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.

## September 13, 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 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

5. FOR POSSIBLE ACTION TO APPROVE THE FINAL MINUTES FOR THE PLANNING COMMISSION MEETING OF AUGUST 9, 2011 AND THE PLANNING COMMISSION WORKSHOP OF AUGUST 23, 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. EOT-42651 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: WALGREEN CO. - OWNER: LV2NW, LLC - For possible action on a request for an Extension of Time of an approved Special Use Permit (SUP-38340) FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 15,120 SQUARE-FOOT RETAIL ESTABLISHMENT at 6001 West Cheyenne Avenue (APN 138-14-501-008), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

8. TMP-42673 - TENTATIVE MAP - HUALAPAI COMMONS - APPLICANT/OWNER: HUALAPAI COMMONS, LTD, LLC - For possible action on a request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 24.96 acres at southwest corner of Charleston Boulevard and Hualapai Way (APNs 163-06-111-007 through 009), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL.

9. SUP-42604 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GRACIE-BODIE, INC. - OWNER: IPTV-B-L6-136, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED ANIMAL HOSPITAL, CLINIC OR SHELTER (WITH NO OUTSIDE PENS) WITHIN AN EXISTING 2,385 SQUARE-FOOT BUILDING at 490 South Buffalo Drive (APN 138-34-201-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

10. SUP-42639 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: CHRISTOPHER S. ALLEN - For possible action on a request for a Special Use Permit TO CONVERT AN EXISTING 640 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) INTO AN ACCESSORY STRUCTURE (CLASS I) WITH KITCHEN at 1125 Cahlan Drive (APN 162-05-512-019), R-E (Residence Estates) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

11. SUP-42672 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOWIN ASSOCIATES, LLC - OWNER: CENTER POINTE PLAZA, LLC - For possible action regarding a request for a Special Use Permit FOR A BEER/WINE/COOLER ON-SALE ESTABLISHMENT WITHIN A PROPOSED 2,100 SQUARE-FOOT RESTAURANT at 10300 West Charleston Boulevard, Suite #5 (APN 137-36-814-003), P-C (Planned Community) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL.

12. SUP-42686 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: JOHN BASSO - OWNER: FAEC HOLDINGS WIRRULLA, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 6,200 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) WITH WAIVERS TO ALLOW NO DISTANCE SEPARATION FROM ANOTHER LIQUOR ESTABLISHMENT (TAVERN), A 1,200-FOOT DISTANCE SEPARATION FROM A RELIGIOUS FACILITY, AND A 1,340-FOOT DISTANCE SEPARATION FROM A SCHOOL WHERE 1,500 FEET IS REQUIRED at 450 Fremont Street, Suite #130 (APN 139-34-513-002), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

## PUBLIC HEARING ITEMS

13. 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.

14. 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.

15. 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.

16. ABEYANCE - 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. ABEYANCE - 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.

22. ABEYANCE - 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.

23. ABEYANCE - 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.

24. SUP-42648 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST - For possible action regarding a request for a Special Use Permit FOR A PROPOSED PAWN SHOP WITHIN AN EXISTING 1,606 SQUARE-FOOT COMMERCIAL BUILDING WITH WAIVERS TO ALLOW A 50-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED AND TO ALLOW A 20-FOOT DISTANCE SEPARATION FROM A SIMILAR USE WHERE 1,000 FEET IS REQUIRED at 519 East St. Louis Avenue (APN 162-03-311-017), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

25. SUP-42657 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: FAST CASH TITLE LOAN - OWNER: ANDREA J AND SUSAN RUSSO - For possible action on a request for a Special Use Permit FOR A PROPOSED 2,108 SQUARE-FOOT AUTO TITLE LOAN USE WITH WAIVERS TO ALLOW NO DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED AND A 680-FOOT DISTANCE SEPARATION FROM A FINANCIAL INSTITUTION, SPECIFIED WHERE 1,000 FEET IS REQUIRED at 6433 West Charleston Boulevard (APN 163-02-114-003), C-1 (Limited Commercial) Ward 1 (Tarkanian). Staff recommends APPROVAL.

26. SUP-42675 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGEV HOTEL CO. INC. - For possible action on a request for a Special Use Permit FOR A PROPOSED 4,671 SQUARE-FOOT EXPANSION OF AN EXISTING 11,548 SQUARE-FOOT GAMING ESTABLISHMENT, NON-RESTRICTED USE at 1 Fremont Street (APN 139-34-111-034), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

27. SDR-42674 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-42675 - PUBLIC HEARING - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGEV HOTEL CO. INC., ET AL - For possible action on a request for a Site Development Plan Review FOR A 28,902 SQUARE-FOOT ADDITION TO AN EXISTING HOTEL AND GAMING ESTABLISHMENT, NON-RESTRICTED AND PARKING LOT IMPROVEMENTS WITH WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN STREETSCAPE STANDARDS AND A CORRESPONDING REQUEST FOR ENCROACHMENT INTO THE MAIN STREET PUBLIC RIGHT-OF-WAY on 2.4 acres at 1 Fremont Street (APNs 139-34-111-034, 045 through 048), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

28. SUP-42678 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: PLANET HYUNDAI - OWNER: TCP REAL PROPERTY, LP - For Possible action on a request for a Special Use Permit FOR OUTDOOR STORAGE, ACCESSORY at 7150 West Sahara Avenue (APN 163-03-806-001), C-2 (General Commercial), Ward 1 (Tarkanian). Staff recommnends DENIAL.

29. SUP-42683 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: IRIS J. GORLICK - OWNER: MER-CAR CORP. - For possible action on a request for a Special Use Permit FOR A PROPOSED 140 SQUARE-FOOT BAILBOND SERVICE USE at 1401 East Charleston Boulevard, Suite #102 (APN 139-35-401-002), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

30. SDR-42682 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: EMERALD RE, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 20-FOOT TALL, 4,939 SQUARE-FOOT SINGLE-STORY OFFICE, MEDICAL WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW ZERO FEET ALONG THE WEST AND NORTH PERIMETERS WHERE EIGHT FEET IS REQUIRED on 1.17 acres at 2400 West Charleston Boulevard (APN 139-32-802-026), C-D (Designed Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

## DIRECTOR'S BUSINESS:

31. ABEYANCE - 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.

32. ABEYANCE - 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.

33. ABEYANCE - 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.

34. TXT-41699 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action to amend LVMC 19.12 related to Permitted Uses and LVMC 6.50 related to Liquor Control to amend the term, description, definition and requirements of the "Supper Club" use and license category and provide for other related matters. Staff has NO RECOMMENDATION.

35. TXT-42758 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action to amend LVMC Title 19.12 to consolidate the uses of Banquet Facility and Banquet Facility (with Alcoholic Beverage Sales) and to add Banquet Facility as a permitted use in the M (Industrial) zoning district. Staff recommends APPROVAL.

## CITIZENS PARTICIPATION:

36. 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: SEPTEMBER 13, 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: SEPTEMBER 13, 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 SEPTEMBER 13, 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 SEPETMBER 13, 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 SEPTEMBER 13, 2011

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

**SUBJECT:**
FOR POSSIBLE ACTION TO APPROVE THE FINAL MINUTES FOR THE PLANNING COMMISSION MEETING OF AUGUST 9, 2011 AND THE PLANNING COMMISSION WORKSHOP OF AUGUST 23, 2011

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

## *AGENDA SUMMARY PAGE - PLANNING*

**PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 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: SEPTEMBER 13, 2011**

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

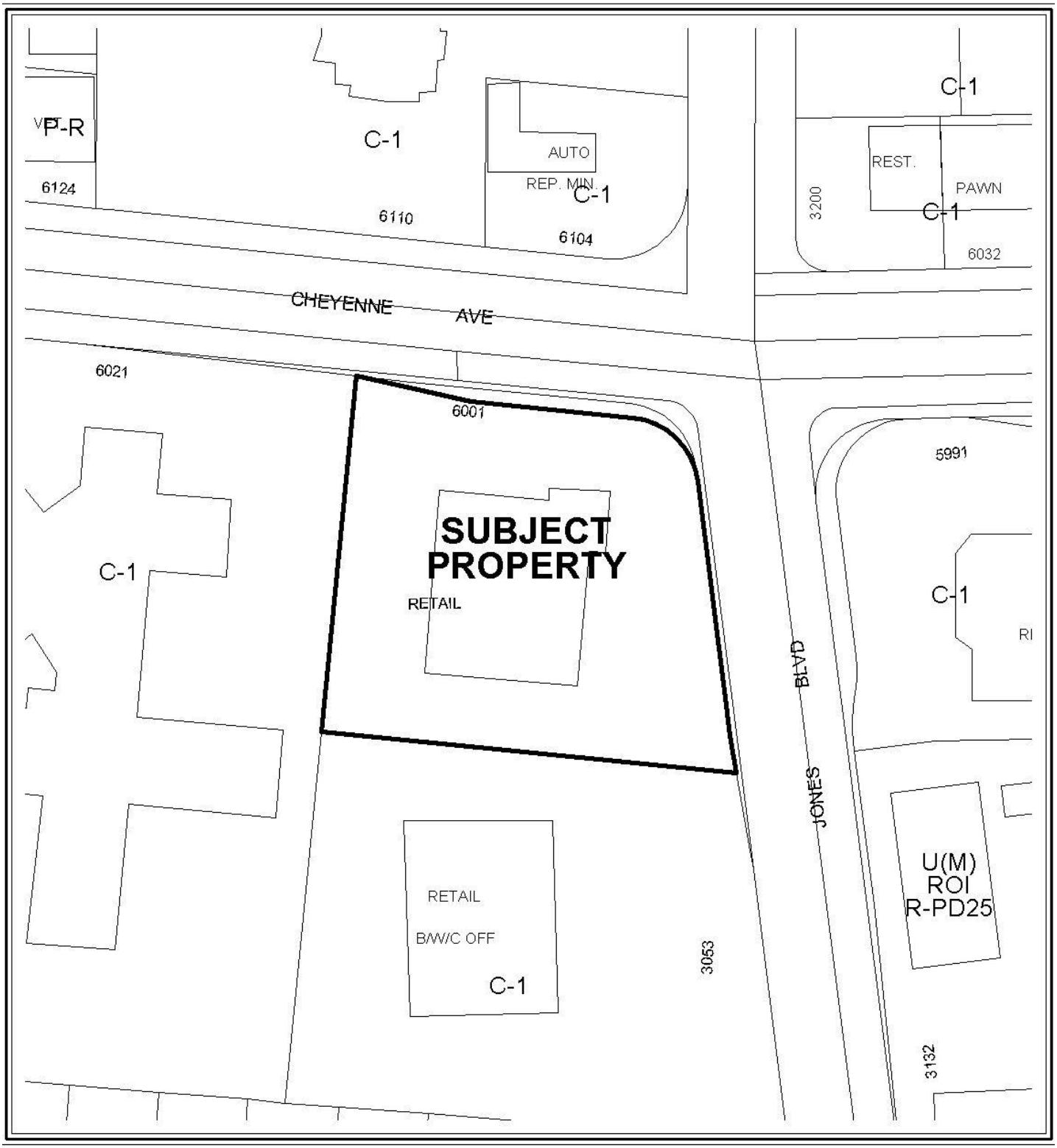
**SUBJECT:**
EOT-42651 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: WALGREEN CO. - OWNER: LV2NW, LLC - For possible action on a request for an Extension of Time of an approved Special Use Permit (SUP-38340) FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 15,120 SQUARE-FOOT RETAIL ESTABLISHMENT at 6001 West Cheyenne Avenue (APN 138-14-501-008), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

**P.C.: 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** |

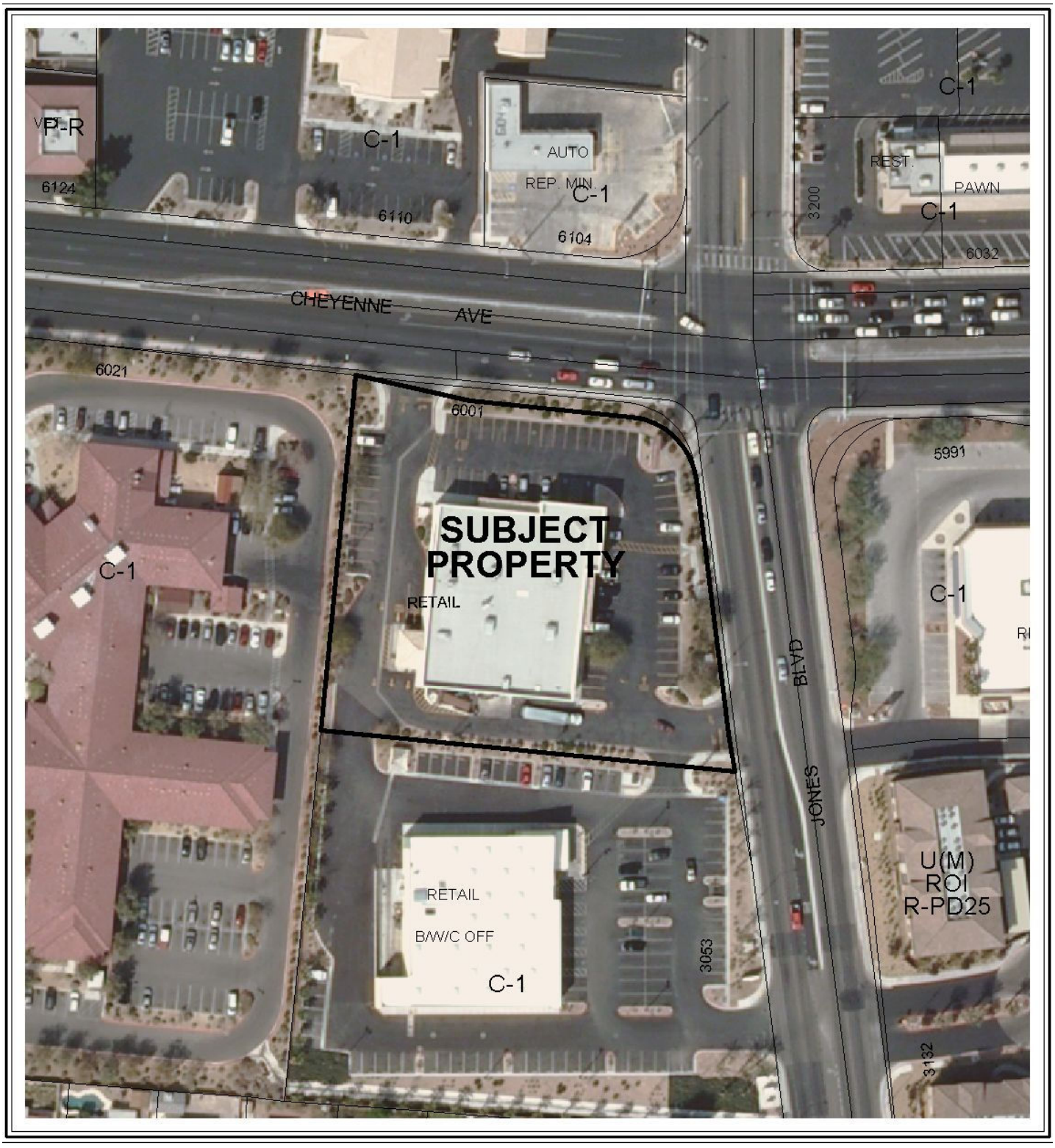
**RECOMMENDATION:**
Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Planning Commission Approval Letter for SUP-38340
6. Justification Letter




**CASE: EOT-42651**

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




0 100 200 Feet

**CASE: EOT-42651**

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

N

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

**Store No. 4855**

## STATEMENT OF FINANCIAL INTEREST

Case Number: **EOT-42651** APN: 138-14-501-008

Name of Property Owner: LV2NW LLC

Name of Applicant: Walgreen Co.

Name of Representative: Lionel Sawyer & Collins

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: N/A

Partner(s): N/A N/A

APN: N/A

Signature of Property Owner:

Print Name: ROBERT DiMUCCI, President of JMC-27, Inc., MANAGING MEMBER OF LV2NW, LLC

Subscribed and sworn before me

This 26th day of July, 20 11

Notary Public in and for said County and State

OFFICIAL SEAL
LISA A DIGIACOMO
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/23/14

RECEIVED
JUL 27 2011
City of Las Vegs
Department of Planning

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Store No. 4855**

**Application/Petition For:** SUP: Retail Establishment with Accessory Package Liquor Off-Sale

**Project Address (Location)** 6001 West Cheyenne Avenue

**Project Name** Walgreens **Proposed Use** Drug Store (existing)

**Assessor's Parcel #(s)** 138-14-501-008 **Ward #** 5

**General Plan:** existing XX proposed _____ **Zoning:** existing C-1 proposed _____

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

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

**Additional Information** _____

**PROPERTY OWNER** L V 2 N W LLC **Contact** _____

**Address** P.O. Box 1759 **Phone:** (847) 654-0826 **Fax:** _____

**City** PALATINE **State** IL **Zip** 60078

**E-mail Address** lisa@jm-realty.com

**APPLICANT** Walgreen Co. **Contact** Rebecca Lidskin, Attorney

**Address** 104 Wilmot Road, M.S. #1420 **Phone:** (847) 315-4651 **Fax:** (847) 315-4825

**City** Deerfield **State** Illinois **Zip** 60015

**E-mail Address** Rebecca.Lidskin@walgreens.com

**REPRESENTATIVE** Lionel Sawyer & Collins **Contact** Jennifer Roberts

**Address** 300 South Fourth Street #1700 **Phone:** (702) 383-8946 **Fax:** (702) 671-2490

**City** Las Vegas **State** Nevada **Zip** 89101

**E-mail Address** jroberts@lionelsawyer.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** ROBERT DIMUCCI, PRESIDENT OF JMK-27, INC., MANAGING MEMBER OF LV2NW, LLC

Subscribed and sworn before me

This 26th day of July, 20 11.

_____

Notary Public in and for said County and State

OFFICIAL SEAL
LISA A DIGIACOMO
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:04/23/14

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | EOT-42651 |
| Meeting Date: | 9/13/11 9/7/cc |
| Total Fee: | 300.00 |
| Date Received:* | 7-27-11 |
| Received By: | |

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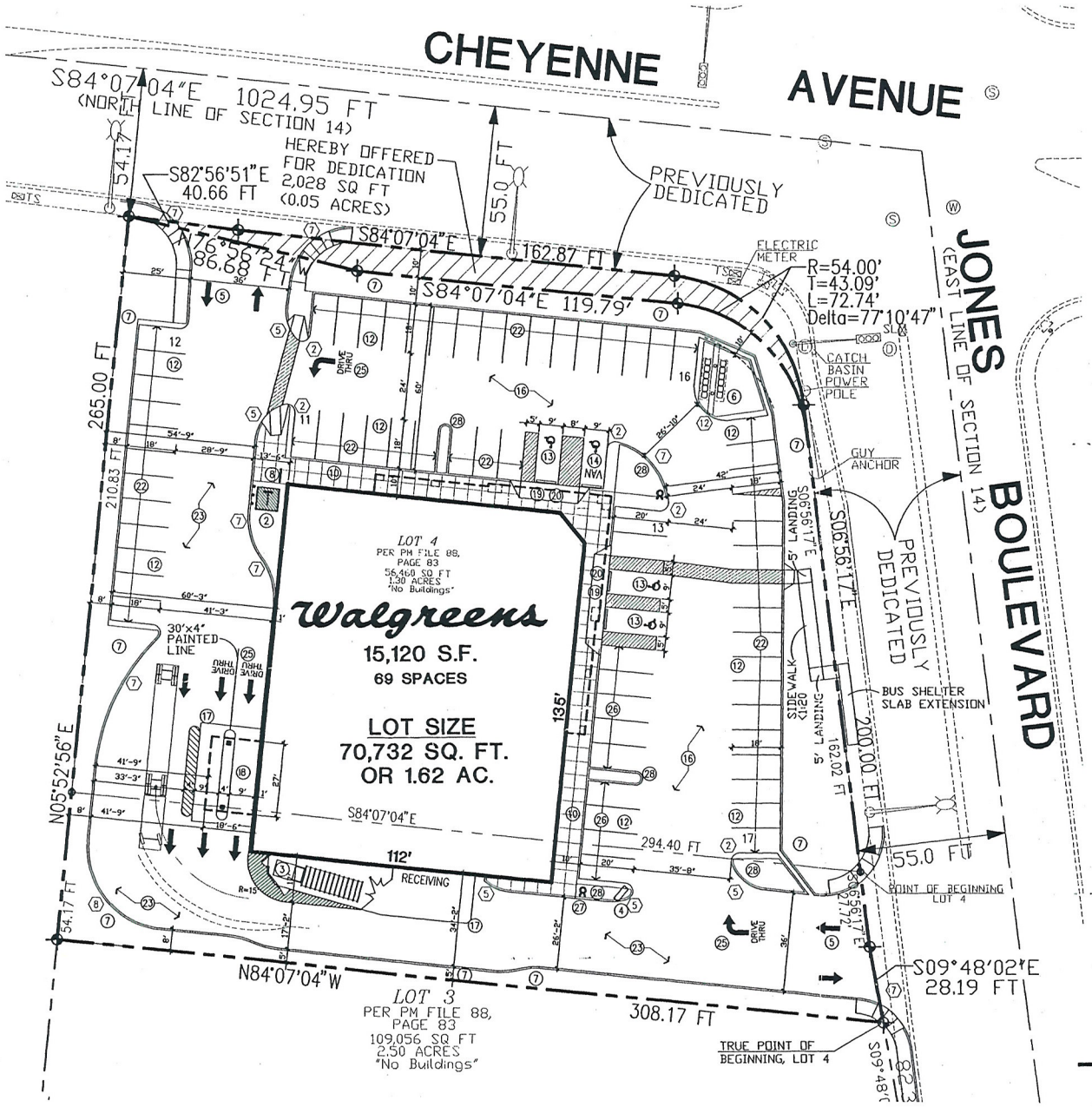
Department of Planning

*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.




**SITEPLAN**

SCALE: 1"=20'-0"

20 0 10 20 40 80

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Department of Planning

**Walgreens**
FACILITIES PLANNING, DESIGN, & ENGINEERING
106 WILMOT ROAD
DEERFIELD, IL 60015-4616

| NO. | DATE | BY | DESCRIPTION | CONST |
|---|---|---|---|---|
| 3 | 11/13/09 | BAH | BEER & WINE PERMIT | |

REVISIONS

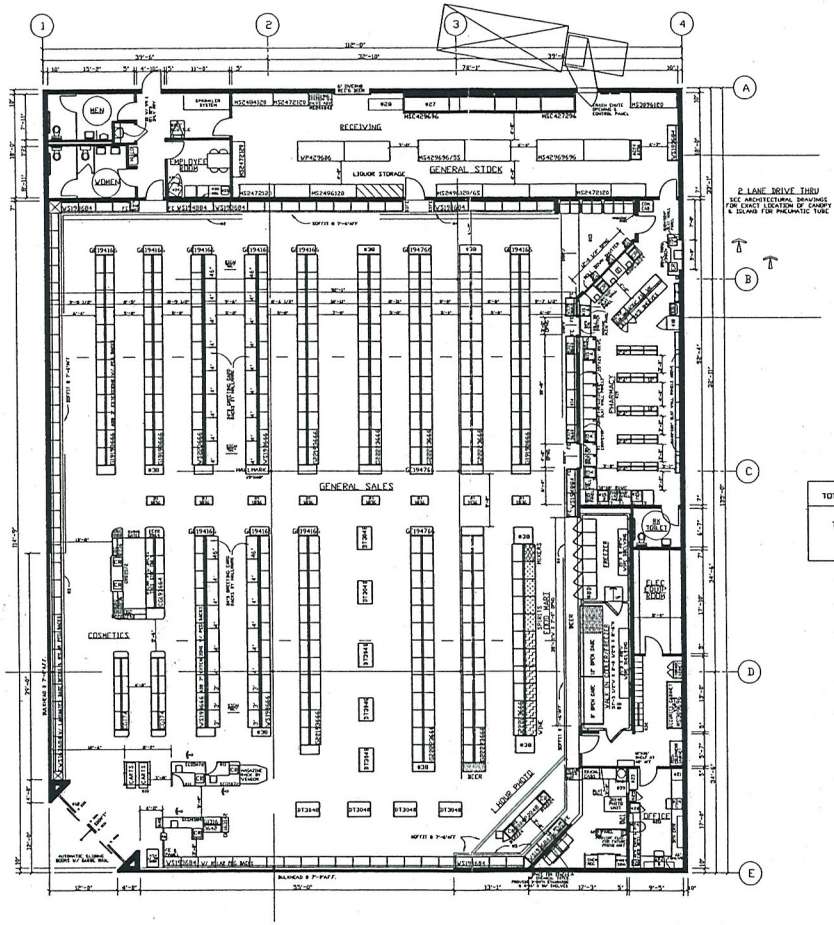
STORE NUMBER 04855

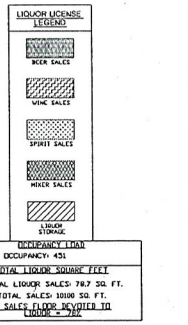
PROJECT NAME
WALGREENS STORE
SWC JONES BLVD & CHEYENNE AVE
LAS VEGAS, NV

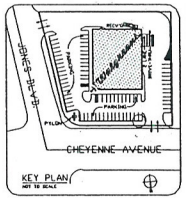
DRAWING TITLE
SITE PLAN

**EOT-42651**

EOT-42651




FOR REFERENCE ONLY. SEE CONTRACT DOCUMENTS FOR DETAILED SITE PLAN

## INTERIOR HANGING SIGNS

GENERAL SALES AREA
ALL SIGNS AND AISLE MARKERS @ 9'-6" AFF UNLESS OTHERWISE NOTED

| | |
|---|---|
| SIGN "L" | LIQUOR/THANK YOU |
| SIGN "T" | STORE HOURS SIGN |
| SIGN "GC" | GREETING CARD CUBE |
| SIGN "COS" | COSMETIC HANGING CUBE 8'-0 X 8'-0 X 30"H @ 8'-0" AFF |
| SIGN "SB" | SAN BRUNO CHECKOUT LANE # |
| SIGN "M" | SAN BRUNO PHOTO |

PHARMACY DEPARTMENT:
REFER TO FIXTURE PLAN FOR REQUIRED SIGNS

| | |
|---|---|
| SIGN "J" | PICK UP PRESCRIPTIONS |
| SIGN "K" | DROP OFF PRESCRIPTIONS |
| SIGN "O" | CONSULTATION WINDOW |
| SIGN "TX" | TAX |

ATTACH SIGNS TO UNDERSIDE OF SOFFIT. REFER TO FIXTURE PLAN FOR SIGN LOCATION. PROVIDE (2) MOLLIDY WALL ANCHORS PER SIGN. SCREW THREADED EYEBOLT INTO ANCHOR. HANG SIGNS FROM EYELETS WITH "S" HOOKS.

## GENERAL NOTES

GENERAL SALES AREA
1. SEE ELECTRICAL DATA FOR FIXTURE MANUFACTURER; ALL FIXTURE OUTLETS ARE 36"H UNLESS OTHERWISE NOTED.
2. SECURITY MIRROR ON SOFFIT OF REAR WALL.
3. COSMETIC CORNICE
4. PLASTIC "L" CORNICE, SPECIFIED ON THIS DRAWING TO BE SOFFIT MOUNTED.
5. PHOTO BOOTH
6. CANDY SCALE SHELF
7. MASTER-BILT REACH-IN COOLERS (78.5"H) PROVIDE 3" AIR SPACE BEHIND
   A. -- 3 DBR-HCB TEMP. BMD-HBL 84"W X 34.5"D
   B. -- 2 DM LOW TEMP. BLD-HBL 84"W X 34.5"D
   C. -- 2 DBR-HCB TEMP. BMD-HBL 84"W X 34.5"D
   D. -- 1 DM LOW TEMP. BLD-SC 36"W X 34.5"D
   E. -- 1 DM DUO-LIP TLD-SC 36"W X 34.5"D
   -- WINE CLR. WHB-SBL 70"W X 31.5"D X 76"H
8. MASTER-BILT WALK-IN COOLER PROVIDE
   -- #10009 CORK MASTER HOOKS
   -- #10010 CORK MASTER RACK
   -- 6 #10019 FRIEZEMASTER BOARDS
   -- (6) 3/8" X 7.75" EACH BY ANTHONY.
   A. -- DOORS FOR EACH DOOR PROVIDE (7) 7'0 RCV-D-FLOW GRAVITY SHELVES WITH 4 SHELVES PER SLICE AND 1 DOOR (7) WINE SHELVES COMPLETE WITH SPRINGS
   B. -- DOORS FOR EACH DOOR PROVIDE (7) 24"D ANTHONY VINE SHELVES AND (4) BAY POSTS.
   C. -- DOORS TO ROLLER CONVEYOR
   D. -- 4 DOORS FOR EACH DOOR PROVIDE (8) 27"D ANTHONY SHELVES
   E. -- DOORS FOR EACH DOOR PROVIDE (21) 27"D ANTHONY SHELVES AND (4) 24"D ANTHONY SHELVES
   F. -- DOOR TO BACKROOM DECK
   G. -- ROLLER CONVEYOR
   G. -- SERVES FOR EACH DOOR PROVIDE (2) MIDDLE ICE MICROMINDERS
9. ICE EXCEL BY VENDOR APPROX. 30 X 24 X 78
10. RAILINGS TO BE 48"H DOUBLE LINE RAILS
11. FREE STANDING DISPLAY
12. FREE STANDING DISPLAYS TO HAVE A GATE AND 34"H SISC SCREEN. PROVIDE A 6'H BLACK VINYL BACK AT ALL CHECKOUT.
13. ELECTRONIC ARTICLE SURVEILLANCE SYSTEM

PHARMACY DEPARTMENT
13. RX UNITDOSE RACK - W/ 4TH WAINSCOT (LANDMARK BY FIXTURE MANUFACTURER)
   17) SCALES
   (-) TABLE LAMP (WHEN SHOWN) "L"
   43) IMAGES OF MOD. LOCATED 48" AFF
   123) IMAGES OF MOD. LOCATED 60" AFF
   -- MICROFILM ELEVATION FOR LOCATION)
14. FIXED GLASS PANEL OPENING (SEE ARCH'S DWGS)
15. COMPUTER TERMINAL
   15A. INTERCOM PLUG TERMINAL
   15B. TELEPHONE TERMINAL
   15C. TELEVISION TERMINAL
16. RX SINK AND CABINET
17. CRX CABINET
18. RX REFRIGERATOR
19. PROVIDE A CARPETED FLOOR WITH A RUBBER RUNNER. RX UNDERCOUNTER INSERTS:
   41 - RX 3 DRAWER FILE INSERT
   43 - RX OPEN INSERT
   44 - RX SHELF INSERT
   45 - RX PRINTER CABINET
   46 - RX 4 DRAWER FILE INSERT
   47 - RX OPEN INSERT W/ CPU SHELF
   48 - RX WALL CALL CABINET
   49 - RX 13 DRAWER FILE CABINET

OFFICE:
20. PROVIDE TILED FLOOR & VINYL WALLCOVERING
21. MGMT. COUNTER SHELF UNIT
22. MGMT. DESK CORNER
23. LATERAL FILE
24. ADMINISTRATION TERMINAL
   24A P.O.S. TERMINAL
   24B ASAP TERMINAL
   24C STAFFWORKS TERMINAL
25. TALL LOCKER
26. SAFE

STOCKROOM
27. GRAVITY CONVEYOR
28. POWER FLEX CONVEYOR
29. ROLLER CONVEYOR
30. SALES 30"W X 78"H

EMPLOYEE ROOM:
31. TV - VCR & BRACKET PROVIDED BY WALGREENS
32. EMPLOYEE ROOM TABLE 30"W X 96"L
33. 2-PLY X 20 EMPLOYEE COUNTER W/ CABINET
34. EMPLOYEE ROOM REFRIGERATOR
35. EMPLOYEE ROOM SINK (IN COUNTER)
36. 8'-0" MIRROR ON WALL ABOVE COUNTER

MISC:
37. (2) ELECTRICAL OUTLET FOR FUTURE USE
38. VENDOR RACKS REMOVE BASE RACK & SHOCK; END PANEL TO REMAIN
39. PROVIDE OPENINGS FOR ONE WAY GLASS (SEE INTERIOR ELEVATION FOR LOCATION)
40. REVOLVER RACK BY VENDOR

| EXECUTIVE APPROVAL | | DATE |
|---|---|---|
| EXEC. VICE PRESIDENT DRUG STORE OPERATIONS | G.S. KRAISS | 12-24-97 |
| SR. VICE PRESIDENT FACILITIES DEVELOPMENT | W.A. SHIEL | 12-24-97 |
| VICE PRESIDENT DRUG STORE OPERATIONS | | |
| REGIONAL VICE PRESIDENT | | |
| SR. MANAGER PLANNING & DESIGN | J.C. MARK | 12-24-97 |

## FIXTURE LEGEND

G 1818 36 66 = GONDOLA S. W. H. (EACH SIDE)

GC 18 39 66 = GONDOLA S. W. H. END

WS 18 36 84 = WALL S. W. H. SHELF

ALL OTHER FIXTURES ARE CALLED OUT BY DEPTH BY WIDTH EX:

BT 30 48 = BIGPLAY S. W. TABLE

*DOES NOT INCLUDE STANDARDS, WOOD GROUNDS OR FINISHED END PANELS

**Walgreens**
FACILITIES PLANNING AND DESIGN
200 WILMOT ROAD DEERFIELD, IL. 60015
847-940-2500

### PROJECT DATA

| TYPE | | | |
|---|---|---|---|
| NEW LOCATION | ☒ | GENERAL SALES | ☒ |
| NEW LOCATION EXISTS IN BLDG. | ☐ | PHARMACY | ☒ |
| REMODEL | ☐ | LIQUOR | ☐ |
| | | 1 HOUR PHOTO | ☒ |
| | | FOOD MART | ☒ |
| | | BEER | ☐ |
| | | SECURITY | ☐ |
| | | 24 HOUR STORE | ☐ |

### SQUARE FOOT AREA SUMMARY

| DEPARTMENT | | SALES | STOCK | SERVICE | TOTAL EXISTG | TOTAL NEW |
|---|---|---|---|---|---|---|
| GEN. SALES | EXIST | | | | | |
| | NEW | 3010 | 1780 | 1309 | | 13211 |
| LIQ. | EXIST | | | | | |
| | NEW | | | | | |
| BEER | EXIST | | | | | |
| | NEW | | | | | |
| 1 HR. PHOTO | EXIST | | | | | |
| | NEW | 270 | | | | 270 |
| SOFT. | EXIST | | | | | |
| | NEW | | | | | |
| MCZZ. AVENUE | EXIST | | | | | |
| | NEW | | | | | |
| RX & WAITING | EXIST | | | | | |
| | NEW | 984 | | | | 984 |
| FOOD MART | EXIST | | | | | |
| | NEW | 700 | | | | 700 |
| TOTAL | EXIST | | | | | |
| TOTAL | NEW | 10100 | 1780 | 1309 | | 15420 |

TOTAL AREA: FIRST FLOOR 15120 SQ. FT.
TOTAL AREA: OTHER LEVELS 0 SQ. FT.
GROSS AREA INCLUDING ALL DEPARTMENTS AND ALL LEVELS 15120 SQ. FT.
RX SHELVING LINEAL FEET 100 LIN. FT.
RX SQUARE FOOT AREA 799 SQ. FT.

### FIXTURE MANUFACTURER

KIECHLER/MIERS ☐ MASEK/MIERS ☐ LOZIER/MIERS ☒

### REVISIONS

| NO. | DATE | BY | DESCRIPTION | CONST. |
|---|---|---|---|---|
| | 7-30-98 | BL | REVIEW MBS | |

### CERTIFICATION AND SEAL

I HEREBY CERTIFY THAT THIS PLAN AND SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ARCHITECT OR ENGINEER UNDER THE LAWS OF THE STATE OF NEVADA AS STAMPED BY MY HAND AND SEAL.

PROJECT NAME
S.W.C. JONES BLVD. & CHEYENNE AVE.
LAS VEGAS, NEVADA

DRAWING TITLE
FIXTURE PLAN

DATE: 12-12-97 STORE NO. 153-04955
DRAWN BY: D. LEONE
SCALE: 1/8"=1'-0"
CADD PLOT: F04855006
RELEASED TO CONSTRUCTION
VOID PLOT: F04855005
DRAWING NO. D1
OF SHTS.

PLOT: 11:09:38 AM 12/12/97

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Planning & Development

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

731 S. Fourth Street
Las Vegas, NV 89101

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

www.lasvegasnevada.gov

July 30, 2010

Ms. Lisa DiGiacomo
LVCNW, LLC
JMC Development
PO Box 1759
Palatine, Illinois 60078

***RE: SUP-38340 - SPECIAL USE PERMIT***
***PLANNING COMMISSION MEETING OF JULY 29, 2010***

Dear Ms. DiGiacomo:

Your request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 15,120 SQUARE-FOOT RETAIL ESTABLISHMENT at 6001 West Cheyenne Avenue (APN 138-14-501-008), C-1 (Limited Commercial) Zone, Ward 5 (Barlow), was considered by the Planning Commission on July 29, 2010.

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

***Planning and Development***

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Retail Establishment with Accessory Package Liquor Off-Sale use.

2. This approval shall be void one year from the date of final approval unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.

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

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

Mayor
Oscar B. Goodman

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

City Manager
Elizabeth N. Fretwell

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5. The sale of alcoholic beverages is ancillary to the retail use and may not exceed more than 79 square-feet of the retail floor space for the display and merchandising of alcoholic beverages as reflected on the floor plan date stamped May 25, 2010.

6. All beer and wine coolers shall remain in their original manufacturer's configuration of four- or six-packs.

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

This action by the Planning Commission on **July 29, 2010** is final unless a written appeal is filed with the City Clerk within ten days of the date of the Planning Commission's decision as allowed by code or there is a review action filed by the City Council within the same time period. For additional information on appeals or review requests please access http://www.lasvegasnevada.gov/CheckStatus/DevelopmentApp.htm, or contact the Department of Planning and Development at 702.229.6301 after ***August 9, 2010***. No building permits or business licenses related to these items shall be issued prior to the expiration of the required ten day waiting period, or until any filed appeal is resolved pursuant to LVMC Title 19.18.

Sincerely,

Steve Gebeke
Planning Supervisor
Case Planning Division

SG:clb

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City of Las Vegs
Department of Planning

cc: Ms. Rebecca Lidskin
Walgreen Company
104 Wilmot Road, Mail Stop #1420
Deerfield, Illinois 60015

Ms. Jennifer Robert
Lionel Sawyer & Collins
300 South Fourth Street, Suite #1700
Las Vegas, Nevada 89101

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW
1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 383-8888
FAX (702) 383-8845
lsc@lionelsawyer.com
www.lionelsawyer.com

SAMUEL S. LIONEL
GRANT SAWYER (1918-1996)
JON R. COLLINS (1923-1987)
RICHARD H. BRYAN
JEFFREY P. ZUCKER
PAUL R. HEJMANOWSKI
ROBERT D. FAISS
DAVID N. FREDERICK
RODNEY M. JEAN
HARVEY WHITTEMORE
TODD TOUTON
CAM FERENBACH
LYNDA S. MABRY
MARK H. GOLDSTEIN
KIRBY J. SMITH
COLLEEN A. DOLAN
JENNIFER A. SMITH
DAN R. REASER
PAUL E. LARSEN
ALLEN J. WILT

LYNN S. FULSTONE
RORY J. REID
DAN C. McGUIRE
JOHN E. DAWSON
FRED D. "PETE" GIBSON, III
CHARLES H. McCREA JR.
GREGORY E. SMITH
MALANI L. KOTCHKA
LESLIE BRYAN HART
CRAIG E. ETEM
TODD E. KENNEDY
MATTHEW E. WATSON
SHAWN M. ELICEGUI
JOHN M. NAYLOR
WILLIAM J. McKEAN
ELIZABETH BRICKFIELD
GREGORY R. GEMIGNANI
LINDA M. BULLEN
LAURA J. THALACKER
DOREEN SPEARS HARTWELL
LAURA K. GRANIER
MAXIMILIANO D. COUVILLIER III
ERIN FLYNN
JENNIFER ROBERTS
MARK A. CLAYTON

MICHAEL D. KNOX
MEREDITH L. STOW
DOUGLAS A. CANNON
RICHARD T. CUNNINGHAM
MATTHEW R. POLICASTRO
JENNIFER J. DiMARZIO
PEARL L. GALLAGHER
SUSAN L. MYERS
JENNIFER L. BRASTER
LUCAS J. TUCKER
CHRISTOPHER WALTHER

KEVIN J. HEJMANOWSKI
KETAN D. BHIRUD
ROBERT W. HERNQUIST
COURTNEY MILLER O'MARA
BRIAN H. SCHUSTERMAN
MOHAMED A. IQBAL, JR.
KELLY R. KICHLINE
MARK J. GARDBERG
JAMES B. GIBSON
GREG J. CARLSON
JING ZHAO
JOHN TENNERT

July 7, 2011

OF COUNSEL
A. WILLIAM MAUPIN
RICHARD J. MORGAN*
ELLEN WHITTEMORE
CHRISTOPHER MATHEWS

*ADMITTED IN CA ONLY

WRITER'S DIRECT DIAL NUMBER:
(702)-383-8946
jroberts@lionelsawyer.com




**VIA HAND DELIVERY**

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

**RE:** ***Application for Extension of Special Use Permit - SUP-38340***

To Whom It May Concern:

I am writing on behalf of Walgreen Co. to respectfully request an extension of time on the approval of a special use permit for the addition of accessory "off-sale" package beer, wine, and liquor at the premises of Walgreens at 6001 West Cheyenne Avenue (APN# 138-14-501-008). The special use permit was approved by the Las Vegas City Council on July 29, 2010, subject to a one-year expiration period unless a business license has been issued. The company is still in the process of completing and submitting its liquor license application. Therefore, the company respectfully requests an extension of the approval for at least one year to allow additional time to obtain the liquor license.

The location is currently operating and licensed as a drug store in a C-1, Limited Commercial, zoning district. The proposed sale of packaged liquor will not adversely affect surrounding properties, as the store is located along the commercial intersection of Cheyenne Avenue and Jones Drive. There are other businesses in the vicinity that sell alcohol, so the use would not be unique to the area.

As the City Council previously approved a special use permit for the sale of accessory "off-sale" packaged beer, wine, and liquor for consumption off-premises, an extension of time of one year to allow Walgreens to obtain its liquor license would be appropriate.

**EOT-42651**

Please call me if you have any questions or need additional information.

Sincerely,

Jennifer Roberts

cc: Ms. Rebecca Lidskin

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**EOT-42651**

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

# *AGENDA SUMMARY PAGE - PLANNING*

## PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

☒ **Consent** ☐ **Discussion**

**SUBJECT:**

TMP-42673 - TENTATIVE MAP - HUALAPAI COMMONS - APPLICANT/OWNER: HUALAPAI COMMONS, LTD, LLC - For possible action on a request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 24.96 acres at southwest corner of Charleston Boulevard and Hualapai Way (APNs 163-06-111-007 through 009), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL.

**P.C.: FINAL ACTION (Unless Appealed Within 7 Days)**

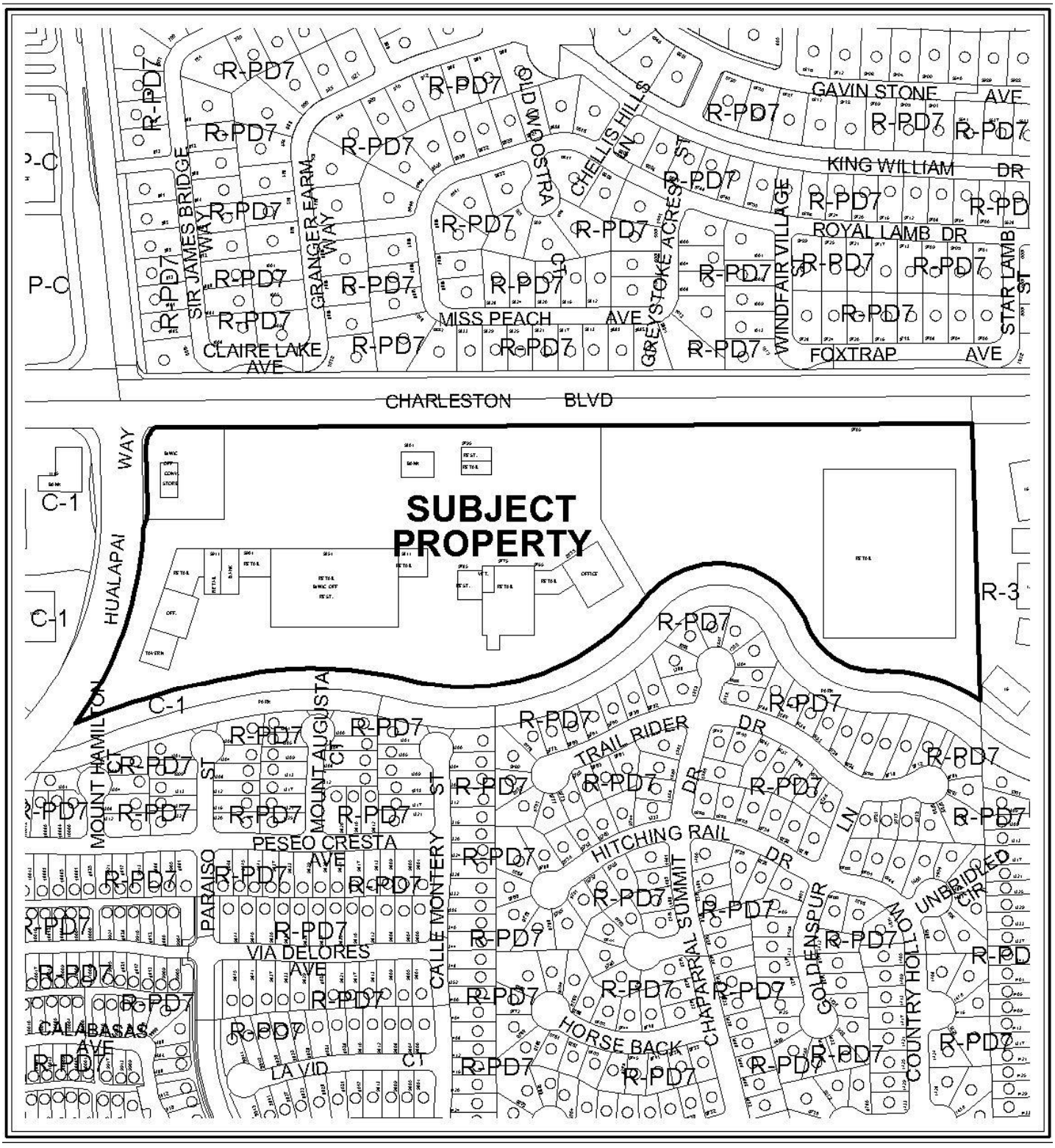
| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **0** | **Planning Commission Mtg.** | **0** |
| **City Council Meeting** | **0** | **City Council Meeting** | **0** |

**RECOMMENDATION:**

Staff recommends APPROVAL, subject to conditions:

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos




0 200 400 Feet

**CASE: TMP-42673**

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

N




0 200 400 Feet

**CASE: TMP-42673**

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

N

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: TMP-42673 APN: 163-06-111-007, 008, & 009

Name of Property Owner: Hualapai Commons, LTD, LLC

Name of Applicant: Hualapai Commons, LTD, LLC

Name of Representative: DRC Surveying Nevada, Inc

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: William B. Bayne

Subscribed and sworn before me

This 28th day of July, 2011

Deborah M. West

Notary Public in and for said County and State

DEBORAH M. WEST
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 12-21-14
Certificate No: 89-2009-1

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# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Tentative Map / One lot commercial subdivision

**Project Address (Location)** 9775 W. Charleston Blvd

**Project Name** Hualapai Commons **Proposed Use** _____

**Assessor's Parcel #(s)** 163-06-111-007, 008, & 009 **Ward #** 2

**General Plan:** existing SC proposed _____ **Zoning:** existing C-1 proposed _____

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

**Gross Acres** 24.96 **Lots/Units** 1 **Density** _____

**Additional Information** _____

**PROPERTY OWNER** Hualapai Commons, LTD, LLC **Contact** Billy Bayne

**Address** 851 S, Rampart #100 **Phone:** (702) 280-5761 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89145

**E-mail Address** William.bayne@qmail.com

**APPLICANT** Hualapai Commons, LTD, LLC **Contact** Billy Bayne

**Address** 851. Rampart #100 **Phone:** (702) 280-5761 **Fax:** _____

**City** Las Vegas **State** NV **Zip** 89145

**E-mail Address** William.bayne@qmail.com

**REPRESENTATIVE** DRC Surveying Nevada, Inc **Contact** Dennis Wertzler

**Address** 7180 Dean Martin Dr. #800 **Phone:** (702) 270-6119 **Fax:** (702) 270-4899

**City** Las Vegas **State** NV **Zip** 89118

**E-mail Address** Dwertzler@drc-lasvegas.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** William B. Bayne

RECEIVED
JUL 28 2011
City of Las Vegas

Subscribed and sworn before me

This 28th day of July, 20 11.

Deborah M. West

Notary Public in and for said County and State

DEBORAH M. WEST
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 12-21-14
Certificate No: 89-2009-1

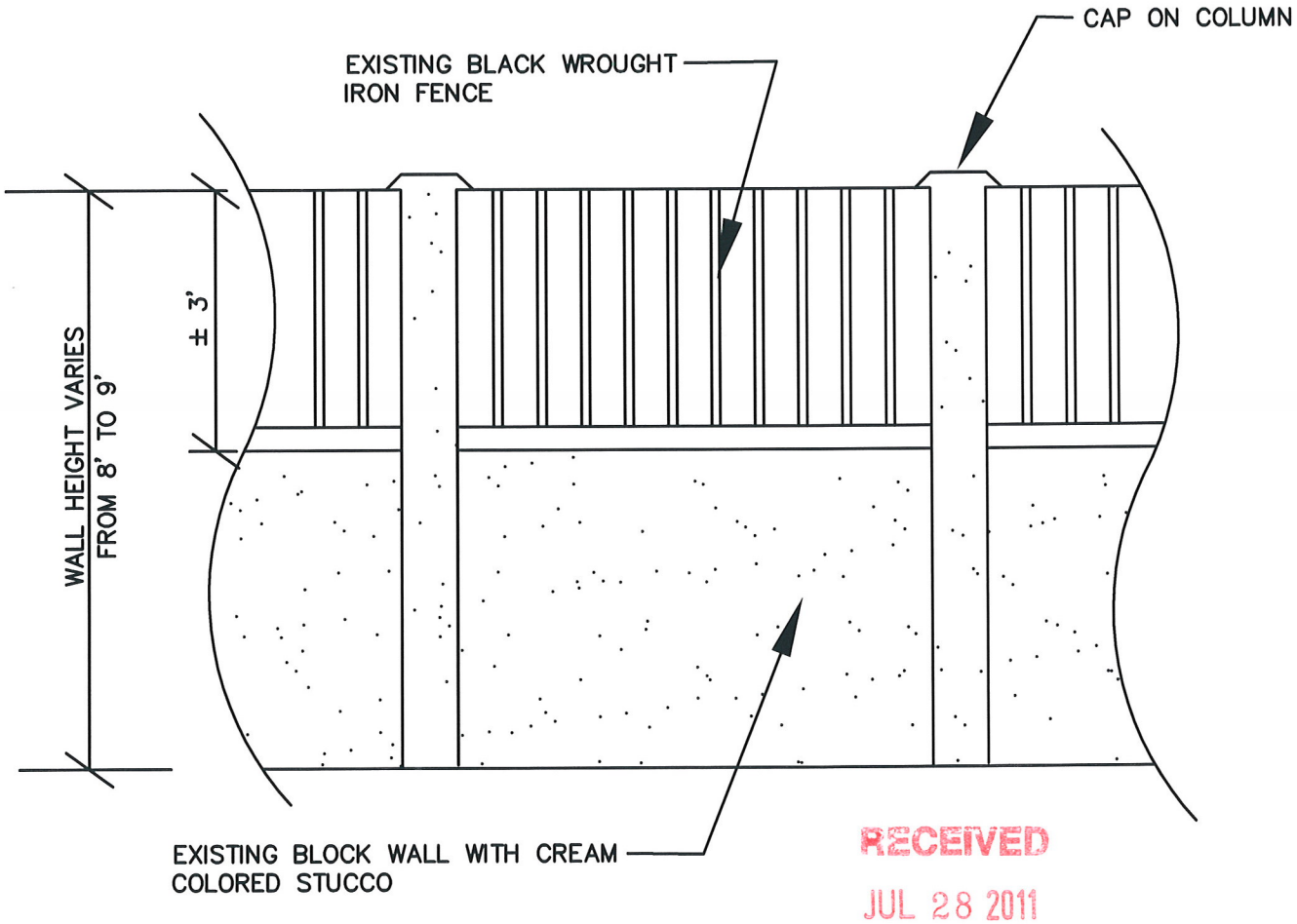
***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | TMP-42673 |
| **Meeting Date:** | 9/13/11 |
| **Total Fee:** | $750.00 |
| **Date Received:*** | 7/28/11 |
| **Received By:** | BMS |

*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

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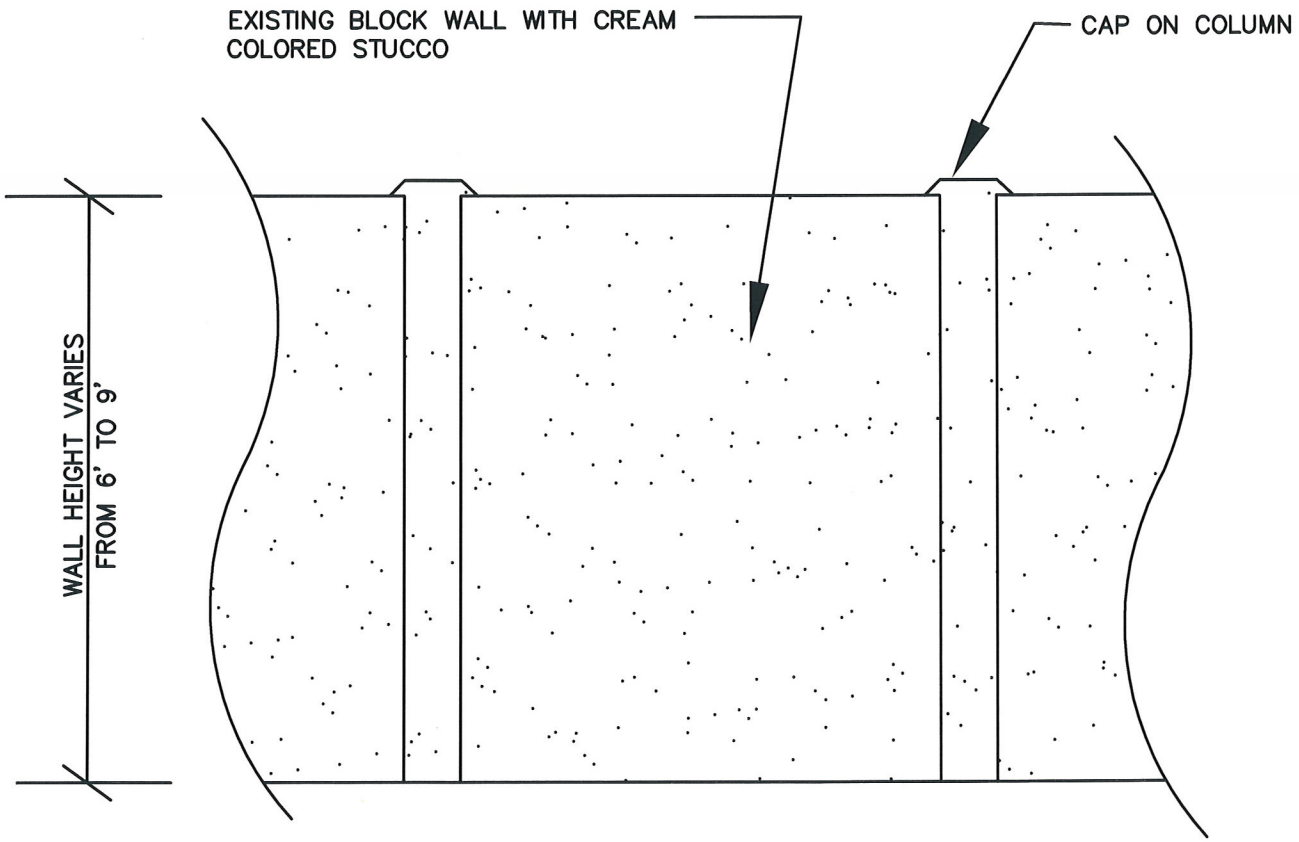
JUL 28 2011
City of Las Vegas

# PERIMETER WALL SECTION - VIEW FROM OFF SITE

N.T.S.

A
3

TMP-42673




# PERIMETER WALL SECTION - VIEW FROM OFF SITE

N.T.S.

B
3

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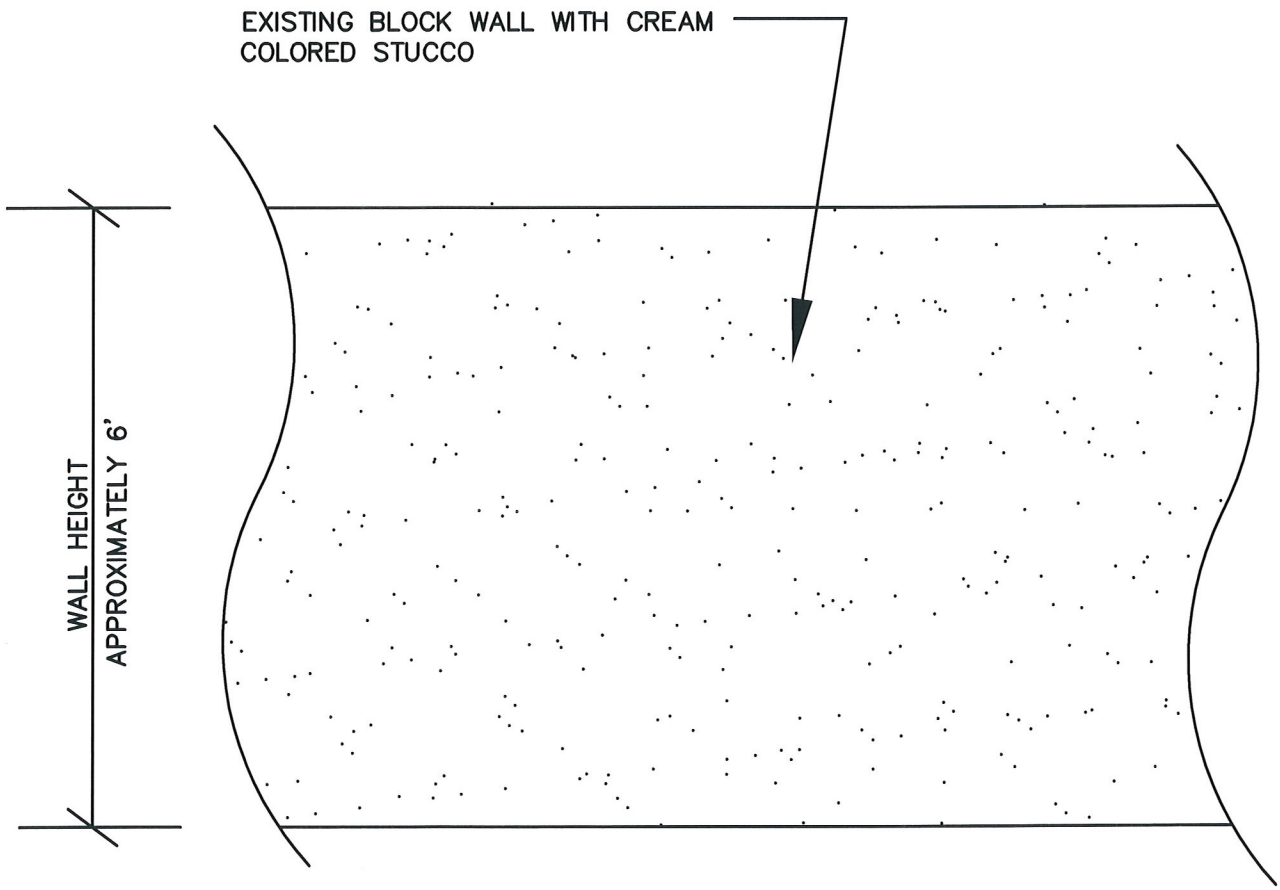
City of Las Vegas

TMP-42673




# PERIMETER WALL SECTION - VIEW FROM OFF SITE

N.T.S.

C/3

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JUL 28 2016
City of Las Vegas

TMP-42673



TMP-42673 - APPLICANT/OWNER: HUALAPAI COMMONS, LTD, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND HUALAPAI WAY

08/04/11



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JUL 28 2011
City of Las Vegas

RECEIVED
JUL 28 2011
City of Las Vegas

TMP-42673

SECTION A/3 INSIDE PROPERTY



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JUL 28 2011
City of Las Vegas

TMP-42673

SECTION B/3 OUTSIDE PROPERTY

TMP-42673

SECTION C/3
OUTSIDE PROPERTY






TMP-42673

FRONTAGE ALONG CHARLESTON

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

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

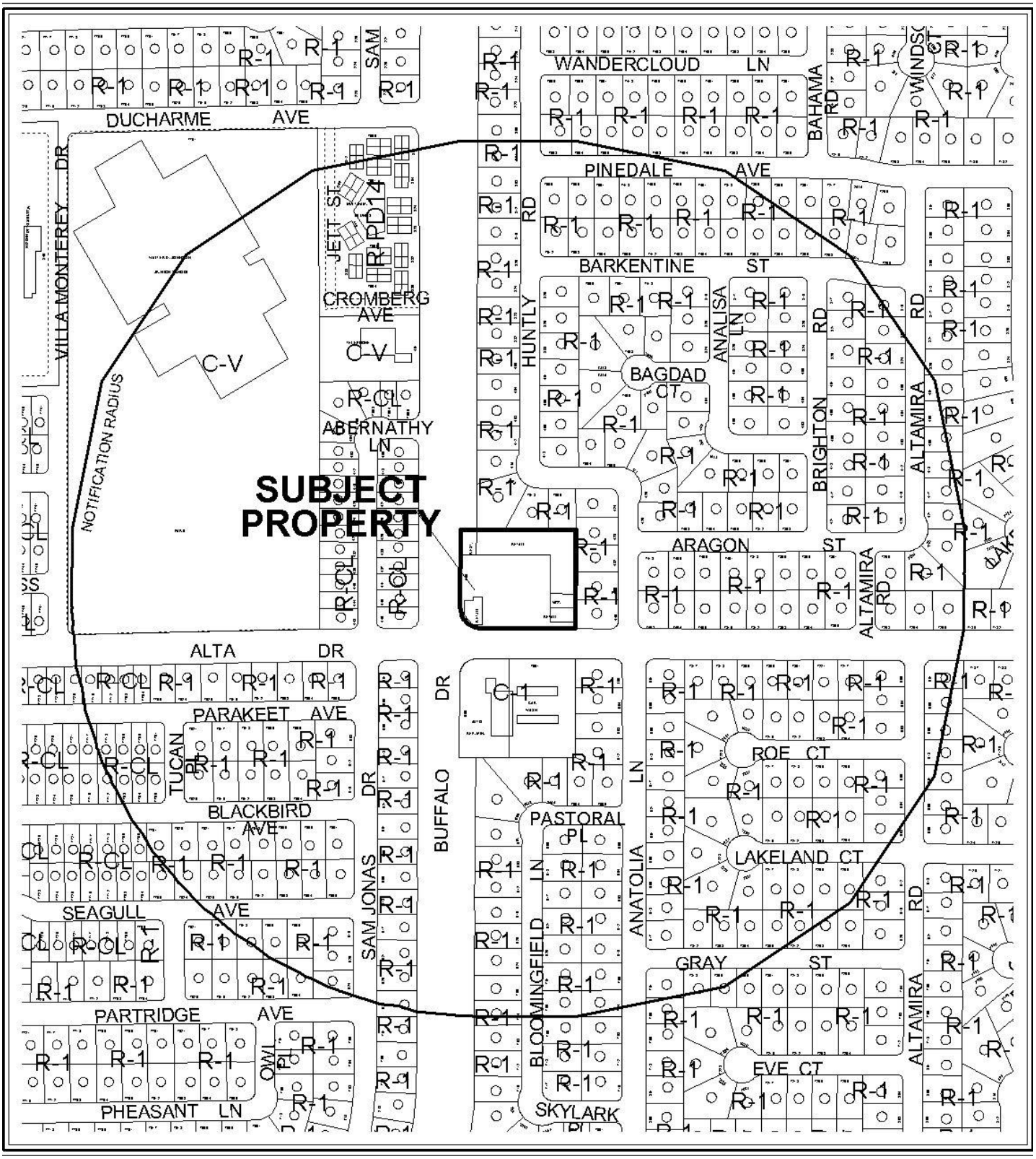
**SUBJECT:**
SUP-42604 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GRACIE-BODIE, INC. - OWNER: IPTV-B-L6-136, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED ANIMAL HOSPITAL, CLINIC OR SHELTER (WITH NO OUTSIDE PENS) WITHIN AN EXISTING 2,385 SQUARE-FOOT BUILDING at 490 South Buffalo Drive (APN 138-34-201-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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



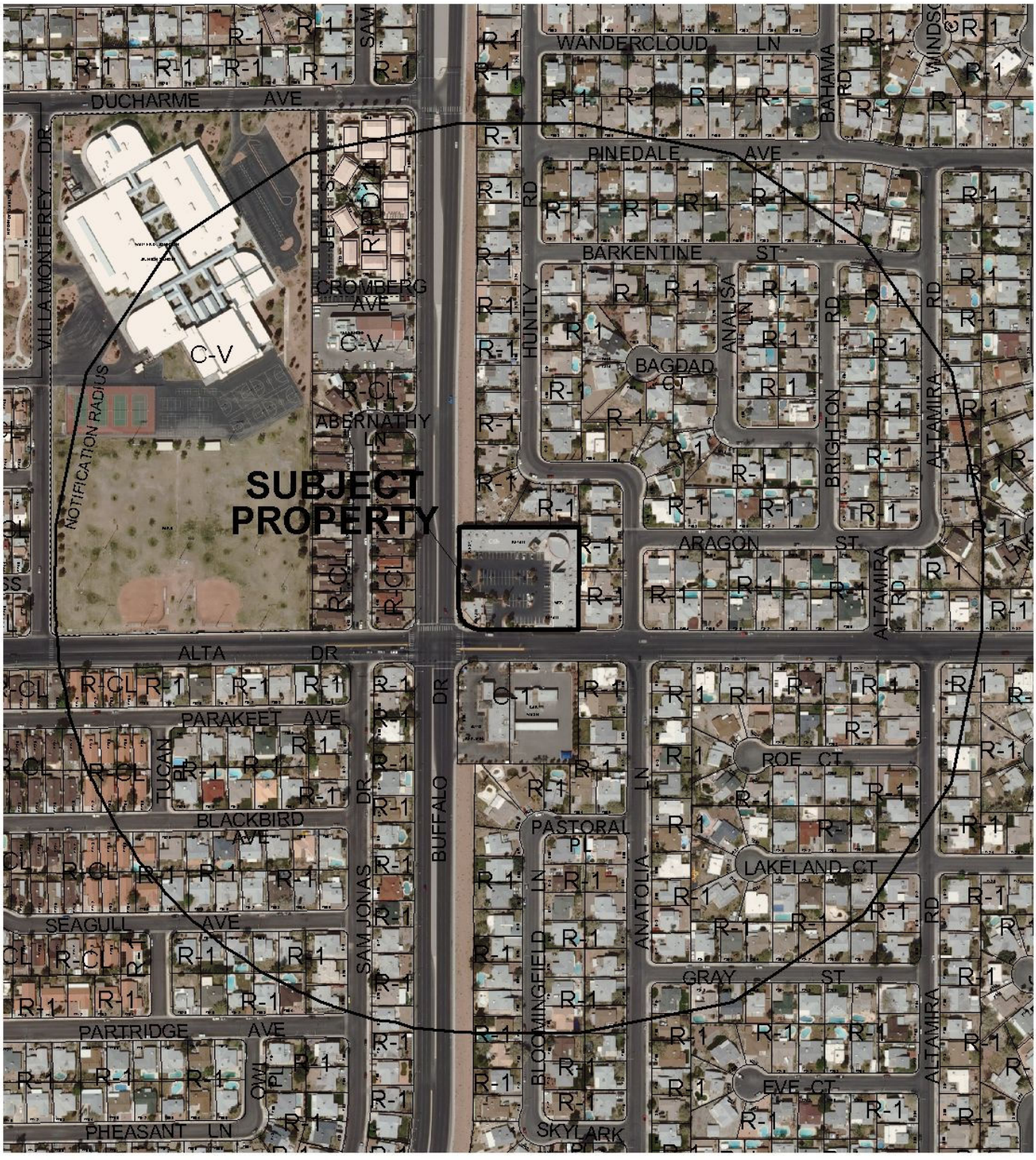

0 300 600 Feet

**CASE:** **SUP-42604**

**RADIUS:** 1000 FT

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

N




0 300 600 Feet

**CASE:** **SUP-42604**

**RADIUS:** 1000 FT

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

N

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42604** APN: 138-34-201-001

Name of Property Owner: IPTV-B-L6-136, LLC

Name of Applicant: Gracie-Bodie, Inc. dba Buffalo Alta Animal Hospital

Name of Representative: Brian Hammes

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: _____ Gene C. McQuown Managing Director

Print Name: Gene McQuown

Subscribed and sworn before me

This 19th day of July, 2011

_____

Notary Public in and for said County and State

Veda NiCole Simpson
Notary Public, District of Columbia
My Commission Expires, November 14, 2015

VEDA NICOLE SIMPSON ★ NOTARY PUBLIC ★ DISTRICT OF COLUMBIA

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JUL 21 2011

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Gracie-Bodie, Inc. dba Buffalo Alta Animal Hospital

**Project Address (Location)** 490 South Buffalo Drive, Las Vegas, NV 89145

**Project Name** Buffalo Alta Animal Hospital **Proposed Use** Animal Hospital

**Assessor's Parcel #(s)** 138-34-201-001 **Ward #** 1

**General Plan:** existing SC proposed N/C **Zoning:** existing C-1 proposed N/C

**Commercial Square Footage** 27,612 **Floor Area Ratio** 37%

**Gross Acres** 1.71 **Lots/Units** 1/23 **Density**

**Additional Information**

**PROPERTY OWNER** IPTV-B-L6-136, LLC **Contact** Gene McQuown

**Address** 8150 N. Central Expressway, Ste 1200 **Phone:** (972) 861-1023 **Fax:** (972) 861-1028

**City** Dallas **State** TX **Zip** 75206

**E-mail Address** gkitto@iptmgmt.com

**APPLICANT** Gracie-Bodie, Inc. dba Buffalo Alta Animal Hospital **Contact** Brian Hammes

**Address** 450 South Buffalo Drive, Suite 118 **Phone:** (702) 838-0700 **Fax:** (702) 838-5695

**City** Las Vegas **State** NV **Zip** 89145

**E-mail Address** brian@buffaloalta.com

**REPRESENTATIVE** Brian Hammes **Contact** Brian Hammes

**Address** 450 South Buffalo Drive, Suite 118 **Phone:** (702) 838-0700 **Fax:** (702) 838-5695

**City** Las Vegas **State** NV **Zip** 89145

**E-mail Address** brian@buffaloalta.com

**Property Owner Signature*** Gene C. McQuown Managing Director

*An authorized agent may sign in lieu of the property owner. See Land Use Terms, Maps, and Parcel Maps.

**Print Name** Gene McQuown

Subscribed and sworn before me

This 19th day of July, 20 11.

Veda NiCole Simpson

Notary Public in and for said County and State

VEDA NICOLE SIMPSON NOTARY PUBLIC DISTRICT OF COLUMBIA

Veda NiCole Simpson
Notary Public, District of Columbia
My Commission Expires, November 14, 2015

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SUP-42604 |
| **Meeting Date:** | 9/13/11 PC |
| **Total Fee:** | $1,030 |
| **Date Received:*** | 7/21/11 |
| **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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JUL 21 2011

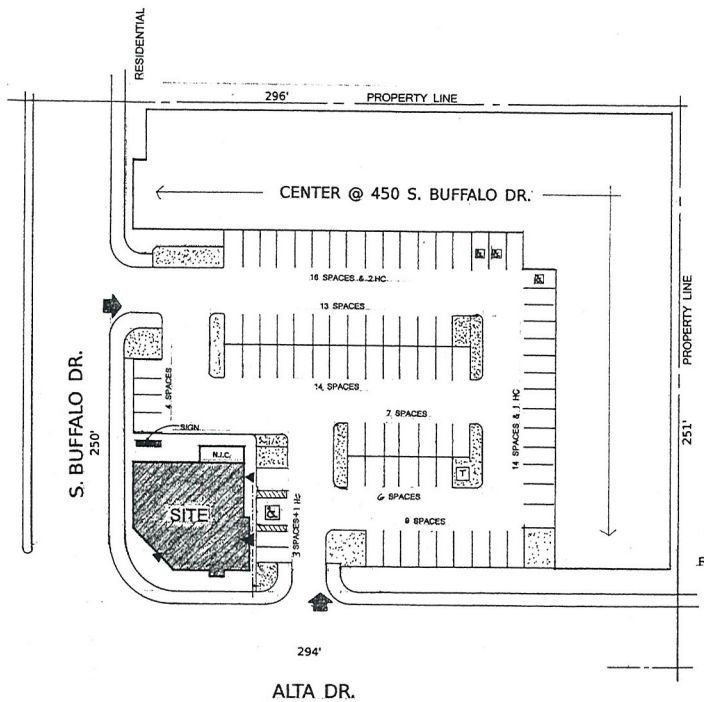
Revised 10/2008

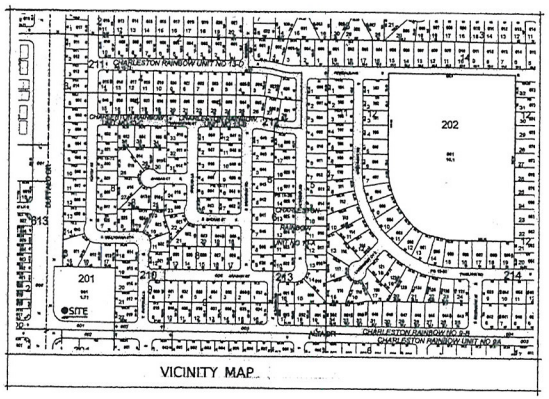
f:\depot\Application Packet\Application Form.pdf

STATE OF NEVADA

REGISTERED INTERIOR DESIGNER
NO. 019-ID
ROBERT C. WARNSTEDT

Robert C. Warnstedt



VICINITY MAP

**SITE PLAN - BUFFALO CENTER**

PARCEL NO. - 138-34-201-001
PARCEL SIZE - 1.71 ACRES
CENTER SIZE - 27,612 SQ. FT.
PROJECT SIZE - 2,385 SQ. FT.
PARKING - 86 SPACES & 4 HANDICAP SPACES = 90
CURRENT RATIO OF 1 SPACE PER 250 SQ. FT. = 110
RESULT = PARKING IMPAIRED

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Department of Planning

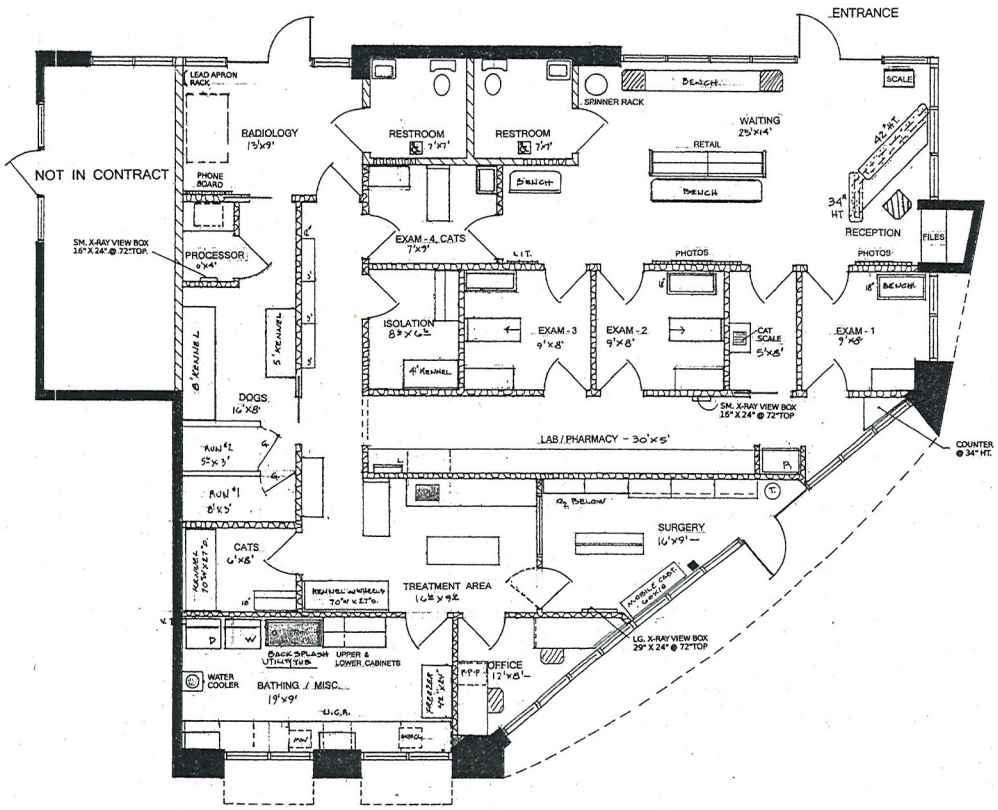
NOTE:
THE PARKING LOT IS SHOWN "AS IS".
NO CHANGES ARE PROPOSED WITH
THIS PROJECT.

A1

Arlington Design
interior design & space planning
(702) 364 - 1507 FAX (702) 364 - 8266
NEVADA LIC. NO. 019-ID

SITE PLAN
SCALE: N.T.S. APPROVED BY: DRAWN BY: AC
DATE: 3/28/11 REVISED 8/2/11
BUFFALO ALTA ANIMAL HOSPITAL
490 S. BUFFALO DR. DRAWING NUMBER 3409

SUP-42604
REVISED




NOTE : ROOM SIZES ARE APPROXIMATE.

OCCUPANCY = 24

NORTH

NOTE: ALL SUB-CONTRACTORS TO VERIFY ALL FIELD CONDITIONS AND DIMENSIONS PRIOR TO START OF WORK.

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AUG 3 2011
City of Las Vegs
Department of Planning

STATE OF NEVADA
REGISTERED INTERIOR DESIGNER
NO. 019-ID
ROBERT C. WARNSTEDT

Robert C. Warnstedt

A2.1

Arlington Design
interior design & space planning
(702) 364 - 1507 FAX (702) 364 - 8256
NEVADA LIC. NO. 019-ID

FLOORPLAN

SCALE: 1/4" = 1'-0" | APPROVED BY: | DRAWN BY:
DATE: 3/28/11 | REVISED 8/12/11

BUEFALO ALTA ANIMAL HOSPITAL

490 S. BUEFALO DR. | DRAWING NUMBER 3409

SUP-42604
REVISED



SUP-42604 - APPLICANT: GRACIE-BODIE, INC. - OWNER: IPTV-B-L6-136, LLC
490 SOUTH BUFFALO DRIVE

08/04/11




SUP-42604 – APPLICANT: GRACIE-BODIE, INC. - OWNER: IPTV-B-L6-136, LLC
490 SOUTH BUFFALO DRIVE

08/04/11




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SUP-42604




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JUL 21 2011

SUP-42604




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JUL 21 2011
SUP-42604




RECEIVED
JUL 21 2011

SUP-42604




EAST FACE OF BLDG.

RECEIVED
JUL 21 2011

Arlington Design
interior design & space planning
(702) 364 - 1507 FAX (702) 364 - 8256
NEVADA LIC. NO. 019-ID

BUFFALO ALTA ANIMAL HOSPITAL

**SUP-42604**




WEST FACE OF BLDG.

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NEVADA LIC. NO. 019-ID

BUFFALO ALTA ANIMAL HOSPITAL

**SUP-42604**




NORTH FACE OF BLDG.

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JUL 21 2011

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interior design & space planning
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NEVADA LIC. NO. 019-ID

BUFFALO ALTA ANIMAL HOSPITAL

**SUP-42604**




SOUTH FACE OF BLDG.

RECEIVED
JUL 21 2011

Arlington Design
interior design & space planning
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NEVADA LIC. NO. 019-ID

BUFFALO ALTA ANIMAL HOSPITAL

**SUP-42604**

To: Department of Planning
From: Brian Hammes, DVM – Buffalo Alta Animal Hospital
Subject: Justification Letter for Special Use Permit

Buffalo Alta Animal Hospital has been operating at 450 S Buffalo Drive, Suite 118, Las Vegas, NV 89145 for the past 13 plus years. It has been under the present ownership and management for the past six years. We are a small (one veterinarian), family-owned practice. Our practice is small animal, consisting largely of cats and dogs, although we will see the occasional pocket or exotic pet. No large animals are seen.

From the beginning, we have been a good neighbor to the other businesses in the Buffalo Center as well as the residents of the community. We have had no complaints of any fashion from the other businesses or residents. We take pride in the fact that clients comment that our hospital smells so clean and fresh. Likewise, noise is at a minimum.

We now plan to move across the parking lot to the stand-alone building with the address of 490 S Buffalo Drive. We will still be in the same shopping center (Buffalo Center). Site and floor plans have been prepared and are part of this submitted package. Photos of the four sides of the building are also included. A general contractor, SGI Builders (Bryan Sears, Owner), has been retained.

The focus of our practice will remain unchanged. We will continue to be a small, family-owned practice emphasizing pet care for dogs and cats. No large animals will be seen. Our hours of operation are expected to remain unchanged. We will be open 7:30A.M. – 6:00P.M. Monday thru Friday. On Saturday, we will be open 8:00A.M. – 4:00P.M. We plan to be closed on Sundays. At this time, we do not expect any changes in staffing levels. Initially, we will have 3 full-time employees and 1 part-time employee. Our desire is to add staff as needed as our client base increases.

Moving to the stand-alone building will allow us to better serve the community since the building is somewhat larger than our existing space. As noted above, we have had no complaints from other tenants or residences. I anticipate this to continue to be the case, particularly since we will no longer have any walls in common with other tenants.

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SUP-42604

In regards to the Minimum Special Use Permit Requirements for an Animal Hospital, Clinic, or Shelter (with no outside pens):

1. The use shall have access to a collector street or larger.
    a. There will be easy access from two streets, Buffalo and Alta.
2. Animals shall be confined within an enclosed building at all times.
    a. This will be no change from our current practice at 450 S. Buffalo Dr, Suite 118.
3. The building shall be designed to provide complete sound barriers and odor protection for adjacent properties.
    a. As noted above, we have had no complaints of noise or odor in our current practice which has common walls with adjacent tenants. Since we will be the only tenant in the stand-alone building, this policy of being a good neighbor will continue. In addition, a general contractor has been retained to help insure full compliance.
4. Rooms containing cages or pens are not permitted to have windows, doors or other penetrations on exterior walls adjacent to residences.
    a. There are no adjacent residences. In addition, for security reasons, all rooms containing cages or pens will have **no** windows, doors, or other penetrations on exterior walls.
5. Noise levels must comply with the applicable provisions of LVMC Title 7.
    a. Various measures such as separating dogs from cats; minimizing direct contact and sight of each other, providing toys and other mental stimulants are taken. Noise has been a non-issue in the past and should remain a non-issue at the new location.
6. No more than 25% of the floor area may be used for the boarding of animals.
    a. Per the plans, the boarding area will be less than 15% of the floor area.

In reviewing the "Special Use Permit Determinations":

a. The proposed 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.

i. We have been operating an animal hospital in the Buffalo Center in a harmonious and compatible manner. Moving across the parking lot to the stand-alone building will not change this.

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

i. Planners and contractors have evaluated the building.

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

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SUP-42604

i. There will be good access from two streets (Buffalo and Alta).

d. 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.

i. Buffalo Alta Animal Hospital has been operating in its present location for 13 years. Moving across the parking lot to the stand-alone building will have no negative impact.

In summary, Buffalo Alta Animal Hospital has a 13 year track record in its present location. We now wish to move the hospital 50 yards across the parking lot to the stand-alone building. We have been a good neighbor to the other tenants as well as residents of the neighborhood. Moving to the larger building will allow us to better serve the community. In reviewing the "Minimum Special Use Permit Requirements" and well as the "Special Use Permit Determinations", it appears that we meet all criteria.

Thank your for your time and attention to this matter. Sincerely,

B D. Hammes 7-18-11

Brian D. Hammes, DVM – Applicant/Representative
Buffalo Alta Animal Hospital

Date

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JUL 21 2011
SUP-42604

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

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

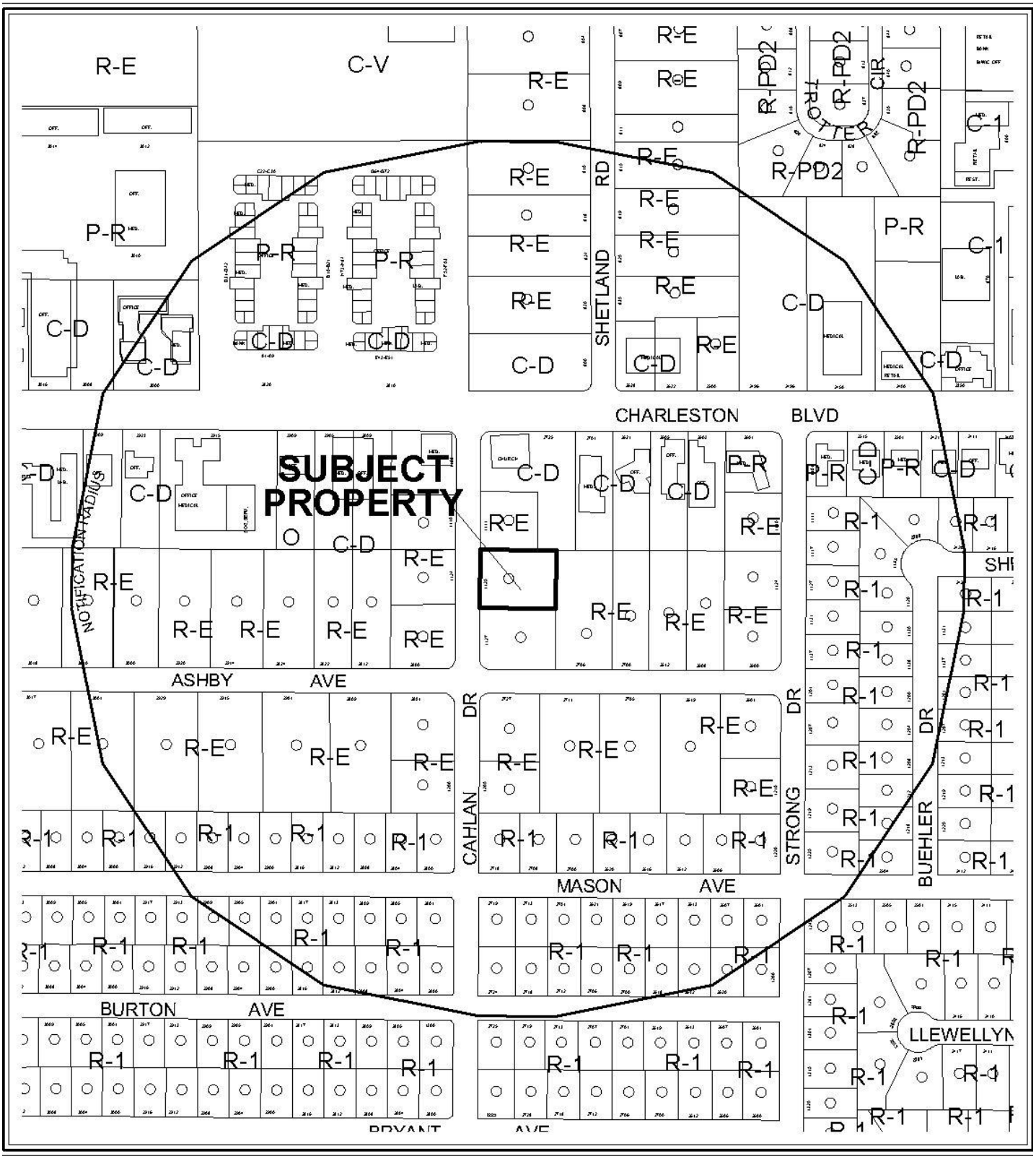
**SUBJECT:**
SUP-42639 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: CHRISTOPHER S. ALLEN - For possible action on a request for a Special Use Permit TO CONVERT AN EXISTING 640 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) INTO AN ACCESSORY STRUCTURE (CLASS I) WITH KITCHEN at 1125 Cahlan Drive (APN 162-05-512-019), R-E (Residence Estates) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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. City Council Approval Letter for SUP-30239
6. Justification Letter




0 300 600 Feet

**CASE:** **SUP-42639**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** R-E (RESIDENCE ESTATES)

N




0 300 600 Feet

**CASE:** **SUP-42639**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** R-E (RESIDENCE ESTATES)

N

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42639** APN: 16205512019

Name of Property Owner: Christopher S. Allen

Name of Applicant: Christopher S. Allen

Name of Representative: Michael C. Swift

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: Christopher S. Allen

State of: NEVADA County of: CLARK

Subscribed and sworn before me

This 15th day of July, 2011

Kathryn A. Shortledge

Notary Public in and for said County and State

KATHRYN A. SHORTLEDGE
Notary Public State of Nevada
No. 05-104367-1
My Appt. Exp. May 24, 2014

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JUN 26 2011
City of Las Vegs
Department of Planning

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** Special Use Permit for existing residential shop convert to accessory

**Project Address (Location)** 1125 Cahlan dr. Las Vegas, Nevada 89102

**Project Name** Christopher Allen Residence - Pool Casita **Proposed Use** existing no change

**Assessor's Parcel #(s)** 162-05-512-019 **Ward #** 1

**General Plan:** existing x proposed ____ **Zoning:** existing x proposed ____

**Commercial Square Footage** 640 s.f. **Floor Area Ratio** ____

**Gross Acres** .5 **Lots/Units** 1 **Density** ____

**Additional Information** exiting residential 640 s.f. shop converted to Casita

**PROPERTY OWNER** Christopher S. Allen **Contact** Christopher S. Allen

**Address** 1125 Cahlan dr. **Phone:** 702525544 **Fax:** ____

**City** Las Vegas **State** Nevada **Zip** 89102

**E-mail Address** christopher@hkmproductions.com

**APPLICANT** Christopher Allen **Contact** Christopher S. Allen

**Address** 1125 Cahlan dr. **Phone:** 702525544 **Fax:** ____

**City** Las Vegas **State** Nevada **Zip** 89102

**E-mail Address** christopher@hkmproductions.com

**REPRESENTATIVE** Michael C. Swift **Contact** Mike Swift

**Address** 2806 Paradise Isle Ave **Phone:** (702) 285-9269 **Fax:** ____

**City** N. Las Vegas **State** Nevada **Zip** 89031

**E-mail Address** mswift4@cox.net

**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** Christopher S. Allen

State of: NEVADA County of: CLARK

Subscribed and sworn before me

This 15th day of July, 20 11.

Kathryn A. Shortledge

Notary Public in and for said County and State

KATHRYN A. SHORTLEDGE
Notary Public State of Nevada
No. 06-104367-1
My Appt. Exp. May 24, 2014

***FOR DEPARTMENT USE ONLY***

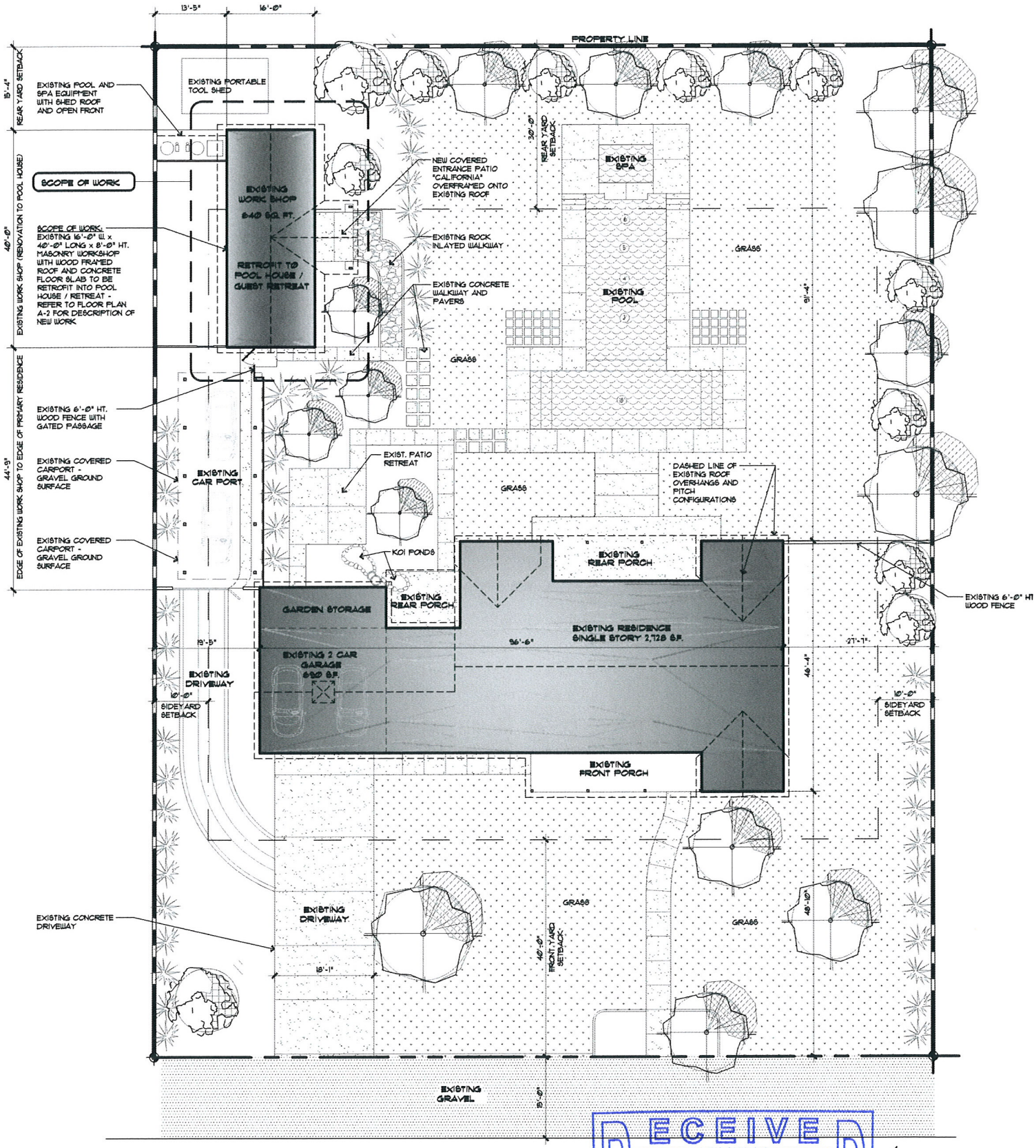
| | |
|---|---|
| **Case #** | SUP - 42639 |
| **Meeting Date:** | 9/13/11 PC |
| **Total Fee:** | $ 1230 |
| **Date Received:*** | 7/26/11 |
| **Received By:** | |

RECEIVED
JUN 26 2011
City of Las Vegas
Department of Planning

*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

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




# EXISTING SITE PLAN

SCALE: 1"=10'-0"

**SUP-42639**

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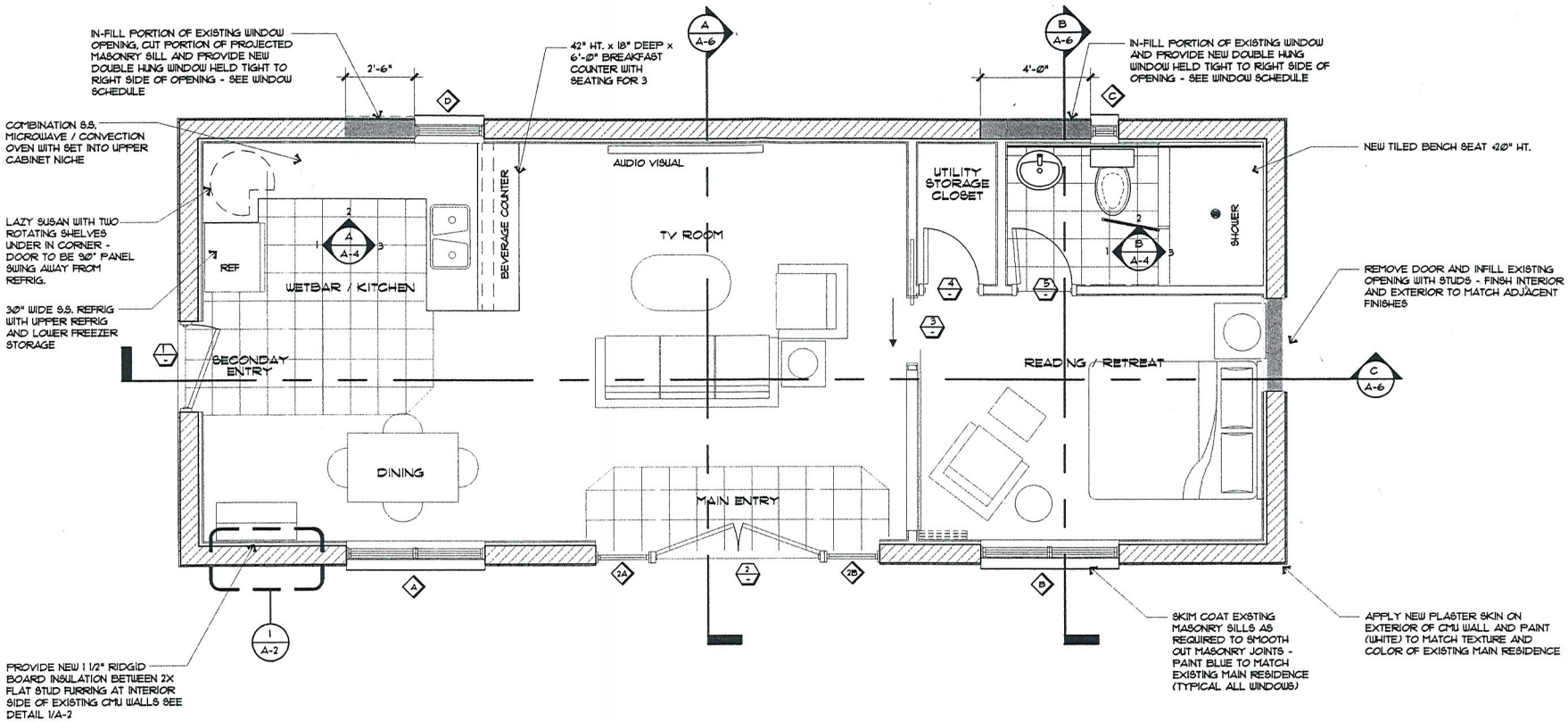
City of Las Vegas
Department of Planning




# CASITA FLOOR PLAN - INFORMATIONAL

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

NORTH

**SPECIAL USE PERMIT 7/26/11**

| SHEET | DRAWN | CHECKED | DATE | SCALE | PROJECT NO. |
|---|---|---|---|---|---|
| A-3 OF - | M.C.S. | C.S.A. | 07-26-11 | AS NOTED | |

**SHEET TITLE: FLOOR PLAN - INFORMAITONAL**

ADDITION TO EXISTING RESENCE FOR:

CHRISTOPHER S. ALLEN

1125 CAHLAN DRIVE

LAS VEGAS, NV. 89102 PH# 702-869-2885

CHRISOTPHER S. ALLEN

PH: (702) -869-2885

1125 CAHLN DRIVE LAS VEGAS, NV. 89102

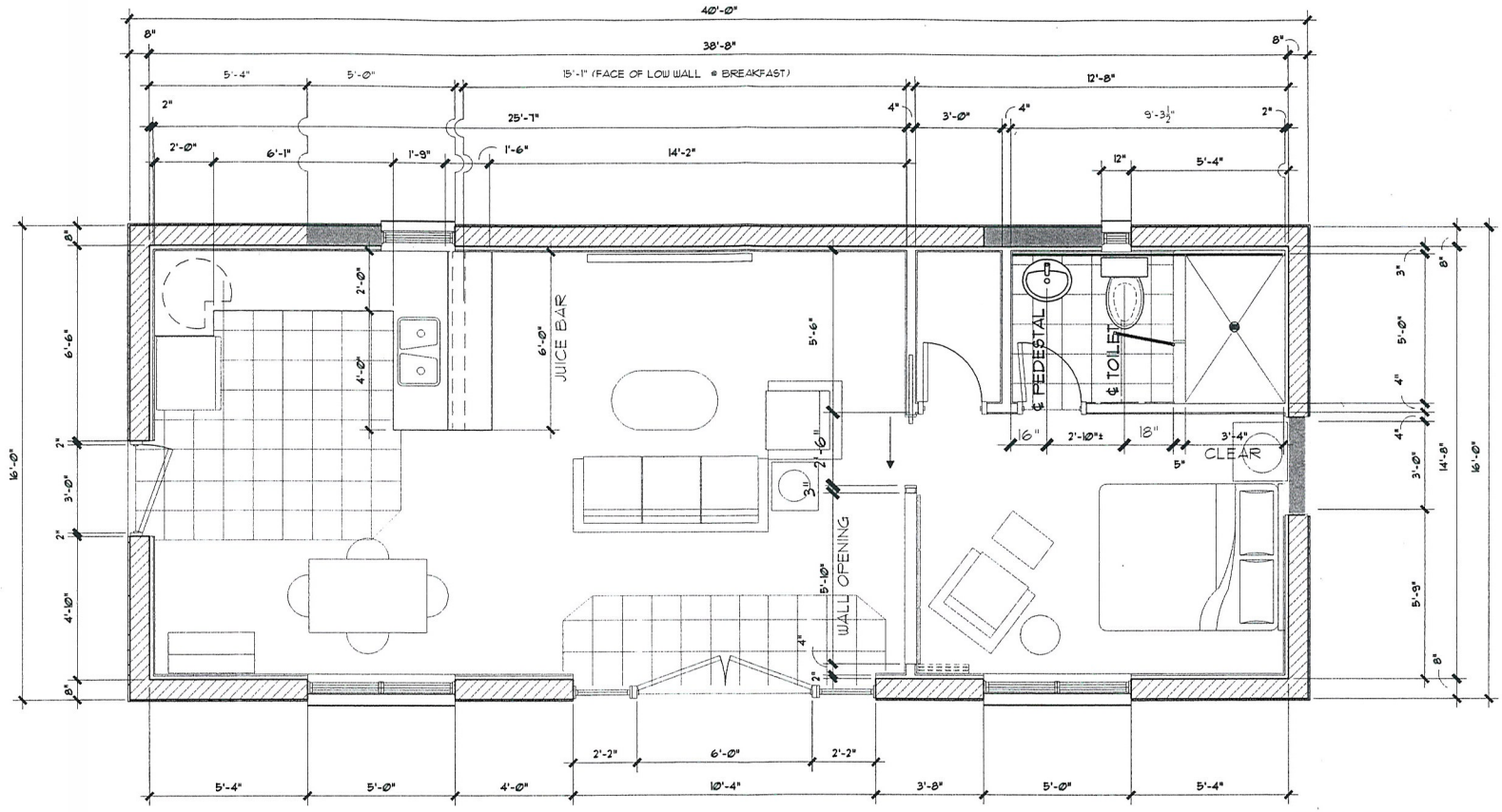
| REVISIONS | BY |
|---|---|
| | |

RECEIVED

JUN 26 2011

City of Las Vegs
Department of Planning

**SUP-42639**




DIMENSION NOTE: ALL DIMENSIONS ARE TO FACE OF MASONRY OR FACE OF STUD UNLESS OTHERWISE NOTED

# CASITA FLOOR PLAN - DIMENSIONAL

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

NORTH

**SPECIAL USE PERMIT 7/26/11**

SHEET **A-2** OF -

DRAWN M.C.S.
CHECKED C.S.A.
DATE 07-26-11
SCALE AS NOTED
PROJECT NO.

