

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE - SDR-6233 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-6231 AND VAR-6232 - PUBLIC HEARING - APPLICANT/OWNER: PLASIM HOMES, LLC - Request for a Site Development Plan Review FOR A PROPOSED 37 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 16.00 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive (APNs 163-03-302-004, 005 and 006), R-E (Residence Estates) Zone [PROPOSED: R-PD2 (Residential Planned Development - 2 units per acre) Zone], Ward 1 (Tarkanian).

C.C. 06/15/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

40

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

DAVENPORT – DENIED – UNANIMOUS with McSWAIN excused

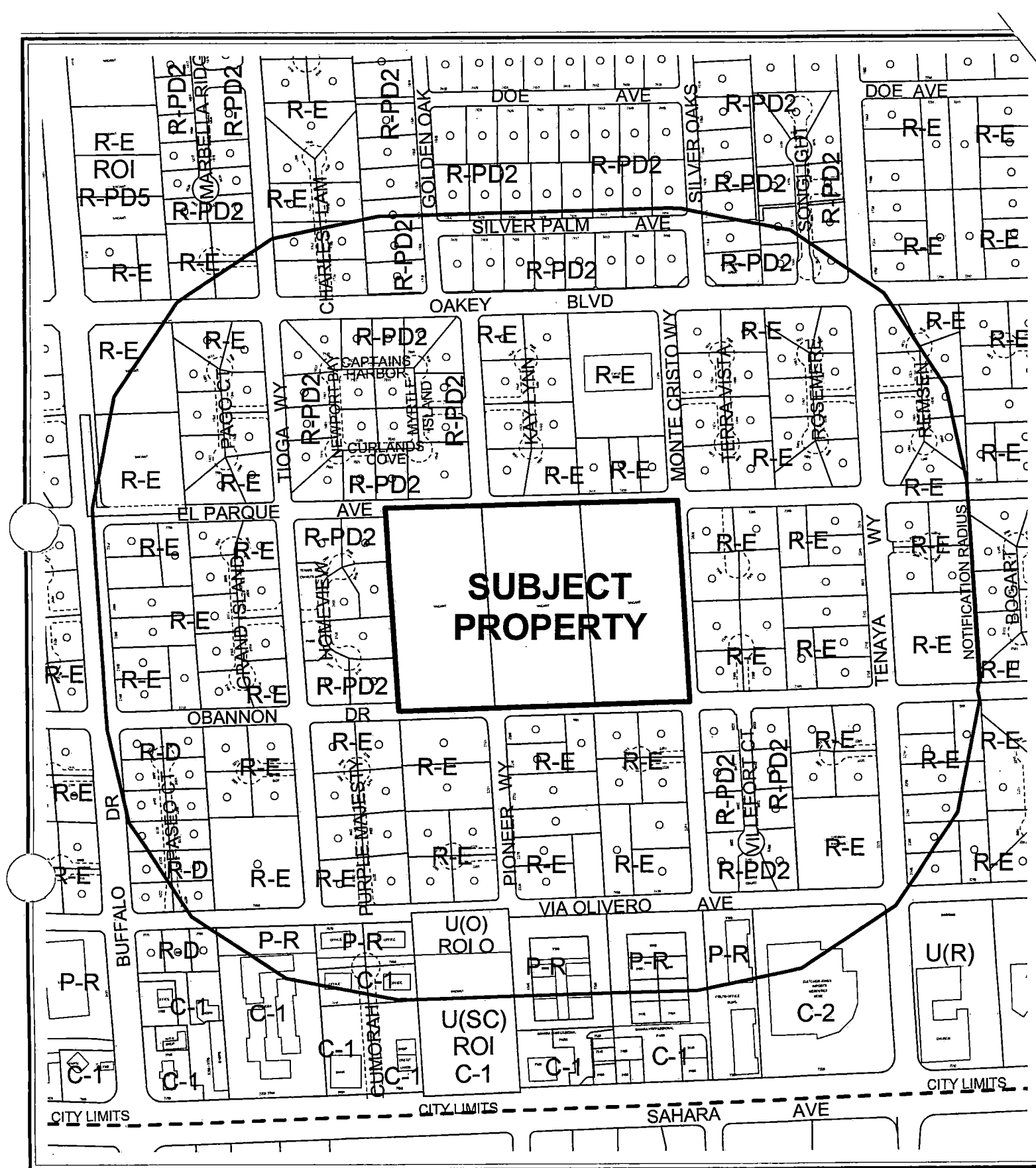
To be heard by City Council 6/15/2005

MINUTES:

See Item 25 [ZON-6231] for related discussion on Item 25 [ZON-6231], Item 26 [VAR-6232] and Item 27 [SDR-6233].

(8:05 – 8:49)

3-576



CASE: SDR-6233

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-6233 - APPLICANT/OWNER: PLASIM HOMES, LLC.

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-6231) and Variance (VAR-6232).
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan, landscape plan and building elevations, dated stamped 03/04/05, except as amended by conditions herein.
4. The setbacks for this development are a minimum of 20 feet to garage, 15 feet to the side loaded garage, 20 feet to the front of the house, 5 feet on the side, 10 feet to the corner side and 25 feet in the rear.
5. The maximum building height allowed shall not exceed 2 stories or 35 feet whichever is less.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect the removal of common landscape areas located along proposed lots 15, 21, 22 and 28, as no common lot exists on the site plan. Additionally, the landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect a landscape legend with unique symbols correlated to an individual plant species as well as size.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

SDR-6233 - Conditions Page Two
May 12, 2005 - Planning Commission Meeting

9. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
11. Air conditioning units shall not be mounted on rooftops.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
13. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

14. The proposed gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
15. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. Site development to comply with all applicable conditions of approval for ZON-6231 and all other subsequent site-related actions.
17. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for Site Development Plan Review for a proposed 37-lot single-family residential development on 16 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive.

B) Applicant's Justification

The applicant states the proposed density of the project would be 2.31 dwelling units per acre and is bordered to the northwest and west by existing R-PD2 (Residential Planned Development – 2 units per acre) developments, and along the northeast, east, and south by existing R-E (Residence Estates) developments and single-family residences. The representative's client believes the proposed development is compatible with the surrounding area and will be enhancing the neighborhood.

BACKGROUND INFORMATION

A) Related Actions

03/05/86	The City Council approved an Annexation (A-0009-85) of 1,509 acres, of which this proposal is a part. The effective date was 03/19/86. The Planning Commission and staff recommended approval on 02/20/86.
11/23/98	The City Council approved a request to amend a portion of the Southwest Sector of the General Plan (GPA-0027-98) on properties bounded by the Holmby Avenue Drainage Alignment, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval on 10/28/98.
09/23/04	The Planning Commission tabled a Rezoning (ZON-4828) application for the reclassification of property from R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 units per acre) and a Site Development Plan Review (SDR-4837) application for a proposed 39-lot single-family residential subdivision on 16 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive. Staff recommended denial. * The application was subject a condition with a 90-day time limit. *

SDR-6233 - Staff Report Page Two
May 12, 2005 - Planning Commission Meeting

- 04/28/05 The Planning Commission held this item in abeyance to the 05/12/05 Planning Commission Meeting at the request of the area residents and with concurrence of the applicant.
- 05/12/05 The Planning Commission will hear companion item for a Rezoning (ZON-6231) application for the reclassification of property from R-E (Residence Estates) to R-PD2 (Residential Planned Development – 2 units per acre) and a Variance (VAR-6232) application to allow zero square feet of open space where 26,450 square feet is the minimum required on 16 acres adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive.

B) Pre-Application Meeting

- 02/18/05 A pre-application conference was held and resulted in the following comments:
1. The open space requirement was discussed.
 2. The open space design guidelines were discussed.
 3. Landscaping buffers and materials were discussed.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: Gross Acres: 16.0

B) Existing Land Use

Subject Property: Undeveloped [Proposed 37-Lot Single-Family Residential Development]

North: Single-Family Residences
South: Single-Family Residences
East: Single-Family Residences
West: Single-Family Residences

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: DR (Desert Rural Density Residential)
South: DR (Desert Rural Density Residential)
East: DR (Desert Rural Density Residential)
West: DR (Desert Rural Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
R-PD2 (Residential Planned Development - 2 Units Per Acre)
South: R-E (Residence Estates)
East: R-E (Residence Estates)
West: R-PD2 (Residential Planned Development - 2 Units Per Acre)

E) General Plan Compliance

The subject site is currently designated with a DR (Desert Rural Density Residential) land use designation within the Southwest Sector Map of the General Plan. With the approval of Rezoning (ZON-6231) application to reclassify the subject parcels to R-PD2 (Residential Planned Development - 2 Units Per Acre), the proposed density of 2.31 dwelling units per acre is less than the maximum density and would be allowed within the DR (Desert Rural Density Residential) land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This subject site does not fall within the boundaries of any special area plans, special overlay districts, or affected by any trails.

PROJECT DESCRIPTION

The proposed project is a 37-lot single-family residential development on 16 acres located adjacent to the northwest corner of Monte Cristo Way and O'Bannon Drive. Access to the site will be from northern portion of the site from El Parque Avenue, a 60-foot public street, through a gated entrance. The proposed development will consist of lots ranging from approximately 11,653 to 23,410 square feet, which results in a density of 2.31 dwelling units per acre. Based on R-PD (Residential Planned Development) standards such a density would require 0.6 acres of open space to be supplied for the purpose of public use or enjoyment. The supplied site plan indicates zero open space being provided. The applicant has filed a Variance (VAR-6232) application for the lack of any open space through out the entire development.

The models being presented consist of only two story buildings, roughly 28 to 29 feet in height. Two different floor plans for are being presented ranging in square footage from 5,335 to 6,081 square feet. Of the Two models both contain options for patio covers and an option for a balcony/deck. Each model has the option between three different elevations.

The proposed development calls for a six-foot landscape buffer along the north, east and south perimeters of the property. A perimeter wall composed of two alternating segments types then abuts the landscape buffer. First of the two segments is composed of a six-foot high stucco covered masonry wall, the second is a seven-foot high CMU wall with one course of split face block. Both wall segments will have a pre-cast concrete cap.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, Development Standards for an R-PD (Residential Planned Development) zoning district are established at the time of Site Development Plan Review. The applicant is proposing the following development standards:

Standards	Proposed	Acceptable
Minimum Lot Size	11,653 SF	N
Largest Lot Size	23,410 SF	Y
Typical Lot Size	11,610 SF	N
Min. Setbacks		
• Front	20 Feet	Y
• Front Garage	20 Feet	Y
• Side Loaded Garage	15 Feet	Y
• Side	5 Feet	Y
• Corner Side	10 Feet	Y
• Rear	25 Feet	Y
Max. Building Height	2 Stories / 29 Feet	Y

The larger lots of 20,000 square feet and greater would be appropriate for such a development, however the majority of the lots proposed are approximately 12,000 square feet in size, which leads to the development incompatible with existing surrounding development. The proposed setbacks and building height are appropriate for a residential project of this nature.

A2) Residential Adjacency Standards

Pursuant to Title 19.08.060, the Residential Adjacency Standards do not apply to the subject proposal.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Required		Provided
	Ratio	Parking	Parking
		Regular	Regular
Single Family, Detached	2 Spaces / Dwelling Unit	2	3

The product to be placed within the proposed development includes a two-car garage, as well as a one-car garage as part of the first-floor floor plan. Therefore, the proposed development would exceed the number of required parking spaces on site.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Buffer: • Min. Trees	1 Tree / 30 Linear Feet	Zero Trees	128 Trees
• Min. Zone Width • Wall height	Zero Feet 6 to 8 Feet		6 Feet 6 & 7 Feet

The proposed development is bordered on three sides by public right-of-way. Abutting each right-of-way is a five-foot sidewalk followed by a six-foot landscape buffer with trees spaced 20 feet on center. As El Parque Avenue, Monte Cristo Way and O'Bannon Drive are not Primary nor Secondary thoroughfares properties developing along them are not required to provide a landscape buffer. The providing of such landscaping is an asset to the surrounding neighborhood and should remain.

Interior to the site the landscape plan calls for a minimum of two front yard trees per lot, as well as common area landscaping with informal tree groupings. The latter of the two proposals is problematic, in that the site plan does not depict any common lots where the landscape plan calls for said landscaping. Additionally, the landscape plan itself is problematic since the supplied legend refers one symbol to anywhere from two to six tree species, as well as the legend does not give reference to material size.

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
16.0 acres	2.3	1.65	3.795 %	26,450 SF	Zero %	Zero SF.

The applicant has applied for a Variance (VAR-6232) to allow zero open space where 26,450 square feet is required for the proposed 37-lot single-family residential development.

B) General Analysis and Discussion

- **Zoning**

While under the maximum density allowed in the DR (Desert Rural) land use category of the General Plan, the proposed project depicted for the R-PD2 (Residential Planned Development – 2 units per acre) zoning district is out of character with the surrounding area. The development is a more intense residential use than currently exists in the neighborhood, as it presents a walled community with two-story homes and smaller lots than what would be considered compatible in this area of the City.

- **Site Plan**

The proposed site plan depicts a 37-lot single-family residential gated development with access from El Parque Avenue. Lot sizes range from 11,653 to 23,410 square feet in size, with the majority of the lots being approximately 12,000 square feet in size. Internal circulation of the site will be accomplished via a 39-foot wide private street with “roll” curbing. Additionally, the site plan depicts a six-foot landscape buffer along the north, east and south perimeters of the property.

- **Waivers**

The proposed development is not requesting any waivers, but is requesting a Variance (VAR-6232) to allow for zero square feet of open space where 26,450 square feet is required.

- **Landscape Plan**

The proposed landscape plan depicts a six-foot landscape buffer along the north, east and south perimeters of the property, as well as a common landscape area internal to the site. However, the internal common landscape area is not depicted as a common lot within the site plan, therefore this application will be conditioned so that the landscape plan be corrected. Additionally, the landscape plan itself is problematic since the supplied legend refers one symbol to anywhere from two to six tree species, as well as the legend does not give reference to material size. Therefore this application will be conditioned to correct the above-mentioned deficiencies.

- Elevation

The models being presented consist of only two story buildings, roughly 28 to 29 feet in height. Each model has the option between three different elevations.

- Floor Plan

Two different floor plans for are being presented ranging in square footage from 5,335 to 6,081 square feet. Of the Two models both contain options for patio covers and an option for a balcony/deck.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

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

The surrounding area is predominantly zoned R-E (Residence Estates) and primarily consists of horse properties and resort style residences, with the unifying characteristic of homes on large lots. The proposed development is principally a walled-in, relatively densely packed residential subdivision and is not compatible with adjacent development.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The proposed development is not consistent with the development standards and guidelines set forth by Title 19 for the creation of an R-PD (Residential Planned Development) as is evident by the associated Variance (VAR-6232) application to allow for zero open space.

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

The site is located between El Parque Avenue, O'Bannon Drive, and Monte Cristo Way; all 60-foot public residential streets. These streets have the capacity to handle additional traffic from an R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning, but the noticeable increase in traffic would further erode the current Desert Rural character of the area.

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

Building and landscape materials are appropriate for the areas and for the City. Drought-tolerant landscaping, finished block walls, and wrought iron entry gates all conform to other development in this area of the city.

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

Aesthetic, design and architectural features of this proposal on their own would not be undesirable, but the sheer scale of the homes and their tight proximity to each other make for a clear incompatibility with development in the area.

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

The development will be subject to inspections as the development progresses that will secure and protect the health, safety, and general welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED 229 [Mailed with ZON-6231 and VAR-6232]

APPROVALS 0

PROTESTS 40



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-6233** APN: 163-03-302-004,005 & 006

Name of Property Owner: Plasim Homes LLC

Name of Applicant: L.R. Nelson Consulting Engineers

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes xx No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

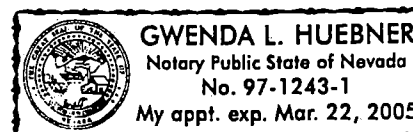
APN: _____

Signature of Property Owner/Authorized Agent: _____

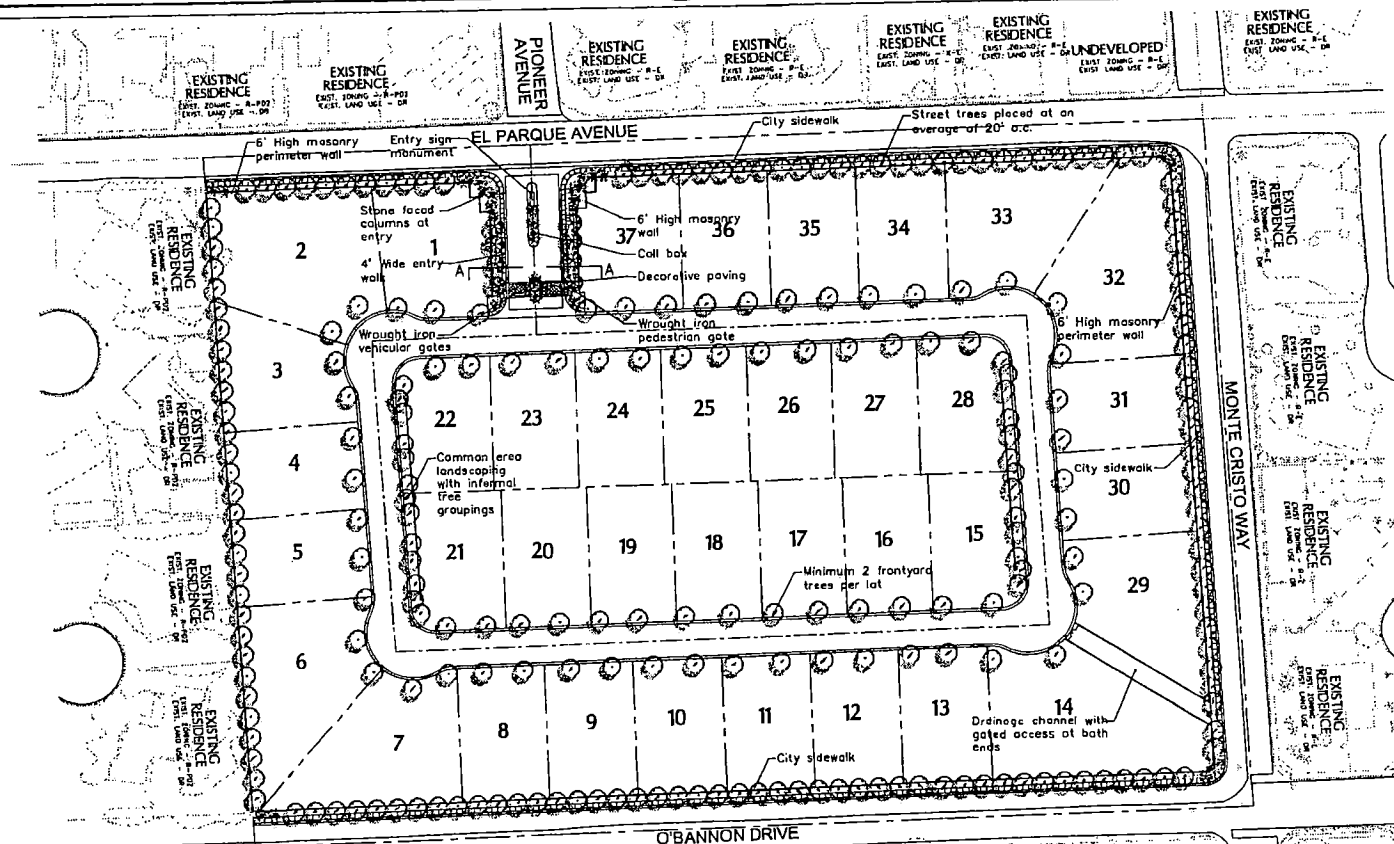
Print Name: PLASIM HOMES LLC

Subscribed and sworn before me

This 10th day of June, 2004
Shirley P. Hebrner
 Notary Public in and for said County and State



H:\Land Project\364001\dwg\Planning\Landscapes\364001.dwg, 3/13/2005 6:06:12 PM, Mark Bangan



SUGGESTED PLANT PALETTE

Street Trees such as-

Symbol	Botanical Name - Common Name
	Washingtonia robusta - Mexican Fan Palm (Non Skin)
	Phoenix dactylifera - Date Palm
	Fraxinus velutina 'Rio Grande' - Fan Tree Ash
	Platanus mexicana - Mexican Sycamore
	Pinus edulis - Mexican Pine
	Prosopis juliflora - Thornless Argentine Mesquite
	Quercus agrifolia - Southern Live Oak
	Robinia pseudoacacia 'Purple Robe' - Purple Robe Locust

Entry Trees such as-

Symbol	Botanical Name - Common Name
	Brachydonia pinnatifida - Bottle Tree
	Fraxinus velutina 'Rio Grande' - Fan Tree Ash
	Ligustrum lucidum - Glossy Privet
	Platanus mexicana - Mexican Sycamore
	Pinus edulis - Mexican Pine

Shrubs such as-

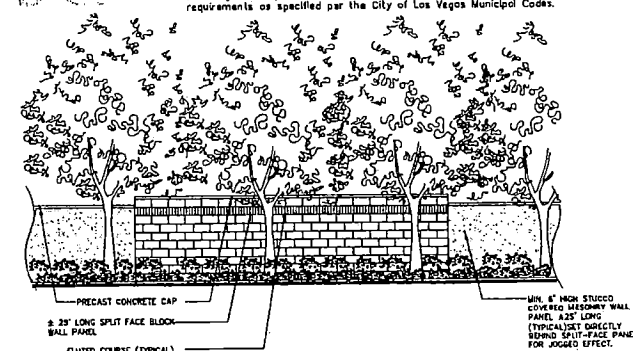
Symbol	Botanical Name - Common Name
	Buxus japonica 'Green Beauty' - Japanese Boxwood
	Cassia nemophila - Peppery Cassia
	Colanthe crotolaria - Red Clusterberry
	Dielsia repens - Fournight Lily
	Eucalyptus globulus 'Silver King' - Eucalyptus
	Heliotropium scaberrimum - Blue Oat Grass
	Hesperaloe parviflora - Red Yucca
	Juniperus chinensis 'Gold Coast' - Chinese Juniper
	Leucophyllum frutescens 'Green Cloud' - Texas Ranger
	Leucophyllum frutescens 'White Cloud' - Texas Ranger
	Ligustrum lucidum - Glossy Privet
	Nandina domestica 'Owl Stream' - Heavenly Bamboo
	Phoradendron villosum - Pothos
	Pittosporum tobira 'Variegata' - Tobira
	Pittosporum tobira 'Whisper's Door' - Tobira
	Prunus cerasifera 'Compacta' - Cerasifera
	Rhoicodendron indicum 'Ballerina' - Indian Hawthorn
	Rhoicodendron indicum 'Majestic Beauty' - Indian Hawthorn
	Rhoicodendron indicum 'Spring Time' - Indian Hawthorn
	Rosmarinus officinalis 'Irene' - Dwarf Rosemary
	Xylocarpus molle 'Shiny Leaf' - Shiny Leaf Xylocarpus
	Trachelium pinnatifidum - Star Jasmine

Groundcovers such as-

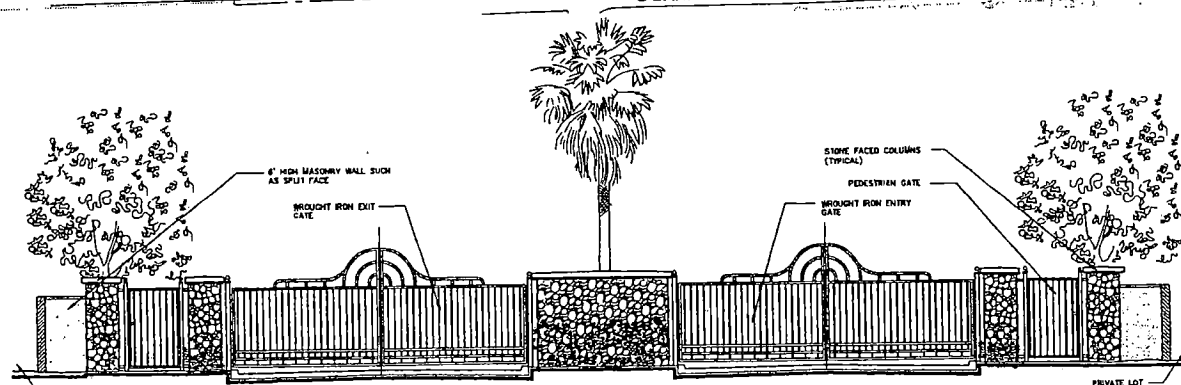
Symbol	Botanical Name - Common Name
	Drought Tolerant Fescue
	Tan colored rock mulch - 3/4" screened, 2" min. deep. Install in all shrub areas.

NOTE

Delivered hardscape, irrigation, planting plans and all relevant details will be provided on the construction documents. All landscaping, including landscape buffer requirements, will be subject to requirements as specified per the City of Los Angeles Municipal Codes.



(B) TYPICAL PERIMETER WALL
SCALE: 1/4" = 1'-0"



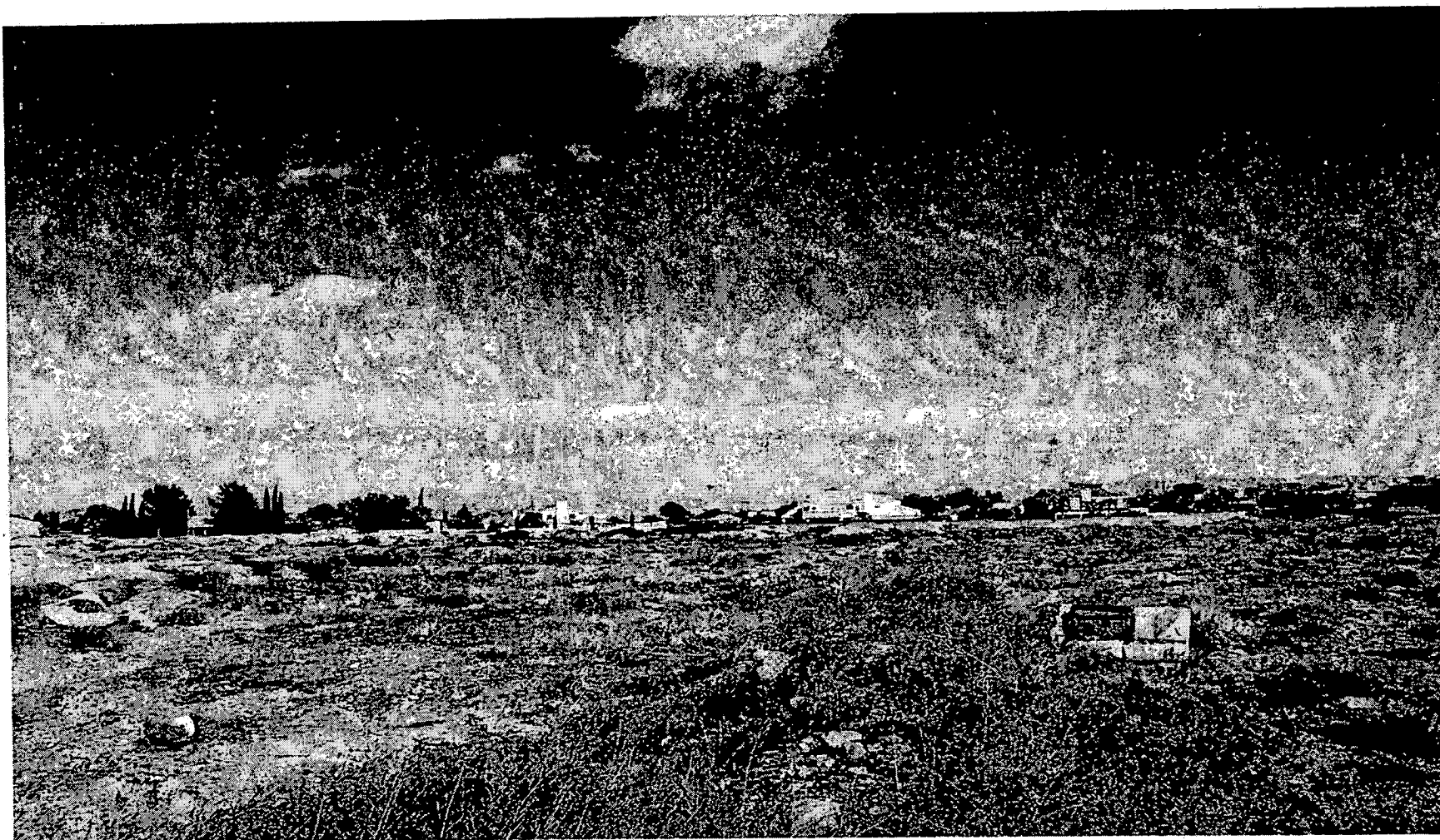
(A) SECTION AA: MAIN ENTRY GATES AT EL PARQUE AVENUE
SCALE: 1/4" = 1'-0"

Monte Cristo
Las Vegas, Nevada

CONCEPTUAL LANDSCAPE PLAN
Plasim Homes, LLC

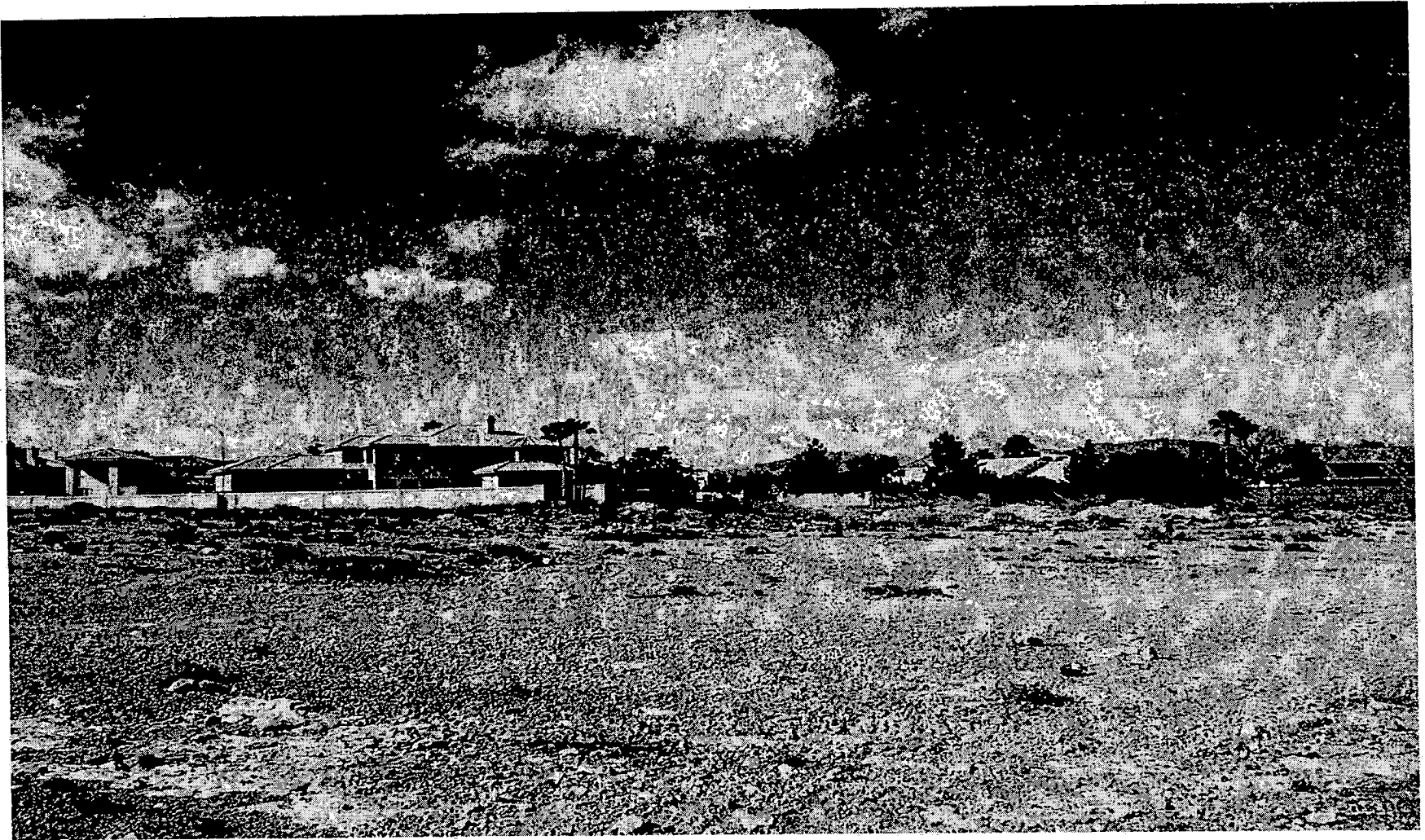
SDR-6233 ZON-6231
VAR-6232 04/28/05 PC





ZON-6231, VAR-6232, & SDR-6233 - APPLICANT/OWNER: PLASIM HOMES, LLC
NORTHWEST CORNER OF MONTE CRISTO WAY AND O'BANNON DRIVE
MAY 12, 2005 PLANNING COMMISSION

3/13/05



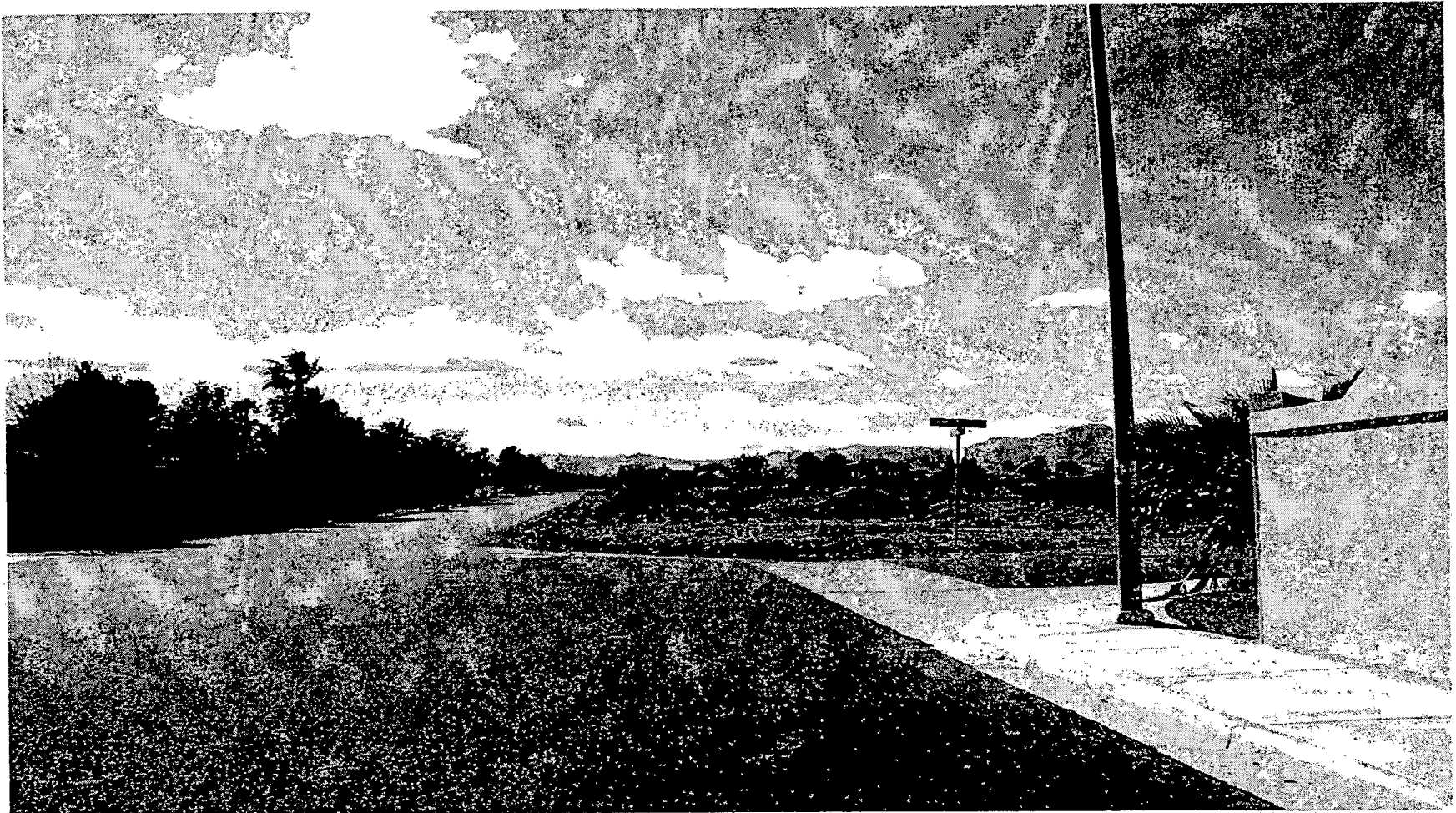
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NORTHWEST CORNER OF MONTE CRISTO WAY AND O'BANNON DRIVE
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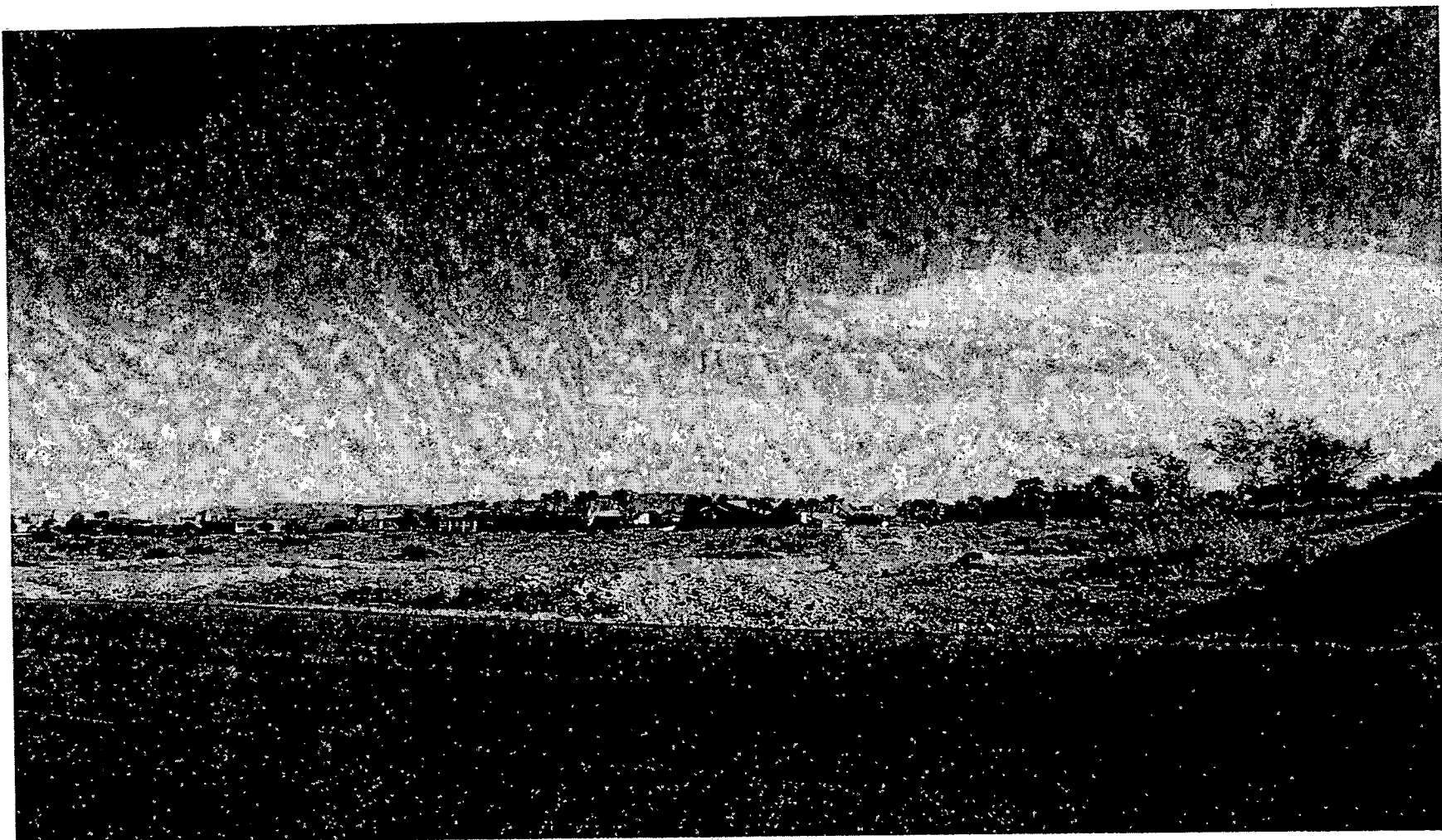
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NORTHWEST CORNER OF MONTE CRISTO WAY AND O'BANNON DRIVE
MAY 12, 2005 PLANNING COMMISSION

3/13/05



ZON-6231, VAR-6232, & SDR-6233 - APPLICANT/OWNER: PLASIM HOMES, LLC
NORTHWEST CORNER OF MONTE CRISTO WAY AND O'BANNON DRIVE
MAY 12, 2005 PLANNING COMMISSION

3/13/05



ZON-6231, VAR-6232, & SDR-6233 - APPLICANT/OWNER: PLASIM HOMES, LLC
NORTHWEST CORNER OF MONTE CRISTO WAY AND O'BANNON DRIVE
MAY 12, 2005 PLANNING COMMISSION

3/13/05

Project Number: 1364-001-041

LARRY R. NELSON, P.E.
President

March 3, 2005

- STRUCTURAL
- CIVIL
- SURVEY
- PLANNING

City of Las Vegas
Planning and Development
731 S. Fourth Street
Las Vegas, NV 89101

**Re: MONTE CRISTO/OBANNON - REZONING REQUEST,
SPECIAL USE PERMIT AND SITE DEVELOPMENT PLAN
REVIEW AND VARIANCE - APN 163-03-302-004, 005 & 006**

Dear Staff:

On behalf of our client, Plasim Homes, LLC, we are including this letter to provide information on the Rezoning Request, Site Development Plan Review, Special Use Permit and Variance being submitted for consideration on the above referenced project.

We are asking for this request to develop 16.0 acres of property located on the northwest corner of O'Bannon Drive and Monte Cristo Way as a Single Family Detached Development. This development would consist of thirty-seven (37) homes located on a sixteen-acre site. The proposed density would be 2.31 units/acre. The site is bordered to the west and northwest by existing R-PD2 developments and along the northeast, east, and south by existing R-E developments and single-family residences.

Our client is asking to utilize interior private streets with roll curb at a width of 39' from back of curb to back of curb.

NEVADA

L. NELSON

CONSULTING ENGINEERS, INC.

6765 West Russell Road, Suite 200
Las Vegas, NV 89118-1811

Phone 702 / 798-7978

FAX 702 / 451-2296

Email lnelson@lrmeng.com

Our Client feels that this proposed development is compatible with the surrounding area and will be an enhancement to the neighborhood. With this in mind, we would respectfully request approval of this Rezoning Request, Special Use Permit, Site Development Plan Review and Variance. If you have any questions or concerns, please contact this office at your convenience.

UTAH

L.R. NELSON

CONSULTING ENGINEERS, L.L.C.

51 West 9000 South
Sandy, UT 84070-2008

Phone 801 / 565-8580

FAX 801 / 565-9340

Email lmslc@qwest.net

Sincerely,
L. R. NELSON CONSULTING ENGINEERS, INC.


Mark Bangan
Planning Manager

Telephone Protest/ Approval Log

Meeting Date: 4/28

Case Number: ZON-6231
VAR-6232 & SDR-6233

Date: 4-21-05
Name: Anna Williams
Address: 7451 O'Bannon Dr.
Phone: 363-9745
☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
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☐ PROTEST ☐ APPROVE

From: awaarch@earthlink.net
To: Gary Reese, Larry Brown, Oscar Goodman, Lawrence Weekly, Michael Mack, Lois Tark, Steve Wolfson
Cc: planninganddevelopment@lasvegasnevada.gov
Subject: Protest of VAR-6232, Zon-6231, SDR-6233
Date: Apr 21, 2005 9:08 PM
Re: Objection to VAR-6232, Zon-6231, SDR-6233

Dear Mayor Goodman, Councilwoman Tarkanian, Councilman Weekly, Councilman Wolfson, Councilman Reese, and Councilman Mack:

I respectfully ask for the denial of the above applications by Plasim Homes, LLC, because they are incompatible with the surrounding neighborhood and its uses for the following reasons:

1. This property was originally a BLM piece and was acquired by the developer last year at auction. The surrounding land on all sides has been developed with homes on much larger lots than have been proposed by Plasim LLC. The proposed development encompasses approximately 16 acres of space with a wall around the entire perimeter and 37 large, repetitive, two-story, houses closely set together, approximately 5-8 feet to property line. The proposed development is not congruent with the surrounding and existing homes. The surrounding homes are spread out on much larger lots and have created the footprint of an open feeling in our neighborhood. This signature or footprint has set a precedent and defines our neighborhood with its individual, ranch-style homes on large lots.

2. The proposed development sits dead center in our neighborhood, completely surrounded by homes, and because of the proposed development's large scale and location, it will have a tremendous impact on the surrounding uses. All of the surrounding homeowners will be subjected to looking at this huge, walled-in compound with very little open space between each building. None of us want this. It will negatively and significantly change the nature of our neighborhood forever.

3. The request by the developer for a variance of the established open space required within this proposed development is unjustified. This large development needs open space, not only to provide better cohesion with the surrounding uses, but also to provide recreational use for the families within its confines. A variance of the open space will adversely affect this community.

We welcome development of this piece of property and hope that the developer will reconsider his design. However, if he does not, we ask for denial of the above referenced applications. Thank you for your service to our community.

Sincerely,
Anthony and Anna Williams

North half (N $\frac{1}{2}$) of SW $\frac{1}{4}$ of section 3 Township 21 Range 60 east m.d.m.

7450 E. Parque Ave
LUNO 39182 702 228 2128

Planning Commission

April 17, 05

Concerning rezoning 20N-6231
" Variance JAR 6232
SAR 6233

We, Mei Hui Campbell and Wayne G Campbell object to the rezoning and variance proposed by Plasm Homes LLC.

We have lived here for 13 years and are extremely comfortable with the size of existing lots. The change will cause jamming of homes and congestion in our area.

We would only approve building of homes custom-type in the 16 acre with existing zoning requirement and still comply with 26,450 sq feet minimum requirement.

Leave the R $\frac{1}{2}$ alone.

We would look at a big block wall with houses jammed into one spot because one guy or LLC wants to make a bunch of money on this deal and make all the existing residents suffer.

We will be calling a Townsman to voice our objection too!

I used look at the map (to JAM 37 lots in this area destroy this hole area)

Sincerely

Daniel E. Laplace

Mary G. G.

Dana Jonathon Nitz
Linda D. Nitz
1831 Kay Lynn Court
Las Vegas, NV 89117-2005
702-384-4012 work
702-363-2121 home

April 28, 2005

Planning and Development Department
Current Planning Division
Development Services Center
731 S. Fourth Street
Las Vegas, NV 89101

Re: APNS: 163-03-302-004, 005, and 006
Rezoning Application: ZON-6231
Variance Application: VAR-6232 and
Site Dev't Plan Review: SDR-6233 and Rezoning
Meeting Date and Time: April 28, 2005, 6:00 p.m.

To Whom It May Concern:

This letter raises objections to all three of the applications.

I live at 1831 Kay Lynn Court, which is directly across El Parque from the Plasim site. Each of the proposed applications, if approved, would adversely affect the value of my home, the safety of my cul-de-sac and the character of the neighborhood.

As to the site development plan review, the request is deceptive. It indicates a request for a change to R-PD2 (Residential Planned Development- 2 units per acre) zone for 16.00 acres. That would mean a maximum of 32 units for the development, yet the applicant seeks to put 37 single-family residential lots there. Even if the applicant only sought to put 32 homes on the site, it would still be objectionable as not fitting the character of the neighborhood. In Section 3, most of the developments are 5-acre parcels divided into 8 lots, or occasionally 9 lots, as opposed to the 10, that 2 units per acre would suggest. If the proposed development fit the character of the neighborhood, it would have only 26-29 homes.

The plan is also objectionable because it has only 2-story homes, though the neighborhood is balanced between 1 and 2-story homes. Furthermore, I am told, there are now only two different elevations proposed, when previously the applicant had proposed four. These will look like tract houses.

The variance application to eliminate the open space requirement is objectionable because

**READ INTO
THE RECORD**

Planning and Development Department
Current Planning Division
Development Services Center
April 28, 2005
Page 2

it simply leads to denser housing in the development than is found elsewhere in Section 3.

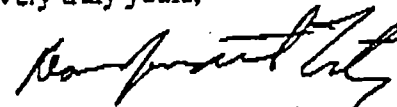
The proposed development is also objectionable because of the proximity of each of the homes to the others. Five-foot setbacks from the side property lines are proposed for many of the units. Elsewhere in the neighborhood, there is a minimum of 10 ft. The effect is to leave some of the homes 5 or 6 ft. apart, eave to eave. Instead of preserving the rural estate character of the neighborhood, this huge parcel would turn into "row houses."

Besides just the appearance, caused by the dense housing proposed, there are safety concerns. Adding an extra 8-10 units on the parcel would add an extra 20-25 cars in that small neighborhood. The proposed plan had one exit for the development. It is presently proposed to exit onto El Parque at Pioneer. Pioneer is a one block long street bordered by 8-home cul-de-sac on the east and the Marina Estates, a 19-home development on the west. It forms a "T-intersection" with El Parque at the south end and Oakley, one block away, at the north end. Adding another 37 homes, or even 26-29 homes, all exiting onto that one short block would greatly increase the noise and make it unsafe for the children in my cul-de-sac and Marina Estates to use that street. In addition, dumping all of these cars onto Pioneer would lead to a traffic bottleneck at Oakley, one block away, as all of these cars attempt to access or exit by the most direct route. The proposed plan would mean as many as 64 homes would exit onto the same one-block street. A more suitable plan, if the applicant insists on having a single exit, would be to place it on either Monte Cristo to the east of the property or O'Bannon to the south. Both of these streets are much longer and have only single family homes instead of cul-de-sacs on them.

If the applicant agreed to a maximum of 26-29 homes on the area and agreed to maintain the minimum open space requirement and preserved the 10 ft. setback, I would have no objection to the development.

All of my neighbors in my cul-de-sac share my concerns. If you have any questions about our concerns, please do not hesitate to contact me.

Very truly yours,



Dana Jonathon Nitz, Esq.

DJN:jh

READ INTO
THE RECORD

1870 BLACKWATER CT.
LAS VEGAS, NV. 89117
Phone: 1-702-243-9130
Fax: 1-702-243-9480

Fax

To:	Planning Commissioners	From:	MARY O. GREEN
Fax:	474-0352	Date:	April 26, 2005
Phone:	229-6301	Pages:	1
Re:	ZON-6231; VAR- 6232, SDR 6233	CC:	[Click here and type name]

Please record and make part of the written record of the Planning Commission meeting

On April 28, 2005

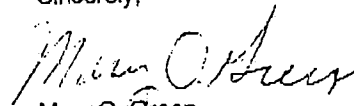
my opposition to

ZON-6231; VAR-6232, SDR 6233

This change has been requested by Plasim Homes.

This 16 acres of land is zoned Residence Estates and should remain so. To rezone such a large parcel to high density track homes is not in keeping with the surrounding homes in the area and will have a negative impact on the surrounding area. The builders request to eliminate the required open spaces in a development of this size is indicative of his total disregard for the requirements of the Zoning Ordinances of the City of Las Vegas and the Master Plan for this area. The denial of this application would protect the neighborhood and prevent the degradation of the area by future applications of this sort.

Sincerely,


Mary O. Green

**READ INTO
THE RECORD**

April 25, 2005

Filed to:
4/25/05

Planning Commission
City Council Chambers
Las Vegas City Hall
400 E. Stewart Ave.
Las Vegas, Nv. 89101

RE: SDR 6233 / VAR 6232 / ZON 6231 - to be heard April 28, 2005 - 6:00 PM

ATTN: ALL COMMISSIONERS

Dear Commissioners:

Regarding the above three issues being heard on April 28, 2005, please be advised that I and ALL of my neighbors are opposed to the above issues and hereby request that you vote to deny passage of each and every one of them.

Let me explain my point of view. First of all, the "owner" was to meet with all the neighbors and explain his "new" SDR. He has not done this, and hopes that he can push this through without anyone being any the wiser. He has not tried to work with the neighborhood to make his plan "fit in". Instead, he hides out and tells people that he is in Europe or somewhere else and that he can not be reached. As for his Variance, he wants to eliminate the "open area" within his "gated community" (more like walled in fortress) and that would then leave the children of that community to roam the streets with no place to go, and possibly vandalizing the remainder of the neighborhood. This is not a satisfactory answer, just because he wants to make a few more bucks. He isn't going to be living there, so what does he care anyway. But we do live there, and we care. As for the Zoning Change from RE to RPT2, no way. This has been zoned RE for many years, and needs to remain RE. It isn't that hard for him to comply with the RE status, and by rezoning to RPT2 would only "devalue" our property. The rest of the neighbors complied with the code, he can to. Again, he doesn't care about the neighborhood, only his pocketbook, and well, maybe the pocketbooks of some of the officials making the decisions. They might be getting a little fatter as well.

It's time you all stood up for the "people" that are already in the neighborhood, and have been for some time, and not give in to the "contractors". Think about it this way, if this were going to go in across the street from your house, would you want it? I don't think so. You would ask that it be denied, and we are all doing exactly the same thing. DENY IT. This is Las Vegas, not some hick town from back east. If he doesn't like to follow the code, then send him packing back to where he came from. If he wants to live in Las Vegas and follow the rules set out, then let him do so and build according to code and zoning as it is. We like it this way, and don't want to change, and we shouldn't have to because someone wants to fill their pockets because they paid too much for the land to begin with. Now they have to "fleece" the people and the screw up the neighborhood with less than code.

WE ALL REQUEST THAT YOU VOTE FOR DENIAL OF THE THREE ISSUES LISTED ABOVE.

Regards,

Frances Minnozzi - 2000 S. Monte Cristo Way - Las Vegas, Nv. 89117 (owner Rolladen Rolling Shutters)*
Bonnie R. McDaniel - 6537 Casada Way - Las Vegas, Nv. 89107 (owner A Quick Trip)*
Rowdy McDaniel - 6537 Casada Way - Las Vegas, Nv. 89107 (owner Papa John John's / Taylor Productions)

READ INTO (2)
THE RECORD

Dr. Daniel M. Ulitchny D.V.M. & Dr. Kristine Z. Ulitchny D.V.M.
7380 O'Bannon
Las Vegas NV 89117
(702) 363-5629
(702) 876-7580 (fax)

April 28th, 2005

To Whom It May Concern,

I am writing in regards to the proposed zoning application cases VAR-6232, ZON-6231, SDR-6233. I have severe concerns about the quality of life impact that this variance may have for the neighborhood as a whole.

I would have liked to voiced my concerns directly to the developer. Unfortunately we received such short notice that my wife and I were not able to make sufficient arrangements to leave our veterinary practice from 4PM to 6PM on 4/26.

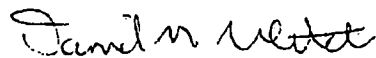
We have lived at our current O'Bannon address three years this July and have worked hard to keep this ½ acre property and our home properly groomed and maintained. It has been a pleasure to see all my neighbors take the same pride in maintaining and improving their ½ acre or larger lots in a similar manner. As I study the proposed variance plans it is clear to me that this type of development would be in extreme contrast to the surrounding neighborhood. I sincerely would like to see this 16 acre parcel be developed in keeping with the current theme and layout of the surrounding area.

My wife and I strongly urge the city staff and planning committee to deny this application for variance. We are concerned and displeased with the short notice the developer's attorney gave us. It sends a clear signal from the developer that there is a serious lack of respect for working with the established residents who want to see a quality development on that parcel. Further time and consideration should be given to the impact of that variance on the quality of life for the surrounding residents. The developer's representatives should also be made to understand that we are genuinely concerned about a quality neighborhood development and that respect will need to be shown for our time and opinion regarding this area.

Thank you for your time and consideration.

If there are any further questions or clarifications please feel free to contact me at the above listed address or telephone number.

Sincerely,



Dr. Daniel M. Ulitchny D.V.M.

**READ INTO
THE RECORD**

PETITION TO THE CITY OF LAS VEGAS- A PROTEST OF THE FOLLOWING ZONING APPLICATIONS:

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

NAME (print)

NAME (signature)

Address

1. Daniel M. Witzberg Daniel M. Witzberg 7380 O'Brien Ct NV 89117

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READ INTO
THE RECORD

7325 El Parque Ave
Las Vegas, Nv. 89126
April 22, 85

Planning Commission
Planning and Development Dept.
Co. Gary Lebeck; Planning Supervisor

Re: 221V 6231
22R 6232
SDR 6233

Please be advised, we hope that
Plasma Homes Inc. Request for Re-
zoning, variance and proposed 37
Lot 57R plan as denied. The
plan does not appear to coincide
with the current neighborhood struc-
tures.

Thank you.

Sincerely,

Peter L. King
Mary L. King

READ INTO
THE RECORD

April 26, 2005

To: Planning Commissioners

Re: Rezoning of land at El Parque and Monte Cristo
ZON-6231; VAR-6232; SDR 6233

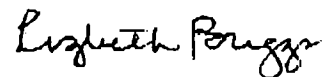
Dear Sirs,

I have heard the presentation concerning the rezoning of this parcel of land right in the middle of our neighborhood. The spokesman for the owner of the land has shown a very densely-packed plan, full of huge houses, packed together on very small lots for the house size. He readily admits that some of these houses will have barely 5 feet to the fence line, although "most" will have 7 or 8.

The neighborhood around this piece is built with a great deal of open area around the houses. This open look defines our neighborhood, and those of us who live here have bought or built in this area because this is the style that we choose. The proposed development is incompatible with the surrounding neighborhood, and its sheer size would mean that it would dominate the area, and change the feel of life here.

This parcel was zoned R-E when it was put up for bid. The purchaser knew what that zoning was at the time of his purchase. I cannot see why it should be re-zoned to suit the purchaser, who is now concerned that perhaps he paid too much for the property, and cannot recover his money if he is compliant with the existing zoning.

Sincerely,



Lizbeth Briggs
1901 Newport Bay Drive
Las Vegas, NV 89117

READ INTO
THE RECORD

April 27, 2005

Las Vegas Planning & Development
731 South Fourth St
Las Vegas, NV 89101

To The Planning Commissioners,

We live at 7350 Obannon Drive and would like our objection known regarding the following case numbers: ZON-6231; VAR-6232; SDR-6233.

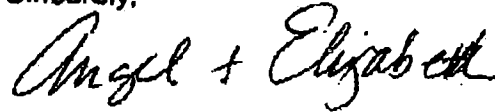
This development will definitely affect the quality of life in the small cul de sac that we live in. We are located directly east of this development and would have some potential flooding issues from drainage based on the plans we reviewed.

We have lived in our home for over seven years and have enjoyed our neighborhood greatly. The quality of life and the enjoyment of large lots with great neighbors and housing developments that allow for children to play within those developments is very important to that quality of life.

We are very interested in seeing the land developed however we would like the development to meet the integrity of the homes that surrounds this development. Small lots with extremely large homes and no open space does not meet the integrity or life style of this area.

Thank you for taking the time to note our objection it is important that you deny all the above cases but especially the open space variance, case VAR-6232.

Sincerely,



Angel & Elizabeth Fajardo

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THE RECORD

PETITION TO THE CITY OF LAS VEGAS- A PROTEST OF THE FOLLOWING ZONING APPLICATIONS:

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

NAME (print) NAME (signature) Address

1. CHRISTINA T. ORTEGA *C. Tibayja-Ortega* 7370 O'BANION DR.

2. DR. CARLOS ORTEGA *[Signature]* 7370 O'BANION DR.
Duplicate

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THE RECORD

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PETITION TO THE CITY OF LAS VEGAS- A PROTEST OF THE FOLLOWING ZONING APPLICATIONS:

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

NAME (print)	NAME (signature)	Address
1. Maria Mueco	[Signature]	2211 S. Monte Cristo Way
2. Terry Bunker	[Signature]	2221 S. Monte Cristo Way
3. Kirk DOWEN	[Signature]	2211 S. Monte Cristo Way
4. JOSE OCHOA	[Signature]	2291 S. PIONEER way
5. THOMAS WELSH	[Signature]	2281 S Pioneer Way
6. Anne Caddick	[Signature]	2211 S. Pioneer Way
7. Tony Barakat	[Signature]	2270 S. Pioneer
8. Mickey Vitzko	[Signature]	2210 S Pioneer
9. ROBERT KLEDS	[Signature]	2101 S. Pioneer Way, LV 89117
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THE RECORD

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4/22/05

I object to the requests
for site development plan review,
variance and rezoning
for 163-03-302-004, 005 & 006.

SDR-6233 and VAR 6232 & ZON
6231

as they are not compatible with
the neighborhood.

Bob Jenkinson

1990 KayLynn Ct
LV, NV 89117
363-5037

**READ INTO
THE RECORD**

April 21, 2005

Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

Dear Sirs,

This letter is in protest to the proposed rezoning and open space variance for Plasim Homes, LLC for the property located on the northwest corner of Monte Cristo Way and O'Bannon Drive, case ZON-6231, VAR-6232, and SDR-6233. This 16 acre property, which is directly behind our home, was purchased as rural residential land. That zoning would allow 2 homes per acre or a total of 32 homes.

This developer proposed a former plan with 39 homes, with many lots of only 1,000 square feet. The owners in the neighborhood were strenuously against the plans submitted. The developer was asked to submit another plan. This proposed plan has reduced the homes to 37, only dropping the number by 2! The lots are again going to be very small with large track houses of only three models crowded in side by side and no open space.

This does not suit the character of the neighborhood which has large custom homes on large lots. This development should be denied a variance and rezoning. The purchaser knew what the area was zoned for when it was bought.

Thank you for your consideration.

Sincerely,

Marian C. Haas
David Haas

Marian and David Haas
2110 Homeview Court
Las Vegas, NV 89117

**READ INTO
THE RECORD**

PETITION TO THE CITY OF LAS VEGAS- A PROTEST OF THE FOLLOWING ZONING APPLICATIONS:

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasm Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

NAME (print) NAME (signature) Address

1. LORI KESAR Lori Kesar 2204 Purple Majesty Ct. 89117
2. Jeffrey Kesar J. Kesar " "
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THE RECORD

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Monte Cristo Estates

**PETITION TO THE CITY OF LAS VEGAS-
A PROTEST OF THE FOLLOWING
ZONING APPLICATIONS:**

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasm Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	Toni Sikorski	Toni Sikorski	2245 Village Fort Ct.
2.	Uri Sally	[Signature]	2280 Village Fort
3.	Nancy Parente	Nancy Parente	2240 Village Fort Ct.
4.	Mike Teepe	Mike Teepe	2285 V. 1/2 Fort Ct.
5.	Harriet Wojan	Harriet Wojan	2240 Village Fort Ct.
6.	Kawra Esser	[Signature]	2220 Village Fort Ct.
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THE RECORD**

(6)

PETITION TO THE CITY OF LAS VEGAS- A PROTEST OF THE FOLLOWING ZONING APPLICATIONS:

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	DAVID HAAS		2110 Homeview CT Las Vegas NV 89117
2.	MARILYN HAAS		2110 Homeview CT Las Vegas NV 89117
3.	Thomas P. Root, Jr.		2205 Purple Majesty Ct. LV, NV 89117
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THE RECORD

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PETITION TO THE CITY OF LAS VEGAS- A PROTEST OF THE FOLLOWING ZONING APPLICATIONS:

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

NAME (print) NAME (signature) Address

1. Charlotte Tanner Charlotte Tanner 2111 Home View Ct. LV, NV 89177

2. DAVID Tanner DL Tam 2111 Home View Ct 89117

3. Kyle Stephens [Signature] 2231 S. Monte Cristo Way, LV Nevada 89117

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THE RECORD

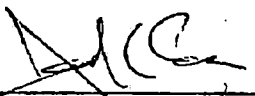
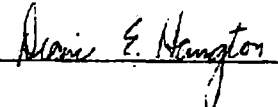
(2)

PETITION TO THE CITY OF LAS VEGAS- A PROTEST OF THE FOLLOWING ZONING APPLICATIONS:

Please record and make part of the written record my opposition to the following zoning proposals: VAR-6232; ZON-6231; SDR-623

Applicant/owner Plasim Homes, Limited Liability Company

The proposed changes are incompatible, inconsistent and detrimental to the existing neighborhood.

	NAME (print)	NAME (signature)	Address
1.	Joe Essa		2220 US 101st Fort Ct, LV NV
2.	Anthony Williams		7451 WILSON DR., LV NV.
3.	Diane Harrington		2020 Homewood Cr. LV, NV
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READ INTO
THE RECORD

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Tuesday, April 26, 2005

L V. PLANNING DEPT.

To Whom It May Concern:

We would like to express our opposition to the proposed zoning change requested by Plasim Homes, LLC at Monte Cristo Way and O'Bannon Dr. This parcel is currently zoned for R-E and we are against any sort of change to our neighborhood. Thank you for your consideration.

Sincerely,

Russ and Earlene Milko
7360 O'Bannon Dr.
Las Vegas, NV 89117
702-804-0355

Earlene Milko

Russ Milko

Ward I Protest of Zon - 6231,
SDR - 6233, VAR - 6232

**READ INTO
THE RECORD**

April 28, 2005

Planning Commission
731 South Fourth Street
Las Vegas, NV 89101

Ref: ZON-6231, VAR-6232, SDR-6233

Dear City Council Members,

This letter is written in regard to changes requested by Plasim Homes, LLC. We are the Caddick and Barcelon families. We live at 2271 and 2270 S. Pioneer Way, respectively, close to the proposed development.

We strongly protest the rezoning of this property to allow more houses to be built than is allowed under the current RE zoning. We have a beautiful family neighborhood, large houses on spacious lots. That is why we bought houses here in the first place.

This builder intends to cram houses literally feet apart. They want to put 37 houses on 16 acres. RE zoning road and space requirements denotes that only 30 houses should be allowed on 16 acres, which would be more in keeping with our typical half-acre and larger sized lots. The variance requesting **zero** open space will eliminate any open space for recreational use by the residents. Essentially you will be looking at a bunch of cookie-cutter houses in our custom neighborhood.

They have only one egress designated, most likely so that it will not utilize any more land that they could squeeze a house or two on. The congestion in and out of a development that size would be considerable. We made our objections clear to the builder as soon as we were notified of what they intended to build. Their response was to request zoning and variance changes and still squeeze as many houses onto the property as possible.

Please don't allow the proposed variance and zoning changes. We would like to see the property developed, but more in keeping with our current neighborhood character.

Thank you for your time and consideration.

Sincerely,

Patrick and Anne Caddick

Patrick and Anne Caddick

2271 S. Pioneer Way
L.V., NV. 89117

Sidney and Jamece Barcelon

Sidney and Jamece Barcelon

2270 S. Pioneer Way
L.V. NV. 89117

ZON-6231
VAR-6232
SDR-6233

P

April 25, 2005

Dear Planning and Development,

I am writing to oppose SDR-6233, VAR-6232, and ZON-6231. The property in question is completely surrounded by half-acre custom homes. This would be a gross deviation from the immediate area. This would have a detrimental effect on the existing properties. Do to the nature of this properties location it should remain half-acre residential.

Sincerely,



Martha J. Coolman
1991 Kay Lynn Ct.
Las Vegas, NV 89117
702-254-9681

RECEIVED AFTER
PC MEETING

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE - SUP-5984 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: FREMONT BRUCE, LLC - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT adjacent to the southeast corner of Bruce Street and Fremont Street (APN 139-35-803-001), C-2 (General Commercial) Zone, Ward 3 (Reese).

C.C.: 06/15/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

TRUEDELL – APPROVED subject to conditions – Motion carried with DAVENPORT and EVANS voting NO and McSWAIN excused

To be heard by City Council 6/15/2005

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open on Item 28 [SUP-5984] and Item 29 [SDR-5942].

FLINN FAGG, Planning and Development Department, gave a brief overview of the applications. The item has been redesigned since being previously abeyed to address some of staff's issues. Some minor revisions are still necessary such as access to the southeast building on the site. Also, during the last meeting, the Commission asked about requirements associated with the closure of a mobile home park and a report has been provided and meets the requirements of the Nevada Revised Statutes.

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 28 – SUP-5984

MINUTES – Continued:

DENNIS RUSK, 3960 East Patrick Lane, Suite 203, appeared on behalf of the applicant and concurred with all staff recommendations and conditions. STEVEN MARZULLO, an attorney who specializes in closing mobile home parks, accompanied him.

TODD FARLOW, 240 North 19th Street, appeared on behalf of the Church Noblitt Homeowners Association. MR. FARLOW expressed concern for the ongoing problem when individuals are displaced from mobile home parks and are in need of temporary shelter or a place to live. He felt that there should be a proactive stance on these kinds of situations where resources are available to these individuals. He referenced a nearby vacant home on his street that has been bordered up for over two years, although he believed the City Code mandates that a home cannot be bordered up for over six months. When the lower priced homes are taken off the market, these individuals are at a disadvantage because they cannot afford the higher priced homes. He also referenced an article in Dwell magazine, which explains how the government in the Netherlands is addressing low-income housing and sound wall problems.

SHIRLEY BAKER, 1804 Fremont Street, Trailer 28, a resident of the subject park, spoke in opposition of the applications. Her trailer cannot be moved. The applicant has said they would give her fair market value for the home, but she will be required to pay for the demolition of that trailer since it cannot be moved. MS. BAKER did not feel she would get a very high appraisal on her trailer as it is old and falling apart. There are 31 families in the park and many have children. Those children are enrolled in the local school and will now have to be moved. Many of the residents have nowhere to go and no money to relocate.

MARIA DeJESUS RIVERA, 1804 Fremont Street, Trailer 6, concurred with MS. BAKER that the residents are not financially able to move. The families with children would be happy to move them to a new school if someone can pay for it. The only reason she cannot move is lack of funds.

COMMISSIONER STEINMAN inquired about the NRS requirement for closure of mobile home parks. He sought further explanation on who pays for relocation of trailers that can be moved. He also asked if the homeowners of trailers that cannot be moved have to pay for demolition and who NRS 278 was in place to protect. MR. MARZULLO explained that mobile home residents are some of the best protected in the state. The purpose of 278 was to allow Boards, such as the Planning Commission, to decide if alternative housing is available.

MR. MARZULLO said the demographics of area will absorb the homes at a rate close to the rents being paid. There are many empty mobile home spaces in one and two-star parks because there is no new product being built to fit into the spaces. The older, single mobile home is a

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Planning and Development Department
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MINUTES – Continued:

desirable commodity for the parks because that is all that will fit. The new models are doublewide trailers. There is room for the single wide homes from the subject site; however, the homes must be habitable and moveable. The property owner must pay for the entire cost of relocation including the deposits on utilities. For the homes that do not meet that requirement, there is a provision that states the property owner must pay fair market value, established by a State appraiser, less the owner's cost for removal of the trailer left on the property.

COMMISSIONER EVANS thought the demolition and removal portion of that law was a glitch because a trailer owner could potentially end up with no payment. ATTORNEY MARZULLO indicated that he has yet to see a zero sum paid out. The appraisers are very generous. The Commissioner acknowledged the applicant might be meeting the state standards; however, he felt it was one of the most unfair laws he has ever seen enacted by Legislature. It makes people homeless.

COMMISSIONER STEINMAN asked what would happen if the cost of demolition exceeded the fair market value of the trailer. ATTORNEY MARZULLO informed him that the appraiser, who computes the fair market value of the trailer, also calculates the cost of removal. If the demolition costs more, the property owner would be left absorbing the expense and the homeowner would get nothing. The Commissioner thought the law was unfair to the trailer owners.

CHAIRMAN NIGRO confirmed with DEPUTY CITY ATTORNEY BRYAN SCOTT that the applicant's report somewhat complied with the law. He noted that many of the parks listed in the report were senior only communities and he was unaware of how many people in the seven trailers that could be moved were seniors. Also, some parks listed had no spaces available, so he was not sure if it could be considered a comparable park. DEPUTY CITY ATTORNEY SCOTT had never seen such a report before so he questioned what would be comparable, but the report did seem to meet the intent of the law.

VICE CHAIRMAN TRUESDELL stated the area is part of the redevelopment area and it is important but redevelopment should not come on the back of the people who have lived through the more difficult times of a downtown area. He was surprised the developer did not take an aggressive stance and work better with the neighbors so it was just a few residents being dealt with instead of the entire park. He would support the project in the design, although he felt it was more appropriate to call it an apartment building with retail on the bottom than a mixed-use development. The development does meet the City requirements.

The Vice Chairman felt that with the project's density, should be plenty of dollars to deal with

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 28 – SUP-5984

MINUTES – Continued:

misplaced individuals. He suggested that the applicant's representative could call the state to have a representative come down and speak with the residents because there seems to be a communication gap.

COMMISSIONER STEINMAN said he also supported the project but thought the developer should have come forward prepared to advise the City that they would help the residents relocate. They cannot afford to move and the developer should help. He did not like the attitude that after being paid a few dollars, the residents would just go away.

COMMISSIONER EVANS agreed with VICE CHAIRMAN TRUESDELL regarding the project looking more like apartments. He thought the site plan was deficient and called the access issue discomfoting. He would not support either application because one of the requirements used to measure Special Use Permits and Site Development Plan Reviews against is harmony and none exists with the current proposal.

COMMISSIONER DAVENPORT asked if the applicant would consider not charging the residents for demolition and removal since the site would have tractors and equipment on site prior to construction anyway. MR. RUSK indicated the state would determine that, the applicant would have no control. COMMISSIONER DAVENPORT replied that the owner could choose to not collect the money for demolition from the fair market value payment if the desire was there. MR. RUSK contended that it was a state decision. DEPUTY CITY ATTORNEY SCOTT interjected that the state does establish minimal rules but if the developer chose to do more, it would not be prohibited. MR. MARZULLO reiterated that the appraiser is from the state and is very generous. In his experience, the residents always get some money.

MR. RUSK stated he has been trying to make the transition as painless as possible.

CHAIRMAN NIGRO indicated the situation goes beyond the authority of the Planning Commission. It has the affect of displacing people and there is an issue of property owner's rights. It could also affect future mobile home parks that may or may not be developed because of the impacts that could be experienced if the owner wanted to transition it to something else. These problems could create a barrier to having affordable housing in the future and the City needs affordable housing.

CHAIRMAN NIGRO declared the Public Hearing closed on Item 28 [SUP-5984] and Item 29 [SDR-5942].

(8:49 – 9:22)

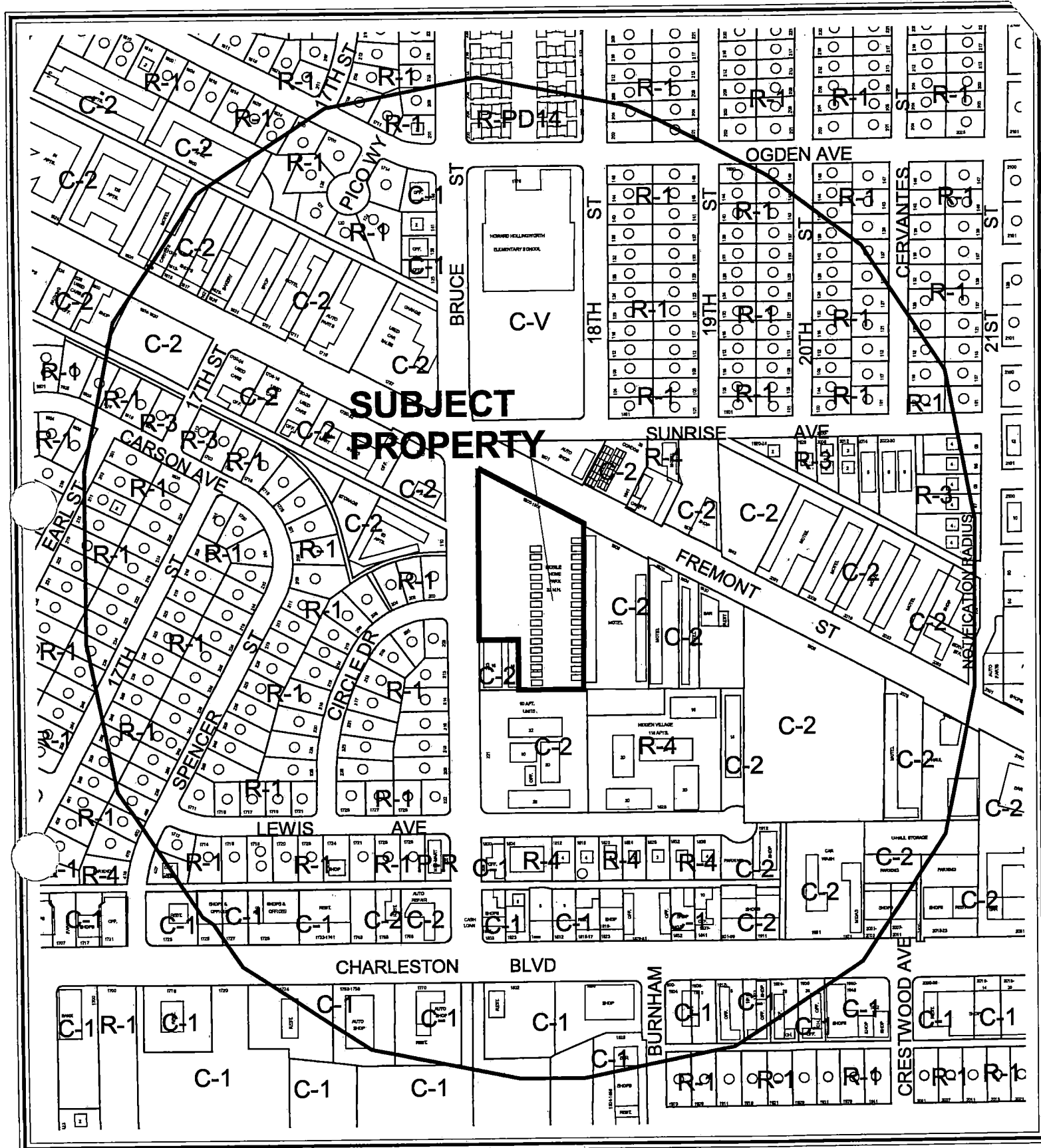
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PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 28 – SUP-5984

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for Mixed-Use development. The building at the northwest corner of the site shall be revised so that the ground-floor commercial space shall be directly accessible from the public sidewalks on Fremont Street and Bruce Street.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5942).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.



**SUBJECT
PROPERTY**

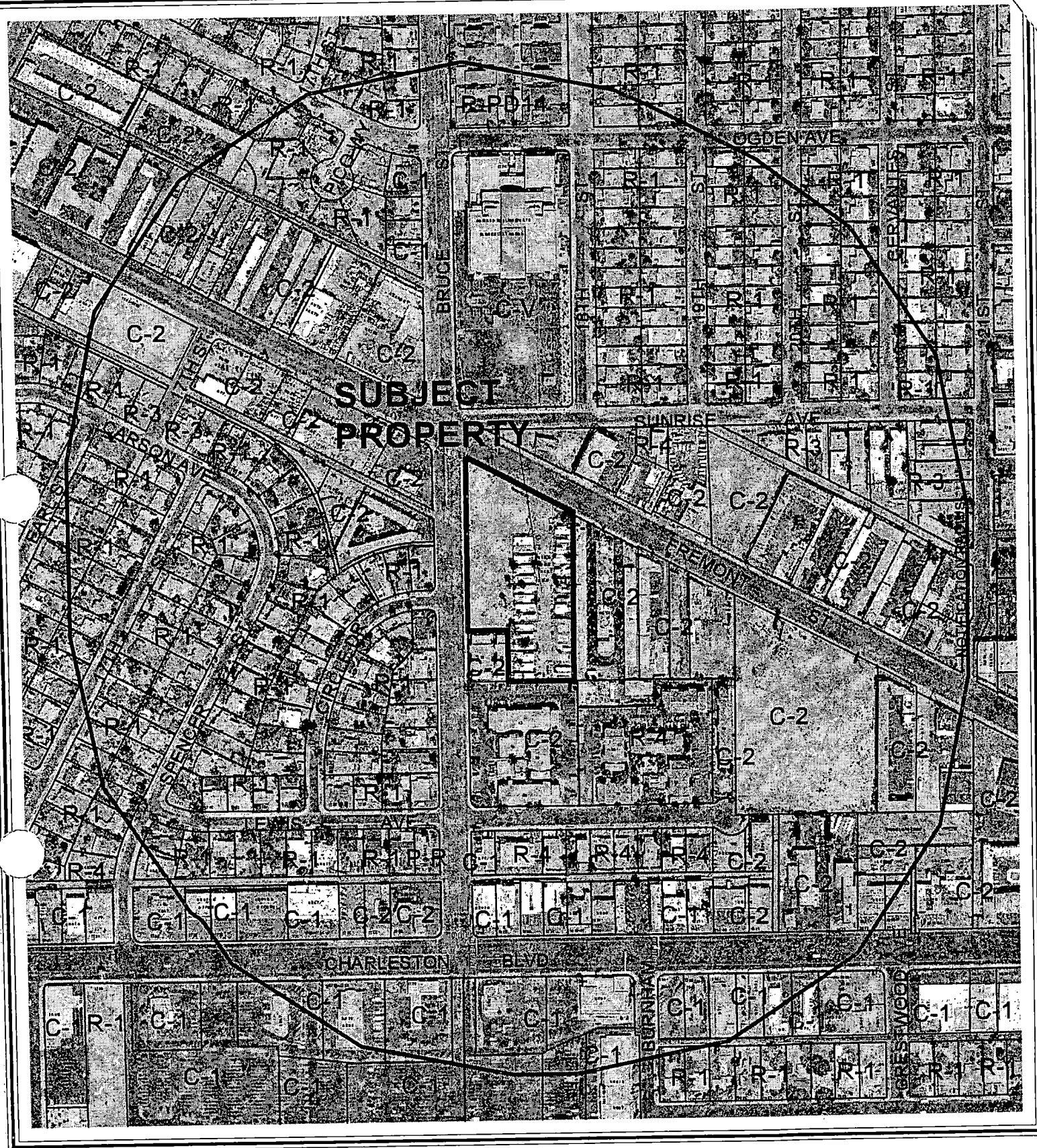
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CASE: SUP-5984

RADIUS: 1000 FT

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





CASE: SUP-5984

RADIUS: 1000 FT

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

0 300 600 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-5984 - APPLICANT/ OWNER: FREMONT BRUCE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for Mixed-Use development. The building at the northwest corner of the site shall be revised so that the ground-floor commercial space shall be directly accessible from the public sidewalks on Fremont Street and Bruce Street.
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4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for approval of a Special Use Permit for a proposed Mixed-Use development adjacent to the southeast corner of Bruce Street and Fremont Street. A companion Site Development Plan Review (SDR-5942) has been submitted concurrently with this request.

B) Applicant's Justification

The applicant states that the project falls into the neighborhood revitalization area and qualifies for a Mixed-Use Project of Retail/Commercial and Residential by a Special Use Permit.

BACKGROUND INFORMATION

A) Related Actions

- 02/16/94 The City Council approved an appeal to allow the sale of beer and wine in conjunction with a proposed convenience store. The Board of Appeals recommended denial of the request on 01/25/94.
- 03/10/05 The Planning Commission held this item in abeyance to the 04/14/05 PC Meeting to allow the applicant time to redesign the building elevations.
- 04/14/05 The Planning Commission held this item in abeyance to the 05/12/05 Planning Commission meeting at the request of the applicant.
- 05/12/05 The Planning Commission will consider a related Site Development Plan Review (SDR-5942) application concurrently with this request. Staff has recommended approval of the request.

B) Pre-Application Meeting

- 01/04/05 The project was reviewed by the Office of Business Development at a Fast Track application meeting. The entitlement process schedule was discussed with the applicant.

C) Neighborhood Meetings

03/01/05 A neighborhood meeting was held by the applicant, even though it was not required as part of the application process. Six members of the public were present at the meeting, and four representatives of the applicant were on hand to answer questions. The following issues were raised by members of the public:

- Traffic impacts to adjoining roadways;
- Appearance and management of the apartments;
- Suitability of the soils and level of the water table;
- Availability of infrastructure to serve the project;
- Concerns about the provision of open space; and
- Height of the buildings and obstruction of views.

The applicant noted that the existing mobile home park would be removed to make way for the new development.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.76

B) Existing Land Use

Subject Property: Mobile Home Park
North: Auto Repair
Elementary School
South: Multifamily Residential
East: Motel
West: General Retail
Multifamily Residential
Single-Family Residential

C) Planned Land Use

Subject Property: MXU (Mixed-Use)
North: MXU (Mixed-Use)
PF (Public Facilities)
South: MXU (Mixed-Use)
East: MXU (Mixed-Use)
West: C (Commercial Use)
H (High Density Residential)
L (Low Density Residential)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
C-V (Civic)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)
R-1 (Single Family Residential)

E) General Plan Compliance

The property is located within the boundaries of the Las Vegas Redevelopment District, and has a Mixed-Use land use designation. The Mixed-Use designation allows uses comparable to the following land use categories: L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), GC (General Commercial), and PF (Public Facilities). The proposed uses are in compliance with the land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As noted above, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Mixed-Use land use designation. The proposed uses are in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the East Fremont District. New commercial development and the integration of mixed-income residential neighborhoods are encouraged for this area, along with the provision of open space to serve residents of the area.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of parking requirements. The following table details the parking figures for the development:

Uses	GFA	Provided Parking	
		Regular	Handicap
Commercial Space	21,000 SF		
Residential Units	152 Units		
Total:		235	7

The development will provide a total of 242 on-site parking spaces, with 152 spaces allocated for the residential units, and 86 spaces allocated for the commercial portion of the development. The number of parking spaces allocated to the commercial uses results in a ratio of one space per 250 square feet of floor area, which exceeds the amount generally provided within the boundaries of the Downtown Centennial Plan area; the ratio of one parking space per residential unit is consistent with other projects that have been approved for the downtown area.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Mixed-Use development.

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Mixed-Use	Residential uses may be permitted in commercial districts by means of a Special Use Permit	Y
	Non-residential use shall be located at the ground level fronting the primary public right-of-way	N
	The architecture shall highlight the difference in uses	Y

The building located at the northwest corner of the site includes ground-floor commercial space, but it is not directly accessible from the public sidewalk. The plans will need to be modified so that the ground-floor spaces are accessible from the street frontage.

B) General Analysis and Discussion

- **Zoning**

The subject site is zoned C-2 (General Commercial), and is located within the boundaries of the Downtown Centennial Plan area. The project is generally consistent with the requirements of the Centennial Plan, with the exception of architectural requirements, streetscape treatment, and landscape requirements. Height limits and parking requirements are not automatically applied.

- **Use**

Within the C-2 (General Commercial) zoning district, residential uses permitted by right in the R-4 (High Density Residential) are permitted upon approval of a Special Use Permit. Commercial uses are permitted by right in the C-2 (General Commercial) district. The development will include a total of 152 apartment units and 21,000 square feet of commercial space.

- **Conditions**

The design of the building does not comply with the requirement for the commercial space to be directly accessible from the public right-of-way; a Condition of Approval has been included to address this issue.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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

The proposed residential and commercial uses can be conducted in a manner that is compatible with surrounding land uses, and with the uses projected by the General Plan.

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

The proposed development will result in a density of 55 units per acre, which is appropriate for an urban area. Adequate on-site parking will be provided for both the residential and commercial uses.

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

The site has frontage on two public rights-of-way, which provides excellent access to the site. The existing street network has adequate capacity to accommodate the proposed development.

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

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise public health, safety, or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

NOTICES MAILED 416

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: **FREMONT BRUCE, LLC**

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name: Shmuel Oved, Manager
Fremont Bruce, LLC

Subscribed and sworn before me

This 19th day of January, 2005

Sha. Abed
Notary Public in and for said County and State
Los Angeles, CA



18TH

SANFEE AVENUE

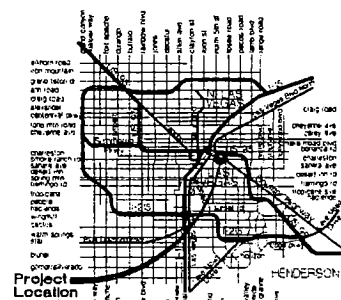
ACCENT PARKING
PER CITY STANDARD

PROPOSED 4-STORY OFFICE and CONDOMINIUM

BRUCE STREET

ACCENT PARKING
PER CITY STANDARD

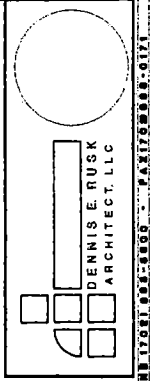
ORACLE DRIVE



VICINITY MAP

PROJECT DATA

APN # 139-35-803-001	FREMONT/BRUCE STREET
ADDRESS:	LAS VEGAS, NV
LOT COVERAGE	45%
LOT AREA	122,106 S.F. (2.76 ACRES)
PARKING REQUIRED:	
RESIDENTIAL	151 UNITS @ 1.5/UNIT = 152
RETAIL/MEDICAL	21,700 SF @ 250/SF SPACE = 84
TOTAL REQUIRED	236
PARKING PROVIDED:	
STANDARD PARKING (9' x 19')	225
HAZICAP PARKING (13' x 18')	6
HAZICAP VAN ACCESSIBLE (17' x 19')	1
TOTAL PROVIDED	242



SITE DEVELOPMENT PLAN

FREMONT VILLAGE

FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89101

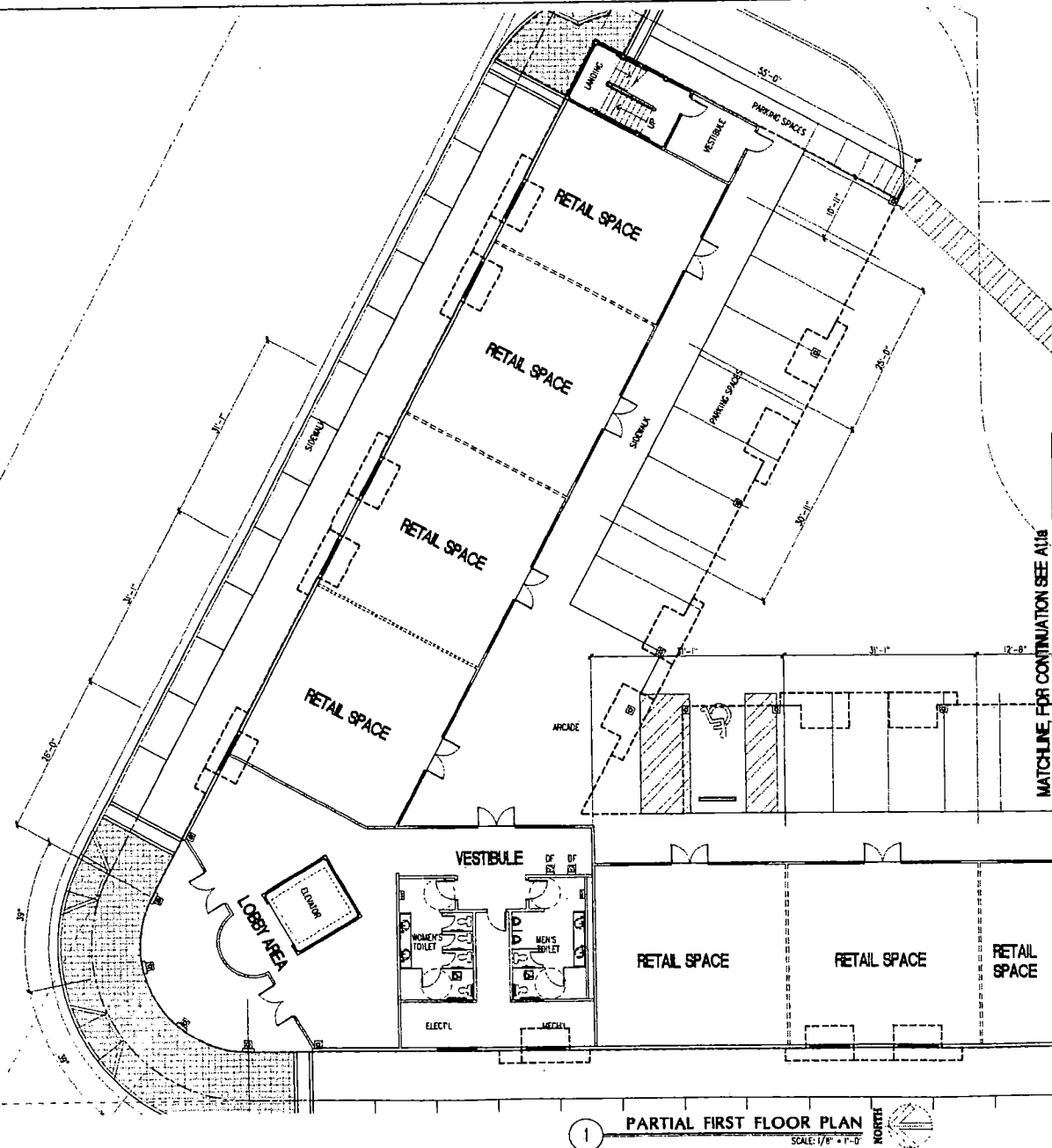
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3	DESIGNED BY: [Signature]
4	CHECKED BY: [Signature]
5	SHEET NO: 1

SP10

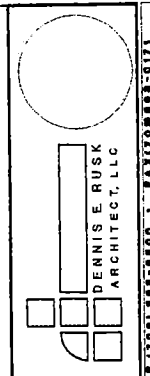
1 SITE DEVELOPMENT PLAN
SCALE: 1" = 40'-0"

SUP-5984
SDR-5942
03-10-05 PC

SUP-5984
SDR-5942
03-10-05 PC



1 PARTIAL FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

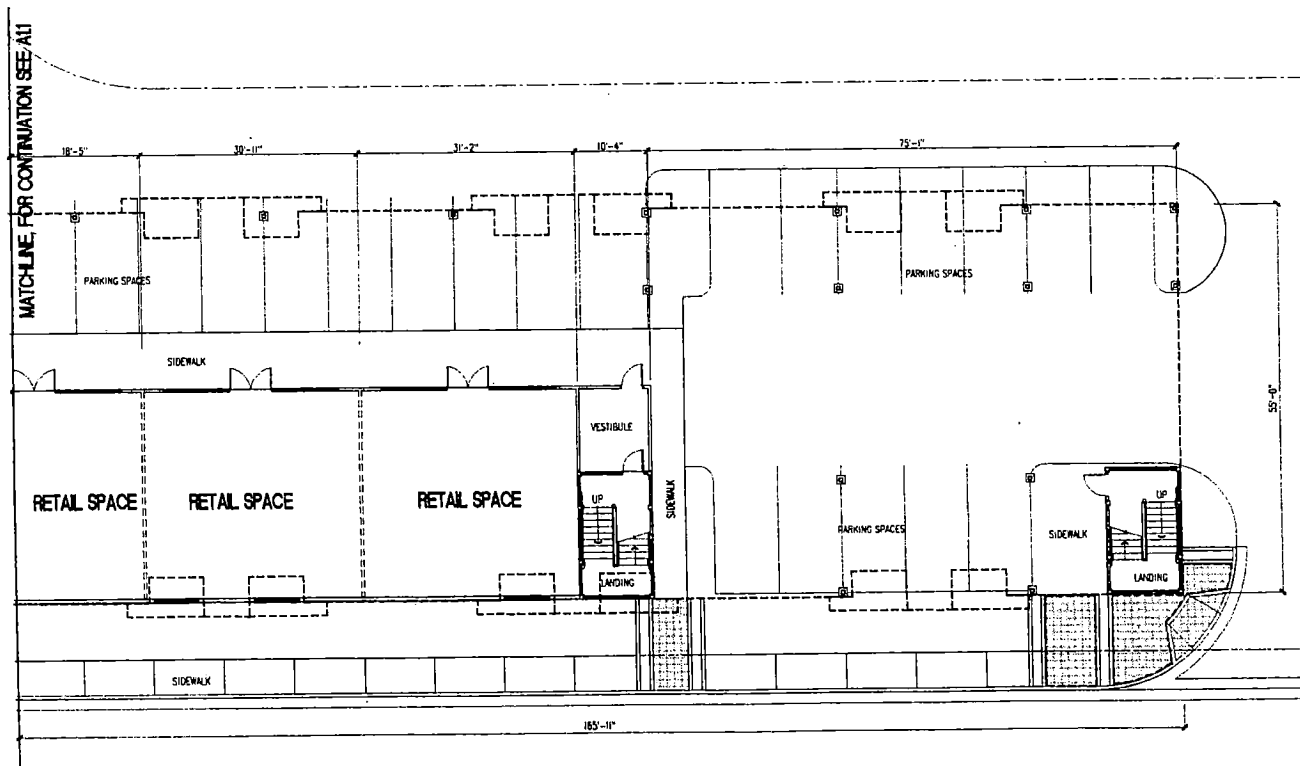


SECOND FLOOR PLAN
FREMONT VILLAGE
FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89101

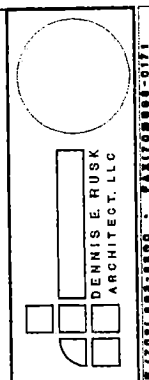
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Project No.:
Drawn By: JS
Check By: DER/LS
Sheet No.: A11

SUP-5984
SDR-5942
03-10-05 PC



1 PARTIAL FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



FREMONT VILLAGE
FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89...

