

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: APRIL 15, 2015

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: KAG PROPERTY, LLC - OWNER: KAG
DEVELOPMENT SOUTH, LLC, ET AL

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
DIR-57816	Staff recommends APPROVAL.	N/A

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to amend the approved Kyle Canyon Development Agreement and its associated exhibits. This amendment would constitute the second amendment to originally approved Development Agreement in 2007. No development has occurred within the approved Kyle Canyon Master Planned Community since its adoption in 2007, with the exception of the entitling of four subdivisions within Phase 1 of the Community in late 2014. The KAG Property, LLC “Master Developer” is in a non-compliance status with certain requirements set forth by the adopted Development Agreement, such as parent mapping actions and master studies approvals. The amending of the adopted Agreement will alleviate the current non-conformances. 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 rebranding of the master planned community from “Kyle Canyon” to “Skye Canyon”.
- The introduction of alternate fire station contribution language to allow for either a \$4.1 million contribution or the dedication of land and a constructed fire station within the Community.
- The elimination and replacement of a Parent Final Map and associated triggers and requirements with Development Phase Maps and associated requirements and triggers.
- The amendment of the Development Agreement to extend the time in which the Master Developer is to enter into a Memorandum of Understanding (MOU) with the Clark County School District (CCSD).
- The amendment of the Master Land Use Plan to allow for an approximate 23% reduction in Medium Low land use designated acreage and an approximate 10% and 66% increase in Medium Low-Attached and Low land use designated acreage, respectively.
- The amendment of the Master Land Use Plan for the relocating of the proposed educational facilities (Elementary, Middle and High school) within the Community.
- The amendment of the Master Land Use Plan to illustrate the new network of Community park locations, as well as a potential fire station.
- The amendment of the Parks Agreement to reflect the new network of Community park locations, their associated conceptual drawings and their construction commencement triggers.

•
Staff Report Page Two
April 15, 2015 – City Council Meeting

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, as well as that of the previously approved Development Agreement. The development generally meets the intent of the Traditional Neighborhood Development (TND) General Plan designation by providing for a mix of housing types, commercial and civic uses within the community.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/01/04	The City Council approved a Resolution (R-176-2004) adopting guidelines for development within the Kyle Canyon Gateway area.
01/18/06	The City Council approved a request (GPA-9167) to amend a portion of the Centennial Hills Sector Plan of the General Plan to change land use designations from PCD (Planned Community Development), SC (Service Commercial) and PF (Public Facilities) to TND (Traditional Neighborhood Development) on 1,712 acres generally located north of Grand Teton Drive, between Puli Road and Fort Apache Road. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-21013) to select the Northern Alternative Freeway/Expressway Alignment for Sheep Mountain Parkway and to remove the Southern Alternative Freeway/Expressway Alignment from the Master Plan of Streets and Highways. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a Development Agreement (DIR-21605) between Kyle Acquisition Group, LLC and the city of Las Vegas on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road for the development of the Kyle Canyon Master Plan. The Planning Commission and staff recommended approval. In a related item, the City Council voted to approve a Parks Agreement between Kyle Acquisition Group, LLC and the city of Las Vegas. Staff recommended approval.
05/16/07	The City Council approved a request for a Rezoning (ZON-20543) from U (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation] and R-E (Residence Estates) to T-D (Traditional Development) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road. The Kyle Canyon Development Standards and Design Guidelines were approved as part of this action. The Planning Commission and staff recommended approval.

Staff Report Page Three
April 15, 2015 – City Council Meeting

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

Staff Report Page Four
April 15, 2015 – City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/23/07	Staff completed the first Final Map Technical Review for the Kyle Canyon Gateway Parent Final Map (FMP-24541) and conducted a workshop pursuant to Subsection 3.05(c)(ii) of the Development Agreement to discuss comments with the Master Developer. The Final Map was deemed not to be in substantial compliance with the approved parent Tentative Map (TMP-22586). Staff and the Master Developer agreed to retain the Final Map and have the Master Developer submit a new Tentative Map that matched the Final Map. The Final Map would be subject to a subsequent review once the Tentative Map was approved.
12/20/07	The Planning Commission approved a parent Tentative Map (TMP-25492) for a 105-lot mixed-use subdivision on the 1,712-acre Community property. Staff recommended approval.
01/31/08	Planning and Development and Public Works Department staff conditionally approved a Final Map Technical Review for the Kyle Canyon Gateway Parent Final Map (FMP-24541). As of 07/06/09, Final Map mylars based on the current Tentative Map have not been submitted for staff review.
02/06/08	The City Council approved a request (MSH-25695) to amend the Master Plan of Streets and Highways to rename Horse Drive west of Grand Canyon Drive to Kyle Heights Parkway; to realign a portion of the Iron Mountain Road alignment between Horse Drive and the Northern Beltway; to reclassify various streets as identified by the special design designations adopted as part of the Kyle Canyon Development Standards and Design Guidelines; and to add or remove various roadway segments. The Planning Commission and staff recommended approval. The City Council also approved a Major Modification (MOD-25875) of the Kyle Canyon Development Standards and Design Guidelines to amend various street names and to clarify street cross section drawings within the Community. A subsequent Street Name Change application will be required prior to issuance of the first residential permit in the Community. The Planning Commission and staff recommended approval.
02/06/08	The City Council tabled a Petition to Vacate a BLM right-of-way grant generally located north of Grand Teton Drive, south of Moccasin Road, between Puli Road and Fort Apache Road (VAC-23811). The area to be vacated was the original alignment of Sheep Mountain Parkway. The Planning Commission and staff had recommended approval. The Petition cannot record until "Section 1 Land," "Providence Land," and "On-Property Land" are dedicated to the city for creation of the right-of-way for the northern alignment of Sheep Mountain Parkway, pursuant to Subsection 7.05(a)(v) of the Development Agreement.
08/06/08	The City Council approved a required review (DIR-28767) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval. A condition of approval required a follow-up review on 10/01/08.

Staff Report Page Five
April 15, 2015 – City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/23/08	Wachovia Bank, National Association, acting as the managing creditor of 41 creditors, foreclosed on the Kyle Canyon property. A new entity called KAG Property, LLC was formed to assume ownership of the Kyle Canyon property.
12/03/08	The City Council approved a follow-up required review (DIR-29916) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC (abeyed from 10/01/08). Staff recommended approval.
02/02/09	Notice of Noncompliance and Opportunity to Cure was sent to KAG Property, LLC for failure to commence construction of Indian Hills Park prior to 09/13/08.
08/05/09	The City Council approved the required review (DIR-34955) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval.
09/02/09	The City Council approved an Extension of Time (EOT-35315) of a previously approved Special Use Permit (SUP-20478) for a proposed Non-Restricted Gaming Facility at the southwest corner of Oso Blanca Road and Hualapai Way alignment. Staff recommended approval.
10/02/09	The Master Developer presented to the city a summary report from Hart Howerton Strategic Planning Consultants outlining a strategic plan and recommendations for development of the Kyle Canyon property.
08/04/10	The City Council approved a required review (DIR-38680) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval.
08/17/11	The City Council approved 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 recommended approval.
10/19/11	The City Council approved an Extension of Time (EOT-43127) 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.
11/16/11	The City Council approved 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. Planning Commission and staff recommended approval.
	The City Council approved a request for a Petition to Vacate (VAC-42250) portions of the Sheep Mountain Parkway right-of-way grant. Planning Commission and staff recommended approval.