SHEET TITLE: FLOOR PLAN - DIMENSIONAL

ADDITION TO EXISTING RESENCE FOR:
CHRISTOPHER S. ALLEN
1125 CAHLAN DRIVE
LAS VEGAS, NV. 89102 PH# 702-869-2885

CHRISOTPHER S. ALLEN
PH: (702) -869-2885
1125 CAHLN DRIVE LAS VEGAS, NV. 89102

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Department of Planning




EXISTING STORAGE SHED BLOCKS MOST OF CASITA VIEW

## PHOTO ELEVATION - EAST



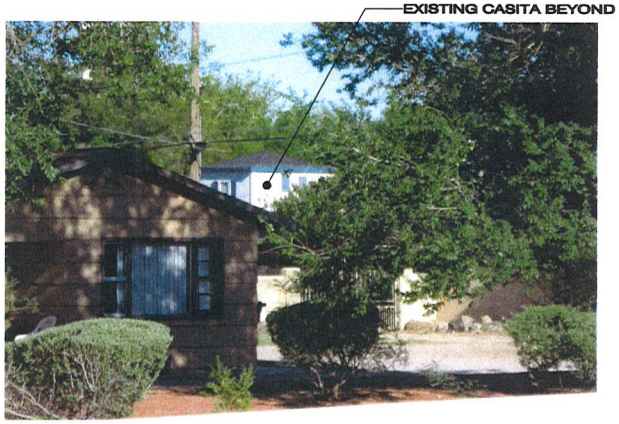
PHOTO FROM PARKING LOT OF EXISTING CHURCH TO THE NORTH

## PHOTO ELEVATION - NORTH EAST




PHOTO FROM PARKING LOT OF EXISTING CHURCH TO THE NORTH

## PHOTO ELEVATION - NORTH




FROM CAHLAN STREET ONLY THE TOP OF THE CASITA IS VISIBLE THRU THE TREES AND BEYOND THE NORTH NEIGHBORS HOUSE

## PHOTO ELEVATION - WEST



THIS VIEW IS OF THE FRONT ENTRANCE OF THE CASITA AS SEEN FROM THE BACK YARD WHERE THIS EXISITNG STRUCTURE IS LOCATED

## PHOTO ELEVATION - SOUTH



THIS VIEW IS AND OVERALL SOUTH IMAGE OF THE CASITA AS SEEN FROM THE BACK YARD WHERE THIS EXISITNG STRUCTURE IS LOCATED

## PHOTO ELEVATION - SOUTH

**SPECIAL USE PERMIT 7/26/11**

SHEET
**A-4**
OF -

DRAWN M.C.S.
CHECKED C.S.A.
DATE 07-26-11
SCALE AS NOTED
PROJECT NO.

**SHEET TITLE:** PHOTO ELEVATIONS

ADDITION TO EXISTING RESENCE FOR:
CHRISTOPHER S. ALLEN
1125 CAHLAN DRIVE
LAS VEGAS, NV. 89102 PH# 702-869-2885

CHRISOTPHER S. ALLEN
PH: (702) -869-2885
1125 CAHLN DRIVE
**SUP-42639**
LAS VEGAS, NV. 89102

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Department of Planning

REVISIONS BY



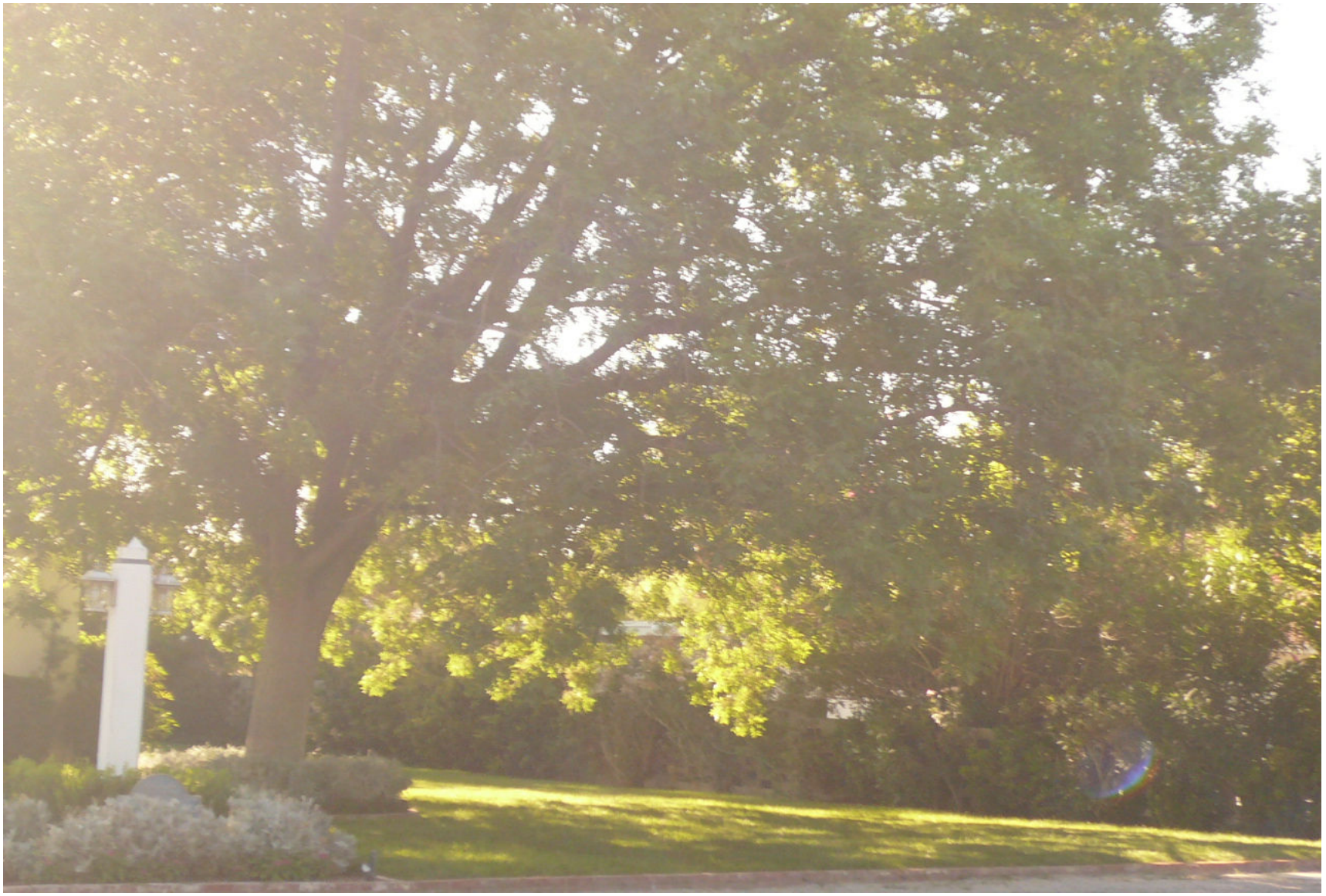
SUP-42639 - APPLICANT/OWNER: CHRISTOPHER S. ALLEN -
1125 CAHLAN DRIVE

08/04/11



SUP-42639 - APPLICANT/OWNER: CHRISTOPHER S. ALLEN -
1125 CAHLAN DRIVE

08/04/11



SUP-42639 - APPLICANT/OWNER: CHRISTOPHER S. ALLEN -
1125 CAHLAN DRIVE

08/04/11

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER




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

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

January 5, 2009

Mr. Christopher Allen
1125 Cahlan Drive
Las Vegas, Nevada 89102

RE: SUP-30239 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF DECEMBER 3, 2008

Dear Mr. Allen:

The City Council at a regular meeting held December 3, 2008 APPROVED the request for a Special Use Permit FOR AN EXISTING 640 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) WITH KITCHEN at 1125 Cahlan Drive (APN 162-05-512-019), R-E (Residence Estates) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on December 4, 2008. This approval is subject to:

Planning & Development

1. Conformance to all minimum requirements under LVMC Title 19.04.050 for Accessory Structure (Class I) use, if approved.

2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. The approval is pursuant to the revised plan date stamped 11/26/2008.

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

Sincerely,

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk
Department

M. Margo Wheeler, AICP
Director
Planning and Development

cc: Mr. Michael Swift
2806 Paradise Isle Avenue
North Las Vegas, Nevada 89031



To: City of Las Vegas
Department of Planning
333 N. Rancho dr.
Las Vegas, Nevada 89106

Project owner: Christopher S. Allen
1125 Cahlan Dr.
Las Vegas, 89102

# Letter of Justification:

Re: A proposed Request for Special Use Permit to retrofit existing non-habitable accessory structure to habitable accessory class 1 structure.

Parcel Number: 16205512019
Zoning: R-E Residence Estate
Use: R1 Single Family residence

**Description of existing conditions**:

The existing non-habitable accessory structure was originally permitted and constructed in 1966 according to information obtained from Clark County Assessor building survey. Permit number 35459 dated 11-9-66 and designated as storage +Shop. The building is constructed from concrete masonry units to a plate height of 8'-0" with a wood framed roof to a peak height of approx 11'-9". The building outside perimeter dimensions is 16'-0" X 40'-0" for a total exterior foot print of 640 square feet.

**Description of proposed Special Use: Intended use**

The owner wishes apply for a special use permit in order to retrofit this building as a "Habitable Accessory Structure" in accordance to the City of Las Vegas ordinance#5825 and Title 19.08. The primary use of this structure shall serve as a pool house for entertainment and leisure and occasionally as a guest retreat on his existing residential estate.

**Information:**

This project shall not participate in the City of Las Vegas Green Building program.
This project is already constructed and does not follow the LEED or equivalent standards.
This project does not utilize alternative energy sources or water savings measures.
There is no connectivity to adjacent parcels.

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City of Las Vegs
Department of Planning

**General Plan amendments:**

The density and intensity of the proposed general plan amendment is compatible with the existing adjacent land use designations.
The zoning designations allowed by the proposed amendments will be compatible with the existing adjacent land use or zoning districts.
There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed general plan designation; and the proposed amendment conforms to other applicable adopted plans and policies.

**Summery of Justification:**

The owner can demonstrate that the proposed use of this accessory structure can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and with future surrounding land uses as projected by the general plan. The subject site is physically suitable for the type and intensity of land use being proposed. Street facilities providing access to the property are adequate in size to meet the requirements of the proposed use; and approval of the Special Use Permit at the site in question will not be inconsistent with or compromise public health, safety and welfare or the overall objectives of the General Plan.

Sincerely
On Behalf of the Owner

Michael C. Swift
2806 Paradise Isle Ave.
N. Las Vegas, Nevada 89031
702-493-8976

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City of Las Vegs
Department of Planning

**SUP-42639**

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

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

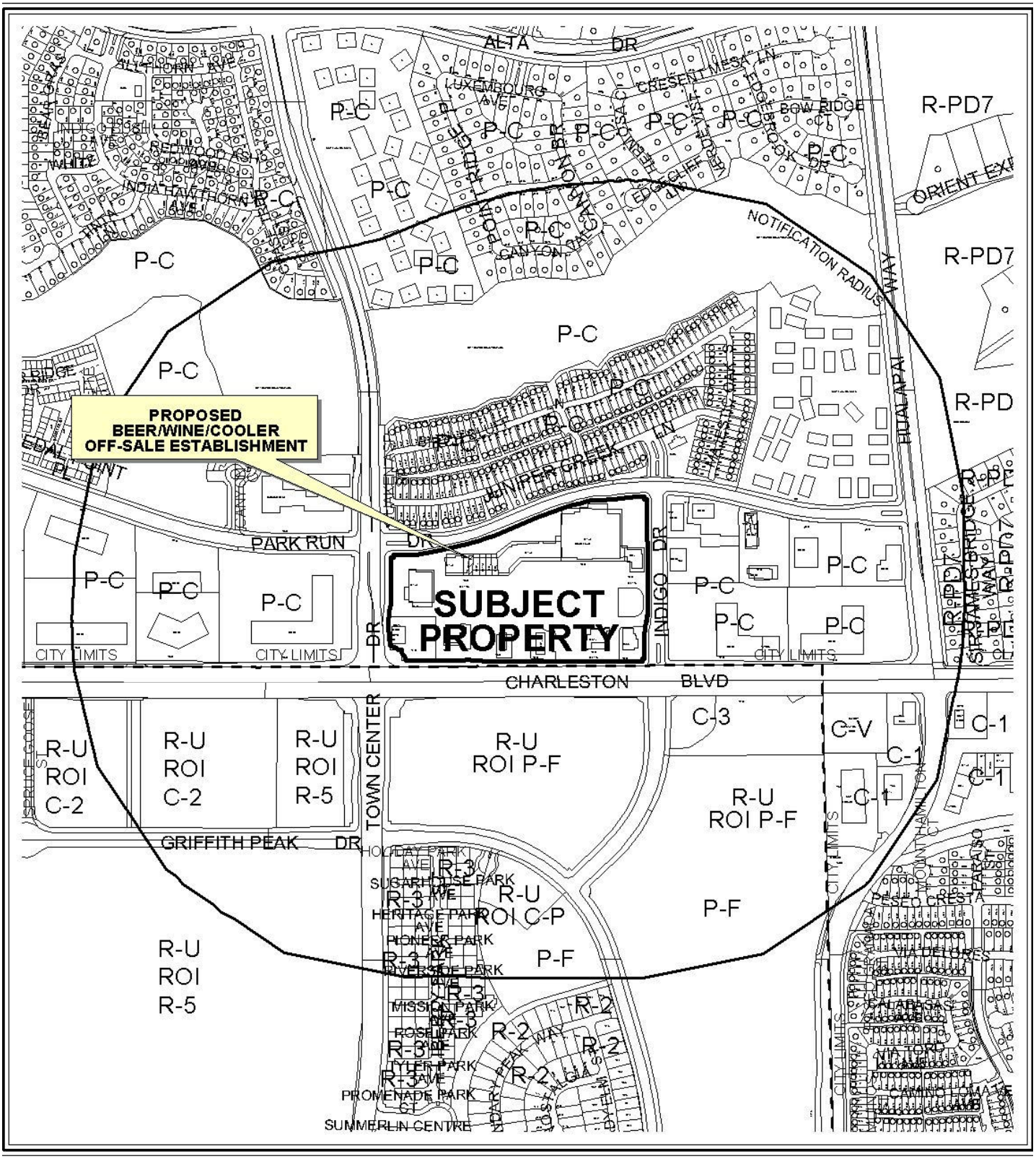
**SUBJECT:**
SUP-42672 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOWIN ASSOCIATES, LLC - OWNER: CENTER POINTE PLAZA, LLC - For possible action regarding a request for a Special Use Permit FOR A BEER/WINE/COOLER ON-SALE ESTABLISHMENT WITHIN A PROPOSED 2,100 SQUARE-FOOT RESTAURANT at 10300 West Charleston Boulevard, Suite #5 (APN 137-36-814-003), P-C (Planned Community) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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:

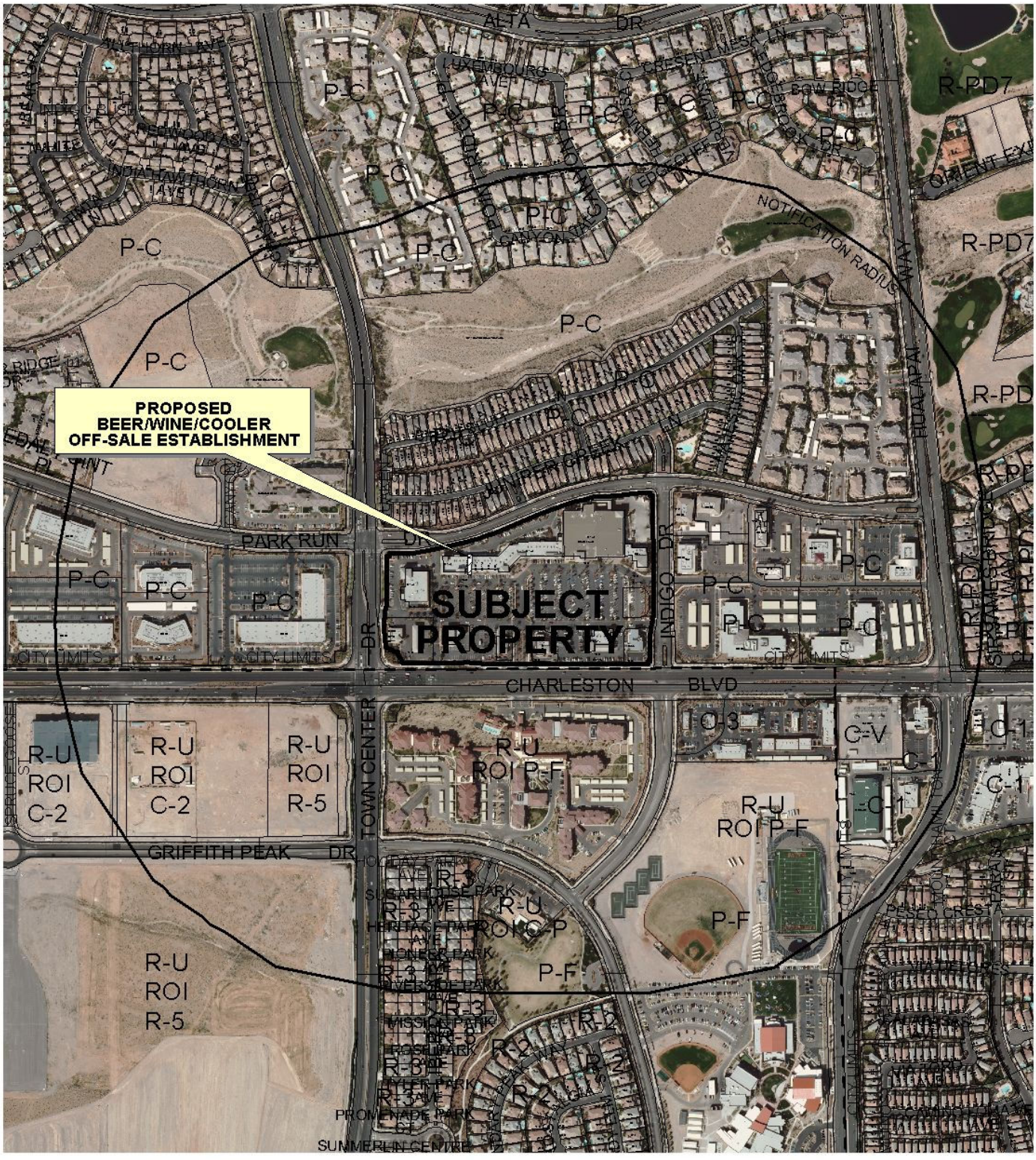
**BACKUP DOCUMENTATION:**
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




**CASE:** **SUP-42672**

**RADIUS:** 1500 FT

**ZONING OF SUBJECT PROPERTY:** P-C (PLANNED COMMUNITY)



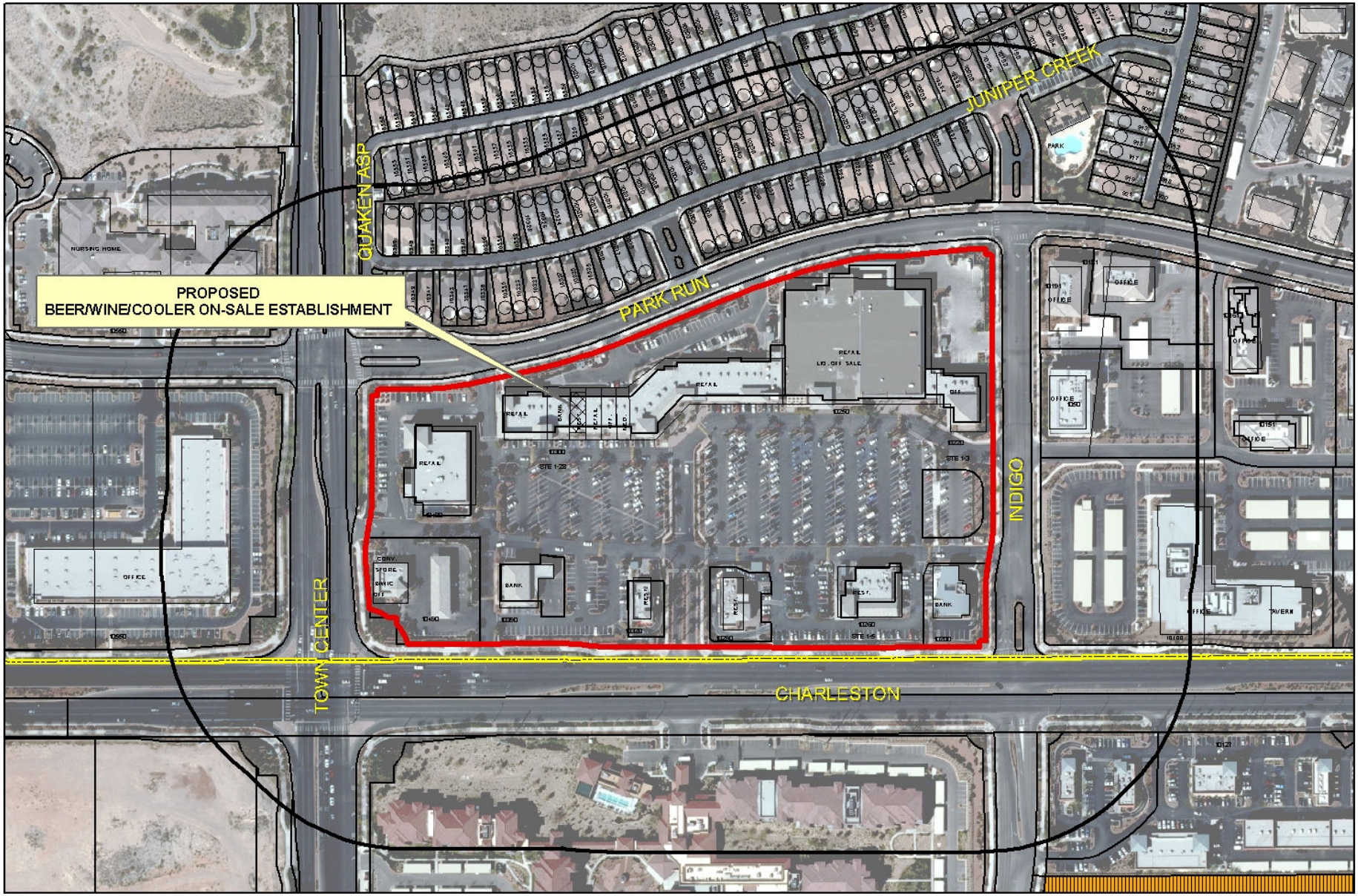

0 300 600 Feet

**CASE:** **SUP-42672**

**RADIUS:** 1500 FT

**ZONING OF SUBJECT PROPERTY:** P-C (PLANNED COMMUNITY)

N




**SUP-42672**

## 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

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Ref: SUP- Retail Beer and Wine

Case Number: **SUP-42672** APN: 137-36-814-003

Name of Property Owner: Center Pointe Plaza, LLC

Name of Applicant: Bowin associates, LLC/China Tango Bistro

Name of Representative: Wendy Lu

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: _____

**Center Pointe Plaza, LLC By Centerpoint Management its Managing Partner**
**By: James A. Christensen its Managing Member**
Signature of Property Owner: _____

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JUL 28 2011
City of Las Vegas

Print Name: James A. Christensen

Subscribed and sworn before me

This 25th day of July, 2011

Judith Collins
Notary Public in and for said County and State

JUDITH COLLINS
Commission # 1858627
Notary Public - California
Orange County
My Comm. Expires Aug 19, 2013

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** SUP - Retail Beer and Wine

**Project Address (Location)** 10300 W. Charleston Blvd., Suite 5, Las Vegas, NV 89135

**Project Name** China Tango Bistro **Proposed Use** Restaurant

**Assessor's Parcel #(s)** 137-36-814-003 **Ward #** 2

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

**Commercial Square Footage** 2,100 **Floor Area Ratio** _____

**Gross Acres** 0.92 **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** Center Pointe Plaza, LLC **Contact** Sherry Lombardi

**Address** 1970 Village Center Circle, Suite 7 **Phone:** (702) 228-0816 **Fax:** (702) 228-1708

**City** Las Vegas **State** Nevada **Zip** 89134

**E-mail Address** investprop@earthlink.net

**APPLICANT** Bowin Associates, LLC / China Tango Bistro **Contact** Enhua Chen

**Address** 5453 San Bellasera Ct. **Phone:** (702) 321-5038 **Fax:** (702) 823-3817

**City** Las Vegas **State** Nevada **Zip** 89141

**E-mail Address** _____

**REPRESENTATIVE** _____ **Contact** Wendy Lu

**Address** 4811 W. Desert Inn Rd. **Phone:** (702) 436-6955 **Fax:** (702) 436-6923

**City** Las Vegas **State** Nevada **Zip** 89102

**E-mail Address** Wendy.Lu@cox.net

Center Pointe Plaza, LLC By Centerpoint Management, LLC its Managing Partner By: James A. Christensen its Managing Member

**Property Owner Signature*** _____

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

**Print Name** James A. Christensen

Subscribed and sworn before me

This 25th day of July, 2011.

Judith Collins

Notary Public in and for said County and State

JUDITH COLLINS
Commission # 1858627
Notary Public - California
Orange County
My Comm. Expires Aug 19, 2013

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SUP-42672 |
| **Meeting Date:** | 9/13/11 |
| **Total Fee:** | $1280 |
| **Date Received:*** | 7/28/11 |
| **Received By:** | Romeo |

*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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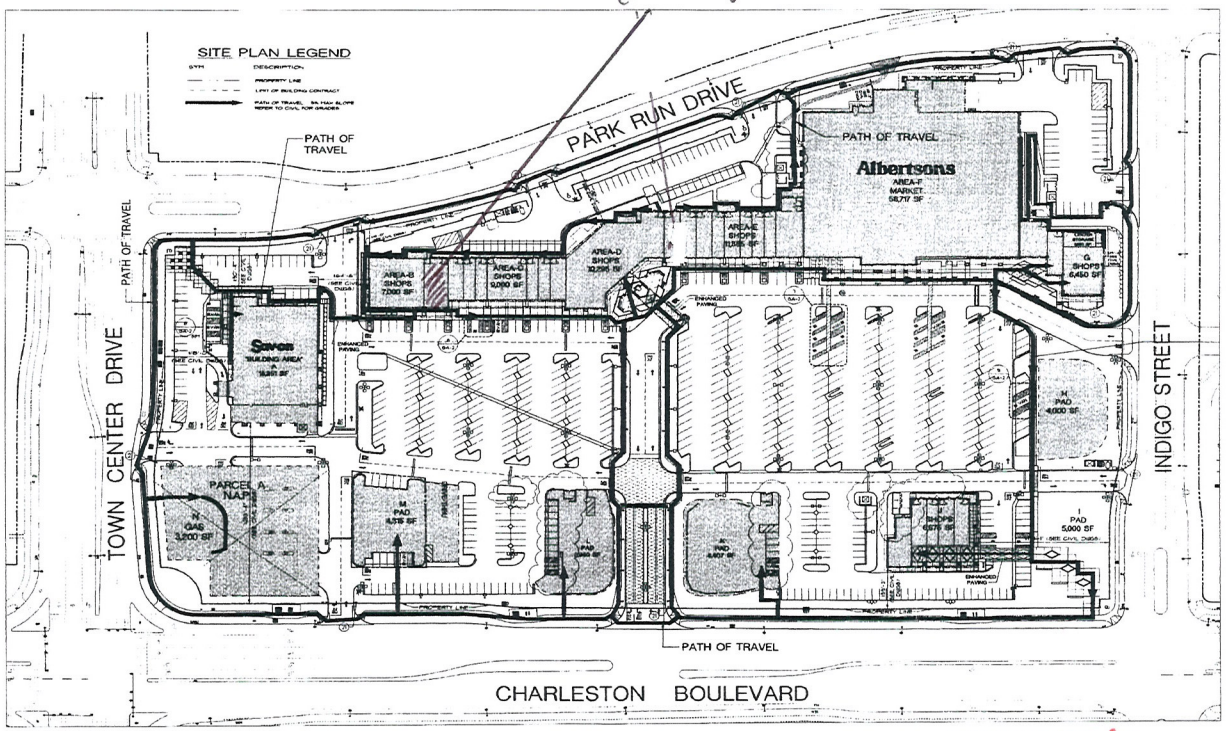
# CHINA TANGO

10300 W. Charleston Blvd. #5. Las Vegas, NV 89135

China Tango Bistro




SITE PLAN
NOT TO SCALE

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## SHEET INDEX

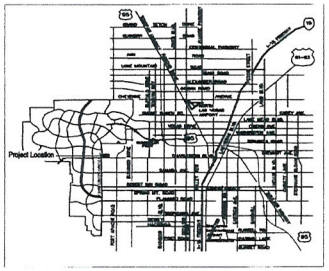

ARCHITECTURAL
C1.0 COVER SHEET
A1.0 FLOOR PLAN & CEILING & DETAILS

MECHANICAL
M1.0 MECHANICAL PLAN
M2.0 ES REPORT
H-1 HOOD DETAILS
H-2 HOOD DETAILS

PLUMBING
P1.0 PLUMBING PLAN - WASTE & VENT LINE

ELECTRICAL
E1.0 ELECTRICAL PLAN - LIGHTING
ELECTRICAL PLAN - POWER PLAN


## VICINITY MAP




## CODE ANALYSIS

| | |
|---|---|
| BLDG. CODE: | 2006 I.B.C<br>UMC 2006, UPC 2006, NEC 2005, ANSI 2003, IECC2006, 2003 UFC |
| OCUPANT GROUP: | RESTAURANT: A-2 |
| CONSTRUCTION TYPE: | TYPE V-B |
| FIRE SPRINKLERS: | YES |
| FIRE ALARM: | NO |
| REQUIRED NO. OF EXIT: | 2 (IBC 2000 1004.2.1) |
| PROVIDED NO. OF EXIT: | 2 |
| BUILDING HEIGHT: | 28' - 0" (EXIST. BLDG) |
| STORIES: | 1 (EXIST. BLDG.) |
| FLOOR AREA: | 2,100 SQ.FT.<br>DINING AREA: 957 SQ.FT<br>KITCHEN AREA: 745 SQ.FT<br>RESTROOMS, STORAGE & HALLWAY: 398 SQ.FT.<br>TOTAL: 2,100 SQ.FT. |
| OCCUPANT LOAD: | 97<br>**COUNTED BY SQ. FT.:**<br>DINING AREA OCC LOAD (1/15): 64.00<br>KITCHEN AREA OCC LOAD (1/200): 3.73<br>RESTROOM, OFFICE & HALLWAY (1/50): 7.78<br>TOTAL OCCUPANT LOAD: 76<br>**COUNTED BY FIXED SEATING:**<br>FIXED SEATINGS IN DINING: 85.00<br>KITCHEN AREA OCC LOAD (1/200): 3.73<br>RESTROOM, OFF & HALLWAY (1/50): 7.78<br>97<br>USE 97 OCC. LOAD |
| REQUIRED NO. OF EXIT: | 2 (IBC 2000 1004.2.1) |
| PROVIDED NO. OF EXIT: | 2 |
| OCCUPANCY OF ADJACENT TENANT: | SUITE#4: RETAIL<br>SUITE#6: RESTAURANT |
| OCCUPANCY SEPARATION: | NO SEPARATION (ALLOWED UP TO 24,000 SQ. FT. W/ FIRE SPRINKLER SYSTEM. ACTUAL BUILDING IS 16,000 SQ. FT.) (IBC 2000 302.3.3 EXTCEPT 1) |
| REQUIRED PLUMBING FIXTURES: | MEN'S RESTROOM / WOMEN'S RESTROOM<br>PROVIDED WATER CLOSETS: 1 & 1 URINAL / 2<br>PROVIDED LAVATORIES: 1 / 1 |
| SPECIAL INSPECTION REQUIRED: | NONE |

SUP-42672


M J
GENERAL CONTRACTOR
M. J. Construction Co.
License # 80049337
2919 S. Decatur Blvd.
Las Vegas, NV 89102
phone (702) 367 - 1933
cell (702) 339 - 2933
fax (702) 367 - 1934


PROJECT
CHINA TANGO
CHINESE RESTAURANT
10300 W. Charleston Blvd. #5
Las Vegas, NV 89135

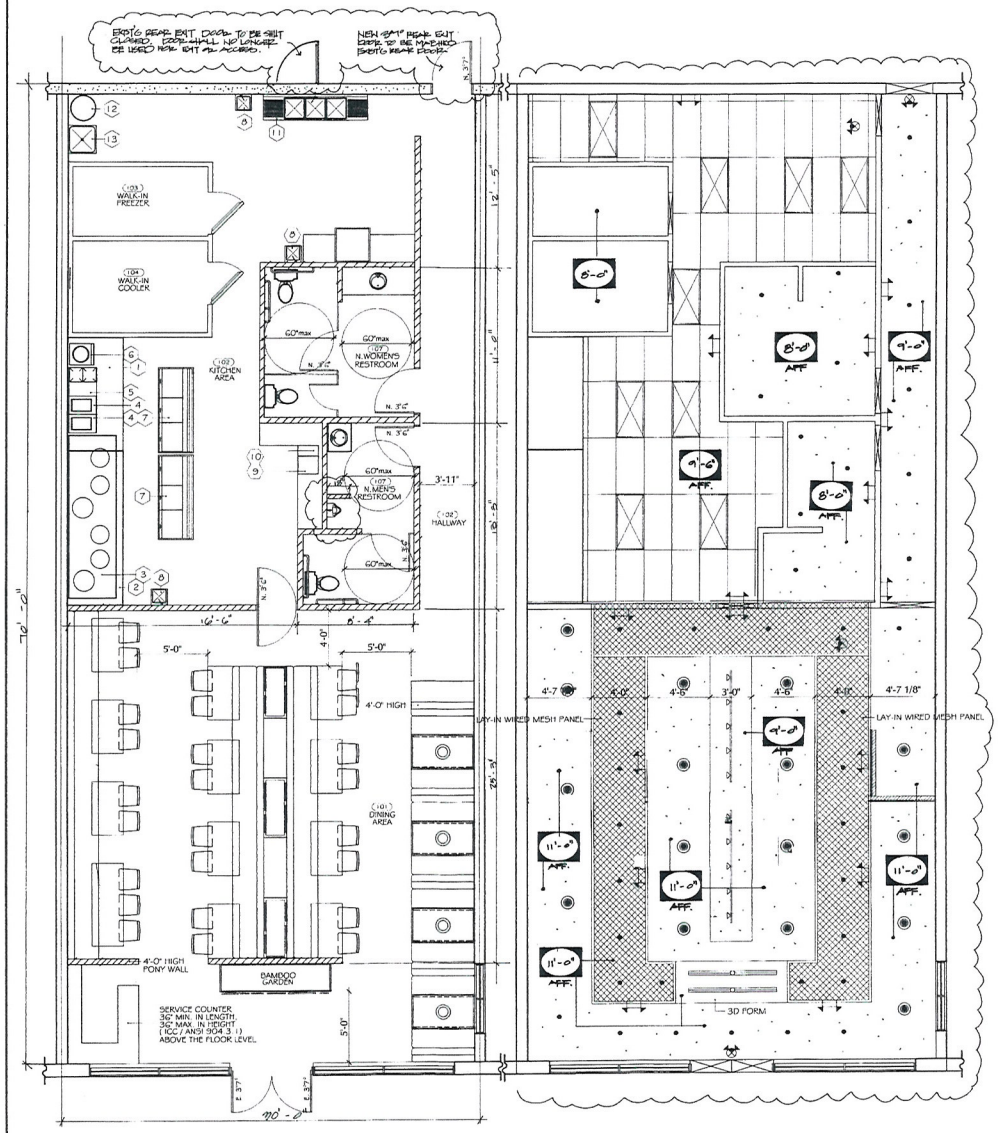
DRAWING TITLE
COVER SHEET

REVISIONS.

DATE.

SCALE.
N. T. S.

SHEET No.
C1.0




## FLOOR PLAN
Scale : 1/ 4 " = 1' - 0"



## CEILING PLAN
Scale : 1/ 4 " = 1' - 0"

NOTE: THE MOUNTING HEIGHT OF THE ACCESSIBLE DOOR HARDWARE TO BE COMPLIANT W/ IBC/ANSI 404.2.6

## WALL LEGEND

NEW NON - BEARING PARTITION WALL , 3 - 5/8" x 25 GA. METAL STUDS @ 16" O.C. W 5/8" GYP. BD FOR BOTH SIDE.

NON - BEARING DEMIZING WALL (NON - RATED) 5 - 1/2" X 20 GA. METAL STUDS @ 16"O.C. W/ 5/8" TYPE "X" GYP BD UP TO ROOF DECK FOR MIN. ONE SIDE.

EXISTG STUCCO EXTERIOR WALL.

EXISTG GLASS WALL.

EXPOSED CEILING.

SUSPENDED DROP CEILING.

SUSPENDED HARD LID CEILING.

MENCHIE'S QUALITY SQUARE MESH WIRE MESH, 1"x2" SQUARE OPENINGS.

## ROOM FINISH SCHEDULE

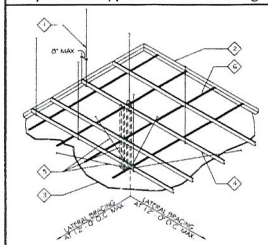
| NO | ROOM NAME | FLOOR | WALL | BASE | CEILING |
|---|---|---|---|---|---|
| 101 | DINING AREA | CERAMIC TILE | SEMI - GLOSS PAINT | 6" COVE BASE TILE | GYP.BRD. / SEMI - GLOSS PAINT |
| 102 | KITCHEN AREA | QUARRY TILE | F.R.P (W.R. Sheet rock @ water using area) | 4" COVE BASE TILE | DROP CEILING |
| 103 | WALK-IN FREEZER | STAINLESS STEEL | SHEET METAL | 6" SHEET METAL BASE | SHEET METAL |
| 104 | WALK-IN COOLER | QUARRY TILE | SHEET METAL | 6" SHEET METAL BASE | SHEET METAL |
| 105 | HALLWAY | CERAMIC TILE | SEMI - GLOSS PAINT | 6" COVE BASE TILE | GYP.BRD. / SEMI - GLOSS PAINT |
| 106 | MEN'S RESTROOM | TILE | TILE | TILE | GYP.BRD. / SEMI - GLOSS PAINT |
| 107 | WOMEN'S RESTROOM | TILE | TILE | TILE | GYP.BRD. / SEMI - GLOSS PAINT |
| 108 | SERVICE COUNTER | QUARRY TILE | TILE | 6" COVE BASE TILE | GYP.BRD. / SEMI - GLOSS PAINT |

## EQUIPEMENT SCHEDULE

| NO. | DESCRIPTION | MANUFACT. / MODEL | SIZE | REMARKS |
|---|---|---|---|---|
| 1 | TYPE I HOOD | CAPTIVE AIR | 4' X 8' | NSF, UL LISTED |
| 2 | TYPE I HOOD | CAPTIVE AIR | 4' X 11' | NSF, UL LISTED |
| 3 | CHINESE RANGE | CHINESE RANGE / ARCR-5 | 142"W X 41"D X 36"H | 550,000 BTU, NSF |
| 4 | DEEP FRYER | AMERICAN RENGE / AF-75 | 22-1/2"W X 30-1/2"D X 45-3/4"H | 120,000 BTU |
| 5 | 2-OPEN-BURNERS W/ GRILL | AMERICAN RENGE/AR / 2G-2B | 28"W X 42"D X 36"H | 111,000 BTU |
| 6 | RICE COOKER | RINNAI / RX - 55M | 17"W X 19"D X 23" | 35,000 BTU |
| 7 | SANDWICH UNIT | TRUE/TSSU-72-3M | 72-1/4"W X 30"D X 43"H | 34,000 BTU |
| 8 | HAND SINK | PREFABRICATED / H52 | 17" X 15" X 13" | STAINLESS, NSF |
| 9 | POP-SODA MACHINE | COCA COLA | VARIABLE | STAINLESS, NSF |
| 10 | ICE MACHINE | HOSHIZAKI / B-500 | 30"W X 32-1/2"D X 83-1/2"H | 280V, 15 AMP |
| 11 | 3-COMPARTMENT SINK | PREFABRICATED | 18" X 18" (TUB SIZE) | NSF |
| 12 | WATER HEATER | GE / GG75T06ASK00 | 75 GAL | 75,100 BTU |
| 13 | MOP SINK | PREFABRICATED | 24" X 24" (TUB SIZE) | NSF |
| 14 | | | | |
| 15 | | | | |
| 16 | | | | |

## Suspended Gypsum Board Ceiling Detail (USG SSC-26031)

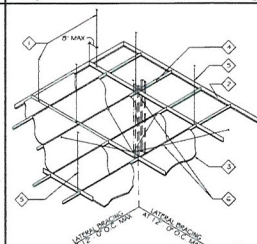
Scale : Not To Scale




1. 12 GA. HANGERS AT PERIMETER SUPPORTING MAIN RUNNERS AND RUNNERS 0" FROM WALL MAX. TYP
2. PERIMTER ANGLE SUPPROT.
3. 5/8" GYPSUM BOARD (WATER RESISTANT GYPSUM BOARD IN TOILET ROOMS)
4. 1 - 1/2" COLD ROLLED CHANNELS AT 2' - 0" O.C
5. 8 GA LATERAL BRACING WIRES AND COMPRESSION STRUT, 2' - 0" MAX. FROM MAIN RUNNER INTERSECTION EACH DIRECTION AT APPROXIMATELY 45 DEGREES LOCATE LATERAL BRACING AT 4' - 0" FROM WALLS AND AT 12' - 0" O.C. MAX. EACH WAY. TYPICAL
6. 7/8" HAT CHANNELS AT 24" O.C.

## Suspended Acoustical Tile Ceiling Detail

Scale : Not To Scale



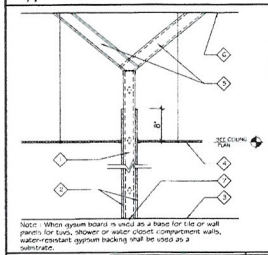

1. 12 GA. WIRE HANGERS AT PERIMETER - SUPPORTING MAIN TEES AND CROSS TEES 6" FROM WALL MAX., TYPICAL
2. PERIMTER ANGLE MOLDING
3. ACOUSTICAL TILE - REFER TO SPECIFICATIONS
4. SUSPENDED TEE GRID SYSTEM WITH MAIN TEES AT 4' - 0" O.C. AND CROSS TEES AT 2' - 0" O.C. (HEAVY DUTY)
5. 12 GA WIRE HANGERS AT 4' - 0" O.C. EACH WAY, TYPICAL
6. 8GA LATERAL BRACING WIRES AND COMPRESSION STRUT, 2' - 0" MAX. FROM MAIN RUNNER INTERSECTION EACH DIRECTION AT APPROX. 45 DEGREES. LOCATE LATERAL BRACING AT 4' - 0" FROM WALLS AND 12' - 0" O.C. MAX EACH WAY, TYPICAL

ALL WORK SHALL BE IN ACCORDANCE W/ IBC 1621. 2. 5. & CBCA 3 - 4 STANDARD.

Note: COMPLIANT TO ASTM C635, ASTM C636, AND IF APPLICABLE, CISCA

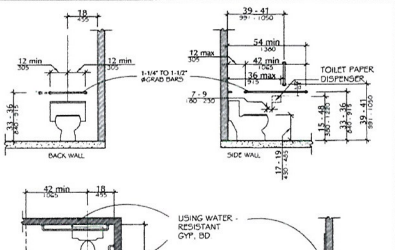
## Typical Interior Partition

Scale : Not To Scale



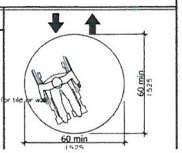

1. REFER TO WALL TYPE FOR STUD
2. 1 LAYER OF 5/8" G.Y.P. BOARD EACH SIDE WALL
3. FINISH FLOOR
4. ACOUSTICAL TILE CEILING SYSTEM
5. 3 - 5/8" X 25 GA. METAL STUD BRACING AT 4' - 0" O.C. ATTACH TOP OF BRACE TO TOP CORD OF TRUSS WITH MIN. 3 #10 SCREWS ATTACH BOTTOM OF BRACE TO TOP TRACK OF WALL WITH MIN. 3 #10 TEK SCREWS
6. UNDERSIDE OF ROOF DECK
7. COUNTINUOUS METAL RUNNER. REFER TO WALL TYPE FOR SIZE FASTEN TO CONCRETE WITH HILTI SHOTHN - X - 2T22P5T AT 24" O.C. PER MANUFACTURER'S STANDARD RECOMMENDATION OR EQUAL

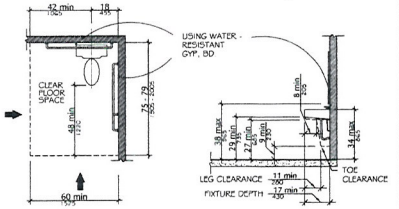
Note : When gypsum board is used as a base for tile or wall panels for tubs, shower or water closets compartment walls, water-resistant gypsum backing shall be used as a substrate.




## NOTE.

Note : When gypsum board is used as a base for tile or





M J
GENERAL CONTRACTOR
M. J. Construction Co.
License # 00049337
2919 S. Decatur Blvd.
Las Vegas, NV 89102
phone : (702) 367 - 1930
cell : (702) 236 - 3933
fax : (702) 367 - 1934


PROJECT

CHINA TANGO
CHINESE RESTAURANT
10300 W. Charleston Blvd. #5
Las Vegas, NV 89135

DRAWING TITLE

FLOOR PLAN
CEILING PLAN
DETAILS

REVISIONS.

DATE.

SCALE.

1 / 4" = 1' - 0"

SHEET No.

A1.0


RECEIVED
JUL 28 2011
City of Las Vegas


SUP-42672




SUP-42672 - APPLICANT: BOWIN ASSOCIATES, LLC - OWNER: CENTER POINTE PLAZA, LLC
10300 WEST CHARLESTON BOULEVARD, SUITE #5

08/04/11




SUP-42672 - APPLICANT: BOWIN ASSOCIATES, LLC - OWNER: CENTER POINTE PLAZA, LLC
10300 WEST CHARLESTON BOULEVARD, SUITE #5

08/04/11

# Bowin Associates LLC
## Dba China Tango Bistro

### Justification Letter

July 25, 2011

Bowin Associates LLC
Dba China Tango Bistro
10300 W Charleston Blvd. Bl. #5
Las Vegas, NV 89135
Mailing Address:
4811 W Desert Inn Rd.
Las Vegas, NV 89102

City of Las Vegas
Planning and Development Department

Re: zoning application for Beer/Wine

To Whom It May Concern:

This letter is to request approval of a beer/wine zoning for above location.
We are planning to open a Chinese Restaurant with Dine in /take out service with a total 2100 SQ Ft. inside. (Dining area: 957 SQ Ft., Kitchen area: 745 SQ Ft., plus Restrooms, storage & Hallway 398 SQ Ft.). This restaurant is located at corner of Charleston Blvd / Town Center Dr. Occasionally, our customer will request beer/wine to eat with their food. We will provide the Beer/wine with the food by our servers. There is no alcohol service bar inside the restaurant. Hours operation is 10:30 am to 10 pm. 8 employees in site.
We had a city liquor Business license (L16-00233) issued on 01/27/1994 under Bowin Associates LLC and never had any problems.
Please kindly approve our zoning request so we can better serve our customers.

Thanks.

Sincerely,

EnHua Chen - Member

RECEIVED
JUL 28 2011
City of Las Vegas

SUP-42672

10300 W Charleston Blvd. Bl. #5, Las Vegas, NV 89135
(702) 321-5038 (Tel), (702) 823-3817(Fax)

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

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

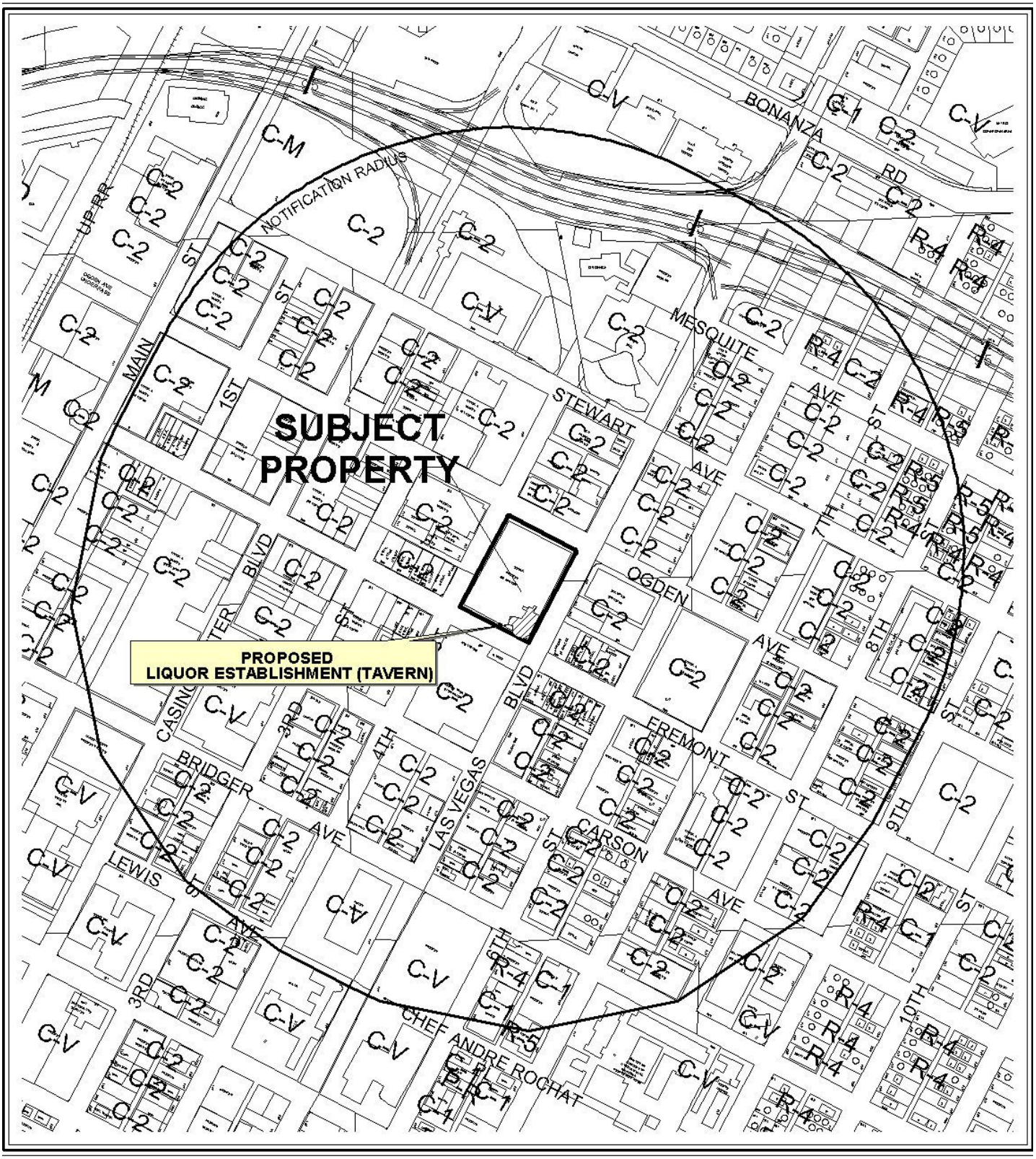
**SUBJECT:**
SUP-42686 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: JOHN BASSO - OWNER: FAEC HOLDINGS WIRRULLA, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 6,200 SQUARE-FOOT LIQUOR ESTABLISHMENT (TAVERN) WITH WAIVERS TO ALLOW NO DISTANCE SEPARATION FROM ANOTHER LIQUOR ESTABLISHMENT (TAVERN), A 1,200-FOOT DISTANCE SEPARATION FROM A RELIGIOUS FACILITY, AND A 1,340-FOOT DISTANCE SEPARATION FROM A SCHOOL WHERE 1,500 FEET IS REQUIRED at 450 Fremont Street, Suite #130 (APN 139-34-513-002), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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 Letters




**CASE:** **SUP-42686**

**RADIUS:** 1500 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (GENERAL COMMERCIAL)



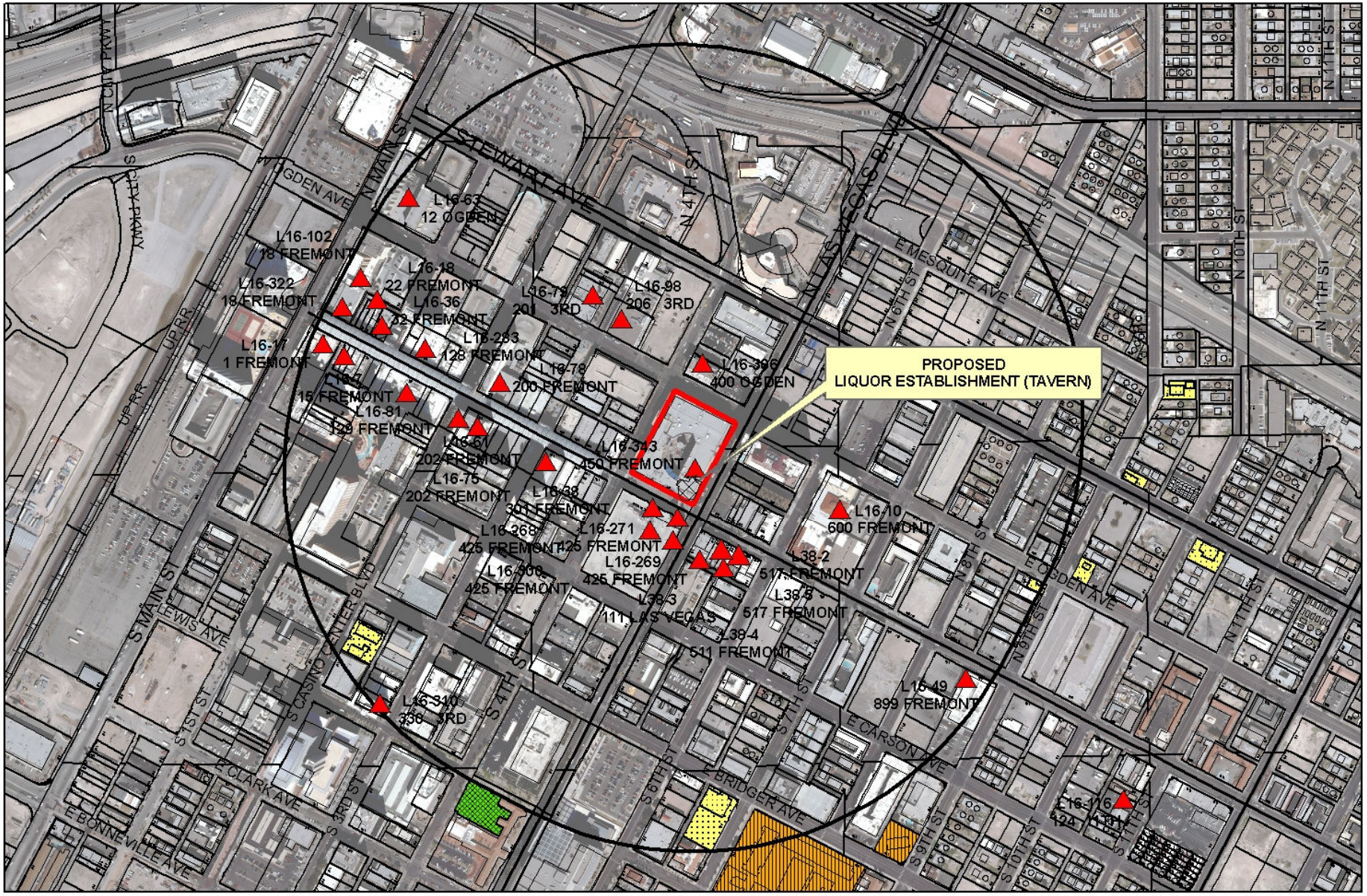

0 300 600 Feet

**CASE:** SUP-42686

**RADIUS:** 1500 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (GENERAL COMMERCIAL)

N




**SUP-42686**

**Taverns**

**Business Licenses**

Child Care/ Children Facility

Tavern

0 285 570 1,140 Feet

RELIGIOUS

CITY PARKS

SCHOOLS

Subject Property

1500 foot buffer

N

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42686** APN: 139-34-513-000

Name of Property Owner: FAEC HOLDINGS WIRRILLA, LLC

Name of Applicant: Jon Basso

Name of Representative: LORAINE KUSUHARA

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: DHARMESH BHANABHAI

Subscribed and sworn before me

This 29 day of July, 20 11

_____

Notary Public in and for said County and State

MARIA A. SOLIS
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 10-14-13
Certificate No: 06-105049-1

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** DBA: Heart Attack Grill [redacted] HAGLVN LLC

**Project Address (Location)** 450 Fremont St #130 Las Vegas NV 89101

**Project Name** Heart Attack Grill **Proposed Use** Restaurant/Tavern

**Assessor's Parcel #(s)** 139-34-513-000 **Ward #** two (2)

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

**Commercial Square Footage** 6,200 sq ft. **Floor Area Ratio** 0.052

**Gross Acres** 2.75 acres **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** FAEC Holdings Wirrulla, LLC **Contact** Dan Bhanabhai

**Address** 450 Fremont Street, Suite 285 **Phone:** 243-0654 **Fax:** 671-0092

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

**E-mail Address** danewirrulla.com

**APPLICANT** Jon Basso **Contact** _____

**Address** 450 Fremont Suite #130 **Phone:** 480 398 6601 **Fax:** _____

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

**E-mail Address** jon@heartattackgrill.com

**REPRESENTATIVE** LORAINE KUSUHARA **Contact** _____

**Address** 450 Fremont St #233 **Phone:** 2328313 **Fax:** 360 0461

**City** LAS Vegas **State** NV **Zip** 89117

**E-mail Address** LKUSUHARA@Earthlink.net

(not case representative)

**Property Owner Signature*** _____

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

**Print Name** Dharmesh Bhanabhai

Subscribed and sworn before me

This 29 day of July, 20 11.

_____

Notary Public in and for said County and State

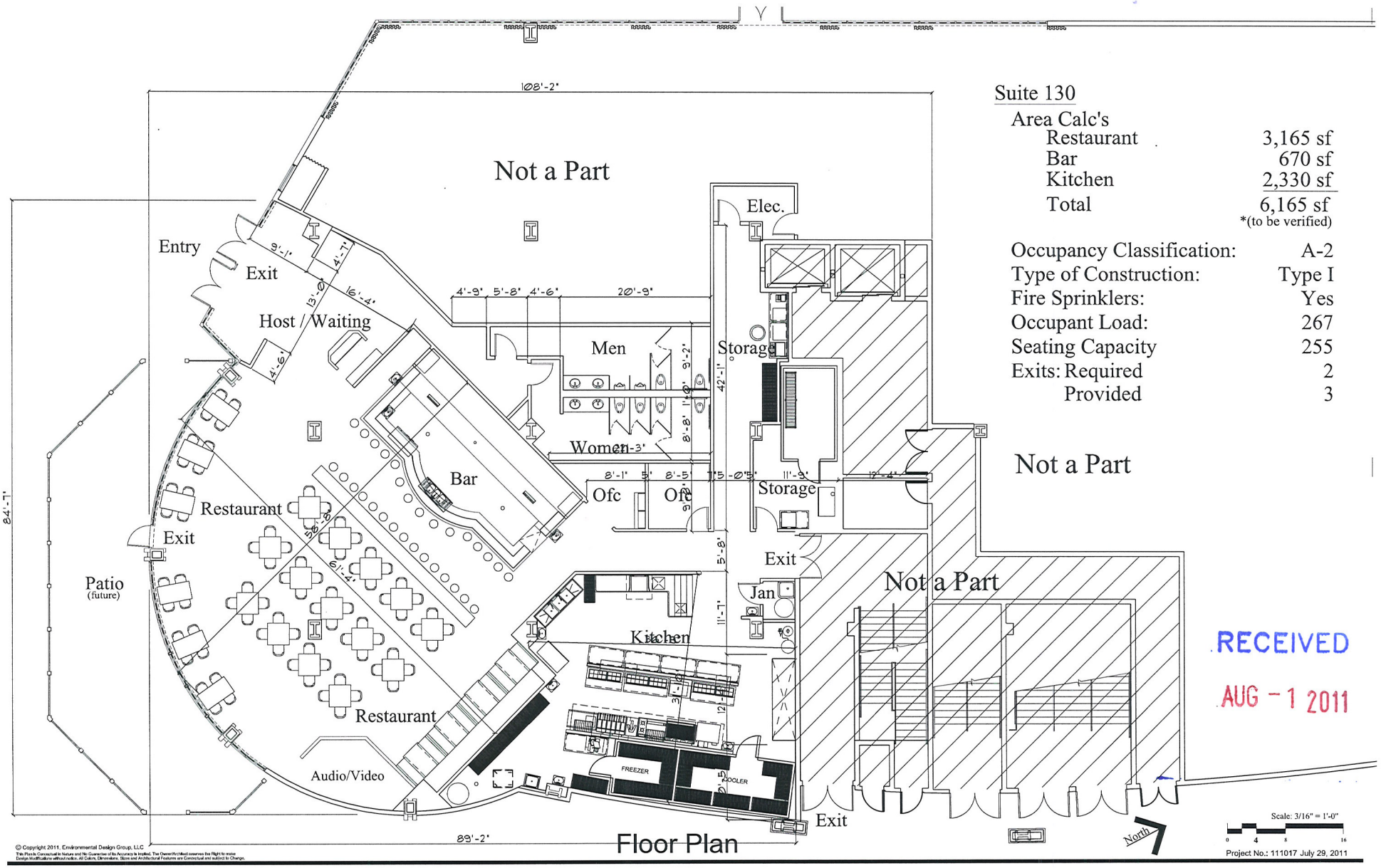
MARIA A. SOLIS
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 10-14-13
Certificate No: 08-105049-1

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SUP-42686 |
| Meeting Date: | 09/13/11 |
| Total Fee: | 1280.00 |
| Date Received:* | 08/01/11 |
| 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




Floor Plan

Suite 130

Area Calc's

| | |
|---|---|
| Restaurant | 3,165 sf |
| Bar | 670 sf |
| Kitchen | 2,330 sf |
| Total | 6,165 sf |

*(to be verified)

| | |
|---|---|
| Occupancy Classification: | A-2 |
| Type of Construction: | Type I |
| Fire Sprinklers: | Yes |
| Occupant Load: | 267 |
| Seating Capacity | 255 |
| Exits: Required | 2 |
| Provided | 3 |

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Project No.: 111017 July 29, 2011

# Heart Attack Grill at Neonopolis

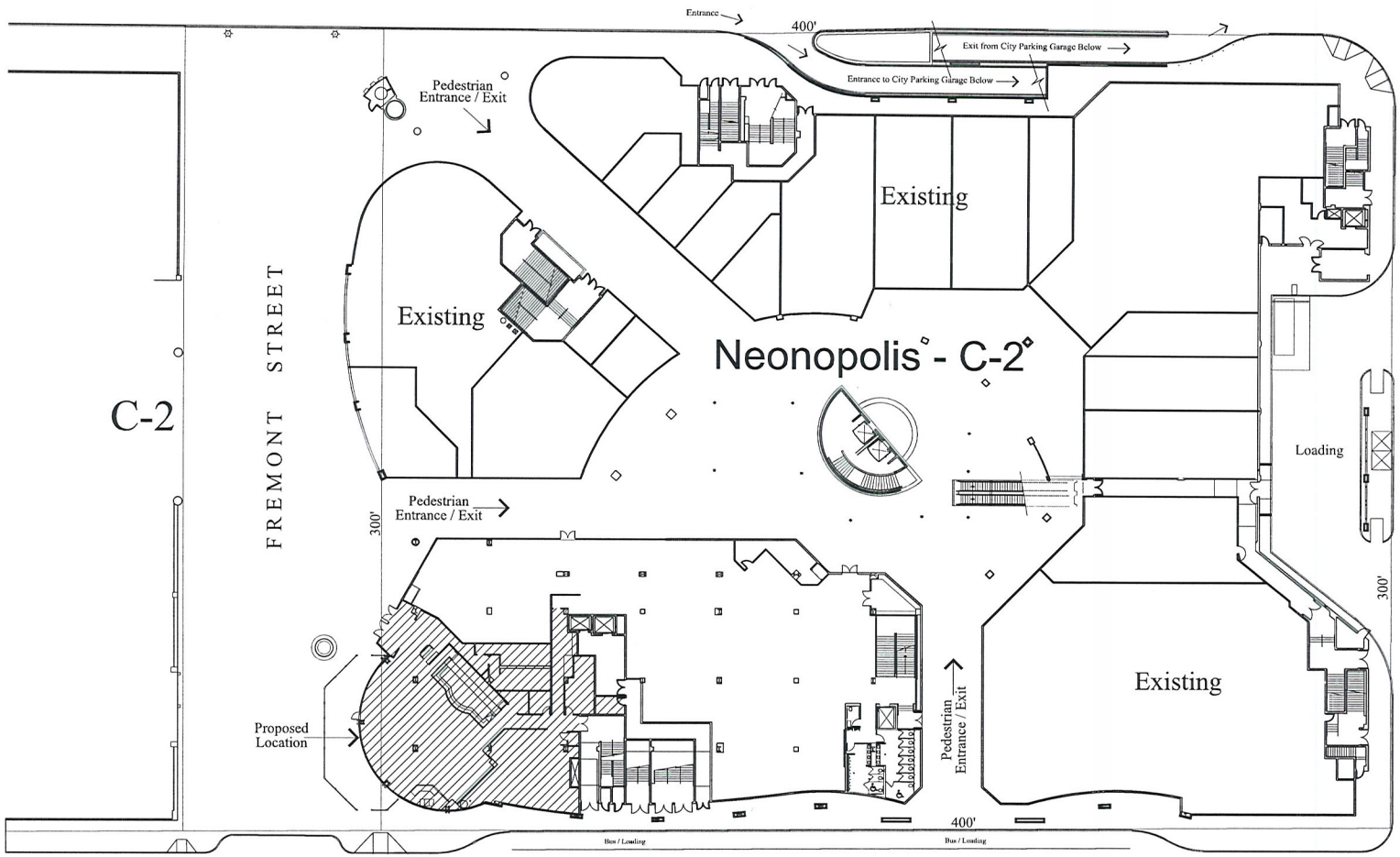
Las Vegas, Nevada

Environmental DESIGN GROUP
ARCHITECTURE • PLANNING • INTERIORS
LAS VEGAS • SCOTTSDALE

**SUP-42686**

C-2 C-2 C-2

FOURTH STREET




LAS VEGAS BOULEVARD

OGDEN STREET

C-2

## SITE INFORMATION

**ZONING:**
C-2 - General Commercial District

**COMMERCIAL AREA :**
**Parcel :** (Approximate, to be Verified)
Gross Area 119,790 sf 2.75 acres
**Building:**
Overall Area 320,000 sf

**Suite 130:** 6,165 gsf

**PARKING REQUIREMENTS**
**Parking Required:**
Shopping Center 1 per 250 sf
Total Required: 6.2 * 4 = 25

**Provided:**
*** per City Public Parking Garage Below**
Total Provided: 25
Parking Ratio: 4.0 per 1000 1 per 250

**H/C Required:**
Total Spaces per chart 1
Total Provided: 1
* per City Public Parking Garage Below




Vicinity Map

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C-2 C-2

Site Plan

North

Scale: 1" = 20'
0 20 40 80

Project No.: 111017 August 1, 2011

# Heart Attack Grill at Neonopolis

Las Vegas, Nevada

Environmental DESIGN GROUP
ARCHITECTURE • PLANNING • INTERIORS
LAS VEGAS • SCOTTSDALE

**SUP-42686**




SUP-42686 - APPLICANT: JOHN BASSO - OWNER: FAEC HOLDINGS WIRRULLA, LLC
450 FREMONT STREET, SUITE #130

08/04/11




SUP-42686 - APPLICANT: JOHN BASSO - OWNER: FAEC HOLDINGS WIRRULLA, LLC
450 FREMONT STREET, SUITE #130

08/04/11

NEONOPOLIS
at Fremont Street Experience

**450 Fremont Street, Suite # 370**
**Las Vegas, NV 89101.**
**Phone : 702.243.0654  Fax : 702.671.009**

Date : 07/28/11

Planning and Development Dept

To Whom It May Concern:

Neonopolis, located at 450, Fremont Street, Las Vegas, NV 89101, with respect to Suite # 130. Please accept this Letter of Justification, requesting the following Waivers:

1. Restricted distance from other taverns.

2. Restricted distance from religious or school facilities.

The intended use of this suite is a full tavern and eatery. This suite was issued a COF in 2002 as Jillians and has remained so until January 28, 2011. Jillians' is in the existing Casino overlay and is condusive to the City's policy of adding more restaurants on Fremont Street which is adjacent to the Fremont East Entertainment District.

The new tenant will occupy approximately 6,200 sq ft of the previous Jillians' space as a theme restaurant called "Heart Attack Grill".

Thank you for your consideration to approve the Special Use Permit necessary to occupy Space 130 as stated above.

Respectfully

Loraine Kusuhara

Loraine Kusuhara
Neonopolis Management

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**SUP-42686**

JILLIAN'S
EAT★DRINK★PLAY

**Jillian's Las Vegas / 450 Fremont Street, Suite 130 / Las Vegas, NV 89101**

Date : 07/28/11

Planning and Development Dept

To Whom It May Concern:

Neonopolis, located at 450, Fremont Street, Las Vegas, NV 89101, with respect to Suite # 130. Please accept this Letter of Justification, requesting the following Waivers:

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Thank you for your consideration to approve the Special Use Permit necessary to occupy Space 130 as stated above.

Respectfully

Loraine Kusuhara

Loraine Kusuhara
Owner/Jillians
Neonopolis Management

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**SUP-42686**

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

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

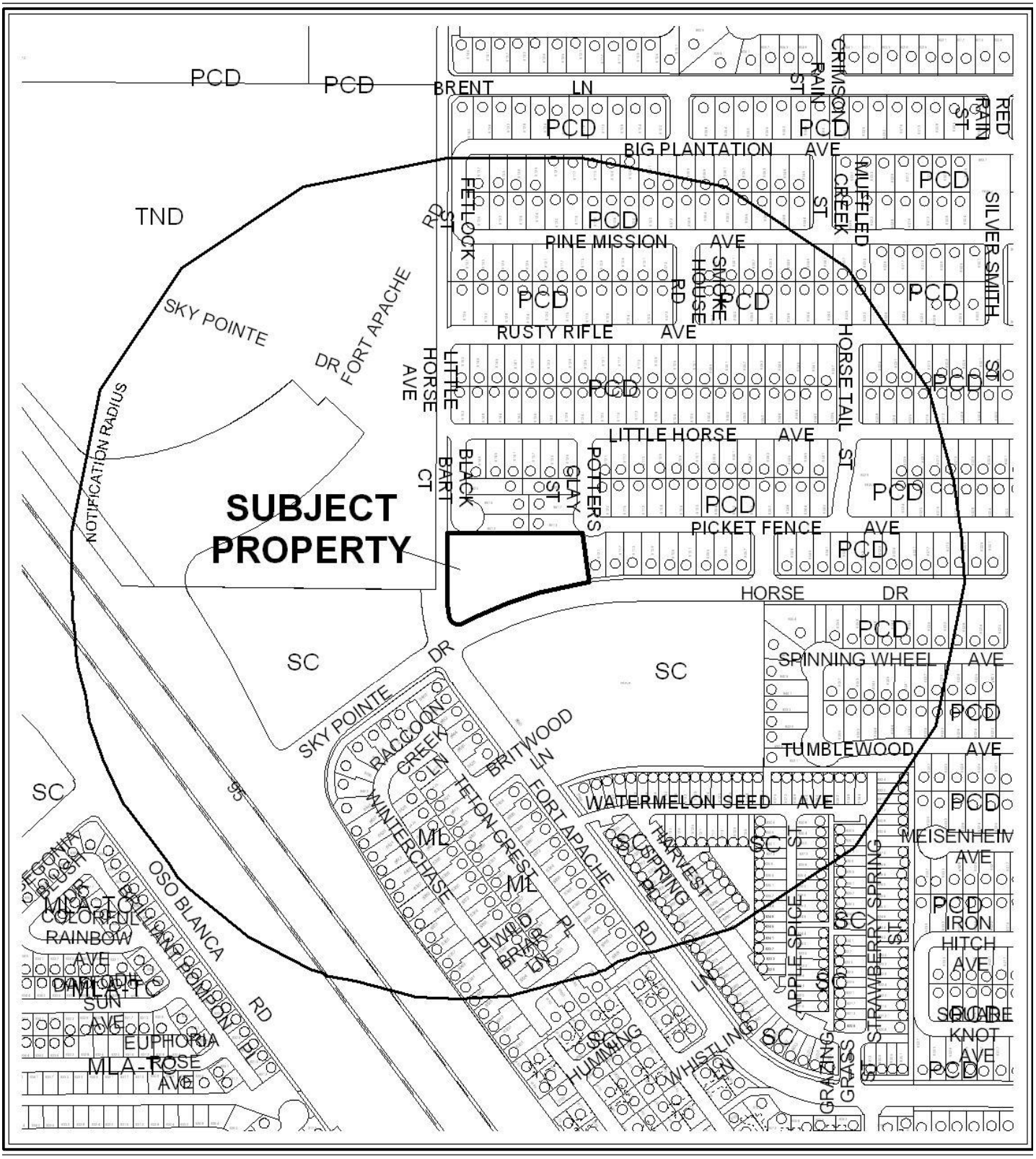
**SUBJECT:**
ABEYANCE - GPA-41934 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: ROYAL VIEW, LLC - For possible action on a request for General Plan Amendment FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: SC (SERVICE COMMERCIAL) on 1.54 acres at the northeast corner of Sky Pointe Drive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

**C.C.: 10/19/2011**

| **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
7. Abeyance Request Letter from GC Garcia – 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: SEPTEMBER 13, 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. |
| 08/09/11 | The Planning Commission approved an Abeyance for (GPA-41934 and ZON-41933) at the request of the applicant. |

| *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***

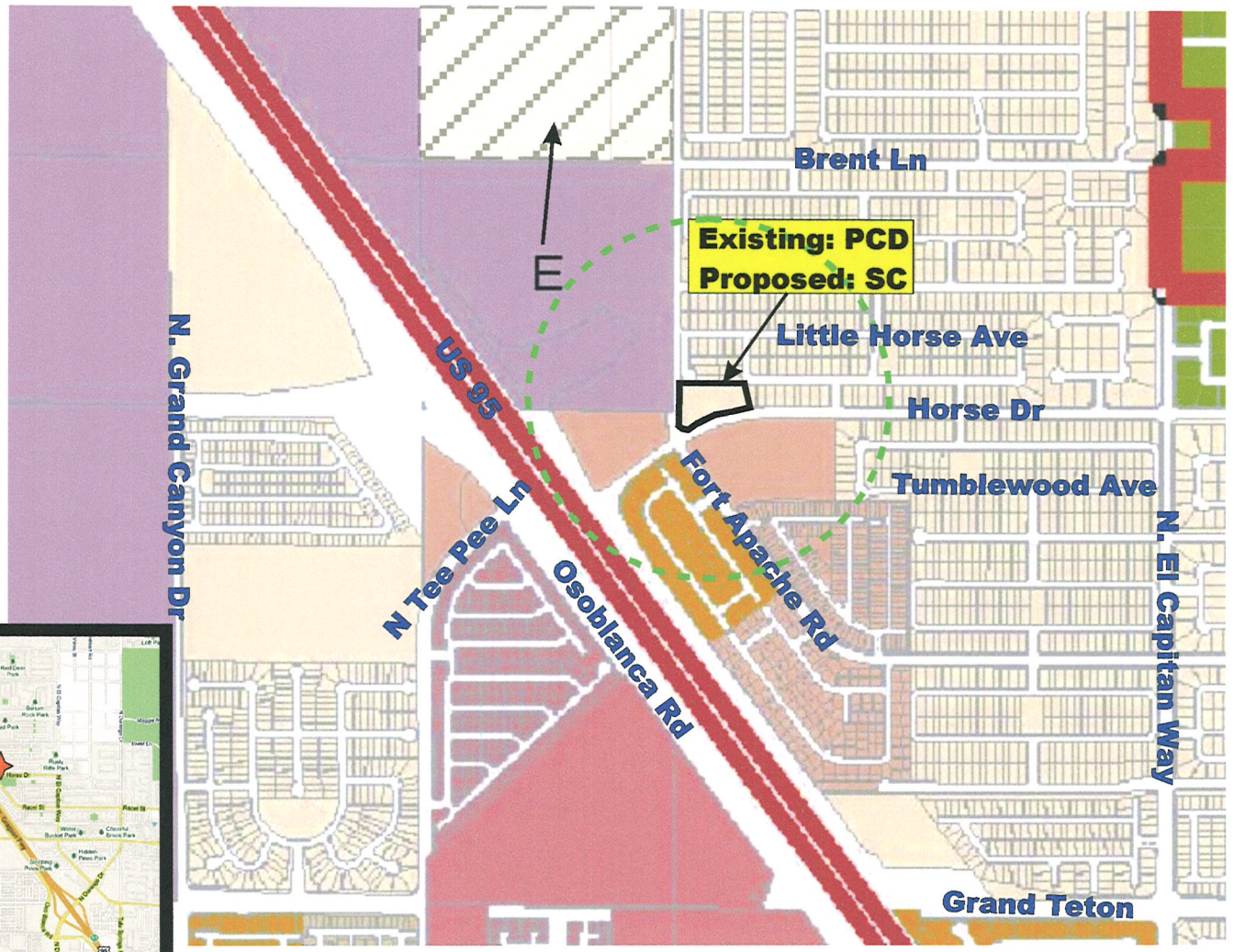
| | |
|---|---|
| **Case #** | GPA-41934 |
| **Meeting Date:** | 7-12-11 |
| **Total Fee:** | 1500.00 |
| **Date Received:*** | 5-26-11 |
| **Received By:** | JFmund |

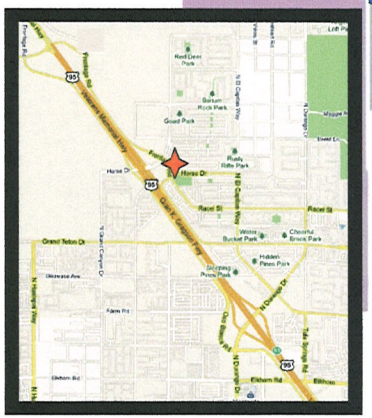
*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

# 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

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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

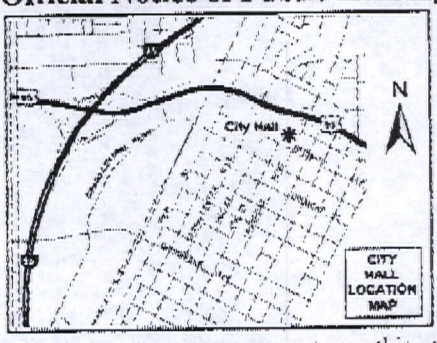
RECEIVED
MAY 26 2011

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

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JUL 07 2011

27-28 P

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

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UNITED STATES POSTAL SERVICE PITNEY BOWES
02 1M $ 00.41⁴
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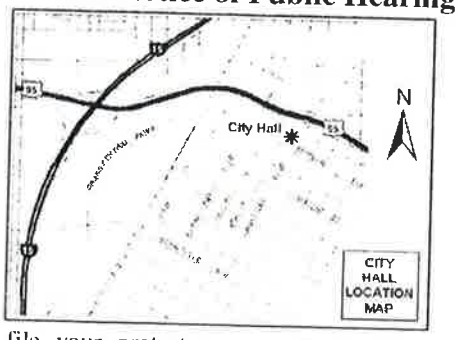
## Official Notice of Public Hearing

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.
**GPA-41934 & ZON-41933**
Planning Commission Meeting of 7/12/2011

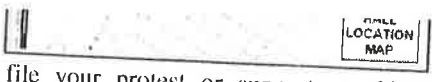
THE AREA should be RESIDENCIAL ONLY - the area already looks worse due to the horrible lights on the overpass.

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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Please use available blank space on card for your comments.
**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

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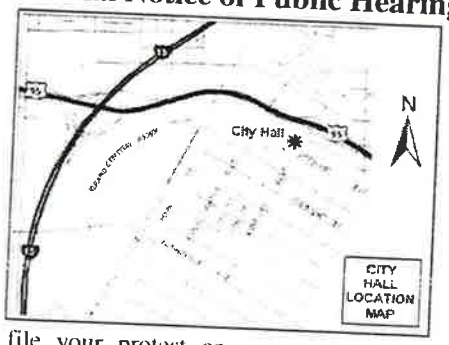
UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIPCODE 89101

**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-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

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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.

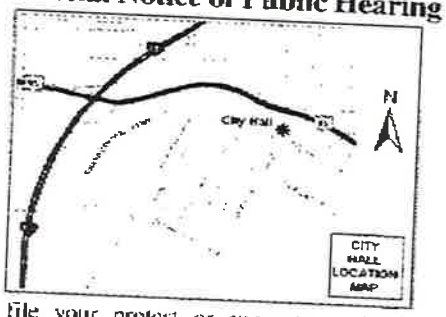
☐ I SUPPORT ☒ I OPPOSE

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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☐ 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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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

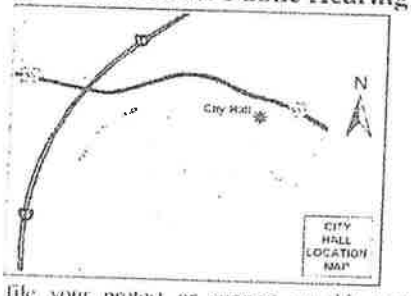
2011-07-07 21:00

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

August 8, 2011

RECEIVED
AUG 09 2011

Flinn Flagg, Director
Planning and Development Department
City of Las Vegas
333 N. Rancho Drive
Las Vegas, NV 89106

RE: Fort Apache & Horse, NEC (GPA-41934 & ZON-41933 )

Dear Mr. Flagg:

On behalf of my client, Royal View, LLC, I am submitting a request for a continuance from the Planning Commission meeting of August 9, 2011 to the Planning Commission meeting of September 13, 2011. During the continuance we will be working on studies and attempting to resolve staff and neighborhood concerns.

We respectfully request your consideration in the above listed matter. Please advise us of your decision. If you have any questions please feel free to contact me at (702) 435-9909.

Sincerely,

George C. Garcia
President

GCG:amc

#14 GPA-41934
#15 ZON-41933

GCGARCIA
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@gegarcininc.com

City of Las Vegas Agenda Item No.: **14.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 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.

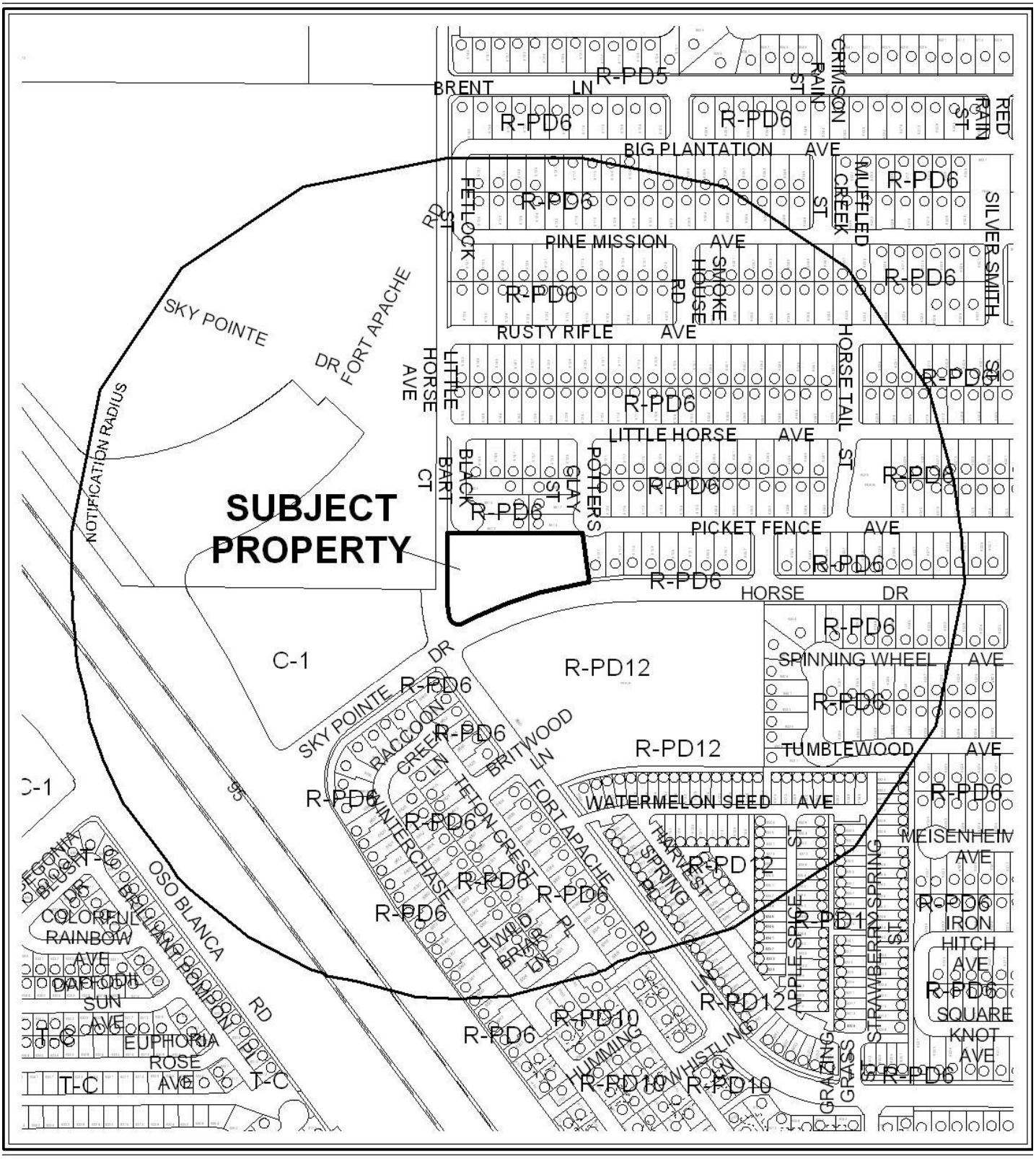
**C.C.: 10/19/2011**

| **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

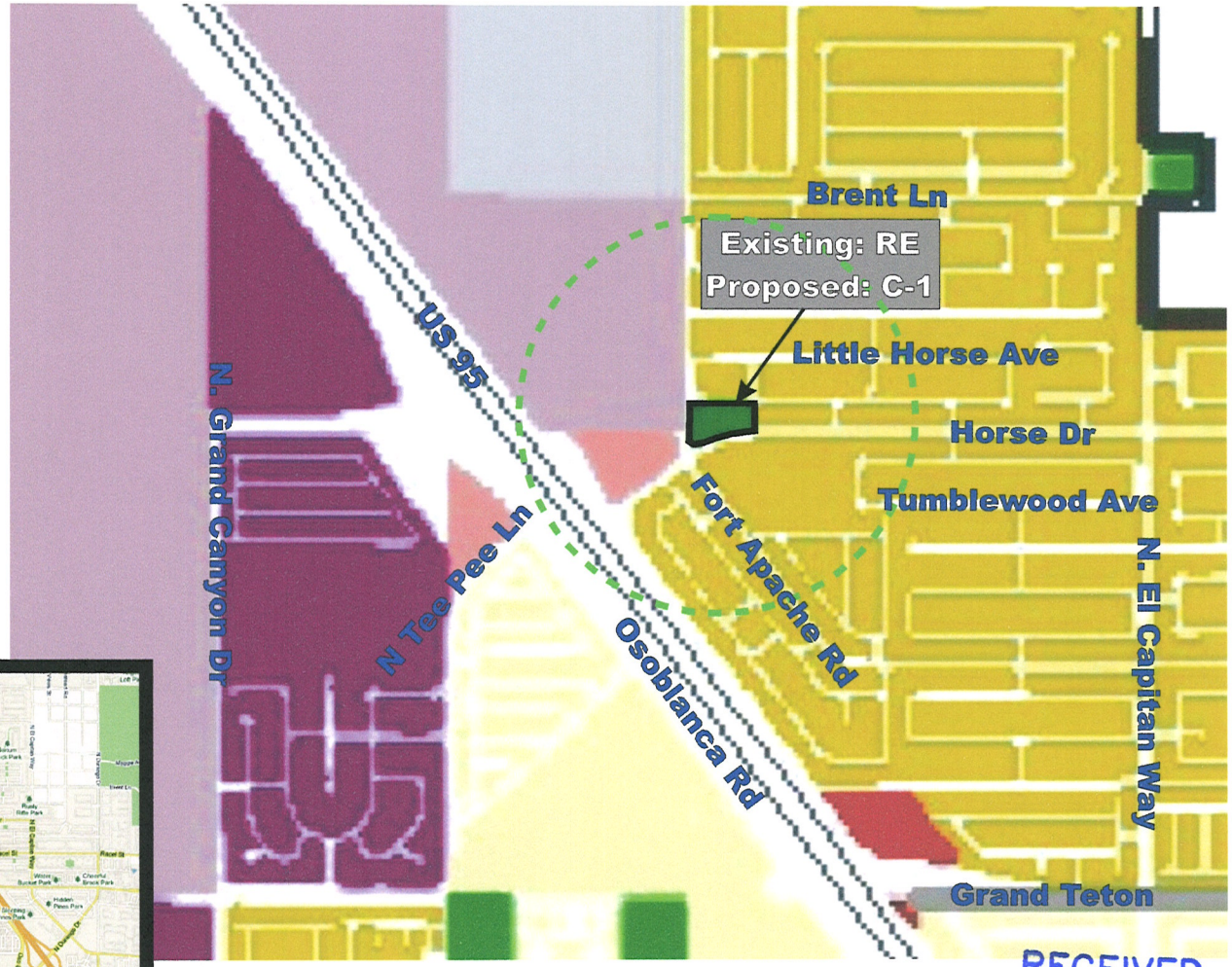
*FOR DEPARTMENT USE ONLY*

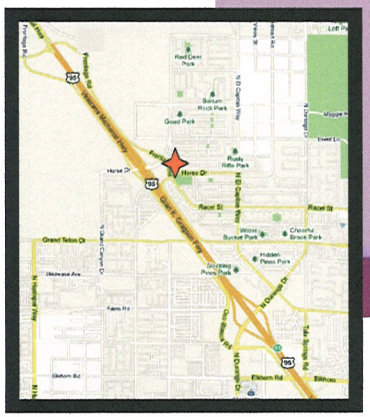
| | |
|---|---|
| Case # | ZON-41933 |
| Meeting Date: | 7-12-11 |
| Total Fee: | 1200.00 |
| Date Received:* | 5-26-11 |
| Received By: | JFmd |

*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

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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.: **15.**

# *AGENDA SUMMARY PAGE - PLANNING*

## PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

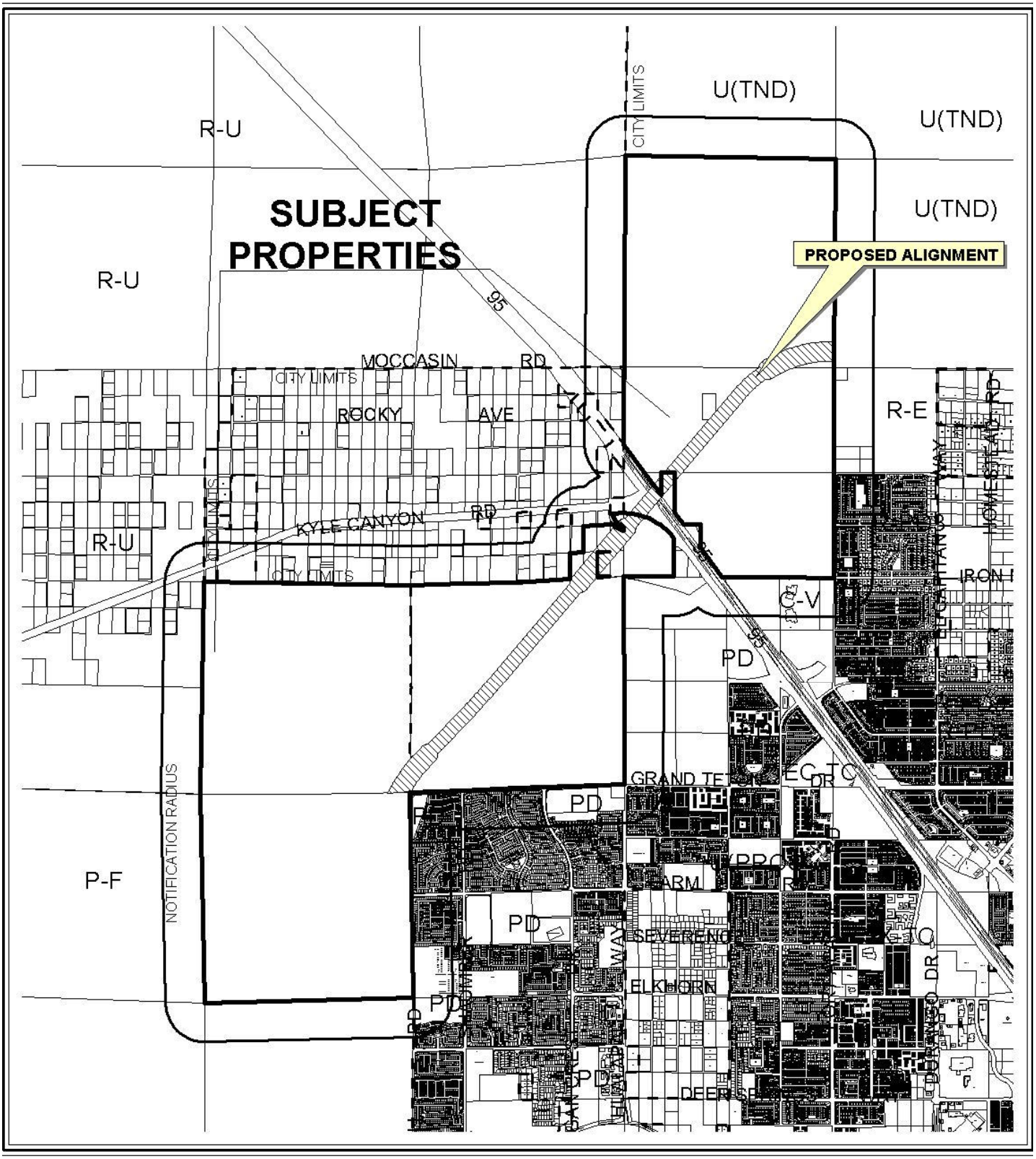
**SUBJECT:**
ABEYANCE - GPA-41958 - MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request to Amend the Master Plan of Streets and Highways TO REALIGN SHEEP MOUNTAIN PARKWAY BETWEEN GRAND TETON DRIVE AND FORT APACHE ROAD AND DELETE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

**C.C.: 10/19/2011**

| **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.

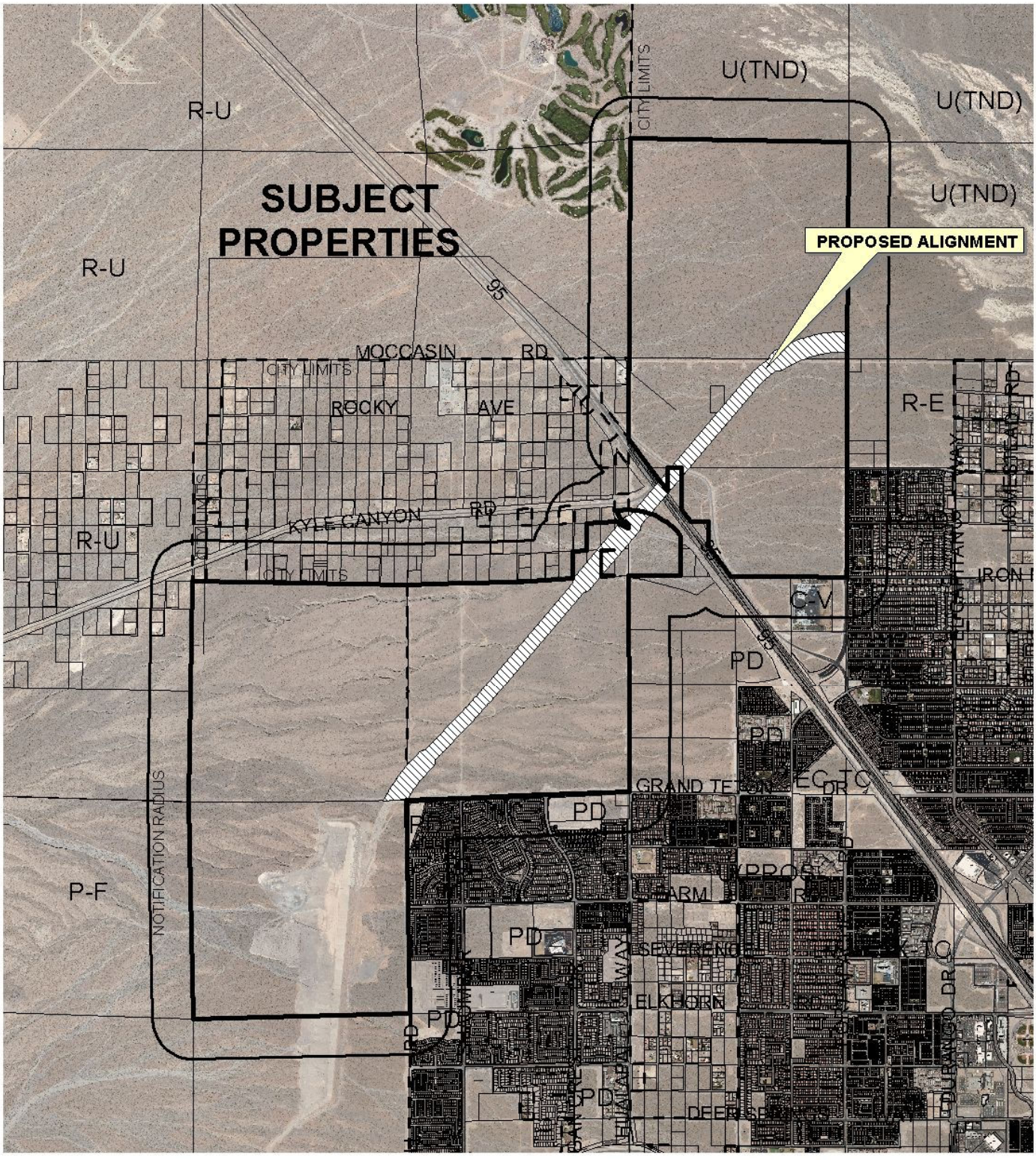
**BACKUP DOCUMENTATION:**
1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards and Support Letter




**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: SEPTEMBER 13, 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**
**September 13, 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. |
| 08/09/11 | The Planning Commission approved an Abeyance for (GPA-41958) at the request of the applicant. |

| ***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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MAY 26 2011
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

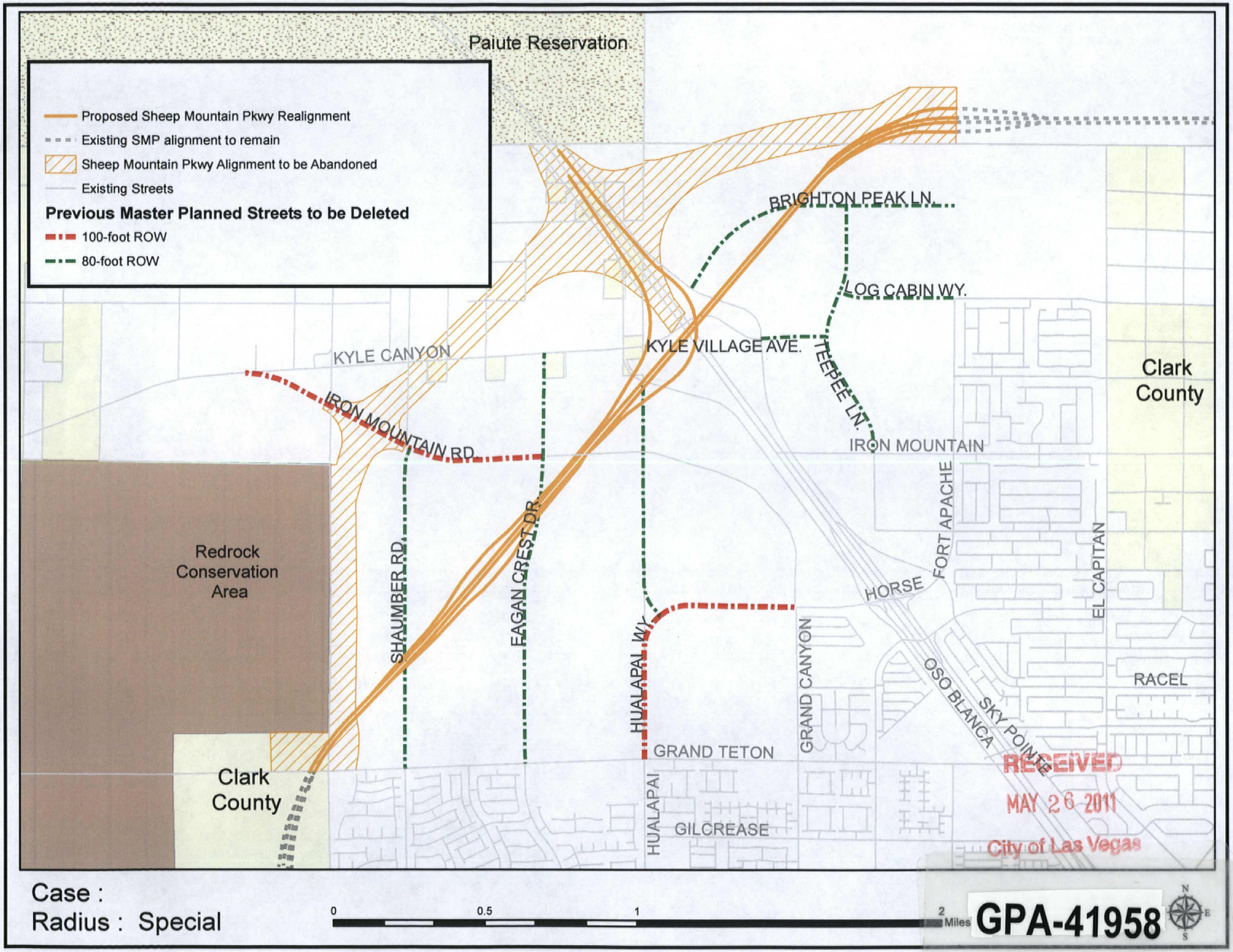
Notary Public in and for said County and State

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
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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

RECEIVED
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.