Revisions:
1
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Date: 03-10-05
Project No: 5984
Drawn By: J.S.
Check By: D.E.R.
Sheet No: 1 of 1

DENNIS E. RUSK - ARCHITECT, LLC - 3000 KAYAK LANE - SUITE 100 - LAS VEGAS, NV 89102 - PHONE (702) 883-3800 - FAX (702) 883-0171

Architectural floor plan of the partial second floor. The plan shows a large central area labeled "OFFICE SPACE" divided into several sections. To the left is a curved "OPEN" area with an "ELEV LOBBY" and "ELEVATOR". Below the lobby is a rest area with "WOMEN'S TOILET", "MEN'S TOILET", "JANITOR", "WASH", and a "DRINKING FOUNTAIN". To the right of the main office space is a "HALLWAY" and another "OFFICE SPACE" section. Dimensions are provided throughout the plan, such as 55'-0", 16'-0", 30'-0", and 131'-1". A north arrow is located in the bottom right corner. A matchline on the right edge indicates "MATCHLINE FOR CONTINUATION SEE A12a". A scale of 1/8" = 1'-0" is noted at the bottom.

SECOND FLOOR PLAN

FREMONT VILLAGE

TREMONT STREET/BRIDGE STREET
LAS VEGAS, NV 89...


 DENNISE RUSK
 ARCHITECT, LLC

[illegible]

Date:
6-19-84

Project No.:
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Drawn By:
J.C.

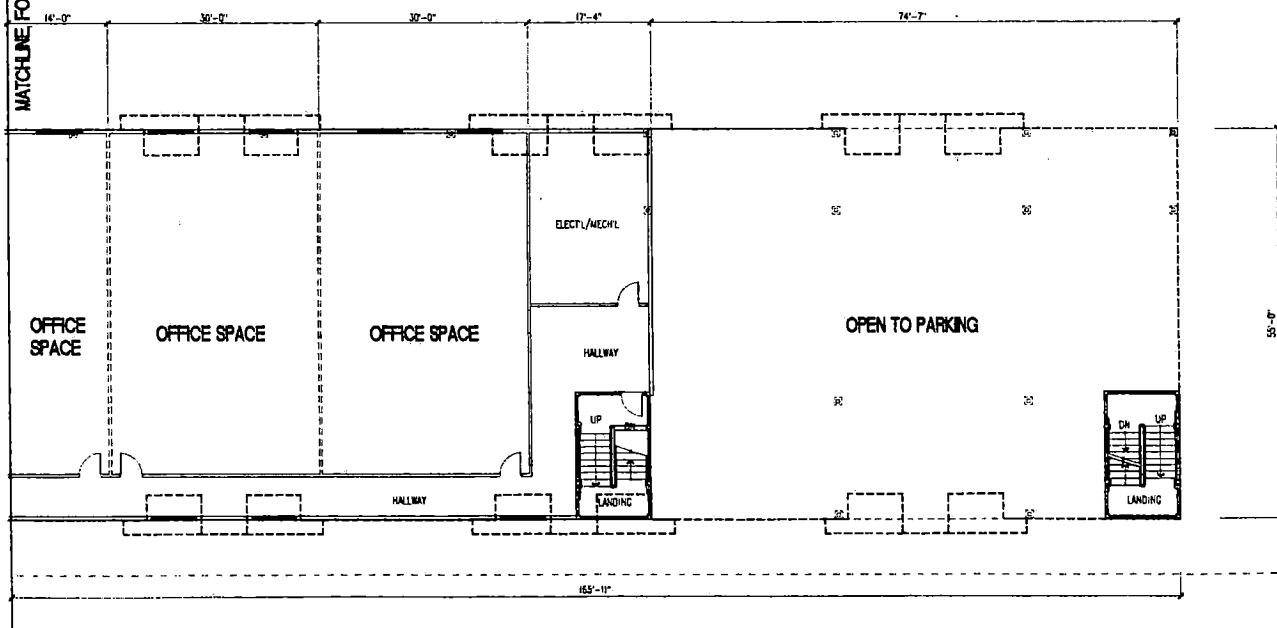
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C.E.F.B.

Sheet No.:
A12

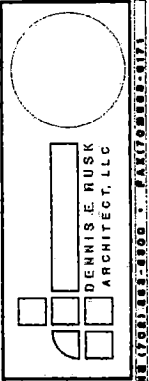
DENNIS E. MUECK • AROMATNOY, L.L.C. • 6930 KRYATONIK LANE • SUITE 202 • LAS VEGAS, NEVADA 89120 • PHONE (702) 899-0990 • FAX (702) 899-0111

SUP-5984
SDR-5942
03-10-05 PC

MATCHLINE FOR CONTINUATION SEE A12



1 PARTIAL SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
FREMONT VILLAGE
FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89101

Revisions:

1	Initial Design
2	Final Design
3	Construction Documents
4	As Shown

Date	03-10-05
Project No.	5984
Drawn By	DR
Check By	DR
Project Name	Fremont Village
Sheet No.	A12a

DENNIS E. RUSK - ARCHITECT, LLC - 3800 REYNOLDS LANE, SUITE 101, LAS VEGAS, NV 89101 - PHONE (702) 886-3800 - FAX (702) 886-3801

[illegible]

MATCHLINE FOR CONTINUATION SEE A13B

1 PARTIAL THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0" NORTH

THIRD FLOOR PLAN

FREMONT VILLAGE

FREMONT STREET/ARCH STREET
LAS VEGAS, NV 89...

DENNIS E. RUSK
ARCHITECT, LLC

Revisions:

△ △ △ △ △ △ △

Date: 6-5-14

Project No:

Drawn By:

Check By: CER/BJ

Sheet No:

1. This drawing was prepared by the Architect for the purpose of construction. It is not to be used for any other purpose without the written consent of the Architect.

2. The Architect is not responsible for the accuracy of the information provided by the client or for the results of the construction.

3. The Architect is not responsible for the construction of the project or for the safety of the construction.

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DENNIS C. BUSH • ANONYMOUSLY • 8800 BAYVIEW LANE • SUITE 808 • LAS VEGAS, NEVADA 89120 • PHONE (702) 888-8800 • FAX (702) 888-0171

MATCHLINE, FOR CONTINUATION SEE A13



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



THIRD FLOOR PLAN

FREMONT VILLAGE

FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89---

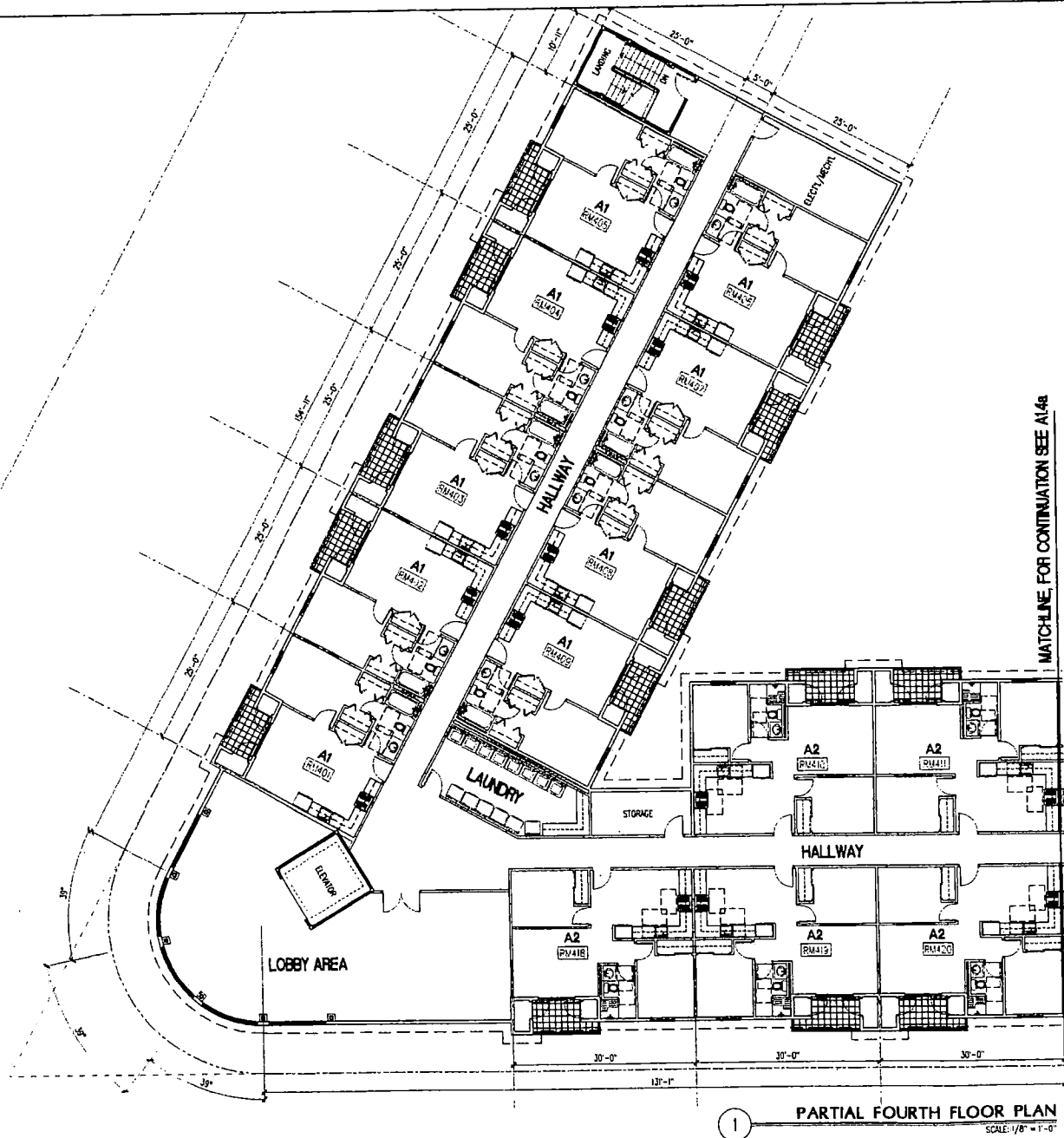


DENNIS E. RUSK
ARCHITECT, LLC

But Gardner says, "There is nothing like a good old-fashioned hard sell." Gardner's first book, *How to Sell Your House*, was published in 1984. The first 100,000 copies of the book sold for \$1.99. Gardner says he was "lucky" to have the book published by a publisher who was willing to take a risk on a new author. Gardner's first book was a success, and he has since written several more books on real estate, including *How to Sell Your House*, *How to Buy a House*, and *How to Rent a House*.

Date
D-19-75
Project No.
Drawn By
JL
Check By
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Sheet No.
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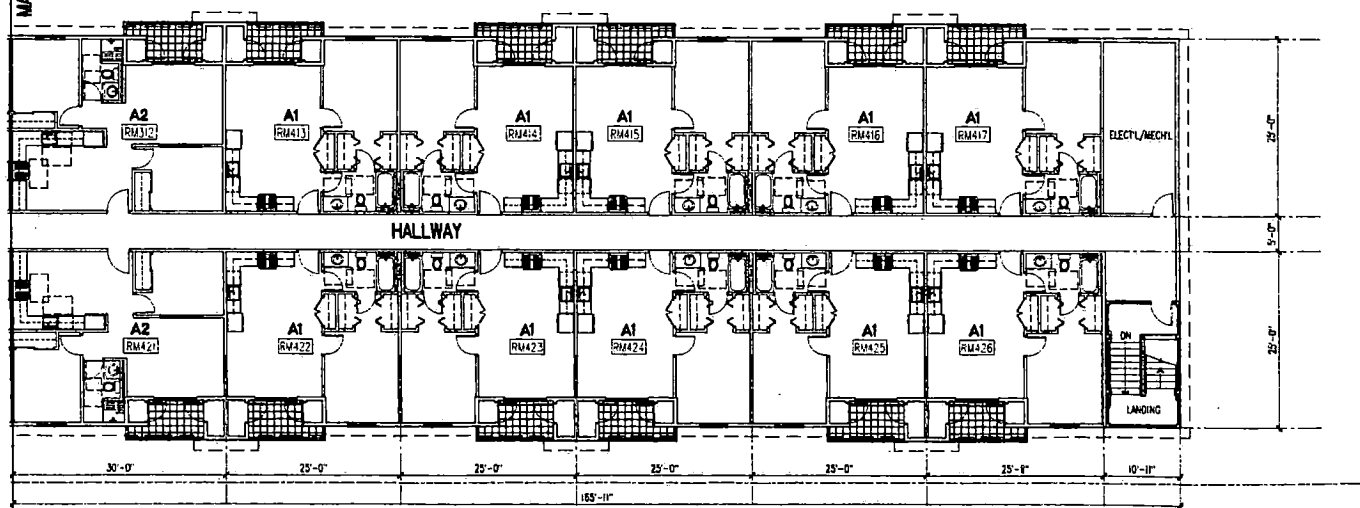
SUP-5984
SDR-5942
03-10-05 PC



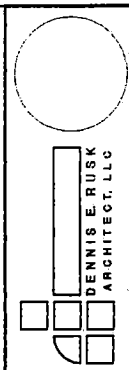
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SUP-5984
SDR-5942
03-10-05 PC

MATCHLINE, FOR CONTINUATION SEE A14



1 PARTIAL FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"



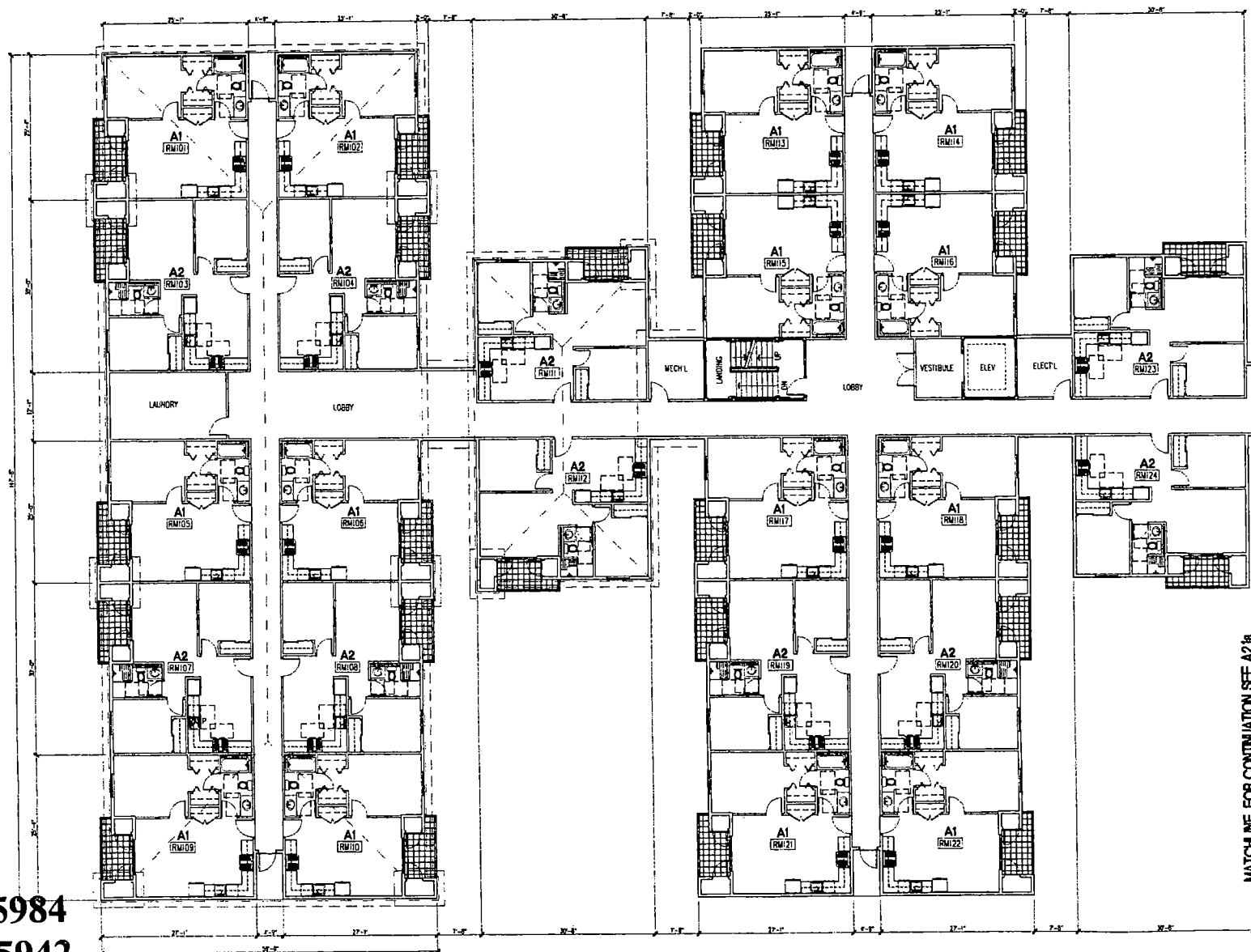
PARTIAL FOURTH FLOOR PLAN
FREMONT VILLAGE
FREMONT STREET / BRUCE STREET
LAS VEGAS, NV 891...

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Date: 03-10-05
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Drawn By:
Check By:
Scale: 1/8" = 1'-0"
Sheet No.:
A148
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DENNIS E. RUSK - ARCHITECT, LLC - 1000 EAST FLORISSANT AVE. SUITE 100 - LAS VEGAS, NV 89119 - PHONE (702) 336-1000 - FAX (702) 336-1001

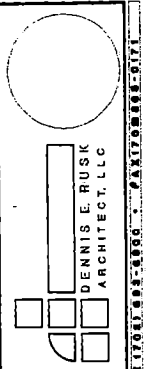
SUP-5984
SDR-5942
03-10-05 PC



MATCHLINE, FOR CONTINUATION SEE A2/B

PARTIAL FIRST FLOOR PLAN

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



PARTIAL FIRST FLOOR PLAN
FREMONT VILLAGE
FREMONT STREET / VILLAGE STREET
LAS VEGAS, NV 89101

Revisions:
1. Check and correct all errors.
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Date:	03-10-05
Project No.:	5942
Drawn By:	JD
Checked By:	JD
Scale:	1/8" = 1'-0"
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Architectural floor plan of the second floor. The plan shows a central corridor system with rooms on either side. Rooms are labeled with 'A1' or 'A2' and a room number (e.g., RM125, RM126, RM127, RM128, RM129, RM130, RM131, RM132, RM133, RM134, RM135, RM136, RM137, RM138, RM139, RM140, RM141, RM142, RM143, RM144, RM145). The plan also includes a 'LOBBY' area, a 'VESTIBULE', 'ELEV.' (elevator), 'ELECT.' (electrical room), 'MECH.' (mechanical room), and 'UNDOING' (undressing room). Dimensions are provided along the top and bottom edges of the plan.

MATCH-LINE, FOR CONTINUATION SEE A21

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

NORTH

FREMONT VILLAGE

FREMONT STREET/REDUCE STREET
LAS VEGAS, NV 89-...

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Date: E-9-24
Project No.:
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Check by: C.R.P.S.
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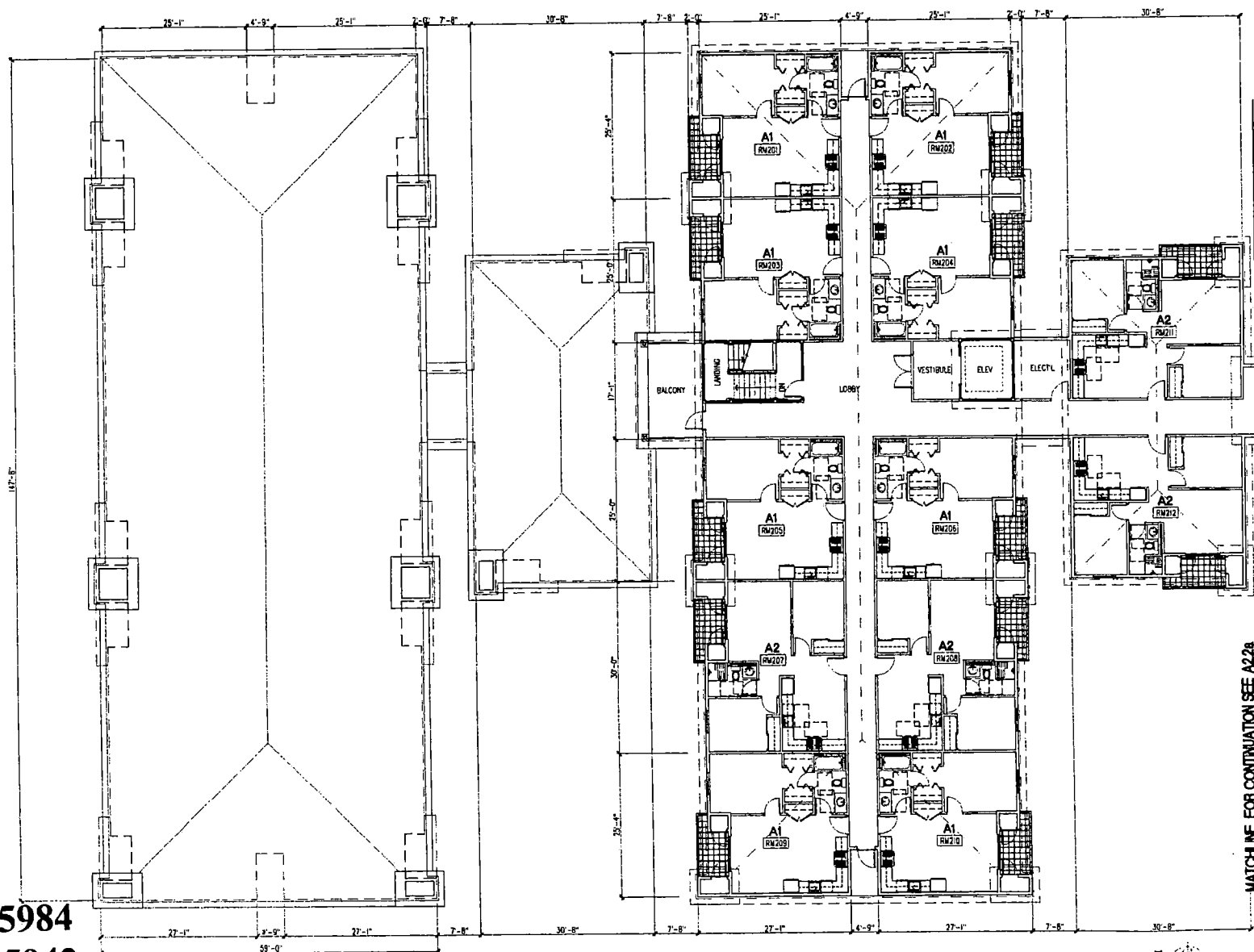




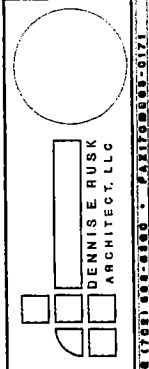
DENNIS E. RUSK
 ARCHITECT, LLC

DENNIS L. RUCK - ARCHITECT, LLC - 8880 MAPLETRICK LANE - SUITE 206 - LAS VEGAS, NEVADA 89110 - PHONE (702) 883-8800 - FAX (702) 883-0171

SUP-5984
SDR-5942
03-10-05 PC



1 PARTIAL SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



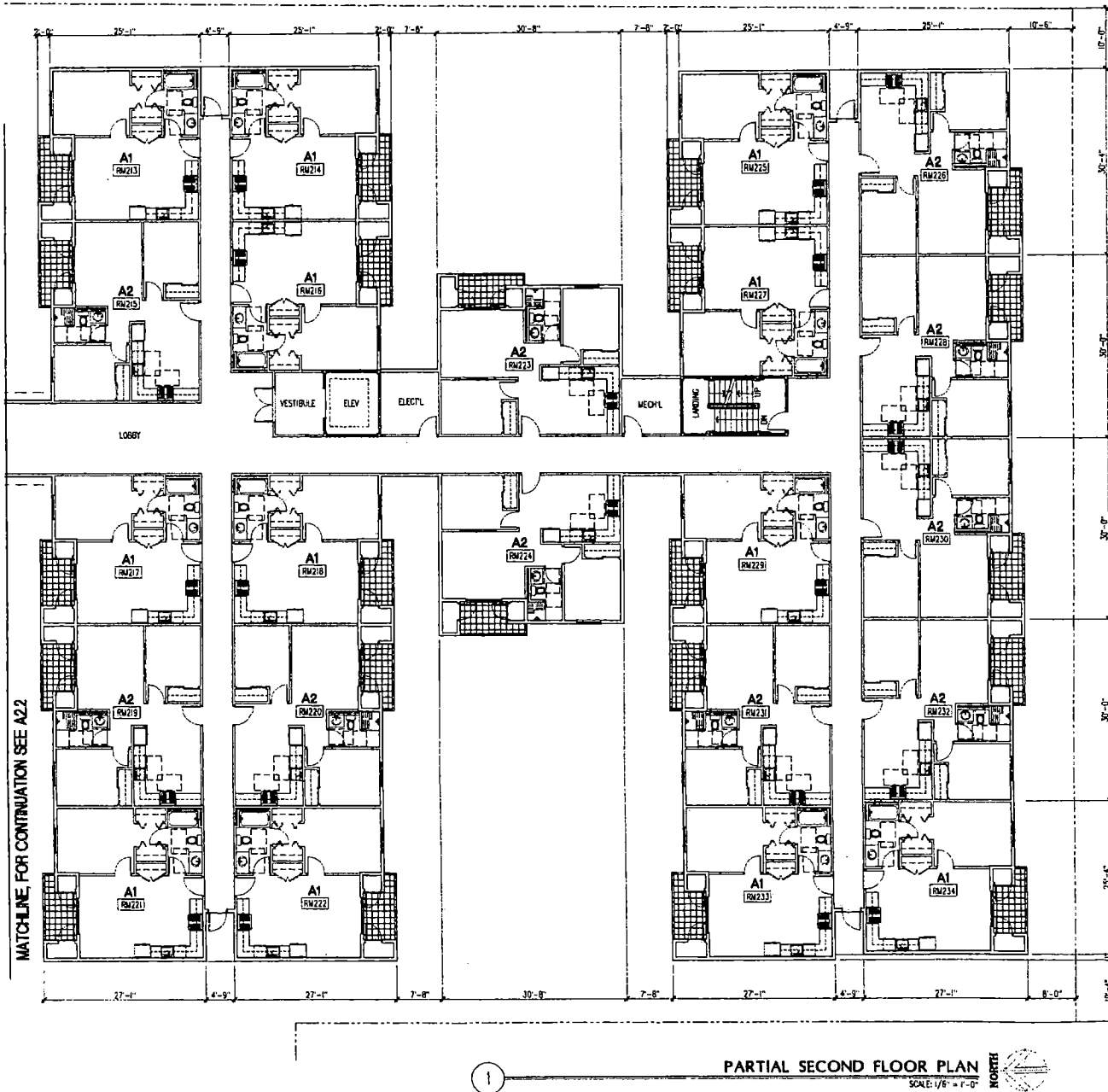
PARTIAL SECOND FLOOR - A1
FREMONT VILLAGE
FREMONT STREET/BRIDGE STREET
LAS VEGAS, NV 89...

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Date: 03-10-05
Project No: 03-10-05
Sheet No: 03-10-05
A22
A22
A22

DENNIS RUSK ARCHITECT, LLC - 3000 KATYAN LANE - SUITE 101 - LAS VEGAS, NV 89102 - PHONE (702) 881-8800 - FAX (702) 881-8801

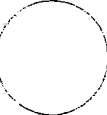
SUP-5984
SDR-5942
03-10-05 PC



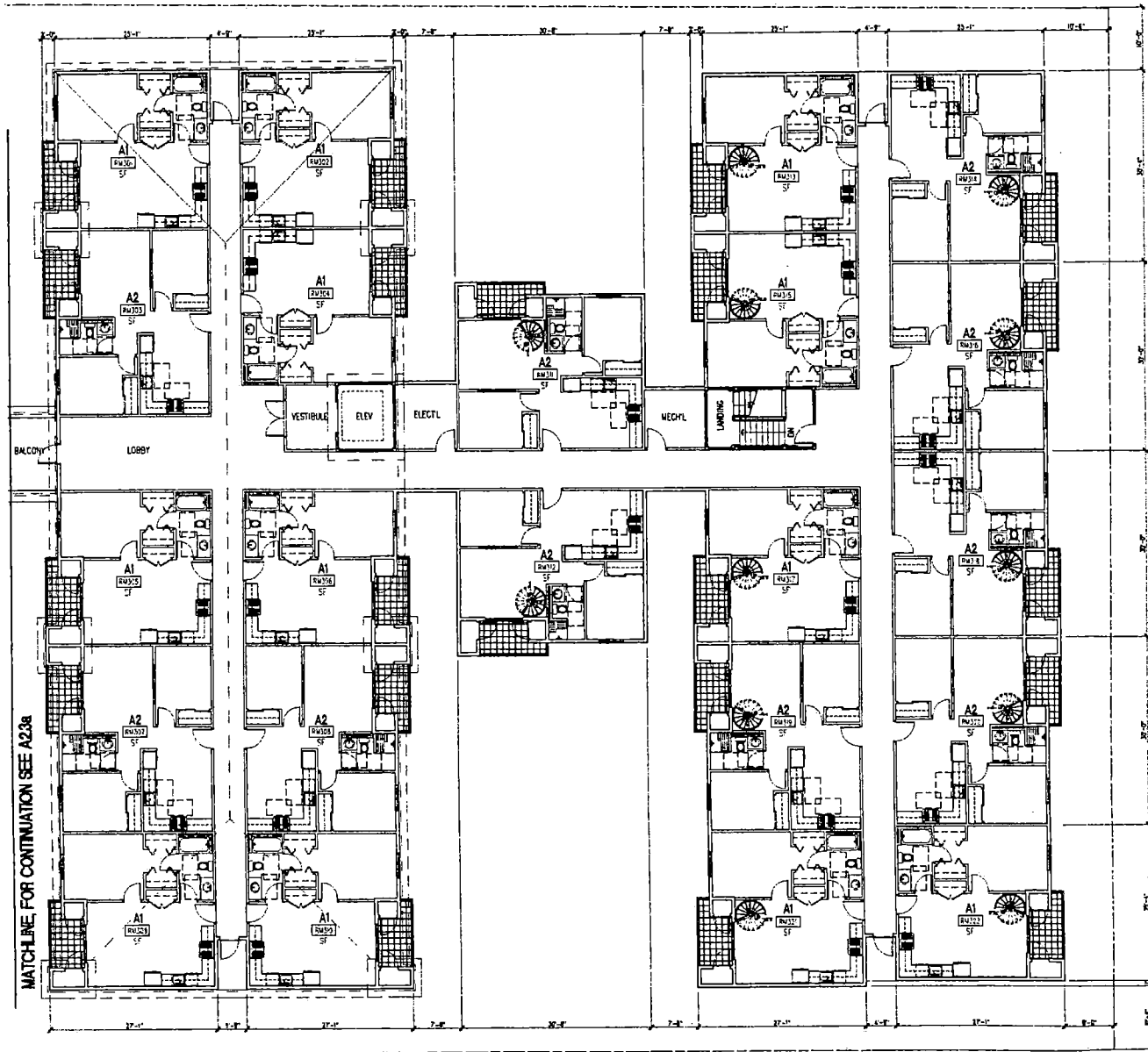
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PARTIAL SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



 DENNIS E. RUSK ARCHITECT, LLC	
PARTIAL SECOND FLOOR PLAN FREMONT VILLAGE FREMONT STREET/BRUCE STREET LAS VEGAS, NV 891	
Revised: △ △ △ △ △	Date: 2-20-04 Project No: 5942 Drawn By: J. Rusk Check By: J. Rusk Project No: 5942 A22a

SUP-5984
SDR-5942
03-10-05 PC



PARTIAL THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

DENNIS E. RUSK
ARCHITECT, LLC

PARTIAL THIRD FLOOR PLAN

FREMONT VILLAGE
FREMONT STREET / BRUCE STREET
LAS VEGAS, NV 89101

REVISIONS:

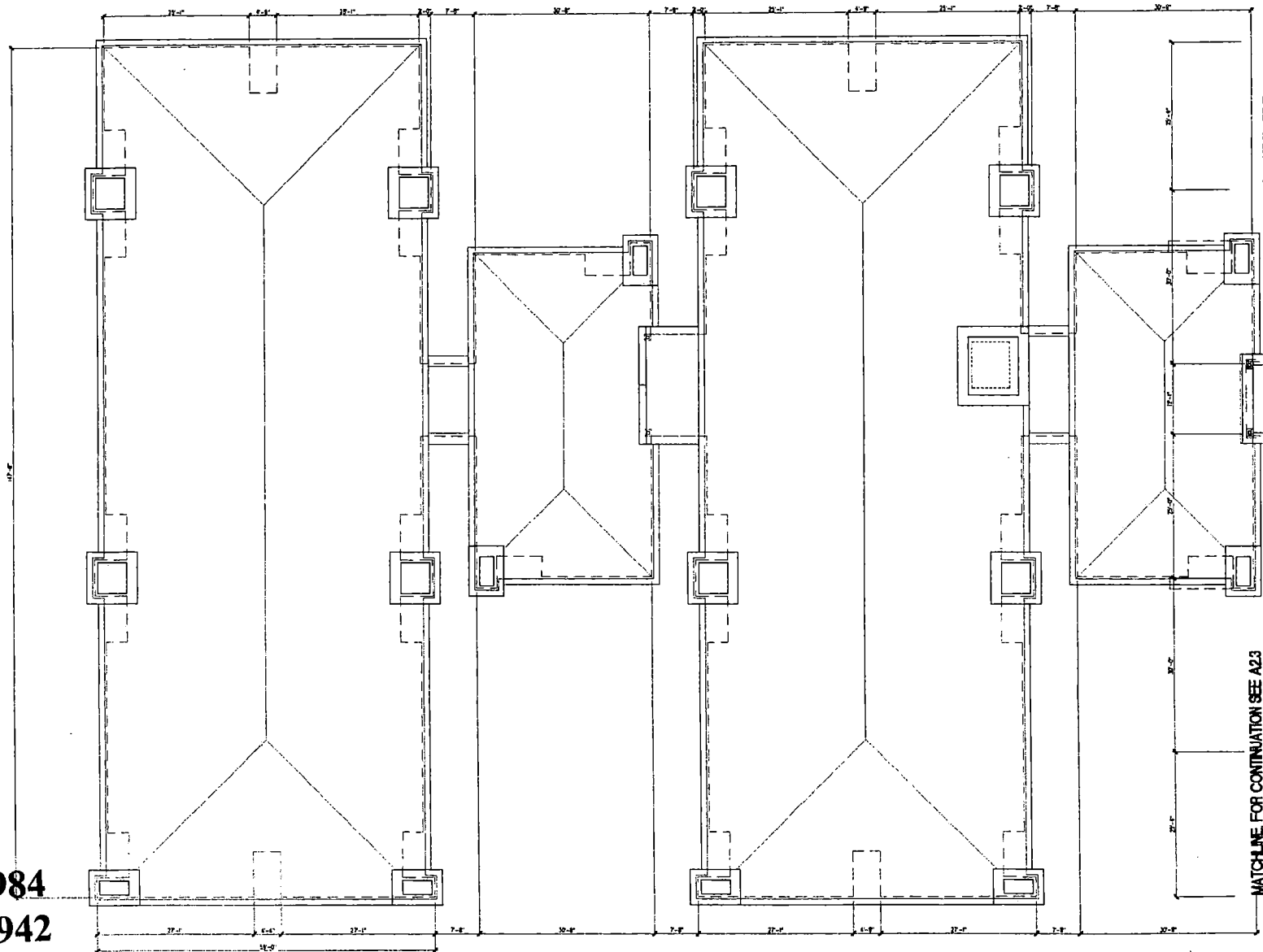
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DATE: 03-10-05
PROJECT NO.: 03-10-05
DRAWN BY: JCR
CHECKED BY: JCR
DESIGNED BY: JCR
SHEET NO.: 03-10-05

A23

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SUP-5984
SDR-5942
03-10-05 PC



MATCHLINE FOR CONTINUATION SEE A23

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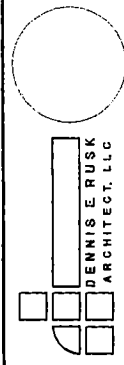
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12-20-04
Project No.
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Checked By
DEP/EB
Sheet No.
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NO. 8001 IS USUAL IN THE

FREMONT VILLAGE

FFIEMONT STREET/BRUCE STREET
LAS VEGAS, NV 89---



DENNIS E RUSK
ARCHITECT, LLC

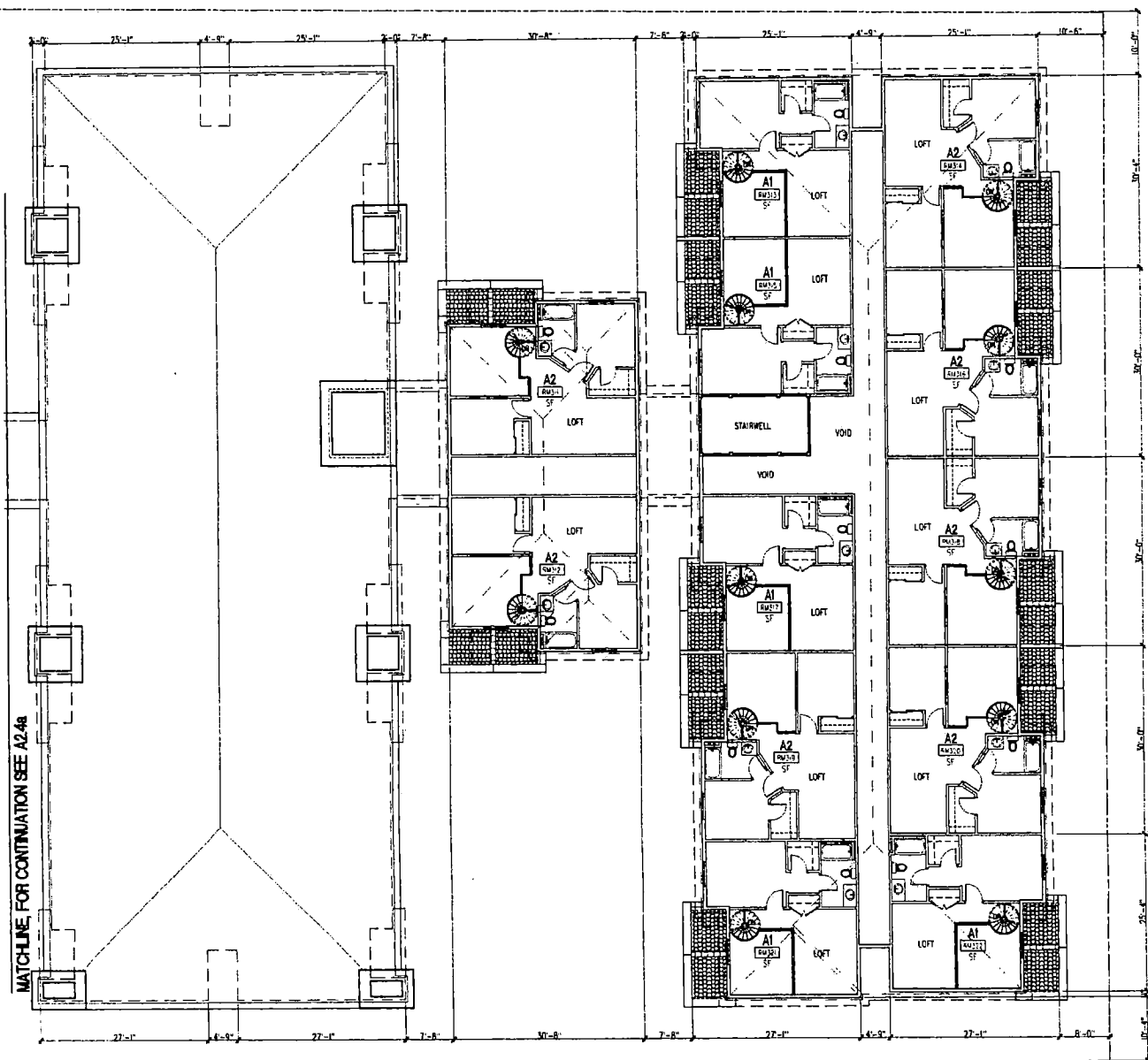
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PARTIAL THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

HYDRO



SUP-5984
SDR-5942
03-10-05 PC



PARTIAL LOFT FLOOR PLAN
SCALE: 1/8" = 1'-0"

DENNIS E. RUSK ARCHITECT, LLC																
PARTIAL FOURTH FLOOR PLAN FREMONT VILLAGE FREMONT STREET/BRUCE STREET LAS VEGAS, NV 89101																
REVISIONS: <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>03-10-05</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>2</td> <td>03-10-05</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>3</td> <td>03-10-05</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>4</td> <td>03-10-05</td> <td>ISSUED FOR PERMIT</td> </tr> </table>		NO.	DATE	DESCRIPTION	1	03-10-05	ISSUED FOR PERMIT	2	03-10-05	ISSUED FOR PERMIT	3	03-10-05	ISSUED FOR PERMIT	4	03-10-05	ISSUED FOR PERMIT
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03-10-05 PC



MATCHLINE FOR CONTINUATION SEE A24

PARTIAL FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

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



Revisions:

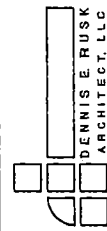
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PARTIAL FOURTH FLOOR PLAN

FORSAIT WILLACE

FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89--



DENNIS E. RUSK
ARCHITECT, LLC

QUINN & BUNK : ARCHY 807-6690 • 8000 E PLATON CANN • SUITE 800 • LAS VEGAS NEVADA 89100 • PHONE (702) 806-8600 • FAX (702) 808-0171

Architecture

DENNIS E. RUSK ARCHITECT

January 12, 2005

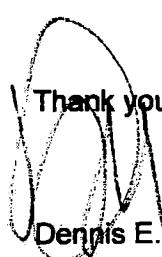
Planning and Development
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

Re: Mixed-Use Commercial/Residential
Downtown Centennial Plan
Fremont and Bruce

JUSTIFICATION LETTER SPECIAL USE PERMIT

This Project falls into the neighborhood revitalization area and qualifies for a Mixed-Use Project of Retail/Commercial and Residential by Special Use Permit. We therefore request for Special Use Permit to construct a commercial space of approximately 21,000 sf with 152 apartments units in two towers of (1) 4 stories, (1) 2 to 4 stories over on grade parking level, on a C-2 zoned parcel.

Thank you,


Dennis E. Rusk, Architect

SUP-5984

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE - SDR-5942 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5984 - PUBLIC HEARING - APPLICANT/ OWNER: FREMONT BRUCE, LLC -
Request for a Site Development Plan Review FOR A FOUR-STORY, 152 RESIDENTIAL UNIT, 21,000 SQUARE-FOOT MIXED-USE DEVELOPMENT on 2.76 acres adjacent to the southeast corner of Bruce Street and Fremont Street (APN 139-35-803-001), C-2 (General Commercial) Zone, Ward 3 (Reese).

C.C.: 06/15/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

TRUESDELL – APPROVED subject to conditions and amending the following condition:

3. All development shall be in conformance with the *revised site and landscape plans*, date stamped 04/08/05, and the building elevations, date stamped 04/25/05, except as amended by conditions herein.

– Motion carried with DAVENPORT and EVANS voting NO and McSWAIN excused

To be heard by City Council 6/15/2005

MINUTES:

See Item 28 [SUP-5984] for related discussion on Item 28 [SUP-5984] and Item 29 [SDR-5942].

(8:49 – 9:22)

3-2255

CONDITIONS:

Planning and Development

1. A Special Use Permit (SUP-5984) to allow the Mixed-Use development in the C-2 (General Commercial) Zoning District approved by the City Council.

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 29 – SDR-5942

CONDITIONS – Continued:

2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan, date stamped 04/08/05, and the building elevations, date stamped 04/25/05, except as amended by conditions herein.
4. The principal entrance to the residential building at the southeast corner of the site shall be redesigned to provide a public lobby at the exterior edge of the building; directly visible from either the Fremont or Bruce Street entrance to the property. An accessible route shall be provided from the public sidewalk to the principal entrance and lobby of the building.
5. The elevations of the building at the northwest corner of the site shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to comply with the design standards of the Downtown Centennial Plan.
6. All streetscape treatments shall conform to match the Fourth Street improvements installed by the City of Las Vegas in accordance with Subsection DS4.2 of the Downtown Centennial Plan.
7. All new developments shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
8. Surface parking lots shall have a minimum of one shade tree for every six uncovered parking spaces. A minimum of ten square feet of landscaped surface area shall be provided for each parking space, incorporated into landscape islands, a required perimeter landscape treatment, or both in accordance with Subsection DS3.1.h of the Downtown Centennial Plan.
9. Any surface parking lot facing a public street shall incorporate an eight-foot wide landscape buffer and 42" high parking lot screen fence in accordance with Subsection DS3.1.g. of the Downtown Centennial Plan. The screen fence shall conform with the design shown in Graphic 5 of the Downtown Centennial Plan; exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 29 – SDR-5942

CONDITIONS – Continued:

10. A landscape plan must be submitted prior to or at the same time application is made for a building permit. Turf shall cover no more than 12.5% of the total landscape area.
11. The required landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
12. All mechanical equipment shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j. Trash areas shall be walled and roofed in accordance with Code requirements. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.
13. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
15. Any property line wall or retaining wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
16. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
17. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

18. Dedicate an additional 5 feet of right-of-way adjacent to this site for a total half street width of 50 feet on Fremont Street and a 25 foot radius at the southeast corner of Bruce Street and Fremont Street prior to the issuance of any permits. Also, grant a Traffic Signal Chord easement at the southeast corner of Fremont Street and Bruce Street. Additional right-of-way dedications per Standard Drawing #234 for a bus stop shall be dedicated unless specifically noted as not required by an approved Traffic Impact Analysis for this site.

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 29 – SDR-5942

CONDITIONS – Continued:

19. Construct all incomplete half-street improvements on Fremont Street and Bruce Street adjacent to this site concurrent with development of this site.
20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
21. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. All work within the Fremont Street right-of-way shall receive approval from the Nevada Department of Transportation.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Final Map for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site for bus turn-outs, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
23. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 29 – SDR-5942

CONDITIONS – Continued:

determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

24. Landscape and maintain all unimproved rights-of-way on Fremont Street and Bruce Street adjacent to this site.
25. Submit an Encroachment Agreement for all landscaping and private improvements located in the City of Las Vegas public rights-of-way adjacent to this site prior to occupancy of this site.
26. Obtain an Occupancy Permit for all landscaping and private improvements in the Nevada Department of Transportation public right-of-way adjacent to this site.
27. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the approval of a Tentative Map or construction plans. Approval of this Site Development Review does not constitute approval of any deviations. If such approval cannot be obtained, a revised Site Plan must be submitted showing elimination of such deviations.

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-5942 - APPLICANT/ OWNER: FREMONT BRUCE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. A Special Use Permit (SUP-5984) to allow the Mixed-Use development in the C-2 (General Commercial) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan, date stamped 04/08/05, and the building elevations, date stamped 04/25/05, except as amended by conditions herein.
4. The principal entrance to the residential building at the southeast corner of the site shall be redesigned to provide a public lobby at the exterior edge of the building, directly visible from either the Fremont or Bruce Street entrance to the property. An accessible route shall be provided from the public sidewalk to the principal entrance and lobby of the building.
5. The elevations of the building at the northwest corner of the site shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to comply with the design standards of the Downtown Centennial Plan.
6. All streetscape treatments shall conform to match the Fourth Street improvements installed by the City of Las Vegas in accordance with Subsection DS4.2 of the Downtown Centennial Plan.
7. All new developments shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.

SDR-5942 - Conditions Page Two
May 12, 2005 Planning Commission Meeting

8. Surface parking lots shall have a minimum of one shade tree for every six uncovered parking spaces. A minimum of ten square feet of landscaped surface area shall be provided for each parking space, incorporated into landscape islands, a required perimeter landscape treatment, or both in accordance with Subsection DS3.1.h of the Downtown Centennial Plan.
9. Any surface parking lot facing a public street shall incorporate an eight-foot wide landscape buffer and 42" high parking lot screen fence in accordance with Subsection DS3.1.g. of the Downtown Centennial Plan. The screen fence shall conform with the design shown in Graphic 5 of the Downtown Centennial Plan; exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
10. A landscape plan must be submitted prior to or at the same time application is made for a building permit. Turf shall cover no more than 12.5% of the total landscape area.
11. The required landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
12. All mechanical equipment shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j. Trash areas shall be walled and roofed in accordance with Code requirements. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.
13. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
15. Any property line wall or retaining wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

SDR-5942 - Conditions Page Three
May 12, 2005 Planning Commission Meeting

16. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
17. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

18. Dedicate an additional 5 feet of right-of-way adjacent to this site for a total half street width of 50 feet on Fremont Street and a 25 foot radius at the southeast corner of Bruce Street and Fremont Street prior to the issuance of any permits. Also, grant a Traffic Signal Chord easement at the southeast corner of Fremont Street and Bruce Street. Additional right-of-way dedications per Standard Drawing #234 for a bus stop shall be dedicated unless specifically noted as not required by an approved Traffic Impact Analysis for this site.
19. Construct all incomplete half-street improvements on Fremont Street and Bruce Street adjacent to this site concurrent with development of this site.
20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
21. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. All work within the Fremont Street right-of-way shall receive approval from the Nevada Department of Transportation.
22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Final Map for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site for bus turn-outs, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

SDR-5942 - Conditions Page Four
May 12, 2005 Planning Commission Meeting

23. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
24. Landscape and maintain all unimproved rights-of-way on Fremont Street and Bruce Street adjacent to this site.
25. Submit an Encroachment Agreement for all landscaping and private improvements located in the City of Las Vegas public rights-of-way adjacent to this site prior to occupancy of this site.
26. Obtain an Occupancy Permit for all landscaping and private improvements in the Nevada Department of Transportation public right-of-way adjacent to this site.
27. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the approval of a Tentative Map or construction plans. Approval of this Site Development Review does not constitute approval of any deviations. If such approval cannot be obtained, a revised Site Plan must be submitted showing elimination of such deviations.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for approval of a Site Development Plan Review for a 4-story mixed-use development including 21,000 square-feet of commercial space and 152 residential units on 2.76 acres adjacent to the southeast corner of Bruce Street and Fremont Street. An associated Special Use Permit (SUP-5984) to allow the mixed-use development has been submitted concurrently with the Site Development Plan Review application. The applications were held in abeyance at the March 10, 2005 Planning Commission meeting to allow the applicant to redesign the building elevations; the applicant has submitted a redesigned site plan, landscape plan, and revised elevations for the building at the northwest corner of the site.

B) *Applicant's Justification*

The applicant states that they are proposing to construct a mixed-use development including 152 apartments and 21,000 square feet of commercial space.

BACKGROUND INFORMATION

A) *Related Actions*

- 02/16/94 The City Council approved an appeal to allow the sale of beer and wine in conjunction with a proposed convenience store. The Board of Appeals recommended denial of the request on 01/25/94.
- 03/10/05 The Planning Commission held this item in abeyance to the 04/14/05 PC Meeting to allow the applicant time to redesign the building elevations.
- 04/14/05 The Planning Commission held this item in abeyance to the 05/12/05 PC Meeting at the request of the applicant.
- 05/12/05 The Planning Commission will consider a related Special Use Permit (SUP-5984) application concurrently with this request. Staff has recommended approval of the request.

B) *Pre-Application Meeting*

- 01/04/05 The project was reviewed by the Office of Business Development at a Fast Track application meeting. The entitlement process schedule was discussed with the applicant.

C) Neighborhood Meetings

03/01/05 A neighborhood meeting was held by the applicant, even though it was not required as part of the application process. Six members of the public were present at the meeting, and four representatives of the applicant were on hand to answer questions. The following issues were raised by members of the public:

- Traffic impacts to adjoining roadways;
- Appearance and management of the apartments;
- Suitability of the soils and level of the water table;
- Availability of infrastructure to serve the project;
- Concerns about the provision of open space; and
- Height of the buildings and obstruction of views.

The applicant noted that the existing mobile home park would be removed to make way for the new development.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.76

B) Existing Land Use

Subject Property: Mobile Home Park
North: Auto Repair
Elementary School
South: Multifamily Residential
East: Motel
West: General Retail
Multifamily Residential
Single-Family Residential

C) Planned Land Use

Subject Property: MXU (Mixed-Use)
North: MXU (Mixed-Use)
PF (Public Facilities)
South: MXU (Mixed-Use)
East: MXU (Mixed-Use)
West: C (Commercial Use)
H (High Density Residential)
L (Low Density Residential)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
C-V (Civic)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)
R-1 (Single Family Residential)

E) General Plan Compliance

The property is located within the boundaries of the Las Vegas Redevelopment District, and has a Mixed-Use land use designation. The Mixed-Use designation allows uses comparable to the following land use categories: L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), GC (General Commercial), and PF (Public Facilities). The proposed uses are in compliance with the land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area

As noted above, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Mixed-Use land use designation. The proposed uses are in conformance with the Redevelopment Plan.

Downtown Centennial Plan

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the East Fremont District. New commercial development and the integration of mixed-income residential neighborhoods are encouraged for this area, along with the provision of open space to serve residents of the area.

PROJECT DESCRIPTION

The proposed mixed-use project will allow the development of two structures on the site. The building proposed for the northwest corner of the site will be four stories in height, and will include retail space, office space, and 52 apartment units. The building at the southeast corner of the site will include a total of 100 apartment units, and will be constructed over a surface parking lot. A total of 242 parking spaces will be provided on site.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	2.76 Acres	N/A
Min. Lot Width	N/A	267 Feet	N/A
Min. Setbacks			
• Front	0 Feet	0 Feet	Y
• Side	N/A	10 Feet	N/A
• Corner	0 Feet	0 Feet	Y
• Rear	N/A	10 Feet	N/A
Max. Lot Coverage	Up to 100%	49%	Y
Max. Building Height	N/A	55 Feet	N/A
Trash Enclosure	Walled/roofed	Not indicated	N/A
Mech. Equipment	Screened	Not indicated	N/A

The structure at the northwest corner of the site appears to be set back four feet from the front property line, but an arcade structure is located directly at the front property line, thereby complying with the Centennial Plan requirement. No information has been provided relative to the trash enclosure or screening of mechanical equipment.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards. The proposed building at the northwest corner of the site will be located approximately 90 feet from the nearest single-family residential property, and the building at the southeast corner of the site will be located approximately 190 feet from the nearest single-family property.

A3) Parking and Traffic Standards

As with other development standards, the property is exempt from the automatic application of parking requirements due to its being located within the boundaries of the Downtown Centennial Plan area. The following table details the parking figures for the development:

Uses	GFA	Provided Parking	
		Regular	Handicap
Commercial Space	21,000		
Residential Units	152 Units		
Total:		201	7

The development will provide a total of 208 on-site parking spaces, with 152 spaces allocated for the residential units, and 56 spaces allocated for the commercial portion of the development. The number of parking spaces allocated to the commercial uses results in a ratio of one space per 375 square feet of floor area, which is generally comparable with the amount provided within the boundaries of the Downtown Centennial Plan area; the ratio of one parking space per residential unit is consistent with other projects that have been approved for the downtown area.

A4) Landscape and Open Space Standards

The property is subject to the landscape and streetscape standards of the Downtown Centennial Plan as listed below:

Standards	Required		Provided
	Ratio	Trees	
East/West Street Fremont Street	1 Shade Tree @ 30' o.c. max. (min. 24" box)	6 Trees	6 Trees
North/South Street Bruce Street	1 Palm Tree @ 35' o.c. max. (min. 25' height)	9 Trees	9 Trees
Parking Lot Screening	42" screen fence/8' landscape buffer	1 tree/6 spaces	6 Trees
Sidewalk	11' Sidewalk	--	11' Sidewalk

The landscape plan shows the required 11-foot wide sidewalks, with shade trees along the east/west street and palm trees along the north/south street. The number of trees to be provided in the parking lot area appears to conform to Code requirements.

A5) Sign Standards

No information has been provided relative to signage for the project; all signage for the development will be subject to the requirements listed in Title 19.14 for the subject zoning district.

B) General Analysis and Discussion

• **Zoning**

The commercial uses are permitted by right in the C-2 (General Commercial) zoning district; the residential use is permitted upon approval of a Special Use Permit (SUP-5984). The structures are consistent with the height and lot coverage requirements of the Downtown Centennial Plan; parking for the development will be adequate based on the guidelines applied to properties within the Centennial Plan area.

The building footprint has been revised to conform to the 70% build-to requirement stipulated in the Centennial Plan, which dictates that buildings shall be located directly at the front property line for a minimum of 70% of the frontage width. An arcade has been added to the front of the building, bringing it into conformity with the Centennial Plan. The ground-floor retail spaces have been reconfigured so as to have direct access to the public sidewalk, as required by the standards applicable to Mixed-Use developments.

No information has been provided relative to trash enclosures on the property or the screening of mechanical equipment; trash enclosures shall be walled and roofed and all mechanical equipment shall be screened from view in accordance with the requirements of the Downtown Centennial Plan.

• **Site Plan**

The site plan depicts the Mixed-Use building at the northwest corner of the site, with a separate apartment building located at the southeast corner of the site, constructed over a surface parking lot. Driveways will be provided from both Fremont and Bruce Streets, with access to the parking areas at the interior of the site. On-site circulation is generally adequate, although some of the dead-end parking bays will require additional area for maneuvering. No perimeter wall is shown at the side and rear property lines on the site plan; if a wall is provided, it must conform to the requirements listed in Title 19.08 and Title 19.12.

The entrances to the apartment building at the southeast corner of the site are located at the interior of the covered parking area, and will not be directly visible from either the Fremont or Bruce Street entrances to the property. This may result in confusion for guests or emergency service personnel, looking for an entrance to the building. In addition, no accessible route has been provided from the public sidewalk to the building. At least one of the entrances should be relocated to the exterior perimeter of the structure, so that it is directly visible from the Fremont or Bruce Street entrances to the property.

- **Waivers**

The applicant has not requested any Waivers from the Centennial Plan requirements.

- **Landscape Plan**

The proposed sidewalk will conform to the minimum width specified by the Downtown Centennial Plan and a five-foot amenity zone is located behind the curb as required. Street trees will be provided in accordance with Code requirements. The surface parking lot areas are generally screened as required by the Centennial Plan, with the exception of the parking area at the northeast corner of the site.

- **Elevation**

The proposed elevations depict stucco-clad buildings with tile roofs, and stone veneer at the columns and as an accent material. Cornice detailing is provided at the eaves of the buildings, and gable elements are used to give variety to the rooflines. The glazing of the two lower floors of the building facing Fremont and Bruce Streets has been increased, activating the wall surfaces facing the street. Some of the columns and vertical elements of the building do not align; minor revisions to the elevations are recommended.

- **Floor Plan**

The building at the northwest corner of the site features a lobby on the ground floor that is accessible from the public sidewalk, providing access to the office and residential levels above. The office and residential uses will share a single elevator, which offers potential conflicts between the two groups of users. The retail spaces on the ground floor have been reconfigured to allow for direct access to the public sidewalk and to the covered parking area at the interior of the site. As previously noted, the apartment building on the southeast side of the site has no accessible route from the public sidewalk, nor are the entrances to the building visible from the street.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

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

The proposed Mixed-Use development is appropriate for the area, and is generally compatible with adjacent development.

2. **"The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The proposed development is generally consistent with the General Plan and the requirements of Title 19. The project is also generally consistent with the Downtown Centennial Plan; minor revisions to the elevations and to the access of the apartment building are recommended.

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

The development will have access from both Fremont Street and Bruce Street, and will not significantly impact neighborhood traffic. On-site circulation is generally adequate.

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

The building materials are generally appropriate for the area and conform with the Downtown Centennial Plan requirements. Modifications will be required to the landscape areas and streetscape treatment.

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

Modifications have been made to the northwest building on the site to bring it more closely into conformance with City requirements; additional minor modifications are requested. It has also been noted that the apartment building at the southeast corner of the site needs to be modified to provide a visible entry to the building in the interest of safety and access.

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

The development will be subject to inspections, and adequate measures will be taken to protect the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

NOTICES MAILED 416 – Mailed with SUP-5984

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-5942 APN: 0139 35 803 001

Name of Property Owner: FREMONT BRUCE, LLC

Name of Applicant: FREMONT BRUCE, LLC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

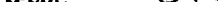
~~_____~~ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____ N A

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: 

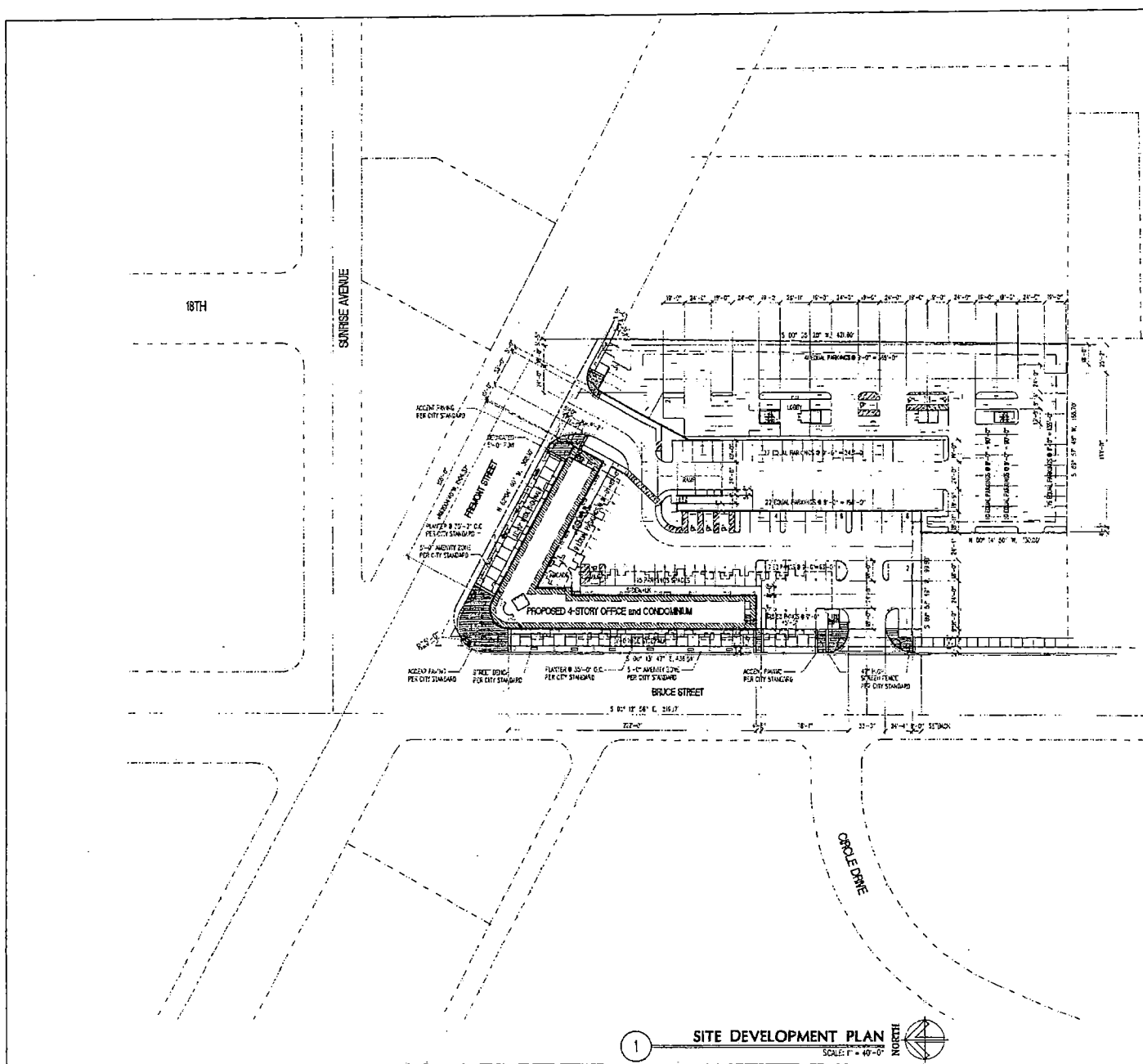
Print Name: Shmuel Oved, Manager
FREMONT BRUCE LLC

Subscribed and sworn before me

This 6th day of January, 2005

Notary Public in and for said County and State
Los Angeles, California

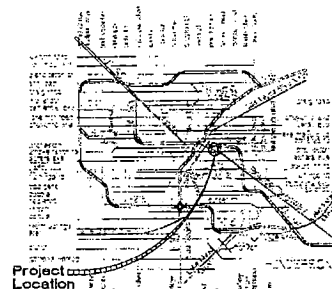




1

SITE DEVELOPMENT PLAN

SCALE: 1" = 40'-0"



Project Location

VICINITY MAP

PROJECT DATA

APN # 133-35-003-001	FREMONT/BRUCE STREET
ADDRESS:	LAS VEGAS, NV
LOT COVERAGE:	48%
LOT AREA:	122,126 S.F. (2.76 ACRES)
PARKING REQUIRED:	
RESIDENTIAL:	152 UNITS @ 1.1/UNIT = 167
RETAIL/MEDICAL:	2,006 SF @ 250.00/SPACE = 8
TOTAL REQUIRED:	238
PARKING PROVIDED:	
STANDARD PARKING (9' x 19')	201
HANDICAP PARKING (13' x 19')	6
HANDICAP VAN ACCESSIBLE (7' x 15')	1
TOTAL PROVIDED:	208

SITE DEVELOPMENT PLAN

FREMONT VILLAGE

FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89101

REVISIONS
1. 10-10-10 11:10 AM 10-10-10

DATE
10-10-10
PROJECT NO.
10-10-10
DRAWN BY
10-10-10
CHECKED BY
10-10-10
APPROVED BY
10-10-10

SUP-3084
SDB-3042
04-16-05 PC
REVISED 04-08-05

18TH

18TH

SATISE AVENUE

UNIMOUNTAIN 1524.37'
FREMONT STREET
UNIMOUNTAIN 1510.00'

SHADE TREE
30-40' O.C.
PER CITY STANDARD

ACCENT PAVING
PER CITY STANDARD

PLANT TREE
12-15' O.C.
PER CITY STANDARD

35'-0" TYP
STREET BENCH
PER CITY STANDARD

500013.47' E. 436.04'

ACCENT PAVING
PER CITY STANDARD

42'-0" HIGH
CONCRETE PLANTER
PER CITY STANDARD

500012.35' E. 59.17'

BRUCE STREET

42000570.00' W. 421.02'

4200014.25' W. 136.00'

4200014.25' W. 136.00'

CIRCLE DRIVE

LANDSCAPING PLAN

SCALE: 1" = 40'-0"



LANDSCAPE LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	USE	TALL SIZE	DESCRIPTOR
	PAVIA	ALBINO PALM	SHADE TREE	25' - 30'	PLANTED AT 12" W x 12" D SPACED AT 24" BOX
	DATURA SPECIES	GERANI	ORCHARD TOLERANT		1 GAL. 1/2"
	ARIZONA PINEAPPLE	PERUVIAN VIOLET	GROUND COVER		1 GAL. 1/2"
	DISCANTHUS	DECAHENT	GROUND COVER	12" - 18"	5 GAL. 1/2"
	SP. 1/2" S. 1/2" C.	INDIAN WINTER	GROUND COVER	12" - 18"	5 GAL. 1/2"
	FL. 1/2" S. 1/2" C.	INDIAN WINTER	GROUND COVER	12" - 18"	5 GAL. 1/2"
	PAVIA	ALBINO PALM	SHADE TREE	25' - 30'	PLANTED AT 12" W x 12" D SPACED AT 24" BOX

SUP-5984
SDR-5941
04-14-08 P.C.
REVISED 04-08-05

LANDSCAPING PLAN

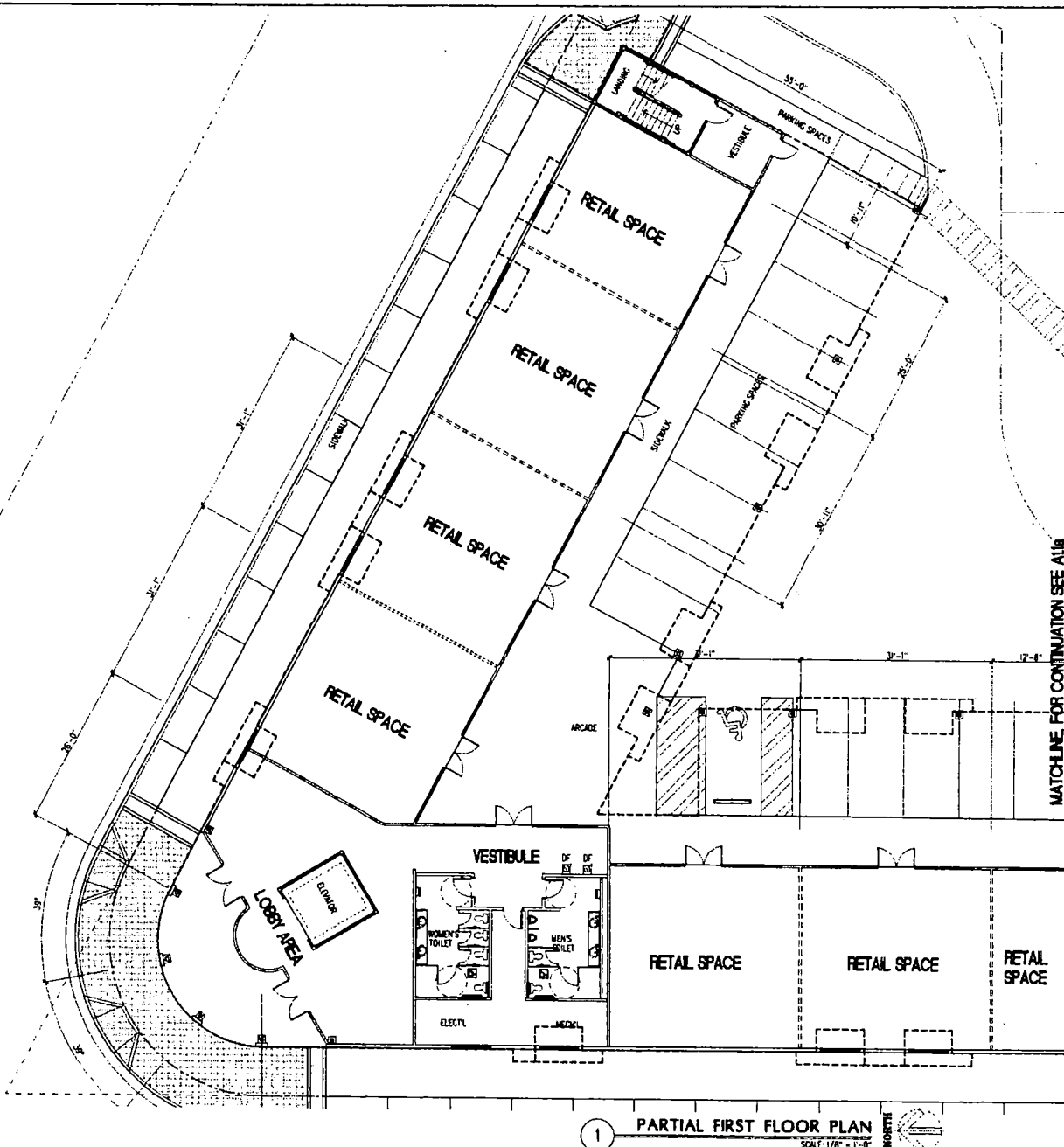
FREMONT VILLAGE

FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89101

DENNIS E. RUSK
ARCHITECT, LLC

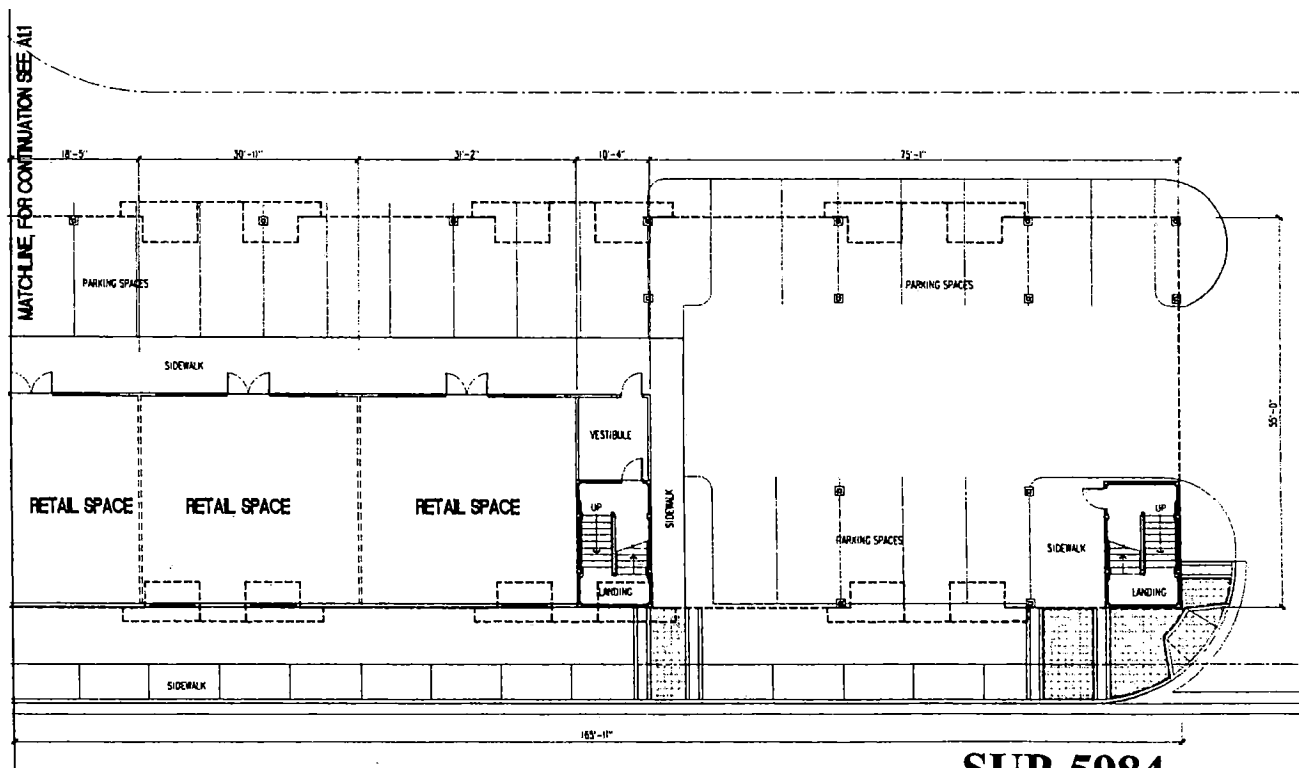
DENNIS E. RUSK - ARCHITECT, LLC - 8800 FAIRFAX AVE. SUITE 100 - LAS VEGAS, NEVADA 89123 - PHONE 772-1111 - FAX 772-1111

SUP-5984
SDR-5942
03-10-05 PC



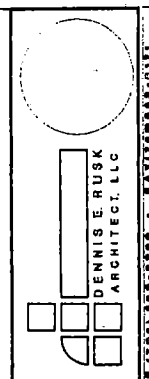
1 PARTIAL FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

 DENNIS E. RUSK ARCHITECT, LLC	
SECOND FLOOR PLAN FREMONT VILLAGE FREMONT STREET/ARCADE STREET LAS VEGAS, NV 89101	
DATE: 03-10-05 BY: [Signature] CHECKED BY: [Signature] PROJECT NO.: 03-10-05 PROJECT NAME: FREMONT VILLAGE PROJECT ADDRESS: FREMONT STREET/ARCADE STREET, LAS VEGAS, NV 89101 PROJECT PHONE: 702-735-1111 PROJECT FAX: 702-735-1112 PROJECT EMAIL: info@denise-rusk.com PROJECT WEBSITE: www.denise-rusk.com	
Drawn by: [Signature] Project No.: 03-10-05 Sheet No.: 1 of 1 Scale: 1/8" = 1'-0" North Arrow	



1 PARTIAL FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

SUP-5984
SDR-5942
03-10-05 PC



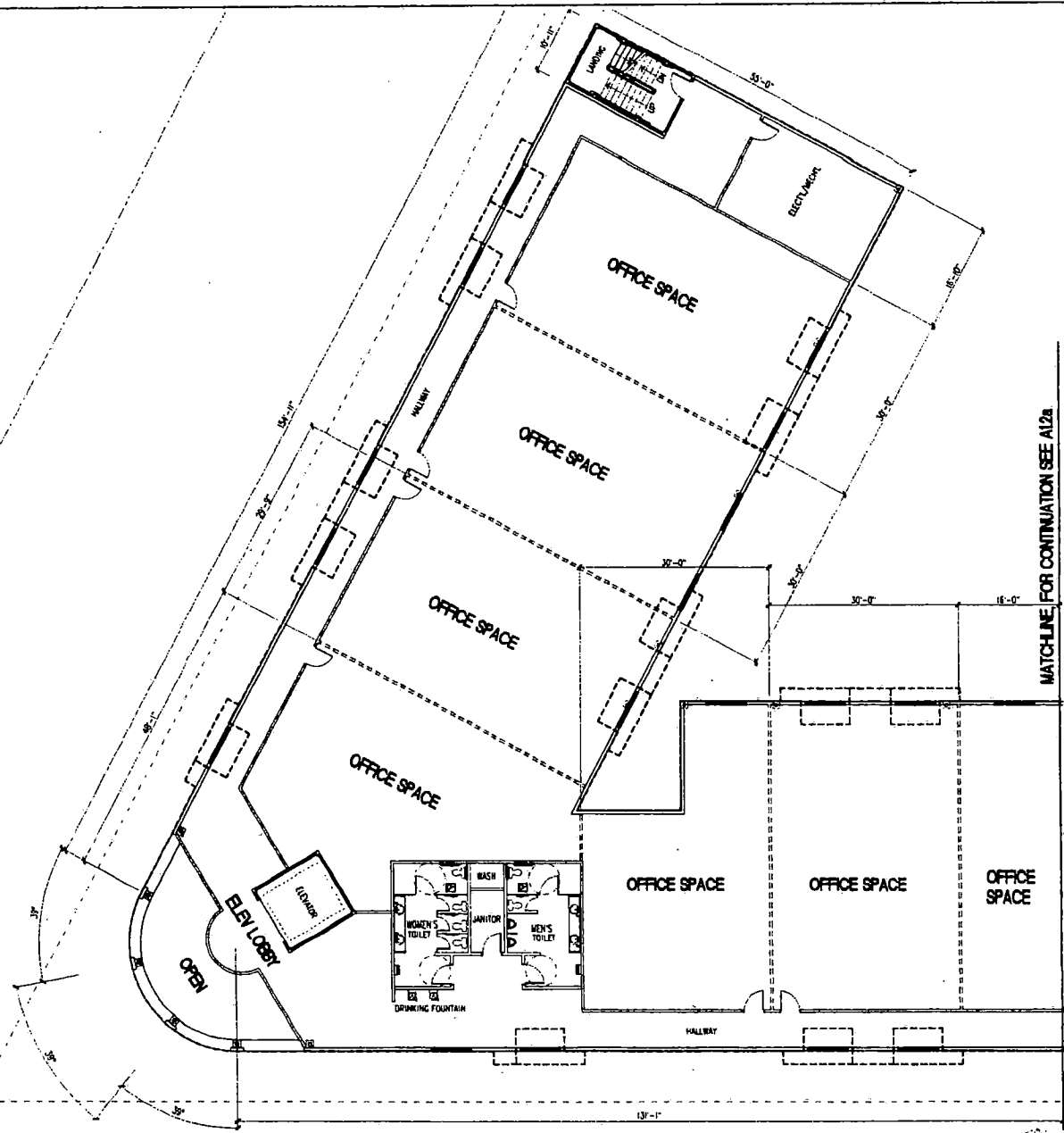
FREMONT VILLAGE
FREMONT STREET/VERDE STREET
LAS VEGAS, NV 89101

REVISIONS:

NO.	DATE	DESCRIPTION
1	03-10-05	ISSUED FOR PERMIT

Drawn: C-10-04
Project No.:
Checked By:
Date: 03-10-05
Sheet No.:
AT&A

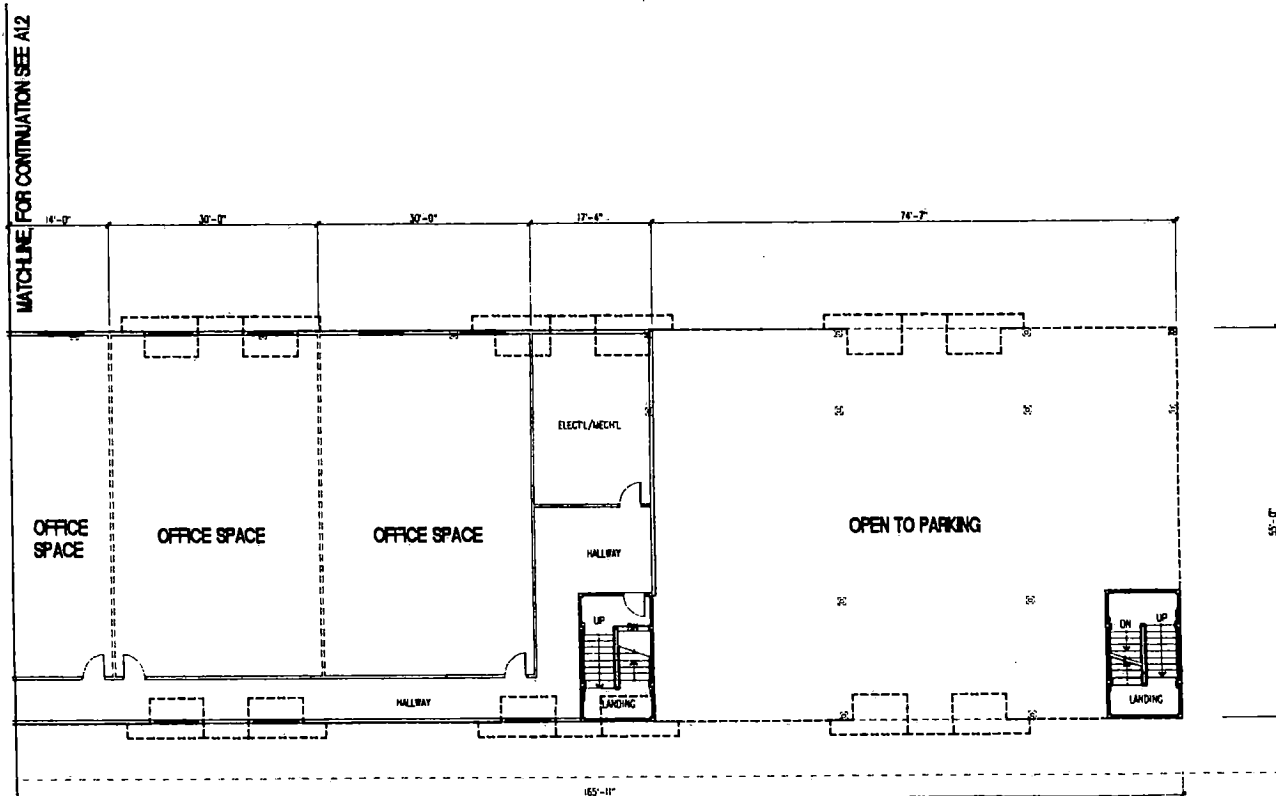
SUP-5984
SDR-5942
03-10-05 PC



1 PARTIAL SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

DENNIS RUSK ARCHITECT, LLC							
FREMONT VILLAGE FREMONT STREET / ARCADE STREET LAS VEGAS, NV 89101							
SECOND FLOOR PLAN							
REVISIONS: <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>03-10-05</td> <td>PC</td> </tr> </table>		NO.	DATE	DESCRIPTION	1	03-10-05	PC
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SUP-5984
SDR-5942
03-10-05 PC



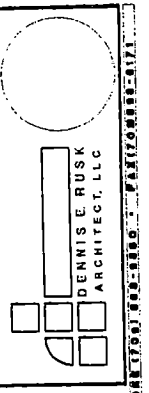
1 PARTIAL SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0" NORTH

DENNIS E. RUSK ARCHITECT, LLC	
SECOND FLOOR PLAN FREMONT VILLAGE FREMONT STREET/BRUCE STREET LAS VEGAS, NV 89101	
DATE: 03-10-05 PROJECT NO.: 5984 DRAWN BY: [signature] CHECKED BY: [signature] SCALE: 1/8" = 1'-0"	

SUP-5984
SDR-5942
03-10-05 PC



1 PARTIAL THIRD FLOOR PLAN
SCALE 1/8" = 1'-0"



THIRD FLOOR PLAN
FREMONT VILLAGE
FREMONT STREET/ARCHIE STREET
LAS VEGAS, NV 89101
DENNIS E. RUSK
ARCHITECT, LLC

REVISIONS:
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DATE: 03-10-05
PROJECT NO.:
DRAWN BY:
CHECKED BY:
SHEET NO.:
A138

WATCHLINE FOR CONTINUATION SEE A13



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



DENNIS E. RUSK
ARCHITECT, LLC

THE UNIVERSITY OF CHICAGO

EREMONT VILLAGE

CLIFFMONT STREET/BRUCE STREET
LAS VEGAS NV 89101

Revisitors:

Date: 7-9-66
Project No.: 66-1586
Drawn By: JG
Checked By: JG
Sheet No.: 13

Architectural floor plan of the partial fourth floor. The plan shows a long, narrow building section with a central 'HALLWAY' and two 'LAUNDRY' areas. The left side features a 'LOBBY AREA' and a curved exterior wall. The right side shows a 'HALLWAY' and several rooms labeled 'A2' with room numbers like RA1418, RA1419, RA1420, RA1421, and RA1422. The plan includes dimensions such as 25'-0", 30'-0", and 130'-11". A matchline on the right indicates the plan continues on sheet A148.