Staff Report Page Six
April 15, 2015 – City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/16/11	The City Council approved a request regarding the amending of the Development Agreement (DIR-42266) for the Kyle Canyon Development on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road. Planning Commission and staff recommended approval. The Development Agreement (Doc. #201206260000001) was recorded on 06/26/12.
04/08/14	The Planning Commission approved a Tentative Map (TMP-53058) for a 45-lot subdivision (Parent Tentative Map) on 1,661.8 acres approximately 1,800 feet north of Horse Drive on the west side of Oso Blanca Road. Staff recommended approval.
05/08/14	City staff issued an action letter for a Final Map Technical Review (FMP-53700) for a proposed four-pod residential subdivision (Skye Canyon Phase 1 Parent Map) on 163.65 acres at the northwest corner of Grand Teton Drive and Grand Canyon Drive.
06/10/14	The Planning Commission approved a Petition to Vacate (VAC-53843) Bureau of Land Management Right-of-Way Grant Easement generally located north of the northern alignment of Grand Teton Drive between Hualapai Way and Grand Canyon Drive. Staff recommended approval.
	The Planning Commission approved a Tentative Map (TMP-53895) for a 173-lot single-family subdivision (Skye Canyon Parcel 1.2) on 37.99 acres on the southwest corner of Horse Drive and Grand Canyon Drive. Staff recommended approval.
	The Planning Commission approved a Tentative Map (TMP-53908) for a 209-lot single-family subdivision (Skye Canyon Parcel 1.3) on 40.90 acres on the northeast corner of Grand Teton Drive and Hualapai Way. Staff recommended approval.
	The Planning Commission approved a Tentative Map (TMP-53911) for a 204-lot single-family subdivision (Skye Canyon Parcel 1.4) on 33.61 acres on the northwest corner of Grand Teton Drive and Grand Canyon Drive. Staff recommended approval.
07/08/14	The Planning Commission approved a Tentative Map (TMP-53897) for a 157-lot single-family subdivision (Skye Canyon Parcel 1.1) on 35.28 acres on the southeast corner of Horse Drive and Hualapai Way. Staff recommended approval.
08/06/14	The City Council approved a request or possible action on a request for required review (DIR-54776) 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 recommended approval.

Staff Report Page Seven
April 15, 2015 – City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/05/14	The City Council approved an Extension of Time (EOT-55920) 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.
12/09/14	The Planning Commission approve a Petition to Vacate (VAC-56656) a four-foot wide pedestrian access easement generally located approximately 1,461 feet east of the intersection of Hualapai Way and Eagle Canyon Avenue. Staff recommended approval.
12/10/14	City staff issued an action letter for a Final Map Technical Review (FMP-56855) for a 125-lot single-family residential subdivision (Skye Canyon Parcel 1.3 – Phase 1) on 25.49 acres on the north side of Grand Teton Drive, approximately 1,210 feet west of Grand Canyon Drive. The map recorded on 02/11/15 (Book 148, Page 67).
	City staff issued an action letter for a Final Map Technical Review (FMP-56863) for a 94-lot single-family residential subdivision (Skye Canyon Parcel 1.1 – Phase 1) on 19.85 acres at the southwest corner of Horse Drive and Skye Park Drive. The map recorded on 02/11/15 (Book 148, Page 65).
01/06/15	City staff issued an action letter for a Final Map Technical Review (FMP-57264) for an 84-lot single-family residential subdivision (Skye Canyon Parcel 1.3 – Phase 2) on 15.41 acres at the northeast corner of Grand Teton Drive and Hualapai Way. The map has yet to record.
01/07/15	City staff issued an action letter for a Final Map Technical Review (FMP-57265) for a 71-lot single-family residential subdivision (Skye Canyon Parcel 1.1 – Phase 2) on 15.43 acres at the southeast corner of Horse Drive and Hualapai Way. The map has yet to record.
01/21/15	The City Council approved a Variance (VAR-55892) to allow deviations from the Street Naming Guidelines and Street Naming Configuration sections of the City of Las Vegas Street Naming and Addressing Assignment Regulations, 2009 Edition on Horse Drive between the US 95 and Iron Mountain Road, Fort Apache Road between the US 95 and Moccasin Road, as well as on Hualapai Way from Grand Teton Drive to Moccasin Road, respectively. The Planning Commission and staff recommended approval.
	The City Council approved a request a Street Name Change (SNC-55060) from Horse Drive tot: W Skye Canyon Park Dr (between the US 95 and Iron Mountain Road); from Fort Apache Road to N Skye Canyon Park Dr (between the US 95 and Moccasin Road); and from Hualapai Way to Skye Village Road (between Grand Teton Drive and Moccasin Road). The Planning Commission and staff recommended approval.
02/18/15	City staff issued an action letter for a Final Map Technical Review (FMP-57784) for a 204-lot single-family residential subdivision (Skye Canyon Parcel 1.4 – Phase 2) on 33.61 acres on the northwest corner of Grand Teton Drive and Grand Canyon Drive.

Staff Report Page Eight
April 15, 2015 – City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/10/15	The Planning Commission (6-0 vote) recommends APPROVAL of Development Agreement for the Kyle Canyon Development on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road.
03/18/15	The City Council is scheduled to hear a General Plan Amendment (GPA-56951) to amend the Public Facilities & Building Element of the Las Vegas 2020 Master Plan. This amendment will eliminate the Nevada Energy Substation and associate corridor within the Kyle Canyon Master Planned Community.

<i>Most Recent Change of Ownership</i>	
11/07/13	A deed was recorded for a change in ownership for multiple parcels.

<i>Related Building Permits/Business Licenses</i>	
12/04/14	An early grading permit (#57086) for a proposed 209-lot residential subdivision was issued.
	An early grading permit (#57087) for a proposed 157-lot residential subdivision was issued.

<i>Pre-Application Meeting</i>	
2014	A series of negotiations took place between the City and the Master Developer, in which the specifics pertaining to the submittal of the development agreement application were outlined.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application type, nor was one held.	

<i>Field Check</i>	
02/18/15	Land in the process of being graded was witnessed within the Phase 1 area of the master planned community. All other portions of land were witnessed in an undeveloped state.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres (Surveyed)	1663.13

Staff Report Page Nine
April 15, 2015 – City Council Meeting

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
North	Undeveloped	PCD (Planned Community Development) & TND (Traditional Neighborhood Development)	U (Undeveloped)
South	Residential & Undeveloped	PCD (Planned Community Development) & SC (Service Commercial)	PD (Planned Development) & SC (Service Commercial)
East	Residential	PCD (Planned Community Development)	PD (Planned Development), R-E (Residence Estates) & R-PD6 (Residential Planned Development – 6 Units per Acre)
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)

<i>Master Plan Areas</i>	<i>Compliance</i>
Kyle Canyon Master Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
T-D (Traditional Development) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	Y
Las Vegas Redevelopment Plan Area	N
Project of Significant Impact (Development Impact Notification Assessment)	Y
Project of Regional Significance	Y

Staff Report Page Ten
April 15, 2015 – City Council Meeting

DEVELOPMENT AGREEMENT MODIFICATIONS

The information below reflects the proposed revisions to the approved first amendment and restatement to the Development Agreement entered into on February 1st, 2012 and recorded June 26th, 2012. 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	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA – Title Page	Development Agreement between the City of Las Vegas And KAG Property, LLC	Development Agreement For Skye Canyon	Approval
DA – Pre-Recitals	First Amendment and KAG Property, LLC as owner	Second Amendment and identification of KAG Properties, LLC as KAG and as Master Developer.	Approval
DA – Recital (B)	City and Kyle Acquisition Group, LLC	Identifies Kyle Acquisition Group, LLC as the original owner	Approval
DA – Recital (C)	KAG Property, LLC	Explains that KAG was formed to own the Property.	Approval
DA – Recitals (B),(C)&(D)	Recitals (B) & (C) explained a chronology of events pertaining to the DA and the acquisition of the subject property	Chronology of events pertaining to the DA and the acquisition of the subject property	Approval
DA – Recitals (D), (E), (F), (G), (H), (I), (J) & (F)(K)	Recital (D) - Master Developer and City desire to ...the Original Agreement. Recital (E) – Master Developer acknowledges that it is the legal owner as described in Exhibit “A” and desires to enter into the Agreement in conformance with NRS 278.	Recital (D) - The Owners and City desire to ...the <u>First Amendment and Restatement to the Development Agreement</u> . Recitals (E), (F), (G), (H) & (I) – State that CC&Rs have been recorded appointing KAG as the attorney-in-fact to all subsequent owners, as well as all owners purchased property subject to the CC&R. Furthermore, KAG has transferred ownership of certain portions of property to “Designated Builders” and that KAG has been appointed the attorney-in-fact.	Approval
DA 1 – Definitions “Agreement”	...first amendment...	...second amendment...	Approval
DA 1 – Definitions “Building 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.	<u>The development of the Community shall be subject to the Building Codes and Fire Codes in effect at the time of issuance of the permit for the particular development activity.</u>	Approval

