| *Senna phyllodinea (=Cassia)* | Silvery Senna, Silver Leaf Cassia |

| Botanical Name | Common Name |
|---|---|
| **Shrubs** | |
| *Senna wislizenii (=Cassia)* | Shrubby Senna, Shrubby Cassia |
| *Simmondsia chinensis* | Jojoba |
| *Simmondsia chinensis 'Vista'* | Compact Jojoba |
| *Sophora arizonica* | Arizona Mescal Bean |
| *Tecoma stans* | Yellow Trumpet Flower, Yellow Bells |
| *Tecoma x 'Orange Jubilee'* | 'Orange Jubilee' Tecoma, Orange Bells |
| *Tecoma x 'Sunrise'™* | 'Sunrise' Tecoma |
| *Teucrium chamaedrys* | Germander |
| *Thamnosma montana* | Turpentine Broom |
| *Vauquelinia californica* | Arizona Rosewood |
| *Vauquelinia corymbosa* var. *heterodon* | Narrowleaf Rosewood |
| *Wedelia texana* 'Devil's River' *(= Zexmenia hispida)* | Devil's River, Orange Daisy |
| *Xylosma congestum* | Xylosma |
| *Xylosma congestum 'Compacta'* | Dwarf Xylosma |
| *Ziziphus obtusifolia* | Greythorn |

| Botanical Name | Common Name |
|---|---|
| **Groundcovers** | |
| *Abronia villosa* | Desert Sand Verbena |
| *Acacia redolens* 'Desert Carpet' | Desert Carpet Creeping Acacia |
| *Acalypha monostachys* | Raspberry Fuzzies |
| *Aptenia cordifolia* | Hearts and Flowers, Red Apple Ice Plant |
| *Asteriscus maritimus* | Gold Coin Daisy |
| *Baccharis pilularis* 'Pigeon Point' | Dwarf Coyote Brush |
| *Berberis repens = Mahonia repens* | Creeping Oregon Grape |
| *Calylophus hartwegii* | Sierra Sundrop |
| *Cephalophyllum speciosum* 'Red Spike' | Red Spike Iceplant |
| *Cerastium tomentosum* | Snow-in-Summer |
| *Conoclinium greggii* 'Boothill' *(=Eupatorium)* | Boothill Eupatorium |
| *Convolvulus cneorum* | Bush Morning Glory |
| *Convolvulus mauritanicus* | Ground Morning Glory |
| *Cotoneaster horizontalis* | Rock Cotoneaster |
| *Dalea capitata* 'Sierra Gold' | Sierra Gold Dalea |
| *Dalea greggii* | Prostrate Indigo Bush |
| *Dichondra argentea* 'Silver Falls' | Silver Dichondra, Kidneyweed |
| *Dichondra micrantha* | Green Dichondra |
| *Drosanthemum cooperi* | Purple Iceplant |
| *Euonymus fortunei 'Coloratus'* | Purple-leaf Wintercreeper |
| *Euphorbia rigida* | Spurge, Gopher Plant |

| Botanical Name | Common Name |
|---|---|
| **Groundcovers** | |
| *Gazania rigens* | Gazania, Treasure Flower |
| *Glandularia gooddinggii (=Verbena)* | Goodding Verbena |
| *Glandularia peruviana (=Verbena)* | Peruvian Verbena |
| *Glandularia pulchella (= Verbena)* | Moss Verbena |
| *Glandularia tenera (=Verbena)* | Rock Verbena |
| *Juniperus chinensis procumbens* | Japanese Garden Juniper |
| *Juniperus conferta* | Shore Juniper |
| *Juniperus horizontalis* 'Prince of Wales' | Prince of Wales Juniper |
| *Juniperus horizontalis 'Wiltonii'* | Blue Carpet Juniper |
| *Juniperus sabina* 'Buffalo' | Buffalo Juniper |
| *Lantana montevidensis* | Trailing Lantana |
| *Malephora crocea* | Gray Ice Plant, Coppery Mesemb |
| *Malephora lutea* | Rocky Point Ice Plant |
| *Mirabilis multiflora* | Four O'Clock |
| *Muehlenbeckia axillaris* | Creeping Wire Vine |
| *Myoporum parvifolium* | Prostrate Myoporum |
| *Pyracantha fortuneana* 'Santa Cruz' | Santa Cruz Pyracantha, Firethorn |
| *Rosmarinus officinalis 'prostratus'* | Prostrate Rosemary |
| *Sedum spectabile* | Stonecrop |
| *Sphaeralcea grossulariifolia* | Goosefoot Mallow |
| *Stachys coccinea* | Texas Betony, Scarlet Hedge Nettle |
| *Tradescantia pallida 'Purpurea'* | Purple Heart, Wandering Jew |
| *Verbena rigida* | Sandpaper Verbena, Coarse Verbena |
| *Vinca minor* | Dwarf Periwinkle |

| Botanical Name | Common Name |
|---|---|
| **Vines** | |
| *Antigonon leptopus* | Queen's Wreath, Coral Vine |
| *Callaeum lilacaena (=Mascagnia)* | Orchid Vine |
| *Campsis* sp. | Trumpet Creeper |
| *Cissus trifoliata* var. *incisa* | Grape Ivy, Arizona Grape Ivy |
| *Clematis ligusticifolia* | Western Virgin's Bower |
| *Ficus pumila* | Creeping Fig |
| *Gelsemium sempervirens* | Carolina Jasmine |
| *Hardenbergia violacea* | Happy Wanderer, Lilac Vine |
| *Jasminum mesnyi* | Primrose Jasmine |
| *Lonicera japonica 'Halliana'* | Hall's / Japanese Honeysuckle |
| *Macfadyena unguis-cati* | Cat's Claw Vine |
| *Maurandya antirrhiniflora* | Snapdragon Vine |

| Botanical Name | Common Name |
|---|---|
| **Vines** | |
| *Parthenocissus* sp. *'Hacienda Creeper'* | Hacienda Creeper |
| *Polygonum aubertii* | Silver Lace Vine |
| *Rosa banksiae* | Lady Bank's Rose |
| *Solanum jasminoides* | Potato Vine |
| *Tecomaria capensis* | Cape Honeysuckle |
| *Vitis arizonica* | Canyon Grape |
| *Vitis californica* | California Grape |
| *Vitis californica 'Roger's Red'* | Rogers Red Grape |
| *Vitis* sp. | Grape |

| Botanical Name | Common Name |
|---|---|
| **Agaves, Cacti, Succulents, and Yuccas** | |
| *Agave americana* | Century Plant |
| *Agave americana* var. *aurea-marginata* | Yellow Margin Century Plant |
| *Agave americana* var. *medio-picta* | Medio Picta Century Plant |
| *Agave angustifolia* var. *marginata* | Variegated Agave |
| *Agave bovicornuta* | Cow's Horn Agave |
| *Agave bracteosa* | Green Spider Agave |
| *Agave colorata* | Mescal Ceniza |
| *Agave desmettiana* | Smooth Agave |
| *Agave filifera* | Thread-leaf Agave, Dark Green Agave |
| *Agave geminiflora* | Twin-Flowered Agave |
| *Agave havardiana* | Havard Agave |
| *Agave montana* | Mountain Agave |
| *Agave multifilifera* | Chahuiqui |
| *Agave murpheyi* | Murphey's  Agave |
| *Agave ocahui* | Agave Ocahui |
| *Agave ovatifolia* | Whale's Tounge Agave |
| *Agave palmeri* | Palmer's Agave |
| *Agave parrasana* | Cabbage Head Agave |
| *Agave parryi* | Parry's Agave |
| *Agave parryi* var. *huachucensis* | Huachuca Agave |
| *Agave parryi* var. *neomexicana* | New Mexico Agave |
| *Agave parryi* var. *truncata* | Artichoke Agave |
| *Agave salmiana* ssp. *ferox* | Ferox Agave |
| *Agave scabra* | Rough-Leaved Agave |
| *Agave schidigera* 'Durango Delight'™ | Durango Delight Agave |
| *Agave utahensis* ssp. *nevadensis* | Nevada Agave |
| *Agave victoriae-reginae* | Queen Victoria Agave |