MATCHLINE FOR CONTINUATION SEE A14a

PARTIAL FOURTH FLOOR PLAN

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

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PARTIAL DIFFERENTIALS

FREMONT VILLAGE

FREMONT STREET LARGE SHEET
LAS VEGAS, NV 89---

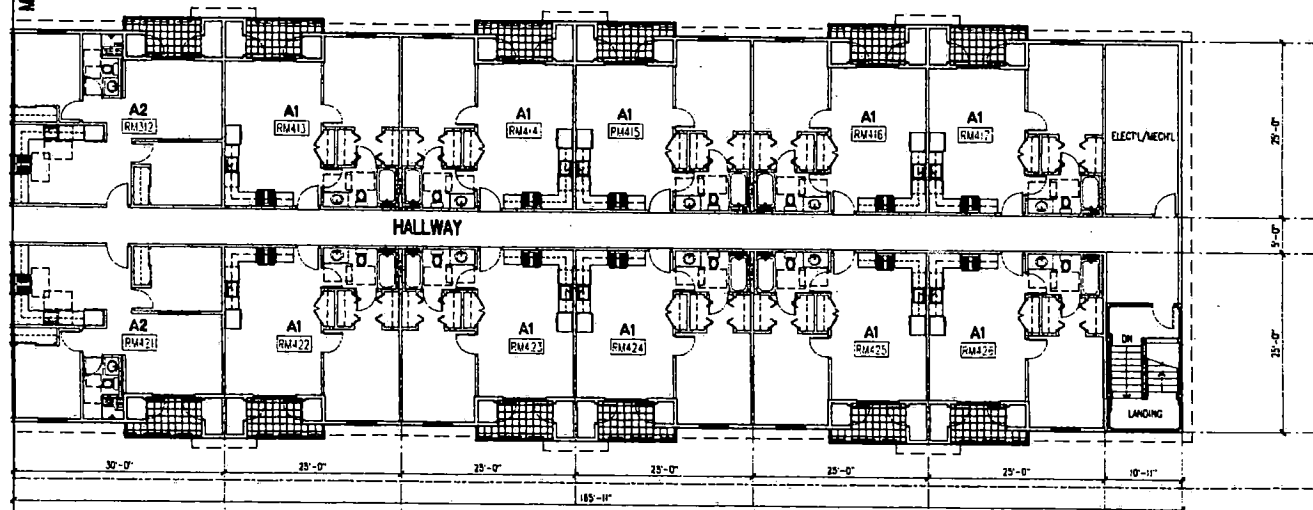
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 Sheet No. _____
 A-14

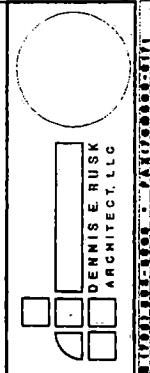
DENNIS E. RUSK
ARCHITECT, LLC

SUP-5984
SDR-5942
03-10-05 PC

MATCHLINE, FOR CONTINUATION SEE A14



1 PARTIAL FOURTH FLOOR PLAN
SCALE: 1/8" = 1'-0"

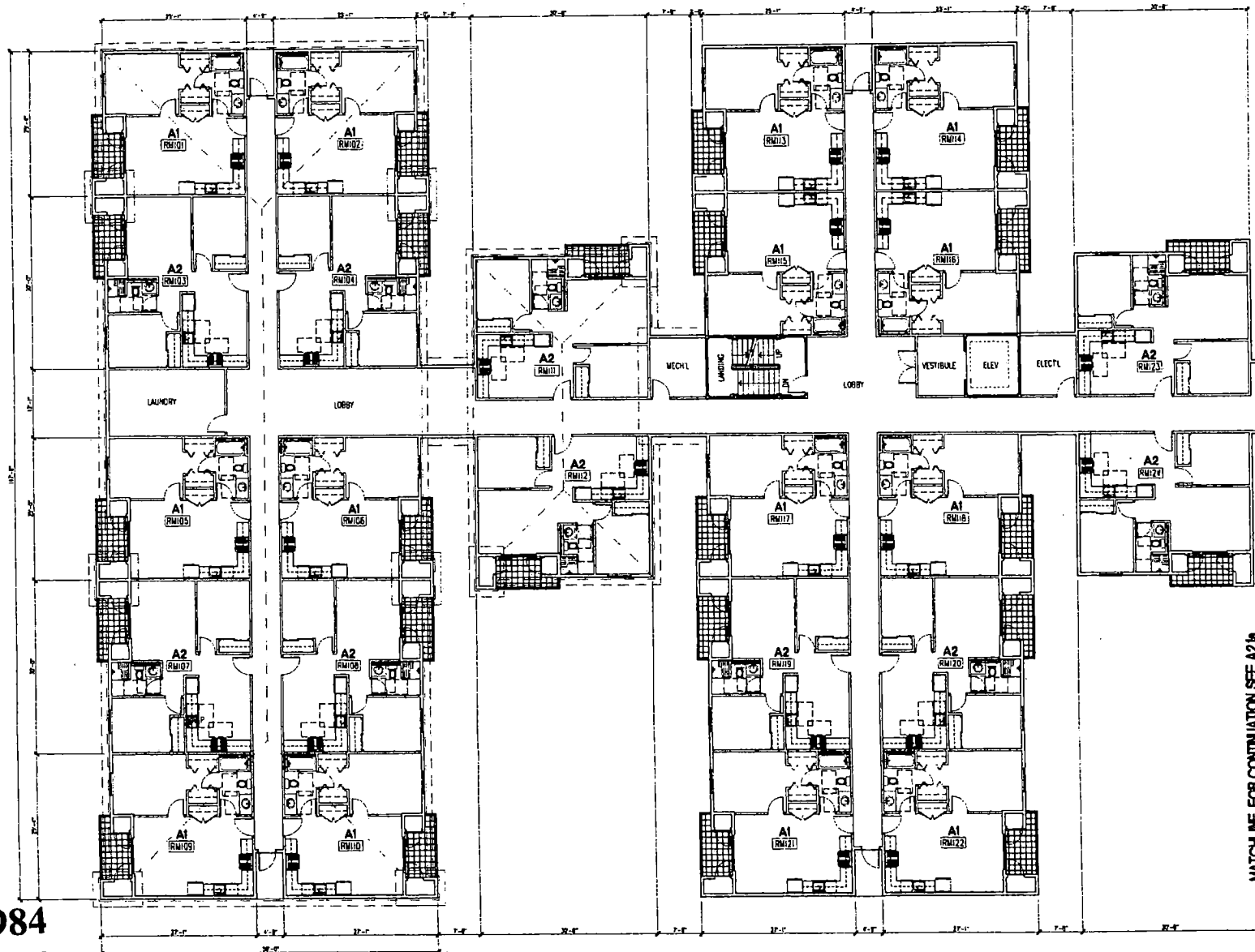


PARTIAL FOURTH FLOOR PLAN
FREMONT VILLAGE
FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 89...

Revisions:
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Date: 03-10-05
Project No.: 03-10-05
Drawn by: D.E.R.
Checked by: D.E.R.
A14a
A14b
A14c

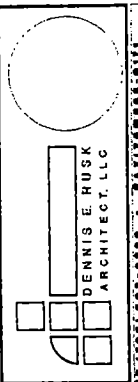
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SDR-5942
03-10-05 PC



MATCHLINE FOR CONTINUATION SEE A2.1a

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PARTIAL FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



DENNIS E. HUSK
ARCHITECT, LLC

PARTIAL FIRST FLOOR PLAN

FREMONT VILLAGE

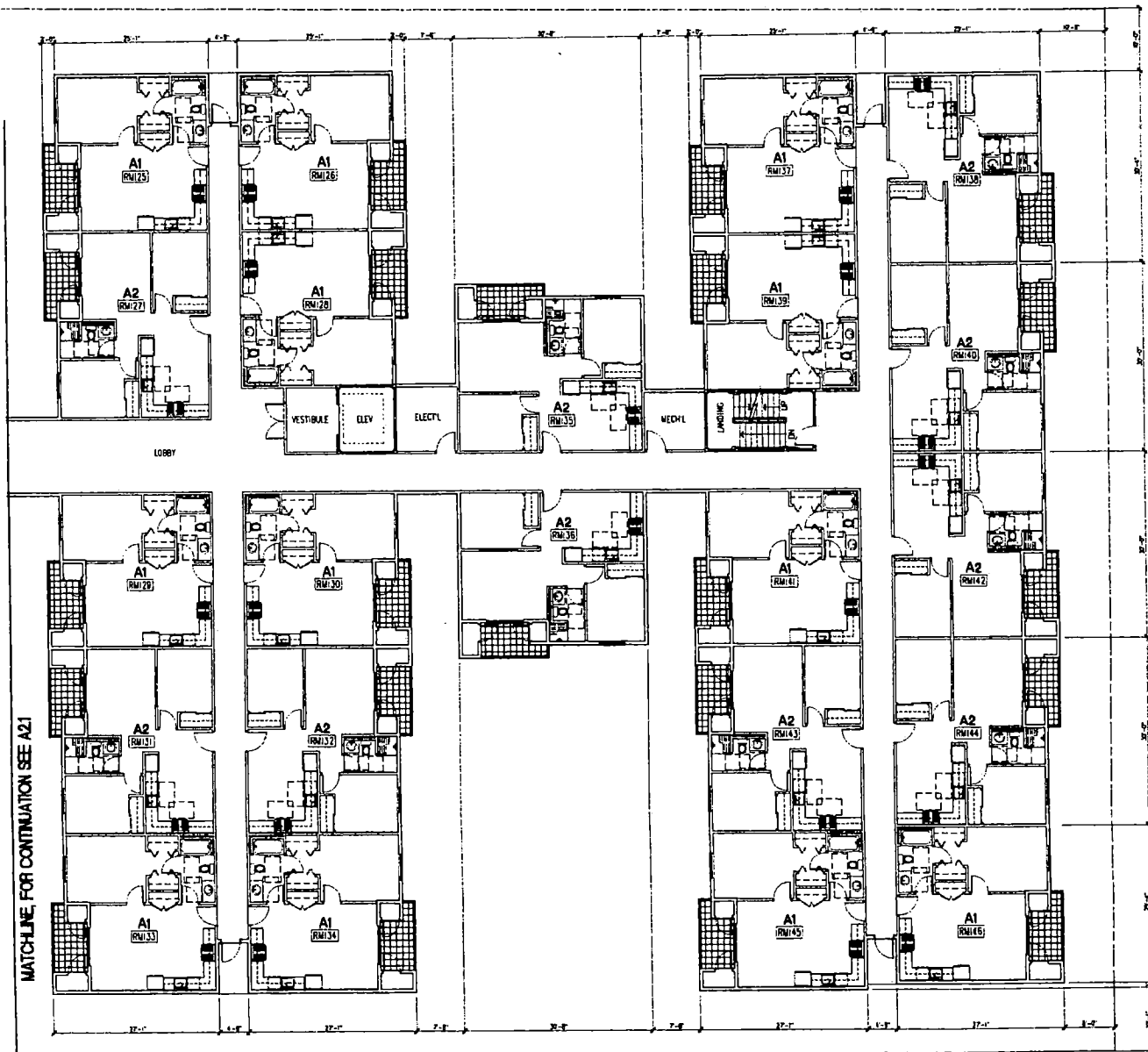
FREMONT STREET OFFICE STREET
LAS VEGAS, NV 891

Revisions
1. Change room numbers to match A2.1a
2. Change room numbers to match A2.1a
3. Change room numbers to match A2.1a
4. Change room numbers to match A2.1a
5. Change room numbers to match A2.1a

Date	12-25-04
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Check By	
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A2.1a

SUP-5984
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03-10-05 PC



MATCHLINE, FOR CONTINUATION SEE A21

PARTIAL FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

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



PARTIAL FIRST FLOOR PLAN

PREMONT VILLAGE

FHEMONT STREET/AFRIC-STREET
LAS VEGAS, NV 89

Revisão:

Date
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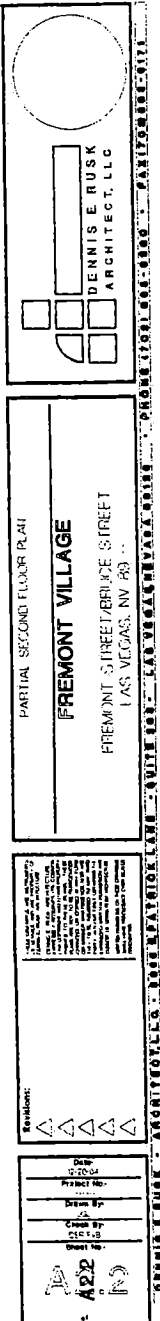
GENEALOGUE - ANOMYXOLLO - 800 KPAYATON LANE - QUINCY, ILL. - PHONE (708) 693-0000 - FAX (708) 693-0111 - WWW.GENEALOGUE.COM

Architectural floor plan of a building. The plan shows a large central hall (LOBBY) with a BALCONY and a LOBBY area. The plan includes room numbers (A1, A2, RM 201, RM 202, RM 203, RM 204, RM 205, RM 206, RM 207, RM 208, RM 209, RM 210, RM 211, RM 212), a BALCONY, LOBBY, VESTIBULE, ELEV., and ELECT. area. Dimensions are provided for various sections. A large central hall is labeled 'HALL' and 'LOBBY'. The plan also shows a 'BALCONY' and a 'LOBBY' area. A large central hall is labeled 'HALL' and 'LOBBY'. The plan also shows a 'BALCONY' and a 'LOBBY' area.

5984
5942

WATCH ME FOR COORDINATION SEE A228

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



Architectural floor plan of the second floor of a building. The plan is divided into two main sections by a central corridor. The left section includes rooms A1 (RM213, RM214, RM215, RM216, RM217, RM218, RM219, RM220, RM221, RM222) and A2 (RM213, RM214, RM215, RM216, RM217, RM218, RM219, RM220, RM221, RM222). The right section includes rooms A1 (RM223, RM224, RM225, RM226, RM227, RM228, RM229, RM230, RM231, RM232, RM233, RM234) and A2 (RM223, RM224, RM225, RM226, RM227, RM228, RM229, RM230, RM231, RM232, RM233, RM234). The plan also shows a LOBBY, VESTIBULE, ELEV., and ELECT. areas. Dimensions are provided along the top and bottom edges.

MATCH LINE, FOR CONTINUATION SEE A22

①

PARTIAL SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

Resident:

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Drawn by: J.S.

Check by: J.S.

Sheet No.: 1 of 1

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY NOTED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR IN ANY MANNER MISUSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER OF THIS DRAWING AGREES TO HOLD THE ARCHITECT HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, THAT MAY BE INCURRED BY THE ARCHITECT AS A RESULT OF SUCH MISUSE.

PARTIAL SECOND FLOOR PLAN

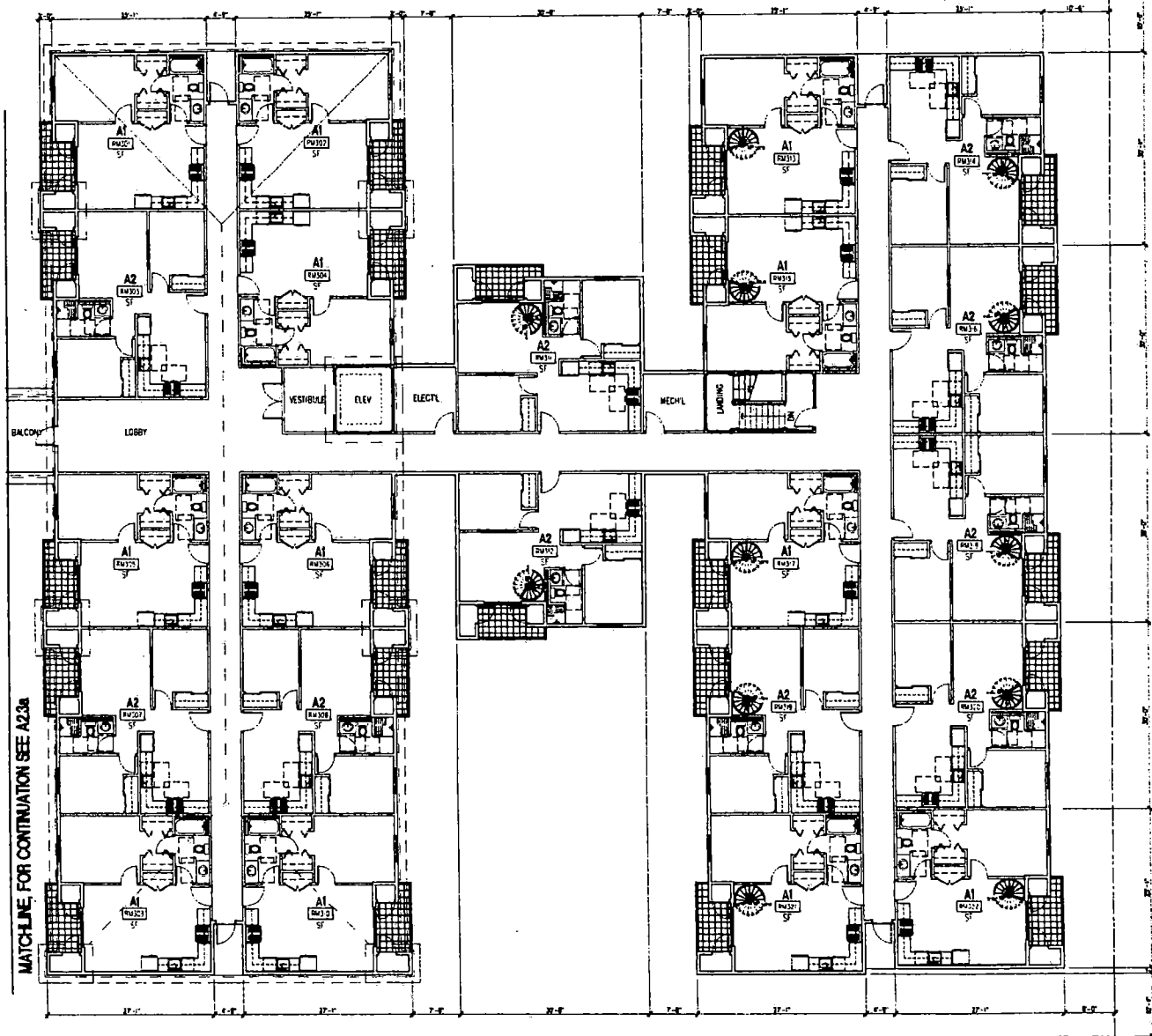
FREMONT VILLAGE

FREMONT STREET/ROCKY MOUNTAIN
LAS VEGAS, NV 891



DENNIS ERUSK
ARCHITECTS, LLC

SUP-5984
SDR-5942
03-10-05 PC



1 PARTIAL THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

FREMONT VILLAGE
FREMONT STREET/ARCADE STREET
LAS VEGAS, NV 89

DENNIS E. RUSK
ARCHITECT, LLC

REVISIONS:

NO.	DATE	DESCRIPTION
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MATCH IN FOR CONTINUATION SEE A23

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



NORTH
CAROLINA
STATE
UNIVERSITY

Revelation

Date: 5-23-84
Project No.:
Drawn By: Aik
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Sheet No.: A232

PARTIAL THIRD FLOOR PLAN

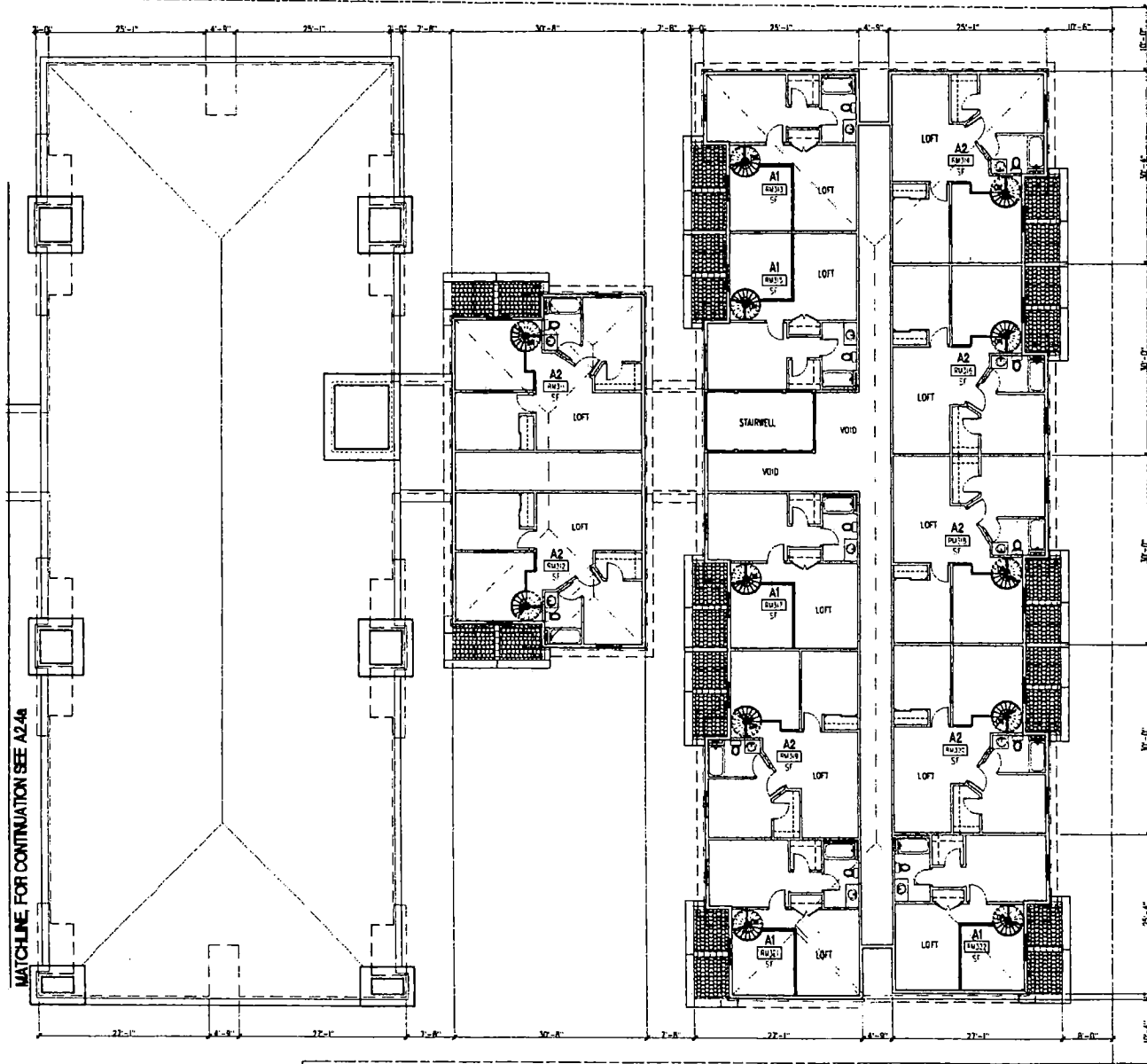
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FREMONT STREET/BFLUCE STREET
LAS VEGAS, NV 89---


 DENNISE RUSK
 ARCHITECTURE, LLC

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SUP-5984
SDR-5942
03-10-05 PC



PARTIAL LOFT FLOOR PLAN

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



Page 10 of 17

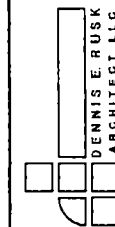
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PARTIAL FOURTH FLOOR PLAN

FREMONT VILLAGE

FLEMONT STREET THERAPEUTIC STREET

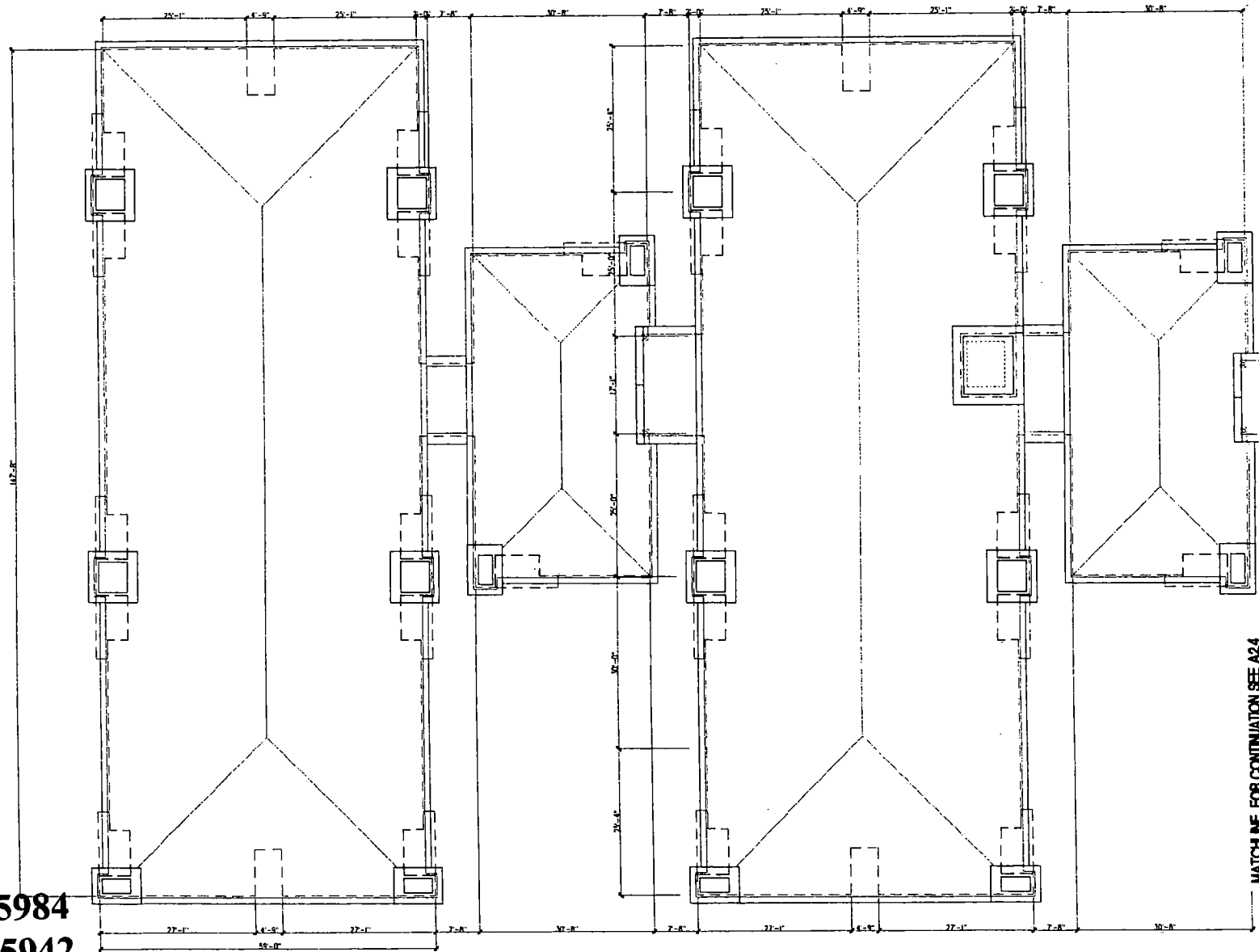
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DENNIS E. RUSK
ARCHITECT LLC

ARCHITECT. LLC

SUP-5984
SDR-5942
03-10-05 PC



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PARTIAL FOURTH FLOOR PLAN

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

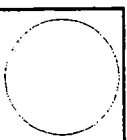


MATCHLINE FOR CONTINUATION SEE A24

REVISIONS
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PARTIAL FOURTH FLOOR PLAN
FREMONT VILLAGE
FREMONT STREET/BRUCE STREET
LAS VEGAS, NV 891

DENNIS E. RUSK
ARCHITECT, LLC





SUP-5984 & SDR-5942- APPLICANT/OWNER: FREMONT BRUCE, LLC
ADJACENT TO THE SOUTHEAST CORNER OF BRUCE STREET AND FREMONT STREET
MAY 12, 2005 PLANNING COMMISSION

02/22/05

Architecture

DENNIS E. RUSK ARCHITECT

January 11, 2005

Planning and Development
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV 89101

Re: Mixed-Use Commercial/Residential
Downtown Centennial Plan
Bruce and Fremont

JUSTIFICATION LETTER

We proposed to construct a 152 units Apartment Complex over two floors of commercial and parking located on the East side of Bruce and South side of Fremont, Las Vegas Nevada. The building consists of four stories with three story portion over ground floor parking with approximately 21,000sf of commercial space.

We are filing for a Site Plan Review in accordance of the Downtown Centennial Plan.

The parking provides 1/unit for the apartments of 152 spaces and 1/250sf of the commercial for 34 spaces and a total of 242 spaces.

Thank you,


Dennis E. Rusk, Architect

SDR-5942

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE - MSH-6024 - MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - APPLICANT: TRIPLE FIVE DEVELOPMENT, NEVADA - OWNER: GREAT MALL LAS VEGAS, LLC - Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS, Ward 6 (Mack).

SET DATE: 05/18/05 C.C. 06/01/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at Meeting – Five Design Alternatives for alignment submitted by Gary Leobold.
6. Submitted at Meeting – Individual pages 5, 6, 10 and 13 of the Development Agreement between the City of Las Vegas and Montecito Town Center LLC submitted by Bob Gronauer
7. Submitted at Meeting – Copy of the entire Development Agreement between the City of Las Vegas and Montecito Town Center, LLC by Bob Gronauer
8. Submitted at Meeting – Letter of Protest from the Sierra Health Services by Bob Gronauer
9. Submitted at Meeting – Aerial Photo by Bob Gronauer

MOTION:

TRUEDELL – DENIED – UNANIMOUS with McSWAIN excused

To be heard by City Council 6/01/2005

NOTE: VICE CHAIRMAN TRUEDELL disclosed that he represented one of the property owners involved in the acquisition of this property some time ago. He has no relationship with any of the parties now involved and would be voting.

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 30 – MSH-6024

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, gave an overview of the application, which was initially a request by Triple Five to have a segment of Grand Montecito Parkway realigned; however, that request was replaced by a subsequent request to have that segment deleted. Using a map showing the entire Town Center environment, he oriented the Commissioners to the subject segment. That segment, in relationship to Durango Drive, is the only through north/south street within the core portion of the Town Center area. That section is designated in the plan as a Town Center loop road and it provides a loop function circulating so that local traffic can move through and into the Town Center area. That road is a 90-foot wide, right-of-way and it contains four travel lanes, bike lanes and nine-foot sidewalks with amenity zones on either side.

The applicant is proposing to build a regional mall in the area and there is already a significant amount of approved development. Much of that is under construction such as the Kohl's center, which is approved for 170,000 square feet of retail, a regional hospital, the Montecito Marketplace, which is 380,000 square feet, an apartment project with over 400 units, an office development with a private academy and a residential development by Richmond American Homes. There are also applications approved for 24-story towers with a mixed-use project and a 15-story tower. All of this development will generate traffic flows in the area.

Although there has been no formal application for a site plan, staff was provided with a concept plan to evaluate the impact of the roadway. The concept plan showed four major anchors, a family entertainment center, a parking structure and the shopping mall connecting those elements. The applicant feels the road going through the mall site would cause problems with the development and has requested approval to run traffic through a privately owned lane to conduct traffic around the mall.

Using this conceptual plan, City staff designed five alternatives that would incorporate the regional mall and the roadway together on the site in a manner acceptable to staff. The design alternatives included an underground tunnel so that traffic would go under the mall, relocation of the family entertainment center connected with a skywalk or rotating the mall to be parallel with the I-95 freeway.

BART ANDERSON, Public Works, indicated that when Town Center was first contemplated and the Montecito section of it was presented, the roadways were designed for the expected traffic. The area where the proposed mall would be located was designated as mixed-use/office

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 30 – MSH-6024

MINUTES – Continued:

and was expected to generate approximately 15,000 trips per day. Durango Drive and Grand Montecito Parkway were designed to handle that flow. The proposed mall would generate approximately 45,000 trips per day, which the roadways were not designed to handle.

The Traffic division of Public Works put together a model of expected traffic and if the alignment is altered or eliminated, the traffic handling capability of the Parkway will be reduced. The traffic that would have used that street would be diverted to Durango Drive, which is already expected to be operating at capacity. Durango Drive has a capacity of 52,500 trips per day, the anticipated build out would take that number to 65,000. Grand Montecito Parkway was designed with a capacity of 35,000 trips per day and anticipated to carry only 25,000. It does have available capacity to take some of the excess from Durango Drive. With the proposed mall but using the same alignment, the capacity would remain at 35,000 but the average daily traffic (ADT) would increase to 50,000 cars per day. Durango Drive would be affected by that scenario as well and the trips per day would increase to 72,000. Staff believes that although those numbers are over capacity, the streets could handle that volume of traffic. The applicant's original request included changing the configuration of the parkway to include two, 90-degree angles and that drastically reduces the capacity the street can manage. The trip per day capacity would drop from 35,000 to 25,000 and people who would be using that would be diverted to Durango Drive, which would increase to 77,000 trips per day.

He concluded by explaining that the mall creates a situation where more traffic than designed for will be present. The current configuration is the most likely to be able to handle that traffic and any reduction or elimination in that traffic handling seriously impairs the ability to get traffic in and out. Public Works recommends that the request to amend the Master Plan be denied because if a mall is contemplated for this area, the best way to service the mall would be with the roadway in the current configuration. If a mall is not proposed, the alignment would remain because it was designed to accommodate traffic for this area.

PAUL LARSEN, Attorney, 300 South 4th Street, appeared on behalf of the applicant with JAMES GRINDSTAFF, Project Manager, and ESKANDAR GHERMEZIAN, President, Triple Five Development, 510 West Sahara Avenue and HOWARD PEARLEMAN, Architect, 2230 Corporate Circle, Henderson.

ATTORNEY LARSEN pointed out the section of Grand Montecito Parkway that would run directly through the middle of the project if the alignment were not adjusted. He oriented the Commissioners to the site and explained that the majority of the proposed development or recently constructed development in this area is contrary to the plan originally contemplated by the Montecito Development Agreement. Streets such as Dorrell Lane have been vacated and no longer exist as originally planned. ATTORNEY LARSEN felt the applicant's request to amend

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 30 – MSH-6024

MINUTES – Continued:

the street plan did not differ from the many other requests that were granted in this area and that his client should receive the same consideration. The proposal would take the Grand Montecito Parkway onto the property at exactly where the alignment abuts the site and then it would exit the property at exactly the same place the alignment would exit the site if not altered. The change would be to divert the street around the mall instead of through it. Using the conceptual map of the mall project, ATTORNEY LARSEN explained that it is important when planning a mall to have all of the stores within a continuous walking distance and without having the synergy interrupted by pedestrian bridges and parking lots. By moving the alignment onto the property, the mall synergy would not be obstructed as it would with the design ideas presented by MR. LEOBOLD.

MR. PEARLEMAN, respectfully disagreed with the design proposals by Planning staff. With experience in designing malls worldwide, he appreciated the importance of the placement of the tenants, amenities and parking. Splitting the mall would create two shopping centers and would not promote a successful mall. The developer has spoken with prospective anchor tenants for over two years and it is essential that the mall configuration remain as proposed. The road cannot go through the mall; however, the applicant is more than willing to work with the City to find an alternative.

MR. GHERMEZIAN informed the Commission that he has built the largest entertainment center in the world, the West Edmonton Mall in Edmonton, Canada, and the second largest entertainment center in North America, the Mall of America in Minneapolis. The centers are high quality and create many jobs in the community. He confirmed the comments of MR. PEARLEMAN. Dozens of meetings have occurred with the anchor stores of the mall, and those stores have dictated the specifications the mall must meet for the store to commit. The land is given to the anchor stores; they do not purchase the land.

Studies have shown that in a regular mall, a shopper would spend anywhere between a half an hour and one and a half hours shopping. In his malls, the average time spent at the mall is usually three hours. He suggested that his shopping centers do not generate the same amount of traffic as standard malls because people are not going in and out as often. He has heard similar traffic concerns from the municipalities of other centers he has built; however, the anticipated traffic issues do not come to fruition once the mall is built. The staff proposals are appreciated but will not work. He reminded the Board that the mall, as proposed, will be an asset to the City.

MR. GRINDSTAFF thanked Planning and Public Works staff for working so diligently with his company on this project. He stated that two engineering firms, VTN and Kimley Horn, are working on the project and they tried to incorporate staff's traffic considerations into a plan that

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 30 – MSH-6024

MINUTES – Continued:

works with the mall requirements. The solution was similar to that used to construct the Boulevard Mall with the exception of having a road running through the mall the way Twain Avenue runs through the Boulevard Mall. Similar to the Boulevard Mall, this proposal would end streets into the mall and begin them again on the other side of the mall. To add capacity in the area, Deer Springs Road would be dedicated as a public street and would be connected to the frontage road to create another outlet for traffic. The old Dorrell Alignment would be brought onto the site, created as a public street and then connected to the frontage road as well. These two additional streets running north and south should help alleviate the traffic flow.

C ATTORNEY LARSEN reiterated that the traffic coming to the mall would be destination traffic, not thru traffic. Nevertheless, the developer is providing north/south through elements to accommodate staff concerns. Regardless of what the plan is for Grand Montecito Parkway, it will not carry much through traffic.

TODD FARLOW, 240 North 19th Street, said a smooth curve could not be substituted with two, 90-degree angles. The traffic cannot be handled the way it is now, this proposal will make it worse. With 30 individuals consulting on this project, if the applicant cannot make the traffic work, perhaps it is the wrong location for the mall.

C BOB GRONAUER, Attorney, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of Montecito Town Center in respect to a development agreement between the City of Las Vegas and Montecito Town Center LLC, which the City entered into in May of 2002. ATTORNEY GRONAUER submitted documents to prove that there should not be any applications filed within the Montecito Development Agreement without the consent of the owner or master developer as indicated in that agreement. The agreement insured that there would be no changes to the 192 acres without the agreement of the City and the developer. By using a map from the agreement, ATTORNEY GRONAUER showed that the subject site was included within those 192 acres.

ATTORNEY GRONAUER found the applicant's argument illogical as there has not been a completed traffic study and there were no traffic engineers present to prove that even if the application were allowed to move forward, the traffic in the area would not be impacted. He also commented that the applicant is allowing traffic to access the frontage road but that will not provide much of a benefit because the frontage road comes to a dead end at the Elkhorn overpass. Arterials running north and south are vital in this area as there are only two designed since 2002, Durango Drive and the alignment being discussed on this application.

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MINUTES – Continued:

ATTORNEY GRONAUER read several portions of the development agreement. He pointed out that the owners of several existing projects and many that are under construction in the area purchased those properties knowing the alignment of Montecito Grand Parkway was established. Those developers have built within the specifications of the agreement or received consent from the owner to alter that agreement. ATTORNEY GRONAUER submitted a letter of opposition from the hospital.

He concluded by indicating his client is the master developer in this area and they do not consent to any changes to the plan. The road should have already been built because it was planned to be finished by 2004. Now the owner has to defend the necessity of the road while the businesses in the area do not have appropriate roads because the Montecito Alignment is not complete.

SANDY GUTIEREZ, who spoke for herself and on behalf of DOTTY MILLER, a resident from Timber Lake, hoped the commissioners would also consider input by the residents. MS. GUTIEREZ opposed suggestions to have a tunnel beneath the mall feeling it would result in a raceway atmosphere. She felt the existing roads were adequate and that the mall would cause destination traffic only.

KRISTIN SMOOT, 2117 Mistle Thrush Drive, was very excited about the project. She was looking forward to a shopping center in her area and, as a mother of two, she looks forward to having family entertainment available.

MENDEL WEINMAN, 9716 Floweret Avenue, felt the City should look at the tax revenue that would result from such a large center. He also opposed the road splitting the property because of safety concerns.

KIMBERLY McKAY, mother of three, was also excited about the prospect of the mall with family entertainment. She opposed splitting the mall with the road due to safety concerns.

MR. ANDERSON clarified that the applicant mentioned that several minor street alignments had been approved in previous actions and that they would like the same consideration. However, there is a huge difference between a minor street used for parcel access and an arterial designed for traffic movement. Eliminating or reducing the capacity of the alignment will have ramifications not only for the mall but for all properties within or on either side of the street. Also, Durango Drive is currently an important north/south corridor for the valley because it is one of the few streets that runs the length of the City. When this project deteriorates the capacity of the parkway, Durango Drive will be forced to absorb the capacity that cannot go onto Grand Montecito Parkway.

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MINUTES – Continued:

Regarding ATTORNEY GRONAUER'S comments regarding the dead-end of the frontage road, MR. ANDERSON explained the more recent plans do have that road going under the Elkhorn bridge and tying into the frontage road farther to the north but it will dead end to the south. Because of that, it cannot be used as a north/south substitute to the parkway. MR. ANDERSON disputed ATTORNEY LARSEN'S suggestion that Dorrell Lane was vacated. That street never existed; it was not needed for the original parcel access issues it was designed for. He concluded by stating that staff is not suggesting the road goes through their mall, it is their mall going through the City's road. The road exists on an alignment designed for this area. Any reduction in its capacity will have deleterious affects throughout the entire northwest.

MR. LEOBOLD noted that there are several successful malls around the country, which have roads going through them. There is one in San Diego and another in Salt Lake City called the Gateway, which has a road through the main level.

CHAIRMAN NIGRO confirmed with DEPUTY CITY ATTORNEY BRYAN SCOTT that the development agreement is a Covenant Running with the Land and any property owner subsequent to that agreement also have to follow the rules and regulations within that agreement. That would mean that any changes to the plan would need the concurrence of Montecito Companies to be a valid change to the development agreement.

ATTORNEY LARSEN suggested the only purpose of the Grand Montecito Parkway was to move traffic out of the pocket formed by the US95 and the 215 beltway. The subject site sits directly in the middle of that pocket. Traffic would stay on Durango Drive unless they intended to go to the mall. There was no acknowledgment when MR. BINION purchased the property that would make the development agreement binding on that property. ATTORNEY LARSEN indicated that when purchasing the property from MR. BINION, the applicant, Triple Five Development, was not made aware of any acknowledgement that the agreement was binding on the property. Additionally, the development agreement states the agreement is binding on the purchaser if they accept the obligations of the owner in that agreement. Nothing was done to acknowledge the assumption of the agreement.

ATTORNEY LARSEN also stated that as the property owners, they have the ability to file an application to reorient the roadway as it crosses the subject property. If the applicant is not an owner under the development agreement, it is a result of the agreement not running with the land. He reminded the Commission that all of these issues would disappear if the applicant were to receive the consent of the Montecito Town Center LLC, who informed ATTORNEY LARSEN that they do not have a problem with the alignment, but they are expecting a reimbursement of expenses involved in not having the road built at this time.

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MINUTES – Continued:

COMMISSIONER EVANS confirmed with ATTORNEY LARSEN that when Triple Five purchased the subject property, the proposed alignment was there and it was understood. ATTORNEY GRONAUER pointed out that when MR. BINION purchased the property, at the City's request, he signed an agreement knowing the road would have to be constructed under a Special Improvement District (SID). Because the agreement ran with the land, Triple Five was aware of the obligation as well. ATTORNEY LARSEN disagreed saying that for obligations to be binding on the purchaser of land, they have to record CC&Rs or the purchaser has to acknowledge their existence and agree to be bound by them, neither of which has happened. Therefore, the current owner is free and clear of those obligations. DEPUTY CITY ATTORNEY SCOTT indicated that the City does not agree with ATTORNEY LARSEN'S suggestion because when the third party purchased the property, they accepted the property with all of the covenants and burdens associated with the property. He reiterated the earlier comment of MR. ANDERSON that the applicant is trying to build a mall on an alignment, not the opposite.

MR. ANDERSON also pointed out that the alignment is not only a part of the Montecito Agreement, it is included on the Master Plan of Streets and Highways. The Council has adopted this alignment as part of the master plan.

COMMISSIONER EVANS asked what would happen if the master developer and applicant were able to come to an agreement over this alignment and also, what staff thought the best scenario for the area would be. MR. ANDERSON replied that independent of any agreement between the two parties, staff would still want uninterrupted traffic flow. The best scenario is the alignment as originally proposed. CHAIRMAN NIGRO indicated that the City is a part of the development agreement and therefore, would have to agree as well.

ATTORNEY LARSEN noted that there is a provision in the agreement that would allow the City to make modifications to the roadway alignments without the consent of the developer.

COMMISSIONER DAVENPORT confirmed with DEPUTY CITY ATTORNEY SCOTT that Owner is described in the development agreement in Part 1.1, Part 33 as the Montecito Town Center, LLC, a Nevada Limited Liability Company. A third party would be considered a successor.

COMMISSIONER GOYNES asked if the master developer and/or applicant had been able to look at the design proposals submitted by MR. LEOBOLD. ATTORNEY LARSEN indicated all of those proposals were similar to the original alignment and none of them would be viable to the project due to parking, traffic and economic issues. The Commissioner also asked if the master developer had taken into consideration the desire of the residents to have a regional mall built in

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MINUTES – Continued:

that location. ATTORNEY GRONAUER acknowledged those desires and assured COMMISSIONER GOYNES that Montecito Companies would like to see the mall be built. However, they are not prepared to allow the removal of a significant arterial that has taken many hours to plan. There is no objection to the mall. There is no objection to the road going under the mall to keep the alignment as planned.

COMMISSIONER STEINMAN confirmed with ATTORNEY LARSEN that when Triple Five purchased this property, there was no binding agreement, CC&Rs or covenants in relation to this alignment. ATTORNEY GRONAUER corrected him by stating that MR. BINION, who sold the property to Triple Five, was aware he would have to build the road pursuant to an SID. The contract between Montecito and Triple Five contained that information. The Commissioner felt that from a Planning situation, the realignment of Grand Montecito Parkway would be the correct thing to do because it will be a feeder road to the regional mall. To make sure it is a constant roadway would only make it a raceway. A legal issue that prohibits the road from being realigned complicates the situation. He was unsure as to how to vote on what seemed like a court issue. DEPUTY CITY ATTORNEY SCOTT explained that he was to vote on whether the request by Triple Five to amend the Master Plan of Streets and Highways is appropriate.

ATTORNEY LARSEN informed the Commission that they were not required to decide if the Master Development Agreement was relevant to the application; the Council would have the responsibility of making that decision.

VICE CHAIRMAN TRUESDELL said that without a Site Plan or a traffic study, trying to make an educated decision was very difficult. He was uncomfortable making a decision on whether the agreement was valid based on the presented information. Streets in this plan have been modified in the past. He recalled comments made by previous COMMISSIONER GALATI regarding grid-like street pattern. The hospital evolved out of the original grid pattern. Montecito sold the property to that hospital and the changes made to the plan with a lot of information. The current information is not adequate enough for the Commission to vote from. Although there have been several changes to the Town Center Agreement, that does not mean the agreement is no longer valid.

CHAIRMAN NIGRO stated that the development would be wonderful for the area. There may be another alignment that would work for this project. The development agreement involves the City and he did not have enough comfort with the information provided to vote against it. The City Attorney's Office said that the agreement does exist and that it does run with the land. That is difficult to dismiss and he would not support the application and go against the Development Agreement.

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MINUTES – Continued:

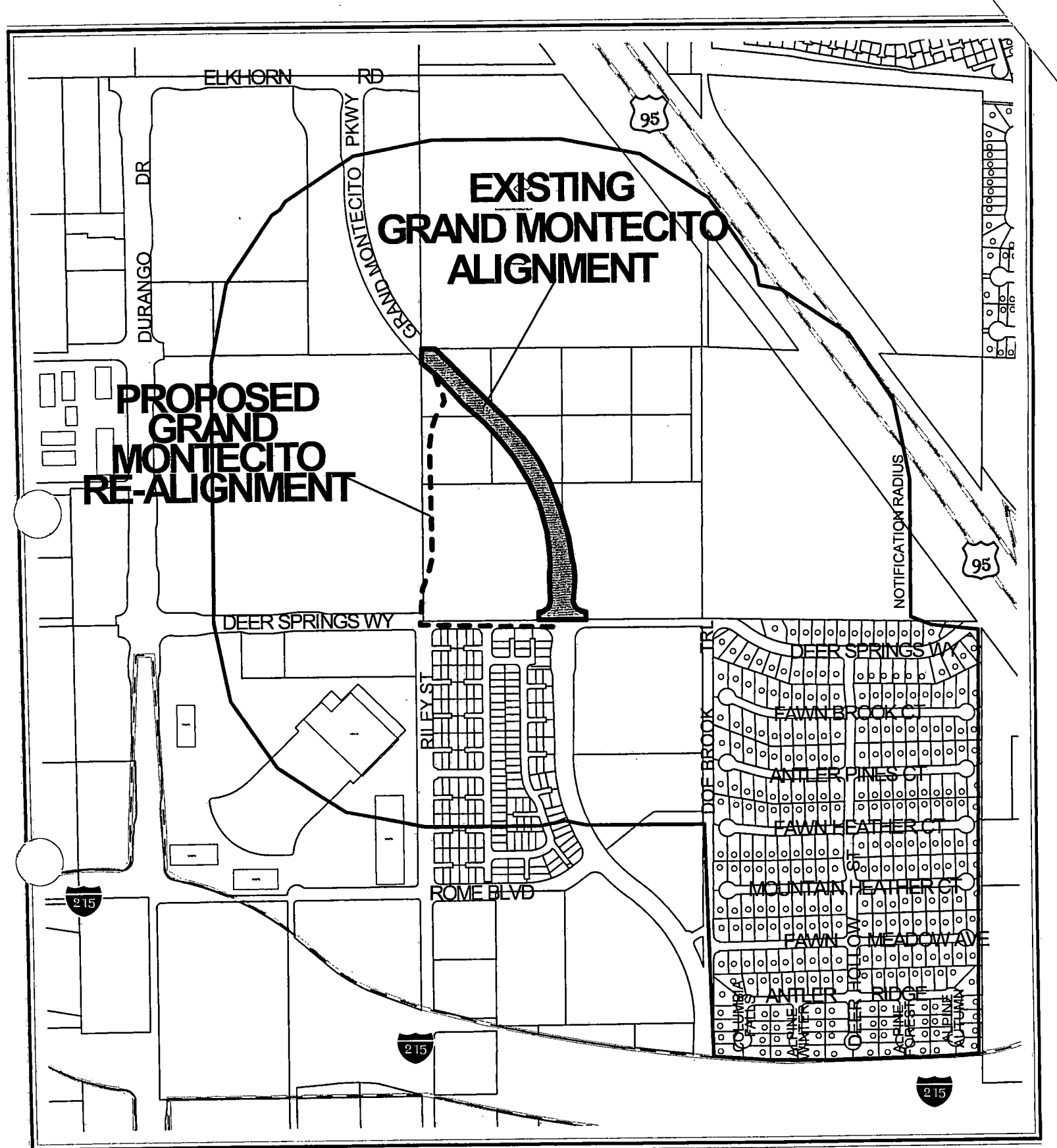
COMMISSIONER GOYNES felt the realignment could happen in this area and that it could work; however, everyone would need to agree on it. Because the agreement involves the City, the Commissioner felt that if the Board went against that, it could cause problems down the road if the issue is heard in a legal forum. The Commission has to keep the City's best interests in mind. He encouraged both parties to continue dialogue and if they should come to an agreement, he suggested they work closely with City staff to assure the design can handle the capacity anticipated for that road.

COMMISSIONER STEINMAN stated he would vote to deny the item but only because he did not like that voting yes would be locking the Commission into what was presented. He felt softer curves should be incorporated into the necessary realignment for the area because when this alignment was originally planned, there was no hospital or mall use there.

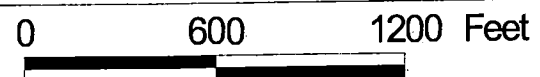
CHAIRMAN NIGRO declared the Public Hearing closed.

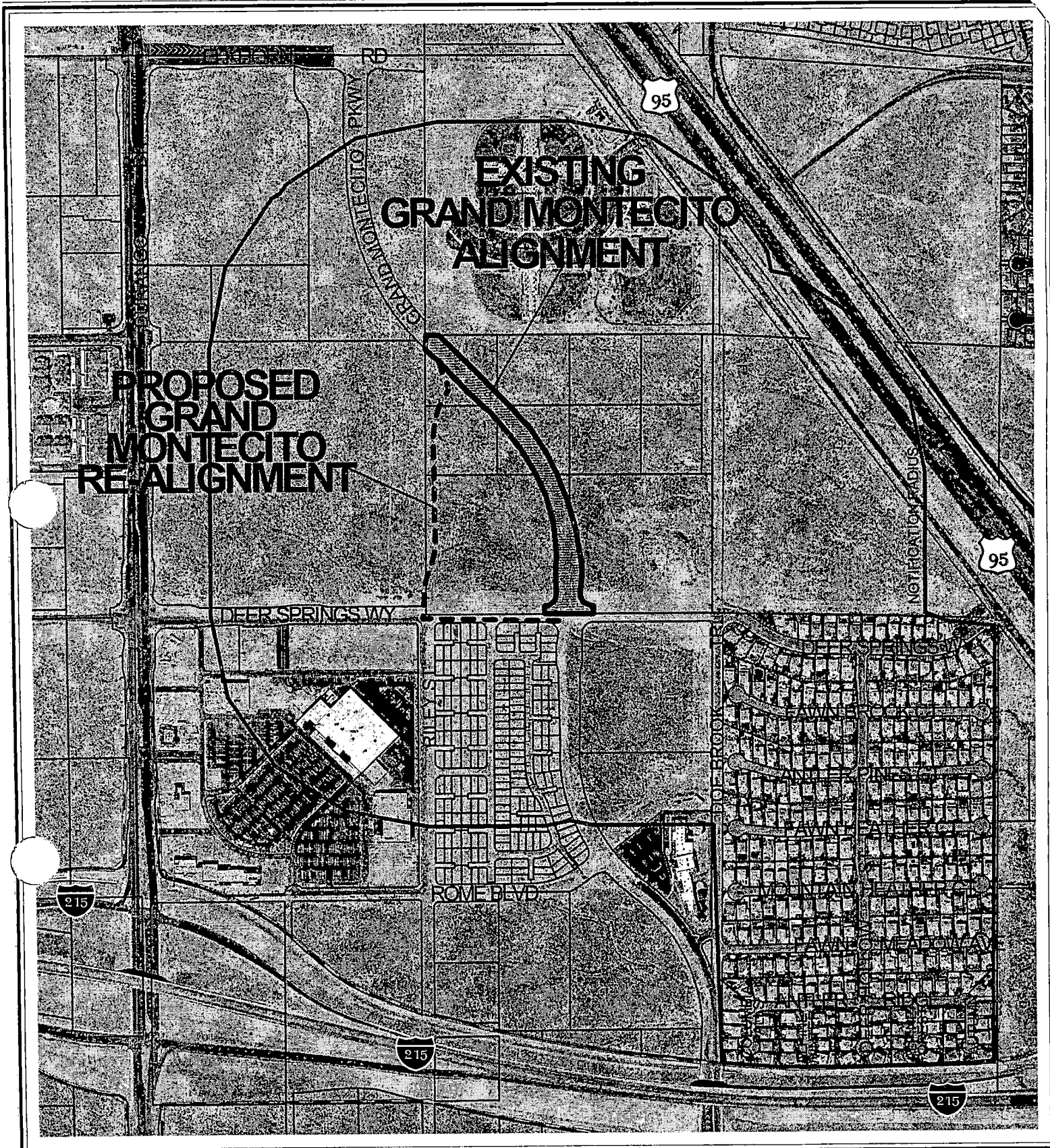
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1-246



CASE: MSH-6024
RADIUS: 1000 FT





CASE: MSH-6024
RADIUS: 1000 FT

0 600 1200 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: MSH-6024 - APPLICANT: TRIPLE FIVE DEVELOPMENT,
NEVADA - OWNER: GREAT MALL LAS VEGAS, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

1. Upon development, additional rights-of-way for dedicated right turn lanes, dual left turn lanes, and/or appropriate transition elements shall be required at the discretion of the City of Las Vegas Traffic Engineer.
2. City Staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City of Las Vegas requirements are still complied with and the intent of the submitted Master Plan of Streets and Highways is not changed.
3. An expedited application process; all associated costs, including those relating to traffic studies shall be borne by Triple 5.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This was initially a request to amend the Master Plan of Streets and Highways to realign a portion of Grand Montecito Parkway between the alignment of Dorrell Lane and Deer Springs Way; however, the applicant has subsequently requested to have this same portion of Grand Montecito Parkway deleted from the Master Plan of Streets and Highways.

B) Applicant's Justification

The applicant has justified this request by providing the following statement:

"We consider this section of road as currently aligned a significant hardship. We intend on developing a regional mall on property bisected by the current alignment. The intent of this application is to provide the future development with a suitable single parcel on which to build this regional facility instead of two oddly shaped parcels."

BACKGROUND INFORMATION

A) Related Actions

- 04/19/00 The City Council approved an amendment (MSH-0001-00) to the Master Plan of Streets and Highways, to create a number of major roadways, which included Grand Montecito Parkway (at that time not finally named and noted preliminarily as Durango Drive), within the Town Center area. This roadway system was intended to fulfill the requirement of the Federal Highway Administration to have a loop road system around the Town Center to provide local access to all four quadrants of the Town Center.
- 04/03/02 The City of Las Vegas and Montecito Town Center LLC, a Nevada limited liability company, entered into the Montecito Town Center Development Agreement.
- 02/07/05 The Planning and Development Department issued a letter indicating the request to amend the Master Plan of Streets and Highways (MSH-6024) to realign a portion of Grand Montecito Parkway between the Dorrell Lane alignment and Deer Springs Way could not be accepted because the applicant did not provide evidence that the request met the requirements of the Montecito Town Center Development Agreement.

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- 02/24/05 The Planning and Development Department received a letter from the applicant's representative requesting that the Department's refusal to accept the application as constituted be appealed to the City Council. This letter was dated 02/24/05, which is 17 days after the letter of non-acceptance was sent. Title 19.00.070.F only provides for a ten-day appeal period. Regardless of the timeline conflict, the Department was directed by the City Attorney's Office to schedule the appeal for the 04/06/05 City Council meeting.
- 03/09/05 The Planning and Development Department received an amended request from Triple 5 Nevada Development Corporation to MSH-6024 dated 03/08/05, to delete, rather than realign, the segment of Grand Montecito Parkway located within the "Great Mall of Las Vegas LLC" site, located on parcels 125-20-602-002/003/006/007 and 125-20-601-003 and 005.
- 03/15/05 The applicant's representative provided a site plan to Planning staff in support of this amended request, illustrating a site plan of a mall development on the site incorporating a proposed private street through the subject parcel to connect Grand Montecito Parkway from the northern boundary of the site to Deer Springs Way at the southern boundary of the site. This proposed private street does not meet public street standards. This amended request has been made without the express written consent of Montecito Town Center LLC.
- 04/06/05 The City Council approved the above-referenced appeal of the Director's decision (DIR-6223), allowing MSH-6024 to proceed to the Planning Commission, subject to the following added conditions:
- "An expedited application process with all associated costs, including those relating to traffic studies shall be borne by Triple 5."
 - "With notification to Montecito Companies LLC of such expedited application inclusive of maps, documents and staff reports."
- 04/28/05 The Planning Commission held this item in abeyance to the 05/12/05 Planning commission Meeting at the request of the applicant, in an effort to observe previous realignment commitments.

ANALYSIS

General Analysis and Discussion

As part of the initial request for MSH-6024, the applicant had provided a map showing a proposed realignment of Grand Montecito Parkway. Based on this proposal, a portion of the realigned road would be partly located on the parcel to the west, which is under separate ownership and has been approved for a hospital development. The owners of that site did not participate in this application for the streets and highways amendment.

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Consequently, the applicant, in order to eliminate the need for participation by the owners of the hospital parcel to the west, submitted a revised request to simply delete Grand Montecito Parkway from the subject site. This would have the effect of "dead-ending" the portion of Grand Montecito Parkway to the north of the site.

Staff then indicated to the applicant that Grand Montecito Parkway would have to be terminated in an acceptable manner. The applicant attempted to resolve this issue by providing a site plan for the subject site showing an internal private loop road within the proposed mall site connecting Grand Montecito Parkway to Deer Springs Way to the south. This proposal does not represent a satisfactory solution, however, as the proposed private road has two 90-degree intersections and sharp curves that do not meet the necessary public street standards, and could not convey adequate traffic flows if approved.

As a condition of approval by the City Council, the applicant was required to provide, at its expense, a traffic analysis of the effect of the deletion of this road segment. Presumably, this analysis would have to factor in the effect of a large shopping center, as proposed by the applicant, in the vicinity of 1.2 million square feet, that has only Grand Montecito Parkway and Deer Springs Way as its only access points. It should be noted that the site plan for the proposed mall as provided to staff has never had prior review or approval by Public Works Department staff, Planning Commission or City Council, and is strictly illustrative in nature. As of the date of this report, no such traffic analysis has been provided to staff for its review.

An internal traffic analysis is currently being conducted by the Traffic Engineering Division of the Department of Public Works. Although the study is not complete at this time, preliminary information under study includes the following:

1. The proposed location for the regional mall is within an area of Town Center that is currently designated for mix land uses. For the purpose of travel demand forecasting, the immediate impacted area is divided into 2 traffic analysis zones (TAZ), which is bounded by US 95 to the east, Durango to the west, Elkhorn to the north, and I-215 to the south. Based on the information contained in the regional travel demand model, the anticipated land uses for the area include about 1,300 residential dwelling units and 4,000 office/retail employees.
2. Within the two traffic analysis zones, the roadway infrastructure that is currently in place or in the plans to be built include the following:
 - a) one freeway (i.e., US 95) to serve northwest-southeast traffic;
 - b) one 6-lane arterial (i.e., Durango) and one 4-lane roadway (i.e., Grand Montecito Parkway) to accommodate north-south travel; and
 - c) one expressway (i.e., I-215), two 6-lane arterials (i.e., Grand Teton and Elkhorn, each has an overpass at US 95), and two 4-lane roadways (i.e., Farm Road and Deer Springs Way) to serve east-west traffic.

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3. Durango Drive is the one and only facility that provides direct north-south linkage across US 95 and I-215 for the entire area west of US 95, while additional east-west roadways immediately to the south of these TAZs are Centennial Parkway and Tropical Parkway with an overpass at US 95.
4. The lack of north-south roadway capacity has been a major concern of the City staff as well as the developers interested in the area. Due to the historical and developmental timing limitations, the current alignment was established for Grand Montecito Parkway as a 4-lane roadway between I-215 and Elkhorn. It is expected that Grand Montecito Parkway to provide not only the needed accesses to the parcels within the area, but also a smooth alternate route to relieve the anticipated congestion along Durango Drive. The reason for the current S-Curve alignment is to avoid 90-degree angled intersections which will greatly reduce capacity and impact the operations of all the intersections along the roadway, and therefore requires additional lanes to attempt to accommodate the same amount of traffic.
5. Due to the importance of the Grand Montecito Parkway, the City and the property owners in the area have made a tremendous amount of effort over the past several years to facilitate this roadway project. As of this date, the roadway design work is 100% complete and about 80% of the right-of-way has been dedicated based on the current alignment.
6. With the currently approved land use plans as described in Item #1, the traffic projection is about 65,000 vehicle trips per day along Durango Drive, which calls for a 6-lane facility, and 25,000 vehicle trips per day along Grand Montecito Parkway, which calls for a 4-lane roadway. A land use proposal that is more intensive than what is currently planned will result in a greater traffic demand and therefore need a greater roadway capacity to accommodate.
7. It is premature to generate the project specific traffic projections from the regional travel demand model at this time as detailed information, such as the types of stores as well as the square footages and number of employees of the individual stores, is not available for the proposed regional mall. However, a rough estimate can be made by using the most recent traffic data of the Las Vegas Premium Outlet Mall located at Grand Central Parkway and Bonneville Avenue as there are some similarities between the two projects.

The outlet mall is close to 0.5 million square feet and generates more than 12,000 vehicle trips per day. The proposed regional mall will be at least 4 times in size (based on the 2 million square feet that was given). The proposed development alone would generate about 50,000 vehicle trips per day if it offers similar stores and characteristics as the Premium Outlet Mall. Obviously, such a development would challenge the roadway capacity in the vicinity, especially on the roadways providing north-south travel and the interchanges providing access to the site. If this happens, Grand Montecito Parkway would need to be built as a 6-lane instead of a 4-lane facility in order to accommodate the additional demand. Additional dedication of right-of-way would be required from I-215 to north of Elkhorn Road to accommodate 6 lanes.

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8. It is important to point out that Durango is the only north-south corridor that connects the southern region to the northern region of the City. As one of the consensuses reached by participated state and local entities at the Northwest Planning Charette, the lack of north-south capacity is and will remain as one of the biggest challenges due to historical and demographical limitations. With the availability of future vacant land migrates further to the northwest region, it is crucial to reserve as much north-south capacity as possible to ensure the continuous growth of the City.

It is recommended that the deletion of Grand Montecito Parkway as proposed be denied, as it appears that there is no sound technical basis for its deletion, and substantial evidence to suggest that its deletion would have a major negative impact on traffic in the surrounding area, particularly on Durango Drive, which would then be the only north-south street through the area from Centennial Parkway to Elkhorn Drive.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

NOTICES MAILED NEWSPAPER ONLY

APPROVALS

0

PROTESTS

0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: **MSH-6024** APN: 125-20-602-002, 3, 5, 6, 7, 8

Name of Property Owner: Great Mall Las Vegas, LLC

Name of Applicant: TRIPLE FIVE DEVELOPMENT, NEVADA

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

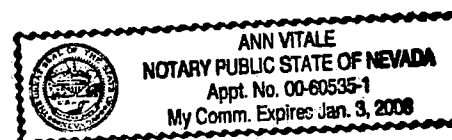
Signature of Property Owner: Chad W. Anderson

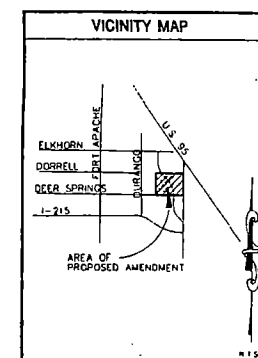
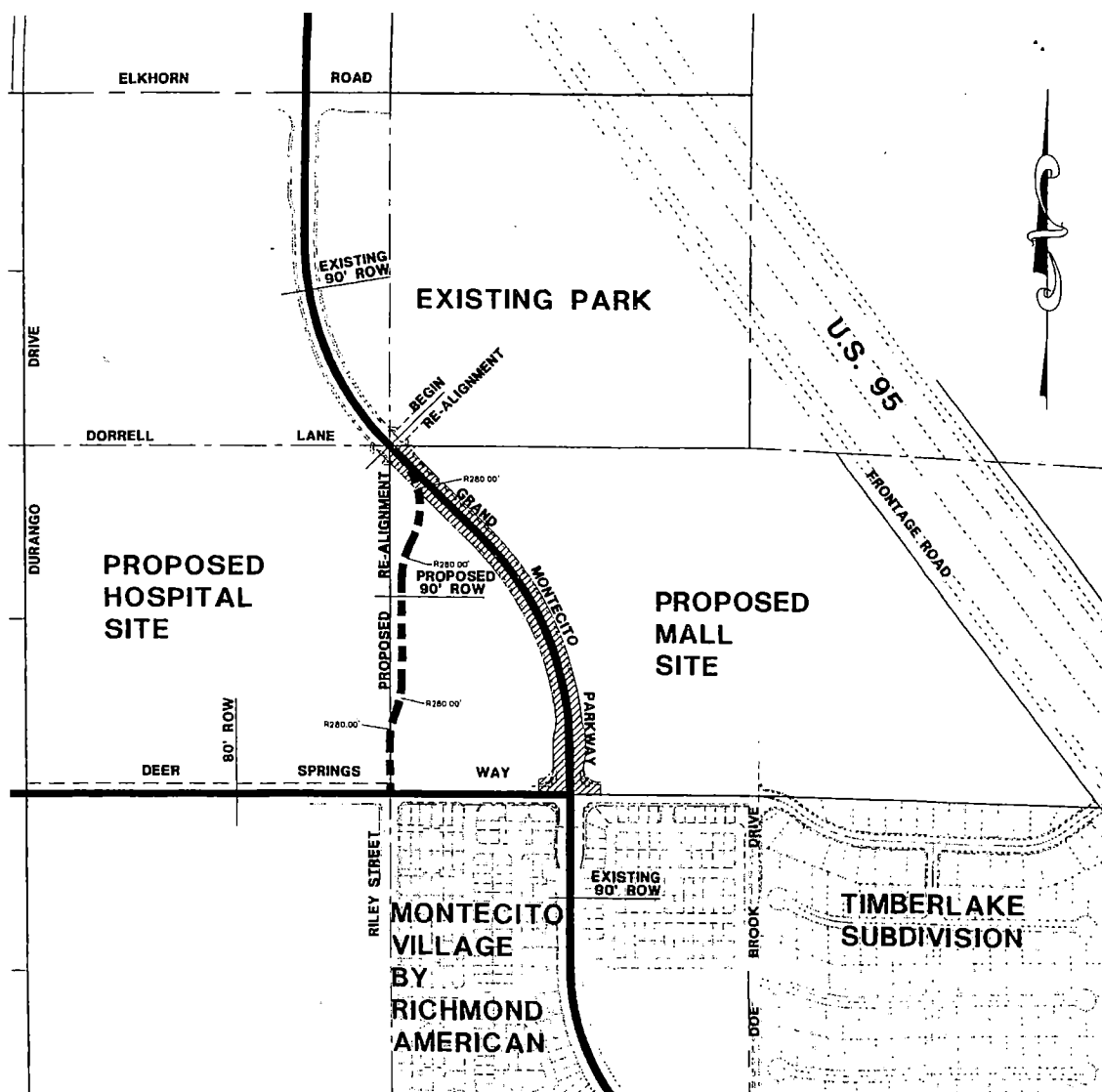
Print Name: John M. McCall

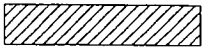
Subscribed and sworn before me

This 24th day of January 2005

Ann Vitale
Notary Public in and for said County and State
State of Nevada
County of Clark





-  EXISTING MASTER-PLANNED ALIGNMENT
-  PROPOSED MASTER-PLANNED ALIGNMENT
-  DELETED MASTER-PLANNED ALIGNMENT

H:\5585\PLANNING\5585-MSH-EXIST.DWG

W.O.#: 6385
DATE: 1/20/05
BY: B.T.W.
SCALE: N.T.S.

PROPOSED AMENDMENT
TO
STREETS + HIGHWAYS MASTER PLAN

vtm
nevada

**MSH-6024
4-28-05 PC**

RECEIVED
JAN 25 2005



TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION

City of Las Vegas
Planning & Development Department
Current Planning Division
731 South 4th Street
Las Vegas, Nevada 89101

January 25, 2005

RE: MASTER STREETS AND HIGHWAYS PLAN AMENDMENT REQUEST

Triple Five Development is requesting a Master Streets and Highways Plan amendment. We are requesting that a portion of right-of-way generally located in the northwest, known as Grand Montecito Parkway, be realigned between the Dorrell Lane alignment on the north and Deer Springs Way on the South. The master plan currently shows this street as a meandering seventy-foot (70') section of the street frontage system to US 95.

It is the our intent to realign a section of this frontage road beginning at a point approximately 1,320 feet south of Elkhorn Road (Dorrell Lane alignment) where the existing right-of-way departs APN# 125-20-510-004 at its southeast corner, south, to the intersection point of Riley Street and Deer Springs Way. This essentially relocates the intersection of Grand Montecito Parkway and Deer springs Way approximately 660 feet west of its currently planned location.

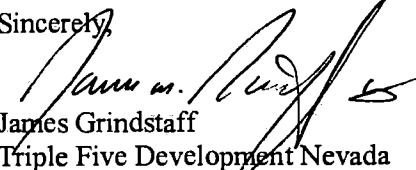
We consider this section of road as currently aligned a significant hardship. We intend on developing a regional mall on property bisected by the current alignment. The intent of this application is to provide the future development with a suitable, single parcel on which to build this regional facility instead of two oddly shaped parcels.

Additionally, as a result of the current status of the S.I.D. it has become necessary to seek alternative solutions to the previous Grand Montecito alignment. We desire to create an alignment that allows for the orderly movement of vehicles while creating points that provide areas for safe pedestrian travel.

This realignment will take a road that currently would split the mall into to separate areas causing multiply daily pedestrian crossing over an extremely busy road and relocated the road to the perimeter thus minimizing the auto / pedestrian conflicts.

Thank you for you time in reviewing our application.

Sincerely,


James Grindstaff
Triple Five Development Nevada

March 17, 2005

Mr. James Grindstaff
Triple Five Nevada Development Corporation
9510 W. Sahara Avenue
Suite 200
Las Vegas, Nevada
89117

Dear Mr. Grindstaff:

The Planning and Development Department is in receipt of your request dated March 8, 2005, via a transmittal from VTN Engineers received by us on March 9, 2005, to modify your request for a previously submitted Master Plan of Streets and Highways amendment (MSH-6024). Your modification seeks to delete a segment of Grand Montecito Parkway rather than realigning it per the initial request.

I regret to inform you that we cannot accept your modification request at this time for the following reasons:

- The originally application was accepted by our Department, but you were advised in writing that we considered the application incomplete in that the application was not authorized by an adjacent landowner, a portion of whose land was contained within the application area, and that the application was not accompanied by the "express written consent" of Montecito Town Center LLC. You had 10 days to appeal that decision or provide the required information, but you did not file the appeal for 17 days. Accordingly, our opinion is that our decision to not accept your application is now Final Action.
- Should City Council, on the appeal, disagree with our position, then the Department will presumably be directed to consider the application as submitted on its merits. The request to delete the road segment rather than realigning it a significant departure from the original request and would warrant a new application rather than modifying the original request.

We have included reference to this amended request in the case report on your appeal (DIR-6223), so that the City Council has complete information on the case; however, for the reasons noted above, we will not take any action on your latest request until Council has adjudicated the matters contained in your appeal.

Sincerely,

Margo Wheeler, AICP

c. Tom Green

MAY. 12. 2005 12:35PM

SHS/ADMINISTRATIVE SERVICES

NO. 0413 P. 2



SIERRA HEALTH SERVICES, INC..

All the benefits of good health.

William R. Godfrey
Executive Vice President
Administrative Services
(702) 242-7014

May 12, 2005

Ms. Margo Wheeler, Director
CLV Planning Department
721 S. 4th Street
Las Vegas, NV

Re: ABEYANCE ITEM-MSH-6024

Dear Ms. Wheeler:

It has come to my attention that Triple Five Development is attempting to realign Montecito Parkway in an as yet undefined manner. This initiative does not have our support as a property owner in the immediate area. In selecting our parcel we were particularly pleased with the traffic flow on Grand Montecito from Centennial through to Elkhorn, and the reverse, as an attractive and free flowing arterial. We are opposed to a realignment that varies from the current master plan for Grand Montecito Parkway south of our parcel as we believe it would make our parcel potentially less easily accessible for our patients, employees and visitors.

Sincerely,

P.O. Box 15645 Las Vegas, Nevada 89114-5645 (702) 242-7000 FAX (702) 869-2444

Submitted at Planning Commission

Date 5/12/05 Item 30

MAY 12 2005 2:35PM

SHE/ADMINISTRATIVE SERVICES

NO. 0413 P. 1

RSG

**SIERRA HEALTH SERVICES, INC. ®**

All the benefits of good health.sm

P.O. Box 15645 ♦ Las Vegas, NV ♦ 89114-5645 ♦ (702) 242-7000

FACSIMILE COVER PAGE

Date: May 12, 2005

Transmission Time:

To: ~~Frank Nielsen~~

Telephone Number:

Fax Number Called: 893-0633

Bob Gronauer

From: W R Godfrey

Telephone Number: 702-242-7014

Dept: Admin Svc's

Fax Number: 702-869-2444

Total Number of Pages (Including Cover Page):

Original to Follow: _____ Yes x _____ No

Confirmation Requested: _____ Yes x _____ No

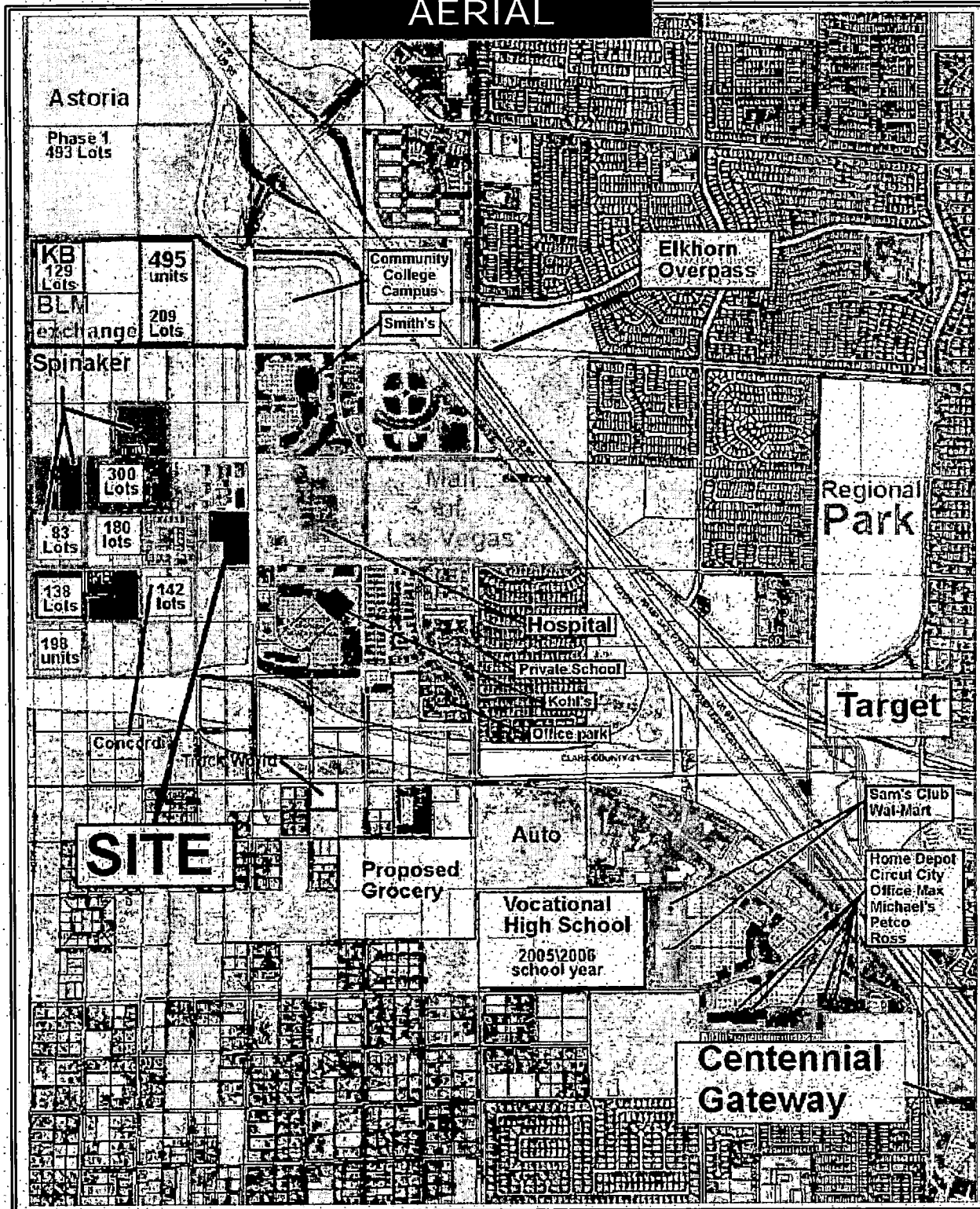
Message/Comments for Recipient:

See letter attached.

Note: If you have any problems with this transmission or have not received all of the pages sent, please call the telephone number of the sender above.

The information contained in this facsimile is intended only for the use of the individual or entity to whom it is addressed, it may be confidential, and it may also be attorney-client privileged. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this facsimile in error, please call the sender at the telephone number listed above immediately.

DEVELOPMENT AERIAL

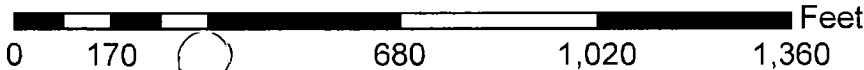
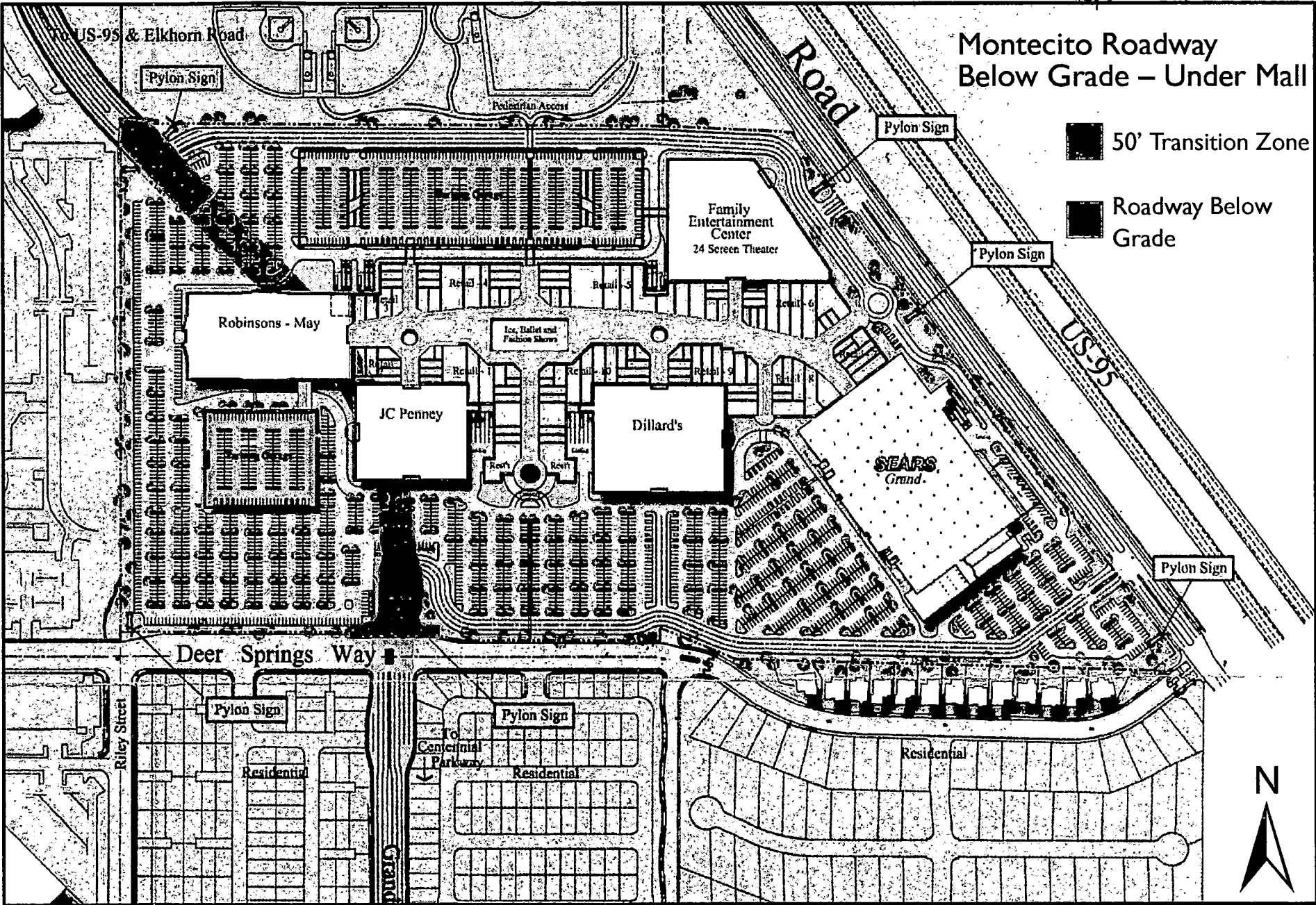


Great Mall of Las Vegas – Design Alternatives

Submitted at Planning Commission

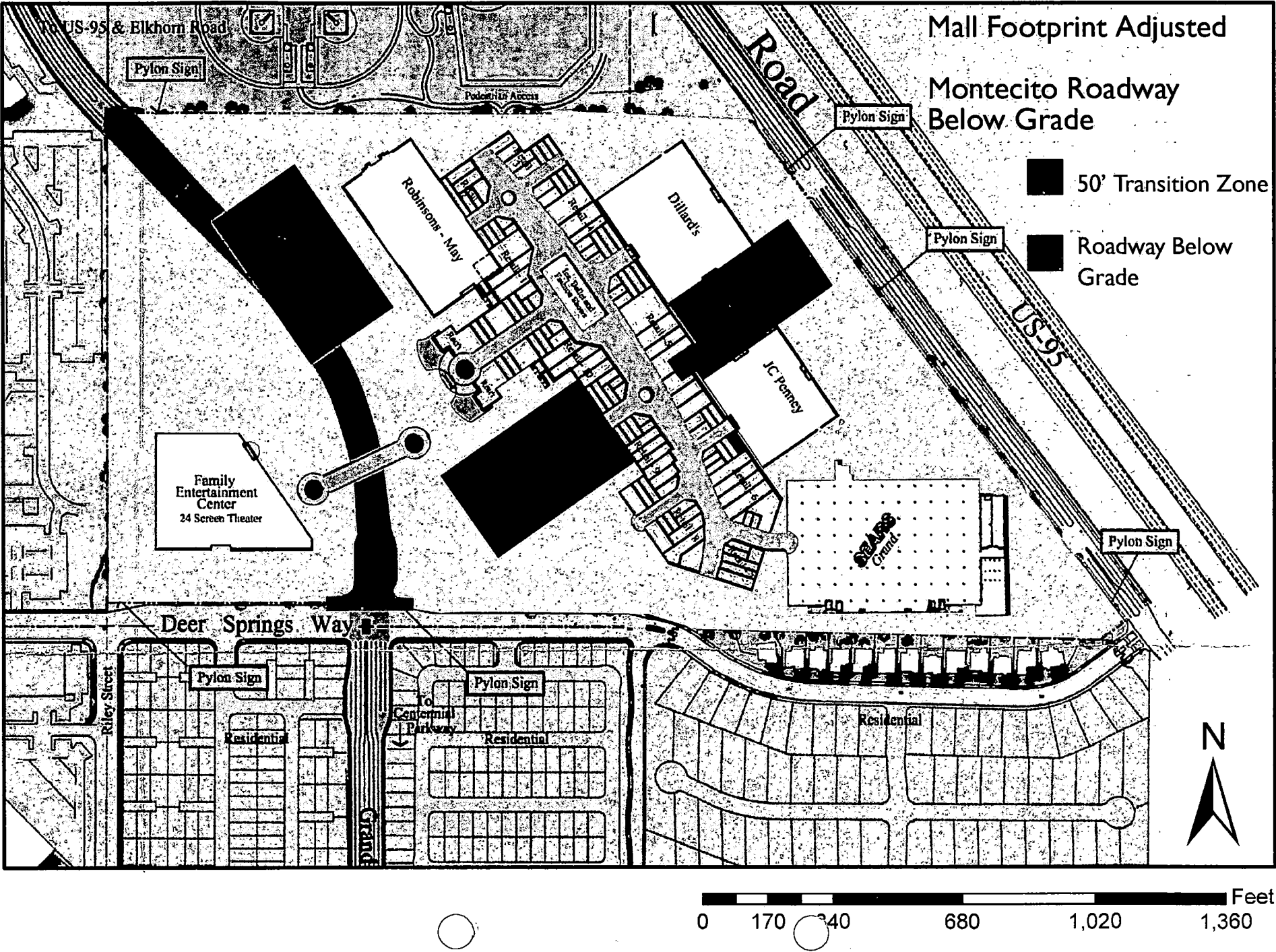
Date 5/12/05 Item 30

1A



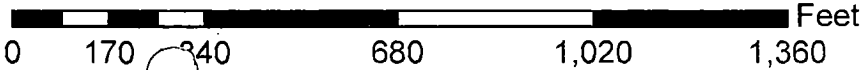
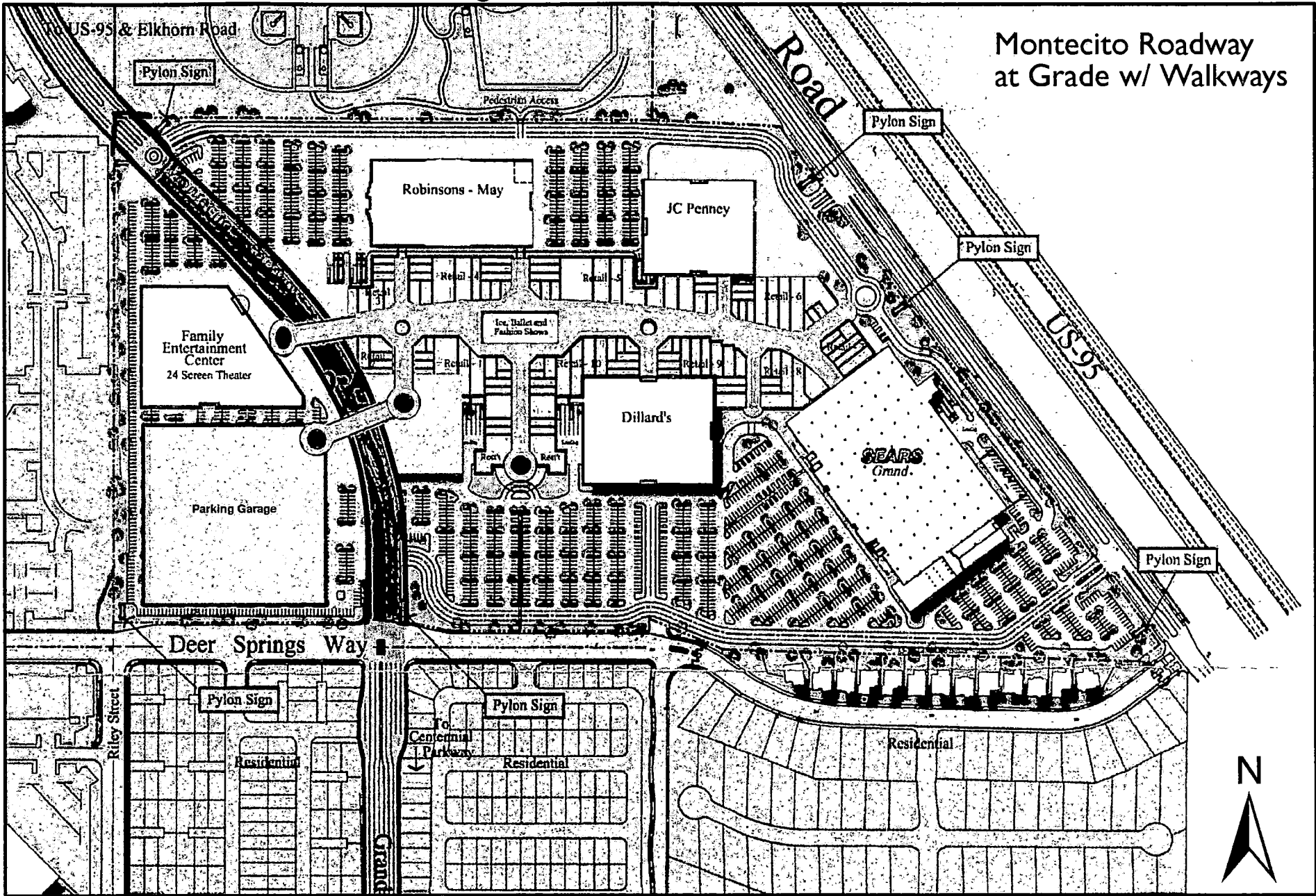
Great Mall of Las Vegas – Design Alternatives

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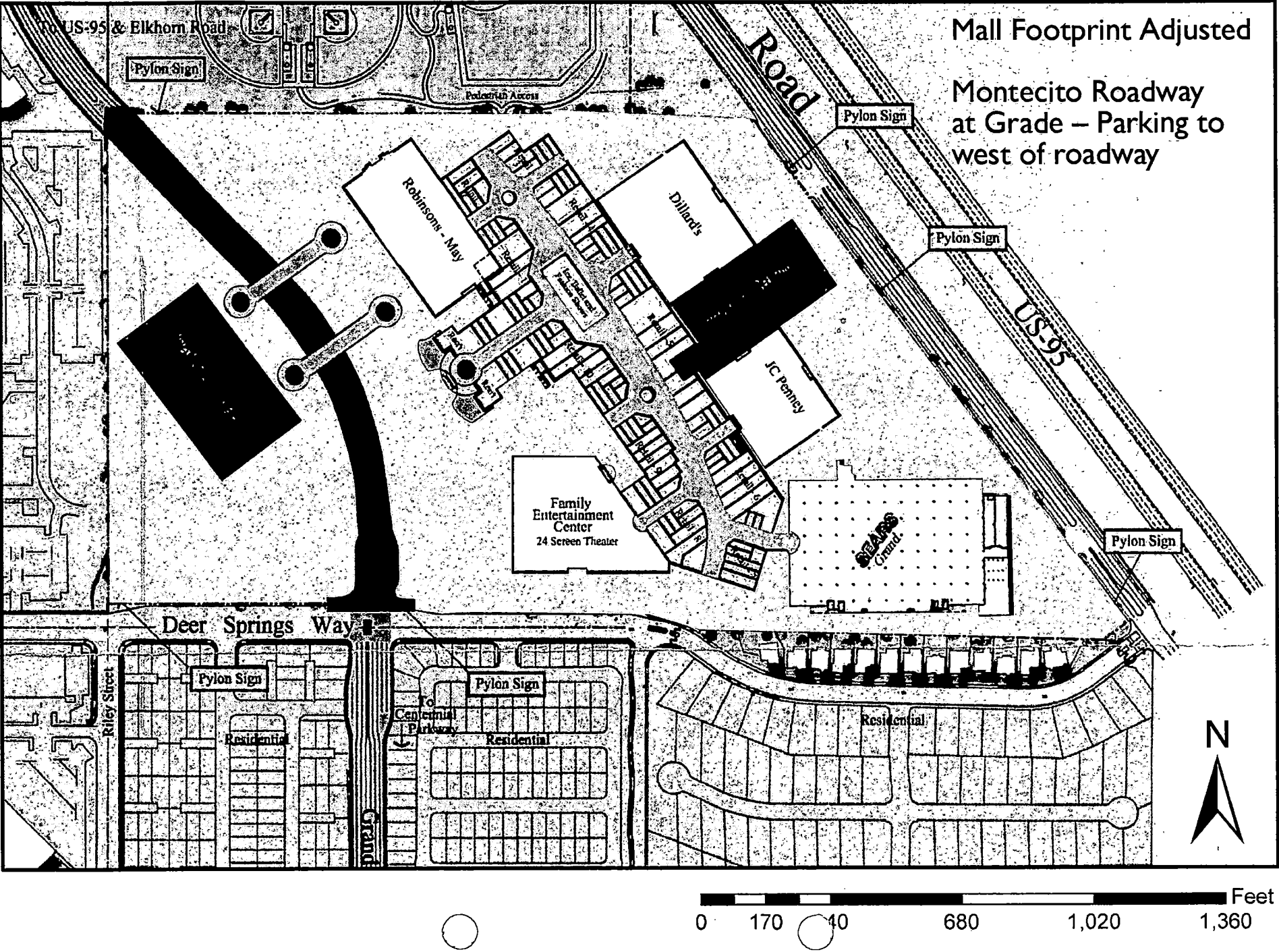
Great Mall of Las Vegas – Design Alternatives

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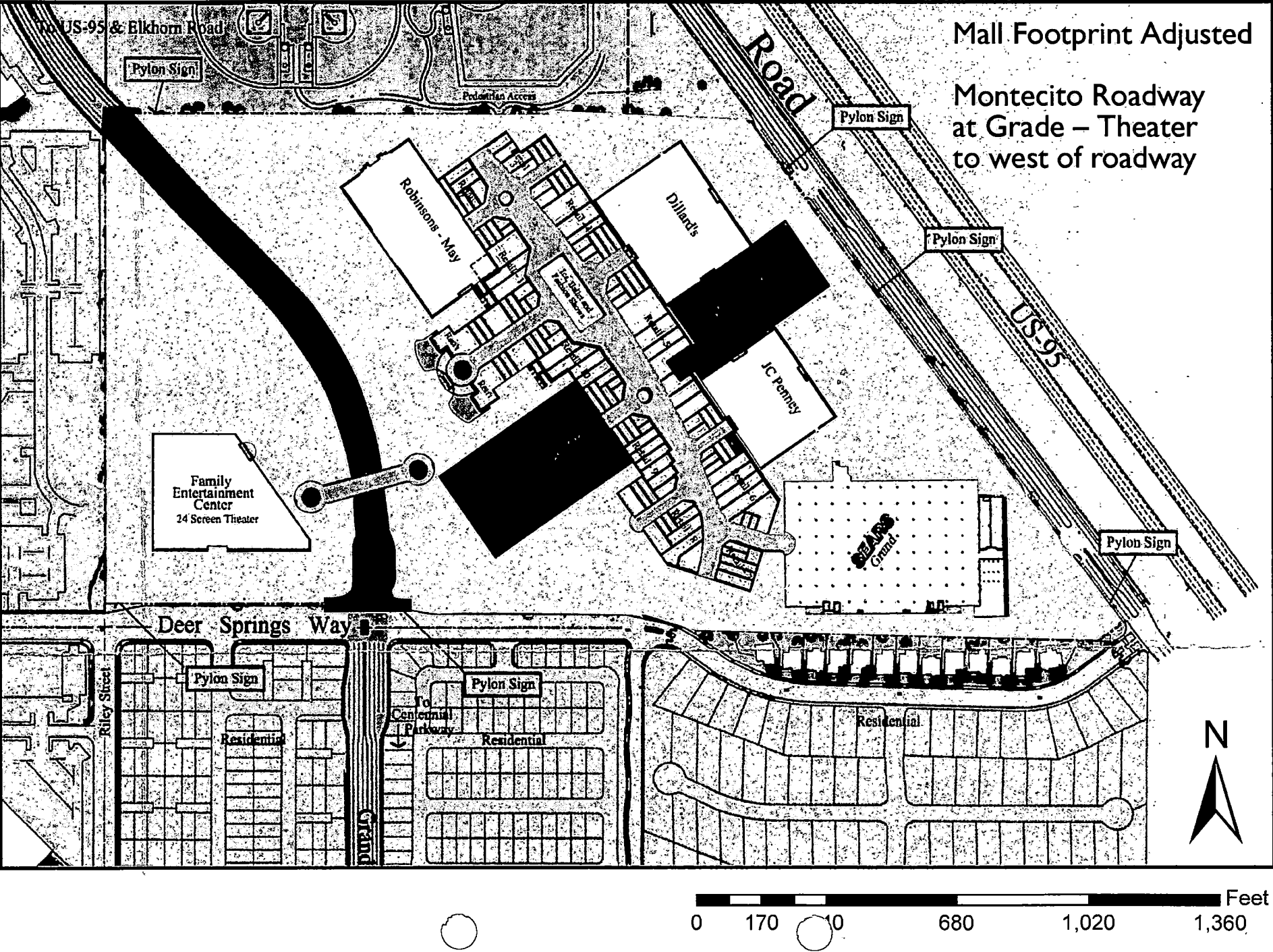
Great Mall of Las Vegas – Design Alternatives

2B



Great Mall of Las Vegas – Design Alternatives

2C



Rules of Other Entities), the Montecito Rules shall govern and control the development of the Montecito Town Center. The City agrees that (i) the Property may be used and developed during the Term hereof for the purposes and in the manner set forth in the Montecito Rules, and (ii) it will not decrease the density of the approved uses or alter the regulations, criteria or standards pertaining to development of the Project set forth in the Montecito Rules without the Owner's consent, except as otherwise explicitly provided in Sections 3.3 through 3.6 of this Agreement. Nothing in this Agreement shall prevent the City from increasing "cost-based fees" which (i) are deemed to be fees for issuance of building permits, plan checks, or inspections and are based upon actual costs to the City and which are uniformly applied to all development and construction subject to the City's jurisdiction and (ii) are not Development Fees. Owner agrees that City has no authority in connection with Rules of Other Entities, no authority to withhold or grant any approval under such Rules of Other Entities, and that in the event approval by the City concerning a matter within its jurisdiction is contingent on any approval under the Rules of Other Entities, it is Owner's responsibility to obtain any such approvals.