RECEIVED
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

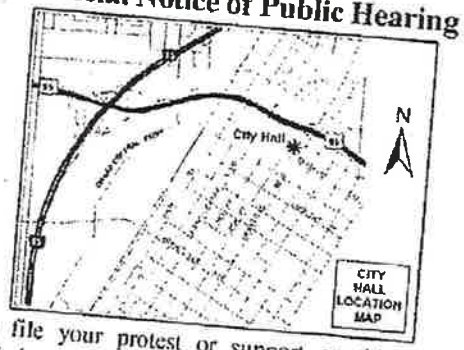
29P

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**




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

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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

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182

2 of 2 pages

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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**




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

12624212034 Case: GPA-41958
BOWLAND RUTHANN
6859 PIPIL ST
LAS VEGAS NV 89166-7011

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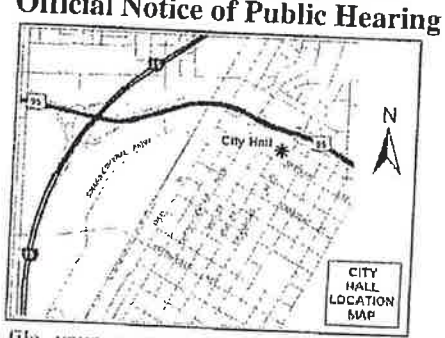
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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




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.

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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City of Las Vegas

GPA-41958

City of Las Vegas Agenda Item No.: **16.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

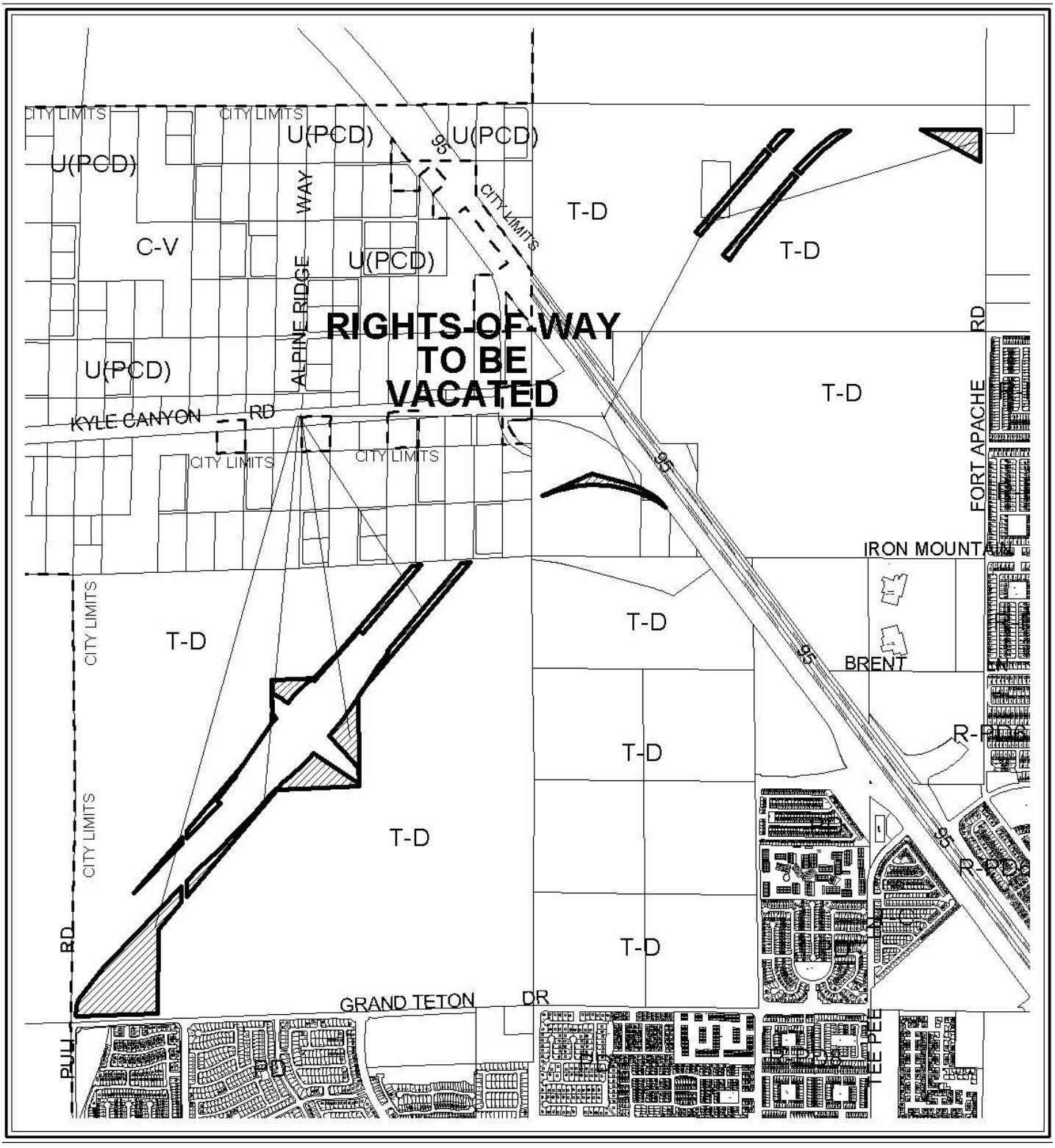
**SUBJECT:**
ABEYANCE - VAC-42250 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action on a request for a Petition to Vacate portions of the Sheep Mountain Parkway right-of-way grant, Ward 6 (Ross). Staff recommends APPROVAL.

**SET DATE: 10/05/2011**
**C.C.: 10/19/2011**

| **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**

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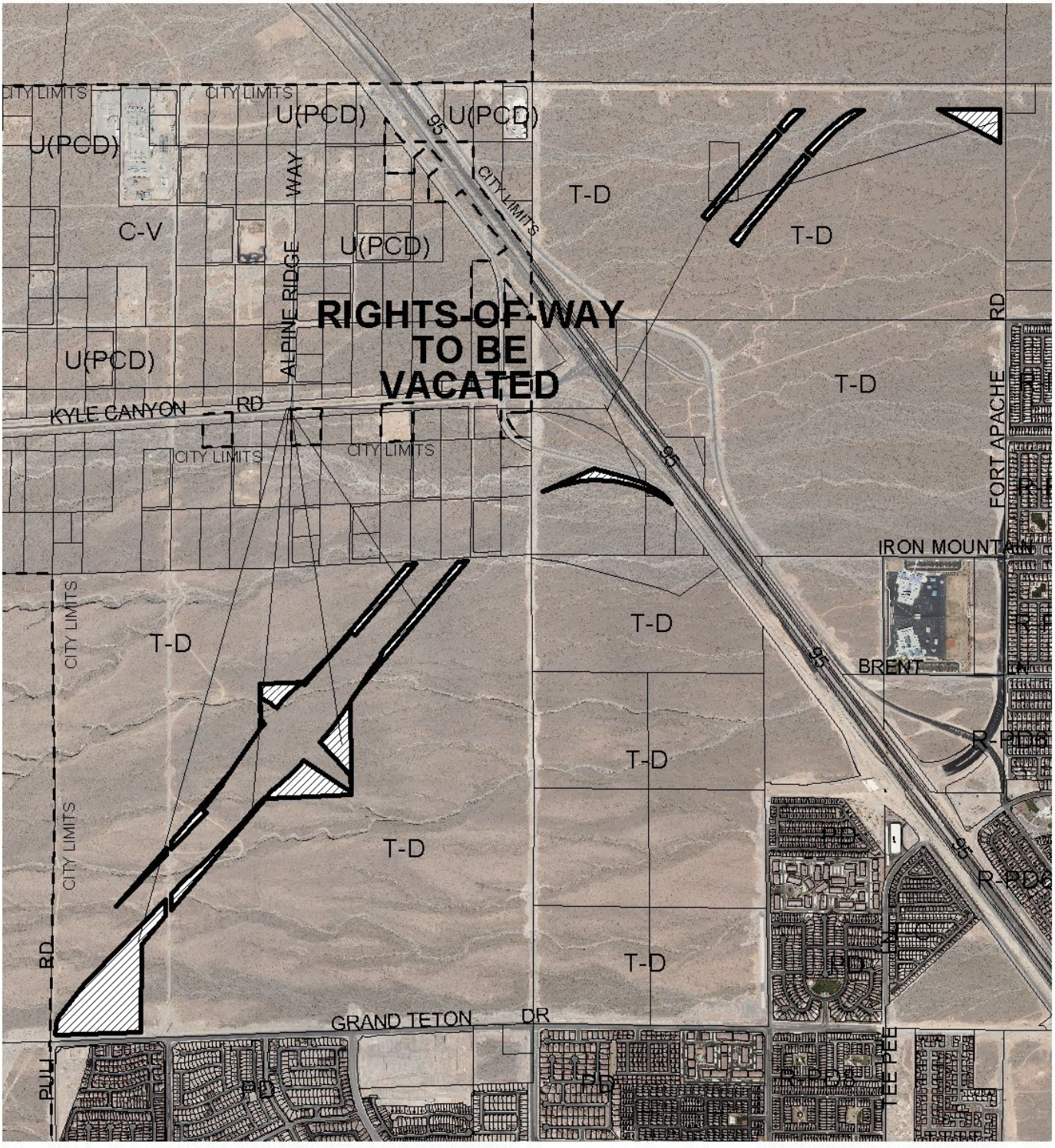


CASE: **VAC-42250**

0 3000 6000 Feet

N

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 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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# 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

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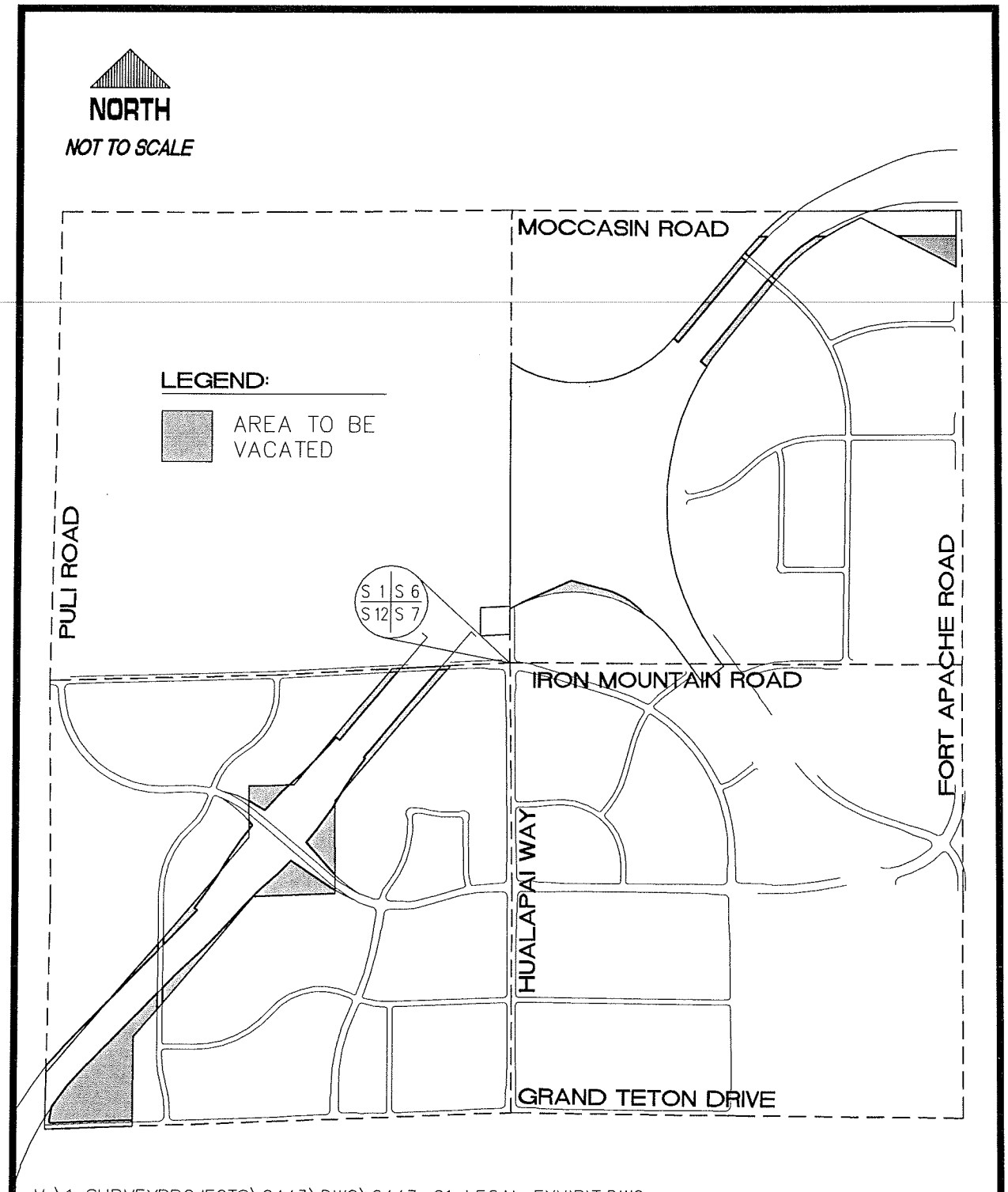
JUN 23 2011
City of Las Vegas

***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.: **17.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

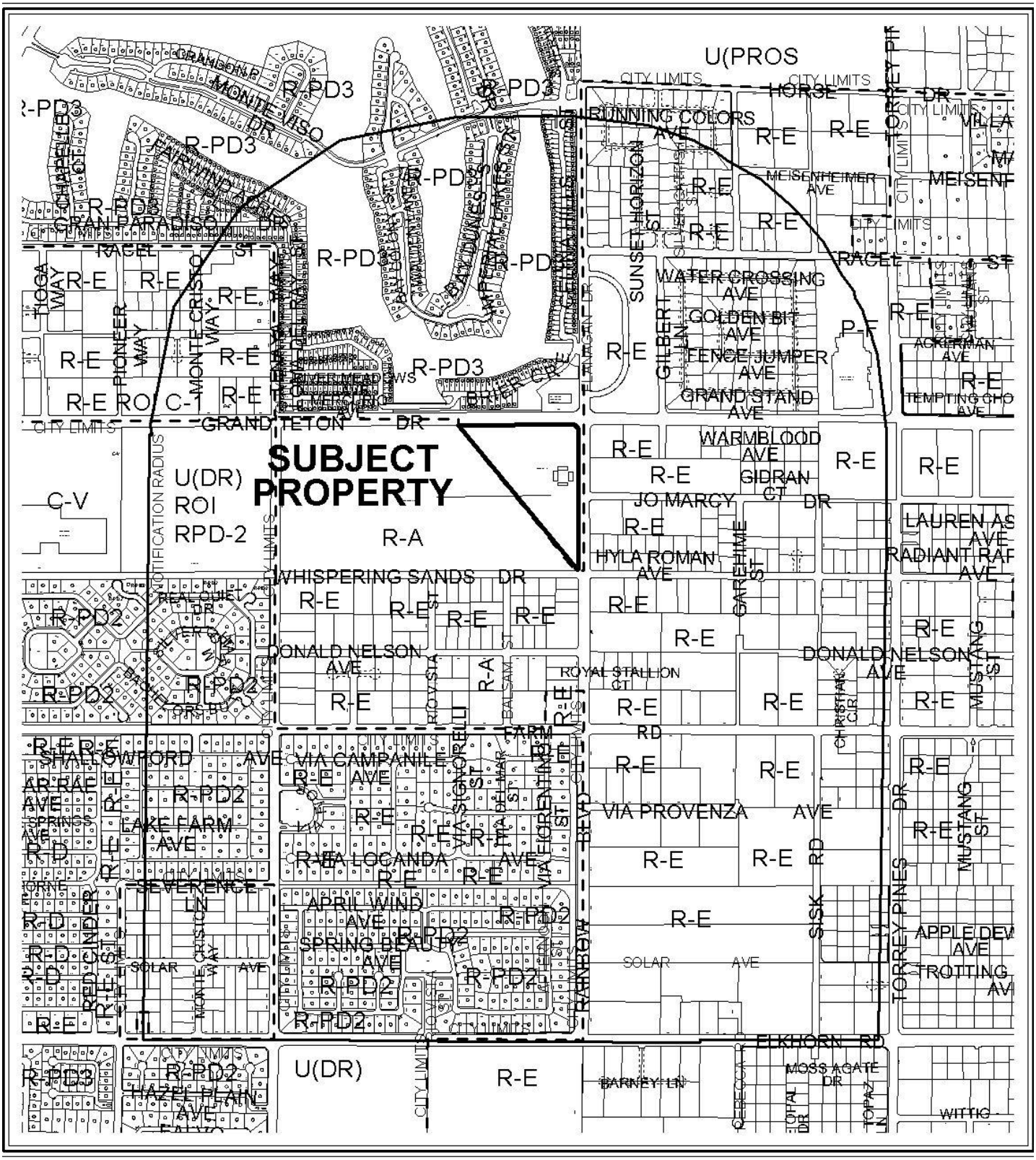
**SUBJECT:**
ABEYANCE - MOD-41437 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT/OWNER: NEW VISTA RANCH, INC. - For possible action on a request for a Major Modification of a previously approved Rezoning (ZON-16580) TO AMEND THE MASTER DEVELOPMENT PLAN AND DEVELOPMENT STANDARDS on 15.05 acres at 7875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

**C.C.: 10/19/2011**

| **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



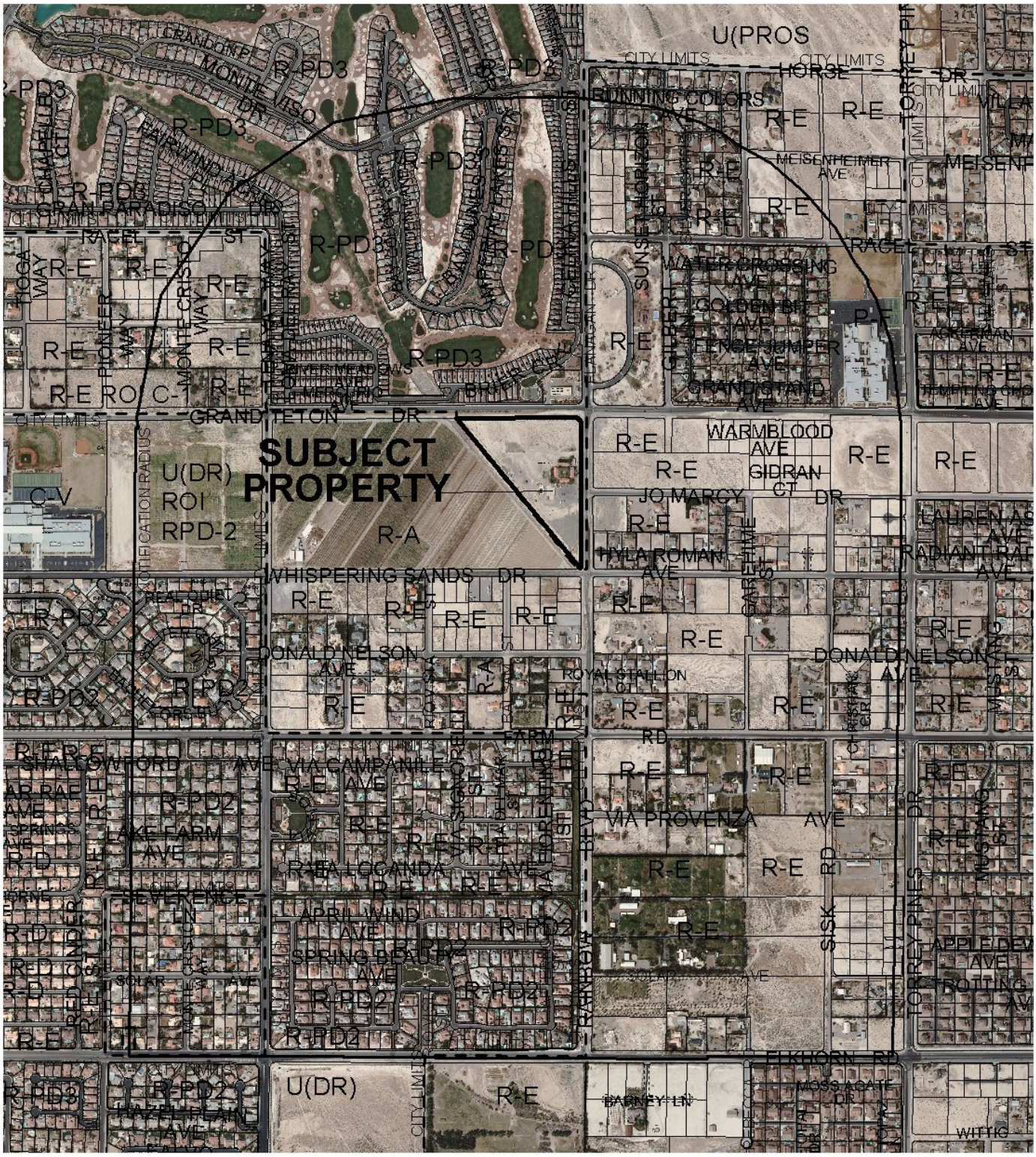

**CASE:** **MOD-41437; ROC-40981; SDR-40980**

**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: SEPTEMBER 13, 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**
**September 13, 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. |
| 08/09/11 | The Planning Commission approved an Abeyance for (MOD-41437, ROC-40981 and SDR-41980) at the request of the applicant. |

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 to commercial<br>All construction traffic needs to use Grand Teton<br>Finished grades of the pads might have a negative impact |
| 08/24/11 | The applicant held a second voluntary neighborhood meeting in order to address neighbors concerns raised at the July 7, 2011 neighborhood meeting. The results are as follows: |

| ***Field Check*** | |
|---|---|
| 03/03/2011 | Staff visited the site and found several buildings along Rainbow Boulevard being used as a homeless shelter. 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) |
| | Rescue Mission or Shelter for the Homeless | | |
| 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. |

| | | |
|---|---|---|
| 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

# 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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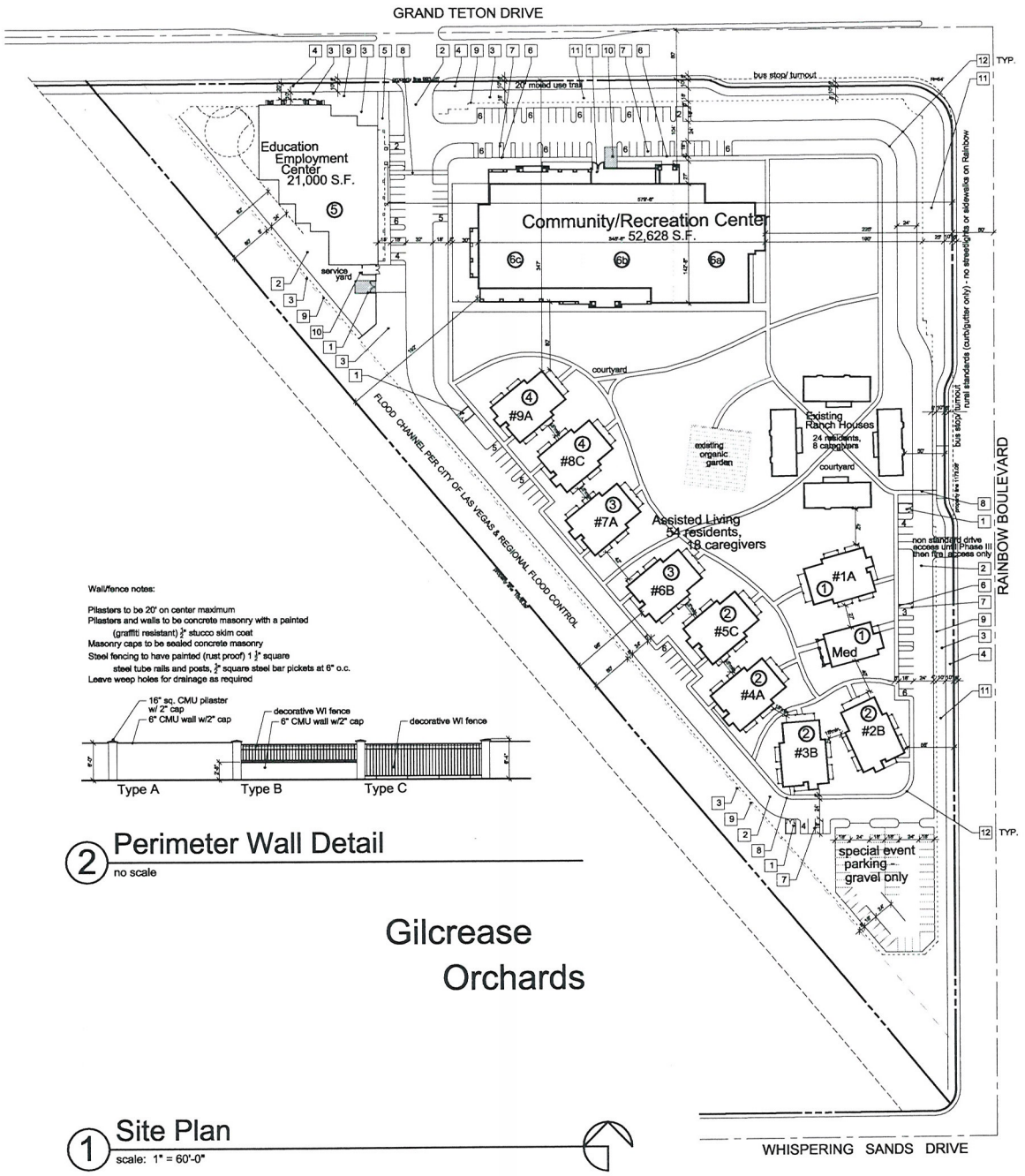
APR 13 2011




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

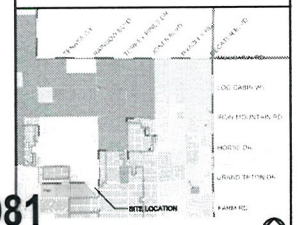
| # | description |
|---|---|
| 1 | 6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE w/ PAIR OF STEEL TUBE GATES w/ STAMPED METAL BACKING & LIFT PIN LOCK/LATCH |
| 2 | 2" A.C. PAVING |
| 3 | LANDSCAPED AREA |
| 4 | MULTIUSE TRANSPORTATION TRAIL |
| 5 | 4" CONCRETE SIDEWALK W/ROCKSALT FINISH |
| 6 | FLUSH OUT 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
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revisions

| date | description |
|---|---|

jdB architect

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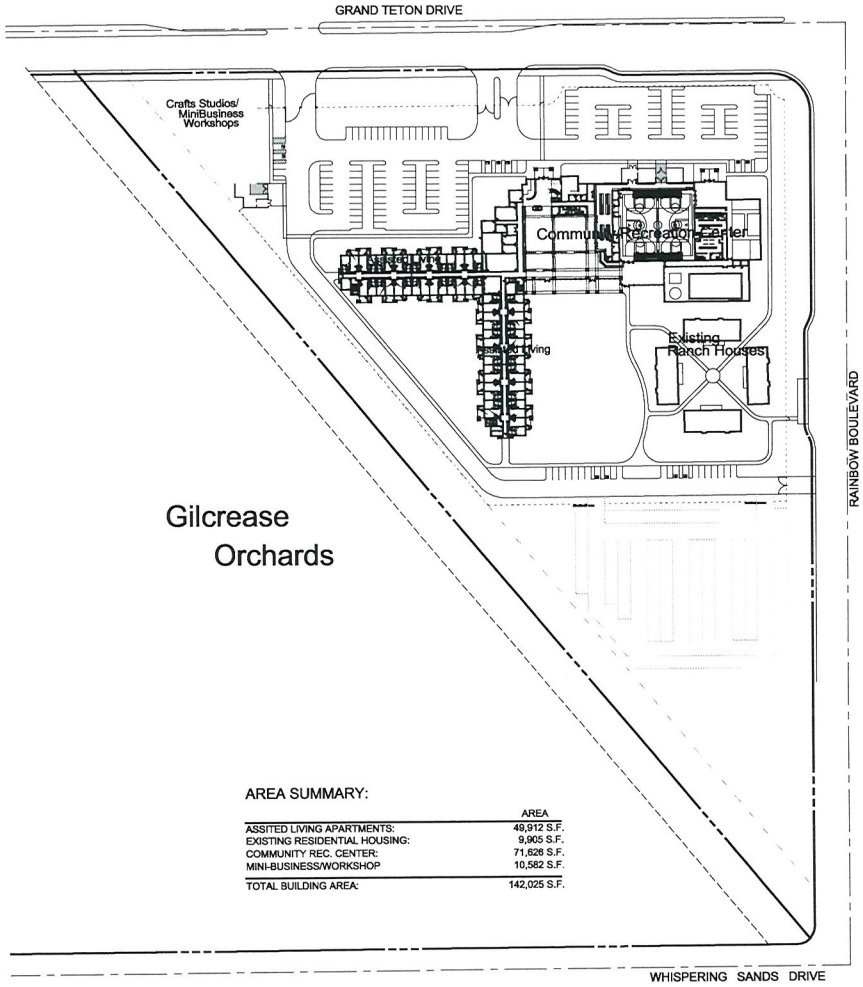
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 5/24/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

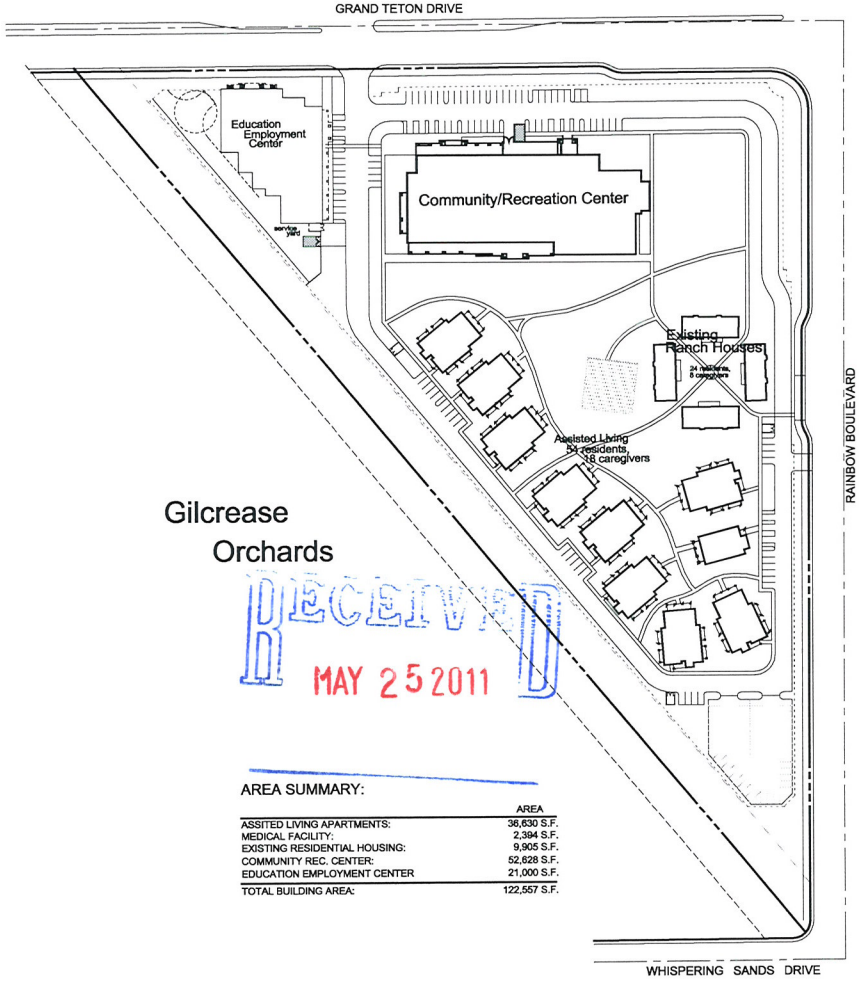
sheet no. A1




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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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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SDR-40980 REVISED

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date description

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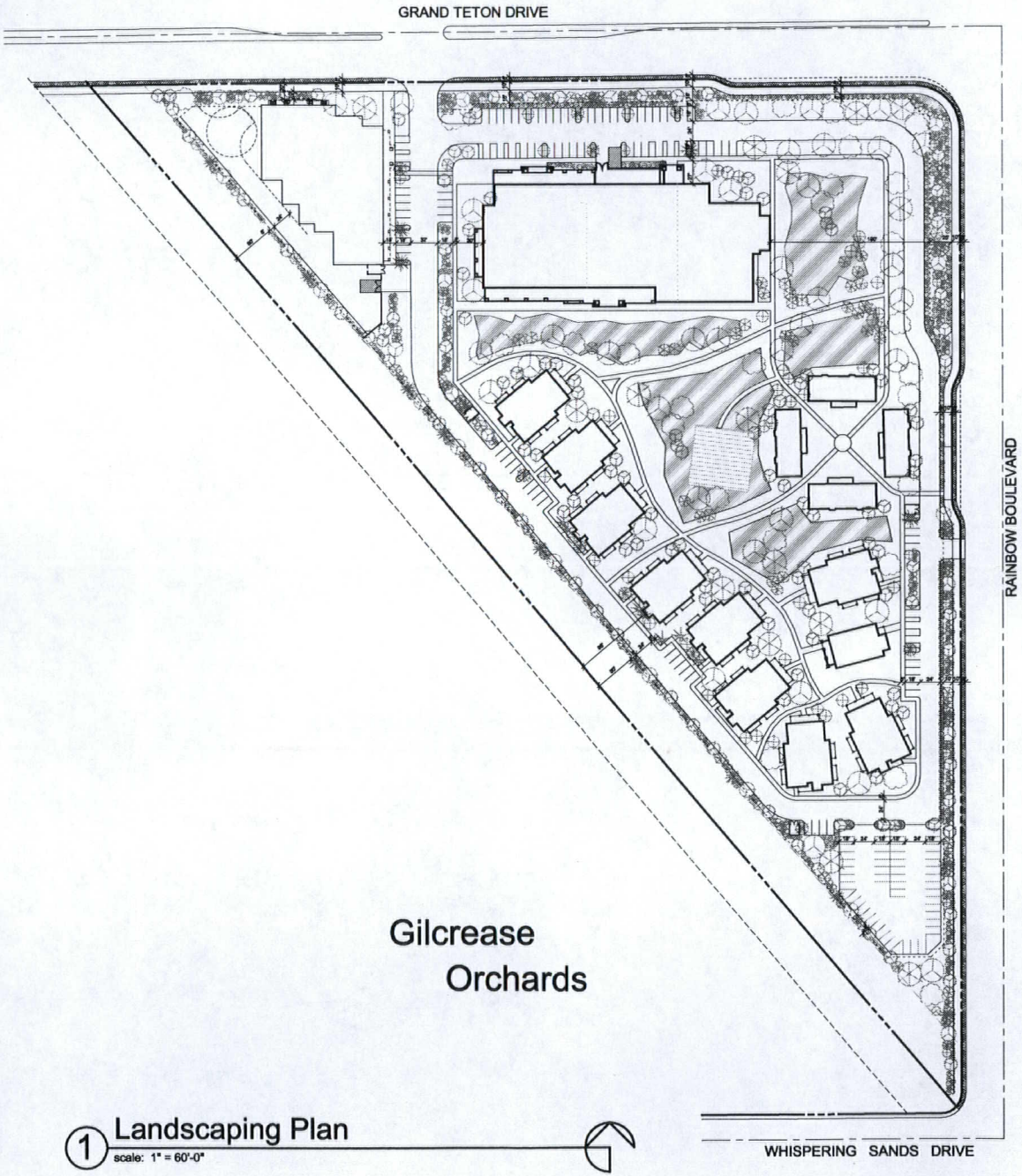
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 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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SDR-40980 REVISED

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date description

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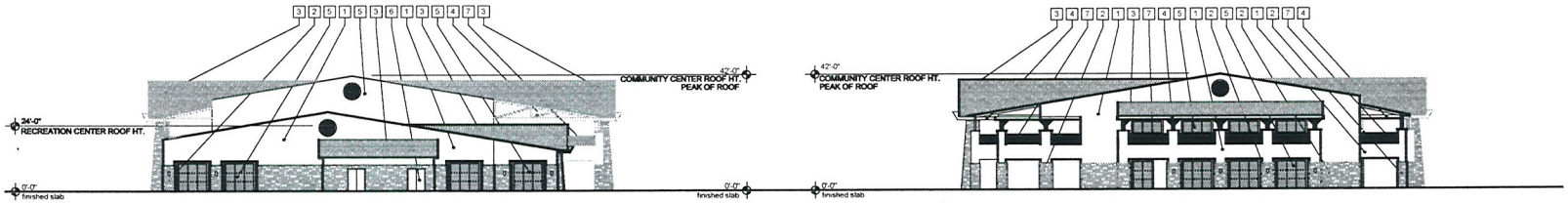
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 06/11 |
| proj. no. | 2010-48 |
| drwn. by | |
| chkd. by | |
| sheet no. | A1L |

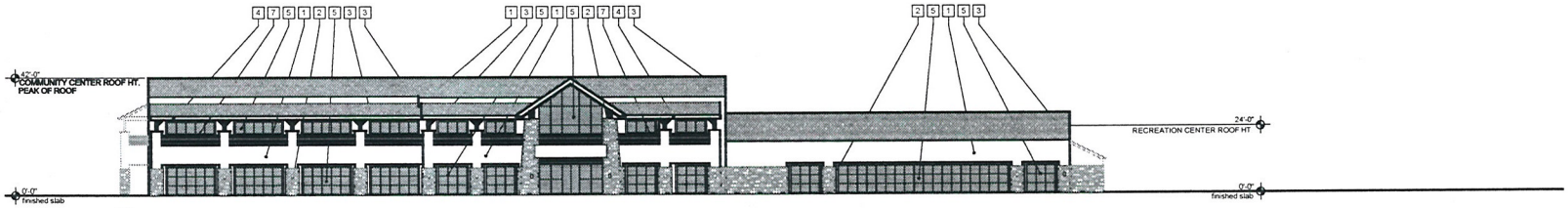
## keynotes

| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | CONCRETE ROOF TILE |
| 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 |

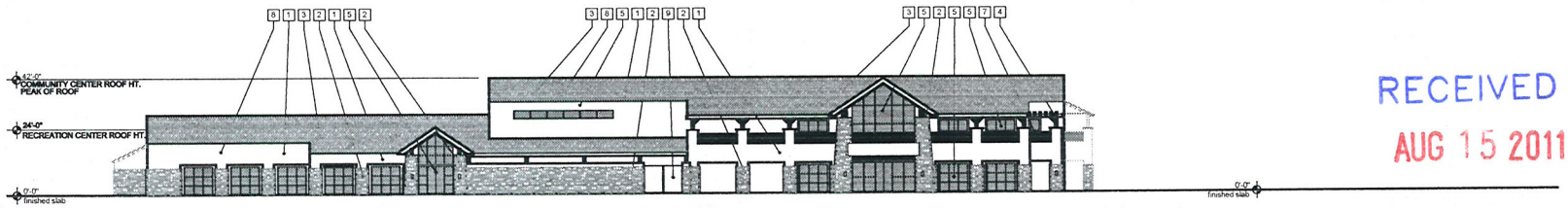



east

west




south




north

1 conceptual elevations

SCALE: 1" = 20'-0"

Community/Recreation Center

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**& SDR-40980 - REVISED**

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AUG 15 2011

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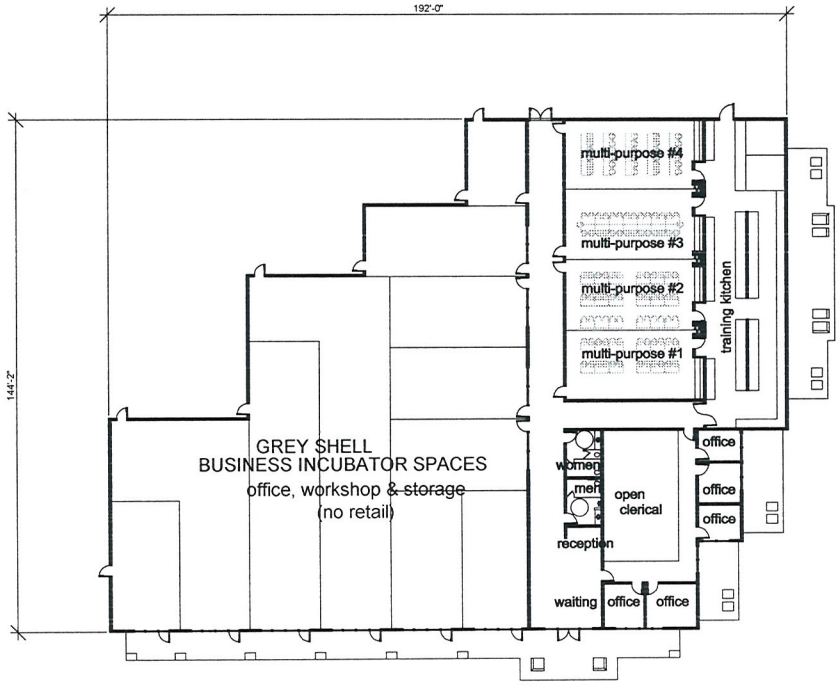
New Vista Community
Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 8/2/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A4

## keynotes

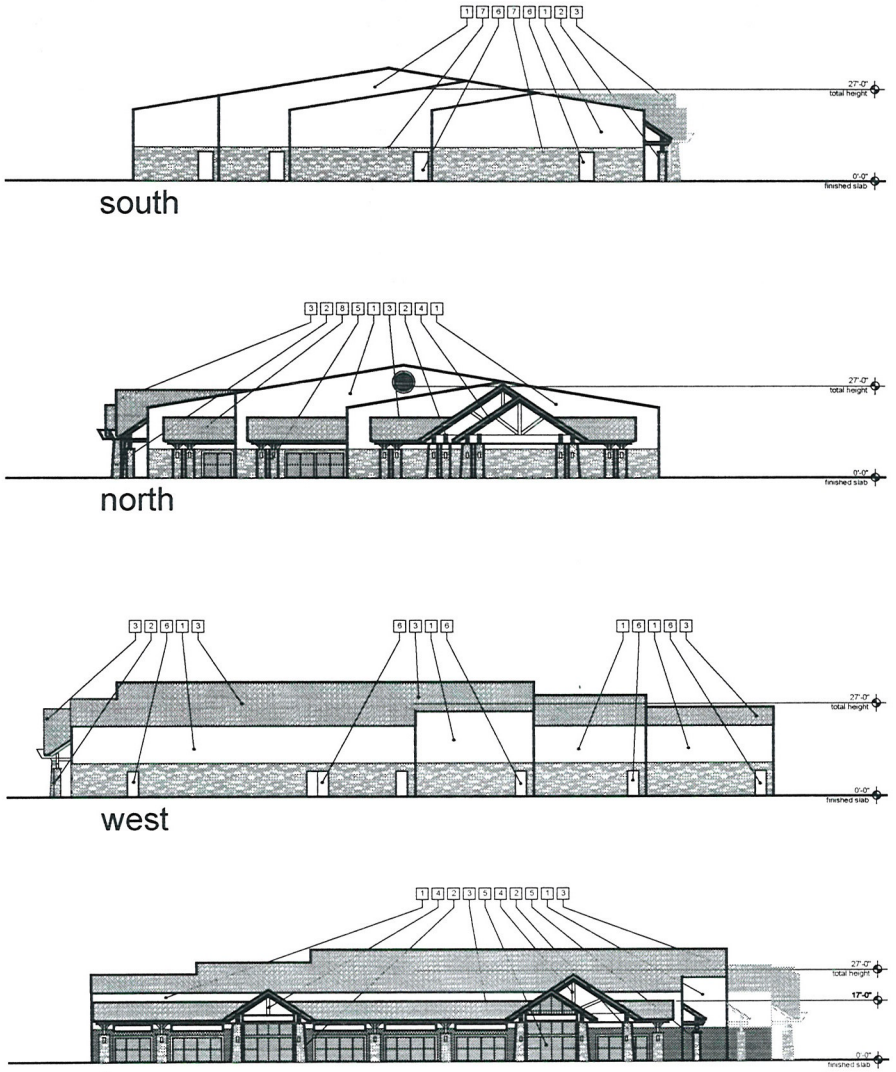
| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | CONCRETE ROOF TILE |
| 4 | TIMBER TRUSS |
| 5 | ALUMINUM STOREFRONT |
| 6 | HOLLOW METAL DOOR |
| 7 | ROLL-UP DOOR |
| 8 | SIGNAGE - BY OTHERS |




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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& SDR-40980 - REVISED

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New Vista Community

Assisted Living Residential Units

Community & Recreational Center

Education & Employment Center

City of Las Vegas Nevada

| | |
|---|---|
| date | 8/2/11 |
| proj. no. | 2010-89 |
| drwn by | |
| chkd by | |

A6

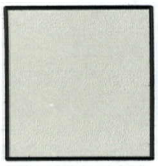
# COLOR/MATERIALS BOARD



(A) stucco dark field:
Frazee - CL 2676A 'Tia Maria'



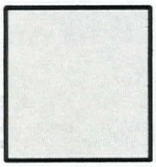
(F) storefront framing:
ab-4 medium bronze



(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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FEB 16 2011

**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**

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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

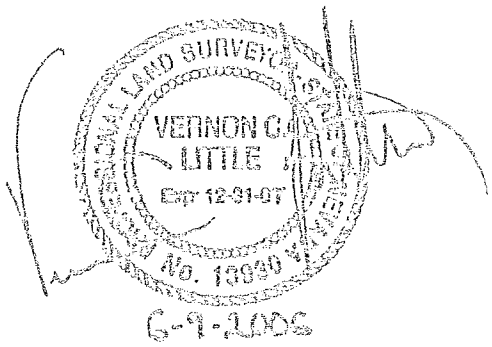
This document may be modified only in accordance with the provisions of the Las Vegas Municipal Code 19.060.050(G) and Title 19 shall govern any matter not specifically provided for in this Master Development Plan.

## 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

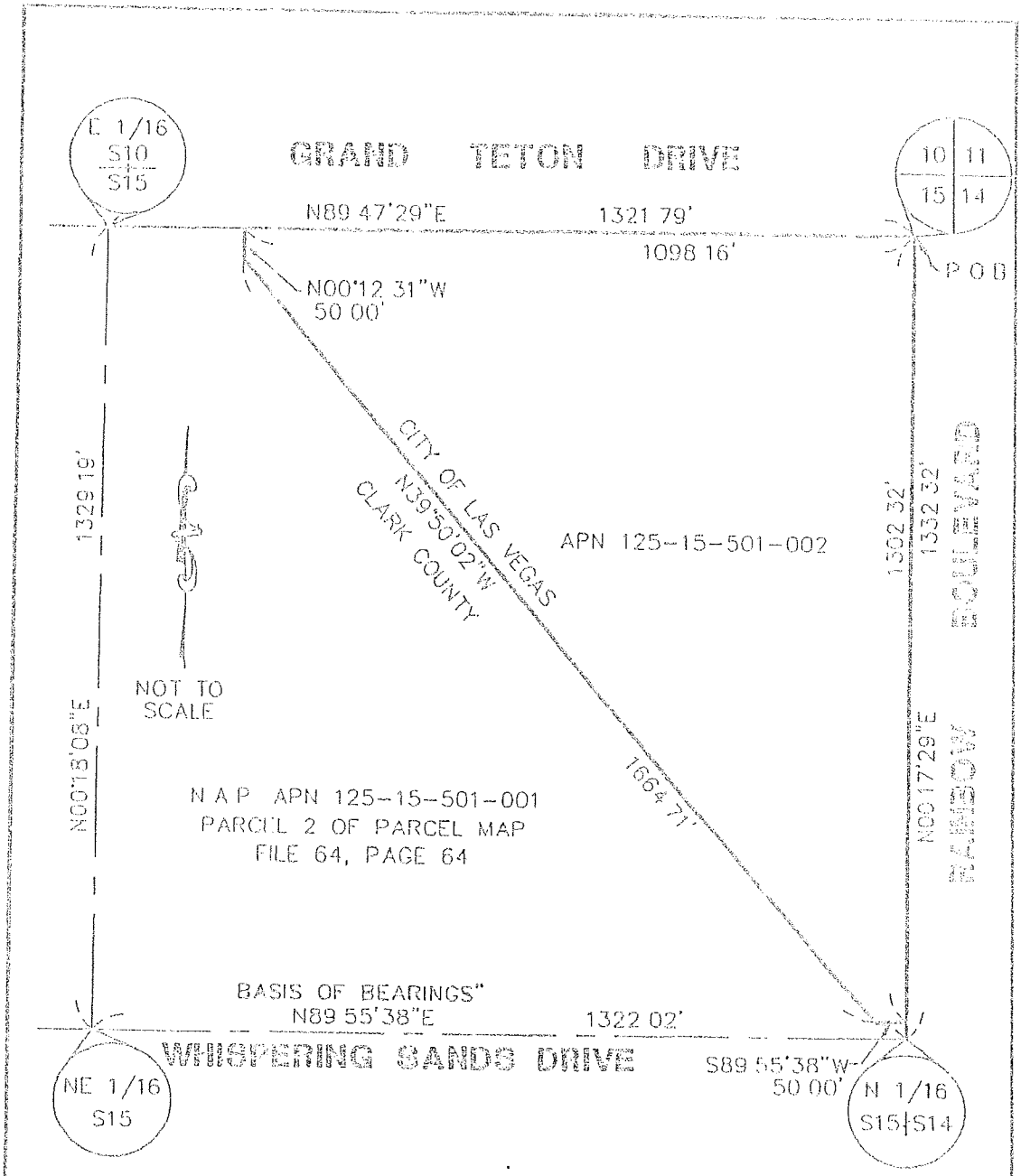
CONTAINING 17 76 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS

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)

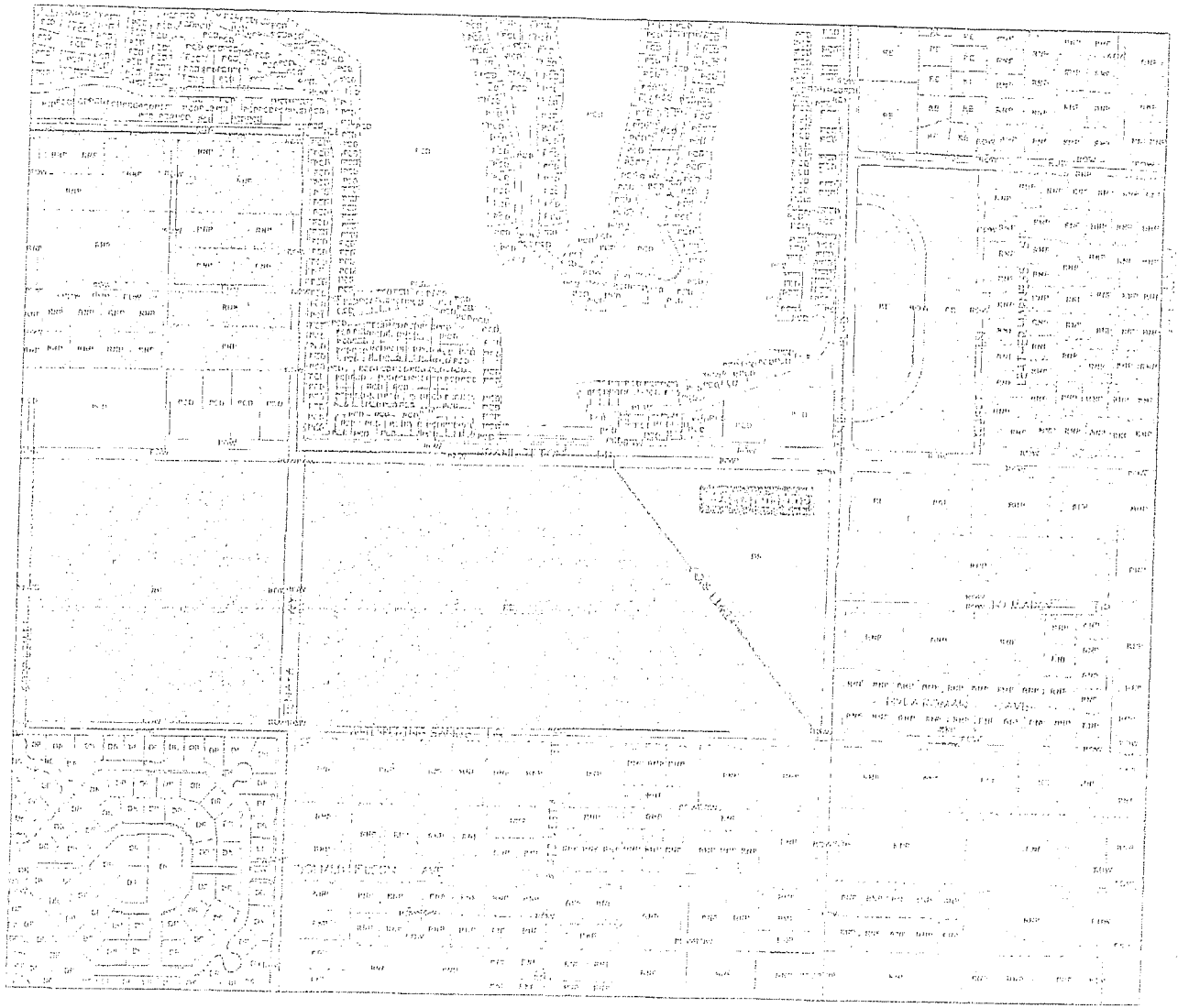

nevada
2727 S RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148


EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION

ZONE LEGAL

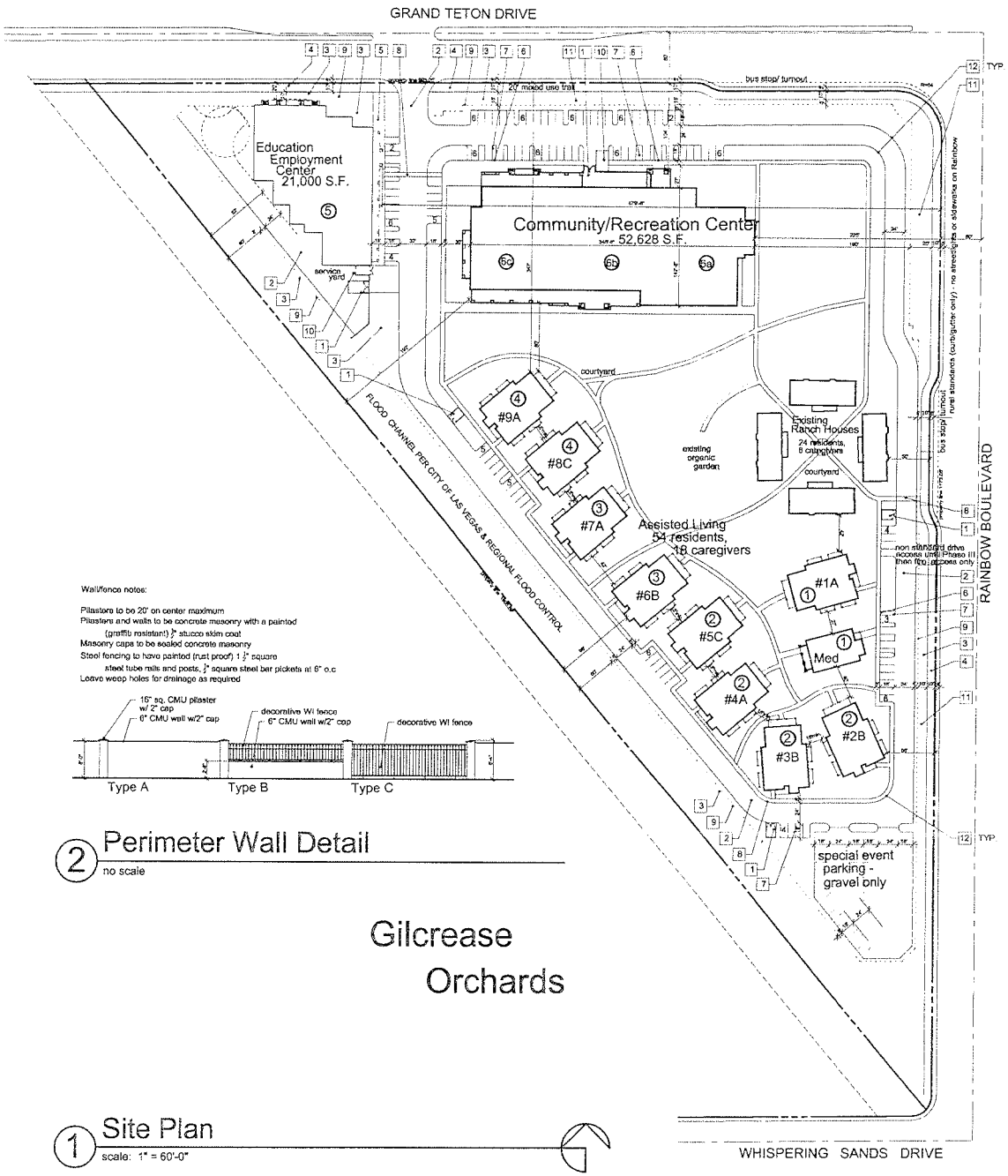
| | |
|---|---|
| SCALE | HORZ 1"=250' |
| | VERT NA |
| W O NO | 6720 |
| DRAWN BY | SP |
| DATE | 08/09/04 |
| SHEET | 3 OF 3 |

# 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:

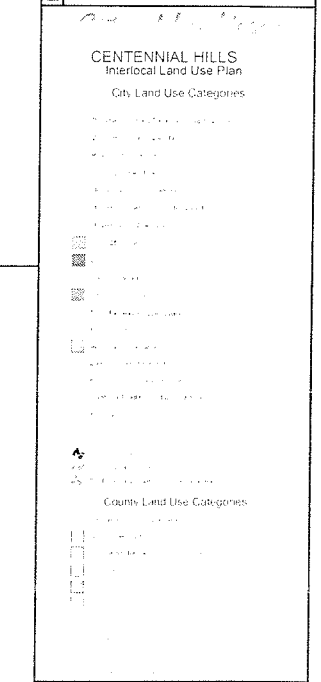
| | FACTOR | PKG. REQ. |
|---|---|---|
| ASSITED LIVING APARTMENTS: | 1/UNIT+1 GUEST/6 UNITS | 11 |
| EXISTING RESIDENTIAL HOUSING: | 2/UNIT | 8 |
| COMMUNITY REC. CENTER: | 1/200 GFA | 264 |
| EDUCATION EMPLOYMENT CENTER | 1/250 GFA | 84 |
| TOTAL PARKING REQUIRED: | | 367 |

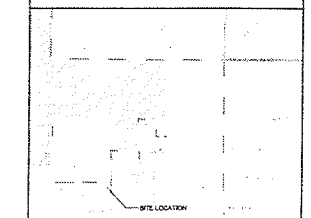
| | |
|---|---|
| PARKING PROVIDED | 190 STANDARD SPACES (PER CITY OF LAS VEGAS CONDITIONS OF APPROVAL) |
| TOTAL SITE AREA: | 866,314 S.F. (15.06 A.C.) - net<br>775,989 S.F. (17.81 A.C.) - gross |
| F.A.R. (FLOOR AREA RATIO): | 15.8 % |
| DENSITY: | 5.2 RESIDENTS/ACRE<br>0.87 UNITS/ACRE |

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

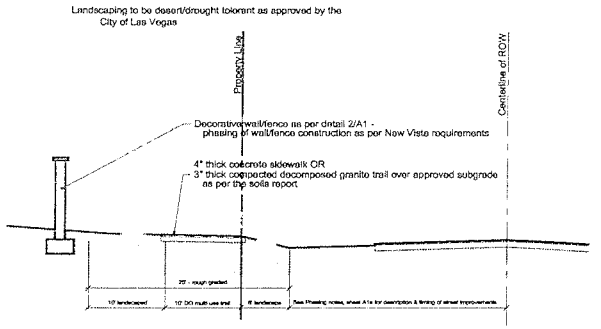
4. Phase Four - Build Two (2) Remaining Residential Homes

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

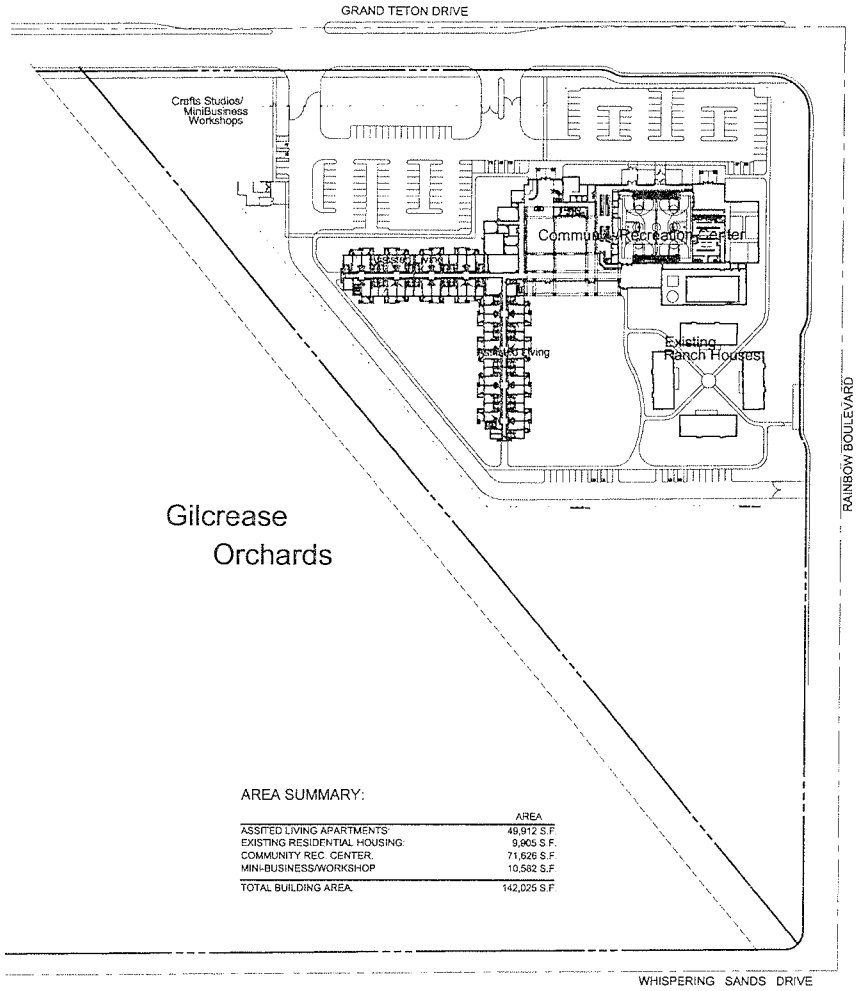
revisions

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 | |

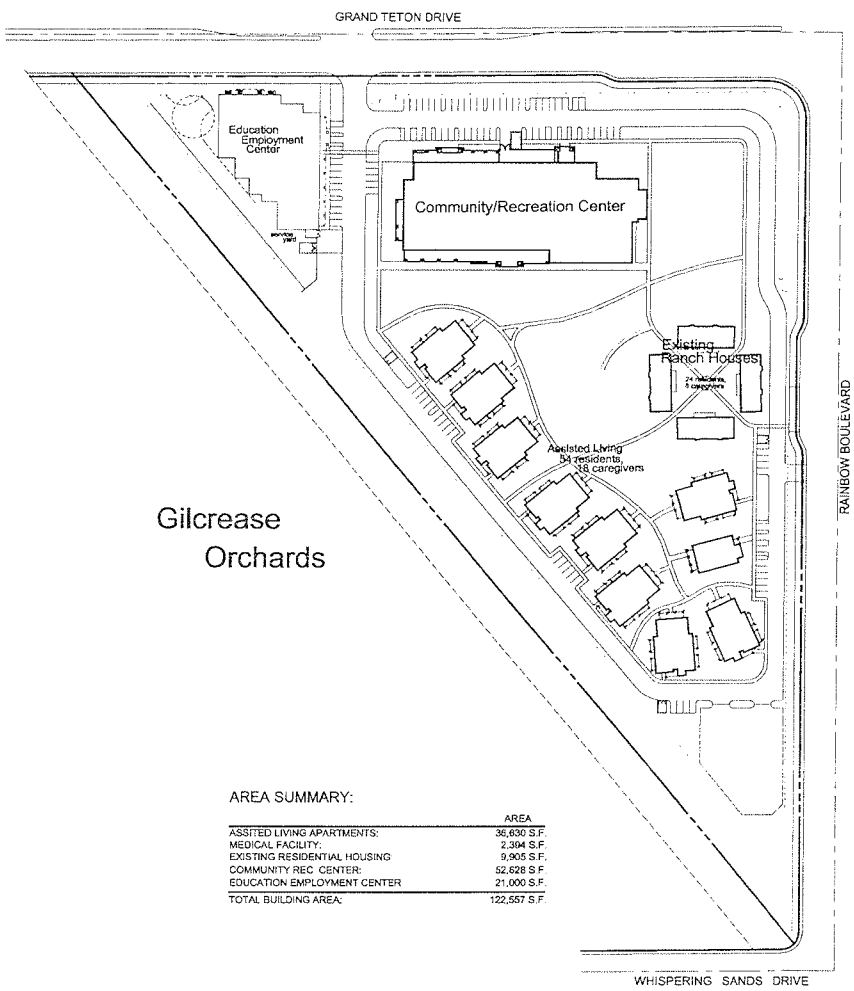
sheet no. A1a




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
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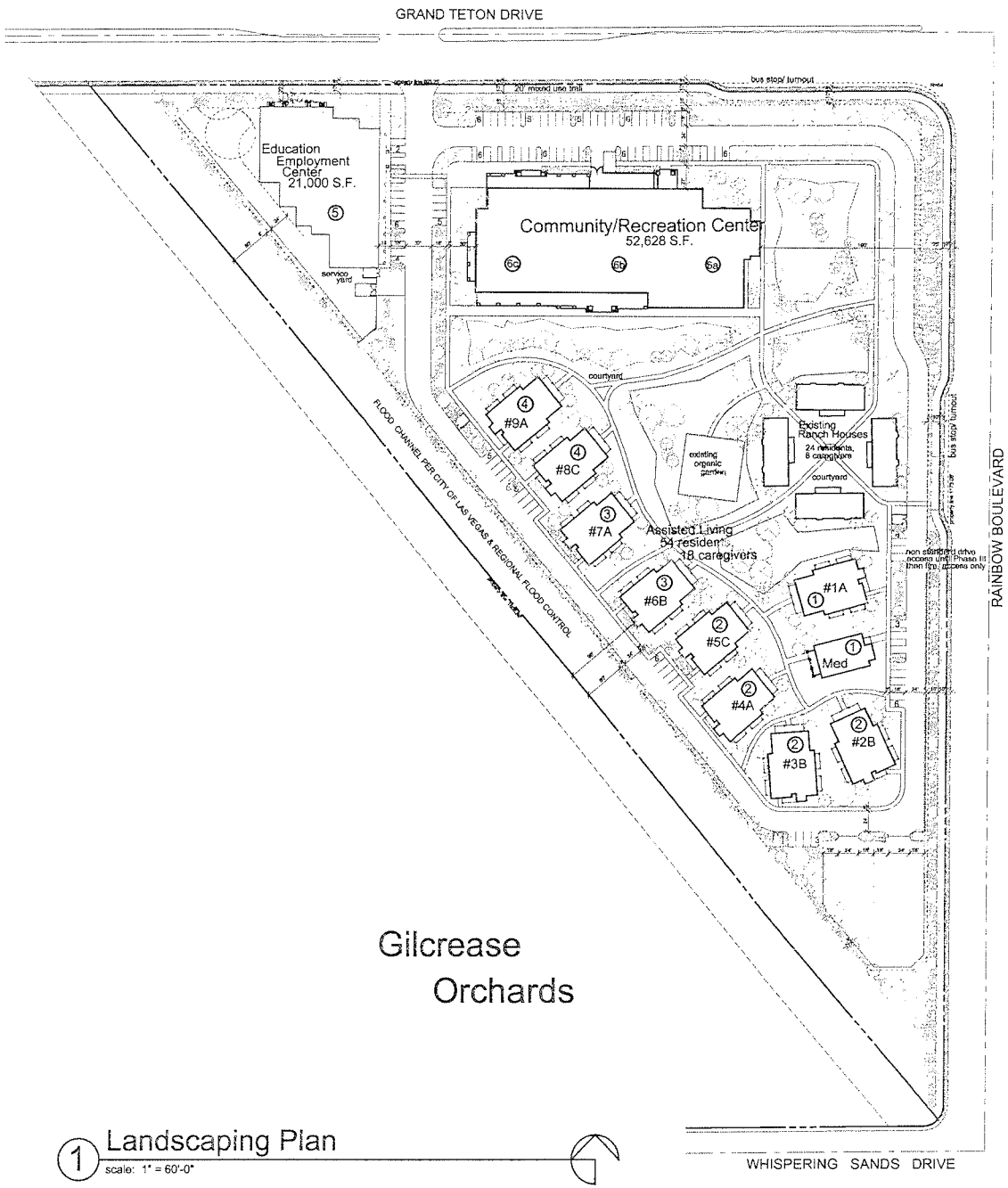
# New Vista Community
Assisted Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| 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

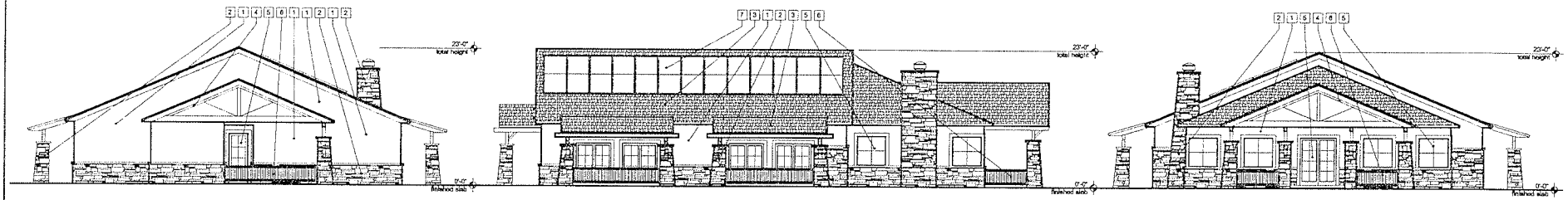
ja architect
John David Burke, Architect, 3417 West Desert Inn Road, #201, Las Vegas, NV 89102 (702)876-0483, jburke@ja-architect.com

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 | |

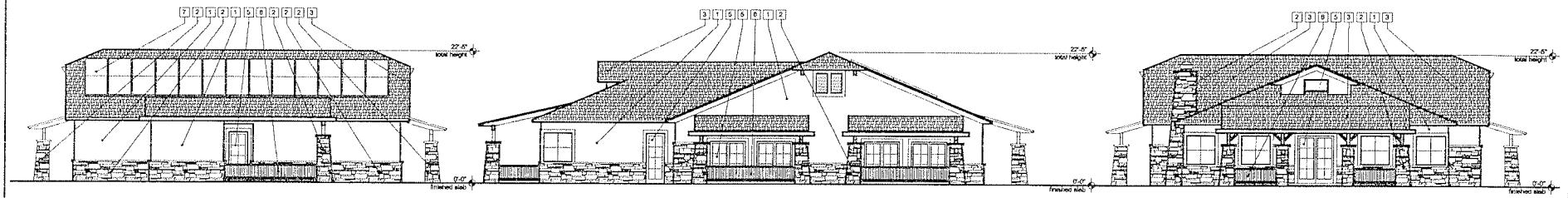
sheet no. A1L

| 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 | | |



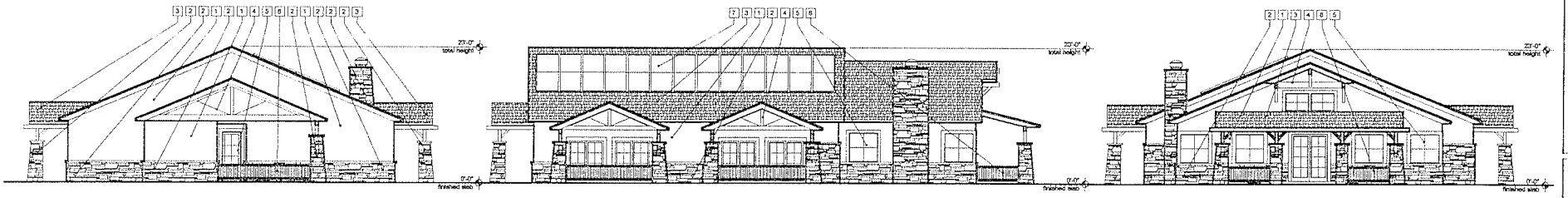
typical rear | side | front

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

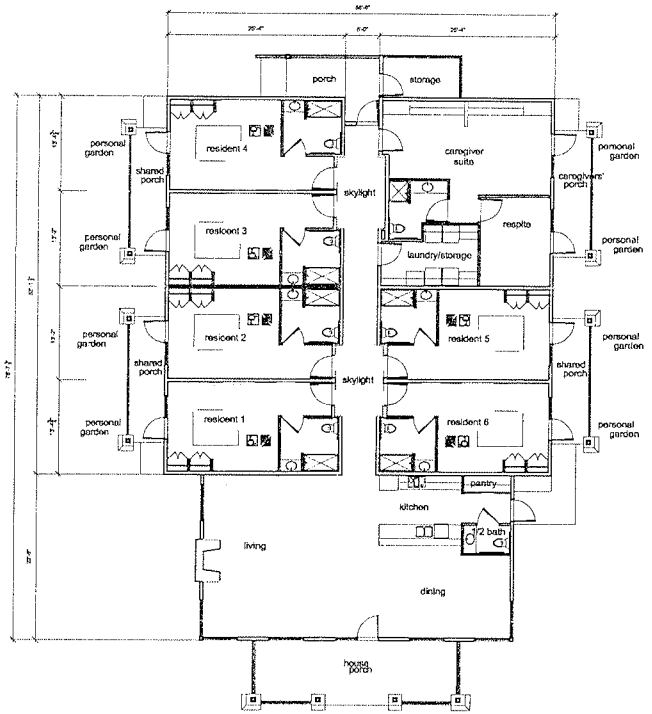
New Vista Community
Assited Living Residential Units
Community & Recreational Center
Education & Employment Center
City of Las Vegas Nevada

| | |
|---|---|
| date | 3/23/11 |
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A2

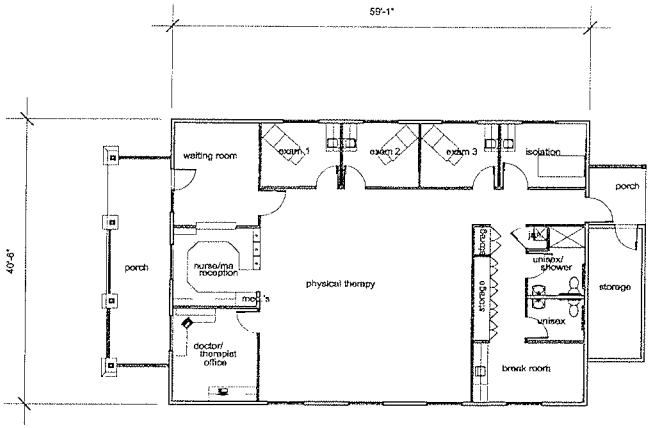
## keynotes

| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | CONCRETE ROOF TILE |
| 4 | TIMBER TRUSS |
| 5 | PELLA DOORS/WINDOWS |
| 6 | WOOD RAILING |
| 7 | PHOTOVOLTAIC ARRAY |



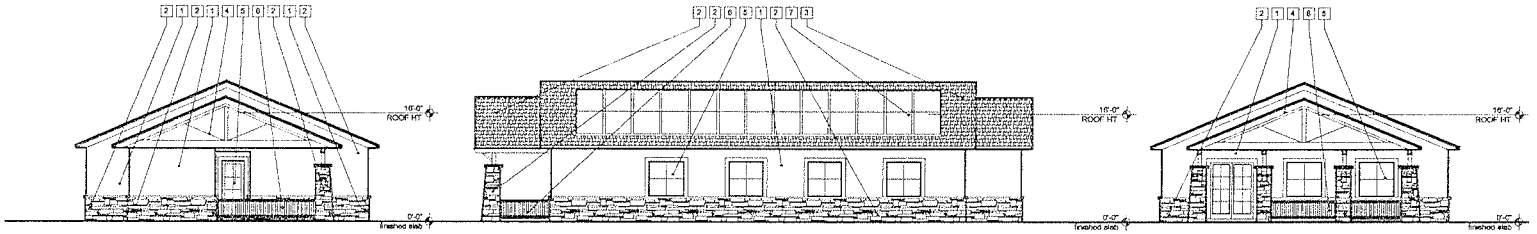

3 Floor Plan Assisted Living Module

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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John David Burns, Architect

revisions

| no. | description | date |
|---|---|---|

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

| | |
|---|---|
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## keynotes

| # | description |
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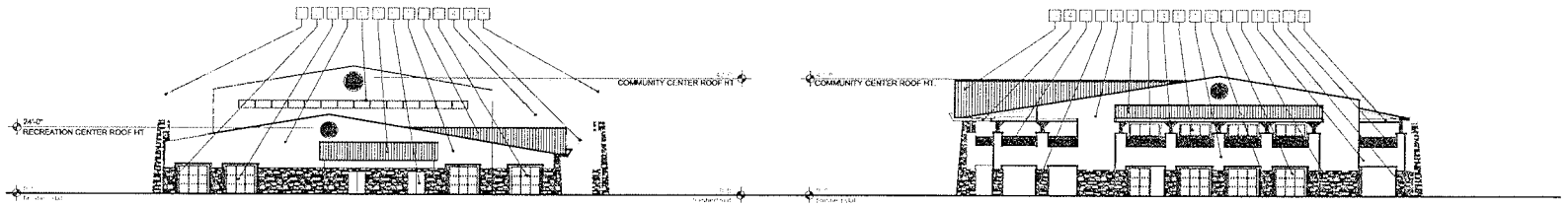
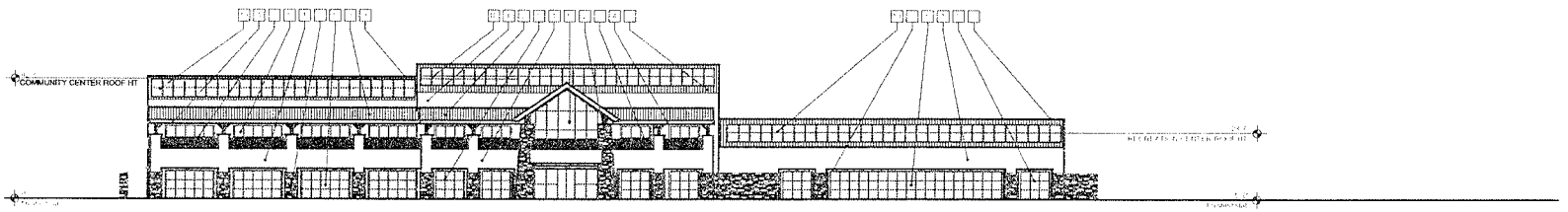
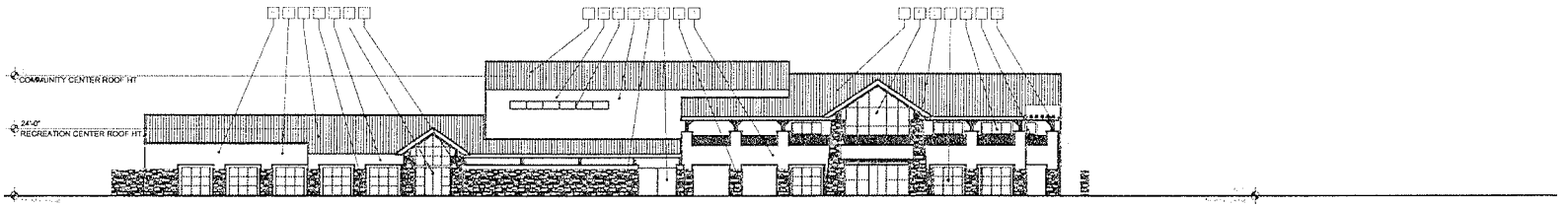



east west




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

| | |
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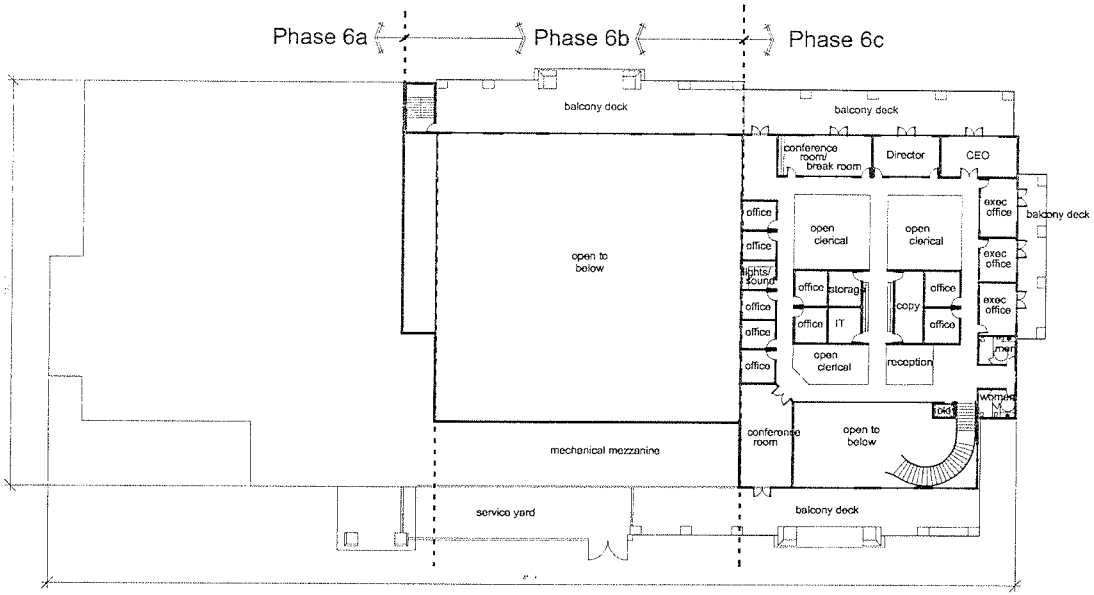
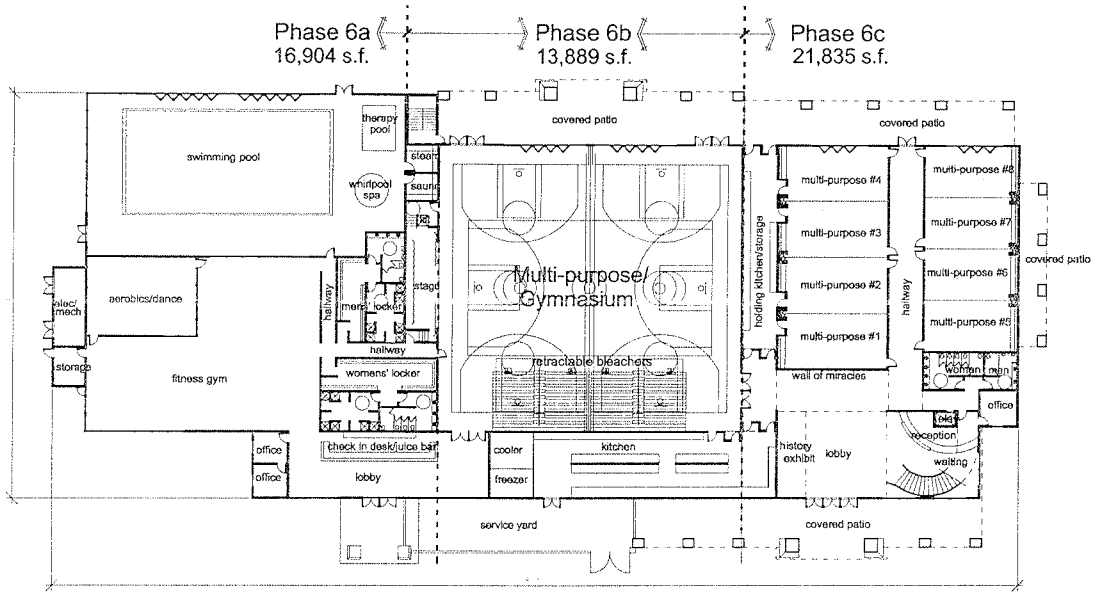



Second Floor




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

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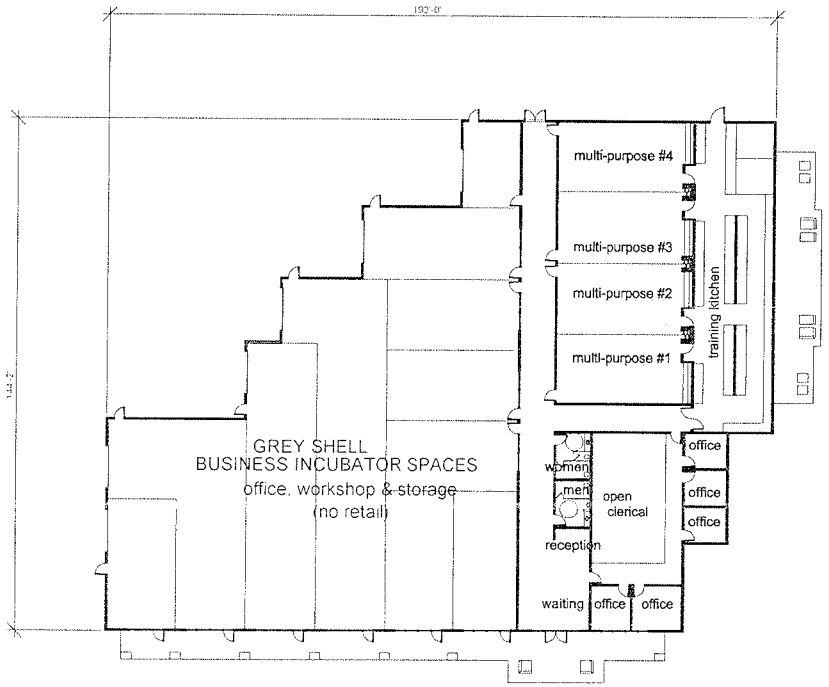
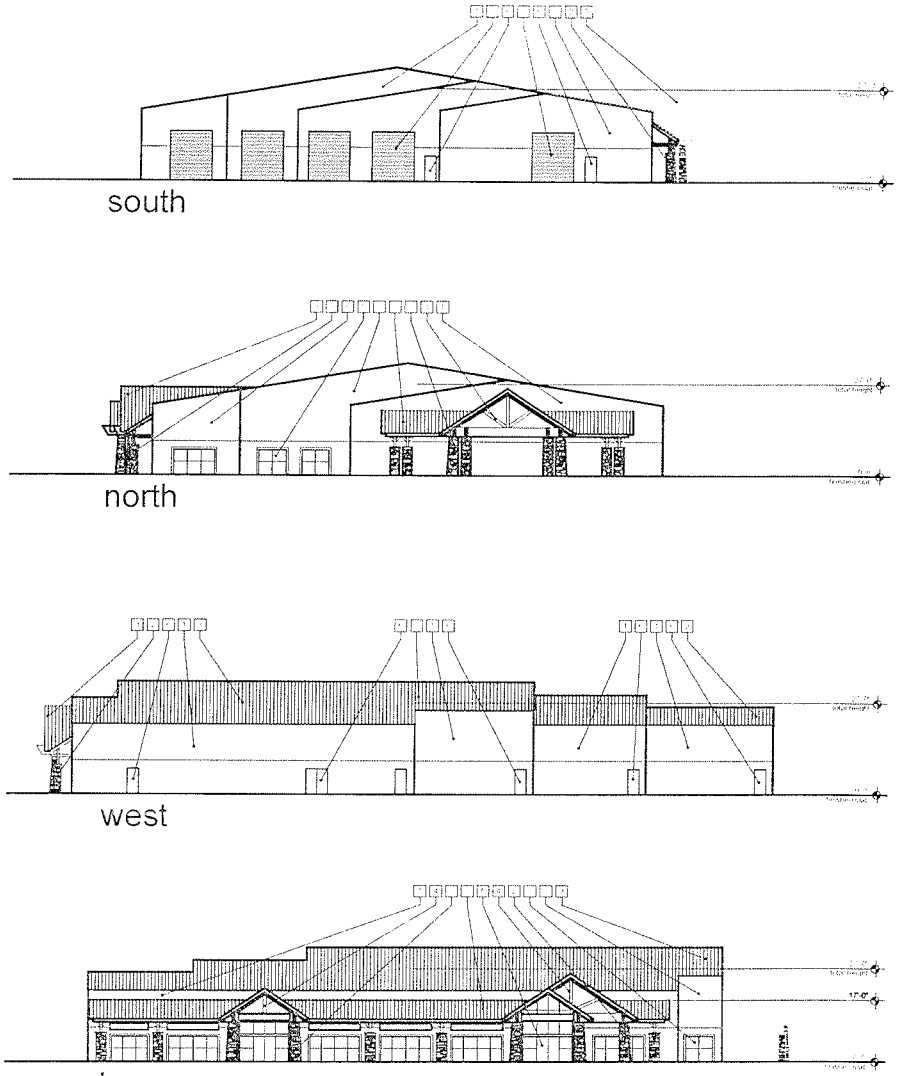



2 **floor plan** employment & educational Center

SCALE 1/16" = 1'-0"

21,000 s.f.




1 **elevations**

SCALE 1/16" = 1'-0"

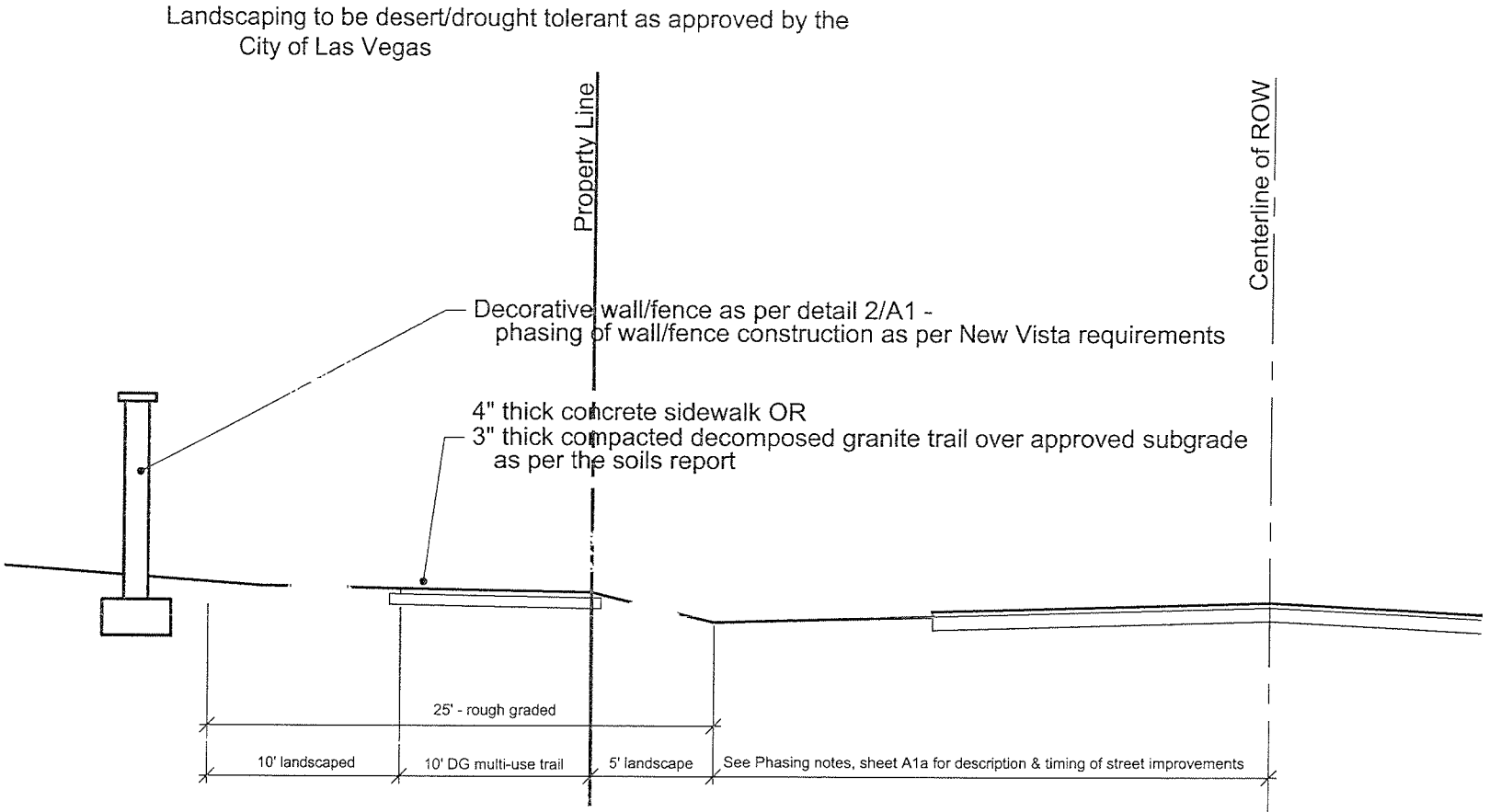
jd architect

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

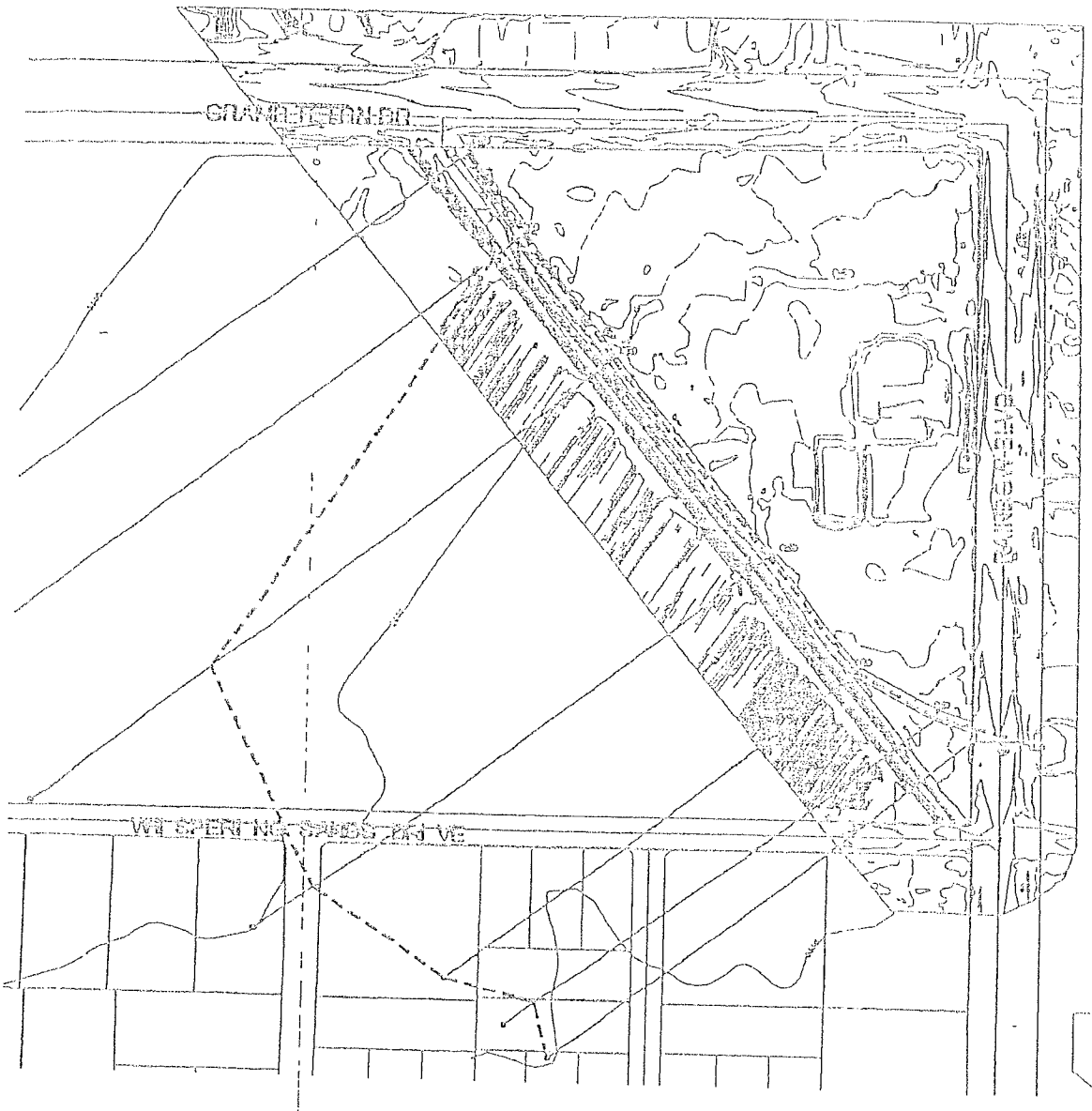
EXISTING DRAINAGE CONDITIONS

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

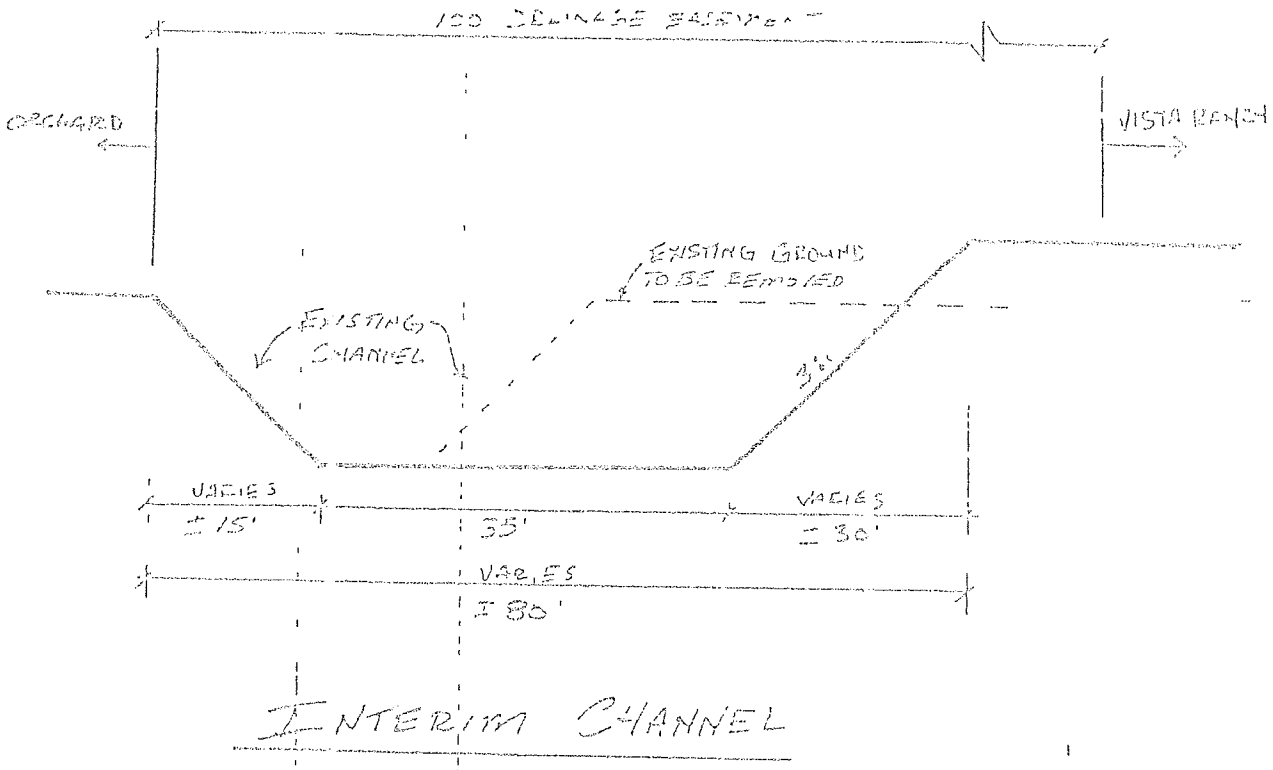
2727 S RAINBOW BOULEVARD
LAS VEGAS NEVADA 89146-5148

NEW VISTA RANCH

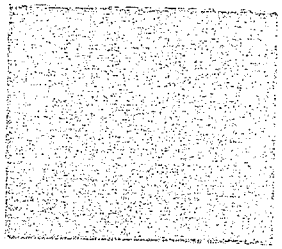
EXHIBIT FCFP

| | |
|---|---|
| SCALE | HORZ 1"=300' |
| | VERT N/A |
| W O NO | 6730 |
| DRAWN BY | MDH |
| DATE | DEC 2006 |
| SHEET | OF |

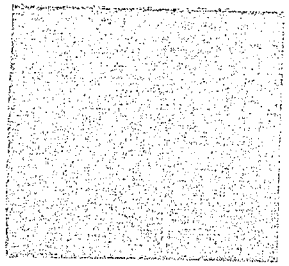
EXHIBIT "F" NEW VISTA RANCH W.O.# 6730



# 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**

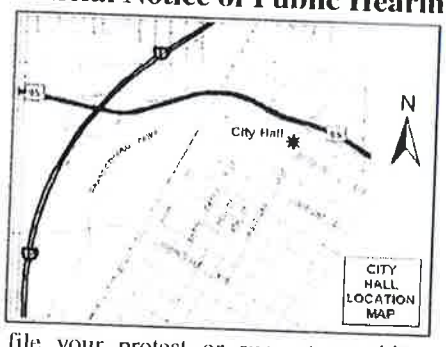
RECEIVED

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




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

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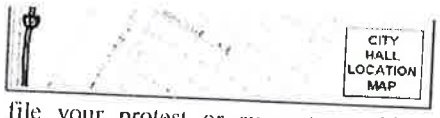
JUL 11 2011

12510812116 Case: MOD-41437
KAWAKAMI CHRISTOPHER T & PAUL M
7140 RIVER MEADOWS AVE
LAS VEGAS NV 89131-4315

30P

89 DRDFM11 89131

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Planning Commission Meeting of 7/12/2011

JUL 12 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12515712002 Case: MOD-41437
VARGAS JOSE G
6813 VIA LOCANDA AVE
LAS VEGAS NV 89131-0127

30P

89 DRDFM11 89131




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JUL 12 2011

12515711007 Case: MOD-41437
MAGUINESS THOMAS S & ELIZABETH
7504 VIA SIGNORELLI
LAS VEGAS NV 89131-0125

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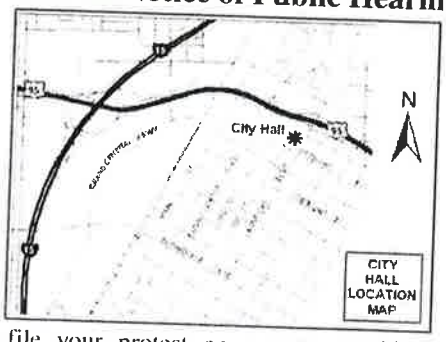
89 DRDFM11 89131

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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**MOD-41437**

Planning Commission Meeting of 7/12/2011

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0004279218 JUN 30 2011
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JUL - 7 2011
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PLANNING & DEVELOPMENT

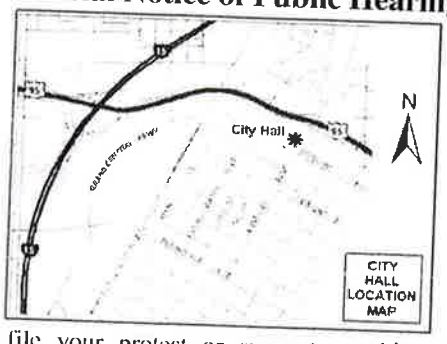
12515212026 Case: MOD-41437
GOURLEY R VAUGHN & KAROL
7331 REAL QUIET DR
LAS VEGAS NV 89131-4133

30 P

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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☐ 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

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JUL - 6 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

12514105012 Case: MOD-41437
VICCHIULLO MARIO A JR & DONNA M
6580 WHISPERING SANDS DR
LAS VEGAS NV 89131-2220

30P

66 DRDFN11 89131

JUL-06-2011 09:22 NVIDIA 4084862874 P.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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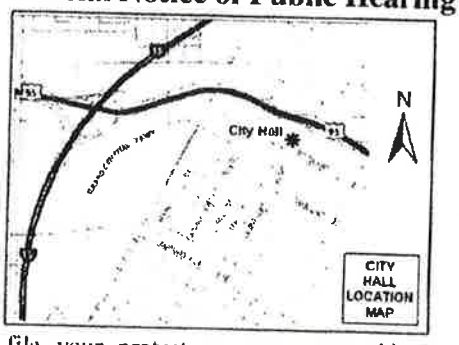
**Return Service Requested**
**Official Notice of Public Hearing**

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PLANNING & DEVELOPME

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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

12510814028 Case: MOD-41437
CHAO-WANG TRUST
33798 TRAILSIDE WY
UNION CITY CA 94587-4368

93 DRDFN11 94587

30P

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




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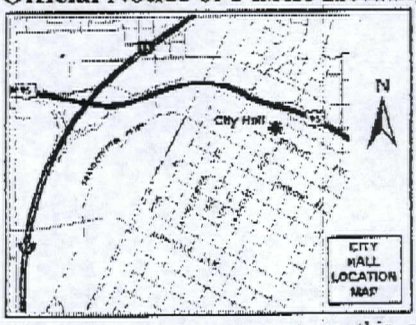


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Please use available blank space on card for your comments.