| Botanical Name | Common Name |
|---|---|
| **Agaves, Cacti, Succulents, and Yuccas** | |
| *Agave vilmoriniana* | Octopus Agave |
| *Agave weberi* | Weber Agave |
| *Aloe arborescens* | Tree Aloe |
| *Aloe barbadensis* | Aloe Vera |
| *Aloe ferox* | Tap Aloe, Cape Aloe |
| *Aloe nobilius* | Gold Tooth Aloe |
| *Aloe saponaria* | African Aloe |
| *Aloe* x *'Blue Elf'* | Blue Elf Aloe |
| *Aloe* x *spinosissima* | Spider Aloe |
| *Carnegiea gigantea* | Saguaro (spear) |
| *Carnegiea gigantea* | Saguaro (with arms) |
| *Cereus hildmannianus* (= *peruvianus*) | Peruvian Apple |
| *Cycas revoluta* | Japanese Sago Palm |
| *Cylindropuntia acanthocarpa (=Opuntia)* | Buckhorn Cholla |
| *Cylindropuntia arbuscula (=Opuntia)* | Pencil Cholla |
| *Cylindropuntia bigelovii (=Opuntia)* | Teddy Bear Cholla |
| *Cylindropuntia echinocarpa (=Opuntia)* | Silver Cholla |
| *Cylindropuntia fulgida (=Opuntia)* | Chain-Fruit Cholla, Jumping Cactus |
| *Cylindropuntia ramosissima (=Opuntia)* | Diamond Cholla |
| *Cylindropuntia versicolor (=Opuntia)* | Staghorn Cholla |
| *Dasylirion acrotriche* | Green Desert Spoon |
| *Dasylirion longissimum* | Stick Palm, Mexican Grass Tree |
| *Dasylirion wheeleri* | Desert Spoon |
| *Echinocactus grusonii* | Golden Barrel |
| *Echinocactus polycephalus* | Cottontop Cactus |
| *Echinocereus engelmannii* | Strawberry Hedgehog |
| *Echinocereus triglochidiatus* | Claret Cup |
| *Escobaria vivipara* (=*Coryphantha*) | Common Pincushion |
| *Escobaria vivipara* var. *bisbeena* | Beehive Cactus |
| *Ferocactus acanthodes (=Cylindraceus)* | Compass Barrel Cactus |
| *Ferocactus wislizenii* | Fishhook Barrel Cactus |
| *Fouquieria splendens* | Ocotillo |
| *Hesperaloe campanulata* | Bell-flowered Hesperaloe |
| *Hersperaloe funifera* | Giant Sword Flower |
| *Hesperaloe nochturna* | Night Blooming Yucca |
| *Hesperaloe parviflora* | Red Yucca |
| *Hesperaloe parviflora* 'Yellow' | Yellow Yucca |
| *Mammillaria tetrancistra* | Pincushion / Fishhook Cactus |
| *Nolina bigelovii* | Bigelow's Nolina |
| *Nolina matapensis* | Treebear Grass |
| *Nolina microcarpa* | Bear Grass |

| Botanical Name | Common Name |
|---|---|
| **Agaves, Cacti, Succulents, and Yuccas** | |
| *Nolina nelsoni* | Blue Nolina |
| *Nolina texana* | Texas Bear Grass, Devil's Shoestring |
| *Opuntia basilaris* | Beavertail Cactus |
| *Opuntia chlorotica* | Pancake Prickly Pear |
| *Opuntia engelmannii* | Englemann's Prickly Pear |
| *Opuntia engelmannii acicularis* | Bristly Prickly Pear |
| *Opuntia engelmannii linguiformis* | Cow's Tongue, Angel's Wing Cactus |
| *Opuntia erinacea 'erinacea'* | Old Man Prickly Pear |
| *Opuntia ficus-indica* | Indian Fig Cactus |
| *Opuntia macrocentra* | Black Spine Prickly Pear |
| *Opuntia microdasys* | Bunny Ears |
| *Opuntia phaeacantha* | Mojave Prickly Pear |
| *Opuntia paraguayensis* | Paraguay Cactus, Orange Tuna Cactus |
| *Opuntia riviereana* | Orange Tuna Cactus |
| *Opuntia robusta* | Silver Dollar Cactus, Giant Prickly Pear |
| *Opuntia santa rita* 'Tubac' *(= O. violacea* 'Santa Rita') | Purple Prickly Pear, Purple Pancake |
| *Opuntia turpinii (= Tephrocactus)* | Pine Cone Prickly Pear, Paper Spine Cactus |
| *Oreocereus celsianus* | Old Man Of the Andes |
| *Tephrocactus articulatus* | Paper Spine Cactus, Pine Cone Cactus |
| *Trichocereus pachanoi (= Echinopsis)* | San Pedro Cactus |
| *Trichocereus spachianus (= Echinopsis)* | Golden Torch Cactus |
| *Trichocereus* sp *(= Echinopsis)* | Cacti |
| *Yucca aloifolia* | Spanish Bayonet |
| *Yucca australis* | Australis Yucca |
| *Yucca baccata* | Banana Yucca |
| *Yucca brevifolia* | Joshua Tree |
| *Yucca constricta* | Constricta Yucca |
| *Yucca elata* | Soaptree Yucca |
| *Yucca faxoniana* | Palm Yucca |
| *Yucca filamentosa* | Adam's Needle |
| *Yucca glauca* | Soapweed, Narrowleaf Yucca |
| *Yucca gloriosa* | Spanish Dagger |
| *Yucca harrimaniae* | Harriman's Yucca |
| *Yucca pallida* | Pale Leaf Yucca |
| *Yucca recurvifolia* | Weeping Yucca, Pendulous Yucca |
| *Yucca rigida* | Blue Yucca |
| *Yucca rostrata* | Beaked Yucca |
| *Yucca rupicola* | Twisted Yucca |
| *Yucca schidigera* | Mojave Yucca |
| *Yucca schottii* | Mountain Yucca |
| *Yucca thompsoniana* | Thompson's Yucca |

| Botanical Name | Common Name |
|---|---|
| **Agaves, Cacti, Succulents, and Yuccas** | |
| *Yucca torreyi* | Torrey Yucca |
| *Yucca whipplei* | Our Lord's Candle, Chaparral Yucca |

| Botanical Name | Common Name |
|---|---|
| **Ornamental Grasses** | |
| *Achnatherum hymenoides* (=*Oryzopsis*) | Indian Ricegrass |
| *Achnatherum speciosum* | Desert Needlegrass |
| *Aristida purpurea* | Purple Threeawn |
| *Bouteloua curtipendula* | Side-Oats Grama |
| *Bouteloua gracilis* | Blue Grama Grass |
| *Calamagrostis x acutifolia* | Feather Reed Grass |
| *Cortaderia selloana* | Pampas Grass |
| *Cortaderia selloana 'Pumila'* | Dwarf Pampas Grass |
| *Festuca ovina* | Blue Fescue |
| *Festuca ovina* var. *brachyphylla* | Sheep Fescue |
| *Helictotrichon sempervirens* | Blue Oat Grass |
| *Miscanthus sinensis* | Maiden Grass, Japanese Silver Grass |
| *Miscanthus sinensis 'Variegata'* | Variegated Maiden Grass |
| *Muhlenbergia capillaris* 'Regal Mist' | Regal Mist Muhly Grass |
| *Muhlenbergia dumosa* | Bamboo Muhly, Fairy Bamboo |
| *Muhlenbergia emersleyi* 'El Toro' | Bull Grass |
| *Muhlenbergia lindheimeri* 'Autumn Glow' | Autumn Glow |
| *Muhlenbergia rigens* | Deer Grass |
| *Muhlengergia rigida* 'Nashville' | Nashville |
| *Nasella tenuisima (=Stipa tenuisima)* | Mexican Feather Grass |
| *Ophiopogon japonicus* | Mondo Grass |
| *Pennisetum alopecuroides* | Black Moudry |
| *Pennisetum setaceum 'Rubrum' 'Cupreum'* | Purple Fountain Grass |
| *Phyllostachys aurea* | Golden Bamboo |
| *Pleuraphis rigida (= Hilaria rigida)* | Big Galleta Grass |
| *Sorghastrum nutans* | Indian Grass |
| *Sporobolus airoides* | Alkali Sacaton Grass |
| *Stipa gigantea* | Giant Feather Grass, Golden Oats |

| Botanical Name | Common Name |
|---|---|
| **Perennial (small accent areas only)** | |
| *Achillea filipendulina* | Fern Leaf Yarrow |

| Botanical Name | Common Name |
|---|---|
| **Perennial (small accent areas only)** | |
| *Agapanthus africanus* | Lily of the Nile |
| *Amsonia tomentosa* | Desert Bluestar |
| *Anemopsis californica* | Yerba Mansa |
| *Artemisia ludoviciana* | Prairie Sage |
| *Artemisia ludoviciana albula* 'Silver King' | Silver King Artemisia |
| *Artemisia x* 'Powis Castle' | Powis Castle Wormwood |
| *Artemisia schmidtiana* 'Silver Mound' | Angel's Hair, Silver Mound Artemisia |
| *Astragalus preussii* | Preuss' Milkvetch |
| *Baileya multiradiata* | Desert Marigold |
| *Berlandiera lyrata* | Chocolate Flower |
| *Convolvulus tricolor* | Dwarf Morning Glory |
| *Coreopsis lanceolata* | Sunray |
| *Echinacea purpurea* | Purple Coneflower |
| *Enceliopsis argophylla* | Silverleaf Sunray |
| *Epilobium canum (=Zauschneria californica)* | Hummingbird Flower |
| *Erigeron divergens* | Native Fleabane |
| *Erigeron karvinskianus* | Santa Barbara Daisy, Mexican Daisy |
| *Eschscholzia californica* | California Poppy, Golden Poppy |
| *Gaillardia aristata (=grandiflora)* | Blanket Flower |
| *Gaura coccinea* | Scarlet Gaura |
| *Gaura lindheimeri* | Gaura |
| *Gazania rigida* | Gazania |
| *Iberis sempervirens* | Evergreen Candytuft |
| *Ipomopsis arizonica = Gilia aggregata* | Skyrocket |
| *Kallstroemia grandiflora* | Arizona Poppy, Orange Caltrop |
| *Lavandula* sp. | Lavender |
| *Lepidium fremontii* | Desert Alyssium |
| *Liatris spicata* | Gayfeather, Blazing Star |
| *Linum lewisii* | Blue Flax |
| *Lippia repens* | Lippia |
| *Liriope gigantea* | Giant Lily Turf |
| *Liriope muscari* | Lily Turf |
| *Lobularia maritima* | Sweet Alyssum |
| *Manfreda maculosa* | Texas Tuberose, Spice Lily |
| *Melampodium leucanthum* | Blackfoot Daisy |
| *Oenothera caespitosa* | Angel Wing/White Evening Primrose |
| *Oenothera elata = O. hookeri* | Hooker's Evening Primrose |
| *Osteospermum fruticosum* | African Trailing Daisy, Freeway Daisy |
| *Penstemon amphorellae* | Mexican Blue Penstemon |