Staff Report Page Eleven
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 1 – Definitions “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 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.	Revised and added to: Clarifies that the “Designated Builder” is any legal entity other than the Owner. Adds that affiliates of the Owners may become “Designated Builders.” Added: <u>Without limiting the foregoing, PN II Inc., a Nevada corporation, dba Pulte Homes of Nevada (“Pulte”), Woodside Homes of Nevada, LLC a Nevada limited liability company (“Woodside”) and Century Community of Nevada, LLC, a Delaware limited liability company (“Century”) are Designated Builders. A Designated Builder is not a Party to this Agreement and may not enforce the provisions herein, but upon execution and recordation of this Agreement, a Designated Builder may rely on the land use entitlements provided herein. Designated Builder will work closely with the Master Developer to ensure the Community is developed in accordance with this Agreement.</u>	Approval
DA 1 – Definitions “Development Phase”	...means each of those portions of the Property described in Exhibit “B” hereto.	Changes “each of those portions,” to separate development areas	Approval
DA 1 – Definitions “Development Phase Map, Final”	None	...means any final map recorded on the Property after the recordation of this Agreement and excludes the final map recorded in Book 147 Page 71 of Plats as “Parent Final Map of Skye Canyon Phase 1” and final maps for individual Designated Builder Parcels. The Phase Development Final Maps shall be in conformance to the Development Phase Exhibit “B”.	Approval
DA 1 – Definitions <u>“Donated Fire Station Site”</u>	None	...means Parcel 2.34 pursuant to the Master Land Use Plan hereto as Exhibit “F” that will be utilized to construct a Fire Station pursuant to Paragraph 5.02(b), if the Master Developer opts to construct and donate Real Property and Fire Station to the City instead of that certain sum of money contemplated within 5.02(a).	Approval
DA 1 – Definitions “Master Developer”	KAG Property, LLC, a Nevada limited liability company	Revised to reflect KAG Property, LLC, as a Delaware limited liability company	Approval
DA 1 – Definitions “Master Drainage Study”	...prior to the recordation of Parent Final Map.	...prior to the recordation of the <u>first Development Phase Final Map, including updates required by the City when changes to the conditionally approved study are proposed that must also be approved by the Director of Public Works.</u>	Approval
DA 1 – Definitions “Master Sanitary Sewer Study”	...prior to the recordation of Parent Final Map.	...prior to the recordation of the <u>first Development Phase Final Map, including updates required by the City where changes to the approved densities or layout of the development are proposed that would impact downstream pipeline capacities and that may result in additional required off-site sewer improvements.</u>	Approval

Staff Report Page Twelve
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 1 – Definitions “Master Traffic Study”	...prior to the recordation of Parent Final Map.	...prior to the recordation of the first Development Phase Final Map.	Approval
DA 1 – Definitions “Master Utility Improvements”	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.	All public sewer, streetlights, traffic signals, associated infrastructures and public drainage easements located outside of public right-of-way must be within public easements within common lots of the Master Developer or of the Designated Builder Parcels.	Approval
DA 1 – Definitions “Parent Map, Final”	...means a final subdivision map of the Property prepared in accordance with any and all conditions of the approved Parent Tentative Map, NRS278 and the UDC that acts to legally subdivide the Property.	Deleted	Approval
DA 1 – Definitions “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.	Revised: ...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.	Approval
DA 1 – Definitions “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".	Revised: ...means that certain 1661.958 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”.	Approval
DA 1 – Definitions “Subdivision Map”	States Tentative and Final Parent Maps	Revised the language to eliminate Final Parent Map and replace it with “Development Phase Final” maps.	Approval
DA 2.02(a) – Application of Subsequent Enacted Rules by the City	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.	The development of the Community shall be subject to the Building Codes and Fire Codes in effect at the time of issuance of the permit for the particular development activity.	Approval
DA 2.04(a) – Notice of Conflict	party	<u>Party</u>	Approval
DA 3.01 <u>Master Developer and Obligations of and Actions by the Master Developer</u>	None	States the Owners have appointed a representative to act as the Master Developer through a separate agreement. States that the Parties agree that any communication, consent, approval, waiver, submission or other action by or on behalf of the Owner shall be made by the Master Developer. Also states that the Owner is ultimately responsible for the performance of the Master Developer and that the City can seek remedy from the Owners if the Master Developer fails or defaults. Further states that the Master Developer has appointed a “Developer Manager” to be a single point of contact for the City to facilitate the development of the Community under the terms of the Agreement. (Recital K identifies the Development Manager)	Approval
DA 3.02 <u>4</u> – Permitted Uses	Referred density to the Kyle Canyon Residential Land Use Table	Revised to reflect the new Community branding. <u>Skye</u> Canyon residential land use table.	Approval

Staff Report Page Thirteen
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 3.032 (b) – Phase Map	Prior to the submittal of the Parent Final Map, Master Developer will submit a draft phasing schedule to City.	Prior to the submittal of the Parent Final <u>each Development Phase Map</u> , Master Developer will submit a draft phasing schedule to City.	Approval
DA 3.032(c) – Phasing Schedule	Lower case “development phase” and “final Inspection”	Upper case “development phase” and “final Inspection”	Approval
DA 3.032(c) – Phasing Schedule	...a working sanitary sewer connection shall be in place prior...	...a working sanitary sewer connection <u>that has been accepted by the City</u> shall be in place prior...	Approval
DA 3.032(d) – Site Grading	Requires Parent Final Map to be recorded	Replaces “Parent Final Map” with <u>pertinent Development Phase Final Map.</u>	Approval
DA 3.043 – Modification of Design Guidelines	Lower case “community”	Upper case “Community”	Approval
DA 3.043(b)(ii) – Minor Modifications	...the addition of similar and complementary residential or commercial uses and architectural styles, color palettes and detail elements.	Revised: (ii) the addition of similar and complementary architectural styles, <u>color palettes and detail elements to residential or commercial uses and architectural styles, color palettes and detail elements.</u>	Approval
DA 3.065(c)(i)(4) – Parent Tentative Map	Parent Final Map language used	Replaces “Parent Final Map” with <u>pertinent Development Phase Final Map.</u>	Conditional Approval The City requires the following language to be added: “The Parent Tentative Map shall also identify all permanent easements required for pedestrian access, and installation and maintenance of traffic control devices. The Parent Tentative Map shall clearly show all common areas (including medians) that will be perpetually maintained by the Master HOA.” <i>Master Developer is in agreement.</i>
DA 3.065(c)(ii) – Parent <u>Development Phase Final Subdivision Map</u>	Parent Final Map language used; ...the Parent Final Map shall not contain any individual residential lots and the Parent Final Map shall not require any improvement bonds. However, any subsequent subdivided maps including residential lots shall be bonded pursuant to the requirements of the UDC.	Revised “Parent Final Map” to “Development Phase Final Map”; Revised and Added: <u>City shall not require any improvements, or security for such improvements prior to the recordation of such Development Phase maps, except for a performance bond to secure the placement of survey monuments as required by state law. However, for any Designated Builder Parcel that is part of a particular recorded Development Phase Final Map, the Master Developer shall submit for approval all relevant construction drawings for any off-site improvements required by this Agreement, any of the Master Studies or any land use entitlement for such Designated Builder Parcel, and the construction of such improvements shall be secured by an off-site improvement agreement made with the Master Developer prior to the recordation of a final map for such Designated Builder Parcel pursuant to the provisions of the UDC. Phasing and completion of such Off-Site Improvements is governed by the provisions of Paragraph 3.03(c).</u>	Approval