3.2 Modification of Montecito Rules. City and Owner acknowledge and agree the Montecito Rules are peculiar to the Project and may not be amended, modified or changed with respect to this Project without the express written consent of Owner, except as otherwise explicitly provided in Sections 3.3 through 3.6 of this Agreement.

In the event the City adopts new ordinances, rules or regulations, such new ordinances, rules or regulations will not impact Owner or development of the Property except in those limited circumstances provided below.

3.3 Application of Subsequently Enacted Rules. Except as provided below, no standard or regulation regarding subdivision, land use, zoning, growth management, timing and phasing of construction, or construction methods shall be imposed by the City upon the development of the Project, except those in effect on the Effective Date.

City may hereafter, during the term of this Agreement, apply to the Project only those rules, regulations, ordinances, laws, general or specific plans, and official policies promulgated or enacted after the Effective Date that:

- (a) are not in conflict with the Montecito Rules, or
- (b) the application of which govern procedural matters or would not prevent or materially impede, hinder or delay development in accordance with this Agreement, or
- (c) do not constitute Development Fees.

3.4 Limitation on Imposition of New Fees or Standards. Notwithstanding the terms of Section 3.3 above:

Submitted at Planning Commission

Date 5/12 Item 30

- 1.1(24) "Montecito Town Center" means the Property and the proposed development of the Property (herein the "Project") as described in this Agreement.
- 1.1(25) "Montecito Town Center Phase" means a portion of the Montecito Town Center identified from time to time by Owner as a phase of development in the Montecito Town Center.
- 1.1(26) "Montecito Town Center Phase Traffic Study" means a traffic study prepared in connection with a Montecito Town Center Phase that addresses the specific impacts to the street network and intersections related to a proposed Montecito Town Center Phase.
- 1.1(27) "Montecito Town Center Phase Development Plans" means plans for the development of a proposed Montecito Town Center Phase submitted pursuant to Sections 18.14.015 and 19A.06.110(D)(2) of the Code, including a Montecito Town Center Phase Traffic Study and technical drainage and sewer studies.
- 1.1(28) "Montecito Conceptual Site Development Plan" means that Conceptual Plan for development of the Town Center attached hereto as Exhibit "C".
- 1.1(29) "NDOT" means the Nevada Department of Transportation.
- 1.1(30) INTENTIONALLY OMITTED
- 1.1(31) "Northwest Area" means that area covered by the Centennial Hills Sector Plan.
- 1.1(32) "NRS" means Nevada Revised Statutes.
- 1.1(33) **"Owner" means Montecito Town Center, LLC** a Nevada limited liability company, the owner of the land constituting the Property and its successors and assigns, if any, as permitted under the terms of subsections 12.2(a) and 12.2(b) of this Agreement.
- 1.1(34) "Planning Department" means the Planning and Development Department of the City.
- 1.1(35) "Planning Director" means the Director of the City's Planning and Development Department or his designee.
- 1.1(36) "Property" means that certain real property as described on Exhibit "A".

7th day of April, 2002. The City agrees to record a certified copy of the ordinance as required by NRS 278.0207.

G. ~~The City desires to enter into this Agreement in conformance with the requirements of NRS 278.0201 through NRS 278.0207 and LVMC 19A-18.090 and as~~ otherwise permitted by law and this Agreement, to provide for public services, public uses and urban infrastructure, to further the goals and values of the City's Centennial Hills Sector Plan and the Las Vegas 2020 Master Plan, to promote the health, safety and general welfare of the City and its inhabitants, to minimize uncertainty in planning for and securing orderly development of the Montecito Town Center and surrounding areas, to insure attainment of the maximum efficient utilization of resources within the City at the least economic cost to its citizens and otherwise achieve the goals and purposes for which the State statute and City ordinance authorizing development agreements were enacted. As a result of the development of the Property, the City will receive needed jobs, sales and other tax revenues, significant increases to its real property tax base and substantial improvements to the public infrastructure. The City will additionally receive a greater degree of certainty with respect to the phasing, timing and orderly development of the City infrastructure by a developer with significant economic resources and experience in the development process.

H. This Agreement is consistent with and will implement the goals and objectives of the Centennial Hills Sector Plan and the Las Vegas 2020 Master Plan.

I. ~~In exchange for these and other benefits to the City, and in accordance with the legislative intent evidenced by the State statutes authorizing development agreements and the intent of the City in adopting an ordinance allowing development agreements, Owner will receive reasonable assurances that Owner may develop the Montecito Town Center in accordance with the Montecito Rules during the Term and subject to the conditions established in this Agreement.~~ Because of the nature of the Montecito Town Center and the type and extent of the public and private improvements to be provided within the Montecito Town Center, the development of the Montecito Town Center will take a long period of time to complete. Owner's decision to commence development of the Montecito Town Center is based on expectations of proceeding with the Montecito Town Center to completion.

J. In the absence of this Agreement, Owner believes it would have no assurance that it could complete the Montecito Town Center and would therefore be exposed to significant economic risk. For any number of currently foreseeable and unforeseeable reasons, including, without limitation, regional traffic and related impacts (for example, impacts on air quality) resulting from development outside the jurisdiction of the City and issues relating to water use and availability, pressures on the City could be created to (i) halt the Montecito Town Center at a point short of total build out, (ii) reduce the density of the Montecito Town Center, (iii) defer or delay completion of the Montecito Town Center, or (iv) apply new rules, regulations or official policies, including Development Fees, to the Montecito Town Center in such a manner as to significantly increase the cost of the Montecito Town Center. The burden of interest carrying cost, the

**DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF LAS VEGAS
AND
MONTECITO TOWN CENTER, LLC
FOR THE MONTECITO TOWN CENTER**

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this 3rd day of April 2002 by and between the CITY OF LAS VEGAS (hereinafter the "City") and MONTECITO TOWN CENTER, LLC, a Nevada limited liability company (hereinafter the "Owner").

RECITAL OF PREMISES, PURPOSE AND INTENT

A. Owner owns that certain real property described and shown on Exhibit "A" attached hereto and incorporated herein by reference (hereinafter the "Property" or "Montecito Town Center"), commonly known as **"Montecito Town Center"**, containing approximately **192 acres of land**, which is the subject of this Agreement. Owner represents that it has fee title ownership of the Property.

B. The Property has been annexed to the City of Las Vegas.

C. The City of Las Vegas zoned the Property T-C Town Center District under Section 19A.06.110 of Title 19A of the Las Vegas Municipal Code.

D. The City has authority, pursuant to NRS 278.0201 through NRS 278.0207 and 19A.18.090 of the Las Vegas Municipal Code, to enter into development agreements with persons having a legal or equitable interest in real property to establish long-range plans for the development of such property.

E. All preliminary processing with regard to this Agreement has been duly completed in conformance with all applicable laws, rules and regulations. The Las Vegas City Council (hereinafter "City Council"), having given notice as required by law, held a public hearing on Owner's application seeking approval of the form of this Agreement and the execution hereof by the City. At that hearing, the City Council found that this Agreement is consistent with the City's plans, policies and regulations, including the City General Plan, and that the execution of this Agreement on behalf of the City, is in the public interest and is lawful in all respects.

F. The Development Agreement Chapter grants to the City the power to enter into and perform development agreements and on the 3rd day of April, 2002 the City Council adopted Ordinance No. 5464 approving this Agreement and authorizing the execution hereof by duly constituted officers of the City. Said ordinance took effect on the

APN: 125-20-501-001; 125-20-601-001/002/003; 125-20-602-001/002/003/004; 125-20-603-001/002/003/004; 125-20-701-001; 125-20-703-001/002/003/004; 125-20-704-001/002/003/004; 125-20-803-001/004

Recording requested by and
when recorded mail to:

City of Las Vegas
Planning & Development
731 S. Fourth Street
Las Vegas, NV 89101
ATTN: Christopher Knight

DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF LAS VEGAS
AND
MONTECITO TOWN CENTER, LLC
FOR THE MONTECITO TOWN CENTER

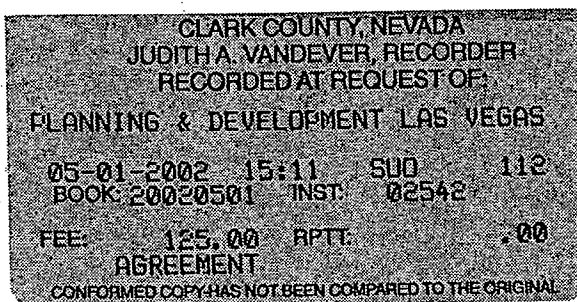


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EXHIBIT "B"	INTENTIONALLY OMITTED
EXHIBIT "C"	MONTECITO CONCEPTUAL SITE DEVELOPMENT PLAN
EXHIBIT "D"	MONTECITO TOWN CENTER LAND USE AND DESIGN STANDARDS APPENDIX
EXHIBIT "E"	TOWN CENTER LOOP ROAD ALIGNMENT
EXHIBIT "F"	EL CAPITAN WAY ALIGNMENT & IMPROVEMENTS
EXHIBIT "G"	PROJECT SEWER LOCATION
EXHIBIT "H"	MAINTENANCE PLAN
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EXHIBIT "O"	OFFSITE TRAFFIC SIGNAL FEES
EXHIBIT "P"	CITY OF LAS VEGAS PLANNED TRAFFIC SIGNALS

difficulty of obtaining construction and/or permanent financing, the risk of losing existing financing commitments and the potential loss of anticipated revenues associated with these development risks and uncertainties would, in the absence of this Agreement, deter and discourage Owner from making a long-term commitment to the implementation of the Montecito Town Center. In addition, the cost of certain improvements to be constructed by Owner will be substantial and will be incurred by Owner well in advance of the completion of the private income-producing components of the Montecito Town Center which provide the economic return required to justify and offset the investment of such improvements. Accordingly, Owner cannot prudently commence the development of the Montecito Town Center without reasonable assurance that it will be able to complete the Montecito Town Center in accordance with the existing approvals and the Montecito Rules, and it is only the assurance of the ability to complete the private income-producing components of the Montecito Town Center in accordance with the approvals and Montecito Rules that provides the inducement to Owner to agree to commit the land and financial resources to the development of the Montecito Town Center.

NOW THEREFORE, for and in consideration of the foregoing recitals and of the mutual covenants and promises set forth herein, the parties do hereby agree as follows:

AGREEMENT

SECTION 1 DEFINITIONS

1.1. **Definitions.** For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the following meanings:

1.1(1) "Agreement" has the meaning assigned to it in the first paragraph hereof and at any given time includes all addenda and exhibits incorporated by reference and all amendments which hereafter are duly entered into in accordance with the terms of this Agreement.

1.1(2) "Normal City Rules" means and refers to

- (i) The Zoning Action;
- (ii) City rules, regulations, ordinances, laws, general or specific master plans, and official policies promulgated by the City, and any State Statutes related thereto, which govern the zoning, planning and development of land within the City.

The Normal City Rules are subject to amendment at any time and are therefore the Normal City Rules that are in effect on the particular date they are being applied. The Normal City Rules do

not include planning and development requirements, rules, regulations, laws, policies or procedures imposed by entities other than the City, including but not limited to the State of Nevada, the Clark County Health District, The Clark County Sanitation District, The Regional Flood Control District, the Regional Transportation Commission, The Nevada Division of Transportation, The Las Vegas Valley Water District, and Nevada Power Company (such requirements collectively referred to herein as "Rules of Other Entities").

- 1.1(3) "Approved, approve or approval" mean the final approval by the applicable governmental body with all applicable periods for commencing any legal action to challenge such approval having expired without any legal challenges having been filed.
- 1.1(4) "Code" means the Las Vegas Municipal Code, including all rules, regulations, standards, criteria, manuals and other references adopted therein.
- 1.1(5) "City" means the City of Las Vegas, together with its successors and assigns.
- 1.1(6) "City General Plan" means the Centennial Hills Sector Plan adopted by the City Council on May 25, 1999 and the Las Vegas 2020 Master Plan adopted by the City Council on September 6, 2000.
- 1.1(7) "County" means Clark County, Nevada.
- 1.1(8) "Development Agreement Chapter" means Chapter 19A.18.090 of the Code.
- 1.1(9) "Developer Special Improvement District Guidelines" means and refers to those Developer Special Improvement District Guidelines of the City attached hereto as Exhibit "L" which is one of the Normal City Rules.
- 1.1(10) INTENTIONALLY OMITTED
- 1.1(11) "Deer Springs Roadway Alignment" means that street alignment described in Section 10.7 below.
- 1.1(12) "Deer Springs Roadway Improvements" means those improvements described in Section 10.7 below.
- 1.1(13) "El Capitan Way Improvements" means those improvements described in Section 10.4 below.

1.1(37) "Public Works Director" or "Director of Public Works" means the Director of the City's Department of Public Works or his designee.

1.1(38) "Regional Traffic Improvements" means the following:

1. El Capitan Way Improvements;
2. Town Center Loop Road;
3. Elkhorn Road / U.S. 95 Overpass;
4. Tropical Parkway / U.S. 95 Overpass; and
5. Deer Springs Way

1.1(39) "RTC" means the Regional Transportation Commission of Clark County, Nevada.

1.1(40) "Improvements" means customary mitigation measures and improvements referred to in Chapter 18.14 of the Code.

1.1(41) "Subdivision Map" means any instrument under NRS which legally subdivides property or gives the right to legally subdivide property, including, without limitation, parcel maps, division of land into large parcels, tentative commercial subdivision maps, final commercial subdivision maps, reversionary maps, condominium subdivision maps, or tentative or final residential subdivision maps, for all or a portion of the Montecito Town Center.

1.1(42) "Term" means the term of this Agreement together with any extension agreed upon pursuant to the terms hereof.

1.1(43) "Town Center" means the entire land area identified in the Centennial Hills Sector Plan and subject to the Town Center Development Standards, and as such Town Center Development Standards may be amended.

1.1(44) "Town Center Development Standards" means the Town Center Standards Development Manual adopted by the City on November 9, 1998, and as amended.

1.1(45) "Town Center Land Use Plan" means the Town Center Land Use Plan as defined by the Centennial Hills Sector Plan adopted May 25, 1999 as part of the City General Plan.

- 1.1(46) "Tropical Parkway / U.S. 95 Overpasses" means those transportation improvements described in Section 10.6 below.
- 1.1(47) "Zoning Action" means the action of City Council pursuant to application Z0076-98 by which the Property was zoned T-C Town Center under Section 19A.06.110 of Title 19A of the City's Municipal Code on December 12, 1998.

SECTION 2

GENERAL INTENT, EFFECTIVE DATE AND CONDITIONS PRECEDENT

2.1 Effective Date of Agreement. This Agreement will be effective upon recordation of this Agreement in accordance with NRS 278.0203, which shall occur subsequent to the following actions:

- (a) The Montecito Town Center Land Use and Design Standards Appendix is approved and adopted by the City Council, together with any conditions thereto.
- (b) The Montecito Conceptual Site Development Plan is approved by the City.

Owner and City mutually agree (i) that it is their intent that the Montecito Town Center Land Use and Design Standards Appendix shall control all issues and matters governed by the Montecito Town Center Land Use and Design Standards Appendix and (ii) the Town Center Development Standards shall govern those issues and matters which are not governed by the Montecito Town Center Land Use and Design Standards Appendix. City hereby acknowledges that the Montecito Town Center Land Use and Design Standards Appendix meet or exceed the standards set forth in the Town Center Development Standards in connection with those matters, and only those matters, governed by the Montecito Town Center Land Use and Design Standards Appendix.

2.2 Effectiveness of Actions. It is the mutual intent of the parties that all of the actions specified in subsections 2.1(a) through 2.1(b), inclusive, and the formal approval of this Agreement will be taken by the City Council substantially concurrently and that none of such actions will be effective unless and until all such actions are approved and this Agreement is recorded.

SECTION 3

MONTECITO RULES AND CONFLICTING LAWS

3.1 Montecito Rules. City and Owner agree that with respect to the City's approvals required for development of the Project (and not including any approvals required by the

- 1.1(14) "El Capitan Way Improvements SID" means a special improvement district formed to construct the El Capitan Way Improvements in compliance with the terms of subsection 10.4(c).
- 1.1(15) "Effective Date" means the date, on or after the adoption by the City of an ordinance approving execution of this Agreement and execution by both parties, and following satisfaction of the conditions set forth in subsections 2.1(a) through 2.1(b) inclusive below, that this Agreement is recorded in the Office of the County Clerk of Clark County.
- 1.1(16) "Elkhorn Road / U.S. 95 Overpass" means those transportation improvements described in Section 10.5 below.
- 1.1(17) "Town Center Loop Road" means those improvements described in Section 10.3 below.
- 1.1(18) "Development Fees" means a charge imposed by the City with respect to new development to finance the costs of a capital improvement or facility expansion necessitated by and attributable to new development. Development Fees do not include (i) the Residential Construction Tax referred to in Section 9 herein, or (ii) the Traffic Signal Fee referred to in Subsection 10.2(b) below.
- 1.1(19) INTENTIONALLY OMITTED.
- 1.1(20) INTENTIONALLY OMITTED.
- 1.1(21) INTENTIONALLY OMITTED.
- 1.1(22) "Montecito Rules" means and refers to:
- (i) The Normal City Rules as of the Effective Date subject at all times to only those amendments thereto permitted pursuant to Sections 3.3 through 3.6 herein.
 - (ii) This Agreement and
 - (iii) The Montecito Town Center Land Use and Design Standards Appendix.
- 1.1(23) "Montecito Town Center Land Use and Design Standards Appendix" means those land use and development guidelines attached hereto as Exhibit "D".

- (a) The City may increase cost-based fees that apply uniformly to all development in the City, provided such fees are not Development Fees.
- (b) The development of the Project shall be subject to the Uniform Building Codes in effect at the time of issuance of the permit for the particular development activity.
- (c) The City may apply other construction standards applicable to all other developers if such changed or additional standards are required in order to prevent a condition dangerous to the health or safety of City residents.
- (d) Nothing in this Agreement shall preclude the application to the Project of new or changed City ordinances, regulations, plans or policies specifically mandated and required by changes in state or federal laws or regulations. In such event, the provisions of Section 3.5 of this Agreement are applicable.

3.5 Conflicting Federal or State Rules. In the event that any conflicting federal or state laws or regulations, enacted after the Effective Date, prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the City, this Agreement shall remain in full force and effect as to those provisions not affected, and:

- (a) Notice Of Conflict. Either party, upon learning of any such matter, will provide the other party with written notice thereof and provide a copy of any such law, regulation or policy together with a statement of how any such matter conflicts with the provisions of this Agreement; and
- (b) Modification Conferences. The parties shall, within thirty (30) days of the notice referred to in the preceding subsection, meet and confer in good faith and attempt to modify this Agreement to bring it into compliance with any such federal or state law or regulation.

3.6 City Council Hearings. In the event the City believes that an amendment to this Agreement is necessary pursuant to Section 3.5 due to the effect of any federal or state law or regulation, the proposed amendment shall be scheduled for hearing before the City Council. The City Council shall determine the exact nature of the amendment or suspension necessitated by such federal or state law or regulation. Owner shall have the right to offer oral and written testimony at the hearing. Any suspension or modification ordered by the City Council pursuant to such hearing is subject to judicial review as set forth in Section 5.6. The parties agree that any matter submitted for judicial review shall be subject to expedited review in accordance with Rule 2.15 of the Eighth Judicial District Court of the State of Nevada.

3.7 City Cooperation. The City shall cooperate with Owner in securing any City permits, licenses or other authorizations that may be required as a result of any amendment or suspension resulting from actions initiated under Section 3.6.

3.8 Permit Fees. As required by the Montecito Rules, Owner will be responsible to pay all applicable fees in connection with securing of the permits.

3.9 Role of Planning Department; Appeal. The Planning Department shall interpret and apply the Montecito Rules to all decisions and recommendations concerning the planning and development of the Project, and shall incorporate the decisions of the Department of Public Works as referred to in Section 3.10 into such Planning Department decisions and recommendations. Such decisions and recommendations include the determination as to which issues are governed by the Montecito Town Center Land Use and Design Standards Appendix and what issues are not governed by the Montecito Town Center Land Use and Design Standards Appendix but by other Montecito Rules. All such decisions and recommendations are subject to appeal and review pursuant to the appeal procedures set forth in the Normal City Rules, except that such appeals may be taken directly to the City Council and no appeal to or review by the Planning Commission will be required.

3.10 Role of Public Works; Appeal. Notwithstanding anything to the contrary contained in this Agreement, the City's Department of Public Works shall review and approve, pursuant to the Montecito Rules, all issues with respect to the Project it normally reviews under the Normal City Rules, such as traffic, right-of-way development, flood control, offsite improvements, sewers and surveys. All such decisions and recommendations are subject to appeal and review pursuant to the appeal procedures set forth in the Normal City Rules, except that such appeals may be taken directly to the City Council and no appeal to or review by the Planning Commission will be required.

SECTION 4 PLANNING, DEVELOPMENT AND MAINTENANCE OF MONTECITO TOWN CENTER

4.1 Maximum Densities. The City agrees that Owner will be permitted to carry out and complete the entire Montecito Town Center in accordance with the Montecito Rules. Owner and the City mutually agree that Owner, and Owner's successors and assigns to whom Owner conveys portions of the Property or to whom Owner otherwise grants the right to develop on the Property, shall have the right to develop and construct on the Property all of those uses as defined in the Montecito Rules, subject to the following maximum densities:

(a) Not to exceed 4,000,000 square feet of office, medical, retail and/or hotel; and

- (b) Not to exceed 1,600 residential dwelling units.

This Section 4.1 is not intended and shall not be construed as requiring Owner or its successors or assigns to develop any of the foregoing uses, or prohibit Owner from developing a lesser number of square feet or residential units pursuant to the Montecito Rules.

4.2 Permitted Uses, Density, Height and Size of Structures. Pursuant to NRS 278.0201, this Agreement must set forth the maximum height and size of structures to be constructed on the Property, the density of uses and the permitted uses of the land. The City agrees that the Montecito Town Center may be developed to the density and with the land uses set forth in Section 4.1 of this Agreement. Owner and City agree that the maximum permitted height of any building on the Property shall not exceed five hundred feet (500').

4.3 Plan Amendments. City acknowledges that Owner is anticipating that the entire Northwest Area will be developed in accordance with Centennial Hills Sector Plan with any future amendments thereto, provided however, that the Montecito Town Center shall be developed in accordance with the Montecito Rules as set forth herein. City agrees that (i) it will enforce the Centennial Hills Sector Plan, including the Town Center Land Use Plan, and (ii) it will not amend or modify the Centennial Hills Sector Plan, including the Town Center Land Use Plan, without prior written notice to Owner and consideration of Owner's input with respect thereto. In addition, City agrees that (i) it will enforce the Town Center Development Standards, provided, however, that the Montecito Town Center shall be developed in accordance with the Montecito Rules as set forth herein, and (ii) it will not amend or modify the Town Center Development Standards without prior written notice to Owner and consideration of Owner's input with respect thereto. Owner agrees that any notice required under this Section 4.3 to be given by the City shall be only that notice required to be given by applicable law.

4.4 INTENTIONALLY OMITTED.

4.5 Montecito Town Center Phase Development Plans.

4.5(a) City agrees that the Montecito Conceptual Site Development Plan is intended only to be illustrative of the type of permitted and possible development of Montecito Town Center. The Montecito Conceptual Site Development Plan is not binding on the Owner, the Project, or the City.

4.5(b) Prior to commencement of development of a Montecito Town Center Phase, Owner shall prepare and submit Montecito Town Center Phase Development Plans. Montecito Town Center Phase Development Plans will be reviewed in accordance with the procedures set forth in the Montecito Rules. The City may approve

each Montecito Town Center Phase Plan with any conditions imposed with respect thereto if such plans and conditions are consistent with the Montecito Rules.

4.5(c) Pursuant to the Montecito Rules, and upon approval of each Montecito Town Center Phase Development Plan with any conditions thereto which conditions are permitted by the Montecito Rules, ~~Owner shall be entitled to develop the respective Montecito Town Center Phase in accordance with such Montecito Town Center Phase Development Plan.~~ Owner shall be responsible to provide (or agree to provide with adequate assurance of performance in accordance with the Montecito Rules), at no cost to City, all Improvements in connection with each Montecito Town Center Phase in the manner prescribed in the Montecito Rules.

4.6 Modifications. Owner shall have the right to have nonmaterial modifications to the Montecito Town Center Land Use and Design Standards Appendix approved administratively by the Director of the Planning Department. A nonmaterial modification is a modification requested by the Owner to accomplish one or more of the following and which, in the determination of the Planning Department, meets or exceeds the requirements of the Town Center Development Standards:

- (a) A change in the location of a use from the location specified in the Montecito Town Center Land Use and Design Standards Appendix but only if the change in location will not have a significant impact on other uses in the area;
- (b) The addition of uses that are comparable in intensity to those permitted under the Montecito Town Center Land Use and Design Standards Appendix or a change in the mix of uses permitted under Section 3.1 (i.e., converting office to residential or residential to office) but only if the addition or changes will not have a significant impact on other uses in the area;
- (c) A change in the specifications of the Montecito Town Center Land Use and Design Standards Appendix that is comparable to those required under the Montecito Town Center Land Use and Design Standards Appendix or conforms to the intent of the Montecito Town Center Land Use and Design Standards Appendix; and
- (d) A change in roadway alignment, parcel size and/or configuration or development phase line if the change does not significantly conflict with the intent and spirit of the Montecito Town Center Land Use and Design Standards Appendix, all subject to the approval of the Public Works Department as set forth in Section 3.10 herein.
- (e) Any other change or modification of a similar nature, which the Director of the Planning Department determines, will not have a material negative impact on the Montecito Town Center.

A nonmaterial modification shall be reviewed and acted on administratively by the Director of the Planning Department within thirty (30) days. If Owner is aggrieved by the Director's decision, Owner may appeal that decision pursuant to the appeal procedure in Section 3.9 herein. Material modifications include any modification which does not qualify as a nonmaterial modification, and shall be processed in accordance with the Montecito Rules.

4.7 Subdivision Maps. The Parties agree that any Subdivision Maps required or requested by Owner in connection with any Montecito Town Center Phase pursuant to a Montecito Center Site Development Plan shall be reviewed and considered for approval in accordance with the Montecito Rules.

4.8 Dedicated Staff. City will endeavor to designate at least one person in the various City departments to be knowledgeable for processing matters related to the Montecito Town Center. Such person will be familiar with Montecito Town Center, including without limitation the Agreement and the Montecito Rules, and the issues relating to the Project. The following City Departments and Divisions will have such a person so designated:

- (a) Department of Planning and Development;
- (b) Building and Safety Department;
- (c) Public Works Department;
- (d) Right-of Way Section of the Department of Public Works;
- (e) Traffic Division of the Department of Public Works;
- (f) Flood Control Division of the Department of Public Works;
- (g) Such other City Departments, divisions or agencies as may be necessary to process Montecito Town Center Phases; and
- (h) Surveying Section of the Department of Public Works.

City agrees to use its reasonable efforts, in its sole discretion, to utilize such dedicated staff members for the processing of all matters related to the development of Montecito Town Center, including, without limitation, street vacations, subdivision maps, improvements plans, studies, reports, dedication documents, building plans, landscape plans and all other submittals in connection with each Montecito Town Center Phase. Owner shall have no recourse against City for any failure to accomplish the expedited processing intended by this Section 4.8. City's express plans checks are available to Owner at Owner's sole expense pursuant to the Normal City Rules.

4.9 Maintenance of Public and Common Areas.

4.9(a) City hereby agrees that, except for any landscaped areas, all of the dedicated public roadways, curbs and street lights which are within or adjacent to the Montecito Town Center will be maintained by the City in good condition and repair at the City's sole, cost and expense pursuant to the Normal City Rules.

4.9(b) Owner agrees that prior to the release of any final maps for recording for a Montecito Town Center Phase, or the issuance of any building permits for a Montecito Town Center Phase, whichever occurs first, Owner will cause to be formed one or more property owners associations for such Montecito Town Center Phase which association(s) will be responsible to maintain in good condition and repair all of the landscaping and other facilities which the City requires to be maintained by such associations as a condition of approval, including all developed and undeveloped landscaped areas such as parks and park facilities, trail corridors, drainage easements, sight visibility zones, and any landscaping on public rights of way. Owner agrees that such property owner associations shall be created pursuant to declarations of covenants and restrictions recorded against the Montecito Town Center and that such associations shall have the power to assess the subject landowners to pay the cost of such maintenance and repair and to create and enforce liens in the event of nonpayment of such assessments. Owner further agrees that such declarations will contain a covenant running to the benefit of City, and enforceable by City, that such facilities will be maintained in good condition and repair. Such associations will be Nevada not-for-profit corporations with a board of directors elected by the subject landowners, provided, however, that so long as Owner owns any land covered by such declarations, Owner may control the board of directors of such association.

4.9(c) The declaration must be executed and recorded with the office of the Clark County Recorder of deeds, concurrently with the recording of any final map in a manner acceptable to the City and must include the following provisions: (1) give the governing board of the association the power to create a plan for the maintenance of the improvements and adopt the plan outlined in Section 4.10 below, (2) must indicate that the plan can be materially amended by such board only with the written consent of the City, (3) must provide that the declaration cannot be exercised or amended in any manner that would defeat or materially alter the plan, and (4) must provide that in the event the association fails to maintain the improvements in accordance with the provisions of the plan, the City may exercise its rights under the declaration, including the right of the City to levy assessments on the property owners for costs incurred by the City in maintaining the improvements, which assessments shall constitute liens against the land and the individual lots within the subdivision which may be executed upon and have the same priority as liens for real estate taxes. The City shall have the right to review the declaration for the sole purpose of determining its compliance with the provisions of this Section 4.9.

4.10 Maintenance Plan. The declaration will provide for a plan of maintenance of such improvements. Such plan must contain those provisions set forth in Exhibit "H"

attached hereto. City and Owner may modify such standards as they from time to time agree.

4.11 Release of Owner. Following the Owner's compliance with the foregoing requirements for the creation of the associations to maintain the improvements, and approval of the maintenance plan and bond with respect to each such association, City will look solely to such property owners associations in connection with the maintenance of the improvements in the particular development covered by the declaration and Owner shall have no further liability in connection with the maintenance and operation of such improvements.

~~4.12 Additional Property. Owner may acquire additional land adjacent to the Project to include into the Montecito Town Center, subject to City approval. If such additional land is within the Town Center, such land will be automatically included within the terms and conditions of this Development Agreement, subject to any additional conditions required by the City, provided, however, that a supplement to this Agreement will be entered into increasing the maximum square footage and residential units permitted under Section 4.1~~
above, and incorporating any additional conditions required by the City. If the additional land is not within the Town Center, City will consider supplemental development agreements in accordance with the provisions of this Agreement. Such supplemental development agreements will only be valid if approved and executed by both parties and processed in accordance with all applicable laws.

4.13 Cooperation in Financing.

4.13(a) City will execute and deliver within thirty (30) days of a written request to any lender of Owner in the Project, any purchaser of a major portion of the Project or other interested person such documents as may be reasonably requested to acknowledge (a) that City has no lien on the Property as a direct result of this Agreement, or that any lien is as stated by the City, (b) that City shall recognize and allow a lender which has foreclosed or acquired a portion of the Montecito Town Center from Owner to inure to the rights and benefits of this Agreement as to such property and (c) that Owner is not in default of this Agreement or if Owner is in default of this Agreement, the specific grounds of default. Nothing herein shall be deemed to relieve Owner of its obligations under this Agreement or its liability for failure to perform its obligations under this Agreement.

4.13(b) The Normal City Rules include the Developer Special Improvement District Guidelines. City agrees to consider and, if appropriate, process, facilitate, and expedite, with due diligence, any applications for developer initiated special improvement districts which may be identified as material to the development of Montecito Town Center. The Parties agree, however, (i) that nothing contained in this Section 4.13 or elsewhere in this Agreement constitutes in any way a pre-approval or authorization of any such developer initiated special improvement districts and (ii) any developer initiated special improvement district must be processed and approved pursuant to the Normal City Rules. Owner's share of traffic signal costs may be

included in such a special improvement district if (i) the costs of such traffic signal costs are allocable fully to the development of Montecito Town Center and (ii) under the Normal City Rules, the traffic signal improvements are warranted at the time the special improvement district is formed.

SECTION 5 REVIEW AND DEFAULT

5.1 Frequency of Reviews. As required by NRS 278.0205 and the Development Agreement Chapter, at least once every two years during the term of this Agreement, Owner shall provide, and City shall review in good faith a report submitted by Owner documenting the extent of Owner's and City's material compliance with the terms of this Agreement during the preceding two years. In the event Owner fails to submit such a report, Owner shall be in default of this provision and City shall prepare such a report and conduct the required review in such form and manner as City may determine in its sole discretion. City shall charge Owner for its reasonable expenses, fees and costs incurred in conducting such review and preparing such report. If at the time of review an issue not previously identified in writing is required to be addressed, the review at the request of either party shall be continued to afford reasonable time for response. Prior to submitting the report, Owner shall meet with the Planning Department to discuss the status of development on the Property. To the extent possible, Owner and the Planning Department shall jointly formulate a statement on the progress, identified needs and future direction of development on the Property.

5.2 Opportunity to be Heard. City and Owner shall each be permitted an opportunity to be heard orally and in writing before the City Council regarding performance of the parties under this Agreement.

5.3 General Provisions—Default. In the event of any noncompliance with any provision of this Agreement, the party alleging such noncompliance shall deliver to the other in writing not less than thirty (30) days notice of default. The time of notice shall be measured from the date of certified mailing. The notice of default shall specify the nature of the alleged default and the manner and period of time in which it may be satisfactorily corrected, during which period the party alleged to be in default shall not be considered in default for the purposes of termination or institution of legal proceedings. Such period shall not be less than the thirty (30) day period required for notice of default. If the default is corrected, then no default shall exist and the noticing party shall take no further action. If the default is not corrected, the party charging noncompliance may elect any one or more of the following courses:

5.3 (a) Option to Terminate. After proper notice and the expiration of the above-referenced period for correcting the alleged default, the party alleging the default may give notice of intent to amend or terminate this Agreement as authorized by NRS 278.0205. Following any such notice of intent to amend or terminate, the matter shall

be scheduled and noticed as required by law for consideration and review by the City Council.

5.3 (b) Amendment or Termination by City. Following consideration of the evidence presented before the City Council and a finding that a default has occurred by Owner and remains uncorrected, City may amend or terminate this Agreement. Termination shall not in any manner rescind, modify, or terminate any vested right in favor of Owner, as determined under Normal City Rules, existing or received as of the date of the termination. Owner shall have sixty (60) days after receipt of written notice of termination to institute legal action pursuant to Section 5.6 hereof to determine whether a default existed and whether City was entitled to terminate this Agreement.

5.3 (c) Waiver. Failure or delay in giving notice of default shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies in respect of any default shall not operate as a waiver of any default or of any such rights or remedies, or deprive such party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any of its rights or remedies.

5.4 Default by City. In the event City substantially defaults under this Agreement, Owner shall have the right to terminate this Agreement as set forth in Section 5.3. Owner shall have the option, in its discretion, to maintain this Agreement in effect, and seek to enforce all of City's obligations hereunder under the procedures set forth in Section 5.3 and 5.6.

5.5 Unavoidable Delay, Extension of Time. Neither party hereunder shall be deemed to be in default, and performance shall be excused, where delays or defaults are caused by war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, restrictions imposed or mandated by governmental entities, failure of governmental agencies (other than City) to perform acts or deeds necessary for the performance of this Agreement, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulations, litigation, or similar matters beyond the control of the parties. In addition, nonperformance of a party hereunder shall be excused as a result of the failure of the other party to perform under this Agreement which failure of the other party actually causes such nonperformance. If written notice of any such delay is given to City within thirty (30) days after the commencement thereof, an automatic extension of time, unless otherwise objected to by City within thirty (30) days of such written notice, shall be granted coextensive with the period of the enforced delay, or longer as may be required by circumstances or as may be subsequently agreed to between City and Owner. Any such extensions of time shall have no effect upon the timing of and the conclusions reached in the reviews to be conducted pursuant to Section 5.1 above.

5.6 Legal Action. The City and the Owner agree that they would not have entered into this Agreement if either were to be liable for damages under or with respect to this

Agreement that would be greater than without this Agreement. Accordingly, the City and the Owner may pursue any course of action or equity available for breach, except that neither party shall be liable to the other or to any other person for any monetary damages for a breach of this Agreement that are greater than such damages or liability would have been without this Agreement pursuant to the Normal City Rules. Prior to the institution of any legal action, the party seeking legal action must give the thirty (30) day notice of default as set forth in Section 5.3. Following such notice, a public hearing must be held by the City Council where the allegations will be considered and a decision regarding their merits will be reached. Any judicial review of this decision or any legal action taken pursuant to this Agreement will be heard by the court under the standard of review appropriate to Court review of zoning actions and the decision of the City Council shall only be overturned or overruled if its decision is clearly arbitrary and capricious. Judicial review of the decision of the City Council shall be limited to the evidence presented to the City Council at the public hearing. Jurisdiction for judicial review or any judicial action under this Agreement shall rest exclusively with the Eighth Judicial District Court, State of Nevada or the Federal District Court in Nevada.

5.7 Applicable Laws; Attorneys' Fees. This Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Each party shall bear its own attorneys' fees and court costs in connection with any legal proceeding hereunder.

SECTION 6 PUBLIC FACILITIES

6.1 Public/Civic Facilities. City agrees that all areas designated in the Town Center Land Use Plan as parks, civic uses or other public uses shall be maintained as such and the use thereof may not be changed without the input of Owner. City agrees to work with the Bureau of Land Management ("BLM") to set aside from any land disposition by the BLM any sites owned by the United States which are designated in the Town Center Land Use Plan as sites for public and civic uses.

6.2 Design of Public Facilities. City agrees that it will require that all public and civic facilities constructed within the Town Center be designed, constructed, and maintained in compliance with the Town Center Development Standards. Any major deviation from such standards must be approved by the City which will require consideration of the input of Owner. City agrees that Owner shall be permitted to review the design of public and civic buildings and improvements and make comment, if necessary before approval, provided, however, that such comment shall not be binding on the City.

6.3 Funding Public Buildings. City agrees that Owner shall have no obligation, other than those identified in the Montecito Rules or as may be required by the Rules of Other Entities, to participate in, pay, contribute or otherwise provide for any land, facilities, equipment or physical improvements for public or civic buildings, inside or

outside of the Town Center, or otherwise provide or pay any further exaction, including, special assessment district assessments, other assessments or Development Fees, as a substitute therefore, including, without limitation, sites and related improvements and equipment for fire stations, police stations, schools and libraries.

6.4 Police and Fire Services. The City agrees that as provided in the Montecito Rules, it shall provide, at its sole cost and expense, fire service to the Montecito Town Center and that no development within the Montecito Town Center will be denied or conditioned as a result of lack of police and fire services. Police Services are controlled by the Las Vegas Metropolitan Police Department which is a separate entity not under the control of the City.

SECTION 7 WATER

7.1 Water Supply. The parties acknowledge that the City currently has no role in the allocation of water to customers of the Las Vegas Valley Water District. If, however, the City assumes any role in water allocation during the term of this Agreement, City agrees it will endeavor to allocate or cause to be allocated to the Montecito Town Center water in order that the development of the Montecito Town Center will continue uninterrupted. City and Owner will cooperate with the Las Vegas Valley Water District in granting over their respective properties reasonable easements or rights-of-way either on or off project necessary for the installation of water facilities to serve the development. Owner agrees to execute all Affidavits of Waiver and Consent forms required by the City in order for water laterals and mains to be a part of any proposed special improvement districts.

SECTION 8 SANITATION

8.1 Sewer Capacity. Owner and City agree that (i) the Project sewer shall be provided by the twelve inch (12") inch sewer line depicted in Exhibit G, and (ii) from the point of connection depicted in Exhibit G, such twelve inch (12') sewer line has the capacity to serve a large portion of the Project's sewer contributions. At such time as development of the Project reaches a density such that such twelve inch (12') sewer line no longer has the capacity to serve the Project's contributions to be generated by future development, Owner and City agree that Owner shall upgrade such twelve inch (12') sewer line between said point of connection and where such twelve inch (12') sewer line ties into the existing thirty inch (30") sewer line located on the south side of the I-215 Beltway. Such upgrade will be at the Owner's cost and expense and shall be in a design approved by City, for which approval shall not be unreasonably withheld. All off-site sewer lines within the boundaries of the Montecito Towncenter, as defined by

this agreement, will be designed and constructed to accommodate the ultimate densities as set forth in Section 4.1. City agrees that no other off site sewer line will be required for the full development of the Property. Owner shall grant easements for sewer purposes to perpetuate the continuation of sewer lines identified on Exhibit "N" attached hereto. The City agrees that if any sewers required onsite to the Montecito Town Center are required to be over sized in order to serve areas outside of the Montecito Town Center, the City will offer reimbursement for the over sizing through its standard sewer refunding process. Except for sewer connection fees pursuant to the Normal City Rules and except as set forth above and in Sections 10.3 (Town Center Loop Road), and 10.7 (Deer Springs Roadway Alignment) below, and except as otherwise stated herein, Owner shall have no obligation to participate in, pay, contribute or otherwise provide any further exaction, including special improvement district assessments, other assessments or Development Fees, to provide for facilities or improvements or for any facilities, equipment or physical improvements relating to sanitary sewer service offsite of the Montecito Town Center.

SECTION 9 PARKS AND OPEN SPACES

9.1 Parks in Montecito Town Center. City agrees that Owner shall not be required to provide any land for parks, public recreational uses, or other public uses other than open space, easements and dedicated rights of way in Montecito Town Center. City agrees that the Montecito Rules shall govern and control as to any required open space for Montecito Town Center. In addition, Montecito Town Center and the City will forge relationships so that the open space, civic, and recreational areas the City has planned for the northwest quadrant of Town Center will be integrated into Montecito Town Center's design in order to offer the widest range possible of public amenities to customers and residents of the area.

9.2 Residential Construction Tax. Owner agrees that it shall pay the tax in connection with any residential development in Montecito Town Center for the purpose of funding the development of parks (the "Residential Construction Tax") pursuant to the Montecito Rules (specifically, Chapter 4.24 of the Code). The Residential Construction Tax shall be paid at the time building permits are issued for residential development within Montecito Town Center in the amounts set forth in the schedule attached hereto as Exhibit "K". Except for the Residential Construction Tax referenced in this Section 9.2, Owner shall have no obligation to participate in, pay, contribute or otherwise provide any further exaction, including special assessment district assessments, other assessments or Development Fees, or to provide land, facilities or improvements for parks located inside or outside of the Montecito Town Center or for any park facilities, equipment or physical improvements outside the Montecito Town Center that are a substitute therefor. This provision shall have no effect upon the open space requirements for the Project pursuant to the Montecito Rules.

SECTION 10 TRANSPORTATION

10.1 Master Transportation Plan. City agrees that completion of the Regional Traffic Improvements in a timely manner will be beneficial to the orderly and economical development of Montecito Town Center. The parties acknowledge however that the City is not in control of the development of all such improvements and that even though the City will endeavor to accomplish the completion of such improvements in a manner that will coincide with the orderly development of the Project, the City will bear no liability for any failure to do so.

10.2 Mitigation of Off-Site Traffic Impacts.

10.2(a) Owner's obligation to construct or provide traffic improvements shall be limited to those traffic improvements required by the Montecito Rules (including as set forth in any approved Montecito Town Center Phase Development Plans, including, without limitation, any approved Montecito Town Center Phase Traffic Study) and as set forth in Subsection 10.2(b) and Sections 10.3, 10.4, 10.7 and 10.8 below. Owner shall have no other obligation to participate in, pay, contribute or otherwise provide any further exaction, including special assessment district assessments, other assessments or Development Fees, to provide land, facilities or improvements for road and motor vehicular traffic system or for any facilities, equipment or physical improvements that are a substitute therefor.

10.2(b) Owner agrees that it shall pay the traffic signal impact fees set forth on Exhibit "O", attached hereto, in connection with any development in Montecito Town Center for the purpose of funding traffic signals offsite to the Montecito Town Center (the "Traffic Signal Fee"). The Traffic Signal Fee shall be paid at the time building permits are issued for development within Montecito Town Center in the amounts set forth in Exhibit "O". City agrees as follows in connection with the Traffic Signal Fee:

1. Any Traffic Signal Fees collected by City from Owner in connection with a development within Montecito Town Center will be used to install those traffic signals identified on Exhibit "P" attached hereto. Notwithstanding anything to the contrary in this Agreement, the City will have the right to amend from time to time Exhibit "P" pursuant to the Normal City Rules.
2. The City shall be entitled to use Traffic Signal Fees collected from Owner for traffic signals other than those set forth in Exhibit "P" if the City reasonably concludes that the impacts from development of the Montecito Town Center, in whole or in part, require the installation of a traffic signal other than those set forth in Exhibit "P" attached hereto. Traffic Signal Fees collected by the City from the Owner can be used for no other purposes whatsoever without the approval of Owner.

3. Owner shall be entitled to a credit against any Traffic Signal Fees for the cost of any offsite traffic signals installed at Owner's expense, whether those traffic signals installed by Owner are identified on Exhibit "P" or necessitated by development in the Montecito Town Center. The expense to the Owner may result from Owner's direct installation of such traffic signals or the installation of such traffic signals as part of an assessment to Owner by the City. Owner shall be entitled to such credit against any Traffic Signal Fees required to be paid after such installation or assessment as such Traffic Signal Fees thereafter come due. The amount of the credit shall equal the full cost of the traffic signal installed by Owner or, in the case of assessment to Owner, the amount of the traffic signal assessed to Owner.
4. Owner also shall be entitled to a credit against any fees due in the event the RTC contributes additional funds or otherwise makes funds available for traffic signals in excess of those amounts currently anticipated.
5. In the event the City adopts a traffic signal fee program in connection with development and construction within the City and the fees mandated by such program are less than the Traffic Signal Fees set forth in Exhibit "O", the City agrees that Owner shall be obligated only to pay the fees set forth in such program thereafter from the date of adoption of such program.

10.3 Town Center Loop Road

10.3(a) Town Center Loop Road is that frontage loop road system alignment as shown on Exhibit "E" attached hereto, and, if necessary, will be included in an amendment to the Master Plan of Streets and Highways. In general, the system has been approved by the City and, within Montecito Town Center, will conform to the Montecito Rules. The Town Center Loop Road may have the additional design features as set forth in the Montecito Town Center Land Use and Design Standards Appendix, to the extent such design standards meet or exceed the Town Center Design Standards and the Montecito Rules as determined by the Department of Public Works, subject to the appeal procedure set forth in Section 3.10 herein.

10.3(b) City will endeavor to complete design of the Town Center Loop Road by no later than January 1, 2003. The Town Center Loop Road will be constructed in the same manner as approved in the Town Center Design Standards and in accordance with the other three (3) quadrants of the interchange to meet the requirements of the Federal Highway Administration.

10.3(c) The Town Center Loop Road ultimately will include, without limitation, curb, gutter, sidewalk, street lights, water, a sanitary sewer line, storm drain, dry utility crossings, irrigation sleeves, pavement, striping, traffic signals, including conduits and foundations and signage. The cost of the Town Center Loop Road will be allocated as follows:

1. Owner shall pay for all full, half, extended or widened street improvements for any portion of Town Center Loop Road adjacent to any portion of the Property, together with any portion of the Town Center Loop Road required to be completed as a result of Owner's proposed development of the property to mitigate impacts of the Project as identified in the relevant approved Montecito Town Center Phase Traffic Study, and to satisfy necessary linkage with other streets in the event a special improvement district is not formed to fund the development thereof. Owner's obligation to pay for the Town Center Loop Road shall be in accordance with the Montecito Rules and shall be required as is necessary in connection with Owner's phased development of the Project as determined by the Department of Public Works subject to the appeal procedure set forth in Section 3.10 herein.

~~2. The Parties current intent, however, is that the cost of the Town Center Loop Road will be funded by an assessment pursuant to a special improvement district, with the Owner paying for the full half street improvements for any portion of the Town Center Loop Road adjacent to any portion of the Property, all pursuant to the Normal City Rules.~~ City agrees that the allocation of the assessment will be on a fair and equitable basis consistent with this subsection 10.3(c) and that City will review any comments of Owner in the determination of such allocation. Owner agrees to consent to, and not protest or contest, a special improvement district created by City to pay the cost of the Town Center Loop Road which special improvement district is in compliance with this Section 10.3.

10.3(d) City shall endeavor to complete construction of the Town Center Loop Road on a timely basis if construction is funded through a special improvement district.

10.4 El Capitan Way Improvements.

10.4(a) The El Capitan Way Improvements are those roadway improvements pursuant to the alignment shown on Exhibit "F" attached hereto including Elkhorn Road from the Elkhorn/US 95 Overpass touchdown point west to the intersection with El Capitan Way. The El Capitan Way Improvements shall be constructed in accordance with the Town Center Development Standards.

10.4(b) The City intends to take all steps necessary to complete the formation of the El Capitan Way Improvements SID and construction of the El Capitan Way Improvements on a timely basis. This provision does not bind the City to guarantee that the El Capitan Way Improvements SID will be accomplished pursuant to such intent. The El Capitan Way Improvements ultimately will include curb, gutter, sidewalk, a sanitary sewer line, street lights, water, and storm drain, dry utility crossing sleeves, irrigation sleeves, pavement, striping, traffic signals, including conduits and foundations, signage, landscape, medians and any other roadway or utility

appurtenances deemed necessary to serve the ultimate build-out of the Montecito Town Center, all of which shall be in compliance with the Montecito Rules.

10.4(c) The cost of the El Capitan Way Improvements may be paid as follows:

1. The cost of the travel lanes (pavement), right-of-way acquisition, storm drains, traffic signals, including conduits and foundations, street intersection improvements and any other El Capitan Way Improvements shall be paid by the City from RTC funds which have been allocated for the construction of the El Capitan Way Improvements, in accordance with RTC policy. Although the City agrees to support the full use of RTC funds for the travel lanes and right-of-way acquisition, Owner acknowledges that the RTC makes available funds in accordance with the policies of the RTC which are not controlled by the City. In the event Owner takes some action that causes some of the RTC funds not to be so available, Owner shall be included in the El Capitan Way Improvements SID described in subsection 10.4(c)2 below, all pursuant to the Normal City Rules.

2. Owner and City intend that the cost of the El Capitan Way Improvements other than those paid by RTC funds will be funded by an assessment pursuant to the El Capitan Way Improvements SID. City agrees that the allocation of the assessment will be on a fair and equitable basis consistent with this subsection 10.4(c). City will review any comments and input of Owner in the determination of such allocation. City agrees that to the extent a portion of the El Capitan Way Improvements are located in the County, City will endeavor to coordinate the formation of the El Capitan Way Improvements SID with the formation of a County-sponsored special improvement district for construction of that portion of the El Capitan Way Improvements located in the County. Owner agrees to consent to, and not protest or contest, a special improvement district created by City to pay the cost of the El Capitan Way Improvements which special improvement district is in compliance with this Section 10.4.

3. The City acknowledges that the trunk sewer lines planned to be installed in the El Capitan Way Improvements are not necessary to service the Montecito Town Center. The City agrees that the cost of such sewer lines planned to be installed in the El Capitan Way Improvements will not be allocated or charged against the Montecito Town Center and in any event, such costs shall not be included in the El Capitan Way Improvements SID. Owner acknowledges that it does not intend to use such sewer line to be installed in El Capitan Way. City further agrees that if that section of the El Capitan Way Improvements which is south of the Beltway as shown on Exhibit "F" cannot for any reason whatsoever be constructed along with that portion of the El Capitan Way Improvements which is north of the Beltway as shown on Exhibit "F", then City shall proceed to complete as a separate project and special improvement district assessment that portion of the El Capitan Way Improvements which is north of the Beltway as

shown on Exhibit "F" in order that such portion north of the Beltway as shown on Exhibit F will be completed on a timely basis.

10.5 Elkhorn Road / U.S. 95 Overpass

10.5(a) Elkhorn Road / U.S. 95 Overpass means an overpass over US 95 at Elkhorn Road with the general alignment as shown on Exhibit "I". The Owner shall not be required to pay for such Overpass and no approval required for any development within the Project will be denied or conditioned in connection with the completion of the Elkhorn Road / U.S. 95 Overpass.

10.6 Tropical Parkway / U.S. 95 Overpass. Tropical Parkway / U.S. 95 Overpass means an overpass over US 95 at Tropical Parkway with the general alignment as shown on Exhibit "J". Owner shall not be required to participate in the funding of the Tropical Parkway / U.S. 95 Overpass, and no approval required for any development within the Project will be denied or conditioned in connection with the completion of the Tropical Parkway / U.S. 95 Overpass.

10.7 Deer Springs Roadway Alignment. City and Owner agree that the alignment for the Deer Springs roadway shall be as set forth on Exhibit "M" to this Agreement.

10.7(a) The Deer Springs Roadway Improvements are those roadway improvements pursuant to the alignment shown on Exhibit "M" attached hereto and will originally be two lanes in each direction without on-street parking. The Deer Springs Roadway Improvements will include curb, gutter, sidewalk, street lights, sanitary sewer line, water, and storm drain, dry utility crossing sleeves, irrigation sleeves, pavement, striping, signage, landscaping, medians, traffic signals, including conduits and foundations, and any other roadway or utility appurtenances deemed necessary to serve the ultimate build-out of the Montecito Town Center, all of which shall be in compliance with the Montecito Rules.

10.7(b) Owner and City intend that the cost of the Deer Springs Roadway Improvements will be allocated as follows:

1. Owner shall pay for full, half, extended or widened street improvements for any portion of Deer Springs Roadway adjacent to any portion of the Property together with any portion of such roadway required to be completed as a result of Owner's proposed development of the property to mitigate any impacts of the Project as identified in the relevant approved Montecito Town Center Phase Traffic Study and to satisfy necessary linkage with other streets in the event a special improvement district is not formed to fund the development thereof. Owner's obligation to pay for Deer Springs Roadway shall be in accordance with the Montecito Rules and shall be required as is necessary in connection with Owner's phased

development of the Project as determined by the Department of Public Works subject to the appeal procedure set forth in Section 3.10 herein.

2. The Parties' current intent, however, is that the cost of Deer Springs Roadway will be funded by an assessment pursuant to a special improvement district, with the Owner paying for the full half street improvements for any portion of Deer Springs Roadway adjacent to any portion of the Property, all pursuant to Normal City Rules. City agrees that the allocation of the assessment will be on a fair and equitable basis and that City will review any comments of Owner in the determination of such allocation. At the time the special improvement district is formed, the City will acquire the land for the right of way required at fair market value if such right of way has not been dedicated previously.

10.8 Land Dedication. Notwithstanding anything to the contrary in this Agreement, Owner and City agree that the Owner will only dedicate rights-of-way required by the City in accordance with the Montecito Rules as a condition of approval of any Montecito Town Center Phase Development Plans submitted by Owner. Such dedications of rights-of-way shall not be required if at the time of issuance of building permits or approval of a Final Map related to any such Montecito Town Center Phase Development Plans other binding agreements to convey to the City such rights-of-way have been made by Owner and the City concerning such rights-of-way.

SECTION 11 FLOOD CONTROL

11.1 Flood Control Facilities and Technical Drainage Studies. Owner agrees that concurrently with the submission of the first Montecito Town Center Phase Development Plans for the first Montecito Town Center Phase, Owner shall submit a master drainage plan addressing the overall Montecito Town Center drainage system. The drainage system shall be designed to mitigate existing flows, or ultimate buildout flows whichever are greater. Interim facilities that may be required to mitigate interim conditions shall be identified, designed and installed at the time the particular phase of development warrants them. Owner shall be required only to construct those on-site flood control facilities identified in the technical drainage studies submitted in connection with any Montecito Town Center Phase Development Plans which are necessary for the flood protection of the Montecito Town Center or for mitigation of downstream flood impacts caused by the development of the Montecito Town Center, if any. Facilities necessary for interim conditions, either on or off-Project, will be identified with technical study updates for each Phase of the Project. Owner shall be responsible for paying for the costs of constructing any on-site facilities necessary, whether interim or ultimate, and shall dedicate all rights of way and easements to accommodate such facilities. Owner shall have no obligation to participate in, pay, contribute or otherwise provide any further exaction, including special improvement district assessments, other assessments or Development Fees, to provide for, facilities or improvements for flood

shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

12.2(d) In Connection with Financing Transactions. Owner has full discretion and authority to transfer, assign or encumber the Montecito Town Center or portions thereof, in connection with financing transactions, without limitation on the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement,

12.3 Amendment or Cancellation of Agreement. Except as otherwise permitted by NRS 278.0205 and this Agreement, this Agreement may be amended from time to time or canceled but only upon the mutual written consent of the parties hereto.

12.4 Indemnity; Hold Harmless. Except as expressly provided in this Agreement, Owner shall hold City, its officers, agents, employees, and representatives harmless from liability for damage or claims for damage for personal injury, including death and claims for property damage which may arise from the direct or indirect operations of Owner or those of its contractors, subcontractors, agents, employees, or other persons acting on Owner's behalf which relate to the development of the Montecito Town Center. Owner agrees to and shall defend City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of Owner's activities in connection with the development of the Montecito Town Center. Owner agrees to indemnify, hold harmless, and provide and pay all costs and attorneys fees for a defense for City in any legal action filed in a court of competent jurisdiction by a third party alleging any such claims or challenging the validity of this Agreement. The provisions of this Section shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City, its officers, agents, employees, or representatives.

12.5 Binding Effect of Agreement. Subject to Section 12.2 hereof, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the parties' respective successors in interest and the property which is the subject of this Agreement.

12.6 Relationship of Parties. It is understood that the contractual relationship between City and Owner is such that Owner is not an agent of City for any purpose and City is not an agent of Owner for any capacity.

12.7 Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

To City:

CITY OF LAS VEGAS
400 Stewart Avenue
Las Vegas, Nevada 89101

Attention: Planning Director

To Owner:

MONTECITO TOWN CENTER, LLC
6600 West Charleston
Suite 124
Las Vegas Nevada 89146
Attention: Managing Member

Either party may change its address by giving notice in writing to the other and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered on the day of personal delivery or the date delivery of mail is first attempted.

12.8 Entire Agreement. This Agreement constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

12.9 Waivers. All waivers of the provisions of this Agreement must be in writing and signed by the appropriate officers of City or Owner, as the case may be.

12.10 Recording; Amendments. Promptly after execution hereof, an executed original of this Agreement shall be recorded in the Official Records of Clark County, Nevada. All amendments hereto must be in writing signed by the appropriate officers of City and Owner in a form suitable for recordation in the Official Records of Clark County, Nevada. Upon the completion of the performance of this Agreement, or its earlier revocation or termination, a statement evidencing said completion, revocation or termination shall be signed by the appropriate officers of the City and Owner and shall be recorded in the Official Records of Clark County, Nevada.

12.11 Headings; Exhibits; Cross References. The recitals, headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement are incorporated herein by the references contained herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

IN WITNESS WHEREOF, this Agreement has been executed by the parties on the day and year first above written.

CITY:

CITY COUNCIL, CITY OF LAS VEGAS

By: Gary Reese

OSCAR B. GOODMAN,
MAYOR

Gary Reese, Mayor Pro-Tem

APPROVED AS TO FORM:

Thomas R. Green 4/24/02
Deputy City Attorney

ATTEST:

CITY CLERK

By: Barbara J. Ronemus

BARBARA J. RONEMUS, City Clerk

OWNER:

MONTECITO TOWN CENTER, LLC, a
Nevada limited liability company

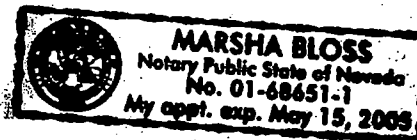
By: Robert W. Pichler

Name:

Title: Manager

SUBSCRIBED AND SWORN TO before
me on this 10 day of April,
2001

Marsha Bloss
Notary Public in and for said County and
State



START OF EXHIBITS

EXHIBIT 'A' - PAGE 1
LEGAL DESCRIPTION AND MAP OF AFFECTED PROPERTIES

THE FOLLOWING PARCELS ARE SITUATE WITHIN SECTION 20, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA:

THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4).

AND

THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4).

AND

THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) - (CONTAINING LOTS 1 THROUGH 4 OF THAT CERTAIN PARCEL MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE AS FILE 45, PAGE 16 OF PARCEL MAPS).

AND

THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) - (CONTAINING LOTS 1 THROUGH 4 OF THAT CERTAIN PARCEL MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE AS FILE 45, PAGE 15 OF PARCEL MAPS).

AND

THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4).

AND

THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4).

AND

THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

AND

THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) - (CONTAINING LOTS 1 AND 2 OF THAT CERTAIN CERTIFICATE OF LAND DIVISION ON FILE AS LD 204-79 AND LOTS 1 AND 2 OF THAT CERTAIN CERTIFICATE OF LAND DIVISION ON FILE AS LD 38-80 IN THE OFFICIAL RECORDS OF CLARK COUNTY, NEVADA).

AND

THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) - (CONTAINING LOTS 1 AND 2 OF THAT CERTAIN CERTIFICATE OF LAND DIVISION ON FILE AS LD 115-80 AND LOTS 1 AND 2 OF THAT CERTAIN CERTIFICATE OF LAND DIVISION ON FILE AS LD 47-80 IN THE OFFICIAL RECORDS OF CLARK COUNTY, NEVADA).

AND

THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4).

AND

THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) - (CONTAINING LOT 2 OF THAT CERTAIN CERTIFICATE OF LAND DIVISION ON FILE AS LD 77-84 IN THE OFFICIAL RECORDS OF CLARK COUNTY, NEVADA).

EXCEPTING FROM THE ABOVE DESCRIBED PARCELS ANY PORTIONS THEREOF DEDICATED AS PUBLIC ROADS.

MONTECITO TOWN CENTER

**LEGAL DESCRIPTION OF
AFFECTED PROPERTIES**



**PRIMAS AND
ASSOCIATES**
CONSULTING
ENGINEERS

NOV. 6, 2001

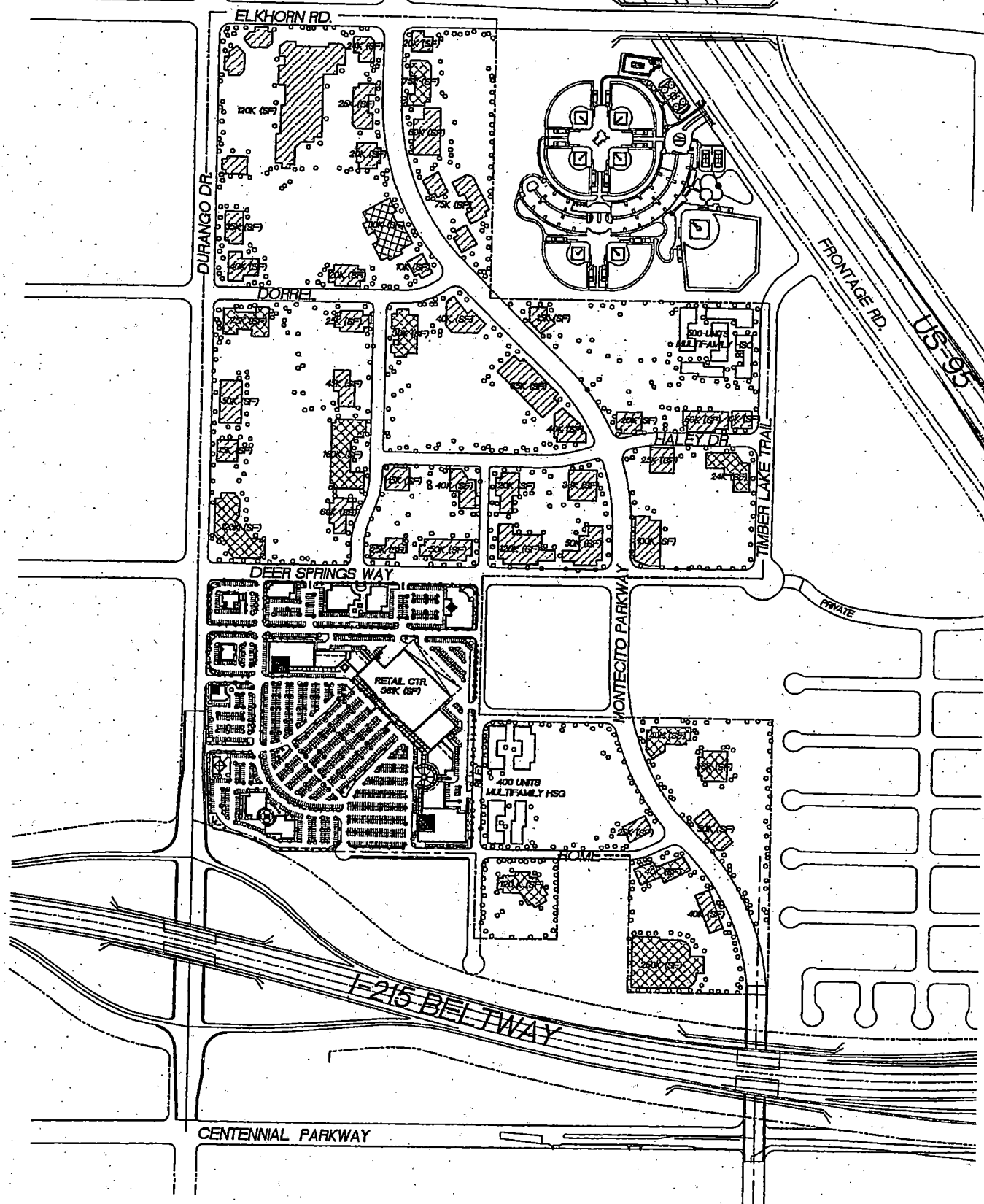
EXHIBIT "B"

INTENTIONALLY OMITTED

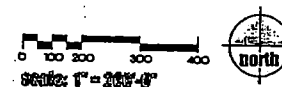
EXHIBIT "C" - PAGE 1

MONTECITO TOWN CENTER
CONCEPTUAL SITE PLAN

 RETAIL 150M SF
 OFFICE/ 100M SF
 MEDICAL
 TOTAL SF: 250M SF
 RESIDENTIAL 900 UNITS

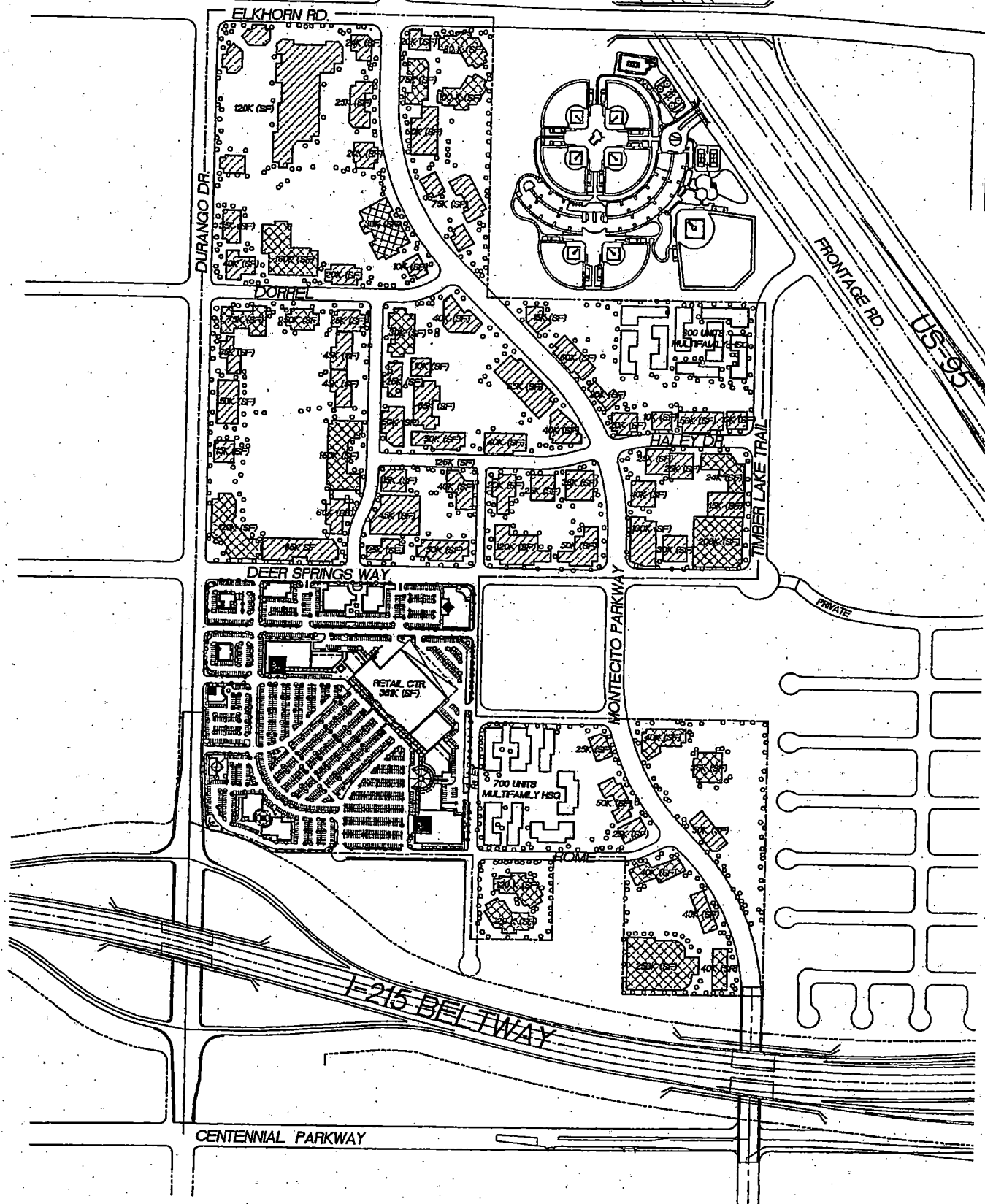


15 yr. montecito illustrative master plan



MONTECITO TOWN CENTER
CONCEPTUAL SITE PLAN

 RETAIL 2,250 SF
 OFFICE/ 1,750 SF
 MEDICAL
 TOTAL SF: 4,000 SF
 RESIDENTIAL (250 UNITS)



30 yr. montecito illustrative master plan

0 100 200 300 400
 scale: 1" = 200'-0"



MONTECITO TOWN CENTER

LAND USE AND DESIGN STANDARDS APPENDIX CITY OF LAS VEGAS

November 6, 2001
Amended February 19, 2002

Prepared by
Quadrant Planning

ACKNOWLEDGEMENTS

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Gary Reese, Mayor Pro-Tem
Larry Brown
Michael Mack
Lynette Boggs McDonald
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MONTECITO TOWN CENTER

LAND USE AND DESIGN STANDARDS APPENDIX

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MONTECITO TOWN CENTER

LAND USE AND DESIGN STANDARDS APPENDIX

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1. INTRODUCTION

1.1 Concept for Montecito Town Center Land Use and Design Standards

The Montecito Town Center will be a focal point for the Centennial Hills community as well as the Las Vegas Valley community at large. Development within the Montecito Town Center will ultimately provide a dramatic urban environment. The Montecito Town Center is intended to be a multi-use activity center. It is the most appropriate area within Centennial Hills for larger scale mixed-use and multi-use developments. A balanced mix of office, retail, and entertainment uses is envisioned.

There are several reasons for creating Montecito Town Center. The intended purpose is to:

- Assist in the preservation of established neighborhoods within Centennial Hills by reducing the encroachment of commercial, office and higher intensity developments;
- Create an identifiable, focal element for the Centennial Hills community and for the Las Vegas Valley;
- Utilize horizontal and vertical infrastructure systems efficiently by concentrating development and thereby concentrating infrastructure needed to service developments;
- Assist in establishing a functional employment base for existing and future residents of Centennial Hills;
- Coordinate planned land uses with existing opportunities that make this centrally located area suitable for intense development.

There is no rigid design theme for the Montecito Town Center. However, development in the area will incorporate and continue a pedestrian circulation theme. There will be compatibility of building scale, color, materials, and design motifs, allowing the various development projects to blend together in a harmonious manner.

Essential to creating this sense of place is a commitment to the characteristics of development and design standards outlined in this document.

1.2 Purpose

The purpose of the Montecito Town Center Land Use and Design Standards Appendix (Montecito Town Center Appendix) is to guide the physical development of land within the boundaries of the Montecito Town Center area by:

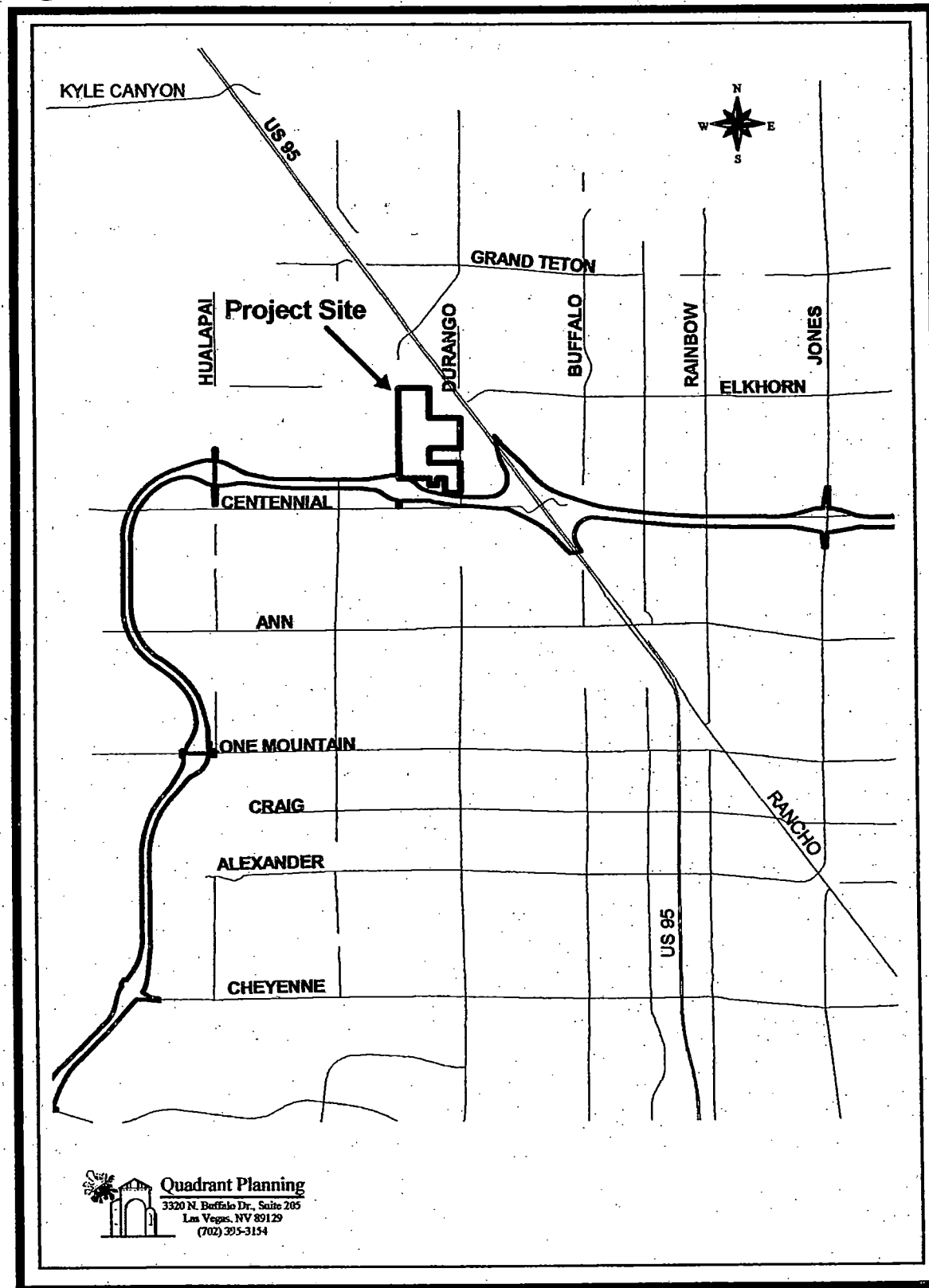
- (a) Prescribing the land use;
- (b) Site development standards; and
- (c) Landscape and architectural design.

- 1.2.1 The Montecito Town Center Appendix will direct the actions of all entities, participating builders, developers and individual business. The enforcement of the Montecito Town Center Appendix will ensure quality, visual continuity, and consistency in design, as well as protection of property values.

1.3 Project Location

The Montecito Town Center encompasses a total of approximately 192.5 acres, generally located with Elkhorn Road on the north, I-215 on the south, El Capitan Way on the west, and Durango Drive on the east, within the northwest quadrant of Centennial Hills Town Center. See Figure 1 - Montecito Town Center Vicinity Map.

Figure 1: Montecito Town Center Vicinity Map



2. LAND USE

2.1 Purpose

The purpose of this section is to identify the general land use category used in the Montecito Town Center, and the permissible uses allowed within this category.

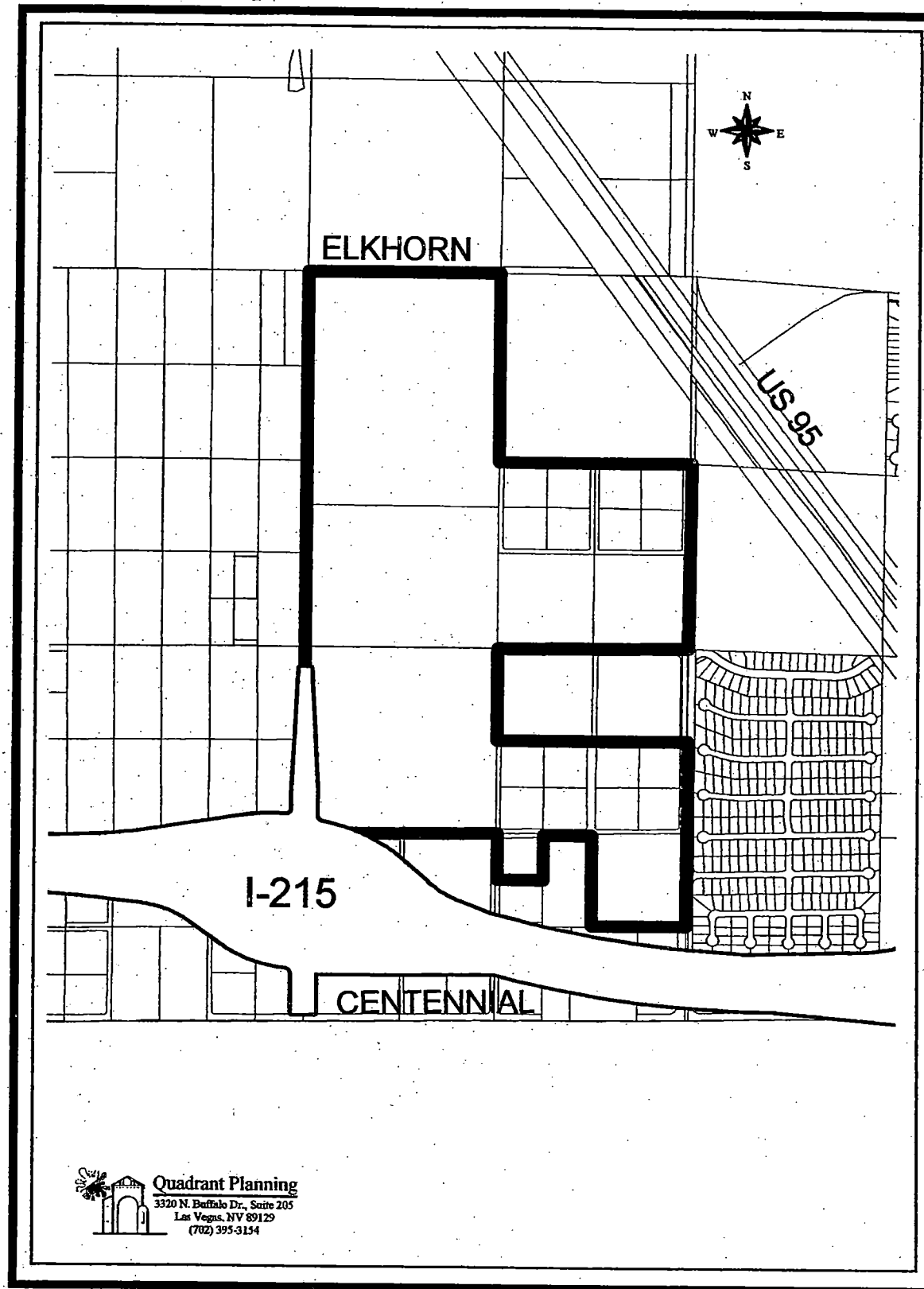
In general, the permissible uses are those allowed under the current City of Las Vegas Codes. Use permits and conditional use restrictions apply to some permissible uses. At the discretion of the Planning Director, and if in compliance with applicable covenants, conditions and restrictions, other uses not specifically indicated herein may be approved.

Upon approval of the Montecito Town Center Land Use and Design Standards Appendix, general land use shall conform to Sections 2.2, and permissible uses shall conform to Section 2.3 of this Appendix. However if a request does not conform to the general land use as described in Section 2.2, or permissible uses as described in Section 2.3, then at a minimum the request must adhere to the goals and objectives of the City of Las Vegas General Plan and related documents as they may be amended.

This Appendix has established a general land use category, permissible uses, site development standards, and architectural and landscape criteria for the Montecito Town Center project.

The general land use for the approximately 192.5 acres comprising the Montecito Town Center area, is shown within the dashed boundary on Figure 3. Projects within this area will be developed according to the general land use shown on Figure 3 and described in Section 2.2 and, shall have permissible uses as described in Section 2.3 of this Appendix.

Figure 2: Development Area



2.2 Land Use Designation

Development within the Montecito Town Center area shall be governed by one overall land use category called Mixed-Use Commercial. Within the Mixed-Use Commercial land use category, there will be distinct Activity Centers that encompass commercial uses, residential uses, and a buffer area for the Timberlake Community. With the exception of the buffer for the Timberlake Community, all other Activity Centers do not have fixed boundaries and may occur in various locations throughout the Montecito Town Center project area.

The Activity Centers and their locations are intended to be flexible within the overall context of the Mixed-Use Commercial category shown on Figure 3. However, no single Center will dominate another, and the overall land use composition of the Montecito Town Center will be visually integrated and harmonious. The six distinct Activity Centers are:

- (1) Timberlake Buffer Area;
- (2) Main Street;
- (3) Regional Center;
- (4) Suburban Center;
- (5) Office Center;
- (6) High Density Residential.

2.2.1 Timberlake Buffer Area: This Activity Center is intended to allow for the buffering of the Timberlake Community from more intensive land uses and will minimize livability conflicts. The buffer area will consist of the following elements:

- A 100-foot linear park, or right-of-way area, between the Timberlake Community and the Montecito Town Center to create the initial 100-foot buffer.. See Figure 3 for location.
- A 230-foot wide area beyond the 100-foot buffer area where only single story office and low intensity retail uses will be permitted. In addition, careful site planning and design considerations will be taken within this 230-foot wide area to reduce potential negative impacts on the Timberlake Community. Issues such as vehicular access and congestion, signs and visual clutter, architectural design and lighting will be addressed in every proposed site plan.

- 2.2.2 **Main Street:** Main Street designates an area where a cohesive mix of interdependent uses, including offices, entertainment, and high density residential are horizontally or vertically integrated.

The Main Street area will become a compact, mixed-use, Activity Center that caters to pedestrians both in its circulation and scale, while providing a full range of retail opportunities, housing types and workplaces.

- 2.2.3 **Regional Center:** The Regional Center designates areas for commercial establishments that draw residents, visitors, and tourists from across the Las Vegas Valley with a large trade area. This category provides shopping for goods, general merchandise, apparel, furniture, and home furnishings in full depth and variety. The predominant developments include, but are not limited to: regional malls, "club or membership" stores, general commercial uses and non-gaming hotels. The Regional Center category includes a wide range of retail, office, and service uses.

Other types of Regional Center developments may include specialty regional commercial centers that typically do not have traditional anchor tenants and may consist of "entertainment centers", "festival marketplaces", and "outlet mall", which often has a discount or off-priced orientation. These developments are of significant intensity and typically generate a substantial amount of employment and traffic.

- 2.2.4 **Suburban Center:** The Suburban Center allows low to medium intensity retail and service orientated commercial developments that serve primarily local area patrons, and do not include more intense general commercial characteristics. Typical uses are neighborhood shopping centers, banks, restaurants, hardware stores, and other similar retail and service uses. This category also includes offices, either singly or grouped as office centers, with professional and business services. Suburban Center developments should be developed as nodes or centers and not configured in a "strip commercial" pattern.

- 2.2.5 **Office Center:** The Office Center allows low intensity office and professional uses. Typical uses may include, but are not limited to, day care services, medical, legal, financial, and other business/professional services, and office supporting businesses. Retail sales as a primary use is only appropriate when in conjunction with an office supporting business; however, some ancillary retail uses may be appropriate

2.2.6 High Density Residential: High Density Residential designates areas where the predominant housing type is multiple family developed at very high densities. Building heights generally do not exceed twelve stories (150 feet), but greater heights may be attained upon approval of a Special Use Permit by the City of Las Vegas. This category allows any residential housing type including single family, multiple family, cluster and townhome

developments, at densities that generally do not exceed 50 dwelling units per acre. However, higher densities may be attained upon approval of a Special Use Permit by the City of Las Vegas.

2.3 Permissible Uses – Mixed-Use Commercial

Buildings, structures, and land shall be used only in accordance with the permissible uses in the following Permissible Use schedule. These uses are permitted within all of the commercial Activity Centers, namely, the Regional Center, the Suburban Center, Main Street, and the Office Center. Within the Timberlake Buffer Area category, only single story office and limited retail uses will be permitted.

Mixed Use Commercial

Amusement Arcades	P
Animal Hospital	SUP
Antique Shops	SUP
Appraisal and Related Services	P
Architectural (professional and related services)	P
Art Gallery	P
Artist	P
Artist Studios	P
Athletic Fields	P
Auditorium	P
Automobile Accessory Store	P
Automobile Maintenance	SUP
Automobile Rental	SUP
Bakery (retail only)	P
Bank	P
Banquet Facilities	P
Barber Shops	P
Bars	SUP
Bath House	P
Beauty Shops	P
Beer Sales	SUP
Bicycle Repair Shops	P
Bookkeeping, Accounting Services	P
Bookstores	P
Brew Pubs	SUP
Building Material Sales	SUP
Car Rental Agencies	SUP
Car Wash	SUP
Catering Establishments	P
Child Care Institutions	P
Christmas Tree Sales	TCP
Churches	P
Clinics	P
Clubs	SUP
Collectible Shops	P
Colleges	SUP
Communication Towers/Antennas	SUP
Computer Based Businesses	P
Computer Graphics Services	P
Congregate Care	SUP

P=Permitted SUP=Special Use Permit

Mixed Use Commercial

Consulting Service	P
Convenience Store	SUP
Convention Facilities	SUP
Cooperative Apartments	SUP
Copy Center	P
Costume Rental	P
Court Reporting	P
Custodial Institutions	SUP
Day Care	P
Diaper Services	P
Dressmaking Shops	P
Dry Cleaning Office	P
Eating and Drinking Places (non-alcoholic)	P
Education/Scientific Research	P
Electronic Equipment Sales and Service	P
Engineering (professional and related services)	P
Entertainer (outcall only, no escort services)	P
Equipment Rentals	SUP
Exotic Animals	SUP
Flower Arrangements	P
Gaming (incidental gaming machines only)	SUP
Gasoline Sales	SUP
Government Facilities	SUP
Grocery Stores	P
Gunsmiths	SUP
Handicraft (including gift basket assembly)	P
Hardware Stores	P
Health Clubs	P
Health Fitness Training Center	P
Heliports	P
Hospitals	P
Hotels	SUP
House Cleaning/Repairs	P
Information Services	P
Inns	SUP
Insurance Adjustment	P
Insurance Sales	P
Interior Decorating	P
Janitorial Services	P
Jewelry Making (excluding smelting and casting of metal)	P
Laboratories, Medical and Dental	P
Libraries	P
Liquor Sales	SUP
Live Entertainment	TCP
Locksmiths	P
Maintenance Business	P
Medical Supplies	P
Memorabilia Shops	P
Miniature Golf Courses	SUP
Mini-Warehouses	SUP
Mortgage Company	P
Motels	SUP
Movie Theaters	P

P=Permitted SUP=Special Use Permit

Mixed Use Commercial

Museums	SUP
News Dealers/Stand	P
Offices, Business and Professional	P
Outdoor dining	P
Parking Lot/Garages	P
Parks	P
Party Planning Services	P
Pet Store	P
Pharmacy	P
Photographic Studio	P
Photographic Supplies	P
Photography and Related Services	P
Plant Nurseries	P
Playgrounds	P
Postal Services	P
Print Shops	P
Psychic Arts	SUP
Public Utility Buildings and Structures	SUP
Public/Quasi-Public/Institutional Buildings and Uses	SUP
Real Estate Services	P
Recreational Facilities – interim	SUP*
Recreational Facilities – private	SUP
Recording Studios	SUP
Regional Malls	P
Residential High Density	P/SUP
Resort Hotels (non-gaming)	P
Restaurants	P
Rest Homes	SUP
Retail Sales	P
Rock Concert	SUP
Sales Representatives	P
Sanitariums	SUP
Schools	SUP
Secondhand Sales	SUP
Secretarial Services	P
Security Sales	P
Security Services	P
Service Business (except repair business)	P
Service Stations	SUP
Shoe Repair Shops	P
Sign Painting Stores	P
Sporting Goods Stores	P
Sporting Goods with Firearms	SUP
Stock Brokerages	P
Sun-tanning Centers	SUP
Supper Clubs	SUP
Swap Meets	SUP
Swimming Pool Cleaning	P
Tailoring, Sewing Services	P
Tailors	P
Taverns	SUP
Tax Preparation Services	P

P=Permitted SUP=Special Use Permit

Mixed Use Commercial

Taxidermist	P
Teaching, Tutoring (maximum four students at once)	P
Tire Sales (as principle use)	SUP
Travel Agencies	P
Upholstery Shops	SUP
Vacations Sales	P
Veterinary Services	SUP
Video Stores	P
Watch/Clock Repair	P
Watchman's Trailer with Commercial Use	SUP
Water Sales	P
Wine Sales	SUP
Writers	P

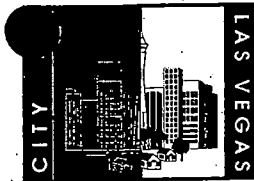
P=Permitted SUP=Special Use Permit

- The Montecito Town Center will create a vibrant, festive, densely built, pedestrian-friendly environment. Because of its unique urban nature, no specific spacing requirements will be mandated between establishments that have on or off premise alcohol sales and/or restricted gaming within the Montecito Town Center area, and no special use permits for separation between these establishments will be necessary. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.