| Botanical Name | Common Name |
|---|---|
| **Perennial (small accent areas only)** | |
| *Penstemon baccharifolis* 'Del Rio' | Del Rio Penstemon |
| *Penstemon barbatus* | Scarlet Bugler, Scarlet Beardtongue |
| *Penstemon bicolor* | Pinto Beardtongue |
| *Penstemon bicolor* ssp.*roseus* | Rosy Two-tone Beardtongue |
| *Penstemon eatonii* | Firecracker Penstemon |
| *Penstemon palmeri* | Scented Penstemon |
| *Penstemon parryi* | Parry's Penstemon |
| *Penstemon pseudospectabilis* | Canyon Penstemon |
| *Penstemon rostriflorus* | Bridge Penstemon |
| *Penstemon strictus* | Rocky Mountain Penstemon |
| *Penstemon superbus* | Superb Penstemon, Coral Beardtongue |
| *Penstemon* sp. | Penstemon |
| *Perovskia atriplicifolia* | Russian Sage |
| *Psilostrophe cooperi* | Paper Flower |
| *Psilostrophe tagetina* | Wooly Paper Flower |
| *Ratibida columnifera* | Mexican Hat |
| *Rudbeckia hirta* | Black-eyed Susan |
| *Ruellia brittoniana* | Wild Petunia |
| *R. b.* vars. 'Katie', 'Rosa', 'Blanca' | Dwarf Ruellia |
| *Sphaeralcea ambigua* | Globe Mallow |
| *Stanleya pinata* | Desert Prince's Plume |
| *Tagetes lemmonii* | Mountain Marigold |
| *Tagetes lucida* | Mexican Tarragon, Mexican Marigold |
| *Tetraneuris acaulis (=Hymenoxys)* | Angelita Daisy |
| *Thymophylla pentachaeta (=Dyssodia)* | Golden Dogbane, Golden Dyssodia |
| *Thymophylla tenuiloba (=Dyssodia)* | Dahlberg Daisy |
| *Tulbaghia violacea* | Society Garlic |
| *Viguiera parishii (deltoidea)* | Goldeneye |
| *Xylorhiza tortifolia* | Mojave Aster |
| *Zinnia acerosa* | Desert Zinnia |
| *Zinnia grandiflora* | Prairie Zinnia |

| | Botanical Name | Common Name |
|---|---|---|
| **PLANTS WITH SPECIAL NEEDS (NOT SUITABLE FOR ALL LOCATIONS)** | | |
| Shrub | *Asparagus densiflorus* 'Meyers' | Foxtail Fern |
| Groundcover | *Asparagus densiflorus* 'Sprengeri' | Asparagus Fern |
| Shrub | *Aspidistra elatior* | Cast Iron Plant |

| | Botanical Name | Common Name |
|---|---|---|
| **PLANTS WITH SPECIAL NEEDS (NOT SUITABLE FOR ALL LOCATIONS)** | | |
| Shrub | *Aucuba japonica* 'Variegata' | Gold Dust Plant |
| Shrub | *Berberis aquifolium (=Mahonia)* | Oregon Grape |
| Vine | *Bougainvillea* sp. | Bougainvillea |
| Perennial | *Canna* hybrids | Canna |
| Agave, etc | *Cephalocereus senilis* | Old Man Cactus |
| Perennial | *Cuphea llavea* | Bat-faced Cuphea |
| Perennial | *Dietes bicolor* | Fortnight Lily, Evergreen Iris |
| Perennial | *Dietes vegeta (= irdioides)* | Butterfly Iris, African Iris |
| Perennial | *Erysimum linifolium* | Wallflower |
| Shrub | *Euryops pectinatus* | Yellow Bush Daisy, Euryops Daisy |
| Shrub | *Euryops pectinatus 'Viridis'* | Green Bush Daisy |
| Shrub | *Fatsia japonica* | Japanese Aralia |
| Shrub | *Genista racemosa* | Sweet Broom |
| Vine | *Hedera canariensis* | Algerian Ivy |
| Vine | *Hedera helix* | English Ivy |
| Perennial | *Hemerocallis* hybrids | Daylily Hybrids |
| Shrub | *Hibiscus* sp. | Hibiscus |
| | *Hyptis emoryi* | Desert Lavender |
| | *Ilex altaclarensis 'Wilsonii'* | Wilson Holly |
| | *Ilex cornuta* | Chinese Holly |
| | *Ilex cornuta 'Burfordii'* | Burford Holly |
| | *Ilex cornuta 'Burfordii Nana'* | Dwarf Burford Holly |
| | *Ilex vomitoria 'Nana'* | Dwarf Yaupon Holly |
| | *Ilex* sp. | Holly |
| Perennial | *Iris* sp. | Iris |
| Vine | *Jasminum polyanthum* | Pink Jasmine |
| | *Lagerstroemia indica* dwarf | Dwarf Crape Myrtle |
| Shrub | *Ligustrum japonicum* | Waxleaf Privet, Japanese Privet |
| Shrub | *Ligustrum lucidum* | Glossy Privet |
| Shrub | *Nandina domestica* | Heavenly Bamboo |
| Shrub | *Nandina domestica 'Nana'* | Dwarf Heavenly Bamboo |
| Vine | *Parthenocissus quinquefolia* | Virginia Creeper |
| Vine | *Parthenocissus tricuspidata* | Boston Ivy, Japanese Creeper |
| Shrub | *Phoenix roebelenii* | Pygmy Date Palm |
| | *Phormium* sp. | Flax |
| Shrub | *Photinia* x *fraseri* | Redtip Photinia, Fraser's Photinia |
| Shrub | *Pittosporum tobira* | Japanese Mock Orange |
| Shrub | *Pittosporum tobira 'Variegata'* | Variegated Mock Orange |
| Shrub | *Pittosporum tobira* 'Wheeler's Dwarf' | Wheeler's Dwarf Mock Orange |

| | Botanical Name | Common Name |
|---|---|---|
| **PLANTS WITH SPECIAL NEEDS (NOT SUITABLE FOR ALL LOCATIONS)** | | |
| Shrub | *Platycladus orientalis* | Oriental Arborvitae |
| Shrub | *Platycladus orientalis 'Aurea Nana'* | Golden Arborvitae |
| Shrub | *Podocarpus gracillor* | Fern Pine |
| Shrub | *Prunus caroliniana 'Compacta'* | Compact Carolina Cherry |
| Shrub | *Rhaphiolepis indica* | Indian Hawthorn |
| Groundcover | *Stachys byzantina* | Lamb's Ear |
| Agave, etc | *Stenocereus thurberi* | Organ Pipe Cactus |
| Vine | *Trachelospermum asiaticum* | Asiatic Jasmine |
| Vine | *Trachelospermum jasminoides* | Star Jasmine |
| Shrub | *Viburnum* sp. | Viburnum |
| Vine | *Wisteria sinensis* | Chinese Wisteria |
| Perennial | *Zephyranthes* sp. | Fairy Lily, Rain Lily |

| **NOT RECOMMENDED (See Nevada Department of Agriculture Noxious Weed List for more: http://agri.state.nv.us/nwac/PLANT_NoxWeedList.htm)** | | |
|---|---|---|
| | Botanical Name | Common Name |
| | *Oenothera speciosa* 'Siskiyou' *(=berlandieri)* | Mexican Evening Primrose |

**Architectural Design Guidelines**

June 21, 2011

# KYLE CANYON

City of Las Vegas, Nevada
Planning & Development Department

Prepared For: CARWIN ADVISORS

Prepared By: SLATER HANIFAN GROUP
CONSULTING ENGINEERS & PLANNERS

ktgy Architecture+Planning

# Kyle Canyon Design Guidelines

June 21,2011

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# INTRODUCTION

Situated in the northwest Las Vegas valley, Kyle Canyon is designed to provide a graceful transition from the suburban development to its south and east with the more rural setting north and west of the site. In order to achieve this overall goal, a community design approach was developed that provided an underlying basis for design decisions throughout the development process. The Community Design Approach is summarized below:

# COMMUNITY DESIGN APPROACH

- Strategic distribution of land uses

  The master plan places the more intense uses near the US 95 corridor transitioning to lower density uses further away from the highway, reinforcing the transition from suburban development to the nearby rural environment.

- Provide a strong sense of arrival

  The primary entry for the master plan is located on Horse Drive west of US 95, providing a gateway element into Kyle Canyon. The entry will be designed to reinforce the rural character of the area. Other entries leading into the community will feature unifying thematic elements.

- Establish a Community Core focal area

  Located at the center of the community is an 11 acre Elementary School site along with three Park sites totaling 13.6 acres. The Elementary School and neighboring open space serve as the heart of the community.