Staff Report Page Fourteen
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 3.065(c)(ii)(1) – Parent Development Phase Final Subdivision Map	Parent Final Map language used	Revised “Parent Final Map” to any pertinent Development Phase Final Map(s).	Approval
DA 3.065(c)(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.	Added: The Master Developer shall furnish a letter clearly delineating what Development Standard is to be applied to the Tentative Map at the time of submittal.	Approval
DA 3.1009 – “Saw-tooth Street” Mitigation Required	...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.	...City agrees to either obtain the necessary rights-of-way at no cost to Master Developer or relieve Master Developer of the requirement to construct such facilities.	Approval
DA 3.124 – Common Area Landscaping	...maintained by the Master HOA or Sub-HOA, at Master Developer’s Option.	Revised to clarify that the common lots that abut Village Streets are the responsibility of the Master HOA, as well as clarifies responsibility of landscaping within the ROW shall be covered by an encroachment agreement.	Approval
DA 3.132 – Streetlight and Banners	The Master Developer shall install an approved City standard streetlight applicable at the time of the construction.	The City agrees to allow Master Developer to use non-standard streetlight poles, mast arms and luminaries set forth in Exhibit “N” within the Community. The Master Developer and/or the Master HOA shall provide at no cost to the City: (i) ten (10) each of the streetlight poles, mast arms and luminaries used as an initial minimum inventory in a designated City storage yard; and (ii) replenishment of the minimum inventory within one hundred twenty (120) days of written notice from the City. If the City is compensated by a third party for a damaged streetlight pole, the Master Developer or Master HOA shall be reimbursed for the cost of that damaged streetlight pole. Master Developer shall provide a lighting study for all roadway, intersection, sidewalk and trail lighting. The lighting study shall meet the minimum lighting levels as required by the Uniform standards Drawings for the Clark County area. The streetlights for the Community must be LED technology for energy efficiency. Add: Master HOA shall perform repairs related to brackets and banner installation and operation within 10 working days of written notice from the City.	Conditional Approval The City requires the following language to be added: (ii) replenishment of the minimum inventory within one hundred twenty (120) days of written notice from the City in perpetuity. Master Developer is in agreement.
DA 3.143(b) – Telecommunications Facilities	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.	Revised to a time frame of within one (1) year of the recordation of any Development Phase Final Map. Revised: pProperty	Approval
DA 4.01(a) – Master Community HOA	Parent Final Map language used	Revised “Parent Final Map” to “Development Phase I Final Map”	Approval

Staff Report Page Fifteen
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 4.04 – City Maintenance Obligations Acknowledged	...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.	Added: Maintenance of the non-standard streetlights is governed by Section 3.13. City reserves the right to modify existing sidewalks and the installation of sidewalk ramps and install or modify traffic control devices on common lots abutting public streets at the discretion of the Director of Public Works.	Approval
DA 5.01 – Elementary, Middle and High School Acreage	Master Developer agrees to provide Master Utility Improvements and Off-site Improvements adjacent to the school parcels... Prior to the recordation of the Parent Final Map the Master Developer is to enter into a MOU with the CCSD...	Added: CCSD may elect to use the middle school site as an elementary school site. Revised: Master developer to only provide Master Utility Improvements and Off-Site Improvements <u>including all underground school flasher infrastructure</u> adjacent to the school parcels... Revised: Prior to obtaining a building permit for a residential dwelling unit within Development Phase 2, the Master Developer shall enter into a Memorandum of Understanding ("MOU") with the CCSD for dedication, off-sites and development of schools. Added: The Master Developer and CCSD agree that discussions have commenced regarding the finalization of the MOU. Furthermore, the Master Developer and CCSD expressly intend that the MOU shall be finalized and fully approved on or before a date which is six (6) months following the Effective Date of this Agreement ("Target MOU Date"). In the event the MOU is not finalized and fully approved by the Target MOU Date, either the Master Developer or CCSD may notify the other in writing that such date shall be automatically extended to the commencement date of Development Phase 2.	Approval
DA 5.02 – Fire Protection	None	Added: Master Developer shall either (a) contribute \$4,100,000 to the City for the sole purpose of construction of a Fire Station at the Fire Station Site as further outlined in this Section or (b) construct a Fire Station within the Community at a Donated Fire Station Site, as further indicated by this Section. Master Developer and City shall agree, no later than two (2) years after the Effective Date of this Agreement, on whether Master Developer will make Fire Station Contribution pursuant to Section 5.02(a) or build a Fire Station within the Community pursuant to Section 5.02(b).	Approval
DA 5.02(a) – Payment Towards Construction of Fire Station	Contribution date of June 30, 2017	Revised: Contribution date of June 30, 2017	Approval

Staff Report Page Sixteen
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 5.02(b) – <u>Construction of Fire Station within the Community</u>	None	Construction triggers and re-negotiation clause are the same as the “Payment Towards Construction of Fire Station” subsection. Master Developer states the construction will be completed two (2) years after commencement, as well as they will provide Master Utilities and Off-Site Improvements to the Fire Station. Additionally, the Master Developer wants the City to begin operation of the Fire Station within ninety (90) days of completion. The fire station is to be a minimum of (i) A minimum gross floor area of 10,700 square feet; (ii) three bays which must adequately enclose (LVFR insert type of apparatus here); (iii) prior to donation of the fire station and site to the City, the fire station must be certified as LEED Silver by the U.S. Green Building Council for Building Design and Construction.	Approval
DA 5.02(c) – <u>Fire Station Location</u>	None	Added: <u>The Master Land Use Plan currently depicts a public facility land use category for the proposed Fire Station Site within the Community. If the Fire Station is constructed at an alternative location approved by the City within the Community or the Fire Station is constructed outside of the Community, then Parcel 2.34 shall revert to the adjacent Residential “Low” Master Land Use Plan category or the land use category designated for Parcel 2.11 at the time of the reversion that is compatible and harmonious to the area.</u>	Approval
DA 7.02 – Acquisition of Rights-of-Way and Easements	N/A	<u>Added: Master Developer acknowledge and accept: 1) that prior to BLM grant acceptance by the City for any right-of-way, easement or other interest on behalf of the Master developer, that the Master Developer shall submit for approval all relevant construction drawings for any off-site improvements required by this Agreement and any of the Master Studies for the property that is the subject of the BLM grant, and the construction of such improvements shall secured by an off-site improvement agreement pursuant to the provisions of the UDC; 2) that there can be placed upon BLM grants by the BLM certain stipulations for which the Master Developer shall be fiscally responsible; 3) that the Master Developer shall indemnify the City, and pay, within a reasonable time, any costs associated with the stipulations, or penalties or fines associated with the violation of such stipulations; and 4) that these requirements for indemnification and payment of costs are included within the necessary off-site improvement agreements for such improvements.</u>	Approval

Staff Report Page Seventeen
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 7.04(b) – Off-Site Sewer Capacity	All future offsite sewer analysis for the Community will be performed using a full pipe capacity, d/D ratio of 0.90.	Revised and Added: All future off-site sewer analysis for the Community will consider a be performed using full pipe <u>to be at full capacity if it reaches a d/D ratio of 0.90 or greater. The sizing of new off-site sewer pipes will be based on peak dry-weather flow d/D ratio of 0.60 for pipes larger than 15-inches diameter.</u>	Approval
DA 7.05(b) – Traffic Signal Improvements	N/A	The City, pursuant to Ordinance 5644, will construct the traffic signals identified in the Master Traffic Study when traffic signal warrants are sufficiently met in the opinion of the City Traffic Engineer.	Approval
DA 7.05(g) – School Flashers	None	<u>The installation of school flashers’ foundations, poles, and underground infrastructure in front of schools is the responsibility of the Master Developer. The school flasher equipment shall be provided and installed by CCSD.</u>	Approval
DA 7.06 – Sheep Mountain Parkway	Spoke to the Sheep Mountain Parkways approximate size of 50.1 acres and that the Master Developer was to construct permanent detention basins within an area designated within the Master Land Use Plan and remove interim detention basins located with the Sheep Mountain Parkway alignment. Stated, “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....”	Revised to so the Master Developer is responsible for the construction of permanent detention basins along the Puli Road alignment. Added: <u>The Master Developer shall not file, and the City will not accept, any applications from the Master Developer for land use entitlements or mapping actions for any Development Parcels which are or would be encumbered by BLM N-77772, unless and until the Master Developer dedicate the entire Existing ROW to the City, together with the additional property depicted in Exhibit “J,” to result in the dedication of the property necessary to accommodate the planned Sheep Mountain Parkway, such that Vacation (VAC-42250) approved by the City Council on (11/16/2011) can be recorded. Upon the dedication of the property indicated above and the recordation of Vacation (VAC-42250), the City may accept applications from the Master Developer for land use entitlements or mapping actions for any Development Parcels that had been, or would have been encumbered by BLM N-77772. The Master Developer agrees to dedicate an additional 4.3 acres of Property to the City prior to or concurrent with the recordation of the order of vacation in conformance with Exhibit “J” that is not encumbered by the City’s BLM grant N-77772. The City will follow the Applicable Rules for any property proposed for Sheep Mountain Parkway that is to be vacated.</u>	Approval
DA 7.07(a) Kyle Canyon Interchange	At the City’s discretion, the City may use the Developer contribution for design of...	Revised: At the City’s discretion, the City may use the Master Developer’s contribution for design of...	Approval

