



City of Las Vegas

Agenda Item No.: 94.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
DIRECTOR'S BUSINESS

DIR-21605 - PUBLIC HEARING - KYLE ACQUISITION GROUP, LLC - Consideration and possible action regarding the Development Agreement for the Kyle Canyon Development on approximately 17.7 acres at the southwest corner of Fort Apache Road and Moccasin Road (APNs: 125-06-001-001 and 002; 125-06-002-001, 002, 003 and 009; 125-07-101-001 and 002; 125-07-201-001 and 002; 125-07-301-001 and 002; 125-07-401-001 and 002; 125-07-501-001 and 002; 125-07-601-001 and 002, and 126-12-000-001), Ward 6 (Ross). NOTE: To be heard in conjunction with Morning Session Item 73

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

RECOMMENDATION:

No Recommendation

BACKUP DOCUMENTATION:

1. Conditions and Staff Report
2. Development Agreement between City of Las Vegas and Kyle Acquisition Group, LLC
3. Submitted after final agenda Protest letter by Eileen McKyton with traffic DVD and attachments for Items 94 and 95
4. Submitted at meeting Changes to Development Agreement by staff, article on Southern Highlands, Principles of New Urbanism, Smart Code, letter from Clark County School District, letter by Jeffrey Green and e-mails by residents for Items 94 and 95
5. Combined Verbatim Transcript for Items 73, 94 and 95

Motion made by STEVEN D. ROSS to Approve Subject to Amended Conditions contained in the May 16, 2007 document submitted by Staff

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
BRENDA J. WILLIAMS, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

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Minutes:

Subsequent to the meeting a Combined Verbatim Transcript was made a part of the Final Minutes for Items 73, 94 and 95

At the request of DEPUTY CITY ATTORNEY JIM LEWIS, MAYOR GOODMAN declared the Public Hearing open on Items 73, 94 and 95. It was confirmed that Council would vote on the park agreement first, then the development agreement and lastly, the rezoning.

TOM PERRIGO, Planning and Development, confirmed that the design guidelines and the development agreement meet the Title 19 requirements. The Kyle Canyon Master Development Plan comprises approximately 1,712 acres of land. The project is planned for a range of single, cluster and multi-family residential uses, mixed use urban centers and commercial, resort and casino uses, parks, trails, community center and schools. The community design guidelines include provisions for connectivity and walkability. MR. PERRIGO confirmed staff recommended approval, provided some amendments to some of the language in the design guidelines and development agreement. He submitted a copy of these amendments into the record.

ATTORNEY MARK FIORENTINO appeared on behalf of the master developer and pointed out one major difference with this proposal. Every proposed park will have a community center and a pool. He thanked staff for their professionalism and applauded many departments within the City for their collaborative efforts and extraordinary dedication in making this vision come to life. MAYOR GOODMAN questioned the commencing of the project. ATTORNEY FIORENTINO replied that infrastructure should take place within six months, but the completion date depends on the market conditions. The price range is unknown at this time, but there will be diversity in housing and will be available for every demographic that exist within this city. ATTORNEY FIORENTINO summarized the proposal and submitted it for the record.

TOM McGOWAN, Las Vegas resident, complimented COUNCILMAN ROSS, staff and the developers on this proposal, as Ward 6 is new and has room for development. He expressed concern for traffic and questioned what implications of the Green building elements would affect the tax revenue for other community wide projects. MAYOR GOODMAN responded the answer is unknown at this time. MR. McGOWAN hoped that the beautiful renderings shown will be that of the completed project.

COUNCILMAN ROSS also expressed his appreciation to city staff. He confirmed with MR. PERRIGO that in his opinion, this is the most comprehensive and best development agreement that the City has ever developed. The Councilman commented on the numerous emails his office received and pointed out that there has been a lot of misinformation relative to the elements of this proposal. COUNCILMAN ROSS confirmed with CHIEF RICK GRACIA, Fire Marshall, that each unit will have a sprinkler system, so their response time will be more

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effective and the workload will change. The sprinkler system uses less water and is virtually full proof. The Councilman added that Focus will be contributing one million dollars to an additional fire station in the northwest. The proposal includes elementary, middle and high schools; infrastructure improvements near the existing two elementary schools, which will alleviate the flood control issues; exceeded open space requirements; interim improvements of the freeway ramps, which will benefit existing residents and those near Mount Charleston. A casino is not proposed at this time; if proposed in the future and approved at Council, it will be constructed under the upcoming Kyle Canyon interchange, west of US 95, and away from the elementary schools. Residents have also requested additional neighborhood meetings and should there be any deviations from the proposal, those meetings will be required. It is COUNCILMAN ROSS' goal to ensure that issues dealing with roads, schools, homes and fire safety were addressed; he believed that this proposal accomplishes that goal.

COUNCILWOMAN TANNANIAN complimented the project and asked that one of the swimming pools be covered given the particular desert environment and if it could be done during construction and not after the fact. MR. FLORENTINO responded that he would have to review the developmental standards, as this may already be a requirement.