- Integration of natural desert environment

  The existing desert arroyos have been carefully integrated into the community design further blending proposed development with the natural setting of the area. Other than trails and rest areas, the arroyos will primarily be retained in their existing natural condition. Neighborhood parks that provide for more active recreational uses are placed adjacent to the arroyos in several locations to further reinforce a natural transition from the edges of the arroyos to developed parcels within the master plan

- Edge Conditions

  The arroyos are generally adjacent to master planned roadways providing not only an interesting visual experience for residents and visitors on their daily travels, but also serve to buffer the development edges of parcels adjacent to the arroyos.

While the arroyos form a key identifying open space character for the community, they will be augmented by open space corridors areas adjacent to the master planned roadways throughout Kyle Canyon. These corridors will feature enhanced landscape, trails for connectivity, and unifying thematic elements. The site planning concept for individual builder neighborhoods adjacent to these open space corridors will encourage designs that use cul-de-sacs or other elements that open up to the edge condition and provide vehicular or pedestrian connectivity. In addition, the architecture of houses adjacent to development edges must be carefully addressed as well. These requirements are further detailed in the Architectural Guidelines section.

· Provide strong connectivity throughout the community

The arroyos described above not only provide visual open space, but also serve as key connectivity elements between and among the various residential neighborhoods and other community amenities, particularly the Community Core Focal Area of the elementary school and adjacent parks. In addition to the arroyos, a network of integrated trails will be provided throughout the community. Builders are encouraged to provide connection points from their parcels to the master planned open space and trail systems.

· Master Planned Open Space

All of the open space described above including arroyos, parks, and open space corridors form the Master Planned Open Space within Kyle Canyon. In total, these open spaces have been designed and located to provide significant community benefit and to allow the parcel builders to concentrate on what they do bestbuild houses. Thus, common open space within an individual neighborhood, though encouraged, is not required. However, in any case, builders should design their neighborhoods to take advantage of the master planned open space adjacent to their parcels by providing pedestrian connections, mini-parks, or other features which celebrate the open space character envisioned for Kyle Canyon.

# ARCHITECTURAL DESIGN CRITERIA

The Architectural Design Criteria for the residential neighborhoods of Kyle Canyon ensure that a cohesive community identity is established, achieved and maintained throughout the project. Considering the long-term timeframe for the build-out of the community, the guidelines focus on goals rather than solutions in order to provide design flexibility as market trends change over time, while providing assurance to public agencies and potential residents that a high quality of design will be maintained throughout the life of the project.

## Architectural Styles

The residential architectural styles should be compatible with the Kyle Canyon setting and be built with materials that are well suited to the harsh desert climate of the Las Vegas valley. The styles that are defined within these Design Guidelines have proven to be

compatible with Las Vegas and its desert climate and may be used throughout Kyle Canyon. However, because of the long-term build out of the community, it is not possible to predict specific architectural styles that may be in favor with the home buying public at any certain point in the future nor what technological advances may occur in building material and design. Thus, other architectural styles may be allowed subject to review and approval by the master developers Design Review Co mmittee (DRC).

| Architectural Style | Identifying Characteristics |
|---|---|
| Spanish Colonial | · Low-pitched gable roofs<br>· Red barrel or s-shaped roof tiles<br>· ‰ round arch elements<br>· Deep window or door recess<br>· Detail elements such as iron, wood-plank shutters, clay (or stucco) vent tiles, ceramic tile, etc. |
| Craftsman | · Low-pitched gable roofs<br>· Flat roof tiles<br>· Projecting eaves<br>· Exposed rafter tails, decorative beams or braces<br>· Front porches<br>· Tapered columns or piers<br>· Accent stone or siding encouraged |
| European Country | · Steeper roof pitch (at least 6:12) on all or portion of the roof<br>· Predominately flat roof tiles<br>· Informal arrangement of building forms<br>· Detail elements such as segmented arch elements, bay windows, turrets, dormers, or reverse arch shutters. |
| Italianate | · Low-pitched hip roofs<br>· Flat, barrel or s-shaped roof tiles<br>· Formal box-like building massing<br>· Projecting eaves with decorative brackets or dentils<br>· Vertically proportioned windows, often arched<br>· Detail elements such as quoins, keystones, shutters, palladian windows |
| Mediterranean | · Low-pitched gable roofs<br>· Red barrel or s-shaped roof tiles<br>· Asymmetrical combination of 1 and 2 story building forms<br>· Entry courtyards<br>· Accentuated tower elements and/or arcades<br>· ‰ round arch elements at doors and feature windows<br>· Refined decorative detail elements such as, patterned tiles, iron, and plank or panel shutters. |
| Prairie | · Low-pitched hip roofs<br>· Flat roof tiles<br>· Horizontal emphasis in detailing |
| Southwestern Ranch | · Low pitched gable roof forms<br>· Flat roof tiles<br>· Rambling horizontal character |

| Architectural Style | Identifying Characteristics |
|---|---|
| | · Front porches<br>· Detail elements such as exposed outlookers, rafter tails, z-shutters, brace detail at porch columns, etc. |
| Tuscan | · Mostly low-pitched hip roofs (occasional gable or cross-gable)<br>· Predominantly barrel or s-shaped roof tiles.<br>· Informal arrangement of building forms reflecting rural character.<br>· Medium to darker color schemes<br>· Detail elements such as accent stone, projecting overhead shutters |
| Andalusian | · Low-pitched hip, gable, (or combination) roof forms<br>· Red barrel or s-shaped roof tiles<br>· Use of oversized square stucco columns<br>· Detail elements including pre-cast surrounds, x m otif on porch balustrades and/or stepped balustrades on exterior stairs, miradors, |
| Contemporary | · Strong use of roof as a design statement, including shed roof forms, flat roofs with parapet, along with gable or hip roof forms<br>· Asymmetrical arrangement of building forms<br>· Bold use of color to accentuate building forms and elements.<br>· Adaptation of traditional design vernaculars, executed with a fresh, contemporary approach<br>· Decorative use of metal or other non-conventional materials, commercial grade windows and doors, riglets and reveals, etc. |

## Perimeter Edge Conditions

The residential neighborhoods throughout Kyle Canyon will be designed to ensure that visually appealing architecture is located along the perimeter edges of development parcels that are adjacent to master planned roadways, open spaces and other areas subject to public view.

Examples of architectural treatments for residences located along such perimeter edges include, but are not limited to:

- Variety of building massing and forms
- Variation in roof forms
- Architectural treatments and articulation consistent with the front elevation
- Window trim consistent with the front elevation on all windows
- Offset wall planes with a corresponding change in roof element.
- Principal window treatments
- Enhancements such as a patio cover, 2nd story deck or balcony providing vertical or horizontal plane breaks to the faade
- Varying rear setbacks

## Single Family Neighborhoods

In addition to the treatment of the perimeter edge conditions described above, the following guidelines ensure a high level of design quality is achieved in the architectural design of residences, resulting in pleasant neighborhood environments for residents and visitors throughout Kyle Canyon.

### Building Facades

#### Building Form

- Variety in building forms is encouraged to provide diversity and visual interest to the neighborhood street scene. The following recommendations are encouraged when designing residential structures:
    - Articulation of wall planes
    - Projections and recesses to provide shadow and depth
    - Simple bold forms
    - Combinations of one and two story forms (and 3-story forms, where allowed)

- Building wall planes, particularly on the front elevation, should be staggered to create interest along the street scene, to provide a desirable human scale, and to avoid visual monotony.

#### Building Materials and Colors

- Color and material blocking should be incorporated into the preliminary architectural design so that thoughtful color use is integrated with the architecture. Color palette and application should be consistent with the architectural style of the residence.

- All surface treatments or materials should be designed to appear as an integral part of the design, and not merely applied. All materials should wrap columns, porches, or balconies in their entirety.

- Adjacent houses and facing houses across a street should use different color schemes.

### Roofs

#### Roof Form and Slope

- Roof treatments, including overhangs, should be consistent with the architectural style of the dwelling.

- Variety of roof design and treatment is encouraged to provide visual interest to the neighborhood roofscape throughout Kyle Canyon, including the use of gable, cross-gable, hip, shed, or a combination of these roof forms.

- Likewise, variety in roof lines is encouraged to avoid a common roof line along neighborhood streets. Variation of ridge heights, roof forms, and direction of gables is encouraged on adjacent residences.

- Repetitious gable ends framed side to side on rear elevations are discouraged along perimeter edges of residential neighborhoods.

- Roof slopes should be consistent with the architectural style of the dwelling.

Roof Materials

- A variety of roof materials is encouraged throughout the neighborhoods of Kyle Canyon in order to avoid a monotonous roofscape appearance. Roof materials may include barrel shaped clay or concrete tiles, flat clay or concrete tiles and shakes, and slate.

- Roof materials should be compatible with the architectural style of the residence.

- Roof materials should have a matte finish to minimize glare.

- Standing seam metal roofs are permitted as an architectural accent element.

- Permitted Materials

    - Clay or Concrete Barrel Tiles
    - Concrete S-tiles
    - Clay or Concrete Flat Tiles
    - Clay or Concrete Shakes
    - Slate
    - Standing Seam Metal

- Prohibited Materials

    - Wood Shake
    - Fiberglass Shingles
    - Simulated Tile including fiberglass or metal
    - Rolled roofing material

- Solar panels should be integrated into the roof design, flush with the roof slope. Frames should be colored to complement the roof. Mill finish aluminum frames are not allowed. Support solar equipment should be enclosed and screened from view.