Staff Report Page Eighteen
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 7.08 – <u>NDOT Right-of-way</u>	None	Currently, a portion of the Property east of US 95 is encumbered by a Nevada Department of Transportation (“NDOT”) easement for right-of-way as depicted on the Master Land Use Plan attached as Exhibit “F” (“NODT Easement”). The Master Developer shall not file and the City shall not accept any applications from the Master Developer for land use entitlements or mapping actions for any portion of the Property encumbered by the NDOT Easement. However, if NDOT agrees to relinquish its NDTO Easement, then that portion of the Property may be developed in accordance with the land use category shown on the Master Land Use Plan. Upon relinquishment of the NDOT Easement on the property, the City may accept applications from the Master Developer for land use entitlements or mapping actions for any portion of the Property that had been deemed encumbered by the NDOT Easement.	Approval
DA 7.097(d) Regional Flood Control Facility Construction by Master Developer	...complete the County Regional Flood Control District facilities as defined in the Master Drainage Study...	...complete the Clark County Regional Flood Control District facilities as defined in the Master Drainage Study... Added: Currently, a portion of Parcel 5.06, as depicted on the Master Land Use Plan attached as Exhibit “F”, is reserved by the City for future flood control needs in addition to Parcels 5.07 and 5.08. The Master Developer shall not file and the City shall not accept any applications from the Master Developer for land use entitlements or mapping actions for that portion of Parcel 5.06 reserved by the City for future flood control needs. However, if the City agrees that all or a portion of the reserved property on Parcel 5.06 is not necessary for the City’s flood control measures, then upon City’s written notification to Master Developer of its release or portion of Parcel 5.06 that is not needed for the City’s flood control measures, said portion of Parcel 5.06 may be developed in accordance with the land use category shown on the Master Land Use Plan. Upon the City’s release of its reservation of that portion of Parcel 5.06, the City may accept applications from the Master Developer for land use entitlements or mapping actions for that portion of the Property that had been reserved by the City for flood control.	Approval
DA 8.01 – <u>Special Improvement District</u>	None	Added Section header: <u>Special Improvement District</u>	Approval

Staff Report Page Twenty
April 15, 2015 – City Council Meeting

Table 1: Development Agreement (DA)			
Section	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA 10.03 – Limitations 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.”	None	Conditional Approval The City requires the following language to be added: Accordingly, City and Master Developer (or its permitted assignees) 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.” <i>Master Developer is in agreement.</i>
DA 11.07 – <u>Counterparts</u>	None	Added section detailing how the agreement can be signed by compiling signatures via multiple copies.	Approval
DA 11.08 – Notices	Previous City Hall address and “Owner” Information	Updated City hall address and “Owner” and “Master Developer” information	None
DA 11.176 – Gender Neutral	In this Development Agreement...	Revised: In this Development Agreement...	None
Signature Blocks	Previous “Owner” information	Revised: Current “Master Developer” information	None
Kyle Canyon Development Agreement Exhibits	Title and Exhibit List	Deleted	Conditional Approval Return the exhibit list to the last page of the DA. <i>Master Developer is in agreement.</i>

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 a 12-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:

- The original agreement and its first amendment were entered into by one owner. Currently there exist numerous owners. The Development Agreement has been structured in a way to have one entity enter into this agreement with the City. That entity is KAG Property, LLC and is designated as the signatory and master developer and is required to complete all obligations contained in the proposed Development Agreement. Staff is in acceptance of this as the deeds recorded against the parcels of property that make up the Skye Canyon development refer to an also recorded covenant document that runs with

Staff Report Page Twenty One
April 15, 2015 – City Council Meeting

the land that appoints KAG, or its designee, the Development Manager, as each separate parcel owner's attorney-in-fact, permitting KAG or its designee to undertake the development and approval process on instead of and for each owner of real property encumbered by this proposed agreement and the covenant. [Recital K & Section 3.01]

- As a result of the proposed change to the definition of "Building Codes" [Section 1] from the 2009 International Residential, Building and Conservation Codes to that of the Code in effect at the time of issuance of permit for the particular development activity, projects will now be held to the most recent adopted codes thereby insuring the most up-to-date public safety standards.
- The City requires the following language to be added to Section 3.065(c)(i)(4) – Parent Tentative Map: "The Parent Tentative Map shall also identify all permanent easements required for pedestrian access, and installation and maintenance of traffic control devices. The Parent Tentative Map shall clearly show all common areas (including medians) that will be perpetually maintained by the Master HOA." This language provides the City with clearly denoted roles and responsibilities by the Parties as it relates to the above referenced. The Master Developer has agreed to add this language to the Agreement.
- The deletion of a Parent Final Map requirement [Section 1 & Section 3.065] and replacing it with a Development Phase Final Map scenario simply breaks an Overall Parent Final Map into smaller Development Phase Final Maps. The associated Parent Final Map triggers have now been revised to reflect Development Phase Final Maps (Master Studies, etc.). The Master Developer maintains the previously agreed upon benefit of not providing improvements or security for such improvements prior to the recordation of a Development Phase Map, with the exception of a performance bond for the placement of survey monuments as required by state law. The Master Developer, however shall submit for approval all relevant construction drawings for any off-site improvements required by this Agreement, any of the Master Studies or any land use entitlement for any Designated Builder Parcel within the Development Phase Final Map area, and the construction of such improvements shall be secured by an off-site improvement agreement made with the Owner/Master Developer prior to the recordation of a final map for such Designated Builder Parcel. Staff is in acceptance of the proposed changes as assurances of off-site improvements are still being maintained.

- New language has been added to Section 3.065(c)(iii) – Tentative Subdivision Map, that requires the Master Developer to submit a letter clearly delineating the development standards to be applied to the Tentative Map at the time of submittal. Staff is in favor of this language as it will improve the time it takes to review both land use entitlements and building permits through the development review process.