● *** NOTE: Recreational Facilities – Interim:** While the Montecito Town Center area is under construction, some recreational uses that are considered provisional in nature may be requested and developed on certain sites. All such uses will be subject to approval of a Special Use Permit by the City of Las Vegas that will condition their activities and life spans. Examples include (but are not limited to): golf driving ranges, putter courses, baseball/softball batting cages, tennis training courts, soccer training fields, etc.

○

PLANNING &
DEVELOPMENT



Development
Services Center
731 S. Fourth Street
Las Vegas, NV 89101

TTY 702-386-9108
Voice:
Administration 229-6353
Comp Planning 229-6022
Current Planning 229-6301
www.ci.las-vegas.nv.us



Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro-Tem)
Larry Brown
Lynette Boggs McDonald
Lawrence Weekly
Michael Mack
Janet Moncrief

City Manager
Douglas A. Selby



07101-001-6/03

October 16, 2003

Mr. Matthew Werner
Montecito Companies
6600 W. Charleston Boulevard #126
Las Vegas, NV. 89146

RE: Non-Material Modification of the Montecito Town Center Standards

Dear Mr. Werner:

We are in receipt of your letter requesting a nonmaterial modification to page 16 of the Montecito Town Center Land Use and Design Standards Appendix, to permit "drive-through" facilities with the approval of a Special Use Permit.

Section 4.6 of the Montecito Development Agreement defines a nonmaterial modification as one requested by the owner to accomplish one or more of five provisions listed in this section of the Agreement. The nonmaterial modification request is to be reviewed and acted on by the Director of Planning and Development within a 30 day period of time.

It has been determined that your request meets the following standards for granting this modification:

(c): "A change in the specifications of the Montecito Town Center Land Use and design Standards Appendix that is comparable to those required under the Montecito Town Center Land Use and Design Standards Appendix or conforms to the intent of the Montecito Town Center Land Use and Design Standards Appendix, and

(e): Any other change or modification of a similar nature, which the Director of the Planning Department determines, will not have a material negative impact on the Montecito Town Center.

Permitting drive through facilities as a Special Use will provide the Planning Commission and City Council with the opportunity to use its discretionary authority in ensuring such facilities are designated and located appropriately within Montecito. Based on these findings, your request is approved.

Please feel free to contact me at 229-6301 should you have any questions.

Sincerely,

Robert S. Genzer, Director
Planning & Development Dept.

MONTECITO
COMPANIES

Copy

September 24, 2003

Mr. Bob Genzer
Planning & Development Department
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV

Mr. Genzer,

Pursuant to Section 4.6 of the Montecito Town Center Development Agreement (Development Agreement), we respectfully request a nonmaterial modification to page 16 of the Montecito Town Center Land Use and Design Standards Appendix (Standards Appendix). The modification we are requesting is to add "Drive-through" as an allowable use with a Special Use Permit.

We believe the request is justified for a number of reasons. These include:

- 1) The current Standards Appendix permits a number of uses that are typically associated with drive-throughs;
- 2) The current Standards Appendix permits other uses that are similar to, or less intense than drive-throughs, like regional and suburban retail and mixed-use centers;
- 3) Requiring a use permit for drive-throughs would be consistent with the requirements of the Town Center Development Standards; and
- 4) The use permit process gives the City sufficient discretion and design authority to ensure that drive-throughs are allowed only in circumstances where they are compatible to and consistent with nearby development.

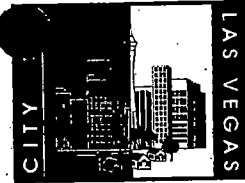
Thank you for your consideration. Please call if you have any questions or need anything further. Otherwise, we look forward to your response.

Respectfully,



Matthew Werner
Montecito Companies

PLANNING &
DEVELOPMENT



Development
Services Center

731 S. Fourth Street
Las Vegas, NV 89101

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City Manager
Douglas A. Selby



07101-001-6/03

December 30, 2003

Mr. Matthew Werner
Montecito Companies
6600 W. Charleston Blvd, Suite 126
Las Vegas, Nevada 89146

Dear Mr. Werner:

This letter is in response to your written requests of September 24, 2003 and December 15, 2003, wherein you have requested non-material modifications to the Montecito Town Center Development Agreement.

The first request is to add "Pawn Shops" to the list of Permissible Uses in the Montecito Town Center Mixed Use Commercial designation, in the table under Section 2.3 of the Land Use and Design Standards Appendix to the Development Agreement. The intent is to list "Pawn Shops" requiring a Special Use Permit. Staff has evaluated this request and feels that it is appropriate, as the review process on a case-by-case basis will allow for consideration of specific circumstances that may warrant recommendations for approval or denial of each application based on its merits.

The second request is to delete the first sentence of Section 5.4.3 of the Land Use and Design Standards Appendix to the Development Agreement. Removal of this sentence, which has a 15% open space requirement, will remove a conflict in the Appendix, with wording in Section 5.1.7, which calls for 12% on-site open space. Again, staff feels this request is appropriate, as it will eliminate potential confusion caused by conflicting policies in the Appendix. Use of the 12% figure has been the past practice, so this proposed modification will have no effect on enforcement of the Agreement. Based on these considerations, the request is appropriate.

As a result, please consider this letter as approval of your requests for these two non-material modifications. Please contact me if you have any questions.

Yours truly,

Robert S. Genzer
Director



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

May 7, 2004

Mr. Matthew Werner
Montecito Companies
6600 W. Charleston Boulevard, Suite 126
Las Vegas, NV. 89146

Dear Mr. Werner:

I am in receipt of your request to grant a nonmaterial modification to the Montecito Town Center Land Use and Design standards relating to permitting Financial Institution-Specified with the approval of a Special Use Permit.

Please accept this letter as approval of your request. A Special Use Permit will provide the Planning Commission and City Council to review any future application at a public hearing. Any such use will need to conform to any distance separation or other standards adopted by the City Council for these types of uses.

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

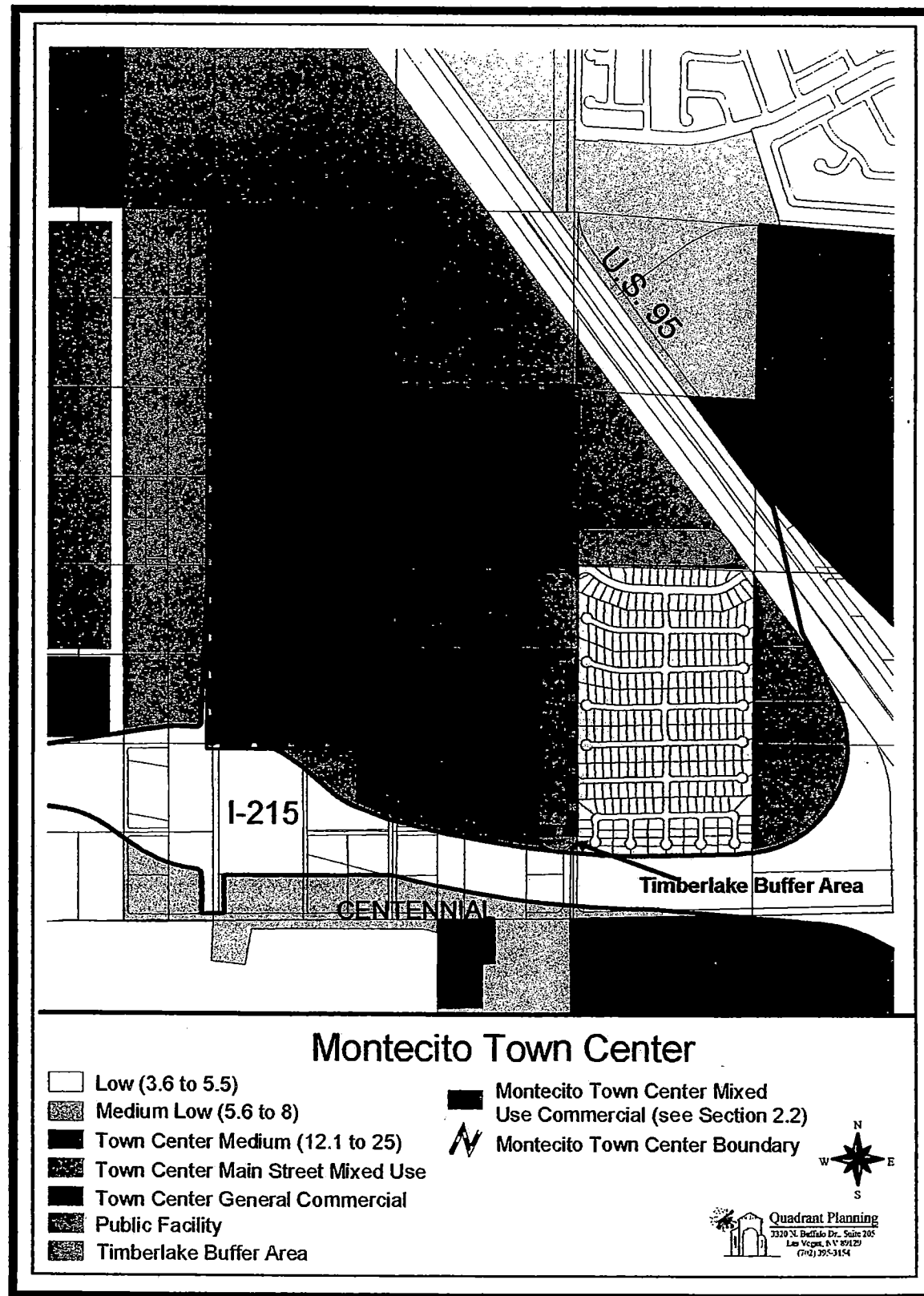
A handwritten signature in black ink, appearing to read "RSG", followed by a horizontal line.

Robert S. Genzer
City of Las Vegas
Director of Planning and Development

CITY OF LAS VEGAS
STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

Figure 3: Planned Land Use



3. SITE DEVELOPMENT GUIDELINES - GENERAL REQUIREMENTS

3.1 Objectives

The overall intent of the Site Development Guidelines is to promote the creation of an attractive, high-quality environment for businesses and residences within the Montecito Town Center area. The City of Las Vegas shall favor:

- integration of design elements within a project;
- high-quality, durable finishes;
- a positive relationship to the pedestrian.

When referring to this document, the owner/developer and designer shall keep in mind that these Guidelines begin with general requirements and progress toward more specific requirements. **NOTE: The general requirements apply to all subsequent sections.**

3.2 Streets / Circulation Patterns

Streets shall be configured to provide safe, efficient vehicular circulation with streetscapes that provide a pleasant environment. In addition, all streets shall be designed to meet or exceed the circulation standards shown in the City of Las Vegas Town Center Design Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

For specific street layouts refer to the Montecito Town Center Development Agreement and Master Traffic Study.

3.3 Streetscapes

The Streetscape is that area between the back of the curb and the minimum set back as shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998. Developers shall provide trees and other plantings with drip irrigation, streetlights and appropriate walkways that meet or exceed the streetscape standards shown in the City of Las Vegas Town Center Design Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

3.3.1 Streetscape Lighting

- (a) Lighting design and installation shall meet or exceed the lighting standards shown in the City of Las Vegas Town Center Design Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.
- (b) Pedestrian areas, including pathways, open spaces and other public areas shall be illuminated in hours of darkness especially where grade changes involving ramps or stairs occur. Lighting in these areas shall be provided by low overhead fixtures (10' to 15' height) and/or bollard lighting.
- (c) All lighting plans shall be submitted to and approved by the City of Las Vegas.

3.4 Multipurpose Pathways

3.4.1 Multipurpose Pathways, within developments, shall provide:

- (a) Continuously linked walkways within each parcel and connecting commercial areas, where appropriate;
- (b) Pedestrian friendly intersections per City of Las Vegas standards;
- (c) Concrete is the preferred material for public and private walks, adjacent to the street and within public open space;
- (d) Other pathway materials, such as jogging paths of stabilized material, are to be specified on drawings;
- (e) Street furniture, light poles, and other site furnishings shall not encroach upon the required width of the sidewalk;
- (f) All multipurpose pathways shall be designed to City of Las Vegas standards.

3.4.2 Sidewalk Hierarchy: All sidewalks and pathways shall be designed to meet or exceed the sidewalk standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

3.5 Setback Requirements

Setbacks are measured from the property line along street frontages, and from the respective property line for internal conditions. Vehicular areas include parking areas and vehicular circulation drives. All setbacks shall be designed to meet or exceed the setback standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

3.6 Walls - All Primary Streets

3.6.1 **Walls:** Walls are discouraged in places where they are not necessary for security, screening, or privacy. Notwithstanding, walls can provide decorative appeal and help to establish continuity within the community; therefore, consistency in the design of walls is essential. The City of Las Vegas walls standards as shown in the Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998, are the minimum standards that must be followed. No walls shall be located within Sight Visibility Restriction Zones, as defined in the Uniform Standard Drawings, Clark County Area.

3.6.2 **Screen Walls and Fences:** Screening treatments must be designed as an integral part of the overall architectural and landscape design. The City of Las Vegas Landscape, Wall, and Buffer Guidelines and the wall standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998, are minimum standards.

3.7 Signage

Signage shall be used to reinforce the desired character of the Montecito Town Center area, and to call attention to certain features. Signs erected or installed in the Montecito Town Center shall be detailed in a Master Signage Plan(s) and reviewed by the Centennial Hills Architectural Review Committee and the City of Las Vegas.

The Montecito Town Center area will have two types of signs: Tenant and Project Identifier. The design characteristics of these signs are described below.

3.7.1 Tenant Signs

- (a) Freestanding – Unless otherwise approved by the City Council as part of a Master Signage Plan, freestanding tenant identifier signs shall be limited to 24 feet (24') in height and a maximum area of 0.5 square feet of signage per 75 square feet of floor area. Setbacks shall be a minimum of five feet (5'). Illumination shall be internal.
- (b) Monument - monument tenant signs are limited to a maximum height of eight feet (8') and a maximum area of 75 square feet. Setbacks shall be a minimum of five feet (5'). Illumination shall be internal.
- (c) Wall - wall tenant signs shall be designed to appropriately reflect the scale and architecture of individual buildings. All wall signs shall utilize materials and colors reflecting the building design.

- (d) Montecito Town Center Community Interior Directional Signs – such signs are intended solely to provide orientation for customers/residents of Montecito Town Center and may be used for advertising. Therefore, these signs are not considered either “on” or “off” premise signs, and shall be governed by the Title 19A.14 of the City of Las Vegas.

3.7.2 Project Identifier Signs

- (a) Freestanding - freestanding project identifier signs are intended to identify the Montecito Town Center area as a whole and do not advertise individual tenants. These signs shall be designed to appropriately reflect the scale and architecture of the areas they announce.
- (b) Monument - monument project identifier signs are limited to a maximum height of eight feet (8') and a maximum area of 75 square feet. Setbacks shall be a minimum of five feet (5'). Illumination shall be internal only.
- (c) Wall - wall project identifier signs shall be designed to appropriately reflect the scale and architecture of individual buildings. All wall signs shall utilize materials and colors reflecting the building design.

In addition, the following design criteria apply to signs within the Montecito Town Center:

- 1) Sign materials shall be compatible with associated architecture. Acceptable materials include brass, bronze, galvanized and painted or pre-finished steel, anodized or painted aluminum, painted or prefabricated steel, ceramic tile, various types of stone, brick, and painted stuccoed CMU. Wood, because of rapid deterioration in our climate, is unacceptable except as temporary signage;
- 2) Bases for monument signs shall be of architectural concrete, masonry, or similar material;
- 3) Sign colors shall be consistent with the associated architecture and the overall architectural theme of the Montecito Town Center, yet provide sufficient contrast for legibility;
- 4) Design of all traffic control signage shall be in accordance with the Appendix of Uniform Traffic Control Devices published by the U. S. Department of Transportation, the applicable Nevada Department of Transportation Standards, and the requirements of the City of Las Vegas Traffic Engineer;
- 5) Consolidate street and stop signs and mount to street light standards to minimize the number of sign poles;
- 6) Preserve clear sight triangles of roads and driveways when placing signs. Sign fasteners shall be maintained in good repair at all times;
- 7) Raceway lights are prohibited; and
- 8) Special event signs, such as those for grand openings, shall meet City of Las Vegas sign standards.

3.7.3 Signage Not Allowed: No sign, awning, canopy, advertising, or any other item such as decoration, lettering or advertising on the glass of any window or door, or within 48" of any interior/exterior window will be allowed without written approval from the City of Las Vegas. If approval is granted, the owner agrees to maintain such item in good condition and repair at all times.

In addition, the following types of signage are not allowed:

- (a) **SIGN CONSTITUTING A TRAFFIC HAZARD.** No person shall install, maintain, or cause to be installed or maintained, any sign which simulates or imitates in size, color, lettering, or design, any traffic sign or signal, or which uses the words "STOP", "LOOK", "DANGER", or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic;
- (b) **IMMORAL OR PROHIBITED.** No person shall exhibit, post, or display on any sign, or cause to be exhibited, posted, or displayed upon any sign, anything of an obscene, indecent, or immoral nature or unlawful activity (per City Code);
- (c) **SIGNS, DOORS, WINDOWS, OR FIRE ESCAPES.** No window signs will be permitted except otherwise noted in this document. No sign shall be installed, relocated, or maintained so as to prevent free ingress to or egress from any door. No sign shall be installed which conceals or covers exit signs. No sign shall be attached to a standpipe except those signs that are required by code or ordinance;
- (d) **ANIMATED, AUDIBLE MESSAGE, OR MOVING SIGNS.** Signs that have parts that move, swing, or rotate, or have lights that flash, blink, or fluctuate, or are otherwise animated or scintillating, are prohibited;
- (f) **VEHICLE SIGNS.** Signs which are on or affixed to trucks, automobiles, trailers or other vehicles which advertise, identify, or provide direction to a use or activity not related to its lawful making of deliveries of sales or merchandise or rendering of services from such vehicles, are prohibited (per City code);
- (g) **LIGHT BULB STRINGS AND EXPOSED TUBING.** External displays which consist of unshielded light bulbs, or open, exposed neon or gaseous light tubing, are prohibited. An exception may be granted by the City of Las Vegas when the display is an integral part of the design character of the activity to which it relates. Temporary decorative holiday lighting may be installed only with written approval from the City of Las Vegas.

3.8 Entry Features

Participating developers and builders shall install project entryways to identify the entry and establish an image for the project. The following guidelines shall be considered in design of project entries:

- (a) The area reserved for project entries shall be limited to geometric designs at each entry corner measuring forty feet (40') from the right-of-way lines of the intersecting streets. The design of project entries shall maintain all City Las Vegas required sight triangles;
- (b) The project entry shall encourage the incorporation of featured landscape treatments, enhanced paving details, signage and lighting where appropriate.

3.9 Site Furnishings

Location of all site furnishings must be indicated on plans submitted for approval by the City of Las Vegas. Site furnishings shall be designed to meet or exceed the site furnishings standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

3.10 Lighting

The design intent is to provide safe and functional lighting in an aesthetically pleasing, visually unobtrusive manner. All lighting plans, whether for safety or aesthetics, must be submitted for approval by City of Las Vegas Planning and Development Department.

Public street lighting and installation shall meet or exceed the lighting standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

3.11 Site Drainage

An attractively designed drainage system with adequate capacity to handle runoff of heavy rains is critical in maintaining the desired appearance in the Montecito Town Center area. See Montecito Town Center Master Drainage Study for specific requirements. Wherever possible, drainage areas shall be left in their natural state so that such areas can be used for open space and trail corridors.

3.12 Site Grading

Proper site and building design will minimize required grading by corresponding with the natural lay of the land. The design objectives for parcel grading are to create smooth slope transitions between grade changes, to integrate buildings and site improvements, and to encourage the use of land form grading as a landscape design element. In addition:

- (a) Graded slopes shall meet the standards established by the City of Las Vegas;
- (b) Grading and drainage design shall provide for adequate site drainage. All parcel drainage shall conform to the approved Montecito Town Center Master Drainage Study.

3.13 Utilities

The design of utilities will incorporate utility distribution systems in a visually unobtrusive manner.

- (a) Utility easements shall be provided under the street or sidewalk section and, where required, alongside the street right-of-way;
- (b) Installation and maintenance of utilities shall avoid disrupting paving, landscaping, and off-site utilities;
- (c) Telephone and electricity will be installed overhead, temporarily, during construction only.
- (d) No utility vaults greater than 27-square feet in size will be located next to the right of way or sidewalk, within the minimum required landscape setbacks as defined in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

3.14 Easements

Easements are restrictions placed on parcels to provide for a specific use, such as the service of a public utility line or drainage system. Habitable structures erected within easements will be subject to removal at the expense of the parcel owner, if requested by the easement holder.

3.15 Mechanical Equipment

Mechanical equipment shall be incorporated in a visually unobtrusive manner. Therefore:

- (a) Mechanical equipment and meters shall be integrated into the building or screened from public view as much as possible. Roof mounted mechanical equipment is not allowed on any residence;

- (b) For commercial buildings, roof mounted mechanical equipment must be concealed by a parapet wall or screen, and not visible from adjacent properties;
- (c) For commercial buildings, all back flow preventers, including fire sprinkler back flow preventers and above ground utility connections, shall be screened by walls and/or landscaping;
- (d) Approximate locations of this equipment shall be indicated on plans submitted for review.

4. ARCHITECTURE AND LANDSCAPE GUIDELINES

4.1 Objectives

The intent of the Architectural and Landscape Guidelines are to:

- (a) Define a minimum standard of quality for the design of buildings and landscape in the Montecito Town Center area;
- (b) Establish a consistent design character for the Montecito Town Center area; and
- (c) Ensure compatibility within the Montecito Town Center area, and between it and the Centennial Hill Town Center Plan.

Good architectural and landscape design is closely associated with good site planning, the guidelines for which are provided in the previous section. Because guidelines are conceptual, latitude in interpretation within the defined theme is necessary.

4.2 Architectural Themes

The architectural theme for Montecito Town Center projects will be derived from Southwest Contemporary, Mission, or Italian Renaissance. The commercial areas will be designed and integrated into the overall feel of the area using these same elements. See Appendix A for a description and typical characteristics of each style.

Design considerations for commercial areas shall be given to weather protection through the use of arcades, porticoes, canopies, awnings or other means including the use of fogging systems, where appropriate. Extending architectural lines into the landscape and defined spaces is required as a means for enhancing architectural interest, continuity and the creation of livable spaces.

4.3 Landscape Architectural Concept

- 4.3.1 In order to conserve water, the landscape concept for the Montecito Town Center area shall be drought-tolerant. It is understood that coordination and some blending with the existing Northwest landscape is required to avoid a harsh interface of styles; however, the overall theme of the Montecito Town Center area shall be water conserving. This shall be achieved through the use of basic xeriscape techniques such as drought tolerant plant material and water efficient irrigation systems, and the design precepts that follow. Appendix B contains the approved Montecito Town Center Palette. Landscaping in the Montecito Town Center shall meet or exceed the standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

4.3.2 The landscape concept throughout Montecito Town Center is based on Desert Southwest, California Mission, and Spanish/Moorish Garden. Commercial areas, as well as public areas, shall employ a more limited plant palette. The landscape concept includes the following precepts:

- (a) Limited use of turf, primarily for functional recreational areas. As a general guideline, total turf area shall be 50% or less of the total landscaped area;
- (b) Limited use of water in small fountains;
- (c) Sun protection provided by trellises, and/or shade trees;
- (d) Extensive use of evergreen shrubs;
- (e) Use of water-conserving, drought-tolerant, desert-adapted plant material;
- (f) Zoning of plants by compatible water use, with the highest water use in areas where the colors and textures of foliage and flower can be most appreciated;
- (g) Use of appropriate technology to achieve the most efficient irrigation systems, including drip irrigation wherever possible;
- (h) Proper maintenance, including the best horticultural practices is pruning, irrigation, and fertilization of all plant material;
- (i) Use of appropriate ground mulches.

4.3.3 Planting Design

- (a) Plantings shall be designed to highlight building entries, define parcel edges, soften building masses, provide shade for pedestrian areas, and screen parking and service areas;
- (b) Achieve unity of design by repetition of certain plant varieties, such as street trees and massing of plants, and coordinate planting plans with adjacent properties;
- (c) Limit the number of species to simplify the planting plan. Do not use a wide variety of species at random;
- (d) Massing of plant material by species shall be sized in proportion to the landscaped area, adjoining architectural mass, and/or the adjoining paving area;
- (e) Choose plant material and space appropriately for mature size, to conserve use, avoid over-planting;
- (f) Employ water-conservation principles in the design; for example, group together plants of like requirements for water, sun, and soil;
- (g) For commercial properties a continuous planting strip, a minimum of five feet (5') wide, shall be placed along all side and rear property lines, except where buildings occur in a zero lot line condition;
- (h) City of Las Vegas Standards require 24" box trees, 1-1/2 inches caliper diameter, be planted 30' on center maximum with requirements of tree quantities in parking lots. See City of Las Vegas Landscape, Wall, and Buffer Standards;
- (i) Required shrub size is five (5) gallon; and one (1) gallon mixed;
- (j) Required ground cover size is one (1) gallon; additional smaller sizes allowable, subject to review;

- (k) All turf shall be fescue blend or hybrid bermuda, developed for use in the desert. Common bermuda grass is prohibited. Astro-turf is prohibited;
- (l) Reliance on excessive, large expanses of turf, except for recreational areas such as parks, is not permitted;
- (m) All plant material shall be nursery grown, free of pests and diseases, of good form and habit, and represent the best qualities of the species;
- (n) Plant material shall be installed in a manner commensurate with the best horticultural practices in the region to maximize the chances of plant survival;
- (o) Inorganic materials shall occupy no more than forty percent (40%) of the total landscaped area after one year of growth. Except in areas not landscaped by Developer, bare soil is not permitted;
- (p) Any boulders and rock groupings shall be set in informal arrangements, and be buried at least one fourth (1/4) their depth, so that they appear more natural;
- (q) Limit areas devoted to cobbles and gravel mulch. Neither multi-colored gravel nor white gravel will be permitted;
- (r) Installation of landscaped areas must begin within 60 days of completion of construction.

4.4 Irrigation

4.4.1 The climate and soil conditions in Las Vegas Valley create a difficult environment for landscape plants. Therefore it is essential that the irrigation system utilize current technology in both product application and the system design. The design objective is to create an irrigation system that is water-efficient, low-maintenance, and provides for the immediate and future requirements of the plant material.

4.4.2 Provide an automatic underground irrigation system for all landscaped areas. A centrally controlled system is required.

4.4.3 Areas to be served by irrigation systems shall be evaluated for peak demand water requirements and estimated annual water usage. The designer shall utilize reference evapotranspiration rate data available from the Nevada Cooperative Extension weather station and apply the appropriate landscape coefficient to estimate water use.

4.4.4 The designer shall size and locate the water supply based on serving the calculated peak flow demand. A dedicated water tap, service, and meter are required for site landscape irrigation. All water is to be potable as provided by the local water purveyor, unless alternative sources are available. In no case shall velocities through service lines exceed seven feet per second (7 FPS) for piping two inches and smaller, and 5 FPS for piping 2.5 inches and larger. Flow through the landscape water meter shall not exceed 70% of maximum rated flow determined by the American Water Works Association (AWWA).

- 4.4.5 All potable water supplies shall be protected by the water district's standards using an approved Reduced Pressure Back flow Preventer (RP) device. At no time shall the velocity through the RP device exceed 7.5 FPS.
- 4.4.6 Design shall be based on utilizing available static pressure minus ten percent (10%) for fluctuations. Provide booster pump downstream of RP device if required to operate system within highest level of application efficiency. Include pressure loss calculations with plan submittal.
- 4.4.7 Provide head-to-head coverage for lawn areas. Heads shall pop-up a minimum of 2.5 inches.
- 4.4.8 Do not place spray heads adjacent to any wall or structure. The City Las Vegas requires a 24" separation from buildings. If spray irrigation is desired adjacent to wall or structure, irrigate by subsurface means.
- 4.4.9 Design the system for peak summertime irrigation to be completed according to Las Vegas Valley Water District standards, and turf areas to be able to accommodate every-other-day watering (will require well-prepared soil for deep rooting of turf).
- 4.4.10 Irrigation water runoff to the street is not permitted. Therefore, place spray heads 6" from back of curb (or edges of sidewalks) and provide positive drainage so that nuisance water will not flow over curbs and sidewalks or across vehicular drives.
- 4.4.11 Provide drip irrigation to shrubs and trees, with appropriate filtration and pressure regulating devices. Accommodate for adding emitters as trees mature.
- 4.4.12 Closely spaced, low growing ground covers and annuals will be irrigated by pop-up spray heads; no fixed risers are permitted.
- 4.4.13 Reliance on spray irrigation, where drip is practical, will not be permitted.
- 4.4.14 Install back flow preventer in expandable locking metal cage or similar enclosure. Screen the equipment and/or locate away from public view.
- 4.4.15 Provide an electric, solid state controller equipped with a master valve terminal and a minimum of two fully independent programs. If controller is installed outside, provide a weatherproof, locking enclosure.
- 4.4.16 Provide remote electric control valves in boxes with bolt-down covers; no appendix valves are allowed.
- 4.4.17 Install a master electric control valve immediately downstream from each back flow preventer if foundation structure is present within irrigated area. The valve must be capable of fully opening under the lowest designed flow (usually for drip).

- 4.4.18 Install quick coupling valves in boxes with bolt-down covers at minimum 200' intervals, and at dead-ends of all mainline runs.
- 4.4.19 Provide individual-use sleeves under pavement for supply lines, non-pressure piping, and control wires.
- 4.4.20 Keep spray irrigation away from building foundation structures, sign faces, sidewalks, and parking lots.
- 4.4.21 Zone properly for plant material needs, including the consideration of exposure.
- 4.4.22 Screen the control system and/or locate away from public view.

5. DESIGN STANDARDS FOR COMMERCIAL PROJECTS

See also Section 3: Site Planning Guidelines – General Requirements and Section 4: Architecture and Landscape Guidelines.

5.1 Site Planning

The design intent is to create visually attractive, value-apparent, easily accessible projects within the Montecito Town Center area. These standards shall mitigate negative impacts on surrounding areas through the use of setbacks, height limitations, walls, landscaping and grading, and appropriate building configurations.

5.1.1 Site Grading: Parcel grading shall create smooth slope transitions between grade changes, integrate buildings and site improvements, and encourage the use of land form grading as a landscape design element. Proposed grading schemes will be reviewed during the design review process.

5.1.2 Site Coverage: Gross site area is hereby defined as the area contained within the parcel lines. Building footprint coverage shall not exceed sixty percent (60%) of the gross site area. Parking structures are not included in calculating this coverage figure.

5.1.3 Building Placement and Orientation: The orientation of a building or structure upon a site must reflect not only the project's functional needs, but also must be responsive to the individual parcel's characteristics and sensitive to adjacent land uses and the larger surrounding community. It is important that the three-dimensional character of each structure be considered as it relates to the specific parcel. These issues must be skillfully addressed in order to obtain design review approval.

- (a) Provide a well-defined building entry for pedestrians and vehicular traffic. Enhance entries and connections with landscaping, paving, and architectural elements to create a sense of arrival;
- (b) For each project, provide a handicap-accessible pedestrian path from the sidewalk onto the site, and from the site and parking areas to the main building entry. Integrate into the site design all Federal ADA Standards and local public agency accessibility requirements;
- (c) Establish a relationship between the site, each building and adjacent properties. Integrate site features that create a link to the building, to develop a sense of place in every project;
- (d) FOR EXAMPLE: Define the entry area with enhanced paving, frame with special planters/plantings, trellised entry courts, and/or architectural building forms such as recesses and overhangs appropriate to the specifics of the site. Link building entry to the pedestrian pathway and walkway system. Provide linkages to allow connections by alternative means (bike, etc.).

5.1.4 Circulation: Overall vehicular and pedestrian traffic must be effectively managed, and shall be addressed early in the design process.

- (a) Site layouts must be designed to route people and vehicles within the site, and not be predicated merely on the required number of parking stalls. Clear, logical, and identifiable circulation paths shall be provided for both vehicles and pedestrians. Non-intuitive circulation schemes and lengthy dead-end parking arrangements will not be acceptable;
- (b) Each project shall provide a direct pedestrian link onto the site from the pedestrian sidewalk, for each frontage;
- (c) Incorporate loading, unloading, and passenger drop-off areas to the overall circulation design, and make such areas safe for pedestrians;
- (d) Driveway entry throats shall be a minimum of thirty feet (30') in width; all vehicular aisles shall be a minimum of twenty-four (24') in width. Minimum per City of Las Vegas standard drawing 222A;
- (e) Circulation in the Commercial parking areas shall be contained within the site, and shall not allow for vehicle short-cuts. Continuous parking lots meeting at property lines are required, as well as intra-site access among uses. Cross access easements are required.
- (f) Integrate emergency vehicle access into the overall design.

5.1.5 Parking: The parking lot requirements shall meet or exceed the standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

5.1.6 Service Areas

- (a) Service areas, docks, and truck loading areas shall be screened and located away from public view;
- (b) Screen outside storage areas from public view and other adjacent uses with a solid 6' tall masonry wall designed and finished to be compatible with the architectural character of the site;
- (c) Screen all refuse areas with 6' tall masonry walls on three sides, and with a trellis or roof, finished to coordinate with the architectural character of the project;
- (d) Enclosures shall have opaque doors on the remaining fourth side. Provide access from within the development to the refuse collection areas, so that such areas shall be accessible by service vehicles, but not be the focal point of a driveway or parking area;
- (e) Design private drives to allow for easy access of service vehicles.

5.1.7 Required Open Space: The goal of the Montecito Town Center with respect to open space is to achieve a harmonious, well-integrated balance of traditional landscaped open space, recreational facilities, on/off-site pedestrian/bikeway facilities and/or trails, landscaped areas in medians and public rights-of way, as well as unique civic and common community areas contained within plazas, courtyards, covered walkways, and within finished, publicly accessible, building lobbies and rooftops.

In addition, Montecito Town Center will forge relationships with the City of Las Vegas so that the open space, civic, and recreational areas the City has planned and/or constructed for the northwest quadrant of Town Center will be integrated into Montecito Town Center's design in order to offer the widest range possible of public amenities to residents and visitors of the area.

Montecito Town Center will be planned to contain, at ultimate build-out, a total of 20 percent of open space, based on the gross property area of the site itself as well as Montecito Town Center's proportionate share of the open space, civic and recreational areas the City of Las Vegas has planned and/or constructed in the northwest quadrant of Town Center.

Of the total 20 percent open space requirement, 12 percent is attributable to the Montecito Town Center site proper, and the remaining 8 percent is Montecito Town Center's proportionate share of the City of Las Vegas' open space planned and/or constructed in the northwest quadrant of Town Center.

It is understood by the City of Las Vegas and the Master Developer that the ultimate goal is to achieve the overall 20 percent of open space at final build-out of the project and that individual phases of construction will contribute varied amounts of the overall total open space.

Therefore, open space contained in individual portions of Montecito Town Center as brought forward for Site Development Plan Review will vary in quantity (under and over 12 percent) and will be reviewed by City of Las Vegas staff with the objective of obtaining the overall goal of 20 percent open space (including Montecito Town Center's share of the City of Las Vegas' open space) at ultimate build-out of Montecito Town Center.

The Master Developer will be responsible for demonstrating to the City of Las Vegas that the goal of achieving 12 percent open space on site is being met as individual Site Development Plans are submitted to the City of Las Vegas for review. For practical purposes, the Master Developer will include a table with each Site Development Plan Review application that demonstrates, by a method mutually acceptable to the Master Developer and the City of Las Vegas, how the open space requirement is being met.

- 5.1.8 **Floor Area Ratio (FAR):** The goal of Montecito Town Center is to achieve a net FAR of .33 for the initial buildout of the entire project, exclusive of the Timberlake Buffer Area. The Timberlake Buffer Area shall have no minimum FAR goal.

The Master Developer and the City of Las Vegas contemplate that initial development phases will have net FAR's that approximate .20, with restaurants or other specialty uses having FAR's of .10 or less. It is contemplated that office and other more intense FAR uses will occur in later years; The result will be lower FAR's in the earlier phases of development, and higher FAR's in the latter phases of development.

The Master Developer will provide with each Site Development Plan Review application, information demonstrating that the subject project either has a net FAR of .33, or that the project will not prohibit an overall net FAR of .33 for the entire Montecito Town Center, exclusive of the Timberlake Buffer Area.

5.2 Architecture

The goal for the architecture is to establish a high standard of quality and long-term value. Architectural design shall support a community theme, (see Appendix A) and be of appropriate scale and character, and commensurate with the surrounding developments. See also Section 4 - Architecture and Landscape Guidelines. Design review attention will be devoted to the consistent application of sound design and planning principles.

- (a) All design elements shall appear integrated with the overall project concept. Designs that appear arbitrary or are inconsistent in form will not be accepted.
- (b) Detached structures and satellite buildings must be integrated with the overall project design. Pre-fabricated, temporary, or patchwork type constructions shall not be allowed on any portion of the site.

- 5.2.1 **Setback Requirements:** Setback requirements shall meet or exceed the standards shown in the City of Las Vegas Town Center Development Standards Manual adopted by the City of Las Vegas City Council on November 9, 1998.

- 5.2.2 **Building Massing and Form:** A relationship between site and building shall be firmly established. Site features that create a link to the building and develop a sense of place must be integrated into every project. Appropriate examples include enhanced hardscape areas framed by special planters and plantings, entry courts, and employee patio areas. Inappropriate examples include a primary building entry served solely by a narrow sidewalk that can be reached only by walking between a row of parked cars.

- (a) The City of Las Vegas will favor visual continuity within multi-building projects, and within the context of adjacent projects;
- (a) Building massing shall possess a balance in form and composition. Avoid large, flat, unarticulated building elevations, and long undifferentiated walls;

- (b) Vertical supports such as columns, piers, and fins, shall be visually balanced with the loads they appear to carry;
- (c) Fenestration must be carefully composed to complement a building's basic solid massing. Mullion patterns shall provide scale and modulation that relates to the overall building design;
- (d) Develop a positive relationship between the building and the pedestrian. Design ground story facades to relate to the human scale. For example, break the facade into bays; provide signage and graphics appropriate to the pedestrian; extend the architecture into the landscape by use of arcades, porticoes and shade structures.
- (e) Building elevations shall have varied rooflines, building roofline accent features and regularly spaced vertical façade elements. In addition, all building elevations shall provide consistent regularly spaced vertical façade elements.

5.2.3 Building Entry and Focal Points: Primary building entries shall be emphasized by design features such as overhangs, recesses and roof forms that are integrated into the overall building design.

- (a) Primary building entries shall be obvious. A clearly defined primary pedestrian entry linking to an enhanced hardscaped foreground is required for each building;
- (b) Enhance entries and connections with landscaping, paving, and architectural elements;
- (c) To reinforce the building-to-site relationship, incorporate landscape features which visually and functionally complement the architectural design. This creates a link with the building and helps to develop a sense of place;
- (d) Passenger pick-up and drop-off areas (auto courts) shall use accent trees and specialty paving to identify the entry areas;
- (e) Use flowering trees and shrubs for accent and color;
- (f) Use trees to provide shade for pedestrian areas. For focal points and other areas within thirty-five feet (35') of a primary building entry, the minimum size tree specimen shall be 24" box, 1-1/2 inches caliper diameter;
- (g) Buildings shall cluster around pedestrian plazas and courts where possible, and pedestrian access shall be integrated into the overall design of facilities. The clusters shall be linked by pedestrian paths.

5.2.4 Patio Areas

- (a) Patio areas shall be integrated into the overall project design. Elements shall include landscaping, shade structures, seating, low walls, and enhanced specialty paving. Patio sizes and features shall be proportional to the project.
- (b) Projects with over 20,000 square feet of building area shall provide an on-site outdoor employee patio area which is separate and removed from the main building entry.

- (c) The patio area shall be readily accessible to all on-site users. In a single user project, the patio area shall be adjacent to or reasonably accessible to a side building entrance. In a multi-user project, the patio area shall be centrally located, or more than one patio shall be provided.

5.2.5 Building Materials, Colors, and Finishes

- (a) Exterior materials selected for a building must be consistently applied and linked throughout a project; e.g., if a building is faced in a veneer of brick or tile, this feature shall in some manner turn the corner or wrap the building;
- (b) Preferred construction material is masonry, or tilt-up concrete. Other methods are allowed, subject to City of Las Vegas design review;
- (c) Wood must be used as an accent material only, not as the primary building cladding. All wood must be finished with paint;
- (d) Monolithic glazing will be used in special applications such as an accent to the overall design, but not as a singular design theme. Unarticulated "glass box" design will not be allowed because of its obtrusive reflectivity;
- (e) Building color selection, and its relationship to the surrounding environment and adjacent properties, will be critically evaluated in design review. White, off-white, and gray-white colors are discouraged unless used for a specific reason and in small areas only;
- (f) A minimum of ten percent contrasting material or color is required on commercial buildings. Glazing will constitute twenty percent at the ground floor.

5.2.6 Roof Design

- (a) Most office or commercial projects in the Montecito Town Center area will feature parapet-screened, built-up flat roof forms. Sloped, curved or other roof forms will be used if expressed as a design element and consistently applied. Special purpose roof systems such as tensile structures are acceptable as long as they are well integrated into the project design.
- (b) Built-up roofing systems shall be effectively screened on all sides by the building parapet. Parapet height must equal or exceed the height of the highest point of the built-up roof and rooftop equipment;
- (c) The City of Las Vegas shall allow limited use of flat roofs with parapet and roof-mounted mechanical equipment.

5.2.7 Mechanical Equipment Screening

- (a) Exterior components, whether roof or ground mounted, shall be screened on all sides by a screening device such as a screen wall or parapet wall that shall be aesthetically compatible with the architectural design of the building.
- (b) Screening of the tops of roof-mounted equipment that will be visible from upper levels of an adjacent building will be required, depending upon the project location and adjacent uses.

- (c) Minimum screening height shall be the height of the screened exterior components, and shall effectively screen all equipment from view from within 500 feet.
- (d) Equipment screening shall occur as monolithic units rather than individual smaller units. Multiple individual equipment screen "hats" surrounding individual elements will not be allowed.
- (e) Extruded metal screens, or screens of the same material or cladding as the building and directly linked to the building form, are appropriate screen examples. Wood, expanded metal lath, and chain link are not acceptable.
- (f) Roof access ladders shall be located on buildings so as to be internal to the site, and not visible from the street.

5.3 Lighting: A carefully conceived architectural lighting scheme is required for each project.

- (a) Emphasize building entries and hardscape forecourts with lighting;
- (b) Fixtures shall be complimentary to the overall project design and consistent throughout the project;
- (c) All fixtures in public areas shall be vandal- and tamper-resistant. Low mounted access panels shall require tools to open;
- (d) Fixtures under twenty feet (20') in height shall have rock guards, and lenses shall be shatter resistant polycarbonate or other substance;
- (e) For architectural lighting, metal halide, halogen, and fluorescent light sources are acceptable for use on-site throughout the project. Outlining of a building with neon lighting is prohibited;
- (f) "Wall-pack" type fixtures are limited to service area use; where allowed, they shall be down-lights with reduced glare, or have minimally exposed light sources;
- (g) Horizontal illumination shall be kept to a minimum;
- (h) Uniformity ratios, vertical illumination levels, and fixture cut-off levels shall meet or exceed IES recommendations;
- (i) Fixtures shall not be placed to produce glare or significantly cast onto adjoining lots or streets. Light cast onto adjacent properties shall not exceed 0.02 foot candles;
- (j) Outdoor lighting shall not be powered beyond 240V;
- (k) Globe type fixtures with exposed lighting sources are not allowed;
- (l) Cobra heads are not allowed;
- (m) Themed lighting shall be consistent with the entire planned area;
- (n) Wallpack lighting shall utilize "shoe-box" fixtures and downward-directed lights on all buildings. Lighting standards within parking lots shall be no more than 20 feet in height and shall utilize "shoe-box" fixtures and downward-directed lights.

5.3.1 Parking and Public Area Lighting: The fixture type shall be from the Quality Lighting line, or approved equivalent. Luminaries used for drive aisles and parking areas shall be pole-mounted. Pole heights shall be between 15 and 20 feet. Pole height shall be determined so as not to exceed the height of adjacent buildings.

5.3.2 Covered Parking Area Lighting: Luminaires for covered parking areas shall be recessed, with tamper-proof trims and hardware. Lenses shall be 5/8" polycarbonate or 1/2" laminate riot glass with 3/8" tempered glass. Finish shall be durable architectural paint or surface treatment. Lamps shall be high-pressure sodium or fluorescent. Light sources shall be hidden from street view (no "wall-pack" type fixtures or fixtures with exposed sources of light).

5.3.3 Low Level Lighting: Bollards, beacons, and wall-mounted low level fixtures serve primarily as accent lighting and to provide safety lighting at steps, ramps, and structures. They are not intended for use as area lighting.

5.3.4 Landscape and Accent Lighting: Accent lighting for landscape and site features shall be provided by grade-mounted floodlights or housing-below-grade uplight.

5.4 Landscape

The goal of the landscape design is to help develop a project identity while contributing to a pleasant and attractive environment. The landscape will give structure and image to the overall development, while providing orientation, shade, and comfort for individual areas.

5.4.1 Landscape Concept: Plant material shall be selected from the Plant Palette in Appendix B. (See also Section 4 - Architecture and Landscape overview)

The density and maintenance requirements of plant materials shall be in planned zones, with low-maintenance, drought-tolerant plants along natural open areas and more formal and intensively maintained areas near building entrances and other areas of higher use, such as public plazas, courtyards, and pedestrian walkways.

5.4.3 General Requirements: A minimum of fifteen percent (15%) of the total parcel area shall be landscaped. The landscape will include plant (organic) materials as well as inorganic elements such as rock mulch, boulders, etc. The proportion of organic material which comprises the total landscaped area, shall range from forty to sixty percent (40-60%) after one year of growth. Also see the City of Las Vegas Landscape, Wall and Buffer Guidelines.

5.4.4 Landscape Grading and Drainage: See also Section 5.2.1 - Site Grading and Section 3.11 - Site Drainage.

5.4.5 Parking and Vehicular Areas: Parking and vehicular circulation areas can detract from a project's appearance if not properly designed. Parking lots and vehicle circulation spaces shall be designed to blend with the building site character through the use of landscape planting and grading. See the City of Las Vegas Landscape, Wall, and Buffer guidelines.

6. GLOSSARY

BUILDER / DEVELOPER

"Builder/Developer" shall mean a developer/builder of an individual parcel other than the Master Developer.

CITY OF LAS VEGAS

City of Las Vegas (CLV) includes, but is not limited to the Planning Department, Development Department, Public Works, or any other Department that reviews the Montecito Town Center Land Use and Design Standards and/ or plans.

COMMUNITY OPEN SPACE

Community open space is defined as any improved public recreational facility or grounds including but not limited to: park areas provided for passive recreation including gardens, walking areas, picnic areas. Linear open space connections were developed to provide pedestrian and bicycle linkages between commercial centers, parks and civic areas. These connections can make dual use of preserved natural drainage, new drainage ways and utility easements.

CURB RAMP

A sloping walkway, which provides access between a walkway to a surface located above or below an adjacent curb face.

DESIGN THEME

A conceptual theme that is established for an area of the Montecito Town Center which forms the basis for all design decisions that are made toward realizing the final form of the area. The Design Theme provides a visual basis for architecture, engineering, site planning and landscape architecture.

DRAINAGE WAY

A drainage channel, or swale that serves to carry surface run-off.

HANDICAPPED ACCESSIBLE

Means of access and egress that are easily utilized by people having temporary activity, or mobility impairments, as defined by American's with Disabilities Act.

LANDSCAPE

An outdoor area that is improved with one, or a combination of, ground cover, shrubbery, trees, water features, sculptures, earth berms, walls, or fences, based on a design that maximizes function, aesthetics and maintenance considerations.

LANDSCAPE AREA

A tract of land, usually adjacent to street right of way that is provided for the purpose of community landscape.

LANDSCAPE BUFFER

An area of land landscaped with earth forms and plant materials for the purpose of minimizing adverse effects of smoke, odor, noise, dust, glare or visual pollution from incompatible adjacent uses.

ON-SITE

Within the boundary of the development parcel or development site referenced.

PARCEL

A parcel of land, established by the primary developer, to be developed according to a specific program and planning and design criteria.

PARCEL DESIGN AND ENGINEERING CRITERIA

Documents that provide planning, site design and engineering criteria specifically for an individual development parcel.

RAMP

A portion of a handicapped accessible walkway with a slope greater than 1 foot vertical in 20 feet horizontal five percent.

SERVICE AREAS AND YARDS

Areas required to provide loading facilities and storage of waste products and trash at commercial buildings, offices, and community facilities.

SETBACK - BUILDING

The distance between the property line of a lot and the closest point on the exterior face of a building. In the proximity of streets, building setbacks shall be measured from the edge of the landscape area adjacent to the street. Parts of a building such as cantilevered eaves, decks, or bay windows may encroach into the setback.

SETBACK - PARKING

The distance between the property line of a lot and the back curb of a parking area.

SIGNAGE

Any device, structure, fixture or placard using graphics, symbols and/or written copy for the primary purpose of identification or advertising any establishment, product, goods or services.

SITE FURNISHING

Utilitarian outdoor elements intended for public use such as benches, trash receptacles, public telephones, newspaper dispensers, postal delivery units and lighting standards.

STREETSCAPE

All of the plant material, walkways, walls, street furnishings, and building facades adjacent to a roadway that establish the visual character of the public street.

WALKWAY

Paved pedestrian connections or walkways designated as handicapped accessible shall not exceed five percent.

WATER CONSERVING PLANT MATERIALS

Plant materials that may or may not require irrigation, but do so in a limited way, as opposed to exotic plant material that is not indigenous to the area and require large amounts of irrigation.

APPENDIX A: ARCHITECTURAL STYLES

Mission

Mission architecture combines the building patterns of the Pueblo Indians with Spanish Colonial design, incorporating Mediterranean influences. Mission style uses low-pitched tile roofs, with hipped or gabled forms and wide overhanging eaves. Missions were commonly built around a central patio or garden, with extended building eaves creating a covered arcade supported by rounded arches. Clay tiled roofs, white stucco walls, and colonnades, or covered walkways, are typical features.

Italian Renaissance

Aspects of Italian Renaissance architecture include classical elements such as columns, pediments, cornices, arches, and niches, with emphasis on overall symmetry of form. Roof forms are flat with a parapet, or hipped with a shallow slope. Balconies are projecting or recessed, with iron rails or concrete balustrades. Exteriors are stucco or masonry, frequently with lower story rustication.

A brief list of typical characteristics of the style includes the following.

- Flat roofs with parapets.
- Shallow-pitched roofs with a slope of 3 1/2:12 to 6:12.
- Gable, shed and hip roof forms.
- S-shaped clay or concrete tile roofing.
- Stucco, smooth or textured, and masonry exteriors.
- Generous overhangs with closed eaves; fascia and eave soffits wood
- Half-round or flat arches above doors, windows and porch roofs.
- Entry accented by columns.
- Simple massing with projecting porches or wings.
- Balconies, projecting or recessed, with iron railing or concrete balustrade.
- Accent details such as shutters, medallions, quoins, tiled gables, molded cornices, window pediments, continuous belt course trim, and ground-story rustication are encouraged.
- Exterior entry courts, courtyards, patios, and arcaded wing walls that are an extension of the architecture.

Southwest Contemporary

Retains the basic elements from Mission and Italian Renaissance - stucco walls, clay roof tiles, arcades and courtyards with fountains, white and off-white to sand and coral exterior colors - but executed with cleaner lines, simplified forms and contemporary materials.

APPENDIX B: PLANT PALATTES

MONTECITO TOWN CENTER PLANT PALETTE TREES

	BOTANICAL NAME	COMMON NAME
1	<i>Acacia aneura</i>	Mulga
2	<i>Acacia greggii</i>	Catclaw acacia
3	<i>Acacia minuta</i>	Southwest sweet acacia
4	<i>Acacia rigidula</i>	Blackbrush acacia
5	<i>Acacia schaffneri</i>	Schaffner's acacia
6	<i>Acacia smallii</i>	Sweet acacia
7	<i>Albizia julibrissin</i>	Silk tree
8	<i>Arbutus unedo</i>	Strawberry tree
9	<i>Bauhinia congesta</i>	Anacacho orchid tree
10	<i>Brahea armata</i>	Mexican blue palm
11	<i>Cedrus atlantica</i> 'Glauca'	Blue atlas cedar
12	<i>Celtis reticulata</i>	Western hackberry
13	<i>Celtis sinensis</i>	Chinese hackberry
14	<i>Cercidium floridum</i>	Blue palo verde
15	<i>Cercidium microphyllum</i>	Littleleaf palo verde
16	<i>Chilopsis linearis</i>	Desert willow
17	<i>Chitalpa</i>	Chitalpa (<i>Chilopsis</i> x <i>Catalpa</i>)
18	<i>Cupressocyparis leylandii</i>	Leyland cypress
19	<i>Eriobotrya deflexa</i>	Bronze loquat
20	<i>Eriobotrya japonica</i>	Loquat
21	<i>Eriobotrya Rahpialepis</i>	Coppertone
22	<i>Eucalyptus formanii</i>	Forman's eucalyptus
23	<i>Feijoa sellowiana</i>	Pineapple guava
24	<i>Fraxinus greggii</i>	Little leaf ash
25	<i>Fraxinus oxycarpa</i> 'Raywoodii'	Raywood ash
26	<i>Fraxinus velutina</i>	Arizona ash
27	<i>Fraxinus velutina</i> 'Modesto'	Modesto ash
28	<i>Fraxinus velutina</i> 'Rio Grande'	Rio Grande ash
29	<i>Gleditsia triacanthos inermis</i> cultivars	Honey locust
30	<i>Juniperus chinensis</i> 'Torulosa'	Hollywood twisted juniper
31	<i>Koelreuteria paniculata</i>	Goldenrain tree
32	<i>Lagerstroemia indica</i>	Crape myrtle
33	<i>Laurus nobilis</i>	Grecian laurel
34	<i>Ligustrum lucidum</i>	Glossy privet
35	<i>Olea europaea</i> 'Swan Hill'	Swan Hill Olive
36	<i>Olea europaea</i> 'Wilsonii'	Wilson's olive
37	<i>Phoenix dactylifera</i>	Date palm
38	<i>Pinus edulis</i>	Colorado pinyon pine
39	<i>Pinus eldarica</i>	Mondel pine
40	<i>Pinus halapensis</i>	Aleppo pine

MONTECITO TOWN CENTER PLANT PALETTE

41	<i>Pinus pinea</i>	Italian stone pine
42	<i>Pinus roxburghii</i>	Chir pine
43	<i>Pistacia chinensis</i>	Chinese pistache
44	<i>Pithecellobium flexicaule</i>	Texas ebony
45	<i>Pittosporum phillyraioides</i>	Willow pittosporum
46	<i>Platanus acerfolia</i>	London plane tree
47	<i>Platanus wrightii</i>	Arizona sycamore
48	<i>Podocarpus macrophyllus</i>	Japanese yew pine
49	<i>Populus alba</i> 'Bolleana'	Bolleana white poplar
50	<i>Populus fremontii</i>	Fremont cottonwood
51	<i>Prosopis species</i>	Mesquite
52	<i>Prunus caroliniana</i>	Carolina laurel cherry
53	<i>Prunus cerasifera</i>	Purple leaf plum
54	<i>Punica granatum</i>	Pomegranate
55	<i>Pyrus calleryana</i> 'Bradford'	Bradford callery pear
56	<i>Pyrus kawakamii</i>	Evergreen pear
57	<i>Quercus buckleyi</i> 'Redrock'	Redrock oak
58	<i>Quercus ilex</i>	Holly oak
59	<i>Quercus suber</i>	Cork oak
60	<i>Quercus texana</i>	Texas red oak
61	<i>Quercus virginiana</i>	Southern live oak
62	<i>Quercus virginiana</i> 'Heritage'	Heritage live oak
63	<i>Robinia ambigua</i> 'Idahoensis'	Idaho locust
64	<i>Robinia ambigua</i> 'Purple Rose'	Purple robe locust
65	<i>Sophora japonica</i>	Japanese pagoda tree
66	<i>Sophora secundiflora</i>	Texas mountain laurel
67	<i>Ulmus parvifolia</i> 'Sempervirens'	Evergreen elm
68	<i>Vitex agnus-castus</i>	Chaste tree
69	<i>Zizyphus jujuba</i>	Chinese jujube

MONTECITO TOWN CENTER PLANT PALETTE

SHRUBS

	BOTANICAL NAME	COMMON NAME
1	<i>Atriplex</i> species	Saltbush
2	<i>Baccharis pilularis</i> 'Twin Peaks'	Dwarf coyote bush
3	<i>Baccharis sarothroides</i>	Desert broom
4	<i>Cassia</i> species	Cassia and senna
5	<i>Cotoneaster</i> species and cultivars	Cotoneaster
6	<i>Dalea</i> species	Indigo bush
7	<i>Encelia farinosa</i>	Brittlebush
8	<i>Ericameria laricifolia</i>	Turpentine bush
9	<i>Euonymus</i> species	Euonymus
10	<i>Fallugia paradoxa</i>	Apache plume
11	<i>Feijoa sellowian</i>	Pineapple guava
12	<i>Ilex</i> species	Holly
13	<i>Juniperus</i> species	Juniper
14	<i>Lagerstroemia indica</i> cultivars	Crape myrtle
15	<i>Larrea tridentata</i>	Creosote
16	<i>Leucophyllum</i> species and cultivars	Texas ranger
17	<i>Ligustrum japonicum</i>	Japanese privet
18	<i>Ligustrum lucidum</i>	Glossy privet
19	<i>Myrtus communis</i>	Myrtle
20	<i>Myrtus communis</i> 'Compactus'	Dwarf myrtle
21	<i>Nandina domestica</i> cultivars	Heavenly bamboo
22	<i>Photinia fraseri</i>	Fraser's photinia
23	<i>Pittosporum tobira</i>	Mock orange
24	<i>Pittosporum tobira</i> 'Variegata'	Variegated mock orange
25	<i>Pittosporum tobira</i> 'Wheeler's Dwarf'	Dwarf mock orange
26	<i>Pyracantha</i> species	Pyracantha
27	<i>Raphiolepis indica</i> cultivars	Indian hawthorn
28	<i>Rhus ovata</i>	Sugar bush
29	<i>Simmondsia chinensis</i>	Jojoba
30	<i>Tecoma stans angustata</i>	Yellow bells
31	<i>Vauquelinia californica</i>	Arizona rosewood
32	<i>Viburnum tinus</i>	Viburnum
33	<i>Viburnum tinus</i> 'Compacta'	Dwarf viburnum
34	<i>Xylosma congestum</i>	Xylosma

MONTECITO TOWN CENTER PLANT PALETTE

SUBSHRUBS AND GROUND COVERS

	BOTANICAL NAME	COMMON NAME
1	<i>Abelia grandiflora</i>	Abelia
2	<i>Acacia redolens</i> 'Desert Carpet'	Prostrate acacia
3	<i>Aptenia cordifolia</i>	Hearts and flowers
4	<i>Baccharis</i> 'Centennial'	Centennial baccharis
5	<i>Baileya multiradiata</i>	Desert marigold
6	<i>Calliandra eriophylla</i>	Fairy duster
7	<i>Convolvulus cneorum</i>	Bush morning glory
8	<i>Convolvulus mauritanicus</i>	Ground morning glory
9	<i>Dietes iridoides</i>	Fortnight lily
10	<i>Gazania</i> species	Gazania
11	<i>Hemerocallis</i> species	Daylily
12	<i>Hymenoxys acaulis</i>	Angelita daisy
13	<i>Justicia</i> species	Justicia
14	<i>Lantana</i> species	Lantana
15	<i>Melampodium leucanthum</i>	Blackfoot daisy
16	<i>Osterospermum fruiticosum</i>	Trailing African daisy
17	<i>Psilostrophe cooperi</i>	Paperflower
18	<i>Rosmarinus officinalis</i> cultivars	Rosemary
19	<i>Salvia</i> species	Sage
20	<i>Santolina</i> species	Lavendar cotton
21	<i>Sphaeralcea ambigua</i>	Globe mallow
22	<i>Teucrium</i> species	Germander
23	<i>Trachelospermum asiaticum</i>	Asiatic jasmine
24	<i>Trachelospermum jasminoides</i>	Star jasmine
25	<i>Verbena</i> species	Verbena
26	<i>Vinca minor</i>	Vinca

MONTECITO TOWN CENTER PLANT PALETTE

ACCENTS, CACTI AND SUCCULENTS

	BOTANICAL NAME	COMMON NAME
1	<i>Agave species</i>	Agave
2	<i>Aloe species</i>	Aloe
3	<i>Brahea armata</i>	Mexican blue palm
4	<i>Caesalpinia</i>	Bird of paradise
5	<i>Chamaerops humilis</i>	Mediterranean fan palm
6	<i>Dasyllirion wheeleri</i>	Desert spoon
7	<i>Echinocactus species</i>	Barrel cactus
8	<i>Echinocereus species</i>	Hedgehog cactus
9	<i>Ferocactus species</i>	Barrel cactus
10	<i>Fouquieria splendens</i>	Ocotillo
11	<i>Hesperaloe parviflora</i>	Red yucca
12	<i>Muhlenbergia species</i>	Muhley grass
13	<i>Nolina microcarpa</i>	Bear grass
14	<i>Opuntia species</i>	Prickly pear and cholla
15	<i>Penstemon species</i>	Penstemon
16	<i>Pennisetum setaceum</i> 'Rubric'	Ruby fountain grass
17	<i>Trachycarpus fortunei</i>	Windmill palm
18	<i>Washingtonia filifera</i>	California fan palm
19	<i>Washingtonia robusta</i>	Mexican fan palm
20	<i>Washingtonia filifera x robusta</i>	Hybrid fan palm
21	<i>Yucca species</i>	Yucca

VINES

	BOTANICAL NAME	COMMON NAME
1	<i>Campsis species</i>	Trumpet creeper
2	<i>Ficus pumila</i>	Creeping fig
3	<i>Gelsemium sempervirens</i>	Carolina jasmine
4	<i>Hedera species</i>	Ivy
5	<i>Jasminium mesneyi</i>	Primrose jasmine
6	<i>Lonicera species</i>	Honeysuckle
7	<i>Madfadyena unguis-cati</i>	Cat's claw
8	<i>Parthenocissus quinquefolia</i>	Virginia creeper
9	<i>Parthenocissus tricuspidata</i>	Boston ivy
10	<i>Rosa banksiae</i>	Bank's rose
11	<i>Trachelospermum asiaticum</i>	Asiatic jasmine
12	<i>Trachelospermum jasminoides</i>	Star jasmine

MONTECITO TOWN CENTER PLANT PALETTE

PROHIBITED PLANTS

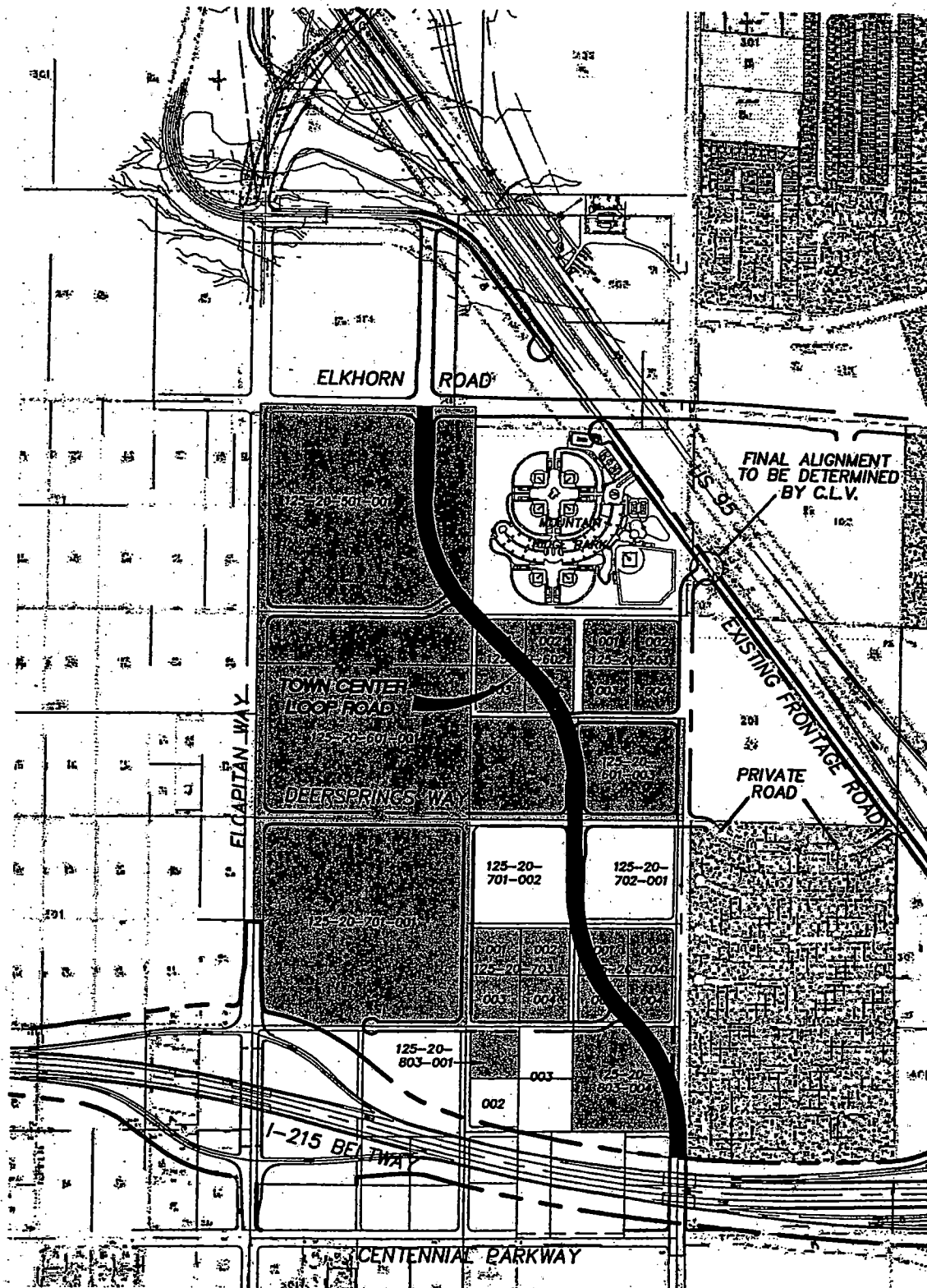
	BOTANICAL NAME	COMMON NAME
1	Cynodon dactylon	Common bermuda
2	Morus alba	Fruitless mulberry
3	Olea europaea	Olive tree
4	Nerium oleander	Oleander

NOTE 1: Each project shall coordinate its plant palette with existing street trees and landscape design concept.

NOTE 2: All other plants not listed on the Montecito Town Center Plant Palette, but which are not expressly prohibited above, will be allowed subject to approval by the City of Las Vegas.

NOTE 3: Not all species or cultivars of each genus listed will be allowed, depending on the suitability of the selected plant, with respect to its use or adaptability.

EXHIBIT 'E'
TOWN CENTER LOOP ROAD ALIGNMENT

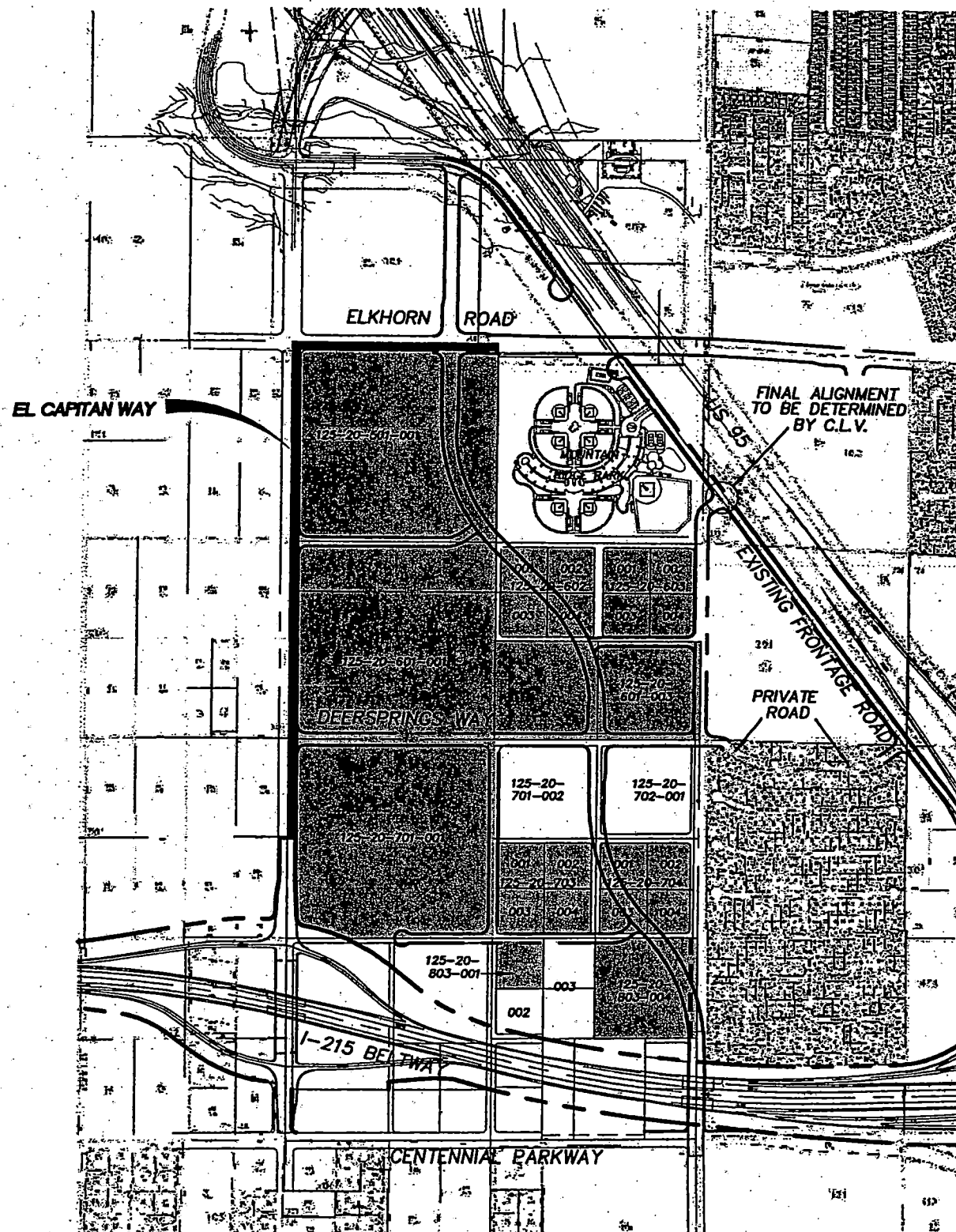


**PRIMAS AND
ASSOCIATES**
CONSULTING
ENGINEERS



MONTECITO TOWN CENTER
NOV. 6, 2001
REVISED FEB.19, 2002

EXHIBIT 'F'
EL CAPITAN WAY ALIGNMENT and IMPROVEMENTS



**PRIMAS AND
 ASSOCIATES**
 CONSULTING
 ENGINEERS

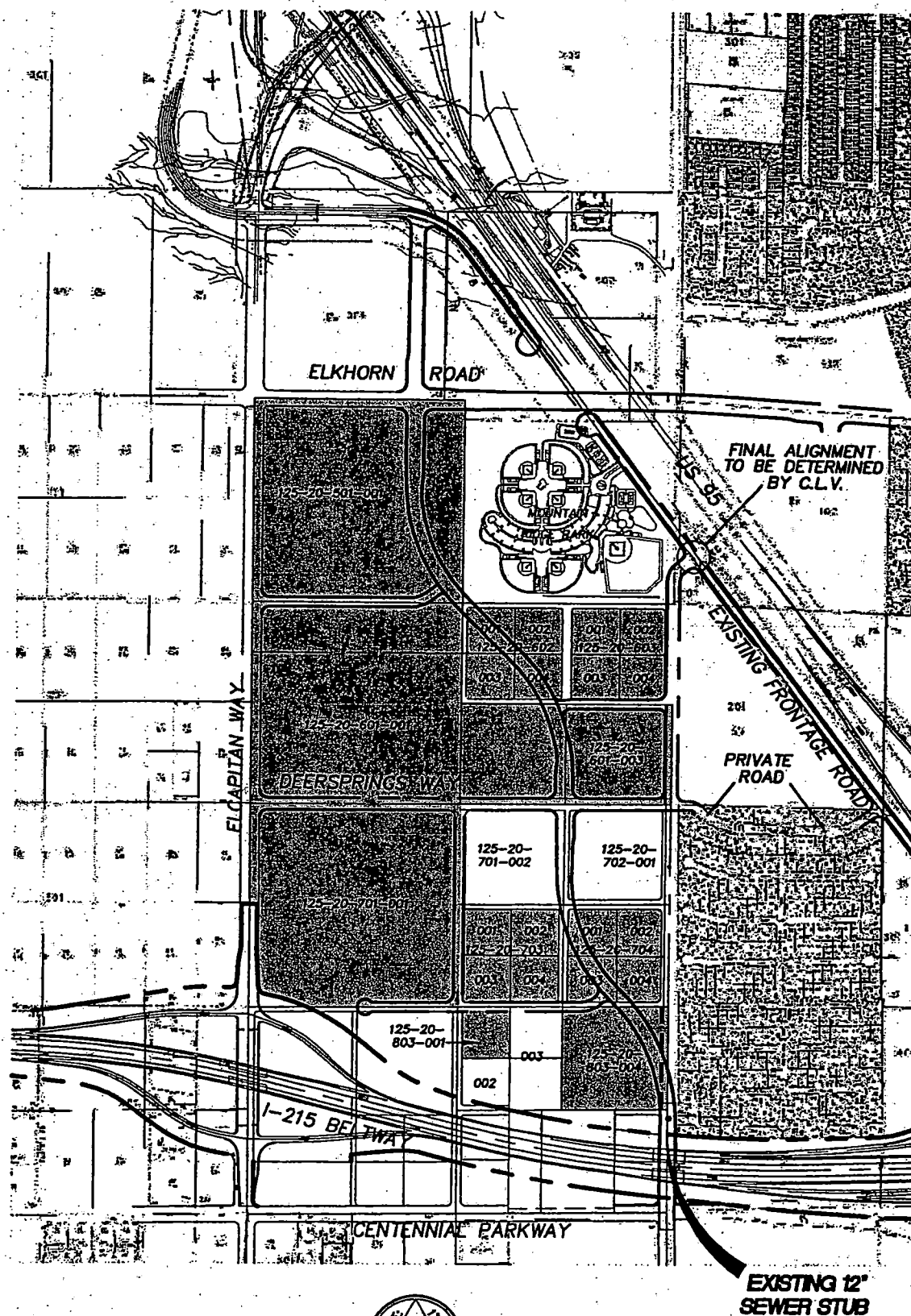


MONTECITO TOWN CENTER

NOV. 6, 2001

REVISED FEB. 19, 2002

EXHIBIT 'G'
PROJECT SEWER LOCATION



**PRIMAS AND
ASSOCIATES**
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ENGINEERS



MONTECITO TOWN CENTER
NOV. 6, 2001
REVISED FEB. 19, 2002

EXHIBIT "H" – PAGE 1

MAINTENANCE PLAN

(A) The Plan must be approved by the City pursuant to and in compliance with the Montecito Rules and must contain provisions that outline the proposed standards and level of maintenance to be provided with respect to such improvements. The Plan will include provisions for maintenance of all landscaping and related irrigation systems, including the following landscaped areas, if applicable and part of the applicable project, whether developed or natural:

- (1) Common areas;
- (2) Parks, trails, and related facilities and equipment;
- (3) Drainage easements;
- (4) Sight Visibility Restriction Zones, as defined in the Uniform Standard Drawings, Clark County Area;
- (5) Any areas of landscaping located within public rights of way which are required by law or by the City approval of the development to be maintained by the association;

(B) Provisions for maintenance of common area lighting and for security walls located within common areas, but excluding any walls located on an individual unit or lot;

(C) Provisions for periodic inspection, maintenance and repair of the improvements described in this Section in such a manner and with such frequencies so as to maintain the improvements to prevent deterioration, to avoid unsightliness and maintain the aesthetic appearance, the function and look of the improvements as originally intended. Any significant deviation from those standards may be implemented only after consultation with and the approval of the City. The required maintenance and repair shall include without limitation:

(1) Maintenance of all landscaping in a healthy condition, with all grass cut to an appropriate length, all plants and bushes appropriately trimmed and maintained, and diseased or dead portions of landscaping promptly replaced with healthy plant materials.

(2) Repair, maintenance and replacement of facilities and equipment in common areas, including tables, playground equipment, fences, walkways and fountains.

(3) Regular cleaning and maintenance of restrooms.

EXHIBIT "H" – PAGE 2

(D) A provision that the plan can be amended by the governing board of the association but only with the written consent of the City.

(E) A provision that, in the event the association fails to maintain any or all of the improvements in accordance with the provisions of the plan, the City may exercise its rights under the declaration, including the right of the City to make assessments for costs incurred by the City in maintaining the improvements, which assessments shall constitute liens against the land and the individual lots within the subdivision which may be executed upon and which shall have the same priority as liens for real estate taxes.

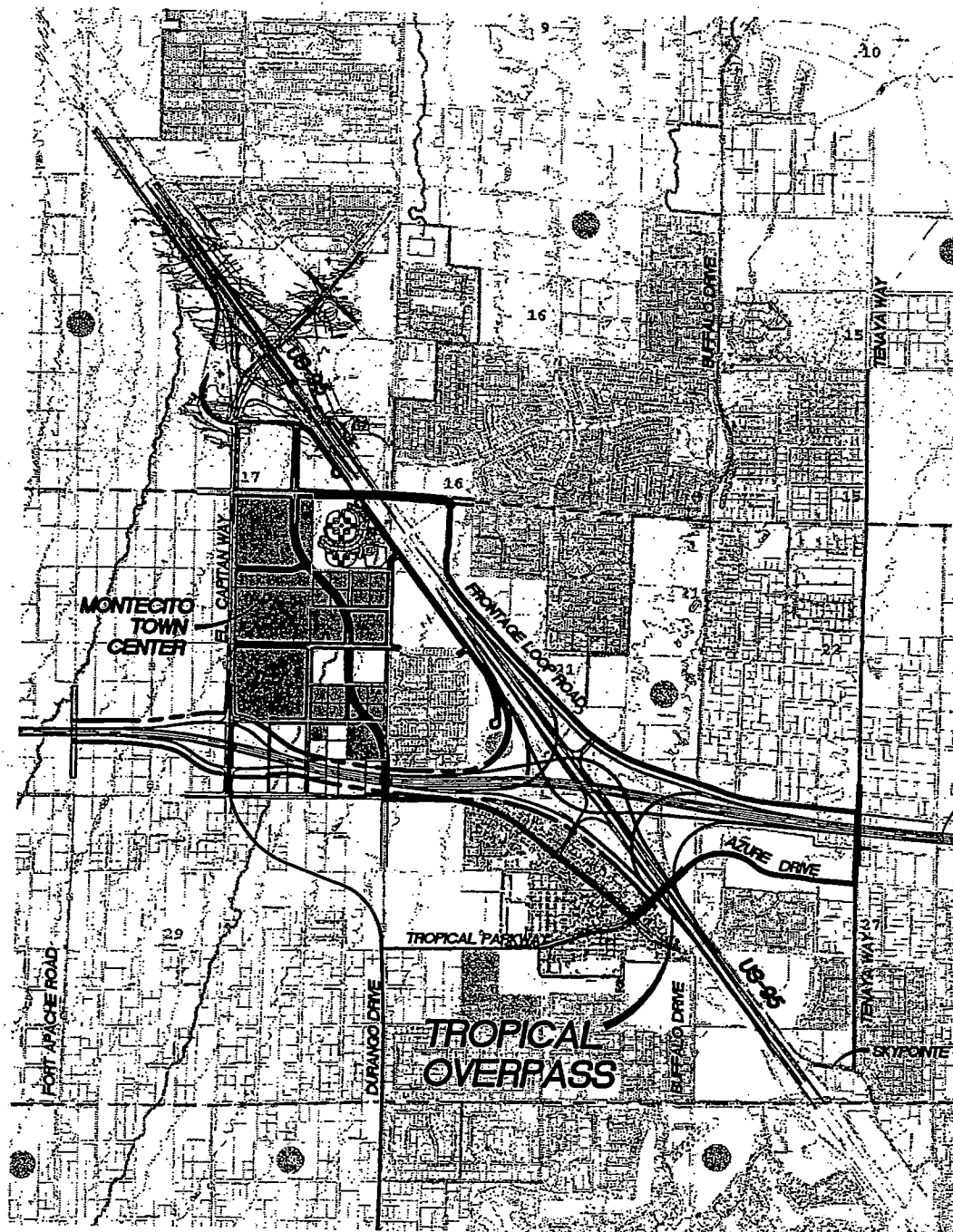
(F) A provision requiring the posting with the City and maintenance thereafter of a continuing bond, acceptable to the City, to guarantee the payment of all of such maintenance costs for a continuing period of one year from any given date. The requirement for the posting and maintenance of such bond shall be maintained only until the association has the capital reserves to cover such one-year's maintenance.



NOV. 6, 2001
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EXHIBIT 'J'

TROPICAL PARKWAY/ U.S. 95 OVERPASS ALIGNMENT



**PRIMAS AND
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CONSULTING
ENGINEERS



MONTECITO TOWN CENTER

NOV. 6, 2001
REVISED FEB. 19, 2002

EXHIBIT "K"

FEE SCHEDULE FOR RESIDENTIAL DEVELOPMENT

The amount of fees to be paid by the Developer shall be:

\$0.36 per square foot for each residential dwelling unit, up to a maximum of
\$1000.00 per residential dwelling unit.

CITY OF LAS VEGAS

DEVELOPER SPECIAL IMPROVEMENT DISTRICT GUIDELINES



December 2, 1992

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CITY OF LAS VEGAS Developer Special Improvement District Guidelines

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CITY OF LAS VEGAS
Developer Special Improvement District Guidelines

Under chapter 271 of Nevada Revised Statutes (NRS), the City is authorized to acquire street, sidewalk, water, sewer, curb, gutter, flood control and other publicly owned "infrastructure" improvements that benefit new development by the creation of a special improvement district as specified in NRS 271.265. The purpose of these guidelines is to outline the circumstances under which the City will consider this type of financing for new developments involving one or a small number of private property owners who intend on developing their property for residential, commercial, industrial or other beneficial use.

These guidelines apply to all assessment districts financed under NRS 271.710 through 271.730 and to all other assessment districts which both involve 15 or fewer property owners and involve properties 80% or more of which are unimproved, unless 50% or more of the cost of the project proposed to be funded is being funded from a governmental source other than special assessments or the proceeds of special assessment bonds (e.g., RTC).

The City Council reserves the right, on a case by case basis, to impose additional requirements or waive specific requirements listed herein. Such waived requirements shall be noted in the approval of any petition together with a finding that the deviation from this policy is in the best interest of the City. Additional requirements shall be noted in the approval.

A. Eligible Improvements.

1. Regional Improvements. The City will consider financing only regional infrastructure improvements i.e., regional improvements are those streets, storm drains, water systems, sewer and other utilities which will provide benefit to the entire project. Such projects are those with respect to which the City Council has made a finding of regional benefit which benefit the general area in which the development is located as opposed to improvements which exclusively benefit a particular subdivision. (Only the portion of the total cost that benefits the special improvement district will be assessed.) Thus, an arterial street or highway or major sewers, storm drains and water lines which provide benefit to the entire project and are found to be of general or regional benefit by the council, would be considered for financing.

2. Public Ownership Requirements. Only publicly owned infrastructure is eligible for financing. Privately-owned improvements such as electric, gas, and cable television improvements, streets or roads which are not dedicated to the City, and private portions of other improvements, such as water and sewer service lines from the property lines to the home or other structure are not eligible for financing.

3. Benefit. The improvements proposed to be constructed must benefit the property assessed by an amount at least equal to the amount of the assessment.

4. Subdivision Improvements. The City will not consider financing "subdivision" or "in-tract" improvements, that is, improvements within a subdivision that benefit only the land within a subdivision such as neighborhood streets.

5. Size. Generally, the City will not consider stand alone assessment districts which involve less than \$2,500,000.

B. Environmental Matters.

1. A Phase 1 environmental assessment (hazardous waste assessment) on the property to be assessed, property on which the improvements are to be located and on any property to be dedicated to the City, must be provided by the property owner prior to the bonds being issued by the City. The property owner must also provide the City with an indemnification agreement in a form acceptable by and provided by the City, promising to indemnify the City against any and all liability and/or costs associated with any environmental hazards located on property assessed. With respect to abating environmental hazards that are located on property on which improvements financed with the assessment district are proposed to be located or on any property dedicated to the City, the City and the property owner will reach an accord before the bonds are issued. Where the Phase 1 assessment indicates that there may be an environmental hazard on any of the assessed property, the property owner will be required to abate the problem or to post security for environmental clean up costs prior to the City proceeding with the district. The environmental assessment shall be performed by an environmental engineer acceptable to the City.

2. The developer must undertake all steps required by the "Habitat Conservation Plan Compliance Report" or other future federal requirements in the project area and other areas owned by the same developer which are used in connection with the project.

C. Development.

1. Property Owner Experience. The property owner must demonstrate to the City that it has the expertise to develop the property involved in the assessment district. In order to demonstrate its ability to develop, the property owner should furnish the City with the following: (a) its last three years prior audited financial statements, (b) a list of prior development of similar or larger size which the property owner has completed, and (c) a list of references consisting of the names of officials of other political subdivisions in which the property owner has completed similar or larger size developments. The City will accept, in place of financial statements stated in (a) above, a comfort letter from a mutually acceptable CPA firm indicating for the past three (3)

years: (1) that a minimum level of net worth, acceptable to the City, has been maintained; (2) whether or not there have been any material adverse changes in operations; and (3) whether or not there have been any exceptions in the accountant's opinion letter on the property owner's financial statements. If this alternative is utilized, the property owner shall also provide such other financial information as the City and its consultants request.

2. Financing Completion: Equity The property owner must provide the City with its plan for financing the development to completion and advise the City of the amount of equity it has invested in the development.

3. Land Use The proposed development must be consistent with the City's General Plan. The property owner must demonstrate that it reasonably expects to obtain the required discretionary development permits (e.g. subdivisions) in sufficient time to proceed with the development to completion as proposed. Proper zoning must have been obtained for the development.

4. Water, Sewer, and Other Utilities The property owner must provide "will serve" or similar letters from the entities providing water, sewer and other utility (e.g. electricity, gas, telephone) services to the development stating that capacity is then in existence and reserved (or otherwise to be made available) for the development in a sufficient quantity for the development to proceed to completion as proposed.

5. Other Permits The property owner must demonstrate that there are no significant permitting requirements (i.e. permitting requirements which could result in substantial delay or alteration in the project as proposed, e.g., wetlands permits, archeological permits, etc.) applicable to the project or other governmental impediments to development which have not yet been satisfied and which are required to be satisfied for the development to proceed to completion as proposed.

D. Assessment Bonds and Bond Security

1. Primary Security The primary security for bonds will be the assessment lien on the land proposed to be assessed. A preliminary title report indicating that the petitioners are the owners of all of the assessed property must accompany the petition. The City may also require title insurance on a case by case basis.

2. Reserve Fund A reserve fund in an amount equal to the lesser of one year's principal and interest on the bonds or 10% of the proceeds of the bonds must be funded at the time bonds are issued.

3. Appraisal Valuation. The property owner must obtain and provide to the City an appraisal of the property which will be assessed which in the case of the appraised value of the property "as is" (prior to further subdivision and without considering the installation of the improvements) is at least equal to the amount of bonds proposed to be issued, and that the value of the property after the improvements financed with the assessment bonds are installed is at least three (3) times the amount of the bonds proposed to be issued. The appraiser must be acceptable to the City.

4. Additional Security. The property owner must demonstrate to the City that there is not significant financial risk to the City in issuing the bonds. If the City determines that it is not adequately protected by the security that is described in section D. 1, 2, and 3 above, the City can require additional security. This additional security can be satisfied in one or a combination of the following ways:

(a) Providing a source of security that is acceptable to the City Council and the property owner. The determination of the acceptability of the security shall be discussed with the property owner on a case by case basis.

(b) Providing an irrevocable letter of credit drawn on an acceptable bank in a form and an amount and with a term acceptable to the City.

(c) Pledging marketable securities in which form the City is permitted to invest City funds pursuant to Chapters 355 and 356 of NRS and which are acceptable to the City (e.g., U.S. Treasury obligations) and in an amount that is acceptable to the City. The City must obtain the sole first priority security interest in the pledged securities, and those securities must be held by the City or a City agent. Interest paid on the pledged securities, if there is not default in paying the assessment, will be paid to the owner of the securities.

A pro-rata portion of the foregoing additional security will be released with respect to any parcel assessed (1) which has been improved in any manner if the appraised value (as determined by an appraiser acceptable to the City) of the parcel is 5.0 or more times the amount of the unpaid assessment on such parcel or (2) on which a substantial improvement (e.g., a home or commercial building) has been completed if the parcel has a size of one acre or less or (3) to the extent that property is conveyed to one or more third-party property owners, then a proportionate amount of the foregoing additional security shall be released with respect to such conveyed property so long as such conveyed property does not exceed, in the aggregate, thirty percent (30%) of the entire property included within the district; provided, however, that any individual parcel conveyed to each such third-party property owner shall have a minimum value-to-lien ratio of 3:1.

5. Payment of Assessments: Capitalized Interest. The assessments shall be payable over not more than 20 years in substantially equal semiannual installments (excluding variable rate bonds with regard to equal payments) commencing within one year of the levy of assessments. The City will allow not more than two years of interest or the maximum permitted under federal tax laws, whichever is less, to be capitalized.

6. Absorption Study. The property owner must provide the City with funds with which to have an expert to prepare an absorption study. The City and property owners shall mutually agree upon the expert who is to prepare this study illustrating the economic feasibility of the project based upon supply and demand trends and estimated conditions in the market area for the proposed product mix. Provided, however, that if the appraiser of the real property for the project conducts his or her own absorption analysis, such absorption study may be accepted in lieu of this requirement.

7. Floating Rate Bonds. The City will consider applications for floating rate assessment bonds only if those bonds and the assessments underlying those bonds automatically convert to a fixed interest rate at or before the time the initial property owner sells property, regardless of whether the sale is wholesale sale to a merchant builder or a developer or a sale to a potential homeowner. Floating rate bonds must be secured by a letter of credit issued by a bank acceptable to the City.

8. No Pledge of General Fund or Taxing Power. The City will not pledge its general fund or taxing power to bonds.

9. Bond Underwriting Commitment. The property owner must demonstrate to the City and its financial advisor that bonds proposed to be issued for the financing are saleable. Prior to the time the City commences work on the assessment district, the property owner must provide the City with a letter from a reputable underwriter or bond buyer, acceptable to the City, which states that the underwriter has completed a due diligence review of the project and the property owner and believes that the bonds are marketable at an interest rate acceptable to the property owner based on then prevailing market conditions and that it is willing, subject to reasonable conditions precedent, to contract with the City to underwrite the bonds on a best efforts basis, or that the bond buyer has completed a due diligence review of the project and the property owner and intend to acquire the bonds at an interest rate which the bond buyer and property owner agree is acceptable and that it is willing, to contract with the City to so acquire the bonds.

E. Consultants. The City will permit the property owner to chose the consulting engineers and underwriter provided that the entities chosen are acceptable to the City. The City will select the assessment engineer, project management engineer, its financial consultants, bond counsel and bond trustee. The payment of all fees and expenses of these consultants (selected by the City) shall be the responsibility of the property owner; however, these consultants will be responsible to, and will act as consultants to, the City in connection with the district.

F. Expenses. The property owner will be required to pay out of its own pocket all of costs of the project prior to the time bonds are issued, including the costs of consulting engineers, assessment engineers, project management engineers, underwriters, the City's financial consultants, the City's bonds counsel, the cost of preparing the appraisals, absorption study, environmental review and other matters listed above. These items will be eligible for reimbursement from bond proceeds if the bonds are ultimately issued; however, the property owner must agree to pay these costs even if bonds are not issued. At the time of application, the City will provide an estimate for these expenses in order to enable the developer to more precisely anticipate costs associated with the process.

G. Project Acquisition. The City will acquire completed projects after final inspection by the City, an audit by the City assessment engineer and City staff, and acceptance by the City. Alternatively, the City will expend bond proceeds through a City-established progress payment system on uncompleted projects utilizing a construction payment management system. If this alternative is used, performance and payment bonds from a bonding company acceptable to the City, each in an amount at least equal to 100% of the cost of the project, and otherwise in such form as is approved by the Department of Public Works and the City Attorney must be provided to the City and must each indicate that the City is a beneficiary of those bonds. Additional construction security, as determined appropriate by the Department of Public Works and City Attorney, may be required.

H. Cost Overruns. The property owner must agree to fund all project costs which exceed the amount available from the proceeds of the bonds issued for the project. The City will not commit to issue additional bonds or otherwise provide funding for any such cost overruns.

I. Procedure.

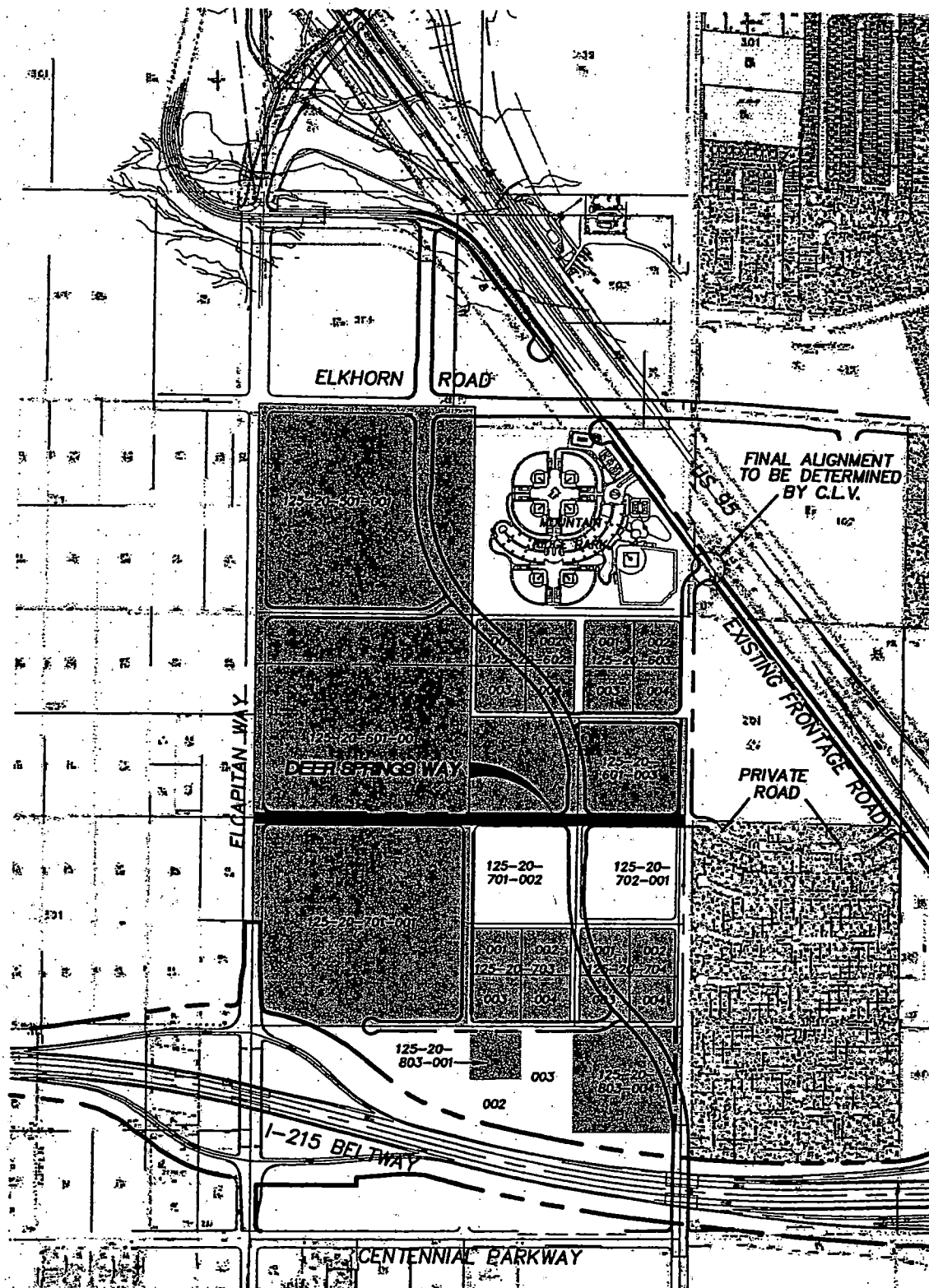
1. Pre-Application Meeting. Initially, the property owner shall schedule a meeting with such representatives of the City as are designated by the City Manager to review the proposed development to discuss whether the development is one which may be eligible for financing under these guidelines.

2. Application. If the property owner decides to proceed after the initial meeting, all owners of record of property in the proposed district must sign a petition for the district and file the petition and an application which contains sufficient information and exhibits to demonstrate that the proposed district will comply with parts A-H of these guidelines. Copies of the petition and application must be filed with the office of the Director of Finance and the office of the Director of Public Works.

3. Council Approval. If after an initial review, the City staff believes the application satisfies parts A-H hereof, an item will be placed on the Council's agenda authorizing negotiations with respect to the proposed project. If this item is approved by the Council, it is anticipated that staff will be authorized to begin negotiating the particulars of the financing with the property owner and other appropriate parties.

4. Security for Costs. Prior to entering negotiations, the property owner must post a letter of credit, surety bond, cash or other acceptable form of security for payment of the costs described in F above in an amount determined by the Director of Finance. The interest on the security will be paid to the developer. The City shall invest such security according to NRS 355 and 356.

EXHIBIT 'M'
DEER SPRINGS WAY ALIGNMENT



**PRIMAS AND
ASSOCIATES**
CONSULTING
ENGINEERS

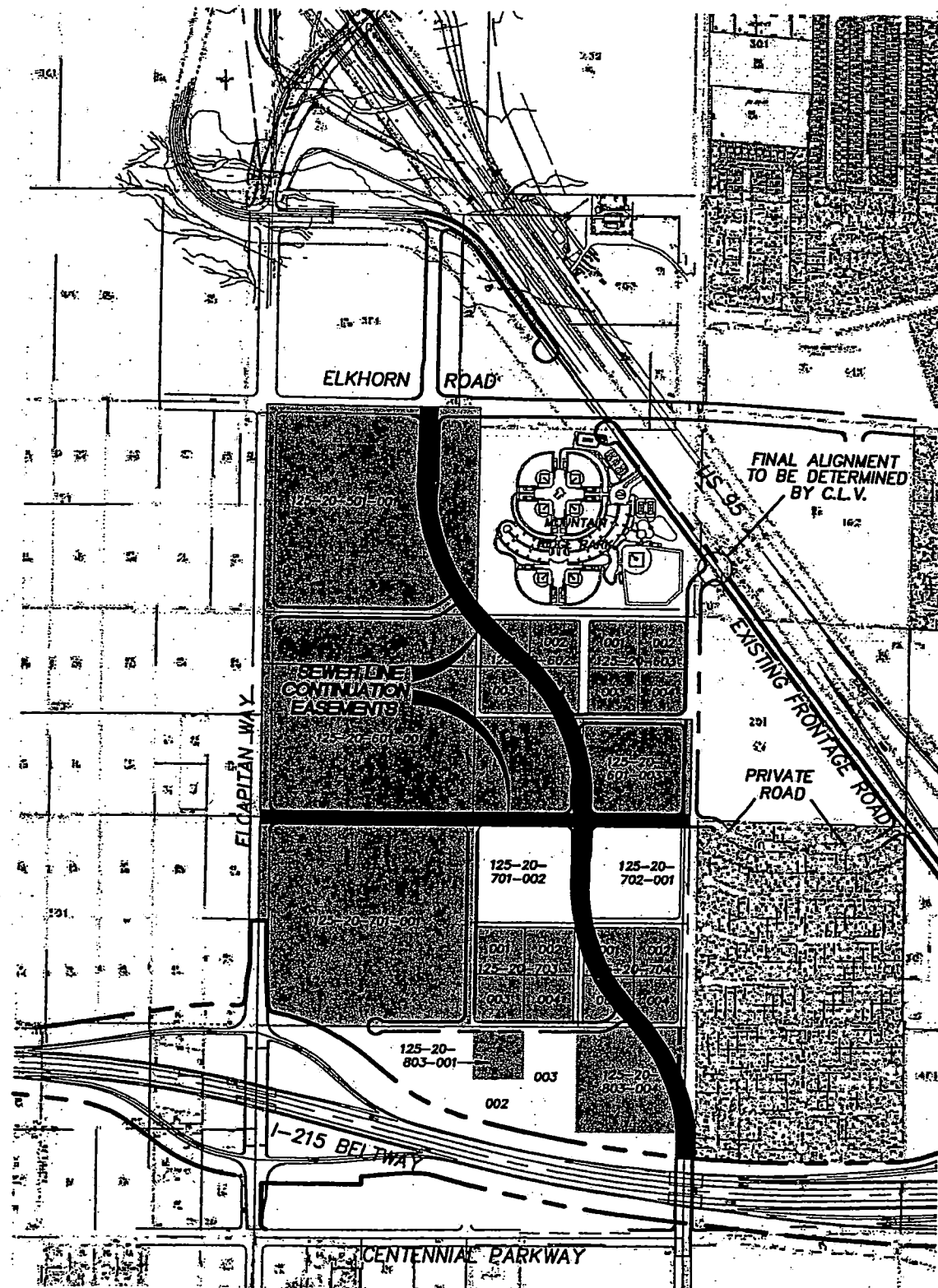


MONTECITO TOWN CENTER

NOV. 6, 2001

REVISED FEB. 19, 2002

EXHIBIT 'N'
SEWER LINE CONTINUATION EASEMENTS



**PRIMAS AND
ASSOCIATES**
CONSULTING
ENGINEERS



MONTECITO TOWN CENTER

NOV. 6, 2001
REVISED FEB. 19, 2002

OFFSITE TRAFFIC SIGNAL FEES

Land Use Type	Unit	Cost/Unit
Residential Uses		
Single Family Detached	Dwelling	\$ 203.00
Multi-Family	Dwelling	\$ 141.00
Mobile Home	Pad	\$ 102.00
Adult Cong. Living Facility	Dwelling	\$ 46.00
Hotel/Motel	Room	\$ 192.00
Elderly Housing - Attached	Dwelling	\$ 74.00
Retail/Commercial		
Shopping Center (0 - 99,999 sf)	1000 sf	\$ 540.00
Shopping Center (100,000 - 249,999 sf)	1000 sf	\$ 445.00
Shopping Center (250,000 - 449,999 sf)	1000 sf	\$ 374.00
Shopping Center (500,000+ sf)	1000 sf	\$ 285.00
Bank w/ Drive Through	1000 sf	\$ 1,483.00
Car Wash, Self Service	Stall	\$ 1,157.00
Convenience Store w/ Gas Sales	1000 sf	\$ 4,154.00
Golf Course (open to public)	Acre	\$ 73.00
Movie Theater without Matinee	1000 sf	\$ 959.00
Restaurant, Sit-Down	1000 sf	\$ 884.00
Restaurant, Fast Food	1000 sf	\$ 2,952.00
Movie Theater w/ Matinee	Screen	\$ 1,883.00
Health Club	1000 sf	\$ 660.00
Building Materials & Lumber Store	1000 sf	\$ 631.00
Free-Standing Discount Superstore	1000 sf	\$ 746.00
Specialty Retail	1000 sf	\$ 315.00
Free-Standing Discount Store	1000 sf	\$ 879.00
Hardware/Paint Store	1000 sf	\$ 815.00
Nursery (Garden Center)	1000 sf	\$ 573.00
Factory Outlet Store	1000 sf	\$ 398.00
Automobile Care Center	1000 sf	\$ 577.00
New Car Sales	1000 sf	\$ 701.00
Automobile Parts Sales	1000 sf	\$ 626.00
Wholesale Tire Store	1000 sf	\$ 381.00
Supermarket	1000 sf	\$ 849.00
Convenience Store w/o Gas Sales	1000 sf	\$ 3,425.00
Discount Club	1000 sf	\$ 664.00
Home Improvement Superstore	1000 sf	\$ 341.00
Apparel Store	1000 sf	\$ 1,055.00
Electronics Superstore	1000 sf	\$ 505.00
Pharmacy/Drugstore with Drive-Through	1000 sf	\$ 535.00
Furniture Store	1000 sf	\$ 44.00
Video Rental Store	1000 sf	\$ 1,012.00
Bank w/o Drive Through	1000 sf	\$ 931.00

OFFSITE TRAFFIC SIGNAL FEES

Office/Institutional		
Office, General (0 - 99,999 sf)	1000 sf	\$ 346.00
Office, General (100,000+ sf)	1000 sf	\$ 252.00
Office, Medical	1000 sf	\$ 636.00
Hospital	1000 sf	\$ 295.00
Nursing Home	1000 sf	\$ 81.00
Church	1000 sf	\$ 139.00
Elementary/Sec. School (Private)	1000 sf	\$ 190.00
Public Elementary School	Student	\$ 15.00
Public Middle School	Student	\$ 23.00
Public High School	Student	\$ 29.00
Day Care Center	1000 sf	\$ 974.00
Cemetery	Acre	\$ 88.00
Lodge/Fraternal Organization	Member	\$ 5.00
Clinic	1000 sf	\$ 615.00
Office Park	1000 sf	\$ 253.00
Business Park	1000 sf	\$ 283.00
Industrial		
Industrial Park	1000 sf	\$ 124.00
Warehouse	1000 sf	\$ 88.00
Mini-Warehouse	1000 sf	\$ 34.00

The Traffic Signal Fees shall increase on the sixtieth (60th) month after the Effective Date and on every sixtieth (60th) month thereafter by a percentage equal to the percentage increase in the Index (rounded to the nearest one-hundredth (100th)) over the month in which the Effective Date occurs and the month in which the increase occurs, provided, however, that in no event shall any increase exceed twelve percent (12%) of the Traffic Signal Fees payable immediately prior to any increase. Index means the Consumer Price Index, Urban Wage Earners and Clerical Workers for Los Angeles, Anaheim and Riverside Area, all items (1982-1984=100), as published by the Bureau of Labor Statistics of the United States Department of Labor. In the event that the Index is discontinued or is revised to substantially alter the calculations, the City shall select such other government index, which provides substantially the same result as would have been obtained if the Index had not been so discontinued or revised.

**CITY OF LAS VEGAS PLANNED
TRAFFIC SIGNALS**



CITY OF LAS VEGAS EXISTING & PROPOSED SIGNALS

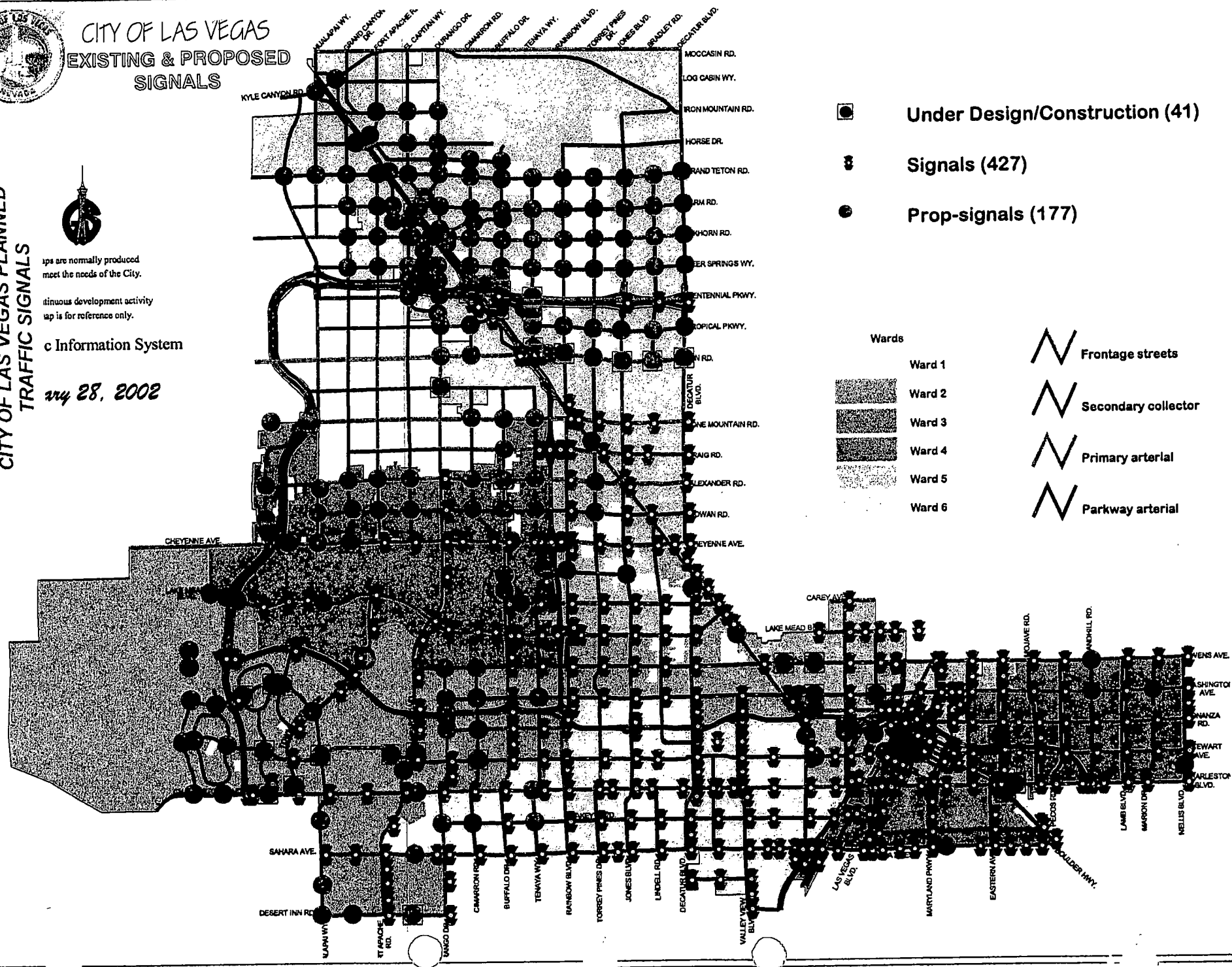


aps are normally produced
meet the needs of the City.

tinuous development activity
map is for reference only.

c Information System

2002. 28. 02



MONTECITO COMPANIES

March 15, 2004

Mr. Bob Genzer
Planning & Development Department
City of Las Vegas
731 S. Fourth Street
Las Vegas, NV

Mr. Genzer,

Pursuant to Section 12.2(a), Montecito Town Center, LLC has transferred its rights of Owner under the Montecito Town Center Development Agreement to The Montecito Companies, LLC as of January 1, 2004.

The Montecito Companies, LLC acknowledges is shall assume all duties and obligations as Owner under the Montecito Town Center Development Agreement.

Thank you, and please call if you or your staff have any questions.

Respectfully,



Matthew Werner

Transfer of rights as Owner under the Montecito Development Agreement from Montecito Town Center, LLC to The Montecito Companies as of January 1, 2004 is hereby acknowledges and agreed to

Montecito Town Center, LLC

By:


Frank Nielsen
Manger

The Montecito Companies, LLC

By:


Frank Nielsen
Manager

control improvements outside of the Montecito Town Center or for any facilities, equipment or physical improvements outside the Montecito Town Center that are a substitute therefor.

SECTION 12 GENERAL PROVISIONS

12.1 Duration of Agreement. The term of this Agreement shall commence upon the Effective Date and shall expire on the fifteenth (15th) anniversary of the Effective Date unless terminated earlier pursuant to the terms hereof. City agrees that Owner shall have the right to extend the term of this Agreement for an additional fifteen (15) years upon the following conditions:

- (a) Owner provides written notice of such extension to the City prior to the expiration of the original fifteen (15) year term of this Agreement; and
- (b) Owner is not in default of this Agreement.

Upon such extension of this Agreement, Owner and City shall enter into an amendment to this Agreement memorializing the extension of the term.

12.2 Assignment.

12.2(a) To an Affiliate of Owner. The rights of Owner under this Agreement may be freely transferred or assigned to any entity, partnership or corporation which Owner controls or in which Owner has a controlling interest or which controls Owner; provided, such entity shall assume in writing all obligations of Owner hereunder, and provide substitute security in form and amount acceptable to the City for any security previously provided by Owner in compliance with the Code, if any.

12.2(b) To a Third Party. If Owner sells or transfers more than fifty percent (50%) of the Montecito Town Center to a party not affiliated with Owner (as defined in Subsection 12.2(a)), Owner shall be relieved of its obligations under this Agreement, provided that such transferee assumes all duties and obligations of Owner then unsatisfied and provides substitute security, in form and amount acceptable to City, for any of Owner's previous obligations for which Owner provided performance security, if any.

12.2(c) Transfer Not to Relieve Owner of its Obligation. Except as expressly provided herein, no assignment or transfer of any portion of the Montecito Town Center shall relieve Owner of its obligations hereunder as to the portion of the Montecito Town Center so assigned or transferred, and such assignment or transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such transferee shall be deemed to be the Owner hereunder unless such transferee expressly assumes such obligations and duties of Owner. This subsection

shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

12.2(d) In Connection with Financing Transactions. Owner has full discretion and authority to transfer, assign or encumber the Montecito Town Center or portions thereof, in connection with financing transactions, without limitation on the size or nature of any such transaction, the amount of land involved or the use of the proceeds therefrom, and may enter into such transactions at any time and from time to time without permission of or notice to City. All such financing transactions shall be subject to the terms and conditions of this Agreement,

12.3 Amendment or Cancellation of Agreement. Except as otherwise permitted by NRS 278.0205 and this Agreement, this Agreement may be amended from time to time or canceled but only upon the mutual written consent of the parties hereto.

12.4 Indemnity; Hold Harmless. Except as expressly provided in this Agreement, Owner shall hold City, its officers, agents, employees, and representatives harmless from liability for damage or claims for damage for personal injury, including death and claims for property damage which may arise from the direct or indirect operations of Owner or those of its contractors, subcontractors, agents, employees, or other persons acting on Owner's behalf which relate to the development of the Montecito Town Center. Owner agrees to and shall defend City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of Owner's activities in connection with the development of the Montecito Town Center. Owner agrees to indemnify, hold harmless, and provide and pay all costs and attorneys fees for a defense for City in any legal action filed in a court of competent jurisdiction by a third party alleging any such claims or challenging the validity of this Agreement. The provisions of this Section shall not apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City, its officers, agents, employees, or representatives.

12.5 Binding Effect of Agreement. Subject to Section 12.2 hereof, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the parties' respective successors in interest and the property which is the subject of this Agreement.

12.6 Relationship of Parties. It is understood that the contractual relationship between City and Owner is such that Owner is not an agent of City for any purpose and City is not an agent of Owner for any capacity.

12.7 Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

To City:

CITY OF LAS VEGAS
400 Stewart Avenue
Las Vegas, Nevada 89101

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ZON-6379 - REZONING - PUBLIC HEARING - APPLICANT: MICHAEL LAVIN - OWNER: WESTCARE WORKS, INC. - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE) on 5.21 acres located at 5659 Duncan Drive (APN 138-12-110-048), Ward 6 (Mack).

APPLICANT REQUESTS THIS ITEM BE WITHDRAWN WITHOUT PREJUDICE

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

3

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends **WITHDRAW WITHOUT PREJUDICE**

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

TRUESDELL – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-6396], Item 10 [GPA-6363], Item 16 [GPA-6333], Item 17 [ZON-6334], Item 18 [VAC-6163] and Item 19 [SDR-6336] to the 5/26/2005 Planning Commission Meeting; Item 9 [GPA-6221], Item 20 [ZON-6157], Item 21 [VAR-6349], Item 22 [VAR-6158], Item 23 [VAR-6407], Item 24 [SDR-6155] and Item 53 [SDR-6341] to the 6/09/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE Item 31 [ZON-6379] and Item 32 [SDR-6381] – **UNANIMOUS** with McSWAIN excused**

MINUTES:

There was no discussion.

(6:03 – 6:05)

MA **MORAN & ASSOCIATES**
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

JOHN T. MORAN, JR.*
JILL M. LYNNE
LEW BRANDON, JR.
JEFFERY A. BENDAVID
SHAWN R. HUGGINS
J.T. MORAN III
LADINE GRAVETZ
PROFESSIONAL CORPORATIONS
*OF COUNSEL

April 29, 2005

ATTORNEY/CLIENT PRIVILEGED

VIA FACSIMILE ONLY
(702) 474-0352

Mr. Doug Rankin
City of Las Vegas
731 S. Fourth Street
Las Vegas, Nevada 89101

Re:	Rezoning and Site Development Review Applications
Applications:	SDR 6381, ZON 6379
Jurisdiction:	City of Las Vegas

Dear Mr. Rankin:

Unfortunately and sadly for the greater community, Westcare is hereby withdrawing the above applications which were to go before the Board of Planning Commissioners.

Thank you for your attention to this matter. Should you have any questions and/or comments concerning this or any matter, please do not hesitate to contact me personally.

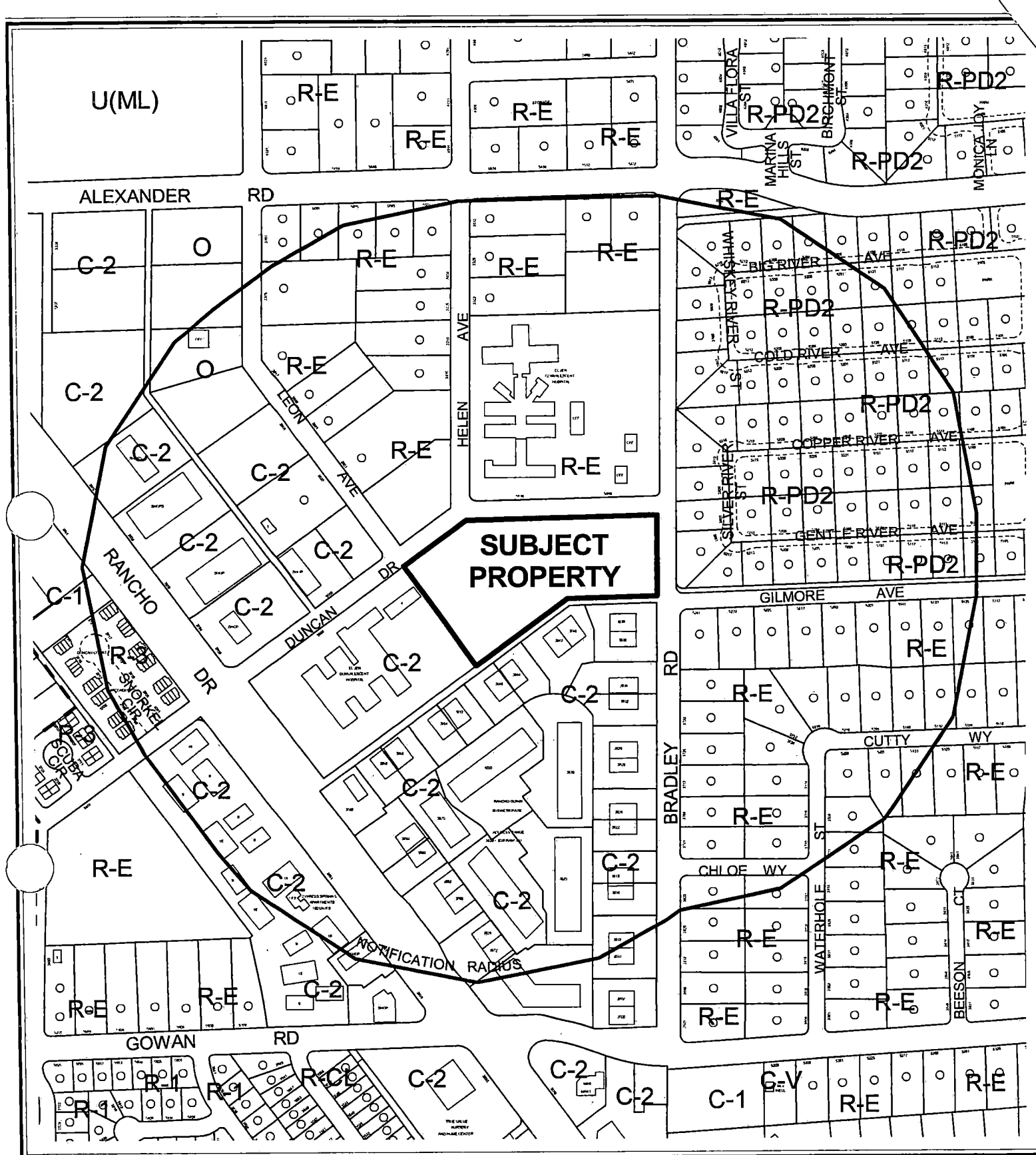
I remain,

Very truly yours,

John T. Moran III, Esq.
MORAN & ASSOCIATES

JT3/amw

cc: Richard Steinberg



CASE: ZON-6379

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

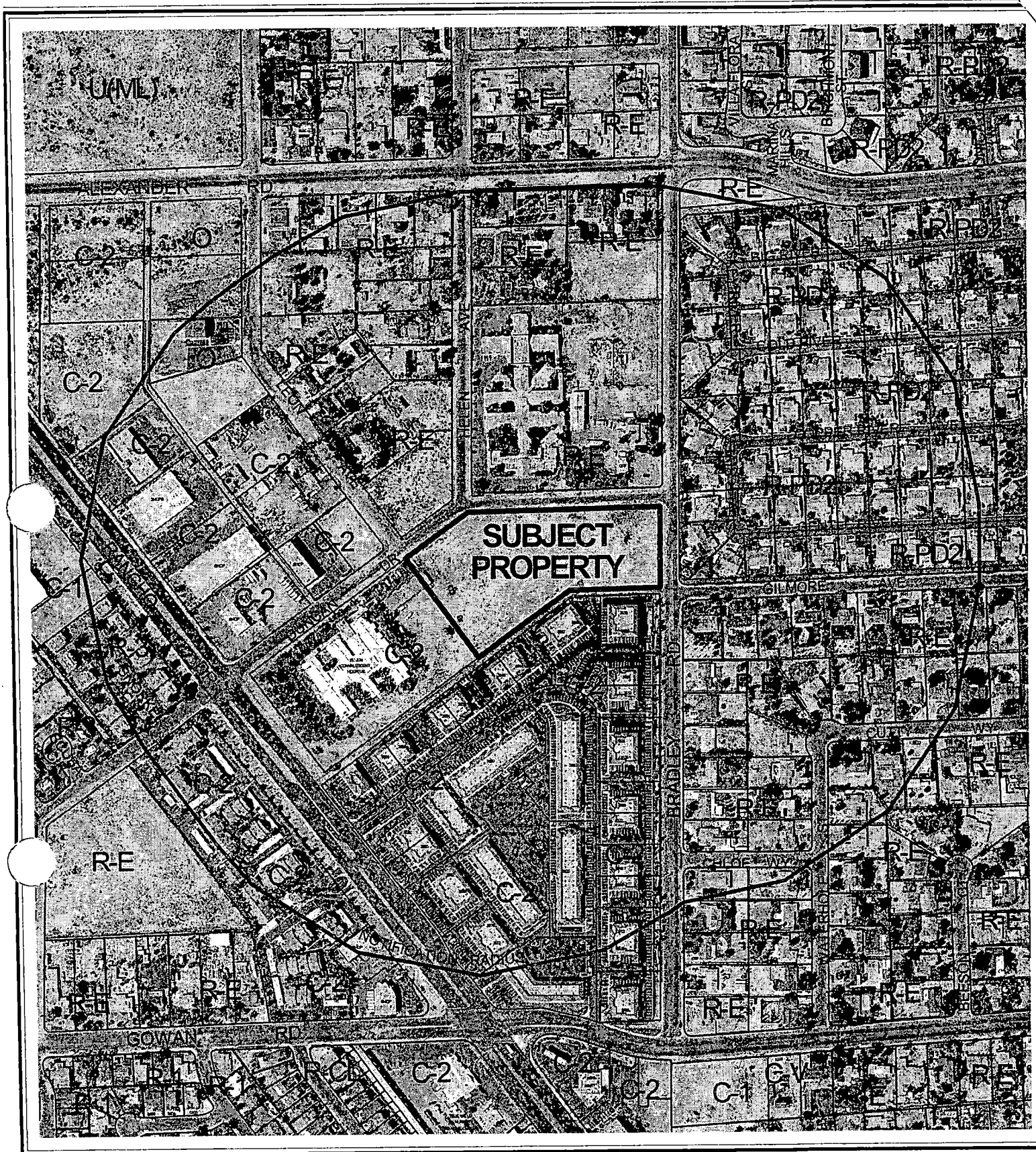
R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

0 400 800 Feet





CASE: **ZON-6379**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

City of Las Vegas

AGENDA MEMO

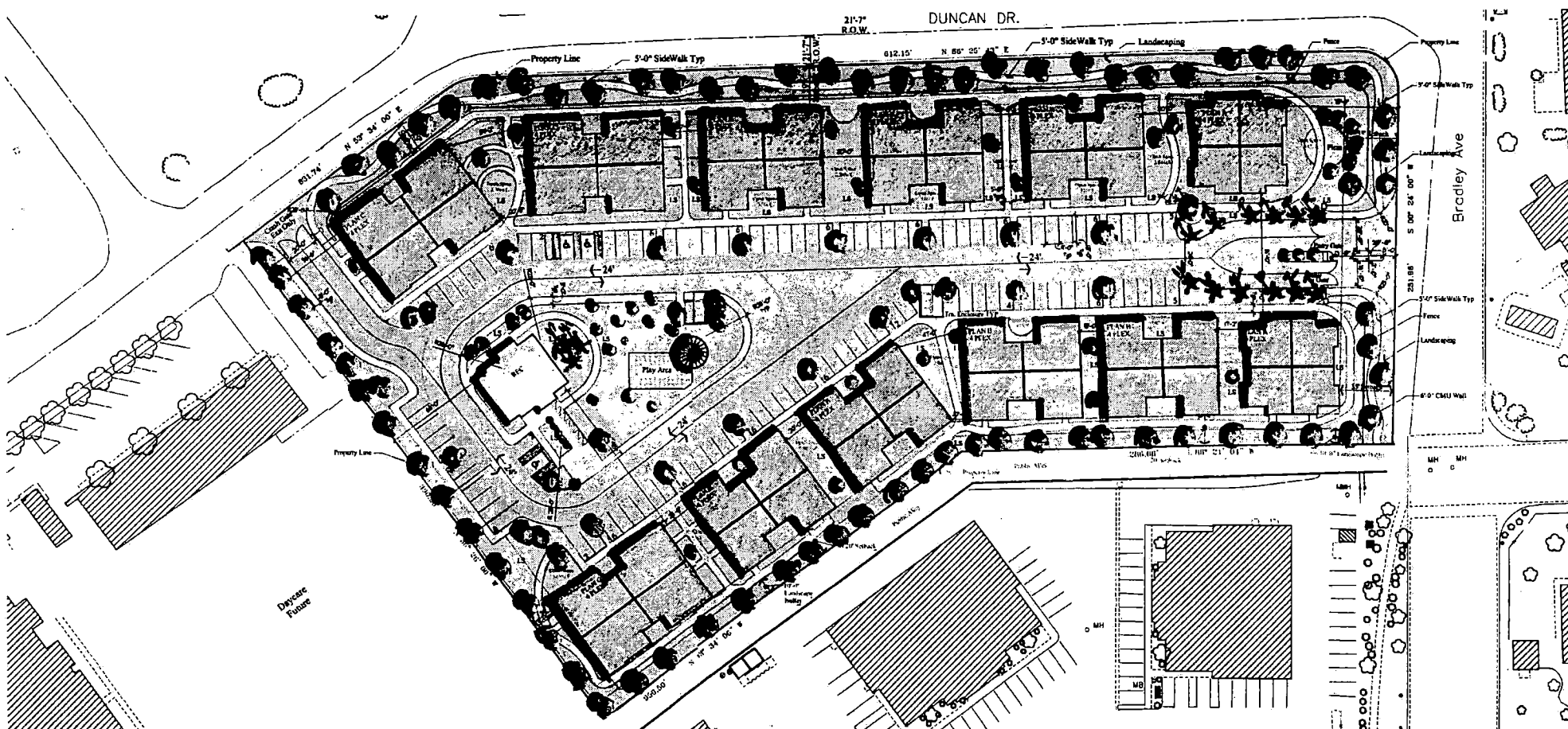
PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-6379 - APPLICANT: MICHAEL LAVIN - OWNER:
WESTCARE WORKS, INC.

***ON APRIL 29, 2005 THE APPLICANT
REQUESTED THIS ITEM BE WITHDRAWN
WITHOUT PREJUDICE.***

BTS



Tree/Plan Schedule

SYM	QTY	SIZE	SPACING	COMMON NAME	BOTANICAL NAME
★	15	24"DBH	Per Plan	PALM TREE	Washingtonia
●	55	24"DBH	20'-50' On Center	Modesto Ash	Fraxinus Velutina Modesto
●	41	24"DBH	20'-50' On Center	Alleppo Pine	Pinus Eborata
●	-	8' Ballon	4 Per Tree	Ornamental Shrub Drought Tolerant	Various
●	-	1' Ballon	4 Per Tree	Ornamental Shrub Drought Tolerant	Various

MULTI FAMILY SITE INFORMATION

ZONING - Clark County APN# 155-12-110-045 AREA GROSS (Approximate)5.21 acres AREA NET 4.8 acres		SETBACKS Front (East) 35' Front Side (North) 24' Side (South) 20' Rear (West) 20'		PARKING REQUIREMENTS Parking Required: (1 Bedroom) 8x1.25 = 10 (2 Bedrooms) 28x1.75 = 49 (3 Bedrooms) 12x2 = 24 Guest 1/6 units = 8 Total, 91	
BUILDINGS Buildings * 12 Units # 48		Required Open Space: 1.65% x 4.21 x 5.21 = 0.74 acres		Parking Provided : 105	
HEIGHT Maximum Allowed: 35 ft Provided: 28 ft		Open Space Provided: Public 37,446 s.f. = 0.86 acres Private 1,005 s.f. = 0.02 acres Total: = 0.88 acres		Parking Ratio 2.2/ unit	
DENSITY: 9.21 Units/Acre		Lot Coverage: 25.8%		H.C. Parking Required (2% of 105) 3 H.C. Parking Provided 3	

Westcare Cottages

Las Vegas, Nevada

ZON-6379

SDR-6381

05-12-05 PC

REVISED 04-22-05

Conceptual Site Plan

Hand Construction Co.

Las Vegas, Nevada, (702)-739 3345

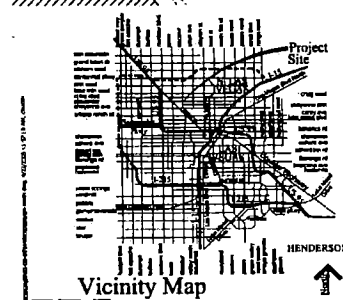
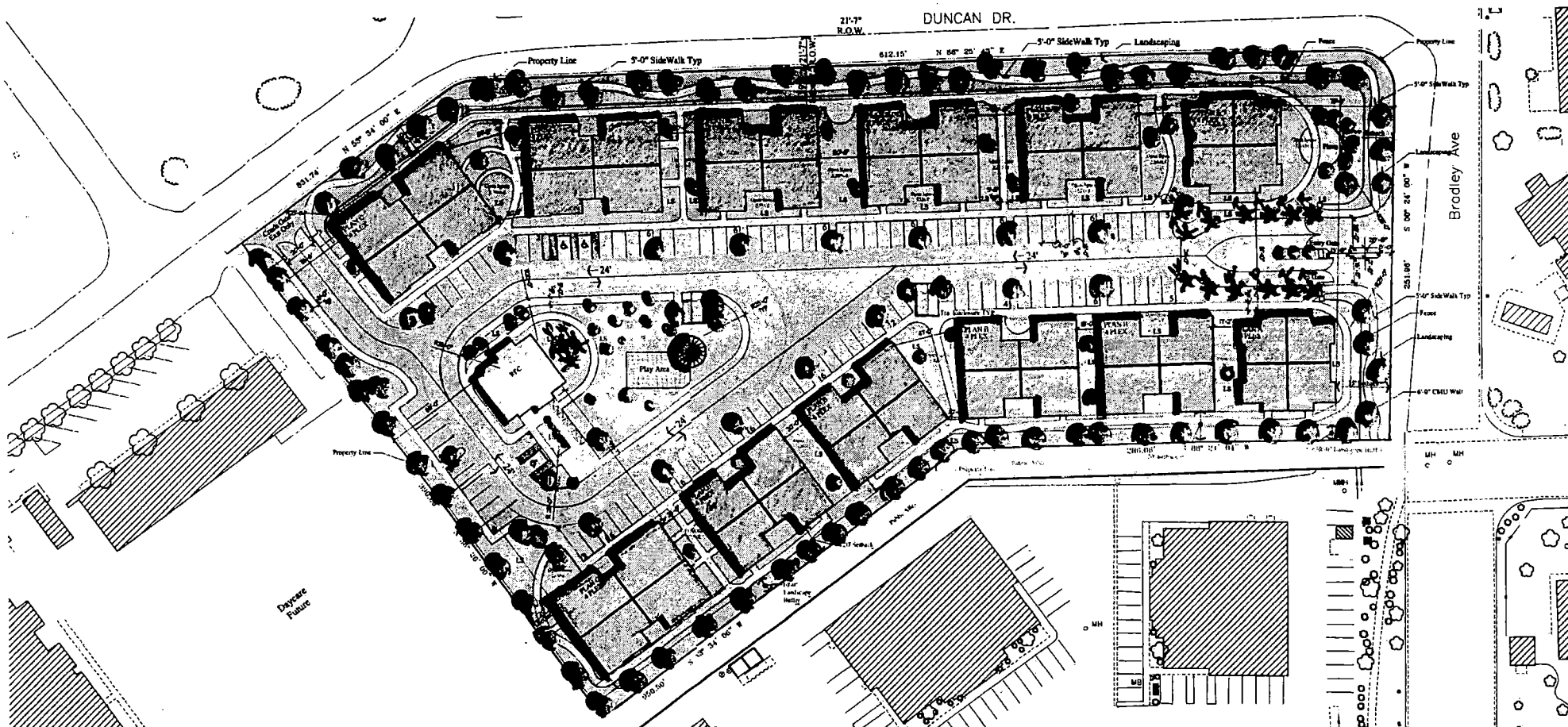
Date: April 22, 2005
Project Number: 104457

Scale: 1"=30'-0"

0 30 60

APR 22 2005





Tree/Plan Schedule

SYM	QTY	SIZE	SPACING	COMMON NAME	BOTANICAL NAME
★	15	24"BOX	Per Plan	PALM TREE	Washingtonia
☉	30	24"BOX	20'-30' On Center	Modesto ASH	Fraxinus Velutina Modesto
☼	41	24"BOX	20'-30' On Center	Alleppo Pine	Pinus Elicatica
☼	5	6"ton	4 Per Tree	Ornamental Shrub Drought Tolerant	Various
•	1	6"ton	4 Per Tree	Ornamental Shrub Drought Tolerant	Various

MULTI FAMILY SITE INFORMATION

ZONING - Clark County APN# 195-12-110-048 AREA GROSS (Approximate) 5.21 acres AREA NET 4.8 acres		SETBACKS Front (East) 35' Front Side (North) 24' Side (South) 20' Rear (West) 20'		PARKING REQUIREMENTS Parking Required: (1 Bedroom) 8x1.25 = 10 (2 Bedrooms) 28x1.75 = 44 (3 Bedrooms) 12x2 = 24 Sweet 1/6 units = 0 Total = 41	
BUILDINGS Buildings # 12 Units # 48		Required Open Space: 1.65% x 4.21 x 5.21 = 0.79 acres		Parking Provided: = 105	
HEIGHT Maximum Allowed: 35 ft Provided: 28 ft		Open Space Provided: Public 37,496 s.f. = 0.86 acres Private 1,005 s.f. = 0.02 acres Total = 0.88 acres		Parking Ratio 2.2/ Unit	
DENSITY: 9.21 Units/Acre		Lot Coverage: 25.8%		H.C. Parking Required (2% of 105) 3 H.C. Parking Provided 3	

Westcare Cottages

Las Vegas, Nevada

ZON-6379

SDR-6381

05-12-05 PC

REVISED 04-22-05

Conceptual Landscape Plan

Hand Construction Co.

Las Vegas, Nevada, (702)-739 3345

Date: April 22, 2005
Project Number: 104457

Scale: 1"=30'-0"

0 30 60

RECEIVED

APR 22 2005



JUSTIFICATION LETTER

Applicant seeks to Rezone parcel with APN 138-12-110-048 located at 5659 Duncan Drive, Las Vegas, Nevada. The proposed amendment seeks to change the current zoning from R-E to R-PD9, which will allow for long-term residential housing at the proposed site location.

Approval of the site development will not adversely affect the community surrounding the application site. In fact, the requested site development will promote the health, safety, and general welfare of the surrounding community and the community as a whole. The aforementioned proposed site, consisting of twelve four-plex units, will provide long-term residential housing for women and children. Specifically, the site will offer housing to women and their children who have had difficulty in sustaining long-term housing. To ensure the long-term success of the proposed development each of the residents approved for the residential housing will be carefully screened and provided the opportunity for on-going services, support and or continued treatment for the residents.

The proposed site development will be consistent with the character of other comparable businesses, applicable adopted plans, goals and policies in the immediate area. Specifically, a nursing home, a commercial business park and residential homes are in the vicinity of the proposed site development. Accordingly the proposed site development will not establish an undesirable precedent.

In addition, the requested site development will not have a substantial adverse effect on public facilities. Specifically, storm water and drainage facilities will remain unaffected as a result of the proposed site development. Further, approval of the site development will not adversely affect traffic conditions or the surrounding neighborhood. Furthermore, applicant agrees to abide by all required guidelines mandated by the City of Las Vegas and Clark County and guarantees the prospective site development will comply with City of Las Vegas and Clark County Codes.

ZON-6379

May 3, 2005

**Planning Commission
City of Las Vegas**

Commission Members:

This correspondence is in reference to ZON-6379 and SDR-6381, the proposal to change the zoning of the vacant property at 5659 Duncan Drive to allow for a large expansion of the Westcare Drug Rehab to permanently house drug program mothers with their children and other 'unmanageable' individuals from throughout the metro area.

We are VERY MUCH OPPOSED to this proposal. This whole area is a residence estates area and we want it to continue as such! We already have two other existing 'half-way' houses in the immediate area and that should be enough of these facilities in our area. We are concerned about the potential added crime to the neighborhood with the addition of these 'drug mothers' and other undesirable individuals living and walking in our neighborhood. What happens when their husbands, boyfriends, ex's, drug suppliers, etc. come into our neighborhood and the confrontations begin?

This expansion proposal will be disastrous to all property values in our area and we URGE YOU TO DENY ANY FURTHER EXPANSION OF THE WESTCARE DRUG REHAB property.

Sincerely,

Ronald and Carroll Tucker

Ronald and Carroll Tucker

5113 Big River Ave. LV, NV 89130

*ZON-6379
SDR-6381
P*

May 3, 2005

Planning Commission
City of Las Vegas

Commission Members:

This correspondence is in reference to ZON-6379 and SDR-6381, the proposal to change the zoning of the vacant property at 5659 Duncan Drive to allow for a large expansion of the Westcare Drug Rehab to permanently house drug program mothers with their children and other 'unmanageable' individuals from throughout the metro area.

We are VERY MUCH OPPOSED to this proposal. This whole area is a residence estates area and we want it to continue as such! We already have two other existing 'half-way' houses in the immediate area and that should be enough of these facilities in our area. We are concerned about the potential added crime to the neighborhood with the addition of these 'drug mothers' and other undesirable individuals living and walking in our neighborhood. What happens when their husbands, boyfriends, ex's, drug suppliers, etc. come into our neighborhood and the confrontations begin?

This expansion proposal will be disastrous to all property values in our area and we URGE YOU TO DENY ANY FURTHER EXPANSION OF THE WESTCARE DRUG REHAB property.

Sincerely,

SAL CATANESE
5120 8th RIVER AVE
LAS VEGAS, NEVADA 89130

5-9-05

Doug Rankin,

We own property at 5201 Big
River Ave and we received a
Notice of a Public Hearing for ZON
6379 & SDR-6381, We are
Opposed to any changes to the
R-E Zoning in place for this area

Respectfully Yours

John Brenda Hasler
5201 Big River
PA # 655-4226.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SDR-6381 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-6379 - PUBLIC HEARING - APPLICANT: MICHAEL LAVIN - OWNER: WESTCARE WORKS, INC. - Request for Site Development Plan Review FOR 48 RESIDENTIAL HOUSING UNITS on 5.21 acres adjacent to the southwest corner of Duncan Drive and Bradley Road (APN 138-12-110-048), R-E (Residence Estates) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre)], Ward 6 (Mack).

APPLICANT REQUESTS THIS ITEM BE WITHDRAWN WITHOUT PREJUDICE

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

3

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends **WITHDRAW WITHOUT PREJUDICE**

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

TRUESDELL – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-6396], Item 10 [GPA-6363], Item 16 [GPA-6333], Item 17 [ZON-6334], Item 18 [VAC-6163] and Item 19 [SDR-6336] to the 5/26/2005 Planning Commission Meeting; Item 9 [GPA-6221], Item 20 [ZON-6157], Item 21 [VAR-6349], Item 22 [VAR-6158], Item 23 [VAR-6407], Item 24 [SDR-6155] and Item 53 [SDR-6341] to the 6/09/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE Item 31 [ZON-6379] and Item 32 [SDR-6381] – **UNANIMOUS** with McSWAIN excused**

MINUTES:

There was no discussion.

(6:03 – 6:05)



MORAN & ASSOCIATES
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

JOHN T. MORAN, JR.*
JILL M. LYNNE
LEW BRANDON, JR.
JEFFERY A. BENDAVID
SHAWN R. HUGGINS
J.T. MORAN III
LADINE ORAVETZ
PROFESSIONAL CORPORATIONS
*OF COUNSEL

April 29, 2005

ATTORNEY/CLIENT PRIVILEGED

VIA FACSIMILE ONLY
(702) 474-0352

Mr. Doug Rankin
City of Las Vegas
731 S. Fourth Street
Las Vegas, Nevada 89101

Re:	Rezoning and Site Development Review Applications
Applications:	SDR 6381, ZON 6379
Jurisdiction:	City of Las Vegas

Dear Mr. Rankin:

Unfortunately and sadly for the greater community, Westcare is hereby withdrawing the above applications which were to go before the Board of Planning Commissioners.

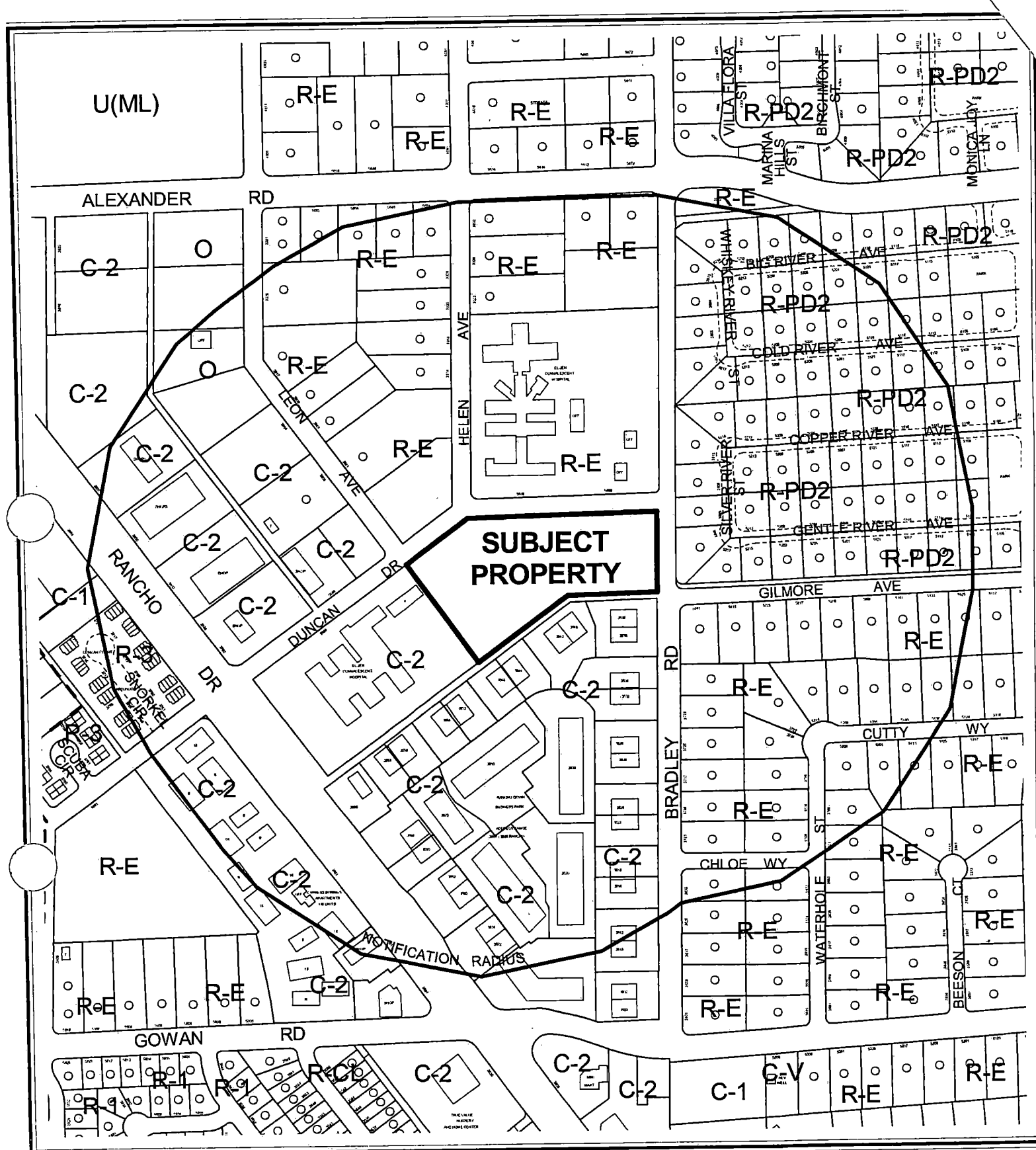
Thank you for your attention to this matter. Should you have any questions and/or comments concerning this or any matter, please do not hesitate to contact me personally.
I remain,

Very truly yours,

John T. Moran III, Esq.
MORAN & ASSOCIATES

JT3/amw

cc: Richard Steinberg



CASE: SDR-6381

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

0 400 800 Feet



City of Las Vegas

AGENDA MEMO

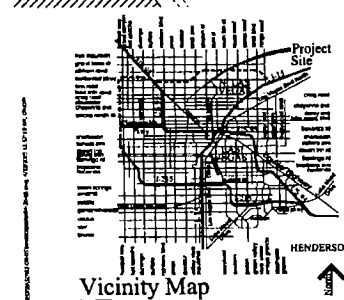
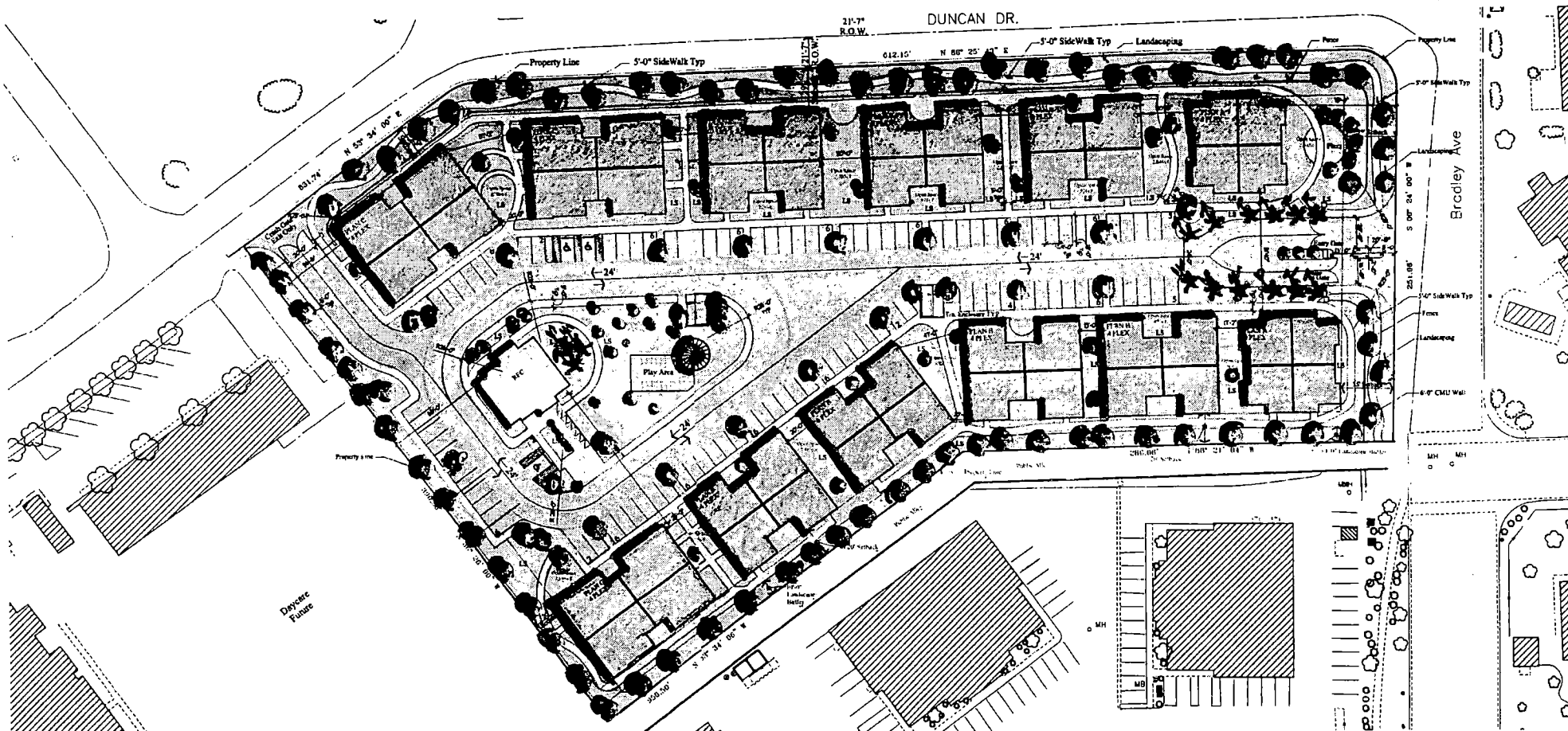
PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-6381 - APPLICANT: MICHAEL LAVIN - OWNER:
WESTCARE WORKS, INC.

***ON APRIL 29, 2005 THE APPLICANT
REQUESTED THIS ITEM BE WITHDRAWN
WITHOUT PREJUDICE.***

BTS



Tree/Plan Schedule

SYM	QTY	SIZE	SPACING	COMMON NAME	BOTANICAL NAME
★	15	24"DBH	Per Plan	PALM TREE	Washingtonia
●	55	24"DBH	20'-30' On Center	Madroño Ash	Fraxinus velutina Madroño
●	41	24"DBH	20'-30' On Center	Allegra Pine	Pinus Eclatara
●	3	6"calm	4 Per Tree	Ornamental Shrub Drought Tolerant	Various
●	1	6"calm	4 Per Tree	Ornamental Shrub Drought Tolerant	Various

MULTI FAMILY SITE INFORMATION

ZONING - Clark County APN# 188-12-110-048 AREA GROSS (Approximate) 5.21 acres AREA NET 4.8 acres		SETBACKS Front (East) 35' Front Side (North) 24' Side (South) 20' Rear (West) 20'		PARKING REQUIREMENTS Parking Required: (1 Bedroom) 8x1.25 = 10 (2 Bedrooms) 28x1.15 = 44 (3 Bedrooms) 12x2 = 24 Guest 1/6 units = 8 Total = 91	
BUILDINGS Buildings # 12 Units # 48		Required Open Space: 1.65% x 4.21 x 5.21 = 0.74 acres		Parking Provided : = 105	
HEIGHT Maximum Allowed: 35 ft Provided: 28 ft		Open Space Provided: Public 37,496 s.f. = 0.86 acres Private: 1,005 s.f. = 0.02 acres Total = 0.88 acres		Parking Ratio 2.2/ unit	
DENSITY: 9.21 Units/Acre		Lot Coverage: 25.8%		H.C. Parking Required (2% of 105) 3 H.C. Parking Provided 3	

Westcare Cottages

Las Vegas, Nevada

ZON-6379

SDR-6381

05-12-05 PC

REVISED 04-22-05

Conceptual Site Plan

Hand Construction Co.

Las Vegas, Nevada, (702)-739 3345

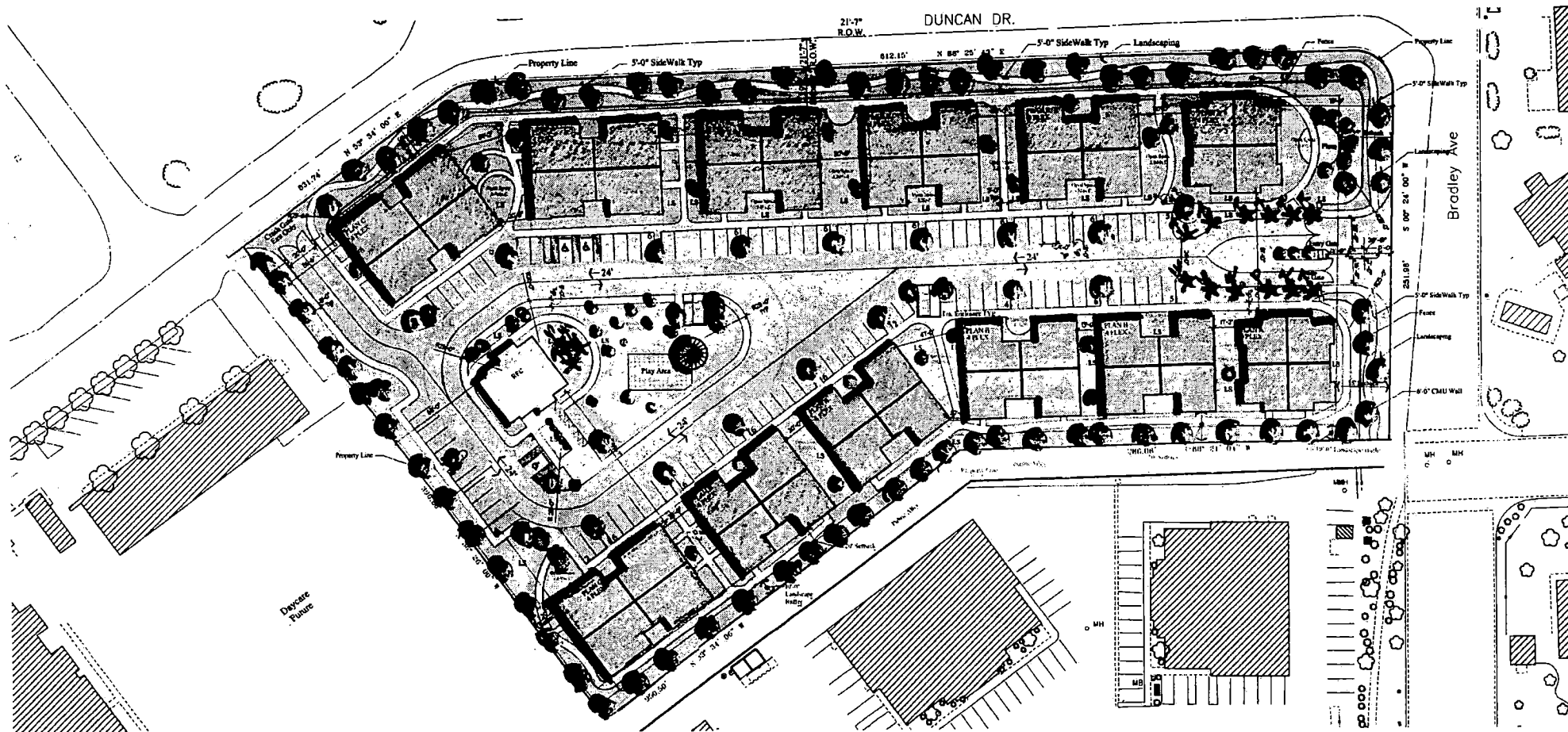
Date: April 22, 2005
Project Number: 104437

Scale: 1"=30'-0"

RECEIVED

APR 22 2005

Perlman
PERLMAN ARCHITECTS, INC. 2230
CORPORATE CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89174
(702) 592-9900 (702) 592-3222 fax



Tree/Plan Schedule

SYM	QTY	SIZE	SPACING	COMMON NAME	BOTANICAL NAME
★	15	24"BOX	Per Plan	PALM TREE	Washingtonia
●	30	24"BOX	30'-30' On Center	Modesto Ash	Fraxinus Velutina Modesto
●	41	24"BOX	30'-30' On Center	Aleppo Pine	Pinus Eridica
●	-	5 gallon	4 Per Tree	Ornamental Shrub Drought Tolerant	Various
●	-	1 gallon	4 Per Tree	Ornamental Shrub Drought Tolerant	Various

MULTI FAMILY SITE INFORMATION

ZONING - Clark County APN# 138-12-110-048 AREA GROSS (Approximate) 5.21 acres AREA NET 4.8 acres		SETBACKS Front (East) 35' Front Side (North) 29' Side (South) 20' Rear (West) 20'		PARKING REQUIREMENTS Parking Required: (1 Bedroom) 8x1.25 = 10 (2 Bedrooms) 28x1.75 = 49 (3 Bedrooms) 12x2 = 24 Guest 1/6 units = 8 Total = 91	
BUILDINGS Buildings # 12 Units # 48		Required Open Space: 1.65% x 4.21 x 5.21 = 0.79 acres		Parking Provided: 105	
HEIGHT Maximum Allowed: 35 ft Provided: 28 ft		Open Space Provided: Public 37,496 s.f. = 0.86 acres Private 1,008 s.f. = 0.02 acres Total = 0.88 acres		Parking Ratio 2.2/ unit	
DENSITY: 4.21 Units/Acre		Lot Coverage: 25.8%		H.C. Parking Required (2% of 105) 3 H.C. Parking Provided 3	



Westcare Cottages

Las Vegas, Nevada

ZON-6379

SDR-6381

05-12-05 PC

DEVELOPED 04.22.05

Conceptual Landscape Plan

Hand Construction Co.

Las Vegas, Nevada, (702)-739 3345

Date: April 22, 2005
Project Number: 104437

Scale: 1"=30'-0"

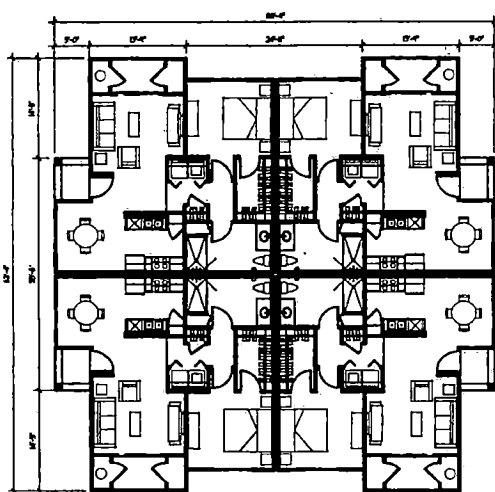


APR 22 2005

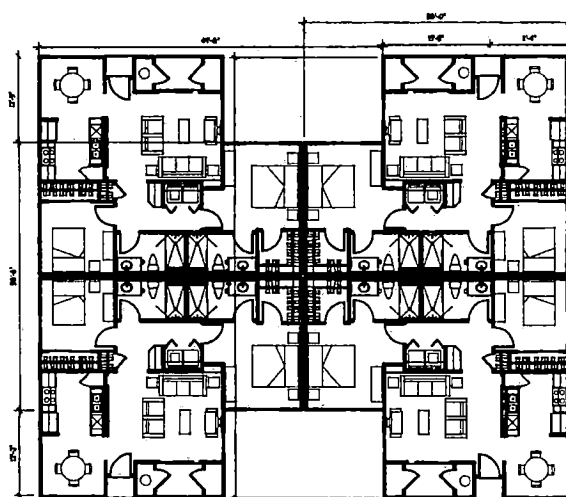
Perلمان

PERLMAN ARCHITECTS, INC. 2230
CORPORATE CIRCLE, SUITE 200
LAS VEGAS, NEVADA 89129
(702) 591-1111 FAX (702) 591-1112

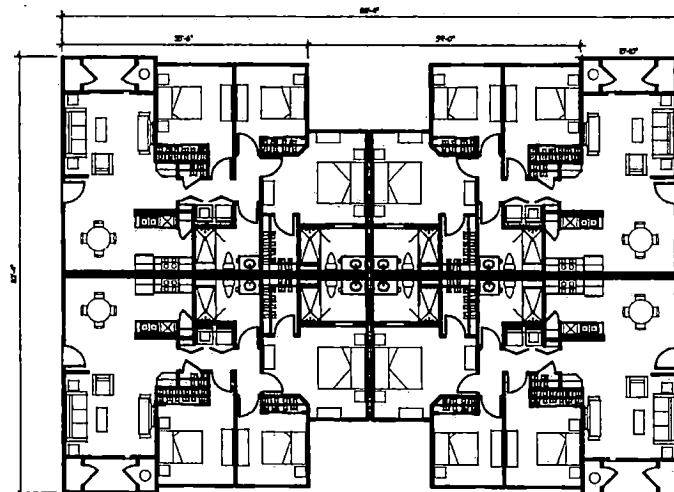
2004 Residential Projects\104457\SCHEMATIC DESIGN\SD\01-19-05\BUILDING PLANS\01-20-05.dwg, 3/14/2005 5:53:57 PM, chuddh



BUILDING PLAN A - 1 BEDROOM
Scale: 1/8"=1'-0"



BUILDING PLAN B - 2 BEDROOM
Scale: 1/8"=1'-0"



BUILDING PLAN C - 3 BEDROOM
Scale: 1/8"=1'-0"

Westcare Cottages

ZON-6379
SDR-6381
05-12-05 PC

Hand Contruction Co.
Las Vegas, Nevada, (702)-739 3345

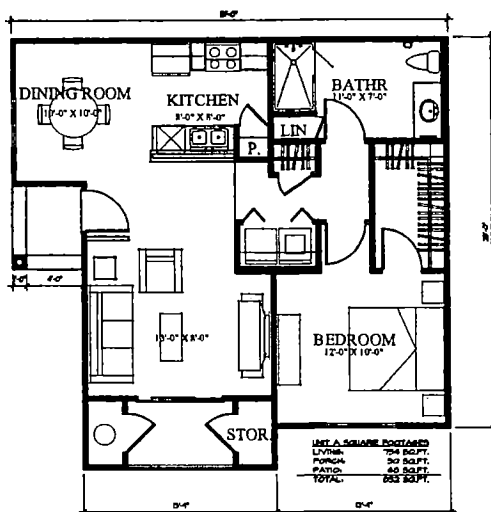
Conceptual Building Composite Plans

Date: March 14, 2005
Project Number: 104447

Perlman
PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.950.9900 702.532.3222 fax

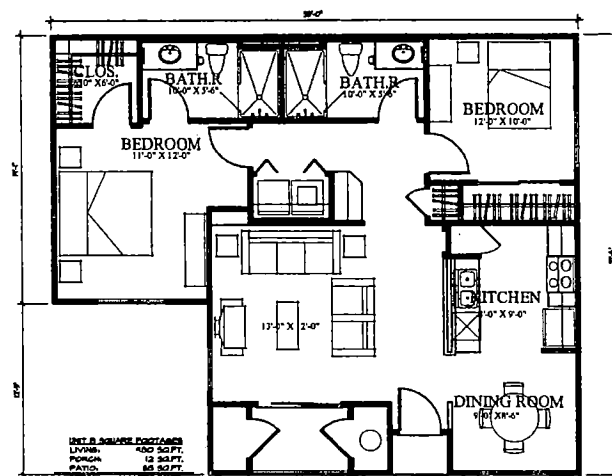
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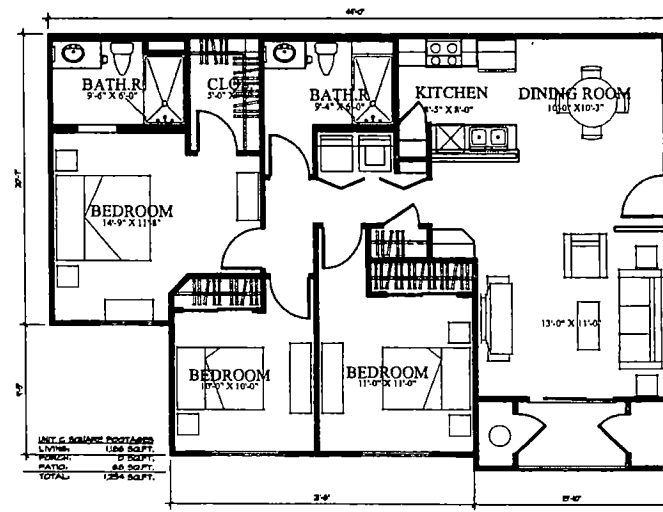
UNIT PLAN A - 1 BEDROOM
Scale: 1/4"=1'-0"

UNIT PLAN A SQUARE FOOTAGES	
LIVING	754 SF
PORCH	30 SF
PATIO	61 SF
TOTAL	851 SF



UNIT PLAN B - 2 BEDROOM
Scale: 1/4"=1'-0"

UNIT PLAN B SQUARE FOOTAGES	
LIVING	980 SF
PORCH	12 SF
PATIO	45 SF
TOTAL	1,037 SF



UNIT PLAN C - 3 BEDROOM
Scale: 1/4"=1'-0"

UNIT PLAN C SQUARE FOOTAGES	
LIVING	1,186 SF
PORCH	6 SF
PATIO	61 SF
TOTAL	1,254 SF

Westcare Cottages

ZON-6379
SDR-6381
05-12-05 PC

Hand Construction Co.
Las Vegas, Nevada, (702)-739 3345

Conceptual Unit Plan

Date: March 14, 2005
Project Number: 104457

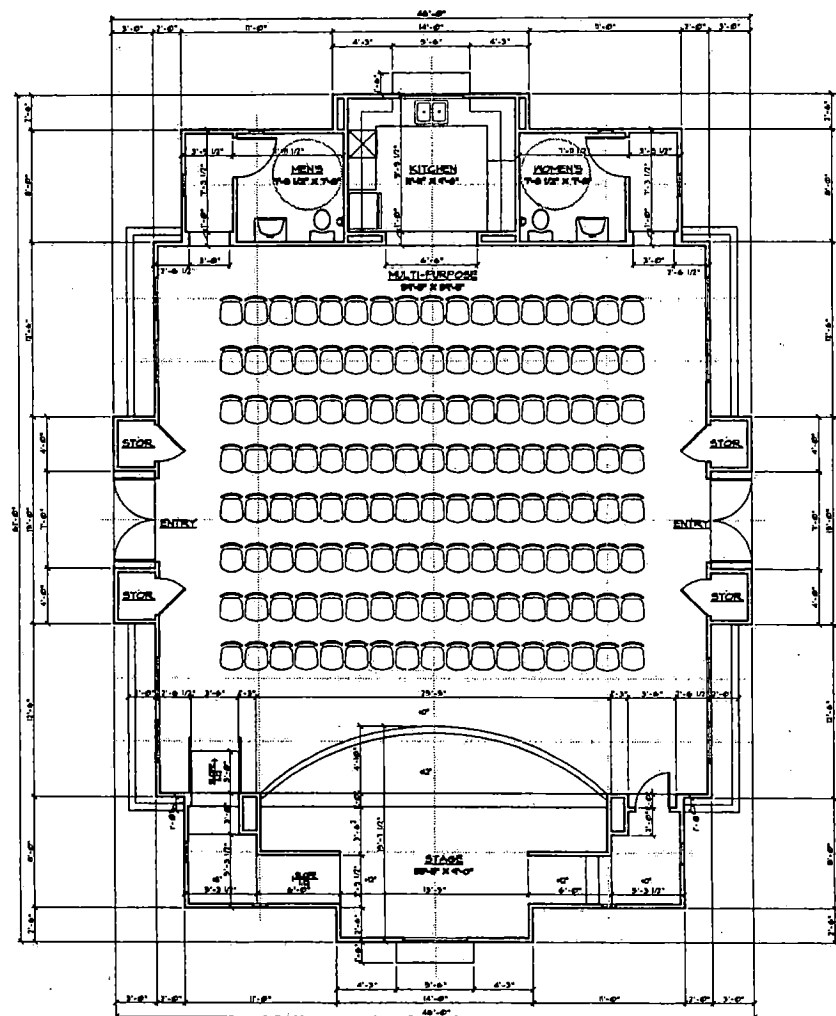


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HENDERSON, NEVADA 89074
702.990.9900 702.932.3222 fax

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@ Clark County, Nevada

R:\2004 Building Projects\104457\SCHEMATIC DESIGN\SD\01-19-05\REC BUILD03-14-05.dwg, 3/14/2005 6:00:44 PM, chuckh



AREA CALC'S
RECREATION CENTER 3294 SF

REC Building Plan
Scale: 1/4"=1'-0"

ZON-6379
SDR-6381
05-12-05 PC

Hand Contruction Co.
Las Vegas, Nevada, (702)-739 3345

Conceptual REC Plan

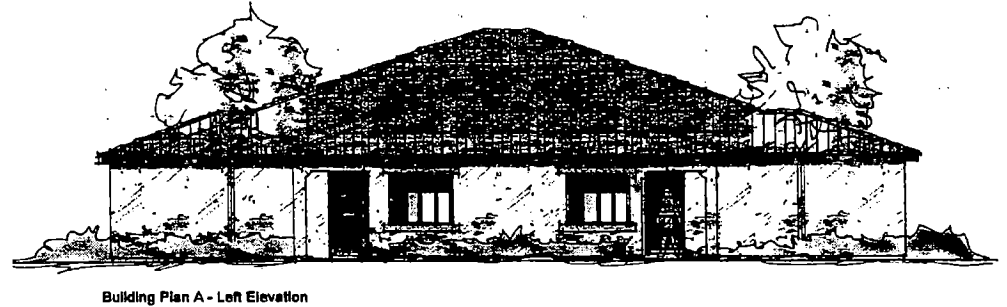
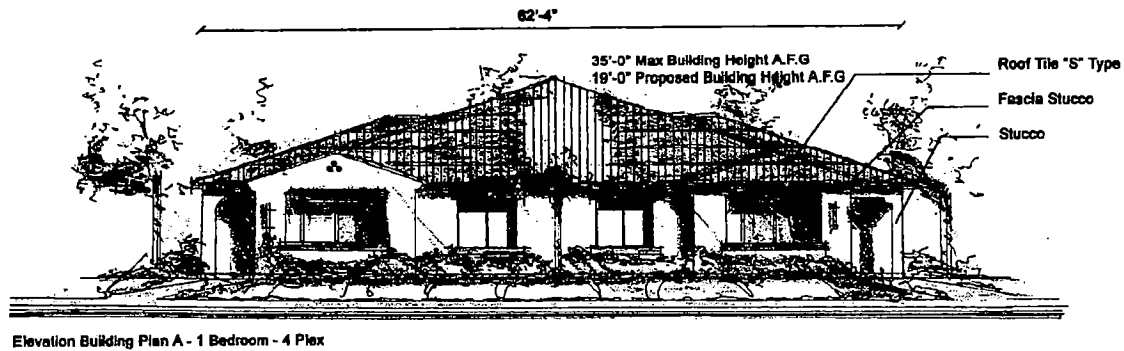
Date: March 14, 2005
Project Number: 104457

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Westcare Cottages

@ Clark Countv. Nevada



Westcare Cottages

@ Clark County, Nevada

ZON-6379
SDR-6381
05-12-05 PC

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Las Vegas, Nevada, (702)-739 3345

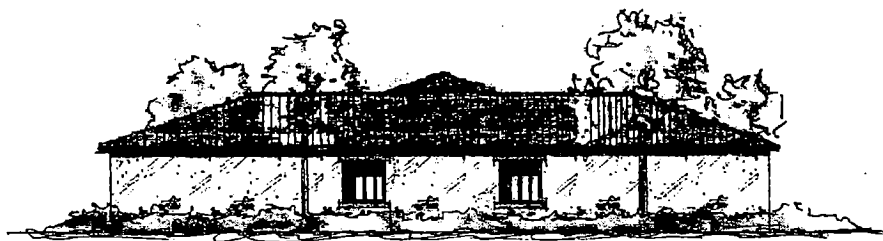
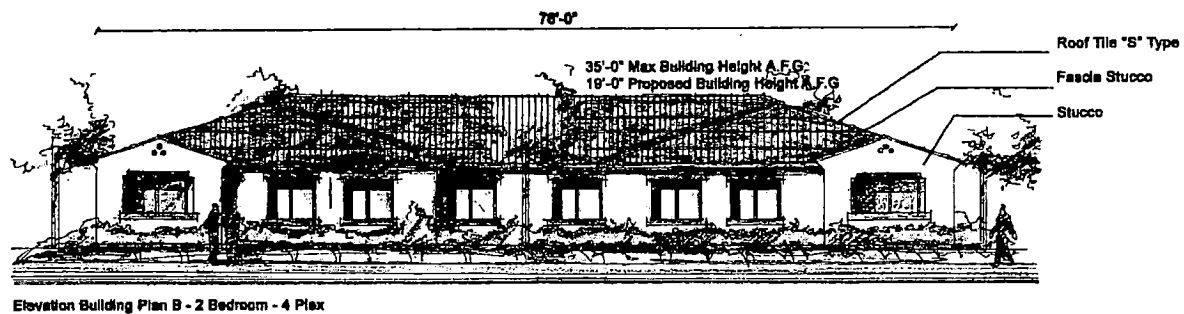
Conceptual Elevations

Date: March 11, 2005
Project Number: 104457



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2220 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.590.1900 702.832.2222 fax

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Building Plan B - Right Elevation



Elevation Building B - Left Elevation

Westcare Cottages

@ Clark County, Nevada

ZON-6379
SDR-6381
05-12-05 PC

Hand Construction Co.
Las Vegas, Nevada, (702)-739 3345

Conceptual Elevations

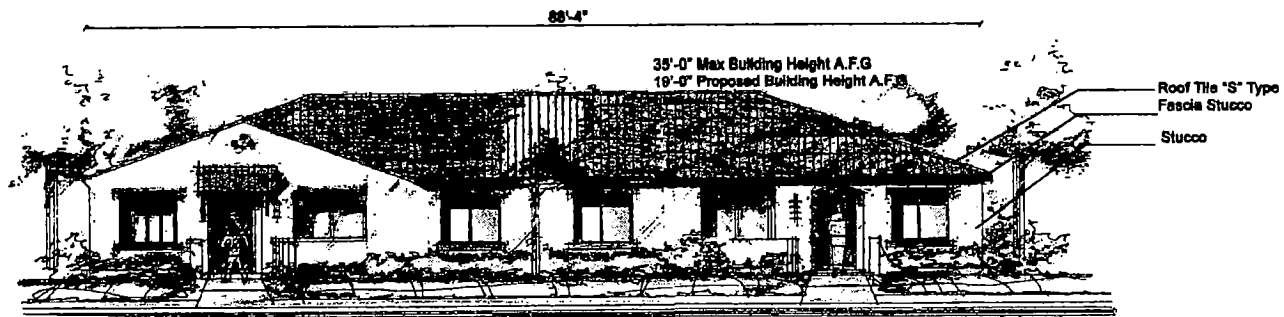
Date: March 11, 2005
Project Number: 104457



Pertman

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2030 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.990.1800 FAX 702.902.3022

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Elevation Building Plan C - 3 Bedroom - 4 plex



Building Plan C - Left, Right Elevation

Westcare Cottages

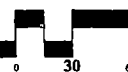
@ Clark County, Nevada

ZON-6379
SDR-6381
05-12-05 PC

Hand Contruction Co.
Las Vegas, Nevada, (702)-739 3345

Conceptual Elevations

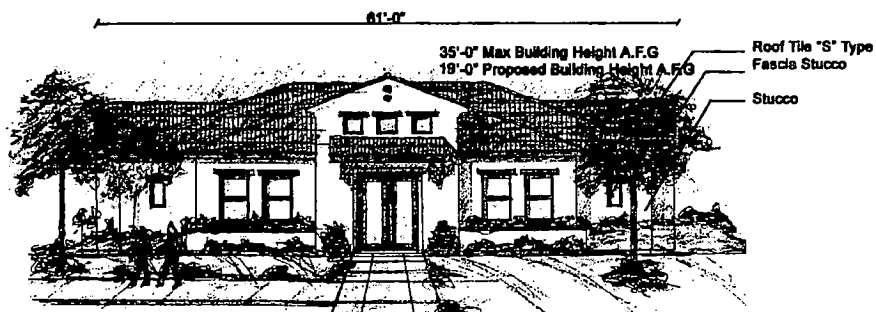
Date: March 11, 2005
Project Number: 104457



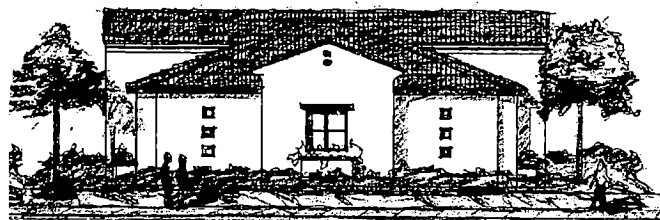
Perlman

PERLMAN ARCHITECTS, INC.
2250 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.980.0900 702.932.3022 fax

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Rec. Building - Front-Rear Elevation



Right - Left Elevation

Westcare Cottages

@ Clark County, Nevada

ZON-6379
SDR-6381
05-12-05 PC

Hand Contruction Co.
Las Vegas, Nevada, (702)-739 3345

Conceptual Elevations

Date: March 11, 2005
Project Number: 104457



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2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.990.0900 702.932.3222 fax

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May 3, 2005

**Planning Commission
City of Las Vegas**

Commission Members:

This correspondence is in reference to ZON-6379 and SDR-6381, the proposal to change the zoning of the vacant property at 5659 Duncan Drive to allow for a large expansion of the Westcare Drug Rehab to permanently house drug program mothers with their children and other 'unmanageable' individuals from throughout the metro area.

We are VERY MUCH OPPOSED to this proposal. This whole area is a residence estates area and we want it to continue as such! We already have two other existing 'half-way' houses in the immediate area and that should be enough of these facilities in our area. We are concerned about the potential added crime to the neighborhood with the addition of these 'drug mothers' and other undesirable individuals living and walking in our neighborhood. What happens when their husbands, boyfriends, ex's, drug suppliers, etc. come into our neighborhood and the confrontations begin?

This expansion proposal will be disastrous to all property values in our area and we URGE YOU TO DENY ANY FURTHER EXPANSION OF THE WESTCARE DRUG REHAB property.

**Sincerely,
Ronald and Carroll Tucker
Ronald and Carroll Tucker
5113 Big River Ave. LV, NV 89130**

*ZON-6379
SDR-6381
P*

JUSTIFICATION LETTER

Applicant seeks a Site Development Review for parcel with APN: 138-12-110-048 located at 5659 Duncan Drive, Las Vegas, Nevada.

Approval of the site development will not adversely affect the community surrounding the application site. In fact, the requested site development will promote the health, safety, and general welfare of the surrounding community and the community as a whole. The aforementioned proposed site, consisting of twelve four-plex units, will provide long-term residential housing for women and children. Specifically, the site will offer housing to women and their children who have had difficulty in sustaining long-term housing. To ensure the long-term success of the proposed development each of the residents approved for the residential housing will be carefully screened and provided the opportunity for on-going services, support and or continued treatment for the residents.

The proposed site development will be consistent with the character of other comparable businesses, applicable adopted plans, goals and policies in the immediate area. Specifically, a nursing home, a commercial business park and residential homes are in the vicinity of the proposed site development. Accordingly the proposed site development will not establish an undesirable precedent.

In addition, the requested site development will not have a substantial adverse effect on public facilities. Specifically, storm water and drainage facilities will remain unaffected as a result of the proposed site development. Further, approval of the site development will not adversely affect traffic conditions or the surrounding neighborhood. Furthermore, applicant agrees to abide by all required guidelines mandated by the City of Las Vegas and Clark County and guarantees the prospective site development will comply with City of Las Vegas and Clark County Codes.

SDR-6381

May 3, 2005

Planning Commission
City of Las Vegas

Commission Members:

This correspondence is in reference to ZON-6379 and SDR-6381, the proposal to change the zoning of the vacant property at 5659 Duncan Drive to allow for a large expansion of the Westcare Drug Rehab to permanently house drug program mothers with their children and other 'unmanageable' individuals from throughout the metro area.

We are VERY MUCH OPPOSED to this proposal. This whole area is a residence estates area and we want it to continue as such! We already have two other existing 'half-way' houses in the immediate area and that should be enough of these facilities in our area. We are concerned about the potential added crime to the neighborhood with the addition of these 'drug mothers' and other undesirable individuals living and walking in our neighborhood. What happens when their husbands, boyfriends, ex's, drug suppliers, etc. come into our neighborhood and the confrontations begin?

This expansion proposal will be disastrous to all property values in our area and we URGE YOU TO DENY ANY FURTHER EXPANSION OF THE WESTCARE DRUG REHAB property.

Sincerely,

SAL. CATANESE
5120 BIG RIVER AVE
LAS VEGAS, NEVADA 89130

5-9-05

Doug Rankin,

We own property at 5201 Big
River Ave and we received a
Notice of a Public Hearing for ZON
6379 & SDR-6381, We are
Opposed to any changes to the
R-E Zoning in place for this area

Respectfully Yours

John & Brenda Haslam
5201 Big River
PA # 655-4226.

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ZON-6412 - REZONING - PUBLIC HEARING - APPLICANT/ OWNER: CIELO VISTA LLC - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: C-2 (GENERAL COMMERCIAL) on 1.1 acres adjacent to the southeast corner of Washington Avenue and Veterans Memorial Drive (APN 139-27-708-001), Ward 5 (Weekly).

C.C. 06/15/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with McSWAIN excused

To be heard by City Council 6/15/2005

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open on Item 33 [ZON-6412], Item 34 [VAR-6413], Item 35 [SUP-6414] and Item 36 [SDR-6411].

KYLE WALTON, Planning and Development Department, gave a brief overview of the applications. He stated the subject parcel would need to be rezoned for the proposed use, which would be compatible with the existing uses in the area. Regarding the Variance, the elements of the exterior designs minimize the impact on the view from the street. Staff supported all applications, as they are in conformance with Title 19 and the Downtown Redevelopment Plan.

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 33 – ZON-6412

MINUTES – Continued:

STEVE HARTLEY, Cielo Vista, LLC, 19936 Bellinger Avenue NE, Seattle, WA concurred with staff's conditions. MR. HARTLEY emphasized their intention is to always work within the mindset of affordability. The subject area is somewhat challenged; however, he felt that it would be relatively inexpensive and beneficial to the community.

TODD FARLOW, 240 N. 19th Street, was pleased to see the developer's efforts in creating affordable housing. He believed the proposed development would have the best views in town.

COMMISSIONER STEINMAN agreed with MR. FARLOW regarding this development having the best view. MR. HARTLEY advised the Commissioner that the smallest unit is 955 square feet, which would cost approximately \$285,000. Although this would not be affordable housing by some standards, compared to condominium living within the City, the least expensive competitor is still approximately \$400,000.

COMMISSIONER EVANS preferred lower price points; however, he was extremely pleased to see development on the subject site and complimented the developer on the design. He hopes the proposed development will be a catalyst for future development on this side of town.

No one appeared in opposition.

CHAIRMAN NIGRO declared the Public Hearing closed on Item 33 [ZON-6412], Item 34 [VAR-6413], Item 35 [SUP-6414] and Item 36 [SDR-6411].

(9:22 – 9:32)

4-230

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Site Development Plan Review SDR-6411, Variance VAR-6413, and Special Use Permit (SUP-6414) to allow Mixed-Use development approved by the City Council.

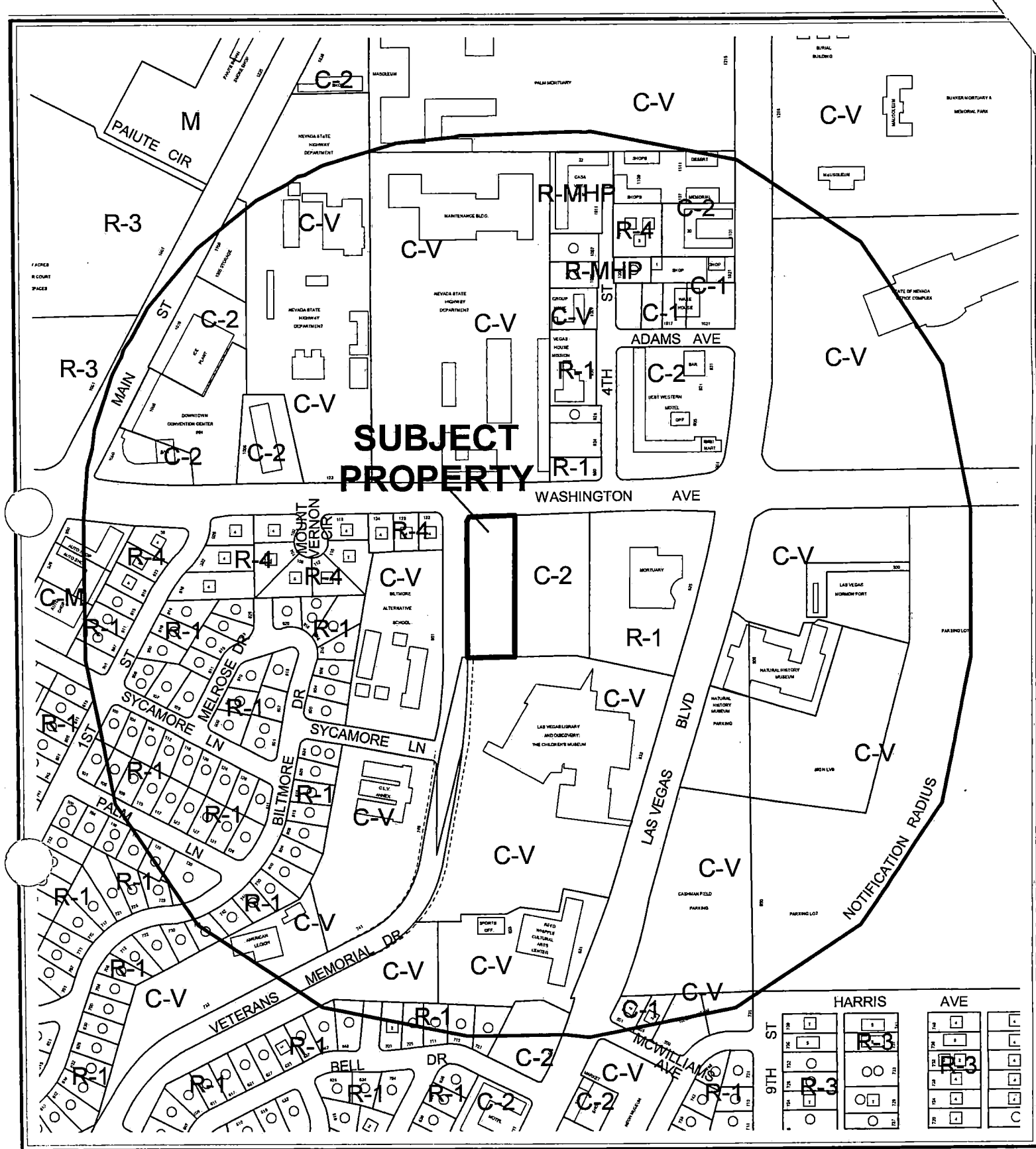
Public Works

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

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 33 – ZON-6412

CONDITIONS – Continued:

- C
4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
- C
5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the submittal of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

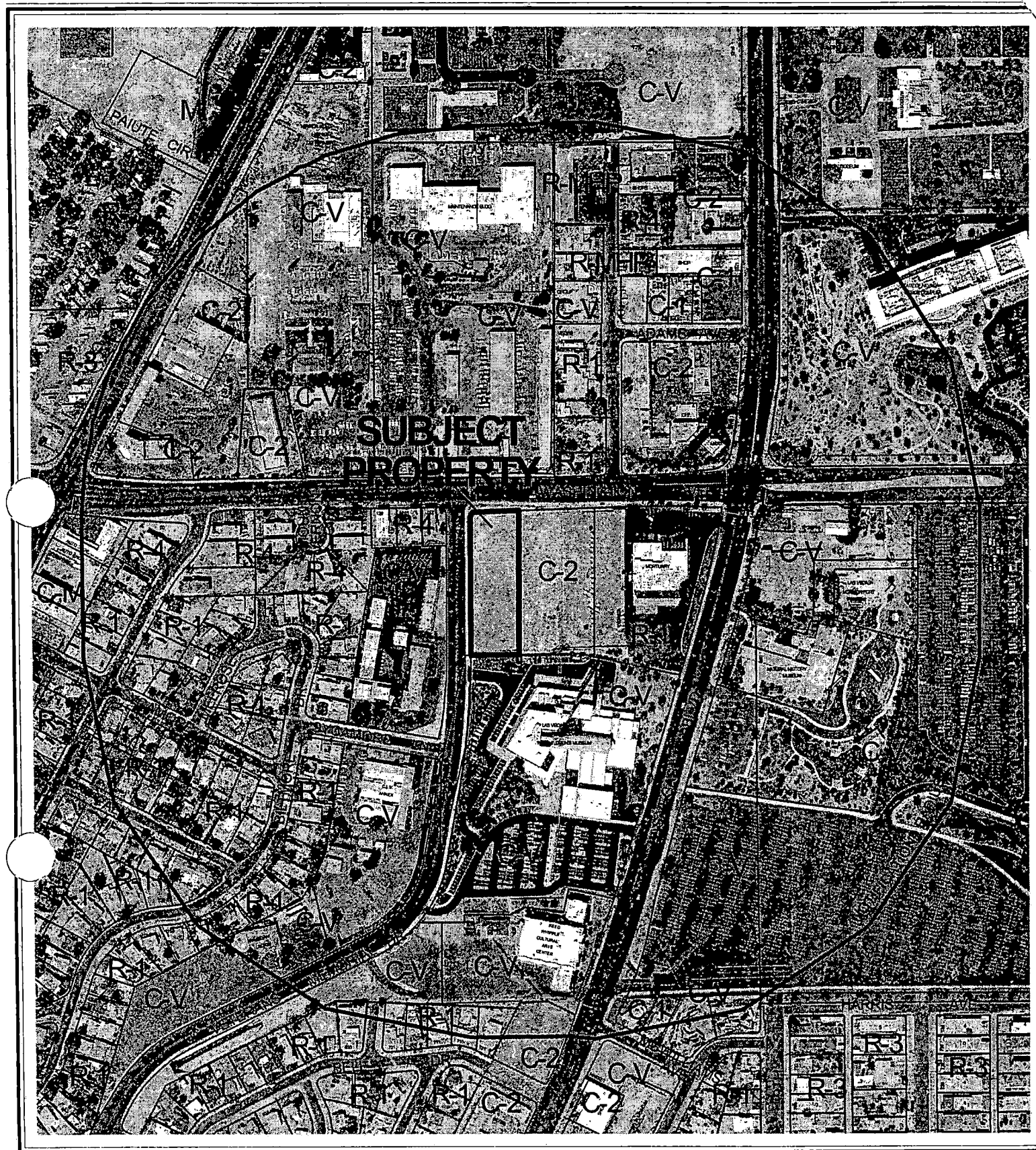


CASE: ZON-6412

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL)

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



CASE: **ZON-6412**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:
R-1 (SINGLE FAMILY RESIDENTIAL)

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

0 300 600 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-6412 - APPLICANT/ OWNER: CIELO VISTA LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. Site Development Plan Review SDR-6411, Variance VAR-6413, and Special Use Permit (SUP-6414) to allow Mixed-Use development approved by the City Council.

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the submittal of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a rezoning of the subject parcel from R-1 (Single Family Residential) to C-2 (General Commercial) on 1.11 acres located at the southeast corner of the intersection of Washington Avenue and Veterans Memorial Drive.

B) Applicant's Justification

The Cielo Vista project has been carefully planned to accommodate the needs of the existing community while integrating into the current neighborhood fabric. Unlike a potentially "speculative" project created simply to take advantage of the current market conditions in the Las Vegas area, Cielo Vista will be a valuable addition to the surrounding area and will serve the community and its residents.

BACKGROUND INFORMATION

A) Related Actions

There are no past actions by the Planning Commission and City Council that pertain to the subject parcel.

05/12/05 The Planning Commission will review companion applications SDR-6411, VAR-6413, and SUP-6414.

B) Pre-Application Meeting

02/08/05 The elements of a complete rezoning application were discussed with the applicant at a pre-application submittal conference.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.11
Net Acres: 1.06

B) *Existing Land Use*

Subject Property: Undeveloped
North: Outdoor storage, NDOT Offices
South: Library
East: Undeveloped, Mortuary
West: School
Multi-family

C) *Planned Land Use*

Subject Property: DTR-C (Downtown Redevelopment Plan- Commercial)
North: DTR-PF (Downtown Redevelopment Plan- Public Facility)
South: DTR-PF (Downtown Redevelopment Plan- Public Facility)
East: DTR-C (Downtown Redevelopment Plan- Commercial)
West: DTR-MXU (Downtown Redevelopment Plan- Mixed Use)
DTR-PF (Downtown Redevelopment Plan- Public Facility)

D) *Existing Zoning*

Subject Property: R-1 (Single Family Residential)
North: C-V (Civic)
South: C-V (Civic)
East: C-V (Civic)
R-4 (High Density Residential)
West: C-2 (General Commercial)

E) *General Plan Compliance*

The subject parcel is designated C (Commercial) on the Downtown Redevelopment Plan within the Southeast Sector Plan Map as part of the City of Las Vegas General Plan. The requested C-2 (General Commercial) zoning is in conformance with the C (Commercial) of the Downtown Redevelopment Plan and therefore conforms to the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Special Area Plan: The Downtown Redevelopment Plan

The development is subject to the policies, goals, and programs of the Downtown Redevelopment Plan.

F) General Analysis and Discussion

The rezoning to C-2 conforms to the C (Commercial) land use designation of the site. The site is across from C-V (Civic) zoning to the north, C-V (Civic) and R-4 (High Density Residential) to the west, C-V (Civic) to the south, and C-2 (General Commercial) to the west. The site is at the southeast corner of Veterans Memorial Drive and Washington Avenue, an 80-foot Secondary Arterial as shown on the Master Plan of Streets and Highways. The location is an infill parcel surrounded by mature low intensity development.

The proposed site plan shows a mixed-use building on the northern portion of the site with a plaza area separating the building from Washington. Access to the site is from Veterans Memorial with the entry driveway at the southwest corner of the parcel. The vehicular access leads to a customer drop-off circle, the primary entrance to the building, a service drive, and an emergency drive that goes around the perimeter of the site, exiting to the north onto Washington Avenue.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

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

The proposed rezoning to C-2 (General Commercial) conforms to the Downtown Redevelopment Plan designation C (Commercial). The Downtown Redevelopment Plan is a special area plan of the Southeast Sector Plan, the Land Use Plan of the Las Vegas General Plan.

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

The uses that are possible with the C-2 zoning are compatible with the commercial, civic, and high density residential uses of the surrounding properties. The applicant owns the abutting C-2 parcel and the abutting parcel is part of the proposed development.

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

The location is an infill parcel in an area that has been steadily developing according to the plans and policies of the city. This area in particular has been developing as civic because of the proximity of the downtown of the city. The residential component will be compatible with the high density residential of the area. The commercial component will be consistent with the existing commercial and will provide needed services.

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

Washington Avenue, a Secondary Collector (80 Foot) as shown on the Master Plan of Streets and Highways, and Veterans Memorial Drive have sufficient capacity to handle the traffic needs of the proposed development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19

NOTICES MAILED 115 – Mailed with VAR-6413, SUP-6414 and SDR-6411

APPROVALS 0

PROTESTS 0



Case Number: 20N-6412 APN: 139-27-708-001-002

Name of Property Owner: CIELO VISTA, LLC

Name of Applicant: CIELO VISTA, LLC

 Yes X No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner: _____

State of Washington
County of King

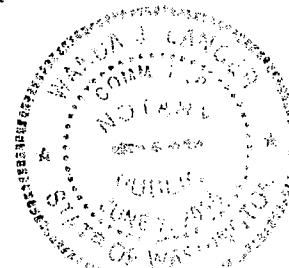
Print Name: _____

CARIS NEVAN
MEMBER, CIOLO VISTA, LLC

Subscribed and sworn before me

This 24th day of MARCH, 2005

Paul J. Long
Notary Public in and for said County and State



CIELO VISTA

Cielo Vista is a mixed use Retail / Residential project located on the corner of Washington and Veteran's Memorial on the north end of downtown Las Vegas. Preliminary designs include street level neighborhood retail space, five to six levels of above ground parking and approximately 414 condominium units. Private amenities for homeowners also include a pool and activity / meeting center.

The project is being designed to meet the needs of current Las Vegas residents and those potential buyers who may have an interest in owning a second or vacation home in Las Vegas without the considerable expense of a condominium unit on The Strip. Prices will begin very close to \$300,000 and will offer units that will be no smaller than 1000 square feet. The project's primary goal is to offer a much larger than usual unit size combined with pricing at below average market price for comparable units in other projects. Preliminary marketing efforts have been specifically directed at current Las Vegas residents, including new employees of the Furniture Mart and employees of Boyd Gaming. We have discussed the project with Councilman Weekly and have conducted our first community meeting both with very good success. The project has also been showcased at a meeting the cultural corridor association and has met with good response there, as well.

The project seeks to carefully integrate itself into the existing neighborhood by providing design that is consistent with existing neighborhood buildings. Additionally, a street level retail component is also being proposed with the intent of bringing much needed neighborhood retail services such as coffee shops, restaurants, postal services, etc. to the immediate area to serve current residents as well as a large daytime community of workers in the immediate vicinity. The retail level will also include the required building setbacks to accommodate sidewalks and outdoor seating.

The project will meet or exceed lot coverage requirements and building setbacks as required by current code. Given the existence of adjacent residential zoning, the only waiver being requested will be the building height limit as dictated by the code with respect to the adjacent residential zoning. The proposal seeks to change the current zoning of parcel 139-27-708-002 from an R1 designation to C2 designation. Additionally, the proposal seeks a Special Use Permit to allow a mix of Commercial and Residential zoning. Finally, the proposal seeks a Variance for a waiver of the current height restriction.

The Cielo Vista project has been carefully planned to accommodate the needs of the existing community while integrating into the current neighborhood fabric. Unlike a potentially "speculative" project created simply to take advantage of the current market conditions in the Las Vegas area, Cielo Vista will be a valuable addition to the surrounding area and will serve the community and its residents.

ZDN-6412

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VAR-6413 - VARIANCE RELATED TO ZON-6412 - PUBLIC HEARING - APPLICANT/ OWNER: CIELO VISTA LLC - Request for a Variance TO ALLOW A ZERO FRONT STEPBACK RATIO WHERE A 1:1 STEPBACK RATIO IS REQUIRED ALONG A COLLECTOR OR LARGER STREET FOR A 312-FOOT TALL BUILDING on 2.8 acres adjacent to the southeast corner of Washington Avenue and Veterans Memorial Drive (APN 139-27-708-001 and -002), R-1 (Single Family Residential) and C-2 (General Commercial) Zones [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly).

C.C. 06/15/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with McSWAIN excused

To be heard by City Council 6/15/2005

MINUTES:

See Item 33 [ZON-6412] for all related discussion on Item 33 [ZON-6412], Item 34 [VAR-6413], Item 35 [SUP-6414] and Item 36 [SDR-6411].

(9:22 – 9:32)

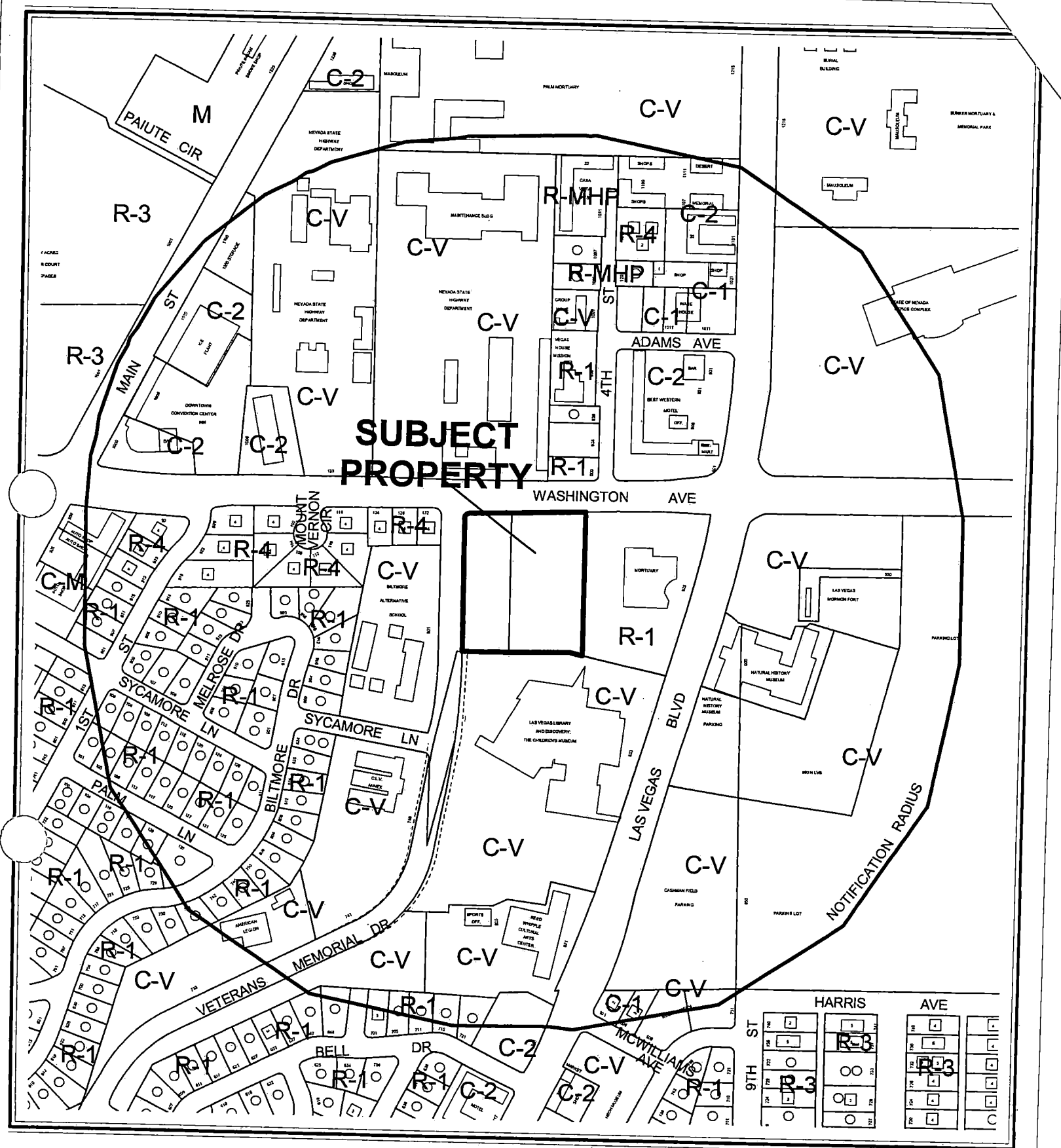
4-230

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 34 – VAR-6413

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning ZON-6412, Special Use Permit SUP-6414, and Site Development Plan Review SDR-6411.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Acquire all necessary permits from the Department of Building and Safety.



CASE: VAR-6413

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-1 (SINGLE FAMILY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-6413 - APPLICANT/ OWNER: CIELO VISTA LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning ZON-6412, Special Use Permit SUP-6414, and Site Development Plan Review SDR-6411.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. Acquire all necessary permits from the Department of Building and Safety.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a Variance to allow a 1:4 front setback ratio where 1:1 setback ratio is required for a building taller than 35 feet along a collector or larger street on 2.8 acres adjacent to the southeast corner of Washington Avenue and Veterans Memorial Drive.

B) *Applicant's Justification*

The project has been carefully planned to accommodate the needs of the existing community while integrating into the current neighborhood fabric. The project seeks to integrate itself into the neighborhood by providing design that is consistent with existing neighborhood buildings.

BACKGROUND INFORMATION

A) *Related Actions*

There are no past actions by the Planning Commission and City Council that pertain to the subject parcel.

05/12/05 The Planning Commission will review companion applications ZON-6412, SDR-6411, and SUP-6414.

B) *Pre-Application Meeting*

02/08/05 The elements of a complete variance application were discussed with the applicant at a pre-application submittal conference.

C) *Neighborhood Meetings*

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 2.8

VAR-6413 - Staff Report Page Two
May 12, 2005 - Planning Commission Meeting

B) Existing Land Use

Subject Property: Undeveloped
North: Outdoor storage, NDOT Offices
South: Library
East: Undeveloped, Mortuary
West: School
Multi-family

C) Planned Land Use

Subject Property: DTR-C (Downtown Redevelopment Plan- Commercial)
North: DTR-PF (Downtown Redevelopment Plan- Public Facility)
South: DTR-PF (Downtown Redevelopment Plan- Public Facility)
East: DTR-C (Downtown Redevelopment Plan- Commercial)
West: DTR-MXU (Downtown Redevelopment Plan- Mixed Use)
DTR-PF (Downtown Redevelopment Plan- Public Facility)

D) Existing Zoning

Subject Property: R-1 (Single Family Residential)
C-2 (General Commercial)
North: C-V (Civic)
South: C-V (Civic)
East: C-V (Civic)
R-4 (High Density Residential)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject parcel is designated C (Commercial) on the Downtown Redevelopment Plan within the Southeast Sector Plan Map as part of the City of Las Vegas General Plan. The C-2 (General Commercial) zoning is in conformance with the C (Commercial) of the Downtown Redevelopment Plan and therefore conforms to the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Special Area Plan: The Downtown Redevelopment Plan

The development is subject to the policies, goals, and programs of the Downtown Redevelopment Plan. The proposal conforms with the Downtown Redevelopment Plan.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Stepback Along Collector or Larger Streets	1:1 Stepback for Building Taller than 35 Feet	1:4 Stepback	N

The proposal needs this variance from the requirement of Title 19.08.030.C.

B) General Analysis and Discussion

The applicant has requested a variance from the 1:1 stepback requirement of 19.08030.C for buildings along major streets. The requirement is intended to avoid box-like structures and to encourage a greater degree of façade articulation and to avoid a canyon effect along the street. The request is recommended for approval for the following reasons:

- a. Projecting balconies will be utilized as a design element in order to add variation to the wall plane of the façade.
- b. Vertical metal “fins” will be used as a decorative element to contrast with the horizontal balcony structures.
- c. The use of horizontal banding and changes in façade openings and sizes distinguishes the four different elements of the building (retail, parking, loft units, penthouse units) and provides the variations sought by the code.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19

NOTICES MAILED 115 – Mailed with ZON-6412, SUP-6414 and SDR-6411

APPROVALS 0

PROTESTS 0



Case Number: VAR-6413 APN: 139-27-708-001 & 002

Name of Property Owner: Cielo Vista, LLC

Name of Applicant: Cielo Vista, LLC

Yes X No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner:

State of Wt
County of Knox

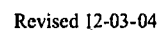
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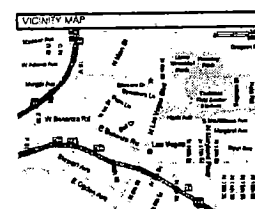
CITIZENS NEWS
MEMBER, CIO/CILA, UCU

Subscribed and sworn before me

This 24th day of March, 2025

Wanda L. Long
Notary Public in and for said County and State





SYMBOL LEGEND		SYMBOLS	
SYMBOLS	DESCRIPTIONS	SYMBOLS	DESCRIPTIONS
	METER / UTILITY		EXISTING PALM TREE
	MAN HOLE		EXISTING TREE
	STREET LIGHT		TREE LINE
	LIGHT POLE		NEW TREE
	UTILITY POLE		NEW SHIELD
	SIGN		FIRE HYDRANT
	TRAVEL SIGNAL		

**PRELIMINARY
DESIGN
03/28/06**

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MWT
OFRA
ARCHITECTURE

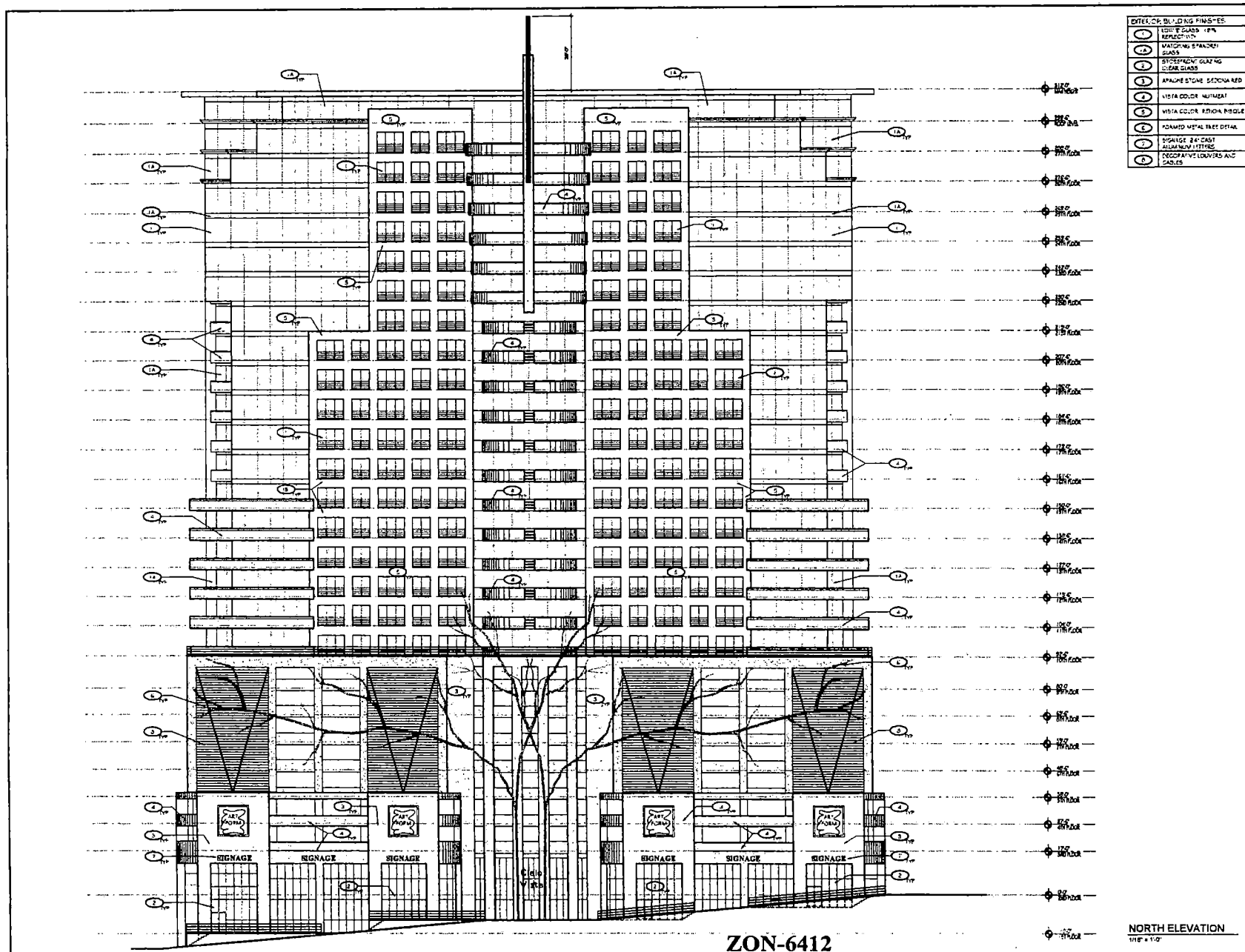
**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT NO:	03600
DATE	3/28/05
DRAWN BY:	AJD, RCB
CHECK BY:	MTWT, OC

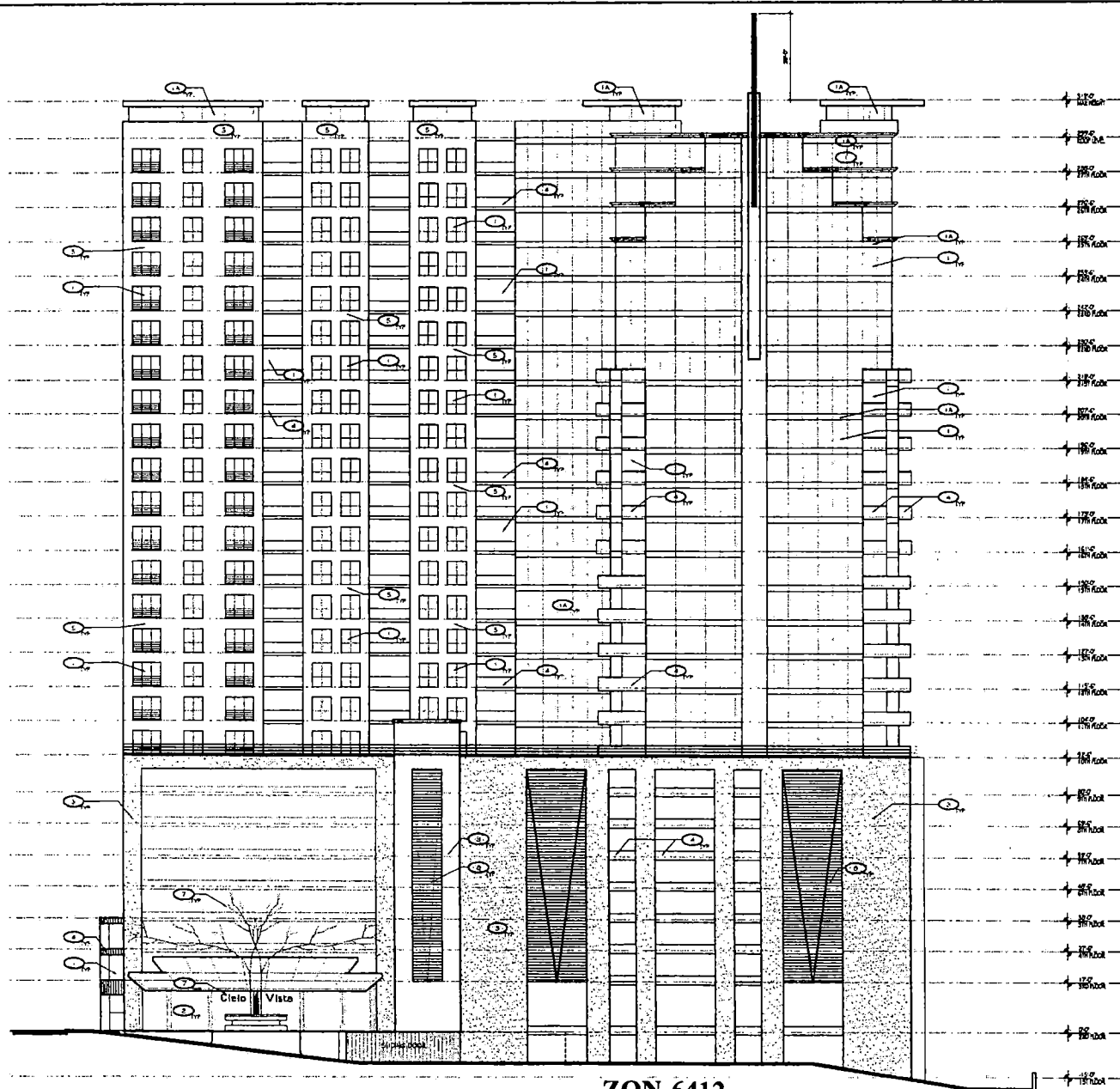
SITE PLAN

SHEET C101

ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC



EXTERIOR BUILDING FINISHES	
(A)	LOWE GLASS - 1/2" REFLECTIVITY
(B)	MATCHING SPANDREL GLASS
(C)	STONE/SPANDREL GLAZING - CLASH GLASS
(D)	APACHE STONE - TESSERA RED
(E)	VISTA COLOR - RUMBLE BRICK
(F)	FORMED METAL - FREE DETAIL
(G)	SPANDREL - 1/2" CAST ALUMINUM LETTERS
(H)	DECORATIVE SCULPTURES AND CARVINGS

REVISIONS:

PRELIMINARY DESIGN
03/28/05

THIS IS A PRELIMINARY DESIGN. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS INFORMATION SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY DATA.

MWT
OFRA
ARCHITECTURE

Las Vegas, Nevada
MWT OFRA Architecture
2731 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89101
PH: 702.253.7300 FAX: 702.253.7401

CIELO VISTA
LAS VEGAS, NV 89101

PROJECT NO: 05400
DATE: 1/28/05
DRAWN BY: SC, AJD
CHECK BY: MWT, OO
SOUTH ELEVATION

SHEET **A301**

ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

SOUTH ELEVATION
1/16" = 1'-0"

EXTERIOR BUILDING FINISHES	
1	LOWE GLASS - 5% REFLECTIVITY
2	MATCHING EXPANDED GLASS
3	STORM FRONT SLUICING CLEAR GLASS
4	APACHE STONE - SEDONA KIT
5	VISTA COLOR ALUMINUM
6	VISTA COLOR BRONZE BUZZLE
7	POWDER METAL TREE DETAIL
8	CONCRETE CAST ALUMINUM LITTERS
9	STRUCTURAL LOGS AND CABLES

REVISIONS

PRELIMINARY DESIGN
03/28/05

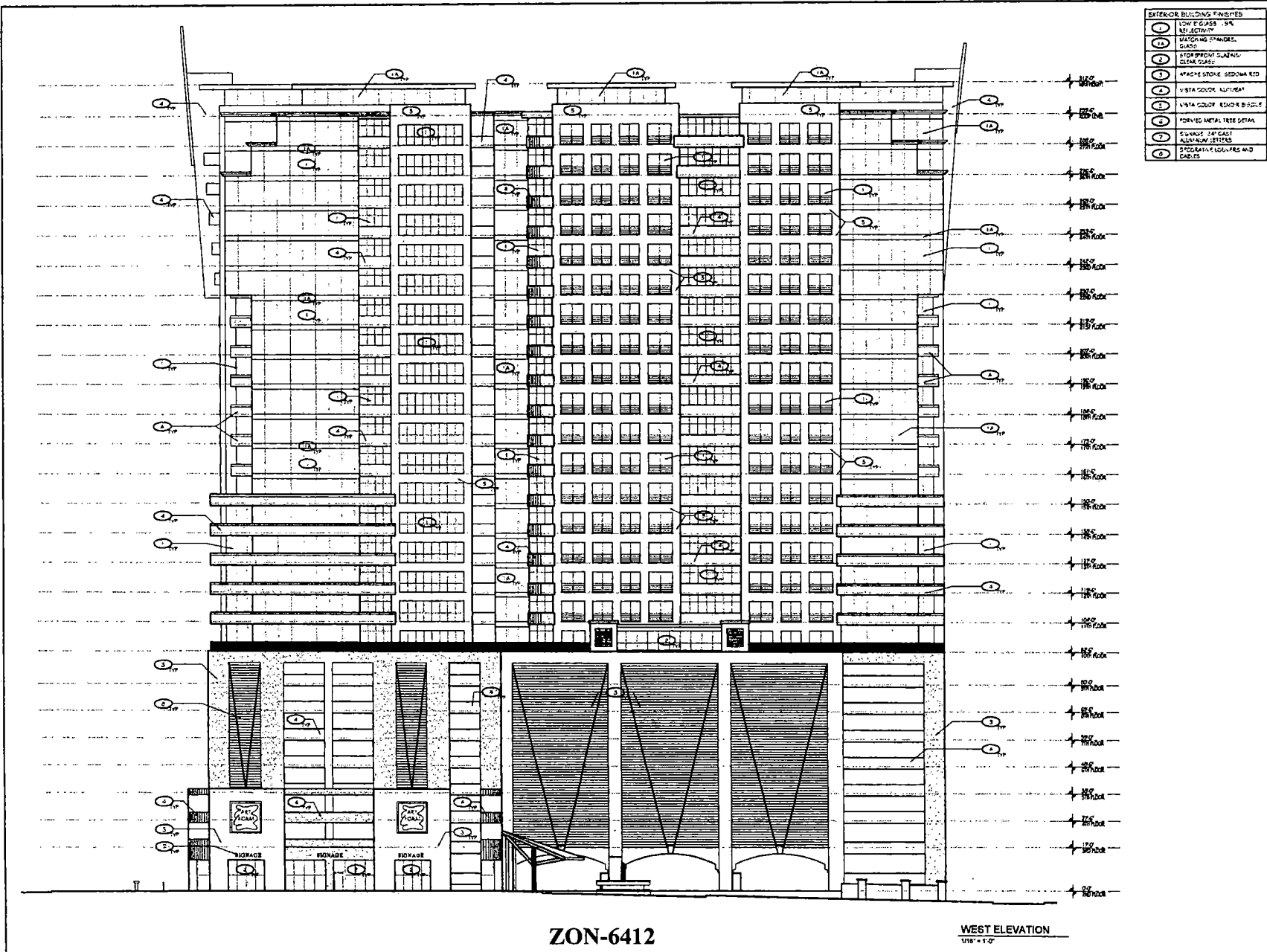
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MWT OFRA ARCHITECTURE

Las Vegas, Nevada
MWT OFRA Architecture
3733 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
PH: 702.487.5200 FAX: 702.487.5201

CIELO VISTA
LAS VEGAS, NV 89101

PROJECT NO: 05600
DATE: 2/28/05
DRAWN BY: AFD
CHECKED BY: MWT, CG
WEST ELEVATION
SHEET A302



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

WEST ELEVATION
1/16\" = 1'-0"

EXTERIOR BUILDING FINISHES	
1	LOW P. STAINLESS STEEL
2	WALLS
3	WALLS
4	WALLS
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100	WALLS

NOTES:

PRELIMINARY
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03/28/06

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MWT
OFRA
ARCHITECTURE

Las Vegas, Nevada
3131 Harmon Road, Suite 200
Las Vegas, NV 89102
PH: 702.301.1200 FAX: 702.301.1201

**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT NO. 05608
DATE 3/28/05
DRAWN BY: AJD
CHECKED BY: MWT, OO
**EAST
ELEVATION**

SHEET **A303**

EAST ELEVATION
1/16" = 1'-0"

**ZON-6412
VAR-6413
SUP-6414
SDR-6411
05.12.05 DC**

KEYNOTE

**PRELIMINARY
DESIGN**
03/28/05

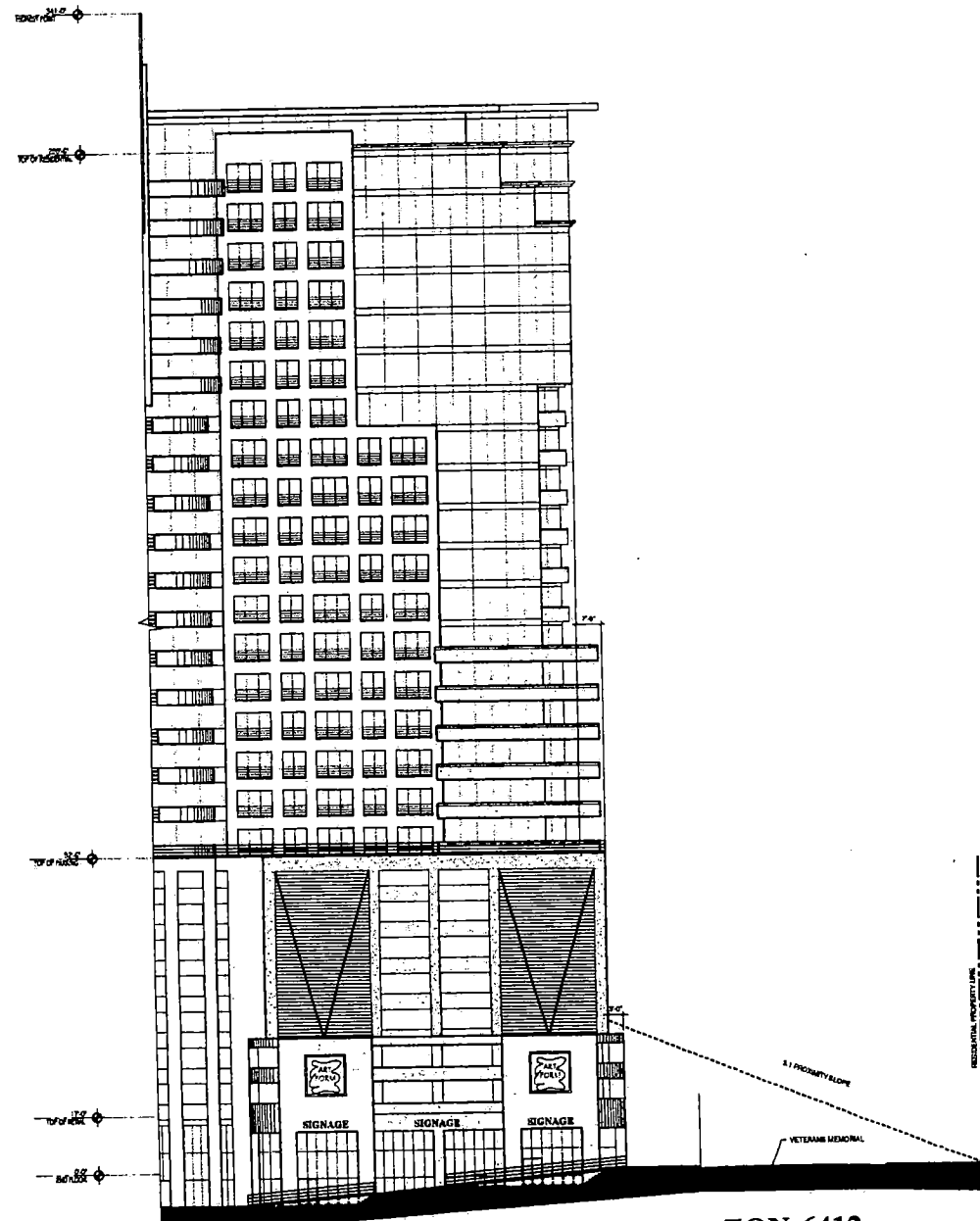
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**MWT
OFRA
ARCHITECTURE**

Las Vegas, Nevada
MWT OFRA Architecture
3131 Howard Hughes Parkway, Suite 300
Las Vegas, NV 89169
Ph: 702.661.1200 Fax: 702.661.1201

**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT NO.	05600
DATE	3/28/05
DRAWN BY	AJD
CHECK BY	OG
PROXIMITY SECTION	
SHEET	A304



**ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 DC**

CIELO VISTA

Cielo Vista is a mixed use Retail / Residential project located on the corner of Washington and Veteran's Memorial on the north end of downtown Las Vegas. Preliminary designs include street level neighborhood retail space, five to six levels of above ground parking and approximately 414 condominium units. Private amenities for homeowners also include a pool and activity / meeting center.

The project is being designed to meet the needs of current Las Vegas residents and those potential buyers who may have an interest in owning a second or vacation home in Las Vegas without the considerable expense of a condominium unit on The Strip. Prices will begin very close to \$300,000 and will offer units that will be no smaller than 1000 square feet. The project's primary goal is to offer a much larger than usual unit size combined with pricing at below average market price for comparable units in other projects. Preliminary marketing efforts have been specifically directed at current Las Vegas residents, including new employees of the Furniture Mart and employees of Boyd Gaming. We have discussed the project with Councilman Weekly and have conducted our first community meeting both with very good success. The project has also been showcased at a meeting the cultural corridor association and has met with good response there, as well.

The project seeks to carefully integrate itself into the existing neighborhood by providing design that is consistent with existing neighborhood buildings. Additionally, a street level retail component is also being proposed with the intent of bringing much needed neighborhood retail services such as coffee shops, restaurants, postal services, etc. to the immediate area to serve current residents as well as a large daytime community of workers in the immediate vicinity. The retail level will also include the required building setbacks to accommodate sidewalks and outdoor seating.

The project will meet or exceed lot coverage requirements and building setbacks as required by current code. Given the existence of adjacent residential zoning, the only waiver being requested will be the building height limit as dictated by the code with respect to the adjacent residential zoning. The proposal seeks to change the current zoning of parcel 139-27-708-002 from an R1 designation to C2 designation. Additionally, the proposal seeks a Special Use Permit to allow a mix of Commercial and Residential zoning. Finally, the proposal seeks a Variance for a waiver of the current height restriction.

The Cielo Vista project has been carefully planned to accommodate the needs of the existing community while integrating into the current neighborhood fabric. Unlike a potentially "speculative" project created simply to take advantage of the current market conditions in the Las Vegas area, Cielo Vista will be a valuable addition to the surrounding area and will serve the community and its residents.

VAR-6413

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SUP-6414 - SPECIAL USE PERMIT RELATED TO ZON-6412 AND VAR-6413 - PUBLIC HEARING - APPLICANT/ OWNER: CIELO VISTA LLC - Request for a Special Use Permit FOR A PROPOSED MIXED USE DEVELOPMENT adjacent to the southeast corner of Washington Avenue and Veteran Memorial Drive (APN 139-27-708-001 and -002), R-1 (Single Family Residential) and C-2 (General Commercial) Zones [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly).

C.C.: 06/15/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with McSWAIN excused

To be heard by City Council 6/15/2005

MINUTES:

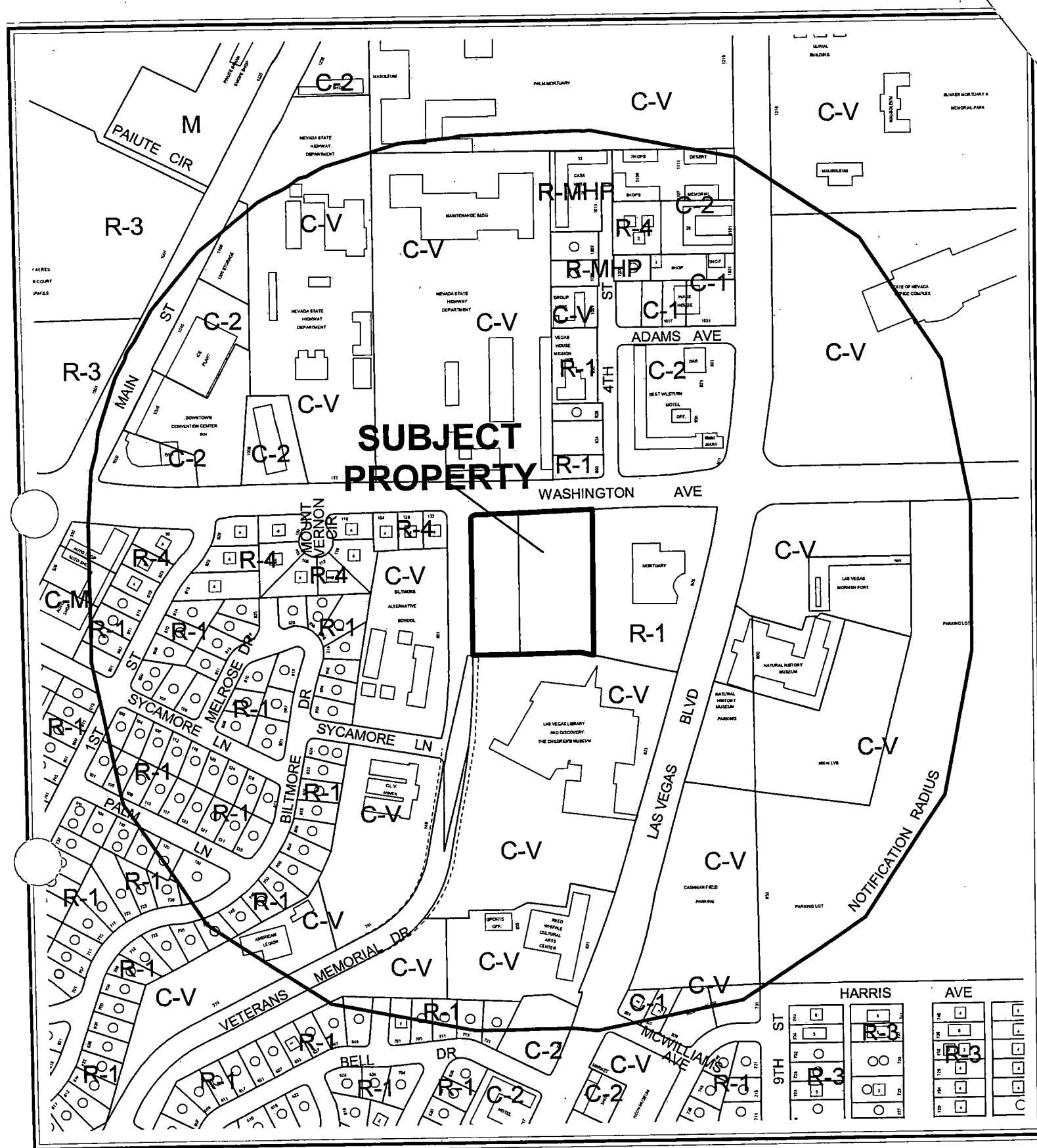
See Item 33 [ZON-6412] for all related discussion on Item 33 [ZON-6412], Item 34 [VAR-6413], Item 35 [SUP-6414] and Item 36 [SDR-6411].

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 35 – SUP-6414

CONDITIONS:

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for a Mixed-Use development.
2. Approval of and conformance to the Conditions of Approval for Rezoning ZON-6412, Variance VAR-6413, and Site Development Plan Review SDR-6411.
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.



CASE: SUP-6414

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-1 (SINGLE FAMILY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL)

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-6414 - APPLICANT/ OWNER: CIELO VISTA LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for a Mixed-Use development.
2. Approval of and conformance to the Conditions of Approval for Rezoning ZON-6412, Variance VAR-6413, and Site Development Plan Review SDR-6411.
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a proposed mixed-use development including commercial and residential uses adjacent to the southeast corner of Washington Avenue and Veteran Memorial Drive.

B) Applicant's Justification

The project is being designed to meet the needs of current Las Vegas residents and those potential buyers who may have an interest in owning a second or vacation home in Las Vegas without the considerable expense of condominium unit on the strip. The project seeks to integrate itself into the neighborhood by providing design that is consistent with existing neighborhood buildings. A street level retail component is being proposed with the intent of bringing much needed neighborhood retail services such as coffee shops, restaurants, postal services, etc. to the immediate area.

BACKGROUND INFORMATION

A) Related Actions

There are no past actions by the Planning Commission and City Council that pertain to the subject parcel.

B) Pre-Application Meeting

02/08/05 The elements of a complete use permit application were discussed with the applicant at a pre-application submittal conference.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.8

B) Existing Land Use

Subject Property: Undeveloped
North: Outdoor storage
South: Library
East: Undeveloped
West: School
Multi-family

C) Planned Land Use

Subject Property: DTR-C (Downtown Redevelopment Plan- Commercial)
North: DTR-PF (Downtown Redevelopment Plan- Public Facility)
South: DTR-PF (Downtown Redevelopment Plan- Public Facility)
East: DTR-C (Downtown Redevelopment Plan- Commercial)
West: DTR-MXU (Downtown Redevelopment Plan- Mixed Use)
DTR-PF (Downtown Redevelopment Plan- Public Facility)

D) Existing Zoning

Subject Property: R-1 (Single Family Residential)
C-2 (General Commercial)
North: C-V (Civic)
South: C-V (Civic)
East: C-V (Civic)
R-4 (High Density Residential)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject parcel is designated C (Commercial) on the Downtown Redevelopment Plan within the Southeast Sector Plan Map as part of the City of Las Vegas General Plan. The requested C-2 (General Commercial) zoning is in conformance with the C (Commercial) of the Downtown Redevelopment Plan and therefore conforms to the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Special Area Plan: The Downtown Redevelopment Plan

The development is subject to the policies, goals, and programs of the Downtown Redevelopment Plan.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required				Provided	
		Ratio	Parking			Parking	
			Regular	Guest	Handicap	Regular	Handicap
Multi-family One Bedroom		1.25 spaces per unit plus one guest/ six units	90 Units x 1.25= 112.5	90/ 6= 15			
Multi-family Two Bedroom		1.75 spaces per unit plus one guest/ six units	234 units x 1.75= 409.5	234/6 = 39			
Multi-family Three Bedroom		2 spaces per unit plus one guest/ six units	90 units x 2= 180	90/ 6= 15			
Subtotals			702	69			
Retail	25,010 SF	1/250 GFA	100				
Totals			853		18	879	18

The proposal meets the parking requirements of Title 19.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Mixed-Use development.

A3) Minimum Use Standards

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

USE	Code Requirement	Provided
Mixed-Use	Residential uses may be permitted in commercial districts by means of a Special Use Permit	Y
	Non-residential use shall be located at the ground level fronting the primary public right-of-way	Y
	The architecture shall highlight the difference in uses	Y

The design of the development conforms with the minimum requirements listed in Title 19.04 for Mixed-Use developments.

B) General Analysis and Discussion

- **Zoning**

One of the parcels comprising the development is zoned C-2 (General Commercial), and the other zoned R-1 (Single Family Residential) proposed to be C-2 (General Commercial) by companion application ZON-6412. The proposed structure conforms with applicable setbacks and lot coverage requirements specified by Title 19 for development in C-2 districts. The development is consistent with the C (Commercial) designation of the Downtown Redevelopment Plan.

- **Use**

Residential uses are permitted in the C-2 (General Commercial) district upon approval of a Special Use Permit. The commercial uses are permitted by right in the C-2 (General Commercial) district. The development will include a total 414 residential units and 32,970 square feet of commercial space.

- Conditions

1. The nonresidential use shall be located at ground level fronting the primary public right-of-way, and the primary entryway to that use shall be directly from and oriented to a street.
2. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

The proposed development conforms to the conditions.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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

The design of the development adequately separates the commercial and residential components and will not impact adjacent land uses. Integration of a successful mixed use community in the neighborhood will encourage a broad diversity of uses in the area.

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

The proposed development will result in a residential density of 147.86 units per acre, which is appropriate for an urbanizing area. The site has frontage on two public rights-of-way, which provides excellent access to the site and adequate separation from adjacent properties.

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

A driveway at the southwest corner of the parcels will be the vehicular access point for the development, with egress to Washington Avenue to the north. The building faces Washington but main entry is towards Veterans Memorial Drive. The site has excellent access to public transportation along Washington and Las Vegas Boulevard, a short distance to the east, which will assist in reducing the number of vehicle trips generated by the development.

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

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise public health, safety, or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 115 – Mailed with ZON-6412, VAR-6413 and SDR-6411

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Cielo Vista, LLC

Yes X No

City Official: _____

Partner(s): _____

APN: _____

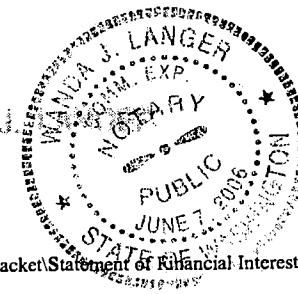
Print Name:

Print Name: CHRIS B. NEVIN
MEMBER, CIELO VISTA, LLC

Subscribed and sworn before me

This 24th day of MARCH, 2005

State of WA County of King A. Anderson
Notary Public in and for said County and State





REVIEWS

**PRELIMINARY
DESIGN
03/28/05**

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MWT OFRA Architects
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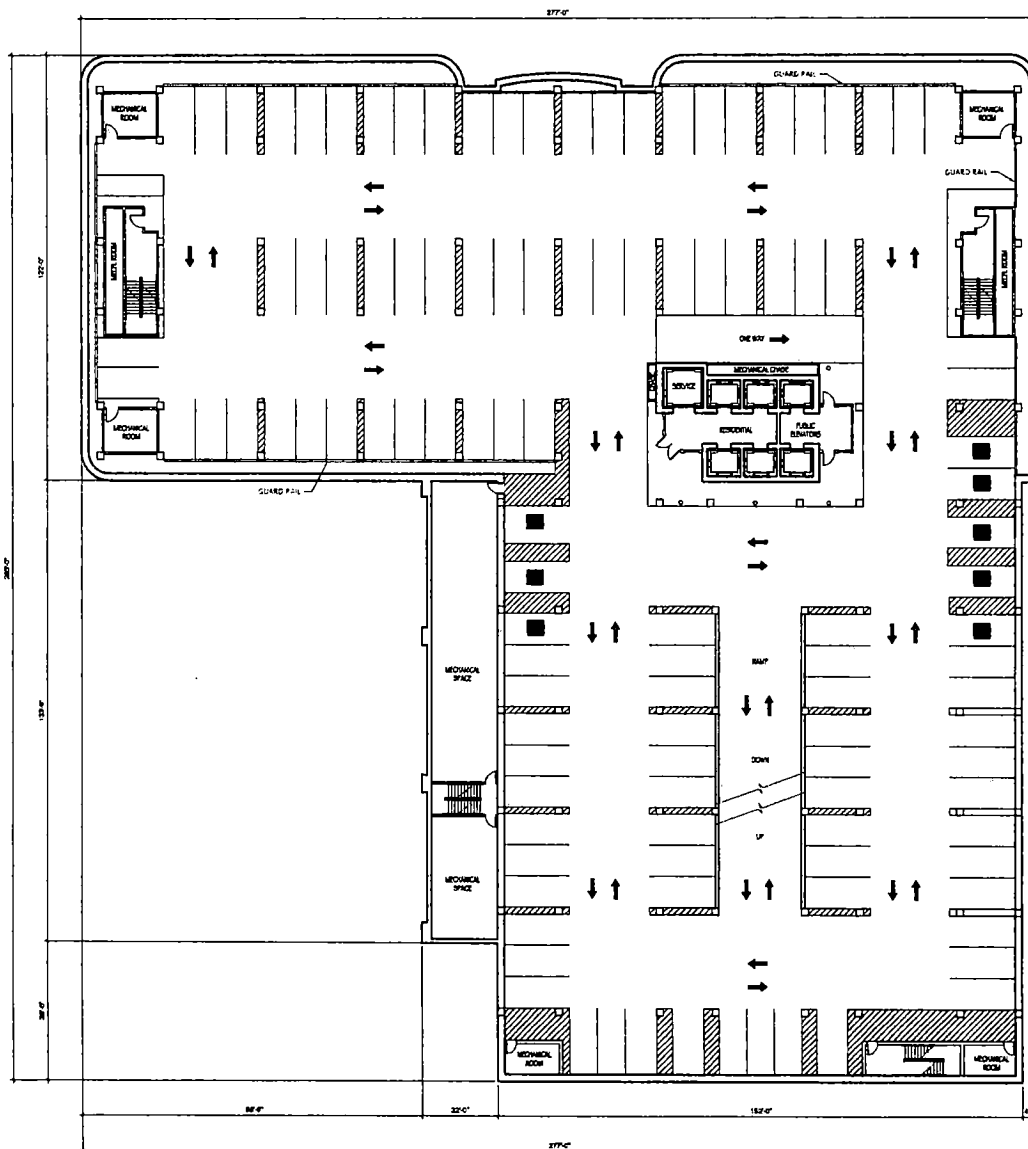
Washington, DC
MWT Architects
1855 N. First Mile Drive - Suite 700
Arlington, VA 22209
Ph. 703-998-0280 Fax 998-5254

**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT NO:	09600
DATE:	3/28/05
DRAWN BY:	AJD
CHECK BY:	MWT, OG

2ND FLOOR PLAN

SHEET A102



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

3RD & 4TH FLOOR PLAN
 31'6" x 3'2"
 ELEVATION: 24'-0" - 34'-6"
 (PARKING LEVELS)

REVISIONS

**PRELIMINARY
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 03/28/05

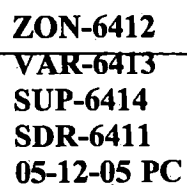
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 Las Vegas, Nevada
 MWT OFRA Architecture
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 Las Vegas, NV 89119
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 Washington, DC
 MWT Architecture
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 Arlington, VA 22209
 Ph: 703 968 8346 Fax: 703 968 8346

**CIELO
 VISTA**
 LAS VEGAS, NV 89101

PROJECT NO. 05500
 DATE: 3/28/05
 DRAWN BY: AJD
 CHECKED BY: MWT, QO
**3RD & 4TH
 FLOOR PLAN**
 SHEET A103

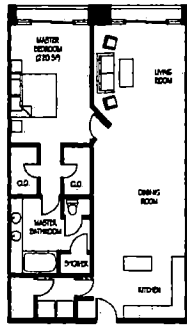


SHEET A104

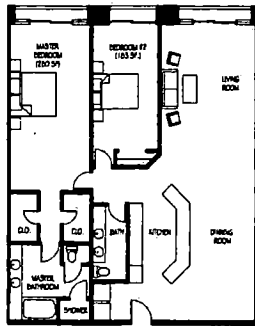


ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

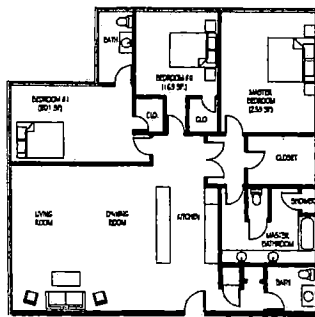
PROJECT NO:	05600
DATE:	3/28/05
DRAWN BY:	AJD, MC
CHECK BY:	MWT, DG
10TH FLOOR PLAN	
SHEET	A105



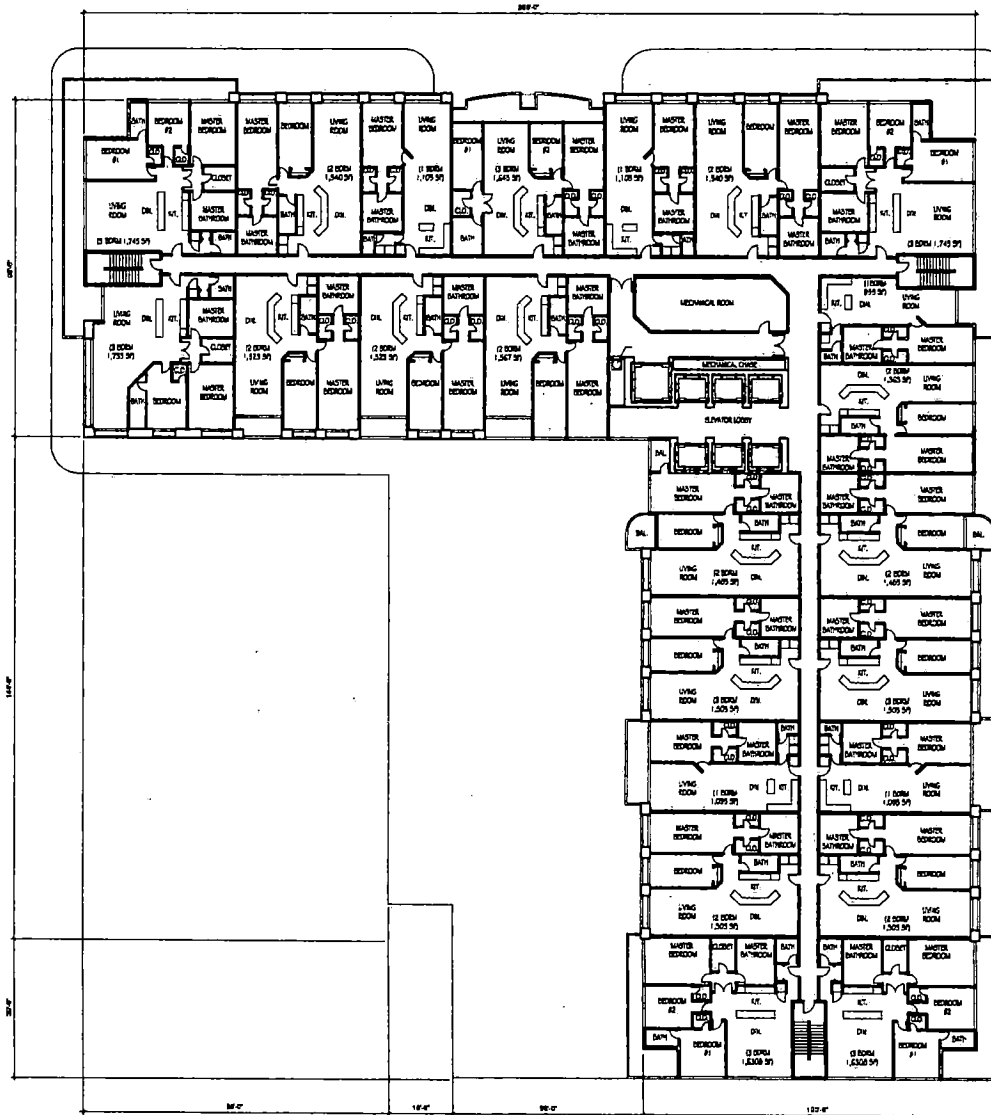
1-BEDROOM UNIT (TYP.)
SCALE: 1/8"=1'-0" 1:120 SF



2-BEDROOM UNIT (TYP.)
SCALE: 1/8"=1'-0" 1:120 SF



3-BEDROOM UNIT (TYP.)
SCALE: 1/8"=1'-0" 1:120 SF



11TH TRU 27TH FLOOR PLAN (SIMILAR)
1/8"=1'-0"
ELEVATION: 57'-6"
(23 UNITS PER FLOOR)

ZON-6412
VAR-6413
SUP-6414
SDR-6411
05.12.05 DC

REVISIONS

PRELIMINARY
DESIGN
03/28/05

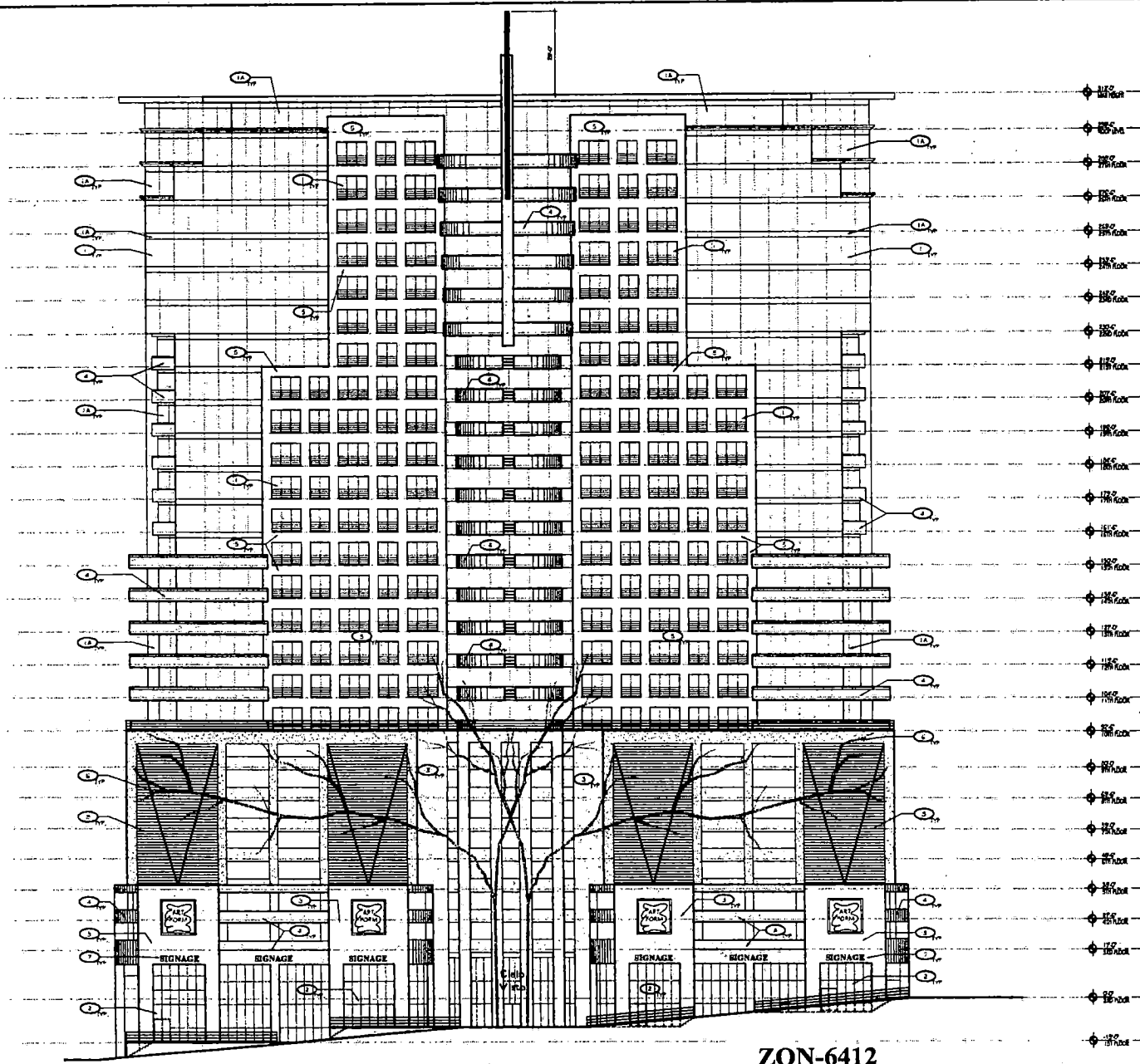
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Arlington, VA 22209
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CIELO
VISTA
LAS VEGAS, NV 89101

PROJECT NO.	05600
DATE	3.28.05
DRAWN BY	AJD, MC
CHECK BY	MWT, OG
11TH - 27TH FLOOR PLAN & TYPICAL UNITS	
SHEET	A106



EXTENDING BUILDING FINISHES	
1	100% TINTED GLASS, 10% REFLECTIVITY
2	MATCHING STANDARD GLASS
3	STORM-PROOF GLAZING SYSTEM GLASS
4	APALITE STONE, SEDONA RED
5	VISTA COLOR, MANTAR
6	VISTA COLOR, PITHIA RISQUE
7	FORMED VISTA, WEST DITAL
8	SIGNAGE, 3/4" CAST ALUMINUM LETTERS
9	DECORATIVE LIGHTS AND CABLES

NOTES:

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03/29/05

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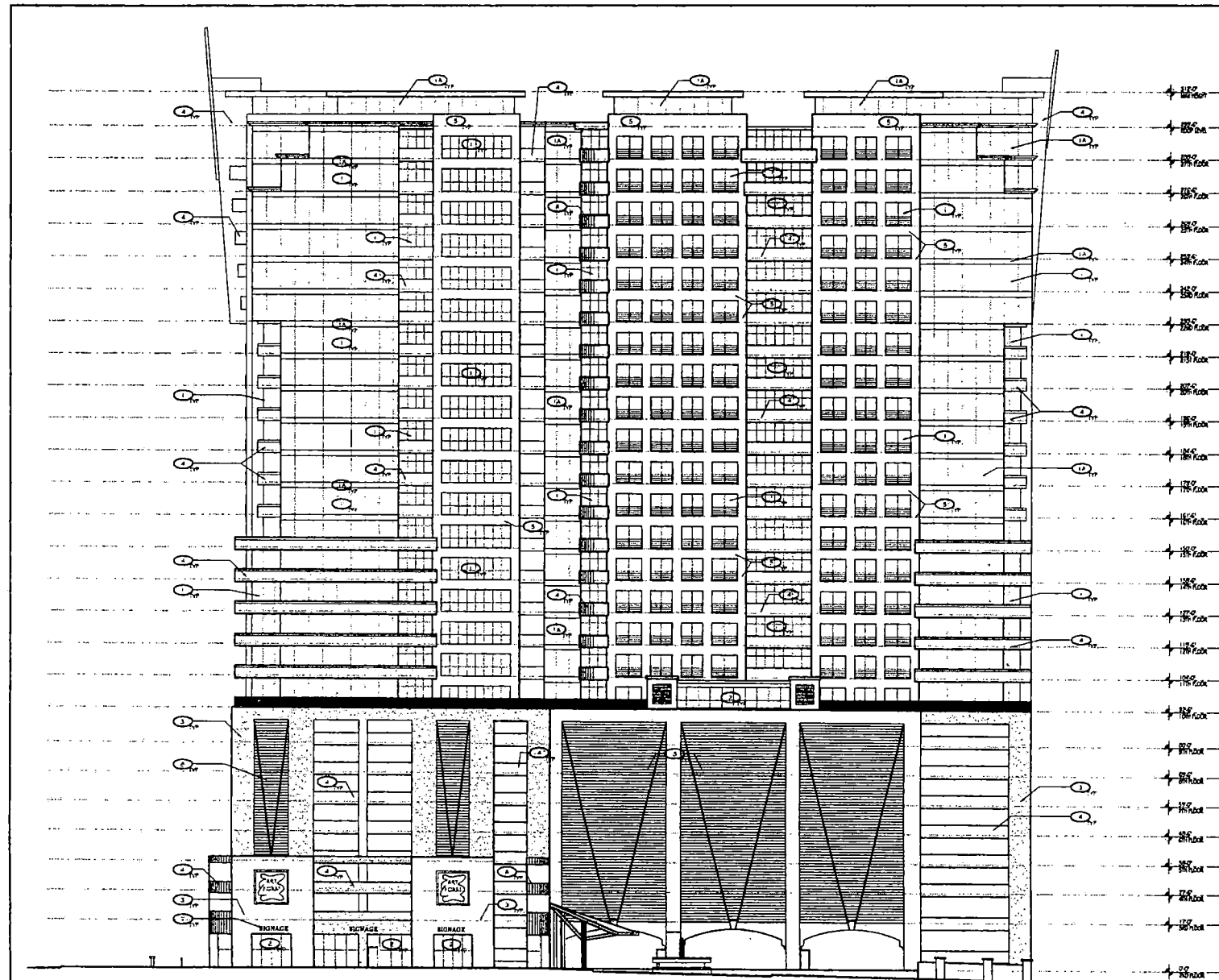
Las Vegas, Nevada
3733 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169
PH: 702.561.5100 FAX: 702.561.5101

**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT NO: 05600
DATE: 3/28/05
DRAWN BY: A.R.D./J.F.
CHECKED BY: MWT, D.O.
**NORTH
ELEVATION**

SHEET **A300**

**ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC**



EXTERIOR BUILDING FINISHES	
1	LOW E GLASS - 1/4" ASP. ECT. 1/4"
2	MATCHING SPANDREL GLASS
3	STOREFRONT GLAZING GLASS
4	APACHE STONE SEDONA RD
5	VISTA COLOR METALCLAD
6	VISTA COLOR BRONZE PIGMENT
7	POURED METAL TREE DETAIL
8	SLAB/ST. 24" CAST ALL-ALUMINUM SETTING
9	DISCREETIVE LIGHTING AND CASES

NOTES:

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03/28/05

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P: 702.881.1200 Fax: 702.881.1691

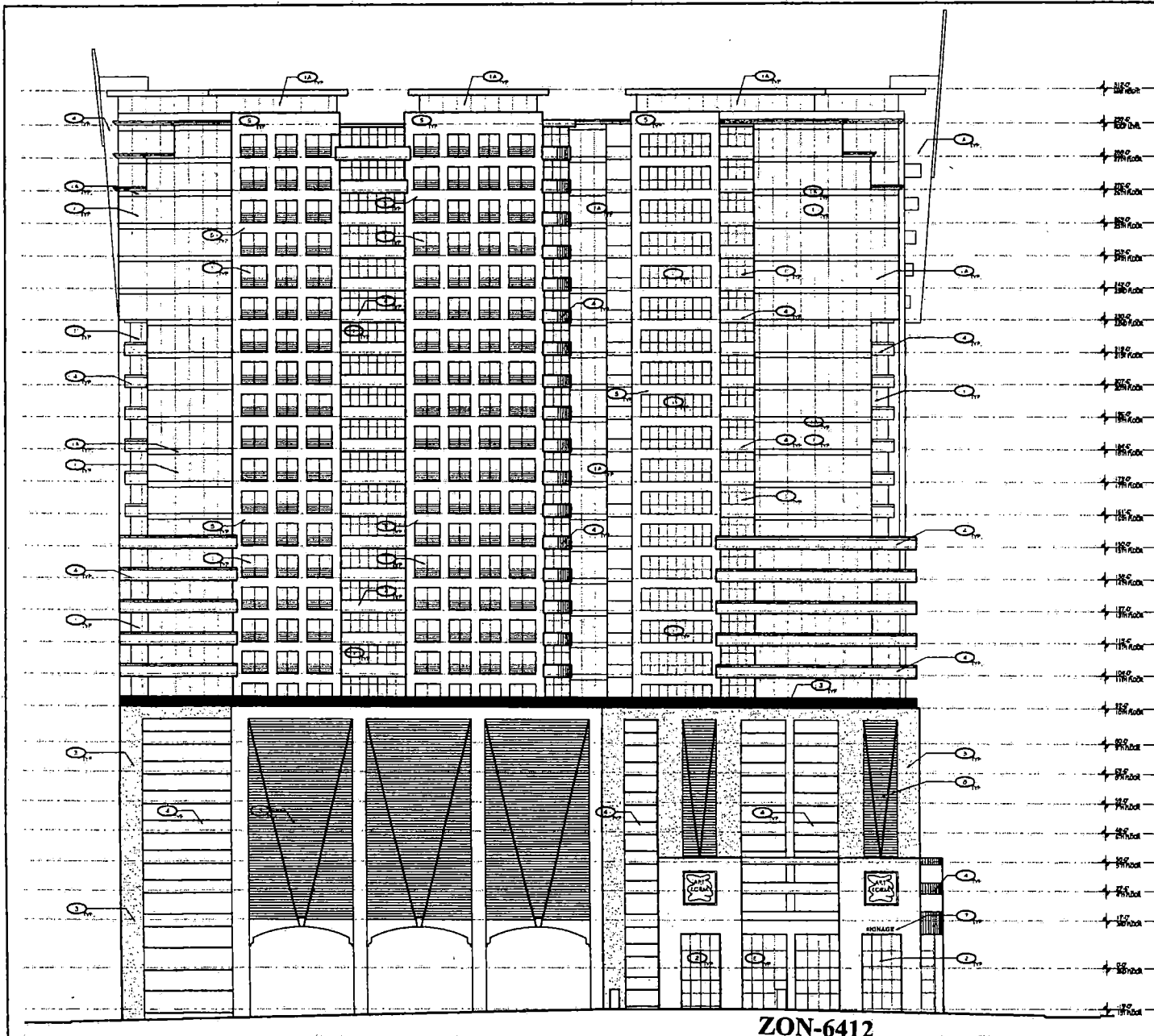
CIELO VISTA
LAS VEGAS, NV 89101

PROJECT NO. 05600
DATE 3/28/05
DRAWN BY: AJD
CHECK BY: MWT, OOF
WEST ELEVATION

SHEET A302

ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

WEST ELEVATION
1/16" = 1'-0"



EXTERIOR BUILDING FINISHES	
1	LOW P SLABS: 198
2	100% SOLIDITY
3	MATCHING SPANTEL GLASS
4	STONEFRONT GLAZING: CLEAR GLASS
5	APACHE STONE SEDONA RED
6	VISTA COLORED MOUNTAIN
7	VISTA COLORED ROAD & BOULE
8	POURED METAL TILE DETAIL
9	SWANAGE 24" CAST ALUMINUM LETTERS
10	DECORATIVE LOUVERED AND CABLES

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03/28/05

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Las Vegas, NV 89102
702.591.1000 Fax: 702.591.1001

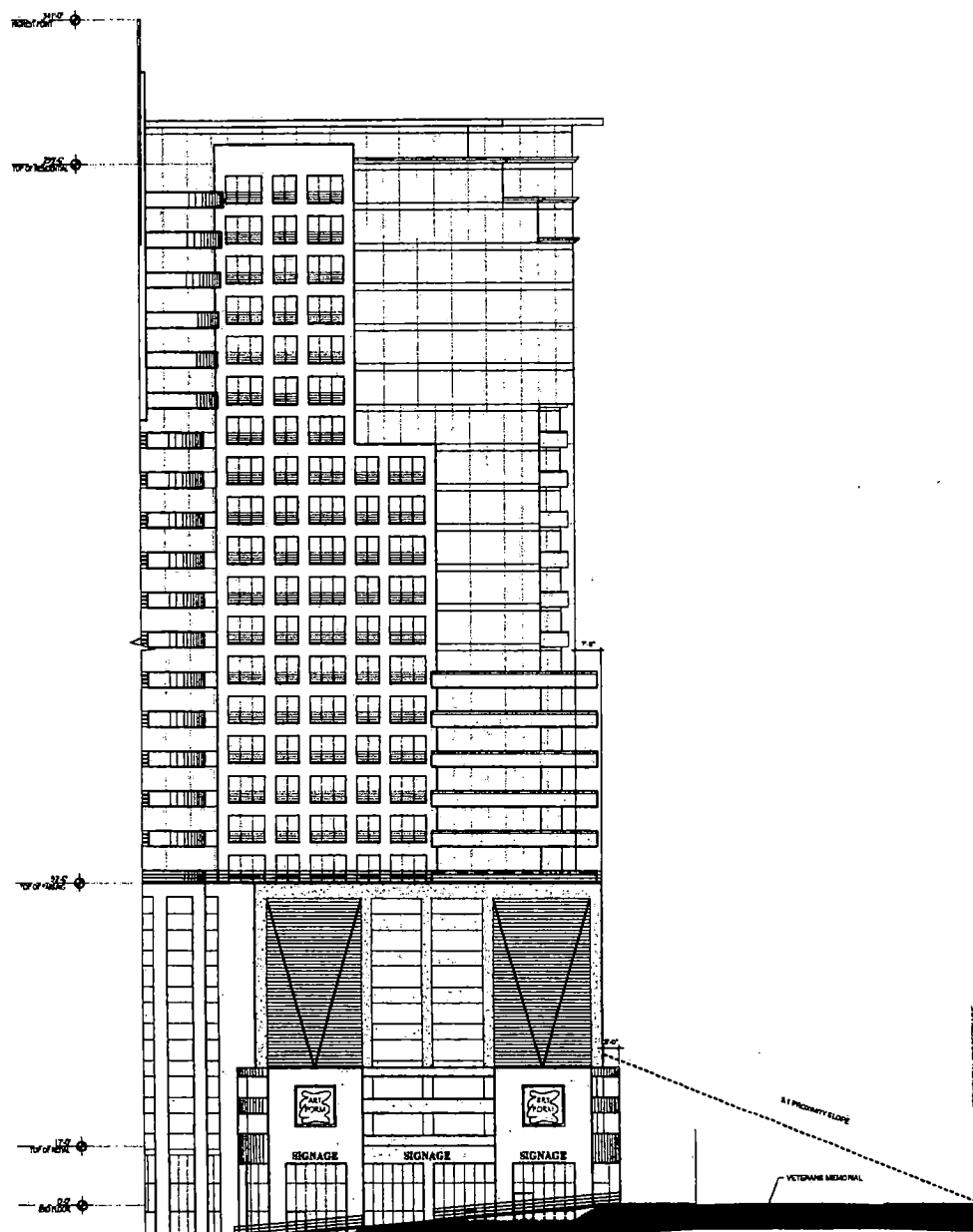
**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT: 01600
DATE: 3/28/05
DRAWN: AED
CHECKED: MWT, CO

**EAST
ELEVATION**
SHEET A303

**ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 DC**

EAST ELEVATION
1/8" = 1'-0"



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

10/10/05

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03/28/05

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**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT NO. 05600
DATE 3/28/05
DRAWN BY: ATO
CHECK BY: OC

PROXIMITY
SECTION

SHEET A304

CIELO VISTA

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SP-6414

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SDR-6411 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-6412, VAR-6413, AND SUP-6414 - PUBLIC HEARING - APPLICANT/ OWNER: CIELO VISTA LLC - Request for a Site Development Plan Review FOR A 37-STORY MIXED USE DEVELOPMENT INCLUDING; 414 RESIDENTIAL UNITS AND 32,970 SQUARE FEET OF COMMERCIAL SPACE on 2.8 acres adjacent to the southeast corner of Washington Avenue and Veterans Memorial Drive (APN 139-27-708-001 and -002), R-1 (Single Family Residential) and C-2 (General Commercial) Zones [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly).

C.C. 06/15/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with McSWAIN excused

To be heard by City Council 6/15/2005

MINUTES:

See Item 33 [ZON-6412] for all related discussion on Item 33 [ZON-6412], Item 34 [VAR-6413], Item 35 [SUP-6414] and Item 36 [SDR-6411].

(9:22 – 9:32)

4-230

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 36 – SDR-6411

CONDITIONS:

Planning and Development

1. Rezoning ZON-6412, Variance VAR-6413, and Special Use Permit (SUP-6414) to allow Mixed-Use development approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped 03/29/05, except as amended by conditions herein.
4. The Waiver from the Residential Adjacency separation requirement is hereby approved.
5. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf and the required number and size of trees along the streets and perimeter.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. All mechanical equipment shall be fully screened from street level and surrounding building views.
8. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
9. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location.
10. Signage for the development shall be permitted in conformance with the requirements of Title 19.14.
11. All City Code requirements and design standards of all City departments must be satisfied.

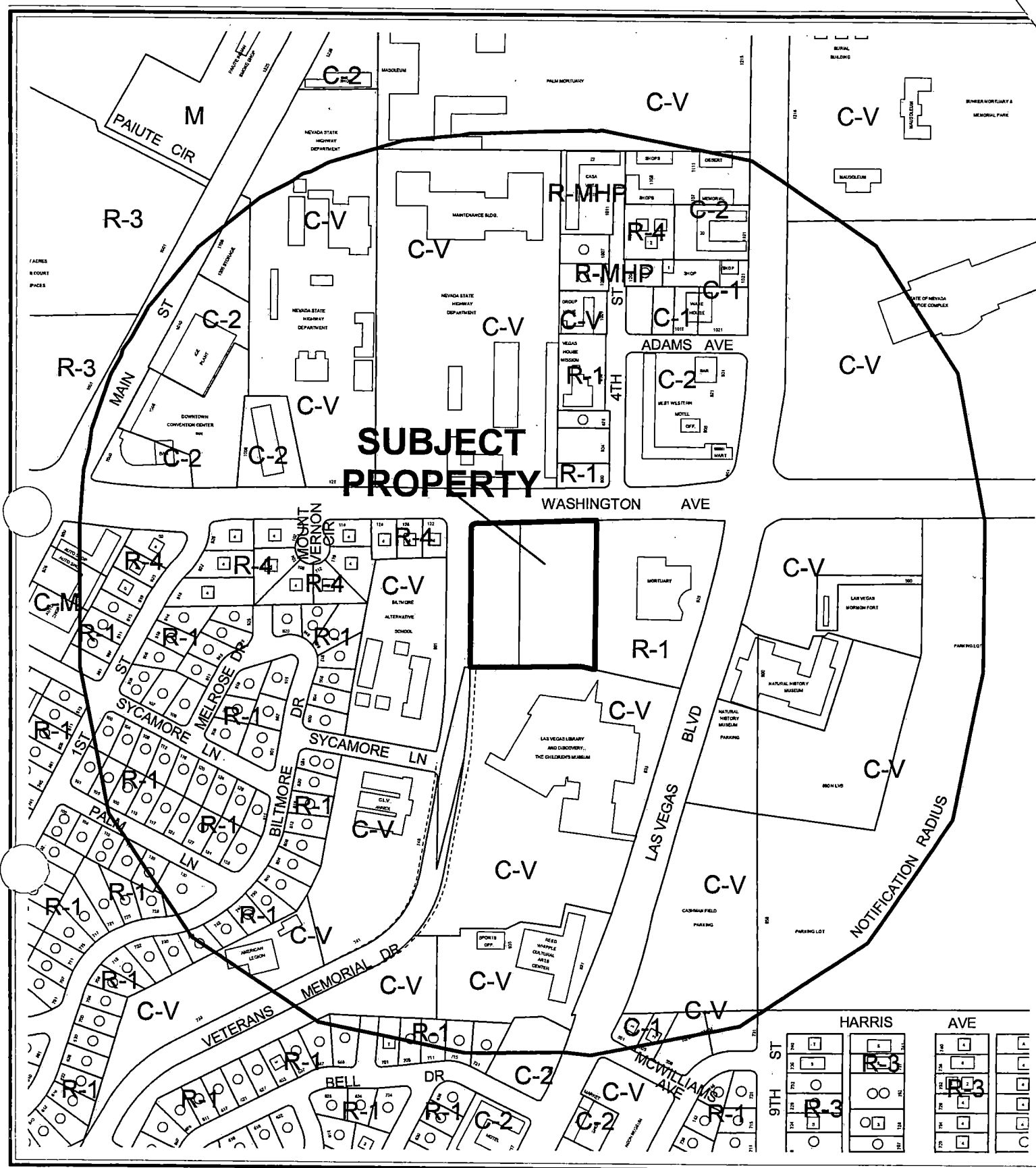
PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 36 – SDR-6411

CONDITIONS – Continued:

12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
13. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.

Public Works

14. Coordinate with the City Surveyor to determine the method of mapping necessary, if mapping is required; if such mapping is required it should record prior to the issuance of any building permits for this site.
15. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site prior to submittal of any construction drawings.
17. Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.
18. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.
19. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located within the public rights-of-way adjacent to this site prior to occupancy of this site.
20. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-6412 and all other subsequent site-related actions.
21. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.



CASE: SDR-6411

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-1 (SINGLE FAMILY RESIDENTIAL) AND C-2 (GENERAL COMMERCIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL)

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-6411 - APPLICANT/ OWNER: CIELO VISTA LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. Rezoning ZON-6412, Variance VAR-6413, and Special Use Permit (SUP-6414) to allow Mixed-Use development approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped 03/29/05, except as amended by conditions herein.
4. The Waiver from the Residential Adjacency separation requirement is hereby approved.
5. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf and the required number and size of trees along the streets and perimeter.
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SDR-6411 - Conditions Page Two
May 12, 2005 Planning Commission Meeting

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18. Landscape and maintain all unimproved rights-of-way, if any, adjacent to this site.
19. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located within the public rights-of-way adjacent to this site prior to occupancy of this site.
20. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-6412 and all other subsequent site-related actions.
21. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a 312-foot tall, 27 story, 1,300,455 square feet of commercial, 414 residential unit mixed use development on 2.8 acres adjacent to the southeast corner of Washington Avenue and Veterans Memorial Drive.

B) Applicant's Justification

The Cielo Vista project will meet or exceed lot coverage requirements and building setbacks as required by current code. The project has been carefully planned to accommodate the needs of the existing community while integrating into the current neighborhood fabric.

BACKGROUND INFORMATION

A) Previous Actions

There are no past actions by the Planning Commission and City Council that pertain to the subject parcel.

05/12/05 The Planning Commission will review companion applications ZON-6412, VAR-6413, and SUP-6414.

B) Pre-Application Meeting

02/08/05 The elements of a complete site development plan review application were discussed with the applicant at a pre-application submittal conference.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.8

B) Existing Land Use

Subject Property: Undeveloped
North: Outdoor storage, NDOT offices
South: Library
East: Undeveloped, Mortuary
West: School
Multi-family

C) Planned Land Use

Subject Property: DTR-C (Downtown Redevelopment Plan- Commercial)
North: DTR-PF (Downtown Redevelopment Plan- Public Facility)
South: DTR-PF (Downtown Redevelopment Plan- Public Facility)
East: DTR-C (Downtown Redevelopment Plan- Commercial)
West: DTR-MXU (Downtown Redevelopment Plan- Mixed Use)
DTR-PF (Downtown Redevelopment Plan- Public Facility)

D) Existing Zoning

Subject Property: R-1 (Single Family Residential)
C-2 (General Commercial)
North: C-V (Civic)
South: C-V (Civic)
East: C-V (Civic)
R-4 (High Density Residential)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject parcel is designated C (Commercial) on the Downtown Redevelopment Plan within the Southeast Sector Plan Map as part of the City of Las Vegas General Plan. The C-2 (General Commercial) zoning is in conformance with the C (Commercial) of the Downtown Redevelopment Plan and therefore conforms to the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Special Area Plan: The Downtown Redevelopment Plan

The development is subject to the policies, goals, and programs of the Downtown Redevelopment Plan.