## Garages

The overall design of the front faade of a residen ce should de-emphasize the appearance of garage doors that face the street. Many techniques may be used to achieve this goal, examples of which include, but are not limited to:

- Architectural Elements Forward of the Garage Plane

Architectural elements that are situated forward of the plane of the garage provide visual interest to the street scene while minimizing the appearance of the garage door on the street scene. Examples of such elements include porches, portal elements and courtyard walls.

- Articulation Above the Garage

Architectural elements located over the garage can effectively draw attention away from the garage door and provide strong visual articulation to the front faade. Second floor elements that project forward of the garage plane are particularly effective as they cast a strong shadow across the garage door, minimizing its appearance on the street scene. Examples of such articulation include principal windows with thickened walls and detailing appropriate to the architectural style, balconies, sundecks and miradors (roofed outdoor rooms located on the 2$^{nd}$ floor)

- Articulation in Front of Garage

The use of articulation elements such as free-standing arbor directly in front of the garage door, or an attached trellis element over the entire width of the garage door provide visual interest to the street scene while de-emphasizing the appearance of the garage door.

- Living Spaces Forward of the Garage

Where product width allows, architecture forward allows the active living spaces of the house to be the predominate feature of the front elevation, while the garage is setback further from the street.

- Deep Recesses

Deep garage door recesses into surrounding wall planes result in strong shadows being cast across the garage doors, de-emphasizing their appearance on the street scene. Second floor elements above are either cantilevered or supported with piers extending to ground plane.

- Extended Roof Elements

  The use of extended roof elements provides the opportunity to emphasize the architectural design of the home while minimizing the appearance of the garage on the street scene. For example, when a porch is provided on the front elevation, extending its single story roof line across the entire driveway width in front of the garage creates a deep shadow on the garage door, effectively allowing the garage door to disappear into the sh adow. Similarly, a vehicular porte-cochere element provides additional shade to the front of the house and the garage is generally behind the front faade of the home.

- Garage doors should be compatible with the architectural style of the residence. In order to avoid the impact of garage doors, it is encouraged that they be appropriately treated with decorative relief cuts, panels, small decorative windows, etc.

- Decorative window lites, when used, should be appropriate to the architectural style of the residence. Sunburst or wagon-wheel window shapes are not allowed.

Window Openings

- The style of windows, including muntin patterns, should be compatible with the architectural style of the residence.

- Principal Windows

  At least one principal window should be used on front elevations, such as:

  - A prominent window recessed from the surrounding wall plane.
  - An oversized window or window grouping with trim consistent with the architectural style.
  - An enhanced architectural surround that accentuates a prominent feature window
  - A bay window with detailing appropriate to the architectural style of the residence.
  - A deep pot-shelf with corresponding roof element and corbels.
  - An overhead trellis element projecting forward of the wall plane and extending over the entire width of the window.

- All other windows on the front elevations as well as windows on side and rear elevations that are adjacent to perimeter edges should feature trim consistent with the architectural style, or be articulated in a manner subject to approval by the DRC.

- Aluminum or vinyl extruded frame windows should be appropriately colored to match or complement the house or trim colors for each color scheme.

- Glazing may be either clear or tinted. Reflective glass is not permitted.

- The shape and size of shutters, when used, should be proportionate to the window opening.

Porches

- Porches, when provided, should be designed as an integral component of the buildings architecture.

- Porches, when provided, are encouraged to have railings and be fully covered in one of the following ways:

    - Roof element and tile matching the residence
    - Trellis structure
    - Second floor balcony or overhang

Columns and Archways

- Columns and archways, when used, should be scaled appropriately to provide a sense of strength and support that is compatible with the architectural style of the dwelling.

Trellis and Arbors

- When used, trellis and arbors must be designed to maintain their appearance considering the climatic conditions of the valley.

Patio Covers, 2 nd Story Decks and Balconies

- Patio covers, 2nd floor decks or balconies should be designed as an integral component of the architecture. Support columns should be proportional to the size of the patio cover, deck or balcony.

Detail Elements

- Detail Elements such as shutters, eave brackets, corbels, exposed rafter ends or cross beams, decorative grille work, quoins, decorative ceramic tile and / or other similar features should be used to provide visual interest to the building and be compatible with its architectural style.

Walls and Fences

- Walls and fences that are visible from streets, open space, or other public areas should be compatible in material, color, and design with adjacent architectural elements.

### Exterior Lighting

- Exterior lighting fixtures should be compatible with the architectural style of the building

### Accessory Structures

- Casitas, guest houses, detached garages, greenhouses, and other similar accessory structures should be compatible in design, materials, and color as the main residence.

### Mechanical Equipment

- Mechanical equipment such as air conditioners, heaters, evaporative coolers, television and radio antennas, and other such devices should not be mounted on any roof.

- Mechanical devices such as exhaust fans, vents and pipes should be painted to match adjacent roof surfaces.

- Ground mounted air conditioning units should be screened from view from streets and open space areas.

- All antenna and satellite dishes visible from any public or private street, sidewalk, open space or adjacent lot must be submitted for review and is subject to the CC&Rs and all federal regulations.

## Multi - Family Neighborhoods

### Building Facades

#### Building Elevations

All elevations should be well detailed and articulated, incorporating building forms, masses, roof design and authentic details and accent features that are consistent with the architectural style of the building.

Sufficient massing and articulation of building walls should be incorporated into the building design to provide visual interest to building facades and to expansive wall planes. Such articulation may be achieved in a variety of ways, including but not limited to:

- Vertical and/or horizontal offsets of building wall planes
- Covered balconies or sundecks projecting forward of the main building wall plane
- Accentuated building elements such as entries, stair towers, or other similar features that provide horizontal or vertical offsets and break the eave line of the building.
- Incorporating a combination of building heights into the building design

- Stepping back a portion of upper floors, particularly at building corners, where feasible.

Additionally, multi-story buildings should incorporate other height reducing elements such as large open balconies, shed roof forms, material changes, etc.

Materials

- Color and material blocking should be incorporated into the preliminary architectural design so that thoughtful color use is integrated with the architecture. Color palette and application should be consistent with the architectural style of the building.

- All surface treatments or materials should be designed to appear as an integral part of the design, and not merely applied. All materials should wrap columns, porches, or balconies in their entirety.

- Generally, the color of garage doors should not unduly contrast with the primary base color of the building.

Roofs

Roof Form

- Roof treatments, including overhangs, should be consistent with the architectural style of the building.

- Variety of roof design and treatment is encouraged to provide visual interest to the neighborhood roofscape throughout Kyle Canyon, including the use of gable, cross-gable, hip, shed or a combination of these roof forms.

- Repetitious gable ends framed side to side on rear elevations are discouraged along perimeter edges of residential neighborhoods.

- Roof slopes should be consistent with the architectural style of the building.

Roof Materials

- A variety of roof materials is encouraged throughout the neighborhoods of Kyle Canyon in order to avoid a monotonous roofscape appearance. Roof materials may include barrel shaped clay or concrete tiles, flat clay or concrete tiles and shakes, and slate.

- Roof materials should be compatible with the architectural style of the building.

- Roof materials should have a matte finish to minimize glare.

- Standing seam metal roofs are permitted as an architectural accent element.

- Permitted Materials

    - Clay or Concrete Barrel Tiles
    - Concrete S-tiles
    - Clay or Concrete Flat Tiles
    - Clay or Concrete Shakes
    - Slate
    - Standing Seam Metal

- Prohibited Materials

    - Wood Shake
    - Fiberglass Shingles
    - Simulated Tile including fiberglass or metal
    - Rolled roofing material

- Solar panels are to be integrated into the roof design, flush with the roof slope. Frames should be colored to complement the roof. Mill finish aluminum frames are not allowed. Support solar equipment should be enclosed and screened from view.

Entries

Entry doors and entryways should provide a focal point to each residential unit and should be protected with overhangs, recesses, porches, trellises, or similar architectural features. In buildings where individual unit entries are from an interior corridor, if any, the main entrance into the building should be designed as a focal point of the exterior elevation.

Porches

- Porches, when provided, are encouraged to have railings and be fully covered in one of the following ways:

    - Roof element and tile matching the residence
    - Trellis structure
    - Second floor balcony or overhang

- Porches, when provided, should be designed as an integral component of the buildings architecture.

## Courtyards

- Courtyards, when used, should appear as an extension of the architecture of the main building.

- Courtyard walls should be finished to match the building and may be embellished with stone, ceramic tiles, steps, recesses, cut-outs, or wrought iron accents appropriate to the architectural style of the building.

## Window Openings

- The style of windows, including muntin patterns, should be compatible with the architectural style of the building.

## Principal Windows

At least one principal window per floor should be provided on building elevations, arranged in an aesthetically pleasing composition consistent the architectural style. Principal windows need not strictly be located on each floor, so long as the total number of required principal windows is achieved on any given elevation.

Principal windows are defined as one of the following:

- Oversized window or window grouping
- A prominent window recessed a from the surrounding wall plane.
- An enhanced architectural surround that accentuates a prominent feature window
- A bay window with detailing appropriate to the architectural style of the building.
- A deep pot-shelf with corresponding roof element and corbels.
- An overhead trellis element projecting forward of the wall plane and extending over the entire width of the window.

- All other windows should feature trim consistent with the architectural style.

- Trim elements may be stucco, pre-cast, wood, or ceramic tile.

- Aluminum or vinyl extruded frame windows should be appropriately colored to match or complement the building or trim colors for each color scheme.

- Glazing may be either clear or tinted. Reflective glass is not permitted.