Staff Report Page Twenty Two
April 15, 2015 – City Council Meeting

- The Master Developer has proposed to utilize non-standard street light poles, mast arms and luminaries (New Exhibit “N”) within the Community. The language related to Section 3.132 has been amended to include maintenance responsibilities and the provision by the Master Developer of replacement inventory, in which the City will store at one of its own designated storage yards. Staff is in support of this language, but requests that the following language be added to Section 3.132(ii): (ii) replenishment of the minimum inventory within one hundred twenty (120) days of written notice from the City in perpetuity. The Master Developer has agreed to add this language to the Agreement. The Master Developer has agreed to add this language to the Agreement.
- The language within the “Elementary, Middle and High School Acreage” [Section 5.01] section has been modified by the Master Developer, in coordination with the Clark County School District (CCSD), so as to establish a Memorandum of Understanding (MOU) between the Master Developer and the CCSD regarding the dedication, off-sites and development of schools within the Kyle Canyon Master Plan. Specific changes include the possible utilization of the propose middle school site for the purpose of an elementary school, as well as the extending of the timing in which the MOU is to be entered into by both parties.
- The Fire Protection Section [Section 5.02] has been revised to reflect three possible scenarios. The current financial commitment of \$4.1 million, as well as the stubbing of Master Utility Improvements and Off-Site Improvements to site remains from the currently adopted Development Agreement. The Master Developer now has the additional options of constructing a Fire Station within the Community at their own expense and dedicating both the land and Fire Station to the City on Parcel 2.34 or at an alternative location agreed upon by the City within the Community. Staff is in support of the proposed language as placement of a Fire Station within the Community would decrease response times for the surrounding area and be in the best interest for the public’s safety and welfare.
- New language has been added Section 7.05 – Traffic Improvements, to address the installation of school flashers. The foundations, poles and underground infrastructure in front of schools are to be installed by the Master developer. The school flasher equipment shall be installed by the CCSD. Staff is in support of this language.

- As a direct result of the elimination of a Parent Final Map for the Community the language regarding the Sheep Mountain Parkway [Section 7.06] has been amended so that the Master Developer shall not file, nor the City accept, any applications from the Master developer for land use entitlement or mapping actions for any Development Parcels encumbered by the Bureau of Land Management (BLM) right-of-way (ROW)

Staff Report Page Twenty Three
April 15, 2015 – City Council Meeting

grant, unless and until the Master Developer dedicates the entire existing ROW to the City, including additional property depicted in Exhibit “J”. Once this has been accomplished, a previously approved Vacation (VAC-42250) can be recorded and the City may accept applications from the Master Developer for land use entitlements and mapping actions.

- Section 7.08 – NDOT Right-of-way, has been added to denote the existing NDOT easement located on proposed Parcel 3.03 found within the Master Land Use Plan Exhibit “F” and to provide for the possible relinquishment of said easement. Until such time the Master Developer shall neither file, nor the City accept, any applications from the Master developer for land use entitlement or mapping actions. By providing language for this possibility it will allow the encumbered land to be reverted into usable square-footage without the need to amend the Development Agreement to adjust the Master Land Use Plan. Staff is in support of the proposed language.
- Section 7.097(d) – Regional Flood Control Facility Construction by Master Developer, has been amended to provide for language that states the Master Developer shall not file, nor the City accept, any applications from the Master developer for land use entitlement or mapping actions allows for any portion of Parcel 5.06 being utilized for future flood control needs. Furthermore, language has been added stating that if the City agrees that all or a portion of the reserved property on Parcel 5.06 is not necessary for City’s future flood control needs, then upon City’s written notification, the released acreage can then be developed in accordance with the land use category shown on the Master Land Use Plan. Staff is in support of this language.

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	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA Exhibit “A” – Property Description	List of APNs and associated acreage. Total acreage equals 1,662.10.	List of APNs and associated acreage. Total acreage equals 1,661.95 based upon the Assessor’s Parcel Numbers, versus 1,663.13 surveyed acres.	Approval
DA Exhibit “B” – Phasing Map	Six (6) phases identified.	Seven (7) phases identified.	Approval
DA Exhibit “C” – Impact Statement	Old City of Las Vegas Development Impact Notice and Assessment Form with an analysis predicated upon a total site acreage of 1,661.8 acres and 9,000 residential units.	New City of Las Vegas Development Impact Notice and Assessment Form with an analysis predicated upon a total site acreage of 1,661.95 acres a 9,000 residential units. Traffic trip generation and school student generation has been updated to reflect the changes in land use classification ratios found within the Master Land Use Plan.	Approval

Staff Report Page Twenty Four
April 15, 2015 – City Council Meeting

Table 1a: Development Agreement (DA) Exhibits			
Exhibit	2012 DA Language	Changes Proposed by Developer	Staff Recommendation
DA Exhibit “D” – Parks Agreement	Discussed in Table 2		
DA Exhibit “E” – Developer Special Improvement Guidelines	Photostat copy of CLV Guidelines 1992 edition	PDF version of the CLV Guidelines December 2, 1992 edition.	Approval
DA Exhibit “F” – Residential Land Use Table and Master Land Use Plan	Depicts the special area land use designations for each of the proposed parcels within the development. 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 designated parcels and community variables (streets, parks, flood control, etc.) Additionally, the plan indicates the maximum and average density for residential and blended land use designations. The plan also illustrates the location of the proposed RTC transit station and NV Energy substation.	Depicts a revised special area land use designation distribution, including the newly added PF (Public Facility) land use designation. The plan denotes both the net and gross acreages for each of the special land use designated parcels and community variables (streets, parks, flood control, etc.) Additionally, the plan indicates the maximum and average density for residential and blended land use designations. The plan also illustrates the location of the proposed RTC transit station, as well as the elimination of the NV Energy substation. The plan illustrates a revised network of street alignments, as well as portions of parcels being encumbered by either rights-of-way or future flood control facilities. School locations have been relocated within the Community, as well as a new network of parks.	Approval
DA Exhibit “G” – Master Drainage and Traffic Studies (On Disk)	Original Studies	None	Approval
DA Exhibit “H” – Offsite Sewer Capacity Letter	May 23, 2011 Kyle Canyon Offsite Sewer Impacts letter from SHG.	None	Approval
DA Exhibit “I” – BLM Right Of Way Grant	The Northern Beltway Right-of-way exhibit depicting existing rights-of-way dedicated for the Northern Beltway.	None	Approval
DA Exhibit “J” – Sheep Mountain Parkway Right Of Way Reduction	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.	None	Approval (Clear Copy Requested)
DA Exhibit “K” – Memorandum Cost Between Interim and Permanent Detention Basins	Memorandum dated 01/07/11 prepared by SHG.	None	Approval
DA Exhibit “L” – Village Street and Trail Section	Exhibit depicted the proposed village streets and trail alignments within and adjacent to the Community, respectively. The proposed village streets had cross sections marked on them. In turn the 19 cross sections were depicted on a separate sheet of the exhibit.	Comprehensive map depicting the Village Street configuration, as well as the locations of all proposed trails within the Community.	Conditional Approval The street names for the former Horse Drive, Fort Apache Road and Hualapai Way shall be corrected in conformance with approved SNC-55060. <i>Master Developer is in agreement.</i>
DA Exhibit “M” – Kyle Canyon Development Standards and Architectural Design Guidelines	Discussed in Table 3		
DA Exhibit “N” – Skye Canyon Street Light Design	None	Non-standard drawings for a single arm and a double arm street light pole. Light study provided for five street classifications.	Conditional Approval Based on final approval by Public Works of the associated light study. <i>Master Developer is in agreement.</i>

Staff Report Page Twenty Five
April 15, 2015 – City Council Meeting

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 on 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 Master Developer has gained five (5) acres of land that was previously encumbered by a NV Energy power substation.
- The Master Developer is proposing a new Public Facility land use classification within the Master Land Use Plan. This land use classification will cover approximately 11.50 net acres of land. The Public Facility land use classification shall be in conformance with the C-V (Civic) zoning district of the City of Las Vegas Unified development Code.
- The Master Developer has specified land use classifications to approximately 35.08 net acres of land previously denoted as power easements.
- Approximately 3.18 net acres of previously denoted open space is now being delineated as General Commercial and Low land use classifications.
- The Master Developer has reduced the amount of Medium Low land use classification within the Community by 111.85 acres or approximately 23.94%. The majority of the acreage was revised to a Low land use classification.
- The Master Developer has increased the amount of Medium Low-Attached land use classification within the Community by 15.93 acres or approximately 9.61%. The majority of the acreage was revised from Blended Use and General Commercial land use classifications.
- The Master Developer has increased the amount of Low land use classification within the Community by 247.44 acres or approximately 64.88%.
- The Master Developer has decreased the amount of Blended Use land use classification by 75.37 acres or approximately 41.41%. The associated decrease in acreage was revised to a Medium Low land use classification.
- The Master Land Use Plan illustrates portions of parcels being encumbered by either rights-of-way grants/easements (NDOT and/or Sheep Mountain Parkway) or future flood control facilities.
- The location of the proposed High School site has been relocated to the western portion of the community.