**MOD-41437**

Planning Commission Meeting of 7/12/2011

Case: MOD-41437

12514202007
BAJA 102 TRUST
6575 WHISPERING SANDS DR
LAS VEGAS NV 89131-2221

89 DRDFM11 89131

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

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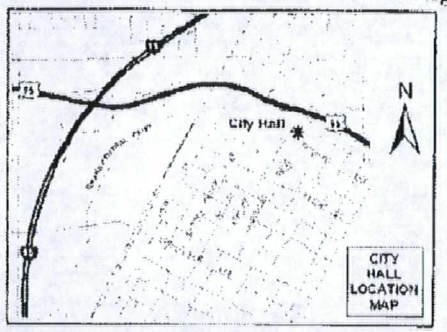


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Please use available blank space on card for your comments.

**MOD-41437**

Planning Commission Meeting of 7/12/2011

Case: MOD-41437

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

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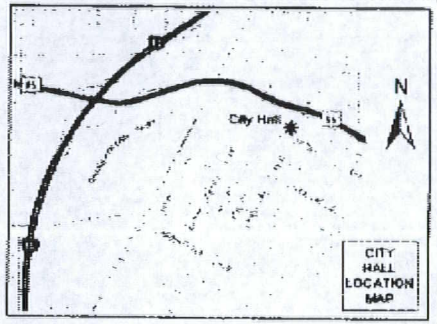


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☒ I SUPPORT this Request

☐ I OPPOSE this Request

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**MOD-41437**

Planning Commission Meeting of 7/12/2011

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0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

Case: MOD-41437
12515402005
MCCALLA ROBERT D & TAMARA M
7355 SEVERANCE LN
LAS VEGAS NV 89131-3326

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

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0004279218 JUN 30 2011
MAILED FROM ZIPCODE 89101

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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

12510714014 Case: MOD-41437
HUFFMAN KURT TRUST
P O BOX 751450
LAS VEGAS NV 89136-1450

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Jul 11 2011 10:22 RESULTS TECH 1 913-928-8200 p.2

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




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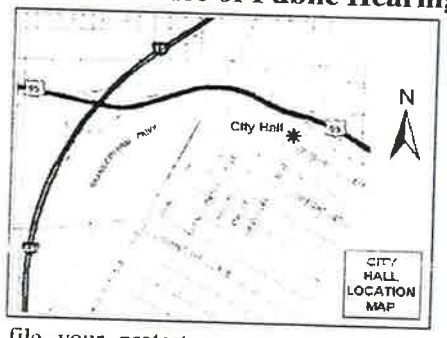


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Please use available blank space on card for your comments.
**MOD-41437**
Planning Commission Meeting of 7/12/2011

12515810050 Case: MOD-41437
CARDWELL-LUETKEMEYER LIVING TR
6896 KELP LEDGE CT
LAS VEGAS NV 89131-0122

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66 DRDFN11 89131

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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

PLANNING & DEVELOPMENT

12510818008 Case: MOD-41437
MOWAT CHARLES W & SUZANNE J
8113 BAY COLONY ST
LAS VEGAS NV 89131-6707

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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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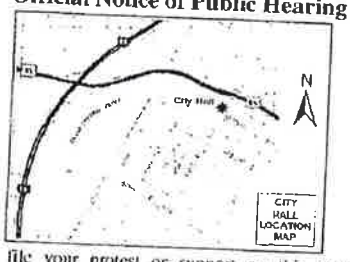
**Official Notice of Public Hearing**

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

**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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02 1M $ 00.41⁴
0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

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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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**Official Notice of Public Hearing**




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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.: **18.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 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. 10/192011**

| **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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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 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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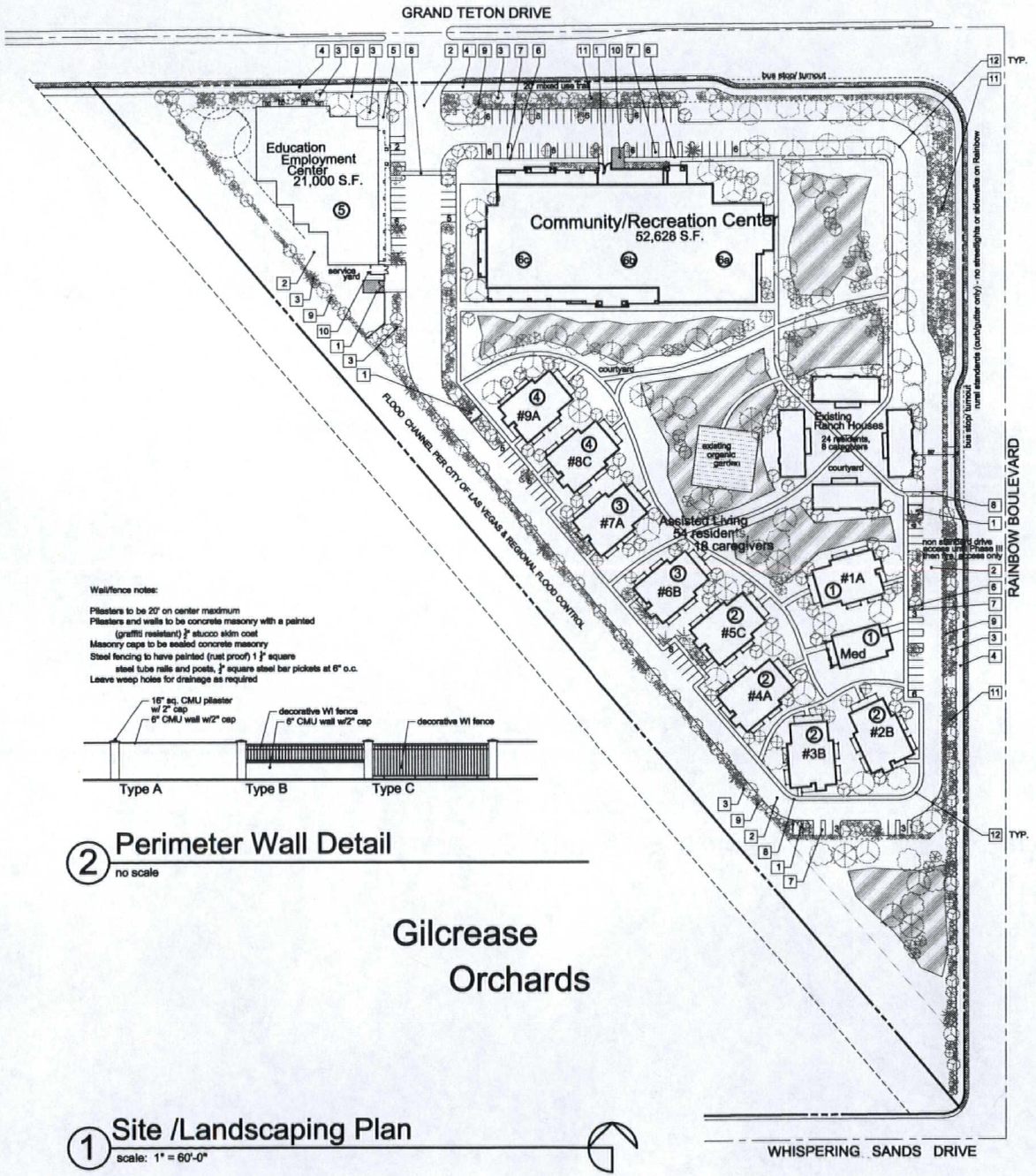



Wall/fence notes:

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 | |

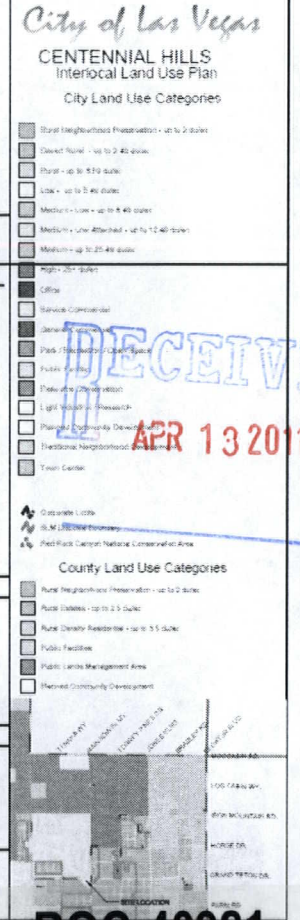
# landscape legend

| 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

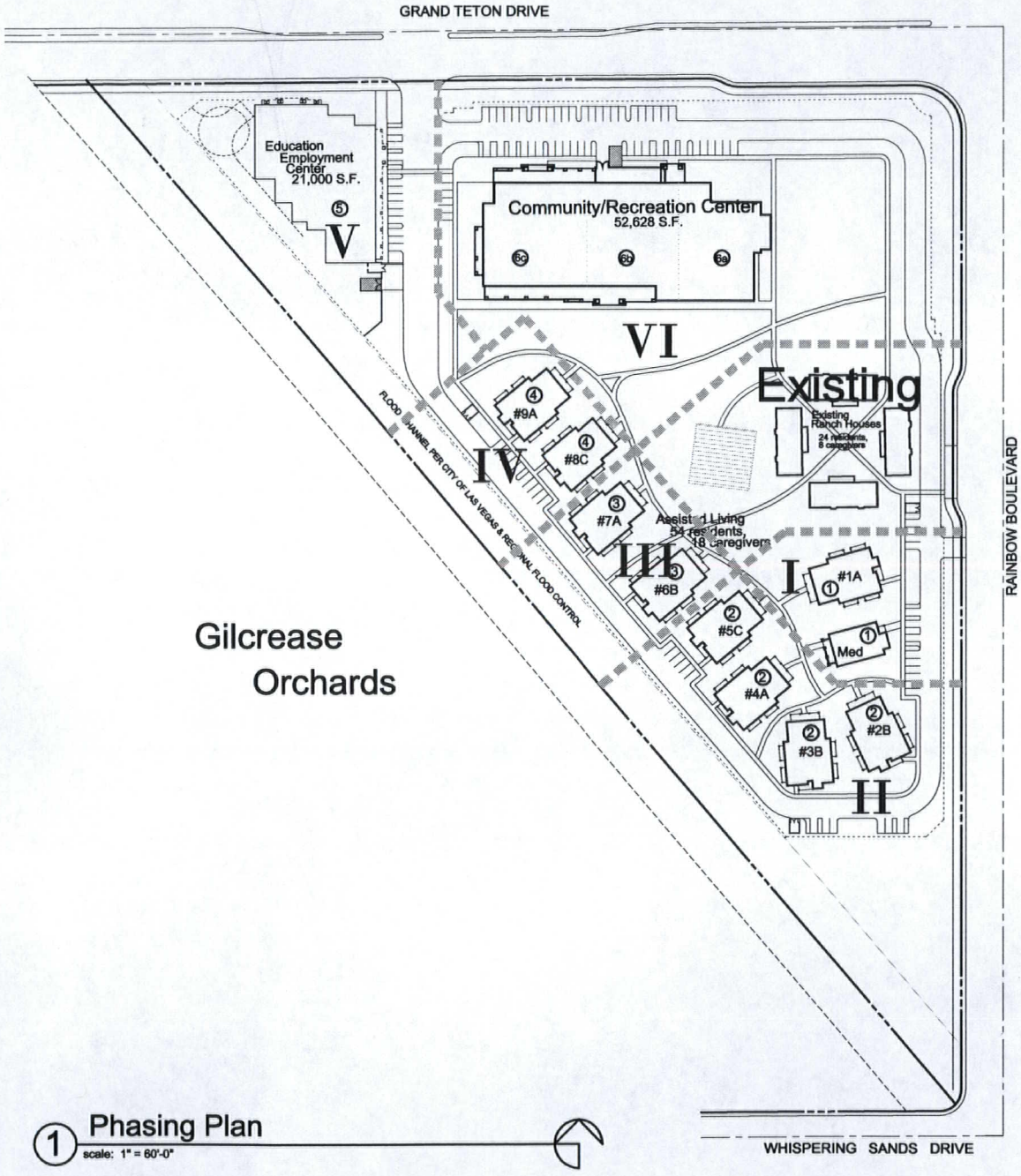
revisions
no. description date

**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

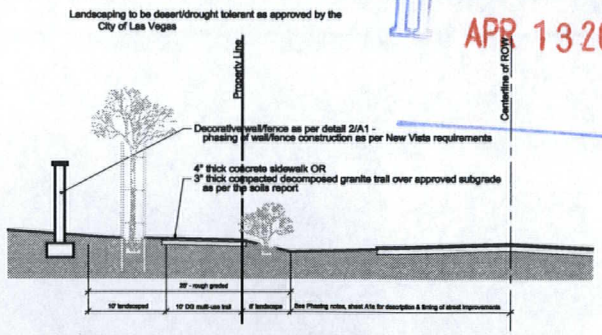
II
2. Phase Two - Build Four (4) More Residential Homes

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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APR 13 2011

jdB architect

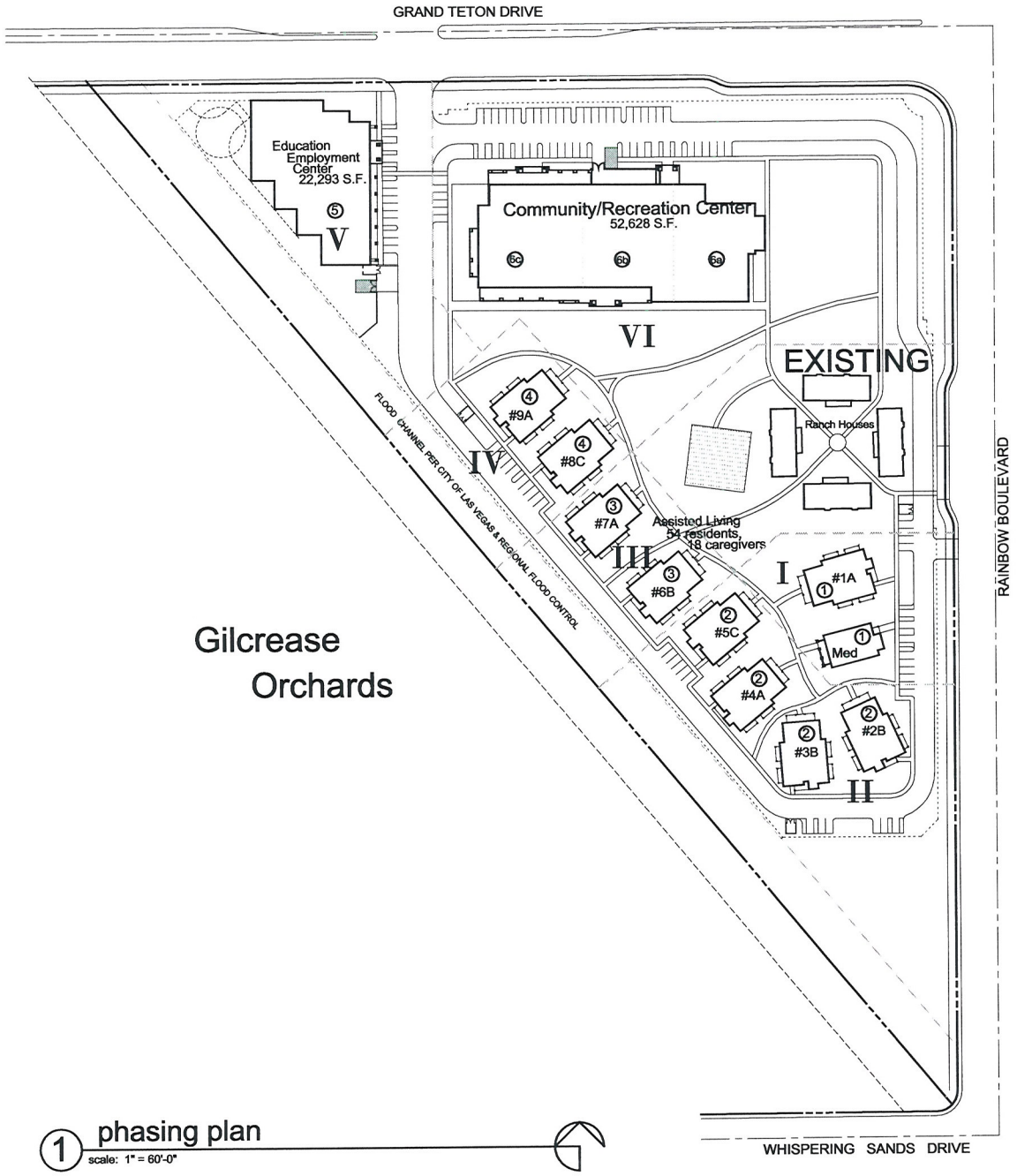
revisions

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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revisions
date description

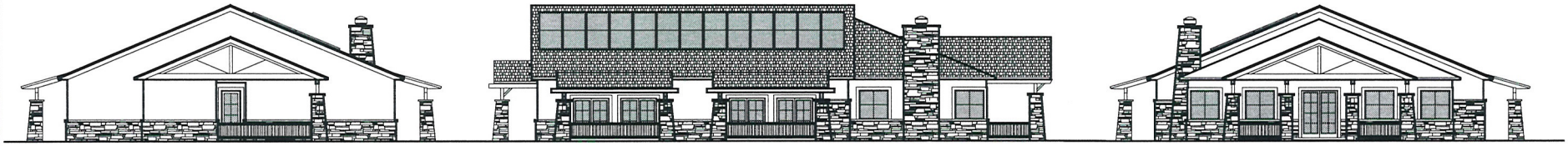
jdB architect
John David Burke, Architect, 2471 West Oquendo Road, #201, Las Vegas, NV 89118 (702)278-4583, jburke@purdueandfield.com

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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jdB architect

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New Vista Community
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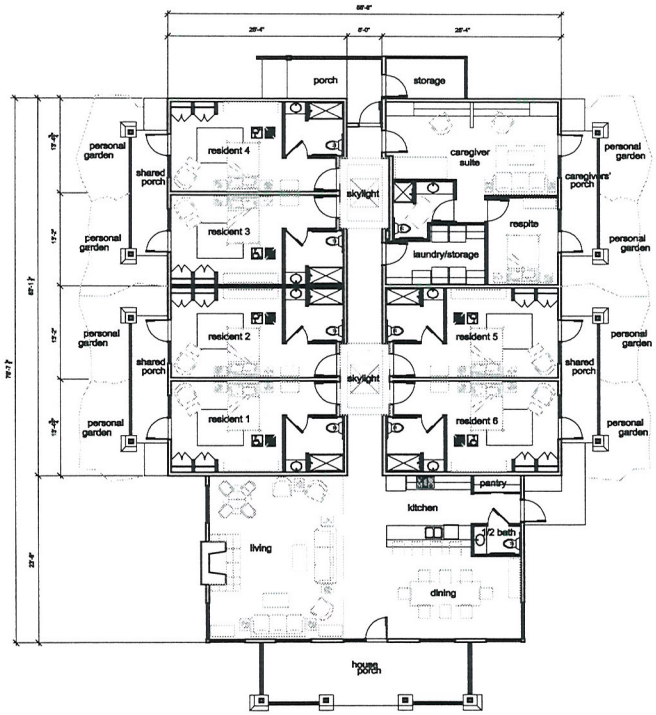
| proj. no. | 2010-49 |
| drwn. by | |
| chkd. by | |

sheet no. A2

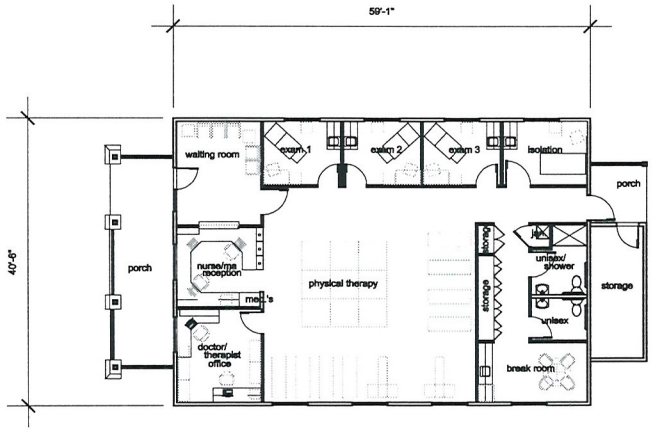
## keynotes

| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | CONCRETE ROOF TILE |
| 4 | TIMBER TRUSS |
| 5 | PELLA DOORS/WINDOWS |
| 6 | WOOD RAILING |
| 7 | PHOTOVOLTAIC ARRAY |



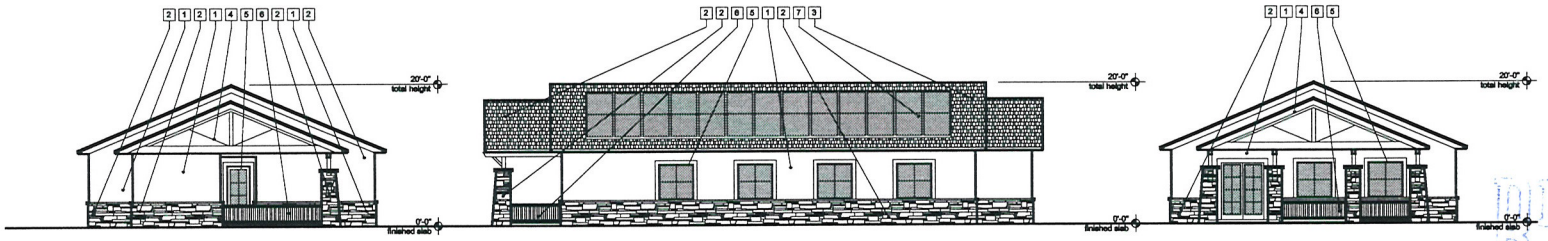

3 **floor plan** Assisted Living Module

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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New Vista Community
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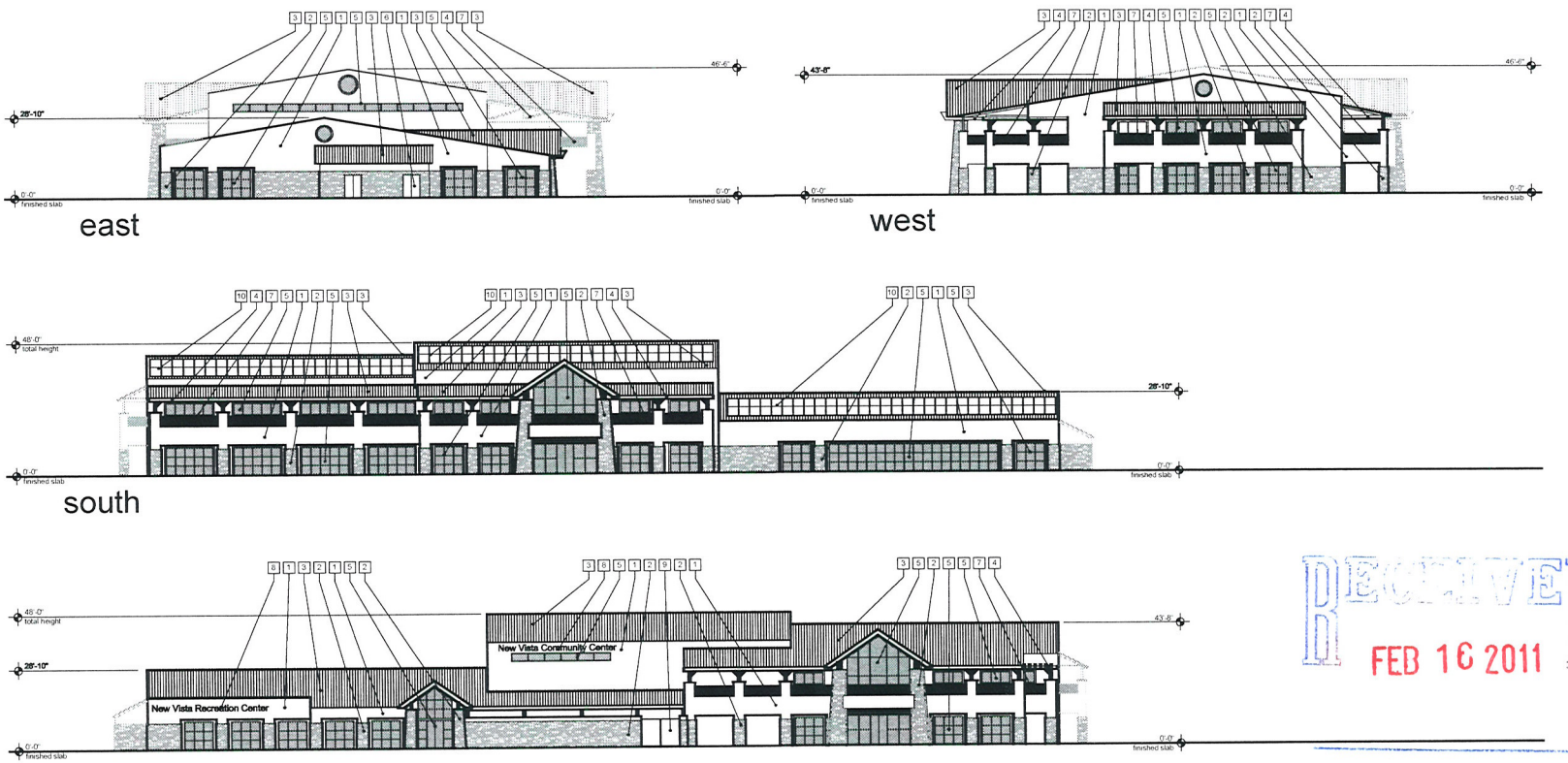
|---|---|---|---|
| 2/10/11 | 2010-48 | | |

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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| chkd. by | |

sheet no. A4

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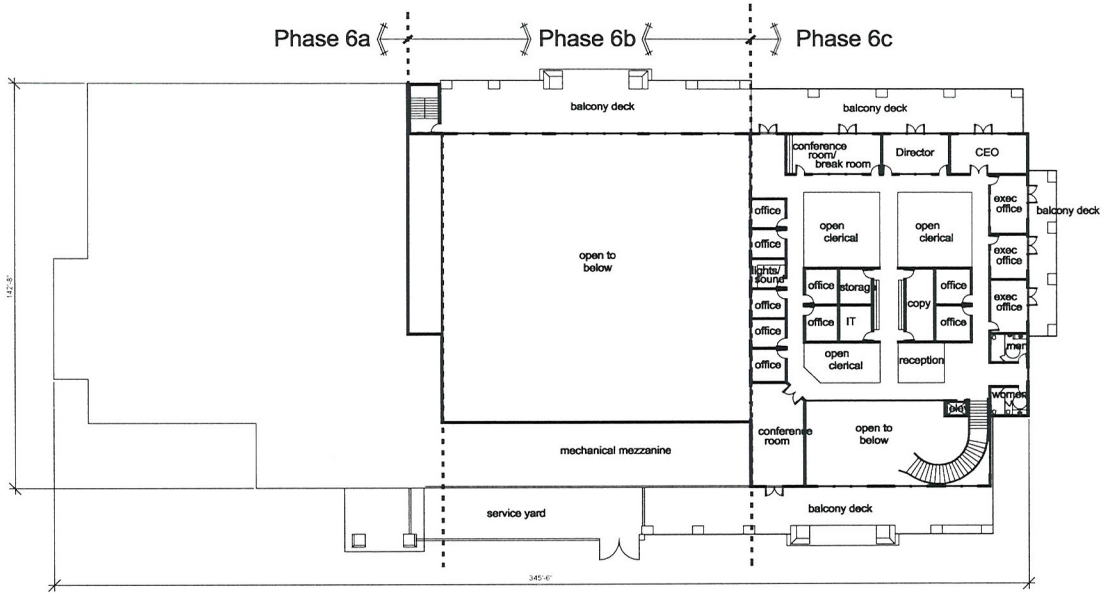
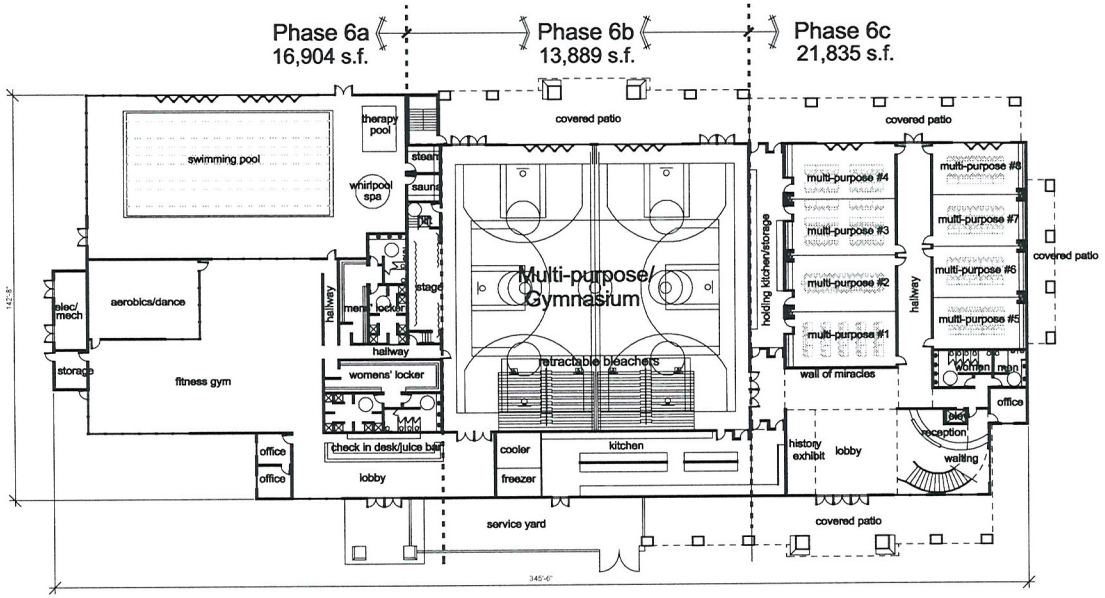



Second Floor




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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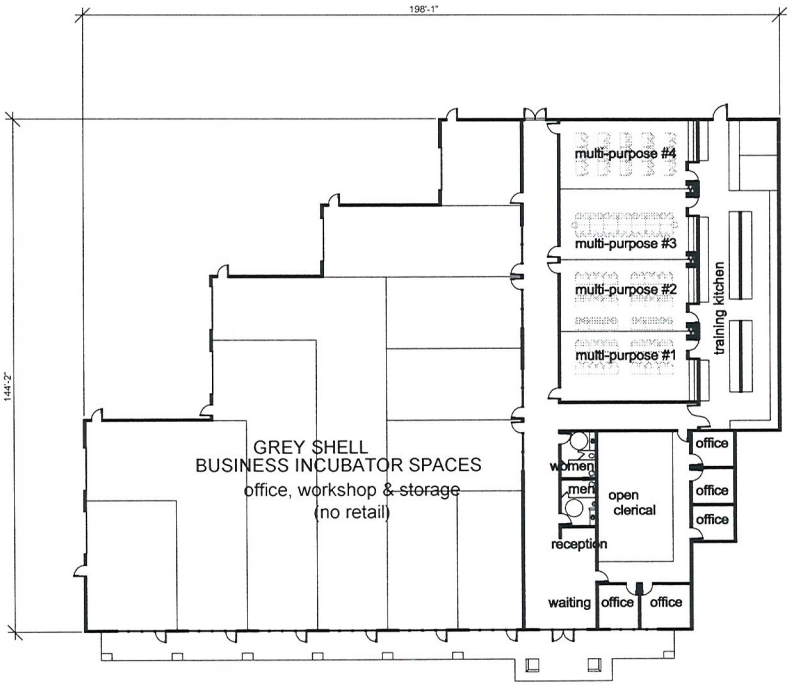
## keynotes

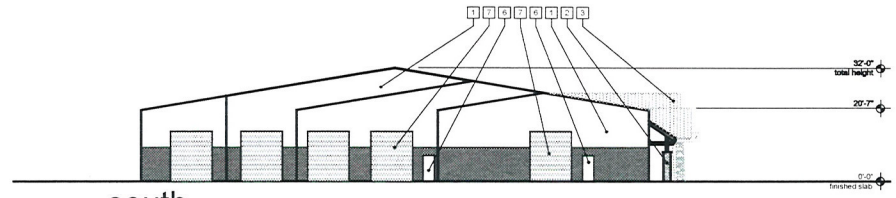
| # | description |
|---|---|
| 1 | STUCCO FINISH |
| 2 | STONE VENEER |
| 3 | STANDING SEAM METAL ROOF |
| 4 | TIMBER TRUSS |
| 5 | ALUMINUM STOREFRONT |
| 6 | HOLLOW METAL DOOR |
| 7 | ROLL-UP DOOR |
| 8 | SIGNAGE - BY OTHERS |



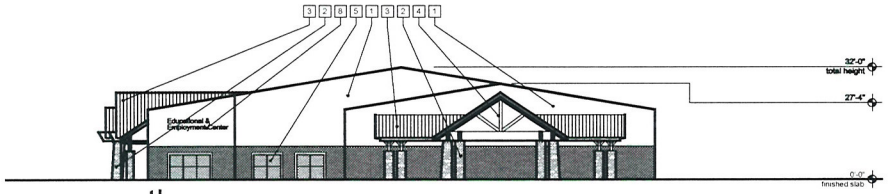

2 floor plan employment & educational Center

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

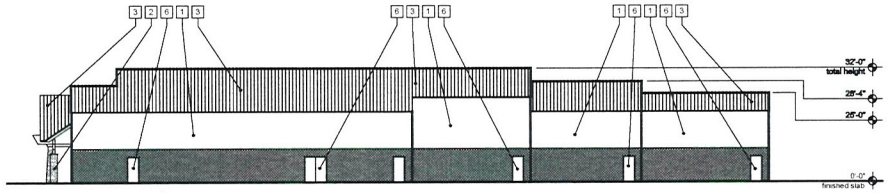
22,293 s.f.



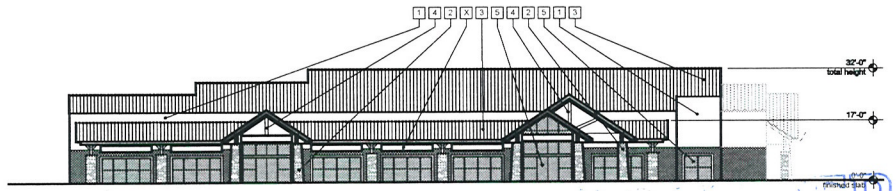

south




north




west




east

1 elevations

SCALE: 1/16" = 1'-0"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| date | description |
|---|---|
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jdB architect

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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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# COLOR/MATERIALS BOARD

Ⓐ stucco dark field:
Frazee - CL 2676A 'Tia Maria'

Ⓑ stucco medium field:
Frazee - CL 2674M 'Storm Bay'

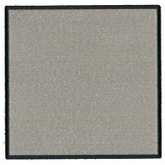
Ⓒ stucco light field:
Frazee - CL 2622W 'Stones Throw'

Ⓓ 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

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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

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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

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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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**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




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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.

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400 STEWART AVENUE
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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: 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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FEB 16 2011

**ROC-40981**
**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
Las Vegas, Nevada 89109

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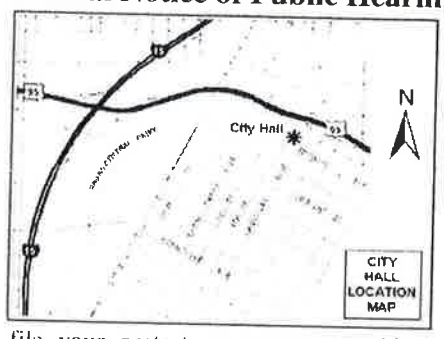
FEB 16 2011

ROC-40981
SDR-40980

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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JUL 12 2011

12515711007 Case: ROC-40981
MAGUINESS THOMAS S & ELIZABETH
7504 VIA SIGNORELLI
LAS VEGAS NV 89131-0125

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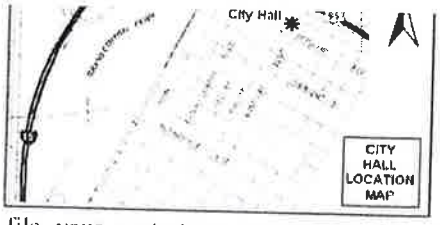





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**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

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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Please use available blank space on card for your comments.
**ROC-40981 & SDR-40980**
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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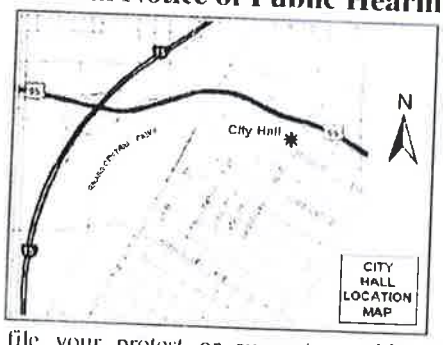
**Official Notice of Public Hearing**

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**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

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0004279218 JUN 30 2011
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12510812116 Case: ROC-40981
KAWAKAMI CHRISTOPHER T & PAUL M
7140 RIVER MEADOWS AVE
LAS VEGAS NV 89131-4315

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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




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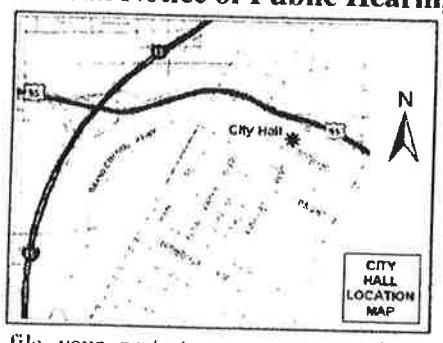
**Official Notice of Public Hearing**







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☒ I OPPOSE this Request

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**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

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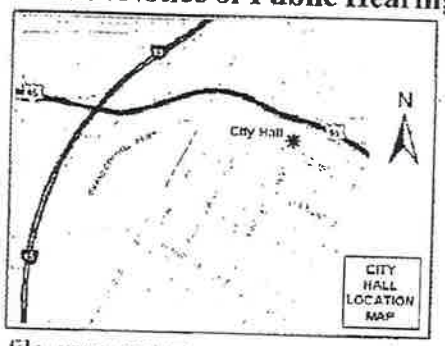
**Official Notice of Public Hearing**

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

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12515712015 Case: ROC-40981
MARTINEZ NORMA J & RICARDO A JR
6804 VIA COSTA BELLA AVE
LAS VEGAS NV 89131-0130

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

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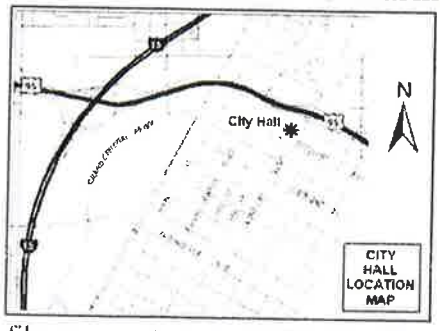


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Planning Commission Meeting of 7/12/2011

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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

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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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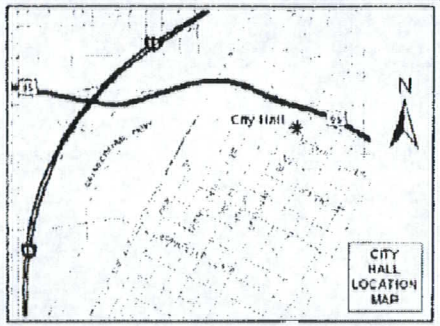


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**ROC-40981 & SDR-40980**

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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City of Las Vegas
Department of Planning
Development Services Center
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Las Vegas, Nevada 89106

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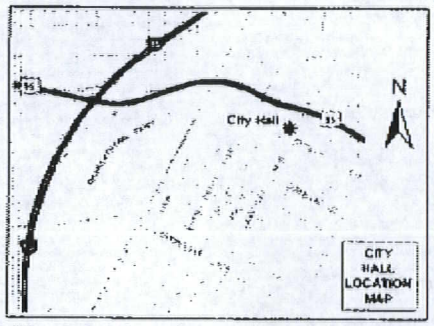


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**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

Case: ROC-40981
12515402005
MCCALLA ROBERT D & TAMARA M
7355 SEVERANCE LN
LAS VEGAS NV 89131-3326

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City of Las Vegas
Department of Planning
Development Services Center
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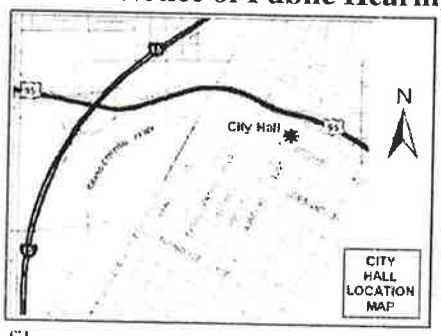


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Planning Commission Meeting of 7/12/2011

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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
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Las Vegas, Nevada 89106

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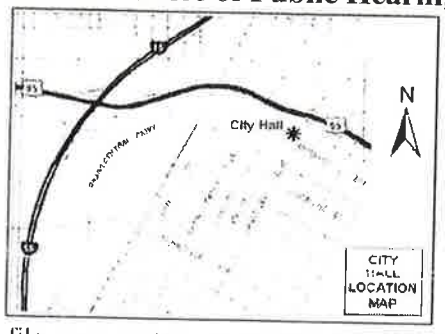


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Planning Commission Meeting of 7/12/2011

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Case: ROC-40981

12515810050
CARDWELL-LUETKEMEYER LIVING TR
6896 KELP LEDGE CT
LAS VEGAS NV 89131-0122

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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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**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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Department of Planning
Development Services Center
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Las Vegas, Nevada 89106

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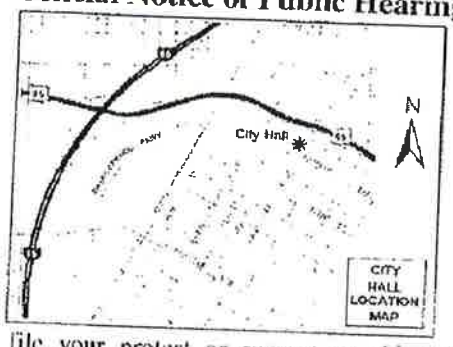


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**ROC-40981 & SDR-40980**
Planning Commission Meeting of 7/12/2011

12515211022 Case: ROC-40981
TRIPP JAMES R & CONNIE J
7222 SILVER CHARM CT
LAS VEGAS NV 89131-4129

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Department of Planning
Development Services Center
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**ROC-40981 & SDR-40980**

Planning Commission Meeting of 7/12/2011

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12510714014 Case. ROC-40981
HUFFMAN KURT TRUST
P O BOX 751450
LAS VEGAS NV 89136-1450

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City of Las Vegas
Department of Planning
Development Services Center
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Las Vegas, Nevada 89106

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**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

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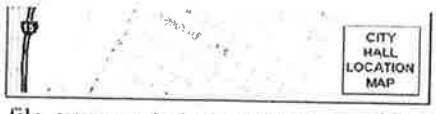


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**ROC-40981 & SDR-40980**

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

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City of Las Vegas Agenda Item No.: **19.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 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. 10/19/2011**

| **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



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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

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City of Las Vegas Agenda Item No.: **20.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

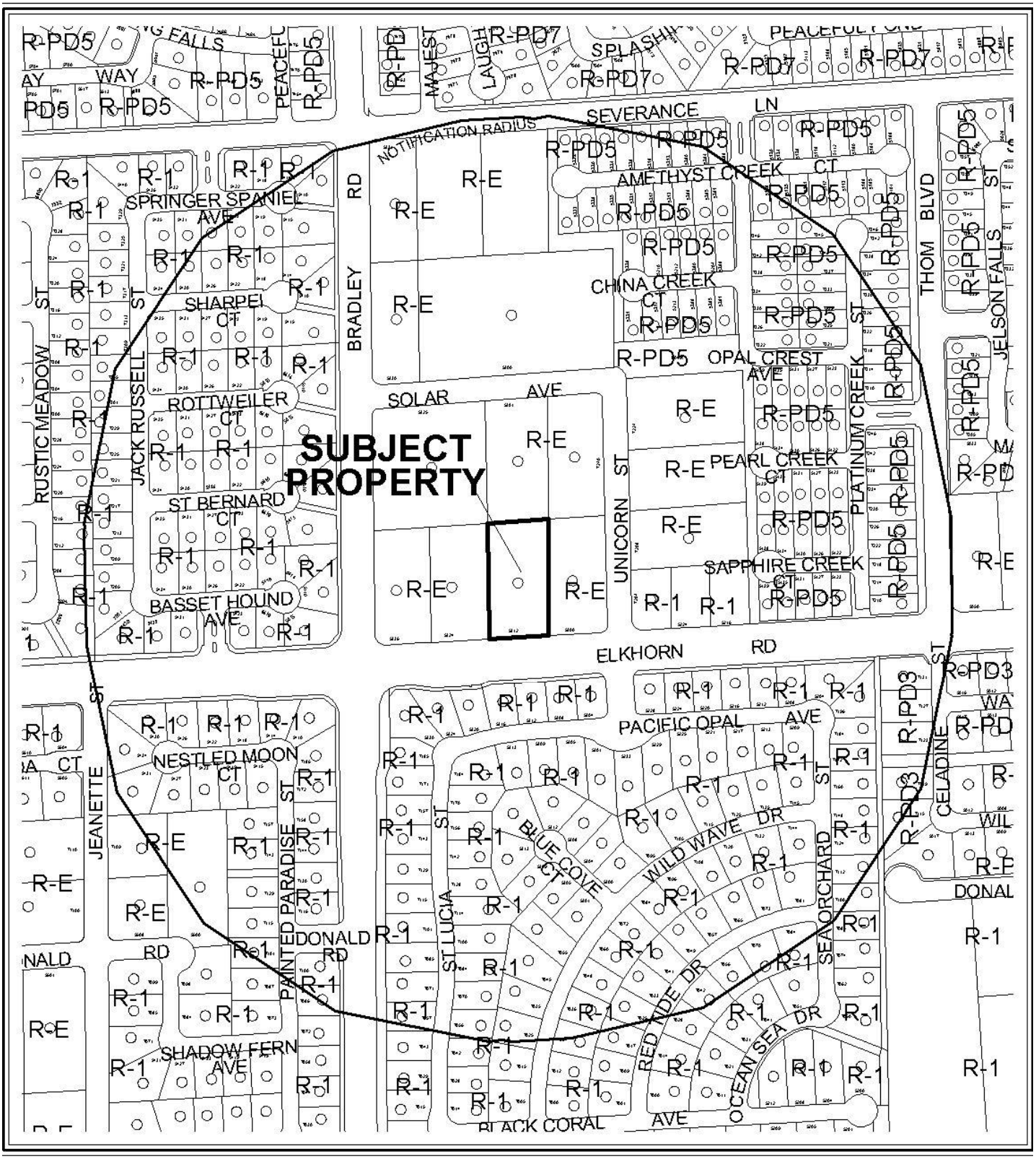
**SUBJECT:**
ABEYANCE - VAR-41882 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: DONALD E. NEWBY - For possible action on a request for a Variance TO ALLOW A FRONT YARD SETBACK OF 45 FEET WHERE 50 FEET IS REQUIRED FOR AN EXISTING PORCH ON THE MAIN DWELLING AND TO ALLOW AN EXISTING ACCESSORY STRUCTURE (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 10/19/2011**
**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. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. 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

City of Las Vegas

## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: SEPTEMBER 13, 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 Page One**
**September 13, 2011 - Planning Commission Meeting**

# ** 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. |
| 08/09/11 | The Planning Commission approved an Abeyance for (VAR-41882) at the request of the applicant. |

| ***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. |

YK

| ***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*** | |
|---|---|
| 08/18/11 | The applicant held a voluntary neighborhood meeting. The results are as follows: |

| ***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 |

## 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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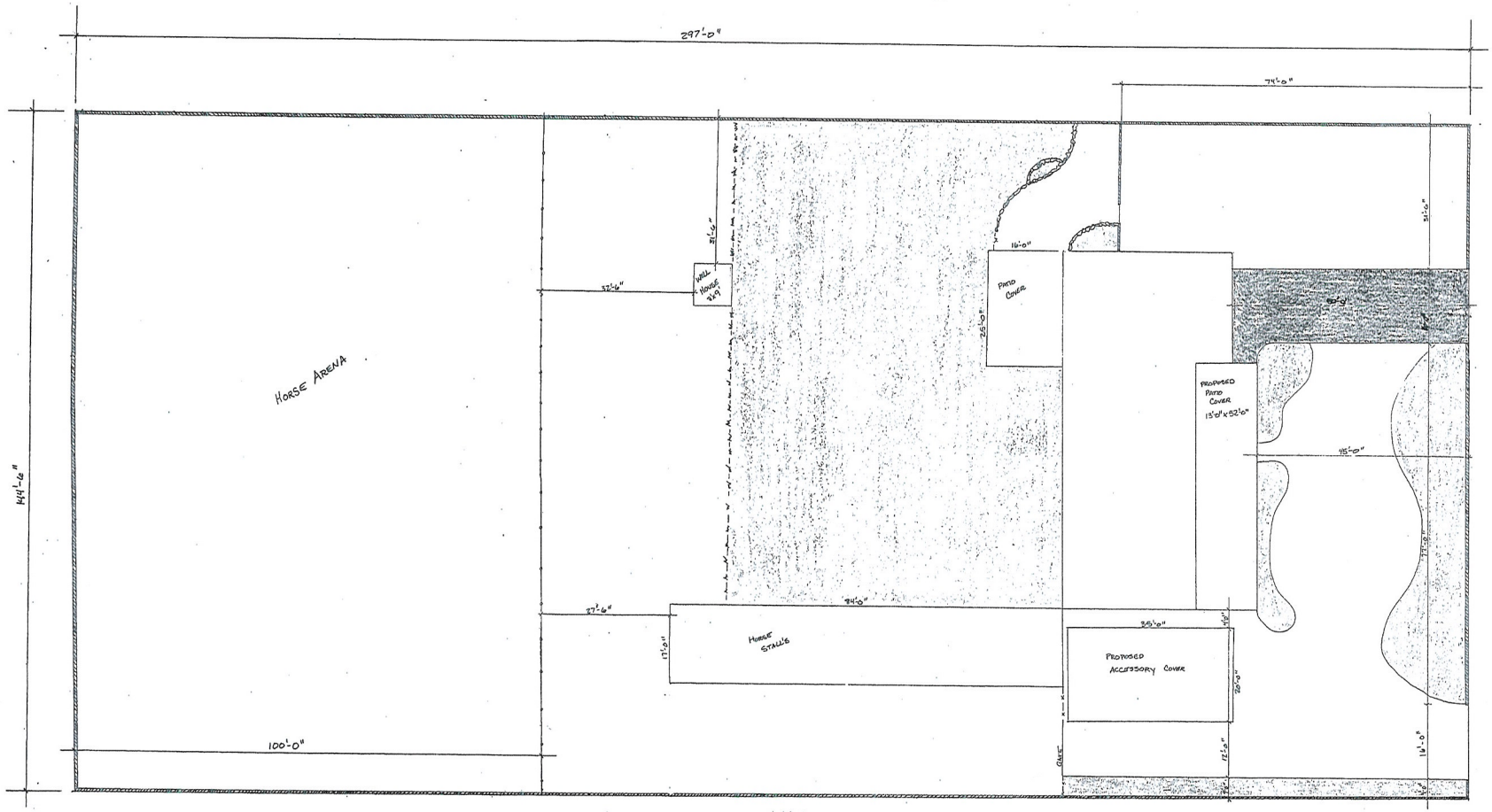
MAY 24 2011

*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.

R-E

R-E

R-E




SITE PLAN

SCALE - 1/16" = 1'-0" | PARCEL # 128-13-902-0016

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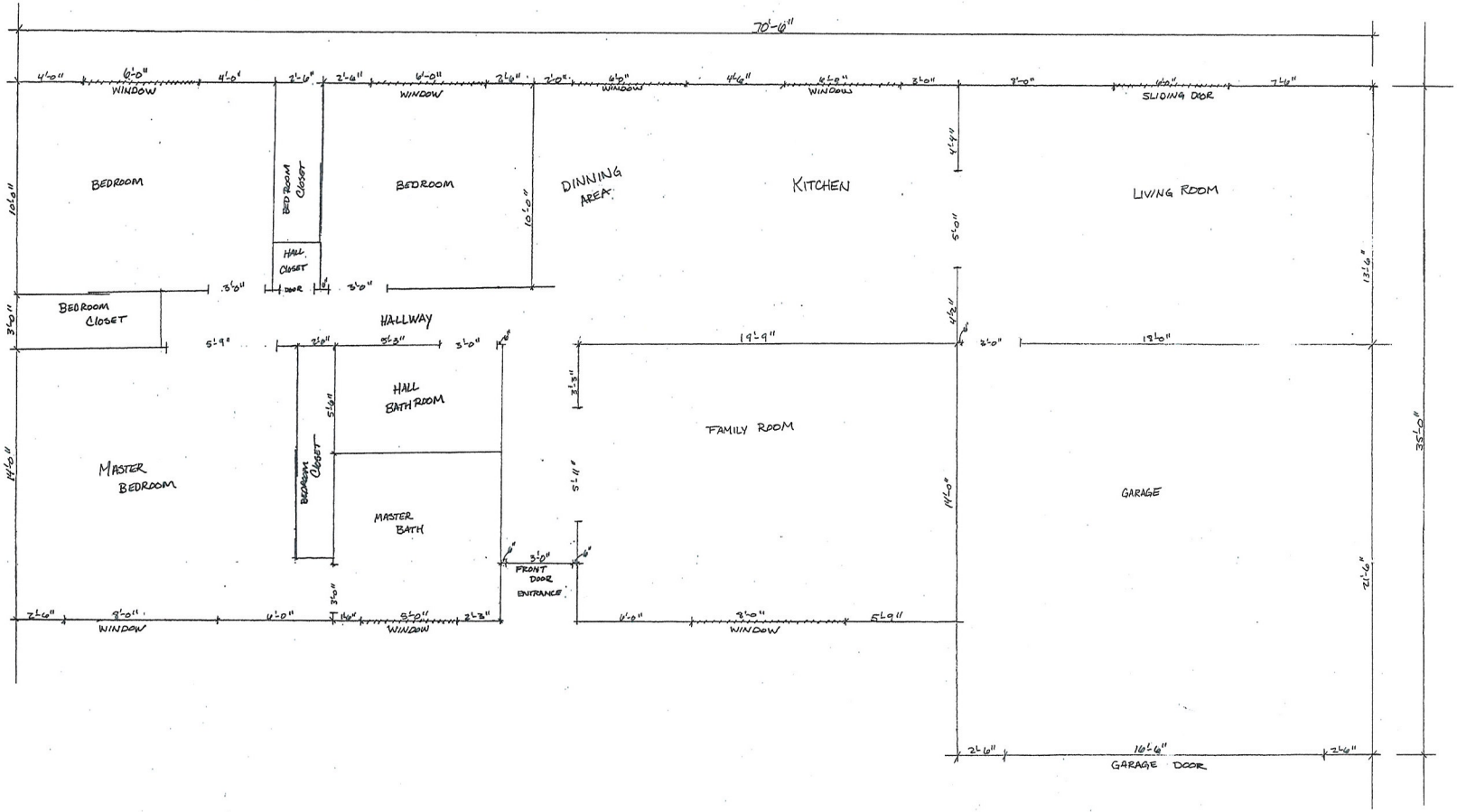
MAY 24 2011
VAR-41882




FLOOR PLAN

SCALE - 3/8" = 1'-0"

N

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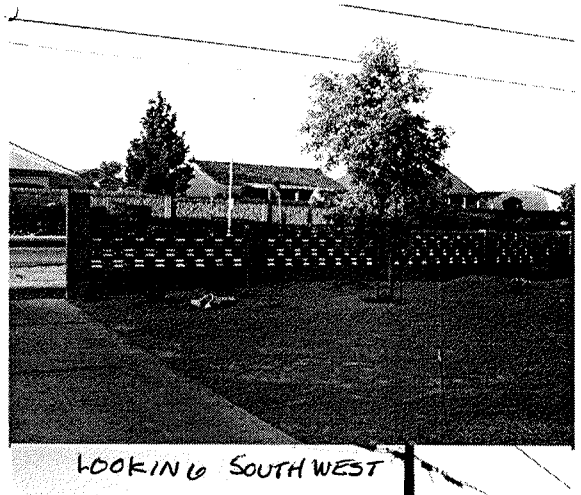
MAY 24 2011
VAR-41882



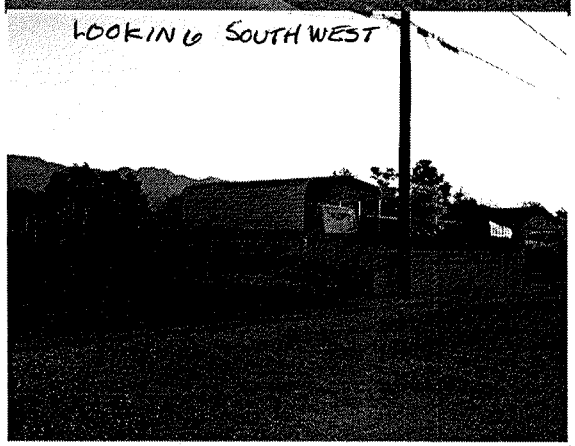
LOOKING WEST



LOOKING SOUTH WEST



LOOKING SOUTH EAST



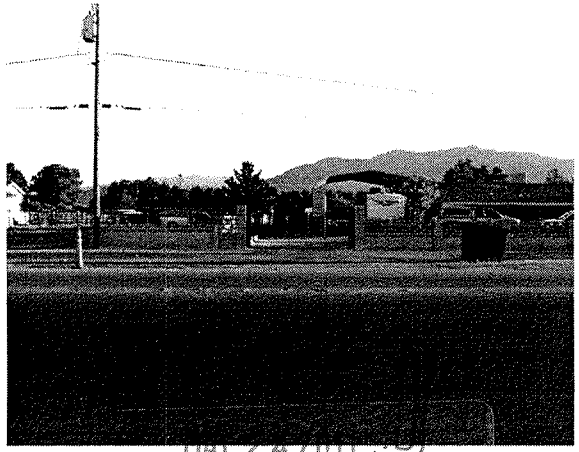
LOOKING NORTH EAST



LOOKING NORTH

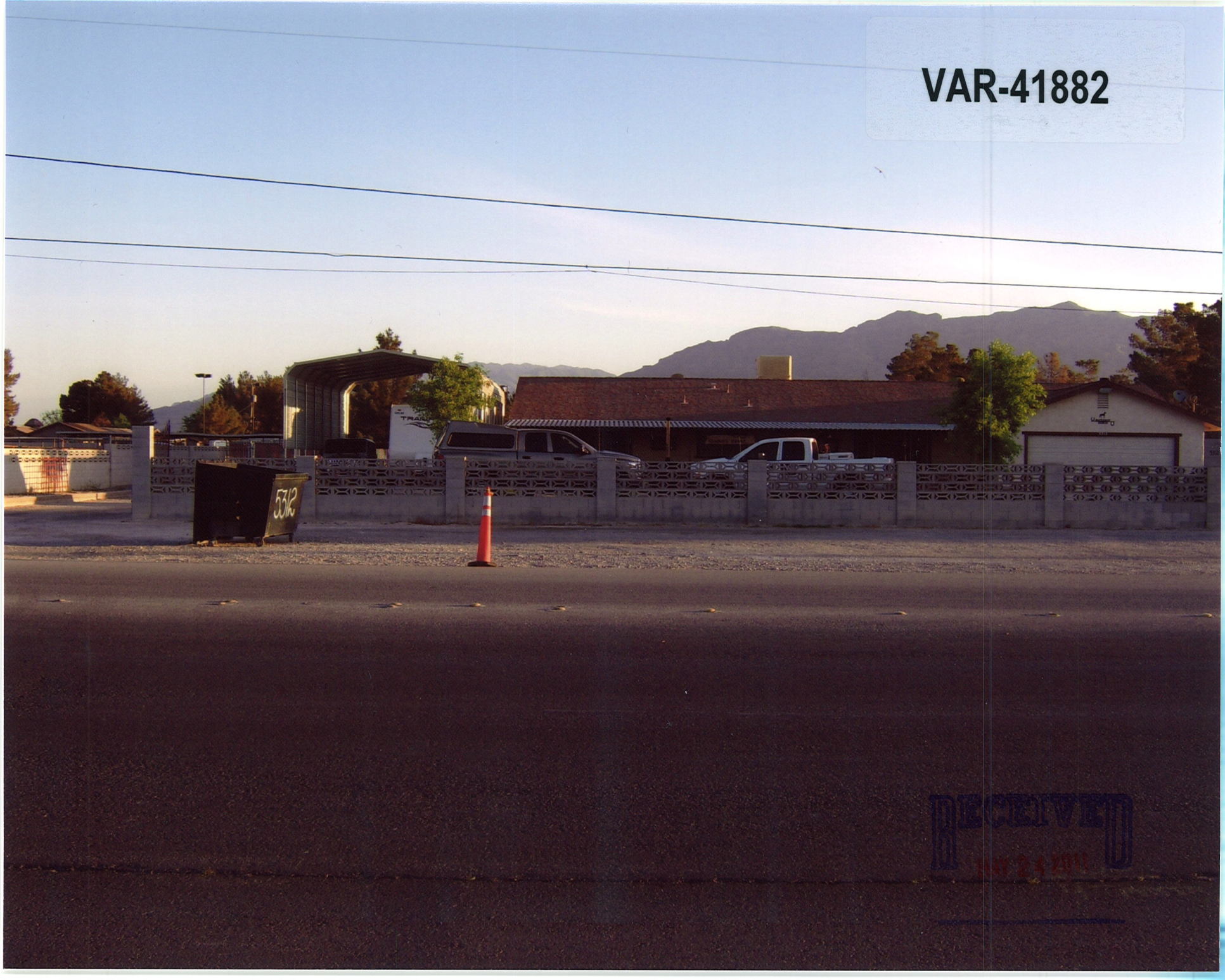


LOOKING NORTH WEST



LOOKING NORTH

VAR-41882


VAR-41882
5312
RECEIVED
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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MAY 24 2011
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,

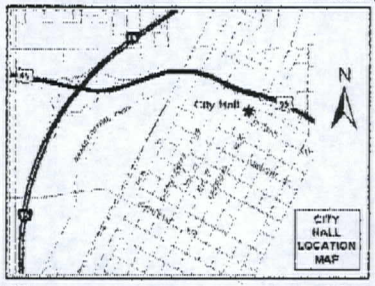
Don Newby

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

**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

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

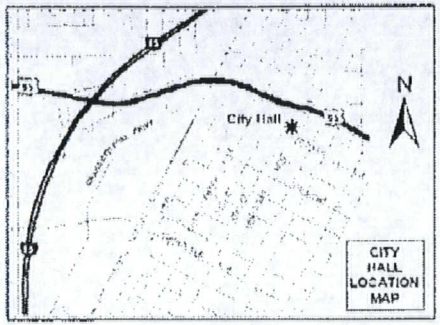
RECEIVED
JUL 07 2011

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 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
12524511033
YOUNG JOSEPH D & NANCY A
7042 SAINT LUCIA ST
LAS VEGAS NV 89131-1008

66 ORDFM11 89131

RECEIVED
JUL 07 2011

39P

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
02 1M
0004279218
$ 00.41⁴
JUN 30 2011
MAILED FROM ZIPCODE 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.

**VAR-41882**

Planning Commission Meeting of 7/12/2011

RECEIVED
JUL 12 2011

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

UNITED STATES POSTAGE
PITNEY BOWES
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0004279218
$ 00.41⁴
JUN 30 2011
MAILED FROM ZIPCODE 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.

**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

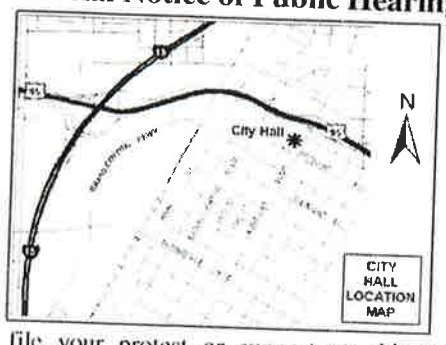
RECEIVED
JUL 12 2011

39P

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

RECEIVED
JUL - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

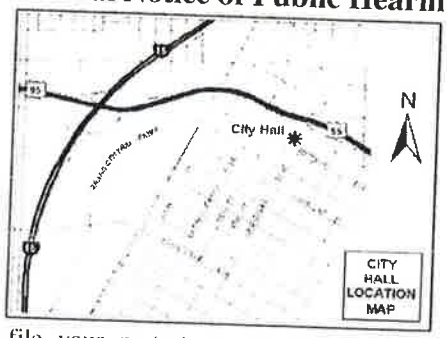
12524510070 Case: VAR-41882
WHITFIELD JAMES B & ANN A
7160 SEA ORCHARD ST
LAS VEGAS NV 89131-1007

39P

66 DRDFN11 89131

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

**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

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 JUN 30 2011
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

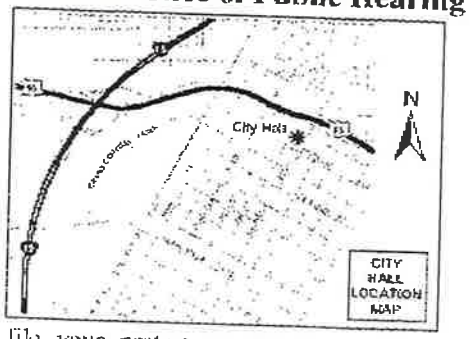
39P

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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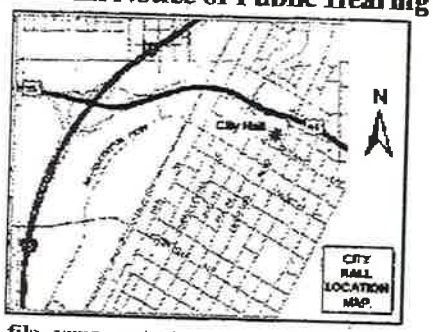
Case: VAR-41882
12513411031
AQUI TRUST CREDIT TRUST
4974 NATURE QUEST CT
LAS VEGAS NV 89149-5257

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

**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

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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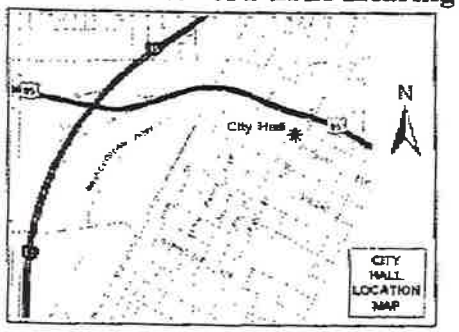
JUL 06 2011

39P

☑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**

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☒ I OPPOSE this Request

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**VAR-41882**

Planning Commission Meeting of 7/12/2011

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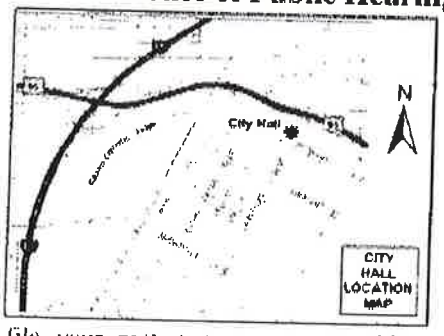
MAILED FROM ZIP CODE 89101

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

RECEIVED
JUL - 7 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

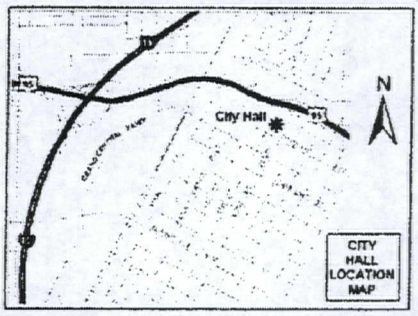
Case: VAR-41882

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

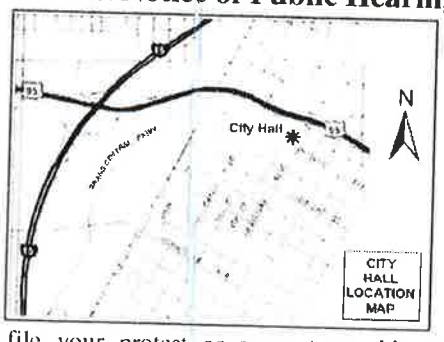
66 DRDPN11 89131

RECEIVED
JUL 07 2011

39A

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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MAILED FROM ZIP CODE 89101

RECEIVED
JUL - 7 2011
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

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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**
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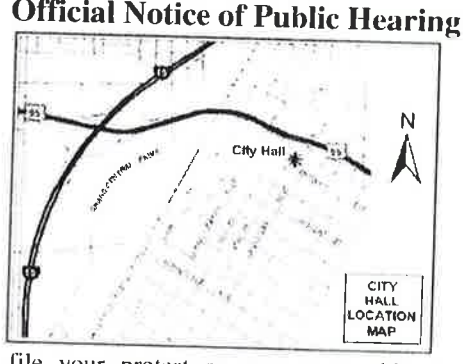


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**VAR-41882**

Planning Commission Meeting of 7/12/2011

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0004279218 JUN 30 2011
MAILED FROM ZIP CODE 89101

RECEIVED
JUL 12 2011

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

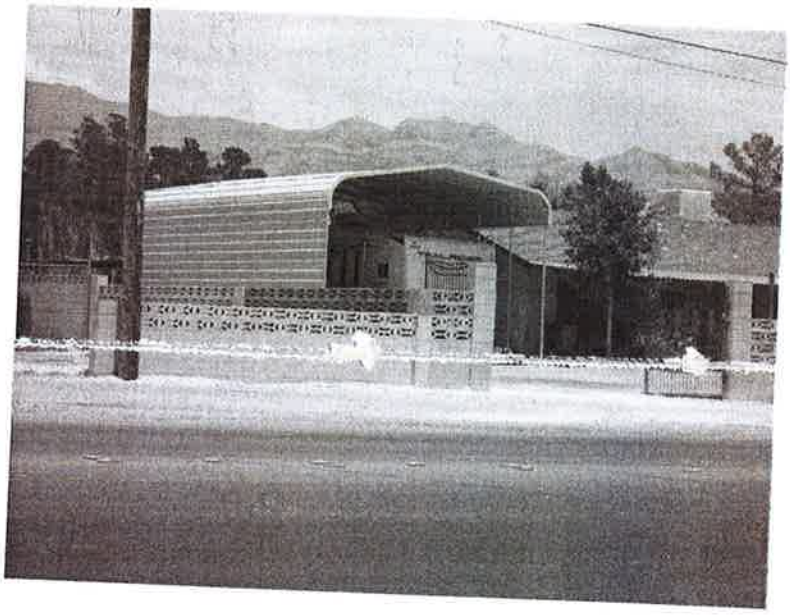
Gentlemen:

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.: **21.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

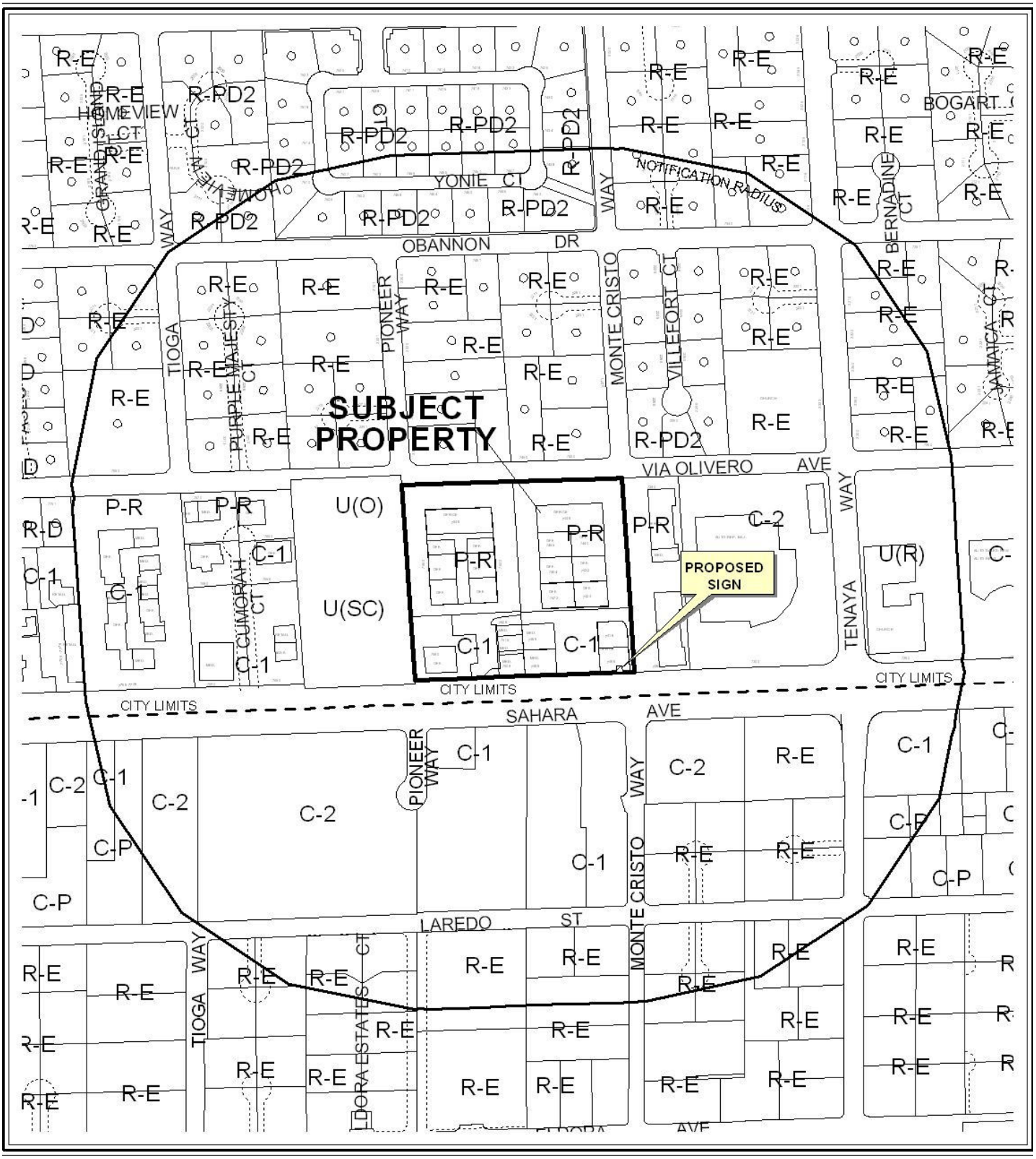
**SUBJECT:**
ABEYANCE - ROC-42233 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: STERLING PARK OWNERS ASSOCIATION - For possible action on a request for a Review Condition to delete Condition Number 2 of an approved Plot Plan and Building Elevation Review [Z-0050-90(5)] WHICH REQUIRED THE 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 10/19/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **4** | **Planning Commission Mtg.** | **3** |
| **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
7. Protest/Support Postcards – ROC-42233 and VAR-42234




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: SEPTEMBER 13, 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.

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. |
| 08/09/11 | The Planning Commission approved an Abeyance for (ROC-42233 and VAR-42234) at the request of the applicant. |

| ***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 2 total | 1 per each two hundred lineal feet of street frontage 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** 3

**PROTESTS** 2

# 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

RECEIVED
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

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

# 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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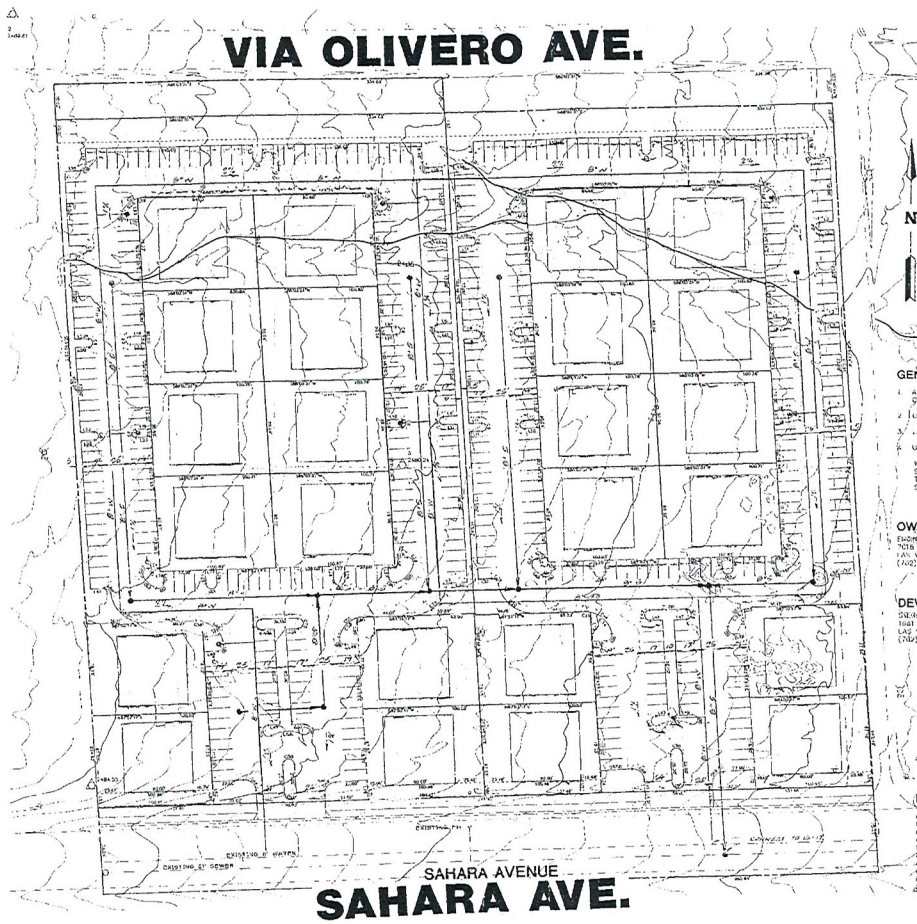
JUN 22 2011

Revised 10/27/08

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

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'

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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


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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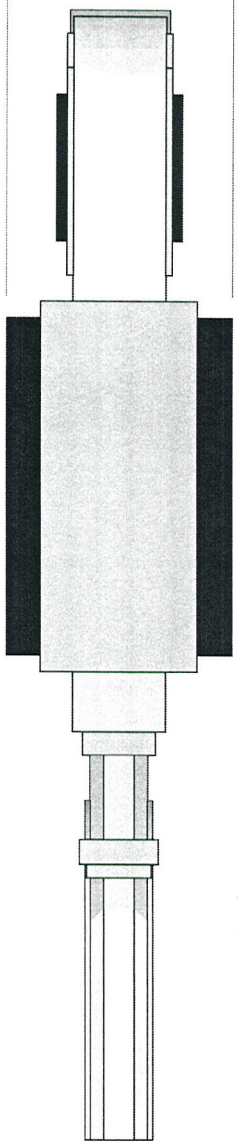
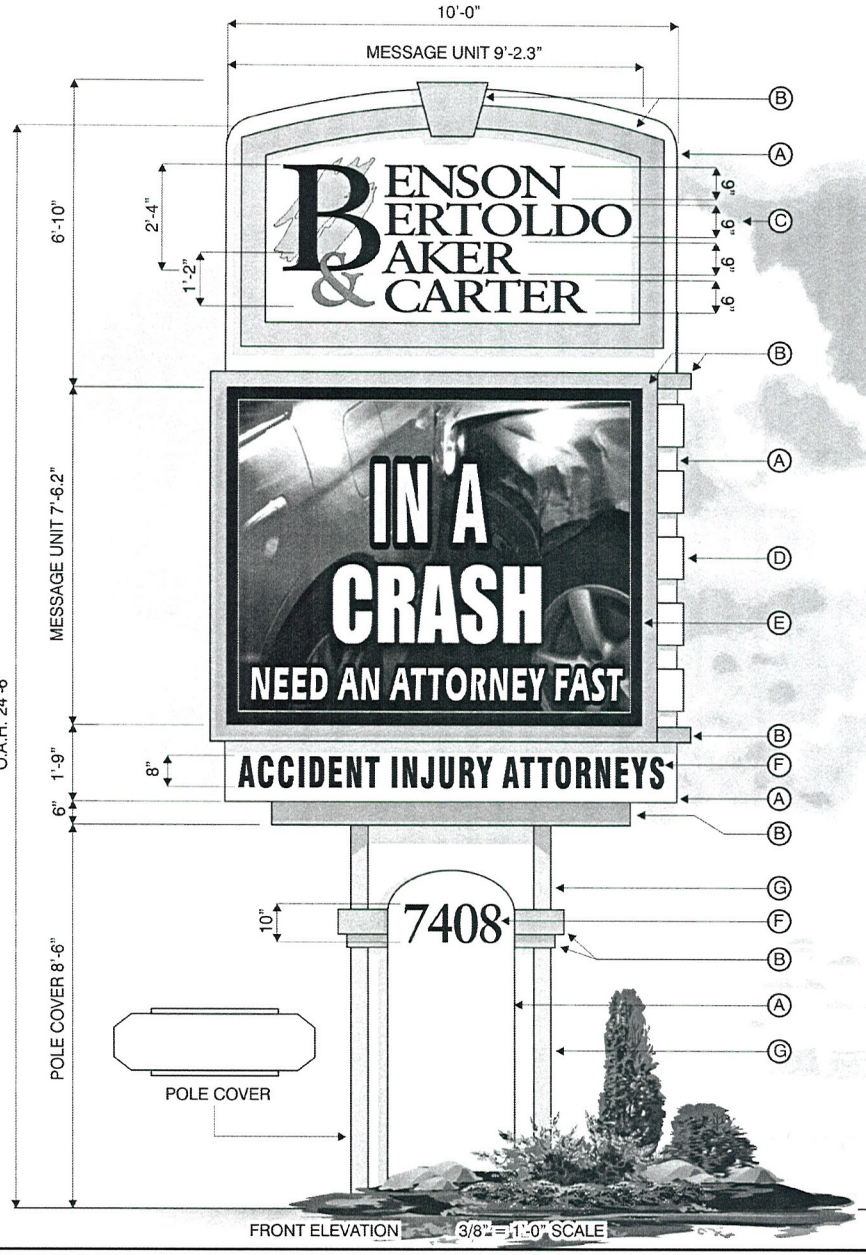
ROC-42233

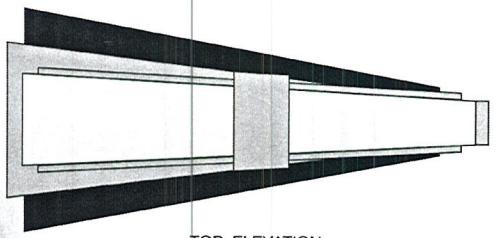
VAR-42234




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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ROC-42233
VAR-42234




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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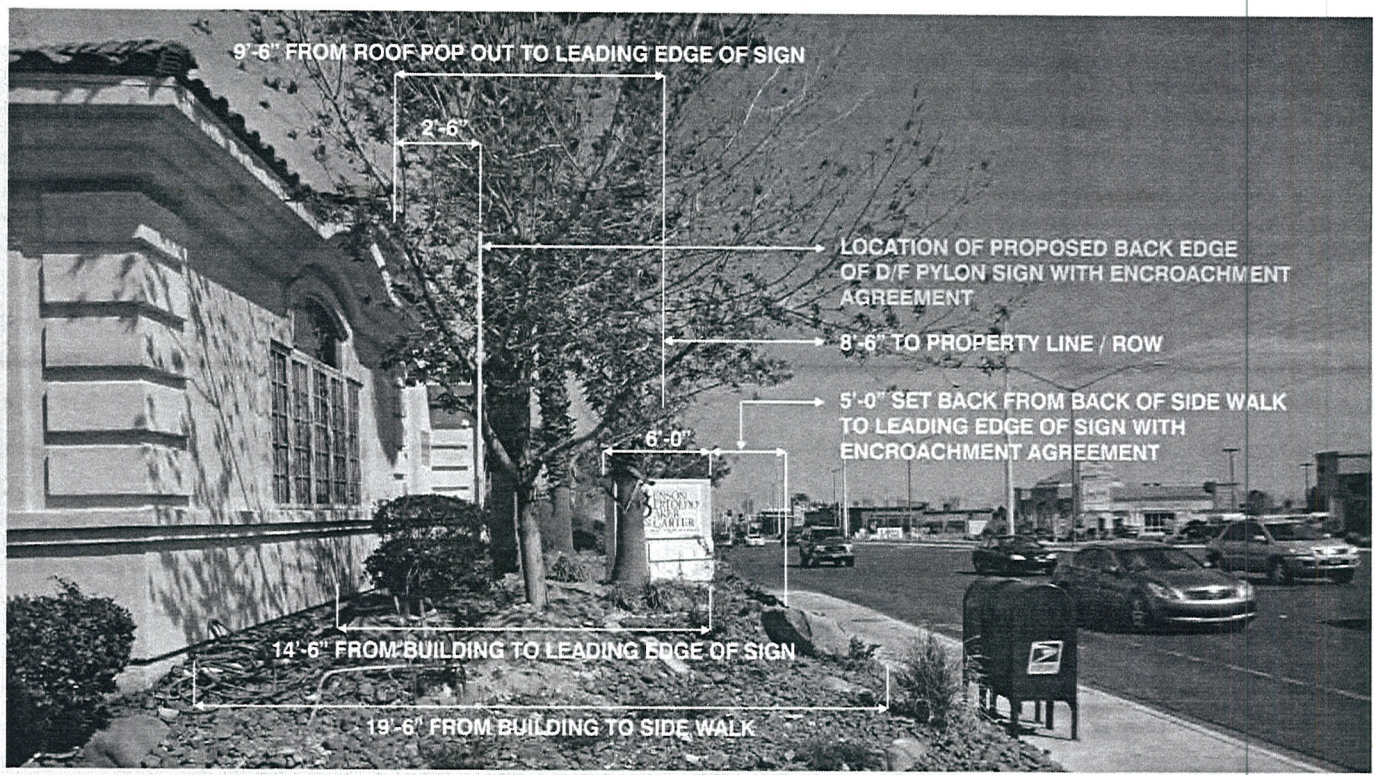
JUN 22 2011

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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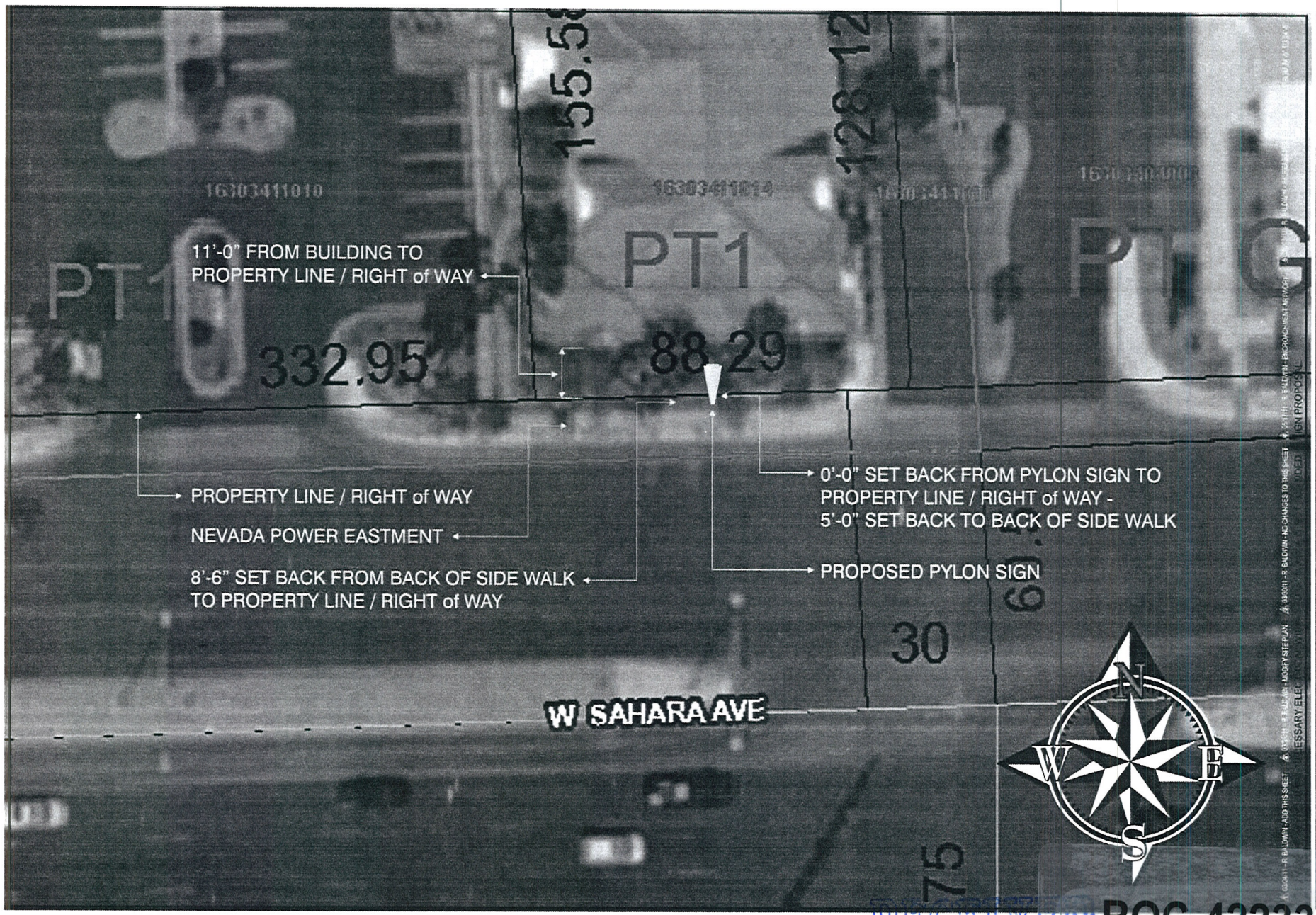
JUN 22 2011

ROC-42233
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:
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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:

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Sheet:
**04**

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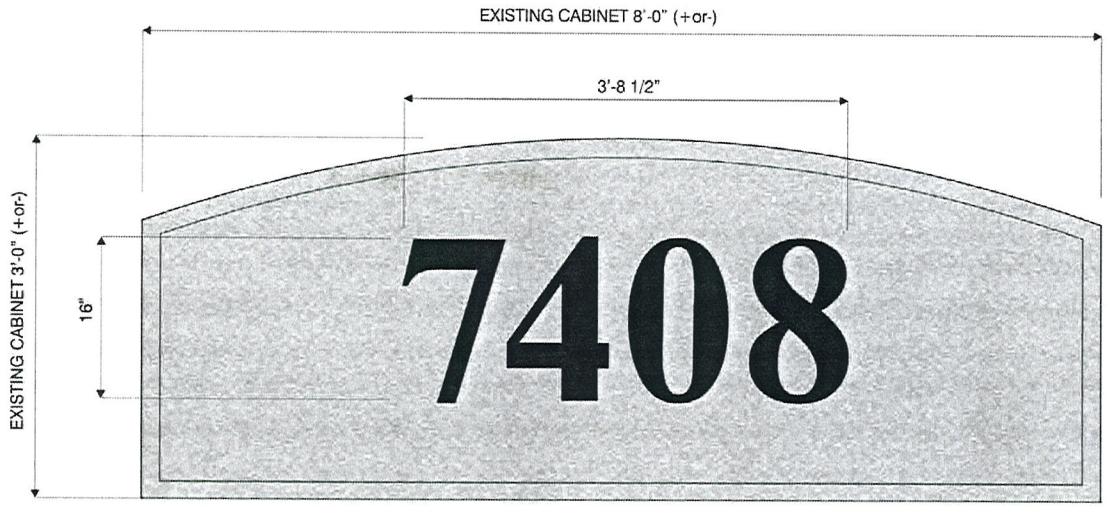
**ROC-42233**
**VAR-42234**




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
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:
REFACE EXISTING S/F WALL SIGN

Classification:
RF-1

Reference Design:

O.R.M. Sheet:

Sheet:
05

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JUN 22 2011

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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JUN 22 2011



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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JUN 22 2011

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

RECEIVED
JUN 22 2011
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

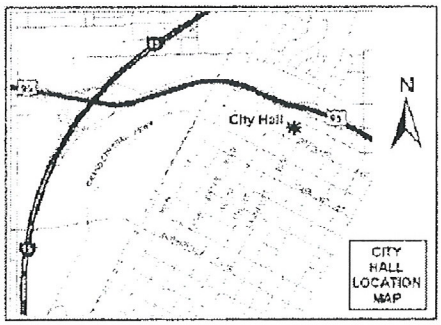
**VAR-42234**

**ROC-42233**

City of Las Vegas
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.

**ROC-42233 & VAR-42234**

Planning Commission Meeting of 8/9/2011

Case: ROC-42233

16303404003
SAHARA PROPERTIES L L C
7901 OBANNON DR
LAS VEGAS NV 89117-1979 89117-1979

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Jul 29 11 06:00p Dave Fields 702-360-8263 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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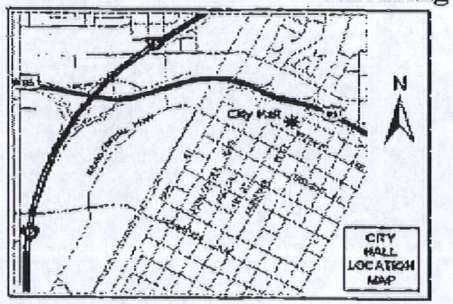


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**ROC-42233 & VAR-42234**
Planning Commission Meeting of 8/9/2011

SIGNS MUST STAY CONSISTENT

27 FRDFN11 89104

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MAILED FROM ZIPCODE 89101

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Ford Country
Gary Ackerman -

Case: ROC-42233
16303805002
SILVER STATE FORD
2121 E SAHARA AVE
LAS VEGAS NV 89104-4117 89104-4117

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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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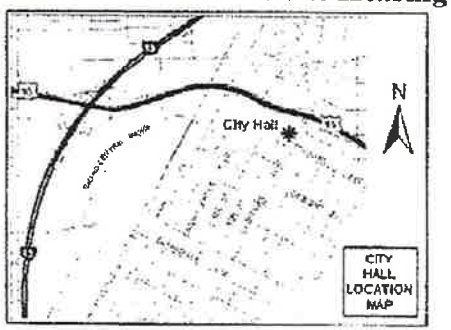
**Official Notice of Public Hearing**

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**ROC-42233 & VAR-42234**
Planning Commission Meeting of 8/9/2011

Case: ROC-42233
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D & K TRUST
ULITCHNY DANIEL M & KRISTINE Z
7380 O'BANNON DR
LAS VEGAS NV 89117-2012 89117-2012

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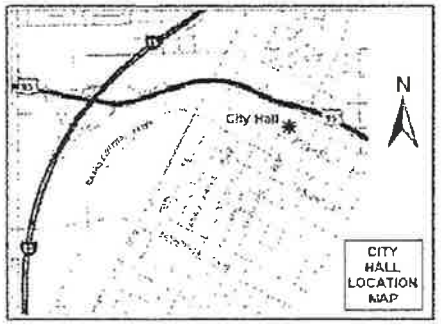
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested**

**Official Notice of Public Hearing**

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**ROC-42233 & VAR-42234**

Planning Commission Meeting of 8/9/2011

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PLANNING & DEVELOPMENT

Case: ROC-42233
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WILLIAMS ANTHONY J & ANNA
7451 O BANNON DR
LAS VEGAS NV 89117-2035 89117-2035

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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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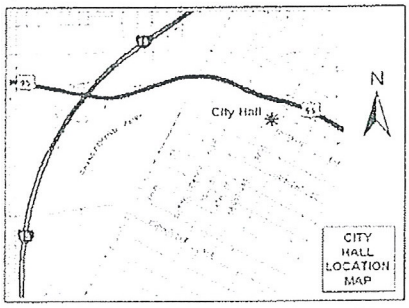
**Official Notice of Public Hearing**

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**ROC-42233 & VAR-42234**
Planning Commission Meeting of 8/9/2011

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STERLING PARK WEST OWNERS ASSOC
%MDL GROUP
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3065 S JONES BLVD #201
LAS VEGAS NV 89146-6780 89146-6780

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PLANNING & DEVELOPMENT

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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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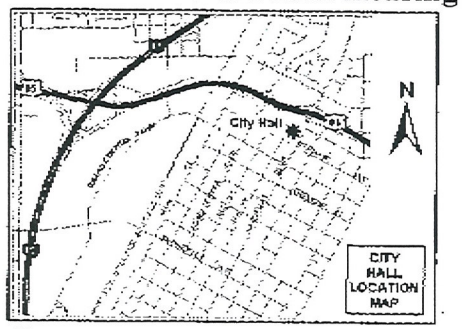
**Return Service Requested**

**Official Notice of Public Hearing**

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Please use available blank space on card for your comments.

**ROC-42233 & VAR-42234**

Planning Commission Meeting of 8/9/2011

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Case: ROC-42233

16303411011
SUPERIOR ENGINEERING SERVICES
7464 W SAHARA AVE
LAS VEGAS NV 89117-2740 89117-2740

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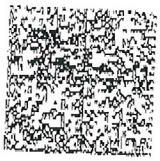
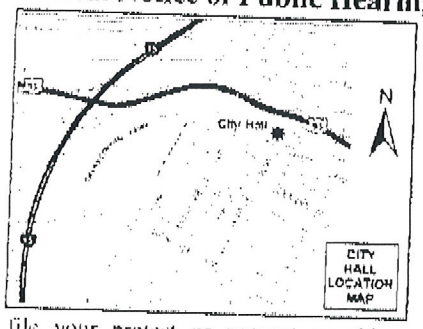
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106






**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.

**ROC-42233 & VAR-42234**
Planning Commission Meeting of 8/9/2011

16303411013 Case: ROC-42233
SPARKS INVESTMENTS L L C
7424 W SAHARA AVE
LAS VEGAS NV 89117-2740 89117-2740

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City of Las Vegas Agenda Item No.: **22.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

**SUBJECT:**
ABEYANCE - 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.

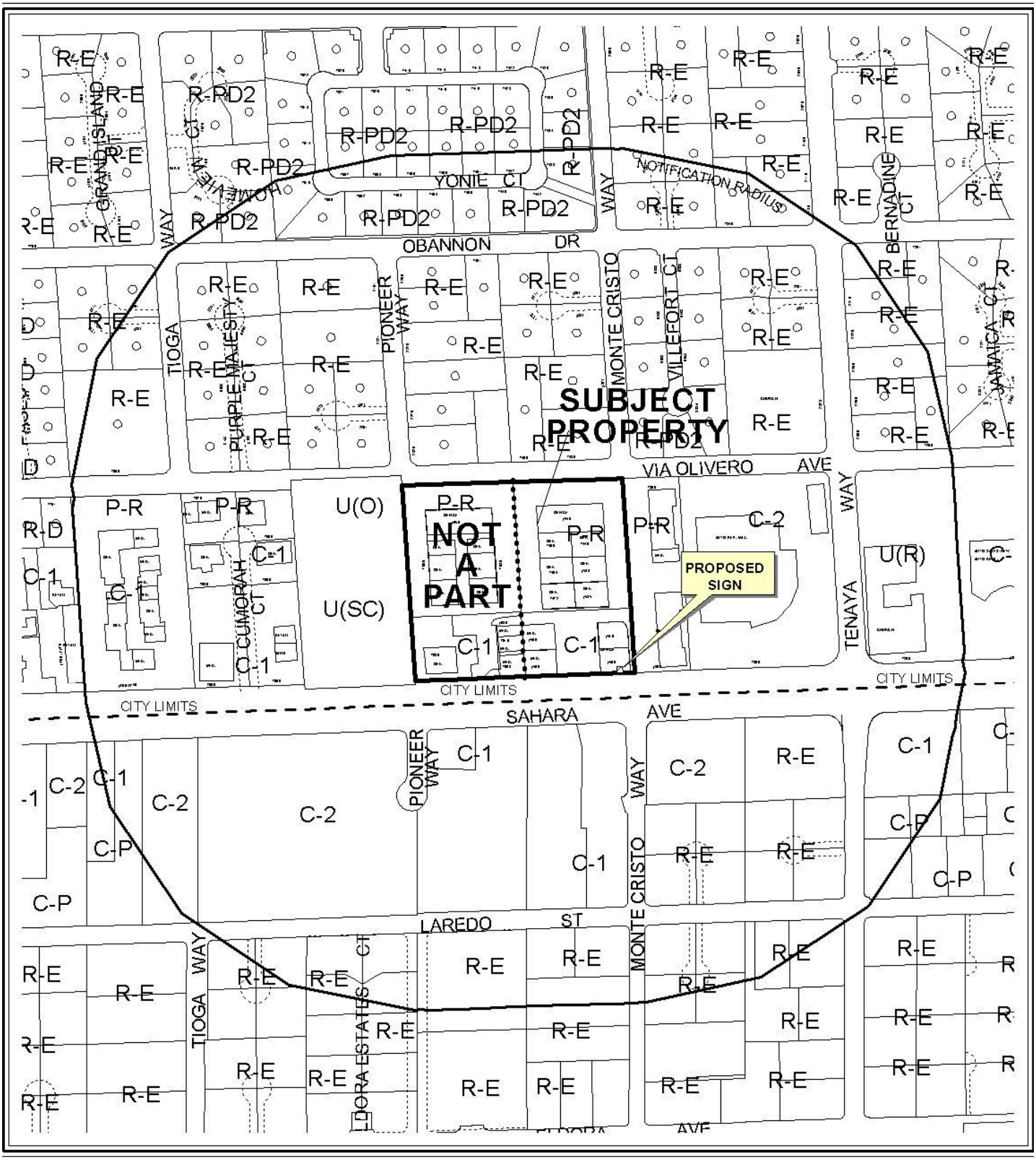
**MAY GO TO CITY COUNCIL ON 10/19/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **2** | **Planning Commission Mtg.** | **3** |
| **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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JUN 22 2011

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

Revised 10/27/08




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ROC-42233
VAR-42234




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JUN 22 2011

ROC-42233 VAR-42234




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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

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JUN 22 2011

**VAR-42234**

City of Las Vegas Agenda Item No.: **23.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

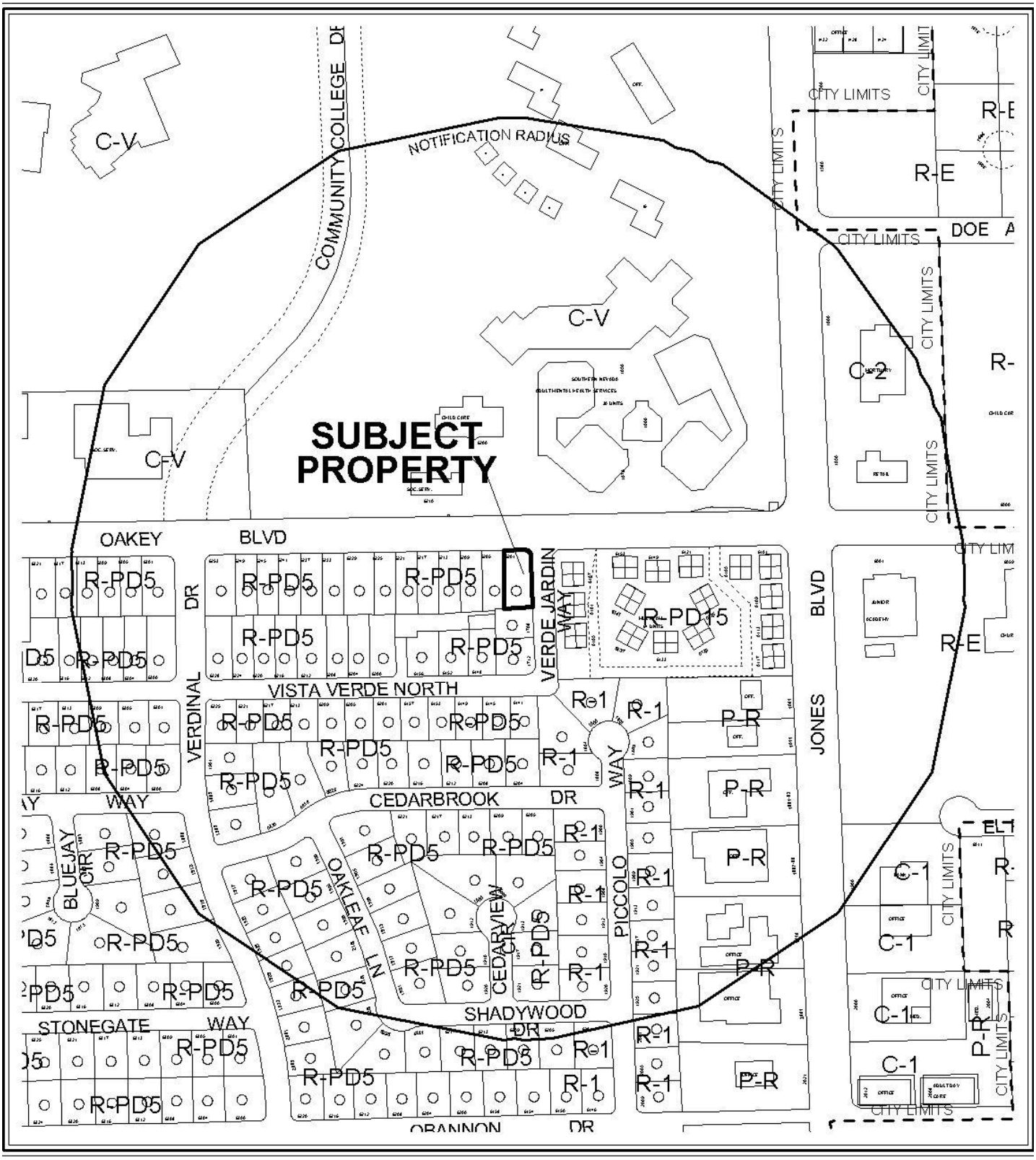
**SUBJECT:**
ABEYANCE - SUP-42258 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KID"S HAPPY DAYS CHILD CARE - OWNER: SHANTHA WIJEKULARATNE - For possible action on a request for a Special Use Permit FOR A PROPOSED CHILD CARE - GROUP HOME (7-12 CHILDREN) WITH A WAIVER TO ALLOW ACCESS TO THE FACILITY 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 10/19/2011**
**OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

| **PROTESTS RECEIVED BEFORE:** | | **APPROVALS RECEIVED BEFORE:** | |
|---|---|---|---|
| **Planning Commission Mtg.** | **1** | **Planning Commission Mtg.** | **4** |
| **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
6. Protest/Support Postcards




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: SEPTEMBER 13, 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**
**September 13, 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. |
| 08/09/11 | The Planning Commission approved a request for an abeyance of Special Use Permit (SUP-42258) for a proposed Child Care – Group Home (7-12 Children) at 6201 West Oakey Boulevard. |

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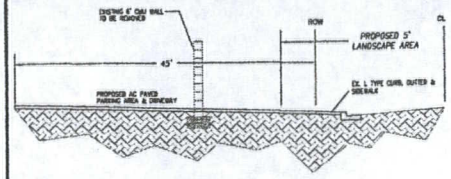
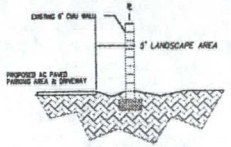
*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

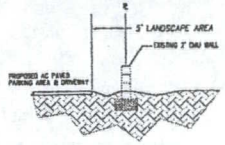
## SECTION A - EAST PL




## SECTION B - SOUTH PL



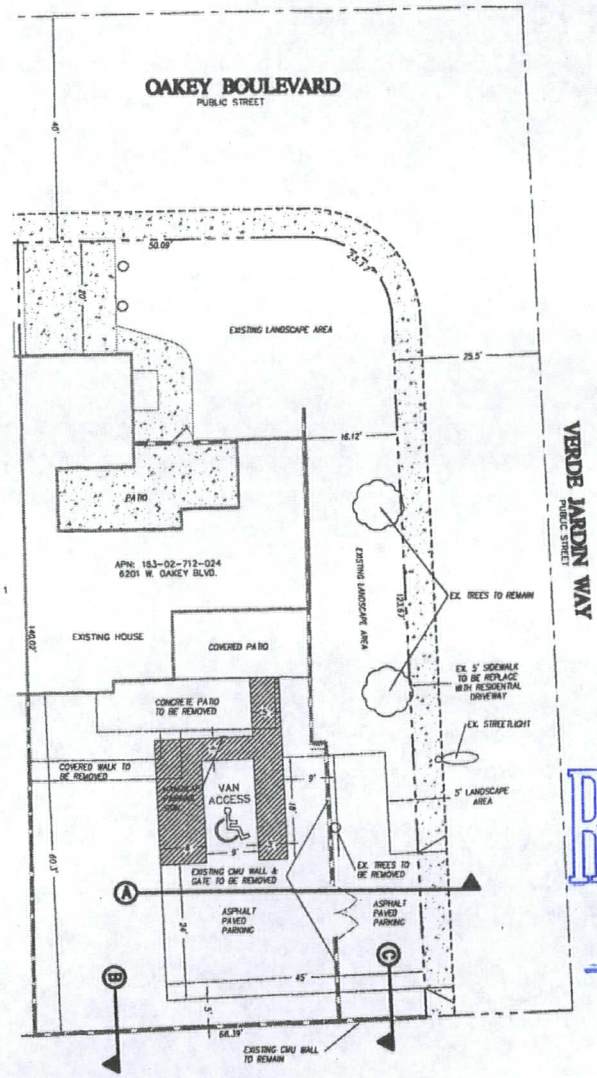

## SECTION C - SOUTH PL




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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## SCALE

GRAPHIC SCALE
10' 0' 5' 10' 20' 40'
( IN FEET )
1"=10'

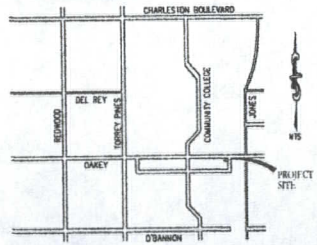
## LEGAL DESCRIPTION

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.
LAS VEGAS, NEVADA 89109
702-735-8040 FAX: 702-735-8051

| NO. | DESCRIPTION | BY | DATE | APPR. |
|---|---|---|---|---|

SITE PLAN FOR PARKING ADDITION

6201 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 |

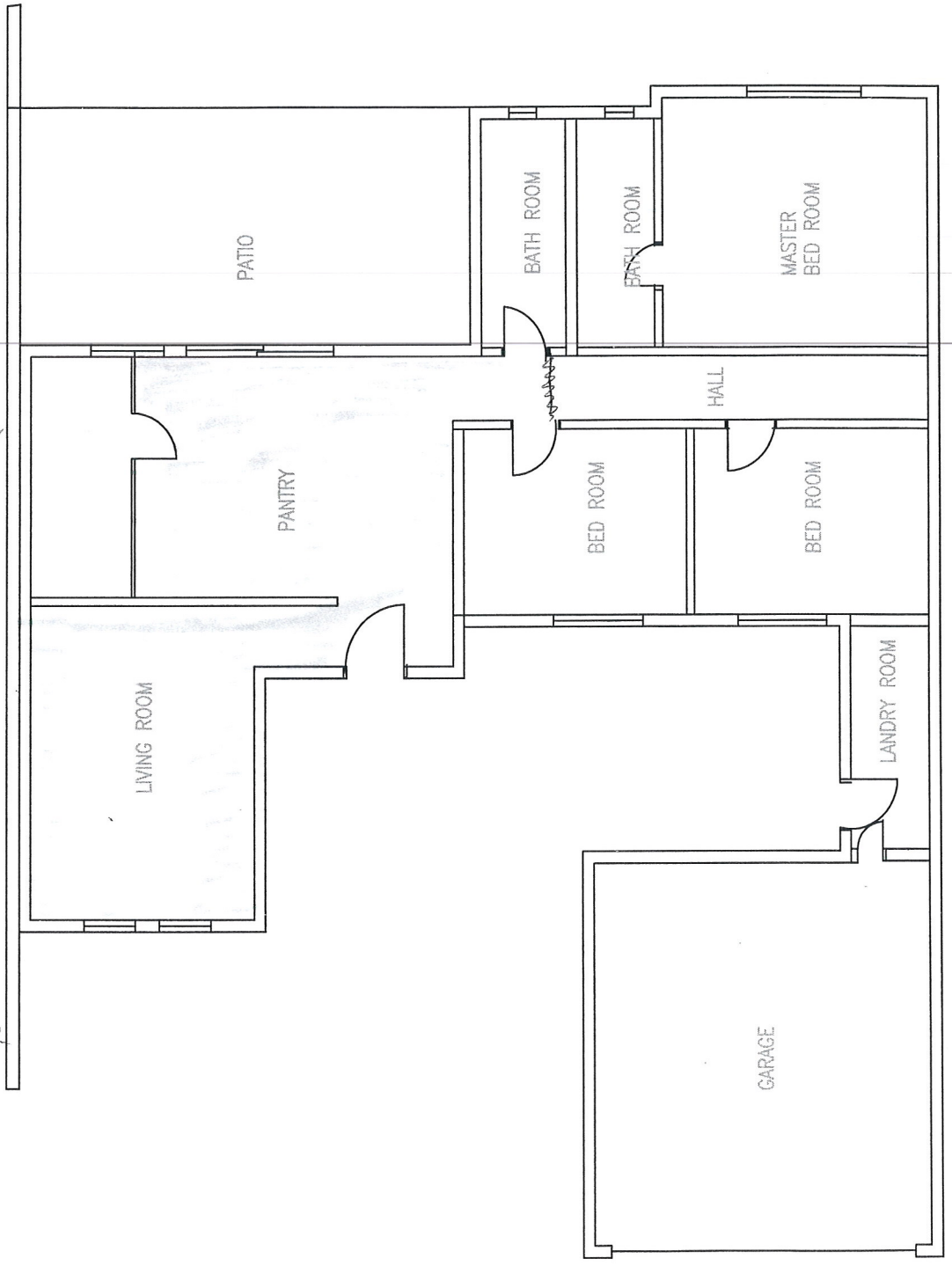
FILE NAME: SITE PLAN.DWG

SUP-42258
REVISED

# Floor Plan.

RECEIVED
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



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



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.

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JUL 18 2011

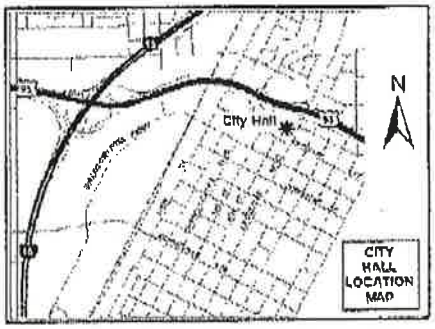
**SUP-42258**
**REVISED**

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
0.2 1M $ 00.41⁴
0004279218 JUL 23 2011
MAILED FROM ZIP CODE 89101

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

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CITY OF LAS VEGAS
PLANNING & 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 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.

**SUP-42258**
Planning Commission Meeting of 8/9/2011

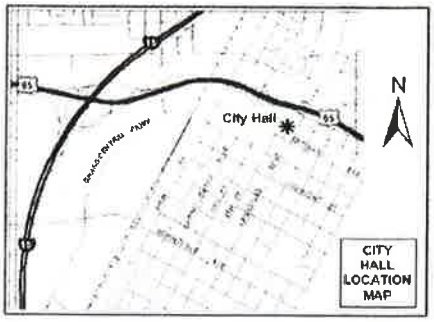
Case: SUP-42258
16302719013
ANSARA ROBERT L
ANSARA FAMILY TRUST
1916 OAKLEAF LN
LAS VEGAS NV 89146-3004 89146-3004

56 FROFN11 89146

34P

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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**SUP-42258**
Planning Commission Meeting of 8/9/2011

PRESORTED FIRST CLASS

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0004279218 JUL 28 2011
MAILED FROM ZIP CODE 89101

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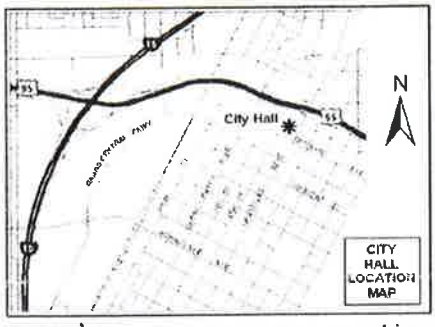
AUG - 8 2011
CITY OF LAS VEGAS PLANNING & DEVELOPMENT

Case: SUP-42258
16302712012
MORELAND ROBERT L JR & BARBARA J
6249 W OAKEY BLVD
LAS VEGAS NV 89146-1119 89146-1119

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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**SUP-42258**
Planning Commission Meeting of 8/9/2011

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0004279218 JUL 28 2011
MAILED FROM ZIP CODE 89101

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CITY OF LAS VEGAS PLANNING & DEVELOPMENT

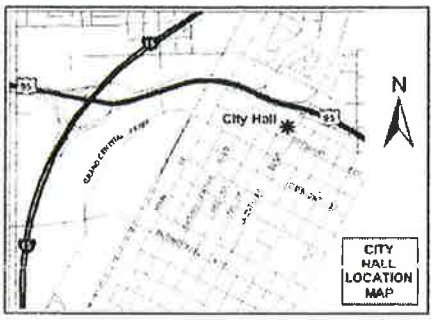
Case: SUP-42258
16302712007
WIJEKULARATNE KEERTHI
596 SEBASTOPOL ST
CLAREMONT CA 91711-2261 91711-2261

34 24

ES FRDFM11 91711

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.

**SUP-42258**

Planning Commission Meeting of 8/9/2011

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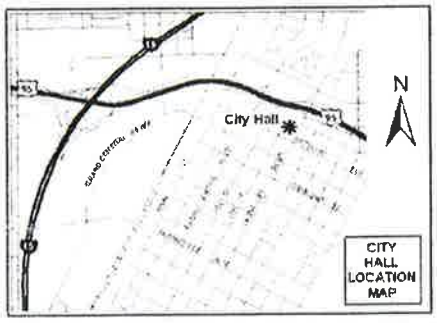
Case: SUP-42258
16302712006
WIJEKULARATNE KEERTHI & ASOKA
596 SEBASTUPOL ST
CLAREMONT CA 91711-2261 91711-2261

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.

**SUP-42258**

Planning Commission Meeting of 8/9/2011

PRESORTED FIRST CLASS

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Case: SUP-42258
16302712019
WIJEKULARATNE KEERTHI & ASOKA
596 SEBASTOPOL ST
CLAREMONT CA 91711-2261 91711-2261

34 24

City of Las Vegas Agenda Item No.: **24.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

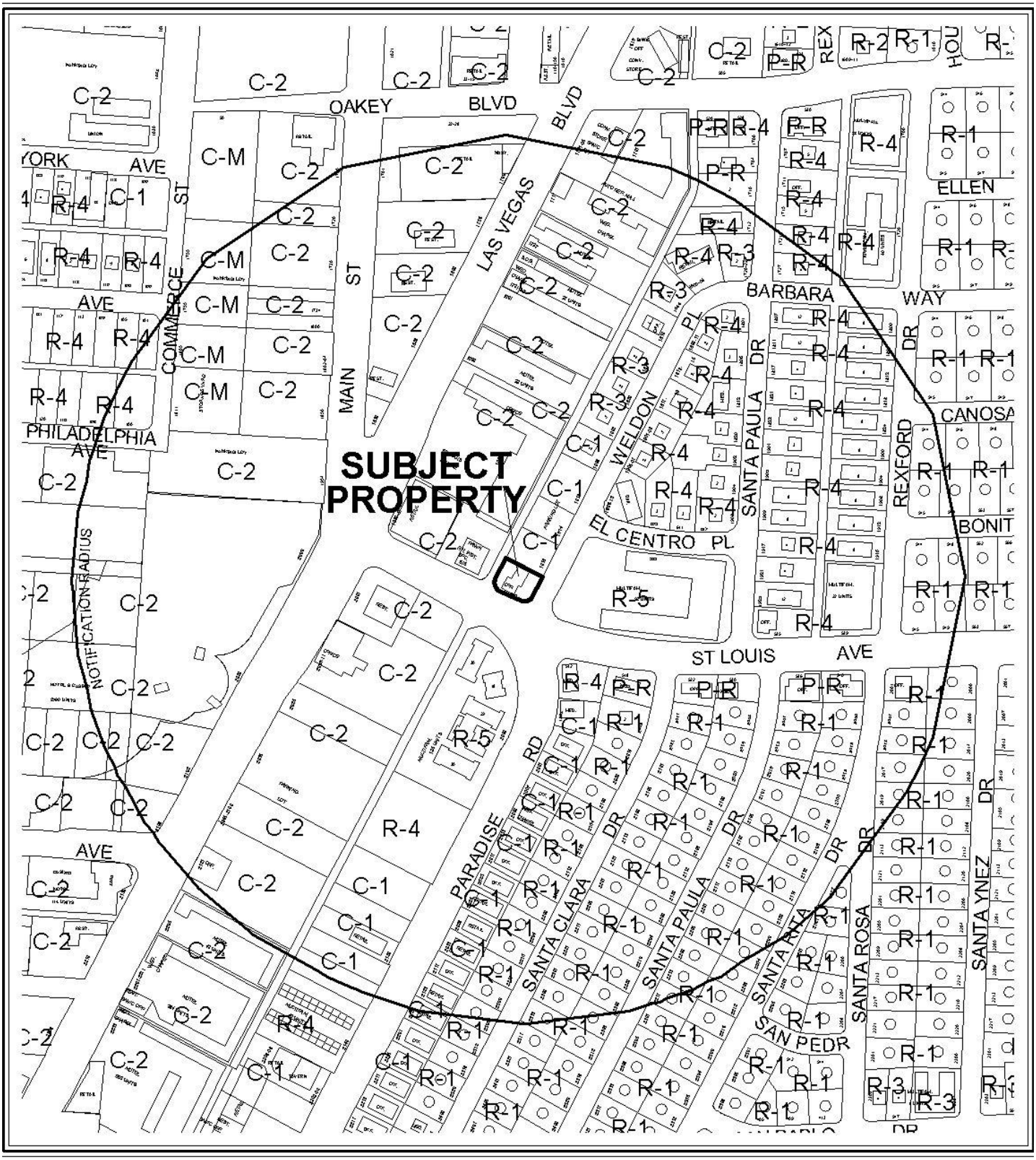
**SUBJECT:**
SUP-42648 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST - For possible action regarding a request for a Special Use Permit FOR A PROPOSED PAWN SHOP WITHIN AN EXISTING 1,606 SQUARE-FOOT COMMERCIAL BUILDING WITH WAIVERS TO ALLOW A 50-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED AND TO ALLOW A 20-FOOT DISTANCE SEPARATION FROM A SIMILAR USE WHERE 1,000 FEET IS REQUIRED at 519 East St. Louis Avenue (APN 162-03-311-017), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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




0 300 600 Feet

**CASE:** **SUP-42648**

**RADIUS:** 1000 FT

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

N



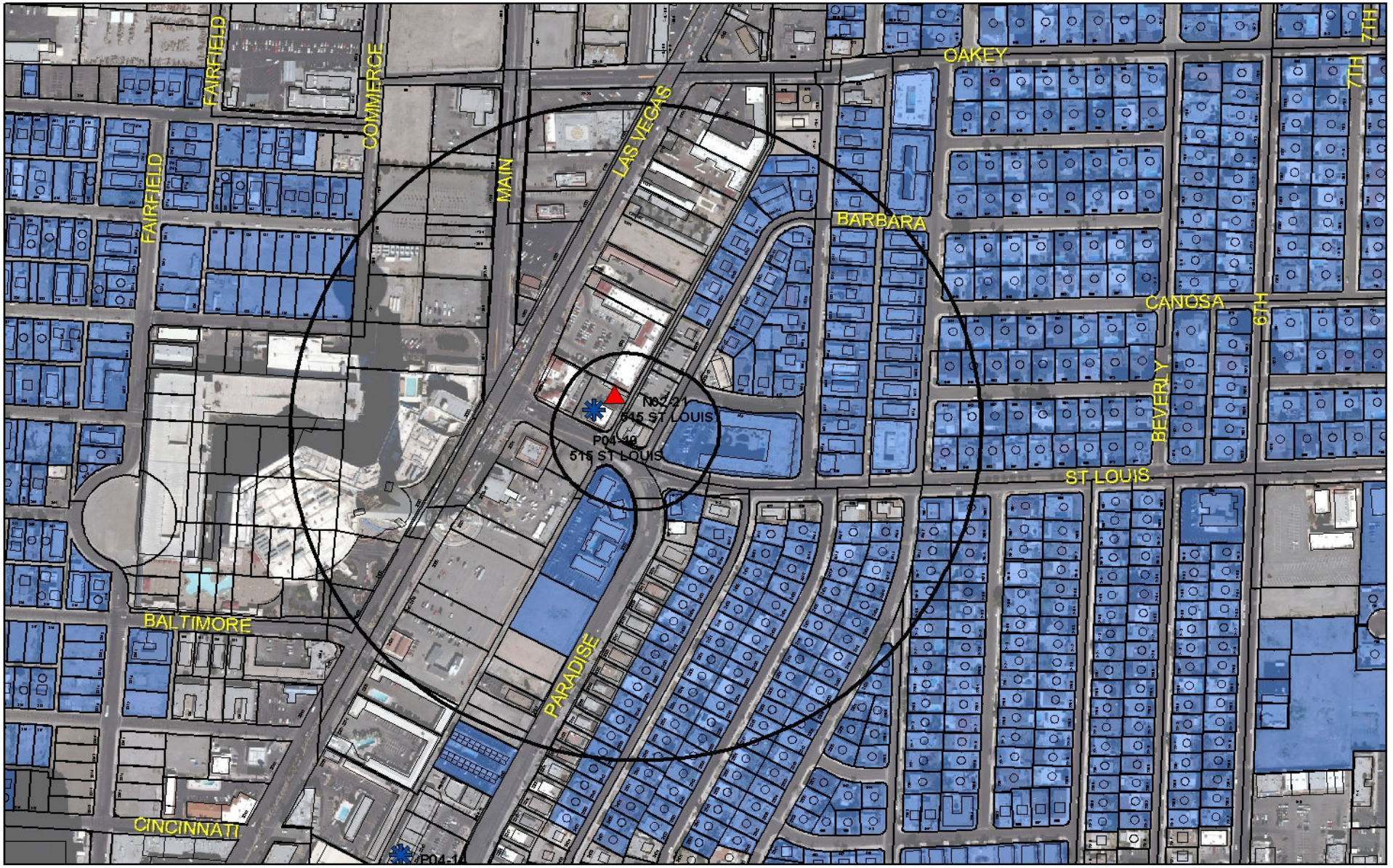

0 300 600 Feet

**CASE:** **SUP-42648**

**RADIUS:** 1000 FT

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

N




**SUP-42648**

Pawnshops

**Financial Business Locations**

Financial Institution, Specified

Pawnshops

Automobile Title Loan

Subject Property

Residential Property

200ft & 1000ft Buffer

N

0 250 500 1,000 Feet

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42648** APN: 162-03-311-017

Name of Property Owner: The BF Trust

Name of Applicant: Ace Loan Company

Name of Representative: Todd Kessler

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: Howard Bock

Print Name: Howard C Bock

Subscribed and sworn before me

This 26 day of July, 2011

Notary Public in and for said County and State

RON TESTON
Notary Public, State of Nevada
Appointment No. 09-10024-1
My Appt. Expires May 11, 2013



RECEIVED
JUL 25 2011
City of Las Vegas

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

Application/Petition For: SUP for Pawn Shop

Project Address (Location) 519 E. St. Louis Ave, Las Vegas, NV

Project Name _____ Proposed Use _____

Assessor's Parcel #(s) 162-03-311-017 Ward # 3

General Plan: existing ✓ proposed _____ Zoning: existing ✓ proposed _____

Commercial Square Footage _____ Floor Area Ratio _____

Gross Acres 0.16 Lots/Units 1 Density _____

Additional Information _____

PROPERTY OWNER BF Trust Contact Howard Bock

Address 2230 S. Paradise Road Phone: 382-3489 Fax: 629-3176

City Las Vegas State NV Zip 89104

E-mail Address bockfam7@yahoo.com

APPLICANT Ace Loan Company Contact Howard Bock

Address 2230 S. Paradise Road Phone: 382-3489 Fax: 629-3176

City Las Vegas State NV Zip 89104

E-mail Address bockfam7@yahoo.com

REPRESENTATIVE Todd Kessler Contact Todd Kessler

Address 206 N. 3rd St. Phone: 953-4320 Fax: 477-0045

City Las Vegas State NV Zip 89101

E-mail Address Todd@rggly.com

Property Owner Signature* Howard Bock

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

Print Name Howard Bock

Subscribed and sworn before me

This 26 day of July, 2011

Ron Teston

Notary Public in and for said County and State

RON TESTON
Notary Public, State of Nevada
Appointment No. 09-10024-1
My Appt. Expires May 11, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SUP-42648 |
| Meeting Date: | 9/13/11 |
| Total Fee: | $1030 |
| Date Received:* | 7/27/11 |
| 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

Revised 10/27/08

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JUL 25 2011
City of Las Vegas

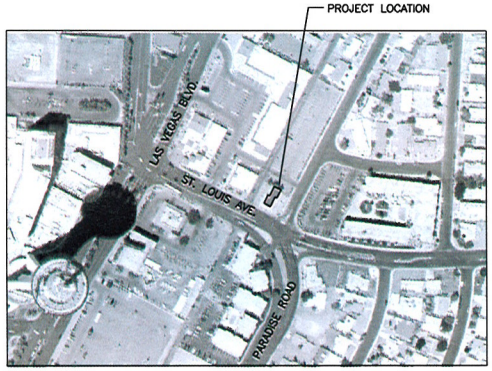
## PARKING ANALYSIS – TITLE 19

1,606 S.F. EXISTING BUILDING

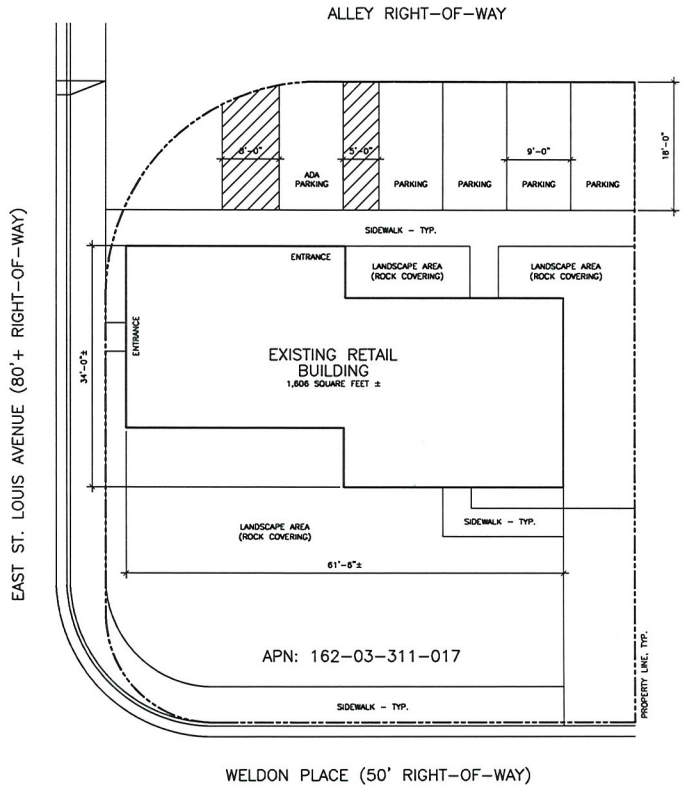
PROPOSED USE – PAWN SHOP USE 1:250 SF, 6.42 OR 7 SPACES REQUIRED
EXISTING USE – RETAIL 1:175 SF, 9.177 OR 10 SPACES

SITE IS CONSIDERED PARKING IMPAIRED, NO VARIANCE FOR PARKING IS REQUIRED.

5 PARKING STALLS PROVIDED INCLUDING 1 ACCESSIBLE STALL (ON-SITE PARKING)




VICINITY MAP
SCALE: N.T.S.




SITE PLAN AND LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

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JUL 25 2011
City of Las Vegas

SUP-42648

REVISIONS

| Mark | Date | Description |
|---|---|---|
| | | |

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CONTRACTOR

THESE PLANS ARE PREPARED AND SUBMITTED BY THE CONTRACTOR AS A CATEGORY AUTHORIZED UNDER NUMBER.

BRESLIN BUILDERS
COMPANY NAME

JACK BRESLIN
CONTRACTOR'S REPRESENTATIVE OR MASTER OR CLIENT PLANNING OR ELECTRICAL NUMBER

0018169
CONTRACTOR LICENSE #

TODD McBRAYER
PLANS PREPARED BY

SIGNATURE

Date: January 14, 2011
Project No.: –
Designed By: McBrayer
Checked By: TMM

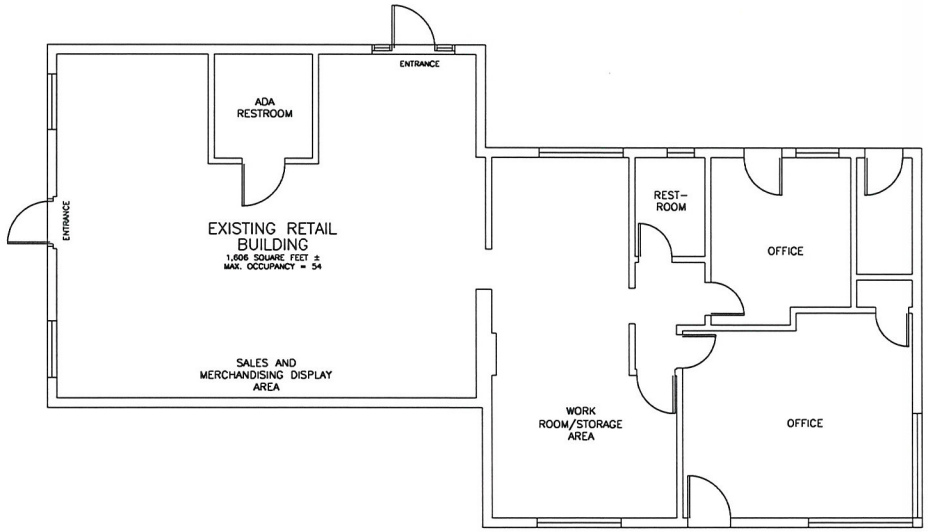
BRESLIN BUILDERS
5525 POLARIS AVENUE, SUITE B
LAS VEGAS, NEVADA 89118
(702)798-3977
FAX (702)798-3908
DESIGN AND CONSTRUCTION
LICENSED GENERAL CONTRACTOR
LICENSE #0018169
www.BreslinBuilders.com

Project:
**Pawn Shop SUP**
519 East St. Louis Avenue,
Las Vegas, Nevada 89104

APN: 162-03-311-017

Sheet Title:
**Site Plan and Landscape Plan**

Sheet No:
SUP1




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

RECEIVED
JUL 25 2011
City of Las Vegas

## REVISIONS

| Mark | Date | Description |
|---|---|---|
| | | |

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## CONTRACTOR

THE SE PLANS ARE PREPARED AND SUBMITTED BY THE CONTRACTOR AS A CATEGORY AUTHORIZED UNDER NRS 624.

BRESLIN BUILDERS
COMPANY NAME

JACK BRESLIN
CONTRACTOR'S SIGNATURE OR MASTER OR AS PLUMBING ELECTRICAL NUMBER

0018189
CONTRACTOR LICENSE #

TODD McBRAYER
PLANS PREPARED BY

SIGNATURE

Date:
January 14, 2011

Project No.:
–

Designed By:
McBrayer

Checked By:
TMM

BRESLIN BUILDERS
DESIGN AND CONSTRUCTION
5525 POLARIS AVENUE, SUITE B
LAS VEGAS, NEVADA 89118
(702)798-3977
FAX (702)798-3908
DESIGN AND CONSTRUCTION
LICENSED GENERAL CONTRACTOR
LICENSE #0018189
www.BreslinBuilders.com

Project:
**Pawn Shop SUP**
519 East St. Louis Avenue,
Las Vegas, Nevada 89104

APN: 162-03-311-017

Sheet Title:
**Floor Plan**

Sheet No:
SUP2

**SUP-42648**



SUP-42648 - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST
519 EAST ST. LOUIS AVENUE

08/04/11



SUP-42648 - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST
519 EAST ST. LOUIS AVENUE

08/04/11




SUP-42648 - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST
519 EAST ST. LOUIS AVENUE

08/04/11




SUP-42648 - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST
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SUP-42648 - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST
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08/04/11



SUP-42648 - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST
519 EAST ST. LOUIS AVENUE

08/04/11




SUP-42648 - APPLICANT: ACE LOAN COMPANY - OWNER: BF TRUST
519 EAST ST. LOUIS AVENUE

08/04/11

**Todd Kessler**
**206 N. 3rd St.**
**Las Vegas, NV 89101**
**702-296-2600**

July 18, 2011

City of Las Vegas
Planning & Development
731 S. Fourth Street
Las Vegas, Nevada 89101

Re: **JUSTIFICATION LETTER -SUP Application re APN 162-03-311-017**

To whom it may concern:

Please accept this as a justification letter for an SUP application for a pawn shop located at 519 E. St. Louis Ave, Las Vegas, NV. The Application is FOR A SPECIAL USE PERMIT FOR A PAWN SHOP AND WAIVERS TO ALLOW A 50 FOOT SEPERATION FROM A RESIDENTIAL WHERE A 200 FOOT DISTANCE SEPERATION IS REQUIRED AND TO ALLOW A 20 FOOT SEPERATION FROM AN EXISTING FINANCIAL INSTITUTION WHERE A 1,000 FOOT DISTANCE SEPERATION IS REQUIRED on 0.16 acres at 519 E. St. Louis Ave. zoned C-1 (Limited Commercial).

The pawn shop, which operates under a state pawn license, intends to have approximately 3 employees and will be open Monday to Saturday from 8:30 AM to 4:30 PM. The business is currently located at 215 N. 3rd St., Las Vegas, NV 89101 and intends to move into a building they have owned since 2002. The owners also operate John's Loan & Jewelry Company located at 2290 Paradise Road, Las Vegas, NV.

We strongly believe our waivers are appropriate as the proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, the subject site is physically suitable for this type of use, the access streets to the property are adequate in size to meet the requirements of this use and the approval of this Special Use Permit at this site is not inconsistent with nor compromises the public, health, safety and welfare of the overall objectives of the General Plan.

If you have any questions and/or concerns, please do not hesitate to contact me.

Sincerely,

Todd Kessler

Todd Kessler
Representative for the Owners- The BF Trust

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JUL 25 2011
City of Las Vegas

SUP-42648

City of Las Vegas Agenda Item No.: **25.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

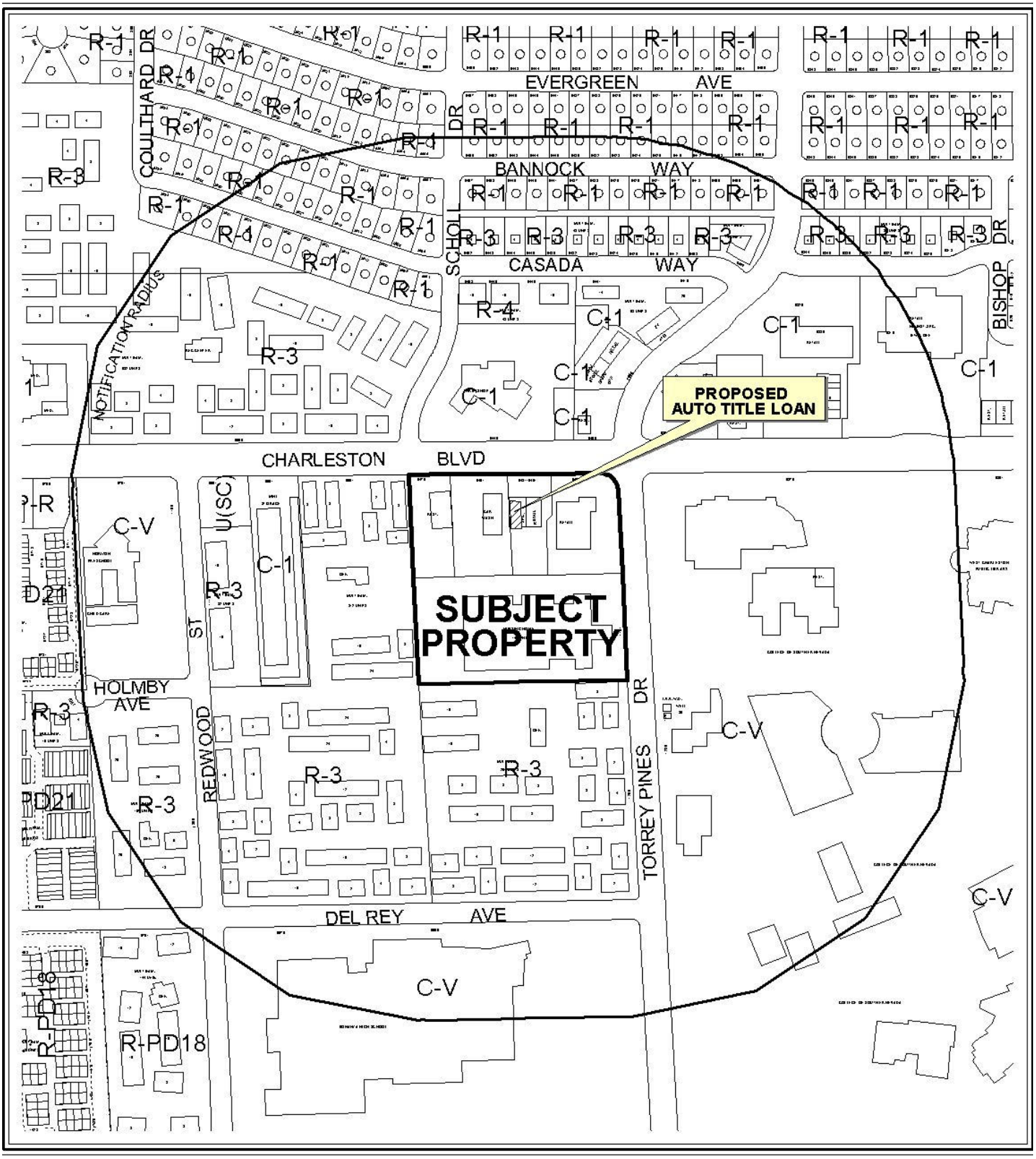
**SUBJECT:**
SUP-42657 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: FAST CASH TITLE LOAN - OWNER: ANDREA J AND SUSAN RUSSO - For possible action on a request for a Special Use Permit FOR A PROPOSED 2,108 SQUARE-FOOT AUTO TITLE LOAN USE WITH WAIVERS TO ALLOW NO DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED AND A 680-FOOT DISTANCE SEPARATION FROM A FINANCIAL INSTITUTION, SPECIFIED WHERE 1,000 FEET IS REQUIRED at 6433 West Charleston Boulevard (APN 163-02-114-003), C-1 (Limited Commercial) Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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:

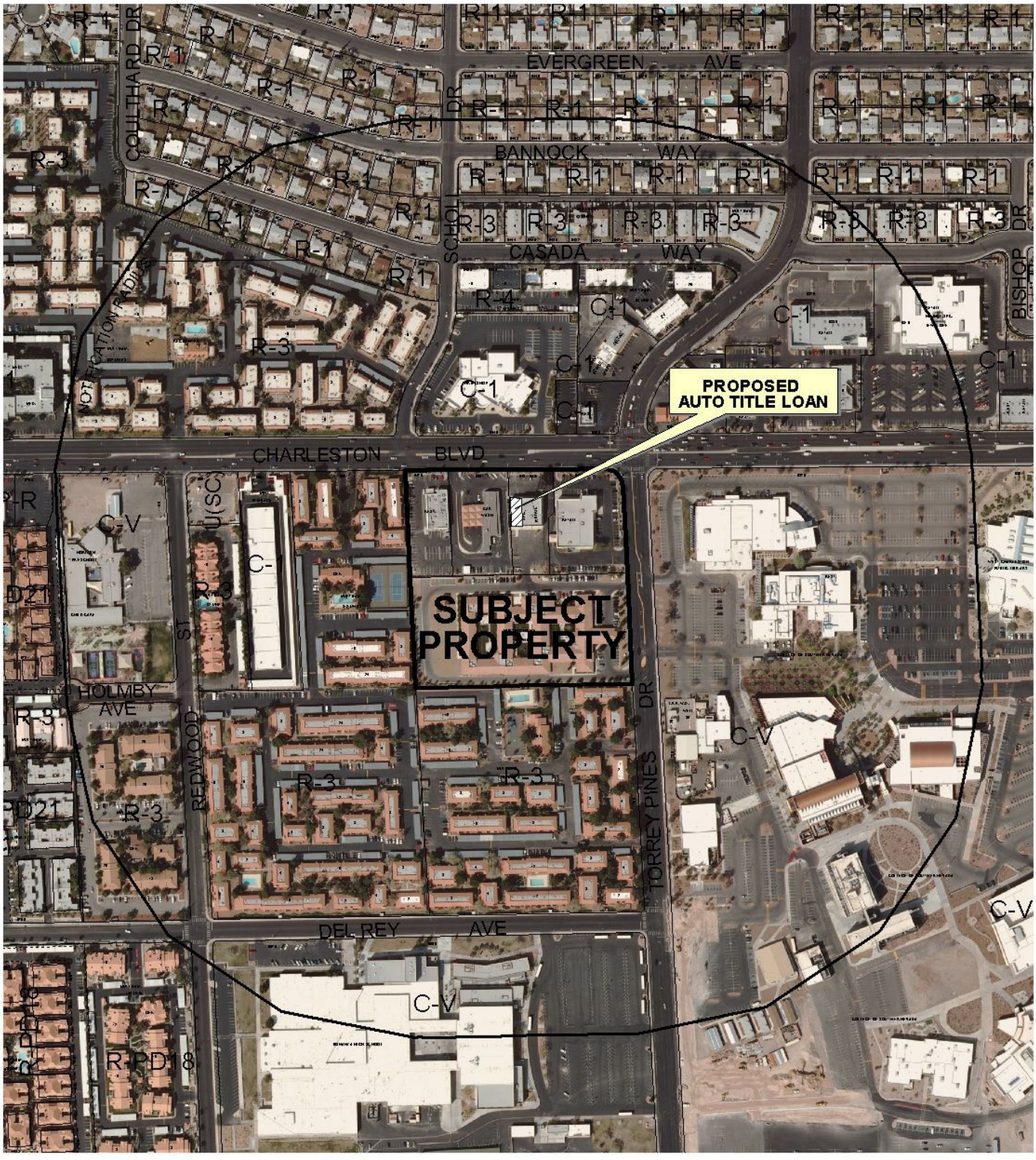
**BACKUP DOCUMENTATION:**
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter




**CASE:** **SUP-42657**

**RADIUS:** 1000 FT

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



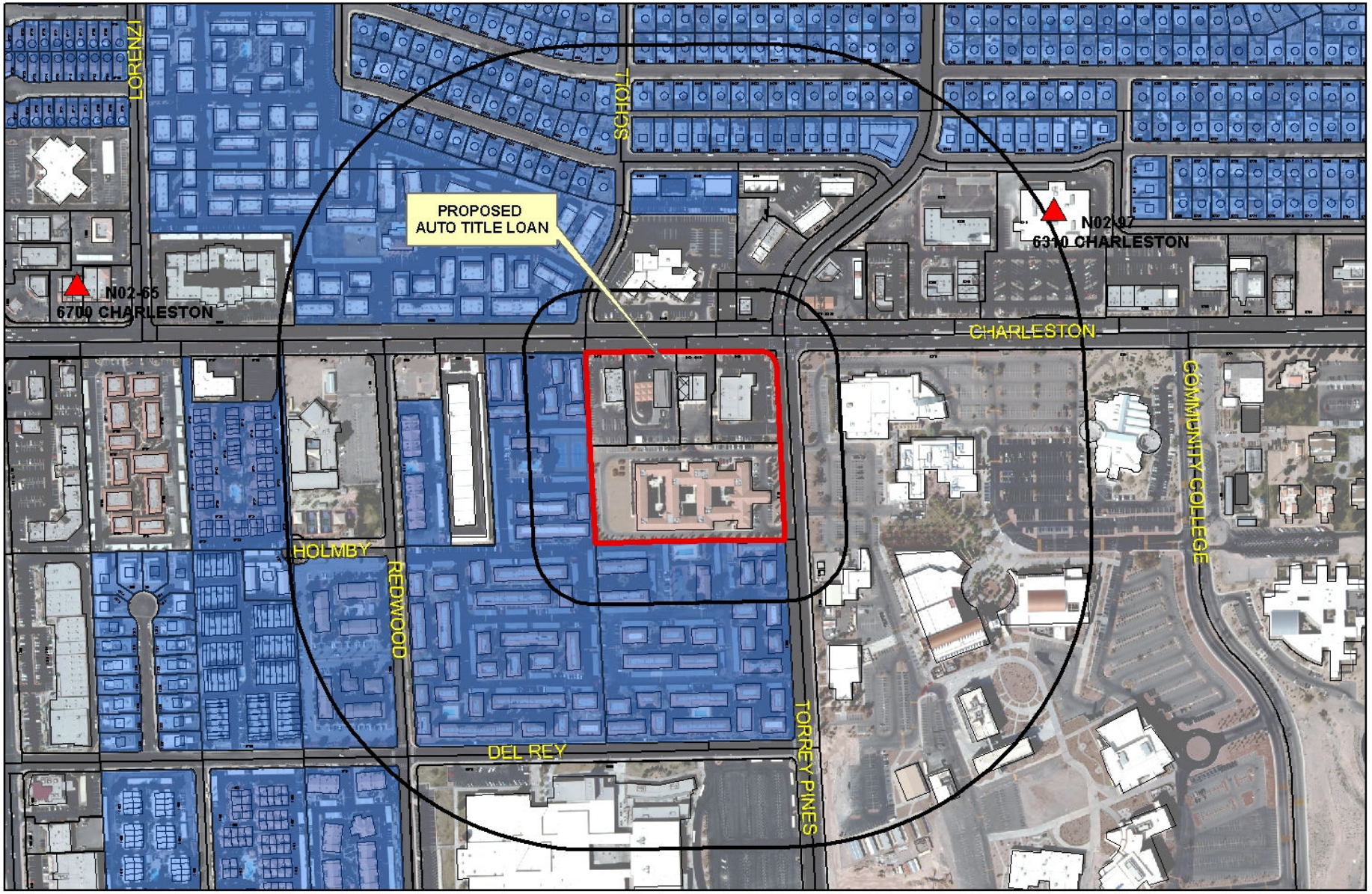

0 300 600 Feet

**CASE:** **SUP-42657**

**RADIUS:** 1000 FT

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

N




**SUP-42657**
**Financial Institution**

**Financial Business Locations**

- Financial Institution, Specified
- Automobile Title Loan
- Pawnshops

Subject Property
Residential Property
200ft & 1000ft Buffer

0 270 540 1,080 Feet

N

DEPARTMENT OF PLANNING

# STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42657** APN: 163-02-114-003

Name of Property Owner: Susan & Andrea Russo

Name of Applicant: MHD Nevada Holdings, LLC d/b/a Fast Cash Title Loans

Name of Representative: Michael DiChiaro

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: Susan Russo Andrea J Russo

Print Name: Susan Russo Andrea Russo

Subscribed and sworn before me

This 27 day of July, 2011

Claudia Outob

Notary Public in and for said County and State

Alameda
CA

CLAUDIA OUTOB
Commission # 1854571
Notary Public - California
Alameda County
My Comm. Expires Jun 18, 2013

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Department of Planning

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Special Use Permit

**Project Address (Location)** 6433 W. Charleston Boulevard, Las Vegas, Nevada 89146

**Project Name** Fast Cash Title Loans **Proposed Use** Auto Title Loan

**Assessor's Parcel #(s)** 163-02-114-003 **Ward #** 1-Tarkanian

**General Plan: existing** SC **proposed** N/A **Zoning: existing** C-1 **proposed** N/A

**Commercial Square Footage** 2159 **Floor Area Ratio**

**Gross Acres** 0.79 **Lots/Units** **Density**

**Additional Information**

**PROPERTY OWNER** Susan Russo and Andrea Russo **Contact**

**Address** 441 Mares Court **Phone:** 408.813.1805 **Fax:**

**City** Pleasanton **State** CA **Zip** 94566

**E-mail Address** Susanrusso813@yahoo.com

**APPLICANT** Fast Cash Title Loans **Contact** Michael DiChiaro

**Address** 5645 S. Eastern Avenue, Suite 4 **Phone:** 702.617.6761 **Fax:** 702.570.6580

**City** Las Vegas **State** Nevada **Zip** 89119

**E-mail Address** chiaro525@aol.com

**REPRESENTATIVE** Goodman Law Group **Contact** Ross C. Goodman, Esq./Mary A. Guido

**Address** 520 South 4th Street, 2nd Floor **Phone:** 702.383.5088 **Fax:** 702.385.5088

**City** Las Vegas **State** Nevada **Zip** 89101

**E-mail Address** ross@goodmanlawgroup.com or mary@goodmanlawgroup.com

Susan Russo

**Property Owner Signature*** Andrea J Russo

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

**Print Name** Susan Russo ANDREA RUSSO

Subscribed and sworn before me

This 27 day of July, 20 11.

Claudia Outob

Notary Public in and for said County and State Alameda CA

Revised 10/27/08

CLAUDIA OUTOB
Commission # 1864571
Notary Public - California
Alameda County
My Comm. Expires Jun 18, 2013

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| Case # | SUP-42657 |
| Meeting Date: | 9/13/11 PC |
| Total Fee: | $1,030 |
| Date Received:* | 7/28/11 |
| Received By: | |

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

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

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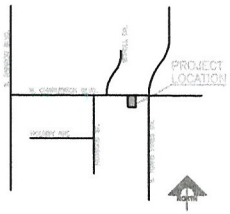
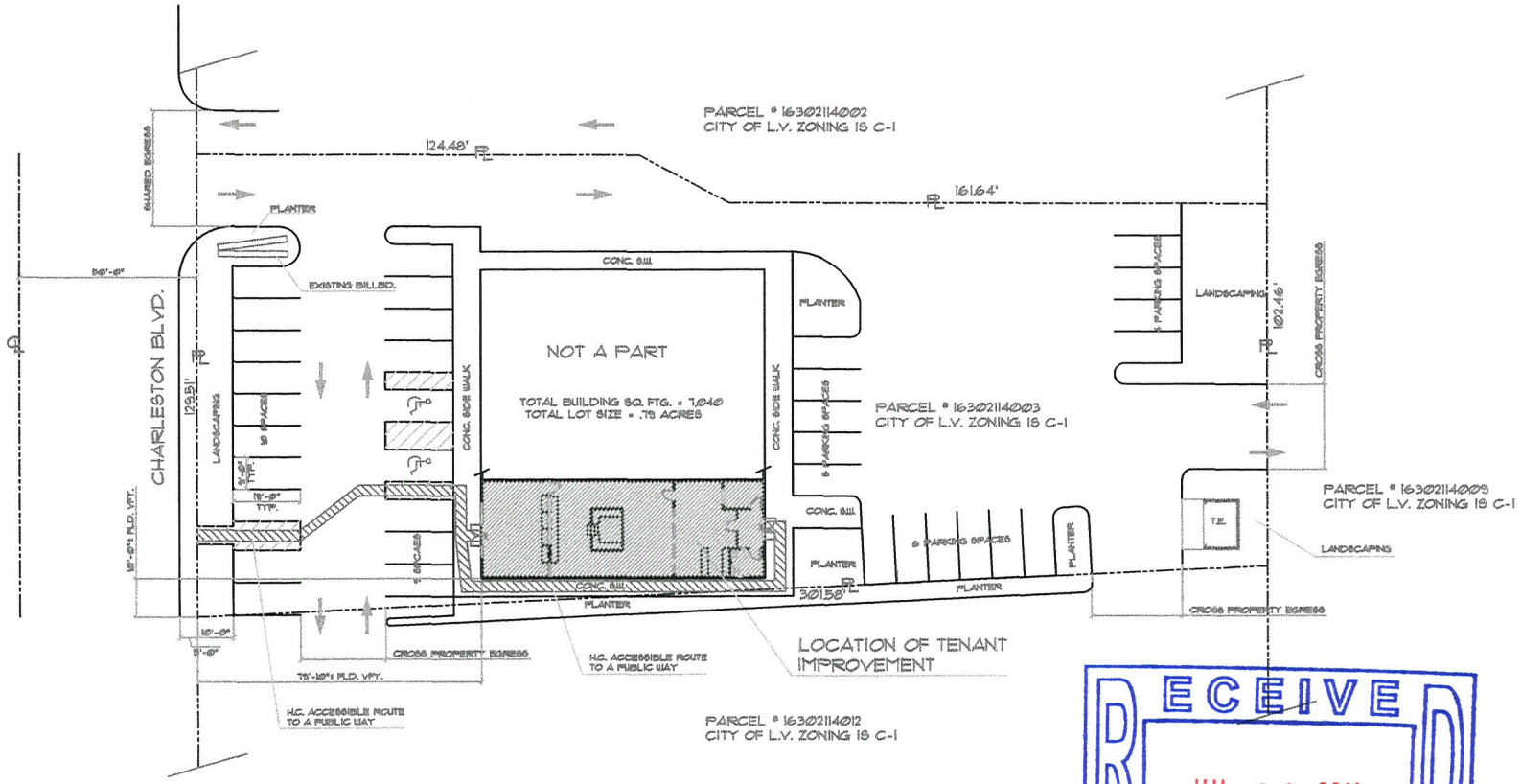



VINCINITY MAP




PARKING REQUIREMENTS
PER CITY OF LAS VEGAS

OFFICE USE IS 1 PER 200 S.F UP TO 2,000 S.F. PLUS 1 SPACE FOR EA. ADD. 175 S.F.
TOTAL T.I. SPACE = 2,108 S.F.
TOTAL REQUIRED SPACES = 11 SPACES INCL. (1) H.C. SPACE
TOTAL PARKING SPACES PROVIDED = 11 INCL. (1) H.C. SPACE

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Department of Planning

SUP-42657

NORTH

A SITE PLAN

A-1

TENANT IMPROVEMENT AT
6433 W. CHARLESTON BLVD.
LAS VEGAS, NV.

SITE PLAN

A-1

## WALL LEGEND

EXISTING WALLS TO REMAIN

NEW 2x6 DPL-S STUDS @ 16" O.C. (N.O.) W/ BAT TYPE "X" GYPSUM, BOTH SIDES NOTE: USE 1/4" BULLET RESISTANT WALL BD. BY "SECURE ALL" UL-752 LEVEL 3 OR EQ. BELOW COUNTER TOP AND FOR THE 1ST 3'-6" ABV. SERVICE WINDOW- SEE WALL SECTION 2 INT. A-4

GENERAL NOTES

1. ALL WORK, MATERIAL, METHODS, ETC. SHALL CONFORM TO APPLICABLE CODES OR ORDINANCES.
2. THE CONTRACTOR TO VISIT SITE AND VERIFY ALL EXISTING CONDITIONS BEFORE COMMENCING WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE BUILDING OWNER.
3. THE CONTRACTOR IS TO CLEAN, PATCH AND REPAIR AS REQ. ANY SURFACES DAMAGED BY THE DEMO. OR BY ALTERATION OF SURFACES.
4. THE CONTRACTOR SHALL FIELD VERIFY ALL WRITTEN DIMENSIONS. NOTIFY, THE DESIGNER IF ANY DISCREPANCIES ARE FOUND.
5. THE CONTRACTOR IS RESPONSIBLE FOR MATCHING THE EXISTING FINISHES.
6. NEW PAINT ON ALL INTERIOR WALLS AS PER OWNER

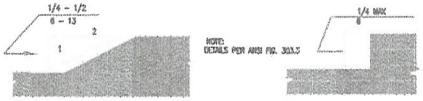
## DOOR SCHEDULE

| # | WIDTH | HEIGHT | CORE | TYPE | FRAME | REMARKS | LOCK | NOTES |
|---|---|---|---|---|---|---|---|---|
| 1 | 3'-0" | 8'-0" | WD. | S.C. MTL. | TIMELY MTL./BLACK | N/A | QUADBOLT | 1,2,3 |

1 PROVIDE ACCESSIBLE DOOR THRESHOLDS AS PER I.B.C. 1008.1.8

2 PROVIDE PUSH/PULL OR LEVER HARDWARE PER ANSI 404.2.6 STANDARDS. 34" MIN AND 48" MAX. ABV. FLOOR

3 AT DOORWAYS FLOOR SURFACES TO CONFORM TO ANSI 404.2.3.5 AND 404.2.9




1 THRESHOLDETAILS
FILED SCALED NTS

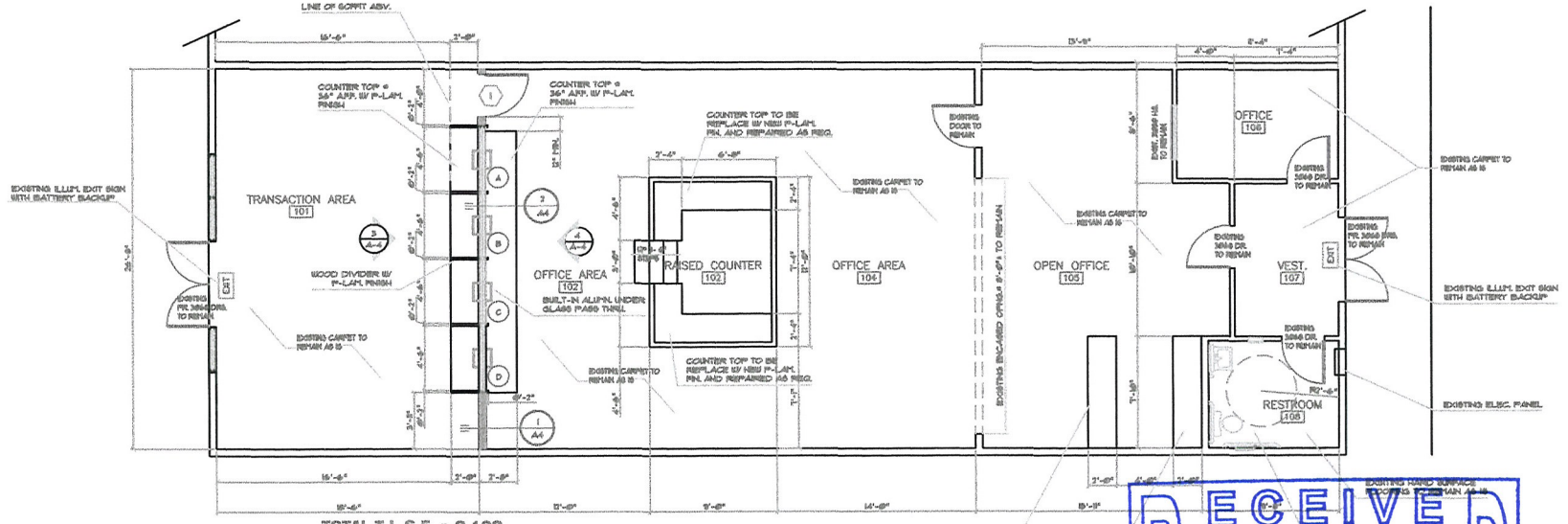
## WINDOW SCHEDULE

| # | WIDTH | HEIGHT | GLZ'G | FRAME | COLOR | REMARKS |
|---|---|---|---|---|---|---|
| A | 4'-6" | 4'-0" | 1" BULLET PROOF | ALUMN. S.S. | CLEAR | U.L. RATED UL-752 |
| B | 4'-6" | 4'-0" | 1" BULLET PROOF | ALUMN. S.S. | CLEAR | U.L. RATED UL-752 |
| C | 4'-6" | 4'-0" | 1" BULLET PROOF | ALUMN. S.S. | CLEAR | U.L. RATED UL-752 |
| D | 4'-6" | 4'-0" | 1" BULLET PROOF | ALUMN. S.S. | CLEAR | U.L. RATED UL-752 |

GENERAL NOTES

#1– THE CONTRACTOR TO SUBMIT SHOP DRAWINGS FOR REVIEW PRIOR TO FABRICATION OF WINDOW SYSTEMS

#2– THE WINDOWS AND GLZD. DOORS SHALL CONFORM TO I.B.C. SECTION 1714.5.1 STANDARDS




TOTAL T.I. S.F. = 2,108

OCCUPANCY CALULATION

PER I.B.C. TABLE 1004.1 CURRENT EDITION

BUSINESS USE IS 1 OCCUPANT PER 100 S.F. @ 2,108 S.F. = 22 OCCUPANTS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Department of Planning


NORTH

A FLOOR PLAN

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

A-2

TENANT IMPROVEMENT AT
6433 W. CHARLESTON BLVD.
LAS VEGAS, NV.

FLOOR PLAN

REVISION

A-2




SUP-42657 - APPLICANT: FAST CASH TITLE LOAN - OWNER: ANDREA J AND SUSAN RUSSO
6433 WEST CHARLESTON BOULEVARD

08/04/11




SUP-42657 - APPLICANT: FAST CASH TITLE LOAN - OWNER: ANDREA J AND SUSAN RUSSO
6433 WEST CHARLESTON BOULEVARD

08/04/11


d text.
No contract.
metroPCS
Payday Loans
Checks Cashed
AVILABLE
(702)363-7600
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City of Las Vegs
Department of Planning
SUP-42657
Google
To report an inappropriate image, exit and click the photo icon.


West Charleston Boulevard
Exit Street
roPCS
Payday Loans
Checks Cashed
VILABLE
02263-7600
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City of Las Vegas
Department of Planning
SUP-42657
© 2011 Google
© 2011 Europa Technologies
© 2011 Google
36°09'29.46" N 115°14'09.58" W elev 2353 ft
Eye alt 2360

GOODMAN LAW GROUP
A PROFESSIONAL CORPORATION
520 South Fourth Street
Las Vegas, Nevada 89101-6593

July 27, 2011

**Via Hand Delivery**

City of Las Vegas
Planning & Development
333 N. Rancho Drive
Las Vegas, Nevada 89106

**Re: Application for Special Use Permit to Allow**
**Check Cashing/Deferred Deposit/High Interest/Title Loans Applications**

Dear Sir/Madame:

Please be advised that the Goodman Law Group has been retained to represent MHD Nevada Holdings, LLC, d/b/a Fast Cash Title Loans ("Fast Cash Title Loans") in connection with its request for a Special Use Permit to service auto title loans.

Fast Cash Title Loans entered into a Lease Agreement regarding property located at 6433 W. Charleston Boulevard, Las Vegas, Nevada commencing August 1, 2011. It is our understanding that the property is zoned C-1 and the previous tenant, Payday Loans & Checks Cashed, was already approved for a Special Use Permit to conduct business as a Financial Institution, Specified; however, Fast Cash Title Loans will also be servicing auto title loans requiring a separate Special Use Permit before it can obtain its business license.

The location meets all of the conditional use regulations and minimum Special Use Permit requirements except that the facility is not within 200 feet from a parcel used or zoned for residential use and there is another financial institution within 1000 feet. The hours of operation will be between 9 a.m. to approximately 5:00 p.m. Monday through Saturday and closed on Sunday. The leased area is approximately 2,159 square feet. There will be two employees working at a time. There will be no banners, inflated devises, streamers, portable signs, etc. The exterior of the property will not be altered but for the sign reflecting the name of the business. Although there will be no flashing lights, a small neon "Open" sign may be placed in the window.

A waiver is requested to allow a zero foot separation from residential zoned property, the Lantana Apartment Homes. Although Fast Cash Title Loans will be located within a commercial subdivision bordered by residential property on the west and south sides, its suite is on the north end of the subdivision and surrounded by other buildings separating it from the residential property. On the west, there is a car wash and a café between the residential property and the suite where Fast Cash Title Loans will be doing business. Additionally, from the south, there is a nursing home separating Fast Cash Title Loans from the residential property. The suite is approximately 315 feet away from the Lantana Apartment Homes when measured from the southern parcel line and approximately 290 feet away from the residential property when measured from the western parcel line. Furthermore, the anticipated hours of operation are not extreme and will not generate more traffic than what already exists in the area.

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Department of Planning

**SUP-42657**

A waiver of separation is also requested to allow approximately 680 feet between Fast Cash Title Loans and the financial services offered within the Walmart Neighborhood Market Store ("Walmart") located at 6310 West Charleston Boulevard. Walmart's primary source of business is retail services; however, it also accommodates its customers by offering money gram/check cashing services. Walmart does not offer auto title loan or deferred deposit services. Furthermore, the previous tenant, Payday Loans & Checks Cashed, was granted check cashing privileges despite being located closer than 1000 feet from another specified financial institution. Granting this request for a waiver will not adversely affect Walmart's business or result in an appearance of a proliferation of lending institutions.

A waiver of the parking condition is also requested given that the on-site parking requirements were different than the current codes when the commercial subdivision was originally built. Fast Cash Title Loans will be leasing a suite that is 2,159 square feet requiring it to have access to approximately 9 parking spaces. The building next store to Fast Cash Title Loans, 6431 West Charleston Boulevard, houses Metro PC and a vacant suite, both classified as retail use requiring an additional 27 parking spaces classifying this property as a parking impaired development. However, again the previous tenant was granted a special use permit allowing them to conduct business as a financial institution which carries the same on-site parking requirement of 1 space for each 250 square feet of gross floor area. Allowing Fast Cash Title Loans permission to service auto title loans will not significantly increase the volume of customers resulting in ongoing parking issues. Furthermore, one of the suites located at 6431 West Charleston is currently vacant and it is unknown what type of business, if any, will take possession of the property. Although the current code suggests thirty-six (36) parking spaces and there are only thirty–four (34), the parking needs for this site have never been excessive and the parking lots within this commercial subdivision were designed to accommodate intense commercial uses.

Fast Cash Title Loans will be located near an established and well populated intersection around other businesses including a thrift shop, restaurants (Internet Café, Jack-in-the-Box, McDonald's), car wash, pharmacy, gas stations and a large college campus. The request for the Special Use Permit allowing the service of auto title loans will not increase the concentration of people in the area or impact the residential property. Accordingly, we request that the above-referenced waivers be granted and the Special Use Permit be approved allowing Fast Cash Title Loans to proceed in obtaining its business license.

Thank you for your consideration and please do not hesitate to contact my office should you have any questions regarding the foregoing matter.

Very truly yours,

GOODMAN LAW GROUP

Ross C. Goodman, Esq.

RCG/mag

Enc.

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SUP-42657
City of Las Vegs
Department of Planning

City of Las Vegas Agenda Item No.: **26.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

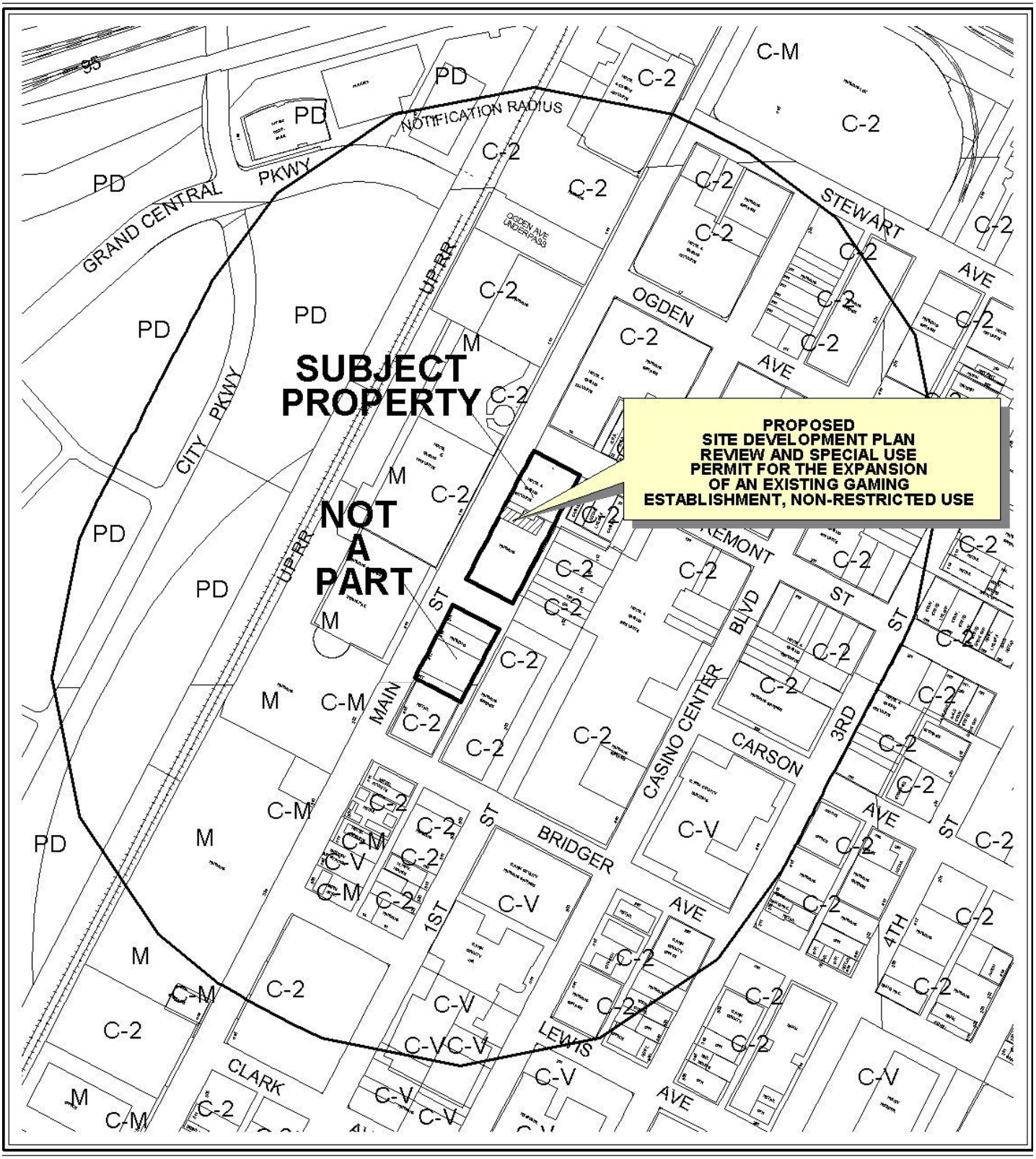
**SUBJECT:**
SUP-42675 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGEV HOTEL CO. INC. - For possible action on a request for a Special Use Permit FOR A PROPOSED 4,671 SQUARE-FOOT EXPANSION OF AN EXISTING 11,548 SQUARE-FOOT GAMING ESTABLISHMENT, NON-RESTRICTED USE at 1 Fremont Street (APN 139-34-111-034), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**C.C. 10/192011**

| **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-42675 and SDR-42674
2. Conditions and Staff Report - SUP-42675 and SDR-42674
3. Supporting Documentation
4. Photos - SUP-42675 and SDR-42674
5. Justification Letter - SUP-42675 and SDR-42674




**CASE:** **SUP-42675**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (GENERAL COMMERCIAL)




0 300 600 Feet

**CASE:** **SUP-42675**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (GENERAL COMMERCIAL)

N

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42675** APN: 139-34-111-034

Name of Property Owner: SAL SAGEV HOTEL CORPORATION, INC.

Name of Applicant: GOLDEN GATE CASINO, LLC

Name of Representative: Gensler; Alice O'Keefe

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: Mark Brandenburg, PRESIDENT GOLDEN GATE CASINO, LLC LESSEE

Print Name: MARK BRANDENBURG

Subscribed and sworn before me

This 27 day of July, 2011

Beverley A Wilcher
Notary Public in and for said County and State

BEVERLEY A. WILCHER
Notary Public State of Nevada
No. 97-0517-1
My appt. exp. Jan. 10, 2013

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Revised 11-14-06

f:\dcpot\Application Packet\Statement of Financial Interest.pdf

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM Special Use Permit

Application/Petition For: ~~Site Development Plan Review; Parking & building expansion~~

Project Address (Location) Northeast corner of Main Street & Carson

Project Name Golden Gate Casino Renovation Proposed Use Hotel & Casino

Assessor's Parcel #(s) 139-34-111-034 Ward # 3

General Plan: existing C proposed n/a Zoning: existing C-2 proposed n/a

Commercial Square Footage 100,058 SF. Floor Area Ratio 1.79

Gross Acres 1.29 Lots/Units _____ Density 96 DU/Acre

Additional Information _____

PROPERTY OWNER Sal Sagev Hotel Co Inc Contact _____

Address % 1 Fremont Street Phone: _____ Fax: _____

City Las Vegas State NV Zip 89101

E-mail Address _____

APPLICANT Golden Gate Casino LLC Contact Mark Brandenburg

Address 1 Fremont Street Phone: 383-0505 Fax: _____

City Las Vegas State NV Zip 89101

E-mail Address mbrandenburg@goldengatecasino.com

REPRESENTATIVE Gensler of Nevada Contact Alice O'Keefe

Address 3883 Howard Hughes Pkwy Ste. 650 Phone: 7028932817 Fax: N/A

City Las Vegas State NV Zip 89169

E-mail Address alice_okeefe@gensler.com

Property Owner Signature* Mark Brandenburg

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

Print Name MARK BRANDENBURG

Subscribed and sworn before me

This 27 day of July, 20 11.

Beverly A Wilcher

Notary Public in and for said County and State

BEVERLEY A. WILCHER
Notary Public State of Nevada
No. 97-0517-1
My appt. exp. Jan. 10, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SUP-42675 |
| Meeting Date: | 9/13/11 |
| Total Fee: | $ 1030 |
| Date Received:* | 7/28/11 |
| Received By: | Romeo |

*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 JUL 28 2011

Revised 10/27/08

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

# Golden Gate Hotel & Casino LAS VEGAS

ENTITLEMENT PACKAGE

07.28.2011

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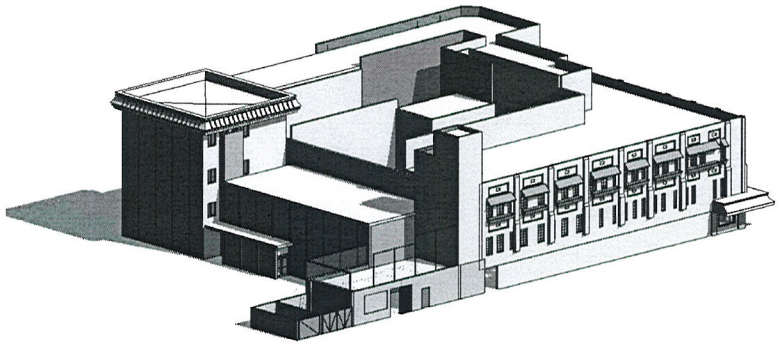
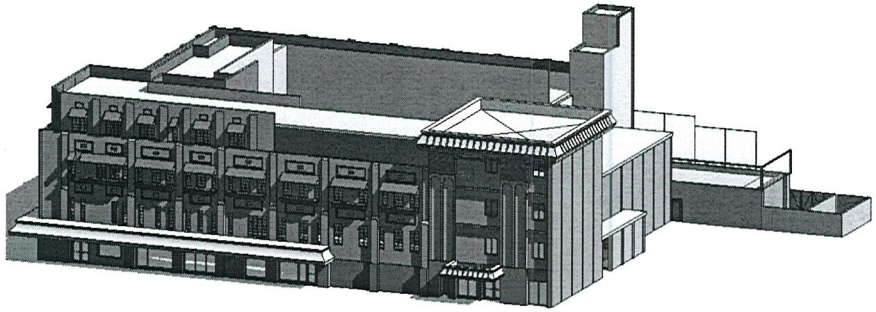
JUL 28 2011

Gensler

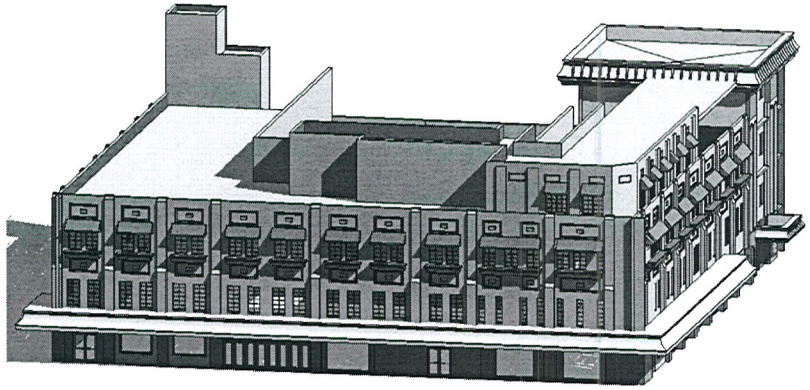
**SUP-42675**
**SDR-42674**



SOUTHEAST CORNER



SOUTHWEST CORNER



NORTHWEST CORNER

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**SUP-42675**

**SDR-42674**

VICINITY MAP




SITE MAP




PARCEL #: 139-34-111-045, 046, 047, 048

JURISDICTION: CITY OF LAS VEGAS 89101

ZONING CLASSIFICATION: GENERAL COMMERCIAL DISTRICT (C-2)

SITE AREA: 1.29 ACRES

PARKING ANALYSIS:

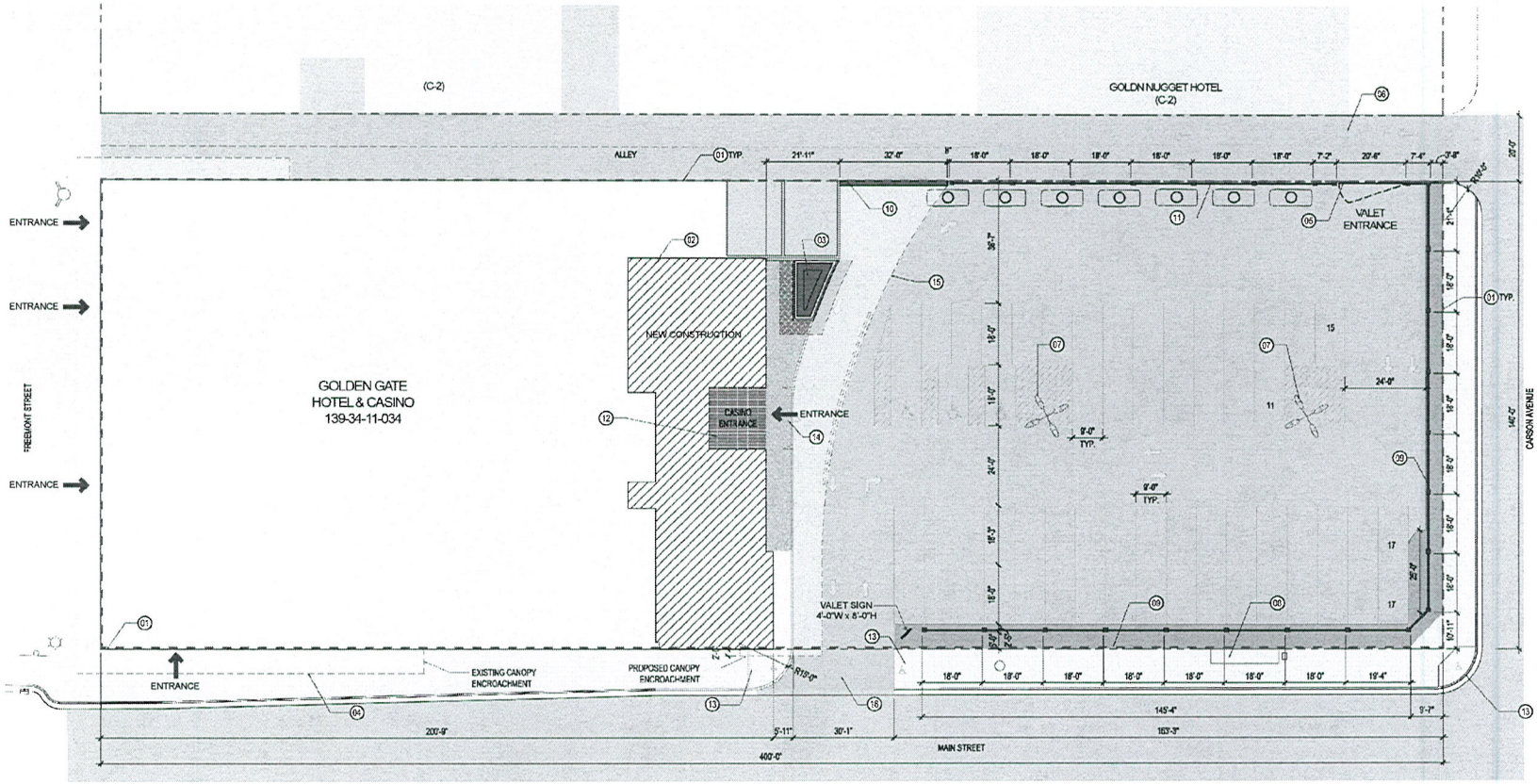
| PARKING SPACES | EXISTING | NEW |
|---|---|---|
| NORTH PARKING STALLS: | 102 | 66 |
| SOUTH PARKING STALLS: | 79 | 73 |
| TOTAL STALLS | 181 | 139 |

PARKING CALCS:

| AREA | EXISITING | NEW |
|---|---|---|
| CASINO | 213 | 243 |
| RESTAURANT/KITCHEN | 29 | 13 |
| RESTAURANT/SEATING | 76 | 56 |
| OFFICE | 9 | 19 |
| HOTEL | 106 | 123 |
| TOTAL | 433 | 454 |

## SHEET NOTES

01 PROPERTY LINE
02 AREA OF NEW CONSTRUCTION
03 WATER FEATURE IN PLAZA/WAITING AREA (2) ADDED PALMS AND SHRUBBERY
04 CANOPY (OVERHEAD)
05 LIFT ARM ACCESS GATE
06 RE-USE EXISTING ALLEY
07 EXISTING LAMP POSTS TO REMAIN
08 EXISTING BUS SHELTER TO REMAIN
09 DECORATE FENCE WITH PILASTERS
10 CANOPY TURN DOWN WALL
11 6'-10" HIGH 8" CMU DECORATIVE WALL WITH MATCHING CAP BLOCK
12 POLISHED 1'-0"x3'-0" STONE TO MATCH WALL FINISH
13 EXISTING ADA RAMP TO REMAIN
14 NEW ADA RAMP
15 NEW CANOPY 14'-0" CLEAR, SPRINKLERED
16 EXISTING TRASH RECEPTACLE TO REMAIN
17 LANDSCAPE BED, TYP.
18 EXISTING CURB CUTS AND DRIVEWAY TO REMAIN




GROSS BUILDING SQUARE FOOTAGE CALCS:

| LEVEL | EXISTING | NEW | TOTAL |
|---|---|---|---|
| B01: | 9,043 | 4,272 | 13,315 SF |
| LEVEL 1: | 23,134 | 4,267 | 27,401 SF |
| LEVEL 2: | 17,984 | 4,830 | 22,814 SF |
| LEVEL 3: | 15,420 | 4,933 | 20,352 SF |
| LEVEL 4: | 5,575 | 4,830 | 10,405 SF |
| LEVEL 5: | N/A | 5,770 | 5,770 SF |
| TOTALS | 71,156 | 28,902 | 100,058 SF |

OCC. LOAD: 1,601 2,057
BUILDING SF: 100,058 GROSS SQUARE FEET
PROPERTY SF: 56,000 SQUARE FEET
FLOOR TO AREA RATIO: 1.79
DENSITY: 96 DU/AC
BUILDING COVERAGE: 49.0% (NORTH LOT ONLY)

# SITE PLAN - NORTH LOT

Golden Gate Hotel & Casino - ENTITLEMENT PACKAGE

Las Vegas, Nevada | July 28, 2011

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SUP-42675
SDR-42674

PARCEL #: 139-34-111-045, 046, 047, 048

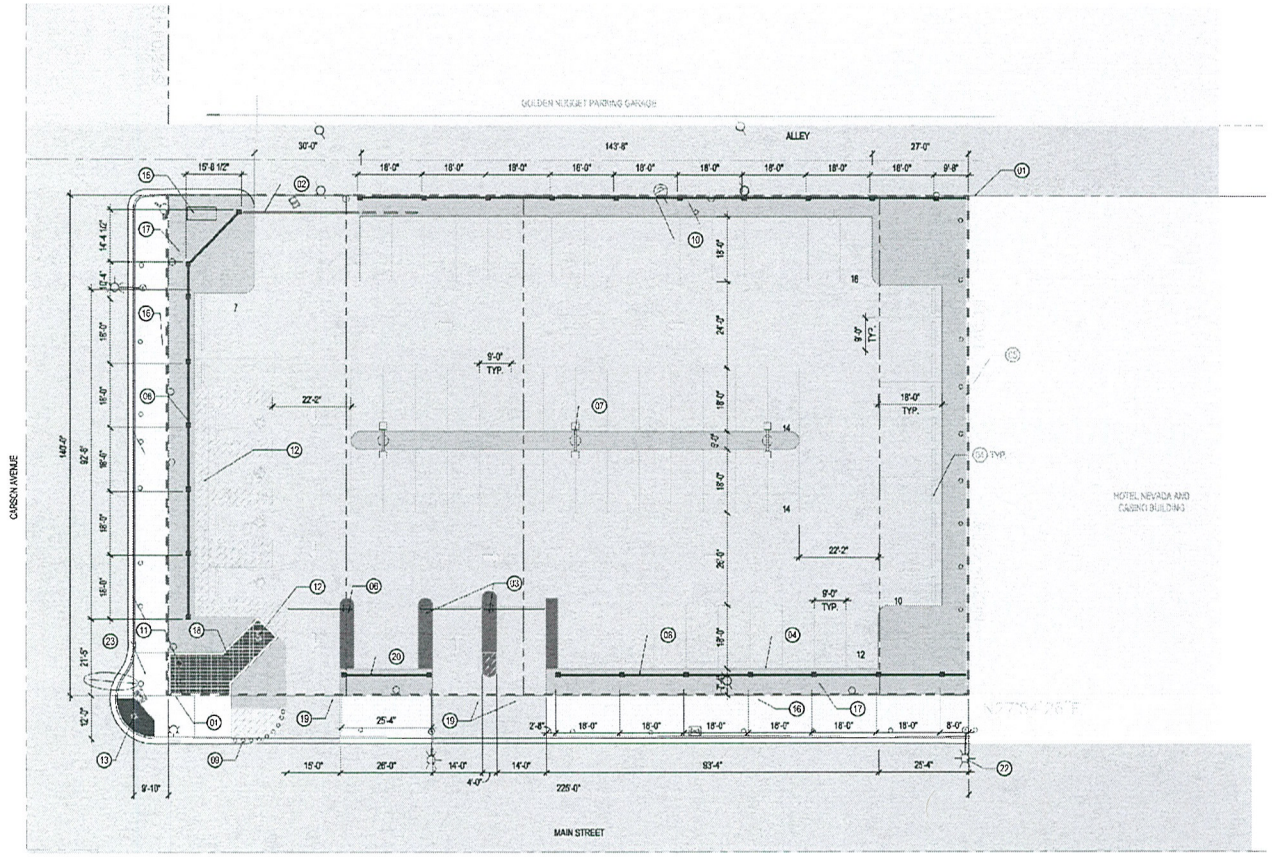
JURISDICTION: CITY OF LAS VEGAS 89101

ZONING CLASSIFICATION: GENERAL COMMERCIAL DISTRICT (C-2)

SITE AREA: .73 ACRES
PROPERTY SF: 31,500 SQUARE FEET

## SHEET NOTES

01 PROPERTY LINE
02 SLIDING VALET ACCESS GATE
03 LIFT ARM ENTRY ACCESS GATE
04 WHEEL STOP TYPICAL
05 EXISTING STEEL GUARDRAIL
06 LIFT ARM EXIT GATE
07 PARKING LIGHT
08 DECORATIVE FENCE WITH PILASTERS
09 PIPE BOLLARDS
10 8" CMU DECORATIVE WALL WITH CAP. 6'-10" HIGH
11 TRASH RECEPTICAL PER LV CENTENNIAL PLAN
12 3'-0" WIDE ACCESSIBLE ROUTE
13 EXISTING ADA TO RAMP REMAIN
14 PAVERS ARE SLOPED NO GREATER THAN 1:20 FROM PARKING LOT TO SIDEWALK
15 ELECTRICAL COMMUNICATION AND DATA
16 EXISTING SIDEWALK TO REMAIN
17 LANDSCAPE BUFFER WITH LANDSCAPE UPLIGHTING
18 NEW CONCRETE PAVERS
19 EXISTING CURB CUTS AND DRIVEWAY TO REMAIN
20 CMU WALL 6'-10" HIGH WITH PARKING SIGNAGE
21 LANDSCAPE ISLAND
22 EXISTING STREET LIGHT
23 EXISTING PAVERS




SITE PLAN - SOUTH LOT

Golden Gate Hotel & Casino - ENTITLEMENT PACKAGE

Las Vegas, Nevada | July 28, 2011

RECEIVED
JUL 28 2011
SUP-42675
SDR-42674

Gensler

PARCEL #: 139-34-111-045, 046, 047, 048

JURISDICTION: CITY OF LAS VEGAS 89101

ZONING CLASSIFICATION: GENERAL COMMERCIAL DISTRICT (C-2)

SITE AREA: 1.29 ACRES

## SHEET NOTES

01 PLAZA/WAITING AREA (2) ADDED PALMS AND SHRUBBERY

02 ALL LANDSCAPING SHALL FALL WITHIN THE PROPERTY LINE. COORDINATE LANDSCAPING WITH CITY OF LAS VEGAS MAIN/COMMERCE COUPLET PROJECT/CENTENNIAL PLAN. DECOMPOSED GRANITE AT LS: PALAMIO CORAL COLOR

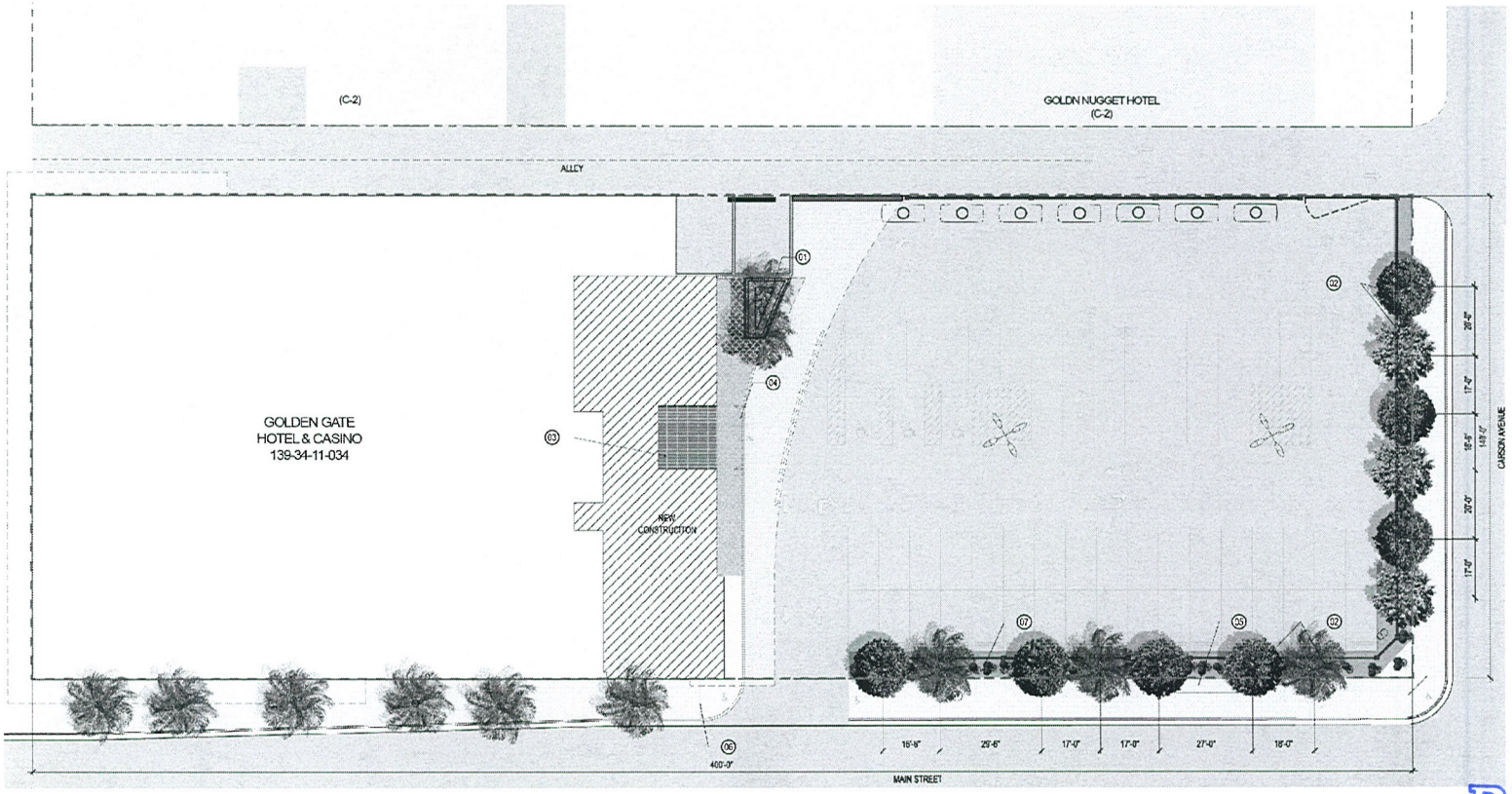
03 TL-1 (GRANITE STONE, FIRED TEXTURE)

04 STAMPED CONCRETE

05 EXISTING BUS SHELTER TO REMAIN

06 EXISTING CURB CUT

07 5'-0" LANDSCAPE BED




## NORTH LOT LANDSCAPING LEGEND

| | | SIZE | QTY. |
|---|---|---|---|
| | DEGLET-NOOR DATE PALM (EXISTING) | 36" | 6 |
| | DEGLET-NOOR DATE PALM | 36" | 5 |
| | SOUTHERN LIVE OAK | 36" | 7 |
| | AFRICAN SUMAC | 36" | 3 |
| | VARIED SHRUB/GROUND COVER | 5gal | 68 |

PARKING ANALYSIS: SOUTH
PARKING STALLS TOTAL: 66 SPACES
ADA SPACES REQUIRED: 3 PROVIDED: 3
LANDSCAPE AREA
REQUIRED: 10 SF/SP ACE = 660 SF OF LANDSCAPE
PROVIDED: 2,191 SF OF LANDSCAPE
SHADE TREES REQUIRED: 1 PER EVERY 6 SPACES = 11
PROVIDED: 13 SHADE TREES

PROJECT NORTH

0 4' 8' 16' 32'

PROPERTY LINE

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# LANDSCAPING PLAN - NORTH LOT

Golden Gate Hotel & Casino - ENTITLEMENT PACKAGE

Las Vegas, Nevada | July 28, 2011

Gensler



SUP-42675
SDR-42674

PARCEL #: 139-34-111-045, 046, 047, 048

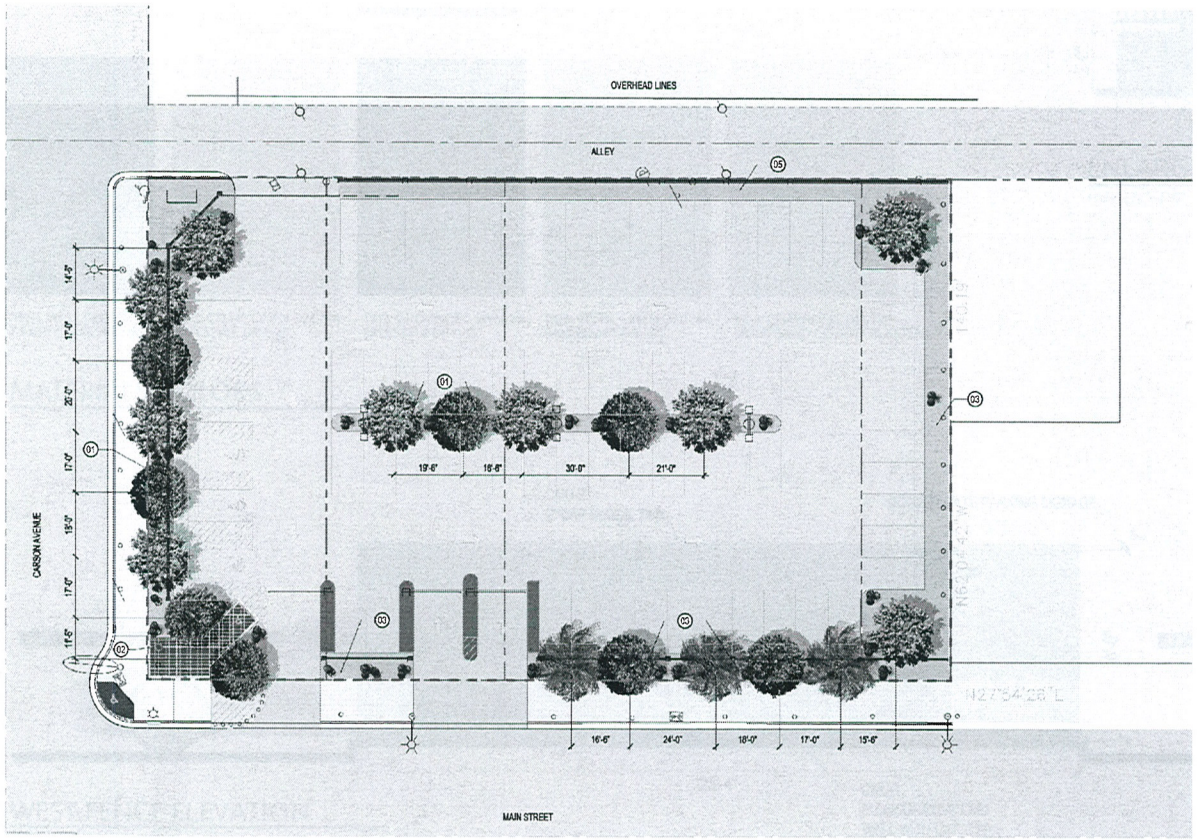
JURISDICTION: CITY OF LAS VEGAS 89101

ZONING CLASSIFICATION: GENERAL COMMERCIAL DISTRICT (C-2)

SITE AREA: .73 ACRES
PROPERTY SF: 31,500 SQUARE FEET

## SHEET NOTES

01. ALL LANDSCAPING SHALL FALL WITHIN THE PROPERTY LINE. COORDINATE LANDSCAPING WITH CITY OF LAS VEGAS MAIN/COMMERCE COUPLET PROJECT/CENTENNIAL PLAN. DECOMPOSED GRANITE AT LS: PALAMIO CORAL COLOR
02. TRASH RECEPTICAL PER LV CENTENNIAL PLAN
03. LANDSCAPE SPECIES & SPACING PER LV CENTENNIAL PLAN WITH LANDSCAPE LIGHTING (TYP.)
04. POLISHED STONE TO MATCH WALL FINISH
05. DECOMPOSED GRANITE




## SOUTH LOT LANDSCAPING LEGEND

| | SIZE | QTY. |
|---|---|---|
| DEGLET-NOOR DATE PALM | 36" | 3 |
| SOUTHERN LIVE OAK | 36" | 8 |
| AFRICAN SUMAC | 36" | 9 |
| VARIED SHRUB/GROUND COVER | 5gal | 80 |

PARKING ANALYSIS: SOUTH
PARKING STALLS TOTAL:73 SPACES
HANDICAP SPACES REQUIRED: 3 PROVIDED: 4
LANDSCAPE AREA
REQUIRED: 10 SF/SP ACE = 730 SF OF LANDSCAPE
PROVIDED: 5,157 SF OF LANDSCAPE
SHADE TREES
REQUIRED: 1 PER EVERY 6 SPACES = 13
PROVIDED: 20 SHADE TREES

PROJECT NORTH

0 4' 8' 16' 32'

PROPERTY LINE

# LANDSCAPING PLAN - SOUTH LOT

Golden Gate Hotel & Casino - ENTITLEMENT PACKAGE

Las Vegas, Nevada | July 28, 2011

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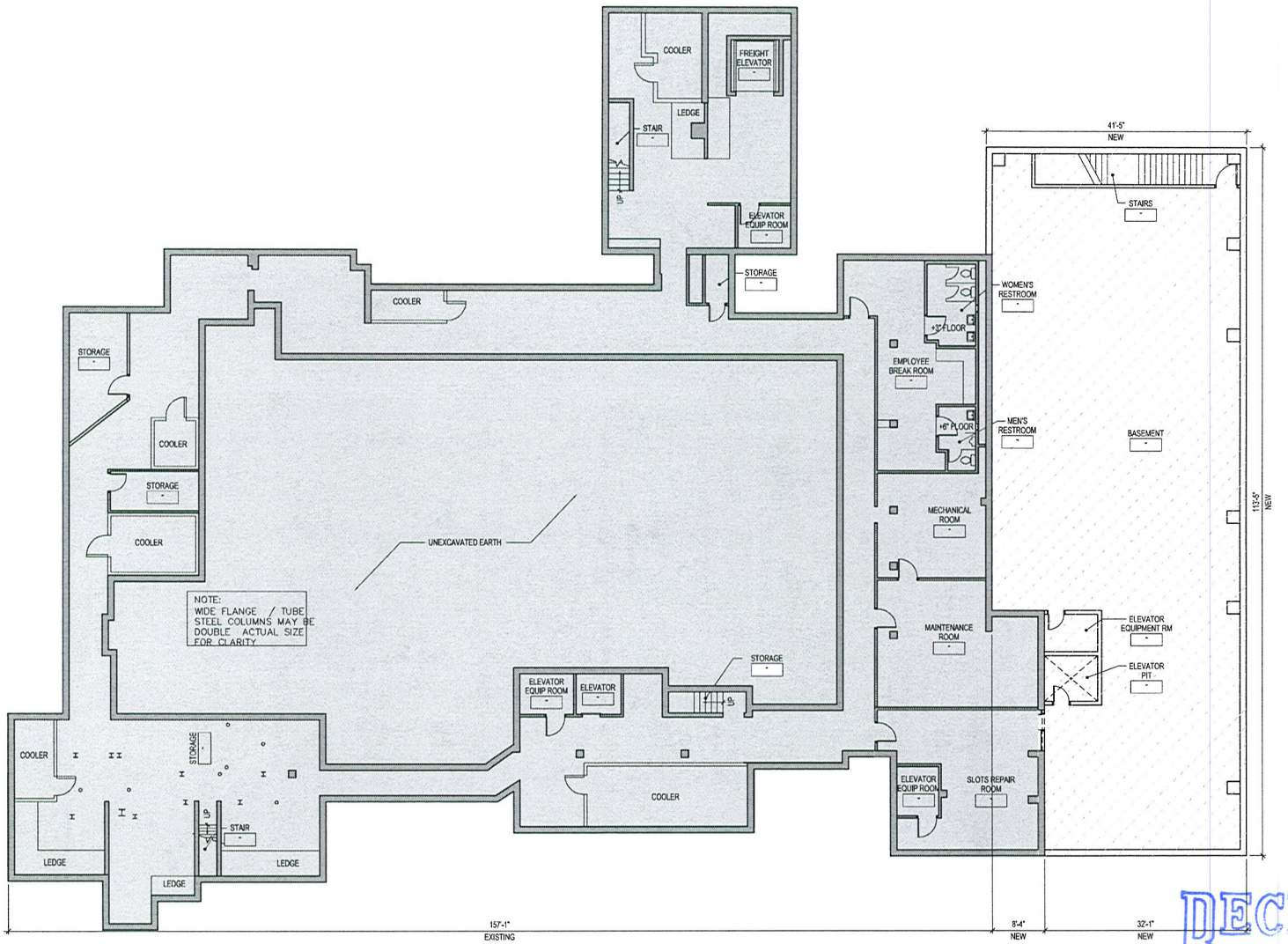
**SUP-42675**
**SDR-42674**




INTERIOR RENOVATION

NOT IN CONTRACT

NEW CONSTRUCTION

EXISTING
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| BUSINESS AREAS | 1,221 SF / 100 | 13 |
| STORAGE | 7,433 SF / 300 | 25 |
| TOTAL | 8,654 SF | 38 |

NEW
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| BUSINESS AREAS | 1,115 SF / 100 | 12 |
| STORAGE | 11,811 SF / 300 | 40 |
| TOTAL | 12,926 SF | 52 |

0 2' 4' 8' 16'

## BASEMENT FLOOR PLAN - OVERALL

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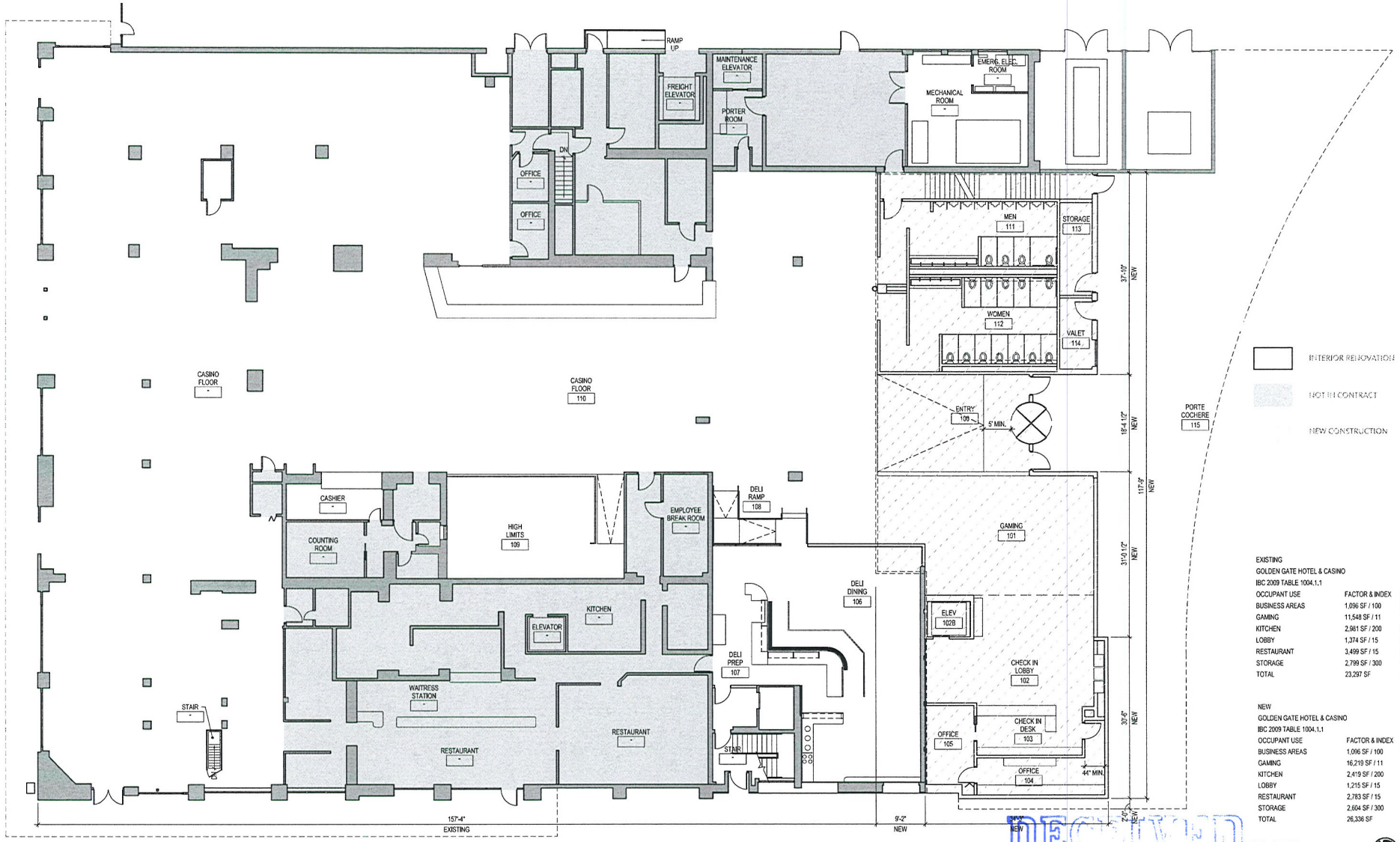
SDR-42674




EXISTING
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| BUSINESS AREAS | 1,096 SF / 100 | 11 |
| GAMING | 11,548 SF / 11 | 1,050 |
| KITCHEN | 2,961 SF / 200 | 15 |
| LOBBY | 1,374 SF / 15 | 92 |
| RESTAURANT | 3,499 SF / 15 | 234 |
| STORAGE | 2,799 SF / 300 | 10 |
| TOTAL | 23,297 SF | 1,412 |

NEW
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| BUSINESS AREAS | 1,096 SF / 100 | 11 |
| GAMING | 16,219 SF / 11 | 1,475 |
| KITCHEN | 2,419 SF / 200 | 13 |
| LOBBY | 1,215 SF / 15 | 81 |
| RESTAURANT | 2,783 SF / 15 | 186 |
| STORAGE | 2,604 SF / 300 | 9 |
| TOTAL | 26,336 SF | 1,775 |

0 2' 4' 8' 16'

## FIRST FLOOR PLAN - OVERALL

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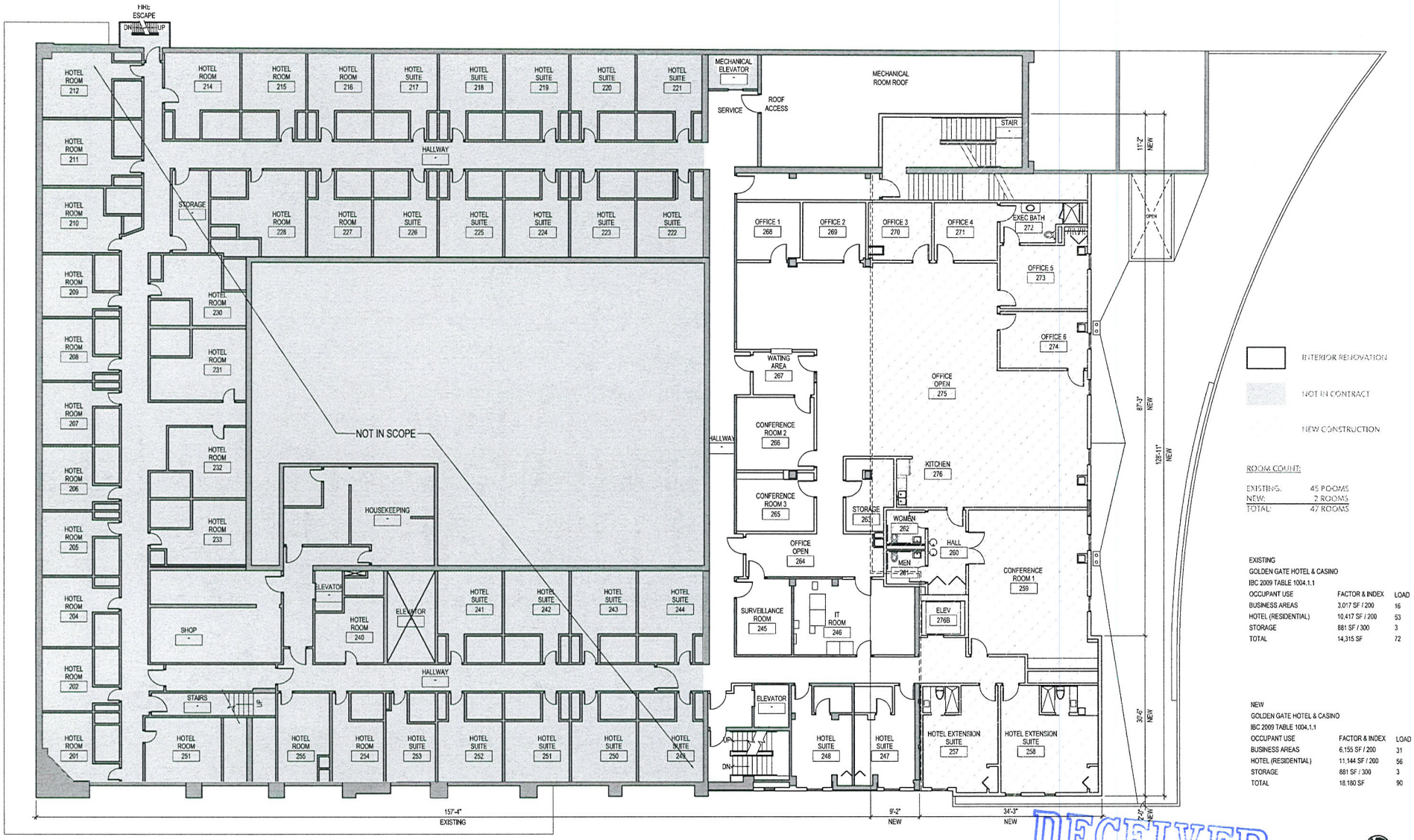
SUP-42675
SDR-42674




## SECOND FLOOR PLAN - OVERALL

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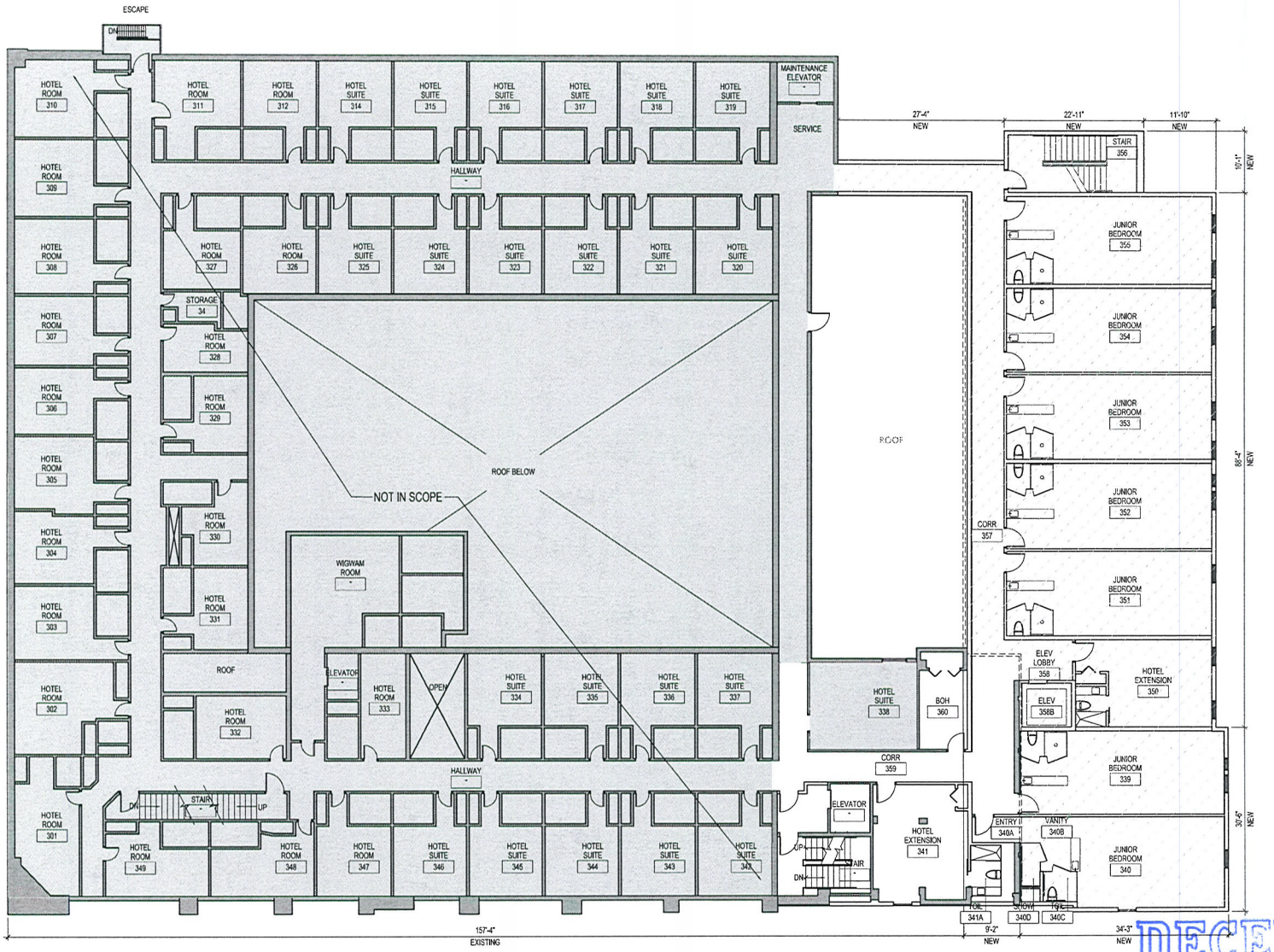
SUP-42675
SDR-42674




INTERIOR RENOVATION

NOT IN CONTRACT

NEW CONSTRUCTION

ROOM COUNT:

| | |
|---|---|
| EXISTING: | 48 ROOMS |
| NEW: | 6 ROOMS |
| TOTAL: | 54 ROOMS |

EXISTING
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| HOTEL (RESIDENTIAL) | 11,383 SF / 200 | 57 |
| STORAGE | 811 SF / 300 | 3 |
| TOTAL | 12,194 SF | 60 |

NEW
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| HOTEL (RESIDENTIAL) | 14,985 SF / 200 | 75 |
| STORAGE | 965 SF / 300 | 4 |
| TOTAL | 15,950 SF | 79 |

0' 2' 4' 8' 16'

## THIRD FLOOR PLAN - OVERALL

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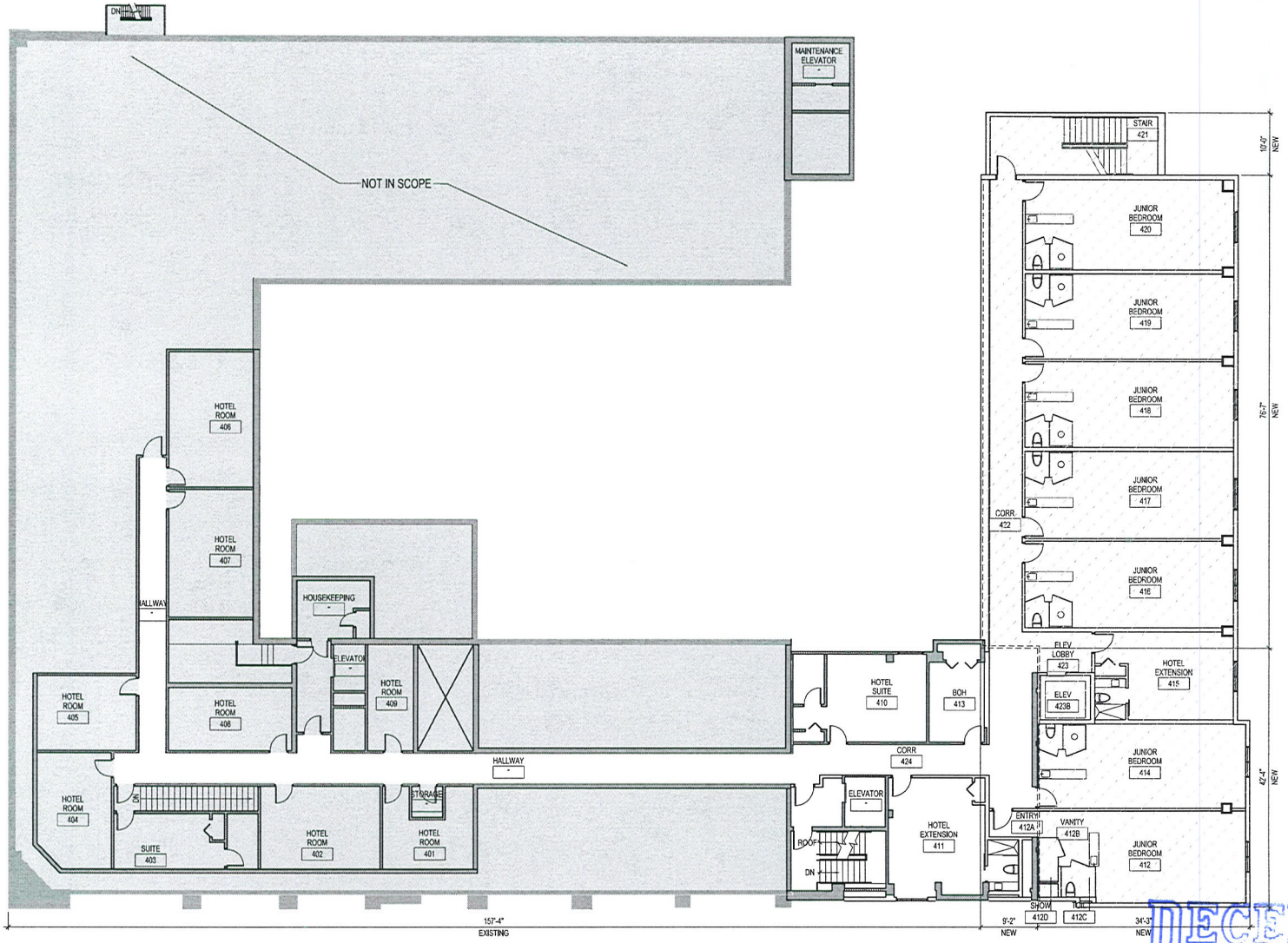
SDR-42674




INTERIOR RENOVATION

NOT IN CONTRACT

NEW CONSTRUCTION

ROOM COUNT:

| | |
|---|---|
| EXISTING: | 13 ROOMS |
| NEW: | 6 ROOMS |
| TOTAL: | 19 ROOMS |

EXISTING
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| HOTEL (RESIDENTIAL) | 3,464 SF / 200 | 18 |
| STORAGE | 269 SF / 300 | 1 |
| TOTAL | 3,733 SF | 19 |

NEW
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| HOTEL (RESIDENTIAL) | 7,047 SF / 200 | 36 |
| STORAGE | 423 SF / 300 | 2 |
| TOTAL | 7,470 SF | 38 |

0 2' 4' 8' 16'

# FOURTH FLOOR PLAN - OVERALL

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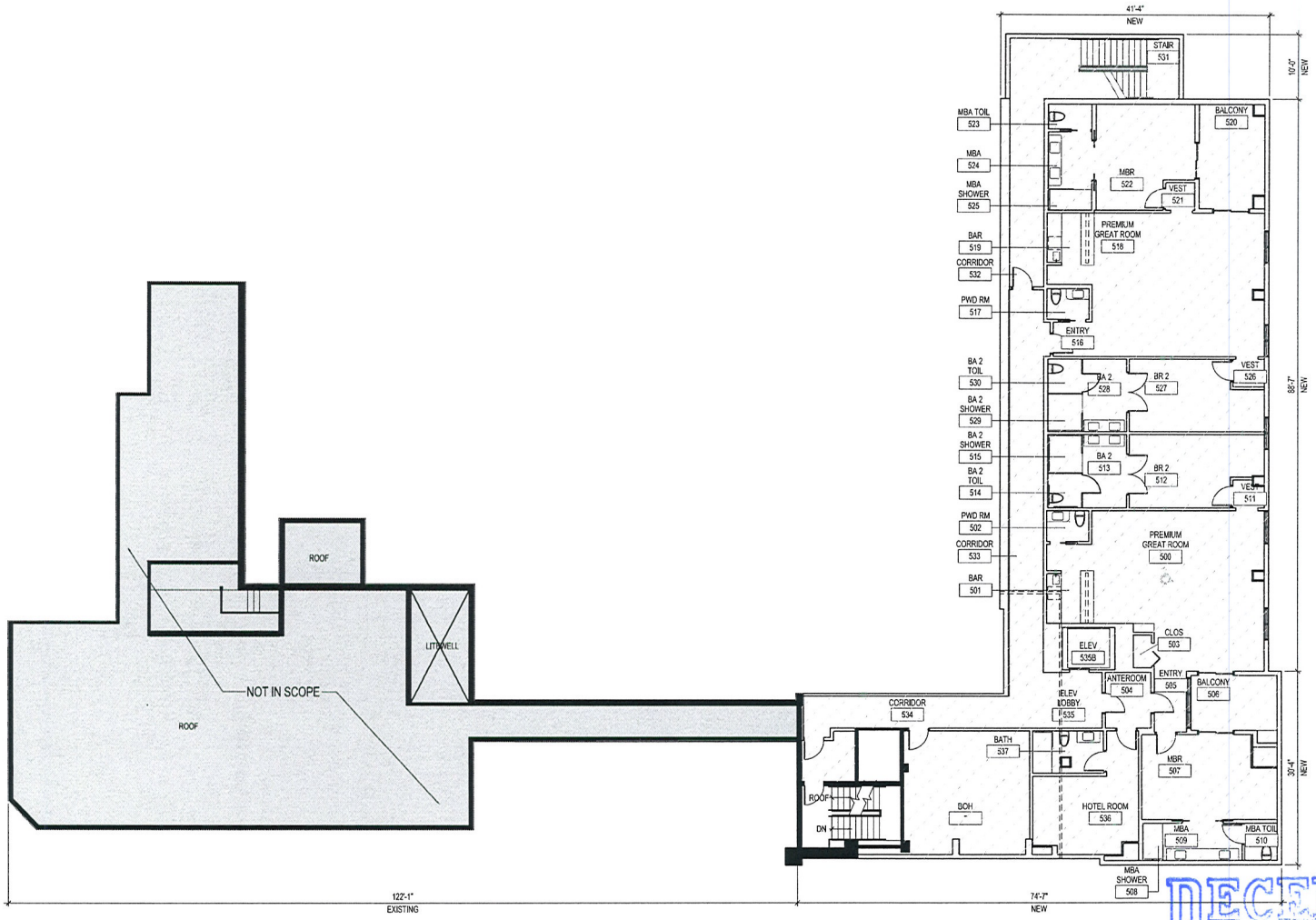
SUP-42675
SDR-42674




INTERIOR RENOVATION

NOT IN CONTRACT

NEW CONSTRUCTION

ROOM COUNT:

| | |
|---|---|
| EXISTING: | 0 ROOMS |
| NEW: | 3 ROOMS |
| TOTAL: | 3 ROOMS |

NEW
GOLDEN GATE HOTEL & CASINO
IBC 2009 TABLE 1004.1.1

| OCCUPANT USE | FACTOR & INDEX | LOAD |
|---|---|---|
| HOTEL (RESIDENTIAL) | 4,046 SF / 200 | 21 |
| STORAGE | 408 SF / 300 | 2 |
| TOTAL | 4,454 SF | 23 |

0 2' 4' 8' 16'

# FIFTH FLOOR PLAN - OVERALL

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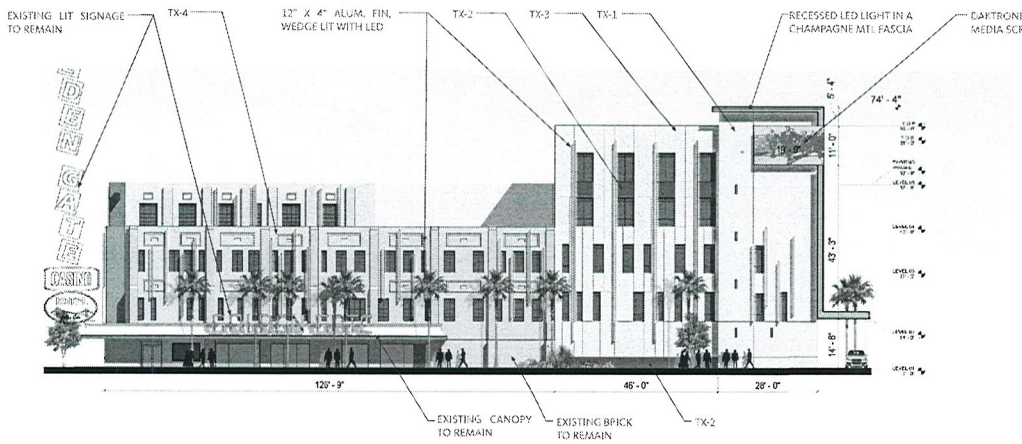
**SUP-42675**
**SDR-42674**

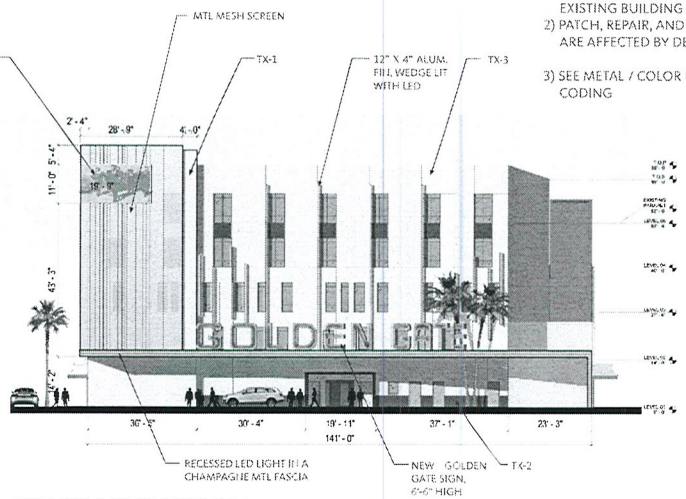
## ELEVATION NOTES

1) EXISTING STUCCO FINISH SYSTEM SHALL BE SAND-BLASTED, WATER-BLASTED OR MECHANICHALLY WIRE BRUSHED TO RECEIVE RE-BROWN COATING AND NEW PAINT OF THE EXISTING BUILDING FACADE.
2) PATCH, REPAIR, AND PAINT THOSE AREAS THAT ARE AFFECTED BY DEMOLITION.

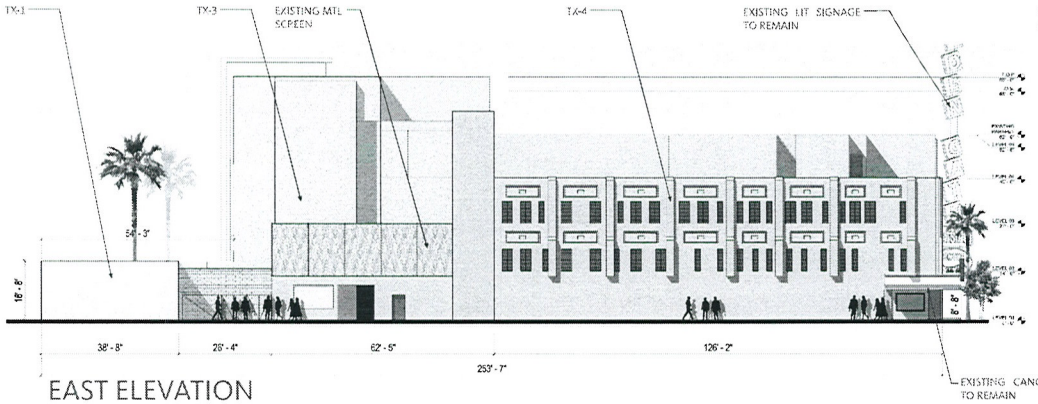
3) SEE METAL / COLOR LEGEND FOR KEYNOTE CODING



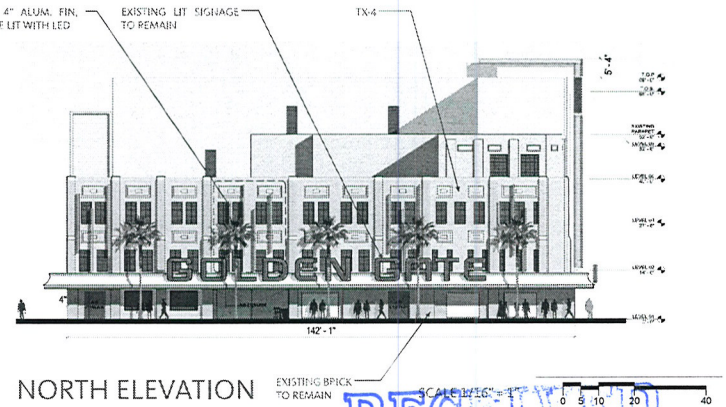

WEST ELEVATION




SOUTH ELEVATION




EAST ELEVATION




NORTH ELEVATION

SCALE 1/16" = 1'



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SDR-42674




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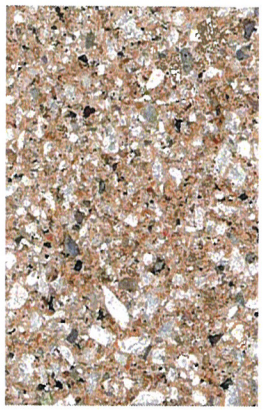
SUP-42675
SDR-42674



CMU-1: RED ROCK



CMU-2: SIERRA



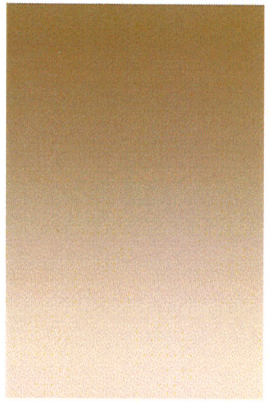
DECOMPOSED GRANITE
AT LANDSCAPE:
PALAMINO CORAL COLOR



RAILING: BLACK
FOREST GREEN



PAVER: CHICORY
SPICE



MT-1: CchampagNE METAL



STONE WALL CLADDING
AT ENTRY: STELLAR FIRE



TX-1: CELTIC LINEN DEC744
FREESTYLE DRYVIT



TX-2: GROUNDED SW6089
FREESTYLE DRYVIT



TX-3: CELTIC LINEN DEC744
SANDBLAST DRYVIT



TX-4: CHAPPARAL DEC745
LIGHT SAND CEMENT PLASTER

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# MATERIALS/COLORS



**SUP-42675**
**SDR-42674**



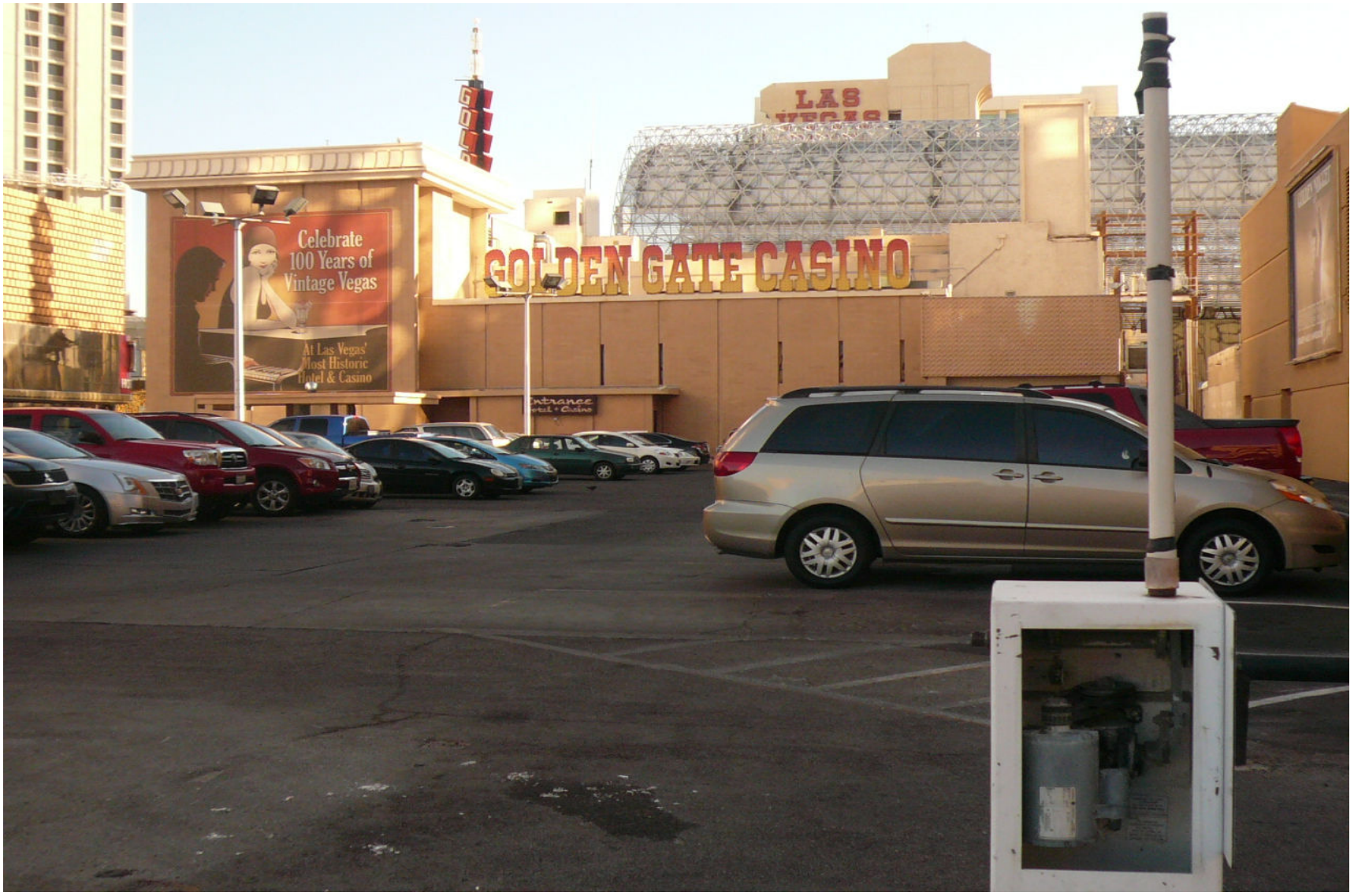

SUP-42675 AND SDR-42674 - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGER HOTEL CO. INC.
1 FREMONT STREET

08/04/11




SUP-42675 AND SDR-42674 - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGER HOTEL CO. INC.
1 FREMONT STREET

08/04/11




SUP-42675 AND SDR-42674 - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGER HOTEL CO. INC.
1 FREMONT STREET

08/04/11




SUP-42675 AND SDR-42674 - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGER HOTEL CO. INC.
1 FREMONT STREET

08/04/11

3883 Howard Hughes Parkway
Suite 650
Las Vegas NV 89169
USA

Tel 702.893.2800
Fax 702.893.2805

**Gensler**
*of Nevada*

July 1, 2011

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

**Subject:** Justification Letter on Behalf of Golden Gate Hotel & Casino

To Whom It May Concern:

Golden Gate Hotel and Casino has a desire to upgrade their current property located at 1 Fremont, Las Vegas NV 89101. It is important for the ownership to maintain an enjoyable gaming establishment while acknowledging and highlighting the historical aspect of the building. With the state of Las Vegas' economy the owners feel it is important to improve the facility to attract more people; tourist and locals alike which will in turn create more opportunity and jobs. By renovating the property it will work alongside with the plans to beautify the downtown area.

The scope of the proposed renovation includes an expansion of their south façade, into the north parking lot area, as well as the development and improvement of their south parking lot. Within this expansion there will be an addition to the gaming areas, a new café and hotel lobby area. There will be an addition of 16 hotel suites to the property's existing 106 room hotel, as well as expanded back of house area as a part of the overall improvement for a total of 28,902 square feet.

As a part of this improvement the property owner is requesting waivers relating to right of way improvements required by the Downtown Centennial Plan, and for an awning/media screen encroachment. All of the on-site improvements align with the Downtown Centennial Plan. With regards to the off-site improvements, the sidewalk along Main Street will be brought up to the new required standards under the city's "Main Street Improvement Plan." With respect to the frontage along Carson, the owner is proposing to do improvements on site only, because Carson is not a through street and ends at an adjacent property.

Currently, we believe the existing building's awning encroaches into the public right-of-way by 5'-0" along Main Street and Fremont Street. The use of awnings is a City requirement under the Downtown Centennial Plan architectural design standards. As a part of this renovation, the owner is proposing that the new awning on the corner of Main Street, would only encroach 2'-0".

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**SUP-42675**
**SDR-42674**

City of Las Vegas Agenda Item No.: **27.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

**SUBJECT:**
SDR-42674 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-42675 - PUBLIC HEARING - APPLICANT: GOLDEN GATE CASINO, LLC - OWNER: SAL SAGEV HOTEL CO. INC., ET AL - For possible action on a request for a Site Development Plan Review FOR A 28,902 SQUARE-FOOT ADDITION TO AN EXISTING HOTEL AND GAMING ESTABLISHMENT, NON-RESTRICTED AND PARKING LOT IMPROVEMENTS WITH WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN STREETSCAPE STANDARDS AND A CORRESPONDING REQUEST FOR ENCROACHMENT INTO THE MAIN STREET PUBLIC RIGHT-OF-WAY on 2.4 acres at 1 Fremont Street (APNs 139-34-111-034, 045 through 048), C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**C.C. 10/192011**

| **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-42674** APN: 139-34l-110-45, 46, 48

Name of Property Owner: Mark Brandenburg, Trustee

Name of Applicant: Golden Gate Casino 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: Mark Brandenburg

Print Name: Mark Brandenburg, Trustee

Subscribed and sworn before me

This 28 day of July, 2011

Beverley A Wilcher

Notary Public in and for said County and State

BEVERLEY A. WILCHER
Notary Public State of Nevada
No. 97-0517-1
My appt. exp. Jan. 10, 2013

RECEIVED
JUL 28 2011

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-42674 APN: 139-34-111-034

Name of Property Owner: SAL SAGEV HOTEL CORPORATION, INC.

Name of Applicant: GOLDEN GATE CASINO, 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: Mark Brandenburg, PRESIDENT GOLDEN GATE CASINO, LLC LESSEE

Print Name: MARK BRANDENBURG

Subscribed and sworn before me

This 27 day of July, 2011

Beverley A Wilcher
Notary Public in and for said County and State

BEVERLEY A. WILCHER
Notary Public State of Nevada
No. 97-0517-1
My appt. exp. Jan. 10, 2013

Revised 11-14-06

f:\dcpot\Application Packet\Statement of Financial Interest.pdf

RECEIVED
JUL 28 2011

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** Site Development Plan Review - Parking Lot Aesthetic Upgrade

**Project Address (Location)** Southeast corner of Main Street & Carson Avenue

**Project Name** Golden Gate Casino Self Parking Lot **Proposed Use** Parking

**Assessor's Parcel #(s)** 139-341-110-45, 46, ~~47~~, 48 **Ward #** 3

**General Plan:** existing C proposed n/a **Zoning:** existing C-2 proposed n/a

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

**Gross Acres** 31,484sf= 0.73 acre **Lots/Units** 4 **Density** n/a

**Additional Information** The existing property is a self-paid parking lot currently used for the Golden Gate Casino staff and customers.

**PROPERTY OWNER** Mark Brandenburg, Trustee **Contact** Mark Brandenburg

**Address** 1 Fremont Street **Phone:** (702) 383-0505 **Fax:**

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

**E-mail Address** mbrandenburg@goldengatecasino.com

**APPLICANT** GOLDEN GATE CASINO **Contact** Greg Stevens

**Address** 4 FREEMONT ST. **Phone:** (702) 385-1906 **Fax:**

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

**E-mail Address** gstevens@goldengatecasino.com

**REPRESENTATIVE** GENSLER **Contact** ALICE O'KEEFE

**Address** 3883 HUGHES PKWY. #650 **Phone:** 702.893.7811 **Fax:** 702.893.7840

**City** LAS VEGAS **State** NV **Zip** 89169

**E-mail Address** ALICE-OKEEFE@GENSLER.COM

**Property Owner Signature*** Mark Brandenburg

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

**Print Name** MARK BRANDENBURG

Subscribed and sworn before me

This 25th day of April, 20 11.

Beverley A Wilcher

Notary Public in and for said County and State

BEVERLEY A. WILCHER
Notary Public State of Nevada
No. 97-0517-1
My appt. exp. Jan. 10, 2013

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| **Case #** | SDR-42674 |
| **Meeting Date:** | 9/13/11 |
| **Total Fee:** | $1030 |
| **Date Received:*** | 7/28/11 |
| **Received By:** | Romeo |

RECEIVED
JUL 28 2011

*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

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

Application/Petition For: Site Development Plan Review; Parking & building expansion

Project Address (Location) Northeast corner of Main Street & Carson

Project Name Golden Gate Casino Renovation Proposed Use Hotel & Casino

Assessor's Parcel #(s) 139-34-111-034 Ward # 3

General Plan: existing C proposed n/a Zoning: existing C-2 proposed n/a

Commercial Square Footage 100,058 SF. Floor Area Ratio 1.79

Gross Acres 1.29 Lots/Units _____ Density 96 DU/Acre

Additional Information _____

PROPERTY OWNER Sal Sagev Hotel Co Inc Contact _____

Address % 1 Fremont Street Phone: _____ Fax: _____

City Las Vegas State NV Zip 89101

E-mail Address _____

APPLICANT Golden Gate Casino LLC Contact Mark Brandenburg

Address 1 Fremont Street Phone: 383-0505 Fax: _____

City Las Vegas State NV Zip 89101

E-mail Address mbrandenburg@goldengatecasino.com

REPRESENTATIVE Gensler of Nevada Contact Alice O'Keefe

Address 3883 Howard Hughes Pkwy Ste. 650 Phone: 7028932817 Fax: N/A

City Las Vegas State NV Zip 89169

E-mail Address alice_okeefe@gensler.com

Property Owner Signature Mark Brandenburg

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

Print Name MARK BRANDENBURG

Subscribed and sworn before me

This 27 day of July, 20 11.

Beverly A Wilcher

Notary Public in and for said County and State

BEVERLEY A. WILCHER
Notary Public State of Nevada
No. 97-0517-1
My appt. exp. Jan. 10, 2013

Revised 10/27/08

*FOR DEPARTMENT USE ONLY*

| | |
|---|---|
| Case # | SPR-42674 |
| Meeting Date: | 9/13/11 |
| Total Fee: | $1030 |
| Date Received:* | 7/28/11 |
| Received By: | Romeo |

*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
JUL 28 2011

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

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION / PETITION FORM

**Application/Petition For:** Site Development Plan Review - Parking Lot Aesthetic Upgrade

**Project Address (Location)** Southeast corner of Main Street & Carson Avenue

**Project Name** Golden Gate Casino Self Parking Lot **Proposed Use** Parking

**Assessor's Parcel #(s)** 139-341-110-~~45, 46,~~ (47) ~~48~~ **Ward #** 3

**General Plan:** existing C proposed n/a **Zoning:** existing C-2 proposed n/a

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

**Gross Acres** 31,484sf= 0.73 acre **Lots/Units** 4 **Density** n/a

**Additional Information** The existing property is a self-paid parking lot currently used for the Golden Gate Casino staff and customers.

**PROPERTY OWNER** Elizabeth Properties Trust **Contact** Margaret Carnell, Trustee

**Address** 1912 S Maryland Pkwy **Phone:** (702) 733-7144 **Fax:**

**City** Las Vegas **State** NV **Zip** 89104

**E-mail Address** vontobel77@aol.com

**APPLICANT** GOLDEN GATE CASINO **Contact** Greg Stevens

**Address** 1 Fremont Street **Phone:** (702) 385-1906 **Fax:**

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

**E-mail Address** gstevens@goldengatecasino.com

**REPRESENTATIVE** GENSLER **Contact** ALICE O'KEEFE

**Address** 3883 HUGHES PKWY #650 **Phone:** 702 893 7817 **Fax:**

**City** LAS VEGAS **State** NV **Zip** 89169

**E-mail Address** ALICE_OKEEFE@GENSLER.COM

**Property Owner Signature*** Margaret M. Carnell

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

**Print Name** Margaret M. Carnell

Subscribed and sworn before me

This 21st day of April, 20 11.

Beverley A Wilcher

Notary Public in and for said County and State

BEVERLEY A. WILCHER
Notary Public State of Nevada
No. 97-0517-1
My appt. exp. Jan. 10, 2013

Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SDR-42674 |
| **Meeting Date:** | 9/13/11 |
| **Total Fee:** | $ 1030 |
| **Date Received:*** | 7/28/11 |
| **Received By:** | Romeo |

RECEIVED
JUL 28 2011

*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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City of Las Vegas Agenda Item No.: **28.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

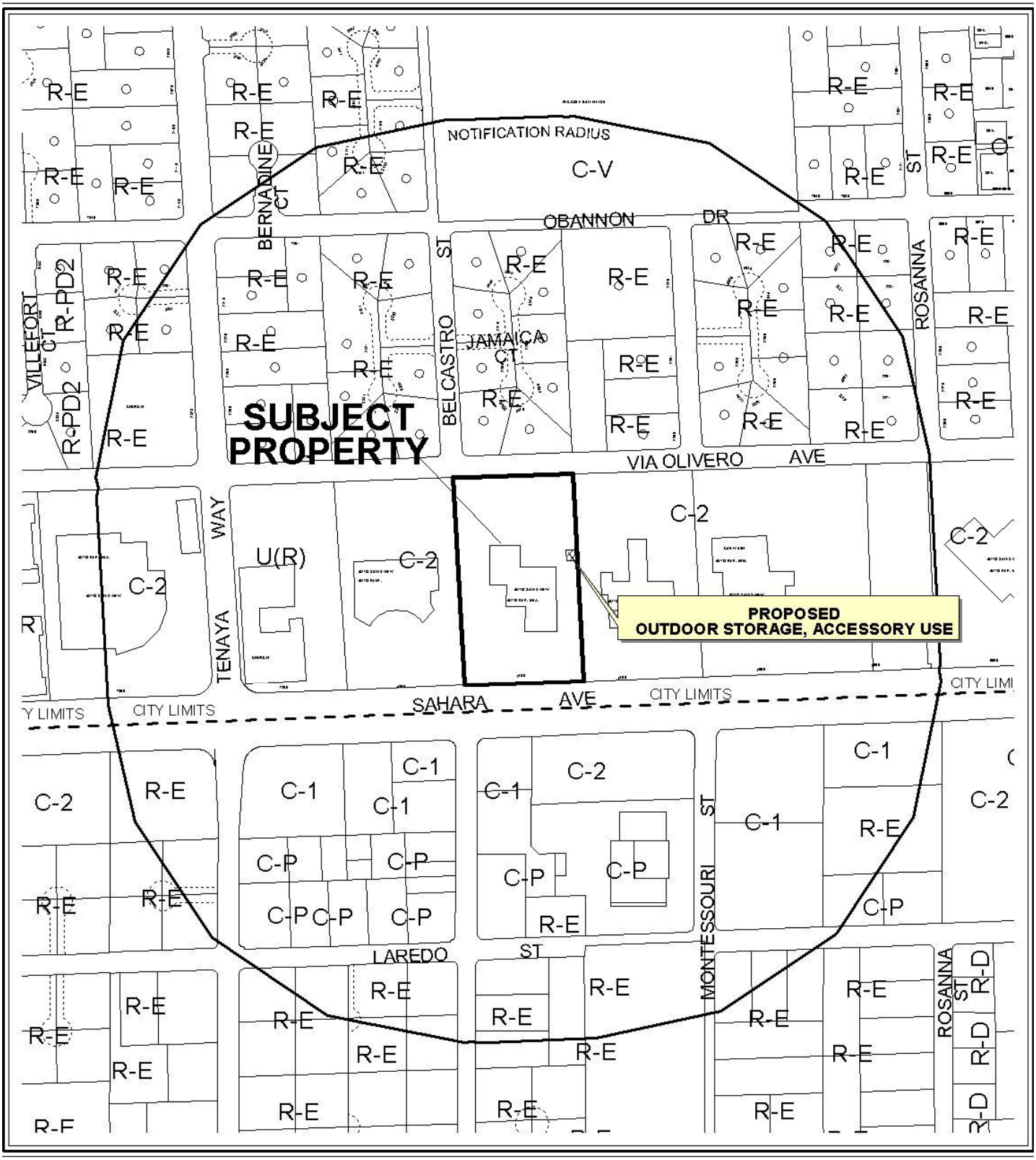
**SUBJECT:**
SUP-42678 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: PLANET HYUNDAI - OWNER: TCP REAL PROPERTY, LP - For Possible action on a request for a Special Use Permit FOR OUTDOOR STORAGE, ACCESSORY at 7150 West Sahara Avenue (APN 163-03-806-001), C-2 (General Commercial), Ward 1 (Tarkanian). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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

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**CASE:** **SUP-42678**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (General Commercial)

N




**CASE:** **SUP-42678**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-2 (General Commercial)

0 300 600 Feet

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-42678** APN: _____

Name of Property Owner: TCP REAL PROPERTY LP

Name of Applicant: PLANET HYUNDAI

Name of Representative: RONALD COURY

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 T. Coury

Print Name: Ronald Coury

Subscribed and sworn before me

This 28 day of JULY, 2011

L VanHine

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
L. VANHINE
Appt. No. 10-3197-1
My Appt. Expires Aug. 12, 2014

RECEIVED
JUL 28 2011
City of Las Vegas

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** PLANET HYUNDAI

**Project Address (Location)** 7150 W. SAHARA AVE.

**Project Name** ACCESSORY OUTDOOR STORAGE **Proposed Use** STORAGE

**Assessor's Parcel #(s)** 163-03-806-001 **Ward #** _____

**General Plan:** existing GC proposed _____ **Zoning:** existing C2 proposed _____

**Commercial Square Footage** 12000 **Floor Area Ratio** .28

**Gross Acres** 4.46 **Lots/Units** _____ **Density** _____

**Additional Information** _____

**PROPERTY OWNER** TCP REAL PROPERTY LP **Contact** LORAL MONSON

**Address** 7150 W. SAHARA AVE. **Phone:** 938-1400 **Fax:** 938-1417

**City** LAS VEGAS **State** NV. **Zip** 89117

**E-mail Address** _____

**APPLICANT** PLANET HYUNDAI **Contact** LORAL MONSON

**Address** 7150 W SAHARA AVE **Phone:** 938-1400 **Fax:** 938-1417

**City** LAS VEGAS **State** NV **Zip** 89117

**E-mail Address** PLANETLV.COM

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

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

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

**E-mail Address** _____

**Property Owner Signature*** Ronald T. Coury

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

**Print Name** RONALD COURY

Subscribed and sworn before me

This 28 day of July, 20 11.

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
L. VANHINE
Appt No 10-3197-1
My Appt Expires Aug 12, 2014

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| Case # | SUP-42678 |
| Meeting Date: | 9/13/11 |
| Total Fee: | $1,030 |
| Date Received:* | 7/28/11 |
| Received By: | BMS |

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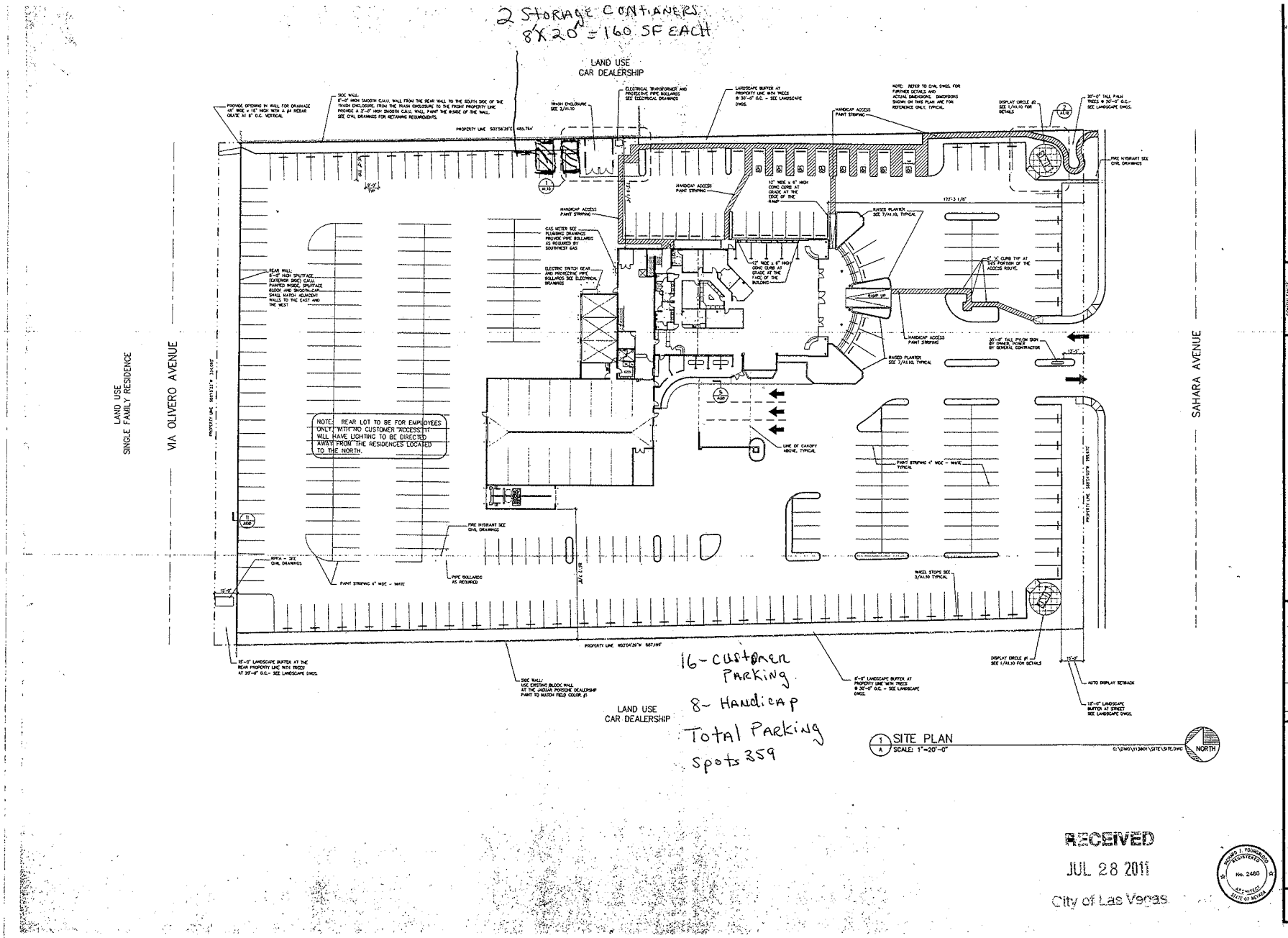
JUL 28 2011
City of Las Vegas

*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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City of Las Vegas

YOUNGBLOOD
Architectural Studios

CONSULTANTS

PLANET HYUNDAI
WEST SAHARA AVENUE
LAS VEGAS, NV 89104

| NO | DATE | REVISION DESCRIPTION |
|---|---|---|
| 1 | 18 MAY 00 | ADDENDUM #1 |
| 2 | 5 JULY 00 | CLIENT CORRECTIONS |
| 3 | 7 AUG 00 | CLIENT CORRECTIONS |
| 4 | 27 SEPT 2000 | |

SITE PLAN

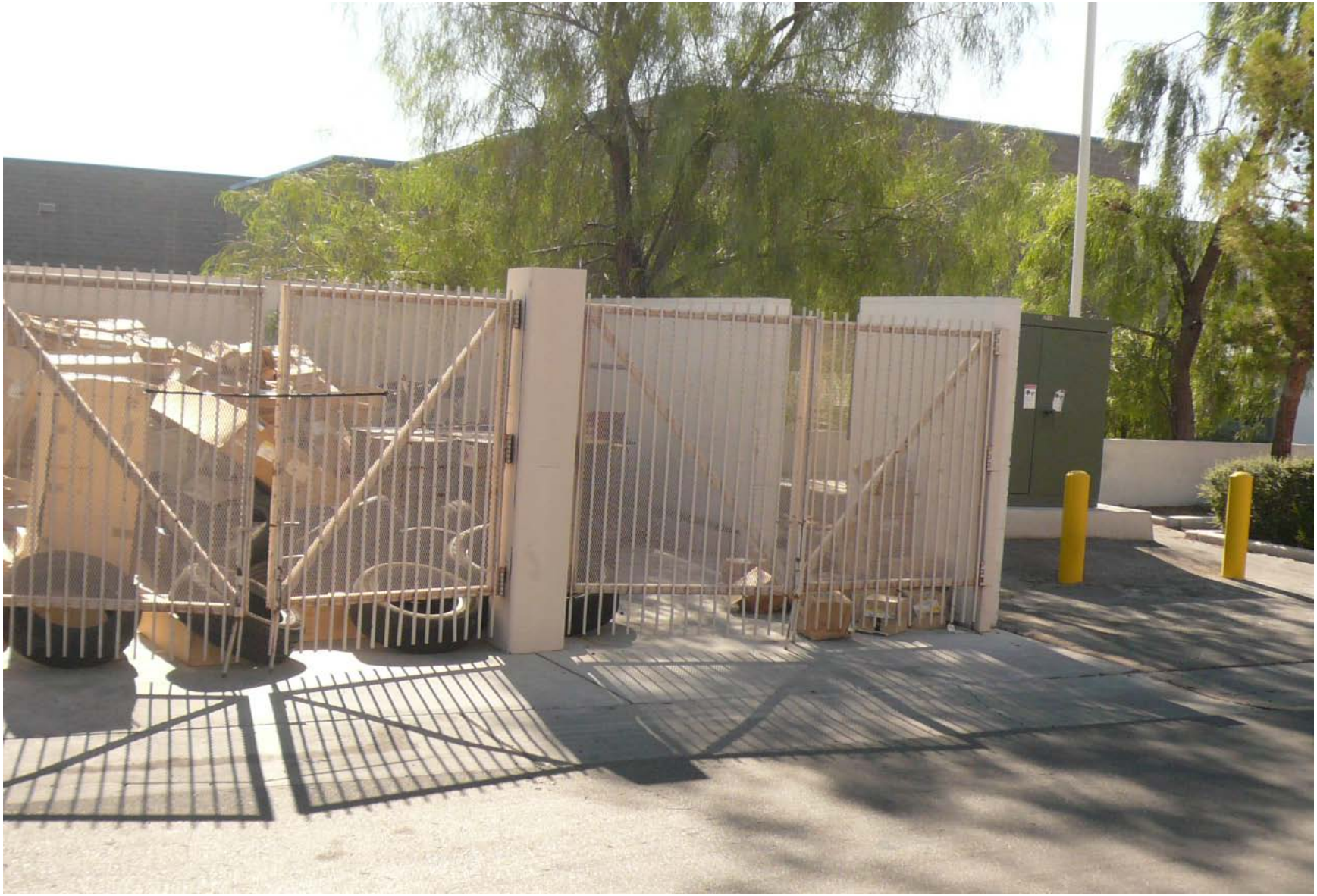
A1.00

SUP-42678



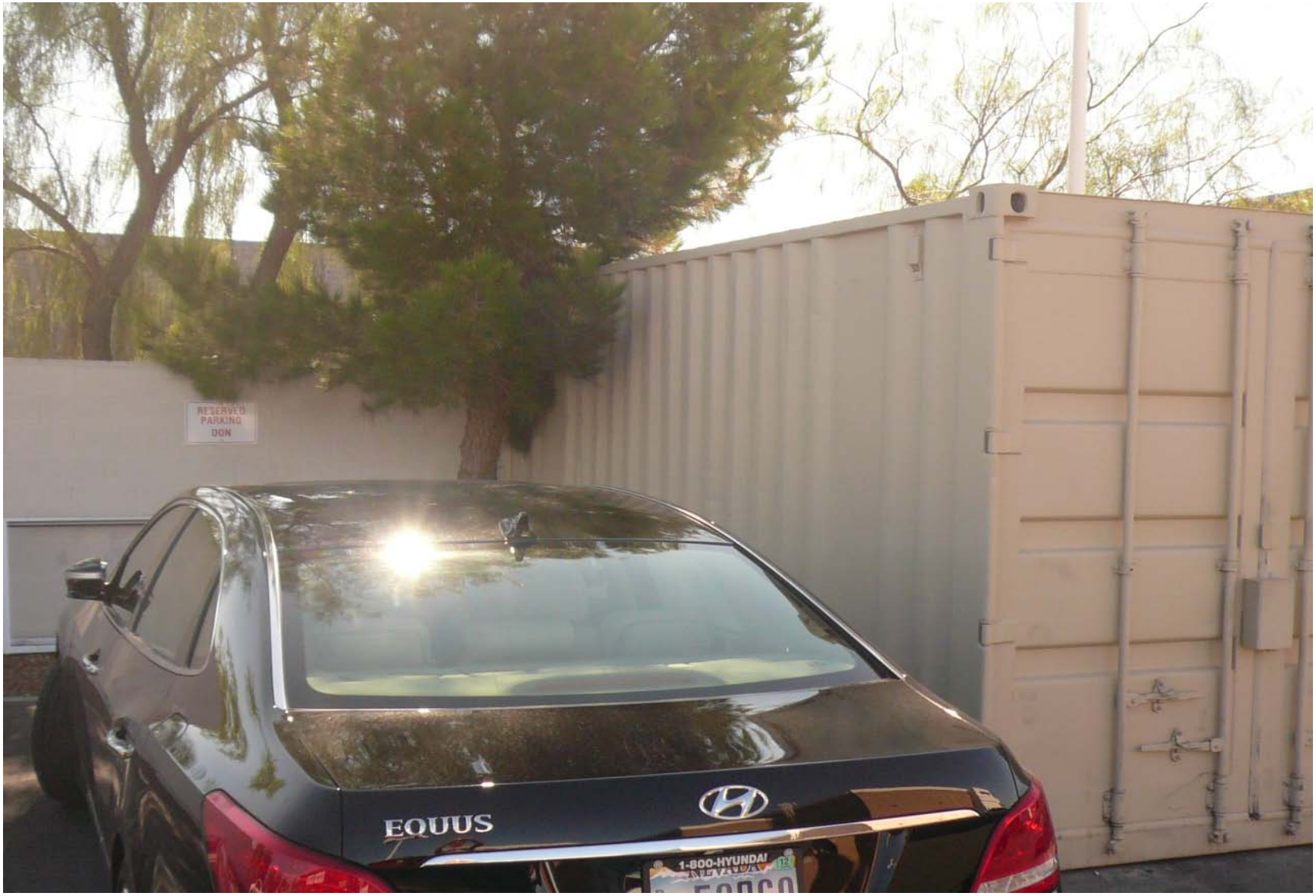
SUP-42678 - APPLICANT: PLANET HYUNDAI - OWNER: TCP REAL PROPERTY, LP
7150 WEST SAHARA AVENUE

08/04/11



SUP-42678 - APPLICANT: PLANET HYUNDAI - OWNER: TCP REAL PROPERTY, LP
7150 WEST SAHARA AVENUE

08/04/11




SUP-42678 - APPLICANT: PLANET HYUNDAI - OWNER: TCP REAL PROPERTY, LP
7150 WEST SAHARA AVENUE

08/04/11



SOUTH View

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JUL 28 2011
City of Las Vegas

SUP-42678



EAST View

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JUL 28 2011
City of Las Vegas

SUP-42678




SUP-42678

RECEIVED
JUL 28 2011
City of Las Vegas

EAST View



NORTH VIEW

RECEIVED
JUL 2021
City of Las Vegas

SUP-42678




EAST View

RECEIVED
JUL 28
City of Las Vegas

SUP-42678

PLANET HYUNDAI

To whom it may concern,

This letter is to outline our reasons for our application for a special use permit for an existing outdoor storage use at 7150 W Sahara Ave.

The two containers are located in an optimal position at this time. They are use to store auto parts so proximity to the parts department is crucial for production. Other planed locations lead to further complications.

Where they are now located only takes up 2.5 parking spaces.

Other locations would take up 4-6 spaces.

They blend into the surrounding walls so they are not obtrusive.

Moving them would take up valuable space used for staging cars for repair, thus decreasing productivity.

The blind spots created by moving them would create a hazardous situation.

In summary, the location that they are currently in has proved to be both a safe and nondescript location.

Thank you for your consideration,

Henry Van Antwerp

Parts Manager

Loral Monson

Lot Manager

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JUL 28 2011
City of Las Vegas

**SUP-42678**

7150 West Sahara • Las Vegas, NV 89117 • Phone 702-938-1400 • Fax 702-938-1417

City of Las Vegas Agenda Item No.: **29.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

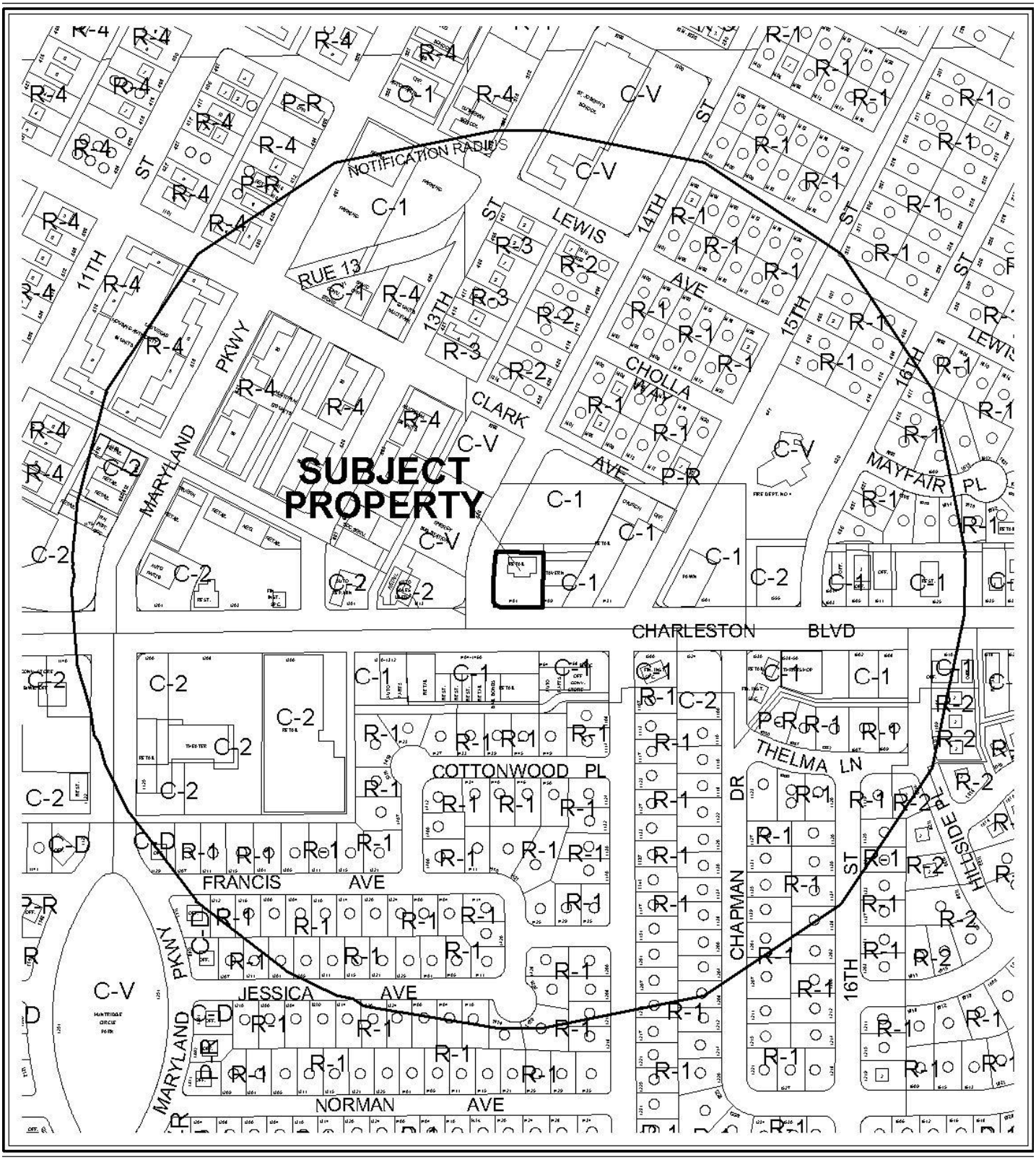
**SUBJECT:**
SUP-42683 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: IRIS J. GORLICK - OWNER: MER-CAR CORP. - For possible action on a request for a Special Use Permit FOR A PROPOSED 140 SQUARE-FOOT BAILBOND SERVICE USE at 1401 East Charleston Boulevard, Suite #102 (APN 139-35-401-002), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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

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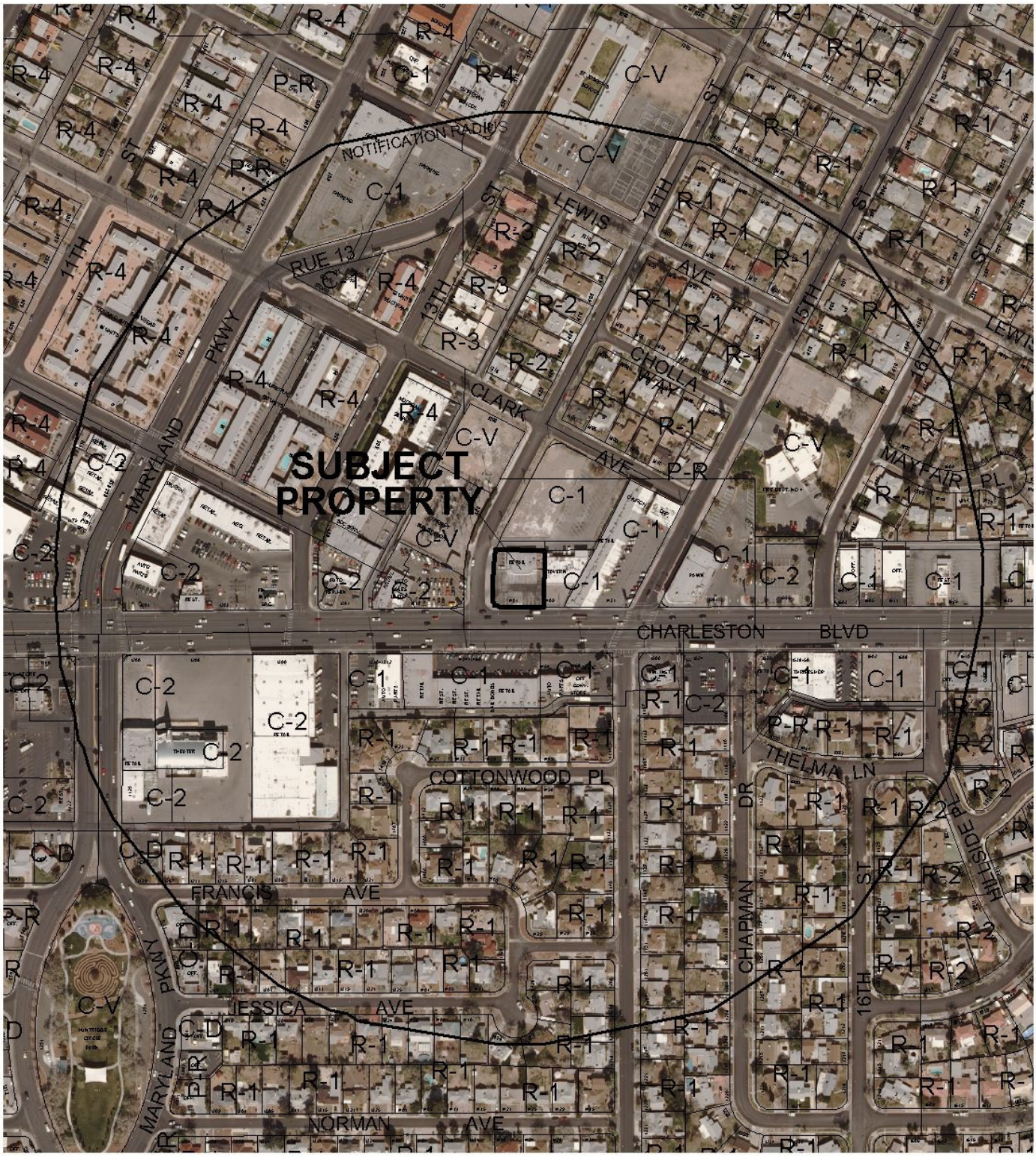
**CASE:** **SUP-42683**

**RADIUS:** 1000 FT

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

N




0 300 600 Feet

**CASE:** **SUP-42683**

**RADIUS:** 1000 FT

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

N

DEPARTMENT OF PLANNING

# STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-42683 APN: 139-35-401-002

Name of Property Owner: Merv Dukatt

Name of Applicant: Iris J. Gorlick

Name of Representative: Elliot S. Gorlick

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: Merv DUKATT

Subscribed and sworn before me

This 28th day of July, 2011

_____

Notary Public in and for said County and State

OFFICIAL SEAL
STEVEN H DUKATT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:07/17/13



07/28/2011 13:20 7028133323 8 BALL BAIL BONDS PAGE 06/06

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

**Application/Petition For:** Special Use Permit

**Project Address (Location)** 1401 E. Charleston Blvd.

**Project Name** BAIL Boss Bail Bonds **Proposed Use** Bail Bonds

**Assessor's Parcel #(s)** 139-35-401-002 **Ward #** 3 Coffin

**General Plan:** existing _____ proposed _____ **Zoning:** existing C-1 proposed C-1+

**Commercial Square Footage** 2750 **Floor Area Ratio** 20-61-35

**Gross Acres** .38 **Lots/Units** _____ **Density** _____

**Additional Information** We Are only Renting An Executive office - Not The Whole Building

**PROPERTY OWNER** Mer Car Corp **Contact** 773-227-2160

**Address** 1410 S. Clinton St. **Phone:** 773-227-6500 **Fax:** 312-226-8623

**City** CHICAGO **State** IL **Zip** 60607

**E-mail Address** N/A

**APPLICANT** Iris J. Gorlick **Contact** Iris J. Gorlick

**Address** 2124 Tyler Dr. **Phone:** (702) 580-3672 **Fax:** _____

**City** Henderson **State** NV **Zip** 89074

**E-mail Address** escapebailbonds@yahoo.com

**REPRESENTATIVE** Elliot S. Gorlick **Contact** Elliot S. Gorlick

**Address** 2124 Tyler Dr. **Phone:** (702) 542-7714 **Fax:** _____

**City** Henderson **State** NV **Zip** 89074

**E-mail Address** escapebailbonds@yahoo.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** Merl DUKATT

Subscribed and sworn before me

This 28th. day of July, 2011.

[signature]

Notary Public in and for said County and State

OFFICIAL SEAL
STEVEN H DUKATT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:07/17/13

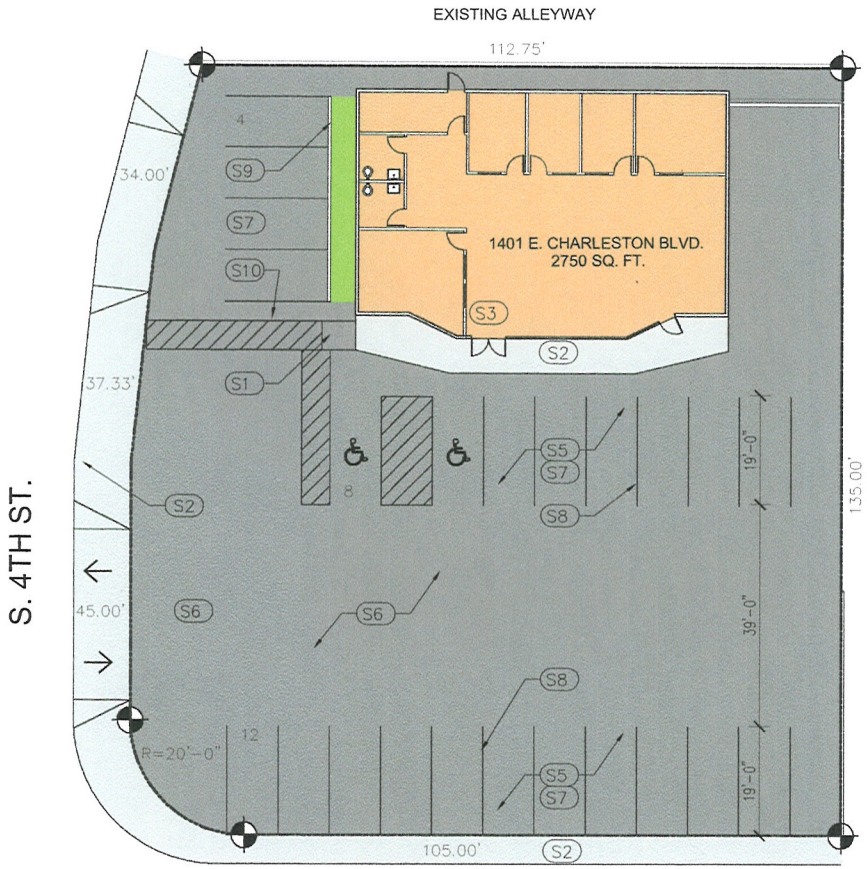
Revised 10/27/08

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SUP-42683 |
| **Meeting Date:** | 9.13.11 |
| **Total Fee:** | 1030.00 |
| **Date Received:*** | 7.28.11 |
| **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.

07/28/2011 13:20 7028133323 8 BALL BAIL BONDS PAGE 05/06




1 A1.1 SITE PLAN
SCALE: 1" = 10'-0"

NORTH

| | |
|---|---|
| A.P.N. | 139-35-401-002 |
| Owner Name: | Mar-Car Corp. |
| Tenant Name: | BAIL BOSS BAIL BONDS<br>1401 E. Charleston, Suite 102 |
| Site Address: | 1401 E. Charleston Blvd. |
| Jurisdiction: | CLARK COUNTY (Las Vegas) 89101 |
| Zoning: | Limited Commercial District (C-1) |
| T-R-S: | 20-61-35 |
| Lot Size: | 0.38 acres |

GENERAL NOTES:

FOR FLOOR PLAN; REFER TO A1.1

SITE NOTES

(S1) 6" CURB RAMP
(S2) CONCRETE SIDEWALK (EXISTING)
(S3) BUILDING ENTRANCE
(S4) 6" CONCRETE CURB
(S5) PARKING STALLS (TYP.)
(S6) DRIVEWAY
(S7) PAVED PARKING AREA
(S8) PARKING STRIPING (TYPICAL).
(S9) LANDSCAPED AREA (EXISTING).
(S10) ACCESSIBLE ACCES TO PUBLIC WAY

SITE/PARKING ANALYSIS

ADJACENT ZONING:
N,S,E C-1
W C-2

BUILDING AREA 2,750 SF

PARKING

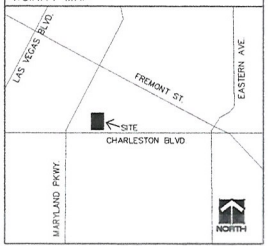
REQUIREMENT FOR OFFICE IS SAME AS BAILBOND SERVICE. GROSS SQUARE FTG. CALCULATED FOR OFFICE USE.

REQUIRED: 1 SPACE FOR EACH 300 SQ. FT. OF GROSS FLOOR AREA.

2750/300 = 9 SPACES

| REQUIRED | PROVIDED |
|---|---|
| 9 SPACES | 22 STANDARD + 2 H.C SPACES<br>24 SPACES |

VICINITY MAP




SITE LEGEND

SETBACK LINE
PROPERTY LINES
PROPERTY CORNERS
DIRECTION OF VEHICLE ACCESS ROUTES
19'
9'
TYPICAL PARKING STALL DIMENSIONS
6" CONCRETE CURBING

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Cypress Architecture & Design, Inc.
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T: (702) 636-7625
F: (702) 995-0271
www.cypressarchitecture.com

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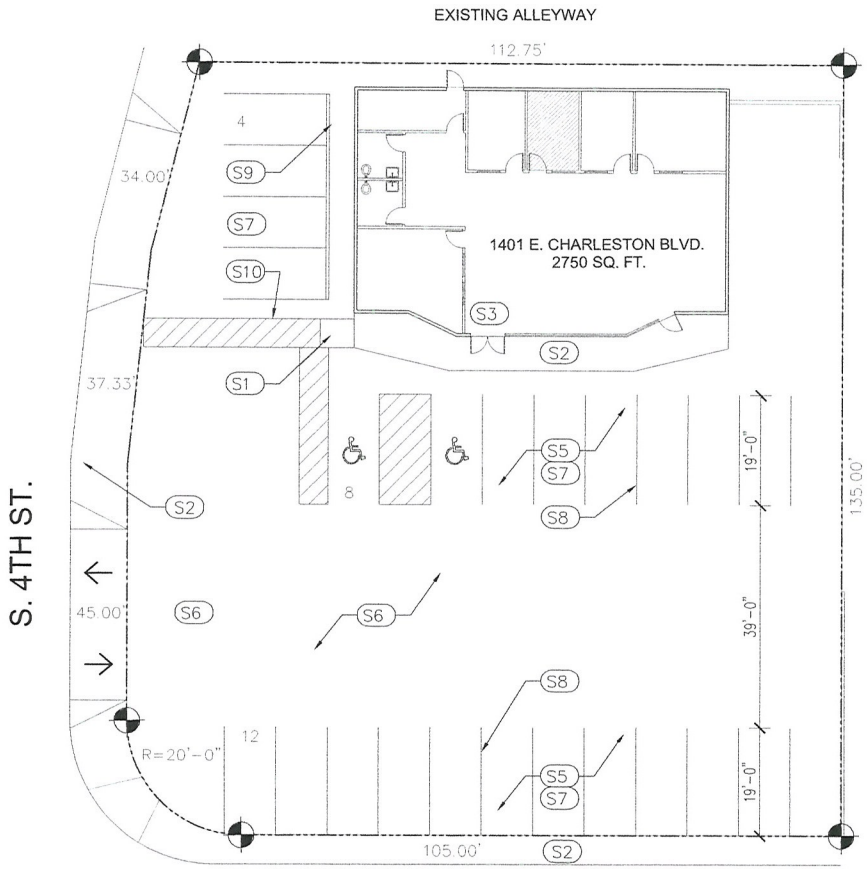
Rev. | Date | Description

BAIL BONDS
1401 E. CHARLESTO
SUITE 102
LAS VEGAS, NV 89104

Sheet Title
SITE PLAN

| | |
|---|---|
| Project No. | cyp408-BAILBOS |
| file name: | 408_A1.1 |
| Drawn By: | EV/AB/LL |
| Checked By: | EV |
| Date: | 07/11/11 |
| Sheet No. | A1.1 |




1 A1.1 SITE PLAN
SCALE: 1" = 10'-0"

NORTH

| | |
|---|---|
| A.P.N. | 139-35-401-002 |
| Owner Name: | Mer-Car Corp. |
| Tenant Name: | BAIL BOSS BAIL BONDS<br>1401 E. Charleston, Suite 102 |
| Site Address: | 1401 E. Charleston Blvd. |
| Jurisdiction: | CLARK COUNTY (Las Vegas) 89101 |
| Zoning: | Limited Commercial District (C-1) |
| T-R-S: | 20-61-35 |
| Lot Size: | 0.38 acres |

GENERAL NOTES:

FOR FLOOR PLAN; REFER TO A1.1

SITE NOTES

(S1) 6" CURB RAMP
(S2) CONCRETE SIDEWALK (EXISTING)
(S3) BUILDING ENTRANCE
(S4) 6" CONCRETE CURB
(S5) PARKING STALLS (TYP.)
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(S7) PAVED PARKING AREA
(S8) PARKING STRIPING (TYPICAL).
(S9) LANDSCAPED AREA (EXISTING).
(S10) ACCESSIBLE ACCES TO PUBLIC WAY

SITE/PARKING ANALYSIS

ADJACENT ZONING:
N,S,E C-1
W C-2

BUILDING AREA 2,750 SF

PARKING

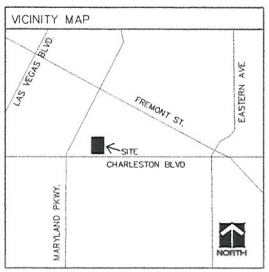
REQUIREMENT FOR OFFICE IS SAME AS BAILBOND SERVICE. GROSS SQUARE FTG. CALCULATED FOR OFFICE USE.

REQUIRED: 1 SPACE FOR EACH 300 SQ. FT. OF GROSS FLOOR AREA.

2750/300 = 9 SPACES

| REQUIRED | PROVIDED |
|---|---|
| 9 SPACES | 22 STANDARD + 2 H.C SPACES<br>24 SPACES |

VICINITY MAP




SITE LEGEND

SETBACK LINE
PROPERTY LINES
PROPERTY CORNERS
DIRECTION OF VEHICLE ACCESS ROUTES
19'
9'
TYPICAL PARKING STALL DIMENSIONS
6" CONCRETE CURBING

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Rev. Date Description

BAIL BOSS BAIL BONDS
1401 E. CHARLESTON BLVD.
SUITE 102
LAS VEGAS, NV 89104

Sheet Title
SITE PLAN

| | |
|---|---|
| Project No. | cyp408-BAILBOS |
| file name | 408_A1.1 |
| Drawn By: | EV/AB/LL |
| Checked By: | EV |
| Date: | 07/11/11 |
| Sheet No. | A1.1 |

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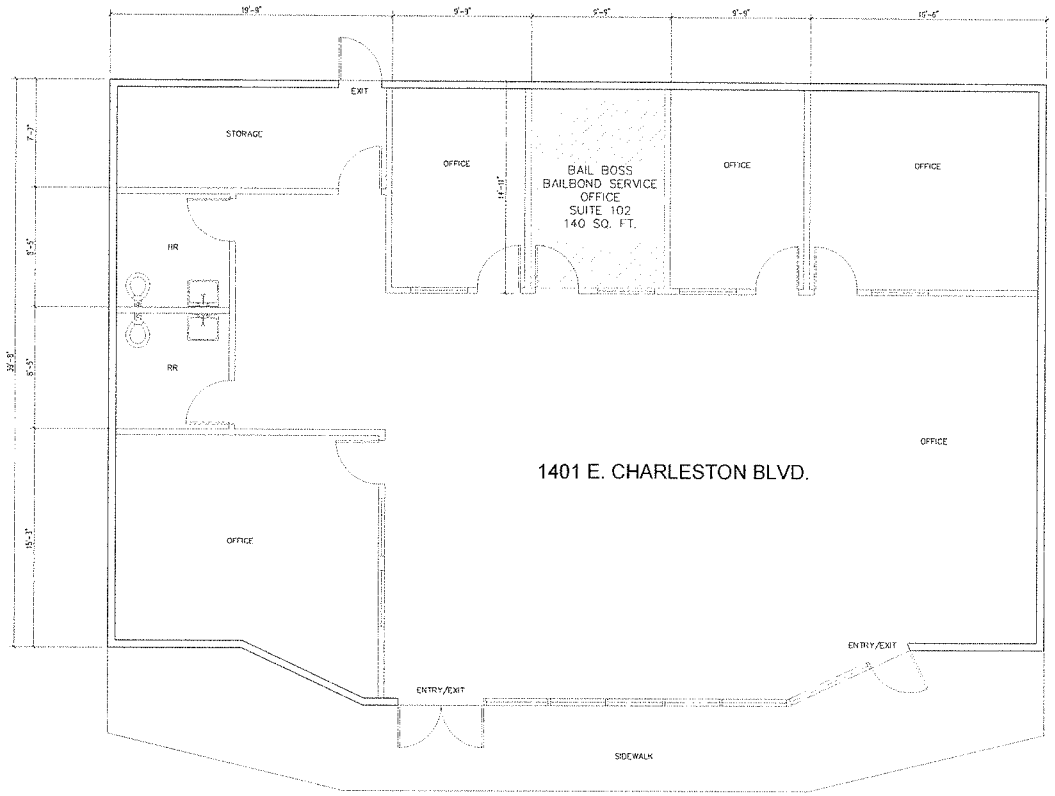


1 A2.1 FLOOR PLAN
SCALE 1/4" = 1'-0"

NORTH

## GENERAL NOTES

1. REFER TO A1.1 FOR SITE PLAN
2. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE

## WALL TYPES

EXISTING WALL

## MAXIMUM OCCUPANCY

TYPE OF OCCUPANCY = B (BUSINESS); OFFICE
NUMBER OF OCCUPANTS = DRDIS SQ. FTG. / LOAD FACTOR
2750/100 = 28 OCCUPANTS


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BAIL BOSS BAIL BONDS
1401 E. CHARLESTON BLVD.
SUITE 102
LAS VEGAS, NV 89104

Sheet Title

FLOOR PLAN

Project No. [illegible]
File Name [illegible]
Drawn By [illegible]
Checked By [illegible]
Date [illegible]
Sheet No.

A2.1

SUP-42683




**SUP-42683 - APPLICANT: IRIS J. GORLICK - OWNER: MER-CAR CORP.**
**1401 EAST CHARLESTON BOULEVARD, SUITE #102**

08/04/11




SUP-42683 - APPLICANT: IRIS J. GORLICK - OWNER: MER-CAR CORP.
1401 EAST CHARLESTON BOULEVARD, SUITE #102

08/04/11






SUP-42683






SUP-42683




SUP-42683

07/27/2011

RE: Request for a "Special Use Permit" for 1401 E. Charleston Blvd.

To Whom It May Concern,

I am requesting for the City Of Las Vegas to kindly grant me a "Special Use Permit" and allow me to open and conduct business as a bail bonds company at 1401 E. Charleston Blvd.

I am an established bail agent that owns & operates two other respected bail bonds companies here in the Las Vegas area (8-Ball Bail Bonds for 2.5 years & Escape Bail Bonds in NLV for the past 4 years). We have established a reputation at both existing offices as a company that prides itself on customer service & changing the stereotype of what the public thinks when they think of "Bail Bonds."

I have decided to open a third office due to the community need for more reputable bail bonds & a personal interest of wanting to spread my standard of service. At each of my offices that are currently in existence, my staff and I always go above and beyond to help people exercise their right to post bail and get back to their family, work & "normal" life till they have their day in court. I also feel that this particular location offers me as a local entrepreneur & striving business person in Las Vegas a unique opportunity based off of the fact that I am renting an "Executive Office" within a larger building that will also offer insurance & tax service to the public. This will give me the opportunity to establish a client base & serve the people that learn of our whereabouts due to the fact they frequent the location to conduct alternate forms of business.

I believe that I am able to assist and help the public with the need of honorable and reliable established bail bonds assistance in this sector of town. It is central enough to the local jails & courts (CCDC on Casino Center, City Jail on Stewart / Pecos, NLV Jail on LV Blvd & Karrie, & Henderson Jail on Water Street) that the public can come to my office with ease, and I can deliver the bonds for the release of the defendant in a reasonable amount of time. Please let it be known that there is another Bail Bonds directly across the street at 1440 E. Charleston Blvd., so I feel this gives reasonable proof to the fact that there is a need for bail bonds in the area & that this location is still within close to the proximity to the jails & courts to conduct business. There are also multiple attorney offices within close proximity to the desired location, and attorney's & bail bonds work hand in hand on a referral based business in order to help one another's clients with the type service each of our business can provide.

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**SUP-42683**

My hope is in the City of Las Vegas and the approval of my "Special Use Permit" so I can open my Bail Bonds office which will be of a positive service to the community and a new reputable business opening that will contribute in the City of Las Vegas & local the economy. I am a hand's on owner/operator that takes pride in how my business is conducted and the reputation I establish within the community. Please feel free to contact for references at your convenience.

My bail Bonds office will be open and operating 24 hours 7 days a week in order to insure optimum service whenever we are needed.

Your consideration is greatly appreciated, and I hope the City Council can see the value and service, along with revenue this could bring to the local City of Las Vegas & the community.

Respectfully,

Iris I. Gorlick

SUP-42683

City of Las Vegas Agenda Item No.: **30.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

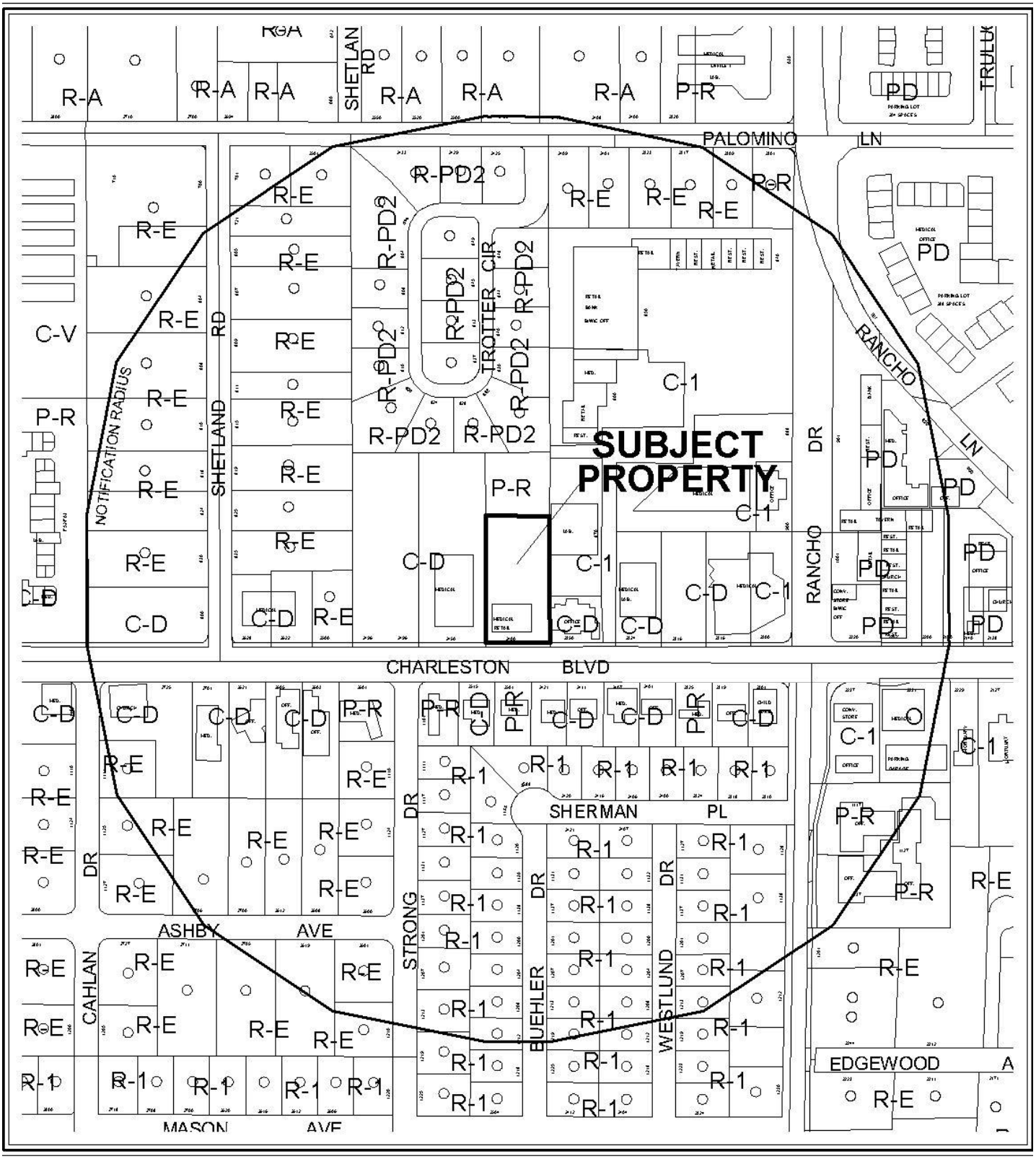
**SUBJECT:**
SDR-42682 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: EMERALD RE, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 20-FOOT TALL, 4,939 SQUARE-FOOT SINGLE-STORY OFFICE, MEDICAL WITH WAIVERS OF THE PERIMETER LANDSCAPE BUFFER STANDARDS TO ALLOW ZERO FEET ALONG THE WEST AND NORTH PERIMETERS WHERE EIGHT FEET IS REQUIRED on 1.17 acres at 2400 West Charleston Boulevard (APN 139-32-802-026), C-D (Designed Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL.

**MAY GO TO CITY COUNCIL ON 10/19/2011**
**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-42682**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-D (DESIGNED COMMERCIAL)

N




**CASE:** **SDR-42682**

**RADIUS:** 1000 FT

**ZONING OF SUBJECT PROPERTY:** C-D (DESIGNED COMMERCIAL)

0 300 600 Feet

N

# DEPARTMENT OF PLANNING

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-42682 APN: 139-32-802-026

Name of Property Owner: Emerald RE, LLC

Name of Applicant: Same as Owner

Name of Representative: Affordable Concepts, Inc.

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: Carlos R Anaya MD

Print Name: Carlos R. Anaya MD

Subscribed and sworn before me

This 27 day of July, 2011

Miriam Jimenez

Notary Public in and for said County and State

MIRIAM JIMENEZ
Notary Public State of Nevada
No. 07-1780-1
My appt. exp. Feb. 1, 2015

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City of Las Vegas

# DEPARTMENT OF PLANNING

## APPLICATION / PETITION FORM

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

**Project Address (Location)** 2400 West Charleston Blvd.

**Project Name** San Carlos Medical Office **Proposed Use** Medical Office

**Assessor's Parcel #(s)** 139-32-802-026 **Ward #** 1

**General Plan:** existing O proposed O **Zoning:** existing C-D proposed C-D

**Commercial Square Footage** 4,939 **Floor Area Ratio** 9.4 %

**Gross Acres** 1.17 **Lots/Units** 1 **Density**

**Additional Information**

**PROPERTY OWNER** Emerald RE, LLC **Contact** Carlos Anaya M.D.

**Address** 7370 Bachelors Button Dr. **Phone:** 524-0705 **Fax:** 320-7932

**City** Las Vegas **State** Nevada **Zip** 89131

**E-mail Address** canaya73@yahoo.com

**APPLICANT** Same as Owner **Contact**

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

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

**E-mail Address**

**REPRESENTATIVE** Affordable Concepts, Inc. **Contact** Jim Ash

**Address** 2975 West Lake Mead Blvd. **Phone:** (702) 399-3330 **Fax:** (702) 399-1930

**City** North Las Vegas **State** Nevada **Zip** 89032

**E-mail Address** jash@acilv.com

**Property Owner Signature*** Carlos Anaya MD

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

**Print Name** Carlos E. Anaya MD

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Subscribed and sworn before me

This 27 day of July 20 11

Miriam Jimenez

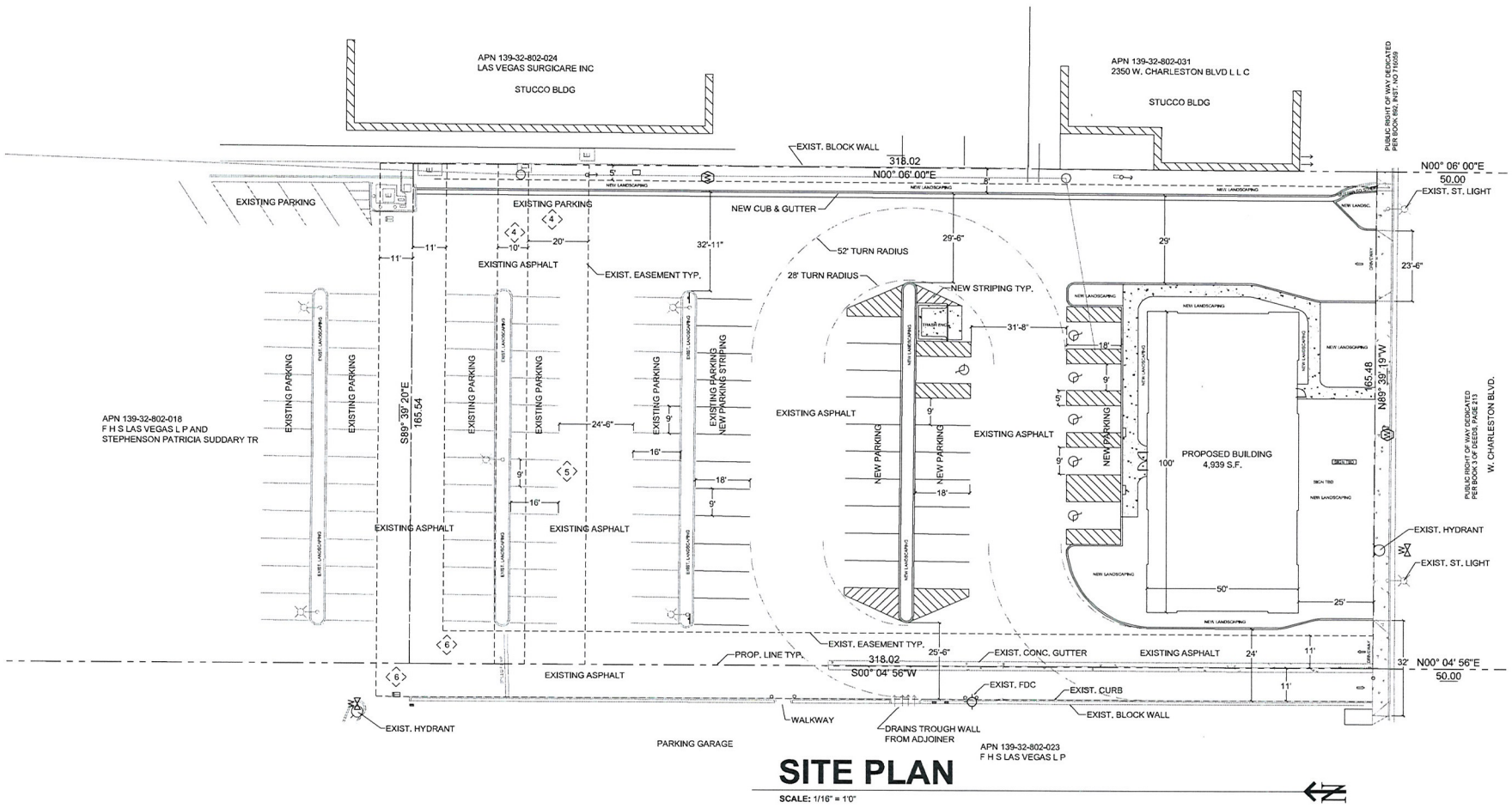
Notary Public in and for said County and State

MIRIAM JIMENEZ
Notary Public State of Nevada
No. 07-1780-1
My appt. exp. Feb. 1, 2015

***FOR DEPARTMENT USE ONLY***

| | |
|---|---|
| **Case #** | SDR-42182 |
| **Meeting Date:** | 9/13/11 |
| **Total Fee:** | $1,030 |
| **Date Received:*** | 7/28/11 |
| **Received By:** | B. 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.




# SITE PLAN

**SCALE:** 1/16" = 1'0"

## LAND USE:

| | |
|---|---|
| PROPERTY AREA: | 52,629 S.F. |
| BUILING AREA: | 4,939 S.F. |
| RATIO OF BUILDING TO PROPERTY S.F. | 9.4% |

## PARKING ANALYSIS:

REQUIRED PARKING:

| | |
|---|---|
| MEDICAL OFFICE USE (4,939 SF): | 27 SPACES |
| | (6) H/C |

PROVIDED PARKING:

| | |
|---|---|
| EXISTING: | 48 SPACES |
| NEW: | 17 REG. SPACES |
| | 6 H/C |
| TOTAL: | 71 SPACES |

City of Las Vegas
Department of Planning
RECEIVE
AUG 16 2011

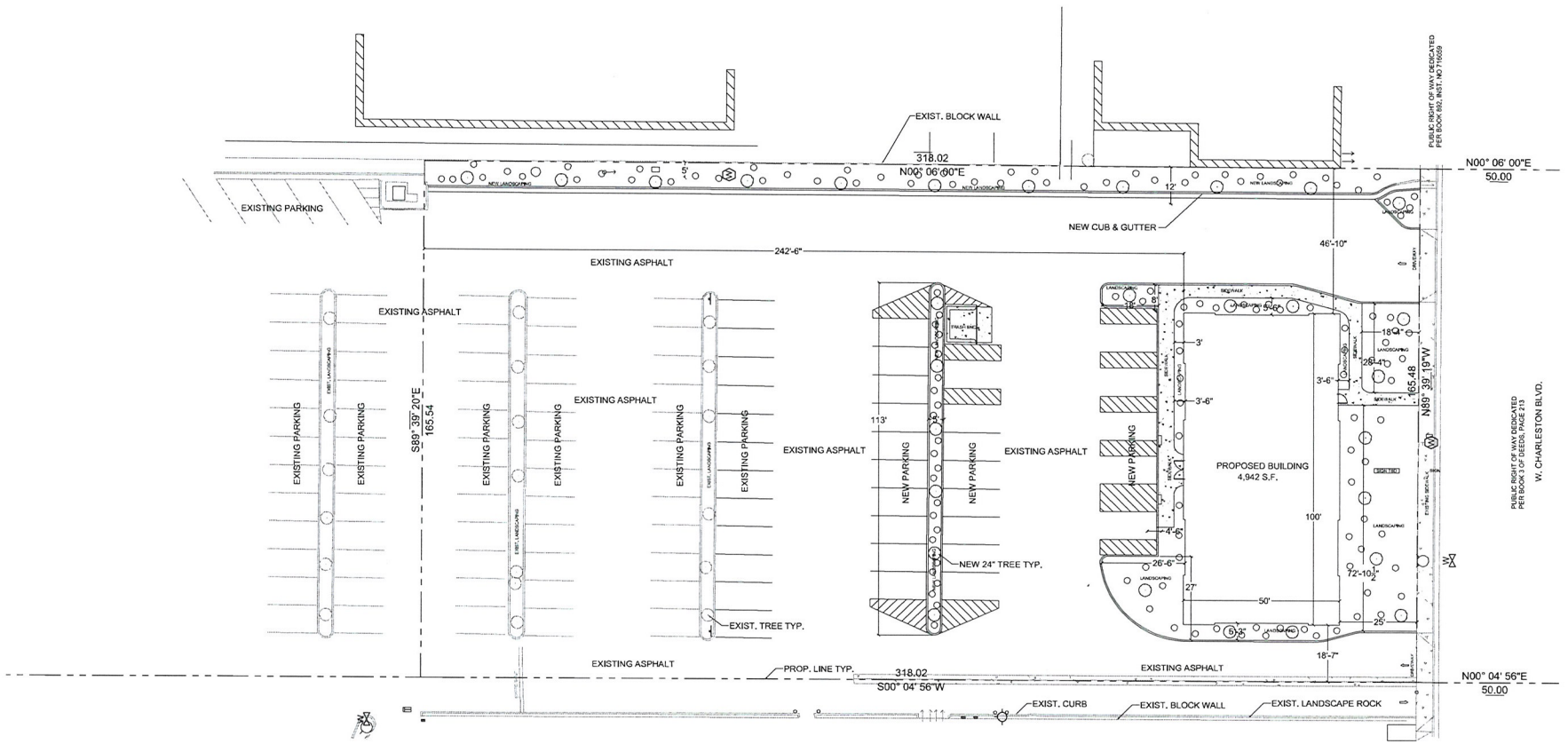
**SDR-42682**
**REVISED**

GENERAL CONTRACTOR:
AFFORDABLE CONCEPTS, INC.
2975 W. LAKE MEAD BLVD., SUITE #102
NORTH LAS VEGAS, NV. 89032
PHONE: 702/399-3330 FAX: 702/399-1930
LIC. #23287B

PROJECT NAME:
San Carlos Medical
2400 W. Charleston Ave.
Las Vegas, Nevada

DRAWN BY: J.F.A.
CHECKED BY: N/A
SCALE: N.T.S
DATE: 8/15/2011
REVISIONS

A-1




# LANDSCAPE PLAN

**SCALE:** 1/16" = 1'0"

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Department of Planning

EXIST. TREE = 13

NEW 24" BOX TREE - MESQUITE OR SIMULAR ALLOWED SPECIES = 23

NEW 5 gal SHRUB - BOTTLE BRUSH OR SIMULAR ALLOWED SPECIES = 109

ALL NEW LANDSCAPE AREAAS TO INCLUDE 1/2" TO 3/4" LANDSCAPE ROCK GROUND COVER

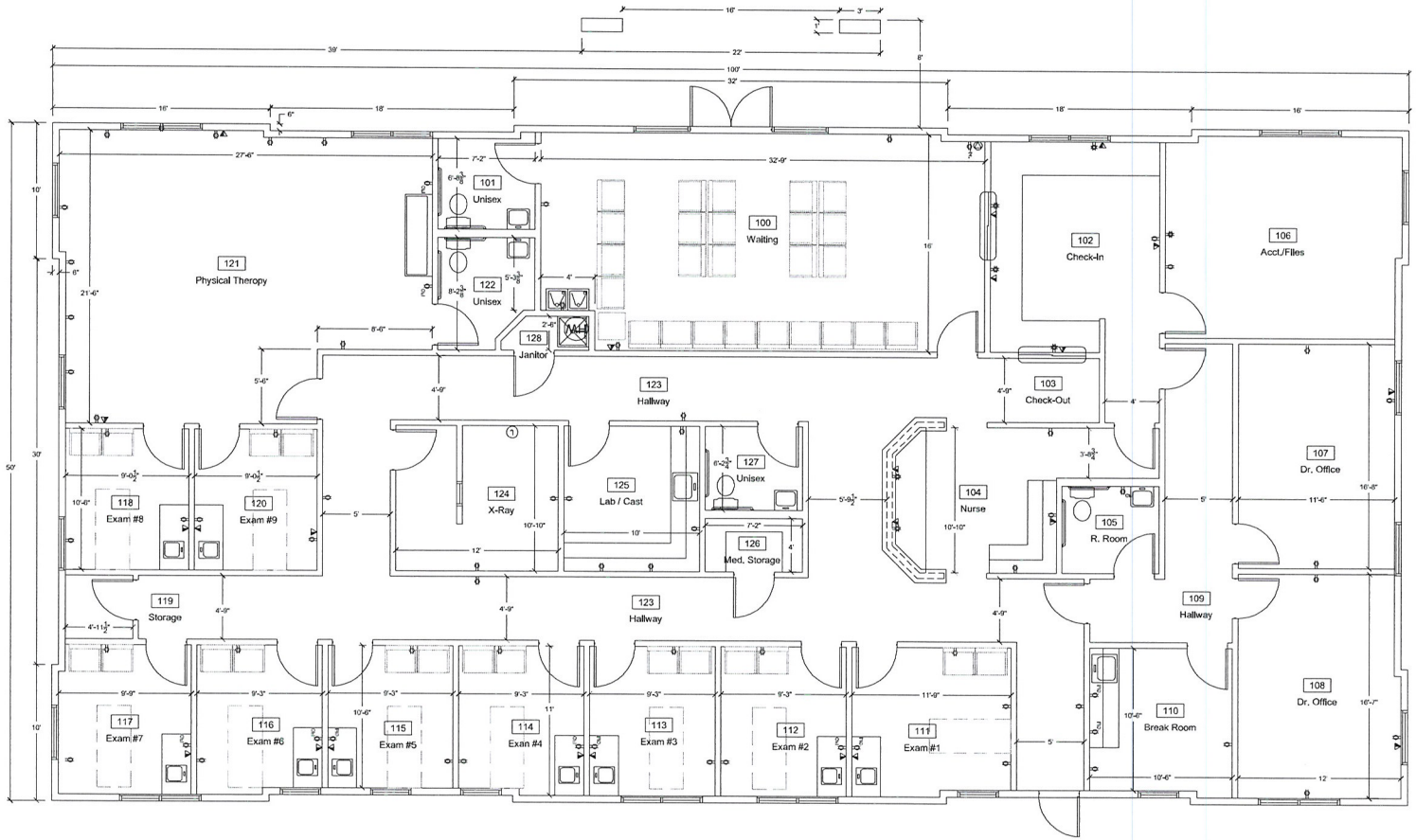
**SDR-42682**
**REVISED**

GENERAL CONTRACTOR:
AFFORDABLE CONCEPTS, INC.
2975 W. LAKE MEAD BLVD., SUITE #102
NORTH LAS VEGAS, NV. 89032
PHONE: 702/399-3330 FAX: 702/399-1930
LIC. #23287B

PROJECT NAME:
San Carlos Medical
2400 W. Charleston Ave.
Las Vegas, Nevada

DRAWN BY: J.E.A.
CHECKED BY: N/A
SCALE: N.T.S
DATE: 8/15/2011
REVISIONS

L-1




# FLOOR PLAN

SCALE: 1/4"=1'0"

OCCUPANCY GROUP: B

BUILDING TYPE: V-B

| | |
|---|---|
| AREA ALLOWED-TABLE 503.(BASED B): | 9,000 S.F. |
| ACTUAL TOTAL BUILDING AREA: | 4,939 S.F. |
| ACTUAL T.I. AREA: | 4,792 S.F. |
| "B" OCCUPANT LOAD (4,792 S.F./100): | 47.9 |
| TOTAL OCCUPANT LOAD: | 48.0 |


GENERAL CONTRACTOR:
AFFORDABLE CONCEPTS, INC.
2975 W. LAKE MEAD BLVD., SUITE #102
NORTH LAS VEGAS, NV. 89032
PHONE: 702/399-3330 FAX: 702/399-1930
LIC. #23287B


PROJECT NAME:
San Carlos Medical
2400 W. Charleston Ave.
Las Vegas, Nevada

DRAWN BY: J.E.A.
CHECKED BY: N/A
SCALE: N.T.S
DATE: 7/27/2011
REVISIONS

A-2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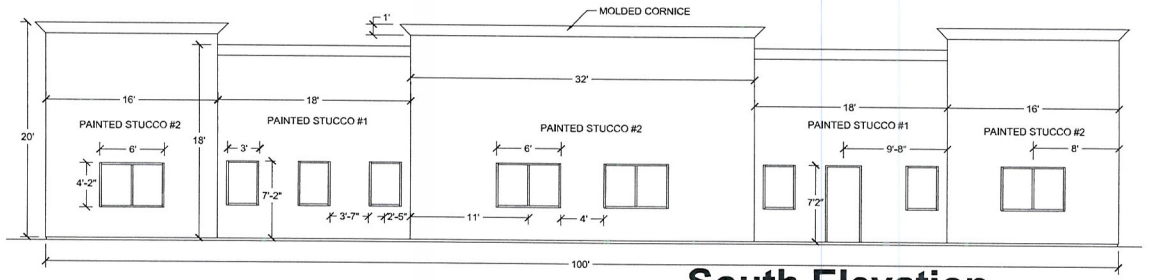


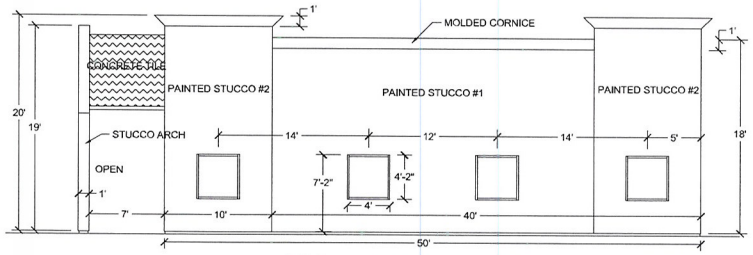

## South Elevation

SCALE: 3/16"=1'0"

PAINTED STUCCO #1 = DARKER EARTH TONE COLOR

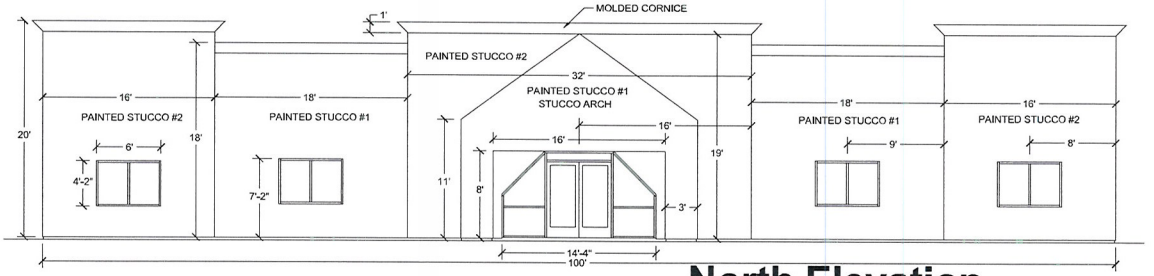
PAINTED STUCCO #2 = MED. EARTH TONE COLOR

MOLDED CORNICE = LIGHT EARTH TONE COLOR



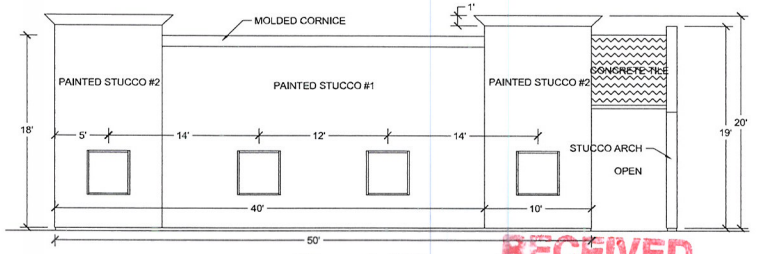

## West Elevation

SCALE: 3/16"=1'0"




## North Elevation

SCALE: 3/16"=1'0"




## East Elevation

SCALE: 3/16"=1'0"

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# SDR-42682


GENERAL CONTRACTOR:
AFFORDABLE CONCEPTS, INC.
2975 W. LAKE MEAD BLVD., SUITE #102
NORTH LAS VEGAS, NV. 89032
PHONE: 702/399-3330 FAX: 702/399-1930
LIC. #23287B


PROJECT NAME:
San Carlos Medical
2400 W. Charleston Ave.
Las Vegas, Nevada

DRAWN BY: J.E.A.
CHECKED BY: N/A
SCALE: N.T.S
DATE: 7/27/2011
REVISIONS

A-4



SDR-42682 - APPLICANT/OWNER: EMERALD RE, LLC
2400 WEST CHARLESTON BOULEVARD

08/04/11



SDR-42682 - APPLICANT/OWNER: EMERALD RE, LLC
2400 WEST CHARLESTON BOULEVARD

08/04/11




**SDR-42682 - APPLICANT/OWNER: EMERALD RE, LLC**
**2400 WEST CHARLESTON BOULEVARD**

08/04/11




SDR-42682 - APPLICANT/OWNER: EMERALD RE, LLC
2400 WEST CHARLESTON BOULEVARD

08/04/11

# Affordable Concepts, Inc.
## General Contractor

*LICENSED GENERAL CONTRACTOR #57821AB (unlimited) & #23287B (unlimited)*

2975 W. Lake Mead Blvd. North Las Vegas, Nevada 89032
Phone (702) 399-3330 Fax (702) 399-1930


## Justification Letter

This application is for a Site Development Review of 2400 West Charleston Blvd. (APN # 139-32-802-026) based on the demolition of the existing 5,864 sf. office building and building a new 4,939 sf medical office building. The original structure built in the late 1950's was residential with a firt craw space below and then changed to commercial with a slab on grade addition on the south side of the building. Due to the 12" difference in floor elevation between the original structure and the addition, any new interior build out would be nearly impossible to construct and meet the current ANSI requirement for accessibility. The existing structure is old, and does not blend in with the new surrounding buildings without major exterior renovations. The existing building had been for sale for a long time and has been completely vacant since March of 2011.

The new medical office will have +/- 7 employees and the hours of operation will be from 9:00am to 6:00pm Monday through Saturday. San Carlos Medical currently leases a space for their existing office at 1815 E. Lake Mead Blvd., suite 200 North Las Vegas, Nevada. The only licensing required is a Nevada State Medical License which they currently hold at their current facility.

The proposed building will not be participating in the Green Building Program, will not be built to LEED standards, nor utilize any alternative energy sources. The site currently has connectivity for automobiles and pedestrians by means of the access easements along the West and North property lines. This project is not anticipating using any sustainable construction, will not provide for any bicycle parking or electric vehicle recharging facilities.

Emerald RE, LLC has been attempting to purchase the property and build the proposed new building for +/- 6 months, however, due to ever changing requirements from the original lender, the buyer had to finally switch lenders to get funded. San Carlos Medical will be the occupant of the building once complete and currently leases an office space in North Las Vegas, the lease is set to expire in February of 2012 which is imposing very tight time constraints to get this project approved and built.

The budget and time for this project is very limited, therefore, we are asking for the ability to use as much of the existing site improvements as allowed. The existing "curb cuts" when originally constructed met the standards at the time, however, they do not meet the latest standards, but appear to meet the needs of the site. The existing West curb cut is 32' wide and is shared between this property and the west adjacent property and can accommodate two-way traffic with a 24' drive isle to be maintained. The existing East curb cut is 23'6" wide and marked with and entrance only sign, once on the property there will be a 24' drive isle to the rear parking. We plan to eliminate all of the existing angled parking along the East property line from the South up to the existing trash enclosure, which will allow us to provide the 24' drive isle and increase the landscaping along that property line to 12' instead of the required 8'. There is currently one section of double row parking that is only marked with lot striping, we propose to add an additional parking landscape island in this location to match the existing parking islands to the North and meet the parking/landscaping requires as close as possible. All of the new parking areas will meet the size requirements as required and the existing parking spaces along the south side of the south existing parking island will be increased to meet the latest size


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requirements. The north side of that same landscape island and all spaces at the existing islands to the north currently do not meet the depth requirement and can not be increased as required because that would decrease the existing 24' drive isles to +/- 20'.

Due to the existing access easements along the West and North property line, it is not possible to meet the minimum 8' property line landscaping requirement, however, since we are adding the parking landscape island, have increased a portion of the East property line landscaping to 12' and the front landscaping is 25', we feel the site will satisfy the intent of the requirements adequately.

Sincerely,

James E. Ash
Representing the Property Owner
Emerald RE, LLC

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SDR-42682

City of Las Vegas Agenda Item No.: **31.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

**SUBJECT:**
ABEYANCE - 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.: 10/19/2011**

| **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

## Carman Burney

**From:** Dave Cornoyer
**Sent:** Tuesday, July 26, 2011 3:33 PM
**To:** Carman Burney
**Cc:** Courtney Mooney; Flinn Fagg; Steve Gebeke
**Subject:** DIR-41972 08/09 PC

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.: **32.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

**SUBJECT:**
ABEYANCE - 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.: 10/09/2011**

| **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
5. Abeyance Request Letter from Kaempfer Crowell Renshaw Gronauer and Fiorentino

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.

- 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. Added: 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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**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

D R A F T

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

JuneApril 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~~ shall be are~~ 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:** | **OWNER:** |
|---|---|
| **CITY COUNCIL, CITY OF LAS VEGAS** | ~~**KYLE ACQUISITION GROUP, LLC**~~ **KAG PROPERTY, LLC** |
| By: _____ ~~Oscar B. Goodman,~~ Mayor | By: _____ Name: _____ Title: _____ |
| Approved as to Form: _____ Deputy City Attorney | SUBSCRIBED AND SWORN TO before me on this _____ day of _____, 2011~~0~~. |
| Attest: _____ City Clerk | _____ Notary Public in and for said County and State |
| By: _____ Beverly Bridges, ~~Acting~~ City Clerk | |

# 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

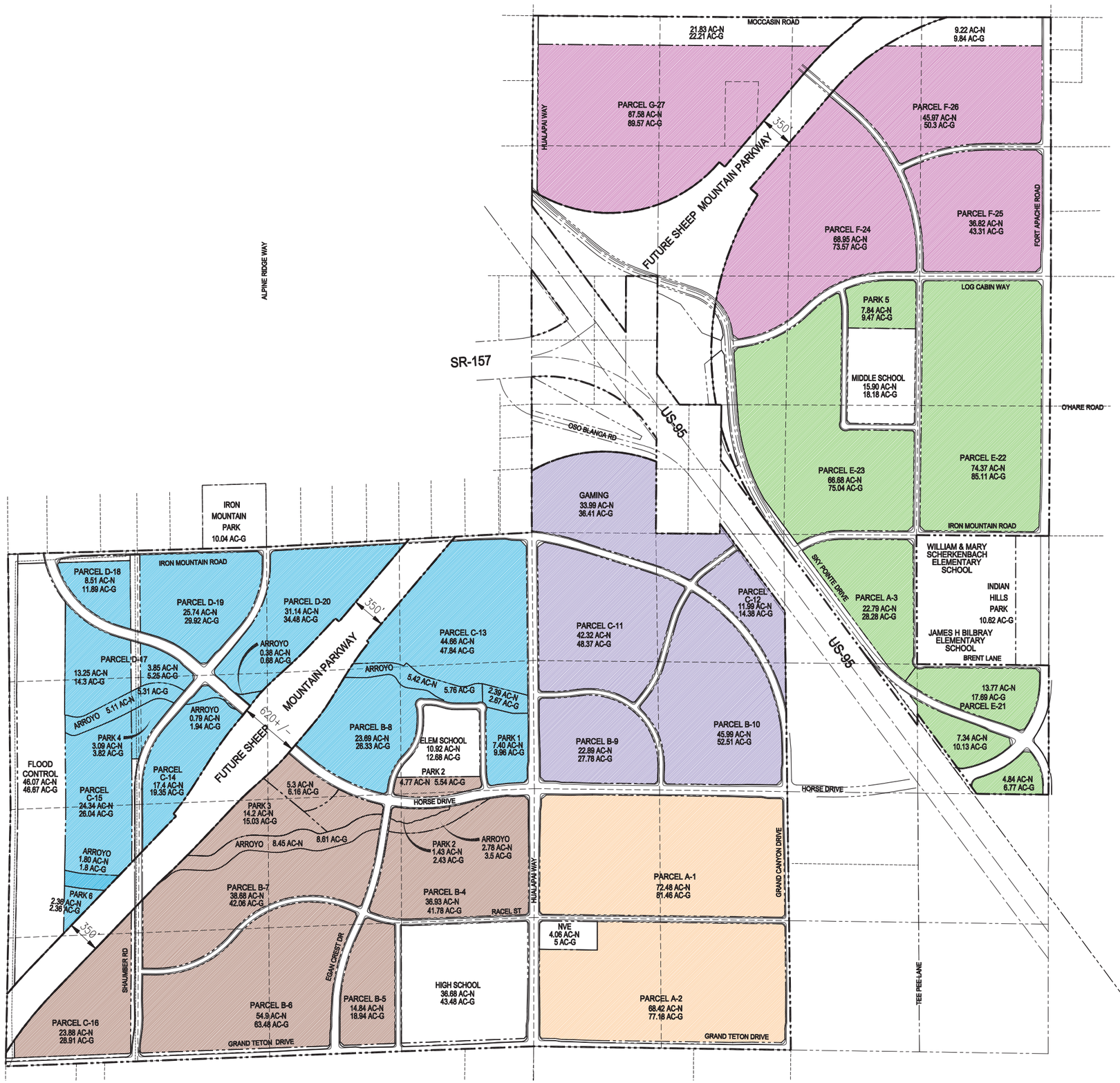
## PROPERTY DESCRIPTION

| 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 |

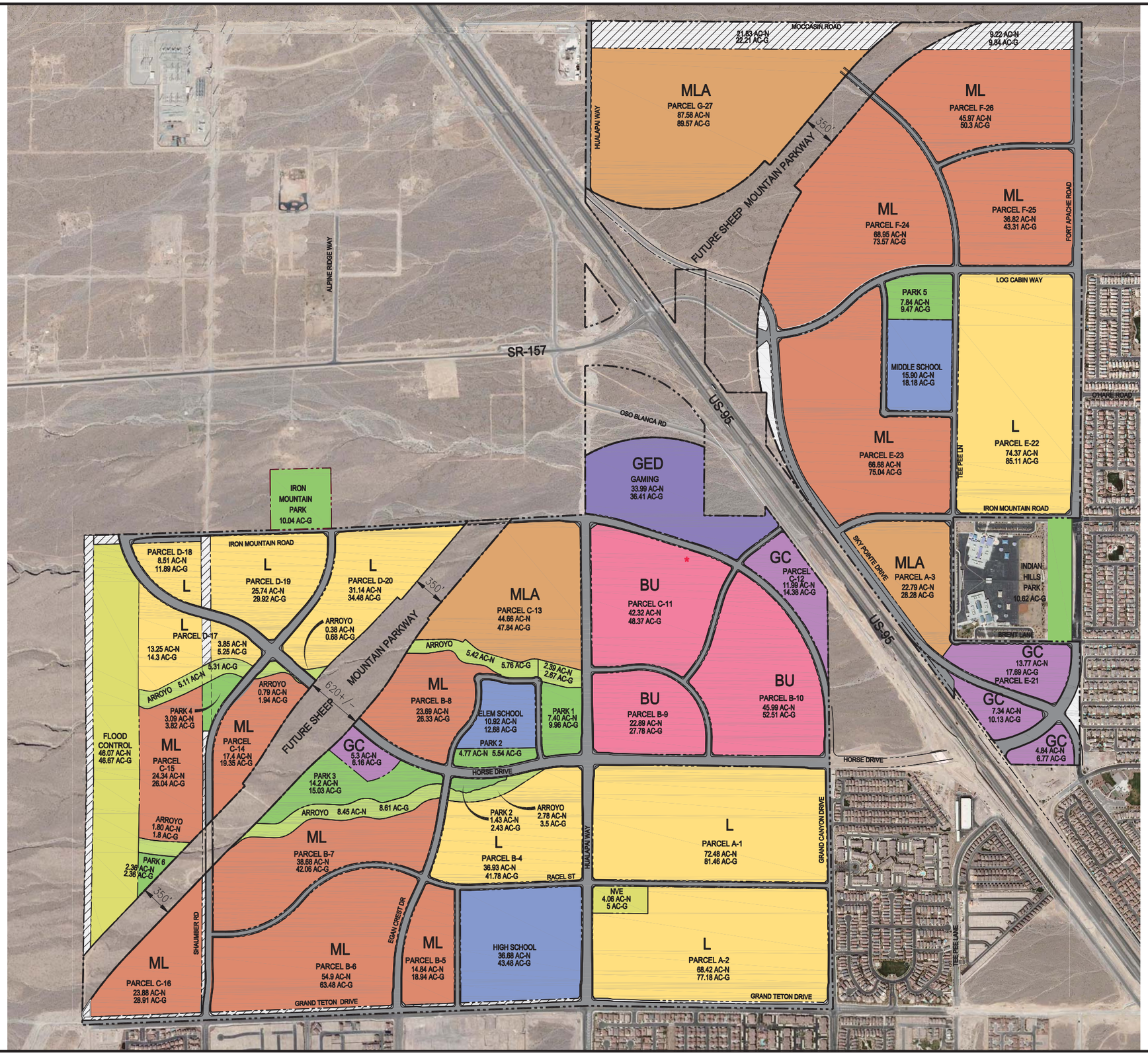
Junior High/Middle School

| | |
|---|---|
| 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.






## 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 |

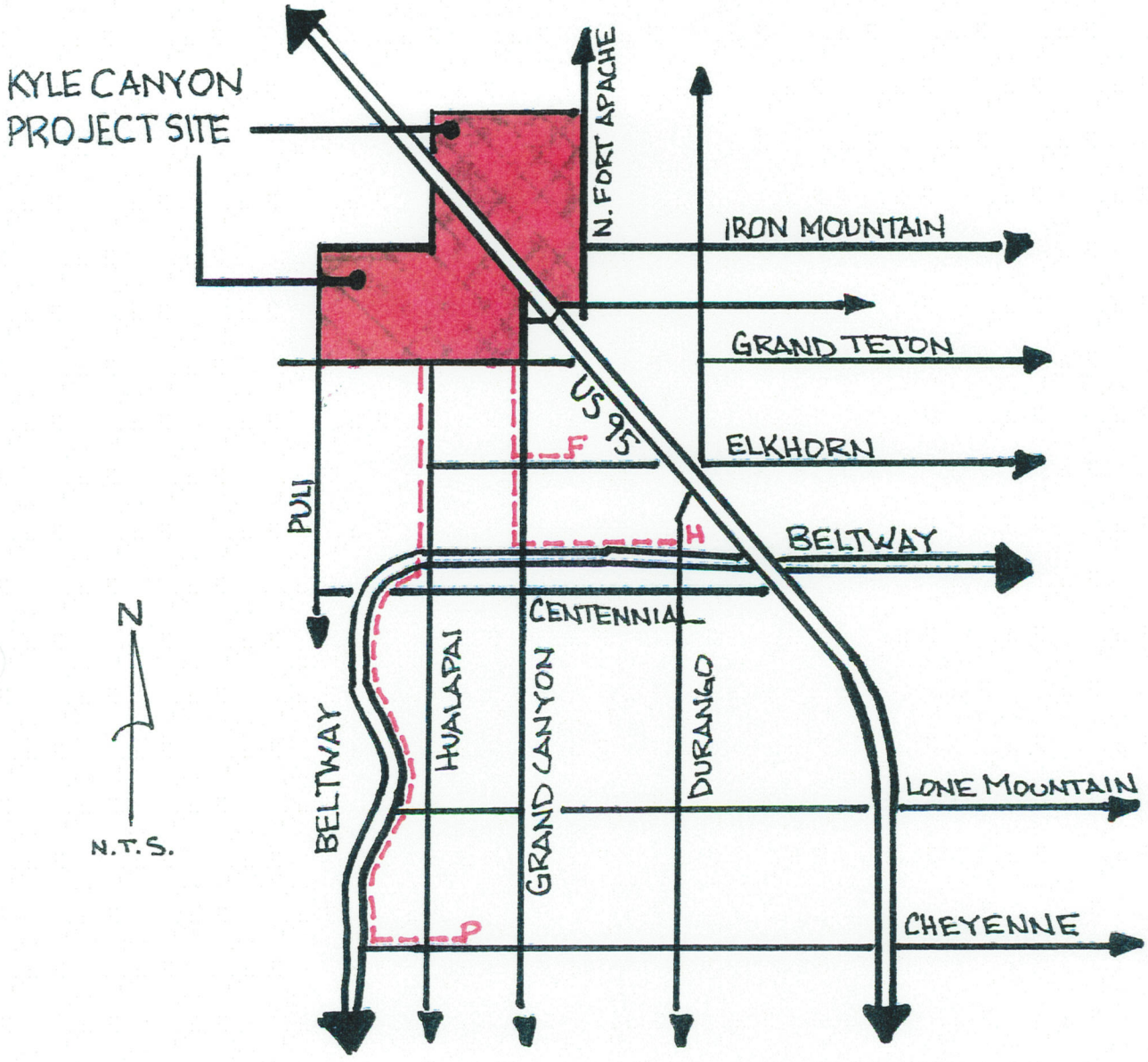
| Police | |
|---|---|
| Name of the facility: | Northwest Area Command |
| Existing/proposed: | Existing |
| Distance from site[3]: | 12.14 miles |

| 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

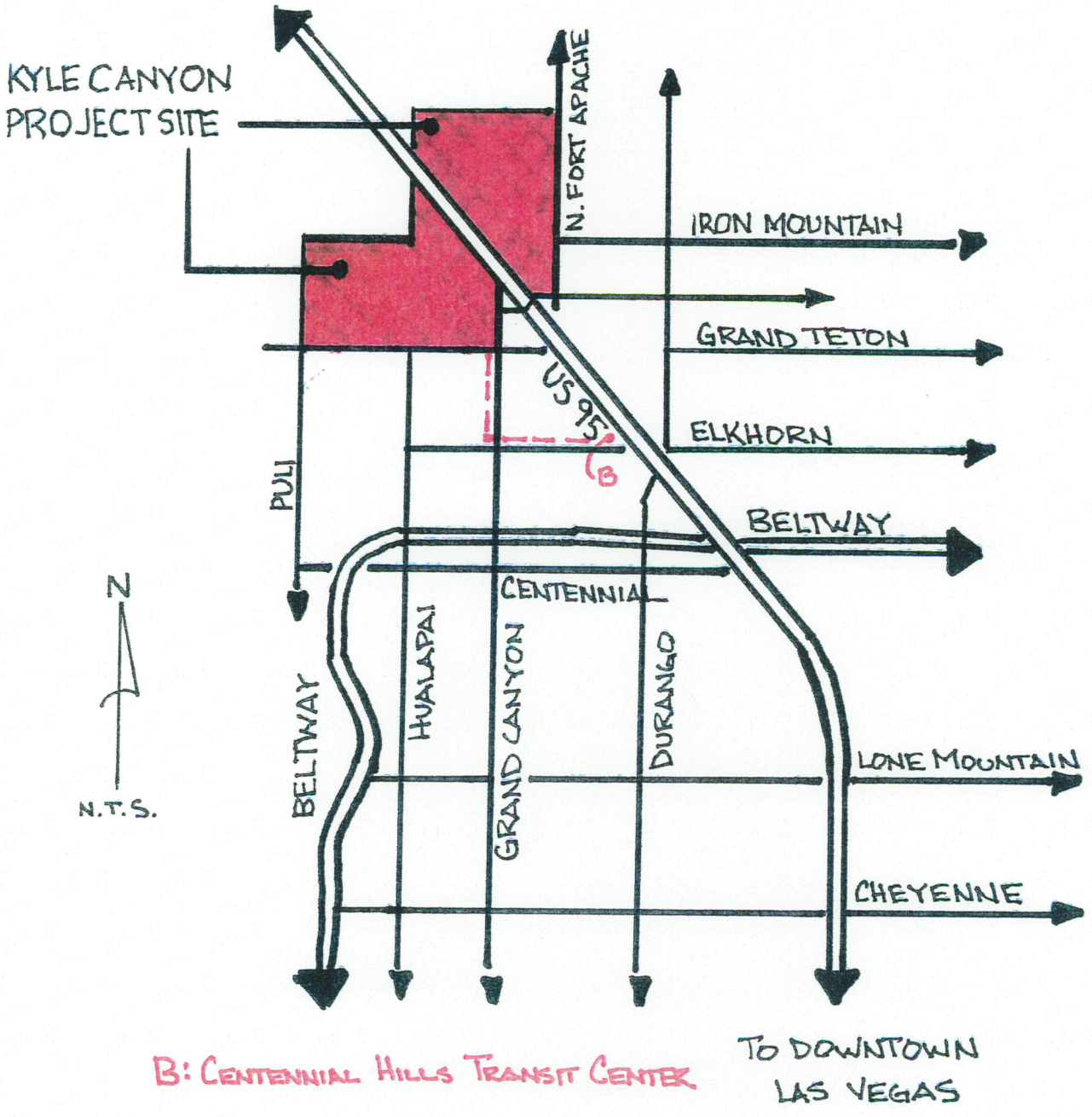
6.b Would the project result in change to the existing mass transit route, creation of a new line, or new loading points?

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.

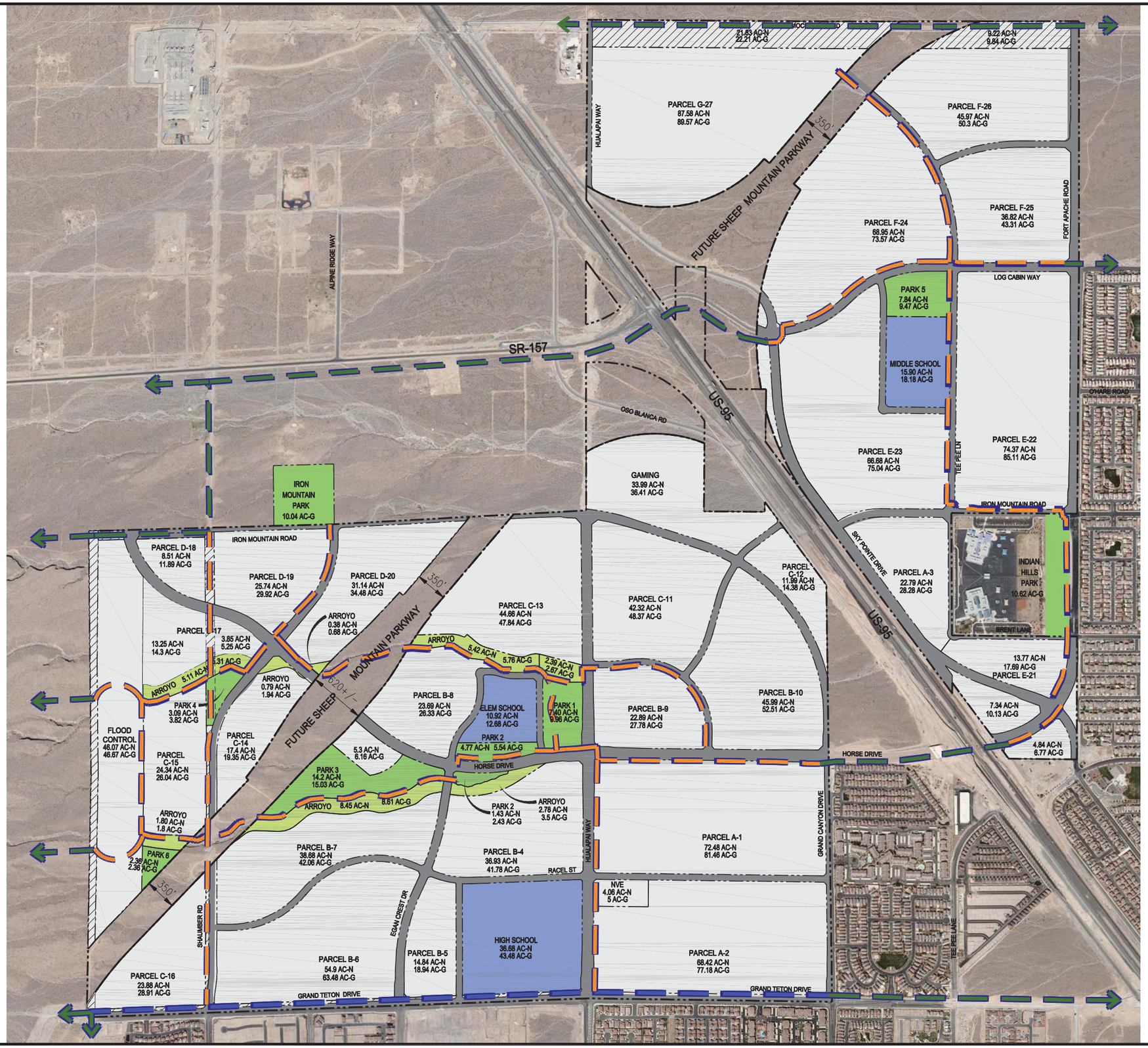
Explain: The site will be providing trails, open space, and recreation fields for the community. The existing parks should receive minimal impact due to the large amount fo park space included in the plan.

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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| OPEN SPACE | 4.17 | 7.57 | | |
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| 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

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CARWIN ADVISORS

J:\ecs0902-000 kyle canyon\dwg\figures\110520 ecp0902-000 parks and trails.dwg 7/5/2011 9:17 AM Ben Morris

# 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

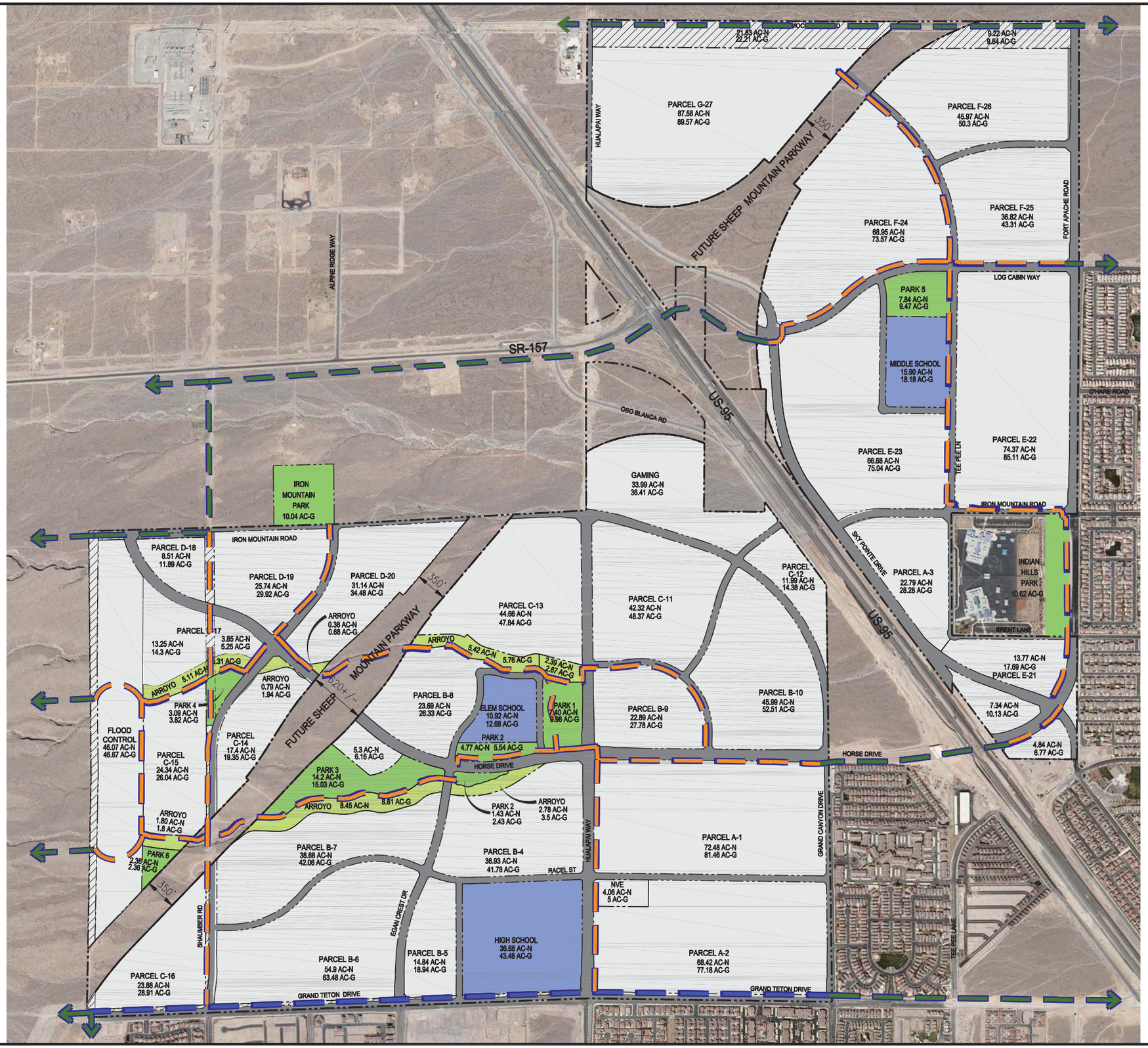
| Assessors Parcel Number | Acres |
|---|---|
| 125-06-501-001 | 310.95 |
| 125-06-101-001 | 5.00 |
| 125-06-301-001 | 3.24 |
| 125-06-301-002 | 3.12 |
| 125-06-401-001 | 42.77 |
| 125-06-401-005 | 0.06 |
| 125-06-701-001 | 238.14 |
| 125-07-101-004 | 0.13 |
| 125-07-101-005 | 11.57 |
| 125-07-101-006 | 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:\ecs0902-000 kyle canyon\dwg\figures\110520 ecp0902-000 parks and trails.dwg 7/5/2011 9:17 AM Ben Morris

EXHIBIT C

TO THE KYLE CANYON PARKS AGREEMENT

REQUIRED FACILITIES

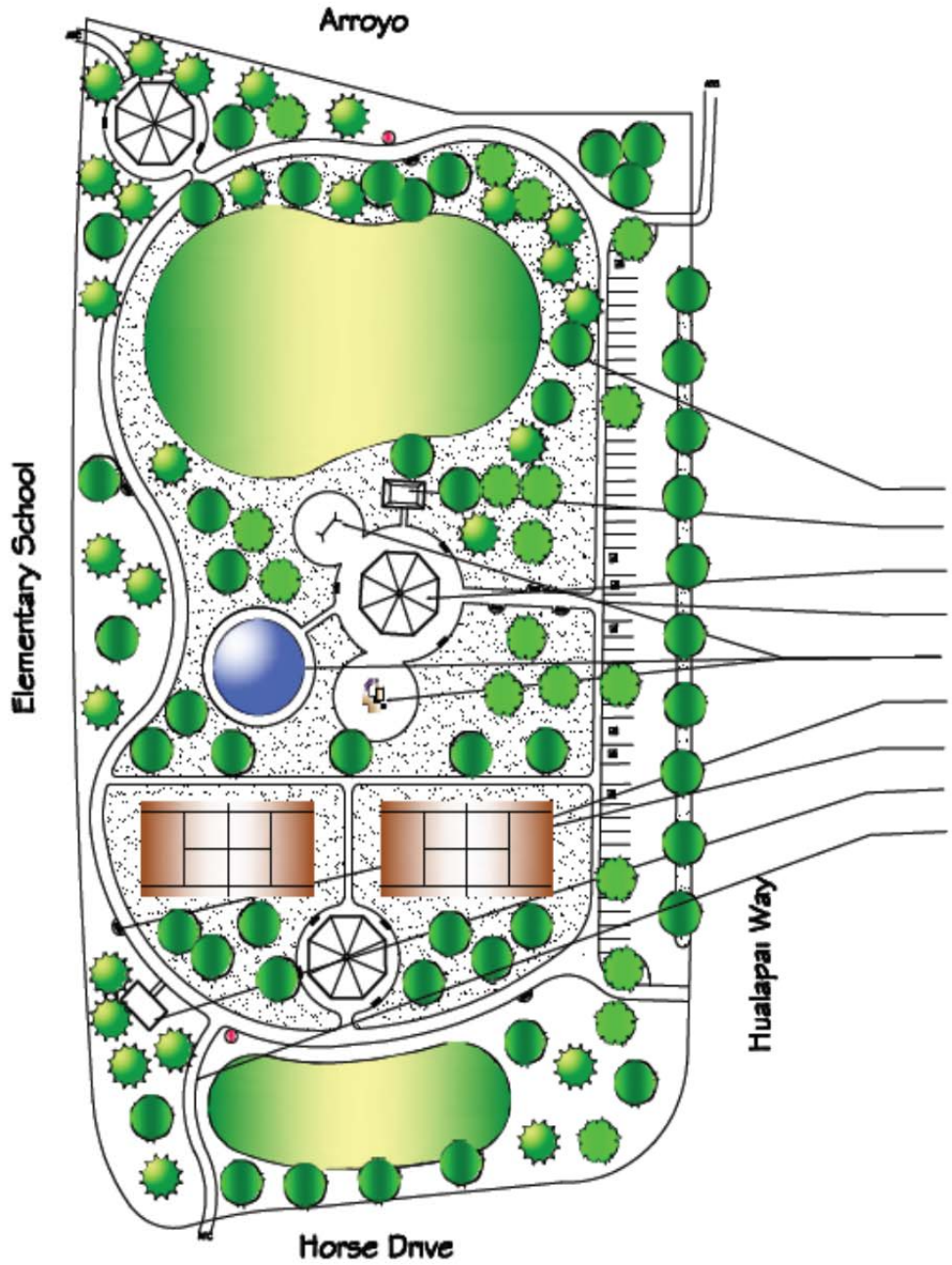
[LIST FOLLOWS THIS PAGE]

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.

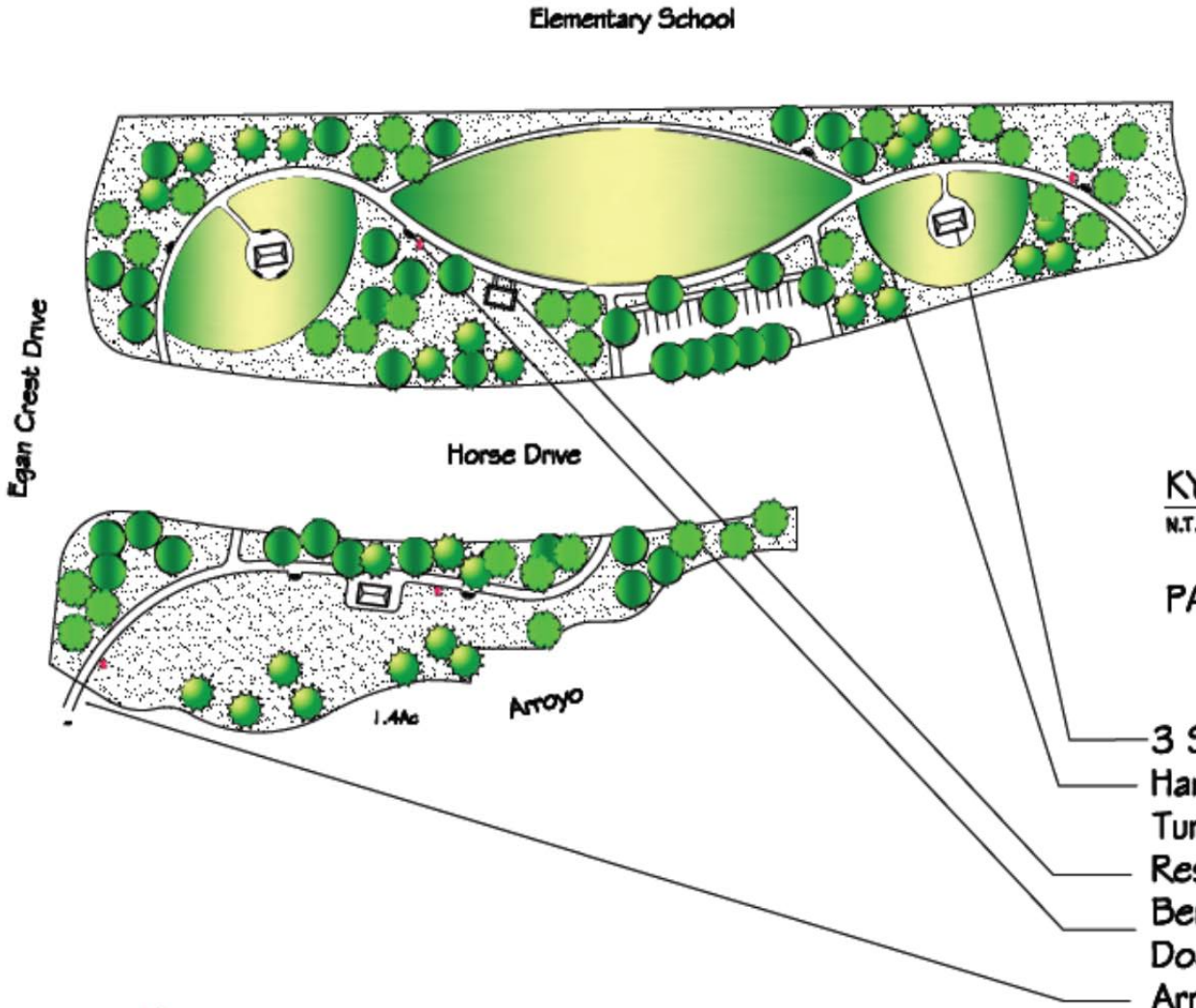
## PARK #1 - 7.4 acres (+/-)

- 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

SUN CITY LANDSCAPES, INC.

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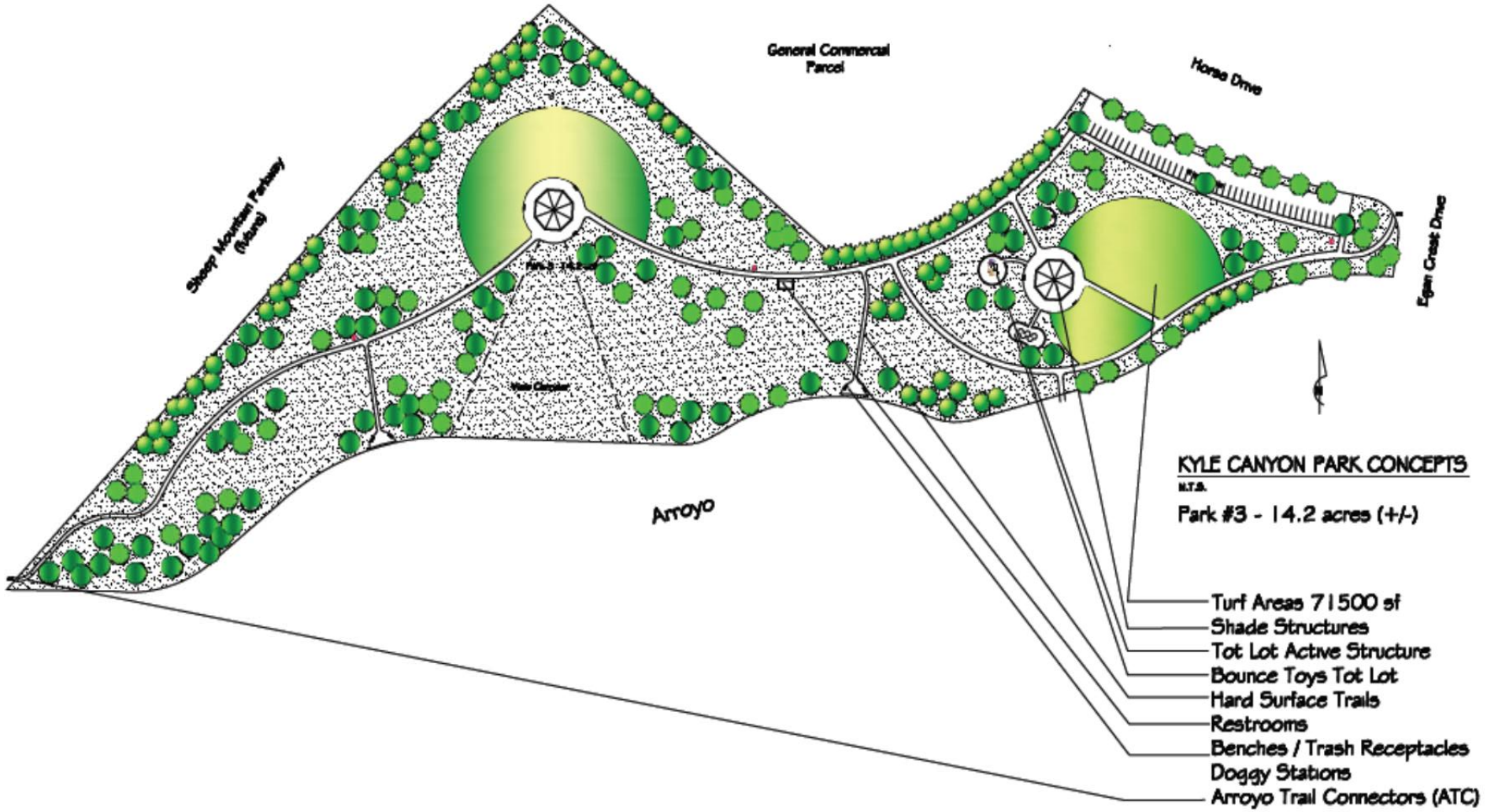


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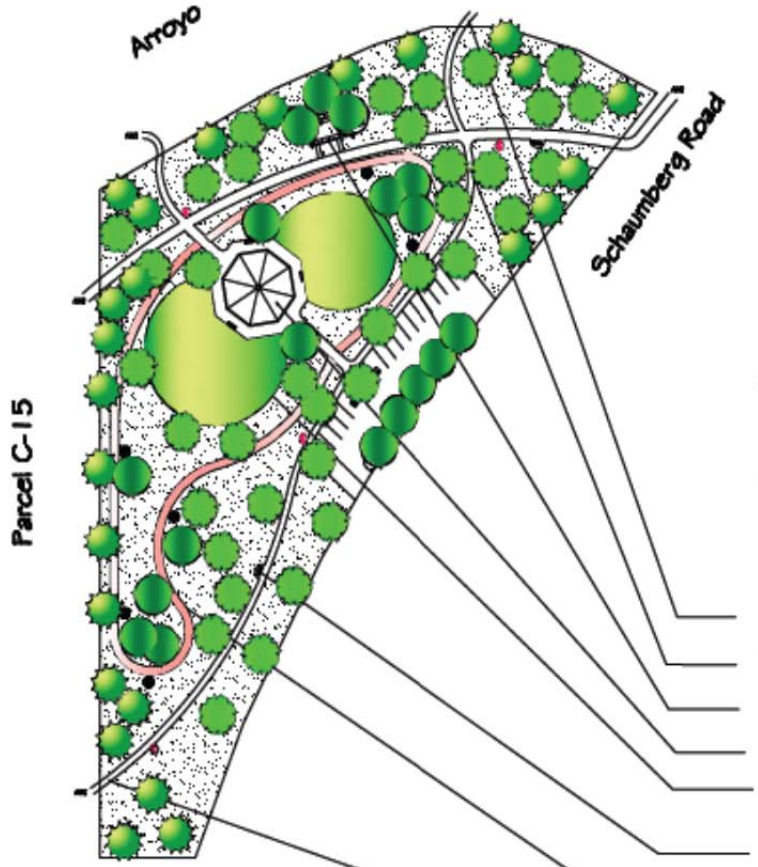


# KYLE CANYON PARK CONCEPTS

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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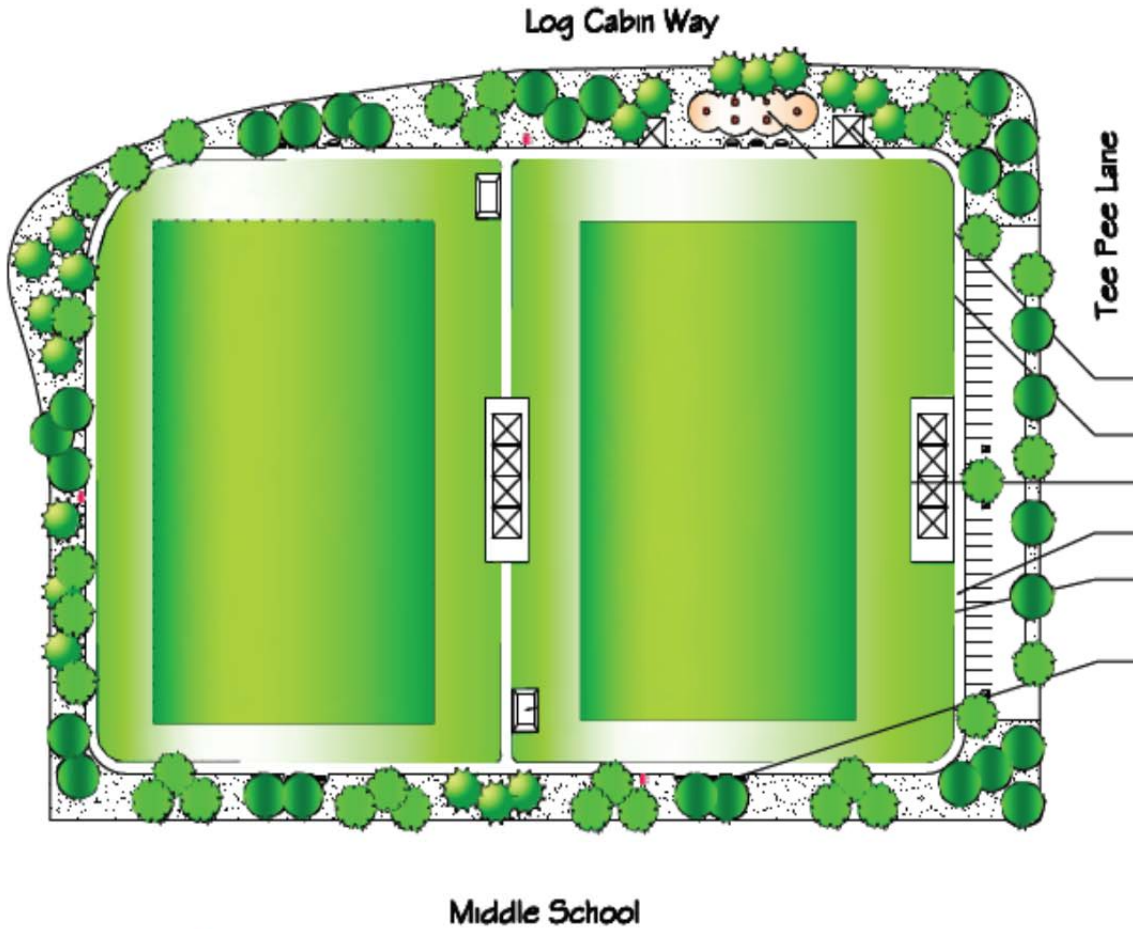


# KYLE CANYON PARK CONCEPTS

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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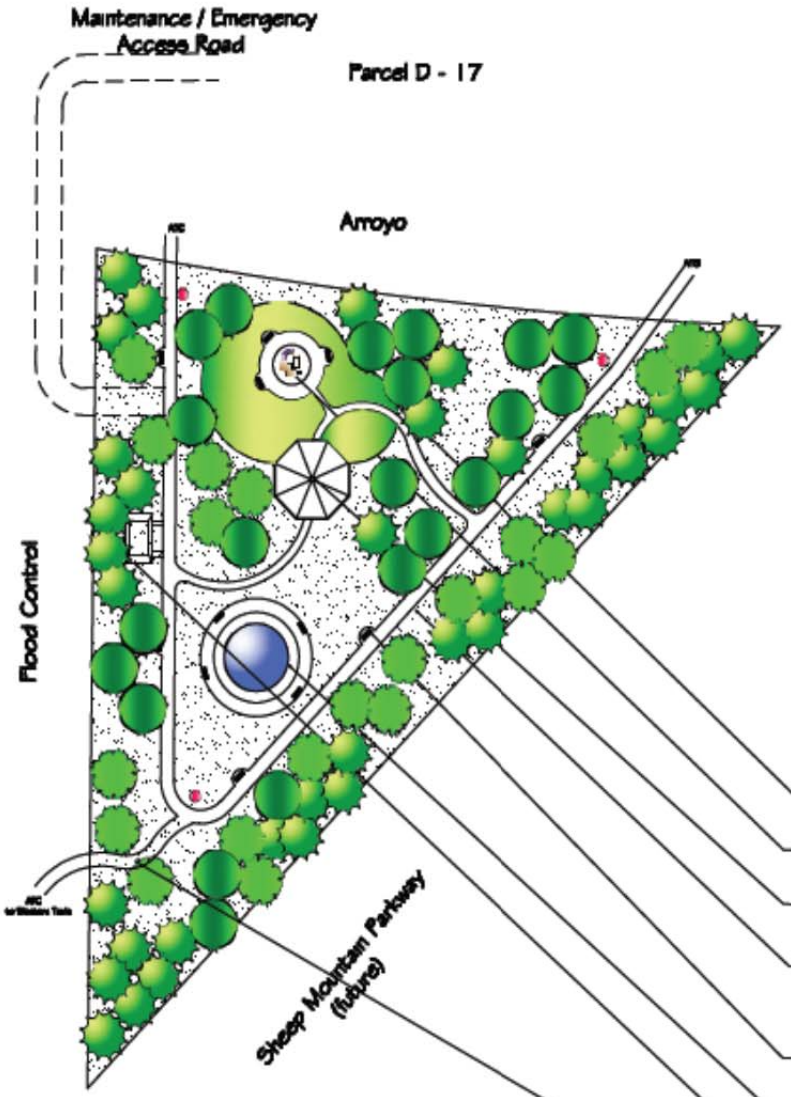



# KYLE CANYON PARK CONCEPTS

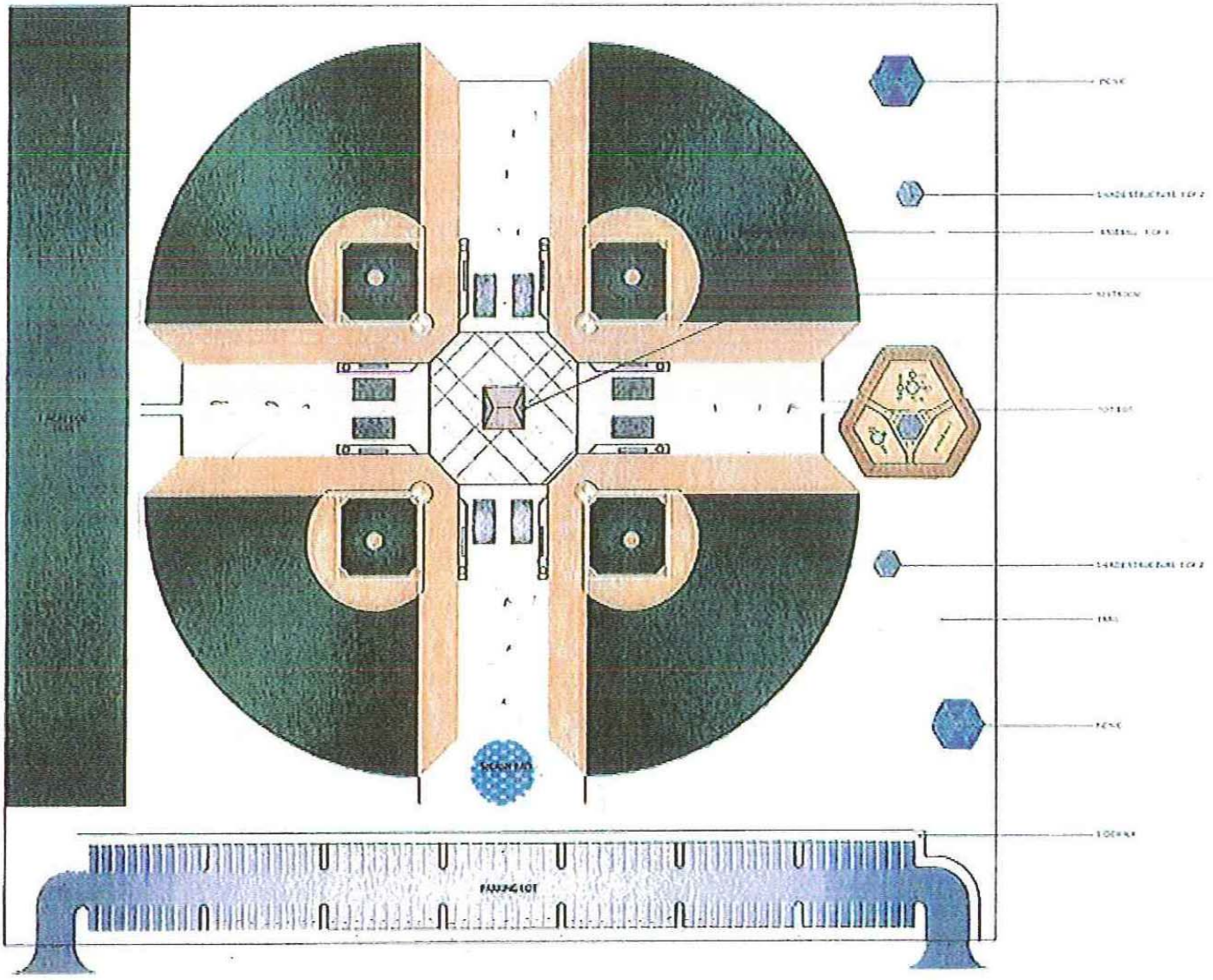
N.T.S.

## 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)

SUN CITY LANDSCAPES, INC.

"More Than Just Landscapes"



## 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

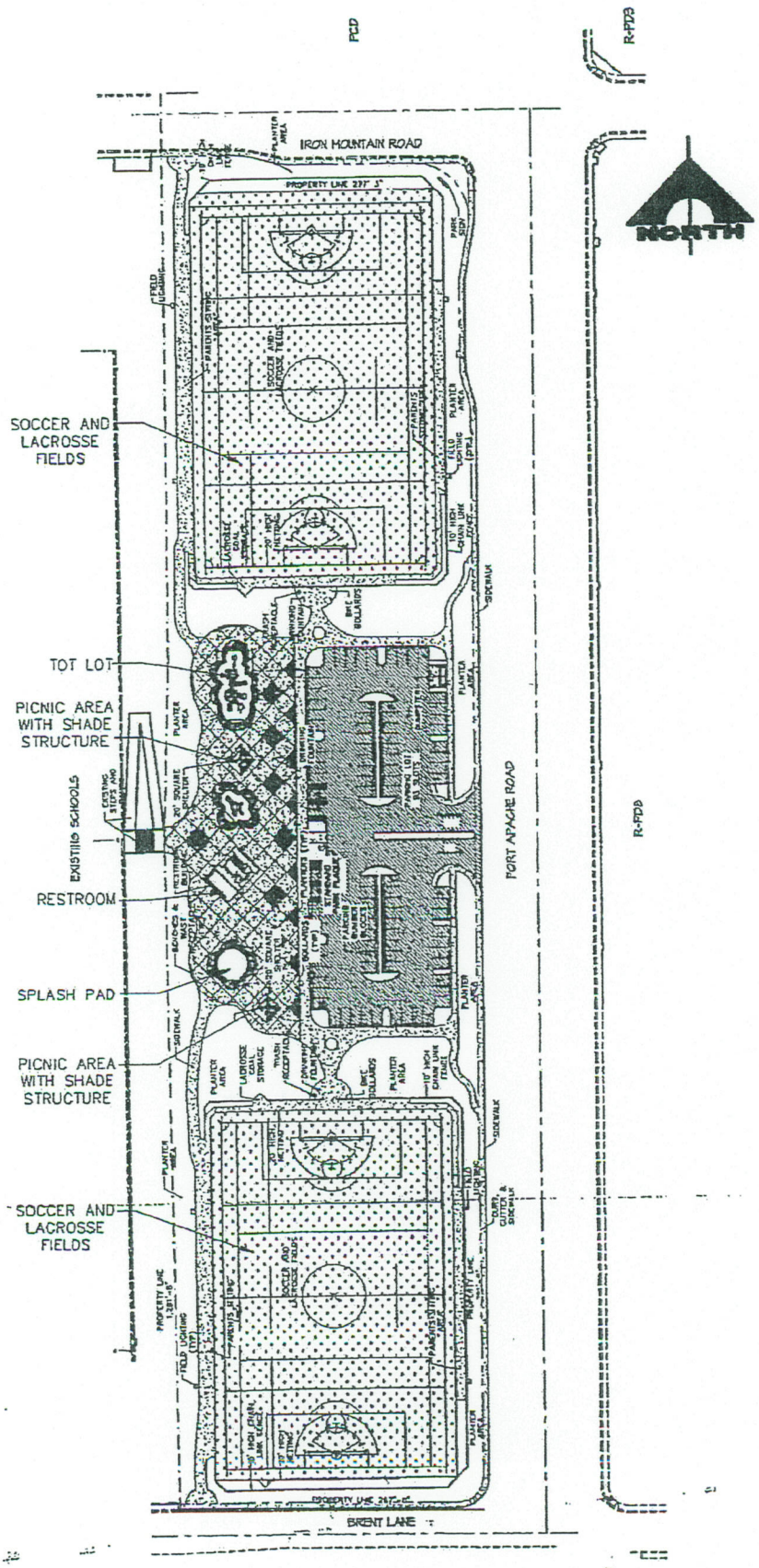
4. The Plan will include a provision that the Plan can be amended by the governing board of the Master Home Owners Association ("HOA") but only with the written consent of the City.

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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## CITY OF LAS VEGAS
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# 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.

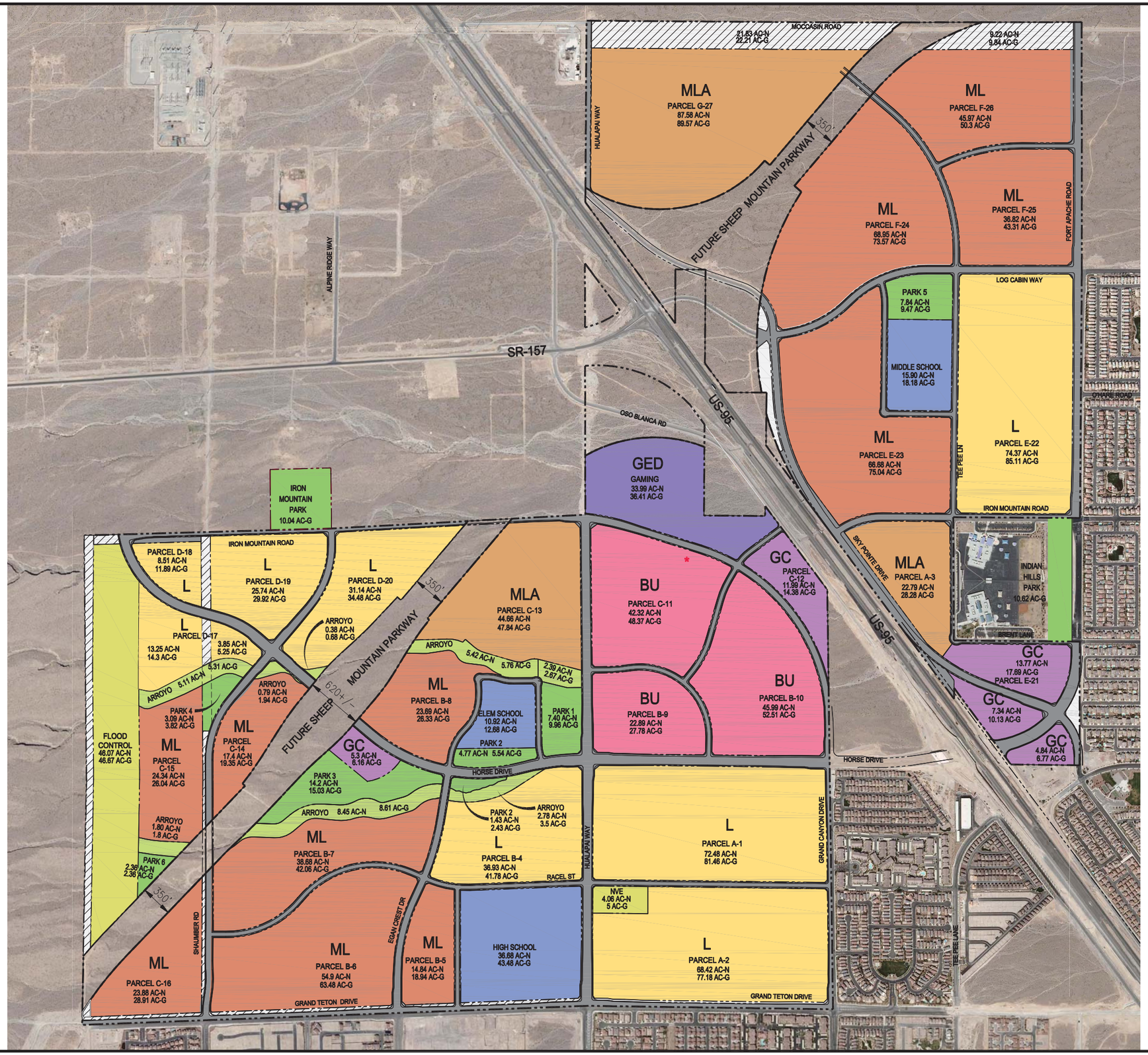
3. Council Approval. If after an initial review, the City staff believes the application satisfies parts A-H hereof, an item will be placed on the Council's agenda authorizing negotiations with respect to the proposed project. If this item is approved by the Council, it is anticipated that staff will 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






## 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

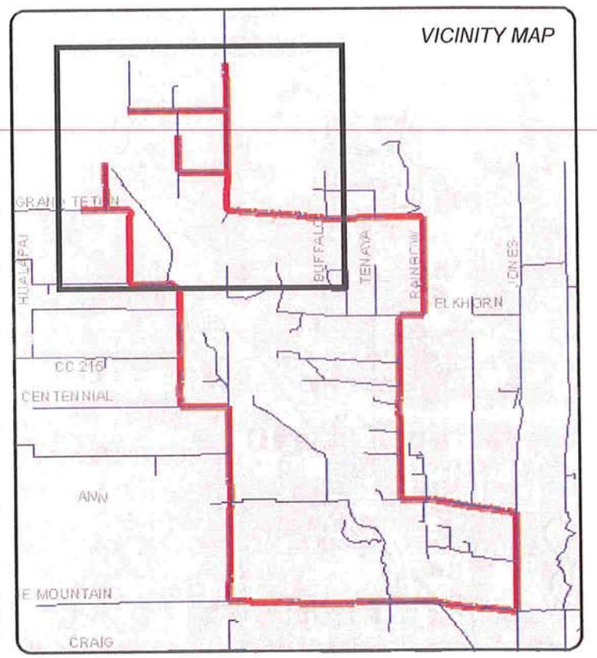
*Sewer System Planning*

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

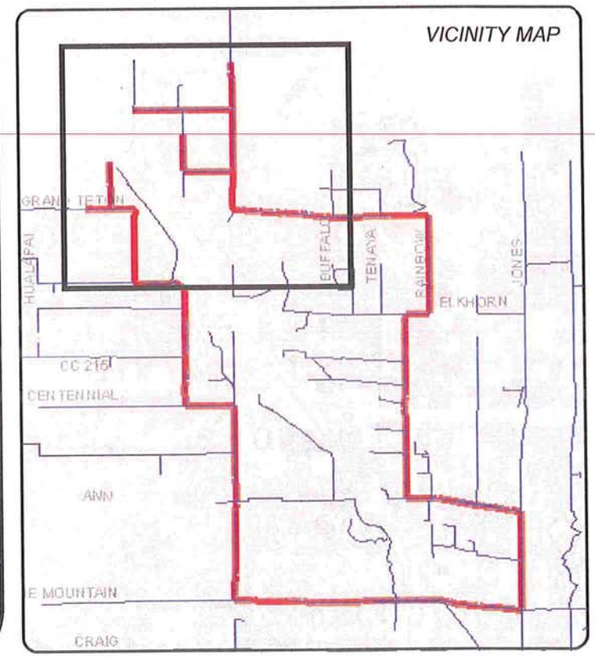
*Sewer System Planning*

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

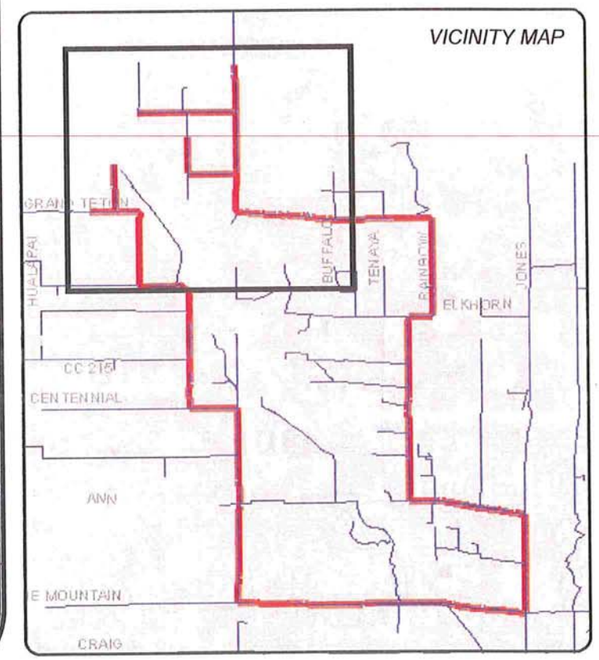
Public Works

*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

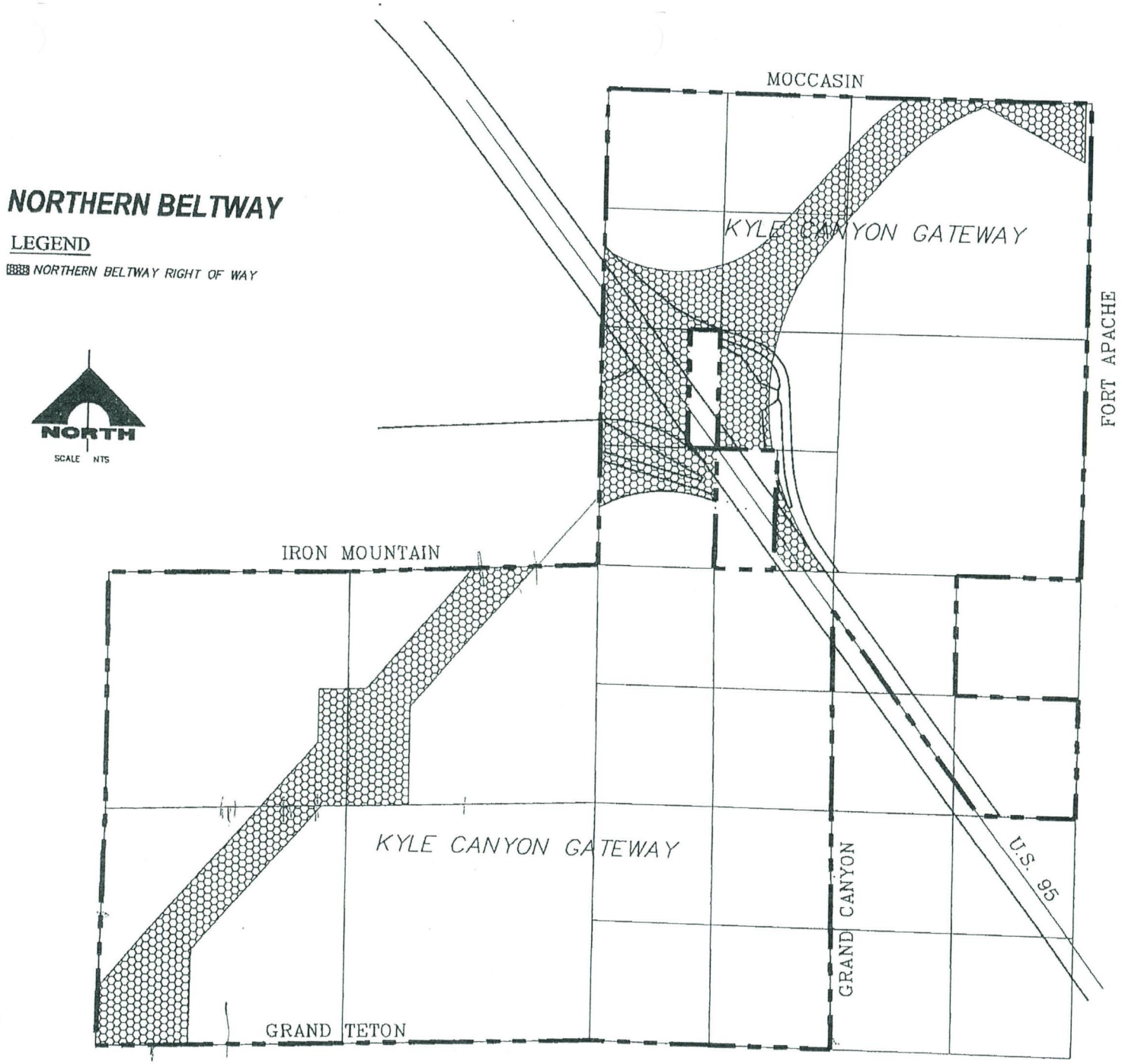



EXHIBIT I - EXISTING ROW

DEVELOPMENT AGREEMENT

EXHIBIT J

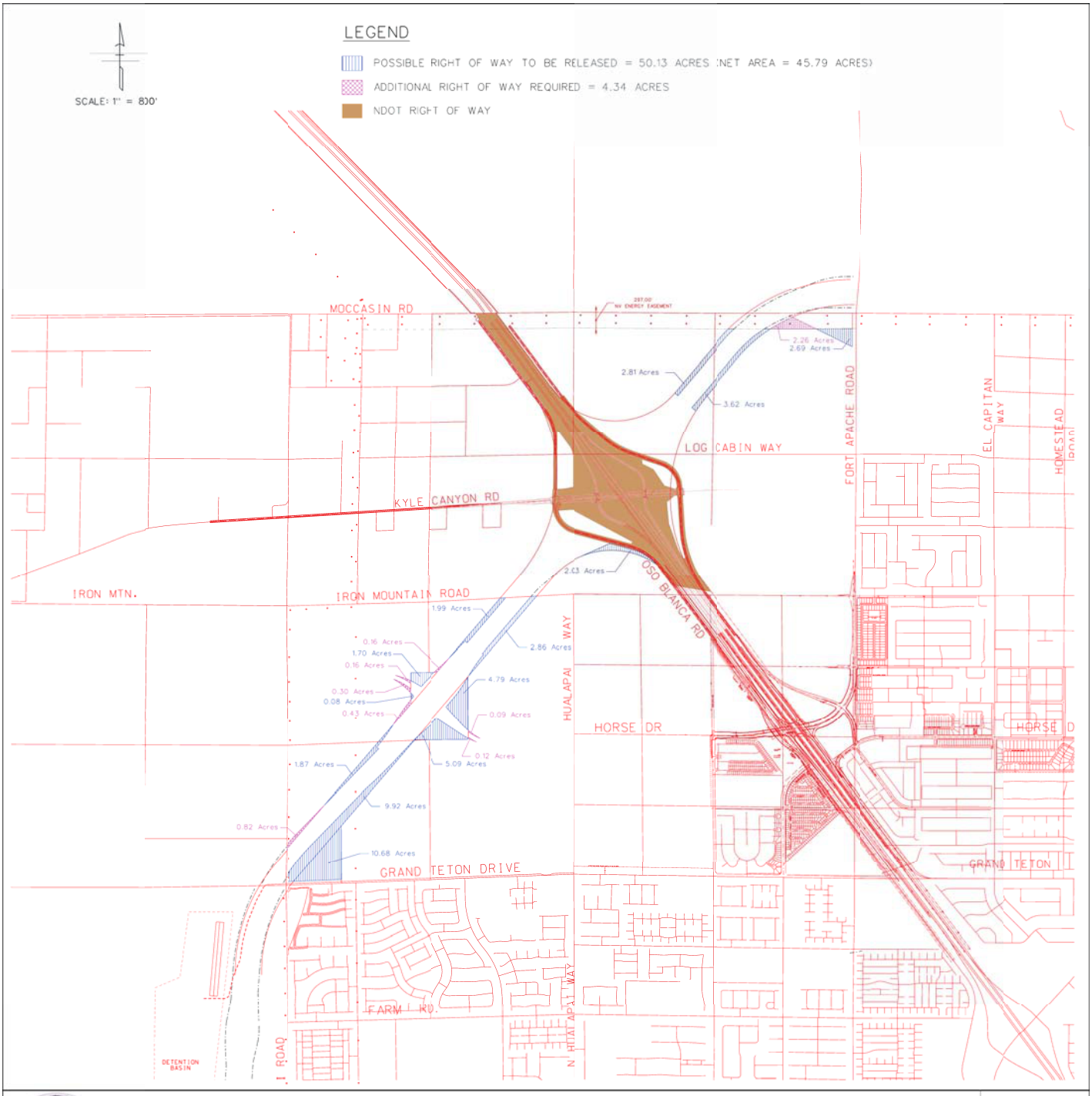
SHEEP MOUNTAIN PARKWAY RIGHT-OF-WAY REDUCTION

# 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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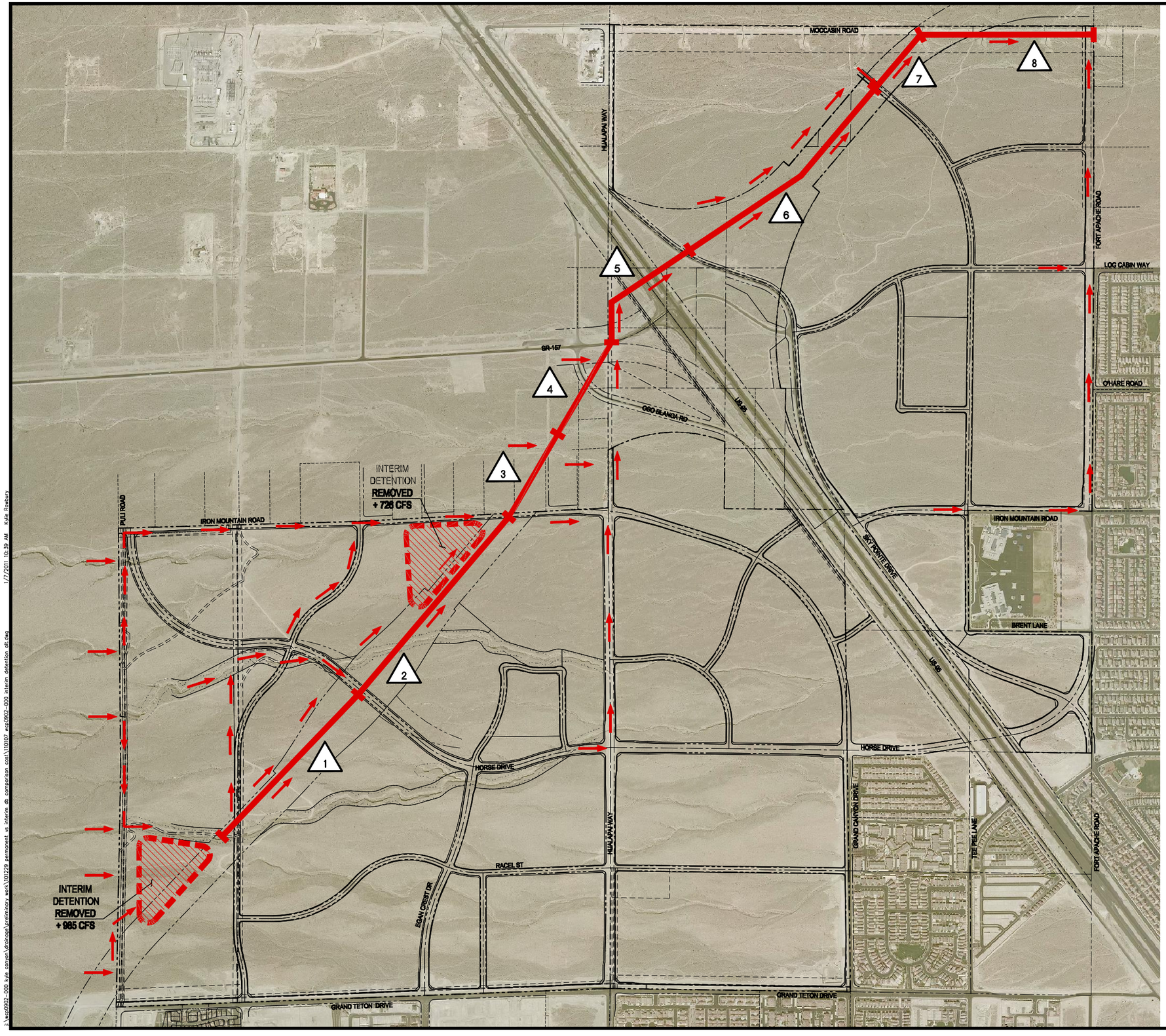
PHONE (702) 284-5300 FAX (702) 284-5399

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

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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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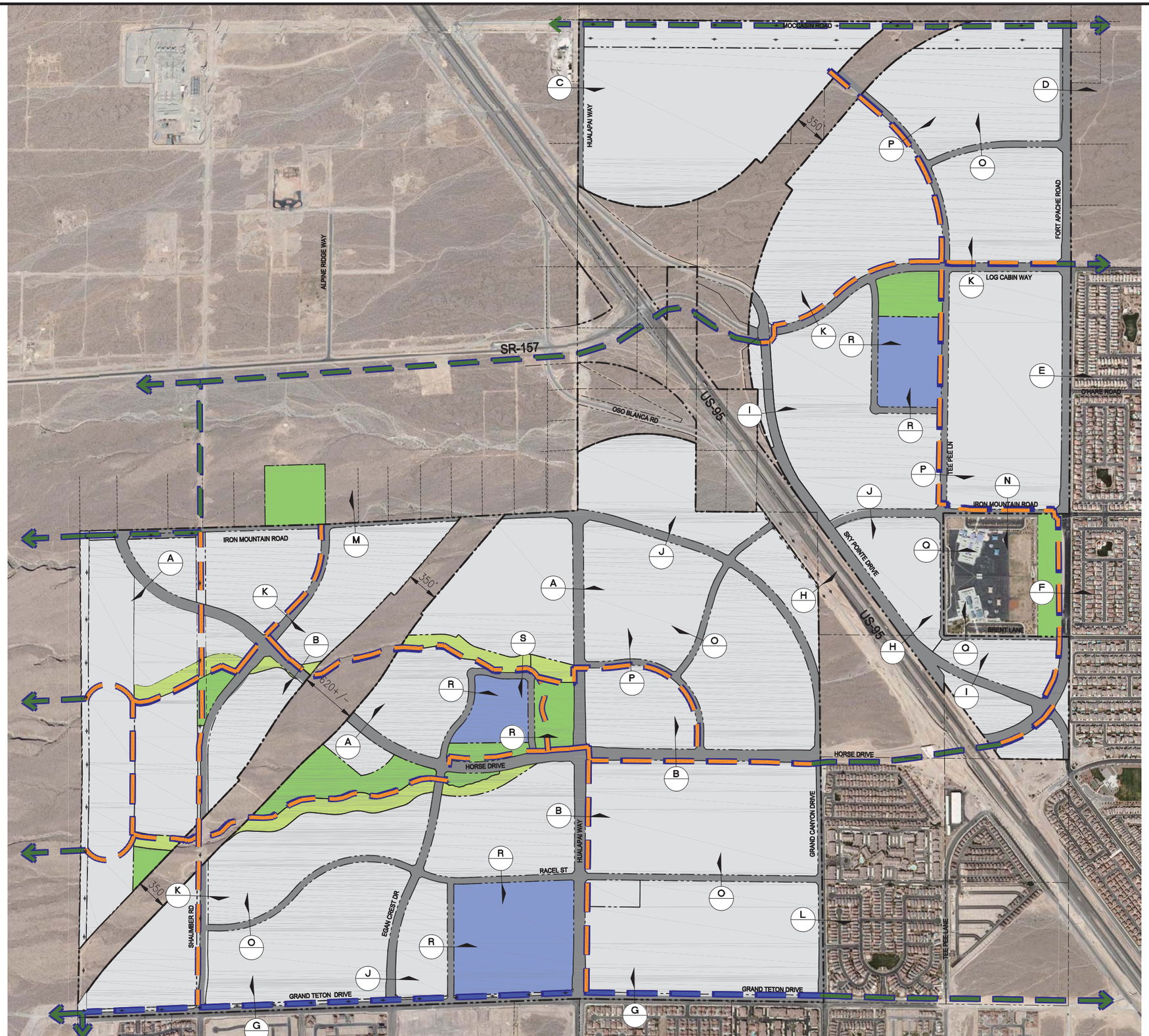
DEVELOPMENT AGREEMENT

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

## KYLE CANYON

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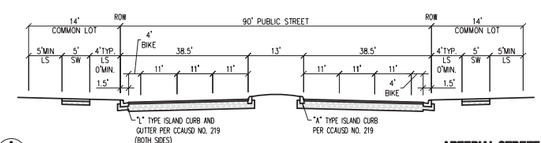
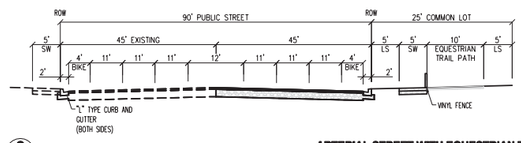
J:\wcp0902-000 kyle canyon\dwg\figures\110520 wcp0902-000 land plan--with sections.dwg 7/5/2011 8:47 AM Ben Morris




**A** ARTERIAL STREET
NTS




**G** ARTERIAL STREET WITH EQUESTRIAN TRAIL
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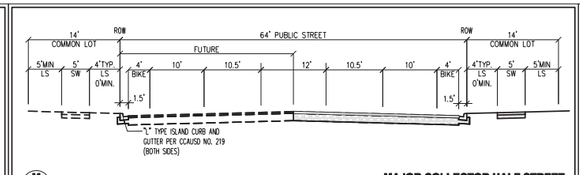


**M** MAJOR COLLECTOR HALF STREET
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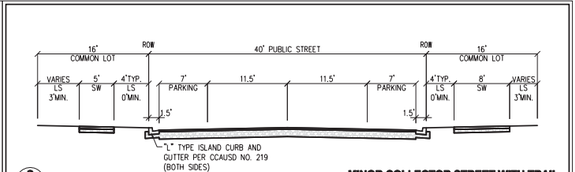


**S** MINOR COLLECTOR STREET WITH TRAIL
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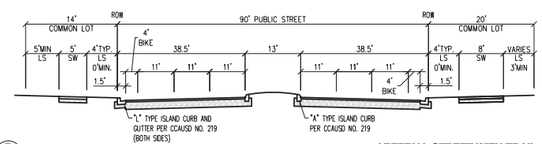


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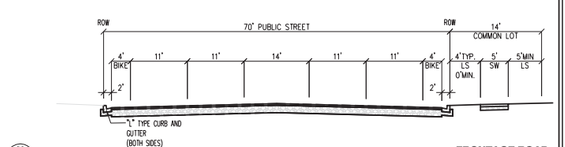


**H** FRONTAGE ROAD
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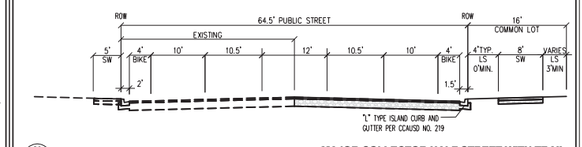


**N** MAJOR COLLECTOR HALF STREET WITH TRAIL
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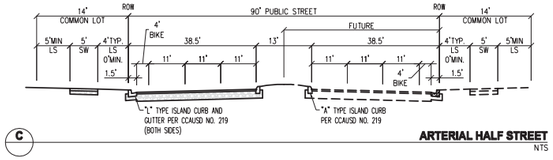


**C** ARTERIAL HALF STREET
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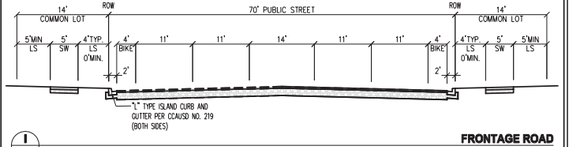


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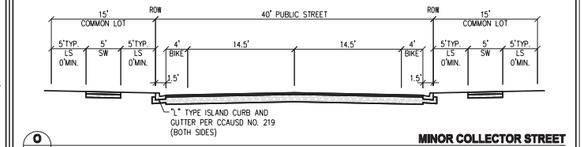


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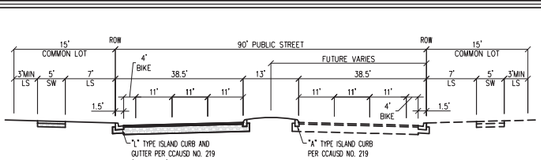


**D** ARTERIAL HALF STREET
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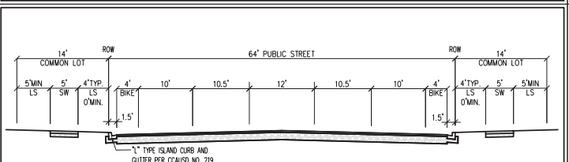


**J** MAJOR COLLECTOR STREET
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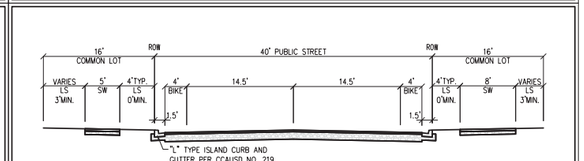


**P** MINOR COLLECTOR STREET WITH TRAIL
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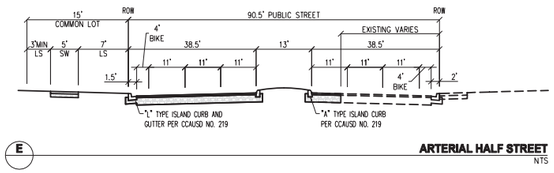


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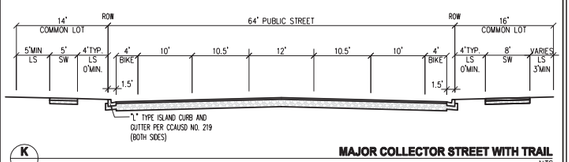


**K** MAJOR COLLECTOR STREET WITH TRAIL
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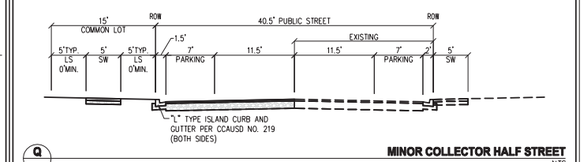


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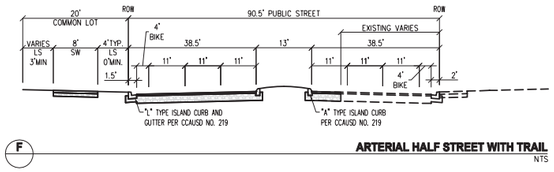


**F** ARTERIAL HALF STREET WITH TRAIL
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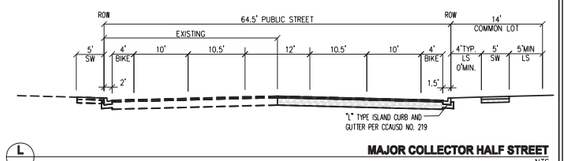


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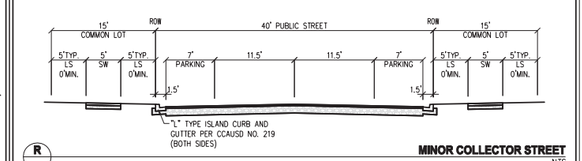


**R** MINOR COLLECTOR STREET
NTS

# 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 | • From Interior Street<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>• From Court St. 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 | 0' at common wall<br>3' at building end wall |
| • Corner Side | 5' |
| • Rear | • 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] |
| **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>• From Interior Street<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>• From Court St. 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 Interior Paseo or Interior Common Open Space<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

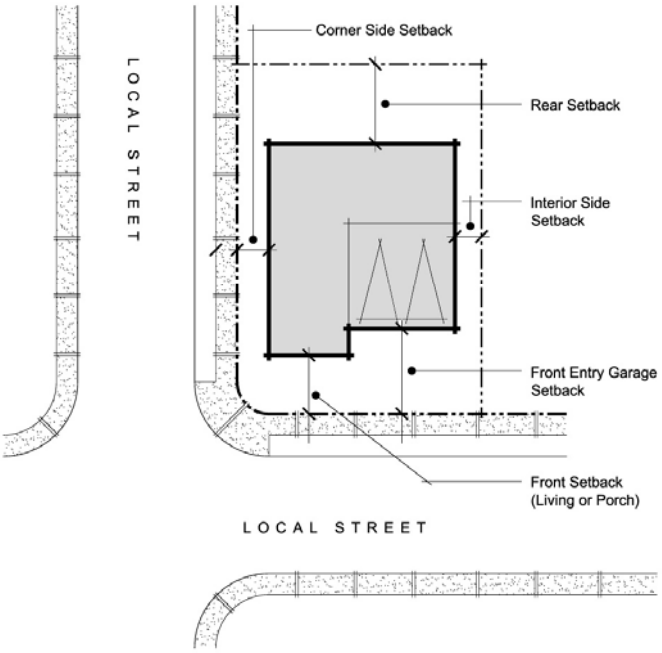
3. Compact fluorescent lighting

4. Indoor motion sensing lighting

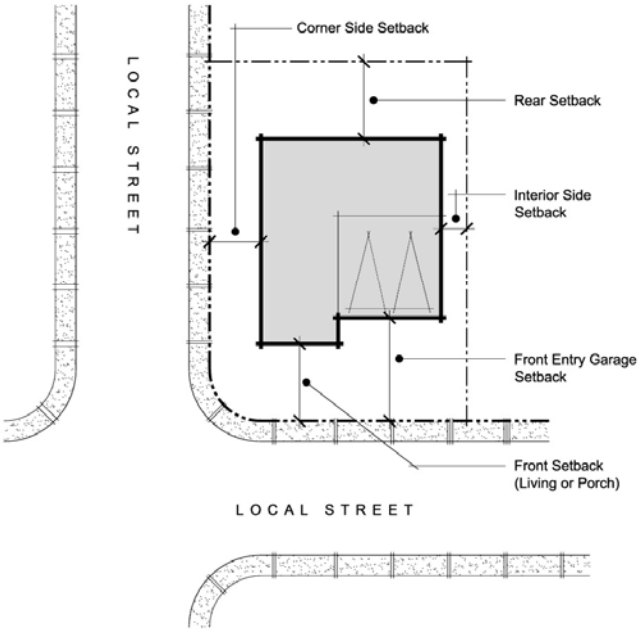
5. Photovoltaic solar panels and net metering systems

6. Energy Star appliances

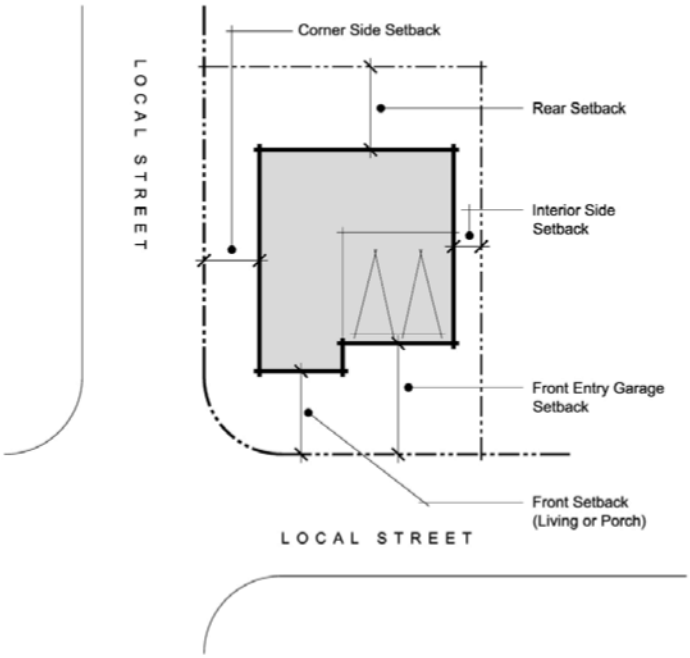
SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
Detached Sidewalk



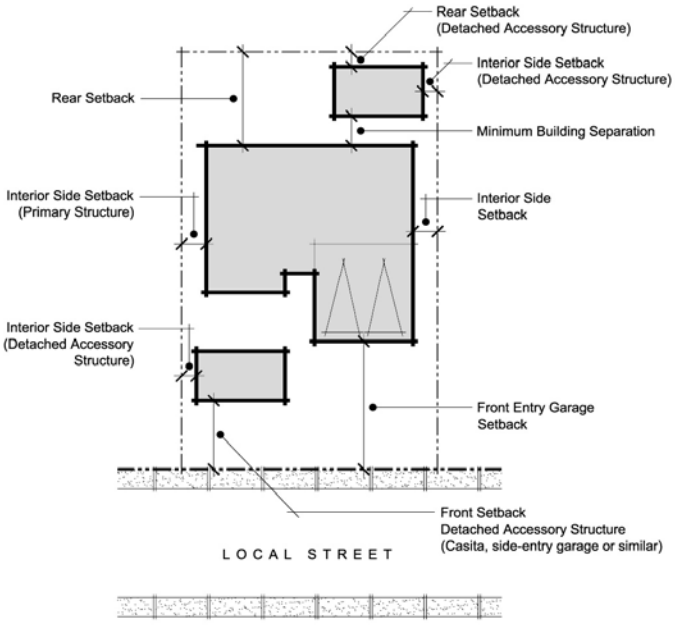

SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
Attached Sidewalk




SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
No Sidewalk




SINGLE FAMILY DETACHED, DUPLEX, TOWNHOME
Detached Accessory Structure

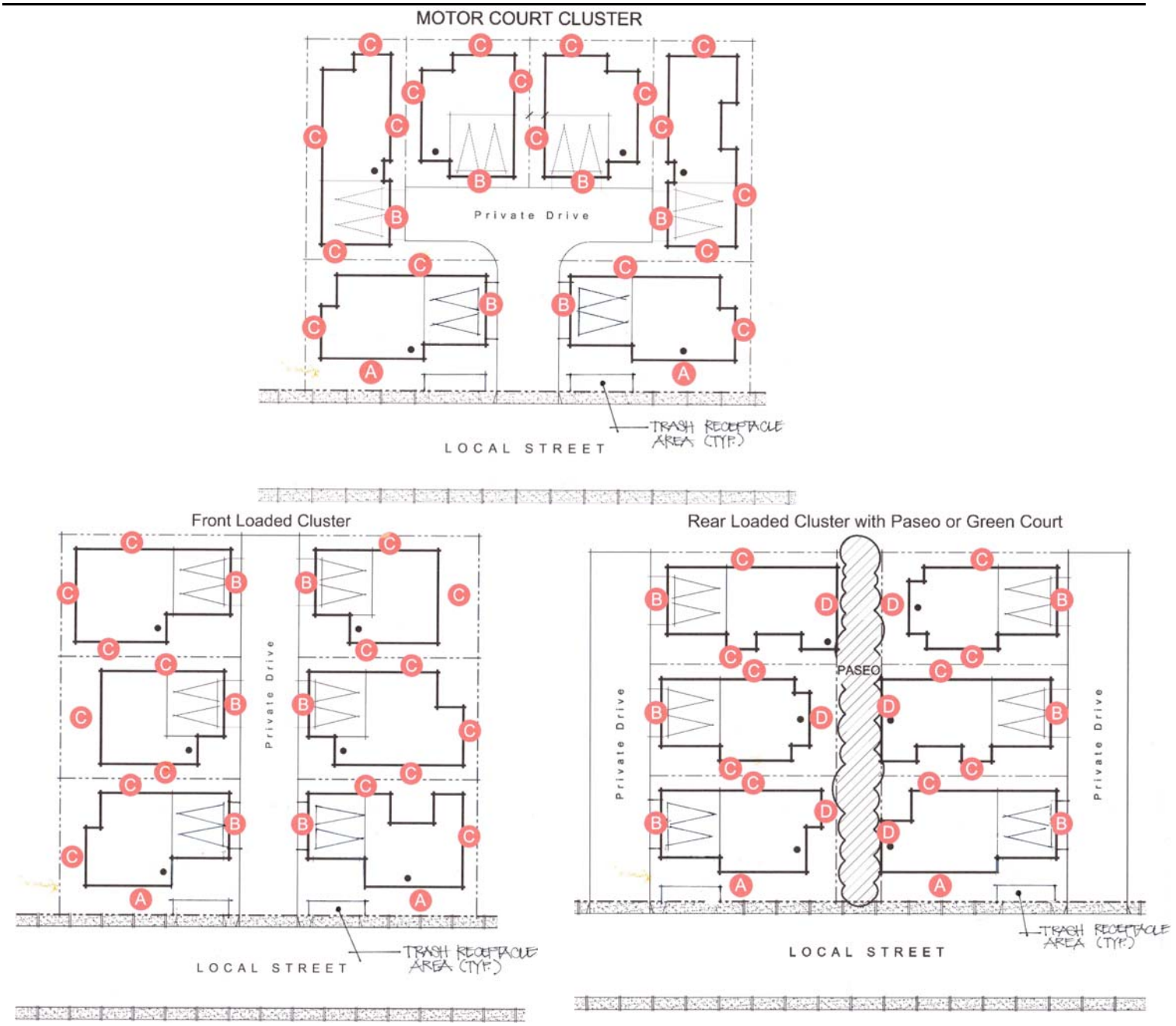



NOTES:

- 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:

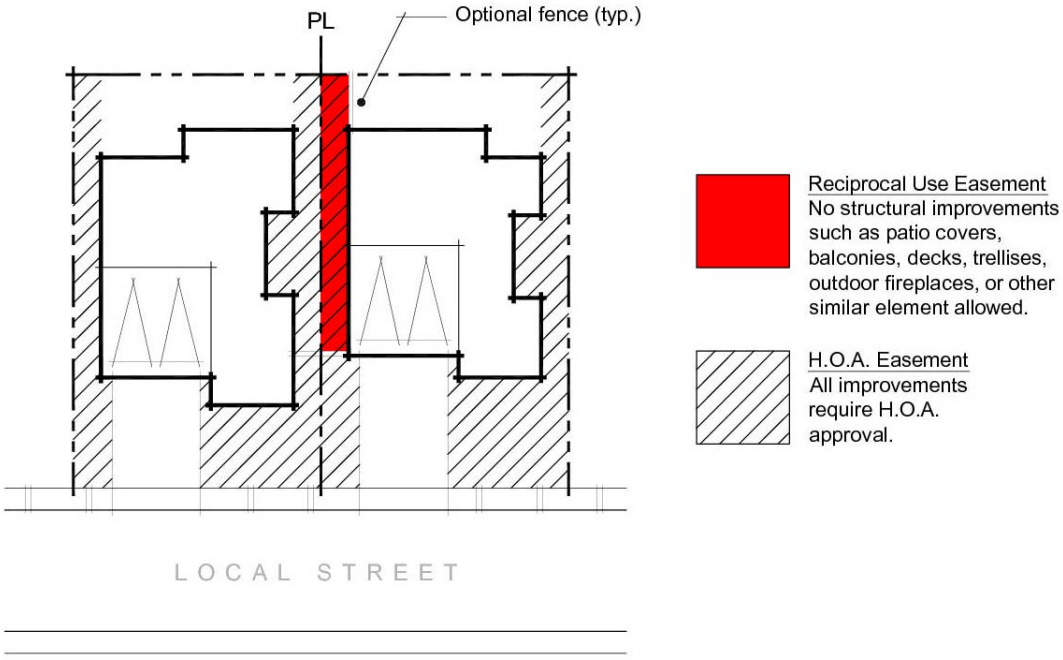
- Refer to Modified Standards Table for specific dimensions.
- Diagram is conceptual and shown for reference purposes only. Final building footprints and layout will vary.
- If any discrepancy occurs between diagram and the Modified Standards Table, then the Modified Standards Table shall prevail.
- 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

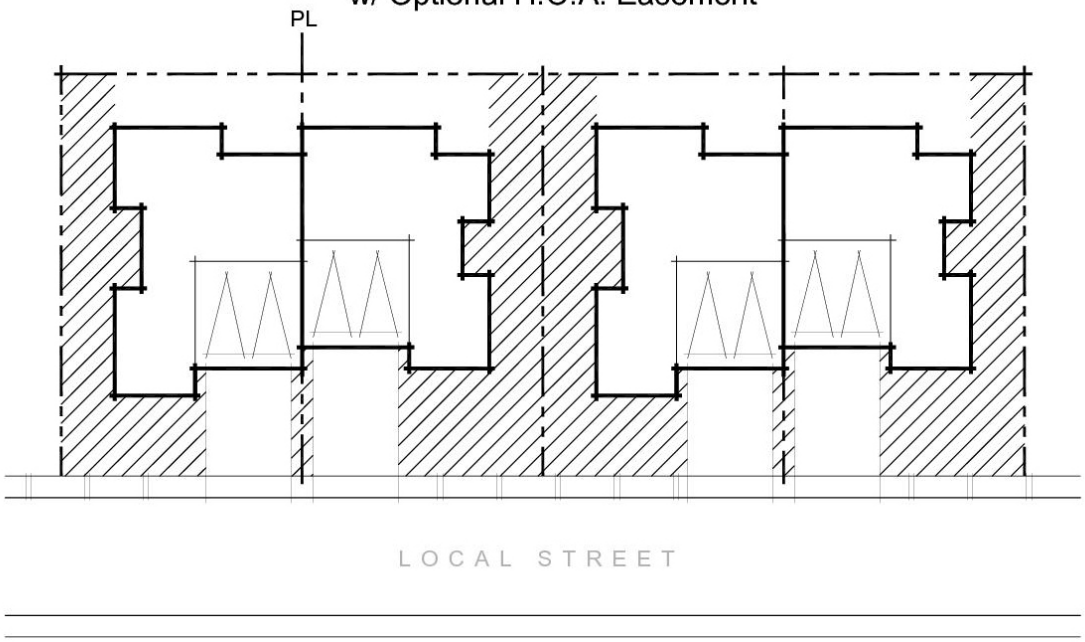
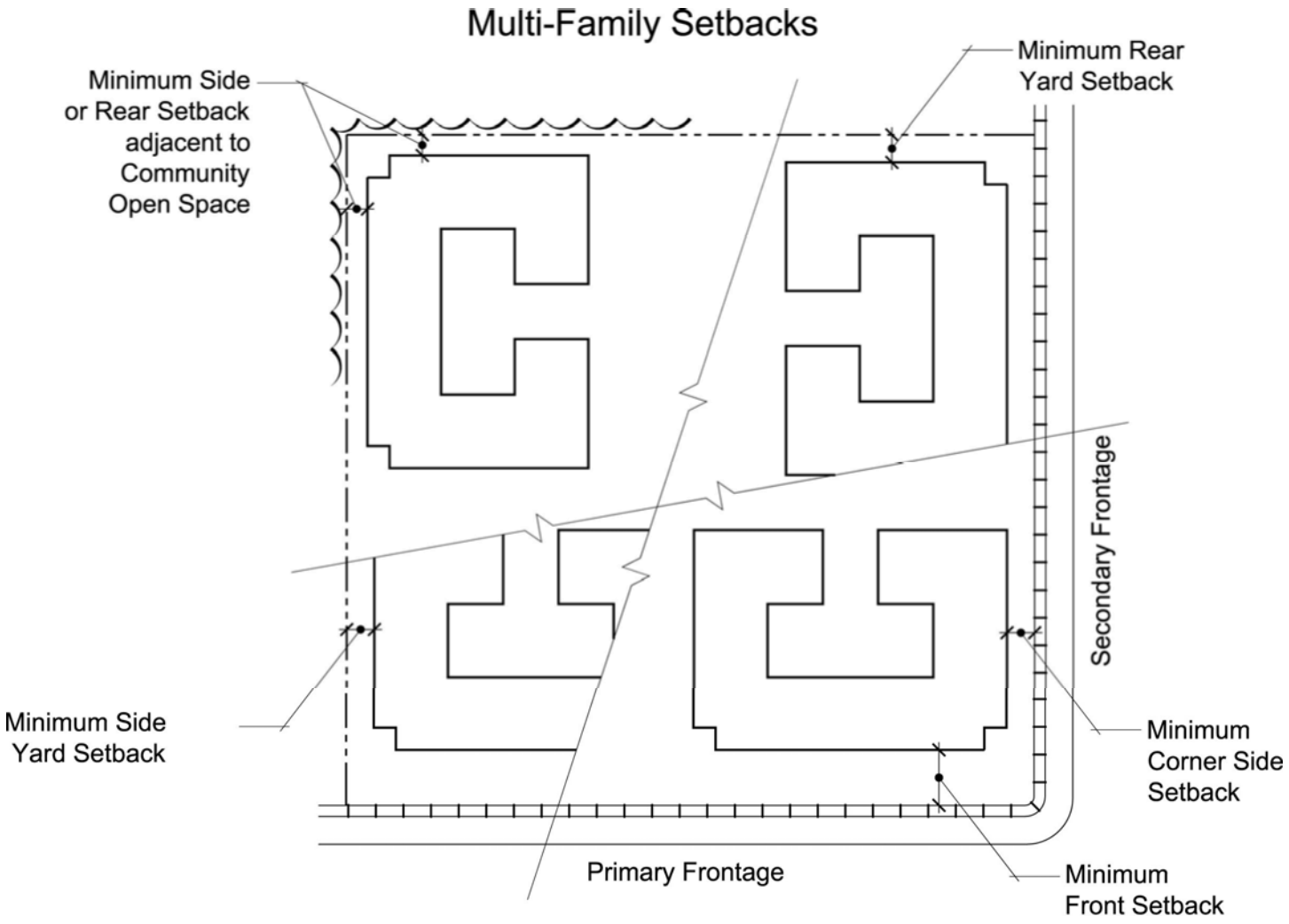



Exhibit 3
**EASEMENT DIAGRAM**

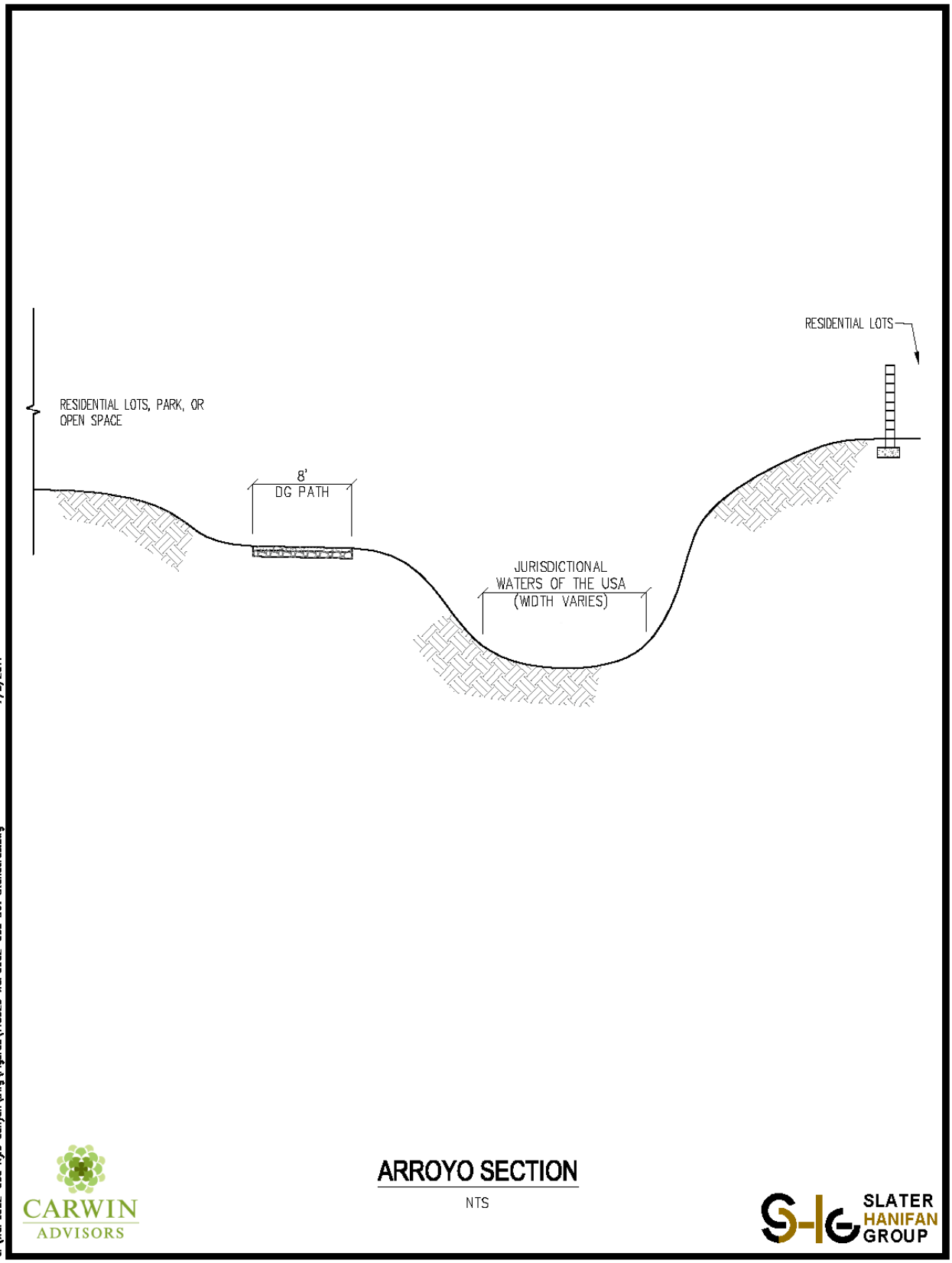



NOTES:

- 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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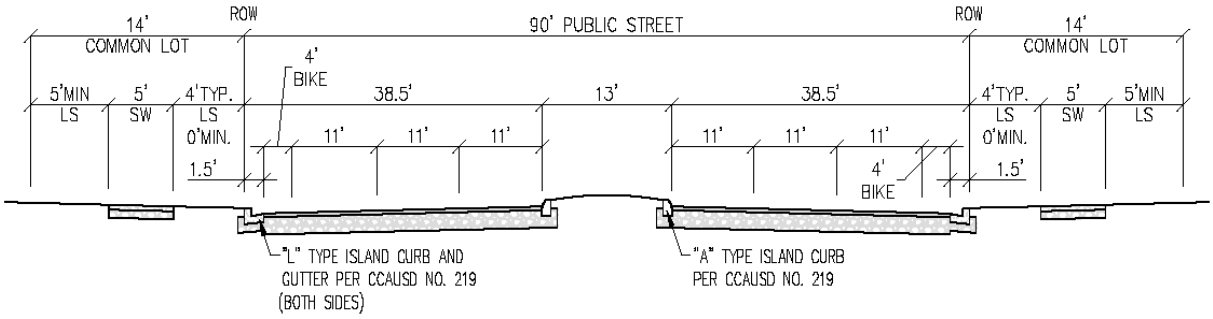
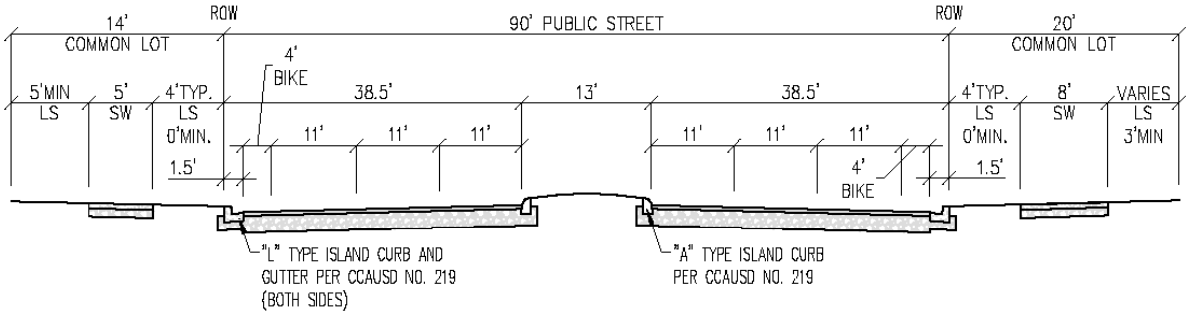
CARWIN
ADVISORS
ARROYO SECTION
NTS
SLATER
HANIFAN
GROUP




## 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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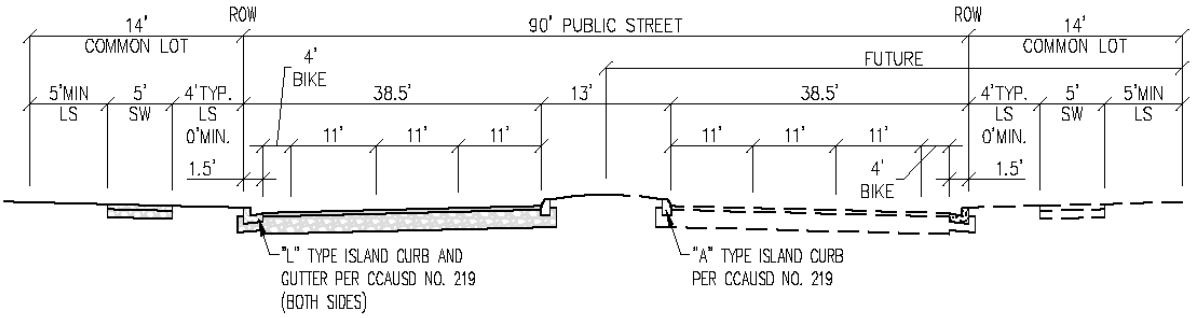


## C. ARTERIAL HALF STREET

NTS

HUALAPAI WAY

NOTES:

1. ABOVE/BELOW GROUND UTILITIES ALLOWED IN LANDSCAPE AREA
2. SIDEWALK CAN MEANDER; DETACHED WHEREVER POSSIBLE

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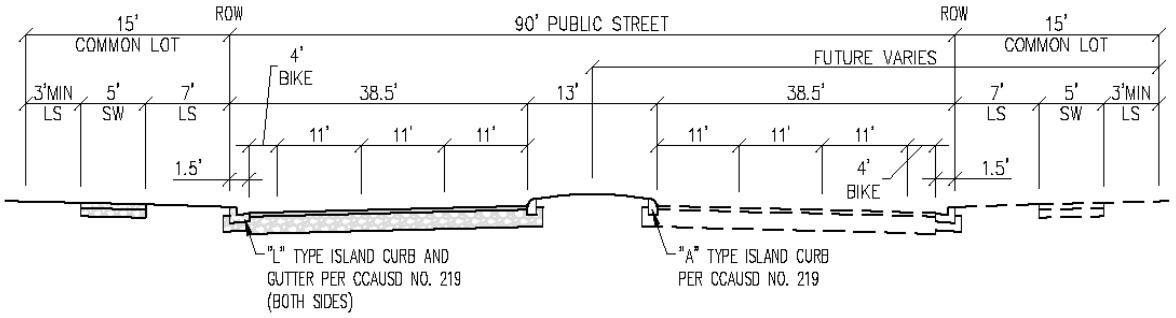
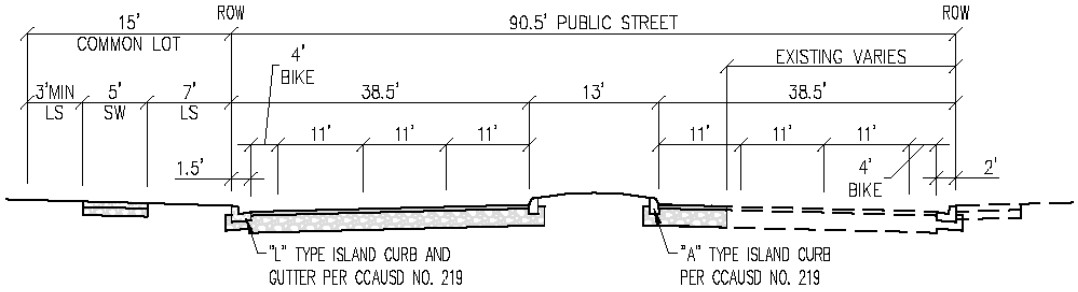


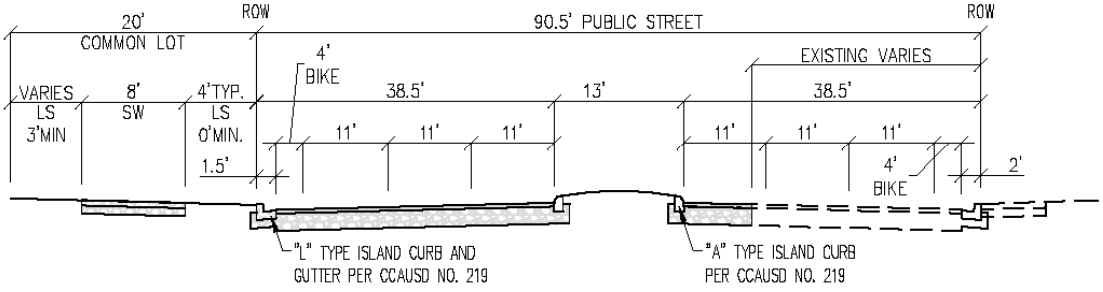

## D. ARTERIAL HALF STREET

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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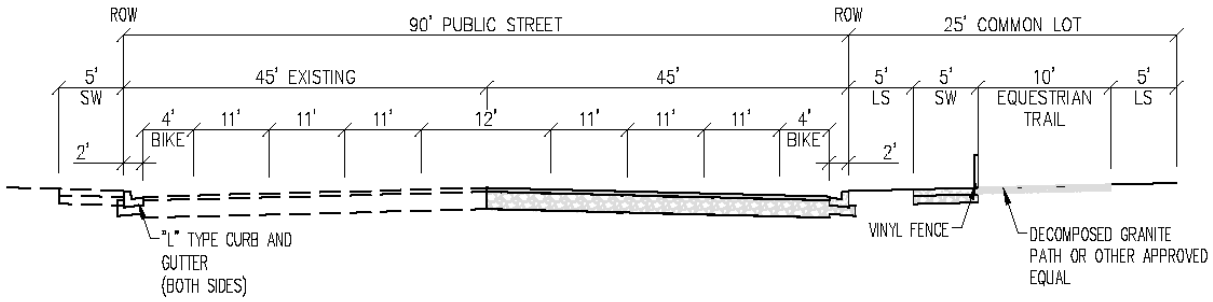


## G. ARTERIAL STREET WITH EQUESTRIAN TRAIL

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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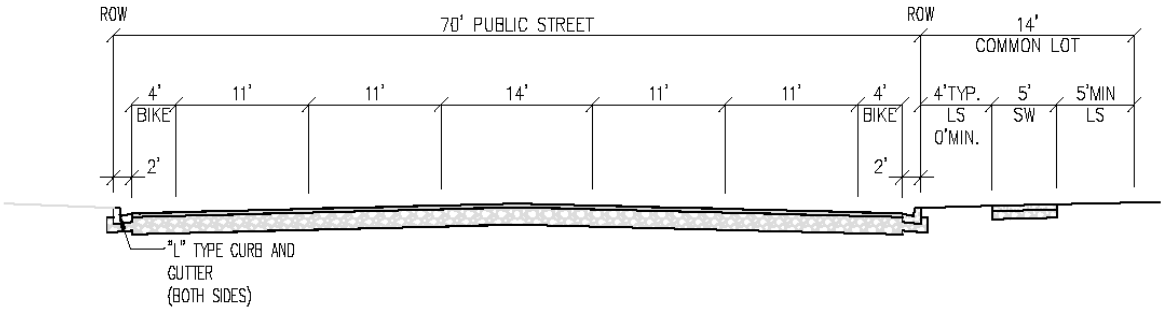
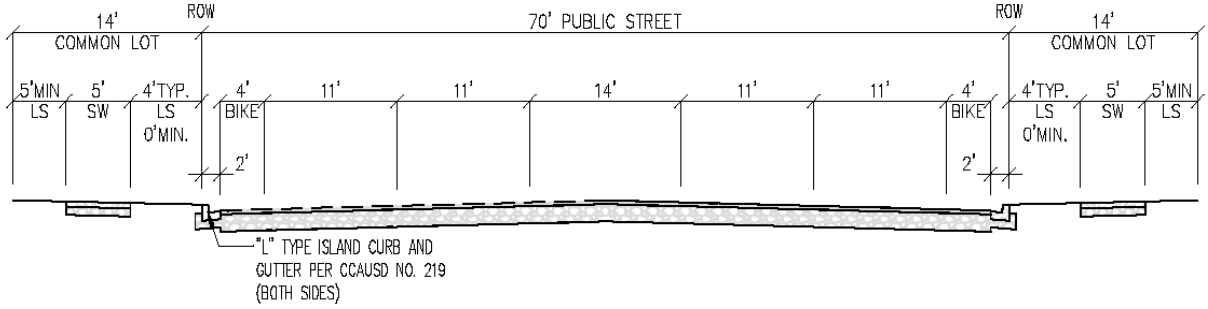



## H. FRONTAGE ROAD

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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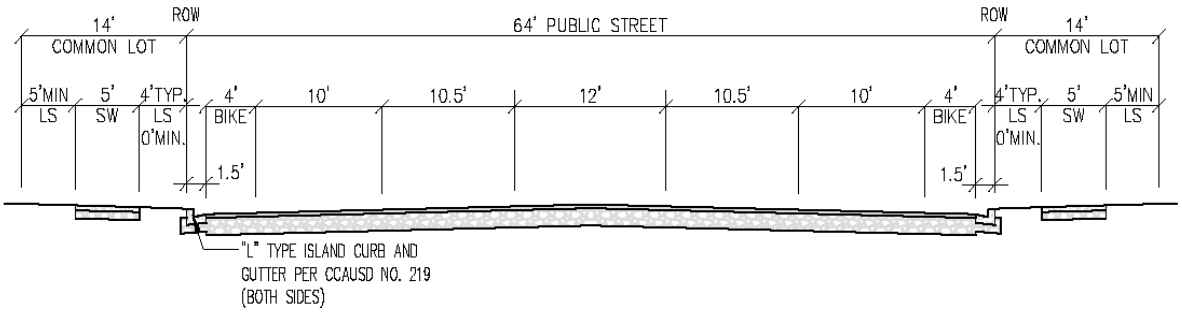
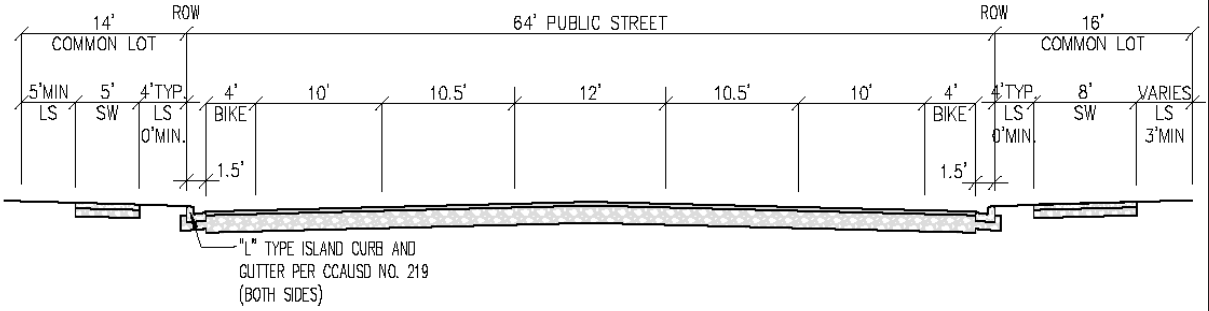



## J. MAJOR COLLECTOR STREET

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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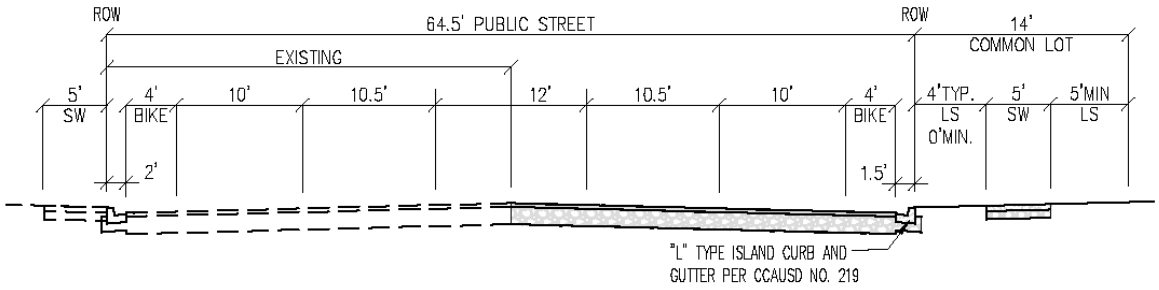
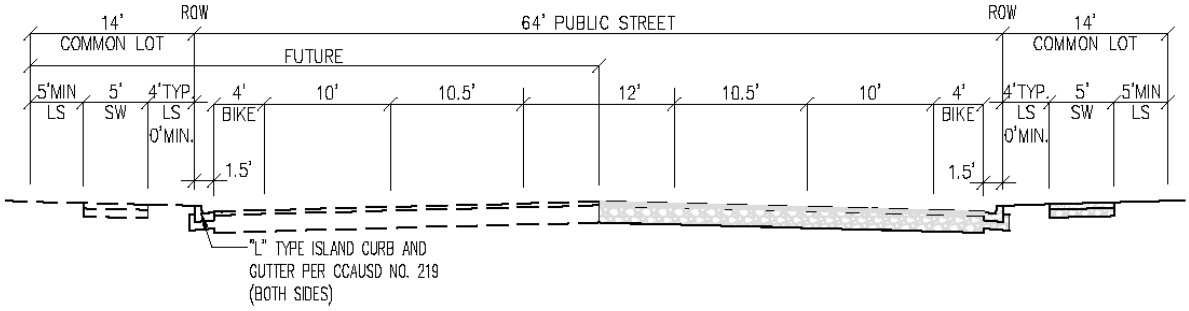


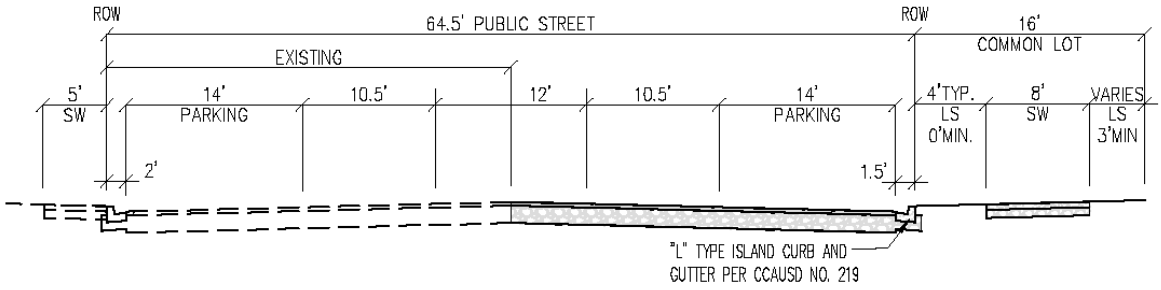

## L. MAJOR COLLECTOR HALF STREET

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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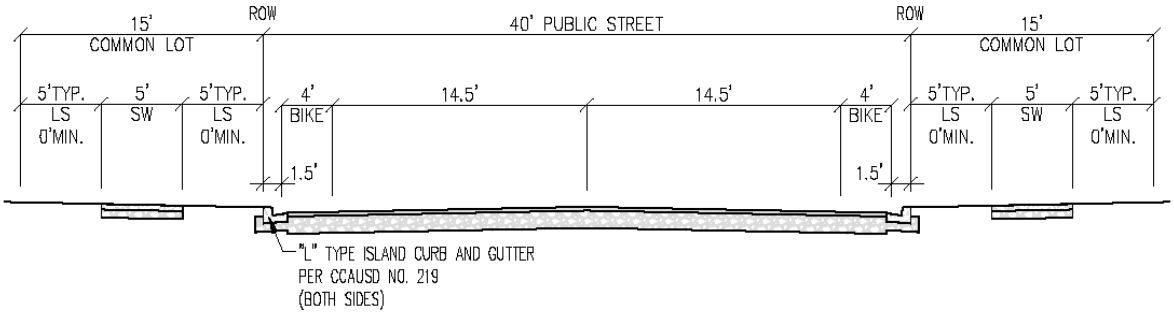
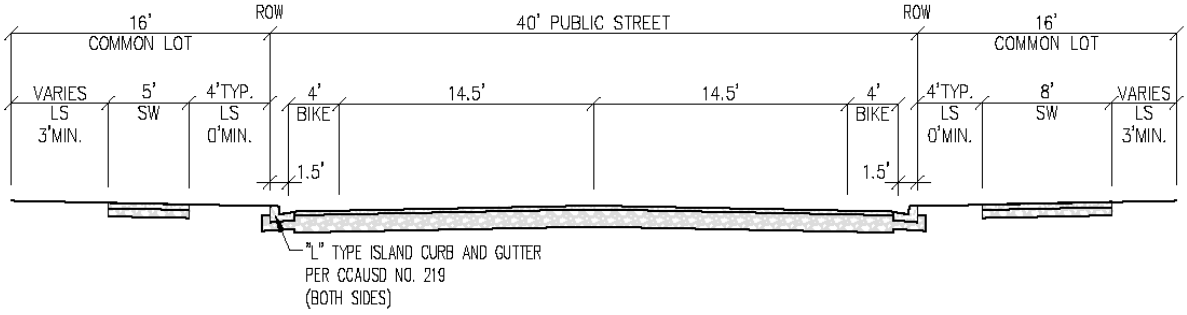



## O. MINOR COLLECTOR STREET

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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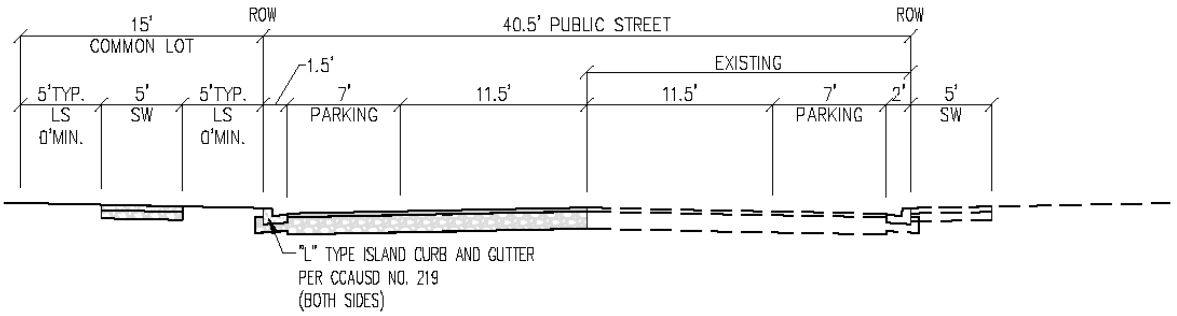
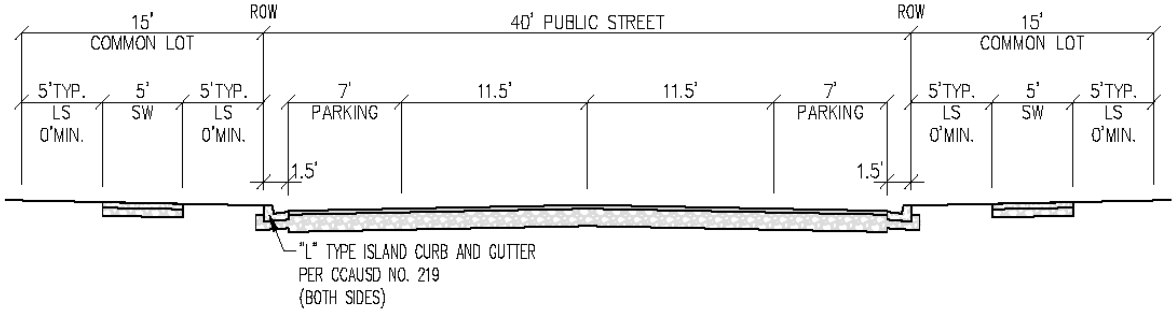



## Q. MINOR COLLECTOR HALF STREET

NTS

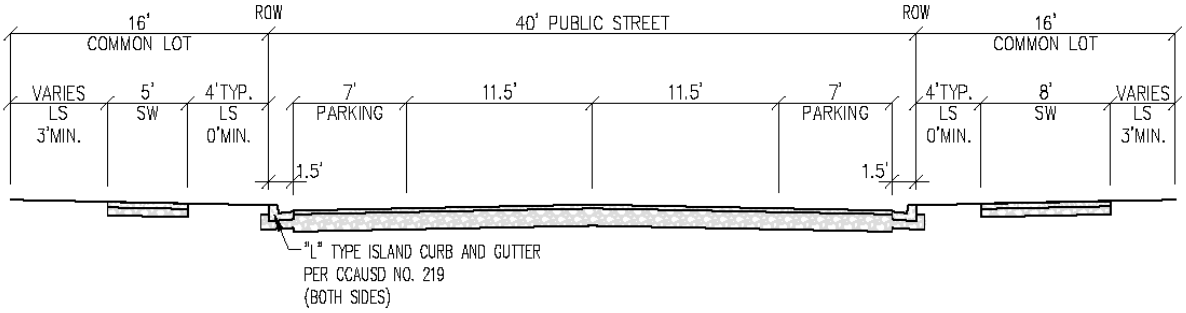
BRENT RD & TEE PEE LN




## 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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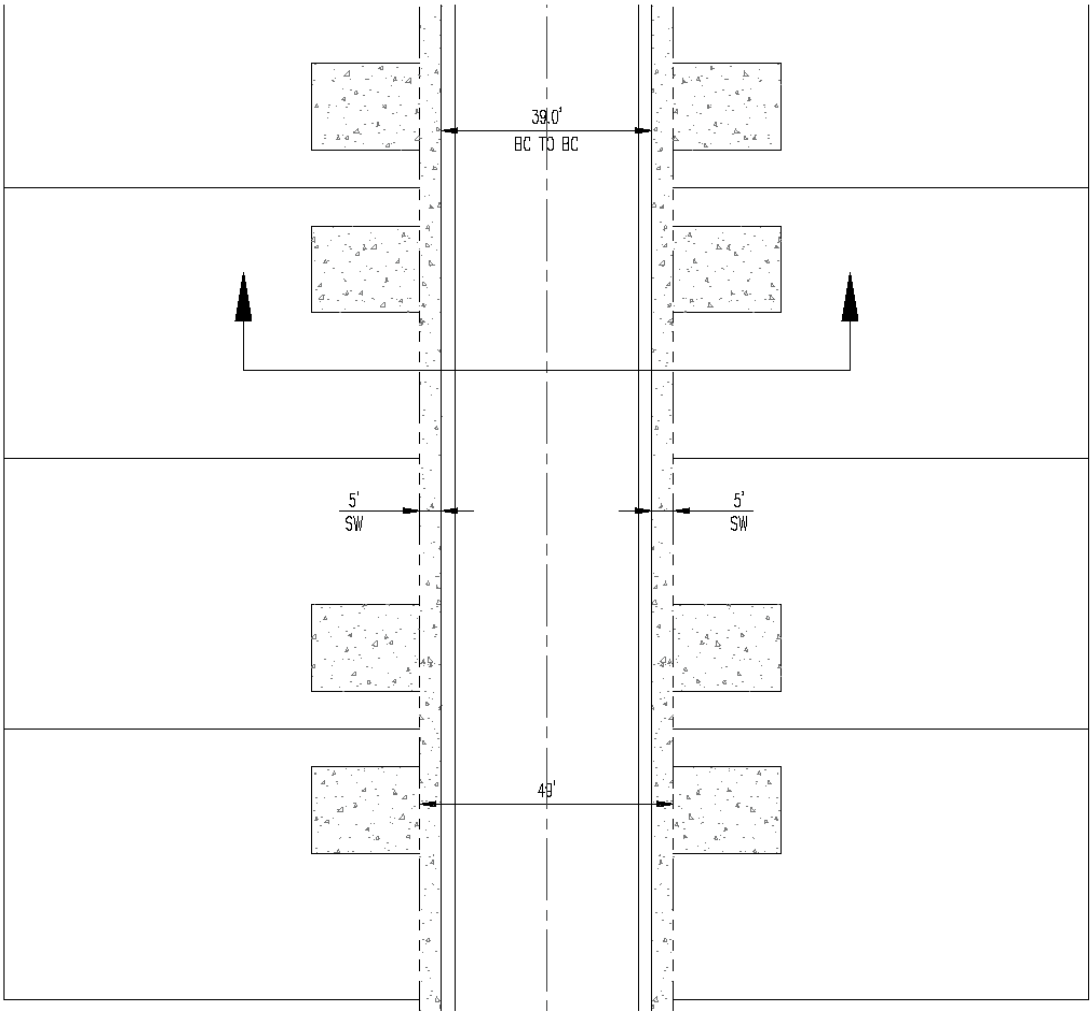


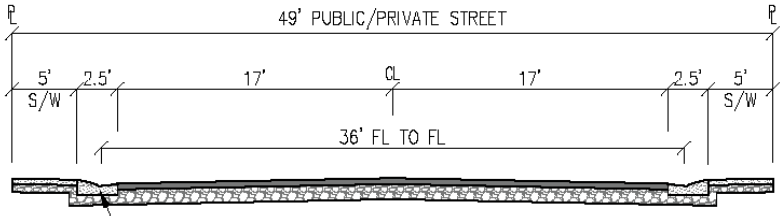


30" WEDGE TYPE, "L" TYPE (PER CCAUSD NO. 216), 30" ROLL (PER CCAUSD NO. 217A), OR 18" "L" TYPE (PER CCAUSD NO. 219) CURB AND GUTTER (BOTH SIDES)

NOTES:
1. PARKING ALLOWED ON BOTH SIDES OF THE STREET

## 49' PUBLIC/PRIVATE STREET SECTION

NTS

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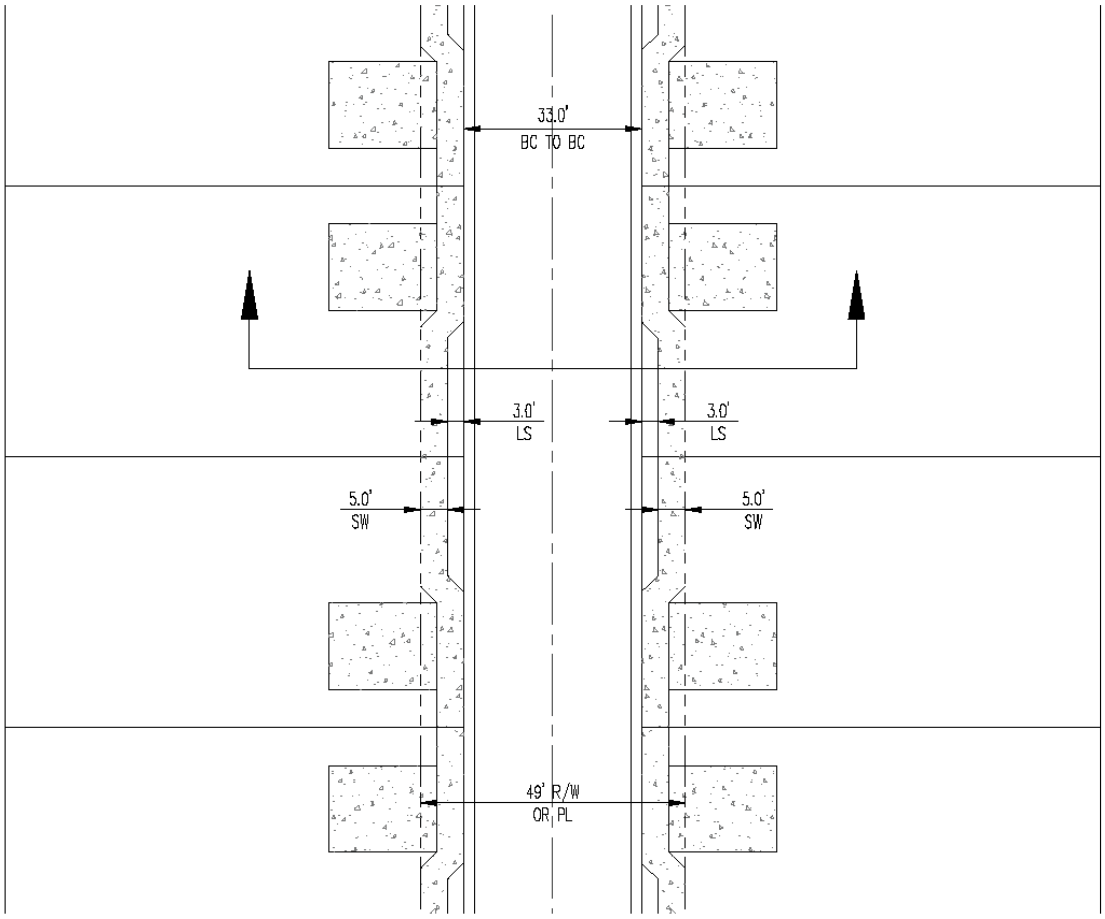


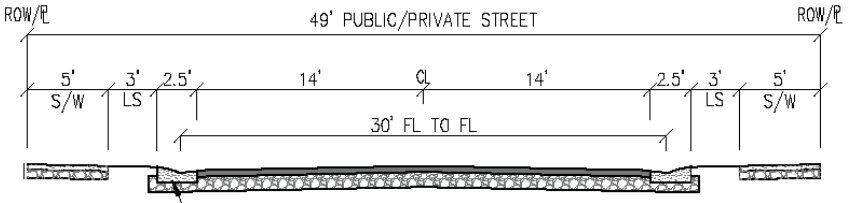


30" WEDGE TYPE, "L" TYPE (PER CCAUSD NO. 216), 30" ROLL (PER CCAUSD NO. 217A), OR 18" "L" TYPE (PER CCAUSD NO. 219) CURB AND GUTTER (BOTH SIDES)

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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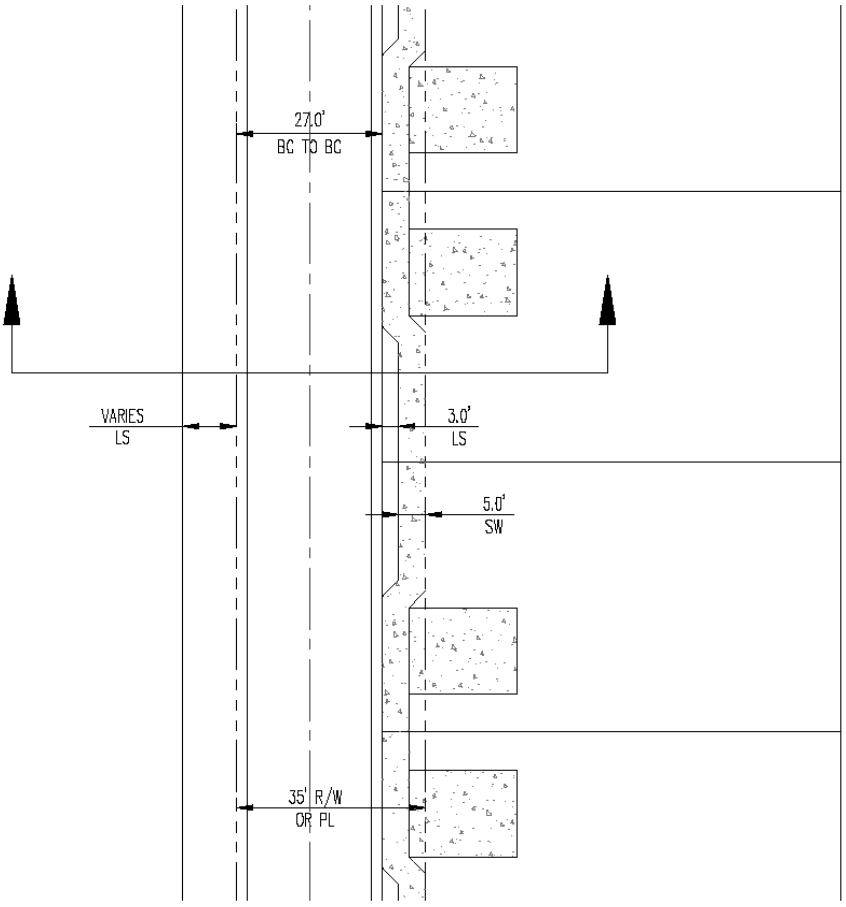


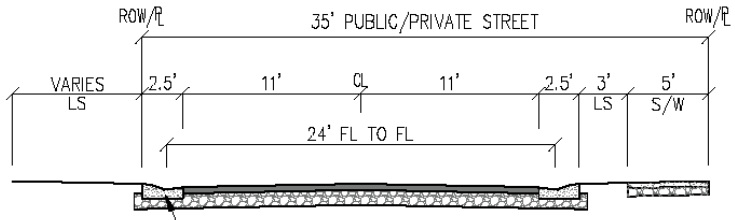


30" WEDGE TYPE, "L" TYPE (PER CCAUSD NO. 216), 30" ROLL (PER CCAUSD NO. 217A), OR 18" "L" TYPE (PER CCAUSD NO. 219) CURB AND GUTTER (BOTH SIDES)

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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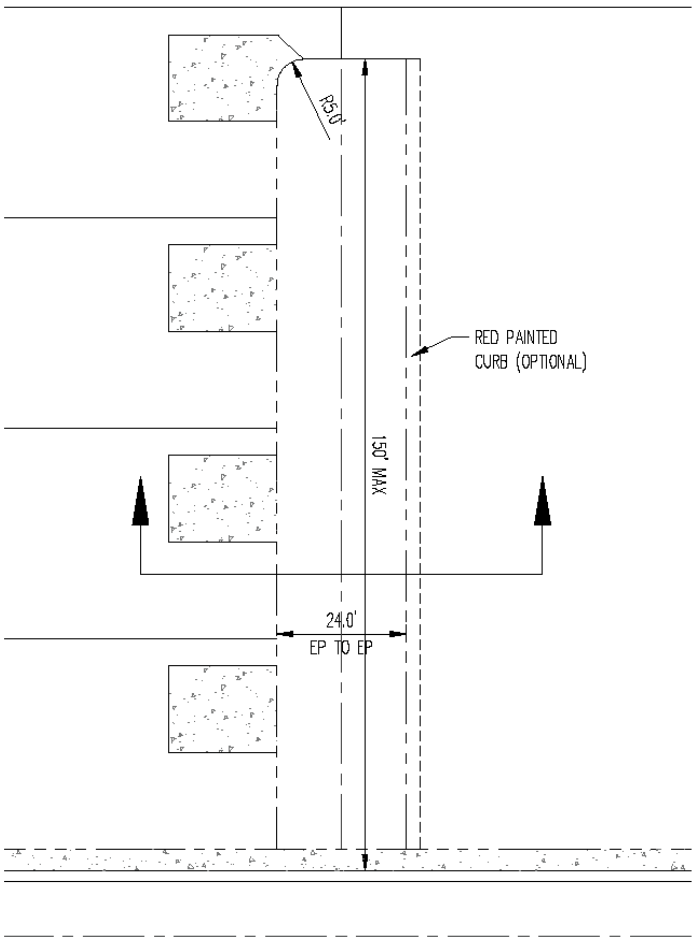


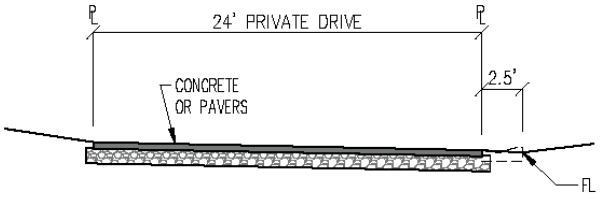


NOTES:

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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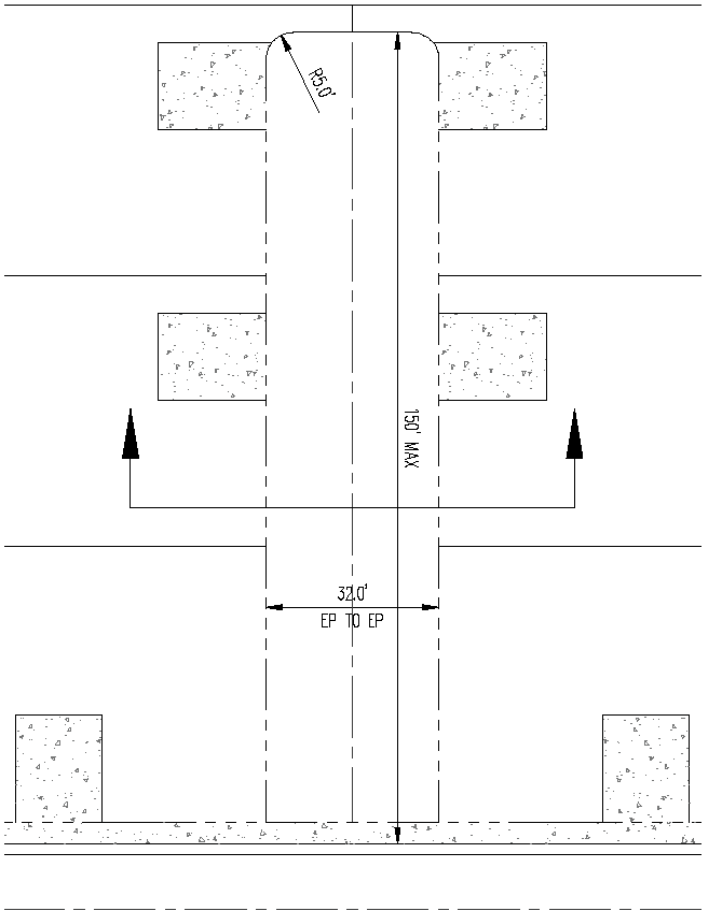


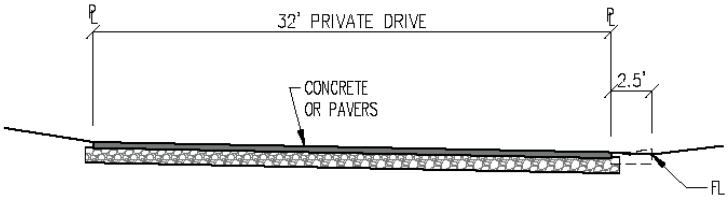


NOTES:

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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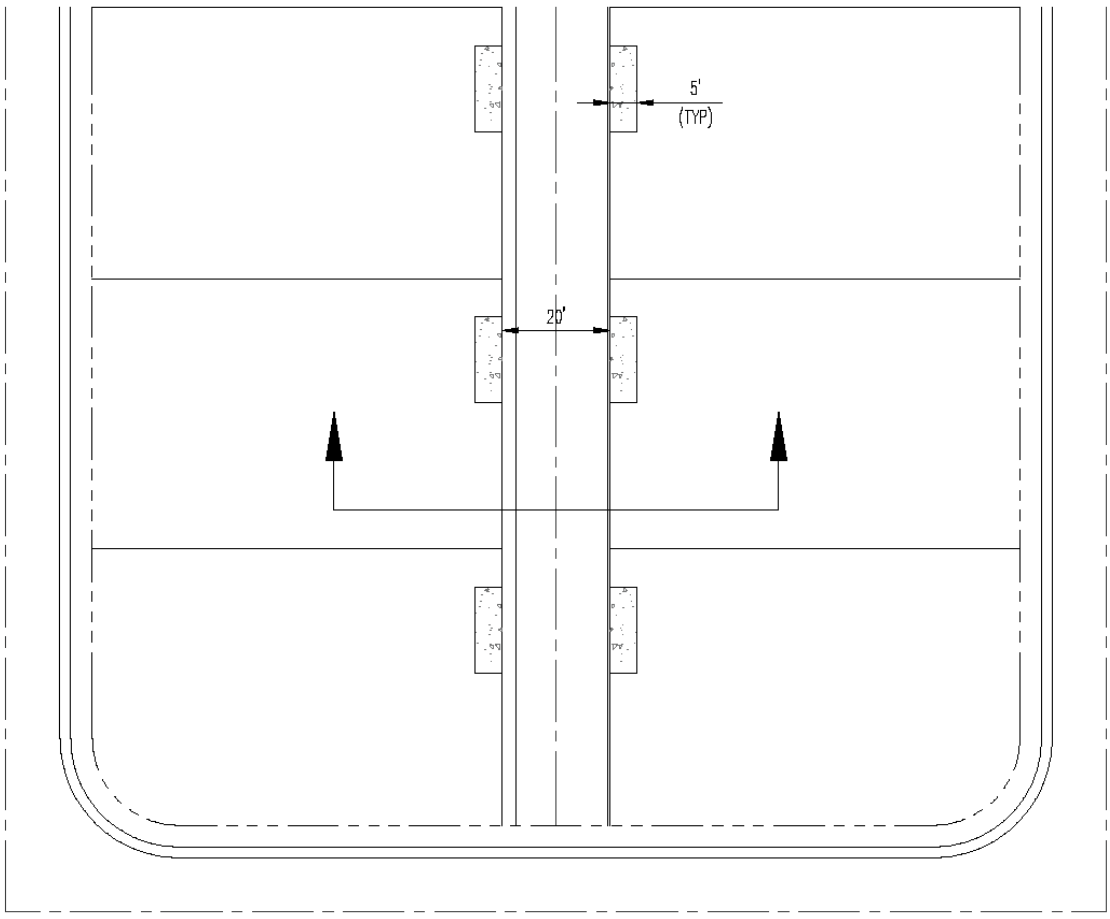


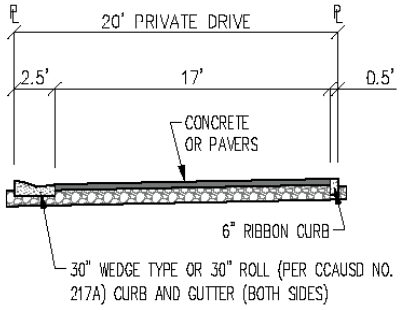


## 20' PRIVATE ALLEY DRIVE DETAIL

NTS

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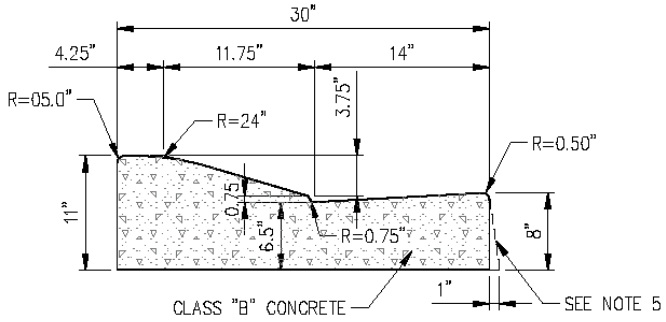
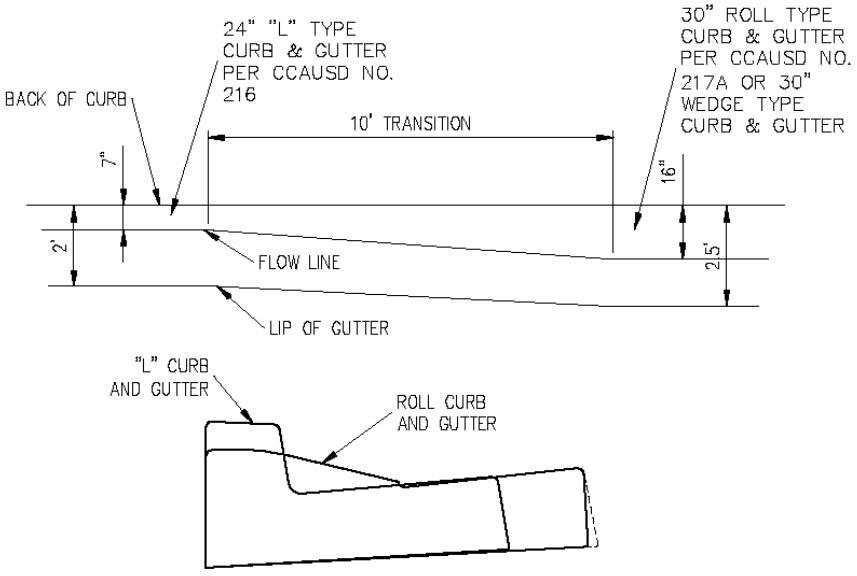



NOTES:
1. MODIFIED CCAUSD NO. 217A
2. ALL CURB FLOW LINES SHALL BE WATER TESTED. ANY CURB THAT DOES NOT FLOW SHALL BE REMOVED AND REPLACED AS DIRECTED BY CLARK COUNTY AT THE SOLE EXPENSE OF THE CONTRACTOR.

## 30" WEDGE TYPE CURB AND GUTTER

NTS




## 10' TRANSITION FROM 'L' CURB TO ROLL CURB

NTS

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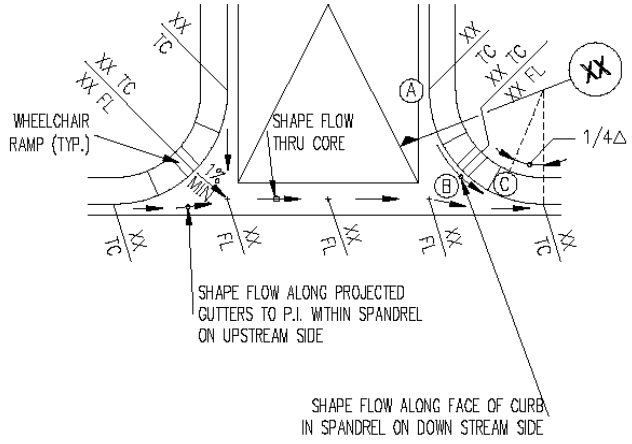
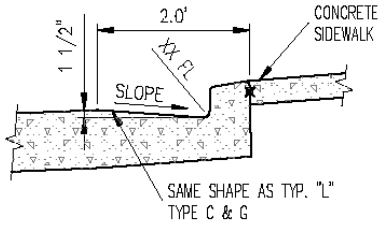
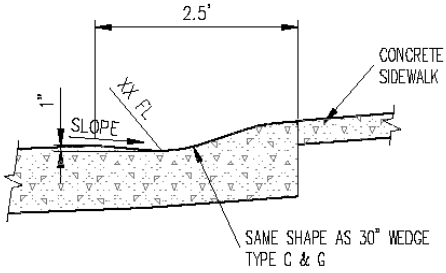



**CASE I SECTION** XX
SEE CCAUSD 228




**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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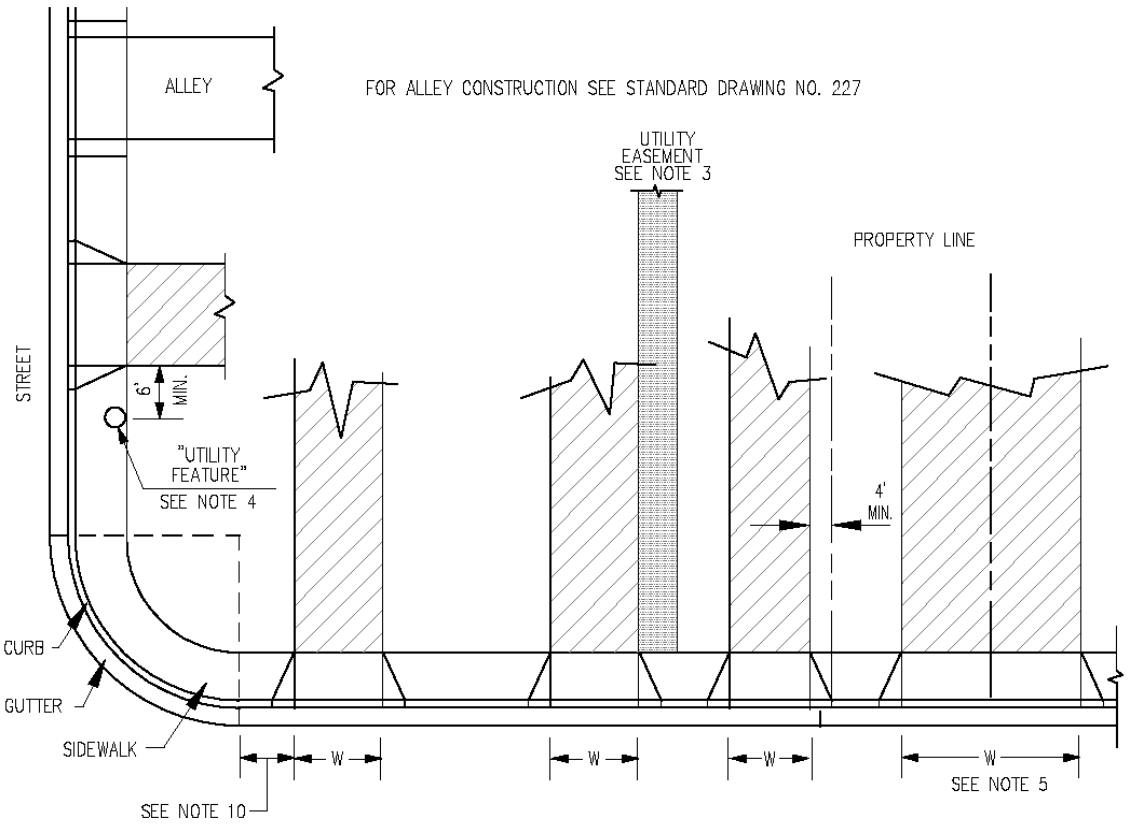


W = WIDTH OF DRIVEWAY = 16' MAX. FOR 1 OR 2 CAR GARAGE, OR 28' MAX. FOR 3+ GARAGE

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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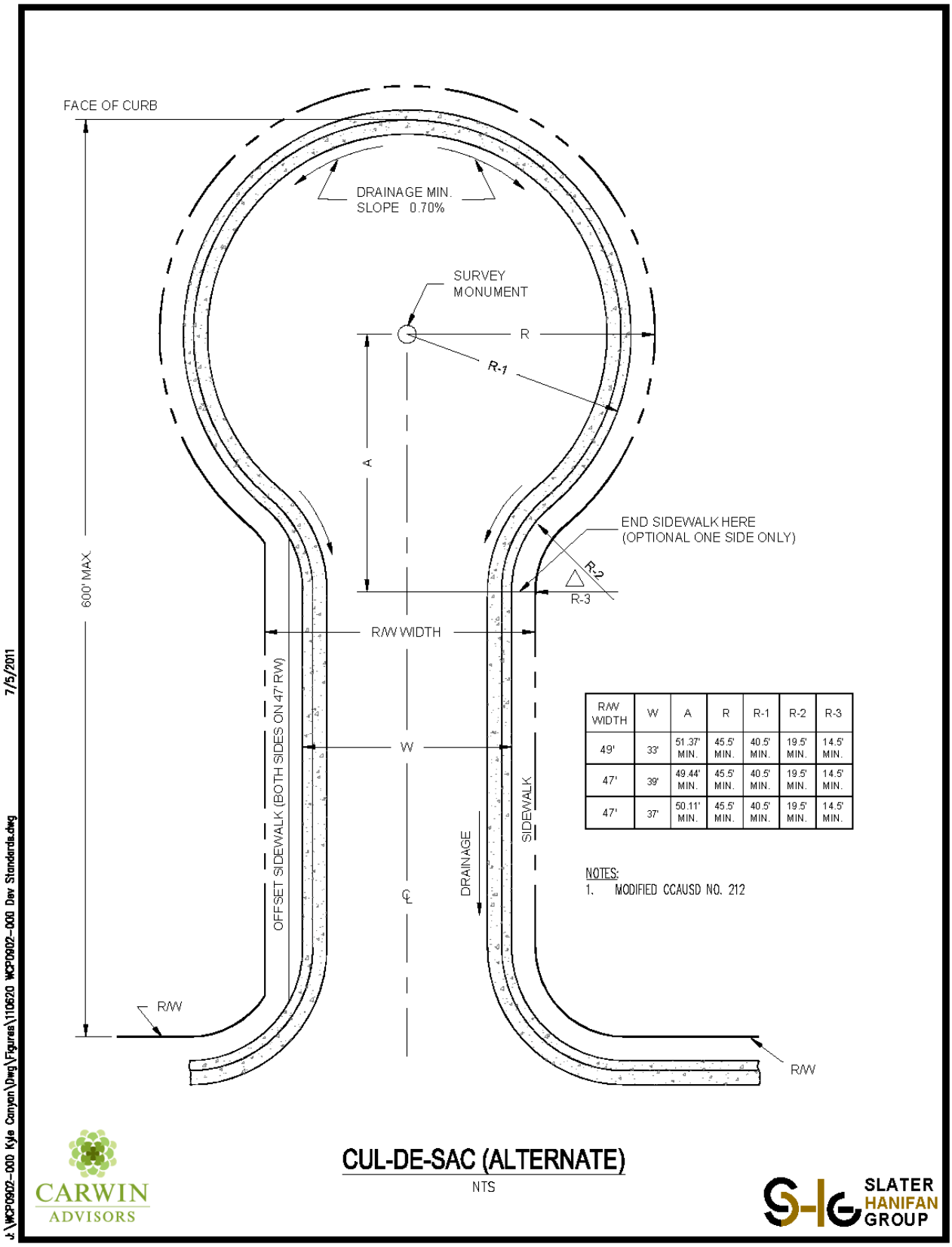


| R/W WIDTH | W | A | R | R-1 | R-2 | R-3 |
|---|---|---|---|---|---|---|
| 49' | 33' | 51.37' MIN. | 45.5' MIN. | 40.5' MIN. | 19.5' MIN. | 14.5' MIN. |
| 47' | 39' | 49.44' MIN. | 45.5' MIN. | 40.5' MIN. | 19.5' MIN. | 14.5' MIN. |
| 47' | 37' | 50.11' MIN. | 45.5' MIN. | 40.5' MIN. | 19.5' MIN. | 14.5' MIN. |

NOTES:
1. MODIFIED CCAUSD NO. 212

**CUL-DE-SAC (ALTERNATE)**
NTS

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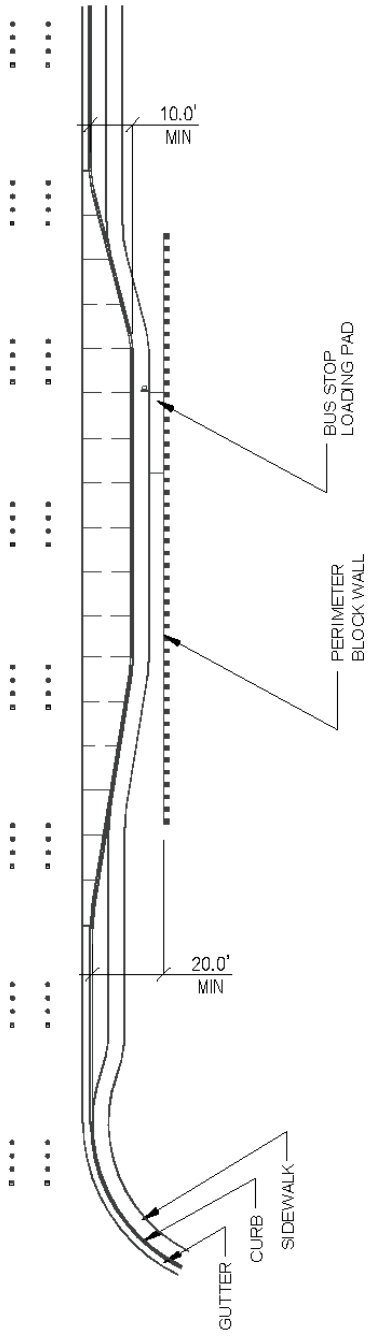


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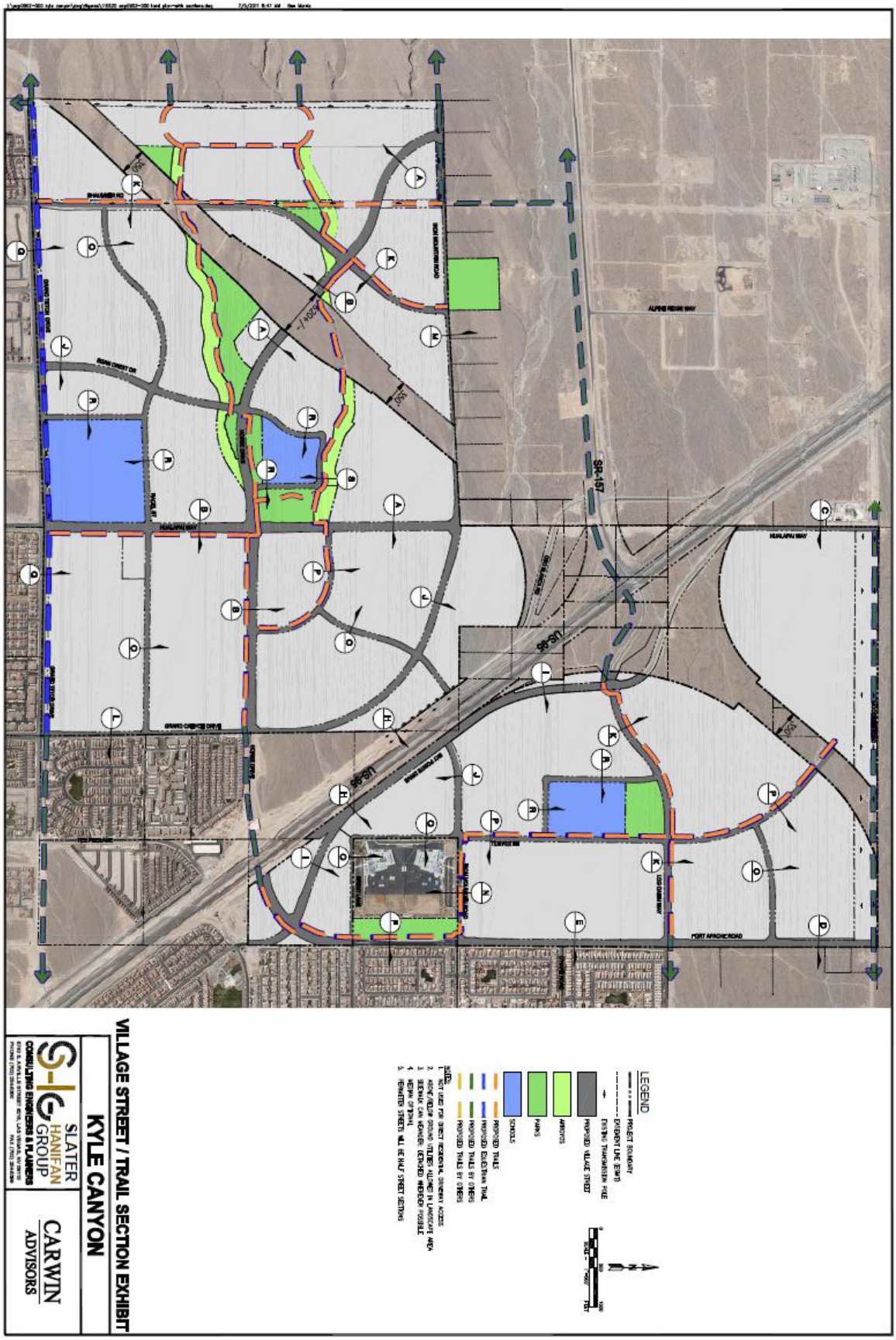
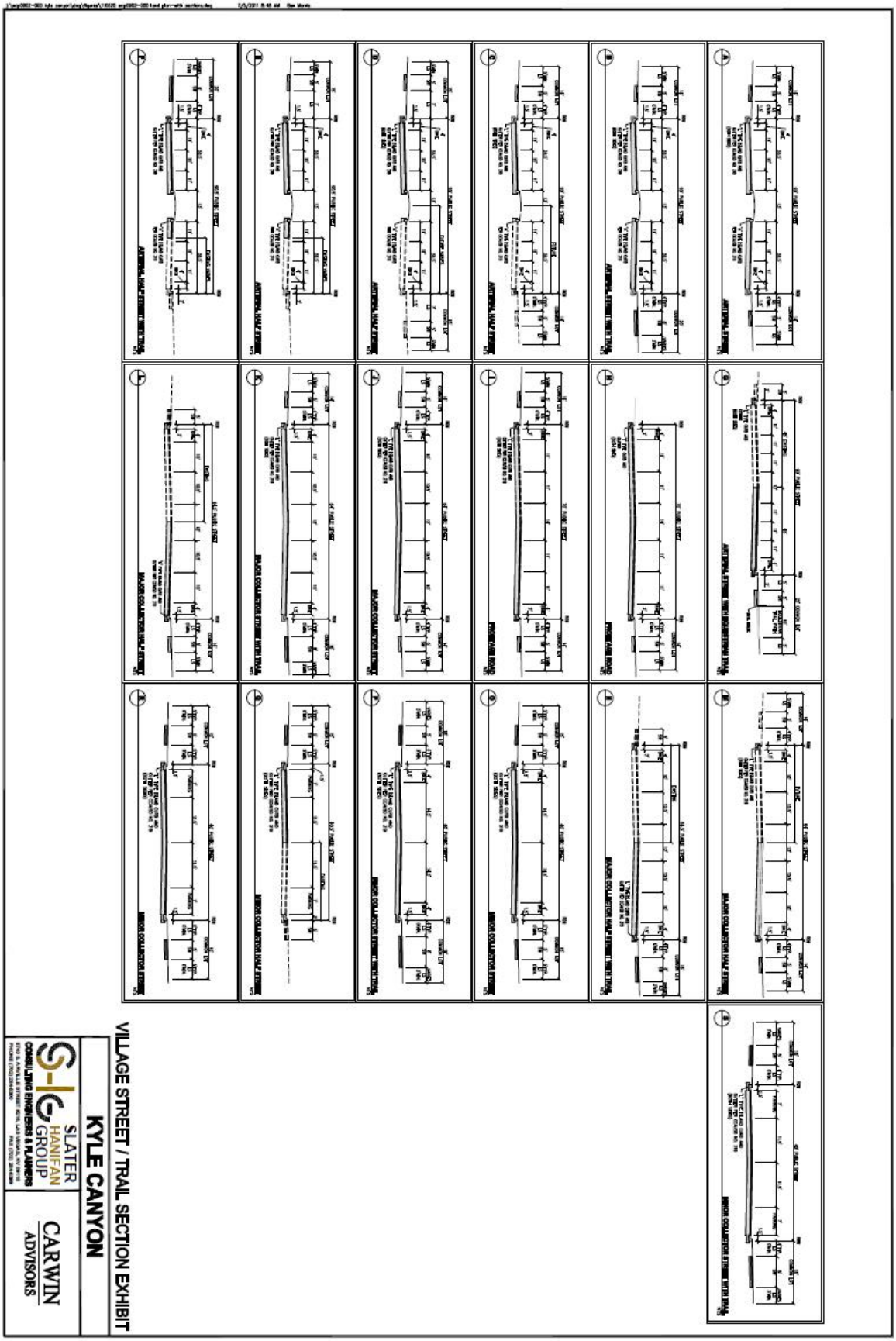
## LANDSCAPE BUFFER ALONG BUS TURN-OUT

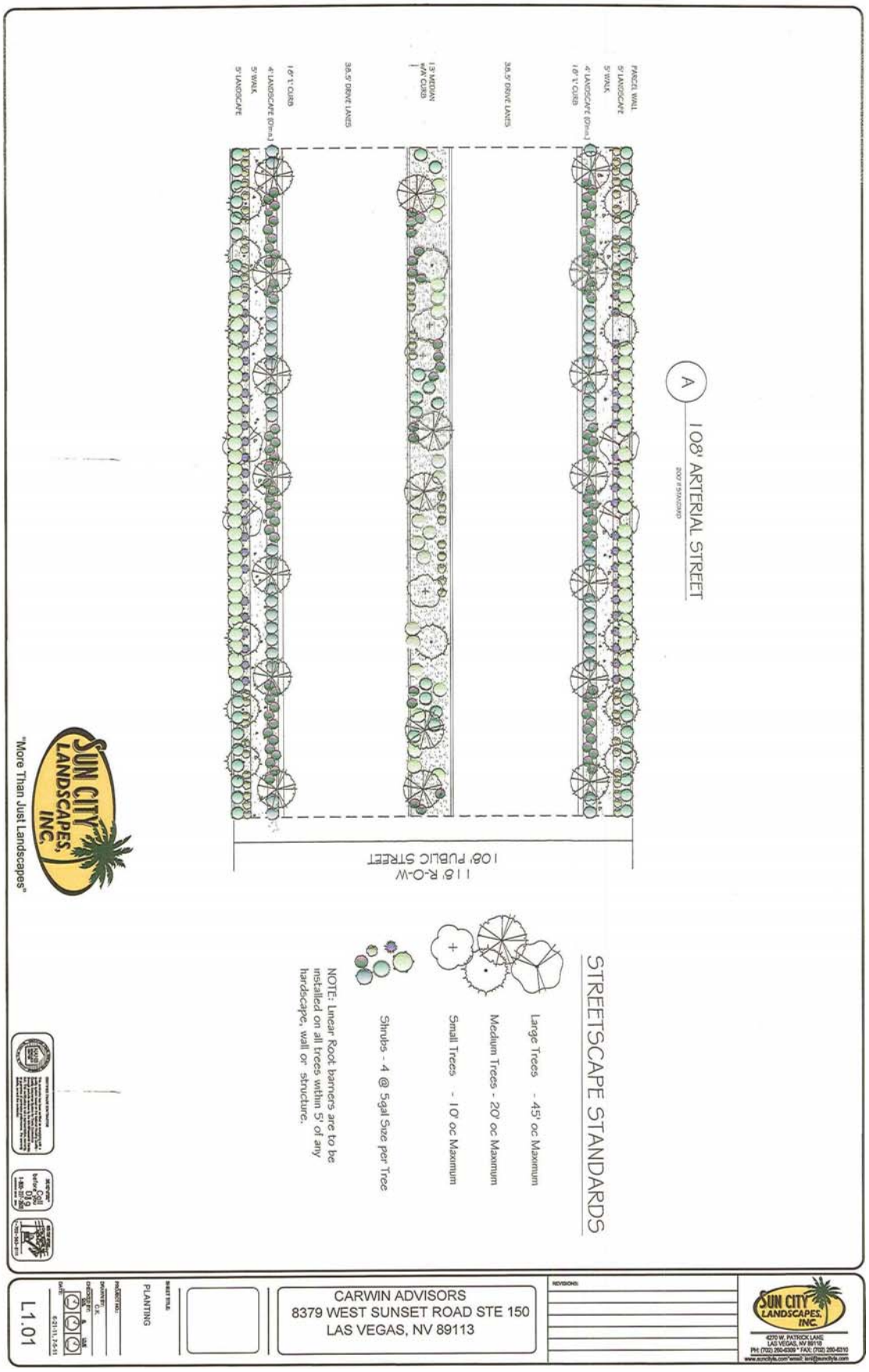
MODIFIED CCAUSD NO. 234.1

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.
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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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CARWIN ADVISORS
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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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CARWIN ADVISORS
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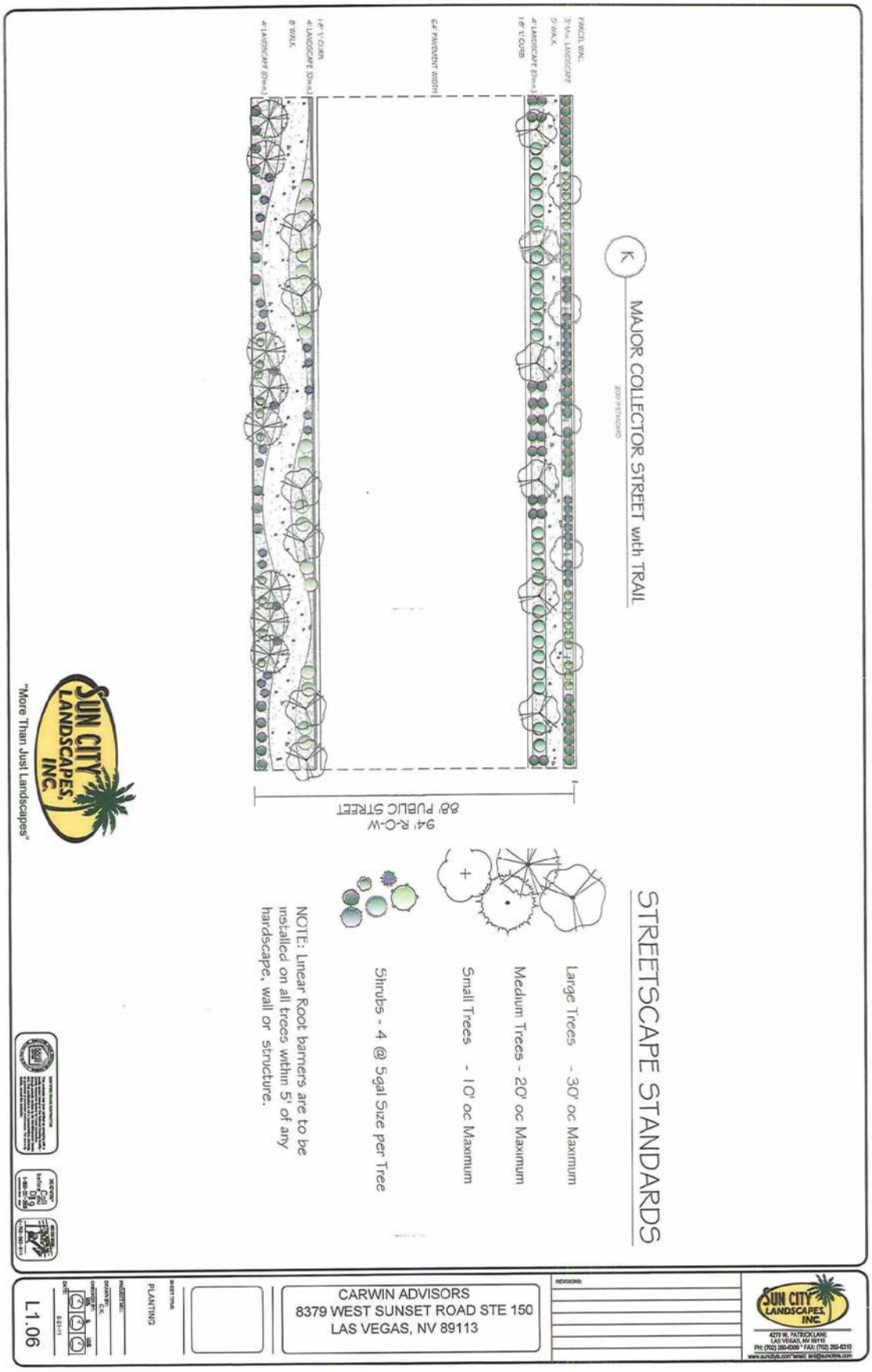
LAS VEGAS, NV 89113
REVISIONS:
SUN CITY LANDSCAPES, INC.
4205 W. PATRICK LANE
LAS VEGAS, NV 89118
PH: (702) 260-6309 * FAX: (702) 260-0313
PLANTING
L1.05


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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LAS VEGAS, NV 89113
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

KAEMPFER CROWELL
ATTORNEYS AT LAW

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August 9, 2011

**VIA FACSIMILE**
385-7268

Mr. Peter Lowenstein
City of Las Vegas Planning Dept.
333 No. Rancho Drive, 3rd Flr.
Las Vegas, NV 89106

***Re: DIR-42266***
***Kyle Canyon Development Agreement***

Dear Peter:

As you know, our office represents the applicant in the above-referenced matter. We respectfully request that this item be held from the presently scheduled Planning Commission hearing of August 9, 2011 until the September 13, 2011 meeting.

Thank you for your cooperation and please call if you have any questions.

Sincerely,
KAEMPFER CROWELL RENSHAW GRONAUER & FIORENTINO

Bob Gronauer

Robert J. Gronauer

RJG/mlt

#41 DIR-42266

City of Las Vegas Agenda Item No.: **33.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

**SUBJECT:**
ABEYANCE - 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.: **34.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

**SUBJECT:**
TXT-41699 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action to amend LVMC 19.12 related to Permitted Uses and LVMC 6.50 related to Liquor Control to amend the term, description, definition and requirements of the "Supper Club" use and license category and provide for other related matters. Staff has NO RECOMMENDATION.

**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 has NO RECOMMENDATION.

**BACKUP DOCUMENTATION:**
Proposed Amendment and Staff Report

City of Las Vegas Agenda Item No.: **35.**

## *AGENDA SUMMARY PAGE - PLANNING*
### PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

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

**SUBJECT:**
TXT-42758 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - For possible action to amend LVMC Title 19.12 to consolidate the uses of Banquet Facility and Banquet Facility (with Alcoholic Beverage Sales) and to add Banquet Facility as a permitted use in the M (Industrial) zoning district. 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. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter

## *AGENDA SUMMARY PAGE - PLANNING*

**PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 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