- The shape and size of shutters, when used, should be proportionate to the window opening.

Patio Covers, Decks and Balconies

· Patio covers, decks and balconies, when provided, should be designed to be in scale and proportion with the architecture of the adjoining building.

· Support columns should be proportional to the size of the patio cover, deck or balcony.

Columns and Archways

· Columns and archways, when used, should be scaled appropriately to provide a sense of strength and support that is compatible with the architectural style of the dwelling.

Trellis and Arbors

· When used, trellis and arbors must be designed to maintain their appearance considering the climatic conditions of the valley.

Detail Elements

· Detail Elements such as shutters, eave brackets, corbels, exposed rafter ends or cross beams, decorative grille work, quoins, decorative ceramic tile and / or other similar features should be used to provide visual interest to the building and consistent with its architectural style.

Garage Doors

· All garage doors on residential buildings should be recessed from surrounding wall planes.

· Door lites, when used, should be appropriate to the architectural style of the building.

Walls and Fences

· Walls and fences that are visible from streets, open space, or other public areas should be compatible in material, color, and design with adjacent architectural elements.

Exterior Lighting

Exterior lighting fixtures should be compatible with the architectural style of the building

Exterior Stairs

· Exterior stairs should be designed as an integral part of the architecture.

· Stair guardrail design should be consistent with the architecture of the building.

## Awnings

- Awnings, when provided, should be designed as an integral part of the architecture.

- Unacceptable awning treatments include metal (except for top-mounted Bermuda shutters), untreated fabric, and project names, texts, or logos.

## Accessory Structures

### Clubhouse, Leasing and Recreation Buildings

- Clubhouses, recreation buildings, and other support buildings should match the architectural style and detailing of the residential buildings.

### Storage Buildings

- Storage buildings should have the same level of architectural detailing as the residential buildings within the project.

### Detached Garages

- Detached garages, when provided, should use a similar roof treatment and building material as the residential buildings they serve.

### Carports

- Freestanding carports should have the same roof design and treatment as the residential buildings within the project.

- Carports should have end walls or other screening devices with architectural detailing similar to the residential buildings.

- Carport color, including roofs, should complement the development.

### Trash Enclosures

- Trash enclosures should be constructed of concrete masonry units finished similar to buildings in the development.

- All trash enclosures should have opaque metal gates that are designed compatible with the development.

## Non-Architectural Elements

### Mechanical Equipment

- No mechanical equipment (air conditioning/heating units, etc.) should be mounted on, or attached to, any sloped roof. Mechanical equipment, when mounted on flat roofs, must be completely screened by parapet walls at least as tall as the equipment.

- Ground mounted air conditioning units should be screened from view and located away from pedestrian paths and project amenities to the extent feasible.

- Mechanical devices such as exhaust fans, vents, and pipes should be painted to match adjacent roof surfaces.

### Vents

- B type vents for gas appliances, water heaters, a nd heating units should be painted to match the roof color. Such elements should be located to minimize visual impact to building elevations.

### Meters

- Natural gas meters should be grouped and screened behind walls. Builders should contact Southwest Gas for minimum clearances.

- Electrical meters should be ganged and located behind doors. Builders should contact Nevada Energy for minimum clearances.

- Screen walls and electrical enclosures should be designed integral to the projects architecture.

### Satellite Dishes

- All antenna and satellite dishes visible from any public or private street, sidewalk, open space or adjacent lot must be submitted for review and is subject to the CC&Rs and all federal regulations.

# DESIGN REVIEW PROCESS

The Master Developer shall administer all project submittals and approvals for development within Kyle Canyon with regard to the implementation of the Design Guidelines. All development proposals within Kyle Canyon must b e approved by the Master Developer prior to submission to any app licable public agency.

As an expression of the Master Developers vision f or Kyle Canyon, the Design Guidelines are intended to provide builders, architects, civil engineers, and others an overall direction in the design process. The criteria contained within the Design Guidelines provides examples of ways in which the vision can be achieved, however, the Master Developer strongly encourages creativity, innovation, and variety throughout the community. Builders may propose other design solutions to project development, as long as the overall intent of the community vision and Design Guidelines is achieved.

All project submittals, whether designed in strict accordance with the design criteria contained herein or with other design solutions not specifically addressed in the Design Guidelines, will be reviewed by the Master Developer to ensure that all projects achieve the goals and objectives of the vision as expressed throughout the Design Guidelines.

All parcel improvements by the builder will require review and approval by the Master Developer. Improvements requiring review include but are not limited to residential product including new construction, commercial and mixed-use projects, landscape, signage, and amenities such as parks, open play areas or community facilities and ancillary structures.

## Design Review Committee (DRC)

The Master Developer shall establish a Design Review Committee (DRC) to review each project submittal. The DRC shall consist of representatives from the Master Developer along with an architectural consultant, landscape consultant, and civil engineering consultant. In addition, the DRC may consult with other professional advisors as deemed appropriate. Projects for design review shall be submitted to the Design Review Committee at the address listed below. Complete submissions are required in order for the DRC to make an expeditious review.

DESIGN REVIEW COMMITTEE
c/o Master Developer Name
Street Address
City, State, ZIP

Telephone
Fax:

## Submittal Requirements

The following items must be submitted to and approved by the Kyle Canyon DRC prior to submittal to any public agency. Submittals shall be made online to the DRC or by submitting two sets of electronic CDs with all drawings in a scaleable pdf format.

- Builder Statement

For each project submittal, the builder shall provide a written summary of how the proposed project fulfills the community character envisioned for Kyle Canyon as expressed throughout these Design Guidelines. Particular emphasis should be given to edge conditions and connectivity.

- Preliminary Concept Site Plan (Per Production Neigh borhood; 1 = 40)

The purpose of this submittal is to ensure that the overall concept of the neighborhood design, particularly regarding the layout of proposed streets and lots, is consistent with the intent of the design guidelines before the builder begins preparation of tentative tract maps. The following are required elements of the Preliminary Concept Site Plan submittal:

  - Conceptual street layout
  - Conceptual lot layout
  - Proposed pedestrian connections
  - Adjacent streets and open space
  - Proposed wall types, heights and locations

- Detailed Development Plan (Per Production Phase; 1 = 40)
  - Proposed street locations and dimensions
  - Proposed lot lines and dimensions
  - Proposed pedestrian connections
  - Pre-plotting of units along parcel edges that are visible from master planned roads and open space
  - Building footprints (Model and elevation must be specified)
  - Driveway and/or alley placement
  - Wall and Fence locations and heights
  - Adjacent street(s) and open space

- Architectural Plans (half size 1/8 scale drawings only)
  - Identify parcel number on title sheet of architectural package and/or on the title block of each page of the submittal
  - Floor plans with dimensions
  - Dimensioned unit floor plans and building composites for attached and multi-family products
  - Floor plan modifications (if any) per architectural style
  - Wrap elevations with dimensions for each architectural style (Label architectural style for each elevation)
  - Enhanced elevations for corner side and visible side and rear elevations

- Material call-outs and depth of recesses or pop-outs should be identified
- Floor area calculations including living area per floor, total living area, and garage square footage
- Typical lot for each floor plan indicating building footprint, setback requirements, driveway locations, and sidewalk locations
- Site plan for reference
- All submittals in pdf format on a CD and 1/8 scal e hard copy

- Material and Color Package (Maximum Size of Board(s ): 11 x 17)
  - Noted or color coded elevations
  - Primary stucco color(s) (Actual paint chip)
  - Secondary stucco color(s) (Actual paint chip)
  - Accent and trim colors (Actual paint chip)
  - Accent material samples (Stone, Brick, Etc.) (Manufacturers printed picture)
  - Roof tile (Actual material and color sample)

- Landscape Plan (1 = 40)
  - Street tree species, size and location
  - Neighborhood entries
  - Planting and fencing details

## Plan Check Fees

The following plan check fees shall apply to the design review process:

| | Submittal Type | Fee |
|---|---|---|
| 1 | Preliminary Concept Site Plan: | $tbd |
| 2 | Initial Full Submittal including:<br>· Detailed Development Plan<br>· Architectural Plans<br>· Material and Color Sample Board<br>· Landscape Plan | $tbd |
| 3 | 2nd Submittal addressing comments from Initial Submittal:. | $tbd |
| 4 | Subsequent Submittals (if necessary):.. | $tbd p er submittal |
| 5 | Public Agency Submittals. | Fee per public agency requirements. Applicant is responsible for any and all public agency fees that apply to the project submittal. |

Upon review of the submittal, additional fees may be required to cover expenses incurred by the DRC. The plan check fee shall be submitted to the following:

Design Review Committee
c/o Master Developer Name
Street Address
City, State, ZIP

Telephone:
Fax:

## DRC Design Review and Approval Process

The Design Review Committee (DRC), established by the Master Developer, shall review each project submittal. Within 15 working days of receipt of a complete submittal, the DRC shall recommend "approved", "approved with modifications", or "denied". The DRC shall summarize its finding in a written response letter to the Master Developer. The Master Developer shall make the final decision regarding approval of the submittal. If the Master Developer fails to notify the applicant within 30 calendar days as to its decision regarding the project submittal, then the submittal shall be deemed approved.

The DRC shall review each submission for the design's commitment to overall community development and adherence to the Design Guidelines. The DRC is not responsible for the review of submissions to determine conformance to any applicable codes and standards established by public agencies.