PROJECT DESCRIPTION

The project is a 312 foot tall, 27 story mixed-use building, with a total of 414 residential units. The proposed structure will include approximately 7,960 square feet of ground-level commercial space, with another 17,050 square feet of commercial space on the second floor. Parking will occupy Levels 2 through 9 of the building; residential units will occupy Levels 10 through 27. A pool deck and residential amenity level will occupy a portion of the 10th floor of the building. A total of 897 parking spaces will be provided within the building, and a patron drop off/ pick up port cochere at ground level at the primary building entry. A artistic feature is located at the front of the building.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	121,968	Y
Min. Lot Width	100 Feet	296.5	Y
Min. Setbacks			
• Front	20 Feet	35	Y
• Side	10 Feet	38.66	Y
• Corner	15 Feet	16	Y
• Rear	20 Feet	51.5	Y
Max. Lot Coverage	50 %	49.9	Y
Max. Building Height	None	27 Stories/ 312 Feet	Y
Trash Enclosure		Screened	Y
Loading Zone		Screened	Y

The proposal meets the development requirements of the C-2 zoning district.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. According to the 3:1 Proximity Slope Standard the maximum height of the building would be 43 feet with the closest residential property at 60 feet to the north. The 312-foot height requested by the applicant exceeds the requirement by 269 feet or 86%.
- b) Building setback. The 312-foot height would require that the building to be 936 feet from the residential development. The proposed separation is 106 feet.

The proposal does not conform to the Residential Adjacency requirements of Title 19. The applicant requests a waiver from the standards. Title 19 allows for a waiver of the standards by a mixed use development with a significant residential element which is applicable in this instance.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required				Provided	
		Ratio	Parking			Parking	
			Regular	Guest	Handicap	Regular	Handicap
Multi-family One Bedroom	.	1.25 spaces per unit plus one guest/ six units	90 Units x 1.25= 112.5	90/ 6= 15			
Multi-family Two Bedroom		1.75 spaces per unit plus one guest/ six units	234 units x 1.75= 409.5	234/6 = 39			
Multi-family Three Bedroom		2 spaces per unit plus one guest/ six units	90 units x 2= 180	90/ 6= 15			
Subtotals			702	69			
Retail	25,010 SF	1/250 GFA	100				
Totals			853	18		879	18

The proposal meets the parking requirements of Title 19.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/Space	0 Trees	8
Buffer along streets: • Min. Trees	1 Trees/ 20 Linear Feet	714.5/ 20= 36 Trees	5
• Min. Zone Width	15 Feet		16 Feet
Buffer along perimeter: • Min. Trees	1 Trees/ 30 Linear Feet	694/ 30= 24 Trees	10
• Min. Zone Width	8 Feet		8 Feet
• Wall height	6 Feet		Not shown

The proposal does not meet the landscaping requirements of Title 19 for trees along the streets and the perimeter. A condition will be added to address the issue.

Pursuant to Title 19.08, the following Open Space Standards apply to the subject proposal:

Standards	Required	Provided
Pedestrian Open Space	250 Sq. Ft. Min.	10,377.5 Sq. Ft.

The proposal exceeds the requirements of Title 19.08 for pedestrian open space.

A5) Sign Standards

Signage that applies to the subject proposal shall be reviewed separately pursuant to Title 19.14.

B) General Analysis and Discussion

• Zoning

The proposed commercial uses are permitted in the C-2 (General Commercial) district by right; the residential component is permitted upon approval of a Special Use Permit. A separate Special Use Permit application (SUP-6414) has been filed concurrently with this Site Development Plan Review application. The proposal conforms with setbacks and lot coverage requirements.

- **Site Plan**

The site plan depicts the residential lobby entrance on the south side of the building with access from Veterans Memorial Drive and retail space fronting on Washington Avenue. Access to site will be from a drive along the south side of the building that leads to the main entry port cochere and the garage. The entrance to the garage leads to the ground-level commercial parking spaces and the upper-level residential. The entrance to the trash area/ loading area is also accessed from the drive. A 35-foot setback is provided along the north property line in order to allow openings on the north side of the building and a large landscaped plaza.

- **Waivers**

The applicant is requesting a waiver of the Residential Adjacency requirement as allowed for mixed-use developments.

- **Landscape Plan**

The landscaping plan is deficient in perimeter and street buffer trees. A condition will be added to require additional trees at the proper spacing and size.

- **Elevation - Variance for the 1:1 stepback rule**

The applicant has requested a variance (VAR-6413) from the 1:1 stepback requirement of 19.08030.C for buildings along major streets. The requirement is intended to avoid box-like structures and to encourage a greater degree of façade articulation. The request is recommended for approval for the following reasons:

- Projecting balconies will be utilized as a design element in order to add variation to the wall plane of the façade.
- Vertical metal "fins" will be used as a decorative element to contrast with the horizontal balcony structures.
- The use of horizontal banding and changes in façade openings and sizes distinguishes the four different elements of the building (retail, parking, loft units, penthouse units) and provides the variations sought by the code.

- **Floor Plan**

The floor plans show commercial on the first two floors, parking on floors 3 through 9, then residential and supports services on floors 10 through 27.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

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

The proposed mixed-use project is compatible with development that is proposed and existing for the area.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The proposed development is consistent with the General Plan, Title 19, and with Downtown Redevelopment Plan. A Variance has been requested from the building setback requirement specified in the Title 19, but the design of the structure meets the intent of the requirement.

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

Primary access to the site will be Veterans Memorial Drive. Residents would then have access to Washington Avenue, the northern edge of the site. Both Veterans Memorial and Washington, a Secondary Collector (80-foot) as shown on the Master Plan of Streets and Highways, are of sufficient capacity so they will not be negatively impacted by traffic from the use.

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

The proposed building and landscape materials are appropriate for the area and are consistent with the City's requirements.

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

The design of the elevations are appropriate to the use of the structure, and will be compatible with other development in the neighborhood.

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

The development will be subject to inspections, and appropriate measures will be taken to protect public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 115 – Mailed with ZON-6412, VAR-6413 and SUP-6414

APPROVALS 0

PROTESTS 0



Case Number: SDR-6411 APN: 139-27-708-001 & 000

Name of Property Owner: Cielo Vista LLC

Name of Applicant: Cielo Vista LLC

Yes ☒ No ☐

City Official: _____

Partner(s): _____

APN:

STATE of WA
County of King
Signature of Property Owner:

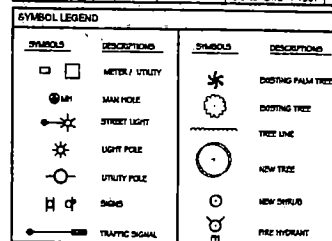
Print Name:

Subscribed and sworn before me

This 24th day of MARCH, 2025

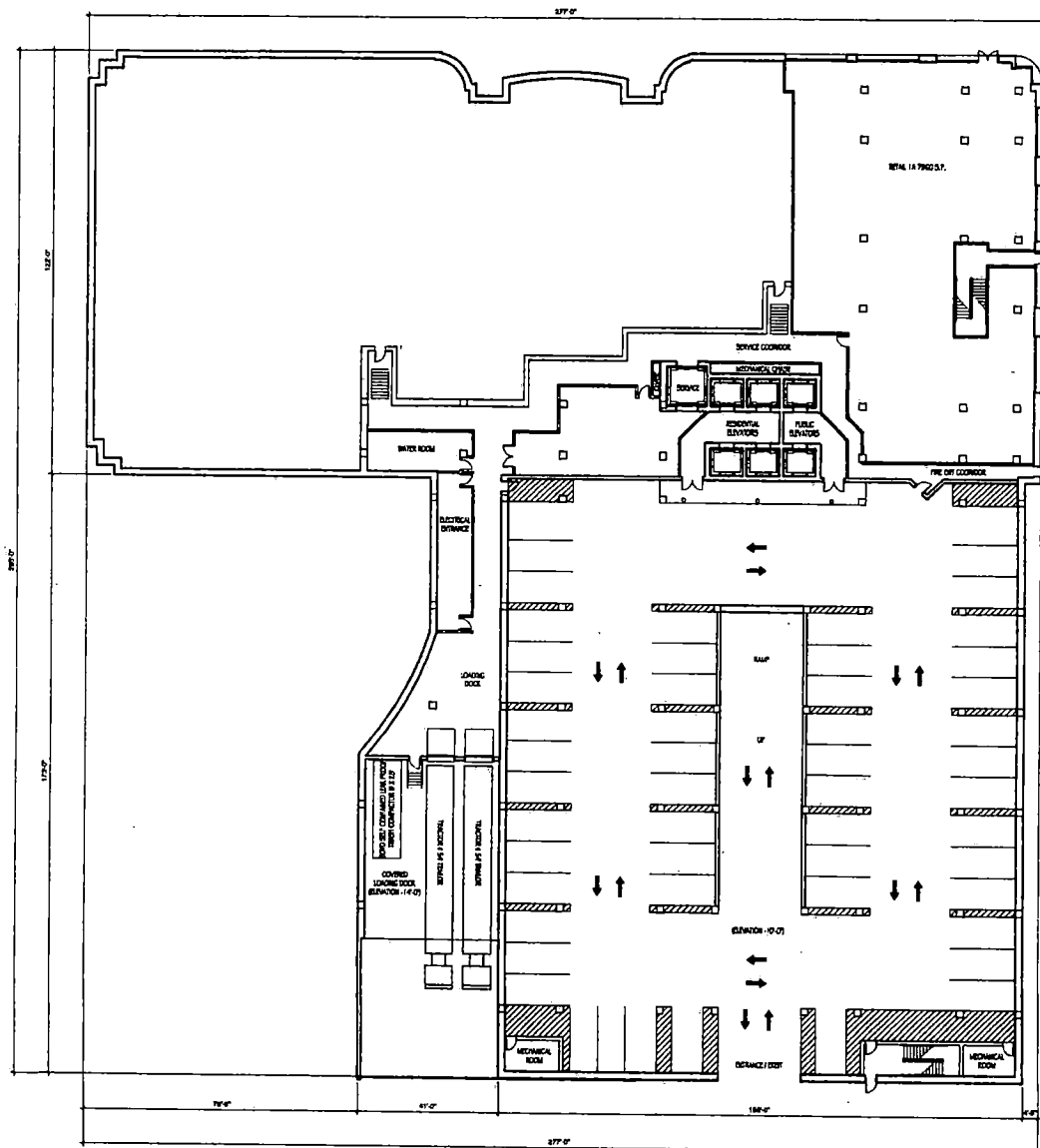
Notary Public in and for said County and State





SHEET C101

ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

LEVEL 1 - PARKING PLAN
1/8" = 1'-0"

REVISION

PRELIMINARY
DESIGN
03/28/05

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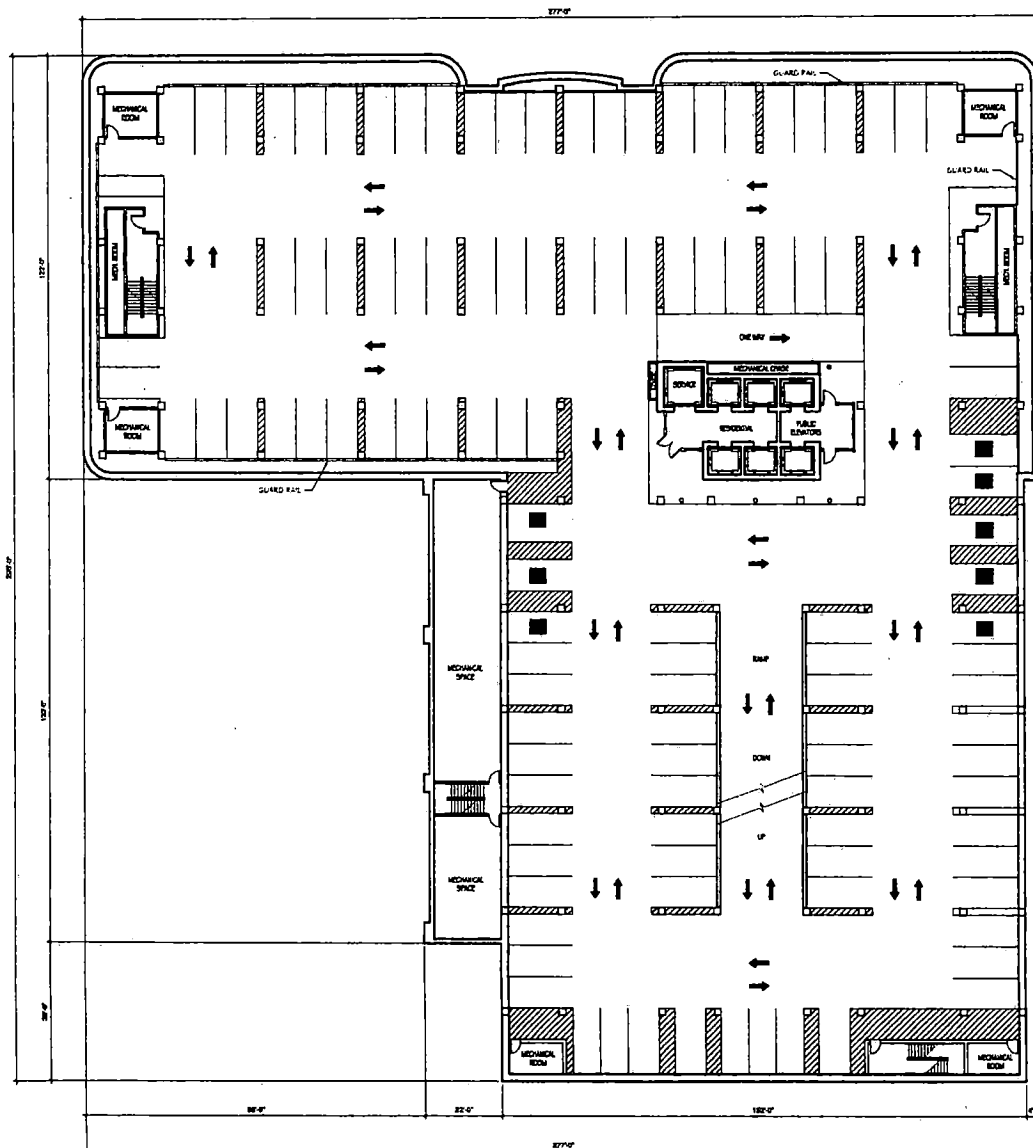
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Arlington, VA 22202
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CIELO
VISTA
LAS VEGAS, NV 89101

PROJECT NO: 03600
DATE: 3/28/05
DRAWN BY: AJD
CHECK BY: MWT, OO

FIRST FLOOR

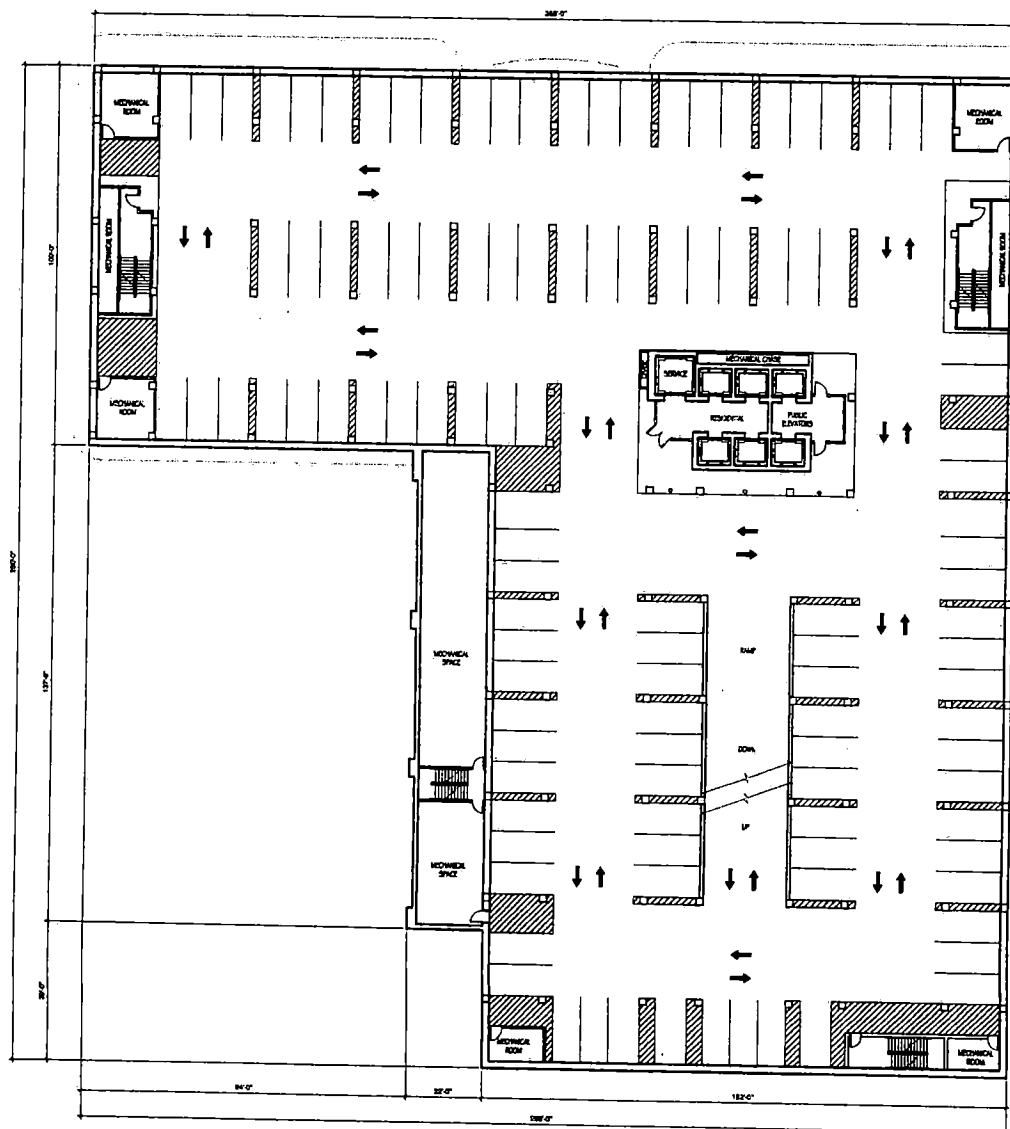
SHEET A101



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

3RD & 4TH FLOOR PLAN
1/8" = 1'-0"
ELEVATION: 34'-0" - 34'-6"
(PARKING LEVELS)

REVISIONS
PRELIMINARY DESIGN 03/28/05
FOR A VARIATION OF THE LAMP FOR ART REVISIONS TO THE LAMP FOR ART REVISIONS TO THE LAMP FOR ART REVISIONS TO THE LAMP FOR ART
MWT OFRA ARCHITECTURE
Buffalo, New York MWT Architecture, P.C. 600 Main Street - Suite 110 Buffalo, NY 14201 Ph: 716.831.1400 Fax: 716.831.1210 Chicago, North Carolina MWT Architecture, P.C. 3200 Lake Avenue Drive - Suite 100 Charlotte, NC 28217 Ph: 704.941.9772 Fax: 704.941.9773 Las Vegas, Nevada MWT Architecture, P.C. 3751 Harvard Avenue - Suite 200 Las Vegas, NV 89101 Ph: 702.845.1200 Fax: 702.845.1201 Washington, DC MWT Architecture 1655 N. First Street - Suite 100 Arlington, VA 22209 Ph: 703.899.8800 Fax: 703.899.8814
CIELO VISTA LAS VEGAS, NV 89101
PROJECT NO: 05500 DATE: 2/28/05 DRAWN BY: ASD CHECKED BY: MWT, OG 3RD & 4TH FLOOR PLAN SHEET A103



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

5TH THRU 8TH FLOOR PLAN
 1/8" = 1'-0"
 ELEVATION: 34'-6" - 89'-0"
 (PARKING LEVELS)

18/10/06

**PRELIMINARY
 DESIGN**
 03/28/06

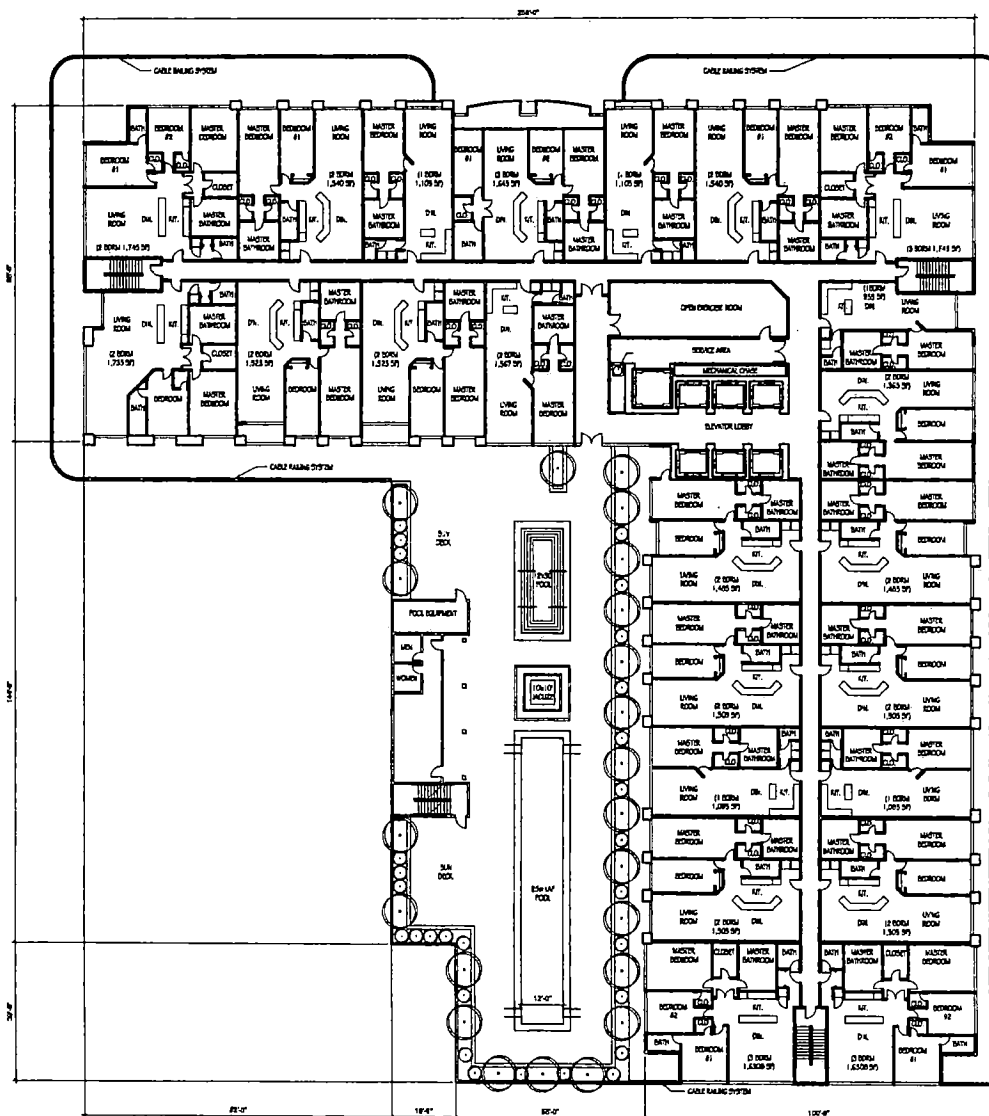
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**CIELO
 VISTA**
 LAS VEGAS, NV 89101

PROJECT: 05500
 DATE: 3/28/05
 DRAWN BY: AJD
 CHECK BY: MWT, OO
 5TH & 9TH
 FLOOR PLAN
 SHEET: A104



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

POOL LEVEL (10TH FLOOR) PLAN
 1/8" = 1'-0"
 (23 UNITS PER FLOOR)

REVISED

PRELIMINARY
DESIGN
03/28/05

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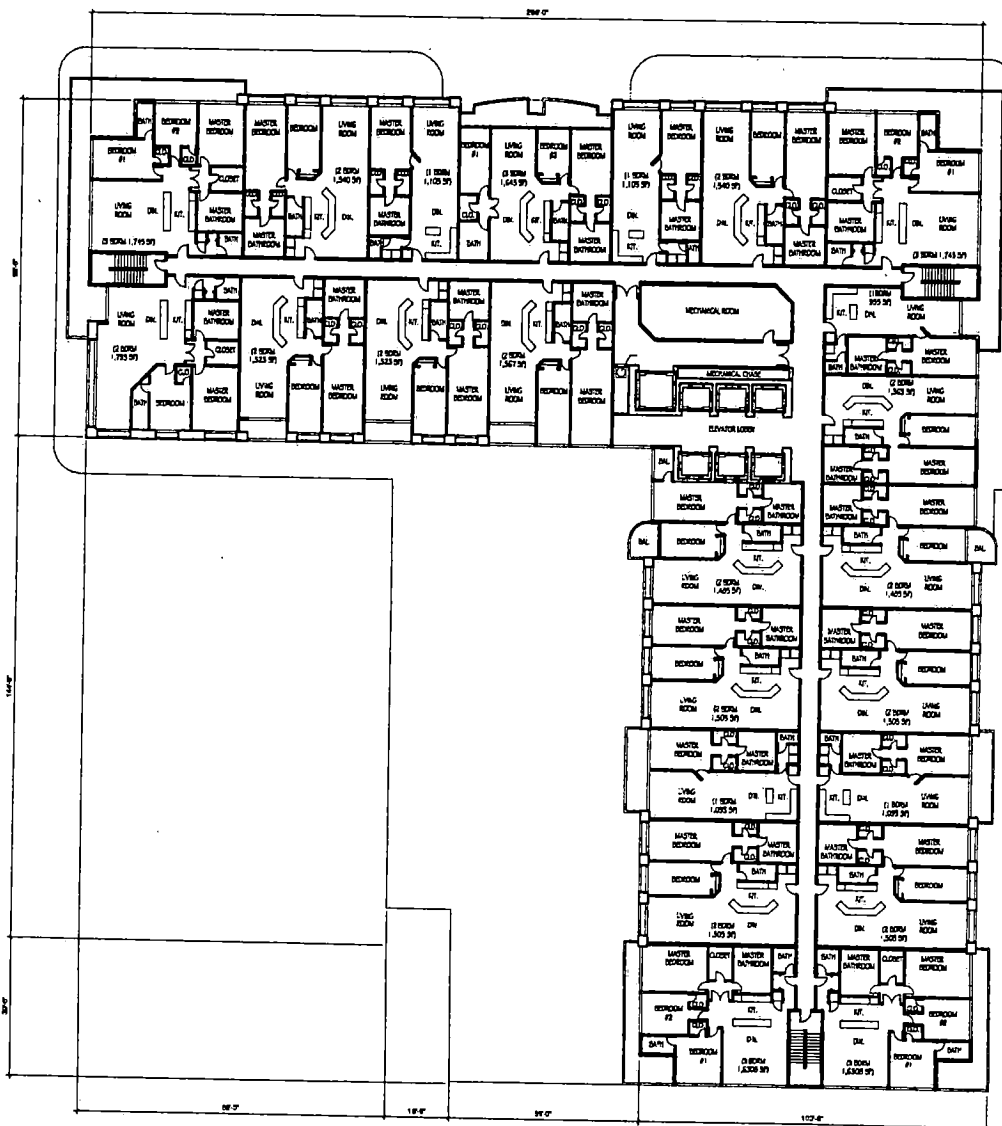
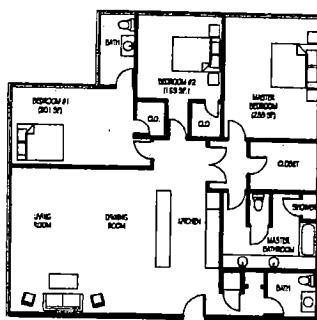
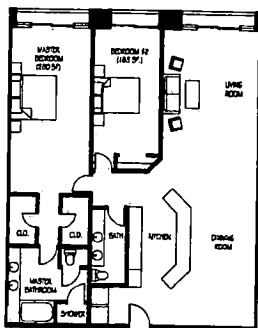
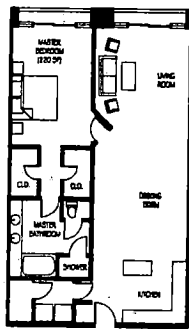
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 Las Vegas, NV 89101
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CIELO
VISTA
LAS VEGAS, NV 89101

PROJECT NO: 054500
 DATE: 3-29-05
 DRAWN BY: A.J.D. MC
 CHECK BY: MWT, OG
10TH
FLOOR PLAN

SHEET **A105**



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

KEYNOTE

PRELIMINARY
DESIGN
03/28/05

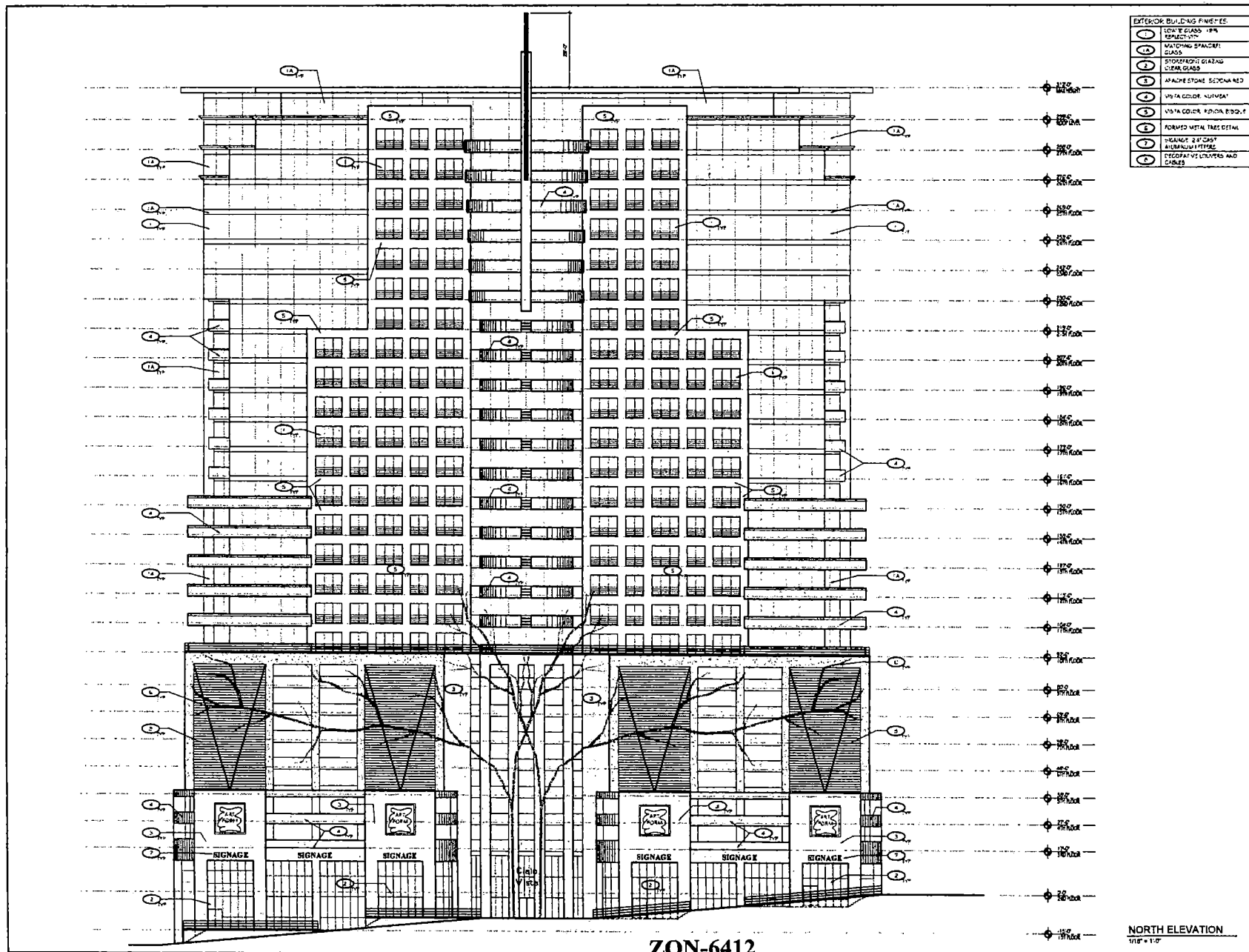
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Charlotte, NC 28203
Tel: 704.487.0733 Fax: 704.487.1923
Las Vegas, Nevada
MWT OFRA Architects
5713 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89155
Tel: 702.585.5200 Fax: 702.585.4691
Washington, DC
MWT Architects
1414 M Street, Suite 1400
Arlington, VA 22209
Tel: 703.696.5214 Fax: 703.696.5214

CIELO
VISTA
LAS VEGAS, NV 89101

PROJECT NO: 05560
DATE: 3/28/05
DRAWN BY: A.J.D., M.C.
CHECK BY: M.W.T., O.G.
11TH - 27TH
FLOOR PLAN &
TYPICAL UNITS
SHEET A106



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

REVISED

**PRELIMINARY
DESIGN**
03/28/05

THIS IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. THE ARCHITECT'S OFFICE SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.

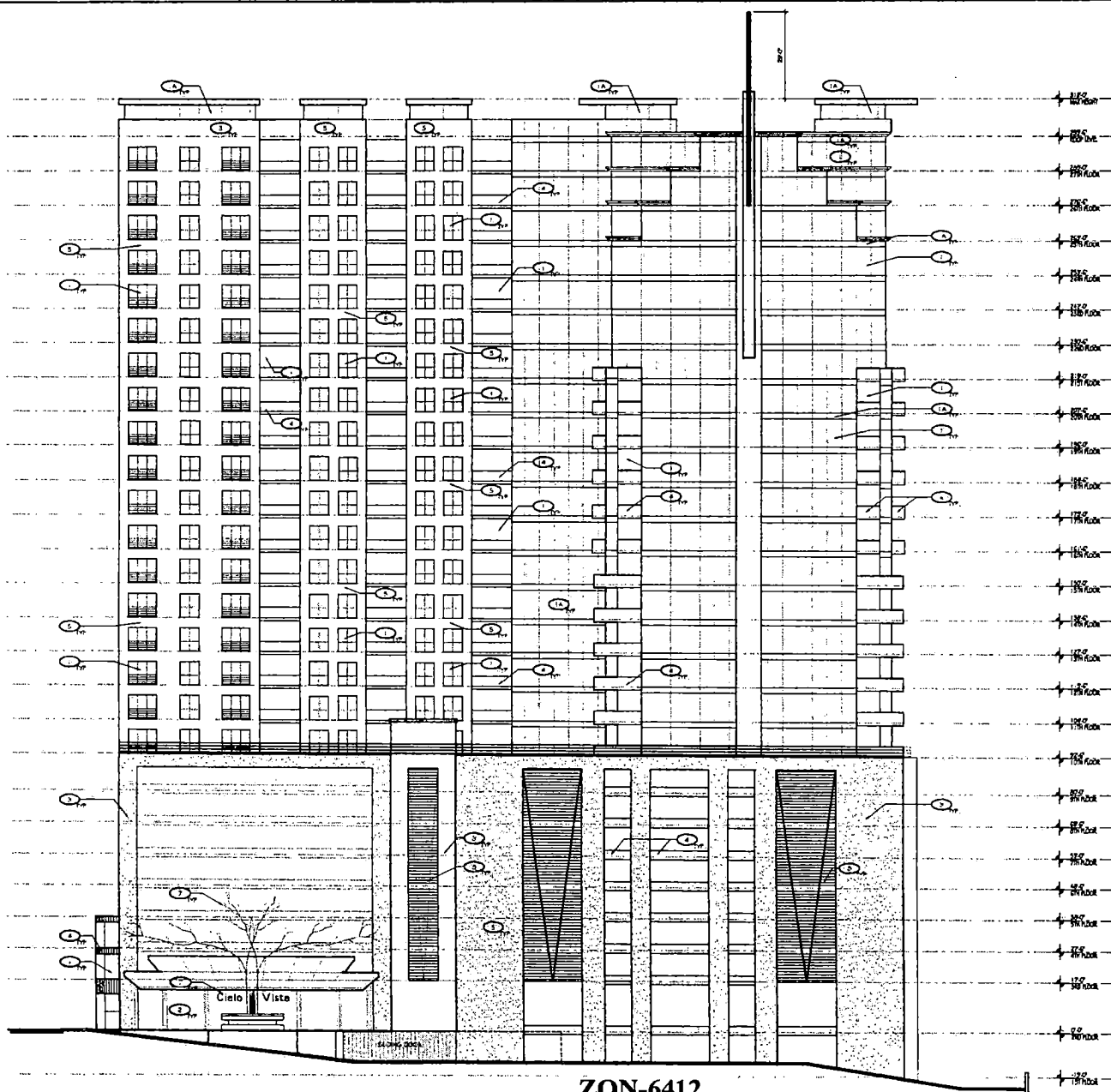
**MWT
OFRA
ARCHITECTURE**

Las Vegas, Nevada
MWT OFRA Architecture
1753 Howard Highway - Suite 200
Las Vegas, NV 89101
PH: 702.355.5200 FAX: 702.761.7601

**CIELO
VISTA**
LAS VEGAS, NV 89101

PROJECT NO: 05600
DATE: 3/28/05
DRAWN BY: AJD, JN
CHECKED BY: MWT, CO
**NORTH
ELEVATION**

SHEET A300



EXTERIOR BUILDING FINISHES	
○	LOWE GLASS 1/8" BRUSHED VINTAGE
○	WATSON'S STAINLESS GLASS
○	STAINLESS GLAZING CLAMP GLASS
○	APACHE STEEL - RED OXIDE
○	VISTA COLOR - RIVET
○	VISTA COLOR - RIVET BRIDGE
○	PERMANENT METAL RIB DETAIL
○	SPRINKLE 24" DIA ALUMINUM LITTERS
○	CONCRETE FLOORS AND WALLS

LYNDON

PRELIMINARY DESIGN
03/28/05

THIS A VISTA VIEW OF THE LAY FOR ANY REMAINING WORK AND/OR THE DIRECTION OF THE ARCHITECT, TO ALTER OR RECONSTRUCT THE BUILDING AS SHOWN.

MWT
OFRA
ARCHITECTURE

Las Vegas, Nevada
MWT OFRA Architecture
3723 Howard Hughes Parkway - Suite 205
Las Vegas, NV 89169
PH: 702.581.5200 FAX: 702.581.5201

CIELO VISTA
LAS VEGAS, NV 89101

PROJECT NO: 05600
DATE: 3/28/05
DRAWN BY: SC, AED
CHECK BY: MWT, OO
SOUTH ELEVATION

SHEET **A301**

ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

SOUTH ELEVATION
1/8" = 1'-0"

EXTERIOR BUILDING FINISHES	
1	LOWE GLASS - 1/8" ALU. JOINT
2	MAINTENANCE W/PAINTED GLASS
3	STOPPERS GLAZING: CLEAR GLASS
4	ATTACH STONE: SUDOWA R20
5	VISTA COLOR: ALUMINUM
6	VISTA COLOR: ALUMINUM BRIDGE
7	FORMED METAL FEET DETAIL
8	SHAW-WAT 2 1/2" EAST ALUMINUM LETTERS
9	DECORATIVE COUNTERS AND CARDS

PRELIMINARY
DESIGN
03/28/05

IT IS A VIOLATION OF THE LAW FOR ANY PERSON TO REPRODUCE OR TRANSMIT THIS DOCUMENT OR ITS CONTENTS TO ANY OTHER PERSON WITHOUT THE WRITTEN PERMISSION OF MWT OFRA ARCHITECTURE.

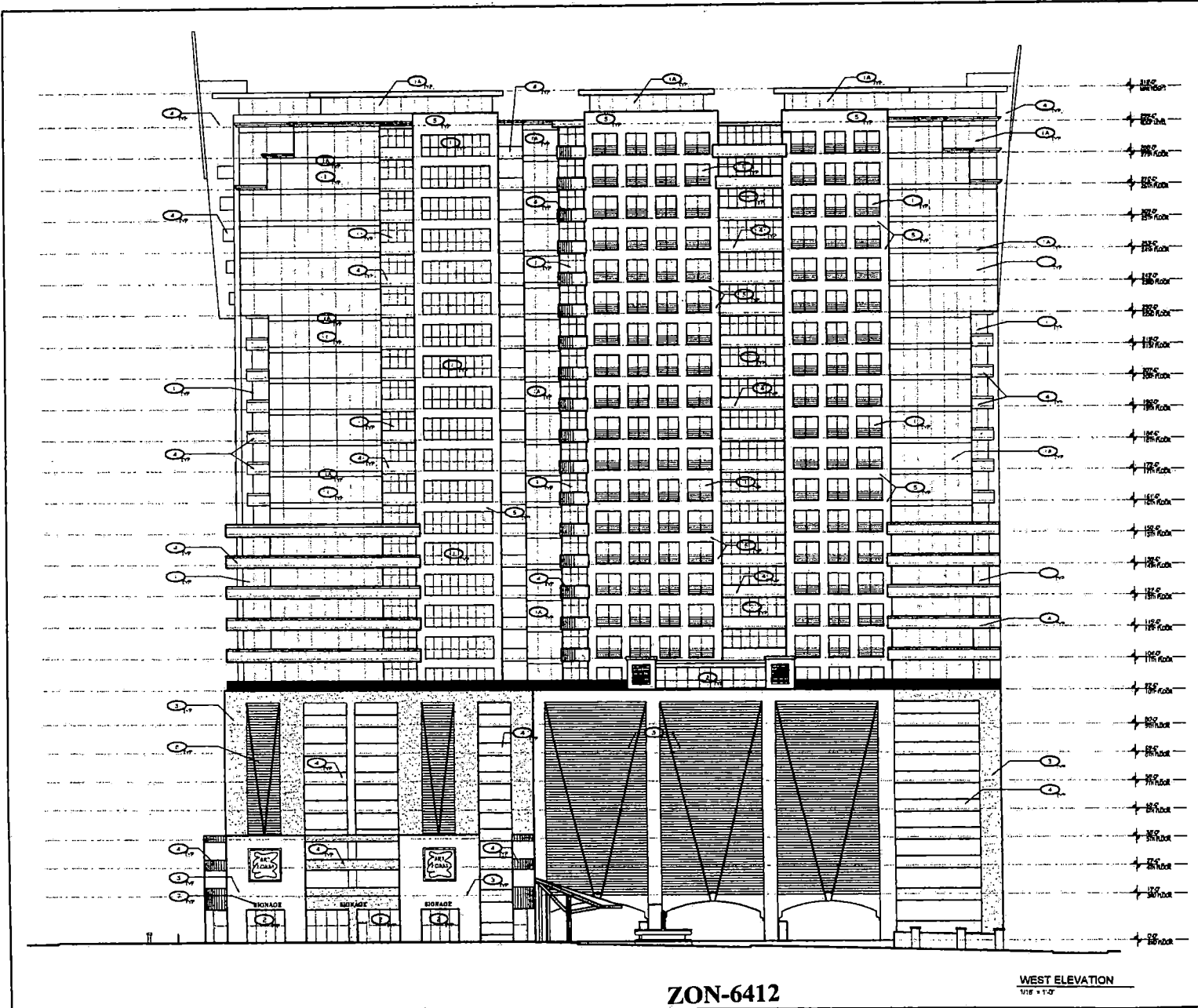
MWT OFRA ARCHITECTURE

Las Vegas, Nevada
MWT OFRA Architecture
3733 Howard Hughes Parkway - Suite 100
Las Vegas, NV 89169
PH: 702.443.5555 FAX: 702.443.5601

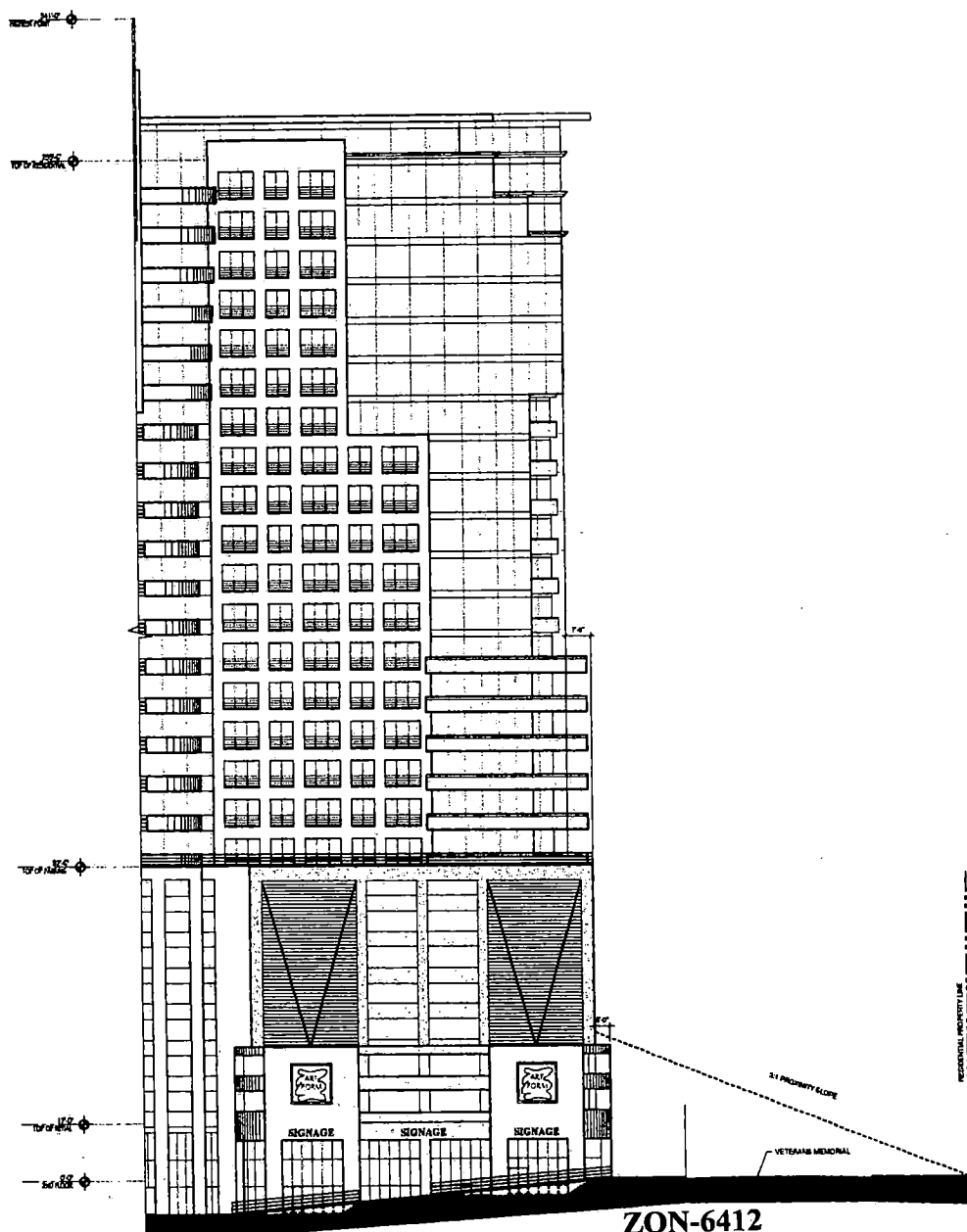
CIELO VISTA
LAS VEGAS, NV 89101

PROJECT NO: 05500
DATE: 3/28/05
DRAWN BY: AJD
CHECKED BY: MWT, CO
WEST ELEVATION

SHEET A302



ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC



PROXIMITY SITE SECTION
1/16" = 1'-0"

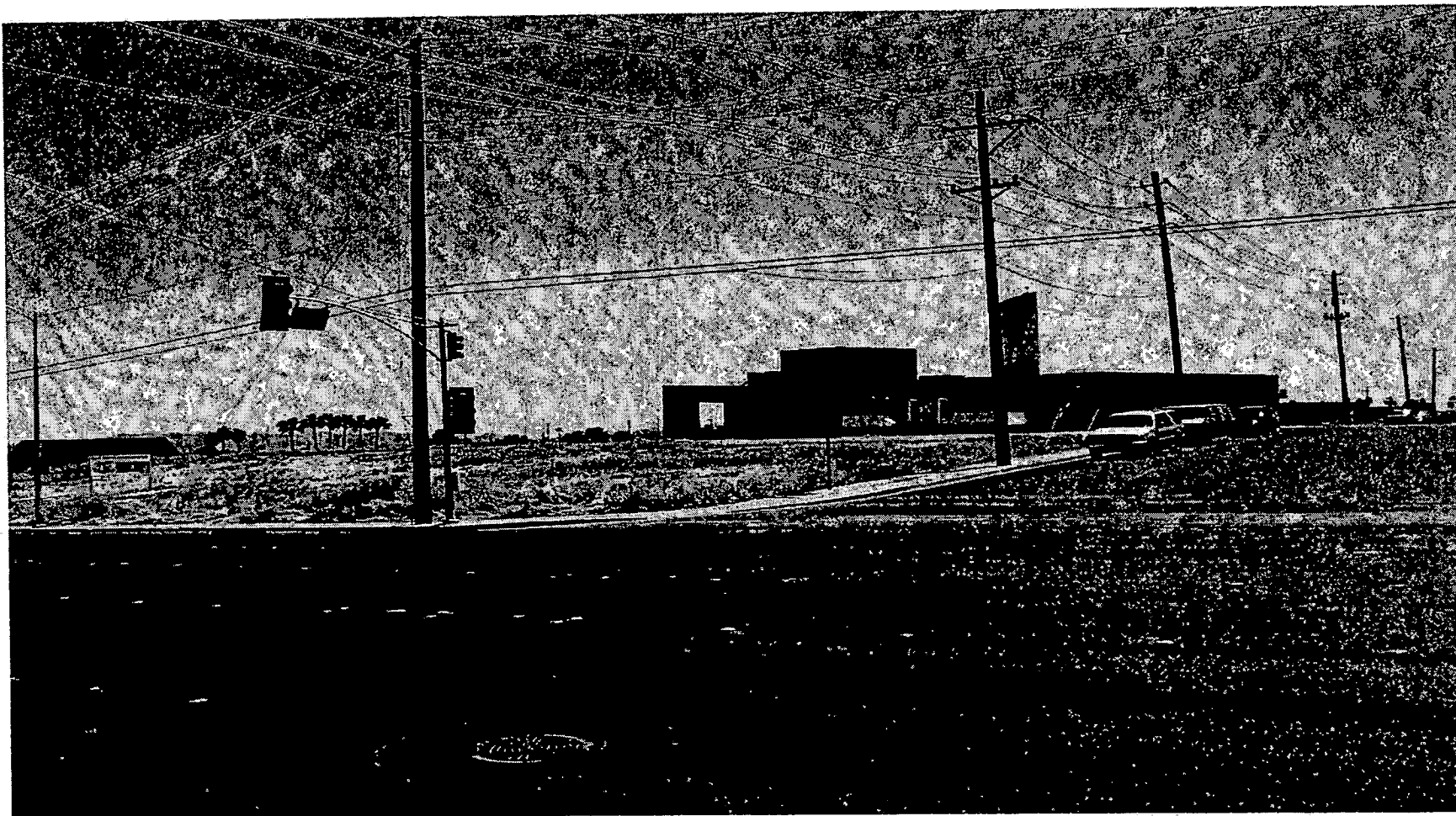
ZON-6412
VAR-6413
SUP-6414
SDR-6411
05-12-05 PC

REVISION
PRELIMINARY DESIGN 08/28/05
IT IS A VIOLATION OF THE LAW FOR ANY PERSON TO REPRODUCE OR TO ATTEMPT TO REPRODUCE THE SUBSTANCE OF THIS ARCHITECTURE TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
MWT OFRA ARCHITECTURE
Las Vegas, Nevada MWT OFRA Architects 3751 Howard Hughes Parkway, Suite 200 Las Vegas, NV 89169 Ph: 702.441.3333 Fax: 702.441.3481
CIELO VISTA LAS VEGAS, NV 89101
PROJECT NO: 01600 DATE: 3/28/05 DRAWN BY: AJD CHECK BY: OG
PROXIMITY SECTION
SHEET A304



ZON-6412, VAR-6413, SUP-6414 & SDR-6411 - APPLICANT/OWNER: CIELO VISTA LLC
ADJACENT TO THE SOUTHEAST CORNER OF WASHINGTON AVENUE AND VETERANS MEMORIAL
DRIVE
MAY 12, 2005 PLANNING COMMISSION

04/20/05



ZON-6412, VAR-6413, SUP-6414 & SDR-6411 - APPLICANT/OWNER: CIELO VISTA LLC
ADJACENT TO THE SOUTHEAST CORNER OF WASHINGTON AVENUE AND VETERANS MEMORIAL
DRIVE
MAY 12, 2005 PLANNING COMMISSION

04/20/05

CIELO VISTA

Cielo Vista is a mixed use Retail / Residential project located on the corner of Washington and Veteran's Memorial on the north end of downtown Las Vegas. Preliminary designs include street level neighborhood retail space, five to six levels of above ground parking and approximately 414 condominium units. Private amenities for homeowners also include a pool and activity / meeting center.

The project is being designed to meet the needs of current Las Vegas residents and those potential buyers who may have an interest in owning a second or vacation home in Las Vegas without the considerable expense of a condominium unit on The Strip. Prices will begin very close to \$300,000 and will offer units that will be no smaller than 1000 square feet. The project's primary goal is to offer a much larger than usual unit size combined with pricing at below average market price for comparable units in other projects. Preliminary marketing efforts have been specifically directed at current Las Vegas residents, including new employees of the Furniture Mart and employees of Boyd Gaming. We have discussed the project with Councilman Weekly and have conducted our first community meeting both with very good success. The project has also been showcased at a meeting the cultural corridor association and has met with good response there, as well.

The project seeks to carefully integrate itself into the existing neighborhood by providing design that is consistent with existing neighborhood buildings. Additionally, a street level retail component is also being proposed with the intent of bringing much needed neighborhood retail services such as coffee shops, restaurants, postal services, etc. to the immediate area to serve current residents as well as a large daytime community of workers in the immediate vicinity. The retail level will also include the required building setbacks to accommodate sidewalks and outdoor seating.

The project will meet or exceed lot coverage requirements and building setbacks as required by current code. Given the existence of adjacent residential zoning, the only waiver being requested will be the building height limit as dictated by the code with respect to the adjacent residential zoning. The proposal seeks to change the current zoning of parcel 139-27-708-002 from an R1 designation to C2 designation. Additionally, the proposal seeks a Special Use Permit to allow a mix of Commercial and Residential zoning. Finally, the proposal seeks a Variance for a waiver of the current height restriction.

The Cielo Vista project has been carefully planned to accommodate the needs of the existing community while integrating into the current neighborhood fabric. Unlike a potentially "speculative" project created simply to take advantage of the current market conditions in the Las Vegas area, Cielo Vista will be a valuable addition to the surrounding area and will serve the community and its residents.

SR-6411

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

**VAR-6538 - VARIANCE - PUBLIC HEARING - APPLICANT: MANA KYLE -
PROPERTY OWNER: THREE J'S - Request for a Variance TO ALLOW 41 PARKING
SPACES WHERE 47 SPACES ARE REQUIRED FOR A PROPOSED RESTAURANT on 0.21
acres at 3839 West Sahara Avenue, Suite #9 (APN 162-07-512-003), C-1 (Limited Commercial)
Zone, Ward 1 (Tarkanian).**

C.C.: 06/15/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg. .
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

**TRUESDELL – Motion to HOLD IN ABEYANCE – UNANIMOUS with McSWAIN
excused**

To be held to the 5/26/2005 Planning Commission meeting

MINUTES:

**CHAIRMAN NIGRO declared the Public Hearing open on Item 37 [VAR-6538] and Item 38
[SUP-6393].**

KYLE WALTON, Planning and Development Department, gave a brief overview of the applications. If the subject site was left as a retail/commercial space, the parking would be sufficient. The proposed restaurant will overburden the parking that is provided for the subject site. No evidence of a unique or extraordinary circumstance was presented. The applicant will create a self-imposed hardship by trying to fit a use into a building that requires more parking than what was originally planned for the subject site. Staff recommended denial on the applications.

PLANNING COMMISSION MEETING OF MAY 12, 2005
Planning and Development Department
Item 37 – VAR-6538

MINUTES – Continued:

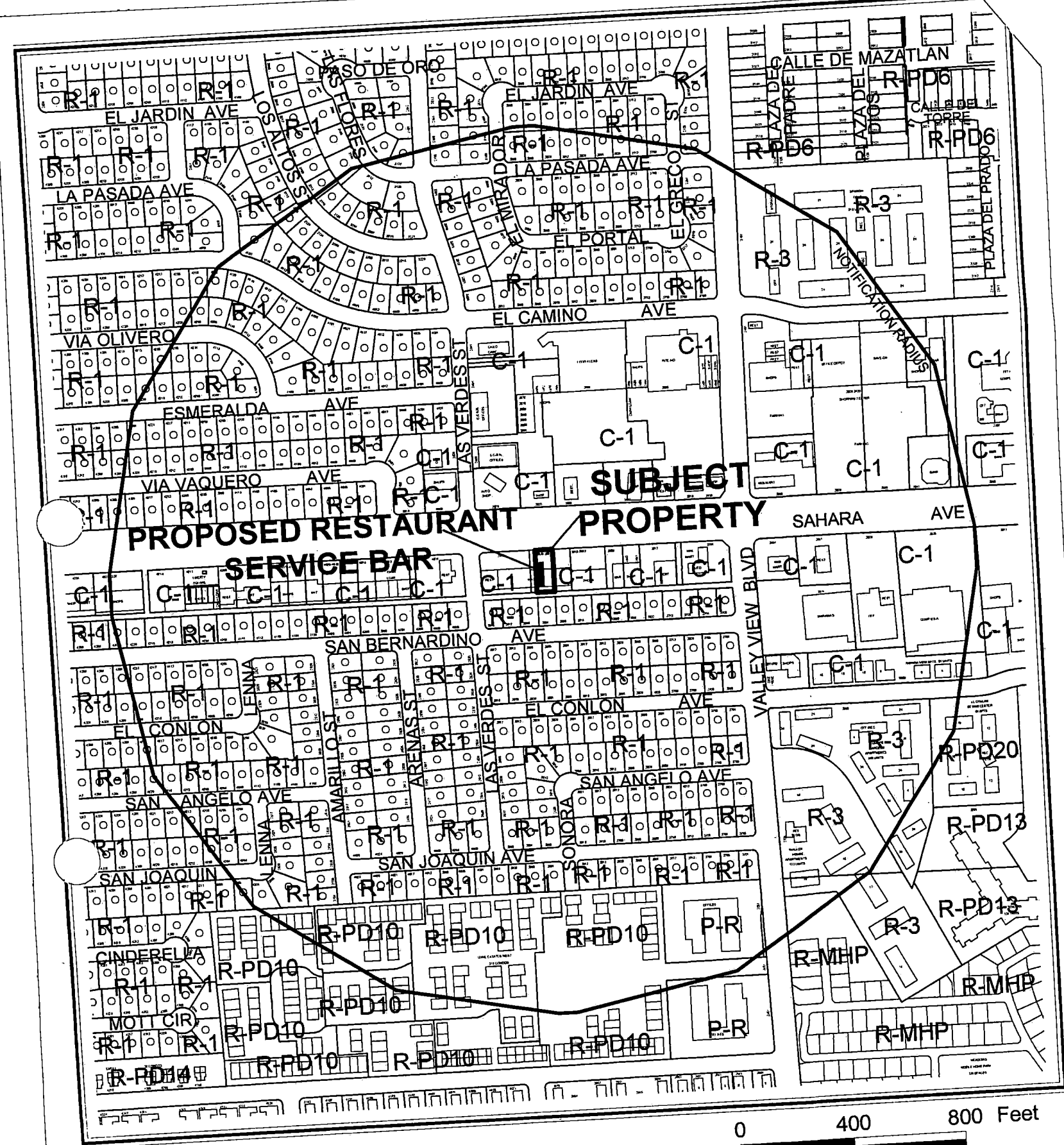
Staff informed CHAIRMAN NIGRO that the applicant should be present; however, no one came forward.

After trailing the items, the Commission decided to hold the items in abeyance. DOUG RANKIN, Planning and Development, added that a two-week abeyance was sufficient since staff's report was already completed.

CHAIRMAN NIGRO declared the Public Hearing closed on Item 37 [VAR-6538] and Item 38 [SUP-6393].

(9:52 – 9:54) (10:02 – 10:03)

4-568/4-901



CASE: VAR-6538

RADIUS: 1500 FT

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





City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-6538 - APPLICANT: MANA KYLE - PROPERTY

OWNER: THREE J'S

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL** If Approved, subject to:

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Acquire all necessary permits from the Department of Building and Safety.
3. Conformance to the Conditions of Approval for Special Use Permit SUP-6393.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This a request for a Variance to allow 41 parking spaces where 47 spaces minimum are required for a proposed restaurant on 0.21 acres at 3839 West Sahara Avenue, Suite #9.

B) Applicant's Justification

The applicant provided no justification for the variance request.

BACKGROUND INFORMATION

A) Related Actions

04/28/92 The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0080-92) for a Restaurant Service Bar.

05/26/92 The Board of Zoning Adjustment approved a request for a Variance (V-0068-92) for parking.

05/25/93 The Board of Zoning Adjustment approved a One Year Review for a Variance [V-0068-92(1)] for parking.

01/25/94 The Board of Zoning Adjustment approved a request for an Extension of Time for an approved Special Use Permit [U-0080-92(1)] for a Restaurant Service Bar.

01/06/97 The Board of Zoning Adjustment approved a request for a Variance (V-0109-97) for parking.

B) Pre-Application Meeting

04/14/05 The elements of a complete variance application were discussed with the applicant during a pre-application submittal conference with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.21

B) Existing Land Use

Subject Property: Commercial/ Retail
North: Commercial/ Retail
South: Single family residential
East: Commercial/ Retail
West: Commercial/ Retail

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: L (Low Density Residential)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: R-1 (Single Family Residential)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

This site is designated SC (Service Commercial) on the Southeast Sector Land Use Plan of the General Plan. The existing C-1 (Limited Commercial) zoning is in compliance with the General Plan designation and the existing retail/commercial development is in conformance with the zoning of the site. The Variance is not directly related to any specific General Plan policies.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special districts, zones, or plan areas that are relevant to this variance proposal.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Restaurant	1500 SF.	1 Space/ 50 SF GFA	$672/50 = 14$			
		1 Space/ 200 SF Remaining GFA	$828/200 = 4$			
Retail	7140 SF.	1 Space/ 250 SF GFA	$7140/250 = 29$			
Subtotal			45	2	40	1
Totals			47		41	

The proposal needs this variance from the requirement of Title 19.10. The subject deviation is one handicap space and five regular parking spaces.

B) General Analysis and Discussion

The single-story commercial building is located on a rectangular shaped 0.21-acre lot. The building is part of the commercial development at the southside of Sahara Avenue. The site plan with this application indicates the 8,640 square-foot building is located along the rear of the property with a row of parking separating the building from an alley. Parking for the building will be along the north side and the rear of the building.

Title 19 Parking, Loading and Traffic standards (Section 19.08) indicate the parking requirement for a Restaurant, the proposed primary use/ tenant of the building, as one space per 50 square feet of public seating and waiting area, plus one space for each additional 200 square feet of the remaining gross floor area. The parking requirement for the remaining retail space is one space per 250 square feet.

The number of the existing parking spaces is the correct amount for general retail possible in the 3,675 square-foot building. With the addition of a restaurant use the amount of parking becomes deficient.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented. The applicant will create a self-imposed hardship by trying to fit a use into a building that requires more parking what that was originally planned for the site.

An alternative tenant that requires less parking would allow conformance to the Title 19 requirements.

In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

NOTICES MAILED 1,015 – Mailed with SUP-6393

APPROVALS 0

PROTESTS 1

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-6538 APN: 162-07-512-003

Name of Property Owner: THREE T'S

Name of Applicant: MANA KYLE

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s):

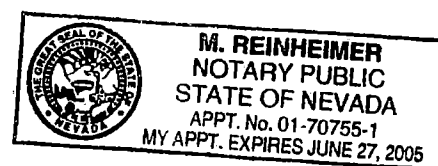
APN: _____

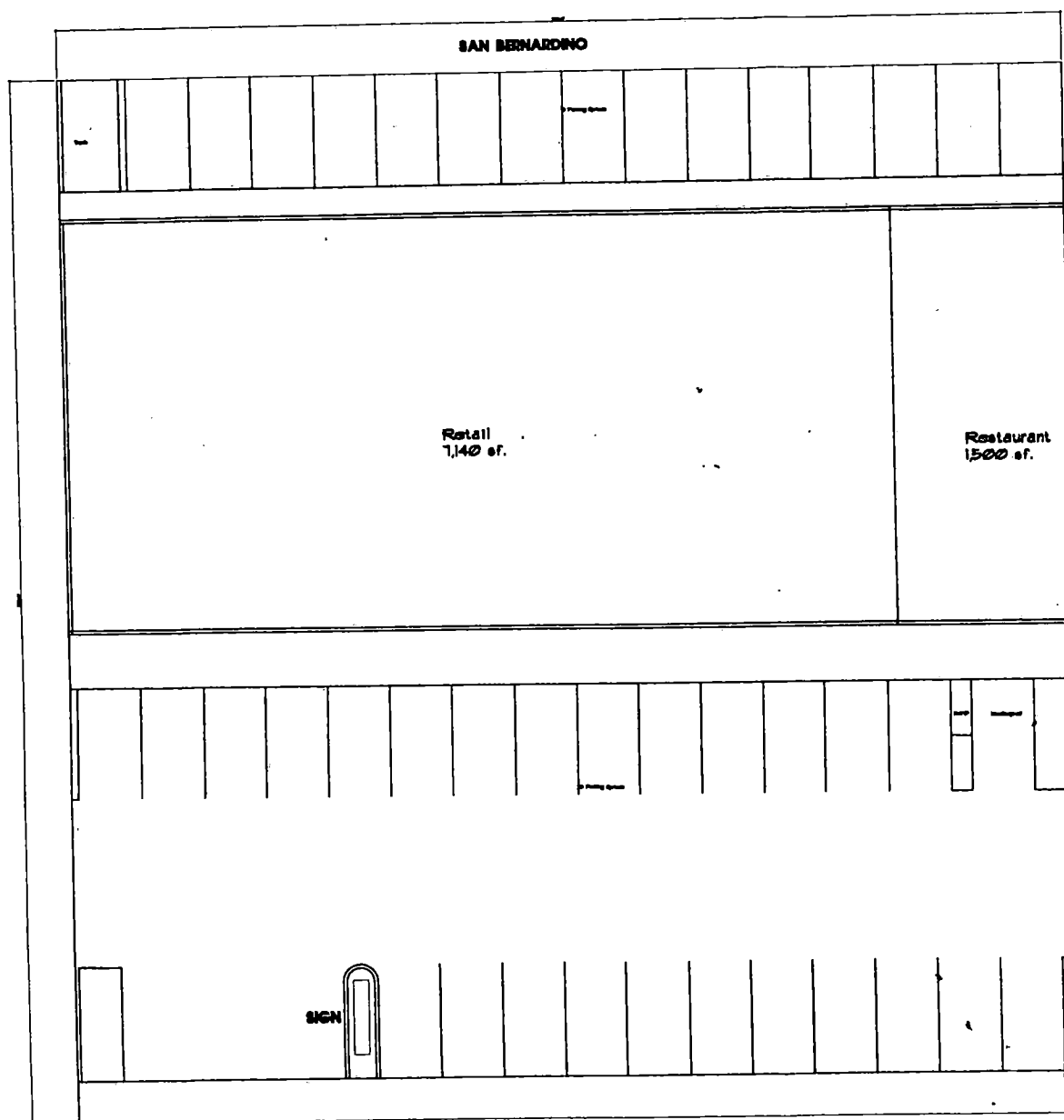
Signature of Property Owner:

Print Name: _____

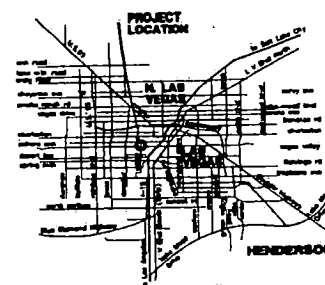
Subscribed and sworn before me

This 19 day of April, 2015
Michelle Beahmer
 Notary Public in and for said County and State





VICINITY MAP



PROJECT SUMMARY

SITE AREA 216,000 Sq Ft
 PERCEL NUMBER : 167-01-512-003
 BUILDING AREA 8,640 Sq Ft
 PARKING
 RETAIL 7,140 SF 4 SPACES / 1,000 SF. = 28 SPACES
 RESTAURANT 1,500 SF. 1 SPACE FOR EVERY 100 SF. = 15 SPACES
 TOTAL PARKING REQUIRED 43 SPACES
 PROVIDED 41 SPACES



SITE PLAN

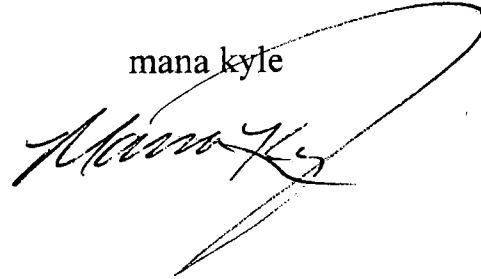
SCALE : 1/8" = 1'-0"

VAR-6538
SUP-6393
05-12-05 PC

April 18th 2005

I mana kyle requesting for variance for parking.

mana kyle

A handwritten signature in cursive script, appearing to read "Mana Kyle", with a large, sweeping flourish extending from the end of the name.

VAR-6538

Telephone Protest/ Approval Log

Meeting Date: 5/12

Case Number: SUP-6393
VAR-6538

Date: 5/12
Name: ROSEMARY NOONER
Address: 2900 S. Valley View #320
LAS VEGAS, NV 89102
Phone: 702-876-6621

☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____

☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____

☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____

☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____

☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____

☐ PROTEST ☐ APPROVE

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: MAY 12, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER, AICP ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SUP-6393 - SPECIAL USE PERMIT RELATED TO VAR-6538 - PUBLIC HEARING - APPLICANT: MANA KYLE - PROPERTY OWNER: THREE J'S - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR AND A WAIVER OF THE 400 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING SCHOOL at 3839 West Sahara, Suite #9 (APN 162-07-512-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian).

C.C.: 06/15/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

TRUEDELL – Motion to HOLD IN ABEYANCE – UNANIMOUS with McSWAIN excused

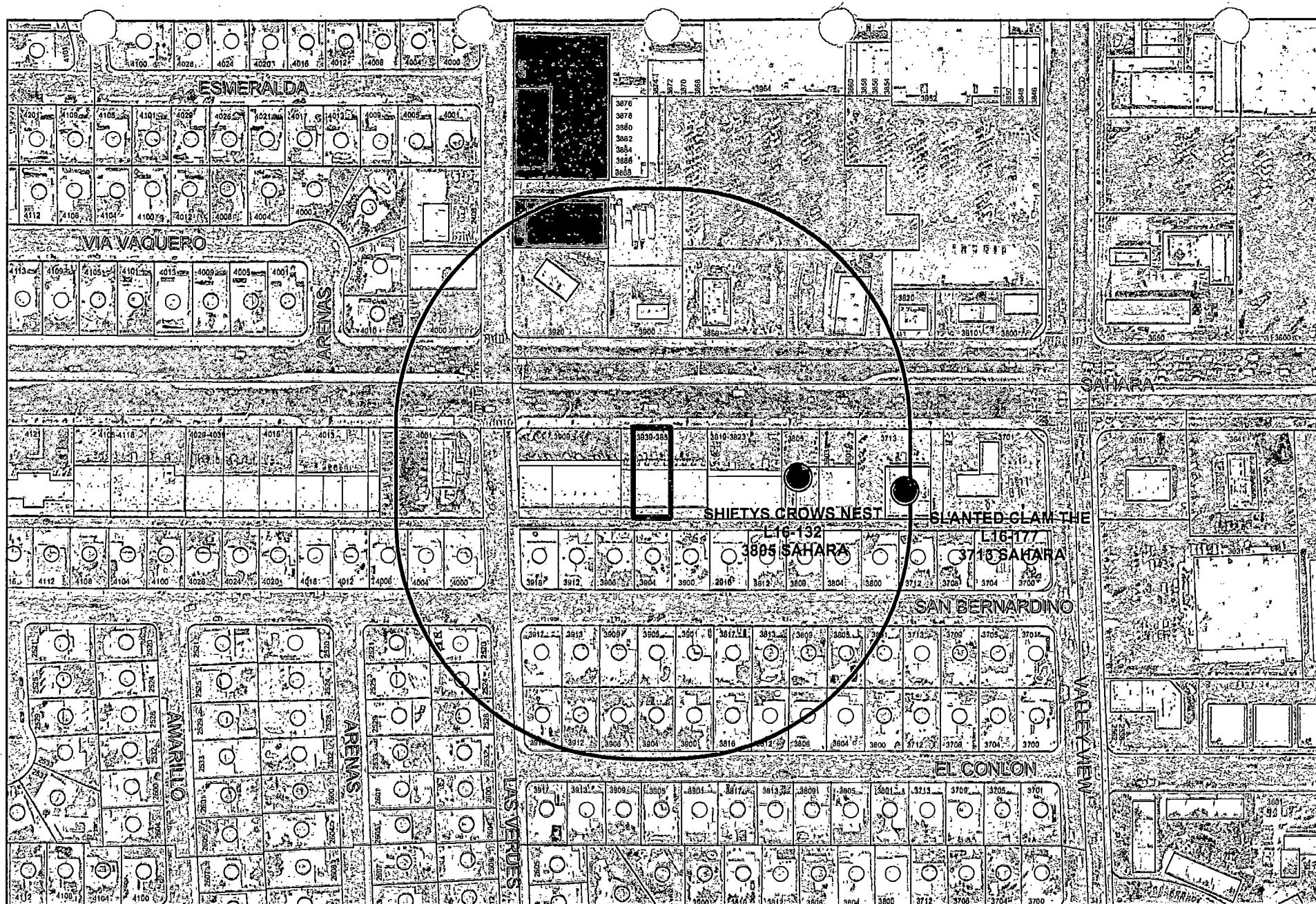
To be held to the 5/26/2005 Planning Commission meeting

MINUTES:

See Item 37 [VAR-6538] for related discussion on Item 37 [VAR-6538] and Item 38 [SUP-6393].

(9:52 – 9:54) (10:02 – 10:03)

4-568/4-901



SUP-6393

Protected Landuses

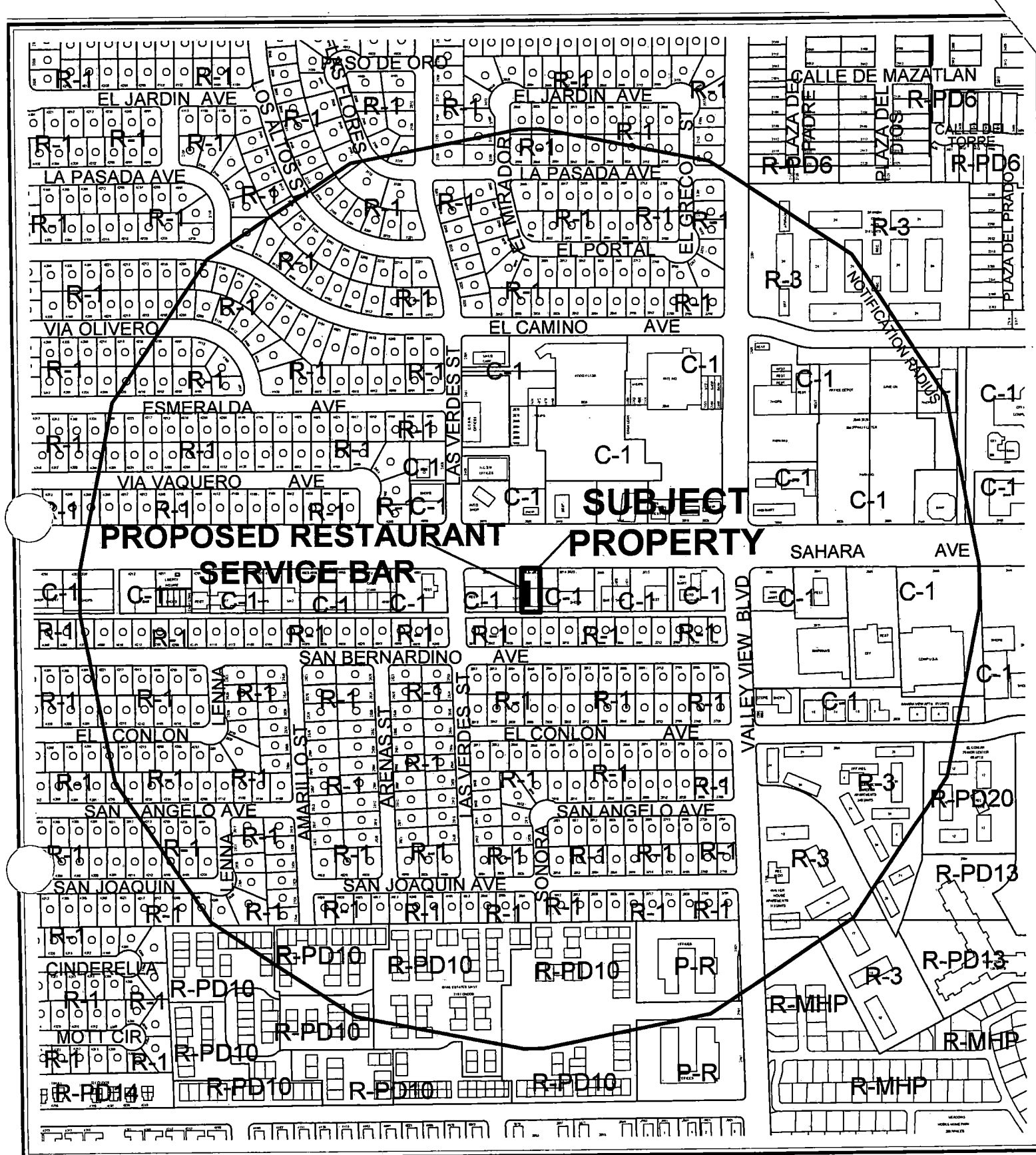
-  City Parks
-  Religious
-  Schools

Business Licenses

-  Tavern
-  Child Care/
Children Facility
-  Supper Club/
Restaurant Service Bar

-  Subject Property
-  400 foot buffer





CASE: SUP-6393

RADIUS: 1500 FT

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

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 12, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-6393 - APPLICANT: MANA KYLE - PROPERTY
OWNER: THREE J'S**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL If Approved, subject to:

Planning and Development

- 1. Conformance to all Minimum Requirements under Title 19.04 for the Restaurant Service Bar use.
- 2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
- 3. All City Code requirements and design standards of all City departments must be satisfied.
- 4. Approval of this Special Use Permit does not constitute approval of a liquor license.
- 5. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.

Public Works

- 6. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a Restaurant Service Bar and a waiver of the 400 foot distance separation requirement from an existing school at 3839 West Sahara Avenue, Suite #9.

B) Applicant's Justification

The applicant is requesting this Special Use Permit to sell beer and wine with food.

BACKGROUND INFORMATION

A) Related Actions

04/28/92 The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0080-92) for a Restaurant Service Bar.

05/26/92 The Board of Zoning Adjustment approved a request for a Variance (V-0068-92) for parking.

05/25/93 The Board of Zoning Adjustment approved a One Year Review for a Variance [V-0068-92 (1)] for parking.

01/25/94 The Board of Zoning Adjustment approved a request for an Extension of Time for an approved Special Use Permit [U-0080-92 (1)] for a Restaurant Service Bar.

01/06/97 The Board of Zoning Adjustment approved a request for a Variance (V-0109-97) for parking.

B) Pre-Application Meeting

04/14/05 The elements of a complete variance application were discussed with the applicant during a pre-application submittal conference with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.21

B) Existing Land Use

Subject Property: Commercial/ Retail
North: Commercial/ Retail
South: Single family residential
East: Commercial/ Retail
West: Commercial/ Retail

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: L (Low Density Residential)
East: SC (Service Commercial)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: R-1 (Single Family Residential)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

This site is designated SC (Service Commercial) on the Southeast Sector Land Use Plan of the General Plan. The existing C-1 (Limited Commercial) zoning is in compliance with the General Plan designation and the existing retail/commercial development is in conformance with the zoning of the site. The proposed use is allowed with the requested Special Use Permit in C-1 zoned districts.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no special districts, zones, or plan areas that are relevant to this request.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Restaurant	1500 SF.	1 Space/ 50 SF GFA	$672/50 = 14$			
		1 Space/ 200 SF Remaining GFA	$828/200 = 4$			
Retail	7140 SF.	1 Space/ 250 SF GFA	$7140/250 = 29$			
Subtotal			45	2	40	1
Totals			47		41	

The proposal needs a variance from the requirement of Title 19.10. The subject deviation is one handicap space and five regular parking spaces. The companion application VAR-6538 was filed to address the discrepancy.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Restaurant Service Bar	No restaurant service bar business shall be located within 400 feet of any church, synagogue, school, child care facility, or city park.	No incompatible uses within 400 feet

The proposal meets the conditional requirements of Title 19.04 for a Restaurant Service Bar use.

B) General Analysis and Discussion

- Zoning

The proposed restaurant service bar is a permitted use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

- Use

Section 19.04.050 of the City of Las Vegas Zoning Code establishes the criteria for the approval of alcohol-related uses. The Code requires a restaurant service bar to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, no protected use is known to be within the minimum separation distance requirement.

The proposed restaurant service bar can be conducted in a manner that is harmonious and compatible with the development in the area and recommends approval of this request.

- Conditions

The following conditions are stipulated for the Restaurant Service Bar use in Title 19.04. The conditions with asterisks are non-waivable:

1. No Restaurant Service Bar business shall be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than twelve children, or city park.
2. Except as otherwise provided in Subsection (3) below, the distances referred to in Subsection 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
 - a. Any leasehold parcel; or
 - b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Subsection 1.

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May 12, 2005 - Planning Commission Meeting

3. In the case of a liquor establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
 - a. From the nearest property line of the existing use to the nearest portion of the structure in which the liquor establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed liquor establishment which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the liquor establishment will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for a restaurant service bar which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into consideration the distance policy and shall, as a part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.
5. Minimum distance requirement in Paragraph 1 does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992, or in conjunction with a resort hotel having in excess of 200 guest rooms after July 1, 1992.
- *6. In the O District, a restaurant service bar is permitted only as an accessory use.
- *7. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The application as proposed appears to meet all the applicable conditions of Title 19.04.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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

The proposed restaurant service bar for the sale of beer and wine for on-premise consumption will be an accessory use to a restaurant. The restaurant will adversely affect the surrounding uses since there are insufficient parking onsite for anything more than another commercial use. The proposed use therefore will not be harmonious with adjacent businesses, as the patrons of the restaurant will be forced to use parking spaces on the neighboring parcels.

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

The subject site is not physically suitable for the proposed use. The existing parking is designed for commercial uses. There are an insufficient number of parking spaces for a restaurant. For this reason the recommendation for this request is for denial.

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

The restaurant service bar use will generate little, if any, additional traffic than the restaurant would itself. Sahara Avenue (a 100-foot wide Primary Arterial shown on the Master Plan of Streets and Highways) will provide adequate access to this site.

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

The proposed restaurant service bar on this site will be subject to regular inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 1,015 – Mailed with VAR-6538

APPROVALS 0

PROTESTS 1



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: MANA KYLE

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

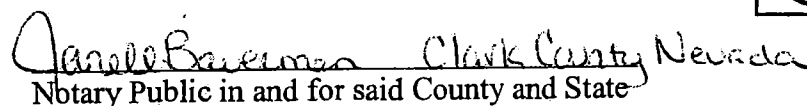
~~X~~ No

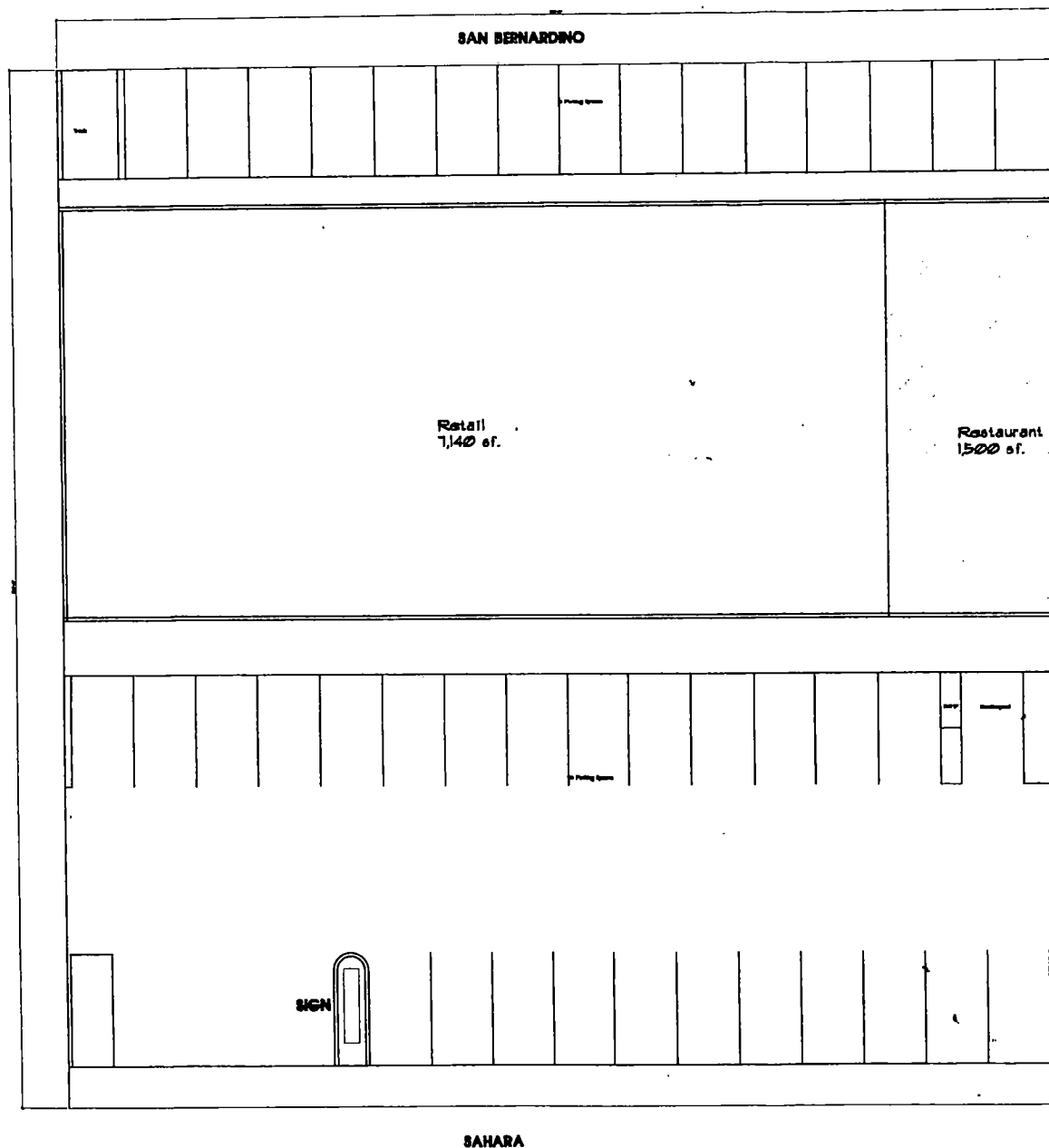
If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

APN: _____

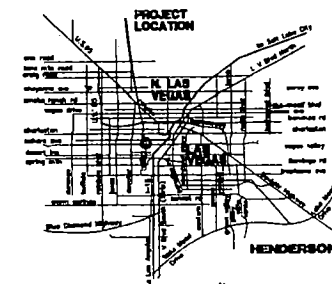
Print Name: _____

This ~~Sixteenth~~ day of March, 2005





VICINITY MAP



PROJECT SUMMARY



SITE AREA 21600 Sq Ft.
 PERCEL NUMBER : 167-07-50-003
 BUILDING AREA 8,640 Sq Ft.
PARKING
 RETAIL 7140 SF. 4 SPACES / 1000 SF. = 28 SPACES
 RESTAURANT 1500 SF. 1 SPACE FOR EVERY 100 SF. = 15 SPACES
 TOTAL PARKING REQUIRED 43 SPACES
 PROVIDED 41 SPACES

MAR 28 2005



SITE PLAN

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

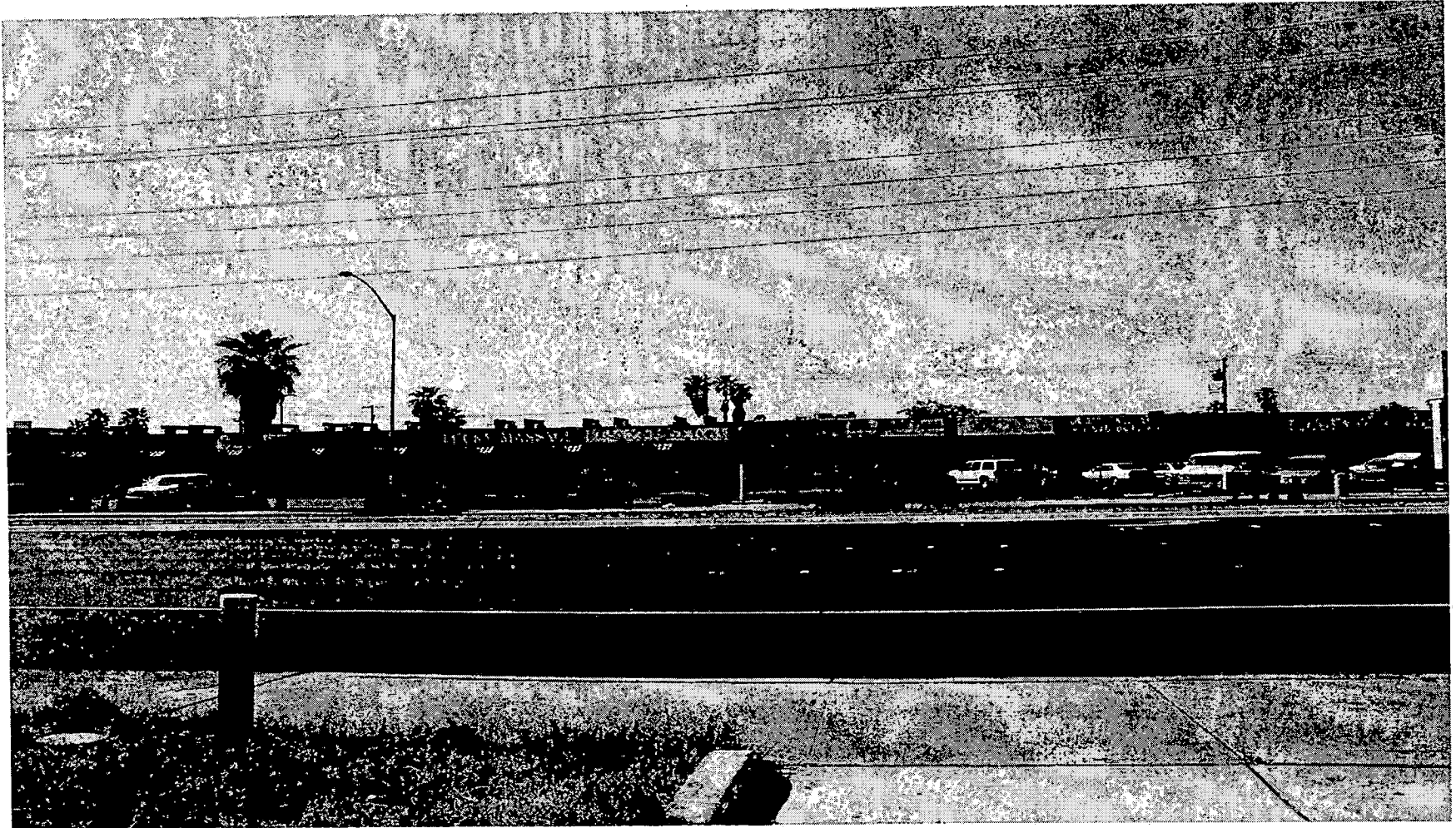
SUP-6393
05-12-05 PC



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

MAR 28 2005

SUP-6393
05-12-05 PC



VAR-6538 & SUP-6393 - APPLICANT: MANA KYLE - PROPERTY OWNER: THREE J'S
3839 WEST SAHARA AVENUE, SUITE #9
MAY 12, 2005 PLANNING COMMISSION

04/20/05

March 22, 2005

To Whom It May Concern: I Mana Kyle requesting for beer and wine license for intent to sale with food. S.U.P. for a restaurant service bar a waiver of the minimum distance separation requirement from a school is required.

MK & NK ENTERPRISES INC.
DBA ROYAL THAI

SUP-6393
05-12-05 PC

Telephone Protest/ Approval Log

Meeting Date: 5/12

Case Number: SUP-6393
VAR-6538

Date: 5/12
Name: ROSEMARY NEEVER
Address: 2900 S. Valley View #320
LAS VEGAS, NV 89102
Phone: 702-876-6621

☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____

☐ PROTEST ☐ APPROVE

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