JENNIFER TAYLOR, 8158 Hazy Glen Court, spoke on behalf of their citizen's action group (Northwest Residents for Responsible Growth), along with ALEX and ELISEN McKYTON, 9033 Big Plantation Avenue; KENNETH CLERKE, 9104 Big Plantation Avenue; JEFF GREEN, 8916 Wolf Dancer Avenue; WENDY STEWINGWAY WALDM, Spring Mountain Ranch HOA, 8920 Pine Mission Avenue; and YALE YONDALE all desired a 75-day abeyance to allow the residents to fully understand and be involved in the final version of this agreement, as it is incomplete, inconsistent, ambiguous and needs revisions. The residents did not have access to this agreement until a week prior to the meeting and feel that the proposed development is not smart growth; has incompatible density, insufficient open space, excessive height structures, insufficient buffering between uses; traffic concerns; the need to have the opportunity to comment or provide input relative to compatibility issues with the existing uses; the need for existing street improvements; and desired a 2,500 foot buffer between the casino and every urban mixed use and the Town Center uses. In addition, they are concerned that the public review process for the future development of Kyle Canyon is insufficient as set out in the development agreement and wished to expand the notification radius. They also do not want the casino entitlement and if necessary, would enforce their right to possibly prevent such action. Some of the residents showed photos and/or diagrams depicting projects with varying densities and concerns with traffic and congestion. MR. GREEN submitted his written comments into the record.

MR. CLERKE added that he resides approximately 300 feet from the proposed development and strongly oppose the development. He emphasized that he did not receive any notification regarding this proposal, aside from his homeowner's association and residents in the area. It was

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his opinion that COUNCILMAN ROSS did not keep his commitment in not allowing such development.

MRS. McKYTON felt that SHEILA from COUNCILMAN ROSS' office accused her of handing out misinformation. COUNCILMAN ROSS rebutted that no representative from his office accused anyone of handing out misinformation. She then stated that she handed out flyers while standing on the sidewalk at Bilbray Elementary School with their permission, and the information was correct. She read her comments and stated another area of concern is vandalism and crime.

MS. WARM submitted three articles for the record.

COUNCILMAN ROSS appreciated those in attendance and all comments made. He is a firm believer and confirmed with ATTORNEY FIORENTINO that the market will dictate what will be built by the developer, and that 16,000 residential units is the maximum, not the required number of units that can be built. In response to MR. CLINE'S comment, COUNCILMAN ROSS clarified that he promised he would work with the developer to assure buffering between the existing residences and future ones. Fort Apache is not a right-of-way; there are landscaping requirements and single story homes will be built to the west of the site to protect existing neighborhoods. Regarding traffic, he explained that as development occurs, the roadways will be improved, such as the curbs, gutters, sidewalks and street lights. This will help mitigate some safety concerns and noise control issues. He encouraged the residents to sign up for his newsletter so they can stay informed, as he was surprised that residents and/or board members were not aware of the project when some have been in contact with TODD SCHWARTZ, who has been meeting with the developer on this project for many months. He then asked ATTORNEY FIORENTINO to explain the impact of a 75-day abeyance.

ATTORNEY FIORENTINO emphasized that there are financial obligations within the agreement to have certain items done by a certain date. In addition, it is costly per day due to interest payments, and action has to be made at this meeting to set the parameters, standards and obligation to go forward. He confirmed that the buffering and set back standards have not been determined, but he reassured that residents will have input in developing these standards in areas of the utmost concern. As requested, he committed to notifying individuals present at this meeting, including all individuals within a 2,500-foot radius relative to the buffering, setback standards and the casino.

COUNCILMAN ROSS reassured constituents that they would have additional input in this process.

COUNCILMAN BROWN gave a brief history of the development of the area. He believed there is a fear of the unknown, but from a planning perspective, this kind of development 10

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years ago would have been ideal. In addition, when the Spring Mountain Ranch development was proposed years ago, many residences were in opposition and did not want to alter their lifestyle. This proposed development will alleviate the unknown, and he asked the residents to give this development a chance. He believed this proposed development will be a tremendous amenity to the entire northwest.

DEPUTY CITY ATTORNEY LEWIS read a letter from the Clark County School District (school district) verifying that the City does not plan schools; the school district does. He submitted such letter for the record. COUNCILWOMAN TARKENTIAN added that this is the first time the school district is giving the City title land for the schools. She believed that the school district is aware that additional schools will need to be added in the future. COUNCILMAN ROSS added that it is important to continue the good relationship with the school district, as there will be additional projects coming forward.

In response to COUNCILMAN ROSS' query, DEPUTY CITY ATTORNEY LEWIS responded that to alleviate any future questions relative to the language in the development agreement, he requested that the document, dated May 16, 2007, be instituted by the Council and that a vote be taken to include these amendments into the development agreement.

MAYOR GOODMAN declared the Public Hearing closed on Items 73, 94 and 95.