Submittals that are Approved by the DRC may then be submitted to public agencies, if required. Submittals that are Approved with Modifi cations or Denied shall be revised as necessary and re-submitted to the DRC for approval. All submittals must be approved by the DRC prior to submission to any publ ic agency. Submittals to public agencies must be accompanied by a letter from the Master Developer indicating that the project has been reviewed and approved by the Master Developer.

## Administration

### Amendment

The Design Guidelines may be amended from time to time by the Master Developer. Any amendment, revision, or update to the Design Guidelines shall be distributed by the Master Developer to the City of Las Vegas for review and comment. Once finalized, the Master Developer will provide the updated Design Guidelines to the parcel owner of record. The parcel owner shall then be responsible to notify and distribute the Design Guidelines to any consultants preparing submittal packages on the parcel owners behalf.

Prevalence of Declaration

In the event of any conflict between the provisions of the Design Guidelines and the Master CC&Rs for Kyle Canyon, the most restrictive shall prevail.

Miscellaneous

All items submitted during the review process shall become the property of the Master Developer. Changes to the approved plans shall be re-submitted to the DRC for approval and shall clearly identify the revision(s).

Prosecution of Work After Approval

After approval of the final plans by the Master Developer, the construction, alteration or other work described therein shall be commenced and completed in accordance with the rules set forth in these Design Guidelines and the Declarations. The Master Developer or its representative has the right to enter the lot or premises and to inspect the project for compliance with the Design Guidelines or Declarations at any time, without advance notice to the lot owner nor fear of trespass and liability.

Violations

Construction deemed by the Owner to be in violation of approved drawings, the Design Guidelines, or the Master CC&Rs shall be corrected as described in the Declarations.

Recordation of Notice

Upon approval of the final plans, the Owner shall, upon written request from the applicant, provide a statement of approval in a form appropriate for recordation. The Owner may also record a notice to reflect any work which has not been approved or any approval previously given which has been revoked.

Rule Making Authority

The Owner adopts these Design Guidelines for the purpose of interpreting, applying, supplementing and implementing the provisions of the Master CC&Rs pertaining to the design of site improvements. A copy of the Design Guidelines as from time to time adopted, amended or repealed shall be maintained in the office of the Owner and shall be available for inspection during normal business hours by any applicant or any architect or agent of any such applicant. It shall be the responsibility of the applicant or architect or agent of any such applicant to inform themselves as to any and all such changes of these Design Guidelines.

Liability of Committee

Provided that the Owner acts in good faith, neither the Owner nor any representative thereof shall be liable to any applicant or any other person for any damage, loss or prejudice suffered or claimed on account of the review of any plans, specifications or

materials. The review and delivery of a form of approval or disapproval is not to be considered an opinion as to whether or not the plans are defective or whether the construction methods or performance of the work proposed therein is defective, or whether the facts therein are correct or meet Clark County Building Codes.

Professional Advice

The Owner may employ the services of an architect, attorney, land planner, landscape architect or engineer to render professional advice and may charge the cost for services of such a professional to the applicant, but only after the applicant has been informed in advance such compensation shall be so charged.

Date: _____

## Submittal Checklist

Builder: _____

Contact Name: _____

Address: _____

_____

Phone No: _____ e-mail:_____

Civil Engineer _____

Contact Name: _____

Address: _____

_____

Phone No: _____ e-mail:_____

Architect: _____

Contact Name: _____

Address: _____

_____

Phone No: _____ e-mail:_____

Landscape Architect _____

Contact Name: _____

Address: _____

_____

Phone No: _____ e-mail:_____

Parcel No. :_____

Land Use Category: _____

Modified Development Standards Zoning Category: _____

DRC Submittal Materials

- _____ Builder Statement
- _____ Preliminary Concept Site Plan
- _____ Detailed Development Plan
- _____ Architectural Plans
- _____ Landscape Plan
- _____ Material and Color Package
- _____ DRC Submittal Fees

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June 23, 2011

Peter Lowenstein
CITY OF LAS VEGAS PLANNING DEPT.
333 No. Rancho Drive, 3rd Floor
Las Vegas, NV 89106

***Re: First Amendment and Restatement to the Development Agreement Justification letter***

Dear Peter:

This letter is intended to be a justification letter for the first amendment and restatement to the development agreement ("Agreement"). The City of Las Vegas ("City") and Kyle Acquisition Group, LLC entered into a development agreement which became effective on August 8, 2007 ("Original Agreement"). Wachovia Bank, acting as a managing creditor of 41 total creditors, foreclosed on the property on September 23, 2008. A new entity was formed called KAG Property, LLC ("Master Developer"). The Master Developer and City desire to amend, incorporate, restate and supersede the Original Agreement. The property consists of approximately 1,661.8 gross acres of unimproved real property ("Property").

## I. PLANNING & DEVELOPMENT OF THE COMMUNITY

One of the primary objectives of the Master Developer is that development of the Property be undertaken in an organized fashion so as to ensure a well-integrated, quality community within appropriate harmonious mix of residential, commercial, open space, recreational and public uses. To further that end, the Property is planned and Master Developer will develop the Property under a single master plan, thoughtfully incorporating residential, commercial and public uses, and market it as a "Master Planned Community". The Master Planned Community will provide desirable housing, employment, commercial centers, public and recreational opportunities for the residents. The Agreement sets forth the terms and conditions of development. Subject to the terms of this Agreement and development rules, Master Developer has the discretion as to the time of commencement, construction, phasing and completion of any and all development of the Master Planned Community. The maximum density for this Property will be 9,000 dwelling units. This is a significant reduction in the density that was originally approved for 16,000 dwelling units. Additionally, a gaming enterprise district and an establishment offering non-restricted gaming is already approved.

A master homeowner's association will be organized to manage and maintain sidewalks, common landscape areas, any landscaping within the street rights-of-way including median islands, certain parks and private drainage facilities located within common elements.

## II. PUBLIC FACILITIES

### a) Schools

The Master Developer has agreed to dedicate up to 74.34 acres of property for school sites at no cost to the City or the Clark County School District. Master Developer will construct standard improvements adjacent to the school parcels. The schools will be developed subject to the design guidelines for the Master Planned Community.

### b) Fire Protection

The Master Developer has agreed to contribute $4,100,000 to the City for the sole purpose of construction of a fire station. The Master Developer has further agreed to provide all wet and dry utilities services to the fire station site prior to the date of the fire contribution. The fire station will be constructed and operating within 24 months of this contribution.

### c) Regional Transportation Center

The Master Developer has agreed to dedicate up to 2.5 gross acres of land to serve as a transit hub and transfer points for various bus routes at no cost to the City or the Regional Transportation Commission. Master Developer will construct standard improvements adjacent to this parcel.

### d) Police Services

Residential developers are required to pay the City $218 per residential unit for the construction of a Metro substation to serve the Property and the surrounding area. This Metro substation is required to be no more than 1 mile from the Property and must be constructed and in operation within 1 year from the completion of the master planned community.

## III. PROJECT INFRASTRUCTURE IMPROVEMENTS

### a) Sheep Mountain Parkway

The Property is encumbered by an irrevocable BLM Right-Of-Way grant in favor of the City for the proposed Sheep Mountain Parkway. The City and Master Developer have agreed to reduce the future Sheep Mountain Parkway. In exchange for this reduction in right-of-way, the

Master Developer has agreed to build the permanent detention basin in the Master Planned Community. The Master Developer will remove interim detention basins located within the Sheep Mountain Parkway right-of-way and to locate the permanent detention basin along the Puli Road alignment. The City will receive a cost benefit of approximately $7,000,000 of future construction costs through the construction of a permanent detention basin.

**b) Kyle Canyon Interchange**

The Master Developer has agreed to contribute $2,000,000 to the City for the design, construction or reimbursement to the City (if the interchange is constructed] of the Kyle Canyon Road – US 95 Interchange. Furthermore, the City may use all or some of this contribution for the design of Kyle Canyon Road – US 95 Interchange or design, right-of-way acquisition for construction of several road projects to benefit the Master Planned Community that are outlined in the Agreement.

## IV. PARKS

The Master Developer will construct the parks and other recreational amenities within the Master Planned Community. The homeowner's association will maintain certain parks and recreational amenities as defined in the parks agreement.

**a) Indian Hills Park**

Master Developer will construct Indian Hills Park upon the issuance of the 500$^{th}$ residential permit on the east side of US 95 (located within the Property) or prior to the issuance of the 2000$^{th}$ residential permit for the Master Planned Community. The City will manage and maintain this park.

**b) Iron Mountain Park**

Master Developer will commence the design and construction of Iron Mountain Park when the City notifies the Master Developer that 4,000 residential permits have been issued and the flood control facilities are in place to protect the park. The City will manage and maintain this park.

The above-mentioned sections do not reflect the entire Agreement, however; these above-mentioned sections represent pertinent parts of the Agreement that have been negotiated. This Agreement is consistent with the goals and policies of the City and is in line with the expectations of development for future master planned communities. Please contact me if you have any questions.

Sincerely,

KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Robert J Gronauer

Robert J. Gronauer

RJG/mlt

City of Las Vegas Agenda Item No.: **42.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
DIR-42424 - DIRECTOR'S BUSINESS - PUBLIC HEARING - For possible action on an election of new Planning Commission Officers for the remainder of 2011. Staff has NO RECOMMENDATION.