- The park acreage and locations has remained substantially the same, however the proposed Master Land Use Plan depicts a few additional Community park locations throughout the Property.

Staff Report Page Twenty Six
April 15, 2015 – City Council Meeting

Additional comments related to the Development Agreement Exhibits are as follows:

- Pursuant to approved Street Name Change and Variance (SNC- 55060 & VAR-55892) Exhibit “L” is to be revised to reflect the former Horse Drive and Fort Apache Road alignments as being named W Skye Canyon Park Dr and N Skye Canyon Park Dr, respectively. The Master Developer has agreed to revise all associated exhibits within the Agreement.

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 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	2012 PA Language	Changes Proposed by Developer	Staff Recommendation
PA Entire Agreement	Referenced Kyle Canyon, Developer, parties and Indian Hills Park	Revised: References from Kyle Canyon to Skye Canyon; Developer to Master Developer; from parties to Parties; and from Indian Hills Park to Officer Alyn Beck Memorial Park.	Approval
PA – Pre-Recitals	KAG Property, LLC as owner	KAG Property, LLC as Master Developer	Approval
PA – Recitals(A)	The developer is the owner and master developer of certain lands... ...enter into a Development Agreement...	Lists all corporations that make up the Owner, as well as states, KAG has transferred ownership of certain portions of property to “Designated Builders” and that KAG has been appointed the attorney-in-fact Revised the language to refer to the <u>Second Amendment and Restatement Development Agreement</u> .	Approval
PA – Recital (F)(v)	None	Added: <u>(v) to keep portions of the Skye Canyon Center reserved for the private use of the members of the Master HOA and guests of the Master HOA for a fitness facility and pool area...</u>	Approval
PA Section 3 – Design of Parks	...designed in accordance with Park Standards Office of Architectural Services City of Las Vegas Department of Public Works dated March 8, 2007...	Revised: ...shall be designed in accordance with <u>the City of Las Vegas Design Standards for Parks, Trails, Buildings and Parking Facilities in effect at the time of issuance of the permit for the particular development activity</u>	Approval

Staff Report Page Twenty Seven
April 15, 2015 – City Council Meeting

Table 2: Parks Agreement (PA)			
Section	2012 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 first permit for construction of dwelling units within such Park Area that exceeds the construction trigger...	Revised language to further clarify that the parks in question are those within each of the “individual” Park Areas.	Approval
PA Section 5(C) - Completion Schedule	Outlines construction drawing timing for City review.	Revised language to further clarify that the parks in question are those within each of the “individual” Park Areas.	Approval
PA Section 5(D) - Completion Schedule	Outlines construction start times and completion times.	Revised language to further clarify that the parks in question are those within each of the “individual” Park Areas. Revised: <u>Master</u> Developer shall commence construction of each <u>individual park located within a Park Area</u> within the timeframe described <u>below ninety (90) days following City approval of the construction drawings and specifications for such park</u> and shall complete each <u>individual park</u> within 18 months of the start of constructions.	Approval
PA Section 5(E) - Completion Schedule	Developer shall commence construction... prior to the issuance of the five hundredth (500th) 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 (2000th) permit for construction of dwelling units within all of the Kyle Canyon development. 24 month completion requirement from the date of commencement.	Revised: New commence construction trigger at the 3,000 th permit for construction of dwelling units within all of the Sky Canyon development. Retained the 24 month completion requirement from the date of commencement language.	Approval
PA Section 5(F) - Completion Schedule	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 (4,000th) 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.	Revised: <u>Master</u> Developer shall commence design within 180 calendar days of receiving notice from the City that: a) notifies <u>Master</u> Developer of the issuance of the <u>four five thousandth five hundredth (4,05,500th) permit for the construction of dwelling units building permit for residential dwelling units within Kyle Skye Canyon</u> ; and b) contains confirmation that adequate flood control facilities are in place to protect the park.	Approval
PA Section 5(G) - Completion Schedule	None	Skye Canyon Center Construct and complete 2.05 acres of park on the parcel by the 400 th prior to the issuance of the building permit for a residential dwelling. Commence construction of the Skye Canyon Center prior to the 1,500 th prior to the issuance of the building permit for a residential dwelling.	Approval

Staff Report Page Twenty Eight
April 15, 2015 – City Council Meeting

Table 2: Parks Agreement (PA)			
Section	2012 PA Language	Changes Proposed by Developer	Staff Recommendation
		Complete construction of the Skye Canyon Center within 24 months of the commencement of the Skye canyon Center. City to acknowledge and agrees that portions of the Skye Canyon Center may be reserved for the private use of the members of the Master HOA and their guests.	
PA Section 5(H) through (Q) - Completion Schedule	None	Individual parks and associated triggers for commencement of construction and completion of construction by Area.	Approval
PA Section 15(a) - Assignments	Detailed language regarding the limitations and the means by which a Master Developer could assign all or a portion of its rights and obligations to another.	Revised: The Master HOA may not assign any of its rights or obligations under this Parks Agreement without prior written approval from the City. Master developer may assign its rights and obligations under this Parks Agreement so long as Master Developer notifies the City of the assignment and the City shall not unreasonably withhold approval of such assignment.	Conditional Approval The adopted Parks Agreement language is to remain. <i>Master Developer is in agreement.</i>
PA Section 15(h) – Counterparts	None	Added section detailing how the agreement can be signed by compiling signatures via multiple copies.	Approval
PA Signature Page	Previous “Owner” information	Revised: Current “Owner” information	Approval

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(E) through (Q)] 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 prescribed number of permits for the construction of dwelling units within the park area as denoted within Exhibit “D”, it is now proposing to conform to new construction triggers levels found within both the Parks Agreement Section 5 and within amended Parks Agreement Exhibit “D”. The construction triggers thresholds listed within Exhibit “D” are acceptable and staff is recommending approval.
- The completion schedule for the Officer Alyn Beck Memorial Park [PA Section 5(E)] has been revised so as to have the Master Developer commence construction prior to the issuance of the 3,000th permit for a residential dwelling unit within Skye Canyon development. The park construction threshold has been pushed out from the 22% build-out mark to the 33% build-out mark. These thresholds are acceptable and staff is recommending approval.

Staff Report Page Twenty Nine
April 15, 2015 – City Council Meeting

- Parks Agreement Section 15(a) has been revised to eliminate language that delineates the terms by which a performance bond will be required for the transferring of right and obligations to another. Specifically, a performance bond was 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 preferential to staff and is required to remain within the Parks Agreement. Therefore, staff is recommending that the currently adopted language remain. The Master developer is in agreement and the adopted language will be retained.

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 2: Parks Agreement (PA) Exhibits			
Section	2012 PA Language	Changes Proposed by Developer	Staff Recommendation
PA Exhibit "A" – Description of Property	List of APNs and associated acreage. Total acreage equals 1,662.10.	List of APNs and associated acreage. Total acreage equals 1,661.95.	Approval
PA Exhibit "B" – Parks, Trails and Open Space Map	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.	Depicts the new configuration based upon the proposed Master Land Use Plan. The map lists 42.11 net acres of parks, 15.57 net acres of arroyos and zero net acres of open space for a total of 57.68 net acres.	Approval
PA Exhibit "C" – Required Facilities and Conceptual Layouts of Parks (Table)	Table indicating all of the required facilities associated with the respective proposed parks.	New list of required facilities for the proposed parks throughout the community.	Conditional Approval Officer Alyn Beck Memorial Park and Iron Mountain Park. The table shall be revised to reflect the Iron Mountain Park having two (2) tot lots; the Officer Alyn Beck Memorial Park as having two (2) full size soccer fields, as well as two (2) tot lots. <i>Master developer is in agreement.</i>
PA Exhibit "C" – Required Facilities and Conceptual Layouts of Parks (Conceptual Drawings)	N/A	New conceptual drawings for the 14 proposed Community parks and the two City parks.	Approval
PA Exhibit "D" – Park Areas	Illustrates park areas throughout the entire Community. Lists six (6) park areas and the corresponding parks within each area. Denotes the residential dwelling unit permit construction trigger for the construction of parks within a park area.	Illustrates park areas throughout the entire Community. Lists 10 park areas and the corresponding parks within each area. Denotes the residential dwelling unit permit construction trigger for the construction of parks within a park area.	Approval
PA Exhibit "G" – Park Areas	Conceptual drawing of Indian Hills Park	None The drawing has been moved into PA Exhibit "C".	Approval

Staff Report Page Thirty
April 15, 2015 – City Council Meeting

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 fifteen 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 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 2009-2013 American Community Survey (ACS) five (5) year population estimate for the City of Las Vegas, 2.74 people reside in each residence. Using this data to extrapolate, the number of projected residents within the Kyle Canyon Community yields a total of 24,660 residents. Pursuant to the priorities of the Las Vegas 2020 Master Plan Parks 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 61.65 acres of park land are to be provided.

The Trail and Parks Exhibit establishes that the Community consists of 42.11 net acres of parks, 15.57 net acres of arroyos and 2.31 net acres of open space, which when combined (59.99 net acres) fails to the Las Vegas 2020 Master Plan Parks & Recreation Element’s priority of 2.5 acres of park space for every 1,000 residents. This however does not take into account the 20.66 gross acres of community parks the Master developer is responsible for outside of the Community. With the inclusion of the additional acreage the Community and the outlying City community parks will provide park acreage in excess of the 2.5 acres per 1,000 resident requirement. 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 portion of 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 “M” of the Development Agreement provide for 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 (DS) Manual			
Page/Section	2012 Language	Changes Proposed by Developer	Staff Recommendation
Pg. 2/Kyle Canyon Master Plan Land Use Categories – <i>Parks and Open Space</i>	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.	Added: <u>Alcohol uses are subject to the approval of a special use permit.</u>	Approval

Staff Report Page Thirty One
April 15, 2015 – City Council Meeting

Table 3: Development Standards (DS) Manual			
Page/Section	2012 Language	Changes Proposed by Developer	Staff Recommendation
Pg. 3/Restricted Uses	Use restrictions and development requirements specific to Parcels A-3 and E-21, as well as the triangular piece of property at the intersection of Horse Drive and Fort Apache Road.	Revised the section to refer to the new parcel designations (Parcel 3.01, 3.02, 3.03 & 3.04) so that all previously adopted use restrictions and development requirements are maintained.	Approval
Pg. 5/Residential Development Standards – (H)(3)(a) Perimeter Walls	...change sentence near end of first paragraph to read... “Pilasters, if used, shall have a maximum spacing of 100’ on center.”	...change sentence near end of first paragraph to read... “ <u>Subdivision perimeter pilasters abutting streets, common areas, or interior streets shall be eleven (110 courses as measured from the highest adjacent finished grade for an overall height of 7’-8”, plus a 4” high Pre-Cast Cap on 24” square columns, spaced at approximately 250’ o.c., with pilasters generally occurring at adjacent residential lots owners perpendicular property lines. Block shall be 6”x8”x16” split face, with two (2) rows fluted block at the two upper courses, and 2” precision cap.</u> ” Added: Typical Perimeter Wall & Pilasters detail	Approval
Pg. 37/Environmental Standards – Energy Conservation	Any Builder product that is Energy Star certified shall be exempt from these inspection requirements.	Revised: Any Builder product that is Energy Star certified <u>or similar approved alternative</u> shall be exempt from these inspection requirements.	Approval
Pg. 37/Environmental Standards – Solid Waste	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.	None	Conditional Approval Revise the adopted language to remove the words “on a separate” from the first sentence of the paragraph. <i>Master developer is in agreement.</i>
Pg. 37/Environmental Standards – Required Homebuyer Options	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	1. Energy Star Certified Homes <u>or similarly approved alternative</u> 2. Solar water heaters <u>or tankless water heater(s)</u> 3. Compact fluorescent lighting <u>or LED lighting</u> 4. Indoor motion sensing lighting 5. Photovoltaic solar panels and net metering systems <u>or solar “ready” electrical system</u> 6. Energy Star appliances	Approval
Pg. 39/Cluster Setback Diagram (Notes)	N/A	Added: <u>(Not withstanding any other language to the contrary in the design guidelines or the Agreement)</u> Added: <u>Private drives as indicated require a minimum of 24 feet clear width and shall be posted as fire lanes.</u>	Approval
Pgs. 42-51/Cross Sections	Adopted cross sections for the Arroyos and all street classifications found within the Community.	Updated cross sections that depict increased common lots located back of curb, as well as the addition five (5) foot bike lanes within all roadway cross sections.	Conditional Approval Pg. 43 – Cross section “B” is to be revised to reflect current site conditions. Pg. 48 Cross section “J” is to be revised to reflect current site conditions. <i>Master developer is in agreement.</i>

Staff Report Page Thirty Two
April 15, 2015 – City Council Meeting

Table 3: Development Standards (DS) Manual			
Page/Section	2012 Language	Changes Proposed by Developer	Staff Recommendation
Pg. 55/24' Shared Private Drive Detail (Notes)	N/A	Added: <u>Notwithstanding any other language to the contrary in the design guidelines or the Agreement. No parking allowed in fire lanes less than 32 feet in width. Fire lane shall be marked in accordance with adopted fire code.</u>	Approval
Pg. 56/32' Shared Private Drive Detail (Notes)	N/A	Added: <u>Notwithstanding any other language to the contrary in the design guidelines or the Agreement. Parking allowed on one side only, if pat of the required Fire Department access lane.</u>	Approval
Pg. 57/20' Private Alley Drive Detail (Notes)	None	Added: <u>Notwithstanding any other language to the contrary in the design guidelines or the Agreement, not allowed for required fire apparatus access.</u>	Approval
Pgs. 63& 64/Village Street and Trails Exhibit & Street and Trail Sections	Exhibit depicted the proposed village streets and trail alignments within and adjacent to the Community, respectively. The proposed village streets had cross sections marked on them. In turn the 19 cross sections were depicted on a separate sheet of the exhibit.	Exhibit depicted the revised village streets and trail alignments within and adjacent to the Community, respectively. The proposed village streets had cross sections marked on them. In turn the 18 cross sections were depicted on a separate sheet of the exhibit.	Conditional Approval Revise Pg. 63/Village Street and Trails Exhibit regarding the use of cross section "K" south of Eagle Canyon Avenue. <i>Master developer is in agreement.</i>
Pgs. 65-73/Streetscape Standards	Depicted landscape treatment patterns to be utilized within the proposed Village Streets. Plant type size was called out, but no specific plant materials were named.	Updated streetscape designs that conform to the proposed Village Street cross sections have been provided. Plant size and materials have also been provided, as well as a utility consideration exhibit.	Approval

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. When the 1st Amendment of the Development Agreement was adopted, the version of the UDC in effect at that time became the permanent version for the community. The exceptions listed within the Development Standards Manual were illustrated within a strike-through version of the UDC as part of the application. The Master developer will need to provide an updated copy of the UDC reflecting all of the proposed exceptions and details. 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, however no changes to the associated development standards have been proposed. The adopted development standards allow for perspective parcel builders to have flexibility in the design of the site and the structures. This in turn allows the Community as a whole to provide a variety of housing types that will promote diverse and cohesive neighborhoods, that are 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.

Staff Report Page Thirty Three
April 15, 2015 – City Council Meeting

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 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, which encourages 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 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 17 to 32 feet. As compared to the effective Agreement, the widths of the common lots have increased slightly; also they exceed the UDC 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, as well as no modifications have been made to the adopted Agreement.

Staff Report Page Thirty Four
April 15, 2015 – City Council Meeting

FINDINGS (DIR-57816)

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 a number of 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.

Staff Report Page Thirty Five
April 15, 2015 – City Council Meeting

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 and amended and restated in 2012, 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

RJ ONLY