

**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) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
DIR-42266	Staff recommends APPROVAL.	N/A

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**** 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 4,000th dwelling unit permit for Kyle Canyon being issued and the Indian Hills Park will be constructed prior to the 500th dwelling unit permit within Kyle Canyon located on the east side of the US95 or prior to the 2,000th 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).

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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

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
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.

<i>Most Recent Change of Ownership</i>	
09/25/08	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
No building permits or business licenses pertain to this site.	

<i>Pre-Application Meeting</i>	
05/26/11	A pre-application conference was held and consisted of detailing the submittal requirements for the application.

<i>Neighborhood Meeting</i>	
No neighborhood meeting is required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1661.8

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
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)

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
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

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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.	<u>Modification</u> 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 – <i>Generally</i>	“....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 – <i>Phasing Map</i>	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. 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 – <i>Phasing Schedule</i>	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 – <i>Site Grading</i>	N/A	Added: Parent Final Map to be recorded prior to grading.	Approval

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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	<u>Modification</u> Language should read: “shall be scheduled for a hearing before within XX days.”
DA 3.04(a)(ii)(3) & (4) – Minor Deviation – <i>Submittal, Review and Appeal</i>	The Planning Commission shall hear such appeal within thirty (30) days. The City Council shall hear such appeal within thirty (30) days.	N/A	<u>Modification</u> Language should read: “shall be scheduled for a hearing before within XX days.”
DA 3.04(b)(ii)(1) – Major Deviation – <i>Submittal, Review and Appeal</i>	...shall be heard by the Planning Commission within forty five (45) days...	N/A	<u>Modification</u> 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	<u>Modification</u> 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

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Table 1: Development Agreement (DA)			
Section	2007 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 3.06(b), (e), (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. Elimination: Non-standard streetlight and pole height provisions. 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 3.24 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. 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.	Master Developer to dedicate 74.34 acres for school sites.	Approval

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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), (e) & (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 <u>7.04</u> – 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

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Table 1: Development Agreement (DA)			
Section	2007 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 7.0405(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 7.0405(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 7.0506 – 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 7.0506(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

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Table 1: Development Agreement (DA)			
Section	2007 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 7.0607(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 7.0607(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 7.0607(eb) – 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 7.0607(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 7.0708(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

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Table 1: Development Agreement (DA)			
Section	2007 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 7.0708(d) – Flood Control – <i>Regional Flood Control Facility Construction by Master Developer</i>	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.... 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 <u>an amendment to the Regional Flood Control District 2008 Master Plan Update....</u> 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 – <i>To A Third Party</i>	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; <u>or</u> 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 <i>To an Affiliate of Master Developer</i>	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. 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: An entity owned or controlled by Master Developer. An Investment Firm that does not plan to develop the project.	Approval

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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; <u>or</u> 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 11.0304 – 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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- 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.

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- 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 3.2120]. 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.

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- 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 7.0506]. 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.

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Table 1a: Development Agreement (DA) Exhibits			
Exhibit	2007 DA Language	Changes Proposed by Developer	Staff Recommendation
DA Exhibit "B" – <u>Development Phase Phasing Map</u>	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 <u>Planning Area Map</u> <u>Master Land Use Plan</u>	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" – <u>Northern Beltway Section 1 Land Offsite Sewer Capacity Letter</u>	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

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Table 1a: Development Agreement (DA) Exhibits			
Exhibit	2007 DA Language	Changes Proposed by Developer	Staff Recommendation
<u>DA Exhibit "I" – Northern Beltway Providence Land BLM Right-of-Way Grant</u>	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
<u>DA Exhibit "J" Northern Beltway Property on Land Sheep Mountain Parkway Right-of-Way Reduction</u>	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
<u>Exhibit "K" Northern Beltway ROW Memorandum Cost Between Interim and Permanent Detention Basins</u>	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
<u>DA Exhibit "L" – Village Street and Trail Section</u>	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
<u>DA Exhibit "M" – Kyle Canyon Design Guideline and Architectural Design Guidelines</u>	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:

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- 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

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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 500 th permit for the construction of dwelling units within the park area. The City shall notify the Master Developer when the 400 th 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 <u>that exceeds the Park Construction Trigger shown on Exhibit D.</u> City will notify the Master Developer when <u>seventy-five percent (75%) of the Park Construction Trigger</u> 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. Added: Developer to commence the Indian Hills Park prior to the issuance of the 500 th permit for construction of dwelling units within the 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. 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 7,000 th permit for the construction of dwelling unit within Kyle Canyon....	Revised the permit threshold to 4,000 th 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

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Table 2: Parks Agreement (PA)			
Section	2007 PA Language	Changes Proposed by Developer	Staff Recommendation
PA Section 14(b) – Enforcement Remedies – <i>Withholding of Residential Permits</i>	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 <u>fifteen (15)</u> days prior to such hearing.	Approval
PA Section 15(a) – Miscellaneous – <i>Assignment</i>	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 500th 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 500th permit for construction of dwelling units within Kyle Canyon located on the east side of US95 or prior to the issuance of the 2,000th permit for construction of dwelling units within all of the Kyle Canyon development. These thresholds are acceptable and staff is recommending approval.

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- 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. Trail 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

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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 Standard Lot	Kyle R-1	UDC R-1
Min. Lot Size	Estate 6,000 SF Standard 4,000 SF	4,500 SF	6,500 SF
Min. Lot Width	Estate 60 Feet Standard 45 Feet	40 Feet (30 Feet at cul-de-sac)	65 Feet (30 Feet at cul-de-sac)

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Table 3: Development Standards Manual			
Standard	Estate Lot Standard Lot	Kyle R-1	UDC R-1
Min. Setbacks • Front • Side • Corner • Rear	10 Feet 5 Feet 10 Feet 15 Feet	10 Feet to living, Porch or attached side entry garage 18 Feet to front entry garage 5 Feet 5 Feet to porch 10 Feet to living 10 Feet	20 Feet 5 Feet 15 Feet 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 Cluster 2,000 SF	3,000 SF
Min. Lot Width	30 to 44 Feet	Conventional 26 Feet Cluster 26 Feet	35 Feet
Min. Setbacks • Front • Side • Corner • Rear	10 Feet 6 Feet min aggregate 10 Feet Rear (no Alley) 10 Feet Rear (with Alley) 10 Feet to 1 st floor 3 Feet to 2 nd floor	From Interior Streets 3 Feet to second story living over garage 5 Feet to porch 10 Feet to single story living 14 Feet to second story living <5 Feet or 18 Feet + to face of garage door From Court Street or Drive Aisle 3 Feet to second story living over garage 3 Feet to porch 5 Feet to single story living 5 Feet to second story living <5 Feet or 18 Feet + to face of garage door From Paseo or Common Open Space 0 Feet to porch 0 Feet to single story living 0 Feet to second story living 6 Feet (combined both sides) 5 Feet to Porch, Portico or similar element 10 to living Rear (no alley) 5 Feet Rear (with alley) 3 Feet to second story living over garage 3 Feet to porch 5 Feet to single story living 5 Feet to second story living <5 Feet or 18 Feet + to face of garage door	14 Feet to house 18 Feet to front entry garage 10 Feet (combined) 10 Feet 10 Feet
Max. Lot Coverage	80%	70%	70%
Max. Building Height	3 stories	38 Feet (3 stories max)	35 Feet (2 stories max)

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Table 3: Development Standards Manual			
Standard	Townhome	Kyle R-TH	UDC R-TH
Min. Lot Size	Narrow Lot 750 SF Standard Lot 1,200 SF	1,280 SF	1,600 SF
Min. Lot Width	Narrow Lot 15 Feet Standard Lot 20 Feet	16 Feet	20 Feet
Min. Setbacks • Front	10 Feet	From Interior Streets 3 Feet to second story living over garage 5 Feet to porch 8 Feet to single story living 12 Feet to second story living <5 Feet or 18 Feet + to face of garage door From Court Street or Drive Aisle 3 Feet to second story living over garage 3 Feet to porch 5 Feet to single story living 5 Feet to second story living <5 Feet or 18 Feet + to face of garage door From Paseo or Common Open Space 0 Feet to porch 0 Feet to single story living 0 Feet to second story living 0 Feet at common wall 3 Feet at building end wall 5 Feet Rear (no alley) 5 Feet Rear (with alley) 3 Feet to second story living over garage 3 Feet to porch 5 Feet to single story living 5 Feet to second story living <5 Feet or 18 Feet + to face of garage door	10 Feet to house 5 Feet to porch
• Side • Corner • Rear	0 Feet 0 Feet Detached Garage 31 Feet Attached Garage 5 Feet min with 2-Foot offset from garage	0 Feet to single story living 0 Feet to second story living 0 Feet at common wall 3 Feet at building end wall 5 Feet Rear (no alley) 5 Feet Rear (with alley) 3 Feet to second story living over garage 3 Feet to porch 5 Feet to single story living 5 Feet to second story living <5 Feet or 18 Feet + to face of garage door	N/A 10 Feet 5 Feet
Max. Lot Coverage	N/A	95%	95%
Max. Building Height	Neighborhood Residential and Urban Mixed-Use 4 stories Town Center Mixed-Use 5 stories	45 Feet (3 stories max)	45 Feet (3 stories max)

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<i>Standard</i>	<i>Green Court Paseo Court Cluster Single Family Multi-Family</i>	<i>Kyle R-3</i>	<i>UDC R-3</i>
Min. Setbacks • Front • Side • Corner • Rear	Green Court 8 Feet to green, 10 Feet from street Paseo Court 10 Feet from street Cluster Single Family 8 Feet from neighborhood street 3 Feet from court street Multi-Family 10 Feet Courts & Cluster 3 Feet Multi-Family 10 Feet Courts & Cluster 10 Feet Green & Paseo Court 4 Feet Cluster Single Family 3 Feet (10 Feet at parcel property line) Multi-Family 4-8 Feet or 20 Feet +	Duplex and Townhome Units From Interior Streets 3 Feet to second story living over garage 5 Feet to porch 8 Feet to single story living 10 Feet to second story living <5 Feet or 18 Feet + to face of garage door From Court Street or Drive Aisle 3 Feet to second story living over garage 3 Feet to porch 5 Feet to single story living 5 Feet to second story living <5 Feet or 18 Feet + to face of garage door From Paseo or Common Open Space 0 Feet to porch 0 Feet to single story living 0 Feet to second story living Medium Density Apartments 10 Feet Duplex and Townhome Units 0 Feet at common wall 3 Feet a building end wall Medium Density Apartments 5 Feet Duplex and Townhome Units 5 Feet Medium Density Apartments 5 Feet Duplex and Townhome Units Rear (no alley) 5 Feet Rear (from alley) 3 Feet to second story living over garage 3 Feet to porch 5 Feet to single story living 5 Feet to second story living <5 Feet or 18 Feet + to face of garage door Medium Density Apartments From Property Line between two Adjacent Parcels 10 Feet to porch 10 Feet to living From Property Line adjacent to Community Open Space 10 Feet to porch 10 Feet to living	20 Feet 5 Feet 5 Feet 20 Feet
Max. Lot Coverage	Courts & Cluster 70% Multi-Family 75%	N/A	N/A (13-50 Dwelling Units per Acre)
Max. Building Height	Courts & Cluster 3 stories Multi-Family 4 stories or 5 stories if adjacent to or directly accessible from a Village Street	60 Feet (5 stories max)	55 Feet (5 stories max)

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<i>Standard</i>	Town Center Urban Mixed-Use	<i>Kyle BLU</i>	<i>UDC C-2</i>
Min. Lot Size	None	None	None
Min. Lot Width	None	None	100 Feet
Min. Setbacks • Front • Side • Corner • Rear	None	Primary Frontage 15 Feet Secondary Frontage 0 Feet 0 Feet 0 Feet 0 Feet	20 Feet 10 Feet 15 Feet 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.

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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.

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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.

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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

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NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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