**P.C.: FINAL ACTION**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
NO RECOMMENDATION

**BACKUP DOCUMENTATION:**
NONE

City of Las Vegas Agenda Item No.: **43.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
DIR-42436 - DIRECTOR'S BUSINESS - PUBLIC HEARING - For possible action to amend the City of Las Vegas Planning Commission Rules and Regulations. Staff has NO RECOMMENDATION.

**P.C.: FINAL ACTION**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff has NO RECOMMENDATION

**BACKUP DOCUMENTATION:**
City of Las Vegas Planning Commission Rules and Regulations

City of Las Vegas Agenda Item No.: **44.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
DIR-42500 - DIRECTOR'S BUSINESS - PUBLIC HEARING – For possible action on the appointment of new members to the Downtown Design Review Committee. Staff has NO RECOMMENDATION.

**P.C.: FINAL ACTION**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff has NO RECOMMENDATION.

**BACKUP DOCUMENTATION:**
None

City of Las Vegas Agenda Item No.: **45.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG** ☐ **Consent** ☒ **Discussion**

**SUBJECT:**
TXT-42360 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action to amend Table 1 of Town Center Development Standards to establish regulations, applicable zoning districts, and requirements for Pet Boarding, Small Wind Energy System and Solar Panel uses. Staff recommends APPROVAL.

**THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**
Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**
1. Proposed Amendment and Staff Report
2. Justification Letter

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011**
**DEPARTMENT: PLANNING**
**ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS**

## ** STAFF RECOMMENDATION(S) **

| *CASE NUMBER* | *RECOMMENDATION* | *REQUIRED FOR APPROVAL* |
|---|---|---|
| **TXT-42360** | Staff recommends APPROVAL. | |

## ** PROPOSED AMENDMENT(S) **

1. Table 1 of the Town Center Development Standards Manual is hereby amended by adding uses "Pet Boarding", "Small Wind Energy Systems" and "Solar Panel" as follows:

**Permitted Uses – Table 1**

| USE | GC | SC | UC | SX | MS | EC | L | ML | MLA | M | PF |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Pet Boarding | **C** | **C** | **C** | **S** | | **C** | | | | | |
| Small Wind Energy Systems | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** |
| Solar Panel | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** | **C** |

2. Section B(3)(B) is hereby amended by adding Conditional Use requirements for "**Pet Boarding**" as follows:

   a. The use shall comply with all minimum conditions, standards and requirements applicable to the use "Pet Boarding" in LVMC 19.12.

3. Section B(4)(B) is hereby amended by adding Special Use Permit requirements for "**Pet Boarding**" as follows:

   a. The use shall comply with all minimum conditions, standards and requirements applicable to the use "Pet Boarding" in LVMC 19.12.

YK

4. Section B(3)(B) is hereby amended by adding Conditional Use Requirements for "**Small Wind Energy Systems**" as follows:

    a. The use shall comply with all minimum conditions, standards and requirements applicable to the use "Small Wind Energy Systems" in LVMC 19.12.

5. Section B(3)(B) is hereby amended by adding Conditional Use Requirements for "**Solar Panel**" as follows:

    b. The use shall comply with all minimum conditions, standards and requirements applicable to the use "Solar Panel" in LVMC 19.12.

# ** STAFF REPORT **

## PROJECT DESCRIPTION

This is a request to amend Table 1 of the Town Center Development Standards to add "Pet Boarding," "Small Wind Energy Systems" and "Solar Panel Uses." The Pet Boarding Use is proposed to be permitted as a Conditional Use in the GC (General Commercial), SC (Service Commercial), UC (Urban Center Mixed Use), EC (Employment Center Mixed Use), and in the SX (Suburban Mixed Use) District with approval of a Special Use Permit. The Small Wind Energy Systems and Solar Panel Uses are proposed to be permitted as Conditional Uses in all Districts. Staff recommends approval of the Pet Boarding Use, as it is similar to Animal Hospital, Clinic, Shelter, Without Outside Pens that is already a permitted use in Town Center. This use is also consistent with the Pet Boarding Use found in Title 19.12. Staff recommends approval of the Small Wind Energy Systems and Solar Panel Uses to conform to Nevada Revised Statute Chapter 701B as updated in the 2009 Legislative session.

## BACKGROUND INFORMATION

| ***Related Relevant City Actions by P&D, Fire, Bldg., etc*** | |
|---|---|
| 11/07/01 | The City Council adopted Bill No. 2001-100 that created the Town Center Development Standards Manual. The Planning Commission and staff recommended approval. |
| 10/04/06 | The City Council adopted Bill No. 2006-53 that revised the Town Center Development Standards Manual to provide for greater consistency with Title 19. The Planning Commission and staff recommended approval. |

## ANALYSIS

The proposed amendment would create new uses entitled "Pet Boarding,", "Small Wind Energy Systems" and "Solar Panel." The Pet Boarding use would allow for the shelter, care, feeding, exercising, grooming or incidental medical care for household pets for remuneration or otherwise on a commercial basis, as well as a kennel operation. The use must be conducted per the standards described in Title 19.12 for Pet Boarding. The new use would be permitted in all Town Center zoning districts that currently permit an Animal Hospital, Clinic, Shelter, Without Outside Pens.

The "Small Wind Energy Systems" use is described as follows**:** A wind energy conversion system consisting of a wind turbine, a tower or supporting structure, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and which is intended primarily to reduce on-site consumption of utility power. The use is not to be deemed an accessory structure. This use must be conducted per the standards described in Title 19.12.010 for Small Wind Energy Systems. The new use would be permitted in all Town Center zoning districts.

The "Solar Panel" use is described as follows: a small-scale unit that is designed and used, on an incidental or accessory basis, to generate power or heat (or both) to be supplied to the principal use of the site. This use must be conducted per the standards described in Title 19.12 for Solar Panel. The new use would be permitted in all Town Center zoning districts.

## FINDINGS

The proposed text amendment will achieve the following:

- Establish a new use in Town Center entitled "Pet Boarding" that will be permitted as a Conditional Use in the GC (General Commercial), SC (Service Commercial), UC (Urban Center Mixed Use), EC (Employment Center Mixed Use) Districts, and in the SX (Suburban Mixed Use) District with approval of a Special Use Permit;
- Establish a new use in Town Center entitled "Small Wind Energy Systems" that will be permitted as a Conditional Use in all districts; and
- Establish a new use in Town Center entitled "Solar Panel" that will be permitted as a Conditional Use in all districts.

The following table summarizes the proposed changes:

| Code Requirements | Existing Regulations | Proposed Regulations |
|---|---|---|
| Town Center Development Standards Manual Table 1 Permitted Uses | N/A | Create new use entries for Pet Boarding, Small Wind Energy Systems and Solar Panel. |
| Town Center Development Standards Manual B(3)(B) | N/A | Define the Conditions required for Pet Boarding in GC, SC, UC and EC Districts. Defines the Conditions required for Small Wind Energy Systems and Solar Panel for all Districts. |
| Town Center Development Standards Manual B(4)(B) | N/A | Define the Special Use Permit requirements for Pet Boarding in the SX District. |

**NOTICES MAILED** NEWSPAPER ONLY

**APPROVALS** 0

**PROTESTS** 0

YK

TERRITORY
INCORPORATED

June 23, 2011

Flinn Fagg, Planning Director
City of Las Vegas, Planning Department
333 N. Rancho Drive
Las Vegas, NV 89106

RE: Town Center Permissible Uses – Pet Boarding

Dear Flinn,

Centennial Gateway is currently in discussions with a prospective tenant for Centennial Gateway, our shopping center at Ann Rd. and Centennial Center Blvd. As you know, this property falls within the Town Center Specially Planned Area and has a zoning designation of SC-TC. The proposed use is a pet boarding facility to include daycare and overnight boarding as well as grooming services. The use will be restricted to indoor care of animals with no outside pens. The tenant intends to occupy 6400 square feet at the Centennial Gateway shopping Center.

The Pet Boarding use is defined under UDC 19.12.010 and is a Conditional Use within a C-1 zoning, however, the use is not contemplated by Section B of the Town Center Development Standards. Town Center does contemplate Animal Hospital/Shelter as a Special Use which mirrors the same in the C-1 zoning.

As long as the same conditions as under the C-1 zoning are followed, Centennial Gateway does not believe that the proposed use represents and danger or nuisance to public health and safety. The use is not inconsistent with other uses within Town Center (including Animal Hospital) and furthermore should be considered an amenity by the local residents.

Centennial Gateway requests that Planning Staff propose a Text Amendment to add Pet Boarding as a Conditional Use within the SC-TC zoning to mirror the current C-1 zoning. If outdoor pens are not desirable in Town Center, we would propose that the use be restricted to indoor only with adequate noise and odor controls.

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JUN 27 2011

**Real Estate & Development**
5785 Centennial Center Blvd., Suite 230 • Las Vegas, Nevada 89149 • Phone 702-822-8200 • Fax 702-822-8201
Please visit our web site at: www.territoryinc.com

TXT-42360

Thank you for your consideration.

Regards,

Mike Shohet
Vice President of Development

RECEIVED
JUN 27 2011

TXT-42360

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: JULY 12, 2011

**DEPARTMENT: PLANNING**
**DIRECTOR: FLINN FAGG**

**SUBJECT:**

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE PLANNING COMMISSION. NO SUBJECT MAY BE ACTED UPON BY THE PLANNING COMMISSION UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED